



Garda
Ombudsman
INQUIRY INDEPENDENCE IMPARTIALITY

GARDA SÍOCHÁNA OMBUDSMAN COMMISSION
2021 ANNUAL REPORT - GSOC IN TRANSITION



Garda
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INQUIRY INDEPENDENCE IMPARTIALITY

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1. FOREWORD



As the recently-appointed Chairperson, I note that 2021 was a year where the Garda Síochána Ombudsman Commission made significant inroads into completion of investigations in the face of ever-increasing numbers of complaints and referrals. The year also saw the emergence, following years of debate and discussion, of the general scheme of the Policing, Security and Community Safety Bill. The Bill proposes sweeping changes which will, if and when implemented, impact the structure and scope of oversight and establish a new Garda Ombudsman with significantly enhanced functions and independence. This represents a positive platform from which a clearly defined and long-signalled gap in Ireland's policing accountability infrastructure can be addressed. We need to prepare carefully and comprehensively for this transition.

Transition has, therefore, been a core focus of our work in 2021 and will be my primary focus as Chairperson. GSOC has operated before my arrival and will continue to work after my departure. With Commissioners Emily Logan and Hugh Hume, we have responsibility for a body that delivers a vital service to the people and to the Garda Síochána. It is also our role to ensure

GSOC's Statement of Strategy 2021-2023, was published in March 2021. This pinpoints the centrality of human rights in the work we do and re-states our organisational commitment to fair, timely and independent complaints handling, excellent customer service, innovation and a culture of high performance.

that the transition to whatever new structure the Oireachtas mandates will be seamless. In essence, our target is to leave the old GSOC better equipped to do its work than when we started and fully prepared for its new role as a reformed and expanded Garda Ombudsman.

GSOC's Statement of Strategy 2021-2023, was published in March 2021. This pinpoints the centrality of human rights in the work we do and re-states our organisational commitment to fair, timely and independent complaints handling, excellent customer service, innovation and a culture of high performance.

The proposed reforms to GSOC touch on all of these priority areas and planning the consequential transition will be a task for everyone in the organisation. A cross-organisational transition project will coordinate the work that needs to be done. As part of this, we have engaged with policy stakeholders and the Oireachtas and set out our observations on the proposed legislation. Chief amongst these are the need to emphasise our independence, guarantee timely cross-agency cooperation – especially the cooperation of An Garda Síochána – and lock in adequate resourcing and staffing to ensure an expanded oversight remit can be met in practice. Related to this has been the establishment of a new Quality Management Unit, tasked with improving internal processes that meet current and future statutory and regulatory requirements and provide service to the public that our mandate and the public interest demand. In addition, we are engaging expert assistance to identify and quantify precise future structural and organisational requirements.

In the midst of these changes, GSOC has continued to serve the public in keeping with its statutory remit and Statement of Strategy. As with 2020, GSOC has done so under challenging

circumstances of lockdowns, restrictions, loss of experienced staff and continued uncertainty brought on by the COVID-19 pandemic. 2021 started with a total of 904 cases on-hand and over the course of the year there was a notable increase in the volume of complaints received from the public (12%) and statutory referrals (40%). While there was a significant increase in the volume of cases we closed in 2021, we started 2022 with 852 cases still on-hand (See Appendix 1).

2021 saw a welcome reduction in the median time taken on disciplinary investigations, yet we have experienced a significant increase in the median time taken to complete criminal investigations. This stood at 311 days at year-end 2021. There are multiple factors behind this increase, not just the increase in the volume and complexity of cases. The impact of the pandemic on all aspects of GSOC's investigative processes has meant that accessing complainants and witnesses, taking statements, conducting interviews and collecting evidence all take longer. The pandemic has also significantly affected the operation of the courts over the course of 2020 and 2021.

A perennial factor is resourcing. Our current staffing complement, both in terms of numbers and skillset, falls well short of what is required. Staff turnover, including loss of experienced staff due to retirement or mobility, has not only exposed existing staff to increased workloads but also to work-related stress and burnout. Recruitment is not easy, with the proliferation of regulatory bodies. Our investigators and caseworkers are working so far outside the recognised international standards of caseload that there is a real risk that our ability to provide the service that the Oireachtas has mandated will be compromised. This is as things stand at present and makes no allowance for any of the additional responsibilities that the proposed legislation will dictate. I see a real risk that

unless we can recruit and train sufficient staff we may no longer be capable of processing our present caseload, regardless of the increasing volume of complaints and investigations that can be anticipated. Delay – something that has regularly and correctly been raised by GSOC, Garda members, and complainants alike as something that needs to be addressed – will remain a problem and one that may get worse unless GSOC is properly resourced. We received some additional funding in 2022 and this will allow us to recruit some additional staff. If the Oireachtas mandates additional work for a reformed and enhanced Garda Ombudsman, it is axiomatic that it must be given the tools to do the work properly. It is crucial that adequate resources, both in terms of staffing and expertise, are guaranteed.

This report shows how we delivered on our function in 2021. In addition, we have included a spread of case studies to give a flavour of the issues we encounter when investigating complaints.

In 2021, we continued to make systemic recommendations to the Garda Commissioner arising from our investigations, as well as our insights on the impact of policing measures on the public in the context of pandemic restrictions. We also played a leadership role in enhancing policing oversight on the international stage through membership of international networks of anti-corruption, police complaints and whistle-blowing organisations.

Finally, 2021 concluded the term of Ms Justice Mary Ellen Ring as Chairperson. Since 2015, Ms Justice Ring's energy and leadership was invaluable in building GSOC's capacity, resilience, effectiveness and impact, and drove fundamental changes to GSOC and to Ireland's policing oversight infrastructure. We express our sincere

gratitude for her contribution to GSOC during her tenure.

It would be unfair not to acknowledge the dedication of commitment of the staff. GSOC operates 24 hours a day, seven days a week and the demands that this places on staff and their

families is significant. Their work is difficult, detailed and demanding and deserves the highest respect and recognition. It is a privilege to be part of such a group.

**Justice Rory MacCabe,
Chairperson**

L-R: Commissioner Hugh Hume,
Chairperson Justice Rory MacCabe,
Commissioner Emily Logan





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INTRODUCTION

2. INTRODUCTION

In 2021, GSOC published a Statement of Strategy to articulate its strategic vision, mission and its envisaged high level outcomes for the period 2021- 2023 and to set out the key actions that GSOC will take to achieve and account for its performance against these objectives over that period.

This annual report has been prepared and submitted to the Minister for Justice in accordance with Section 80 of the Garda Síochána Act, 2005.

The Role and Functions of GSOC

The Garda Síochána Ombudsman Commission (GSOC) is an independent statutory agency set up in 2007 under the Garda Síochána Act, 2005 (hereafter 'the Act'). Our function is to deal with matters involving possible misconduct by members of the Garda Síochána, in an efficient, effective and fair manner.

GSOC deals with complaints made by members of the public concerning the conduct of members of the Garda Síochána, whether allegations of a criminal or disciplinary nature. In addition, GSOC conducts independent investigations of matters referred to it by An Garda Síochána, the Minister for Justice, the Policing Authority, or matters which have been deemed by GSOC as meriting investigation in the public interest. These various aspects of GSOC's remit are explained in detail in this report, alongside a detailed accounting of delivery on this remit in 2021.

Our Strategic Outcomes and Objectives

In 2021, GSOC published a Statement of Strategy to articulate its strategic vision, mission and its envisaged high level outcomes for the period 2021- 2023 and to set out the key actions that GSOC will take to achieve and account for its performance against these objectives over that period.

While based on GSOC's current statutory underpinnings, the Statement of Strategy is also informed by the draft legislative proposals for the expansion of GSOC's functions and remit, and is strongly oriented towards implementing the necessary arrangements for a smooth transition to the new body, with expectations of revised functions and powers and a reformed operating environment.

In framing its strategy for the next three years, GSOC has developed and grouped its objectives around four high level outcomes. These are designed to meet our obligations to perform our statutory functions in an efficient, effective and fair manner and, in so doing, to promote public confidence in the process for resolving complaints and investigating allegations of misconduct by members of the Garda Síochána. These outcomes are:

1. Provision of an independent complaints handling function and investigation of alleged police misconduct in the public interest;
2. Delivery of an excellent customer service;
3. Delivery of a smooth transition to GSOC's successor body; and
4. A high-performing, well-respected organisation.

Our Strategic Outcomes and Objectives

INDEPENDENT COMPLAINTS HANDLING AND INVESTIGATION OF ALLEGED POLICE MISCONDUCT IN THE PUBLIC INTEREST	EXCELLENT CUSTOMER SERVICE	SMOOTH TRANSITION TO GSOC'S SUCCESSOR BODY
<ul style="list-style-type: none"> → Process complaints from members of the public against the Garda Síochána in an independent, fair and timely manner. → Investigate referrals from the Garda Commissioner, the Minister for Justice and the Policing Authority regarding possible misconduct by Garda members and undertake investigations in the public interest. → Deal with Protected Disclosure in accordance with statutory functions. 	<ul style="list-style-type: none"> → Inspire trust and confidence in the service we provide and in policing in general by providing a professional and competent complaints service to the public. → Provide a quality customer service experience and human rights compliant service to all of GSOC's customers. → Improve and develop relationships with our key stakeholders consistent with enhancing the level of service that GSOC can provide to its customers and promoting awareness of GSOC's role. 	<ul style="list-style-type: none"> → Plan and effectively manage the process of establishing and transferring GSOC's functions to its successor body. → Create the capacity to respond to the increased demands of new legislation and other challenges in our environment. → Influence the future development of policing and policing oversight and contribute to enhanced public trust and confidence in policing.

A HIGH-PERFORMING, WELL-RESPECTED ORGANISATION

- Invest in our people and make GSOC an employer of choice.
- Build a strong inclusive and transparent culture in the organisation directed at achieving our common purpose and supporting our staff in a valued partnership across the organisation.
- Manage change proactively.
- Promote greater public awareness of GSOC's role and achievements.
- Review, refine and continue to develop and implement innovative solutions to assist in the delivery of efficient and effective services to the public.
- Develop our capability to comprehensively manage records and information to enhance organisational competency and knowledge in order to inform internal decision making and external stakeholders.
- Comply with governance and accountability requirements required by legislation and Governance Codes making quality and high performance central to how we work.

Our Vision, Mission and Values



Our Values are central to everything we do and guide us in our approach to how we do our work. They inform our decisions and how we treat our stakeholders and our colleagues. These core values and what they mean to us are shown below:





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3

TRANSITION
AND REFORM

3. TRANSITION AND REFORM

The publication of the General Scheme of the Policing, Security and Community Safety Bill in April 2021 brought organisational change and reform to the forefront of GSOC's agenda.

The Scheme of the Policing, Security and Community Safety Bill

The publication of the General Scheme of the Policing, Security and Community Safety Bill in April 2021 brought organisational change and reform to the forefront of GSOC's agenda.

This draft legislation seeks to address the recommendations of the Commission on the Future of Policing in Ireland (COPFI). The Bill provides for a new framework for policing, security and community safety and the strengthening of independent external policing oversight.

COPFI's key recommendations include the expansion of GSOC's powers, independence and remit.

The General Scheme of the Policing, Security and Community Safety Bill proposes a number of major changes in GSOC's remit and powers. This includes:

- renaming and re-organising GSOC. The three-person Commission model is proposed to be replaced with an Ombudsman/Deputy Ombudsman model, ensuring that the body has a clear and publicly identifiable head,
- reinforcing GSOC's independence by becoming a Vote holding body with a new chief administrative officer assuming the responsibilities of accounting officer,
- expanding and changing its remit,
- ensuring timely and effective handling of complaints and conduct of investigations,
- streamlining complaint and investigation processes,
- increasing sharing of information, and
- strengthening the oversight and accountability of the transformed organisation.

Preparing GSOC for Transition

While the Bill has not yet been finalised, GSOC has begun preparations for the proposed organisational reform.

To this end, GSOC has:

- set up a dedicated Transition Management Team to oversee a smooth transition to the reformed organisation and functions,
- established an internal cross functional steering group to guide the planning stage of the transformation programme,
- provided a series of staff information and engagement sessions,
- conducted extensive cross team analysis of the draft legislation to identify issues, opportunities and requirements arising out of the proposed legislation,
- submitted detailed observations on the Bill to the Oireachtas Joint Committee on Justice,
- engaged with our major stakeholders in relation to the Bill.

During this preparatory stage, it has become clear that the proposed changes will affect all areas of GSOC, from organisational structure to the receipt and investigation of complaints. It is in essence, an organisational transformation, that will affect GSOC and how it conducts its business. These preparations have highlighted the vast body of work ahead in order to design the architecture necessitated by the Bill. While this may bring challenges, it also represents a timely opportunity for GSOC to review how it operates and identify opportunities to better respond to the evolving requirements of the policy landscape and stakeholders.

GSOC is of the view that these proposals address a clearly defined, and long-signalled gap in Ireland's policing accountability infrastructure and will, once properly resourced, significantly improve the efficiency, timeliness and fairness of investigations.

Engaging with Policymakers

Having consistently commented on the need for reform and modernisation of policing in Ireland, GSOC has signalled its broad welcome of the proposed reforms.

GSOC is of the view that these proposals address a clearly defined, and long-signalled gap in Ireland's policing accountability infrastructure and will, once properly resourced, significantly improve the efficiency, timeliness and fairness of investigations.

GSOC has, in addition, highlighted a number of areas in the legislation and its implementation which will require particular attention to ensure the operation of a successful oversight model.

These are:

- ensuring meaningful enhancement of the reformed Ombudsman's institutional and operational independence, in line with the recommendations of the Commission for the Future of Policing.
- ensuring that the expansion of the reformed body's functions and competencies is accompanied by a commensurate expansion of capacity and capability in the form of resources, personnel and expertise that guarantee the ability to deliver them. Limitations on resourcing during the lifetime of GSOC have contributed to the issues it has faced in delivering on its mandate. Adequate resourcing of GSOC is a core recommendation of the Commission for the Future of Policing.
- ensuring that the expanded obligations placed on a reformed Ombudsman body, particularly with regard to timely completion of investigations and provision of information, are accompanied by matching statutory obligations for transparency and cooperation on all other parties, including An Garda

Síochána and the proposed Independent Examiner of Security Legislation.

In October 2021, GSOC submitted detailed observations on the draft legislation to the Oireachtas Justice Committee as part of its pre-legislative scrutiny of the draft legislation. These observations followed an extensive internal review of the draft legislation, grounded in our 14 years of experience operationalising the existing legislation.

In December 2021, GSOC also published its observations, placing a particular emphasis on the importance of resourcing and institutional independence. In her Irish Times interview of 4 December 2021, Chairperson Judge Mary Ellen Ring emphasised the need for 'truly independent oversight', highlighting that the proposed changes would bring GSOC's powers 'into line with other bodies, including the Garda and Revenue'. She underscored the necessity for the reformed police oversight body to be 'given adequate personnel and resources and timely co-operation by Garda and other bodies in its investigations'.

Looking to the Future

Towards the end of 2021, the Oireachtas Joint Committee on Justice was undertaking pre-legislative scrutiny on the General Scheme of the Bill. As this legislation passes through the Oireachtas, GSOC will remain at the disposal of all stakeholders to provide views and guidance, based on its 14 years of expertise and insight into policing and police oversight. GSOC looks forward to working with all of its stakeholders in 2022, to progress work towards implementing the changes set out in the draft legislation and take steps towards fulfilling GSOC's vision of first-rate, human rights based policing oversight that is strategically and logistically fit for purpose, and compliant with internationally recognised standards of resourcing.

THE IRISH TIMES

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Ireland > Irish News

Gsoc is not here to put 'gardaí on the rack'

Ombudsman reflects on her time with Gsoc, and on the force's need for truly independent oversight

© Sat, Dec 4, 2021, 02:58

Mary Carolan



Judge Mary Ellen believes gardaí do a very difficult job but we give them very serious powers. Photograph: Corporate Photographers Dublin

Slapping an A3 sheet of paper, filled with a blizzard of diagrams and arrows, down on a table, [Garda Síochána](#) Ombudsman chairwoman Judge [Mary Ellen Ring](#) declares: "We could play snakes and ladders if I had some dice."

Headlined Complaints Process, the paper shows a bewildering collection of 50 or so colour-coded boxes linked by arrows, like a mathematical formula, which sets out the many steps required for the [Garda Síochána Ombudsman Commission \(Gsoc\)](#) to investigate a complaint.

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REPORT UNDER THE PUBLIC SECTOR EQUALITY AND HUMAN RIGHTS DUTY

4. REPORT UNDER THE PUBLIC SECTOR EQUALITY AND HUMAN RIGHTS DUTY

In 2021, GSOC launched our Statement of Strategy 2021-2023, in which we outlined our vision, mission, values, strategic outcomes and objectives for what will be period of significant change and transition for the organisation. In keeping with our obligations under Section 42 of the Irish Human Rights and Equality Commission Act, 2014, we also set out the core human rights and equality issues relevant to how we deliver our functions.

In keeping with our Public Sector Equality and Human Rights Duty, below we outline our progress in addressing these issues in 2021.

Placing Human Rights and Equality at the Heart of our Vision

GSOC's core function is to deal with matters involving possible misconduct by members of An Garda Síochána in an efficient, effective and fair manner. Our complaints-handling, referral-handling and investigative work engages the rights of a range of stakeholders, including complainants, Gardaí, the broader public, and our own staff.

The nature of GSOC's work means that it must be underpinned by a strict adherence to fundamental rights, in particular the procedural rights of those under investigation, and the rights of complainants to seek redress for alleged misconduct.

We also place a strong emphasis on equity of access and equality of treatment for all. We are also particularly cognisant of our own role in State's broader obligations under Articles 2 and 3 of the European Convention on Human Rights, in particular in the context of our investigation of incidents involving death and serious harm referred to us under Section 102 of the Act.

For this reason, GSOC's vision, as outlined in its Statement of Strategy 2021-2023, places human rights at front and centre:

"Our Vision is of first-rate human-rights-based policing oversight, contributing to trusted policing and a safe and secure society."

In addition to this, human rights and equality issues outlined in our Statement of Strategy include a focus on:

- Open and transparent engagement with our stakeholders,
- Enhancing the accessibility of our functions and services, including through positive action to engage with diverse groups,
- Safeguarding staff dignity and welfare,
- Building on the diversity of our workforce,
- Ensuring that staff are fully aware of the human rights and equality standards that underpin GSOC's work.

Our Progress in 2021

Over the course of 2021, GSOC has made significant progress on addressing some of the human rights and equality issues outlined in the Statement of Strategy.

The Public Sector Human Rights and Equality Duty places an obligation on GSOC to ensure staff are fully aware of their obligations to protect and defend the human rights of everyone. In 2021 we made significant progress on human rights training and education for our staff through the finalisation of our **Learning and Development Strategy**. 2021 also saw 10 staff members enrolled in human rights degree and diploma courses in the Institute of Public Administration and the University of Limerick.

We have made some significant first steps in improving the **openness and transparency of our**

The nature of GSOC's work means that it must be underpinned by a strict adherence to fundamental rights, in particular the procedural rights of those under investigation, and the rights of complainants to seek redress for alleged misconduct.

engagement with our stakeholders. In late 2021, a **new Head of Communications** came on board with a broad remit to lead out on development of a new communications and engagement strategy, which has been made a workplan priority for 2022.

