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

HELD IN DUBLIN CASTLE
ON WEDNESDAY, 9TH MAY 2018 - DAY 71

71

Gwen Malone Stenography
Services certify the
following to be a
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in the above-named
action.

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I N D E X

WITNESS	PAGE
MS. DEIRDRE MOONEY	
DIRECTLY EXAMINED BY MR. MARRINAN	6
CROSS-EXAMINED BY MS. BURNS	9
DETECTIVE SERGEANT ALAN FRAWLEY	
DIRECTLY EXAMINED BY MR. MARRINAN	9
EXAMINED BY MR. MÍCHEÁL O'HIGGINS	14
RE-EXAMINED BY MR. MARRINAN	17
QUESTIONED BY THE CHAIRMAN	18
SERGEANT DAMIEN HOGAN	
DIRECTLY EXAMINED BY MR. MARRINAN	24
CROSS-EXAMINED BY MR. MCDOWELL	37
EXAMINED BY MR. MÍCHEÁL O'HIGGINS	39
QUESTIONED BY THE CHAIRMAN	63
SERGEANT ANTHONY CONNAUGHTON	
DIRECTLY EXAMINED BY MR. MARRINAN	68
SERGEANT JAMES MOLLOY	
DIRECTLY EXAMINED BY MR. MARRINAN	73
EXAMINED BY MR. MÍCHEÁL O'HIGGINS	81
SERGEANT ALAN FRAWLEY	
FURTHER EXAMINED BY MR. MARRINAN	86
SUPERINTENDENT PATRICK RYAN	
DIRECTLY EXAMINED BY MS. LEADER	87
EXAMINED BY MR. DONAL MCGUINNESS	107
RE-EXAMINED BY MS. LEADER	110

SERGEANT DECLAN MONAGHAN

DIRECTLY EXAMINED BY MR. MCGUINNESS 112

EXAMINED BY MR. DONAL MCGUINNESS 118

GARDA DARINA O' BRIEN

DIRECTLY EXAMINED BY MR. MCGUINNESS 120

1 THE HEARING RESUMED, AS FOLLOWS, ON WEDNESDAY, 9TH MAY
2 2018:

3
4 CHAIRMAN: Sincere apologies for keeping everybody
5 waiting. As usual, I haven't got over barristers'
6 habit of underestimating things, and there it is. 11:06

7 MR. MARRINAN: The first witness this morning, sir, is
8 Deirdre Mooney, please.

9
10 MS. DEIRDRE MOONEY, HAVING BEEN SWORN, WAS DIRECTLY 11:06
11 EXAMINED BY MR. MARRINAN:

12 1 Q. MR. MARRINAN: I think you started to work in An Garda
13 Síochána in 2007 in the administrative office for the
14 Special Detective Unit in Harcourt Square, is that
15 right? 11:08

16 A. That's correct.

17 2 Q. And I think that you moved from there to the Press
18 Office in March of 2008?

19 A. That's correct.

20 3 Q. And you remained in the Press Office until August of
21 2013, is that right? 11:08

22 A. That's correct.

23 4 Q. And I think that you met with our investigators on the
24 19th September of 2017, and you made a statement in the
25 form of question and answer to them, and that's at page 11:08
26 2837 of the materials. What was your role in the Press
27 Office?

28 A. I was on the news desk team.

29 5 Q. What does that mean?

1 A. That means my main role was taking calls from
2 journalists and members of the public and in the
3 morning I would have went through the papers, prepared
4 the clippings, sent them on the distribution list.

5 6 Q. And during your period of time there, obviously there 11:09
6 were a number of Press Officers but do you remember
7 Superintendent Taylor --

8 A. I do.

9 7 Q. -- in particular. I think that he came a year before
10 you left, is that right? 11:09

11 A. That's right, yes.

12 8 Q. So he was there for a year. How did you find working
13 with him?

14 A. Very, very nice. He was a fine boss, yeah.

15 9 Q. And was the system of work in the Press Office, did it 11:09
16 remain the same throughout the period of time that you
17 were there?

18 A. It did, yeah.

19 10 Q. All right. And the reporting structures remained the
20 same, is that right? 11:09

21 A. Yes, that's correct.

22 11 Q. So I think you describe in your statement that you were
23 sort of shadowing the sergeants who were primarily
24 dealing with the queries that were coming in?

