

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 MONDAY, 22ND JANUARY 2018 - DAY 45

45

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 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:

INSTRUCTED BY:

MR. PATRICK MCCANN SC  
MR. GERARD MEEHAN BL

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

INDEX

WITNESS	PAGE
CHIEF SUPERINTENDENT FERGUS HEALY	
CROSS-EXAMINED BY MR. MURPHY .....	5
CROSS-EXAMINED BY MR. MCCANN .....	43
FURTHER CROSS-EXAMINED BY MR. MCDOWELL .....	61
RE-EXAMINED BY MS. LEADER .....	71
FORMER COMMISSIONER NÓIRÍN O'SULLIVAN	
EXAMINED BY MS. LEADER .....	81

1 THE HEARING RESUMED ON MONDAY, 22ND JANUARY 2018

2 AS FOLLOWS:

3  
4 MS. LEADER: Chief Superintendent Healy I think was  
5 about to be cross-examined by Mr. Murphy.

10:01

6  
7 CHIEF SUPERINTENDENT FERGUS HEALY WAS CROSS-EXAMINED BY

8 MR. MURPHY:

9 1 Q. MR. MURPHY: Good morning

10 A. Good morning.

10:02

11 2 Q. I think you have told the Tribunal that you were  
12 involved in the preparation for the Commission of  
13 Investigation at a relatively late stage?

14 A. That's correct. The 29th of April 2015, that's when I  
15 received a phone call from the Commissioner, and they  
16 said to work the day after that 30th of April.

10:02

17 3 Q. I think you told us that you had to deal with a huge  
18 onslaught of documentary issues, and to ensure the  
19 collation of documents and to make sure that they were  
20 paginated and organised, and deal with the fact that  
21 the Commission was very unhappy about the previous  
22 arrangements concerning documentation?

10:02

23 A. That's correct, that's correct.

24 4 Q. And I think moving forward to your evidence concerning  
25 your first consultation with counsel, I think by that  
26 date, in addition to all the documents that the Gardaí  
27 had put together, the Commission had served a document  
28 in relation to the first of set of hearings that were  
29 going to take place?

10:02

1 A. That's correct.

2 5 Q. And first of all, I think you were aware that there  
3 were terms of reference?

4 A. Yes.

5 6 Q. Can I ask you just to be shown book 1, page 1, please. 10:03

6 A. Which page?

7 7 Q. Book 1, page 1.

8 A. Yes.

9 8 Q. And I think the terms of reference, with which you are  
10 now very familiar, indicate that the list from 1(a) 10:03  
11 through (k) -- (l), I should say.

12 A. Yes.

13 9 Q. And I think that insofar as the documentation been  
14 served on you, could I ask you to turn to page 153 and  
15 that booklet? 10:03

16 A. Yes.

17 10 Q. And I think that document says: "O'Higgins Commission  
18 of Investigation. Module 1 (terms of reference 1(a)  
19 (j) and (k)."

20 A. That's correct. 10:04

21 11 Q. And I think it's fair to say, we can come back to this  
22 later on, if necessary, that every single one of the  
23 modules that followed there was a similar document  
24 search and on every occasion you have indicated the  
25 relevant letter and then the letters (j) and (k)? 10:04

26 A. That's correct.

27 12 Q. And insofar as the position was concerned at that time,  
28 when you went to the meeting to brief the barristers,  
29 briefed on behalf of the Commissioner, you were aware

1 of the fact of the nature of the complaints being made  
2 by Sergeant McCabe at that stage?

3 A. That's correct.

4 13 Q. And I wonder if you could be shown document 4739,  
5 please, on the screen. It is not a very clear copy I 10:04  
6 am afraid.

7 A. Which book is that?

8 14 Q. Can you see it on the screen?

9 A. I can't read that, sorry.

10 15 Q. I think this has been served in the very recent bundle 10:05  
11 of documents, if that could be forwarded to the witness  
12 if possible.

13 A. Which booklet is it?

14 16 Q. I think it's volume 9, a small booklet.

15 A. Yes. Which page, sorry? 10:05

16 17 Q. And the page reference should be 4739, please.

17 A. Yes.

18 18 Q. And I think that that document is entitled "Previous  
19 Proven Facts Pertaining my Complaint" and this is  
20 Sergeant McCabe's document, isn't it? 10:05

21 A. Yes.

22 19 Q. And then effectively in the document he said:  
23  
24 "I brought several issues to the superintendent and he  
25 ignored every one of them. I eventually brought them 10:05  
26 all in writing to him."  
27  
28 And he then lists a series of different points further  
29 down in the course of the document itself.

1 A. That's correct.

2 CHAIRMAN: Now, the superintendent we are referring to  
3 is Superintendent Clancy, isn't that right?

4 MR. MURPHY: That's correct.

5 A. That's correct, yes. 10:05

6 20 Q. Then he says, five lines down he says:  
7  
8 "-- was victimised, bullied and ridiculed for  
9 highlighting the issues."

10 A. Yes. 10:06

11 21 Q. "Forced to resign my position due to lack of standards  
12 accountability."

13 A. Yes.

14 22 Q. And further down do you see in the second bullet point  
15 there is a reference to: 10:06  
16  
17 "Failed to investigate hijacking, false imprisonment,  
18 sexual assault."

19 A. That's correct.

20 23 Q. And then five bullet-points down do you see the 10:06  
21 reference to "supporting corruption to save  
22 themselves"?

23 A. That's correct.

24 24 Q. And turning over the following page, in the third  
25 bullet-point I think it says: "Targeted by very senior 10:06  
26 officers."

27 A. Yes.

28 25 Q. So as of that date, I think you'll agree with me that  
29 what was effectively on the table for consideration by



1 the Commission, and which you had to brief the  
2 barristers about and deal with, were a combination of  
3 allegations in relation to Kingscourt and then the  
4 connection between them and Sergeant McCabe's  
5 allegations of corruption against senior officers? 10:06

6 A. That's correct.

7 26 Q. And can you just indicate to the Court how seriously  
8 was the allegation of corruption against the senior  
9 officers taken by you and by the --

10 A. Very seriously, they couldn't be more grave. I think, 10:07  
11 you know, the failed to investigate a hijacking itself  
12 is a most serious issue and I don't think it could be  
13 more serious than that.

14 27 Q. Now, in terms of the issues that you discussed with  
15 counsel on that occasion, I think you have indicated in 10:07  
16 your previous evidence that as counsel discussed the  
17 issues through with you, that Mr. Smyth in particular  
18 began to raise the question with you as to what was the  
19 trigger for all of this?

20 A. That's correct. He was adamant from the outset that he 10:07  
21 wanted to get to the starting point of all of these  
22 issues.

23 28 Q. And was the focus of that concern heavily directed  
24 towards the allegations of corruption?

25 A. Of course. It became apparent that the allegations 10:07  
26 were of the gravest concern and Mr. Smyth had formed  
27 that view and I think, you know, he realised the  
28 significance of all of these issues.

29 29 Q. Yes. And was that an issue that was discussed then on

1 the 12th as well?

2 A. It would have been discussed at the consultations, yes.

3 30 Q. Yes. At all the consultations?

4 A. Yes.

5 31 Q. And then in terms of the dynamics of the consultations, 10:08  
6 I think you have indicated that counsel were seeking to  
7 rapidly acquire an understanding of the case, they had  
8 been served with the documents only a few days before  
9 and everything that happened in those days was very  
10 intense and very fast? 10:08

11 A. Yeah. If you can imagine on 11th May was the first  
12 time that we met counsel and we were starting on 14th,  
13 and everything had to be done at breakneck speed.

14 32 Q. Yes. Now, ultimately I think the position is, by the 10:08  
15 14th counsel had advised in relation to the need to  
16 test the evidence --

17 A. That's correct.

18 33 Q. -- of Sergeant McCabe?

19 A. That's correct, yes.

20 34 Q. And in terms of testing that evidence, did you get 10:08  
21 instructions from the Commissioner to get authority to  
22 ask those questions?

23 A. I did, I did.

24 35 Q. And was that a communication by telephone?

25 A. It was. 10:09

26 36 Q. And moving forward then to the 15th, the date when  
27 effectively an issue arose in relation to the  
28 instructions, you told us that when that issue was  
29 raised that you sought further instructions from the

1 Commissioner?

2 A. I did.

3 37 Q. And the Commissioner was then furnished with advice in  
4 writing from the counsel --

5 A. That's correct. 10:09

6 38 Q. -- which you referred to previously in evidence?

7 A. That's correct.

8 39 Q. And I think you have described how the Commissioner in  
9 those circumstances had to make that decision that  
10 afternoon and an adjournment was not available and the 10:09  
11 Commission was going to proceed?

12 A. That's correct.

13 40 Q. So, insofar as the documentation are concerned, I  
14 wonder could you be shown page 4292, please, on the  
15 screen. This will be on the screen. 10:09

16 A. Yes, it's on screen here.

17 41 Q. Can I ask you to scroll down, please, to the bottom of  
18 the page. Perhaps just halfway, further up again.  
19 Thank you. Now, this is a note which has been referred  
20 to in evidence previously from Ms. Annmarie Ryan, who 10:10  
21 is a solicitor acting in conjunction with you at the  
22 time. Do you see that document?

23 A. Yes.

24 42 Q. And you see the reference there to:  
25  
26 "Noel met with McCabe in Mullingar with Yvonne Martin  
27 in 2008 about complaints to Mike Clancy. McCabe wanted  
28 his DPP file."  
29

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

A. Yes.  
43 Q. "Noel made report of this meeting in the next day. (He had a copy of this.) Sent this report to Monaghan."

10:10

Scroll up, please. Scroll down, I beg your pardon.

"This was the reason for making complaint to Mick Clancy."

10:11

And then:

"Gardaí to send me the report by Noel as counsel want this."

A. Yes.  
44 Q. So I think the position is on that day, the advice that you were relaying to the Commissioner in relation to this question of the reason for making the complaints was the reason -- the reason was making the complaint to Mick Clancy, is that right?

10:11

10:11

A. Yes, yes.  
45 Q. And would you agree with me that the Commissioner therefore based any decision she made on that date or on the 15th on the basis of that information that had been provided to you?

10:11

A. Yeah, on the 14th and 15th, yeah.  
46 Q. Now, I wonder if you could also be turned back to be shown another document, and that is at page 3814, book 7.

1 A. Yes.

2 47 Q. And again, is this a note that you took?

3 A. Yes.

4 48 Q. And does that relate to the 12th May?

5 A. It does. 10:12

6 49 Q. And again, that indicates the fact that you were taking  
7 instructions on that date, you were meeting with  
8 Mr. Colm Smyth and you were discussing issues with  
9 Superintendent Cunningham as well?

10 A. That's correct. 10:12

11 50 Q. Yes. Now, I wonder also if you could be shown page  
12 4364, please.

13 A. Still in the same booklet?

14 51 Q. No, it's a separate booklet. It will be on the screen.

15 A. 43 -- 10:13

16 52 Q. 4364. So you are familiar with this report. This is  
17 the letter of Mr. Oliver Connolly on the 23rd January  
18 2012, addressed to the Minister?

19 A. Yes.

20 53 Q. And then turning over the page to the next page, you 10:13  
21 will see a reference to the letter from Sergeant  
22 McCabe?

23 A. Yes.

24 54 Q. And that runs on for another five pages or so?

25 A. That's correct. 10:13

26 55 Q. I think you will agree with me that at the outset, on  
27 page 1, Sergeant McCabe makes complaints about numerous  
28 incidents and cases pertaining to Superintendent  
29 Michael Clancy, "who is on a promotion list for chief

1 superintendent," do you see that?

2 A. I do, yes.

3 56 Q. And then, and in the next three pages, bullet-point  
4 after bullet-point --

5 CHAIRMAN: I think maybe you would be so kind to refer 10:14  
6 to the text that you say is relevant, Mr. Murphy.

7 MR. MURPHY: Certainly.

8 57 Q. Insofar as there is a reference there, you see he says  
9 "I now list --"

10 A. Sorry, page 1 now? 10:14

11 58 Q. Page 1, second paragraph.

12

13 "I now list a sample of numerous incidents and cases  
14 pertaining to Superintendent Michael Clancy who is on a  
15 promotion list for chief superintendent." 10:14

16 A. Sorry, no --

17 CHAIRMAN: Go back to 4365.

18 A. Yes.

19 CHAIRMAN: And if you go down --

20 A. There is a paragraph "as per my meetings"? 10:14

21 59 Q. MR. MURPHY: "As per the meetings", yes.

22 A. Okay, yes.

23 60 Q. Right.

24

25 "I now list a sample of numerous incidents and cases 10:14  
26 pertaining to Superintendent Michael Clancy, who is on  
27 a promotion list for chief superintendent. I also  
28 refer to Garda Code 9.17 which relates to unsuitable  
29 members on promotion lists."

1 A. Yes.

2 61 Q. You say in the next paragraph:

3

4 "Superintendent Clancy was the superintendent in charge  
5 of Bailieboro Garda Station from July 2007 to March 10:14  
6 2018 approximately. He then returned to Monaghan,  
7 where he took up as superintendent in the Monaghan  
8 district. I list a few of the matters which I have  
9 concerns."

10 A. Yes. 10:15

11 62 Q. Now, there is a series of bullet-points where you list  
12 and identify different incidents.

13 A. Yes.

14 63 Q. And can I just ask you to move to the next page, and  
15 it's I think the third bullet-point down, there is a 10:15  
16 reference there to the Kingscourt incident.

17 A. In late 2007.

18 64 Q. Yes.

19 A. Yes.

20 65 Q. And that says: 10:15

21

22 "In late 2007, he --"

23

24 That is Superintendent Clancy.

25 10:15

26 "-- failed to look for an investigation file into a  
27 serious case of hijacking, false imprisonment, sexual  
28 assault of two females."

29 A. Yes.

1 66 Q. And the details of other matters about that.  
2 A. Yes.  
3 67 Q. And I think the balance of the bullet-points relate to  
4 complaints about policing in Bailieboro in the area  
5 that was under the superintendence of Superintendent 10:15  
6 Clancy, is that right?  
7 A. Yes.  
8 68 Q. Then turning forward to the next page, please, after  
9 the last bullet-point, Mr. Maybe says this:  
10 10:16  
11 "The above are only a few of a catalogue of failures  
12 involving Superintendent Clancy. These incidents,  
13 along with many more relating to him, were investigated  
14 by Assistant Commissioner Derek Byrne and Byrne,  
15 despite upholding the serious ones, came to a decision 10:16  
16 that the complaints against Clancy were not  
17 substantiated in any way, that he made no adverse  
18 finding against Clancy. Alarminglly, Commissioner  
19 Callinan and Deputy Commissioner Rice agreed with  
20 Byrne. However, it may be the case that Derek Byrne 10:16  
21 hid evidence material and certain findings from his  
22 superiors because he was the Commissioner in charge of  
23 the region at the time of the wrongdoing and received a  
24 bonus."  
25 A. Yes. 10:16  
26 69 Q. And then in the next paragraph I think he said:  
27  
28 "I find it hard to understand that the Commissioner of  
29 An Garda Síochána has rewarded Superintendent Clancy



1 and placed him on a promotion list for the rank of  
2 chief superintendent. One of the incidents alone is  
3 enough to question Superintendent Clancy's suitability  
4 for his present rank, let alone promotion. It has sent  
5 out a message to the force that if you ignore your duty 10:16  
6 and are grossly negligent, hiding a cover-up, you will  
7 be deemed suitable for promotion. It's my honest  
8 opinion and belief that Superintendent Clancy should  
9 not be promoted until all matters involved in the  
10 management of Bailieboro/Monaghan districts are 10:17  
11 examined independently."  
12

13 And goes on to deal with other issues on that front as  
14 well?

15 A. Yes. 10:17

16 70 Q. And moving down two paragraphs, please, having made  
17 reference to the Morris Tribunal:

18  
19 "I now wish to make a complaint against Commissioner  
20 Martin Callinan and I make it under the Charter of the 10:17  
21 Garda Síochána (Confidential Reporting of Corruption or  
22 Malpractice) Regulations 2007. Garda Code 9.10 states:  
23 "The promotion lists, lists only suitable and eligible  
24 superintendents in the service." It is my belief that  
25 Commissioner Callinan should have known it was 10:17  
26 malpractice, some of which is listed above, and has  
27 made a serious error of judgment by placing  
28 Superintendent Clancy on a promotion list. The  
29 evidence is clear that it is corruption as defined in

1 the Garda Síochána's Charter on Confidential Reporting.  
2 Garda engaged in falsifying records, erasing official  
3 records, erasing reported accidents, destroying  
4 official records, altering official records, covering  
5 up serious investigation, gross dereliction of duty on 10:18  
6 a massive scale. And it appears that the Commissioner  
7 was or is aware of it all. It also questions the whole  
8 Pulse system, when a Gardaí can erase, alter,  
9 destroy... any record of information without  
10 accountability or sanction." 10:18  
11

12 So there, I think you will agree with me, there was an  
13 allegation of corruption made against Commissioner  
14 Callinan who at that time was the leader of An Garda  
15 Síochána. 10:18

16 A. That's correct.

17 71 Q. And it was made under the corruption regulations?

18 A. That's correct.

19 72 Q. Just turning over the page, there is a reference here  
20 to Assistant Commissioner Derek Byrne? 10:18

21 A. Yes.

22 73 Q. Now, just to put this complaint in context, I think  
23 it's previously been shadowed in the letter; Assistant  
24 Commissioner Byrne had been involved in a previous  
25 investigation of complaints from Sergeant McCabe, isn't 10:18  
26 that right?

27 A. That's correct.

28 74 Q. And that was reported back in 2012?

29 A. Yes, it was known as the Byrne/McGinn report.

1 75 Q. And I think in short form, approximately one-third of  
2 Sergeant McCabe's complaints were upheld?

3 A. That's correct.

4 76 Q. And two-thirds were regarded as being unfounded?

5 A. Yes.

10:19

6 77 Q. So this is the same person now who was going to be  
7 dealt with by Sergeant McCabe in this paragraph in  
8 2015?

9 A. That is in Assistant Commissioner Derek Byrne.

10 78 Q. And here Sergeant McCabe says:

10:19

11

12 "I would also like to make a complaint against  
13 Assistant Commissioner Derek Byrne. He failed to  
14 uncover and report serious derelictions of duty,  
15 falsification of Gardaí records and serious incidents  
16 not being investigated. He failed to deal with and  
17 report innocent persons listed on the Pulse system as  
18 suspects and criminals."

10:19

19

20 And then he goes on to make references to Chief  
21 Superintendent Rooney, and says:

10:19

22

23 "Chief Superintendent Rooney's findings, which were  
24 approved by Commissioner Callinan, were findings which  
25 cover-up serious corruption."

10:19

26

27 So there I think you will agree he was connecting  
28 Assistant Commissioner Byrne, Commissioner Callinan,  
29 Chief Superintendent Rooney with corruption --

1 A. Yes.

2 79 Q. -- and covering up corruption?

3 A. Yes.

4 80 Q. And then he goes on to say:

5

6 "The senior Garda management found no fault whatsoever  
7 with both Superintendent Clancy and Superintendent  
8 Cunningham and they found I was the problem... to blame  
9 on these incidents."

10 A. Yes, it's written there. 10:19

11 81 Q. Then he says finally in the second-next paragraph:

12

13 "I am available at any time if you or anyone needs to  
14 talk to me and I say again that Commissioner Callinan  
15 may not have been given all the evidence in my 10:20  
16 complaints and he may have been misled by the  
17 investigation team. The evidence is shocking."

18 A. Yes.

19 82 Q. And then he refers to a series of documents and  
20 materials which he sets out in the sequence 10:20  
21 that follows.

22 A. Yes.

23 83 Q. So again, before you went in to the Commission you were  
24 aware of the this document, and from the point of view  
25 of the corruption allegations that were being made, the 10:20  
26 way Sergeant McCabe put them together was he made a  
27 series of factual points about matters on the ground in  
28 relation to the standards of policing, he then  
29 connected them to Superintendent Clancy and then

1 connected them to higher management who investigated  
2 those issues and then connected them again to the  
3 Commissioner?

4 A. Yes.

5 84 Q. I think you would agree with me is what I have referred 10:20  
6 to the other day in submissions is to form a pyramid of  
7 accusations?

8 A. Yes.

9 85 Q. And at the summit of that pyramid was the Commissioner,  
10 Commissioner Callinan? 10:21

11 A. That's correct.

12 86 Q. Now, in terms of these particular allegations of  
13 corruption, when you spoke to Commissioner O'Sullivan,  
14 did she believe these allegations to be true?

15 A. Well, I think the view was that they had to be examined 10:21  
16 and it was a case that the Commission was the place to  
17 do that. It was a process that was going to take place  
18 under the supervision of a judge in private, and  
19 everybody was going to -- was legally represented at  
20 those proceedings, so it was the forum to examine those 10:21  
21 issues.

22 87 Q. And I think, can I ask you if you could be shown page  
23 799, please.

24 A. Sorry, 799?

25 88 Q. It should be in 2 -- volume 1. 10:21

26 A. Yes, the transcript.

27 89 Q. Could I ask be scrolled down, please, to line 18?  
28 CHAIRMAN: Just, if you wouldn't mind telling me what  
29 there are we on here or date?

1 MR. MURPHY: This is day 2, Chairman.

2 CHAIRMAN: This is day 2. So it's the 18th. Is it?

3 MR. MURPHY: It's the 15th.

4 A. 15th.

5 CHAIRMAN: Friday, 15th of May 2015, yes. 10:22

6 90 Q. MR. MURPHY: Yes. Now, I think insofar as the issues  
7 are concerned on that date, there is an interaction  
8 between counsel and the Judge and there is this  
9 reference to the ruling at line 13 by Mr. Justice  
10 O'Higgins, who makes a ruling saying: 10:23

11  
12 "No, you are permitted to establish, although I think  
13 it has been established already, that Sergeant McCabe  
14 had a grievance real or perceived in arising out of a  
15 conversation with Superintendent, Chief Superintendent  
16 Rooney full stop. His motivation, as I say, is only  
17 peripheral, very peripheral, but his motivation you are  
18 suggesting was out of a grievance he had. The details  
19 of that grievance do not appear to me to be relevant."

20  
21 And Mr. Smyth says:

22  
23 "No, I don't intend to go into the details of the  
24 background but I need to establish that there was a  
25 grievance..."

26  
27 So thereafter, at line 28 Mr. Justice O'Higgins said:

28  
29 "I will allow to you establish that he had a grievance,

1 real or perceived, and no further so the contents of  
2 this document are irrelevant for this module. That's  
3 my ruling on that."  
4

5 A. Sorry, I am on the wrong page. 10:23

6 91 Q. I am sorry, page 800. The next page.

7 A. Sorry. which line?

8 92 Q. So line 13, we have Mr. Justice O'Higgins.

9 A. Yes, sorry, yes.

10 93 Q. And he says: 10:23

11

12 "You are permitted to establish, although I think it  
13 has been established already, that Sergeant McCabe had  
14 a grievance real or perceived in arising out of a  
15 conversation with Superintendent, Chief Superintendent  
16 Rooney full stop. His motivation, as I say, is only  
17 peripheral, very peripheral, but his motivation you are  
18 suggesting was out of a grievance he had."

19 A. Yes.

20 94 Q. Mr. Smyth said: 10:24

21

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

25

26 do you see that?

27 A. Yes.

28 95 Q. And then Mr. Justice O'Higgins I think ruled:  
29

1 "I will allow to you establish that he had a grievance,  
2 real or perceived, and no further so the contents of  
3 this document are irrelevant for this module. That's  
4 my ruling on that."  
5 A. Yes. 10:24  
6 96 Q. Is that the ruling that you referred to on Friday where  
7 you considered that the Judge had deemed the letter of  
8 the 18th of May to be inadmissible?  
9 A. This was -- that was on -- you are talking here, this  
10 was the 15th this happened. Sorry, now. 10:24  
11 97 Q. I am very sorry.  
12 A. The letter that refers to the 18th is a different day.  
13 This was -- I think this was --  
14 98 Q. I beg your pardon. This took place on 18th May, I am  
15 sorry, 18th May, page 787. 10:24  
16 A. I am lost here now.  
17 CHAIRMAN: Yes, I am familiar with that passage,  
18 Mr. Murphy. So that is on the Monday, after we have  
19 had the discussion that has been referred to.  
20 MR. MURPHY: That's correct. 10:25  
21 CHAIRMAN: And what point are you making?  
22 MR. MURPHY: I am seeking to ask the witness to confirm  
23 that that is the ruling, and he understood the ruling  
24 of the Judge at that time, the details of the letter  
25 could not be deployed but -- 10:25  
26 A. Yes, the grievance issue could be explored.  
27 99 Q. -- could be explored?  
28 A. Yes, yes.  
29 100 Q. So in overall terms then, if I could also go back



1                   briefly in relation to the 15th, I think that on the  
2                   15th of May you have told us about the detail of what  
3                   was obviously a very intense and busy day for you?

4           A.    Yes, that's correct.

5   101   Q.    And I think in the course of your witness statement you   10:25  
6           have indicated at the end of that date, and your  
7           witness statement is at 3279, that is volume 6.

8           A.    Yes.

9   102   Q.    And you say:

10

10:26

11                   "On returning to my office I had a further telephone  
12                   conversation with the Commissioner to discuss the  
13                   conclusion of proceedings and to advise counsel were  
14                   available that weekend for consultation."

15

16           A.    Yes, that is correct.

17   103   Q.    And then you go on to say:

18

19                   "No further consultation took place during that period  
20                   as the Commissioner was otherwise engaged."

10:26

21           A.    That's correct.

22   104   Q.    And just very briefly, I think could you be shown page  
23           750 which is in book 1?

24                   CHAIRMAN: Mr. Murphy, I am sorry, that point is lost  
25                   on me somewhat. What is the point you are making  
26                   there?

10:26

27                   MR. MURPHY: I will be coming to the point now, Judge.

28                   MR. McDOWELL: Judge, if it is being suggested that  
29                   this witness conveyed what happened at the Tribunal to

1 the Commissioner, that should be -- he should be asked  
2 that on the basis that counsel for the Commissioner  
3 will be saying that she understood what had happened.  
4 I mean, we can't have this, that he had a telephone  
5 conversation and leave it hanging in the air. If it's 10:27  
6 being raised to suggest that that is what he informed  
7 the Commissioner about, because the Commissioner is the  
8 next witness, and counsel for the Commissioner should  
9 not attempt to just leave this question hanging as to  
10 what was said to the Commissioner. 10:27  
11 CHAIRMAN: I think maybe the best thing to do is tell  
12 you what my understanding is. My understanding is that  
13 the transcript was circulated, the transcript is very,  
14 very long, and I think in terms of reason, for someone  
15 with a very busy job it's very hard to imagine that 10:28  
16 they would sit down and spend the two hours necessary  
17 to parse it and analyse.  
18 MR. MCDOWELL: I am not suggesting that.  
19 CHAIRMAN: No, no, I appreciate that, Mr. McDowell.  
20 But I think in terms of this being a highlight or 10:28  
21 whatever, that it's only the grievance allegation, well  
22 certainly if it be the case that that was conveyed to  
23 the Commissioner, well let's hear about it. Other than  
24 that, I mean, we have had a lot of --  
25 MR. MCDOWELL: That is the point -- 10:28  
26 CHAIRMAN: Yes, there has been a lot of, kind of,  
27 woolly thinking here, there and everywhere about a lot  
28 of stuff. So I don't know, Mr. Murphy, are you in a  
29 position to do that?

1 105 Q. MR. MURPHY: Judge, in terms of the document number  
2 750, I think this is the email that you sent to the  
3 Commissioner on 15th May at 19:17.  
4 A. 750?  
5 106 Q. Yes. Do you see that? 10:28  
6 A. Sorry, I don't. I have book 1B, is that correct? Yes,  
7 sorry, I have it now.  
8 107 Q. So in terms of this email, I just want to juxtapose  
9 this with your statement, would you agree this is the  
10 email you sent at 19:17, at the end of that day, to the 10:29  
11 Commissioner?  
12 A. That is it, yes.  
13 108 Q. So when you refer in your statement to a telephone  
14 conversation with the Commissioner, can we take it that  
15 this email just followed on from that conversation? 10:29  
16 A. Yes.  
17 109 Q. Yes. And I think in that letter you say:  
18  
19 "Commissioner  
20 Further to our telephone conversations of even date,  
21 please see the attached letter from counsel appointed  
22 to represent your interests and those members of the  
23 organisation at superintendent rank and higher, serving  
24 and retired, that have sought and been granted  
25 representation at the Commission of Investigation. I  
26 trust this letter grants comfort for the decision that  
27 has now been taken."  
28  
29 A. Yes.

1 110 Q. And had the Commissioner asked you to send her on a  
2 copy of that letter?  
3 A. Well, we would have discussed it, you know, in numerous  
4 telephone calls, so there was -- it was said, yes, I  
5 would have had to send it on to her, yes. 10:30

6 111 Q. And again, just to assist you memory on this one, this  
7 was effectively you signing off at the end of the day,  
8 sending the written advices and having briefed the  
9 Commissioner on the day itself?  
10 A. Yes. It was the first chance I had to send it on to 10:30  
11 her, you know what I mean. When I got back to my  
12 office that evening, it was the first thing I attended  
13 to when I got back.

14 112 Q. You had briefed the Commissioner on what had taken  
15 place on that date? 10:30  
16 A. Yes, yes.

17 113 Q. And she was aware of the circumstances you have  
18 outlined in your evidence?  
19 A. I did, yes.

20 114 Q. That was the last communication by email that you had 10:30  
21 with the Commissioner until the following week, isn't  
22 that right?  
23 A. Until the following week?

24 115 Q. Until Monday?  
25 A. Okay, yeah, sorry. 10:30

26 116 Q. Yes. And again, on Friday I think you indicated to  
27 Mr. McDowell that you believed that you had conveyed to  
28 the Commissioner there was an urgent request for a  
29 consultation, and I just have to tease this out with

1           you. You would agree, there is no reference to that in  
2           this email?

3           A. No, no.

4 117 Q. And I think also at a later stage, indeed you remember  
5           the evidence of Ms. Ryan who said that she telephoned  
6           you later on Friday evening and discussed the issue? 10:31

7           A. Yes, that's right.

8 118 Q. And I think thereafter, there is no further email from  
9           you to the Commissioner saying a consultation is  
10          required? 10:31

11          A. No.

12 119 Q. I think you were aware that the Commissioner had an  
13          official engagement on Saturday I think to do with  
14          memorials?

15          A. Well, I was aware that the Commissioner was otherwise 10:31  
16          occupied. I didn't know what the actual issue was, but  
17          the Commissioner just advised me that she wasn't  
18          available, whatever, I presumed there was something on,  
19          I didn't know what it was, but I took it, you know, as  
20          it was said to me, that's it. 10:31

21 120 Q. Now, the Commissioner will say that she doesn't recall  
22          being told that counsel were available that weekend for  
23          a consultation, but she was certainly not aware, she  
24          will say, that there was an urgent desire on the part  
25          of Anmarie Ryan to have a consultation. I just want 10:32  
26          to clarify, from your evidence on Friday you appear to  
27          suggest that perhaps you had communicated that, is it  
28          possible you are mistaken because? It's not in your  
29          email.

1 A. Oh no, I am definite. I definitely spoke to the  
2 Commissioner about that. Because Ms. Ryan had said it  
3 to me earlier before that, before I got back to my  
4 office she had been saying it to me, so it was on my  
5 mind to say it to the Commissioner. I spoke to her. 10:32

6 121 Q. When do you think you said that it?  
7 A. On the telephone.

8 122 Q. When?  
9 A. Oh, in the conversation that evening.

10 123 Q. So that's in the conversation that preceded this email? 10:32  
11 A. You see, I was aware of it before the email was even  
12 sent. I was aware of it when we left the Commission.  
13 I had, you know what I mean, been speaking to Ms. Ryan  
14 so at that stage it was in my mind to say it to the  
15 Commissioner. 10:32

16 124 Q. But when Ms. Ryan contacted you later in the evening  
17 after 9:00, you didn't relay that communication on to  
18 the Commissioner?  
19 A. Well, Ms. Ryan was -- I had done -- I had done what I  
20 was said to do with the Commissioner on the telephone, 10:32  
21 and Ms. Ryan followed it up obviously. But I had  
22 conversations with Ms. Ryan and I had told her that the  
23 Commissioner was otherwise engaged and, you know,  
24 that's the tenet of the conversation we had at that  
25 time. So, I know the Commissioner is busy and that is 10:33  
26 what was said.

27 125 Q. I see. Well again, the Commissioner will say that she  
28 would have been available for consultation if she had  
29 understood that it was urgently required. That is a

1 matter we will move on to and deal with at a later  
2 stage. Can I ask you to move forward, in the days that  
3 followed the ruling of the 18th, the matter was  
4 adjourned into June and the process of testing the  
5 evidence began to develop, isn't that right? 10:33

6 A. In June?

7 126 Q. The hearings continued from June onwards?

8 A. Oh, yes, that's right.

9 127 Q. And I think section-by-section, the Commission pursued  
10 its work and the whole process is enshrined in the 10:33  
11 transcripts which this Tribunal can review and can  
12 read?

13 A. Yes, they continued on a module-by-module basis.

14 128 Q. Now, just taking the allegations of corruption that  
15 were made in the letters, they were being reviewed and 10:34  
16 you've heard the evidence of Ms. Ryan to say that as  
17 the days went by those allegations began to crumble.

18 A. That's correct.

19 129 Q. And I wonder if you could be shown page 1944, please.

20 A. Yes. 10:34

21 130 Q. And this is a page, Chairman, which you were referred  
22 to when dealing with the evidence of Ms. Annmarie Ryan.  
23 CHAIRMAN: Maybe you would just give me, again, the  
24 date, please that that is happening on.

25 MR. MURPHY: Yes. I think in the course of this 10:35  
26 process, I think this is day 10, issues have arisen  
27 concerning Superintendent Cunningham --

28 CHAIRMAN: We are into June now?

29 MR. MURPHY: Yes, we are into June, definitely.

1 A. 24th of June, is it?

2 131 Q. Yes.

3 A. Day 5?

4 132 Q. And at page 1944, Sergeant McCabe on the first line  
5 expresses an apology for one aspect of matters he 10:35  
6 complained against Superintendent Cunningham, do you  
7 see that? Page 1944 on the first line?

8 A. 1944?

9 133 Q. 1944?

10 CHAIRMAN: Who is asking the questions, if you wouldn't 10:36  
11 mind, Mr. Murphy? I don't have the transcript here in  
12 front of me, the whole thing.

13 134 Q. MR. MURPHY: Mr. Smyth is asking the questions, and  
14 Mr. Smyth is asking questions, and as Mr. McCabe is  
15 answering, he says: 10:36  
16  
17 "I deeply apologise to him, Judge, but I never saw the  
18 document."  
19  
20 Do you see that? 10:36  
21 A. Yes.

22 135 Q. And Mr. Smyth said:  
23  
24 "Q. Sergeant McCabe can I put it to you this way, it  
25 seems that you shoot first and ask questions later?  
26 A. Absolutely not."  
27  
28 Do you see that. Then he says:  
29



1 " Q. Why then did you make an allegation --"

2  
3 This is Mr. Smyth.

4  
5 "-- which you now have to withdraw in the face, a  
6 considerable time after you have made the allegation,  
7 may I say, after two investigations you are telling  
8 this Commission that you did not have access to this  
9 file but yet you were prepared to make an unfounded  
10 allegation against my client, Noel Cunningham, to the  
11 effect that he permitted as a superintendent a gross  
12 dereliction of duty? Why did you not seek out the  
13 information that supported that criticism before you  
14 made it?"

15  
16 A. Yes.

17 136 Q. And Sergeant McCabe replied:

18  
19 "A. A very good question. When I was interviewed in  
20 relation to Byrne-McGinn I expected them to come back  
21 to me in a month or two or three or six month and say:  
22 Hold on here, Maurice, you are wrong, and that is what  
23 they should have done. I would have said: Yes, I am  
24 sorry."

25  
26 Then he is asked again:

27  
28 "Q. ...Sergeant, without appearing impertinent to your  
29 position: Why did you make the allegation in the first

1 place before you were satisfied that you had  
2 substantial ground to make that allegation?

3 ...

4 Q. You had access to this file?

5 A. No, I had not access to that file.

6 Q. why did you make the allegation?"

7

8 At page 1945 he says:

9

10 "A. I made the allegation on the basis of what I knew  
11 in this case, and I only made an allegation, I didn't  
12 actually say he did it. I made an allegation."

13

14 Is that correct?

15 A. That's correct.

10:37

16 CHAIRMAN: Maybe you would help me as to what the  
17 allegation was in relation to the file, which case was  
18 being dealt with? I know I can look back on it myself,  
19 Mr. Murphy, but it would help to have it here  
20 encapsulated, if at all possible. Can you remember  
21 that, Chief Superintendent Healy?

10:37

22 A. I am sorry I can't, Judge.

23 MS. LEADER: I think page 1912 is open and that deals  
24 with the term of reference that the Commission is  
25 dealing with.

10:38

26 A. Yeah.

27 137 Q. MR. MURPHY: And that dealt with evidence in relation  
28 to the assault and false imprisonment of the girl in  
29 Cootehill on 2nd September 2007.

1 A. Yes.

2 138 Q. And in that, as a result of that complaint,  
3 Superintendent Cunningham was accused of gross  
4 dereliction of duty for not having done certain things,  
5 but the documentation indicated that in fact he had. 10:38  
6 And when that documentation was produced then  
7 effectively at that stage the allegation was withdrawn?

8 A. Yeah. I think my understanding of it was that Sergeant  
9 McCabe wasn't aware that Superintendent Cunningham had  
10 written a report to some degree. 10:38

11 139 Q. Yes.

12 A. And if he had access to that report, that he is saying  
13 that this issue may not have arisen at all. That is  
14 basically my understanding of it.

15 CHAIRMAN: All right. And the particular issue that 10:38  
16 was being discussed was a young lady was walking home  
17 at night and a man who appears to have been a central  
18 European grabbed her and tried to drag her up a  
19 laneway, and the man who was the main suspect was  
20 arrested and released after 22 minutes after desultory 10:39  
21 questioning. And that was one of the cases, it may be  
22 said, where there was an issue as to who had said it's  
23 time to release him.

24 MR. MURPHY: Yes, Chairperson. But insofar as the  
25 point that was made, it was made at this very high 10:39  
26 level of gross dereliction of duty in the absence of  
27 any substantial proof.

28 A. Yes.

29 140 Q. And this reference by Sergeant McCabe to making an

1 allegation but not saying the person actually did what  
2 was in the allegation, was this a feature that came  
3 throughout other aspects of the complaints? In other  
4 words, were there situations where there turned out to  
5 be no evidence when -- 10:39

6 A. Yes. There was allegations obviously in different  
7 parts of the Commission and they petered away. There  
8 was no substance to the allegations. That is my  
9 recollection of it in general terms.

10 141 Q. Now, can I ask you to move forward as we proceeds, to 10:40  
11 page 2235? By this stage we are at day 18 and the  
12 Commission has heard a lot more evidence. Isn't that  
13 correct?

14 A. Yes.

15 142 Q. Yes. You were monitoring this every day, isn't that 10:40  
16 so?

17 A. Well, I was present there, yes --

18 143 Q. Yes.

19 A. -- most days.

20 144 Q. So, at this stage we come to a passage in the 10:40  
21 transcript where Sergeant McCabe is being questioned by  
22 Mr. Justice O'Higgins, who has heard evidence over  
23 these days.

24 A. Right.

25 145 Q. And can I ask you just to turn down to question 367, 10:40  
26 page 86, page 2235 of the book.

27 A. Line 13 there?

28 146 Q. Do you see that?

29 A. Yes.

1 147 Q. Page 2235. And Mr. Justice O'Higgins said:

2

3 "Okay. One final thing, and I am only asking you  
4 because this is part of the inquiry. If I were to say  
5 to you, Sergeant McCabe, you have a lot of concerns  
6 about a lot of things, some of which may be justified,  
7 some of which may not, but that there is a tendency, at  
8 times at least, that you shoot first and ask questions  
9 afterwards. The reason I say that is that in the  
10 course of this and other modules there have been  
11 allegations made about people and then you have  
12 responded by saying, oh, but I didn't know about this  
13 or I didn't know about that at the time. For example,  
14 the medical report here or the report of Superintendent  
15 Clancy, and also in respect of certain allegations that  
16 you have withdrawn. If somebody suggested to you that  
17 at times you tend to shoot first and ask questions  
18 afterwards, what was your response to that be?"

19

20 Mr. McCabe said:

10:41

21

22 "A. To be honest, Judge, I wouldn't accept that."

23

24 Do you see that?

25 A. Yes.

10:41

26 148 Q. And then in terms of the question the Judge asked at  
27 page 87, that is page 2236 --

28 A. Yes.

29 149 Q. -- question 371.

1 A. Yes.

2 150 Q. He says:

3

4 "It was not to say that you were right or wrong in  
5 relation to the accuracy of your complaints or in  
6 relation to the criticism, but you have withdrawn  
7 certain things, you have said, had I known then what I  
8 know now my position might have been different. It was  
9 just in that particular context I was inviting your  
10 comment.

11 A. Right. Judge, on that, I have never said that I was  
12 right all along. All I wanted was reasonable  
13 standards, not high standards..."

14

15 Do you see that?

10:42

16 A. Yes.

17 151 Q. So, as we move on from day 10 and through day 18, did  
18 the testing of Mr. McCabe's evidence proceed in  
19 accordance with the instructions given by the  
20 Commissioner on the 15th May?

10:42

21 A. Yes, yes, counsel was continuing on.

22 152 Q. And ultimately, and again the Chairman has the final  
23 report of the Commission, which I don't intend to  
24 address to you but the Commission's report speaks for  
25 itself in chapter 3 and 13, where it rejected any of  
26 those allegations of corruption which had not been  
27 withdrawn?

10:42

28 A. Yeah, I think all of the allegations of corruption were  
29 rejected.

1 153 Q. And we have visited those terms in previous days. Can  
2 I ask you just to move forward briefly, please, in the  
3 time that we have, to Volume 4? I wonder could I  
4 change direction for a moment and ask to be put on the  
5 screen page 3919, please. 10:43

6 A. That is in a different volume, is it?

7 154 Q. Yes, it is. I think this brings us forward through to  
8 October of 2015.

9 A. Yes.

10 155 Q. I think you have seen these notes before, this is the 10:44  
11 typed version of your diary notes?

12 A. Yes, the 20th, yes.

13 156 Q. Yes. And --

14 A. Just on a point of information, the 21st October date  
15 on the left column, that just was written on that page 10:44  
16 but the meeting took place on the 20th.

17 157 Q. Yes. I think you have given evidence already about  
18 that consultation.

19 A. Yes.

20 158 Q. And I think at that stage the Commissioner was due to 10:44  
21 come give evidence in a few days' time in relation to  
22 HR issues, is that right?

23 A. Yeah. The Commissioner in her capacity when these  
24 matters arose, she was the Assistant Commissioner in  
25 HRM at the time and she was going to give evidence with 10:45  
26 respect to her capacity at that time.

27 159 Q. And I think in the course of that discussion the issues  
28 arose in relation to "getting to the truth, dealing  
29 with the matter to assist the Commission in their

1 work", to what did that refer?

2 A. Sorry, where is this?

3 160 Q. This is the typed note on the screen. "Questioned only  
4 as AC HRM."

5 A. "Questioned only as AC HRM question." Yes. 10:45

6 161 Q. Yes. And then it says:  
7  
8 "If he goes to motivation."  
9

10 who is that talking about? 10:45

11 A. We are talking here about questions that the  
12 Commissioner, that may -- what may happen the following  
13 day inside in the Commission itself and that there was  
14 -- if it strays, if the questioning strays outside  
15 questions with respect to her role as HRM Assistant 10:46  
16 Commissioner, then if it goes into the area of  
17 motivation, that there is an issue here that these  
18 matters are privileged.

19 162 Q. And when it came to the next sentence, it says:  
20  
21 "Deal with the matters to assist the Commission in  
22 their work and get to the truth."  
23 A. Oh yeah, sorry.

24 163 Q. What did you understand when you wrote those notes?

25 A. The ultimate aim of all of this was to get to the truth 10:46  
26 of the matter.

27 164 Q. When you say "all of this", do you mean all the testing  
28 of the evidence day-by-day?

29 A. Yes. Of everything, right the way through.



1 165 Q. In accordance with the instructions given by the  
2 Commissioner?  
3 A. Yeah. The complete and utter process here was, that we  
4 had a High Court Judge examining all of these and it  
5 was to get to the truth of everything because this has 10:46  
6 gone on for so long.

7 166 Q. And I think when it came to the Commissioner giving  
8 evidence then, in relation to HR matters, she wasn't  
9 asked any questions about this issue, motivation or her  
10 instructions? 10:47

11 A. Yeah. There was another consultation and then on the  
12 4th she gave evidence and it never arose. Those  
13 issues, had just specifically focused on her role as  
14 HRM Assistant Commissioner.

15 167 Q. Yes. And she wasn't asked to give an apology for 10:47  
16 having given instructions or she wasn't criticised in  
17 cross-examination for giving those instructions?

18 A. No, no.

19 168 Q. Now, in terms of the issues that you refer to  
20 concerning leaks, very briefly, how seriously were the 10:47  
21 leaks treated by you and by An Garda Síochána  
22 management?

23 A. Well, I was very concerned about them. I was at mind  
24 myself to ensure that the matter was kept in private.  
25 I was very conscious of the sensitivities of all the 10:47  
26 issues and, you know, the concerns that I had were --  
27 and I was listening to what the Judge had said to me as  
28 well when I was inside in the Commission, that these  
29 matters were strictly private. The Judge was

1 overseeing who could be there and who couldn't, and he  
2 did it on a daily basis. So you know, I was very, very  
3 concerned not to breach that ruling by the Judge.

4 169 Q. Yes. And just in terms of the process itself, I think  
5 the process of the Commission's hearings were very 10:48  
6 intense also, weren't they?

7 A. Yes, they were long days. The hearings commenced at  
8 10:00am in the morning and they went through, right  
9 through until 6:00pm in the evening and there was a  
10 break for lunch, sometimes it was half an hour, 10:48  
11 three-quarters of an hour, no more than an hour but  
12 they were very intensive.

13 170 Q. Yes. And in terms of the effect on the persons who you  
14 were assisting, who were represented by the legal team,  
15 who you briefed on a daily basis, how did this 10:48  
16 experience affect them?

17 A. I think it was fairly evident from their demeanour that  
18 everybody was under a lot of stress. I remember one  
19 particular person telling me that they had lost a lot  
20 of weight as a result of all of the issues that they 10:49  
21 had been through. I think even myself in that  
22 capacity, I was working under a lot of duress and the  
23 pressures that we were put under by the Commission  
24 itself because we were playing catch-up from the word  
25 go. 10:49

26 171 Q. Finally in that regard, in terms of the carrying out of  
27 your instructions and the application of the  
28 Commissioner's instructions, can you confirm that no  
29 inappropriate questions or lines of testing were

1 adopted by the Commission?

2 A. As far as I am concerned, counsel dealt with all the  
3 issues in accordance with the instructions that were  
4 issued by the Commissioner.

5 MR. MURPHY: Thank you. 10:49

6 MR. MCCANN: Chairman, I have some questions for Chief  
7 Superintendent Healy.

8

9 THE WITNESS WAS CROSS-EXAMINED BY MR. MCCANN:

10 172 Q. MR. MCCANN: Superintendent Healy, we met last week. I 10:50  
11 am Patrick McCann and I am appearing for the Department  
12 of Justice, a number of its present officials, a number  
13 of its former officials and the former Minister for  
14 Justice --

15 A. Yes. 10:50

16 173 Q. -- Ms. Fitzgerald. Now, Chief Superintendent Healy, I  
17 think there should be a document which has been  
18 prepared to assist the Chairman in relation to looking  
19 at the telephone calls on the afternoon of the 15th May  
20 2015 and I think that document is going to be handed to 10:50  
21 you now, Chief Superintendent. [SAME HANDED] So we will  
22 go through this together, you can take your time. So  
23 the purpose of the document, Chief Superintendent, is  
24 to take out the telephone calls, to put them -- take  
25 them out of a number of different documents and put 10:50  
26 them in one document so we can all look at them  
27 together and see what the correct sequence is. So it  
28 would appear that this is a document which should have  
29 been entitled "Friday, 15th May 2015" and it's the

1 afternoon of day 2 at the O'Higgins Commission.

2 A. Yes.

3 174 Q. And this is an aide-memoire of the telephone calls.  
4 Are we on the same page so far?

5 A. Page 1? 10:51

6 175 Q. Page 1. Great. If we start at the beginning, the  
7 first thing is the Commission rose at 15:10?

8 A. Okay.

9 176 Q. And I am describing that as adjournment 1.

10 A. Yes. 10:51

11 177 Q. And then you can see a number of phone calls that were  
12 attempted at 15:13, 15:14, 15:15, 15:15 again, 15:16  
13 and 15:20, and they are all calls that appear in the  
14 billing records as lasting a second or two or three or  
15 four or five or six seconds? 10:51

16 A. Yes.

17 178 Q. And I think we are in agreement that it's likely that  
18 they were all failed telephone calls?

19 A. Yes.

20 179 Q. Yes. And again, just to identify what is on the 10:51  
21 document first, then we will go through the detail of  
22 it. Then at 15:23 we have the first telephone call  
23 whereby the Commissioner gets through to you and it  
24 looks as if there is the first conversation and it  
25 lasts a minute and 59 seconds? 10:52

26 A. Yes.

27 180 Q. Do you see that one there, Chief Superintendent?

28 A. Yes.

29 181 Q. And then there is a call which doesn't concern you, but

1 it may concern the Chairman, there was a call at 15:26  
2 where the Commissioner phoned a landline number and  
3 that's Mr. Water's telephone number, the former  
4 Secretary General of the Department, all right?

5 A. I see that there. 10:52

6 182 Q. Yes. And then, at 15:29, just to get the timing right,  
7 it's important to see there, that is the time when  
8 Mr. Byrne BL sent his advices. So counsel's advices  
9 were sent by email at 15:29.

10 A. Yes. 10:52

11 183 Q. And then the Commission resumed. And then there is  
12 another phone call at 15:37 to the Commissioner, three  
13 seconds again, it would seem to be a failed phone call.  
14 And there is some texting takes place. At 15:39 the  
15 Commissioner texts you. I don't think we have the 10:53  
16 contents of those text messages. And then meanwhile,  
17 in the Commission itself, at 15:54, Mr. Smyth is saying  
18 "I have instructions from the Commissioner", I think  
19 referring to the instructions he had at the beginning.  
20 And then there is the second telephone call you had 10:53  
21 with the Commissioner, and that is at 15:41. This is  
22 page 2 of the document.

23 A. Yes.

24 184 Q. All right so far, chief superintendent? So, the  
25 Commissioner called Chief Superintendent Healy back 10:53  
26 from her mobile and there is a six-minute telephone  
27 call there at 15:41, do you see that?

28 A. Yes.

29 185 Q. And then there is a third phone call between yourself

1 and the Commissioner, and it's a call at 15:52, from  
2 the Commissioner's landline to you and it lasts nearly  
3 four minutes, three minutes and 51 seconds, do you see  
4 that?

5 A. Yes. 10:53

6 186 Q. And there is the fourth telephone call between yourself  
7 and the Commissioner, a phone call from the  
8 Commissioner's landline to you and it lasts just over  
9 two-and-a-half minutes. And then meanwhile, meanwhile,  
10 at the Commission, Mr. Smyth is saying "Judge, I am 10:54  
11 just getting instructions" at 16:08, he says that. And  
12 then there is the second adjournment that afternoon.

13 A. Yes.

14 187 Q. And then at 16:13 there is your fifth and final phone  
15 call while the Commission is sitting that afternoon, 10:54  
16 with the Commissioner, and that is at 13 minutes past  
17 4, 16:13, and that lasts nearly three minutes and that  
18 is the fifth conversation, Chief Superintendent?

19 A. Okay.

20 188 Q. All right. And then you will see again, it doesn't 10:54  
21 concern you, but the Commissioner then phoned  
22 Mr. O'Leary, an official in the Department of Justice,  
23 at 16:16?

24 A. Yeah.

25 189 Q. And then the Commission resumed at 16:34. This is 10:54  
26 moving -- Commission resumes. And then at 16:34  
27 Mr. Smyth said that his instructions are re-confirmed.  
28 So, his language has changed, and he is talking about  
29 re-confirmed. And there seems to be some change there

1 in his language, all right?

2 A. Yes.

3 190 Q. So if we just have that document in front of you, it's  
4 only an aide-memoire, and then if we turn to volume 6,  
5 page 3290. And these are your notes of -- your 10:55  
6 contemporaneous notes that day.

7 A. Sorry, volume 6, what page?

8 191 Q. volume 6, page 3290.

9 A. I can't read that.

10 192 Q. Do you have that, Chief Superintendent? 10:55

11 A. It's illegible.

12 193 Q. Exactly. If you go back to page 3289, that is the  
13 typed-up version.

14 A. Yes.

15 194 Q. And is my understanding correct, that this is the -- 10:55  
16 this is a page of your diary and a page dated  
17 15/6/2015?

18 A. Yes.

19 195 Q. And this is your contemporaneous note --

20 A. Yes. 10:56

21 196 Q. -- and as you were going along.

22 A. Yes.

23 197 Q. And then, Chief Superintendent Healy, if you just go  
24 forward in that same book, you will see the note at  
25 page 3291. 10:56

26 A. Yes.

27 198 Q. And as I understand it, later on that evening, do I  
28 have this right, later on that evening, you moved to  
29 another page of your diary, page 26 of the 5th, and you

1 wrote up what had happened during that day as best you  
2 could?

3 A. That's correct, yes.

4 199 Q. Right. So that the note on page 3289 may not be  
5 exactly contemporaneous, that you didn't write it down 10:56  
6 as it was happening, but it was much closer to the  
7 events in question?

8 A. Yes.

9 200 Q. Yes. All right. Now, if we just look at the note then  
10 on page 3289? 10:56

11 A. Yes.

12 201 Q. You will see that there you have noted, this is towards  
13 the end of the page: "Rang the Commissioner at 15:37."

14 A. Yes.

15 202 Q. Well, just, it would be, you know -- 15:37, it's a very 10:57  
16 accurate time.

17 A. Yes.

18 203 Q. So do you think, reflecting on it and reflecting on  
19 your own practices and your own training, that 15:37 is  
20 likely to be the time when you had the first 10:57  
21 substantive telephone call with the Garda Commissioner  
22 or as close to that?

23 A. If you can appreciate, to put this into context --

24 204 Q. Yes.

25 A. -- I can see there was a series of telephone calls and 10:57  
26 there was a frantic effort to contact the Commissioner,  
27 and there was an urgency about getting clarification as  
28 required by the Commission. And that we couldn't  
29 contact the Commissioner at the outset, eventually



1 managing to do so. And in the course of all the  
2 conversations and all the calls, I had -- when I had a  
3 second I might have looked at my watch and written that  
4 line.

5 205 Q. Yes. All right. 10:58

6 A. It's just in that sense that it was written. It was, I  
7 suppose I was up to high dough at this stage and I  
8 wasn't in a fit stage to write a proper minute, so I  
9 just wrote that line at that particular, taking a note  
10 from my own watch. That's it. 10:58

11 206 Q. Okay. All right. But we can take it that was -- at  
12 some point during these phone calls, 15:37 seemed  
13 like --

14 A. I just looked at my watch and I wrote it down and  
15 that's basically what I did. 10:58

16 207 Q. All right. And you said that you explained the current  
17 developments. So, if it's the case that the first time  
18 you note the time it's 15:37 and there was an earlier  
19 call at, if we look at the first page, your first  
20 telephone call was at 15:23, could we agree about 10:59  
21 certain things that may have -- could we just discuss  
22 the first phone call at 15:23 and see if you agree with  
23 me or do not agree with me. Do you think that first  
24 phone call that is a two-minute phone call, just one  
25 minute 59 seconds, do you think that might have been an 10:59  
26 introductory phone call where you told the Commissioner  
27 that there was a problem or a problem had arisen or a  
28 development had arisen, an urgent development had  
29 arisen that afternoon? Do you think that is likely to

1 be the first thing you said to the Commissioner when  
2 you got talking to her?

3 A. As I said in my original direct evidence, there was a  
4 series of phone calls --

5 208 Q. Yes. 11:00

6 A. -- in a short period of time to and from, between  
7 myself and the Commissioner.

8 209 Q. Yes.

9 A. And which phone call I said what, I can't remember  
10 specifically. I cannot remember. 11:00

11 210 Q. No, no.

12 A. And the tenet of everything that I was saying was  
13 written in my note when I went back to my office that  
14 evening.

15 211 Q. Yes. 11:00

16 A. So, to be specific with respect to the question you  
17 have asked, I cannot be more precise than what is  
18 written there.

19 212 Q. Right. Would you agree with me that the two-minute  
20 call is likely to have been a very brief exchange of 11:00  
21 information, by its nature?

22 A. Well, I suppose when there is a sense of urgency about  
23 things you tend to get the message across and I think  
24 it was a continuum of the call that I had the previous  
25 night and the way things had, what I would describe as, 11:00  
26 erupted inside in the Commission.

27 213 Q. Yes. Chief Superintendent Healy, if we just look at  
28 the page 1 of the note which hopefully will assist us,  
29 you will see there that the first telephone call was

1 with --

2 A. Which page are you on now?

3 214 Q. On the aide-memoire, the document, the two-page  
4 document.

5 A. Sorry, I beg your pardon, okay. 11:01

6 215 Q. Again, this is supposed to help you, Chief  
7 Superintendent. If we just look at that for a moment,  
8 you see that the first telephone call between yourself  
9 and the Commissioner was at 15:23, and then if you  
10 track down, you will see that Mr. Byrne's -- and I am 11:01  
11 using that phrase in a shorthand way, Mr. Byrne emailed  
12 counsel's advices at 15:29, so there is very short --  
13 six minutes.

14 A. Yes.

15 216 Q. So is it likely that during that very first phone call 11:02  
16 that you might have said, you might have said counsel's  
17 written advices will be coming soon, so we might be  
18 discussing this in a few minutes or we might have a  
19 more substantive conversation in a few minutes' time  
20 when that comes to hand? 11:02

21 A. Sorry, Mr. McCann, I can't be any more precise. I  
22 remember asking for them. Now, you know, I don't know.  
23 I left it to counsel.

24 217 Q. Yes. Very good.

25 A. And that was it. 11:02

26 218 Q. I think, Chief Superintendent Healy, it might be of  
27 assistance for the Chairman, it would appear on that  
28 time-line that if you had a phone call with the  
29 Commissioner at 15:23, and if the advices arrived at

1 15:29, it's likely that you must have asked for the  
2 written advices or somebody must have asked for the  
3 written advices before you had your phone call with the  
4 Commissioner?

5 A. I can't remember. I know, I remember asking for them. 11:02

6 219 Q. Yes.

7 A. And I don't want to say it or put it any further than  
8 that. Whether counsel were preparing them before that  
9 or what, I don't know, I don't know.

10 220 Q. Very good. But I think it would be unusual if counsel 11:03  
11 could turn around an email with careful advice in six  
12 minutes, just from my experience.

13 A. I can't speak for counsel. I think they will address  
14 that.

15 221 Q. Great. If we look at the 15:41 telephone call, that is 11:03  
16 the six-minute phone call, that's likely, just by its  
17 nature, I'm suggesting to you, Chief Superintendent  
18 Healy, just because it's a longer phone call, to have  
19 been a more substantive discussion, do you agree with  
20 that? 11:03

21 A. It's three minutes longer, yes.

22 222 Q. Three minutes longer. And we know now that the written  
23 advice from counsel was available. So, do you think is  
24 that likely to have been or -- likely to have been the  
25 telephone call where, if you read the advice to the 11:04  
26 Commissioner, that was the telephone call during which  
27 you read to the advice to the Commissioner?

28 A. Mr. McCann, it's two-and-a-half years ago, I can't -- I  
29 can't remember, to tell you the truth.

1 223 Q. Very good.

2 CHAIRMAN: Well, I would regard it as likely, because I

3 mean I have been told that several copies of this were

4 printed out by Annmarie Ryan --

5 MR. MCCANN: Yes. 11:04

6 CHAIRMAN: -- and been passed around --

7 MR. MCCANN: Yes, Chairman.

8 CHAIRMAN: -- and it's not exactly as if it would take

9 half an hour to read it out.

10 MR. MCCANN: No, no. 11:04

11 224 Q. So, one of the matters which has arisen at the Tribunal

12 is the question of the Commissioner saying to you that

13 she was going to speak to the Department?

14 A. Yeah. That was the phrase used.

15 225 Q. Yes. And you understood, surely correctly, that the 11:04

16 Department she was referring to was the Department of

17 Justice?

18 A. Yes, would be my understanding of it, yes. That the

19 Department was -- the first point of call was Justice.

20 226 Q. Yes. And then similarly, you agreed with Mr. McDowell 11:05

21 I think that that afternoon, if the Commissioner said,

22 having been on the phone to you, that she was going to

23 telephone the Department of Justice, it was likely that

24 she was phoning the Department of Justice about the

25 developments at the Commission, isn't that right? 11:05

26 A. Well, I can't say. The Commissioner just said that to

27 me. Who she rang, I don't know.

28 227 Q. Exactly. And I am going to come to that in a second.

29 A. I have no knowledge of that.

1 228 Q. Yes. And am I right in thinking that, if we just again  
2 look at the list of possible phone calls, the  
3 Commissioner could have said that she was going to  
4 phone the Department of Justice in the telephone call  
5 at 15:41, she could have said that in the second 11:05  
6 telephone call?  
7 A. Well, look, as I said, when these calls were made, I  
8 wrote it down in my note, as I remembered it on that  
9 date, the chronology of the calls that I got --  
10 229 Q. Yes. Yes. 11:06  
11 A. -- and the sequence in which things occurred at that  
12 time.  
13 230 Q. Yes. And I am going to come to that in a second. But  
14 just insofar as you can't remember what exactly was  
15 said at which telephone call, it's possible that that 11:06  
16 remark by the Commissioner took place either in the  
17 telephone call at 15:41 or the telephone call at 15:52  
18 or the telephone call at 16:02, it could have -- she  
19 could have made that remark in any of those telephone  
20 calls, isn't that right? 11:06  
21 A. As I said, I can't remember which call it was said in.  
22 231 Q. Okay.  
23 A. But I wrote it down at the time --  
24 232 Q. Yes.  
25 A. -- with respect to my memory of it on that day -- 11:06  
26 233 Q. Yes.  
27 A. -- and the sequence in which I believe it occurred.  
28 234 Q. Yes. And if we just come to that now, Chief  
29 Superintendent Healy. If we turn to page 3291, that is

1 volume 6, going back to the Tribunal's books, please.

2 A. Yes.

3 235 Q. And you will see there that, as I understand it and as  
4 we have discussed, you did up a note. Do you have  
5 that, Chief Superintendent? 11:07

6 A. Yes.

7 236 Q. 3291 is the typed-up version.

8 A. Yes.

9 237 Q. And as I understand it, when you got back to the office  
10 or got home that evening, you took out your notebook, 11:07  
11 your diary, which you were using as a notebook and  
12 because the page the 15th of May 2015 was full you  
13 moved to a clean page and you wrote, and you used the  
14 blank page that -- the 26th of May, isn't that right?

15 A. That's correct. 11:07

16 238 Q. So that is a reflective note, it's your recollection  
17 that evening of what had occurred during the day?

18 A. Yes.

19 239 Q. And it would appear that you remember three  
20 interactions -- or you were giving -- you say you made 11:08  
21 several telephone conversations with the Commissioner,  
22 and you describe what they were about, and then you  
23 note three telephone calls out of the five that were  
24 successfully made. So the first telephone call is:  
25  
26 "Commissioner sought time to speak to the Department."  
27  
28 Do you see that?

29 A. Yes.

1 240 Q. And then the next telephone call "then returned" which  
2 would suggest a later telephone call "with  
3 instructions"?

4 A. Yes.

5 241 Q. And they were including the possibility of seeking a 11:08  
6 deferral until we get advice.

7 A. Yes.

8 242 Q. And then there is a third telephone call you are noting  
9 where the Commissioner rang a second time and said  
10 pursue that line of questioning. 11:08

11 A. Yes.

12 243 Q. I am using - condensing what was said in those things,  
13 in that note. So if we look at it in reverse then. So  
14 you have identified three telephone calls with the  
15 Commissioner. And we know that the last telephone call 11:09  
16 with the Commissioner was at 16:13 and we know that  
17 Mr. Smyth said his instructions were re-confirmed at  
18 16:34 when the Commission resumed. If we work in  
19 reverse, and if we imagine that the last telephone call  
20 where the Commissioner said pursue that line of 11:09  
21 questioning, if that's the call that -- if that is the  
22 call that takes place at 16:13, right, then the call  
23 where the Commissioner said she was looking for advice,  
24 that would be the previous call at 16:02, and then if  
25 that analysis is correct, that analysis is correct, 11:09  
26 then the call where she said she was going to speak to  
27 the Department, that was a telephone call at 15:41,  
28 would that be -- if your note correctly records, your  
29 reflective note correctly records the sequence of



1 telephone calls, isn't that likely to be when the  
2 remark about phoning the Department of Justice was  
3 made?

4 A. Well, as I said, you know, the note was written on the  
5 day. That was my recollection of what had happened in 11:10  
6 the sequence in which it happened. The records  
7 themselves show that there was a significant number of  
8 calls over and back.

9 244 Q. Yes.

10 A. And, as I said, I can't say which call was which. 11:10

11 245 Q. Very good. Just, I think you said to Mr. McDowell in  
12 the course of your examination last week, it's a long  
13 time ago now, that that was a remark the Commissioner  
14 made to you, that she was phoning the Department?

15 A. Yes. 11:10

16 246 Q. And again as discussed, the Department almost certainly  
17 means the Department of Justice, and it's almost  
18 certainly in relation to the events at the Commission.  
19 But am I right in understanding that you don't know  
20 whether the Commissioner actually spoke to any official 11:10  
21 in the Department?

22 A. This is just a remark that she mentioned to me in the  
23 course of the conversation. I don't know who she rang,  
24 I have absolutely no information, apart from what  
25 appeared in the transcript and the phone records now, 11:11  
26 but absolutely no information about that. It was never  
27 discussed with me after that.

28 247 Q. Yes. And again, going back in time as to what you knew  
29 at the time, you don't know whether the Commissioner

1           actually spoke to anybody in the Department --

2           A.    I don't, no.

3 248 Q.    -- at that time?

4           A.    It's just something that was said to me and I wrote it  
5           down. 11:11

6 249 Q.    Yes.  And I think again, the word "Minister" appears in  
7           Ms. Ryan's notes.  You have seen that or you might be  
8           aware of that.

9           A.    Well, I heard evidence that, yes.

10 250 Q.    You have heard that evidence? 11:11

11          A.    Yes.

12 251 Q.    I think it's at page 3252, there is the line "perhaps  
13          the Minister".  And do you think, is that some  
14          speculation - if that is an appropriate word to use or  
15          if that is a fair word to use - was that a speculation 11:11  
16          on your part as far as you remember or is that a  
17          speculation on her part, or you don't know?

18          A.    I don't know.  Like, definitely -- what the words were  
19          uttered to me by the Commissioner were, that she was  
20          going to call the Department.  That was the specific 11:12  
21          words that were spoken.  After that, the word  
22          "Minister" or the "Department of Justice" in my own  
23          note is what I assumed.  So these things get mixed up  
24          afterwards, but certainly at the time that is what  
25          happened. 11:12

26          CHAIRMAN:  well, just, was there any conversation to  
27          the following effect:  I have just phoned the Minister  
28          or I am going to phone the Minister --

29          A.    No.  I might have said to Ms. Ryan that the

1 Commissioner is speaking to the Department or -- I  
2 could have said Minister, I don't know. But certainly,  
3 there was -- the Commissioner never uttered that word.

4 252 Q. MR. MCCANN:. The Commissioner never uttered that word?  
5 A. No. 11:12

6 253 Q. Very good. Just then to come back, leaving aside then  
7 the telephone calls, good news, Chief Superintendent  
8 Healy, and just looking at your overall role at the  
9 O'Higgins Commission. So you were there all day or  
10 almost -- nearly every day? 11:13

11 A. Well, I tried to be there -- I tried to be there every  
12 day because I had come to this thing so late --

13 254 Q. Yes.  
14 A. -- and to try and keep abreast of what was happening,  
15 the only way was to be present. 11:13

16 255 Q. Yes. And I think there was an Inspector MacNamee, he  
17 might have been there filling in for you?

18 A. Inspector McNamara, he never came to the hearings at  
19 all.

20 256 Q. McNamara. Sorry. All right. And you attended maybe 11:13  
21 not every consultation but almost every consultation  
22 that took place?

23 A. I tried to make myself available for them.

24 257 Q. To assist?  
25 A. Yes. 11:13

26 258 Q. And again, listening to your evidence last week and  
27 this morning, you were there as a very important  
28 witness for this Tribunal, because you saw and heard  
29 the dynamic which occurred between the legal team on

1 the one hand, between the possible witnesses on the  
2 other hand, and you saw how the legal strategy  
3 developed over time and you have described that to the  
4 Tribunal, isn't that correct?

5 A. Well, I was asked to seek instructions and I saw -- do 11:14  
6 you know what I mean.

7 259 Q. There is probably, with the exception of Ms. Ryan,  
8 there is probably nobody more knowledgeable about what  
9 happened in terms of the interactions between the legal  
10 team and their client, than you, isn't that correct, 11:14  
11 Chief Superintendent?