In accordance with our Statement of Strategy commitment, we conducted a full **review of our Customer Charter**, to ensure that it clearly reflects our commitment to equality, diversity and the elimination of discrimination. This includes the development of a new complaints mechanism. The Charter will be published in 2022. We have also worked in 2021 to place **human rights and equality at the heart of our internal policies and procedures**, including explicit reference to human rights and equality in our Statement of Strategy 2021-2023 and our new Learning and Development Strategy, and the establishment of a **Quality Management Unit**.

During our second challenging year of the pandemic, **accessibility of our services** became more important than ever. In the context of restrictions and office closures, we delivered a full public service, ensuring that members of the public were accommodated in whatever way necessary to submit complaints to us. We also updated our website in 2021 to align it with the latest industry standards for accessibility. In the context of GSOC's transition to a reformed complaints body, we recognise the importance of further enhancing the accessibility of our services and of our public communications will be necessary, and this need will remain a strategic priority for GSOC in transition.

The demands of delivering GSOC's functions can be challenging for staff, and these challenges have been compounded by the pandemic. In 2021, GSOC placed a particular emphasis on **staff welfare** in its approach to navigating the obstacles of the pandemic and ensuring service delivery. This including through the provision of training, wellbeing supports and opportunities for intra-staff team building and engagement during online 'Communications Days' delivered by the Communications Unit.

GSOC is proud to have a **vibrant and diverse workforce**. GSOC conducts its recruitment through the Public Appointments Service, who operate an equal opportunities policy and whose work is subject to a long-term Equality, Diversity and Inclusion Strategy. As GSOC transitions to become a larger body with a broader remit under planned reforms, we are committed to preserving and enhancing the diversity of our workforce, and ensuring it is reflective of the diversity of the community to whom we provide a service.

5. 2021 AT A GLANCE

GSOC'S SERVICE DELIVERY IN NUMBERS

COMPLAINTS RECEIVED
2,189
(12% INCREASE)

PUBLIC INTEREST INVESTIGATIONS UNDERTAKEN
13
IN ABSENCE OF A COMPLAINT

ALLEGATIONS WITHIN COMPLAINTS
3,760

S102 REFERRALS
59
(40% INCREASE)

CHILD PROTECTION REFERRALS TO TUSLA

53

MANDATORY

21
FILES FORWARDED TO THE DPP

103

NON-MANDATORY

60 SANCTIONS IMPOSED BY THE GARDA COMMISSIONER FOLLOWING COMPLAINTS

COMPLAINTS CLOSED
2,078
CONTAINING
3,878 ALLEGATIONS
(21% INCREASE)

3,286 CALLS RECEIVED TO THE LO CALL NUMBER

MEETING OUTCOMES IN OUR STATEMENT OF STRATEGY

Independent complaints handling and investigation of alleged police misconduct in the public interest

In 2021, as Ireland faced further pandemic restrictions, GSOC continued to deliver on its remit: receiving and processing complaints from the public, initiating investigations, and progressing cases to completion.

A high performing, well respected organisation

In 2021, GSOC:

- Published its Statement of Strategy 2021-2023
- Established a Quality Management Unit
- Put in place a new Learning and Development Programme

Excellent customer service

In 2021 GSOC continued to deliver an essential service to members of the public including:

- Received **2189** complaints
- Processing of **108** data access requests
- Providing material for reply to **49** parliamentary questions
- Handling **70** freedom of information requests

Smooth transition to GSOC's successor body

2021 was a landmark year for the future of GSOC with the publication of the Scheme of the Policing, Security and Community Safety Bill. During 2021, GSOC:

- Established a Transition Project to guide institutional reform, and to work with staff on the challenges and opportunities it presents
- Engaged with stakeholders in the Department and Oireachtas
- Published its observations on the Bill

NOTABLE EVENTS

In February 2021, two new Commissioners were appointed to GSOC by the President: Ms Emily Logan and Mr Hugh Hume

The Scheme of the Policing, Security and Community Safety Bill was published in April 2021 setting out proposed new legislation to reform GSOC and expand its remit

GSOC Chairperson Ms Justice Mary Ellen Ring finished her term with GSOC after joining the organisation in August 2015

Cabinet approved the nomination of Judge Rory MacCabe as a member of and the next Chairperson of GSOC

STAFF AND BUDGET



123
STAFF

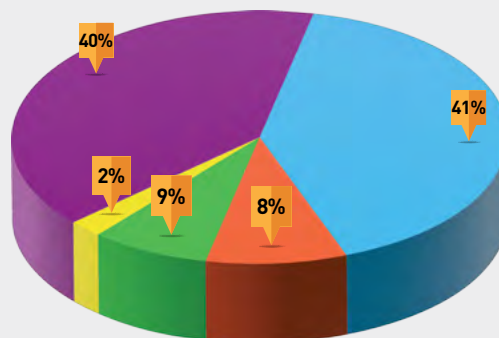


11.273M
BUDGET

In 2021 GSOC showed leadership internationally as an active member of

- **The Network of European Integrity and Whistleblowing Authorities (NEIWA)**
- **The Independent Police Complaints Authorities Network (IPCAN)**
- **European Partners Against Corruption (EPAC)**

INVESTIGATIONS OPENED BY TYPE



- Unsupervised disciplinary investigation by Garda Síochána (s.94(1)) 40%
- Criminal investigation by GSOC (s.98) 41%
- GSOC-led disciplinary investigation (s.95) 8%
- Disciplinary inv. by Garda Síochána supervised (s94(5)) 9%
- Discontinued prior to initiation of investigation 2%

A hand is using a handheld barcode scanner to scan a package. The package is wrapped in clear plastic and has a yellow radiation warning symbol on it. A barcode is visible on the package. The scanner is black and grey. The background shows a desk with a keyboard and a mouse.

6 GOVERNANCE, FINANCE AND INTERNAL CONTROLS

6. GOVERNANCE, FINANCE AND INTERNAL CONTROLS

Governance and Structure

The Garda Síochána Ombudsman Commission was established under the Garda Síochána Act, 2005. The functions of the Commission are set out in Section 67 of this Act.

The Ombudsman Commission

The Ombudsman Commission consists of three members, one of which is appointed as Chairperson. At least one of the three members must be male and one female. All members of the Ombudsman Commission are appointed by the President on nomination by the Government and the passage of resolutions by both houses of the Oireachtas recommending their appointment. In 2021, the Ombudsman Commission comprised:

Ms. Justice Mary Ellen Ring (Chairperson – Ms Justice Ring’s term ended on 11 December 2021),

Mr. Hugh Hume (Mr Hume took up his appointment in February 2021),

Ms. Emily Logan (Ms Logan took up her appointment in February 2021).

Governance

The Ombudsman Commission is responsible for the control and direction of the Garda Síochána Ombudsman Commission, for ensuring good governance and for which it is accountable to the Minister for Justice.

Responsibilities and Objectives

Sections 65 to 67 of the Act set out the membership, terms and conditions, appointment, functions and objectives of the Ombudsman Commission. Along with its statutory functions and objective, its responsibilities also include:

- promoting the success of GSOC by leading and directing GSOC’s activities;
- providing strategic guidance to GSOC while

monitoring and supervising the discharge of its delegated functions;

- reviewing and guiding strategic direction, major plans of action, risk management policies and procedures, annual budgets and business plans;
- setting performance objectives, monitoring implementation and performance, and overseeing major capital expenditure decisions;
- acting on a fully informed and ethical basis, in good faith, with due diligence and care, and in the best interest of GSOC, subject to the objectives set by Government;
- promoting the development of the capacity of GSOC including the capability of its leadership and staff, and
- holding senior management to account for the effective performance of their delegated functions and responsibilities.

Certain key decisions are reserved to the Commission, including:

- Approving capital projects;
- Putting in place delegated authority levels, financial management policies and risk management policies;
- Approving terms of major contracts;
- Approving significant acquisitions, disposals and retirement of assets;
- Approving annual budgets;
- Assurances of compliance with statutory and administrative requirements in relation to the approval of the number, grading, and conditions of appointment of all staff;
- Setting the organisation’s strategy, and
- Producing Annual Reports and accounts.

Meetings of the Ombudsman Commission

In 2021, the Ombudsman Commission met formally once a month, except in the month of August.

Table A: Attendance at Monthly Commissioners' Meetings 2021

Meetings of the Ombudsman Commission		
Name	Position	No. of meetings attended
Ms Justice Mary Ellen Ring	Chairperson	10
Mr Hugh Hume	Commissioner	9
Ms Emily Logan	Commissioner	10
Mr Darren Wright ¹	Director of Operations	7
Ms Aileen Healy	Director of Administration	10
Ms Claire O'Regan ²	Head of Legal	7

The Senior Management Team

The Senior Management Team (SMT), reporting to the Commission, are responsible for the day-to-day management of the organisation.

The Senior Management Team comprised:

- Ms Aileen Healy, Director of Administration;
- Mr. Darren Wright, Director of Operations/ Head of Knowledge & Quality Management;
- Mr Garrett Croke, Deputy Director of Operations;
- Mr Nick Harden, Deputy Director of Operations;
- Mr Jon Leeman, Acting Deputy Director of Operations;
- Mr George O'Doherty, Deputy Director of Administration; and
- Ms. Claire O'Regan, Head of Legal Affairs.

Performance delivery and oversight

In July 2021, the Garda Síochána Ombudsman Commission and the Department of Justice signed an Oversight Agreement for 2021-22, in accordance with the Code of Practice for the Governance of State Bodies. The Oversight Agreement sets out the broad governance and administrative accountability framework within which GSOC operates, and defines the key statutory and administrative roles, responsibilities and commitments which underpin the relationship between GSOC and the Department. The Agreement also sets out the arrangements for the effective governance, funding and general administration of GSOC in accordance with the Code. Any derogations or exceptions from the Code have been agreed with the Department and are laid out in the Oversight Agreement. On the same date, both bodies signed a separate but complimentary Performance Delivery Agreement for 2021, also in accordance with the relevant provisions of the Code of Practice for the

1. Mr Wright's term as Director of Operations concluded on 08 September 2021, upon which he took up the position of Head of Knowledge and Quality Management
2. Ms. O'Regan took up her appointment with effect from 01 March 2021.

Governance of State Bodies. This agreement set out, in the context of the resource inputs provided by the Department, the metrics and associated targets by which the performance of GSOC in 2021 was measured.

Quality management

The management of quality is a key priority for GSOC, in line with our high-level strategic goals to provide an independent complaint handling and investigation function, be a high-performing well-respected organisation and the delivery of excellent customer service.

At the end of 2020, GSOC undertook a review to identify opportunities to improve internal processes that support high quality performance across the organisation and to develop an approach to quality management. As a result, a Quality Management Unit was established with a remit to develop a quality framework, to put in place and monitor compliance with quality standards, to raise awareness of the importance of the provision of a quality customer service and to provide assurance regarding the quality of GSOC's work and compliance with statutory and other obligations.

Finance

Funding

GSOC is funded through the provision of an annual grant from the Vote for the Department of Justice. The Secretary General of the Department is the Accounting Officer for the Vote and for funding provided to the Commission.

Section 77 of the Act requires GSOC to keep, in such form as may be approved by the Minister for Justice with the consent of the Minister for Public Expenditure and Reform, all proper and

usual accounts of money received and expended by it. The Commission is responsible for keeping adequate accounting records which disclose, with reasonable accuracy at any time, its financial position and enable it to ensure that the financial statements comply with Section 77 of the Act. The Chairperson is responsible for the preparation of GSOC's accounts.

Expenditure in 2021

GSOC received a funding allocation of €11.273 million from the Department of Justice Vote for 2021. During the year, following discussions with the Department, it was agreed that the Department would manage overall funding within the Vote such that GSOC could incur additional expenditure in the region of €300,000 in 2021. This was required to provide additional resources to meet significant additional workload arising from an increased number of complaints and the growing complexity of the matters being investigated by GSOC. This in effect brought GSOC's overall funding in 2021 to €11.572m.

The Department also agreed to consider funding requirements for GSOC as part of the 2022 Estimates process, resulting in an 18.9% increase of €2.133 million to €13.406 million in the funding allocation for 2022.

Total expenditure by GSOC in 2021 amounted to €11.611 million as shown in Table B, analysed by expenditure category.

Table B: GSOC Expenditure 2021

Category	2021 Budget €	Expenditure Subhead	2020 Expenditure €
Pay	8,338,833	A01 - Pay & Allowances	7,830,439
Non-Pay	2,933,674	A02 - Travel & Subsistence	111,327
		A03 - Incidental Expenses	844,192
		A04 - Postal & Telecommunication Services	129,450
		A05 - Office Machinery & Other Office Supplies	873,881
		A06 - Office & Premises Expenses	1,822,028
		Total	11,272,507

Key management personnel

Total salaries paid to key management personnel by the Garda Síochána Ombudsman Commission amounted to €524,963.

Non-salary related fees

No non-salary related fees were paid in respect of members of the Ombudsman Commission for 2021.

Employee benefits

The number of employees whose total employee benefits paid in 2021 fell within each of the following pay bands is shown in table C (these figures include salary, overtime allowances and other payments made on behalf of the employee but exclude employer's PRSI):

Consultancy and legal costs and settlements

Expenditure in 2021 included the cost of external advice to management and general legal advice received by the Garda Síochána Ombudsman Commission amounting to €105,042.

Expenditure in relation to legal costs, settlements and conciliation and arbitration proceedings relating to contracts with third parties was €220,299 in 2021.

The financial statements including the Statement of Internal Control in GSOC below have not yet been audited by the Comptroller and Auditor General and consequently the financial information provided in this report remains provisional.

Internal Control Environment

System of internal controls

A system of robust and effective internal controls systems and procedures is in place in GSOC to ensure compliance, as appropriate, with the relevant principles, requirements and guidelines of government financial procedures, the Public Spending Code, and to mitigate against risk. An annual review of the effectiveness of internal control systems is undertaken to ensure all aspects of risk management and internal control for the year have been considered and to provide assurance regarding the adequacy of internal control systems to mitigate and/or manage key inherent risks.

Table C: Employee Benefits Breakdown

Range	Number of Employees	
	2021	2020
€60,000 - €69,999	21	21
€70,000 - €79,999	16	14
€80,000 - €89,999	3	4
€90,000 - €99,999	5	3
€100,000 - €109,999	2	2
€110,000 - €119,999	1	-
€120,000 - €129,999	2	-
€130,000 - €139,999	-	-
€140,000 - €149,999	-	3
€150,000 - €159,999	1	-

Audit

The financial statements of GSOC are subject to annual audit by the Comptroller and Auditor General.

Arrangements have been put in place to avail of the Internal Audit Service of the Department of Justice, which reports to the Department's Audit and Risk Committee. The Department's Internal Audit Unit undertakes audits of GSOC's internal controls and reports to the Commission and to the Department's Audit and Risk Committee annually.

The Commission decided in February 2021, in the interests of good governance, to establish its own Audit and Risk Committee to oversee the management of risk and internal controls in the organisation and to provide the Commission with independent assurance as regards the governance, internal control systems and management of risk in GSOC.

This decision takes account of the intention, under the General Scheme of the Policing, Security and Community Safety Bill on foot of recommendations made by the Commission on the Future of Policing in Ireland, that the new Ombudsman body be funded directly with an Exchequer Vote. As part of GSOC's preparations for these changes the early establishment of an Audit and Risk Committee to bring oversight of and advise on the establishment of the Vote and the associated governance arrangements, as well as overseeing the general transformation of the organisation's structure and processes and the management of the risk associated with this transformation, will be beneficial. Arrangements are on course to establish the Committee in early 2022.

Risk management

GSOC has a Risk Management Policy in place which includes a Chief Risk Officer with overall responsibility for risk management. GSOC's Risk Register identifies specific risks, details the controls and actions needed to mitigate those risks and assigns responsibility for the mitigation and operation of controls. A review of the Risk Management policy and procedures, along with a detailed review of the Risk Register was initiated in 2021.

Statement of Internal Control in GSOC

The Garda Síochána Ombudsman Commission hereby acknowledges our responsibility for ensuring that an effective system of internal controls is maintained and operated. This responsibility takes account of the requirements of the Code of Practice for the Governance of State Bodies

Purpose of the System of Internal Control

The system of internal control can only provide reasonable, and not absolute assurance, that assets are safeguarded, transactions authorised and properly recorded, and that material errors or other irregularities are either prevented or would be detected on a timely basis. The Commission is satisfied that the systems which it has in place are reasonable and appropriate for the Commission's circumstances having regard to its size, level of expenditure, staff resources and the nature of its operations.

Internal Control Environment

The following steps have been taken to ensure an appropriate control environment:

- Internal reporting relationships are clearly assigned;
- Management responsibilities are clearly assigned and communicated between the Director of Administration, Corporate Services and the Finance Team;
- Decisions on expenditure rest with line managers and the members of the Commission in line with approved expenditure thresholds;
- Shared service arrangements were availed of in relation to the provision of a number of financial management and related services to GSOC:
 - The Department of Justice provided an agency payment service;
 - Payroll Shared Service Centre, which is part of the National Shared Services Office, processed payroll and travel and subsistence claims.
 - The Department of Justice provided internal audit, fixed asset register maintenance, purchase ordering and tax filing services.
- When required, additional services are procured from external providers to supplement these services;
- Robust financial procedures and controls are in place and an external accounting firm is engaged to prepare GSOC's financial statements.
- GSOC has systems in place for the monitoring of risk and, in so far as possible having regard to the operating environment, dealing with the risks that have presented throughout 2021.

The Garda Síochána Ombudsman Commission met formally to discharge its governance responsibilities on 11 occasions in 2021.

Risk and Control Framework Risk Management

The Commission has established processes to identify and evaluate business and financial risks by putting a Risk Register and Risk Management Policies in place to:

- Identify the nature and extent of financial and operational risks;
- Assess the potential of risks occurring;
- Evaluate and assess capacity to manage the risks that do occur;
- Examine risks in the context of strategic goals;
- Put actions in place to mitigate risks; and
- Regularly report on risks.

GSOC's risk management process includes:

- A Chief Risk Officer who has overall responsibility for overseeing the management of risk and keeping the Commission informed of high-level risks and their mitigation;
- A Risk Management Policy which sets out the processes in place for the identification, assessment, management and mitigation of risks in the organisation; and
- A Risk Register which contains details of risks and their mitigation and which is kept up to date on an ongoing basis. This register identifies specific risks, details the controls and actions needed to mitigate those risks and assigns responsibility for the mitigation and operation of controls.

Risk is a formal agenda item for the monthly Commissioner meetings and is a standing agenda item for SMT meetings.'

The Department of Justice's Audit and Risk Committee remit included the Garda Síochána Ombudsman Commission throughout 2021. In 2021, the Commission decided to establish its own Audit and Risk Committee in 2022 to oversee the management of risk and internal controls in the organisation and to advise the Commission in relation to matters of audit, governance and risk.

Monitoring and Review

The system of internal control is based on a range of control measures, which includes management of information, administrative procedures and a system of delegation and accountability. In particular, this involves:

- Comprehensive budgeting with an annual budget which is reviewed regularly by senior management;
- Submission of monthly finance reports to the Director of Administration for review; and
- Regular review by the Commission and Corporate Services of financial information;

Mechanisms have been established for ensuring the adequacy of the security of the Commission's information (internally within GSOC) and communication technology systems.

Incidents of Significant Control Failings

In 2021, acting in response to a general advisory alert from the National Cyber Security Centre (NCSC), a review of the relevant ICT systems conducted by GSOC identified a potential vulnerability associated with an attempted cyber-security incident. Working with the NCSC, a full examination

was conducted of GSOC's systems. This examination found no breach or loss of GSOC information or data. The NCSC also concluded that GSOC identified, contained and resolved the incident by taking correct and appropriate mitigating actions in a timely and efficient manner.

