



Garda
Ombudsman
INQUIRY INDEPENDENCE IMPARTIALITY

GARDA SÍOCHÁNA OMBUDSMAN COMMISSION

ANNUAL REPORT 2010



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Mr. Alan Shatter T.D.
Minister for Justice and Law Reform,
94 St. Stephen's Green,
Dublin 2.

Dear Minister,

It is with pleasure that we present to you our fifth Annual Report, to be laid before the Houses of the Oireachtas, as prescribed by the Garda Síochána Act 2005.

This report covers the year ending December 31st 2010.

The Commission placed strong emphasis on achieving greater efficiencies and on meeting its operational obligations throughout 2010.

We continued to engage pro-actively with stakeholders during the year and maintained regular contact with counterpart organisations in Northern Ireland, England and Wales and Scotland.

The Commission remained conscious of its obligations in relation to the protection of Human Rights, continuing its engagement with the Irish Human Rights Commission throughout the year.

We would like to acknowledge the co-operation, courtesy and support of the officials of your Department during the year. We would also like to acknowledge the courtesy and active co-operation of the Garda Commissioner and his officers. In particular, we would wish to record that operational relationships on the ground, at Divisional and District level, continue to be professional and effective.

We have had fruitful dialogue with the staff associations within the Garda Síochána and we would like to acknowledge their co-operation, their advice and their courtesy.

We would also like to acknowledge the co-operation and support of various State agencies during the year; these include the Courts Service, the Coroners Service, the Office of the Director of Public Prosecutions, the Chief State Solicitor's Office, the State Pathologist's Office and the Forensic Science Laboratory.

We would like to put on record our appreciation of the work of Garda Síochána Ombudsman Commission staff during the year. Since our establishment, we have been impressed by the professionalism, energy and commitment that have been demonstrated.

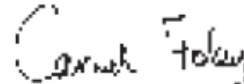
Yours sincerely,



Dermot Gallagher, Chairman



Conor Brady, Commissioner



Carmel Foley, Commissioner

Garda Síochána Ombudsman Commission

GARDA SÍOCHÁNA OMBUDSMAN COMMISSION
5TH ANNUAL REPORT

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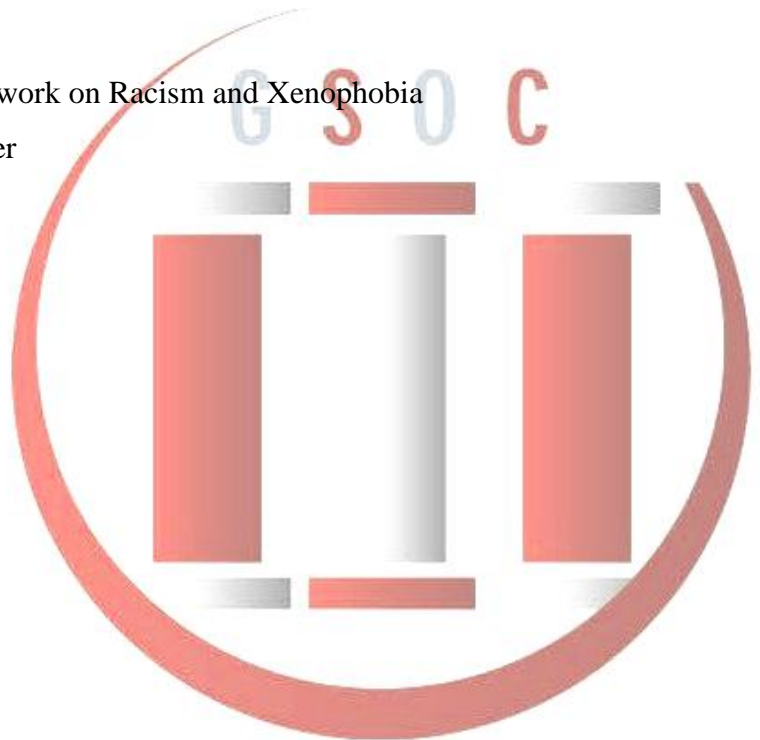
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ACRONYMS

AGSI	Association of Garda Sergeants and Inspectors
APN	Access Point Node
AST	Administrative Support Team
CMS	Case Management System
COU	Corporate Organisation Unit
DMR	Dublin Metropolitan Region
DJLR	Department of Justice and Law Reform
DPP	Director of Public Prosecutions
ECF	Employment Control Framework
FLO	Family Liaison Officer
GRA	Garda Representative Association
GSIO	Garda Síochána Investigating Officer
GSOC	Garda Síochána Ombudsman Commission
ICT	Information and Communication Technology
LAN	Local Area Network
PMDS	Performance Management and Development System
PQ	Parliamentary Question
RAXEN	European Information Network on Racism and Xenophobia
SIO	Senior Investigating Officer
USB	Universal Serial Bus
WAN	Wide Area Network
wte	whole time equivalent



EXECUTIVE SUMMARY

This report relates to the activities of the Garda Síochána Ombudsman Commission (GSOC) period from 1st January to 31st December 2010. Chapter 1 covers the receipt of complaints from members of the public and GSOC's response to those, referrals from the Garda Commissioner and investigations undertaken by GSOC. Chapter 2 deals with the statutory duty to promote public confidence in the system for resolving complaints. Chapter 3 outlines the various administrative activities of the organisation.

In 2010, GSOC received 2,258 complaints from members of the public, of which 722 were inadmissible. The complaints contained 4,931 allegations of misconduct by gardaí of which 1,087 were deemed inadmissible. The reasons for inadmissibility varied from complaints being outside the six-month time limit, or relating to the general control and direction of the Garda Síochána, to being of such a minor nature as to be deemed by GSOC to be frivolous or vexatious. 'Vexatious', in this context, should not necessarily be taken to mean mischievous or malign, but that, generally, the allegations are so minor as to be deemed to not warrant an investigation.

The complaints contained 4,931 allegations of garda misconduct. Among the allegations received, the four most prominent types were Abuse of Authority, Neglect of Duty, Discourtesy and Non-fatal Offence. The most prominent factors relating to situations which gave rise to complaints were search/investigation, arrest and road traffic incident. The most prominent locations of interactions which gave rise to complaints were public place, domestic residence and garda custody.

Predominantly, complainants were male (71%), Irish (85%) and aged 18-40 (62%). Complaints were received relating to each Garda Division. The ranks most complained about were Garda (75%) and Sergeant (14%).

The Garda Commissioner referred 103 incidents to GSOC under section 102(1) of the Garda Síochána Act 2005 (the Act). Of these 46% related to road traffic incidents.

Referrals under this section involved fifteen fatalities. One of the fatalities was a garda member.

GSOC commenced 2010 with five investigations ongoing under section 102(4) i.e. they were opened in the public interest. Two were closed during 2010. No new investigations under this section were opened in 2010.

Chapter 2 outlines work undertaken in furtherance of GSOC's statutory duty to promote public confidence. For the first time since it commenced operational activity, GSOC completed a customer satisfaction survey. The survey concentrated on a sample of complaints received and closed in 2010. Differences between garda and public attitudes were apparent in relation to outcomes of the process.

GSOC commissioned Millward Brown Lansdowne to conduct a survey of public attitudes. While this was initiated in 2010, the fieldwork was completed in early 2011 so as to reflect the entirety of 2010. The results show that GSOC has built a solid profile among the general public in terms of awareness of its role in society and its reputation as an impartial body in a relatively short period of time. On the whole, it appears that there is a clear indication from the public that garda misbehaviour is a reality, and that impartial investigation is the most appropriate course of action.

GSOC also completed the first full year of its Complainant Profile which is designed to assist GSOC to understand whether certain categories of person are more likely to make a complaint about garda actions. Overall, the findings suggest that complainants to GSOC are not drawn generally from categories of social disadvantage.

Outreach, both to the public and the gardaí, was continued throughout the year. GSOC staff ran seminars with targeted demographics based on the received caseload. Staff also ran seminars, at the invitation of the Garda College, Templemore, with students and gardaí of varying rank. These were a useful two-way exchange of information and views.

GSOC dealt with 1,838 queries during the year. Of these, 22 were data access requests; 325 were substantive media questions; 25 were parliamentary questions; 33 were from State agencies; 64 were from members of the public relating to GSOC's role and 1,369 were case-related. The GSOC website received over 21,000 visits.

GSOC maintained international contacts through participation in some overseas conferences as well as hosting several delegations who wished to be briefed on Ireland's oversight model. There was regular ongoing dialogue with the police oversight bodies in England and Wales, Northern Ireland and Scotland.

Chapter 3 outlines the administration of GSOC. In 2010 GSOC was allocated a budget provision of €10,242,000, from monies voted to the DJLR. By year end 2010, total expenditure amounted to €9,233,863.45 comprising pay expenditure of €5,765,772.22 and non pay expenditure of €3,468,946.67.

Development of the ICT infrastructure included ensuring savings through the sharing of networks; facilitation of remote working and increased security of the network.

Legal advice was provided by GSOC's in-house legal section on various aspects of GSOC's corporate and operational work. This included advising on and quality assuring 27 files referred to the Director of Public Prosecutions (DPP) by GSOC during 2010, relating to 31 members of the Garda Síochána and seven persons who were not gardaí. An adult caution was administered in one case. The DPP directed prosecution in 11 cases relating to 14 members of the Garda Síochána and 3 who were not gardaí. Eleven of these cases were before the courts as of 31st December 2010.

Ten cases forwarded to the DPP in 2008/2009 also came before the courts in 2010.

A new position of Health & Safety Coordinator was established.

As result of focused effort by the Green Working Group, GSOC received an energy rating of D2.

GSOC's library handled in excess of three hundred and fifty substantive queries in 2010 in relation to investigative, legal and research issues. GSOC maintained its membership of the European Society of Criminology and the Association for Criminal Justice Research and Development and continued its collaboration with the equivalent police oversight bodies in Northern Ireland, England-Wales and Scotland on identifying research synergies.

Relevant returns from all appropriate post holders were submitted in a timely manner in order to meet the statutory requirements arising from the *Ethics in Public Office* and *Standards in Public Office* legislation. In order to build on its governance procedures, GSOC devoted resources during 2010 to the tailoring of the Department of Finance's *Code of Practice for the Governance of State Bodies* to the specific context and requirements of GSOC. A Risk Management Strategy for the organisation was drafted to prepare for the establishment of a Risk Management Monitoring Team.



CHAPTER 1: Complaints and Investigations

1.1 Operations overview

Complaints and investigations arising from referrals or as a result of a public interest matter are processed through the Operations Directorate (Operations) of the Garda Síochána Ombudsman Commission (GSOC). In resource terms this Directorate is the largest commitment made by the organisation. Operations, which is managed by the Director and Deputy Director of Operations, is comprised of three sections: - Casework, Investigations, and the Administration Support Team (the AST). The AST is managed within Casework.

Operations sought to consolidate and improve processes within the Directorate. This was achieved primarily through the administrative bridging provided by the AST acting as a bridge between Casework and Investigations.

Operations managed to eliminate back logs awaiting an admissibility decision and now maintains a standardised work load normally of up to a few weeks' work at any given time.

Designated Officers were required to attend court sometimes on an extended basis. This placed considerable pressure on investigative resources as officers attending court were not available for investigative purposes or to service the on-call rota.

GSOC has formalised the training of investigators and has agreed an international accreditation model with equivalent oversight agencies in Northern Ireland, Scotland and with England and Wales. During 2009, approximately 70% of all GSOC's investigators were accredited to this standard and the remainder were accredited in 2010. This means that GSOC investigators are trained in Interview Techniques in order to obtain as much information as is required for the investigation of a complaint in a lawful manner.

In order to respond effectively to the necessary level of investigation involving road traffic collisions, three members of the Investigations section have undergone training in

forensic collision investigation and one has achieved a University Certificate in Forensic Road Collision Investigation.

Senior Investigating Officers (SIOs) in the Investigations section come from a range of investigative backgrounds. All the SIOs have undertaken an accreditation programme with the University of Portsmouth. In 2010 three of the SIOs achieved accreditation with the University of Portsmouth as Accredited SIOs. The accreditation is based on a foundation course in criminal investigation and law provided by Portsmouth University (U.K.), the Honourable Society of Kings Inns and GSOC's own staff. A number of officers moved on in 2010 to degree qualification courses in Criminal Investigations with Portsmouth University and two investigators are completing relevant PhDs.

In addition, members of staff of both Casework and Investigations completed training in the interviewing of vulnerable persons and children in accordance with statutory requirements.

To facilitate the investigation of critical incidents, GSOC has a trained cadre of Family Liaison Officers (FLO), whose job it is to work with bereaved family members. Three staff members from Casework and one from Communications and Research trained as FLOs to augment the existing FLO resource in GSOC. They also engaged with several agencies such as The Irish Hospice Foundation, the Citizens Information Board and Anam Cara to improve the information they can provide to families involved in these tragic incidents.

Additionally, the organisation also trained eight staff members in Volume Crime Scene Investigation. These officers have been critical in developing effective liaison with the Garda Technical Bureau and the Forensic Science Laboratory. They act as an aide to SIOs in advising on Scene Management and evidence acquisition in serious incidents.

During 2010, a number of staff attended in-service training courses specifically tailored for staff from Ombudsman organisations both in Ireland and abroad. Casework staff undertook a Professional Award in Ombudsman and Complaint Handling Practice Course.

Caseworkers travelled to Glasgow to attend the first inter-Ombudsman Conference designed specifically for Caseworkers from the police oversight bodies in Scotland, England and Wales, Northern Ireland and the Republic of Ireland. This conference provided the opportunity for staff to share their knowledge and experiences with counterparts in these organisations and consider common issues encountered when dealing with complaints. It is hoped that following the success of the conference, further contact can be developed which could lead to the introduction of a recognised accreditation programme for Caseworkers in the Ombudsman organisations.

The organisational learning acquired contributed to refinements of GSOC's Exhibits Management Policy and to the rollout of internal training for all staff on the handling, packaging and labelling of evidence.

1.1.1 Administration

The introduction in 2009 of an Administrative Support Team (AST) to streamline the administration process between Casework and Investigations has enhanced the efficiency of Operations as a whole. The work of the AST in 2010 was further developed with the result that staff in the team have contributed to and benefited from greater sharing of information and skills.

1.1.2 Casework

Casework is the first point of contact for members of the public wishing to make a complaint. While its primary function is to take complaints, it also deals with a large number of the queries received by the organisation. The aim of Casework is to service the needs of complainants and those making queries in the most efficient and proportionate manner possible and to do this there are three avenues of completion available: manage and finalise the complaint or query with Casework; refer to the Garda Síochána for a disciplinary investigation; or refer to Investigations.

