



Garda
Ombudsman
INQUIRY INDEPENDENCE IMPARTIALITY

GARDA SÍOCHÁNA OMBUDSMAN COMMISSION

ANNUAL REPORT 2012



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Minister for Justice, Equality & Defence
94 St. Stephen's Green
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Dear Minister

It is with pleasure that we submit to you the seventh Annual Report of the Garda Síochána Ombudsman Commission, which covers the period 1 January 2012 to 31 December 2012. This Report is submitted in accordance with section 80 of the Garda Síochána Act, 2005.

Yours sincerely



Simon O'Brien, Chairman



Kieran FitzGerald, Commissioner



Carmel Foley, Commissioner

Garda Síochána Ombudsman Commission

March 2013

GARDA SÍOCHÁNA OMBUDSMAN COMMISSION

7th ANNUAL REPORT

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Ombudsman Commission's Review of the Year

Introduction

The Garda Síochána Ombudsman Commission (“GSOC”), by providing effective, independent and impartial oversight, will enhance confidence in police accountability in Ireland. We believe that in a democratic society there must be effective processes that can call the major law enforcement body to account. We want to be, and to be seen to be, a driver of improvement in accountability and a body that treats everyone fairly when executing its duty.

Acknowledgments

The Ombudsman Commission is fortunate to work with enthusiastic and highly-skilled staff who have responded in a thoroughly professional manner to the demands placed on them by tighter timelines and budgets. We would like to acknowledge the courtesy and active engagement from staff within the Department for Justice and Equality. We also thank the Garda Commissioner and his colleagues for their cooperation in many testing matters over the course of the last year. We appreciate the professionalism that the Office of the Director of Public Prosecutions (“DPP”), the Judiciary, Coroners, the Forensic Science Laboratory and the State Pathologist brought to our working relationships during 2012.

Conscious of the brutal death of Detective Garda Adrian Donohue in January 2013, we acknowledge that the men and women of the Garda Síochána undertake a difficult task on behalf of us all. We recognise that gardaí are at the forefront in maintaining the rule of law and assist in the vital task of upholding democracy in our society. We also acknowledge the passing of two of our own valued colleagues. Sara Robinson was one of our Senior Investigating Officers, professional and hardworking to the end; she lost a long battle to cancer. Paul Buschini was our Director of Operations, who did much to set the high standard of our Operations Directorate. Paul also succumbed to cancer. He will be sorely missed.

Workloads and feedback

It has been another busy year with the organisation continuing to deliver an impartial and independent service. In 2012, GSOC received 2,089 complaints from members of the public compared to 2,275 in 2011. The complaints contained 5,449 allegations of misconduct by gardaí. Of the allegations received the four most prominent types were abuse of authority (34%), neglect of duty (27%), discourtesy (12%) and non-fatal offences (11%). The most prominent factors relating to situations which gave rise to complaints were Garda Síochána operations involving investigation, arrest and road policing.

The Garda Commissioner referred 72 incidents to GSOC under section 102(1) of the Garda Síochána Act, 2005 (“the Act”). The decision to refer remains solely in the domain of the Garda Commissioner. Of the 72 incidents, 13 involved fatalities, two of which were gardaí. There has been a significant reduction in the number of incidents referred to GSOC under section 102(1) of the Act in recent years. In 2010, we received 103 referrals, then 90 in 2011 and 72 in 2012. We plan to analyse this trend in 2013.

The Ombudsman Commission opened one investigation in the public interest in accordance with section 102(4) of the Act into matters arising from the Commission of Investigation Report into the Catholic Diocese of Cloyne. This investigation was opened in March 2012.

GSOC continued to engage in an active Outreach programme during 2012 building on the work that had taken place in previous years. Presentations were delivered to Youthreach centres, the Probation Service and the Health Services Executive raising awareness of GSOC’s role. GSOC also attended the Garda College, Templemore during 2012 and provided input to the Garda management supervisory training programme.

GSOC introduced a customer satisfaction survey in the summer of 2012. The survey has been introduced to enable GSOC to analyse its customer’s (complainants and gardaí) level of satisfaction with the service they receive. The quantity of returns for 2012 was not sufficient for reporting purposes due to the fact that the survey was introduced mid-year, however this process will continue throughout 2013.

GSOC-commissioned surveys of public attitudes have found that almost eight in ten adults are aware of our existence. Just under three quarters perceive us as effective and two thirds think we are an independent body. Half of those surveyed say that the organisation is efficient. We will work to improve our position in relation to these and other indicators. The public will hear more from us in the future as we will make every effort to increase our profile in the wider community so more people know who we are, what we do and how we go about our business.

Strategic review

The current Ombudsman Commission was appointed in December 2011 and this first year has been spent building upon the excellent work of others. We have also been looking forward to how the organisation develops in the future. We published a new five year strategy in August 2012 that outlines our vision, mission and our key strategic objectives that are held together by our pillars and values of operation.

Vision

That GSOC will be an active driver of ever-improving police accountability.

Mission

GSOC will provide and promote an efficient, fair and independent oversight of policing in Ireland.

Pillars and Values

The three pillars that have held GSOC together since its inception are:

- inquiry;
- independence; and
- impartiality.

Strategic Objectives

GSOC's strategic objectives over the period from 2012 – 2016, inclusive, will be:

- building GSOC's effectiveness;
- raising awareness and gaining acceptance;
- informing policy development and policing practice; and
- delivering quality public service.

To ensure the successful delivery of the above strategy we have undertaken a full review of our capacity and capability. We have learnt much about ourselves, our processes, and our ability to meet the expectations of those that we serve. We believe that the organisation is in good shape and the review has reaffirmed many views already held. We certainly believe that to fulfil our first strategic objective: delivering greater effectiveness, and our second: gaining greater acceptance from all, we must have an implacable focus on timeliness. We expect faster progress in all investigations; an investigation should not drag on for too many months or even years. Delays have a significant impact on the complainant and garda complained of alike. There are, however, many dependent factors that need to come together in delivering impartial investigations in a time frame that retains the confidence of all concerned.

Delays

We recognise that some delay has been created by our own internal processes. We are flattening internal barriers and are setting testing time limits for the investigations that are under our full control.

We are clear, however, that much of the delay experienced lies outside our control. At any one time there are several hundred disciplinary investigations with Garda Síochána Investigating Officers. These matters normally lie at the less serious end of the disciplinary scale and we believe these should be completed quickly. There is an agreement that they will be dealt with within 12 weeks, however, this is rarely achieved. There were 567 investigations with the Garda Síochána at the close of 2012; 73% of

these were over time. It is of great concern that 21 of these were over two years old. This situation must improve substantially.

Delays due to information exchange

GSOC is highly dependent on receiving information from the Garda Síochána and this is recognised in the Act. A general information exchange protocol, co-signed in August 2007 by the then Commissioner Noel Conroy, agreed that when information is requested it will be supplied within 30 days and there were no caveats. Matters affected by that protocol would normally include requests for documents such as copies of notebooks, duty rosters, custody records and use of baton reports. There has been a consistent problem with this process; far too many requests have not been serviced within the agreed timeframe. This has a negative effect on the timeliness of an investigation. Until GSOC has all relevant information it is often unwise to progress further. Delays in the provision of basic non-contentious information have had a significant impact on GSOC's effectiveness for too long. This situation must improve substantially.

The Ombudsman Commission and the Garda Commissioner also agreed systems to cover information exchange in more sensitive cases; examples might include matters involving an informant or intelligence of a sensitive nature to establish a material fact. Sensible caveats were agreed at the time of signature. These types of requests do not occur frequently. However, timeframes have not been observed. In one matter GSOC waited 542 days for a request to be satisfied; in some cases requests have been refused; in some cases GSOC has been given only partial or controlled access to information or documents. None of these practices meet the standards agreed. As with the delays outlined above, this is another situation which must improve substantially.

Categorisation of information requests

There have been times when requests that GSOC would view as routine, non-sensitive requests have been treated by the Garda Síochána as being of a different nature. On some occasions the Garda Síochána declined to operate the agreed protocol and sought to create conditionality around GSOC's access to the information, withholding it if conditions were not satisfied. In GSOC's view, unjustifiable caveats have been placed on a basic request. On some occasions we have been refused information and/or documents offered within a controlled access situation. This has led to a situation where GSOC, a State investigative body, undertaking important enquiries, has been obliged to justify why it needs certain items germane to its enquiries to the very body whose members' behaviour is under investigation. As stated, undue justification, refusals, part disclosure, or part access, were never envisaged especially as in these cases the matters asked for are considered by GSOC to be non-contentious.

We consider this situation unacceptable. At times we have taken a pragmatic approach to part disclosure or controlled access often simply to move an investigation forward.

This situation is, and will continue to be, monitored and we will be far more open in informing a wider stakeholder group if issues such as these continue. We trust though that any such action by the Ombudsman Commission will be unnecessary. This does not represent best practice in regard to information sharing and we will continue to hope for, and work toward, substantial improvement.