GSOC takes the issue of security extremely seriously and has processes in place to promptly deal with incidents of this nature. Arising out of this incident, GSOC has acted on recommendations made by the NCSC to upgrade our systems for providing real time threat monitoring, detection and prevention measures.

Compliance with the Public Spending Code

The Garda Síochána Ombudsman Commission has procedures in place to ensure compliance with current procurement rules and guidelines as set out by the Office of Government Procurement. During 2021, the Garda Síochána Ombudsman Commission complied with those procedures with the exception of goods and services supplied to the value of €14,638 in respect of licensing to accommodate a specific urgent investigation that was sensitive in nature and required the use of a separate system. In addition, services to the value of €41,582 were procured under exceptional circumstances without a tender process, in consultation with the National Cyber Security Centre, in order to undertake an urgent review of ICT systems following a potential vulnerability associated with an attempted cyber-security incident.

COVID-19

The Ombudsman Commission was aware of the potential for weaknesses in internal controls resulting from COVID-19 in 2021 and has taken measures to monitor and update internal controls where necessary.

Approval by the Commission

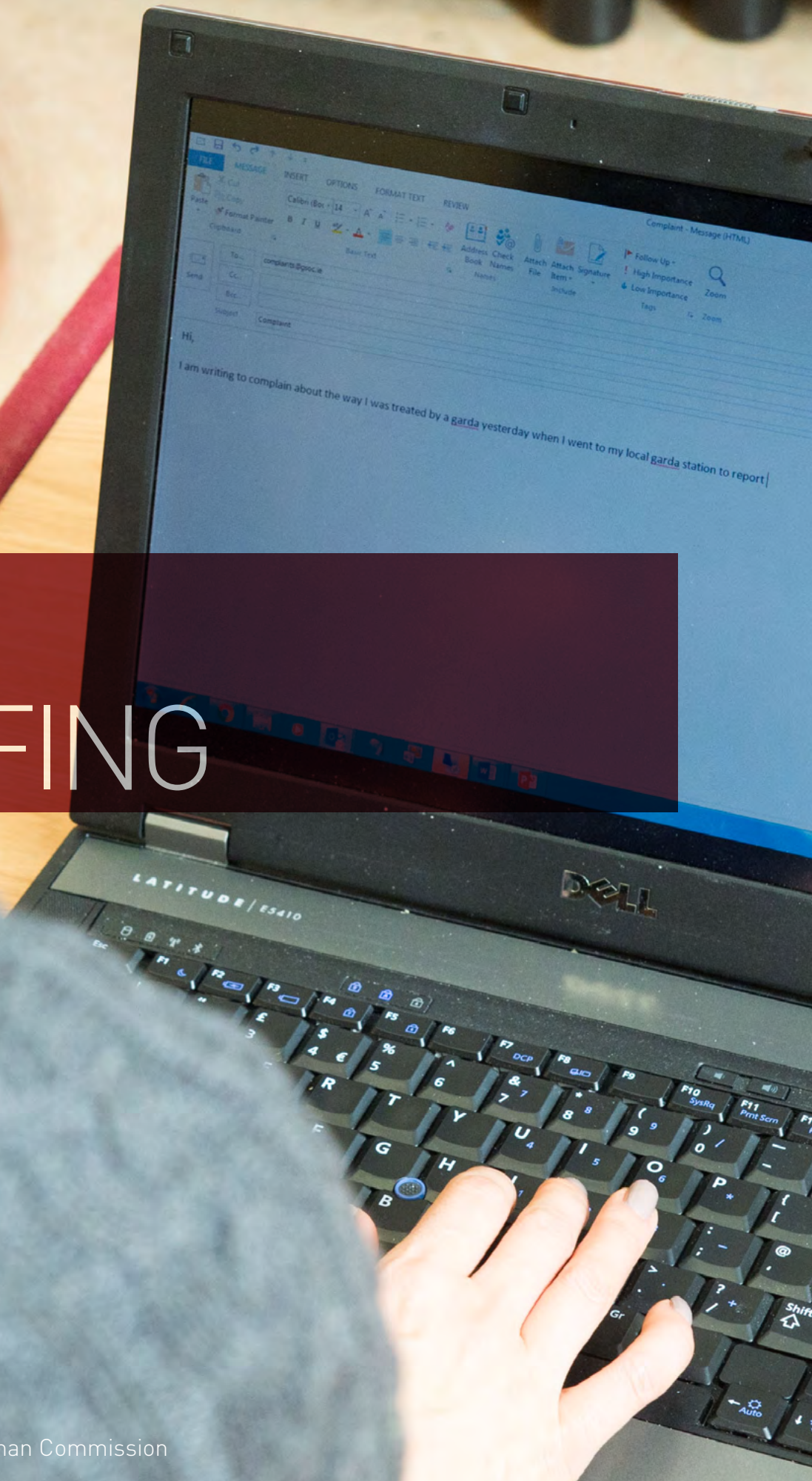
The statement on System of Internal controls has been reviewed by the Commission to ensure it accurately reflects the control system in operation during the reporting period.

The Commission is reasonably assured that the system of internal controls instituted and implemented in the Garda Síochána Ombudsman Commission for the financial year ended 31st December 2021 were effective.



Signed
Mr. Justice Rory MacCabe, S.C.
Chairperson

7 STAFFING



7. STAFFING

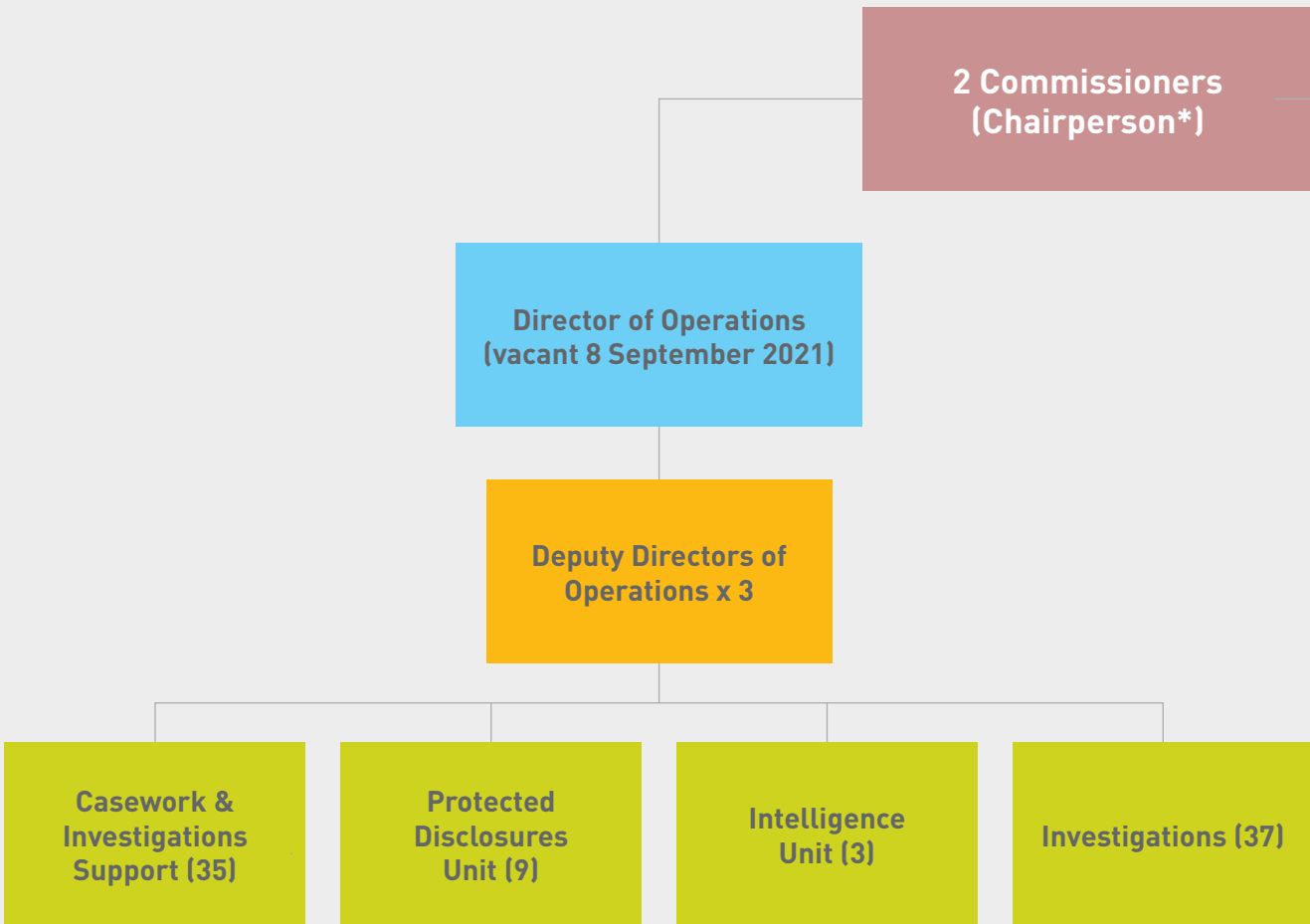
In accordance with section 71 (3) of the Act officers of the Garda Síochána Ombudsman Commission are Civil Servants in the Service of the State. Section 71 (4) of the Act provides that the Ombudsman Commission is the appropriate authority (within the meaning of the Civil Service Commissioners Act, 1956 and the Civil Service Regulation Acts, 1956 to 1996) in relation to its officers.

At 31 December 2021, GSOC had 123 staff in place of a total complement of 135. Recruitment processes were underway to fill a number of vacancies.

Chart 1 shows the organisation structure and resources at 31 December 2021.

The National Shared Services Office (NSSO) provides a suite of HR, performance management, payroll and pensions administration services on behalf of GSOC under a Service Level Agreement.

In 2016, GSOC established policy and procedures for its own staff to make disclosures under the Protected Disclosures Act, 2014. No internal disclosures were received under this policy in 2021.

Chart 1: GSOC organisational structure and staffing resources at 31 December 2021

Learning and Development

As was the case in 2020, GSOC continued to provide training and development of its staff in 2021 which was delivered mainly by eLearning means due to COVID-19 with staff availing of both internal and external training and learning opportunities, including those provided by the Civil Service One Learning Shared Service.

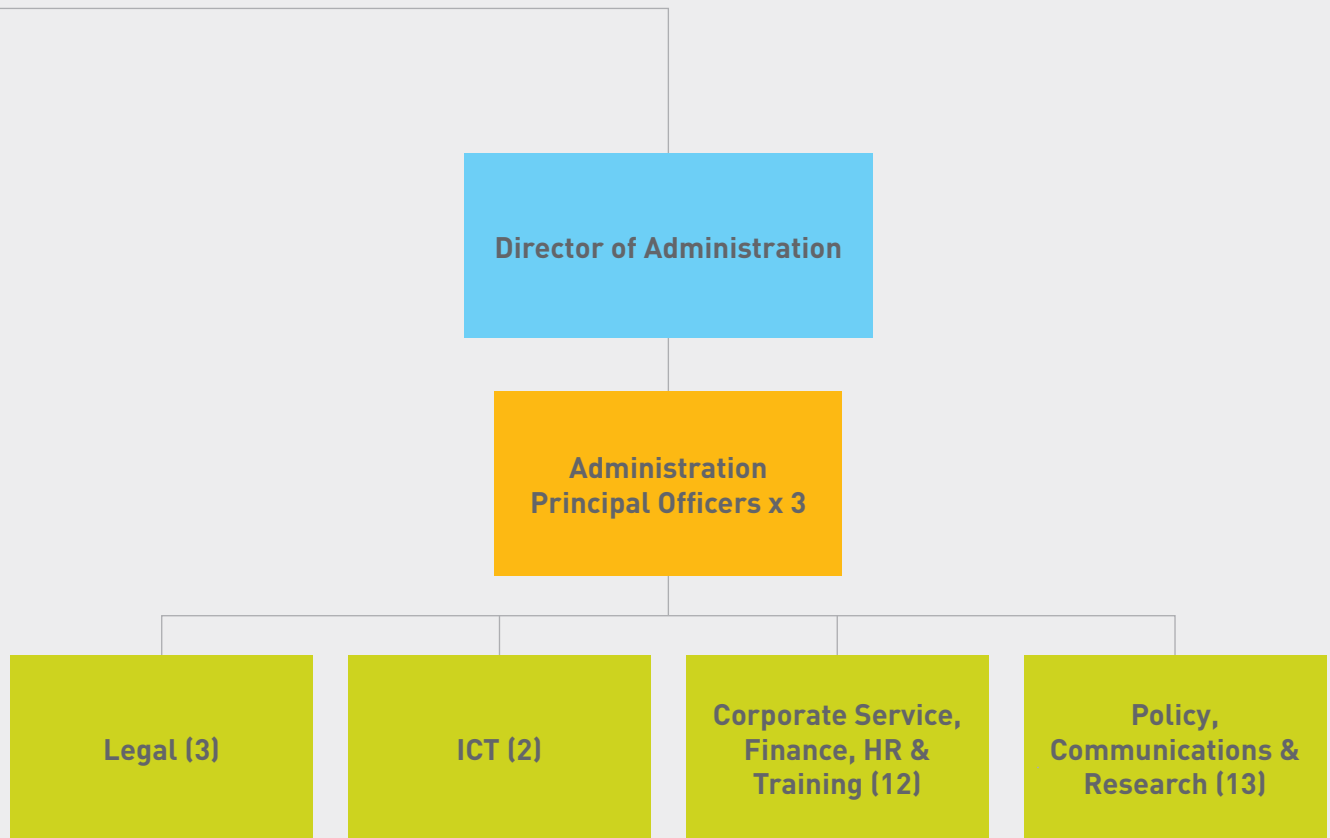
In 2021, the Unit facilitated 48 different training courses or programmes for GSOC staff, 25 of which were provided by the One Learning Shared Service. A total of 102 staff members attended one or more of these courses.

Training provided to GSOC staff in 2021 included:

- Investigative Interview Training;
- Professional Certificate in Whistleblowing Law and Practice;
- Human Rights Law in Ireland;
- Data Protection Impact Assessment Training;

- Dealing with Difficult/Vulnerable callers;
- Health & Safety;
- Various Microsoft courses including Word and Excel.

In addition, GSOC continued its policy of supporting a number of GSOC staff who pursued educational and training courses on their own time and in accordance with the refund of fees scheme provided for under DPER Circular 23/2007. This circular sets out the arrangements to facilitate Government Departments and Offices in building appropriate skill and expertise levels, and in supporting officers' efforts in the area of self-development and life-long learning. By supporting staff in this way, GSOC is committed to the on-going need to develop new skills and new ways of working in order to enhance workplace performance in the organisation, in addition to recognising that assisting staff's career development is a worthwhile investment.



Some of the courses undertaken by staff in GSOC under the Refund of Fees scheme include:

- Diploma in Psychology of Criminal Behaviour;
- BA in Law;
- MA in Criminal Justice;
- Forensic Computing and Cybercrime.

Following a review of its training programme in 2021, GSOC implemented its new Learning & Development Strategy for 2021-2023 in the final quarter of 2021. The purpose of this strategy is to provide staff with the required training skills and development opportunities so that GSOC's objectives, as outlined in the Statement of Strategy 2021-2023 can be achieved. The strategy will focus on the continued investment in and delivery of appropriate and relevant learning interventions, embedding a learning and development culture within GSOC by ensuring that learning and development becomes a key element of the business planning process.

As a first step in the implementation of this new strategy, GSOC has re-established its Training Coordination Committee to identify the training and development needs of staff across the entire GSOC organisation and to co-ordinate the implementation of a programme of training and development commencing in early 2022 to ensure that GSOC staff have the competencies, knowledge and skills to carry out GSOC's statutory functions in accordance with best practice and to meet future organisational needs.

8 COMPLAINTS



8. COMPLAINTS

How GSOC Receives and Investigates Complaints

Sections 83 to 101 of the Act sets out how complaints alleging Garda misconduct are made to GSOC. For a complaint to be admitted by GSOC you must be directly affected by what you believe is Garda misconduct, you must witness the alleged misconduct or you can make a complaint on behalf of someone if you have their consent. Complaints can be made to GSOC in a number of ways, by filling out a GSOC1 complaint form online, in writing, by post, via email or via correspondence from Garda stations.

Admissibility

All complaints received by GSOC are assessed against a list of criteria outlined in section 87 of the Act. If a complaint does not meet the criteria it will not be admitted by GSOC and will be deemed inadmissible.

For a complaint to be investigated it must meet the following criteria:

- It must be made by (or, in certain circumstances, on behalf of) a person who is directly affected by, or who witnesses, the conduct subject of complaint;
- It must relate to behaviour by a member of the Garda Síochána which would, if proven, constitute a criminal offence or a breach of Garda discipline;
- It must be made within one year of the incident which is the subject of the complaint;
- It must not be frivolous or vexatious;
- It must not relate to the general direction and control of the Garda Síochána by the Garda Commissioner;
- It must 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.

Types of complaints

Disciplinary

Complaints received by GSOC involving alleged breaches of discipline are investigated under section 94 or 95 of the Act. Under the current legislation, breaches of discipline may be investigated in one of these ways:

- Unsupervised investigations are referred for investigation to the Garda Síochána and managed by Garda Senior Investigations Officer (GSIO) as set out in the Act. These investigations are required to be complete within a 16-week timescale.
Unsupervised investigations are subject to review mechanisms if the complainant is unhappy with the result. A request can be made by you to review the investigation under section 94(10) of the Act.
- Supervised investigations are conducted by a member of Superintendent rank and supervised by a GSOC investigator. These investigations are required to be complete in a timescale of 20 weeks.
- GSOC-led disciplinary investigations, carried out by GSOC's own investigators. Such investigations often arise where disciplinary, or systemic policy matters are identified during the course of a criminal investigation, and which require separate follow-up. These are dealt with under section 95 of the Act.

The case studies in the following sections include examples of some disciplinary investigations.

Criminal

All complaints that contain allegations of a criminal nature against Gardaí are investigated by GSOC investigators. Such investigations take place under section 98 of the Act. When conducting criminal investigations, GSOC investigators have full policing powers, equivalent to all the powers, immunities and privileges conferred and all the duties imposed on members of the Garda Síochána.

The case studies in the following sections include examples of some criminal investigations.

Our Local Intervention Initiative

Begun on a pilot basis in 2018, and now a core part of how we handle complaints, the Local Intervention initiative aims at resolving more minor service-level complaints at a local level, without the need for a formal investigation. Such complaints tend to relate to allegations of discourtesy or failures that would represent lower level examples of neglect of duty. Under this process, nominated Garda inspectors contact complainants who have indicated that they wish to engage in the initiative, and seek to address the issue through dialogue. The focus of the process is on addressing the problem, rather than apportioning blame.

Should the intervention not be successful, the complaint returns to GSOC, and is assessed for admissibility.

The initiative was launched to reduce the time taken for complaints to be addressed, by identifying cases where the launch of an investigation under section 94 of the Act would not be in the best interest of the complainant, and would be an unnecessary drain on GSOC and Garda resources.

Local Intervention has seen good engagement by An Garda Síochána, and has had a positive impact for Gardaí, GSOC and complainants alike, providing a more efficient means of addressing service-level complaints. For a breakdown of the outcomes and impact of our local intervention in initiative in 2021, and some case studies, see section 12.

Key Facts and Figures for Complaints in 2021

Volume of queries

In the first instance, queries and complaints are handled by GSOC's Casework Unit.

