

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

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1921, ON 17 FEBRUARY 2017

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

HELD IN DUBLIN CASTLE  
ON WEDNESDAY, 2ND MAY 2018 - DAY 68

68

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1 THE HEARING RESUMED, AS FOLLOWS, ON WEDNESDAY, 2ND MAY  
2 2018:

3  
4 CHAIRMAN: Ladies and gentlemen, according to the  
5 witness list now today we are going into an area where 10:06  
6 we are going to be scrutinising whatever media  
7 interactions there were, in particular between the  
8 Garda Press Office and it could be members of the  
9 Gardaí or it could be other media representatives.  
10 Now, I'm saying this because yesterday I was in the 10:06  
11 Supreme Court so I wasn't here, but Ms. Mullan drew to  
12 my attention this morning a number of letters from  
13 media organisations indicating that they wished for  
14 limited representation in relation to things which  
15 might impact on them, and having reviewed those 10:06  
16 letters, I'm satisfied that it's completely reasonable  
17 for the media organisations to be represented and for  
18 particular journalists to be represented on a limited  
19 basis in relation to what touches on them. That being  
20 so, we are only in a position to actually write out 10:07  
21 today. So, I would just like to make an inquiry before  
22 we move into this particular phase, which is going to  
23 concern today, I think, mainly the Garda Press Office,  
24 as to what journalists or media organisations are  
25 represented today, just so as we can be certain as to 10:07  
26 where we are going and that the requirements of In Re  
27 Haughey are being met. So I wonder could I be helped  
28 in that regard as to what media organisations or  
29 journalists are represented now today.

1 MR. FREEMAN: John Freeman, instructed by Fanning Kelly  
2 for Independent News & Media.  
3 CHAIRMAN: Yes. So, Independent News & Media. And you  
4 will be covering all of the journalists who work for  
5 Independent News & Media? 10:07  
6 MR. FREEMAN: Correct, Chairman.  
7 CHAIRMAN: Yes. Well, that is only right because they  
8 can't be left, it seems to me, on their own without the  
9 backing of their employer or those for whom they were  
10 working, even if it was freelance or part-time. Are 10:08  
11 there any other media organisations represented?  
12 MR. KENNEDY: Chairman, good morning. Ronan Kennedy,  
13 instructed by Patricia Harrington on behalf of RTÉ.  
14 CHAIRMAN: Yes. Thanks. Apart from the good morning,  
15 which I don't do. So that is RTÉ. And you would 10:08  
16 include Paul Reynolds in that?  
17 MR. KENNEDY: That's correct, Chairman.  
18 CHAIRMAN: So it's not just RTÉ, it's any journalists  
19 who is interacting in relation to matters, yes.  
20 MR. KENNEDY: Yes, that's correct. 10:08  
21 CHAIRMAN: Thank you very much. Is there any other  
22 media organisation represented? Yes, sorry,  
23 Mr. Ó Muircheartaigh?  
24 MR. Ó MUIRCHEARTAIGH: Chairman, just to mention, I am  
25 instructed by Augustus Cullen Law to represent Alison 10:08  
26 O'Reilly.  
27 CHAIRMAN: Yes. Are you representing -- perhaps she is  
28 freelance or perhaps she was working for someone at the  
29 time, Mr. Ó Muircheartaigh, I don't know. At the time,

1 in relation to the limited representation, who was she  
2 in fact working for?

3 MR. Ó MUIRCHEARTAIGH: She was and is a journalist with  
4 the Irish Mail, but she has separate representation.

5 CHAIRMAN: Yes. And that would include the Daily Mail, 10:09  
6 The Mail on Sunday?

7 MR. Ó MUIRCHEARTAIGH: Yes, Judge.

8 CHAIRMAN: Yes. Okay. And then could I ask, is there  
9 any other representation for journalists --

10 MR. KELLY: Chairman, Kieran Kelly, solicitor. I would 10:09  
11 have an application for a representation for  
12 Mr. Michael O'Toole, or Mick O'Toole, of The Irish  
13 Daily Star. That is actually not an entity within the  
14 INM Group, it's a separate legal entity, but I think I  
15 would ask for limited representation. 10:09

16 CHAIRMAN: Certainly. How closely one would focus on  
17 Mr. O'Toole, I am not certain, but that limited nature  
18 -- yes?

19 MR. KELLY: I have seen the papers and I think a very,  
20 very limited amount, yes. 10:09

21 CHAIRMAN: Okay. Is that it in terms of legal  
22 representation then?

23 MR. KELLY: I think, Chairman, if I could perhaps say  
24 that one or two colleagues in the media legal circles  
25 were chatting to me in the last few days, I don't think 10:10  
26 they were aware that there might be a position this  
27 morning where representation would be asked for. So, I  
28 certainly got the impression that there would be some  
29 other applications from other media, but that is as far

1 as I can inform you.

2 CHAIRMAN: Yes. No, Mr. Kelly and ladies and gentlemen  
3 generally, the way this thing tends to work out is not  
4 as fixed and rigid as a set of court rules. Normally  
5 at the beginning of a tribunal or at stages in the 10:10  
6 tribunal where matters are obviously coming up which  
7 may impact on people, people come in and they seek  
8 representation, for instance, on behalf of a Minister  
9 or for instance on behalf not just of a witness but  
10 someone who is central to the events. The tribunal, 10:10  
11 from what I know of the history of tribunals, doesn't  
12 write out to people and say you need to be represented;  
13 it's the right under the Haughey case is to be  
14 represented in the event that the tribunal will report  
15 in such a way or could reasonably be anticipated as 10:11  
16 reporting in such a way that would impact on a person's  
17 good name. Now, good name, as I sought to explain in  
18 the opening statement back in February, doesn't mean  
19 simply I don't accept your evidence; it means that you  
20 were involved in some way in the events and in the 10:11  
21 opinion of the tribunal were to blame in some way or  
22 did less than you should have done in relation to the  
23 events in question. So, the tribunal doesn't go  
24 around -- a tribunal doesn't go around looking for  
25 people and saying, do you want to be represented? 10:11  
26 Rather, the tribunal and its subject matter is such  
27 that on the terms of reference, people who may have  
28 their reputation at the worst traduced in consequence  
29 of a report come in and seek representation. So, the



1 situation at the moment is just a wee bit  
2 unsatisfactory because I am reluctant to move into a  
3 situation where there may be comments made about people  
4 which may not necessarily be an enhancement of their  
5 reputation, without them, A, being here, having the 10:12  
6 opportunity to seek representation, if necessary asking  
7 questions or putting instructions that may be to the  
8 contrary of what the witness is saying. So, that is a  
9 wee bit of a worry for me, given the correspondence.  
10 Maybe I could just ask the room generally, I don't know 10:12  
11 if there is anyone in the media who may be involved in  
12 these events? I don't mean as a reporter, obviously,  
13 that is a very responsible position, but involved in  
14 the events in terms of the Garda Press Office, rumours,  
15 etcetera, who might seek representation? We all know 10:13  
16 what the terms of reference say. I mean, if there is,  
17 ladies and gentlemen, anyone here who feels they may be  
18 in that position, maybe they'd be so kind as to say.  
19 Apparently not. So, Mr. McGuinness, can I seek your  
20 aid then in relation to this matter, given the 10:13  
21 correspondence that Ms. Mullan and I went through this  
22 morning, what do you think the situation is?  
23 MR. MCGUINNESS: well, Chairman, it's obviously helpful  
24 to know who is here today and represented, and  
25 certainly, from our point of view, we want to err on 10:13  
26 the side of caution and I think a number of the witness  
27 statements do mention other journalists whom the  
28 Tribunal has been in contact with and who are not, it  
29 would appear, here today, and I think it's probably

1 safer to proceed if we can take our witnesses through  
2 the evidence insofar as possible without reference to  
3 those other journalists and I think I am confident that  
4 that can be done safely.

5 CHAIRMAN: All right.

10:14

6 MR. MCGUINNESS: It may necessitate the recall of some  
7 of today's witnesses on another occasion but we will  
8 attempt to minimise that if we can.

9 CHAIRMAN: Yes. Mr. McGuinness, that sounds to me like  
10 a reasonable plan, bearing in mind - and it should be

10:14

11 borne in mind - that we constantly go back to the terms  
12 of reference and the terms of reference are about

13 whether there were instructions from Garda Headquarters  
14 and in particular Commissioner Martin Callinan and

15 Deputy Commissioner Nóirín O'Sullivan to brief the

10:14

16 media negatively against Sergeant Maurice McCabe, and

17 to draw to their attention an allegation of criminal

18 misconduct and in a later section of the terms of

19 reference, it's referred to allegations of criminal

20 misconduct. That is what we are looking into. And

10:15

21 that can take into account, for instance, why

22 particular journalists went to the home of Ms. D, for

23 instance, who was at the centre of that, how that

24 happened, and what people know about that.

25 Unfortunately I am obliged to inquire into that. There

10:15

26 may be nothing in that, one doesn't know. But the

27 point is that before turning over a stone one doesn't

28 know what is underneath and I think that's the position

29 we are in.

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Now, Mr. McGuinness, in terms of the distribution of documents that are relevant, I appreciate the caution with which you are proceeding and I agree with your proposed course of action.

10:15

MR. MCGUINNESS: May I say, Chairman, that I think I will need some time to consult with my colleagues about the extent to which we can proceed and to discuss that very issue in relation to documentation.

CHAIRMAN: All right.

10:15

MR. MCGUINNESS: Could I ask for 15 minutes?

CHAIRMAN: All right. I have to do that, ladies and gentlemen, I am sorry, I appreciate first of all the media being here because the function is to ensure that this is done properly and to report to the public and secondly, the members of the public who are here, I don't mean in any way to inconvenience them because their role is just as important because they are calling the system of justice to account, but I am going to break until 25 to 11 just to make sure that we are not going to make any mistake. All right. Thank you.

10:16

10:16

1 THE HEARING ADJOURNED BRIEFLY AND THEN RESUMED

2 AS FOLLOWS:

3  
4 CHAIRMAN: I just want to add something, ladies and  
5 gentlemen, to what I have previously said. As I 10:36  
6 indicated, it's not normally what a tribunal does to  
7 write to people or to write to organisations and say  
8 'would you like to be represented because there is a  
9 danger or because something which touches on your  
10 reputation which may be coming up?' but, in fact, the 10:36  
11 Tribunal did that. We have had communications I know  
12 with individuals going back to March, but with  
13 particular organisations going to the 24th April, and  
14 indeed, among the letters which I reviewed this morning  
15 were a number of letters from media organisations 10:36  
16 saying five days is not enough. Well, eight days has  
17 passed now, and I'm not happy. I am not going to  
18 obviously name anybody because there could be multiple  
19 reasons for such things happening, but it seems to me,  
20 going back to a case decided in terms of labour law in 10:36  
21 Britain by Lord Denning, going back 30, 40 years, the  
22 principle has been established and I think followed in  
23 this country, that in the event that an employee is  
24 going to be put a difficult situation, and this is  
25 akin, then the organisation should be represented as 10:37  
26 well. I, of course, have no idea what is going to come  
27 into the future, but I have a shrewd idea that there  
28 may be a difficulty and in the event that the  
29 difficulty emerges I don't believe that it's right for

1 a media person to be left on their own. I think it's  
2 right that those persons who engaged them in the  
3 context of whatever is afoot should also be there to  
4 back them up and, if necessary, to assist, and perhaps  
5 more than that, in the event that a difficulty emerges. 10:37  
6 So, having waited now eight days, I feel that enough  
7 time has passed and I think that a genuine cooperation  
8 with the Tribunal would have involved an answer from  
9 those organisations, as indeed some of the  
10 organisations did answer and did seek representation 10:38  
11 and did put a basis out, but we have gone to the  
12 trouble of reaching out to them and to have a kind of a  
13 holding letter from a number of organisations coming  
14 back is not something that makes me happy at this stage  
15 of the morning. So I think today, unfortunately, the 10:38  
16 result is, we will simply proceed with what we can  
17 proceed with and then go back to Friday, but I feel I  
18 have said enough, and the Tribunal staff, Ms. Mullan  
19 and others, are making efforts to ensure that the  
20 message is hammered home. So more than that, I can't 10:39  
21 do.

22 MS. LEADER: The first witness today, sir, is former  
23 Superintendent Paul Moran. Mr. Moran's statement is  
24 contained in volume 9 of the materials at 2382.

25  
26  
27  
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29

1 SUPERINTENDENT PAUL MORAN, HAVING BEEN SWORN, WAS  
2 DIRECTLY EXAMINED BY MS. LEADER:

- 3
- 4 1 Q. MS. LEADER: Mr. Moran, I understand that you retired  
5 from An Garda Síochána in May 2016 -- '15, is that 10:39  
6 correct?
- 7 A. That's correct.
- 8 2 Q. And at that time you were at the rank of  
9 superintendent?
- 10 A. That's correct, Chair. 10:40
- 11 3 Q. If you would outline the course of your career in An  
12 Garda Síochána, please, prior to your retirement?
- 13 A. Yes, Chair. I joined as a member of An Garda Síochána  
14 early 1985 and spent much of my initial years in Dublin  
15 City Centre, Fitzgibbon Street, where after five years 10:40  
16 I was sent to Garda Headquarters. Early 90s I done a  
17 secondment with the United Nations in Cambodia and then  
18 I on promotion went to the National Juvenile Office as  
19 inspector and as a superintendent I was promoted and  
20 sent to Tipperary initially, back to Garda 10:40  
21 Headquarters. I went on an attested secondment with  
22 the Police Service of Northern Ireland for 18 months  
23 prior to returning to Ballymun district as district  
24 officer, spending the last year of my service as the  
25 Press Officer in Garda Headquarters. 10:41
- 26 4 Q. So, Mr. Moran, prior to your appointment in the Press  
27 Office, had you ever worked in the Press Office or with  
28 any media organisations or anything of that sort?
- 29 A. No, Chair.

1 5 Q. Now, you mentioned you went on secondment to the PSNI,  
2 what exactly did that involve?

3 A. This was part of an attested secondment which was  
4 discussed, that both police organisations would  
5 cooperate an awful lot more together legally. So, it 10:41  
6 effectively meant that I became a member of the Police  
7 Service of Northern Ireland. I was under their rules  
8 and regulations. I was given an actual position in  
9 Northern Ireland as their Head of Community Policing.  
10 So I was effectively not a garda for those 18 months. 10:41

11 6 Q. Right. And you came back to Dublin at what time?

12 A. I would have come back in 2011, September, where I met  
13 the then-Commissioner and I was transferred as district  
14 officer to Ballymun Garda Station.

15 7 Q. And if you could explain how it came about that you 10:42  
16 were appointed press officer in June 2014.

17 A. I would have received a call in relation to, possibly  
18 transfers were going to happen within the organisation  
19 and if I had any objection if I was to be  
20 transferred -- not that an objection wouldn't mean 10:42  
21 anything, when you are transferred or you are given a  
22 new duty, you just do it. So I did get that call and I  
23 was subsequently transferred a few weeks later.

24 8 Q. Did you at any time express an interest in working in  
25 the Press Office or expressed an interest in a transfer 10:43  
26 from Ballymun?

27 A. Not for that particular post, Chair, no.

28 9 Q. And did you at any time do any courses or further  
29 education prior to you being appointed as Press

1           Officer?

2           A.    No, I did not, Chair. I would have done other courses  
3           such as management courses, etcetera, but nothing to do  
4           with the Press Office.

5   10   Q.    Right. So you started in the Press Office on 10th June 10:43  
6           2014?

7           A.    That's correct, Chair.

8   11   Q.    And your immediate predecessor in the Press Office was?

9           A.    Superintendent Dave Taylor.

10 12   Q.    And did you have a hand-over meeting with him or 10:43  
11          anything of that sort?

12          A.    Yes, I most certainly did. It's part of the -- there  
13          is a HQ circular that outlines for any district for  
14          superintendents or above, that they meet with their  
15          predecessor and have an official hand-over to discuss 10:43  
16          finances, to discuss ongoing issues or the general  
17          workings, to discuss staff, virtually everything to do  
18          with your new post. So, I would have contacted  
19          Superintendent Taylor and we agreed to meet up in Garda  
20          Headquarters, which we did. 10:44

21 13   Q.    Did he give you any specific instructions as to what  
22          was going in the Press Office and how in his view it  
23          should be run?

24          A.    Yes, he gave me a comprehensive briefing as to, it was  
25          very helpful, it was a new post for me, so everything I 10:44  
26          was told about was the workings, the general workings  
27          of the office, the finances of the office, as I have  
28          already outlined, so it was comprehensive but brief.  
29          It lasted a couple of hours, but it was very, very



1 helpful.

2 14 Q. And I should have asked you, Mr. Moran, prior to your  
3 appointment to the Press Office had you worked with the  
4 then Acting Commissioner O'Sullivan prior to that, in  
5 any close capacity? 10:45

6 A. No, I would have never worked with former Commissioner  
7 O'Sullivan prior to that.

8 15 Q. Did you know her?

9 A. Yes, I would have met her on occasion officially,  
10 whilst I was in Ballymun more so than anything else. 10:45  
11 And also, I have a particular interest in sports, so  
12 she would have been a supporter with police  
13 participating in various sporting organisations, I  
14 would have met her then also.

15 16 Q. And did you at any time discuss your appointment to the 10:45  
16 Press Office with the Acting Commissioner O'Sullivan?

17 A. Only a couple of weeks beforehand, I had a discussion  
18 as to my views or my feelings if I was to be  
19 transferred, how I would feel about that.

20 17 Q. Right. And did you have any difficulty in relation to 10:45  
21 the transfer or questions about it as to why you were  
22 going to be transferred to the Press Office?

23 A. Being honest, no, I suppose I wouldn't question a  
24 Commissioner's appointment. I didn't oppose it, I  
25 didn't so much agree with it, I was somewhat okay, if 10:46  
26 it happens, I must certainly do as directed.

27 18 Q. Now, if we could just go on to the actual Press Office  
28 itself. We have heard evidence from Mr. McLindon a few  
29 weeks ago, but I wonder if you could explain from your

1 point of view the organisational structure of the Press  
2 Office.

3 A. Yes, Mr. McLindon was my boss. He was the Director of  
4 Communications. I was the Press Officer, so I was  
5 accountable to him. He was my line manager. I also 10:46  
6 worked with the then-Inspector John Ferris, who was the  
7 Deputy Press Officer, and then there was a number of  
8 staff, both sergeants and civilian, who were at the  
9 core of the Press Office dealing with all the many,  
10 many calls and dealing with all the queries, who 10:46  
11 were -- and they were all to report -- in turn to  
12 report to Inspector Ferris, myself and Mr. McLindon.

13 19 Q. And can you remember the numbers of staff that we are  
14 talking about here, Mr. Moran?

15 A. I think there was seven sergeants and five, six 10:47  
16 civilians. I think approximately that.

17 20 Q. And in terms of opening hours of the Press Office, I  
18 wonder could you tell the Tribunal about that, please?

19 A. Yes, officially the Press Office opened at 7:00am every  
20 morning and it was open till 11:00am that night. 10:47

21 21 Q. Okay.

22 CHAIRMAN: 11:00pm.

23 A. 11:00pm, I am sorry.

24 22 Q. MS. LEADER: Now, I suppose in very broad terms, as I  
25 understand it, the Press Office is responsible for the 10:47  
26 dissemination of information from the guards to the  
27 public at large?

28 A. Yes, it's like the official front window where all  
29 information is brought together and anything to do with

1 the press or anything to do with the media, that is  
2 where it's centrally managed and that is the point of  
3 contact for all press and other queries.

4 23 Q. And in relation to the giving out of information, as I  
5 understand it, the Garda Code mandates that it is only 10:48  
6 the Press Office that is to give information to the  
7 public and the media?

8 A. Yes. There is a chapter within the Garda Code itself,  
9 I think it's Press and TV, where clarifies the rules  
10 and regulations there. However, there are many 10:48  
11 occasions we did encourage other officers that were  
12 involved specifically with a crime, that they could  
13 relay the crime to the media once prior sanction was  
14 given by the Press Office. So it's a case of them  
15 seeking approval prior to giving an interview or making 10:48  
16 a statement nationally.

17 24 Q. All right. And in relation to the information that the  
18 Press Office manages, would I be correct in  
19 categorising it as follows, and please correct me if I  
20 am wrong or if I have left out a particular category: 10:49  
21 There is information in relation to particular  
22 incidents, maybe particular operations or seizures or  
23 fatal injuries or matters of that nature, is that  
24 correct?

25 A. Yes, all those type of incidents are fed into our 10:49  
26 office.

27 25 Q. All right. And then there is information in relation  
28 to particular reports, maybe, for instance, the  
29 O'Higgins Report or the Guerin Report, which the Gardaí

1 respond to, is that correct?

2 A. Yes. But in relation to specific people or particular  
3 crimes, it wouldn't -- we wouldn't talk about a person  
4 particularly or anything like that. But all  
5 information in relation to the Gardaí, it's the first 10:49  
6 point of contact generally for media or community or  
7 anyone else.

8 26 Q. And then there is the category of, would the Press  
9 Office be aware of what is reported in the media really  
10 generally of matters touching on An Garda Síochána? 10:50

11 A. Yes.

12 27 Q. All right. And I think then there is the management of  
13 information and social media that the Press Office  
14 deals with, which is a developing area, is that  
15 correct? 10:50

16 A. Very much so. Prior to me going in, during and I still  
17 see after, social media has become a very important  
18 part of disseminating information. So both Facebook,  
19 Twitter, it has grown massively within the organisation  
20 itself and has had a very positive effect, in most 10:50  
21 instances.

22 28 Q. All right. So for information going into the Press  
23 Office from within the organisation, as I understand  
24 it, there are two managed sources of this information:  
25 There is the press clippings list and there is also 10:50  
26 critical incident reports, is that correct?

27 A. That's correct, yes.

28 29 Q. And if could you explain to the Tribunal, please, about  
29 those two sources of information.

1 A. From what I remember, Judge, each morning all the  
2 newspapers would be trawled through and we'd be looking  
3 for stories that would relate to the organisation  
4 itself. These were scanned, put into a document and  
5 sent to senior management in the Garda Síochána, for 10:51  
6 them to have a -- I suppose, be apprised of what was  
7 being said about the organisation through the media for  
8 the previous 24 hours. So it was disseminated to quite  
9 a few people, both sworn and unsworn members, and this  
10 was all done under licence, of course. So there was no 10:51  
11 copyright infringements. And then there is also the  
12 critical incidents which --

13 30 Q. If I could just ask you in relation to the press  
14 clippings, who had actual responsibility for looking at  
15 the newspapers and the media reports? Was it you or 10:51  
16 the inspector or other people within the office?

17 A. It was the people in the office that morning would  
18 trawl through all the papers, both the sergeants and  
19 the members of the civilian staff. We'd have to make  
20 sure, we had a responsibility that none of it was 10:52  
21 missed so we would have to make sure that everything  
22 that was in the papers was actually captured and  
23 disseminated properly.

24 31 Q. And in relation to the other matter, the critical  
25 incident reports, if you would explain that, please. 10:52

26 A. These -- this was kind of like a synopsis of all  
27 critical instances that was in the organisation itself.  
28 There was also to give information to senior management  
29 in relation to incidents.

1 32 Q. All right. And in relation to those matters, were they  
2 something that was taken up by the Press Office and a  
3 response or a press release was put together in  
4 relation to those matters?

5 A. Yes, it would be anything that would be highlighted and 10:52  
6 would be seen as being very important.

7 33 Q. All right. And how would that response be put  
8 together?

9 A. That would be also put together by the staff of the  
10 Garda Press Office itself. I presume it's still done 10:53  
11 that way. It's three years since I have been there, so  
12 I presume that is the way it's still done.

13 34 Q. And did the investigation team have any input into the  
14 media response?

15 A. Absolutely. They were -- whenever there was a serious 10:53  
16 incident, it was my job to speak to either the district  
17 or divisional officer or more importantly, as I would  
18 have seen it, was the senior investigating officer,  
19 commonly known as the SIO, who was in charge of the  
20 overall investigation. He or she, it would be very 10:53  
21 important to talk with them in relation to what they  
22 wanted to release to the media because you had to be  
23 very careful that you didn't in any way prejudice a  
24 particular investigation or a case that could  
25 subsequently end up in court itself. And you also had 10:53  
26 to be happy that the content that you were releasing  
27 would be, it may trigger a potential witness in members  
28 of the public. So it's not a matter -- everyone wants  
29 to read these stories, but what we want to get back out

1 of this, it's important that we are accountable to the  
2 public, of course, and they see what the Gardaí are  
3 dealing with and what is happening out there, but  
4 equally, we want to get potential witnesses or  
5 information in relation to one of these incidents. And 10:54  
6 even to look at yesterday, just to give -- something  
7 that struck me yesterday, I looked at four stories on a  
8 particular website and they were in the top 10, all  
9 Garda-related, and most of those stories had 40,000,  
10 50,000 hits and every one of them informed the public 10:54  
11 about the incident, which was very important, some of  
12 them -- an awful ordeal for some people, but every  
13 single one of them had tailored into it who to contact,  
14 the number, in the event of extra additional  
15 information coming to help the Gardaí to investigate. 10:55  
16 So...

17 35 Q. And I think in your statement, which was completed in  
18 June 2015, you said you yourself encouraged the  
19 investigation team to deal with the media, you  
20 preferred to work it that way? 10:55

21 A. Well, what I would have meant there was we continue  
22 exclusively to deal with the media --

23 36 Q. Yes.

24 A. -- but we'd encourage the local officers, such as the  
25 SIO or one of the detective members or uniform member, 10:55  
26 because I think it was important that their community  
27 saw that they were out there investigating a crime and  
28 they were doing their best to solve it. They didn't  
29 want all the time to see Paul Moran up there going on

1 about something that -- that is his job, he is the  
2 Press Officer. Whereas my view was, if you have got  
3 Joe Bloggs out there who is investigating this serious  
4 incident, and his community or her community sees him  
5 making that appeal for his local or her local area, I  
6 think that had more impact. 10:55

7 37 Q. All right. Now, as I understand it, there is an IT  
8 system in the Press Office called Spotlight which  
9 manages the information coming into the Press Office  
10 and going out? 10:56

11 A. That's correct, yes.

12 38 Q. And I wonder if you would tell the Tribunal about that  
13 system, please.

14 A. Spotlight is, it's a system that was installed in the  
15 Press Office a number of years ago, Chair, and it's 10:56  
16 effectively an audit system. So if there was an  
17 incident such as a hit-and-run this morning, we seek  
18 information from the investigating Gardaí as to what  
19 happened, we need to prepare a release to go out  
20 seeking witnesses, who is in charge of it, but then, 10:56  
21 follow-up calls from anyone, journalists or otherwise,  
22 are logged on to this system as to who made inquiries  
23 or what information went out. So, it's effectively a  
24 log system, an audit system for every incident. So  
25 it's important that all of the information goes in and 10:57  
26 all the queries go into the Press Office to capture  
27 this.