Agreement and improvements

Communication between GSOC and the Garda Síochána during 2012 has been encouraging. Reservations from the Garda Síochána side that the original protocols did not give sufficient guarantees and safeguards have been discussed in detail. Garda Síochána reservations about how information supplied to GSOC might be treated have also been explored and sensible control methods have been reaffirmed. GSOC acknowledges that it has not always been sufficiently rigorous in its application of the agreed protocols: we have at times allowed too much time to pass before engaging robustly with the issues. A more defined approach has led to improvements and greater cooperation has been achieved. Many issues appear to have been worked through in a spirit of mutual trust and common understanding. Significant changes have been made to the process by which information requests are made by GSOC and processed by the Garda Síochána.

There have been strenuous efforts this year to secure mutually acceptable agreements with regard to information sharing. The Ombudsman Commission met with the Garda Commissioner and Deputy Commissioners to resolve difficulties; the Chairman also met with the Garda Commissioner on a number of occasions. Other senior colleagues, from both organisations, continue to engage in discussions to secure clarity and agreement. Regrettably, these have taken and continue to take far too long. However, we will continue to work toward agreement in the coming year.

We believe it is important to highlight these issues at this time even though we are hopeful that meaningful progress appears to be possible. The issues are placed on record as a deliberate marker to ensure there is no reoccurrence. We look forward to implementing new agreements and processes which should ensure that further adverse commentary on this matter is unnecessary.

Website

We will be utilising our website far more to show the progress of investigations. Data on timeliness will be published regularly to open that information to all so they can look for themselves as to where delays are occurring. GSOC is comfortable to be held to account by an open and transparent system. We will show how investigations are concluded, with details of how many files we send to the DPP or to the Garda Commissioner and we will re-publish details of any court results. We will also be highlighting appropriately redacted case studies that outline the type of work we undertake. All this will enhance our ability to meet our second strategic goal: raising

awareness and gaining acceptance. In this same vein we will be launching a *Twitter* account to increase contact with the public to keep people further informed. These types of activity are commonly engaged by the oversight bodies in Northern Ireland, England, Wales and Scotland, our nearest neighbours.

Legislative proposals to the Minister

During the year we submitted a paper to the Minister for Justice, Equality and Defence for certain changes to the primary legislation governing much of our activity. The governing legislation is both facilitative but also at times constricting. In essence, the paper posits that many complaints are basic failures of customer service. Once these have been admitted under the Act a lengthy, often convoluted, system is launched to achieve some form of resolution. We believe that another way should be found to take such matters out of the more formal process and to implement a shorter, less complex way of finding resolution.

We have also asked for changes to the existing informal resolution process as we believe this could be streamlined. We further maintain that other changes should be considered so that we can be more informed at the time of making initial decisions in relation to a complaint's admissibility. Lastly, we requested certain changes to bring greater clarity in disciplinary investigations. There may also be other issues that we can discuss to make the whole system more effective for all concerned. This assists us in delivering our third strategic objective: informing policy development and policing practice.

ECHR and internal research

We have put adherence to human rights at the centre of our strategy in the period to 2016. In this regard we are reaffirming and clearly defining our responsibilities under Article 2 of the European Convention on Human Rights ("ECHR"). We have a duty, along with other State bodies, in relation to investigations where death occurs following contact with the Garda Síochána. We are re-examining our responsibilities and practices with regard to the ECHR. In particular we are conscious of our duties to the public and to injured parties and their families. We again believe timeliness is crucial in these types of investigation. We recognise that, as well as undertaking professional and proportionate investigations and reporting findings, it is important that we encourage a process by which lessons are learnt to prevent further tragic instances.

Now, with five years of data arising from an extensive case-load, we are undertaking in-depth internal research. We will analyse any trends and patterns that are emerging in order that systemic issues may be addressed. This research and the work around the ECHR will be an ongoing quest and again it will enhance our efforts to reach our third strategic objective as stated previously.

Budget and staff

For 2012, the allocated annual budget was €8.731 million. This was subsequently reduced, in line with Departmental budgetary adjustments, to an actual budget of €8.381 million. We are proud of our financial record over the years and in 2012, as with previous years, we again demonstrated GSOC's commitment to value for money and maintenance of tight fiscal controls. We recognise the difficult financial climate within which State organisations operate and we will continue to use the resources at our disposal carefully. Expenditure and savings for 2012 can be seen at Appendix 1 of this Report.

One of our strongest pillars is that of independence. It is worthy of note that GSOC now employs many staff that have no previous police service experience and we are proud of the fact that over the years we have been able to train our own cohort of investigators. This has been done by transferring and teaching skills of others already within our organisation, by an on-going active partnership with other oversight investigatory bodies and with assistance from academic institutions.

Conclusion

We will continue to work impartially and independently in our enquiries into complaints from the public. We realise that often we are in the middle of complex issues and we will always strive to deliver a timely, proportionate and professional response. It is our goal to fully utilise the unique independent position we occupy for the good of all the people that we serve. Whilst we have, for the record, pointed out some deficiencies in our relationship thus far with the Garda Síochána we are feeling more confident of a brighter future. We recognise the difficult operating terrain that we occupy but we fully expect support from all quarters to assist us to negotiate a way forward. All our work, if completed well, will ensure we reach our fourth strategic objective: delivering a quality public service.

1. Complaints

Table 1. Complaint receipt method

Complaint Receipt Method	Number
Online	760
Fax	29
Garda Station	312
Interviewed off site	6
Post	602
Public Office	253
Telephone	127
Total	2,089

Table 2. Complaint throughput

Complaint Throughput	Number
Open at start of year	1,170
Received in 2012	2,089
Closed in 2012	2,207
On hand at end of year	1,052

Chart 1. Allegation types

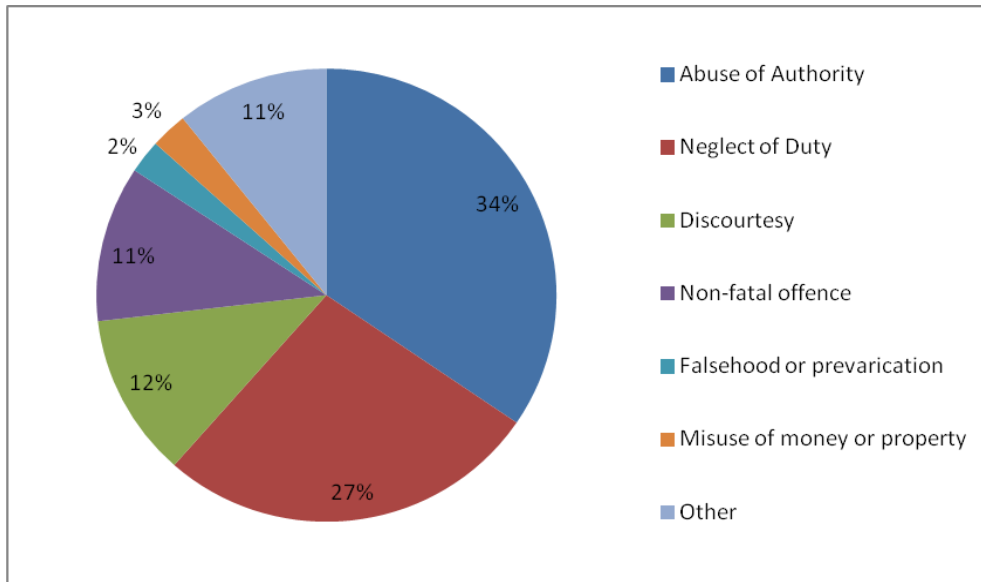
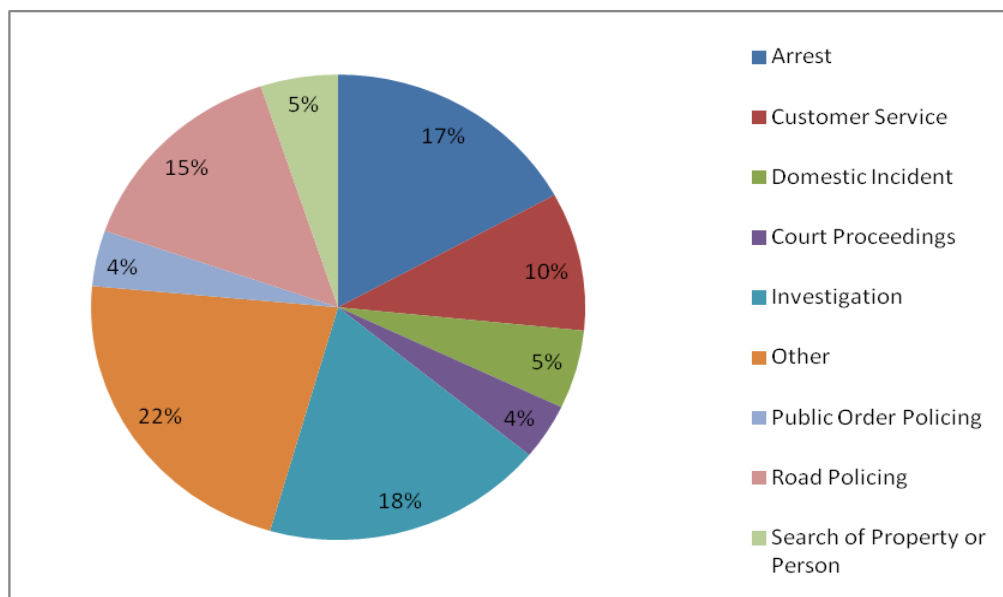