Complaints can be made to GSOC in a variety of ways and Casework may receive complaints through written correspondence, via the telephone, by e-mail, on-line via the GSOC website or through interviews with individuals who attend the GSOC office in

person. There were two Senior Case Officers and 21 Case Officers working in Casework at the end of 2010.

Casework managers conduct regular reviews of its business processes to optimise efficiency and ensure that case numbers are managed with a minimum of delay and expeditious throughput. This review process, in 2010, resulted in a reduction in the number of complaints in the pre-admissible phase at year-end; changes to the Informal Resolution Process and the identification of improvements to the electronic Case Management System.

1.1.3 Investigations

The Investigation section is responsible, primarily, for the investigation of allegations against Garda members which may involve criminal behaviour. It also investigates incidents referred under section 102 of the Act which states that the Garda Commissioner shall refer to GSOC ‘any matter that appears to the Garda Commissioner 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’. In disciplinary matters the Investigations section supervises a limited number of investigations undertaken by the Garda Síochána. They also investigate matters where GSOC decides that an investigation is desirable in the public interest.

In 2010, the Investigations section comprised of thirty five investigators and was organised into eight investigation teams. Each team is led by an SIO. Six of the teams are based in the Dublin Office at Upper Abbey Street. There is one team based in Cork and another in Longford.

1.1.4 Criminal Prosecutions

Designated Officers of GSOC were involved in trials throughout 2010. Criminal trials represent a significant burden on the operational resources of the Investigations section as they involve the deployment of designated officers throughout the trial process to liaise with witnesses and to maintain and present evidentiary exhibits.

1.1.5 Coronial Inquests

Similar investment of resources was experienced in the preparation for Coroner Inquests into deaths investigated by GSOC. The responsibility for inquests includes summoning and liaising with civilian and Garda witnesses, assisting the families of the deceased and the presentation of evidence.

As there may be a number of fatalities under investigation at any time, investigators are required to liaise with Coroners' offices across the country to arrange inquests and to facilitate requests made by families of the deceased.

Dr. Brian Farrell, Coroner for Dublin City, attended the Family Liaison Officer training course for GSOC staff and delivered a lecture on Coronial law, process and procedure.

Coroner's Inquest Case Study

In August 2010, the inquest was held into the death of a young man killed in a road traffic collision involving an off duty Garda member in the Dublin City area. Following investigation by GSOC, a file was sent to the DPP, as is the norm in cases involving a fatality, and a direction of 'no prosecution' was received.

At the direction of the Coroner, GSOC arranged for several civilian witnesses, Garda witnesses and investigators from GSOC to attend to give evidence. One civilian witness initially refused to cooperate and was served with a witness summons. Another witness, who had seen the fatal collision, required the assistance of a GSOC investigator, acting as witness liaison, in order to attend and give evidence. A further witness to the incident did not speak English and required the assistance of an interpreter in court.

Throughout the preparation for and the hearing of the inquest, the FLO and SIO liaised closely with the family to ensure that they were provided with sufficient information as to the process and progress of the court proceedings.

The inquest sat for a full day's hearing at the conclusion of which the jury returned a verdict of 'Death by Misadventure'.

1.2 Receipt of Complaints

Staff dealing with pre-admissible cases have responsibility for taking and recording the receipt of complaints from members of the public and carrying out the administrative functions which are required following receipt of a complaint. They have daily interaction with the public and Garda members in person and on the telephone. They are responsible for ensuring that sufficient information is obtained from complainants at the earliest opportunity so as to enable a decision to be made on the admissibility of the complaint.

TABLE 1. Complaint Receipt Method

Complaint Receipt Method	Number
Email	485
Fax	47
Garda Station	454
Interviewed off site	3
Post	690
Public Office	328
Telephone	251
Total	2,258

TABLE 2. Complaint Throughput

Complaint Throughput	Number
On hand 31/12/09	1,220
Received in 2010	2,258
Closed in 2010	2,412
On hand 31/12/10	1,066

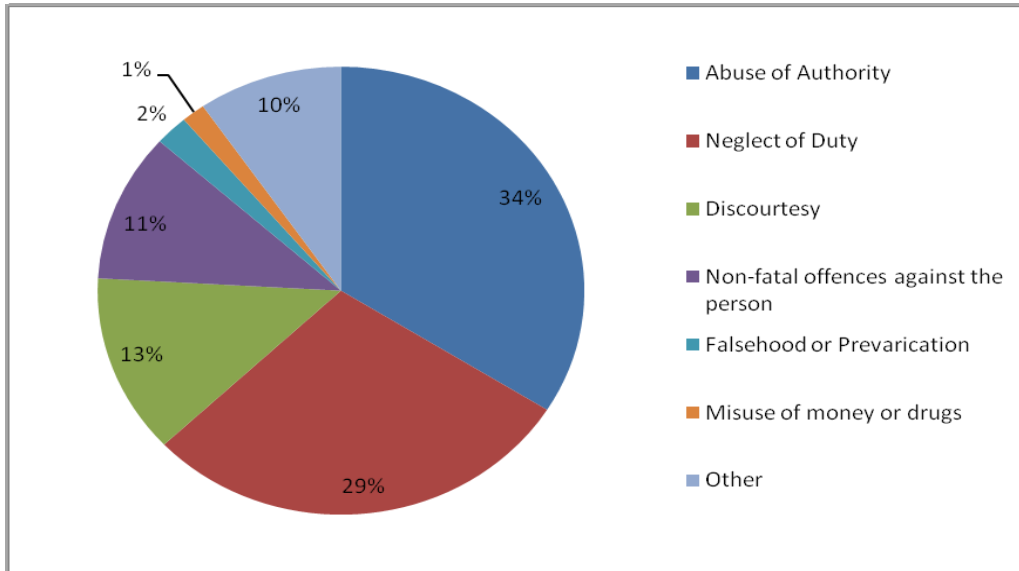
1.3 Allegations

Type

Chart 1 below shows a breakdown of the main categories of allegation types received. The four most prominent types are Abuse of Authority, Neglect of Duty, Discourtesy and Non-fatal Offences. The category of 'Other' includes a range of allegations such as

Accessory to the above, Corrupt or Improper Action, Discreditable Conduct, Falsehood or Prevarication, Improper Disclosure of Information, Misuse of Money or Property, Intoxication (alcohol), Road Traffic Infringement, Sexual Offence, Falsehood or Prevarication and Criminal Damage.

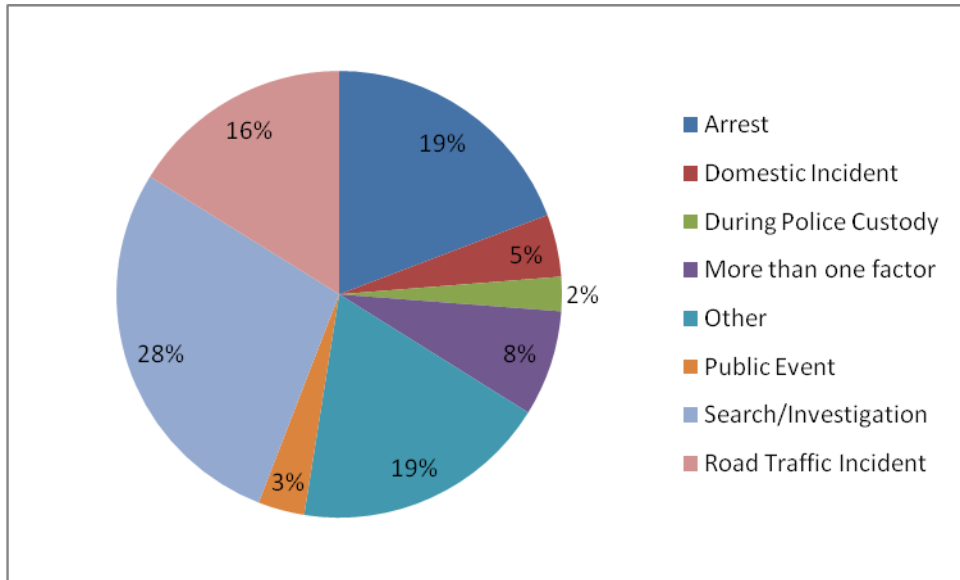
CHART 1. Allegation Types



Factor

Factor is the main context in which the interaction took place which gave rise to the complaint. The most prominent factors were search/investigation, arrest and road traffic incident (Chart 2). The category of ‘Other’ includes a range of factors such as service delivery in returning phone calls and responsiveness to the public.

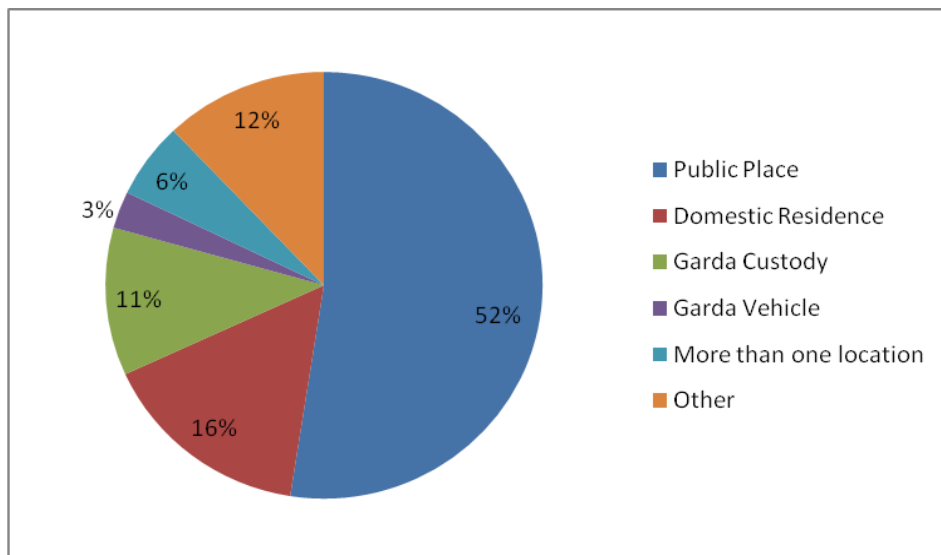
CHART 2. Factor in Complaints



Location

Location is the physical place in which the interaction which gave rise to the allegation took place. The most prominent locations were public place, domestic residence and garda custody (Chart 3). The category of ‘Other’ most commonly refers to a garda station, but not custody in a station.

CHART 3. Allegation Location



1.4 Complainants

CHART 4. Complainant Sex

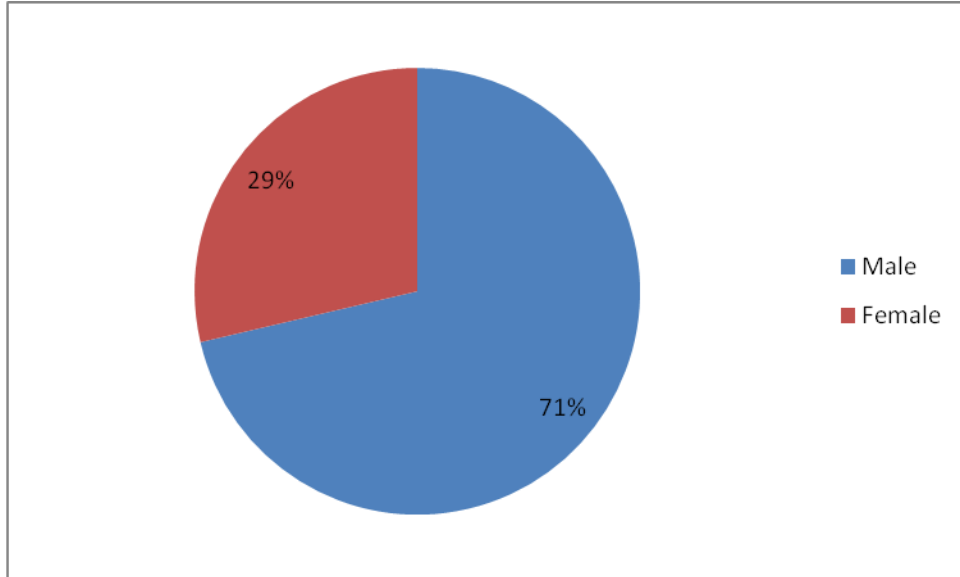


CHART 5. Complainant Age

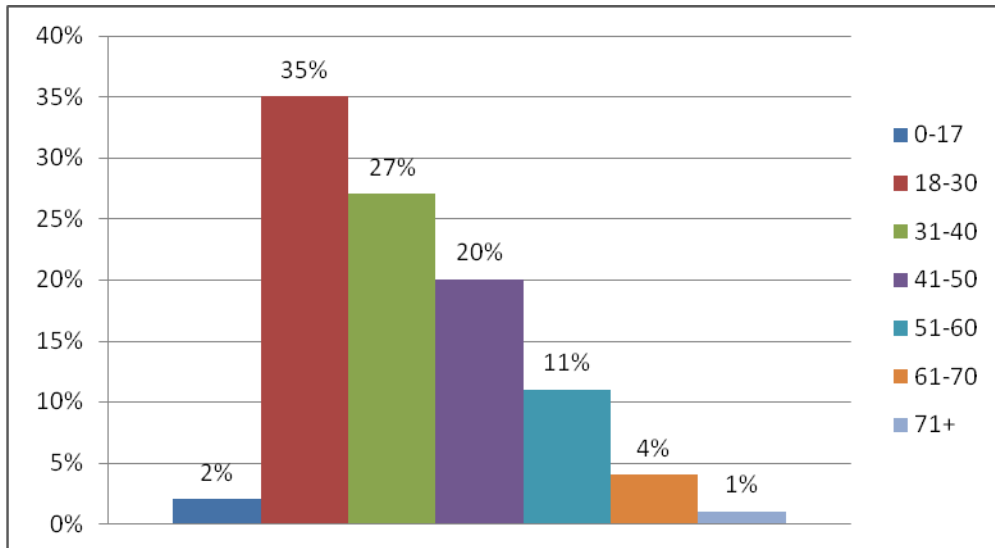
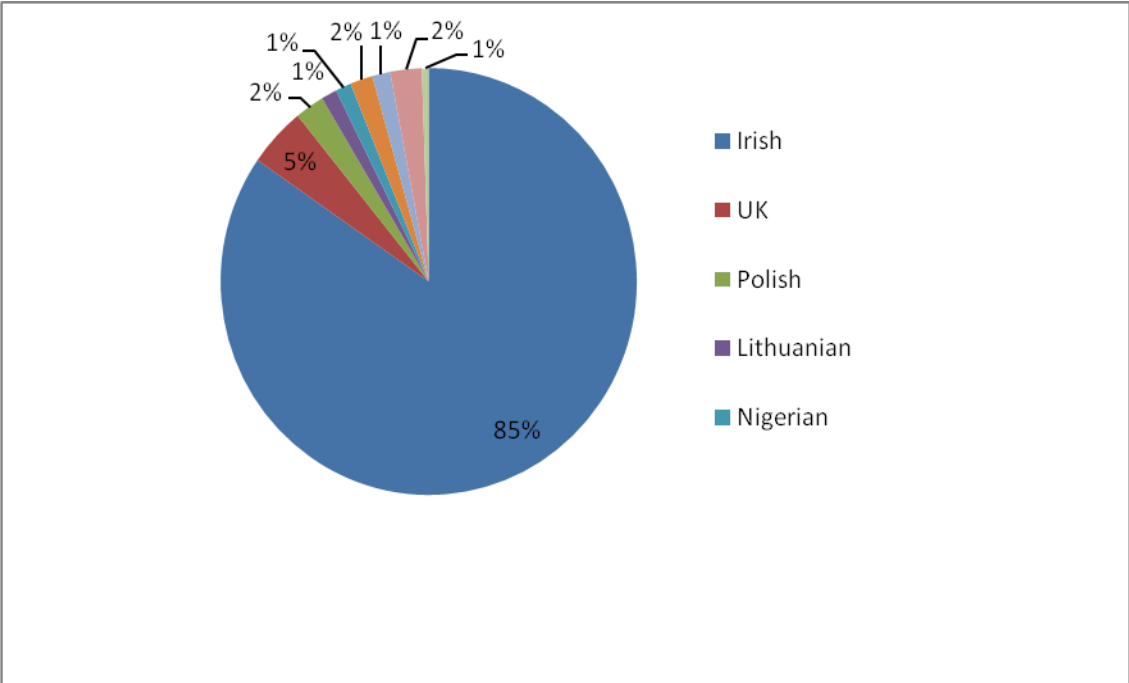


