

## FOI QUERY TEXT

***“The total number of allegations/complaints made to Gsoc in 2022 with a breakdown by Garda Division. Please provide these in tabular form if possible.***

- *The number of allegations/complaints that have been deemed (1) admissible, (2) withdrawn, and (3) awaiting decision.*
  - *Of those deemed admissible, the description of the nature of each allegation.*
- *The number of allegations that have been referred for **unsupervised investigations** by An Garda Síochána,*
  - *Of these, (1) the total number completed and (2) the number completed within a 16-week timescale*
  - *How many unsupervised investigations requested to be reviewed?*
- *The number of allegations referred for **supervised investigations** by An Garda Síochána*
  - *Of these, (1) the number completed, and (2) the number completed within a timescale of 20 weeks*
- *The number referred for **GSOC-led disciplinary** investigation*
- *The number referred for **GSOC-led criminal** investigation*
- *The sanctions applied in cases where allegations were upheld*
- *The number of complaints resolved by Informal Resolution*
- *The number of complaints investigated as criminal that were later reinvestigated as disciplinary”*

## RESPONSE

### **Explanatory note**

The figures below are drawn from **complaints (and allegations contained therein) received in 2022, as specified in the FOI request.**

Please note that in addition to complaints received over the course of 2022, GSOC began the year 2022 with a significant caseload carried over from 2021.<sup>1</sup> GSOC also deals with matters that do not arise from complaints (such as referrals).

The data requested therefore represents a subset of the full volume of GSOC’s work and output in 2022. Given this, further information is provided where appropriate to place the information requested in context.

Please also note that the below information should be treated as indicative only. It was retrieved on foot of this FOI request and does not represent official, published, statistical information from GSOC. Information on cases, by its nature, is dynamic, and subject to update on foot of further information that may emerge during the course of an investigation.

<sup>1</sup> This included:

- 569 Criminal investigations
- 193 Section 95 GSOC-led disciplinary investigations
- 90 Section 94(5) supervised disciplinary investigations
- 327 Section 94 unsupervised disciplinary investigations
- Approximately 300 further cases at various other phases of the case management process.

[Source: p78 of the 2021 GSOC Annual Report]

Some of the material contained here will be included in the 2022 Annual Report which GSOC will publish in May 2023. Given the dynamic nature of the information mentioned above, there may therefore be some small variance between the figures provided here, and those that appear in the report as published.

Further information on the complaints process, admissibility, and other matters, is also provided in the notes at the end of this document for context and background.

The elements of the query are broken down under the below highlighted headers for ease of reference.

**The total number of allegations/complaints made to GSOC in 2022, broken down by Garda Division**

A total of **1,826** complaints were opened in 2022. A complaint may contain more than one allegation, and the 1,826 complaints received in 2022 contained **3,270** separate allegations.

**Allegations by garda division:**

<b>Garda Division:</b>	<b>Allegations</b>
Cavan / Monaghan	96
Clare	45
Cork City	181
Cork North	75
Cork West	37
D.M.R East	38
D.M.R North	239
D.M.R North Central	171
D.M.R South	153
D.M.R South Central	298
D.M.R West	214
D.M.R Traffic	12
Donegal	115
Garda National Immigration Bureau	1
Galway	113
Garda Headquarters Phoenix Park	38
Harcourt Square	15
Kerry	102
Kildare	83
Kilkenny / Carlow	80
Laois / Offaly	83
Limerick	116
Louth	155
Mayo	125

Meath	58
Not provided*	35
Roscommon / Longford	62
Sligo / Leitrim	38
Tipperary	112
Waterford	74
Westmeath	54
Wexford	105
Wicklow	83
<b>Total</b>	<b>3,270</b>

\* The chart shows all the allegations, prior to GSOC determining which could be admitted and dealt with and which could not. Included are 35 allegations for which garda divisions had not been provided and have yet to be established.

**The number of allegations/complaints that have been deemed (1) admissible, (2) withdrawn, and (3) awaiting decision.**

Of the 1,826 complaints opened in 2022:

- 904 complaints containing 2,234 allegations were deemed admissible
- 918 complaints containing 969 allegations were deemed inadmissible

	Complaints	Allegations
Admissible	904	2,234
Inadmissible	918	969
Pending at the end of the year	1	1
Withdrawn prior to decision	3	3

**Of those deemed admissible, the description of the nature of each allegation.**

Following the admissibility process, 904 complaints were deemed admissible containing 2,234 allegations.