25 A. That's correct, we would -- if we would prepare a line, 11:09
26 it would be approved by a sergeant or management.

27 12 Q. I think the investigators, during the period of time
28 that they were with you, drew the Tribunal's terms of
29 reference to your attention, is that right?

1 A. They did, yeah.

2 13 Q. And in particular, a protected disclosure that has been
3 made by Superintendent Taylor in relation to a campaign
4 which he claims was initiated against Sergeant McCabe.
5 Were you aware of any such campaign during your period 11:10
6 of time there?

7 A. I wasn't, no.

8 14 Q. You left obviously in August of 2013?

9 A. Yeah.

10 15 Q. Is that right? 11:10

11 A. That's correct.

12 16 Q. At that time, had Sergeant McCabe come into the public
13 eye, do you recall?

14 A. I can't remember, to be honest with you. Perhaps.

15 17 Q. Do you remember dealing with any queries that came into 11:10
16 the Press Office?

17 A. I think there was a line on the spotlight but it would
18 have been kind of a standard line that we wouldn't
19 comment on named individuals.

20 18 Q. Yes. I think that most of the activity in the Press 11:11
21 Office took place after you left, in August of 2013?

22 A. Yeah.

23 MR. MARRINAN: Thank you very much.

24 A. Thank you.

25 11:11

26 MR. McDOWELL: No questions.

27

28

29

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

2 19 Q. MS. BURNS: Morning Ms. Mooney. My name is Tara Burns
3 and I appear on behalf of Superintendent Taylor. Just
4 in relation to the interview that you conducted with
5 the Tribunal interviewers, when you were asked about 11:11
6 your interactions with Superintendent Taylor I think
7 that you described it as very positive and that he was
8 a very good boss?

9 A. Yeah, I never had any problems with him.

10 20 Q. Thank you very much. 11:11

11 A. You are welcome.

12
13 MR. MARRINAN: Thank you.

14 MR. MÍCHEÁL O' HIGGINS: No questions, Chairman.

15 11:11
16 THE WITNESS THEN WITHDREW

17
18 MR. MARRINAN: The next witness is Sergeant Alan
19 Frawley, please.

20 11:11
21 DETECTIVE SERGEANT ALAN FRAWLEY, HAVING BEEN SWORN, WAS
22 DIRECTLY EXAMINED BY MR. MARRINAN:

23 21 Q. MR. MARRINAN: I think, Sergeant Frawley, that you made
24 a statement on the 9th November of 2017 for the benefit
25 of the Tribunal, is that right? 11:12

26 A. That's correct.

27 22 Q. It's at page 2869, for the benefit of the parties, and
28 it's a relatively short statement. When did you first
29 arrive in the Press Office?

1 A. The 21st June 2013.

2 23 Q. And where had you come from?

3 A. Crumlin.

4 24 Q. Crumlin. And what was your role when you arrived in
5 the Press Office? 11:12

6 A. I would have been sergeant in the Press Office working
7 in the -- I suppose, in the newsroom where the
8 telephone calls and the emails would come in from the
9 media.

10 25 Q. And were you dealing directly with the media? 11:13

11 A. Yeah. You would be answering telephone calls and
12 answering emails and queries directly.

13 26 Q. And you might be able to help us in terms of queries
14 that would come in from the media; if a query came in
15 from the media in relation to a particular case or 11:13
16 named individual that the Gardaí were dealing with, how
17 would you respond to that query?

18 A. There were -- there were set responses, if a person is
19 named the answer would be, you know, 'we do not comment
20 on named individuals', 'we do not comment on third 11:13
21 party statements', that kind of thing. So, yeah, that
22 would be a standard response once a person --

23 27 Q. Is that a sort of golden rule in the Press Office, that
24 the Press Officers who were there and the staff, don't
25 discuss individual cases with the media? 11:14

26 A. You could talk about a case about once it goes -- when
27 it goes to court, you don't, we don't generally comment
28 on it, on cases. And when there is a person named, be
29 it over the phone or on the email, you would respond

1 that An Garda Síochána do not comment on named
2 individuals.

