

TRIBUNAL OF INQUIRY INTO PROTECTED DISCLOSURES MADE UNDER
THE PROTECTED DISCLOSURES ACT 2014 AND CERTAIN OTHER
MATTERS FOLLOWING RESOLUTIONS PASSED BY DÁIL ÉIREANN AND
SEANAD ÉIREANN ON 16 FEBRUARY 2017

ESTABLISHED BY INSTRUMENT MADE BY THE MINISTER FOR JUSTICE
AND EQUALITY UNDER THE TRIBUNALS OF INQUIRY (EVIDENCE) ACT
1921, ON 17 FEBRUARY 2017

SOLE MEMBER: MR. JUSTICE PETER CHARLETON, JUDGE OF THE
SUPREME COURT

HELD IN DUBLIN CASTLE
ON THURSDAY, 18TH JANUARY 2018 - DAY 43

43

Gwen Malone Stenography
Services certify the
following to be a
verbatim transcript of
their stenographic notes
in the above-named
action.

GWEN MALONE STENOGRAPHY
SERVICES

APPEARANCES

SOLE MEMBER: MR. JUSTICE PETER CHARLETON,
JUDGE OF THE SUPREME COURT

REGISTRAR: MR. PETER KAVANAGH

FOR THE TRIBUNAL: MR. DIARMAID MCGUINNESS SC
MR. PATRICK MARRINAN SC
MS. KATHLEEN LEADER BL
MS. ELIZABETH MULLAN, SOLICITOR

FOR SGT. McCABE: MR. MICHAEL McDOWELL SC
MR. PAUL MCGARRY SC
MR. BREFFNI GORDON BL

INSTRUCTED BY: SEAN COSTELLO & COMPANY
HALIDAY HOUSE
32 ARRAN QUAY
DUBLIN 7

FOR THE COMMISSIONER: MR. MÍCHEÁL P. O'HIGGINS SC
MR. SHANE MURPHY SC
MR. CONOR DIGNAM SC
MR. DONAL MCGUINNESS BL
MR. JOHN FITZGERALD BL

INSTRUCTED BY: MS. KATHY DONALD
CHIEF STATE SOLICITOR'S OFFICE
OSMOND HOUSE
LITTLE SHIP STREET
DUBLIN 8

FOR ANNMARIE RYAN: MR. COLM Ó HOISÍN SC
MR. PETER SHANLEY BL

INSTRUCTED BY: MS. MARY CUMMINS
CHIEF STATE SOLICITOR'S OFFICE
OSMOND HOUSE
LITTLE SHIP STREET
DUBLIN 8

FOR MR. JOHN BARRETT: MR. JOHN ROGERS SC

INSTRUCTED BY: MR. FELIX MCTIERNAN
NOBLE SOLICITORS
FRANKFORT BUILDING
DUNDRUM ROAD
DUBLIN 14

FOR MR. COLM SMYTH SC
MR. MICHAEL MacNAMEE BL
MR. GARRET BYRNE BL:

MR. PAUL SREENAN SC
MS. ELLEN GLEESON BL
MS. CATHERINE DONNELLY BL

INSTRUCTED BY:

MS. GERALDINE CLARKE
MR. RONAN O'BRIEN
GLEESON MCGRATH BALDWIN
29 ANGLESEA STREET
DUBLIN 2

FOR MS. FRANCES FITZGERALD
MR. MICHAEL FLAHIWE
MR. KEN O'LEARY
MR. NOEL WATERS
MR. CHRISTOPHER QUATTROCIOCCHI
MR. MARTIN POWER:

MR. PATRICK MCCANN SC
MR. GERARD MEEHAN BL

INSTRUCTED BY:

MR. CHARLES WALLACE
CHIEF STATE SOLICITOR'S
OFFICE
OSMOND HOUSE
LITTLE SHIP STREET
DUBLIN 8

INDEX

| WITNESS | PAGE |
|----------------------------------------------|------|
| <u>MS. ANNMARIE RYAN</u> | |
| CROSS-EXAMINED BY MR. MCDOWELL | 5 |
| CROSS-EXAMINED BY MR. MCCANN | 25 |
| CROSS-EXAMINED BY MR. MURPHY | 28 |
| CROSS-EXAMINED BY MS. GLEESON | 58 |
| RE-EXAMINED BY MR. MCGUINNESS | 59 |
| FURTHER CROSS-EXAMINED BY MR. MCDOWELL | 64 |
| | |
| <u>CHIEF SUPERINTENDENT FERGUS HEALY</u> | |
| DIRECTLY EXAMINED BY MS. LEADER | 70 |

1 THE HEARING RESUMED ON THURSDAY, 18TH JANUARY 2018 AS
2 FOLLOWS:

3
4 MR. MCGUINNESS: Chairman, we are resuming with the
5 evidence of Ms. Ryan this morning. 10:00

6
7 MS. ANNMARIE RYAN CONTINUED TO BE CROSS-EXAMINED BY
8 MR. MCDOWELL:

9 1 Q. MR. MCDOWELL: Good morning, Ms. Ryan.

10 A. Good morning. 10:01

11 2 Q. Firstly, could I ask you to look at page 1 of the
12 papers that we have, the terms of reference of the
13 Commission?

14 A. Page?

15 3 Q. 1, in book 1A. I take it that you were at some stage 10:01
16 familiar with those terms of reference?

17 A. I would have been familiar in relation to each term of
18 reference that arose.

19 4 Q. I wanted to ask you, firstly, it appears that the 10:02
20 issues for the Commission to investigate are largely
21 confined to those, to those policing incidents referred
22 to at paragraphs A to H. Then an investigation of an
23 allegation by Sergeant McCabe in respect of Pulse
24 records, and then the investigation that had taken
25 place by An Garda Síochána and the Department of 10:02
26 Justice and the Minister in respect of the policing
27 matters at A to I, isn't that right?

28 A. That's correct.

29 5 Q. I am at paragraph J there. And then investigation of

1 disciplinary issues and then, finally, a general
2 conduct of policing at Bailieboro in the years
3 2007/2008, with reference to the management and
4 operational structure and resource allocation; isn't
5 that right? 10:03

6 A. That's correct.

7 6 Q. And then paragraph 2 said:
8
9 "The Commission should exercise discretion in relation
10 to the scope and intensity of the investigation it 10:04
11 considers necessary and appropriate having regard to
12 the general objective of the investigation."
13 A. That's correct.

14 7 Q. Now, can I put to you that apart from paragraph I, the
15 Commission was not charged with the investigation -- 10:04
16 with the investigation of allegations made by Sergeant
17 McCabe as to malpractice or corruption in An Garda
18 Síochána?
19 A. I am not in a position to state in relation to that,
20 the evidence is as it is, so... 10:04

21 8 Q. Well, that is a matter probably better reserved for
22 submissions, but was that considered in your
23 preparation for the approach to this, to the Tribunal,
24 that you were dealing with the incidents themselves
25 rather than Sergeant McCabe's view of them? 10:05

26 A. In relation to preparation prior to it, unfortunately
27 An Garda Síochána did not provide much time for
28 preparation, and in relation to each core booklet, the
29 documents contained in the core booklet were discussed

1 at consultations and arising out of there, from
2 evidence, that is where it was taken.

3 9 Q. I see. Now, could I ask you to look at what was stated
4 in book 1B at page 699 -- or, sorry, 698, rather. You
5 see at line 10 there, I made it clear on behalf of 10:06
6 Sergeant McCabe because the question of the meeting
7 Chief Superintendent Rooney had been raised:

8
9 "I want to say the following, that as far as I know he
10 proposes to make no criticism of any other person in 10:06
11 this room save to say what he actually did, right, if
12 he is called to give evidence, that is what he proposes
13 to do. Now the Commission may invite him to make
14 criticism of others, but it wasn't his intention to
15 proffer that or to volunteer criticism in general terms 10:06
16 of other people's behaviour. That is the first thing."

17
18 And again, on page 699 --

19 A. On which -- sorry?

20 10 Q. Page 699, the second paragraph, it was made clear: 10:07

21
22 "Some people may think he is going to lay into
23 everybody and try to attack their integrity or their
24 reputation or whatever, that's not his function in this
25 inquiry. So if people think they have to get their 10:07
26 retaliation in first, to use the football thing, that
27 is completely misguided. Unless the Commission leads
28 him into territory and asks his opinions on matters,
29 which may or may not be relevant, because in large

1 measure it's the opinion of the Commission and the
2 facts that I think is much more relevant than Sergeant
3 McCabe's view of facts, because he wasn't appointed to
4 the Commission.

5
6 It seems to me there is a misconception here that
7 somehow he is the man who is going to lay about him and
8 criticise, accuse and the like, and he is not. He has
9 done that. He is coming here to answer questions
10 Mr. Gillane puts to him." 10:07

11
12 Was it not clear to you at that point that Sergeant
13 McCabe, bearing in mind that and the Book of Evidence,
14 was not there to sustain allegations against the people
15 that you have mentioned yesterday? 10:08

16 A. All I can say, arising out of what was in the core
17 booklet in respect of each term of reference, they were
18 the documents that we had provided by the Commission
19 and the evidence dealt with those documents, the
20 documents did contain a number of allegations but I can 10:08
21 only say in relation to what was on transcript and that
22 was all before justice O'Higgins.

23 11 Q. I see. Now, could I ask you in the same book to look
24 at a note which is Chief Superintendent Healy's note --

25 A. What page? 10:08

26 12 Q. On page 694.

27 A. 694.

28 13 Q. And this would appear to be a carryover of his note
29 from the previous Friday, because there wasn't room on

1 the page.

2 A. Is there a typed version of it?

3 14 Q. There is, but I want to you look at this for a moment
4 and I will bring you to the typed version in a second.
5 He says: 10:09
6
7 "Made several telephone conversations with the
8 Commissioner O'Sullivan to get instructions on the
9 questioning of Sergeant McCabe at the Commission.
10 the --" 10:09
11
12 I think it's:
13
14 "-- requirement was made to question the motive of the
15 member for making the various complaints. 10:09
16
17 Commissioner --"
18
19 I don't know what the next phrase is.
20 10:10
21 "-- sought to speak to her. Then returned with
22 instructions that we, 1 --"
23 CHAIRMAN: Commissioner legal team.
24 MR. MCDOWELL: Sorry, legal team, yes.
25 10:10
26 "That we, 1, in the light of the developments on the
27 front that Sergeant McCabe had issues with --"
28 CHAIRMAN: "Non working".
29 MR. MCDOWELL: Sorry, Judge. "-- was now working in

1 Mullingar and his welfare, we seek a deferral until we
2 seek advice."

3
4 And the second paragraph reads:

5
6 "Commissioner then rang a second time and advised that,
7 on reflection --" 10:10

8
9 And this is the important words.

10
11 "-- that if it came out in the course of questioning
12 then counsel could explore it and it --" 10:10

13 CHAIRMAN: I think it is "if it was".

14 MR. MCDOWELL: "-- and if it was her view -- or their
15 view that --" 10:11

16
17 Sorry, I should perhaps go to the written, the typed
18 version. But the question was that the word "if" is
19 there, "if" it came out in questioning counsel should
20 pursue it. 10:11

21 A. Yes.

22 15 Q. And I'm not -- I'm asking you, if we go to Volume 6,
23 3291.

24 A. 3291?

25 16 Q. Yes. That is the paragraph reads: 10:11

26
27 "Commissioner then rang a second time and advised that
28 on reflection that it came out in the course of
29 questioning, then counsel should explore it."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Do you see that?

A. I do.

17 Q. But the "if" is unfortunately missing in that text.

A. I didn't type it, so...

10:12

18 Q. Yes. But can I then ask you to look at your own note of what Chief Superintendent Healy said to you, which is at page 690 in that book.

A. 690 in which book, book 1?

19 Q. Book 1B, yes.

10:12

A. 1B.

20 Q. Do you see that?

A. I do.

21 Q. And you have, halfway down the page:

10:13

"Commissioner requested counsel's advices and Fergus relayed same to her. Commissioner, after consideration, instructed to "in light of the objections being raised by McCabe's SC and in order to consider the matter further, for us if possible to seek adjournment, or if not possible, to go ahead pursue questions as advised by counsel"."

10:13

A. Yes.

22 Q. And do you see that there is a difference between what Chief Superintendent Healy noted in his own note of what the Commissioner had told him and what he told you?

10:13

A. I do recall making this note, I think I might have referred to it yesterday.

1 23 Q. Yes.

2 A. It was after Judge O'Higgins rose.

3 24 Q. Yes.

4 A. And I was sitting down in the room and I was writing
5 down what I had missed and that quote, I presume, would 10:14
6 have come from Chief Superintendent Fergus Healy, or
7 whatever, I wrote it down.

8 25 Q. Yes. But there is a significant difference, I suggest,
9 because on your understanding and the note you took
10 that you were to look for adjournment and if you didn't 10:14
11 get the adjournment you were to plough ahead with the
12 questioning as to motivation, isn't that right?

13 A. As I said, that is what is in my note.

14 26 Q. That is what you understood, isn't that right?

15 A. Well, that's what is in my note, in that note. 10:14

16 27 Q. It would appear that a different instruction was
17 recorded in Chief Superintendent Healy's note, which
18 was to the effect that it was only to be dealt -- the
19 question of motivation was only to be dealt with if it
20 arose in the course of questioning, do you follow the 10:15
21 difference?

22 A. Yes, I do.

23 28 Q. And the reason I ask you that is, Mr. Flahive seemed to
24 be under the impression that further consideration as
25 to whether this was or was not the right approach to 10:15
26 take and advice would be taken on it during the course
27 of the weekend?

28 A. I never spoke to Mr. Flahive, so...

29 29 Q. Yes. And I'm suggesting to you that the Commissioner

1 was effectively just asking for the foot to be taking
2 off the pedal, so to speak, so that she could
3 reconsider the matter?

4 A. That is a matter for Commissioner O'Sullivan or former
5 Commissioner O'Sullivan to respond to. 10:15

6 30 Q. But in any event, whether Superintendent Healy's --
7 assuming he told you what you recorded, you regarded it
8 as simply if you don't get an adjournment, plough on
9 with this questioning as to motivation?

10 A. Well, going by my note, I have a quote, I don't have a 10:16
11 second one but I presume I was quoting something on the
12 day. I do know that I wrote that down after
13 Mr. Justice O'Higgins rose on the Friday.

14 31 Q. But there was nothing conditional, don't do it unless
15 it arises in the course of questioning, just do it, is 10:16
16 the message that I read from your understanding --

17 A. No, it was -- well, my note is as I speak, but I think
18 it was depending on the evidence, but counsel would be
19 best placed to say that. As I said, I wrote down my
20 note there and then that evening, so -- 10:16

21 32 Q. Well --

22 A. -- I wasn't advising counsel.

23 33 Q. -- I am asking you, did you understand that counsel was
24 being given a discretion whether to pursue motivation
25 depending on the evidence or whether counsel was being 10:17
26 instructed to elicit further evidence from Chief
27 Superintendent Rooney on the motivation issue?

28 A. That would be a matter for counsel. I don't -- I am
29 not in a position to say what counsel understood.

1 34 Q. Well, we have your evidence that when Mr. Smyth started
2 down this line, you were surprised by it?
3 A. No, I was surprised that I did not know or I had no
4 prior knowledge of it, that was my surprise.
5 35 Q. Yes, that is what I mean, that you were surprised by 10:17
6 the course he was taking?
7 A. Yes, I was surprised that I did not know that morning,
8 I would have expected to have had that note but I
9 explained yesterday it would be not uncommon for me in
10 the mornings to not have a minute to sit down. I had 10:17
11 so much to do.
12 36 Q. And could I ask you --
13 A. That was my surprise.
14 37 Q. Could I ask you now to look at page 4289?
15 A. Same booklet? 10:18
16 38 Q. No, no, it's not, it's in volume 8. And I'm asking you
17 about the last paragraph on that page:
18
19 "Chief Superintendent Rooney retired --"
20 A. Sorry 4289? 10:18
21 39 Q. 4289, yes.
22 A. Oh, I have a wrong page. It's marked "4289" but...
23 40 Q. It's 4289 on my list.
24 A. The page I have with 4289 is: "Dáil Éireann, 18th May
25 2016 Leaders' Questions, Continued." 10:19
26 41 Q. I think there was some misnumbering of this book,
27 Chairman, so if the witness could be shown --
28 MR. MCGUINNESS: 4274.
29 MR. MCDOWELL: Maybe it's 4274 -- it's 4289 on the

1 screen but it's 4274, perhaps, in the book.

2 A. No. Oh, sorry, "For the attention of Ms. Elizabeth
3 Mullan"?

4 42 Q. Yes.

5 A. Yes, I have it -- 10:20

6 43 Q. You have that, have you?

7 A. Is it a four-page statement?

8 44 Q. Yes. If I could ask you to go to the second-last page
9 of it.

10 A. Yes. 10:20

11 45 Q. The paragraph saying:
12
13 "I attended the Commission of Investigation --"
14
15 Do you see that? 10:20

16 A. Yes.

17 46 Q. "-- for the Module 1 hearing on 14th May 2015. On day
18 2 I was called to give evidence. I was led in my
19 evidence by the Commission's legal team. At the
20 conclusion of my direct evidence I was cross-examined 10:20
21 by the Garda Commissioner's legal team. I was not
22 expecting to be cross-examined on behalf of the Garda
23 Commissioner. I had no prior knowledge that my meeting
24 with Sergeant McCabe at Monaghan in 2007 was going to
25 be raised. When the question was put to me, I couldn't 10:20
26 readily comprehend what was being asked. I was not
27 prepared for the question and endeavoured to answer as
28 best I could. I did not instruct the Garda
29 Commissioner's legal team to raise this issue on my

1 behalf."

2

3 So, I think the transcript shows that he was a bit
4 confused about dates and times, isn't that right?

5 A. I'd have to look at the transcript, yeah. 10:21

6 47 Q. Well, the Tribunal will see that. But it would appear
7 that you were surprised at the course of
8 cross-examination?

9 A. I was surprised that I had no knowledge of the
10 Commissioner's instructions that morning or whatever 10:21
11 time that day, when they were relayed by Fergus Healy
12 directly to counsel, that was what I was surprised at.

13 48 Q. And you were also representing retired Chief
14 Superintendent Rooney, isn't that right?

15 A. Among others. 10:21

16 49 Q. And he seems to have been surprised at this development
17 as well, he had no prior knowledge that this --

18 A. I am not in a position to talk about it because I
19 understand he was claiming privilege, but if he has
20 waived privilege I can talk about it. 10:22

21 50 Q. Well, he has in fact given descriptions of what he said
22 and did in -- earlier on in his statement, about
23 attending consultations and the like?

24 A. Well, I am not in a position to state what is in my
25 consultation notes unless he waives privilege. 10:22

26 51 Q. I see. You are aware that following the discussions on
27 Friday the 15th May and Monday the 18th May,
28 submissions were prepared by counsel, which we dealt
29 with yesterday?

1 A. Yes, and they were put in the first week or so of June.

2 52 Q. And they appeared to reiterate that the suggestion that
3 Sergeant McCabe was making his allegations against
4 Superintendent Clancy for lack of support based on his
5 unhappiness with the decision to -- 10:23

6 A. It's a matter for counsel but I would expect those
7 submissions were drafted based on the transcripts. And
8 my role is, I got them from counsel, draft submissions,
9 and they were circulated to all parties --

10 53 Q. Yes. 10:23

11 A. -- who gave evidence, and from there, whatever
12 amendments were made, and they were finally signed off
13 by the client, and I then submitted them to the
14 Commission.

15 54 Q. And on Monday the 18th May, you heard Sergeant McCabe 10:23
16 in evidence categorically reject as absolutely untrue
17 the suggestion that that was the motive for his making
18 his complaints against Superintendent Clancy?

19 A. I recall whatever is in the transcripts will say what
20 it is -- 10:24

21 55 Q. And it was only after the submissions had been
22 delivered and in June, at a hearing, that the question
23 of the transcript of Sergeant McCabe's tape-recording
24 was discussed at the Tribunal, isn't that right?

25 A. I believe it was the 24th June -- 10:24

26 56 Q. Yes.

27 A. -- in evidence that that matter was dealt with, when
28 Superintendent Cunningham was giving evidence and based
29 on that --

1 57 Q. Yes.

2 A. -- the recording and his Garda documentation, that that
3 came to light.

4 58 Q. And it was only at that point that eventually after a
5 discussion and an argument, which the Tribunal has seen 10:24
6 and I needn't bring you through, that it was conceded
7 that what was in the letter of the 18th June and in the
8 submission on the 11th June was incorrect?

9 A. Paragraph 19, there was a mistake in the first line
10 where -- 10:25

11 59 Q. Yes.

12 A. -- Superintendent Noel Cunningham was investigating
13 complaints against Clancy --

14 60 Q. Yes.

15 A. -- which obviously he could not have done, because he 10:25
16 is not of a rank higher than Chief Superintendent or
17 Superintendent Clancy at the time, and there was a
18 mistake in the last line where the allegations were put
19 in against, and that transpired in evidence during Noel
20 Cunningham that it should have been to Superintendent 10:25
21 Clancy.

22 61 Q. And we went through this yesterday, in the submission
23 that was drafted by counsel on the 11th of June and
24 circulated and approved, it was repeated again that the
25 allegation of lack of support was only made arising out 10:25
26 of Sergeant McCabe's dissatisfaction with the DPP
27 directions issue?

28 A. Well, as I said, it would be a matter for counsel on
29 how they drafted the submissions, but I would expect

1 they would have been drafted based on the content of
2 transcripts and when I received the draft, as I have
3 already said, I circulated it to relevant parties and
4 the submission was not furnished or submitted to the
5 Commission until it was signed off. 10:26

6 62 Q. Well, could I ask you, was the submission, the draft
7 submissions, submitted to Superintendent Cunningham?

8 A. The submission was submitted to relevant parties who
9 gave evidence.

10 63 Q. Does that include Superintendent Cunningham? 10:26

11 A. Judge, do I need direction in that regard or --

12 CHAIRMAN: No, I don't think you need direction on
13 that. I mean, it's not a question of legal advice,
14 it's just a question of the logistics of how you went
15 about things. And what I took you down yesterday as 10:26
16 saying was that they were only filed after being sent
17 to Chief Superintendent Healy, so that all the clients
18 would be circulated and express their satisfaction with
19 it, and then you lodged it. Now, that is what I
20 understood you to be saying yesterday. 10:27

21 A. In respect of Module 1 -- in respect of Module 1, the
22 draft submission was sent to Chief Superintendent Healy
23 and I believe I had a conversation with Chief
24 Superintendent Healy in relation to -- it may be
25 reflected in an email or a note, in relation to letting 10:27
26 other parties see this. I went back to counsel and
27 counsel gave advices, and I'm sure their advices can be
28 made available, that they would want all clients that
29 gave evidence, that they were acting for, to look at

1 all of the submissions to ensure that they are
2 factually correct and reflect their position, their
3 advices would be in an email, as I said. And arising
4 out of that then, Fergus Healy circulated, I
5 understand, that draft to clients and whatever 10:28
6 amendments came back, it might have been to and fro
7 with counsel in relation to that module. As modules
8 went on and submissions became plentiful, to could cut
9 time, I would have circulated them directly, but
10 replies came back and all replies then would have been 10:28
11 signed off the final end. But that is the way
12 submissions were prepared throughout the entire period
13 of the hearings.

14 64 Q. And can you recall between the 18th May and the 24th
15 June obtaining -- or any instructions in relation to 10:29
16 the denial made by Sergeant McCabe of the allegation in
17 relation to his motivation that had been put to him by
18 Mr. Smyth?

19 A. I don't believe I received any instructions. I don't
20 recall. If anybody wants to put instructions to me. 10:29

21 65 Q. Did anybody tell that you Mr. Smyth had got it wrong in
22 that period?

23 A. I believe it came to light during the course of
24 Superintendent Noel Cunningham's evidence on module --
25 or on day 5. 10:30

26 66 Q. Which was the 24th June?

27 A. Indeed.

28 CHAIRMAN: Mr. McDowell, excuse an intervention, but I
29 am not sure, having read the transcript, that anyone

1 ever put it to Sergeant McCabe that something to the
2 following effect, the only reason you are giving this
3 evidence is because you are bitter about, for instance,
4 the DPP's directions not being circulated in a very
5 limited way.

10:30

6 MR. MCDOWELL: I think Mr. Smyth put it to Sergeant
7 McCabe and he said that is absolutely false, I think
8 the Tribunal will recall that.

9 CHAIRMAN: Or is that something to do with the
10 Mullingar meeting? which is a different thing. But
11 anyway, you can come back to it if you want or mention
12 it later on in the day. Because that would have
13 certainly jumped out at me. You know, the classic
14 question as to credit, you are bitter because of
15 whatever --

10:30

16 MR. MCDOWELL: The phrase bitter was never put to him.

17 CHAIRMAN: No, no, I am using that as an example.

18 MR. MCDOWELL: At page 157 of the transcript, and I
19 will have to find out where it is in the book here,
20 Judge --

10:30

10:31

21 CHAIRMAN: Just, if you wouldn't mind just --

22 MR. MCDOWELL: Page 782 in the book.

23 CHAIRMAN: Yes. Mr. McDowell, it doesn't really matter
24 that terribly much, but if it does come in that stark
25 way, I mean, you just might mention it to me later on
26 or give me a reference. My reference to bitter was
27 simply an example. In other words, that somebody put
28 it to him 'Isn't the only reason you are saying this is
29 because you are unconsciously influenced by the way you

10:31

1 were treated in the aftermath of the D investigation
2 and the failure to circulate the letter from the DPP
3 exonerating you and saying no offence had been
4 committed even if there was no issue as to
5 credibility?' 10:32
6 MR. MCDOWELL: well --
7 CHAIRMAN: Mr. McDowell, don't worry about it, Ms. Ryan
8 is waiting and if you want to come back to me --
9 MR. MCDOWELL: All of this is dealt with at pages 157,
10 178 and 159 of the transcript of day 3, Judge. And -- 10:33
11 CHAIRMAN: I am not going to ask to borrow yours but I
12 will certainly look at it. Thank you.
13 MR. MCDOWELL: And it is in the books somewhere, that
14 day's transcript is broken into different portions,
15 Judge. 10:33
16 67 Q. I am suggesting to you that until Superintendent
17 Cunningham was confronted with the facts, that no
18 effort was made to withdraw the suggestion that his
19 allegations were motivated improperly.
20 A. In Module 1's hearings, day 1 to 4, I believe it was 10:33
21 Thursday, Friday, Monday and Tuesday, and then the next
22 day, on Module 1, the following -- it was in June, the
23 24th, I believe.
24 68 Q. 24th of June, yes.
25 A. During that, in Superintendent Noel Cunningham's 10:33
26 evidence, whatever is on the transcript is what was
27 said.
28 69 Q. Yes. I am suggesting to you that the error that had
29 been made in the letter of the 18th and in the

1 submissions of the 11th June, was not corrected by
2 anybody until it emerged as erroneous in Superintendent
3 Cunningham's evidence on the --

4 A. Yes. Superintendent Cunningham, when he was giving his
5 evidence it transpired that his notes, Garda notes, 10:34
6 were the same as the recording --

7 70 Q. Yes.

8 A. -- and therefore, there was an error in the letter.
9 The letter did not reflect the full content of --
10 accurately reflect the content of Superintendent 10:34
11 Cunningham's notes and his report be carried out of
12 those handwritten notes from the Mullingar meeting.

13 71 Q. And it was only after the existence of the recording
14 and its contents had been made known to the Tribunal --

15 A. I believe at the time, if Superintendent Cunningham had 10:34
16 have been given the opportunity to give evidence based
17 on his Garda notes it will also have transpired from
18 his evidence, based on his Garda notes, that there was
19 an error in that letter, or else it would have
20 transpired also from the recording. So yes, either one 10:35
21 or the other, the error would have come to light.

22 72 Q. And the same applies to the error in the submissions,
23 isn't that right?

24 A. The submissions, I would say -- it's a matter for
25 counsel, but I would expect that they were based on the 10:35
26 transcripts of the evidence from days 1 to 4. I
27 explained I was under pressure to get in those
28 submissions, and those submissions were filed on the
29 11th June and evidence, as I said, for the remainder of

1 day -- Module 1 was on the 24th of June. And during
2 that period prior to submissions, Noel Cunningham was
3 not afforded the opportunity to give evidence based on
4 his Garda documentation.

5 73 Q. Or in the light of the tape-recording? 10:35

6 A. The tape-recording, as I said, was not -- we received
7 it a couple of days before the 24th June, and Noel
8 Cunningham was called, as I said, on 24th June to give
9 evidence so that mistake -- the tape-recording was put
10 to him before his Garda documentation was put to him. 10:36

11 74 Q. Yes.

12 A. So, as I said, the mistake would have come out either
13 through the Garda documentation, if that have been put
14 to him before the recording, or else the recording
15 would show that the Garda documentation was correct. 10:36

16 75 Q. I see. Thank you, Ms. Ryan.

17 A. You are welcome.

18 CHAIRMAN: Are you finished?

19 MR. MCDOWELL: I am finished.

20 CHAIRMAN: Yes. Are there any questions? Can I just 10:36
21 try and maybe get an order: Is there any questions on
22 behalf of counsel for Mr. Smyth, etcetera?

23 MS. GLEESON: No, Judge.

24 CHAIRMAN: Good. And Mr. Ó hOisín, if you want you can 10:37
25 ask questions at the end but is there anything you need
26 to ask, do you think?

27 MR. Ó HOISÍN: Well, I will review the situation when I
28 have heard the other cross-examination, it may be that
29 there won't be anything.

1 CHAIRMAN: And on behalf of the Minister, Mr. McCann?

2
3 THE WITNESS WAS CROSS-EXAMINED BY MR. MCCANN:

4 76 Q. MR. MCCANN: Thanks very much, Ms. Ryan. There is
5 really just -- I am Patrick McCann and we met the other 10:37
6 day and I am here on behalf of the Department of
7 Justice and the former Minister and some officials. So
8 just two issues I want to discuss with you, and I think
9 we can do it from recollection. There was the note,
10 the note where you wrote "perhaps the Minister", if we 10:37
11 just isolate that. Do you remember what I am talking
12 about?

13 A. Yes, I do recall my reference to the Minister on that
14 note, yes.

15 77 Q. Yes. And I am just trying to clarify that for 10:37
16 everybody's assistance. That was a speculation made by
17 Chief Superintendent Healy, is that right?

18 A. Yes, my understanding is that Chief Superintendent
19 Healy did not know who former Commissioner Nóirín
20 O'Sullivan had spoken to. 10:38

21 78 Q. Yes. And he speculated perhaps the Minister?

22 A. Yes, and my notes --

23 79 Q. And your note recorded --

24 A. I believe he may have speculated Department of Justice
25 or maybe not speculation, I don't know, but perhaps 10:38
26 Minister.

27 80 Q. Yes.

28 A. My note, I suppose, I just wrote down "Minister,
29 Department of Justice".

1 81 Q. I suppose the point is, when you talk about the
2 Department of Justice sometimes you say the Department
3 of Justice, sometimes you say the Minister and it might
4 mean the same thing?

5 A. No, I believe that the Minister was mentioned -- 10:38

6 82 Q. Was mentioned?

7 A. -- that day, my recollection.

8 83 Q. That was his speculation and you have recorded it?

9 A. I believe it arose out of a -- it arose on the day in
10 question, that he was not aware of who she spoke to, 10:38
11 perhaps -- I got the impression it was the Department.
12 I actually was under the impression perhaps she wasn't
13 available for consultation, she may have been
14 somewhere, and arising out of that, it was like --
15 because the confirmation came back and she was 10:39
16 confident, I believe is the wording that was said to
17 me.

18 84 Q. Yes.

19 A. She may have spoken to even the Minister. As I said,
20 it was speculation. 10:39

21 85 Q. Yes.

22 A. But I don't know who.

23 86 Q. Yes.

24 A. And I don't believe Fergus Healy knew. I believe my
25 note would reflect if I was told precisely who she told 10:39
26 to.

27 87 Q. And it was in that sense speculation?

28 A. Yes, that is what I would call it, yes.

29 88 Q. And again, I am certainly not criticising you in any

1 way for that, to be absolutely clear.

2 A. No.

3 89 Q. And I think the state of the evidence then now is that,
4 is that the former Commissioner's telephone records
5 have been examined very carefully by the Tribunal's 10:39
6 legal team, and it would appear that there was no phone
7 call between the former Commissioner and the Minister,
8 isn't that correct?

9 A. I'm not aware of who she called. I presume her
10 telephone records will show that. 10:40

11 90 Q. And there is just one other matter you might be able to
12 help us with. On the 15th May 2015 there were two
13 adjournments during the course of the hearing of the
14 Commission, isn't that right?

15 A. Yes. 10:40

16 91 Q. After this, the objection was taken by counsel for
17 Sergeant McCabe, isn't that right?

18 A. That's correct.

19 92 Q. And I think at some point, and it may be that this is
20 not the biggest point in the world but at some point 10:40
21 you telephoned Mr. Dreelan, an official in the Attorney
22 General's office?

23 A. I had a telephone conversation with Mr. Dreelan in the
24 Attorney General's office. I had already got the
25 Commissioner's instructions but we were awaiting 10:40
26 reconfirmation of them and I had sensed this could end
27 up in the High Court and my second telephone call -- my
28 first telephone call was putting him on notice there
29 could be --

1 93 Q. I just want to ask you, Ms. Ryan, whether you thought
2 the first telephone call to Mr. Dreelan occurred during
3 the first or second adjournment?
4 A. I know from looking my notes, I have actually tried to
5 narrow down the timing of the phone calls when I ran 10:41
6 out and I believe the first call was around
7 four o'clock and the second phone call was shortly
8 after or just before I arranged for a colleague in the
9 office to send the advices over.

10 94 Q. Yes. 10:41
11 A. And I can narrow them down to those two phone calls, so
12 the decision had been made fairly quickly after those
13 calls. That was the period on the two calls.

14 95 Q. And that is very helpful, Ms. Ryan, and they are my
15 only questions. Thank you very much. 10:41
16

17 THE WITNESS WAS CROSS-EXAMINED BY MR. MURPHY:

18 96 Q. MR. MURPHY: Good morning, Ms. Ryan. I would just like
19 to ask you a few questions, please, if possible, just
20 by way of clarification and to assist the Chair to 10:42
21 understand the context you found yourself working in at
22 the commencement of the Commission's work. First of
23 all, could I ask that you might look at book number 7
24 at page 4092?
25 A. 4092? 10:42
26 97 Q. It's possibly in book number 8 in the book that you
27 have. Thank you.
28 A. Yes.
29 98 Q. Thank you. I think that this is a document which is an

1 email that you sent to Chief Superintendent Healy on
2 15th May 2015 at 21:10 hours, ten past nine, in the
3 evening, is that correct?

4 A. That is correct, yes.

5 99 Q. And I think you might just confirm for the Chairman
6 that you said:

10:43

7
8 "Dear Fergus
9 Please confirm if the Commissioner requires to meet
10 with counsel early on Monday morning prior to the
11 commencement of the hearing.

10:43

12 Regards
13 Annmarie Ryan"

14 A. That is correct.

15 100 Q. And I think then in your own handwriting you noted on
16 the email:

10:43

17
18 "I also followed this email up by telephone call to
19 Fergus Healy. He will give me notice if consultation
20 required."

10:43

21
22 And you time that at 21:10pm on the 15th and signed it.

23 A. That is my note.

24 101 Q. Yes. And I think that recorded that you had
25 communicated with Chief Superintendent Healy on the
26 Friday evening, that you had phoned up him after the
27 email and that he indicated that he would give you
28 notice if a consultation was required?

10:43

29 A. That evening when I came back to the office I possibly

1 could have had three or four phone calls with Chief
2 Superintendent Healy.

3 102 Q. And I think over the weekend then, just to finalise
4 this point, he didn't come back to you looking for a
5 meeting on Monday morning? 10:44

6 A. Prior to sending this, I know when I had sight of a
7 series of emails they were comments from the AGO that I
8 -- my first telephone conversation. My recollection is
9 that he was going to speak to the Commissioner because
10 at that stage counsel had confirmed that they would be 10:44
11 available over the weekend, so I was waiting to hear in
12 relation to that what is the story over the weekend.

13 103 Q. Yes.

14 A. I believe, I am probably -- proactive is just my style
15 in relation to whatever case, I probably gave him an 10:44
16 hour to come back to me, because it was my
17 understanding he was going to speak to the Commissioner
18 soon, I might have given him 45 minutes to come back to
19 me, but I followed him up and I may have called him and
20 he didn't pick up, and I may have called him again, I 10:44
21 can't remember --

22 104 Q. Sure.

23 A. -- and he came back to me and he told me the
24 Commissioner was not available over the weekend. And
25 arising out of that I was preparing one or two matters, 10:45
26 and I says, well, perhaps she might be available Monday
27 morning. So, I sent that email to see about Monday
28 morning, not the best time to have a consultation, but
29 I wanted to -- I was pushing for a consultation, and I

1 even followed it up by a phone call. Arising out of
2 that phone call, I can't recall precisely but I was not
3 holding out much hope for a consultation. And I don't
4 even believe that I told my counsel -- they were
5 expecting Saturday, Sunday on notice, but I don't
6 recall even going back to counsel in relation to Monday
7 morning and nor did I seek were they available at half
8 seven on the morning. That is how that arose.

10:45

9 105 Q. Exactly. I just to confirm, simply as a matter of
10 fact, Chief Superintendent Healy didn't come back to
11 you in relation to a Monday, after that phone call at
12 21:10?

10:45

13 A. I know when I was speaking to, I probably had a lot of
14 phone call with Fergus Healy over the Saturday, Sunday,
15 early hours of Monday morning. I have no doubt that I
16 would have said, has she come back to you? And I
17 believe it was like, Anmarie, if she comes back she
18 comes back. I don't know what else, but all I know is
19 that we were conscious to try and get a meeting.

10:46

20 CHAIRMAN: I am going to intervene and say I am
21 absolutely satisfied you did everything you possibly
22 could to get a consultation, I am also satisfied you
23 felt a consultation was necessary and for whatever
24 reason a consultation wasn't forthcoming and that was
25 it. But certainly no one can fault you for not trying.

10:46

26 MR. MURPHY: No, and that is the only point I wish to
27 make, Judge. Exactly.

28 106 Q. Ms. Ryan, can I ask you to move on then, please, to
29 page 800, which is on day 3? I am very sorry, in the

1 volume I have it should be Volume 2, part 1.

2 A. It's transcript, is that correct?

3 107 Q. That's correct. Do you have that, Ms. Ryan?

4 A. Yes, I do.

5 108 Q. Thank you. And I think on this page, which the
6 Tribunal has looked at already, there is the ruling
7 given by Mr. Justice O'Higgins on day 5. Do you see
8 that?

10:47

9 A. Yes.

10 109 Q. And just at line 13, you will see that Mr. Justice
11 O'Higgins says:

10:47

12

13 "No, you are permitted to establish, although I think
14 it has been established already, that Sergeant McCabe
15 had a grievance real or perceived in arising out of a
16 conversation with Superintendent, Chief Superintendent
17 Rooney full stop. His motivation, as I say, is only
18 peripheral, very peripheral, but his motivation you are
19 suggesting was out of a grievance he had. The details
20 of that grievance do not appear to me to be relevant."

21

22 Then Mr. Smyth said:

23

24 "No, I don't intend to go into the details of the
25 background but I need to establish that there was a
26 grievance..."

27

28 Then further down at line 28 Mr. Justice O'Higgins
29 said:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

"I will allow to you establish that he had a grievance, real or perceived, and no further so the contents of this document are irrelevant for this module. That's my ruling on that."

Was it your understanding thereafter that the effect of the ruling was that the Judge had indicated that you were entitled to -- or Mr. Smyth was entitled to establish that Mr. McCabe had a grievance, real or perceived?

10:48

A. Obviously that would be a better matter for counsel but my understanding, gleaned from consultations and arising out of what I heard, counsel would be in a better position but, yes, I believe it was relating to the grievance.

10:48

110 Q. And just one further point, could I ask you to move up to the top of the page?

A. Page 20?

111 Q. No, page 19. And there you will see Mr. Justice O'Higgins is talking just before he gives his ruling, do you see that?

10:48

A. Yes.

112 Q. And I think that on line 1, he says:

10:49

"The contents of this document are irrelevant to any matters that I have to inquire into in this module in relation to the question motivation, the motivation I am not certain that it can be excluded as a background

1 consideration."

2

3 A. That is correct.

4 113 Q. Yes. And he says:

5

6 "I will allow you to establish this and no more: That
7 Sergeant McCabe had a real or perceived grievance
8 against someone."

9

10 And that was what he said in relation to his ruling.

10:49

10:49

11 A. That is correct.

12 114 Q. And just going back to the previous page, page 799, and
13 again I think you have mentioned in your evidence when
14 you were giving evidence before the Chair in relation
15 to Mr. McGuinness's questions, that submissions were
16 made to the Chairman of the Commission?

10:49

17 A. Yes, that is correct.

18 115 Q. Yes. And that the instructions that you'd received
19 from the Commissioner related to all of the modules
20 that were going to be dealt with, not just the first
21 module?

10:50

22 A. No, it was relating to all of the modules.

23 116 Q. And I think you will agree with me that insofar as that
24 is the case Mr. Smyth told Mr. Justice O'Higgins from
25 line 10 onwards:

10:50

26

27 "It does, Judge, because the complaints he was making
28 were complaints about the working, about the
29 administration, about the management, about issues

1 touching on probationary Garda in Bailieboro Station
2 and are relevant to this module as much as they are
3 relevant to other modules. It flows right through all
4 modules, the motivation and the credibility of Sergeant
5 McCabe in making the allegations he made, and he 10:50
6 withdrew as he was prepared to, the only reason for the
7 allegations.."
8
9 And so on. So clearly at that stage it was indicated
10 that Mr. Smyth was seeking to raise these issues 10:50
11 throughout the course of the Commission's work not just
12 on that day?
13 A. No, not just on that day, it was throughout the entire
14 hearings.
15 117 Q. I wonder could I ask to you turn to book number 1, 10:50
16 please?
17 A. And what page?
18 118 Q. Page 153, please. Now I think, as you have indicated
19 in your evidence, the Commission circulated documents
20 at every stage of its inquiries, isn't that right? 10:51
21 A. Yes, they did. Whatever documents were in the core
22 booklet and throughout hearings sometimes extra
23 documents may arise.
24 119 Q. Yes. So this page here, page 153 is the opening page
25 in relation to Module 1. 10:51
26 A. That is correct.
27 120 Q. And I think you will agree with me what it says under
28 Module 1 it's going to deal with terms of reference 1A,
29 J and K.

1 A. That is correct.

2 121 Q. And can I ask you to turn then, please, further into
3 the transcript, to page 173?

4 A. Yes.

5 122 Q. Thank you. And this is Mr. Gillane who represented the 10:52
6 Commission speaking, and he says:
7
8 "The Commission is now proceeding to hear oral evidence
9 in relation to paragraph 1A, J and K of its terms of
10 reference which concern the investigation by An Garda 10:52
11 Síochána of that incident."
12 A. That is correct.

13 123 Q. And then if I could ask you to move forward through
14 page 17 to page 18, which is page 175 of the book, and
15 here Mr. Gillane said starting at the bottom of page 10:52
16 174:
17
18 "As indicated, the Commission is presently concerned
19 with 1A, J and K of the terms of reference. It is
20 recognised that in respect of some issues there may be 10:53
21 a degree of overlap."
22
23 Do you see that?

24 A. Yes.

25 124 Q. And also I think he said: 10:53
26
27 "For example, Module 1 deals with general conduct of
28 policing in Bailieboro in 2007 and 2008. No party will
29 be shut out or prevented from dealing with all relevant

1 issues."

2 A. That is correct.

3 125 Q. Yes. Now, so I think at the outset of the very first
4 day that was the Commission's signal as to how it was
5 going to deal with matters and you were present when
6 that took place?

7 A. Yes, I was present for practically all the evidence bar
8 the odd time running out of the room.

9 CHAIRMAN: Mr. Murphy, just for the sake of clarity, as
10 I understand it, A is the investigation by the Gardaí
11 of a public order incident and the sexual assault on
12 the bus at Kingscourt, so that is the Kingscourt bus
13 incident.

14 MR. MURPHY: That's correct.

15 CHAIRMAN: J is the investigation by the Gardaí and the
16 Minister for Justice and the Department of complaints
17 made by Sergeant McCabe in relation to the
18 investigation in relation to the Kingscourt bus
19 incident.

20 MR. MURPHY: Yes.

21 CHAIRMAN: And K is the investigation by the Garda
22 Síochána and GSOC of disciplinary issues arising from
23 the Kingscourt bus incident.

24 MR. MURPHY: Yes, Chairman. You may recall
25 Mr. McDowell suggested that somehow Mr. McCabe's
26 actions were only reviewable under J, relating to A to
27 I, but it's clear the Commission took a different view.
28 And I think it's relevant also for submissions at a
29 later stage the range of issues that could arise in

1 this module was not limited to A only.

2 CHAIRMAN: No, but it was limited to what happened at
3 the Kingscourt bus: How was it investigated? How did
4 the Department of Justice and Equality respond to it
5 when Sergeant McCabe made complaints? And how did the 10:54
6 Garda Síochána and GSOC investigate disciplinary issues
7 about the Kingscourt bus incident?

8 MR. MURPHY: So, therefore, it related not just to the
9 events but to Sergeant McCabe's complaints.

10 CHAIRMAN: That is your submission. 10:55

11 MR. MURPHY: Yes. That is what it says. If I could
12 read out J, it says:

13

14 "The investigation by An Garda Síochána and the
15 Minister for Justice and Equality and Department of 10:55
16 Justice and Equality of complaints made by Sergeant
17 Maurice McCabe in relation to matters at A to I."

18 CHAIRMAN: Are we perhaps laying too much emphasis on
19 one word as opposed to the other?

20 MR. MURPHY: I don't believe so. 10:55

21 CHAIRMAN: "The investigation by the Department of
22 Justice".

23 MR. MURPHY: No. I think, Chairman, the position is,
24 and I will come back to it perhaps in submissions
25 rather than with this witness -- 10:55

26 CHAIRMAN: No, no, I am simply trying to understand
27 where we are. You must develop the point, Mr. Murphy.
28 Thank you for your clarification.

29 MR. MURPHY: I will, yes.

1 126 Q. I wonder if I could ask you next, please, to turn to
2 page 1945.

3 A. 1945?

4 127 Q. Yes. I beg your pardon, Ms. Ryan, just can I ask you
5 to divert -- could I have page 1547, please? And I 10:56
6 think this is the core booklet in relation to Module 2?
7 A. Module 1, part 1.

8 128 Q. Or to 1, yes. Can I ask you to turn forward to page
9 1552, please? Ms. Ryan, I think this would be an index
10 from the book showing all of the different documents 10:57
11 contained in the materials submitted to the parties by
12 the Commission, isn't that right?
13 A. That would be correct.

14 129 Q. Just simply to ask you to confirm, could you look at
15 number 61, please, and I think 61 is a letter to the 10:57
16 confidential recipient from Sergeant Maurice McCabe,
17 dated 23rd January 2012.
18 A. That is correct.

19 130 Q. So that document was one of the documents that was
20 served on you as of that date and was part of the 10:57
21 Commission's consideration?
22 A. That was. And I recall there was another document
23 setting out complaints, from my recollection. But,
24 yes, there were complaints contained in the core
25 booklet or all core booklets. 10:57

26 131 Q. Very good. Could I ask you to go to a new booklet,
27 which has just been served today, I am not sure it's
28 been given a number but it's a small bundle of
29 documents disclosed -- circulated by the Tribunal

1 today. I wonder if you could be handed a copy. With
2 particular reference to page 4364.

3 A. What page?

4 132 Q. Sorry, it's a small bundle of documents that has been
5 produced this morning [Same handed]. 10:58

6 A. Thank you. Yes.

7 133 Q. Now, I think in terms of this document --

8 A. Table of contents?

9 134 Q. Yes. And looking through the table of contents itself,
10 can I ask you to move forward to page 4364? Just near 10:58
11 the end of the booklet.

12 A. That is correct, I have it here.

13 135 Q. So on this page we have a letter from Mr. Oliver
14 Connolly to the Minister for Justice on 23rd of January
15 2012, isn't that right? 10:59

16 A. Yes.

17 136 Q. And could you please turn to the next page, 4365? Now,
18 this effectively is a letter entitled "wrongdoing and
19 malpractice in Cavan-Monaghan division", with which I
20 am sure you are familiar, but this is the letter sent 10:59
21 by Sergeant McCabe to Mr. Connolly?

22 A. Yes,.

23 137 Q. Yes. And it's dated 23rd January of 2012.

24 A. Yes.

25 138 Q. And again, without going through every detail, I want 10:59
26 to address the structure of the letter if I might. You
27 see at the beginning Mr. McCabe says:

28

29 "I now list a sample of numerous incidents and cases

1 pertaining to Superintendent Michael Clancy, who is on
2 a promotion list for chief superintendent. I also
3 refer to Garda Code 9.17, copy attached, which relates
4 to unsuitable members on promotion lists."

11:00

6 Do you see that?

7 A. Sorry, what page?

8 139 Q. At page 4365. The second paragraph.

9 A. Oh, sorry, second paragraph. I see that now.

10 140 Q. Yes. Now, I think you will then see in the next
11 paragraph Mr. McCabe said:

11:00

12

13 "Superintendent Clancy was the superintendent in charge
14 of Bailieboro Garda district from July 2007 to March
15 2008, approximately. He then returned to Monaghan
16 where he took up as Superintendent of the Monaghan
17 district. I list a few of the matters of which I have
18 concerns."

11:00

19 A. Yes.

20 141 Q. And over the next page-and-a-half there is a list of
21 different concerns, do you see those?

11:00

22 A. Yes.

23 142 Q. Can I ask you just to turn to the very middle of page
24 4366, please? And do you see there in the bullet-point
25 beginning with the words "in late 2007"?

11:00

26 A. I do.

27 143 Q. And there it says:

28

29 "In late 2007 he failed to look for an investigation

1 file into a serious case of hijacking, false
2 imprisonment, assault and sexual assault of two
3 females. Three months after the incident a
4 probationary guard returned to the injured party, gave
5 here €150 and told her she had no case. He allowed the 11:01
6 guards to falsely update records. All parties have
7 resolved their differences together and no
8 investigation was ever carried out."

9 A. Yes, I am familiar with that.

10 144 Q. And there is a list -- this is the Kingscourt incident, 11:01
11 which was referred to in Module 1?

12 A. It is the Kingscourt incident, but Superintendent
13 Clancy was not called or listed as a witness in the
14 Kingscourt incident because he was not involved in or
15 in the station or superintendent for the period of 11:01
16 Module 1.

17 145 Q. Yes. So, here we have a series of complaints, I think
18 just quickly glancing through the others you will see
19 they all relate to allegations of improper or poor
20 policing -- 11:01

21 A. That is correct.

22 146 Q. -- in Bailieboro. And then can I ask you to turn over
23 to the next page, 4367, to the final paragraph? So
24 having listed all of these complaints about matters on
25 the ground, as it were, then says as follows: 11:01

26
27 "The above are only a few of a catalogue of failures
28 involving Superintendent Clancy. These incidents,
29 amongst many others, relating to him were investigated

1 by Assistant Commissioner Derek Byrne and Byrne,
2 despite upholding the serious ones, came to a decision
3 that the complaints against Superintendent Clancy were
4 not substantiated in any way and he made no adverse
5 findings against Clancy. Alarminglly, Commissioner 11:02
6 Callinan and Deputy Commissioner Rice agreed with
7 Byrne. However, it may be the case that Derek Byrne
8 hid evidence, material and certain findings from his
9 superiors because he was the Commissioner in charge of
10 the region at the time of the wrongdoing and received a 11:02
11 bonus."

12 A. I am aware of that, or the content.

13 147 Q. Yes. And then moving, please, to the end of page 4368,
14 Mr. McCabe said:

15
16 "I now wish to make a complaint against Commissioner 11:02
17 Martin Callinan. I make it under the Charter of the
18 Garda Síochána Confidential Reporting of Corruption and
19 Malpractice Regulations 2007."

20
21 He goes on to say: 11:02

22
23 "It's my belief Commissioner Callinan should have known
24 it was malpractice, some of which are listed above...
25 has made a serious error of judgment by placing 11:03
26 Superintendent Clancy on a promotions list. The
27 evidence is clear that it is corruption as defined by
28 the Garda Síochána Charter on Confidential Reporting.
29 Gardaí engaged in falsifying records, erasing of

1 official records, and it appears that the Commissioner
2 was aware of all of it. It also questions the whole
3 Pulse system where Gardaí can erase, alter, destroy,
4 etcetera, any record or information without
5 accountability of sanction." 11:03

6 A. That's correct.

7 148 Q. So at this point, again consistent with the briefing
8 you will have received prior to the Commission, what
9 was confronting you was not only a series of
10 allegations of improper or poor policing on the ground, 11:03
11 but an extension of all of those matters complained of,
12 alleged corruption against very senior Gardaí,
13 including the Commissioner?

14 A. That's correct.

15 149 Q. And just over the page, on page 4369, this continuum 11:03
16 goes on where Mr. McCabe said:

17
18 "I would also like to make a complaint against
19 Assistant Commissioner Derek Byrne. He failed to
20 uncover and report serious derelictions of duty, he 11:04
21 failed to deal with innocent persons listed on the
22 Pulse system --"

23
24 Sorry:

25
26 "-- he has treated and has failed to deal with and 11:04
27 report innocent persons on the Pulse system as suspects
28 and criminals..."
29

1 And goes on to give other matters too.

2 A. That is correct.

3 150 Q. So again, I think going into that module, this
4 particular series of integrated complaints by Sergeant
5 McCabe were clearly known to you and to your team? 11:04

6 A. We had background in relation to complaints --

7 151 Q. Yes.

8 A. -- and the extent of them, as the core booklets came
9 through --

10 152 Q. And I think insofar as you said to Mr. McGuinness, as a 11:04
11 result of that briefing you were aware that there were
12 allegations of corruption, serious allegations of
13 corruption, these were the allegations that you were
14 referring to when you spoke to Mr. McGuinness?

15 A. Yes, they were the allegations and -- 11:04

16 153 Q. Thank you. So, in terms of the progress of the
17 Commission itself, I think you also said that you
18 learned more things as time went by. Can I just ask
19 you to go to page 1945, please, which I think is in
20 volume 3. In fact, if I could ask you to begin at 11:05
21 1942. I think, Ms. Ryan, you mentioned to
22 Mr. McGuinness that as the Commission progressed, that
23 a number of the allegations made by Sergeant McCabe
24 appear to fall away and that on occasions he,
25 Mr. McDowell put it to you that he apologised, do you 11:05
26 recall that?

27 A. He apologised -- No, in one of them he --

28 154 Q. Perhaps I could help you by bringing you to the one if
29 that is possible. 1942, please?

1 A. 1942.

2 155 Q. Now, I beg your pardon, Ms. Ryan, excuse me for this,
3 could I ask you to turn back to page 1940. And there I
4 think at line 3, he is being asked about evidence given
5 the previous day in relation to various matters, and he 11:06
6 said:
7
8 "Q. You referred to Superintendent Noel Cunningham,
9 that he saw no problem and had no issues with this
10 gross dereliction of duty... 11:06
11 A. Yes.
12 Q. I know you have recounted in a sense that you say
13 now you have apologised to him yesterday for making
14 that statement.
15 A. One hundred percent, but I hadn't got a right of 11:06
16 reply. I have never seen any of this documentation."
17
18 And then it's put to him at line 21 that:
19
20 "Superintendent will say that all the way up to the 11:07
21 Guerin Inquiry and the inquiries that were conducted
22 there... to him a considerable amount of stress.
23 A. Absolutely. And it was only yesterday that he had
24 an apology and a withdrawal of the allegation." [As
25 read] 11:07
26
27 Do you see that?
28 A. I do.
29 156 Q. Yes. And in the succeeding pages, which I won't go

1 through because the Tribunal can review them, he is
2 asked ultimately repeatedly by Mr. Smyth why did it
3 take him so long to withdraw the allegation and he says
4 he hadn't seen a document until sometime previously.
5 And then, could I ask you to turn forward to page 1943? 11:07

6 A. Yes.

7 157 Q. And at line 16, Mr. Smyth said:

8
9 "I can't understand on the one hand how you say you
10 have a good working relationship with this man." 11:07

11

12 Then Mr. McCabe says:

13

14 "He said the same here in evidence."
15 11:07

16 And then 166:

17

18 "Let me finish. At the same time, you describe him
19 through two inquiries as a person who abandoned his
20 responsibilities and permitted a gross dereliction of 11:08
21 duties. I can't square the circle on that, sergeant.
22 Really, are they compatible?"

23

24 At the top of the next page, page 1944, the question
25 was put to Sergeant McCabe: 11:08

26

27 "Sergeant McCabe, can I put it to you this way: It
28 seems that you shoot first and ask questions later."
29

1 Do you see that?

2 A. I do.

3 158 Q. And then again at line 15 on that page Mr. McCabe is
4 asked:

5

11:08

6 "Why would you not seek out the information that
7 supported the criticism before you made it?"

8

9 Do you see that?

10 A. I do.

11:08

11 159 Q. And an answer is given to that, where he says:

12

13 "It's a good question. When I was interviewed in
14 relation to Byrne and McGinn I expected them to come
15 back to me in a month or two or three and say hold on
16 there, Maurice, you're wrong, and that's about what
17 they should have done. I would have said yes, I am
18 sorry."

11:08

19

20 Then the question is:

11:08

21

22 "I will ask you the question again, sir. Without
23 appearing impertinent to your position, why did you
24 make the allegation in the first place, before you were
25 satisfied that you had substantial grounds to make the
26 allegation?"