Of these, below is a breakdown of allegation types:

Type of Allegation	Number of Allegations
Awaiting decision*	89
Abuse of Authority	445
Accessory to a crime	1
Coercive Control	2
Corrupt or Improper Practice	1

Criminal Damage	45
Discourtesy	245
Discreditable Conduct	13
Discrimination	20
Falsehood or Prevarication	19
Generic Admissible Allegation	7
Improper use of Information	34
Intoxication	1
Misuse of drugs	1
Misuse of Money or Property	21
Neglect of Duty	727
Non-fatal Offences	477
Other	21
Road Traffic Infringement	24
Sexual Offence	14
Theft and Fraud	27
<b>Total</b>	<b>2,234</b>

\*The chart shows all the allegations types following admissibility, including 89 allegations for which allegation type had not yet been established.

Each of the 904 admissible complaints (containing at least one admissible allegation) was dealt with in one of five ways:

- Criminal investigation: 349
- Unsupervised disciplinary investigation: 417
- Supervised investigations: 68
- GSOC-led non-criminal investigations: 44
- Discontinued prior to initiation of investigations: 26

**The number of allegations that have been referred for unsupervised investigations by An Garda Síochána**

Unsupervised investigations are referred for investigation to the Garda Síochána and managed by Garda Senior Investigations Officer (GSIO) as set out in the Act.

The agreed protocols between GSOC and the Garda Síochána provide for a 16 week investigation from the time the details (copy of the complaint) are provided to the Garda Síochána Investigating Officer (GSIO) to the receipt of the final report to GSOC.

Of the 904 complaints deemed admissible in 2022, **417** complaints were considered suitable for an unsupervised disciplinary investigation under s94(1) of the Garda Síochána Act.

These 417 complaints contained a total of 932 allegations.

**Of these, (1) the total number completed and (2) the number completed within a 16-week timescale**

Of the **417** complaints considered suitable for an unsupervised disciplinary investigation under s94(1) in 2022, **62** were completed in 2022. Of these, **13** were completed within the 16-week timescale.

**IMPORTANT NOTE FOR QUERANT:** *The above requested figures represents a subset of the total number of unsupervised investigations closed in 2022, many of which carried over from previous years. In 2022 GSOC closed a total of 513 unsupervised cases (containing 1134 allegations) under s94(1).*

**How many unsupervised investigations requested to be reviewed?**

Unsupervised investigations are subject to review mechanisms if the complainant is unhappy with the result. A complainant can request a review under section 94(10) of the Act (see additional note below).

GSOC received **69** requests for review in 2022 (in relation to investigations completed in 2022 or other years), of which **57** were completed by the year end.

**The number of allegations referred for supervised investigations by An Garda Síochána**

Supervised investigations are conducted by a member of Superintendent rank and supervised by GSOC's own investigator.

The agreed protocols between GSOC and the Garda Síochána provide for such investigations to be completed within a 20 week timeframe.

Of the complaints deemed admissible by GSOC in 2022, **68** (containing 196 allegations) were considered suitable for a supervised disciplinary investigation under s94(5) of the Garda Síochána Act.

**Of these, (1) the number completed, and (2) the number completed within a timescale of 20 week**

Of the **68** complaints considered suitable for supervised disciplinary investigation under s94(5) in 2022, **13** complaints were completed in 2022. Of these, **10** were completed within the 20-week timescale.

**IMPORTANT NOTE FOR QUERANT:** *The above requested figures represent a subset of the total number of supervised investigations closed in 2022, many of which carried over from previous years. In 2022 GSOC closed a total of 95 supervised cases (containing 250 allegations) under s94(5).*

### The sanctions applied in cases where allegations were upheld

Should an investigation by the Garda Síochána under section 94 (either supervised or unsupervised) or GSOC-led disciplinary investigations under section 95 find evidence of a potential breach of the Discipline Regulations by a Garda, it is for Garda management to decide whether or not there has been a breach, and the sanctions applied are entirely a matter for the Garda Commissioner.

The sanctions applied by the Garda Commissioner in 2022, following decisions of a breach of discipline, are set out below.

Advice	29
Fine imposed	4
Warning	7
Caution	14
Reprimand	4
Reduction in pay not exceeding 2 weeks' pay	3
Reduction in pay not exceeding 4 weeks' pay	1
<b>TOTAL SANCTIONS</b>	<b>62</b>

**IMPORTANT NOTE FOR QUERANT:** The above figures on sanctions represent the sanctions applied in the calendar year 2022. The cases in question may have been opened before 2022.

### The number of complaints resolved by Informal Resolution

NOTE: Informal Resolution is provided for under section 90 of the Garda Síochána Act for dealing with less serious service-level complaints without the need for a formal investigation.

