

## How long will the investigation take?

The GSIO has five months to complete the investigation, starting from the date that the investigation strategy is agreed between the GSIO and the supervising GSOC officer.

If it doesn't look like the investigation will be completed in that time, we will ask for a reason and for a progress update.

If there is an unreasonable delay, we may take further action. We will update you based on any updates we receive from the GSIO and we will make every effort to ensure that your complaint is investigated in a timely manner.

The time taken to close a case depends on a number of factors, for example:

- the level of complexity of the case
- time taken to receive information and evidence
- the cooperation and availability of witnesses
- time taken by the Garda Síochána to decide on the case once GSOC has submitted its report
- whether the case goes to a Board of Inquiry



Garda  
**Ombudsman**  
INQUIRY INDEPENDENCE IMPARTIALITY

# Supervised disciplinary investigations

**under section 94(3) of the Garda Síochána Act 2005**



A7-10-2016



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## **GSOC has considered your complaint and believes that it contains possible breaches of Garda discipline.**

Complaints that appear to involve disciplinary matters, rather than any criminal offence, are usually investigated by a Garda Síochána Investigating Officer (GSIO), in line with the Garda Síochána (Discipline) Regulations 2007. Section 94 of the Garda Síochána Act 2005 covers this process.

It is important to know that such investigations are **only concerned with whether there may have been a breach of the Garda Síochána (Discipline) Regulations 2007** and any outcome will relate solely to whether evidence of a breach was found, or not. The regulations are publicly available on [www.irishstatutebook.ie](http://www.irishstatutebook.ie).

The Ombudsman Commission has decided that **the investigation of your complaint should be supervised by a GSOC officer**. Not all disciplinary investigations are supervised by GSOC, but we have decided that in your case it is in the public interest to do so. Sections 94(3)-(7) of the Garda Síochána Act 2005 govern this process.

## **Who will investigate my complaint?**

**These investigations are undertaken by a Garda Síochána Investigating Officer (GSIO).** The GSIO is usually a Superintendent (unless you have complained about a Superintendent – then the GSIO will be of a higher rank). An Inspector may be asked to assist them. The GSIO will not be a line manager of the garda (or gardaí) under investigation, nor will they be from the same Garda district (but they can be from the same Garda division, which is a larger geographical area). However, they should have had no previous involvement in any aspect of the incident you have complained about. (There are a number of other principles about the appointment of the GSIO in the Protocols between the Garda Commissioner and GSOC, which are available on our website.)

We will refer your complaint to the Garda Síochána and a GSIO should be appointed to investigate it within a month. Once an appointment has been made, we will tell you who they are.

## **How does the investigation work?**

The GSIO will investigate your complaint under the supervision of GSOC. Before the investigation starts, the appointed GSOC supervisor and the GSIO will discuss and agree how it is to be undertaken. This is called the investigation strategy.

During the investigation, the GSOC supervisor may:

- Request progress updates from the GSIO.
- Request interim reports (general or in relation to specific steps) from the GSIO.
- Be present during any interview conducted during the investigation.
- Direct the GSIO to further investigate any aspect of the complaint.

The GSIO will most likely contact you and/or any witness you have identified, to gather further information or to take statements. It is important that you engage with them, so that the investigation can progress and be completed as quickly as possible. If you do not respond to attempts to contact you, it may not be practical to continue the investigation and it may end. If you have any questions about the investigation, you should contact the GSIO.

If, during the investigation, the GSIO finds out that there may be a criminal offence involved, they will refer the matter back to us, to decide whether a criminal investigation is more appropriate.



## **What happens when the investigation is over?**

When the GSIO has completed the investigation, they will send a report to the GSOC supervisor. GSOC may direct the GSIO to further investigate any aspect of the complaint before concluding it.

When it is concluded, GSOC will write to you and let you know the results of the investigation. If the investigation has found evidence of a breach of discipline, we will report this to the Garda Síochána. (GSOC does not have any power to decide on whether there has been a breach of discipline, nor sanctions that may be imposed.)

Possible results of this type of investigation are:

- **The GSIO may not find enough independent evidence to prove that any version of events took place.** In line with the Discipline Regulations, they will decide then, on the balance of probabilities, if a breach of discipline happened or not. (That means that they will decide, taking the available evidence into account, if it is more likely that it happened, or that it did not happen.) If they come to the conclusion that there was no breach of discipline, they will report it to GSOC. If GSOC agrees, the investigation may end.
- **The GSIO may come to the conclusion that a garda may have committed a breach of discipline.** If this is the case, we will report it to the Garda Síochána. A separate senior Garda officer will be appointed to decide whether there has indeed been a breach. Under the Discipline Regulations, breaches are categorised as “less serious” or “serious”. If this Garda officer finds a “less serious” breach, they can impose a sanction themselves. This can range from giving the garda advice about what they should have done in relation to your situation, to a reduction in pay. If they believe there may be a “serious” breach, however, a Board of Inquiry must be set up to make a decision and recommend a sanction. The Board is made up of three people, appointed by the Garda Commissioner, one of whom must be a judge or a lawyer. Sanctions imposed in these cases can go as far as dismissal of the garda.