CHART 6. Complainant Nationality



1.5 Gardaí who were subject to complaint

MAP 1. Allegations per Division excluding Dublin Metropolitan Region (DMR)

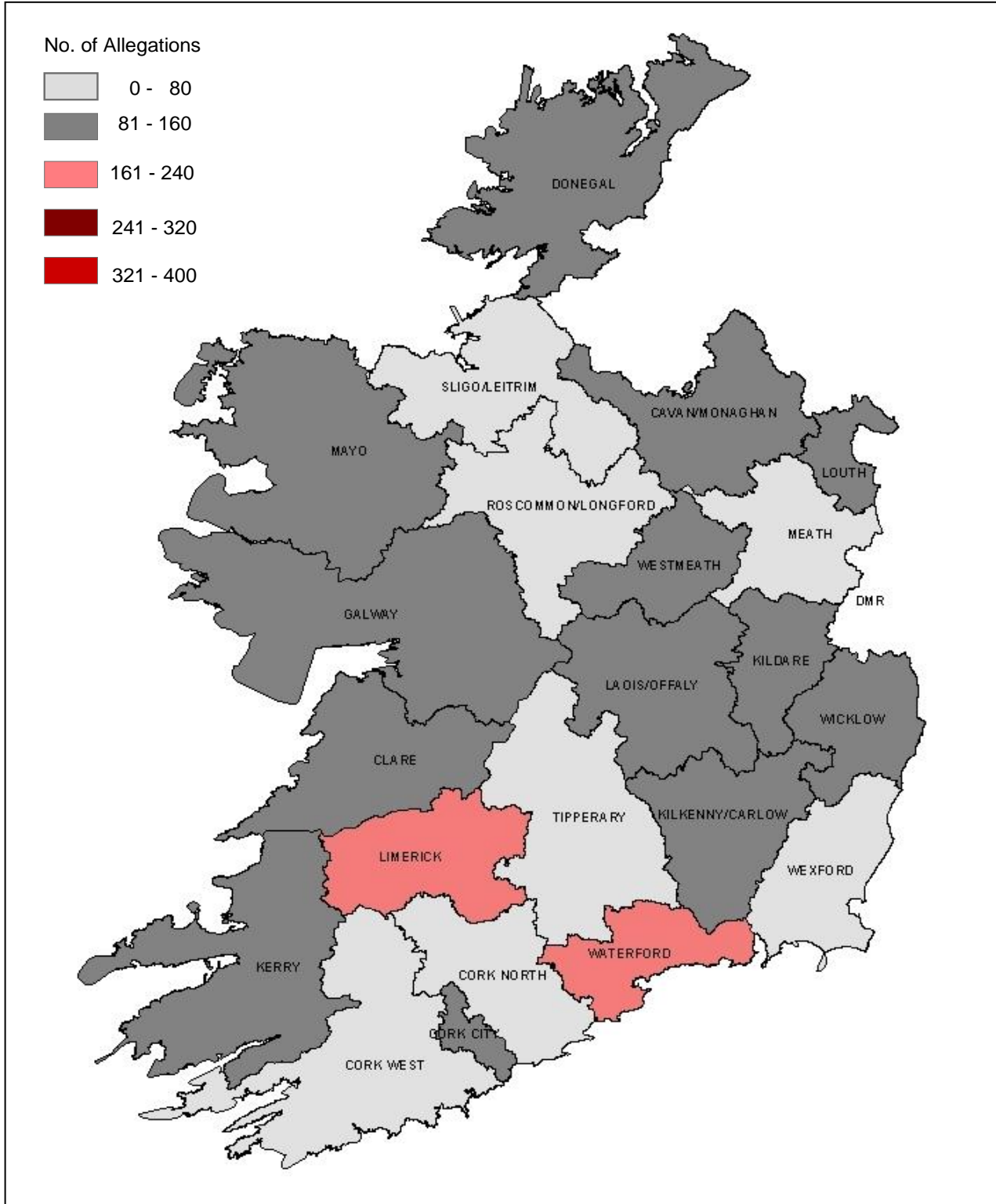


TABLE 3. Allegations per division- excluding DMR

Division	Number	Division	Number
Cavan / Monaghan	98	Limerick	196
Clare	154	Louth	82
Cork City	141	Mayo	129
Cork North	43	Meath	74
Cork West	55	Roscommon/Longford	64
Donegal	120	Sligo /Leitrim	65
Galway	147	Tipperary	65
Kerry	96	Waterford	214
Kildare	135	Westmeath	86
Kilkenny/Carlow	95	Wexford	62
Laois / Offaly	118	Wicklow	93

MAP 2. Allegations per Division – DMR

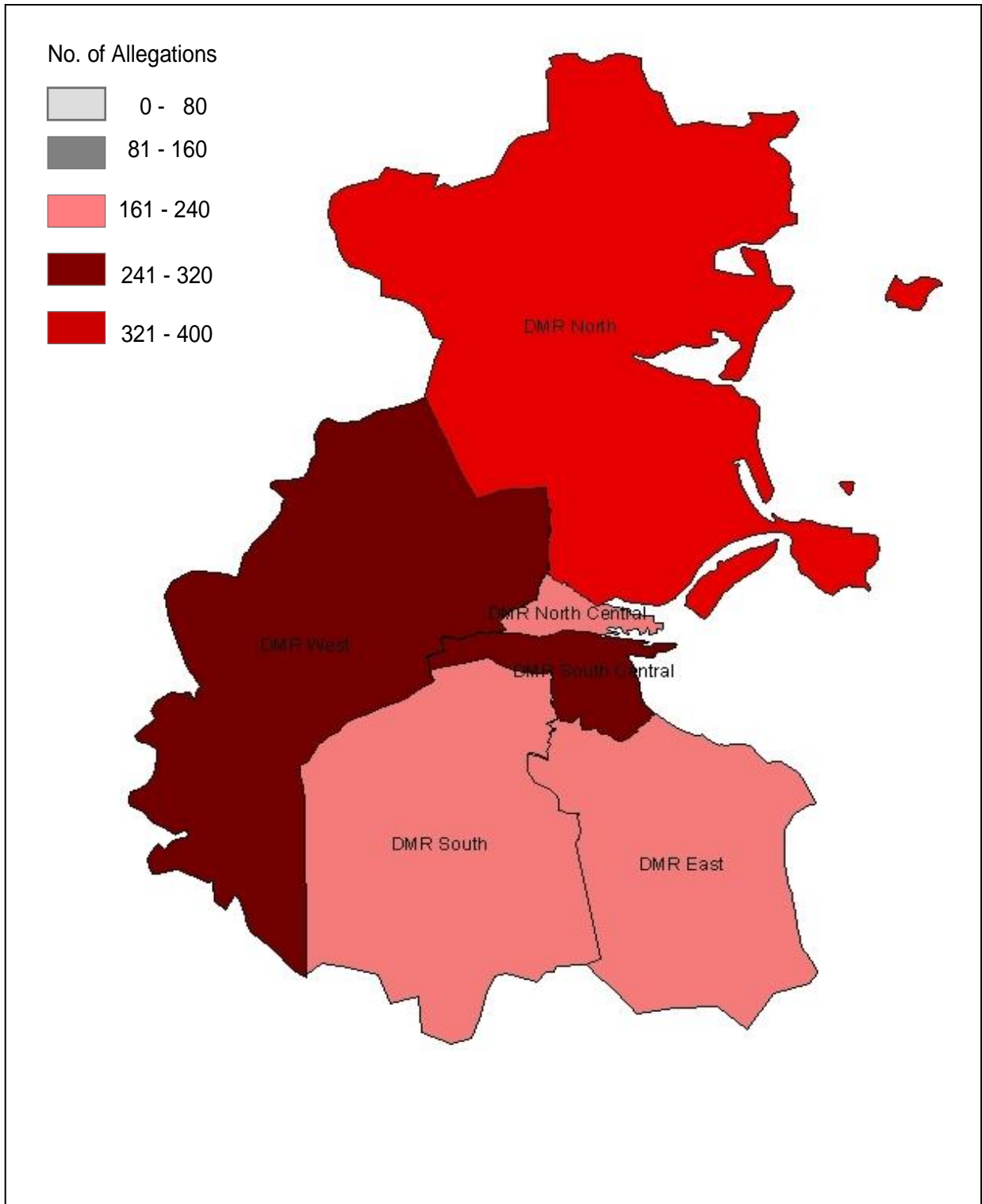


TABLE 4. Allegations per Division - DMR

Division	Number
D.M.R East	170
D.M.R North	382
D.M.R North Central	227
D.M.R South	192
D.M.R South Central	317
D.M.R West	313

CHART 7. Rank of gardaí complained about

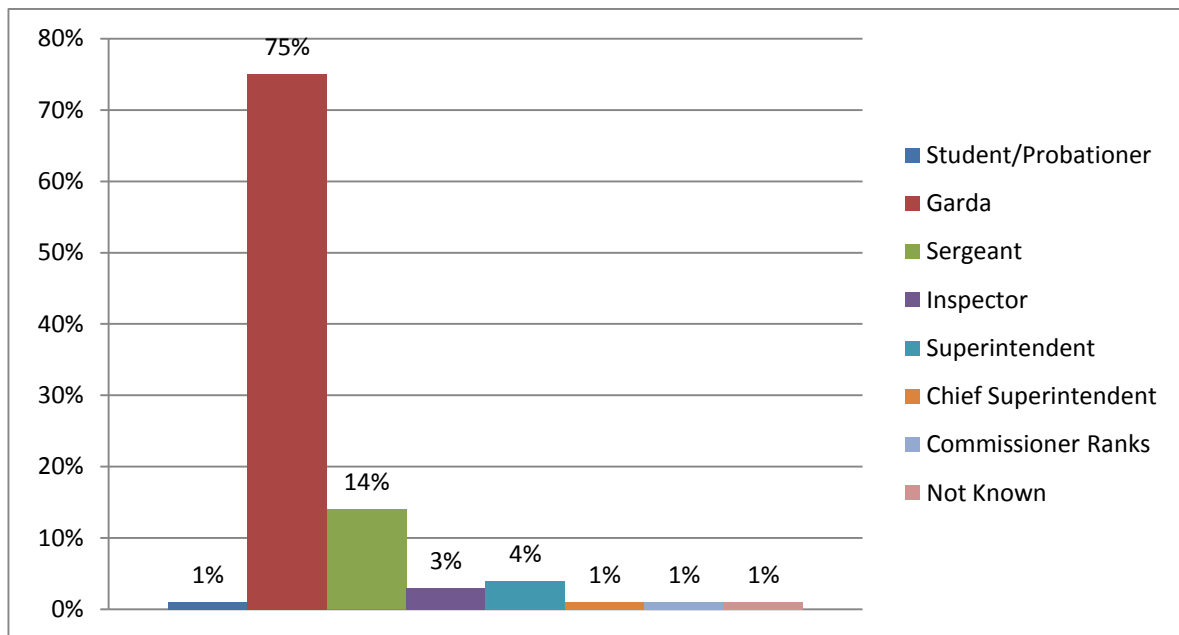
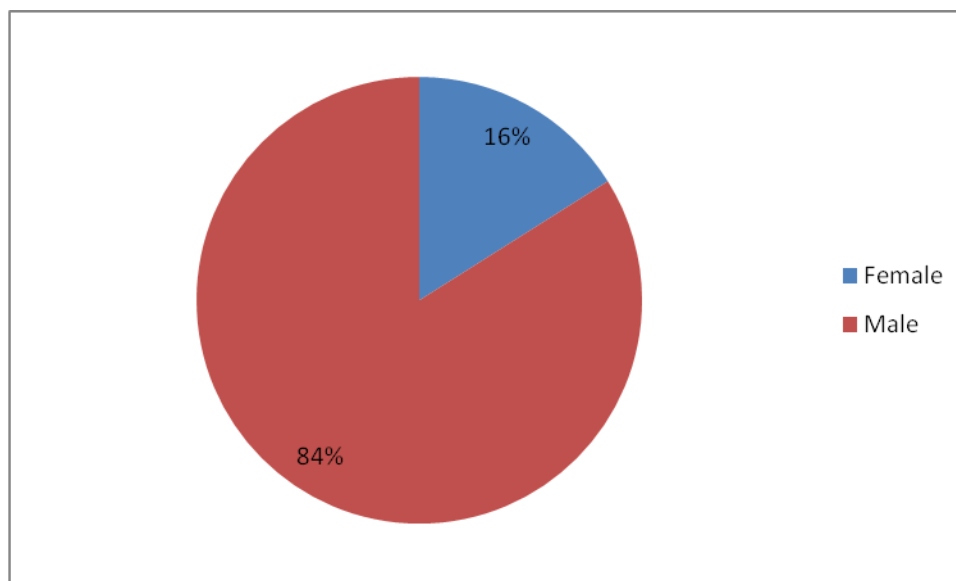


CHART 8. Sex of gardaí complained about



1.6 Response to Complaints and Referrals

1.6.1 Admissibility

A complaint may contain more than one allegation. All complaints received by GSOC are examined and assessed individually by senior managers upon receipt. In those cases where critical matters are identified, a fast track system is in place to ensure that an immediate admissibility determination is made. This screening process ensures that complaints containing critical elements are forwarded for appropriate investigation at the earliest possible opportunity.