3 28 Q. Just anecdotally, the Tribunal has information that has
4 come in from journalists in relation to their contact
5 with the Press Office and, for instance, queries that 11:14
6 may have been raised, for example, in relation to
7 Sergeant Maurice McCabe, that there would be a standard
8 response from the Press Office, namely that you
9 wouldn't engage in making any comment in relation to a
10 named individual, is that your experience? 11:14

11 A. That would be my experience, yeah.

12 29 Q. And in terms of queries coming in, in relation to, for
13 example, a Garda file or directions from the DPP in any
14 given case, would you comment on that?

15 A. No. If an incident occurs and it's deemed that there 11:15
16 would be media interest in it, you would put it on
17 spotlight. Now, if there are arrests that may be part
18 of a press release. If you put the incident out on a
19 press release, if there were arrests you may say 'three
20 people arrested'. If those people are charged, be it 11:15
21 straight after being detained or further down the line,
22 depending on the seriousness of the incident, you would
23 inform the media that the person or the persons have
24 been charged.

25 30 Q. Now, I think there were six other sergeants working in 11:15
26 the Press Office at the time, is that right?

27 A. That's correct, seven in total, yeah.

28 31 Q. And we know that there was Inspector Finan and also
29 superintendent -- sorry, Inspector Ferris and also

1 Superintendent Taylor, isn't that correct?

2 A. That's correct, yeah.

3 32 Q. How did you get on with Superintendent Taylor?

4 A. Very well, yeah, yeah.

5 33 Q. You had a good working relationship with him, did you? 11:16

6 A. Yeah.

7 34 Q. And how did he appear to relate to the other members of

8 staff?

9 A. Yeah, very well. It was my first experience in an

10 office kind of environment during my time, so I saw no 11:16

11 real problems in the office, yeah.

12 35 Q. Did he appear to be open?

13 A. To me anyhow, yeah, he did.

14 36 Q. It's just we have some other evidence the Tribunal is

15 going to hear this morning that on occasions he 11:16

16 appeared to be quite secretive in his dealings with

17 members of the media and would perhaps leave a room if

18 he was on the phone and move to another room if he was

19 talking to a journalist?

20 A. Possibly, yeah. 11:17

21 37 Q. You didn't notice anything like that?

22 A. I didn't notice it, but probably, if I was on the phone

23 myself, depending on the call, if it was a personal

24 call I would probably leave the room.

25 38 Q. Okay. And so, as far as you were concerned 11:17

26 Superintendent Taylor appeared to be quite open in his

27 dealings with people. You are aware of the terms of

28 reference of the Tribunal, aren't you?

29 A. Yes.

1 39 Q. And in particular, a protected disclosure that has been
2 made by Superintendent Taylor of a campaign that he
3 said that he was engaged in to brief journalists about
4 Sergeant Maurice McCabe, you are aware of that?
5 A. Yes. 11:17
6 40 Q. Yes. Did you hear anything of that? Did he say
7 anything to you about that when he was there?
8 A. No, Chair.
9 41 Q. Did you hear any mutterings or discussions about it in
10 the Press Office? 11:18
11 A. No, Chair.
12 42 Q. In terms of Sergeant Maurice McCabe at the time, when
13 did -- are you still in the Press Office?
14 A. No.
15 43 Q. No. When did you leave? 11:18
16 A. The 12th December just gone.
17 44 Q. Just gone?
18 A. 2017, yeah.
19 45 Q. But during your period of time in the Press Office and
20 in particular up until the summer of 2014, had you 11:18
21 heard anything about Sergeant McCabe's background, in
22 particular an allegation of sexual assault that had
23 been made many years earlier?
24 A. No, no.
25 46 Q. Were you totally unaware of that? 11:18
26 A. Judge, I think I became -- sorry, Chair, I think I
27 became aware of it generally when it became kind of
28 news, I suppose, for want of a better word. In my time
29 in the office, no, I wasn't aware. Later on in the

1 office, I think there was a Spotlight -- a line put on
2 Spotlight about protected disclosure and that.

3 47 Q. Yes, but that is in --

4 A. That was further down the line, yeah.

5 48 Q. Yes. But certainly as of and up until the summer of 11:19
6 2014, Sergeant McCabe just simply wasn't on the radar,
7 as it were, in the Press Office at all, is that right?

