

“The number of allegations made against gardai to Gsoc in (i) 2020 and (ii) 2021, with a breakdown by Garda division and by the type of allegation. I would also like to know the amount of complaints in both years that related to Covid-19 regulations

The number of the above complaints that were (i) upheld, (ii) not upheld or (iii) not yet decided/still ongoing.

In the cases where the complaints were upheld, information on the disciplinary action handed out in each case.”

By way of background information the accompanying figures are drawn from complaints received in 2020 and 2021. Further information on how complaints are processed, including matters of admissibility has also been provided.

Please note that the below information should be treated as indicative only, as it was retrieved in response to this request and does not represent official, published, statistical information from GSOC. These statistics are indicative of the situation as of the date of drawdown from our case management system in early January 2022. Information on cases, by its nature, is dynamic, and subject to update and change on foot of further information received during the course of an investigation.

2020

The total of complaints received to date of request was 1,955 complaints with 3,662 allegations contained within. (Please note one complaint can contain a number of allegations).

Allegations by garda division:

Garda Division:	Number of Allegations:
Cavan / Monaghan	104
Clare	50
Cork City	177
Cork North	133
Cork West	32
D.M.R East	104
D.M.R North	400
D.M.R North Central	153
D.M.R South	146
D.M.R South Central	199
D.M.R West	315
D.M.R Traffic	9
Donegal	137
Dublin Castle	1
Galway	132
Garda Headquarters Phoenix Park	41

Harcourt Square	41
Kerry	117
Kildare	147
Kilkenny / Carlow	93
Laois / Offaly	71
Limerick	103
Louth	178
Mayo	92
Meath	104
Not provided*	49
Roscommon / Longford	103
Sligo / Leitrim	67
Tipperary	97
Waterford	66
Westmeath	68
Wexford	67
Wicklow	66
Total	3,662

* The chart shows all the allegations, prior to GSOC determining which could be admitted and dealt with and which could not. Excluded 49 allegations for which garda divisions had not yet being established.

Allegations by type:

Type of Allegation	Number of Allegations
Awaiting decision	168
Abuse of Authority	612
Accessory	1
Corrupt or Improper Practice	33
Criminal Damage	45
Discourtesy	336
Discreditable Conduct	36
Discrimination	5
Falsehood or Prevarication	42
Generic Admissible Allegation	752
Improper use of Information	26
Misuse of drugs	1
Misuse of Money or Property	12
Neglect of Duty	771
Non-fatal Offences	674
Other	77
Road Traffic Infringement	29
Sexual Offence	15

Theft and Fraud	27
Total	3,662

Outcomes:

	Complaints	Allegations
Number of Complaints and allegations	1,955	3,662
Inadmissible	688	747
Withdrawn prior to decision	2	2

Admissible / part admissible:

Remain open	274	817
Further investigation not necessary or reasonable practicable	576	1247
Allegation withdrawn	158	286
Inadmissible	20	29
Non Cooperation	29	56
Garda discipline regulations no longer apply	10	16
GC identified no breach of discipline regulations	164	312
GSOC identifies no misbehaviour by member following section 98	41	109
Advice	21	24
Caution	7	7
Fine Imposed	1	1
Reduction in pay	1	1
Referred to the DPP – no prosecution directed	1	1
Reprimand	1	1
Warning	6	6

Note – Some complaints can have more than one unique outcome for example partly admissible. There can also be more than one allegation within the one complaint with different outcomes.

Forty breaches of discipline were identified to date in the complaints opened in 2020 and applied by the Garda Commissioner in 2020, following disciplinary investigations:

Sanction	Number
Advice	24
Caution	7
Fine imposed	1
Reduction in pay not exceeding 2 week's pay	1
Warning	6
Reprimand	1

2021

The total of complaints received to date was 2,189 complaints with 3,719 allegations contained within. (Please note one complaint can contain a number of allegations).

Allegations by garda division:

Garda Division:	Number of Allegations:
Cavan / Monaghan	110
Clare	59
Cork City	216
Cork North	92
Cork West	38
D.M.R East	104
D.M.R North	250
D.M.R North Central	211
D.M.R South	132
D.M.R South Central	284
D.M.R West	288
D.M.R Traffic	34
Donegal	108
Galway	122
Garda Headquarters Phoenix Park	54
Garda National Immigration Bureau	5
Harcourt Square	48
Kerry	76
Kildare	120
Kilkenny / Carlow	60
Laois / Offaly	100
Limerick	115
Louth	212
Mayo	67
Meath	109
Not provided*	165
Roscommon / Longford	84
Sligo / Leitrim	40
Tipperary	106
Waterford	85
Westmeath	59
Wexford	100
Wicklow	66
Total	3719

* The chart shows all the allegations, prior to GSOC determining which could be admitted and dealt with and which could not. Excluded 165 allegations for which garda divisions had not yet being established.

