



Breakdown by year of complaints for 2017 to end of June 2018, and nature of complaints

2017

The number of cases closed in 2017 after being deemed frivolous or vexatious is 19.

Of those 19 cases, 12 were determined to be inadmissible (that is, were not admitted for investigation by GSOC) and 7 were discontinued under section 93 of the Garda Síochána Act, 2005 (that is, an investigation had begun but was discontinued for the reason outlined under 93(1)(a)).

Of the 12 inadmissible complaints the nature of the allegations was:

Abuse of Authority	3
Falsehood & Prevarication	3
Generic Inadmissible*	3
Improper use of Information	1
Neglect of Duty	1
Other	1

Of the 7** complaints discontinued under section 93, the nature of the allegations was:

Abuse of Authority	3
Falsehood & Prevarication	4
Non-fatal Offence	1

***Note** – GSOC altered its administrative process at the end of October 2017 in respect of cases received after that date. GSOC no longer identifies the specific breach of discipline being alleged in inadmissible cases and will report in the future on the reason for the inadmissible determination. For that reason the specific allegation type is not available in three cases for 2017.

****Note**--There were two allegations within one complaint determined as frivolous and vexatious and so, there were 8 allegations contained in the 7 complaints.



Year to June 2018

The number of cases closed between January and June 2018 after being deemed frivolous or vexatious is 8.

All 8 cases were inadmissible.

Of the 8 inadmissible complaints the nature of the complaints was:

Abuse of Authority	1
Discourtesy	1
Generic inadmissible	6
Neglect of Duty	1

Note – The three cases where the specific allegation is listed were received by GSOC prior to the change in administrative process. As with the 2017 figures, one of the complaints contained two allegations, hence the total of 9 allegations contained in 8 complaints.

Action taken in relation to the complaints (ie were they referred to the DPP due to the trivial nature)

This information is not available from GSOC records. By way of further explanation, making a complaint which is deemed by GSOC to be frivolous or vexatious is not evidence of an offence. A complaint may be deemed frivolous or vexatious because, for example, a person has repeatedly complained about something that, even if proven, would not constitute a breach of discipline or an offence by a garda.

While it is an offence to knowingly make a false or misleading statement*** to GSOC, cases deemed ‘frivolous or vexatious’ do not necessarily contain statements which the person knew to be false or misleading, or which meet the threshold for referral to the DPP. Therefore, the question of files to the DPP does not arise in inadmissible cases as no investigation into the matter is undertaken. GSOC is not empowered to investigate members of the public and, without an investigation, is not in a position to submit a file to the DPP.

***NOTE Section 110 of the Act states that a person who, in relation to a complaint or investigation, “provides to the Ombudsman Commission information that the person knows to be false or misleading is guilty of an offence and is liable on summary conviction to a fine not exceeding €2,500 or imprisonment for a term not exceeding 6 months or both”. Section 110 (2) goes on to say that a prosecution for an offence under this



section “*shall not be instituted except by or with the consent of the Director of Public Prosecutions on the referral of the matter to the Director by the Ombudsman Commission*”.

The amount of time each of these investigations took

This information is not available from GSOC records. By way of further explanation, all complaints received by GSOC are considered on their merits and dealt with on an individual basis. It is not possible to quantify the time spent making admissibility determinations in cases whether they are admissible or inadmissible. This is because some may require contact with a complainant to establish additional information prior to a determination being made.