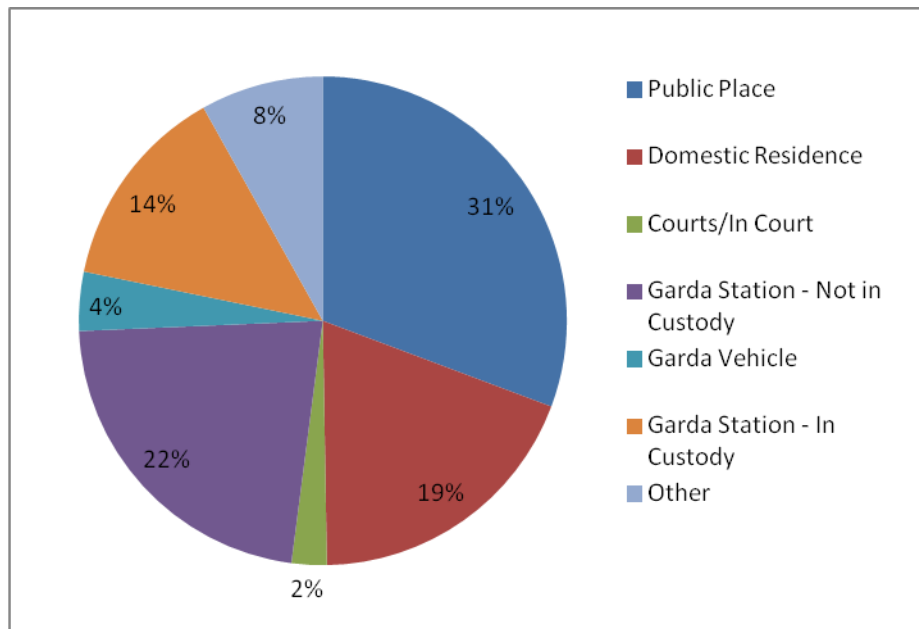
Chart 1 above shows a breakdown of the main categories of allegation types received. The four most prominent types are abuse of authority, neglect of duty, discourtesy and non-fatal offence. The category of “other” includes a range of allegations such as accessory to the above, corrupt or improper practice, criminal damage, discreditable conduct, improper disclosure of information, intoxication, misuse of drugs, road traffic infringement and sexual offence.

Chart 2. Factor in complaints



Factor in complaints is the main context in which the interaction took place which gave rise to the complaint. The most prominent factors were arrest, investigation and road policing (Chart 2). The category of “other” includes a range of factors such as civil matters, disclosure of information, immigration, property issues and public events.

Chart 3. Allegation location



Allegation location is the physical place in which the interaction which gave rise to the allegation took place. The most prominent locations were public place, garda station – not in custody, domestic residence and garda station – in custody.

Chart 4. Complainant sex

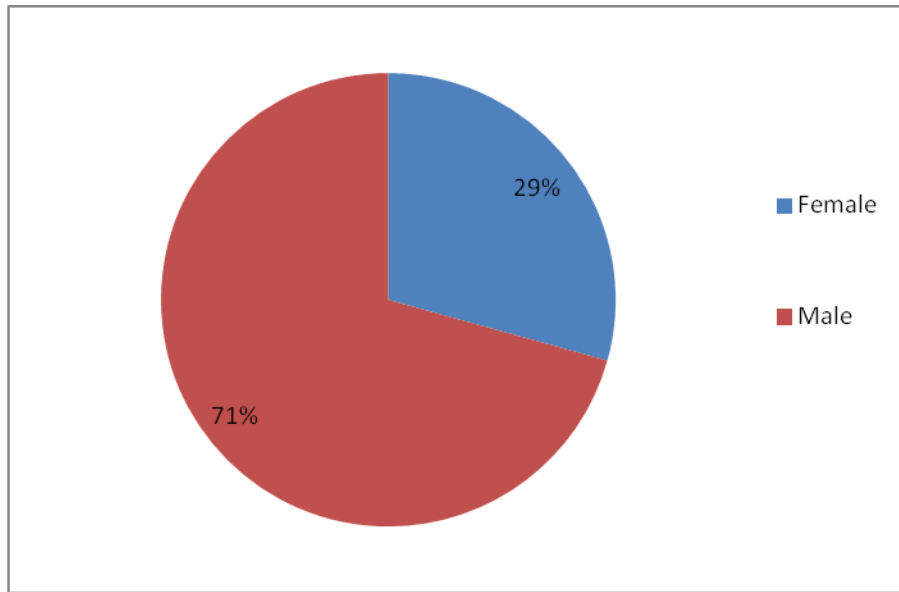


Chart 5. Complainant age

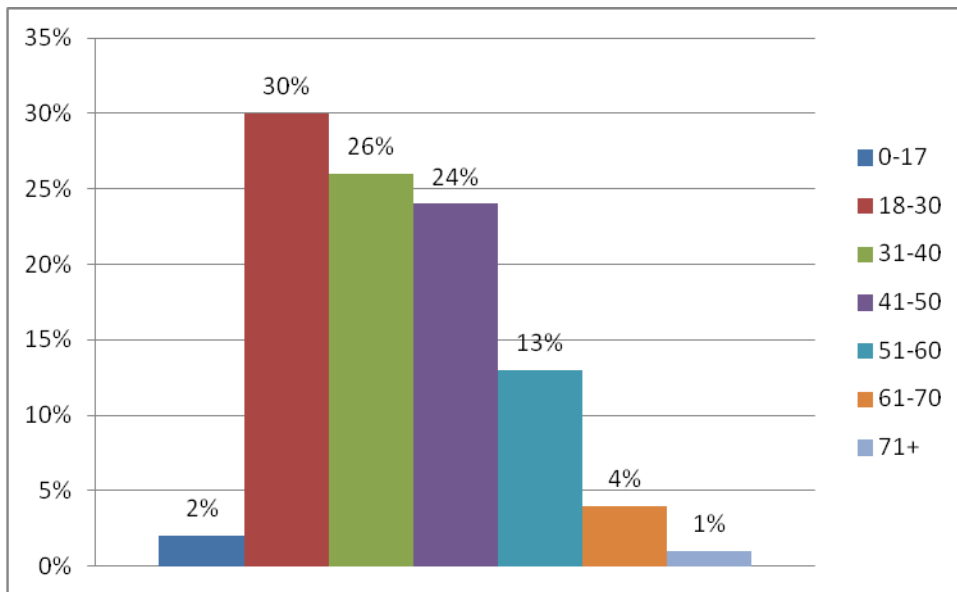


Chart 6. Complainant nationality

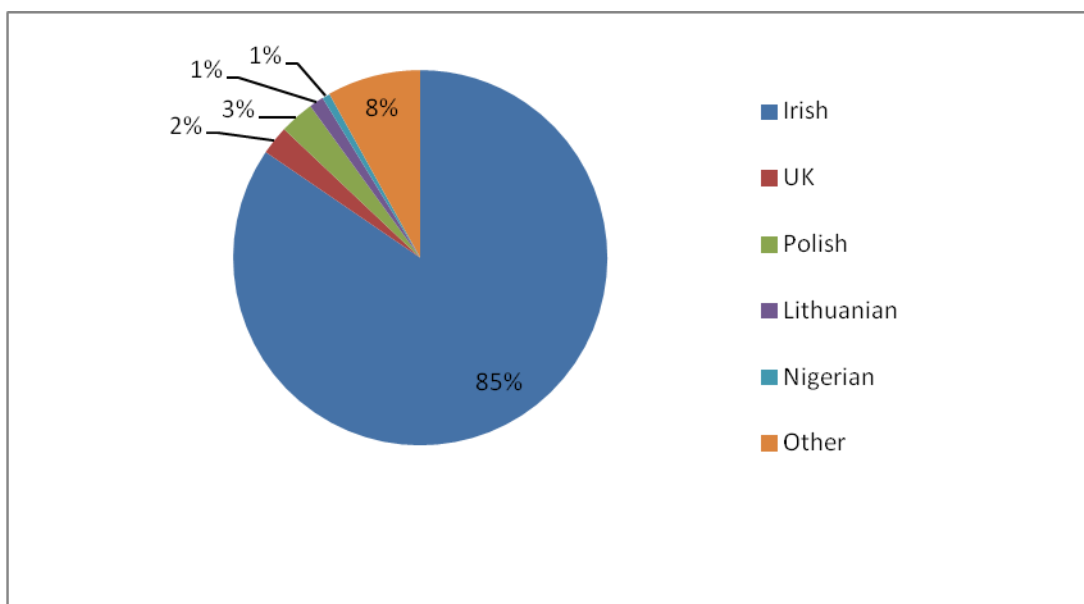


Table 3. Allegations per division excluding DMR

Division	Count	Division	Count
Cavan/Monaghan	130	Limerick	212
Clare	121	Louth	91
Cork City	327	Mayo	138
Cork North	58	Meath	103
Cork West	97	Roscommon/Longford	89
Donegal	127	Sligo/Leitrim	102
Galway	174	Tipperary	140
Kerry	65	Waterford	158
Kildare	212	Westmeath	186
Kilkenny/Carlow	151	Wexford	96
Laois/Offaly	98	Wicklow	178

Map 1. Allegations per division excluding Dublin Metropolitan Region (DMR)

