

## Freedom of Information

Under the Freedom of Information Act 2014, I would like to request:

- The number of allegations made against Gardai to GSOC in (i) 2022 and (ii) 2023, with a breakdown by Garda division and by the type of allegation.
- 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.

### **Draft response:**

Of the above-requested information, much of it is already published and available in the public domain in the 2022 GSOC Annual Report. Appropriate sections are referenced below.

GSOC Annual Reports also publish information on investigation outcomes. The focus on outcomes in Annual Reports, however, is on investigations *closed* in the calendar year being reported. Not all such investigations will have been opened in that same year. In the below, information is provided as requested on outcomes in cases *opened* in the calendar year requested.

A few items to note.

- With the exception of information already in the public domain, figures below are drawn from complaints (and allegations contained therein) received in 2022 and 2023 as specified in your FOI request.
- Please note that the below information should be treated as *indicative* only. It was retrieved on foot of your 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 received during the course of an investigation.
- Further information on the admissibility process and other procedural matters is available in GSOC's 2022 Annual Report from p37.

That all outlined, please see the below

### **2022**

#### ***Complaints and Allegations made:***

The 2022 Annual Report is available to view [HERE](#). A record of the number of complaints and categorisation of these complaints can be found on p38.

A total of 1,826 complaints were opened in 2022. The 1,826 complaints contained 3,207 allegations – one complaint can contain more than one allegation.

The regional breakdown of allegations made can be seen on p40 of the 2022 Annual Report.

The proportion of complaints deemed admissible and inadmissible can be seen on p42 (904 admissible, 918 inadmissible, with the remainder pending at year end).

### ***Types of Allegations***

A breakdown of allegation types in all admissible complaints in 2022 is available on p41 of the 2022 annual report.

### ***Outcomes***

GSOC Annual Reports publish information on investigation outcomes. The focus on outcomes in Annual Reports, however, is on investigations *closed* in the calendar year being reported. Not all such investigations will have been opened in that same year.

You have requested information on outcomes with respect to admissible complaints *opened* in 2022. These are provided below.

<b>Outcomes</b>	<b>Number of complaints to which this outcome applies*</b>
Remain open	74
Closed - Further investigation not necessary or reasonably practicable	504
Advice	22
Advice, Caution	1
Advice, Caution, Warning	1
Advice, Warning	1
Allegation Withdrawn	92
Allegation Withdrawn, Further investigation not necessary or reasonably practicable	1
Caution	7
Caution, Fine imposed	1
Fine imposed	2
Frivolous or Vexatious	2
Garda Discipline Regulations no longer apply to member	1

Garda Commissioner identified no breach of Discipline Regulations	140
Garda Commissioner identified no breach of Discipline Regulations, GSOC identifies no misbehaviour by member following S98 criminal investigation	1
GSOC identifies no misbehaviour by member following S98 criminal investigation	40
Inadmissible - does not constitute misbehaviour	22
Inadmissible - frivolous or vexatious	1
Inadmissible - not a Garda	2
Non-cooperation by complainant	22
Previously Recorded in Formal Recommendation	1
Reduction in pay not exceeding 2 weeks' pay	1
Referred to DPP - Prosecution Directed	2
Regulation 10 - Advice	1
Reprimand	2
Warning	2

\* **Note** - Some complaints can have more than one unique outcome as there can be more than one allegation within the one complaint, each with different outcomes. The sum total numbers in this column therefore exceed, rather than equal, the total number of complaints received.

#### **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.

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**2023**

### **Complaints and Allegations made:**

Please Note that GSOC is currently in the process of gathering information on its 2023 Annual report and as such the below information should be treated as indicative only. It was retrieved on foot of your 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 received during the course of an investigation. That being outlined, please see the below.

A total of 1,577 complaints were opened in 2023. The 1,577 complaints contained 3,244 allegations – one complaint can contain more than one allegation. Please see as requested a breakdown of complaints which have been deemed admissible, inadmissible and yet to be determined.

<b>2023</b>	<b>Complaints</b>
Number of Admissible Complaints	962
Number of inadmissible complaints	608
Admissibility not yet decided	7

Please also see the regional breakdown of allegations made of admissible complaints received in 2023.

### **Allegations by Garda Division – Dublin Metropolitan Region (DMR)**

<b>Garda Division</b>	<b>Number of Allegations</b>
DMR East	66
DMR North	252
DMR North Central	211
DMR South	118
DMR South Central	159
DMR West	256
DMR Traffic	8
Garda National Immigration Bureau	2
Garda HQ Phoenix Park	14
Harcourt Square	27

### **Allegations by Garda Division (excluding Dublin Metropolitan Region)**

<b>Garda Division</b>	<b>Number of Allegations</b>
Cavan / Monahan	50
Clare	35
Cork City	220
Cork North	106
Cork West	37
Donegal	82
Galway	70

Kerry	63
Kildare	102
Kilkenny / Carlow	50
Laois / Offaly	51
Limerick	96
Louth	100
Mayo	39
Meath	47
Roscommon / Longford	47
Sligo / Leitrim	31
Tipperary	57
Waterford	66
Westmeath	49
Wexford	50
Wicklow	27

### ***Types of Allegations***

Following the admissibility process, please see a breakdown of the allegation types in all admissible complaints in 2023.

<b>Types of Allegation</b>	<b>Number of Allegations</b>
Awaiting Decision	230
Abuse of Authority	526
Corrupt or Improper Practice	16
Criminal Damage	26
Data Offences	2
Discourtesy	291
Discreditable Conduct	12
Discrimination	12
Falsehood or Prevarication	46
Generic Inadmissible Allegation	6
Improper use of Information	20
Intoxication	1
Misuse of Drugs	2
Misuse of Money or Property	7
Neglect of Duty	841
Non-fatal Offence	489
Other	18
Road Traffic Infringement	31
Sexual Offence	15
Theft and Fraud	12

### ***Outcomes***

Finally, you have also requested information on outcomes with respect to admissible complaints *opened* in 2023. These are provided below.

Outcome	Number of complaints to which this outcome applies*
Remain Open	534
Advice	7
Allegation Withdrawn	65
Caution	4
Closed - Informally Resolved	1
Fine imposed	1
Frivolous or Vexatious	2
Further investigation not necessary or reasonably practicable	273
Garda Discipline Regulations no longer apply to member	2
Garda Commissioner identified no breach of Discipline Regulations	40
GSOC identifies no misbehaviour by member following S98	20
Inadmissible - does not constitute misbehaviour	9
Inadmissible - frivolous or vexatious	2
Inadmissible - not a Garda	2
Inadmissible - out of time	1
Non-cooperation by complainant	13
Regulation 10 - Advice	2
Warning	1

**\*Note** - Some complaints can have more than one unique outcome. There can also be more than one allegation within the one complaint with different outcomes. The sum total numbers in this column therefore does not represent the total number of complaints received.