All other cases coming out of the daily screening process are allocated to Case Managers and Case Officers. In cases where there is adequate information provided by the complainant, admissibility decisions can be made quickly.

Cases where further information is required to assist in the admissibility determination take longer to process. Timelines have been set for such cases within which complainants are requested to provide the information sought, following which the admissibility determination is made based on the information to hand.

GSOC began 2010 with 171 complaints on hand awaiting admissibility decision. By the end of December 2010, there were 52 fewer complaints on hand in the pre-admissibility phase. This represents a reduction of 30% on the number which were on hand in the same phase at the end of 2009.

In 2010, GSOC received 2,258 complaints from members of the public, of which 722 were inadmissible. The complaints contained 4,931 allegations of misconduct by gardaí of which 1,087 were deemed inadmissible.

The reasons for inadmissibility varied from complaints being outside the six-month time limit, or relating to the general control and direction of the Garda Síochána to being of such a minor nature as to be deemed by GSOC to be frivolous or vexatious. ‘Vexatious’, in this context, should not necessarily be taken to mean mischievous or malign, but that, generally, the allegations are deemed to be of so minor as to not warrant an investigation.

1.6.2 Informal resolution

The categories of complaints generally considered by GSOC to be suitable for Informal Resolution are those concerning relatively minor matters, such as allegations of discourtesy and neglect. It is notable that a significant number of these complaints fall into what could be described as service complaints and GSOC has engaged with the Garda Síochána to seek mechanisms to better identify and resolve such issues without, necessarily, the need to apportion blame. Some cases were discontinued under section 93(1)(c) of the Act. Decisions to discontinue were made following lengthy discussions with both the complainant and the Garda member concerned. Each individual case was reviewed to determine whether proportionate investigations, albeit informal, had been conducted into the incidents and to decide whether a more formal investigation was necessary. As a result, in 2010 a number of unresolved cases were discontinued, obviating the need for lengthy disciplinary investigations for these “minor” matters. In

circumstances where a formal investigation was considered necessary the cases were referred to the Garda Commissioner under section 94(1) of the Act.

TABLE 5. Outcomes of Informal Resolution

Outcome	Count
Allegation Withdrawn	10
Informally Resolved	28
Further investigation not necessary or reasonably practicable	99
Total	137

1.6.3 Section 94U: Unsupervised Garda investigation

Complaints which are determined to be admissible and referred to the Garda Commissioner under section 94(1) of the Act must be investigated by a Garda Síochána Investigating Officer (GSIO) under the *Garda (Discipline) Regulations 2007*. While officers review the complaint files regularly, GSOC has no active role in the actual investigation of the complaint. GSOC's role is to endeavour to ensure that the investigation is conducted within agreed timeframes as specified in the Protocol agreed between the Garda Commissioner and GSOC and that the outcome is notified appropriately to the relevant parties. With that in mind, Operations management is in regular discussion with Garda Human Resource Management with a view to encouraging GSIOs to conduct proportionate investigations. GSOC staff have regular interaction with the complainant during the course of the investigation with a view to fulfilling the GSOC's obligations under Section 103 of the Act.

Improved business processes and timely issue of reminders to GSIOs have resulted in some improvement in the time taken to complete investigations. A regular audit system has been introduced to identify investigations which have fallen outside the timelines set out in Protocols agreed between the Garda Commissioner & GSOC for the investigation of s.94 (1) cases. These audits have assisted staff in identifying problematic cases and

resulted in more regular contact with GSIOs to assist them to bring their investigations to a speedy conclusion. Officers on the Resolution team also have regular meetings with officials from Garda Human Resource Management Unit to discuss problematic cases and reach agreement on methods of making progress in such cases. This has helped to strengthen working relations with the Garda Síochána and develop an understanding between both organisations of the difficulties experienced by both complainants and GSIOs tasked with investigating complaints.

TABLE 6. Outcomes of section 94U: Unsupervised Garda investigations

Outcome	Count
Advice	42
Allegation Withdrawn	77
Frivolous or Vexatious	1
Caution	8
Further investigation not necessary or reasonably practicable	425
Garda Discipline Regulations no longer apply to member	5
GC identified no breach of Discipline Regulations	520
Reduction in pay not exceeding 2 weeks' pay	10
Warning	1
Total	1089

Section 94(10) Reviews

Section 94(10) allows for a complainant who is dissatisfied with the results of an unsupervised investigation, or with any disciplinary proceedings instituted as a result of that investigation, to request GSOC to review the matter.

These reviews must be carried out by a Designated Officer, ordinarily an SIO, and can be time-consuming due to the number of investigations that are subject to review and in other occasions due to their complexity.

Improvements have been made in the monitoring and recording of the reviews carried out by the SIOs which has helped to improve the efficiency of the process.

During 2010, GSOC closed 122 reviews. In 117 no further action was found to be necessary and in the remaining five cases further action was found to be necessary.

There were 34 reviews under this section ongoing on 31/12/2010.

1.6.4 Section 94S: Garda investigation supervised by GSOC

Another important function carried out by the Investigation teams is the supervision of matters referred back to the Garda Commissioner for investigation under the *Garda Síochána (Discipline) Regulations 2007*.

As with section 98 investigations, these matters vary widely in scope and complexity. Whilst some cases require minimal supervision to be brought to a satisfactory conclusion, some supervised cases require intensive supervision, for example due to the sensitive nature of the complaint.

GSOC investigators routinely liaise with the Garda Superintendents assigned to investigate the matters and now prepare agreed written supervision strategies for each inquiry.

TABLE 7. Outcomes of section 94S: Garda investigations supervised by GSOC

Outcome	Count
Advice	8
Allegation Withdrawn	6
Frivolous or Vexatious	2
Caution	4
Further investigation not necessary or reasonably practicable	79
Garda Discipline Regulations no longer apply to member	1
GC identified no breach of Discipline Regulations	110
GSOC identifies no misbehaviour by member following s98	8
Reduction in pay not exceeding 2 weeks' pay	8
Total	226

1.6.5 Section 95 Investigations

An investigation under section 95 of the Act is the process used by GSOC to investigate disciplinary matters involving members of the Garda Síochána.

The section 95 process is formal, technical and labour intensive in that, alongside the other investigative processes, it requires that statutory notices be served on both the complainant and the Garda members concerned. These notices are frequently accompanied by the disclosure of documentary evidence gathered during the course of the investigation. The process also allows the relevant parties to make submissions to GSOC should they chose to do so.

TABLE 8. Outcomes of section 95 Investigations

Outcome	Count
Advice	2
Allegation Withdrawn	1
Further investigation not necessary or reasonably practicable	3
GC identified no breach of Discipline Regulations	13
GSOC identifies no misbehaviour by member following s98	1
Reduction in pay not exceeding 2 weeks' pay	4
Warning	1
Total	25

Section 95 case study

In 2010, a section 95 investigation was concluded which involved an allegation that a Garda member was in breach of discipline due to an inappropriate relationship with a vulnerable witness in an ongoing criminal investigation. Following the section 95 investigation, a file was sent by GSOC to the Garda Commissioner who convened a Board of Inquiry. The Garda member concerned admitted that his conduct had been in breach of discipline and presented mitigating evidence.

The Inquiry Board considered that, in the circumstances, the appropriate disciplinary action was that the member be required to retire or resign. While this disciplinary action

was seen to be appropriate and proportionate the Board having due regard to the service history of the member and his expressed remorse, instead imposed a reduction in pay.

1.6.6. Section 98 investigations

The wide range of the nature of the allegations that can be subject to investigation under section 98 requires that the investigation team be adept in the investigation of matters ranging from road traffic collisions to allegations of sexual assault. However, the more common allegations, and therefore the greater focus of investigative resources, relate to complaints of assault arising from public order incidents, arrests and searches.

Designated Officers frequently engage with members of the public in difficult and stressful circumstances. Similarly, the Designated Officers are called upon to liaise with Garda members who may have been involved in a traumatic incident and which is now the subject of a complaint or referral. For both sides a balanced and sensitive approach is important, especially where a death has occurred.

During 2010, the location of Investigation teams in offices in Dublin, Longford and Cork greatly contributed to the efficiency of the organisation and to the focussed use of available resources. It had the beneficial effect of reducing travel costs and expenses.

An increased focus on the proportionality of investigations undertaken assisted in streamlining practices within the Investigations section. Officers have also moved towards a greater reliance on electronic communication with both the Garda Síochána and complainants in order to increase the speed and efficiency of the service and to further reduce costs.

TABLE 9. Outcomes of section 98 investigations

Outcome	Count
Adult Caution Scheme	1
Advice	2
Allegation Withdrawn	35
Frivolous or Vexatious	2
Further investigation not necessary or reasonably practicable	396
GSOC identifies no misbehaviour by member following s98	289
Non cooperation by complainant	128
Referred to DPP - No Prosecution Directed	10
Referred to DPP - Prosecution Directed	3
Warning	1
Total	867

Section 98 case study

An investigation under section 98 was carried out into the complaint of a female from County Cork who alleged that she had been wrongfully arrested by garda members on suspicion of drink driving. The complainant was an insulin dependent diabetic who had been suffering from low blood sugar at the time of her arrest. The gardaí were informed of this at the time but no medical assistance was sought. The complainant became unwell and was admitted to hospital having shown symptoms of a diabetic coma.

A full investigation of the circumstances identified that there was insufficient evidence that a criminal offence had been committed by any member of the Garda Síochána. The circumstances were then investigated as a possible breach of discipline and a file was sent to the Garda Commissioner. As a result, three gardaí were found to be in breach of discipline and received advice relating to their conduct.

1.7 Referrals under section 102(1)

There is a 24/7 permanent On-Call Team tasked with responding to and investigating proportionately all referrals received from the Garda Commissioner under section 102(1)

of the Act. The Garda Commissioner is obliged to refer to GSOC any incident where the conduct of a Garda member *may* have resulted in the death of or serious harm to a person. The primary On-Call Team routinely consists of an SIO, two Investigations Officers and an Assistant Investigations Officer. This primary team is augmented and supported by a back-up team consisting of another SIO and another Investigating Officer.

In 2010, the On-Call Team received 103 referrals from the Garda Commissioner; this is similar to the figure of 104 referrals in 2009.

The investigation of referrals represents a significant amount of the work undertaken by Operations and can involve the Designated Officers with sometimes prolonged, difficult and challenging investigations.

Matters relating to fatalities can involve the deployment of a specialist investigator in the role of FLO to engage with the family of the deceased, to liaise with them and to assist them throughout the course of the investigation. The FLO works with the family to ensure that they are kept sufficiently informed of the progress of the investigation.

MAP 3. Referrals per Division excluding DMR

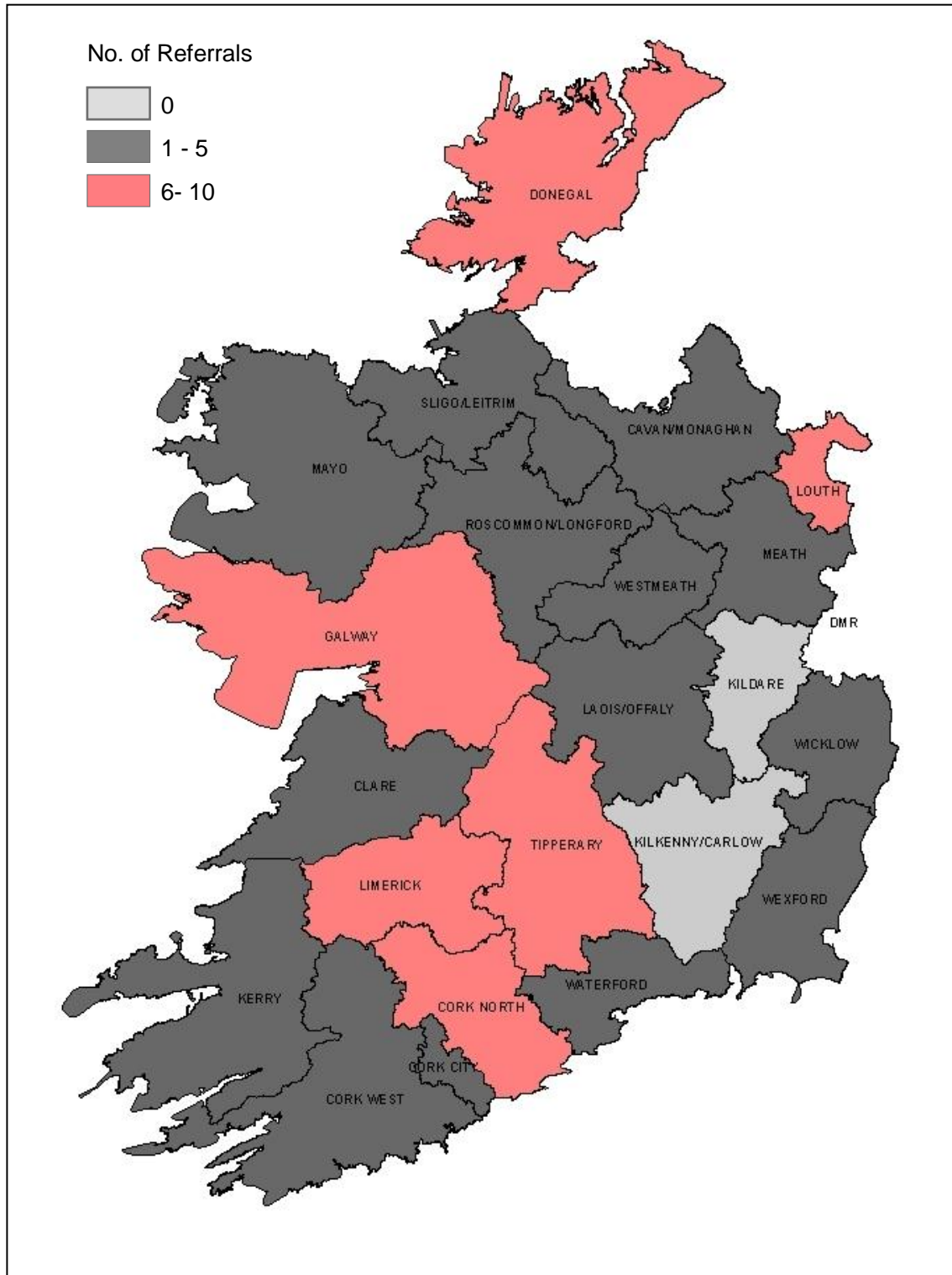


TABLE 10. Referrals per Division excluding DMR

Division	Count	Division	Count
Cavan/Monaghan	1	Limerick	9
Clare	5	Louth	10
Cork City	4	Mayo	3
Cork North	7	Meath	1
Cork West	1	Roscommon/Longford	3
Donegal	7	Sligo/Leitrim	2
Galway	7	Tipperary	6
Kerry	1	Waterford	4
Kildare	0	Westmeath	1
Kilkenny/Carlow	0	Wexford	1
Laois/Offaly	1	Wicklow	2