28 39 Q. So if the system is operating as it should be, the  
29 Press Office receive a critical incident report of



1 something that may have happened between 11:00pm and  
2 the morning time, is that correct? That should be  
3 available to the Press Office, the critical incident  
4 report?

5 A. Yes.

10:57

6 40 Q. And thereafter, contact is made with the investigation  
7 team in relation to that particular incident, am I  
8 correct in that?

9 A. Yes. Or, sometimes they would contact us first to say,  
10 because news travels so fast now there has been  
11 instances where I have been made aware of instances  
12 that I haven't even heard of yet or the Press Office  
13 itself, because of social media and because of  
14 witnesses and smartphones, and sometimes Gardaí  
15 themselves 'look it, we are after discovering  
16 unfortunately a body here', they would contact the  
17 Press Office and then we would seek to get as much  
18 information as possible, as quickly as possible.

10:57

10:58

19 41 Q. And formulate a press release in relation to that  
20 particular incident, is that correct?

10:58

21 A. Yes, we would.

22 42 Q. And would that press release be recorded on Spotlight  
23 at that stage?

24 A. It would, yes. Everything -- everything to do with  
25 that incident from then on is recorded, every contact  
26 in relation to that -- that goes through the Press  
27 Office is put on Spotlight itself.

10:58

28 43 Q. And any media queries are then recorded on Spotlight,  
29 who dealt with the media queries --

1 A. Yes.

2 44 Q. -- and the information released to them?

3 A. Yes, the spotlight system is only available to the  
4 staff of Garda Press Office itself.

5 45 Q. Nobody else has access to it outside of the Press 10:58  
6 Office?

7 A. No, as far as I am aware, it's centrally managed and  
8 backed up within Garda Headquarters itself.

9 46 Q. All right. And in relation to -- it should therefore  
10 be a reasonably straightforward exercise to extract 10:59  
11 from the system everything that is released to the  
12 media in relation to a particular event or a particular  
13 person, it's a searchable platform, is that correct?

14 A. Yes.

15 47 Q. So, for instance, if we take the example of Sergeant 10:59  
16 McCabe, it should be a reasonably straightforward  
17 exercise to extract from the spotlight system the  
18 information that was released to the media in relation  
19 to him?

20 A. Yes. If there was a query -- of course we wouldn't be 10:59  
21 commenting on individual cases, but if there was a  
22 query in relation to any particular incident or any  
23 particular person, if it's on Spotlight it will be  
24 put -- it will be actually ticked off that there was a  
25 query in relation to it. 10:59

26 48 Q. Okay. And the converse of that, Mr. Moran, is, if it's  
27 not on Spotlight and there was information given to the  
28 media which people can assert from the media reports,  
29 what conclusion would you take from that?

1 A. Well, journalists have many sources, you know.

2 49 Q. Yes.

3 A. And that is part of their job. A good journalist goes  
4 out and he or she tries to find out or establish  
5 sources, if I was a journalist I would be doing the 11:00  
6 same.

7 50 Q. Yes.

8 A. As I have said, I have sometimes received calls very,  
9 very shortly, and I mean very shortly after an  
10 incident, from a journalist, making inquiries about 11:00  
11 that incident. And I wouldn't have even have heard  
12 about that as yet.

13 51 Q. Right. So would you take from that that the  
14 information didn't come from the Garda Press Office if  
15 information appeared in the media about a particular 11:00  
16 incident or person that wasn't recorded on spotlight,  
17 would you take it from that that information didn't  
18 come from the Press Office?

19 A. Yes, I would. As I say, an incident can come up where  
20 we -- sometimes even the Press Office mightn't have 11:01  
21 heard about it. But it's my job then to ring the Press  
22 Office to establish have they heard anything about it  
23 and to ring the district concerned and establish what  
24 exactly has happened down there. That is then when it  
25 would be captured on spotlight. 11:01

26 52 Q. On spotlight, yes.

27 A. Yes.

28 53 Q. Now, I know you are familiar with the evidence  
29 Mr. McLindon gave to the Tribunal where he referred to

1 off the record briefings to journalists. And, first of  
2 all, if you would explain to me what you understand by  
3 off the record briefings.

- 4 A. I suppose the term off the record, it has many  
5 meanings, I think. What I understand off the record, 11:01  
6 it's most certainly not me talking privately to anyone,  
7 journalist or otherwise, in a confidential way where I  
8 don't want to be quoted. I'm not a source, so to  
9 speak, like some of the sources journalists have  
10 nurtured. It's not -- it wasn't my job to manipulate 11:02  
11 any story, most certainly not. What I would understand  
12 the general term off the record is, and I may give an  
13 example or two which might, if I don't explain this too  
14 well, Chair, is, is you are given a background or a  
15 journalist may have part of a story and to release part 11:02  
16 of a story could be quite damaging to an investigation  
17 down the road or damaging to someone else. There have  
18 been incidents where unfortunately we deal with a lot of  
19 suicides in this country, where a body has been  
20 discovered some morning or evening and we quickly 11:02  
21 establish that that person, it's a personal tragedy,  
22 that person may have taken their own life. The media  
23 are going to be reporting on it, that is their job, it  
24 goes up very, very quickly because the dissemination is  
25 so fast now for stories, it's incredible, it's hard to 11:03  
26 control at times. There is a family out there who have  
27 lost a loved one. Do we need that story continually  
28 put out on a loop on all the different websites and on  
29 all the different broadcasts about the Gardaí haven't

1 established, it's still a suspicion death? well, as a  
2 human being I have said to journalists, look it, we  
3 will be putting a press release out on this, what I'm  
4 saying to you now is can't be -- it has to be  
5 quarantined for the moment, but anything I am telling 11:03  
6 you now is going to be in the press release, that is a  
7 personal tragedy and we would prefer if that wasn't --  
8 if you didn't follow up about the suspicious body  
9 and -- in other words, to tone down the actual story  
10 itself and then we would issue a press release in 11:03  
11 relation to that.

12 54 Q. Okay. And is there anything else that you understand  
13 off the record means, for instance leaks, for instance,  
14 or information which is released in a covert way to  
15 journalists, not recorded on spotlight? 11:04

16 A. Not from the Garda Press Office, but I would be very  
17 naive to say that there are not leaks --

18 55 Q. Yes.

19 A. -- to the press. I would be quite naive. But most  
20 certainly we would not condone in the Press Office any 11:04  
21 of that. I suppose, something that might seem a little  
22 bit -- another example might be if we had an ongoing  
23 operation, and I remember dealing with a particular  
24 incident, now I can't go into any specifics as you  
25 understand but there was a number of warrants being 11:04  
26 executed as part of a fairly big operation, there was  
27 still a number of warrants yet to execute because the  
28 teams were quite big -- you know, it's not a question  
29 of just getting a lot of guards, you have to get

1 medical teams, you have to get response units, you have  
2 to get the necessary skills to execute some of these  
3 warrants. But if the story broke at 8:00am when I get  
4 the call it would have an impending effect on the  
5 subsequent warrants that had to be executed. So, you 11:05  
6 would be asking if a journalist did get a tip-off or a  
7 call in relation to this, that you didn't want that  
8 story exposed as yet but, yes, there have been warrants  
9 executed but you want to wait until the press release  
10 where you would be given -- so you wouldn't be denying 11:05  
11 and you wouldn't be giving information that is  
12 confidential either, but you would be respecting that  
13 conversation with the journalist.

14 56 Q. All right. Now, when you arrived in the Press Office,  
15 were you aware or were you told about any particular 11:05  
16 attitude that had to be adopted towards Sergeant McCabe  
17 or information that was to be released to journalists  
18 about Sergeant McCabe?

19 A. No, Chair.

20 57 Q. Did you get any sense that he was to be treated in any 11:06  
21 sort of different way to any other story that the  
22 guards might be dealing with at any particular time?

23 A. No, Chair.

24 58 Q. Now, I think in actual fact, you were in the Press  
25 Office from June 2014 to May 2015, and as it happens, 11:06  
26 the penalty points and the retirement of Assistant  
27 Commissioner Callinan had been dealt with at that stage  
28 and the O'Higgins Inquiry still had to be dealt with,  
29 so it may well very be that it wasn't as topical an

1 issue as it was or was to become. Do you agree with  
2 that in any way?

3 A. I do agree with that, yes.

4 59 Q. Yes. There may have been a lull in attention with  
5 regard to Sergeant McCabe, is that a fair enough 11:06  
6 comment, while you were in your position --

7 A. In the Press Office role, yes. You know, when I was in  
8 Ballymun prior to that, I think we became aware  
9 somewhat of the fixed charge penalty system because we  
10 were -- and it was primarily through the media, it 11:07  
11 wasn't -- the job continued on, we were, you know --  
12 but I didn't go into the Press Office thinking about  
13 Sergeant McCabe or was this going to be an issue, so I  
14 got no briefing in relation to any of that. It was, as  
15 I say, my briefing was very general. I was anxious to 11:07  
16 get stuck into my work in the Garda Press Office and to  
17 go through what my role and responsibility was.

18 60 Q. All right. And in relation to your meeting with  
19 Superintendent Taylor when you commenced in the Press  
20 Office, now I should say it isn't suggested anywhere in 11:07  
21 the papers this conversation took place, but was there  
22 any briefing to you in relation to Sergeant McCabe  
23 matters?

24 A. No, Sergeant McCabe never came up in conversation at  
25 all in the briefing. 11:08

26 61 Q. And you didn't make any inquiry? As I said, it isn't  
27 suggested anywhere in the papers.

28 A. No.

29 62 Q. But, did you?

1 A. No, Chair.

2 63 Q. All right. And was any reference made, for instance,  
3 to the Public Accounts Committee meeting which had  
4 happened in January 2014?

5 A. No, Chair.

11:08

6 64 Q. All right. In relation to dealings with journalists  
7 and phone calls you may receive from them, how did you  
8 deal with those, in very general terms?

9 A. I suppose one of my -- the first pieces of work I done  
10 was, I asked the staff that I worked with in the Garda 11:08  
11 Press Office to arrange meetings with all the crime  
12 journalists in particular and people from the TV that  
13 report on Garda matters, just as I suppose an  
14 ice-breaker so they could say hello to me and I could  
15 say hello to them, and just to have a general 11:09  
16 conversation to see what their expectations were, and  
17 it was just generally -- and most of them did come in,  
18 I think they all did come in, and we would have spent  
19 maybe 45 minutes, an hour, with each journalist, we  
20 gave them a tour of the office, we had coffee, and I'm 11:09  
21 sure they were just as interested to come in to talk to  
22 me as well because I was new to the whole scene there.

23 65 Q. Well, were these one-to-one meetings?

24 A. Yes, they were. I think it was better to do it that  
25 way, competition is competition, there is no use 11:09  
26 bringing in three, four journalists, so it was -- and  
27 that was spread out over three months, maybe.

28 66 Q. All right. And in relation to phone calls you may  
29 receive from journalists about particular queries they



1 had, I don't know if you'd a particular way of dealing  
2 with those matters, those phone calls?

3 A. Yes, I did. And it goes back again to capturing the  
4 information and being consistent with our information.  
5 I would encourage that they go through the Press Office 11:10  
6 itself. Sometimes I took queries and I would have rang  
7 back into the Press Office or went upstairs to the  
8 Press Office, if I was there, and asked whoever was  
9 working at the time to take the query and to call the  
10 journalist back with the -- with whatever information 11:10  
11 they were looking for. So if I was to go and start  
12 answering queries or making queries on their behalf,  
13 that's when you fail to capture the information. So I  
14 continually referred it back to the Press Office,  
15 either the journalist or myself, getting them to call 11:10  
16 the journalist back.

17 67 Q. And did you get the impression at any time that that  
18 was a different way of dealing with things than  
19 Superintendent Taylor, for instance, had dealt with  
20 journalists? 11:10

21 A. Well, that is something I didn't really want to get  
22 into. I think when you go into a new role, you try and  
23 give it your own shape, whether that is better or  
24 worse, that is up for judgement at a later day.

25 68 Q. Yes. 11:11

26 A. But that is the way I wanted to do the business,  
27 because that is why we had Spotlight, so that's the way  
28 I worked it.

29 69 Q. Well, I understand, Mr. Moran, that everybody has their

1 own way of dealing with a particular position or a  
2 particular job, but I suppose what I wanted to ask you  
3 really or get your sense of was: Do you think  
4 journalists, before you managed the Press Office, had a  
5 contact with Superintendent Taylor that didn't involve 11:11  
6 reverting to the Press Office and who was on duty in  
7 the Press Office, just by maybe receiving calls from  
8 journalists in itself?

9 A. I can't answer that, Chair.

10 70 Q. Yes. 11:11

11 A. I don't know.

12 CHAIRMAN: In other words, I suppose what Ms. Leader is  
13 asking you, look, is 'you're a new man, but under your  
14 predecessor we used to do things this way' type of  
15 stuff? 11:12

16 A. I got that impression from some of the journalists but  
17 it wasn't my right to discuss that. I just wanted -- I  
18 didn't want -- I didn't want to discuss someone else or  
19 my predecessor or another member with anyone else,  
20 journalists or otherwise. I wanted to do my job. You 11:12  
21 may get, not necessarily Superintendent Taylor, but you  
22 may get other remarks 'well, it used to be different'.  
23 I like to be independent of all that. This is the way  
24 I want to do things. Whether it was better or worse, I  
25 don't know. But I never would get drawn into 11:12  
26 conversations about any other member or any  
27 predecessor, I just wanted to get on with my job. I  
28 thought it was easier -- the job, it's a difficult job,  
29 it's a demanding job, and it's a responsible job, and I

1 wanted to put hand on heart every day and do what I  
2 thought was right and that did not involve discussing  
3 individuals or, as you have said there, my predecessor.

4 71 Q. MS. LEADER: well, did you get comments that it used to  
5 be different? were you in receipt of those type of -- 11:13

6 A. I can't remember.

7 72 Q. -- remarks?

8 A. well, Chair, I can't remember if I got actual comments  
9 but I had the sense, I sensed it, yes.

10 73 Q. And as far as you were concerned, you were doing what 11:13  
11 you were going to do in the best way you thought it  
12 should be done?

13 A. Yes.

14 74 Q. Yes. whether it be different or not?

15 CHAIRMAN: Ms. Leader, I am sorry, you sensed what? 11:13

16 A. I sensed that I was bringing a change to the actual  
17 Press Office itself.

18 CHAIRMAN: The change being?

19 A. Maybe that I was -- to make myself clear, Chair, that I  
20 myself was not -- I was referring the query back to the 11:13  
21 Press Office staff itself, rather than chasing up on as  
22 much information as I could get personally from the  
23 SIOs or the Press Office staff themselves and then  
24 reverting back to that journalist. It would have been  
25 impossible, in my view, to do that, and continue to 11:14  
26 look at all the other responsibilities in the role  
27 itself. So that's the sense I got, Chair, I hope that  
28 answers your question.

29 75 Q. MS. LEADER: Sorry, just looking at your answer there,

1 and was that as well, Mr. Moran, in an effort to make  
2 sure that all the information that was given to people,  
3 members of the media, was recorded --

4 A. Absolutely.

5 76 Q. -- on the Spotlight system? 11:14

6 A. We are accountable with regards to all of that  
7 information --

8 77 Q. Yes.

9 A. -- and giving out of information. We are totally  
10 accountable. And it's very important information, so 11:14  
11 we have to get that right.

12 78 Q. Okay.

13 A. So that's why it's very important that it's centrally  
14 managed and the message that goes out there is  
15 accurate. 11:15

16 79 Q. Okay. And do you regard it as being a dangerous way to  
17 operate and not centrally managing information, or  
18 dangerous or risky or detrimental to the organisation  
19 on occasion, perhaps, not centrally managing  
20 information? 11:15

21 A. Well, I -- you know, there is times I would have spoke  
22 with press members, of course, but the information I  
23 would be giving would be very much -- would be the same  
24 information that is already captured on the system  
25 itself. 11:15

26 80 Q. All right. Okay. You have referred in your statement  
27 to taking on the role of Garda Press Office when the  
28 organisation was going through a period of change. I  
29 wonder could you explain what that change was that the

1 organisation was going through or what you were  
2 referring to there in your statement?

3 A. Well, morale was quite low in the organisation over the  
4 number of years. Like a lot of civil service, there  
5 was very little investment within the organisation 11:16  
6 itself. The numbers were extremely low. And I think  
7 it all started then when a new rostering system came  
8 in, there was 12-hour shifts, there was new structures  
9 coming in place. Well, GSOC had been there. The  
10 public appointments -- or the public -- the Police 11:16  
11 Advisory Committee or -- the Policing Board was being  
12 set up, the PAC was coming in. There was a lot of, I  
13 suppose, change to the structure of the organisation  
14 itself. There was more civilians coming in taking on  
15 different roles. So the organisation was going through 11:16  
16 considerable change in terms of accountability.

17 CHAIRMAN: Well, I mean, apart from that, like everyone  
18 else, including myself, you got a large pay cut.

19 A. Yes, there was. Yes.

20 CHAIRMAN: That is not going to make people happy but 11:17  
21 it does happen and alternatively we just forget about  
22 having a country altogether.

23 A. I do, agree, Chair, and it was -- I found as a manager,  
24 at times I was dealing more with HR issues rather than  
25 policing issues because, you know, people were under 11:17  
26 pressure, people were under pressure financially,  
27 people were under pressure to travel because of not  
28 being able to afford to live in Dublin. So you were  
29 dealing with a new dynamic here, where you were dealing

1 with officers that were hurting, the same as a lot of  
2 the civil service. So all of this did have an effect  
3 on officers, which had an effect on policing, had an  
4 effect on management, so we were in a new era, so to  
5 speak, in relation to policing. 11:17

6 81 Q. MS. LEADER: And was there any sense that the change in  
7 the organisation, that you were going to change the way  
8 the Press Office was run or relations were dealt with  
9 between the guards and the media?

10 A. Well, within the Press Office itself I would have had 11:18  
11 discussions with my boss and my deputy as to how I'd  
12 like to put my shape on the Press Office itself. And  
13 of course, we'd go to Templemore and speak at some of  
14 the conferences to say how we'd like to operate as the  
15 Press Office also. We would organise we would -- when 11:18  
16 they did eventually come back, new students, which was  
17 only a couple of months before I retired, and we spoke  
18 to them as to our expectations in relation to the Press  
19 Office. The press and the Press Offices is always  
20 something that is at the highlight of the organisation 11:18  
21 itself. And I even remember in 2005 a Commissioner  
22 standing up and talking about, speaking with the media  
23 on leaks and how important it's not to leak to the  
24 organisation and that was quite public at a graduation  
25 in Templemore, I rather that well. So the Press Office 11:19  
26 is an important part and it's seen as an important  
27 part, not only to the media but also to the Garda  
28 organisation as well. So we would have had plenty of  
29 opportunities or given plenty of opportunities to

1 members outside the Press Office to give us their take  
2 on it.

3 82 Q. All right. Was there any sense, both before you were  
4 Press Officer and when you were Press Officer, that the  
5 Garda Press Officer was in some way the Commissioner's 11:19  
6 person, that it was a personal appointment by the  
7 Commissioner, it was a person who was close to the  
8 Commissioner, whether it be Commissioner O'Sullivan or  
9 Commissioner Callinan, for instance?

10 A. I think that generally was the view, Chair, yes. 11:19

11 83 Q. And I wonder could you expand on that, that if it's  
12 generally was the view, why was that the case?

13 A. Well, I suppose the Press Officer is seen as, if I may  
14 be crude to say, like, the Commissioner's mouthpiece so  
15 to speak. That is what I was called sometimes, and I 11:20  
16 am sure others.

17 84 Q. Yes.

18 A. It's a kind of a unique position that I had my -- my  
19 line manager was Mr. McLindon, but you were in the  
20 unique position where you regularly met with senior 11:20  
21 management and you would arrange interviews and you'd  
22 speak more often with the Commissioner than ever. I  
23 can put probably in singular figures prior to going to  
24 the Press Office my meetings with the Commissioner  
25 themselves, you wouldn't have that opportunity, whereas 11:20  
26 with the Garda Press Office you would more so.

27 85 Q. All right. And was Mr. McLindon included in those  
28 conversations when you were Press Officer?

29 A. Oh, absolutely. I made it very clear to Mr. McLindon

1 because he was -- he is not a sworn member of An Garda  
2 Síochána, but I wanted to reassure him that he was my  
3 boss. I was quite glad to have him because he was a  
4 journalist and he had a lot of skills in relation to  
5 communications, it was new to me, and I remember 11:21  
6 telling him that what I had to offer was near 30 years'  
7 policing experience that was quite wide, so I think  
8 collaborating with that, we hoped to achieve some  
9 things, yes, but I do remember having that conversation  
10 with him. But if you are asking me everything that I'd 11:21  
11 have to talk about or I suppose he was my main channel  
12 of communications, I always reported firstly to  
13 Mr. McLindon.

14 86 Q. All right. Now, there's two matters I wanted to ask  
15 you in conclusion. In relation to the list that you 11:21  
16 referred to earlier on, the press clippings list and  
17 the critical incidents list, when Superintendent Taylor  
18 left the Press Office did he have access to them, as  
19 far as you were concerned?

20 A. Yes. I now know he had access to them. He was still 11:22  
21 on the distribution list, whether that was -- you know,  
22 he may not have been taken off the distribution list  
23 initially, no. But I did subsequently learn he was  
24 taken off the list.

25 87 Q. Yes. And did you learn that he was put on a list again 11:22  
26 or anything of that nature, in relation to the critical  
27 incident and press clippings list?

28 A. No, I was made aware that he was taken off the list.

29 88 Q. All right.



1 A. Yes.

2 89 Q. Okay.

3 CHAIRMAN: Do we have a time for that, Ms. Leader, I  
4 wonder? Any kind of indicative time?

5 MS. LEADER: I think it's probably something 11:22  
6 Superintendent Clerkin can deal with and the next  
7 witness as well.

8 CHAIRMAN: Yes.

9 MS. LEADER: Yes. If you'd answer any questions  
10 anybody else might have. 11:22

11 MR. GORDON: There are no questions.

12 MR. McGUI NNESS: Chairman, just before any other  
13 persons wish to proceed, Ms. Mullan, the solicitor to  
14 the Tribunal, has brought it to my attention that there  
15 is a number of other legal representatives of parties 11:22  
16 now present.

17 CHAIRMAN: Yes.

18 MR. McGUI NNESS: I have been told that Mr. Keeley is  
19 here, Mr. McAleese is here and Mr. Phelan from Hayes &  
20 Company are here, and it may be convenient, Chairman, 11:23  
21 at this stage, if you would hear any application for  
22 representation.

23 CHAIRMAN: I will. But can I just wait until we get to  
24 the end of this witness. You are right to draw it to  
25 my attention. So, let's deal with superintendent Moran 11:23  
26 first of all and then I had seen Mr. Keeley and I was  
27 proposing to -- I was thinking to myself, I will do  
28 another general trawl if you like. So thank you for  
29 drawing it to my attention.

1 MR. GORDON: No questions.

2 CHAIRMAN: You have no questions? Ms. Burns?

3 MS. BURNS: I have questions.

4

5 THE WITNESS WAS CROSS-EXAMINED BY MS. BURNS: 11:23

6 90 Q. MS. BURNS: Morning, Mr. Moran. My name is Tara Burns.  
7 I am appearing on behalf of Superintendent David  
8 Taylor. Just a few very short questions. You  
9 indicated that you met with Superintendent Taylor  
10 before you actually took up the role on the 10th June 11:23  
11 2014?

12 A. That's correct, Chair, yes.

13 91 Q. And you have described that meeting as a comprehensive  
14 briefing that was given to you by Superintendent  
15 Taylor, and it was very helpful in your future role as 11:24  
16 Press Officer, isn't that right?

17 A. That's correct, Judge, yes.

18 92 Q. Now, I also see in your statement that you refer to the  
19 fact that Superintendent Taylor had gathered some  
20 documentation for you in respect of your role, is that 11:24  
21 right?

22 A. That's correct, Chair.

23 93 Q. And you refer in your statement to him having gathered  
24 together a policy manual that referred to all relevant  
25 policy documentation, HQ circulars and also a document 11:24  
26 that related to disclosure of information to the media  
27 in terms of considering the rights to privacy of both  
28 the injured persons and any suspected persons?

29 A. That's correct.

1 94 Q. I see. Was there anything else in relation to  
2 documentation provided to you that you can recollect?  
3 A. I received, it was a fairly large bound hand-over  
4 document which contained all of those items and many,  
5 many more. 11:25

6 95 Q. I see.  
7 A. And so, it was very informative, yes. I did go through  
8 it eventually. I did get through it eventually. And  
9 it had everything else in terms of finances, but it was  
10 extremely comprehensive. It was collectively all the 11:25  
11 HQ circulars that had been issued over the years and  
12 anything of relevance to the Garda Press Office itself.

13 96 Q. I see. And my understanding is that Superintendent  
14 Taylor had put that together himself, are you aware of  
15 whether that's correct or not? 11:25

16 A. Yes. I do distinctly remember receiving the document  
17 and it had the heading "Hand-Over Document Prepared by  
18 Superintendent Dave Taylor to Superintendent Paul  
19 Moran".

20 97 Q. So it's in fact marked on the document that you 11:25  
21 received then?

22 A. Yes.

23 98 Q. I see. Now, I also note in your statement that has  
24 been referred to, that you indicated that when you took  
25 up your role as Press Officer, that you did receive a 11:25  
26 number of calls from journalists on your mobile, is  
27 that correct?

28 A. Absolutely. And that continued throughout my role.

29 99 Q. I see. And also, just one thing that you indicated in

1 the course of your evidence, you said that you did  
2 speak to former Commissioner Nóirín O'Sullivan prior to  
3 your appointment as Press Officer, is that correct?

4 A. I would have spoken to her, prior to my appointment,  
5 yes, I would have.

11:26

6 100 Q. And was that in relation to a proposed appointment to  
7 the Press Office or simply in relation to a proposed  
8 move from the role that you were already occupying at  
9 that stage?

10 A. It was a proposed move back to Garda Headquarters. I  
11 was making an educated guess, it probably was the Garda  
12 Press Office.

11:26

13 101 Q. And why was it that you were making an educated guess  
14 in relation to that?

15 A. Well, I suppose there was -- there was some rumour  
16 going around that I was going back to the Press Office.  
17 I was on TV quite a number of occasions and I had made  
18 some submissions about change in relation to the  
19 organisation which was encouraged, and I got the sense  
20 that, I suppose, to go into a role like that you have  
21 to be happy that you want to go into that role and I  
22 was quite happy, extremely happy in Ballymun Garda  
23 Station, having spent three years there, and it was no  
24 secret that I was thinking about retirement a year  
25 later.

11:26

11:27

26 102 Q. I see. So do I take it from that conversation that you  
27 had with former Commissioner O'Sullivan that you  
28 indicated to her that a move from Ballymun might be  
29 welcomed by you and that a move to the Press Office

11:27

1 wouldn't be unwelcome by you either?