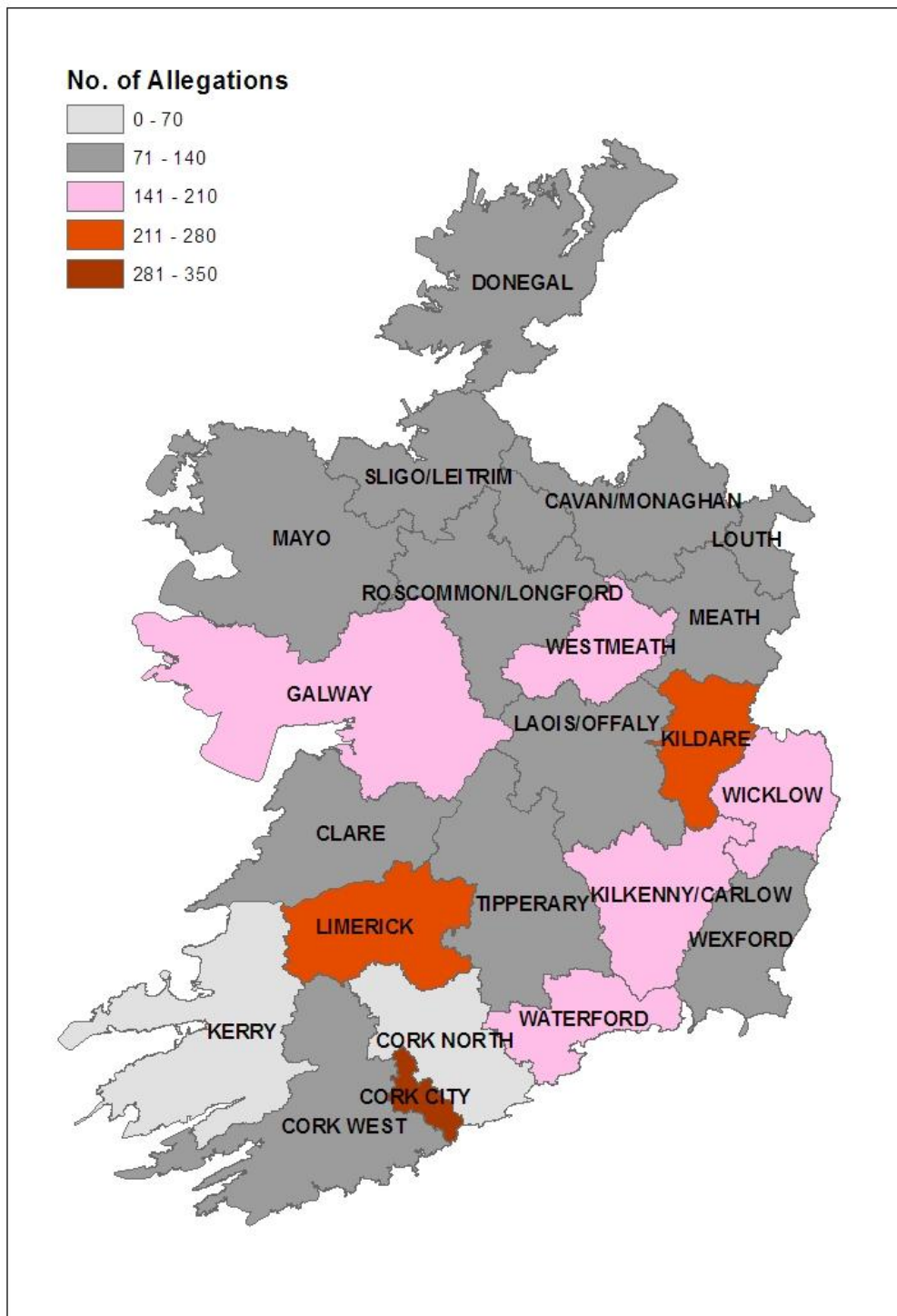


Table 4. Allegations per division - DMR

Division	Count
D.M.R. East	182
D.M.R. North	375
D.M.R. North Central	233
D.M.R. South	263
D.M.R. South Central	434
D.M.R. West	370