In 2021, caseworkers dealt with **4,615** queries. Initially each contact is opened on our system as a 'query', until we have sufficient information to upgrade it to a complaint and assess if for admissibility.

GSOC received **3,286** calls to the lo-call number throughout 2021. This was a significant increase on the 1,132 calls received in 2020. However, a direct comparison between years is not possible given the varying impact of COVID-19 across 2020 and 2021. Some **94 per cent** of the calls received were answered within 60 seconds.

Due to COVID-19 restrictions, it was necessary to close the GSOC public office facility for a number of months of 2021. When the restrictions were eased later in the year GSOC reopened the public office facility for members of the public.

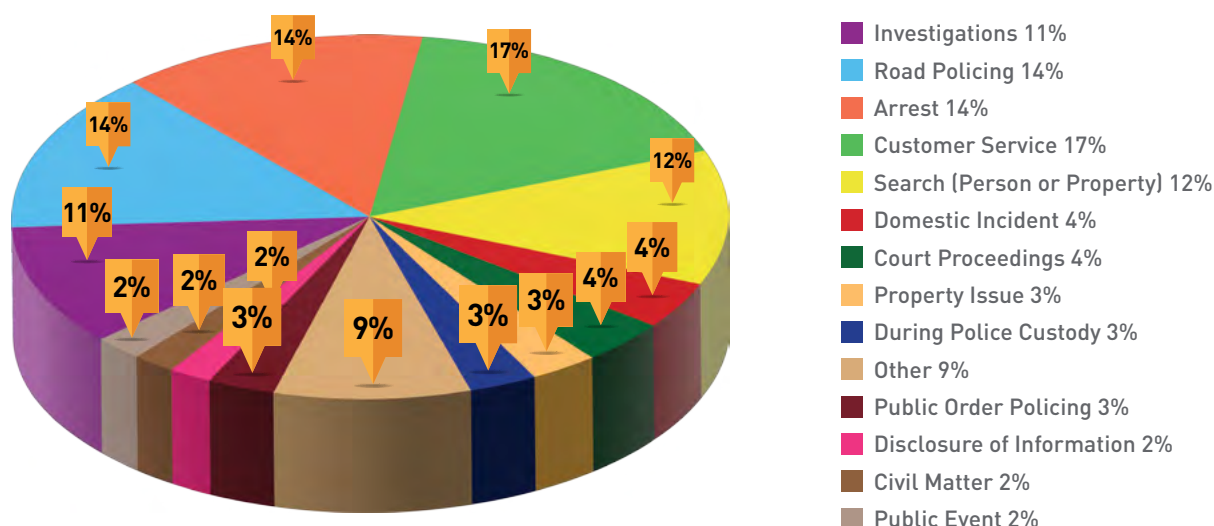
Caseworkers met with **11** people in our public office from mid-October to December 2021. This compared to a total of 51 interactions in the public office throughout 2020.

Volume of complaints

A total of **2,189** complaints were opened in 2021, a **12 percent** increase on the 2020 figure (1,955). A complaint may contain more than one allegation, and the 2,189 complaints received in 2021 contained 3,760 separate allegations.

The most common circumstances which gave rise to complaints in 2021 were 'customer service' at 17 per cent and the conduct of Gardaí during road policing incidents and during arrests at 14 per cent each.

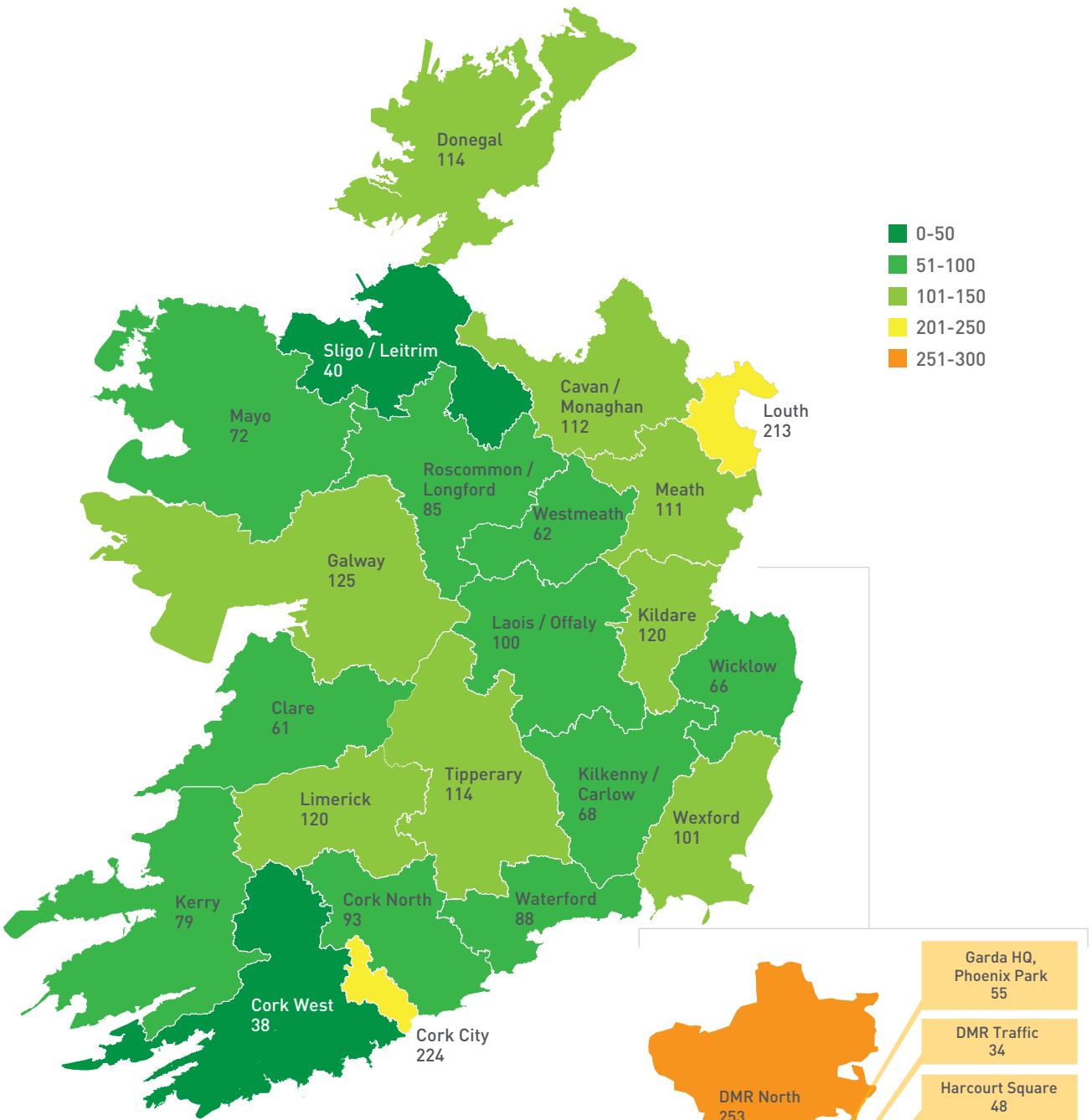
Chart 2: Circumstances of Complaints Received (Total Complaints: 2,189)



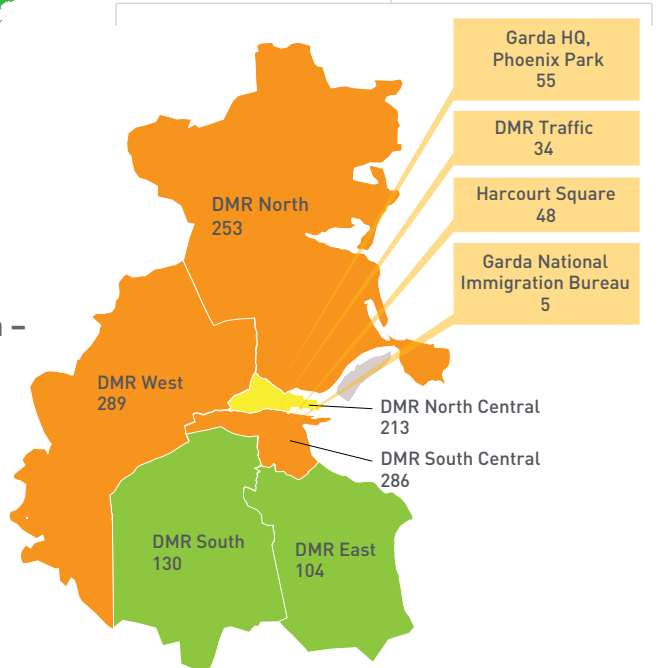
Geographical distribution of complaints and allegations

The maps overleaf show the geographical distribution of allegations in complaints made against Gardaí in 2021. They show all the allegations, those that have been determined to be admissible, those that have been determined to be inadmissible, and those on which admissibility decisions had not yet been made by 31 December 2021. Excluded are 137 allegations for which Garda divisions had not yet been established by the end of the year.

Map 1: Allegations by Garda Division (excluding Dublin Metropolitan Region)



Map 2: Allegations by Garda Division – Dublin Metropolitan Region (DMR)



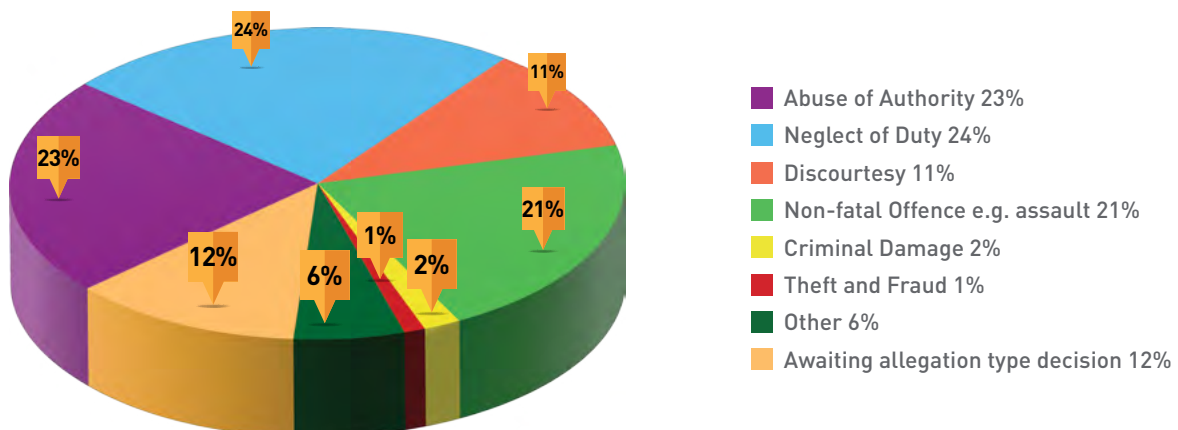
The greatest number of allegations recorded against Gardaí was in the Dublin Metropolitan Region (DMR). This would be expected given the concentration of population and policing activity in the capital. Within the DMR, the highest numbers came from DMR West, with 289 allegations, and DMR South Central, with 286 allegations. In 2020, DMR North and DMR West had the highest number of allegations.

Outside the DMR, Cork City and Louth respectively were the divisions with the highest number of allegations against Gardaí in 2021.

What people complain about

The chart below gives a breakdown of allegation types for 2021.

Chart 3: Allegation Types in Admissible Complaints (Total Allegations: 2842)



Common matters about which people complain to GSOC include:

- Neglect of Duty – allegations that a Garda failed to take an action that could have been reasonably expected. This could range in seriousness from not returning a phone call to failure to properly investigate an alleged serious crime.
- Abuse of Authority. This might include 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 related to the manner in which a Garda spoke to or behaved towards a person.

Admissibility decisions

In 2021, a total of 2189 complaints were received, of which 1332 (61 per cent) were deemed admissible (containing at least one admissible allegation). A total of 855 (39 per cent) were deemed inadmissible.

Chart 4: Complaint Admissibility Decisions (Total Complaints: 2189)

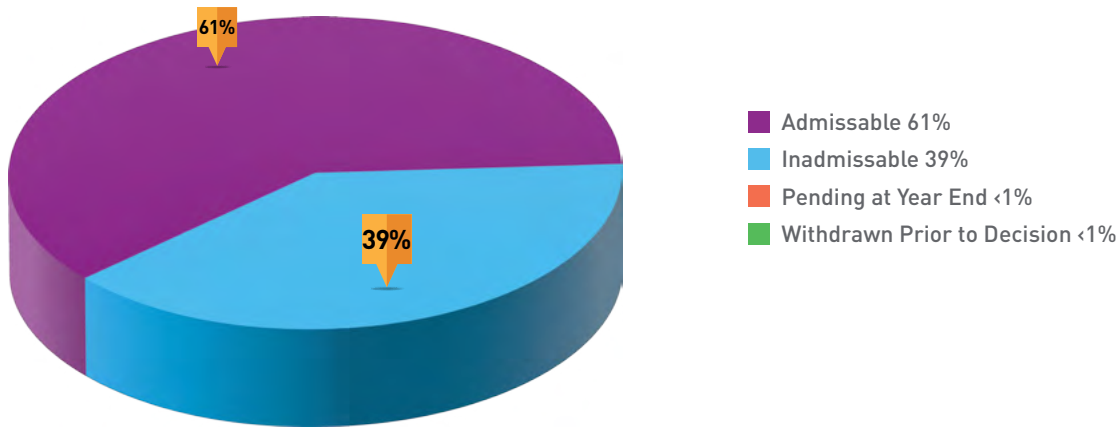
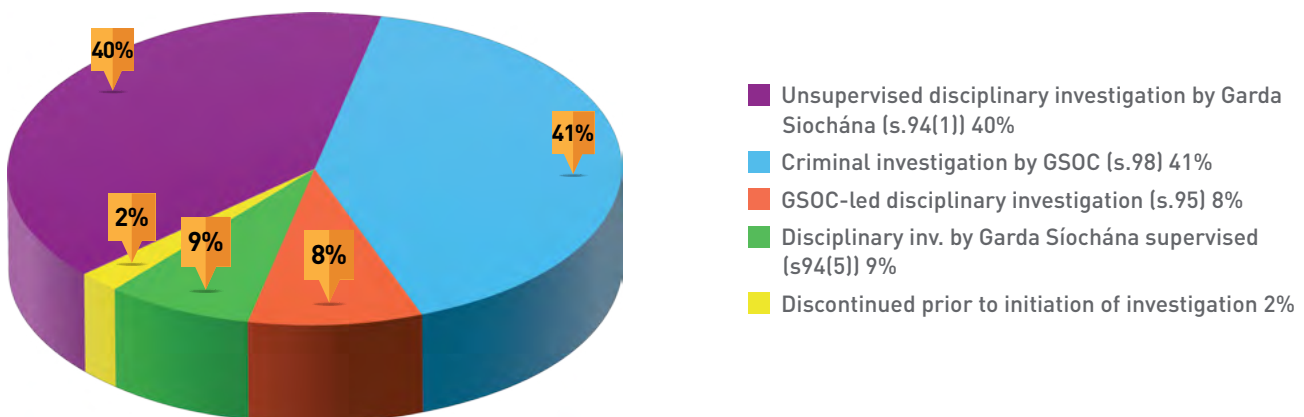


Chart 5: Investigations Opened by Type (Total Complaints Admitted for Investigation: 1,332)



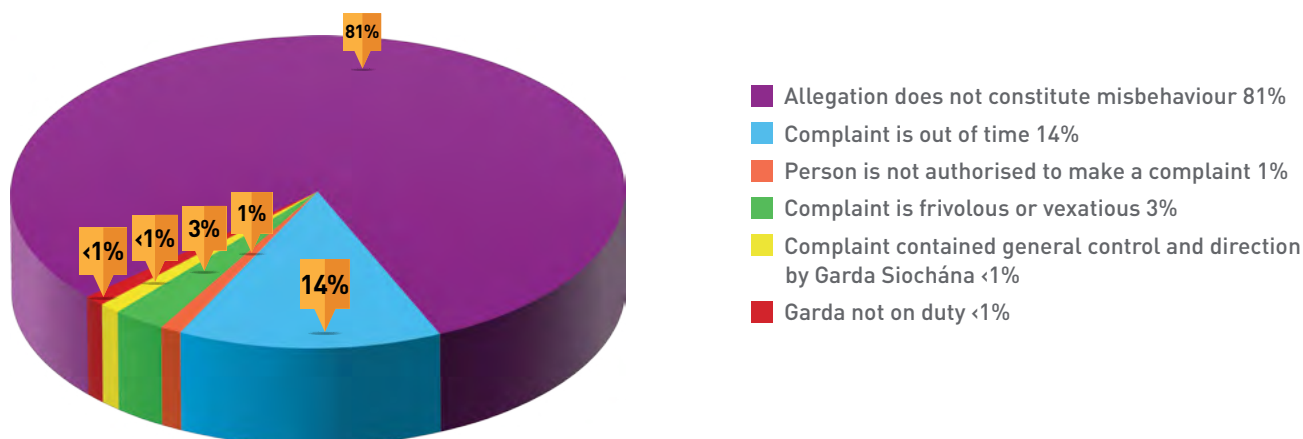
The 1332 admissible complaints (containing at least one admissible allegation) were dealt with in one of five ways:

- Criminal Investigations - 557
- Unsupervised disciplinary investigations - 533
- Supervised investigations - 118
- GSOC-led non – criminal investigations - 101
- Discontinued prior to initiation of investigation - 23

Inadmissibility decisions

The 855 complaints deemed to be inadmissible in 2021, which contained 916 allegations, were deemed so for the reasons outlined in the chart below.

Chart 6: Reasons for Inadmissibility of Allegations in Inadmissible Complaints (Inadmissible Allegations 916)



The most common reason for an inadmissibility decision – applying in **742** or 81 per cent of allegations—was that, even if proven, the alleged behaviour would not be a crime or a breach of the Discipline Regulations.

The second most common reason not to admit a complaint for investigation was because the allegation(s) fell outside the 12-month time limit set out in legislation. In 2021, **129** allegations or 14 per cent were determined to be inadmissible for this reason. While GSOC has some discretion to admit complaints outside the specified time period, there is a practical reason for a time limit in the majority of cases: the more time that has elapsed between the incident and the complaint, the more difficult it is to conduct an effective investigation which involves preserving evidence, finding potential witnesses, and securing accurate statements.

9 INVESTIGATIONS ON FOOT OF COMPLAINTS: OUTCOMES IN 2021

9. INVESTIGATIONS ON FOOT OF COMPLAINTS: OUTCOMES IN 2021

Overview of 2021 Investigation Outcomes

In 2021, 2,078 complaints containing 3,878 allegations were closed.

Of these, 1,219 complaints containing 2,957 allegations were admitted and investigated. The remainder were closed following a determination

of inadmissibility, withdrawn prior to an admissibility decision, or closed following the failure of the complainant to engage.

While the 1,219 complaints all contained one or more admissible allegations, 55 of the allegations contained in them were inadmissible, so these were not investigated. In total, 2,902 allegations were investigated and the outcomes are described in Table C.

