



**GARDA OMBUDSMAN REPORT FOLLOWING A PUBLIC INTEREST INVESTIGATION INTO
THE PROVISION OF EVIDENCE IN COURT BY GARDA MEMBERS**

In 2011, a prisoner was detained at a Garda Station for an offence under section 49 of the Road Traffic Act 1961. It was alleged that the prisoner was assaulted by a garda, during the course of the detention.

The complaint of assault was investigated by GSOC and a file forwarded to the Office of the Director of Public Prosecutions (DPP). Arising from the investigation, the DPP directed that the garda be charged with an offence under section 2 of the Non-Fatal Offences Against the Person Act 1997.

In early 2013, the case was heard and the garda was convicted of assault contrary to section 2 of the Non-Fatal Offences Against the Person Act 1997 and sentenced to six months in prison, with three months suspended. This was appealed. The conviction was upheld and the sentence varied to a €500 fine.

The judge in the original trial was critical of the evidence given by members of the Garda Síochána at the hearing. Following consideration of the case, the Ombudsman Commission decided to open an investigation in the public interest, to determine if any Garda witnesses committed any offences or acts of indiscipline, in provision of evidence under oath, or in preparing to give evidence in the case.

An investigation was conducted into this matter, which included the review of documents, the interview of witnesses and the interview of a number of members of the Garda Síochána after caution.

In late 2014, the Garda Síochána Ombudsman Commission forwarded a file to the office of the DPP. In early 2015, the Ombudsman Commission was informed of a direction of no prosecution.