MAP 4. Referrals per Division – DMR

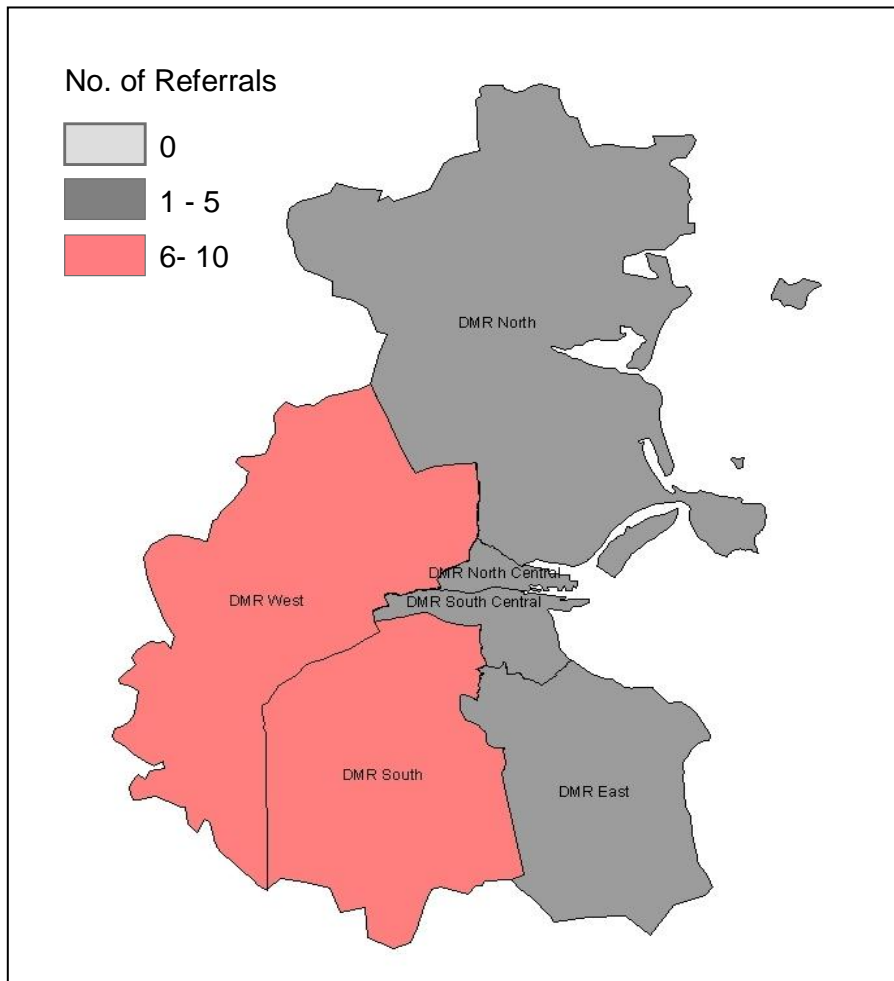


TABLE 11. Referrals per Division- DMR

Division	Count
D.M.R. East	2
D.M.R. North	3
D.M.R. North Central	4
D.M.R. South	7
D.M.R. South Central	3
D.M.R. West	8

