

1. Schedule of Records: FOI-019-20

Page No	Description of Document	Deletions	Relevant Sections of FOI Acts	Reason for Decision	Decision maker's decision
Page 001 - 004	Email correspondence dated 19 March 2020 between GSOC Commissioner Patrick F Sullivan and Garda Commissioner Drew Harris.	Part Pages 002 & 003	Section 37 (1)	Personal information relating to third parties.	Part Release

Jessica Adderley

From: Patrick Sullivan
Sent: Monday 15 June 2020 20:44
To: Patrick Sullivan
Subject: FW: Email - 16th March 2020

From: Patrick Sullivan
Sent: Thursday 19 March 2020 17:39
To: 'Commissioner'
Cc: 'Broderick, Marie B'
Subject: RE: Email - 16th March 2020

Hello Drew,

Thank you for your message of March 18.

The three GSOC Commissioners, Ms. Justice Mary Ellen Ring, Kieran FitzGerald and I are very much aware of the unprecedented task that you face in addressing the serious national security and public safety issues as a result of the COVID-19 crisis. We want to reassure you that GSOC supports you and AGS in this undertaking.

There may be a misunderstanding in relation to some of the information in the email I sent to acting Deputy Commissioner Anne Marie McMahon on March 16. I was trying to be proactive in ensuring that GSOC does not unintentionally cause any interference with your COVID-19 response planning and operations and thereby causing both organisations unnecessary additional work.

I expressed my observation that it appears AGS has not officially shared its operational orders and plans with GSOC which, based upon anecdotal and media reports, may include such items that AGS may not be making certain types of arrests, may not be responding to certain low level calls, schedules being changed and reports that some Garda personnel are being diverted away from traditional duties as part of the COVID-19 response.

The Commission is of the view that it would be beneficial to both organisations if relevant Garda COVID-19 plans and orders are shared with GSOC. This will assist GSOC in addressing complaints and queries raised by members of the public. For example, allegations of neglect of duty etc.

Granted, a lot of the Garda COVID-19 law enforcement plans do not directly relate to GSOC investigations and its mission. However, in any event, I believe GSOC needs to know about any major changes in the way AGS operates, even if such changes are temporary in nature. After all, GSOC's mission is rather singularly focused, that is the investigation of alleged criminal and disciplinary misconduct by Garda members. To be effective in our planning and operations, GSOC needs to be able to consider all relevant details and information, and in my opinion, this includes current AGS operational orders and procedures.

Furthermore, and most importantly from the AGS perspective, once GSOC is able to understand the operational orders and plans you have put into place during this COVID-19 crisis period, GSOC will then be able to quickly address complaints received from the public. For example, some allegations of neglect of duty can be immediately addressed if GSOC knows that gardaí have been instructed not to respond to certain type low level calls. Another example might be if GSOC receives an allegation that Garda members failed to conduct follow up interviews. This complaint could be immediately addressed if GSOC knows that gardaí have been instructed not to conduct certain face to face interviews.

During these most challenging times, GSOC wants to be as responsive as possible to members of the public who will continue to submit complaints to us about alleged Garda misconduct. The more information GSOC has about AGS operations and plans, the better we will be able to respond. In many instances, we believe GSOC will then be able to resolve the complaint in the initial submission stage, thereby savings both AGS and GSOC valuable time and resources by not opening an unnecessary investigation. A quick resolution of complaints has the added benefit of increasing the public's confidence in the Garda Síochána by having the independent oversight body, GSOC, report there is no misconduct on the part of the Garda member(s) accused.

I look forward to the planned future discussions between acting Deputy Commission McMahon and myself. In addition, the daily contacts between C/Supt Margaret Nugent and Director of Operations Darren Wright are helpful. In closing, let me say that the situation facing you and AGS is unparalleled. During this COVID-19 crisis, and indeed in all future interactions, GSOC is fully committed to supporting you, AGS, DJE, the government and the public.