Table C: Outcomes of complaints closed in 2021

Outcome/ Reason	Explanation	Type of investigation concerned	Number of allegations
Discontinued - Further investigation not necessary or reasonably practicable	The most common scenario here is that an investigation is discontinued because there is no independent evidence to prove an allegation	All types	1647
No breach of the Discipline Regulations identified	The allegations were investigated and the Garda whose conduct was complained of was found to have acted correctly	Supervised or unsupervised disciplinary investigation by the Garda Síochána (s.94), or GSOC-led disciplinary investigation (s.95)	384
Allegation withdrawn	The person who made the complaint indicated that they would not pursue it	All types	305
Non-cooperation by the complainant	The complainant failed to engage with the investigation	All types	155

Breach of Discipline Regulations identified and sanction applied	A range of sanctions may be applied depending on the gravity of the breach found (see Table D). Under the Act, the identification of the specific breach and any sanction to be applied are solely a matter for the Garda Commissioner under the Discipline Regulations. GSOC has no role in deciding or imposing sanctions	Supervised or unsupervised disciplinary investigation by the Garda Síochána (s.94), or GSOC-led disciplinary investigation (s.95)	60
No misbehaviour identified following criminal investigation	The most common scenario here is that there is no independent evidence to prove the allegation(s) made	Criminal investigation by GSOC (s.98)	317
Garda Discipline Regulations no longer apply	The Garda subject of a disciplinary investigation retired or resigned prior to, or during, the investigation	Supervised or unsupervised disciplinary investigation by the Garda Síochána (s.94), or GSOC-led disciplinary investigation (s.95)	19
Referred to the DPP - No Prosecution Directed	If there is evidence that an offence may have been committed following criminal investigation, the case is referred to the DPP, who decides whether or not to prosecute. See for example case studies 9 and 10 below	Criminal investigation by GSOC (s.98)	8
Referred to the DPP – Prosecution Directed	The DPP made a decision based on the evidence to direct a prosecution, resulting in a trial. See, for example, the case studies in Section 13 below	Criminal investigation by GSOC (s.98)	7
Total Outcomes			2,902

Reviews of Disciplinary Investigations

If a complainant is dissatisfied with the result of an unsupervised investigation undertaken by a Garda Superintendent, section 94(10) of the Act provides that they can request that 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 future investigations.

GSOC received **52** requests for review in 2021 (in relation to investigations completed in 2021 or other years), of which **16** were completed by year end.

Sanctions Imposed

Should a disciplinary investigation by the Garda Síochána under section 94 (either supervised or unsupervised) or GSOC -led disciplinary investigation 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 in 2021, following decisions of a breach of discipline, are set out in Table D.

Table D: Sanctions applied by the Garda Commissioner in 2021, following disciplinary investigations

Advice	31
Fine imposed	5
Warning	3
Caution	7
Reprimand	4
Reduction in pay not exceeding 2 weeks' pay	8
Reduction in pay not exceeding 4 weeks' pay	2
TOTAL SANCTIONS	60

In addition to the above outcomes, which were findings in relation to the behaviour of individual Gardaí, some disciplinary investigations highlighted situations where the problem may have arisen due to a systemic or management issue rather than the behaviour of an individual. With a view to reducing or eliminating the incidence of similar complaints in the future, a number of recommendations about policies and/or practices were sent to the Garda Commissioner – please see Section 14 for details.

Time Taken to Close Investigations

In 2021, the time taken to conclude some categories of investigations was reduced, but for others, notably criminal investigations, the time taken increased. Chart 7 shows the median time it took to close cases by type by the end of 2021.

Criminal investigations

At the end of 2021, the median time taken to close criminal investigations was **311** days, an increase of 149 days on the 2020 figure. As outlined in the foreword, there are multiple factors behind this increase, including the increase in the volume and complexity of cases and the impact of the pandemic on all aspects of GSOC's investigative processes. However, another longer-term factor has been the question of resourcing.

Criminal investigations are subject to a review process, which includes standard control measures. As part of this process, cases which have been open for 60 days are formally reviewed by Senior Investigations Officers and those which have been open for 90 days are formally reviewed by the Deputy Director of Operations. Cases open for 120 days are brought to the attention of the Director of Operations for appropriate decisions. In parallel, cases categorised as containing a very serious allegation are subject of review on a bi-monthly basis by the Director of Operations and the Ombudsman Commission.

Unsupervised and supervised disciplinary investigations

Unsupervised disciplinary investigations are undertaken by Garda Síochána Investigating Officers (GSIOS). The median duration of such investigations at the end of 2021 was **199** days, a decrease of 45 days on the 2020 outcome.

Supervised disciplinary investigations are undertaken by Garda Síochána Investigating Officers supervised by GSOC investigations officers. The Protocols between the Garda Síochána and GSOC say that supervised disciplinary investigations must be completed and an investigation report provided within 20 weeks/ 140 days. The median time duration for such investigations in 2021 was **288** days, a decrease of one day on the 2020 outcome.

GSOC-led disciplinary investigations

Non-criminal investigations by GSOC may, under section 95 of the Act, be undertaken by the GSOC's own investigators. The median duration of such investigations was **265** days which is on a par with the 2020 figure.

Table E: Median Closure Time

	2016	2017	2018	2019	2020	2021
Criminal investigation (s.98)	99	115	147	140	162	311
Disciplinary inv. by Garda Síochána unsupervised (s.94(1))	266	256	268	279	244	199
Disciplinary inv. by Garda Síochána supervised (s.94(5))	250	273	281	332	289	288
GSOC - led disciplinary inv. by GSOC (s.95)	260	203	253	290	265	265

Chart 7: Median Time Taken to Close Investigations (in days)



Investigations on Foot of Complaints: 2021 Case Studies³

CASE STUDY 1

A complainant attended a Garda Station to present evidence of threats made by his landlord to illegally evict him, and threats of physical abuse.

The complainant alleged that the first Garda member he dealt with assisted him and noted his complaint, but that a second member refused to assist, denied the existence of the pandemic-related eviction moratorium, instructed him to leave the station, and behaved aggressively towards him.

An unsupervised Garda Disciplinary investigation was commenced under section 94(1) of the Act. The first member was found in breach of Garda Discipline for not creating a Pulse record, but the decision was quashed by a Chief Superintendent on appeal. The second member was found in breach of Garda Discipline for discreditable conduct, and for neglect of duty for not creating a Pulse record. A fine was issued. They did not appeal.

CASE STUDY 2

A Garda member was found in breach of discipline for failure to properly investigate allegations of childhood sexual abuse and failure to communicate with the victim on the progress of the investigation.

A victim of childhood sexual abuse reported allegations to Greater Manchester Police (GMP). As the complaint was in relation to incidents which occurred in Ireland, the GMP referred the matter to An Garda Síochána. It became apparent that after GMP had sent a comprehensive report to the Gardaí there was a protracted period where very little action was taken to conduct an investigation or to deal with the suspected offender, thereby leaving him to remain a risk to children. A complaint was received by GSOC and admitted for investigation.

A GSOC investigator was appointed to undertake a GSOC-led disciplinary investigation under section 95 of the Act. GSOC prepared a report, and the Garda member concerned was found to be in breach of the Garda Discipline Regulations for neglect of duty on two counts, and sanctioned accordingly.

CASE STUDY 3

A member of the public complained that his 5-year-old son was injured in a road traffic collision, and that, despite there having been an admission of liability by the driver, the Gardaí had decided not to prosecute. The complainant believed that the driver had personally influenced this decision. GSOC commenced a criminal investigation under section 98 of the Act.

GSOC interviewed the driver who claimed no personal knowledge of any Garda personnel. GSOC also obtained and reviewed the file of the incident. It was confirmed that the initial decision not to prosecute was made by an inexperienced and temporary inspector, and that an internal Garda review, by another inspector, had reversed that decision.

As there was no evidence of undue influence, and given that the complainant was satisfied that the case was to be progressed, GSOC discontinued its investigation.

CASE STUDY 4

A member of the public alleged that following an altercation about facemasks in a supermarket, a Garda member approached him 20 minutes later and arrested him without explanation.

The complainant alleged that the Garda member slammed him up against the patrol car aggressively and handcuffed him. The complainant was also issued tickets for breaches of pandemic restrictions, and disputed their validity. GSOC commenced a criminal investigation under section 98 of the Act.

GSOC interviewed supermarket staff, who confirmed that they called the Gardaí. CCTV was reviewed and showed no misbehaviour by the Garda member in carrying out the arrest.

The member gave a full account of their actions to GSOC, indicating that they only resorted to arrest when the complainant refused to identify himself or his address.

As there was no evidence to support the allegations, GSOC discontinued the case.

Although GSOC believed the complaint to be vexatious, there was insufficient evidence to support a prosecution of the complainant under Section 110 of the Act.

CASE STUDY 5

Money totalling several thousand Euro in an evidence bag went missing from a Garda station. A Section 98 criminal investigation was conducted. It transpired that the money had been mislaid and was later located in a different room in the station. Thereafter a GSOC-led disciplinary investigation under Section 95 was conducted, resulting in a report to the Garda Commissioner recommending disciplinary action in respect of the Garda member who had custody of the evidence bag. The Garda member was issued a caution.

CASE STUDY 6

A complainant alleged that a man was assaulted by a member of An Garda Síochána while out for a run. GSOC engaged with the complainant via phone, letter and email to provide an opportunity to make a statement, but despite every effort, no statement was provided. CCTV was obtained by GSOC indicating that the alleged assault had not taken place. The investigation was duly discontinued under Section 93(1)c of the Act.

CASE STUDY 7

A member of the public attempted to board a public bus at a bus depot and engaged in an argument with the bus driver regarding the wearing of a facemask. Gardaí were alerted to the incident and arrived at the bus at short time later.

The complainant alleged that three Garda members forcibly removed her from the bus and subsequently assaulted her outside the bus.

GSOC commenced a criminal investigation under section 98 of the Act. Evidence obtained, including CCTV footage, demonstrated that Gardaí were non-confrontational in their manner when they engaged with the woman on the bus. It was found that they took time to explain the laws regarding the wearing of facemasks and gave her a reasonable and fair opportunity to explain why she did not have a facemask. The evidence also showed that the woman was aggressive and non-cooperative towards the Gardaí as they attempted to speak to her. The woman was given a direction under section 8 of the Criminal Justice (Public Order) Act, 1994, to leave the bus in a peaceful manner but she refused to do this, at which point she was arrested and cautioned.

The investigation conducted by GSOC found that there was no appearance of an offence or a breach of discipline on the part of the Gardaí. GSOC found the woman had been lawfully arrested, and that she continued to be uncooperative and aggressive following arrest. It was found that in the circumstances, Gardaí were lawfully entitled to restrain her, and that this was done on the basis that members had reasonable cause to fear for their own safety and that of the many other people around at the time, and there was no prospect of achieving the lawful objective without using force.

CASE STUDY 8

The complainant alleged that he was beaten with a baton by a Garda member who failed to identify himself. It was also alleged that the complainant's girlfriend was struck by the baton when trying to intervene.

The complainant was arrested on suspicion of assault, and his girlfriend was arrested on suspicion of public order offences.

Following an investigation, which included the review of CCTV footage of the altercation, the Commission concluded that, taking all the circumstances into consideration, the conduct under investigation did not constitute a criminal offence. However, the Commission considered that the complaint warranted GSOC-led disciplinary investigation under section 95 of the Act, and concluded that the member's conduct constituted abuse of authority, reporting this to the Garda Commissioner.

Garda management agreed with GSOC's assessment that the member's conduct constituted abuse of authority. They identified failures to comply with public order training on baton use, failure to identify as a Garda member, and failure to pause to assess ongoing necessity of the use of force. A pay reduction was imposed on the member, who was also placed on a refresher course on baton deployment.

CASE STUDY 9

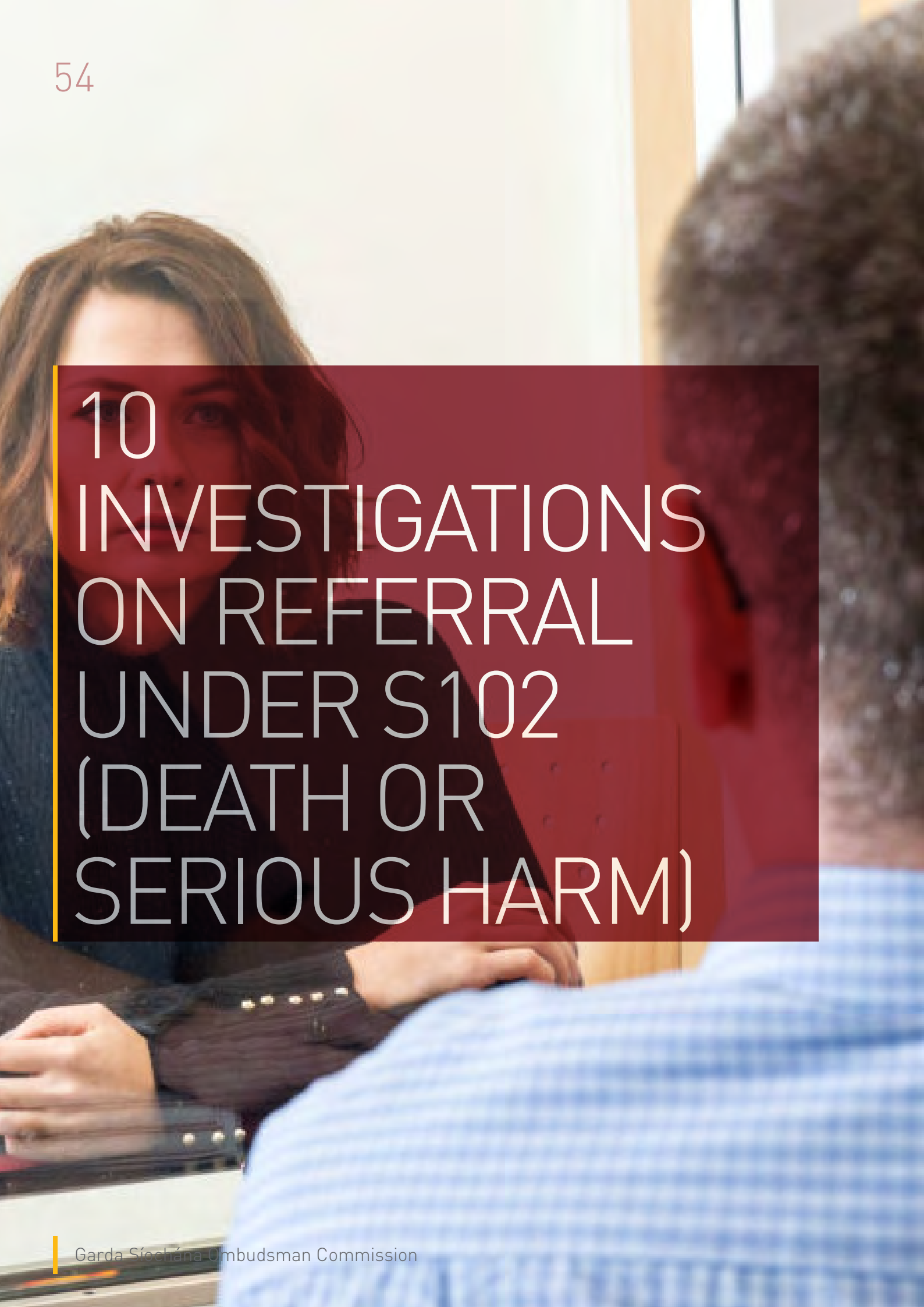
A complainant alleged he was assaulted during his arrest, and his partner stated the he had facial injuries when he left the Garda station, which he didn't have prior to his arrest. GSOC commenced a criminal investigation under Section 98 of the Act. CCTV was obtained showing the arrest of the complainant, and the three Garda members involved were identified. Two were interviewed as witnesses and the third as a suspect in relation to the alleged assault. A file was completed and GSOC forwarded it to the DPP for the consideration of a prosecution for assault. The DPP directed that there would be no prosecution. Reasons were provided for the direction and the complainant was able to request these reasons from the DPP. This concluded the matter and it was closed.

CASE STUDY 10

GSOC received a complaint from a member of the public, who stated that he had witnessed what transpired to be an unmarked Garda car drive in a bus lane and go through a red light. The member of the public had dash-cam footage, which showed the Garda car clearly driving in the bus lane and through a red light.

As there were allegations of breaches of the Road Traffic Act, GSOC conducted a criminal investigation under section 98 of the Act. The occupants of the Garda car were identified, and the Garda witness confirmed that they were on duty at the time. The Garda driver was interviewed under caution, during which he admitted driving in a bus lane and through a red light, but claimed an exemption under section 87 of the Road Traffic Act, which provides exemptions for emergency vehicles in certain circumstances.

GSOC sent a file to the DPP, who directed No Prosecution. As the conduct of the Garda driver may have been in breach of the Garda Code and directives, a GSOC-led disciplinary investigation under Section 95 of the Act was then commenced. Following the investigation, a report was sent to the Garda Commissioner and the Garda driver was found in breach of discipline.



10
INVESTIGATIONS
ON REFERRAL
UNDER S102
(DEATH OR
SERIOUS HARM)

10. INVESTIGATIONS ON REFERRAL UNDER S102 (DEATH OR SERIOUS HARM)

When is a Referral made to GSOC by An Garda Síochána?

Section 102 of the Act provides for independent investigation of any matter that appears to indicate that the conduct of a member of the Garda Síochána may have resulted in the death of, or serious harm to, a person. The provision forms an important element of the State's framework for the guarantee of compliance with its obligations under Articles 2 and 3 of the European Convention on Human Rights.

The power to refer is delegated by the Garda Commissioner to superintendents whose responsibility it is to decide if it is appropriate to refer an incident, in order that it be investigated independently.

How GSOC Investigates matters under Section 102

Once GSOC receives a referral from the Garda Síochána, we must investigate the matter.

We aim to respond proportionately, according to the circumstances. It is sometimes the case that, following an initial examination, it is clear that there is no evidence of misbehaviour or criminality. At the other end of the scale, sometimes it is appropriate to undertake a full criminal investigation and refer the case to the DPP.

If there has been a fatality, there must be particular consideration given to the State's obligations under Article 2 of the European Convention on Human Rights (ECHR). Article 2 states that everyone's right to life shall be protected by law. The European Convention on Human Rights Act, 2003 requires that Irish state bodies including the Garda Síochána, perform their functions "in a manner compatible with the State's obligations under the convention provisions".

To be compliant with Article 2, investigations into deaths following police contact should adhere to five principles developed by the European Court of Human Rights. These are:

- Independence
- Adequacy
- Promptness
- Public Scrutiny
- Victim Involvement.

These principles are at the heart of GSOC's approach to investigating fatalities.

Referrals Received in 2021

GSOC received **59** referrals under this section in 2021, compared with 43 in 2020, and 40 in 2019.

Thirty-four of the referrals received in 2021 related to fatalities. A breakdown of the circumstances is below.