12 A. I would have had a good knowledge of it, yes.

13 260 Q. Yes. And again, from your knowledge, from your  
14 knowledge, would you agree with me that from what you  
15 saw and heard over the entirety of the Commission, that 11:14  
16 no official from the Department of Justice advised or  
17 was consulted in relation to the development of the  
18 legal strategy, and that would be the legal strategy as  
19 formulated on the 14th May 2015, as you described to  
20 the Tribunal, would you agree with that proposition? 11:15

21 A. The Department -- I dealt with no official at all from  
22 the Department.

23 261 Q. Yes.

24 A. Never ever spoke to one of them, ever. Not to this  
25 day. 11:15

26 262 Q. And again, I think it follows from that answer, the  
27 putting into effect of a legal strategy by An Garda  
28 Síochána, how it was -- to use Mr. Murphy's language,  
29 how it was deployed at the Commission, there was no

1 input from the Department into that either?

2 A. Not to my knowledge, no.

3 263 Q. Yes. And similarly, when it came to some finessing, if  
4 that is what occurred, in October/November 2015 when  
5 the Commissioner was going to give evidence, as far as 11:15  
6 you are aware neither the Department -- sorry, the  
7 Department neither advised nor was consulted, would you  
8 agree with that?

9 A. I was never aware of the Department's involvement in  
10 any of this. Apart from the sentence that the 11:16  
11 Commissioner uttered.

12 MR. MCCANN: Yes. Thank you very much, Chief  
13 Superintendent.

14

15 THE WITNESS WAS FURTHER CROSS-EXAMINED BY MR. MCDOWELL: 11:16

16 264 Q. MR. MCDOWELL: Just before Ms. Leader, there are two  
17 points that I just want to ask you about. Firstly, the  
18 letter that you were asked to comment on in relation to  
19 Superintendent Clancy was headed "malpractice", isn't  
20 that right? 11:16

21 A. Which letter are we talking about now, Mr. McDowell,  
22 sorry?

23 265 Q. The letter that Mr. Murphy asked you to look at.

24 A. Sorry, the confidential recipient letter?  
25 Mr. Connolly's letter? 11:16

26 266 Q. Mr. Murphy asked you to look at a letter --

27 A. I think it was Mr. Connolly's letter.

28 CHAIRMAN: This is at 4365, it's headed: "wrongdoing  
29 and malpractice in Cavan-Monaghan division."

1 267 Q. MR. MCDOWELL: Isn't that right?  
2 A. I would like to see the letter. I am lost here, sorry.  
3 CHAIRMAN: It's at 4365. Do you see the screen in  
4 front of you?  
5 A. Right. Yes. Okay. Yes, that letter, sorry. 11:16  
6 268 Q. MR. MCDOWELL: And secondly, as you go through the  
7 letter, he says he wants to make a complaint under the  
8 corruption and malpractice part of the Code, isn't that  
9 right?  
10 A. Yes. 11:17  
11 269 Q. And weren't you there -- since you have agreed with a  
12 lot of things that Mr. Murphy has put to you, weren't  
13 you there where he made it clear and his counsel made  
14 it clear to the Tribunal that he was not alleging  
15 corruption in the criminal sense, but only in the sense 11:17  
16 of corruption and malpractice as defined in the Code?  
17 A. You are talking about --  
18 270 Q. Were you there for that?  
19 A. Are you talking about your client?  
20 271 Q. Yes. You can't recall? 11:17  
21 A. I can't be specific. I honestly cannot be  
22 specific about it.  
23 272 Q. Because you see, Mr. Murphy has been asking to you  
24 concentrate on all the portions of the transcript or  
25 many of the portions of the transcript where the word 11:17  
26 "corruption" came or allegations were withdrawn, and I  
27 am suggesting to you that it was made very clear to the  
28 Commission by Sergeant McCabe and by his lawyers that  
29 he was never alleging corruption in the criminal sense,

1 that he was suggesting that what had happened and the  
2 failure to investigate it and put it right amounted to  
3 corruption and malpractice within the meaning of the  
4 Garda Code?

5 CHAIRMAN: Well, Mr. McDowell, if you allege that 11:18  
6 someone is holding back documents that are relevant to  
7 an inquiry, I'd regard that as very serious.

8 MR. MCDOWELL: I am not suggesting it is not serious,  
9 Judge.

10 CHAIRMAN: Well, why is that not corruption? 11:18

11 MR. MCDOWELL: No, Judge. Whether it is corruption or  
12 malpractice --

13 CHAIRMAN: I mean, if it happened here, for instance?

14 MR. MCDOWELL: Well, Judge --

15 CHAIRMAN: It's just, the wording that is used is the 11:18  
16 wording that is used.

17 273 Q. MR. MCDOWELL: Yes. He used the wording that he used,  
18 but I am suggesting to you that he made it clear that  
19 it was a charge under this Code which had an unified  
20 offence of corruption and malpractice. 11:19

21 A. If it's in the transcript, you know what I mean, I  
22 think the transcript speaks for itself.

23 274 Q. I have got to you suggest to you that it was never  
24 suggested there was a criminal act of corruption?

25 CHAIRMAN: Well, that is the -- 11:19

26 MR. MCDOWELL: At any point.

27 CHAIRMAN: There is an act about corruption, isn't  
28 there?

29 MR. MCDOWELL: Yes.

1 CHAIRMAN: Which is basically taking money from for  
2 doing your public duty, and clearly in the wrong.

3 275 Q. MR. MCDOWELL: I'm suggesting to you that it was never  
4 suggested that a criminal act of corruption had taken  
5 place within An Garda Síochána? 11:19

6 A. Mr. McDowell, I can't --

7 276 Q. But you were there.

8 A. I know, but --

9 277 Q. You have agreed with a lot of things Mr. Murphy has  
10 said, I am just asking you to be fair. Did you ever 11:19  
11 hear anybody suggest that a criminal act of corruption  
12 had taken place at the Commission?

13 A. The word corruption was bandied about with respect to  
14 all of these issues.

15 278 Q. Yes. 11:20

16 A. And I can't be more specific than that. If the  
17 transcript says it, I have to accept what the  
18 transcript says.

19 279 Q. I see.

20 A. Apart from that, I cannot enlighten you any further. 11:20

21 280 Q. And I have also got to suggest to you that all of the  
22 incidents of poor policing in Bailieboro which Sergeant  
23 McCabe had made complaint about, were all upheld, every  
24 single one of them, by the O'Higgins Commission?

25 A. It's accepted, yes -- 11:20

26 281 Q. You do accept that?

27 A. I absolutely accept the findings of the report.

28 282 Q. And I have got to suggest to you that the only occasion  
29 on which the word corruption was used in relation to



1 the O'Higgins Commission of Inquiry terms of reference  
2 was in relation to the Pulse records, isn't that right?  
3 A. If it's in the terms of reference, I accept that.  
4 283 Q. And I have got to suggest to that you in that respect  
5 as well, Sergeant McCabe's complaint was upheld by the 11:21  
6 Commission?  
7 A. If it's upheld by the Commission, I accept that.  
8 CHAIRMAN: Was it in fact used in relation to that? I  
9 am sorry, Mr. McDowell, just, there is a lot to take  
10 in. 11:21  
11 MR. McDOWELL: I think I heard you, Chairman, say it  
12 was at the beginning. Maybe I am wrong.  
13 CHAIRMAN: No. We have moved from that to the terms of  
14 reference of the O'Higgins Commission.  
15 MS. LEADER: It's term of reference (i). 11:21  
16 MR. McDOWELL: (i), Judge. I think you yourself  
17 remarked that he was upheld in that respect.  
18 CHAIRMAN: Yes. "The investigation by An Garda  
19 Síochána of the allegations made by Sergeant McCabe of  
20 malpractice and corruption in relation to Pulse records 11:21  
21 seized from him on 11th October 2010 at the Hillgrove  
22 Hotel Monaghan."  
23  
24 That is where there was the row about custody of Pulse  
25 records and arm waving. 11:22  
26 MR. McDOWELL: That is all. That is the only reference  
27 to corruption that was actually -  
28 CHAIRMAN: The Pulse findings were very, very serious,  
29 I can see.

1 284 Q. MR. MCDOWELL: And finally, I just want to put it to  
2 you that although the letter -- the statement of proven  
3 facts and the letter that you have seen were produced,  
4 were among the core documents, Sergeant McCabe was only  
5 there as a witness of fact and did not get into the 11:22  
6 witness-box to accuse anybody else of corruption while  
7 you were there?

8 A. Yes, I heard you say that yourself.

9 285 Q. Do you agree with that?

10 A. I would agree with that, yes. 11:22

11 286 Q. Yes.

12 CHAIRMAN: But, Mr. McDowell, if one looks at the  
13 actual letter at 4366, I am just asking you for your  
14 assistance on this matter, at 4366, if you just take  
15 this reference to Superintendent Clancy, it's on the 11:23  
16 screen there, Mr. McDowell, in front of you, it may or  
17 may not help --

18 MR. MCDOWELL: I can't see the whole of the letter on  
19 the screen, Judge.

20 CHAIRMAN: It's the bit -- the bit is there. It says: 11:23  
21  
22 "In late 2007 --"  
23  
24 Could we go down a wee bit, please? This is referring  
25 to Superintendent Clancy. 11:23  
26  
27 "-- he hid a document compiled by Inspector Cunningham  
28 which outlined problems in Bailieboro. Superintendent  
29 Cunningham had sent it to Monaghan for forwarding to

1 Garda Headquarters, but was returned to Superintendent  
2 Clancy to hide it. He showed me the document. When I  
3 reported it to the investigation team they asked him  
4 for it on two occasions and on both occasions he gave  
5 them documents on housing and accommodation, but not 11:23  
6 the one in question. Inspector Cunningham handed over  
7 the correct document. Assistant Commissioner Byrne  
8 produced false findings on this matter."  
9

10 Now, you know, I think we have spent an awful lot of 11:24  
11 time on this, but again, going back to experiences in  
12 the past, one can argue about black and white until it  
13 takes on a sepia-toned hue, but that is there.

14 MR. MCDOWELL: Judge, I fully appreciate the point that  
15 is being made, but I just want to make one point 11:24  
16 response. The O'Higgins Commission of Investigation  
17 was an investigation into terms of reference. This was  
18 not one of the issues that was under consideration by  
19 the O'Higgins Commission. And Sergeant McCabe, on day  
20 3, as soon as the imputation against his own motivation 11:24  
21 was made, he indicated through his counsel to  
22 Mr. Justice O'Higgins, so that others might reconsider  
23 the motivation argument, that he was there to make no  
24 allegation against anybody -- no criticism of anybody  
25 else, and that he was there solely to answer questions 11:25  
26 of fact to which he would respond. And Mr. Murphy has,  
27 Judge -- I mean, Mr. Murphy has put him in the role of  
28 accuser and characterised his function as central to  
29 the O'Higgins Commission, and as the accuser. And it

1 was made very, very clear he was not the accuser.  
2 Mr. Gillane emphasised that he was a witness of fact  
3 only, and Mr. Justice O'Higgins did the same.  
4 CHAIRMAN: Yes, I mean, the thing may well be resolved  
5 by saying this: I mean, unfortunately in this country 11:25  
6 we are used to only one model which is the criminal  
7 trial model, and you know, every time there is a  
8 judicial review from In Re Haughey to Haughey v.  
9 Moriarty we get a refinement of that, and I wish we  
10 could have a bit more imagination. And Mr. Justice 11:26  
11 O'Higgins, no doubt with his French connection, was  
12 probably aware of other models and was continually  
13 emphasising, look, I am inquiring, there isn't an  
14 accuser here, this is not a case where people are at  
15 loggerheads, people don't have full Re Haughey rights, 11:26  
16 and what I want to do is I want to get to the bottom of  
17 this by making my own inquiry. Now, that is the kind  
18 of thing that maybe would happen in France where the  
19 magistrate is in charge of making the inquiry as  
20 opposed to the advocates making a case and me sitting 11:26  
21 as silently as possible. So no, I do get that. But I  
22 think I have to put everything into the mix and I am  
23 very far from making my mind up, Mr. McDowell, but I am  
24 aware of the subtleties of this, that and the other, I  
25 hope. 11:27  
26 MR. McDOWELL: Yes, Judge, but I mean, in relation to  
27 the decision as to whether it was correct to proceed  
28 with the attacks on Sergeant McCabe's motivation, which  
29 Mr. Justice O'Higgins held were wrong and unfair, it

1 must be borne in mind that he specifically, through his  
2 counsel, stated that he was not there to impugn anybody  
3 else or to criticise anybody else.

4 CHAIRMAN: No, I know that, and I do have that point.

5 MR. MCDOWELL: And we will see whether the Commissioner 11:27  
6 was told about that.

7 CHAIRMAN: Yes.

8 MR. MURPHY: Chair, I wonder could I address you very  
9 briefly just on that point?

10 CHAIRMAN: If you feel you need to, Mr. Murphy, but 11:27  
11 it's --

12 MR. MURPHY: I will be very brief, Chairman. I think,  
13 Chairman, you made a comment last week with which I  
14 respectfully agree, that this process is not an appeal  
15 against the Commission. And, Chairman, I just remind 11:28  
16 you also that last week I pointed out the paragraph 3.5  
17 of the Commission's report, is one where they  
18 specifically address the submission that has just been  
19 made by Mr. McDowell and reject it. And it is in one  
20 of the later bundles, but very briefly, at 3.5 the 11:28  
21 sayings said:

22  
23 "It was committed on behalf of Sergeant McCabe he had  
24 not intended to make allegations of criminal conduct  
25 against the Commissioner but rather an abuse of power 11:28  
26 only. The allegation was understood by the  
27 Commissioner to be one of criminal conduct. The  
28 hurtful allegation was based on the belief, unsupported  
29 by any evidence, that the Commissioner had put

1 Superintendent Clancy on a promotion list. The  
2 complaint was, in part, a device to ensure that the  
3 complaint came before the Minister for Justice and  
4 Equality."

11:28

5  
6 And at paragraph 13.88, again he canvassed and is  
7 assessing the very same submission that was made to you  
8 this morning, but rejects it, he says:

9  
10 "This does not alter the fact that a complaint of  
11 corruption subsisted."

12  
13 Mr. Justice O'Higgins approaches it exactly that way,  
14 and all I am advising this Tribunal is to do so --

15 CHAIRMAN: No

11:29

16 MR. MURPHY: -- and not to appeal against it.

17 CHAIRMAN: I understand all of that, and thank you both  
18 for your submissions, but I am not sure this is adding  
19 to anything except the temperature in the room. And  
20 while it's of course a problem in an inquiry, a  
21 tribunal of inquiry where a plaintiff isn't alleging  
22 one thing, the defendant isn't saying the opposite, to  
23 actually focus on the issues. The issues are pretty  
24 well focused now in consequence of your assistance,  
25 gentlemen. And I think the right thing to do now is to  
26 reserve those points for submissions at the end. And  
27 we will carry on.

11:29

11:29

1           THE WITNESS WAS RE-EXAMINED BY MS. LEADER:

2 287 Q. MS. LEADER: Chief Superintendent Healy, if we could go  
3 back to the issue in relation to the phone calls on the  
4 15th May, I think you were frantically trying to  
5 contact the Commissioner on the afternoon of the 15th 11:29  
6 May when the issue of motivation first arose and Chief  
7 Superintendent Rooney's evidence had been heard to a  
8 certain point?

9 A. Yes.

10 288 Q. And I think in actual fact, it would appear that you 11:30  
11 tried seven times to actually phone her between 15:12  
12 and 15:20?

13 A. Yes.

14 289 Q. And it would appear that you had a conversation with  
15 her at 15:23? 11:30

16 A. Yes.

17 290 Q. Do you think at that time you made it clear to her that  
18 you urgently needed instructions with regard to  
19 something that turned up?

20 A. Definitely. 11:30

21 291 Q. I think you were under pressure to provide those  
22 instructions?

23 A. There is no doubt about it.

24 292 Q. What do you think, looking back, her first reaction to  
25 your request for instructions was? 11:30

26 A. Look, I -- on looking back on it -- sorry?

27 293 Q. What was her first reaction to your urgent request?

28 A. Her reaction, obviously there was an alarm ringing with  
29 respect to -- obviously it may have been evident in the

1 tone of my voice at that particular stage, but there  
2 was a serious concern had arisen and the immediate  
3 reaction I think was one of time -- time to reconsider  
4 the matter was an immediate type of reaction that I  
5 would find.

11:31

6 294 Q. And in relation to anything she may have said about  
7 speaking to other people, do you think that happened  
8 immediately or later on?

9 A. I can't remember exactly. The reference to speaking to  
10 any other individual never arose. It never -- there  
11 was never any name mentioned or that she was going to  
12 speak to a person or persons. What she did say to me  
13 was that she was going to call the Department, I  
14 distinctly remember that, and that is why I included it  
15 in my note, and that is all I can say.

11:31

16 295 Q. And when you say she was going to phone the Department,  
17 was that, do you think, when you first spoke to her?

18 A. As I said to Mr. McCann, I can't recollect. There was  
19 a sequence of phone calls, you can imagine the urgency  
20 of the situation, and my ultimately aim was to get  
21 confirmation of the instructions and with specific  
22 reference to a call or not, I can't be more specific  
23 than that. Sorry.

11:32

24 296 Q. Well, I suppose from your side of the coin, did you at  
25 any time leave her under any misapprehension that  
26 urgent instructions were needed?

11:32

27 A. No, it was -- it was evident from the word go that this  
28 had to be cleared up and there was -- even when we  
29 did -- we did inquire to see whether it was possible to



1 get an adjournment to the proceedings, and that wasn't  
2 forthcoming. So, you know, we just had to -- the  
3 decision had to be made as to -- you know what I mean.

4 297 Q. And did you think anything else but the instructions  
5 was occupying her mind after that? Did you get any 11:33  
6 such impression?

7 A. I didn't get any impression. You know, the  
8 Commissioner is a very capable person, she wouldn't  
9 allude that to me or let me see that, you know.

10 298 Q. Thanks, Chief Superintendent. Now, two specific 11:33  
11 modules, and Sergeant McCabe's evidence in relation to  
12 those specific modules have been brought to your  
13 attention by Mr. Murphy. That is the Cootehill assault  
14 matter --

15 A. Yes. 11:33

16 299 Q. -- and also an assault in Crossan's Pub?

17 A. Yes.

18 300 Q. Now in relation to the Cootehill assault, as I  
19 understand it a complaint had been made against  
20 Superintendent Cunningham that he hadn't dealt with an 11:33  
21 inadequate investigation, is that correct?

22 A. That is my understanding, yes.

23 301 Q. And that was easily resolvable by the production of a  
24 report written by Superintendent Cunningham?

25 A. Yeah, my understanding was that a report had been 11:34  
26 written at that time and that sight of that hadn't been  
27 seen by Sergeant McCabe.

28 302 Q. Yes. Okay. So by the production of that report on  
29 behalf of Superintendent Cunningham, it was -- the

1 Garda Commissioner's legal team were able to  
2 demonstrate that the complaint against Superintendent  
3 Cunningham with regard to the Cootehill assault was not  
4 a valid complaint, am I correct in saying that?

5 A. Yeah, I think that became evident. 11:34

6 303 Q. And that was in relation to a fact that was actually an  
7 issue before the Commission and nobody had to in any  
8 way question Sergeant McCabe's motivation to establish  
9 that Superintendent Cunningham had in fact addressed  
10 inadequacies of the investigation? 11:34

11 A. During the Commission you are saying?

12 304 Q. Well, during the Cootehill module.

13 A. I don't think -- I would be inclined to agree with you,  
14 yes.

15 305 Q. Yes. It was a simple matter of producing the report 11:35  
16 that --

17 A. Well, I wasn't aware of when the report was produced or  
18 whatever, but my understanding is that the report was  
19 produced and it allayed concerns with respect to the  
20 complaint, and that was the -- I think the apology or 11:35  
21 whatever it was, was -- came from or arose from that.

22 306 Q. Yes. So, if we can just turn to the assault in  
23 Crossan's Pub. Now, as I understand it, and I have  
24 read the transcripts in relation to this, but the  
25 complaint against Superintendent Clancy in that matter 11:35  
26 were that he hadn't taken the complaints of Sergeant  
27 McCabe seriously with regard to an inadequate  
28 investigation in relation to an assault in the pub, am  
29 I correct in saying that?

1 A. I think that's -- yeah. You know what I mean, I am  
2 vague on this because it's --

3 307 Q. Yes. But it would actually appear that counsel  
4 instructed by the Garda Commissioner was able to  
5 establish that he had given attention to the lack of 11:36  
6 investigation, am I correct in saying that?

7 A. I understand that to be correct, yes.

8 308 Q. So again, the complaint in relation to Chief  
9 Superintendent Clancy with regard to the assault in  
10 Crossan's Pub was easily dealt with by reference to 11:36  
11 what Chief Superintendent Clancy had actually done in  
12 the investigation itself?

13 A. Yes, but at what stage that was done, I don't know.

14 309 Q. During the course of the --

15 A. The proceedings. 11:36

16 310 Q. -- the proceedings?

17 A. I can't remember, Ms. Leader. I can't remember.

18 311 Q. Yes. And with regard to complaints against Assistant  
19 Commissioner Byrne, I think there was no question at  
20 any time of the instructions that were given by them to 11:37  
21 their barristers, there was no question of that  
22 creating any upset during the course of the Commission,  
23 am I correct in saying that?

24 A. I can't enlighten you on that. They were separately  
25 represented. 11:37

26 312 Q. Yes, they were separately represented?

27 A. And I don't know what they were discussing or what -- I  
28 can't remember if issues had arisen with respect to  
29 their instructions, I can't remember.

1 313 Q. Well, if I can put it this way: If there was a fuss  
2 like that, that was on the 15th, you would probably  
3 remember it?  
4 A. Yeah, I would.

5 314 Q. And there was no such -- 11:37  
6 A. I was focusing on what we were doing. I wasn't  
7 focusing on what the other teams were doing. And I was  
8 focusing on managing the logistics around what was  
9 required on the day-to-day basis.

10 315 Q. Now, just for the sake of clarity, there has been a lot 11:38  
11 of talk about the allegation of corruption against the  
12 former Commissioner Callinan?  
13 A. Yes.

14 316 Q. And as I understand it, that allegation was that he had 11:38  
15 placed Chief Superintendent Clancy on a promotion list  
16 when he shouldn't have done so, that was the allegation  
17 that was made?  
18 A. That is it, yes.

19 317 Q. Now, that was explored in front of the Commission 11:38  
20 as follows: Superintendent Clancy was a person  
21 qualified to apply for the position of chief  
22 superintendent, am I correct, because he was a  
23 superintendent --  
24 A. Yes, he was eligible for promotion -

25 318 Q. -- experience. He attended an interview in relation to 11:38  
26 that?  
27 A. Yes.

28 319 Q. And that interview was not participated in or presided  
29 in by Commissioner Callinan at the time, am I correct

1 in saying that?

2 A. Yes, there was an oral examination and he wasn't part  
3 of that oral examination.

4 320 Q. And he wasn't part of it?

5 A. No. 11:39

6 321 Q. And the appointment -- the placing of him on the chief  
7 superintendent's list had factually nothing got to do  
8 with the former Commissioner Callinan, because it was  
9 the people who interviewed him that placed him on the  
10 promotion list? 11:39

11 A. Yes.

12 322 Q. So that allegation of corruption that was made against  
13 former Commissioner Callinan was dealt with by  
14 reference to the actual facts of Chief Superintendent  
15 Clancy's promotion, am I correct in saying that? 11:39

16 A. It was dealt with by the Commission, yes.

17 323 Q. Yes. In that way?

18 A. Sorry, could you repeat which way?

19 324 Q. In the way of looking to see was Superintendent Clancy  
20 eligible for promotion, am I correct in saying that? 11:39

21 A. He was eligible, yes.

22 325 Q. Looking to see who was on the interview board that  
23 interviewed him?

24 A. Yes, yes.

25 326 Q. And looking to see if the former Commissioner Callinan 11:39  
26 had actually got anything to do with the promotion of  
27 Superintendent Clancy to chief superintendent?

28 A. Yeah. The Commission could categorically show, on the  
29 face of it, that the Commissioner had nothing to do

1 with the promotion of Chief Superintendent Clancy. The  
2 innuendo here was that there may have been something,  
3 is my understanding.

4 327 Q. But obviously the facts showed that there wasn't?

5 A. On the face of it, on the face of it.

11:40

6 328 Q. Yes, yes. In relation to the matter?

7 A. Yes.

8 329 Q. Thank you very much.

9 A. Thank you.

10

11:40

11

THE WITNESS THEN WITHDREW

12

13

MR. MCGUINNESS: Chairman, before we call the next  
14 witness, I just wanted to update the Tribunal and the  
15 parties in relation to disclosure and discovery issues.

11:40

16

In the first instance, Chairman, you will recall that

17

arising out of the examination of former Commissioner

18

O'Sullivan's iPad, a number of emails sent by the

19

former Commissioner to the Minister at the time were

20

discovered, and that led to a process of inquiry then

11:41

21

with the former Minister, Mrs. Fitzgerald, and the

22

Chief State Solicitors acting on her behalf by letter

23

of 19th January has confirmed all that the email

24

addresses of the former Minister have been searched for

25

all communications necessary to the terms of reference

11:41

26

of the Tribunal and any such relevant emails have been

27

forwarded to the Tribunal. And they set out in a

28

schedule the emails which have been discovered, none of

29

which are new to the Tribunal. They have also drawn to

1 the Tribunal's attention a couple of other emails which  
2 they don't think are relevant, but have disclosed them  
3 lest the Tribunal think that they are relevant in some  
4 way, and I should say that on a first review they don't  
5 appear to be at all relevant.

11:41

6  
7 Insofar as the departmental discovery is concerned, the  
8 Tribunal received late on Friday evening a letter of  
9 the 19th January providing details of the Department's  
10 comprehensive electronic search of its emails and its  
11 document databases for documents relevant to the terms  
12 of reference of the Tribunal. That process is set out  
13 in quite some considerable detail in a report from the  
14 Department and in that report from the Department it  
15 also includes a report of the five documentary counsel  
16 who produced a joint report relating to their  
17 examination of all of the, I think some 35 million  
18 emails and all of the document databases. It's  
19 resulted in a report which has three schedules to it.  
20 The first portion of the report provides a list of  
21 documents which is totalling 77 documents now disclosed  
22 to the Tribunal; the second part of the schedule  
23 provides a list of the documents which have been  
24 previously disclosed to the Tribunal in part 2 of that  
25 schedule; and part 3 sets out two documents which are  
26 not being disclosed, the first on grounds of legal  
27 professional privilege and the second in that it  
28 relates to an O'Higgins Commission document that is not  
29 within their power to procure.

11:42

11:42

11:43

11:43

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

So, we have received, obviously the documents not previously disclosed, a lot of them relate, it would appear at this stage, to the post-O'Higgins period, in and around that period, in May of 2016. They are currently being reviewed for relevance insofar as the next witness is concerned, and it's anticipated that hopefully by the end of the day a number of additional, but a small number of additional documents, may be circulated to parties, but, Chairman, it's not considered to be an impediment to commencing the next witness at this stage.

11:43

11:44

CHAIRMAN: All right. And just to be absolutely clear, as far as the next witness is concerned, and indeed every other witness, what remember doing is we are looking at term of reference (e) and nothing else.

11:44

MR. MCGUINNESS: (e) in connection with (h), obviously the contacts between --

CHAIRMAN: Sure.

MR. MCGUINNESS: Thank you, Chairman.

11:44

MS. LEADER: Former Commissioner O'Sullivan, please.



1 FORMER COMMISSIONER NÓIRÍN O'SULLIVAN, HAVING BEEN  
2 SWORN, WAS EXAMINED BY MS. LEADER AS FOLLOWS:

3 330 Q. MS. LEADER: Ms. O'Sullivan, if you could outline to  
4 the Tribunal, please, a brief resumé of your career in  
5 An Garda Síochána? 11:45

6 A. Chairman, I joined An Garda Síochána in June of 1981,  
7 and I would have worked my way up through the ranks,  
8 working mostly in the areas of drugs and organised  
9 crime, so as a garda sergeant, a detective sergeant and  
10 detective inspector, and in the year 2000 I was 11:45  
11 promoted to superintendent and I spent 19 months in the  
12 Garda College in charge of specialist training. I  
13 returned then as a detective superintendent to the  
14 Garda National Drugs unit, as it was at the time, and  
15 then I was promoted from there as chief superintendent. 11:46  
16 I spent a short time in Human Resources, and I left  
17 there after a number of months and went on charge as a  
18 detective chief superintendent to the Garda Technical  
19 Bureau. I was promoted from there in 2007 as Assistant  
20 Commissioner, where I took overall command for the 11:46  
21 Western Region in Galway, and covering the whole  
22 Western Region. And in 2009 I returned for a short  
23 number of months as Assistant Commissioner to Human  
24 Resource Management, and in April, I believe, of that  
25 year, I then took up as Assistant Commissioner in Crime 11:46  
26 and Security, and I was promoted in March 2011 as  
27 Deputy Commissioner Operations. In March 2014, on the  
28 retirement of my predecessor, I became Acting Interim  
29 Garda Commissioner, and I remained in that position

1           until November 2014, when, after an open competition, I  
2           got -- I became the Garda Commissioner, and I retired  
3           from that position on 10th September last year.

4 331 Q.    Okay. And I think for the purposes of this Tribunal  
5           you made a statement to the Tribunal in March of this   11:47  
6           year and you were also interviewed by the Tribunal's  
7           investigators in November of this year?

8           A.    That's correct, Chairman, yes.

9 332 Q.    And, sir, those documents appear in Volume 5 of the  
10          documentation, beginning at page 3079. Now, if we can   11:47  
11          go back to 25th March 2014, it was at that stage that  
12          you took over a role of -- as Commissioner of An Garda  
13          Síochána?

14          A.    Yes, Chairman, I was Acting Interim Commissioner.

15 333 Q.    And I think issues in relation to Sergeant McCabe were   11:47  
16          very current at that stage?

17          A.    Yes, Chairman, there were a number of live issues at  
18          that point in time, and one of the first issues that I  
19          had to deal with was in -- Sergeant McCabe's access to  
20          the Pulse system had been restricted, so one of the   11:47  
21          first things that I dealt with was ensuring that his  
22          access to the Pulse system was restored, and that was  
23          done on 9th May 2014.

24 334 Q.    I think you actually carried out a review of matters  
25          that had to be reviewed before you actually restored   11:48  
26          access, is that correct?

27          A.    Yes, Chairman, there were a number of very intricate  
28          issues that had to be dealt with, particularly around  
29          data protection issues and other matters that had

1 spilled over from my predecessor's time, so I had a  
2 review carried out of all of those issues, and, when I  
3 was satisfied that it was appropriate to do so, the  
4 access to the Pulse was restored.

5 335 Q. And I think, three days earlier, Mr. Guerin had 11:48  
6 completed his report to the Government in relation to a  
7 review of policing issues in Bailieboro and Cavan, is  
8 that correct?

9 A. That's correct, Chairman, and that was a very burning 11:48  
10 issue and a very live issue at that time. There had  
11 been, I suppose, a number of reviews into An Garda  
12 Síochána, and maybe, Chairman, if I may, just to give  
13 you some context. When I took up the interim role, my  
14 commitment to the Government and to the organisation  
15 and indeed to the people of Ireland was to basically 11:49  
16 implement the very necessary reforms in An Garda  
17 Síochána. We had a number of reports, so we took -- a  
18 moment in time which was going back to the Morris  
19 report of 2005, and took a number of reports, right up  
20 to including the most current, which was the Guerin 11:49  
21 Report, which, as Ms. Leader has said, came out in that  
22 year, in April of 2014. It was very, very important  
23 that, from my point of view, An Garda Síochána operate  
24 with democratic legitimacy and with the consent of the  
25 public. The allegations that had been in the public 11:49  
26 domain, both in the political and public mind, had  
27 seriously dented confidence, and, in my capacity as  
28 Commissioner, when I took up with all of the issues  
29 that were still live in the organisation, trust and

1 confidence in An Garda Síochána had plummeted to an  
2 all-time low of 67%. It was very, very important for  
3 me, and indeed I made it one of my imperatives, that we  
4 were going to restore confidence, public confidence,  
5 confidence of the institutions of the State, and indeed 11:50  
6 a lot of our own members were very, I think I have used  
7 a phrase before, punch drunk from being pilloried in  
8 the media and other places about various issues,  
9 shortcomings and investigations and also corruption  
10 issues. 11:50

11 336 Q. So I suppose coming back to Sergeant McCabe, the Guerin  
12 review had reviewed the Byrne/McGinn investigation, is  
13 that correct?

14 A. That's correct, Chairman, yes.

15 337 Q. And Byrne/McGinn in their report found, when they were 11:50  
16 looking at Sergeant McCabe, that there was no malice on  
17 his part established in making his various complaints?

18 A. That's correct, Chairman, yes.

19 338 Q. And Mr. Guerin in his report noted that and he also 11:50  
20 noted the commendations made on behalf of senior  
21 officers of An Garda Síochána in respect of Sergeant  
22 McCabe and what a good worker he was at that time?

23 A. That's correct, Chairman, yes.

24 339 Q. Yes. Now, I think at that time Sergeant McCabe was 11:51  
25 working in Mullingar and there were a number of  
26 workplace issues going on in relation to him, is that  
27 correct?

28 A. That's correct, Chairman, yes. And if I may just say,  
29 Ms. Leader, in terms of the Guerin Report, I have to

1 acknowledge that the issues that were raised by  
2 Sergeant McCabe in relation to the shortcomings  
3 investigations and the procedural and practice deficits  
4 that have been identified by Mr. Guerin, immediately on  
5 the receipt of the Guerin Report I appointed Deputy 11:51  
6 Commissioner -- or Assistant Commissioner, as he was at  
7 the time, John Twomey, to actually look at begin  
8 implementing it. And if I just give maybe some brief  
9 examples: for example, the shortcomings in relation to  
10 victims of crime, and we immediately set out about 11:51  
11 setting up victim support offices right around the  
12 country. The shortcoming in relation to case  
13 management, we immediately began the implementation of  
14 putting in what we call a Pulse fix, but a  
15 technological fix, and then there were other issues in 11:52  
16 relation to the sharing out of supervisory duty,  
17 particularly among probationer Gardaí. But, yes,  
18 Ms. Leader, what we were faced with then was, there  
19 were a number of workplace issues. Sergeant McCabe was  
20 then, as Ms. Leader had said, stationed in Mullingar. 11:52  
21 Sergeant McCabe was experiencing a number of workplace  
22 difficulties in Mullingar, and it was my job to deal  
23 with those.

24 340 Q. Now, I suppose the -- what you have outlined in  
25 relation to a reaction to the Guerin Report were issues 11:52  
26 on a macro level dealing with the guards, is that  
27 correct?

28 A. That's correct, Chairman, yes.

29 341 Q. And then if we go to Sergeant McCabe, it was more, I

1 suppose, on a micro level, an issue or issues had to be  
2 dealt with in respect of, as I understand it, certain  
3 publications and workplace issues that had developed in  
4 Mullingar?

- 5 A. Yes, Chairman, Sergeant McCabe had transferred to 11:52  
6 Mullingar in around 2008. He had been experiencing  
7 workplace issues in Mullingar, which he had reported,  
8 quite appropriately, through the channels. I had  
9 appeared at a Justice and Defence Committee in around  
10 25th May 2014, and Sergeant McCabe had -- a number of 11:53  
11 questions I was asked at that Committee meeting were  
12 about contacts and supports that were in place for  
13 Sergeant McCabe in his workplace in Mullingar. I had  
14 given answers in relation to the ongoing contacts that  
15 were with Sergeant McCabe. And when I returned to the 11:53  
16 office that evening, Sergeant McCabe had taken issue  
17 with the account I had given to the Justice and Defence  
18 Committee, so I took it upon myself to make contact -  
19 he had left his telephone number with my private  
20 secretary - and I took it upon myself to make contact 11:53  
21 directly with Sergeant McCabe in an attempt to address  
22 his issues. And on that occasion, in that  
23 conversation, I offered -- I reiterated to Sergeant  
24 McCabe that I was absolutely committed to supporting  
25 him in the workplace, to ensuring that he was protected 11:53  
26 in the workplace, and I gave him the option of  
27 nominating somebody with whom he was confident and  
28 comfortable that could actually address the issues that  
29 he was experiencing. And we then, subsequent to that,

1 entered into correspondence with his legal advisors to  
2 arrange a meeting to deal with it.

3 342 Q. And I think that meeting eventually happened in August  
4 2014, in Mr. Costello's office?

5 A. It was in Garda Headquarters, Ms. Leader. 11:54

6 343 Q. Sorry.

7 A. But, yes, Chairman, it happened in August 2014.

8 344 Q. Yes. And at that meeting, a number of issues were  
9 addressed, your evidence to the Justice Committee being  
10 one of them, specific complaints made by Sergeant 11:54  
11 McCabe and day-to-day issues and work environment, is  
12 that correct?

13 A. That's correct, yes, Chairman.

14 345 Q. Yes. And I think, following on that meeting,  
15 Superintendent Barry O'Brien was nominated as a point 11:54  
16 of contact between Sergeant McCabe and the Gardaí, the  
17 person he could trust and relay his various issues to,  
18 is that correct?

19 A. Yes. At that meeting, Chairman, I gave Sergeant McCabe  
20 and his legal advisor a number of options. One was to 11:55  
21 have perhaps a mediator, and I can speak through -- we  
22 had identified Kieran Mulvey as a potential mediator  
23 who was a well-known figure with the Labour Relations  
24 Commission. I also gave the option of maybe a panel of  
25 experts who may be able to identify all of the issues 11:55  
26 holistically and that we would be able to deal with it.  
27 And the third option that was on the table was for  
28 Sergeant McCabe, within the spirit of the policy, of  
29 our bullying and harassment policy, to nominate an

1 individual who he had confidence in, and, yes,  
2 Ms. Leader, he subsequently nominated Chief  
3 Superintendent Barry O'Brien, who was based in the Mayo  
4 division at that time.

5 346 Q. Okay. And did you understand at that stage, 11:55  
6 Ms. O'Sullivan, that Sergeant McCabe was anxious that  
7 he be publically supported by the head of the Garda  
8 force, and that was following on, as I understand it,  
9 from what had happened at the PAC hearings earlier,  
10 prior to former Commissioner Callinan's resignation? 11:56

11 A. Yes, Chairman. And if I may even step back before  
12 that; you know, again when I took up as Interim  
13 Commissioner, I made it another imperative was to make  
14 sure that we were supportive of people that had the  
15 courage to speak up in the workplace, and indeed 11:56  
16 whistleblowers, and actually, in April 2014, on the  
17 first occasion I attended a Reserve graduation in the  
18 Garda College, I made that very clear. I made clear  
19 that people needed to support it; so, in other words, I  
20 was setting the tone from the top that people needed to 11:56  
21 be supported in the workplace, that they had the duty  
22 and the right and indeed the obligation to raise  
23 issues, that they may not always be right but that they  
24 were right to come forward and raise the issues, and I  
25 also -- the reason that I met with Sergeant McCabe was 11:56  
26 to make sure that Sergeant McCabe, and indeed his legal  
27 advisors, knew that I was absolutely committed to that  
28 imperative.

29 347 Q. And I think that -- that procedure was followed through





1           A.    Yes, that was the second meeting that I had,  
2                    face-to-face meeting with Sergeant McCabe.  In between  
3                    the meeting in August 2014 and the meeting of February  
4                    2015, there had been, as I say, a number of  
5                    interactions.  And maybe just if I can explain,                   11:58  
6                    Chairman, because I know it can get very confusing;  
7                    Barry O'Brien was doing a discrete piece of work around  
8                    particularising each of Sergeant McCabe's concerns and  
9                    ensuring that they were dealt with in accordance with  
10                   whatever policy was relevant.  There was also then --                   11:58  
11                   we had local management, so the local assistant  
12                   commissioner, the local chief superintendent, the local  
13                   superintendent and there was a dedicated inspector  
14                   locally in Mullingar appointed to address all of  
15                   Sergeant McCabe's issues and any concerns that he had                   11:59  
16                   in the workplace in relation to Mullingar.  Separately  
17                   to that, as I said earlier, we had Assistant  
18                   Commissioner Twomey, and he was making sure that we  
19                   were coordinating the overall approach, and  
20                   subsequently, on his appointment to HR, Human                   11:59  
21                   Resources, the executive director of HR came on board.  
22                   And also, Chairman, and I don't know that it's  
23                   appropriate to go into the specifics, but Sergeant  
24                   McCabe, throughout the whole process, in our  
25                   conversation in May of 2014 I asked him was he getting                   11:59  
26                   all of the supports that he needed from the Garda  
27                   Employee Assistance Service and the Welfare Service,  
28                   and he assured me that he was, and the local welfare  
29                   and assistance officer had been in contact.  So there

1 were a number of various strands going on throughout  
2 that time to support Sergeant McCabe. And, yes,  
3 Ms. Leader, I had a second face-to-face meeting with  
4 Sergeant McCabe on 12th February 2015.

5 351 Q. Okay. And I think towards the end of February 2015, a 12:00  
6 specific workplace issue arose with Sergeant McCabe in  
7 Mullingar and he notified various people, including the  
8 Minister, in relation to that specific workplace issue?

9 A. That's correct, Chairman. I believe it was on 21st  
10 February, and Sergeant McCabe reported both to me and 12:00  
11 to the Minister that an incident had occurred in his  
12 workplace in Mullingar, and I then put in place  
13 mechanisms to deal with that and I appointed people to  
14 go and see him directly - Mr. John Barrett, the  
15 Executive Director of Human Resources, and Chief 12:00  
16 Superintendent O'Brien - to identify what specifically  
17 was the workplace issue and what could we do to address  
18 it.

19 352 Q. And I think that started a series of meetings between  
20 Sergeant McCabe and Mr. Barrett, is that correct? 12:01

21 A. That's correct, Chairman. And also, from the -- an  
22 organisational point of view, we looked to see what  
23 more or what else could we do, was there anything that  
24 we were missing, so we retained, as I had said earlier,  
25 the services of Mr. Mulvey to be there in place as a 12:01  
26 mediator if Sergeant McCabe wished to use that. We  
27 retained the services of Mr. Kerr, Tony Kerr, Senior  
28 Counsel, to review all of our bullying and harassment  
29 policies, and we also retained the services of

1 Mr. Gerry McMahon from the University of Limerick, who  
2 was a HR and a workplace relations expert, to carry out  
3 a series of seminars right around the country, but  
4 particularly in Mullingar, to make sure that we were  
5 restoring harmonious work environments, that we were 12:01  
6 making people aware of the need for dignity and respect  
7 in the workplace and to help all members of An Garda  
8 Síochána understand how they could make that happen.

9 353 Q. Yes. And I think we heard from Mr. Ruane when he gave  
10 evidence that there were some consultation with the 12:02  
11 Attorney General's office in connection with the  
12 establishment of the external person to deal with  
13 Sergeant McCabe, is that correct?

14 A. That's correct, Chairman, yes, there was, in terms of  
15 the term of reference and the scope of work that 12:02  
16 Mr. Mulvey in particular would carry out.

17 354 Q. Now, if I could bring you to 25th February 2015, I  
18 think the workplace incident and the notification of  
19 that to the Minister caused a conference to take place  
20 with regard to Sergeant McCabe, am I correct about 12:02  
21 that?

22 A. I'm not sure --

23 355 Q. I think it's page 23, might help you, actually,  
24 Ms. O'Sullivan.

25 A. What volume, Ms. Leader? 12:02

26 356 Q. Volume 1. It may have been one of the issues which was  
27 dealt with at that meeting.

28 A. Yes, Chairman, this is a note of a meeting that took  
29 place in the Commissioner's conference room. Yes, I

1 recall that meeting.

2 357 Q. Yes. And that meeting, one of the issues at least that  
3 was discussed at that meeting was the Minister had  
4 raised a query following on Sergeant McCabe's  
5 communication to her in respect of a problem that had 12:03  
6 arisen at Mullingar Garda Station, and the matter being  
7 discussed was how best to respond to the Minister's  
8 request; am I correct in my summary of it?

9 A. From my memory, Chairman, it was one of the matters  
10 discussed, yes. The Minister had sought a report in 12:03  
11 relation to the issue that had arisen in February in  
12 respect of Sergeant McCabe's workplace, and the concern  
13 was, how could we compile the necessary information in  
14 a format that was -- wasn't breaching any of our  
15 internal policies or wasn't breaching any data 12:04  
16 protection. There was also a second issue discussed at  
17 that meeting, from my memory, which was Sergeant McCabe  
18 had also made complaints in relation to an article  
19 which had appeared in the 'Garda Review' magazine,  
20 which would be an independent magazine run by the Garda 12:04  
21 Representative Association, and specifically in  
22 relation to two individuals - the editor of the  
23 magazine and the general secretary of the Association,  
24 and it was to see what exactly the -- the complaint was  
25 that it was a breach of the Protected Disclosures Act 12:04  
26 and that Sergeant McCabe, from my memory, was not being  
27 protected, so I wanted to know what the scope of our  
28 position was in terms of the Garda Representative  
29 Association and what latitude we had with dealing with

1           them.

2 358 Q.    Yes.  So, Ms. O'Sullivan, I think what came out of that  
3           meeting was, you needed to deal with the Minister's  
4           query, and there was a decision made maybe at that  
5           meeting that it be done by way of Section 41 of the           12:05  
6           Garda Síochána Act, which is a report to the Minister,  
7           in essence, is that correct?

8           A.    That's correct, Chairman.  It's my obligation to report  
9           to the Minister, which, again, would allow us to  
10          include a lot of the detail that I wished to include in           12:05  
11          the report to the Minister.

12 359 Q.    And if we could turn to page 24 of that volume, it  
13          would appear that what had to be communicated -- had to  
14          be communicated to the Minister, that the Garda  
15          organisation needed to be able to show that you had           12:05  
16          been above and beyond reasonable in dealing with  
17          Sergeant McCabe?

18          A.    Yes --

19 360 Q.    That is the bottom line, really, in relation to the  
20          matter?                                                                   12:05

21          A.    Yes.  I see what is written here.  From my memory, yes,  
22          Chairman, it was, it was to make sure that actually we  
23          were as comprehensive as possible, is the way I would  
24          put it, in terms of our response to the Minister, that  
25          all of the actions, all of the supports that had been           12:06  
26          put in place for Sergeant McCabe, particularly since  
27          2014, were articulated properly, accurately and  
28          correctly for the information of the Minister.

29 361 Q.    And I suppose, just, I know this isn't your note,

1 Ms. O'Sullivan, but I suppose it would be important if  
2 the Minister was -- who is your political boss, in  
3 plain terms, was asking you about a concern Sergeant  
4 McCabe had at that time, that it would be important  
5 that you -- if you thought you were being reasonable in 12:06  
6 setting up reports and spending a lot of time and  
7 resources dealing with Sergeant McCabe's concerns, that  
8 that be communicated to the Minister?

9 A. Yes, I was very anxious, Chairman, that we would  
10 communicate fully all of the actions and the supports 12:06  
11 that we had to put in place for Sergeant McCabe at that  
12 time.

13 362 Q. Okay. And it would appear that the actual Section 41  
14 report was made on 20th March 2015. And if we could  
15 turn to page 3029 of the materials, which is in Volume 12:07  
16 5, Ms. O'Sullivan. It will also come up on the screen,  
17 if it's easier.

18 A. It's page 3025, Ms. Leader?

19 363 Q. 3029.

20 A. 3029. 12:07

21 364 Q. And essentially that letter - I won't go through it in  
22 detail, it's quite a long letter - but it documented  
23 all of the steps that had been taken from 29th of May  
24 2014 up to that time in March in relation to Sergeant  
25 McCabe? 12:07

26 A. That's correct, Chairman. Essentially it sets out a  
27 chronology of actions and supports that had been put  
28 into place.

29 365 Q. And it referred to your meetings with Sergeant McCabe,

1 Superintendent O'Brien's appointment, the fact that  
2 Mr. Barrett had been meeting with him, and matters of  
3 that sort, am I correct?

4 A. Yes, and also the supports that were in place locally,  
5 yes. 12:08

6 366 Q. Okay. Now, alongside that process, at that time the  
7 O'Higgins Commission had been established?

8 A. That's correct, Chairman, yes.

9 367 Q. Okay. Now, it had been first put before the Dáil, as I  
10 understand it, the resolution, on 19th December 2014,  
11 and the actual resolution was in February 2015? 12:08

12 A. Yes, Chairman, that's correct.

13 368 Q. And were you aware of the terms of reference and  
14 familiar with them at that time?

15 A. Yes, Chairman, I was, yes. 12:08

16 369 Q. Yes. And obviously you were aware that this  
17 investigation/commission/examination of policing in  
18 Bailieboro and Cavan was upcoming; it had to be the  
19 case, isn't that correct?

20 A. Yes, Chairman, because Mr. Guerin had recommended a  
21 commission of investigation and it was being discussed  
22 in the Dáil. 12:09

23 370 Q. And Mr. Guerin had recommended that back in May of  
24 2014?

25 A. That's correct, Chairman, yes. 12:09

26 371 Q. Now, alongside this procedure that was going on in  
27 relation to Mullingar Garda Station and Sergeant  
28 McCabe's position there, publications in a magazine by  
29 Garda, was there any thought given to how the question



1 of the Commission of Investigation would be dealt with  
2 or how Sergeant McCabe would be dealt with at that  
3 Commission of Investigation?

4 A. Yes, Chairman, there was, and my view of the Commission  
5 of Investigation was that it provided an opportunity to 12:09  
6 have all of the issues, I will call them, if I separate  
7 out the Bailieboro issues, so maybe if I can again,  
8 Chairman, to provide context; I was dealing with  
9 Sergeant McCabe on three fronts: I was dealing with  
10 him as an employee, dealing with his workplace issues 12:10  
11 in Mullingar; I was dealing with Sergeant McCabe in his  
12 capacity as a whistleblower and a protected discloser;  
13 and now I was facing the prospect of dealing with  
14 Sergeant McCabe as a witness before a commission of  
15 investigation. And there was thought given, from my 12:10  
16 perspective, it was an opportunity once and for -- all  
17 the Bailieboro issues had been going on since  
18 2007/2008, there had been a number of attempts made to  
19 address them with the Byrne/McGinn report, the Rice  
20 review and also with the Guerin inquiry. Mr. Guerin 12:10  
21 had recommended the commission of investigation, and I  
22 felt that this was a forum in which we could actually  
23 deal with these issues, that we could, once and for  
24 all, establish the facts and get to the truth of the  
25 matter, and, once we did that, we would be able then to 12:10  
26 fulsomely restore confidence in An Garda Síochána by  
27 dealing with the issues. As I say, we had already  
28 started dealing with the shortcomings in the  
29 investigations that had already, quite rightly, been

1 identified by Sergeant McCabe, and I saw the Commission  
2 of Investigation as a continuation of that to get to  
3 the, if I say, the nub of the matter or to establish  
4 the facts and get to the truth. And I saw my  
5 obligation fully to assist the Commission of 12:11  
6 Investigation in the task that they had been assigned  
7 by the Oireachtas with.

8 372 Q. Well, when you say you saw your task to assist the  
9 Commission of Investigation, were any concrete steps  
10 taken by you or by the Gardaí as a body to set about 12:11  
11 preparing for the O'Higgins Commission?

12 A. Yes, Chairman, there were a number of actions taken, so  
13 a lot of the material was going to be based, because  
14 the Byrne/McGinn investigation had primarily operated  
15 from Donegal division and they had a base there, a lot 12:11  
16 of the materials that would be relevant to the  
17 Commission were there, and there were also a number of  
18 materials relevant to the Commission that were to be  
19 found in the Bailieboro district and in the  
20 Cavan-Monaghan division. And, as such, the first 12:11  
21 liaison officer that I appointed to it -- Mr. Justice  
22 O'Higgins corresponded with us, I believe, towards the  
23 end of February 2015, and I appointed a liaison  
24 officer; the first liaison officer was Assistant  
25 Commissioner Kieran Kenny, who had responsibility for 12:12  
26 the Northern Region at that time and, as such, would  
27 have had, I suppose, the closest control to the  
28 documentary evidence that was required.

29 373 Q. Were any steps taken before February 2015 with regard

1 to organising yourself or preparing yourself for the  
2 O'Higgins Commission?

3 A. What we were trying to do, Chairman, was to establish  
4 what the scope of the Commission and I suppose the  
5 workings and the structure of the Commission, what that 12:12  
6 would be.

7 374 Q. Well, presumably you knew what the scope of the  
8 Commission was going to be because you had the terms of  
9 reference and you already had the recommendations from  
10 Mr. Guerin from the previous May? 12:12

11 A. That's correct, Chairman, yes.

12 375 Q. Yes. So that should have been well-established at that  
13 stage?

14 A. Well, I suppose, the -- what structure the Chair, the  
15 Sole Member was going to put around the Commission, and 12:13  
16 we were informed of that I believe in around the end of  
17 February '15.

18 376 Q. Did you wait until you were informed of the structure  
19 before you started preparing for the Commission?

20 A. I understand there was some work being done locally in 12:13  
21 the division to gather together the relevant material,  
22 but the formal structure, such as the liaison officer,  
23 was not put in place until after Mr. O'Higgins  
24 corresponded with us.

25 377 Q. So when do you think you appointed Assistant 12:13  
26 Commissioner Kenny as liaison officer?

27 A. I believe in early March '15; it may have been the 6th  
28 March, Chairman, but I am not certain of the date.

29 378 Q. Yes. And what did you see Assistant Commissioner

1           Kenny's role as being at that time?

2           A.    To facilitate the Commission in obtaining all of the  
3           documentation that they required, to be there to assist  
4           the Commission in the coordination of witnesses and to  
5           be available to the Commission and also at that time as 12:14  
6           a conduit to -- well, at that time, the legal team were  
7           not in place, but to establish the necessary legal  
8           structures and advices that were necessary to -- for  
9           the Commission to proceed.

10   379   Q.    I think, in any event, Assistant Commissioner Kenny was 12:14  
11           disqualified - disqualified himself, perhaps, in the  
12           role of liaison officer because it was apparent he was  
13           going to be a witness at some stage before the  
14           Commission?

15           A.    Yes, Chairman, at a particular point it became apparent 12:14  
16           that Assistant Commissioner Kenny may be required as a  
17           witness at the Commission, and he was then replaced  
18           with Chief Superintendent Ward, who was at that time in  
19           charge of the Professional Standards Unit.

20   380   Q.    And I think he was, in turn, replaced by the previous 12:14  
21           witness, Chief Superintendent Healy?

22           A.    Yes, Chairman. And I suppose, again, Chief  
23           Superintendent ward, due to no fault of his own, would  
24           not have been experienced at dealing with tribunals or  
25           commissions of investigation, and particularly with the 12:15  
26           pace. There was dissatisfaction expressed on behalf of  
27           the Commission, and indeed I felt it was  
28           unsatisfactory, the pace at which we were going, and I  
29           then appointed Chief Superintendent Healy, who was an

1 experienced officer, experience of dealing with it.

2 And to be fair to Chief Superintendent Healy, he had to  
3 step into the breach at a time when there was a lot of  
4 pressure on us to provide documentation and to assist  
5 the Commission in a more speedy way. 12:15

6 381 Q. Yes. I think we have heard from Chief Superintendent  
7 Healy that you phoned him on the 29th of April, am I  
8 correct in that, and told him of his appointment?

9 A. That's correct, Chairman, yes. I was concerned about  
10 the delays and the frustration and indeed the annoyance 12:15  
11 being expressed by the Commission, and I needed  
12 somebody that could address that.

13 382 Q. Okay. Now, when did the issue of appointing a legal  
14 team first arise, Ms. O'Sullivan?

15 A. I can't be certain of the date, Chairman, but certainly 12:16  
16 it would have been one of the -- the normal process for  
17 tribunals and commission would be, it would be a matter  
18 between the liaison officer and the Head of Legal  
19 Affairs to put in place the legal team.

20 383 Q. Okay. If we could look at a letter on 7th April 2015. 12:16  
21 It's at page 55 of Volume 1. And we will see that on  
22 7th April at least, Assistant Commissioner Kenny --  
23 it's page 55.

24 A. 55. Yes, Ms. Leader.

25 384 Q. He said: 12:16

26  
27 "I have discussed the matter with the Head of Legal  
28 Affairs and I recommend that counsel should be retained  
29 by the Commissioner as there are reputational and

1 corporate issues for the organisation."

2 A. Yes, Chairman, that is what it says.

3 385 Q. Yes. So -- and that, in turn, referred back to a  
4 letter from Mr. Ruane dated 1st April 2015, addressed  
5 to the Deputy Commissioner, Strategy Change Management, 12:17  
6 just immediately behind this.

7 A. Yes, Ms. Leader, I see that.

8 386 Q. And he was of the view that there were important  
9 reputational and corporate issues for the organisation  
10 and he recommended the retention of a legal team? 12:17

11 A. That's correct, Chairman, yes.

12 387 Q. Now, was that, in your mind, the first consideration  
13 that had been given to retaining a legal team to  
14 represent An Garda Síochána?

15 A. Yes, Chairman. It would normally be done in the course 12:17  
16 of preparing for the commission, it would normally be  
17 done, as I say, a combination between the liaison  
18 officer and the Head of Legal Affairs.

19 388 Q. Yes. And I think there were various issues with the  
20 nomination of counsel in that regard, and counsel 12:18  
21 didn't actually come on board until May, am I correct  
22 in that --

23 A. That's correct, Chairman.

24 389 Q. -- 2015?

25 A. Yes. 12:18

26 390 Q. Did you regard that as a satisfactory state of affairs?

27 A. No, Chairman, it was -- actually, none of this was a  
28 satisfactory state of affairs insofar as there were, as  
29 I say, delays in ensuring that all of the necessary

1 discovery was done for the Commission, there were  
2 delays in getting counsel on board, and it would have  
3 been much preferable and far more satisfactory to have  
4 had counsel on board much earlier and to ensure that  
5 there were no delays with the supply of documentation  
6 and the discovery of documentation to the Commission.

12:18

7 391 Q. Well, perhaps that was a situation of your own  
8 creation, Ms. O'Sullivan; you had been dealing  
9 intensively with Sergeant McCabe matters since your  
10 appointment as Acting Commissioner?

12:18

11 A. Yes, that's correct, Chairman.

12 392 Q. Yes. And it was always obvious that Sergeant McCabe  
13 was going to feature in some way at the forthcoming  
14 Commission of Investigation?

15 A. Yes, that's correct, Chairman. But maybe, Chairman,  
16 again, if I can put something in context. At this  
17 point in time, we were working - and this is not an  
18 excuse, this is a fact - we were working with very -- I  
19 was, in fact, the Commissioner, I was performing two  
20 deputy commissioners' roles. I had a very depleted  
21 number of assistant commissioners and I had an even  
22 more depleted number of chief superintendents. A  
23 decision had been taken by Government that there would  
24 be no appointments made until such time as the Policing  
25 Authority had been put in place, so, actually, we were,  
26 I suppose, running a number of different matters all at  
27 the same time, so it wasn't intentional on anybody's  
28 behalf; I think it was very difficult to get people  
29 with the level of experience necessary to be able to

12:19

12:19

12:19

1 manage this process and to be able to delegate it to  
2 them.

3 393 Q. well, perhaps that made it even more important,  
4 Ms. O'Sullivan, to get a legal team together and get  
5 things organised for commissioners [sic] in a timely 12:20  
6 way?

7 A. No, I absolutely agree with that, Chairman, yes.

8 394 Q. And do you regard that as maybe a mistake that was made  
9 earlier on, maybe not personally yours, but a mistake  
10 on behalf of the organisation, that people -- things 12:20  
11 weren't done on time for the Commission so catch-up was  
12 always going to be an issue?

13 A. I don't regard it as a mistake, Chairman, I think it  
14 was just the facts that we were presented with at the  
15 time, and, as I say, it was unsatisfactory, but I don't 12:20  
16 regard it as a mistake. It was just we were faced --  
17 we weren't just dealing with this Commission of  
18 Investigation; we had a number of other ongoing  
19 inquiries, ongoing commissions and a number of ongoing  
20 very serious matters to deal with, all at the same 12:20  
21 time, so I think it was just a capacity issue as  
22 opposed to a mistake.

23 395 Q. well, I suppose really once a decision had been made to  
24 organise legal representation for the Gardaí, it was  
25 over to the Office of the Chief State Solicitor to 12:21  
26 organise that?

27 A. That's correct, Chairman, yes.

28 396 Q. So that was, in actuality, in reality, a fairly simple  
29 thing to do: it was make the decision, speak to the



1 Office of the Chief State Solicitor, and, thereafter,  
2 it would be their responsibility to get things  
3 organised?

4 A. As I say, Chairman, the facts that we were presented  
5 with at the time, were trying to deal with all of these 12:21  
6 matters as expeditiously as possible and relying on  
7 people that had experience to be able to deal with  
8 them. And once, as you say, Ms. Leader, it was handed  
9 over to the Chief State Solicitor's Office, it was a  
10 matter for them then at that point in time. 12:21

11 397 Q. Okay. Were you aware of how Chief Superintendent Healy  
12 was getting on from the 30th April with regard to  
13 gathering documentation together, meeting witnesses and  
14 matters of that sort?

15 A. Yes, Chairman, I was aware that the decision we had 12:21  
16 taken was that Chief Superintendent Ward would sign  
17 off, so to speak, by swearing the first affidavit of  
18 discovery, and, thereafter, Chief Superintendent Healy  
19 and Inspector McNamara would take over the process.

20 398 Q. And were you aware that was all going to happen in or 12:22  
21 around 11th May, as I understand it?

22 A. I was aware, not specifically the dates, but I was  
23 aware that the process was going to take place within  
24 the coming days, yes.

25 399 Q. And were you in any way worried that this was all 12:22  
26 happening very late in the day when you consider the  
27 expected beginning of the Commission's hearings on 14th  
28 May?

29 A. It would have been better to have more of a lead-in, so

1 I -- I would have been aware that it was going to come,  
2 as I say, in the coming days.

3 400 Q. Okay. Did you speak with Chief Superintendent Healy  
4 with regard to what he was doing at the time?

5 A. I would have spoken to him initially and I would have 12:22  
6 spoken to him intermittently in between times as well,  
7 and he would have kept me up to date with what he was  
8 doing in terms of scheduling the witnesses that had  
9 been identified by the Commission as being scheduled  
10 for Module 1. 12:23

11 401 Q. Okay. Were you aware counsel had been instructed at  
12 this stage?

13 A. Yes, I would have -- I would have given directions to  
14 Chief Superintendent Healy, a general instruction that  
15 what we were trying to do here was to assist the 12:23  
16 Commission in getting to the truth of the matter by  
17 establishing all of the relevant facts, and, as I say,  
18 my objective in doing that was to make sure that we  
19 actually dealt -- I wasn't sure, and I suppose,  
20 Chairman, if you put yourself into my shoes, faced 12:23  
21 into -- going into this Commission, I was faced with  
22 dealing with very, very serious issues that had dogged  
23 the organisation for a number of years. These and  
24 other issues had led to a public and a political  
25 narrative that suggested that An Garda Síochána was 12:23  
26 corrupt, that people cannot have confidence in An Garda  
27 Síochána, and indeed, as was proven, that there were  
28 shortcomings in investigations right throughout --  
29 various types of investigations, and, most importantly,

1 that victims had not been appropriately dealt with, and  
2 I wanted to know exactly the nature and extent of what  
3 we were dealing with here and make sure that we get to  
4 the crux of the matter. And going into the Commission,  
5 I wasn't sure what I was going to be faced into coming 12:24  
6 out of the Commission.

7 402 Q. So when did this conversation with Chief Superintendent  
8 Healy take place with regard to getting to the truth of  
9 matters?

10 A. I believe it was in around the time that actually he 12:24  
11 was appointed as the liaison officer.

12 403 Q. Do you think it was when he was on the phone to you on  
13 the -- at the end of April?

14 A. We certainly would have discussed it then, from my  
15 memory, and I believe that we discussed it in between 12:24  
16 that as well.

17 404 Q. Okay. Now, we know that Chief Superintendent Healy had  
18 a series of consultations with the legal team and  
19 various witnesses from 11th May 2015 leading up to the  
20 start of the Commission hearings? 12:25

21 A. That's correct, Chairman, yes.

22 405 Q. Were you at that stage aware of what exactly the  
23 Commission was going to be looking at on the 14th May?

24 A. No, Chairman, I wouldn't have been aware specifically  
25 what the Commission were going to -- I knew it was 12:25  
26 Module 1.

27 406 Q. Yes.

28 A. And I knew --

29 407 Q. Did you know what Module 1 was about?

1 A. Yes, yes, Chairman, I did.

2 408 Q. And what else did you understand about what the  
3 Commission were going to be looking at?

4 A. My understanding going into the Commission, that, yes,  
5 we were dealing with all of the individual incidents, 12:25  
6 and where were the shortcomings in each of those  
7 individual investigations, but also, where or what  
8 parts of each of those individual investigations led  
9 Sergeant McCabe to conclude that there was corruption  
10 and malpractice and also testing the evidence that was 12:25  
11 there to support that understanding or that belief.

12 409 Q. And where did you get that impression from, that what  
13 in that investigation led Sergeant McCabe to conclude  
14 that there was corruption or malpractice? where did  
15 that, if I can put it this way, notion come from that 12:26  
16 that was what was going to be decided by the Commission  
17 in Module 1?

18 A. I think it was much more than a notion, Ms. Leader.

19 410 Q. I don't mean to be --

20 A. Yes. It was much more -- from my perspective, arising 12:26  
21 from the Guerin Report, and Mr. Guerin had considered  
22 the matter so serious and so grave. I was also aware  
23 that Sergeant McCabe's legal team had sought a  
24 commission as well because the matters were of such a  
25 serious nature that they had to be examined by a 12:26  
26 commission of investigation. So going into the  
27 Commission, I was of the view, yes, that we were  
28 dealing with Module 1, but -- what I wasn't clear at  
29 that time on, what elements of Module 1 fed into the

1 overall charges of - or not charges, Chairman, that is  
2 the wrong word - the overall allegations of corruption  
3 and malpractice.

4 411 Q. Okay. And I suppose if I can put this way: Maybe it  
5 was module (i), and if we can have page 1 in front of  
6 us, Ms. O'Sullivan. 12:27

7 A. Page 1 of the --

8 412 Q. Yes, of the materials.

9

10 "The investigation by An Garda Síochána of the 12:27  
11 allegations made by Sergeant McCabe of malpractice and  
12 corruption in relation to the Pulse records."

13

14 And that was, as I understand it, something that was  
15 being considered. Do you think that was what led you 12:27  
16 to the impression that that was being examined in  
17 Module 1?

18 A. No, Chairman, that was just in relation to term of  
19 reference (i).

20 413 Q. Okay. 12:27

21 A. But my understanding was that all of the individual  
22 incidents in some way combined to -- to contribute to  
23 the allegations that there were corruption and  
24 malpractice, that all of these incidents combined, some  
25 elements of them combined, that was the part that I 12:27  
26 didn't know, and I felt that that was the job of the  
27 Commission of Investigation, to establish that.

28 414 Q. So am I understanding you correctly to say that the  
29 allegation of corruption and malpractice wasn't a

1 freestanding one? Do I understand you correctly to be  
2 saying that, in your mind?

3 A. Could you just explain --

4 415 Q. The allegation of malpractice and corruption which you  
5 understand the -- understood the Commission to be 12:28  
6 dealing with --

7 A. Yes.

8 416 Q. -- that that wasn't a freestanding one relating to  
9 Pulse records or former Commissioner Callinan?

10 A. I felt it was a combination. 12:28

11 417 Q. Okay.

12 A. So I felt, Chairman, that it was a combination of all  
13 of these things. Where exactly or which elements of  
14 each of the individual incidents combined to give that  
15 assertion, I wasn't clear, and I felt that was the job 12:28  
16 for the Commission, to establish where that lay. There  
17 was no doubt from Mr. Guerin's report that some of the  
18 deficiencies and the shortcomings in the investigations  
19 had already been clearly identified, some of them in  
20 Byrne/McGinn and more of them in Mr. Guerin's report, 12:28  
21 but now the Commission were looking at the broader  
22 issues, and I fully accept the (a) to (i), but also the  
23 broader issues in terms of the narrative in relation to  
24 the organisation.

25 CHAIRMAN: All right. Maybe that is an appropriate 12:29  
26 break.

27

28 THE HEARING ADJOURNED FOR LUNCH.

29

1                   THE HEARING RESUMED, AS FOLLOWS, AFTER LUNCH:

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

418 Q. MS. LEADER: Now, Commissioner -- Ms. O'Sullivan, before the break I think you were explaining to us that you saw the individual incidents as feeding into the overall allegation of malpractice or corruption, if I can paraphrase it that way; am I correct in paraphrasing it that way?

13:30

A. Yes, that's correct, Chairman.

419 Q. Okay. And did you articulate this to Chief Superintendent Healy at any time before the 14th May?

13:31

A. Yes, Chairman, we would have discussed it in the course of our various conversations before the 14th May.

420 Q. Now, we know from Chief Superintendent Healy's evidence that he spoke to you on 14th May with regard to particular instructions that he had been asked to obtain from you, and these instructions were at the request of the legal team?