11:08

27 A. I may.

28 Q. You had access to the file.

29 A. No. I didn't have access to the file."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

And then, at the top of page 1495, and I will just finish on this point:

"Why did you make the allegation?"

11:09

Is the question. And Mr. McCabe says:

"I made the allegation on the basis of what I knew in this case, and I only made an allegation, I didn't actually say he did it. I made an allegation. I talked to Terry McGinn and Derek Byrne and I thought a few months later I will get a right of reply."

11:09

And I think you were present when that was said?

11:09

A. I was present for all of the evidence or 99% of it.

160 Q. And was it your experience during the course of the process that as the evidence of Sergeant McCabe was tested in relation to corruption, that that evidence began to fall away?

11:09

A. It all fell away and he withdrew allegations. In particular he withdrew all the allegations against Assistant Commissioner Derek Byrne, whom we were not representing, and he gave one reason in relation to one of the allegations, along the lines, and I am sure the quotes -- transcripts will show it, where he said along the lines that his friends now were having a laugh since they've come here.

11:09

161 Q. And again just to assist the Chairman to understand

1 what the experience was like for you as a solicitor at
2 that time, interacting with your clients, were these
3 allegations a matter which caused any stress to the
4 people who were present, who were the subject --

5 A. I have to say that the clients I was dealing with, I 11:10
6 would describe them literally like a deflated person.
7 They were under enormous stress, so much so to try and
8 get them to sleep a few hours at night I used to say
9 ring me at whatever stage to get whatever you have off
10 your mind, so you can get a few hours' sleep and I will 11:10
11 do the work. They were under enormous stress. And I
12 heard about how the stress affected their wives -- they
13 were all men, so their wives, their children and their
14 families, their parents. And I have to say, some of
15 them were under this stress dating back since 2008. 11:11
16 They had come through an internal investigation, they
17 had dealt with the Guerin report, they were now before
18 the O'Higgins Commission and they just wanted an end to
19 it.

20 162 Q. In your experience as a solicitor, where allegations of 11:11
21 corruption or a serious wrongdoing are made, do you
22 expect they to be made by people who have proof to
23 support those allegations?

24 A. You would expect you'd need to have proof to support
25 any allegation, especially of such serious nature, that 11:11
26 had a detrimental impact on them but in particular
27 spreading and affecting families.

28 163 Q. Thank you. Can I ask you next to go, please, to page
29 2570? And this is on day 27. Now, this is really just

1 to address an issue to assist the Chair in relation to
2 how the Commission did its work in relation to issues
3 of motivation. And can I ask you just to turn, please,
4 to page 2569? In this section, Mr. Justice O'Higgins
5 and Mr. Gillane are asking questions. These are not 11:13
6 questions being asked on behalf of the Commissioner.
7 Could I ask you just to turn down to -- on the first
8 page, you will see that Mr. McCabe is talking about
9 meeting Mr. Connolly in Dublin?

10 A. What line? 11:13

11 164 Q. On the first line:
12
13 "He asked to see me. I met him in Dublin I think on
14 the 18th January."
15 11:13

16 And goes on to talk about that conversation. And then
17 at line 12 he said:
18
19 "I met him a few days later, I think I gave him the
20 document." 11:13

21
22 And that is the document we have seen earlier on this
23 morning, which is the document of complaint given to
24 Mr. Connolly. And just down please to line 21,
25 Mr. Justice O'Higgins says: 11:13

26
27 "Just in relation to the specific question Mr. Gillane
28 was asking you, was this complaint against Commissioner
29 Callinan a technique, a device, legitimate, but a way

1 of getting your concern about Chief Superintendent
2 Clancy revisited?

3 A. It was that I couldn't believe he was actually on a
4 promotion list."

11:14

5
6 Then Mr. Gillane asked the question:

7
8 "Q. All right. Well, just to flesh out this issue -
9 and I will come back to the promotion list in a moment
10 - just to hear what you have to say in relation to 11:14
11 that, it seems clear at this stage, and I know there
12 are other events -- it may be difficult to see that
13 Commissioner Callinan that has done anything wrong, if
14 I can put it that way at this stage. It might be
15 suggested that Commissioner Callinan is complained 11:14
16 about in this case because it would mean the complaint
17 would then necessarily have to find its way to the
18 Minister's desk."

19
20 And Mr. McCabe said:

11:14

21
22 "Yes."

23
24 And then the Judge said:

25
26 "That was the purpose of it?

11:14

27 A. Yes, that was the purpose of it."

28
29 You recall that testimony also?

1 A. Yes.

2 165 Q. And I think, again there is no need for us to refer to
3 it expressly here but that ultimately found its way
4 into the findings of the Commissioner at paragraph 1388
5 and 89 and in particular at 1389 Mr. Justice O'Higgins 11:15
6 in his final report said:
7
8 "It must be stated clearly and unambiguously that there
9 is not a scintilla of evidence to support an allegation
10 of any type of corruption against the former 11:15
11 Commissioner."
12 A. I would agree, there was no evidence that came to
13 light --
14 166 Q. So again, was it your experience during the course of
15 the ongoing life of the Commission that these very 11:15
16 serious allegations crumbled and fell away?
17 A. Yes.
18 167 Q. And had --
19 A. They all crumbled and fell away because there was no
20 evidence to support any of them, is my recollection in 11:15
21 accordance with the evidence that I was sitting there
22 listening to and taking notes of.
23 168 Q. Next, can I ask you to turn to page 3510, which is in
24 volume 7. Again, Mr. McDowell had been asking you
25 questions in relation to day 29, and you will see from 11:16
26 page 3508 that that is the first page reference that is
27 put in the booklet here; wednesday, 4th November 2015.
28 A. 3510?
29 169 Q. Yes. Now, I think at page 3510, the Judge is asking

1 questions in relation to the issue of motive and
2 integrity, and could I just ask you to turn to line 14
3 on page 7. Do you see that?

4 A. Yes.

5 170 Q. And I think just the previous paragraph suggests that 11:17
6 the Judge himself at this stage said:
7
8 "I formed the impression from --"
9
10 Those parts of the transcript. 11:17
11
12 "-- that the integrity and motivation and bona fides of
13 Sergeant McCabe would be attacked, was I right or was I
14 wrong?"
15 11:17
16 And Mr. Smyth says:
17
18 "Judge, first of all, I say my instructions at all
19 times were to challenge the motivation and credibility
20 of Sergeant McCabe and those remain my instructions. I 11:17
21 never used the words mala fides. Those are the words
22 that in the first instance came from Mr. McDowell."
23
24 Was that correct?

25 A. That is correct. 11:18
26 171 Q. And then we are introduced by yourself, I think you
27 were mentioned by the judge, is that correct?

28 A. Am I?

29 172 Q. You see the next line, line 17?

1 A. Sorry, what line?

2 173 Q. Line 17, those were the words that in the first
3 instance came from Mr. McDowell were then introduced by
4 yourself.

5 A. Yes. 11:18

6 174 Q. And then, as we see in the course of the next sort of
7 six paragraphs, can I ask you to turn down, over to
8 page 3511, having been asked by Mr. Justice O'Higgins:
9
10 "Are you attacking his motivation? Are you attacking 11:18
11 his integrity?"
12
13 And Mr. Smyth says:
14
15 "In relation to the corruption and malpractice 11:18
16 allegations, yes, he's alleged corruption on a grand
17 scale."
18
19 And he goes on to deal with the allegations against
20 Commissioners Callinan and Byrne and then says he 11:18
21 withdrew those allegations, do you see that?
22 A. Yes.

23 175 Q. And line 25, Mr. Justice O'Higgins again comes back and
24 says:
25
26 "And integrity?" 11:18
27
28 Mr. Smyth says:
29

1 "No, there was no mention of integrity."

2

3

Mr. Justice O'Higgins points out how there was. And I think as we move on from that we see that, turning to page 3518, Mr. Smyth said that if there was any reference to integrity, that was an error on his part.

11:19

6

7

A. That is correct.

8

176 Q. Yes. And then turning down to line 17, when that dialogue is over, I think Mr. Justice O'Higgins said:

9

10

"Well, that is the clarification I sought. So the position is that his motive is under attack, his credibility is under attack from the Commissioner but not his integrity."

11:19

11

12

13

14

15

And then Mr. Smyth said:

11:19

16

17

18

"Just to be clear about it, credibility insofar as he has made these allegations of corruption and malpractice."

11:19

19

20

21

22

Do you see that?

23

A. Sorry, what line?

24

177 Q. "Just to be clear about the credibility, insofar as he's made these allegations of corruption and malpractice is under attack."

11:19

25

26

27

A. That was my understanding. It was in relation to the allegations of corruption and malpractice --

28

29

178 Q. Yes.

1 A. -- arising out of what I gleaned from consultations
2 from the start --

3 179 Q. That was --

4 A. -- and instructions from Commissioner O'Sullivan.

5 180 Q. So on that date, would you agree with me that that 11:20
6 suggests that Mr. Justice O'Higgins accepted a
7 distinction between motivation and integrity?

8 A. That was my understanding from what I gleaned and
9 obviously counsel would be best placed to answer that
10 but yes, that was my understanding. 11:20

11 181 Q. And that understanding was your understanding on that
12 day but it was also your understanding on the first
13 day?

14 A. From the outset it was my understanding.

15 182 Q. Thank you. And just finally, I think in relation to 11:20
16 day-to-day operations during, the course of the very
17 intense period of preparation which you have described
18 for all the reasons you have outlined, I think Chief
19 Superintendent Healy was your point of contact with the
20 Commissioner throughout that time and throughout the 11:20
21 Commission?

22 A. Yes, Chief Superintendent Healy would have been a busy
23 man during that time and my point of contact with the
24 Commissioner was with Chief Superintendent Healy.

25 183 Q. Thank you. 11:21

26 A. I never contacted her directly.

27 184 Q. Thank you very much, Ms. Ryan.

28 A. You are welcome.

29

1 CHAIRMAN: Yes, Ms. Gleeson?
2 MS. GLEESON: Chairman, I know I indicated that I had
3 no questions but I just have one matter I would like to
4 clarify.
5 CHAIRMAN: You are entitled to change you mind. If you 11:21
6 just press the button for the microphone please.
7 MS. GLEESON: Thank you.
8
9 THE WITNESS WAS CROSS-EXAMINED BY MS. GLEESON:
10 185 Q. MS. GLEESON: Ms. Ryan, I think you indicated, 11:21
11 Mr. McDowell asked you earlier to confirm that it was
12 only when the record of the Mullingar meeting came to
13 light that the error in the letter of the 18th of May
14 was revealed?
15 A. That is correct. 11:21
16 186 Q. But in fact, I think you had handed in to the
17 Commission and I think also to Sergeant McCabe's team,
18 as I understand it, Noel Cunningham's report of the
19 September 2008 with the letter of the 18th May, you had
20 made that available, I think you said earlier in your 11:22
21 evidence on day 42, at page 140, that you had handed in
22 those enclosures, including that report on that date?
23 A. Yes. The 18th May 2015, I recall Mr. O'Hagan wanted
24 the letter immediately and, as I said, I was late for
25 other reasons getting over there, out of my control, 11:22
26 and I gave the letter over, I was then copying the
27 documentation, there was three documents and they
28 followed within a couple of minutes, and the hearings
29 commenced and I do recall a part -- and then a copy of

1 it I was directed to give it to Maurice McCabe's legal
2 team. My notes show I gave over three copies and with
3 the letter, with the documentation and no other party
4 received that letter or documentation.

5 187 Q. Thank you. And the September 2008 letter, of course, 11:22
6 referred to the complaint being to Superintendent
7 Clancy, isn't that right?

8 A. Yes.

9 188 Q. And would you agree, therefore, that the September 2008
10 report, which revealed that mistake in relation to the 11:23
11 complaint against Clancy, was made available to
12 everyone by your clients before the transcript of the
13 Mullingar meeting was provided by Sergeant McCabe?

14 A. Yes, it was. I received it directly from the clients
15 that morning of the 18th of May 2015. I did not have 11:23
16 sight of that documentation until that morning, and --

17 189 Q. Thank you, Ms. Ryan.

18 CHAIRMAN: Is there anything, Mr. Ó hoisín?

19 MR. Ó HOISÍN: No questions, Chairman.

20 11:23

21 THE WITNESS WAS RE-EXAMINED BY MR. MCGUINNESS:

22 190 Q. MR. MCGUINNESS: Just one issue, Ms. Ryan, if you could
23 help me in that regard. At page 4291, it's in volume
24 8, this is a statement, Ms. Ryan, that we have already
25 referred to, from Superintendent Cunningham? 11:24

26 A. I didn't actually get reading it that day. When I said
27 I had seen it, it was my document that was attached to
28 the statement.

29 191 Q. Your note was attached to the statement?

1 A. Yes.

2 192 Q. Yes.

3 A. The second page. I haven't read his statement.

4 193 Q. Yes. Yes. Well, I am just going to ask you in the
5 first instance about the final paragraph of the letter? 11:24

6 A. Yes.

7 194 Q. It says:

8

9 "I also refer to the document "Written Submissions" on
10 behalf of the Commissioner of An Garda Síochána and 11:24
11 others in respect of Module 1, dated 11th June 2015,
12 and particularly paragraphs 69, 70 and 71 and wish to
13 state that these paragraphs are factually incorrect and
14 do not reflect my stated position."

15 11:25

16 Now, I think you identified the submissions the other
17 day to the Tribunal at page 1439 onwards, but can I
18 just clarify that you had received the draft
19 submissions from counsel on the 5th June, which was a
20 Friday, I think? 11:25

21 A. The file will show the precise dates I received them --

22 195 Q. Yes.

23 A. -- but I can take it that that is correct.

24 196 Q. And there's counsel's note sending them on to you at
25 page 1374, that we don't need to look at. 11:25

26 A. Yes.

27 197 Q. But could I ask you to look at document 1435, which is
28 at volume 2, part B. And at the bottom of that page --

29 A. 1435?

1 198 Q. Yes.

2 A. Yes.

3 199 Q. Just, it's on the screen there as well. This is, at
4 the bottom, it's Chief Superintendent Healy's email of
5 Monday, 8th June. It is addressed to Chief 11:26
6 Superintendent Heller, Superintendent Cunningham and
7 Ms. Clancy, Mr. Colm Rooney and Ms. Maura Lernihan.
8 And on the next page, the body of the email is there:
9

10 "I refer to the above Commission of Investigation and 11:26
11 certain activities in the Cavan-Monaghan division.
12 Counsel for the Commissioner is now prepared to draft
13 submission to the Commission for Module 1, which, as we
14 know, has yet to conclude on Monday, 24th June.
15 Counsel has included descriptions of what they think 11:26
16 Superintendent Cunningham's evidence will entail."
17

18 And they are asked then to review that, and if we just
19 go down the page, it says -- shows that it's from
20 Superintendent Healy and it says: 11:27
21

22 "A quick turnaround would be very much appreciated as
23 counsel are being pursued by the Commission for the
24 submission."
25 11:27

26 And I think you followed up on that yourself, in that
27 there is a note from Superintendent Healy's notes at
28 page 3828, which is in volume 7.

29 A. 3828?

1 200 Q. Yes. And this is his note dated 11th June and he
2 records:

3
4 "Spoke to Annmarie Ryan about draft submission to the
5 Commission of Investigation of Cavan-Monaghan. She 11:28
6 inquired on the sign-off on draft submission. I
7 advised I had sent it to Karl Heller, Catherine Clancy,
8 Maura Lernihan, Noel Cunningham and Colm Rooney. Spoke
9 to Colm Rooney and Karl Heller - no further comment.
10 Left message for Catherine Clancy, Noel Cunningham, 11:28
11 Maura Lernihan. Maura Lernihan responded no further
12 issues. Also discussed Maurice McCabe's further
13 correspondence to the Commissioner."

14
15 Now, just going back to Superintendent Cunningham's 11:28
16 letter, did he ever make you aware or did
17 Superintendent Healy ever make you aware as a matter of
18 fact that he had any difficulty with the contents of
19 paragraphs 69, 70 or 71 in the draft submissions at
20 that point in time? 11:28

21 A. No. I received absolutely no notification of that.

22 201 Q. Yes. And in fairness, they were filed before obviously
23 day 5 on 25th of June?

24 A. Yes. As I said, I was under pressure by the Commission
25 and I do recall a conversation with David O'Hagan, it 11:29
26 may be recorded --

27 202 Q. Yes.

28 A. -- in relation to it, but despite knowing that our
29 evidence was to come, they wanted the submission

1 submitted.

2 203 Q. And obviously counsel drafted them on the basis of
3 their understanding at the time, subject to
4 confirmation and checking of the accuracy of them?

5 A. Yes.

11:29

6 204 Q. All right.

7 A. And everything was circulated. And I do recall
8 receiving from counsel, I believe it could have been
9 Garret Byrne, a letter to ensure that they would not be
10 happy unless they were sent to all clients and all
11 clients had the chance to observe them and come back to
12 ensure they were factually correct and reflect their
13 position.

11:29

14 205 Q. Yes. And just one final matter: In the second-last
15 paragraph of Superintendent Cunningham's statement, if
16 you could go back to 4291, it is in volume 8.

11:29

17 A. 4291?

18 206 Q. 4291. This relates to the letter of the 18th May that
19 was eventually, as it were, sent to Mr. O'Hagan on
20 behalf of the Commission, but he says in the
21 second-last paragraph:

11:30

22

23 "In relation to my signing of the State solicitor's
24 document, my memory is that on the morning in question
25 Ms. Ryan arrived late to the O'Higgins Commission due
26 to some problem in her office."

11:30

27

28 I think that's correct.

29

1 "And as the Commission was about to commence she
2 hurriedly asked me to sign the document without the
3 opportunity for me to read it. This is reflected in my
4 evidence on day 5 of the O'Higgins Commission when
5 being cross-examined by Mr. McDowell on the document, 11:30
6 when I stated it was the first time I had seen it."
7

8 Now, I don't want you to comment on that just at the
9 moment, but in the preceding paragraph it seems clear
10 that he had been sent a copy of it and he hadn't an 11:30
11 opportunity, as he says there, of printing it and due
12 to poor eyesight didn't pick up on the error, but
13 insofar as the last paragraph suggests that you made
14 him sign it without giving him an opportunity to read
15 it, I think you wouldn't agree with that interpretation 11:31
16 of it, if that's --

17 A. I don't believe I would agree with that interpretation
18 and I doubt very much I will get any member at that
19 level and upwards in An Garda Síochána to sign a
20 document, I don't have that power. 11:31

21 207 Q. Yes. All right. Thank you very much, Ms. Ryan.
22 MR. MCDOWELL: Chairman, just one question, if I may.

23
24 THE WITNESS WAS FURTHER CROSS-EXAMINED BY MR. MCDOWELL:

25 208 Q. MR. MCDOWELL: You have given evidence here in relation 11:31
26 to a number of matters and matters which were at issue
27 in the Tribunal, Ms. Ryan. Did you read Mr. Justice
28 O'Higgins's report?

29 A. I believe I probably read it twice, if not --

1 definitely twice, maybe three times.

2 209 Q. Could I draw your attention to paragraph 3.4 of it,
3 which reads --

4 A. What page or where are we? I haven't read it since a
5 good year or more. 11:32

6 CHAIRMAN: I think there is probably a copy on the desk
7 in front of you there, is there?

8 MR. McDOWELL: It's page 24 of the report.

9 A. Is the report in a booklet? I can just listen to you.

10 CHAIRMAN: You can have this one [SAME HANDED]. 11:32

11 210 Q. MR. McDOWELL: Paragraph 3.4 of the report reads:
12
13 "Some people, wrongly and unfairly, cast aspersions on
14 Sergeant McCabe's motives."

15 A. That is correct. As in, the reading. 11:32

16 211 Q. "Others were ambivalent about them."
17
18 Did you regard those remarks as directed to the people
19 who questioned Sergeant McCabe's motivation?

20 A. I read the report and I believe the report was accepted 11:33
21 by Government and by the Garda Commissioner and I did
22 not regard who they were, I am not reading behind the
23 report, the report speaks for itself and I believe it's
24 an excellent report by Justice O'Higgins.

25 212 Q. I am putting to you that far from Mr. Justice 11:33
26 O'Higgins, as Mr. Murphy suggested to you, accepting a
27 distinction between motives and integrity and the like
28 and credibility, that Mr. Justice O'Higgins, having
29 heard all of the efforts that were made on behalf of

1 the State witnesses, the Commissioner, rather, to
2 impugn Sergeant McCabe's motives, said:

3
4 "Some people, wrongly and unfairly, cast aspersions on
5 Sergeant McCabe's motives. Others were ambivalent 11:33
6 about them. Sergeant McCabe acted out of genuine and
7 legitimate concerns and the Commission unreservedly
8 accepts his bona fides. Sergeant McCabe has shown
9 courage and performed a genuine public service at
10 considerable personal cost. For this, he is due the 11:34
11 gratitude not only of the general public but of An
12 Garda Síochána. While some of his complaints have not
13 been upheld by this Commission, Sergeant McCabe is a
14 man of integrity, whom the public can trust in the
15 exercise of his duties. Assistant Commissioner Byrne 11:34
16 told the Commission that Sergeant McCabe is regarded as
17 a highly efficient sergeant... competent. This
18 assessment is shared by the Commission."

19
20 Now, I have got to suggest to you that far from 11:34
21 agreeing or half agreeing or half accepting the
22 distinctions that were drawn between motivation, good
23 faith, integrity and credibility, that Mr. Justice
24 O'Higgins found that the imputations on his motives
25 were unjust and wrong, do you accept that? 11:35

26 A. As I said, the report by Justice O'Higgins was accepted
27 by the Garda Commissioner and by Government and in
28 relation to what's background of Justice O'Higgins,
29 that would be a matter for Mr. Justice O'Higgins. But

1 yes, the report was accepted in full by the
2 Commissioner and by Government.

3 213 Q. And do you accept as well that at paragraph 3.2, which
4 is the previous page, it was stated:

5
6 "Sergeant McCabe impressed the Commission as being
7 never less than truthful in his evidence, even if prone
8 to exaggeration at times. In common with many other
9 witnesses his recollection of some events is diminished
10 because of the passage of time." 11:35

11 A. Yes, as I said --

12 214 Q. I am suggesting to that you that far from the
13 impression made by Mr. Murphy's examination of you and
14 your enthusiastic responses to it --

15 CHAIRMAN: Mr. McDowell, that is a bit unfair. 11:36

16 MR. MCDOWELL: Judge, we heard all about, you heard all
17 about people sleeping and not being able to sleep at
18 night and I could make a similar -- put similar
19 questions if I wanted.

20 CHAIRMAN: well, the very thought had occurred to me, 11:36
21 Mr. McDowell, of course. It's been a strain for a lot
22 of people, and for Sergeant McCabe, of course. I
23 appreciate that. But that is not enthusiasm, that is
24 just plain reality.

25 MR. MCDOWELL: It is. But it seemed to flow freely, if 11:36
26 I may say so.

27 A. Judge, if I could just clarify, I was asked in relation
28 to my clients, of course there was many, many members
29 during that Commission, at Garda, rank, Sergeant

1 McCabe, other sergeants. It was obvious that most
2 people down there were under serious stress or a lot of
3 stress, and some of them under serious stress, but I
4 can only account for what I saw in relation to my
5 clients outside of that courtroom.

11:36

6 215 Q. Yes.

7 A. And I had a lot of dealings with them, very late
8 nights, early mornings, because of the pace, but I have
9 no doubt, and I am not stating that other people were
10 not badly affected and also their families. I am only
11 questioning -- talking in relation to my client and
12 answering the question.

11:37

13 216 Q. I am suggesting to you that contrary to the impression
14 given by Mr. Murphy's questions to you and your answer,
15 that Mr. Justice O'Higgins found that the aspersions on
16 Sergeant McCabe's motives were wrong and unfair?

11:37

17 A. As I said, the findings of Mr. Justice O'Higgins have
18 been accepted by the Commissioner and by Government,
19 and I believe that it was an excellent report.

20 MR. MCDOWELL: I have no further questions, Judge.

11:37

21 CHAIRMAN: Thank you very much, Ms. Ryan. Just two
22 matters to mention. Mr. Ó hOisín, thank you very much
23 for being here. I can see absolutely no basis upon
24 which the conduct of Ms. Ryan could possibly be
25 criticised. So, unless I have some kind of a
26 brainstorm, and in the event that I feel one coming on
27 I will contact you, I don't see there is any necessity
28 for you to participate further, but of course you are
29 welcome to stay.

11:37

1 MR. Ó HOISÍN: No, Chairman. Thank you for the
2 indication of your perspective on it at this point and
3 I don't think there is any need for us to be here. And
4 I trust obviously the Tribunal will let us know if, for
5 any reason, we are asked to -- 11:38

6 CHAIRMAN: If anything comes up whereby anybody wishes
7 or seems to criticise her, as opposed to saying, well,
8 I don't agree with such-and-such a piece of evidence,
9 which happens with loads and loads of witnesses after
10 all, and they are never represented in an ordinary 11:38
11 court case, of course we will notify you of that, and
12 thank you for being here.

13 MR. Ó HOISÍN: Thank you, Chairman.

14

15 THE WITNESS THEN WITHDREW 11:38

16

17 CHAIRMAN: The second thing I wanted to say was this.
18 This is a point where Ms. Ryan has been two full days
19 in the witness-box. Now, I can appreciate that given
20 that she was a solicitor for the Garda Commissioner and 11:39
21 term of reference (e) references the Garda
22 Commissioner, that people would wish to put in a very
23 full way what their particular point of view is, but it
24 seems to me that that has been done and I have it in my
25 head now. The other matter about that is, that when 11:39
26 you look at the relevant term of reference, which is
27 whether at the O'Higgins Commission the Garda
28 Commissioner sought to use false allegations of sexual
29 abuse to discredit Sergeant McCabe, everyone agrees

1 that that didn't happen, okay. I see no reason to
2 think that it might have happened. So it's down to
3 this: Did Commissioner O'Sullivan use unjustified
4 grounds in order to discredit Sergeant McCabe at the
5 Commission of Investigation? That is what it's down
6 to. And it's not down to what, for instance, Noel
7 Rooney may have said or whatever, it's Commissioner
8 O'Sullivan. So there has to be a connection with her.
9 So my plea, and it is a plea, is that we all now focus
10 on that and move, if possible, please.

11:40

11:40

11 So, where are we then, Ms. Leader?

12 MS. LEADER: Yes, the next witness, sir, is Chief
13 Superintendent Fergus Healy.

11:40

14
15
16 CHIEF SUPERINTENDENT FERGUS HEALY, HAVING BEEN SWORN,
17 WAS DIRECTLY EXAMINED BY MS. LEADER:

18 MS. LEADER: Chief Superintendent Healy's statement is
19 in volume 6. It is page 3277 of the materials.

20 217 Q. Chief Superintendent Healy, if you would commence,
21 please, by giving the Tribunal a brief resumé of your
22 career in the Guards to date.

11:41

23 A. Yes, Judge. I joined the Gardaí in 1982, on 20th
24 October and I have served in a number of different
25 ranks in the intervening time; namely, garda sergeant
26 all the way up to chief superintendent. I served in
27 Pearse Street Garda Station, Garda College, Garda HQ,
28 Cavan and Garda HQ, and I am now stationed in Navan in
29 County Meath with responsibility for the Meath Garda

11:41

1 Division.

2 218 Q. If we could go back to 2015, what was your job at that
3 stage, your day-to-day job?

4 A. In May 2015, I was the chief superintendent with
5 responsibility for the Crime, Policy and Administration 11:42
6 section in Garda HQ, which is a section within Crime
7 and Security Branch in Garda HQ.

8 219 Q. And on the 30th -- or 29th April, I think you got a
9 phone call from Commissioner O'Sullivan in relation to
10 the O'Higgins Commission, is that correct? 11:42

11 A. That's correct. I was at home at the time and the
12 Commissioner rang me and she informed me that she was
13 changing the person who was then the liaison officer at
14 the Commission, which was Chief Superintendent Seán
15 Ward, and she asked me would I take up the 11:43

16 responsibility. And of course it was more than she was
17 just asking me, she was telling me, that she was
18 appointing me to this position. And I remember at that
19 time I had raised an issue with her in the course of
20 our conversation that I was the superintendent in Cavan 11:43

21 at the time, back in -- sorry, I will just refer to
22 that actually. I was sent on promotion as a
23 superintendent to the Cavan Garda district in September
24 2005, and I was the district officer there until March
25 2007, when I transferred to Crime, Policy and 11:43
26 Administration in Garda HQ.

27 CHAIRMAN: Yes, superintendent, I think some people are
28 finding it hard to hear you. I think the old
29 microphone might be a wee bit -- if could you put it a

1 wee bit closer to you, we will hear you better.

2 A. Apologies.

3 CHAIRMAN: Anyway, you had pointed out that you had in
4 fact had some involvement as a serving officer in
5 Cavan? 11:44

6 A. I was the district officer there, the superintendent
7 with responsibility for the Cavan Garda district, from
8 September 2005 until March 2007, and I had alluded to
9 the fact that -- this to the Commissioner at the time,
10 that when Ms. D made her complaint in the Cavan 11:44
11 district that I was the superintendent in that
12 particular district, and that there may be an issue of
13 conflict with respect to my appointment to this new
14 position. And I think the Commissioner's issue, she
15 asked me a few questions about decisions, that I hadn't 11:44
16 been involved in making any decisions with respect to
17 that case and that it would be okay for me to proceed
18 to this position, that she was appointing me to, or
19 this task, I will put it. So the following day I met
20 with the chief superintendent, Chief Superintendent 11:45
21 Ward to discuss --

22 220 Q. MS. LEADER: Before you get to the following day, did
23 Commissioner O'Sullivan tell you what you were supposed
24 to be doing at the O'Higgins Commission, what your
25 actual job was? 11:45

26 A. No. There was no defined role with respect to the --
27 or a job description of a liaison officer as such. It
28 was, each Commissioner has a different way of managing
29 the organisation and it differs from Commissioner to

1 Commissioner. I had worked in Garda HQ with five
2 consecutive Commissioners and each Commissioner has a
3 different way of dealing with their business. So, in
4 this particular case I was just told that I was going
5 to be the liaison officer and that would constitute a 11:45
6 multitude of roles within the day-to-day running of the
7 Commission itself.

8 221 Q. And in relation to you telling the Commissioner about
9 being in Cavan in -- at the time of the Ms. D
10 allegation was made, did she seem familiar with that? 11:46

11 A. I don't think she was expecting me to raise that issue,
12 but you know, we discussed it briefly and the summation
13 of her decision was that I wasn't involved in the
14 decision-making with respect to that case, so, you
15 know, she didn't see a conflict arising. And that, you 11:46
16 know, I suppose probably another thing at the time was
17 that we were getting close to the commencement date, I
18 didn't know it at that time, but you know, time was of
19 the essence at that particular stage.

20 222 Q. So you received a letter then dated the 30th April 2015 11:46
21 from Assistant Commissioner O'Mahony, with your formal
22 appointment?

23 A. Yes, that followed on in suit, yes.

24 223 Q. And if we could just get that up on the screen briefly.
25 It's at page 123 of the materials. And the second 11:47
26 paragraph -- it should be on the screen in front of
27 you, chief superintendent, it may be easier for you.

28 A. Yes.

29 224 Q. "As you will note the Commissioner has nominated you as

1 the point of contact for An Garda Síochána with the
2 Commission once chief superintendent Ward has sworn the
3 affidavit in Module 1."

4 A. Yes.

5 225 Q. So was that your understanding of your role with the 11:47
6 Commission?

7 A. Yes, the current incumbent was dealing with the
8 disclosure for Module 1 and it was my understanding,
9 yes, that he would complete that process and that I
10 would then take over. 11:47

11 226 Q. Okay. And did you at that time or any time later
12 discuss how your job was to work in relation to
13 communicating with the Commissioner or contacting the
14 Commissioner?

15 A. Well, in the course of that telephone conversation? 11:48

16 227 Q. Yes, or the next day.

17 A. Not really. You know, there had been numerous
18 commissions of investigation, I had been appointed
19 liaison officer for a previous one, and as and when
20 issues arise that need to be brought to the 11:48
21 Commissioner's attention, you would necessarily, you
22 know what I mean, attend to that, and --

23 228 Q. And would you use your own judgement?

24 A. Yes, yes.

25 229 Q. Yes. 11:48

26 A. And each commissioner is different, obviously. Some of
27 them are over-tentative to various issues and some are,
28 you know what I mean, they have a more relaxed style in
29 dealing with issues, so, you know, you have to read the

1 situation yourself as you are working in that
2 environment.

3 230 Q. Okay. And what previous commission had you been a
4 liaison officer for?

5 A. In relation to the Cloyne Commission. 11:49

6 231 Q. Okay. And that wasn't Commissioner O'Sullivan you were
7 liaising with at that stage?

8 A. No, I think it was Commissioner Callinan, I think. I
9 stand corrected now, I think that was...

10 232 Q. Now, you were going to tell us about a meeting you had 11:49
11 with the former liaison officer, which I think happened
12 on the same day, on the 30th April?

13 A. That's correct. I went and I met with Chief
14 Superintendent Ward, and I suppose to say that the --
15 everyone -- all hands to the pump were ongoing at that 11:49
16 particular stage, putting it mildly. I think, you
17 know, there was a tremendous amount of chaos, it would
18 be described as, is what I encountered when I went and
19 I met with him, and I discussed the situation, you know
20 what I mean. A basic question was, you know, did we 11:50
21 have counsel? Was there -- who was the solicitor
22 dealing with this? Which, you know what I mean, at
23 that particular time we didn't even know. I think it
24 might have been in -- in the final stages of being
25 decided, but that's -- that is where we were, like. I 11:50
26 was still unsure as to, you know what I mean, who was
27 representing us here in this and, you know, and who
28 were we representing as well. That was another issue.
29 And in the course of the next couple of days, we

1 started to receive applications from respective parties
2 seeking representation, and they were being sent to me
3 at this stage.

4 233 Q. Okay. So I think that meeting of the 30th April, it
5 can be summarised; what was really discussed was the 11:51
6 supply of documentation to the Commission --

7 A. Yes, yes.

8 234 Q. -- to put it in one sentence, and there was an
9 immediate concern in relation to that because a
10 deadline had already been passed? 11:51

11 A. Yes. And I was aware then, I think, that the
12 Commission, at that stage, had written to the
13 Commissioner about issues that were causing concern for
14 the Commission itself and that the Commissioner was in
15 receipt of correspondence, and there was -- I think the 11:51
16 tone of the letters were that they were, you know, I
17 suppose there was a bit -- annoyance expressed within
18 the content of those letters, and, whilst I was never
19 actually shown them, I was made aware of what was in
20 them. 11:51

21 235 Q. All right. Now, that meeting was with Inspector
22 McNamara, and did he at any time mention to you the
23 ongoing process in relation to Sergeant McCabe's
24 workplace issues in Mullingar?

25 A. No, I don't think -- Inspector McNamara wasn't involved 11:52
26 in it at this stage. It was Chief Superintendent Ward
27 we are talking about.

28 236 Q. Okay. All right.

29 A. Chief Superintendent Ward, he didn't mention anything

1 to me about Sergeant McCabe.

2 237 Q. Okay. Well --

3 A. I'd never met Sergeant McCabe, so I didn't --

4 238 Q. I understand that. But it would appear to me that 11:52
5 Inspector McNamara was at that consultation or meeting
6 on the 30th April.

7 A. Oh, sorry.

8 239 Q. He has typed notes of it, and they are at page 67.

9 A. Sorry, yes.

10 240 Q. And maybe for your assistance, it could be brought up 11:52
11 in front of you. So am I correct in saying that
12 Inspector McNamara, Chief Superintendent Healy was you,
13 and Chief Superintendent Ward, the previous liaison
14 officer, met on 30th April?

15 A. Yes. 11:53

16 241 Q. And you discussed the supply of documentation --

17 A. Yes.

18 242 Q. -- to the Commission?

19 A. Yes.

20 243 Q. And what I was inquiring into was, did Inspector 11:53
21 McNamara at any time raise the process that he was
22 somehow involved in in relation to Sergeant McCabe's
23 workplace issues?

24 A. Oh, sorry, I think -- well, I can't exactly remember,
25 you know, what was discussed at the meeting, and I 11:53
26 understand the notes are there. But I know that
27 Inspector McNamara was in the HR department prior to it
28 being transferred over to my section, so he may have
29 had some involvement at that stage, I don't know. I am

1 not sure.

2 244 Q. Were you aware that a lot of effort was being put into
3 at that time in order to resolve Sergeant McCabe's
4 workplace issues?

5 A. I wasn't told about that at all. 11:53

6 245 Q. Did you have any feeling about it or any, even,
7 peripheral knowledge of it?

8 A. I read the transcripts for the evidence here on Friday
9 and there was a lot of information in that transcript
10 that I wasn't aware of. 11:54

11 246 Q. You weren't?

12 A. I wasn't aware of it until last Friday.

13 247 Q. Okay. And did the Commissioner brief you herself in
14 relation to those issues at any time?

15 A. She may have mentioned them in conversations that we 11:54
16 had on the phone by way of personalities who are -- you
17 know, as the Commission had developed, there was
18 obviously issues, welfare issues that, you know what I
19 mean, that we had -- may have approached in the
20 discussion, and that I was aware that there was certain 11:54
21 people, you know what I mean, working in the background
22 through the day-to-day contact with the Commissioner,
23 particularly one incident where I had cause to
24 telephone the head of HR, Mr. John Barrett, at that
25 particular time, in relation to concerns that I had 11:55
26 about -- particularly about Sergeant McCabe's welfare.
27 It was a concern that I had in the course of the
28 hearings of the Commission.

29 248 Q. In the course of hearings?

1 A. Yes.

2 249 Q. Were you aware at that stage that Mr. Barrett had a
3 particular role in dealing with Sergeant McCabe's
4 workplace issues?

5 A. Like, he was the head of HR, he had responsibility for 11:55
6 the welfare services, and I did at one stage make
7 direct contact with him and I expressed my concerns
8 with regard to Sergeant McCabe's welfare during the
9 course of the hearings and, you know, I was bringing it
10 to his attention and I was aware that there was some 11:55
11 sort of mechanism had been put in place around that,
12 but, to that degree, what else was going on, I wasn't
13 aware. They just took over in relation to those
14 issues.

15 250 Q. Okay. And did the Commissioner, at the outset of your 11:56
16 role in dealing with the Mr. Justice O'Higgins
17 Commission, did she at any time advise you that efforts
18 were being made to resolve Sergeant McCabe's workplace
19 issues and she was supporting him in those efforts and
20 doing her best to resolve them, was that at any time 11:56
21 made clear to you?

22 A. You see, I was dealing with the workings of the
23 Commission itself.

24 251 Q. Yes.

25 A. And my concern and my focus was on, you know, getting 11:56
26 the -- getting to a situation where we were ready to --

27 252 Q. To deal with it?

28 A. -- to deal with Mr. Justice O'Higgins. And the
29 discovery process, you know, the disclosure of the

1 material to the Commission was -- was just -- had taken
2 over my preoccupation with respect to -- the deadline
3 date was a main concern for me, and I wasn't entirely
4 sure when we were actually starting, but from speaking
5 to Chief Superintendent Ward it became clear that the 11:57
6 Judge had intended to commence the hearings on 14th
7 May, and at that stage he was describing certain areas
8 of the terms of reference to me as to what was going to
9 be in the first module and he was telling -- and at
10 that stage, it didn't mean much to me, but I had to 11:57
11 educate myself with respect to those issues, and that
12 is what preoccupied me in dealing with that.

13 253 Q. So really, it was all about getting documentation
14 together and forwarding it to the Commission?

15 A. Yeah. I was focusing on the mechanics of dealing with 11:57
16 the actual hearing and the Commission that was going to
17 commence a couple of weeks later.

18 254 Q. And there was no focus in relation to how matters were
19 to be dealt with at the Commission, the substantial
20 hearings? 11:58

21 A. No.

22 255 Q. Was there any conversations in relation to that with
23 the Commissioner?

24 A. No, you see, at that stage counsel hadn't been
25 appointed. I was just told to go and do my job, which 11:58
26 I did. The hierarchical structure within the
27 organisation, the Commissioner was the boss, and I had
28 been appointed to do this, and my task was to basically
29 deal with the mechanics of what was going to occur in a

1 very short time and to, in turn, deal with those
2 issues.

3 256 Q. Right. I think you then wrote to the head of legal
4 affairs, Mr. Ruane, on the 5th May 2015?

5 A. I did, is that what you -- sorry. 11:59

6 257 Q. It would appear.

7 A. Yes.

8 258 Q. And that is at page 112 of the materials. And
9 essentially you were updating him as to what was going
10 on in relation to -- 11:59

11 A. Yes.

12 259 Q. -- preparation for the Commission?

13 A. Yes, that's correct.

14 260 Q. So the first thing is, preparing materials for the
15 office of the Chief State solicitor, is that correct? 11:59

16 A. Yes.

17 261 Q. And the next thing was that, the second paragraph of
18 your letter:
19
20 "In relation to the statement of facts, it is noted 11:59
21 from the Commission's correspondence dated 24th April
22 2015 that relevant witnesses have been asked to
23 indicate their position in relation to the draft
24 statement of facts. It is further noted that the
25 statement of facts is intended to set out matters which 11:59
26 do not appear to be in dispute. In the absence of full
27 knowledge of the facts of the case to which Module 1
28 applies, one matter is identified where there is
29 appears to be an inconsistency."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

And then you set that out. And then you "attach a copy of a direction received from the office of the Commissioner setting out my role in respect of this Commission of Investigation for your information."

12:00

And that was Assistant Commissioner O'Mahony's letter to you, is that correct?

A. Yes.

262 Q. So you were saying this is where we are and I'm the point of contact between the Commission --

12:00

A. Yes.

263 Q. -- and the Commissioner?

A. Yes, I am not sure -- that's the 5th of May.

264 Q. Yes, that was the 5th of May, so you had just been on board for five days at that stage, which is fair enough.

12:00

A. Yes.

265 Q. Now, I think the next thing that happened was, you went to a meeting on the 11th May, which Mr. Ruane describes as the handover meeting, is that correct?

12:01

A. Yeah, I was -- from recollection, I think I may have gotten a phone call to go to the Four Courts on 11th May, where a consultation was being arranged -- or a meeting was being arranged. I couldn't call it a consultation. It was more a handover meeting. And I went there and I brought with me Inspector McNamara, who at that stage I had appointed to work with me on this Commission, and I also brought another member of

12:01

1 staff who I had brought in to manage the office that I
2 had set up to deal with this.

3 266 Q. Okay.

4 A. And we went to the Four Courts. And at that stage I
5 didn't know who was going to be at the meeting. When I 12:02
6 went there, the head of legal affairs and his legal --
7 his staff were there; Chief Superintendent Ward, the
8 second appointee to the liaison officer's position, was
9 there; and the State solicitor, Ms. Ryan, she was there
10 as well, and the meeting then commenced. 12:02

11 267 Q. Okay. So your notes of the meeting, your handwritten
12 notes are at page 130 of the materials, and they would
13 appear to be reasonably succinct. You note that
14 Mr. Smyth, Mr. Byrne and Mr. MacNamee were --
15 barristers were there, meeting with counsel? 12:03

16 A. Yes, and I think they weren't there at the outset.

17 268 Q. They came in just slightly late.

18 A. They came in -- I didn't know who -- I think at that
19 stage, I have a recollection that I didn't even know
20 and there was some doubt as to whether or not, you know 12:03
21 what I mean, who the legal team was at that particular
22 stage. You know, there was still uncertainty as to,
23 you know what I mean, whether the counsel - this was my
24 understanding - had accepted the --

25 269 Q. The brief? 12:03

26 A. The brief, yes. And they duly came into the meeting
27 then, I think it was about twenty minutes, half an hour
28 after it started, and we were introduced, and that was
29 the first time that I met Mr. Smyth, Mr. MacNamee and

1 Mr. Byrne.

2 270 Q. All right. And I think what your notes, it seems to
3 me, I may be interpreting them, but they set out a
4 schedule of meeting people for the following week?

5 A. Yes. 12:04

6 271 Q. Is that correct?

7 A. That's correct. I think we had a discussion in
8 relation to the background to all of this, you know. I
9 spoke, you know what I mean, and imparted whatever
10 knowledge that I had on these issues with counsel in 12:04
11 response to issues, and then counsel said, look, we'd
12 better get cracking on this and we will arrange to have
13 consultations with the various people. And at that
14 stage certain people had come on board. The decision
15 had been taken that superintendents, retired and 12:04
16 serving, that they would be represented by the
17 Commissioner.

18 272 Q. Okay.

19 A. And that had been decided.

20 273 Q. All right. And you have a note then "Statement of 12:04
21 facts", I think what it says is:
22
23 "Core: what is emerging from the statement of facts?"

24 A. Yes, that is just a jot note that I made.

25 274 Q. Mr. Justice O'Higgins had sent you on a statement of 12:05
26 facts at that stage, is that right?

27 A. Yes.

28 275 Q. And that jotted note, who do you think that was coming
29 from at that meeting?

1 A. I can't recollect really, you know. I think it's
2 just -- it's a natural question, you know, if we're --
3 if we're looking at the statement of facts here, what
4 is in dispute or what is not in dispute? So it's a
5 natural question to say, well, look, where is the 12:05
6 contention and where is not the contention here?

7 276 Q. So there was a focus on what was in -- what was in
8 play, am I correct in saying that, for the ongoing --
9 for the module that was to start on the Thursday?

10 A. Yeah. And at that time, you know, there was a doubt as 12:05
11 to whether or not the hearings were going to go ahead.
12 There was -- it was mooted that there was other
13 proceedings in another fora that may put a stop to the
14 Commission, and there was uncertainty as to whether or
15 not it would even go ahead. So I think it was a case 12:06
16 of, you know, can we get as much information as we can
17 here in relation to all of this, you know, background
18 issues, and where are we, we can then proceed
19 accordingly.

20 277 Q. All right. If we look at Inspector McNamara's note, 12:06
21 they are longer than yours. It's at page 72 of his
22 notes, it's the second page of his notes. He lists the
23 various people who were at that meeting, I won't go
24 through it again. Page 72, sorry.

25 A. Yes. Yes, myself there, Superintendent Ward. Garda 12:06
26 Carol Slattery was a girl who was working in the office
27 that I mentioned and she had been brought in on a
28 temporary basis to deal with that position. The other
29 three people -- I'm sorry, Billy Fogarty, Paul Lynch.

1 Paul Lynch was a guard in the Garda Professional
2 Standards Unit who would have been working with Chief
3 Superintendent Ward. And Wayne Butler is another
4 member of staff working with Mr. Ruane. Counsel,
5 obviously. And I don't see -- 12:07

6 278 Q. Mr. Smyth's name is missing?
7 A. And Mr. Ruane's name is missing as well.

8 279 Q. I think that is actually over the -- on the previous
9 page.
10 A. Okay. 12:07

11 280 Q. And Ms. Ryan's, yes.
12 A. At that stage, I can understand the personalities may
13 not have been known, do you know what I mean, he may
14 not have known the name, or whatever.

15 281 Q. Yes. If I could just direct you to what Mr. Ruane 12:08
16 seems to have said:
17
18 "HOLA - Commissioner will represent all members,
19 including retired. If conflict arises at any stage,
20 will have to review." 12:08

21 A. Yes.

22 282 Q. And if you could explain, was it anticipated that a
23 conflict would arise or were these things to be kept
24 under review and see how matters developed at the
25 Commission? 12:08

26 A. It was a fluid situation. Obviously, the decision had
27 been made that representation would be afforded to
28 certain people, but it was conditional, and if a
29 conflict had arisen then I think each of the parties

1 were distinctly advised that that the Commissioner
2 would have to reserve her position and they may have to
3 seek separate representation and the Commissioner would
4 be led by counsel in relation to that.

5 283 Q. Okay. And were you clear in your head that the 12:09
6 Commissioner herself would be represented at the
7 O'Higgins Commission at that stage?

8 A. Well, I was told that counsel was representing the
9 Commissioner, and I can't recollect specifically what I
10 was told at that particular time, but I do recollect 12:09
11 that it arose in the very early days of the hearing
12 with Mr. Justice O'Higgins, and Mr. O'Higgins had
13 advised those present at the Commission that he had
14 made the decision that the Commissioner, given that the
15 Commissioner was the employer of all the parties 12:09
16 concerned, would be represented at the hearings, and I
17 assume that is why counsel was appointed, because that
18 must have been communicated in some way to Mr. Ruane.

19 284 Q. Okay. You weren't part of that decision-making process
20 at all? 12:10

21 A. No, no.

22 285 Q. Okay. And if I could then go down, I just want to
23 highlight a few issues that arose at this meeting,
24 Chief Superintendent.

25 12:10
26 "CSSO seeking to have member of AGS present during
27 Module 1."

28
29 Did you understand that was to be you to be present

1 during Module 1?

2 A. Yes, yes, and I think that was obviously an issue
3 expressed by Ms. Ryan, that somebody should be, you
4 know what I mean, representing the Gardaí at the
5 hearings, so I presume it was going to be me. 12:10

6 286 Q. And did you think that was a good idea, a sensible
7 thing, considering you were the eyes and ears of the
8 Commissioner at the hearings?

9 A. Well, maybe I am at cross-purposes here now, but I
10 understood it that that would be my role. 12:11

11 287 Q. Your role.

12 A. Yes, yes.

13 288 Q. Yes. And then if I could just turn to page 73, you
14 will see Sergeant McCabe is mentioned, and what is
15 recorded there is: 12:11

16

17 "McCabe - full dossier of all the legal actions/alleged
18 causes of action accrued."

19

20 Do you see that reference? 12:11

21 A. Yes.

22 289 Q. How did that come about, that this was to be gathered
23 together, this information, can you remember?

24 A. It came up obviously by way of what we were dealing
25 with here in the course of, I suppose, what counsel 12:11
26 were getting into, you know, and it was a way of
27 finding, you know what I mean, full information with
28 respect to all the matters pertaining to this
29 particular matter, and in that context, that is how I

1 believe it arose.

2 290 Q. And the name of another whistleblower appears then?

3 A. Yes.

4 291 Q. Yes.

5 A. How did that come up? 12:12

6 292 Q. Yes, yes.

7 A. Well, I presume counsel raised the issue. I think it

8 may have been in response to a question that had

9 arisen. These names were, you know, in the public

10 domain at that particular time, and, you know what I 12:12

11 mean, it was an open and frank discussion with the

12 legal team by way of background at the very beginning,

13 the very outset of the first day that we met them.

14 293 Q. Now, if we could turn to Mr. Ruane's notes, and I won't

15 go through them all, but there are a few issues I want 12:12

16 to ask you about. It's his handwritten notes at page

17 125 of the materials, at the bottom of the page. You

18 seem to be -- it's:

19

20 "FH: conflict of interest arises. Withdraw." 12:13

21 A. Yes.

22 294 Q. And then if we could just maybe go to page 127, you are

23 particularly asking about Chief Superintendent Rooney

24 and a conflict:

25 12:13

26 "Back to HR, did he disobey instructions?"

27 A. Well, I suppose on my mind at that time was, obviously

28 counsel had been appointed to represent various people.

29 295 Q. Yes.

1 A. And my concern was that there would be no conflict of
2 interest, and an example that was coming to my mind
3 really was that if somebody had stepped outside, you
4 know, a clear -- well, okay, if I can go back maybe and
5 say that it would have to have been a very obvious 12:14
6 issue that had arisen that would give rise to a
7 conflict, and I suppose what was in my mind was, maybe
8 reading the material for the first module, that I was
9 kind of conscious that, was there a conflict, and I was
10 using this as an example of where a conflict could 12:14
11 arise. That is my recollection of it.

12 296 Q. Okay.

13 A. And, you know, the representation was conditional, and
14 I was at pains to ensure that that was always the case
15 and that everybody who was represented by the counsel 12:14
16 for the Commissioner had to give an undertaking that
17 they understood that, and, everybody who applied, they
18 did so in writing, and they were responded to on the
19 basis that if a conflict of interest had arisen, that
20 they would have to seek separate legal representation. 12:15

21 297 Q. And I suppose, Chief Superintendent Healy, the classic
22 conflict situation was if some members of An Garda
23 Síochána wanted to advance a particular line in the
24 Commission and the Commissioner didn't want that
25 particular line to be advanced at the Commission, there 12:15
26 would be a conflict?

27 A. Yeah, and counsel would be the arbiter of that, would
28 advise the Commissioner in relation to that, and that
29 was made clear to counsel.

1 298 Q. Okay.

2 A. That counsel were, you know, going to be the person to
3 take the lead on those recommendations, should the
4 issue arise.

5 299 Q. Should the issue arise. 12:15

6 A. And I was at pains to say that all the time, you know,
7 that the main concern here was that if there was a
8 conflict, well then counsel would be the person to
9 advise the Commissioner on that, and that the parties
10 then that were afforded representation, that they 12:16
11 understood that, and I was at pains at that particular
12 time to ensure that everybody understood those rules.

13 300 Q. Okay. And as matters developed, there was no conflict,
14 isn't that the situation?

15 A. And as far as the issues that were -- the rules that 12:16
16 were set out, it didn't arise.

17 301 Q. Okay. So the Tribunal can take it that, insofar as
18 matters were put to Sergeant McCabe during the Tribunal
19 on behalf of senior members of An Garda Síochána,
20 superintendent upwards, they were also put on behalf of 12:16
21 the Commissioner of An Garda Síochána?

22 A. Yeah, I think a clear issue here is that the
23 Commissioner was the employer of all the parties
24 concerned --

25 302 Q. Yes. 12:17

26 A. -- including Sergeant McCabe, and we were now facing
27 into a situation where we had a Commission of
28 Investigation into a set of circumstances, and it was
29 an opportunity to get to the truth of all of these

1 issues, once and for all. As you can imagine, these
2 issues had been going on since, you know, 2007, and we
3 were now 2015, and it was -- several commissioners had
4 served and had tried to deal with this issue, and it
5 was an opportunity to have a Commission of 12:17
6 Investigation which was in private and was overseen by
7 a judge, and that it was -- you know, everybody was
8 represented at this proceeding, and the ultimate aim
9 was to get to the truth of everything and to deal with
10 the fallout from that, and that was the -- that was the 12:18
11 ultimate requirement here.

12 303 Q. Yes. Okay. But I suppose going back to the conflict
13 situation, everybody was happy that anything that was
14 put to Sergeant McCabe on behalf of senior members of
15 the Gardaí was also the attitude of the Commissioner, 12:18
16 because otherwise there would have been a --
17 representation would have been organised to deal with a
18 conflict situation?

19 A. Well, I think issues that were put to Sergeant McCabe
20 in the course of the hearings, the contributions and 12:18
21 the information on all the issues had come from the
22 various people that were being represented at that
23 Commission, and obviously the Commissioner was the
24 overseer of everybody concerned here and it was an
25 issue of getting to the truth of all the issues that 12:19
26 were being put out there, and, you know, I think in the
27 interests of fairness to everybody, certain issues had
28 to be -- had to be, I suppose, raised.

29 304 Q. Yes. No, no, I understand that. But in view of the

1 fact that, from the very beginning, there was -- there
2 was a question out there as to, if there is a conflict,
3 what will we do? And the answer would appear to be:
4 we will look at this again and everybody has signed up
5 on the basis that my position is the same as the 12:20
6 Commissioner's position and, if that changes, then you
7 are going to have to organise separate representation?
8 A. Yes, yes.
9 305 Q. So can the Tribunal take it, Chief Superintendent 12:20
10 Healy, and I understand what you are saying in relation
11 to getting to the truth of the matter, and all of the
12 rest of that, but that any question that was put to
13 anybody, leave Sergeant McCabe out of it, at the
14 Commission on behalf of senior members of An Garda
15 Síochána that Mr. Smyth represented and Ms. Ryan 12:20
16 represented, was also put on behalf of the
17 Commissioner, because if it wasn't the Commissioner's
18 position, they would have been asked to organise their
19 own representation?
20 A. Yes, yes, and the Commissioner was -- the ultimate aim 12:21
21 of the Commissioner was to get to the truth of
22 everything.
23 306 Q. And insofar as the representation question was a fluid
24 matter, it was a matter that could be revisited at any
25 time? 12:21
26 A. Yes, yes, yes.
27 307 Q. And that was always made clear to everybody?
28 A. Yes.
29 308 Q. And the Commissioner was also aware of that?

1 A. Yes.

2 309 Q. And that was the first thing that was set out when
3 everybody first met with the legal team on the 11th
4 May?

5 A. It was foremost on my mind, and I raised it, and, you 12:21
6 know, I was conscious of it and I think it set out the,
7 you know, the position that we were in from the word
8 go.

9 310 Q. Yes. Now, if we could just go to the bottom of that
10 page, it's page 127, we see: 12:21
11

12 "CS - Noel Cunningham investigation" -- it seems to be
13 "MMCC", Sergeant McCabe.

14 A. That is Colm Smyth, I presume.

15 311 Q. I think it is. CS is Colm Smyth. Yes. So in this 12:22
16 first consultation with counsel, who was providing the
17 information to counsel in relation to Superintendent
18 Cunningham's investigation into an allegation made
19 against Sergeant McCabe? It may assist you actually if
20 we just scroll down a little bit. It's page 128, at 12:22
21 the very top of page 128.

22 A. Em, well, you see, as I said earlier, I was the
23 superintendent in Cavan --

24 312 Q. Yes.

25 A. -- back in 2006 when the Ms. D allegation was made, and 12:22
26 I had certain knowledge of those events and the outcome
27 of it, and obviously I had -- in the intervening
28 period, I had learned a lot more about the issue and I
29 was in a position to advise counsel at that meeting of

1 the position --

2 313 Q. Okay.