2 A. The answer I would have given was: If I'm directed to  
3 move, I will be quite happy to move. I have never  
4 opposed -- it's the first time I was ever asked really  
5 about moving, so I suppose it was, are you interested 11:27  
6 in the move itself? So I didn't oppose it and I  
7 didn't -- yes, I want to go. No, it was, I will go if  
8 directed to go.

9 103 Q. I see. Thank you very much.

10 A. You are welcome. 11:28

11 CHAIRMAN: And is there any questions from anybody  
12 else? I think Mr. McGuinness, you are probably right  
13 in the sense that, sorry --

14 MR. DIGNAM: Sorry, Chairman, I just have a few brief  
15 questions, I won't delay the Tribunal or Mr. Moran any 11:28  
16 length of time.

17

18 THE WITNESS WAS CROSS-EXAMINED BY MR. DIGNAM:

19 104 Q. MR. DIGNAM: Mr. Moran, I just want to cover a few  
20 areas quite briefly with you. In relation to the 11:28  
21 meeting that you discussed with Ms. Burns and indeed  
22 with Ms. Leader that you had with Superintendent  
23 Taylor, the hand-over meeting, if I might call it that,  
24 Ms. Leader has taken you through the contents of that  
25 meeting and you have confirmed that there was no 11:28  
26 discussion of Sergeant McCabe or of any negative  
27 briefing that was going on or was to go on. In  
28 relation to the documents you were given, I think you  
29 said in your evidence to Ms. Leader, and you might just

1 confirm if this is correct, that this type of hand-over  
2 meeting is expected or required to happen between the  
3 incumbent in an office and a new person coming into the  
4 office, is that right?

5 A. Yes. It's a mandatory and there is a circular covering 11:29  
6 that. It happens for all senior officers, no matter --  
7 for their new post, unless it's previously vacant. But  
8 there is a hand-over that has been directed by the  
9 Commissioner for everyone.

10 105 Q. Now in relation then to the statement that you have 11:29  
11 been -- the statement that you gave and you have been  
12 referred to certain parts of it, you outline certain  
13 steps that you took when you came into the Press Office  
14 and indeed whilst you were in the Press Office about  
15 interactions with journalists, etcetera, and you 11:29  
16 referred to meeting a large number of journalists on a  
17 one-to-one basis. And I don't want to get into the  
18 details of any particular meeting with any particular  
19 journalist, if we just deal with it on a level of  
20 generalities. During the course of those meetings, did 11:29  
21 any of them ask you about Sergeant McCabe or about  
22 rumours that they had heard about Sergeant McCabe?

23 A. Not that I can recall, Chair, no.

24 106 Q. Did any of them say Dave Taylor has told us things 11:30  
25 about Sergeant McCabe, is there any update or can you  
26 fill us in or anything like that?

27 A. No, Judge. No, Chair, sorry.

28 107 Q. And one of the steps you took, I think, was to tell the  
29 journalists that you would prefer that they go through

1 the Press Office with their queries rather than  
2 directly to you, is that right?

3 A. That's correct, Chair.

4 108 Q. And I think you have explained your thinking behind  
5 that to Ms. Leader. On page 2386 of your statement -- 11:30  
6 sorry, of the booklet where your statement is  
7 contained, I don't need you to look at it, Mr. Moran,  
8 but you refer in that to issuing an internal Press  
9 Office instruction that the release of any information  
10 held by the Press Office must be sanctioned by either 11:30  
11 you, the Press Officer, or Andrew McLindon, the  
12 Director of Communications?

13 A. That's correct, yes.

14 109 Q. What was your thinking behind issuing that internal  
15 instruction? 11:31

16 A. Well, in other words, again information is very  
17 important and I would have, I suppose, included also in  
18 that my deputy, he would have had the autonomy to do  
19 that. But anything that goes out would have to get  
20 clearance and I think that was -- it's a responsible 11:31  
21 thing to do because ultimately I or Mr. McLindon are  
22 responsible for whatever information is disseminated.  
23 So in other words, no information is to go out outside  
24 that scope.

25 110 Q. Yes. Now, you subsequently met Superintendent Taylor 11:31  
26 for a coffee, I think, a number of weeks or months  
27 after you took over the post, is that right, during the  
28 summer of 2014?

29 A. That's correct, Chair, yes.

1 111 Q. And I think you mention in your statement that you in  
2 fact knew Superintendent Taylor, you had worked  
3 together I think at some stage in the past, is that  
4 right?

5 A. Yes, when I was in Ballymun he was extremely helpful 11:32  
6 with some of the incidents that I was involved in and  
7 we also had a number of very good community initiatives  
8 which he put a very positive story on in the Facebook  
9 and with Twitter and it was extremely positive for both  
10 the community. So he was very helpful to me when I was 11:32  
11 in Ballymun Garda Station.

12 112 Q. Yes. So when you met him then in summer 2014, what was  
13 the purpose of that meeting?

14 A. I said to him at the hand-over that I would give him a  
15 call in time just to say hello and see how things are 11:32  
16 going and, as I said, I would, I did. And I went to  
17 Dublin Castle and we went to the coffee shop here and  
18 we had a good conversation and just to see -- it was a  
19 general conversation.

20 113 Q. And during the course of that conversation did he 11:32  
21 express any feelings or view about having been moved  
22 from the Press Office?

23 A. Yes. I think he was upset about being moved. He  
24 didn't go into any specifics about his new role. He  
25 had mentioned to me that he was looking at a potential 11:33  
26 vacancy that was coming up in Headquarters and I said  
27 look, that is something, just go for it and that is the  
28 extent of that. But --

29 114 Q. And did he describe his feelings about having been



1 moved from the Press Office?

2 A. Yeah, I think he was -- he was somewhat, he was bitter  
3 about being moved. That is what I, again, sensed from  
4 him, himself, but he wasn't happy with the new move  
5 that he had got. 11:33

6 115 Q. Now, if I then just ask you about your appointment to  
7 the post and you have covered this to some extent with  
8 Ms. Leader and Ms. Burns. I think you have given your  
9 background and it's a fairly routine progression  
10 through the guards, other than perhaps your 11:33  
11 international duty in Cambodia, but also your time  
12 spent in the PSNI, I think that is an unusual feature  
13 of your career, is that a fair way of describing it?

14 A. Yes, I was -- it was to enhance cooperation between  
15 both organisations and to learn from each organisation, 11:34  
16 it was an inter-governmental agreement to possibly look  
17 for secondments from the PSNI to the Gardaí and vice  
18 versa. And that was happening where would you go for  
19 maybe a month up or down, but it also covered where  
20 eventually where there may be an attested secondment of 11:34  
21 a more lengthy period for 12 months where an officer  
22 would come up or go down and actually become an a  
23 member of that organisation, be given a role in that  
24 organisation. So it was a big move. I was in Garda  
25 Headquarters at the time and I decided that I wanted to 11:34  
26 try and maybe apply for that, and I did, and after the  
27 12 months it was extended, so I was quite excited about  
28 that move and it hasn't been repeated as yet,  
29 unfortunately, hopefully -- probably because of the

1 moratorium on new recruiting. So helpfully it will  
2 continue in time.

3 116 Q. And the role that you had with the PSNI, what was that  
4 role?

5 A. I suppose I was quite nervous when I was told 11:35  
6 initially. I was told I was going to be head of their  
7 community policing for the complete organisation  
8 itself. I was based in Belfast. So that obviously  
9 meant I had to go into dialogue with all the various  
10 communities up there and I suppose get involved in the 11:35  
11 training of officers within the PSNI and maybe give  
12 some of our initiatives that worked with the Gardaí, we  
13 are very good -- or the Gardaí are very good in terms  
14 of community policing. I think they are world leaders  
15 in that regard. So the police service of Northern 11:35  
16 Ireland are a service who are after going through  
17 substantial change post-Patten and I think it was  
18 greeted by most people with open arms, a guard going to  
19 work with the PSNI, and to enter into dialogue with the  
20 community and the various political leaders, so it was 11:36  
21 an exciting time.

22 117 Q. Now, I think then when you came back you -- were you  
23 given any particular training for that post in the  
24 PSNI?

25 A. Yes. My first initial few weeks were training in 11:36  
26 Garnerville in Belfast itself. I obviously had to go  
27 through the rules, the regulations. I was subject to  
28 all their rules, their regulations, their discipline  
29 procedures. Obviously my first day a Peace

1 Commissioner had to come in and attest me. I was also  
2 given some training in relation to firearms because  
3 obviously they carry firearms in the Police Service of  
4 Northern Ireland. And so, that was my first few weeks,  
5 and then it was on to the day job after that. 11:36

6 118 Q. And I think then when you came back from that post or  
7 from that post, you were then stationed in Ballymun as  
8 the district officer, isn't that right?

9 A. Yes, that's correct. That was my new post.

10 119 Q. Now you mentioned I think in response to a question 11:37  
11 that Ms. Burns asked you, that you made some submission  
12 in relation to change within An Garda Síochána. Could  
13 you tell us about that?

14 A. Yes. The organisation itself is very much, you must  
15 report through the channels and you must use that chain 11:37  
16 of communications, but we were given an opportunity  
17 where the interim Commissioner made an announcement  
18 through her management team that if anyone out there  
19 has got good ideas or they want to tell us something  
20 that they think would work for this organisation, 11:37  
21 submit them up, or if you want to submit them directly  
22 to herself, yes, go for it. So I took up on that  
23 opportunity.

24 120 Q. So that was Commissioner O'Sullivan while she was  
25 fulfilling the interim post, is that correct? 11:38

26 A. That's correct.

27 121 Q. And you made a submission?

28 A. I made a lengthy submission to her, I think it would  
29 have been around April or May of 2014.

1 122 Q. Yes. And I think you mentioned that you -- sorry,  
2 maybe you didn't. Had you worked with Ms. O'Sullivan  
3 prior to this?

4 A. No, I had never worked with Ms. O'Sullivan.

5 123 Q. And you knew her, I think you mentioned you met her at 11:38  
6 some professional engagements?

7 A. That's correct, yes.

8 124 Q. And then just finally, Mr. Moran, the press clippings  
9 mailing list, you explained that the press clippings  
10 were sent out to a number of members each morning. Do 11:38  
11 you remember how many people were typically on that  
12 mailing list? You may not, Mr. Moran.

13 A. No, being honest. It would have been, the full top  
14 team would have been on that list.

15 125 Q. Thank you, Mr. Moran. 11:38  
16

17 MS. BURNS: Chairman, just in relation to the  
18 conversation --

19 CHAIRMAN: Ms. Burns, I am going to come back to you  
20 but I want to follow up on it, if you wouldn't mind, 11:39  
21 because it would probably be fairer if I did. And  
22 just, sorry, Ms. Leader, forgive me for just going a  
23 little bit out of sequence.

24

25 THE WITNESS WAS THEN QUESTIONED BY THE CHAIRMAN: 11:39

26 126 Q. CHAIRMAN: Look, one of the things that has been put on  
27 the table, Superintendent, is this: That there was  
28 bitterness by Superintendent Taylor towards NÓIRÍN  
29 O'Sullivan in particular, that he very much enjoyed the

1 job that you did and couldn't see any reason for moving  
2 and he blamed her for being moved. Now, I'm not giving  
3 that as, if you like, a sheet of evidence that has been  
4 presented to me, but that is the thrust of it and also  
5 that is the inferences that I am expected to draw in 11:40  
6 relation to it. Now, I can appreciate very much that  
7 in circumstances where you meet a colleague and you  
8 have a cup of tea and you discuss this, that and the  
9 other, that things to do with family, to do with life,  
10 to do with sport, etcetera, come up, and some of them 11:40  
11 may seem very private, but unfortunately that is a very  
12 big aspect of this, and if you could help, Ms. Burns  
13 may come back and ask you more questions on the basis  
14 of instructions, but if you could help in relation to  
15 what was said, if anything, about Garda Headquarters, 11:40  
16 Commissioner O'Sullivan at either of your meetings, the  
17 meeting here just down the corridor or the meeting on  
18 the hand-over, I'd be grateful if you wouldn't mind.  
19 Now is the time unfortunately, it's been raised and I  
20 am asking for your help. 11:40

21 A. Yes. It's -- I don't have particularly a lot more --  
22 as I say, there was a lot of small talk. I know he was  
23 upset over the move itself. He did like the job that I  
24 was -- that I had taken over. In fairness, he had no  
25 bitterness towards me. I know -- I think the initial 11:41  
26 hand-over, I do remember him saying that it wasn't so  
27 much that he had a difficulty with the move, it's  
28 probably the way the move was done, whatever that was  
29 supposed to mean. But you know, the word going on the

1 street was Paul Moran is very close to Nóirín  
2 O'Sullivan so maybe there could have been, this could  
3 have given rise to a situation where he wasn't going to  
4 confide in some of the things with me because of that,  
5 like a lot of other people, so... and if some people 11:41  
6 wanted Nóirín O'Sullivan to know something maybe I was  
7 the conduit in other circumstances. But I think  
8 because of the perception that I was close to the then  
9 interim Commissioner not a lot of things were said to  
10 me because of me potentially discussing it with her. 11:42  
11 But I don't remember anything specific, Chair. If I  
12 did, I most certainly would put it on this table.

13 127 Q. CHAIRMAN: Yes. Because I mean, the problem is that if  
14 you look at the statements that Superintendent Taylor,  
15 there is very first one, the protected disclosure is a 11:42  
16 very strong statement against Nóirín O'Sullivan. Now,  
17 was there any mention of her husband or anything like  
18 that --

19 A. No, and I would have worked with her husband in  
20 Ballymun. 11:42

21 128 Q. CHAIRMAN: We know he is a nice chap and all the rest  
22 of it, but it's the attitude coming from him to you as  
23 opposed to anything you think yourself.

24 A. No. And I will be very honest and clear here, Chair:  
25 If someone had said something to me that I didn't 11:42  
26 believe was right I would have probably teased it out  
27 or challenged it, and if something was said to me  
28 that -- that some of the allegations that are being put  
29 out, I most certainly couldn't accept that. So I would

1 clearly remember if something serious was said to me in  
2 relation to the alleged items. It wasn't. There was  
3 no discussion really on anyone in particular, and that  
4 includes former Commissioner O'Sullivan, former  
5 Commissioner Callinan. As I say, it was very, very 11:43  
6 generic. I am sorry I can't be more helpful, but I was  
7 probably seen as someone that wouldn't be the person to  
8 talk to in relation to some of those matters because I  
9 would obviously disclose it.

10 129 Q. CHAIRMAN: Ms. Burns may wish to ask you some question 11:43  
11 or other about that, but you said you had met Nóirín  
12 O'Sullivan particularly in the context of she wanted to  
13 encourage Gardaí to keep fit and to play sport, was  
14 there some sport in particular you were involved in?

15 A. I was part of the Garda Coiste Siamsa, what is the 11:43  
16 sports body for the organisation itself?

17 130 Q. CHAIRMAN: Yes. But did you play something yourself?  
18 A. I am still an ageing runner, Chair. I still run  
19 marathons. So, I am still hanging in there.

20 CHAIRMAN: If I had a hat I would take it off to you. 11:44  
21 A. And those who know me closely know that and up to two,  
22 three years ago I still represented the organisation as  
23 an old man but still made the cut in relation to the  
24 competition.

25 131 Q. CHAIRMAN: So they go up kind of over 55 type thing, 11:44  
26 the way they do in swimming?

27 A. Not yet. Shortly.

28 CHAIRMAN: Shortly that is going to be introduced.  
29 Ms. Burns, do you want to ask any questions?

1 THE WITNESS WAS FURTHER CROSS-EXAMINED BY MS. BURNS:

2 132 Q. MS. BURNS: Mr. Moran, I think that you are a fantastic  
3 runner from what I heard this morning, you run  
4 marathons in exquisite time. Mr. Ferry was informing  
5 me. Just in relation to the conversation that you had 11:44  
6 with Superintendent Taylor I think you have been very  
7 fair to indicate the word on the street, whether that  
8 is true or not, the word on the street was that you  
9 were viewed as close to former Commissioner O'Sullivan?

10 A. Yes. 11:45

11 133 Q. And when you initially gave evidence to Mr. Dignam in  
12 relation to this, you have referred to the conversation  
13 with Superintendent Taylor as a general conversation,  
14 and I took from your evidence that you had a sense that  
15 Superintendent Taylor was unhappy, you refer in your 11:45  
16 evidence that you think that he was upset and then you  
17 said a little bit later "I think he was somewhat  
18 bitter"; did he in fact express those sentiments or is  
19 that something that you took from the conversation that  
20 you were having with him? 11:45

21 A. I suppose it would have involved the actual  
22 conversations and it's been part of the conversation  
23 and looking at the expressions and looking at the body  
24 language, it would be very hard to explain, but, yes.

25 134 Q. I see. Because my instructions are, because of the 11:45  
26 word on the street and Superintendent Taylor's view  
27 that you were close to former Commissioner O'Sullivan,  
28 that he in fact didn't express any specific view to you  
29 in relation to his thoughts on his removal from the



1 Press Office.

2 A. No. As I outlined to the Chair, in some of the  
3 conversations he was very unhappy the way it was done,  
4 he accepted the transfer, that is the way the  
5 organisation works. 11:46

6 135 Q. Yes.

7 A. But he was -- he was not happy.

8 136 Q. I see. And am I right that that is something that you  
9 deduced from the conversation that you had with him  
10 rather than him specifically indicating that? 11:46

11 A. The conversation and the actual body language itself,  
12 yes.

13 137 Q. I see. Thank you very much.

14 A. You are welcome.

15 CHAIRMAN: Ms. Leader, did you want to come back? I am 11:46  
16 going to detain you Superintendent Moran for a minute.  
17 Now, people who are here will remember what I said this  
18 morning on two occasions before and after the break, so  
19 are there media organisations now who are here and who  
20 wish to be represented and you will appreciate we have 11:46  
21 had correspondence with a number of those, they will  
22 know themselves. Don't be shy, please.

23 MR. Ó MUI RCHEARTAIGH: Chairman, if I might just ask  
24 Mr. Moran two questions.

25 11:47

26 THE WITNESS WAS CROSS-EXAMINED BY MR. Ó MUI RCHEARTAIGH:

27 138 Q. MR. Ó MUI RCHEARTAIGH: You said you received a  
28 comprehensive oral briefing from David Taylor over two  
29 or three hours, isn't that right?

1 A. It would have been over a number of hours, yes. It was  
2 a morning I went to see him in Garda Headquarters.

3 139 Q. And did you also, I understood you to say you received  
4 documentary brief about the issues that were current,  
5 was that part of the process? 11:47

6 A. No. About the operating procedures of the workings of  
7 the Garda Press Office itself, it wasn't on any  
8 specific item.

9 140 Q. So you had a comprehensive hand-over meeting with David  
10 Taylor at which there was an oral discussion, but no 11:47  
11 actual information passed about the issues which had  
12 been exercising the Press Office over the previous six  
13 months?

14 A. That's correct.

15 141 Q. Well, would that really be a comprehensive briefing? 11:48  
16 would that be a proper hand-over?

17 A. It's like when you go to -- if I was to go to a Garda  
18 district I'd get -- I'd know all about the crimes, I  
19 know about everything else, I would get a comprehensive  
20 briefing in relation to staff, the workings of the 11:48  
21 district itself, the shortcomings of the district, the  
22 judges. It's about the workings of the place. You  
23 don't go into -- you don't go into the actual detail of  
24 instances or --

25 142 Q. In the period between January 2014 and July 2014, what 11:48  
26 was the biggest issue before the Press Office of the  
27 Garda Síochána? What was the issue that occupied most  
28 of David Taylor's time and indeed from what we have  
29 seen, his interaction with senior Gardaí?

1 A. I presume it was, yes.

2 143 Q. It related to Sergeant McCabe, there was the Public  
3 Accounts Committee, there was the articles about Ms. D,  
4 and this wasn't mentioned at all, this was the  
5 comprehensive briefing you received coming in as Press 11:49  
6 Officer?

7 A. That's correct. The comprehensive briefing in relation  
8 to the workings of the Press Office.

9 144 Q. And did it occur to you to ask about it?

10 A. No. 11:49

11 145 Q. Thank you very much, Chairman.

12

13 CHAIRMAN: Mr. McGuinness, perhaps you would be so kind  
14 as to say who you think is represented because it seems  
15 that there is a reluctance to speak. 11:49

16 MR. McGUI NNESS: Sorry, Chairman, I was informed that  
17 Mr. Keeley was in attendance, also Mr. McAleese and  
18 Mr. Phelan.

19 CHAIRMAN: Mr. Keeley, can we start with you, please?

20 MR. KEELEY: Chair, thank you very much. As you will 11:49  
21 be aware I represent Associated Newspapers Limited,  
22 they are the publishers of The Irish Mail on Sunday and  
23 The Irish Daily Mail. I also represent its journalist,  
24 Ms. Debbie McCann and two editors of The Irish Daily  
25 Mail and The Irish Mail on Sunday, who are 11:50  
26 Mr. Sebastian Hamilton and Mr. Conor O'Donnell. At the  
27 outset may I say, in my haste to get here today --

28 CHAIRMAN: We won't mention that. You are looking  
29 good, Mr. Keeley, and I am delighted to see you for

1           that reason.

2           MR. KEELEY: Thank you. I have been in correspondence  
3 with the Tribunal, I wrote to them on Friday, I have  
4 received limited representation in relation to  
5 Ms. Debbie McCann and I would seek limited 11:50  
6 representation in relation to the two editors who are  
7 currently scheduled to give evidence in the course of  
8 these sittings, that is Mr. O'Donnell and Mr. Hamilton  
9 as I have indicated. As I have outlined in my letter  
10 of Friday last, the reason I am seeking that 11:50  
11 representation is that while there appears to be no  
12 direct conflict of evidence in relation to what my two  
13 clients have stated to the investigators, issues of  
14 journalistic privilege may arise in the course of their  
15 evidence, it certainly did arise in the course of their 11:51  
16 discussions with the investigators and it may be that  
17 in that context that they may wish to make  
18 representations in relation to journalistic privilege,  
19 but I would anticipate that the representation would be  
20 limited to that. 11:51

21          CHAIRMAN: Yes. Well, Mr. Keeley, I think we probably  
22 by this stage have written back, I don't know if we  
23 have, but I think we have, probably by email. And yes,  
24 you are pushing an open door, certainly. But I also  
25 think that the organisation should be represented. I 11:51  
26 may have said that. You may not know that I said that  
27 this morning. I think it is appropriate, if a  
28 journalist is going to get into trouble, and I am not  
29 sure that is going to happen at all, I have no idea, I

1 want to hear what people have to say, I need to look at  
2 the particular circumstances, but it seems to me to be  
3 right that the organisation should be there as a matter  
4 of legal principle.

5 MR. KEELEY: Yes, Judge, unfortunately I wasn't here 11:51  
6 this morning, so I would certainly make the application  
7 in relation to the corporate entity itself because  
8 there may be the possibility that they will be dealing  
9 with the issues of privilege in a corporate sense as  
10 well. 11:52

11 CHAIRMAN: Yes. Of course. And I think that appeared  
12 in one of the submissions very early on in the course  
13 of the Tribunal anyway. Thank you very much. So is  
14 there Mr. Keeley. So, is there Mr. McAleese then as  
15 well? 11:52

16 MR. McALEESE: Thanks, Chairman. Simon McAleese,  
17 representing Times Newspapers Limited, which is the  
18 publisher of The Sunday Times, and also News Group  
19 Newspapers Limited which publishes The Irish Sun and  
20 The Irish Sun on Sunday. Now, Times Newspapers Limited 11:52  
21 have two journalists who are listed as witnesses, that  
22 is John Mooney and Justine McCarthy, and the News Group  
23 Newspapers Limited have one journalist who is listed,  
24 that is Eavan Murray. The letter I received from the  
25 Tribunal solicitor related to The Sunday Times only and 11:52  
26 it said that, it referred to the fact that "several  
27 employees of your client are scheduled to give evidence  
28 to the Tribunal", etcetera, and the Tribunal was  
29 writing "to inquire if your client, i.e. The Sunday

1 Times, wishes to seek representation". So I think,  
2 Chairman, it would probably be sensible to make that  
3 application on behalf of Times Newspapers Limited and  
4 on behalf of News Group Newspapers Limited, that is The  
5 Sunday Times and The Sun, and also, Chairman, on behalf 11:53  
6 of the three journalists as well.

7 CHAIRMAN: Yes.

8 MR. McALEESE: If that is an order

9 CHAIRMAN: It is in order. And you are representing  
10 the corporate entity behind them as well, I take it? 11:53

11 MR. McALEESE: I think it would be sensible to do that,  
12 Chairman. Can I also mention another thing, Chairman?

13 CHAIRMAN: Yes. By the way, I am not saying any of  
14 them may be criticised but you appreciate how careful  
15 we have to be in relation to matters and in the event 11:53  
16 that this issue does arise and may need to go somewhere  
17 it's appropriate that you have made this application so  
18 I am granting the representation.

19 MR. McALEESE: I am very obliged, Chairman. Could I  
20 also mention, I told Mr. Darryl Broderick, who is a 11:54  
21 partner in Ronan Daly Jermyn Solicitors, who apologises  
22 to you, Chairman, that he can't be here this morning  
23 for he hadn't been aware that the matter would arise  
24 but he acts for The Examiner, and the entity and its  
25 journalists. He asked that I would step into the 11:54  
26 breach for him and his request was that I would do my  
27 best in the circumstances, and I think -- I don't want  
28 to be making assumptions that I should be applying for  
29 representation on behalf of his client and his

1           journalists, but would it be possible that perhaps we  
2           might come back and --

3           CHAIRMAN: well, Mr. McAleese, just let me see where we  
4           stand in relation to The Irish Examiner.

5           Mr. McGuinness, would you fill us in on that, please? 11:54

6           MR. MCGUINNESS: well, the position, Chairman, is that  
7           obviously The Irish Examiner has a number of  
8           journalists that the Tribunal has written to -  
9           Mr. McEnroe, Mr. McConnell and Mr. Cormac O'Keefe -  
10          and they have, I think they have all been interviewed 11:55  
11          by the investigators as well.

12          CHAIRMAN: Yes.

13          MR. MCGUINNESS: And so, obviously the Tribunal I think  
14          would regard them as being in the same position as the  
15          other journalists whom Mr. McAleese has mentioned today 11:55  
16          that he is acting for, and it would seem to me to be an  
17          appropriate order to make if Mr. McAleese is moving the  
18          application on behalf of --

19          CHAIRMAN: well, I am taking him as moving on behalf of  
20          a colleague, that is perfectly permissible. So, yes, 11:55  
21          the representation is granted to The Irish Examiner,  
22          corporate entity, whatever it is, and the individual  
23          journalists who will be giving evidence on the limited  
24          basis in relation to their evidence and anything that  
25          might touch on them. That is the ruling, by the way, 11:55  
26          which applies to all of the journalists, all of the  
27          media organisations. So there it is. Was there  
28          anybody else here?

29          MR. McALEESE: I am very obliged Chairman.

1 MR. PHELAN: Chairman, my name is David Phelan from  
2 Hayes Solicitors, I represent The Irish Times  
3 Designated Activity Company.