13:31

A. That's correct, Chairman, yes.

421 Q. And what's your memory of that conversation and when it took place?

13:31

A. Well, Chairman, again maybe just to provide context. So on the -- I knew that the various consultations were going on with the witnesses who had been scheduled for Module 1. On the 13th May, which was the Wednesday, I was actually in the UK, I had to have a -- we had a very sensitive security operation - again, Chairman, maybe this would help to provide context - that particular week. On the Wednesday, I had cause to

13:31

1 spend the day in the UK meeting with my counterpart,  
2 the head of the British Security Service and others in  
3 relation to some of these issues. The week after, we  
4 had the visit of his Royal Highness, the Prince of  
5 Wales, and the security operation related to that and 13:32  
6 there needed to be certain interventions taken. So I  
7 was out of the country on the 13th. I was back in the  
8 country on the 14th and, on that evening, I believe it  
9 was the evening, I would have spoken to Chief  
10 Superintendent Healy. He told me of the consultations 13:32  
11 that had taken place over the previous days and he also  
12 informed me that the legal team, Mr. Smyth,  
13 Mr. MacNamee and Mr. Byrne, were advising that,  
14 basically, it would be necessary to put certain  
15 background matters to the witnesses that were to appear 13:32  
16 before the Commission, including Sergeant McCabe, in  
17 respect of, I suppose, what I would call is the -- what  
18 had happened in the Cavan-Monaghan area and about the  
19 interactions that had taken place between particularly  
20 local management and Sergeant McCabe after Sergeant 13:33  
21 McCabe failed to have the DPP 's directions released to  
22 him or in the way that he wished.

23 422 Q. Okay. If we can just break that down a little bit,  
24 Ms. O'Sullivan. First of all, you say he told you of  
25 the consultations. What knowledge did you have at that 13:33  
26 stage of the consultations and what do you remember  
27 that he told you about those consultations?

28 A. From my recollection, he told me that there were a  
29 number of consultations and he would have told me the



1 people with whom the consultations had taken place,  
2 and, as a result of those combined consultations, that  
3 it was the view of counsel that it was going to be  
4 necessary to put before the Commission certain facts  
5 which related to how this all came to be, how it came 13:33  
6 to pass that Sergeant McCabe believed that these --  
7 that these incidents had taken place and that they led  
8 to the corruption and malpractice, and also to test  
9 what evidence that Sergeant McCabe had to support that.  
10 423 Q. So in relation to -- did you know the substance of the 13:34  
11 information that was given to counsel and the legal  
12 team, at those consultations?  
13 A. Not in any specific detail, at that point in time. At  
14 that point in time, it was general, insofar as the  
15 consultations had taken place, arising from the 13:34  
16 information that had been imparted at the  
17 consultations. We didn't go into the specific detail  
18 of the information that was imparted. But arising from  
19 that, counsel was advising that certain matters needed  
20 to be put before the Commission for their 13:34  
21 consideration.  
22 424 Q. What certain matters needed to be put before the  
23 Commission at that time?  
24 A. Particularly, the matters arising, and I suppose if I  
25 describe it like this, Chairman, it might be helpful: 13:34  
26 so the interactions that took place between Sergeant  
27 McCabe and some of the management in the Mullingar --  
28 or, sorry, not Mullingar, but the Bailieboro district  
29 at that time, and how that had impacted and led

1 Sergeant McCabe to believe that these allegations  
2 combined to make -- to corruption and malpractice, and  
3 what evidence that was there to support that, that it  
4 would be necessary to get all of these facts before the  
5 Commission.

13:35

6 425 Q. Okay. Now, first of all, did you at any time ask,  
7 what's the Commission dealing with right now? Did you  
8 put that question to Chief Superintendent Healy?

9 A. Well, I knew what the Commission was dealing with, so I  
10 knew what Module 1 was dealing with, yes, which was the  
11 Kingscourt incident.

13:35

12 426 Q. All right. You knew that. And did you know what  
13 witnesses had been spoken to in relation to the matter?

14 A. Yes, I'm certain Chief Superintendent Healy would have  
15 told me the witnesses that had been -- the  
16 consultations that had taken place.

13:35

17 427 Q. And had you some prior knowledge of the allegation, the  
18 D allegation, as we call it here, prior understanding  
19 of that?

20 A. Yes, my understanding would have been limited to -- I  
21 mentioned in my opening that back in 2008/2009 I was an  
22 assistant commissioner in Human Resource Management.  
23 At that time, these incidents actually, the allegations  
24 in relation to the malpractice in Bailieboro, had  
25 already started, and I was presented on my, I think my  
26 first day back in Human Resources, with a minute from  
27 Mr. Costello -- or, sorry, a minute to go back  
28 responding to a minute from Mr. Costello in relation to  
29 those matters. And to apprise myself of what I was

13:35

13:36

1 dealing with, I sought and obtained a report from Chief  
2 Superintendent Terry McGinn, who had been dealing with  
3 a number of the issues raised by Sergeant McCabe, and  
4 contained in that document is a reference to the Ms. D  
5 allegation. It's, I think, from my memory it's about a 13:36  
6 seven- or eight-page document and the reference is  
7 probably about two paragraphs.

8 428 Q. Had you looked at the D investigation file at any time?  
9 A. No, Chairman, and I would have no need to or no reason  
10 to. 13:37

11 429 Q. Did you know the D allegation was concerned with a  
12 colleague of Sergeant McCabe's?  
13 A. Yes. I knew who -- not who Mr. D was, but I knew that  
14 it was relating to a colleague, a colleague's daughter,  
15 and I also knew that the DPP had directed upon it and 13:37  
16 that there was no basis for a prosecution.

17 430 Q. And we heard from Chief Superintendent Healy when he  
18 gave evidence that he had explained to you that he  
19 himself was district officer in Cavan-Monaghan at the  
20 time of that -- that that allegation was made? 13:37  
21 A. Yes, Chairman.

22 431 Q. You were aware of that as well?  
23 A. I was aware that he was the district officer but had no  
24 involvement in the case, was my understanding.

25 432 Q. Yes. Well, what Chief Superintendent Healy said to us, 13:37  
26 that he had no decision-making process, decision-making  
27 role in the matter?  
28 A. Yes. I can't remember specifically the conversation I  
29 had with Chief Superintendent Healy, but the impression

1 I was left with was that he had no involvement in the  
2 matter.

3 433 Q. Now, did you understand that counsel had been told  
4 about the D allegation during the course of the  
5 consultations?

13:38

6 A. No, not specifically, Chairman.

7 434 Q. Well, when you say 'not specifically', maybe you could  
8 explain that a little bit more.

9 A. Well, what I was aware of was that, my understanding,  
10 counsel had been told about the DPP's directions. It  
11 wasn't specifically said to me that there was any  
12 conversation or any briefing of counsel in relation to  
13 the D allegations, because, as I say, my view was that  
14 they had been dealt with and adjudicated on by the  
15 Director, the Director of Public Prosecutions. So I  
16 wasn't -- I didn't know that there was a background,  
17 but presuming in the context that the DPP's directions  
18 had been discussed, I presume there was context  
19 provided in relation to how the DPP's directions had  
20 come about in the first place.

13:38

13:38

13:38

21 435 Q. So can I take it that you had some understanding that  
22 the D allegation had been opened up to counsel, put it  
23 that way?

24 A. Not opened up to counsel, no. My understanding was  
25 that the conversation or the briefing to counsel  
26 surrounded the DPP's directions and Sergeant McCabe's  
27 failure or Garda management's refusal, whichever way  
28 you would like to put it, to actually -- for Sergeant  
29 McCabe to obtain the DPP's directions.

13:39

1 436 Q. would you expect that maybe counsel would have asked  
2 what was the investigation about?  
3 A. Yes, that's quite possible, Chairman.

4 437 Q. So it wouldn't really have surprised you that there was  
5 an awareness in counsel with regard to the D 13:39  
6 investigation?  
7 A. It wouldn't surprise me, but I think what is important  
8 to say is that there was always a sensitivity, and  
9 there remains a sensitivity, around anything to do with  
10 the matters that the DPP had adjudicated on and had 13:39  
11 found there was no basis for a prosecution. So, from  
12 my perspective, that is always where we were coming  
13 from, there was always a sensitivity around those  
14 issues and that they would not be in any way used, in  
15 any way whatsoever. 13:40

16 438 Q. Okay. So you were clear that the D investigation was a  
17 sensitive matter?  
18 A. Yes.

19 439 Q. Very clear in your own mind?  
20 A. Yes, Chairman. 13:40

21 440 Q. And I suppose when you're talking about the DPP  
22 directions in relation to that matter, they, too,  
23 become sensitive when you're dealing with a sensitive  
24 investigation. It is somewhat unreal, I suppose, to  
25 separate the two matters, one being sensitive and one 13:40  
26 not being sensitive?  
27 A. I think, Chairman, in the context that, after, and I  
28 think anybody, any person, any human being can imagine  
29 that in the aftermath of something as horrendous as

1 what Sergeant McCabe had been through at that point in  
2 time, the focus was on what happened after that. So  
3 the focus wasn't on the issues surrounding that  
4 investigation, or indeed anything to do with it. I  
5 take the point, it did certainly in terms of Sergeant 13:41  
6 McCabe's want to have the DPP's directions, and that's  
7 quite understandable in the circumstances that Sergeant  
8 McCabe found himself in, but it focused very much on  
9 what ensued after that, not what happened before that  
10 but what ensued after that. 13:41

11 441 Q. What I am suggesting to you, Ms. O'Sullivan, I suppose,  
12 is, that one necessarily isn't divisible from another;  
13 it becomes one issue, really.

14 A. Well, I don't necessarily think so, Chairman. My  
15 belief is that, actually, you can put a context on 13:41  
16 something, that were a series of events happened.  
17 Obviously I wasn't present at the consultation, so I am  
18 not sure what questions counsel felt that they needed  
19 to explore to get the background that they needed to  
20 inform them. But certainly in my experience and in my 13:41  
21 view, it is possible to understand the context without  
22 going into very, very specific sensitive details, but  
23 focusing on what happened thereafter.

24 442 Q. So Chief Superintendent Healy was asking you for  
25 instructions in relation to this, and what did you 13:42  
26 understand he was asking you for permission to do?

27 A. To put the matters that I understood that counsel were  
28 advising that we put before the Commission, were the  
29 matters arising from Sergeant McCabe's failure or Garda

1 management's refusal to get the DPP's directions, and,  
2 thereafter, then, the interactions that took place at  
3 local level in Bailieboro between Garda management in  
4 particular and Sergeant McCabe and what had led  
5 Sergeant McCabe to conclude that there was corruption 13:42  
6 and malpractice and that these combined incidents of  
7 shortcomings led him to that stage, and also, that it  
8 would be necessary to test the evidence in that regard.

9 443 Q. Did you ask Chief Superintendent Healy what exactly  
10 those interactions with Garda management were, 13:43  
11 following the DPP's directions?

12 A. I think, Chairman, it's important, there's what I knew  
13 then and what I know now. So at that point in time, my  
14 understanding was, it was the interactions that  
15 occurred after, so how did Sergeant McCabe behave after 13:43  
16 he didn't get the DPP's directions.

17 444 Q. Okay. Was it as general as that?

18 A. Yes, that it would be necessary to put -- I hadn't got  
19 possession or knowledge of the factual matters because  
20 obviously I had not, for appropriate reasons, been 13:43  
21 present at the consultations or interviewed any of the  
22 witnesses, so I didn't know what the factual matters  
23 that they had were and that counsel had been exposed to  
24 that.

25 445 Q. Now, just considering that you appreciated that there 13:43  
26 was a sensitivity around the D investigation, do you  
27 consider it appropriate to give the go-ahead in not  
28 knowing what you were actually telling counsel to do  
29 with regard to the factual situation?

1 A. No. I was quite satisfied that the factual situation  
2 we were dealing with was, I'm calling them, Chairman,  
3 the interactions, but I'm trying to think of a  
4 different word, I suppose the behaviour may not sound  
5 like a fair word either, but how Sergeant McCabe and 13:44  
6 Garda management interacted in the months and indeed  
7 the years after that happened.

8 446 Q. And did you understand it to be a difficult decision, a  
9 sensitive decision or a routine decision at that time?

10 A. I think it was all three, Ms. Leader. I think it was, 13:44  
11 you know, it was a very important decision. It's a  
12 decision that I would never take lightly in terms of  
13 what I had to give instructions on. But I was very  
14 satisfied that the advices were coming from a competent  
15 and professional legal team and that they had had the 13:45  
16 opportunity to interview -- or, sorry, 'interview' may  
17 not be the right word -- consult with all of the  
18 witnesses that were going to give evidence, and they,  
19 at that point, probably had a better understanding of  
20 the factual detail than I had. 13:45

21 447 Q. Okay. Well, did you ever consider, maybe I should  
22 speak to my legal team about this?

23 A. It just wasn't possible in the time, Chairman. Insofar  
24 as I say, there was a very limited time, and to be fair  
25 to Chief Superintendent Healy and the legal team and to 13:45  
26 be fair all round, there was a very limited time to  
27 actually go and sit down and speak, but I was satisfied  
28 that Chief Superintendent Healy is a very experienced  
29 officer, he had worked in our Crime Policy and



1 Administration section for several years before that  
2 and he was experienced with dealing with other  
3 commissions. He knew exactly what needed to be done.  
4 As the legal team, I was very satisfied with the  
5 professional competence of the legal team to be able to 13:45  
6 assess and evaluate what needed to be put there, and I  
7 acted on the advices that I received, that were given  
8 to me.

9 448 Q. Okay. Well, did you at that stage know that the legal  
10 team hadn't been briefed as to what had been going on 13:46  
11 between you and Sergeant McCabe and senior Garda  
12 management from 2014?

13 A. Well, Chairman, I suppose, as I was saying earlier, I  
14 was dealing with Sergeant McCabe on the three fronts.  
15 So in the workplace issues in Mullingar, which again 13:46  
16 were sensitive issues in terms of the workplace and in  
17 terms of the other people that Sergeant McCabe was  
18 interacting with in the workplace in Mullingar. I was  
19 dealing with Sergeant McCabe as a protected discloser,  
20 and I was very keen that we would do all we could -- 13:46  
21 that I could to discharge my responsibility and my  
22 duties to Sergeant McCabe as a protected discloser  
23 insofar as protecting his identity. And indeed, I had  
24 corresponded with Sergeant McCabe in relation to a  
25 different matter where he did not want his identity 13:46  
26 disclosed as being the person, and I can quite rightly  
27 understand that, and that is absolutely his  
28 entitlement, and I, at all times, preserved that. Now  
29 Sergeant McCabe was a witness before the Commission of

1 Investigation and, as such, they were the decisions  
2 that I had to take, how we would deal with that.

3 449 Q. Well, maybe if we go back to my question,  
4 Ms. O'Sullivan. Did you know at that time that the  
5 legal team hadn't been told about the, if I can 13:47  
6 categorise it this way, the reaching out and the huge  
7 amount of resources and hours that had been devoted to  
8 Sergeant McCabe and ensuring that he felt supported  
9 from the top of the force down?

10 A. Well, that was continuing separate to this process. 13:47

11 450 Q. Well, did you know?

12 A. I wasn't aware that they had been told about it, but I  
13 don't know that it would have had any impact on the  
14 process that we were now entering into, i.e. the  
15 Commission of Investigation. 13:47

16 451 Q. Well, maybe if we could explore that just a little bit  
17 more, Ms. O'Sullivan. The legal team, you had  
18 entrusted them to conduct the Commission on behalf of  
19 senior members of An Garda Síochána?

20 A. Yes, that's correct, Chairman. 13:48

21 452 Q. And they were the people who were managing the district  
22 at the time that Sergeant McCabe began to make his  
23 complaints, am I correct in saying that?

24 A. That was in relation to Bailieboro district?

25 453 Q. Yes. 13:48

26 A. Yes.

27 454 Q. In relation to Bailieboro?

28 A. Yes, yes, that's correct.

29 455 Q. And they were also the people who had investigated the

1 D matter, isn't that correct?

2 A. That's correct, Chairman, yes.

3 456 Q. So one would expect if counsel and the legal team were  
4 meeting witnesses, and so forth, that maybe those  
5 people who were in senior management in Cavan-Monaghan 13:48  
6 would portray a point of view in relation to their  
7 dealings with Sergeant McCabe when counsel was asking  
8 them about it, if you understand what I am saying?

9 A. Yes, I think I do, Ms. Leader. So, in other words, if  
10 I can paraphrase what you are saying, my understanding 13:48  
11 of what you are saying is that the individuals in  
12 Cavan-Monaghan, the management team in  
13 Cavan-Monaghan --

14 457 Q. Yes.

15 A. -- would be relaying and recounting to counsel their 13:48  
16 dealings with Sergeant McCabe in Bailieboro?

17 458 Q. Yes.

18 A. Yes, that's correct.

19 459 Q. And counsel was acting for those individual people as  
20 well as you, am I -- 13:49

21 A. Yes, that's correct.

22 460 Q. Yes.

23 A. Yes, that's correct.

24 461 Q. So you were dealing with Sergeant McCabe as well?

25 A. Yes. 13:49

26 462 Q. Albeit on an employment level and issues he had raised  
27 with regard to support from the force?

28 A. Yes, in Mullingar.

29 463 Q. In Mullingar.

1 A. Yes.

2 464 Q. So why would it be less important that your point of  
3 view would not be conveyed to counsel with regard to  
4 reaching out and supporting Sergeant McCabe at that  
5 very time? 13:49

6 A. But my point of view was relayed, as I understand,  
7 through Chief Superintendent Healy to counsel. My  
8 point of view was that, actually, we needed to get all  
9 of the facts before the Commission and we needed to  
10 understand what happened here, we needed to be able to 13:49  
11 assure ourselves that we got to the truth and that the  
12 matters that had been going on in relation to the  
13 Cavan-Monaghan division were dealt with once and for  
14 all, and that was my point of view.

15 465 Q. But surely, Ms. O'Sullivan, all of the facts would 13:50  
16 include the fact that you were very supportive of  
17 Sergeant McCabe?

18 A. Yes, and Ms. Leader, there is no hiding that. From the  
19 outset, as I said, back to April '14, May '14 and all  
20 the way through, it was a matter of public knowledge 13:50  
21 that I was setting the tone from the top, that I was  
22 supporting not alone Sergeant McCabe, who quite rightly  
23 had raised these issues, but also all members who  
24 wanted to speak up and who wanted to bring matters to  
25 Garda management's attention, bearing in mind that they 13:50  
26 may not always be right. And that was always my  
27 approach to dealing with people that wanted to bring  
28 something. So my support for Sergeant McCabe was well  
29 known internally in the organisation and it was well

1 known externally as well.

2 466 Q. well, Chief Superintendent Healy, in his evidence to  
3 the Tribunal, as I understand it, told the Tribunal he  
4 wasn't aware of all the matters between February -- or  
5 2014 and the time he came on board as liaison officer 13:51  
6 for the O'Higgins Commission, this wasn't something he  
7 knew about?

8 A. He wouldn't have known the detail --

9 467 Q. Yes.

10 A. -- absolutely, because the detail would be private 13:51  
11 matters between Sergeant McCabe, his management team  
12 and the structures and the supports that we had put in  
13 place. So it's not something that we were telling  
14 everybody, but it was very important that the tone was  
15 well known, that, actually, what we were trying to do 13:51  
16 here, it wasn't trying to say that somebody is wrong,  
17 it was actually trying to get the whole truth of the  
18 matter.

19 468 Q. And did you consider perhaps, Ms. O'Sullivan, that  
20 counsel may have been more careful about advocating a 13:51  
21 certain position or maybe asked you to think about it  
22 more carefully, had they known that you were supporting  
23 Sergeant McCabe in the way that you were doing so from  
24 your appointment as Acting Commissioner?

25 A. Well, I think, Chairman, as I said earlier, if somebody 13:52  
26 puts themselves into my shoes and the dilemma I was  
27 faced with, I was absolutely committed to continuing to  
28 support Sergeant McCabe in the workplace. It wasn't an  
29 easy decision to take, to say here's -- this -- a

1 member of our organisation who now is a central witness  
2 at a Commission of Investigation, and there -- and not  
3 certain matters put to him, that's the wrong way for me  
4 to put it now, but that, basically, his evidence would  
5 have to be tested. But that didn't impact -- or I 13:52  
6 didn't want it to impact. Of course, I was very aware  
7 that it may change, as it did, I'm sure, Sergeant  
8 McCabe's perception of me and what I was trying to do  
9 for him, but what I had to do was to ensure that the  
10 supports that we had in place continued, and they did. 13:52  
11 The supports continued all the way through '15, 2015,  
12 all the way through 2016, and we kept those supports in  
13 place, and indeed into 2017. So my focus remained  
14 there. But I was very aware of the fact that Sergeant  
15 McCabe's perception, and quite understandably, may 13:53  
16 change of me, particularly, in terms of what I was  
17 trying to do to continue to support him. But I was  
18 faced with, I would call it, almost an impossible  
19 dilemma. I had to make sure that we were appropriately  
20 testing the evidence. The advices I was getting from 13:53  
21 my legal team was that they felt this was absolutely  
22 possible. And, as I say, it was a matter for the  
23 Commission in terms of how they were going to manage  
24 all of the witnesses before the Commission, and indeed,  
25 as came to transpire, what they would allow and what 13:53  
26 they would not allow.

27 469 Q. well, maybe if we could -- you didn't document in any  
28 way your decision or your instructions to Chief  
29 Superintendent Healy on the evening of the 14th May?

1 A. No, Chairman. I think I was doing probably a lot of  
2 other things at the same time, and that doesn't mean by  
3 any means that I wasn't taking this very seriously. I  
4 absolutely was. It was just, as I say, we had some  
5 very sensitive operations going on at that very same 13:54  
6 time. And, yes, I haven't it documented, but I have a  
7 very clear recollection of what we spoke about.

8 470 Q. Maybe if we look at Chief Superintendent Healy's note  
9 of that decision-making process, and it's at page 3817  
10 of the materials. It will come up on the screen. 13:54

11 A. What volume is it, Ms. Leader?

12 471 Q. I think it's volume 7.  
13 CHAIRMAN: volume 7.  
14 MS. LEADER: Yes, Volume 7. Thank you, Chairman.

15 472 Q. So I think what Chief Superintendent Healy has told the 13:54  
16 Tribunal that, you see the paragraph:  
17  
18 "Permission/instructions to use Cunningham inve."  
19  
20 And it continues on under there. Is his prompt list 13:55  
21 for himself when he was -- prior to him contacting you  
22 in relation to the matter. So the first thing we see  
23 is:  
24  
25 "Permission/instruction to use the Cunningham inve." 13:55  
26  
27 which I take is investigation. Did you at any time  
28 authorise the use of the Cunningham investigation in  
29 the O'Higgins Commission?

1 A. No, not the investigation in relation to Ms. D, no, no.  
2 473 Q. And did you at any time get any sense that that is what  
3 you were doing?  
4 A. No, certainly not. My understanding at all times,  
5 Chairman, was, what was being suggested was that the 13:55  
6 interactions or the behaviours that happened between  
7 senior Garda management locally and Sergeant McCabe  
8 were what were to be explored.  
9 474 Q. Okay. All right. So the next word then is  
10 "motivation". So did you think you were authorising 13:56  
11 the questioning of Sergeant McCabe's motivation?  
12 A. Again, I've thought very hard about this, Chair,  
13 because motivation, I know, has been discussed here at  
14 the Tribunal, and indeed since that I have thought a  
15 lot about it. Motivation not in the pure legal sense 13:56  
16 of motivation. What I understood was, and if I can put  
17 it, Chairman, in, I'll call it my own lay words or  
18 maybe from a police perspective, it would be the  
19 motivation in terms of what led Sergeant McCabe to the  
20 conclusion that the malpractice and the various 13:56  
21 incidents led, combined together, to -- so that was the  
22 sense of the motivation, not motivation in terms that  
23 there was any ulterior motive or any bad motive or any  
24 mala fides on Sergeant McCabe's behalf. That was  
25 never, ever the case. And I certainly never considered 13:57  
26 or believed that Sergeant McCabe was acting out of  
27 anything other than absolutely appropriate and proper  
28 concerns, and certainly that's always been my position  
29 and right through all of this process was my position.



1 475 Q. I suppose that leads me to the question,  
2 Ms. O'Sullivan: If you thought he was only acting from  
3 appropriate and proper concerns, why question  
4 motivation at all?

5 A. I think, Chairman, it was to get my understanding of 13:57  
6 what we were doing, and it's not my word, but my  
7 understanding of what was used, this obviously isn't my  
8 note --

9 476 Q. Yes.

10 A. -- but my understanding of what was being done was, was 13:57  
11 to get an understanding, an in-depth -- or to allow the  
12 Commission to get an in-depth understanding of what  
13 were the reasons or what was the rationale, why  
14 Sergeant McCabe, or the basis, maybe that is a better  
15 way to put it, the basis on which Sergeant McCabe 13:58  
16 believed that these incidents, combined together, led  
17 to corruption and malpractice, and, most importantly,  
18 what evidence did he have. We knew that he had  
19 produced some evidence, quite considerable evidence,  
20 indeed, to Mr. Guerin, but what evidence, and that was 13:58  
21 the evidence that had to be tested.

22 477 Q. Okay. And this again is, I understand, Chief  
23 Superintendent Healy's note. But underneath the word  
24 "motivation" we see "Clancy refused, Rooney refused,  
25 then Maurice changed". And "McCarthy", as I 13:58  
26 understand, a reference to the particular guard who  
27 investigated the matter. So am I correct in saying,  
28 Ms. O'Sullivan, that "Clancy refused, Rooney refused"  
29 is the refusal to give the DPP's directions to Sergeant

1 McCabe and the D family, is that what you understood  
2 that to mean?

3 A. That was my understanding, Chairman, yes.

4 478 Q. Okay. Then we go to "then Maurice changed".

5 A. Yes. 13:59

6 479 Q. What, for you, is the significance of that line in that  
7 note there?

8 A. Again, Chairman, I'm always very cautious on commenting  
9 about notes that aren't mine --

10 480 Q. Yes. 13:59

11 A. -- because I don't know the mindset.

12 481 Q. Well, you were the other side of this conversation?

13 A. But my understanding of what happened, or what was  
14 suggested had happened, was that when Sergeant  
15 McCabe -- or when Garda management refused the 13:59  
16 directions to Sergeant McCabe, that Sergeant McCabe's  
17 attitude became different. So my understanding was  
18 that, actually, this, in some way, had some bearing on  
19 his perspective. And as I say, it's very  
20 understandable -- in my view, it is very 13:59  
21 understandable, how somebody, any human being that had  
22 been through what Sergeant McCabe had been through, how  
23 his behaviour may change or his attitude may change.  
24 So that is the only explanation I can offer for that  
25 notation. 13:59

26 482 Q. Well, if we can take that just a step further. His  
27 attitude changed and then complaints started being  
28 made, is that correct?

29 A. Yes, Chairman.

1 483 Q. Yes. So I suppose the one way of reading it,  
2 Ms. O'Sullivan, is that Sergeant McCabe became somewhat  
3 maybe embittered against the Garda organisation or  
4 maybe had a grudge against them, or something of that  
5 nature, is that the natural meaning of that? 14:00

6 A. Not necessarily, Chairman. Again, I don't want to get  
7 into the realms of speculation, but not necessarily,  
8 because again, in my experience, people can -- their  
9 attitudes can change for a number of reasons. But  
10 Sergeant McCabe may well have been frustrated at the 14:00  
11 perception of Garda management, for example, not  
12 dealing with his complaints appropriately and it was  
13 very necessary to understand whether that was the case  
14 or not.

15 484 Q. Well, I have to suggest to you, Ms. O'Sullivan, that's 14:00  
16 a very unique interpretation of motivation, when you  
17 take all of the issues that are put -- or encompassed  
18 in that note and some of which you agree were raised by  
19 Chief Superintendent Healy, that somehow Sergeant  
20 McCabe, it would appear, didn't get what he was asking 14:01  
21 for, then he changed and then we're questioning  
22 motivation?

23 A. Well, Chairman, as I said before, there was what I knew  
24 then and what I know now. So maybe if I go to what I  
25 know now in the fullness of time and with the extensive 14:01  
26 examination and indeed investigation undertaken by  
27 Mr. O'Higgins. It now appears to me that, actually,  
28 Sergeant McCabe was very frustrated, and I can  
29 understand why. Sergeant McCabe's point of view was

1 that he was making these allegations, they were not  
2 being dealt with appropriately, in his view, by Garda  
3 management and he -- I can -- so I don't suggest -- or,  
4 Ms. Leader, I don't accept that it is a unique  
5 interpretation. It may be -- in a purist legalistic 14:01  
6 view, it may be, but from a human perspective. What  
7 leads people to change is very, very complex. And what  
8 led Sergeant McCabe to change, to use the word that is  
9 in the note, and that's not my word, but what led  
10 Sergeant McCabe to change at this point in time, I 14:02  
11 still don't know. But certainly from Mr. O'Higgins'  
12 examination and investigation of matters, it certainly  
13 seems to me that Sergeant McCabe was very frustrated  
14 with, in his perception, not having the matters dealt  
15 with appropriately by management. 14:02

16 485 Q. Okay. If we can just go through this one last time. I  
17 don't want to spend too much time on it. But in  
18 relation to "motivation", it concerns motivation for  
19 complaints, am I correct in saying that?

20 A. I'm not sure what this note interprets. 14:02

21 486 Q. Yes, well in your mind, were you sanctioning,  
22 questioning Sergeant McCabe in motivation for  
23 complaining?

24 A. No, not about -- because Sergeant McCabe, rightly, from  
25 the outset, from Byrne/McGinn, even before that, there 14:02  
26 were a number of investigations, but the Byrne/McGinn  
27 investigation and the Guerin investigation, Sergeant  
28 McCabe had identified, without a doubt, shortcomings in  
29 investigations --

1 487 Q. Yes.

2 A. -- that were absolutely unacceptable, did not do  
3 justice to victims and improved the organisation for  
4 the better and allowed us to take action to improve the  
5 organisation. So I absolutely accept that, and we 14:03  
6 accepted it from the time of the Guerin Report, and  
7 even before that, Byrne and McGinn had put in a number  
8 of improvements. I know Mr. Guerin identified that  
9 they weren't sufficient, in his view, so we then  
10 identified more. But in terms of now, where we are in 14:03  
11 May of 2015, there are issues that still had to be  
12 dealt with, and the motivation was to do with what led  
13 Sergeant McCabe to conclude that these issues had, I'm  
14 using the word, spiralled or that they continued in  
15 such a fashion and what led Sergeant McCabe to believe 14:03  
16 that and, also, what evidence did he have to support  
17 that.

18 488 Q. So, you, in sanctioning questioning in relation to  
19 motivation, it wasn't the motivation for making the  
20 complaints? 14:04

21 A. It wasn't -- it was an understanding of what led  
22 Sergeant McCabe to believe, and particularly in  
23 relation to corruption and malpractice, how had all of  
24 these individual incidents, which no doubt there were  
25 shortcomings in, but what elements of those individual 14:04  
26 incidents had led to the belief of the motivation and  
27 corruption.

28 489 Q. So when Chief Superintendent Healy explained to the  
29 Tribunal that he was answering questions to counsel in

1 relation to what started all of this, i.e. started the  
2 complaints, and they were getting an answer in  
3 consultations that Maurice, and I'm using the words  
4 here, changed after an investigation into him and he  
5 wasn't given DPP's directions, nor were the Ds, that 14:04  
6 was -- it was a different thing that you were  
7 sanctioning questioning of Sergeant McCabe in relation  
8 to?

9 A. Sorry, Chairman, no. I understood, absolutely, that  
10 the interactions and what ensued between Garda 14:05  
11 management and Sergeant McCabe after the DPP's  
12 directions issue came up --

13 490 Q. Yes.

14 A. -- that was definitely some of the issues that, in  
15 counsel's view, needed to be explored. 14:05

16 491 Q. Yes. And when they were exploring motivation of  
17 Sergeant McCabe thereafter for making the complaints,  
18 and that's what they wished to explore, as I understand  
19 it from Chief Superintendent Healy, you were  
20 sanctioning motivation in relation to allegations of 14:05  
21 corruption and malpractice?

22 A. But also in relation to understanding how each of the  
23 individual incidents fed into the corruption and  
24 malpractice. So what element, for example, in Module 1  
25 of Kingscourt, what element of that, or Sergeant 14:05  
26 McCabe's dissatisfaction with that, and again,  
27 Chairman, I am being very careful, because what did I  
28 know then and what do I know now, so what elements of  
29 that -- what happened during the course of the

1 Kingscourt investigation, or the lack of the  
2 investigation, what did Garda management do or not do  
3 that actually led Sergeant McCabe to believe that in  
4 some way this contributed to the overall allegations of  
5 corruption. 14:06

6 492 Q. Okay. You left it with sergeant Healy that you were  
7 giving permission for counsel to explore these issues  
8 in the O'Higgins Commission?

9 A. I was going with the advices of counsel, that if they  
10 felt it was necessary for the proper investigation by 14:06  
11 Mr. Justice O'Higgins of the matters before the  
12 Commission, that it was necessary to put these certain  
13 matters to not just Sergeant McCabe but indeed the  
14 other witnesses as well, so the senior managers, that  
15 they had experience of it as well, and that these 14:06  
16 matters -- yes, if it was necessary to explore those,  
17 that is what we agreed, with the advices of counsel.

18 493 Q. You'd never actually spoken to counsel at this stage,  
19 is that correct?

20 A. No, Chairman. 14:07

21 494 Q. There was no actual written advice from counsel at that  
22 stage either?

23 A. At that stage, no, Chairman.

24 495 Q. No. Now, if we can go to the 15th May 2015. I think  
25 that afternoon you had a series of phone calls from 14:07  
26 Fergus Healy from 15:12 onwards?

27 A. That's correct, Chairman, yes.

28 496 Q. Now, it would appear, I don't want to take you -- Chief  
29 Superintendent Healy has gone through that sequence of

1 calls, but it would appear there were seven calls in  
2 total from 15:12 to 15:20?

3 A. That's correct, Chairman, yes.

4 497 Q. And thereafter, you seemed to have phoned Chief  
5 Superintendent Healy from your mobile at just 15:23, so 14:07  
6 that would appear to me, on the reading of the sequence  
7 of calls, to be the first time you spoke to Chief  
8 Superintendent Healy?

9 A. Yes, Chairman.

10 498 Q. Just looking at the time -- 14:07

11 A. Yes.

12 499 Q. -- of the calls. And I think that call lasted for one  
13 minute -- two minutes, just short of two minutes?

14 A. That's correct, Chairman, yes.

15 500 Q. Now, what do you remember was discussed at that call, 14:08  
16 keeping in mind that there had been five or seven  
17 missed calls beforehand, or seven very short calls  
18 anyway?

19 A. Yes. So, again, Chairman, just to provide the context:  
20 So, that day, as I've said earlier, we're dealing 14:08  
21 with -- we'd had a number of arrests that had been made  
22 in relation to a very sensitive security operation  
23 which was there in advance of the visit of His Royal  
24 highness, and there were a number of arrests had been  
25 made and a number of seizures right around the country 14:08  
26 in terms of a planned -- perhaps a planned attack to  
27 coincide with the forthcoming visit. So, that morning,  
28 I had been down, actually, on a separate matter, down  
29 with the President of the District Court, and then when



1 I had gone back, I had gone to a security briefing. So  
2 these issues -- or Chief Superintendent Healy may have  
3 been trying to contact me in the course of that. When  
4 I saw Chief Superintendent Healy's calls, I rang him  
5 back. And my memory of that particular call, so I 14:09  
6 would agree it was at the 15:23 call, was that a legal  
7 argument had arisen at the Commission and there was a  
8 requirement for me to reconfirm my advice -- or, sorry,  
9 my instructions to counsel. My memory of it, and again  
10 I heard Chief Superintendent Healy's evidence this 14:09  
11 morning, my memory of what I asked him to do was, it  
12 sounded to me as if an adjournment would be a very good  
13 idea, that basically it was coming up to 3:30 on a  
14 Friday evening and was it possible to get an  
15 adjournment. And that was -- from my memory of that 14:09  
16 first call, Chief Superintendent Healy outlined to me  
17 that legal argument had arisen, that counsel for  
18 Sergeant McCabe required to know that the instructions  
19 were coming from me as Commissioner and from me as  
20 N oir n O'Sullivan, and that I had asked Chief 14:10  
21 Superintendent Healy would it be possible to get an  
22 adjournment. That's my memory of the first call.

23 501 Q. Okay. Well, why did you want an adjournment? You had  
24 already spoken about the matters the night before.

25 A. Well, frankly, Chairman, I felt that at 3:30 on a 14:10  
26 Friday evening, and the sense I got from Chief  
27 Superintendent Healy was this was a heated legal  
28 argument and I felt that maybe it would be opportune to  
29 have it -- if the Chairman or the Sole Member of the

1 Commission was disposed to an adjournment, it could be  
2 a good idea to have an adjournment and to be able to  
3 have everybody take some time out but also to discuss  
4 the matters in more detail.

5 502 Q. Were you having second thoughts about your 14:10  
6 instructions?

7 A. No, Chairman, I just felt it was an opportunity to  
8 have -- given the time on the Friday evening, it would  
9 have been more beneficial in my view, but I absolutely  
10 accept that the sole Member didn't see -- didn't permit 14:10  
11 the adjournment.

12 503 Q. Well, if you weren't having second thoughts about the  
13 matter and you had spoken to Chief Superintendent Healy  
14 the evening before, as I understand it, about your  
15 instructions, why did you think it would be a good idea 14:11  
16 for an adjournment at that time?

17 A. Well, as I said -- or as you said, Ms. Leader, there  
18 were other matters as well. I wanted to make sure that  
19 there were necessary supports in place for Sergeant  
20 McCabe, because obviously, you know, again, in my 14:11  
21 experience, sometimes for witnesses in what is a legal  
22 forum, it can be very stressful, and I was certainly  
23 aware that from Chief Superintendent Healy and from  
24 speaking to him, there was a lot of -- a lot of heat in  
25 the room, was my understanding, and I felt that it 14:11  
26 would be a good opportunity to take an adjournment and  
27 it would give me an opportunity as well to make sure  
28 that there were supports in place for Sergeant McCabe.

29 504 Q. So it was purely so as there would be a support in

1 place for Sergeant McCabe and everything would cool  
2 down at the Commission?

3 A. But also to allow us to discuss the matters, I suppose,  
4 in a more -- in more detail.

5 505 Q. Okay. Who were you going to discuss the matters in 14:12  
6 more detail with, if an adjournment was granted?

7 A. Chief Superintendent Healy and counsel.

8 506 Q. Okay. So if you were satisfied with your decision,  
9 which had been taken the evening before, why did you  
10 need to discuss the matters in more detail with Chief 14:12  
11 Superintendent Healy and counsel? What did you think  
12 was going to be achieved by all of that?

13 A. I didn't want to discuss the advices or the  
14 instructions; I wanted to understand what was the  
15 issue, in more detail, that had arisen at the 14:12  
16 Commission. My understanding from the subsequent phone  
17 calls was that counsel for Sergeant McCabe wanted  
18 confirmation that the instructions had come from me. I  
19 was very happy to give those instructions. I know, and  
20 again, Chairman, I'm finding it very difficult which of 14:12  
21 these phone calls, because they were very -- in quick  
22 succession, all of the phone calls, but I certainly  
23 know that in that afternoon I was given an indication  
24 that I may have come down to the Tribunal my -- or,  
25 sorry, I beg your pardon, the Commission myself, and I 14:13  
26 was very happy to do that. I may well have said to  
27 Chief Superintendent Healy I can't come down this  
28 evening because of everything that is happening but I  
29 could certainly make myself available, if need be, for

1 Monday. As it transpired, I was never called, because  
2 I was always prepared to go to the Commission and  
3 account for the instructions that I had given based on  
4 the advices I had received and to do what we were doing  
5 now and explain my understanding of what those were and 14:13  
6 the necessity for them.

7 507 Q. Well, you'll appreciate it's the first suggestion we've  
8 heard of you going down to the Commission on Friday  
9 evening to explain your instructions?

10 A. Well, my memory of the sequence of phone calls, and 14:13  
11 again, Chairman, I can't say which particular phone  
12 call, I just can't remember, but certainly Chief  
13 Superintendent Healy said to me it may well be that you  
14 will be required to come down to the Commission, and I  
15 said okay, and I probably said I can't come right now 14:14  
16 but I can certainly make myself available.

17 508 Q. I mean, it may well be that it's just me,  
18 Ms. O'Sullivan, but I would expect if you get a series  
19 of phone calls on a Friday afternoon, you get a request  
20 to confirm instructions and the answer to that request 14:14  
21 is, can I have some more time please, that time is to  
22 be used to think about matters again, maybe more  
23 carefully, maybe give it more deeper thought, maybe to  
24 discuss it with other people to see if it's a good  
25 idea, and then confirm your instructions, not matters 14:14  
26 in relation to Sergeant McCabe that you'd be dealing  
27 with at that stage?

28 A. I did ask -- sorry, Chairman, I should have said also,  
29 I did ask, from my memory, Chief Superintendent Healy,

1 I believe in the first phone call, was, could we get  
2 counsel's advice in writing, and those advices were  
3 subsequently relayed to me over the phone by Chief  
4 Superintendent Healy, and I reconsidered those advices.  
5 Chief Superintendent Healy also told me that counsel 14:15  
6 was still of the view that this needed to be done  
7 irrespective of the legal argument that had arisen in  
8 the Commission and what was required of me was to  
9 confirm that the instructions were coming from me, and  
10 I was very prepared to do that, because I had 14:15  
11 instructed based on those advices the previous evening;  
12 nothing had changed, counsel had been there, they had  
13 been part of the legal argument and counsel's advices  
14 still remained the same as the previous evening. So I  
15 was, therefore, happy to go with the -- to reconfirm 14:15  
16 the instructions that I had previously given because  
17 the advices had not changed. If the advices had  
18 changed, then I might have to reconsider, but the  
19 advices hadn't changed.

20 509 Q. So if we just then maybe turn to those phone bills, and 14:15  
21 you can just turn to them in hard copy. I think it's  
22 at volume 2, at the very beginning, all of those appear  
23 together. volume 2, part A, sorry. So if we first of  
24 all look at your mobile, it's at page 755. It's at the  
25 very beginning, more or less. Maybe if they don't come 14:16  
26 up on screen because there are lots of numbers there.  
27 Yes, the mobile. And if we go to 15:23, we see you  
28 phoning Chief Superintendent Healy, am I correct in  
29 that?

1 A. Yes, that's correct, Chairman.

2 510 Q. So that phone call lasts just short of two minutes, am  
3 I correct in that?

4 A. Yes, that's correct.

5 511 Q. And if we then go to your landline, which is at page 14:17  
6 759, at 15:26.

7 A. Sorry, Ms. Leader, I will take these out here, just to  
8 make them -- 759?

9 512 Q. Yes. 760, actually. Two from the top.

10 A. Yes. 14:17

11 513 Q. So if we just go on the timing of the phones, if you  
12 just spend two minutes on the phone to Chief  
13 Superintendent Healy starting at 15:23, that brings us  
14 to 15:25, and then at 15:26, a minute later, you have a  
15 phone call to a number which I understand is Mr. Noel 14:17  
16 Waters' --

17 A. That's correct.

18 514 Q. -- number?

19 A. Yes.

20 515 Q. And he has identified his number? 14:18

21 A. Yes, that's correct, Chairman.

22 516 Q. And a second phone call immediately following that  
23 which lasts 14 minutes?

24 A. Yes, that's correct, Chairman.

25 517 Q. Just over 14 minutes. Now, you refer to that phone 14:18  
26 call in your statement, and we know Mr. Waters doesn't  
27 particularly remember that phone call; can you remember  
28 what happened during that phone call?

29 A. Chairman, again, I remember -- I don't remember the

1           specifics of the phone call, but what I do remember is,  
2           as I said, there were a number of things that I was  
3           going to discuss with Mr. Waters that day, mostly in  
4           relation to the security operation, the arrest that had  
5           happened and the progress with the course of those           14:18  
6           arrests, and also there was a memorial service the  
7           following day. I believe that from my -- again, from  
8           my memory, even though I don't specifically recollect  
9           it, I may well have said to Mr. Waters an issue has  
10          arisen, a legal argument has arisen at the Commission           14:18  
11          and advised him of that, and then went on to speak  
12          about the other matters that were pressing on that  
13          particular day.

14   518   Q.    Okay. So let's just look at that. You spend just  
15                   under a quarter of an hour, I think, on the phone to           14:19  
16                   Mr. Waters, isn't that right?

17           A.    Yes, that's correct.

18   519   Q.    Okay. So that goes from 15:26 to in or around 15:41,  
19                   just adding the two together?

20           A.    Yes.                                                                   14:19

21   520   Q.    In the meantime, it would appear that Chief  
22                   Superintendent Healy phoned you once at 15:37, on your  
23                   mobile, and you will see that from Chief Superintendent  
24                   Healy's phone, which is at page 756. So at 15:37, if  
25                   we go to that, he's recorded as phoning your mobile?           14:19

26           A.    Yes.

27   521   Q.    Yes. Then it would appear that you sent a text to  
28                   Chief Superintendent Healy, and that's from your mobile  
29                   phone bill?

1 A. Yes.

2 522 Q. Yes. And you agree with that, or it's at page 755 and  
3 that's at 15:37?

4 A. Yes. Chairman, from my memory, it may assist, I  
5 certainly remember being on the phone and Chief 14:20  
6 Superintendent Healy texting me and me texting him  
7 back, and then I came off my phone call, finished my  
8 phone call, and I rang Chief Superintendent Healy  
9 immediately back.

10 523 Q. So there are two texts to Chief Superintendent Healy 14:20  
11 and one text from Chief Superintendent Healy?

12 A. Yes.

13 524 Q. And you were aware that Chief Superintendent Healy was  
14 under some pressure to revert to the Commission at that  
15 stage? 14:20

16 A. Again, from my memory, at that stage, Chairman, what  
17 we -- I had hoped that Chief Superintendent Healy may  
18 be in a position to make an application for an  
19 adjournment, or counsel on our behalf may be in a  
20 position to make an application for an adjournment, so 14:21  
21 I was waiting to hear back, had the adjournment been  
22 granted.

23 525 Q. Well, he had phoned you at 15:37, I am correct about  
24 that. He couldn't obviously speak to you because you  
25 would appear to have been speaking to Mr. Waters at 14:21  
26 that stage?

27 A. Yes.

28 526 Q. And then you texted him immediately after that. He  
29 sent you a text back and you texted him again?



1 A. Yes.

2 527 Q. That is the sequence of events. And that is not long  
3 after receiving a series of phone calls from Chief  
4 Superintendent Healy between 15:12 and 15:20, which you  
5 didn't get an opportunity to respond to? 14:21

6 A. Yes. They would be the missed calls, yes.

7 528 Q. And then, we then have a phone call to Superintendent  
8 Healy from your mobile, and that's at page 755, at  
9 15:41.

10 A. Yes, that's correct. 14:22

11 529 Q. So you would have been just off the phone from  
12 Mr. Waters at that stage?

13 A. Yes. My memory is that I would have hung up the phone  
14 to actually ring Chief Superintendent Healy back.

15 530 Q. Yes. So considering all that was going on between 14:22  
16 yourself and Chief Superintendent Healy at that time,  
17 it is fairly unlikely you would have kept Chief  
18 Superintendent Healy waiting to discuss matters that  
19 could have been dealt with, maybe even a half an hour  
20 later with Mr. Waters? 14:22

21 A. Well, what my memory is, Chairman, is that the texts  
22 were coming in, and I cut short my phone call with  
23 Mr. Waters to respond to Chief Superintendent Healy.

24 531 Q. Yes. Well, what I am suggesting to you, in view of the 14:22  
25 fact that neither of you really remember definitively  
26 what was said during that telephone conversation, it  
27 was probably something to do with the frantic phone  
28 calls and messages from Chief Superintendent Healy and  
29 the texting?

1 A. Again, Chair, I don't have a specific recall. I  
2 certainly remember speaking to -- I was anxious to  
3 speak to Mr. Waters in respect of the other matters,  
4 and I may well have said -- or, sorry, I believe I may  
5 well have said to him, an issue has arisen at the 14:23  
6 Commission of Investigation that they will be aware,  
7 particularly in case there were media queries or that  
8 the matter became public, because I was very sensitive  
9 to the fact of the matter becoming public, not because  
10 I felt that we were doing anything wrong, but the 14:23  
11 integrity of the proceedings before the O'Higgins  
12 Commission was important. And, Chairman, maybe again  
13 to put it in context, there was a lot -- at that time,  
14 a lot of issues in relation to Sergeant McCabe were  
15 making their way into the public domain very, very 14:23  
16 swiftly and I felt that the Department needed to be  
17 told that an issue had arisen, and that's what I would  
18 have done.

19 532 Q. Okay. Well, maybe if we look at it a bit in reverse;  
20 how do you remember the other matters which you think 14:24  
21 you raised with Mr. Waters during that telephone  
22 conversation?

23 A. I remember them very specifically, Chair, because, for  
24 the simple reason is that we had three people arrested,  
25 we were seeking from the Director of Public 14:24  
26 Prosecutions, and I have to be careful how much I say  
27 about this probably in this forum, but we were seeking  
28 directions in relation to directing a terrorist charge  
29 against a particular individual, and I would have been

1 updating the secretary general in terms of the progress  
2 of that investigation and its impact, or otherwise, in  
3 respect of the forthcoming visit.

4 533 Q. well, these perhaps were matters, even though extremely 14:24  
5 important, were matters that could be dealt with after  
6 dealing with Chief Superintendent Healy's urgent  
7 request?

8 A. It wouldn't be unusual, Chairman, that when I would  
9 have an opportunity, for the -- to speak to the  
10 secretary general, because we would speak on a very 14:25  
11 regular basis, but when I would have an opportunity to  
12 speak, we would normally speak about a number of  
13 matters. And again, while I have no specific  
14 recollection of telling Chief Superintendent Healy I  
15 was going to do it, I had come from the security 14:25  
16 meeting, I believe it was on my mind to ring Mr. Waters  
17 about those matters just to update him in terms of  
18 where we were at within the context of the  
19 investigation, and I most likely would have told him  
20 that an issue had arisen at the Commission of 14:25  
21 Investigation, a legal argument had arisen.

22 534 Q. well, it may be a small thing, Ms. O'Sullivan, but when  
23 you were speaking to our investigators in November of  
24 last year, you told them that you had no specific  
25 recollection or note of the call with Mr. Waters; is 14:25  
26 this something you've since remembered?

27 A. No, I remembered it in the context of the security  
28 operation.

29 535 Q. Okay.

1 A. So, on looking back, what we had going on at that time  
2 was the security operation, and I certainly remember  
3 speaking to him in relation to that issue and updating  
4 him, and I also remember speaking to him about the  
5 other events that were happening the following day. 14:26  
6 But I don't have any specific recollection of speaking  
7 to him in relation to this matter, but the fact that I  
8 was just off the phone from Chief Superintendent Healy,  
9 it is quite likely that I said a legal argument had  
10 arisen at the Commission. 14:26

11 536 Q. Okay. Well, I just want to be as fair as possible.  
12 What you've said to our investigators in relation to  
13 the telephone call with Mr. Waters is that you have no  
14 specific recollection or note of the call. However,  
15 given the legal arguments that had arisen at the 14:26  
16 Commission, it would not be unusual that you would  
17 alert the acting secretary general to the fact that an  
18 issue had arisen. And then you explain and elaborate  
19 in relation to privacy and issues in relation to the  
20 Commission specifically, and then you said: 14:27

21  
22 "At no time did I discuss or seek approval or advice in  
23 the Department in respect of my instructions, or  
24 otherwise, to counsel. In fact, instructions had  
25 already been given to counsel." 14:27

26  
27 And then you do say that it would not be unusual in  
28 your "telephone conversations with the acting secretary  
29 general that we would discuss a number of current

1           policing and security matters. From my recollection,  
2           there were a number of pressing policing and security  
3           matters that required discussion in or around that  
4           time."

14:27

5  
6           But you don't actually identify any, so is it since  
7           then that you have remembered those matters?

8           A. Yes, Chair, from going back and checking records at the  
9           office, they were the issues that were going on. I  
10          remembered even making my statement that there were  
11          pressing policing and security issues, I remembered  
12          about the forthcoming visit, but I just didn't remember  
13          specifically what day we had the other decisions that  
14          had to be made.

14:27

15   537   Q. Now, while you were on the phone to Mr. Waters, it  
16          would appear that counsel's written advice had been  
17          sent to Chief Superintendent Healy and Ms. Ryan?

14:28

18          A. Yes, that's correct, Chairman, yes.

19   538   Q. And you know that from the timing of the email; it's at  
20          15:29 on that day?

14:28

21          A. Yes, I understand that now. I didn't know what timing  
22          there were then, but I understand that now, yes.

23   539   Q. And have you a memory of that being brought to your  
24          attention on that day?

25          A. Yes, Chairman. Again, I'm finding it very difficult to  
26          break down which phone call was which, but in the  
27          course of the subsequent phone calls I believe that  
28          Chief Superintendent Healy relayed or read the advices  
29          to me over the phone, and, yes, and subsequently at

14:28

1 19:17 that night he sent them to me.

2 540 Q. well, considering that the email had been sent to Chief  
3 Superintendent Healy while you were on the phone to  
4 Mr. Waters, you got off the phone from Mr. Waters just  
5 before 15:41 and then you phoned Chief Superintendent 14:29  
6 Healy and stayed on the phone for six minutes, do you  
7 think it's likely, considering it would appear he had  
8 that advice, that it was read out to you or conveyed to  
9 you?

10 A. Yes, that's quite possible, Chairman. It's quite 14:29  
11 possible it was that call. It was certainly read over  
12 to me or relayed to me in one of the calls. I  
13 believe -- I can't say for definite, but I believe  
14 Chief Superintendent Healy was reading it because it  
15 was a verbatim account that I got later. 14:29

16 541 Q. Okay. So I suppose considering that he had just got  
17 the advice, it's a fairly sensible conclusion to come  
18 to, that he read it out to you --

19 A. Yes.

20 542 Q. -- if it was made available. So if we could just look 14:29  
21 at counsel's advice, which is on page 693 of the  
22 materials, volume 1, part B. You see it there?

23 A. Sorry for delaying you. 693?

24 543 Q. Page 693.

25 A. Yes. 14:30

26 544 Q. You will see:  
27  
28 "As counsel appointed to represent the interests of An  
29 Garda Síochána before the O'Higgins Commission, it is

1 our view that it is appropriate and necessary that the  
2 conduct of any member of the force be challenged by way  
3 of cross-examination if and to the extent necessary.  
4

5 It is likely that, in the course of the process, which 14:31  
6 is a private hearing, it will become necessary to put  
7 to Sergeant Maurice McCabe certain background issues  
8 which touch upon and concern the history of his  
9 dealings with members of Garda management. In  
10 particular, we consider it necessary and in the 14:31  
11 interests of a fair and balanced examination of the  
12 subject matter of the investigation that specific  
13 issues be put to Sergeant McCabe regarding his conduct  
14 and interactions with senior management following the  
15 completion of a formal Garda investigation into a 14:31  
16 complaint against Sergeant McCabe which resulted in a  
17 direction by DPP that no further action was to be taken  
18 against Sergeant McCabe.

19  
20 The purpose of such a line of inquiry is to open to the 14:31  
21 Commission of Investigation the full factual background  
22 surrounding the complaints made by Sergeant McCabe so  
23 that all the circumstances are clearly put before the  
24 Commission for consideration.

25  
26 Yours sincerely."  
27

28 So what did you understand from that, Ms. O'Sullivan?

29 A. As I said earlier, Chairman, my understanding was that

1 it was to put before the Commission of Investigation  
2 the full circumstances or background to the  
3 interactions that had arisen between Sergeant McCabe  
4 and senior management after the non -- or the refusal  
5 of Garda management to give the DPP's directions to  
6 Sergeant McCabe. 14:32

7 545 Q. Okay. Did you understand it at that stage that it was  
8 to put that Sergeant McCabe had become somewhat  
9 embittered after the investigation and directions  
10 decision, embittered against management in Monaghan,  
11 Cavan-Monaghan? 14:32

12 A. I'm not sure that I would use the word 'embittered',  
13 but certainly that --

14 546 Q. Well, what word --

15 A. -- his behaviour had changed insofar as -- I would use 14:32  
16 probably that he had become frustrated with what he  
17 perceived as Garda management's failure to deal with  
18 matters. But at that time it was to put the full -- at  
19 that time, my understanding was that it was to put the  
20 full factual background on all sides, so what was Garda 14:33  
21 management's experience, what was Sergeant McCabe's  
22 experience, and to allow the Commission to have an  
23 understanding of the full background that had ensued  
24 between all parties, following the failure to obtain  
25 the DPP's directions. 14:33

26 547 Q. Okay. And did you understand in any way that the  
27 reason for the complaints was so as to force in some  
28 way the circulation of the DPP's directions by Garda  
29 management?



1 A. No, that wasn't my understanding, Chairman. My  
2 understanding was that Sergeant McCabe, as I say,  
3 either became very frustrated or became -- I suppose he  
4 wanted the DPP's directions, but it wasn't -- my sense  
5 wasn't that it was to force the hand; it was what 14:33  
6 happened thereafter in terms of the complaints that  
7 were made by Sergeant McCabe. And as I say, some of  
8 the complaints were absolutely justified and absolutely  
9 right. And that was my understanding of what was to be  
10 put. 14:34

11 548 Q. Now, I think there was a second call to Chief  
12 Superintendent Healy at 15:52, shortly after the long  
13 six-minute call, if I can call it that way?

14 A. Yes, chair, I have closed the page again, but I accept  
15 your word on that, Ms. Leader, yes. 14:34

16 549 Q. It's at page 759. It's the landline number.

17 A. Yes.

18 550 Q. It's at the very bottom of the page.

19 A. Yes.

20 551 Q. What do you think at that stage you were saying to 14:34  
21 Chief Superintendent Healy?

22 A. As I say, my memory of all of the calls, I am finding  
23 it very difficult to separate each of the calls and  
24 what was said on each specific one, but it would have  
25 been a continuation of a conversation - certainly some 14:35  
26 would have been around, I believe that I asked a second  
27 time was it possible to get an adjournment, but it was  
28 to -- just to basically go back over again with Chief  
29 Superintendent Healy so as that I had an understanding

1 of what the legal argument that had arisen was, and  
2 also, that, having reflected on the advices, to make  
3 sure that everything was going appropriately at the  
4 Commission.

5 552 Q. Okay. Well, if we maybe look at what was happening in 14:35  
6 the Commission at that stage. The Commission had  
7 resumed and commenced a legal argument at 15:36, and at  
8 15:54, which is at page 678 of the materials, which  
9 should also be in that volume --

10 A. It may be in a different one. 14:36

11 553 Q. Actually, volume 1B.

12 A. Yes, I have it here.

13 554 Q. I beg your pardon, yes.

14 A. Yes.

15 555 Q. 678. You will see Mr. Smyth is confirming his 14:36  
16 instructions to the Commission at that stage?

17 A. Yes, that's correct, Chairman.

18 556 Q. So it's likely that you had -- you had actually  
19 confirmed your instructions to Chief Superintendent  
20 Healy at that stage? 14:36

21 A. Yes, Chairman, that's correct.

22 557 Q. I just want to open page 678, just briefly, and if we  
23 just go from maybe 15:54, Mr. Smyth says:  
24  
25 "Do you want me to respond?" 14:37  
26  
27 And that's in relation to an exchange between  
28 Mr. McDowell and Mr. Justice O'Higgins. And what  
29 Mr. Smyth says is:

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 have instructions from the Commissioner, Judge. This is an inquiry dealing with the allegations of malpractice and corruption on a grand scale by members of An Garda Síochána."

14:37

And then he continues:

"My instructions are to challenge the integrity certainly of Sergeant McCabe and his motivation."

14:37

And we then see, going over the page, the integrity, and Mr. Smyth says:

"His motivation and his credibility in mounting these allegations of corruption and malpractice."

14:37

Do you see that?

A. Yes, Chairman.

558 Q. Now, did you, in your mind, sanction that approach before the Commission, at that stage?

14:37

A. In terms of Sergeant McCabe's integrity, no.

559 Q. No.

CHAIRMAN: It may be important, Ms. Leader, I don't know --

14:37

MS. LEADER: Yes.

CHAIRMAN: -- I'm looking, I suppose, as composite of things I have put together. If one goes back just a wee bit, if we could just scroll up, as to how one word

1 may borrow another, as it is said. If you could go  
2 back a wee bit further.

3  
4 "Do you want me to respond?"

5  
6 That it said that -- I'm sorry, it's a wee bit before  
7 that, a wee bit back. Okay. But the word "integrity",  
8 in fact, is first used by the Judge, just as, from time  
9 to time, I have been the one to use a word first, or in  
10 some cases not to use a word first and be reported as  
11 saying a word like "horseplay", for instance, which I  
12 have never used. But if you see it there, the Judge  
13 says --

14 MR. MCDOWELL: The bottom of page 188, Judge.

15 CHAIRMAN: Yes.

16  
17 "The question of credibility of witnesses can be probed  
18 in the normal fashion in relation to clearly the  
19 accuracy of somebody's memory, on the credibility of  
20 their evidence, and so forth, but if goes beyond that  
21 and if it's the Commissioner's case that she wishes to  
22 impugn the motivation and the integrity of Sergeant  
23 McCabe."

24  
25 That seems to be the first use of the word at any  
26 stage.

27 MS. LEADER: Yes.

28 560 Q. So I think maybe with the benefit of absolute  
29 hindsight, it may have been better had you gone down to

1 the Commission that afternoon in order, that everybody  
2 was clear about what you were instructing your legal  
3 team to do?

4 A. Well, Chairman, I would have very much welcomed the  
5 opportunity to go down to the Commission, because I 14:39  
6 think it would have -- we may not even be here now,  
7 because basically it would have cleared up all of the  
8 matters on the day in question.

9 561 Q. Yes.

10 A. And I would have been very happy at any stage to go 14:39  
11 before the Commission. And indeed when I went before  
12 the Commission on day 29, I would also have been very  
13 happy on that particular day to deal fulsomely and  
14 wholeheartedly with what the instructions and the  
15 approach that was taken was. 14:40

16 562 Q. Yes. So your position is that integrity was never to  
17 be challenged?

18 A. No, Chairman. And I want to emphasise this: I have  
19 never, ever considered Sergeant McCabe to be malicious,  
20 and I would have absolutely no reason to challenge or 14:40  
21 to impugn his integrity in any way. This was never,  
22 ever about the man. This was always about the  
23 allegations that were being made and testing the  
24 validity and the veracity of the allegations.

25 563 Q. Okay. But I suppose if we go back to what happened on 14:40  
26 the evening of the 14th, it was all about how Sergeant  
27 McCabe was to be questioned in the Commission?

28 A. But also, how the matters were to be put to everybody,  
29 including senior Garda management, about what the

1 interactions were and what the conduct were, for the  
2 Commission to be given an opportunity to get a full  
3 understanding of what the background issues and the  
4 circumstances that gave rise to all of these matters  
5 coming before the Commission.

14:41

6 564 Q. Now, it would appear after that exchange on the  
7 transcript, you made two further phone calls to Chief  
8 Superintendent Healy?

9 A. Yes, Chair, I see those here.

10 565 Q. Yes. And they're from your landline at 16:02 and  
11 16:06?

14:41

12 A. Yes, Chair.

13 566 Q. Do you have any memory of what those two calls were  
14 about?

15 A. No, not -- as I say, Chair, all of the calls have all  
16 merged in my mind into one continuum, but I certainly  
17 know that -- I can't recall specifically at what stage,  
18 but I know that I was still saying, am I required to go  
19 down? So I can only say that maybe some of those calls  
20 were just confirming whether I was required to go down  
21 or not, because obviously the day was coming to -- the  
22 Commission was coming to a close and I needed to be  
23 clear whether I was required or not.

14:41

14:41

24 567 Q. It would appear that your phone calls were  
25 reverberating in the Commission, because Mr. Smyth  
26 seems to be saying at 16:08, and that's at page 687 of  
27 the materials on the transcript, that he was getting  
28 further instructions in relation to the matter?

14:42

29 A. Yes. I think from my recollection, Chairman, and I

1 can't remember again the sequence of these calls, and  
2 you will appreciate it's about two-and-a-half years  
3 ago, or it is almost two-and-a-half years ago since  
4 these calls took place, but my memory is that I was  
5 asked -- or it was asked within the Commission, can it 14:43  
6 be absolutely or re-confirmed that this is coming from  
7 the Commissioner. And yes, there may have been another  
8 call to reconfirm that. But at all times I was happy  
9 to reconfirm that these were my instructions, based on  
10 the advices I had received. 14:43

11 568 Q. Okay. And insofar as Chief Superintendent Healy is  
12 concerned, he had no sense that anybody was going  
13 beyond your instructions down at the Commission at that  
14 stage, and he was the conduit between yourself and the  
15 legal team, do you understand what I am saying? 14:43

16 A. Yes, I do.

17 569 Q. So he had -- I think we all agree, a very senior  
18 officer in the guards and he had particular expertise  
19 when it came to legal issues, if I understand  
20 correctly? 14:43

21 A. That's correct, yes, he had, Chairman, yes.

22 570 Q. And he no sense that anybody was going beyond their  
23 instructions down in the Commission?

24 A. No, Chairman.

25 571 Q. He certainly reported nothing of that nature to you? 14:43

26 A. He certainly never reported anything of that nature  
27 back, and I'm absolutely confident he would have, had  
28 he had any concerns.

29 572 Q. Yes. So as far as he was concerned, counsel was

1 correct in what they were relaying to the Commission,  
2 if he didn't report any concerns to you?

3 A. If he didn't raise any issues, yes, Ms. Leader, yes.

4 573 Q. Yes. And we can take it, if Chief Superintendent Healy  
5 wasn't in any way worried about what happened down in 14:44  
6 the Commission, and the instructions that were conveyed  
7 to the Commission, counsel couldn't have been, because  
8 he was the person who was relaying the instructions to  
9 counsel down at the Commission?

10 A. Yes, Chairman, that's correct. 14:44

11 574 Q. And you trusted Chief Superintendent Healy to do that?

12 A. Yes, I had entrusted that role to Chief Superintendent  
13 Healy, and he was the primary conduit for relaying the  
14 instructions back and indeed red-flagging any issues  
15 that arose to me. 14:44

16 575 Q. Okay. So the Commission rises again, and at 16:16, if  
17 we can look at your landline, 759, at page 759.

18 A. Sorry.

19 576 Q. 16:16, yes, page 759.

20 A. Yes. 14:45

21 577 Q. If you could just identify that phone number for me,  
22 please?

23 A. Just one moment. At 16?

24 578 Q. 16 -- sorry, I beg your pardon, 16:16 at page 759.

25 A. 16:16. 14:45

26 579 Q. CHAIRMAN: Or is it 16:13?

27 MS. LEADER: I think it's 16:16.

28 A. Yes. No, I see it here, chair.

29 580 Q. Yes.



1 A. Yes, that's the then-deputy secretary general, Ken  
2 O'Leary.

3 581 Q. Okay. And can you remember what you said to  
4 Mr. O'Leary on the telephone that evening?

5 A. Again, I would have been, as normal practice, I would 14:45  
6 have cause to ring Deputy Secretary O'Leary in relation  
7 to the ongoing matters that we were dealing with, and I  
8 may well have said to him that -- the issue that had  
9 arisen at the Commission that day, but that matters  
10 were progressing. 14:46

11 582 Q. Okay. It's a fairly short telephone call, that's  
12 correct, isn't it; it's three-and-a-half minutes?

13 A. Yes, that's correct, just over three-and-a-half  
14 minutes.

15 CHAIRMAN: And he was Deputy Secretary General for 14:46  
16 Crime and Security at that time?

17 A. Yes, Chairman, yes.

18 583 Q. MS. LEADER: Now, Mr. O'Leary, whose statement is at  
19 3347 of the materials, what he says in relation to the  
20 afternoon of the 15th May, volume 5, I think, but it 14:46  
21 will come up on the screen, it may be more convenient  
22 for you.

23 A. 3347, yes.

24 584 Q. What he says is:

25  
26 "On the afternoon --" it should be in front of you. 14:47

27 A. Yes.

28 585 Q. "On the afternoon of the 15th May 2015, former Garda  
29 Commissioner O'Sullivan contacted me in relation to a

1 matter which had arisen at the O'Higgins Commission  
2 that day. I know it was that day based on the sequence  
3 of events set out by counsel for the Disclosures  
4 Tribunal in his opening statement. My understanding  
5 from what the then-Commissioner said, was that counsel 14:47  
6 for Sergeant McCabe had reacted strongly to an issue  
7 which had arisen at the Commission that somehow related  
8 to a previous criminal complaint made against Sergeant  
9 McCabe and that counsel for Sergeant McCabe had asked  
10 whether this issue was being raised on the instructions 14:47  
11 of the Commissioner."

12  
13 Does that help you in remembering that telephone  
14 conversation at all?

15 A. Only insofar as I may well have said to, as I said to 14:48  
16 Mr. Waters, that an issue had arisen, legal argument  
17 had arisen at the Commission, but at that stage the  
18 matter would have been dealt with and the instructions  
19 would have been re-confirmed.