3 A. -- there and then.

4 314 Q. And so in that meeting on 11th May, we can take it that
5 anything related to the Superintendent Cunningham 12:23
6 investigation, that is the D investigation, any
7 information in relation to that came from you?

8 A. Well, yeah, to qualify that, I --

9 315 Q. Do you think?

10 A. I think. Do you know what I mean, there was other 12:23
11 people in the room, so I am not sure, others may have
12 known more, or something about it. They may have
13 contributed, maybe they did or maybe they didn't. But
14 conclusively, I can't say 100% say that everything came
15 from me, but certainly I had a fair bit of knowledge in 12:24
16 relation to it, that most people wouldn't have had,
17 because of the position that I was in.

18 316 Q. And I think in relation to that, in 2014 you'd been in
19 correspondence with GSOC in relation to the D
20 investigation? 12:24

21 A. Yeah, I was advised that GSOC were investigating a
22 complaint in relation to that matter and it centred on
23 the way the investigation was conducted, and they came
24 and interviewed me in relation to it with respect to my
25 role as the superintendent in Cavan at the time. Even 12:24
26 though the investigation wasn't conducted in my
27 district, it was initiated in my district, and they
28 interviewed me with respect to my actions at the very
29 outset of the matter, and I think I referred to it in

1 my statement that I had no more dealings with the
2 matter after the 6th December when I sent the statement
3 of complaint to Chief Superintendent Rooney, who was
4 then the divisional officer for Cavan-Monaghan
5 division.

12:25

6 317 Q. Yes. I think that you wrote to GSOC in relation to
7 that, setting out what your role in -- or non-role in
8 the D investigation was, and that is at page 4293 of
9 the materials. It's a letter, I think, dated 18th
10 March 2014.

12:25

11 A. I haven't seen this letter now since I wrote it, so...

12 318 Q. That is all right. You will get an opportunity. You
13 say:

14
15 "I have noted the content of your letter and advise
16 that I transferred from Cavan district on 6th March
17 2007 to Garda Headquarters and, as previously advised,
18 following my extensive inquiries I have been unable to
19 source a copy of the report from the district officer
20 in Cavan. However, I attach a series of statements
21 indicating that the divisional officer --"

12:26

22 A. "Documents".

23 319 Q. "-- in Monaghan was in receipt of same, namely a copy
24 of the report received from D/Sergeant Fraher."

12:26

25
26 And that report essentially sets out the substance of
27 Ms. D's complaint, isn't that correct?

28 A. Yes, yes.

29 320 Q. So enclosed in Sergeant Fraher's report was Ms. D's

1 statement, a copy of the sketches which she drew and a
2 referral form, which was, as I understand it, the HSE
3 referral form, is that right?
4 A. That's right.
5 321 Q. So you had that and you were able to send that to GSOC 12:26
6 in March 2014?
7 A. Well, what happened was, I actually procured those
8 documents from my district or my division then, which
9 was Cavan-Monaghan.
10 322 Q. Yes. 12:27
11 A. And I was in a position then to supply them to GSOC.
12 323 Q. To GSOC.
13 A. Yes.
14 324 Q. Okay. And at number 2 of that letter, you enclose a
15 copy of a report from chief superintendent, Monaghan, 12:27
16 and at that time that was, I think, Chief
17 Superintendent Rooney, is that correct?
18 A. Yes, yes.
19 325 Q. Dated 7th December 2006 and stamped with office stamp
20 dated 7th December 2006. 12:27
21
22 "This minute to assistant commissioner Northern Region
23 advises that office having received the statement of
24 complaint from the injured party, that having
25 considered the issue, he directed the matter be 12:27
26 investigated. As a result, he appointed Inspector Noel
27 Cunningham, Monaghan, to undertake the investigation.
28 Furthermore, a copy of the minute was sent to assistant
29 commissioner, Human Resource Management, and Inspector

1 Cunningham, as well as to the superintendent,
2 Bailieboro and Cavan."

3
4 And then the file reference appears.

5
6 "A copy of which was sent to Cavan district and should
7 be retained there."
8

9 And then you also enclose a copy of a fax message, is
10 that correct?

11 A. Yes. What I was doing here was, I was showing the --
12 how I dealt with this matter when I got it.

13 326 Q. Yes.

14 A. And I remember at the time I had -- I suppose from my
15 own memory, I will never forget it, I will tell you the
16 truth, but I was -- I was in the Garda College at the
17 time when I got a phone call from Sergeant Fraher --
18 CHAIRMAN: Well, I don't think we need to worry about
19 that. We don't need to worry about it at all.

20 MS. LEADER: We don't need to go into that.

21 CHAIRMAN: And, in fact, it's a good time to break now.
22 We've had two-and-a-half hours.

23
24 THE HEARING ADJOURNED FOR LUNCH

25
26 THE HEARING RESUMED, AS FOLLOWS, AFTER LUNCH:

27
28 CHAIRMAN: I'm sorry, I was delayed by a personal
29 matter. It was unexpected.

1 327 Q. MS. LEADER: Chief Superintendent Ward -- Healy, sorry,
2 I beg your pardon.
3 A. Thank you.
4 328 Q. Chief Superintendent Healy, before the break you were
5 explaining to the Tribunal that the Commissioner's 13:47
6 instructions were to pursue the truth at the Commission
7 of Investigation and to lay all matters before the
8 Commission of Investigation?
9 A. Yeah, it was to pursue the truth and to assist the
10 Commission in establishing the facts. 13:48
11 329 Q. Establish the facts.
12 A. And that was the big issue for us, was to establish the
13 facts.
14 330 Q. Okay. When was that conveyed to you by the
15 Commissioner? 13:48
16 A. Well, it would have been in the telephone conversation
17 that we had, that, you know, at the outset, so it would
18 have been early on in the proceedings. I can't exactly
19 remember when it was, but it was very early on.
20 331 Q. Okay. It certainly doesn't appear to be documented -- 13:48
21 A. No.
22 332 Q. -- any place by you until 2016?
23 A. May 2016, I think it was --
24 333 Q. Yes.
25 A. -- yeah, when -- the Commission was over at that stage. 13:48
26 334 Q. Yes.
27 A. And I remember there was issues that arose in the media
28 in relation to that.
29 335 Q. I will come to those in due course.

1 A. Yes.

2 336 Q. But am I correct in saying that that position doesn't
3 appear to be documented, by you at any rate, until
4 2016?

5 A. I believe so, yeah. 13:49

6 337 Q. Okay. And you think it was conveyed to you in the
7 early days?

8 A. Yes.

9 338 Q. And it was conveyed to you by the Commissioner?

10 A. Yes. 13:49

11 339 Q. Was there any conversation around that, about how this
12 was to be done?

13 A. Not really. I think the Commission of Investigation
14 had been established and it was -- you know what I
15 mean, the role of the Garda Síochána to participate in 13:49
16 this process, and, as I said earlier, these issues had
17 been going on since 2007 at this stage, it was now
18 2015, it had troubled many a commissioner before this
19 Commissioner, and it was an opportunity to address the
20 matters once and for all and to deal with the fallout 13:49
21 from it and, in turn, you know, move on. Really, that
22 was the aim of the exercise, and that we had the
23 Commission of Investigation now, under the stewardship
24 of a judge, to ensure that could be delivered on.

25 340 Q. And as I understand it, you think this was said to you 13:50
26 by the Commissioner during the course of a telephone
27 conversation?

28 A. Yes.

29 341 Q. And do you think that could have been when you spoke to

1 her on the, I think it was the 29th April?

2 A. I can't remember exactly the date, but it would have
3 been -- it could have been that day and it could have
4 been a subsequent date.

5 342 Q. Okay. 13:50

6 A. But it was early on in the proceedings. I think the
7 issue was, look -- the conversation was, this is -- do
8 you know what I mean, has to be brought to a head, it
9 has to come -- the truth has to come out here, and that
10 was the issue. 13:50

11 343 Q. Do you think that was before the Commission commenced
12 sittings on the 14th May?

13 A. Yeah, it would have been before then. I'm not a 100%
14 sure. It would have been, do you know what I mean, in
15 that lead-in time. 13:51

16 344 Q. It would make sense, I suppose --

17 A. I can't remember exactly the time, you know, I can't be
18 specific with regard to the time or the date, but I
19 have a recollection of having a conversation with her
20 in relation to this issue. 13:51

21 345 Q. I don't want to put words in your mouth, Chief
22 Superintendent, but it would make sense that
23 conversation would take place before the Commission
24 actually started?

25 A. Yes. 13:51

26 346 Q. So you would know what you were doing?

27 A. Yes. Definitely, I don't want to say exactly when it
28 happened, when I don't, do you know what I mean,
29 actually remember the date or the time, but, yes, it

1 would naturally fall into that, into that, do you know
2 what I mean, timeframe.

3 347 Q. And in relation to this conversation, do you understand
4 it that this was an approach that was adopted by the
5 Commissioner on her own or did she speak to other 13:51
6 senior managers, or have you any knowledge or insight
7 into that?

8 A. I wouldn't have any knowledge into that at all. It was
9 just a conversation that we had ourselves and, you
10 know, I even discussed it, and we'll probably come to 13:52
11 that later in further detail about it, but it was a
12 natural progression, you know what I mean, to the
13 process that we were going into.

14 348 Q. So, Chief Superintendent, can we exclude the scenario
15 that there was a sit-down meeting were things were 13:52
16 talked through as to an approach to the Commission --

17 A. Ah, yeah --

18 349 Q. -- before the 14th?

19 A. That didn't happen, as such, no, not with the
20 Commissioner. 13:52

21 350 Q. Not -- as far as you were concerned?

22 A. No. I spoke to her in -- you know what I mean, it was
23 no formal meeting to sit down and discuss that, if
24 that's what you're asking.

25 351 Q. Now, just before lunch, I opened a letter which you had 13:52
26 had sent to GSOC, and I think while it is actually
27 dated 18th March 2014, that would appear to be an
28 error, because in it you're referring to a letter from
29 GSOC dated 10th March 2015. It's at page 4293 of the

1 materials. If you just look at the first paragraph.
2 It refers to yours dated 10th March --
3 A. Sorry, now, could I get the --
4 352 Q. It should be on your screen. Sorry. Yes.
5 A. Yes. 13:53
6 353 Q. 2015. And you can scroll up, please, Mr. Kavanagh, a
7 tiny -- you see the "19/3/15" is ticked off?
8 A. Yes. Sorry, on the top right-hand side there's
9 "19/13/15" [sic] inscribed in handwriting, yes.
10 354 Q. Yes. So am I to take it from that that it's actually 13:53
11 2015 that correspondence dates from?
12 A. I can't remember.
13 355 Q. Yes. It's likely, isn't it, if you're referring to --
14 A. Well, that's not my handwriting.
15 356 Q. Okay. 13:54
16 A. Yeah.
17 357 Q. All right.
18 A. I think if you go down to the bottom, it might be --
19 358 Q. The bottom it says --
20 A. Is the date on the bottom? 13:54
21 359 Q. -- '14.
22 A. I think it's the 18th, is it?
23 360 Q. Yes, of March '14. So there's an anomaly. Maybe we
24 can sort it out ourselves.
25 A. Yeah, I'm not sure. 13:54
26 361 Q. But those dates, the 19/3/15, they mean nothing to you?
27 A. That's not my writing. I don't know where that came
28 from.
29 362 Q. All right. Okay. So if we can go back then to the

1 meeting you had with counsel on the 11th May and if I
2 can just --

3 CHAIRMAN: I'm sorry, Ms. Leader, but what is the date
4 of this supposed to be, do you think?

5 MS. LEADER: I think it's '15, sir, because the first 13:54
6 line refers to a letter dated 10th March 2015.

7 A. '15.

8 CHAIRMAN: It's just that by 19th May '15, GSOC had
9 said there's nothing wrong with the investigation.

10 MS. LEADER: Exactly. 13:55

11 CHAIRMAN: And the complaint had been made by Ms. D,
12 sorry, whatever -- it is Ms. D, yes --

13 MS. LEADER: It is Ms. D.

14 CHAIRMAN: -- on the 29th April '14.

15 MS. LEADER: '14. 13:55

16 CHAIRMAN: So it has to be between those dates.

17 MS. LEADER: Yes. So it would appear that you're
18 writing to GSOC in relation to Ms. D's complaints --

19 A. Yeah.

20 363 Q. -- in March 2015? 13:55

21 A. Yeah. And it makes sense that there is a 2014 file
22 number on the top left-hand corner of the page there.
23 That would be my office file reference number, that
24 CL132355/2014.

25 364 Q. And then six weeks afterwards you're appointed as 13:55
26 liaison officer for the O'Higgins Commission?

27 A. Yes.

28 365 Q. So this matter would have been fairly current at that
29 stage, the Ms. --

1 A. Well, my participation in it.

2 366 Q. Yes.

3 A. I didn't know the outcome.

4 367 Q. Yes.

5 A. You know what I mean, there was a complaint, a GSOC 13:56
6 investigator came to me, asked me for -- you know what
7 I mean, what happened in relation to my role in it. I
8 provided a report, sent it to GSOC and I think that was
9 end of it.

10 368 Q. Yes. 13:56

11 A. I don't know if they corresponded with me, maybe they
12 did, but as far as I was concerned I was finished with
13 it.

14 369 Q. Yes. I suppose the point I'm making, it was reasonably
15 proximate in time to your appointment? 13:56

16 A. Okay, yeah.

17 370 Q. As opposed to a year earlier?

18 A. Okay, yeah.

19 371 Q. Would you -- you would agree with that?

20 A. Well, it stands to reason with the dates and everything 13:56
21 that's there, you know, that it was 2015, and that
22 timeframe that you're describing, you know what I mean,
23 it stacks up, I think.

24 372 Q. So if we go to the meeting with counsel on the 11th
25 May. 13:56

26 A. Yeah.

27 373 Q. The pre-O'Higgins Commission meeting. I just want to
28 refer you to Ms. Ryan's notes, which appear to be the
29 most comprehensive notes of that meeting, and I think

1 Ms. Ryan told the Tribunal that she would have been
2 taking notes and listening to what everybody was
3 saying, as opposed to being an active participant in
4 the meeting.

5 A. Yes. 13:57

6 374 Q. And if we touch on page 136 -- well, there were many
7 matters discussed at the meeting, the witnesses in
8 Module 1, and the next thing Ms. Ryan notes at page 136
9 of her notes is, at the very top of the page:
10 13:57

11 "McCabe's initial sexual assault incident re
12 colleague's minor daughter, Noel Cunningham will give
13 full details of this."
14

15 Do you see that, Chief Superintendent? 13:57

16 A. Yes.

17 375 Q. Do you think that material came from you? You would
18 have been the holder of that knowledge in actual
19 reality, isn't that correct?

20 A. Well, I was aware that Noel Cunningham was the 13:58
21 investigating officer from --

22 376 Q. Yes.

23 A. -- 2006 or '7, you know, so I would have had that
24 knowledge, yes.

25 377 Q. Yes. And you refer to that in your letter to GSOC, the 13:58
26 month earlier, about Superintendent Cunningham --

27 A. Yes.

28 378 Q. -- investigating the matter?

29 A. Yes.

1 379 Q. And then other matters were discussed in relation to
2 the junior guards, and then we have a reference to,
3 this is at page 137 of Ms. Ryan's notes:
4

5 "Chief Superintendent McGinn in Donegal, outcome of the 13:58
6 Byrne/McGinn investigation."
7

8 And then reference to the matter of the Pulse records
9 in the hotel room in the Hillgrove Hotel and the
10 incident in relation to that. 13:58
11

12 "Hotel room in Monaghan, Maurice McCabe, taken into a
13 room and told there was --"

14 A. Yes.

15 380 Q. " -- in a box approximately a third of his 13:59
16 complaints/allegations. McCabe left room and arrived
17 back with bankers boxes of Pulse data relating to
18 Bailieboro incidents that he says were not investigated
19 properly."
20

21 And then it goes down: 13:59
22

23 "Assistant Commissioner Byrne was in room and will in
24 due course let us know what happened in that room.
25 McCabe claimed he was assaulted and false imprisonment. 13:59
26 Detective Commissioner Rice investigated this and file
27 sent to DPP."
28

29 And I think then it goes into the Ms. D matter again,

1 the matter in brackets, is that right?

2 A. Yeah, that's what's written there, yes.

3 381 Q. Yes. And then it continues in relation to the Ms. D
4 matter, there's a line to indicate a break:
5
6 "McCabe from outset was subject of an allegation."
7 A. I can't see it.

8 382 Q. Sorry, I beg your pardon. Yes.
9
10 "McCabe from outset was subject of an allegation. File 14:00
11 was sent to DPP and DPP found no crime. Allegation of
12 indecent assault made against him. McCabe had issues
13 at way this allegation was investigated. McCabe sought
14 access to this file and was refused the file."
15 A. Yes, that's what's written there, yeah. 14:00

16 383 Q. Do you think that information came from you?
17 A. It possibly could have, yes.

18 384 Q. Yes.
19 A. Yeah.

20 385 Q. I mean, I have looked through the attendees at the 14:00
21 meeting --
22 A. Yeah.

23 386 Q. -- and it would seem since you had knowledge of the
24 investigation --
25 A. Yeah. 14:00

26 387 Q. -- and you were up in Cavan, you think it came from
27 you?
28 A. Yeah. I think to put this into context, this was an
29 open, free discussion at the outset with counsel on the

1 very first day and it was a general discussion about
2 issues that were raised at that meeting.

3 388 Q. Okay. And then if we go to page 138, we have the - if
4 we scroll down - we have the reference to another
5 whistleblower, and possibly Sergeant McCabe and the 14:01
6 other whistleblower working together, and then we have
7 the reference to Sergeant McCabe:
8

9 "McCabe said to Derek Byrne 'I will bring this job to
10 its knees'." 14:01

11 A. Yeah.

12 389 Q. And that goes back to the Hillgrove Hotel meeting?
13 A. That's correct, yeah.

14 390 Q. And the disagreement about the Pulse records?
15 A. Yeah. I think the words "knees", bring to its knees 14:01
16 there is, it might be some language that might have
17 been used at the meeting, I don't think that is exactly
18 a quote, but it's just in general terms.

19 391 Q. Okay. Do you think that information came from you at
20 the meeting? 14:01

21 A. Well, it was kind of a thing that was known, you know,
22 within Garda management, that that had happened.

23 392 Q. Okay. So I don't know if you're -- do you think
24 somebody else put that forward?
25 A. No, I don't think -- I possibly could have contributed 14:02
26 to that, yeah.

27 393 Q. And then there is the reference to litigation that was
28 going on at the time in relation to Sergeant McCabe and
29 details of that were to be sent to counsel. That may

1 have been Mr. Ruane's department?
2 A. Yeah. Well, I would assume so.
3 394 Q. It would appear, yes. And if we then go over the page
4 to page 139, the statement of facts, that's in relation
5 to the first module of the O'Higgins Commission. 14:02
6 Sorry, it's page 139, yes.
7
8 "Fergus Healy to send me Internal Affairs comments and
9 statement of facts."
10 14:02
11 And then underneath that:
12
13 "Retired Rooney."
14
15 Is that a reference to Chief Superintendent Colm 14:03
16 Rooney?
17 A. The first bit?
18 395 Q. "Retired Rooney"?
19 A. I presume it is Chief Superintendent Rooney. I don't
20 know any other Rooney. 14:03
21 396 Q. Yes.
22 A. Yeah.
23 397 Q. And he wasn't actually at that meeting, isn't that
24 correct?
25 A. No, no. 14:03
26 398 Q. "Seeking material. Some of this material he is seeking
27 is outside the terms of reference."
28 A. Maybe he was looking for material, you know what I
29 mean.

1 399 Q. Can you remember?
2 A. I can't remember, I can't remember.
3 400 Q. Okay. And then there's a note underneath this:
4
5 "This is a matter for Commission to decide if it's 14:03
6 relevant."
7
8 Do you know what that is a reference to?
9 A. I can't remember that. I don't. I don't know.
10 401 Q. Okay. So there is then reference to consultations 14:03
11 being arranged and the possibility of an adjournment in
12 relation to the forthcoming hearings, is that correct?
13 A. Sorry?
14 402 Q. That was at page 140.
15 14:04
16 "During consultation, the barristers left to speak to
17 counsel for the Commission, to see if there was any
18 possibility of the forthcoming hearing dates being
19 adjourned. Counsel for the Commission indicated there
20 was no intention on the part of the Commission to 14:04
21 adjourn the forthcoming proceedings."
22 A. Yeah, I have a recollection that, at that meeting,
23 there was a concern as to whether or not the Commission
24 itself would go ahead on the 14th, I think was the day
25 that we, at that stage, maybe were aware that they were 14:04
26 starting, and there was a concern as to whether or not
27 it would actually be in a position to go ahead because
28 there may be external factors, and I think there was a
29 query raised at the meeting to try and find out, and

1 that's probably a reference to that, that minute.

2 403 Q. Okay. Now, in relation to what the instructions of the
3 Commissioner were, to pursue the truth and to assist
4 the Commission of Investigation, you were her
5 representative coming to the first consultation with 14:05
6 the barristers, even though I appreciate you didn't
7 properly know who was going to be at that consultation?

8 A. Yeah.

9 404 Q. And there's questions being asked, presumably by the
10 barristers, in relation to the background to all of 14:05
11 this and it would appear a lot of information is given
12 to the barristers in relation to Sergeant McCabe's time
13 when he was under investigation --

14 A. Mm-hmm.

15 405 Q. -- if you understand? 14:05

16 A. Well, look, the meeting was a discussion, that's what
17 it was. It wasn't, as I said, a formal consultation
18 with counsel. It was, I was brought into a meeting to
19 basically deal with the handover. I was taking over
20 from Chief Superintendent Seán Ward. I was going down 14:06
21 to the Four Courts to take over this role. I was in a
22 meeting and then, all of a sudden, we were discussing,
23 you know, various issues and we were -- I suppose my
24 attitude at that time was to be upfront with everything
25 that I was aware of at that particular time and that I 14:06
26 would establish a good rapport with counsel and, you
27 know, if I didn't do that or if I didn't explain
28 everything to them that I was aware of, then a dim view
29 would have been taken of that. So it was a general

1 discussion, and, you know, there was a lot of
2 uncertainty as to whether or not the Commission was
3 going ahead and it was a kind of a meeting to discuss
4 issues on where are we now with this, you know.

5 406 Q. Sorry, I think people are having difficulty hearing 14:07
6 you, Chief Superintendent.

7 A. Sorry.

8 407 Q. So I suppose really what I am inquiring into is, there
9 doesn't seem to be any record of good things to be said
10 about Sergeant McCabe at this meeting, it's probably 14:07
11 more negative things that are being said about him,
12 that he had difficulties with an investigation, that he
13 had rows with Assistant Commissioner Byrne, matters of
14 that nature, whereas, in fact, at that very time, there
15 were dealings with him between himself and the 14:07
16 Commissioner and Mr. Barrett, where progress was being
17 made and things were on a good path in Mullingar Garda
18 station, but none of that was conveyed to the
19 barristers?

20 A. Exactly. 14:08

21 408 Q. Yes. So I'm asking you if you can help the Tribunal
22 and --

23 A. You see, as I said, I wasn't aware of any of that in
24 relation to the other issues that were going on within
25 the organisation and Mr. Barrett and dealing with 14:08
26 Sergeant McCabe. I was oblivious to that. I had a
27 discussion in relation to the issues that I was aware
28 of at that particular time, that's it. It was a
29 discussion that took place, that's it.

1 409 Q. okay. well, perhaps it may have been wise to balance
2 the thing a little bit at that stage, to say that was
3 then but this is now, and it was important at that
4 stage for Sergeant McCabe to be supported by the
5 Commissioner because of his workplace difficulties. 14:08
6 was that ever conveyed to you?
7 A. well, you see, I wasn't aware of any of the other
8 issues that were going on. There were other people at
9 the meeting.
10 410 Q. Yes. 14:09
11 A. whether they volunteered the information or not to the
12 counsel, you know what I mean. It doesn't appear that
13 they did, so I can't speak for them. All I can speak
14 for is what I was aware of and, you know, my view was
15 that I was going to be honest in relation to this. I 14:09
16 said what I knew in relation to these issues. I had no
17 prior knowledge of these issues apart from the fact
18 that I was in Cavan in relation to the Ms. D issues,
19 and that was it, and I discussed issues that were in my
20 knowledge at the time and that's what evolved. 14:09
21 411 Q. And had the Commissioner made you aware of those, the
22 current issues that were ongoing with Sergeant McCabe?
23 A. Not at all, no. Not at that time.
24 412 Q. Did you report back to the Commissioner after this
25 meeting? 14:09
26 A. No, I think the issue now is that we were -- forward
27 looking, our aim was to get ourselves organised for the
28 Commission. We had two days to try and get ourselves
29 in a position where we were going in on 14th May to

1 deal with these matters. And, like, I was trying to
2 explore every possibility; could we get some more time
3 here to deal with these issues? It's like, I suppose,
4 what, 48 -- 72 hours now it was in relation to a
5 Commission of Investigation, to try and get myself 14:10
6 organised. It was priority that I would have, you
7 know, a certain amount of information about what was
8 going to happen on the Thursday, and that was my
9 concern.

10 413 Q. All right. So you didn't speak to the Commissioner 14:10
11 about what happened, you think?

12 A. No, I can't remember. I don't think so.

13 414 Q. You can't remember?

14 A. I can't remember.

15 415 Q. So we go into the next day, which is the 12th, and you 14:10
16 have a consultation with Superintendent Clancy, or
17 maybe Mr. Grogan, who was acting on her behalf. That's
18 at page 3815 of the materials.

19 A. What day is this now? Is this the next day?

20 416 Q. Yes, the 12th. 14:11

21 A. Yeah. I don't remember speaking to Superintendent
22 Grogan about that.

23 417 Q. You'll see it:

24

25 "Catherine Clancy on annual leave. John Grogan acting 14:11
26 on her behalf."

27 A. Yes.

28 418 Q. And that was with Mr. Smyth?

29 A. And you see that note refers to Catherine Clancy, she

1 was an assistant commissioner. She was one of the
2 witnesses to be called at the Commission early on.

3 419 Q. Yes.

4 A. And that note refers to the fact that, you know what I
5 mean, John Grogan was acting on her behalf and she was 14:11
6 on leave at the time in July.

7 420 Q. I don't think it's something we need to worry too much
8 about.

9 A. No.

10 421 Q. Yes. 14:12

11 A. But it was just a current situation around a certain
12 matter.

13 422 Q. Yes. And Superintendent Cunningham would appear to
14 have met with Mr. Smyth on that day as well?

15 A. Yes. 14:12

16 423 Q. And you'll see there, "Noel Cunningham,
17 superintendent", your note reflects:
18
19 "Sergeant Yvonne meeting in Mullingar with
20 Sergeant McCabe, Mullingar, and he refused to --" 14:12
21 something, I think. It's blank.
22

23 " -- report from Noel Cunningham to chief in Monaghan
24 stating that he, Maurice McCabe, will deal with him or
25 engage with him." 14:12

26 A. Yeah.

27 424 Q. I think it meant not deal with him?

28 A. Well, I think the consultation note is scant,
29 obviously.

1 425 Q. Yes.

2 A. But there was a consultation with counsel, with
3 Superintendent Cunningham, and, you know what I mean, I
4 think what he was asked, you know what I mean, to give
5 an account. 14:13

6 426 Q. I think Superintendent Cunningham hasn't waived
7 privilege, but --

8 A. Okay, sorry.

9 427 Q. Has been given this matter. Maybe your own handwritten
10 notes, 3284, might assist you a little bit better. 14:13

11 A. I have the original notes, could I go and get them?

12 428 Q. Yes, if it assists you, yes.

13 A. Sorry, now, the date again?

14 429 Q. 12th May.

15 A. Yes. 14:14

16 430 Q. It seems to be:
17
18 "Noel Cunningham, superintendent, Sergeant Yvonne
19 Martin, met with Sergeant Maurice McCabe in Mullingar
20 and he refused to --" 14:14

21 A. Yes.

22 431 Q. And then nothing.

23 A. Yes.

24 432 Q. Then the next line down:
25
26 "Report from Noel Cunningham to chief, Monaghan,
27 stating that he, Maurice McCabe --"
28
29 And if you would assist me.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

" -- would deal with him or engage with him."

Am I correct in saying that?

A. Yeah, I suppose Noel Cunningham was giving an account of what had happened at the meeting in Mullingar and that's my note of it. 14:15

433 Q. That's your note?

A. It mightn't be pinpoint accurate, but it was just a jot more so than a note as such, to kind of write down really what Noel Cunningham was saying. 14:15

434 Q. Yes. Ms. Ryan's notes, which Superintendent Cunningham has given to us, appear at page 4292 of the materials, and you will see halfway down the page:

"Noel met with McCabe in Mullingar with Yvonne Martin in 2008 about complaint."

And it's to Mike Clancy.

A. Okay. 14:15

435 Q. "McCabe wanted his DPP file. Noel made report of this meeting the next day. He has copy of this. Sent this report to Monaghan."

A. Yes.

436 Q. "This was his reason for making complaint to Mike Clancy." 14:16

A. Yes.

437 Q. Is that accurate?

A. Well, he gave an account of, you know what I mean, a

1 lot of issues at the meeting. He was asked, you know
2 what I mean, from the very beginning.

3 438 Q. If we leave it at that, because I don't want to
4 interfere with his claim of privilege, for which he is
5 entitled to do. And then on the 13th, you met with 14:16
6 some more witnesses?

7 A. Yes.

8 439 Q. With Mr. Smyth and Michael MacNamee.

9 A. Yes.

10 440 Q. And nothing really of note happened there. 14:16
11 A. Yes.

12 441 Q. And then on the 14th, the Commission was to start.

13 A. Yes.

14 442 Q. And did you expect it to start on that day?

15 A. I was told there wasn't going to be an adjournment, it 14:16
16 was going ahead and that was it, so I presumed that it
17 would ahead and I went down to the Commission.

18 443 Q. Yes.

19 A. I was there for the beginning of it.

20 444 Q. And I think just in relation to the very beginning, I 14:17
21 think, were you there at the very beginning for
22 Mr. Justice O'Higgins' opening?

23 A. Yes. When Mr. Justice O'Higgins came out and did the
24 introductions, then he referred to 1(b), 1(c), 1(d) and
25 1(e), and that's more or less what he was telling us 14:17
26 that he was going to do in June.

27 445 Q. All right. If we could just go to page 173 and that
28 will show us what Mr. Justice O'Higgins actually said,
29 and if we just scroll down a bit. We see:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

"The Commission is now proceeding to hear oral evidence in relation to paragraphs 1(a) --" which was the bus module, isn't that correct?

A. Yes. 14:18

446 Q. (j) was the Department of Justice matters, I think?

A. Yes.

447 Q. And then (k) was the GSOC investigation in relation to the Kingscourt incident?

A. Okay. 14:18

448 Q. Am I right in saying that?

A. Yeah, I think so, yeah.

449 Q. And he then summarised what matters he was actually looking into, isn't that correct? If we just go down the page, what he says is:

14:18

"The issues with which the Commission is concerned for present purposes include the following:

The sequence of events in the early hours of the 25th February 2007, leading to Lorraine Browne contacting An Garda Síochána; the response by members of An Garda Síochána, including Garda McCarthy, to the complaint, and the steps taken by them on that morning; the nature and extent of the investigation of the complaint by Garda McCarthy, to include the taking of Ms. Browne's statement and such steps as were taken by him or other members of An Garda Síochána on foot thereof; the rationale for Pulse entries in relation to the

14:18

1 incident, to include its punitive resolution; the form
2 and content and appropriateness of Garda contact with
3 suspects in the case; the extent to which the
4 investigation was supervised; the form, content and the
5 appropriateness of Garda McCarthy's contact with 14:19
6 Ms. Browne after she made her statements of complaint
7 with precise consequence of events leading to
8 withdrawal of Ms. Browne's complaints; the subsequent
9 role of Garda McCarthy's superiors, to include training
10 sergeants in assessing and/or motivating the steps 14:19
11 taken by Garda McCarthy in the investigation; the scope
12 and effectiveness of the disciplinary investigation
13 carried out, to include the basis for conclusions and
14 steps taken, if any, on foot thereof; the findings of
15 the Byrne/McGinn report in relation to the nature of 14:19
16 Ms. Browne's complaints; Sergeant McCabe's
17 characterisation thereof and the conclusion that no
18 further disciplinary steps were warranted; the role of
19 GSOC in relation to the complaints of Ms. Browne and
20 the ultimate determination that her complaint was out 14:20
21 of time."

22
23 So that really was what was under examination for
24 Module 1, isn't that correct ?

25 A. Yeah, well, it's there, yeah. 14:20

26 450 Q. Mr. Justice O'Higgins had set it out very clearly in
27 two minutes --

28 A. Yes.

29 451 Q. -- essentially. And you were there for that part of

1 it, were you?

2 A. I think I was, yeah.

3 452 Q. Yes.

4 A. I see just at the very beginning, I don't know if I was
5 or not, but I had to leave the module; there was 14:20
6 objection to me being there.

7 453 Q. Yes. Are you familiar with that part of the
8 transcript? was it made available to you if you
9 weren't --

10 A. I can't -- you see, at the very beginning I was there 14:21
11 and I think Mr. Justice O'Higgins was -- he was very
12 protective of who had access to the room. He was at
13 pains to say that only those that were entitled to be
14 there could be there, and there was an issue that
15 whether or not the Commissioner should be actually 14:21
16 represented at the hearings, and I was asked to leave.
17 I had to leave the environs of the hearing. Basically,
18 I was put out.

19 454 Q. Okay.

20 A. That's my recollection. Now, at what stage that 14:21
21 happened, I can't remember. It was very early.

22 455 Q. Yes, maybe if we look at your note, which is at page
23 3817, it might assist you. It's your note of the 14th.
24 And you'll see there that it would appear, you say,
25 number one -- sorry. 14:22
26

27 "Opening statement from Judge. Out."

28

29 So it would appear you were there, actually. And then

1 there was a controversy --

2 A. I was out, maybe, was it?

3 456 Q. And then there was a controversy of you being present
4 or not.

5 A. I was put out, yeah. 14:22

6 457 Q. Yes. And I think you came back later on?

7 A. I was given my marching orders.

8 458 Q. So hearings went on that day, and a number of witnesses
9 were called, isn't that right, on the 14th? And I
10 think those witnesses were, in actual fact, Ms. Browne, 14:22
11 who was the complainant in relation to the incident on
12 the bus?

13 A. Yes.

14 459 Q. Garda McCarthy, who was the person who went to her
15 assistance that night, isn't that correct? 14:23

16 A. Yes.

17 460 Q. Garda Delaney, who was in the car with Garda McCarthy
18 that night; and Sergeant McArdle, who was, I think, a
19 training sergeant, is that correct? She was a sergeant
20 in a position of supervising Garda McCarthy? 14:23

21 A. Sorry, could you just repeat that again? Sorry, now.

22 461 Q. Sergeant McArdle gave evidence as well that day?

23 A. Oh, sorry, at the Commission, yes.

24 462 Q. Yes, at the Commission. So all of that led in the
25 evening of the 14/5/2015, after that day's evidence -- 14:23

26 A. Yes.

27 463 Q. -- which I understand, from my reading in it, concerned
28 what happened on the night of the incident on the bus,
29 Garda McCarthy's investigation into it and Sergeant

1 McArdle's subsequent finding that it wasn't
2 investigated properly?

3 A. I think that's the content of the Commission's
4 hearings.

5 464 Q. Yes, that was contents. 14:24

6 A. Yes.

7 465 Q. So when that day's hearing was over, your notes would
8 seem to reflect, if we just go to them:
9

10 "Permission/instructions." 14:24

11 A. No.

12 466 Q. If you could explain to me what happened, so, in
13 relation to that?

14 A. What my notes mean?

15 467 Q. Yes, yes. 14:24

16 A. When the last reference there to Regina McArdle, and
17 that's the completion of the day, as far as I'm
18 concerned, with the notes in the Commission.

19 468 Q. Yes.

20 A. And then the next portion of it is my note in relation 14:24
21 to the telephone conversation I had with the
22 Commissioner that night on the 14th.

23 469 Q. Okay.

24 A. That's it.

25 470 Q. So that's your next note? 14:24

26 A. Yes. You see, we had had consultations with some of
27 the witnesses that were going to give evidence on the
28 12th and the 13th.

29 471 Q. Yes.

1 A. And there was an issue about instructions that counsel
2 were pressing me to acquire.

3 472 Q. Yes.

4 A. And I got an opportunity to speak to the Commissioner
5 on the night of the 14th. 14:25

6 473 Q. Okay. So those notes aren't in sequence. It relates
7 to a different time of the day?

8 A. Exactly, yeah.

9 474 Q. Okay. So if you would talk me through that, please,
10 Chief Superintendent. Counsel had sought instructions 14:25
11 on exactly what?

12 A. When we were engaging in the consultations with the
13 various parties --

14 475 Q. Yes.

15 A. -- counsel were asking what was the trigger to these 14:25
16 events.

17 476 Q. Yes.

18 A. It was a core question that was asked by counsel, and I
19 suppose it was a recurring issue that had arisen, and,
20 in discussing the various issues, the consultations, 14:26
21 the various parties addressed those questions with
22 counsel, and counsel then said to me, look, he needs to
23 get instructions from the Commissioner with respect to
24 motivation and credibility and I need them from the
25 Commissioner. So he had been asking me to talk to the 14:26
26 Commissioner, to get her instructions or get her
27 go-ahead on it.

28 477 Q. Yes.

29 A. And I hadn't gotten an opportunity to speak to her

1 until the evening of the 14th because she was busy and
2 I couldn't make contact with her, whatever. I can't
3 remember exactly what the reasons were. But I know
4 that counsel was anxious that I would address that
5 issue and he was pressing me for -- to go ahead, and I 14:27
6 said, look, I'll talk to the Commissioner. So
7 eventually I got to her on the 14th.

8 478 Q. It's just this is quite important --
9 A. I understand.

10 479 Q. -- as you will appreciate, Chief Superintendent. 14:27
11 A. I understand.

12 480 Q. So I'm trying to understand what exactly counsel was
13 asking you to get instructions about and when all of
14 this happened?

15 A. No, but I think go back to the question that was being 14:27
16 asked at the consultations was, what triggered all of
17 this?

18 481 Q. Okay.
19 A. Counsel asked people at the consultations that question
20 and each person at the consultation referred to -- I'm 14:27
21 uncertain now what I can say here about the
22 consultation.

23 482 Q. Well, if I can help you this way: Superintendent
24 Cunningham hasn't waived privilege, nor has Chief
25 Superintendent Rooney. 14:28
26 A. Yes.

27 483 Q. As far as I'm aware.
28 A. Yes.

29 484 Q. Even though his statements may indicate something

1 different.

2 A. Yes.

3 485 Q. And Chief Superintendent Clancy hasn't waived
4 privilege.

5 A. Well, based on what was coming out of that meeting and 14:28
6 those consultations --

7 486 Q. Yes.

8 A. -- counsel advised that -- they were advising that they
9 would need to address the motivation issue and the
10 credibility issue with respect to Sergeant McCabe and 14:28
11 that they needed instructions from the Commissioner.

12 487 Q. Okay. In relation to the motivation issues, what did
13 you understand that you were asking the Commissioner
14 about?

15 A. Okay. During the consultations, as I said, the 14:28
16 question that was being asked was being answered.
17 There was certain information provided to counsel with
18 respect to their view of that, and, also, counsel was
19 reading the core booklet that they had been provided
20 with and reading themselves into the brief and, in the 14:29
21 course of doing that, counsel had formed a view that
22 there was a series of issues here that needed to be
23 examined and the motivation in respect to those issues
24 was something that they needed to explore, and they
25 asked me to speak to the Commissioner with a view to 14:29
26 getting permission to do that.

27 488 Q. Okay. And you then spoke to her on the evening of the
28 14th?

29 A. I did, I did, yes.

1 489 Q. Was that a face-to-face meeting --
2 A. No.
3 490 Q. -- or a telephone call?
4 A. No, a telephone call.
5 491 Q. A telephone call? 14:29
6 A. Yes.
7 492 Q. And what did you ask the Commissioner during the course
8 of that telephone call?
9 A. Well, I think before I spoke to her, I jotted down my
10 thought processes here, as to what I was going to say 14:29
11 to her.
12 493 Q. Yes.
13 A. And that's what those notes are there, okay?
14 494 Q. If I could just go through them, maybe.
15 A. Yeah. 14:30
16 495 Q. The first thing is:
17
18 "Permission/instructions to use Cunningham
19 investigation."
20 A. Inve." Yeah. 14:30
21 496 Q. Is that --
22 A. That's a heading with respect to what I am going to do
23 here. That's for me to say, right, I'm going to talk
24 to the Commissioner, and the motivation, Clancy,
25 Rooney, Maurice, change, and McCarthy were the areas 14:30
26 that I'm going to address with her.
27 497 Q. So are you saying to me that the
28 "Permission/instruction to use Cunningham" file is a
29 heading?

1 A. Yes, and these were prompts for me.

2 498 Q. They are prompts?

3 A. Yes.

4 499 Q. Just in relation to the words "Cunningham
5 investigation", and I understand we are minutely 14:30
6 analysing something that you have jotted down?

7 A. Yes.

8 500 Q. But what Cunningham investigation do you think you were
9 referring to?

10 A. I'm referring here to the outcome of that 14:30
11 investigation, which was the Director's directions and
12 the issues that arose in the consultations with respect
13 to that, and the question that was posed at the
14 particular time by counsel and the responses that were
15 received from that. 14:31

16 501 Q. Okay. All right. So it's the fallout from the
17 Cunningham investigation?

18 A. Yes, yes. It's not the actual investigation itself at
19 all; it's the subsequent fallout and the sequence of
20 events that transcended as a result of the outcome of 14:31
21 the actual investigation which was requested by certain
22 individuals at that particular time - by Sergeant
23 McCabe, I should say, at that time.

24 502 Q. Okay. So we then go to the word "Motivation"?

25 A. Yes. 14:31

26 503 Q. Which is a prompt for you?

27 A. Yes.

28 504 Q. What was that a prompt to say?

29 A. Well, obviously counsel wanted permission to explore

1 the area of motivation with Sergeant McCabe, and I had
2 outlined to the Commissioner what had arisen inside in
3 the consultations and the sequencing of events at that
4 particular time as to what had happened, vis-à-vis how
5 these -- how the DPP directions were being sought and 14:32
6 that there was a certain outcome to the request and
7 then what followed on from that.

8 505 Q. Okay.

9 A. And I was explaining to her that this is what had come
10 out in the consultations, that there was a request for 14:32
11 documentation, that resulted from the authority making
12 a decision in respect of Sergeant McCabe -- or, sorry,
13 Superintendent Cunningham's investigation and that that
14 had been refused and then that there was a sequence of
15 events then that followed on from that. 14:32

16 506 Q. Okay. So the request for the documentation, was that
17 the request for the DPP's directions?

18 A. Yes, yes.

19 507 Q. Okay.

20 A. So there was a request for the DPP's directions made of 14:33
21 Superintendent Clancy --

22 508 Q. Yes.

23 A. -- and it also then -- it referred on to Chief
24 Superintendent Rooney --

25 509 Q. Yes. 14:33

26 A. -- and then there was a refusal, more or less, there
27 was a refusal to give those directions, the request was
28 declined, and the outcome of that was that everything
29 changed after that. And that's what I was explaining

1 to the Commissioner at that particular time, that
2 counsel had the view that they needed to explore this
3 issue as a continuum of what had happened.

4 510 Q. Okay. Now, what was the Commissioner's reaction to it?
5 A. The outcome of it was that the Commissioner said, well, 14:33
6 look, if counsel is advising that we go down this area,
7 well, then we will go down that area.

8 511 Q. Okay.
9 A. In a nutshell.

10 512 Q. And is that a nutshell of what -- 14:34
11 A. Well, I mean, like, her response was, look, that if it
12 was the advice from counsel, that she was inclined to
13 agree and give the permission to go ahead.

14 513 Q. So if we maybe just go back a little bit to the 14:34
15 decision of the Commissioner and her direction to you.
16 First of all, was this news to the Commissioner in
17 relation to the request for the DPP's directions?
18 A. I can't remember exactly, but -- whether she was aware
19 of the detail of it or not, but I told her about it.

20 514 Q. Well, this is what I am trying to figure out. 14:34
21 A. Yes.

22 515 Q. What exactly you told her about it.
23 A. I told her about the Director's -- the request for the
24 Director's decision.

25 516 Q. Yes. 14:35
26 A. And that that was refused at two levels, at
27 superintendent level and at chief superintendent level.
28 And then that there was a sequence of events that
29 followed on from that and it was in response to the

1 queries that had been asked by counsel as to what was a
2 trigger for all of these issues and that counsel were
3 advising that they had to explore this whole area of
4 motivation as a result, and that they were aware from
5 reading the core booklet, and counsel was saying, look, 14:35
6 that there's a whole myriad of issues here that they
7 had become aware of from reading the core booklet that
8 they had been provided with. And I have a memory of a
9 discussion within the consultations, or maybe after the
10 consultations, not particularly with the clients, but 14:35
11 there was an issue as to whether or not this document
12 should have been in the core booklet. And what it was,
13 and it had provided an extent of information about
14 complaints that had been made, and they weren't
15 specific, specifically related to the actual seven 14:36
16 modules that we were -- or the terms of reference that
17 we were going to look at, but I presume it was in it.
18 The Commission had made a decision to put it into it,
19 but it was a document that was there, and there was a
20 bit of puzzlement as to should it have been there at 14:36
21 all.

22 CHAIRMAN: What document are we talking about?

23 A. There was a document, it was a Brief Proven Facts
24 document, I believe, that was in the core booklet. And
25 it's my understanding that that document was in the 14:36
26 core booklet, is my understanding.

27 517 Q. MS. LEADER: Was that Sergeant McCabe's document?

28 A. Yes.

29 518 Q. That he had authored in relation to policing matters --

1 A. I think that's what it was.

2 519 Q. -- that he had brought to the attention --

3 A. Yes. There was a series of allegations referred to in
4 it. And my recollection is that there was a bit of
5 puzzlement as to whether or not that should have been 14:37
6 in the core booklet, but it was in the core booklet
7 regardless, and counsel were reading into the core
8 booklet, or reading the core booklet.

9 520 Q. Yes. But I suppose a lot of documentation is
10 circulated -- 14:37

11 A. Yes.

12 521 Q. -- in any piece of litigation, or in any tribunal,
13 because the tribunal or the, maybe, prosecuting
14 authority is obliged to circulate documentation?

15 A. Of course, yeah. 14:37

16 522 Q. But it would appear to me, at any rate, that
17 Mr. Justice O'Higgins had set out exactly what he was
18 interested in in relation to the Kingscourt bus module,
19 am I correct in saying that, on the first day? I just
20 read it over. 14:38

21 A. Yes, that's correct, yes.

22 523 Q. Read it over to you.

23 A. Yes.

24 524 Q. So if there was any confusion in relation to the
25 presence of Sergeant McCabe's, the entirety of his 14:38
26 complaints, this is a matter that the Commission
27 actually invited people to correspond in relation to
28 matters of that nature, if they had difficulties with
29 it, or anything of that nature?

1 A. Well, you know what I mean, in relation to my role in
2 all of this, I can only deal with what my requirement
3 was, and that counsel was referring to a whole heap of
4 allegations that they had become aware of from reading
5 the documentation and, you know, counsel was of the 14:38
6 view that there was a serious number of items here and
7 they were forming the view at the time, and advising,
8 that in order to get to the bottom of all these things
9 and to get to the truth of everything here, that they
10 had to examine these issues, and that they were 14:39
11 recommending that the motivation issue was on the
12 agenda.

13 525 Q. Okay. Right. If page 157 could be brought up, the
14 contents of the core booklet in the O'Higgins
15 Commission, we will see that number 31 of that I think 14:39
16 is the document you're referring to, Chief
17 Superintendent?

18 A. Yes.

19 526 Q. It says:
20
21 "Copy of a document entitled 'Brief Proven Facts'
22 pertaining to my complaint by Sergeant McCabe."
23 A. Yeah, I think that's the document.

24 527 Q. But included in that, presumably -- I'm not familiar
25 with that document -- 14:40
26 A. Yes.

27 528 Q. -- but included in that --
28 CHAIRMAN: I think we have read it at some stage.
29 MS. LEADER: At some stage, but not at this very

1 minute.

2 CHAIRMAN: I'm going to try and see if we can find it
3 now.

4 MS. LEADER: I think Mr. Fitzgerald --

5 MR. MURPHY: Sorry, Chairman, we actually have a copy 14:40
6 of this here. I think it might be helpful to give it
7 to Ms. Leader and for her to deploy it, because I think
8 otherwise there's a danger of issue being made --

9 CHAIRMAN: Well, I'm not sure if she is going to deploy
10 it as such, Mr. Murphy, but thank you very much for 14:40
11 handing it to her.

12 MR. MURPHY: She has referred to it at least.

13 MR. McDOWELL: Chairman, it might be helpful, just for
14 everybody's information here, to advert to what is at
15 page 176 of our materials, which is a statement by 14:41
16 Mr. Gillane that:

17

18 "The purpose of the core booklet is to ensure that
19 witnesses are aware of the substance of evidence in the
20 possession of the Commission, that they should be aware 14:41
21 of for the purposes of the hearings in relation to this
22 terms of reference. It is to be emphasised that the
23 core booklet is not to be confused with either a book
24 of evidence or a statement of claim."

25 14:41

26 And later on in the same page, he said:

27

28 "All parties present are reminded that if they disagree
29 with the sworn testimony of a witness or intend to give

1 evidence which conflicts with the sworn testimony of a
2 witness or indeed to give evidence that is critical of
3 that witness, then an application under Section 11 of
4 the Act should be made for a direction to allow
5 cross-examination." 14:41

6
7 So I think it is fairly clear what the status of the
8 core booklet was and was understood to be by everybody
9 on that occasion.

10 CHAIRMAN: Yes. No, I appreciate that. But I 14:41
11 appreciate also that this is quite slow, but we're
12 trying to get to the point where we actually understand
13 what's going on.

14 MR. MCDOWELL: No, the only reason I mention that is
15 that it was not a book of evidence, it was not a book 14:42
16 of issues which was going to be put in evidence.

17 CHAIRMAN: No.

18 MR. MCDOWELL: And that was made clear at the time.

19 CHAIRMAN: No, I appreciate that. But it seems to be a
20 lot shorter than, for instance, what you have been 14:42
21 landed with for this, for instance, Mr. McDowell, so I
22 think one couldn't blame people for reading it.

23 MR. MCDOWELL: Insofar as there is anything critical of
24 any witness or person in it, Mr. Gillane made it very
25 clear that people were not allowed to criticise people 14:42
26 without the permission -- without having sought
27 permission from the Chairman to do so.

28 CHAIRMAN: Yes. No, that is fine. I'm sure we have
29 this got -- we have got this somewhere.

1 529 Q. MS. LEADER: So you were speaking to the Commissioner
2 and in relation to instructions with regard to
3 motivation?
4 A. Yes.

5 530 Q. Yes. And in relation to the question of motivation, 14:43
6 was it at that stage suggested to you or to the
7 Commissioner by anybody that Sergeant McCabe's
8 motivation was not good; it was something that was, as
9 opposed to a bona fide motivation, it was something
10 other than that? 14:43
11 A. No, there was never any suggestion that there was any
12 mala fides, or anything like that. It was a case of,
13 as I say, getting to the truth here of the issues that
14 were at hand and that counsel were trying to establish
15 exactly what they were dealing with here, and I think 14:43
16 the information that they had gleaned from the
17 documents and from the consultations that they had with
18 the various parties concerned, they had formed that
19 view, they had given that advice, and I spoke to the
20 Commissioner about it and the Commissioner said, you 14:44
21 know what I mean, based on the advice then, that we
22 would go ahead with it.

23 531 Q. We know in relation to Assistant Commissioner Byrne's
24 report and Chief Superintendent McGinn's report, that
25 the motivation of Sergeant McCabe wasn't called into 14:44
26 question by them?
27 A. Well, yeah.

28 532 Q. Did you know that?
29 A. Well, see, I hadn't had time to read the Byrne/McGinn

1 report.

2 533 Q. I'm just asking.

3 A. No, no, but at that time you're asking.

4 534 Q. Yes.

5 A. I wouldn't have been familiar. And one of the issues 14:44
6 was that the Byrne/McGinn parties, the people, the
7 personalities themselves, were separately represented
8 at the Commission.

9 535 Q. Yes.

10 A. So we never -- we were never advised, I was never 14:45
11 advised in relation to -- or had an opportunity to
12 discuss any of that with Byrne/McGinn, because it was,
13 we didn't have time. We were dealing with this issue,
14 which was a live issue, we were going before the
15 Commission - in fact, on that day, on the 14th, the 14:45
16 Commission had started - and time was of the essence
17 here. We were dealing with so many different things.
18 We were getting it in the neck from the Judge in
19 relation to the disclosure. We had voluminous amounts
20 and boxes of material that we had to try and put into 14:45
21 some sort of shape. And these were the concerns at
22 that particular time. And the Byrne/McGinn report,
23 counsel didn't represent the parties that were -- maybe
24 could have enlightened them with respect to other
25 information, but certainly I wasn't aware of the detail 14:46
26 or the outcome of that issue with respect to their
27 findings on motivation.

28 536 Q. Did the Commissioner say, look, wasn't this all sorted
29 with Assistant Commissioner Byrne's investigation?

1 They conducted an extensive investigation and came to
2 the conclusion that he wasn't badly motivated and
3 motivation wasn't an issue?
4 A. Didn't mention it to me anyway.
5 537 Q. She didn't mention it to you? 14:46
6 A. Not to me, no.
7 538 Q. And did she at any time question what you were relaying
8 to her in relation to the necessity of the aftermath of
9 the D investigation being brought up at the O'Higgins
10 Commission? 14:46
11 A. Sorry, could you repeat that again, sorry?
12 539 Q. Did she question as to why it should be up at the
13 O'Higgins Commission? Did she ask why do counsel think
14 it is necessary?
15 A. No, because I had told her that the question that was 14:47
16 being asked at the consultations was the trigger
17 question, and the outcome of that and what flowed from
18 that then was all of these issues had arisen, these
19 allegations, and they were serious allegations, you
20 know, of the highest degree, so it was based on the 14:47
21 advice that counsel were giving that the Commissioner
22 advanced in making the decision to go ahead.
23 540 Q. But she never went behind counsel's advice and asked
24 why?
25 A. She did not with me, no, no. 14:47
26 541 Q. Not with you. Did she ask you, well, what's going on
27 down at the Commission just at the moment?
28 A. Well, I would have told her, you know what I mean, that
29 the Commission had started.

1 542 Q. Yes.

2 A. And then, you know, that we were, you know what I
3 mean -- maybe initially what the various witnesses
4 might have said in a brief opening, and then the issue
5 of the -- this was the foremost thing on my mind 14:48
6 because counsel had been pushing me to get, you know
7 what I mean, the go-ahead with respect to this, and, to
8 tell you the truth, the other material was secondary.
9 The main priority of me making contact with her was to
10 get the instructions here, because I had tried prior to 14:48
11 that and I couldn't get her, so when I got her on the
12 14th I was in a position then to advance the request
13 and deal with it.

14 543 Q. Okay. So you think she was generally aware of the
15 matter under consideration at that very time by 14:48
16 Mr. Justice O'Higgins, it was the Kingscourt bus
17 module?

18 A. Well, I think I might have referred to it -- you see my
19 minute, my note there --

20 544 Q. Yes. 14:48

21 A. -- about McCarthy. And I think that Garda McCarthy
22 reference that was started on -- you know what I mean,
23 Module 1 was about that. And whether she had detailed
24 knowledge about the incident, I doubt it, you know what
25 I mean, the context of all of the detail around it. 14:49

26 545 Q. Yes.

27 A. But certainly I had made her aware that this thing had
28 started and that's what we were dealing with in Module
29 1. But the main issue was, for me, was that counsel

1 wanted the instructions, and it was my job to get them
2 and convey them back, yea or nay, and, having spoken to
3 her, I was of the view at the end of the conversation
4 that she was happy to go ahead with counsel's advice.

5 546 Q. why did you form that view? 14:49

6 A. well, I had explained everything, as I was required, to
7 her, and that she was happy to proceed along those
8 lines. She just said that to me, you know what I mean,
9 that that's fine. Now, look, I can't remember the
10 exact detail of everything that we discussed in 14:49
11 particular, but when the telephone conversation was
12 over, that's what had been agreed, that she was happy
13 to go ahead with counsel's instructions.

14 547 Q. Okay.

15 A. Advice, sorry. 14:49

16 548 Q. Okay. That Sergeant McCabe's motivation --

17 A. And the credibility.

18 549 Q. And his credibility?

19 A. And the credibility of the issues -- sorry, the
20 credibility of the evidence that he was -- or the 14:50
21 credibility with respect to the evidence that he was
22 providing to the Commission, that that, in itself,
23 could be challenged.

24 550 Q. Okay. And you said she didn't question as to why
25 counsel was putting this forward? 14:50

26 A. No, I think the issue here was that there was -- all
27 the people concerned were employees of the Garda
28 Síochána.

29 551 Q. Yes.

1 A. They had advised counsel with respect to their version
2 of events, that what had started all of these issues,
3 what had subsequently followed from that. The ultimate
4 aim here was to get to the truth of the issues. This
5 had been going on for so long. The main aim here was 14:51
6 that the Commissioner needed to know the factual
7 situation with regard to the allegations. They were
8 serious issues that she, as Commissioner, would have to
9 take into account if they were found to be proven, the
10 consequence would have resulted in actions being taken 14:51
11 to deal with these issues, and, in order to do that,
12 the Commissioner had to know what the position was,
13 that everybody concerned was being tested with respect
14 to what they were saying was factual and that the
15 Commission itself would, in turn, arrive at the 14:51
16 situation where they could make their recommendations
17 and that the Commissioner would then be able to
18 subsequently take action from that. That is my
19 understanding. That the ultimate aim here was because,
20 despite the fact, you know, that there had been a 14:52
21 Byrne/McGinn investigation, the matter was not
22 resolved; it continued to prevail, and it was gathering
23 legs with respect to where it was going, and we
24 subsequently had Guerin and then the Commission, and
25 here was an opportunity now to address these issues 14:52
26 once and for all, to get to the bottom of everything
27 and to deal with them.