Allegations by type:

Type of Allegation	Number of Allegations
Awaiting decision	419
Abuse of Authority	635
Corrupt of Improper Practice	7
Criminal Damage	50
Discourtesy	302
Discreditable Conduct	7
Discrimination	16
Falsehood or Prevarication	21
Generic Admissible Allegation	917
Improper use of Information	16
Misuse of drugs	6
Misuse of Money or Property	26
Neglect of Duty	676
Non-fatal Offences	525
Other	39
Road Traffic Infringement	21
Sexual Offence	7
Theft and Fraud	27
Total	3719

Outcomes:

	Complaints	Allegations
Number of Complaints and allegations	2189	3719
Inadmissible	855	916
Withdrawn prior to decision	1	1
Not yet decided – awaiting further information	1	1

Admissible / part admissible:

Remain open	835	1,800
Further investigation not necessary or reasonable practicable	317	617
Allegation withdrawn	99	132
Inadmissible	9	14
Non Cooperation	19	124
Garda discipline regulations no longer apply	2	2
GC identified no breach of discipline regulations	54	90
GSOC identifies no misbehaviour by member following section 98	2	5
Advice	9	9

Caution	2	2
Fine Imposed	1	1
Reprimand	3	3
Warning	2	2

Note – Some complaints can have more than one unique outcome for example partly admissible. There can also be more than one allegation within the one complaint with different outcomes.

Seventeen breaches of discipline were identified to date in the complaints opened in 2021 and applied by the Garda Commissioner in 2021, following disciplinary investigations:

Sanction	Number
Advice	9
Caution	2
Fine imposed	1
Warning	2
Reprimand	3

Covid Related Complaints

2020: 295

2021: 341

Total: 636

Note on how complaints are assessed by GSOC

All complaints received by GSOC are assessed against criteria listed in the Garda Síochána Act, 2005 to determine if they are admissible. For a complaint to be admissible, it must meet the following criteria:

According to section 87 of the Act, GSOC can admit a complaint if it:

- Is made by (or, in certain circumstances. On behalf of) a person who is directly affected by, or who witnesses, the conduct subject of complaints;
- Is about behaviour which would, if proven, constitute a criminal offence or a breach of Garda discipline by a member of the Garda Síochána;
- Is made within the time limit of within one year of the incident subject of the complaint;
- Does not relate to the general direction and control of the Garda Síochána by the Garda Commissioner; and
- Does not relate to the conduct of a member of the Garda Síochána while the member was off duty, unless the conduct alleged would, if proven, be likely to bring discredit on the Garda Síochána

If a complaint does not meet the criteria it is deemed inadmissible and no further action is taken by GSOC.

After a complaint is deemed admissible it can be dealt with in a number of ways depending on what is alleged.

All allegations of criminal offences by Gardaí are investigated by GSOC investigators under section 98 of the Act.

If breaches of discipline have been identified these complaints can be dealt with in a number of ways, such as:

- unsupervised disciplinary investigations (under section 94 of the Act), conducted by Garda Superintendents
- Supervised investigation (under section 94(5)). These are also conducted by Garda Superintendents but are supervised by GSOC investigators. These investigations are conducted by Garda Superintendents in line with Garda Discipline regulations.
- Non-criminal investigations (under section 95 of the Act) are carried out by GSOC investigators.

Explanation on most common allegation types -

- Neglect of Duty – allegations that a garda failed to take an action that could have been reasonably expected – such as, at one end of the scale, returning a phone call, or properly investigating an alleged serious crime at the other.
- Abuse of Authority – excessive use of force, or an instruction to do something which the person making the complaint believes was beyond the garda's authority to instruct
- Non-fatal offences – these are allegations of a criminal offence listed in the Non-Fatal Offences Against the Person Act, 1997 and include, for example assault.
- Discourtesy – complaints around how a garda spoke to or behaved towards a person.

Explanation of outcomes:

- GSOC identifies no misbehaviour following criminal investigation – The most common scenario here is that there was no independent evidence to prove the allegations made.
- No breach of discipline regulations identified – At conclusion of investigation the report received by GSOC indicated no breach of discipline.
- Further investigation not necessary or reasonably practicable –There was not enough evidence to substantiate either version of events so the complaint could not be proven or disproven.

Explanation on sanctions:

Should an investigation by the Garda Síochána under section 94 (either supervised or unsupervised) or by GSOC under section 95 find evidence of a potential breach of Discipline Regulations by a garda, the Garda Síochána makes a decision on whether or not there has been a breach. A range of sanctions may be applied, depending on the gravity of the breach found. Sanctions are a matter for the Commissioner.