Chart 8: Circumstances of Referrals [Total Referrals Received: 59]

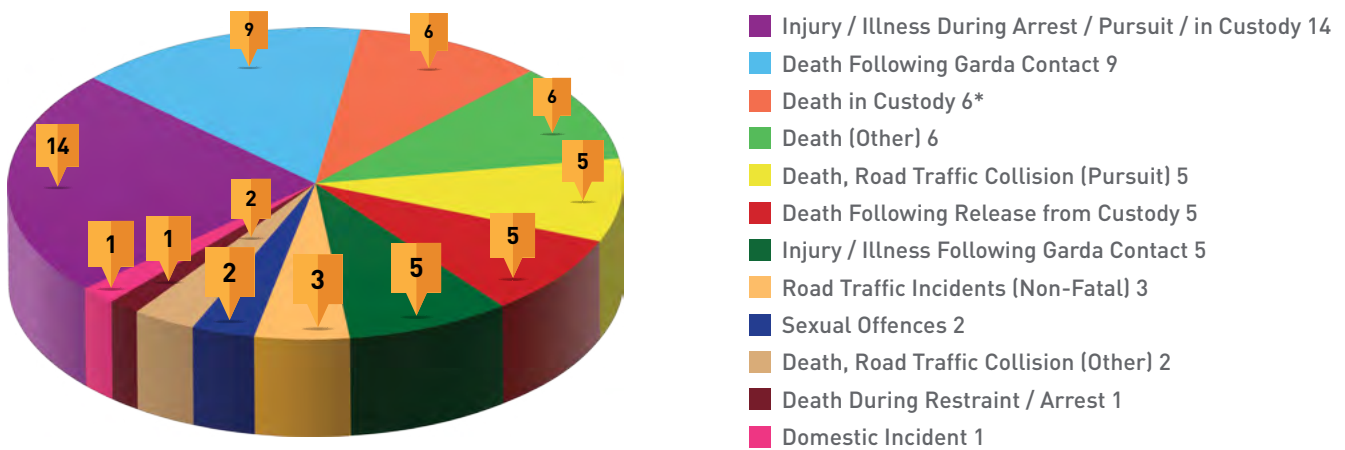
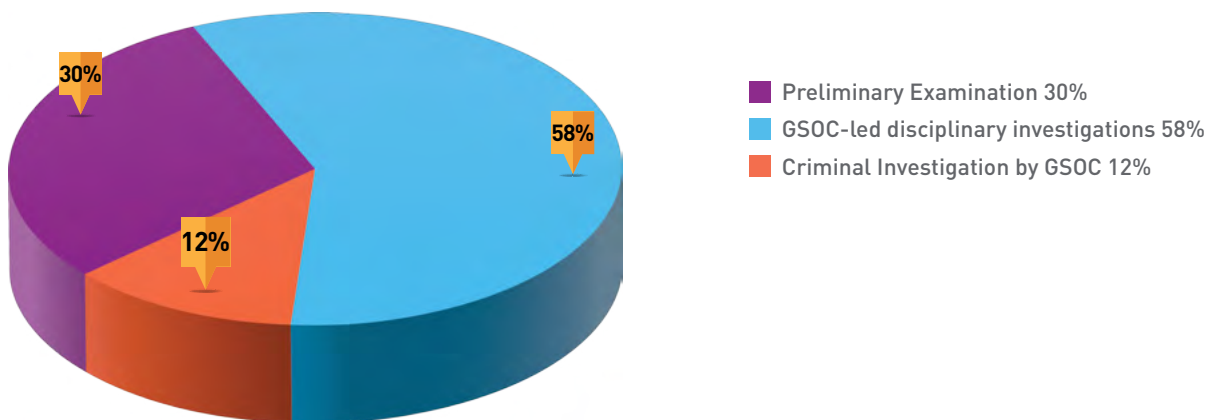


Chart 9: Investigation Types in Referrals (Total Referrals Received: 59)



*Note: Death in Custody (6) includes where a person later died in hospital

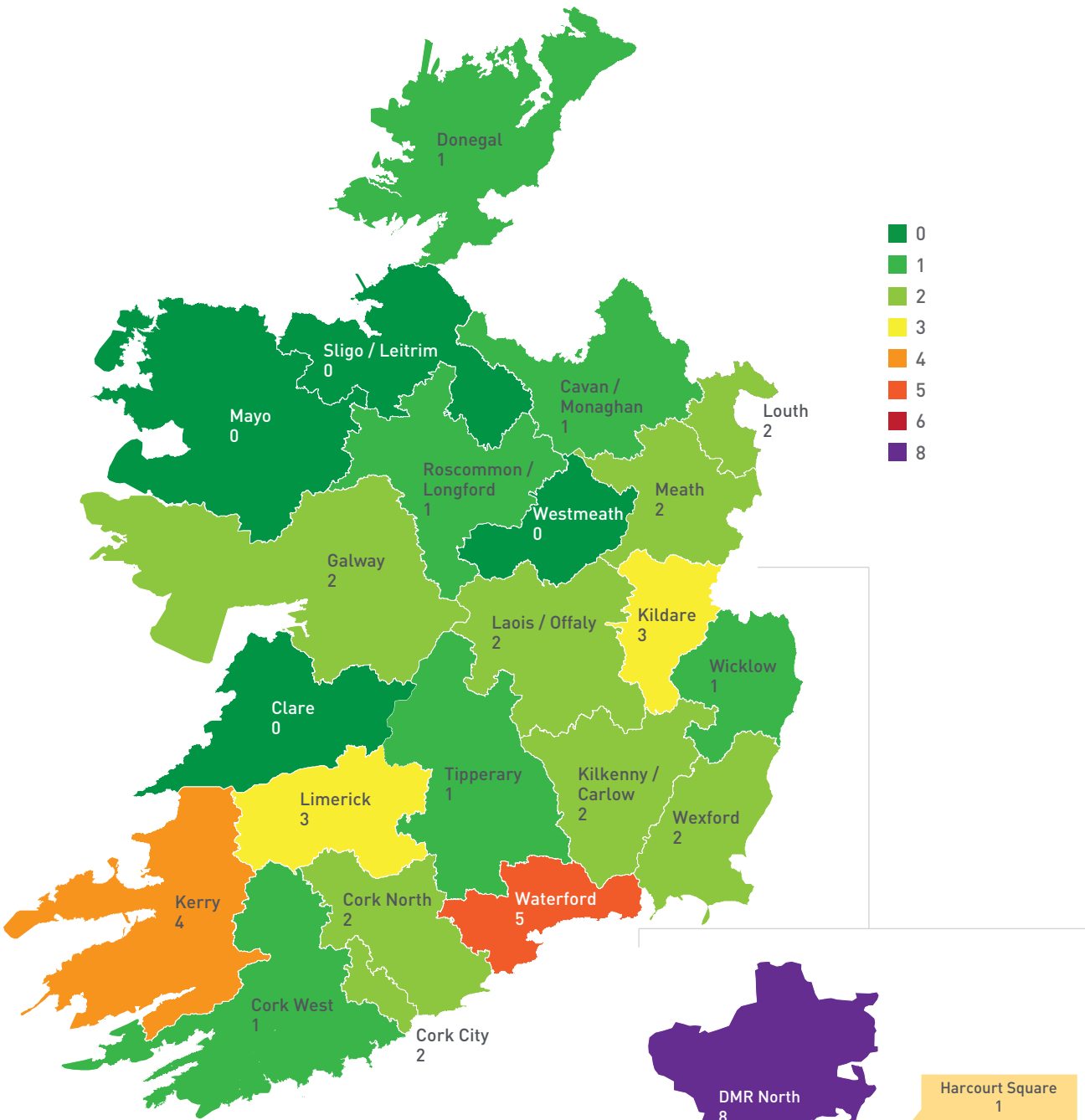
Investigations Following Referrals Completed in 2021

A total of 25 investigations arising from referrals were closed in 2021.

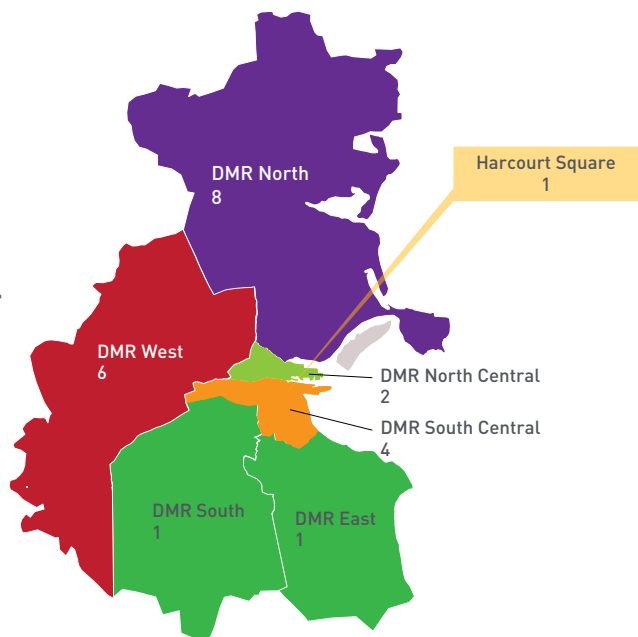
Table F: Types of investigation and their outcomes (investigations closed in 2021)

Type of investigation and outcome	Cases
Case closed after initial examination showed no evidence of misbehaviour or criminality by a Garda	3
Non-criminal investigation undertaken and concluded, finding no evidence of misbehaviour by a Garda – no further action taken	13
Non-criminal investigation undertaken and concluded – Garda Discipline Regulations no longer apply to member	0
Non-criminal investigation undertaken and concluded – sanction applied by the Garda Commissioner	1
Non-criminal investigation undertaken and concluded – no sanction applied by the Garda Commissioner	2
Criminal investigation undertaken and concluded, finding insufficient evidence of criminal misconduct by a Garda – no further action taken	3
Criminal investigation undertaken and concluded – referred to the DPP – prosecution directed	0
Criminal investigation undertaken and concluded – referred to the DPP – no prosecution directed	2
Case discontinued due to lack of cooperation from the injured party and no other issues of concern	1
TOTAL	25

Map 3: Referrals by Garda Division (Excluding Dublin Metropolitan Region)



Map 4: Referrals by Garda Division – Dublin Metropolitan Region



Investigation Following Referral: 2021 Case Studies

CASE STUDY 11

An adult was found deceased around 24 hrs after they were approached by Gardaí making enquiries about the nature of their alleged interaction with young persons on social media. The matter was referred to GSOC owing to the recent contact between the deceased and the Gardaí.

GSOC conducted an examination into the circumstances of the interaction between the adult and the Garda members. The examination found that Gardaí belonging to a Divisional Protective Services Unit had carefully considered the complaints made by the young persons and the nature of the social media interaction between them and the adult. A decision had been recorded by the senior member of the Protective Services Unit regarding their view of the interactions and how the Garda enquiries were to be progressed. The Garda members who had approached the adult had done so in accordance with the decision and in a manner appropriate to the circumstances of the adult.

GSOC investigators engaged with the adult's family, with the local Coroner and with the relevant Garda members. The examination found the members had acted appropriately and that detailed Garda records had been kept relating to the case. No further investigation was carried out by GSOC as there was no misbehaviour by any member identified and the matter was referred to the Coroner for Inquest.

CASE STUDY 12

Gardaí in a patrol car had witnessed a person staggering on a footpath, appearing to be highly intoxicated. They decided to turn around and follow the person, who had turned down a minor road. They then came across the man lying on the ground, bleeding heavily from a head injury. They rendered first aid and the man was brought to hospital. GSOC received a referral from a Garda Superintendent under section 102 of the Act. GSOC investigators attended the scene, established contact with the man's family, obtained accounts, and attempted to trace the man's movements. Following a review, the evidence suggested that the man may have fallen, and the actions of Gardaí may have saved his life or prevented further injury. As there was no indication of any Garda misconduct, the case was closed.

CASE STUDY 13

A member of the public had contacted a Garda Station expressing suicidal thoughts. The Garda dealing with the caller demonstrated considerable efforts in respect of the caller's wellbeing. Unfortunately, the caller died by suicide shortly thereafter.

GSOC received a referral from a Garda Superintendent under section 102 of the Act. GSOC investigators obtained statements from family and friends of the deceased, Garda members, call handlers and training staff. Enquiries were made as to what training Garda members received in this area.

There was no evidence of wrongdoing on the part of the Garda in question. However, there were a number of potential training and operational deficiencies identified by the investigation which were the subject of systemic recommendations by GSOC.

11. INVESTIGATIONS IN THE PUBLIC INTEREST

The Garda Síochána Act, 2005 provides for GSOC to undertake investigations in the public interest. Such investigations can commence in a number of ways.

GSOC-initiated public interest investigations (Section 102(4))

On occasion, suspected misconduct by a Garda or Gardaí comes to the attention of GSOC outside of the usual complaints or referrals processes. Such matters can come to the attention of GSOC, for example, via media reports, or via details contained in an otherwise inadmissible complaint. On such occasions, GSOC has the power to commence an investigation in the public interest where it appears that the conduct of a member of the Garda Síochána may have committed an offence, or that their behaviour may justify disciplinary proceedings.

Minister-initiated public interest investigations (Section 102(5))

The Minister for Justice can refer any matter to GSOC concerning the conduct of a member of the Garda Síochána, and GSOC will investigate it. This includes referrals made to GSOC under the Independent Review Mechanism (IRM) established by the minister in 2014, 2 of which remain open.

Public interest investigations on request of Policing Authority or Minister (Section 102 (7))

Both the Policing Authority and the Minister may refer a matter to GSOC to consider whether it should investigate it in the public interest.

Public interest investigations closed and commenced in 2021

Thirteen public interest investigations were opened in 2021 while fifteen were closed. The closed investigations included some commenced in previous years.

There were no requests made to GSOC to investigate a matter in the public interest under Section 102 (5). There was no public interest investigations were opened following a referral from the Minister for Justice under Section 102 (7).

GSOC public interest investigations opened in 2021 included a number of incidents involving discharge of Garda firearm, as well as allegations of assault or excessive use of force by Gardaí.

For an example of the result of a public interest investigation, see the case study in Section 13 of this report.

A photograph showing two women in conversation. The woman on the right, with brown hair and wearing a white textured sweater, is gesturing with her hands as if speaking. The woman on the left, with long dark hair and wearing a red sweater, is seen from the back, writing in a white notebook with a pen. The background is a plain, light-colored wall.

12 LOCAL INTERVENTION

12. LOCAL INTERVENTION

2021 was the third full year in operation of our Local Intervention (LI) process, which seeks to locally resolve some complaints to GSOC without the need for a formal investigation.

The Local Intervention initiative proved very successful in 2021, and as the process is largely conducted by phone, it worked well in the context of COVID-19. Over the course of the year, GSOC referred a total of 220 cases for local intervention, a slight reduction on 2020's figure. A total of 178 cases were resolved, including some carried over from the previous calendar year. At year-end, 40 local intervention cases remained on-hand.

Table G: Outcomes under the Local Intervention Process 2021

Local Intervention	No. of Cases 2021	Number of Cases 2020
Referred by GSOC for Local Intervention	220	263
Resolved/closed following LI process	178*	175
Closed without intervention, typically where complainant did not engage	9*	28
Referred back to GSOC for admissibility decision	70*	84

*Figure includes cases that had been referred to in previous calendar year.

Impact

From the above table it can be seen that a significant proportion of cases forwarded to the nominated Garda inspectors are resolved or closed following local intervention.

From a complainants' perspective, the approach allows their complaints to be addressed and resolved quickly- usually in a matter of days or weeks, rather than on a timescale of months had their complaints been admitted for formal unsupervised investigation.

As the focus of local intervention is resolution, rather than formal investigation of disciplinary breaches, it also can lend itself to a more satisfactory outcome. At the end of a formal investigation, whether or not the Garda complained of is found in breach of discipline, complainants are unlikely to have had their specific complaint 'resolved'. Local intervention has 'resolution' as its primary aim.

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 include:
 - 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 closes 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.

Local Intervention: 2021 Case Studies

CASE STUDY 14

A person made a complaint to GSOC following his interaction with a Garda at a traffic stop. The person complained a Guard was extremely rude and unhelpful to him when he was asked for his epaulette number. A second Garda member present during this interaction assisted the complainant with regard to the epaulette number. The complainant agreed for his complaint to be dealt with through local intervention and a Garda Inspector was appointed. The designated Garda inspector contacted the person and the Garda member in question and reported back in four weeks that the intervention was successful. The complainant was thankful for the intervention and happy for the case to be closed.

CASE STUDY 15

A person made a complaint to GSOC after experiencing difficulties in obtaining his immigration documentation which was impacting on the commencement of his employment. The complainant agreed for his complaint to be dealt with through local intervention and a Garda Inspector was appointed. The Garda Inspector established that the delay was owing to the fact that the position of immigration officer was currently vacant due to retirement. The Garda explained the position was due to be filled in the next few weeks following a recruitment campaign. The complainant was happy to be issued his immigration documentation and for the case to be closed.



13
GSOC'S LEGAL
UNIT: ENGAGING
WITH THE COURTS

Number 20 of 2005

GARDA SÍOCHÁNA

13. GSOC'S LEGAL UNIT: ENGAGING WITH THE COURTS

Legal Activity Following Criminal Investigation

As outlined in previous sections, GSOC conducts criminal investigations on foot of both complaints and referrals, as well as in the context of public interest investigations.

On completion of a criminal investigation, if GSOC is of the opinion that the conduct under investigation may constitute an offence, a file is prepared and sent to the Office of the Director of Public Prosecutions (DPP).

Where there has been a death in Garda custody or where a person has died following interaction with Gardaí, and GSOC has carried out a criminal investigation, GSOC may send a file to the DPP in order to comply with its obligations under Article 2 of the European Convention on Human Rights. GSOC may also send a file to the DPP when the Ombudsman Commission determines that it is in the public interest to do so.

Section 110 of the Act also creates the offence of providing false or misleading information to the Ombudsman Commission in relation to a complaint or investigation whether by a Garda or a member of the public.

In all cases, it is the DPP who decides whether or not to prosecute the case in court.

DPP directions to prosecute 2021

In 2021, GSOC sent a total of 21 files to the DPP. Of these:

- The DPP directed the prosecution of 13 charges arising out of 10 GSOC investigations.
- The DPP directed no prosecution in 11 cases.

In addition to the above, a further six decisions were pending from the DPP in relation to files sent in 2020.

The below is a breakdown of the offences in the investigations where prosecution was directed.

- Three separate counts in relation to sexual offences against one Garda member
 - One count of Sexual Assault contrary to Section 2 Criminal Law (Rape) (Amendment) Act, 1990 as amended
 - One count of Rape contrary to Section 4 Criminal Law (Rape) (Amendment) Act, 1990 as amended
 - One count of gross indecency contrary to Section 4 Criminal Law (Sexual Offences) Act, 1993
- One count of assault causing harm contrary to Section 3 Non-Fatal Offences Against the Person Act, 1997
- Two counts of Assault contrary to Section 2 Non-Fatal Offences Against the Person Act, 1997 in respect one Garda member
- Three separate counts of Assault contrary to Section 2 of the Non-Fatal Offences Against the Person Act, 1997 in relation to three separate investigations involving members of the public and Garda members.
- Three counts in relation to duties arising on the occurrence of a road traffic accident in relation to one Garda member which were
 - One count of failing to stop a vehicle at the scene of a road traffic accident contrary to Section 106 (1)(a),
 - One count of failing to failing to keep a motor vehicle at or near the scene of a road traffic accident contrary to Section 106(1)(b) of the Road Traffic Act, 1961
 - One count of failing to report the occurrence of a road traffic accident contrary to Section 106 (1)(d) of the Road Traffic Act, 1961
- Three separate counts in relation to three separate investigations for the offence of providing false or misleading information contrary to Section 110 of the Garda Síochána Act, 2005

Criminal cases decided in court 2021: case studies

Five Criminal prosecutions were completed in 2021, which included one Circuit Court trial and four District Court hearings arising from summary offences.

In the Circuit Court, following a jury trial, a person was found guilty of sexual assault contrary to Section 2 of the Criminal Law (Rape) Amendment Act, 1990 and imprisoned for a period of five years with allowance for time served measured at 21 months and 10 days. This is subject of appeal against sentence only.

In each of the four District Court matters the relevant members each entered a plea of guilty to the following charges:

- two separate charges of assault contrary to Section 2 of the Non-Fatal Offences Against the Person Act, 1997,
- a charge of Theft contrary to Section 4 of the Theft and Fraud Offences Act, 2001,
- and a charge of Assault causing harm contrary to 3 of the Non-Fatal Offences against the Person Act, 1997.