28 552 Q. Okay. Was there any sense that she was adopting the
29 position of Chief Superintendent Clancy or

1 Superintendent Cunningham?

2 A. Well, I think the issues here were that counsel was
3 advising her with respect to what needed to be done
4 here and that she was taking the advice of counsel.
5 And always the matter was qualified, that if there was 14:52
6 a conflict of interest issue that had arisen, and we
7 had spelled that out at the very beginning, that
8 counsel would advise with respect to that, and counsel,
9 in turn, would obviously disqualify themselves if they
10 had to, if there was a conflict of issue arising. So 14:53
11 that was always there as a caveat, as a safety valve,
12 as such.

13 553 Q. Well, I suppose, Chief Superintendent Healy, counsel
14 can only advise on conflicts if they know about
15 conflicts, if you understand me? 14:53

16 A. Yes, yes.

17 554 Q. Yes.

18 A. Yes.

19 555 Q. So you've already told us that counsel hadn't been told
20 about workplace issues and the Commissioner supporting 14:53
21 Sergeant McCabe --

22 A. Oh, yeah.

23 556 Q. -- and matters of that nature?

24 A. Yes.

25 557 Q. And, you know, communications with the Minister and the 14:53
26 public at large, as I understand it at that time, in
27 relation to supporting Sergeant McCabe and it being
28 important that the support come from the head of the
29 organisation as opposed to others in the organisation.

1 So you understand that?

2 A. I understand the point you're making.

3 558 Q. So did Commissioner O'Sullivan at any time ask you,
4 well, have counsel been told about this?

5 A. No. 14:54

6 559 Q. No?

7 A. No. The issue for me was, I wasn't aware of those
8 issues.

9 560 Q. Yes.

10 A. And I was dealing with the request that counsel had -- 14:54
11 you know what I mean, I had sat through the
12 consultations.

13 561 Q. Yes.

14 A. I was aware of what counsel's view was, what they had
15 formulated, the impact that -- you know, everybody 14:54
16 concerned here had been impacted by all of this, and we
17 were dealing with the facts as they were presented to
18 us in those consultations and I sought the instructions
19 based on the advice that counsel had given, were
20 giving, and I wasn't aware of the other issues at that 14:55
21 particular time, I wasn't aware of them. And the
22 Commissioner didn't ask me about them or raise them
23 with me.

24 562 Q. I suppose what I want to ask you now is a bit
25 hypothetical, but had you been aware of those issues, 14:55
26 and you said you read the transcript in relation to
27 Mr. Ruane's evidence which he gave on Friday, would you
28 have been maybe steering the Commissioner or counsel in
29 a different direction or at least putting the brakes on

1 before any final decision was made?

2 A. well, I would have been in a position to advise counsel
3 and the advice, you know what I mean --

4 563 Q. Yes.

5 A. -- I don't know whether it would have been different or 14:55
6 not, but certainly it didn't arise. And I can only
7 tell you what had happened. And after that, I can't
8 speculate, but certainly I wasn't aware, I know we
9 had -- the meeting on the 11th May, it wasn't raised at
10 all. And I just got on with my job on the 12th and the 14:56
11 13th May and set about organising the consultations.

12 564 Q. I suppose, I understand that, Chief Superintendent --

13 A. Yes.

14 565 Q. -- but my question was: Had you been aware --

15 A. Yes. 14:56

16 566 Q. -- putting yourself back in 2015, of the workplace
17 issues and the work that was being done with Sergeant
18 McCabe in relation to those issues, would that
19 conversation have been different?

20 A. The conversation with whom? 14:56

21 567 Q. With the Commissioner.

22 A. well, I would have -- I suppose it would, yes. You
23 know what I mean, I suppose it would.

24 568 Q. would it have put an entirely different focus on the
25 conversation? 14:56

26 A. well, I don't know. I'm speculating, you know what I
27 mean, I can't tell you, you know what I mean. Possibly
28 it could, you know, but I don't know, I don't know. I
29 don't know the answer to that question.

1 CHAIRMAN: well, the core point that you are putting,
2 Ms. Leader, and I think this is it, is that if the
3 Garda Commissioner is saying to the public at large,
4 whistleblowers must be supported, they may not always
5 be right, we have to look into what they are saying, 14:57
6 and certainly vis-à-vis Sergeant McCabe, the public
7 attitude was, yes, he was right to bring this to our
8 attention, but that level of support perhaps might
9 contrast with what happened before the O'Higgins
10 Commission where his motivation and his credibility 14:57
11 were, you could say, on the one hand, challenged, or
12 you could say tested, and that's the point, when you
13 boil it all down together. Do you see the thing? You
14 didn't know about what the Garda Commissioner was
15 saying? 14:58

16 A. I didn't know about it at all.

17 CHAIRMAN: You didn't involve yourself in this because
18 you had lots of other work to do, obviously, but then
19 you were thrown into it without the knowledge of what
20 was being publicly said. 14:58

21 A. Yes.

22 CHAIRMAN: And what Ms. Leader is asking you is, would
23 you have had a different conversation with the Garda
24 Commissioner and said to her, look, well you're saying
25 this publicly so maybe it's not a good idea to go down 14:58
26 this road or do you think -- I think she referred to
27 putting a brake on it, but --

28 A. It certainly would have been a concern, you know what I
29 mean, for me, but I wasn't aware of those issues.

1 CHAIRMAN: Yes. No, I get that.

2 A. Yeah.

3 CHAIRMAN: You would have been concerned.

4 A. Yeah.

5 569 Q. MS. LEADER: So you were clear in your instructions on 14:58
6 the evening of the 14th following on that telephone
7 call from the Commissioner?

8 A. Yes.

9 570 Q. On the morning of the 15th, how was this relayed to
10 counsel? 14:58

11 A. Well, I went down to the hearing -- or to the
12 Distillery Building, and met counsel there. We had a
13 room that we used to gather in before the hearings
14 commenced and Mr. Smyth would have come into the room
15 and I would have conveyed to him that I had a 14:59
16 discussion with the Commissioner the previous night and
17 that I had discussed the issues with her and the advice
18 that he had given and that the Commissioner was okay to
19 go ahead, based on the advice that she had been given.
20 And he said, that's grand, thank you. He was relieved 14:59
21 that I had secured or procured that advice from the
22 Commissioner, or those instructions from the
23 Commissioner, and he said that's fine. That was it.
24 That was the end of the conversation.

25 571 Q. So, at that time, the legal team, as far as you were 14:59
26 concerned, had the go-ahead to open up the aftermath of
27 the D investigation?

28 A. Well, it was the sequence of events that followed at
29 that particular time and based on the consultations and

1 the outcomes of that and the instruction from the
2 Commissioner, as an employer of all the parties
3 concerned, in order to get to the truth here, that
4 these issues needed to be put into context and into,
5 you know what I mean, the forum or the Commission that 15:00
6 we were now involved in.

7 572 Q. Okay.

8 A. You know what I mean, the ultimate aim was to get to
9 the truth and to find out what had really gone on here.

10 573 Q. So were matters left at that, as far as instructions to 15:00
11 Mr. Smyth was given?

12 A. Yes, yes.

13 574 Q. And these they weren't relayed to Ms. Ryan, were they?

14 A. Well --

15 575 Q. She doesn't seem to think so. 15:00

16 A. Well, I don't think she was there at the time.

17 576 Q. Yes.

18 A. I can't exactly remember, but certainly I did convey
19 them to Mr. Smyth, and, you know what I mean, so when I
20 had done that then, you know what I mean -- 15:01

21 577 Q. Yes.

22 A. -- I conveyed back what I had been asked to do by him,
23 so I went back to him.

24 578 Q. So I think things proceeded that day where Sergeant
25 McArdle gave evidence, Sergeant O'Connell, the former 15:01
26 Assistant Commissioner Clancy, and then Chief
27 Superintendent Rooney commenced?

28 A. Yes.

29 579 Q. And he gave his evidence --

1 A. This was on the 15th?

2 580 Q. On the 15th?

3 A. Yes.

4 581 Q. And essentially his involvement in this particular part
5 was in relation to the disciplinary process engaged in 15:01
6 relation to Sergeant McCarthy not investigating the
7 matter properly?

8 A. Who are we talking about here now?

9 582 Q. Chief Superintendent Colm Rooney.

10 A. Yes. 15:02

11 583 Q. And that was his role in relation to the whole
12 Kingscourt bus incident; it was in relation to internal
13 disciplinary matters?

14 A. My recollection of it was that he was the chief
15 superintendent in the division, that Garda McCarthy was 15:02
16 a young probationer garda who had only been in
17 Bailieboro a very short period of time and that an
18 issue of discipline had arisen within -- I suppose in
19 dealing with this issue, and that he had authorised a
20 discipline, as far as I recall, and he was there to 15:02
21 give his evidence in relation to --

22 584 Q. Disciplinary --

23 A. -- to that matter, yes.

24 585 Q. I think he was -- gave his evidence in relation to that
25 led by counsel for the Commission, isn't that correct? 15:02

26 A. Yes, that's correct.

27 586 Q. In relation to -- and his views of the conclusion.

28 A. On that day, yes.

29 587 Q. Yes. And when he was being questioned in relation to

1 that evidence that he had given, Mr. Smyth started
2 asking him questions about a meeting he had with
3 Sergeant McCabe in relation to the D investigation?

4 A. Yes, I read the transcript on that, yes.

5 588 Q. I think that particular exchange, it's page 662 of our 15:03
6 materials, and I think at the bottom of the page it
7 starts -- he deals with issues in relation to the
8 Kingscourt bus up until, say, question 782, and
9 Mr. Smyth asks:

10 15:04
11 "Did you have any other contact with Sergeant McCabe to
12 your recollection?"

13
14 And then he says:

15 15:04
16 "Was there any particular --
17 Answer: I don't recall."

18
19 And that was the lead-in to Mr. Smyth asking him about
20 a meeting he had with Sergeant McCabe in relation to 15:04
21 the D investigation.

22 A. Yes.

23 589 Q. And this has been read out at the opening already, but
24 at the very bottom of page 663, Chief Superintendent
25 Rooney, in relation to a question about 2007, says: 15:04
26

27 "It was probably late 2007, yes, definitely. He came
28 to my office, that's Sergeant McCabe, and he was in
29 that state and he demanded of me that I write to the

1 Director of Public Prosecutions and I challenge a
2 decision that the Director of Public Prosecutions had
3 made in respect of him."

4

5 Had made in respect of him.

15:04

6 A. Yes, he gave an account of what happened.

7 590 Q. Yes.

8 A. Yes.

9 591 Q. And immediately, it wasn't Mr. McDowell that stood up
10 pointing out that this had nothing to do with anything
11 that the Commission was interested in, it was actually
12 counsel for the Commission stood up?

15:05

13 A. Yes, Mr. Gillane, yes.

14 592 Q. And what Mr. Gillane said is:

15

15:05

16 "I don't mean to cut across the witness --"

17

18 This is page 644.

19

20 " -- but I think just in relation to this matter,
21 unless the parties have a different view, I think it is
22 evidence concerning a matter that the Commission isn't
23 directed to investigate. Whether it is relevant or
24 not, it is a matter for the parties."

15:05

25 A. Yes.

15:05

26 CHAIRMAN: Yes, and we then actually heard the entire
27 exchange.

28 MS. LEADER: The entire exchange continues.

29 CHAIRMAN: Which lasts about half an hour, yes.

1 593 Q. MS. LEADER: I think Mr. Justice O'Higgins decided to
2 actually rise at that stage, and just because the
3 timing is a little bit important, it appears at 15:10
4 that the Commission rose?
5 A. Yes. 15:05
6 594 Q. Is that correct? Now, at that stage you take the
7 opportunity to try and contact the Commissioner in
8 relation to the matter, is that correct?
9 A. Well, are you talking about the fact that I was --
10 595 Q. The telephone calls. 15:06
11 A. No, I know that, yeah.
12 596 Q. Yes.
13 A. But I didn't voluntarily do this.
14 597 Q. Yes.
15 A. I was directed to do it. 15:06
16 598 Q. Who told you to contact the Commissioner?
17 A. Well, I think it came out in the Commission, you know
18 what I mean.
19 599 Q. Yes.
20 A. That the instructions had to be clarified from the 15:06
21 Commissioner, and that counsel for Sergeant McCabe was
22 insisting that that would happen. The issue was being
23 raised as to, you know, was this occurring on the
24 authority of the Commissioner and the clarification was
25 required, was demanded at the hearing, and I was duly 15:06
26 dispatched to make those telephone calls, which I did.
27 600 Q. Yes. I think Mr. McDowell had asked for
28 clarification --
29 A. Yes.

1 601 Q. -- before the break as to whether these were the
2 instructions of the Commissioner?
3 A. I would agree with that.
4 602 Q. Yes. And Mr. Smyth had said just before that:
5
6 "The relevance may be in the context of motivation for
7 certain facts or certain matters, or indeed credibility
8 in relation to certain matters."
9 A. Yes.
10 603 Q. And were you happy at that stage that that reflected on 15:07
11 the conversation you had with the Commissioner the
12 night before and that you had properly conveyed
13 instructions to Mr. Smyth?
14 A. Well, my instructions were the credibility and the
15 motivation issue -- 15:07
16 604 Q. Yes.
17 A. -- full stop.
18 605 Q. Yes. So I think the Commission broke for a while, and
19 if you don't mind just taking out the volume in front
20 of you, Chief Superintendent, it's volume 2, part A. 15:07
21 A. 2A.
22 606 Q. Yes. We won't put it up on the screen because there
23 are a number of phone numbers in it that aren't
24 relevant --
25 A. Okay, thank you. 15:08
26 607 Q. -- to what we are doing here. And it would appear
27 that --
28 A. What page are you going to?
29 608 Q. Page 760. It's at the very beginning, I think, very

1 first pages, yes.

2 A. 755 is the first page.

3 609 Q. Is the first page. So if you turn to page 760.

4 A. Yes.

5 610 Q. It would appear, from 15:12? 15:08

6 A. Yes.

7 611 Q. That is the Commissioner's landline number.

8 A. Yes.

9 612 Q. Okay. That you were making a number of calls to her?

10 A. Yes. 15:09

11 613 Q. So it would appear at -- for some reason it doesn't

12 appear in your mobile number, but it appears in

13 Commissioner O'Sullivan's landline bill. So it would

14 appear that you phoned the Commissioner at 15:12, and

15 that was a zero, you must have got no reply; does this 15:09

16 make sense to you?

17 A. Yes.

18 614 Q. And 15:13, you would seem to have phoned her landline

19 again, am I correct in saying that?

20 A. Yes. 15:09

21 615 Q. Now, if you then go to your mobile number, which is 756

22 of the materials.

23 A. Yes.

24 616 Q. It would appear that you then phone her -- her mobile

25 number -- 15:09

26 A. Yes.

27 617 Q. -- at 15:13?

28 A. Yes.

29 618 Q. It's four seconds. 15:15, five seconds?

1 A. 15.
2 619 Q. 15:15, 31 seconds?
3 A. Sorry, now, there's a few calls at 15 -- two calls
4 at 15 -- one at 15:23 and one at 15:50. They're the
5 calls, yes. 15:10
6 620 Q. Yes, but before that I think there may have been
7 attempts to get through to her.
8 A. Yes.
9 621 Q. A whole lot of phone calls to her mobile phone?
10 A. Yes. 15:10
11 622 Q. It's hard to read.
12 A. There was that number there as well, above her, there's
13 a call there at 15:14:19 to a five-digit number.
14 623 Q. Yes, to you, that's on your phone number?
15 A. That's my phone. 15:10
16 624 Q. Yes.
17 A. I dialled that number.
18 625 Q. Yes.
19 A. That five-digit number, that's her office as well.
20 626 Q. It's her office. 15:10
21 A. Yes.
22 627 Q. So that makes --
23 A. Look, that number is a number in her office. The
24 mobile number is the Commissioner's mobile number.
25 628 Q. But in any event, you're happy it's her office? 15:10
26 A. Oh, yes.
27 629 Q. So there was, I think, 15:15, two calls; one at 15:16?
28 A. Yes.
29 630 Q. Another one at 15:20, but they are all very short, but

1 it would appear you didn't actually succeed in speaking
2 to the Commissioner?

3 A. No, I think those calls are so brief that they went
4 into a voicemail. They were answered, but they went
5 into a voicemail. 15:11

6 631 Q. Okay.

7 A. And there's one there 31 seconds, I think that might
8 have been a message I left on the voicemail.

9 632 Q. To phone you, maybe, possibly?

10 A. Yeah, something to that effect, yes. 15:11

11 633 Q. That's the one at 15:15.

12 A. Yes.

13 634 Q. Then if we go to the Commissioner's mobile phone number
14 which is at page 755 of the materials.

15 A. Yeah. 15:11

16 635 Q. It would appear that the Commissioner phoned you at
17 15:23 and stays on the phone for 1 minute 59?

18 A. Yes.

19 636 Q. Okay. And immediately after that, at 15:26, the
20 Commissioner makes another phone call. 15:12

21 A. Sorry, now, 15?

22 637 Q. 26.

23 A. On that same number?

24 638 Q. Yes. Sorry, that's her landline, I beg your pardon. I
25 am confusing myself at this stage. 15:12

26 A. Yes.

27 639 Q. So in your notes, in relation to that day --

28 A. Yeah.

29 640 Q. -- it would appear, I am just trying to tie it in,

1 Chief Superintendent, your notes actually appear on the
2 26th of that, of what happened that afternoon?

3 A. Yeah. You're referring to -- well, there was a note on
4 the 15th.

5 641 Q. The 15th as well. 15:12

6 A. As well.

7 642 Q. I will deal with that. That is slightly -- just
8 slightly later on in the day.

9 A. Yes, okay.

10 643 Q. And what you say in your notes is: 15:12

11

12 "Made several telephone conversations with -- telephone
13 conversations with Commissioner O'Sullivan to get
14 instructions on the question of Sergeant Maurice McCabe
15 at the Commission. The requirement was made to 15:13
16 question 'the motive of member for making the various
17 complaints'."
18 You have that written down.

19 A. Yes.

20 644 Q. Then you see: 15:13

21

22 "Commissioner sought time to speak to DOJ."

23 A. Yes.

24 645 Q. So do you think that that phone call and the 15:23
25 phone call, if I can put it that way, was the 15:13
26 Commissioner asking you 'I need to speak to the DOJ on
27 this'?

28 A. No, I can't remember, you know what I mean, I made so
29 many phone calls --

1 646 Q. Yes.

2 A. -- over and back. I was texting, I was getting texts
3 back, and I don't want to speculate on what I said
4 during each phone call --

5 647 Q. Yes. 15:13

6 A. -- because I made so many phone calls, and I don't
7 think it would be -- it's not fair on me, it's not fair
8 on everyone else.

9 648 Q. Well, if we can try and figure it out from the phone
10 bills and your notes -- 15:13

11 A. Yeah.

12 649 Q. -- I think.

13 A. Yeah.

14 650 Q. So it would appear at some stage the Commissioner said
15 to you, 'I want time to speak to DOJ'? 15:14

16 A. Yeah.

17 651 Q. And if we can then go to page 760 of the materials,
18 which is the Commissioner's landline, and go to 15:26,
19 you've two phone calls in immediate succession, one of
20 them 14 minutes long? 15:14

21 A. Yes.

22 652 Q. And we know from Mr. Waters, who gave evidence on
23 Friday, that that is his number, who is in the
24 Department.

25 A. That number, that was dialled, oh, yeah, from that
26 line, okay, sorry. 15:14

27 653 Q. Yes.

28 A. Okay, sorry, right.

29 654 Q. We know from his evidence on Friday --

1 A. Right.

2 655 Q. -- that that is his number?

3 A. Right.

4 656 Q. So it is likely, isn't it, Chief Superintendent, if you
5 recreate that, that you were phoning Commissioner 15:14
6 O'Sullivan frantically. She phoned you back and said,
7 look, I need time to speak to the Department of
8 Justice, and then we have a reasonably long phone call
9 to an official in the Department of Justice.

10 MR. MCCANN: Chair, on that, I'm sure Ms. Leader didn't 15:15
11 intend to say something untoward --

12 A. Sorry, I can't hear.

13 MR. MCCANN: -- but there's language in Ms. Leader's
14 question which makes an assumption as to, I need time
15 to -- the phrase, I need time to speak to the 15:15
16 Department of Justice, that was speculation on
17 counsel's part, it seems to me.

18 MS. LEADER: Okay.

19 657 Q. Well, I will put your note to you. We can get it as
20 right as we can. Page 694. 15:15

21 A. Sorry, now. Right.

22 658 Q. Your diary note of the 26th May.

23 A. I have it here in front of me, the original.

24 659 Q. Yes. So if you read out what the Commissioner,
25 what the Commissioner -- your note of what happened on 15:15
26 that day.

27 A. Where am I starting now?

28 660 Q. "Making various --"

29 A. The second-last paragraph, is it?

1 661 Q. At 11:30.
2 A. The whole lot?
3 662 Q. At the time of 11:30.
4 A. Will I read the whole thing?
5 663 Q. Just, no, the -- if you see there is, under the 26th 15:16
6 May.
7 A. Yes.
8 664 Q. If you go down to the time, 11:30, just the side note,
9 11:30.
10 A. Oh, sorry, those numbers -- times are irrelevant -- 15:16
11 665 Q. Yes.
12 A. -- with respect to this note.
13 666 Q. Yes, exactly.
14 A. Yes.
15 667 Q. And if you read across from that? 15:16
16 A. "Commissioner sought time to speak to DOJ."
17 668 Q. Yes. And that is your note of what happened on that
18 day?
19 A. Yes, yes.
20 669 Q. And then it would appear -- can you remember what she 15:16
21 said to you in relation to that?
22 A. Well, my note reflects what was said to me --
23 670 Q. Yes.
24 A. -- at that particular time.
25 671 Q. Yes. What do you think DOJ stands for? 15:16
26 A. Department of Justice. Well, that is my interpretation
27 of what the Commissioner said to me.
28 672 Q. Yes.
29 A. The Commissioner actually used the word 'Department'.

1 She didn't use 'Department of Justice'. But when I
2 wrote the note, the presumption for me was that that's
3 the department she was referring to.

4 673 Q. Okay. All right. And we know from Mr. Waters'
5 evidence on Friday that he received, even though he 15:17
6 doesn't remember it, a phone call, he agrees it's his
7 number that was dialled by the Commissioner.

8 A. Okay.

9 674 Q. Immediately after you phoning Commissioner O'Sullivan.
10 But that is nothing got to do with you, as they say? 15:17

11 A. I read it in the transcript, yes, yes.

12 675 Q. Yes. Now, I think, at the same time, counsel emailed
13 you, is that correct?

14 A. Yes.

15 676 Q. And if we look at the timing of that email, which is -- 15:17

16 A. Is it in the same booklet?

17 677 Q. We will just get it up. It's page 693 of the
18 materials. It will be on the screen in front of you.

19 A. Oh, yes, okay.

20 678 Q. So we have the email at just before half past three -- 15:18

21 A. Yes.

22 679 Q. -- from Garret Byrne, and he was junior counsel for the
23 Commissioner.

24 A. Yes.

25 680 Q. Yes. And it was sent at 15:29. 15:18

26 A. Yes.

27 681 Q. To you.

28 A. Yes.

29 682 Q. And it was cc'd to Mr. Smyth and Mr. MacNamee and

1 Annmarie Ryan.

2 A. That's correct.

3 683 Q. And then the subject: "Instructions re Commission of
4 Investigation".

5 A. Yes. 15:18

6 684 Q. And if you would explain to me, please, how it came
7 about that this email was sent to you at that time?

8 A. I asked for those.

9 685 Q. You asked for those?

10 A. Yes. 15:18

11 686 Q. And why did you ask for those?

12 A. Well, obviously I was in a situation where I was
13 seeking confirmation in -- what had arisen in the
14 Commission, that I had been making phone calls to the
15 Commissioner. 15:18

16 687 Q. If you speak up, please.

17 A. Sorry, I beg your pardon.

18 688 Q. Yes.

19 A. I was making telephone calls with the Commissioner,
20 and, in the course of the discussions, she may have 15:19
21 suggested to me that I get it in writing, but I asked
22 counsel for the instructions, the request in writing,
23 from them. So I spoke, and I can't remember who I
24 spoke to, I might have spoken to Mr. Byrne or I may
25 have spoken to the solicitor, I'm not sure, but I 15:19
26 wanted them, and they basically provided them.

27 689 Q. They provided them?

28 CHAIRMAN: Yes. And that is the document, among other
29 places, at 689. It is, I think.

1 A. It was an hour later.

2 CHAIRMAN: No, no, it's a completely different day.

3 A. I beg your pardon.

4 CHAIRMAN: In fact, it's years later.

5 A. Oh, sorry. 15:19

6 CHAIRMAN: But that, I think, is the document.

7 MS. LEADER: Yes, 693 is the document that you're

8 looking at, sir.

9 A. That email, 15:29.

10 CHAIRMAN: Well, it's all over the place because 15:19

11 everyone was copying it and subtexting it, et cetera.

12 MS. LEADER: Yes, it is everywhere.

13 690 Q. So had you access to your emails at the Commission?

14 A. No.

15 691 Q. No. All right. 15:20

16 A. Well, I might have had mobile -- you can access your

17 emails on the mobile, but it depends when your mobile

18 synchronises with your desktop, but I wasn't consulting

19 with the emails, to tell you the truth. I was

20 preoccupied with what I was doing. 15:20

21 692 Q. Okay. And do you think because counsel were down there

22 at the Commission --

23 A. Yes.

24 693 Q. -- and had emailed you, can you at --

25 A. I might have been handed a copy of it. 15:20

26 694 Q. Do you think you were handed?

27 A. Yes, I would say I was.

28 695 Q. Well, considering you'd asked urgently for it?

29 A. Yeah, yeah. I remember Mr. Byrne emailing the

1 document. His office is quite close to the hearings
2 and the room in the Distillery, and he had access to
3 email, and I think that is why he actually forwarded
4 the email, and I remember him telling me that he had
5 done that, and there may be copies available, do you 15:21
6 know what I mean, hard copy available -- of it
7 available.

8 696 Q. Yes.
9 A. But I didn't have access to my email. I would have
10 looked at it when I went back to my office that 15:21
11 evening.

12 697 Q. Yes. So you think you looked at it when you went back
13 to your office?
14 A. Yeah.

15 698 Q. And you may have had a hard copy of it down there? 15:21
16 A. Yes, yes. I can't 100% remember about that. But
17 certainly they provided the document on request.

18 699 Q. Okay. So then the Commission resumed again at 15:36,
19 because the transcripts are timed.
20 A. Yes. 15:21

21 700 Q. And if we go to page 670, we will see that, in relation
22 to when the Commission sat again. It doesn't appear
23 that, from the phone records, that Commissioner
24 O'Sullivan had reverted to you with an answer to your
25 question. Can you remember from your memory whether 15:22
26 she had or not?
27 A. I can tell you I wasn't concerned with what was
28 happening in the Commission --

29 701 Q. Okay.

1 A. -- at that time. I was focusing on what I was required
2 to do, and I stayed with the matter until I got the
3 final outcome.

4 702 Q. Until you got -- so you weren't even in the room?
5 A. I wasn't -- I didn't -- on the one hand, I had a judge 15:22
6 with a room full of barristers looking for
7 clarification in respect of this issue, and, on the
8 other hand, I had a Commissioner on the telephone.

9 703 Q. Yes.
10 A. And I was in the middle, and I was trying to get 15:22
11 clarification from the Commissioner with respect to the
12 issues that had been raised, and there was a lot of
13 tension in relation to dealing with that matter.

14 704 Q. Yes.
15 A. And I wasn't concerned with what Mr. Justice O'Higgins 15:23
16 was doing at that stage.

17 705 Q. Okay. So you were still waiting for instructions?
18 A. I was dealing with this issue, and you can imagine the
19 situation.

20 706 Q. Okay. So if you go to your phone records, which I 15:23
21 think are at page 750 -- 756, sorry, Chief
22 Superintendent. If we go to 15:37, immediately the
23 Commission has resumed, and it seems from that that you
24 phoned the Commissioner's mobile number at that stage?
25 A. Yeah, voicemail again. 15:23

26 707 Q. Voicemail again?
27 A. Yeah.

28 708 Q. If we then go to the Commissioner's mobile phone
29 records, which are at 755, at 15:37 it would appear the

1 Commissioner sent you a text?

2 A. Yeah.

3 709 Q. You then -- and you're going to have to swap between
4 the pages, I'm afraid.

5 A. Okay, that's fine. 15:24

6 710 Q. 756. At 15:38 you texted her back. We don't have
7 those texts.

8 A. No, but I can tell you.

9 711 Q. It was hurry up, something along those lines, yes?

10 A. Exactly. It was, you know, I need to speak to you, I 15:24
11 need to speak to you, whatever, I'll ring you back,
12 I'll ring you back. That's the type of content that
13 was in those.

14 712 Q. Content, yes. And then at 15:39 it would appear that
15 the Commissioner at 7 -- 15:24

16 A. Sorry, which?

17 713 Q. The Commissioner's bills, 755.

18 A. Yes.

19 714 Q. The Commissioner sent you a text?

20 A. At 15:39:33, yes. 15:24

21 715 Q. Yes. And then at 15:41, if you see, the Commissioner
22 phoned you?

23 A. Yes.

24 716 Q. Which phone call lasted five minutes 59 seconds?

25 A. Yes. 15:25

26 717 Q. Now, that phone call coincides with the ending of a
27 phone call to DOJ, if you understand what I am saying?

28 A. Yes, I understand, yeah.

29 718 Q. Yes. Because that was a 14-minute phone call.

1 A. Yes.

2 719 Q. Okay. So it would appear from that, from the to-ing
3 and fro-ing in relation to the texting of the
4 Commissioner and her texting you back, that she phoned
5 you back once she -- and the timing of the phone call 15:25
6 to DOJ, that she phoned you back once she got off the
7 phone from DOJ. And I'm using DOJ in your words, if
8 you understand?

9 A. Yeah. Yeah, well --

10 720 Q. Do you agree with that? 15:26

11 A. Well, see, I wasn't aware at that stage who she was
12 calling, but certainly from the records here it would
13 indicate what you are saying is correct.

14 721 Q. And from --

15 A. Yeah. 15:26

16 722 Q. -- Mr. Waters' evidence on Friday?

17 A. Yes, yes, yes.

18 723 Q. All right. So then at 15:52, if we go to her landline
19 number.

20 A. Which is on page? 15:26

21 724 Q. 759.

22 A. Sorry, now, for -- at 15?

23 725 Q. 52, is my note of it.

24 A. On the bottom of the page, is it?

25 726 Q. Yes. 15:26

26 A. Yeah.

27 727 Q. It would appear that the Commissioner phoned you again,
28 which phone call took three minutes 51 seconds.

29 A. Yes.

1 728 Q. Immediately afterwards. Now, if we again turn to your
2 notes of what happened, trying to reconstruct --
3 A. The flow.
4 729 Q. Yes, what happened on that day. If we go to the 26th
5 May. 15:27
6 A. Yeah, well, 15th May, yeah.
7 730 Q. I understand it was 15th May.
8 A. Yeah.
9 731 Q. If that could be brought up. Sorry, maybe if it could
10 be brought up on the screen? 15:27
11 A. Page number?
12 732 Q. Page number -- I just lost it for a minute. If we see
13 the typed version of it, it is page 3825.
14 MR. MCDOWELL: It's 694 is what we are looking for.
15 MS. LEADER: Or typed it might be easier, 3825. 15:27
16 whichever suits the witness.
17 A. I have the hard copy here.
18 733 Q. 694, please.
19 A. I have the original here.
20 734 Q. So if we just go to -- you've already read out: 15:28
21
22 "Commissioner sought time to speak to DoJ."
23 A. Yes.
24 735 Q. And if you then continue on and read out exactly what
25 is underneath that. 15:28
26 A. I'm reading now from the original note, okay.
27 736 Q. Yes.
28 A. "Then returned with instructions that we:
29

1 1. In light of the developments on the front that
2 Sergeant McCabe had issues with now working in
3 Mullingar and his welfare, could we seek a deferral
4 until we seek advice?"

5 737 Q. Okay. 15:28

6 A. So that's it.

7 738 Q. So do you think that was one phone call or two phone
8 calls?

9 A. Oh --

10 739 Q. Or can you remember? 15:28

11 A. I couldn't be specific with respect to which phone call
12 it was.

13 740 Q. Yes.

14 A. But certainly, I had explained what had happened inside
15 in the Commission to the Commissioner. 15:29

16 741 Q. Yes.

17 A. And I had referred to the call we had the previous
18 night, and what had occurred and the reaction that had
19 erupted inside in the Commission, and, with the to-ing
20 and fro-ing, the Commissioner sought time. 15:29

21 742 Q. Yes.

22 A. She wanted the matter adjourned, if we could, and at
23 some stage, I can't remember when, but I did -- it did
24 come to my attention that that wasn't going to happen,
25 we weren't going to get an adjournment, but the 15:29
26 Commissioner was insisting that we get an adjournment,
27 and I was -- the solicitor, Ms. Ryan, was coming in and
28 out of the room that I was in, inquiring as to whether
29 or not I had a decision from the Commissioner, and I

1 was inquiring, you know, we're seeking an adjournment
2 here, and I think she came back to me and she told me
3 that it's not possible to have an adjournment, the
4 matter has to be dealt with, and I was being told, you
5 go and get an adjournment. 15:30

6 743 Q. Okay.

7 A. Make the application.

8 744 Q. Right. There's another possibility in relation to
9 those calls at 15:41 and 15:52. You had asked counsel
10 for written advice? 15:30

11 A. Yes.

12 745 Q. And you think you had a copy of that down there?

13 A. Yeah, I think I did, yes.

14 746 Q. You think you did?

15 A. Yeah. 15:30

16 747 Q. And Ms. Ryan records in her overview notes of the day,
17 which are at page 690 --

18 A. Okay.

19 748 Q. -- if we see those.

20 A. Sorry, now. 15:30

21 749 Q. "Fergus Healy --" you see where I am reading from?

22 A. Yes.

23 750 Q. "-- made contact by phone with the Commissioner.
24 Fergus had spoken to the Commissioner the evening
25 before, 14/5/2015, re this matter. Commissioner 15:31
26 requested counsel's advices and Fergus relayed same to
27 her."
28
29 Do you see that?

1 A. Yes.

2 751 Q. Now, this is Ms. Ryan's interpretation of what has
3 happened?

4 A. Yeah.

5 752 Q. So do you think, considering that counsel had emailed 15:31
6 you those advices at 15:29, do you think you discussed
7 them with her or relayed or even read them out to her
8 over the phone? Do you have a memory of that?

9 A. I don't, I don't.

10 753 Q. You don't. 15:31

11 A. I don't. My memory of it was that I had received
12 instructions the night before from the conversation I
13 had. We had a situation in the Commission where
14 clarification was being sought, and now we had a
15 situation where we were seeking an adjournment, and the 15:32
16 situation was getting more grave in the sense that it
17 wasn't going to be possible to get an adjournment.

18 754 Q. Yes.

19 A. And I was explaining to the Commissioner in the course
20 of the conversations about, you know, the ultimate 15:32
21 issue here was to get to the truth of what the whole
22 purpose of the thing was about, and that we would deal
23 with the matter, and, as such, I was going back into
24 the Commission to seek an adjournment and the situation
25 was -- I suppose it was tense, to put it that way. And 15:33
26 I know that there was a difficult decision made by the
27 Commissioner in dealing with all of these issues, but I
28 think the Commissioner was at that stage seeking time
29 to seek more advice --

1 755 Q. To think about it?

2 A. -- possibly, and think about it, yes.

3 756 Q. Okay. So we have those two calls from the Commissioner
4 to you, one at 15:41 and one at 15:52, and then,
5 meanwhile, inside in the Commission, we have Mr. Smyth, 15:33
6 it would appear, at 15.54 confirming the Commissioner's
7 instructions to the Commission, that the integrity and
8 motivation of Sergeant McCabe should be looked at?

9 A. Well, that's what is on the transcript, yes.

10 757 Q. That is somehow what came out? 15:34

11 A. Yes.

12 758 Q. And that is at page 678, if that could be brought up.
13 Mr. Smyth says:
14
15 "I have instructions from the Commissioner, Judge. 15:34
16 This is an inquiry dealing with the allegations of
17 malpractice and corruption on a grand scale by members
18 of An Garda Síochána."
19

20 Mr. Justice O'Higgins is pointing out: 15:34
21
22 "No, this part of the inquiry --"
23
24 And he is cut off.
25 15:34
26 "I appreciate that, but my instructions are to
27 challenge the integrity certainly of Sergeant McCabe
28 and his motivation."
29

1 And Mr. Justice O'Higgins said:
2
3 "The integrity?"
4
5 Mr. Smyth said: 15:34
6
7 "His motivation and his credibility in mounting these
8 allegations of corruption and malpractice."
9
10 And then the exchange continues like that. 15:34
11 A. Yes, I read that, yes.
12 759 Q. And then there's a further break in the -- there are
13 further phone calls to you from the Commissioner. And
14 if we look at the Commissioner's landline at 759, at
15 16:02. 15:35
16 A. Sorry, we're on the?
17 760 Q. 759. It's the Commissioner's landline.
18 A. Sorry, yes.
19 761 Q. At 16:02.
20 A. 16:02. 15:35
21 762 Q. There's a phone call to you.
22 CHAIRMAN: I thought the second break was 16:08,
23 Ms. Leader.
24 MS. LEADER: It is, yes.
25 CHAIRMAN: So, this is just before it, yeah. 15:35
26 MS. LEADER: Just before that, you're correct, sir.
27 A. Yeah.
28 763 Q. So 16:02, there's a phone call from the Commissioner to
29 you?

1 A. Yes.

2 764 Q. Am I correct, it's two minutes 37. At 16:06 there's a
3 phone call from the Commissioner to you, that's three
4 minutes 35. And then inside in the Commission,
5 Mr. Smyth is saying: 15:35
6
7 "I'm just getting instructions."
8
9 That seems to be around 16:08.

10 A. Right. 15:36

11 765 Q. And the Commission rises in order for that to happen.
12 So do you think at that stage, and it would seem to be
13 the case, that you had got instructions from -- firm
14 instructions from the Commissioner?

15 A. Well, the timing -- 15:36

16 766 Q. There had been a number of phone calls --

17 A. The times, you know what I mean, I don't know, I can't
18 talk about those.

19 767 Q. Well, I suppose I can put it this way to you, Chief
20 Superintendent: The next phone call you receive or get 15:36
21 from the Commissioner is at 19:28, so it's well after
22 the day's work is done in the Commission?

23 A. That was that evening, yes, yeah.

24 768 Q. And if you could then turn to your notes of the 15th.

25 A. Yeah. 15:36

26 769 Q. And go to the entry, it's at page 694 of the materials,
27 go to the entry which is just after two o'clock but
28 which we know doesn't correspond to two o'clock.

29 A. Yes.

1 770 Q. If you would read out that, please?
2 A. "The Commissioner then rang a second time and advised
3 that, on reflection, that if it came out in the course
4 of questioning, then counsel should explore it and if
5 it was her -- it was her view that if he (counsel) was 15:37
6 advising that we explore the area of motive and that it
7 was necessary, then she was inclined to give
8 instructions to him to explore this issue. It would be
9 remiss of her not to instruct him to proceed.
10 Therefore, the Commissioner instructed counsel to 15:37
11 pursue that specific line of questioning."
12 771 Q. Okay. So you were happy you had confirmation, firm
13 confirmation of the instructions you had received the
14 evening before from the Commissioner?
15 A. Yes, I was happy that we now had confirmation of the 15:37
16 instructions.
17 772 Q. And you made a fairly careful note of that?
18 A. I did.
19 773 Q. You obviously knew it was an important thing to note
20 down in writing? 15:38
21 A. Yeah. I went back to my office that evening, or
22 whatever, and I remember closing the door and sitting
23 down and writing that note.
24 774 Q. Okay. So the note was made?
25 A. Shortly after. I can't remember exactly what time, but 15:38
26 it could have been that evening, whatever, but it was
27 fresh in my mind when I made it, but I realised the
28 importance of it, that is why I wrote it down.
29 CHAIRMAN: So what time do you think that happened at,

1 Ms. Leader?

2 MS. LEADER: Well, I think it happened, from my
3 phone -- looking at phone bills, those instructions I
4 think were given between 16:02 and 16:06, in and around
5 that time. That is what I think, but the Commissioner 15:38
6 can obviously help us a little bit more.

7 CHAIRMAN: Well, the sequence makes sense, in any
8 event.

9 MS. LEADER: Yes.

10 775 Q. And I think in your notes that were made while you were 15:39
11 down at the Commission, the typed version appears at
12 page 3289, which is --

13 A. Yeah.

14 776 Q. What you say in those is:
15
16 "Rang the Commissioner at 15:37 and explained the 15:39
17 current development. Colm Rooney's evidence."

18 A. Yes.

19 777 Q. That was shorthand, really?

20 A. It's just shorthand. 15:39

21 778 Q. It was a somewhat chaotic situation?

22 A. Yes, and I was --

23 779 Q. Busy?

24 A. Busy. And I just got two seconds to write this down.
25 The accuracy of the timing and that, it might be a 15:39
26 minute or two out, or whatever, but that's just a note
27 that I jotted, and I think that's the reason I went,
28 when I went back to my office I had to compose myself
29 to actually write the note.

1 780 Q. Okay. It was a busy evening, yes.

2 A. Busy day.

3 781 Q. So when the Commission resumes again at 16:34,
4 Mr. Smyth, at page 695 of the materials, says:

5

6 "My instructions are re-confirmed."

7

8 Sorry, it should be in front of you.

9 A. Yeah.

10 782 Q. And Mr. Justice O'Higgins says:

11

12 "Very good. Your instructions, as I understand, are
13 that Sergeant McCabe acted as he did for improper
14 motives.

15 MR. SMYTH: Yes.

16 MR. JUSTICE O'HIGGINS: Okay. And that his integrity
17 is being challenged in that respect."

18 A. Yeah, that's on the transcript, yeah.

19 783 Q. And I think that there was legal argument then in
20 relation to that matter, and at the very end of the day
21 the Judge made a ruling that Sergeant McCabe's legal
22 team be put on notice of what exactly the Commissioner
23 was going to advance in order to do this?

24 A. Yeah. I think the issue of notification was discussed
25 in the Commission, and I think it was agreed -- maybe
26 it was requested from the Commission or it was
27 ultimately agreed that a document would be provided to
28 facilitate the notifications.

29 784 Q. And I think what Mr. Justice O'Higgins actually said

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

was:

"Well, we have reached that anyway. I think that in the circumstances it might be a good idea to adjourn now and if you could furnish same to Mr. Smyth. They don't have to be exhaustive, but they do have to contain the substance of the matter so that it can be dealt with. And I think we will leave it at that."

15:41

Chief Superintendent Rooney is to come back the following Monday.

15:41

A. Yeah, okay.

785 Q. And that led to the letter of the 18th --

A. The letter over the weekend.

786 Q. Over the weekend.

15:42

A. Compiled over the weekend.

787 Q. Just in relation to your dealings, just to finish off that day of the 15th insofar as you are concerned, I think you went back to the office and you forwarded the email containing counsel's advice to the Commissioner at just after quarter past seven, and that appears at page 750 of the materials.

15:42

A. Yes. 19:17.

788 Q. Yes. And if you could read out that email you sent to the Commissioner, please, Chief Superintendent.

15:42

A. Sorry, if we could put it up on the page, move it up a little bit.

789 Q. Scroll up a little bit, Mr. Kavanagh. The other way. Sorry. Yes. Scroll down. Yes. Thank you. If you

1 would read that email out. It's your email, is it, to
2 the Commissioner?

3 A. Just, I will read from the word "Commissioner" on?

4 790 Q. Yes, yes.

5 A. "Commissioner, 15:43

6 Further to our telephone conversation of even date -- "

7 791 Q. I think it is "telephone conversations", is it?

8 A. "Conversations", sorry.

9 "-- of even date, please see the attached letter from
10 counsel appointed to represent your interests and those 15:43
11 members of the organisation at superintendent rank and
12 higher, serving and retired, that have sought, and been
13 granted, representation at the Commission of
14 Investigation. I trust this letter grants comfort for
15 the decision that have now been taken." 15:43

16

17 That should be "has", probably, there. And signed by
18 myself, and sent to the Commissioner at 19:17 on that
19 date.

20 792 Q. Okay. So that's where the phrase, we presume, "letter 15:43
21 of comfort" comes from?

22 A. Yes.

23 793 Q. That's the first time I have seen it in relation to --
24 yes.

25 A. Yes. As I said, the request was made for the advices 15:43
26 and it was forwarded to the Commissioner.

27 794 Q. All right. Then we have -- if you could go to
28 Commissioner O'Sullivan's mobile phone bill then, which
29 is at 755, we have a phone call, I think, at 19:28?

1 A. Yes.

2 795 Q. And it would appear that Commissioner O'Sullivan phoned
3 you --

4 A. Yes.

5 796 Q. -- at that time? 15:44

6 A. Yes.

7 797 Q. And that phone call lasted just under five minutes?

8 A. Yes.

9 798 Q. Do you remember what was discussed at that time?

10 A. Well, em, I think she rang me -- I rang her first and 15:44
11 she rang me back, obviously, when she saw that I was
12 trying to contact her, I think.

13 799 Q. Okay.

14 A. Okay. And basically, I had just briefly advised her as
15 to how the remainder of the day had finished up, which 15:45
16 was almost over at that stage anyway.

17 800 Q. Yes.

18 A. And I had advised her about the requests, that we had
19 agreed to do this letter, and I then said to her that
20 counsel was available for a consultation over the 15:45
21 weekend.

22 801 Q. Yes.

23 A. And she advised me that she was otherwise engaged. And
24 then I remember finishing up the telephone
25 conversation, basically relaying to her that the 15:45
26 Attorney's office were keeping a watching brief, from a
27 distance, on this. That is, in a nutshell, what I had
28 kind of said to her. I had told her that there was a
29 watching brief being kept on this, from a distance, by

1 the Attorney's office, words to that effect.

2 802 Q. Okay. And how did you know that?

3 A. More or less -- well, I was inside in the Commission
4 and I think Ms. Ryan had mentioned it to me --

5 803 Q. Okay. 15:46

6 A. -- you know what I mean, in the course of the
7 conversation.

8 804 Q. It makes sense?

9 CHAIRMAN: well, I mean, there is a misunderstanding
10 there. A watching brief means that there's somebody 15:46
11 sitting in the room.

12 A. Sorry. well, from a distance.

13 CHAIRMAN: well, that is more than from a distance.
14 That is from here to Mars, basically.

15 A. well, I'm sorry. That's just the words I use, I'm 15:46
16 sorry.

17 CHAIRMAN: A watching brief means there's a barrister
18 sitting and watching everything.

19 A. I beg your pardon. well, my understanding was that
20 they were in their office in Merrion Square and that 15:46
21 they were aware of what was happening.

22 CHAIRMAN: well, that is like me watching what is
23 happening in Dáil Éireann, I don't know, I mean --

24 A. But you still know what is going on.

25 805 Q. MS. LEADER: Did you know Ms. Ryan had spoken to -- 15:46
26 CHAIRMAN: well, it depends on how much information
27 they are given.

28 A. And I was, you know -- it was conveyed to me that they
29 were aware of what was going on.

1 806 Q. MS. LEADER: Okay. who conveyed that to you?
2 A. Ms. Ryan.
3 807 Q. And did she mention any names when she was telling you
4 that?
5 A. No, no. 15:47
6 808 Q. Or maybe you don't remember?
7 A. Well, I don't remember. Look, I know the persons, the
8 names, the people concerned.
9 809 Q. Yes.
10 A. But certainly those people's names weren't mentioned to 15:47
11 me, to my recollection.
12 810 Q. And did the Commissioner say anything to you in
13 response to that?
14 A. There was just -- there was no kind of, oh, my God, or
15 any reaction to that effect. It was like, it wasn't 15:47
16 really -- I can't explain. It was just something that
17 I imparted with her, and it was kind of a mooted answer
18 back, something to that effect, but it was --
19 811 Q. And did she share -- sorry -- anything with you in
20 relation to her conversations with DOJ? 15:47
21 A. Oh, no. I didn't even know that she had done that.
22 812 Q. Okay.
23 A. I know from the records now you're telling me.
24 813 Q. Yes.
25 A. But I noted that because it was said to me -- 15:48
26 814 Q. Okay.
27 A. -- in the course of the conversation. The Commissioner
28 could have spoken to anyone. I don't know who she did
29 speak to. Obviously from the telephone records and the

1 evidence given by Mr. Waters, there was a telephone
2 conversation there.

3 815 Q. which she has forgotten about, but he agrees it's his
4 number.

5 A. well, I don't even know that, do you know what I mean, 15:48
6 so...

7 816 Q. And just to end off the day, Chief Superintendent, at
8 21:10, it would appear from page 4029 of the materials,
9 if that can be brought up -- sorry, maybe I've gotten
10 this wrong. Did Ms. Ryan phone you again later on that 15:49
11 night in relation to --

12 A. Ms. Ryan would have been on the phone to me constantly.

13 817 Q. In relation to organising a consultation with the
14 Commissioner?

15 A. I would say Ms. Ryan was pressing for a consultation. 15:49
16 Unfortunately, the Commissioner was otherwise engaged,
17 and, you know, I conveyed that to her and --

18 818 Q. 692, actually, I think, is the relevant --

19 A. That is my recollection of it.

20 819 Q. CHAIRMAN: Should we maybe take a break for five 15:49
21 minutes and then see if we can go on for a bit longer?
22 Will you be much longer, Ms. Leader? We seem to be
23 really at the end of it. I mean, it's confirming
24 basically everything that Anmarie Ryan has already
25 told us. 15:49

26 MS. LEADER: I think this witness will be a while
27 longer, sir. I have no difficulty, but he has been in
28 the witness box for --

29 CHAIRMAN: well, just a very short break. Yes.

1 MS. LEADER: But I don't anticipate finishing today,
2 but I will try. Yes.

3

4 AFTER A SHORT ADJOURNMENT THE HEARING RESUMED

5 AS FOLLOWS:

15:50

6

7 CHAIRMAN: Ms. Kelly, I think you're all right for half
8 an hour, is that right?

9 STENOGRAPHER: Yes.

10 820 Q. MS. LEADER: If we can just go back to the -- I think
11 it's the -- in relation to the counsel's email, it
12 would appear from statements made by the three
13 barristers --

15:59

14 A. Sorry?

15 821 Q. The email that you received from Mr. Byrne on the
16 Friday --

15:59

17 A. Yes, sorry.

18 822 Q. -- Friday afternoon, it would appear from the
19 statements made by the barristers that they were under
20 the impression that they received confirmation from
21 Commissioner O'Sullivan, through you, that Commissioner
22 O'Sullivan had authorised the barristers to proceed as
23 outlined in the email. So do you think you read the
24 email out to her over the phone?

16:00

25 A. I possibly could have.

16:00

26 823 Q. It would appear, if she authorised to proceed in
27 accordance with the email, the only way she could have
28 done that was to know what was in the email?

29 A. Well, I can't remember, you know what I mean. I could

1 have written read it out. I had numerous telephone
2 calls over and back with the Commissioner.

3 824 Q. Yes.

4 A. Some of them are, you know what I mean, a couple of
5 minutes long, so it's possible I could have read it out 16:00
6 over the phone.

7 CHAIRMAN: Annmarie Ryan has told us that she printed
8 out several copies and they were kind of flying around
9 the room.

10 A. Okay. 16:00

11 CHAIRMAN: well, I presume among those who were
12 entitled to know and that it would make sense if you
13 had.

14 A. Yes.

15 CHAIRMAN: It would probably be the right thing to do. 16:01

16 A. It's possible, yes.

17 825 Q. MS. LEADER: So I think then work got underway to draft
18 a letter to the Commission in accordance with Judge
19 O'Higgins' ruling of the Friday evening, is that
20 correct? 16:01

21 A. Yes.

22 826 Q. And could you explain that procedure to us, please,
23 Chief Superintendent?

24 A. When the Commission itself finished that day, obviously
25 we had to set about organising ourselves to get this 16:01
26 document ready, and at that stage I didn't even know
27 what format it was going to take, how it was going to
28 be constructed, but, from my recollection, two of the
29 clients that were represented in Module 1, there and

1 then were taken aside by counsel and spoken to in
2 relation to the issue at hand. They were present
3 during the hearing and I can only assume that they were
4 aware of what was required. And the other party then,
5 the third party, the third contributor to the document, 16:02
6 Superintendent Clancy, he wasn't actually present, and
7 from my recollection I was given instructions to
8 contact him with a view to addressing the matter with
9 him, which I did. And the document then was drafted
10 over the weekend, it was received from counsel and 16:02
11 circulated to the parties concerned, culminating in a
12 sign-off on the document, and Ms. Ryan presented it to
13 the Commission on Monday morning.

14 827 Q. All right. And you had spoken to the Commissioner on
15 Friday night, letting her know that -- 16:03

16 A. Yes, that this was -- it was how business had finished
17 up and that we were going to prepare this, go through
18 and prepare this document.

19 828 Q. Okay.

20 A. And sorry, it was my understanding that the document 16:03
21 from my presence there was that this was a requirement
22 to give notice to the other parties present at the
23 Commission with respect to the line of questioning that
24 would be pursued or the various issues. In other
25 words, that there was notification. I think the Judge 16:03
26 used the term ambush, that nobody was going to be
27 ambushed and that they were entitled to prior notice of
28 what was going to happen and this was agreed, and it
29 was a task, to have it ready for Monday morning, and I

1 told the Commissioner, you know briefly, that this was
2 agreed to and that we were going to go about doing it,
3 preparing it.

4 829 Q. Okay. Was the Commissioner involved or did she see
5 that letter -- 16:04

6 A. No.

7 830 Q. -- in any way?

8 A. She wasn't involved in that, no.

9 831 Q. Did you discuss the matter with her any more over the
10 Saturday or Sunday or Monday morning? 16:04

11 A. I don't think I spoke to the Commissioner again on
12 that. I didn't speak to her that weekend anyway,
13 because my understanding, she was otherwise engaged.
14 Where she was, I don't know, and she wasn't inclined to
15 tell me, you know what I mean -- 16:04

16 CHAIRMAN: Okay.

17 A. -- what she was doing.

18 CHAIRMAN: I understand.

19 832 Q. MS. LEADER: Just go back, there is one thing I should
20 have put to you, chief superintendent, at page 692 at 16:05
21 the bottom of that page, which is on the screen in
22 front of you.

23 A. Yes.

24 833 Q. It's actually on the screen I think, you'll see that's
25 Ms. Ryan's note of a conversation she had with you on 16:05
26 the 15th:

27

28 "I telephoned Fergus hearing and informed him AGO's
29 comments

1 - not directing
2 - Commissioner's decision
3 - line of question may have been validity.
4 political dynamite!!
5 He'll brief Commissioner. 16:05
6 I'll circulate draft letter once I get it from
7 counsel."
8
9 A. Yes.
10 834 Q. And this was reflected in your telephone conversation 16:05
11 with the Commissioner which you were referring to
12 before the break?
13 A. Yeah, yeah.
14 835 Q. Did you relay to her Ms. Ryan's concerns, the political
15 dynamite or trouble down the line? 16:05
16 A. I don't think I would have used those words but --
17 836 Q. Yes.
18 A. -- certainly with what had happened during the day it
19 was a fairly explosive issue. I think, you know, I
20 didn't need to explain to the Commissioner, she would 16:06
21 have been quite aware, quite I aware, you know, this
22 was a high profile issue, it had been well documented
23 in the media, a lot of issues had arisen and had been
24 discussed.
25 CHAIRMAN: No, I understand that. 16:06
26 A. Yeah.
27 837 Q. MS. LEADER: Was there any sense of maybe we should
28 re-think this or maybe meet over the weekend, or
29 anything of that nature?

1 A. No. I think the situation that developed during that
2 day, that had gone on for three quarters of an hour
3 anyway at that stage, you know, the decision had been
4 taken and that was it. I think the fact that the
5 matter had been discussed the night before and had been 16:06
6 agreed with the Commissioner and then the subsequent
7 developments on the Saturday -- sorry, on the Friday,
8 and the fact that she wasn't available, the decision
9 had been made and I suppose it's the nature of the
10 police work, decisions are made and people move on. 16:07

11 838 Q. Okay. Now, counsel drafted this letter and emailed it
12 to you on the Saturday night, is that correct?

13 A. That's correct, yes.

14 839 Q. And if we could just go to page 672 of the materials,
15 there's a letter to you and Ms. Ryan from junior 16:07
16 counsel?

17 A. Yes.

18 840 Q. Which says as follows:

19

20 "I attach for your immediate attention a draft wording 16:07
21 to be incorporated into our letter to the Commission.
22

23 It is of the utmost importance that the content be as
24 factually accurate as possible, such that there are no
25 misstatements and nothing that cannot be backed up by 16:08
26 oral or documentary evidence with the exception of the
27 facts alleged, recited or admitted by McCabe himself.
28

29 You will note the various comments and insertions and

1 notes in the text and please respond to these with any
2 particular observations or changes or suggestions, in
3 the actual document. In certain situations I have left
4 issues for Colm to decide. If Fergus has any views of
5 any of those issues then such a view will bind us and 16:08
6 does not require counsel's approval."
7

8 So that presumably went back to you or the
9 Commissioner, in the Commissioner's --

10 A. Sorry, what time was that email at? That was on the 16:08
11 Saturday?

12 841 Q. Quarter to ten. Yes.