8 A. Sorry, yeah, personally, yeah, as far as I was aware,
9 yes.

10 MR. MARRINAN: would you answer any questions, please. 11:19

11

12 MR. McDOWELL: No questions, Chairman.

13 MS. BURNS: No questions, Chairman.

14

15 THE WITNESS WAS EXAMINED BY MR. MÍCHEÁL O' HIGGINS: 11:19

16 49 Q. MR. MÍCHEÁL O' HIGGINS: Just one question, if I may. I
17 wonder if we could have page 116 of the materials on
18 screen, please, volume 1. And this is the commencement
19 of Superintendent David Taylor's interview with
20 investigators, with Tribunal investigators, that was 11:20
21 provided on the 5th May 2017. And actually, if we
22 could move down to page 127 of that, of the materials,
23 which is page 12 of that document. Do you see there on
24 page 127, there is a question-and-answer between
25 Superintendent Taylor and the Tribunal investigator, 11:20
26 and he is asked -- well, actually, perhaps, the lead-in
27 is significant:

28

29 "I have been asked who instructed me to contact the

1 media and brief them as detailed above and when the
2 instruction occurred."

3
4 And then, at the top of page 127 he gives the answer:

5
6 "Commissioner Callinan -- just to clarify I wish to
7 state that Deputy Commissioner O'Sullivan never
8 instructed me to brief the media as detailed above.
9 However, as far as I am concerned, she was aware of the
10 instruction by Commissioner Callinan." 11:21

11
12 Do you see that there?

13 A. Yes.

14 50 Q. And then a little bit further on he is asked:

15
16 "-- to provide to the Disclosures Tribunal any
17 evidence, documentary notes, letters, diary entries,
18 reports, statements, emails or otherwise, electronic,
19 telephonic or otherwise, to substantiate this
20 allegation, and I have been asked if I can signpost for 11:21
21 the Tribunal where these communications can be
22 located."

23
24 And then there is an answer given:

25
26 "I refer to my earlier answer in relation to
27 documentary evidence that may assist the Tribunal.
28 Just to clarify again, the instruction by Commissioner
29 Callinan in this regard was always verbal. The 11:21

1 instruction was never documented in writing, text or
2 email."

3
4 And then he is asked:

5
6 "I have also been asked whether any other person was
7 present when these instructions were given to me or
8 whether any other person was aware of these
9 instructions given to me by Commissioner Callinan."

11:22

10
11 And the following answer is recorded:

11:22

12
13 "I can confirm nobody else was present when I received
14 these verbal instructions. However, I can say Andrew
15 McLindon was aware of these instructions as I discussed
16 them with him."

11:22

17
18 All right. Now, that is a long introduction into the
19 question I am going to ask you. My question is this:
20 Did Andrew McLindon, the Director of Communications of
21 An Garda Síochána, did he ever instruct you to brief
22 negatively against Sergeant McCabe in any way?

11:22

23 A. No, Chair.

24 51 Q. Or did he in any way give you information for the
25 purpose of discrediting Sergeant McCabe?

11:22

26 A. No.

27 MR. MÍCHEÁL O' HIGGINS: Thank you.

28 MR. MARRINAN: Sorry, sir, just one matter.

29

1 THE WITNESS WAS RE-EXAMINED BY MR. MARRINAN:

2 52 Q. MR. MARRINAN: I think, sergeant, we are just concerned
3 about one aspect that I neglected to ask you about. In
4 late February/early March of 2014, Eavan Murray, who is
5 a journalist, and Debbie McCann both visited the home
6 of Ms. D, and I just want to ask you, were you aware of
7 that at the time?

11:23

8 A. Of their visit?

9 53 Q. Yes.

10 A. No.

11:23

11 54 Q. Do you recall any inquiries into the Press Office in
12 relation to Ms. D or --

13 A. No.

14 55 Q. -- her family?

15 A. No, I don't recall.

11:23

16 56 Q. And then in February of 2014, of the same year, Gerald
17 Kean, solicitor, apparently phoned the Press Office.
18 Do you recall any interaction with him at all?