CASE STUDY 16

SECTION 3 ASSAULT. A Garda was sentenced to six months in custody with three suspended following a plea of guilty for a Section 3 assault perpetrated on his then-partner. A charge of trespass contrary to Section 13 of the Criminal Justice (Public Order) Act 1994 was taken into account with the assault.

In this case, it was alleged that the accused assaulted his former partner by wrestling her against a door to the floor and holding her neck, causing bruising to her face and hand, and two broken fingers. Two children present, the older of whom was six years old, hit the accused with plastic power ranger swords in an attempt to get the accused off their mother.

In sentencing, the Court took into account the personal circumstances of the accused, the absence of previous convictions, support of the family, and his age. Conditions attached to the sentence included that the Garda:

1. be put under the supervision of the probation and welfare service, to keep the peace and be of good behaviour.
2. would complete a residential drug treatment course.
3. would undertake an anger management course.
4. would undertake a course regarding employment or further employment.
5. would have no contact directly or indirectly with the injured party.

The court stated that a compensation order was appropriate.

CASE STUDY 17

SECTION 2 OF THE NON-FATAL OFFENCES AGAINST THE PERSON ACT, 1997. A Garda member was charged in relation to (a) assault contrary to Section 2 of the Non-Fatal Offences against the Person Act, 1997, and (b) assault causing harm contrary to Section 3 of the Non-Fatal Offences against the Person Act, 1997 (subsequently withdrawn) following an investigation by GSOC into allegations of assault upon female civilian by the member during an arrest. The Complainant alleged that an assault occurred in a hallway of an apartment building. The assault was captured on CCTV. The relevant Garda member entered a guilty plea on full facts to the charge of assault contrary to Section 2 of the Non-Fatal Offences against the Person Act, 1997. The sentencing hearing took place before the District Court Judge and following submissions the matter was adjourned for the preparation of a Probation Report. Upon receipt of the Probation report the District Court Judge noted the absence of adverse findings, directed the payment of €500 to the Poor Box and then struck out the proceedings against the Garda member pursuant to Section 1(1) of the Probation Act, 1907.

CASE STUDY 18

SECTION 4 AND SECTION 8 OF THE CRIMINAL JUSTICE, THEFT AND FRAUD OFFENCES ACT 2001. A Garda member was charged with 5 theft related offences; one offence contrary to Section 4 of the Theft and Fraud Offences Act, 2001, and four counts contrary to Section 8 of the Theft and Fraud Offence Act, 2001. Following a Public Interest Investigation under Section 102(4) of the Act a file was referred to the DPP in relation to a number of separate incidents of making off without payment and theft. The relevant member entered a guilty plea to all four counts of making off without payment contrary to Section 8 of the Theft and Fraud Offences Act, 2001. The member returned the sum of money to the injured parties in all cases. The Court struck out this matter having regard inter alia to the personal circumstances of the member. The Garda member also entered a guilty plea in relation to 1 count of theft. A Probation Report was ordered. The Court applied Section 1(1) of the Probation Act 1907 in relation to the Garda member.

Cases pending before courts at end of 2021

Garda members are facing charges currently pending before the courts in relation to a range of offences including:

- Assault contrary to Section 2 of the Non-Fatal Offences Against the Person Act, 1997,
- Assault causing harm contrary to Section 3 of the Non-Fatal Offences Against the Person Act, 1997,
- Section 106 Road Traffic Act, 1961, as amended, and
- Provision of false or misleading information contrary to Section 110 of the Garda Síochána Act, 2005, and Section 12 of the Criminal Procedure Act, 1976.

Non-Party Disclosure

The GSOC Legal Unit also coordinates the non-party disclosure of evidence in criminal proceedings, when requested to do so. This is carried out according to a protocol agreed with the DPP in 2019, available here: <https://www.gardaombudsman.ie/about-gsoc/non-party>.

In 2021, GSOC saw a significant increase in requests for non-party disclosure, with 134 such files being prepared and issued to the DPP over the course of the year. This compares to 48 such files in 2020.

14 INFORMING GARDA POLICY AND PRACTICE

14. INFORMING GARDA POLICY AND PRACTICE

Systemic Recommendations to Garda Management

During the course of GSOC investigations, we sometimes encounter practices we believe it appropriate to bring to the attention of Garda management.

GSOC believes that highlighting these issues when they arise, and making recommendations to avoid the recurrence of similar incidents, is an

important element of oversight. Provision for this was introduced by amendment to the Act in 2015. Recommendations focus on systemic matters of practice and management, rather than on the behaviour of individuals.

The systemic issues highlighted to An Garda Síochána in 2021 are summarised in table H below. All systemic recommendations were acknowledged in writing by An Garda Síochána.

Table H: Systemic Recommendations made to An Garda Síochána by GSOC in 2021

General subject matter	Specific subject matter	Recommendation
Misuse of Garda Vehicles	Lack of recordkeeping with regard to use of Garda vehicles	<p>In two separate and unrelated complaints from members of the public, allegations were made that they had witnessed a Garda texting whilst driving an official vehicle. Enquiries conducted by GSOC found that in both cases, the Garda Station log book showed that no member was assigned to the vehicle on the day and time in question, and the driver could not be identified. It was also established that on other dates and times, required details were also missing from the log book. GSOC found that this particular Garda district could not account for the use of an official vehicle that may have been involved in a traffic infringement.</p> <p>Recommendation issued by GSOC on 03 February 2021 GSOC recommended that:</p> <ul style="list-style-type: none"> → All Gardaí be reminded of the importance of fully completing log books, to properly reflect the use of official vehicles. This will help to ensure accountability should an incident occur, and may minimise the financial impact on the State, as well as assist in the proper management of official vehicles. → An instruction should be issued requiring supervisory officers to check vehicle log books on a weekly basis and address any infringements as they arise. → Consideration should be given to initiating a process whereby the keys to official vehicles are retained securely by a supervisory rank during times where vehicles are not in use.

Safety Conditions in Garda Stations

Presence of bicycles and motorcycles in Garda stations causing hazard en route to custody area

This case involved a criminal investigation conducted by GSOC investigators in relation to a complaint made by a member of the public who alleged that he was hit by a Garda following his arrest. The investigation established that Garda motorcycles and bicycles were parked on either side of the walkway to the custody area which resulted in both the Garda members and the prisoner colliding with the handlebars of at least one motorcycle and one bicycle causing the prisoner to believe he had been punched.

Recommendation issued by GSOC on 12 October 2021
GSOC recommended that the Garda Síochána:

- Conduct an inspection and review of all Garda stations to ensure a “clearway” route from the point of vehicular transport to the custody area.
- The clearway should be wide enough to accommodate circumstances where Garda members are required to escort/carry an uncooperative prisoner so as to avoid potential injury to the prisoner and Garda members as well as potential damage to Garda equipment and vehicles.

Persons Sleeping in Garda Stations

Duty of members towards members of the public seeking shelter in Garda stations

An investigation was conducted by GSOC following a s.102 referral relating to the death of a woman at a Garda station. The woman had been released from custody, following which she sought shelter in the public seating area of the Garda station as a place to sleep. The woman was left unchecked for approximately three hours before it was noticed she was unresponsive.

GSOC’s investigation did not disclose any potential offences on the part of any Garda members. However, it was found the prisoner risk assessment document, the C84(A), could not be located. GSOC commenced a disciplinary investigation pursuant to section 95, in which the member with responsibility for completing the C84(A) was notified.

During the investigation, enquiries were made with the Garda Crime Policy Section in relation to any formal direction to members concerning people sleeping in the public areas of Garda stations. The Garda Crime Policy Section replied that “An Garda Síochána does not have any policy or agreed processes with regard to homeless people staying in Garda stations. If such a situation occurs, and there is no other alternative accommodation available for a person, then the Garda Síochána will always keep people safe, as is outlined in our mission statement. However, any such decisions that may arise are made on a case by case basis by the member in charge of the station.”

GSOC recommended that the Garda Síochána develop a protocol to ensure the welfare of members of the public who are using Garda stations to seek shelter and sleep. This may include recording the person’s details and noting their circumstances and implementing a regime of checks on them during the night to ensure that medical assistance can be rendered if required.

Training; PULSE

Lack of training on how to assist persons at risk of suicide.

Inadequate Options on PULSE to record phone calls from persons indicating the intention to harm themselves, or who communicate suicidal thoughts

An investigation was conducted by GSOC following a referral made under s.102 of the Act, 2005, relating to a man who died by suicide. Approximately two weeks prior to the death, the man's son called to a Garda station and reported to a member his concern that the man was due to discharge himself from hospital. The member gave advice in relation to court orders that could be obtained and created an attention and complaints incident on PULSE.

The member subsequently received a phone call at the Garda station from the deceased who stating that he was depressed. The member liaised with the man's family, and updated PULSE, indicating the intention to check on the deceased's welfare when next on duty.

In the intervening period, the man died by suicide.

GSOC found no offence or disciplinary breaches had been committed by any member. However, GSOC identified the following issues:

- There is no specific Garda policy for members regarding how to deal with members of the public who indicate an intention to self-harm.
- Members who joined An Garda Síochána prior to 2014 did not automatically receive ASIST training on how to best to deal with persons who communicate suicidal thoughts.
- There is no Garda policy or directive in relation to how to capture phone calls from persons who communicate suicidal thoughts on the PULSE system.

GSOC recommended:

- The introduction of a service wide policy of attending all calls where suicide or self-harm are mentioned by the caller. This would enable Gardaí to get a fuller picture of the condition the caller is in. Attending Gardaí may be in a position to facilitate specialised treatment where relevant.
- Ensure that all Gardaí and call-takers receive the ASIST suicide training. Consider refresher training for those members and call takers who have already received training.
- The introduction of a new category of PULSE incidents for all calls threatening suicide or self-harm. This should be tied in with a category that flags the matter for the attention of other sections coming on duty, and prompts supervisors to review such calls before terminating duty.

Informing the National Policing Strategy During COVID

Restrictions placed on day-to-day life in Ireland brought about by the pandemic over the past two years have led to a significant increase in daily contact between An Garda Síochána and the public in what have been challenging and unprecedented circumstances.

The vast majority of this interaction has been positive. It has occasionally, however, led to complaints being made to GSOC. The complaints and queries received by GSOC form a useful barometer of the public mood towards the pandemic measures, and the way in which they have been policed.

From the beginning of COVID-19 pandemic in 2020 and throughout 2021, GSOC has contributed to national contingency planning and critical incident management along with its partners across the Justice sector and further afield. Through attendance at conference calls chaired by the Department of Justice, as well as through engagement with Garda management, GSOC has been a valuable source of insight into public sentiment towards the policing of pandemic restrictions, providing regular data on complaint statistics and providing a sense of the issues and areas of public concern emerging. This contribution has fed into the evolution of and necessary adjustments to pandemic policing strategy, and has informed policymaking as the various stages of the pandemic unfolded.

Areas of concern observed and highlighted by GSOC over the past year included the observance of social distancing requirements during interactions between Gardaí and members of the public; the use of PPE (specifically facemasks) by Garda Members at checkpoints; and the potential impact of the newly introduced anti-spit guard now on issue as operational equipment to Gardaí.

Such insights were relayed, in an anonymised form, back to Garda Management on a weekly basis to enable them to monitor the impact that their operational activity was having on the public. This, in turn, allowed for Garda training and directives to be tailored to address concerns that had arisen.

15. PROTECTED DISCLOSURES

Under the Protected Disclosures Act, 2014, workers of the Garda Síochána, including Garda members, may confidentially disclose allegations of wrongdoing within the Garda Síochána to GSOC.

Protected disclosures are handled in GSOC by a dedicated Protected Disclosures Unit.

Protected Disclosure Caseload in 2021

The below table details the caseload of protected disclosures dealt with by the Unit in 2021.

Table I: GSOC Protected Disclosures Caseload in 2021

Cases on-hand at 31 December 2020	75
Protected Disclosures received during 2021	20
Protected Disclosure matters closed during 2021	26
Balance of cases on-hand on 31 December 2021	69

Under section 22 of the Protected Disclosures Act, 2014 each public body is required to publish an annual report outlining the number of protected disclosures received in the preceding year and action taken. Further detail on GSOC's protected disclosures work can be found in this report, which is available on the GSOC website.

Engagement on Protected Disclosures at Home and Internationally

GSOC continued in 2021 to engage with the Department of Public Expenditure and Reform on development of the Protected Disclosures (Amendment) Bill, which will permit the transposition of EU 'Whistleblowers' Directive 2019/1937 into Irish Law. The Directive came into effect on 17 December 2021, and the amending legislation is due for passage in the first half of 2022.

GSOC has also attended and participated in the Government Interdepartmental Protected Disclosures Network, in addition to liaising with other Government departments and An Garda Síochána on disclosure matters and associated processes.

GSOC has also continued as the Irish representative with the Network of European Integrity and Whistleblowing Authorities (NEIWA) working on shared knowledge and expertise in disclosure matters and the implementation of the EU Directive 2019/1937. GSOC attended 4 meetings virtually over the course of 2021, hosting the fourth meeting in Dublin in December 2021 during which NEIWA's "Dublin Declaration" was published, which marked the entry into effect of the Whistleblowers' Directive, and called for its swift transposition across EU member states.

16. INFORMATION REQUESTS

GSOC's Policy and Secretariat Unit deals with the majority of requests for information received by GSOC every year. Within the Unit, there is a dedicated number of staff who deal with requests made under the Data Protection Act, 2018 and the Freedom of Information Act, 2014.

This team is responsible for ensuring these requests are responded to within the required time limits, promoting awareness of data protection, FOI and privacy matters within GSOC, providing data protection advice to staff and ensuring that GSOC adheres to its statutory obligations under the legislation.

Seventy FOI requests were received in 2021. This represents an increase from 61 the previous year, and is the highest number ever received by GSOC in one year. Most requests were for personal information held in GSOC case files. As records contained within an investigation or complaint files (that is, related to an examination or investigation under Part 4 of the Garda Síochána Act, 2005) are not covered by the FOI Act, these requests were refused.

The remaining FOI requests related to complaint statistics, contractual statistics, and to information on Garda lethal and non-lethal weapons discharge.

GSOC received four requests for internal reviews into decisions regarding FOI requests, of which two were subsequently referred by the requester to the Office of the Information Commissioner. The majority of these review requests related to the refusal to provide access to records contained in investigation or complaint files.

Further detail about the FOI requests received in 2021 are available on the FOI Disclosure Log which is on the GSOC website.

The number of data access requests received in 2021 was 108, the highest number received by GSOC. The majority of these requests were from complainants who were seeking access to their personal data held on GSOC complaint and investigation files. This involved the review and processing of over 290 separate files. Two requests were for the erasure of personal data held by GSOC under Article 17 of the General Data Protection Regulation (GDPR), and one request for the rectification of data under the GDPR.

In 2021, the Data Protection Unit dealt with 16 requests for advice on data protection matters from staff across most GSOC business units. Most of the issues raised concerned disclosure of information to third parties and advice sought for obtaining CCTV footage for disciplinary investigations.

Requests for information from journalists, outside of the FOI process, are dealt with by GSOC's Communications Unit which provides a 24-hour-a-day on-call service. The Unit responded to 257 queries received from the media in 2021.

Table J: Information Requests Processed in 2021

Subject	Number
Requests under the Freedom of Information Act, 2014	70
Requests under the Data Protection Act, 2018	108
Information Requests from the Dept of Justice and Equality	16
Submissions in response to Parliamentary Questions	49
Representations from members of the Oireachtas	10
Media Enquiries	257

17. GSOC AND CHILD PROTECTION

GSOC has obligations in relation to child protection under both the Children First Act, 2015, and the Children First National Guidance for the Protection and Welfare of Children. During the course of their work taking complaints from members of the public, or conducting investigations, staff may become aware of situations in which children may have been harmed or may be at risk of being harmed.

Under the Children First Act, certain GSOC staff, namely Designated Officers (investigators) are mandated persons when they are conducting criminal investigations. As a mandated person, the Designated Officer must make a referral to Tusla if he or she knows, believes or reasonably suspects that a child has been harmed, is being harmed or is at risk of being harmed, or if a child discloses harm.

The obligation to refer also arises if a child discloses a belief that they are at risk of harm.

GSOC Designated Officers made **53** mandatory referrals to Tusla in 2021.

In addition, GSOC made **103** non-mandatory referrals in 2021. These related to matters which came to the attention of GSOC staff in the course of their work, but not in the course of a criminal investigation.

Non-mandated persons are required to notify GSOC's Designated Liaison Persons of issues that may relate to child protection and/or welfare while fulfilling their official duties through raising alerts on the organisation's case management system. A total of 716 such Child Protection alerts were made on the case management system in 2021. The alerts are reviewed by the Designated Liaison Persons who record decisions to make referrals to Tusla, and decisions not to refer.

Key Figures

716 NEW CHILD PROTECTION ALERTS

MANDATORY REFERRALS **53**

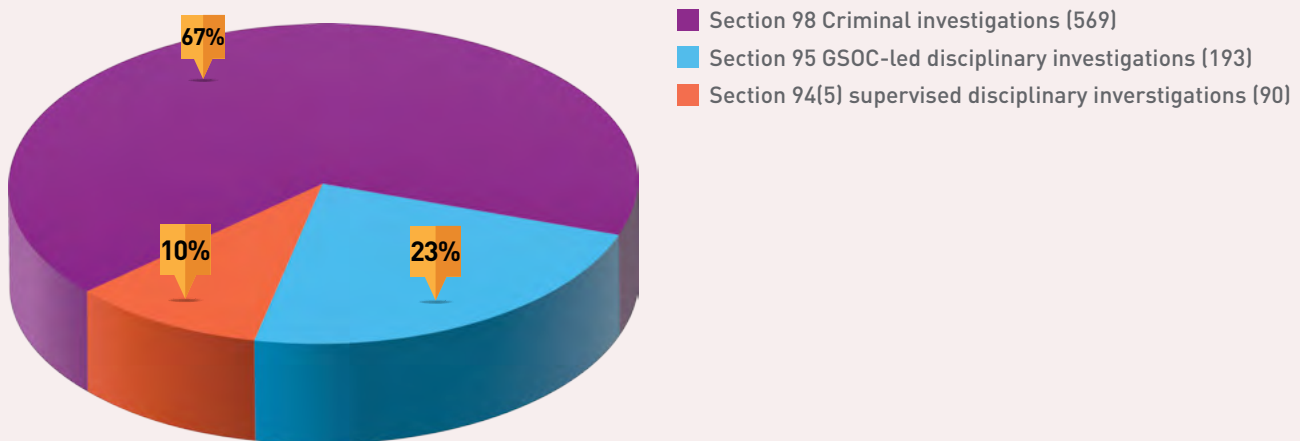
NON-MANDATORY REFERRALS

103

504 DECISIONS NOT TO REFER

APPENDIX 1: GSOC INVESTIGATIONS ON-HAND AT YEAR-END 2021

At year-end 2021, the GSOC Investigations Unit had a total of 852 investigations ongoing. This compares to a total of 904 at year-end 2020.



In addition to these investigations, 327 unsupervised disciplinary investigations by An Garda Síochána, arising from complaints to GSOC, were ongoing. A further 36 such cases, while complete, were under review by GSOC, at the request of the complainant, at year-end.

Approximately 300 further cases were in various other 'phases' of the case management process. This would include cases recently received and at initial assessment stage; cases that have been completed and are awaiting of the completion of final reports under sections 97 or 101 of the Act; and cases that are in the process of being discontinued.