20 586 Q. Well, Mr. O'Leary continues: 14:48

21  
22 "I had no prior knowledge of what evidence An Garda  
23 Síochána intended to or were in a position to present  
24 at the Commission or any case that they proposed  
25 making. I can recall being acutely conscious during 14:48  
26 the conversation of the proper position of the  
27 Department in relation to the O'Higgins Commission and  
28 I specifically remember mentioning to the then-Garda  
29 Commissioner at an early stage of our discussion that

1 the Department could not become involved in or attempt  
2 to influence in any way the approach of An Garda  
3 Síochána to the Commission, which was entirely a matter  
4 for her as Garda Commissioner, taking into account the  
5 legal advice available to her. The then-Commissioner 14:49  
6 fully accepted this. It was against that background  
7 too that I did not seek any further clarification of  
8 what had arisen at the Commission, the conduct of which  
9 I was aware was confidential, or information as to what  
10 evidence it was intended to present to the Commission 14:49  
11 or the nature of any legal case to be made."  
12

13 And he continues:

14  
15 "The focus of our conversation related to the question 14:49  
16 of evidence and I do not recall it touching on any  
17 overall legal strategy counsel for the Commissioner  
18 might indicate to the Tribunal as set out in  
19 transcripts which subsequently entered the public  
20 domain, as referred to by counsel for the Tribunal in 14:49  
21 his opening statement, where counsel for An Garda  
22 Síochána had made general comments in relation to their  
23 approach to Sergeant McCabe."  
24

25 He continues: 14:49

26  
27 "While clearly accepting that the Department could have  
28 no role in determining the Garda position in relation  
29 to the Commission, the Commissioner asked me, based on

1 my experience, if anything occurred to me which she  
2 might need to be mindful of in addressing this  
3 particular issue with her legal advisers. I suggested  
4 that she would have to be guided by her legal advice in  
5 these matters, but against the background that the 14:50  
6 Department was not in a position to express any views  
7 on the position of An Garda Síochána at the Commission,  
8 there was a discussion of factors which she might need  
9 to be mindful in the context of discussions with her  
10 legal advisers. To the best of my recollection, 14:50  
11 matters mentioned were the need for sensitivity in  
12 relation to protecting the position of Sergeant McCabe,  
13 the position of other people at the Commission against  
14 whom serious allegations had been made, the likely  
15 adverse reaction of the Commission to the introduction 14:50  
16 of matters which it might consider inappropriate and  
17 the overall duty on the Garda Commissioner to assist  
18 the Commission in whatever way possible to establish  
19 the facts of what the Commission had been asked to  
20 investigate. The Commissioner was then going to 14:51  
21 discuss these matters with her legal advisers and I  
22 think I reiterated the view that she would have to be  
23 guided by the legal advice available to her. I also  
24 believe I suggested that, from her point of view, it  
25 might be helpful if it was possible to gain more time 14:51  
26 so she could consider the matters more fully with her  
27 legal advisers."

28  
29 Now, that is Mr. O'Leary's recollection of the

1 telephone conversation. I think you'll agree it's a  
2 fairly detailed description of what happened during the  
3 telephone conversation? He seems to have a fairly  
4 detailed memory of a telephone conversation he had with  
5 you on the afternoon of the 15th May.

14:51

6 A. Yes. The only record, Chairman, that I have of a  
7 telephone call with Deputy Secretary O'Leary is that  
8 record, and I had a call with him later that evening.  
9 But, yes, it's a detailed note of what his recollection  
10 is.

14:52

11 587 Q. Okay. Do you agree with that? Do you argue with it in  
12 any way or disagree with it in any way?

13 A. I certainly spoke to Deputy Secretary O'Leary. I don't  
14 remember having a detailed conversation. And at the  
15 time that I made the call to Deputy Secretary O'Leary,  
16 the instructions had been re-confirmed to counsel. So  
17 I'm not sure at what stage this call that Deputy  
18 Secretary O'Leary recalls was made. I certainly would  
19 have had a later conversation with him, from my memory,  
20 that evening in relation to the other ongoing matters  
21 and we may well have discussed it. Deputy Secretary  
22 O'Leary -- at that time, Chairman, maybe again by way  
23 of context, there were a lot of issues going on, I call  
24 them parallel issues, between Sergeant McCabe and the  
25 Department that I may not have been aware of, so I may  
26 have asked was there anything that I needed to be aware  
27 of, but I can't specifically recall, but I do recall  
28 having conversations that day with Deputy Secretary  
29 O'Leary, but I don't recall the detail that is

14:52

14:52

14:52

1 contained in his recollection.

2 588 Q. You see, you repeatedly refer to other matters that  
3 were ongoing at that time that you may have cause to  
4 speak to the Department of Justice officials about, but  
5 Assistant Secretary O'Leary doesn't at any time refer 14:53  
6 to any other matter but what was going on before the  
7 O'Higgins Commission on 15th May and your decision with  
8 regard to attitude to Sergeant McCabe. You see that  
9 there in front of you?

10 A. Yes, I see that, Chairman. 14:53

11 589 Q. Yes. So what I am saying to you is, it's very hard to  
12 believe that that was what you were actually discussing  
13 with Mr. O'Leary, other security matters, if I can put  
14 it that way, when you don't remember what you said to  
15 him and he gives a fairly detailed account of what 14:53  
16 happened during that telephone conversation and what he  
17 said to you?

18 A. Well, I also note, Chairman, that he says that I was on  
19 the phone call -- on the telephone at the same time to  
20 Chief Superintendent Healy, and the sequence of calls 14:54  
21 that we have wouldn't indicate that that's the case, so  
22 I don't think I can really account for Deputy Secretary  
23 O'Leary's recollection. I'm not saying I didn't have a  
24 conversation with him, I did have a conversation with  
25 him, I certainly remember having a conversation with 14:54  
26 him, and I may well have told him about the issues that  
27 had arisen and asked him was there anything else that I  
28 needed to be mindful of going on in the background  
29 between Sergeant McCabe and the Department of Justice,

1 but it was not seeking instructions or seeking to  
2 consult; it was merely informing him of the fact that  
3 something had happened. And again, Chairman, maybe  
4 it's useful at this point to say, there would be  
5 regular interactions and communications between myself, 14:54  
6 as Garda Commissioner, and various officials in the  
7 Department of Justice, including Assistant Secretary  
8 O'Leary and including Mr. Waters, so there would be  
9 nothing unusual in us having contacts practically every  
10 day. 14:55

11 590 Q. Are you challenging Mr. O'Leary's account of the  
12 conversation?

13 A. I can only say what I know, Ms. Leader, and what I know  
14 is that, well, from the records, at the time that I'm  
15 speaking to Mr. O'Leary on the phone, I'm not speaking 14:55  
16 at the same time -- or, I beg your pardon, I'm not on  
17 the phone at the same time to Chief Superintendent  
18 Healy, so I'm not -- other than that, I certainly may  
19 well have spoken to Deputy Secretary O'Leary, but I  
20 want to be very clear it would have been just me 14:55  
21 basically informing him and asking him if there was  
22 anything else going on that I needed to be aware of.

23 591 Q. So I take it you are challenging Mr. O'Leary's account  
24 of the telephone conversation?

25 A. Well, I note it is a recollection, and I suppose to be 14:55  
26 fair to Mr. O'Leary, probably like myself, there are a  
27 lot of telephone calls. I'm not in a position to  
28 assist the Chairman by dissecting my telephone calls to  
29 say what I had when, and it's probably very difficult

1 for any witness to do that at this remove of time.

2 592 Q. I suppose I would have to suggest to you.

3 Ms. O'Sullivan, that Mr. O'Leary seems to have  
4 remembered this telephone conversation in some detail?

5 A. Yes, he has a detailed note of the conversation. And I 14:56  
6 am not sure, we would have had conversations around  
7 this matter, yes. On that day, I can't be certain.  
8 There's certainly a record of a phone call at that time  
9 to Mr. O'Leary, but there isn't a record of a phone  
10 call at the same time to Chief Superintendent Healy. 14:56  
11 So I don't know, Chairman. I don't think I can put  
12 that any further.

13 593 Q. Okay. And what Mr. O'Leary seems to be saying, in that  
14 paragraph that I have read out to you, is that you  
15 were, if I can put it this way, uneasy with regard to 14:56  
16 the position that was adopted at the Commission as you  
17 were asking him if anything occurred to him which you  
18 might need to be mindful in addressing the issue with  
19 your legal advisers. So Mr. O'Leary, for his part,  
20 seems to be under the impression that you were not 14:57  
21 entirely happy, or put it, confident, or maybe you  
22 thought there was something else you should have to be  
23 thinking about in relation to the stance you took with  
24 Sergeant McCabe at the Commission?

25 A. Chairman, I was very confident with the decision I took 14:57  
26 and the instructions I gave based on the advices I had  
27 received. As I say, I relied on the professional legal  
28 advices of the team, who I had trusted to manage this  
29 on behalf of An Garda Síochána. I certainly would have



1           been aware over the preceding months that there had  
2           been a number of ongoing interactions between Sergeant  
3           McCabe and the Department. And yes, I may well have  
4           asked were there other issues that I needed to be  
5           mindful of, but it was not in terms of making my 14:57  
6           decision. And if Mr. O'Leary is portraying that I  
7           portrayed some type of discomfort or unease, I didn't  
8           feel uncomfortable or uneasy. It's always  
9           uncomfortable and it's always a dilemma when you have  
10          to test evidence, and particularly of serving members 14:58  
11          of An Garda Síochána, it's always a very uncomfortable  
12          position to be in, but not a position that I would in  
13          any way resile from or a position based on the legal  
14          advices I had received, it was absolutely necessary, in  
15          my view. 14:58

16 594 Q.   well, I think the conversation with Mr. O'Leary, which  
17           happened, I think, at 16:16, a number of things  
18           happened in relation to Ms. Ryan that evening and other  
19           phone calls she had, but it would appear, later on that  
20           evening, Chief Superintendent Healy emailed you 14:58  
21           counsel's advice, and that happened at in or around  
22           quarter past seven --

23          A.   Yes, Chairman, that's correct.

24 595 Q.   -- in the evening. And that's at page 750 of the  
25           materials, if that could -- 14:59

26          A.   Yes, Chairman, I have that here.

27 596 Q.   We see an email from Chief Superintendent Healy to you:  
28  
29           "Commissioner,

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

Further to our telephone conversations of even date, please see the attached letter from counsel appointed to represent your interests and those members of the organisation at superintendent rank and higher, serving and retired, that have sought and been granted representation at the Commission of Investigation. I trust this letter grants comfort for the decision that has now been taken." 14:59

A. Yes, Chairman. 14:59

597 Q. And I think, did you ask Chief Superintendent Healy to email you on the counsel's advices?

A. Yes, during one of our earlier conversations, yes, Chairman.

598 Q. Okay. And in relation to the phrase, "I trust this letter grants comfort for the decision that has now been taken", I don't know if you have any comment to make in relation that? 15:00

A. No, Chairman, other than what I said, that these decisions are never taken lightly, they are absolutely necessary decisions that have to be taken in the course of proceedings. I made the decision, I took the decision having considered the advices, and particularly the strong advices of counsel, which hadn't changed from the previous day, and on that basis. So other than just reassuring me that the decision that had now been taken and here are the advices, no, I can't really offer any further comment on that. 15:00

1 599 Q. Okay. Well, in the meantime, that evening, Ms. Ryan  
2 had been on the telephone to Chief Superintendent Healy  
3 and informed him of contact she had had with the  
4 Attorney General's office and comments from the  
5 Attorney General's office, and it would appear that he 15:01  
6 agreed to brief you in relation to the matter?  
7 A. Yes, Chairman, I've heard that in evidence in previous  
8 days.

9 600 Q. And in actual fact, you were speaking to Chief  
10 Superintendent Healy at half past seven, in or around 15:01  
11 half past seven that evening by phone?  
12 A. Yes, Chairman, I think just before half past seven.

13 601 Q. Yes. And I think you had a just under five-minute  
14 telephone conversation with Chief Superintendent Healy.  
15 Can you remember what happened during that telephone 15:01  
16 conversation?  
17 A. Yes, Chairman. From my memory, it was kind of a  
18 wrap-up of the day and what had happened. We discussed  
19 the fact that I had just received the email, the email  
20 advices, and it was a general wrap-up of the day's 15:02  
21 proceedings and what had happened and the fact that  
22 there was going to be some work to be continued over  
23 the weekend on the preparation of a document that had  
24 been directed by the Sole Member.

25 602 Q. Were you aware of the ruling of Mr. Justice O'Higgins 15:02  
26 with regard to advance notice being given to Sergeant  
27 McCabe's team of the factual basis?  
28 A. Yes, Chief Superintendent Healy would have told me that  
29 there was work to be completed on a document that was

1 to be prepared over the weekend.

2 603 Q. Okay. And then we see a further telephone call to  
3 Mr. O'Leary at 21:05 from your mobile number. I don't  
4 know if that is in front of you now?

5 A. Yes. But I'm aware of it -- 15:02

6 604 Q. Yes, you're aware of it?

7 A. -- Chairman, so, yes.

8 605 Q. Yes. And do you have any memory of that telephone  
9 call?

10 A. Again, my memory is that we were discussing more 15:02  
11 operational matters and we were discussing there were  
12 to be appearances at the Special Criminal Court, from  
13 my memory, the following day, and we were discussing  
14 what the implication, or otherwise, of those would be.

15 606 Q. Okay. Well, Mr. O'Leary has -- in his statement at 15:03  
16 page 3348, refers to a further telephone call from you.  
17 What he says in relation to that telephone call is:

18

19 "To the best of my recollection, I received a further  
20 call shortly afterwards from the then-Garda 15:03  
21 Commissioner. I think at least for some of that call  
22 she was also on the phone to Garda HQ legal officer at  
23 the O'Higgins Commission. As I understand it, the  
24 Commissioner was being advised that her legal  
25 representatives at the Commission had to respond more 15:03  
26 or less immediately to the issue which had arisen  
27 earlier, and the view of her legal team was that, in  
28 discharging her obligations to the Commission, there  
29 was a legal duty on her to raise matters which had

1 arisen. I believe that, in the circumstances, the  
2 Commissioner indicated to the effect that her legal  
3 team should maintain their position that afternoon,  
4 that there would be further detailed consultation with  
5 her legal team subsequently about the matter." 15:04

6  
7 So that's the reference to being on the telephone to  
8 Chief Superintendent Healy, is that correct?

9 A. That's correct, Chairman, but this seems to indicate  
10 it's an earlier phone call in the afternoon. 15:04

11 607 Q. Okay. Well, maybe it's something that Mr. O'Leary, but  
12 he refers to two telephone calls, and your phone  
13 records record two telephone calls with Mr. O'Leary  
14 after the issue had arisen at the Commission, am I  
15 correct in saying that? 15:04

16 A. Yes, Chairman. But one call is at just after 4:15 in  
17 the afternoon.

18 608 Q. Yes.

19 A. And the other is at, I forget, Ms. Leader, sorry, and I  
20 don't have it in front of me, but it's about 15:04  
21 twenty-five past nine at night, is it?

22 609 Q. Something like that. Five past nine.

23 A. Five past nine.

24 610 Q. Yes. So he recounts two telephone calls and a somewhat  
25 unsettled attitude to the approach to Sergeant McCabe 15:05  
26 at the Commission. I think that's the outcome of those  
27 two telephone calls?

28 A. I wouldn't describe my attitude as unsettled. I accept  
29 Mr. O'Leary's note, but I certainly didn't feel

1 unsettled. As I say, people, and certainly as  
2 Commissioner of An Garda Síochána you have to make  
3 decisions on a regular basis and you have to make the  
4 decisions when the issue is presented to you, having  
5 weighed up the facts, and sometimes the facts that you 15:05  
6 have to weigh up, you have to do it very, very quickly,  
7 and that was the case in this case. We weren't getting  
8 an adjournment and therefore the decision had to be  
9 taken. So the decision had been taken at that point in  
10 time. 15:05

11 611 Q. Okay. Well, I suppose in relation to the other matters  
12 that were going on that day, you had experienced police  
13 officers dealing with those matters, isn't that  
14 correct?

15 A. Yes, but if I may again, Chairman, just to provide 15:05  
16 context, the matters were of such a serious nature,  
17 that, actually, I had to make sure that I maintained  
18 oversight and coordination of them, and they were very  
19 serious matters going to both, I suppose, international  
20 relations but also the security of the State and a 15:06  
21 forthcoming visit. So it wasn't as if I could just  
22 delegate them and leave them. Certainly, there were  
23 people dealing with them, on-the-ground issues and on  
24 the day-to-day issues, but there were very serious  
25 matters that needed to be attended to. 15:06

26 612 Q. I don't doubt that for a minute, Ms. O'Sullivan, but  
27 the reality is, if there was an ongoing Garda  
28 operation, people were dealing with that on the ground  
29 and being supervised by investigating officers a layer

1 above that, and there was also probably a chief  
2 superintendent and an assistant commissioner of crime  
3 and security above that, on top of that situation, is  
4 that the actual case?

5 A. Yes. But it would also be my responsibility then to 15:07  
6 make sure that those matters were brought to the  
7 attention of the necessary authorities.

8 613 Q. Yes. But in relation to those matters, they were being  
9 dealt with and -- on the ground by people who were  
10 supposed to be dealing with them? 15:07

11 A. Yes.

12 614 Q. Who were trained to deal with them?

13 A. That's correct, Chairman, yes.

14 615 Q. So you had to make a particular decision, which was  
15 your personal decision, and you had to make it on 15:07  
16 behalf of all of An Garda Síochána that day, isn't that  
17 correct?

18 A. Yes, that's correct, Chairman.

19 616 Q. So the decisions in relation to the ongoing  
20 on-the-ground operation, whatever that was, were being 15:07  
21 taken by other members of the Garda force, under  
22 supervision, isn't that correct?

23 A. Yes, Chairman, but they were very important matters  
24 that went to the heart of the security of the State.

25 617 Q. I have no issue with that at all. But there were other 15:07  
26 people there to make those decisions who were suitably  
27 trained and who you trust --

28 A. Yes.

29 618 Q. -- to make those decisions?

1 A. Yes.

2 619 Q. So had you to make a decision which was entirely your  
3 decision that day?

4 A. That's correct, Chairman, yes.

5 620 Q. So what I am suggesting to you, it's fairly likely that 15:08  
6 in relation to what you had to do that day, you were  
7 speaking to other people about it, and not in relation  
8 to matters which other people were dealing with at that  
9 particular time?

10 A. I'm not sure, Ms. Leader, if we could just -- maybe I'm 15:08  
11 not -- maybe could you repeat the question, please?

12 621 Q. Certainly. You're referring in your answers to  
13 discussing an ongoing policing operation with members  
14 from the Department of Justice?

15 A. Yes. 15:08

16 622 Q. I am correct about that. That ongoing policing  
17 operation was an ongoing matter which was being dealt  
18 with by fully competent, properly trained police  
19 officers, and being supervised by people of chief  
20 superintendent level and assistant commissioner level, 15:08  
21 as in the normal way?

22 A. In the normal way, Chairman, if things were normal at  
23 that time --

24 623 Q. Yes.

25 A. -- I would have had a deputy commissioner who would be 15:08  
26 looking after some of these, but it would still fall on  
27 me, the responsibility to keep -- the importance of  
28 this operation was such that it was necessary to ensure  
29 that the Department were kept informed of it.



1 624 Q. Yes. No, I don't doubt that. But they were making the  
2 decisions on that day, were they?

3 A. There were operational decisions being made every day,  
4 yes.

5 625 Q. And had you a particular decision to make that 15:09  
6 afternoon after Chief Superintendent Healy phoned you,  
7 isn't that correct?

8 A. That's correct, Chairman, yes.

9 626 Q. And that seemed to have been a fairly urgent decision  
10 to make in view of what was going on and the time 15:09  
11 constraints in the Commission?

12 A. Yes, Chairman, that's correct.

13 627 Q. And in the middle of making that decision, your phone  
14 records record that you made a number of telephone  
15 calls to Mr. Waters, one telephone call to -- actually 15:09  
16 two, but one immediately after another to Mr. Waters, a  
17 telephone call to Mr. O'Leary and a number of telephone  
18 calls to and from Chief Superintendent Healy?

19 A. Yes, I made two phone calls in that period of -- well,  
20 two to Mr. O'Leary, one later that night. 15:09

21 628 Q. Yes.

22 A. But, yes, I made two telephone calls to the Department  
23 of Justice, yes.

24 629 Q. Yes. So it is likely that Mr. O'Leary is entirely  
25 correct in his memory - maybe he's gotten the sequence 15:10  
26 out of order - in relation to his memory of what was  
27 going on, what was occupying your mind was the attitude  
28 to Sergeant McCabe at the Commission?

29 A. Well, there were several things occupying my mind,

1 Chairman, and I can't over-emphasise that enough, and  
2 certainly all I can say is that the sequence of  
3 telephone calls, as illustrated in Mr. O'Leary's note,  
4 don't accord with the sequence of telephone calls on  
5 the record and they don't accord with the sequence of 15:10  
6 telephone calls in my memory, but I accept his note.  
7 CHAIRMAN: It seems to me, maybe it would help if I  
8 explained what I think is at the base of Ms. Leader's  
9 question. It's, you could somehow say the loneliness  
10 of command, if you read war novels you might come 15:10  
11 across that, but I know you've been in that position.  
12 But it's in relation to everything else that is going  
13 on, where there is a visit happening the next day,  
14 where there is a serious security operation, you're  
15 talking those things through with people who are 15:11  
16 already dealing with them, but vis-à-vis this, this is  
17 something that lands on your desk, it seems  
18 unexpectedly, in emotionally fraught circumstances, and  
19 Ms. Leader's question is: Look, in those  
20 circumstances, would you not find it useful to talk it 15:11  
21 through with somebody, like people from Justice? Is  
22 that the point of the question, Ms. Leader?  
23 MS. LEADER: Yes.  
24 CHAIRMAN: Yes.  
25 A. I suppose, Chairman, what I was conscious of was, that 15:11  
26 the Commission was in private. Certainly, I felt that  
27 it was necessary to bring to the Department's attention  
28 the fact that a legal argument had arisen during the  
29 day and that there could be potential fallout from

1 that. we didn't know at that stage what it would be,  
2 but it was quite likely, in my mind, that there could  
3 be, for example, media queries arising, particularly  
4 the fact that we were coming into the weekend, and I  
5 would have alerted them to that fact. I would have  
6 also wanted to know was there anything else going on in  
7 the background that may have influenced my decision or  
8 something that I needed to be aware of or mindful of to  
9 be fair to all parties, and that would have been the  
10 thrust of the conversation. 15:11

11 630 Q. Okay. If we can just turn briefly to Chief  
12 Superintendent Healy's note of the day's events. And  
13 it's at page -- the typed version is at page 3825 of  
14 the materials in volume 7. 3825. 15:12

15 A. Yes, I have it here. 15:13

16 631 Q. What Chief Superintendent Healy has recorded is that he  
17 made several telephone conversations with you to get  
18 instructions on the questioning of Sergeant Maurice  
19 McCabe at the Commission. 15:13

20  
21 "The requirement was to question the motive of the  
22 member for the making of various complaints.  
23 Commissioner sought time to speak to DoJ."  
24

25 Do you have anything to say in relation to that  
26 particular note? 15:13

27 A. Chairman, the only -- as far as I can put it is, I may  
28 well have said in my conversation with Chief  
29 Superintendent Healy, having asked him could he get the

1 adjournment, saying -- he was gone to see could he get  
2 an adjournment, and I was saying I'm going to ring the  
3 Department to let them know. It may well be that. I  
4 don't specifically remember that, but it may well be  
5 that I told him that.

15:13

6 632 Q. Then we see recorded:

7  
8 "Then returned with instructions that we:  
9 1. In light of the developments on the front that  
10 Sergeant McCabe had issues with now working in  
11 Mullingar and his welfare, could we seek a deferral  
12 until we seek advice?"

15:14

13  
14 Now, is that in relation to the decision in relation to  
15 motivation or in relation to working in Mullingar, or  
16 what was the advice?

15:14

17 A. Again, from my memory, Chairman, that would have been,  
18 I recall saying to Chief Superintendent Healy that we  
19 needed to make sure that the necessary supports in  
20 Mullingar were in place for Sergeant McCabe. This was  
21 obviously going to be a stressful experience for  
22 everybody, but particularly for Sergeant McCabe, and I  
23 needed to make sure that we had the necessary support  
24 mechanisms in place.

15:14

25 633 Q. You see, Chief Superintendent Healy hasn't suggested  
26 that the Mullingar working-place issues were ever an  
27 issue as far as he was concerned, and he knew nothing  
28 about them?

15:14

29 A. I'm going on the basis that from my memory, but also

1 the note here says that the working in Mullingar and  
2 the welfare, so, from my memory, what I was saying to  
3 Chief Superintendent Healy is: look, I just want to  
4 make sure that we have the welfare supports in place,  
5 so that's my understanding of what this -- again, 15:15  
6 Chairman, I'm always very careful in giving -- offering  
7 an opinion on other people's notes. I can only tell  
8 you from my perspective and my memory of what it may  
9 be.

10 634 Q. Then we see he records: 15:15

11  
12 "The Commissioner then rang a second time and advised  
13 that, on reflection, that it came out in the course of  
14 questioning, then counsel should --"

15 CHAIRMAN: Sorry, Ms. Leader, we're missing the word 15:15  
16 "if" --

17 MS. LEADER: Yes.

18 CHAIRMAN: -- in that typed note.

19 MS. LEADER: "... if it came out."

20 15:15

21 Yes. "If", which is in the handwritten notes, yes.

22  
23 "If it came out in the course of questioning then  
24 counsel should explore it and it was her view that if  
25 he (counsel) was advising that we explore the area of 15:15  
26 motive and that it was necessary then she was inclined  
27 to give instructions to him to explore the issue. It  
28 would be remiss of her not to instruct him to proceed.  
29 Therefore, Commissioner instructed counsel to pursue

1           that specific line of questioning."

2           A.    Yes.

3 635 Q.    And do you think that accurately records what your  
4           instruction was to --

5           A.    Yes. 15:16

6 636 Q.    What you thought you were saying to Chief  
7           Superintendent Healy?

8           A.    And again, Chairman, I heard Chief Superintendent  
9           Healy's evidence, so this is a condensed note, and  
10          again, as I've said earlier, I can't unravel this and 15:16  
11          the sequence of telephone calls that transpired, but  
12          it's an overall capture of the issues that we would  
13          have discussed, yes.

14 637 Q.    CHAIRMAN: Sorry, the way that looks is something like  
15          this: so I don't want you to specifically raise this, 15:16  
16          but if it comes up as being important, well then of  
17          course -- the "if" word, I suppose, is the only thing  
18          that is --

19          A.    Chairman, I suppose if counsel were advising that this  
20          was absolutely necessary, and it was necessary to 15:16  
21          explore this area, yes, then it was -- I was  
22          advising it -- or I was instructing, I beg your pardon.  
23          CHAIRMAN: Well, you see, another possible  
24          interpretation would be the whole thing about the DPP's  
25          letter and its circulation may not have come up at all, 15:17  
26          anywhere.

27          A.    Yes, that's correct.

28          CHAIRMAN: And if it didn't come up, you were content  
29          to leave it lie, but if it did come up well then

1 obviously you had to ask about it. So that is another  
2 interpretation.

3 A. Yes. Or if the sole Member, for example, Chairman, had  
4 decided or had ruled upon it, it may not become an  
5 issue at all. So really, I was basing it on counsel's 15:17  
6 advices, and that if counsel deemed it necessary and if  
7 it was -- if it arose, then to -- they had the  
8 instructions.

9 638 Q. MS. LEADER: Just in relation to the word "necessary",  
10 you'd already decided that this was an appropriate 15:17  
11 thing to pursue in the Commission, isn't that correct?

12 A. Based on the advices I had received, yes, Chairman.

13 639 Q. Yes. So when you're saying that it was necessary, is  
14 this in addition to the instructions that you were  
15 already giving, or were you actually reconfirming 15:18  
16 instructions?

17 A. No, and again, as I say, my caution here is around  
18 interpreting somebody else's note, but, from my memory,  
19 was what I relayed to Chief Superintendent Healy was  
20 that if counsel considered it necessary and that it was 15:18  
21 necessary to bring it out in the course of  
22 cross-examination, then that was the instruction that  
23 was given.

24 640 Q. Okay. Just in relation to discussing the matter  
25 perhaps and maybe working it through with counsel, as 15:18  
26 to whether or not it was necessary, based on all of you  
27 knew in relation to Sergeant McCabe's issues, which far  
28 exceeded the amount of time counsel had in relation to  
29 familiarising himself with the same issues, did you at

1 any time think maybe I should sit down and talk to  
2 counsel about this and figure out why is it necessary  
3 to pursue these matters, is there another way to do it,  
4 whether the facts stand on their own without pursuing  
5 any issue as to Sergeant McCabe feeling -- making the 15:19  
6 complaints?

7 A. Well, as I said earlier, Chairman, it was, I think, an  
8 unprecedented dilemma to be in. I had to make a  
9 decision. There was a big emphasis on making the  
10 decision. The advices had been received. Counsel had 15:19  
11 to have a very hurried overview, but they did have the  
12 opportunity, which is something I never had,  
13 opportunity to interview -- or, sorry, consult with the  
14 witnesses that were going to be giving the evidence,  
15 and it was their considered opinion that, basically, 15:19  
16 that these were matters that in a fair -- for a fair  
17 and balanced examination -- and if I go back to my own  
18 mindset, maybe, Chairman, this may be helpful, was that  
19 the Commission of Investigation gave us an opportunity  
20 to have a fair, balanced, objective and impartial 15:20  
21 hearing of all of the matters, safe in the knowledge  
22 that it was being overseen by a very experienced High  
23 Court judge and that all of the parties were  
24 represented by very experienced legal people. So, in  
25 that context, I felt that this was the appropriate 15:20  
26 thing to do.

27 641 Q. Ms. Ryan has given evidence that she felt that a  
28 consultation, face-to-face, should be had with you in  
29 relation to the matter because she felt that there was



1 trouble ahead in relation to what had gone on in the  
2 Commission on the Friday evening, the 15th, and, as I  
3 understand it, Chief Superintendent Healy relayed that  
4 to you?

5 A. Well, I've read Ms. Ryan's evidence, and my 15:20  
6 conversations with Chief Superintendent Healy, and I do  
7 appreciate that Chief Superintendent Healy was under a  
8 lot of pressure relaying matters to and fro from the  
9 Commission, but certainly I was never given the  
10 impression that there was such an emphasis on having a 15:21  
11 meeting, because no matter what I was doing or where I  
12 was, I would always make myself available if it had  
13 been pressed upon me that there was such a desire on  
14 behalf of Ms. Ryan to have a consultation, I certainly  
15 would have done that. 15:21

16 642 Q. Do you regret not having a consultation over the  
17 weekend, in view of what had happened after that?

18 A. Well, I think we had to just deal with the  
19 circumstances as they presented themselves.

20 643 Q. Yes. 15:21

21 A. And the circumstances that presented themselves was  
22 that there was a requirement to make a decision there  
23 and then, and that's what had to be done.

24 644 Q. So you didn't see any necessity for a consultation 15:21  
25 after Friday evening when you had made a decision  
26 reconfirming your first decision in relation to the  
27 matter?

28 A. Yes, and I think that's probably reflected in Chief  
29 Superintendent Healy's email, the 19:17 email, where he

1 says the decision that has now been taken. I was asked  
2 to make a decision. Based on the advices I had  
3 received, I made that decision, I relayed it to Chief  
4 Superintendent Healy, and that was the decision that  
5 was made. If advices had changed at any stage, I would 15:22  
6 have obviously reconsidered them and reviewed them in  
7 the course of the proceedings.

8 645 Q. Were you aware of the ruling of Mr. Justice O'Higgins  
9 that Friday evening, that a document had to be  
10 prepared; it would appear Chief Superintendent Healy 15:22  
11 told you about that?

12 A. Yes, that's correct, Chairman, he did.

13 646 Q. And did you regard it as important to look at that  
14 document at any time since, now, the factual basis for  
15 the instructions that you had given were about to be 15:22  
16 committed to writing and put before the Commission?

17 A. Well, I understood that the document was going to  
18 present the position that -- the facts that had to be  
19 given before the Commission and the people that had the  
20 facts were going to input to that document. So I had 15:23  
21 no factual input because I had no knowledge of what had  
22 happened in the Cavan-Monaghan area and I had no  
23 knowledge of what the interactions were between the  
24 individual persons that were contributing to the  
25 document and Sergeant McCabe. 15:23

26 647 Q. But isn't that the very point, Ms. O'Sullivan; you were  
27 giving the go-ahead in relation to questioning Sergeant  
28 McCabe about making his complaints and where all of  
29 this was coming from, and a factual position was going

1 to be committed to writing in your name in relation to  
2 provide a factual basis for that line of questioning,  
3 so perhaps it might have been fairly critical, I'd  
4 suggest to you, that you would have oversight of that  
5 procedure. It wasn't, in actual fact, micro-managing; 15:23  
6 it was actually looking over what you were sanctioning  
7 by giving the go-ahead to counsel on both Thursday and  
8 Friday?

9 A. Chairman, it was never about -- it was never to do with  
10 Sergeant McCabe making his complaints. It was getting 15:24  
11 an understanding and putting before the Commission the  
12 full factual background so they could consider how this  
13 came about. It was never anything to do with Sergeant  
14 McCabe making his complaints. It was actually to do  
15 with how did this situation arise where Sergeant McCabe 15:24  
16 came to conclude that these individual incidents led to  
17 the corruption and malpractice. And my opinion was at  
18 that time that the expertise that was there between the  
19 legal team and the people that had the best knowledge  
20 of it, there was such an urgency on presenting this 15:24  
21 document for Monday morning, that they were the best  
22 people to deal with it. I would be afraid that I would  
23 be here today accused of interfering in some way if I  
24 was going to meet each of the individual people and say  
25 to them, what are you going to say about this and what 15:24  
26 evidence do you have to offer to the Commission? I  
27 just, quite frankly, didn't know, Chairman, and I  
28 didn't think it was appropriate for me to go and  
29 interview them. They were consulting with counsel and

1 giving counsel input into the document.

2 648 Q. well, I'm not suggesting that you interview individuals  
3 who contribute to the document. what I am suggesting  
4 is, would you not have read over the document to inform  
5 yourself of the factual basis for the line of 15:25  
6 questioning which you were authorising both on Thursday  
7 and Friday?

8 A. well, I felt it was appropriate to leave it to the  
9 legal team and with the input from each of the people  
10 that had the appropriate knowledge that could actually 15:25  
11 best put forward to the Commission the position and to  
12 allow that to take place. My understanding is, from  
13 Chief Superintendent Healy, that that continued into  
14 the very early hours of the morning, and indeed I have  
15 read from Ms. Ryan's evidence that she was in a very 15:25  
16 hurried way to get it to the Commission on the Monday  
17 morning. So really, there was no time to do that. But  
18 I also felt that I had nothing of factual input to  
19 input to the document.

20 649 Q. Did you at any time limit your instructions to counsel 15:26  
21 insofar as you might have said to him at no time and in  
22 no way is Sergeant McCabe's integrity ever to be  
23 challenged?

24 A. I never, ever instructed counsel to impugn Sergeant  
25 McCabe's integrity. 15:26

26 650 Q. That is not what I asked you, Ms. O'Sullivan. Did you  
27 ever instruct counsel not to impugn his integrity?

28 A. It was never about Sergeant McCabe, I think I said it  
29 earlier, Chairman, it was never about Sergeant McCabe

1 as an individual or as the man. It was always about  
2 getting to the truth of the allegations and  
3 establishing or assisting the Commission in  
4 establishing the facts and putting the relevant  
5 background matters before the Commission. So it was 15:26  
6 never, ever suggested to me that there was going to be  
7 any -- never anything to do with Sergeant McCabe  
8 personally or his integrity, or anything of that  
9 nature.

10 651 Q. Perhaps I might ask you again, Ms. O'Sullivan. Chief 15:27  
11 Superintendent Healy records that the issue of  
12 motivation was to be opened up in front of the  
13 Commission, I am correct in that, and that was your  
14 understanding in relation to that?

15 A. Yes, Chairman. 15:27

16 652 Q. And in giving instructions to Chief Superintendent  
17 Healy, did you ever make it clear to him that at no  
18 time was Sergeant McCabe's integrity to be challenged?

19 A. Yes.

20 653 Q. When? 15:27

21 A. Chief Superintendent Healy would have been aware of my  
22 views in relation to Sergeant McCabe and that it was  
23 not about Sergeant McCabe. So from the outset. It was  
24 always about putting the facts before the Commission  
25 and making sure that all of the relevant facts were put 15:27  
26 before the Commission in order to allow them to do  
27 their job. It was never about making a case that  
28 Sergeant McCabe was motivated out of any bad motive or  
29 any improper motive. It was always about simply

1 putting the facts before it. Quite the opposite, in  
2 fact, as I said, we had already accepted the high level  
3 findings of the Guerin Report and Sergeant McCabe had  
4 already contributed hugely to the improvements that we  
5 put in place around that.

15:28

6 654 Q. Can I take it from that is, you never actually said to  
7 Chief Superintendent Healy: while you can explore the  
8 issue of motivation, I am now telling you that you are  
9 not in any way to suggest to Sergeant McCabe that it  
10 was in any way ill-motivated?

15:28

11 A. It was never suggested -- sorry.

12 655 Q. I know it was never suggested to him, but was the  
13 opposite suggested to him?

14 A. It was never suggested to me that there was any  
15 intention ever to undermine Sergeant McCabe in any way  
16 whatsoever. And if that had been suggested, I most  
17 certainly would have said absolutely not. But what I  
18 did in this case was, I relied on the professional  
19 competence and the skill and the experience of the  
20 legal team in making sure, and indeed in terms of the  
21 Sole Member, making sure that nobody was impugned in  
22 any improper way.

15:28

23 656 Q. Okay. When motive is opened up, Ms. O'Sullivan, good  
24 motive and bad motive, they're flip-sides of the same  
25 thing, so you never in any way limited it to good  
26 motive; you just opened up motive, is what I am  
27 suggesting to you?

15:28

28 A. But there was never any suggestion, Ms. Leader, that  
29 there was any bad motive, never. Quite the opposite.

1 Sergeant McCabe had courageously, and rightly, brought  
2 forward all of these issues, and that was always the  
3 position of me as Commissioner of An Garda Síochána.  
4 So there was never a suggestion that there was any bad  
5 motivation on the part of Sergeant McCabe. Quite the 15:29  
6 opposite. It was always the understanding that he had  
7 brought these matters forward on a proper basis, and  
8 certainly the corruption and malpractice allegations,  
9 it was to get an understanding of where those issues  
10 had come from. 15:29

11 657 Q. Well, maybe that is why it might have been well-advised  
12 to actually look at the factual basis for exploring  
13 motivation when Mr. Justice O'Higgins actually ordered  
14 that they be committed to writing, it may have been a  
15 good -- a good practice to adopt, to actually look at 15:29  
16 what was being put forward in relation to motivation?  
17 A. But I don't believe that even in what was put forward,  
18 that there was anything improper or anything suggesting  
19 an improper motive on behalf of Sergeant McCabe in it.

20 658 Q. Is that your understanding of the letter of the 18th 15:30  
21 May?  
22 A. I believe the purpose of the letter of the 18th was put  
23 before the Commission, the matters that were going to  
24 be put to all of the witnesses.

25 659 Q. I think, as it happened, you actually attended a 15:30  
26 function where the Minister attended on the 16th May,  
27 is that correct?  
28 A. That's correct, Chairman. We had the memorial service  
29 for the 88 members of An Garda Síochána who lost their

1 lives in the line of duty, and it's annual service that  
2 we have every year in Dublin Castle.

3 660 Q. And that was the Minister for Justice who attended?  
4 A. Yes, Minister Fitzgerald.

5 661 Q. Yes. There is a note in your diary, and I just don't 15:30  
6 want it brought up on screen, but at page 4353 of the  
7 materials, which is volume 8, sorry, Ms. O'Sullivan.  
8 It's volume 8. It's an e-calendar.

9 A. Yes, I have it here.

10 662 Q. That is noted in it, and it would appear that the 15:31  
11 secretary general also attended on that day. Have you  
12 any memory of that?

13 A. Yes, that would be very normal. It normally would be  
14 attended by the Minister for Justice, the secretary  
15 general, other departmental officials and a number of 15:31  
16 serving and retired, both members of An Garda Síochána  
17 but maybe also some officials.

18 663 Q. And am I correct in saying the secretary general was  
19 Mr. Waters at that time?

20 A. Yes, that would be correct. 15:32

21 664 Q. And was there any reference to what happened the  
22 previous day in your long telephone conversation with  
23 him, can you remember?

24 A. No. The occasion was a very poignant and a very  
25 ceremonial occasion, and, no, there was 15:32  
26 no conversations whatsoever about what had happened the  
27 previous day. The focus was completely that day on the  
28 families of the people that we were memorialising.

29 665 Q. Now, proceedings continued at the Commission on the



1 18th May, and did you seek any update as to what  
2 happened post the 15th from Chief Superintendent Healy?  
3 A. Yes, Chief Superintendent Healy would have kept me  
4 updated and, as I say, red-flag any issues to me that  
5 would have arisen, Chairman. 15:32

6 666 Q. And were you aware that the contents of the letter of  
7 the 18th May were not allowed to be led before the  
8 Commission?  
9 A. Yes. Chairman, my understanding was that Mr. Justice  
10 O'Higgins made a ruling on, I believe it was day 3, 15:33  
11 which was the 18th, and, yes, Chief Superintendent  
12 Healy would have relayed that to me.

13 667 Q. Now, also on the evening of the 18th, Sergeant McCabe  
14 had cause to contact Superintendent Murray in relation  
15 to issues which he felt he had to bring to his 15:33  
16 attention?  
17 A. Yes, that's correct, Chairman.

18 668 Q. Were you aware of those?  
19 A. Yes, those matters were brought to my attention that  
20 evening, the Monday evening. 15:33

21 669 Q. Yes. And I think page 3047 of the materials, which is  
22 volume 6.  
23 A. 3047? would it be volume 5, maybe?

24 670 Q. Maybe. Yes, volume 5. Thank you.  
25 A. Yes, Chairman, I have it here. 15:34

26 671 Q. We see that maybe at page 3048, Assistant Commissioner  
27 Fanning reported certain developments in the workplace  
28 with regard to Sergeant McCabe?  
29 A. Yes, that's correct, Chairman.

1 672 Q. And I think at that time Superintendent Murray was his  
2 superintendent in Mullingar?

3 A. In Mullingar, yes, that's correct, Chairman.

4 673 Q. Yes. And he is explaining to his chief superintendent  
5 in Mullingar, who I understand is Chief Superintendent  
6 wheatley, and also copying it on to Assistant  
7 Commissioner Fanning:

8

9 "With reference to the above, you are aware that  
10 Sergeant McCabe is currently performing duty as  
11 sergeant in charge of the traffic corps unit based in  
12 Mullingar. This was a mutually acceptable arrangement  
13 with Garda management in Mullingar and himself

14 following the request of another sergeant to be  
15 redeployed. On this date --" which is the 18th -- "the  
16 Monday, I received a text from Sergeant McCabe asking  
17 me to meet him at 7:00pm this evening. He indicated it  
18 was important. I agreed to meet him and Sergeant

19 McCabe later explained that he was running late and  
20 that it it would be 7:30. At 7:35, Sergeant McCabe met  
21 me in my office. Sergeant McCabe stated that he could  
22 no longer carry on as sergeant in charge of the traffic  
23 unit. As an explanation, he indicated that the reason  
24 was N6ir6n O'Sullivan and that he felt under threat.

25 Sergeant McCabe informed me that he was bound by a  
26 confidentiality clause and could not give me any more  
27 information. At 8:24 I again spoke to Sergeant McCabe  
28 by telephone. He indicated he had no problem with me  
29 stating in my report the reason why he did not want to

1 do duty as sergeant in charge and further explained  
2 that he did not feel safe and that if anything was to  
3 go wrong, they would be down on him like a ton of  
4 bricks. I asked Sergeant McCabe if he wanted me to  
5 contact Chief Superintendent O'Brien for him and he 15:36  
6 indicated there was no point. He did not wish me to do  
7 anything else."

8  
9 And then there is a reference to Sergeant McCabe  
10 attending at the O'Higgins Commission of Inquiry. 15:36  
11

12 "And is due to attend again tomorrow."  
13

14 So this must have caused some alarm if you saw this, or  
15 maybe if you would tell the Tribunal about that, 15:36  
16 please.

17 A. Yes, Chairman. So I received this, I think initially  
18 by text from Assistant Commissioner Fanning, and then  
19 subsequently it was emailed, and yes, as I had said  
20 earlier, I was always, I suppose, fearful, or mindful, 15:37  
21 probably a better word, I was always mindful that  
22 anything that transpired at the Commission of  
23 Investigation may well change Sergeant McCabe's  
24 perception of me. Certainly, I can understand how  
25 Sergeant McCabe may have felt, that he -- in some way 15:37  
26 that he was under some stress at the Commission of  
27 Investigation. I was at a loss to know what he meant  
28 when he said that he felt under threat from me and that  
29 if something happened, that we would be down on him

1           like a ton of bricks, because that was certainly never  
2           the impression given. So when I received this, what I  
3           instructed was, that the first thing was to make sure  
4           that, as I had said previously, that local Garda  
5           management made sure that the supports were there for 15:37  
6           Sergeant McCabe. Sergeant McCabe had particular -- he  
7           had written to me, in fact, in March of that year, if I  
8           am not mistaken, and he had expressed satisfaction with  
9           particularly Chief Superintendent Wheatley and  
10          Inspector Murray, who were his local chief 15:38  
11          superintendent, superintendent. So I was very  
12          satisfied that they had a very good rapport and a very  
13          good relationship with Sergeant McCabe. And what I  
14          instructed the then-Deputy Commissioner, or I think  
15          Assistant Commissioner Twomey, to do, was to make sure 15:38  
16          that local management reassured Sergeant McCabe that  
17          all of the necessary supports remained in place for  
18          him. And I don't have the minute here, Chairman, but I  
19          know there is a minute to support that, that went back  
20          out. 15:38  
21 674 Q.    Okay. Well, I think maybe if you look at page 3731, it  
22              may not be the actual minute, but I think it contains  
23              the information that you're referring to.  
24              MR. McDOWELL: 3047.  
25              A.    Sorry? 15:38  
26 675 Q.    MS. LEADER: 3047.  
27              A.    3047. Yes. Yes, that would be the minute.  
28 676 Q.    What you are saying is:  
29

1 "Contact should be made with Sergeant McCabe to address  
2 the issues and concerns he has expressed to  
3 Superintendent Murray and whatever actions are deemed  
4 necessary to assuage his concerns should be put in  
5 place. Sergeant McCabe should be assured that Garda 15:39  
6 management, including the HR department, local  
7 management and other specific support mechanisms from  
8 the Garda welfare services are available to support  
9 him, and should he wish to avail of any such service,  
10 such request should be facilitated immediately. 15:39  
11 Likewise, Sergeant McCabe should be reminded that Chief  
12 Superintendent O'Brien, his nominated point of contact,  
13 is also available to speak with him, should he so wish.  
14 And given the content of email correspondence received  
15 at this office, please ensure that Sergeant McCabe 15:39  
16 continues to be afforded every support and protection  
17 in his workplace by his management team and that  
18 ongoing contacts are maintained and enhanced as  
19 necessary."

20  
21 And then there's a final paragraph: 15:39

22  
23 "To reiterate, great care must be taken in any  
24 discussions with Sergeant McCabe to ensure that any  
25 evidence given before the Commission, questions asked, 15:40  
26 discussions with legal representatives or any other  
27 matters touching on the work of the Commission, should  
28 not be addressed or discussed in any way."

29 A. That's correct, Chairman, yes.

1 677 Q. Yes. And that's the action you took in front of [sic]  
2 the 18th?

3 A. Yes, Chairman.

4 678 Q. The issue of the 18th May. I wonder, Commissioner, did  
5 you at any time think that you would have been better 15:40  
6 off not being represented at the O'Higgins Commission,  
7 or perhaps that separate legal teams be put in place  
8 for senior Garda management in Cavan-Monaghan and you,  
9 in view of the approach that was being taken in the  
10 workplace matters at that time connected with Sergeant 15:40  
11 McCabe?

12 A. Well, Chairman, in that regard, what I did was, on the  
13 advices of the Head of Legal Affairs, Mr. Ruane, we  
14 followed what was established practice. Mr. Ruane  
15 advised that the members, both serving and retired, 15:41  
16 from superintendent and up, who were seeking  
17 representation, should be represented, and that if a  
18 conflict arose at any stage, that that would be flagged  
19 and we would then reconsider the matter. So, in that  
20 regard, what we did was, followed the established 15:41  
21 practice. As I say, I was very conscious that,  
22 separately from that, we had the ongoing engagement  
23 with Sergeant McCabe in the Mullingar -- in the  
24 workplace in Mullingar and also the various support  
25 mechanisms that we had to put in place through the 15:41  
26 welfare service and Chief Superintendent O'Brien in  
27 particular, his investigation, which he was working  
28 with Sergeant McCabe on.

29 679 Q. Okay. Well, I suppose I don't know if there's an

1 answer to my question there, but was there any  
2 consideration given that you were gone down a  
3 particular path with Sergeant McCabe in supporting him  
4 in the workplace and that may not be entirely  
5 compatible with questioning what had happened in  
6 relation to workplace relations between himself and  
7 senior management in Cavan-Monaghan?

15:42

8 A. But I think that was the difference, Chairman. It  
9 was -- the O'Higgins Commission were looking at the  
10 issues in relation to the workplace interactions in  
11 Bailieboro. The issues that we were working with  
12 Sergeant McCabe on were his ongoing workplace issues in  
13 Mullingar and also making sure that Sergeant McCabe was  
14 protected and afforded support as a protected  
15 discloser.

15:42

15:42

16 680 Q. So you didn't see any conflict between those two?

17 A. Not at that time, and nor was I advised. It may be the  
18 right thing to do in the future; if this situation  
19 arose for my successor, it may well be the right thing  
20 to do, but I think, again, that would have to be taken  
21 on very careful and considered legal advice from the  
22 Head of Legal Affairs to see what -- but there was no  
23 conflict arising at that stage.

15:42

24 681 Q. Okay. Do you think it would have been preferable had  
25 there been separate legal representation, with the  
26 benefit of hindsight and taking into account what you  
27 have just said, that may be the right thing to do?

15:43

28 A. Well, not necessarily, Chairman. We established what  
29 was -- or, sorry, we followed what was established

1 practice. And again, as I say, very conscious of the  
2 totality of the effect on Sergeant McCabe and the toll  
3 that the Bailieboro issues, which had been going on for  
4 so long, had taken on Sergeant McCabe and on the  
5 organisation and the individuals in the organisation as 15:43  
6 a whole, we followed what was proven practice in terms  
7 of everybody being represented by the same legal team.  
8 But if a conflict had arisen, Mr. Ruane had advised me  
9 that that could be revisited at that stage.

10 682 Q. If we could just then turn to July 2015. I think the 15:43  
11 Press Office, the Garda Press Office, received a media  
12 query from Mr. Burke of RTÉ, is that correct?

13 A. That's correct, Chairman.

14 683 Q. Yes, it's page 2016 of the materials, which is at  
15 volume 3. 15:44

16 A. I beg your pardon, Ms. Leader, just the number of the  
17 page again?

18 684 Q. 2016.

19 A. 2016. Yes.

20 685 Q. And that press query from Mr. Burke: 15:44

21  
22 "Can you please respond to the following query: it is  
23 two-parted and relates to separate matters involving  
24 the Garda Sergeant Maurice McCabe.

25 15:44

26 1. RTÉ understands that Sergeant McCabe has contacted  
27 Garda Headquarters to request that he be released from  
28 the new role heading up the traffic unit Mullingar.  
29 What is your response to this and your understanding of



1 the circumstances behind Sergeant McCabe's decision?

2  
3 2. Secondly, and separate to the above, RTÉ's This  
4 Week understands that at a recent session of Justice  
5 Kevin O'Higgins' inquiry counsel for the Garda 15:45  
6 Commissioner raised questions over the motivation of  
7 Sergeant McCabe for bringing certain matters regarding  
8 alleged Garda misconduct to attention. Does this  
9 amount to the view of the Garda Commissioner in terms  
10 of her view as to why Sergeant McCabe raised these 15:45  
11 issues in the first instance?

12  
13 I would appreciate your response."

14  
15 And I think that was brought to your attention later on 15:45  
16 that day?

17 A. Yes. Yes, Chairman. Yes.

18 686 Q. And it would appear that the Press Officer notified you  
19 that a reply had been sent to Mr. Burke from the Garda  
20 Press Office in response to the queries below, saying: 15:46

21  
22 "An Garda Síochána do not comment on named individuals  
23 or the deployment of Garda resources  
24 internally/externally for operational reasons. As this  
25 inquiry is ongoing it would be inappropriate for An 15:46  
26 Garda Síochána to comment. Please note An Garda  
27 Síochána's understanding is that the O'Higgins Inquiry  
28 may have imposed reporting restrictions on its  
29 working."

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 the email was forwarded to the professional standards chief superintendent, Mr. Barrett, the executive director of human resource management and Mr. Ruane of legal affairs. I think the sergeant in the Press Office notified you of that on the 4th?

15:46

A. Yes, that's correct, Chairman.

687 Q. Now I think that was notified on to Mr. O'Leary of the Department of Justice?

A. That's correct, Chairman, yes.

15:47

688 Q. And did you do that?

A. Yes, I believe I did, Chairman. I just don't see it here, but I believe I did.

689 Q. Yes. And that, I think it was first of all accredited to Colm Ó Mongáin and that was corrected to Mr. O'Leary?

15:47

A. Yes, that's correct.

690 Q. Okay. Why was it that you notified Mr. O'Leary in relation to that press query?

A. Again, just to give some context, Chairman, I suppose the issues surrounding Sergeant McCabe had become of such public prominence and profile, that actually a lot of -- there was a lot of media queries over a period of time in relation to Sergeant McCabe or matters relating to Sergeant McCabe, may be a better way to put it. And there were regular queries being received by both ourselves in An Garda Síochána, but also by the Department of Justice. So I raised it with the Department of Justice through the Deputy Secretary to

15:47

15:47

1 let them know that we had received this query because  
2 it was quite likely they would receive a similar query  
3 and to let them know what our general response was. I  
4 was also very conscious of the fact that Mr. Justice  
5 O'Higgins had placed very strict reporting restrictions 15:48  
6 around the proceedings at the Commission and I was very  
7 concerned that this in some way was infringing on the  
8 integrity or impacting on the integrity of Mr. Justice  
9 O'Higgins' process.

10 691 Q. And in that regard it would appear from Mr. O'Leary's 15:48  
11 onward emails to the Minister and various departmental  
12 officials that you had phoned him initially to tell him  
13 about it and then you emailed on the actual press  
14 query?

15 A. Yes. That's correct, Chairman. And I would regularly 15:48  
16 have cause to phone Mr. O'Leary or maybe Mr. Waters in  
17 terms of not just in relation to Sergeant McCabe, but  
18 just in terms of very routine queries that we would get  
19 on a regular basis which would impact on both ourselves  
20 and the Department. It could be anything from 15:49  
21 industrial relations matters to operational matters,  
22 to -- there would be a whole myriad of things that we  
23 would talk about.

24 692 Q. I suppose you can understand the Department of Justice 15:49  
25 being notified of industrial relations matters in An  
26 Garda Síochána, because if there was to be a strike or  
27 something of that nature it would have repercussions  
28 for justice and they would have to organise or at least  
29 try and organise some sort of policing service for the

1 state, were there to be a problem?

2 A. Yes.

3 693 Q. Yes?

4 A. Chairman, yes.

5 694 Q. It's a fairly major event, isn't that correct, 15:49  
6 industrial relations problems?

7 A. Yes. It mightn't even be as big an event as a  
8 potential strike, it could also be in terms of some of  
9 the negotiations, pay negotiations, various different  
10 matters that would come into public attention. So it 15:49  
11 could be a whole variety of matters.

12 695 Q. I suppose can readily understand the Commissioner  
13 notifying the Department of Justice of major seizures  
14 that the Guards had carried out or major ongoing  
15 investigations or perhaps matters impacting on the 15:50  
16 security of the State, they would be fairly vital  
17 matters to inform the Department of Justice about, one  
18 would think?

19 A. Yes, Chairman. And I'm sure, Chairman, you will  
20 appreciate there are a whole myriad of issues, 15:50  
21 everything from, for example, what may look like a very  
22 innocuous incident, maybe a road traffic accident,  
23 maybe a burglary, things that to the naked eye may look  
24 very innocuous, but I suppose the fact is that issues  
25 within An Garda Síochána from the most benign issue 15:50  
26 right up to the biggest seizure, or the biggest  
27 international security incident that happens, they have  
28 potential to become real political matters, sometimes  
29 overnight, so there is a decision to be made. There

1 are certain reporting criteria, that he would report  
2 several incidents to the Department. So we would call  
3 them our critical incidents, they would always be  
4 reported to the Department. But then there is a  
5 judgment call in terms of other incidents that need to 15:51  
6 be reported to the Department. And there is  
7 legislation provided for in the 2005 Act which allows  
8 for that.

9 696 Q. So am I to take it from that, Ms. O'Sullivan, that  
10 Sergeant McCabe's issues had potential, and what was 15:51  
11 happening in the Commission and the attitude and the  
12 approach to Sergeant McCabe in the Commission had the  
13 potential to become a very political issue and that was  
14 in July 2015?

15 A. But I think, Chairman, even before that, issues 15:51  
16 surrounding Sergeant McCabe the become very  
17 politicised.

18 CHAIRMAN: I think I understand what you are saying.

19 A. Yes.

20 697 Q. MS. LEADER: And maybe Ms. Ryan was right that evening 15:51  
21 when she described the situation as political dynamite.  
22 It was going along that road even in July 2015.

23 A. Well, even outside of the conduct of the O'Higgins  
24 Commission of Investigation it became very, very  
25 difficult to deal with a lot of issues, because they 15:52  
26 were becoming very public and very politicised and it  
27 made my job of having to deal with all of the issues  
28 and my intention to deal with all of the issues fairly  
29 and transparently, it made it very, very difficult.

1 And if I could put it, Chairman, and I have thought  
2 about this long and hard, you know these are workplace  
3 issues that go on in every single organisation, in the  
4 case of An Garda Síochána, they were amplified and  
5 thrust into the public domain, discussed politically 15:52  
6 and in public commentary, in newspapers and certain  
7 media outlets and the whole lot, and it made the job of  
8 me as Commissioner, and indeed local management, very,  
9 very difficult to deal with when we had to put in this  
10 factor as well. 15:52

11 698 Q. Very close in time to that it would appear that your  
12 counsel at the Commission wrote a reasonably long  
13 summary, it was in relation to what was happening at  
14 the Commission. I am referring now to Mr. Smyth's  
15 letter in relation to the matter, dated 6th July. Do 15:53  
16 you remember --

17 A. Is it --

18 699 Q. Yes, I will get it?

19 A. Sorry.

20 700 Q. Sorry, I have just lost the page reference. 2022 of 15:53  
21 the materials.

22 A. Yes, Chairman, I have that here.

23 701 Q. Did you ask for that letter, Ms. O'Sullivan?

24 A. No, Chairman.

25 702 Q. Do you know how it came about? 15:54  
26 A. No, Chairman, I'm afraid I don't.

27 703 Q. So we have Ms. Ryan emailing that to Chief  
28 Superintendent Healy. And what Ms. Ryan says at 2022:  
29

1 "Dear Fergus  
2 Further to the dealings of Modules 1 and 2, I attach  
3 letter from Colm Smyth SC dated 6th inst. setting out  
4 his views on issues to date and in particular Sergeant  
5 McCabe's motivation for bringing the complaints in the 15:54  
6 first place."

7  
8 And then we see Chief Superintendent Healy forwarding  
9 it to you on the evening of the 6th:  
10 15:54

11 "Commissioner  
12  
13 Please see the attached email received from Mr. Smyth  
14 SC by way of update as discussed."  
15 15:55

16 Have you any memory of -- it would appear that it had  
17 been under discussion between yourself and Chief  
18 Superintendent Healy.

19 A. The issue that would have -- from my memory, Chair, the  
20 issue that was under discussion was the progress of 15:55  
21 Module 1 and Module 2. So that would have been the  
22 issue under discussion.

23 704 Q. Okay. And he also refers to a conversation he had with  
24 you on Saturday in relation to the John Burke issue,  
25 and the media query in relation to that? 15:55

26 A. Yes, Chair, I see that.

27 705 Q. Yes. So if we could just go to Mr. Smyth's advices and  
28 what Mr. Smyth says, he first of all says:  
29

1 "The hearing of the current modules commenced on the  
2 24th and concluded on the 2nd without completing the  
3 module pertaining to Mr. McGrath and the murder of  
4 Sylvia Roche Kelly. My team hope to have their written  
5 submissions pertaining to modules with you before the 15:56  
6 22nd inst.

7  
8 It is becoming increasingly obvious as the module  
9 hearings proceed that Sergeant McCabe has a strong  
10 motivation to denigrate the character and reputation of 15:56  
11 Chief Superintendent Michael Clancy and  
12 Superintendent Cunningham. You will recall that in a  
13 previous module he withdrew allegations of cover up  
14 against Chief Superintendent McGinn and Assistant  
15 Commissioner Byrne. 15:56

16  
17 In tab 68 of Module 2, part 2, the statement of  
18 Sergeant McCabe is contained as given to the Ombudsman  
19 Commission. In that statement commencing on the last  
20 line of the first page Sergeant McCabe states as the 15:56  
21 following:

22 'Superintendent Clancy was a man who cared more what  
23 Chief Superintendent Rooney would think of the decision  
24 he made rather than caring for what happened to victims  
25 of crime or injured parties.'" 15:57

26  
27 And he goes in detail then in relation to refusing to  
28 withdraw the statement, in relation to the Cootehill  
29 matter, the allegations against Superintendent



1 Cunningham and Superintendent Michael Clancy, and also  
2 in relation to his statement with regard to the Mary  
3 Lynch ordeal. And he then refers to a taped  
4 conversation in relation to the matter and he continues  
5 on down in relation to Sergeant McCabe and his 15:57  
6 attitude, I suppose, to management. Did this come as a  
7 surprise to you or were you familiar with matters that  
8 had evolved at the Commission at that time?

9 A. Well, Chief Superintendent Healy had been keeping me  
10 apprised of matters as they were developing at the 15:58  
11 Commission. So I would have been aware of the matters  
12 that -- the generality of the matters that were in the  
13 letter.

14 706 Q. Okay. Were you aware of what had transpired when  
15 Module 1 had recommenced, if I can put that way, in 15:58  
16 June 2015, and the matters with regard to the  
17 inaccuracy in the letter of the 18th May?

18 A. Yes, Chairman. Chief Superintendent Healy would have  
19 brought that to my attention, yes.

20 707 Q. Were you alarmed by this matter? 15:58

21 A. Well, my understanding from what Chief Superintendent  
22 Healy informed me was that the issue was the two -- and  
23 I'm not dismissing it, Chairman, but it was the  
24 difference between the "to" and "against" and that was  
25 the issue that Chief Superintendent Healy brought to my 15:58  
26 attention.

27 708 Q. Okay. We've heard that a year later Chief  
28 Superintendent Healy was summoned to a meeting in  
29 relation -- in Garda headquarters in relation to

1 matters which had transpired in Module 1 at the  
2 O'Higgins Commission a year earlier. Did you at any  
3 time seek to get to the bottom of what was going on in  
4 week 1 of the Commission in 2015? You had a media  
5 query now, you had something that had gone wrong in 15:59  
6 June of 2015 and you had, I suppose, upset from  
7 Sergeant McCabe on the workplace front in relation to  
8 the matter and there was panic in the first week of the  
9 Commission on 15th May 2015. So did you ever at any  
10 time seek to get to the bottom of what happened during 15:59  
11 Module 1?  
12 A. Chairman, I wouldn't describe it as a panic on day 1,  
13 or -- day 2 I beg your pardon.  
14 709 Q. Day 2?  
15 A. I wouldn't describe that as a panic. The fact was that 15:59  
16 a legal argument had arisen at the Commission and  
17 counsel for Sergeant McCabe had asked were the  
18 instructions coming from the Commissioner. Yes, there  
19 was a delay in Chief Superintendent Healy making  
20 contact with me and the number of missed phone calls, 16:00  
21 but if that denotes panic, I wouldn't describe it as a  
22 panic. There was no panic. As I said earlier, my  
23 understanding is that it was quite heated in the  
24 Commission but other than that there certainly to my  
25 mind wasn't a panic. And there were other issues then 16:00  
26 arising in June when the hearings resumed and my  
27 understanding that it was a genuine mistake had  
28 occurred in the drafting of the letter and that had  
29 been cleared up at the Commission.

1 710 Q. well, I suppose it had been cleared up insofar as there  
2 was an inaccuracy pointed out by the Chairman, by  
3 Mr. Justice O'Higgins at the Commission, but there was  
4 no resolution as to how this had happened, if you  
5 understand, and this inaccuracy maybe was brought to 16:00  
6 the attention of the Commission by reason of a tape  
7 recording of the meeting that Sergeant McCabe had in  
8 his possession?

9 A. My understanding is that the inaccuracy was identified,  
10 as you quite rightly say, Ms. Leader, by Mr. Justice 16:01  
11 O'Higgins and that was the inaccuracy of the word "to"  
12 and "from". And then I was informed by Chief  
13 Superintendent Healy that the issue of the tape  
14 recording, that Sergeant McCabe had actually a tape  
15 recording which he had produced to the Commission. 16:01

16 711 Q. Yes. But did you ever at any time try to get to the  
17 bottom of what happened in 2015?

18 A. well, my view was that it was a matter for Mr. Justice  
19 O'Higgins to explore or examine or investigate the  
20 matters before him. And it wasn't my job to interfere 16:01  
21 in Mr. Justice O'Higgins' proceedings to do his job, so  
22 to speak, for him.

23 712 Q. Okay. well, did you ever at any time consider it may  
24 have been appropriate to contact Sergeant McCabe  
25 yourself and say, look, I'm sorry about all of this? 16:02

26 A. well, I suppose we had to wait until outcome of the  
27 proceedings and I did subsequent to the proceedings  
28 meet with Sergeant McCabe again in I believe May 2016.  
29 But not during the course of the proceedings. I didn't

1 feel that until we heard the outcome of the proceedings  
2 and the findings of Mr. Justice O'Higgins would it be  
3 appropriate to do anything.

4 713 Q. Were you aware that legal submissions had been  
5 submitted to the Commission? 16:02

6 A. I was aware that there were ongoing submissions, yes.

7 714 Q. Yes. And that the wrong paragraph 19 had been included  
8 in those submissions as part of those submissions?

9 A. I'm aware of that now, Chairman, yes.

10 715 Q. Were you aware at the time? 16:02

11 A. No, Chairman. I don't believe I was.

12 716 Q. Did you ever consider it maybe wise at that time to  
13 make sure that everything possible was done to correct  
14 the inaccuracy in that letter and to make sure it  
15 wasn't repeated? 16:03

16 A. At what time?

17 717 Q. When you discovered that it had been made.

18 A. Well, yes, but my understanding was that it was  
19 accepted as a factual inaccuracy in the drafting of a  
20 letter. That was my understanding that I was given by 16:03  
21 Chief Superintendent Healy.

22 MS. LEADER: I don't know if it is appropriate to break  
23 now, sir.

24 CHAIRMAN: Do you think you will finish soon?

25 MS. LEADER: No, not really. I think there is about 16:03  
26 another hour and a half left, yes.

27 CHAIRMAN: Really? Mr. McDowell, how long do you think  
28 you will be?

29 MR. MCDOWELL: I'm not going to give an estimate like I

1 did the other day, Judge.

2 CHAIRMAN: Oh, I know, but you know, Mr. McDowell,  
3 people complain about tribunals taking years. I'm not  
4 addressing this to you, by the way. I really amn't  
5 addressing this to you. No, I'm not addressing this to 16:03  
6 you. I'm addressing it to everybody, because I have  
7 made this point in other cases. I have worked over a  
8 period of five years to get a new set of rules on case  
9 management introduced into the Rules of the Superior  
10 Courts and I eventually succeeded. And that includes 16:04  
11 finding out how long people will take or even giving  
12 people an amount of time that they can take in order to  
13 do something. And that is at the behest of the Judge.  
14 Rather than things going on for days and people coming  
15 back again and again and again. And in doing that, I'm 16:04  
16 not suggesting, for instance, that I have heard enough,  
17 but it is a professional assessment from a person  
18 sitting in my place to see how long an issue reasonably  
19 could take with of course the built in flexibility that  
20 if people need more time than that they can ask for it. 16:04  
21 So asking for an estimate is in this jurisdiction  
22 under, the Rules of the Superior Courts, not wrong and  
23 across the water it has been in place for years, in  
24 consequence of which their legal proceedings get done  
25 certainly in terms of complicated cases in about a 16:04  
26 fifth of the time that we do things over here, which  
27 isn't -- which is not something that inures to the  
28 benefit of our legal submission or attracting business  
29 in courts. So I actually am asking for an estimate and

1 I think I'm within my rights to ask for it,  
2 Mr. McDowell.

3 MR. MCDOWELL: well, I'm not refusing at all or  
4 cavilling at being asked how long I think I will be.

5 CHAIRMAN: Yes.

16:05

6 MR. MCDOWELL: But I'm making this point: That it very  
7 much depends on the kind of answers I get from the  
8 witness.