Map 2. Allegations per division – DMR

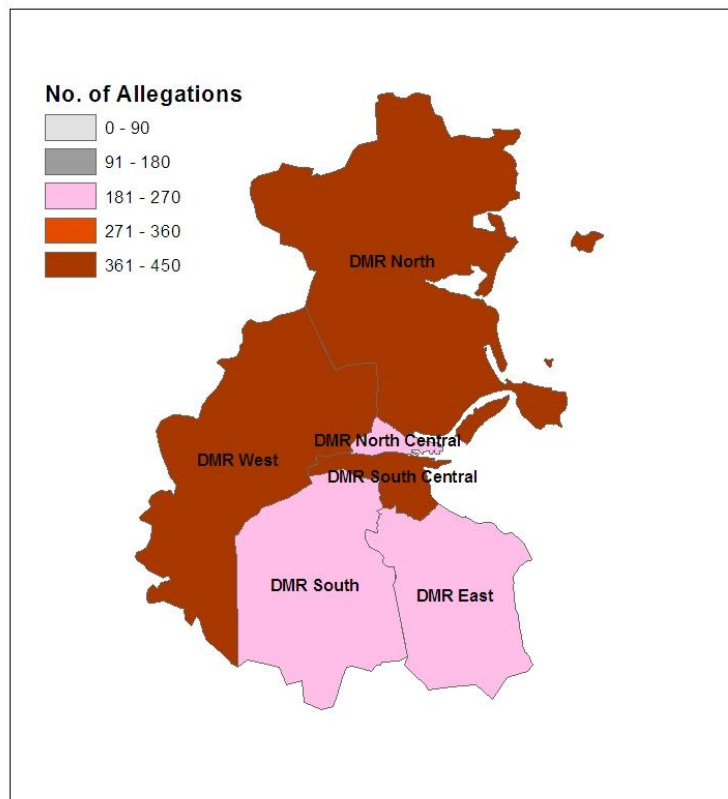


Chart 7. Rank of gardaí about whom complaints were made

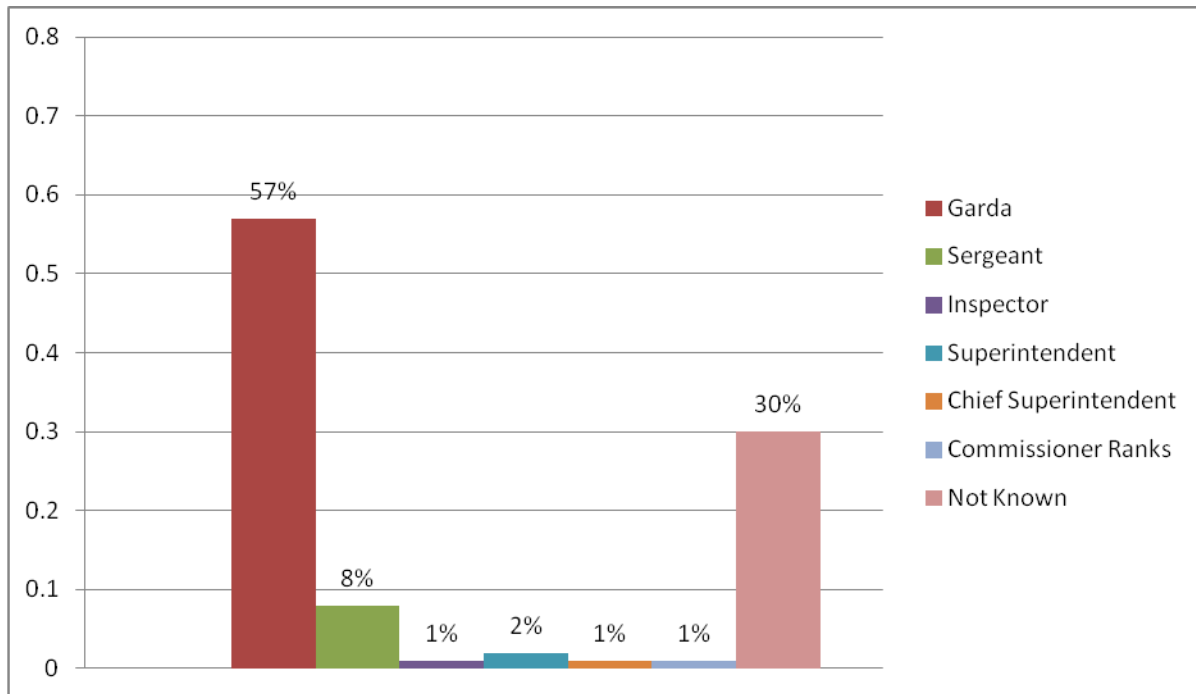


Chart 8. Sex of gardaí about whom complaints were made

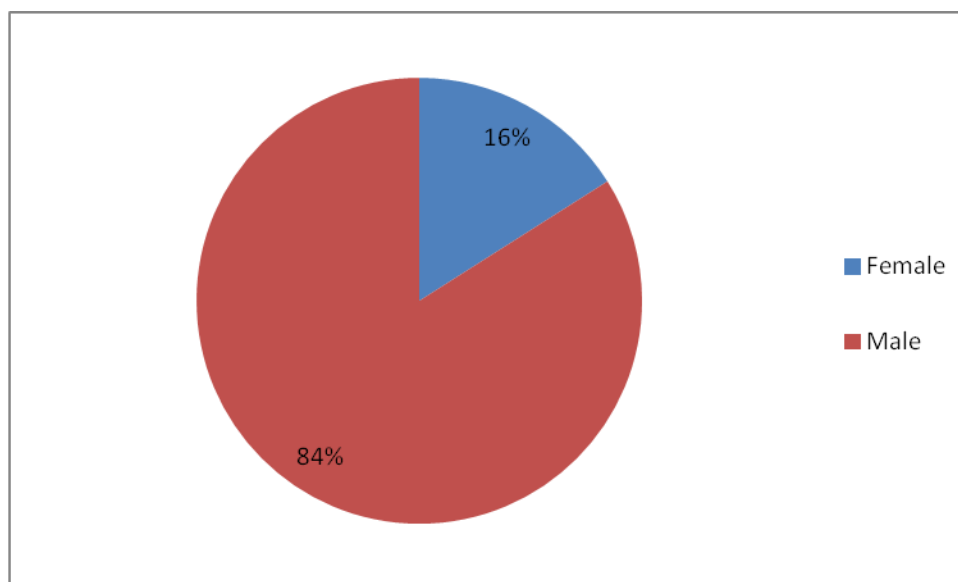


Table 5. Outcomes of complaints closed in 2012

Outcome	Count
Advice	53
Allegation Withdrawn	345
Caution	32
Further investigation not necessary or reasonably practicable	1,964
Garda Síochána (Discipline) Regulations, 2007 no longer apply to garda	7
Garda Commissioner identified no breach of the Discipline Regulations	1,001
GSOC identifies no misbehaviour by garda following s.98	419
Inadmissible	1,890
Informally Resolved	33
Non cooperation by complainant	107
Reduction in pay not exceeding 2 week's pay	22
Reduction in pay not exceeding 4 week's pay	9
Referred to DPP - No Prosecution Directed	8
Referred to DPP - Prosecution Directed	13
Reprimand	9
Warning	6
Total	5,918

In 2012, GSOC closed 2,207 cases containing 5,918 allegations. The table above outlines the outcomes of these cases.

Table 6. Outcomes of section 94(10) reviews completed in 2012

Outcome	Count
Request the Garda Commissioner to review the investigation of the complaint	7
Moved to s.95 for investigation	1
No further action	121
Total	129

GSOC received 137 requests for reviews of unsupervised garda investigations in 2012, in accordance with section 94(10) of the Act. GSOC completed 129 reviews in 2012, arising from requests made in 2012 and previous years. The table above shows the outcomes of these reviews.

2. Section 102 referrals

GSOC received 72 referrals from the Garda Commissioner, in accordance with section 102(1) of the Garda Síochána Act, 2005, during 2012. Section 102(1) states that the “Garda Commissioner shall refer to the Ombudsman Commission 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”. Of the 72 referrals received, 13 related to fatalities.

Table 7. Referrals per division excluding DMR

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

Map 3. Referrals per division excluding DMR

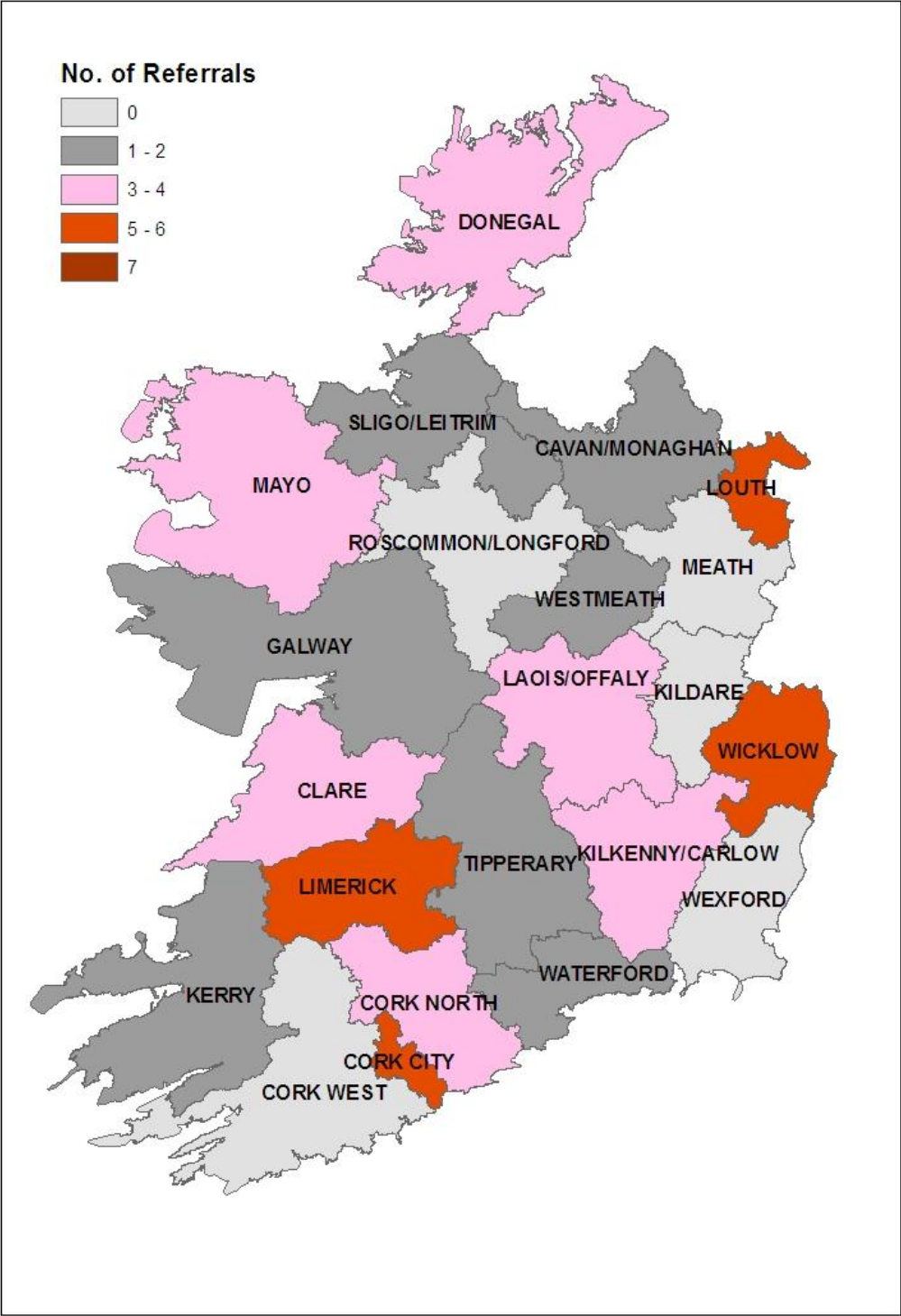


Table 8. Referrals per division- DMR

Division	Count
D.M.R. East	0
D.M.R. North	2
D.M.R. North Central	6
D.M.R. South	4
D.M.R. South Central	2
D.M.R. West	4