However, since a successful pilot project in 2018 GSOC and An Garda Síochána have favoured a non-statutory 'Local Intervention' approach to achieve the same aims. See the additional note below for further detail.

2022 was the fourth full year in operation of our Local Intervention initiative.

Local Intervention	No of Cases 2022
Referred by GSOC for Local Intervention	228
Resolved / closed following LI process	148*
Closed without intervention, typically where complainant did not engage	5*
Referred back to GSOC for admissibility decision	54*
Still with Garda Inspectors at year end	65

\*Figures include cases that had been commenced in the previous calendar year.

**The number of complaints investigated as criminal that were later reinvestigated as disciplinary**

Under the current legislative framework, a criminal and disciplinary investigation cannot run concurrently. GSOC Designated Officers investigate allegations that may amount to a criminal offence first, before any allegations with possible breaches of discipline are investigated.

It is expected that the new Policing, Security and Community Safety Bill, once enacted, will permit a streamlined investigations process by the new Office of the Police Ombudsman, including the concurrent examination of disciplinary and criminal matters.

In 2022, there were 2 criminal investigations opened that following completion of these investigations also identified possible breaches of discipline that required further investigation.

**IMPORTANT NOTE FOR QUERANT:** *The movement of an investigation from a 'criminal investigation' phase under s98 to a disciplinary investigation under sections 94(1), 94(5), or 95, is a common occurrence. The above figure of 2 applies solely, per the FOI request, to those investigations opened in 2022 as a criminal investigation and have since changed phase to a disciplinary. There will be numerous other such examples on GSOC's caseload arising from investigations that commenced in previous calendar years.*

#### **ADDITIONAL BACKGROUND NOTES**

##### **Superintendent Pay Dispute**

In July 2021, as a result of a dispute over pay and allowances, some senior Garda officers withdrew from work they consider outside their core duties.

Such duties include the investigation of disciplinary complaints referred to them by GSOC under section 94 of the Garda Síochána Act, 2005.

These investigations, in the normal course of events, are required to be completed in a timescale of between 16 and 20 weeks.

GSOC was advised on February 2022 that work on progressing complaints under section 94 of the Garda Síochána Act, 2005 resumed. GSOC was advised by the Garda Síochána that measures were put in place to alleviate any backlog resulting from the dispute.

##### **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 being 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.

### **Review of Disciplinary Investigations**

If a complainant is dissatisfied with the result of an unsupervised investigations undertaken by a Garda Superintendent, section 94(10) of the Act provides that they can request a GSOC officer review the matter. In these reviews, GSOC's role is to establish if the investigation was comprehensive enough and the outcome appropriate.

GSOC does not have the power to substitute the decision or finding with a new decision. GSOC provides a report to the Garda Commissioner where concerns in relation to how the investigation was conducted and/or its outcome arose. As the disciplinary process has been concluded in these cases, the case cannot be re-opened or the outcome changed. It is hoped that the feedback may contribute to a reduction in the occurrence of similar issues in further investigations.

### **How Local Intervention Works**

All cases received by GSOC are recorded initially on the case management system (CMS) as 'queries', and are not upgraded to complaints until there is sufficient information available for an admissibility

determination. The Local Intervention process engages at the 'query' stage, before an admissibility decision is made.

When a complaint is received, GSOC decides whether or not the matter is suitable for local intervention. Only service level issues are considered for local intervention. Examples includes:

- Poor quality or standard of service
- Inefficient or no service
- Incivility / impoliteness / rudeness
- Lack of communications or response

If GSOC is of the view that the complaint is suitable for LI, GSOC contacts the person making the complaint, explains the LI process and asks if the person will consent to having the matter dealt with in this way.

If the complainant consents, GSOC refers the matter to a nominated Garda Inspector who manages the process on behalf of the Garda Síochána. If the person does not consent, GSOC will proceed to assess the complaint for admissibility, per the standard process.

The nominated Garda Inspector contacts the complainant by phone to identify what actions or outcomes he /she is seeking to achieve. Typically, the Inspector then has a discussion with the Garda member concerned to explore what may have led to the issue. The process is not about apportioning blame, it is about addressing the issue raised and learning from what has happened in order to prevent a reoccurrence. The inspector contacts the complainant again to advise on the action taken to address the matter. If the complainant is satisfied with the response, the inspector notifies GSOC and GSOC confirms with the complainant that he or she is satisfied. GSOC then close the file. If the attempts to resolve the matter through LI are unsuccessful, the complaint is referred back to GSOC which decides if the complaint should be admitted for investigation.