9 CHAIRMAN: I appreciate that.

10 MR. MCDOWELL: That's the first thing. And secondly,  
11 it is going to be lengthy, Judge, and it will take a  
12 considerable portion of tomorrow. That is all I'm  
13 saying.

16:05

14 CHAIRMAN: All right. well, that is fine. At least I  
15 know that. But in terms of where I am looking at it  
16 from, I mean, looking at these issues and how they  
17 arose. well, one issue is certainly what is being said  
18 publicly in relation to Sergeant McCabe and whether  
19 that is inconsistent with, for instance, challenging  
20 his motivation, whether challenging his motivation  
21 could be represented as such or was it a case of  
22 looking at his perception of events in the light  
23 perhaps of what he felt was a grievance. I don't know.

16:05

24 Any issue in relation to child sexual abuse is out.

25 And no one ever intended to ask him in relation to

16:06

26 that. Any challenge in relation to his credibility  
27 that was mistaken in consequence of the letter of the  
28 18th May 2015, should have been cleared up at a much  
29 earlier stage. As to how it came about, I don't know,

1 but certainly that is an issue that is on my mind. And  
2 then I think in the event that it came about that a  
3 question was put in the wrong, which it clearly was on  
4 two occasions, in relation to that, it seems to me that  
5 once counsel are aware that a question had been put in 16:06  
6 the wrong, it's up to them to apologise, not to up to  
7 the Garda Commissioner who doesn't know about it. Now  
8 that seems to me, that is my experience of practice.  
9 And then there thereafter, in terms of any other ground  
10 that is being relied on to unfairly challenge the 16:07  
11 creditworthiness of Sergeant McCabe I'm just unaware of  
12 that. So, I've listed six things and I don't know as  
13 to how trawling through the same material that has been  
14 gone through so thoroughly by Ms. Leader and the hard  
15 questions that have been asked is actually going to 16:07  
16 help me. But I do feel at the end of the day that how  
17 long this Tribunal lasts is my responsibility and  
18 therefore any assistance from counsel in terms of  
19 focusing on the issues is welcome and any direction by  
20 me as to whether matters are repetitive or unhelpful or 16:07  
21 not is entirely within my rights. So, we will break  
22 until tomorrow.

23 MR. MURPHY: Chairman --

24 CHAIRMAN: Do you really need to say anything?

25 MR. MURPHY: Very briefly to answer the question of 16:08  
26 time: I will be no more than half an hour.

27  
28 THE TRIBUNAL THEN ADJOURNED UNTIL TUESDAY, 23RD JANUARY  
29 2018 AT 10:00AM

'**14** [2] - 124:19  
'**15** [3] - 99:17, 99:27, 126:11  
'**embittered**' [1] - 152:12  
'**Garda** [1] - 93:19  
'**interview**' [1] - 120:16  
'**not** [1] - 116:7  
'**superintendent**' [1] - 208:22

---

## 1

**1** [38] - 6:5, 6:7, 6:18, 13:27, 14:10, 14:11, 21:25, 25:23, 44:5, 44:6, 44:9, 50:28, 92:26, 101:21, 106:10, 107:26, 107:29, 108:17, 108:28, 108:29, 109:5, 109:7, 109:17, 111:25, 114:10, 134:24, 150:22, 180:9, 200:26, 207:2, 207:21, 209:15, 210:1, 210:4, 210:11, 210:12  
**1(a)** [2] - 6:10, 6:18  
**10** [2] - 31:26, 38:17  
**10:00am** [1] - 42:8  
**10:00AM** [1] - 215:29  
**10th** [1] - 82:3  
**11th** [4] - 10:11, 65:21, 105:21, 107:19  
**12th** [5] - 10:1, 13:4, 89:22, 89:26, 91:4  
**13** [5] - 22:9, 23:8, 36:27, 38:25, 46:16  
**13.88** [1] - 70:6  
**13th** [2] - 111:25, 112:7  
**14** [3] - 2:25, 142:23, 142:25  
**14th** [12] - 10:12, 10:15, 12:26, 60:19, 105:27, 107:23, 111:11, 111:13, 111:15, 112:8, 126:29, 157:26  
**15/6/2015** [1] - 47:17  
**153** [1] - 6:14  
**15:10** [1] - 44:7  
**15:12** [4] - 71:11, 135:26, 136:2, 145:4

**15:13** [1] - 44:12  
**15:14** [1] - 44:12  
**15:15** [2] - 44:12  
**15:16** [1] - 44:12  
**15:20** [4] - 44:13, 71:12, 136:2, 145:4  
**15:23** [10] - 44:22, 49:20, 49:22, 51:9, 51:29, 71:15, 136:5, 137:6, 141:27, 142:13  
**15:25** [1] - 142:14  
**15:26** [4] - 45:1, 142:6, 142:14, 143:18  
**15:29** [5] - 45:6, 45:9, 51:12, 52:1, 149:20  
**15:36** [1] - 154:7  
**15:37** [10] - 45:12, 48:13, 48:15, 48:19, 49:12, 49:18, 143:22, 143:24, 144:3, 144:23  
**15:39** [1] - 45:14  
**15:41** [9] - 45:21, 45:27, 52:15, 54:5, 54:17, 56:27, 143:18, 145:9, 150:5  
**15:52** [3] - 46:1, 54:17, 153:12  
**15:54** [3] - 45:17, 154:8, 154:23  
**15th** [25] - 10:26, 12:24, 12:26, 22:3, 22:4, 22:5, 24:10, 25:1, 25:2, 27:3, 38:20, 43:19, 43:29, 55:12, 71:4, 71:5, 76:2, 135:24, 161:20, 161:28, 165:5, 166:7, 185:2, 193:2, 210:9  
**16** [3] - 1:6, 160:23, 160:24  
**16:02** [2] - 56:24, 158:10  
**16:06** [1] - 158:11  
**16:08** [2] - 46:11, 158:26  
**16:13** [5] - 46:14, 46:17, 56:16, 56:22, 160:26  
**16:16** [7] - 46:23, 160:16, 160:19, 160:24, 160:25, 160:27, 169:17  
**16:34** [3] - 46:25, 46:26, 56:18  
**16:02** [1] - 54:18  
**16th** [1] - 191:26  
**17** [1] - 1:10  
**18** [3] - 21:27, 36:11, 38:17  
**188** [1] - 156:14

**18th** [17] - 22:2, 24:8, 24:12, 24:14, 24:15, 31:3, 191:20, 191:22, 193:1, 193:7, 193:11, 193:13, 194:15, 198:2, 198:4, 209:17, 214:28  
**19** [2] - 81:11, 212:7  
**1912** [1] - 34:23  
**1921** [1] - 1:10  
**1944** [5] - 31:19, 32:4, 32:7, 32:8, 32:9  
**1945** [1] - 34:8  
**1981** [1] - 81:6  
**19:17** [4] - 27:3, 27:10, 150:1, 185:29  
**19th** [3] - 78:23, 79:9, 96:10  
**1B** [2] - 27:6, 154:11  
**1st** [1] - 102:4

---

## 2

**2** [16] - 2:31, 21:25, 22:1, 22:2, 44:1, 45:22, 79:24, 141:22, 141:23, 201:3, 207:2, 207:21, 208:17, 210:13, 210:14  
**2000** [1] - 81:10  
**2005** [2] - 83:19, 205:7  
**2007** [7] - 15:5, 15:17, 15:22, 17:22, 34:29, 66:22, 81:19  
**2007/2008** [1] - 97:18  
**2008** [2] - 11:27, 86:6  
**2008/2009** [1] - 114:21  
**2009** [1] - 81:22  
**2010** [1] - 65:21  
**2011** [1] - 81:26  
**2012** [2] - 13:18, 18:28  
**2014** [20] - 1:4, 81:27, 82:1, 82:11, 82:23, 83:22, 86:10, 87:4, 87:7, 88:16, 89:1, 89:17, 90:3, 90:25, 94:27, 95:24, 96:10, 96:24, 121:12, 125:5  
**2015** [38] - 5:14, 19:8, 22:5, 39:8, 43:20, 43:29, 55:12, 60:19, 61:4, 89:1, 89:17, 89:22, 89:26, 90:4, 91:4, 91:5, 92:17, 95:14, 96:11,

98:23, 98:29, 101:20, 102:4, 102:24, 107:19, 126:11, 133:11, 135:24, 161:28, 200:10, 205:14, 205:22, 209:16, 210:4, 210:6, 210:9, 211:17, 214:28  
**2016** [6] - 80:5, 126:12, 200:14, 200:18, 200:19, 211:28  
**2017** [3] - 1:6, 1:10, 126:13  
**2018** [4] - 1:18, 5:1, 15:6, 215:29  
**2022** [2] - 206:20, 206:28  
**20th** [3] - 39:12, 39:16, 95:14  
**21:05** [1] - 172:3  
**21st** [2] - 39:14, 91:9  
**22** [1] - 35:20  
**2235** [3] - 36:11, 36:26, 37:1  
**2236** [1] - 37:27  
**22ND** [2] - 1:18, 5:1  
**22nd** [1] - 208:6  
**23** [1] - 92:23  
**23rd** [1] - 13:17  
**23RD** [1] - 215:28  
**24** [1] - 94:12  
**24th** [2] - 32:1, 208:2  
**25th** [3] - 82:11, 86:10, 92:17  
**26** [1] - 47:29  
**26th** [1] - 55:14  
**28** [1] - 22:27  
**29** [2] - 2:31, 157:12  
**29th** [3] - 5:14, 95:23, 101:7  
**2nd** [2] - 34:29, 208:2

---

## 3

**3** [5] - 38:25, 67:20, 79:25, 193:10, 200:15  
**3.5** [2] - 69:16, 69:20  
**3025** [1] - 95:18  
**3029** [3] - 95:15, 95:19, 95:20  
**3047** [5] - 193:21, 193:23, 196:24, 196:26, 196:27  
**3048** [1] - 193:26  
**3079** [1] - 82:10  
**30th** [2] - 5:16, 105:12

**32** [1] - 2:12  
**3252** [1] - 58:12  
**3279** [1] - 25:7  
**3289** [3] - 47:12, 48:4, 48:10  
**3290** [2] - 47:5, 47:8  
**3291** [3] - 47:25, 54:29, 55:7  
**3347** [2] - 161:19, 161:23  
**3348** [1] - 172:16  
**35** [1] - 79:17  
**367** [1] - 36:25  
**371** [1] - 37:29  
**3731** [1] - 196:21  
**3814** [1] - 12:28  
**3817** [1] - 127:9  
**3825** [2] - 179:13, 179:14  
**3919** [1] - 39:5  
**3:30** [2] - 137:13, 137:25

---

## 4

**4** [2] - 39:3, 46:17  
**41** [2] - 94:5, 95:13  
**4292** [1] - 11:14  
**43** [2] - 4:5, 13:15  
**4353** [1] - 192:6  
**4364** [2] - 13:12, 13:16  
**4365** [3] - 14:17, 61:28, 62:3  
**4366** [2] - 66:13, 66:14  
**45** [1] - 1:18  
**4739** [2] - 7:4, 7:16  
**4:15** [1] - 173:16  
**4th** [2] - 41:12, 202:6

---

## 5

**5** [7] - 4:4, 32:3, 82:9, 95:16, 161:20, 193:23, 193:24  
**51** [1] - 46:3  
**55** [3] - 101:21, 101:23, 101:24  
**59** [2] - 44:25, 49:25  
**5th** [1] - 47:29

---

## 6

**6** [6] - 25:7, 47:4, 47:7, 47:8, 55:1, 193:22  
**61** [1] - 4:6



**67%** [1] - 84:2  
**678** [3] - 154:8,  
154:15, 154:22  
**68** [1] - 208:17  
**687** [1] - 158:26  
**693** [3] - 150:21,  
150:23, 150:24  
**6:00pm** [1] - 42:9  
**6th** [4] - 99:27,  
206:15, 207:3, 207:9

---

## 7

---

**7** [6] - 2:13, 12:29,  
127:12, 127:13,  
127:14, 179:14  
**71** [1] - 4:7  
**750** [4] - 25:23, 27:2,  
27:4, 169:24  
**755** [3] - 141:24,  
144:2, 145:8  
**756** [1] - 143:24  
**759** [7] - 142:6,  
142:8, 153:16,  
160:17, 160:19,  
160:24  
**760** [1] - 142:9  
**77** [1] - 79:21  
**787** [1] - 24:15  
**799** [2] - 21:23, 21:24  
**7:00pm** [1] - 194:17  
**7:30** [1] - 194:20  
**7:35** [1] - 194:20  
**7th** [2] - 101:20,  
101:22

---

## 8

---

**8** [4] - 2:20, 3:8,  
192:7, 192:8  
**800** [1] - 23:6  
**81** [1] - 4:10  
**86** [1] - 36:26  
**87** [1] - 37:27  
**88** [1] - 191:29  
**8:24** [1] - 194:27

---

## 9

---

**9** [1] - 7:14  
**9.10** [1] - 17:22  
**9.17** [1] - 14:28  
**9:00** [1] - 30:17  
**9th** [1] - 82:23

---

## A

---

**able** [12] - 74:1, 75:4,  
87:25, 87:26, 94:15,  
97:25, 103:29, 104:1,  
105:7, 121:5, 124:10,  
138:2  
**above-named** [1] -  
1:27  
**abreast** [1] - 59:14  
**absence** [1] - 35:26  
**absolute** [1] - 156:28  
**Absolutely** [1] -  
32:26  
**absolutely** [26] -  
57:24, 57:26, 64:27,  
80:13, 86:24, 88:27,  
104:7, 121:27,  
125:10, 125:27,  
126:21, 127:4,  
128:27, 133:2, 133:5,  
134:9, 138:9, 153:8,  
157:20, 159:6,  
159:27, 169:14,  
170:20, 182:20,  
190:17  
**abuse** [2] - 69:25,  
214:24  
**AC** [2] - 40:4, 40:5  
**accept** [13] - 37:22,  
64:17, 64:26, 64:27,  
65:3, 65:7, 110:22,  
132:4, 133:5, 138:10,  
153:14, 173:28, 178:6  
**acceptable** [1] -  
194:12  
**accepted** [5] - 64:25,  
133:6, 163:6, 190:2,  
212:19  
**accepting** [1] -  
163:27  
**access** [8] - 33:8,  
34:4, 34:5, 35:12,  
82:19, 82:22, 82:26,  
83:4  
**accident** [1] - 204:22  
**accidents** [1] - 18:3  
**accommodation** [1]  
- 67:5  
**accord** [2] - 178:4,  
178:5  
**accordance** [4] -  
38:19, 41:1, 43:3,  
90:9  
**account** [9] - 86:17,  
140:3, 150:15, 163:4,  
166:15, 166:22,  
167:11, 167:23,  
199:26

**accountability** [2] -  
8:12, 18:10  
**accredited** [1] -  
202:14  
**accuracy** [2] - 38:5,  
156:19  
**accurate** [1] - 48:16  
**accurately** [2] -  
94:27, 182:3  
**accusations** [1] -  
21:7  
**accuse** [1] - 66:6  
**accused** [2] - 35:3,  
187:23  
**accuser** [4] - 67:28,  
67:29, 68:1, 68:14  
**achieved** [1] -  
139:12  
**acknowledge** [1] -  
85:1  
**acquire** [1] - 10:7  
**act** [4] - 63:24, 63:27,  
64:4, 64:11  
**ACT** [2] - 1:4, 1:9  
**Act** [3] - 93:25, 94:6,  
205:7  
**acted** [1] - 121:7  
**Acting** [4] - 81:28,  
82:14, 103:10, 125:24  
**acting** [7] - 11:21,  
78:22, 123:19,  
128:26, 129:2,  
148:17, 148:28  
**action** [4] - 1:28,  
133:4, 151:17, 198:1  
**actions** [5] - 94:25,  
95:10, 95:27, 98:12,  
197:3  
**actual** [12] - 29:16,  
66:13, 71:10, 77:14,  
95:13, 96:11, 135:21,  
171:9, 175:4, 187:5,  
196:22, 203:13  
**actuality** [1] - 104:28  
**acutely** [1] - 162:25  
**adamant** [1] - 9:20  
**adding** [2] - 70:18,  
143:19  
**addition** [2] - 5:26,  
183:14  
**additional** [2] - 80:8,  
80:9  
**address** [11] - 38:24,  
52:13, 69:8, 69:18,  
86:21, 86:28, 90:14,  
91:17, 97:19, 101:12,  
197:1  
**addressed** [8] -  
13:18, 74:9, 87:9,  
89:12, 89:13, 102:4,

197:28  
**addresses** [1] -  
78:24  
**addressing** [6] -  
164:2, 168:18, 213:4,  
213:5, 213:6  
**adjourned** [1] - 31:4  
**ADJOURNED** [2] -  
110:28, 215:28  
**adjournment** [21] -  
11:10, 44:9, 46:12,  
73:1, 137:12, 137:15,  
137:22, 137:23,  
138:1, 138:2, 138:11,  
138:16, 138:26,  
139:6, 144:19,  
144:20, 144:21,  
153:27, 174:8, 180:1,  
180:2  
**adjudicated** [2] -  
116:14, 117:10  
**Administration** [1] -  
121:1  
**adopt** [1] - 191:15  
**adopted** [2] - 43:1,  
168:16  
**advance** [2] -  
136:23, 171:26  
**adverse** [2] - 16:17,  
164:15  
**advice** [23] - 11:3,  
12:16, 52:11, 52:23,  
52:25, 52:27, 56:6,  
56:23, 135:21, 137:8,  
141:2, 148:22,  
149:16, 150:8,  
150:17, 150:21,  
163:5, 164:4, 164:23,  
169:21, 180:12,  
180:16, 199:21  
**advices** [41] - 28:8,  
45:8, 51:12, 51:17,  
51:29, 52:2, 52:3,  
100:8, 120:14, 121:7,  
126:20, 135:9,  
135:17, 139:13,  
140:4, 141:2, 141:4,  
141:11, 141:13,  
141:17, 141:19,  
149:28, 154:2,  
159:10, 168:26,  
168:28, 169:14,  
170:12, 170:23,  
170:24, 170:28,  
171:20, 183:6,  
183:12, 184:10,  
186:2, 186:5, 198:13,  
207:27  
**advise** [1] - 25:13  
**advised** [11] - 10:15,  
29:17, 60:16, 61:7,  
143:11, 172:24,  
181:12, 191:11,  
198:15, 199:17, 200:8  
**advisers** [5] - 164:3,  
164:10, 164:21,  
164:27, 168:19  
**advising** [7] - 70:14,  
112:13, 113:19,  
118:28, 181:25,  
182:19, 182:22  
**advisor** [1] - 87:20  
**advisors** [2] - 87:1,  
88:27  
**advocates** [1] -  
68:20  
**advocating** [1] -  
125:20  
**Affairs** [5] - 101:19,  
101:28, 102:18,  
198:13, 199:22  
**affairs** [3] - 102:26,  
102:28, 202:5  
**affect** [1] - 42:16  
**affidavit** [1] - 105:17  
**afforded** [2] -  
197:16, 199:14  
**afraid** [3] - 7:6,  
187:22, 206:26  
**AFTER** [1] - 111:1  
**aftermath** [1] -  
117:29  
**afternoon** [20] -  
11:10, 43:19, 44:1,  
46:12, 46:15, 49:29,  
53:21, 71:5, 135:25,  
139:23, 140:19,  
157:1, 161:20,  
161:26, 161:28,  
165:5, 173:3, 173:10,  
173:17, 177:6  
**afterwards** [4] -  
37:9, 37:18, 58:24,  
172:20  
**ago** [4] - 52:28,  
57:13, 159:3  
**agree** [27] - 8:28,  
12:22, 13:26, 18:12,  
19:27, 21:5, 27:9,  
29:1, 49:20, 49:22,  
49:23, 50:19, 52:19,  
60:14, 60:20, 61:8,  
66:9, 66:10, 69:14,  
74:13, 104:7, 131:18,  
137:6, 144:2, 159:17,  
165:1, 165:11  
**agreed** [7] - 16:19,  
53:20, 62:11, 64:9,  
135:17, 171:6, 194:18  
**agreement** [1] -

44:17  
**ahead** [4] - 119:27, 185:1, 186:27, 187:7  
**aide** [3] - 44:3, 47:4, 51:3  
**aide-memoire** [3] - 44:3, 47:4, 51:3  
**aim** [2] - 40:25, 72:20  
**air** [1] - 26:5  
**alarm** [2] - 71:28, 195:14  
**alarmed** [1] - 209:20  
**alarmingly** [1] - 16:18  
**albeit** [1] - 123:26  
**alert** [1] - 148:17  
**alerted** [1] - 179:5  
**all-time** [1] - 84:2  
**allayed** [1] - 74:19  
**allegation** [33] - 9:8, 18:13, 26:21, 33:1, 33:6, 33:10, 33:29, 34:2, 34:6, 34:10, 34:11, 34:12, 34:17, 35:7, 36:1, 36:2, 67:24, 69:26, 69:28, 76:11, 76:14, 76:16, 77:12, 109:29, 110:4, 111:6, 114:17, 114:18, 115:5, 115:11, 115:20, 116:4, 116:22  
**allegations** [37] - 9:3, 9:5, 9:24, 9:25, 20:25, 21:12, 21:14, 31:14, 31:17, 36:6, 36:8, 37:11, 37:15, 38:26, 38:28, 62:26, 65:19, 69:24, 83:25, 109:2, 109:11, 109:23, 114:1, 114:23, 116:13, 132:1, 134:20, 135:4, 155:3, 155:16, 157:23, 157:24, 164:14, 189:2, 191:8, 208:13, 208:29  
**allege** [1] - 63:5  
**alleged** [1] - 201:8  
**alleging** [3] - 62:14, 62:29, 70:21  
**allow** [10] - 22:29, 24:1, 94:9, 126:25, 126:26, 129:11, 139:3, 152:22, 188:12, 189:26  
**allowed** [2] - 133:4, 193:7  
**allows** [1] - 205:7  
**allude** [1] - 73:9  
**almost** [6] - 57:16, 57:17, 59:10, 59:21, 126:18, 159:3  
**alone** [3] - 17:2, 17:4, 124:22  
**alongside** [2] - 96:6, 96:26  
**alter** [2] - 18:8, 70:10  
**altering** [1] - 18:4  
**amn't** [1] - 213:4  
**amount** [4] - 122:7, 183:28, 201:9, 213:12  
**amounted** [1] - 63:2  
**amplified** [1] - 206:4  
**analyse** [1] - 26:17  
**analysis** [2] - 56:25  
**AND** [3] - 1:4, 1:5, 1:9  
**ANGLESEA** [1] - 2:31  
**Annmarie** [4] - 11:20, 29:25, 31:22, 53:4  
**annoyance** [1] - 101:10  
**annual** [1] - 192:1  
**answer** [6] - 60:26, 67:25, 134:2, 140:20, 199:1, 215:25  
**answering** [2] - 32:15, 133:29  
**answers** [3] - 86:14, 176:12, 214:7  
**anticipated** [1] - 80:7  
**anxious** [3] - 88:6, 95:9, 146:2  
**anyway** [1] - 136:18  
**apart** [3] - 57:24, 61:10, 64:20  
**apologise** [2] - 32:17, 215:6  
**apology** [3] - 32:5, 41:15, 74:20  
**apparent** [3] - 9:25, 100:12, 100:15  
**appeal** [2] - 69:14, 70:16  
**appear** [35] - 22:19, 29:26, 43:28, 44:13, 51:27, 55:19, 71:10, 71:14, 75:3, 79:5, 80:4, 82:9, 94:13, 95:13, 112:15, 131:20, 135:28, 136:1, 136:6, 141:22, 143:21, 143:27, 144:25, 149:16, 150:7, 158:6, 158:24, 169:19, 171:5, 186:10, 192:10, 201:18, 203:10, 206:11, 207:16  
**APPEARANCES** [1] - 2:1  
**appearances** [1] - 172:12  
**appeared** [3] - 57:25, 86:9, 93:19  
**appearing** [2] - 33:28, 43:11  
**application** [3] - 42:27, 144:18, 144:20  
**apply** [1] - 76:21  
**appointed** [12] - 27:21, 85:5, 89:4, 90:14, 91:13, 98:21, 98:23, 99:25, 100:29, 107:11, 150:28, 170:3  
**appointing** [1] - 101:13  
**appointment** [6] - 77:6, 90:20, 96:1, 101:8, 103:10, 125:24  
**appointments** [1] - 103:24  
**appreciate** [9] - 26:19, 48:23, 67:14, 140:7, 159:2, 185:7, 201:13, 204:20, 214:9  
**appreciated** [1] - 119:25  
**apprise** [1] - 114:29  
**apprised** [1] - 209:10  
**approach** [9] - 90:19, 124:27, 155:20, 157:15, 163:2, 163:23, 173:25, 198:9, 205:12  
**approaches** [2] - 70:13, 89:20  
**appropriate** [17] - 58:14, 83:3, 90:23, 110:25, 119:20, 119:27, 128:27, 129:3, 151:1, 183:10, 184:25, 187:28, 188:8, 188:10, 211:24, 212:3, 212:22  
**appropriately** [7] - 86:8, 107:1, 126:19, 131:12, 132:2, 132:15, 154:3  
**approval** [1] - 148:22  
**approved** [1] - 19:24  
**April** [12] - 5:14, 5:16, 81:24, 83:22, 88:16, 101:7, 101:20, 101:22, 102:4, 105:12, 107:13, 124:19  
**area** [6] - 16:4, 40:16, 112:18, 181:25, 182:21, 186:22  
**areas** [1] - 81:8  
**argue** [2] - 67:12, 165:11  
**argument** [14] - 67:23, 137:7, 137:17, 137:28, 141:7, 141:13, 143:10, 147:21, 148:9, 154:1, 154:7, 162:16, 178:28, 210:16  
**arguments** [1] - 148:15  
**arise** [2] - 101:14, 187:15  
**arisen** [39] - 31:26, 35:13, 49:27, 49:28, 49:29, 53:11, 72:2, 75:28, 93:6, 93:11, 137:7, 137:17, 139:15, 141:7, 143:10, 146:5, 146:17, 147:20, 147:21, 148:10, 148:15, 148:18, 152:3, 154:1, 161:9, 162:1, 162:7, 162:16, 162:17, 163:8, 166:27, 172:26, 173:1, 173:14, 178:28, 193:5, 200:8, 210:16  
**arising** [11] - 22:14, 23:14, 78:17, 108:20, 113:15, 113:18, 113:24, 118:29, 179:3, 199:23, 210:26  
**arm** [1] - 65:25  
**arose** [13] - 10:27, 39:24, 39:28, 41:12, 71:6, 72:10, 74:21, 91:6, 160:15, 183:7, 198:18, 199:19, 214:17  
**ARRAN** [1] - 2:12  
**arrange** [1] - 87:2  
**arrangement** [1] - 194:12  
**arrangements** [1] - 5:22  
**arrest** [1] - 143:4  
**arrested** [2] - 35:20, 146:24  
**arrests** [3] - 136:21, 136:24, 143:6  
**arrived** [1] - 51:29  
**article** [1] - 93:18  
**articulate** [1] - 111:10  
**articulated** [1] - 94:27  
**AS** [3] - 5:2, 81:2, 111:1  
**aside** [1] - 59:6  
**aspect** [1] - 32:5  
**aspects** [1] - 36:3  
**assault** [10] - 8:18, 15:28, 34:28, 73:13, 73:16, 73:18, 74:3, 74:22, 74:28, 75:9  
**assertion** [1] - 110:15  
**assess** [1] - 121:6  
**assessing** [1] - 70:7  
**assessment** [1] - 213:17  
**assigned** [1] - 98:6  
**assist** [14] - 28:6, 39:29, 40:21, 43:18, 50:28, 59:24, 98:5, 98:8, 100:3, 101:4, 106:15, 144:4, 164:17, 167:28  
**Assistance** [1] - 90:27  
**assistance** [5] - 51:27, 66:14, 70:24, 90:29, 215:18  
**assistant** [9] - 39:24, 40:15, 41:14, 90:11, 103:21, 114:22, 175:2, 176:20, 208:14  
**Assistant** [26] - 16:14, 18:20, 18:23, 19:9, 19:13, 19:28, 67:7, 75:18, 81:19, 81:23, 81:25, 85:6, 89:19, 90:17, 98:24, 99:25, 99:29, 100:10, 100:16, 101:22, 166:5, 167:7, 193:26, 194:6, 195:18, 196:15  
**assisting** [2] - 42:14, 189:3  
**Association** [3] - 93:21, 93:23, 93:29  
**assuage** [1] - 197:4  
**assumed** [1] - 58:23  
**assure** [1] - 124:11  
**assured** [2] - 90:28, 197:5  
**AT** [1] - 215:29  
**attach** [1] - 207:2  
**attached** [3] - 27:21, 170:3, 207:13  
**attack** [1] - 136:26  
**attacks** [1] - 68:28

**attempt** [3] - 26:9, 86:21, 163:1  
**attempted** [1] - 44:12  
**attempts** [1] - 97:18  
**attend** [1] - 195:12  
**attended** [11] - 28:12, 59:20, 76:25, 88:17, 89:23, 174:25, 191:25, 191:26, 192:3, 192:11, 192:14  
**attending** [1] - 195:10  
**attention** [15] - 73:13, 75:5, 79:1, 124:25, 149:24, 175:7, 178:27, 193:16, 193:19, 201:8, 201:15, 204:10, 209:19, 209:26, 211:6  
**attitude** [9] - 130:17, 130:23, 130:27, 166:8, 173:25, 173:28, 177:27, 205:11, 209:6  
**attitudes** [1] - 131:9  
**Attorney** [3] - 92:11, 171:4, 171:5  
**attracting** [1] - 213:28  
**August** [3] - 87:3, 87:7, 90:3  
**authorise** [1] - 127:28  
**authorising** [2] - 128:10, 188:6  
**authorities** [1] - 175:7  
**Authority** [1] - 103:25  
**authority** [1] - 10:21  
**avail** [1] - 197:9  
**available** [17] - 11:10, 20:13, 25:14, 29:18, 29:22, 30:28, 52:23, 59:23, 100:5, 139:29, 140:16, 150:20, 163:5, 164:23, 185:12, 197:8, 197:13  
**aware** [61] - 6:2, 6:29, 18:7, 20:24, 28:17, 29:12, 29:15, 29:23, 30:11, 30:12, 35:9, 58:8, 61:6, 61:9, 68:12, 68:24, 74:17, 92:6, 96:13, 96:16, 105:11, 105:15, 105:20, 105:22, 105:23, 106:1, 106:11, 107:22, 107:24, 108:22, 115:22, 115:23, 116:9, 122:12, 125:4, 126:6, 126:14, 138:23, 144:13, 146:6, 163:9, 165:25, 165:26, 167:22, 169:1, 171:25, 172:5, 172:6, 179:8, 186:8, 189:21, 193:6, 193:18, 194:9, 209:11, 209:14, 212:4, 212:6, 212:9, 212:10, 215:5  
**awareness** [1] - 117:5  
**awful** [1] - 67:10

---

**B**

---

**background** [17] - 22:24, 23:23, 112:15, 116:16, 118:19, 151:7, 151:21, 152:2, 152:20, 152:23, 158:3, 163:6, 164:5, 166:28, 179:7, 187:12, 189:5  
**bad** [5] - 128:23, 189:28, 190:24, 190:29, 191:4  
**Baillieboro** [17] - 15:5, 16:4, 64:22, 66:28, 83:7, 96:18, 97:7, 97:17, 98:19, 113:28, 114:24, 119:3, 122:24, 122:27, 123:16, 199:11, 200:3  
**Baillieboro/ Monaghan** [1] - 17:10  
**balance** [1] - 16:3  
**balanced** [3] - 151:11, 184:17, 184:20  
**BALDWIN** [1] - 2:30  
**bandied** [1] - 64:13  
**Barrett** [4] - 91:14, 91:20, 96:2, 202:3  
**BARRETT** [1] - 2:22  
**barristers** [3] - 6:28, 9:2, 75:21  
**Barry** [4] - 87:15, 88:3, 89:4, 90:7  
**base** [2] - 98:15, 178:8  
**based** [15] - 12:23, 69:28, 88:3, 98:13, 140:3, 141:11, 159:9, 162:2, 163:29, 168:26, 169:13, 183:12, 183:26, 186:2, 194:11  
**basing** [1] - 183:5  
**basis** [22] - 12:24, 26:2, 31:13, 34:10, 42:2, 42:15, 76:9, 115:16, 117:11, 129:14, 129:15, 147:11, 170:26, 171:27, 174:3, 180:29, 186:14, 187:2, 188:5, 191:7, 191:12, 203:19  
**bearing** [2] - 124:25, 130:18  
**became** [12] - 9:25, 74:5, 81:28, 82:2, 89:16, 100:15, 130:17, 131:2, 146:8, 153:3, 205:24  
**become** [10] - 117:23, 151:6, 152:8, 152:16, 163:1, 183:4, 202:21, 204:28, 205:13, 205:16  
**becomes** [1] - 118:13  
**becoming** [3] - 146:9, 205:26, 208:8  
**BEEN** [1] - 81:1  
**beforehand** [1] - 136:17  
**beg** [11] - 12:6, 24:14, 51:5, 89:25, 139:25, 154:13, 160:24, 167:16, 182:22, 200:16, 210:13  
**began** [5] - 9:18, 31:5, 31:17, 85:13, 122:22  
**begin** [1] - 85:7  
**beginning** [7] - 44:6, 45:19, 65:12, 82:10, 105:27, 141:22, 141:25  
**behalf** [15] - 6:29, 69:23, 73:29, 78:22, 84:20, 100:26, 103:28, 104:10, 122:18, 128:24, 144:19, 168:29, 175:16, 185:14, 191:19  
**behave** [1] - 119:15  
**behaviour** [3] - 120:4, 130:23, 152:15, 128:6  
**behest** [1] - 213:13  
**behind** [2] - 102:6, 201:1  
**belief** [6] - 17:8, 17:24, 69:28, 108:11, 118:15, 133:26  
**below** [1] - 201:20  
**beneficial** [1] - 138:9  
**benefit** [3] - 156:28, 199:26, 213:28  
**benign** [1] - 204:25  
**best** [8] - 26:11, 48:1, 93:7, 164:10, 172:19, 187:19, 187:21, 188:11  
**better** [8] - 105:29, 120:19, 129:14, 133:4, 156:29, 195:21, 198:5, 202:25  
**between** [42] - 9:4, 22:8, 45:29, 46:6, 50:6, 51:8, 59:29, 60:1, 60:9, 71:11, 80:18, 87:16, 90:2, 91:19, 101:18, 102:17, 106:6, 107:15, 112:19, 113:26, 119:3, 121:11, 125:4, 125:11, 128:6, 134:10, 145:4, 145:15, 152:3, 152:24, 154:27, 159:14, 165:24, 166:29, 167:5, 169:2, 186:23, 187:18, 199:6, 199:16, 207:17, 209:24  
**beyond** [4] - 94:16, 156:20, 159:13, 159:22  
**big** [2] - 184:9, 204:7  
**biggest** [2] - 204:26  
**bill** [1] - 143:29  
**billing** [1] - 44:14  
**bills** [1] - 141:20  
**bit** [12] - 66:20, 66:24, 68:10, 112:23, 116:8, 122:16, 146:19, 155:29, 156:2, 156:6, 156:7  
**BL** [10] - 2:7, 2:10, 2:16, 2:17, 2:27, 2:27, 2:28, 2:28, 3:4, 45:8  
**black** [1] - 67:12  
**blame** [1] - 20:8  
**blank** [1] - 55:14  
**board** [6] - 77:22, 90:21, 102:21, 103:2, 103:4, 125:5  
**body** [1] - 98:10  
**bonus** [1] - 16:24  
**book** [8] - 6:5, 6:7, 7:7, 12:28, 25:23, 27:6, 36:26, 47:24  
**booklet** [5] - 6:15, 7:13, 7:14, 13:13, 13:14  
**books** [1] - 55:1  
**borne** [1] - 69:1  
**borrow** [1] - 156:1  
**boss** [1] - 95:2  
**bottom** [8] - 11:17, 68:16, 94:19, 153:18, 156:14, 210:3, 210:10, 211:17  
**bound** [1] - 194:25  
**box** [1] - 66:6  
**breach** [3] - 42:3, 93:25, 101:3  
**breaching** [2] - 93:14, 93:15  
**break** [7] - 42:10, 110:26, 111:4, 112:23, 149:26, 212:22, 215:21  
**breakneck** [1] - 10:13  
**BREFFNI** [1] - 2:10  
**bricks** [2] - 195:4, 196:1  
**brief** [7] - 6:28, 9:1, 50:20, 69:12, 81:4, 85:8, 171:6  
**briefed** [5] - 6:29, 28:8, 28:14, 42:15, 121:10  
**briefing** [3] - 116:12, 116:25, 137:1  
**briefly** [9] - 25:1, 25:22, 39:2, 41:20, 69:9, 69:20, 154:22, 179:11, 215:25  
**bring** [6] - 92:17, 124:24, 124:27, 178:27, 183:21, 193:15  
**bringing** [2] - 201:7, 207:5  
**brings** [2] - 39:7, 142:13  
**British** [1] - 112:2  
**broader** [2] - 110:21, 110:23  
**brought** [13] - 7:24, 7:25, 73:12, 149:23, 175:6, 191:1, 191:7, 192:6, 193:19,

201:15, 209:19,  
209:25, 211:5  
**BUILDING** [1] - 2:24  
**built** [1] - 213:19  
**bullet** [9] - 8:14,  
8:20, 8:25, 14:3, 14:4,  
15:11, 15:15, 16:3,  
16:9  
**bullet-point** [5] -  
8:25, 14:3, 14:4,  
15:15, 16:9  
**bullet-points** [3] -  
8:20, 15:11, 16:3  
**bullied** [1] - 8:8  
**bullying** [2] - 87:29,  
91:28  
**bundle** [1] - 7:10  
**bundles** [1] - 69:20  
**Bureau** [1] - 81:19  
**burglary** [1] - 204:23  
**Burke** [4] - 200:12,  
200:20, 201:19,  
207:24  
**burning** [1] - 83:9  
**business** [1] -  
213:28  
**busy** [3] - 25:3,  
26:15, 30:25  
**BY** [18] - 1:5, 1:8,  
2:11, 2:18, 2:23, 2:29,  
3:5, 4:4, 4:5, 4:6, 4:7,  
4:10, 5:7, 43:9, 61:15,  
71:1, 81:2  
**Byrne** [17] - 16:14,  
16:20, 18:20, 18:24,  
19:9, 19:13, 19:28,  
33:20, 45:8, 51:11,  
67:7, 75:19, 112:13,  
133:7, 208:15  
**BYRNE** [1] - 2:27  
**Byrne's** [1] - 51:10  
**Byrne-McGinn** [1] -  
33:20  
**Byrne/McGinn** [8] -  
18:29, 84:12, 84:15,  
97:19, 98:14, 110:20,  
132:25, 132:26

## C

**calendar** [1] - 192:8  
**Callinan** [14] - 16:19,  
17:20, 17:25, 18:14,  
19:24, 19:28, 20:14,  
21:10, 76:12, 76:29,  
77:8, 77:13, 77:25,  
110:9  
**Callinan's** [1] - 88:10  
**cannot** [5] - 50:10,

50:17, 62:21, 64:20,  
106:26  
**canvassed** [1] - 70:6  
**capable** [1] - 73:8  
**capacity** [6] - 39:23,  
39:26, 42:22, 83:27,  
97:12, 104:21  
**capture** [1] - 182:12  
**care** [1] - 197:23  
**cared** [1] - 208:22  
**career** [1] - 81:4  
**careful** [6] - 52:11,  
125:20, 134:27,  
146:26, 181:6, 199:21  
**carefully** [2] -  
125:22, 140:23  
**caring** [1] - 208:24  
**carried** [3] - 82:24,  
83:2, 204:14  
**carry** [4] - 70:27,  
92:2, 92:16, 194:22  
**carrying** [1] - 42:26  
**case** [28] - 10:7,  
15:27, 16:20, 21:16,  
26:22, 34:11, 34:17,  
49:17, 68:14, 68:20,  
85:12, 96:19, 115:24,  
128:25, 131:13,  
146:7, 156:21,  
162:24, 163:11,  
166:21, 174:7, 175:4,  
189:27, 190:18,  
206:4, 213:8, 214:21  
**cases** [7] - 13:28,  
14:13, 14:25, 35:21,  
156:10, 213:7, 213:25  
**Castle** [1] - 192:2  
**CASTLE** [1] - 1:17  
**catalogue** [1] - 16:11  
**catch** [2] - 42:24,  
104:11  
**catch-up** [2] - 42:24,  
104:11  
**categorically** [1] -  
77:28  
**categorise** [1] -  
122:6  
**CATHERINE** [1] -  
2:28  
**caused** [2] - 92:19,  
195:14  
**caution** [1] - 183:17  
**cautious** [1] - 130:8  
**Cavan** [14] - 61:29,  
83:7, 96:18, 98:20,  
112:18, 115:19,  
123:5, 123:12,  
123:13, 124:13,  
152:11, 186:22,  
198:8, 199:7

**Cavan-Monaghan**  
[12] - 61:29, 98:20,  
112:18, 115:19,  
123:5, 123:12,  
123:13, 124:13,  
152:11, 186:22,  
198:8, 199:7  
**cavilling** [1] - 214:4  
**central** [3] - 35:17,  
67:28, 126:1  
**ceremonial** [1] -  
192:25  
**CERTAIN** [1] - 1:4  
**certain** [24] - 16:21,  
35:4, 37:15, 38:7,  
49:21, 71:8, 86:2,  
99:28, 101:15, 112:6,  
112:14, 113:4,  
113:19, 113:22,  
114:14, 125:21,  
126:3, 135:12, 151:7,  
168:7, 193:27, 201:7,  
205:1, 206:6  
**certainly** [53] - 14:7,  
26:22, 29:23, 57:16,  
57:18, 58:24, 59:2,  
101:15, 107:14,  
118:5, 118:20, 128:4,  
128:25, 128:28,  
132:11, 132:12,  
138:22, 139:22,  
139:29, 140:12,  
140:16, 144:5, 146:2,  
148:2, 150:11,  
152:13, 153:25,  
155:10, 158:16,  
159:25, 159:26,  
165:13, 165:18,  
166:25, 167:18,  
168:8, 168:29,  
173:29, 174:1,  
174:22, 176:12,  
178:2, 178:26, 185:9,  
185:14, 190:17,  
191:8, 195:24, 196:1,  
210:24, 213:25,  
214:17, 215:1  
**certify** [1] - 1:25  
**Chair** [11] - 69:8,  
99:14, 128:12, 146:1,  
146:23, 149:8, 158:9,  
158:12, 158:15,  
207:19, 207:26  
**chair** [2] - 153:14,  
160:28  
**CHAIRMAN** [67] -  
8:2, 14:5, 14:17,  
14:19, 21:28, 22:2,  
22:5, 24:17, 24:21,  
25:24, 26:11, 26:19,

26:26, 31:23, 31:28,  
32:10, 34:16, 35:15,  
53:2, 53:6, 53:8,  
58:26, 61:28, 62:3,  
63:5, 63:10, 63:13,  
63:15, 63:25, 63:27,  
64:1, 65:8, 65:13,  
65:18, 65:28, 66:12,  
66:20, 68:4, 69:4,  
69:7, 69:10, 70:15,  
70:17, 80:13, 80:19,  
110:25, 127:13,  
155:24, 155:27,  
156:15, 160:26,  
161:15, 178:7,  
178:24, 181:15,  
181:18, 182:14,  
182:23, 182:28,  
205:18, 212:24,  
212:27, 213:2, 214:5,  
214:9, 214:14, 215:24  
**chairman** [1] -  
215:23  
**Chairman** [227] -  
22:1, 31:21, 38:22,  
43:6, 43:18, 45:1,  
51:27, 53:7, 65:11,  
69:12, 69:13, 69:15,  
78:13, 78:16, 80:10,  
80:20, 81:6, 82:8,  
82:14, 82:17, 82:27,  
83:9, 83:12, 84:14,  
84:18, 84:23, 84:28,  
85:28, 86:5, 87:7,  
87:13, 87:19, 88:11,  
89:3, 90:6, 90:22,  
91:9, 91:21, 92:14,  
92:28, 93:9, 94:8,  
94:22, 95:9, 95:26,  
96:8, 96:12, 96:15,  
96:20, 96:25, 97:4,  
97:8, 98:12, 99:3,  
99:11, 99:28, 100:15,  
100:22, 101:9,  
101:15, 102:2,  
102:11, 102:15,  
102:23, 102:27,  
103:11, 103:15,  
104:7, 104:13,  
104:27, 105:4,  
105:15, 106:20,  
107:21, 107:24,  
108:1, 109:1, 109:18,  
110:12, 111:9,  
111:12, 111:19,  
111:22, 111:27,  
113:25, 115:9,  
115:21, 116:6, 117:3,  
117:20, 117:27,  
118:14, 119:12,  
120:2, 120:23,

121:13, 122:20,  
123:2, 125:25, 127:1,  
127:14, 128:5,  
128:17, 129:5, 130:3,  
130:8, 130:29, 131:6,  
131:23, 134:9,  
134:27, 135:20,  
135:23, 135:27,  
136:3, 136:9, 136:14,  
136:19, 137:25,  
137:29, 138:7,  
139:20, 140:11,  
140:28, 142:1,  
142:21, 142:24,  
142:29, 144:4,  
144:16, 145:21,  
146:12, 147:8,  
149:18, 149:25,  
150:10, 151:29,  
153:1, 154:17,  
154:21, 155:19,  
157:4, 157:18,  
158:29, 159:21,  
159:24, 160:10,  
161:17, 165:6,  
165:22, 166:10,  
166:18, 167:3,  
167:28, 168:11,  
168:25, 169:23,  
169:26, 170:10,  
170:14, 170:19,  
171:7, 171:12,  
171:17, 172:7, 173:9,  
173:16, 174:15,  
175:13, 175:18,  
175:23, 176:4,  
176:22, 177:8,  
177:12, 178:1,  
178:25, 179:27,  
180:17, 181:6, 182:8,  
182:19, 183:3,  
183:12, 184:7,  
184:18, 186:12,  
187:9, 187:27,  
188:29, 189:15,  
191:28, 193:5, 193:9,  
193:17, 193:25,  
193:29, 194:3,  
195:17, 196:18,  
197:29, 198:3,  
198:12, 199:8,  
199:28, 200:13,  
201:17, 202:7,  
202:10, 202:12,  
202:20, 203:15,  
204:4, 204:19,  
205:15, 206:1,  
206:22, 206:24,  
206:26, 209:18,  
209:23, 210:12,  
211:2, 212:9, 212:11

**Chairperson** [1] - 35:24

**challenge** [4] - 155:9, 157:20, 214:26, 215:10

**challenged** [4] - 151:2, 157:17, 188:23, 189:18

**challenging** [4] - 167:11, 167:23, 214:19, 214:20

**chance** [1] - 28:10

**change** [11] - 39:4, 46:29, 126:7, 126:16, 130:23, 131:9, 132:7, 132:8, 132:10, 195:23

**Change** [1] - 102:5

**changed** [11] - 46:28, 130:27, 131:21, 134:4, 141:12, 141:17, 141:18, 141:19, 152:15, 170:25, 186:5

**changed"** [2] - 129:25, 130:4

**channels** [1] - 86:8

**chapter** [1] - 38:25

**character** [1] - 208:10

**characterised** [1] - 67:28

**charge** [11] - 15:4, 16:22, 63:19, 68:19, 81:12, 81:17, 100:19, 146:28, 194:11, 194:22, 195:1

**charges** [2] - 109:1

**CHARLES** [1] - 3:5

**CHARLETON** [2] - 1:12, 2:2

**charter** [2] - 17:20, 18:1

**checking** [1] - 149:8

**CHIEF** [4] - 2:18, 3:6, 4:3, 5:7

**Chief** [179] - 5:4, 19:20, 19:23, 19:29, 22:15, 23:15, 34:21, 43:6, 43:16, 43:21, 43:23, 44:27, 45:25, 46:18, 47:10, 47:23, 51:6, 51:26, 52:17, 54:28, 55:5, 59:7, 60:11, 61:12, 71:2, 71:6, 73:10, 75:8, 75:11, 76:15, 77:14, 78:1, 78:22, 88:2, 89:17, 91:15, 100:18, 100:21, 100:22, 100:29, 101:2, 101:6, 104:25, 105:1, 105:9, 105:11, 105:16, 105:18, 106:3, 106:14, 107:7, 107:17, 111:10, 111:14, 112:9, 114:8, 114:14, 115:1, 115:17, 115:25, 115:29, 118:24, 119:9, 120:25, 120:28, 124:7, 125:2, 126:28, 127:8, 127:15, 129:22, 131:19, 133:28, 134:19, 135:28, 136:4, 136:7, 137:2, 137:4, 137:10, 137:16, 137:20, 137:26, 138:13, 138:23, 139:7, 139:10, 139:27, 140:12, 140:29, 141:3, 141:5, 141:28, 142:12, 143:21, 143:23, 143:28, 144:5, 144:8, 144:10, 144:11, 144:13, 144:17, 145:3, 145:14, 145:16, 145:17, 145:23, 145:28, 147:6, 147:14, 148:8, 149:17, 149:28, 150:2, 150:5, 150:14, 153:11, 153:21, 153:28, 154:19, 158:7, 159:11, 160:4, 160:11, 160:12, 166:20, 167:17, 168:10, 169:20, 169:27, 170:11, 171:2, 171:9, 171:14, 171:28, 173:8, 177:6, 177:18, 179:11, 179:16, 179:28, 180:18, 180:25, 181:3, 182:6, 182:8, 183:19, 185:3, 185:6, 185:7, 185:28, 186:3, 186:10, 188:13, 189:10, 189:16, 189:21, 190:7, 193:2, 193:3, 193:11, 194:5, 195:5, 196:9, 197:11, 198:26, 206:27, 207:8, 207:17, 208:14, 209:9, 209:18, 209:21, 209:25, 209:27, 210:19, 211:12, 212:21

**chief** [20] - 13:29, 14:15, 14:27, 17:2, 45:24, 50:27, 76:21, 77:6, 77:27, 81:15, 81:18, 90:12, 103:22, 175:1, 176:19, 194:4, 196:10, 202:3, 208:11, 208:23

**child** [1] - 214:24

**CHRISTOPHER** [1] - 3:3

**chronology** [2] - 54:9, 95:27

**circulated** [2] - 26:13, 80:10

**circulation** [2] - 152:28, 182:25

**circumstances** [12] - 11:9, 28:17, 118:7, 151:23, 152:2, 158:4, 173:1, 178:18, 178:20, 185:19, 185:21, 201:1

**Clancy** [37] - 8:3, 11:27, 12:9, 12:20, 13:29, 14:14, 14:26, 15:4, 15:24, 16:6, 16:12, 16:16, 16:18, 16:29, 17:8, 17:28, 20:7, 20:29, 37:15, 61:19, 66:15, 66:25, 67:2, 70:1, 74:25, 75:9, 75:11, 76:15, 76:20, 77:19, 77:27, 78:1, 129:24, 129:28, 208:11, 208:22, 209:1

**Clancy's** [2] - 17:3, 77:15

**clarification** [2] - 48:27, 163:7

**clarify** [1] - 29:26

**clarity** [1] - 76:10

**CLARKE** [1] - 2:29

**clause** [1] - 194:26

**clean** [1] - 55:13

**clear** [20] - 7:5, 17:29, 62:13, 62:14, 62:27, 63:18, 68:1, 71:17, 80:13, 88:18, 108:28, 110:15, 117:16, 117:19, 127:7, 157:2, 158:23, 167:20, 189:17

**cleared** [5] - 72:28, 157:7, 210:29, 211:1, 214:28

**clearly** [6] - 64:2, 110:19, 151:23, 156:18, 163:27, 215:3

**client** [3] - 33:10, 60:10, 62:19

**close** [3] - 48:22, 158:22, 206:11

**closed** [1] - 153:14

**closer** [1] - 48:6

**closest** [1] - 98:27

**Code** [3] - 14:28, 17:22, 63:4

**code** [3] - 62:8, 62:16, 63:19

**coin** [1] - 72:24

**coincide** [1] - 136:27

**collation** [1] - 5:19

**colleague** [2] - 115:12, 115:14

**colleague's** [1] - 115:14

**College** [2] - 81:12, 88:18

**Colm** [3] - 13:8, 202:15, 207:3

**COLM** [1] - 2:26

**column** [1] - 39:15

**combination** [4] - 9:2, 102:17, 110:10, 110:12

**combined** [9] - 109:22, 109:24, 109:25, 110:14, 113:2, 114:2, 119:6, 128:21, 129:16

**comfort** [3] - 27:26, 170:8, 170:16

**comfortable** [1] - 86:28

**coming** [20] - 25:27, 51:17, 84:11, 105:24, 106:2, 107:5, 117:12, 120:14, 137:13, 137:19, 141:9, 145:22, 158:5, 158:21, 158:22, 159:6, 179:4, 186:29, 210:18, 213:14

**command** [2] - 81:20, 178:10

**commenced** [3] - 42:7, 154:7, 208:1

**commencing** [2] - 80:11, 208:19

**commendations** [1] - 84:20

**comment** [7] - 38:10, 61:18, 69:13, 170:17, 170:28, 201:22, 201:26

**commentary** [1] - 206:6

**commenting** [1] - 130:8

**comments** [2] - 163:22, 171:4

**Commission** [239] - 5:12, 5:21, 5:27, 6:17, 9:1, 11:11, 20:23, 21:16, 27:25, 30:12, 31:9, 33:8, 34:24, 36:7, 36:12, 38:23, 39:29, 40:13, 40:21, 41:28, 42:23, 43:1, 44:1, 44:7, 45:11, 45:17, 46:10, 46:15, 46:25, 46:26, 48:28, 50:26, 53:25, 56:18, 57:18, 59:9, 60:15, 60:29, 62:28, 64:12, 64:24, 65:1, 65:6, 65:7, 65:14, 67:16, 67:19, 67:29, 69:15, 74:7, 74:11, 75:22, 76:19, 77:16, 77:28, 79:28, 87:24, 96:7, 97:1, 97:3, 97:4, 98:1, 98:5, 98:9, 98:11, 98:17, 98:18, 99:2, 99:4, 99:5, 99:8, 99:15, 99:19, 100:2, 100:4, 100:5, 100:9, 100:14, 100:17, 100:27, 101:5, 101:11, 103:1, 103:6, 103:14, 104:11, 104:17, 106:9, 106:16, 106:21, 107:4, 107:6, 107:20, 107:23, 107:25, 108:3, 108:4, 108:16, 108:27, 109:27, 110:5, 110:16, 110:21, 112:16, 113:4, 113:20, 113:23, 114:5, 114:7, 114:9, 118:28, 121:29, 122:15, 122:18, 124:9, 125:6, 126:2, 126:23, 126:24, 127:29, 129:12, 135:8, 135:12, 137:7, 138:1, 139:2, 139:16, 139:25, 140:2, 140:8, 140:14, 141:8, 143:10, 144:14, 146:6, 146:12, 147:20, 148:10, 148:16, 148:20, 150:29, 151:21, 151:24, 152:1, 152:22, 154:4, 154:6, 154:16, 155:21, 157:1, 157:5, 157:11,

157:12, 157:27,  
158:2, 158:5, 158:22,  
158:25, 159:5,  
159:13, 159:23,  
160:1, 160:6, 160:7,  
160:9, 160:16, 161:9,  
162:1, 162:7, 162:17,  
162:24, 162:27,  
163:3, 163:8, 163:10,  
163:29, 164:7,  
164:13, 164:15,  
164:18, 164:19,  
166:7, 168:16,  
168:24, 170:7,  
172:23, 172:25,  
172:28, 173:14,  
173:26, 177:11,  
177:28, 178:26,  
179:19, 183:11,  
184:19, 185:2, 185:9,  
186:16, 186:19,  
187:11, 187:26,  
188:11, 188:16,  
189:3, 189:5, 189:13,  
189:24, 189:26,  
191:23, 192:29,  
193:8, 195:10,  
195:22, 195:26,  
197:25, 197:27,  
198:6, 199:9, 203:6,  
205:11, 205:12,  
205:24, 206:12,  
206:14, 208:19,  
209:8, 209:11, 210:2,  
210:4, 210:9, 210:16,  
210:24, 210:29,  
211:3, 211:6, 211:15,  
212:5  
**commission** [7] -  
96:21, 97:14, 97:21,  
101:17, 102:16,  
108:24, 108:26  
**Commission's** [4] -  
38:24, 42:5, 69:17,  
105:27  
**commissioner** [9] -  
39:24, 40:16, 41:14,  
90:12, 114:22, 175:2,  
176:20, 176:25,  
208:15  
**Commissioner** [193]  
- 5:15, 6:29, 10:21,  
11:1, 11:3, 11:8,  
12:17, 12:22, 16:14,  
16:18, 16:19, 16:22,  
16:28, 17:19, 17:25,  
18:6, 18:13, 18:20,  
18:24, 19:9, 19:13,  
19:24, 19:28, 20:14,  
21:3, 21:9, 21:10,  
21:13, 25:12, 25:20,  
26:1, 26:2, 26:7, 26:8,  
26:10, 26:23, 27:3,  
27:11, 27:14, 27:19,  
28:1, 28:9, 28:14,  
28:21, 28:28, 29:9,  
29:12, 29:15, 29:17,  
29:21, 30:2, 30:5,  
30:15, 30:18, 30:20,  
30:23, 30:25, 30:27,  
38:20, 39:20, 39:23,  
40:12, 41:2, 41:7,  
43:4, 44:23, 45:2,  
45:12, 45:15, 45:18,  
45:21, 45:25, 46:1,  
46:7, 46:16, 46:21,  
48:13, 48:21, 48:26,  
48:29, 49:26, 50:1,  
50:7, 51:9, 51:29,  
52:4, 52:26, 52:27,  
53:12, 53:21, 53:26,  
54:3, 54:16, 55:21,  
55:26, 56:9, 56:15,  
56:16, 56:20, 56:23,  
57:13, 57:20, 57:29,  
58:19, 59:1, 59:3,  
59:4, 61:5, 61:11,  
67:7, 69:5, 69:25,  
69:27, 69:29, 71:5,  
73:8, 75:4, 75:19,  
76:12, 76:29, 77:8,  
77:13, 77:25, 77:29,  
78:17, 78:19, 80:21,  
81:20, 81:23, 81:25,  
81:27, 81:29, 82:2,  
82:12, 82:14, 83:28,  
85:6, 88:10, 88:13,  
89:19, 90:18, 98:25,  
99:26, 99:29, 100:10,  
100:16, 101:22,  
101:29, 102:5,  
103:10, 103:19,  
110:9, 111:3, 125:24,  
137:19, 155:2, 159:7,  
161:29, 162:5,  
162:11, 162:29,  
163:4, 163:5, 163:17,  
163:29, 164:17,  
164:20, 167:6,  
169:29, 172:21,  
172:24, 173:2, 174:2,  
179:23, 181:12,  
181:29, 191:3,  
193:26, 194:7,  
195:18, 196:14,  
196:15, 198:4, 201:6,  
201:9, 204:12, 206:8,  
207:11, 210:18, 215:7  
**COMMISSIONER** [3]  
- 2:15, 4:9, 81:1  
**Commissioner's** [6]  
- 42:28, 46:2, 46:8,  
74:1, 92:29, 156:21  
**commissioners** [2] -  
103:21, 104:5  
**commissioners'** [1] -  
103:20  
**commissions** [3] -  
100:25, 104:19, 121:3  
**commitment** [2] -  
83:14, 89:9  
**committed** [7] -  
69:23, 86:24, 88:27,  
125:27, 186:16,  
187:1, 191:14  
**Committee** [4] -  
86:9, 86:11, 86:18,  
87:9  
**communicate** [1] -  
95:10  
**communicated** [4] -  
29:27, 94:13, 94:14,  
95:8  
**communication** [4] -  
10:24, 28:20, 30:17,  
93:5  
**communications** [2]  
- 78:25, 167:5  
**COMPANY** [1] - 2:11  
**compatible** [1] -  
199:5  
**competence** [2] -  
121:5, 190:19  
**competent** [2] -  
120:14, 176:18  
**competition** [1] -  
82:1  
**compile** [1] - 93:13  
**compiled** [1] - 66:27  
**complain** [1] - 213:3  
**complained** [1] -  
32:6  
**complaining** [1] -  
132:23  
**complaint** [22] -  
7:19, 12:8, 12:19,  
17:19, 18:22, 19:12,  
35:2, 62:7, 64:23,  
65:5, 70:2, 70:3,  
70:10, 73:19, 74:2,  
74:4, 74:20, 74:25,  
75:8, 93:24, 151:16,  
162:8  
**complaints** [33] -  
7:1, 11:27, 12:18,  
13:27, 16:4, 16:16,  
18:25, 19:2, 20:16,  
36:3, 38:5, 74:26,  
75:18, 84:17, 87:10,  
93:18, 122:23,  
130:27, 131:12,  
132:19, 133:20,  
134:2, 134:17,  
151:22, 152:27,  
153:6, 153:8, 179:22,  
184:6, 186:28,  
187:10, 187:14, 207:5  
**complete** [1] - 41:3  
**completed** [2] - 83:6,  
171:29  
**completely** [1] -  
192:27  
**completing** [1] -  
208:2  
**completion** [1] -  
151:15  
**complex** [1] - 132:7  
**complicated** [1] -  
213:25  
**composite** [1] -  
155:27  
**comprehensive** [2] -  
79:10, 94:23  
**concentrate** [1] -  
62:24  
**concern** [9] - 9:23,  
9:26, 44:29, 45:1,  
46:21, 72:2, 93:12,  
95:3, 151:8  
**concerned** [15] -  
6:27, 11:13, 22:7,  
41:23, 42:3, 43:2,  
79:7, 80:7, 80:14,  
101:9, 115:11,  
159:12, 159:29,  
180:27, 203:7  
**concerning** [4] -  
5:22, 5:24, 31:27,  
41:20  
**concerns** [14] - 15:9,  
37:5, 41:26, 74:19,  
90:8, 90:15, 95:7,  
128:28, 129:3,  
132:18, 159:28,  
160:2, 197:2, 197:4  
**conclude** [5] - 108:9,  
108:13, 119:5,  
133:13, 187:16  
**concluded** [1] -  
208:2  
**conclusion** [3] -  
25:13, 128:20, 150:17  
**concrete** [1] - 98:9  
**condensed** [1] -  
182:9  
**condensing** [1] -  
56:12  
**conduct** [8] - 69:24,  
69:27, 122:18, 151:2,  
151:13, 158:1, 163:8,  
205:23  
**conduit** [3] - 100:6,  
159:14, 160:13  
**conference** [2] -  
92:19, 92:29  
**confidence** [8] -  
83:27, 84:1, 84:4,  
84:5, 88:1, 97:26,  
106:26  
**confident** [4] - 86:27,  
159:27, 168:21,  
168:25  
**Confidential** [1] -  
17:21  
**confidential** [3] -  
18:1, 61:24, 163:9  
**confidentiality** [1] -  
194:26  
**confirm** [5] - 24:22,  
42:28, 140:20,  
140:25, 141:9  
**confirmation** [2] -  
72:21, 139:18  
**confirmed** [8] -  
46:27, 46:29, 56:17,  
78:23, 154:19, 159:6,  
162:19, 165:16  
**confirming** [2] -  
154:15, 158:20  
**conflict** [4] - 198:18,  
199:16, 199:23, 200:8  
**confusing** [1] - 90:6  
**conjunction** [1] -  
11:21  
**connected** [4] -  
20:29, 21:1, 21:2,  
198:10  
**connecting** [1] -  
19:27  
**connection** [4] - 9:4,  
68:11, 80:17, 92:11  
**Connolly** [1] - 13:17  
**Connolly's** [2] -  
61:25, 61:27  
**CONOR** [1] - 2:16  
**conscious** [6] -  
41:25, 162:25,  
178:25, 198:21,  
200:1, 203:4  
**consent** [1] - 83:24  
**consequence** [3] -  
70:24, 213:24, 214:27  
**consider** [10] -  
105:26, 119:27,  
120:21, 125:19,  
151:10, 164:16,  
164:26, 187:12,  
211:23, 212:12  
**considerable** [4] -  
33:6, 79:13, 129:19,  
214:12  
**consideration** [6] -

8:29, 67:18, 102:12, 113:21, 151:24, 199:2  
**considered** <sup>[10]</sup> - 24:7, 80:11, 108:21, 109:15, 128:25, 157:19, 170:23, 183:20, 184:15, 199:21  
**considering** <sup>[5]</sup> - 119:25, 145:15, 150:2, 150:7, 150:16  
**constraints** <sup>[1]</sup> - 177:11  
**consult** <sup>[3]</sup> - 120:17, 167:2, 184:13  
**consultation** <sup>[19]</sup> - 5:25, 25:14, 25:19, 28:29, 29:9, 29:23, 29:25, 30:28, 39:18, 41:11, 59:21, 92:10, 118:17, 173:4, 184:28, 185:14, 185:16, 185:24  
**consultations** <sup>[19]</sup> - 10:2, 10:3, 10:5, 107:18, 111:23, 112:10, 112:25, 112:26, 112:27, 112:29, 113:1, 113:2, 113:12, 113:15, 113:17, 114:16, 116:5, 119:21, 134:3  
**consulted** <sup>[2]</sup> - 60:17, 61:7  
**consulting** <sup>[1]</sup> - 187:29  
**contact** <sup>[15]</sup> - 48:26, 48:29, 71:5, 86:18, 86:20, 87:16, 90:29, 137:3, 171:3, 193:14, 195:5, 197:1, 197:12, 210:20, 211:24  
**contacted** <sup>[3]</sup> - 30:16, 161:29, 200:26  
**contacting** <sup>[1]</sup> - 127:21  
**contacts** <sup>[5]</sup> - 80:18, 86:12, 86:14, 167:9, 197:18  
**contained** <sup>[3]</sup> - 115:4, 166:1, 208:18  
**contains** <sup>[1]</sup> - 196:22  
**contemporaneous** <sup>[3]</sup> - 47:6, 47:19, 48:5  
**content** <sup>[2]</sup> - 182:28, 197:14  
**contents** <sup>[4]</sup> - 23:1, 24:2, 45:16, 193:6  
**context** <sup>[22]</sup> - 18:22, 38:9, 48:23, 83:13, 97:8, 103:16, 111:22, 111:28, 116:17, 116:18, 117:27, 118:15, 118:21, 136:19, 146:13, 147:18, 147:27, 164:9, 165:23, 174:16, 184:25, 202:20  
**continually** <sup>[1]</sup> - 68:12  
**continuation** <sup>[2]</sup> - 98:2, 153:25  
**continue** <sup>[1]</sup> - 126:17  
**continued** <sup>[8]</sup> - 31:7, 31:13, 126:10, 126:11, 133:14, 171:22, 188:13, 192:29  
**continues** <sup>[7]</sup> - 127:20, 155:7, 162:20, 163:13, 163:25, 197:16, 209:4  
**continuing** <sup>[4]</sup> - 38:21, 89:18, 122:10, 125:27  
**continuum** <sup>[2]</sup> - 50:24, 158:16  
**contribute** <sup>[2]</sup> - 109:22, 188:3  
**contributed** <sup>[2]</sup> - 135:4, 190:4  
**contributing** <sup>[1]</sup> - 186:24  
**control** <sup>[1]</sup> - 98:27  
**convenient** <sup>[1]</sup> - 161:21  
**conversation** <sup>[50]</sup> - 22:15, 23:15, 25:12, 26:5, 27:14, 27:15, 30:9, 30:10, 30:24, 44:24, 46:18, 51:19, 57:23, 58:26, 71:14, 86:23, 90:25, 107:7, 111:20, 115:28, 116:12, 116:25, 130:12, 145:26, 146:22, 153:25, 162:14, 162:26, 163:15, 165:1, 165:3, 165:4, 165:14, 165:19, 166:16, 166:24, 166:25, 167:12, 167:24, 168:4, 168:5, 169:16, 171:14, 171:16, 179:10, 179:28, 192:22, 207:23, 209:4  
**conversations** <sup>[13]</sup> - 27:20, 30:22, 49:2, 55:21, 111:13, 148:28, 165:28, 168:6, 170:2, 170:13, 179:17, 185:6, 192:26  
**conveyed** <sup>[6]</sup> - 25:29, 26:22, 28:27, 124:3, 150:8, 160:6  
**cool** <sup>[1]</sup> - 139:1  
**coordinate** <sup>[1]</sup> - 89:20  
**coordinating** <sup>[1]</sup> - 90:19  
**coordination** <sup>[2]</sup> - 100:4, 174:18  
**Cootehill** <sup>[6]</sup> - 34:29, 73:13, 73:18, 74:3, 74:12, 208:28  
**copies** <sup>[1]</sup> - 53:3  
**copy** <sup>[4]</sup> - 7:5, 12:4, 28:2, 141:21  
**copying** <sup>[1]</sup> - 194:6  
**core** <sup>[1]</sup> - 66:4  
**corporate** <sup>[2]</sup> - 102:1, 102:9  
**corps** <sup>[1]</sup> - 194:11  
**correct** <sup>[168]</sup> - 5:14, 5:23, 6:1, 6:20, 6:26, 7:3, 8:1, 8:4, 8:5, 8:19, 8:23, 9:6, 9:20, 10:17, 10:19, 11:5, 11:7, 11:12, 13:10, 13:25, 18:16, 18:18, 18:27, 19:3, 21:11, 24:20, 25:4, 25:16, 25:21, 27:6, 31:18, 34:14, 34:15, 36:13, 43:27, 47:15, 48:3, 55:15, 56:25, 60:4, 60:10, 67:7, 68:27, 73:21, 74:4, 74:29, 75:6, 75:7, 75:23, 76:22, 76:29, 77:15, 77:20, 82:8, 82:26, 83:8, 83:9, 84:13, 84:14, 84:18, 84:23, 84:27, 84:28, 85:27, 85:28, 87:12, 87:13, 87:18, 89:1, 89:27, 91:9, 91:20, 91:21, 92:13, 92:14, 92:20, 93:8, 94:7, 94:8, 95:26, 96:3, 96:8, 96:12, 96:19, 96:25, 99:11, 101:8, 101:9, 102:11, 102:21, 102:23, 103:11, 103:15, 104:27, 107:21, 111:7, 111:9, 111:19, 122:20, 122:23, 122:28, 123:1, 123:2, 123:18, 123:21, 123:23, 129:27, 130:28, 132:19, 135:19, 135:27, 136:3, 136:14, 141:28, 142:1, 142:3, 142:4, 142:17, 142:21, 142:24, 143:17, 144:23, 145:10, 149:18, 154:17, 154:21, 159:21, 160:1, 160:10, 161:12, 161:13, 169:23, 173:8, 173:9, 173:15, 174:14, 175:13, 175:17, 175:18, 175:22, 176:4, 176:16, 177:7, 177:8, 177:12, 177:25, 182:27, 183:11, 186:12, 189:13, 191:27, 191:28, 192:18, 192:20, 193:17, 193:29, 194:3, 197:29, 200:12, 200:13, 202:7, 202:10, 202:17, 203:15, 204:5, 212:13  
**corrected** <sup>[1]</sup> - 202:15  
**correctly** <sup>[8]</sup> - 53:15, 56:28, 56:29, 89:29, 94:28, 109:28, 110:1, 159:20  
**corresponded** <sup>[3]</sup> - 98:22, 99:24, 121:24  
**correspondence** <sup>[2]</sup> - 87:1, 197:14  
**corrupt** <sup>[1]</sup> - 106:26  
**Corruption** <sup>[1]</sup> - 17:21  
**corruption** <sup>[58]</sup> - 8:21, 9:5, 9:8, 9:24, 17:29, 18:13, 18:17, 19:25, 19:29, 20:2, 20:25, 21:13, 31:14, 38:26, 38:28, 62:8, 62:15, 62:16, 62:26, 62:29, 63:3, 63:10, 63:11, 63:20, 63:24, 63:27, 64:4, 64:11, 64:13, 64:29, 65:20, 65:27, 66:6, 70:11, 76:11, 77:12, 84:9, 108:9, 108:14, 109:2, 109:12, 109:23, 109:29, 110:4, 111:6, 113:8, 114:2, 119:5, 129:17, 133:23, 133:27, 134:21, 134:23, 135:5, 155:4, 155:16, 187:17, 191:8  
**Costello** <sup>[2]</sup> - 114:27, 114:28  
**COSTELLO** <sup>[1]</sup> - 2:11  
**Costello's** <sup>[1]</sup> - 87:4  
**Counsel** <sup>[1]</sup> - 91:28  
**counsel** <sup>[105]</sup> - 5:25, 9:15, 9:16, 10:6, 10:12, 10:15, 11:4, 12:13, 22:8, 25:13, 26:2, 26:8, 27:21, 29:22, 38:21, 43:2, 51:23, 52:8, 52:10, 52:13, 52:23, 62:13, 67:21, 69:2, 75:3, 79:15, 101:28, 102:20, 103:2, 103:4, 106:11, 113:3, 113:11, 113:19, 116:3, 116:10, 116:12, 116:22, 116:24, 116:25, 117:1, 117:5, 118:18, 118:27, 119:23, 119:28, 123:3, 123:7, 123:15, 123:19, 124:3, 124:7, 125:20, 133:29, 135:7, 135:9, 135:17, 135:18, 135:21, 137:9, 137:17, 139:7, 139:11, 139:17, 141:5, 141:12, 144:19, 148:24, 148:25, 150:28, 159:29, 160:7, 160:9, 162:3, 162:5, 162:9, 163:17, 163:20, 163:21, 165:16, 170:3, 170:24, 181:14, 181:24, 181:25, 181:29, 182:19, 183:6, 183:20, 183:25, 183:28, 184:2, 184:10, 187:7, 187:29, 188:1, 188:20, 188:24, 188:27, 201:5, 206:12, 210:17, 215:5, 215:18  
**counsel's** <sup>[11]</sup> - 45:8, 51:12, 51:16, 134:15, 141:2, 141:13, 149:16, 150:21, 169:21, 170:12, 183:5