Map 4. Referrals per division – DMR

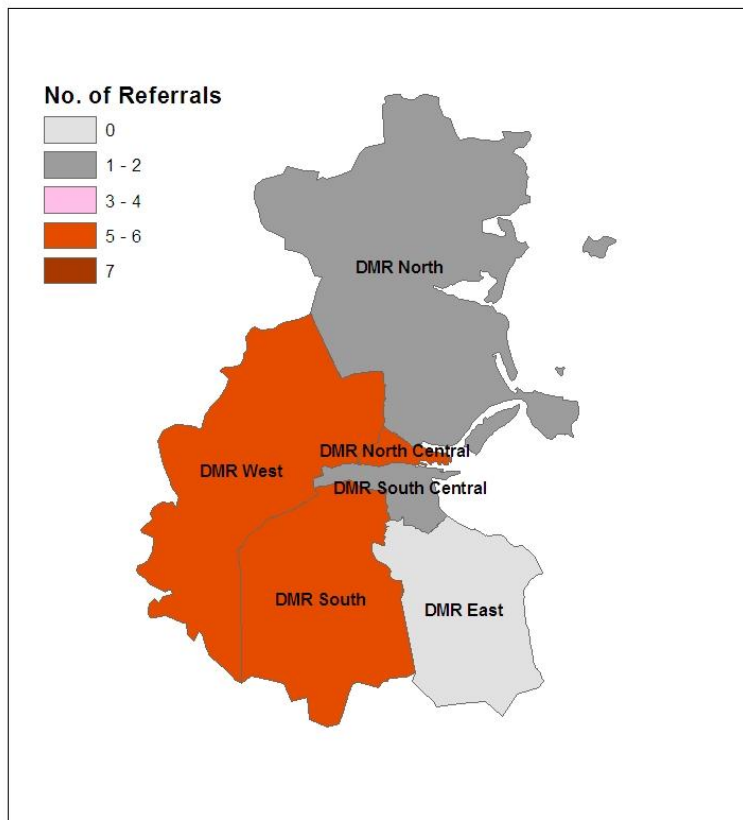


Chart 9. Sex of non-garda injured party

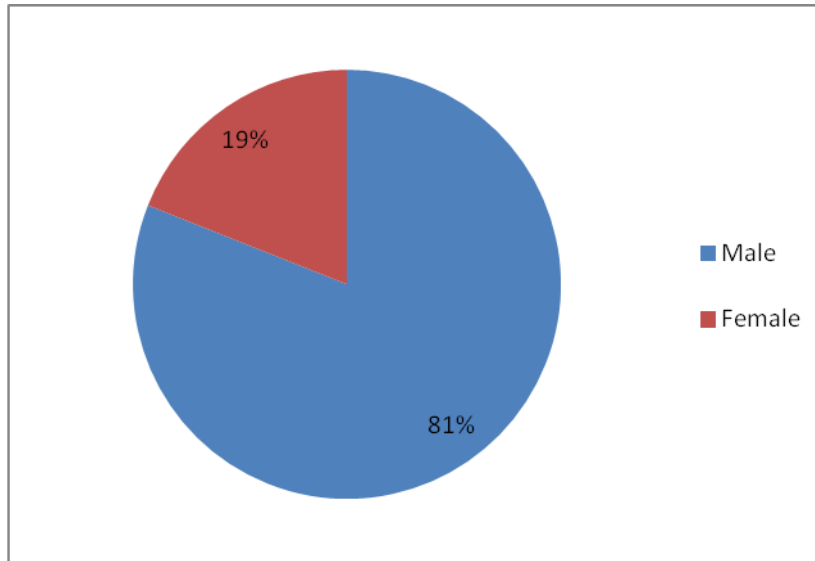


Chart 10. Factor in section 102(1) referrals

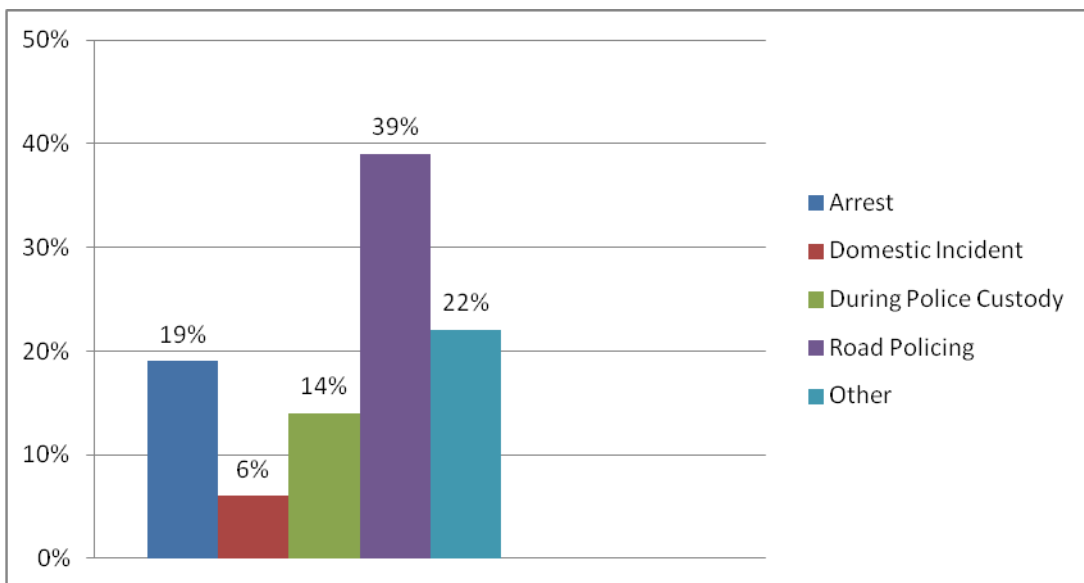


Chart 11. Day of the week of referrals

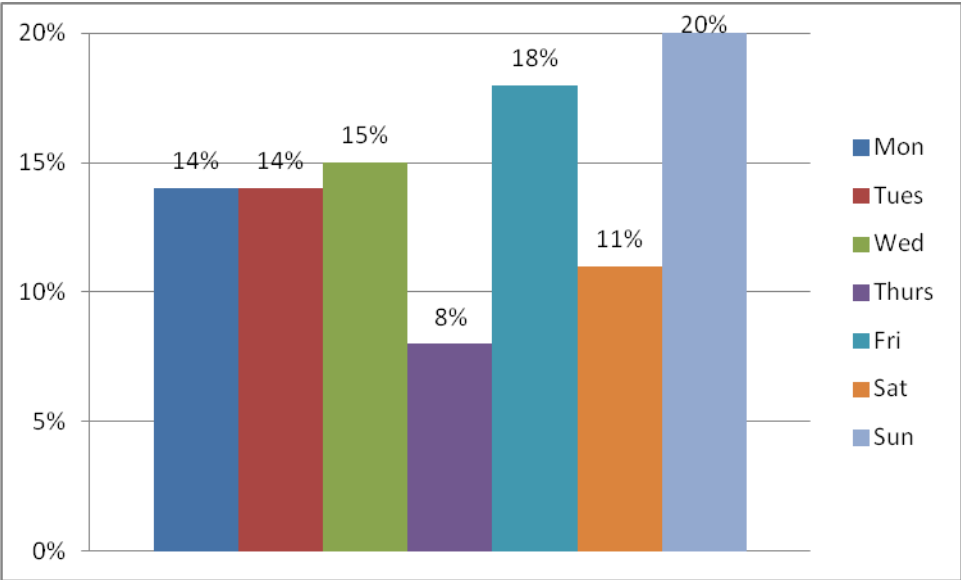


Chart 12. Time of day of referrals

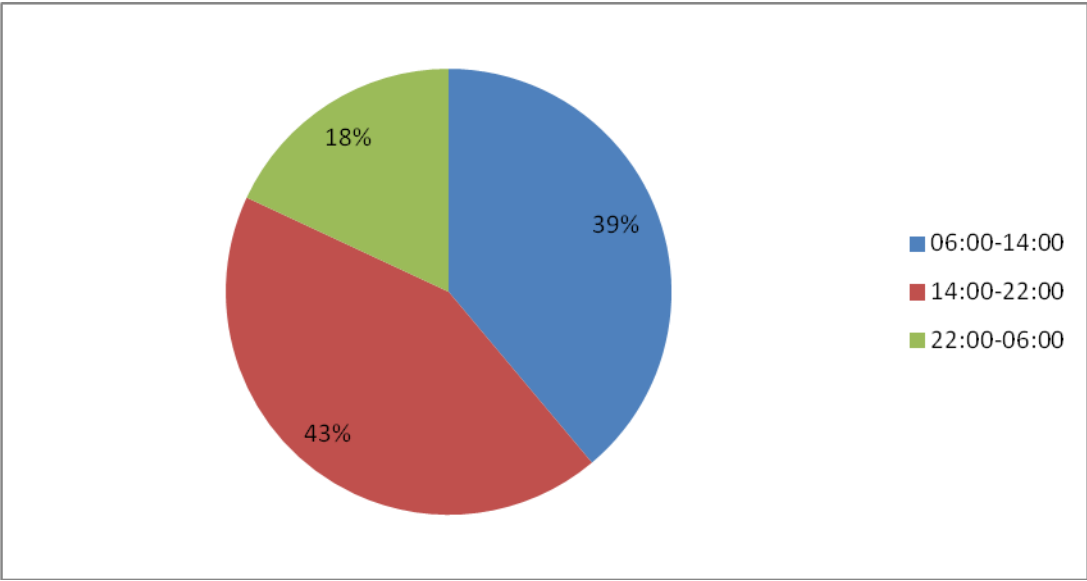


Table 9. Outcomes of referrals

Outcome of Section102(1) Referrals	Count
Further investigation not necessary or reasonably practicable/ No misbehaviour identified	73
Referred to DPP - Prosecution Directed	5
Referred to DPP - No Prosecution Directed	7
Total	85

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

In 2012, GSOC closed 83 investigations arising from referrals received during 2012 and previous years. The table above shows the outcomes of these closed investigations.

3. Section 102(4) – Investigations in the Public Interest

On 1 January 2012, GSOC had four investigations, outlined below, ongoing which were opened under section 102(4) of the Garda Síochána Act, 2005, i.e. “*the Ombudsman Commission 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.”*

- An investigation into the adequacy of the Garda investigation into a road traffic incident involving a fatality and the compilation of the subsequent Garda report to the DPP. This investigation was the subject of judicial review proceedings that were ongoing on 31 December 2012.
- 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. A file was prepared and sent to the DPP in December 2012.
- 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 December 2012.
- An investigation concerning alleged comments by Garda members on 31 March 2011 relating to female protestors arrested at a “Shell to Sea” demonstration at or near Aughoo, Erris, Co Mayo. A file was prepared and sent to the Garda Commissioner in April 2012 recommending that disciplinary proceedings be instituted against one garda.

GSOC opened one new investigation “in the public interest” during 2012 into matters arising from the Commission of Investigation Report into the Catholic Diocese of Cloyne. This investigation was ongoing on 31 December 2012.

There were four investigations open under section 102(4) of the Garda Síochána Act, 2005 at the end of 2012.

4. Complainant Profile

GSOC completed the second 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 likely (going by the highest % in each category) to be white, Irish, in good health, English-speaking, renting accommodation and with a secondary level education. There is also a strong representation of people who are home-owners and people who are unemployed. Overall, and as with previous years, the findings suggest that complainants to GSOC are not drawn generally from categories of greatest social disadvantage.