19 A. No.

20 MR. MARRINAN: Thank you very much.

11:24

21 A. Thank you.

22 CHAIRMAN: Just one thing. Sorry, Mr. Marrinan, if I
23 may just ask you first. I may have lost attention but
24 did we ask Andrew McLindon about the question that
25 Mr. O'Higgins put to him?

11:24

26 MR. MARRINAN: Yes.

27 CHAIRMAN: I am sure we probably did, yes. And the
28 answer was no, definitely --

29 MR. MARRINAN: He has denied it completely.

1 CHAIRMAN: I know. And we know in another place he has
2 been referred to by Superintendent Taylor by an
3 unpleasant appellation.
4

5 THE WITNESS WAS THEN QUESTIONED BY THE CHAIRMAN

11:24

6 57 Q. CHAIRMAN: I just want to get an idea, if you wouldn't
7 mind, I know about the 12-hour shifts and I'm just kind
8 of struggling to kind an idea, if you don't mind, as to
9 how many rooms are in the Press Office; there was
10 mention of an upstairs, there has been mention of
11 Superintendent Taylor sharing a room with the
12 inspector, forget about all of that, maybe you would
13 just give me -- and then the other thing, although I
14 know there is seven sergeants, one inspector, one
15 superintendent, four civilians, you are not all working
16 every single day so maybe you would just help me on
17 that, on Monday and then maybe Saturday, Sunday, what
18 happens there.

11:24

19 A. Yes. The layout, Chair, is - from when I started
20 anyhow - when you go in the door, the main door to your
21 left would have been Superintendent Taylor's office.

11:25

22 58 Q. CHAIRMAN: Where are we talking about?

23 A. On the ground floor.

24 59 Q. CHAIRMAN: If you are talking about the car park in
25 Garda Headquarters?

11:25

26 A. As you look at the centre block building, it's to your
27 right as you look at it and it is the gable end, there
28 is a big blue door at the end of that, at the gable
29 end. When you go in the door, to the left

1 Superintendent Taylor's office straight in front of
2 you, Andrew McLindon's office. Down the stairs was
3 toilets and shower facilities. Up the stairs, when you
4 get to the top of the stairs, straight in front of you
5 is the main office. There's six desks with computers 11:25
6 and telephones, that was the news desk area where the
7 sergeants and the news desk -- as Deirdre put it, the
8 news desk staff, civilian staff worked. At the top of
9 the stairs when you turn right, there is an office,
10 which was commonly referred to as the back office where 11:26
11 Brenda O'Grady would work, and at the time I started
12 that is where Inspector Ferris was. There's two desks
13 there, there's three now. And then beyond that, at the
14 end of the corridor there is a kitchen area where we'd
15 make our tea or have our lunch there. And that is 11:26
16 basically the layout.

17
18 On any given tour, on a Monday, if it was myself -- the
19 seven sergeants were split, there were two sergeants,
20 say, there was three groups of two sergeants, I was the 11:26
21 sergeant on my own. So if I was working at 7:00, I
22 would have probably a member, a civilian member with me
23 at 7:00, and then possibly at 10:00 a sergeant would
24 come on. At 9:00 a civilian may come on, 9:00 to 5:00,
25 they worked a shorter day, they were working eight 11:27
26 hours. At 11:00 a civilian may come on and work until
27 7:00. And then the late tour would start at 1:00, 1:00
28 until 11:00 was the late tour. So you may have one or
29 two sergeants coming on late. There were days when you

1 may be the only sergeant working early, and only one
2 other sergeant would come in late. In general, they
3 were the times: 7:00 to 5:00, 1:00 until 11:00 and
4 then the civilians were 7:00 to 3:00, 9:00 to 5:00 and
5 11:00 to 7:00, but you may not have five people 11:27
6 working --

7 60 Q. CHAIRMAN: Yes. And on a Saturday and Sunday the hours
8 are shorter, isn't that right?

9 A. On a Sunday they are shorter, yes.

10 61 Q. CHAIRMAN: They are what? 11:27

11 A. They would be 3:00 to 11:00, would be the late, and
12 7:00 to 3:00 would be the early.

13 62 Q. CHAIRMAN: So it's still a full day, though?