**counterpart** [1] - 112:1  
**country** [6] - 68:5, 85:12, 92:3, 112:7, 112:8, 136:25  
**couple** [1] - 79:1  
**courage** [1] - 88:15  
**courageously** [1] - 191:1  
**course** [29] - 7:29, 9:25, 25:5, 31:25, 37:10, 39:27, 49:1, 57:12, 57:23, 70:20, 75:14, 75:22, 102:15, 111:12, 116:4, 126:6, 134:29, 137:3, 143:5, 149:27, 151:5, 170:21, 181:13, 181:23, 182:17, 183:21, 186:7, 211:29, 213:19  
**Court** [4] - 41:4, 136:29, 172:12, 184:23  
**COURT** [2] - 1:13, 2:3  
**court** [1] - 9:7  
**courts** [2] - 213:10, 213:29  
**Courts** [1] - 213:22  
**cover** [3] - 17:6, 19:25, 208:13  
**cover-up** [2] - 17:6, 19:25  
**covering** [3] - 18:4, 20:2, 81:21  
**creating** [1] - 75:22  
**creation** [1] - 103:8  
**credibility** [4] - 155:15, 156:17, 156:19, 214:26  
**creditworthiness** [1] - 215:11  
**crime** [4] - 81:9, 85:10, 175:2, 208:25  
**Crime** [3] - 81:25, 120:29, 161:16  
**criminal** [9] - 62:15, 62:29, 63:24, 64:4, 64:11, 68:6, 69:24, 69:27, 162:8  
**Criminal** [1] - 172:12  
**criminals** [1] - 19:18  
**criteria** [1] - 205:1  
**critical** [2] - 187:3, 205:3  
**criticise** [1] - 69:3  
**criticised** [1] - 41:16  
**criticism** [3] - 33:13, 38:6, 67:24

**cross** [4] - 5:5, 41:17, 151:3, 183:22  
**CROSS** [6] - 4:4, 4:5, 4:6, 5:7, 43:9, 61:15  
**cross-examination** [3] - 41:17, 151:3, 183:22  
**cross-examined** [1] - 5:5  
**CROSS-EXAMINED** [6] - 4:4, 4:5, 4:6, 5:7, 43:9, 61:15  
**crossan's** [3] - 73:16, 74:23, 75:10  
**crumble** [1] - 31:17  
**crux** [1] - 107:4  
**Cunningham** [20] - 13:9, 20:8, 31:27, 32:6, 33:10, 35:3, 35:9, 66:27, 66:29, 67:6, 73:20, 73:24, 73:29, 74:3, 74:9, 127:18, 127:25, 127:28, 208:12, 209:1  
**current** [5] - 49:16, 82:16, 83:20, 148:29, 208:1  
**custody** [1] - 65:24  
**cut** [1] - 145:22

## D

**daily** [2] - 42:2, 42:15  
**data** [2] - 82:29, 93:15  
**databases** [2] - 79:11, 79:18  
**date** [20] - 5:26, 8:28, 10:26, 12:23, 13:7, 21:29, 22:7, 25:6, 27:20, 28:15, 31:24, 39:14, 54:9, 89:24, 99:28, 101:15, 106:7, 170:2, 194:15, 207:4  
**dated** [4] - 47:16, 102:4, 206:15, 207:3  
**dates** [1] - 105:22  
**daughter** [1] - 115:14  
**DAY** [1] - 1:18  
**day's** [2] - 171:20, 179:12  
**day-by-day** [1] - 40:28  
**day-to-day** [3] - 76:9, 87:11, 174:24  
**days** [14] - 10:8, 10:9, 31:2, 31:17, 36:19, 36:23, 39:1,

42:7, 83:5, 105:24, 106:2, 112:11, 171:8, 213:14  
**days'** [1] - 39:21  
**deal** [28] - 5:17, 5:20, 9:2, 17:13, 19:16, 31:1, 40:21, 82:19, 85:22, 87:2, 87:26, 91:13, 92:12, 94:3, 97:23, 104:20, 105:5, 105:7, 122:2, 152:17, 157:13, 175:12, 185:18, 187:22, 205:25, 205:27, 205:28, 206:9  
**dealing** [48] - 31:22, 34:25, 39:28, 85:26, 89:5, 93:29, 94:16, 95:7, 97:8, 97:9, 97:10, 97:11, 97:13, 97:27, 97:28, 100:24, 101:1, 103:8, 104:17, 106:22, 107:3, 108:5, 108:28, 110:6, 114:7, 114:9, 114:10, 115:1, 115:2, 117:23, 120:2, 121:2, 121:14, 121:19, 123:24, 124:27, 131:12, 136:20, 140:26, 147:6, 155:3, 161:7, 174:13, 174:23, 174:28, 175:10, 176:8, 178:16  
**dealings** [4] - 123:7, 123:16, 151:9, 207:2  
**deals** [1] - 34:23  
**dealt** [28] - 19:7, 34:18, 34:27, 43:2, 60:21, 73:20, 75:10, 77:13, 77:16, 82:21, 82:28, 86:2, 90:9, 92:27, 97:1, 97:2, 106:19, 107:1, 116:14, 124:13, 132:2, 132:14, 133:12, 145:19, 147:5, 162:18, 175:9, 176:17  
**dear** [1] - 207:1  
**December** [1] - 96:10  
**decided** [3] - 108:16, 183:4, 183:10  
**decision** [54] - 11:9, 12:23, 16:15, 27:26, 68:27, 73:3, 94:4, 103:23, 104:23, 104:29, 105:15, 115:26, 120:8, 120:9,

120:11, 120:12, 125:29, 126:28, 127:9, 139:8, 152:10, 166:7, 168:25, 169:6, 170:8, 170:16, 170:22, 170:23, 170:27, 174:8, 174:9, 175:14, 175:15, 176:2, 176:3, 177:5, 177:9, 177:13, 179:7, 180:14, 184:9, 184:10, 185:22, 185:25, 185:26, 186:1, 186:2, 186:3, 186:4, 201:1, 204:29, 208:23  
**decision-making** [3] - 115:26, 127:9  
**decisions** [11] - 122:1, 149:13, 170:20, 170:21, 174:3, 174:4, 175:19, 175:26, 175:29, 177:2, 177:3  
**dedicated** [1] - 90:13  
**deemed** [4] - 17:7, 24:7, 183:6, 197:3  
**deeper** [1] - 140:23  
**deeply** [1] - 32:17  
**Defence** [2] - 86:9, 86:17  
**defendant** [1] - 70:22  
**deferral** [2] - 56:6, 180:11  
**deficiencies** [1] - 110:18  
**deficits** [1] - 85:3  
**defined** [2] - 17:29, 62:16  
**definite** [2] - 30:1, 150:13  
**definitely** [5] - 30:1, 31:29, 58:18, 71:20, 134:14  
**definitively** [1] - 145:25  
**degree** [1] - 35:10  
**delay** [1] - 210:19  
**delaying** [1] - 150:23  
**delays** [4] - 101:10, 102:29, 103:2, 103:5  
**delegate** [2] - 104:1, 174:22  
**demeanour** [1] - 42:17  
**democratic** [1] - 83:24  
**demonstrate** [1] - 74:2  
**denigrate** [1] -

208:10  
**denotes** [1] - 210:21  
**dented** [1] - 83:27  
**department** [3] - 197:6, 203:20, 205:2  
**Department** [54] - 43:11, 45:4, 46:22, 53:13, 53:16, 53:19, 53:23, 53:24, 54:4, 55:26, 56:27, 57:2, 57:14, 57:16, 57:17, 57:21, 58:1, 58:20, 58:22, 59:1, 60:16, 60:21, 60:22, 61:1, 61:6, 61:7, 72:13, 72:16, 79:14, 146:16, 148:23, 162:27, 163:1, 163:27, 164:6, 165:25, 166:4, 166:29, 167:7, 169:3, 176:14, 176:29, 177:22, 180:3, 202:9, 202:28, 202:29, 203:24, 204:13, 204:17, 205:4, 205:6  
**Department's** [3] - 61:9, 79:9, 178:27  
**departmental** [3] - 79:7, 192:15, 203:11  
**depleted** [2] - 103:20, 103:22  
**deployed** [2] - 24:25, 60:29  
**deployment** [1] - 201:23  
**depth** [2] - 129:11, 129:12  
**Deputy** [15] - 16:19, 81:27, 85:5, 102:5, 161:6, 161:15, 165:7, 165:13, 165:15, 165:17, 165:28, 166:22, 167:19, 196:14, 202:29  
**deputy** [4] - 103:20, 161:1, 165:21, 176:25  
**Derek** [5] - 16:14, 16:20, 18:20, 19:9, 19:13  
**dereliction** [4] - 18:5, 33:12, 35:4, 35:26  
**derelictions** [1] - 19:14  
**describe** [7] - 50:25, 55:22, 113:25, 173:28, 210:12, 210:15, 210:21  
**described** [4] - 11:8, 60:3, 60:19, 205:21  
**describing** [1] - 44:9



**description** [1] - 165:2  
**desire** [2] - 29:24, 185:13  
**desk** [1] - 178:17  
**despite** [1] - 16:15  
**destroy..** [1] - 18:9  
**destroying** [1] - 18:3  
**desultory** [1] - 35:20  
**detail** [18] - 25:2, 44:21, 79:13, 94:10, 95:22, 113:13, 113:17, 120:20, 125:8, 125:10, 138:4, 139:4, 139:6, 139:10, 139:15, 165:29, 168:4, 208:27  
**detailed** [7] - 165:2, 165:4, 165:9, 165:14, 166:15, 168:5, 173:4  
**details** [7] - 16:1, 22:18, 22:23, 23:22, 24:24, 79:9, 118:22  
**detective** [4] - 81:9, 81:10, 81:13, 81:18  
**determining** [1] - 163:28  
**develop** [1] - 31:5  
**developed** [2] - 60:3, 86:3  
**developing** [1] - 209:10  
**development** [3] - 49:28, 60:17  
**developments** [4] - 49:17, 53:25, 180:9, 193:27  
**device** [1] - 70:2  
**devoted** [1] - 122:7  
**DIARMAID** [1] - 2:6  
**diary** [5] - 39:11, 47:16, 47:29, 55:11, 192:5  
**difference** [2] - 199:8, 209:24  
**different** [15] - 7:28, 15:12, 24:12, 36:6, 38:8, 39:6, 43:25, 89:3, 103:26, 120:4, 121:25, 130:17, 134:6, 154:10, 204:9  
**difficult** [9] - 103:28, 120:8, 139:20, 149:25, 153:23, 167:29, 205:25, 205:29, 206:9  
**difficulties** [1] - 85:22  
**DIGNAM** [1] - 2:16  
**dignity** [1] - 92:6  
**dilemma** [4] - 125:26, 126:19, 169:9, 184:8  
**direct** [1] - 50:3  
**directed** [3] - 9:23, 115:15, 171:24  
**directing** [1] - 146:28  
**direction** [3] - 39:4, 151:17, 215:19  
**directions** [22] - 106:13, 112:21, 116:10, 116:17, 116:19, 116:26, 116:29, 117:22, 118:6, 119:1, 119:11, 119:16, 129:29, 130:16, 134:5, 134:12, 146:28, 152:5, 152:9, 152:25, 152:28, 153:4  
**directly** [2] - 86:21, 91:14  
**director** [2] - 90:21, 202:4  
**Director** [4] - 91:15, 116:15, 146:25  
**disagree** [1] - 165:12  
**discharge** [1] - 121:21  
**discharging** [1] - 172:28  
**disclosed** [6] - 79:2, 79:21, 79:24, 79:26, 80:3, 121:26  
**discloser** [4] - 97:12, 121:19, 121:22, 199:15  
**disclosure** [1] - 78:15  
**DISCLOSURES** [2] - 1:3, 1:4  
**Disclosures** [2] - 93:25, 162:3  
**discomfort** [1] - 169:7  
**discovered** [3] - 78:20, 78:28, 212:17  
**discovery** [5] - 78:15, 79:7, 103:1, 103:6, 105:18  
**discrete** [1] - 90:7  
**discuss** [13] - 25:12, 49:21, 138:3, 139:3, 139:5, 139:10, 139:13, 140:24, 143:3, 145:18, 148:22, 148:29, 164:21  
**discussed** [28] - 9:14, 9:16, 9:29, 10:2, 28:3, 29:6, 35:16, 55:4, 57:16, 57:27, 93:3, 93:7, 93:10, 93:16, 96:21, 101:27, 107:14, 107:15, 111:12, 116:18, 128:13, 136:15, 165:21, 171:18, 182:13, 197:28, 206:5, 207:14  
**discussing** [9] - 13:8, 51:18, 75:27, 166:12, 172:10, 172:11, 172:13, 176:13, 183:24  
**discussion** [9] - 24:19, 39:27, 52:19, 149:3, 162:29, 164:8, 207:17, 207:20, 207:22  
**discussions** [3] - 164:9, 197:24, 197:26  
**dismissing** [1] - 209:23  
**disposed** [1] - 138:1  
**disqualified** [2] - 100:11  
**dissatisfaction** [2] - 100:26, 134:26  
**dissecting** [1] - 167:28  
**distinctly** [1] - 72:14  
**District** [1] - 136:29  
**district** [7] - 15:8, 98:19, 113:28, 115:19, 115:23, 122:21, 122:24  
**districts** [1] - 17:10  
**divisible** [1] - 118:12  
**division** [6] - 61:29, 88:4, 98:15, 98:20, 99:21, 124:13  
**document** [46] - 5:27, 6:17, 6:23, 7:4, 7:18, 7:20, 7:22, 7:29, 11:22, 12:28, 20:24, 23:2, 24:3, 27:1, 32:18, 43:17, 43:20, 43:23, 43:26, 43:28, 44:21, 45:22, 47:3, 51:3, 51:4, 66:27, 67:2, 67:7, 79:11, 79:18, 79:28, 115:4, 115:6, 126:27, 171:23, 171:29, 186:9, 186:14, 186:17, 186:20, 186:25, 187:21, 188:1, 188:3, 188:4, 188:19  
**documentary** [3] - 5:18, 79:15, 98:28  
**documentation** [11] - 5:22, 6:13, 11:13, 35:5, 35:6, 82:10, 100:3, 101:4, 103:5, 103:6, 105:13  
**documented** [2] - 95:22, 127:6  
**documents** [17] - 5:19, 5:26, 7:11, 10:8, 20:19, 43:25, 63:6, 66:4, 67:5, 79:11, 79:21, 79:23, 79:25, 80:2, 80:9, 82:9  
**dogged** [1] - 106:22  
**DoJ** [1] - 179:23  
**domain** [4] - 83:26, 146:15, 163:20, 206:5  
**DONAL** [1] - 2:16  
**DONALD** [1] - 2:18  
**done** [23] - 10:13, 30:19, 33:23, 35:4, 75:11, 75:13, 76:16, 82:23, 94:5, 99:20, 102:15, 102:17, 103:1, 104:11, 121:3, 129:10, 141:6, 146:18, 185:15, 185:23, 212:13, 213:24  
**Donegal** [1] - 98:15  
**DONNELLY** [1] - 2:28  
**doubt** [7] - 68:11, 71:23, 110:17, 132:28, 133:24, 174:26, 177:1  
**dough** [1] - 49:7  
**down** [43] - 7:29, 8:6, 8:14, 8:20, 11:17, 12:6, 14:19, 15:15, 17:16, 21:27, 26:16, 36:25, 48:5, 49:14, 51:10, 54:8, 54:23, 58:5, 66:24, 112:23, 120:27, 122:9, 136:28, 139:2, 139:24, 139:27, 140:8, 140:14, 149:26, 156:29, 157:5, 158:19, 158:20, 159:13, 159:23, 160:5, 160:9, 184:1, 195:3, 195:29, 199:2, 209:5  
**DPP** [6] - 11:28, 112:21, 115:15, 117:10, 117:21, 151:17  
**DPP's** [17] - 116:10, 116:17, 116:19, 116:26, 116:29, 118:6, 119:1, 119:11, 119:16, 129:29, 134:5, 134:11, 152:5, 152:25, 152:28, 153:4, 182:24  
**drafting** [2] - 210:28, 212:19  
**drag** [1] - 35:18  
**drawn** [1] - 78:29  
**drugs** [1] - 81:8  
**Drugs** [1] - 81:14  
**drunk** [1] - 84:7  
**Ds** [1] - 134:5  
**DUBLIN** [6] - 1:17, 2:13, 2:20, 2:25, 2:31, 3:8  
**Dublin** [1] - 192:2  
**due** [4] - 8:11, 39:20, 100:23, 195:12  
**DUNDRUM** [1] - 2:25  
**duress** [1] - 42:22  
**during** [23] - 25:19, 48:1, 49:12, 51:15, 52:26, 55:17, 74:11, 74:12, 75:14, 75:22, 116:4, 134:29, 142:28, 145:26, 146:21, 162:25, 165:2, 166:16, 170:13, 171:15, 178:28, 210:10, 211:29  
**duties** [1] - 121:22  
**duty** [14] - 17:5, 18:5, 19:14, 33:12, 35:4, 35:26, 64:2, 85:16, 88:21, 164:17, 172:29, 192:1, 194:10, 195:1  
**dynamic** [1] - 59:29  
**dynamics** [1] - 10:5  
**dynamite** [1] - 205:21  
**DÁIL** [1] - 1:5  
**Dáil** [2] - 96:9, 96:22

---

## E

---

**e-calendar** [1] - 192:8  
**early** [3] - 99:27, 162:29, 188:14  
**easier** [1] - 95:17  
**easily** [2] - 73:23, 75:10  
**easy** [1] - 125:29

**editor** [1] - 93:22  
**effect** [6] - 33:11, 42:13, 58:27, 60:27, 173:2, 200:2  
**effectively** [5] - 7:22, 8:29, 10:27, 28:7, 35:7  
**effort** [1] - 48:26  
**eight** [1] - 115:6  
**eight-page** [1] - 115:6  
**either** [5] - 54:16, 61:1, 120:5, 135:22, 153:3  
**elaborate** [1] - 148:18  
**electronic** [1] - 79:10  
**element** [2] - 134:24, 134:25  
**elements** [5] - 108:29, 109:25, 110:13, 133:25, 134:28  
**eligible** [4] - 17:23, 76:24, 77:20, 77:21  
**ELIZABETH** [1] - 2:7  
**ELLEN** [1] - 2:28  
**email** [24] - 27:2, 27:8, 27:10, 27:15, 28:20, 29:2, 29:8, 29:29, 30:10, 30:11, 45:9, 52:11, 78:23, 149:19, 150:2, 169:27, 170:12, 171:19, 185:29, 197:14, 202:2, 207:13  
**emailed** [4] - 51:11, 169:20, 195:19, 203:13  
**emailing** [1] - 206:27  
**emails** [7] - 78:18, 78:26, 78:28, 79:1, 79:10, 79:18, 203:11  
**embittered** [3] - 131:3, 152:9, 152:10  
**emotionally** [1] - 178:18  
**emphasis** [2] - 184:9, 185:10  
**emphasise** [2] - 157:18, 178:1  
**emphasised** [1] - 68:2  
**emphasising** [1] - 68:13  
**Employee** [1] - 90:27  
**employee** [1] - 97:10  
**employment** [1] - 123:26  
**encapsulated** [1] - 34:20  
**encompassed** [1] - 131:17  
**end** [11] - 25:6, 27:10, 28:7, 48:13, 70:26, 80:8, 91:5, 98:23, 99:16, 107:13, 215:16  
**engaged** [3] - 18:2, 25:20, 30:23  
**engagement** [2] - 29:13, 198:22  
**enhanced** [1] - 197:18  
**enlighten** [2] - 64:20, 75:24  
**enshrined** [1] - 31:10  
**ensued** [4] - 118:9, 118:10, 134:10, 152:23  
**ensure** [8] - 5:18, 41:24, 70:2, 103:4, 126:9, 176:28, 197:15, 197:24  
**ensuring** [5] - 82:21, 86:25, 90:9, 102:29, 122:8  
**entered** [2] - 87:1, 163:19  
**entering** [1] - 122:14  
**entirely** [6] - 163:3, 168:21, 176:2, 177:24, 199:4, 215:21  
**entirety** [1] - 60:15  
**entitled** [2] - 7:18, 43:29  
**entitlement** [1] - 121:28  
**entrusted** [2] - 122:18, 160:12  
**enumerating** [1] - 89:8  
**environment** [1] - 87:11  
**environments** [1] - 92:5  
**Equality** [1] - 70:4  
**EQUALITY** [1] - 1:9  
**erase** [1] - 18:8  
**erasing** [2] - 18:2, 18:3  
**error** [1] - 17:27  
**erupted** [1] - 50:26  
**essence** [1] - 94:7  
**essentially** [2] - 95:21, 95:26  
**establish** [15] - 22:12, 22:24, 22:29, 23:12, 23:23, 24:1, 74:8, 75:5, 97:24, 98:3, 99:3, 100:7, 109:27, 110:16, 164:18  
**ESTABLISHED** [1] - 1:8  
**established** [9] - 22:13, 23:13, 84:17, 96:7, 99:12, 198:14, 198:20, 199:28, 199:29  
**establishing** [3] - 106:17, 189:3, 189:4  
**establishment** [1] - 92:12  
**estimate** [3] - 212:29, 213:21, 213:29  
**European** [1] - 35:18  
**evaluate** [1] - 121:6  
**evening** [42] - 28:12, 29:6, 30:9, 30:16, 42:9, 47:27, 47:28, 50:14, 55:10, 55:17, 79:8, 86:16, 112:8, 112:9, 126:29, 137:14, 137:26, 138:8, 138:14, 139:9, 139:28, 140:9, 141:11, 141:14, 157:26, 161:4, 165:8, 165:20, 169:18, 169:20, 169:24, 171:1, 171:11, 185:2, 185:25, 186:9, 193:13, 193:20, 194:17, 205:20, 207:9  
**event** [4] - 100:10, 204:5, 204:7, 215:2  
**events** [8] - 48:7, 57:18, 118:16, 145:2, 148:5, 162:3, 179:12, 214:22  
**eventually** [4] - 7:25, 48:29, 87:3, 213:10  
**everywhere** [1] - 26:27  
**evidence** [68] - 5:24, 9:16, 10:16, 10:20, 11:6, 11:20, 16:21, 17:29, 20:15, 20:17, 28:18, 29:5, 29:26, 31:5, 31:16, 31:22, 34:27, 36:5, 36:12, 36:22, 38:18, 39:17, 39:21, 39:25, 40:28, 41:8, 41:12, 50:3, 58:9, 58:10, 59:26, 61:5, 69:29, 71:7, 73:11, 87:9, 92:10, 98:28, 108:10, 111:14, 113:9, 114:3, 115:18, 119:8, 120:18, 125:2, 126:4, 126:20, 129:18, 129:19, 129:20, 129:21, 133:16, 137:10, 156:20, 162:22, 163:10, 163:16, 169:10, 171:7, 182:9, 184:14, 184:27, 185:5, 187:26, 188:15, 197:25  
**EVIDENCE** [1] - 1:9  
**evident** [4] - 42:17, 71:29, 72:27, 74:5  
**evolved** [1] - 209:8  
**exactly** [13] - 47:12, 48:5, 53:8, 53:28, 54:14, 70:13, 72:9, 93:24, 107:2, 107:22, 110:13, 119:9, 121:3  
**examination** [12] - 41:17, 57:12, 77:2, 77:3, 78:17, 79:17, 131:26, 132:12, 151:3, 151:11, 183:22, 184:17  
**examine** [2] - 21:20, 211:19  
**EXAMINED** [10] - 4:4, 4:5, 4:6, 4:7, 4:10, 5:7, 43:9, 61:15, 71:1, 81:2  
**examined** [5] - 5:5, 17:11, 21:15, 108:25, 109:16  
**examining** [1] - 41:4  
**example** [7] - 37:13, 85:9, 131:11, 134:24, 179:3, 183:3, 204:21  
**examples** [1] - 85:9  
**exceeded** [1] - 183:28  
**except** [1] - 70:19  
**exception** [1] - 60:7  
**exchange** [3] - 50:20, 154:27, 158:6  
**excuse** [1] - 103:18  
**executive** [2] - 90:21, 202:4  
**Executive** [1] - 91:15  
**expect** [3] - 117:1, 123:3, 140:18  
**expected** [2] - 33:20, 105:27  
**expeditiously** [1] - 105:6  
**experience** [16] - 42:16, 52:12, 76:25, 101:1, 103:29, 105:7, 118:20, 131:8, 135:15, 138:21, 152:21, 152:22, 164:1, 180:21, 190:19, 215:8  
**experienced** [7] - 100:24, 101:1, 120:28, 121:2, 174:12, 184:22, 184:24  
**experiences** [1] - 67:11  
**experiencing** [3] - 85:21, 86:6, 86:29  
**expert** [1] - 92:2  
**expertise** [2] - 159:18, 187:18  
**experts** [1] - 87:25  
**explain** [6] - 90:5, 110:3, 116:8, 140:5, 140:9, 148:18  
**explained** [6] - 49:16, 115:18, 133:28, 178:8, 194:19, 195:1  
**explaining** [2] - 111:4, 194:4  
**explanation** [2] - 130:24, 194:23  
**explore** [11] - 118:19, 122:16, 134:18, 135:7, 135:16, 181:24, 181:25, 181:27, 182:21, 190:7, 211:19  
**explored** [5] - 24:26, 24:27, 76:19, 128:8, 134:15  
**exploring** [2] - 134:16, 191:12  
**exposed** [1] - 119:23  
**express** [1] - 164:6  
**expressed** [4] - 100:26, 101:11, 196:8, 197:2  
**expresses** [1] - 32:5  
**extensive** [1] - 131:25  
**extent** [2] - 107:2, 151:3  
**external** [1] - 92:12  
**externally** [1] - 125:1  
**extremely** [1] - 147:4  
**eye** [1] - 204:23

---

## F

---

**face** [10] - 33:5,

77:29, 78:5, 90:2, 91:3, 184:28  
**face-to-face** [3] - 90:2, 91:3, 184:28  
**faced** [7] - 85:18, 104:16, 106:20, 106:21, 107:5, 125:27, 126:18  
**facilitate** [1] - 100:2  
**facilitated** [1] - 197:10  
**facing** [1] - 97:13  
**fact** [36] - 5:20, 7:1, 13:6, 35:5, 65:8, 66:5, 67:26, 68:2, 70:10, 71:10, 74:6, 74:9, 96:1, 103:18, 103:19, 124:16, 126:14, 145:25, 146:9, 148:7, 148:17, 148:24, 156:8, 167:2, 171:9, 171:19, 171:21, 178:28, 179:4, 179:5, 187:5, 190:2, 196:7, 203:4, 204:24, 210:15  
**factor** [1] - 206:10  
**factors** [1] - 164:8  
**facts** [23] - 7:19, 66:3, 77:14, 78:4, 97:24, 98:4, 104:14, 105:4, 106:17, 113:4, 114:4, 124:9, 124:15, 164:19, 174:5, 184:4, 186:18, 186:20, 189:4, 189:24, 189:25, 190:1  
**factual** [18] - 20:27, 119:19, 119:22, 119:29, 120:1, 120:20, 151:21, 152:20, 171:27, 186:14, 186:21, 186:29, 187:2, 187:12, 188:5, 188:18, 191:12, 212:19  
**factually** [1] - 77:7  
**failed** [8] - 8:17, 9:11, 15:26, 19:13, 19:16, 44:18, 45:13, 112:21  
**failure** [5] - 63:2, 116:27, 118:29, 152:17, 152:24  
**failures** [1] - 16:11  
**fair** [14] - 6:21, 58:15, 64:10, 101:2, 120:5, 120:24, 120:26, 148:11, 151:11, 167:26, 179:9, 184:16, 184:20  
**fairly** [14] - 42:17, 104:28, 145:17, 150:17, 161:11, 165:2, 165:3, 166:15, 176:5, 177:9, 187:3, 204:5, 204:16, 205:28  
**fall** [1] - 176:26  
**fallout** [1] - 178:29  
**false** [4] - 8:17, 15:27, 34:28, 67:8  
**falsification** [1] - 19:15  
**falsifying** [1] - 18:2  
**familiar** [5] - 6:10, 13:16, 24:17, 96:14, 209:7  
**familiarising** [1] - 183:29  
**families** [1] - 192:28  
**family** [1] - 130:1  
**Fanning** [3] - 193:27, 194:7, 195:18  
**far** [12] - 43:2, 44:4, 45:24, 58:16, 61:5, 68:23, 80:14, 103:3, 159:29, 179:27, 180:27, 183:27  
**fashion** [2] - 133:15, 156:18  
**fast** [1] - 10:10  
**fault** [2] - 20:6, 100:23  
**fearful** [1] - 195:20  
**feature** [2] - 36:2, 103:13  
**FEBRUARY** [2] - 1:6, 1:10  
**February** [12] - 89:22, 90:3, 91:4, 91:5, 91:10, 92:17, 93:11, 96:11, 98:23, 98:29, 99:17, 125:4  
**fed** [2] - 108:29, 134:23  
**feeding** [1] - 111:5  
**FELIX** [1] - 2:23  
**felt** [27] - 97:22, 100:27, 109:26, 110:10, 110:12, 110:15, 118:18, 122:8, 126:21, 135:10, 137:25, 137:28, 138:7, 138:25, 146:10, 146:16, 178:26, 184:25, 184:27, 184:29, 188:8, 188:18, 193:15, 194:24, 195:25, 195:28, 214:23  
**females** [1] - 15:28  
**FERGUS** [2] - 4:3, 5:7  
**Fergus** [2] - 135:26, 207:1  
**few** [6] - 10:8, 15:8, 16:11, 39:21, 51:18, 51:19  
**fides** [1] - 128:24  
**fifth** [3] - 46:14, 46:18, 213:26  
**figure** [2] - 87:23, 184:2  
**file** [7] - 11:28, 15:26, 33:9, 34:4, 34:5, 34:17, 115:8  
**filling** [1] - 59:17  
**final** [4] - 37:3, 38:22, 46:14, 197:21  
**finally** [3] - 20:11, 42:26, 66:1  
**findings** [8] - 16:21, 19:23, 19:24, 64:27, 65:28, 67:8, 190:3, 212:2  
**fine** [1] - 214:14  
**finessing** [1] - 61:3  
**finish** [1] - 212:24  
**finished** [1] - 144:7  
**first** [69] - 5:25, 5:28, 6:2, 10:11, 28:10, 28:12, 32:4, 32:7, 32:25, 33:29, 37:8, 37:17, 44:7, 44:21, 44:22, 44:24, 48:20, 49:17, 49:19, 49:22, 49:23, 50:1, 50:29, 51:8, 51:15, 53:19, 55:24, 71:6, 71:24, 71:27, 72:17, 78:16, 79:4, 79:20, 79:26, 82:18, 82:21, 88:17, 96:9, 98:20, 98:24, 101:14, 102:12, 105:17, 112:24, 114:6, 114:26, 116:20, 127:22, 136:7, 137:16, 137:22, 140:7, 141:1, 141:23, 156:8, 156:9, 156:10, 156:25, 185:26, 196:3, 201:11, 202:14, 207:6, 207:28, 208:20, 210:8, 214:10  
**firstly** [1] - 61:17  
**fit** [1] - 49:8  
**Fitzgerald** [3] - 43:16, 78:21, 192:4  
**FITZGERALD** [2] - 2:17, 3:1  
**five** [12] - 8:6, 8:20, 13:24, 44:15, 55:23, 79:15, 136:16, 171:13, 173:21, 173:22, 173:23, 213:8  
**five-minute** [1] - 171:13  
**fix** [2] - 85:14, 85:15  
**flag** [1] - 193:4  
**flagged** [1] - 198:18  
**flagging** [1] - 160:14  
**FLAHIVE** [1] - 3:2  
**flexibility** [1] - 213:19  
**flip** [1] - 190:24  
**flip-sides** [1] - 190:24  
**focus** [9] - 9:23, 70:23, 89:6, 89:8, 118:2, 118:3, 126:13, 163:15, 192:27  
**focused** [3] - 41:13, 70:24, 118:8  
**focusing** [5] - 76:6, 76:7, 76:8, 118:23, 215:19  
**followed** [11] - 6:23, 27:15, 30:21, 31:3, 88:29, 89:1, 89:15, 198:14, 198:20, 199:29, 200:6  
**FOLLOWING** [1] - 1:5  
**following** [19] - 1:26, 8:24, 28:21, 28:23, 40:12, 58:27, 87:14, 88:8, 93:4, 119:11, 142:22, 143:7, 148:5, 151:14, 152:24, 172:13, 194:14, 200:22, 208:21  
**follows** [3] - 20:21, 60:26, 76:20  
**FOLLOWS** [3] - 5:2, 81:2, 111:1  
**FOR** [8] - 1:8, 2:6, 2:9, 2:15, 2:22, 2:26, 3:1, 110:28  
**force** [8] - 17:5, 88:8, 122:9, 123:27, 151:2, 152:27, 153:5, 175:21  
**forced** [1] - 8:11  
**forget** [1] - 173:19  
**form** [2] - 19:1, 21:6  
**formal** [2] - 99:22, 151:15  
**format** [1] - 93:14  
**formed** [1] - 9:26  
**FORMER** [2] - 4:9, 81:1  
**former** [15] - 43:13, 45:3, 76:12, 77:8, 77:13, 77:25, 78:17, 78:19, 78:21, 78:24, 80:21, 88:10, 110:9, 161:28  
**formulated** [1] - 60:19  
**forth** [2] - 123:4, 156:20  
**forthcoming** [6] - 73:2, 103:13, 136:27, 147:3, 149:12, 174:21  
**forum** [4] - 21:20, 97:22, 138:22, 146:27  
**forward** [14] - 5:24, 10:26, 16:8, 31:2, 36:10, 39:2, 39:7, 47:24, 88:24, 188:11, 191:2, 191:7, 191:16, 191:17  
**forwarded** [3] - 7:11, 78:27, 202:2  
**forwarding** [2] - 66:29, 207:8  
**four** [2] - 44:15, 46:3  
**fourth** [1] - 46:6  
**frame** [1] - 89:18  
**France** [1] - 68:18  
**FRANCES** [1] - 3:1  
**FRANKFORT** [1] - 2:24  
**frankly** [2] - 137:25, 187:27  
**frantic** [2] - 48:26, 145:27  
**frantically** [1] - 71:4  
**fraught** [1] - 178:18  
**freestanding** [2] - 110:1, 110:8  
**French** [1] - 68:11  
**Friday** [17] - 22:5, 24:6, 28:26, 29:6, 29:26, 43:29, 79:8, 137:14, 137:26, 138:8, 140:8, 140:19, 185:2, 185:25, 186:9, 187:8, 188:7  
**fro** [1] - 185:8  
**from** [1] - 211:12  
**front** [15] - 17:13, 32:12, 47:3, 62:4, 66:16, 76:19, 109:5, 161:26, 166:9, 172:4, 173:20, 180:9, 189:12, 198:1, 210:7  
**fronts** [2] - 97:9, 121:14

**frustrated** <sup>[5]</sup> - 131:10, 131:28, 132:13, 152:16, 153:3  
**frustration** <sup>[1]</sup> - 101:10  
**full** <sup>[11]</sup> - 22:16, 23:16, 55:12, 68:15, 151:21, 152:2, 152:18, 152:20, 152:23, 158:2, 187:12  
**fullness** <sup>[1]</sup> - 131:25  
**fully** <sup>[8]</sup> - 67:14, 89:11, 95:10, 98:5, 110:22, 163:6, 164:26, 176:18  
**fulsomely** <sup>[2]</sup> - 97:26, 157:13  
**function** <sup>[2]</sup> - 67:28, 191:26  
**furnished** <sup>[1]</sup> - 11:3  
**FURTHER** <sup>[2]</sup> - 4:6, 61:15  
**fuss** <sup>[1]</sup> - 76:1  
**future** <sup>[1]</sup> - 199:18

## G

**gain** <sup>[1]</sup> - 164:25  
**Galway** <sup>[1]</sup> - 81:21  
**garda** <sup>[4]</sup> - 18:2, 20:6, 67:1, 81:9  
**Garda** <sup>[112]</sup> - 14:28, 15:5, 16:29, 17:21, 17:22, 18:1, 18:14, 41:21, 48:21, 60:27, 63:4, 64:5, 65:18, 74:1, 75:4, 81:5, 81:6, 81:12, 81:14, 81:18, 81:29, 82:2, 82:12, 83:11, 83:16, 83:23, 84:1, 84:21, 87:5, 88:7, 88:18, 90:26, 92:7, 93:6, 93:20, 93:28, 94:6, 94:14, 96:27, 96:29, 97:26, 102:14, 106:25, 106:26, 109:10, 116:27, 118:29, 119:3, 119:10, 120:6, 121:11, 122:19, 124:25, 128:7, 130:15, 131:3, 131:11, 132:2, 134:10, 135:2, 150:29, 151:9, 151:15, 152:5, 152:17, 152:20, 152:28, 155:5, 157:29, 161:28, 162:22, 162:28,

163:2, 163:4, 163:21, 163:28, 164:7, 164:17, 167:6, 168:29, 169:11, 172:20, 172:22, 174:2, 174:27, 175:16, 175:21, 191:3, 191:29, 192:16, 194:13, 196:4, 197:5, 197:8, 198:8, 200:11, 200:24, 200:27, 201:5, 201:8, 201:9, 201:19, 201:22, 201:23, 201:26, 202:27, 203:26, 204:25, 206:4, 209:29, 215:7  
**gardaí** <sup>[1]</sup> - 19:15  
**Gardaí** <sup>[7]</sup> - 5:26, 12:13, 18:8, 85:17, 87:16, 98:10, 104:24  
**GARRET** <sup>[1]</sup> - 2:27  
**gather** <sup>[1]</sup> - 99:21  
**gathering** <sup>[1]</sup> - 105:13  
**general** <sup>[16]</sup> - 36:9, 93:23, 106:14, 113:14, 119:17, 147:1, 147:10, 148:17, 148:29, 161:1, 163:22, 171:20, 192:11, 192:15, 192:18, 203:3  
**General** <sup>[2]</sup> - 45:4, 161:15  
**General's** <sup>[3]</sup> - 92:11, 171:4, 171:5  
**generality** <sup>[1]</sup> - 209:12  
**gentlemen** <sup>[1]</sup> - 70:25  
**genuine** <sup>[1]</sup> - 210:27  
**GERALDINE** <sup>[1]</sup> - 2:29  
**GERARD** <sup>[1]</sup> - 3:4  
**Gerry** <sup>[1]</sup> - 92:1  
**Gillane** <sup>[1]</sup> - 68:2  
**girl** <sup>[1]</sup> - 34:28  
**given** <sup>[35]</sup> - 20:15, 38:19, 39:17, 41:1, 41:16, 75:5, 75:20, 86:14, 86:17, 96:29, 97:15, 102:13, 106:13, 113:11, 121:7, 134:5, 138:8, 139:23, 140:3, 141:16, 148:15, 148:25, 158:2, 171:26, 183:23,

184:27, 185:9, 186:15, 186:19, 196:2, 197:14, 197:25, 199:2, 208:18, 212:20  
**GLEESON** <sup>[2]</sup> - 2:28, 2:30  
**go-ahead** <sup>[3]</sup> - 119:27, 186:27, 187:7  
**GORDON** <sup>[1]</sup> - 2:10  
**Government** <sup>[3]</sup> - 83:6, 83:14, 103:23  
**grabbed** <sup>[1]</sup> - 35:18  
**graduation** <sup>[1]</sup> - 88:17  
**grand** <sup>[1]</sup> - 155:4  
**granted** <sup>[4]</sup> - 27:24, 139:6, 144:22, 170:6  
**grants** <sup>[3]</sup> - 27:26, 170:8, 170:16  
**grave** <sup>[2]</sup> - 9:10, 108:22  
**gravest** <sup>[1]</sup> - 9:26  
**great** <sup>[3]</sup> - 44:6, 52:15, 197:23  
**grievance** <sup>[11]</sup> - 22:14, 22:18, 22:19, 22:29, 23:14, 23:18, 23:24, 24:1, 24:26, 26:21, 214:23  
**grievance..** <sup>[1]</sup> - 22:25  
**gross** <sup>[4]</sup> - 18:5, 33:11, 35:3, 35:26  
**grossly** <sup>[1]</sup> - 17:6  
**ground** <sup>[7]</sup> - 20:27, 34:2, 174:23, 174:28, 175:9, 175:20, 215:9  
**grounds** <sup>[1]</sup> - 79:26  
**grudge** <sup>[1]</sup> - 131:4  
**guard** <sup>[1]</sup> - 129:26  
**guards** <sup>[3]</sup> - 85:26, 159:18, 204:14  
**Guerin** <sup>[20]</sup> - 83:5, 83:20, 84:11, 84:19, 84:29, 85:4, 85:5, 85:25, 96:20, 96:23, 97:20, 99:10, 108:21, 129:20, 132:27, 133:6, 133:8, 190:3  
**Guerin's** <sup>[2]</sup> - 110:17, 110:20  
**guided** <sup>[2]</sup> - 164:4, 164:23  
**Gwen** <sup>[1]</sup> - 1:25  
**GWEN** <sup>[1]</sup> - 1:30

## H

115:25, 115:29, 118:24, 119:9, 120:25, 120:28, 124:7, 125:2, 126:29, 127:15, 131:19, 133:28, 134:19, 135:6, 135:26, 135:29, 136:5, 136:8, 137:2, 137:16, 137:21, 137:27, 138:13, 138:23, 139:7, 139:11, 139:27, 140:13, 140:29, 141:4, 141:5, 141:28, 142:13, 143:22, 143:28, 144:6, 144:8, 144:10, 144:11, 144:13, 144:17, 145:4, 145:8, 145:14, 145:16, 145:18, 145:23, 145:28, 147:14, 148:8, 149:17, 149:28, 150:3, 150:6, 150:14, 153:12, 153:21, 153:29, 154:20, 158:8, 159:11, 160:4, 160:11, 160:13, 166:20, 167:18, 168:10, 169:20, 169:27, 170:11, 171:2, 171:10, 171:14, 171:28, 173:8, 177:6, 177:18, 179:16, 179:29, 180:18, 180:25, 181:3, 182:7, 183:19, 185:3, 185:6, 185:7, 186:4, 186:10, 188:13, 189:11, 189:17, 189:21, 190:7, 193:2, 193:3, 193:12, 206:28, 207:8, 207:18, 209:9, 209:18, 209:22, 209:25, 209:28, 210:19, 211:13, 212:21  
**HEALY** <sup>[2]</sup> - 4:3, 5:7  
**Healy's** <sup>[10]</sup> - 111:14, 127:8, 129:23, 137:4, 137:10, 143:24, 147:6, 179:12, 182:9, 185:29  
**hear** <sup>[3]</sup> - 26:23, 64:11, 144:21  
**heard** <sup>[20]</sup> - 31:16, 36:12, 36:22, 58:9, 58:10, 59:28, 60:15, 65:11, 66:8, 71:7,  
**half** <sup>[14]</sup> - 42:10, 46:9, 52:28, 53:9, 145:19, 159:2, 159:3, 161:12, 161:13, 171:10, 171:11, 171:12, 212:26, 215:26  
**halfway** <sup>[1]</sup> - 11:18  
**HALIDAY** <sup>[1]</sup> - 2:12  
**hand** <sup>[4]</sup> - 51:20, 60:1, 60:2, 153:5  
**handed** <sup>[3]</sup> - 43:20, 67:6, 105:8  
**HANDED** <sup>[1]</sup> - 43:21  
**handwritten** <sup>[1]</sup> - 181:21  
**hanging** <sup>[2]</sup> - 26:5, 26:9  
**happy** <sup>[7]</sup> - 139:19, 139:26, 141:15, 157:10, 157:13, 159:8, 168:21  
**harassment** <sup>[2]</sup> - 87:29, 91:28  
**hard** <sup>[7]</sup> - 16:28, 26:15, 128:12, 141:21, 166:11, 206:2, 215:14  
**harmonious** <sup>[1]</sup> - 92:5  
**Haughey** <sup>[3]</sup> - 68:8, 68:15  
**HAVING** <sup>[1]</sup> - 81:1  
**head** <sup>[2]</sup> - 88:7, 112:2  
**Head** <sup>[5]</sup> - 101:18, 101:27, 102:18, 198:13, 199:22  
**headed** <sup>[2]</sup> - 61:19, 61:28  
**heading** <sup>[1]</sup> - 200:28  
**Headquarters** <sup>[3]</sup> - 67:1, 87:5, 200:27  
**headquarters** <sup>[1]</sup> - 209:29  
**Healy** <sup>[136]</sup> - 5:4, 34:21, 43:7, 43:10, 43:16, 45:25, 47:23, 50:27, 51:26, 52:18, 54:29, 59:8, 71:2, 100:21, 100:29, 101:2, 101:7, 105:11, 105:18, 106:3, 106:14, 107:8, 107:17, 111:11, 112:10, 114:8, 114:14, 115:17,

92:9, 101:6, 115:17,  
137:10, 140:8, 171:7,  
182:8, 209:27, 212:1,  
213:16  
**hearing** [3] - 151:6,  
184:21, 208:1  
**HEARING** [3] - 5:1,  
110:28, 111:1  
**hearings** [10] - 5:28,  
31:7, 42:5, 42:7,  
59:18, 88:9, 105:27,  
107:20, 208:9, 210:26  
**heart** [1] - 175:24  
**heat** [1] - 138:24  
**heated** [2] - 137:27,  
210:23  
**heavily** [1] - 9:23  
**held** [1] - 68:29  
**HELD** [1] - 1:17  
**help** [10] - 34:16,  
34:19, 51:6, 66:17,  
92:7, 92:23, 111:28,  
162:13, 178:7, 215:16  
**helpful** [3] - 113:25,  
164:25, 184:18  
**hid** [2] - 16:21, 66:27  
**hide** [1] - 67:2  
**hiding** [2] - 17:6,  
124:18  
**high** [4] - 35:25,  
38:13, 49:7, 190:2  
**High** [2] - 41:4,  
184:22  
**higher** [3] - 21:1,  
27:23, 170:5  
**highlight** [1] - 26:20  
**highlighting** [1] - 8:9  
**Highness** [1] - 112:4  
**highness** [1] -  
136:24  
**hijacking** [3] - 8:17,  
9:11, 15:27  
**Hillgrove** [1] - 65:21  
**himself** [7] - 100:11,  
115:19, 118:8,  
127:21, 183:29,  
194:13, 199:6  
**hindsight** [2] -  
156:29, 199:26  
**history** [1] - 151:8  
**Hold** [1] - 33:22  
**holding** [1] - 63:6  
**holistically** [1] -  
87:26  
**home** [2] - 35:16,  
55:10  
**honest** [2] - 17:7,  
37:22  
**honestly** [1] - 62:21  
**hope** [2] - 68:25,

208:4  
**hoped** [1] - 144:17  
**hopefully** [2] - 50:28,  
80:8  
**horrendous** [1] -  
117:29  
**horseplay** [1] -  
156:11  
**Hotel** [1] - 65:22  
**hour** [8] - 42:10,  
42:11, 53:9, 143:15,  
145:19, 212:26,  
215:26  
**hours** [3] - 26:16,  
122:7, 188:14  
**HOUSE** [3] - 2:12,  
2:19, 3:7  
**housing** [1] - 67:5  
**HQ** [1] - 172:22  
**HR** [6] - 39:22, 41:8,  
90:20, 90:21, 92:2,  
197:6  
**HRM** [5] - 39:25,  
40:4, 40:5, 40:15,  
41:14  
**hue** [1] - 67:13  
**huge** [2] - 5:17,  
122:6  
**hugely** [1] - 190:4  
**Human** [6] - 81:16,  
81:23, 90:20, 91:15,  
114:22, 114:26  
**human** [4] - 117:28,  
130:21, 132:6, 202:4  
**hung** [1] - 145:13  
**hurried** [2] - 184:11,  
188:16  
**hurtful** [1] - 69:28

## I

**i** [2] - 65:15, 109:19  
**i.e** [2] - 122:14, 134:1  
**idea** [4] - 137:13,  
138:2, 138:15, 140:25  
**identified** [12] -  
56:14, 85:4, 87:22,  
89:6, 98:1, 106:9,  
110:19, 132:28,  
133:8, 133:10,  
142:20, 211:9  
**identify** [6] - 15:12,  
44:20, 87:25, 91:16,  
149:6, 160:21  
**identity** [2] - 121:23,  
121:25  
**ignore** [1] - 17:5  
**ignored** [1] - 7:25  
**ill** [1] - 190:10

**ill-motivated** [1] -  
190:10  
**illegible** [1] - 47:11  
**illustrated** [1] - 178:3  
**imagination** [1] -  
68:10  
**imagine** [5] - 10:11,  
26:15, 56:19, 72:19,  
117:28  
**immediate** [2] - 72:2,  
72:4  
**immediately** [11] -  
72:8, 85:4, 85:10,  
85:13, 102:6, 142:22,  
144:9, 144:28,  
172:26, 177:16,  
197:10  
**impact** [5] - 122:13,  
126:5, 126:6, 147:2,  
203:19  
**impacted** [1] -  
113:29  
**impacting** [2] -  
203:8, 204:15  
**impacted** [2] -  
113:16, 113:18  
**impartial** [1] - 184:20  
**impediment** [1] -  
80:11  
**imperative** [2] -  
88:13, 88:28  
**imperatives** [1] -  
84:3  
**impertinent** [1] -  
33:28  
**implement** [1] -  
83:16  
**implementation** [1] -  
85:13  
**implementing** [1] -  
85:8  
**implication** [1] -  
172:14  
**importance** [1] -  
176:27  
**important** [20] - 45:7,  
59:27, 83:22, 84:2,  
95:1, 95:4, 102:8,  
104:3, 117:7, 119:12,  
120:11, 124:2,  
125:14, 146:12,  
147:5, 155:24,  
175:23, 182:16,  
186:13, 194:18  
**importantly** [2] -  
106:29, 129:17  
**imposed** [1] - 201:28  
**impossible** [1] -  
126:18  
**impression** [8] -

73:6, 73:7, 108:12,  
109:16, 115:29,  
168:20, 185:10, 196:2  
**imprisonment** [3] -  
8:17, 15:27, 34:28  
**improper** [4] -  
189:29, 190:22,  
191:18, 191:19  
**improve** [1] - 133:4  
**improved** [1] - 133:3  
**improvements** [2] -  
133:8, 190:4  
**impugn** [5] - 69:2,  
156:22, 157:21,  
188:24, 188:27  
**impugned** [1] -  
190:21  
**imputation** [1] -  
67:20  
**IN** [1] - 1:17  
**in-depth** [2] - 129:11,  
129:12  
**inaccuracy** [7] -  
209:17, 211:2, 211:5,  
211:9, 211:11,  
212:14, 212:19  
**inadequacies** [1] -  
74:10  
**inadequate** [2] -  
73:21, 74:27  
**inadmissible** [1] -  
24:8  
**inappropriate** [3] -  
42:29, 164:16, 201:25  
**incident** [6] - 15:16,  
91:11, 92:18, 114:11,  
204:22, 204:27  
**incidents** [26] -  
13:28, 14:13, 14:25,  
15:12, 16:12, 17:2,  
19:15, 20:9, 64:22,  
108:5, 109:22,  
109:24, 110:14,  
111:5, 113:7, 114:23,  
119:6, 128:21,  
129:16, 133:24,  
133:26, 134:23,  
187:16, 205:2, 205:3,  
205:5  
**inclined** [2] - 74:13,  
181:26  
**include** [3] - 94:10,  
124:16  
**included** [2] - 72:14,  
212:7  
**includes** [2] - 79:15,  
213:10  
**including** [8] - 56:5,  
83:20, 91:7, 112:16,  
157:29, 167:7, 167:8,

197:6  
**inconsistent** [1] -  
214:19  
**increasingly** [1] -  
208:8  
**indeed** [25] - 29:4,  
80:14, 83:15, 84:3,  
84:5, 88:15, 88:22,  
88:26, 100:27,  
101:10, 106:27,  
118:4, 120:6, 121:23,  
126:13, 126:24,  
128:14, 129:20,  
131:26, 135:13,  
157:11, 160:14,  
188:14, 190:20, 206:8  
**independent** [1] -  
93:20  
**independently** [1] -  
17:11  
**INDEX** [1] - 4:1  
**indicate** [5] - 6:10,  
9:7, 163:18, 166:21,  
173:9  
**indicated** [12] - 6:24,  
9:15, 10:6, 25:6,  
28:26, 35:5, 67:21,  
173:2, 194:17,  
194:23, 194:28, 195:6  
**indicates** [1] - 13:6  
**indication** [1] -  
139:23  
**individual** [17] -  
72:10, 88:1, 108:5,  
108:7, 108:8, 109:21,  
110:14, 111:5,  
123:19, 133:24,  
133:25, 134:23,  
146:29, 186:24,  
187:16, 187:24, 189:1  
**individuals** [5] -  
93:22, 123:11, 188:2,  
200:5, 201:22  
**industrial** [3] -  
203:21, 203:25, 204:6  
**influence** [1] - 163:2  
**influenced** [1] -  
179:7  
**inform** [3] - 118:20,  
188:4, 204:17  
**information** [15] -  
12:24, 18:9, 33:13,  
39:14, 50:21, 57:24,  
57:26, 93:13, 94:28,  
113:11, 113:16,  
113:18, 163:9,  
194:27, 196:23  
**informed** [9] - 26:6,  
99:16, 99:18, 112:12,  
171:3, 176:29,

194:25, 209:22, 211:12  
**informing** [2] - 167:2, 167:21  
**infringing** [1] - 203:7  
**injured** [1] - 208:25  
**innocent** [1] - 19:17  
**innocuous** [2] - 204:22, 204:24  
**innuendo** [1] - 78:2  
**input** [7] - 61:1, 186:20, 186:21, 188:1, 188:9, 188:18, 188:19  
**inquire** [1] - 72:29  
**inquiries** [1] - 104:19  
**inquiring** [1] - 68:13  
**inquiry** [14] - 37:4, 63:7, 65:1, 68:17, 68:19, 70:20, 70:21, 78:20, 97:20, 151:20, 155:3, 201:5, 201:25, 201:27  
**INQUIRY** [2] - 1:3, 1:9  
**Inquiry** [1] - 195:10  
**inside** [3] - 40:13, 41:28, 50:26  
**insofar** [18] - 6:13, 6:27, 11:13, 14:8, 22:6, 35:24, 54:14, 79:7, 80:6, 102:28, 113:14, 120:23, 121:23, 152:15, 159:11, 162:15, 188:21, 211:1  
**inspector** [3] - 59:16, 81:10, 90:13  
**Inspector** [5] - 59:18, 66:27, 67:6, 105:19, 196:10  
**inst** [2] - 207:3, 208:6  
**instance** [6] - 63:13, 78:16, 156:11, 201:11, 213:16, 214:19  
**institutions** [1] - 84:5  
**instruct** [2] - 181:28, 188:27  
**instructed** [7] - 75:4, 106:11, 141:11, 181:29, 188:24, 196:3, 196:14  
**INSTRUCTED** [5] - 2:11, 2:18, 2:23, 2:29, 3:5  
**instructing** [2] - 157:2, 182:22  
**instruction** [3] - 106:14, 182:4, 183:22  
**instructions** [74] - 10:21, 10:28, 10:29, 13:7, 38:19, 41:1, 41:10, 41:16, 41:17, 42:27, 42:28, 43:3, 45:18, 45:19, 46:11, 46:27, 56:3, 56:17, 60:5, 71:18, 71:22, 71:25, 72:21, 72:26, 73:4, 75:20, 75:29, 111:16, 111:17, 118:25, 120:13, 126:28, 137:9, 137:18, 138:6, 138:15, 139:14, 139:18, 139:19, 140:3, 140:9, 140:20, 140:25, 141:9, 141:16, 148:23, 148:24, 154:16, 154:19, 155:2, 155:9, 157:14, 158:28, 159:9, 159:13, 159:23, 160:6, 160:8, 160:14, 162:10, 162:18, 165:16, 167:1, 168:26, 179:18, 180:8, 181:27, 183:8, 183:14, 183:16, 186:15, 188:20, 189:16, 210:18  
**INSTRUMENT** [1] - 1:8  
**integrity** [15] - 146:11, 155:9, 155:12, 155:22, 156:7, 156:22, 157:16, 157:21, 188:22, 188:25, 188:27, 189:8, 189:18, 203:8  
**intend** [3] - 22:23, 23:22, 38:23  
**intended** [4] - 69:24, 162:23, 163:10, 214:25  
**intense** [3] - 10:10, 25:3, 42:6  
**intensive** [1] - 42:12  
**intensively** [1] - 103:9  
**intention** [2] - 190:15, 205:28  
**intentional** [1] - 103:27  
**interacted** [1] - 120:6  
**interacting** [1] - 121:18  
**interaction** [1] - 22:7  
**interactions** [18] - 55:20, 60:9, 90:5, 112:19, 113:26, 119:2, 119:10, 119:14, 120:3, 128:6, 134:10, 151:14, 152:3, 158:1, 167:5, 169:2, 186:23, 199:10  
**interests** [4] - 27:22, 150:28, 151:11, 170:4  
**interfere** [1] - 211:20  
**interfering** [1] - 187:23  
**interim** [1] - 83:13  
**Interim** [3] - 81:28, 82:14, 88:12  
**intermittently** [1] - 106:6  
**internal** [1] - 93:15  
**internally** [1] - 124:29  
**internally/externally** [1] - 201:24  
**international** [2] - 174:19, 204:27  
**interpretation** [4] - 131:16, 132:5, 182:24, 183:2  
**interpreting** [1] - 183:18  
**interprets** [1] - 132:20  
**interventions** [1] - 112:6  
**interview** [7] - 76:25, 76:28, 77:22, 120:16, 184:13, 187:29, 188:2  
**interviewed** [5] - 33:19, 77:9, 77:23, 82:6, 119:21  
**INTO** [1] - 1:3  
**intricate** [1] - 82:27  
**introduced** [1] - 213:9  
**introduction** [1] - 164:15  
**introductory** [1] - 49:26  
**inures** [1] - 213:27  
**inve** [2] - 127:18, 127:25  
**investigate** [5] - 8:17, 9:11, 63:2, 164:20, 211:19  
**investigated** [5] - 16:13, 19:16, 21:1, 122:29, 129:27  
**investigating** [1] - 174:29  
**Investigation** [24] - 5:13, 6:18, 27:25, 67:16, 97:1, 97:3, 97:5, 98:2, 98:6, 98:9, 103:14, 104:18, 109:27, 122:1, 122:15, 126:2, 146:6, 147:21, 151:21, 152:1, 170:7, 184:19, 195:23, 195:27  
**investigation** [46] - 15:26, 18:5, 18:25, 20:17, 65:18, 67:3, 67:17, 73:21, 74:10, 74:28, 75:6, 75:12, 84:12, 96:21, 97:15, 97:21, 98:14, 100:25, 108:13, 108:26, 109:10, 115:8, 117:2, 117:6, 117:16, 117:24, 118:4, 119:26, 127:27, 127:28, 128:1, 131:26, 132:12, 132:27, 134:4, 135:1, 135:2, 135:10, 147:2, 147:19, 151:12, 151:15, 152:9, 198:27, 205:24  
**investigation/ commission/ examination** [1] - 96:17  
**investigations** [12] - 33:7, 84:9, 85:3, 97:29, 106:28, 106:29, 108:7, 108:8, 110:18, 132:26, 132:29, 204:15  
**investigators** [3] - 82:7, 147:23, 148:12  
**inviting** [1] - 38:9  
**involved** [4] - 5:12, 17:9, 18:24, 163:1  
**involvement** [3] - 61:9, 115:24, 116:1  
**involving** [2] - 16:12, 200:23  
**iPad** [1] - 78:18  
**Ireland** [1] - 83:15  
**irrelevant** [2] - 23:2, 24:3  
**irrespective** [1] - 141:7  
**issue** [66] - 9:12, 9:29, 10:27, 10:28, 24:26, 29:6, 29:16, 35:13, 35:15, 35:22, 40:17, 41:9, 71:3, 71:6, 74:7, 83:10, 86:1, 86:16, 91:6, 91:8, 91:17, 93:11, 93:16, 101:13, 104:12, 104:21, 118:13, 134:12, 139:15, 143:9, 146:5, 146:17, 147:20, 148:3, 148:18, 161:8, 162:6, 162:10, 162:16, 164:3, 168:18, 172:26, 173:14, 174:4, 175:25, 180:27, 181:27, 183:5, 184:5, 189:11, 190:8, 198:4, 204:25, 205:13, 207:19, 207:20, 207:22, 207:24, 209:22, 209:25, 211:13, 213:18, 214:17, 214:24, 215:1  
**issued** [1] - 43:4  
**issues** [130] - 5:18, 7:24, 8:9, 9:14, 9:17, 9:22, 9:28, 13:8, 17:13, 21:2, 21:21, 22:6, 31:26, 39:22, 39:27, 41:13, 41:19, 41:26, 42:20, 43:3, 64:14, 67:18, 70:23, 75:28, 78:15, 82:15, 82:17, 82:18, 82:28, 82:29, 83:2, 83:7, 83:28, 84:8, 84:10, 84:26, 85:1, 85:15, 85:19, 85:25, 86:1, 86:3, 86:7, 86:22, 86:28, 87:8, 87:11, 87:17, 87:25, 88:23, 88:24, 89:2, 89:5, 89:9, 89:11, 90:15, 92:26, 93:2, 97:6, 97:7, 97:10, 97:17, 97:23, 97:27, 102:1, 102:9, 102:19, 106:22, 106:24, 110:22, 110:23, 112:3, 115:3, 117:14, 118:3, 121:15, 121:16, 123:26, 124:23, 131:17, 133:11, 133:13, 134:14, 135:7, 137:2, 146:14, 148:19, 149:9, 149:11, 151:7, 151:13, 158:3, 159:19, 160:3, 160:14, 165:23, 165:24, 166:26, 169:4, 174:23,

174:24, 180:10,  
180:26, 182:12,  
183:27, 183:29,  
191:2, 191:9, 193:4,  
193:15, 197:2,  
199:10, 199:11,  
199:12, 200:3,  
201:11, 202:21,  
204:20, 204:24,  
205:10, 205:15,  
205:25, 205:27,  
205:28, 206:3, 207:4,  
210:25, 214:16,  
215:19  
**itself** [10] - 7:29,  
9:11, 28:9, 38:25,  
40:13, 42:4, 42:24,  
45:17, 63:22, 75:12

---

## J

---

**JANUARY** [3] - 1:18,  
5:1, 215:28  
**January** [3] - 13:17,  
78:23, 79:9  
**job** [9] - 26:15,  
85:22, 109:26,  
110:15, 189:27,  
205:27, 206:7,  
211:20, 211:21  
**John** [3] - 85:7,  
91:14, 207:24  
**JOHN** [3] - 2:17, 2:22  
**joined** [1] - 81:6  
**joint** [1] - 79:16  
**Judge** [22] - 25:27,  
25:28, 27:1, 32:17,  
37:22, 38:11, 41:27,  
46:10, 63:9, 63:11,  
65:16, 66:19, 67:14,  
67:27, 68:26, 155:2,  
156:8, 156:12,  
156:14, 213:1,  
213:13, 214:11  
**JUDGE** [2] - 1:12,  
2:3  
**judge** [11] - 21:18,  
22:8, 24:7, 24:24,  
34:22, 37:26, 41:4,  
41:29, 42:3, 63:14,  
184:23  
**judgment** [2] - 17:27,  
205:5  
**judicial** [1] - 68:8  
**July** [5] - 15:5,  
200:10, 205:14,  
205:22, 206:15  
**June** [10] - 31:4,  
31:6, 31:7, 31:28,  
31:29, 32:1, 81:6,

209:16, 210:6, 210:26  
**jurisdiction** [1] -  
213:21  
**justice** [5] - 53:19,  
133:3, 154:28, 201:4,  
203:28  
**JUSTICE** [3] - 1:8,  
1:12, 2:2  
**Justice** [53] - 22:9,  
22:27, 23:8, 23:28,  
36:22, 37:1, 43:12,  
43:14, 46:22, 53:17,  
53:23, 53:24, 54:4,  
57:2, 57:17, 58:22,  
60:16, 67:22, 68:3,  
68:10, 68:29, 70:3,  
70:13, 86:9, 86:17,  
87:9, 98:21, 135:11,  
166:4, 166:29, 167:7,  
171:25, 176:14,  
177:23, 178:21,  
186:8, 191:13, 192:3,  
192:14, 193:9, 202:9,  
202:28, 202:29,  
203:4, 203:8, 203:24,  
204:13, 204:17,  
211:3, 211:10,  
211:18, 211:21, 212:2  
**justified** [2] - 37:6,  
153:8  
**juxtapose** [1] - 27:8