Chart 13. Ethnicity of complainants

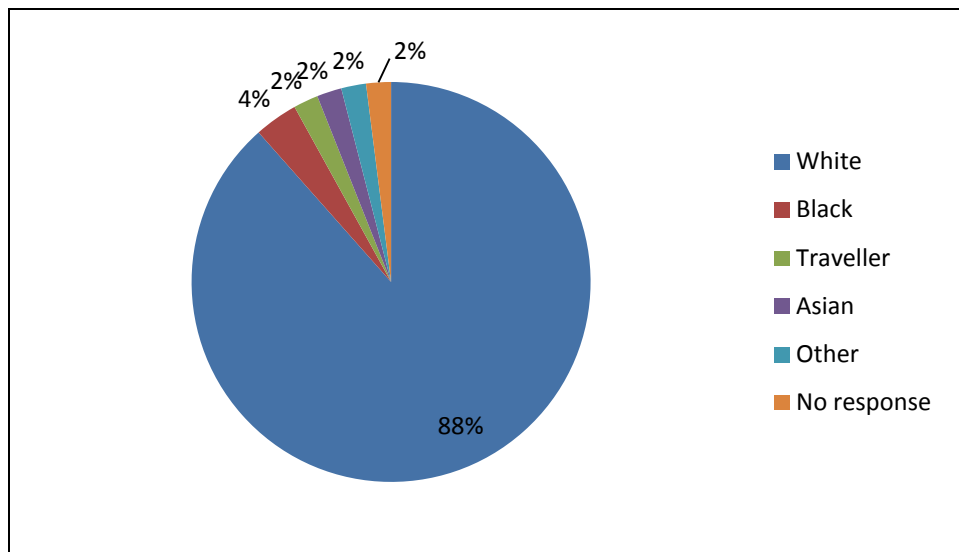


Chart 14. First language of complainants

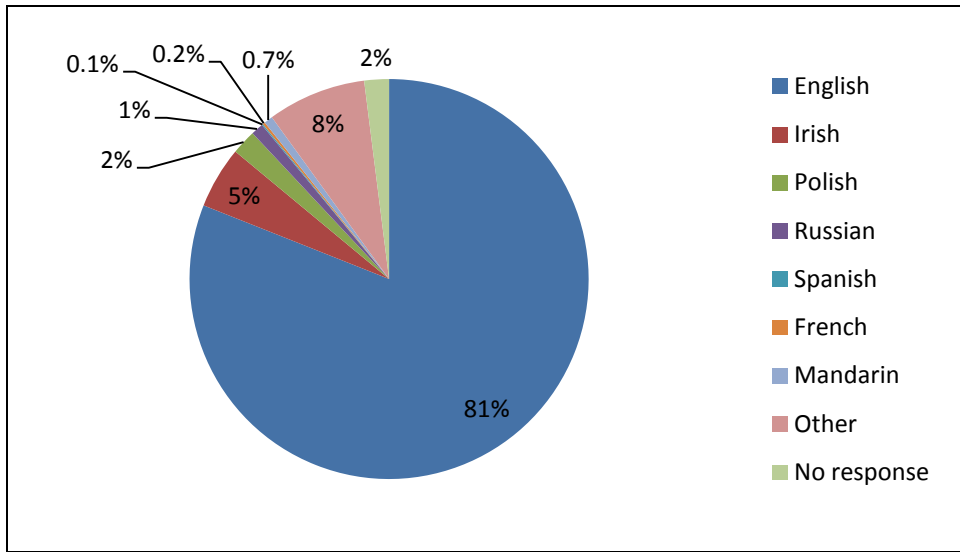


Chart 15. Housing status of complainants

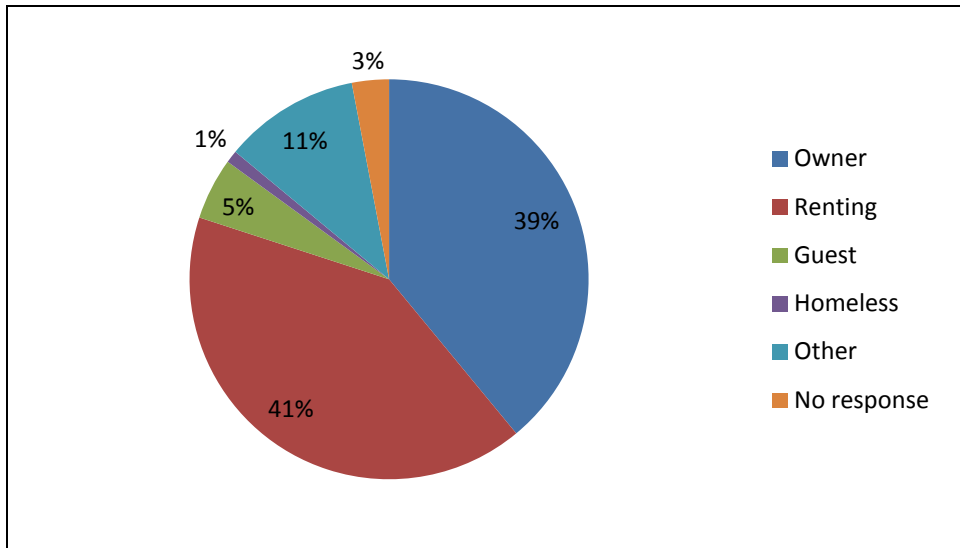


Chart 16. Health/disability status of complainants

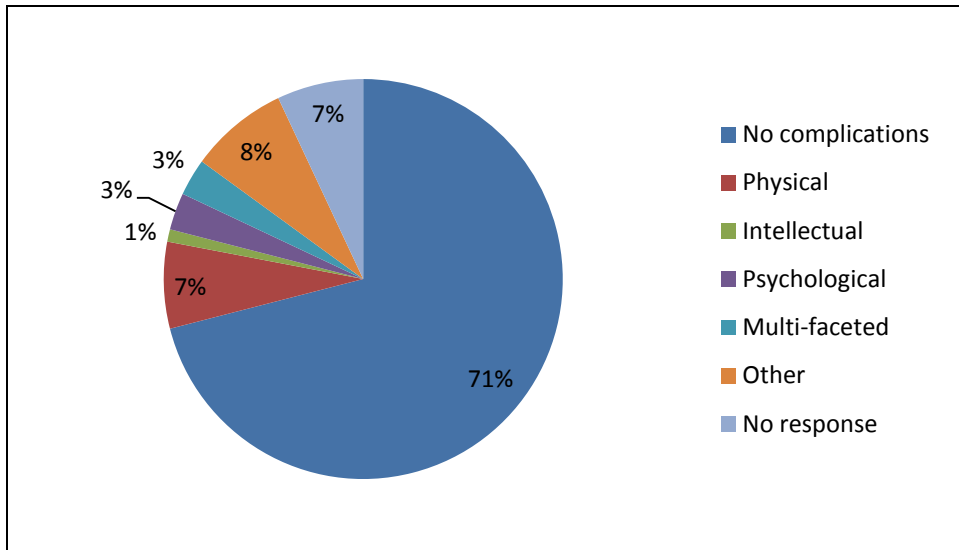


Chart 17. Employment status of complainants

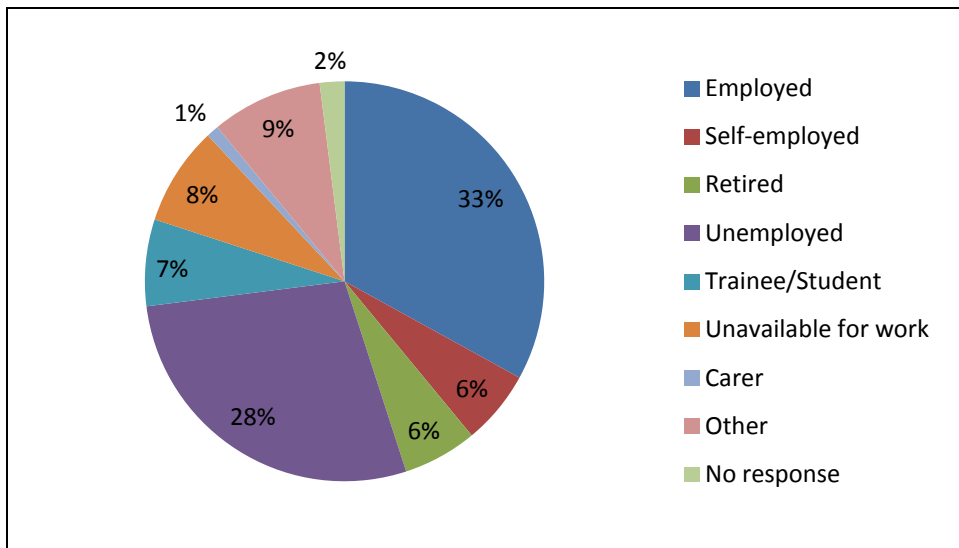


Chart 18. Highest education attainment of complainants

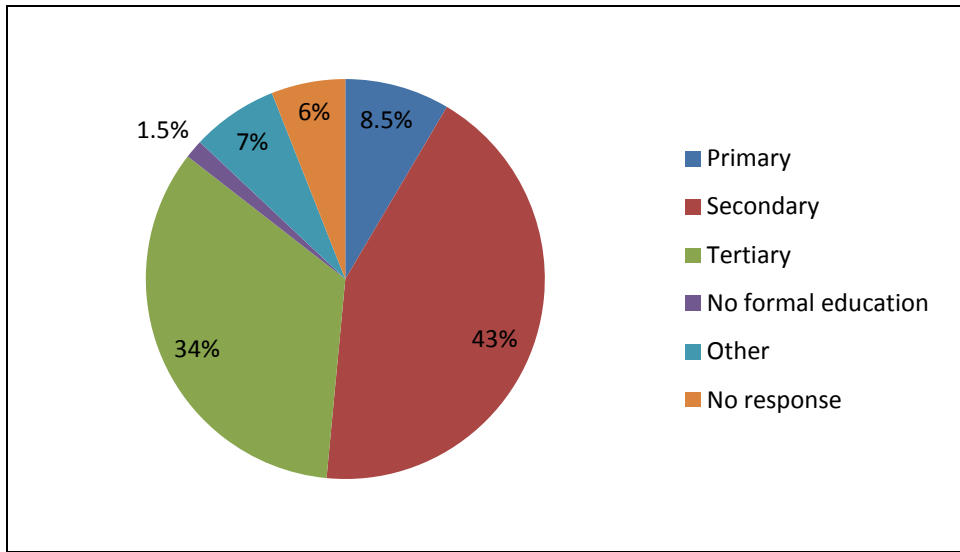
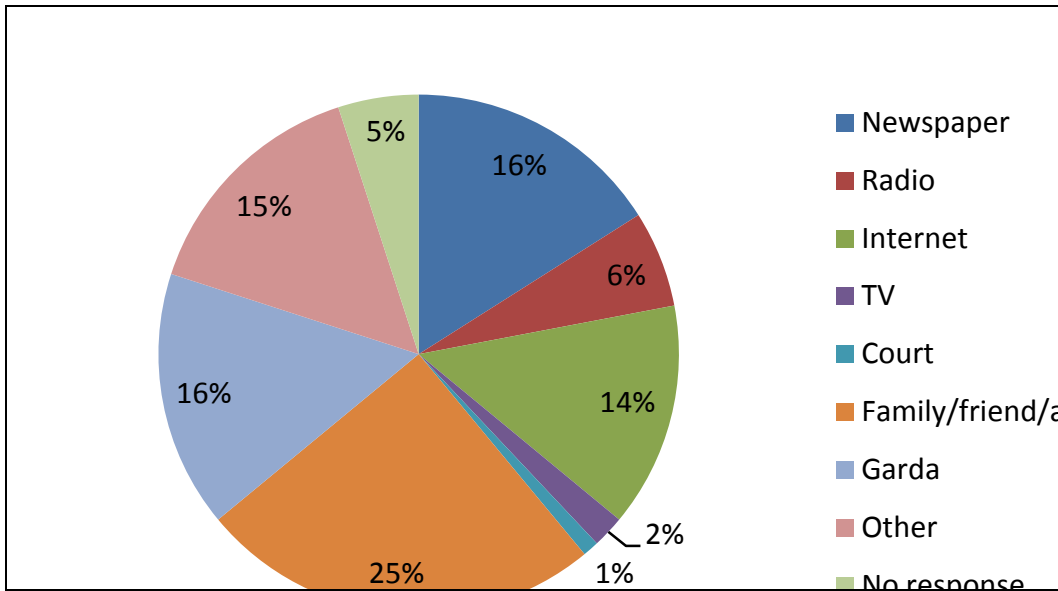


Chart 19. Method by which complainants heard about GSOC



Appendix 1

GSOC's expenditure and savings for 2012

Category	Original Budget	Expenditure Jan. to Dec. 2012	Budget Revision
A01 Salaries, Wages & Allowances	€5,695,000.00	€5,646,598.53	
A02 Travel & Subsistence	€197,170.00	€113,643.17	
A03 - Incidental Expenses	€447,180.00	€410,632.28	
A04 - Postal & Telecommunication Services	€121,800.00	€83,913.35	
A05 - Office Machinery & Other Office Supplies	€556,000.00	€427,462.48	
A06 - Office & Premises Expenses	€1,688,850.00	€1,605,600.50	
A07 - Consultancy	€10,000.00	€00.00	
A08 - Research Expenditure	€15,000.00	€16,002.30	
Appropriation in Aid	€0.00	-€999.10	
Total Non-Pay	€3,036,000.00	€2,704,633.09	
Totals	€8,731,000.00	€8,302,853.51	€350,000.00

Footnote: Please note figures quoted have not yet been audited by the Comptroller and Auditor General.

Appendix 2

Legal review of 2012

- **Cases before the courts in 2012 on foot of GSOC investigations**

19 cases, involving 17 gardaí, one probationer garda and four civilians, came before the courts in 2012. Of these, 12 trials involving 14 accused persons have concluded and the outcomes can be seen in the table below.

<p>Acquittals: Four (all gardaí – one acquittal was of a garda on appeal following an earlier conviction).</p>
<p>Convictions: <i>Four gardaí convicted on various charges of:</i></p> <ul style="list-style-type: none">• assault contrary to section 2 of the Non Fatal Offences Against the Person Act, 1997 (conviction upheld on appeal);• perverting the course of justice and intent to impede his or her apprehension or prosecution contrary section 7(2) of Criminal Law Act, 1997 (conviction upheld on appeal);• driving otherwise than in accordance with a licence contrary to S38(1) of the Road Traffic Act, 1961, failure to produce a valid driving licence following a demand contrary to section 33 of the Road Traffic Act, 2004, using a vehicle for which a motor tax licence is not in force contrary to S13(1) of the Roads Act, 1920, failure to display tax disc contrary to section 73(1) of the Finance Act, 1976, an offence contrary to section 55(1)(f) of the Road Traffic (Construction and Use of Vehicles) Regulations 2003, an offence contrary to section 55(1)(e) of the Road Traffic (Construction And Use Of Vehicles) Regulations 2003; and• dangerous driving contrary to section 53 of the Road Traffic Act 1961. <p><i>Three civilians</i> were convicted of providing false & misleading information contrary to section 110 of the Garda Síochána Act, 2005.</p>