4 CHAIRMAN: Sorry? Oh, you are there. Thank you.

5 MR. PHELAN: I represent The Irish Times Designated 11:56  
6 Activity Company, which is the corporate entity  
7 publishes The Irish Times Newspaper and Conor Lally,  
8 its journalist. Mr. Lally is listed to give evidence  
9 before the Tribunal and on a similar basis as outlined  
10 by my colleagues I would make an application for 11:56  
11 representation on behalf of The Irish Times, the  
12 corporate entity, and on behalf of Mr. Lally.

13 CHAIRMAN: Yes. I think in a submission that we  
14 received earlier on in the days of the Tribunal that an  
15 assertion was made that in the event that there was 11:56  
16 journalistic privilege arising - and by the way, I  
17 don't know whether it will arise at all, and again, I  
18 emphasise that I need to look at the particular  
19 circumstances before making any ruling - I think it was  
20 asserted that it would be The Irish Times Trust I think 11:57  
21 who held the privilege. I think that submission was  
22 made in writing to the Tribunal. So would that  
23 corporate representation cover also The Irish Times  
24 Trust? That is a different entity of course, isn't it?

25 MR. PHELAN: I wasn't aware, Chairman, that there was 11:57  
26 that distinction that you are identifying  
27 being identified in correspondence on a considered  
28 basis. I anticipate --

29 CHAIRMAN: I think it may have been in a submission,



1 because at a very early stage -- and I can't say that I  
2 would expect you to know any of this at the moment  
3 because clearly you are coming new to the matter, but  
4 some very large submissions were received by the  
5 Tribunal going up and down the scales in relation to 11:57  
6 the European Court of Human Rights, etcetera, etcetera,  
7 and those were very interesting and very helpful, in  
8 the event that there was concise submissions to be made  
9 or anyone outside the actual corporate entity  
10 publishing The Irish Times were to assert a privilege 11:58  
11 on behalf of a journalist or to say they don't own the  
12 privilege, we own the privilege, I am not saying how  
13 sensible that might be legally, I have no idea until I  
14 hear submissions, but it seems to me that if that were  
15 to be the case then clearly I would now grant you 11:58  
16 representation on behalf of The Irish Times Trust if  
17 they wish to make that assertion.  
18 MR. PHELAN: Chairman, in light of what you say I  
19 think it's appropriate that I would make that  
20 application on behalf of the Trust. I hadn't 11:58  
21 anticipated doing that in coming down this morning but  
22 particularly in light of what you say I think it would  
23 be appropriate that I would make the application on the  
24 basis that if the necessity for a submission arises on  
25 the part of the Trust that it could then be made. 11:58  
26 CHAIRMAN: Yes. Well, I think you are right to make it  
27 conditionally. I have stated what the position is and  
28 in the event that there is to be any such assertion by  
29 The Irish Times Trust certainly you have representation

1 for them as well.

2 MR. PHELAN: I am obliged, Chairman.

3 MR. McGUI NNESS: Chairman, if I could just maybe note a  
4 couple of matters. Obviously --

5 CHAIRMAN: Sorry, the reason I have done this, 11:59  
6 Mr. McGuinness, is to make sure the superintendent --  
7 nobody wants to ask the superintendent any question. I  
8 don't think there is anything arising against any  
9 individual journalist or against any organisation. I  
10 don't believe that I could ever possibly say anything 11:59  
11 arising from his evidence about them or entities, so  
12 you have no questions for him, I presume? All right.  
13 well, sorry for keeping you then, thank you very much.

14 A. Not at all, Chair, thank you.

15 11:59

16 THE WITNESS THEN WITHDREW

17

18 MR. McGUI NNESS: Just to say, Chairman, that obviously  
19 we have served a number of volumes of documentation on  
20 the journalists and the solicitors who actually are 11:59  
21 here today and have been representing their clients'  
22 interests in correspondence. Obviously, Ms. Mullan  
23 tells me that she has provided additionally USB keys  
24 today to everyone who has appeared - Mr. Keeley,  
25 Mr. McAleese, Mr. Phelan, RTÉ, Fanning and Kelly and 12:00  
26 Mr. Cullen - with a USB key which contains three  
27 volumes, volumes 11, 12, which deal with the Press  
28 Office and Superintendent Ferris's evidence, and also  
29 volume 13 which deals with Superintendent Taylor's

1 interviews insofar as it relates to any of the  
2 journalists.

3 CHAIRMAN: Yes.

4 MR. MCGUINNESS: So, just to say that. And they will  
5 obviously have an interest in reading those. But I 12:00  
6 suppose I should also repeat what I said earlier for  
7 the benefit of those who are now present, that the  
8 evidence which we are proceeding to hear today will not  
9 deal with any named journalist, obviously, in their  
10 absence, and without having had proper notice. We will 12:00  
11 be continuing with Superintendent Ferris's evidence as  
12 it relates to the Press Office and Superintendent  
13 Taylor, and we will be ceasing the evidence after  
14 Superintendent Ferris and we will be perhaps recalling  
15 him and the other members who are due to give evidence 12:01  
16 today on another occasion and it's obviously a matter  
17 for anyone now represented and in possession of any of  
18 the relevant material to make their own decision as to  
19 whether they have an interest in turning up and/or  
20 being present for the evidence of those witnesses. 12:01

21 CHAIRMAN: Mr. McGuinness, I appreciate that if this  
22 material fell on a person that it would be a very good  
23 personal injuries action in the High Court, depending  
24 on the circumstances of course in which it occurred,  
25 but it is only, it seems, 11, 12 and 13 that directly 12:01  
26 affects the newspaper people and the media  
27 organisations, I think that's correct, isn't it?

28 MR. MCGUINNESS: well, they have also been provided  
29 with I think volumes 15, 16 and 18, if I am not

1 mistaken.

2 CHAIRMAN: Again, that is no harm, but it's not going  
3 to take too long to look through those. So  
4 Mr. McGuinness, that being the situation, appreciating,  
5 ladies and gentlemen, who are representing media 12:02  
6 interests, that it's going to take to you a wee while  
7 to read through, it's certainly not going to take you  
8 more than tomorrow and I have to have other duties  
9 tomorrow in the Supreme Court so there it is. Do your  
10 best. And if you have a problem please come back. But 12:02  
11 you don't need to read through absolutely everything.  
12 It will be clear. And in any event it's a question of  
13 getting instructions from your client as to what the  
14 situation is and I will of course know the bit that is  
15 relevant and not any bit that is confidential as 12:02  
16 between lawyer and client. So I think we will leave it  
17 at that. Is that all right? Yes. Okay. Unless you  
18 have something you want to say? No, you are happy  
19 enough.

20 MR. MCGUINNESS: The next witness is Superintendent 12:03  
21 Ferris. I should say for the benefit of my colleagues  
22 Superintendent Ferris made a statement in 2015 which is  
23 included in volume 9 of our papers at page 2414 and he  
24 has made a more recent statement which is in volume 12  
25 at page 3132 and another statement yesterday, I think, 12:03  
26 dated 30th April, which has been circulated.

27  
28  
29

1 SUPERINTENDENT JOHN FERRIS, HAVING BEEN SWORN, WAS  
2 DIRECTLY EXAMINED BY MR. MCGUINNESS:

3 146 Q. MR. MCGUINNESS: Superintendent Ferris, what position  
4 do you currently hold?

5 A. I am currently the superintendent corporate 12:03  
6 communications in the Garda Press Office.

7 147 Q. And is that a position under Mr. McLindon, as it were?

8 A. That's correct. He is my direct boss.

9 148 Q. Yes. And who is the current Press Officer then?

10 A. The Press Officer role is currently vacant. The role 12:04  
11 is currently being carried out by deputy -- or the  
12 Deputy Press Officer is Inspector Conor Ó Murchu. The  
13 Press Officer role is currently vacant.

14 149 Q. And who was the last Press Officer before it fell  
15 vacant?

16 A. Superintendent Paul Murray, he retired. 12:04

17 150 Q. Superintendent Murray. Very good. Now, can I just ask  
18 you, just briefly, about your own career in An Garda  
19 Síochána. How many years have you been in so far?

20 A. My first station was Blackrock in '81 and I then 12:04  
21 transferred to Store Street and moved back to Dun  
22 Laoghaire and in '96 I went to the IT section as part  
23 of the change management team for the Pulse Project and  
24 in 2003 I was promoted inspector and I went to  
25 procurement section in Garda Headquarters and in 2007 I 12:05  
26 was asked to take up the role as Deputy Press Officer,  
27 as an inspector in the Press Office.

28 151 Q. Yes. And I think you remained in position as deputy  
29 inspector from 2007 until 2015 when you were promoted

1 to superintendent and you took up your current  
2 position, Superintendent Corporate Communications?

3 A. That's correct, Chairman.

4 152 Q. Now, can I just ask you this question: Have you ever  
5 served in any capacity with the former Commissioner 12:05  
6 Martin Callinan?

7 A. No.

8 153 Q. Do you know him personally? Have you had any  
9 experience of him?

10 A. No, Chair, apart from the normal, you'd meet him 12:05  
11 occasionally in parts of normal policing but not  
12 personally.

13 154 Q. And former Commissioner O'Sullivan, have you ever  
14 served with her or under her command in any capacity?

15 A. No, no, Chair. 12:06

16 155 Q. And Superintendent Taylor, did you know him before you  
17 ever went to the Press Office?

18 A. I never worked with him. I knew of him as a guard but  
19 I didn't work with him directly.

20 156 Q. Okay. And Sergeant McCabe, have you any knowledge of 12:06  
21 or information in relation to Sergeant McCabe?

22 A. No, I never -- I don't think I ever spoke to Sergeant  
23 McCabe, but other than the media coverage, I had no  
24 dealings with him.

25 157 Q. Yes. Perhaps could you just adjust the microphone 12:06  
26 slightly to point it more directly towards your mouth,  
27 if you wouldn't mind.

28 A. Okay.

29 158 Q. Thank you. Now, could I ask the registrar to put up

1 page 4270 of our documents, it's in volume 16, it's a  
2 list of former press officers. And you arrived in the  
3 Press Office as an inspector, you were already promoted  
4 to inspector, and I think the Press Officer there at  
5 the time was Superintendent Raymond McHugh, is that 12:07  
6 correct?

7 A. No, Superintendent Raymond McHugh was gone at that  
8 stage. The Press Officer on my arrival was  
9 Superintendent Kevin Donoghue and he was promoted as  
10 chief and he left and he was replaced by Superintendent 12:07  
11 John Gilligan.

12 159 Q. All right. well, Superintendent McHugh, do you know  
13 had he been, had he retired or had he been transferred?

14 A. He had been transferred, I think he went -- he was  
15 promoted superintendent and went working with Garda 12:07  
16 Síochána Ombudsman Commission.

17 160 Q. Yes. And Superintendent Donoghue, he succeeded him in  
18 November 2008, according to the information we have,  
19 but he was in position when you arrived, is that  
20 correct? 12:07

21 A. Superintendent Kevin Donoghue was the Press Officer on  
22 my arrival.

23 161 Q. Yes. And how long were you there while he was Press  
24 Officer?

25 A. I'm not sure what date he was promoted and left, he was 12:08  
26 there for a while.

27 162 Q. Okay. And he left on promotion, is that correct?

28 A. That's correct.

29 163 Q. All right. And he was succeeded by Superintendent John

1 Gilligan, is that correct?

2 A. That's correct.

3 164 Q. And Superintendent Gilligan appears to have served for  
4 a number of years there?

5 A. That's correct. And then he was promoted and he 12:08  
6 departed.

7 165 Q. And where did he move to?

8 A. He moved to Crime and Security, chief superintendent  
9 Crime and Security.

10 166 Q. And he was replaced in the middle of 2012 by 12:08  
11 Superintendent Taylor, is that correct?

12 A. That's correct.

13 167 Q. Okay. Now, can I just ask you about the workings of  
14 the Press Office when you arrived. Firstly, what was  
15 your role at that time? 12:08

16 A. My role as Deputy Press Officer was to assist the then  
17 Press Officer and obviously fill in for him in his  
18 absence. Primarily I suppose it was the workings of --  
19 the day-to-day workings of the Press Office itself and  
20 ensuring that media queries were dealt with in an 12:09  
21 efficient manner.

22 168 Q. And obviously the Garda Síochána Act of 2005 had come  
23 into being, there was the Data Protection Act as well,  
24 and were you familiar with the provisions of Chapter 17  
25 of the Garda Code -- 12:09

26 A. Yes.

27 169 Q. -- regulating the Press Office?

28 A. Yes, yes, Chairman.

29 170 Q. And what training did you have then when you arrived or



1 had you received training before you took up your  
2 position?

3 A. I had no experience with the media prior to being asked  
4 to take up the role and when I subsequently did a press  
5 officer's course in the UK, I did a PR diploma, a 12:09  
6 digital marketing course and an internal communications  
7 course subsequently.

8 171 Q. And I think when you came to work with Superintendent  
9 Taylor, did he produce a manual of guidelines for the  
10 operation of the Press Office? 12:10

11 A. There was a manual there and I suppose it was a  
12 combined effort.

13 172 Q. All right. And was that updated by him or under his --  
14 A. It was updated under his control, yes.

15 173 Q. And when he came in as Press Officer, did he make many 12:10  
16 changes?

17 A. He made a number of changes. I mean, each person likes  
18 to put their mark on an office and make changes and  
19 that is the normal run of them, with any staff  
20 member -- new boss will make their changes. 12:10

21 174 Q. And what sort of changes did he make?  
22 A. Well, he tightened up on -- from my point of view he  
23 took a lot more hands-on control of what was being  
24 issued and what wasn't being issued. At the time the  
25 Deputy Press Officer and the Press Officer shared the 12:11  
26 same office because of the nature of the work and the  
27 fact that it was ever changing on a day -- on an hourly  
28 basis, when I worked with Kevin Donoghue and John  
29 Gilligan effectively I sat on the desk beside them and

1 when Superintendent Taylor arrived that was the  
2 procedure for a couple of weeks, a couple of months  
3 maybe, and it became obvious to me that he wasn't  
4 comfortable with someone else in the room. And I did  
5 say initially that -- a lot of superintendents want 12:11  
6 their own office and I understand that, and I said if  
7 it's an issue, you know, let me know. But he said it  
8 wasn't an issue and we proceeded on and we had a good  
9 working relationship and then one morning I came in and  
10 found my desk upside down on the floor in three parts 12:12  
11 and I was told I was moving office. I felt that it was  
12 disrespectful to me as an individual, I thought it was  
13 unprofessional, but as a superintendent, he was  
14 entitled to look for an office of his own.

15 175 Q. Okay. So he moved you out then, is that what you are 12:12  
16 saying, to another office?

17 A. That's correct.

18 176 Q. And that was on the same floor level? Did you have  
19 access to his office?

20 A. It was upstairs. 12:12

21 177 Q. Upstairs. All right. And can you just explain to the  
22 Tribunal how is it that information in relation to a  
23 case or an incident is released through the Press  
24 Officer? What concerns are taken into account in that  
25 regard? 12:12

26 A. The key issue is the privacy of individuals concerned  
27 and not to jeopardise an investigation or a  
28 prosecution. That is primarily what you are dealing  
29 with. And the vast majority of our press releases are

1 effectively appealing for information from the public  
2 to help us solve crime.

3 178 Q. All right. But do you comment on individual cases or  
4 do you respond to requests for information about  
5 individual cases?

12:13

6 A. We don't respond to named individuals. If a member of  
7 the media sends in a query about a named individual the  
8 response will be 'we do not comment on named  
9 individuals'. So, we might confirm that a burglary  
10 took place, etcetera, like that, but we would not give  
11 the name of the person, the injured party, etcetera.

12:13

12 179 Q. Would you issue documents relating to an incident, like  
13 a critical incident report or an extract from a GSOC  
14 report or photographs of a deceased person? What are  
15 the boundaries?

12:13

16 A. You wouldn't -- the critical incident report would tell  
17 you that there was a very significant incident  
18 overnight, but part of the procedure would be then that  
19 the staff upstairs in the general office would -- or if  
20 it wasn't one of those it would be myself or the Press  
21 Officer at the time would be talking to the  
22 investigators to establish if it was suitable to go out  
23 with a press release. For instance, if you had a  
24 significant grow house discovery overnight, it would  
25 appear on the critical incident report as a significant  
26 incident that maybe the public and the media would be  
27 very interested in, but you could talk to the  
28 investigators and they'd say, absolutely not, I've  
29 follow-on searches or operations and they wouldn't want

12:14

12:14

1           it out. So the critical incident report would make you  
2           aware of it, but it wouldn't necessarily mean that you  
3           were in a position to publish it.

4 180 Q. All right. That is what I was wondering, because as I  
5           understand it from your statement Superintendent Taylor 12:14  
6           had the Press Office put on the release list for  
7           critical incident reports, whereas beforehand they  
8           hadn't been on that list, is that right?

9           A. That is correct. And that was -- it was an improvement  
10          in the workings of the Press Office insofar as our own 12:15  
11          staff coming in at seven o'clock in the morning could  
12          access the report and part of the problem at times  
13          would be actually becoming aware of a significant  
14          incident overnight.

15 181 Q. But as I understand what you are saying to the Tribunal 12:15  
16          is, the purpose of the Press Office becoming aware of  
17          it wasn't necessarily to publish all or any of the  
18          details of it, is that right?

19          A. That's correct.

20 182 Q. But it's to make the Press Office aware of the fact 12:15  
21          that this incident has occurred, you might be prompted  
22          on foot thereof to make further inquiries with the  
23          district or the senior investigating officer, to be  
24          more aware of what was happening or what could or might  
25          be said, is that right? 12:15

26          A. That would be correct. It would flag you to its  
27          existence and allow you then take action as  
28          appropriate.

29 183 Q. Okay. But in what circumstances then would details of

1           that be released?

2           A.    As an example I gave, if it was a significant grow  
3           house discovery, there would be a synopsis, a shortened  
4           down version of that would be issued as a press  
5           release. Again it would demonstrate good police work.   12:16  
6           And so, you would be putting it out on that basis.

7 184 Q.    But would that be issued through the Spotlight system?

8           A.    It would be recorded on the Spotlight system but it  
9           would be issued via a press release out through the  
10          email system and via Spotlight, yes.                           12:16

11 185 Q.    And I take it that the Press Office maintains a very  
12          comprehensive database of media outlets and personnel,  
13          including journalists, who get these releases, is that  
14          correct?

15          A.    That's correct. There is, a full media list would be   12:16  
16          in excess of 700 numbers or 700 email addresses and  
17          contact details and effectively when we say issue a  
18          press release in my world that is, every media outlet  
19          in the country is getting that, local media, local  
20          papers. So, when I say issue press release it goes out   12:17  
21          to that entire group.

22 186 Q.    You say the entire group, is there no selection made  
23          between what goes out to which group or which area or  
24          region?

25          A.    It is possible to sort it on the Excel spreadsheet but   12:17  
26          effectively when we issue a press release we issue it  
27          to everybody because the media can take -- from a  
28          different part of the country can be interested for  
29          weird and wonderful reasons, so it's just simpler that

1 everyone on the list gets it. And it's fair that  
2 everyone gets it at the same time.

3 187 Q. And presumably you would know obviously the identities  
4 and phone numbers of journalists and emails of them and  
5 their organisations? 12:17

6 A. That's correct.

7 188 Q. And presumably you wouldn't normally give those out  
8 either to casual inquirers of the office?

9 A. No, Chair. We had an experience where, as part of an  
10 investigation, one of the investigating guards asked 12:18  
11 for and was provided with the contact details of a --  
12 inadvertently provided with the contact details of a  
13 particular member of the media and there was a  
14 subsequently complaint to the data protection people in  
15 respect of it. So again, it was reaffirming with staff 12:18  
16 that it shouldn't be done.

17 189 Q. Okay.

18 A. The purpose of the contact list was people gave us  
19 their contact details for the purpose of being on the  
20 press release list and getting press releases. 12:18

21 190 Q. Yes. But would you, as Deputy Press Officer, be in  
22 contacted directly with journalists or they with you?

23 A. Yes, from time to time, on a daily bases with some of  
24 them, it would depend what was happening.

25 191 Q. But would it be normal to have their contacts on your 12:18  
26 phone and vice versa --

27 A. Yes.

28 192 Q. -- and on the Press Officer's phone?

29 A. Yes, it would be -- all the significant crime

1 correspondents, you would have them on your phone.

2 193 Q. Yes. Okay. And just to explain from your perspective  
3 how the Spotlight system works?

4 A. The Spotlight system, when I arrived in the Press  
5 Office in '07 it was on a clipboard and it was 12:19  
6 tremendously difficult for staff coming on to establish  
7 and on the late tour, what happened on the morning  
8 tour, and effectively they were flicking through a clip  
9 chart trying to figure out what briefing you were  
10 giving to the media. So Spotlight provided a software 12:19  
11 package which means that you have -- you have a  
12 briefing as to what you give out to the media and you  
13 have a record as to what media query -- what media  
14 people have asked about that particular incident.

15 194 Q. Okay. 12:19

16 A. Sorry, that means that the people coming on the late  
17 tour are obviously aware of what was happening earlier  
18 in the day and know what the current briefing is in  
19 respect of that incident.

20 195 Q. Yes. But would it contain data which is clearly 12:19  
21 identified as not for release?

22 A. Yes. The software allows for it to be colour-coded  
23 that it's for office use only.

24 196 Q. And just in terms of monitoring, as it were, not in a  
25 pejorative sense but what the papers or news 12:20  
26 organisations publish, whether in print or otherwise,  
27 how is the Press Office organised in that respect?

28 A. When I arrived in '07, the procedure was that every  
29 morning a staff member would trudge through the

1 national papers, they would photocopy the relevant  
2 articles in respect of An Garda Síochána and they were  
3 printed down and they were put on seven clipboards and  
4 they were walked across Garda Headquarters to the  
5 different -- the deputy commissioners and the assistant 12:20  
6 commissioners, so it was entirely a manual procedure at  
7 that point in time. And then the procedure then moved  
8 on to the fact that the daily papers were scanned on  
9 and it was electronically sent to the various heads of  
10 departments, assistant commissioners, etcetera. 12:21

11 197 Q. Yes. And do I understand from your statements that  
12 that was something that was in a sense purchased by  
13 means of a licence fee paid --

14 A. Yes.

15 198 Q. -- for the service? 12:21

16 A. Yes, that's correct.

17 199 Q. With a limited number of distributions meant to be in  
18 accordance with the licence --

19 A. That's correct.

20 200 Q. -- is that correct? Okay. And were critical incident 12:21  
21 reports, were they treated in the same way? Were they  
22 distributed electronically?

23 A. No. The critical incident report wasn't distributed by  
24 the Garda Press Office.

25 201 Q. How would you receive it? 12:21

26 A. It would be electronically onto the system.

27 202 Q. You would receive that from where?

28 A. It's -- I think the Deputy Commissioner Operations were  
29 overseeing it but effectively it's, the Pulse system



1 identifies the critical incidents and puts them  
2 automatically on to a report.

3 203 Q. Okay. And would such critical incident, would it  
4 identify the location of an incident, parties  
5 identified, the officers who had come to the scene, 12:22  
6 etcetera, etcetera?

7 A. It would identify high level -- a summary of it, it  
8 wouldn't give you a huge lot of it but it would give  
9 you a summary of it.

10 204 Q. Now, just to sidetrack at this stage. The Tribunal has 12:22  
11 been referring to Ms. D as a party in respect of whom  
12 there have been an investigation and a complaint in  
13 relation to an alleged sexual assault, allegedly  
14 involving Sergeant McCabe. Was that something that you  
15 were aware of when you came to the Press Office? 12:22

16 A. No.

17 205 Q. When did you first learn of that, can you recollect?

18 A. I learned of it from the media coverage.

19 206 Q. Pardon?

20 A. I learned of it from the media coverage. 12:23

21 207 Q. From the media coverage?

22 A. Yes.

23 208 Q. What media coverage did you learn from?

24 A. I am not in a position -- I don't recall the exact  
25 piece of media coverage that identified it, but that is 12:23  
26 where I got it from.

27 209 Q. But can you recollect the year? Because the Tribunal  
28 has heard evidence of a number of reports written by  
29 Mr. Williams in which he didn't identify any particular

1 person who is alleged to have been assaulted by any  
2 name, but did you become aware of that?

3 A. I had no knowledge of that, and like, as it unfolded  
4 and the Prime Time programme covered, you know, that  
5 whole affair in terms of Sergeant McCabe, that is when 12:23  
6 I became aware of what was happening. I wasn't  
7 actually watching the Prime Time that night, I  
8 discovered it the following day, the details, that is  
9 as much as I knew about it.

10 210 Q. All right. That is as far forward as February 2017. 12:24  
11 Is it your evidence you hadn't heard of any  
12 investigation concerning Sergeant McCabe and/or any  
13 other person, any young person?

14 A. No. Prior to that I had heard a rumour that there was  
15 some sort of an investigation but there was no 12:24  
16 prosecution. That was the extent of my knowledge of  
17 it.

18 211 Q. Yes. But an investigation into what?  
19 A. Into some sort of sexual assault -- some sexual issue,  
20 I had no details of it at all. 12:24

21 212 Q. But doing the best you can, when do you think you heard  
22 that?

23 A. It's -- I'm not really -- I can't help you there. I  
24 couldn't give, you know --

25 CHAIRMAN: Mr. McGuinness will probably go on to it but 12:24  
26 there was a query to the Garda Press Office on 5th  
27 March 2014 from Paul Williams. And then there were the  
28 articles published in April and May after that.

29 213 Q. MR. MCGUINNESS: But do you recall learning of any

1 query coming in from Mr. Mr. Williams, whom you must  
2 have known presumably?

3 A. I know of him. I had limited dealings with him.

4 214 Q. Limited dealings with him. But did you become aware of  
5 any press query in relation to Sergeant McCabe? 12:25

6 A. There was -- over the time, there was a huge number of  
7 press queries that came in, you know.

8 215 Q. Yes. But in relation to a criminal investigation  
9 involving him as a suspect?

10 A. No, other than -- other than, as I say, there was some 12:25  
11 allegation and the DPP said no prosecution, that was  
12 the extent of my knowledge of it.

13 216 Q. Just in terms of your relationship, as it were, both  
14 with the commissioners at this point in time, would you  
15 have access to their office or would you have much 12:25  
16 dealings with them around this point in time in 2013,  
17 2014?

18 A. Normally not, in fairness it would be the Press Officer  
19 that dealt with the Commissioner's office, normally it  
20 would be. The odd time where the Press Officer was on 12:26  
21 leave, etcetera, if the Press Officer was away on a  
22 Friday, typically, you'd go into the then-Commissioner  
23 to talk to him about the weekend media coverage, if  
24 there was anything significant.

25 217 Q. But you obviously had been moved upstairs when 12:26  
26 Superintendent Taylor occupied the room himself?

27 A. That's correct.

28 218 Q. The Press Officer's room. And is that upstairs at the  
29 same level as the Commissioner, in the same block?

1 A. It's in the same block. The Press Office is at the  
2 very end of the centre block to your right, the very  
3 gable end of that, you go in at the gable, the door to  
4 the end of it on the gable.