---

## K

---

**k** [1] - 6:19  
**KATHLEEN** [1] - 2:7  
**KATHY** [1] - 2:18  
**KAVANAGH** [1] - 2:4  
**keen** [1] - 121:20  
**keep** [2] - 59:14,  
176:27  
**keeping** [2] - 136:16,  
209:9  
**Kelly** [1] - 208:4  
**KEN** [1] - 3:2  
**Ken** [1] - 161:1  
**Kenny** [5] - 98:25,  
99:26, 100:10,  
100:16, 101:22  
**Kenny's** [1] - 100:1  
**kept** [6] - 41:24,  
106:7, 126:12,  
145:17, 176:29, 193:3  
**Kerr** [2] - 91:27  
**Kevin** [1] - 201:5  
**Kieran** [2] - 87:22,  
98:25  
**kind** [5] - 14:5,  
26:26, 68:17, 171:17,

214:7  
**Kingscourt** [5] - 9:3,  
15:16, 114:11,  
134:25, 135:1  
**knowing** [1] - 119:28  
**knowledge** [15] -  
53:29, 60:12, 60:13,  
60:14, 61:2, 112:25,  
114:17, 119:19,  
124:20, 162:22,  
184:21, 186:21,  
186:23, 187:19,  
188:10  
**knowledgeable** [1] -  
60:8  
**known** [9] - 17:25,  
18:29, 38:7, 87:23,  
124:29, 125:1, 125:8,  
125:15, 125:22

---

## L

---

**Labour** [1] - 87:23  
**lack** [3] - 8:11, 75:5,  
135:1  
**lady** [1] - 35:16  
**landline** [7] - 45:2,  
46:2, 46:8, 142:5,  
153:16, 158:10,  
160:17  
**lands** [1] - 178:17  
**laneway** [1] - 35:19  
**language** [3] - 46:28,  
47:1, 60:28  
**last** [13] - 16:9,  
28:20, 43:10, 56:15,  
56:19, 57:12, 59:26,  
69:13, 69:16, 82:3,  
132:16, 147:24,  
208:19  
**lasted** [1] - 136:12  
**lasting** [1] - 44:14  
**lasts** [7] - 44:25,  
46:2, 46:8, 46:17,  
142:2, 142:23, 215:17  
**late** [8] - 5:13, 15:17,  
15:22, 59:12, 66:22,  
79:8, 105:26, 194:19  
**latitude** [1] - 93:29  
**lawyers** [1] - 62:28  
**lay** [2] - 110:16,  
128:17  
**layer** [1] - 174:29  
**lead** [1] - 105:29  
**lead-in** [1] - 105:29  
**LEADER** [25] - 2:7,  
4:7, 4:10, 5:4, 34:23,  
65:15, 71:1, 71:2,  
80:21, 81:2, 81:3,

111:3, 127:14,  
155:26, 156:27,  
160:27, 161:18,  
178:23, 181:17,  
181:19, 183:9,  
196:26, 205:20,  
212:22, 212:25  
**leader** [28] - 18:14,  
75:17, 83:21, 85:20,  
88:2, 91:3, 92:25,  
101:24, 102:7,  
108:18, 120:10,  
123:9, 124:18,  
127:11, 132:4,  
138:17, 142:7,  
153:15, 155:24,  
160:3, 173:19,  
176:10, 178:22,  
181:15, 190:28,  
200:16, 211:10,  
215:14  
**Leader** [9] - 61:16,  
84:29, 85:18, 87:5,  
89:25, 89:27, 95:18,  
105:8, 167:13  
**leader's** [2] - 178:8,  
178:19  
**leading** [1] - 107:19  
**leads** [2] - 129:1,  
132:7  
**leaks** [2] - 41:20,  
41:21  
**least** [6] - 37:8, 93:2,  
101:22, 172:21,  
203:28, 214:14  
**leave** [6] - 26:5, 26:9,  
72:25, 174:22,  
182:29, 188:8  
**leaving** [1] - 59:6  
**led** [21] - 78:20,  
106:24, 108:8,  
108:13, 109:15,  
113:7, 113:29, 119:4,  
119:7, 128:19,  
128:21, 129:16,  
132:8, 132:9, 133:12,  
133:15, 133:21,  
133:26, 135:3,  
187:16, 193:7  
**left** [10] - 30:12,  
39:15, 51:23, 81:16,  
86:19, 89:15, 89:21,  
116:1, 135:6, 212:26  
**Legal** [5] - 101:18,  
101:27, 102:18,  
198:13, 199:22  
**legal** [85] - 42:14,  
59:29, 60:2, 60:9,  
60:18, 60:27, 74:1,  
79:26, 87:1, 87:20,

88:26, 100:6, 100:7,  
101:13, 101:19,  
102:10, 102:13,  
104:4, 104:24,  
107:18, 108:23,  
111:18, 112:12,  
113:11, 120:15,  
120:22, 120:25,  
121:4, 121:5, 121:9,  
122:5, 122:17, 123:3,  
126:21, 128:15,  
137:6, 137:17,  
137:27, 138:21,  
141:7, 141:13,  
143:10, 147:21,  
148:9, 148:15, 154:1,  
154:7, 157:2, 159:15,  
159:19, 162:16,  
163:5, 163:11,  
163:17, 164:3, 164:4,  
164:10, 164:21,  
164:23, 164:27,  
168:19, 168:27,  
169:13, 172:22,  
172:24, 172:27,  
172:29, 173:2, 173:5,  
178:28, 184:24,  
187:19, 188:9,  
190:20, 197:26,  
198:7, 199:21,  
199:25, 200:7, 202:5,  
210:16, 212:4,  
213:24, 213:28  
**legalistic** [1] - 132:5  
**legally** [1] - 21:19  
**legislation** [1] -  
205:7  
**legitimacy** [1] -  
83:24  
**lengthy** [1] - 214:11  
**less** [3] - 124:2,  
141:25, 172:26  
**lest** [1] - 79:3  
**letter** [47] - 6:25,  
13:17, 13:21, 18:23,  
24:7, 24:12, 24:24,  
27:17, 27:21, 27:26,  
28:2, 61:18, 61:21,  
61:23, 61:24, 61:25,  
61:26, 61:27, 62:2,  
62:5, 62:7, 66:2, 66:3,  
66:13, 66:18, 78:22,  
79:8, 95:21, 95:22,  
101:20, 102:4, 170:3,  
170:8, 170:16,  
182:25, 191:20,  
191:22, 193:6,  
206:15, 206:23,  
207:3, 209:13,  
209:17, 210:28,

212:14, 212:20,  
214:27  
**letters** [2] - 6:25,  
31:15  
**level** [9] - 35:26,  
85:26, 86:1, 103:29,  
119:3, 123:26,  
176:20, 190:2  
**liaison** [10] - 98:21,  
98:23, 98:24, 99:22,  
99:26, 100:12,  
101:18, 102:17,  
107:11, 125:5  
**lie** [1] - 182:29  
**light** [2] - 180:9,  
214:22  
**lightly** [2] - 120:12,  
170:20  
**likely** [22] - 44:17,  
48:20, 49:29, 50:20,  
51:15, 52:1, 52:16,  
52:24, 53:2, 53:23,  
57:1, 147:19, 148:9,  
150:7, 151:5, 154:18,  
164:14, 176:5,  
177:24, 179:2, 203:2  
**likewise** [1] - 197:11  
**Limerick** [1] - 92:1  
**limit** [1] - 188:20  
**limited** [4] - 114:20,  
120:24, 120:26,  
190:25  
**line** [22] - 21:27,  
22:9, 22:27, 23:7,  
23:8, 32:4, 32:7,  
36:27, 49:4, 49:9,  
51:28, 56:10, 56:20,  
58:12, 94:19, 130:6,  
151:20, 182:1, 187:2,  
188:5, 192:1, 208:20  
**lines** [2] - 8:6, 42:29  
**list** [19] - 6:10, 13:29,  
14:9, 14:13, 14:15,  
14:25, 14:27, 15:8,  
15:11, 17:1, 17:28,  
54:2, 70:1, 76:15,  
77:7, 77:10, 79:20,  
79:23, 127:20  
**listed** [3] - 17:26,  
19:17, 215:12  
**listening** [2] - 41:27,  
59:26  
**lists** [4] - 7:28, 14:29,  
17:23  
**litter** [1] - 209:27  
**LITTLE** [2] - 2:19, 3:7  
**live** [3] - 82:17,  
83:10, 83:29  
**lives** [1] - 192:1  
**local** [12] - 90:11,  
90:12, 90:28, 112:20,  
119:3, 196:4, 196:10,  
196:16, 197:6, 206:8  
**locally** [4] - 90:14,  
96:4, 99:20, 128:7  
**loggerheads** [1] -  
68:15  
**logistics** [1] - 76:8  
**loneliness** [1] -  
178:9  
**look** [33] - 15:26,  
34:18, 43:26, 48:9,  
49:19, 50:27, 51:7,  
52:15, 54:2, 54:7,  
56:13, 61:23, 61:26,  
68:13, 71:26, 85:7,  
101:20, 127:8,  
141:24, 143:14,  
146:19, 150:20,  
154:5, 160:17,  
178:19, 181:3,  
186:13, 191:12,  
191:15, 196:21,  
204:21, 204:23,  
211:25  
**looked** [4] - 49:3,  
49:14, 91:22, 115:8  
**looking** [22] - 43:18,  
56:23, 59:8, 71:24,  
71:26, 77:19, 77:22,  
77:25, 80:16, 84:16,  
107:23, 108:3,  
110:21, 136:10,  
148:1, 155:27,  
176:26, 187:6, 199:9,  
214:15, 214:16,  
214:22  
**looks** [3] - 44:24,  
66:12, 182:14  
**loss** [1] - 195:27  
**lost** [6] - 24:16,  
25:24, 42:19, 62:2,  
191:29, 206:20  
**low** [1] - 84:2  
**lunch** [1] - 42:10  
**LUNCH** [2] - 110:28,  
111:1  
**lynch** [1] - 209:3

---

**M**

---

**MacNamee** [3] -  
2:27, 59:16, 112:13  
**macro** [1] - 85:26  
**MADE** [2] - 1:3, 1:8  
**magazine** [4] -  
93:19, 93:20, 93:23,  
96:28  
**magistrate** [1] -  
68:19  
**main** [1] - 35:19  
**maintain** [1] - 173:3  
**maintained** [2] -  
174:17, 197:18  
**major** [3] - 204:5,  
204:13, 204:14  
**mala** [1] - 128:24  
**malice** [1] - 84:16  
**malicious** [1] -  
157:19  
**Malone** [1] - 1:25  
**MALONE** [1] - 1:30  
**malpractice** [31] -  
17:22, 17:26, 61:19,  
61:29, 62:8, 62:16,  
63:3, 63:12, 63:20,  
65:20, 108:10,  
108:14, 109:3,  
109:11, 109:24,  
109:29, 110:4, 111:6,  
113:8, 114:2, 114:24,  
119:6, 128:20,  
129:17, 133:23,  
134:21, 134:24,  
155:4, 155:16,  
187:17, 191:8  
**man** [5] - 35:17,  
35:19, 157:22, 189:1,  
208:22  
**manage** [3] - 104:1,  
126:23, 168:28  
**Management** [3] -  
81:24, 102:5, 114:22  
**management** [41] -  
17:10, 20:6, 21:1,  
41:22, 85:13, 90:11,  
112:20, 113:27,  
119:3, 119:10, 120:6,  
121:12, 123:5,  
123:12, 125:11,  
128:7, 130:15,  
131:11, 132:3,  
132:15, 134:11,  
135:2, 151:9, 151:14,  
152:4, 152:5, 152:10,  
152:29, 157:29,  
194:13, 196:5,  
196:16, 197:6, 197:7,  
197:17, 198:8, 199:7,  
202:4, 206:8, 209:6,  
213:9  
**management's** [5] -  
116:27, 119:1,  
124:25, 152:17,  
152:21  
**managers** [1] -  
135:14  
**managing** [4] - 49:1,  
76:8, 122:21, 187:5  
**March** [10] - 15:5,  
81:26, 81:27, 82:5,  
82:11, 95:14, 95:24,  
99:27, 99:28, 196:7  
**MARRINAN** [1] - 2:6  
**Martin** [2] - 11:26,  
17:20  
**MARTIN** [1] - 3:4  
**Mary** [1] - 209:2  
**massive** [1] - 18:6  
**material** [4] - 16:21,  
98:13, 99:21, 215:13  
**materials** [16] -  
20:20, 95:15, 98:16,  
98:18, 109:8, 127:10,  
150:22, 154:8,  
158:27, 161:19,  
169:25, 179:14,  
192:7, 193:21,  
200:14, 206:21  
**matter** [60] - 31:1,  
31:3, 39:29, 40:26,  
41:24, 66:14, 67:8,  
72:4, 73:14, 74:15,  
74:25, 78:6, 93:6,  
94:20, 97:25, 98:3,  
101:17, 101:27,  
105:10, 106:16,  
107:4, 108:22,  
114:13, 115:27,  
116:2, 117:17,  
117:22, 121:25,  
123:1, 124:20,  
125:18, 126:22,  
127:22, 129:27,  
136:28, 138:13,  
146:8, 146:9, 148:7,  
151:12, 158:28,  
162:1, 162:18, 163:3,  
166:6, 168:7, 171:6,  
173:5, 176:17,  
183:24, 184:29,  
185:11, 185:27,  
198:19, 206:15,  
208:29, 209:4,  
209:20, 210:8, 211:18  
**matters** [116] - 15:8,  
16:1, 17:9, 20:27,  
32:5, 39:24, 40:18,  
40:21, 41:8, 41:29,  
53:11, 82:24, 82:29,  
93:9, 96:2, 103:9,  
103:26, 104:20,  
105:6, 105:14, 107:9,  
108:24, 112:15,  
113:19, 113:22,  
113:24, 114:29,  
117:10, 117:25,  
118:27, 118:29,  
119:19, 119:22,  
124:12, 124:24,  
125:4, 125:11, 126:3,  
132:12, 132:14,  
135:11, 135:13,  
135:16, 137:24,  
138:4, 138:18, 139:3,  
139:5, 139:10,  
140:22, 140:25,  
143:12, 145:18,  
146:3, 146:20, 147:4,  
147:5, 147:13,  
147:17, 149:1, 149:3,  
149:7, 152:18, 157:8,  
157:28, 158:4, 161:7,  
161:9, 164:5, 164:11,  
164:16, 164:21,  
164:26, 165:20,  
166:2, 166:13,  
172:11, 172:29,  
174:11, 174:13,  
174:16, 174:19,  
174:25, 175:6, 175:8,  
175:23, 176:8, 184:3,  
184:16, 184:21,  
185:8, 189:5, 191:7,  
191:23, 193:19,  
197:27, 198:10,  
200:23, 201:7,  
202:24, 203:21,  
203:25, 204:10,  
204:11, 204:15,  
204:17, 204:28,  
209:7, 209:10,  
209:11, 209:12,  
209:16, 210:1,  
211:20, 215:20  
**MATTERS** [1] - 1:5  
**Maurice** [7] - 33:22,  
129:25, 130:4, 134:3,  
151:7, 179:18, 200:24  
**Mayo** [1] - 88:3  
**McCabe** [251] - 2:9,  
7:2, 10:18, 11:26,  
11:27, 13:22, 13:27,  
18:25, 19:7, 19:10,  
20:26, 22:13, 23:13,  
32:4, 32:14, 32:24,  
33:17, 35:9, 35:29,  
36:21, 37:5, 37:20,  
62:28, 64:23, 65:19,  
66:4, 67:19, 69:23,  
73:27, 74:27, 82:15,  
84:11, 84:16, 84:22,  
84:24, 85:2, 85:19,  
85:21, 85:29, 86:5,  
86:10, 86:13, 86:15,  
86:16, 86:21, 86:24,  
87:11, 87:16, 87:19,  
87:28, 88:6, 88:25,  
88:26, 89:2, 89:10,  
89:23, 90:2, 90:24,



91:2, 91:4, 91:6,  
91:10, 91:20, 91:26,  
92:13, 92:20, 93:17,  
93:26, 94:17, 94:26,  
95:4, 95:11, 95:25,  
95:29, 97:2, 97:9,  
97:11, 97:14, 98:1,  
103:9, 103:12, 108:9,  
108:13, 109:11,  
112:16, 112:20,  
112:21, 113:6, 113:9,  
113:27, 114:1, 115:3,  
116:29, 118:1, 118:8,  
119:4, 119:5, 119:15,  
120:5, 121:11,  
121:14, 121:17,  
121:19, 121:22,  
121:24, 121:29,  
122:8, 122:22, 123:7,  
123:16, 123:24,  
124:4, 124:17,  
124:22, 124:28,  
125:11, 125:23,  
125:28, 128:7,  
128:19, 128:26,  
129:14, 129:15,  
130:1, 130:15,  
130:16, 130:22,  
131:2, 131:10,  
131:20, 131:28,  
132:8, 132:10,  
132:13, 132:22,  
132:24, 132:28,  
133:13, 133:15,  
133:22, 134:7,  
134:11, 134:17,  
135:3, 135:13,  
137:18, 138:20,  
138:28, 139:1,  
139:17, 140:26,  
146:14, 151:7,  
151:13, 151:16,  
151:18, 151:22,  
152:3, 152:6, 152:8,  
153:2, 153:7, 155:10,  
156:23, 157:19,  
157:27, 162:6, 162:9,  
163:23, 164:12,  
165:24, 166:8,  
166:29, 168:24,  
169:3, 173:25,  
177:28, 179:19,  
180:10, 180:20,  
180:22, 184:5,  
186:25, 186:28,  
187:10, 187:14,  
187:15, 188:28,  
188:29, 189:7,  
189:22, 189:23,  
189:28, 190:3, 190:9,  
190:15, 191:1, 191:5,  
191:19, 193:13,  
193:28, 194:10,  
194:16, 194:19,  
194:20, 194:21,  
194:25, 194:27,  
195:4, 195:9, 195:25,  
196:6, 196:13,  
196:16, 197:1, 197:5,  
197:11, 197:15,  
197:24, 198:11,  
198:23, 198:28,  
199:3, 199:12,  
199:13, 200:2, 200:4,  
200:24, 200:26,  
201:7, 201:10,  
202:21, 202:24,  
202:25, 203:17,  
205:12, 205:16,  
208:9, 208:18,  
208:20, 209:5, 210:7,  
210:17, 211:7,  
211:14, 211:24,  
211:28, 214:18,  
215:11  
**McCabe's** [38] - 7:20,  
9:4, 19:2, 38:18, 65:5,  
68:28, 73:11, 74:8,  
82:19, 90:8, 90:15,  
93:4, 93:12, 95:7,  
96:28, 108:23,  
115:12, 116:26,  
118:6, 118:29, 126:8,  
126:15, 128:11,  
128:24, 130:16,  
131:29, 134:26,  
152:21, 155:22,  
171:27, 183:27,  
188:22, 188:25,  
189:18, 195:23,  
201:1, 205:10, 207:5  
**McCann** [11] - 43:6,  
43:9, 43:10, 43:11,  
51:21, 52:28, 53:5,  
53:7, 53:10, 61:12,  
72:18  
**MCCANN** [2] - 3:4,  
4:5  
**McCANN:** [1] - 59:4  
**McCarthy** [1] -  
129:25  
**McDowell** [45] - 2:9,  
25:28, 26:18, 26:19,  
26:25, 28:27, 53:20,  
57:11, 61:15, 61:16,  
61:21, 62:1, 62:6,  
63:5, 63:8, 63:11,  
63:14, 63:17, 63:26,  
63:29, 64:3, 64:6,  
65:9, 65:11, 65:16,  
65:26, 66:1, 66:12,  
66:16, 66:18, 67:14,  
68:23, 68:26, 69:5,  
69:19, 154:28,  
156:14, 196:24,  
212:27, 212:29,  
213:2, 214:2, 214:3,  
214:6, 214:10  
**MCDOWELL** [1] - 4:6  
**McGARRY** [1] - 2:10  
**McGinn** [4] - 33:20,  
115:2, 133:7, 208:14  
**MCGRATH** [1] - 2:30  
**McGrath** [1] - 208:3  
**MCGUINNESS** [1] -  
2:6  
**McGUINNESS** [4] -  
2:16, 78:13, 80:17,  
80:20  
**McMahon** [1] - 92:1  
**McNamara** [3] -  
59:18, 59:20, 105:19  
**McTIERNAN** [1] -  
2:23  
**mean** [20] - 26:4,  
26:24, 28:11, 30:13,  
40:27, 53:3, 60:6,  
63:13, 63:21, 67:27,  
68:4, 68:5, 68:26,  
73:3, 75:1, 108:19,  
127:2, 130:2, 140:17,  
214:16  
**meaning** [2] - 63:3,  
131:5  
**means** [2] - 57:17,  
127:3  
**meant** [1] - 195:27  
**meantime** [2] -  
143:21, 171:1  
**meanwhile** [3] -  
45:16, 46:9  
**mechanisms** [4] -  
91:13, 180:24, 197:7,  
198:25  
**media** [8] - 84:8,  
146:7, 179:3, 200:11,  
202:23, 206:7,  
207:25, 210:4  
**mediator** [3] - 87:21,  
87:22, 91:26  
**medical** [1] - 37:14  
**MEEHAN** [1] - 3:4  
**meet** [4] - 187:24,  
194:17, 194:18,  
211:28  
**meeting** [32] - 6:28,  
12:3, 13:7, 39:16,  
86:11, 87:2, 87:3,  
87:8, 87:14, 87:19,  
89:23, 90:1, 90:2,  
90:3, 91:3, 92:27,  
92:28, 93:1, 93:2,  
93:3, 93:17, 94:3,  
94:5, 96:2, 105:13,  
112:1, 123:4, 147:16,  
185:11, 209:28, 211:7  
**meetings** [4] - 14:20,  
14:21, 91:19, 95:29  
**Member** [6] - 99:15,  
137:29, 138:10,  
171:24, 183:3, 190:21  
**member** [3] - 126:1,  
151:2, 179:22  
**MEMBER** [2] - 1:12,  
2:2  
**members** [15] -  
14:29, 27:22, 84:6,  
92:7, 122:19, 124:23,  
151:9, 155:4, 169:10,  
170:4, 175:21,  
176:13, 191:29,  
192:16, 198:15  
**memoire** [3] - 44:3,  
47:4, 51:3  
**memorial** [2] - 143:6,  
191:28  
**memorialising** [1] -  
192:28  
**memorials** [1] -  
29:14  
**memory** [43] - 28:6,  
54:25, 93:9, 93:17,  
93:26, 94:21, 107:15,  
111:20, 115:5, 137:5,  
137:9, 137:11,  
137:15, 137:22,  
140:10, 140:29,  
143:8, 144:4, 144:16,  
145:13, 145:21,  
149:23, 153:22,  
156:19, 158:13,  
159:4, 165:4, 165:19,  
171:17, 172:8,  
172:10, 172:13,  
177:25, 177:26,  
178:6, 180:17,  
180:29, 181:2, 181:8,  
183:18, 192:12,  
207:16, 207:19  
**mentioned** [4] -  
57:22, 72:11, 114:21,  
164:11  
**mentioning** [1] -  
162:28  
**merely** [1] - 167:2  
**merged** [1] - 158:16  
**message** [2] - 17:5,  
50:23  
**messages** [2] -  
45:16, 145:28  
**met** [5] - 10:12,  
11:26, 43:10, 88:25,  
194:20  
**MICHAEL** [3] - 2:9,  
2:27, 3:2  
**Michael** [5] - 13:29,  
14:14, 14:26, 208:11,  
209:1  
**Mick** [2] - 12:8, 12:20  
**micro** [2] - 86:1,  
187:5  
**micro-managing** [1]  
- 187:5  
**middle** [1] - 177:13  
**might** [26] - 38:8,  
49:3, 49:25, 51:16,  
51:17, 51:18, 51:26,  
58:7, 58:29, 59:17,  
67:22, 92:23, 113:25,  
141:18, 163:18,  
164:2, 164:8, 164:16,  
164:25, 168:18,  
178:10, 187:3,  
188:21, 189:10,  
191:11  
**mightn't** [1] - 204:7  
**Mike** [1] - 11:27  
**million** [1] - 79:17  
**mind** [22] - 30:5,  
30:14, 32:11, 41:23,  
68:23, 69:1, 73:5,  
83:26, 102:12, 110:2,  
117:19, 124:25,  
132:21, 136:16,  
147:16, 155:20,  
158:16, 177:27,  
177:29, 179:2,  
210:25, 215:1  
**mindful** [8] - 164:2,  
164:9, 166:28,  
168:18, 169:5, 179:8,  
195:20, 195:21  
**mindset** [2] - 130:11,  
184:18  
**mine** [1] - 130:9  
**ming** [1] - 21:28  
**MINISTER** [1] - 1:8  
**Minister** [28] - 13:18,  
43:13, 58:6, 58:22,  
58:27, 58:28, 59:2,  
70:3, 78:19, 78:21,  
78:24, 91:8, 91:11,  
92:19, 93:3, 93:10,  
94:6, 94:9, 94:11,  
94:14, 94:24, 94:28,  
95:2, 95:8, 191:26,  
192:3, 192:4, 192:14  
**minister** [1] - 203:11  
**Minister"** [1] - 58:13  
**Minister's** [2] - 93:7,  
94:3

**minute** <sup>[19]</sup> - 44:25, 45:26, 49:8, 49:24, 49:25, 50:19, 52:16, 114:26, 114:27, 114:28, 136:13, 142:14, 153:13, 171:13, 174:26, 196:18, 196:19, 196:22, 196:27  
**minutes** <sup>[20]</sup> - 35:20, 46:3, 46:9, 46:16, 46:17, 51:13, 51:18, 52:12, 52:21, 52:22, 136:13, 142:2, 142:12, 142:23, 142:25, 150:6, 161:12, 161:14  
**minutes** <sup>[1]</sup> - 51:19  
**misapprehension** <sup>[1]</sup> - 72:25  
**misconduct** <sup>[1]</sup> - 201:8  
**misled** <sup>[1]</sup> - 20:16  
**missed** <sup>[3]</sup> - 136:17, 145:6, 210:20  
**missing** <sup>[3]</sup> - 89:19, 91:24, 181:15  
**mistake** <sup>[6]</sup> - 104:8, 104:9, 104:13, 104:16, 104:22, 210:27  
**mistaken** <sup>[3]</sup> - 29:28, 196:8, 214:27  
**mix** <sup>[1]</sup> - 68:22  
**mixed** <sup>[1]</sup> - 58:23  
**mobile** <sup>[9]</sup> - 45:26, 136:5, 141:24, 141:27, 143:23, 143:25, 143:28, 145:8, 172:3  
**model** <sup>[2]</sup> - 68:6, 68:7  
**models** <sup>[1]</sup> - 68:12  
**Module** <sup>[12]</sup> - 6:18, 106:10, 107:26, 107:29, 108:17, 108:28, 108:29, 109:17, 111:25, 114:10, 134:24, 208:17  
**module** <sup>[14]</sup> - 23:2, 24:3, 31:13, 74:12, 109:5, 207:21, 208:3, 208:8, 208:13, 209:15, 210:1, 210:11  
**module-by-module** <sup>[1]</sup> - 31:13  
**modules** <sup>[7]</sup> - 6:23, 37:10, 73:11, 73:12, 207:2, 208:1, 208:5

**moment** <sup>[4]</sup> - 39:4, 51:7, 83:18, 160:23  
**Monaghan** <sup>[18]</sup> - 12:4, 15:6, 15:7, 61:29, 65:22, 66:29, 98:20, 112:18, 115:19, 123:5, 123:12, 123:13, 124:13, 152:10, 152:11, 186:22, 198:8, 199:7  
**MONDAY** <sup>[2]</sup> - 1:18, 5:1  
**Monday** <sup>[7]</sup> - 24:18, 28:24, 140:1, 187:21, 188:16, 193:20, 194:16  
**money** <sup>[1]</sup> - 64:1  
**Mongáin** <sup>[1]</sup> - 202:15  
**monitoring** <sup>[1]</sup> - 36:15  
**month** <sup>[2]</sup> - 33:21  
**months** <sup>[5]</sup> - 81:11, 81:17, 81:23, 120:6, 169:1  
**Moriarty** <sup>[1]</sup> - 68:9  
**morning** <sup>[10]</sup> - 5:9, 5:10, 42:8, 59:27, 70:8, 136:27, 137:11, 187:21, 188:14, 188:17  
**Morris** <sup>[2]</sup> - 17:17, 83:18  
**most** <sup>[8]</sup> - 9:12, 36:19, 83:20, 106:29, 129:17, 147:19, 190:16, 204:25  
**mostly** <sup>[2]</sup> - 81:8, 143:3  
**motivated** <sup>[2]</sup> - 189:28, 190:10  
**motivation** <sup>[46]</sup> - 22:16, 22:17, 23:16, 23:17, 40:8, 40:17, 41:9, 67:20, 67:23, 68:28, 71:6, 74:8, 128:11, 128:13, 128:15, 128:16, 128:19, 128:22, 129:4, 129:24, 131:16, 131:22, 132:18, 132:22, 133:12, 133:19, 133:26, 134:16, 134:20, 155:10, 155:15, 156:22, 180:15, 189:12, 190:8, 191:5, 191:13, 191:16, 201:6, 207:5, 208:10, 214:20

**motivation** <sup>[1]</sup> - 128:10  
 **motive** <sup>[13]</sup> - 128:23, 179:21, 181:26, 189:28, 189:29, 190:23, 190:24, 190:26, 190:29, 191:19  
**mounting** <sup>[1]</sup> - 155:15  
**move** <sup>[6]</sup> - 15:14, 31:1, 31:2, 36:10, 38:17, 39:2  
**moved** <sup>[3]</sup> - 47:28, 55:13, 65:13  
**moving** <sup>[4]</sup> - 5:24, 10:26, 17:16, 46:26  
**MR** <sup>[94]</sup> - 1:12, 2:2, 2:4, 2:6, 2:6, 2:9, 2:10, 2:10, 2:15, 2:15, 2:16, 2:16, 2:17, 2:22, 2:23, 2:26, 2:27, 2:27, 2:30, 3:2, 3:2, 3:3, 3:3, 3:4, 3:4, 3:5, 4:4, 4:5, 4:6, 5:8, 5:9, 8:4, 14:7, 14:21, 22:1, 22:3, 22:6, 24:20, 24:22, 25:27, 25:28, 26:18, 26:25, 27:1, 31:25, 31:29, 32:13, 34:27, 35:24, 43:5, 43:6, 43:9, 43:10, 53:5, 53:7, 53:10, 59:4, 61:12, 61:15, 61:16, 62:1, 62:6, 63:8, 63:11, 63:14, 63:17, 63:26, 63:29, 64:3, 65:11, 65:16, 65:26, 66:1, 66:18, 67:14, 68:26, 69:5, 69:8, 69:12, 70:16, 78:13, 80:17, 80:20, 156:14, 196:24, 212:29, 214:3, 214:6, 214:10, 215:23, 215:25  
**MS** <sup>[31]</sup> - 2:7, 2:7, 2:18, 2:28, 2:28, 2:29, 3:1, 4:7, 4:10, 5:4, 34:23, 65:15, 71:1, 71:2, 80:21, 81:2, 81:3, 111:3, 127:14, 155:26, 156:27, 160:27, 161:18, 178:23, 181:17, 181:19, 183:9, 196:26, 205:20, 212:22, 212:25  
**MULLAN** <sup>[1]</sup> - 2:7  
**Mullingar** <sup>[36]</sup> - 11:26, 84:25, 85:20, 85:22, 86:4, 86:6, 86:7, 86:13, 90:14, 90:16, 91:7, 91:12, 92:4, 93:6, 96:27, 97:11, 113:27, 113:28, 121:15, 121:18, 123:28, 123:29, 180:11, 180:15, 180:20, 180:26, 181:1, 194:2, 194:3, 194:5, 194:12, 194:13, 198:23, 198:24, 199:13, 200:28  
**Mulvey** <sup>[3]</sup> - 87:22, 91:25, 92:16  
**murder** <sup>[1]</sup> - 208:3  
**Murphy** <sup>[16]</sup> - 5:5, 14:6, 24:18, 25:24, 26:28, 32:11, 34:19, 61:23, 61:26, 62:12, 62:23, 64:9, 67:26, 67:27, 69:10, 73:13  
**MURPHY** <sup>[25]</sup> - 2:15, 4:4, 5:8, 5:9, 8:4, 14:7, 14:21, 22:1, 22:3, 22:6, 24:20, 24:22, 25:27, 27:1, 31:25, 31:29, 32:13, 34:27, 35:24, 43:5, 69:8, 69:12, 70:16, 215:23, 215:25  
**Murphy's** <sup>[1]</sup> - 60:28  
**Murray** <sup>[4]</sup> - 193:14, 194:1, 196:10, 197:3  
**must** <sup>[5]</sup> - 52:1, 52:2, 69:1, 195:14, 197:23  
**mutually** <sup>[1]</sup> - 194:12  
**myriad** <sup>[2]</sup> - 203:22, 204:20  
**MÍCHEÁL** <sup>[1]</sup> - 2:15

---

**N**

---

**naked** <sup>[1]</sup> - 204:23  
**name** <sup>[2]</sup> - 72:11, 187:1  
**named** <sup>[2]</sup> - 1:27, 201:22  
**narrative** <sup>[2]</sup> - 106:25, 110:23  
**National** <sup>[1]</sup> - 81:14  
**natural** <sup>[1]</sup> - 131:5  
**nature** <sup>[12]</sup> - 7:1, 50:21, 52:17, 107:2, 108:25, 131:5, 159:25, 159:26, 163:11, 174:16, 189:9, 203:27  
**nearly** <sup>[3]</sup> - 46:2, 46:17, 59:10  
**necessarily** <sup>[5]</sup> - 118:12, 118:14, 131:6, 131:7, 199:28  
**necessary** <sup>[43]</sup> - 6:22, 26:16, 78:25, 83:16, 93:13, 100:7, 100:8, 102:29, 103:29, 112:14, 113:4, 114:4, 119:8, 119:18, 131:13, 135:10, 135:12, 135:16, 138:19, 151:1, 151:3, 151:6, 151:10, 169:14, 170:21, 175:7, 176:28, 178:27, 180:19, 180:23, 181:26, 182:20, 183:6, 183:9, 183:13, 183:20, 183:21, 183:26, 184:2, 196:17, 197:4, 197:19  
**necessity** <sup>[2]</sup> - 140:6, 185:24  
**need** <sup>[15]</sup> - 10:15, 22:24, 23:23, 69:10, 92:6, 115:9, 139:10, 139:29, 164:2, 164:8, 164:11, 168:18, 205:5, 213:20, 215:24  
**needed** <sup>[30]</sup> - 71:18, 72:26, 88:19, 88:20, 90:26, 94:3, 94:15, 101:11, 112:6, 113:19, 113:22, 118:18, 118:19, 121:3, 121:6, 124:8, 124:9, 124:10, 134:15, 141:6, 146:16, 158:22, 165:26, 166:28, 167:22, 169:4, 174:25, 179:8, 180:19, 180:23  
**needs** <sup>[1]</sup> - 20:13  
**negligent** <sup>[1]</sup> - 17:6  
**negotiations** <sup>[2]</sup> - 204:9  
**never** <sup>[46]</sup> - 32:17, 38:11, 41:12, 57:26, 59:3, 59:4, 59:18, 60:24, 61:9, 62:29, 63:23, 64:3, 72:10, 72:11, 120:12, 128:25, 135:18, 140:1, 156:12, 157:16, 157:19,

157:21, 159:26,  
170:20, 184:12,  
185:9, 187:9, 187:13,  
188:24, 188:28,  
188:29, 189:6, 189:7,  
189:27, 190:6,  
190:11, 190:12,  
190:14, 190:25,  
190:28, 190:29,  
191:4, 196:1  
**new** [3] - 78:29,  
200:28, 213:8  
**news** [1] - 59:7  
**newspapers** [1] -  
206:6  
**next** [18] - 12:3,  
13:20, 14:3, 15:2,  
15:14, 16:8, 16:26,  
20:11, 23:6, 26:8,  
40:19, 56:1, 78:13,  
80:7, 80:11, 80:14,  
128:9, 178:13  
**night** [6] - 35:17,  
50:25, 137:24, 150:1,  
173:21, 177:20  
**nine** [3] - 173:21,  
173:22, 173:23  
**NOBLE** [1] - 2:24  
**nobody** [3] - 60:8,  
74:7, 190:21  
**Noel** [5] - 11:26,  
12:3, 12:13, 33:10,  
142:15  
**NOEL** [1] - 3:3  
**nominate** [1] - 87:29  
**nominated** [3] -  
87:15, 88:2, 197:12  
**nominating** [1] -  
86:27  
**nomination** [1] -  
102:20  
**non** [1] - 152:4  
**none** [2] - 78:28,  
102:27  
**normal** [7] - 101:16,  
156:18, 161:5,  
176:21, 176:22,  
192:13  
**normally** [4] -  
102:15, 102:16,  
147:12, 192:13  
**Northern** [1] - 98:26  
**notation** [1] - 130:25  
**note** [47] - 11:19,  
13:2, 40:3, 47:19,  
47:24, 48:4, 48:9,  
49:9, 49:18, 50:13,  
50:28, 54:8, 55:4,  
55:16, 55:23, 56:13,  
56:28, 56:29, 57:4,

58:23, 72:15, 92:28,  
94:29, 127:8, 129:8,  
129:23, 130:7,  
131:18, 132:9,  
132:20, 147:25,  
148:14, 165:9,  
166:18, 167:25,  
168:5, 173:29, 178:3,  
178:6, 179:12,  
179:26, 181:1,  
181:18, 182:9,  
183:18, 192:5, 201:26  
**notebook** [2] - 55:10,  
55:11  
**noted** [4] - 48:12,  
84:19, 84:20, 192:10  
**notes** [10] - 1:27,  
39:10, 39:11, 40:24,  
47:5, 47:6, 58:7,  
130:9, 181:7, 181:21  
**nothing** [11] - 77:7,  
77:29, 80:16, 89:14,  
89:19, 89:21, 141:12,  
159:25, 167:9,  
180:27, 188:18  
**notice** [1] - 171:26  
**notification** [1] -  
92:18  
**notified** [6] - 91:7,  
201:18, 202:6, 202:8,  
202:18, 203:25  
**notifying** [1] - 204:13  
**noting** [1] - 56:8  
**notion** [2] - 108:15,  
108:18  
**novels** [1] - 178:10  
**November** [3] - 82:1,  
82:7, 147:23  
**nub** [1] - 98:3  
**number** [63] - 27:1,  
43:12, 43:25, 44:11,  
45:2, 45:3, 57:7,  
78:18, 80:8, 80:9,  
81:17, 81:23, 82:17,  
82:27, 83:11, 83:17,  
83:19, 84:25, 85:19,  
85:21, 86:10, 86:19,  
87:8, 87:20, 89:3,  
89:20, 90:4, 91:1,  
97:18, 98:12, 98:17,  
103:21, 103:22,  
103:26, 104:18,  
104:19, 106:23,  
112:29, 115:3, 131:9,  
132:26, 133:7,  
136:21, 136:24,  
136:25, 142:15,  
142:18, 142:20,  
143:2, 147:12,  
148:29, 149:2,

153:16, 160:21,  
169:2, 169:17, 172:3,  
177:14, 177:17,  
192:15, 200:16,  
210:20  
**numbers** [1] - 141:26  
**numerous** [4] -  
13:27, 14:13, 14:25,  
28:3  
**NÓIRÍN** [2] - 4:9,  
81:1  
**Noirín** [2] - 137:20,  
194:24

## O

**O'Brien** [9] - 87:15,  
88:3, 89:4, 89:17,  
90:7, 91:16, 195:5,  
197:12, 198:26  
**O'BRIEN** [1] - 2:30  
**O'Brien's** [1] - 96:1  
**O'HIGGINS** [1] - 2:15  
**O'Higgins** [54] -  
6:17, 22:10, 22:27,  
23:8, 23:28, 36:22,  
37:1, 44:1, 59:9,  
64:24, 65:1, 65:14,  
67:16, 67:19, 67:22,  
67:29, 68:3, 68:11,  
68:29, 70:13, 79:28,  
80:4, 96:7, 98:11,  
98:22, 99:2, 99:23,  
125:6, 127:29,  
131:27, 135:8,  
135:11, 146:11,  
150:29, 154:28,  
162:1, 162:27, 166:7,  
171:25, 172:23,  
186:8, 191:13,  
193:10, 195:10,  
198:6, 199:9, 201:27,  
203:5, 205:23, 210:2,  
211:3, 211:11,  
211:19, 212:2  
**O'Higgins'** [4] -  
132:11, 201:5, 203:9,  
211:21  
**O'LEARY** [1] - 3:2  
**O'Leary** [35] - 46:22,  
161:2, 161:4, 161:6,  
161:18, 162:20,  
165:7, 165:13,  
165:15, 165:18,  
165:22, 165:29,  
166:5, 166:13, 167:8,  
167:15, 167:19,  
167:26, 168:3, 168:9,  
168:13, 168:19,  
169:6, 169:16, 172:3,

172:15, 173:11,  
173:13, 177:17,  
177:20, 177:24,  
202:8, 202:16,  
202:18, 203:16  
**O'Leary's** [7] -  
164:29, 166:23,  
167:11, 167:23,  
173:29, 178:3, 203:10  
**O'Sullivan** [38] -  
21:13, 80:21, 81:3,  
88:6, 92:24, 94:2,  
95:1, 95:16, 101:14,  
103:8, 104:4, 109:6,  
111:3, 112:24,  
118:11, 122:4,  
122:17, 124:15,  
125:19, 129:2,  
129:28, 131:2,  
131:15, 137:20,  
140:18, 147:22,  
151:28, 161:29,  
168:3, 174:26,  
186:26, 188:26,  
189:10, 190:23,  
192:7, 194:24, 205:9,  
206:23  
**O'SULLIVAN** [2] -  
4:9, 81:1  
**O'Sullivan's** [1] -  
78:18  
**objective** [2] -  
106:18, 184:20  
**obligation** [3] -  
88:22, 94:8, 98:5  
**obligations** [1] -  
172:28  
**obtain** [3] - 111:17,  
116:29, 152:24  
**obtained** [1] - 115:1  
**obtaining** [1] - 100:2  
**obvious** [2] - 103:12,  
208:8  
**obviously** [18] - 25:3,  
30:21, 36:6, 71:28,  
71:29, 78:4, 80:2,  
80:17, 96:16, 118:17,  
119:20, 129:7,  
138:20, 144:24,  
158:21, 180:21,  
183:1, 186:6  
**occasion** [7] - 6:24,  
9:15, 64:28, 86:22,  
88:17, 192:24, 192:25  
**occasions** [3] - 67:4,  
215:4  
**occupied** [1] - 29:16  
**occupying** [3] - 73:5,  
177:27, 177:29  
**occurred** [10] -

54:11, 54:27, 55:17,  
59:29, 61:4, 91:11,  
119:15, 164:1,  
168:17, 210:28  
**October** [3] - 39:8,  
39:14, 65:21  
**October/November**  
[1] - 61:4  
**OF** [4] - 1:3, 1:9,  
1:12, 2:3  
**offence** [1] - 63:20  
**offer** [3] - 130:24,  
170:28, 187:26  
**offered** [1] - 86:23  
**offering** [1] - 181:6  
**OFFICE** [2] - 2:18,  
3:6  
**office** [13] - 25:11,  
28:12, 30:4, 50:13,  
55:9, 86:16, 87:4,  
92:11, 149:9, 171:4,  
171:5, 194:21, 197:15  
**Office** [7] - 104:25,  
105:1, 105:9, 200:11,  
201:20, 202:6  
**Officer** [1] - 201:18  
**officer** [17] - 90:29,  
98:21, 98:24, 99:22,  
99:26, 100:12, 101:1,  
101:18, 102:18,  
107:11, 115:19,  
115:23, 120:29,  
125:5, 159:18, 172:22  
**officers** [7] - 8:26,  
9:5, 9:9, 84:21,  
174:13, 174:29,  
176:19  
**offices** [1] - 85:11  
**official** [8] - 18:2,  
18:4, 29:13, 46:22,  
57:20, 60:16, 60:21  
**officials** [7] - 43:12,  
43:13, 166:4, 167:6,  
192:15, 192:17,  
203:12  
**Oireachtas** [1] - 98:7  
**Oliver** [1] - 13:17  
**Ombudsman** [1] -  
208:18  
**ON** [4] - 1:6, 1:10,  
1:18, 5:1  
**on-the-ground** [2] -  
174:23, 175:20  
**once** [8] - 97:16,  
97:23, 97:25, 104:23,  
105:8, 124:13,  
143:22, 215:5  
**one** [63] - 6:22, 7:25,  
17:2, 19:1, 28:6, 32:5,  
35:21, 42:18, 43:26,

44:27, 49:24, 53:11,  
60:1, 60:24, 64:24,  
66:12, 67:6, 67:12,  
67:15, 67:18, 68:6,  
69:17, 69:19, 69:27,  
70:22, 72:3, 82:18,  
82:20, 84:3, 87:10,  
87:20, 89:11, 92:26,  
93:2, 93:9, 101:16,  
110:1, 110:8, 117:25,  
118:12, 118:13,  
123:3, 131:1, 132:16,  
136:12, 144:11,  
150:12, 153:24,  
154:10, 155:28,  
155:29, 156:9,  
158:16, 160:23,  
170:13, 173:16,  
177:15, 177:16,  
177:20, 204:17,  
214:17, 214:25  
**One** [1] - 37:3  
**one-third** [1] - 19:1  
**ones** [1] - 16:15  
**ongoing** [19] - 86:14,  
104:18, 104:19,  
161:7, 165:20, 166:3,  
169:2, 174:27,  
175:19, 176:13,  
176:16, 176:17,  
197:18, 198:22,  
199:12, 201:25,  
204:14, 212:6  
**onslaught** [1] - 5:18  
**onward** [1] - 203:11  
**onwards** [2] - 31:7,  
135:26  
**open** [5] - 34:23,  
82:1, 89:12, 151:20,  
154:22  
**opened** [5] - 116:22,  
116:24, 189:12,  
190:23, 190:26  
**opening** [3] - 114:21,  
162:4, 163:21  
**operate** [1] - 83:23  
**operated** [1] - 98:14  
**operation** [12] -  
111:27, 112:5,  
136:22, 143:4,  
147:28, 148:2,  
174:28, 175:20,  
176:13, 176:17,  
176:28, 178:14  
**operational** [4] -  
172:11, 177:3,  
201:24, 203:21  
**Operations** [1] -  
81:27  
**operations** [1] -

127:5  
**opinion** [4] - 17:8,  
181:7, 184:15, 187:17  
**opportune** [1] -  
137:28  
**opportunity** [14] -  
97:5, 97:16, 120:16,  
138:7, 138:26,  
138:27, 145:5, 147:9,  
147:11, 157:5, 158:2,  
184:12, 184:13,  
184:19  
**opposed** [2] - 68:20,  
104:22  
**opposite** [5] - 70:22,  
190:1, 190:13,  
190:29, 191:6  
**option** [3] - 86:26,  
87:24, 87:27  
**options** [1] - 87:20  
**oral** [2] - 77:2, 77:3  
**ordeal** [1] - 209:3  
**order** [5] - 89:18,  
157:1, 177:26,  
189:26, 213:12  
**ordered** [1] - 191:13  
**organisation** [18] -  
27:23, 83:14, 83:29,  
94:15, 102:1, 102:9,  
104:10, 106:23,  
110:24, 124:29,  
126:1, 131:3, 133:3,  
133:5, 170:5, 200:5,  
206:3  
**organisational** [1] -  
91:22  
**organise** [4] -  
104:24, 104:26,  
203:28, 203:29  
**organised** [4] - 5:20,  
81:8, 104:5, 105:3  
**organising** [1] - 99:1  
**original** [1] - 50:3  
**OSMOND** [2] - 2:19,  
3:7  
**OTHER** [1] - 1:4  
**otherwise** [6] -  
25:20, 29:15, 30:23,  
147:2, 148:24, 172:14  
**ourselves** [3] -  
124:11, 202:27,  
203:19  
**outcome** [3] -  
173:26, 211:26, 212:1  
**outlets** [1] - 206:7  
**outline** [1] - 81:3  
**outlined** [4] - 28:18,  
66:28, 85:24, 137:16  
**outset** [6] - 9:20,  
13:26, 48:29, 124:19,

132:25, 189:23  
**outside** [2] - 40:14,  
205:23  
**over-emphasise** [1] -  
178:1  
**overall** [11] - 24:29,  
59:8, 81:20, 90:19,  
109:1, 109:2, 111:6,  
135:4, 163:17,  
164:17, 182:12  
**overnight** [1] -  
204:29  
**overseeing** [1] - 42:1  
**overseen** [1] -  
184:22  
**oversight** [2] -  
174:18, 187:4  
**overview** [1] -  
184:11  
**own** [13] - 48:19,  
49:10, 58:22, 67:20,  
68:17, 84:6, 100:23,  
103:7, 117:19,  
128:17, 184:4, 184:17

---

**P**

---

**PAC** [1] - 88:9  
**pace** [2] - 100:26,  
100:28  
**PAGE** [1] - 4:2  
**page** [105] - 6:5, 6:6,  
6:7, 6:14, 7:15, 7:16,  
8:24, 11:14, 11:18,  
12:28, 13:11, 13:20,  
13:27, 14:10, 14:11,  
15:14, 16:8, 18:19,  
21:22, 23:5, 23:6,  
24:15, 25:22, 31:19,  
31:21, 32:4, 32:7,  
34:8, 34:23, 36:11,  
36:26, 37:1, 37:27,  
39:5, 39:15, 44:4,  
44:5, 44:6, 45:22,  
47:5, 47:7, 47:8,  
47:12, 47:16, 47:25,  
47:29, 48:4, 48:10,  
48:13, 49:19, 50:28,  
51:2, 51:3, 54:29,  
55:12, 55:13, 55:14,  
58:12, 82:10, 92:23,  
94:12, 95:15, 95:18,  
101:21, 101:23,  
109:5, 109:7, 115:6,  
127:9, 141:24, 142:5,  
143:24, 144:2, 145:8,  
150:21, 150:24,  
153:14, 153:16,  
153:18, 154:8,  
154:22, 155:12,

156:14, 158:26,  
160:17, 160:19,  
160:24, 169:24,  
172:16, 179:13,  
192:6, 193:21,  
193:26, 196:21,  
200:14, 200:17,  
206:20, 208:20  
**pages** [2] - 13:24,  
14:3  
**paginated** [1] - 5:20  
**panel** [1] - 87:24  
**panic** [7] - 210:8,  
210:12, 210:15,  
210:21, 210:22,  
210:25  
**paragraph** [12] -  
14:11, 14:20, 15:2,  
16:26, 19:7, 20:11,  
69:16, 70:6, 127:16,  
168:14, 197:21, 212:7  
**paragraphs** [2] -  
17:16, 115:7  
**parallel** [1] - 165:24  
**paraphrase** [2] -  
111:7, 123:10  
**paraphrasing** [1] -  
111:8  
**pardon** [11] - 12:6,  
24:14, 51:5, 89:25,  
139:25, 154:13,  
160:24, 167:16,  
182:22, 200:16,  
210:13  
**parse** [1] - 26:17  
**part** [21] - 29:24,  
37:4, 58:16, 58:17,  
62:8, 70:2, 77:2, 77:4,  
79:22, 79:24, 79:25,  
84:17, 89:28, 109:25,  
141:13, 141:23,  
150:22, 168:19,  
191:5, 208:17, 212:8  
**parted** [1] - 200:23  
**participated** [1] -  
76:28  
**particular** [29] - 9:17,  
21:12, 35:15, 38:9,  
42:19, 49:9, 72:1,  
92:16, 100:15,  
111:16, 111:29,  
119:4, 129:26, 137:5,  
140:11, 143:13,  
146:29, 151:10,  
157:13, 159:18,  
164:3, 175:14, 176:9,  
177:5, 179:26, 196:6,  
198:27, 199:3, 207:4  
**particularising** [2] -  
89:8, 90:8

**particularly** [16] -  
82:28, 85:17, 92:4,  
94:26, 100:25,  
112:19, 113:24,  
126:16, 133:22,  
142:27, 146:7,  
169:10, 170:24,  
179:3, 180:22, 196:9  
**parties** [6] - 78:15,  
80:10, 152:24, 179:9,  
184:23, 208:25  
**parts** [2] - 36:7,  
108:8  
**pass** [1] - 113:6  
**passage** [2] - 24:17,  
36:20  
**passed** [1] - 53:6  
**PASSED** [1] - 1:5  
**past** [9] - 46:16,  
67:12, 169:22,  
171:10, 171:11,  
171:12, 173:21,  
173:22, 173:23  
**path** [2] - 89:1, 199:3  
**Patrick** [1] - 43:11  
**PATRICK** [2] - 2:6,  
3:4  
**PAUL** [2] - 2:10, 2:27  
**pay** [1] - 204:9  
**people** [51] - 37:11,  
68:14, 68:15, 72:7,  
77:9, 83:15, 88:14,  
88:19, 88:20, 89:4,  
91:7, 91:13, 92:6,  
103:28, 104:10,  
105:7, 106:26, 113:1,  
121:17, 122:21,  
122:29, 123:5,  
123:19, 124:27,  
131:8, 132:7, 140:24,  
146:24, 164:13,  
174:1, 174:23,  
174:28, 175:9,  
175:26, 176:7, 176:8,  
176:19, 178:15,  
178:21, 184:24,  
186:19, 187:19,  
187:22, 187:24,  
188:9, 192:28, 213:3,  
213:11, 213:12,  
213:14, 213:20  
**people's** [1] - 181:7  
**per** [2] - 14:20, 14:21  
**perceived** [5] -  
22:14, 23:1, 23:14,  
24:2, 152:17  
**perception** [6] -  
126:8, 126:15,  
131:11, 132:14,  
195:24, 214:22

**performing** [2] - 103:19, 194:10  
**perhaps** [16] - 11:18, 29:27, 58:12, 87:21, 100:11, 103:7, 104:3, 125:19, 136:26, 147:4, 183:25, 187:3, 189:10, 198:7, 204:15, 214:23  
**period** [7] - 25:19, 50:6, 80:4, 80:5, 177:19, 202:23, 213:8  
**peripheral** [4] - 22:17, 23:17  
**permission** [2] - 118:26, 135:7  
**permission/instruction** [1] - 127:25  
**permission/instructions** [1] - 127:18  
**permit** [1] - 138:10  
**permitted** [3] - 22:12, 23:12, 33:11  
**person** [12] - 19:6, 36:1, 42:19, 72:12, 73:8, 76:20, 87:17, 92:12, 117:28, 121:26, 160:8, 213:17  
**personal** [1] - 175:15  
**personally** [2] - 104:9, 189:8  
**persons** [4] - 19:17, 42:13, 72:12, 186:24  
**perspective** [7] - 97:16, 108:20, 117:12, 128:18, 130:19, 132:6, 181:8  
**pertaining** [6] - 7:19, 13:28, 14:14, 14:26, 208:3, 208:5  
**PETER** [3] - 1:12, 2:2, 2:4  
**petered** [1] - 36:7  
**phone** [84] - 5:15, 44:11, 45:12, 45:13, 45:29, 46:7, 46:14, 49:12, 49:22, 49:24, 49:26, 50:4, 50:9, 51:15, 51:28, 52:3, 52:16, 52:18, 53:22, 54:2, 54:4, 57:25, 58:28, 71:3, 71:11, 72:16, 72:19, 107:12, 135:25, 139:16, 139:21, 139:22, 140:10, 140:11, 140:19, 141:1, 141:3, 141:20, 142:2, 142:12, 142:15, 142:22, 142:25, 142:27, 142:28, 143:1, 143:15, 143:24, 143:29, 144:5, 144:7, 144:8, 145:3, 145:7, 145:11, 145:13, 145:22, 145:27, 148:8, 149:15, 149:26, 149:27, 149:29, 150:3, 150:4, 150:6, 158:7, 158:24, 160:21, 166:19, 167:15, 167:17, 168:8, 168:9, 169:19, 171:11, 172:22, 173:10, 173:12, 177:13, 177:19, 203:16, 210:20  
**phoned** [10] - 45:2, 46:21, 58:27, 101:7, 136:4, 143:22, 144:23, 150:5, 177:6, 203:12  
**phones** [1] - 142:11  
**phoning** [5] - 53:24, 57:2, 57:14, 141:28, 143:25  
**phrase** [4] - 51:11, 53:14, 84:7, 170:15  
**piece** [1] - 90:7  
**pilloried** [1] - 84:7  
**place** [59] - 5:29, 21:16, 21:17, 24:14, 25:19, 28:15, 34:1, 39:16, 45:14, 54:16, 56:22, 59:22, 64:5, 64:12, 86:12, 91:12, 91:25, 92:19, 92:29, 94:26, 95:11, 95:28, 96:4, 99:23, 100:7, 101:19, 103:25, 105:23, 107:8, 111:21, 112:11, 112:19, 113:1, 113:7, 113:15, 113:26, 114:16, 116:20, 119:2, 125:13, 126:10, 126:13, 138:19, 138:28, 139:1, 159:4, 180:20, 180:24, 180:26, 181:4, 188:12, 190:5, 196:17, 197:5, 198:7, 198:25, 207:6, 213:18, 213:23  
**placed** [4] - 17:1, 76:15, 77:9, 203:5  
**places** [1] - 84:8  
**placing** [2] - 17:27, 77:6  
**plain** [1] - 95:3  
**plaintiff** [1] - 70:21  
**planned** [2] - 136:26  
**playing** [1] - 42:24  
**plummeted** [1] - 84:1  
**poignant** [1] - 192:24  
**point** [52] - 8:14, 8:25, 9:21, 14:3, 14:4, 15:15, 16:9, 20:24, 24:21, 25:24, 25:25, 25:27, 26:25, 35:25, 39:14, 49:12, 53:19, 63:26, 67:14, 67:15, 69:4, 69:9, 71:8, 82:18, 83:23, 87:15, 91:22, 100:15, 103:17, 105:10, 113:13, 113:14, 118:1, 118:5, 119:13, 120:19, 123:6, 124:2, 124:6, 124:8, 124:14, 131:29, 132:10, 164:24, 167:4, 174:9, 178:22, 186:26, 195:6, 197:12, 213:7, 214:6  
**pointed** [2] - 69:16, 211:2  
**points** [7] - 7:28, 8:20, 15:11, 16:3, 20:27, 61:17, 70:26  
**police** [3] - 128:18, 174:12, 176:18  
**policies** [2] - 91:29, 93:15  
**policing** [11] - 16:4, 20:28, 64:22, 83:7, 96:17, 149:1, 149:2, 149:11, 176:13, 176:16, 203:29  
**Policing** [1] - 103:24  
**Policy** [1] - 120:29  
**policy** [3] - 87:28, 87:29, 90:10  
**political** [6] - 83:26, 95:2, 106:24, 204:28, 205:13, 205:21  
**politically** [1] - 206:5  
**politicised** [2] - 205:17, 205:26  
**poor** [1] - 64:22  
**portion** [2] - 79:20, 214:12  
**portions** [2] - 62:24, 62:25  
**portray** [1] - 123:6  
**portrayed** [1] - 169:7  
**portraying** [1] - 169:6  
**position** [36] - 6:27, 8:11, 10:14, 12:16, 26:29, 33:29, 38:8, 76:21, 81:29, 82:3, 93:28, 96:28, 125:21, 128:28, 128:29, 144:18, 144:20, 157:16, 162:23, 162:26, 163:28, 164:6, 164:7, 164:12, 164:13, 167:27, 168:16, 169:12, 169:13, 173:3, 178:11, 186:18, 186:29, 188:11, 191:3  
**possession** [2] - 119:19, 211:8  
**possibility** [1] - 56:5  
**possible** [25] - 7:12, 29:28, 34:20, 54:2, 54:15, 60:1, 68:21, 72:29, 89:14, 94:23, 105:6, 117:3, 118:21, 120:23, 126:22, 137:14, 137:21, 148:11, 150:10, 150:11, 153:27, 164:18, 164:25, 182:23, 212:13  
**post** [2] - 80:4, 193:2  
**post-O'Higgins** [1] - 80:4  
**potential** [6] - 87:22, 178:29, 204:8, 204:28, 205:10, 205:13  
**POWER** [1] - 3:4  
**power** [2] - 69:25, 79:29  
**practically** [1] - 167:9  
**practice** [8] - 85:3, 161:5, 191:15, 198:14, 198:21, 200:1, 200:6, 215:8  
**practices** [1] - 48:19  
**preceded** [1] - 30:10  
**preceding** [1] - 169:1  
**precise** [2] - 50:17, 51:21  
**predecessor** [1] - 81:28  
**predecessor's** [1] - 83:1  
**preferable** [2] - 103:3, 199:24  
**preparation** [2] - 5:12, 171:23  
**prepared** [6] - 33:9, 43:18, 140:2, 141:10, 172:1, 186:10  
**preparing** [5] - 52:8, 98:11, 99:1, 99:19, 102:16  
**present** [9] - 17:4, 36:17, 43:12, 59:15, 118:17, 119:21, 162:23, 163:10, 186:18  
**presented** [6] - 104:14, 105:4, 114:25, 174:4, 185:19, 185:21  
**presenting** [1] - 187:20  
**preserved** [1] - 121:28  
**presided** [1] - 76:28  
**President** [1] - 136:29  
**Press** [5] - 200:11, 201:18, 201:20, 202:6  
**press** [3] - 200:20, 202:19, 203:13  
**pressed** [1] - 185:13  
**pressing** [3] - 143:12, 149:2, 149:11  
**pressure** [4] - 71:21, 101:4, 144:14, 185:8  
**pressures** [1] - 42:23  
**presumably** [1] - 99:7  
**presume** [1] - 116:18  
**presumed** [1] - 29:18  
**presuming** [1] - 116:17  
**pretty** [1] - 70:23  
**previous** [18] - 5:21, 7:18, 9:16, 18:24, 39:1, 50:24, 56:24, 99:10, 100:20, 112:11, 141:11, 141:14, 162:8, 170:25, 171:7, 192:22, 192:27, 208:13  
**previously** [7] - 11:6, 11:20, 18:23, 79:24, 80:3, 141:16, 196:4  
**primarily** [1] - 98:14  
**primary** [1] - 160:13  
**Prince** [1] - 112:4  
**printed** [1] - 53:4  
**privacy** [1] - 148:19  
**private** [7] - 21:18, 41:24, 41:29, 86:19, 125:10, 151:6, 178:26  
**privilege** [1] - 79:27  
**privileged** [1] - 40:18

**probationer** [1] - 85:17  
**probed** [1] - 156:17  
**problem** [6] - 49:27, 70:20, 93:5, 194:28, 204:1  
**problem..** [1] - 20:8  
**problems** [2] - 66:28, 204:6  
**procedural** [1] - 85:3  
**procedure** [3] - 88:29, 96:26, 187:5  
**proceed** [6] - 11:11, 38:18, 68:27, 100:9, 181:28, 208:9  
**proceedings** [17] - 21:20, 25:13, 73:1, 75:15, 75:16, 146:11, 170:22, 171:21, 186:7, 192:29, 203:6, 211:21, 211:27, 211:29, 212:1, 213:24  
**proceeds** [1] - 36:10  
**process** [26] - 21:17, 31:4, 31:10, 31:26, 41:3, 42:4, 42:5, 69:14, 78:20, 79:12, 89:16, 89:28, 90:24, 96:6, 101:16, 104:1, 105:19, 105:23, 115:26, 122:10, 122:14, 127:9, 128:29, 151:5, 203:9  
**procure** [1] - 79:29  
**produced** [8] - 35:6, 66:3, 67:8, 74:17, 74:19, 79:16, 129:19, 211:15  
**producing** [1] - 74:15  
**production** [2] - 73:23, 73:28  
**Professional** [1] - 100:19  
**professional** [7] - 79:27, 120:15, 121:5, 168:27, 190:18, 202:2, 213:17  
**profile** [1] - 202:22  
**progress** [3] - 143:5, 147:1, 207:20  
**progressing** [1] - 161:10  
**prominence** [1] - 202:22  
**promoted** [5] - 17:9, 81:11, 81:15, 81:19, 81:26  
**promotion** [17] - 13:29, 14:15, 14:27,

14:29, 17:1, 17:4, 17:7, 17:23, 17:28, 70:1, 76:15, 76:24, 77:10, 77:15, 77:20, 77:26, 78:1  
**prompt** [1] - 127:20  
**proof** [1] - 35:27  
**proper** [6] - 49:8, 128:27, 129:3, 135:10, 162:26, 191:7  
**properly** [2] - 94:27, 176:18  
**proposed** [1] - 162:24  
**proposition** [1] - 60:20  
**prosecution** [2] - 115:16, 117:11  
**Prosecutions** [2] - 116:15, 146:26  
**prospect** [1] - 97:13  
**Protected** [1] - 93:25  
**protected** [7] - 86:25, 93:27, 97:12, 121:19, 121:22, 199:14  
**PROTECTED** [2] - 1:3, 1:4  
**protecting** [2] - 121:23, 164:12  
**protection** [3] - 82:29, 93:16, 197:16  
**proven** [4] - 7:19, 66:2, 106:27, 200:6  
**provide** [8] - 71:21, 97:8, 101:4, 111:22, 111:28, 136:19, 174:15, 187:2  
**provided** [4] - 12:25, 97:5, 116:19, 205:7  
**provides** [2] - 79:20, 79:23  
**providing** [1] - 79:9  
**pub** [4] - 73:16, 74:23, 74:28, 75:10  
**public** [16] - 64:2, 83:25, 83:26, 84:4, 106:24, 124:20, 146:8, 146:9, 146:15, 163:19, 202:22, 204:10, 205:26, 206:5, 206:6  
**Public** [2] - 116:15, 146:25  
**publically** [1] - 88:7  
**publications** [2] - 86:3, 96:28  
**publicly** [1] - 214:18  
**Pulse** [12] - 18:8, 19:17, 65:2, 65:20,

65:24, 65:28, 82:20, 82:22, 83:4, 85:14, 109:12, 110:9  
**punch** [1] - 84:7  
**pure** [1] - 128:15  
**purely** [1] - 138:29  
**purpose** [3] - 43:23, 151:20, 191:22  
**purposes** [1] - 82:4  
**pursue** [5] - 56:10, 56:20, 181:29, 183:11, 184:3  
**pursued** [1] - 31:9  
**pursuing** [1] - 184:4  
**put** [84] - 5:27, 18:22, 20:26, 32:24, 39:4, 42:23, 43:24, 43:25, 48:23, 52:7, 62:12, 63:2, 66:1, 67:27, 68:22, 69:29, 76:1, 91:12, 94:24, 94:26, 95:11, 95:27, 96:9, 99:15, 99:23, 101:19, 103:16, 103:25, 106:20, 108:15, 109:4, 112:14, 113:4, 113:20, 113:22, 114:8, 116:22, 116:28, 118:15, 118:27, 118:28, 119:18, 121:6, 125:12, 126:3, 126:4, 128:16, 129:15, 131:17, 133:7, 135:12, 146:13, 151:6, 151:13, 151:23, 152:1, 152:8, 152:18, 152:19, 153:10, 155:28, 157:28, 166:13, 168:11, 168:15, 168:21, 179:27, 186:16, 188:11, 189:25, 190:5, 191:16, 191:17, 191:22, 191:24, 197:4, 198:7, 198:25, 202:25, 206:1, 206:9, 209:15, 215:3, 215:5  
**puts** [1] - 125:26  
**putting** [6] - 60:27, 85:14, 187:11, 189:4, 189:24, 190:1  
**pyramid** [2] - 21:6, 21:9

## Q

**qualified** [1] - 76:21

**quarter** [2] - 143:15, 169:22  
**quarters** [1] - 42:11  
**QUATTROCIOCCHI** [1] - 3:3  
**QUAY** [1] - 2:12  
**queries** [6] - 146:7, 179:3, 201:20, 202:23, 202:26, 203:18  
**query** [11] - 93:4, 94:4, 200:12, 200:20, 200:22, 202:19, 203:1, 203:2, 203:14, 207:25, 210:5  
**questioned** [4] - 36:21, 40:3, 40:5, 157:27  
**questioning** [17] - 35:21, 40:14, 56:10, 56:21, 128:11, 131:21, 132:22, 133:18, 134:7, 179:18, 181:14, 181:23, 182:1, 186:27, 187:2, 188:6, 199:5  
**questions** [20] - 10:22, 18:7, 32:10, 32:13, 32:14, 32:25, 37:8, 37:17, 40:11, 40:15, 41:9, 42:29, 43:6, 67:25, 86:11, 118:18, 133:29, 197:25, 201:6, 215:15  
**quick** [1] - 139:21  
**quickly** [1] - 174:6  
**quite** [22] - 79:13, 86:8, 95:22, 97:29, 117:3, 118:7, 120:1, 121:26, 124:22, 126:15, 129:19, 148:9, 150:10, 179:2, 187:27, 190:1, 190:29, 191:5, 203:2, 210:23, 211:10

## R

**raise** [6] - 9:18, 88:22, 88:24, 160:3, 172:29, 182:15  
**raised** [13] - 10:29, 26:6, 85:1, 93:4, 115:3, 123:26, 124:23, 131:18, 146:21, 162:10, 201:6, 201:10, 202:28  
**rang** [7] - 48:13, 53:27, 56:9, 57:23,