<p>Probation of Offenders Act, 1907 applied in one case – the Accused (a garda) was prosecuted on a charge of section 3 assault. A plea of guilty to a section 2 assault was accepted by the DPP.</p>
<p>One trial, involving two gardaí, did not complete as a witness was unable to complete his evidence. Thereafter, the DPP entered a Nolle Prosequi.</p>

- **Files sent to the DPP in 2012:**

- 33 files involving 26 gardaí and five civilians.

- **Directions for prosecution in 2012:**

- The DPP directed prosecutions in eight cases, relating to six gardaí and three civilians.

At the end of 2012 nine accused persons were the subject of trials before the courts, three of whom were appealing their convictions.

Appendix 3

Staffing chart for 2012

	Staffing levels as at 1 January 2012	Staffing levels as at 31 December 2012
Directors (Assistant Secretary)		
Administration Directorate	1	1
Operations Directorate	1	1
Casework Unit		
Assistant Principal	2	2
Higher Executive Officer	7	7
Executive Officer	5	6
Clerical Officer	10	8
Investigations Unit		
Deputy Director of Investigations	1	1
Senior Investigating Officer	7	6
Investigating Officer	17	16
Analyst	2	2
Assistant Investigating Officer	9	8
Corporate Organisation Unit		
Assistant Principal	1	1
Higher Executive Officer	1	1
Executive Officer	2	2
Clerical Officer	1	2
Service Officer	1	1
Human Resources and Training Unit		
Higher Executive Officer	1	0
Executive Officer	1	1
Clerical Officer	1	1
Information and Communication Technology Unit		
Assistant Principal	1	1
Higher Executive Officer	1	1
Executive Officer	1	1
Clerical Officer	1	1
Legal Affairs Unit		
Principal Officer	1	1
Assistant Principal	1	1
Clerical Officer	1	1
Communications and Research Unit		

Head of Communications and Research	0	0
Higher Executive Officer	1	1
Researcher	1	1
Librarian	1	1
Policy Unit and Secretariat		
Assistant Principal	1	1
Administrative Officer	1	0
Higher Executive Officer	0	1
Clerical Officer	1	1
TOTAL	84	80

Appendix 4

Training & development activities in 2012

Conferences

- Annual National Prosecutor's Conference
- Justice Conference 2012
- 18th NACOLE conference: "Building Community Trust"
- The Future of HR in the Public Sector
- Public Sector Service: "Implementing Key Reforms"
- Mediators Institute of Ireland annual Conference
- CACOLE Conference: "Civilian Oversight of Law Enforcement in the 21st Century: Technology and Attitudes"

Seminars

- Legal Discovery and third party access to Documents and Electronic Material from Public Authorities
- Criminal law: "The Essential Guide to Recent Updates"

Courses

- Investigative Interviewing
- Social Simulation: Methods and Models Masterclass
- Business Process Improvement: "Lean Six Sigma"
- Murdoch's Online Legal Directory
- Interview Skills Training
- Justis Online Legal database
- Review Officer Development Programme
- Mediation Skills Refresher Training

- Ai Damage Training
- VMware v sphere 5
- Elements of Offences in Assault Cases
- Human Rights Training for Trainers
- HEO Programme
- Researcher Course
- Data Protection Training
- SQL Level 1 introduction

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An Irish version of this report can be
obtained from the Garda Síochána
Ombudsman Commission, on request