5 219 Q. Yes. And the Press Officer's rooms, Superintendent 12:26  
6 Taylor's room, is that adjacent to either of the  
7 Commissioner's rooms?

8 A. No.

9 220 Q. It's underneath them, is it?

10 A. No. At the gable of the centre block, to your right, 12:27  
11 you go in the front door, the first door on your left  
12 is the Press Officer's office, straight in front of you  
13 is Andrew McLindon's office and you have to come out of  
14 the building and go out into the centre to go to access  
15 the Commissioner's office. 12:27

16 221 Q. A separate block?

17 A. A separate block. It's the same block but you have to  
18 go outside to get back into it, to access the  
19 Commissioner's office.

20 222 Q. Okay. Did you have any part in the discussion about 12:27  
21 Commissioner Callinan's remark at the Public Accounts  
22 Committee?

23 A. No, I wasn't at the Public Accounts Committee. I  
24 watched it on the television in the office.

25 223 Q. But did you participate in any of the pre-PAC meetings 12:27  
26 about how the Commissioner might present at the PAC?

27 A. I don't think I was at that -- the meetings in  
28 preparation for that.

29 224 Q. Okay. Are you sure about that?

1 A. Yes.

2 225 Q. And there was an anniversary and there was an  
3 engagement that the Commissioner had up in Dundalk on  
4 24th January of that year. Was that something that you  
5 were present at? 12:28

6 A. Yes, I was. Yes, I was at that. I was in Dundalk that  
7 day.

8 226 Q. Yes. And were you present at a discussion about  
9 whether the Commissioner would meet a Deputy McGuinness  
10 that day? 12:28

11 A. No, I was there. There was a press briefing to be held  
12 in the afternoon and effectively my task was organising  
13 the press briefing and there was an issue around where  
14 we were going to hold it and we had to open a side  
15 entrance and get the media into effectively kind of a 12:28  
16 side yard and it was logistics around that is what I  
17 was involved in.

18 227 Q. Well, did you have any knowledge that day that the  
19 Commissioner was going to meet or might be meeting  
20 Deputy McGuinness somewhere in Dublin? 12:29

21 A. No, no. I was aware that there was an issue about, he  
22 had to go to an event and he had to be back in Dundalk  
23 that evening, I was aware there was a time -- there was  
24 a scheduling issue.

25 228 Q. But did Superintendent Taylor tell you where he had 12:29  
26 gone?

27 A. No.

28 229 Q. Okay. Did you inquire where he had gone?

29 A. No, as Deputy Press Officer, you know, the Commissioner

1 goes here and he goes there, you know, you learn not  
2 to -- if he is going down to a meeting in the Park,  
3 that is what you hear and you don't ask what it's  
4 about. If you are not told you are not told.

5 230 Q. Did you hear any discussion between the Commissioner -- 12:29  
6 either Commissioner O'Sullivan or Deputy  
7 Commissioner -- sorry, Commissioner Callinan or Deputy  
8 Commissioner O'Sullivan or Superintendent Taylor in  
9 relation to Sergeant McCabe?

10 A. No, I had no -- I have no knowledge of -- I was never 12:29  
11 present for any conversation between the commissioners  
12 and Dave Taylor in respect of Sergeant McCabe.

13 231 Q. Did Superintendent Taylor tell you that he had been  
14 given instructions by Commissioner Callinan as to  
15 negatively briefing about Sergeant McCabe? 12:30

16 A. Absolutely not, no.

17 232 Q. Did you ever hear of the Press Office or anyone in the  
18 Press Office being involved in a similar campaign?

19 A. No.

20 233 Q. Okay. Did you have any knowledge of whether, if at 12:30  
21 all, or what Superintendent Taylor was saying to any  
22 journalists?

23 A. No. In respect of Sergeant McCabe, I had no knowledge  
24 whatsoever of that aspect.

25 234 Q. Did you ever hear any or overhear any conversation that 12:30  
26 Superintendent Taylor had with any journalist?

27 A. No.

28 235 Q. Was he discreet about that or were you just never  
29 present when he was speaking to a --

1 A. As I say, he was in his office downstairs, I would have  
2 been moved to the office upstairs, I was never present  
3 when he had a conversation of that nature.

4 236 Q. Okay.

5 CHAIRMAN: I wonder when that move was, the three-piece 12:31  
6 desk, etcetera? Is it possible to --

7 237 Q. MR. McGUINESS: How soon after he took up his position  
8 in the Press Office were you moved out, as it were?

9 CHAIRMAN: Yes. And how long did it last that you were  
10 in the same office, in other words? 12:31

11 A. It was two or three months. The best I can do is a  
12 guess, unfortunately.

13 CHAIRMAN: Yes. Well, it's July 1st 2012 to May 31st  
14 2014 are the dates when he was there, isn't that right,  
15 Mr. McGuinness? So are we talking about the summer of 12:31  
16 2012 or --

17 A. It would have been two or three months, I imagine. I  
18 wouldn't like to give an exact date, but I know it  
19 wasn't -- it was in that year, it was --

20 238 Q. MR. McGUINESS: Yes. You dealt with Mr. Williams, I 12:32  
21 think, in terms of an email that he sent you in April  
22 of 2016. You produced a number of appendices to your  
23 statement to the Tribunal, isn't that correct?

24 A. That's correct.

25 239 Q. Could we look at page 3146. And at the bottom of this, 12:32  
26 it's dated the 28th April, and it's addressed to you, I  
27 think, and it says:  
28  
29 "Gerry Murphy suggested I email you at this address

1 with some issues I would like clarity on from the  
2 Commissioner. I am a guest on the Late Late Show  
3 tomorrow to basically discuss whether An Garda Síochána  
4 is fit for purpose, how effectively it is being  
5 managed. Also need to describe the current state of 12:32  
6 connectivity or lack of it between senior management in  
7 the Phoenix Park and frontline Gardaí."

8  
9 And then he outlines a number of matters there, none of  
10 them particularly relevant to either Sergeant McCabe in 12:33  
11 any direct way there. But I don't know if you recall  
12 getting that?

13 A. That would -- that would be what I consider a standard  
14 media query and you would make an assessment of the  
15 query and you send it to the relevant location as you 12:33  
16 would deem appropriate and if -- it would -- if that  
17 was it was to go to the Commissioner, it would go to  
18 the Commissioner.

19 240 Q. It goes on on the next page, if we just go to 3147, it  
20 sets out the sort of issues that he's looking for 12:33  
21 guidance on. And then it concludes, if we just go down  
22 the page:

23  
24 "John, if you want to give me a ring for further  
25 clarity regarding the above, then feel free to ring. 12:33  
26 You have my number."

27  
28 And presumably that was accurate; you had his number, I  
29 suppose?



1 A. I probably did have his number, but he wasn't someone  
2 that we dealt with regularly in the Press Office.  
3 He -- you know, he was doing his thing. He didn't  
4 contact the Press Office that often.

5 241 Q. Yes. Do you recall speaking to him or not? 12:34

6 A. I didn't speak with him.

7 242 Q. Okay.

8 A. I'm pretty sure I didn't speak with him.

9 243 Q. It appears from the top of page 3146 you sent the query  
10 to the Commissioner's office and deputy commissioner 12:34  
11 operations for their consideration?

12 A. That's correct.

13 244 Q. And it's not clear whether you sent a reply or not, but  
14 it obviously went to the Commissioner's office. They  
15 were informed that Mr. Williams had sent in this email? 12:34

16 A. Yes.

17 245 Q. And you got, it would appear to be in connection with  
18 that, you got an email back from Mr. Ruane, is that  
19 correct?

20 A. Yes. Can we see that? 12:35

21 246 Q. Could we look at page 3148. And it appears to have  
22 been an issue of something privileged in the documents,  
23 but it's in connection with, and it's in the middle of  
24 the email from Mr. Williams and other emails. Do you  
25 recollect issuing a response to Mr. Williams? 12:35

26 A. It would probably have been issued via the Press  
27 Office. In the ideal world, the media would send in  
28 their queries via email to the Press Office, and that  
29 allows a common view of it and -- but they don't always

1 do that, they send you stuff directly. And in this  
2 case, I would have, if it came like that, I might have  
3 sent it back directly or I would have sent the response  
4 provided by the Commissioner's office to -- up to the  
5 sergeants upstairs and let them send it, because that 12:36  
6 way you would have a record of it. Again, the same  
7 query could come in from someone else, so that is the  
8 approach you would be taking.

9 247 Q. Yes. The articles that Mr. Williams wrote back, which  
10 was two years prior to this, I don't know whether you 12:36  
11 have a recollection of seeing them at the time or  
12 since, but they related to an alleged assault by a  
13 serving member and then there was an announcement in  
14 another article that the person who complained about it  
15 was going to meet Micheál Martin, TD. Were you aware 12:36  
16 of that at the time? Presumably you picked that up?  
17 A. I would have picked it up, but again, there was a huge  
18 volume of media coverage on these sort of things.

19 248 Q. Yes. But did you ever discuss with Superintendent  
20 Taylor any inquiry that Mr. Williams made at that time 12:36  
21 in relation to Sergeant McCabe?  
22 A. No, not that I recall.

23 249 Q. Okay. Did you ever hear Superintendent Taylor talking  
24 about the file in relation to Sergeant McCabe?  
25 A. No. 12:37

26 250 Q. Or the investigation file?  
27 A. No.

28 251 Q. Or what had happened?  
29 A. No.

1 252 Q. All right. You weren't privy to any discussion about  
2 that at the time in 2014?  
3 A. No, following the moving out of the office, my  
4 relationship with Superintendent Taylor was strictly  
5 professional. If I was asked to do something, I did 12:37  
6 something. I stuck to my role. I had determined that  
7 I was going to be completely professional in my  
8 relationship with him and my -- that is the way I  
9 proceeded.

10 253 Q. Yes. We know, and the Tribunal has heard, that 12:37  
11 subsequent to the PAC meeting near the end of January  
12 where the Commissioner had appeared there on the 23rd  
13 January, that Mr. Kean spoke with the Commissioner  
14 about appearing on the Marian Finucane show on the  
15 following weekend, and there seems to have been a 12:38  
16 suggestion that he may have spoken to the Press Office.  
17 Do you have any recollection of Mr. Kean calling the  
18 Press Office?  
19 A. No, I don't, and the first I heard of it was in the  
20 evidence that was provided to the Tribunal. 12:38

21 254 Q. Did Superintendent Taylor ever say that he had spoken  
22 to Mr. Kean about --  
23 A. No.

24 255 Q. -- speaking to the Commissioner?  
25 A. Speaking to? 12:38  
26 256 Q. Speaking to the Commissioner?  
27 A. In respect of?  
28 257 Q. In respect of the Marian Finucane programme?  
29 A. I'm -- no, I have no recollection of that. I'm not

1           aware of that.

2   258   Q.    Okay.  And did you know Detective Superintendent  
3           O'Sullivan, Diarmuid O'Sullivan?

4           A.    Diarmuid O'Sullivan, yes.

5   259   Q.    Do you have any recollection of being phoned by him at   12:38  
6           any stage over those days about Mr. Kean being anxious  
7           for a briefing?

8           A.    No, I have absolutely no knowledge of Mr. Kean being  
9           briefed in that regard.

10   260   Q.    All right.  Okay.  If you had received such a query,   12:39  
11           what would have been your response?  Would you have put  
12           him in touch with the Commissioner?

13           A.    It would all depend on the particular request.  The  
14           challenge in the Press Office has always been, we speak  
15           of it generally, it depends on the particular request.   12:39  
16           In terms of protective disclosure, there was a standard  
17           line on it in respect of we didn't discuss protected  
18           disclosures and that was the line that was used.

19   261   Q.    Yes.  Just touching on another issue.  Do you remember  
20           a query coming to you from Mr. McLindon in September of   12:39  
21           2015?  You provided the Tribunal with an email as a  
22           result of your own searches from that, but could I ask  
23           you to look at that.  It's at page 3178.  It seems you  
24           were being copied on it by Mr. McLindon.  It's directed  
25           to the Commissioner.   12:40

26           A.    Yes.

27   262   Q.    But it sort of was headlining a number of potential  
28           issues.  And had you become the superintendent in  
29           charge of corporate affairs at this point in time?

1 A. In September, yes, I would have been at that stage.

2 263 Q. Yes. And the identification of these issues, is that  
3 something that you would have discussed with  
4 Mr. McLindon as being matters that should be drawn to  
5 the attention of the Commissioner? 12:40

6 A. Chair, when you are preparing for these sort of events,  
7 it's potential questions, and effectively you -- in any  
8 media briefing like that, you would effectively try  
9 brainstorm as to what questions are likely to come up,  
10 and it could be literally anything and everything, and 12:41  
11 that is the way it works.

12 264 Q. If we just scroll down to look at the first query, it  
13 obviously relates to Judge Fennelly's Commission, but  
14 the first issue there is:

15 12:41  
16 "Will there be a Garda investigation into the loss of  
17 the SIM card and personal papers by Commissioner  
18 Callinan?"

19  
20 And presumably, were you aware that the issue had 12:41  
21 arisen about Commissioner Callinan's phone and where  
22 the SIM card was or who had destroyed it or --

23 A. Again, I was aware from the media coverage that it had  
24 become an issue, and it was a very likely question if  
25 any spokesperson came out, you know, that it was 12:42  
26 preparation for the meeting.

27 265 Q. Yes. But I am wondering did it trigger this response;  
28 did you consider, well, what is the Garda policy on  
29 phones and retaining phones and retaining SIM cards?

1 A. That would have been considered, Chair, in respect of  
2 the potential response, but at this stage all we were  
3 doing was identifying potential questions, to prepare  
4 whoever was speaking at the meeting.

5 266 Q. Okay. Well, you said there it "would have been 12:42  
6 considered". What was your understanding of the Garda  
7 policy about retention of phones and SIM cards?

8 A. At the -- my understanding at the time was that the  
9 policy was somewhat vague as to how they were to be  
10 retained. At the time, telecoms people handed you back 12:42  
11 your old phone because of -- it was of little value to  
12 them and it was somewhat vague of what the policy was.

13 267 Q. Yes. Did you consider this might raise an important  
14 issue about what is going to happen with commissioners'  
15 phones when they retire suddenly or resign suddenly? 12:43

16 A. I suppose, Chair, my focus was on identifying potential  
17 questions in preparation for the meeting. You know,  
18 the development of the phone policy, et cetera, was --  
19 that wasn't the issue for me at the time.

20 268 Q. Is this something that was discussed with Commissioner 12:43  
21 O'Sullivan?

22 A. It normally -- I can't say in this particular one.  
23 Normally, those sort of potential questions get fed  
24 in -- fed upwards as part of the preparation for these  
25 things. 12:43

26 269 Q. Yes. But were you looking for guidance as to how you  
27 would answer these questions, as the superintendent in  
28 corporate communications, or how she might answer them  
29 if she was asked in public?

1 A. The primary purpose of the document at that stage was  
2 to identify possible questions. We weren't actually  
3 offering the responses; we were identifying possible  
4 questions to be considered.

5 270 Q. And do you know whether the Commissioner got any 12:44  
6 briefing on the matter about the retention of phones or  
7 whether you got any queries in the Press Office?

8 A. Well, I wouldn't be aware of the -- what briefing the  
9 Commissioner got in terms of that, that wouldn't have  
10 been something I would be conscious of. And again, I 12:44  
11 couldn't say here and now we didn't get media queries  
12 on it. We got lots of media queries on it, on that  
13 aspect, at the time when it was topical in the media.

14 271 Q. One of the other documents or number of documents you 12:44  
15 included in your -- as an annex to your statements are  
16 transcripts of various radio interviews done by  
17 Mr. Clifford and Teachta Dála, Claire Daly, in early  
18 October 2016. You recollect getting those, I take it?

19 A. Yes, Chair, when I arrived in '07, at the time, every 12:45  
20 now and again, someone would say they required the  
21 transcript or a copy of some interview, and typically  
22 at the time it was got from Government Information  
23 Services. However, as things moved on then with the  
24 various crises, effectively in my world as a Deputy  
25 Press Officer, the request would come down from someone 12:45  
26 in the Commissioner's office to say such-and-such a  
27 person was on radio this morning, can we have a copy of  
28 it? And my -- I was tasked with arranging that to be  
29 obtained.

1 272 Q. Yes.

2 A. So it was routine.

3 273 Q. Yes.

4 A. There was occasions where a copy of it was got and,  
5 hand on heart, I wouldn't have even listened to it, I 12:45  
6 would have just made sure that the transcript was  
7 forwarded on as required. There was a timeliness  
8 requirement because that was -- it was -- normally they  
9 wanted it in a hurry. On occasions, our own staff were  
10 asked to do transcripts. 12:46

11 274 Q. Yes, yes. And you have said helpfully in your more  
12 recent statement of the 21st February, that you have  
13 routinely attended review meetings where protective  
14 disclosure came up as news items of the day.

15 A. Yes. 12:46

16 275 Q. So would that include the transcripts that you have  
17 included in your statement?

18 A. No, the transcripts of the day -- or the transcripts  
19 would normally be at the request of somebody else. To  
20 my recollection, I don't think the deputy -- the Press 12:46  
21 Officer or Andrew McLindon ever sought the transcripts.  
22 They would have been sought from someone else, or maybe  
23 Andrew McLindon, I would get a text from Andrew  
24 McLindon saying "can you get the transcript?"

25 276 Q. Yes, I understand that. But as I understand your 12:47  
26 previous answer, you did -- you did read these  
27 transcripts?

28 A. No, I -- there was -- some of them I would have and  
29 others I wouldn't. I would have just -- basically, my



1 task was to ensure they were got in a timely fashion,  
2 and, depending on what I was doing at the time, I might  
3 have asked Brenda O'Grady, who is a staff member, to  
4 pursue it for me and confirm that it was provided.

5 277 Q. Yes. 12:47

6 A. So if I got an email back from Brenda to say transcript  
7 is gone to the Commissioner's office, the task was  
8 complete.

9 278 Q. Yes. I understand that would be obviously a very  
10 routine one, but Mr. Clifford and Deputy Daly were 12:47

11 telling the world on the radio, whoever was listening,  
12 that they had seen the two recent protected disclosures  
13 which recorded, apparently, that hundreds of texts had  
14 been sent to damage one of the whistleblowers. Did  
15 you -- were you aware of those broadcasts, and, in 12:48  
16 particular, when you got the -- when you got the  
17 transcripts of them, did you see that they related to  
18 protected disclosures?

19 A. I did not read that -- the transcript you have referred  
20 to, I did not read. I ensured it was forwarded on. I 12:48  
21 didn't actually read it.

22 279 Q. Well, you provided in your own statement three copies  
23 of the transcripts.

24 A. Chair, if I could explain. When I was asked, I  
25 searched my personal email. It took days and days to 12:48  
26 pull out. To identify what was relevant was extremely  
27 challenging. In my search, if I came across an email  
28 that said transcript for whatever, I included it in the  
29 appendices. I didn't make a value judgement on, did I

1 read it or did I not. It was in my email and I  
2 forwarded it on.

3 280 Q. But, you see, what I am concerned about is what you  
4 have said in your statement, and perhaps I am  
5 misunderstanding it. You say:

12:49

6  
7 "I have routinely attended review meetings where  
8 protective disclosures came up as news items of the  
9 day."

10

12:49

11 Now, these were two persons, each saying that they had  
12 met the two whistleblowers, were giving details of what  
13 is alleged to have been contained in the protected  
14 disclosures. And did you discuss that with anyone?

15 A. Well, Chair, in terms of the meetings, it would -- you  
16 would be covering what was topical of -- and you would  
17 be skirting across lots of issues that were out there.  
18 We didn't, in detail, discuss any of these particular  
19 ones. Because of the nature of it, it didn't -- that  
20 is not how it was done.

12:49

12:49

21 281 Q. But, you see, she, Claire Daly, and he, Mr. Clifford,  
22 were saying in the radio interviews, which you have  
23 transcripts of, that hundreds of text messages have  
24 been sent out to Gardaí, politicians and the media  
25 about the other whistleblower. Now, did you put two  
26 and two together and say, they must be talking about  
27 Superintendent Taylor?

12:50

28 A. We didn't -- it wasn't that sort of a discussion. I  
29 mean, the transcripts -- I know it might sound odd. If

1 it was me, it was someone requested, Andrew McLindon or  
2 someone in the Commissioner's office, sought a  
3 transcript, and we got the transcript and we forwarded  
4 it on. That was our task at the time.

5 282 Q. Well, will you tell me about the review meetings that 12:50  
6 you are referring to in your statement. Who would be  
7 at these review meetings?

8 A. It would be in terms of Andrew McLindon, and basically  
9 we would be discussing issues of the week and what we  
10 were doing the following week, but it was in that 12:50  
11 context. It wasn't as if we were sitting down  
12 discussing the -- Sergeant McCabe's issue in any great  
13 detail. That wasn't the purpose of the meetings. It  
14 was in the generality of management of the office and  
15 what we were doing. 12:51

16 283 Q. I am perhaps not being clear. Did you discuss, in one  
17 of these review meetings where you do discuss  
18 protective disclosures that come up as news items,  
19 these protective disclosures that came up as news items  
20 in the week of -- the first week of October 2016? 12:51

21 A. Sorry?

22 284 Q. Did you discuss these in this review meeting structure?

23 A. In -- sorry, I am not being awkward here, I just don't  
24 understand the question. When you say "discuss", what  
25 do you mean by that? 12:51

26 285 Q. Well:

27

28 "I have routinely attended review meetings where  
29 protected disclosures came up as news items of the

1 day. "

2 A. Yes.

3 286 Q. Now, you have included these two transcripts that you  
4 received. Did you discuss these transcripts as part of  
5 those review groups? 12:52

6 A. No, absolutely --

7 287 Q. Why not?

8 A. The transcripts, as I said earlier, Chair, were  
9 something I obtained or had obtained on my behalf and  
10 forwarded on to someone else. We didn't -- if the 12:52  
11 question is, did we take out the transcript and discuss  
12 exactly what was said word for word, absolutely not.  
13 The conversation about the actual contents of the  
14 transcripts would not have come up at the meeting. It  
15 would have been in the general sense of what was in the 12:52  
16 papers. It wasn't the actual detail, word for word,  
17 exactly what was said in the transcript.

18 288 Q. Well, did you see these transcripts and the broadcasts  
19 being discussed in the papers?

20 A. Yes, I would have been reading the -- sorry, the press 12:52  
21 clippings would have identified those items in the  
22 paper.

23 289 Q. And did you see that it became a matter of great public  
24 debate that one whistleblower was blowing the whistle  
25 on the campaign that was allegedly waged against the 12:53  
26 other whistleblower?

27 A. Yes, I was aware of that.

28 290 Q. Okay. And how did you become aware of that?

29 A. It would have been from reading the press clippings and

1 the contents of the papers.

2 291 Q. Okay. And did you draw the conclusion, one of them  
3 must be Superintendent Taylor --

4 A. No --

5 292 Q. -- because he is talking about a campaign of text 12:53  
6 messages to the media?

7 A. No, I didn't. No.

8 293 Q. Well, did you have any idea who might be involved in  
9 that?

10 A. No. 12:53

11 294 Q. Okay. And, you see, that is what I am going to ask you  
12 now: Did you know Superintendent Taylor was going to  
13 make a protected disclosure?

14 A. No.

15 295 Q. No. Do you know he had, at the beginning of October, 12:53  
16 made a protected disclosure?

17 A. No, until it became part -- again, until it became part  
18 of the public domain and in the papers, I didn't. I  
19 was -- I had no idea of who was making protected  
20 disclosures. 12:54

21 296 Q. Well, did any journalists contact the Press Office  
22 saying "what is this all about?" after these  
23 transcripts had come out, after the papers had started  
24 writing about it all?

25 A. With respect, that is a very awkward question to 12:54  
26 answer. I mean, your question is -- I wouldn't have  
27 recollection of every last media query that is  
28 passed -- comes into the office.

29 297 Q. Well, there are two journalists on the radio talking

1 about what they have been told by the two  
2 whistleblowers.

3 A. Yes.

4 298 Q. It would appear that they have been told, if not seen,  
5 perhaps, the protected disclosures. They allege a 12:54  
6 campaign run by one on the instructions of senior  
7 Gardaí against the other, isn't that right?

8 A. Yes.

9 299 Q. Okay.

10 A. But I think it's -- to be clear, we had a standard line 12:54  
11 that we didn't discuss protected disclosures.

12 300 Q. Yes.

13 A. And that standard line, or variations of that standard  
14 line, was what we responded to, regardless of who asked  
15 the question and who -- no matter how many media 12:55  
16 queries we had, that was where we went back to.

17 301 Q. Well, did you wonder, did you wonder what this was  
18 about, who was -- who had sent these texts and on whose  
19 behalf?

20 A. Absolutely, you could wonder, but again, in terms of 12:55  
21 protected disclosure, officially you were saying that  
22 is the holding line, that is -- that was your answer to  
23 it. So if different -- even -- again, in terms of the  
24 Press Office and how it worked, I mightn't -- I  
25 wouldn't be aware, as Press Officer, of all those 12:55  
26 queries because the sergeants and the other staff in  
27 the office would be applying the standard answer to  
28 those sort of queries.

29 302 Q. Well, that is what I am coming to. Did you give them

1 directions as to how they were to respond if people  
2 asked, "what are these protected disclosures about?"  
3 A. There was an agreed line on Spotlight that, regardless  
4 of what the type of question was about protected  
5 disclosure, this was the answer that you were to give 12:56  
6 out.  
7 303 Q. And what was the answer?  
8 A. Effectively - I can't give it word for word here - but  
9 effectively it was saying it would not be appropriate  
10 for An Garda Síochána to discuss protected disclosures, 12:56  
11 and slight variations in that --  
12 304 Q. Did you get any phone calls yourself --  
13 A. Say again.  
14 305 Q. Did you get any phone calls yourself, as a  
15 superintendent in charge of corporate communication, 12:56  
16 from journalists saying, "What are Clifford and Deputy  
17 Daly talking about? What are all these text message  
18 campaign?"  
19 A. No, I got no questions, but, Chair, like, that would be  
20 -- the minute that question would be asked, you would 12:56  
21 say you are not answering that. So it wouldn't be a  
22 question I would expect to be asked.  
23 306 Q. And did you have any suspicion as to what sort of text  
24 message campaign was being talked about?  
25 A. I had no knowledge of the campaign. The only knowledge 12:56  
26 I had was as it unfolded in the newspapers.  
27 307 Q. Okay. Did you ever hear Superintendent Taylor briefing  
28 a journalist about Sergeant McCabe?  
29 A. No, I had -- I am not being awkward. I had no

1 knowledge of that conversation, so I can't help you  
2 there.

3 308 Q. Did you ever hear anyone in the Press Office talking  
4 about a campaign that was going on with the  
5 Commissioner's blessing? 12:57

6 A. Judge, as I -- or, Chair, as I said in my statement, I  
7 had no knowledge of this alleged campaign and I had no  
8 part in it and I instructed nobody because I knew -- I  
9 had no knowledge of it whatsoever.