CHART 9. Age of non-garda injured party

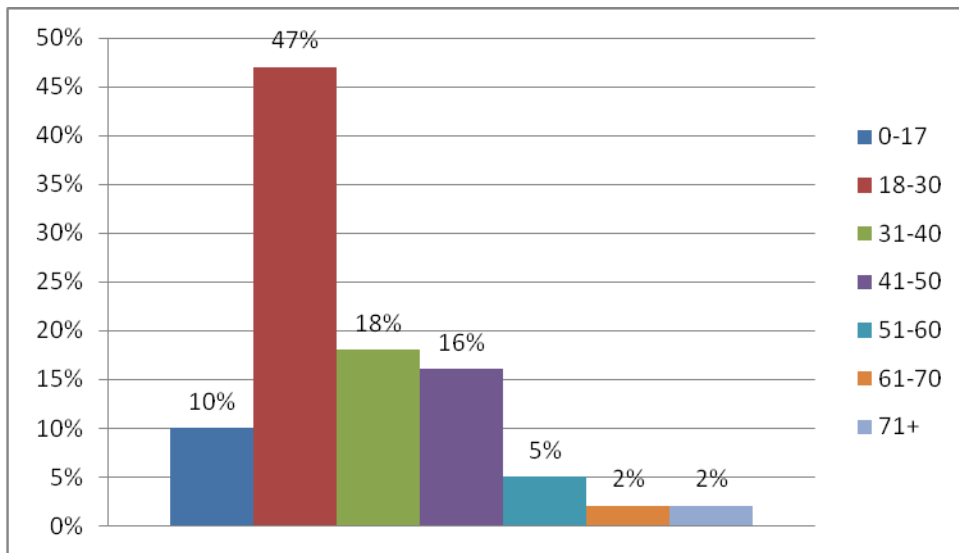


CHART 10. Sex of non-garda injured party

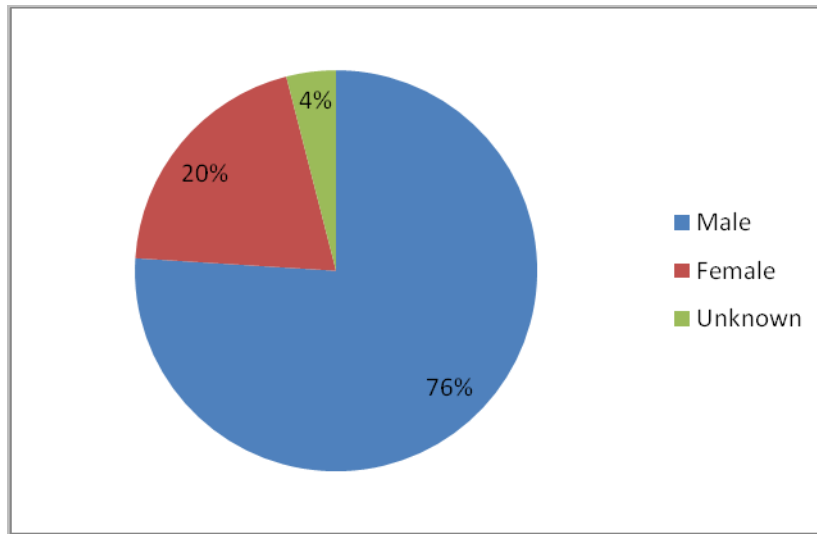


CHART 11. Injuries sustained and nature of injuries

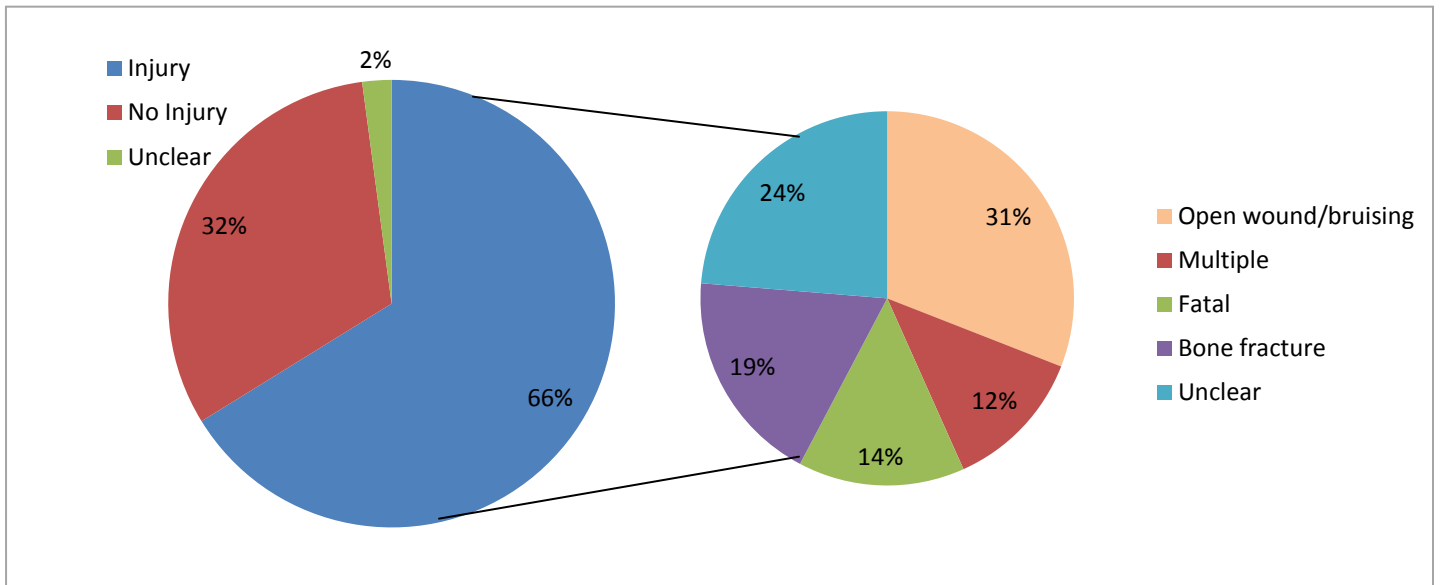


CHART 12. Method by which injury sustained

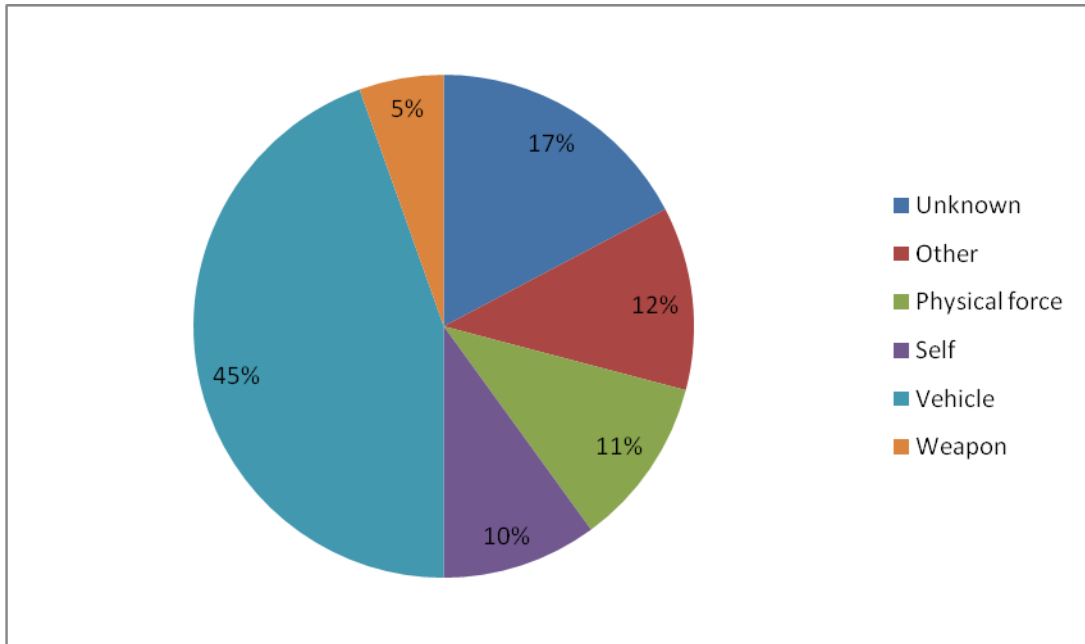


CHART 13. Factor in section 102 referrals

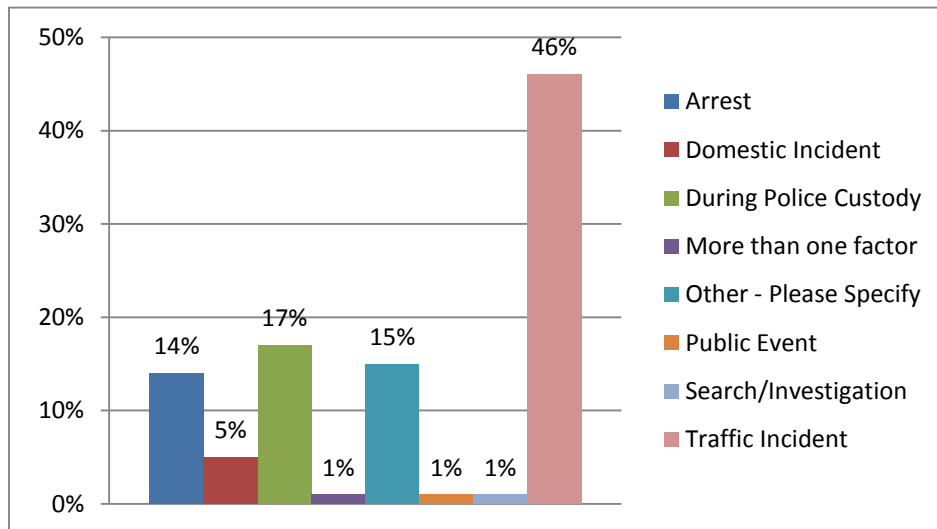


CHART 14. Day of the week of referrals

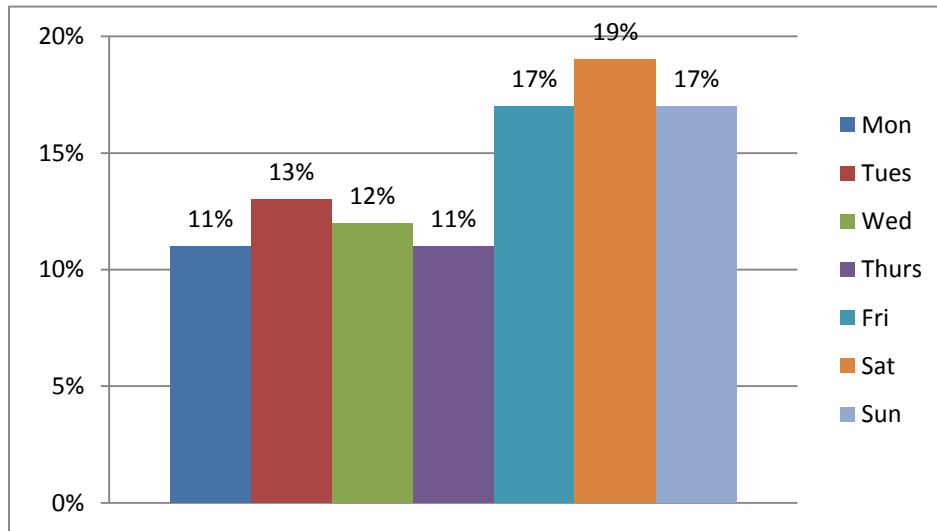
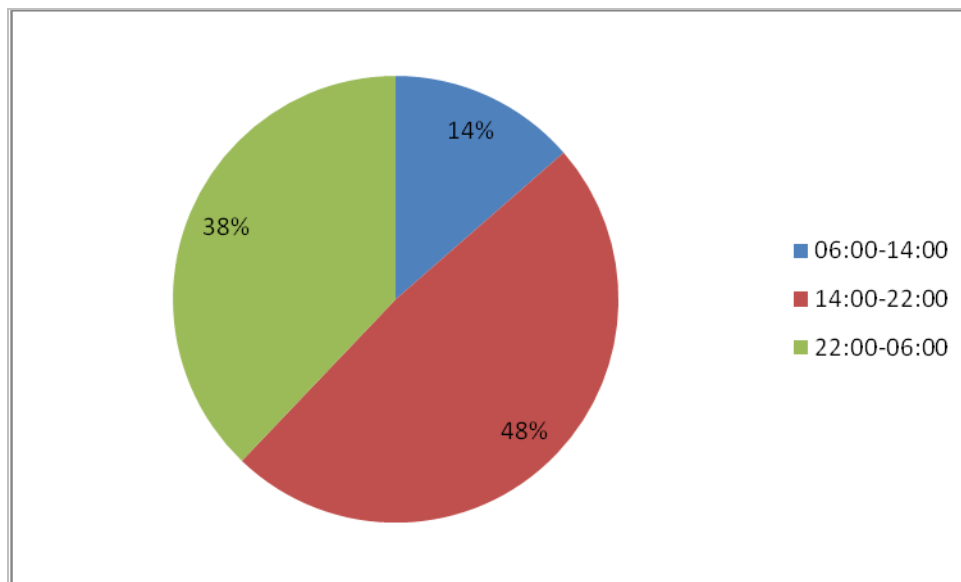


CHART 15. Time of day of referrals



Section 102(1) Referral case study

A referral under section 102 was made by the Garda Commissioner regarding an incident in Clondalkin, Dublin. Gardaí were initially called to deal with a domestic incident

involving a male and his ex-partner. The male was intoxicated and was attempting to gain access to his infant daughter. Gardaí attended and the male was arrested for criminal damage and placed in handcuffs. Whilst in handcuffs, the male was attacked by another male at the scene. This second male succeeded in stabbing the handcuffed male with a pen knife. Gardaí present subdued the male carrying the knife using pepper spray and he was disarmed and arrested. Due to the injuries sustained by the male while in Garda care, the incident was referred by the Garda Commissioner to GSOC under section 102(1) of the Act.

GSOC investigators attended the scene of the incident. The scene was examined by Scenes of Crime examiners and Gardaí commenced an investigation into the assault on the male. GSOC commenced an investigation into the circumstances as to how a Garda prisoner was injured whilst in care.

GSOC investigators took an account from the injured party in which he alleged that the Garda members present had failed to act quickly enough to prevent him from sustaining the stab wound. An investigation by GSOC found no criminal misbehaviour by any member of An Garda Síochána. The matter was then referred to the Garda Síochána for disciplinary investigation. This investigation was supervised by GSOC and concluded that there was no wrongdoing on the part of any Garda member, and that the Garda members in the incident had acted in a reasonable and professional manner.

1.7.1 Outcome of referrals

GSOC had 81 investigations arising from referrals ongoing on 1st January 2010. GSOC received 103 referrals during 2010. GSOC closed 100 investigations arising from referrals during the year. The table below shows the outcomes of these closed investigations. GSOC had 84 investigations arising from referrals open on the 31st December 2010.

TABLE 12. Outcome of referrals

Outcome of s.102(1) Referrals	Count
Further investigation not necessary or reasonably practicable/ No misbehavior identified	95
Frivolous or Vexatious (A member of the public was subsequently prosecuted and convicted under s.110 of the Act for knowingly providing false or misleading information relating to a GSOC investigation)	1
Advice – Following further investigation under s.95	1
Warning - Following further investigation under s.95	1
Reduction in pay not exceeding two weeks - following a s.94S investigation	1
- following a s.95 investigation	2
Garda Discipline Regulations no longer apply to member	1
Referred to DPP - No Prosecution Directed	2
Total	104

Footnote: The number of outcomes may exceed the number of closed cases because a single investigation may relate to several individuals.

1.8 Section 102(4) – Investigations in the Public Interest

On 1/1/2010, GSOC had five investigations ongoing which were opened under section 102(4), i.e. GSOC may, ‘if it appears to it desirable in the public interest to do so and without receiving a complaint, investigate any matter that appears to it to indicate that a member of the Garda Síochána may have–(a) committed an offence, or (b) behaved in a manner that would justify disciplinary proceedings.’

Two of these five investigations were closed in 2010. On 31/12/2010, GSOC had, therefore, three such investigations ongoing. No new investigations under section 102(4) were commenced during 2010.

The five investigations under management during 2010 are outlined below.

- An investigation into the circumstances surrounding the death of Mr. Terence Wheelock on 16th September 2005

This investigation was closed during 2010. It found no credible evidence of mistreatment of Mr. Wheelock by gardaí while in detention. Systemic recommendations were made and published on www.gardaombudsman.ie

- An investigation into the adequacy of the Garda investigation into the road traffic incident involving a fatality and the compilation of the subsequent Garda report to the DPP.

This investigation was ongoing on 31/12/2010.

- An investigation into allegations of collusion by members of the Garda Síochána with a named individual in the movement and supply of controlled drugs, and into the nature and extent of any relationship/s between members of the Garda Síochána and that named individual.

This investigation was ongoing on 31/12/2010.

- An investigation into alleged Garda misconduct during the arrest of a juvenile in the Cavan/Monaghan Division in early 2009.

This investigation was closed during 2010. GSOC discovered a residual matter related to record-keeping which was dealt with internally by the Garda Síochána. No further action was deemed necessary by GSOC.

- An investigation arising from concerns regarding the quality of Garda evidence expressed by Judge Frank O'Donnell of the Criminal Circuit Court during a criminal trial.

This investigation was ongoing on 31/12/2010.

1.9 Section 106 - Examination of Practices, Policies and Procedures of the Garda Síochána

GSOC, having received no request under section 106 of the Act, undertook no new examinations under this section during the year.

1.10 Protocols

Throughout 2010, GSOC engaged in extensive dialogue with the Garda Síochána as part of a review of the existing protocols between the respective organisations. That dialogue was ongoing at the close of 2010.

CHAPTER 2: Promotion of Public Confidence

2.1 Customer Satisfaction

The first ever GSOC Customer Satisfaction Survey was conducted through use of postal and telephone contact of a sample of 250 complainants and 250 gardaí against whom complaints had been received and which had been closed by GSOC in 2010. A response rate of 30% was secured. The following are some of the headline findings.

- Over 90% of complainants and over 70% of gardaí who responded found GSOC staff to be polite, knowledgeable, patient and easy to understand.
- 81% of complainants and 66% of gardaí found GSOC staff to be impartial; and 7% of complainants and 10% of gardaí thought otherwise.
- 47% of complainants and 41%; of gardaí found the time taken to investigate the complaint was sufficient; 29% of complainants and 2% gardaí found it too short; and 18% of complainants and 37% of gardaí found it too long.
- 17% of complainants and 65% of gardaí expressed satisfaction with the outcome of the process; and 63% of complainants and 18% of gardaí expressed dissatisfaction with the outcome of the process.

2.2 Complainant Profile

GSOC also completed the first full year of its Complainant Profile which is designed to assist GSOC to understand whether certain categories of person are more likely to make a complaint about garda actions. The survey does not gauge whether certain persons are more likely to experience garda misbehaviour.

The findings show that complainants to GSOC are most (going by the highest % in each category) likely to be white, Irish, in good health, English-speaking, home-owners with a third level education. There is also a strong representation of people who are renting homes, people who are unemployed and people who suffer from ill-health. Overall, the findings suggest that complainants to GSOC are not drawn generally from categories of social disadvantage.