14 A. Yeah, yeah, a full tour, yeah.

15 63 Q. CHAIRMAN: Okay. And you know the way -- how long did 11:27
16 you actually spend in the Press Office? Forgive me, I
17 know Mr. Marrinan led you through that detail.

18 A. I started in -- on 21st June 2013 and I officially
19 transferred out on 12th December 2017.

20 64 Q. CHAIRMAN: Yes. To detective branch, I take it? 11:28

21 A. Yes, in Garda Headquarters, yes.

22 65 Q. CHAIRMAN: Yes. Was it normal for the superintendent
23 in charge just to be in an office on his own?

24 A. Yeah, I have --

25 66 Q. CHAIRMAN: During your time anyway? 11:28

26 A. During my time there, when I started Superintendent
27 Taylor was the Press Officer.

28 67 Q. CHAIRMAN: Yes.

29 A. And as most of the Press Officers, he spent a lot of

1 time in the office, in his own office. Out of the four
2 Press Officers I would say Superintendent Taylor was up
3 in the news desk office more than the others, but that
4 was just to keep -- to be informed of what was going
5 on. That would be my opinion on it anyway. 11:29

6 68 Q. CHAIRMAN: And did he have a secretary?
7 A. No, no.

8 69 Q. CHAIRMAN: And did anybody? Did anybody fill that
9 role? I know nowadays people are expected to do their
10 own typing and answer their emails and all that kind of 11:29
11 thing, so it's a rare thing to have a personal
12 assistant of any kind.

13 A. There was no -- as far as I am aware or concerned,
14 there was no personal assistant assigned to
15 Superintendent Taylor -- 11:29

16 70 Q. CHAIRMAN: As such.
17 A. -- as such. Brenda would do a good bit of work for
18 both Inspector Ferris and on occasion Superintendent
19 Taylor.

20 71 Q. CHAIRMAN: Yes. And then there was some drafting as 11:29
21 well of, let's say, position papers or someone needed
22 to make a speech, or there was that kind of thing going
23 on as well?

24 A. Yeah. That was, generally it was Ciaran Wren, who
25 would have been a civilian member, he would draft the 11:29
26 speeches. Generally it was himself who would do that
27 that.

28 72 Q. CHAIRMAN: Yes. Okay. The other thing I want your
29 help on: I know there has been mention of going

1 upstairs and corridors and all the rest of it, but if
2 you are occupying that gable end for two stories, what
3 is above you on the third storey?
4 A. There is nothing there. It's an attic space.
5 73 Q. CHAIRMAN: I was trying to remember, I know it's a low 11:30
6 slung building, but that is the attic, is it?
7 A. That is the attic.
8 74 Q. CHAIRMAN: So where is the Commissioner then if you are
9 on the first floor?
10 A. Yeah. If you come in the main gates of the Park, if 11:30
11 you look at the centre block again, the Commissioner I
12 think is the last door as you look on the right, that
13 is actually facing you. Her office I think is
14 upstairs. As far as I am aware, I was never in the
15 Commissioner's office. 11:30
16 75 Q. CHAIRMAN: You were never privileged to be there. But
17 I'm sorry, again, if necessary I will go down and have
18 a look because I just want to get this into my head,
19 the officers' Club is on the left as you go in the
20 gate? 11:31
21 A. Yeah.
22 76 Q. CHAIRMAN: All right. Then you have?
23 A. Then you have --
24 77 Q. CHAIRMAN: Then you have the courtyard with all the car
25 parks parked? 11:31
26 A. Yes.
27 78 Q. CHAIRMAN: And if I am just standing at the monument
28 inside the gate, where is the Commissioner's office,
29 where would I point?

1 A. Just kind of [INDICATING].

2 79 Q. CHAIRMAN: Diagonally across?

3 A. Just diagonally across, yeah.

4 80 Q. CHAIRMAN: And it's in the same block?

5 A. It's in the same block, yeah. 11:31

6 81 Q. CHAIRMAN: And how easy, if you were granted access, is
7 it to go along the corridor, say, from the newsroom
8 upstairs, the news desk upstairs to the Commissioner's
9 office?