10 309 Q. Yes. Just going back to when you came into the Press 12:57  
11 Office, I think one of your duties was to oversee the  
12 list of recipients of the press clippings file, is that  
13 right?

14 A. That's correct, yes.

15 310 Q. And you removed Superintendent Taylor from the list? 12:57

16 A. That's correct. Basically, in order to comply with the  
17 licensing, you have to keep the numbers down, and to  
18 effectively -- I became aware that Superintendent  
19 Taylor -- he had moved away, therefore he wasn't -- he  
20 was on it as his role as Press Officer, and I asked for 12:58  
21 him to be taken off it because he moved on, and he  
22 moved to a traffic superintendent in Dublin Castle and  
23 the -- his predecessor there didn't have access to the  
24 press clippings list.

25 311 Q. And I think you very fairly identify for the Tribunal, 12:58  
26 and we are grateful for this, you did that on his  
27 transfer. The way you described it is:

28

29 "On his transfer, I requested Brenda O'Grady, a staff



1 member in the Press Office, to remove him from the list  
2 of recipients. "

3 A. Yeah, no, not to mislead you, it wasn't the first day  
4 he transferred. Occasionally, regularly you would look  
5 at the list, and when I looked at the list I realised, 12:58  
6 yeah, he had moved away, so --

7 312 Q. All right. Well, that was what I was going to ask you.  
8 Do you recollect when you did that?

9 A. It would have been shortly enough afterwards.

10 313 Q. Was that something you were directed to do? 12:59

11 A. It was part of my role as Deputy Press Officer in terms  
12 of overall workings of the Press Office, and in that  
13 capacity is why I was doing it.

14 314 Q. Yes. And I think did you discover that his name had  
15 been reinserted on the list at some stage? 12:59

16 A. Yes, I became aware that he had been reinserted on it,  
17 and I didn't make an issue over as to how -- how that  
18 happened; I just indicated that he wasn't to be on it  
19 any longer and for him to be removed from it. And at  
20 the time, the fact that he was -- he had moved away, 12:59  
21 and the fact that he was looking for to be on the press  
22 clipping list was causing issue with the staff in the  
23 office because they were aware he shouldn't have been  
24 on the list.

25 315 Q. Well, I mean, had the traffic superintendent ever been 12:59  
26 on the list?

27 A. No, not to my knowledge, I'm pretty sure he was never  
28 on it. Basically, there was no business need for him  
29 to be on it.

1 316 Q. And what issues were being caused for the staff in the  
2 Press Office by him being on it?  
3 A. Effectively, he was -- he was -- he had moved away, he  
4 was no longer the Press Officer, and he was looking for  
5 information about -- about incidents and he was looking 13:00  
6 for access to the press clippings.  
7 317 Q. From you, is that right?  
8 A. Not from me, but from the staff.  
9 318 Q. From the other staff in the --  
10 A. Yes. 13:00  
11 319 Q. And was this reported to you then, is that it?  
12 A. Yes, I came into work one morning, and Gerry Kavanagh  
13 and Sergeant Damien Hogan both work upstairs and  
14 they -- Gerry Kavanagh had -- was -- I suppose he was  
15 slightly anxious over the fact that he had been asked 13:00  
16 by a superintendent to provide the press clippings,  
17 even though he knew that we -- the decision had been  
18 made that he shouldn't have been getting the press  
19 clippings.  
20 320 Q. Well, did you have him removed another time from the 13:01  
21 list?  
22 A. I had him removed that time, and, in fairness, because  
23 he was anxious about it and this had -- I was asked and  
24 they said "will you deal with it?" and I said yes, I  
25 will talk to Superintendent Taylor, and I phoned 13:01  
26 Superintendent Taylor and the second time I -- he  
27 didn't reply -- he didn't answer the first time, and I  
28 later got on to -- spoke to him that morning and I  
29 explained to him that he wasn't -- he wasn't getting

1 the press clippings effectively, that he was no longer  
2 the Press Officer and that the -- his predecessor in  
3 the traffic wasn't on the list and he had no business  
4 need for it.

5 321 Q. Now, correct me if I am wrong, but as I understand the 13:01  
6 sequence of events in your statement, this is still all  
7 in 2014?

8 A. No, the press clippings, I think, was early '15,  
9 January '15.

10 322 Q. Well, you come down and you detail that, it would 13:01  
11 appear perhaps at a later stage, that you noticed, is  
12 it a Ms. O'Grady printing off the list and that he  
13 was again on the list?

14 A. No, there was -- there is two issues: there was the 13:02  
15 press clippings that are distributed outside, and then,  
16 subsequently, I became aware that the contact details  
17 of the media that we have for the press releases, the  
18 700 contact details, that Ms. O'Grady, Brenda O'Grady,  
19 was printing those for Superintendent Taylor. I  
20 inquired as to why she was printing them, and she 13:02  
21 indicated that Superintendent Taylor had requested  
22 them, and I indicated that he wasn't to get them and to  
23 tell him that he wasn't to get them.

24 323 Q. All right. But you think that that latter one is early 13:02  
25 2015?

26 A. No, I thought it was -- can you bring up? -- I  
27 thought --

28 324 Q. You see, you say this:  
29

1 "I recall that in January 2015 I was in the back office  
2 when I noticed Brenda O'Grady printing off the list of  
3 media contact details."

4 A. Yes, that was January '15 for that, yes.

5 325 Q. All right. But just again fast-forwarding back to 13:03  
6 October 2016 when this issue of a campaign and text  
7 messages to Gardaí and the media and politicians, did  
8 you have any suspicion as to who had done that or who  
9 was claiming to have done that?

10 A. No. 13:03

11 326 Q. All right. None at all?

12 A. No.

13 MR. MCGUINNESS: No. Just one other topic. I see it's  
14 gone 1 o'clock, Chairman.

15 CHAIRMAN: we will leave it there for an hour. 13:03

16

17 THE HEARING ADJOURNED FOR LUNCH

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1                   THE HEARING RESUMED, AS FOLLOWS, AFTER LUNCH:

2  
3                   MR. MCGUINNESS: Superintendent Ferris, please.

4 327 Q. Superintendent Ferris, you said in your statement to  
5 the Tribunal dated the 21st February 2018 that it is 14:07  
6 challenging to determine what exactly is relevant to  
7 the Tribunal of Inquiry. Is there something you  
8 haven't included that you have a doubt about whether it  
9 is relevant?

10 A. No. Chair, as I said earlier, there was a huge amount 14:07  
11 of emails and it was very difficult to establish what  
12 was or wasn't in or out. So I took the view that if I  
13 thought it was any way relevant, I included it. But, I  
14 mean, there was hundreds -- when I put in individual  
15 search criteria, I was coming back with literally 14:07  
16 hundreds of emails that matched the criteria.

17 328 Q. Yes.

18 A. So it was challenging, that's the point I was making.

19 329 Q. All right. But have you included all the emails that  
20 dealt with queries from journalists that came to your 14:08  
21 office, that you were aware of?

22 A. Yes. I searched my personal email. Anything that I  
23 thought was any way relevant, I included.

24 330 Q. Yes. We may need to recall you on another day to deal  
25 with some of the queries relating to journalists that 14:08  
26 we can't deal with today, and I think you understand  
27 that. But in that statement to the Tribunal, you don't  
28 mention Superintendent Taylor at all, and it just seems  
29 like an odd omission where you're making a statement

1 for the benefit of the Tribunal, having been Deputy  
2 Press Officer from 2007, and in the position you're now  
3 in. Did you just not consider whether you had  
4 something to say about Superintendent Taylor in that  
5 statement? 14:08

6 A. Well, it was difficult to establish what exactly the  
7 Tribunal wanted, you know what I mean? I worked with  
8 the guy for two years. Like, what exactly was  
9 relevant? What did you require?

10 331 Q. Well, I have obviously pressed you to a degree about 14:09  
11 whether you made a connection between the transcripts  
12 that you received about the whistleblowers and the  
13 interviews on radio in 2016, and you didn't connect  
14 those in any way with Superintendent Taylor?

15 A. No. 14:09

16 332 Q. But you've also referred in your later statement, that  
17 is the one received on the 30th, to these instances  
18 where you took him off the list after he was  
19 transferred out in 2014?

20 A. Correct. 14:09

21 333 Q. And you took him off the list at least a second time,  
22 and maybe even a third time?

23 A. Second time, I understand.

24 334 Q. Right, okay. Was he on the list under a different name  
25 or in his own name at one stage? 14:09

26 A. No, no, there was no suggestion that it was a different  
27 name.

28 335 Q. No.

29 A. It was just that he was on the list.

1 336 Q. Yeah. But was he on the list under his first name at  
2 one stage?

3 A. No. The way it works, you operate off the email, it  
4 goes to your email address.

5 337 Q. Yeah. 14:10

6 A. So it was whatever his designated Garda email address  
7 is the one that it was going to.

8 338 Q. But what I am just anxious to inquire into is this:  
9 Taking him off the list at that time when you were  
10 doing it, and repeated it, were you aware as to whether 14:10  
11 he was under investigation for something?

12 A. I was aware that there was an investigation, again like  
13 everyone else was, at a point in time. But it wasn't  
14 about the investigation; it was about basically the  
15 name is on the list, do you know what I mean? 14:10

16 339 Q. Well, that is what I was wondering. Did you consult  
17 anyone about taking him off the list or were you  
18 directed by anyone to take him off the list?

19 A. No. It was part of my function, as I said earlier,  
20 that, routinely, I looked at the list because it's 14:10  
21 inclined to grow. Just by way of explanation, if  
22 there's a significant incident in a particular  
23 division, temporarily the super might go on the list  
24 for that purpose, and then obviously when that crime  
25 would have passed on, they would be taken off it. So 14:11  
26 that is why it would grow and be reduced back down  
27 again.

28 340 Q. I mean, ultimately you did come to make a statement in  
29 relation to Detective Superintendent Clerkin's

1 investigation in July 2015, isn't that correct?

2 A. Yes.

3 341 Q. But can you recollect when your first contact had been  
4 with Chief Superintendent Clerkin?

5 A. No. 14:11

6 342 Q. Were you contacted in 2014, for example, about  
7 Superintendent Taylor?

8 A. I don't have the exact date of when I was contacted. I  
9 was aware that at one stage there was communication to  
10 say that there was an investigation and they wanted the 14:11  
11 names of the people in the Press Office. And it was  
12 that function, or I became aware that there was an  
13 investigation.

14 343 Q. Okay. At the time when you were asked for the  
15 personnel list, is it? 14:11

16 A. Yes.

17 344 Q. Okay. All right. Just going back to, or perhaps going  
18 forward to 2016, I think you attended a meeting on the  
19 25th April, at the request of the Garda Commissioner's  
20 office, with counsel, is that right? 14:12

21 A. That's correct.

22 345 Q. And I don't want you to talk about the content of the  
23 meeting, but was that counsel who had been retained by  
24 the Commissioner for the O'Higgins Inquiry?

25 A. That was my understanding, yes. 14:12

26 346 Q. Right. Okay. And without going into the content of  
27 it, had you received a copy of the O'Higgins report?

28 A. At that meeting, I did.

29 347 Q. On the 25th April?



1 A. On the 25th April, I did.

2 348 Q. And from whom did you receive it?

3 A. From Superintendent Frank Walsh.

4 349 Q. And did he say to you this is a draft or this is the  
5 final version embargoed, or what was communicated to 14:12  
6 you about that?

7 A. It was provided to me in the context of -- at that  
8 stage, it was anticipated that the report would be  
9 published very shortly afterwards, it was anticipated  
10 it would be published that week. And in the context of 14:12  
11 us in the Press Office drafting an initial holding  
12 statement, that was the purpose of me being provided  
13 with the report. It was marked "private and  
14 confidential". It wasn't -- I didn't anticipate that  
15 it was the final version. It was marked "private and 14:13  
16 confidential".

17 350 Q. Yeah. I'm sorry, did you know it was the final version  
18 or --

19 A. No, I didn't anticipate -- from experience, sometimes  
20 there's changes at the very last minute before these 14:13  
21 documents go public, and no one said that's definitely  
22 the final version. From experience, I would have said,  
23 listen, when the final version comes out, look at it  
24 because there could be things removed at the last  
25 minute. 14:13

26 351 Q. Well, did you discuss the contents of it?

27 A. At the meeting?

28 352 Q. Yes.

29 A. Yes.

1 353 Q. Okay. And we have seen a note that counsel prepared in  
2 respect of privilege wasn't claimed over it, but that  
3 wasn't your responsibility, to assist counsel in any  
4 way to do an analysis of it?

5 A. No.

14:14

6 354 Q. But did you do an analysis of it yourself?

7 A. No -- I did insofar as I was asked by Superintendent  
8 Frank Walsh to draft an initial holding line. It was  
9 an initial draft. I had no brief from the  
10 Commissioner's office as to what they wanted. This was 14:14  
11 just an initial draft at what might be said. So,  
12 following that meeting, the same day, I had a quick  
13 look at it in terms of - and I think that's in the  
14 appendix there - in terms of what I drafted as a  
15 possible draft? I sent that back as agreement with -- 14:14  
16 to Frank Walsh, and that was the purpose of it.

17 355 Q. And can you just identify that document for us? Have  
18 you got your statement there with the appendices?

19 A. It was in the -- it was the last item in the  
20 appendices.

14:15

21 356 Q. You think it's the last item. Perhaps we will look at  
22 3250. Is this the extent of the draft that you  
23 provided?

24 A. That was the extent of the draft. Again, it was just  
25 an initial draft without any brief from the 14:15  
26 Commissioner's office as to what they were doing. But  
27 it was just effectively a guess to aid the process.  
28 That is all it was.

29 357 Q. Okay. You don't address, as it were, the outcome of

1 each individual module, as it were, by any form of  
2 comment, is that right?

3 A. No. This was a draft of our initial, the potential  
4 initial response to it. It in no way was -- I didn't  
5 have any brief to go beyond that. I had no brief to 14:16  
6 even draft -- I was asked to draft something quickly  
7 from a holding point of view, and that's what I did. I  
8 mean, when it got to "The Garda Commissioner welcomes",  
9 that was my words. I didn't have anyone from the Garda  
10 Commissioner's office saying they welcomed the report. 14:16  
11 This was my interpretation of what might be said.

12 358 Q. And did Superintendent Walsh leave the O'Higgins report  
13 with you?

14 A. Yes.

15 359 Q. How long did you have it for? 14:16

16 A. I had it -- by way of explanation, the director of  
17 communications was on annual leave and the Press  
18 Officer at the time wasn't available, so I stepped into  
19 the meeting at the last minute.

20 360 Q. Yes. 14:16

21 A. I had it in -- I think it's still there, actually, to  
22 be honest with you.

23 361 Q. Well, you see, that is what I was going to ask you.  
24 You say you kept it and you put it in the safe, but you  
25 don't say what you did with it? 14:17

26 A. I didn't -- that wasn't the safe, it was secure. But  
27 it wasn't -- it's still in my office.

28 362 Q. Okay. So you did nothing with it?

29 A. I had it for the purpose of this.

1 363 Q. Yes.

2 A. I drafted that, I sent it to Frank Walsh, and because  
3 the report, the publication of the report was delayed,  
4 effectively Andrew McLindon, when he came back, dealt  
5 with the actual publication and the responses to it at 14:17  
6 that stage.

7 364 Q. But you didn't give him the copy that Superintendent  
8 Walsh had given to you and say, look, you're back now,  
9 this is what I have noted on it and here it is and --

10 A. As best as I recall, he was provided with a copy of 14:17  
11 that draft and he dealt with it thereafter on his  
12 return.

13 365 Q. And when Superintendent Walsh gave you the copy of it,  
14 I take it that was a physical copy?

15 A. Yes. 14:17

16 366 Q. And did he have a bunch of them that he was  
17 distributing?

18 A. There was two at the meeting. One was handed to -- he  
19 had two of them and he took one and I took the other.

20 367 Q. Okay. 14:18

21 A. As best I recall.

22 368 Q. Okay. And were counsel all provided with one as well?

23 A. Well, counsel were all there. I don't recall that they  
24 each had one, but I know that, coming out of the  
25 meeting, there was two, and Frank Walsh says "that's 14:18  
26 your one" and he handed it to me.

27 369 Q. Okay. And did you see any draft of anything that was  
28 prepared by Mr. McLindon or anyone else?

29 A. No.

1 370 Q. After you returned?  
2 A. No.

3 371 Q. Okay. Did you brief anyone about the contents of it?  
4 A. No.

5 372 Q. Okay. At any stage? 14:18  
6 A. No. AS I say, Andrew McLindon got a copy of that and  
7 there was lots of other things happening, he was back  
8 from leave and he was dealing with it. So that was the  
9 extent of my interaction with it.

10 373 Q. One of the allegations that the Tribunal is inquiring 14:18  
11 into is an alleged leaking of it in circumstances  
12 involving Mr. Reynolds from RTÉ. Did you have any  
13 dealings with Mr. Reynolds at all?  
14 A. Absolutely not.

15 374 Q. Do you know whether any members of your Press Office 14:19  
16 had any dealings with him, prior to its publication?  
17 A. No. I have no knowledge of that.

18 375 Q. Okay.  
19 A. I mean, I spent effectively ten years in the Garda  
20 Press Office, cleaning up the mess of leaks and stuff 14:19  
21 like that. It would be completely against my value  
22 system to start leaking stuff like this.

23 376 Q. CHAIRMAN: well, the thing Mr. McGuinness is asking you  
24 about and what I am obliged to look into, is whether  
25 there was briefing material prepared in Garda 14:19  
26 Headquarters effectively for the purpose of misleading  
27 Mr. Reynolds?  
28 A. I have no knowledge of what you refer to, Chair, in  
29 that regard.

1 CHAIRMAN: well, I'm not saying it happened. If you're  
2 inquiring into something, it doesn't mean it happened.

3 A. Yeah. I have no knowledge of that whatsoever.

4 377 Q. MR. MCGUINNESS: Just going back to describing how you  
5 were moved upstairs, as it were, and you found your 14:20  
6 desk upside down in three parts. I mean, you're  
7 obviously not suggesting that Superintendent Taylor had  
8 broken your desk or anything of that?

9 A. No, absolutely not.

10 378 Q. But you do appear to have conveyed a sense of being 14:20  
11 disrespected by being moved in that way without any  
12 consultation, is that right?

13 A. Absolutely. I mean, as far as I was concerned, I was  
14 being professional. When we were introduced initially  
15 and we were meeting, I said, yes, I appreciate it is 14:20  
16 unusual for us to share, you know, in other districts  
17 superintendents have their own office, I get that. I  
18 said, listen, if there's an issue, let me know. And  
19 that was weeks after -- weeks after that, suddenly I  
20 arrived in to find my desk upside down. 14:20

21 CHAIRMAN: He did let you know.

22 A. Yes.

23 379 Q. MR. MCGUINNESS: well, obviously, I mean, you were  
24 there, you had five years' experience at the Press  
25 Office prior to his arrival and presumably you would 14:21  
26 have seen yourself as potentially a very valuable  
27 lieutenant to him in his capacity as Press Officer.  
28 But did you get on with him?

29 A. I was adamant thereafter I that will be completely

1 professional with him. So if I was asked to do  
2 something, I did it. But as an individual, I found it  
3 very difficult to come to terms how you could treat any  
4 employee in the manner in which I was dealt with. So,  
5 my response to that was, if he -- as far as I was 14:21  
6 concerned, he wasn't being professional, I was going to  
7 be professional, and that was the extent to the way we  
8 operated for the duration of his time in the Press  
9 Office.

10 380 Q. Some members of the force, and like all other groups of 14:21  
11 employees or professions, they often socialise  
12 together, you know, with their wives and families. Did  
13 you do any socialising with him?

14 A. I attended the Christmas outing for the Press Office on  
15 the basis that I felt, as a professional, that I should 14:22  
16 do that with the rest of the staff. But other than  
17 that, I had no socialisation with Superintendent  
18 Taylor.

19 381 Q. But going back to October 2016, did you hear any  
20 rumours as to whether he was, in fact, now the second 14:22  
21 whistleblower claiming to have been smearing the first  
22 one?

23 A. As I said earlier, it was only following what we read  
24 in the papers, you know what I mean? That's where it  
25 was at. I heard nothing before that. 14:22

26 382 Q. And was there no talk about it in the Press Office?  
27 A. Again, it revolved around what was being said in the  
28 papers at the time, you know.

29 383 Q. Well, I mean, the speculation in the papers surely must

1 have led to speculation in the office, would that not  
2 be fair, perhaps?

3 A. Well, I mean, I had -- as I said earlier, that was my  
4 recollection of where it was at. It was based on what  
5 was said in the papers. 14:23

6 384 Q. Would you expect to be aware of any instructions given  
7 by the Commissioner to his Press Officer as to how to  
8 brief the press about any particular issue?

9 A. It would depend on the issue. But if you're asking --  
10 as I said earlier, I had no knowledge of -- absolutely 14:23  
11 no knowledge of this campaign or perceived campaign.

12 385 Q. And did you ever hear any members of staff talk about  
13 it --

14 A. No.

15 386 Q. -- in the office. Or outside? 14:23

16 A. No. As I said in terms of the campaign, no.

17 MR. McGUINESS: All right. Would you answer any  
18 questions anyone else may have. Thank you.

19 MR. GORDON: One or two questions, Chairman, if I  
20 might. 14:23

21

22 SUPERINTENDENT FERRIS WAS CROSS-EXAMINED BY MR. GORDON:

23

24 387 Q. MR. GORDON: Breffni Gordon is my name. I am one of  
25 the barristers representing Sergeant McCabe. Good 14:23  
26 afternoon, Superintendent. Can I just bring you back  
27 very briefly to this document here, the draft response  
28 to the draft O'Higgins report. It's on the system  
29 there at page 3250. I understand your evidence to mean



1 that you were given the draft report; publication of it  
2 was, I think on your understanding, imminent, and you  
3 were tasked with the preparation of a reply?

4 A. I was tasked with basically drafting an initial, it was  
5 almost a straw man, a possible draft of how the initial 14:24  
6 response might be to that report, but I had no brief  
7 from the Commissioner's office on it. As I said  
8 earlier, when I put in the word "The Garda Commissioner  
9 welcomes the publication," they were my words, they  
10 were not the Commissioner's words. 14:24

11 388 Q. That's what I wanted to know. In order to prepare this  
12 document, as we see it on the screen here, you must  
13 have read the report?

14 A. I know I had the report that morning, it was imminent,  
15 and I effectively looked at the key findings of it, 14:24  
16 and, based on that, and if you look at it, I put in the  
17 pages of where I was robbing the pieces of the report  
18 from it.

19 389 Q. What inspired you, when you read the report, to come up  
20 with the material as we see it on this page here? 14:25

21 A. I didn't read the report. In the time-line that I had  
22 the report, it was a matter of hours. I hadn't read  
23 the report, I had read the key findings of it, and it  
24 was based on experience, and, as I said, it was only to  
25 advance the issue as a possible response. Like, this 14:25  
26 happens occasionally where you're asked to come up with  
27 a possible response to it and issues, and you draft and  
28 you send it in, and what eventually comes out may bear  
29 no resemblance to what you sent in. But because of the

1 time-line here and the imminent nature, I stepped in to  
2 the meeting on the Monday morning, I was given that, I  
3 had no further brief from the Commissioner's office as  
4 to what the Commissioner wanted or didn't want, so, on  
5 that basis, it was effectively an educated guess, if  
6 you use that expression. 14:26

7 390 Q. If there was no outside influence in relation to this  
8 particular draft here, and these are your observations  
9 having considered it, how did you come up with these  
10 key findings? 14:26

11 A. Because if you look at -- from my point of view and my  
12 experience, regardless of what the report is, you know,  
13 the big challenge, the few questions are: Do we  
14 officially -- does An Garda Síochána have -- officially  
15 got the final copy of the report? That's the first 14:26  
16 question you look at, have we officially got the final  
17 copy of the report? The next question you have is, you  
18 know, are we -- typically, the media want to know, are  
19 you accepting -- are you accepting the findings or are  
20 you not? And that is a very key question. So if 14:26  
21 you're accepting the findings, that is one issue, and  
22 if you've decided you're not going to accept the  
23 findings, there is a whole raft of work that goes  
24 behind all that. So that is the approach that you have  
25 to take with it. And again, as I said, it may seem odd 14:27  
26 at this stage, at this Tribunal, that someone in my  
27 role was doing that, but this was an initial draft and  
28 it was effectively guesswork in the absence of a brief  
29 or Andrew McLindon to give me a brief as to what was

1           happening.

2 391 Q.   well, when you had the report and at this point in time  
3           did you know that the -- did you know that Mr. Justice  
4           O'Higgins was inquiring into allegations that had been  
5           made by Maurice McCabe? 14:27

6           A.   I was taking, as is referenced in this document, I was  
7           taking the pieces of the report with a view to, this is  
8           a possible holding position in it. Again, speaking  
9           generally, but if you follow it through, in any of  
10          these reports that were criticised, the issue from An 14:27  
11          Garda Síochána and protecting the good name is to  
12          demonstrate that, fair enough, it was wrong then, have  
13          we made any progress or what have we done in the  
14          meantime? But as I say, this was a draft document that  
15          was done very briefly, sent in to Frank Walsh and has 14:28  
16          gained far more importance than I thought it ever  
17          would.

18 392 Q.   I'm not sure if that is an answer to the question, but,  
19           I mean, can I put it to you this way: You must have  
20           known that Mr. Justice O'Higgins was inquiring into 14:28  
21           allegations that were made by Sergeant Maurice McCabe?

22          A.   Yes.

23 393 Q.   You must have known that?

24          A.   Yes.

25 394 Q.   And if you didn't know that, you certainly knew that 14:28  
26           when you read the report?

27          A.   Yes.

28 395 Q.   And it just, I suppose, emerges from what we see here,  
29           you don't see Maurice McCabe's name mentioned at all in

1 this particular draft document?

2 A. Yeah, but I would -- my advice would be -- my advice  
3 was this, you wouldn't have mentioned Sergeant Maurice  
4 McCabe if I -- there wasn't -- so that is why it's not  
5 included.

14:29

6 396 Q. Okay. We can leave it at this, and there's just one  
7 last question: You mentioned specifically here the  
8 findings of Mr. Justice O'Higgins as they appear on  
9 page 24 of the draft report, as it was at the time, and  
10 you say:

14:29

11  
12 "The hurtful complaints unfounded, and those against  
13 whom such complaints were made had to live for many  
14 years under the strain of those allegations."

15 14:29

16 what inspired you to put that into your --

17 A. Because I assume it was in the report, do you know what  
18 I mean? And in fairness --

19 CHAIRMAN: Yes, it is actually in the report.

20 MR. GORDON: No, I see that.

14:29

21 CHAIRMAN: That wording is definitely there, yes.

22 A. And again, the Commissioner had said, you know, there  
23 was a responsibility to all the force, not just to  
24 Sergeant McCabe, there was other members of the force  
25 involved and it was in that context. But as I stress,  
26 it was an educated guess on my part.