13 A. That was the first draft that had been received.

14 842 Q. That was the first draft?

15 A. Yes. And from my recollection at that stage the draft 16:08
16 contained contributions from two of the parties
17 concerned and counsel had dealt with those people, as I
18 said.

19 843 Q. Okay.

20 A. And that obviously that had been clarified with him, I 16:09
21 understand, or I presume, it had been. And that I in
22 turn then dealt with a third party, which was
23 Superintendent Clancy, on the matter.

24 844 Q. Okay.

25 A. And it would be the following day I think then -- 16:09

26 845 Q. All right.

27 A. -- that the issues were addressed. It was a working
28 document --

29 846 Q. It was a working document?

1 A. -- over the weekend. There was, I suppose,
2 contributions and observations and various other
3 things, I assume, between all the parties concerned,
4 with respect to its content. And certainly, I just
5 had, I dealt with Superintendent Clancy on the matter 16:10
6 and at the very end then on the Sunday night/Monday
7 morning, when the document was completed more or less
8 there was a final draft circulated and I made certain
9 observations on that in my capacity as the
10 Commissioner's representative. 16:10

11 847 Q. As the Commissioner's representative, yes?

12 A. Yes.

13 848 Q. Did you revert to Commissioner in relation to it?

14 A. No, not at quarter --

15 849 Q. You were happy -- 16:10

16 A. It was quarter to two in the morning.

17 850 Q. Fair enough. All right. If we could go to that letter
18 and if we could go directly paragraph 19 of that
19 letter, which is at page 769.

20 A. Yes. 16:10

21 851 Q. And what that sets out is:
22
23 "Having been appointed to investigate Sergeant McCabe's
24 complaint against Superintendent Clancy, now
25 Superintendent Noel Cunningham, having attempted on a 16:11
26 number of occasions to meet with Sergeant McCabe
27 eventually met with Sergeant McCabe by appointment on
28 25th August 2008 in Mullingar Garda Station to receive
29 he details of his formal complaint. Superintendent

1 Cunningham was accompanied to this meeting by Sergeant
2 Martin --"

3
4 I think it is.

5
6 "-- and notes were taken at the meeting and
7 countersigned by Sergeant and a detailed report of the
8 meeting was prepared by Superintendent Cunningham and
9 its contents agreed with the sergeant and forwarded to
10 Chief Superintendent Rooney. In the course of this 16:11
11 meeting Sergeant McCabe advised Superintendent
12 Cunningham that the only reason he made the complaint
13 against Superintendent Clancy was to force him to allow
14 Sergeant McCabe to have the full DPP directions
15 conveyed to him." 16:12

16
17 Now what I am wondering, chief superintendent, is: How
18 that turned out to be complaints against Superintendent
19 Clancy when the complaints contained in Sergeant
20 McCabe's letter of February were complaints relating to 16:12
21 the D scenario and the directions, it wasn't complaints
22 against Superintendent Clancy?

23 A. No, yeah.

24 852 Q. You're clear on that?

25 A. Well look, at that particular time -- you're talking 16:12
26 about in the context of when this document was being
27 circulated?

28 853 Q. Yes, yes.

29 A. Well, it's my understanding, the contributors of that

1 were one of the two parties that counsel was dealing
2 directly with, and that they were providing that
3 information for the content of that paragraph to them.
4 And it was on the understanding that, you know what I
5 mean, that the documentation maybe that was there, the 16:13
6 supporting documentation, or whatever it was, that the
7 direct contributors of the material was verifiable
8 or -- you know what I mean. In other words, what I am
9 saying here is that the Commissioner didn't contribute
10 to that document, that paragraph as such. 16:13

11 854 Q. Yes.

12 A. The contributors were the parties represented and --
13 CHAIRMAN: You're talking about Superintendent
14 Cunningham --

15 A. Yes. 16:13

16 CHAIRMAN: -- and Chief Superintendent Clancy?
17 A. No, Chief Superintendent Rooney and Chief
18 Superintendent Cunningham were dealing directly with
19 counsel, or with the legal team, okay.
20 CHAIRMAN: Ms. Leader's question is: How did they both 16:13
21 get it so badly wrong?
22 A. Well, I think I can't answer that question. I think
23 that's --

24 CHAIRMAN: Because the word "against" is used twice --
25 A. I understand that now. 16:14
26 CHAIRMAN: -- it's not used once.
27 A. And I think --
28 CHAIRMAN: And there's no document ation to back up
29 "against" anywhere.

1 A. No, I see, the --

2 CHAIRMAN: I know, you're coming in, it's in a state of
3 chaos.

4 A. Yes.

5 CHAIRMAN: I appreciate all of that. But everybody is 16:14
6 now telling me nobody ever said that. So, if nobody is
7 ever saying that, how does it ever get into a letter
8 drafted by a lawyer?

9 A. I can't explain that. whatever happened between
10 counsel -- and Superintendent Cunningham and 16:14
11 Superintendent Rooney may be able to enlighten the
12 Tribunal in respect to that matter.

13 855 Q. MS. LEADER: You see, it's elevating the issue of
14 motive to a very high level, if you understand what I
15 am saying? 16:14

16 A. Yes, yes.

17 856 Q. What that paragraph on my reading of it suggests is
18 that complaints were being made against Superintendent
19 Clancy so Sergeant McCabe could get something he was
20 looking for, that is what that paragraph means? 16:15

21 A. Of course, I appreciate that.

22 857 Q. So it suggests that there was an almost blackmail
23 situation going on in relation to Sergeant McCabe and
24 making complaints?

25 A. Yes. 16:15

26 858 Q. Which wasn't the actual case?

27 A. Yes.

28 859 Q. Which everybody agrees with?

29 A. Yes.

1 860 Q. So that paragraph is actually the core of the issue of
2 motivation as it was being put in front of the
3 Commission at the time?
4 A. Yes.
5 861 Q. Everything else really leads up in that letter to that 16:15
6 paragraph?
7 A. Yes.
8 862 Q. So it seems extraordinary that everybody would get it
9 wrong and nobody would notice it, albeit everybody was
10 working under a lot of pressure that weekend? 16:15
11 A. Yes.
12 863 Q. Because if we're all talking about motive and there's a
13 huge controversy on Friday about motive, we'd all try
14 and get it as right as we can?
15 A. Yes. 16:16
16 864 Q. And certainly counsel seemed to be emphasising this in
17 the email they sent to you on the Saturday night?
18 A. About accuracy.
19 865 Q. I'm sorry?
20 A. About accuracy? 16:16
21 866 Q. Yes.
22 A. Yes.
23 867 Q. I think it was, the words "utmost importance" were
24 underlined or in capitals or something like that?
25 A. I understand. Yes. In response to that -- 16:16
26 868 Q. Yes?
27 A. -- the first draft of the document that I saw, at
28 paragraph 19, that line was included in the first draft
29 and that's now looking back on it, okay. When I've

1 looked at the evolution of that document, with respect
2 to the emails that I received, that that line was in
3 that draft from the outset, which in turn came about
4 directly from the contributions of either Chief
5 Superintendent Rooney or Superintendent Cunningham with 16:17
6 their dealings with counsel, that's -- they were the
7 contributors --

8 869 Q. Okay.
9 A. -- of that paragraph, at that document. So, I could
10 only assume that that was correct. 16:17

11 870 Q. Okay. Because in fairness to yourself and Commissioner
12 O'Sullivan, when you record her instructions on the, I
13 think the evening of the 14th, if I am correct in that?
14 A. 15th.

15 871 Q. The 14th? 16:17
16 A. The instructions okay, yeah.

17 872 Q. When you record her instructions on the evening of the
18 14th, it's something that could be slightly different
19 that's being said --
20 A. Yes. 16:18

21 873 Q. -- in relation to motivation at that stage?
22 A. Yes.

23 874 Q. What is said is:
24
25 "Motivation. Clancy. Rooney. Then Maurice changed." 16:18
26

27 A. Yes. That is what counsel -- that is what was coming
28 out of the consultations.

29 875 Q. The consultations?

1 A. Yes, on the 12th and 13th.

2 876 Q. Perhaps that Sergeant McCabe was someone who was
3 embittered after the experience of being investigated
4 and not being cleared by way of circulation of the
5 DPP's directions, which is a very different thing to 16:18
6 putting it up to Chief Superintendent Clancy?

7 A. As I said, what emerged from the consultations was
8 communicated to the Commissioner on the 14th and the go
9 ahead was given with respect to the information that
10 was available to us at that particular time. 16:18

11 877 Q. Okay.

12 A. The following day, the construction of this email --

13 878 Q. Yes?

14 A. -- or this letter, on the 15th, as I said, the
15 contributors of the content of that material came from 16:19
16 the same source, but they were dealing directly with
17 the legal team. I can only assume that the material
18 was correct and verified during that process. I can't
19 explain that, I didn't even -- it didn't even register
20 with me, that particular point. I think it came to 16:19
21 light at a later day, right, in the course of the
22 hearings. But certainly at that time I didn't pick up
23 on that issue because I assumed that counsel who are
24 dealing directly with the parties concerned were being
25 led by them. 16:20

26 CHAIRMAN: If I could intervene, I'm sorry Ms. Leader
27 for interrupting, but obviously that is something to
28 which I have had to give a bit of thought.

29 A. Yes.

1 CHAIRMAN: And I'm obviously still thinking about it
2 and thank you for your help --

3 A. Yes.

4 CHAIRMAN: -- chief superintendent, but I mean the way,
5 for instance, Sergeant Yvonne Martin has been spoken 16:20
6 about, without any thought. I mean, she's being blamed
7 for this.

8 A. Yes.

9 CHAIRMAN: If you actually read her statement, it's not
10 there. 16:20

11 A. Yes.

12 CHAIRMAN: If you read Noel Cunningham's statement of
13 the account of the Mullingar meeting, it's not there.
14 So, how does it suddenly in the midst of all this
15 controversy, when people are warned effectively by the 16:20
16 Judge, look, you have to be careful, it suddenly jumps
17 out as nowhere? And it does seem as serious as
18 Ms. Leader has characterised it; I'm going to make a
19 series of ridiculous complaints against a chief
20 superintendent in order to twist his arm that the DPP's 16:20
21 letter, which is never circulated to parties, I know
22 there is a trial basis for things now, is going to be
23 circulated in my case. I mean, it doesn't speak very
24 well of a man's character who could do that kind of
25 thing. Now, let's just take that as a given. But what 16:21
26 I am still wondering about, as Ms. Leader is asking
27 you, where in heaven's name did this thing come from?

28 A. Well, as I said, in the course of, I suppose, dealing
29 with the request by Mr. O'Higgins, that immediately

1 after the consultation finished the contributors of the
2 document dealt directly with counsel and the document
3 was circulated in that format with that contents
4 contained in it. And I, at that particular stage, was
5 of the view that what was in that document was correct. 16:21
6 That was my opinion, at that time. I wasn't in a
7 position to contradict that.

8 CHAIRMAN: I'm appreciating you wouldn't have read
9 Yvonne Martin's statement.

10 A. Yes. 16:22

11 CHAIRMAN: You wouldn't have read Noel Cunningham's
12 statement. I mean, you couldn't catch up in the way
13 that we have been able to perhaps catch up since.

14 A. Yes.

15 CHAIRMAN: Okay. I'm sorry for interrupting you, 16:22
16 Ms. Leader. Thank you.

17 879 Q. MS. LEADER: Was that letter sent to the Commissioner
18 at any time? It doesn't appear from the papers that it
19 was.

20 A. I don't think it was. I think the way things were 16:22
21 evolving within the Commission and the pace at which
22 things were moving and the fact that the letter was
23 agreed at, I think it was two o'clock in the morning,
24 Sunday night/Monday morning, and then it was presented
25 in the Commission the following morning and from the 16:22
26 outset there was issues with its content, and from -- I
27 understand that Mr. O'Higgins ruled the document
28 inadmissible and at that stage the document was then
29 moot with respect to the purpose for which it was

1 agreed to do it. And from my understanding, from my --
2 I suppose immediate position, I was completely and
3 utterly preoccupied with the disclosure of all the
4 material that I was dealing with, with respect to the
5 other issues as well, so I was immediately thinking 16:23
6 about the next day and where we were going with the
7 Commission. We were moving on, as far as I was
8 concerned. The document was inadmissible and the Judge
9 dealt with it, so that was it, as far as I was
10 concerned. 16:23

11 880 Q. Okay. So Judge O'Higgins said the only thing that
12 could be put to Sergeant McCabe: that he had a
13 grievance, real or perceived, in arising out of a
14 conversation with Superintendent Rooney, is that it?
15 A. Yeah, I think that was a summation of what was 16:24
16 allowable.

17 881 Q. Yes. And what he was saying was, Sergeant McCabe, his
18 motivation, you're suggesting was out of a grievance he
19 had, and that was --
20 A. Yeah, I think that's in the transcript, yes. 16:24

21 882 Q. Yes, okay. Now I think things moved on in the
22 Commission then, Chief Superintendent Rooney and
23 Superintendent Cunningham gave evidence along those
24 lines and stuck to the ruling that at that stage --
25 A. Okay. 16:24

26 883 Q. -- that was --
27 A. Was issued.
28 884 Q. -- issued in relation to the matter. I think when
29 Sergeant McCabe got into the witness box, which was

1 later on that day, Mr. Smyth put to him, and this is at
2 page 938 of the materials, which should come up in
3 front of you. If you go to question 599, Mr. Smyth
4 said:
5
6 "There's no difficulty with that. Then we know that
7 you have a personal grievance with the guards; isn't
8 that right?"
9
10 And Sergeant McCabe denies that, isn't that correct? 16:25
11 A. Yeah, that's in the transcript, yes.
12 885 Q. He says:
13
14 "Absolutely not. I heard that evidence here this
15 morning. Absolutely not." 16:25
16
17 And then matters continue that way with Sergeant McCabe
18 trying to explain what happened in relation to his
19 complaints dealing with the D issue.
20 A. He gave his version of events. 16:25
21 886 Q. Yes.
22 A. Yes.
23 887 Q. Which actually happened to be the same as the taped
24 version of events and --
25 A. Oh sorry, yeah. 16:25
26 888 Q. -- superintendent --
27 A. Okay, the report.
28 889 Q. Yeah.
29 A. Yes.

1 890 Q. And Superintendent Cunningham's report, which was the
2 true version of events as far as anybody --
3 A. I think at that stage, I don't know what was happening
4 at the Commission, but I wasn't aware fully of what was
5 on the tape. I think on that particular day, my 16:26
6 recollection was that there was a problem in obtaining
7 equipment to listen to the tape. I was uncertain, you
8 know what I mean, with respect to the clarification of
9 that point, that content.

10 891 Q. All right. Maybe we will look at Mr. Smyth's 16:26
11 cross-examination of Sergeant McCabe.
12 A. Okay.

13 892 Q. We won't go into it in too much detail. But for some
14 reason people had wandered outside of the strict ruling
15 of Mr. Justice O'Higgins. 16:26
16 A. Right, okay. Yes.

17 893 Q. And at page 979, at maybe question 18, we will start:
18
19 "A. Sorry, we met in Mullingar.
20 Q. He met you in Mullingar on 25th August 2008? 16:27
21 A. Yes.
22 Q. This is an issue of credibility I want to put to
23 you.
24 A. Okay.
25 Q. There was a meeting there in Mullingar Garda 16:27
26 Station --"
27
28 A. Sorry, the thing is jumping around here.

29 894 Q. I'm going too fast, sorry.

1 A. Maybe if I refer to --

2 895 Q. It's page 979 of volume 2A.

3 A. 979, yes. Okay. What line?

4 896 Q. "There is an issue of credibility I want to put to
5 you." 16:27

6 A. Sorry, now which line are you at?

7 897 Q. 21.

8 A. Yes.

9 898 Q. This is the issue of credibility.

10 A. Yes. 16:27

11 899 Q. So he has already said he had a grievance, that
12 question has been put to him?

13 A. Yeah.

14 900 Q. Sergeant McCabe says:
15
16 "Okay. There was a meeting there in Mullingar Garda
17 Station and that meeting was the Sergeant --"
18
19 It is redacted. 16:28

20
21 "Q. Is that correct? 16:28

22 A. That is correct.

23 Q. I think there were notes taken at the meeting?

24 A. There was, by each side.

25 Q. A detailed report was prepared by Superintendent 16:28
26 Cunningham, there is no dispute about that.

27 A. There is. I didn't see it. He has given his
28 version.

29 Q. All right. He has forwarded that report to

1 Superintendent Rooney. This is the issue I want to ask
2 you about."

3 A. Yes.

4 901 Q. The answer is:

5

16:28

6 "A. Yes.

7 Q. In the course of that meeting, sergeant, you
8 advised Superintendent Cunningham that the only reason
9 you made a complaint against Superintendent Clancy was
10 to force him to allow to you have the full authority
11 directions conveyed to you."

16:28

12

13 And Sergeant McCabe said:

14

15 "That is absolutely false.

16:28

16 Q. Right.

17 A. Absolutely, Judge."

18

19 Mr. Smyth then says:

20

16:28

21 "The only reason, and this will be the evidence of
22 Superintendent Cunningham, the only reason that you
23 wrote those list of complaints for Superintendent
24 Clancy, do you understand, that you made the complaints
25 about Superintendent Clancy, was that you wanted to put
26 pressure on Superintendent Clancy to get the full
27 directions from the authority conveyed to you."

16:29

28

29 And Sergeant McCabe says:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

"That is absolutely false. Absolutely.

Q. Fair enough.

A. I have a clear recollection of that meeting."

16:29

So it is on that Monday being put very strongly by counsel for the Commissioner that the reason the complaints were made against Superintendent Clancy was so as the directions, the DPP's directions are being conveyed. So I don't know if that would assist you in any way as to how it came about that that was the Commissioner's stance at that time.

16:29

A. Well, look, counsel put the question to the witness, my understanding was that at that particular time, I stand corrected on this, but my understanding was that there was -- and the mistake, for want of a better word, in that paragraph --

16:30

902 Q. Yes?

A. -- hadn't been readily identified at that particular time and that it was taken in good faith. You know, I don't know, you know what I mean. I can't say, you know what I mean, why counsel was pursuing that line in light of the decision.

16:30

903 Q. Well, that was on a Monday?

A. The decision, you know what I mean. The decision of the Judge.

16:30

904 Q. It appears that things may have meandered into that territory?

A. Well, you know what I mean, I'm not the person to

1 answer the question really as to why that happened. I
2 can certainly say it wasn't on my direction anyway.

3 905 Q. I think Sergeant McCabe is being re-examined in
4 relation to the matter by Mr. McDowell, if you could
5 turn to page 1019 of the materials. 16:31

6 A. Yes.

7 906 Q. The question is:
8
9 "I see. It has been suggested that you were actuated
10 by malice in all of those matters." 16:31

11
12 A. Sorry, what line are you on?

13 907 Q. Sorry, 23.

14 A. Sorry.

15 908 Q. "I spoke to Colm Rooney here, so I did, I spoke to Noel 16:31
16 Cunningham, Mick Clancy, a gentleman, I'm not malice.
17 Q. In relation to the report that was done by
18 Assistant Commissioner Byrne and who else was it,
19 McGinn, is that it?
20 A. Yes, Terry McGinn. 16:31
21 Q. Was there anything said about whether you were
22 malicious or not at the time?
23 A. No. I read in the Guerin Report that it said that
24 in that report it wasn't out of malice, but I've never
25 read, but I read it in the Guerin Report 16:32
26 Q. I see.
27 MR. JUSTICE O'HIGGINS: I think that is correct. It's
28 not a matter that is likely to be in dispute, that
29 according to Byrne/McGinn report actually certainly

1 implied or maybe even specifically stated otherwise
2 that he was not, that he was not.

3 MR. MCDOWELL: Yes.

4 MR. JUSTICE O'HIGGINS: which is directly contrary to
5 the position being taken by the Commissioner. 16:32

6 MR. MCDOWELL: Yes."

7

8 Mr. Gillane then says:

9

10 "If it is of assistance to the Commission the express 16:32
11 findings in relation to this issue was:

12 'No malice on the part of Sergeant McCabe is
13 established in the making of his various complaints the
14 subject of this file.'

15 That is a quote. 16:32

16 MR. JUSTICE O'HIGGINS: Yes."

17

18 Then Mr. McDowell then goes on to outline the dealings
19 his client had with the Commissioner since then, since
20 all of these events, and it's put to Sergeant McCabe 16:32
21 that he had two meetings with the Commissioner, and
22 he's asked:

23

24 "Has it ever been suggested to you by her in those
25 meetings that you were actuated by malice? 16:33

26 A. No, never. I heard it here on Friday in relation
27 to my role. My career is gone now because of that.

28 Q. I mean, I think you were appointed to a
29 professional standards unit, is that right?

1 A. She did, yeah, and she praised me at that meeting
2 and said it was great work.

3 MR. JUSTICE O'HIGGINS: Was that the first time you
4 heard any suggestion that you were motivated by malice?

5 A. Mm-hmm. 16:33

6 Q. MR. MCDOWELL: By the Commissioner?

7 A. By the Commissioner.

8 Q. I believe you heard people putting out rumours
9 along the same lines a long, long time ago, isn't that
10 right? 16:33

11 A. About malice?

12 Q. Yes, or discredit rumours."

13

14 And then he goes on:

15 16:33

16 "Oh, discredited, yes, but I didn't hear the word
17 malice."

18

19 So, at that stage was it apparent to anybody in the
20 Commissioner's team that things were going slightly off 16:34
21 the rails insofar as Sergeant McCabe is being
22 questioned in relation to mala fides, malice,
23 motivation?

24 A. Well, it was certainly never the instructions, you know
25 what I mean, that mala fides was an issue here. You 16:34
26 know what I mean, that was never an issue.

27 909 Q. If I could stop you there, chief superintendent.

28 A. Sorry.

29 910 Q. It's very hard to marry no mala fides with a

1 proposition put to Sergeant McCabe and committed to
2 writing that he was in essence blackmailing a chief
3 superintendent with complaints against him so as that
4 DPP directions should be circulated to his benefit.
5 That is a very hard situation to --

16:34

6 A. Comprehend.

7 911 Q. -- comprehend.

8 A. Yeah.

9 912 Q. And if you could assist the Tribunal in relation to
10 that.

16:34

11 A. Well, look, all I can say is that, as I said about the
12 document on the 18th and how the origins of that came
13 about are -- you know what I mean, the contributors of
14 that will have to address those issues. You know, I
15 can't enlighten, you know what I mean, the Tribunal any
16 further than what's in the transcript. You know, I
17 certainly didn't control what counsel was uttering, you
18 know.

16:35

19 913 Q. Yes.

20 A. If that is any help, I don't know. I don't think it is
21 but --

16:35

22 CHAIRMAN: All right. That seems to be the position.
23 It is a good point to break, perhaps.

24 MS. LEADER: Yes, sir.

25 CHAIRMAN: Thank you.

16:35

26

27 THE HEARING THEN ADJOURNED UNTIL FRIDAY, 19TH JANUARY
28 2018 AT 10:00AM

29

| | | | | | |
|--------------------------|---------------------------|---------------------------|---------------------------|---------------------------|--------------------------|
| | 145:9 | 159 [1] - 22:10 | 17 [4] - 36:14, | 106:23 | 26 [1] - 156:22 |
| | 12 [1] - 51:17 | 15:10 [1] - 152:3 | 54:29, 55:2, 56:8 | 2007 [14] - | 26th [4] - 157:2, |
| | 123 [1] - 73:25 | 15:12 [2] - | 173 [2] - 36:3, | 15:24, 36:28, | 159:22, 160:5, |
| '14 [4] - 103:21, | 125 [1] - 89:17 | 154:5, 154:14 | 119:27 | 41:14, 41:25, | 168:4 |
| 103:23, 104:14, | 127 [2] - 89:22, | 15:13 [2] - | 174 [1] - 36:16 | 41:29, 43:19, | 27 [1] - 50:29 |
| 104:15 | 94:10 | 154:18, 154:27 | 175 [1] - 36:14 | 71:25, 72:8, 92:2, | 28 [2] - 4:6, |
| '15 [3] - 104:5, | 128 [2] - 94:20, | 15:14:19 [1] - | 176 [1] - 135:15 | 96:17, 100:17, | 32:28 |
| 104:7, 104:8 | 94:21 | 155:13 | 178 [1] - 22:10 | 120:21, 150:25, | 29 [2] - 3:6, |
| 'Brief [1] - | 12th [6] - | 15:15 [4] - | 18 [2] - 36:14, | 150:27 | 53:25 |
| 134:21 | 115:15, 115:20, | 154:29, 155:2, | 202:17 | 2007/2008 [1] - | 29th [3] - 71:8, |
| 'Department [1] | 117:14, 124:28, | 155:27, 156:11 | 18TH [1] - 5:1 | 6:3 | 101:1, 104:14 |
| - 161:1 | 145:10, 197:1 | 15:16 [1] - | 18th [17] - 14:24, | 2008 [9] - 36:28, | 2A [2] - 153:21, |
| 'no [1] - 207:12 | 13 [1] - 32:10 | 155:27 | 16:27, 17:15, | 41:15, 50:15, | 203:2 |
| 'the [1] - 157:16 | 130 [1] - 83:12 | 15:20 [1] - | 18:7, 20:14, | 58:19, 59:5, 59:9, | |
| | 136 [2] - 106:6, | 155:29 | 22:29, 51:14, | 118:17, 191:28, | |
| | 106:8 | 15:23 [3] - | 58:13, 58:19, | 202:20 | |
| 1 | 137 [1] - 107:3 | 155:4, 156:17, | 58:23, 59:15, | 2012 [3] - 39:17, | 3 [4] - 22:10, |
| | 1374 [1] - 60:25 | 157:24 | 63:18, 96:9, | 40:15, 40:23 | 31:29, 45:20, |
| 1 [37] - 5:11, | 138 [1] - 109:3 | 15:26 [2] - | 102:27, 103:22, | 2014 [5] - 95:18, | 46:4 |
| 5:15, 9:22, 9:26, | 1388 [1] - 53:4 | 156:19, 158:18 | 178:13, 209:12 | 96:10, 97:6, | 3.2 [1] - 67:3 |
| 11:9, 15:17, | 1389 [1] - 53:5 | 15:29 [3] - | 19 [4] - 18:9, | 102:27, 104:21 | 3.4 [2] - 65:2, |
| 19:21, 22:20, | 139 [2] - 110:4, | 161:25, 163:9, | 33:20, 191:18, | 2015 [21] - | 65:11 |
| 22:22, 23:26, | 110:6 | 171:6 | 195:28 | 15:17, 27:12, | 30th [6] - 71:8, |
| 24:1, 32:1, 33:24, | 13th [4] - 119:5, | 15:36 [1] - | 19/13/15 [1] - | 29:2, 53:27, | 73:20, 75:12, |
| 35:15, 35:25, | 124:28, 145:11, | 164:18 | 103:9 | 58:23, 59:15, | 76:4, 77:6, 77:14 |
| 35:28, 36:27, | 197:1 | 15:37 [3] - | 19/3/15 [2] - | 60:11, 71:2, 71:4, | 31 [3] - 134:15, |
| 39:7, 39:8, 42:11, | 14 [2] - 54:2, | 165:22, 165:29, | 103:7, 103:26 | 73:20, 81:4, | 155:2, 156:7 |
| 42:16, 60:11, | 158:20 | 176:16 | 1940 [1] - 46:3 | 81:22, 92:3, | 3277 [1] - 70:19 |
| 61:13, 74:3, 74:8, | 14-minute [1] - | 15:38 [1] - 166:6 | 1942 [3] - 45:21, | 100:18, 102:29, | 3284 [1] - 117:10 |
| 81:27, 87:27, | 166:29 | 15:39 [1] - | 45:29, 46:1 | 103:6, 103:11, | 3289 [1] - 176:12 |
| 88:1, 106:8, | 14/5/2015 [2] - | 166:14 | 1943 [1] - 47:5 | 104:6, 104:20, | 3291 [2] - 10:23, |
| 121:24, 140:23, | 123:25, 170:25 | 15:39:33 [1] - | 1944 [1] - 47:24 | 105:21, 145:16 | 10:24 |
| 140:29, 156:17, | 140 [2] - 58:21, | 166:20 | 1945 [3] - 39:2, | 2016 [4] - 14:25, | 35 [1] - 174:4 |
| 169:1, 185:29 | 111:14 | 15:41 [3] - | 39:3, 45:19 | 99:22, 99:23, | 3508 [1] - 53:26 |
| 1's [1] - 22:20 | 1435 [2] - 60:27, | 166:21, 170:9, | 1982 [1] - 70:23 | 100:4 | 3510 [3] - 53:23, |
| 1(a) [1] - 120:3 | 60:29 | 172:4 | 19:17 [2] - | 2018 [2] - 5:1, | 53:28, 53:29 |
| 1(b) [1] - 119:24 | 1439 [1] - 60:17 | 15:50 [1] - 155:4 | 178:23, 179:18 | 209:28 | 3511 [1] - 55:8 |
| 1(c) [1] - 119:24 | 1495 [1] - 49:2 | 15:52 [3] - | 19:28 [2] - | 20th [1] - 70:23 | 3518 [1] - 56:5 |
| 1(d) [1] - 119:24 | 14th [21] - 15:17, | 167:18, 170:9, | 174:21, 179:29 | 21 [3] - 46:18, | 37 [1] - 174:2 |
| 1(e) [1] - 119:25 | 80:6, 101:12, | 172:4 | 19TH [1] - | 51:24, 203:7 | 3815 [1] - 115:18 |
| 10 [2] - 7:5, | 102:18, 111:24, | 15th [16] - 16:27, | 209:27 | 21:10 [3] - 29:2, | 3817 [1] - 122:23 |
| 34:25 | 114:29, 119:12, | 27:12, 29:2, | 19th [1] - 104:8 | 31:12, 183:8 | 3825 [2] - |
| 100% [3] - 95:14, | 122:23, 123:9, | 29:22, 147:9, | 1A [4] - 5:15, | 21:10pm [1] - | 168:13, 168:15 |
| 101:13, 164:16 | 124:22, 125:5, | 149:1, 149:2, | 35:28, 36:9, | 29:22 | 3828 [2] - 61:28, |
| 1019 [1] - 206:5 | 126:1, 126:7, | 157:4, 157:5, | 36:19 | 23 [1] - 206:13 | 61:29 |
| 10:00AM [1] - | 127:28, 138:15, | 168:6, 168:7, | 1B [3] - 7:4, | 23rd [3] - 39:17, | |
| 209:28 | 140:12, 147:6, | 174:24, 178:18, | 11:10, 11:11 | 40:14, 40:23 | |
| 10th [3] - | 196:13, 196:15, | 187:26, 196:14, | | 24 [1] - 65:8 | |
| 102:29, 103:2, | 196:18, 197:8 | 197:14 | | 24th [10] - 17:25, | |
| 104:6 | 15 [6] - 48:3, | 16 [1] - 47:7 | | 20:14, 20:26, | |
| 11 [1] - 136:3 | 155:1, 155:3, | 166 [1] - 47:16 | | 22:23, 22:24, | |
| 112 [1] - 81:8 | 155:4, 156:21, | 16:02 [5] - | | 24:1, 24:7, 24:8, | |
| 11:30 [4] - | 167:22 | 173:15, 173:19, | | 61:14, 81:21 | |
| 160:1, 160:3, | 15.54 [1] - 172:6 | 173:20, 173:28, | | 25 [2] - 4:5, | |
| 160:8, 160:9 | 153 [2] - 35:18, | 176:4 | | 55:23 | |
| 11th [13] - 18:8, | 35:24 | 16:06 [2] - | | 2569 [1] - 51:4 | |
| 18:23, 23:1, | 1547 [1] - 39:5 | 174:2, 176:4 | | 2570 [1] - 50:29 | |
| 23:29, 60:11, | 1552 [1] - 39:9 | 16:08 [2] - | | 25th [4] - 62:23, | |
| 62:1, 82:20, | 157 [3] - 21:18, | 173:22, 174:9 | | 120:20, 191:28, | |
| 82:23, 94:3, 95:4, | 22:9, 134:13 | 16:34 [1] - 177:3 | | 202:20 | |
| 104:1, 105:24, | | | | | |
| | | | 2 | | 4 |
| | | | 2 [8] - 3:7, 6:7, | | 4 [2] - 22:20, |
| | | | 15:18, 32:1, 39:6, | | 23:26 |
| | | | 60:28, 97:14, | | 4029 [1] - 183:8 |
| | | | 153:20 | | 4092 [2] - 28:24, |
| | | | 20 [1] - 33:19 | | 28:25 |
| | | | 2005 [2] - 71:24, | | 42 [1] - 58:21 |
| | | | 72:8 | | 4274 [3] - 14:28, |
| | | | 2006 [4] - 94:25, | | 14:29, 15:1 |
| | | | 97:19, 97:20, | | 4289 [7] - 14:14, |
| | | | | | 14:20, 14:21, |

14:22, 14:23,
14:24, 14:29
4291 [4] - 59:23,
63:16, 63:17,
63:18
4292 [1] - 118:13
4293 [2] - 96:8,
102:29
4364 [2] - 40:2,
40:10
4365 [2] - 40:17,
41:8
4366 [1] - 41:24
4367 [1] - 42:23
4368 [1] - 43:13
4369 [1] - 44:15
45 [1] - 30:18
48 [1] - 115:4
4th [1] - 53:27

5

5 [5] - 4:4, 20:25,
32:7, 62:23, 64:4
51 [1] - 167:28
52 [1] - 167:23
58 [1] - 4:7
59 [3] - 4:8,
156:17, 166:24
599 [1] - 201:3
5th [4] - 60:19,
81:4, 82:14,
82:15

6

6 [2] - 10:22,
70:19
61 [2] - 39:15
64 [1] - 4:9
644 [1] - 151:18
662 [1] - 150:5
663 [1] - 150:24
67 [1] - 77:8
670 [1] - 164:21
672 [1] - 189:14
678 [1] - 172:12
689 [1] - 162:29
69 [2] - 60:12,
62:19
690 [3] - 11:8,
11:9, 170:17
692 [2] - 183:18,
187:20
693 [2] - 161:17,
163:7
694 [6] - 8:26,
8:27, 159:20,

168:14, 168:18,
174:26
695 [1] - 177:4
698 [1] - 7:4
699 [3] - 7:4,
7:18, 7:20
6th [2] - 96:2,
96:16

7

7 [6] - 28:23,
53:24, 54:3,
61:28, 106:23,
166:15
70 [3] - 4:12,
60:12, 62:19
71 [2] - 60:12,
62:19
72 [3] - 85:21,
85:24, 115:4
73 [1] - 88:13
750 [2] - 165:21,
178:22
755 [5] - 154:2,
156:14, 165:29,
166:17, 179:29
756 [3] - 154:21,
165:21, 166:6
759 [3] - 167:21,
173:14, 173:17
760 [3] - 153:29,
154:3, 158:17
769 [1] - 191:19
782 [2] - 21:22,
150:8
799 [1] - 34:12
7th [2] - 97:19,
97:20

8

8 [5] - 3:15,
14:16, 28:26,
59:24, 63:16
800 [1] - 31:29
89 [1] - 53:5
8th [1] - 61:5

9

9.17 [1] - 41:3
938 [1] - 201:2
979 [3] - 202:17,
203:2, 203:3
99% [1] - 49:16

A

abandoned [1] -
47:19
able [6] - 27:11,
67:17, 97:5,
142:17, 194:11,
199:13
above.. [1] -
43:24
absence [1] -
81:26
absolutely [13] -
17:16, 21:7, 27:1,
31:21, 46:23,
62:21, 68:23,
201:14, 201:15,
204:15, 204:17,
205:2
abuse [1] -
69:29
accept [2] -
66:25, 67:3
accepted [6] -
57:6, 65:20,
66:26, 67:1,
68:18, 83:24
accepting [2] -
65:26, 66:21
accepts [1] -
66:8
access [8] -
48:28, 48:29,
108:14, 122:12,
163:13, 163:16,
164:2, 164:9
accompanied
[1] - 192:1
accordance [3] -
53:21, 184:27,
185:18
according [1] -
206:29
accordingly [1] -
85:19
account [7] -
68:4, 117:5,
118:5, 118:29,
142:9, 151:6,
198:13
accountability
[1] - 44:5
accrued [1] -
88:18
accuracy [4] -
63:4, 176:25,
195:18, 195:20
accurate [3] -
118:9, 118:28,

189:24
accurately [1] -
23:10
accuse [1] - 8:8
acquire [1] -
125:2
Act [1] - 136:4
acted [2] - 66:6,
177:13
acting [4] -
19:29, 115:17,
115:25, 116:5
action [2] -
88:18, 142:18
actions [3] -
37:26, 95:28,
142:10
actions/alleged
[1] - 88:17
active [1] - 106:3
activities [1] -
61:11
actual [9] -
72:25, 80:16,
106:18, 123:10,
129:18, 129:21,
132:15, 190:3,
194:26
actuated [2] -
206:9, 207:25
address [8] -
40:26, 51:1,
100:19, 126:4,
127:9, 128:26,
142:25, 209:14
addressed [3] -
61:5, 125:21,
190:27
addressing [1] -
186:8
adjourn [2] -
111:21, 178:4
ADJOURNED
[2] - 98:24, 209:27
adjourned [2] -
111:19, 169:22
adjournment
[15] - 11:21,
12:10, 12:11,
13:8, 28:3,
111:11, 119:15,
169:25, 169:26,
170:1, 170:3,
170:5, 171:15,
171:17, 171:24
ADJOURNMENT
T [1] - 184:4
adjournments
[1] - 27:13
administration

[3] - 34:29, 71:5,
71:26
admitted [1] -
189:27
adopted [1] -
102:4
adopting [1] -
142:28
advance [3] -
90:23, 140:12,
177:23
advanced [2] -
90:25, 139:22
adverse [1] -
43:4
advert [1] -
135:14
advice [20] -
10:2, 12:26,
19:13, 131:12,
137:19, 137:21,
139:21, 139:23,
141:4, 141:15,
143:4, 144:19,
145:3, 147:17,
147:19, 147:21,
169:4, 170:10,
171:29, 178:20
advices [8] -
11:16, 19:27,
20:3, 28:9,
170:26, 171:6,
179:25
advise [8] -
79:17, 90:28,
91:9, 94:29,
96:15, 143:8,
143:14, 145:2
advised [18] -
10:6, 10:27,
11:22, 62:7, 87:1,
87:13, 95:21,
96:17, 127:8,
138:10, 138:11,
142:1, 175:2,
180:14, 180:18,
180:23, 192:11,
204:8
advises [1] -
97:23
advising [7] -
13:22, 127:8,
131:6, 132:3,
134:7, 143:3,
175:6
affairs [2] - 81:4,
83:6
Affairs [1] -
110:8
affected [2] -

50:12, 68:10
affecting [1] -
50:27
affidavit [1] -
74:3
afforded [3] -
24:3, 86:27,
91:10
afraid [1] - 166:4
AFTER [2] -
98:26, 184:4
aftermath [3] -
22:1, 139:8,
147:26
afternoon [2] -
157:2, 184:18
afterwards [2] -
104:25, 168:1
agenda [1] -
134:12
ago [1] - 208:9
AGO [1] - 30:7
AGO's [1] -
187:28
agree [12] -
34:23, 35:27,
53:12, 57:5, 59:9,
64:15, 64:17,
69:8, 105:19,
131:13, 153:3,
167:10
agreed [11] -
43:6, 141:12,
177:25, 177:27,
180:19, 186:28,
187:2, 189:6,
192:9, 199:23,
200:1
agreeing [2] -
66:21
agrees [4] -
69:29, 161:6,
183:3, 194:28
AGS [1] - 87:26
ahead [20] -
11:21, 12:11,
85:11, 85:15,
111:24, 111:27,
113:3, 119:16,
119:17, 125:27,
126:5, 131:13,
137:22, 139:22,
140:7, 141:4,
141:13, 147:19,
147:26, 197:9
aim [8] - 92:8,
93:20, 100:22,
114:27, 142:4,
142:5, 142:19,
148:8

alarmingly [1] - 43:5
albeit [1] - 195:9
allegation [20] - 5:23, 18:25, 20:16, 46:24, 47:3, 48:24, 48:26, 49:5, 49:9, 49:10, 49:11, 50:25, 53:9, 73:10, 94:18, 94:25, 108:6, 108:10, 108:11, 108:13
allegations [35] - 6:16, 8:14, 8:20, 17:3, 18:18, 22:19, 35:5, 42:19, 44:10, 45:12, 45:13, 45:15, 45:23, 49:21, 49:22, 49:25, 50:3, 50:20, 50:23, 53:16, 55:16, 55:19, 55:21, 56:19, 56:25, 56:28, 69:28, 133:3, 134:4, 139:19, 142:7, 172:16, 173:8
allegations. [1] - 35:7
alleged [3] - 44:12, 55:16, 189:27
allocation [1] - 6:4
allow [5] - 33:2, 34:6, 136:4, 192:13, 204:10
allowable [1] - 200:16
allowed [2] - 42:5, 136:25
alluded [1] - 72:8
almost [2] - 180:16, 194:22
alter [1] - 44:3
ambivalent [2] - 65:16, 66:5
ambush [1] - 186:26
ambushed [1] - 186:27
amendments [2] - 17:12, 20:6
amount [3] - 46:22, 75:17, 115:7
amounts [1] - 138:19
analysing [1] - 129:6
ANGLESEA [1] - 3:6
Annamarie [6] - 29:13, 31:17, 62:4, 162:1, 183:24, 185:7
ANNMARIE [2] - 4:3, 5:7
annoyance [1] - 76:17
annual [1] - 115:25
anomaly [1] - 103:23
Answer [1] - 150:17
answer [12] - 8:9, 15:27, 48:11, 57:9, 68:14, 93:3, 145:29, 164:24, 182:17, 193:22, 204:4, 206:1
answered [2] - 127:16, 156:4
answering [1] - 68:12
anticipate [1] - 184:1
anticipated [1] - 86:2
anxious [1] - 126:4
anyway [8] - 21:11, 72:3, 139:4, 178:3, 180:16, 187:12, 189:3, 206:2
apart [2] - 6:14, 114:17
apologies [1] - 72:2
apologised [3] - 45:25, 45:27, 46:13
apology [1] - 46:24
apparent [1] - 208:19
appear [48] - 8:28, 12:16, 16:6, 27:6, 32:20, 45:24, 77:4, 81:6, 81:26, 83:13, 93:3, 99:20, 100:3, 102:27, 104:17, 105:28, 110:3, 112:11, 114:12, 116:13, 118:13, 122:24, 122:29, 133:16, 153:26, 154:5, 154:11, 154:12, 154:14, 154:24, 156:1, 156:16, 156:29, 157:1, 158:14, 160:20, 164:22, 165:29, 166:14, 167:2, 167:27, 172:6, 180:2, 183:8, 184:12, 184:18, 184:26, 199:18
appeared [1] - 17:2
appearing [1] - 48:23
application [2] - 136:3, 170:7
applications [1] - 76:1
applied [1] - 90:17
applies [2] - 23:22, 81:28
appointed [12] - 8:3, 74:18, 80:25, 80:28, 82:28, 87:17, 89:28, 97:26, 104:25, 179:10, 191:23, 207:28
appointee [1] - 83:8
appointing [2] - 71:18, 72:18
appointment [4] - 72:13, 73:22, 105:15, 191:27
appreciate [10] - 67:23, 69:19, 112:6, 126:10, 136:10, 136:11, 136:19, 172:26, 194:5, 194:21
appreciated [1] - 61:22
appreciating [1] - 199:8
approach [4] - 6:23, 12:25, 102:4, 102:16
approached [1] - 78:19
appropriate [1] - 6:11
appropriatenes s [2] - 121:2, 121:5
approval [1] - 190:6
approved [1] - 18:24
April [9] - 71:8, 73:20, 75:12, 76:4, 77:6, 77:14, 81:21, 101:1, 104:14
arbiter [1] - 90:27
area [5] - 130:1, 131:6, 131:7, 132:3, 175:6
areas [2] - 80:7, 128:25
argument [2] - 18:5, 177:19
arise [9] - 35:23, 37:29, 74:20, 86:23, 90:11, 91:4, 91:5, 91:16, 145:6
arisen [11] - 86:29, 89:9, 90:6, 90:19, 125:19, 130:2, 139:18, 143:6, 149:18, 162:13, 188:23
arises [3] - 13:15, 86:19, 89:20
arising [14] - 7:1, 8:16, 18:25, 20:3, 26:14, 30:25, 31:1, 32:15, 33:14, 37:22, 57:1, 73:15, 143:10, 200:13
arm [1] - 198:20
arose [10] - 5:18, 12:20, 26:9, 31:8, 87:11, 87:23, 89:1, 99:27, 129:12
arrange [1] - 84:12
arranged [4] - 28:8, 82:24, 82:25, 111:11
arrive [1] - 142:15
arrived [2] - 63:25, 107:16
AS [3] - 5:1, 98:26, 184:5
aside [1] - 186:1
aspersions [3] - 65:13, 66:4, 68:15
assault [5] - 37:11, 42:2, 106:11, 108:12
assaulted [1] - 107:25
assessing [1] - 121:10
assessment [1] - 66:18
assist [11] - 28:20, 49:29, 51:1, 94:19, 99:9, 112:3, 117:10, 117:29, 122:23, 205:10, 209:9
assistance [4] - 25:16, 77:10, 123:15, 207:10
Assistant [9] - 43:1, 44:19, 49:23, 66:15, 82:7, 113:13, 137:23, 138:29, 148:26
assistant [6] - 73:21, 97:22, 97:28, 107:23, 116:1, 206:18
assists [1] - 117:12
assume [6] - 87:17, 110:2, 186:3, 191:3, 196:10, 197:17
assumed [1] - 197:23
assuming [1] - 13:7
assumption [1] - 159:14
AT [1] - 209:28
ation [1] - 193:28
attach [3] - 82:2, 96:20, 189:20
attached [4] - 41:3, 59:27, 59:29, 179:9
attack [4] - 7:23, 56:12, 56:13, 56:26
attacked [1] - 54:13
attacking [2] - 55:10
attempted [1] - 191:25
attempts [1] - 155:7
attend [1] - 74:22
attended [1] - 15:13
attendees [1] - 108:20
attending [1] - 16:23
attention [8] - 15:2, 65:2, 74:21, 79:10, 133:2, 146:8, 169:24, 189:20
attitude [3] - 92:15, 112:24, 146:7
Attorney [2] - 27:21, 27:24
Attorney's [2] - 180:26, 181:1
August [2] - 191:28, 202:20
authored [1] - 132:29
authorised [3] - 149:19, 184:22, 184:26
authority [5] - 130:11, 133:14, 152:24, 204:10, 204:27
available [15] - 19:28, 26:13, 30:11, 30:24, 30:26, 31:7, 58:20, 59:11, 122:8, 164:5, 164:6, 164:7, 180:20, 189:8, 197:10
awaiting [1] - 27:25
aware [52] - 16:26, 26:10, 27:9, 43:12, 44:2, 45:11, 62:16, 62:17, 76:11, 76:19, 78:2, 78:10, 78:12, 78:20, 79:2, 79:10, 79:13, 93:29, 106:20, 111:25, 112:25, 112:28, 113:23, 113:27, 114:7, 114:14, 114:21, 126:27, 131:18,

132:4, 132:7,
134:4, 135:19,
135:20, 138:25,
140:14, 140:27,
144:7, 144:14,
144:20, 144:21,
144:25, 145:8,
145:14, 146:29,
167:11, 181:21,
181:29, 186:4,
188:21, 202:4

B

backed [1] -
189:25
background [9]
- 32:25, 33:29,
45:6, 66:28,
78:21, 84:8,
85:17, 89:12,
112:10
badly [3] -
68:10, 139:2,
193:21
Baillieboro [8] -
6:2, 35:1, 36:28,
41:14, 42:22,
98:2, 107:18,
149:17
balance [1] -
114:1
BALDWIN [1] -
3:6
bankers [1] -
107:17
bar [1] - 37:7
Barrett [4] -
78:24, 79:2,
113:16, 113:25
barrister [1] -
181:17
barristers [10] -
83:15, 111:16,
112:6, 112:10,
112:12, 113:19,
165:6, 184:13,
184:19, 184:22
based [14] -
17:4, 17:7, 17:28,
19:1, 23:16,
23:18, 23:25,
24:3, 127:5,
137:21, 139:20,
144:19, 147:19,
147:29
basic [1] - 75:20
basis [8] - 49:9,
63:2, 68:23,
85:28, 90:19,

93:5, 121:13,
198:22
BE [1] - 5:7
bearing [1] -
8:13
became [2] -
20:8, 80:5
become [2] -
132:7, 134:4
BEEN [1] - 70:16
beg [8] - 39:4,
46:2, 99:2, 108:8,
156:24, 162:17,
163:3, 181:19
began [1] -
49:20
begin [1] - 45:20
beginning [12] -
40:27, 41:25,
89:12, 93:1,
119:2, 119:19,
119:20, 119:21,
122:4, 122:10,
143:7, 153:29
behalf [18] - 7:5,
15:22, 16:1,
24:22, 25:1, 25:6,
51:6, 60:10,
63:20, 65:29,
91:19, 91:20,
92:14, 93:14,
93:16, 115:17,
115:26, 116:5
behaviour [1] -
7:16
behind [2] -
65:22, 139:23
belief [1] - 43:23
benefit [1] -
209:4
best [5] - 13:19,
15:28, 30:28,
57:9, 79:20
better [7] - 6:21,
33:12, 33:15,
72:1, 84:12,
117:10, 205:16
between [13] -
11:24, 20:14,
27:7, 57:7, 65:27,
66:22, 82:11,
104:16, 113:15,
166:3, 176:4,
191:3, 194:9
big [1] - 99:12
biggest [1] -
27:20
bill [2] - 154:13,
179:28
bills [3] - 158:10,

166:17, 176:3
Billy [1] - 85:29
bind [1] - 190:5
bit [21] - 16:3,
67:15, 71:29,
72:1, 76:17,
94:20, 95:15,
110:17, 114:2,
117:10, 119:29,
131:14, 132:20,
133:4, 144:24,
152:3, 176:6,
178:27, 178:28,
183:21, 197:28
bitter [4] - 21:3,
21:14, 21:16,
21:26
BL [5] - 3:2, 3:3,
3:3, 3:4, 3:12
blackmail [1] -
194:22
blackmailing [1]
- 209:2
blame [1] -
136:22
blamed [1] -
198:6
blank [1] -
116:21
board [2] -
82:16, 84:14
body [1] - 61:8
boil [1] - 146:13
bona [3] - 54:12,
66:8, 137:9
bonus [1] -
43:11
Book [1] - 8:13
book [20] - 5:15,
7:4, 8:23, 11:8,
11:9, 11:10,
14:26, 15:1,
21:19, 21:22,
28:23, 28:26,
35:15, 36:14,
39:10, 135:23,
136:15
booklet [26] -
6:28, 6:29, 8:17,
14:15, 35:22,
39:6, 39:25,
39:26, 40:11,
53:27, 65:9,
127:19, 132:5,
132:7, 132:12,
132:24, 132:26,
133:6, 133:8,
134:14, 135:18,
135:23, 136:8,
161:16

booklets [2] -
39:25, 45:8
books [1] -
22:13
borrow [1] -
22:11
boss [1] - 80:27
bottom [14] -
36:15, 60:28,
61:4, 89:17, 94:9,
103:18, 103:19,
103:20, 134:8,
142:26, 150:6,
150:24, 167:24,
187:21
box [4] - 69:19,
107:15, 183:28,
200:29
boxes [2] -
107:17, 138:20
brackets [1] -
108:1
brainstorm [1] -
68:26
brake [1] -
146:27
brakes [1] -
144:29
Branch [1] -
71:7
break [10] -
98:21, 99:4,
108:4, 153:1,
173:12, 173:22,
183:20, 183:29,
188:12, 209:23
brief [12] -
70:21, 78:13,
83:25, 83:26,
127:20, 140:4,
156:3, 180:26,
180:29, 181:10,
181:17, 188:5
Brief [1] -
132:23
briefing [2] -
44:7, 45:11
briefly [4] -
73:12, 73:24,
180:14, 187:1
bring [5] - 9:4,
18:6, 109:9,
109:15, 146:7
bringing [2] -
45:28, 79:9
broke [1] -
153:18
broken [1] -
22:14
brought [15] -

74:20, 77:10,
82:27, 82:29,
83:1, 85:27,
101:8, 112:18,
133:2, 134:13,
139:9, 168:9,
168:10, 172:12,
183:9
Browne [4] -
120:21, 121:6,
121:19, 123:10
Browne's [3] -
120:26, 121:8,
121:16
Building [1] -
147:12
bullet [1] - 41:24
bullet-point [1] -
41:24
bundle [2] -
39:28, 40:4
bus [13] - 37:12,
37:18, 37:23,
38:3, 38:7, 120:3,
123:12, 123:28,
133:18, 140:16,
149:12, 150:8
business [2] -
73:3, 186:16
Busy [1] -
176:24
busy [5] - 57:22,
126:1, 176:23,
177:1, 177:2
but.. [1] - 14:22
Butler [1] - 86:3
button [1] - 58:6
BY [16] - 3:5,
3:13, 4:4, 4:5,
4:6, 4:7, 4:8, 4:9,
4:12, 5:7, 25:3,
28:17, 58:9,
59:21, 64:24,
70:17
Byrne [21] -
43:1, 43:7, 44:19,
48:14, 49:12,
49:23, 55:20,
63:9, 66:15,
83:14, 84:1,
107:23, 109:9,
113:13, 161:22,
162:24, 163:29,
184:15, 206:18
BYRNE [1] - 3:3
Byrne's [2] -
137:23, 138:29
Byrne/McGinn
[8] - 107:6,
121:15, 137:29,

138:6, 138:12,
138:22, 142:21,
206:29

C

Callinan [8] -
43:6, 43:17,
43:23, 51:29,
52:13, 52:15,
55:20, 75:8
cannot [1] -
189:25
capacity [1] -
191:9
capitals [1] -
195:24
car [1] - 123:17
career [2] -
70:22, 207:27
careful [2] -
175:17, 198:16
carefully [1] -
27:5
Carol [1] - 85:26
carried [3] -
23:11, 42:8,
121:13
carryover [1] -
8:28
case [19] -
30:15, 34:24,
42:1, 42:5, 43:7,
49:10, 52:16,
69:11, 72:17,
73:4, 73:14,
81:27, 85:15,
90:14, 121:3,
137:12, 174:13,
194:26, 198:23
cases [1] - 40:29
cast [2] - 65:13,
66:4
catalogue [1] -
42:27
catch [2] -
199:12, 199:13
categorically [1]
- 17:16
CATHERINE [1]
- 3:4
Catherine [4] -
62:7, 62:10,
115:25, 115:29
caused [1] -
50:3
causes [1] -
88:18
causing [1] -