10 A. Easy enough. You can either come out the blue door at 11:31
11 the gable and walk around to the front, go through, or
12 there's a -- if you come out of, say, the Director's
13 office and turn left, there is a back corridor leading
14 to a small kitchen area and that will take you into the
15 Commissioner's office area. 11:31

16 82 Q. CHAIRMAN: You go through the kitchen?

17 A. You can go through the kitchen without going out into
18 the front if you wish to, yeah.

19 CHAIRMAN: Okay. Thank you.

20 11:32

21 THE WITNESS THEN WITHDREW

22

23 MR. MARRINAN: Sergeant Damien Hogan, please.

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1 SERGEANT DAMIEN HOGAN, HAVING BEEN SWORN, WAS DIRECTLY
2 EXAMINED BY MR. MARRINAN:

3 83 Q. MR. MARRINAN: Sergeant Hogan, you have provided a
4 statement for the Tribunal, and it's at page 2872 of
5 the materials, for the benefit of the parties. It's a 11:32
6 relatively short statement. But you also provided a
7 statement to the Clerkin investigation dated the 28th
8 May of 2015, which was taken by Sergeant John Brady,
9 and that's at page 2391 of the materials.

10 A. That's correct. 11:33

11 84 Q. That is in volume 9. Now, I think that you have a lot
12 of experience in the Press Office, isn't that right?

13 A. I have.

14 85 Q. I think that you were originally in the Press Office in
15 1984, was -- 11:33

16 A. 1994.

17 86 Q. 1994, sorry. It's a typographical error then in your
18 statement that you made to Clerkin. So it's 1994 to
19 2004, is that right?

20 A. Correct, Chair. 11:33

21 87 Q. And that was your first stint in there. And then you
22 were promoted in 2004, is that right?

23 A. That's correct, Chair.

24 88 Q. And then you went to work in the Commissioner's office?

25 A. Correct. 11:33

26 89 Q. And you were in the Commissioner's office until 2009?

27 A. Correct.

28 90 Q. And then you returned to the Press Office?

29 A. That's correct, yes.

1 91 Q. And do you remain in the Press Office?
2 A. I'm still there to this day, Chair, yes.

3 92 Q. So you have seen a lot of comings and goings over the
4 years --
5 A. I have. 11:34

6 93 Q. -- in terms of staff and personnel. We know that in
7 2013, that Superintendent Taylor arrived in the Press
8 Office -- 2012, sorry. How did you get on with him?
9 A. I got on fine with Superintendent Taylor. I mean, I
10 had worked with many Press Officers of Superintendent 11:34
11 rank prior to that so I mean, these were new people in
12 the office and it was a case of getting to know the
13 personality and the person and I didn't have any issues
14 initially with Superintendent Taylor.

15 94 Q. I think that all the staff in the Press Office are 11:34
16 subject to the Garda Press and Public Relations
17 Guidelines, is that right?
18 A. Correct, Chair, yes.

19 95 Q. That is a print --
20 A. It's a book that is available to every member of staff. 11:35
21 96 Q. -- to all members of the Press Office. And are those
22 instructions on how you interact with members of the
23 public and the media?
24 A. Correct, yes.

25 97 Q. And that is available to everybody in the office, and I 11:35
26 suppose they are all encouraged to read it, is that
27 right?
28 A. They are, Chair, yes.

29 98 Q. And most of that in any event is covered in the Garda

1 Code?
2 A. It is, Chair, correct, yeah.
3 99 Q. I think that initially when Superintendent Taylor
4 arrived, did you notice any changes in the Press
5 Office? 11:35
6 A. Insofar as decoration-wise, Chair, yes, there was work
7 embarked upon to improve the standard of the office in
8 general terms, like a refurbishment and decoration and
9 that, so he embarked on quite a large project in
10 relation to that matter, which hadn't been done for a 11:36
11 number of years.
12 100 Q. I think you say in your statement to Clerkin that he
13 replaced almost everything in the office, is that
14 right?
15 A. Correct, Chair, yes. 11:36
16 101 Q. You also say that his relationship became a little bit
17 strained with a lot of the personnel and that he was
18 involved in personal vendettas against members of the
19 staff, is that right?
20 A. I mean, it didn't impact on myself, but I did notice 11:36
21 that there was an atmosphere created in the office
22 which had never been there before because it was always
23 a very good place to work, there was a good rapport
24 between every member of staff regardless of rank, but
25 you know, this atmosphere, as far as I could see, had 11:36
26 crept in between certain members of staff, that he
27 either didn't get on with or didn't like. It didn't
28 include me, but it wasn't comfortable.
29 102 Q. Yes. You say that he was absolutely and totally

1 obsessed with timekeeping, which may not be a bad
2 thing, but certainly that was one of the traits that he
3 had?