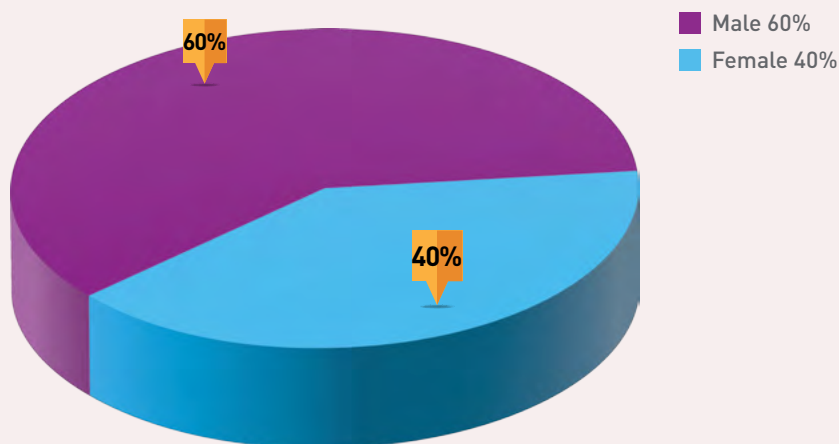
APPENDIX 2: PROFILE OF COMPLAINANTS IN 2021

On submission of a complaint to GSOC, complainants are invited to complete an anonymous survey in order to provide GSOC demographic data on those who seek our services.

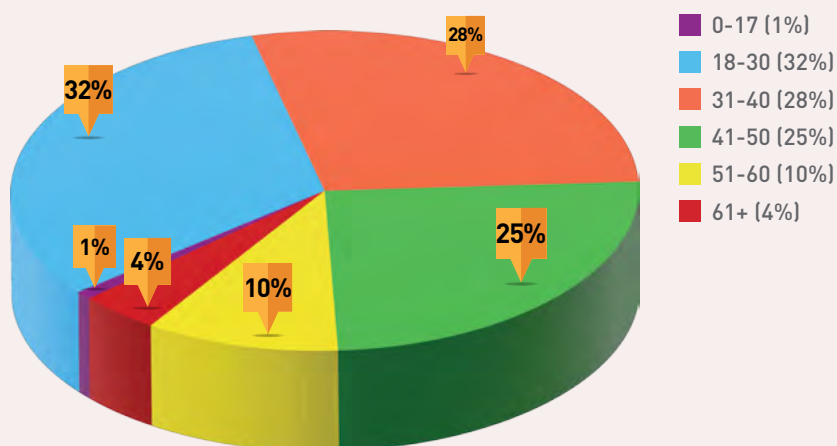
In 2021, 455 complainants responded to the survey. This represents a response rate of approximately 21 per cent.

The charts below outline the profile of complainants who answered the survey, across a number of demographic categories.

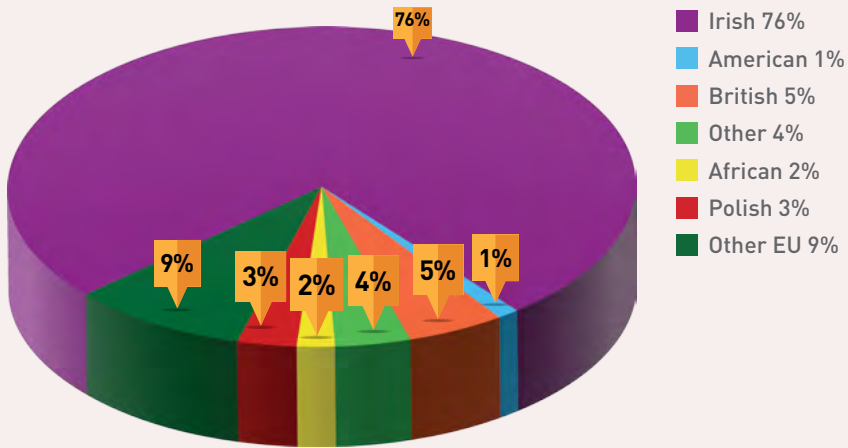
(i) Gender



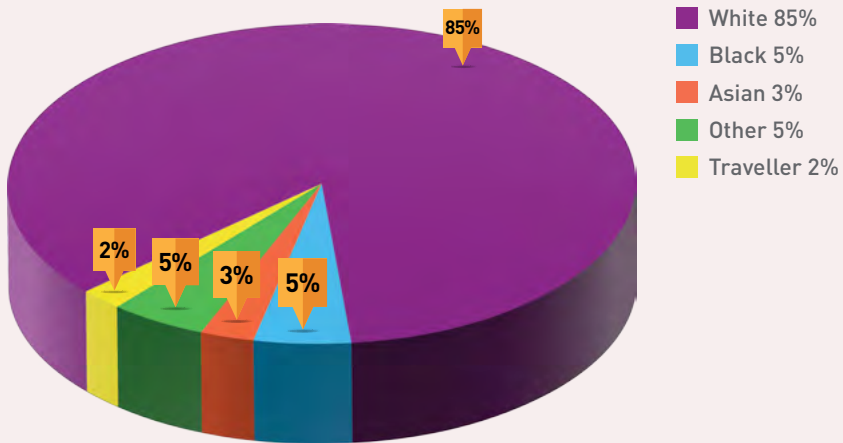
(ii) Age



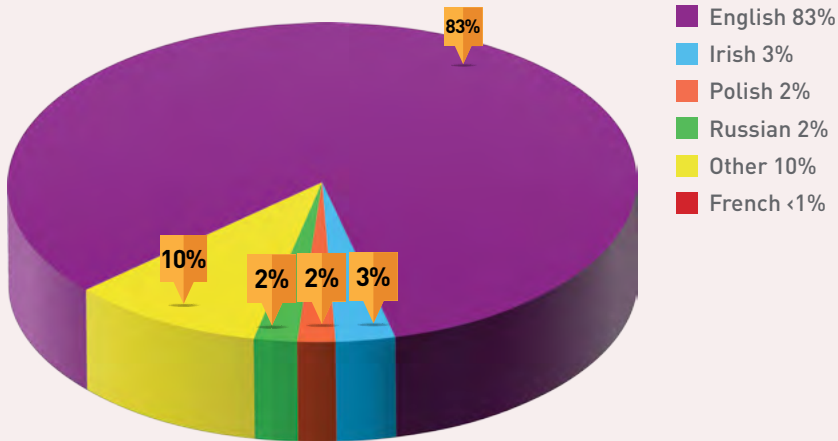
(iii) Origin or nationality



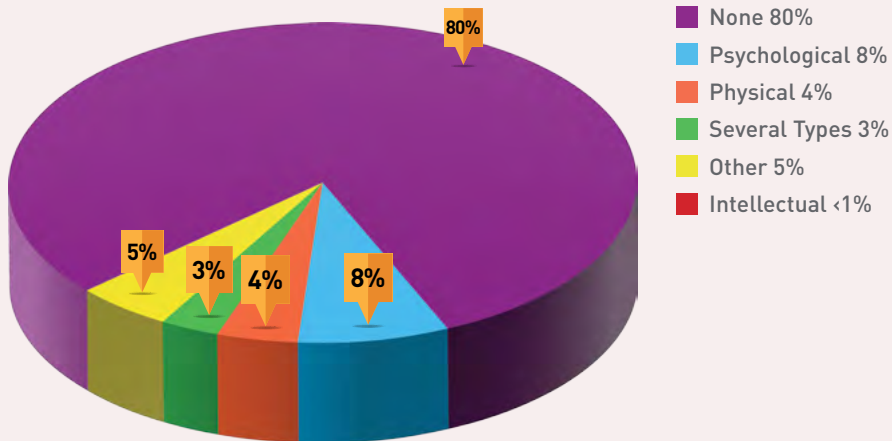
(iv) Ethnicity



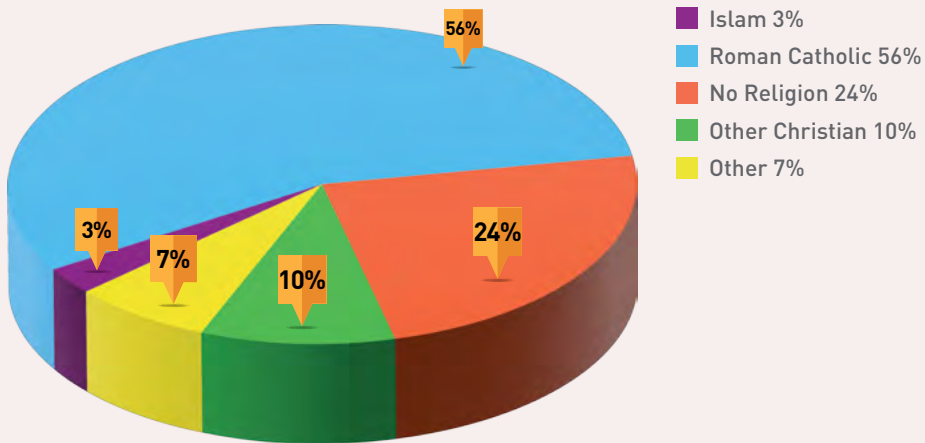
(v) Language



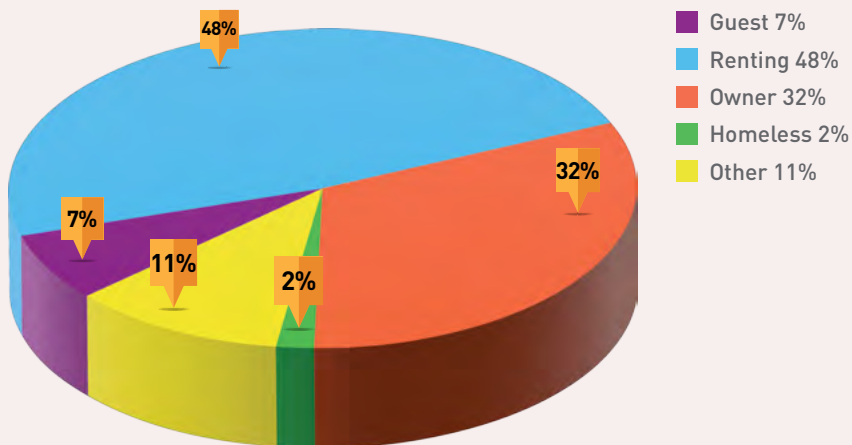
(vi) Disability



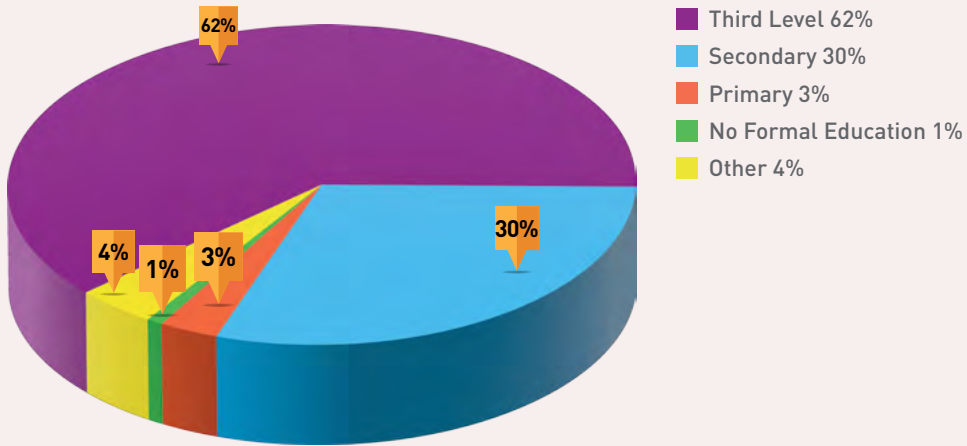
(vii) Religion



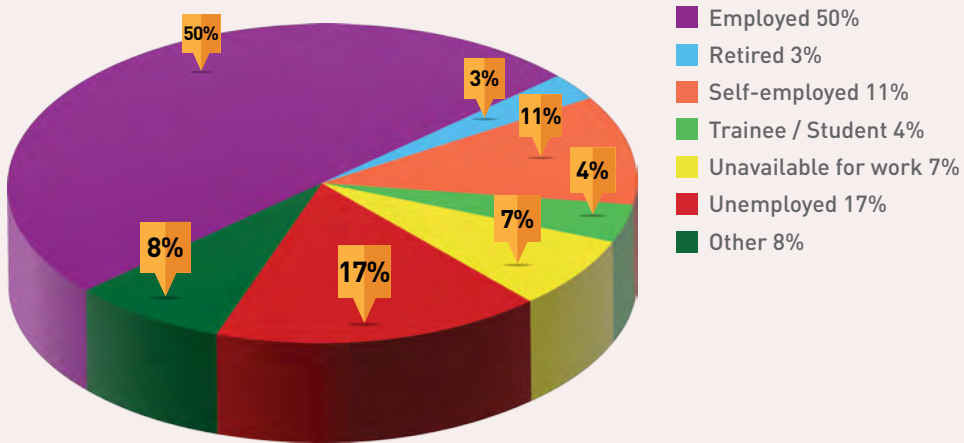
(viii) Housing status



(ix) Educational attainment



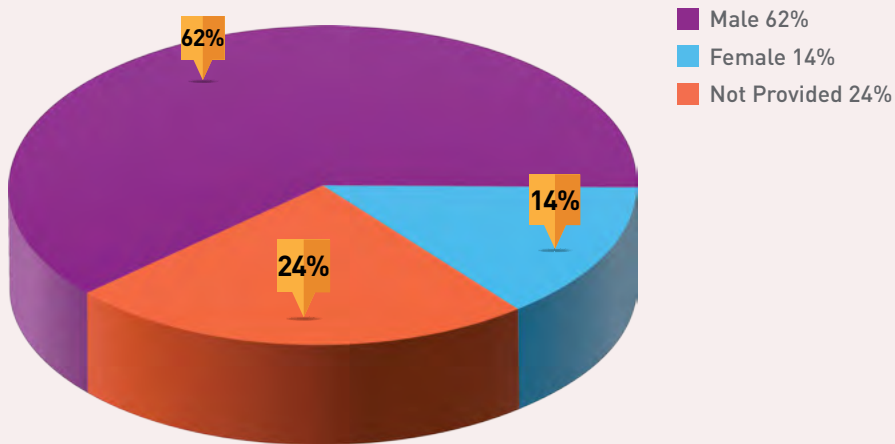
(x) Employment status



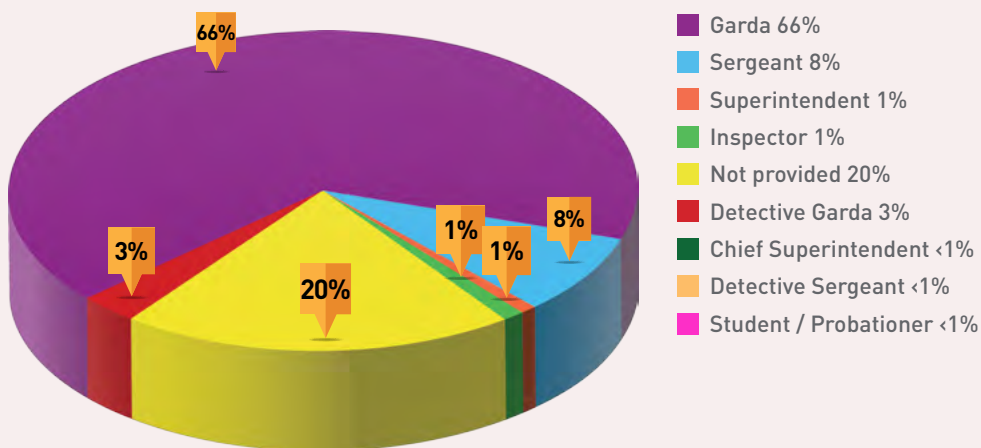
APPENDIX 3: GENDER AND RANK OF GARDAÍ SUBJECT TO COMPLAINTS IN 2021

The following charts show the breakdown of gender and rank of Gardaí subject to complaints in 2021, where this information was known.

(i) Gender of members of the Garda Síochána in allegations admitted in 2021



(ii) Rank of members in allegations admitted in 2021



GLOSSARY OF TERMS AND ABBREVIATIONS

Acronym	Meaning
The Act	The Garda Síochána Act, 2005, as amended, is the principal act governing the functioning of GSOC. This can be seen at: http://www.irishstatutebook.ie/eli/2005/act/20/enacted/en/print
Admissibility	All complaints are assessed against the criteria listed in section 87 of the Act to decide whether they can legally be admitted for investigation or not.
Advice	This is a sanction, which may be applied by the Garda Commissioner, for breach of the Discipline Regulations – it can be formal or informal.
Allegation	Each complaint is broken down into one or more allegations, which are individual behaviours being complained about. For example, if a person said that a Garda pushed them and used bad language, this is one complaint with two separate allegations.
Article 2	Article 2 of the European Convention on Human Rights (ECHR) states that everyone’s right to life will be protected by law.
Complaint	An expression of dissatisfaction made to GSOC by a member of the public, about the conduct of an individual member of the Garda Síochána. A complaint may contain one or more allegations against one or more Gardaí. Each allegation against each Garda is assessed individually for admissibility.
CoFPI	Commission on the Future of Policing in Ireland
Custody Regulations	Criminal Justice Act, 1984 (Treatment of persons in Custody in Garda Síochána Stations) Regulations, 1987 – regulations related to the detention of people in garda stations. It can be seen at http://www.irishstatutebook.ie/eli/1987/si/119/made/en/print
Discipline Regulations	The Garda Síochána (Discipline) Regulations 2007, as amended. These can be seen at: http://www.irishstatutebook.ie/eli/2007/si/214/made/en/print
Disciplinary Action	Sanction which may be applied by the Garda Commissioner following an investigation. There are two levels of action provided for by the Discipline Regulations, relating to less serious breaches and serious breaches of discipline respectively.
Disciplinary Proceedings	These are proceedings that may be instituted by the Garda Síochána following a disciplinary investigation. Recommending the institution of such proceedings is the limit of GSOC jurisdiction. Any sanction arising is a matter for the Garda Commissioner.
DMR	Dublin Metropolitan Region
DO	Designated Officer
DPP	Director of Public Prosecutions

ECHR	European Convention on Human Rights
FRTC	Fatal Road Traffic Collision
GSIO	Garda Síochána Investigating Officer
GSOC	Garda Síochána Ombudsman Commission
IO	Investigations Officer
Local Intervention	The local intervention process is aimed at resolving certain service-level types of complaints against members of the Garda Síochána at a local level without the need for the matter to enter a formal complaints process. The process entails nominated Garda inspectors contacting the person making the complaint, establishing what the issues are, and attempting to resolve matters to the complainant's satisfaction.
Median	When numbers are listed in value order, the median value is the number at the midpoint of the list, such that there is an equal probability of falling above or below it.
Member in charge	The member of the Garda Síochána who is designated as being responsible for overseeing the application of the Custody Regulations, in relation to people in custody in the Garda station. This can be a member of any rank. The full legal definition and list of duties of a member in charge can be seen in sections 4 and 5 of the Custody Regulations (see above).
Ombudsman Commission	The three Commissioners of the Garda Síochána Ombudsman Commission.
Out of time	A complaint made more than twelve months after the incident being complained of.
PDA	Protected Disclosure Act, 2014
PD/PDU	Protected Disclosures/Protected Disclosures Unit.



Garda
Ombudsman
INQUIRY INDEPENDENCE IMPARTIALITY

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