



Appearance by the Garda Síochána Ombudsman Commission before

the Joint Committee on Public Petitions

Thursday, 28 April 2022

Opening Statement by Mr Justice Rory MacCabe, S.C., Chairperson of GSOC

Chair, Committee Members,

My name is Rory MacCabe and I am, since late January, Chairperson of GSOC. I am joined today by my fellow Commissioners Ms. Emily Logan and Mr. Hugh Hume, who joined GSOC in February last year. Hugh has a background in policing at a senior level in the PSNI, and also served as Deputy Chief Inspector in the Garda Inspectorate. Emily was Ireland's first Ombudsman for Children and also served as the first Chief Commissioner of the Irish Human Rights and Equality Commission. We are also joined by Aileen Healy, who is GSOC's Director of Administration.

We will be happy to discuss our work in 2021, the annual report for which will be published in the coming months. We welcome the opportunity to discuss our own plans in the context of the significant institutional reforms in policing oversight which will affect the work of GSOC in the coming few years. We will do our very best to discuss and answer questions on our annual reports 2018 – 2020, but you will appreciate that detailed answers may not be readily available to us and we undertake to fill in any gaps in writing.

A few weeks ago we appeared before the Public Accounts Committee and you may have taken the opportunity to have a look at the report, so while I don't propose to rehearse the matters discussed at that Committee, my colleagues and I will do our best to give you such information as we can and, while GSOC is not perfect, I hope that you will be satisfied that the material we provide is rigorous, comprehensive and professional.

GSOC was established in 2007 under the Garda Síochána Act, 2005, mandated to provide independent oversight of policing in Ireland. Our current staff complement is 135, and our most recent budget allocation (2021) was 11.272 million Euros.

Working from our Dublin HQ, and regional offices in Cork and Longford, GSOC is the vital interface between the people and An Garda Síochána. We operate in 26 counties, 7 days a week, 24 hours a day. The work is challenging and complex and results depend on the skill and dedication of our staff, each of whom carries a heavy caseload.

Our primary job is to investigate complaints from the public concerning the conduct of members of An Garda Síochána.

We also conduct investigations into matters referred to us by An Garda Síochána, by the Minister for Justice, by the Policing Authority, as well as matters we judge to be in the public interest to investigate.

We do not prosecute Gardai or discipline them. If our investigations lead us to conclude that a crime may have been committed, we send a file to the DPP, who, as the State's independent prosecuting authority, must decide whether a prosecution is warranted. If our conclusion is that no crime has been committed, but neglect of duty or misconduct not amounting to a crime has occurred, we pass the file to the Garda Commissioner whose responsibility it is to impose such disciplinary sanction as he thinks fit.

In certain circumstances, our statutory mandate permits GSOC to refer complaints to the Commissioner for investigation.

In addition, we are one of the designated bodies to which members of An Garda Síochána can make protected disclosures.

Where we identify systemic issues in our investigative work, we make recommendations to An Garda Síochána, to advise them as to the need to improve policing policy and practice. Since 2018, we have also operated a local intervention initiative, which has facilitated the speedy resolution of some complaints without the need for formal investigation – an innovation that has been extremely successful over the past few years.

By their very nature, some investigations are straightforward and some are not. Some can be dealt with quickly and some require a commitment in terms of staff, resources and time that we know can be frustrating to all concerned. This is understandable from the point of view of complainants, who are anxious as to the outcome and for members of An Garda Síochána whose careers are, in effect, on the line. As we are bound by the principle of due process and the need to respect Human Rights principles, we cannot and will not prioritise speed at the expense of rigour in completing our investigations.

The period of 2018 – 2021 being considered by the Committee today has been a busy time for GSOC.

It spans a period during which the volume and complexity of our cases have increased year on year, and during which the issue of resourcing has been the subject of constant concern for the organisation. While our staff numbers have increased in recent years, so has the volume of complaints we receive. Resourcing will continue to represent a significant challenge for GSOC in the context of the additional powers and responsibilities that we anticipate you in the Oireachtas will mandate.

The period also covers the upheaval faced by everyone in Ireland due to the Covid-19 Pandemic. COVID obliged us to make rapid adaptations to our working practices to ensure the continued and safe delivery of our functions, as an essential service for the public. GSOC's staff adapted admirably to the challenges posed by COVID, and in 2020 and 2021 succeeded in delivering service to the public, including fielding a significantly higher volume of complaints.

The period saw reform in policing and in policing oversight take centre stage with the publication of the report of the Commission on the Future of Policing in 2018. The most significant result for GSOC is the recently-published Policing, Security and Community Safety Bill. This is a mammoth piece of legislation and proposes not only sweeping changes in the law but fundamental change in the composition and mandate of GSOC.

We welcome this draft legislation. It fills a clearly defined and long-signalled gap in Ireland's policing accountability infrastructure.

Transition to the proposed new arrangements is my core focus and it is my brief to ensure that the transition to whatever new organisational structure is mandated by you and your Oireachtas colleagues is seamless.

A cross-organisational transition project group has been established to coordinate the work that needs to be done, including liaison with the Department of Justice, a thorough structural review, and detailed business analysis and planning. A key theme of this work will be resourcing. GSOC will have additional powers and functions, which will, by definition, involve more work, which will in turn require that the organisation be adequately staffed with appropriately skilled people and technological backup, if it is to be fit for purpose.

The complexities of investigating wrongdoing in the modern world we inhabit do not come cheap, but it is my belief that the Minister and the Department are alert to the ongoing resource issues faced at present by GSOC and will support us as we look ahead to transitioning to a reformed ombudsman institution.

At the PAC hearing a few weeks ago, I invited the Chair, with some members of the Committee to come visit us at our HQ. I offer the same invitation to this Committee. Meet the staff. Listen to them and see the work they do. In the few short months I have been here, they impress me with their dedication, energy and enthusiasm and it is my belief that you will also be impressed. Thank you for affording us the opportunity to discuss our work with you today.

- **Judge Rory MacCabe, Chairperson, Garda Síochána Ombudsman Commission**