CHART 16. Ethnicity of complainants

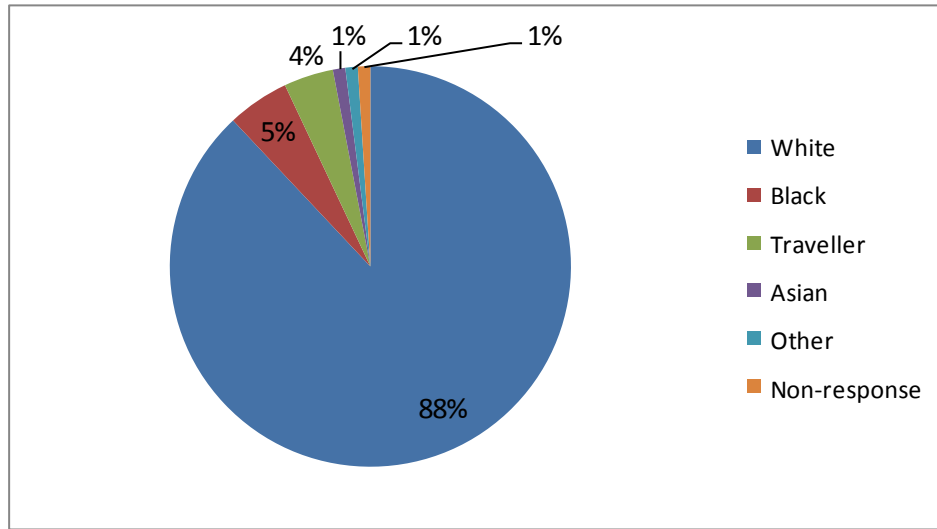


CHART 17. First language of complainants

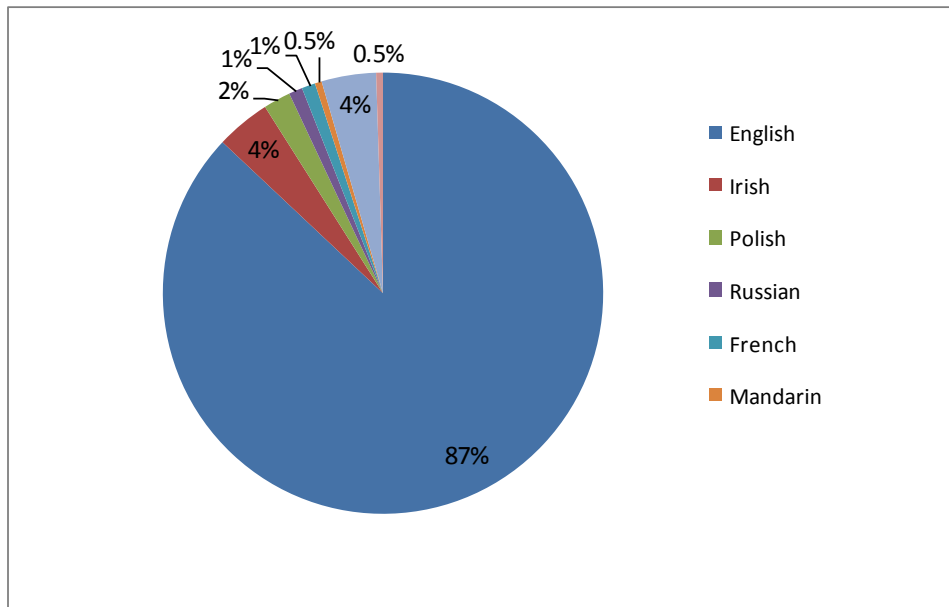


CHART 18. Housing status of complainants

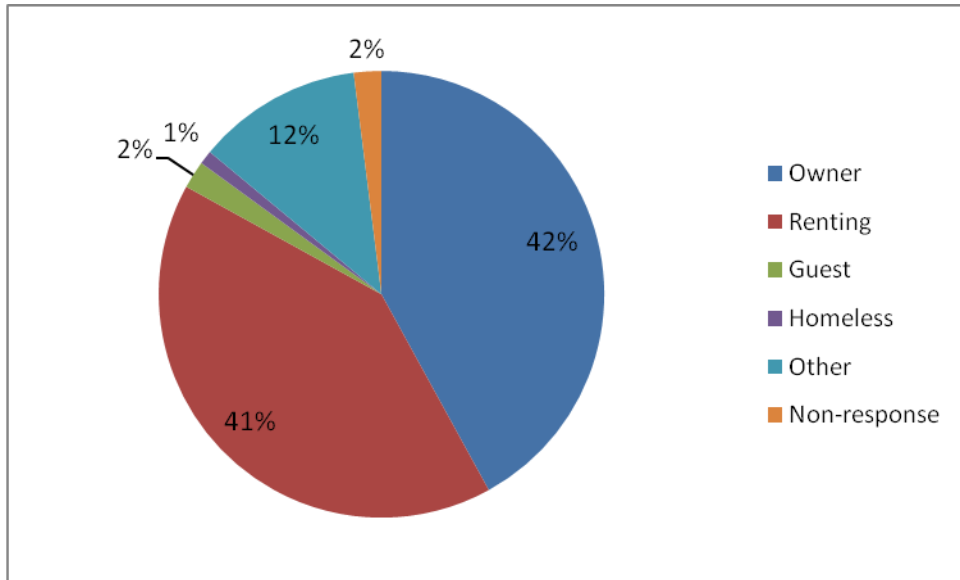


CHART 19. Health/disability status of complainants

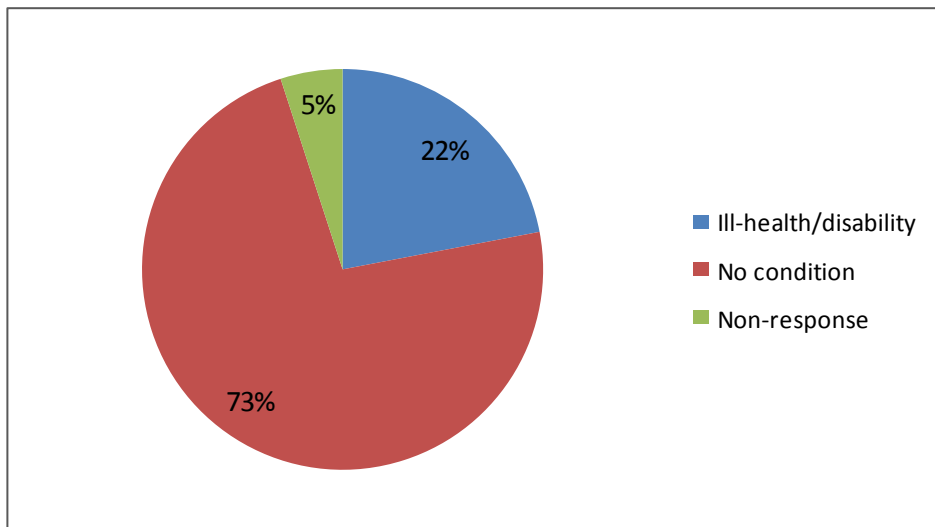


CHART 20. Employment status of complainants

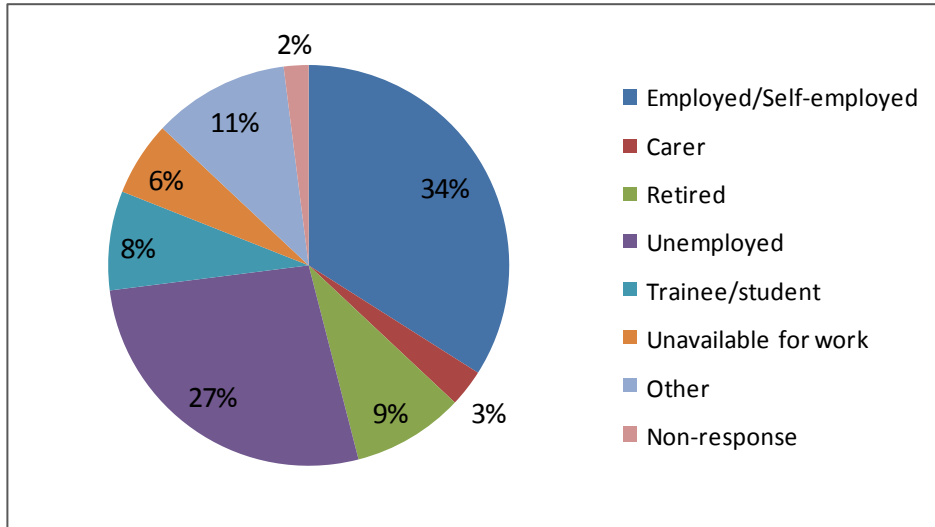


CHART 21. Highest education attainment of complainants

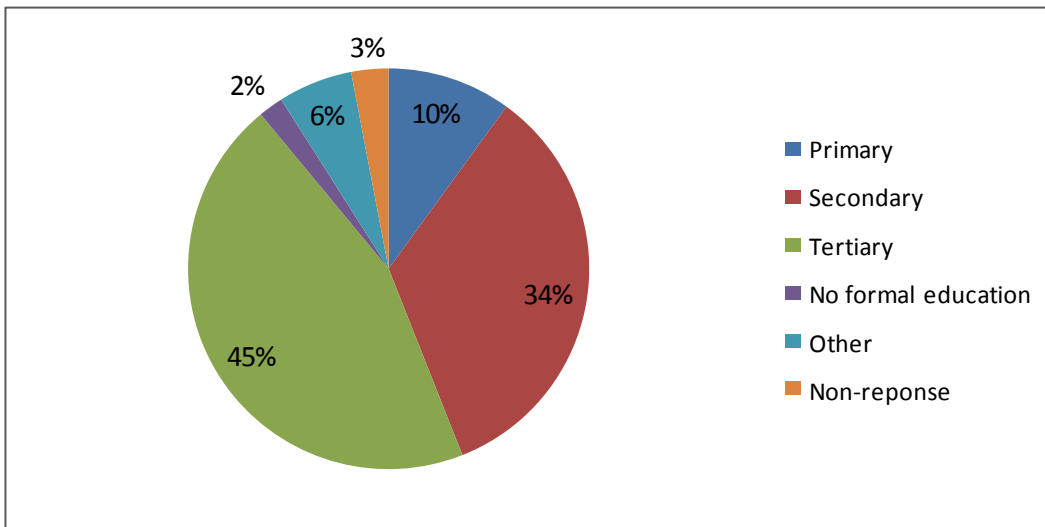
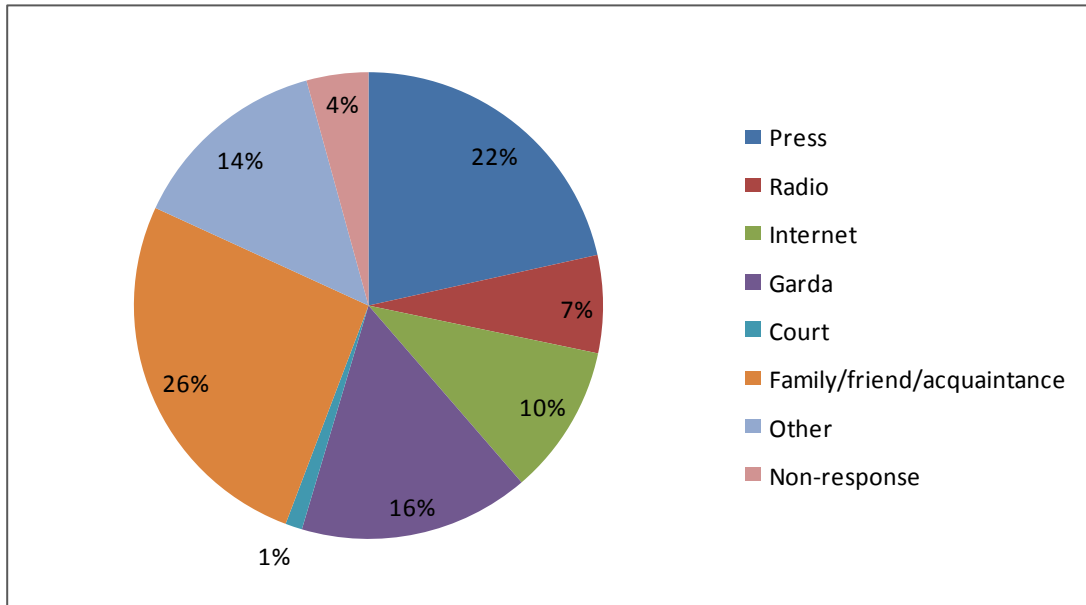


CHART 22. Method by which complainants heard about GSOC



2.3 Public Attitudes

GSOC commissioned Millward Brown Lansdowne to conduct a survey of the attitudes of the national population as they relate to GSOC. This was conducted in early 2011, to reflect on the previous year.

- Almost 8 in 10 adults are satisfied with the Garda Síochána with just one in ten reporting some level of dissatisfaction. Non-Irish Nationals do not differ from the national population in terms of satisfaction levels. Those who had a recent interaction with the Garda Síochána are less satisfied than the average. Dealing with complaints about gardaí is an area where the public appears to have less confidence in the Garda Síochána's abilities compared to other perceived 'core' activities such as investigating crime.
- Non-Irish Nationals show similar levels of confidence across all activities.

- Three quarters of those who had a recent interaction with the Gardaí were satisfied with this experience. Older people and those in rural locations are more likely to be satisfied.
- 19% of those who had not previously heard of GSOC were dissatisfied with their recent interaction with the Garda Síochána.
- One in four of those dissatisfied with their interaction actually went on to register a complaint, and this is in stark contrast with the two thirds of Irish adults who claim they would make a complaint if unhappy with a theoretical interaction.
- One third of adults would direct a complaint to GSOC, on a par with mentions of the Garda Síochána itself, both of which are routes for complaint. Younger people and Non-Irish Nationals are most likely to say they would not know where to complain.
- Six in ten adults believe that misbehaviour exists within the Garda Síochána.
- When prompted, three quarters of Irish adults say they have heard of GSOC – Younger people and Non-Irish Nationals (just one in three) show lowest levels of awareness confirming a trend. The majority acknowledge GSOC's independent status.
- There is strong agreement that GSOC is impartial, that it encourages accountability and that it improves interaction with the general public
- Overall, this research shows that GSOC has built a solid profile among the general public in terms of awareness of its role in society and its reputation as an impartial body in a relatively short period of time. On the whole, it appears that there is a clear indication from the public that misbehaviour within the Garda Síochána is a reality, and that impartial investigation is the most appropriate course of action. Communication continues to be essential to ensure the public knows how to register a complaint if needed, and to build trust in a positive outcome.

2.4 Public Outreach

GSOC decided to continue with the theme chosen for the public Outreach work in 2009 - 'Youths on the Margin'. GSOC once again liaised with the Youthreach programme which is targeted at a demographic GSOC found in its case-load.

Twenty talks were delivered in 2010 to Youthreach centres in Dublin, Cork, Kerry, Mayo and Roscommon. GSOC hosted a visit by one Youthreach centre to its headquarters at 150 Abbey Street Upper in February 2010. The groups usually comprised of between 30-50 students. Talks commenced with an overview of what GSOC is about and centered mainly on the complaints system, touching briefly on other areas of work – section 102 referrals, practice, policy and procedure issues and investigations 'in the public interest'. These sessions were informative and interactive. It should be noted that many of the same issues and questions were raised at all the talks which may be indicative of national trends, e.g. what are my rights if/when I'm stopped and searched by a Garda member? These outreach initiatives continue to give GSOC an insight into issues of concern to these groups.

2.5 Outreach to Gardaí

GSOC continued its provision of seminars and lectures to members of the Garda Síochána through the Garda College, Templemore. This included talks to student and probationer gardaí at training Phase III and Phase V. GSOC provided seminars to the management supervisory training programmes at Sergeant, Inspector and Superintendent ranks during 2010. During the training of Regional Support Units, GSOC provided seminars on issues likely to be of significance to them.

GSOC personnel also met with representatives of the Garda Representative Association (GRA) and the Association of Garda Sergeants and Inspectors (AGSI) during 2010. GSOC engaged with AGSI with regard to motions adopted at its Annual Delegate Conference and other matters raised by officers of AGSI in correspondence.

2.6 Consultative Group

In addition to regular and ongoing informal communication, GSOC had one formal joint meeting during 2010 with all of its stakeholders at the Consultative Group forum. During this meeting, items of mutual interest and concern were discussed and members of the Ombudsman Commission and the Senior Management Team engaged in a fruitful question and answer session on a range of topics. Stakeholder relationships have been developed and it is the collective view that this augurs well for the future. GSOC encourages all of its stakeholders and interested parties to contact it at any time as it considers that dialogue is essential to ongoing effectiveness.

The bodies which participate at present in the Consultative Group are:

- management of the Garda Síochána
- the Department of Justice and Law Reform
- the Garda Representative Association
- the Association of Garda Sergeants and Inspectors
- the Association of Garda Superintendents
- the Chief Superintendents' Association
- the Garda Síochána Inspectorate, and
- the Irish Human Rights Commission.

2.7 Provision of Information

Data Protection and Freedom of Information

GSOC is covered under the ambit of the *Data Protection Acts 1988 and 2003* and, during 2010, responded within the statutory timeframe to each of the 22 access requests received pursuant to those Acts. It is noted that while the number of the requests decreased from that of previous years, the complexity of such requests has increased considerably, which has meant that significant time and resources had to be devoted to this task. The advice of GSOC's Legal Affairs Unit was sought on a number of occasions during 2010 in order to ensure compliance with, and to define for the Ombudsman Commission the correct

interpretation of, the various pieces of legislation involved. While cognisant of the obligations placed on it by the Act regarding confidentiality of certain information, the organisation is committed to providing accurate and comprehensive responses as this is a fundamental precept of GSOC's commitment to openness and accountability. GSOC would like to express its thanks to the Office of the Data Protection Commissioner for advice received on a number of pertinent issues during 2010.

GSOC is not covered by the parameters of the *Freedom of Information Acts 1997 and 2003*.

Media

In dealing with the public media, GSOC provides a round-the-clock service. GSOC responded to 325 substantive media inquiries during 2010. Against a target response time of two hours during working hours and four hours outside of normal working hours, it achieved a successful outcome in 96% of enquiries. Inquiries ranged from updates on ongoing investigations, Coronial inquests, court appearances and statistical information, to breaking news relating to high-profile incidents.

Parliamentary Questions

While GSOC is an independent public sector agency it is accountable to the Oireachtas and responds to Parliamentary Questions (PQs) via the Minister for Justice and Law Reform. During the course of 2010, GSOC responded to more than 25 PQs on a wide range of subjects concerning the various aspects of its operations. Briefing material was also provided for the Minister on a significant number of supplementary questions and other additional items.

Queries

GSOC received and responded to 64 substantive queries from members of the public. In addition, it provided requested assistance, generally of a statistical nature, in response to 33 queries from State agencies.

Statistics on allegations of discriminatory behaviour by gardaí were prepared for the reporting mechanism of the United Nations International Convention on the Elimination of all forms of Racial Discrimination. This material was also provided to the Irish Council for Civil Liberties in its role as the National Focal Point within the European Information Network on Racism and Xenophobia (RAXEN), a key reporting tool of the European Union Agency for Fundamental Rights.

Website

GSOC maintains a website www.gardaombudsman.ie. As well as up-to-date relevant information on legislation, publications and monthly statistics, the site allows members of the public to submit complaints securely on-line. It also facilities browsers in submitting queries.

The website, in 2010, had 21,909 visits, 75.05% of which were new visits. 16,753 unique visitors viewed the website. Visitors browsed from 88 countries/territories, of which 74.39% originated in Ireland.

International Contacts

GSOC participated in ongoing discussions with its mirror organisations in England and Wales, Northern Ireland and Scotland. Senior management contributed to the development of European policy-making through membership of European Partners Against Corruption. International developments in oversight were monitored by attendance at the North American Civilian Oversight of Law Enforcement and Canadian Civilian Oversight of Law Enforcement Annual Conferences.

Visits to GSOC

Delegations from the complaints and oversight sections of policing organisations and independent oversight bodies visited GSOC from The Kingdom of Lesotho, Hong Kong, Georgia and Palestine. These delegations received briefings on the work of GSOC and the legislative and human rights contexts in which independent oversight in Ireland works.

CHAPTER 3: Administration and Support

3.1 Management overview

All sections of the organisation were tasked with making prudent use of scarce resources in a manner that did not impact negatively on its core business and service. This resulted in an emphasis on sharing services where appropriate, and an increased focus on the principles of good governance in terms of procurement and accountability.

3.2 Finance

GSOC is committed to the highest standards of governance in regard to its utilisation of public funds. Accountability, accuracy and transparency underpin GSOC's financial policies and procedures.