76:13
Cavan [20] -
40:19, 61:11,
62:5, 70:28,
71:20, 71:23,
72:5, 72:7, 72:10,
73:9, 94:23,
95:25, 96:4,
96:16, 96:20,
97:9, 98:2, 98:6,
108:26, 114:18
Cavan-
Monaghan [5] -
40:19, 61:11,
62:5, 96:4, 97:9
caveat [1] -
143:11
cc'd [1] - 161:29
centred [1] -
95:22
certain [19] -
33:29, 43:8,
61:11, 78:20,
80:7, 84:14,
86:28, 92:27,
94:26, 115:7,
116:11, 127:17,
129:21, 130:6,
153:7, 153:8,
190:3, 191:8
certainly [26] -
21:13, 22:12,
26:29, 31:25,
95:15, 99:20,
138:25, 140:27,
145:6, 145:8,
146:6, 146:28,
148:18, 164:17,
167:12, 169:14,
172:27, 182:10,
188:18, 191:4,
195:16, 197:22,
206:2, 206:29,
208:24, 209:17
cetera [1] -
163:11
Chair [3] - 28:20,
34:14, 51:1
chair [1] -
159:10
CHAIRMAN [100]
- 9:23, 9:28,
10:13, 19:12,
20:28, 21:9,
21:17, 21:21,
21:23, 22:7,
22:11, 24:18,
24:20, 24:24,
25:1, 31:20, 37:9,
37:15, 37:21,
38:2, 38:10,
38:18, 38:21,
38:26, 58:1, 58:5,
59:18, 65:6,
65:10, 67:15,
67:20, 68:21,
69:6, 69:17,
71:27, 72:3,
98:18, 98:21,
98:28, 104:3,
104:8, 104:11,
104:14, 104:16,
132:22, 134:28,
135:2, 135:9,
136:10, 136:17,
136:19, 136:28,
146:1, 146:17,
146:22, 147:1,
147:3, 151:26,
151:29, 162:28,
163:2, 163:4,
163:6, 163:10,
173:22, 173:25,
175:29, 176:7,
181:9, 181:13,
181:17, 181:22,
181:26, 183:20,
183:29, 184:7,
185:7, 185:11,
185:15, 187:16,
187:18, 188:25,
193:13, 193:16,
193:20, 193:24,
193:26, 193:28,
194:2, 194:5,
197:26, 198:1,
198:4, 198:9,
198:12, 199:8,
199:11, 199:15,
209:22, 209:25
Chairman [15] -
5:4, 14:27, 29:5,
34:16, 37:24,
38:23, 49:29,
58:2, 59:19,
64:22, 69:1,
69:13, 135:5,
135:13, 136:27
challenge [3] -
54:19, 151:1,
172:27
challenged [3] -
141:23, 146:11,
177:17
chance [1] -
63:11
change [2] -
58:5, 128:25
changed [2] -
130:29, 196:25
changes [2] -
93:6, 190:2
changing [1] -
71:13
chaos [2] -
75:17, 194:3
chaotic [1] -
176:21
character [1] -
198:24
characterisatio
n [1] - 121:17
characterised
[1] - 198:18
charge [2] -
41:13, 43:9
charged [1] -
6:15
CHARLES [1] -
3:13
charter [2] -
43:17, 43:28
checking [1] -
63:4
chief [28] - 12:6,
18:16, 41:2, 52:1,
61:5, 70:18,
70:26, 71:4,
72:20, 73:27,
74:2, 97:15, 99:1,
116:23, 117:26,
131:27, 149:9,
149:14, 178:10,
187:20, 192:17,
193:16, 197:6,
198:4, 198:19,
208:27, 209:2
CHIEF [3] - 3:13,
4:11, 70:16
Chief [74] - 7:7,
8:24, 11:7, 11:25,
12:17, 13:26,
14:19, 16:13,
19:17, 19:22,
19:23, 25:17,
25:18, 29:1,
29:25, 30:1,
31:10, 32:16,
57:18, 57:22,
57:24, 61:4,
70:13, 70:20,
71:14, 75:13,
76:26, 76:29,
77:12, 77:13,
80:5, 81:15, 83:7,
86:2, 87:24,
89:23, 90:21,
93:9, 96:3, 97:16,
99:4, 101:21,
102:14, 106:15,
107:5, 110:15,
110:19, 112:20,
113:6, 125:10,
126:10, 126:24,
127:3, 130:23,
134:16, 137:24,
142:29, 143:13,
145:12, 148:26,
150:24, 153:20,
157:1, 159:4,
165:21, 174:19,
178:25, 183:7,
185:23, 192:10,
193:17, 196:4,
200:22
children [1] -
50:13
CHRISTOPHE
R [1] - 3:11
circle [1] - 47:21
circulate [3] -
22:2, 133:14,
188:6
circulated [18] -
17:9, 18:24, 19:3,
19:18, 20:4, 20:9,
21:4, 35:19,
39:29, 63:7,
133:10, 186:11,
191:8, 192:27,
198:21, 198:23,
199:3, 209:4
circulation [1] -
197:4
circumstances
[2] - 91:28, 178:4
CL132355/2014
[1] - 104:24
claim [2] - 119:4,
135:24
claimed [1] -
107:25
claiming [1] -
16:19
Clancy [45] -
17:4, 17:18,
18:13, 18:17,
18:21, 41:1,
41:13, 42:13,
42:28, 43:3, 43:5,
43:26, 52:2, 59:7,
59:11, 61:7, 62:7,
62:10, 115:16,
115:25, 115:29,
118:19, 118:26,
127:3, 128:24,
130:21, 142:29,
148:26, 186:6,
190:23, 191:5,
191:24, 192:13,
192:19, 192:22,
193:16, 194:19,
196:25, 197:6,
204:9, 204:24,
204:25, 204:26,
205:8, 206:16
clarification [9] -
28:20, 38:28,
56:11, 152:24,
152:28, 165:7,
165:11, 171:14,
202:8
clarified [2] -
152:20, 190:20
clarify [4] -
25:15, 58:4,
60:18, 67:27
clarity [1] - 37:9
CLARKE [1] -
3:5
classic [2] -
21:13, 90:21
clear [23] - 7:5,
7:20, 8:12, 27:1,
37:27, 43:27,
52:11, 56:18,
56:24, 64:9,
79:21, 80:5, 87:5,
90:4, 90:29,
91:22, 93:27,
136:7, 136:18,
136:25, 147:5,
192:24, 205:4
cleared [1] -
197:4
clearly [4] -
35:9, 45:5, 53:8,
121:26
client [3] -
17:13, 68:11,
207:19
clients [13] -
19:17, 19:28,
20:5, 50:2, 50:5,
59:12, 59:14,
63:10, 63:11,
67:28, 68:5,
132:10, 185:29
close [2] - 73:17,
164:1
closer [1] - 72:1
closing [1] -
175:22
Cloyne [1] - 75:5
Code [1] - 41:3
coincides [1] -
166:26
colleague [1] -
28:8
colleague's [1] -
106:12
college [1] -
70:27
College [1] -
98:16
COLM [1] - 3:2
Colm [10] - 61:7,
62:8, 62:9, 94:14,
94:15, 110:15,
149:9, 176:17,
190:4, 206:15
comfort [2] -
179:14, 179:21
coming [9] - 8:9,
68:26, 84:28,
90:2, 112:5,
127:5, 169:27,
194:2, 196:27
commence [4] -
64:1, 70:20, 80:6,
80:17
commenced [5]
- 58:29, 83:10,
101:11, 147:14,
148:27
commenceme
nt [3] - 28:22,
29:11, 73:17
comment [2] -
62:9, 64:8
comments [4] -
30:7, 110:8,
187:29, 189:29
commission [1]
- 75:3
Commission
[167] - 5:13, 5:20,
6:9, 6:15, 7:13,
7:27, 8:1, 8:4,
8:18, 9:9, 15:13,
17:14, 19:5,
27:14, 34:16,
35:19, 36:6, 36:8,
36:18, 37:27,
39:12, 44:8,
45:17, 45:22,
50:18, 51:2,
53:15, 57:21,
58:17, 61:10,
61:13, 61:23,
62:5, 62:24,
63:20, 63:25,
64:1, 64:4, 66:7,
66:13, 66:16,
66:18, 67:6,
67:29, 69:27,
70:5, 71:10,
71:14, 72:24,
73:7, 74:2, 74:6,
75:5, 76:6, 76:12,

76:14, 77:18,
78:17, 78:28,
79:17, 79:23,
80:1, 80:14,
80:16, 80:19,
81:12, 82:5,
82:11, 82:29,
85:14, 86:25,
87:7, 87:13,
90:24, 90:25,
91:27, 92:5,
92:23, 93:14,
99:6, 99:8, 99:10,
99:25, 100:13,
100:23, 101:11,
101:23, 102:16,
104:26, 105:27,
110:5, 111:5,
111:17, 111:19,
111:20, 111:23,
112:4, 113:2,
114:28, 115:5,
116:2, 119:12,
119:17, 120:2,
120:17, 123:23,
123:24, 124:18,
132:18, 133:26,
134:15, 135:20,
138:8, 138:15,
138:16, 139:10,
139:13, 139:27,
139:29, 141:22,
142:15, 142:24,
146:10, 148:5,
149:25, 151:11,
151:12, 151:22,
152:4, 152:17,
153:18, 157:15,
162:3, 162:14,
163:13, 163:22,
164:18, 164:22,
164:28, 165:23,
169:15, 169:19,
171:13, 171:24,
172:5, 172:7,
174:4, 174:11,
174:22, 176:11,
177:3, 177:25,
177:26, 179:13,
181:3, 185:18,
185:24, 186:13,
186:23, 189:21,
195:3, 199:21,
199:25, 200:7,
200:22, 202:4,
207:10

Commission's
[7] - 15:19, 28:22,
35:11, 37:4,
39:21, 81:21,
124:3

Commissioner
[252] - 9:8, 9:17,
9:23, 10:6, 10:27,
11:16, 11:17,
11:26, 12:29,
13:4, 13:5, 15:23,
25:19, 27:7, 29:9,
30:9, 30:17,
30:24, 34:19,
43:1, 43:5, 43:6,
43:9, 43:16,
43:23, 44:1,
44:13, 44:19,
49:23, 51:6,
51:28, 52:13,
52:15, 53:4,
53:11, 56:13,
57:4, 57:20,
57:24, 60:10,
61:12, 62:13,
65:21, 66:1,
66:15, 66:27,
67:2, 68:18,
69:20, 69:22,
69:28, 70:3, 70:7,
71:9, 71:12, 72:9,
72:23, 72:28,
72:29, 73:1, 73:2,
73:8, 73:29,
74:13, 74:14,
75:6, 75:8, 76:13,
76:14, 78:13,
78:22, 79:15,
80:23, 80:27,
82:4, 82:7, 82:13,
84:17, 86:18,
87:1, 87:3, 87:6,
87:9, 87:14,
87:15, 88:8,
90:16, 90:24,
90:28, 91:9,
91:21, 91:23,
92:15, 92:23,
93:17, 93:20,
93:21, 93:29,
99:15, 100:9,
100:19, 100:26,
102:5, 102:20,
107:23, 107:26,
112:3, 113:13,
113:16, 114:5,
114:21, 114:24,
115:10, 122:15,
124:22, 125:4,
125:23, 125:25,
125:26, 126:6,
127:11, 127:13,
127:25, 128:7,
128:24, 130:2,
131:1, 131:5,
131:15, 131:16,

137:1, 137:7,
137:20, 137:23,
138:28, 138:29,
139:21, 142:6,
142:8, 142:12,
142:17, 143:20,
144:3, 144:22,
144:28, 145:21,
146:3, 146:14,
146:24, 147:7,
147:16, 147:18,
147:22, 147:23,
148:2, 148:26,
152:7, 152:16,
152:21, 152:24,
153:2, 153:11,
154:13, 154:14,
156:2, 156:16,
156:20, 157:13,
157:22, 157:26,
158:14, 159:5,
159:24, 159:25,
160:16, 160:27,
160:29, 161:7,
161:9, 161:23,
162:15, 162:19,
164:23, 165:8,
165:11, 166:1,
166:15, 166:19,
166:21, 167:4,
167:27, 168:22,
169:15, 169:20,
169:26, 169:29,
170:23, 170:24,
170:25, 171:19,
171:27, 171:28,
172:3, 172:15,
173:13, 173:28,
174:3, 174:14,
174:21, 175:2,
175:10, 175:14,
176:5, 176:16,
177:22, 178:20,
178:25, 179:2,
179:3, 179:5,
179:18, 179:26,
179:28, 180:2,
182:12, 182:27,
183:14, 183:16,
184:21, 185:2,
186:14, 187:1,
187:4, 187:11,
188:5, 188:11,
188:20, 189:6,
190:9, 191:13,
193:9, 196:11,
197:8, 199:17,
205:7, 207:5,
207:19, 207:21,
208:6, 208:7

commissioner
[7] - 73:21, 74:26,
97:22, 97:29,
100:18, 116:1,
206:18

Commissioner's
[27] - 15:21,
15:29, 16:10,
27:4, 27:25,
72:14, 74:21,
93:6, 93:17, 99:5,
131:4, 154:7,
155:24, 156:13,
158:18, 165:24,
165:28, 166:17,
172:6, 173:14,
173:17, 188:2,
190:9, 191:10,
191:11, 205:12,
208:20

Commissioner
[1] - 55:20

commissioner
[2] - 73:2, 92:3

commissions
[1] - 74:18

committed [2] -
22:4, 209:1

common [1] -
67:8

communicated
[3] - 29:25, 87:18,
197:8

communicatin
[1] - 74:13

communicatio
[1] - 143:25

compatible [1] -
47:22

competent [1] -
66:17

compiled [1] -
178:16

complainant [1]
- 123:11

complained [2] -
44:11, 52:15

complaint [25] -
43:16, 44:18,
51:23, 51:28,
52:16, 59:6,
59:11, 72:10,
95:22, 96:3,
96:27, 97:24,
104:11, 105:5,
118:17, 118:25,
120:23, 120:25,
121:6, 121:20,
134:22, 191:24,
191:29, 192:12,
204:9

complaints [36]
- 9:15, 17:18,
18:13, 34:27,
34:28, 37:16,
38:5, 38:9, 38:16,
39:23, 39:24,
42:17, 42:24,
43:3, 45:4, 45:6,
66:12, 104:18,
121:8, 121:16,
121:19, 132:14,
133:26, 192:18,
192:19, 192:20,
192:21, 194:18,
194:24, 198:19,
201:19, 204:23,
204:24, 205:8,
207:13, 209:3

complaints' [1] -
157:17

complaints/
allegations [1] -
107:16

complete [1] -
74:9

completed [1] -
191:7

completely [3] -
7:27, 163:2,
200:2

completion [1] -
124:17

compose [1] -
176:28

comprehend [3]
- 15:26, 209:6,
209:7

comprehensiv
e [1] - 105:29

conceded [1] -
18:6

concern [13] -
36:10, 52:1, 76:9,
76:13, 78:27,
79:25, 80:3, 90:1,
91:7, 111:23,
111:26, 115:9,
146:28

concerned [26] -
36:18, 87:16,
91:24, 92:24,
102:21, 105:12,
120:17, 123:27,
124:18, 137:18,
141:27, 142:13,
144:16, 147:3,
147:26, 148:3,
164:27, 165:15,
178:18, 182:8,
186:11, 190:17,

191:3, 197:24,
200:8, 200:10

concerning [1] -
151:22

concerns [7] -
41:18, 41:21,
66:7, 78:25, 79:7,
138:21, 188:14

conclude [1] -
61:14

conclusion [4] -
15:20, 121:17,
139:2, 149:27

conclusions [1]
- 121:13

conclusively [1]
- 95:14

conditional [3] -
13:14, 86:28,
90:13

conduct [3] -
6:2, 36:27, 68:24

conducted [4] -
46:21, 95:23,
95:26, 139:1

confident [1] -
26:16

confidential [3] -
39:16, 43:18,
43:28

confined [1] -
5:21

confirm [5] -
29:5, 29:9, 31:9,
39:14, 58:11

confirmation [7]
- 26:15, 63:4,
162:13, 175:12,
175:13, 175:15,
184:20

confirmed [2] -
30:10, 177:6

confirming [2] -
172:6, 183:23

conflict [21] -
72:13, 73:15,
86:19, 86:23,
86:29, 89:20,
89:24, 90:1, 90:7,
90:9, 90:10,
90:19, 90:22,
90:26, 91:8,
91:13, 92:12,
92:18, 93:2,
143:6, 143:10

conflicts [3] -
136:1, 143:14,
143:15

confronted [1] -
22:17

confronting [1] - 44:9

confused [2] - 16:4, 135:23

confusing [1] - 156:25

confusion [1] - 133:24

connection [1] - 70:8

Connolly [4] - 40:14, 40:21, 51:9, 51:24

conscious [3] - 31:19, 90:9, 94:6

consecutive [1] - 73:2

consequence [2] - 121:7, 142:10

consider [1] - 11:20

considerable [2] - 46:22, 66:10

consideration [5] - 11:18, 12:24, 34:1, 39:21, 140:15

considered [2] - 6:22, 97:25

considering [3] - 88:7, 163:28, 171:5

considers [1] - 6:11

consistent [1] - 44:7

constantly [1] - 183:12

constitute [1] - 73:5

constructed [1] - 185:28

construction [1] - 197:12

consultation [27] - 16:25, 26:13, 29:19, 29:28, 30:28, 30:29, 31:3, 31:22, 31:23, 31:24, 77:5, 82:24, 82:26, 94:16, 111:16, 112:5, 112:7, 112:17, 115:16, 116:28, 117:2, 126:20, 126:22, 180:20, 183:13, 183:15, 199:1

consultations [27] - 7:1, 16:23, 33:13, 57:1, 84:13, 111:10, 124:26, 125:12, 125:20, 126:16, 126:19, 127:6, 127:15, 129:12, 130:3, 130:10, 132:9, 132:10, 137:17, 139:16, 144:12, 144:18, 145:11, 147:29, 196:28, 196:29, 197:7

consulting [1] - 163:18

contact [17] - 57:19, 57:23, 68:27, 74:1, 78:22, 79:7, 82:11, 121:2, 121:5, 126:2, 140:9, 150:11, 152:7, 152:16, 170:23, 180:12, 186:8

contacted [1] - 57:26

contacting [2] - 74:13, 120:21

contain [2] - 8:20, 178:7

contained [6] - 6:29, 39:11, 39:24, 190:16, 192:19, 199:4

containing [1] - 178:20

content [17] - 19:1, 23:9, 23:10, 43:12, 76:18, 96:15, 121:2, 121:4, 124:3, 166:12, 166:14, 189:23, 191:4, 193:3, 197:15, 199:26, 202:9

contention [2] - 85:6

contents [10] - 23:14, 33:3, 33:26, 40:8, 40:9, 62:18, 124:5, 134:14, 192:9, 199:3

context [7] - 28:21, 88:29, 108:28, 140:25, 148:4, 153:6, 192:26

continue [2] - 168:24, 201:17

CONTINUED [1] - 5:7

continued [2] - 14:25, 142:22

continues [3] - 108:3, 151:28, 173:10

continuum [2] - 44:15, 131:3

contradict [1] - 199:7

contrary [2] - 68:13, 207:4

contrast [1] - 146:9

contribute [1] - 193:9

contributed [2] - 95:13, 109:25

contributions [4] - 92:20, 190:16, 191:2, 196:4

contributor [1] - 186:5

contributors [7] - 192:29, 193:7, 193:12, 196:7, 197:15, 199:1, 209:13

control [2] - 58:25, 209:17

controversy [4] - 123:1, 123:3, 195:13, 198:15

conversation [34] - 19:23, 27:23, 30:8, 32:16, 51:16, 62:25, 71:20, 74:15, 99:16, 100:11, 100:27, 101:7, 101:19, 101:23, 102:3, 102:9, 124:21, 141:3, 141:11, 145:19, 145:20, 145:25, 146:23, 147:24, 153:11, 171:12, 179:6, 180:25, 181:7, 182:27, 183:2, 187:25, 188:10, 200:14

conversations [9] - 9:7, 78:15, 80:22, 157:12, 157:13, 171:20, 179:7, 179:8, 182:20

convey [2] - 141:2, 148:18

conveyed [15] - 99:14, 100:6, 100:9, 113:18, 114:6, 147:15, 148:22, 153:12, 181:28, 182:1, 183:17, 192:15, 204:11, 204:27, 205:10

copies [3] - 59:2, 164:5, 185:8

copy [21] - 40:1, 41:3, 58:29, 64:10, 65:6, 82:2, 96:19, 96:23, 97:1, 97:15, 97:28, 98:6, 98:9, 118:22, 134:21, 135:5, 163:25, 164:6, 164:15, 168:17, 170:12

copying [2] - 58:26, 163:11

core [26] - 6:28, 6:29, 8:16, 35:21, 39:6, 39:24, 39:25, 45:8, 84:23, 125:18, 127:19, 132:5, 132:7, 132:12, 132:24, 132:26, 133:6, 133:7, 133:8, 134:14, 135:18, 135:23, 136:8, 146:1, 195:1

corner [1] - 104:22

correct [84] - 5:28, 6:6, 6:13, 20:2, 24:15, 27:8, 27:18, 29:3, 29:4, 29:14, 32:2, 32:3, 34:3, 34:11, 34:17, 35:26, 36:1, 36:12, 37:2, 37:14, 39:13, 39:18, 40:12, 42:21, 44:6, 44:14, 45:2, 54:24, 54:25, 54:27, 56:7, 58:15, 60:23, 63:12, 63:28, 65:15, 71:10, 71:11, 75:13, 77:11, 81:13, 81:15, 82:8, 82:21, 84:6, 84:7, 85:8, 96:27, 97:17, 98:10, 100:2, 106:19, 109:13, 110:24, 111:12, 118:4, 120:4, 120:14, 121:24, 123:15, 123:19, 133:19, 133:21, 149:25, 149:26, 152:6, 152:8, 154:19, 161:13, 162:2, 167:13, 173:26, 174:2, 185:20, 189:12, 189:13, 196:10, 196:13, 197:18, 199:5, 201:10, 203:21, 203:22, 206:27

corrected [3] - 23:1, 75:9, 205:15

correspond [2] - 133:27, 174:28

corresponded [1] - 105:11

correspondence [5] - 62:13, 76:15, 81:21, 95:19, 103:11

Corruption [1] - 43:18

corruption [15] - 6:17, 43:27, 44:12, 45:12, 45:13, 49:19, 50:21, 53:10, 55:15, 55:16, 56:19, 56:25, 56:28, 172:17, 173:8

cost [1] - 66:10

counsel [141] - 10:12, 10:19, 10:29, 13:18, 13:22, 13:23, 13:25, 13:28, 13:29, 16:12, 16:28, 17:6, 17:8, 18:23, 18:28, 19:26, 19:27, 20:7, 23:25, 24:22, 27:16, 29:10, 30:10, 31:4, 31:6, 33:12, 33:14, 57:9, 60:19, 61:15, 61:23, 63:2, 63:8, 75:21, 80:24, 83:15, 83:23, 84:10, 84:11, 86:4, 87:4, 87:8, 87:17, 88:25, 89:7, 89:28, 90:15, 90:27, 90:29, 91:2, 91:8, 94:16, 94:17, 94:29, 104:1, 105:24, 108:29, 109:29, 111:17, 111:19, 112:18, 112:26, 114:12, 117:2, 125:1, 125:10, 125:15, 125:18, 125:22, 126:4, 126:12, 126:19, 127:8, 127:17, 127:18, 127:21, 129:14, 129:29, 131:2, 131:6, 131:12, 132:1, 132:2, 132:5, 133:7, 134:3, 134:5, 137:14, 138:23, 139:13, 139:21, 140:6, 140:29, 141:25, 142:1, 143:2, 143:4, 143:8, 143:13, 143:19, 144:4, 144:10, 144:19, 144:28, 145:2, 147:10, 147:12, 149:25, 151:12, 152:21, 161:12, 161:22, 162:22, 163:21, 170:9, 171:5, 175:4, 175:5, 175:10, 179:10, 180:20, 186:1, 186:10, 188:7, 189:11, 189:16, 190:17, 193:1, 193:19, 194:10, 195:16, 196:6, 196:27, 197:23, 199:2, 205:7, 205:13, 205:22, 209:17

Counsel [1] - 61:12

counsel [1] - 11:22

counsel's [11] - 11:16, 60:24, 139:23, 141:4,

141:13, 144:14,
159:17, 170:26,
178:20, 184:11,
190:6
countersigned
[1] - 192:7
County [1] -
70:29
couple [5] -
24:7, 58:28,
75:29, 80:17,
185:4
courage [1] -
66:9
course [45] -
10:11, 10:28,
12:20, 12:26,
13:15, 14:6, 16:7,
20:23, 27:13,
35:11, 49:17,
53:14, 55:6,
57:16, 59:5,
67:21, 67:22,
67:28, 68:28,
69:11, 71:16,
71:19, 74:15,
75:29, 78:27,
78:29, 79:9,
88:25, 92:20,
99:29, 100:26,
107:24, 127:21,
128:7, 133:15,
162:20, 171:19,
175:3, 181:6,
182:27, 192:10,
194:21, 197:21,
198:28, 204:7
court [1] - 69:11
Court [1] - 27:27
courtroom [1] -
68:5
Courts [3] -
82:23, 83:4,
112:21
cracking [1] -
84:12
credibility [22] -
22:5, 35:4, 54:19,
56:13, 56:18,
56:24, 65:28,
66:23, 125:24,
127:10, 141:17,
141:18, 141:19,
141:20, 141:21,
146:10, 153:7,
153:14, 173:7,
202:22, 203:4,
203:9
credit [1] - 21:14
crime [4] - 71:5,
71:6, 71:25,
108:11
criminals.. [1] -
44:28
critical [2] -
136:2, 136:23
criticise [3] -
8:8, 69:7, 136:25
criticised [1] -
68:25
criticising [1] -
26:29
criticism [4] -
7:10, 7:14, 7:15,
48:7
CROSS [10] -
4:4, 4:5, 4:6, 4:7,
4:9, 5:7, 25:3,
28:17, 58:9,
64:24
cross [8] -
15:20, 15:22,
16:8, 24:28, 64:5,
88:9, 136:5,
202:11
cross-
examination [4] -
16:8, 24:28,
136:5, 202:11
CROSS-
EXAMINED [10] -
4:4, 4:5, 4:6, 4:7,
4:9, 5:7, 25:3,
28:17, 58:9,
64:24
cross-
examined [3] -
15:20, 15:22,
64:5
cross-
purposes [1] -
88:9
crumbled [2] -
53:16, 53:19
CS [2] - 94:12,
94:15
CSSO [1] - 87:26
culminating [1] -
186:11
Cunningham
[52] - 17:28,
18:12, 18:20,
19:7, 19:10,
22:17, 23:4,
23:15, 24:2, 24:8,
46:8, 59:25, 61:6,
62:8, 62:10,
94:12, 95:5,
97:27, 98:1,
106:12, 106:20,
106:26, 116:13,
116:16, 116:23,
117:3, 117:6,
117:18, 117:26,
118:5, 118:11,
118:12, 126:24,
128:18, 128:28,
129:4, 129:8,
129:17, 143:1,
191:25, 192:1,
192:8, 192:12,
193:14, 193:18,
194:10, 196:5,
200:23, 203:26,
204:8, 204:22,
206:16
Cunningham's
[13] - 20:24,
22:25, 23:3,
23:11, 58:18,
61:16, 62:15,
63:15, 94:18,
130:13, 198:12,
199:11, 202:1
current [5] -
74:7, 104:28,
114:22, 116:11,
176:17
cut [3] - 20:8,
151:16, 172:24

D

d's [1] - 104:18
D's [2] - 96:27,
96:29
D/Sergeant [1] -
96:24
danger [1] -
135:8
data [1] - 107:17
date [16] - 39:20,
57:5, 58:22,
70:22, 73:17,
80:3, 101:2,
101:4, 101:18,
101:29, 103:20,
104:3, 117:13,
179:6, 179:9,
179:19
dated [13] -
39:17, 40:23,
60:11, 62:1,
73:20, 81:21,
96:9, 97:19,
97:20, 102:27,
102:29, 103:2,
104:6
dates [7] - 16:4,
60:21, 103:11,
103:26, 104:16,
105:20, 111:18
dating [1] -
50:15
daughter [1] -
106:12
David [1] - 62:25
day's [4] - 22:14,
123:25, 124:7,
174:22
day-to-day [4] -
57:16, 71:3, 73:6,
78:22
days [9] - 23:26,
24:7, 51:19,
69:18, 75:29,
82:16, 87:11,
100:7, 114:28
deadline [2] -
76:10, 80:2
deal [27] - 35:28,
37:5, 44:21,
44:26, 55:19,
79:27, 79:28,
80:29, 81:1, 83:2,
85:28, 92:4, 92:9,
92:17, 100:20,
112:19, 115:1,
115:3, 116:24,
116:27, 118:2,
134:2, 140:13,
142:11, 142:27,
157:7, 171:22
dealing [32] -
6:24, 36:29, 50:5,
73:3, 74:7, 74:29,
75:22, 79:3,
79:16, 79:22,
80:12, 80:15,
88:24, 113:25,
137:15, 138:13,
138:17, 140:28,
144:10, 144:17,
149:19, 165:13,
165:18, 171:27,
172:16, 193:1,
193:18, 197:16,
197:24, 198:28,
200:4, 201:19
dealings [6] -
68:7, 96:1,
113:15, 178:17,
196:6, 207:18
deals [2] - 36:27,
150:7
dealt [17] - 8:19,
12:18, 12:19,
16:28, 17:27,
22:9, 34:20,
50:17, 80:19,
98:12, 170:4,
178:8, 190:17,
190:22, 191:5,
199:2, 200:9
Dear [1] - 29:8
December [3] -
96:2, 97:19,
97:20
decide [2] -
111:5, 190:4
decided [3] -
75:25, 84:19,
152:1
decision [25] -
17:5, 28:12, 43:2,
73:13, 73:14,
84:14, 86:26,
87:14, 87:19,
130:12, 131:15,
131:24, 132:18,
139:22, 145:1,
151:2, 169:29,
171:26, 179:15,
188:2, 189:3,
189:8, 205:23,
205:25
decision-
making [2] -
73:14, 87:19
decisions [3] -
72:15, 72:16,
189:10
declined [1] -
130:28
deferral [2] -
10:1, 169:3
defined [2] -
43:27, 72:26
definitely [2] -
65:1, 150:27
definitively [1] -
101:27
deflated [1] -
50:6
degree [3] -
36:21, 79:12,
139:20
Delaney [1] -
123:17
delayed [1] -
98:28
delivered [2] -
17:22, 100:24
demand [2] -
150:29, 152:25
denial [1] -
20:16
denies [1] -
201:10
Department [17]
- 5:25, 25:6,
25:24, 25:29,
26:2, 26:11,
37:16, 38:4,
38:15, 38:21,
120:6, 158:24,
159:7, 159:9,
159:16, 160:26
department [3] -
77:27, 110:1,
161:3
Department' [1]
- 160:29
deploy [2] -
135:7, 135:9
deputy [1] - 43:6
Derek [6] - 43:1,
43:7, 44:19,
49:12, 49:23,
109:9
dereliction [2] -
46:10, 47:20
derelictions [1] -
44:20
describe [2] -
47:18, 50:6
described [2] -
57:17, 75:18
describes [1] -
82:20
describing [2] -
80:7, 105:22
description [1] -
72:27
descriptions [2]
- 16:21, 61:15
desk [2] - 52:18,
65:6
desktop [1] -
163:18
despite [3] -
43:2, 62:28,
142:20
destroy [1] -
44:3
detail [7] -
40:25, 102:11,
131:19, 138:25,
140:25, 141:10,
202:13
detailed [3] -
140:23, 192:7,
203:25
details [5] -
32:19, 32:24,
106:13, 109:29,
191:29
detective [1] -
107:26
determination

[1] - 121:20
detrimental [1] - 50:26
develop [1] - 38:27
developed [4] - 78:17, 86:24, 91:13, 189:1
development [2] - 16:16, 176:17
developments [3] - 9:26, 169:1, 189:7
device [1] - 51:29
dialled [3] - 155:17, 158:25, 161:7
dialogue [1] - 56:9
diary [1] - 159:22
difference [3] - 11:24, 12:8, 12:21
differences [1] - 42:7
different [22] - 12:16, 21:10, 22:14, 37:27, 39:10, 41:21, 70:24, 72:28, 73:3, 74:26, 125:7, 127:1, 138:17, 144:29, 145:5, 145:19, 145:24, 146:23, 151:21, 163:2, 196:18, 197:5
differs [1] - 72:29
difficult [2] - 52:12, 171:26
difficulties [3] - 113:12, 114:5, 133:28
difficulty [4] - 62:18, 113:5, 183:27, 201:6
digit [2] - 155:13, 155:19
dim [1] - 112:28
diminished [1] - 67:9
direct [4] - 15:20, 79:7, 86:15, 193:7
directed [5] - 59:1, 65:18, 97:25, 151:23, 152:15
directing [1] - 188:1
direction [7] - 19:11, 19:12, 82:3, 131:15, 136:4, 144:29, 206:2
directions [16] - 18:27, 21:4, 129:11, 130:5, 130:17, 130:20, 130:27, 131:17, 192:14, 192:21, 197:5, 204:11, 204:27, 205:9, 209:4
DIRECTLY [2] - 4:12, 70:17
directly [12] - 16:12, 20:9, 57:26, 59:14, 191:18, 193:2, 193:18, 196:4, 197:16, 197:24, 199:2, 207:4
Director [2] - 151:1, 151:2
Director's [3] - 129:11, 131:23, 131:24
disagree [1] - 135:28
disagreement [1] - 109:14
disciplinary [8] - 6:1, 37:22, 38:6, 121:12, 121:18, 149:5, 149:13, 149:22
discipline [2] - 149:18, 149:20
disclosed [1] - 39:29
disclosure [4] - 74:8, 79:29, 138:19, 200:3
discovery [1] - 79:29
discredit [3] - 69:29, 70:4, 208:12
discredited [1] - 208:16
discretion [2] - 6:9, 13:24
discuss [7] - 25:8, 72:21, 74:12, 102:23, 113:3, 138:12, 187:9
discussed [19] - 6:29, 17:24, 62:12, 73:12, 75:19, 76:5, 77:16, 77:25, 102:10, 106:7, 107:1, 114:19, 141:10, 147:17, 171:6, 177:24, 180:9, 188:24, 189:5
discussing [2] - 112:22, 125:20
discussion [12] - 18:5, 78:20, 84:7, 89:11, 108:29, 109:1, 112:16, 113:1, 113:27, 113:29, 132:9, 147:16
discussions [2] - 16:26, 162:20
disobey [1] - 89:26
dispatched [1] - 152:26
dispute [5] - 81:26, 85:4, 203:26, 206:28
disqualify [1] - 143:9
dissatisfaction [1] - 18:26
distance [4] - 180:27, 180:29, 181:12, 181:13
Distillery [2] - 147:12, 164:2
distinction [2] - 57:7, 65:27
distinctions [1] - 66:22
distinctly [1] - 87:1
district [14] - 41:14, 41:17, 71:23, 71:24, 72:6, 72:7, 72:11, 72:12, 95:27, 96:16, 96:19, 97:8, 98:6
divert [1] - 39:5
division [6] - 40:19, 61:11, 71:1, 96:5, 97:8, 149:15
divisional [2] - 96:4, 96:21
document [57] - 28:29, 33:4, 33:26, 39:19, 39:22, 40:7, 47:4, 51:20, 51:22, 51:23, 59:27, 60:9, 60:27, 63:24, 64:2, 64:5, 64:20, 132:11, 132:19, 132:22, 132:23, 132:24, 132:25, 132:27, 134:16, 134:21, 134:23, 134:25, 162:28, 163:6, 163:7, 164:1, 164:17, 177:27, 185:26, 186:5, 186:9, 186:12, 186:18, 186:20, 190:3, 190:28, 190:29, 191:7, 192:26, 193:10, 193:28, 195:27, 196:1, 196:9, 199:2, 199:5, 199:27, 199:28, 200:8, 209:12
documentary [1] - 189:26
documentation [20] - 18:2, 24:4, 24:10, 24:13, 24:15, 46:16, 58:27, 59:3, 59:4, 59:16, 76:6, 77:16, 80:13, 130:11, 130:16, 133:9, 133:14, 134:5, 193:5, 193:6
documented [3] - 99:20, 100:3, 188:22
documents [14] - 6:29, 8:18, 8:19, 8:20, 35:19, 35:21, 35:23, 39:10, 39:19, 39:29, 40:4, 58:27, 97:8, 137:17
documents" [1] - 96:22
DoJ [10] - 157:22, 157:26, 160:16, 160:25, 166:27, 167:6, 167:7, 168:22, 182:20
DoJ' [1] - 158:15
domain [1] - 89:10
done [14] - 8:9, 18:15, 48:17, 52:13, 69:24, 100:12, 143:3, 145:17, 148:20, 164:5, 174:22, 182:21, 184:28, 206:17
Donegal [1] - 107:5
DONNELLY [1] - 3:4
door [1] - 175:22
dossier [1] - 88:17
doubt [6] - 31:15, 64:18, 68:9, 83:20, 85:10, 140:24
down [56] - 11:14, 12:4, 12:5, 12:7, 13:12, 13:19, 14:2, 14:10, 19:15, 25:28, 28:5, 28:11, 32:28, 51:7, 51:24, 55:7, 56:8, 61:19, 68:2, 70:2, 70:5, 70:6, 87:22, 94:20, 102:15, 102:23, 103:18, 107:21, 109:4, 112:20, 117:24, 118:10, 118:14, 119:17, 119:29, 120:14, 128:9, 129:6, 131:6, 131:7, 139:27, 146:13, 146:25, 147:11, 157:18, 160:8, 163:21, 164:15, 170:12, 175:20, 175:23, 175:28, 176:11, 176:24, 178:29, 188:15
DPP [9] - 18:26, 22:2, 107:27, 108:11, 118:21, 130:5, 192:14, 209:4
DPP's [7] - 21:4, 130:17, 130:20, 131:17, 197:5, 198:20, 205:9
draft [21] - 17:8, 19:2, 19:6, 19:22, 20:5, 60:18, 61:12, 62:4, 62:6, 62:19, 81:23, 185:17, 188:6, 189:20, 190:13, 190:14, 190:15, 191:8, 195:27, 195:28, 196:3
drafted [8] - 17:7, 18:23, 18:29, 19:1, 63:2, 186:9, 189:11, 194:8
draw [1] - 65:2
drawn [1] - 66:22
Dreelan [3] - 27:21, 27:23, 28:2
drew [1] - 97:1
Dublin [2] - 51:9, 51:13
DUBLIN [2] - 3:7, 3:15
due [5] - 63:25, 64:11, 66:10, 99:29, 107:24
duly [2] - 83:26, 152:25
during [25] - 12:26, 18:19, 20:23, 22:25, 24:1, 27:13, 28:2, 49:17, 53:14, 57:16, 57:23, 67:29, 79:8, 87:26, 88:1, 91:18, 100:26, 111:16, 127:15, 128:7, 158:4, 186:3, 188:18, 189:1, 197:18
duties [2] - 47:21, 66:15
duty [1] - 44:20
duty.. [1] - 46:10
dynamite [2] - 188:4, 188:15
Dáil [2] - 14:24, 181:23

E

early [11] - 29:10, 31:15, 68:8, 87:11, 99:18, 99:19, 100:7, 101:6, 116:2, 120:20, 122:21

ears [1] - 88:7
easier [2] - 73:27, 168:15
educate [1] - 80:11
effect [7] - 12:18, 21:2, 33:7, 156:10, 181:1, 182:15, 182:18
effectively [3] - 13:1, 40:18, 198:15
effectiveness [1] - 121:12
efficient [1] - 66:17
effort [2] - 22:18, 78:2
efforts [3] - 65:29, 79:17, 79:19
either [4] - 23:20, 24:12, 135:23, 196:4
elevating [1] - 194:13
elicit [1] - 13:26
Elizabeth [1] - 15:2
ELLEN [1] - 3:3
em [2] - 94:22, 180:10
email [29] - 19:25, 20:3, 29:1, 29:16, 29:18, 29:27, 30:27, 61:4, 61:8, 161:15, 161:20, 162:7, 163:9, 164:3, 164:4, 164:9, 178:20, 178:24, 179:1, 184:11, 184:15, 184:23, 184:24, 184:27, 184:28, 190:10, 195:17, 197:12
emailed [4] - 161:12, 163:24, 171:5, 189:11
emailing [1] - 163:29
emails [5] - 30:7, 163:13, 163:17, 163:19, 196:2
embittered [1] - 197:3
emerged [2] - 23:2, 197:7
emerging [1] - 84:23
emphasis [1] - 38:18
emphasised [1] - 135:22
emphasising [1] - 195:16
employees [1] - 141:27
employer [3] - 87:15, 91:23, 148:2
enclose [2] - 97:14, 98:9
enclosed [1] - 96:29
enclosures [1] - 58:22
encountered [1] - 75:18
end [13] - 20:11, 24:25, 27:26, 40:11, 43:13, 50:18, 105:9, 141:3, 147:24, 177:20, 183:7, 183:23, 191:6
endeavoured [1] - 15:27
ending [1] - 166:26
engage [2] - 116:25, 118:2
engaged [5] - 43:29, 149:5, 180:23, 183:16, 187:13
engaging [1] - 125:12
enlighten [2] - 194:11, 209:15
enlightened [1] - 138:24
enormous [2] - 50:7, 50:11
ensure [7] - 20:1, 63:9, 63:12, 90:14, 91:12, 100:24, 135:18
entail [1] - 61:16
enthusiasm [1] - 67:23
enthusiastic [1] - 67:14
entire [4] - 20:12, 35:13, 151:26, 151:28
entirely [2] - 80:3, 145:24
entirety [1] - 133:25
entitled [9] - 33:9, 40:18, 58:5, 119:5, 122:13, 134:21, 185:12, 186:27
entries [1] - 120:29
entry [2] - 174:26, 174:27
environment [1] - 75:2
environs [1] - 122:17
equality [3] - 38:4, 38:15, 38:16
equipment [1] - 202:7
erase [1] - 44:3
erasing [1] - 43:29
erroneous [1] - 23:2
error [10] - 22:28, 23:8, 23:19, 23:21, 23:22, 43:25, 56:6, 58:13, 64:12, 102:28
erupted [1] - 169:19
especially [1] - 50:25
essence [3] - 73:19, 138:16, 209:2
essentially [4] - 81:9, 96:26, 121:29, 149:4
establish [9] - 32:13, 32:25, 33:2, 33:10, 34:6, 99:11, 99:12, 112:26, 137:14
established [3] - 32:14, 100:14, 207:13
establishing [1] - 99:10
et [1] - 163:11
etcetera [2] - 24:22, 44:4
evening [18] - 13:20, 29:3, 29:26, 29:29, 123:25, 126:1, 127:27, 147:6, 164:11, 170:24, 174:23, 175:14, 175:21, 175:26, 177:1, 185:19, 196:13, 196:17
event [4] - 13:6, 68:26, 155:25, 176:8
events [17] - 38:9, 52:12, 67:9, 94:26, 120:20, 121:7, 125:16, 129:20, 130:3, 130:15, 131:28, 142:2, 147:28, 201:20, 201:24, 202:2, 207:20
eventually [4] - 18:4, 63:19, 126:7, 191:27
everywhere [1] - 163:12
Evidence [1] - 8:13
evidence [84] - 5:5, 6:20, 7:2, 7:12, 8:19, 13:18, 13:25, 13:26, 14:1, 15:18, 15:19, 15:20, 17:11, 17:16, 17:27, 17:28, 18:19, 19:9, 19:29, 20:24, 21:3, 22:26, 23:3, 23:5, 23:16, 23:18, 23:26, 23:29, 24:3, 24:9, 27:3, 34:13, 34:14, 35:19, 36:8, 37:7, 43:8, 43:27, 46:4, 47:14, 49:16, 49:18, 49:19, 53:9, 53:12, 53:20, 53:21, 58:21, 61:16, 62:29, 64:4, 64:25, 67:7, 69:8, 78:8, 120:2, 123:22, 123:25, 124:27, 135:19, 135:24, 136:1, 136:2, 136:15, 136:16, 141:20, 141:21, 144:27, 148:25, 148:29, 149:21, 149:24, 150:1, 151:22, 158:22, 158:29, 161:5, 167:16, 176:17, 183:1, 189:26, 200:23, 201:14, 204:21
evolution [1] - 196:1
evolved [1] - 114:20
evolving [1] - 199:21
exact [1] - 141:10
exactly [24] - 31:9, 31:27, 77:24, 99:18, 101:2, 101:17, 101:27, 104:10, 109:17, 113:20, 125:8, 125:11, 126:3, 126:12, 131:18, 131:22, 133:17, 137:15, 148:18, 160:13, 166:10, 168:24, 175:25, 177:22
exaggeration [1] - 67:8
examination [6] - 16:8, 24:28, 67:13, 121:23, 136:5, 202:11
examine [1] - 134:10
EXAMINED [14] - 4:4, 4:5, 4:6, 4:7, 4:8, 4:9, 4:12, 5:7, 25:3, 28:17, 58:9, 59:21, 64:24, 70:17
examined [6] - 15:20, 15:22, 27:5, 64:5, 127:23, 206:3
example [5] - 21:17, 21:27, 36:27, 90:2, 90:10
excellent [2] - 65:24, 68:19
exception [1] - 189:26
exchange [4] - 150:5, 151:27, 151:28, 173:10
exclude [1] - 102:14
excluded [1] - 33:29
excuse [2] - 20:28, 46:2
exercise [3] - 6:9, 66:15, 100:22
exhaustive [1] - 178:6
existence [1] - 23:13
exonerating [1] - 22:3
expect [6] - 17:6, 18:29, 23:25, 50:22, 50:24, 119:14
expected [2] - 14:8, 48:14
expecting [3] - 15:22, 31:5, 73:11
experience [5] - 49:17, 50:1, 50:20, 53:14, 197:3
explain [10] - 86:22, 112:27, 124:12, 162:6, 182:16, 185:22, 188:20, 194:9, 197:19, 201:18
explained [5] - 14:9, 23:27, 141:6, 169:14, 176:16
explaining [4] - 99:5, 130:9, 130:29, 171:19
explore [10] - 10:12, 10:29, 115:2, 127:24, 129:29, 131:2, 132:3, 175:4, 175:6, 175:8
explosive [1] - 188:19
express [2] - 19:18, 207:10
expressed [3] - 76:17, 79:7, 88:3
expressly [1] - 53:3
extension [1] - 44:11
extensive [2] - 96:18, 139:1
extent [4] - 45:8, 120:25, 121:3, 132:13
external [1] - 111:28
extra [1] - 35:22
extraordinary [1] - 195:8

eyes [1] - 88:7
eyesight [1] - 64:12

F

face [2] - 128:1
face-to-face [1] - 128:1
facilitate [1] - 177:28
facing [1] - 91:26
fact [20] - 16:21, 31:10, 45:20, 58:16, 62:18, 72:4, 72:9, 93:1, 98:21, 113:14, 114:17, 116:4, 123:10, 138:15, 142:20, 152:9, 163:4, 189:4, 189:8, 199:22
factors [1] - 111:28
Facts [1] - 132:23
facts [19] - 8:2, 8:3, 22:17, 81:20, 81:24, 81:25, 81:27, 84:21, 84:23, 84:26, 85:3, 99:10, 99:11, 99:13, 110:4, 110:9, 144:17, 153:7, 189:27
Facts' [1] - 134:21
factual [2] - 142:6, 142:14
factually [4] - 20:2, 60:13, 63:12, 189:24
failed [4] - 41:29, 44:19, 44:21, 44:26
failure [1] - 22:2
failures [1] - 42:27
fair [6] - 82:16, 95:15, 158:7, 191:17, 205:3
fairly [5] - 28:12, 104:28, 136:7, 175:17, 188:19
fairness [3] - 62:22, 92:27, 196:11

faith [2] - 66:23, 205:20
fall [3] - 45:24, 49:20, 102:1
fallout [4] - 92:10, 100:20, 129:16, 129:19
false [6] - 21:7, 42:1, 69:28, 107:25, 204:15, 205:2
falsely [1] - 42:6
falsifying [1] - 43:29
familiar [8] - 5:16, 5:17, 40:20, 42:9, 73:10, 122:7, 134:24, 138:5
families [3] - 50:14, 50:27, 68:10
far [15] - 7:9, 65:25, 66:20, 67:12, 91:15, 102:21, 105:12, 124:17, 126:27, 147:25, 148:10, 149:20, 200:7, 200:9, 202:2
fast [1] - 202:29
fault [1] - 31:25
fax [1] - 98:9
February [2] - 120:21, 192:20
fell [3] - 49:21, 53:16, 53:19
felt [1] - 31:23
females [1] - 42:3
Fergus [15] - 11:16, 12:6, 16:11, 20:4, 26:24, 29:8, 29:19, 31:14, 70:14, 110:8, 170:21, 170:24, 170:26, 187:28, 190:4
FERGUS [2] - 4:11, 70:16
few [11] - 28:19, 41:17, 42:27, 49:13, 50:8, 50:10, 51:19, 72:15, 87:23, 89:15, 155:3
FH [1] - 89:20
fide [1] - 137:9
fides [7] - 54:12,

54:21, 66:8, 137:12, 208:22, 208:25, 208:29
figure [2] - 131:20, 158:9
file [14] - 42:1, 48:28, 48:29, 60:21, 98:4, 104:21, 104:23, 107:26, 108:10, 108:14, 118:21, 128:28, 207:14
filed [3] - 19:16, 23:28, 62:22
final [9] - 20:11, 42:23, 53:6, 60:5, 63:14, 75:24, 145:1, 165:3, 191:8
finalise [1] - 30:3
finally [3] - 6:1, 17:12, 57:15
findings [7] - 43:5, 43:8, 53:4, 68:17, 121:14, 138:27, 207:11
fine [4] - 136:28, 141:9, 147:23, 166:5
finish [3] - 47:18, 49:3, 178:17
finished [7] - 24:18, 24:19, 105:12, 180:15, 185:24, 186:16, 199:1
finishing [2] - 180:24, 184:1
firm [2] - 174:13, 175:12
first [50] - 7:16, 7:26, 17:1, 18:9, 27:28, 28:2, 28:3, 28:6, 28:22, 30:8, 34:20, 37:3, 47:28, 48:24, 51:7, 51:11, 53:26, 54:18, 54:22, 55:2, 57:12, 60:5, 64:6, 80:9, 81:14, 83:29, 89:13, 90:8, 94:2, 94:3, 94:16, 103:1, 104:5, 109:1, 110:5, 110:17, 112:5, 128:16, 131:16, 133:19,

154:1, 154:2, 154:3, 179:23, 180:10, 190:13, 190:14, 195:27, 195:28, 208:3
firstly [2] - 5:11, 5:19
FITZGERALD [1] - 3:9
Fitzgerald [1] - 135:4
five [8] - 73:1, 82:16, 154:29, 155:13, 155:19, 166:24, 180:7, 183:20
five-digit [2] - 155:13, 155:19
FLAHIVE [1] - 3:9
Flahive [2] - 12:23, 12:28
flesh [1] - 52:8
flow [2] - 67:25, 168:3
flowed [1] - 139:17
flows [1] - 35:3
fluid [2] - 86:26, 93:23
flying [1] - 185:8
focus [5] - 70:9, 79:25, 80:18, 85:7, 145:24
focusing [2] - 80:15, 165:1
Fogarty [1] - 85:29
follow [1] - 12:20
followed [11] - 29:18, 30:19, 31:1, 58:28, 61:26, 73:23, 130:7, 130:15, 131:29, 142:3, 147:28
following [14] - 7:9, 16:26, 21:2, 22:22, 72:19, 72:22, 84:4, 96:18, 120:18, 147:6, 178:11, 190:25, 197:12, 199:25
follows [2] - 42:25, 189:18
FOLLOWS [3] - 5:2, 98:26, 184:5
foot [3] - 13:1,

120:28, 121:14
football [1] - 7:26
FOR [3] - 3:2, 3:9, 98:24
fora [1] - 85:13
force [2] - 192:13, 204:10
foremost [2] - 94:5, 140:5
forget [1] - 98:15
forgotten [1] - 183:3
form [5] - 97:2, 97:3, 121:1, 121:4, 141:5
formal [4] - 73:21, 102:23, 112:17, 191:29
format [2] - 185:27, 199:3
formed [3] - 54:8, 127:21, 137:18
former [8] - 13:4, 25:7, 25:19, 27:4, 27:7, 53:10, 75:11, 148:25
forming [1] - 134:7
formulated [1] - 144:15
forthcoming [4] - 31:24, 111:12, 111:18, 111:21
forum [1] - 148:5
forward [7] - 36:13, 39:8, 40:10, 47:5, 109:24, 114:26, 141:25
forwarded [5] - 164:3, 178:19, 179:26, 192:9, 203:29
forwarding [1] - 80:14
Four [3] - 82:23, 83:4, 112:21
four [4] - 15:7, 28:7, 30:1, 154:29
four-page [1] - 15:7
Fraher [2] - 96:24, 98:17
Fraher's [1] - 96:29
FRANCES [1] - 3:9

frank [1] - 89:11
frantically [1] - 159:6
free [1] - 108:29
freely [1] - 67:25
fresh [1] - 175:27
Friday [20] - 8:29, 13:13, 16:27, 22:21, 29:26, 60:20, 78:8, 78:12, 144:27, 158:23, 158:29, 161:5, 167:16, 184:16, 184:18, 185:19, 186:15, 189:7, 195:13, 207:26
FRIDAY [1] - 209:27
friends [1] - 49:27
fro [3] - 20:6, 167:3, 169:20
fro-ing [2] - 167:3, 169:20
front [12] - 9:27, 65:7, 73:26, 77:11, 153:19, 159:23, 161:18, 169:1, 177:8, 187:22, 195:2, 201:3
full [14] - 23:9, 32:17, 67:1, 69:18, 69:23, 81:26, 88:17, 88:27, 106:13, 153:17, 165:6, 192:14, 204:10, 204:26
fully [1] - 202:4
function [1] - 7:24
furnish [1] - 178:5
furnished [1] - 19:4
FURTHER [2] - 4:9, 64:24
furthermore [1] - 97:28

G

garda [4] - 70:25, 123:14, 123:17, 149:16
Garda [77] -

5:25, 6:17, 6:27,
15:21, 15:22,
15:28, 18:2, 23:5,
23:17, 23:18,
24:4, 24:10,
24:13, 24:15,
35:1, 36:10,
37:21, 38:6,
38:14, 41:3,
41:14, 43:18,
43:28, 60:10,
64:19, 65:21,
66:12, 66:27,
67:29, 69:20,
69:21, 69:27,
70:27, 70:28,
70:29, 71:6, 71:7,
71:23, 71:26,
72:7, 73:1, 74:1,
85:25, 86:1,
90:22, 91:19,
91:21, 93:14,
96:17, 98:16,
100:15, 109:22,
113:17, 120:22,
120:23, 120:26,
120:28, 121:2,
121:5, 121:9,
121:11, 123:17,
123:20, 123:29,
140:21, 141:27,
146:3, 146:14,
146:23, 149:15,
172:18, 191:28,
202:25, 203:16

Gardai [8] -
37:10, 37:15,
43:29, 44:3,
44:12, 70:23,
88:4, 92:15

Garret [2] - 63:9,
161:22

GARRET [1] -
3:3

gather [1] -
147:13

gathered [1] -
88:22

gathering [1] -
142:22

general [8] - 6:1,
6:12, 7:15, 36:27,
66:11, 109:1,
109:18, 112:29

General's [2] -
27:22, 27:24

generally [1] -
140:14

gentleman [1] -
206:16

genuine [2] -
66:6, 66:9

GERALDINE [1]
- 3:5

GERARD [1] -
3:12

Gillane [11] -
8:10, 36:5, 36:15,
51:5, 51:27, 52:6,
135:16, 136:24,
151:13, 151:14,
207:8

girl [1] - 85:26

given [30] -
13:24, 16:21,
23:16, 30:18,
32:7, 39:28, 46:4,
48:11, 51:23,
64:25, 68:14,
69:19, 87:14,
112:11, 117:9,
118:13, 123:7,
137:19, 144:19,
147:18, 147:19,
148:11, 150:1,
176:4, 181:27,
183:1, 186:7,
197:9, 198:25,
203:27

glancing [1] -
42:18

gleaned [3] -
57:1, 57:8,
137:16

gleaning [1] -
33:13

GLEESON [8] -
3:3, 3:6, 4:7,
24:23, 58:2, 58:7,
58:9, 58:10

Gleeson [1] -
58:1

go-ahead [3] -
125:27, 140:7,
147:26

God [1] - 182:14

Government [4]
- 65:21, 66:27,
67:2, 68:18

grand [3] -
55:16, 147:20,
172:17

granted [1] -
179:13

grants [1] -
179:14

gratitude [1] -
66:11

grave [1] -
171:16

great [1] - 208:2

grievance [11] -
32:15, 32:19,
32:20, 33:2,
33:10, 33:16,
34:7, 200:13,
200:18, 201:7,
203:11

grievance.. [1] -
32:26

Grogan [4] -
115:17, 115:22,
115:25, 116:5

gross [2] -
46:10, 47:20

ground [2] -
42:25, 44:10

grounds [2] -
48:25, 70:4

GSOC [17] -
37:22, 38:6,
95:19, 95:21,
96:6, 97:5, 97:11,
97:12, 102:26,
102:29, 104:8,
104:18, 105:5,
105:8, 106:25,
120:8, 121:19

guard [2] - 42:4,
86:1

guards [4] -
42:6, 70:22,
107:2, 201:7

Guerin [5] -
46:21, 50:17,
142:24, 206:23,
206:25

H

half [9] - 31:7,
41:20, 66:21,
83:27, 98:22,
151:29, 161:20,
184:7

halfway [2] -
11:14, 118:14

hand [8] - 47:9,
103:8, 104:22,
137:14, 146:11,
165:5, 165:8,
186:2

handed [5] -
40:1, 58:16,
58:21, 163:25,
163:26

HANDED [1] -
65:10

handed [1] -
40:5

handing [1] -
135:11

handover [3] -
82:21, 82:26,
112:19

hands [1] -
75:15

handwriting [3]
- 29:15, 103:9,
103:14

handwritten [4]
- 23:12, 83:11,
89:16, 117:9

happy [10] -
63:10, 92:13,
141:4, 141:7,
141:12, 153:10,
155:25, 175:12,
175:15, 191:15

hard [7] - 71:28,
155:11, 164:6,
164:15, 168:17,
208:29, 209:5

HAVING [1] -
70:16

head [8] - 69:25,
78:24, 79:5, 81:3,
83:6, 87:5, 101:8,
143:28

heading [2] -
128:22, 128:29

Headquarters
[1] - 96:17

Healy [32] - 11:7,
11:25, 12:6,
16:11, 19:17,
19:22, 19:24,
20:4, 25:17,
25:19, 26:24,
29:1, 29:19,
29:25, 30:2,
31:10, 31:14,
57:19, 57:22,
57:24, 61:20,
62:17, 70:14,
70:20, 77:12,
90:21, 93:10,
99:1, 99:4, 110:8,
143:13, 170:21

HEALY [2] -
4:11, 70:16

Healy's [6] -
8:24, 12:17, 13:6,
61:4, 61:27,
70:18

heap [1] - 134:3

hear [8] - 30:11,
36:8, 52:10,
71:28, 72:1,
120:2, 159:12,
208:16

heard [12] -
17:15, 24:28,
33:14, 50:12,
65:29, 67:16,
151:26, 201:14,
207:26, 208:4,
208:8