Regards,
Patrick

Patrick F. Sullivan

Commissioner

Garda Síochána Ombudsman Commission

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From: Commissioner [<mailto:Commissioner@garda.ie>]

Sent: Wednesday 18 March 2020 16:27

To: Patrick Sullivan <[REDACTED]>

Subject: Email - 16th March 2020

Importance: High

Good Afternoon Patrick,

I'm in receipt of your email of 16th March. Firstly I would like to thank GSOC for the provision of additional PPE in the form of Bio Hazard Suits, your assistance in this regard is very much appreciated. I am however somewhat puzzled by your email as I do not believe that I have made or indeed An Garda Síochána has made any plans or decisions that would impact on GSOC operations. The planning underway by An Garda Síochána is necessitated to meet with the requirements placed on us in light of the extraordinary situation the country finds itself in.

I am aware that A/Deputy Commissioner McMahon (in line with ongoing communications between Chief Superintendents Nugent and Richardson and Mr. Darren Wright) intends to correspond with the GSOC Chairperson, Justice Ring to apply for a 3 month extension on all Section 94 (1) and Section 94 (5) matters currently being investigated by members of An Garda Síochána. It is envisaged that every effort will be made by An Garda Síochána to facilitate GSOC in their role in relation to Section 98 criminal investigations and Section 102(2) investigations. I have requested A/Deputy Commissioner McMahon to ensure ongoing liaison with GSOC over the coming months and I understand this liaison has already begun, I trust you will appreciate that An Garda Síochána is endeavouring to ensure business continuity with GSOC in as much as it is feasible under the extraordinary circumstances we find ourselves in. Your assistance in this regard is appreciated.

Yours sincerely

JA Harris

Commissioner

An Garda Síochána

From: Patrick Sullivan <[REDACTED]>

Sent: Monday 16 March 2020 19:55

To: McMahon, Anne <[REDACTED]>

Subject: Request for Meeting with you

Importance: High

Anne Marie,

Congratulations on your reassignment to Acting Deputy Commissioner. I wish you all the best!

I received the attached email from Marie Broderick stating that you will be making contact with me to further discuss the review of Part 5 and Part 6 of the draft Policing and Community Safety bill. Nevertheless, due to the uncertainty surrounding COVID-19 and its impact on Ireland, I suggest we defer our discussion on that subject for at least two weeks. I fully appreciate the planning that Garda Síochána is currently undertaking to address the COVID-19 crisis, and matters that can be deferred, should be.

But I would like to ask that we meet as soon as possible, perhaps on Wednesday March 18, to discuss GSOC's COVID-19 planning in respect to our criminal and disciplinary investigations involving members of the Garda Síochána. GSOC needs to continue our mission as outlined in the Garda Síochána Act 2005, particularly when it comes to Section 98 criminal investigations and Section 102 (2) death investigations. We also need to recognize the reality of the current situation and the possible health risks to GSOC investigators and other staff. Furthermore, I believe we need to avoid, to the extent possible, engaging critical AGS resources and personnel needed for the COVID-19 response, in a GSOC investigation that can be deferred.

I have heard, in some cases anecdotally, about the Garda Síochána's COVID-19 planning, to include that certain traditional investigative and operational matters will be deferred, and that some requirements usually placed on AGS will be restricted. Of course at this point, I do not know, nor do my fellow Commissioners, Judge Mary Ellen Ring and Kieran FitzGerald, know what is accurate and what is not. There appears to be a potential lack of coordination between AGS and GSOC, and that is not good.

My view is that GSOC and AGS are law enforcement partners and we cannot succeed in our respective missions without close cooperation, particularly in times of crisis. I would hope that you view it the same way, and agree that GSOC should have a "seat at the table" and we should not have to learn through the media, or anecdotally, about important law enforcement plans and decisions that will likely affect GSOC's operations.

In addition, I would like to share with you the fact that GSOC has many potential resources available. We have some very talented career law enforcement officers/criminal investigators from Ireland, England, Scotland, Northern Ireland, Australia, South Africa and America. We also have a significant amount of law enforcement equipment and supplies on hand, to include Personal Protective Equipment (PPE), such as bio hazard suits that have a dual use in preventing the contamination of evidence when processing a crime scene or in protecting a law enforcement officer from potential contact with a bio hazard, such as the COVID-19 virus. In fact, it is my understanding that based upon a telephone call between Chief Superintendent Cliona Richardson and Darren Wright, GSOC's Director of Operations, we were able to furnish AGS with approximately 70 PPE bio hazard suits today because your supplies were running low.

I look forward to hearing from you at your convenience.

Regards,

Patrick



Patrick F. Sullivan

Commissioner

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