In 2010, GSOC undertook a review of internal financial procedures by an external body, and was audited by the Comptroller and Auditor General and by the DJLR Internal Audit Unit, to ensure ongoing high standards in practice and procedure.

In 2010, GSOC was allocated a budget provision of €10,242,000, from monies voted to the DJLR. The 2010 budget allocation was made up of €4,945,000 in respect of pay and €5,297,000 for non-pay expenditure. The expected expenditure was profiled and the expenditure was assigned across the various functional sections; this facilitated increased devolution of budgets to line management and enhanced budgetary control through the production of organisation and section expenditure reports for the senior management team on a monthly basis.

By year end 2010, total expenditure amounted to €9,233,863.45 comprising pay expenditure of €5,765,772.22 and non pay expenditure of €3,468,946.67.

Section 77 of the Garda Síochána Act 2005 indicates that GSOC is obliged to have its annual financial statements ready by the 31st of March and submitted to the Comptroller

and Auditor General for audit. During 2010, the Comptroller and Auditor General completed the sign off of GSOC financial statements in respect of 2009.

In view of the specific arrangements in relation to grant funding through DJLR as set out under Section 71 of the Act, the Secretary General of DJLR is the Accounting Officer for GSOC. Consequently, GSOC falls under the aegis of the DJLR and is subject to financial oversights by the Internal Audit Unit of the DJLR. In addition, GSOC is audited annually by the Office of the Comptroller and Auditor General.

The table below illustrates 2010 expenditure and savings.

TABLE 13. 2010 expenditure and savings

Category	Original Budget	Expenditure January to December 2010	Budget Remaining
A01 Salaries, Wages & Allowances		5,765,772.22	
A02 Travel & Subsistence		184,977.13	
A03 - Incidental Expenses		443,385.12	
A04 - Postal & Telecommunication Services		124,998.07	
A05 - Office Machinery & Other Office Supplies		835,723.51	
A06 - Office & Premises Expenses		1,862,254.01	
A07 - Consultancy Services		Nil	
A08 - Research Expenditure		17,608.83	
Appropriation in Aid		-803.44	
Sundry Codes		Nil	
Totals	10,242,000	9,233,863.45	1,008,137

Footnote: Please note figures quoted have not yet been audited.

3.3 Human Resources and Training

Human Resources

In the course of 2010, GSOC staffing complement reduced to 87.2 whole time equivalent (wte). In accordance with the Employment Control Framework (ECF) GSOC's authorised complement is now fixed at 87 staff.

Performance Management Development System (PMDS)

Following the successful delivery of customised PMDS training to all staff in 2009, 2010 marked the roll-out of PMDS in GSOC. PMDS is viewed by Senior Management as an essential element which underpins the business planning process.

Training and Development

During 2010, the GSOC Training Section facilitated staff attending pertinent training courses, seminars and conferences. This commitment to investing in the training and development of staff is reflective of the GSOC resolve that all staff are fully resourced and competent to meet their business goals in a professional and efficient manner.

A full list of training and development activities provided in 2010 is set out in Appendix 1.

3.4 Information and Communication Technology (ICT) Section

The ICT Unit has overall responsibility for the management, development and maintenance of the ICT systems within GSOC. The main goal of the ICT Unit is the delivery of efficient and effective ICT services to support the business process whilst ensuring the security of the ICT infrastructure and the integrity of the systems and databases. The following is a brief description of some of the activities undertaken by the ICT Unit in 2010.

Day-to- Day Support of Voice and Data Services

The day-to-day support of ICT services extends from the provision of a Service Desk facility to troubleshooting and the resolution of user, system and application issues. Maintenance undertaken by the ICT Unit may be preventative or corrective and includes monitoring, inspection, testing, configuration, modification, repair and replacement of ICT hardware/software/firmware components and systems.

In 2010, the ICT Unit received 1,459 service requests through the Service Desk facility. These service requests were dealt with and brought to resolution.

Extension of the ICT Infrastructure to GSOC's Regional Offices

ICT services were extended to GSOC's Cork office during 2010. This involved the installation of a structured cabling system within the Cork office and the installation of the required hardware to support the voice and data systems. GSOC entered into a circuit sharing agreement with the Probation Service to provide wide area network (WAN) connectivity back to the headquarters in Dublin.

GSOC upgraded the circuit connecting GSOC HQ with the Longford regional office from a 256k circuit to a 2Mb thus significantly enhancing the ICT Services in Longford in terms of speed and quality. This was achieved by securing an agreement with the Irish Prison Service to share bandwidth on their connection to the Government Network.

Network connectivity via the Government Access Point Node (APN)

The ICT Unit enhanced the security of remote connections to the ICT infrastructure by staff using laptop computers in 2010. This was achieved by routing all remote traffic through the Government APN.

By utilising the Government Networks APN GSOC has effectively sectioned off a part of the service provider's nationwide network and made it an extension of the Local Area Network (LAN). The flow of data between a remote user and the GSOC infrastructure therefore takes a private path as opposed to traversing the public internet.

USB Encryption

The ICT Unit improved data security with the introduction of encrypted USB devices. Encrypted USB devices safeguard GSOC data in the event that one of these devices is lost or stolen.

Server Virtualisation

GSOC began a programme of server virtualisation during 2010. GSOC ICT Unit proposes to migrate as many physical servers as possible to the virtual server environment on a phased basis instead of replacing the physical servers. The ICT unit plan to complete this process in 2011.

3.5 Legal Affairs

Legal Affairs comprises three lawyers and one administrative support staff.

In 2010, its principal functions included advising the members of the Ombudsman Commission on their statutory functions and the management of cases before the courts in which GSOC had a functional interest.

Legal Advice

Advice was provided to Operations on all aspects of its work, including the management of complaints, the conduct of disciplinary investigations and the exercise of police/criminal investigative powers by the Investigations Unit. This involved advising on individual cases/files and developing systems, processes and procedures. This has been supplemented by training sessions, for GSOC staff, on core legal issues of relevance to GSOC's work. Legal Affairs has also been involved in supporting Operations in preparation for and attendance at trials, as well as advising on correspondence with legal advisers for parties to investigations.

Litigation

Legal Affairs is responsible for the management of all litigation involving GSOC, both civil and criminal. It co-ordinates liaison with the Office of the DPP and State Solicitor network, as well as advising on and quality assuring 27 files referred to the DPP by the Ombudsman Commission

during 2010 relating to 31 members of the Garda Síochána and seven who were not gardaí. An adult caution was administered in one case. The DPP directed prosecution in 11 cases relating to 14 members of the Garda Síochána and three who were not gardaí. Eleven of these cases were before the courts as of 31st December 2010.

Ten cases forwarded to the DPP in 2008/2009 also came before the courts in 2010. Convictions were recorded in respect of four Garda members and one member of the public relating to offences of assault contrary to section 2 of the Non Fatal Offences Against the Person Act, 1997, criminal damage, and an offence of providing false and misleading information contrary to section 110 of the Garda Síochána Act, 2005. In one case it was found by a judge of the District Court that one garda member had in fact assaulted a complainant but that it was a minor assault at the lower end of the scale; the Judge indicated that he intended to deal with the matter other than by imposing a conviction. The Judge then proceeded to strike out the summons. Two gardaí were acquitted and three cases remain the subject of proceedings before the courts.

3.6 Corporate Services

In 2010, the Corporate Organisation Unit (COU) built upon a previously laid foundation to bring enhancements to the areas of Corporate Procurement and Facilities Management.

Corporate Services staff engaged in continuous learning through national procurement networks, to ensure up-to-date information could be disseminated, and legal requirements met.

Advice and assistance was provided to all units engaging in procurement on behalf of the Organisation. Best practice and compliance with National and European procurement requirements was promoted and achieved. New contracts established in 2010 further enhanced GSOC core and support services, and attained ‘best value for money’ expenditure.

The COU managed the GSOC built environment and associated servicing requirements, to ensure the high standard of facilities continued to be available to both staff and customers.

Corporate Travel Requirements were managed by the COU. All necessary travel was procured at the most economically advantageous costs available.

Health and Safety

GSOC has an active Health and Safety Committee which meets to ensure the ongoing implementation of all legislative requirements and thereby facilitating a secure working environment and conditions for all GSOC staff. The committee is chaired by the Director of Operations and draws members from across the organisation. A new position of Health & Safety Co-ordinator was established by the Health and Safety Officer. This position is filled by a current staff member who introduced weekly building audits and checks to ensure the facilities were fit for purpose for staff and customers. The Health and Safety Officer with the Facilities Officer attended the Health & Safety Network to keep up-to-date on recent developments in the area.

Green Working Group

The Green Working Group, (consisting of volunteers), continued to profile green issues and successfully implemented initiatives resulting in significant reductions in energy usage and CO₂ emissions at GSOC headquarters. As result of focused effort, GSOC received an energy rating of D2, which is one of the highest ratings received for a building of this type across the public service.

Overview of Energy Usage in GSOC in 2010

In 2010, GSOC consumed 908.77MWh of energy, consisting of:

- 489.66MWh of electricity
- 419.11MWh of fossil fuels

Actions Undertaken in 2010

In 2010 *The Green Working Group* undertook a range of initiatives to improve the overall energy performance of GSOC.

These initiatives included:

- a staff awareness campaign to ensure all inactive equipment and lights are switched off wherever possible;
- installation of sensor lights in the car park
- amendments to the Building Management System (BMS) system to improve energy efficiency

As a result of these initiatives GSOC has managed to reduce its CO₂ emissions in 2010 by 17.8% when compared with usage in 2009. This achievement is a direct result of the significant reductions in gas and electricity consumption of 21.3% and 17.3% respectively, when compared to 2009 data. Overall expenditure on heat and lighting costs in GSOC during 2010 were reduced by €11,000 when compared to 2009.

Together, these and other energy saving measures are saving GSOC 169.2MWh annually.

Actions Planned for 2011

In 2011 GSOC hopes to further improve our energy performance by;

- Undertaking further staff awareness campaigns,
- Monitoring and amending the BMS system,
- Refitting lamps with energy saving replacements where possible
- Updating vending equipment to energy efficient models
- Removal of portable water boiler in the canteen
- Roll-out of socket timers for all photocopying equipment and communal printers
- Reducing the number of active boilers from three to one alternating

3.7 Communications and Research

Library

The Library expanded its collection of hardcopy material and online resources in 2010. The Library plays a pivotal role in assisting the various teams across the organisation by providing up

to date material relevant to GSOC's remit. The Library handled in excess of three hundred and fifty substantive queries in 2010 in relation to investigative, legal and research issues.

The Library developed initiatives which included a quarterly in-house Library Bulletin summarising important cases, articles, and publications in the areas of oversight, law and investigation; development of an online catalogue to make material more accessible to staff; compilation of up to date information folders covering relevant topics of interest.

Research

GSOC maintained its membership of the European Society of Criminology and the Association for Criminal Justice Research and Development. It also continued its collaboration with the equivalent police oversight bodies in Northern Ireland, England-Wales and Scotland on identifying research synergies.

As reported in Chapter 2, a customer satisfaction survey was completed during 2010. So too was a survey designed to understand the attributes of complainants to GSOC. Also reported in Chapter 2, a national survey of public attitudes was initiated in 2010.

3.8 Policy Unit

The Policy Unit recorded a busy year during 2010 with further work carried out to develop and implement policy consistently across the organisation. A significant piece of work is almost completed in terms of a procedural manual for Casework – this involved considerable cooperation and liaison with the staff of the Operations Directorate and, when completed, will enhance and complement the existing processes to ensure consistency of approach.

The Policy Unit assisted with the implementation of GSOC's Strategy Statement as well as ongoing review of the related Business Plans.

The Policy Unit ensured that the relevant returns from all appropriate postholders were submitted in a timely manner in order to meet the statutory requirements arising from the Ethics in Public Office and Standards in Public Office legislation.

In order to build on its governance procedures, and in conjunction with the Department of Justice and Law Reform, GSOC devoted resources during 2010 to the tailoring¹ of the Department of Finance's *Code of Practice for the Governance of State Bodies* to the specific context and requirements of this organisation. While this work was complex and time-consuming it reflects GSOC's commitment to and recognition of the importance of effective corporate governance in the public sector. It is hoped that the Code of Practice for the Governance of GSOC will be finalised, with implementation commencing in early 2011.

¹ in line with Section 1.1 of the Code of Practice

CHAPTER 4: Conclusion

The volume of complaints and referrals received in 2010 was not markedly different from the previous year. The overall pattern of allegations showed a decrease in allegations of assault and discourtesy, while allegations of abuse of authority and neglect of duty increased. The Commission continued to engage with the Garda Síochána at all levels in relation to these patterns. The Commission wishes to record its appreciation of the receptiveness of the Garda Síochána to information emanating from GSOC's work.

The Commission was pleased to note a conclusion of the independent survey of public attitudes that "GSOC has built a solid profile among the general public in terms of awareness of its role in society and its reputation as an impartial body in a relatively short period of time." That awareness of an independent, impartial investigative oversight body can also assist the maintenance of public confidence in the Garda Síochána.

With diminished resources, the staff of GSOC continued to manage its workload in an effective manner and the Commission is appreciative of their dedication and flexibility. Similarly, the cooperation, courtesy and professionalism of the staff of State agencies with which GSOC interacted greatly assisted its work. Lastly and very importantly, the Ombudsman Commission wishes to acknowledge the public who put their trust in GSOC and who are deserving of our courtesy, impartiality and best efforts. GSOC continues to research the needs of the public and of gardaí so as to provide the best possible level of independent oversight.

Appendix I. Training and Development Activities

- Using Coaching in Managing, Motivating and Developing Staff
- Child Protection and Welfare Policy
- Data Collection in Referrals under section 102
- Introduction to Sub-Allegations on CMS
- Crime Review Training Course
- Vmware Vsphere: Skills for Operations
- Post Incident Management Conference
- Remedies for Buyers and Suppliers Conference
- Driving for Work Seminars
- Internal IT Audit for the Public Sector
- Family Liaison Officer Training
- PSS implementation training
- Incorporating Acquired rights(TUPE) into Contract Award Procedures
- Managing Cases Conference
- Querulous Paranoia and Behaviour
- Strategy Preparation in Public Bodies
- Courtroom Skills
- Regulatory Matters
- PSEU introductory Training Course for Women Members

- Post Incident Procedures in Police Firearms Investigation
- Management and Use of Covert Intelligence Sources (CHIS) Awareness Training
- Disability Awareness Training
- Certified Mediation Training
- Essential Guide to Judicial Review
- Management Skills for in House Counsel
- Handling Difficult Behaviour
- In House and Public Sector Solicitors annual Conference
- Microsoft Exchange 2010
- Fire Warden Training
- First Aid Refresher Training
- Dell SAN Management
- Profession Award in Ombudsman and Complaint Handling



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