137:4, 144:8, 181:12  
**rank** [4] - 17:1, 17:4, 27:23, 170:5  
**ranks** [1] - 81:7  
**rapidly** [1] - 10:7  
**rapport** [1] - 196:12  
**rather** [3] - 69:25, 208:24, 213:14  
**rationale** [1] - 129:13  
**re** [8] - 46:27, 46:29, 56:17, 68:8, 68:15, 159:6, 162:19, 165:16  
**RE** [2] - 4:7, 71:1  
**re-confirmed** [6] - 46:27, 46:29, 56:17, 159:6, 162:19, 165:16  
**RE-EXAMINED** [2] - 4:7, 71:1  
**reaching** [2] - 122:6, 124:4  
**reacted** [1] - 162:6  
**reaction** [7] - 71:24, 71:27, 71:28, 72:3, 72:4, 85:25, 164:15  
**read** [16] - 7:9, 31:12, 47:9, 52:25, 52:27, 53:9, 74:24, 149:28, 150:8, 150:11, 150:18, 168:14, 178:10, 185:5, 188:4, 188:15  
**readily** [1] - 204:12  
**reading** [3] - 131:1, 136:6, 150:14  
**real** [5] - 22:14, 23:1, 23:14, 24:2, 204:28  
**realised** [1] - 9:27  
**reality** [2] - 104:28, 174:27  
**really** [13] - 94:19, 104:23, 117:4, 118:13, 145:25, 166:22, 170:28, 183:5, 188:17, 212:25, 212:27, 213:4, 215:24  
**realms** [1] - 131:7  
**reason** [14] - 12:8, 12:18, 12:19, 26:14, 37:9, 88:25, 115:9, 146:24, 152:27, 157:20, 194:23, 194:29, 211:6  
**reasonable** [3] - 38:12, 94:16, 95:5  
**reasonably** [2] - 206:12, 213:18  
**reasons** [4] - 119:20, 129:13, 131:9, 201:24  
**reassured** [1] -

196:16  
**reassuring** [1] - 170:26  
**receipt** [1] - 85:5  
**receive** [1] - 203:2  
**received** [22] - 5:15, 16:23, 79:8, 80:2, 121:7, 140:4, 159:10, 168:27, 169:14, 171:19, 172:19, 183:12, 184:10, 186:3, 194:16, 195:17, 196:2, 197:14, 200:11, 202:26, 203:1, 207:13  
**receiving** [1] - 145:3  
**recent** [2] - 7:10, 201:4  
**recipient** [1] - 61:24  
**recollect** [2] - 72:18, 143:8  
**recollection** [18] - 36:9, 55:16, 57:5, 112:28, 127:7, 147:14, 147:25, 148:6, 148:14, 149:1, 158:29, 164:10, 164:29, 165:9, 166:1, 166:23, 167:25, 172:19  
**recommenced** [1] - 209:15  
**recommend** [1] - 101:28  
**recommendations** [1] - 99:9  
**recommended** [4] - 96:20, 96:23, 97:21, 102:10  
**reconfirm** [4] - 137:8, 141:15, 159:8, 159:9  
**reconfirming** [2] - 183:15, 185:26  
**reconsider** [4] - 67:22, 72:3, 141:18, 198:19  
**reconsidered** [2] - 141:4, 186:6  
**record** [8] - 18:9, 165:6, 165:8, 168:8, 168:9, 173:13, 177:14, 178:5  
**recorded** [3] - 143:25, 179:16, 180:6  
**recording** [3] - 211:7, 211:14, 211:15  
**records** [22] - 18:2, 18:3, 18:4, 19:15, 44:14, 56:28, 56:29, 57:6, 57:25, 65:2, 65:20, 65:25, 109:12, 110:9, 149:8, 167:14, 173:13, 177:14, 181:10, 182:3, 189:11  
**recounting** [1] - 123:15  
**recounts** [1] - 173:24  
**red** [2] - 160:14, 193:4  
**red-flag** [1] - 193:4  
**red-flagging** [1] - 160:14  
**redeployed** [1] - 194:15  
**refer** [8] - 14:5, 14:28, 27:13, 40:1, 41:19, 142:25, 166:2, 166:5  
**reference** [42] - 6:3, 6:9, 6:18, 7:16, 8:15, 8:21, 11:24, 13:21, 14:8, 15:16, 17:17, 18:19, 22:9, 29:1, 34:24, 35:29, 65:1, 65:3, 65:14, 65:15, 65:26, 66:15, 67:17, 72:9, 72:22, 75:10, 77:14, 78:25, 79:12, 80:16, 92:15, 96:13, 99:9, 109:19, 115:4, 115:6, 129:26, 173:7, 192:21, 194:9, 195:9, 206:20  
**references** [1] - 19:20  
**referred** [9] - 11:6, 11:19, 21:5, 24:6, 24:19, 31:21, 95:29, 102:3, 163:20  
**referring** [7] - 8:2, 45:19, 53:16, 66:24, 176:12, 196:23, 206:14  
**refers** [6] - 20:19, 24:12, 172:16, 173:12, 207:23, 209:3  
**refinement** [1] - 68:9  
**reflected** [2] - 154:2, 185:28  
**reflecting** [2] - 48:18  
**reflection** [1] - 181:13  
**reflective** [2] - 55:16, 56:29  
**reforms** [1] - 83:16  
**refusal** [4] - 116:27, 119:1, 129:29, 152:4  
**refused** [5] - 129:24, 129:28, 130:15  
**refusing** [2] - 208:27, 214:3  
**regard** [34] - 42:26, 53:2, 63:7, 71:18, 74:3, 74:27, 75:9, 75:18, 92:20, 98:29, 102:20, 102:26, 104:8, 104:13, 104:16, 105:12, 106:4, 107:8, 111:15, 117:5, 119:8, 119:29, 123:27, 124:3, 166:8, 168:15, 171:26, 186:13, 193:28, 198:12, 198:20, 203:10, 209:2, 209:16  
**regarded** [1] - 19:4  
**regarding** [2] - 151:13, 201:7  
**Region** [3] - 81:21, 81:22, 98:26  
**region** [1] - 16:23  
**REGISTRAR** [1] - 2:4  
**regret** [1] - 185:16  
**regular** [5] - 147:11, 167:5, 174:3, 202:26, 203:19  
**regularly** [1] - 203:15  
**regulations** [2] - 17:22, 18:17  
**reiterate** [1] - 197:23  
**reiterated** [2] - 86:23, 164:22  
**reject** [1] - 69:19  
**rejected** [2] - 38:25, 38:29  
**rejects** [1] - 70:8  
**relate** [3] - 13:4, 16:3, 80:3  
**related** [4] - 112:5, 113:5, 162:7, 163:15  
**relates** [3] - 14:28, 79:28, 200:23  
**relating** [5] - 16:13, 79:16, 110:8, 115:14, 202:24  
**relation** [151] - 5:28, 9:3, 10:15, 10:27, 12:17, 20:28, 25:1, 33:20, 34:17, 34:27, 38:5, 38:6, 39:21, 39:28, 41:8, 43:18, 57:18, 60:17, 61:18, 64:29, 65:2, 65:8, 65:20, 68:26, 71:3, 72:6, 73:11, 73:18, 74:6, 74:24, 74:28, 75:8, 76:25, 78:6, 78:15, 82:15, 83:6, 84:26, 85:2, 85:9, 85:12, 85:16, 85:25, 86:14, 90:16, 91:8, 93:11, 93:18, 93:22, 94:19, 95:24, 96:27, 109:12, 109:18, 110:23, 112:3, 113:10, 114:13, 114:24, 114:28, 116:12, 116:19, 117:22, 118:25, 121:24, 122:24, 122:27, 123:6, 124:12, 127:22, 128:1, 132:18, 133:18, 133:23, 134:1, 134:7, 134:20, 134:22, 136:22, 140:26, 143:4, 146:14, 146:28, 148:3, 148:7, 148:12, 148:19, 154:27, 156:18, 158:28, 161:6, 161:19, 161:29, 162:27, 163:22, 163:28, 164:12, 165:20, 168:23, 169:18, 170:15, 170:18, 171:6, 172:17, 174:11, 175:8, 175:19, 176:6, 176:7, 177:26, 178:12, 179:25, 180:14, 180:15, 183:9, 183:24, 183:27, 183:28, 184:29, 185:1, 185:26, 186:27, 187:1, 189:14, 189:22, 191:16, 193:14, 199:6, 199:10, 202:19, 202:24, 203:17, 206:13, 206:15, 207:24, 207:25, 208:27, 208:28, 209:2, 209:4, 209:5, 209:29, 210:7, 214:18, 214:24, 214:25, 214:26, 215:4  
**relations** [6] - 92:2, 174:20, 199:6, 203:21, 203:25, 204:6  
**Relations** [1] - 87:23  
**relationship** [1] - 196:13  
**relatively** [1] - 5:13  
**relay** [2] - 30:17, 87:17  
**relayed** [8] - 124:6, 141:3, 149:28, 150:12, 183:19, 185:3, 186:3, 193:12  
**relaying** [6] - 12:17, 123:15, 160:1, 160:8, 160:13, 185:8  
**released** [3] - 35:23  
**release** [1] - 35:23  
**released** [3] - 35:20, 112:21, 200:27  
**relevance** [1] - 80:6  
**relevant** [16] - 6:25, 14:6, 22:19, 63:6, 78:26, 79:2, 79:3, 79:5, 79:11, 90:10, 98:16, 98:18, 99:21, 106:17, 189:4, 189:25  
**relied** [3] - 168:27, 190:18, 215:10  
**relying** [1] - 105:6  
**remained** [4] - 81:29, 126:13, 141:14, 196:17  
**remains** [1] - 117:9  
**remark** [5] - 54:16, 54:19, 57:2, 57:13, 57:22  
**remarked** [1] - 65:17  
**remember** [48] - 29:4, 34:20, 42:18, 50:9, 50:10, 51:22, 52:5, 52:29, 54:14, 54:21, 55:19, 58:16, 72:9, 72:14, 75:17, 75:28, 75:29, 76:3, 80:15, 112:26, 115:28, 136:15, 140:12, 142:27, 142:29, 143:1, 144:5, 145:25, 146:2, 146:20, 146:23, 148:2, 148:4, 149:12, 159:1, 161:3, 162:28, 165:14, 166:14, 166:25, 171:15, 180:4, 192:23, 206:16  
**remembered** [7] - 54:8, 147:26, 147:27, 149:7, 149:10, 149:11, 168:4  
**remembering** [1] - 162:13  
**remind** [1] - 69:15  
**reminded** [1] - 197:11  
**remiss** [1] - 181:28  
**remove** [1] - 168:1  
**repeat** [2] - 77:18, 176:11  
**repeated** [1] - 212:15  
**repeatedly** [1] - 166:2

**repercussions** [1] - 203:27  
**repetitive** [1] - 215:20  
**replaced** [2] - 100:17, 100:20  
**replied** [1] - 33:17  
**reply** [1] - 201:19  
**report** [43] - 12:3, 12:4, 12:13, 13:16, 18:29, 19:14, 19:17, 35:10, 35:12, 37:14, 38:23, 38:24, 64:27, 69:17, 73:24, 73:25, 73:28, 74:15, 74:17, 74:18, 79:13, 79:14, 79:15, 79:16, 79:19, 79:20, 83:6, 83:19, 84:15, 84:19, 93:10, 94:6, 94:8, 94:11, 95:14, 97:19, 110:17, 110:20, 115:1, 160:2, 194:29, 205:1  
**Report** [7] - 83:21, 84:29, 85:5, 85:25, 108:21, 133:6, 190:3  
**reported** [11] - 18:3, 18:28, 67:3, 86:7, 91:10, 156:10, 159:25, 159:26, 193:27, 205:4, 205:6  
**Reporting** [1] - 17:21  
**reporting** [4] - 18:1, 201:28, 203:5, 205:1  
**reports** [3] - 83:17, 83:19, 95:6  
**represent** [4] - 27:22, 102:14, 150:28, 170:4  
**representation** [5] - 27:25, 104:24, 170:7, 198:17, 199:25  
**Representative** [2] - 93:21, 93:28  
**representatives** [2] - 172:25, 197:26  
**represented** [9] - 21:19, 42:14, 75:25, 75:26, 184:24, 198:6, 198:17, 200:7, 214:21  
**reputation** [1] - 208:10  
**reputational** [2] - 101:29, 102:9  
**request** [11] - 28:28, 71:25, 71:27, 93:8, 111:18, 140:19, 140:20, 147:7, 194:14, 197:10, 200:27  
**required** [14] - 29:10, 30:29, 48:28, 76:9, 98:28, 100:3, 100:16, 137:18, 140:14, 141:8, 149:3, 158:18, 158:20, 158:23  
**requirement** [3] - 137:8, 179:21, 185:22  
**reserve** [1] - 70:26  
**Reserve** [1] - 88:17  
**resign** [1] - 8:11  
**resignation** [1] - 88:10  
**resile** [1] - 169:13  
**resolution** [3] - 96:10, 96:11, 211:4  
**RESOLUTIONS** [1] - 1:5  
**resolvable** [1] - 73:23  
**resolved** [1] - 68:4  
**resolving** [1] - 89:2  
**Resource** [2] - 81:24, 114:22  
**resource** [1] - 202:4  
**resources** [3] - 95:7, 122:7, 201:23  
**Resources** [4] - 81:16, 90:21, 91:15, 114:26  
**respect** [20] - 37:15, 39:26, 40:15, 50:16, 54:25, 64:13, 65:4, 65:17, 71:29, 74:19, 75:28, 84:21, 86:2, 92:6, 93:5, 93:12, 112:17, 146:3, 147:3, 148:23  
**respectfully** [1] - 69:14  
**respond** [8] - 67:26, 93:7, 145:5, 145:23, 154:25, 156:4, 172:25, 200:22  
**responded** [1] - 37:12  
**responding** [1] - 114:28  
**response** [7] - 37:18, 67:16, 94:24, 200:29, 201:13, 201:20, 203:3  
**responsibility** [6] - 98:25, 105:2, 121:21, 175:5, 176:27, 215:17  
**restore** [2] - 84:4, 97:26  
**restored** [3] - 82:22, 82:25, 83:4  
**restoring** [1] - 92:5  
**restricted** [1] - 82:20  
**restrictions** [2] - 201:28, 203:5  
**result** [3] - 35:2, 42:20, 113:2  
**resulted** [2] - 79:19, 151:16  
**resumed** [5] - 45:11, 46:25, 56:18, 154:7, 210:26  
**RESUMED** [2] - 5:1, 111:1  
**resumes** [1] - 46:26  
**resumé** [1] - 81:4  
**retained** [4] - 91:24, 91:27, 91:29, 101:28  
**retaining** [1] - 102:13  
**retention** [1] - 102:10  
**retired** [5] - 27:24, 82:2, 170:6, 192:16, 198:15  
**retirement** [1] - 81:28  
**returned** [7] - 15:6, 56:1, 67:1, 81:13, 81:22, 86:15, 180:8  
**returning** [1] - 25:11  
**reverberating** [1] - 158:25  
**reverse** [3] - 56:13, 56:19, 146:19  
**revert** [1] - 144:14  
**review** [9] - 31:11, 68:8, 79:4, 82:24, 83:2, 83:7, 84:12, 91:28, 97:20  
**Review** [1] - 93:19  
**reviewed** [5] - 31:15, 80:6, 82:25, 84:12, 186:6  
**reviews** [1] - 83:11  
**revisited** [1] - 200:9  
**rewarded** [1] - 16:29  
**Rice** [2] - 16:19, 97:19  
**ridiculed** [1] - 8:8  
**rightly** [6] - 97:29, 121:26, 124:22, 132:24, 191:1, 211:10  
**rights** [3] - 68:15, 214:1, 215:21  
**ring** [4] - 145:14, 147:16, 161:6, 180:2  
**ringing** [1] - 71:28  
**rise** [1] - 158:4  
**rises** [1] - 160:16  
**road** [2] - 204:22, 205:22  
**ROAD** [1] - 2:25  
**Roche** [1] - 208:4  
**ROGERS** [1] - 2:22  
**role** [12] - 40:15, 41:13, 59:8, 67:27, 82:12, 83:13, 100:1, 100:12, 115:27, 160:12, 163:28, 200:28  
**roles** [1] - 103:20  
**RONAN** [1] - 2:30  
**room** [3] - 70:19, 92:29, 138:25  
**Rooney** [7] - 19:21, 19:29, 22:16, 23:16, 129:24, 129:28, 208:23  
**Rooney's** [2] - 19:23, 71:7  
**rose** [1] - 44:7  
**round** [1] - 120:26  
**routine** [2] - 120:9, 203:18  
**row** [1] - 65:24  
**Royal** [2] - 112:4, 136:23  
**RTÉ** [2] - 200:12, 200:26  
**RTÉ's** [1] - 201:3  
**Ruane** [6] - 92:9, 102:4, 198:13, 198:14, 200:8, 202:5  
**ruled** [2] - 23:28, 183:4  
**rules** [1] - 213:8  
**Rules** [2] - 213:9, 213:22  
**ruling** [12] - 22:9, 22:10, 23:3, 24:4, 24:6, 24:23, 31:3, 42:3, 171:25, 186:8, 193:10  
**run** [1] - 93:20  
**running** [2] - 103:26, 194:19  
**runs** [1] - 13:24  
**Ryan** [22] - 11:20, 29:5, 29:25, 30:2, 30:13, 30:16, 30:19, 30:21, 30:22, 31:16, 31:22, 53:4, 58:29, 60:7, 149:17, 169:18, 171:1, 184:27, 185:14, 205:20, 206:27, 206:28  
**Ryan's** [3] - 58:7, 185:5, 188:15  


---

**S**  


---

**safe** [2] - 184:21, 195:2  
**sake** [1] - 76:10  
**SAME** [1] - 43:21  
**sample** [2] - 14:13, 14:25  
**sanction** [2] - 18:10, 155:20  
**sanctioning** [5] - 132:21, 133:18, 134:7, 134:20, 187:6  
**satisfaction** [1] - 196:8  
**satisfactory** [3] - 102:26, 102:28, 103:3  
**satisfied** [8] - 34:1, 83:3, 120:1, 120:14, 120:27, 121:4, 139:8, 196:12  
**Saturday** [2] - 29:13, 207:24  
**save** [1] - 8:21  
**saw** [11] - 32:17, 59:28, 60:2, 60:5, 60:15, 98:1, 98:4, 98:8, 111:5, 137:4, 195:14  
**sayings** [1] - 69:21  
**SC** [13] - 2:6, 2:6, 2:9, 2:10, 2:15, 2:15, 2:16, 2:22, 2:26, 2:27, 3:4, 207:3, 207:14  
**scale** [2] - 18:6, 155:4  
**schedule** [3] - 78:28, 79:22, 79:25  
**scheduled** [2] - 106:9, 111:24  
**schedules** [1] - 79:19  
**scheduling** [1] - 106:8  
**scope** [4] - 92:15, 93:27, 99:4, 99:7  
**screen** [16] - 7:5, 7:8, 11:15, 11:16, 13:14, 39:5, 40:3, 62:3, 66:16, 66:19, 95:16, 127:10, 141:26, 161:21, 192:6  
**scroll** [4] - 11:17, 12:6, 155:29  
**scrolled** [1] - 21:27  
**SEAN** [1] - 2:11  
**SEANAD** [1] - 1:6  
**search** [2] - 6:24, 79:10  
**searched** [1] - 78:24  
**second** [22] - 8:14, 14:11, 20:11, 44:14, 45:20, 46:12, 49:3,



53:28, 54:5, 54:13,  
56:9, 79:22, 79:27,  
90:1, 91:3, 93:16,  
138:5, 138:12,  
142:22, 153:11,  
153:26, 181:12  
**second-next** [1] -  
20:11  
**secondly** [3] - 62:6,  
201:3, 214:10  
**seconds** [5] - 44:15,  
44:25, 45:13, 46:3,  
49:25  
**secretary** [10] -  
86:20, 93:23, 147:1,  
147:10, 148:17,  
148:28, 161:1,  
192:11, 192:14,  
192:18  
**Secretary** [14] - 45:4,  
161:6, 161:15, 165:7,  
165:13, 165:15,  
165:18, 165:21,  
165:28, 166:5,  
166:22, 167:7,  
167:19, 202:29  
**section** [3] - 31:9,  
121:1  
**Section** [2] - 94:5,  
95:13  
**section-by-section**  
[1] - 31:9  
**security** [18] -  
111:27, 112:5,  
136:22, 137:1, 143:4,  
147:15, 147:27,  
148:2, 149:1, 149:2,  
149:11, 166:13,  
174:20, 175:3,  
175:24, 178:14,  
204:16, 204:27  
**Security** [3] - 81:26,  
112:2, 161:16  
**see** [90] - 7:8, 8:14,  
8:20, 11:22, 11:24,  
13:21, 14:1, 14:8,  
23:26, 27:5, 27:21,  
30:11, 30:27, 32:7,  
32:20, 32:28, 36:28,  
37:24, 38:15, 43:27,  
44:11, 44:27, 45:5,  
45:7, 45:27, 46:3,  
46:20, 47:24, 48:12,  
48:25, 49:22, 50:29,  
51:8, 51:10, 55:3,  
55:28, 62:2, 62:3,  
62:23, 64:19, 65:29,  
66:18, 69:5, 72:29,  
73:9, 77:19, 77:22,  
77:25, 91:14, 91:22,  
93:24, 94:21, 99:29,  
101:21, 102:7,  
127:16, 127:22,  
129:24, 138:10,  
140:24, 141:27,  
143:23, 150:22,  
150:26, 154:15,  
155:12, 155:18,  
156:12, 158:9,  
160:28, 166:2, 166:8,  
166:10, 169:27,  
170:3, 172:2, 180:1,  
180:6, 180:25,  
181:10, 182:23,  
185:24, 193:26,  
199:16, 199:22,  
202:12, 207:8,  
207:13, 207:26,  
213:18  
**seek** [9] - 33:12,  
60:5, 148:22, 163:7,  
180:11, 180:12,  
193:1, 210:3, 210:10  
**seeking** [8] - 10:6,  
24:22, 56:5, 146:25,  
146:27, 167:1, 198:16  
**seem** [1] - 45:13  
**seized** [1] - 65:21  
**seizure** [1] - 204:26  
**seizures** [2] -  
136:25, 204:13  
**seminars** [1] - 92:3  
**send** [4] - 12:13,  
28:1, 28:5, 28:10  
**sending** [1] - 28:8  
**senior** [16] - 8:25,  
9:5, 9:8, 20:6, 84:20,  
121:11, 122:19,  
123:5, 128:7, 135:14,  
151:14, 152:4,  
157:29, 159:17,  
198:8, 199:7  
**Senior** [1] - 91:27  
**sense** [12] - 49:6,  
50:22, 62:15, 62:29,  
128:2, 128:15,  
128:22, 137:26,  
153:4, 159:12, 159:22  
**sensible** [1] - 150:17  
**sensitive** [12] -  
111:27, 117:17,  
117:23, 117:25,  
117:26, 118:22,  
120:9, 121:16, 127:5,  
136:22, 146:8  
**sensitivities** [1] -  
41:25  
**sensitivity** [5] -  
117:8, 117:9, 117:13,  
119:26, 164:11  
**sent** [14] - 17:4, 27:2,  
27:10, 30:12, 45:8,  
45:9, 66:29, 78:18,  
143:27, 144:29,  
149:17, 150:1, 150:2,  
201:19  
**Sent** [1] - 12:4  
**sentence** [2] - 40:19,  
61:10  
**separate** [10] -  
13:14, 97:6, 117:25,  
122:10, 136:28,  
153:23, 198:7,  
199:25, 200:23, 201:3  
**separately** [4] -  
75:24, 75:26, 90:16,  
198:22  
**sepia** [1] - 67:13  
**sepia-toned** [1] -  
67:13  
**September** [2] -  
34:29, 82:3  
**sequence** [19] -  
20:20, 43:27, 54:11,  
54:27, 56:29, 57:6,  
72:19, 135:29, 136:6,  
140:10, 145:2, 159:1,  
162:2, 166:20,  
177:25, 178:2, 178:4,  
178:5, 182:11  
**Sergeant** [284] - 7:2,  
7:20, 9:4, 10:18,  
13:21, 13:27, 18:25,  
19:2, 19:7, 19:10,  
20:26, 22:13, 23:13,  
32:4, 32:24, 33:17,  
33:28, 35:8, 35:29,  
36:21, 37:5, 62:28,  
64:22, 65:5, 65:19,  
66:4, 67:19, 68:28,  
69:23, 73:11, 73:27,  
74:8, 74:26, 82:15,  
82:19, 84:11, 84:16,  
84:21, 84:24, 85:2,  
85:19, 85:21, 85:29,  
86:5, 86:10, 86:13,  
86:15, 86:16, 86:21,  
86:23, 87:10, 87:16,  
87:19, 87:28, 88:6,  
88:25, 88:26, 89:2,  
89:10, 89:23, 90:2,  
90:8, 90:15, 90:23,  
91:2, 91:4, 91:6,  
91:10, 91:20, 91:26,  
92:13, 92:20, 93:4,  
93:12, 93:17, 93:26,  
94:17, 94:26, 95:3,  
95:7, 95:11, 95:24,  
95:29, 96:27, 97:2,  
97:9, 97:11, 97:14,  
98:1, 103:9, 103:12,  
108:9, 108:13,  
108:23, 109:11,  
112:16, 112:20,  
113:6, 113:9, 113:26,  
114:1, 115:3, 115:12,  
116:26, 116:28,  
118:1, 118:5, 118:7,  
118:29, 119:4, 119:5,  
119:15, 120:5,  
121:11, 121:14,  
121:17, 121:19,  
121:22, 121:24,  
121:29, 122:8,  
122:22, 123:7,  
123:16, 123:24,  
124:4, 124:17,  
124:22, 124:28,  
125:11, 125:23,  
125:28, 126:7,  
126:14, 128:7,  
128:11, 128:19,  
128:24, 128:26,  
129:14, 129:15,  
129:29, 130:14,  
130:16, 130:22,  
131:2, 131:10,  
131:19, 131:28,  
131:29, 132:8,  
132:10, 132:13,  
132:22, 132:24,  
132:27, 133:13,  
133:15, 133:22,  
134:7, 134:11,  
134:17, 134:25,  
135:3, 135:13,  
137:18, 138:19,  
138:28, 139:1,  
139:17, 140:26,  
146:14, 151:7,  
151:13, 151:16,  
151:18, 151:22,  
152:3, 152:6, 152:8,  
152:21, 153:2, 153:7,  
155:10, 155:22,  
156:22, 157:19,  
157:26, 162:6, 162:8,  
162:9, 163:23,  
164:12, 165:24,  
166:8, 166:29,  
168:24, 169:2,  
171:26, 173:25,  
177:28, 179:18,  
180:10, 180:20,  
180:22, 183:27,  
184:5, 186:25,  
186:27, 187:10,  
187:13, 187:15,  
188:22, 188:24,  
188:28, 188:29,  
189:7, 189:18,  
189:22, 189:23,  
189:28, 190:3, 190:9,  
190:15, 191:1, 191:5,  
191:19, 193:13,  
193:28, 194:10,  
194:16, 194:18,  
194:20, 194:21,  
194:25, 194:27,  
195:4, 195:9, 195:23,  
195:25, 196:6,  
196:13, 196:16,  
197:1, 197:5, 197:11,  
197:15, 197:24,  
198:10, 198:23,  
198:28, 199:3,  
199:12, 199:13,  
200:2, 200:4, 200:24,  
200:26, 201:1, 201:7,  
201:10, 202:21,  
202:24, 202:25,  
203:17, 205:10,  
205:12, 205:16,  
207:4, 208:9, 208:18,  
208:20, 209:5, 210:7,  
210:17, 211:7,  
211:14, 211:24,  
211:28, 214:18,  
215:11  
**sergeant** [8] - 81:9,  
135:6, 194:11,  
194:14, 194:22,  
195:1, 202:5  
**series** [13] - 7:28,  
15:11, 20:19, 20:27,  
48:25, 50:4, 91:19,  
92:3, 107:18, 118:16,  
135:25, 140:18, 145:3  
**serious** [22] - 9:12,  
9:13, 15:27, 16:15,  
17:27, 18:5, 19:14,  
19:15, 19:25, 63:7,  
63:8, 65:28, 72:2,  
104:20, 106:22,  
108:22, 108:25,  
164:14, 174:16,  
174:19, 174:24,  
178:14  
**seriously** [6] - 9:7,  
9:10, 41:20, 74:27,  
83:27, 127:3  
**served** [4] - 5:27,  
6:14, 7:10, 10:8  
**Service** [3] - 90:27,  
112:2  
**service** [7] - 17:24,  
143:6, 191:28, 192:1,  
197:9, 198:26, 203:29  
**Services** [1] - 1:25  
**SERVICES** [1] - 1:30  
**services** [4] - 91:25,

91:27, 91:29, 197:8  
**servicing** [5] - 27:23, 169:10, 170:5, 192:16, 198:15  
**session** [1] - 201:4  
**set** [8] - 5:28, 78:27, 79:12, 85:10, 98:10, 162:3, 163:18, 213:8  
**sets** [3] - 20:20, 79:25, 95:26  
**setting** [5] - 85:11, 88:20, 95:6, 124:21, 207:3  
**seven** [9] - 71:11, 115:6, 136:1, 136:16, 136:17, 169:22, 171:10, 171:11, 171:12  
**several** [7] - 7:24, 53:3, 55:21, 121:1, 177:29, 179:17, 205:2  
**sexual** [3] - 8:18, 15:27, 214:24  
**SGT** [1] - 2:9  
**shadowed** [1] - 18:23  
**SHANE** [1] - 2:15  
**sharing** [1] - 85:16  
**SHIP** [2] - 2:19, 3:7  
**shocking** [1] - 20:17  
**shoes** [2] - 106:20, 125:26  
**shoot** [3] - 32:25, 37:8, 37:17  
**short** [10] - 19:1, 50:6, 51:12, 81:16, 81:22, 136:13, 136:17, 142:2, 145:22, 161:11  
**shortcoming** [1] - 85:12  
**shortcomings** [10] - 84:9, 85:2, 85:9, 97:28, 106:28, 108:6, 110:18, 119:7, 132:28, 133:25  
**shorthand** [1] - 51:11  
**shortly** [2] - 153:12, 172:20  
**show** [3] - 57:7, 77:28, 94:15  
**showed** [2] - 67:2, 78:4  
**shown** [8] - 6:5, 7:4, 11:14, 12:28, 13:11, 21:22, 25:22, 31:19  
**sic** [2] - 104:5, 198:1  
**side** [2] - 72:24, 130:12  
**sides** [2] - 152:20, 190:24  
**sight** [1] - 73:26  
**sign** [1] - 105:16  
**significance** [2] - 9:28, 130:6  
**significant** [1] - 57:7  
**signing** [1] - 28:7  
**silently** [1] - 68:21  
**similar** [2] - 6:23, 203:2  
**similarly** [2] - 53:20, 61:3  
**simple** [3] - 74:15, 104:28, 146:24  
**simply** [1] - 189:29  
**sincerely** [1] - 151:26  
**single** [3] - 6:22, 64:24, 206:3  
**sit** [3] - 26:16, 120:27, 184:1  
**sitting** [3] - 46:15, 68:20, 213:18  
**situation** [8] - 72:20, 103:7, 119:29, 120:1, 175:3, 187:15, 199:18, 205:21  
**situations** [1] - 36:4  
**six** [9] - 33:21, 44:15, 45:26, 51:13, 52:11, 52:16, 150:6, 153:13, 215:12  
**six-minute** [3] - 45:26, 52:16, 153:13  
**skill** [1] - 190:19  
**small** [3] - 7:14, 80:9, 147:22  
**SMYTH** [1] - 2:26  
**Smyth** [22] - 9:17, 9:26, 13:8, 22:21, 23:20, 32:13, 32:14, 32:22, 33:3, 45:17, 46:10, 46:27, 56:17, 112:12, 154:15, 154:23, 154:29, 155:13, 158:25, 207:3, 207:13, 207:28  
**Smyth's** [2] - 206:14, 207:27  
**Sole** [6] - 99:15, 137:29, 138:10, 171:24, 183:3, 190:21  
**SOLE** [2] - 1:12, 2:2  
**solely** [1] - 67:25  
**SOLICITOR** [1] - 2:7  
**Solicitor** [2] - 104:25, 105:1  
**solicitor** [1] - 11:21  
**SOLICITOR'S** [2] - 2:18, 3:6  
**Solicitor's** [1] - 105:9  
**Solicitors** [1] - 78:22  
**SOLICITORS** [1] - 2:24  
**someone** [2] - 26:14, 63:6  
**sometimes** [4] - 42:10, 138:21, 174:5, 204:28  
**somewhat** [5] - 25:25, 117:24, 131:2, 152:8, 173:24  
**soon** [3] - 51:17, 67:20, 212:24  
**Sorry** [1] - 87:6  
**sorry** [58] - 7:9, 7:15, 14:10, 14:16, 21:24, 23:5, 23:6, 23:7, 23:9, 24:10, 24:11, 24:15, 25:24, 27:6, 27:7, 28:25, 33:24, 34:22, 40:2, 40:23, 47:7, 51:5, 51:21, 59:20, 61:6, 61:22, 61:24, 71:26, 72:23, 77:18, 113:28, 114:27, 120:16, 134:9, 137:8, 139:25, 140:28, 141:23, 142:7, 146:4, 150:23, 156:6, 160:18, 160:24, 173:19, 181:15, 182:14, 184:13, 190:11, 192:7, 196:25, 199:29, 206:19, 206:20, 211:25  
**sort** [3] - 96:3, 105:14, 203:29  
**sought** [8] - 10:29, 27:24, 55:26, 93:10, 108:23, 115:1, 170:6, 179:23  
**sound** [1] - 120:4  
**sounded** [1] - 137:12  
**speaking** [15] - 30:13, 59:1, 72:7, 72:9, 138:24, 144:25, 146:2, 147:23, 148:3, 148:4, 148:6, 167:15, 171:9, 176:7  
**speaks** [2] - 38:24, 63:22  
**Special** [1] - 172:12  
**specialist** [1] - 81:12  
**specific** [25] - 50:16, 58:20, 62:21, 62:22, 64:16, 72:21, 72:22, 73:10, 73:12, 87:10, 89:5, 91:6, 91:8, 113:13, 113:17, 118:22, 146:1, 147:13, 147:24, 148:6, 148:14, 151:12, 153:24, 182:1, 197:7  
**specifically** [20] - 41:13, 50:10, 69:1, 69:18, 91:16, 93:21, 105:22, 107:24, 115:28, 116:6, 116:11, 143:8, 146:23, 148:20, 149:13, 158:17, 162:28, 165:27, 180:4, 182:15  
**specifically'** [1] - 116:7  
**specifics** [2] - 90:23, 143:1  
**speculation** [4] - 58:14, 58:15, 58:17, 131:7  
**speed** [1] - 10:13  
**speedily** [1] - 89:13  
**speedy** [1] - 101:5  
**spend** [5] - 26:16, 112:1, 132:17, 142:12, 143:14  
**spending** [1] - 95:6  
**spent** [3] - 67:10, 81:11, 81:16  
**spilled** [1] - 83:1  
**spiralled** [1] - 133:14  
**spirit** [1] - 87:28  
**spoken** [9] - 58:21, 106:5, 106:6, 112:9, 114:13, 135:18, 137:24, 138:13, 167:19  
**SREENAN** [1] - 2:27  
**stage** [52] - 5:13, 7:2, 29:4, 30:14, 31:2, 35:7, 36:11, 36:20, 39:20, 49:7, 49:8, 72:1, 75:13, 80:4, 80:12, 82:11, 82:16, 88:5, 99:13, 100:13, 106:12, 107:22, 112:26, 119:7, 121:9, 135:18, 135:22, 135:23, 140:27, 144:15, 144:16, 144:26, 145:12, 152:7, 153:20, 154:6, 154:16, 154:20, 155:21, 156:26, 157:10, 158:17, 159:14, 162:17, 162:29, 165:17, 179:1, 186:5, 198:18, 199:23, 200:9, 214:29  
**stance** [1] - 168:23  
**stand** [1] - 184:4  
**standards** [4] - 8:11, 20:28, 38:13, 202:3  
**Standards** [1] - 100:19  
**standards..** [1] - 38:13  
**start** [2] - 44:6, 107:20  
**started** [7] - 91:19, 97:28, 99:19, 114:25, 130:27, 134:1  
**starting** [3] - 9:21, 10:12, 142:13  
**state** [4] - 102:26, 102:28, 204:1, 204:16  
**STATE** [2] - 2:18, 3:6  
**State** [7] - 78:22, 84:5, 104:25, 105:1, 105:9, 174:20, 175:24  
**statement** [16] - 25:5, 25:7, 27:9, 27:13, 66:2, 82:5, 142:26, 149:10, 161:18, 162:4, 163:21, 172:15, 208:17, 208:19, 208:28, 209:2  
**states** [2] - 17:22, 208:20  
**stating** [1] - 194:29  
**Station** [3] - 15:5, 93:6, 96:27  
**stationed** [1] - 85:20  
**stayed** [1] - 150:6  
**stenographic** [1] - 1:27  
**STENOGRAPHY** [1] - 1:30  
**stenography** [1] - 1:25  
**step** [3] - 88:11, 101:3, 130:26  
**steps** [3] - 95:23, 98:9, 98:29  
**still** [8] - 13:13, 83:29, 132:11, 133:11, 141:6, 141:14, 158:18, 176:26  
**stop** [2] - 22:16, 23:16  
**strands** [1] - 91:1  
**strategy** [5] - 60:2, 60:18, 60:27, 163:17

**Strategy** <sup>[1]</sup> - 102:5  
**strays** <sup>[2]</sup> - 40:14  
**STREET** <sup>[3]</sup> - 2:19, 2:31, 3:7  
**stress** <sup>[2]</sup> - 42:18, 195:26  
**stressful** <sup>[2]</sup> - 138:22, 180:21  
**strict** <sup>[1]</sup> - 203:5  
**strictly** <sup>[1]</sup> - 41:29  
**strike** <sup>[2]</sup> - 203:26, 204:8  
**strong** <sup>[2]</sup> - 170:24, 208:9  
**strongly** <sup>[1]</sup> - 162:6  
**structure** <sup>[4]</sup> - 99:5, 99:14, 99:18, 99:22  
**structures** <sup>[2]</sup> - 100:8, 125:12  
**stuff** <sup>[1]</sup> - 26:28  
**subject** <sup>[1]</sup> - 151:12  
**submission** <sup>[3]</sup> - 69:18, 70:7, 213:28  
**submissions** <sup>[8]</sup> - 21:6, 70:18, 70:26, 208:5, 212:4, 212:6, 212:8  
**submitted** <sup>[1]</sup> - 212:5  
**subsequent** <sup>[4]</sup> - 86:29, 139:16, 149:27, 211:27  
**subsequently** <sup>[7]</sup> - 88:2, 90:20, 141:3, 149:29, 163:19, 173:5, 195:19  
**subsisted** <sup>[1]</sup> - 70:11  
**substance** <sup>[2]</sup> - 36:8, 113:10  
**substantial** <sup>[2]</sup> - 34:2, 35:27  
**substantiated** <sup>[1]</sup> - 16:17  
**substantive** <sup>[3]</sup> - 48:21, 51:19, 52:19  
**subtleties** <sup>[1]</sup> - 68:24  
**succeeded** <sup>[1]</sup> - 213:10  
**successfully** <sup>[1]</sup> - 55:24  
**succession** <sup>[1]</sup> - 139:22  
**successor** <sup>[1]</sup> - 199:19  
**sufficient** <sup>[1]</sup> - 133:9  
**suggest** <sup>[13]</sup> - 26:6, 29:27, 56:2, 63:23, 64:11, 64:21, 64:28, 65:4, 131:15, 132:3, 168:2, 187:4, 190:9  
**suggested** <sup>[16]</sup> - 25:28, 37:16, 63:24, 64:4, 106:25, 128:5, 130:14, 164:3, 164:24, 180:25, 189:6, 190:11, 190:12, 190:13, 190:14, 190:16  
**suggesting** <sup>[17]</sup> - 22:18, 23:18, 26:18, 52:17, 62:27, 63:1, 63:8, 63:18, 64:3, 118:11, 145:24, 176:5, 188:2, 188:3, 190:27, 191:18, 213:16  
**suggestion** <sup>[3]</sup> - 140:7, 190:28, 191:4  
**suitability** <sup>[1]</sup> - 17:3  
**suitable** <sup>[2]</sup> - 17:7, 17:23  
**suitably** <sup>[1]</sup> - 175:26  
**summary** <sup>[2]</sup> - 93:8, 206:13  
**summit** <sup>[1]</sup> - 21:9  
**summoned** <sup>[1]</sup> - 209:28  
**superintendence** <sup>[1]</sup> - 16:5  
**Superintendent** <sup>[219]</sup> - 5:4, 8:3, 13:9, 15:24, 16:5, 16:12, 16:29, 17:3, 17:8, 17:28, 19:21, 19:23, 19:29, 20:7, 20:29, 22:15, 23:15, 31:27, 32:6, 34:21, 35:3, 35:9, 37:14, 43:7, 43:10, 43:16, 43:21, 43:23, 44:27, 45:25, 46:18, 47:10, 47:23, 50:27, 51:7, 51:26, 52:17, 54:29, 55:5, 59:7, 60:11, 61:13, 61:19, 66:15, 66:25, 66:28, 67:1, 70:1, 71:2, 71:7, 73:10, 73:20, 73:24, 73:29, 74:2, 74:9, 74:25, 75:9, 75:11, 76:15, 76:20, 77:14, 77:19, 77:27, 78:1, 87:15, 88:3, 89:17, 91:16, 96:1, 100:18, 100:21, 100:23, 100:29, 101:2, 101:6, 105:11, 105:16, 105:18, 106:3, 106:14, 107:7, 107:17, 111:11, 111:14, 112:10, 114:8, 114:14, 115:2, 115:17, 115:25, 115:29, 118:24, 119:9, 120:25, 120:28, 124:7, 125:2, 126:29, 127:8, 127:15, 129:23, 131:19, 133:28, 134:19, 135:29, 136:5, 136:8, 137:2, 137:4, 137:10, 137:16, 137:21, 137:27, 138:13, 138:23, 139:7, 139:11, 139:27, 140:13, 140:29, 141:4, 141:5, 141:28, 142:13, 143:22, 143:23, 143:28, 144:6, 144:8, 144:10, 144:11, 144:13, 144:17, 145:4, 145:7, 145:14, 145:16, 145:18, 145:23, 145:28, 147:6, 147:14, 148:8, 149:17, 149:28, 150:3, 150:5, 150:14, 153:12, 153:21, 153:29, 154:19, 158:8, 159:11, 160:4, 160:11, 160:12, 166:20, 167:17, 168:10, 169:20, 169:27, 170:11, 171:2, 171:10, 171:14, 171:28, 173:8, 177:6, 177:18, 179:12, 179:16, 179:29, 180:18, 180:25, 181:3, 182:7, 182:8, 183:19, 185:3, 185:6, 185:7, 185:29, 186:4, 186:10, 188:13, 189:11, 189:16, 189:21, 190:7, 193:2, 193:3, 193:11, 193:14, 194:1, 194:5, 195:5, 196:9, 197:3, 197:12, 198:26, 206:28, 207:8, 207:18, 208:12, 208:14, 208:29, 209:9, 209:18, 209:21, 209:25, 209:28, 210:19, 211:13, 212:21  
**SUPERINTENDENT** <sup>[2]</sup> - 4:3, 5:7  
**superintendent** <sup>[36]</sup> - 7:24, 8:2, 13:28, 14:1, 14:14, 14:15, 14:26, 14:27, 15:4, 15:7, 17:2, 27:23, 33:11, 45:24, 76:22, 76:23, 77:27, 81:11, 81:13, 81:15, 81:18, 90:12, 90:13, 170:5, 175:2, 176:20, 194:2, 194:4, 196:11, 198:16, 202:3, 208:11, 208:23, 209:1  
**superintendent's** <sup>[1]</sup> - 77:7  
**superintendents** <sup>[2]</sup> - 17:24, 103:22  
**superior** <sup>[1]</sup> - 213:9  
**Superior** <sup>[1]</sup> - 213:22  
**superiors** <sup>[1]</sup> - 16:22  
**supervised** <sup>[2]</sup> - 174:29, 176:19  
**supervision** <sup>[2]</sup> - 21:18, 175:22  
**supervisory** <sup>[1]</sup> - 85:16  
**supply** <sup>[1]</sup> - 103:5  
**support** <sup>[19]</sup> - 85:11, 88:19, 91:2, 108:11, 113:9, 114:3, 123:27, 124:28, 125:28, 126:17, 133:16, 138:29, 180:23, 196:19, 197:7, 197:8, 197:16, 198:24, 199:14  
**supported** <sup>[4]</sup> - 33:13, 88:7, 88:21, 122:8  
**supporting** <sup>[6]</sup> - 8:21, 86:24, 124:4, 124:22, 125:22, 199:3  
**supportive** <sup>[2]</sup> - 88:14, 124:16  
**supports** <sup>[16]</sup> - 86:12, 90:26, 94:25, 95:10, 95:27, 96:4, 125:12, 126:10, 126:11, 126:12, 138:19, 138:28, 180:19, 181:4, 196:5, 196:17  
**suppose** <sup>[49]</sup> - 49:7, 50:22, 72:24, 83:11, 84:11, 85:24, 86:1, 89:6, 94:29, 95:1, 98:27, 99:4, 99:14, 100:22, 103:26, 104:23, 106:19, 109:4, 112:17, 113:24, 117:21, 117:24, 118:11, 120:4, 121:13, 129:1, 131:1, 139:3, 150:16, 153:3, 155:27, 157:25, 167:25, 168:2, 174:11, 174:19, 178:25, 182:17, 182:19, 195:20, 198:29, 202:20, 203:24, 204:12, 204:24, 209:6, 210:6, 211:1, 211:26  
**supposed** <sup>[2]</sup> - 51:6, 175:10  
**SUPREME** <sup>[2]</sup> - 1:13, 2:3  
**surely** <sup>[2]</sup> - 53:15, 124:15  
**surprise** <sup>[2]</sup> - 117:7, 209:7  
**surprised** <sup>[1]</sup> - 117:4  
**surrounded** <sup>[1]</sup> - 116:26  
**surrounding** <sup>[4]</sup> - 118:3, 151:22, 202:21, 205:16  
**suspect** <sup>[1]</sup> - 35:19  
**suspects** <sup>[1]</sup> - 19:18  
**swearing** <sup>[1]</sup> - 105:17  
**swiftly** <sup>[1]</sup> - 146:16  
**SWORN** <sup>[1]</sup> - 81:2  
**Sylvia** <sup>[1]</sup> - 208:4  
**system** <sup>[4]</sup> - 18:8, 19:17, 82:20, 82:22  
**Síochána** <sup>[42]</sup> - 16:29, 17:21, 18:15, 41:21, 60:28, 64:5, 65:19, 81:5, 81:6, 82:13, 83:12, 83:17, 83:23, 84:1, 84:21, 92:8, 94:6, 97:26, 102:14, 106:25, 106:27, 109:10, 122:19, 150:29, 155:5, 162:23, 163:3, 163:22, 164:7, 168:29, 169:11, 174:2, 175:16, 191:3, 191:29, 192:16, 201:22, 201:26, 202:27, 203:26, 204:25, 206:4  
**Síochána's** <sup>[2]</sup> - 18:1, 201:27

---

## T

---

**tab** <sup>[1]</sup> - 208:17

**table** [2] - 8:29, 87:27  
**tape** [3] - 211:6, 211:13, 211:14  
**taped** [1] - 209:3  
**targeted** [1] - 8:25  
**task** [2] - 98:6, 98:8  
**team** [42] - 20:17, 42:14, 59:29, 60:10, 67:3, 74:1, 100:6, 101:14, 101:19, 102:10, 102:13, 104:4, 107:18, 108:23, 111:18, 112:12, 113:12, 120:15, 120:22, 120:25, 121:4, 121:5, 121:10, 122:5, 122:17, 123:3, 123:12, 125:11, 126:21, 157:3, 159:15, 168:28, 171:27, 172:27, 173:3, 173:5, 187:19, 188:9, 190:20, 197:17, 200:7, 208:4  
**teams** [2] - 76:7, 198:7  
**tease** [1] - 28:29  
**Technical** [1] - 81:18  
**technological** [1] - 85:15  
**telephone** [88] - 10:24, 25:11, 26:4, 27:13, 27:20, 28:4, 30:7, 30:20, 43:19, 43:24, 44:3, 44:18, 44:22, 45:3, 45:20, 45:26, 46:6, 48:21, 48:25, 49:20, 50:29, 51:8, 52:15, 52:25, 52:26, 53:23, 54:4, 54:6, 54:15, 54:17, 54:18, 54:19, 55:21, 55:23, 55:24, 56:1, 56:2, 56:8, 56:14, 56:15, 56:19, 56:27, 57:1, 59:7, 86:19, 145:26, 146:21, 148:13, 148:28, 161:4, 161:11, 162:13, 165:1, 165:3, 165:4, 165:7, 166:16, 166:19, 167:24, 167:27, 167:28, 168:4, 170:2, 171:2, 171:14, 171:15, 172:2, 172:8, 172:16, 172:17, 173:7, 173:12, 173:13, 173:24, 173:27, 177:14, 177:15, 177:17, 177:22, 178:3, 178:4, 178:6, 179:17, 182:11, 192:22, 194:28  
**telephoned** [1] - 29:5  
**temperature** [1] - 70:19  
**tend** [2] - 37:17, 50:23  
**tendency** [1] - 37:7  
**tenet** [2] - 30:24, 50:12  
**term** [5] - 34:24, 65:15, 80:16, 92:15, 109:18  
**terms** [61] - 6:3, 6:9, 6:18, 9:14, 10:5, 10:20, 21:12, 24:29, 26:14, 26:20, 27:1, 27:8, 36:9, 37:26, 39:1, 41:19, 42:4, 42:13, 42:26, 60:9, 65:1, 65:3, 65:13, 67:17, 78:25, 79:11, 84:29, 92:14, 93:28, 94:24, 95:3, 96:13, 99:8, 106:8, 110:23, 118:5, 120:12, 121:16, 121:17, 126:16, 126:23, 128:19, 128:22, 133:10, 136:26, 147:1, 147:17, 153:6, 155:22, 169:5, 190:20, 200:6, 201:9, 203:17, 203:18, 204:8, 205:5, 213:25, 214:15, 215:9, 215:18  
**terrorist** [1] - 146:28  
**Terry** [1] - 115:2  
**test** [4] - 10:16, 113:8, 119:8, 169:10  
**tested** [2] - 126:5, 129:21  
**testing** [8] - 10:20, 31:4, 38:18, 40:27, 42:29, 108:10, 126:20, 157:23  
**text** [7] - 14:6, 45:16, 143:27, 144:11, 144:29, 194:16, 195:18  
**texted** [2] - 144:28, 144:29  
**texting** [4] - 45:14, 144:6, 145:29  
**texts** [3] - 45:15, 144:10, 145:21  
**THE** [15] - 1:4, 1:8, 1:9, 1:12, 2:3, 2:6, 2:15, 5:1, 43:9, 61:15, 71:1, 78:11, 110:28, 111:1, 215:28  
**themselves** [5] - 8:22, 57:7, 125:26, 185:19, 185:21  
**THEN** [2] - 78:11, 215:28  
**then-**  
**Commissioner** [2] - 162:5, 163:5  
**then-deputy** [2] - 161:1, 196:14  
**then-Garda** [2] - 162:28, 172:20  
**thereafter** [10] - 22:27, 29:8, 105:1, 105:18, 118:23, 119:2, 134:17, 136:4, 153:6, 215:9  
**therefore** [5] - 12:23, 141:15, 174:8, 181:29, 215:18  
**thinking** [3] - 26:27, 54:1, 168:23  
**third** [6] - 8:24, 15:15, 19:1, 45:29, 56:8, 87:27  
**thirds** [1] - 19:4  
**thoroughly** [1] - 215:14  
**thoughts** [2] - 138:5, 138:12  
**threat** [2] - 194:24, 195:28  
**three** [20] - 14:3, 33:21, 42:11, 44:14, 45:12, 46:3, 46:17, 52:21, 52:22, 55:19, 55:23, 56:14, 79:19, 83:5, 97:9, 120:10, 121:14, 146:24, 161:12, 161:13  
**three-and-a-half** [2] - 161:12, 161:13  
**three-quarters** [1] - 42:11  
**throughout** [5] - 36:3, 89:16, 90:24, 91:1, 106:28  
**thrust** [2] - 179:10, 206:5  
**Thursday** [2] - 187:7, 188:6  
**time-line** [1] - 51:28  
**timely** [1] - 104:5  
**timing** [4] - 45:6, 142:11, 149:19, 149:21  
**today** [1] - 187:23  
**together** [12] - 5:27, 20:26, 43:22, 43:27, 99:21, 104:4, 105:13, 128:21, 129:16, 141:23, 143:19, 155:28  
**toll** [1] - 200:2  
**tomorrow** [3] - 195:12, 214:12, 215:22  
**ton** [2] - 195:3, 196:1  
**tone** [4] - 72:1, 88:20, 124:21, 125:14  
**toned** [1] - 67:13  
**Tony** [1] - 91:27  
**took** [28] - 13:2, 15:7, 24:14, 25:19, 29:19, 39:16, 54:16, 55:10, 59:22, 81:20, 81:25, 82:12, 83:13, 83:17, 83:19, 83:28, 86:18, 86:20, 88:12, 92:28, 111:21, 113:26, 119:2, 159:4, 168:23, 168:25, 170:22, 198:1  
**top** [5] - 88:20, 122:9, 124:21, 142:9, 175:3  
**total** [1] - 136:2  
**totality** [1] - 200:2  
**totalling** [1] - 79:21  
**touch** [1] - 151:8  
**touching** [2] - 163:16, 197:27  
**towards** [4] - 9:24, 48:12, 91:5, 98:22  
**track** [1] - 51:10  
**traffic** [4] - 194:11, 194:22, 200:28, 204:22  
**trained** [3] - 175:12, 175:27, 176:18  
**training** [2] - 48:19, 81:12  
**transcript** [15] - 1:26, 21:26, 26:13, 32:11, 36:21, 57:25, 62:24, 62:25, 63:21, 63:22, 64:17, 64:18, 158:7, 158:27  
**transcripts** [3] - 31:11, 74:24, 163:19  
**transferred** [1] - 86:5  
**transparent** [1] - 89:13  
**transparently** [1] - 205:29  
**transpire** [1] - 126:25  
**transpired** [5] - 140:1, 182:11, 195:22, 209:14, 210:1  
**trawling** [1] - 215:13  
**treated** [1] - 41:21  
**trial** [1] - 68:7  
**Tribunal** [33] - 5:11, 17:17, 25:29, 31:11, 53:11, 59:28, 60:4, 60:20, 62:14, 70:14, 78:14, 78:26, 78:27, 78:29, 79:3, 79:8, 79:12, 79:22, 79:24, 81:4, 82:4, 82:5, 125:3, 127:16, 128:14, 133:29, 139:24, 162:4, 163:18, 163:20, 195:15, 215:17  
**tribunal** [1] - 70:21  
**TRIBUNAL** [3] - 1:3, 2:6, 215:28  
**Tribunal's** [3] - 55:1, 79:1, 82:6  
**tribunals** [3] - 100:24, 101:17, 213:3  
**TRIBUNALS** [1] - 1:9  
**tried** [5] - 35:18, 59:11, 59:23, 71:11  
**trigger** [1] - 9:19  
**trouble** [1] - 185:1  
**true** [1] - 21:14  
**trust** [6] - 27:26, 83:29, 87:17, 170:8, 170:15, 175:27  
**trusted** [2] - 160:11, 168:28  
**truth** [12] - 39:28, 40:22, 40:25, 41:5, 52:29, 97:24, 98:4, 106:16, 107:8, 124:11, 125:17, 189:2  
**try** [3] - 59:14, 203:29, 211:16  
**trying** [11] - 71:4, 99:3, 105:5, 106:15, 120:3, 125:15, 125:16, 125:17, 126:8, 126:17, 137:3  
**TUESDAY** [1] - 215:28  
**turn** [14] - 6:14, 36:25, 47:4, 52:11, 54:29, 74:22, 94:12, 95:15, 100:20, 102:3, 141:20, 141:21, 179:11, 200:10  
**turned** [3] - 12:27, 36:4, 71:19

**turning** [4] - 8:24,  
13:20, 16:8, 18:19  
**twenty** [1] - 173:21  
**twenty-five** [1] -  
173:21  
**two** [43] - 15:28,  
17:16, 19:4, 26:16,  
33:7, 33:21, 44:14,  
46:9, 49:24, 50:19,  
51:3, 52:28, 61:16,  
67:4, 73:10, 79:25,  
93:22, 103:19, 115:7,  
117:25, 136:13,  
142:2, 142:9, 142:12,  
143:19, 144:10,  
158:7, 158:13, 159:2,  
159:3, 173:12,  
173:13, 173:24,  
173:27, 177:16,  
177:19, 177:20,  
177:22, 199:16,  
200:23, 209:22, 215:4  
**two-and-a-half** [4] -  
46:9, 52:28, 159:2,  
159:3  
**two-minute** [2] -  
49:24, 50:19  
**two-page** [1] - 51:3  
**two-parted** [1] -  
200:23  
**two-thirds** [1] - 19:4  
**Twomey** [4] - 85:7,  
89:20, 90:18, 196:15  
**type** [2] - 72:4, 169:7  
**typed** [6] - 39:11,  
40:3, 47:13, 55:7,  
179:13, 181:18  
**typed-up** [2] - 47:13,  
55:7  
**types** [1] - 106:29

## U

**UK** [2] - 111:26,  
112:1  
**ulterior** [1] - 128:23  
**ultimate** [1] - 40:25  
**ultimately** [3] -  
10:14, 38:22, 72:20  
**unacceptable** [1] -  
133:2  
**unaddressed** [1] -  
89:21  
**unaware** [1] - 215:11  
**uncomfortable** [3] -  
169:8, 169:9, 169:11  
**uncover** [1] - 19:14  
**under** [26] - 16:5,  
17:20, 18:17, 21:18,

42:18, 42:22, 42:23,  
62:7, 63:19, 67:18,  
71:21, 72:25, 127:20,  
143:15, 144:14,  
168:20, 171:13,  
175:21, 185:7,  
194:24, 195:26,  
195:28, 207:17,  
207:20, 207:22,  
213:22  
**UNDER** [2] - 1:3, 1:9  
**undermine** [1] -  
190:15  
**underneath** [1] -  
129:23  
**understandable** [3] -  
118:7, 130:20, 130:21  
**understandably** [1] -  
126:15  
**understood** [11] -  
24:23, 26:3, 30:29,  
53:15, 69:26, 110:5,  
118:27, 128:16,  
130:1, 134:9, 186:17  
**undertaken** [1] -  
131:26  
**undone** [1] - 89:15  
**unease** [1] - 169:7  
**uneasy** [2] - 168:15,  
169:8  
**unexpectedly** [1] -  
178:18  
**unfair** [1] - 68:29  
**unfairly** [1] - 215:10  
**unfortunately** [1] -  
68:5  
**unfounded** [2] -  
19:4, 33:9  
**unhappy** [1] - 5:21  
**unhelpful** [1] -  
215:20  
**unified** [1] - 63:19  
**unique** [2] - 131:16,  
132:4  
**unit** [4] - 81:14,  
194:11, 194:23,  
200:28  
**Unit** [1] - 100:19  
**University** [1] - 92:1  
**unlikely** [1] - 145:17  
**unprecedented** [1] -  
184:8  
**unravel** [1] - 182:10  
**unreal** [1] - 117:24  
**unsatisfactory** [2] -  
100:28, 104:15  
**unsettled** [3] -  
173:25, 173:28, 174:1  
**unsuitable** [1] -  
14:28

**unsupported** [1] -  
69:28  
**UNTIL** [1] - 215:28  
**unusual** [5] - 52:10,  
147:8, 148:16,  
148:27, 167:9  
**up** [65] - 11:18, 12:6,  
15:7, 17:6, 18:5,  
19:25, 20:2, 30:21,  
35:18, 42:24, 47:13,  
48:1, 49:7, 55:4, 55:7,  
58:23, 68:23, 71:19,  
72:28, 81:7, 81:25,  
83:13, 83:19, 83:28,  
85:11, 88:12, 88:15,  
95:6, 95:16, 95:24,  
104:11, 106:7,  
107:19, 116:22,  
116:24, 124:24,  
127:10, 134:12,  
137:13, 141:26,  
145:13, 155:29,  
157:7, 161:21,  
171:18, 171:20,  
174:5, 174:6, 182:16,  
182:25, 182:28,  
182:29, 189:12,  
190:23, 190:26,  
192:6, 198:16,  
200:28, 204:26,  
208:13, 210:29,  
211:1, 214:28, 215:6  
**upcoming** [1] - 96:18  
**update** [4] - 78:14,  
147:17, 193:1, 207:14  
**updated** [1] - 193:4  
**updating** [2] - 147:1,  
148:3  
**upheld** [5] - 19:2,  
64:23, 65:5, 65:7,  
65:17  
**upholding** [1] -  
16:15  
**upset** [2] - 75:22,  
210:6  
**urgency** [4] - 48:27,  
50:22, 72:19, 187:20  
**urgent** [7] - 28:28,  
29:24, 49:28, 71:27,  
72:26, 147:6, 177:9  
**urgently** [2] - 30:29,  
71:18  
**useful** [2] - 167:4,  
178:20  
**utter** [1] - 41:3  
**uttered** [4] - 58:19,  
59:3, 59:4, 61:11

## V

**vague** [1] - 75:2  
**valid** [1] - 74:4  
**validity** [1] - 157:24  
**variety** [1] - 204:11  
**various** [16] - 84:8,  
84:17, 87:17, 91:1,  
91:7, 102:19, 106:29,  
107:19, 111:13,  
111:23, 128:20,  
167:6, 179:22,  
198:24, 203:11, 204:9  
**veracity** [1] - 157:24  
**verbatim** [2] - 1:26,  
150:15  
**version** [4] - 39:11,  
47:13, 55:7, 179:13  
**victim** [1] - 85:11  
**victimised** [1] - 8:8  
**victims** [4] - 85:10,  
107:1, 133:3, 208:24  
**view** [37] - 9:27,  
20:24, 21:15, 83:23,  
91:22, 97:4, 102:8,  
108:27, 113:3,  
116:13, 118:21,  
123:6, 124:3, 124:6,  
124:8, 124:14,  
130:20, 131:29,  
132:2, 132:6, 133:9,  
134:15, 138:9, 141:6,  
145:24, 151:1,  
164:22, 164:24,  
169:15, 172:27,  
177:10, 181:24,  
185:17, 198:9, 201:9,  
201:10, 211:18  
**views** [3] - 164:6,  
189:22, 207:4  
**vis-à-vis** [1] - 178:16  
**visit** [7] - 112:4,  
136:23, 136:27,  
147:3, 149:12,  
174:21, 178:13  
**visited** [1] - 39:1  
**vital** [1] - 204:16  
**voice** [1] - 72:1  
**volume** [8] - 7:14,  
39:6, 92:25, 94:12,  
127:11, 141:23,  
154:9, 179:14  
**Volume** [24] - 21:25,  
25:7, 39:3, 47:4, 47:7,  
47:8, 55:1, 82:9,  
92:26, 95:15, 101:21,  
127:12, 127:13,  
127:14, 141:22,  
150:22, 154:11,

161:20, 192:7, 192:8,  
193:22, 193:23,  
193:24, 200:15

## W

**wait** [2] - 99:18,  
211:26  
**waiting** [2] - 144:21,  
145:18  
**Wales** [1] - 112:5  
**walking** [1] - 35:16  
**WALLACE** [1] - 3:5  
**wants** [1] - 62:7  
**war** [1] - 178:10  
**Ward** [3] - 100:18,  
100:23, 105:16  
**WAS** [5] - 5:7, 43:9,  
61:15, 71:1, 81:2  
**watch** [3] - 49:3,  
49:10, 49:14  
**water** [1] - 213:23  
**water's** [1] - 45:3  
**waters** [22] - 142:26,  
143:3, 143:9, 143:16,  
144:25, 145:12,  
145:20, 145:23,  
146:3, 146:21,  
147:16, 147:25,  
148:13, 149:15,  
150:4, 162:16, 167:8,  
177:15, 177:16,  
192:19, 203:16  
**WATERS** [1] - 3:3  
**Waters'** [1] - 142:16  
**waving** [1] - 65:25  
**Wednesday** [2] -  
111:25, 111:29  
**wee** [5] - 66:24,  
155:29, 156:2, 156:6,  
156:7  
**week** [12] - 28:21,  
28:23, 43:10, 57:12,  
59:26, 69:13, 69:16,  
111:29, 112:3, 201:4,  
210:4, 210:8  
**weekend** [6] - 25:14,  
29:22, 171:23, 172:1,  
179:4, 185:17  
**weigh** [1] - 174:6  
**weighed** [1] - 174:5  
**weight** [1] - 42:20  
**welcome** [1] -  
215:19  
**welcomed** [1] -  
157:4  
**Welfare** [1] - 90:27  
**welfare** [6] - 90:28,  
180:11, 181:2, 181:4,

197:8, 198:26  
**well-advised** [1] - 191:11  
**well-established** [1] - 99:12  
**well-known** [1] - 87:23  
**Western** [2] - 81:21, 81:22  
**whatsoever** [4] - 20:6, 117:15, 190:16, 192:26  
**Wheatley** [2] - 194:6, 196:9  
**whereby** [1] - 44:23  
**whichever** [1] - 116:27  
**whistleblower** [1] - 97:12  
**whistleblowers** [1] - 88:16  
**white** [1] - 67:12  
**whole** [13] - 18:7, 31:10, 32:12, 66:18, 81:21, 90:24, 125:17, 182:24, 200:6, 203:22, 204:11, 204:20, 206:7  
**wholeheartedly** [1] - 157:14  
**wise** [1] - 212:12  
**wish** [5] - 17:19, 68:9, 195:6, 197:9, 197:13  
**wished** [4] - 91:26, 94:10, 112:22, 134:18  
**wishes** [1] - 156:21  
**withdraw** [2] - 33:5, 208:28  
**withdrawn** [5] - 35:7, 37:16, 38:6, 38:27, 62:26  
**WITHDREW** [1] - 78:11  
**withdrew** [1] - 208:13  
**witness** [23] - 7:11, 24:22, 25:5, 25:7, 25:29, 26:8, 59:28, 66:5, 66:6, 68:2, 78:14, 80:7, 80:12, 80:14, 80:15, 97:14, 100:13, 100:17, 100:21, 121:29, 126:1, 168:1, 214:8  
**WITNESS** [5] - 4:2, 43:9, 61:15, 71:1, 78:11  
**witness-box** [1] - 66:6

**witnesses** [18] - 60:1, 100:4, 105:13, 106:8, 107:19, 111:24, 112:15, 114:13, 114:15, 119:22, 120:18, 123:4, 126:24, 135:14, 138:21, 156:17, 184:14, 191:24  
**wonder** [8] - 7:4, 11:14, 12:27, 13:11, 31:19, 39:3, 69:8, 198:4  
**woolly** [1] - 26:27  
**word** [35] - 42:24, 58:6, 58:14, 58:15, 58:21, 59:3, 59:4, 62:25, 64:13, 64:29, 72:27, 109:2, 120:4, 120:5, 120:17, 128:9, 129:6, 129:23, 132:8, 132:9, 133:14, 152:12, 152:14, 153:15, 155:29, 156:7, 156:9, 156:10, 156:11, 156:25, 181:15, 182:17, 183:9, 195:21, 211:11  
**wording** [3] - 63:15, 63:16, 63:17  
**words** [7] - 36:4, 58:18, 58:21, 88:19, 123:9, 128:17, 134:3  
**worker** [1] - 84:22  
**working-place** [1] - 180:26  
**workings** [1] - 99:5  
**workplace** [34] - 84:26, 85:19, 85:21, 86:3, 86:7, 86:13, 86:25, 86:26, 88:15, 88:21, 90:16, 91:6, 91:8, 91:12, 91:17, 92:2, 92:7, 92:18, 93:12, 97:10, 121:15, 121:16, 121:18, 125:28, 193:27, 197:17, 198:10, 198:24, 199:4, 199:6, 199:10, 199:12, 206:2, 210:7  
**worried** [2] - 105:25, 160:5  
**wrap** [2] - 171:18, 171:20  
**wrap-up** [2] - 171:18, 171:20  
**write** [2] - 48:5, 49:8  
**writing** [6] - 7:26,

11:4, 141:2, 186:16, 187:1, 191:14  
**written** [20] - 20:10, 28:8, 35:10, 39:15, 49:3, 49:6, 50:13, 50:18, 51:17, 52:2, 52:3, 52:22, 57:4, 73:24, 73:26, 94:21, 135:21, 149:16, 196:7, 208:4  
**wrongdoing** [2] - 16:23, 61:28  
**wrote** [9] - 40:24, 48:1, 49:9, 49:14, 54:8, 54:23, 55:13, 58:4, 206:12

---

## Y

---

**year** [11] - 81:10, 81:25, 82:3, 82:6, 82:7, 83:22, 147:24, 192:2, 196:7, 209:27, 210:2  
**years** [9] - 52:28, 106:23, 120:7, 121:1, 159:2, 159:3, 213:3, 213:8, 213:23  
**young** [1] - 35:16  
**yourself** [13] - 45:29, 46:6, 51:8, 65:16, 66:8, 99:1, 106:20, 145:16, 159:14, 188:5, 207:17, 211:25  
**Yvonne** [1] - 11:26

---

## É

---

**ÉIREANN** [2] - 1:5, 1:6

---

## Ó

---

**Ó** [1] - 202:15