HEARING [5] -
5:1, 98:24, 98:26,
184:4, 209:27

hearing [14] -
15:17, 17:22,
27:13, 29:11,
80:16, 87:11,
111:18, 113:5,
122:17, 124:7,
147:11, 152:25,
186:3, 187:28

hearings [23] -
20:13, 22:20,
35:14, 35:22,
58:28, 78:28,
78:29, 79:9, 80:6,
80:20, 85:11,
87:16, 88:5, 88:8,
92:20, 111:12,
122:16, 123:8,
124:4, 135:21,
147:13, 164:1,
197:22

heaven's [1] -
198:27

Heller [3] - 61:6,
62:7, 62:9

help [8] - 27:12,
45:28, 59:23,
113:21, 126:23,
176:6, 198:2,
209:20

helpful [3] -
28:14, 135:6,
135:13

herself [2] -
78:13, 87:6

hid [1] - 43:8

hierarchical [1] -
80:26

High [1] - 27:27

high [2] -
188:22, 194:14

higher [2] -
18:16, 179:12

highest [1] -
139:20

highlight [1] -
87:23

highly [1] -
66:17

hijacking [1] -
42:1

Hillgrove [2] -
107:9, 109:12

himself [3] -
54:6, 113:15,
189:27

hmm [2] -
112:14, 208:5

hOisín [7] -
24:24, 24:27,
59:18, 59:19,
68:22, 69:1,
69:13

HOLA [1] - 86:18

hold [1] - 48:15

holder [1] -
106:18

holding [1] -
31:3

home [1] - 71:11

honest [1] -
114:15

hope [1] - 31:3

hotel [2] - 107:9,
107:12

Hotel [2] - 107:9,
109:12

hour [6] - 30:16,
83:27, 151:29,
163:1, 184:8,
189:2

hours [6] - 29:2,
31:15, 50:8,
98:22, 115:4,
120:20

hours' [1] -
50:10

HOUSE [1] -
3:14

HQ [6] - 70:27,
70:28, 71:6, 71:7,
71:26, 73:1

HR [4] - 77:27,
78:24, 79:5,
89:26

HSE [1] - 97:2

huge [1] -
195:13

Human [1] -
97:29

hundred [1] -
46:15

hurriedly [1] -
64:2

hurry [1] - 166:9

hypothetical [1]
- 144:25

| | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>I</p> <p>idea [3] - 88:6, 146:25, 178:4</p> <p>identified [3] - 60:16, 81:28, 205:19</p> <p>imagine [2] - 92:1, 165:18</p> <p>immediate [4] - 76:9, 158:19, 189:20, 200:2</p> <p>immediately [8] - 58:24, 151:9, 156:19, 161:9, 165:22, 168:1, 198:29, 200:5</p> <p>impact [2] - 50:26, 144:15</p> <p>impacted [1] - 144:16</p> <p>impacted [2] - 84:9, 182:17</p> <p>impertinent [1] - 48:23</p> <p>implied [1] - 207:1</p> <p>importance [3] - 175:28, 189:23, 195:23</p> <p>important [6] - 10:9, 114:3, 126:8, 143:28, 152:3, 175:19</p> <p>impressed [1] - 67:6</p> <p>impression [7] - 12:24, 26:11, 26:12, 54:8, 67:13, 68:13, 184:20</p> <p>imprisonment [2] - 42:2, 107:25</p> <p>improper [3] - 42:19, 44:10, 177:13</p> <p>improperly [1] - 22:19</p> <p>impugn [1] - 66:2</p> <p>imputations [1] - 66:24</p> <p>inadmissible [2] - 199:28, 200:8</p> <p>incident [19] - 36:11, 37:11, 37:13, 37:19, 37:23, 38:7, 42:3, 42:10, 42:12,</p> | <p>42:14, 78:23, 106:11, 107:10, 120:9, 121:1, 123:11, 123:28, 140:24, 149:12</p> <p>incidents [5] - 5:21, 6:24, 40:29, 42:28, 107:18</p> <p>inclined [3] - 131:12, 175:7, 187:14</p> <p>include [6] - 19:10, 120:18, 120:26, 121:1, 121:9, 121:13</p> <p>included [4] - 61:15, 134:24, 134:27, 195:28</p> <p>including [5] - 44:13, 58:22, 86:19, 91:26, 120:23</p> <p>inconsistency [1] - 81:29</p> <p>incorporated [1] - 189:21</p> <p>incorrect [2] - 18:8, 60:13</p> <p>incumbent [1] - 74:7</p> <p>indecent [1] - 108:12</p> <p>indeed [3] - 20:27, 136:2, 153:7</p> <p>index [1] - 39:9</p> <p>INDEX [1] - 4:1</p> <p>indicate [4] - 81:23, 108:4, 126:29, 167:13</p> <p>indicated [8] - 29:27, 33:8, 35:9, 35:18, 36:18, 58:2, 58:10, 111:19</p> <p>indicating [1] - 96:21</p> <p>indication [1] - 69:2</p> <p>individuals [1] - 129:22</p> <p>influenced [1] - 21:29</p> <p>information [23] - 44:4, 48:6, 78:9, 82:5, 85:16, 88:23, 88:27, 92:21, 94:17, 95:7, 108:16, 109:19, 112:11,</p> | <p>114:11, 115:7, 127:17, 132:13, 135:14, 137:16, 138:25, 181:26, 193:3, 197:9</p> <p>informed [2] - 71:12, 187:28</p> <p>ing [4] - 167:2, 167:3, 169:19, 169:20</p> <p>initial [1] - 106:11</p> <p>initiated [1] - 95:27</p> <p>injured [2] - 42:4, 97:24</p> <p>innocent [2] - 44:21, 44:27</p> <p>inquire [1] - 33:27</p> <p>inquired [1] - 62:6</p> <p>inquiries [4] - 35:20, 46:21, 47:19, 96:18</p> <p>inquiring [4] - 77:20, 113:8, 169:28, 170:1</p> <p>inquiry [4] - 7:25, 46:21, 172:16, 172:22</p> <p>inscribed [1] - 103:9</p> <p>insertions [1] - 189:29</p> <p>inside [6] - 130:2, 169:14, 169:19, 172:5, 174:4, 181:3</p> <p>insight [1] - 102:6</p> <p>insisting [2] - 152:22, 169:26</p> <p>insofar [10] - 34:23, 45:10, 56:18, 56:24, 64:13, 91:17, 93:23, 136:23, 178:18, 208:21</p> <p>Inspector [10] - 76:21, 76:25, 77:5, 77:12, 77:20, 77:27, 82:27, 85:20, 97:26, 97:29</p> <p>instance [8] - 21:3, 54:22, 55:3, 60:5, 70:6, 136:20, 136:21, 198:5</p> | <p>instruct [2] - 15:28, 175:9</p> <p>INSTRUCTED [2] - 3:5, 3:13</p> <p>instructed [3] - 11:18, 13:26, 175:10</p> <p>instruction [2] - 12:16, 148:1</p> <p>Instructions [1] - 162:3</p> <p>instructions [54] - 9:8, 9:22, 16:10, 20:15, 20:19, 20:20, 27:25, 34:18, 54:18, 54:20, 57:4, 89:26, 99:6, 112:2, 125:1, 125:10, 125:23, 125:26, 126:13, 127:11, 137:2, 140:10, 141:1, 141:13, 144:18, 147:5, 147:22, 148:10, 152:20, 153:2, 153:13, 153:14, 157:14, 162:22, 165:17, 168:28, 171:12, 172:7, 172:15, 172:26, 174:7, 174:13, 174:14, 175:8, 175:13, 175:16, 176:3, 177:6, 177:12, 186:7, 196:12, 196:16, 196:17, 208:24</p> <p>integrated [1] - 45:4</p> <p>integrity [16] - 7:23, 54:2, 54:12, 55:11, 55:26, 56:1, 56:6, 56:14, 57:7, 65:27, 66:14, 66:23, 172:7, 172:27, 173:3, 177:16</p> <p>intend [3] - 32:24, 135:29, 159:11</p> <p>intended [2] - 80:6, 81:25</p> <p>intense [1] - 57:17</p> <p>intensity [1] - 6:10</p> <p>intention [2] - 7:14, 111:20</p> | <p>interacting [1] - 50:2</p> <p>interest [4] - 89:20, 90:2, 90:19, 143:6</p> <p>interested [2] - 133:18, 151:11</p> <p>interests [2] - 92:27, 179:10</p> <p>interfere [1] - 119:4</p> <p>internal [2] - 50:16, 149:12</p> <p>Internal [1] - 110:8</p> <p>interpretation [4] - 64:15, 64:17, 160:26, 171:2</p> <p>interpreting [1] - 84:3</p> <p>interrupting [2] - 197:27, 199:15</p> <p>intervene [2] - 31:20, 197:26</p> <p>intervening [2] - 70:25, 94:27</p> <p>intervention [1] - 20:28</p> <p>interviewed [3] - 48:13, 95:24, 95:28</p> <p>introduced [3] - 54:26, 55:3, 83:28</p> <p>introductions [1] - 119:24</p> <p>inve [1] - 128:20</p> <p>investigate [4] - 5:20, 38:6, 151:23, 191:23</p> <p>investigated [8] - 38:3, 42:29, 97:26, 107:18, 107:26, 108:13, 124:2, 197:3</p> <p>investigating [5] - 18:12, 95:21, 106:21, 106:28, 149:6</p> <p>investigation [55] - 5:22, 5:24, 5:29, 6:10, 6:12, 6:15, 6:16, 22:1, 36:10, 37:10, 37:15, 37:18, 37:21, 38:14, 38:21, 41:29, 42:8, 50:16, 62:5, 74:18, 94:12, 94:18, 95:6,</p> | <p>95:20, 95:23, 95:26, 96:8, 97:27, 104:9, 107:6, 108:24, 112:13, 113:12, 120:8, 120:25, 121:4, 121:11, 121:12, 123:29, 128:19, 129:5, 129:8, 129:11, 129:17, 129:18, 129:21, 130:13, 138:29, 139:1, 139:9, 142:21, 147:27, 150:3, 150:21</p> <p>Investigation [13] - 15:13, 61:10, 70:5, 82:5, 91:28, 92:6, 99:7, 99:8, 100:13, 100:23, 112:4, 115:5, 179:14</p> <p>Investigation" [1] - 162:4</p> <p>investigator [1] - 105:6</p> <p>invite [1] - 7:13</p> <p>invited [1] - 133:27</p> <p>involve [1] - 146:17</p> <p>involved [8] - 42:14, 72:16, 73:13, 76:25, 77:22, 148:6, 187:4, 187:8</p> <p>involvement [3] - 72:4, 77:29, 149:4</p> <p>involving [1] - 42:28</p> <p>irrelevant [3] - 33:4, 33:26, 160:10</p> <p>isolate [1] - 25:11</p> <p>issue [72] - 13:27, 15:29, 18:27, 22:4, 51:1, 52:8, 54:1, 59:22, 64:26, 71:19, 72:12, 72:14, 73:11, 75:28, 88:2, 89:7, 90:6, 91:4, 91:5, 91:22, 92:4, 92:25, 94:28, 97:25, 99:12, 101:7, 101:10, 101:20,</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

114:26, 122:14,
125:1, 125:19,
126:5, 127:9,
127:10, 131:3,
132:11, 134:11,
135:8, 138:13,
138:14, 138:26,
139:3, 140:4,
140:29, 141:26,
143:6, 143:10,
144:7, 149:18,
149:19, 152:22,
153:15, 165:7,
165:18, 171:21,
175:8, 177:24,
186:2, 188:19,
188:22, 194:13,
195:1, 197:23,
201:19, 202:22,
203:4, 203:9,
204:1, 207:11,
208:25, 208:26
issued [2] -
200:27, 200:28
issues [98] -
5:20, 6:1, 9:27,
25:8, 34:29,
35:10, 36:20,
37:1, 37:22,
37:29, 38:6, 46:9,
51:2, 62:12,
74:20, 74:27,
74:29, 76:13,
76:24, 77:23,
78:4, 78:14,
78:18, 79:4,
79:14, 79:19,
80:11, 81:2,
84:10, 84:11,
85:18, 87:23,
89:15, 91:15,
92:1, 92:2, 92:19,
92:21, 92:25,
92:27, 99:27,
100:16, 108:12,
109:2, 112:23,
113:4, 113:24,
113:27, 114:8,
114:16, 114:17,
114:18, 114:19,
114:22, 115:3,
119:1, 120:17,
125:20, 127:12,
127:22, 127:23,
129:12, 132:2,
132:6, 134:10,
136:16, 137:13,
138:5, 139:18,
141:19, 142:2,
142:4, 142:8,
142:11, 142:25,

143:2, 143:20,
144:8, 144:20,
144:25, 145:17,
145:18, 146:29,
147:17, 148:4,
150:7, 165:12,
169:2, 171:27,
186:24, 188:23,
190:4, 190:5,
190:27, 199:26,
200:5, 209:14
items [1] - 134:6
itself [11] - 40:9,
45:17, 65:23,
73:7, 76:14,
79:23, 111:24,
129:18, 141:22,
142:15, 185:24

J

JANUARY [2] -
5:1, 209:27
January [4] -
39:17, 40:14,
40:23, 51:14
job [9] - 71:2,
71:3, 72:25,
72:27, 74:12,
80:25, 109:9,
141:1, 145:10
John [3] - 78:24,
115:25, 116:5
joined [1] -
70:23
jot [2] - 84:24,
118:9
jotted [4] -
84:28, 128:9,
129:6, 176:27
judge [12] - 33:8,
34:27, 52:24,
53:29, 54:6,
54:18, 54:27,
67:16, 67:27,
92:7, 100:24,
165:5
Judge [22] -
9:29, 12:2, 19:11,
21:20, 22:10,
22:15, 24:23,
31:27, 68:20,
70:23, 80:6,
122:27, 138:18,
172:15, 177:21,
185:18, 186:25,
198:16, 200:8,
200:11, 204:17,
205:26
judgement [1] -

74:23
judgment [1] -
43:25
July [2] - 41:14,
116:6
jumped [1] -
21:13
jumping [1] -
202:28
jumps [1] -
198:16
June [22] - 17:1,
17:22, 17:25,
18:7, 18:8, 18:23,
20:15, 20:26,
22:22, 22:24,
23:1, 23:29, 24:1,
24:7, 24:8, 60:11,
60:19, 61:5,
61:14, 62:1,
62:23, 119:26
junior [3] -
107:2, 161:22,
189:15
JUSTICE [5] -
177:16, 206:27,
207:4, 207:16,
208:3
justice [7] -
8:22, 13:13,
33:20, 37:16,
65:24, 66:26,
66:28
Justice [51] -
5:26, 25:7, 25:24,
26:2, 26:3, 32:7,
32:10, 32:28,
34:24, 38:4,
38:15, 38:16,
40:14, 51:4,
51:25, 53:5, 55:8,
55:23, 56:3, 56:9,
57:6, 64:27,
65:25, 65:28,
66:23, 66:29,
68:15, 68:17,
79:16, 79:28,
84:25, 87:12,
119:22, 119:23,
119:28, 120:6,
121:26, 122:11,
133:17, 140:16,
152:1, 159:8,
159:9, 159:16,
160:26, 165:15,
172:20, 173:1,
177:10, 177:29,
202:15
Justice" [2] -
25:29, 38:22

Justice' [1] -
161:1

K

Karl [2] - 62:7,
62:9
Kavanagh [2] -
103:6, 178:28
keeping [1] -
180:26
Kelly [1] - 184:7
KEN [1] - 3:10
kept [2] - 86:23,
180:29
kind [10] - 68:25,
90:9, 109:21,
113:3, 118:10,
180:28, 182:14,
182:17, 185:8,
198:24
Kingscourt [14]
- 37:12, 37:18,
37:23, 38:3, 38:7,
42:10, 42:12,
42:14, 120:9,
133:18, 140:16,
149:12, 150:8
knees [2] -
109:15
knees' [1] -
109:10
knowing [1] -
62:28
knowledge [18] -
14:4, 15:23, 16:9,
16:17, 78:7,
81:27, 84:10,
94:26, 95:15,
102:6, 102:8,
106:18, 106:24,
108:23, 114:17,
114:20, 140:24,
146:19
known [7] -
23:14, 43:23,
45:5, 86:13,
86:14, 95:12,
109:21

L

lack [2] - 17:4,
18:25
landed [1] -
136:21
landline [8] -
154:7, 154:13,
154:18, 156:24,

158:18, 167:18,
173:14, 173:17
language [2] -
109:16, 159:13
large [3] - 7:29,
143:26, 146:3
largely [1] - 5:20
last [9] - 14:17,
15:8, 18:18,
63:14, 63:21,
64:13, 78:12,
124:16, 159:29
lasted [2] -
166:24, 180:7
lasts [1] -
151:29
late [7] - 41:25,
41:29, 58:24,
63:25, 68:7,
83:17, 150:27
laugh [1] - 49:27
lawyer [1] -
194:8
lay [3] - 7:22,
8:7, 99:7
laying [1] -
38:18
lead [3] - 91:3,
101:15, 150:19
lead-in [2] -
101:15, 150:19
leader [12] -
70:12, 104:3,
135:7, 146:2,
146:22, 159:10,
173:23, 176:1,
197:26, 198:18,
198:26, 199:16
Leader [1] -
183:22
LEADER [38] -
4:12, 70:13,
70:17, 70:18,
72:22, 98:20,
99:1, 104:5,
104:10, 104:13,
104:15, 104:17,
132:27, 134:29,
135:4, 137:1,
147:5, 151:28,
152:1, 159:18,
163:7, 163:12,
168:15, 173:24,
173:26, 176:2,
176:9, 181:25,
182:1, 183:26,
184:1, 184:10,
185:17, 187:19,
188:27, 194:13,
199:17, 209:24

leader's [2] -
159:13, 193:20
leaders' [1] -
14:25
leading [2] -
120:21, 121:7
leads [2] - 7:27,
195:5
learned [2] -
45:18, 94:28
least [2] -
135:12, 144:29
leave [8] - 93:13,
115:25, 116:6,
119:3, 122:5,
122:16, 122:17,
178:8
led [6] - 15:18,
87:4, 123:24,
149:25, 178:13,
197:25
left [7] - 62:10,
104:22, 107:16,
111:16, 148:10,
156:8, 190:3
left-hand [1] -
104:22
legal [21] - 9:23,
9:24, 15:19,
15:21, 15:29,
19:13, 27:6, 59:1,
81:3, 83:6, 83:21,
88:17, 89:12,
90:20, 94:3,
147:25, 177:19,
177:21, 193:19,
197:17
legitimate [2] -
51:29, 66:7
legs [1] - 142:23
Lernihan [4] -
61:7, 62:8, 62:11
less [5] - 67:7,
119:25, 130:26,
181:3, 191:7
letter [54] - 18:7,
22:2, 22:29, 23:8,
23:9, 23:19,
39:15, 40:13,
40:18, 40:20,
40:26, 58:13,
58:19, 58:24,
58:26, 59:3, 59:4,
59:5, 60:5, 62:16,
63:9, 63:18,
73:20, 81:18,
82:7, 96:9, 96:11,
96:15, 97:14,
102:25, 102:28,
104:6, 106:25,

178:13, 178:14,
179:9, 179:14,
179:20, 180:19,
185:18, 187:5,
188:6, 189:11,
189:15, 189:21,
191:17, 191:19,
192:20, 194:7,
195:5, 197:14,
198:21, 199:17,
199:22
letters [2] -
76:16, 76:18
letting [2] -
19:25, 186:15
level [5] - 64:19,
131:27, 146:8,
194:14
levels [1] -
131:26
liaising [1] -
75:7
liaison [9] -
71:13, 72:27,
73:5, 74:19, 75:4,
75:11, 77:13,
83:8, 104:26
life [1] - 53:15
light [11] - 9:26,
11:18, 18:3,
20:23, 23:21,
24:5, 53:13,
58:13, 169:1,
197:21, 205:23
likely [3] -
103:13, 159:4,
206:28
limited [3] -
21:5, 38:1, 38:2
line [40] - 7:5,
14:2, 18:9, 18:18,
32:10, 32:28,
33:24, 34:25,
46:4, 46:18, 47:7,
48:3, 51:10,
51:11, 51:17,
51:24, 54:2,
54:29, 55:1, 55:2,
55:23, 56:8,
56:23, 90:23,
90:25, 104:6,
108:4, 117:24,
158:26, 175:11,
186:23, 188:3,
188:15, 195:28,
196:2, 203:3,
203:6, 205:22,
206:12
lines [6] - 49:25,
49:27, 141:8,
166:9, 200:24,
208:9
list [10] - 14:23,
40:29, 41:2,
41:17, 41:20,
42:10, 43:26,
52:4, 52:9,
204:23
listed [4] -
42:13, 42:24,
43:24, 44:21
listen [2] - 65:9,
202:7
listening [2] -
53:22, 106:2
lists [2] - 41:4,
85:22
literally [1] -
50:6
litigation [2] -
109:27, 133:12
LITTLE [1] - 3:15
live [1] - 138:14
loads [2] - 69:9
lodged [1] -
19:19
logistics [1] -
19:14
look [44] - 5:11,
7:3, 8:23, 9:3,
11:6, 12:10,
14:14, 16:5,
19:29, 22:12,
28:23, 39:14,
41:29, 60:25,
60:27, 69:26,
84:11, 85:5,
85:20, 93:4,
101:7, 103:1,
112:16, 122:22,
125:22, 126:6,
131:6, 131:11,
132:5, 132:17,
138:28, 141:9,
146:5, 146:24,
155:23, 159:7,
161:15, 173:14,
182:7, 192:25,
198:16, 202:10,
205:13, 209:11
looked [6] -
32:6, 108:20,
164:10, 164:12,
172:8, 196:1
looking [13] -
28:4, 30:4, 40:9,
85:3, 110:28,
114:27, 120:14,
163:8, 165:6,
168:14, 176:3,
194:20, 195:29
Lorraine [1] -
120:21
lost [1] - 168:12
LUNCH [2] -
98:24, 98:26
lunch [1] -
102:25
Lynch [2] -
85:29, 86:1

M

MacNamee [5] -
3:2, 83:14, 83:29,
119:8, 161:29
main [5] - 80:3,
91:7, 140:9,
140:29, 142:5
mala [5] - 54:21,
137:12, 208:22,
208:25, 208:29
malice [9] -
206:10, 206:16,
206:24, 207:12,
207:25, 208:4,
208:11, 208:17,
208:22
malicious [1] -
206:22
malpractice [10]
- 6:17, 40:19,
43:19, 43:24,
55:15, 56:20,
56:26, 56:28,
172:17, 173:8
man [4] - 8:7,
47:10, 57:23,
66:14
man's [1] -
198:24
manage [1] -
83:1
Management [1]
- 97:29
management [3]
- 6:3, 34:29,
109:22
managers [1] -
102:6
managing [1] -
72:28
March [12] -
41:14, 71:24,
72:8, 96:10,
96:16, 97:6,
102:27, 102:29,
103:2, 103:23,
104:6, 104:20
marching [1] -
123:7
marked [1] -
14:22
marry [1] -
208:29
Mars [1] -
181:14
Martin [5] -
43:17, 117:19,
118:16, 192:2,
198:5
MARTIN [1] -
3:11
Martin's [1] -
199:9
material [13] -
43:8, 80:1, 90:8,
106:17, 110:26,
110:28, 138:20,
140:8, 193:7,
197:15, 197:17,
200:4
materials [24] -
39:11, 70:19,
73:25, 81:8,
81:14, 83:12,
89:17, 96:9,
103:1, 115:18,
118:13, 135:15,
150:6, 154:22,
156:14, 158:17,
161:18, 174:26,
177:4, 178:22,
183:8, 189:14,
201:2, 206:5
matter [66] -
6:21, 11:20, 13:3,
13:4, 13:28, 17:6,
17:27, 18:28,
21:23, 23:24,
27:11, 31:9,
33:12, 50:3, 58:3,
62:17, 63:14,
66:29, 69:25,
81:28, 88:29,
93:11, 93:24,
95:22, 95:29,
96:2, 97:25,
98:12, 98:29,
104:28, 106:28,
107:8, 107:29,
108:1, 108:4,
111:5, 116:12,
117:9, 133:26,
140:15, 142:21,
143:5, 149:7,
149:23, 151:20,
151:22, 151:24,
152:8, 165:2,
165:13, 169:22,
170:4, 170:25,
171:23, 177:20,
178:7, 186:8,
187:9, 189:5,
190:23, 191:5,
194:12, 200:28,
206:4, 206:28
matters [37] -
5:27, 7:28, 30:25,
33:27, 37:5,
38:17, 41:17,
42:24, 44:11,
45:1, 46:5, 64:26,
68:22, 80:18,
81:25, 86:24,
88:28, 91:13,
91:18, 99:7,
100:20, 106:7,
107:1, 113:13,
115:1, 120:6,
120:13, 132:29,
133:28, 143:23,
148:10, 149:13,
153:7, 153:8,
201:17, 206:10
Maura [4] - 61:7,
62:8, 62:11
Maurice [12] -
38:17, 39:16,
48:16, 59:1,
62:12, 107:12,
116:24, 117:19,
117:27, 128:25,
157:14, 196:25
McArdle [4] -
123:18, 123:22,
124:16, 148:25
McArdle's [1] -
124:1
McCabe [122] -
5:23, 6:17, 7:6,
8:13, 9:9, 9:27,
15:24, 17:3,
17:15, 20:16,
21:1, 21:7, 27:17,
32:14, 33:10,
34:7, 35:5, 37:17,
38:5, 38:17,
39:16, 40:21,
40:27, 41:11,
43:14, 44:16,
45:5, 45:23,
47:12, 47:25,
47:27, 48:3, 49:7,
49:18, 51:8,
52:20, 54:13,
54:20, 59:13,
66:6, 66:8, 66:13,
66:16, 67:6,
67:22, 68:1,
69:29, 70:4, 77:1,
77:3, 88:14,
88:17, 91:18,
91:26, 92:14,
92:19, 93:13,
94:13, 94:19,
107:12, 107:16,
107:25, 108:6,
108:10, 108:12,
108:13, 109:5,
109:7, 109:9,
109:28, 113:10,
113:26, 114:4,
114:22, 116:20,
116:24, 117:19,
117:27, 118:16,
118:21, 127:10,
129:23, 130:1,
130:12, 134:22,
137:25, 143:21,
143:27, 145:18,
146:6, 150:3,
150:11, 150:20,
150:28, 152:21,
157:14, 169:2,
172:8, 172:27,
177:13, 189:27,
191:26, 191:27,
192:11, 192:14,
194:19, 194:23,
197:2, 200:12,
200:17, 200:29,
201:10, 201:17,
202:11, 203:14,
204:13, 204:29,
206:3, 207:12,
207:20, 208:21,
209:1
McCabe's [32] -
6:25, 8:3, 11:19,
17:23, 18:26,
37:25, 38:9,
58:17, 59:1,
62:12, 65:14,
65:19, 66:2, 66:5,
68:16, 76:23,
77:22, 78:3,
78:26, 79:3, 79:8,
79:18, 106:11,
112:12, 121:16,
132:27, 133:25,
137:7, 141:16,
177:21, 191:23,
192:20
McCann [6] -
25:1, 25:3, 25:4,
25:5, 159:10,
159:13
MCCANN [2] -
3:11, 4:5

McCarthy [11] - 120:23, 120:26, 121:11, 123:14, 123:17, 123:20, 128:25, 140:21, 149:6, 149:15
McCarthy's [3] - 121:5, 121:9, 123:29
MCDOWELL [6] - 4:4, 4:9, 5:8, 207:3, 207:6, 208:6
McDowell [43] - 5:9, 9:24, 9:29, 10:14, 14:29, 20:28, 21:6, 21:16, 21:18, 21:22, 21:23, 22:6, 22:7, 22:9, 22:13, 24:19, 37:25, 45:25, 53:24, 54:22, 55:3, 58:11, 64:5, 64:22, 64:24, 64:25, 65:8, 65:11, 67:15, 67:16, 67:21, 67:25, 68:20, 135:13, 136:14, 136:18, 136:21, 136:23, 151:9, 152:27, 168:14, 206:4, 207:18
McGinn [5] - 48:14, 49:12, 107:5, 206:19, 206:20
McGinn's [1] - 137:24
MCGRATH [1] - 3:6
MCGUINNESS [1] - 4:8
McGuinness [7] - 5:4, 14:28, 45:10, 45:14, 45:22, 59:21, 59:22
McGuinness's [1] - 34:15
McNamara [7] - 76:22, 76:25, 77:5, 77:12, 77:21, 77:27, 82:27
McNamara's [1] - 85:20
mean [89] - 14:5, 19:13, 21:25, 26:4, 52:16, 74:22, 74:28, 75:20, 75:22, 75:26, 78:19, 78:21, 80:10, 83:21, 83:23, 84:9, 86:13, 88:4, 88:27, 89:11, 95:10, 100:15, 101:8, 101:14, 101:28, 102:2, 102:12, 102:22, 103:26, 105:5, 105:7, 105:22, 108:20, 110:29, 114:12, 116:5, 117:3, 117:4, 118:29, 119:2, 124:14, 131:11, 134:1, 137:21, 139:28, 140:3, 140:7, 140:22, 140:25, 141:8, 144:11, 145:3, 145:23, 145:27, 146:29, 148:5, 148:8, 148:19, 148:20, 151:16, 152:18, 157:28, 164:6, 174:17, 181:6, 181:9, 181:23, 183:5, 183:23, 184:29, 185:4, 187:15, 193:5, 193:8, 198:4, 198:6, 198:23, 199:12, 202:8, 205:21, 205:22, 205:25, 205:29, 207:28, 208:25, 208:26, 209:13, 209:15
meandered [1] - 205:27
means [3] - 181:10, 181:17, 194:20
meant [1] - 116:27
meanwhile [1] - 172:5
measure [1] - 8:1
Meath [2] - 70:29
mechanics [2] - 80:15, 80:29
mechanism [1] - 79:11
media [2] - 99:27, 188:23
MEEHAN [1] - 3:12
meet [3] - 29:9, 188:28, 191:26
meeting [73] - 7:6, 15:23, 21:10, 23:12, 30:5, 31:19, 51:9, 58:12, 59:13, 75:10, 76:4, 76:21, 77:5, 77:25, 82:20, 82:21, 82:25, 82:26, 83:5, 83:10, 83:11, 83:15, 83:26, 84:4, 84:29, 85:23, 87:23, 94:29, 95:4, 102:15, 102:23, 104:1, 105:24, 105:27, 105:29, 106:4, 106:7, 108:21, 109:2, 109:12, 109:17, 109:20, 110:23, 111:22, 111:29, 112:16, 112:18, 112:22, 113:3, 113:10, 114:9, 114:25, 116:19, 118:6, 118:22, 119:1, 127:5, 128:1, 145:9, 150:2, 150:20, 192:1, 192:6, 192:8, 192:11, 198:13, 202:25, 203:16, 203:17, 203:23, 204:7, 205:4, 208:1
meetings [2] - 207:21, 207:25
member [6] - 9:15, 64:18, 82:29, 86:4, 87:26, 157:16
members [11] - 41:4, 67:28, 86:18, 90:22, 91:19, 92:14, 93:14, 120:22, 120:28, 172:17, 179:11
memory [6] - 63:24, 98:15, 132:8, 164:25, 171:8, 171:11
men [1] - 50:13
mention [10] - 21:11, 21:25, 56:1, 68:22, 76:22, 76:29, 136:14, 139:4, 139:5, 182:3
mentioned [11] - 8:15, 26:5, 26:6, 34:13, 45:21, 54:27, 78:15, 85:27, 88:14, 181:4, 182:10
Merrion [1] - 181:20
message [4] - 13:16, 62:10, 98:9, 156:8
met [19] - 25:5, 51:13, 51:19, 72:19, 75:13, 75:19, 77:3, 77:14, 83:29, 89:13, 94:3, 116:14, 117:19, 118:16, 119:5, 147:12, 191:27, 202:19, 202:20
MICHAEL [2] - 3:2, 3:9
Michael [2] - 41:1, 119:8
Mick [1] - 206:16
microphone [2] - 58:6, 71:29
middle [2] - 41:23, 165:10
midst [1] - 198:14
might [31] - 11:28, 20:6, 21:25, 26:3, 27:11, 28:23, 29:5, 30:18, 30:26, 40:26, 52:14, 70:2, 71:29, 75:24, 103:18, 109:16, 117:10, 122:23, 135:6, 135:13, 140:4, 140:18, 146:8, 156:7, 162:24, 163:16, 163:25, 168:15, 176:25, 178:4
mightn't [1] - 118:9
Mike [2] - 118:19, 118:25
mildly [1] - 75:16
mind [11] - 8:13, 21:21, 50:10, 58:5, 89:27, 90:2, 90:7, 94:5, 140:5, 153:19, 175:27
Minister [16] - 5:26, 25:1, 25:7, 25:10, 25:13, 25:21, 25:26, 25:28, 26:3, 26:5, 26:19, 27:7, 37:16, 38:15, 40:14, 143:25
Minister's [1] - 52:18
minor [1] - 106:12
minute [9] - 14:10, 97:22, 97:28, 112:1, 135:1, 140:19, 156:17, 168:12, 176:26
minutely [1] - 129:5
minutes [12] - 30:18, 58:28, 83:27, 121:27, 158:20, 166:24, 167:28, 174:2, 174:4, 180:7, 183:21, 185:5
misconception [1] - 8:6
misguided [1] - 7:27
misnumbering [1] - 14:26
missed [1] - 12:5
missing [3] - 11:4, 86:6, 86:7
misstatements [1] - 189:25
mistake [6] - 18:9, 18:18, 24:9, 24:12, 59:10, 205:16
misunderstand [1] - 181:9
MMcC [1] - 94:13
mobile [13] - 154:12, 154:21, 154:24, 155:9, 155:24, 156:13, 163:16, 163:17, 165:24, 165:28, 179:28
module [18] - 20:7, 20:24, 33:4, 33:27, 34:21, 35:2, 36:27, 38:1, 42:11, 45:3, 80:9, 85:9, 90:8, 110:5, 120:4, 122:5, 133:18, 140:17
Module [23] - 15:17, 19:21, 22:20, 22:22, 24:1, 35:25, 35:28, 39:6, 39:7, 42:16, 60:11, 61:13, 74:3, 74:8, 81:27, 87:27, 88:1, 106:8, 121:24, 140:23, 140:28, 185:29
modules [6] - 20:7, 34:19, 34:22, 35:3, 35:4, 132:16
moment [4] - 9:3, 52:9, 64:9, 139:27
Monaghan [15] - 15:24, 40:19, 41:15, 41:16, 61:11, 62:5, 96:4, 96:23, 97:9, 97:15, 97:27, 107:12, 116:23, 117:26, 118:23
Monday [18] - 16:27, 17:15, 22:21, 29:10, 30:5, 30:26, 30:27, 31:6, 31:11, 31:15, 61:5, 61:14, 178:11, 186:13, 186:29, 187:10, 205:6, 205:24
month [2] - 48:15, 106:26
months [2] - 42:3, 49:13
moot [1] - 199:29
mooted [2] - 85:12, 182:17
morning [29] - 5:5, 5:9, 5:10, 14:7, 16:10, 28:18, 29:10, 30:5, 30:27, 30:28, 31:7, 31:8, 31:15, 40:5, 51:23, 59:15, 59:16, 63:24,

120:24, 147:9, 186:13, 186:29, 187:10, 191:7, 191:16, 199:23, 199:24, 199:25, 201:15
mornings [2] - 14:10, 68:8
most [3] - 68:1, 95:16, 105:29
motivated [3] - 22:19, 139:2, 208:4
motivating [1] - 121:10
motivation [45] - 12:12, 12:19, 13:9, 13:24, 13:27, 20:17, 32:17, 32:18, 33:28, 35:4, 51:3, 54:12, 54:19, 55:10, 57:7, 65:19, 66:22, 125:24, 127:9, 127:12, 127:23, 128:24, 130:1, 132:4, 134:11, 137:3, 137:5, 137:8, 137:9, 137:25, 138:27, 139:3, 141:16, 146:10, 153:6, 153:15, 172:8, 172:28, 173:7, 195:2, 196:21, 196:25, 200:18, 208:23
Motivation [1] - 129:24
motive [9] - 9:14, 17:17, 54:1, 56:12, 157:16, 175:6, 194:14, 195:12, 195:13
motives [7] - 65:14, 65:27, 66:2, 66:5, 66:24, 68:16, 177:14
mounting [1] - 173:7
mouth [1] - 101:21
move [9] - 31:28, 33:17, 36:13, 40:10, 56:4, 70:10, 100:21, 178:26, 189:10
moved [1] - 200:21
moving [3] - 43:13, 199:22, 200:7
MR [79] - 3:2, 3:2, 3:3, 3:5, 3:9, 3:10, 3:10, 3:11, 3:11, 3:12, 3:13, 4:4, 4:5, 4:6, 4:8, 4:9, 5:4, 5:8, 5:9, 9:24, 9:29, 10:14, 14:28, 14:29, 21:6, 21:16, 21:18, 21:22, 22:6, 22:9, 22:13, 24:19, 24:27, 25:3, 25:4, 28:17, 28:18, 31:26, 37:14, 37:20, 37:24, 38:8, 38:11, 38:20, 38:23, 38:29, 59:19, 59:21, 59:22, 64:22, 64:24, 64:25, 65:8, 65:11, 67:16, 67:25, 68:20, 69:1, 69:13, 135:5, 135:12, 135:13, 136:14, 136:18, 136:23, 159:10, 159:13, 168:14, 177:15, 177:16, 206:27, 207:3, 207:4, 207:6, 207:16, 208:3, 208:6
MS [50] - 3:3, 3:4, 3:5, 3:9, 4:3, 4:7, 4:12, 5:7, 24:23, 58:2, 58:7, 58:9, 58:10, 70:13, 70:17, 70:18, 72:22, 98:20, 99:1, 104:5, 104:10, 104:13, 104:15, 104:17, 132:27, 134:29, 135:4, 137:1, 147:5, 151:28, 152:1, 159:18, 163:7, 163:12, 168:15, 173:24, 173:26, 176:2, 176:9, 181:25, 182:1, 183:26, 184:1, 184:10, 185:17, 187:19, 188:27, 194:13, 199:17, 209:24
Mullan [1] - 15:3
Mullingar [19] - 10:1, 21:10, 23:12, 58:12, 59:13, 76:24, 113:17, 116:19, 116:20, 117:19, 118:6, 118:16, 169:3, 191:28, 198:13, 202:19, 202:20, 202:25, 203:16
multitude [1] - 73:6
MURPHY [14] - 4:6, 28:17, 28:18, 31:26, 37:14, 37:20, 37:24, 38:8, 38:11, 38:20, 38:23, 38:29, 135:5, 135:12
Murphy [4] - 37:9, 38:27, 65:26, 135:10
Murphy's [2] - 67:13, 68:14
must [5] - 38:27, 53:8, 87:18, 146:4, 154:15
myriad [1] - 132:6

N

name [5] - 86:6, 86:7, 86:14, 89:2, 198:27
namely [2] - 70:25, 96:23
names [4] - 89:9, 182:3, 182:8, 182:10
narrow [2] - 28:5, 28:11
natural [3] - 85:2, 85:5, 102:12
naturally [1] - 102:1
nature [9] - 50:25, 113:14, 120:24, 121:15, 133:28, 133:29, 143:23, 188:29, 189:9
Navan [1] - 70:28
nay [1] - 141:2
near [1] - 40:10
necessarily [2] - 52:17, 74:21
necessary [4] - 6:11, 31:23, 139:14, 175:7
necessity [2] - 68:27, 139:8
neck [1] - 138:18
need [22] - 19:11, 19:12, 24:25, 32:25, 50:24, 53:2, 60:25, 69:3, 74:20, 98:18, 98:19, 98:20, 116:7, 125:24, 127:9, 157:26, 159:7, 159:14, 159:15, 166:10, 166:11, 188:20
needed [7] - 127:11, 127:22, 127:24, 131:2, 142:6, 143:3, 148:4
needn't [1] - 18:6
needs [1] - 125:22
negative [1] - 113:11
never [20] - 12:28, 21:16, 46:16, 54:21, 57:26, 67:7, 69:10, 76:18, 77:3, 98:15, 137:11, 138:10, 139:23, 198:21, 206:24, 207:26, 208:24, 208:26
new [2] - 39:26, 72:13
news [1] - 131:16
next [27] - 9:19, 22:21, 39:1, 40:17, 41:10, 41:20, 42:23, 47:24, 50:28, 53:23, 54:29, 55:6, 61:8, 70:13, 74:16, 75:29, 81:17, 82:19, 106:8, 115:15, 115:19, 117:24, 118:22, 124:20, 124:25, 174:20, 200:6
night [16] - 50:8, 67:18, 123:15, 123:18, 123:28, 124:22, 125:5, 147:16, 153:12, 169:18, 171:12, 183:11, 186:15, 189:5, 189:12, 195:17
night/Monday [2] - 191:6, 199:24
nights [1] - 68:8
nine [1] - 29:2
nobody [4] - 186:26, 194:6, 195:9
Noel [27] - 18:12, 18:19, 20:24, 22:25, 24:2, 24:7, 46:8, 58:18, 62:8, 62:10, 70:6, 94:12, 97:26, 106:12, 106:20, 116:16, 116:23, 117:18, 117:26, 118:5, 118:11, 118:16, 118:21, 191:25, 198:12, 199:11, 206:15
NOEL [1] - 3:10
nominated [1] - 73:29
non [2] - 9:28, 96:7
non-role [1] - 96:7
none [1] - 113:18
Northern [1] - 97:22
note [66] - 8:24, 8:28, 11:6, 11:25, 11:28, 12:9, 12:13, 12:15, 12:17, 13:10, 13:17, 13:20, 14:8, 19:25, 25:9, 25:10, 25:14, 25:23, 25:28, 26:25, 29:23, 59:29, 60:24, 61:27, 62:1, 73:29, 83:13, 84:20, 84:24, 84:28, 85:20, 111:3, 115:29, 116:4, 116:17, 116:28, 118:7, 118:8, 118:10, 119:10, 122:22, 122:23, 124:20, 124:25, 140:19, 157:3, 159:19, 159:22, 159:25, 160:8, 160:12, 160:17, 160:22, 161:2, 167:23, 168:26, 175:17, 175:19, 175:23, 175:24, 176:26, 176:29, 187:25, 189:29
noted [6] - 11:25, 29:15, 81:20, 81:24, 96:15, 182:25
notes [46] - 16:25, 23:5, 23:11, 23:12, 23:17, 23:18, 25:22, 28:4, 53:22, 59:2, 61:27, 77:8, 77:26, 83:11, 83:12, 84:2, 85:22, 89:14, 89:16, 105:28, 105:29, 106:2, 106:8, 106:9, 107:3, 117:10, 117:11, 118:12, 124:7, 124:14, 124:18, 125:6, 128:13, 156:27, 157:1, 157:10, 158:10, 168:2, 170:16, 174:24, 176:10, 190:1, 192:6, 203:23
nothing [8] - 13:14, 103:26, 104:9, 117:22, 119:10, 151:10, 161:10, 189:25
notice [8] - 27:28, 29:19, 29:28, 31:5, 177:22, 186:22, 186:27, 195:9
notification [3] - 62:21, 177:24, 186:25
notifications [1] - 177:28
notify [1] - 69:11
November [1] - 53:27

nowhere [1] - 198:17
number [44] - 8:20, 28:23, 28:26, 35:15, 39:15, 39:28, 45:23, 64:26, 70:24, 97:14, 104:22, 104:23, 122:25, 123:8, 134:6, 134:15, 153:23, 154:7, 154:9, 154:12, 154:21, 154:25, 155:12, 155:13, 155:14, 155:17, 155:19, 155:23, 155:24, 156:13, 156:23, 158:23, 158:25, 159:2, 161:7, 165:24, 167:19, 168:11, 168:12, 174:16, 183:4, 191:26
numbers [2] - 153:23, 160:10
numerous [3] - 40:29, 74:17, 185:1
nutshell [3] - 131:9, 131:10, 180:27
Noírín [1] - 25:19

O

O'BRIEN [1] - 3:5
o'clock [4] - 28:7, 174:27, 174:28, 199:23
O'Connell [1] - 148:25
O'Hagan [3] - 58:23, 62:25, 63:19
O'Higgins [60] - 8:22, 12:2, 13:13, 32:7, 32:11, 32:28, 33:21, 34:24, 50:18, 51:4, 51:25, 53:5, 55:8, 55:23, 56:3, 56:9, 57:6, 63:25, 64:4, 65:24, 65:26, 65:28, 66:24, 66:26, 66:28, 66:29, 68:15, 68:17,

69:27, 71:10, 72:24, 79:16, 79:28, 84:25, 87:7, 87:12, 104:26, 105:27, 110:5, 119:23, 119:28, 121:26, 122:11, 133:17, 134:14, 139:9, 139:13, 140:16, 146:9, 152:1, 165:15, 172:20, 173:1, 177:10, 177:29, 198:29, 199:27, 200:11, 202:15
O'HIGGINS [5] - 177:16, 206:27, 207:4, 207:16, 208:3
O'Higgins' [2] - 119:22, 185:19
O'Higgins's [1] - 64:28
O'LEARY [1] - 3:10
O'Mahony [1] - 73:21
O'Mahony's [1] - 82:7
O'Sullivan [19] - 9:8, 13:4, 13:5, 25:20, 57:4, 70:3, 70:8, 71:9, 72:23, 75:6, 144:3, 157:13, 159:6, 161:9, 164:24, 180:2, 184:21, 184:22, 196:12
O'Sullivan's [2] - 154:13, 179:28
objection [2] - 27:16, 122:6
objections [1] - 11:19
objective [1] - 6:12
obliged [1] - 133:14
oblivious [1] - 113:26
observations [3] - 190:2, 191:2, 191:9
observe [1] - 63:11
obtaining [2] - 20:15, 202:6
obvious [2] - 68:1, 90:5

obviously [28] - 18:15, 33:12, 57:9, 62:22, 63:2, 69:4, 74:26, 78:18, 86:5, 86:26, 88:2, 88:24, 89:27, 92:23, 94:27, 116:29, 129:29, 143:9, 146:18, 162:12, 175:19, 176:6, 180:11, 182:29, 185:24, 190:20, 197:27, 198:1
occasion [1] - 136:9
occasions [2] - 45:24, 191:26
occur [1] - 80:29
occurred [3] - 28:2, 67:20, 169:18
occurring [1] - 152:23
October [1] - 70:24
odd [1] - 37:8
offence [1] - 22:3
Office [1] - 81:15
office [25] - 27:22, 27:24, 28:9, 29:29, 63:26, 82:3, 83:1, 85:26, 97:19, 97:23, 104:23, 150:28, 155:19, 155:20, 155:23, 155:25, 164:1, 164:10, 164:13, 175:21, 176:28, 178:19, 180:26, 181:1, 181:20
OFFICE [1] - 3:14
officer [15] - 71:13, 71:24, 72:4, 72:6, 72:27, 73:5, 74:19, 75:4, 75:11, 77:14, 96:4, 96:19, 96:21, 104:26, 106:21
officer's [1] - 83:8
official [3] - 27:21, 44:1, 159:9
officials [1] -

25:7
old [1] - 71:28
Oliver [1] - 40:13
ON [1] - 5:1
once [8] - 74:2, 92:1, 100:20, 142:26, 167:5, 167:6, 188:6, 193:26
one [42] - 13:11, 23:20, 27:11, 30:25, 31:25, 33:17, 38:19, 39:19, 45:27, 45:28, 47:9, 49:24, 58:3, 59:22, 63:14, 64:22, 65:10, 68:26, 74:19, 76:8, 78:23, 79:6, 81:28, 116:1, 122:25, 136:22, 138:5, 146:11, 155:4, 155:27, 155:29, 156:7, 156:11, 158:19, 165:5, 169:7, 172:4, 187:19, 193:1
One [1] - 46:15
ones [1] - 43:2
ongoing [5] - 53:15, 75:15, 76:23, 85:8, 114:22
onwards [2] - 34:25, 60:17
open [3] - 89:11, 108:29, 147:26
opened [1] - 102:25
opening [5] - 35:24, 119:22, 122:27, 140:4, 150:23
operational [1] - 6:4
operations [1] - 57:16
opinion [2] - 8:1, 199:6
opinions [1] - 7:28
opportunity [14] - 23:16, 24:3, 64:3, 64:11, 64:14, 91:29, 92:5, 96:12, 100:19, 125:4, 125:29, 138:11,

142:25, 152:7
opposed [6] - 38:19, 69:7, 105:17, 106:3, 137:9, 143:29
oral [3] - 36:8, 120:2, 189:26
order [11] - 11:19, 24:21, 37:11, 70:4, 78:3, 134:8, 142:11, 148:3, 174:11, 177:23, 198:20
orders [1] - 123:7
ordinary [1] - 69:10
organisation [6] - 72:29, 80:27, 113:25, 143:29, 179:11
organise [2] - 93:7, 93:18
organised [3] - 92:17, 114:27, 115:6
organising [3] - 145:11, 183:13, 185:25
original [4] - 117:11, 159:23, 168:19, 168:26
origins [1] - 209:12
OSMOND [1] - 3:14
otherwise [6] - 92:16, 135:8, 180:23, 183:16, 187:13, 207:1
ourselves [5] - 102:9, 103:24, 114:27, 114:28, 185:25
outcome [11] - 94:26, 105:3, 107:5, 129:10, 129:20, 130:6, 130:28, 131:5, 138:26, 139:17, 165:3
outcomes [1] - 148:1
outline [1] - 207:18
outlined [3] - 57:18, 130:2, 184:23
outset [12] - 37:3, 57:14,

79:15, 83:16, 89:13, 95:29, 99:17, 108:6, 108:10, 108:29, 196:3, 199:26
outside [4] - 68:5, 90:3, 110:27, 202:14
over-tentative [1] - 74:27
overlap [1] - 36:21
overseen [1] - 92:6
overseer [1] - 92:24
overview [1] - 170:16
own [8] - 11:6, 11:25, 29:15, 74:23, 93:19, 98:15, 102:5, 117:9

P

pace [2] - 68:8, 199:21
PAGE [1] - 4:2
page [155] - 5:11, 5:14, 7:4, 7:18, 7:20, 8:25, 8:26, 9:1, 11:8, 11:14, 14:14, 14:17, 14:22, 14:24, 15:7, 15:8, 21:18, 21:22, 28:24, 31:29, 32:5, 33:18, 33:19, 33:20, 34:12, 35:17, 35:18, 35:24, 36:3, 36:14, 36:15, 39:2, 39:5, 39:8, 40:2, 40:3, 40:10, 40:13, 40:17, 41:7, 41:8, 41:20, 41:23, 42:23, 43:13, 44:15, 45:19, 46:3, 47:5, 47:24, 48:3, 49:2, 50:28, 51:4, 51:8, 53:23, 53:26, 53:29, 54:3, 55:8, 56:5, 58:21, 59:23, 60:3, 60:17, 60:25, 60:28, 61:8, 61:19, 61:28, 65:4, 65:8,

67:4, 70:19,
73:25, 77:8, 81:8,
83:12, 85:21,
85:22, 85:24,
86:9, 88:13,
89:16, 89:17,
89:22, 94:10,
94:20, 94:21,
96:8, 102:29,
104:22, 106:6,
106:8, 106:9,
107:3, 109:3,
110:3, 110:4,
110:6, 111:14,
115:18, 118:13,
118:14, 119:27,
120:15, 122:22,
134:13, 135:15,
135:26, 150:5,
150:6, 150:24,
151:18, 153:28,
153:29, 154:2,
154:3, 156:14,
158:17, 159:20,
161:17, 164:21,
165:21, 167:20,
167:24, 168:11,
168:12, 168:13,
170:17, 172:12,
174:26, 176:12,
177:4, 178:22,
178:26, 183:8,
187:20, 187:21,
189:14, 191:19,
201:2, 202:17,
203:2, 206:5
page-and-a-half [1] - 41:20
pages [4] - 22:9,
46:29, 154:1,
166:4
pains [4] -
90:14, 91:6,
91:11, 122:13
papers [2] -
5:12, 199:18
paragraph [38] -
5:29, 6:7, 6:14,
7:20, 10:4, 10:25,
14:17, 15:11,
18:9, 36:9, 41:8,
41:9, 41:11,
42:23, 53:4, 54:5,
60:5, 63:15,
63:21, 64:9,
64:13, 65:2,
65:11, 67:3,
73:26, 81:17,
103:1, 159:29,
191:18, 193:3,
193:10, 194:17,
194:20, 195:1,
195:6, 195:28,
196:9, 205:17
paragraphs [6] -
5:22, 55:7, 60:12,
60:13, 62:19,
120:3
pardon [8] -
39:4, 46:2, 99:2,
108:8, 156:24,
162:17, 163:3,
181:19
parents [1] -
50:14
part [15] - 32:1,
39:7, 39:20, 56:6,
58:29, 60:28,
87:19, 111:20,
121:29, 122:7,
149:4, 153:20,
159:17, 172:22,
207:12
participant [1] -
106:3
participate [2] -
68:28, 100:15
participation [1]
- 105:1
particular [42] -
40:2, 45:4, 49:22,
50:26, 53:5,
69:23, 72:12,
73:4, 73:19,
75:16, 75:23,
78:25, 79:3,
83:21, 87:10,
88:29, 89:10,
90:23, 90:25,
91:11, 112:25,
113:28, 129:14,
129:22, 130:4,
131:1, 138:22,
141:11, 144:21,
147:29, 149:4,
150:5, 150:16,
160:24, 190:2,
192:25, 197:10,
197:20, 199:4,
202:5, 205:14,
205:19
particularly [5] -
60:12, 78:23,
78:26, 89:23,
132:10
parties [28] -
17:9, 19:3, 19:8,
19:26, 39:11,
42:6, 76:1, 86:29,
87:15, 91:9,
91:23, 125:13,
125:21, 135:28,
137:18, 138:6,
138:23, 148:2,
151:21, 151:24,
186:11, 186:22,
190:16, 191:3,
193:1, 193:12,
197:24, 198:21
parts [1] - 54:10
party [7] - 36:28,
42:4, 59:3, 97:24,
186:4, 186:5,
190:22
passage [1] -
67:10
passed [1] -
76:10
past [3] - 29:2,
161:20, 178:21
path [1] - 113:17
PATRICK [1] -
3:11
Patrick [1] - 25:5
Paul [2] - 85:29,
86:1
PAUL [1] - 3:3
Pearse [1] -
70:27
pedal [1] - 13:2
people [40] -
7:22, 7:25, 8:14,
50:4, 50:22,
65:13, 65:18,
66:4, 67:17,
67:22, 68:2, 68:9,
69:22, 71:27,
78:21, 84:4,
84:13, 84:14,
85:23, 85:29,
86:28, 89:28,
92:22, 95:11,
95:16, 113:5,
114:8, 126:19,
133:27, 136:22,
136:25, 138:6,
141:27, 182:8,
189:10, 190:17,
198:15, 202:14,
208:8
people's [2] -
7:16, 182:10
perceived [5] -
32:15, 33:3,
33:11, 34:7,
200:13
percent [1] -
46:15
performed [1] -
66:9
perhaps [16] -
10:17, 15:1,
25:10, 25:21,
25:25, 26:11,
26:12, 30:26,
38:18, 38:24,
45:28, 114:1,
146:8, 197:2,
199:13, 209:23
period [8] -
20:12, 20:22,
24:2, 28:13,
42:15, 57:17,
94:28, 149:17
peripheral [3] -
32:18, 78:7
permission [5] -
127:26, 129:29,
131:13, 136:26,
136:27
Permission/
instruction [1] -
128:28
permission/
instructions [2] -
124:10, 128:18
permitted [2] -
32:13, 47:20
person [10] -
7:10, 47:19, 50:6,
71:13, 91:2, 91:8,
123:14, 126:20,
136:24, 205:29
personal [3] -
66:10, 98:28,
201:7
personalities [3]
- 78:16, 86:12,
138:7
persons [3] -
44:21, 44:27,
182:7
perspective [1] -
69:2
pertaining [3] -
41:1, 88:28,
134:22
phone [63] -
27:6, 28:5, 28:7,
28:11, 30:1, 31:1,
31:2, 31:11,
31:14, 71:9,
78:16, 82:23,
98:17, 153:23,
154:24, 155:9,
155:14, 155:15,
156:9, 156:13,
156:17, 156:20,
157:24, 157:25,
157:29, 158:4,
158:6, 158:9,
158:19, 159:8,
161:6, 162:14,
164:23, 165:20,
165:28, 166:24,
166:26, 166:27,
166:29, 167:5,
167:7, 167:28,
169:7, 169:11,
170:23, 171:8,
173:13, 173:21,
173:28, 174:3,
174:16, 174:20,
176:3, 179:28,
179:29, 180:7,
183:10, 183:12,
184:24, 185:6
phoned [11] -
29:26, 154:14,
154:18, 156:16,
159:6, 165:24,
166:22, 167:4,
167:6, 167:27,
180:2
phoning [2] -
159:5, 161:9
phrase [4] -
9:19, 21:16,
159:15, 179:20
pick [3] - 30:20,
64:12, 197:22
piece [2] - 69:8,
133:12
pinpoint [1] -
118:9
place [8] - 5:25,
37:6, 48:24,
79:11, 99:22,
101:23, 113:29,
163:10
placed [2] -
13:19, 57:9
places [1] -
162:29
placing [1] -
43:25
plain [1] - 67:24
play [1] - 85:8
plea [2] - 70:9
plentiful [1] -
20:8
plough [2] -
12:11, 13:8
point [29] - 8:12,
18:4, 26:1, 27:19,
27:20, 30:4,
31:26, 33:17,
38:27, 41:24,
44:7, 49:3, 57:19,
57:23, 62:20,
69:2, 69:18,
69:23, 74:1,
82:11, 105:14,
136:12, 144:2,
146:1, 146:12,
197:20, 202:9,
209:23
pointed [1] -
72:3
pointing [2] -
151:10, 172:20
points [1] - 56:3
police [1] -
189:10
policing [7] -
5:21, 5:26, 6:2,
36:28, 42:20,
44:10, 132:29
policy [2] - 71:5,
71:25
political [2] -
188:4, 188:14
poor [3] - 42:19,
44:10, 64:12
portion [1] -
124:20
portions [1] -
22:14
posed [1] -
129:13
position [38] -
6:19, 13:29,
16:18, 16:24,
20:2, 33:15,
38:23, 48:23,
56:12, 60:14,
63:13, 71:18,
72:14, 72:18,
81:23, 83:8,
85:28, 87:2, 93:5,
93:6, 93:18, 94:7,
94:29, 95:1,
95:17, 97:11,
100:2, 111:27,
114:29, 123:20,
140:12, 142:12,
142:29, 145:2,
199:7, 200:2,
207:5, 209:22
possession [1] -
135:20
possibility [4] -
111:11, 111:18,
115:2, 170:8
possible [10] -
11:20, 11:21,
28:19, 45:29,
70:10, 170:3,
171:17, 185:5,
185:16, 189:24

possibly [11] - 28:26, 29:29, 31:21, 68:24, 108:17, 109:5, 109:25, 145:27, 156:9, 172:2, 184:25
power [1] - 64:20
POWER [1] - 3:11
practically [1] - 37:7
praised [1] - 208:1
pre [1] - 105:27
pre-O'Higgins [1] - 105:27
preceding [1] - 64:9
precise [2] - 60:21, 121:7
precisely [2] - 26:25, 31:2
preoccupation [1] - 80:2
preoccupied [3] - 80:12, 163:20, 200:3
preparation [5] - 6:23, 6:26, 6:28, 57:17, 81:12
prepare [2] - 186:17, 186:18
prepared [7] - 15:27, 16:28, 20:12, 35:6, 61:12, 192:8, 203:25
preparing [3] - 30:25, 81:14, 187:3
presence [2] - 133:25, 186:21
present [14] - 37:5, 37:7, 49:15, 49:16, 50:4, 87:13, 87:26, 87:29, 120:18, 123:3, 135:28, 186:2, 186:6, 186:22
presented [3] - 144:17, 186:12, 199:24
presently [1] - 36:18
press [1] - 58:6
pressing [3] - 125:2, 126:5, 183:15
pressure [4] - 23:27, 62:24, 195:10, 204:26
presumably [3] - 112:9, 134:24, 190:8
presume [11] - 12:5, 13:11, 27:9, 88:5, 89:7, 94:14, 110:19, 132:17, 179:20, 185:11, 190:21
presumed [1] - 119:16
presumption [1] - 161:2
prevail [1] - 142:22
prevented [1] - 36:29
previous [11] - 8:29, 34:12, 46:5, 54:5, 67:4, 74:19, 75:3, 77:13, 86:8, 147:16, 169:17
previously [2] - 47:4, 96:17
printed [1] - 185:7
printing [1] - 64:11
priority [2] - 115:6, 140:9
private [1] - 92:6
privilege [7] - 16:19, 16:20, 16:25, 117:7, 119:4, 126:24, 127:4
proactive [1] - 30:14
probationary [2] - 35:1, 42:4
probationer [1] - 149:16
problem [3] - 46:9, 63:26, 202:6
procedure [1] - 185:22
proceed [6] - 72:17, 85:18, 141:7, 175:9, 184:22, 184:26
proceeded [1] - 148:24
proceeding [3] - 36:8, 92:8, 120:2
proceedings [4] - 85:13, 99:18, 101:6, 111:21
process [10] - 49:18, 74:9, 76:23, 77:21, 79:29, 87:19, 100:16, 102:13, 149:5, 197:18
processes [1] - 128:10
procured [2] - 97:7, 147:21
produced [1] - 40:5
professional [1] - 207:29
Professional [1] - 86:1
proffer [1] - 7:15
profile [1] - 188:22
progress [2] - 45:16, 113:16
progressed [1] - 45:22
progression [1] - 102:12
promotion [5] - 41:2, 41:4, 52:4, 52:9, 71:22
promotions [1] - 43:26
prompt [2] - 129:26, 129:28
prompts [2] - 129:1, 129:2
prone [1] - 67:7
proof [2] - 50:22, 50:24
properly [5] - 107:19, 112:7, 124:2, 149:7, 153:12
proposes [2] - 7:10, 7:12
proposition [1] - 209:1
prosecuting [1] - 133:13
Prosecutions [2] - 151:1, 151:2
protective [1] - 122:12
proven [1] - 142:9
Proven [2] - 132:23, 134:21
provide [1] - 6:27
provided [11] - 8:18, 59:13, 105:8, 127:17, 127:19, 132:8, 132:13, 162:26, 162:27, 164:17, 177:27
providing [3] - 94:16, 141:22, 193:2
proximate [1] - 105:15
public [8] - 37:11, 66:9, 66:11, 66:14, 89:9, 143:26, 146:3, 146:6
Public [2] - 151:1, 151:2
publicly [2] - 146:20, 146:25
Pulse [8] - 5:23, 44:3, 44:22, 44:27, 107:8, 107:17, 109:14, 120:29
pump [1] - 75:15
punitive [1] - 121:1
purpose [5] - 52:26, 52:27, 135:18, 171:22, 199:29
purposes [3] - 88:9, 120:18, 135:21
pursue [7] - 10:20, 11:21, 13:24, 99:6, 99:9, 112:3, 175:11
pursued [2] - 61:23, 186:24
pursuing [1] - 205:22
pushing [2] - 30:29, 140:6
put [63] - 6:14, 15:25, 17:1, 18:18, 20:17, 20:20, 21:1, 21:6, 21:16, 21:27, 24:9, 24:10, 24:13, 45:25, 46:18, 47:25, 47:27, 52:14, 53:27, 67:18, 69:22, 71:29, 72:19, 76:8, 78:2, 79:11, 85:13, 91:18, 91:20, 92:14, 92:19, 92:26, 93:12, 93:16, 101:21, 108:28, 109:24, 122:18, 123:5, 132:18, 136:16, 138:20, 145:24, 148:4, 153:22, 157:25, 159:19, 171:25, 174:19, 177:22, 178:26, 187:20, 195:2, 200:12, 201:1, 202:22, 203:4, 203:12, 204:25, 205:6, 205:13, 207:20, 209:1
puts [1] - 8:10
putting [10] - 27:28, 65:25, 75:16, 141:25, 144:29, 145:16, 146:1, 146:27, 197:6, 208:8
puzzlement [2] - 132:20, 133:5