14:29

27 397 Q. MR. GORDON: Looking back on it - we'll leave it at  
28 this - did you see anything complimentary of Sergeant  
29 McCabe in the report?

1 A. On a very quick read of it, as I say, my brief  
2 wasn't -- my value system at that stage was not to  
3 personalise it to anyone in the report, so I wouldn't  
4 have identified Sergeant McCabe or anyone else in the  
5 report. I would have been trying to avoid that. 14:30

6 MR. GORDON: Thank you. Thank you, Chairman.

7

8 SUPERINTENDENT FERRIS WAS CROSS-EXAMINED BY MS. BURNS:

9

10 398 Q. MS. BURNS: Good afternoon, Superintendent Ferris. My 14:30  
11 name is Tara Burns, and I'm representing  
12 Superintendent Taylor. Just a few questions for you.  
13 Firstly, you refer to Superintendent Taylor, when he  
14 commenced in his role, as having a hands-on control  
15 approach -- or, sorry, a hands-on approach, that he 14:30  
16 controlled what was issued and not issued. What do you  
17 mean by that or how did that differ from the previous  
18 practice?

19 A. Being honest, I found Superintendent Taylor, your 14:31  
20 client, difficult. He got very focused on it. At one  
21 stage, he took the view that we should pump out, for  
22 example, we should pump out press releases. So again,  
23 if there's a lawnmower stolen out of a house in  
24 Malahide, that does not justify a press release; it's  
25 low key, and does not justify a press release issued by 14:31  
26 An Garda Síochána to the public. And again, it was,  
27 you can call it professional difference, you can call  
28 it what you like, but he had taken the view that we  
29 should pump out press releases, and the reality was, I

1 felt it was unprofessional because the particular  
2 circumstances didn't justify the press release. I  
3 recall one case where, and this is just by way of  
4 example, I remember getting a phone call from a senior  
5 crime correspondent and he says, "Am I missing  
6 something on that press release? It's a 5,000 drug  
7 seizure by the National Drugs Unit and is there  
8 something there that I'm not seeing?" Now, in our  
9 world, our value system was, if there was €5,000 or  
10 €10,000 drugs seizure in Bray, by the local detective  
11 unit in Bray, we might contemplate giving that out to  
12 the local newspapers, but if it was the National Drugs  
13 Unit and it was only €10,000 worth of drugs, it  
14 wouldn't justify a press release because the National  
15 Drugs Unit are operating at that bigger level. And he  
16 took the view that those sort of things should go out.  
17 And he was a superintendent, he was entitled to make  
18 the call, but again, from my point of view, it was  
19 somewhat embarrassing to have a senior crime  
20 correspondent say, "Am I missing something? I'm  
21 reading this press release? Am I missing something in  
22 it?" So...

23 399 Q. I see. You started off your evidence indicating that  
24 initially you had a good working relationship with  
25 Superintendent Taylor?

26 A. Yes.

27 400 Q. I see. And you then referred to the office move.  
28 Superintendent Taylor engaged in a work expansion on  
29 the office. The office was done up, the Press Office,

1           isn't that correct?

2           A.    Yes.

3 401 Q.    Did that occur in or around the time of the office  
4           move?

5           A.    It would have been subsequent to the office move, I           14:33  
6           think, now in fairness. In fairness, he got a lot of  
7           work done in terms of painting and that. And  
8           absolutely, he done --

9 402 Q.    The office was done up, isn't that right?

10          A.    Yes, there was a lot of improvements.           14:33

11 403 Q.    I see. And it hadn't been in such a great state prior  
12          to that work being carried out?

13          A.    Yes.

14 404 Q.    Isn't that right?

15          A.    Absolutely.           14:33

16 405 Q.    My instructions certainly are that in terms of the  
17          office move, that that was in or around the same time  
18          that the work was, in fact, done in the office?

19          A.    It probably was.

20 406 Q.    I see.           14:34

21          A.    It was ongoing, in fairness. But, I mean, just to be  
22          clear to the Chair, I worked in the IT section and  
23          change management, and, in the course of my time there,  
24          I was in multiple offices. Moving an office wasn't an  
25          issue to me, but I just thought common decency would           14:34  
26          have demanded that you would have -- he would have said  
27          it to me.

28 407 Q.    I see.

29          A.    That was the point.

1 408 Q. Now, you've referred in the course of your evidence,  
2 and indeed in your earlier answer to me there, that  
3 journalists would call you personally?  
4 A. Yeah, on occasions, yeah.

5 409 Q. I see. I mean, in the earlier answer to me you 14:34  
6 referred to a crime journalist ringing you and asking  
7 you what the point was --  
8 A. Yes.

9 410 Q. -- that he seemed to be missing from the story. In  
10 relation to that, was that a regular occurrence, that 14:34  
11 journalists would ring you personally?  
12 A. It could happen from time to time. It would depend on  
13 what was going on, being quite honest with you.

14 411 Q. I see. And you also referred to Superintendent Taylor  
15 setting up the practice of the critical incident 14:35  
16 reports also be notified to the Press Office?  
17 A. Yes.

18 412 Q. Now, in relation to that, you referred to how that  
19 would mean that the critical incident reports would, in  
20 fact, be walked over to the deputy commissioner of 14:35  
21 operations and also the Commissioner. I take it that  
22 that was before the time of email?  
23 A. No, you're mixing up there. The critical incident  
24 report is electronically delivered on an email to the  
25 Press Office. And in fairness to Superintendent 14:35  
26 Taylor, he became aware the critical incident report  
27 had been introduced, the Press Office were not getting  
28 that report, and he arranged for it to be circulated to  
29 the Press Office so that the sergeants coming on and



1 the staff coming on at seven o'clock in the morning  
2 could become aware of incidents that occurred  
3 overnight.

4 413 Q. I see. But in the course of your evidence, and perhaps  
5 it's my fault, perhaps I misunderstood that it was the 14:35  
6 critical incident reports, but you referred to the  
7 staff looking at documentation, which I took to be the  
8 critical incident report, and actually walking over to  
9 the deputy commissioner of operations' office and the  
10 Commissioner's office to deliver something. What is it 14:36  
11 that was being delivered?

12 A. That effectively was the press clippings --

13 414 Q. The press clippings?

14 A. -- as we do it, which effectively was a photocopy of  
15 what appeared in the national newspapers. 14:36

16 415 Q. I see. So in terms of the press clippings that were  
17 compiled, the designated persons who would receive them  
18 in the initial days were the deputy commissioner of  
19 operations and the Commissioner, and that is obviously  
20 the situation until email was introduced, I take it? 14:36

21 A. Yes.

22 416 Q. I see. So the purpose of the press clippings was to  
23 bring information to the Commissioner and to the deputy  
24 commissioner of operations?

25 A. So they would be aware of effectively the media 14:36  
26 coverage in respect of their area of responsibility.

27 417 Q. I see. And in terms of when the situation transformed  
28 over to email being introduced and the press clippings  
29 being transferred by email, can you recollect when that

1           came into being?

2           A.    I couldn't, to be honest with you.  It evolved.  
3           Initially we were circulating the press clippings  
4           electronically, and then at a further stage we had a  
5           media monitoring group generate the content for us and 14:37  
6           they delivered it electronically to us and we  
7           distributed it.

8  418  Q.    I see.  But you can't put a timeframe on when the  
9           manual walking over of the reports transferred to an  
10          actual email transfer? 14:37

11          A.    I think the email process would have commenced prior to  
12          Superintendent Taylor arriving, if I remember  
13          correctly.  It would have actually, from recollection.

14  419  Q.    I see.  Now, in relation then to your information  
15          regarding Sergeant McCabe, you indicated in your 14:38  
16          evidence that the first you knew of the specifics of  
17          the details alleged was when you watched the Prime Time  
18          programme.  But you also indicated in the course of  
19          your evidence that there had been a rumour in relation  
20          to there being a sexual investigation and that there 14:38  
21          was no prosecution arising out of that?

22          A.    Yeah, that was the extent of it.  Now, I didn't watch  
23          the Prime Time programme.  As I said earlier, I was  
24          aware of it the following day and the coverage that  
25          followed. 14:38

26  420  Q.    I see.  Well, there seems to be two pieces of  
27          information with respect to you there.  There's the  
28          2017 Prime Time programme, but your evidence seemed to  
29          also indicate that there was a knowledge on your part

1 of a rumour, is the way you referred to it as, that  
2 there had been a sexual investigation into Sergeant  
3 McCabe but no prosecution had been directed?  
4 A. Yes.  
5 421 Q. Do you have any idea as to when that piece of 14:38  
6 information came to your knowledge?  
7 A. I don't know exactly. I couldn't give -- I'm not sure,  
8 to be honest with you, when that happened.  
9 422 Q. I see. Well, your attention was drawn to the fact that  
10 Mr. Paul Williams had notified the Press Office seeking 14:39  
11 information in relation to this?  
12 A. Yes.  
13 423 Q. Do you actually recollect that seeking of information  
14 by Mr. Williams?  
15 A. No, other than looking at the document and that, I know 14:39  
16 I didn't speak with him in respect of it.  
17 424 Q. Yes. But in terms then of the reference that you make  
18 to having some information in relation to rumour, does  
19 that jog your memory at all as to whether it was before  
20 or after Mr. Williams contacted the Press Office? 14:39  
21 A. It doesn't help to give you -- you're looking for a  
22 definitive, I can't help you on that. It doesn't help  
23 me in defining the time-line.  
24 425 Q. I see. I see. Was it a time when you were still  
25 acting as inspector? 14:39  
26 A. I think it would have been.  
27 426 Q. I see. Well, perhaps that's somewhat helpful.  
28 A. Yes.  
29 427 Q. Thank you. In relation then to requests made by

1 journalists, as you've already indicated you'd, on  
2 occasion, speak to journalists. You also referred in  
3 the course of your evidence to Mr. Paul Williams not  
4 being a person who regularly contacted the Press  
5 Office. Were there journalists that you were in more 14:40  
6 regular contact with or who contacted the Press Office  
7 more regularly than others?

8 A. Well, there would be, you know, the normal, recognised,  
9 you know, crime -- serious crime -- the people that  
10 would typically show up if there was a murder and there 14:40  
11 was a media briefing following it, those sort of people  
12 would -- you know, the Michael O'Tooles, the Paul  
13 Reynolds, those sort of people would show up for that.  
14 Paul Williams didn't show up, that wasn't his scene, he  
15 didn't do that sort of thing. He wasn't -- I don't 14:40  
16 think he was on the contact list. He didn't get the  
17 press releases. I think he was subsequently put on to  
18 that. So that is the space where he was in.

19 428 Q. I see. So there's two people that you're indicating  
20 that you have a recollection of them being persons who 14:41  
21 would have been in regular contact with the Press  
22 Office?

23 A. Yes.

24 429 Q. Anybody else?

25 A. Well, I mean, Cormac O'Keefe, Conor Lally, you know, 14:41  
26 there would be lots of people that would be in contact  
27 with us.

28 430 Q. And anybody more particularly or more regularly than  
29 another?

1 A. No. Again, it would depend on what people were working  
2 on, etcetera.

3 431 Q. I see. In relation to information sought by  
4 journalists, it's clear from your evidence that  
5 responses may already have been drafted up to be 14:41  
6 provided to journalists in respect of particular  
7 issues, but would a situation emerge that information  
8 was sought that would have to then be forwarded on for  
9 the attention and information of the Commissioner or  
10 deputy commissioner of operations? 14:41

11 A. Yes. It would depend on what level it came in, it  
12 would depend on who was asking, being honest about it,  
13 and a lot of the time partly your function was to  
14 ensure the Commissioner's office were aware that  
15 certain media people were asking questions. 14:42  
16 Effectively, it was about anticipating that might  
17 appear in a Sunday paper, so -- you know, that's what  
18 you were in.

19 432 Q. I see. Well, was that the criteria, that something  
20 might appear in the Sunday papers so -- 14:42

21 A. Well, not just the Sunday paper. If we felt that the  
22 Commissioner needed to be aware of it, that was part of  
23 your function, was to keep the Commissioner aware of  
24 these issues as they unfolded.

25 433 Q. Some of the other witnesses that the Tribunal propose 14:42  
26 to call in relation to the operations of the Press  
27 Office have referred to the fact that queries from  
28 politicians would result in that going to the  
29 Commissioner for his or her information. Is that

1 right?

2 A. Well, just to clarify, who is asking the question? Is  
3 it the politician asking the question?

4 434 Q. Well, that seems to be what has been suggested by some  
5 of the witnesses. 14:43

6 A. Well, if we receive a query in from a politician that's  
7 not dealt with at Press Office, that is, as procedure,  
8 that is sent to the Commissioner's office for them to  
9 deal with it.

10 435 Q. So that is a definite protocol in place -- 14:43

11 A. Yes.

12 436 Q. -- in terms of a query from a politician?

13 A. Yes.

14 437 Q. In terms of a query in relation to a crime, what is the  
15 criteria that would result in it being brought to the 14:43  
16 attention of the Commissioner?

17 A. Crime in general?

18 438 Q. Yes.

19 A. Again, unfortunately, there's thousands of crimes.  
20 Again, if you felt that -- if it was a high-profile 14:43  
21 case or it was likely to dominate the media for two or  
22 three days or -- it could be a whole raft of things.  
23 But it was a value judgment on the particular thing.

24 439 Q. And I suppose it could, in fact, be directed by the  
25 Commissioner either, that anything in relation to this 14:44  
26 be brought to my attention?

27 A. Yes.

28 440 Q. I see.

29 A. I mean, you're basically trying to keep the

1 Commissioner briefed so that if the Commissioner is out  
2 tomorrow at a press briefing, you're keeping the  
3 Commissioner aware because questions could follow to  
4 the Commissioner in respect of that crime.

5 441 Q. Now, if it is something that was to be brought to the 14:44  
6 Commissioner's attention, how did that process work  
7 then?

8 A. It depends. When Dave Taylor was there, he invariably  
9 took it to the then-Commissioner Martin Callinan, and  
10 then as the Commissioner O'Sullivan, Nóirín O'Sullivan 14:44  
11 came into play, it went to -- Andrew McLindon was  
12 typically the conduit by which it was brought to the  
13 Commissioner's office.

14 442 Q. I see. So in the time of Dave Taylor then in terms of  
15 that information being provided, it was through Dave 14:44  
16 Taylor and he then would go to the Commissioner in  
17 relation to that?

18 A. Yes.

19 443 Q. And, of course, there was a period of time that  
20 Mr. McLindon hadn't, in fact, joined the Press Office? 14:45

21 A. Yes.

22 444 Q. I see. Now, you referred at the very end of your  
23 evidence to the Tribunal, to Mr. McGuinness, that you  
24 had spent ten years tidying up leaks from the Press  
25 Office? 14:45

26 A. No, cleaning up from it. Because again, from my point  
27 of view, the people upstairs in the general office,  
28 they would -- if things are leaked, we would say,  
29 listen, there's a crime, this is what we are saying

1 about it, this is the appeal, this is what we are  
2 saying, and you wouldn't be given all the information,  
3 you would be given a version of it in order to get  
4 information from the public. Now, if stuff started to  
5 leak, you would have other members of the media looking 14:45  
6 to get more information, looking for you to confirm  
7 stuff, stuff that you wouldn't have ever confirmed.

8 445 Q. I see. But in terms of the time span that you put on  
9 it, you refer to ten years; I take it that that is from  
10 the time that you commenced in the Press Office? 14:46

11 A. Yes, yes.

12 446 Q. I think that was August of 2007, was it?

13 A. Yes.

14 447 Q. To, well, if not the present time, certainly 2017, is  
15 that right? 14:46

16 A. Yeah.

17 448 Q. I see. Just in relation to the issue of the press  
18 clippings list --

19 A. Yes.

20 449 Q. -- and Superintendent Taylor having been taken off that 14:46  
21 and then it coming to your attention that he was back  
22 on it and then you issuing a direction for him to be  
23 taken off it again, did you speak to  
24 Superintendent Taylor on that second occasion when he  
25 was to be taken off? 14:46

26 A. Yes.

27 450 Q. Do you have any recollection of any request or reason  
28 he provided to you as to why he wanted to be on the  
29 list?



1 A. No. Basically, I was telling him that, as I said  
2 earlier, I was informing him that he wasn't -- he was  
3 no longer the Press Officer, that he had no requirement  
4 to have the press clippings, the traffic super in the  
5 Castle didn't have it for him and that he was being 14:47  
6 taken off the list.

7 451 Q. I see. Do you have any recollection of him mentioning  
8 his thesis to you and that the reason why he wished to  
9 be on the list was for the purposes of the preparation  
10 of his thesis? 14:47

11 A. He most definitely didn't.

12 452 Q. I see. My instructions are that he did have that  
13 conversation with you?

14 A. Well, I would clearly say, on evidence, that he didn't  
15 mention his thesis. If he did, I would have recalled 14:47  
16 it, and I know he didn't.

17 453 Q. So what did he say to you then?

18 A. He asked about whose decision it was, and I recall it  
19 clearly. I said the decision was made on high, and  
20 that's the way I left it. I didn't give any name and I 14:47  
21 didn't blame myself, but that was the call I was making  
22 on it.

23 454 Q. So you told Superintendent Taylor that the decision was  
24 made on high?

25 A. Yeah. And that was the extent I put to it. 14:47

26 455 Q. But that wasn't correct, is that right?

27 A. No, it wasn't.

28 456 Q. Well, why did you say that then?

29 CHAIRMAN: well, it's fairly correct.

1 MS. BURNS: well, the superintendent --  
2 CHAIRMAN: He's a superintendent. well, I know, it's  
3 certainly designed to mislead, it's fair enough to say  
4 that.  
5 A. Yes. 14:48  
6 CHAIRMAN: And you'd accept that?  
7 A. But the reason I was saying that was, I wasn't going  
8 into a conversation with him about in and out -- my  
9 conversation with him was, it wasn't happening, he  
10 wasn't getting it and there was no conversation about a 14:48  
11 thesis. It was clearly on my part that it was no  
12 longer happening, he wasn't getting on the press  
13 clippings.  
14 457 Q. MS. BURNS: So your position is that he didn't offer  
15 any explanation for his request? 14:48  
16 A. No.  
17 MS. BURNS: I see. Thank you very much.  
18 CHAIRMAN: Is there any questions, Mr. Dignam?  
19  
20 SUPERINTENDENT FERRIS WAS CROSS-EXAMINED BY MR. DIGNAM: 14:48  
21  
22 458 Q. MR. DIGNAM: Just a few questions, Chairman.  
23 Superintendent, just if I can bring you to a document,  
24 the draft statement on page 3250. This is the  
25 statement that you drafted, I think you described it as 14:48  
26 a holding line or a holding statement. Am I correct,  
27 and you might correct me if I am wrong, Superintendent,  
28 am I correct that this was your attempt to get ahead of  
29 the curve, so to speak? You knew this report or you

1 anticipated this report was going to be published, a  
2 response would have to be issued, and this is your  
3 first go at putting something together that might be  
4 used, is that right?

5 A. That's correct.

14:49

6 459 Q. Did you anticipate this in its form as is seen in the  
7 papers at page 3250 as being the document or the  
8 release that would ultimately be sent out to the media?

9 A. Absolutely not.

10 460 Q. Now, you were asked by Mr. McGuinness about a passage  
11 in your statement on page 3132. This is in relation to  
12 the Kantar transcripts of the radio interviews with  
13 Mr. Clifford and Deputy Daly. And I think you -- I  
14 just want to be clear about it, Superintendent, I think  
15 you said to Mr. McGuinness that you didn't discuss the  
16 details or the contents of these transcripts at that  
17 meeting or at those meetings, and I think you said on a  
18 number of occasions that your job was to get the  
19 transcripts and get them to whoever had looked for them  
20 and that was the extent of your functions?

14:49

14:50

14:50

21 A. Absolutely. And they were normally time-critical; they  
22 wanted them in a hurry, and that was the nature of it.

23 461 Q. Well, I think you do say in your statement that there  
24 was some discussion of protective disclosure, and  
25 perhaps I will just read it for you. You say at page  
26 3132, towards the bottom of the page:

14:50

27

28 "The volume of emails is large following a search using  
29 criteria in Appendix 1 conducted in my role in the

1 Press Office. I have routinely attended review  
2 meetings where protective disclosure came up as news  
3 items of the day. These events attracted a great deal  
4 of negative media commentary. They were discussed in  
5 the general way and consideration as to how the Garda 14:51  
6 organisation might respond."  
7

8 Can I take it, and, as I say, Superintendent, correct  
9 me if I am wrong, but can I take it that your reference  
10 there to discussing them in a general way is what you 14:51  
11 were trying to convey, that you didn't look at the  
12 details of the radio interviews but discussed the  
13 stories of the day in that general sense, is that  
14 right?

15 A. Absolutely. 14:51

16 462 Q. Now, just in relation to -- you were asked at page -- I  
17 don't need it to be shown to you, Superintendent, but  
18 on page 82, I think, of today's transcript you were  
19 asked whether you ever heard a conversation between  
20 Superintendent Taylor and a journalist, and I think you 14:51  
21 said "no". I wonder could you confirm whether you  
22 meant, in giving that answer, that you had never heard  
23 a conversation between Superintendent Taylor and a  
24 journalist about Sergeant McCabe or that you'd never  
25 heard a conversation between him and a journalist at 14:52  
26 all?

27 A. Absolutely. I clearly meant in respect of Sergeant  
28 McCabe. Obviously, I was present when there would be  
29 lots of conversations with other members of the media.

1 It was specifically in respect of Sergeant McCabe.

2 463 Q. And then just turning to the item that you were  
3 covering with Ms. Burns there towards the end, that of  
4 the press clippings and the media contact details. I  
5 just wonder could I get some clarification, 14:52  
6 Superintendent, because there's obviously a couple of  
7 different issues going on there. As I understand it,  
8 and you might correct me if I am wrong so the Tribunal  
9 has the -- can be sure that it has the correct picture,  
10 so to speak, in or around the time that 14:52  
11 Superintendent Taylor was transferred, or shortly after  
12 that, you directed that he be taken off the press  
13 clippings circulation list, is that right?

14 A. That's correct, yes.

15 464 Q. And do you recall how many people would have been on 14:52  
16 that circulation list around that time?

17 A. It'd be hard to -- an estimate would have been in the  
18 region of 20, I suppose. There mightn't be that many  
19 individuals. Sometimes people got their press  
20 clippings to their home address for weekends, and that 14:53  
21 sort of stuff. So that's the space you were in.

22 465 Q. Yes. And that first direction was shortly after  
23 Superintendent Taylor transferred, and I think you  
24 became aware sometime after that, and I don't think you  
25 can put a date on it, but sometime after that, that, in 14:53  
26 fact, Superintendent Taylor was back on that mailing  
27 list, is that right?

28 A. That's correct.

29 466 Q. How did you become aware of that?

1 A. Sergeant Damien Hogan and Gerry Kavanagh in the -- I  
2 went in one morning and they flagged it to me and they  
3 highlighted the fact that he was looking to be put on  
4 the press clippings list again, and that's when I  
5 became aware of it.

14:54

6 467 Q. Now, Mr. McGuinness asked you whether it turned out  
7 that Superintendent Taylor was under a different name  
8 or was under his first name, and you have no memory of  
9 that, is that right?

10 A. No, absolutely not.

14:54

11 468 Q. Now, can I just ask you to look at page 2404 of the  
12 booklets. And this is a statement of Ms. O'Grady who  
13 had worked in the Press Office, and you will see  
14 two-thirds of the way down that page Ms. O'Grady says  
15 that:

14:54

16  
17 "At the time I thought Dave Taylor had a good point and  
18 he should be on it. I sent him an email saying we will  
19 see how long it takes her to notice, as I put it under  
20 'David' instead of 'Taylor' to stop him being taken off  
21 the list."

14:55

22  
23 Do you remember that? And you may not.

24 A. No, I have no recollection of that. It's news to me.

25 469 Q. Now, you then, I think -- am I correct in saying that  
26 you asked Ms. O'Grady to remove Superintendent Taylor  
27 from the list again at that stage?

14:55

28 A. That's correct, yeah.

29 470 Q. And am I correct in saying that that was the last time

1           you had to deal with the press clippings circulation  
2           list?

3           A.    Absolutely.

4 471 Q.    Yes.  So there was the initial direction and then the  
5           second direction.  And you had a conversation with           14:55  
6           Superintendent Taylor about not getting the press  
7           clippings, is that right?

8           A.    Yeah, that was on the second occasion.

9 472 Q.    Yes.  And you've dealt with that with Ms. Burns.  But  
10          can I ask you, how did Superintendent Taylor respond or           14:55  
11          react to you telling him that the decision has been  
12          made and he's not getting onto the list?

13          A.    As I said, there was very little conversation from his  
14          side as to the reasons why.  It was more I was clearly  
15          saying he wasn't getting on the list.   14:55

16 473 Q.    Did he -- you may not be able to judge, but if you can,  
17          Superintendent, did he seem to accept that?  Was he  
18          happy about it?  Was he disappointed?

19          A.    No, he -- other than the question -- the only question  
20          he asked me was, whose decision was it?  That was the           14:56  
21          only question he asked.

22 474 Q.    Now, I think you then subsequently became aware that  
23          Superintendent Taylor was contacting personnel in the  
24          office looking for information --

25          A.    Yes.   14:56

26 475 Q.    -- is that right, about incidents?

27          A.    Yes.

28 476 Q.    How did you become aware of that?

29          A.    That was, again Sergeant Hogan and Gerry Kavanagh, that

1 was part of the same conversation.

2 477 Q. And were they, to the best of your knowledge,  
3 Superintendent, were they -- was that information about  
4 incidents concerning Superintendent Taylor's area of  
5 responsibility, i.e. traffic in Dublin? 14:57

6 A. No, that was the issue that they were highlighting,  
7 that they were uneasy with the way it was happening  
8 because the inquiries weren't relevant to his area of  
9 responsibility, and it was effectively -- they were  
10 current and unfolding events, effectively. 14:57

11 478 Q. Yes. There would be nothing surprising or untoward or  
12 a red-flag issue for a superintendent phoning the Press  
13 Office about an incident within their area of  
14 responsibility, I take it, is that right?

15 A. Absolutely not. It would be expected that there would 14:57  
16 be liaison.

17 479 Q. And then just in relation to the reference to January  
18 2015, am I correct in saying, Superintendent, that that  
19 was where you discovered that Superintendent Taylor had  
20 requested to be given the media contacts list? 14:57

21 A. That's correct, yes.

22 480 Q. Now, could you tell the Tribunal what the media  
23 contacts list in the Press Office is and what it  
24 comprises of?