R

rails [1] - 208:21
raise [5] - 15:29, 35:10, 73:11, 77:21, 144:22
raised [12] - 7:7, 11:19, 15:25, 71:19, 89:7, 92:28, 94:5, 109:2, 111:29, 145:9, 152:23, 165:12
ran [1] - 28:5
rang [8] - 10:6, 10:27, 71:12, 175:2, 176:16, 180:10, 180:11
range [1] - 37:29
rank [3] - 18:16, 67:29, 179:11
ranks [1] - 70:25
rapport [1] - 112:26
rate [2] - 100:3, 133:16
rather [4] - 6:25, 7:4, 38:25, 66:1
rational [1] - 120:29
re [6] - 106:11, 162:3, 170:25, 177:6, 188:28, 206:3
RE [2] - 4:8, 59:21
re-confirmed [1] - 177:6
re-examined [1] - 206:3
RE-EXAMINED

[2] - 4:8, 59:21
re-think [1] - 188:28
reached [1] - 178:3
reaction [3] - 131:4, 169:18, 182:15
read [43] - 13:16, 20:29, 38:12, 46:25, 60:3, 64:3, 64:14, 64:27, 64:29, 65:4, 65:20, 74:29, 78:8, 133:20, 133:22, 134:28, 137:29, 144:26, 150:4, 150:23, 155:11, 159:24, 160:4, 160:15, 161:11, 168:20, 168:24, 171:7, 173:11, 175:1, 178:24, 179:1, 179:3, 184:23, 185:1, 185:5, 198:9, 198:12, 199:8, 199:11, 206:23, 206:25
readily [2] - 15:26, 205:19
reading [16] - 59:26, 65:15, 65:22, 90:8, 123:27, 127:19, 127:20, 132:5, 132:7, 133:7, 133:8, 134:4, 136:22, 168:26, 170:21, 194:17
reads [4] - 10:4, 10:25, 65:3, 65:11
ready [3] - 79:26, 185:26, 186:29
real [5] - 32:15, 33:3, 33:10, 34:7, 200:13
realised [1] - 175:27
reality [2] - 67:24, 106:19
really [21] - 21:23, 25:5, 47:22, 50:29, 74:17, 76:5, 80:13, 85:1, 90:3, 100:13, 100:21, 113:8, 118:11, 119:10, 121:23, 148:9, 176:19, 182:16, 183:23, 195:5, 206:1
reason [19] - 12:23, 21:2, 21:28, 31:24, 35:6, 49:24, 69:5, 70:1, 105:20, 118:25, 136:14, 154:11, 176:27, 192:12, 202:14, 204:8, 204:21, 204:22, 205:7
reasonably [3] - 83:13, 105:14, 159:8
reasons [3] - 57:18, 58:25, 126:3
receipt [2] - 76:15, 96:23
receive [3] - 76:1, 174:20, 191:28
received [24] - 19:2, 20:19, 24:6, 34:18, 43:10, 44:8, 59:4, 59:14, 60:18, 60:21, 62:21, 73:20, 82:3, 96:24, 97:23, 129:15, 161:5, 171:11, 175:13, 184:15, 184:20, 186:10, 190:13, 196:2
receiving [1] - 63:8
recipient [1] - 39:16
recited [1] - 189:27
recognised [1] - 36:20
recollect [3] - 85:1, 87:9, 87:10
recollection [22] - 25:9, 26:7, 30:8, 39:23, 53:20, 67:9, 82:22, 83:19, 90:11, 101:19, 111:22, 122:20, 133:4, 149:14, 150:12, 182:11, 183:19, 185:28, 186:7, 190:15, 202:6, 205:4
recommendati
ons [2] - 91:3, 142:16
recommending [1] - 134:11
reconfirmation [1] - 27:26
reconsider [1] - 13:3
reconstruct [1] - 168:2
record [5] - 44:4, 58:12, 113:9, 196:12, 196:17
recorded [7] - 12:17, 13:7, 25:23, 26:8, 29:24, 62:26, 88:15
recording [10] - 17:23, 18:2, 23:6, 23:13, 23:20, 24:5, 24:6, 24:9, 24:14
records [16] - 5:24, 27:4, 27:10, 42:6, 43:29, 44:1, 62:2, 107:8, 109:14, 164:23, 165:20, 165:29, 167:12, 170:16, 182:23, 182:29
recounted [1] - 46:12
recreate [1] - 159:5
recurring [1] - 125:19
redacted [1] - 203:19
refer [8] - 41:3, 53:2, 60:9, 61:10, 71:21, 105:28, 106:25, 203:1
reference [34] - 5:12, 5:16, 5:18, 6:3, 8:17, 21:26, 25:13, 35:28, 36:10, 36:19, 40:2, 53:26, 56:6, 69:21, 69:26, 80:8, 88:20, 98:4, 104:23, 107:2, 107:8, 109:4, 109:7, 109:27, 110:15, 110:27, 111:8, 111:10, 112:1, 124:16, 132:16, 135:22, 140:22
references [1] - 69:21
referral [2] - 97:2, 97:3
referred [15] - 5:21, 11:29, 42:11, 46:8, 59:6, 59:25, 95:29, 119:24, 126:20, 130:23, 133:3, 135:12, 140:18, 146:26, 169:17
referring [10] - 45:14, 102:28, 103:13, 129:9, 129:10, 134:3, 134:16, 157:3, 161:3, 188:11
refers [4] - 103:2, 104:6, 115:29, 116:4
reflect [7] - 20:2, 23:9, 23:10, 26:25, 60:14, 63:12, 124:8
reflected [4] - 19:25, 64:3, 153:10, 188:10
reflection [3] - 10:7, 10:28, 175:3
reflects [2] - 116:17, 160:22
refusal [2] - 130:26, 130:27
refused [5] - 108:14, 116:20, 117:20, 130:14, 131:26
regard [9] - 6:11, 19:11, 59:23, 65:18, 65:22, 79:8, 101:18, 137:2, 142:7
regarded [2] - 13:7, 66:16
regardless [1] - 133:7
regards [1] - 29:12
Regina [1] - 124:16
region [1] - 43:10
Region [1] - 97:22
register [1] - 197:19
regulations [1] - 43:19
reiterate [1] - 17:2
reject [1] - 17:16
relate [1] - 42:19
related [4] - 34:19, 38:8, 95:5, 132:15
relates [3] - 41:3, 63:18, 125:6
relating [6] - 33:15, 34:22, 37:26, 42:29, 107:17, 192:20
relation [161] - 5:17, 6:9, 6:19, 6:26, 6:28, 8:21, 19:24, 19:25, 20:7, 20:15, 20:17, 30:12, 30:15, 31:6, 31:11, 33:28, 34:10, 34:14, 35:25, 36:9, 37:17, 37:18, 38:17, 39:6, 45:6, 46:5, 48:14, 49:19, 49:24, 51:1, 51:2, 51:27, 52:10, 53:25, 54:1, 55:15, 56:27, 57:15, 59:10, 62:28, 63:23, 64:25, 66:28, 67:27, 68:4, 68:11, 71:9, 73:8, 74:12, 75:5, 76:9, 76:23, 77:22, 78:14, 78:25, 79:13, 80:18, 80:22, 81:10, 81:20, 81:23, 84:8, 85:17, 87:4, 90:28, 93:10, 94:17, 95:7, 95:16, 95:18, 95:19, 95:22, 95:24, 96:6, 99:28, 101:20, 102:3, 104:18, 105:7, 107:1, 107:10, 108:3, 109:28, 110:4, 111:12, 112:2, 112:10, 112:12, 113:24, 113:27, 114:15, 114:16, 114:18, 115:4, 119:20, 120:3, 120:8, 120:29, 121:15, 121:19, 123:11, 124:13, 124:20, 127:12, 129:4, 131:17, 132:29, 133:18, 133:24, 133:27, 134:1, 135:21, 137:2, 137:5, 137:23, 138:11, 138:19, 139:8, 143:27, 144:26, 145:18, 149:5, 149:6, 149:11, 149:12, 149:21, 149:24, 149:27, 149:29, 150:3, 150:7, 150:20, 150:25, 151:20, 152:8, 153:8, 156:27, 160:21, 164:21, 165:13, 167:3, 170:8, 177:20, 178:17, 179:23, 182:20, 183:11, 183:13, 184:11, 186:2, 191:13, 194:23, 196:21, 200:28, 201:18, 206:4, 206:17, 207:11, 207:26, 208:22, 209:9
relationship [1] - 47:10
relaxed [1] - 74:28
relay [1] - 188:14
relayed [6] - 11:17, 16:11, 147:9, 148:13, 170:26, 171:7
relaying [2] - 139:7, 180:25
relevance [1] - 153:6
relevant [15] - 7:29, 8:2, 19:3, 19:8, 32:20, 35:2, 35:3, 36:29, 37:28, 69:26, 81:22, 111:6, 151:23, 153:24, 183:18
relieved [1] - 147:20
remain [1] - 54:20
remainder [2] - 23:29, 180:15

remarks [1] - 206:24, 206:29
 65:18
remember [42] - 43:18, 43:28
 25:11, 30:21, 71:18, 77:24, 88:23, 98:14, 99:19, 99:27, 101:2, 101:17, 101:29, 103:12, 111:1, 111:2, 111:9, 115:12, 115:13, 115:14, 115:21, 122:21, 126:3, 131:18, 141:9, 148:18, 157:28, 160:20, 161:6, 162:23, 163:29, 164:4, 164:16, 164:25, 169:10, 169:23, 175:22, 175:25, 180:9, 180:24, 182:6, 182:7, 184:29
reminded [1] - 135:28
remiss [1] - 175:9
repeat [2] - 123:21, 139:11
repeated [1] - 18:24
repeatedly [1] - 47:2
replies [2] - 20:10
reply [3] - 46:16, 49:13, 154:15
Report [2] - 206:23, 206:25
report [44] - 23:11, 44:20, 44:27, 50:17, 53:6, 58:18, 58:22, 59:10, 64:28, 65:8, 65:9, 65:11, 65:20, 65:23, 65:24, 66:26, 67:1, 68:19, 96:19, 96:24, 96:26, 96:29, 97:15, 105:8, 114:24, 116:23, 117:26, 118:21, 118:23, 121:15, 137:24, 138:1, 138:22, 192:7, 201:27, 202:1, 203:25, 203:29, 206:17, 206:24, 206:29
reporting [2] - 86:18, 89:28, 138:23, 179:10
represent [4] - 25:11, 30:21, 71:18, 77:24, 88:23, 98:14, 99:19, 99:27, 101:2, 101:17, 101:29, 103:12, 111:1, 111:2, 111:9, 115:12, 115:13, 115:14, 115:21, 122:21, 126:3, 131:18, 141:9, 148:18, 157:28, 160:20, 161:6, 162:23, 163:29, 164:4, 164:16, 164:25, 169:10, 169:23, 175:22, 175:25, 180:9, 180:24, 182:6, 182:7, 184:29
representation [1] - 76:2, 86:27, 87:3, 90:13, 90:20, 91:10, 92:17, 93:7, 93:19, 93:23, 179:13
representative [3] - 112:5, 191:10, 191:11
represented [14] - 36:5, 69:10, 84:16, 87:6, 87:16, 90:15, 92:8, 92:22, 93:15, 93:16, 122:16, 138:7, 185:29, 193:12
representing [6] - 16:13, 49:24, 75:27, 75:28, 87:8, 88:4
reputation [1] - 7:24
request [14] - 130:6, 130:10, 130:16, 130:17, 130:20, 130:27, 131:17, 131:23, 140:12, 144:10, 162:22, 164:17, 179:25, 198:29
requested [4] - 11:16, 129:21, 170:26, 177:26
requests [1] - 180:18
require [1] - 190:6
required [6] - 29:20, 29:28, 141:6, 152:25, 165:1, 186:4
requirement [5] - 9:14, 92:11, 134:2, 157:15, 186:21
requires [1] - 29:9
reserve [1] - 87:2
reserved [1] - 6:21
resolution [1] - 121:1
resolve [3] - 78:3, 79:18, 79:20
resolved [2] - 42:7, 142:22
ReSource [1] - 97:29
resource [1] - 6:4
respect [48] - 5:23, 5:26, 8:17, 19:21, 36:20, 60:11, 72:13, 72:16, 72:26, 73:14, 80:2, 80:11, 82:4, 88:28, 95:24, 95:28, 125:23, 127:10, 127:18, 127:23, 128:22, 129:12, 130:12, 138:24, 138:26, 140:7, 141:21, 142:1, 142:13, 142:23, 143:3, 143:8, 151:3, 151:5, 160:12, 165:7, 165:11, 169:11, 177:17, 186:23, 191:4, 194:12, 196:1, 197:9, 199:29, 200:4, 202:8
respective [1] - 76:1
respond [3] - 13:5, 38:4, 190:1
responded [2] - 62:11, 90:18
response [7] - 84:11, 89:8, 120:22, 131:11, 131:29, 182:13, 195:25
responses [2] - 67:14, 129:14
responsibilitie s [1] - 47:20
responsibility [5] - 70:29, 71:5, 71:16, 72:7, 79:5
rest [1] - 93:12
result [4] - 45:11, 97:26, 129:20, 132:4
resulted [2] - 130:11, 142:10
resumed [2] - 164:18, 165:23
RESUMED [3] - 5:1, 98:26, 184:4
resumes [1] - 177:3
resuming [1] - 5:4
resumé [1] - 70:21
retained [1] - 98:7
retaliation [1] - 7:26
retired [7] - 14:19, 16:13, 84:15, 86:19, 110:13, 110:18, 179:12
returned [4] - 9:21, 41:15, 42:4, 168:28
revealed [2] - 58:14, 59:10
revert [1] - 191:13
reverted [1] - 164:24
review [5] - 24:27, 47:1, 61:18, 86:20, 86:24
reviewable [1] - 37:26
revisited [2] - 52:2, 93:24
Rice [2] - 43:6, 107:26
ridiculous [1] - 198:19
right-hand [1] - 103:8
ring [3] - 50:9, 166:11, 166:12
rise [2] - 90:6, 152:2
rises [1] - 174:11
road [1] - 146:26
role [19] - 17:8, 72:26, 74:5, 79:3, 79:16, 82:4, 88:10, 88:11, 95:25, 96:7, 100:15, 105:7, 112:21, 121:9, 121:18, 134:1, 149:11, 207:27
roles [1] - 73:6
RONAN [1] - 3:5
room [20] - 7:11, 8:29, 12:4, 37:8, 95:11, 107:9, 107:12, 107:13, 107:16, 107:23, 107:24, 122:12, 147:13, 147:14, 164:2, 165:4, 165:6, 169:28, 181:11, 185:9
Rooney [33] - 7:7, 13:27, 14:19, 16:14, 32:17, 61:7, 62:8, 62:9, 70:7, 89:23, 96:3, 97:17, 110:13, 110:16, 110:18, 110:19, 110:20, 126:25, 128:25, 130:24, 148:27, 149:9, 150:25, 178:10, 192:10, 193:17, 194:11, 196:5, 196:25, 200:14, 200:22, 204:1, 206:15
Rooney's [1] - 176:17
rose [3] - 12:2, 13:13, 152:4
rows [1] - 113:13
Ruane [5] - 81:4, 82:20, 86:4, 86:15, 87:18
Ruane's [4] - 86:7, 89:14, 110:1, 144:27
ruled [1] - 199:27
rules [2] - 91:12, 91:15
ruling [9] - 32:6, 33:5, 33:8, 33:21, 34:10, 177:21, 185:19, 200:24, 202:14
rumours [2] - 208:8, 208:12
running [2] - 37:8, 73:6
RYAN [2] - 4:3, 5:7
Ryan [46] - 5:5, 5:9, 22:7, 24:16, 25:4, 28:1, 28:14, 28:18, 29:13, 31:28, 32:3, 39:4, 39:9, 45:21, 46:2, 57:27, 58:10, 59:17, 59:22, 59:24, 62:4, 63:25, 64:21, 64:27, 68:21, 68:24, 69:18, 83:9, 88:3, 93:15, 106:1, 106:8, 148:13, 162:1, 169:27, 170:16, 181:4, 181:25, 182:2, 183:10, 183:12, 183:15, 183:24, 185:7, 186:12, 189:15
Ryan's [7] - 86:11, 105:28, 107:3, 118:12, 171:2, 187:25, 188:14

S

safety [1] - 143:11
sake [1] - 37:9
SAME [1] - 65:10
sample [1] - 40:29
sanction [1] - 44:5
sat [2] - 144:11, 164:22
satisfaction [1] - 19:18
satisfied [3] - 31:21, 31:22, 48:25
Saturday [7] - 31:5, 31:14, 187:10, 189:7, 189:12, 190:11, 195:17
save [1] - 7:11
saw [4] - 46:9, 68:4, 180:11, 195:27
SC [4] - 3:2, 3:3, 3:11, 11:19
scale [2] - 55:17, 172:17
scant [1] - 116:28
scenario [2] - 102:14, 192:21
schedule [1] - 84:4
scintilla [1] - 53:9
scope [2] - 6:10, 121:11

screen [10] - 15:1, 61:3, 73:24, 73:26, 103:4, 153:22, 161:18, 168:10, 187:21, 187:24
scroll [6] - 94:20, 103:6, 109:4, 119:29, 178:28, 178:29
second [23] - 7:20, 9:4, 10:4, 10:6, 10:27, 13:11, 15:8, 27:27, 28:3, 28:7, 41:8, 41:9, 60:3, 63:14, 63:21, 69:17, 73:25, 81:17, 83:8, 85:22, 159:29, 173:22, 175:2
second-last [4] - 15:8, 63:14, 63:21, 159:29
secondary [1] - 140:8
seconds [7] - 154:29, 155:2, 156:7, 166:24, 167:28, 176:24
section [4] - 51:4, 71:6, 77:28
Section [1] - 136:3
secured [1] - 147:21
Security [1] - 71:7
see [87] - 7:3, 7:5, 8:23, 11:2, 11:12, 11:24, 15:15, 16:6, 16:26, 19:26, 24:16, 30:27, 32:7, 32:10, 33:20, 33:22, 36:23, 40:27, 41:6, 41:9, 41:10, 41:21, 41:24, 42:18, 46:27, 48:1, 48:9, 51:8, 51:13, 52:12, 53:25, 54:3, 54:29, 55:6, 55:21, 56:4, 56:22, 68:23, 68:27, 70:1, 73:15, 79:22, 80:24, 86:5, 86:24, 88:14, 88:20, 94:10, 94:22, 103:7, 106:15, 108:7, 111:17, 113:23, 114:7, 115:23, 115:29, 116:16, 118:14, 119:29, 122:4, 122:10, 122:24, 124:26, 134:15, 135:2, 137:29, 140:18, 146:13, 157:20, 160:5, 164:21, 166:21, 167:11, 168:12, 170:19, 170:21, 170:29, 179:9, 183:21, 187:4, 187:24, 194:1, 194:13, 203:27, 206:9, 206:26
seek [11] - 10:1, 10:2, 11:20, 31:7, 48:6, 87:3, 90:20, 169:3, 169:4, 171:24, 171:29
seeking [9] - 35:10, 76:2, 87:26, 110:26, 162:13, 170:1, 171:15, 171:28
seem [10] - 73:10, 89:18, 108:23, 113:9, 124:8, 148:15, 154:18, 174:12, 183:22, 198:17
send [3] - 28:9, 97:5, 110:8
sending [2] - 30:6, 60:24
senior [5] - 44:12, 91:19, 92:14, 93:14, 102:6
sense [12] - 26:27, 46:12, 101:16, 101:22, 104:21, 142:28, 154:16, 171:16, 176:7, 181:8, 185:12, 188:27
sensed [1] - 27:26
sensible [1] - 88:6
sent [29] - 19:16, 19:22, 29:1, 30:27, 40:20, 62:7, 63:10, 63:19, 64:10, 71:22, 76:2, 84:25, 96:2, 97:28, 98:6, 102:26, 105:8, 107:27, 108:11, 109:29, 118:22, 161:25, 162:7, 166:1, 166:19, 178:24, 179:18, 195:17, 199:17
sentence [1] - 76:8
separate [3] - 87:3, 90:20, 93:7
separately [1] - 138:7
September [5] - 58:19, 59:5, 59:9, 71:23, 72:8
sequence [7] - 120:20, 125:6, 129:19, 130:14, 131:28, 147:28, 176:7
sequencing [1] - 130:3
Sergeant [138] - 5:23, 6:16, 6:25, 7:6, 8:2, 8:12, 9:9, 9:27, 15:24, 17:3, 17:15, 17:23, 18:26, 20:16, 21:1, 21:6, 27:17, 32:14, 34:7, 35:4, 37:17, 38:5, 38:9, 38:16, 39:16, 40:21, 45:4, 45:23, 47:25, 47:27, 49:18, 54:13, 54:20, 58:17, 59:13, 65:14, 65:19, 66:2, 66:5, 66:6, 66:8, 66:13, 66:16, 67:6, 67:22, 67:29, 68:16, 69:29, 70:4, 76:23, 77:1, 77:3, 77:22, 78:3, 78:26, 79:3, 79:8, 79:18, 88:14, 91:18, 91:26, 92:14, 92:19, 93:13, 94:13, 94:19, 96:29, 98:17, 109:5, 109:7, 109:28, 112:12, 113:10, 113:26, 114:4, 114:22, 116:20, 117:18, 117:19, 121:16, 123:18, 123:22, 123:29, 127:10, 129:22, 130:1, 130:12, 132:27, 133:25, 134:22, 137:7, 137:25, 141:16, 143:21, 143:27, 145:17, 146:6, 148:24, 148:25, 149:6, 150:3, 150:11, 150:20, 150:28, 152:21, 157:14, 169:2, 172:8, 172:27, 177:13, 177:21, 191:23, 191:26, 191:27, 192:1, 192:7, 192:11, 192:14, 192:19, 194:19, 194:23, 197:2, 198:5, 200:12, 200:17, 200:29, 201:10, 201:17, 202:11, 203:14, 203:17, 204:13, 204:29, 206:3, 207:12, 207:20, 208:21, 209:1
sergeant [7] - 47:21, 70:25, 116:19, 123:19, 192:9, 204:7
sergeant.. [1] - 66:17
sergeants [2] - 68:1, 121:10
series [8] - 30:7, 42:17, 44:9, 45:4, 96:20, 127:22, 133:3, 198:19
serious [14] - 42:1, 43:2, 43:25, 44:20, 45:12, 50:21, 50:25, 53:16, 68:2, 68:3, 134:6, 139:19, 142:8, 198:17
served [5] - 39:20, 39:27, 70:24, 70:26, 92:4
service [1] - 66:9
services [1] - 79:6
serving [3] - 72:4, 84:16, 179:12
set [12] - 81:25, 82:2, 83:2, 84:3, 91:16, 91:28, 94:2, 94:6, 121:26, 133:17, 145:11, 185:25
sets [2] - 96:26, 191:21
setting [3] - 39:23, 82:4, 96:7
seven [3] - 31:8, 132:15, 178:21
several [4] - 9:7, 92:3, 157:12, 185:8
sexual [4] - 37:11, 42:2, 69:28, 106:11
Seán [2] - 71:14, 112:20
shape [1] - 138:21
share [1] - 182:19
shared [1] - 66:18
SHIP [1] - 3:15
shoot [1] - 47:28
short [4] - 81:1, 149:17, 155:29, 183:29
SHORT [1] - 184:4
shorter [1] - 136:20
shorthand [2] - 176:19, 176:20
shortly [2] - 28:7, 175:25
show [6] - 24:15, 27:10, 49:26, 59:2, 60:21, 119:28
showing [2] - 39:10, 98:11
shown [3] - 14:27, 66:8, 76:19
shows [2] - 16:3, 61:19
shut [1] - 36:29
sic [1] - 103:9
side [3] - 103:8, 160:8, 203:24
sight [2] - 30:6, 59:16
sign [5] - 62:6, 64:2, 64:14, 64:19, 186:12
sign-off [2] - 62:6, 186:12
signal [1] - 37:4
signed [6] - 17:12, 19:5, 20:11, 29:22, 93:4, 179:17
significant [1] - 12:8
signing [1] - 63:23
similar [2] - 67:18
simply [5] - 13:8, 21:27, 31:9, 38:26, 39:14
sit [3] - 14:10, 102:15, 102:23
sit-down [1] - 102:15
sitting [5] - 12:4, 53:21, 175:22, 181:11, 181:18
sittings [1] - 101:12
situation [23] - 24:27, 75:1, 75:19, 79:26, 86:26, 90:22, 91:14, 91:27, 92:13, 92:18, 116:11, 142:7, 142:16, 162:12, 165:19, 171:13, 171:15, 171:16, 171:24, 176:21, 189:1, 194:23, 209:5
situations [1] - 190:3
six [2] - 55:7, 104:25
sketches [1] - 97:1
Slattery [1] - 85:26
sleep [3] - 50:8, 50:10, 67:17
sleeping [1] - 67:17
slightly [5] - 83:17, 157:7, 157:8, 196:18, 208:20
slow [1] - 136:11
small [2] - 39:28, 40:4
SMYTH [2] - 3:2, 177:15

Smyth [42] - 14:1, 20:18, 20:21, 21:6, 24:22, 32:22, 33:9, 34:24, 35:10, 47:2, 47:7, 54:16, 55:13, 55:28, 56:5, 56:16, 83:14, 83:29, 93:15, 94:14, 94:15, 115:28, 116:14, 119:8, 147:14, 148:11, 148:19, 150:1, 150:9, 150:19, 153:4, 153:13, 161:29, 172:5, 172:13, 173:5, 174:5, 177:4, 178:5, 201:1, 201:3, 204:19
Smyth's [2] - 86:6, 202:10
so.. [5] - 6:20, 11:5, 12:28, 96:11, 183:6
solicitor [7] - 50:1, 50:20, 69:20, 75:21, 83:9, 162:25, 169:27
Solicitor [1] - 81:15
solicitor's [1] - 63:23
SOLICITOR'S [1] - 3:13
someone [2] - 34:8, 197:2
sometime [1] - 47:4
sometimes [3] - 26:2, 26:3, 35:22
somewhat [1] - 176:21
somewhere [3] - 22:13, 26:14, 136:29
soon [1] - 30:18
sorry [89] - 7:4, 7:19, 9:24, 9:29, 10:17, 14:20, 15:2, 31:29, 40:4, 41:7, 41:9, 44:24, 48:18, 55:1, 56:23, 71:21, 77:7, 77:9, 77:24, 81:5, 85:24, 85:29, 98:28, 99:1, 103:3, 103:4, 103:8, 104:3, 104:12, 108:8, 110:6, 111:13, 113:5, 113:7, 117:8, 117:13, 122:25, 123:21, 123:23, 130:12, 135:5, 139:11, 141:15, 141:19, 155:3, 156:21, 156:24, 158:26, 158:28, 159:12, 159:21, 160:10, 162:17, 163:5, 165:21, 166:16, 167:22, 168:9, 170:20, 173:16, 173:18, 177:8, 178:26, 178:29, 179:8, 181:12, 181:15, 181:16, 182:19, 183:9, 184:14, 184:17, 186:20, 189:7, 190:10, 195:19, 197:26, 199:15, 201:25, 202:19, 202:28, 202:29, 203:6, 206:12, 206:13, 206:14, 208:28
sort [4] - 55:6, 79:11, 103:24, 138:21
sorted [1] - 138:28
sought [14] - 9:21, 56:11, 69:28, 108:13, 125:10, 130:5, 136:26, 144:18, 157:22, 160:16, 168:22, 169:20, 171:14, 179:12
source [2] - 96:19, 197:16
speaking [6] - 31:13, 36:6, 80:4, 115:21, 137:1, 156:1
speaks [1] - 65:23
specific [5] - 51:27, 101:18, 132:15, 169:11, 175:11
specifically [3] - 87:9, 132:15, 207:1
speculate [2] - 145:8, 158:3
speculated [2] - 25:21, 25:24
speculating [1] - 145:26
speculation [6] - 25:16, 25:25, 26:8, 26:20, 26:27, 159:16
spelled [1] - 143:7
spoken [11] - 25:20, 26:19, 141:2, 162:24, 162:25, 170:24, 181:25, 182:28, 186:1, 186:14, 198:5
spreading [1] - 50:27
Square [1] - 181:20
square [1] - 47:21
SREENAN [1] - 3:3
stacks [1] - 105:23
staff [3] - 83:1, 83:7, 86:4
stage [63] - 5:15, 30:10, 35:9, 35:20, 37:29, 50:9, 52:11, 52:14, 54:6, 71:3, 73:19, 75:7, 75:16, 76:3, 76:12, 76:26, 77:29, 79:2, 79:6, 80:7, 80:10, 80:24, 82:16, 82:28, 83:4, 83:19, 83:22, 84:14, 84:26, 86:12, 86:19, 87:7, 99:25, 100:17, 104:29, 111:25, 114:2, 114:4, 122:20, 134:28, 134:29, 137:6, 152:2, 152:6, 153:10, 156:25, 158:14, 165:16, 165:24, 167:11, 169:23, 171:28, 174:12, 180:16, 185:26, 189:3, 190:15, 196:21, 199:4, 199:28, 200:24, 202:3, 208:19
stages [1] - 75:24
stamp [1] - 97:19
stamped [1] - 97:19
stance [1] - 205:12
stand [2] - 75:9, 205:14
standards [1] - 207:29
Standards [1] - 86:2
stands [2] - 105:20, 160:25
stark [1] - 21:24
start [5] - 57:2, 85:9, 119:12, 119:14, 202:17
started [10] - 14:1, 76:1, 83:28, 101:24, 138:16, 139:29, 140:22, 140:28, 142:2, 150:1
starting [4] - 36:15, 80:4, 111:26, 159:27
starts [1] - 150:7
State [4] - 63:23, 66:1, 81:15, 83:9
state [6] - 6:19, 16:24, 27:3, 60:13, 150:29, 194:2
STATE [1] - 3:13
statement [29] - 15:7, 16:22, 46:14, 59:24, 59:28, 59:29, 60:3, 63:15, 70:18, 81:20, 81:24, 81:25, 84:23, 84:25, 85:3, 96:1, 96:2, 97:1, 97:23, 110:4, 110:9, 120:27, 122:27, 135:15, 135:24, 198:9, 198:12, 199:9, 199:12
Statement [1] - 84:20
statements [5] - 96:20, 121:6, 126:29, 184:12, 184:19
stating [3] - 68:9, 116:24, 117:27
station [6] - 42:15, 70:27, 113:18, 191:28, 202:26, 203:17
Station [1] - 35:1
stationed [1] - 70:28
status [1] - 136:7
stay [1] - 68:29
stayed [1] - 165:2
stays [1] - 156:17
steering [1] - 144:28
STENOGRAPH [1] - 184:9
stepped [1] - 90:3
steps [5] - 120:24, 120:27, 121:10, 121:14, 121:18
stewardship [1] - 100:23
still [6] - 75:26, 83:22, 165:17, 181:24, 198:1, 198:26
stood [2] - 151:9, 151:12
stop [4] - 32:17, 85:13, 153:17, 208:27
story [1] - 30:12
strain [1] - 67:21
STREET [2] - 3:6, 3:15
Street [1] - 70:27
stress [9] - 46:22, 50:3, 50:7, 50:11, 50:12, 50:15, 68:2, 68:3
strict [1] - 202:14
strongly [1] - 205:6
structure [3] - 6:4, 40:26, 80:26
stuck [1] - 200:24
style [2] - 30:14, 74:28
subject [6] - 50:4, 63:3, 108:6, 108:10, 162:3, 207:14
submission [12] - 18:8, 18:22, 19:4, 19:6, 19:8, 19:22, 38:10, 61:13, 61:24, 62:4, 62:6, 62:29
submissions [23] - 6:22, 16:28, 17:7, 17:8, 17:21, 18:29, 19:7, 20:1, 20:8, 20:12, 23:1, 23:22, 23:24, 23:28, 24:2, 34:15, 37:28, 38:24, 60:9, 60:16, 60:19, 62:19
submitted [6] - 17:13, 19:4, 19:7, 19:8, 39:11, 63:1
subsequent [5] - 101:4, 121:8, 124:1, 129:19, 189:6
subsequently [3] - 142:3, 142:18, 142:24
substance [3] - 96:26, 135:19, 178:7
substantial [2] - 48:25, 80:19
substantiated [1] - 43:4
subtexting [1] - 163:11
succeed [1] - 156:1
succeeding [1] - 46:29
succession [1] - 158:19
succinct [1] - 83:13
such-and-such [1] - 69:8
sudden [1] - 112:22
suddenly [2] - 198:14, 198:16
suggest [2] - 12:8, 66:20
suggested [7] - 37:25, 52:15, 65:26, 137:6, 162:21, 206:9, 207:24
suggesting [7] - 12:29, 22:16,

22:28, 32:19,
67:12, 68:13,
200:18
suggestion [5] -
17:2, 17:17,
22:18, 137:11,
208:4
suggestions [1]
- 190:2
suggests [5] -
54:5, 57:6, 64:13,
194:17, 194:22
suit [1] - 73:23
suits [1] -
168:16
summarised [2]
- 76:5, 120:13
summation [2] -
73:12, 200:15
Sunday [5] -
31:5, 31:14,
187:10, 191:6,
199:24
SUPERINTEND
ENT [2] - 4:11,
70:16
Superintenden
t [146] - 7:7, 8:24,
11:7, 11:25,
12:17, 13:6,
13:27, 14:19,
16:14, 17:4,
17:18, 17:28,
18:12, 18:17,
18:20, 19:7,
19:10, 19:17,
19:22, 19:24,
20:24, 22:16,
22:25, 23:2, 23:4,
23:10, 23:15,
25:17, 25:18,
29:1, 29:25, 30:2,
31:10, 32:16,
41:13, 42:12,
43:3, 43:26, 46:8,
57:19, 57:22,
57:24, 59:6,
59:25, 61:4,
61:16, 61:20,
61:27, 62:15,
62:17, 63:15,
70:14, 70:20,
71:14, 75:14,
76:26, 76:29,
77:12, 77:13,
80:5, 83:7, 85:25,
86:3, 87:24,
89:23, 90:21,
93:9, 94:17, 95:5,
96:3, 97:17, 99:1,
99:4, 101:22,
102:14, 106:15,
106:26, 107:5,
110:15, 110:19,
112:20, 113:6,
115:16, 115:21,
116:13, 117:3,
117:6, 118:12,
125:10, 126:10,
126:23, 126:25,
127:3, 130:13,
130:21, 130:24,
134:17, 137:24,
142:29, 143:1,
143:13, 145:12,
148:27, 149:9,
150:24, 153:20,
157:1, 159:4,
165:22, 174:20,
178:10, 178:25,
183:7, 185:23,
186:6, 190:23,
191:5, 191:24,
191:25, 191:29,
192:8, 192:10,
192:11, 192:13,
192:18, 192:22,
193:13, 193:16,
193:17, 193:18,
194:10, 194:18,
196:5, 200:22,
200:23, 202:1,
203:25, 204:8,
204:9, 204:22,
204:23, 204:25,
204:26, 205:8
superintendent
[46] - 12:6, 18:16,
41:1, 41:2, 41:13,
41:16, 42:15,
42:28, 46:20,
52:1, 61:6, 70:18,
70:26, 71:4,
71:20, 71:23,
71:27, 72:6,
72:11, 72:20,
73:27, 74:2,
91:20, 94:23,
95:25, 97:15,
98:1, 116:17,
117:18, 131:27,
149:15, 179:11,
187:20, 192:17,
194:11, 197:6,
198:4, 198:20,
200:14, 201:26,
204:1, 208:27,
209:3
superintendent
s [1] - 84:15
superiors [2] -
43:9, 121:9
supervised [1] -
121:4
supervising [1] -
123:20
supply [3] -
76:6, 77:16,
97:11
support [8] -
17:4, 18:25,
50:23, 50:24,
53:9, 53:20,
143:28, 146:8
supported [3] -
48:7, 114:4,
146:4
supporting [4] -
79:19, 143:20,
143:27, 193:6
suppose [32] -
25:28, 26:1,
73:16, 75:14,
76:17, 88:25,
89:27, 90:7,
90:21, 92:12,
92:28, 98:14,
101:16, 105:14,
112:23, 113:8,
115:3, 118:5,
125:19, 133:9,
143:13, 144:24,
145:12, 145:22,
145:23, 149:18,
171:25, 174:19,
189:9, 191:1,
198:28, 200:2
supposed [2] -
72:23, 104:4
surprise [2] -
14:4, 14:13
surprised [8] -
14:2, 14:3, 14:5,
14:7, 16:7, 16:9,
16:12, 16:16
suspects [2] -
44:27, 121:3
sustain [1] -
8:14
swap [1] - 166:3
SWORN [1] -
70:16
sworn [3] - 74:2,
135:29, 136:1
synchronises
[1] - 163:18
system [3] -
44:3, 44:22,
44:27
Síochána [23] -
5:25, 6:18, 6:27,
36:11, 37:22,
38:6, 38:14,
43:18, 43:28,
60:10, 64:19,
66:12, 74:1,
90:23, 91:19,
91:21, 93:15,
100:15, 120:22,
120:23, 120:28,
141:28, 172:18

T

table [2] - 40:8,
40:9
tape [6] - 17:23,
24:5, 24:6, 24:9,
202:5, 202:7
tape-recording
[4] - 17:23, 24:5,
24:6, 24:9
taped [1] -
201:23
task [3] - 72:19,
80:28, 186:29
team [17] - 9:23,
9:24, 15:19,
15:21, 15:29,
27:6, 45:5, 58:17,
59:2, 83:21,
89:12, 94:3,
147:25, 177:22,
193:19, 197:17,
208:20
technique [1] -
51:29
telephone [33] -
9:7, 27:4, 27:10,
27:23, 27:27,
27:28, 28:2,
29:18, 30:8,
74:15, 78:24,
99:16, 100:26,
124:21, 128:3,
128:4, 128:5,
128:8, 141:11,
147:6, 152:10,
152:26, 157:12,
162:19, 165:8,
179:6, 179:7,
180:24, 182:29,
183:1, 185:1,
188:10
telephoned [2] -
27:21, 187:28
temporary [1] -
85:28
ten [2] - 29:2,
190:12
tense [1] -
171:25
tension [1] -
165:13
tentative [1] -
74:27
term [5] - 5:17,
8:17, 69:21,
69:26, 186:26
terms [13] -
5:12, 5:16, 7:15,
35:28, 36:9,
36:19, 40:7,
45:16, 80:8,
109:18, 110:27,
132:16, 135:22
terribly [1] -
21:24
territory [2] -
7:28, 205:28
Terry [2] - 49:12,
206:20
tested [3] -
49:19, 142:13,
146:12
testimony [3] -
52:29, 135:29,
136:1
text [4] - 11:4,
166:1, 166:19,
190:1
texted [1] -
166:6
texting [3] -
158:2, 167:3,
167:4
texts [2] - 158:2,
166:7
THE [11] - 5:1,
25:3, 28:17, 58:9,
59:21, 64:24,
69:15, 98:24,
98:26, 184:4,
209:27
themselves [4] -
6:24, 127:20,
138:7, 143:9
THEN [2] -
69:15, 209:27
there.. [1] -
46:22
thereafter [1] -
33:7
therefore [4] -
23:8, 38:8, 59:9,
175:10
thereof [3] -
120:28, 121:14,
121:17
they've [1] -
49:28
thinking [2] -
198:1, 200:5
third [4] -
107:15, 186:5,
190:22
this' [1] - 157:27
three [12] - 30:1,
42:3, 48:15,
58:27, 59:2, 65:1,
85:29, 161:20,
167:28, 174:3,
184:12, 189:2
throughout [6] -
20:12, 35:11,
35:13, 35:22,
57:20
thrown [1] -
146:19
THURSDAY [1] -
5:1
Thursday [3] -
22:21, 85:9,
115:8
ticked [1] -
103:7
tie [1] - 156:29
timed [1] -
164:19
timeframe [2] -
102:2, 105:22
timing [6] - 28:5,
152:3, 161:15,
167:5, 174:15,
176:25
tiny [1] - 103:7
TO [1] - 5:7
to-ing [2] -
167:2, 169:19
today [3] -
39:27, 40:1,
184:1
together [5] -
42:7, 80:14,
88:23, 109:6,
146:13
tone [1] - 76:16
took [8] - 12:9,
19:15, 37:6,
37:27, 41:16,
79:13, 113:29,
167:28
top [7] - 33:18,
47:24, 49:2,
94:21, 103:8,
104:22, 106:9
touch [1] - 106:6
touching [1] -
35:1
training [2] -
121:9, 123:19

transcended [1] - 129:20
transcript [23] - 8:21, 16:3, 16:5, 17:23, 20:29, 21:18, 22:10, 22:14, 22:26, 32:2, 36:3, 54:10, 59:12, 78:9, 122:8, 144:26, 150:4, 161:11, 172:9, 177:18, 200:20, 201:11, 209:16
transcripts [7] - 17:7, 17:19, 19:2, 23:26, 49:26, 78:8, 164:19
transferred [3] - 71:25, 77:28, 96:16
transpired [4] - 18:19, 23:5, 23:17, 23:20
treated [2] - 22:1, 44:26
tremendous [1] - 75:17
trial [1] - 198:22
tribunal [2] - 133:12, 133:13
Tribunal [22] - 6:23, 16:6, 17:24, 18:5, 21:8, 23:14, 32:6, 39:29, 47:1, 60:17, 64:27, 69:4, 70:21, 91:17, 91:18, 93:9, 99:5, 106:1, 113:21, 194:12, 209:9, 209:15
Tribunal's [1] - 27:5
tried [3] - 28:4, 92:4, 140:10
trigger [3] - 125:15, 132:2, 139:16
triggered [1] - 126:16
trouble [1] - 188:15
troubled [1] - 100:18
true [1] - 202:2
trust [3] - 66:14, 69:4, 179:14
truth [18] - 91:29, 92:9, 92:25, 93:11, 93:21, 98:16, 99:6, 99:9, 101:9, 112:3, 134:9, 137:13, 140:8, 142:4, 148:3, 148:9, 163:19, 171:21
truthful [1] - 67:7
try [13] - 7:23, 24:21, 31:19, 50:7, 111:29, 114:28, 115:5, 135:2, 138:20, 152:7, 158:9, 184:2, 195:13
trying [13] - 25:15, 31:25, 38:26, 115:1, 126:12, 131:20, 136:12, 137:14, 156:29, 165:10, 168:2, 180:12, 201:18
Tuesday [1] - 22:21
turn [26] - 35:15, 36:2, 39:1, 39:8, 40:17, 41:23, 42:22, 46:3, 47:5, 51:3, 51:7, 53:23, 54:2, 55:7, 81:1, 88:13, 89:14, 100:21, 142:15, 143:9, 154:3, 168:1, 174:24, 190:22, 196:3, 206:5
turnaround [1] - 61:22
turned [1] - 192:18
turning [2] - 56:4, 56:8
twenty [1] - 83:27
twice [3] - 64:29, 65:1, 193:24
twist [1] - 198:20
two [30] - 25:8, 27:12, 28:11, 28:13, 30:25, 42:2, 47:19, 48:15, 68:21, 69:18, 98:22, 114:28, 121:27, 131:26, 155:3, 155:27, 158:19, 169:7, 172:3, 174:2, 174:27, 174:28, 176:24, 176:26, 185:28, 190:16, 191:16, 193:1, 199:23, 207:21
two-and-a-half [1] - 98:22
type [3] - 11:5, 53:10, 166:12
typed [7] - 9:2, 9:4, 10:17, 77:8, 168:13, 168:15, 176:11

U

ultimate [8] - 92:8, 92:11, 93:20, 121:20, 142:3, 142:19, 148:8, 171:20
ultimately [3] - 47:2, 53:3, 177:27
unable [1] - 96:18
unambiguous **y** [1] - 53:8
uncertain [2] - 126:21, 202:7
uncertainty [3] - 83:22, 85:14, 113:2
uncommon [1] - 14:9
unconsciously [1] - 21:29
uncover [1] - 44:20
under [25] - 12:24, 23:27, 26:12, 35:27, 37:26, 43:17, 50:7, 50:11, 50:15, 56:12, 56:13, 56:26, 62:24, 68:2, 68:3, 86:24, 100:23, 112:13, 121:23, 136:3, 140:15, 160:5, 180:7, 184:19, 195:10
underlined [1] - 195:24
underneath [3] - 110:11, 111:3, 168:25
understood [8] - 12:14, 13:29, 19:20, 88:10, 90:17, 91:11, 91:12, 136:8
undertake [1] - 97:27
undertaking [1] - 90:16
underway [1] - 185:17
unexpected [1] - 98:29
unfair [2] - 67:15, 68:16
unfairly [2] - 65:13, 66:4
unfortunately [3] - 6:26, 11:4, 183:16
unhappiness [1] - 17:5
unit [1] - 207:29
Unit [1] - 86:2
unjust [1] - 66:25
unjustified [1] - 70:3
unless [5] - 13:14, 16:25, 63:10, 68:25, 151:21
Unless [1] - 7:27
unreservedly [1] - 66:7
unsuitable [1] - 41:4
unsure [1] - 75:26
UNTIL [1] - 209:27
untoward [1] - 159:11
untrue [1] - 17:16
up [52] - 27:27, 29:18, 29:26, 30:19, 30:20, 31:1, 33:17, 41:16, 46:20, 61:26, 64:12, 69:6, 70:26, 71:15, 73:24, 77:10, 83:2, 88:24, 89:5, 93:4, 103:6, 105:23, 108:26, 134:13, 139:9, 139:12, 147:26, 150:8, 151:9, 151:12, 153:22, 161:17, 162:16, 166:9, 168:9, 168:10, 172:12, 178:26, 178:28, 180:15, 180:24, 183:9, 186:17, 189:25, 193:28, 195:5, 197:6, 197:22, 199:12, 199:13, 201:2
update [1] - 42:6
updating [1] - 81:9
upfront [1] - 112:24
upheld [1] - 66:13
upholding [1] - 43:2
upwards [2] - 64:19, 91:20
urgently [1] - 163:28
utmost [2] - 189:23, 195:23
uttering [1] - 209:17
utterly [1] - 200:3

V

validity [1] - 188:3
valve [1] - 143:11
various [19] - 9:15, 46:5, 74:27, 84:13, 85:23, 89:28, 92:22, 112:23, 125:13, 125:20, 125:21, 137:18, 140:3, 157:16, 159:28, 186:24, 189:29, 191:2, 207:13
verifiable [1] - 193:7
verified [1] - 197:18
version [10] - 9:2, 9:4, 10:18, 142:1, 168:13, 176:11, 201:20, 201:24, 202:2, 203:28
view [24] - 6:25, 8:3, 10:14, 10:15, 37:27, 69:23, 92:29, 112:28, 114:14, 127:18, 127:21, 127:25, 131:2, 134:6, 134:7, 137:19, 141:3, 141:5, 144:14, 151:21, 175:5, 186:8, 190:5, 199:5
views [2] - 149:27, 190:4
vis-à-vis [2] - 130:4, 146:6
voicemail [5] - 156:4, 156:5, 156:8, 165:25, 165:26
Volume [10] - 10:22, 14:16, 32:1, 53:24, 59:23, 60:28, 61:28, 63:16, 70:19, 153:20
volume [4] - 32:1, 45:20, 153:19, 203:2
voluminous [1] - 138:19
voluntarily [1] - 152:13
volunteer [1] - 7:15
volunteered [1] - 114:11

W

waiting [3] - 22:8, 30:11, 165:17
waived [4] - 16:20, 117:6, 126:24, 127:3
waives [1] - 16:25
WALLACE [1] - 3:13
wandered [1] - 202:14
wants [1] - 20:20
Ward [13] - 71:15, 72:21, 74:2, 75:14, 76:26, 76:29, 77:13, 80:5, 83:7, 85:25, 86:3, 99:1, 112:20
warned [1] -

198:15
warranted [1] - 121:18
WAS [6] - 25:3, 28:17, 58:9, 59:21, 64:24, 70:17
was" [1] - 10:13
was.. [1] - 75:9
watching [6] - 180:26, 180:29, 181:10, 181:17, 181:18, 181:22
waters [2] - 158:22, 183:1
WATERS [1] - 3:10
waters' [2] - 161:4, 167:16
Wayne [1] - 86:3
Wednesday [1] - 53:27
wee [2] - 71:29, 72:1
week [2] - 17:1, 84:4
weekend [14] - 12:27, 30:3, 30:11, 30:12, 30:24, 178:14, 178:15, 178:16, 180:21, 186:10, 187:12, 188:28, 191:1, 195:10
weeks [2] - 80:17, 104:25
welcome [3] - 24:17, 57:28, 68:29
welfare [6] - 10:1, 78:18, 78:26, 79:6, 79:8, 169:3
whereas [1] - 113:14
whereby [1] - 69:6
whichever [1] - 168:16
whilst [1] - 76:18
whistleblower [3] - 89:2, 109:5, 109:6
whistleblowers [1] - 146:4
whole [9] - 44:2, 132:3, 132:6, 134:3, 149:11, 155:9, 160:2,

160:4, 171:21
wise [1] - 114:1
wish [4] - 31:26, 43:16, 60:12, 69:22
wishes [1] - 69:6
withdraw [3] - 22:18, 47:3, 89:20
withdrawal [2] - 46:24, 121:8
withdrew [4] - 35:6, 49:21, 49:22, 55:21
WITHDREW [1] - 69:15
WITNESS [7] - 4:2, 25:3, 28:17, 58:9, 59:21, 64:24, 69:15
witness [15] - 14:27, 38:25, 42:13, 69:19, 70:13, 135:29, 136:2, 136:3, 136:24, 151:16, 168:16, 183:26, 183:28, 200:29, 205:13
witness-box [1] - 69:19
witnesses [12] - 66:1, 67:9, 69:9, 81:22, 106:7, 116:2, 119:6, 123:8, 123:10, 124:27, 135:19, 140:3
wives [2] - 50:12, 50:13
wonder [3] - 35:15, 39:1, 40:1
wondering [2] - 192:17, 198:26
word [9] - 10:18, 38:19, 94:7, 129:24, 160:29, 179:3, 193:24, 205:16, 208:16
wording [2] - 26:16, 189:20
words [16] - 10:9, 21:27, 41:25, 54:21, 55:2, 101:21, 109:15, 129:4, 167:7, 181:1, 181:15, 186:25, 188:16, 193:8, 195:23

working" [1] - 9:28
workings [1] - 79:22
workplace [8] - 76:24, 77:23, 78:4, 79:4, 79:18, 114:5, 143:20, 145:16
world [1] - 27:20
worry [4] - 22:7, 98:18, 98:19, 116:7
write [4] - 118:10, 150:29, 176:24, 176:29
writing [9] - 12:4, 90:18, 103:27, 104:18, 162:21, 162:22, 175:20, 175:23, 209:2
written [8] - 10:17, 60:9, 76:12, 108:2, 108:15, 157:18, 170:10, 185:1
wrongdoing [3] - 40:18, 43:10, 50:21
wrongly [2] - 65:13, 66:4
wrote [11] - 12:7, 13:12, 13:19, 25:10, 25:28, 81:3, 96:6, 96:11, 161:2, 175:28, 204:23

Y

year [2] - 65:5, 105:17
years [2] - 6:2, 163:4
yes, [1] - 40:22
yesterday [9] - 8:15, 11:29, 14:9, 16:29, 18:22, 19:15, 19:20, 46:13, 46:23
young [1] - 149:16
yourself [8] - 28:21, 54:26, 55:4, 61:26, 75:1, 145:16, 146:17, 196:11
Yvonne [5] -

116:19, 117:18, 118:16, 198:5, 199:9

Z

zero [1] - 154:15

€

€150 [1] - 42:5

É

Éireann [2] - 14:24, 181:23

Ó

Ó [7] - 24:24, 24:27, 59:18, 59:19, 68:22, 69:1, 69:13