25 CHAIRMAN: well, I am inferring it's the 700 names. 14:57

26 MR. DIGNAM: Yes, thank you, Chairman.

27 CHAIRMAN: 700 email addresses and 700, presumably,  
28 mobile phone contacts.

29 MR. DIGNAM: Yes.



1 CHAIRMAN: And it would be data, wouldn't it?  
2 MR. DIGNAM: Yes.  
3 CHAIRMAN: But not personal data. Well, I mean, that  
4 is defined differently under the Data Protection Act.  
5 It's nothing to do with saying anyone committed a 14:58  
6 criminal offence, but --  
7 MR. DIGNAM: No.  
8 CHAIRMAN: -- am I right in thinking that?  
9 A. Well, their emails, their personal emails were in --  
10 and as part of the process, we looked for the phone 14:58  
11 numbers of -- it's part of the database.  
12 CHAIRMAN: Yes, their personal emails presumably would  
13 go to their mobile device and they get emails  
14 straightaway?  
15 A. Yes. 14:58  
16 CHAIRMAN: So there is a lot of information on it.  
17 Yes.  
18 481 Q. MR. DIGNAM: And how did you become aware of that,  
19 Superintendent?  
20 A. I effectively walked into the office and noticed Brenda 14:58  
21 compiling it, had it printed out and putting it  
22 together.  
23 482 Q. And is it your understanding, in fairness to  
24 Ms. O'Grady, is it your understanding that she had been  
25 requested to do so by Superintendent Taylor? 14:58  
26 A. That was my understanding, and I left it that he wasn't  
27 to get it and that she was to indicate to him that he  
28 wasn't getting it and refer him to me. That was the  
29 way I put it.

1 483 Q. And did you have a conversation with Superintendent  
2 Taylor about that?  
3 A. No, I didn't. I left it at that, that she wasn't to  
4 supply it, and, if there was any issue, there was to be  
5 no debate, he was to contact me about it. 14:59  
6 484 Q. Yes.  
7 A. And there was no further conversation on it.  
8 485 Q. Okay. So you never received an explanation from  
9 Superintendent Taylor as to why he would need or want  
10 those contact details? 14:59  
11 A. There was no further communication on the matter  
12 between me and Superintendent Taylor on it.  
13 MR. DIGNAM: Thank you, Superintendent.  
14  
15 SUPERINTENDENT FERRIS WAS RE-EXAMINED BY 14:59  
16 MR. MCGUINNESS:  
17  
18 486 Q. MR. MCGUINNESS: Just two matters, Superintendent. Did  
19 you know whether Superintendent Taylor was doing a  
20 thesis, or what it was on if he was doing one? 14:59  
21 A. I subsequently became aware that he was doing a thesis,  
22 but I had no idea what it was on.  
23 487 Q. Right. Okay. Mr. Dignam asked you to look at  
24 Ms. O'Grady's statement relating to the circumstances  
25 on which she put him back on the press clippings list, 14:59  
26 and she appears to record there that he made a case to  
27 her that it was relevant to his work in connection with  
28 his road safety and the prevalence of road deaths,  
29 etcetera. But did he ever make such a case to you for

1 staying on the list?

2 A. No.

3 488 Q. If he had made a case to you that he wanted every day's  
4 press clippings for a thesis, would you consider that  
5 to be a basis upon which he ought to have been given 15:00  
6 them?

7 A. Probably no, because you'd end up giving it to half the  
8 organisation on that basis. Lots of people are doing a  
9 thesis.

10 489 Q. Okay. Thank you. 15:00

11 CHAIRMAN: Yes.

12 490 Q. MR. MCGUINNESS: Sorry, there is just one further  
13 matter I should have asked you earlier. Commissioner  
14 Callinan went out to RTÉ just before Christmas 2013 to  
15 do an interview as part of the Garda's message to be 15:00  
16 broadcast on Crimecall, and Superintendent Taylor  
17 apparently accompanied him there. Were you on that  
18 trip out to Montrose or not?

19 A. No. I attended the pre-production meeting on the  
20 morning, or on the morning of it, but I don't attend 15:01  
21 the actual broadcast in the evening time.

22 MR. MCGUINNESS: Thank you.

23

24 SUPERINTENDENT FERRIS WAS THEN QUESTIONED BY THE  
25 CHAIRMAN: 15:01  
26

27 491 Q. CHAIRMAN: Superintendent, you will appreciate you're  
28 the second witness now from the Garda Press Office, and  
29 I am beginning to wonder, does nobody know anything.

1 And forgive me for saying that, but I am being  
2 perfectly blunt about it. A reasonable person might  
3 think that. Alternatively, it may be that there was  
4 nothing going on, I don't know. I mean, it's only an  
5 allegation that Superintendent Taylor was making, that 15:01  
6 he was briefing the press negatively against Sergeant  
7 McCabe. But one thing, it seems to me, must stand out:  
8 you must know something in relation to his attitude  
9 towards Sergeant McCabe or the organisation's attitude  
10 towards Sergeant McCabe. And by the way, I don't take 15:01  
11 it remiss of somebody if they say they don't like  
12 somebody or what they are doing, I think that is a  
13 personal view and we are all entitled, in a free  
14 country, to have a personal view. But if you could  
15 help me on what his attitude was or what the 15:02  
16 organisation's attitude was, I would be most grateful?  
17 A. Well, Chair, in respect of -- I can't advance in terms  
18 of a campaign, because, to my knowledge, there was no  
19 campaign. So, like, there's lots of questions about  
20 did someone -- did you hear a briefing about this, did 15:02  
21 anyone ask you? To my knowledge, there was no  
22 campaign. Therefore, the answer to all of those  
23 questions, you know, is, no, I can't -- no, because I  
24 wasn't aware of any such campaign.

25 492 Q. CHAIRMAN: Yes. But the other thing that 15:02  
26 Superintendent Taylor is saying is that the Garda  
27 Commissioner of the time, and, I mean, in your time  
28 you've seen, what, in the Garda Press Office, you've  
29 maybe seen four Garda Commissioners?

1 A. Yeah.

2 493 Q. CHAIRMAN: Maybe five, including the current one?

3 A. Yes.

4 494 Q. CHAIRMAN: I know who is acting, but we all know  
5 Commissioner Ó Cualáin. And what Superintendent Taylor 15:03  
6 is saying, and this is part of what he said in his  
7 protected disclosure, is that Commissioner Callinan was  
8 absolutely obsessed with Maurice McCabe.

9 A. Well, again, I --

10 495 Q. CHAIRMAN: I don't know whether that is true or not, 15:03  
11 but, I mean, can you help me from --

12 A. Well, the difficulty I have is, if I was to agree with  
13 that, I have no -- I have nothing to back up that, you  
14 know what I mean? I wasn't -- you know, I saw the  
15 public communication that the Commissioner made at the 15:03  
16 Public Accounts Committee, like everyone else, but, you  
17 know, other than that, I was never privy to any  
18 conversation between Superintendent Taylor and the  
19 Commissioner in respect of Maurice McCabe.

20 496 Q. CHAIRMAN: You see, a big issue that has arisen between 15:03  
21 himself and Sergeant McCabe is in relation to texts,  
22 emails, electronic communication, in relation to which,  
23 by the way, the Tribunal has spent a great deal of  
24 money, that is putting it mildly, to investigate that,  
25 but according to him, and I mean you were there and for 15:04  
26 two, three months you shared an office, maybe not very  
27 happily, but you shared an office, and the rift seems  
28 to have come when the extraordinary sight of your desk  
29 upside down met your eyes one morning. Okay, I'm

1 understanding all of that. But what Superintendent  
2 Taylor is saying is that every single time there was  
3 any mention of any kind of Maurice McCabe, and this is  
4 what is agreed himself and Sergeant McCabe, any time  
5 there was any mention of any kind whatsoever of 15:04  
6 Sergeant McCabe, he was to get a full briefing. I  
7 mean, it wasn't just the press are saying this and that  
8 about the organisation or the organisation is falling  
9 down in relation to road safety, all those very  
10 important things; it was that there was a specific and 15:05  
11 additional line of information that it was to come from  
12 the Garda Press Office to Commissioner Callinan about  
13 Maurice McCabe. Now, I don't know if that is true or  
14 not, I have no idea, but surely if that was happening,  
15 and I'm saying if, and I'm underlining it, you must 15:05  
16 have seen something, some particular attention to  
17 Maurice McCabe on press clippings, or anything, and  
18 saying -- Superintendent Taylor saying, right, this  
19 portion goes up to Headquarters, or something like  
20 that. I can't know because I wasn't there. Now, you 15:05  
21 were there, so can you help me?

22 A. Yeah. In terms of the way the press clippings worked,  
23 typically the civilian staff member or the sergeant  
24 photocopy it at that time and put it into the press  
25 clippings. But it revolved about what was in -- anyone 15:05  
26 else could have done it, it was what was in the public  
27 papers. They were combined. There was no assessment  
28 of it. It was just, it was a photocopy, effectively,  
29 or a scanned version that was sent electronically of

1 what was in the national papers. There was no -- there  
2 was assessment or adjudication on what was in it. It  
3 was purely an information pack to the relevant --

4 497 Q. CHAIRMAN: Sure. I can get that and I would understand  
5 how it would work. So, everyone would read through the 15:06  
6 newspapers, you'd have them read by, say, eight  
7 o'clock, you'd cut out the bits that were relevant,  
8 you'd paste them maybe on to a piece of paper, you'd  
9 put them into the photocopying machine, you'd have them  
10 scanned, then you would have them electronically, then 15:06  
11 you would stick them into an attachment by way of an  
12 email and they would go to a large number of people.

13 A. Yes.

14 498 Q. CHAIRMAN: But, did the question in any way of anything  
15 to do with Sergeant McCabe or his issues coming first 15:06  
16 in the press clippings pack or being identified as a  
17 block in the press clippings pack?

18 A. No. It didn't work like that. Basically it was to do  
19 with effectively which papers, they dealt with them  
20 almost on a paper-by-paper basis and that's the way it 15:07  
21 was. There was nothing specifically, as you suggested,  
22 like that. Then because of the sheer volume of  
23 coverage that was happening at the time, there was a  
24 summary of it to identify how the conversation had  
25 moved on. But it was purely an assessment of the 15:07  
26 media. what was said in the paper.

27 499 Q. CHAIRMAN: were things divided by way of subject?  
28 Let's take a subject. Let's say there's something to  
29 do with fixed penalty charges and their enforcement and

1 let's say there's something to do with, let us say, a  
2 retired senior Garda saying, you know, we're  
3 criminalising half the students in country in the event  
4 that, you know, minor drug or less very dangerous drug  
5 quantities are prosecuted for possession. So did you 15:08  
6 divide them up into, this is what all the newspapers  
7 are saying about that topic this, is what the  
8 newspapers are saying about that topic, or was it Irish  
9 Examiner, Irish Times, Daily Mail, whatever?

10 A. That was typically -- it was whatever way they came. 15:08  
11 There was no order in it. It was whatever way they  
12 came in the papers. So, as I said earlier, the first  
13 one could be talking about road safety, the next one  
14 could be talking about -- it was based on the paper.  
15 what was extracted from the individual paper. 15:08

16 500 Q. CHAIRMAN: So it was higgledy-piggledy?  
17 A. Absolutely.

18 501 Q. CHAIRMAN: And was there ever any sense of ordering  
19 stuff as the Sergeant McCabe topic and putting it into  
20 a particular category or a sheath that was the Maurice 15:08  
21 McCabe stuff?

22 A. No. When we moved onto the media monitoring people  
23 they were doing it for us, there was search criteria  
24 that was used to identify so that when the monitoring  
25 people extracted it for us, those are the key words 15:09  
26 that would have been in it. But it was in the context  
27 of we want to find it in the paper and it should be  
28 part this.

29 502 Q. CHAIRMAN: So the monitoring thing, you know when you



1 get the transcripts of a Marian Finucane on a Sunday  
2 for instance has been mentioned, so one of the buzz  
3 words would have been "Maurice McCabe"? By buzz word I  
4 mean a word which would generate a search --

5 A. Yes. 15:09

6 503 Q. CHAIRMAN: -- and cause relevant material to be sent to  
7 you. Was that one of the words?

8 A. Yes, that would have been one of the words, yes.

9 504 Q. CHAIRMAN: Why particularly Maurice McCabe?

10 A. Because it was a way of identifying the piece of the 15:09  
11 paper, if that --

12 505 Q. CHAIRMAN: Were you instructed or did you know there  
13 was an instruction in Garda Headquarters, or was it  
14 generated in the Press Office to say Maurice McCabe is  
15 the thing we need to look at here? 15:09

16 A. No. With respect --

17 506 Q. CHAIRMAN: I am trying to understand, don't worry.

18 A. The way, the criteria was, we were getting a company,  
19 rather than having our staff scanning through all the  
20 papers and identifying this article and this article, 15:10  
21 we were getting a company to do that for us, present it  
22 in a pack and send it to us. Now, the reason we put in  
23 the search criteria was to ensure that no articles were  
24 missed, so that if you put in, you know, the "Garda  
25 Commissioner Nóirín O'Sullivan", if you put in 15:10  
26 "Sergeant Maurice McCabe" you wouldn't miss the  
27 article. And that was the purpose of the search  
28 criteria. And the way, as we worked through it, if,  
29 for instance, there was an article missed out from the

1 media monitoring people you would then go back and say  
2 well, can we tweak the search criteria to ensure an  
3 article isn't missed tomorrow. So it was to do with  
4 making sure that no article was missed.

5 507 Q. CHAIRMAN: Okay. who thought up then the search 15:10  
6 criteria "Maurice McCabe"?

7 A. well, we worked with the monitoring people.

8 508 Q. CHAIRMAN: I'm not blaming anyone in relation to that  
9 but I am just wondering where did that come from?

10 A. We worked with the monitoring people when they got 15:10  
11 involved and we said listen, when we trialed it, we  
12 said right, this is what we found, now you bring your  
13 search criteria and make sure you're finding the same  
14 sufficient that we are finding. And we went through a  
15 number of weeks where we were saying, we have say 40 15:11  
16 articles and they'd have 38, and we'd say, right, look  
17 at the two they missed and see why they missed them and  
18 what you did was you included another search criteria  
19 to make sure that you wouldn't --

20 509 Q. CHAIRMAN: No, I get that, but who came up with the 15:11  
21 notion "Maurice McCabe" as a search criteria?

22 A. Again I know it sounds odd in the context of this  
23 environment, but in our world basically we were coming  
24 up with any word that would identify the article and  
25 not bring a whole lot of articles you didn't want. 15:11  
26 Like, for instance, when I search my email using  
27 "McCabe" I got "McCabe Fellowship" and I got a whole  
28 dose of emails that were not relevant at all to this  
29 Tribunal. So that's what you're trying to avoid in

1 terms of the papers.

2 510 Q. CHAIRMAN: No, I know, and I appreciate that, but was  
3 there an instruction from Headquarters, was there an  
4 instruction from anywhere, or did you come up with it  
5 yourself or is there another explanation for "Maurice 15:12  
6 McCabe" being a search term identified by the Garda  
7 Press Office to the company which was sending you all  
8 media from the previous days, hours?

9 A. Again I don't want to mislead, I'm not -- I'm not  
10 saying there definitely -- I imagine "McCabe" was in 15:12  
11 there. I can't say for definite it was. But I imagine  
12 it was there. Because that is the sort of thing to  
13 ensure that the article was found.

14 511 Q. CHAIRMAN: I thought you told me it was.

15 A. Sorry. 15:12

16 512 Q. CHAIRMAN: The boat seems to be going a bit into  
17 reverse now.

18 A. Again the reality is with these things, is that the  
19 criteria goes in and you're trying to identify the  
20 proper ones. It changes. It's not a fixed position. 15:12  
21 Just because you've 40 words in your search criteria in  
22 January it moves on.

23 513 Q. CHAIRMAN: I know. Honestly, I can appreciate that.  
24 But still, it remains a mystery. There someone other  
25 thing that was on my mind, and that is this. When I 15:13  
26 was in practice I would have defended a number of  
27 Gardaí on criminal charges, I can't remember  
28 prosecuting any, but I'm sure it did happen, but it's a  
29 big deal, isn't it, when a garda is accused of any kind

1 of criminal wrongdoing? I don't mean using a bad word  
2 now in the course of dealing with an altercation  
3 outside a pub, I mean accused of a crime.

4 A. Absolutely. And on a personal level, I mean what  
5 happened to Superintendent Taylor in terms of being 15:13  
6 arrested, I mean at a human level you couldn't -- you  
7 have a colleague, you'd hate to see anyone --

8 514 Q. CHAIRMAN: Yeah.

9 A. You know what I mean, I get that.

10 515 Q. CHAIRMAN: I appreciate that. Let's take that as a 15:13  
11 given and let's take a second thing, which is this:  
12 You've referred on a number occasions to  
13 professionalism and by professionalism you obviously  
14 include the whole notion of objectivity. You do your  
15 job well. And it doesn't matter whether, let us say 15:14  
16 the lawnmower was stolen from the person you know well  
17 and like or it was stolen from someone who happens to  
18 be a criminal, you still do the same job. Now when it  
19 comes to investigating a garda, which is very difficult  
20 for a garda, you still do the best job you can, isn't 15:14  
21 that right?

22 A. Absolutely, yeah.

23 516 Q. CHAIRMAN: Yes. And if the Garda organisation were to  
24 be accused of not doing a proper investigation where  
25 the garda was the subject or the potential accused that 15:14  
26 would be very serious?

27 A. That's right.

28 517 Q. CHAIRMAN: This is why I can't understand again, I  
29 wasn't in the Garda Press Office, what I'm looking for

1 is help, I can't understand why we go back to April and  
2 May of 2014, we go back to Paul Williams, the articles  
3 appearing in the Irish Independent, two of them saying  
4 the girl at the centre of an allegation where she says  
5 she was sexually assaulted by a garda is now saying 15:15  
6 that the investigation was no use, and then she's going  
7 in meeting the leader of the opposition from whom we  
8 have heard, I would thought that would have created a  
9 massive stir in the Garda Press Office. I mean, it's  
10 really, really bad news. 15:15

11 A. Absolutely it's really bad news. But there's  
12 limitations to what we can do in respect of that, you  
13 know what I mean. I mean, there's a victim there, in  
14 the middle of it all.

15 518 Q. CHAIRMAN: well, she says she's a victim. Now I can't 15:15  
16 form a view, I'm not allowed to form a view one way or  
17 the other, so accepting that most allegations are  
18 correct, there may be a small number, there are  
19 certainly a small number that are not, but what I am  
20 asking you about is the fuss: It must have created a 15:15  
21 fuss in the Garda Press Office, there must have been  
22 communications from Superintendent Taylor about it, you  
23 must have been talking about it, it's a big talking  
24 point. I mean, there's a woman who says she was  
25 sexually assaulted by a garda, it was investigated by 15:16  
26 the Garda but she says it was an inadequate  
27 investigation, that generates four newspapers articles  
28 by Paul Williams, who is highly respected in the  
29 journalistic community and more widely, and furthermore

1           they end up with her going to meet the leader of the  
2           opposition. So, help me now.

3           A.    I have no direct knowledge in any of that part of it.  
4           That is the difficulty I have. You know, I have no  
5           direct -- 15:16

6 519 Q.    CHAIRMAN: I'm not asking you about direct knowledge.  
7           I'm asking you about, was there a fuss in the Garda  
8           Press Office? And I'm using the word fuss because it  
9           means the widest possible range of reactions. You  
10          weren't certainly saying, oh, isn't this great. I 15:16  
11          mean, somebody must have been reacting and say oh, here  
12          is another disaster for the organisation or words to  
13          that effect?

14          A.    But the difficulty is that when those sort of things  
15          happen, what we can say is extremely limited. 15:17

16 520 Q.    CHAIRMAN: No, it's not. I'm not asking you about what  
17          you are saying. I'm asking you about what was the  
18          internal reaction in the Garda Press Office. Because,  
19          you know, I can sit here from now until kingdom come  
20          and, you know, wonder about what was happening, really 15:17  
21          people have to tell me. I can't know things. I mean,  
22          so are you saying there was no talk about it? You  
23          barely remember it? I find that hard to believe. Or,  
24          are you saying it was remarked on? And if so, how was  
25          it remarked on? And, by whom? For instance, was it 15:17  
26          said well, finally McCabe is getting a bit of negative  
27          publicity or he is getting what he deserves or  
28          activity, or he must bring this to the Commissioner's  
29          attention? And I am giving you a range of options but

1           what I'm asking you for is what you remember of it?

2           A.    what I remember, it may not be what you want to hear --

3 521 Q.    CHAIRMAN:  Sorry.  No, no, no, no.  Sorry, I hear what

4           I hear.

5           A.    Yeah. 15:18

6 522 Q.    CHAIRMAN:  I don't want to hear anything, apart from

7           the Tribunal is over.  That is the only thing I want to

8           hear, okay?

9           A.    I appreciate that, sorry.  I didn't mean that, chair.

10          what I meant was the media coverage, that was how the 15:18

11          Commissioner -- that would be forwarded on as part of

12          the press -- that was the extent of it.  We wouldn't

13          have been commenting on it.  If the media rang in on it

14          we wouldn't have been commenting on it.

15 523 Q.    CHAIRMAN:  I know, but what you mean barristers sit 15:18

16          down together after a court hearing and they maybe say

17          things to each other like 'Can you believe that judge?'

18          or 'Didn't that witness really bury my opponent?'  I

19          can't understand why the Garda Press Office seems to

20          act in way that doesn't incorporate human reactions or 15:18

21          reactions based on the seriousness of the story to the

22          organisation.  What I am asking you about is:  What

23          were people saying inside?  Because that might give me

24          some clue as to whether Superintendent Taylor was up to

25          anything or was up to what, if he was up to anything, 15:19

26          and I have no view on it one way or the other.

27          A.    I can't help you on that, I'm afraid, you know, other

28          than general comment on it.  There wasn't a big

29          discussion about these things.  This is, you know

1 people seemed to -- there wasn't a huge amount of  
2 discussion on it. Because again, we're looking at it  
3 from the point of view of what can we say and you're  
4 trying to manage that aspect of it.

5 CHAIRMAN: Okay. well, thanks superintendent. 15:19

6 MR. McGUI NNESS: Chairman, if I might just ask a couple  
7 of questions.

8  
9 THE WITNESS WAS FURTHER EXAMINED BY MR. McGUI NNESS AS  
10 FOLLOWS: 15:19

11 524 Q. MR. McGUI NNESS: Superintendent Ferris, you've referred  
12 there to monitoring and the monitoring people and just  
13 to be clear for the purpose of the transcript, who are  
14 you talking about?

15 A. Kantar -- 15:19

16 525 Q. Kantar?

17 A. -- Media Monitoring Company. They were contracted to  
18 effectively carry out the function that the staff were  
19 doing previous to that. And they were presenting the  
20 press clippings in that way. 15:20

21 526 Q. And that is a long-established respectable media firm,  
22 as I understand it?

23 A. Yes.

24 527 Q. which is able to provide transcripts of television  
25 programmes, radio programmes, press clipping services? 15:20

26 A. That's correct.

27 528 Q. Etcetera, etcetera. But were they commissioned by the  
28 Press Office or by the Garda Commissioner to do  
29 anything specific in relation to Sergeant McCabe, to



1 your knowledge?

2 A. They would have been -- again it would have been, from  
3 my knowledge they would have been asked to -- the  
4 search criteria again would have been included to  
5 ensure that none of it was missed. 15:20

6 529 Q. None of what was missed?

7 A. None of the coverage that was out there or was going to  
8 emerge that we would have picked it up. They would  
9 have picked it up on our behalf.

10 530 Q. I just want to be clear. Was the purpose of it simply 15:20  
11 to capture any bit of publicity that was out there in  
12 the net to be able to report it back, is that right?

13 A. The purpose of the whole process was to be aware of  
14 what was happening so that the Garda management would  
15 be aware of what was being said again from the point of 15:21  
16 view if it needed an organisation response or if the  
17 Commissioner said she was going out in front of the  
18 media, this was the sort of questions that were likely  
19 to arise in that context.

20 531 Q. But is it in the context of a normal monitoring, if 15:21  
21 that is the right word, of public discourse, whether on  
22 the radio or papers or television about topical issues,  
23 is that it?

24 A. Yes.

25 532 Q. Okay. 15:21

26 A. Absolutely. And again --

27 533 Q. Is it something that was specifically and specially  
28 decided upon in relation to Sergeant McCabe or not?

29 A. No, no. It's an ongoing process for other things.

1 Like, if you had a high profile trial you would modify  
2 your search criteria to pick up the commentary on the  
3 trial.

4 534 Q. Perhaps we will see an example of that at 3239. And  
5 just while that is coming up, this isn't something that 15:22  
6 was specially decided then in connection with Sergeant  
7 McCabe by any particular commissioner, or was it?

8 A. No, no. This is part of Press Office procedure. This  
9 is part of what we do.

10 535 Q. And we see it there, this is Kantar Media content 15:22  
11 update?

12 A. Yes.

13 536 Q. And then if we go down the page, there's a selection of  
14 headings relating to the Garda Commissioner?

15 A. Yes. 15:22

16 537 Q. This is obviously from the 6th October 2016, this is in  
17 the wake of the transcripts that I have referred you to  
18 earlier, is that correct?

19 A. That's correct, yes.

20 538 Q. So there's a lot of headlines there which are 15:23  
21 summarised, is that correct?

22 A. That's correct, yes.

23 539 Q. Then if one goes to 3242, and on to 3243, there's  
24 heading at the top of that page relating to GSOC, isn't  
25 that right? 15:23

26 A. That's correct, yes.

27 540 Q. And on page 3244 there is a heading "Other" which seems  
28 to be a roundup of other Garda stories. But is this  
29 the type of document that is produced on a regular

1 daily basis to net everything that is out there in  
2 relation to the Gardaí?  
3 A. That's correct. Yes.  
4 541 Q. At the bottom of 3243 there is a reference to O'Higgins  
5 Report. Now the selection of those search headings, 15:24  
6 was that done by the Press Office or Kantar Media under  
7 the direction of the Press Office or under the  
8 direction of HQ?  
9 A. It would be done by Kantar under the direction of the  
10 Garda Press Office. 15:24  
11 542 Q. And this is a service, is it, that's being provided  
12 throughout your period in the Press Office, from 2007,  
13 perhaps even beforehand, but this is a normal -- is it  
14 a daily service?  
15 A. It was a daily service. Now obviously this wasn't 15:24  
16 happening in 2007. As I say, it was in more recent  
17 times this was introduced.  
18 543 Q. Yes?  
19 A. But that effectively is a daily service.  
20 544 Q. Thank you. 15:24  
21 A. Thank you.

22

23 THE WITNESS THEN WITHDREW

24

25 MR. MCGUINNESS: Chairman, they are the only two 15:25  
26 witnesses we intend to deal with today. We're going to  
27 adjourn the balance of the other witnesses in the  
28 circumstances already explained and they will be  
29 recalled at a later date. It's the intention of the

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Tribunal then I think to adjourn tomorrow and then resume sitting on Friday morning, Chairman, at 9:00am.

CHAIRMAN: Yes. Tomorrow I have something else to do.

MR. MCGUINNESS: Yes.

CHAIRMAN: Look, there was less witnesses today on the website because of the issue that was spoken about this morning, but fortunately that is resolved and I would like to thank the parties involved in assisting to resolve that. Thank you. 15:25

THE HEARING THEN ADJOURNED UNTIL FRIDAY, 4TH MAY 2018  
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