4 A. Correct.

5 103 Q. In terms of his interaction with the media, can you 11:37
6 just describe what you observed?

7 A. I suppose it was more intensive than I would have
8 noticed with previous Press Officers in the past,
9 because, like, as my colleague earlier on, Alan, said,
10 we are there seven days a week from 7:00am until 11:00 11:37
11 a night, so a Press Officer becomes under, you know,
12 immense stress and pressure during the day because
13 there's stories developing on an hourly basis. And
14 that is why we are there; we are there to take that,
15 you know, take that away from the work schedule or the 11:37
16 work pressure that a Press Officer would be under. But
17 in Superintendent Taylor's case, he seemed to take on a
18 lot of that work himself, so he would deal with
19 journalists, you know, on a one-to-one basis whereas
20 even to this day, like, Press Officers there will say 11:38
21 the office have the information and you contact the
22 office.

23 104 Q. So he had a very hands-on approach?

24 A. Very hands-on, in my opinion, yes, yes.

25 105 Q. And you make comment in relation to your observations 11:38
26 of how he interacted directly with journalists on the
27 phone and you say that when he would have one-to-one
28 conversations with journalists that they would be done
29 out of earshot of the other Press Officers, is that

1 right?

2 A. Well, in a lot of cases, Chair, like we are there to
3 help the Press Officer if -- because there's so many
4 stories developing -- I mean, I was working this
5 morning, I am not going into the detail, but like four 11:38
6 or five different cases I have dealt with before I came
7 in here this morning. So sometimes a Press Officer is
8 there and he is trying to get a picture of a particular
9 story and he is looking for us to help him as well, so
10 in a lot of cases we would be there and he might just 11:39
11 cover the phone, as you would do, what was that or
12 where was I going with that, or whatever, so we would
13 help him in relation to that matter. Whereas in
14 Superintendent Taylor's -- I found that he didn't, I
15 suppose, ask us the information; he would go outside 11:39
16 the office and speak -- maybe that was his way of
17 dealing with it, but certainly it was something I
18 noticed.

19 106 Q. Well, it was obviously something that was very evident
20 and that you didn't approve of, is that right? 11:39

21 A. Well, I mean, if I approved or not, it probably wasn't
22 for me to say but I didn't like the idea that we
23 weren't part of what the daily work was because
24 everybody's involved in what we do in there.

25 107 Q. Well, let's not understate this because I don't know 11:39
26 how this reflects on Superintendent Taylor, whether it
27 reflects well or badly on him is irrelevant but we want
28 to get a flavour of the atmosphere in the Press Office,
29 and you have been working there for a very long period

1 of time and you told the Clerkin investigation that
2 matters were so bad with Superintendent Taylor that you
3 were thinking of leaving the Press Office, isn't that
4 right?

5 A. Well, I suppose, I mean, I am at a stage where I can, I 11:40
6 can retire, so I could have gone and I felt at that
7 time towards the end, just before Superintendent Taylor
8 left, I felt that I probably had enough of this. the
9 atmosphere just wasn't the way -- I mean, I get up in
10 the morning and I enjoy going to work. At that stage I 11:40
11 wasn't. And that is just --

12 108 Q. All right. You noticed that he was talking to one
13 journalist in particular on a very regular basis?

14 A. Correct, Chair.

15 109 Q. That was Eavan Murray? 11:40

16 A. Correct.

17 110 Q. Who works for the Irish Sun, is that right?

18 A. Correct.

19 111 Q. And she was phoning the Press Office quite frequently
20 looking for him, is that right? 11:40

21 A. That's correct, Chair.

22 112 Q. And was it always he that she was looking for?

23 A. Yes. She would ring the landline, the main office
24 number and she would, if I answered the phone, she
25 would ask me to speak -- and ask me to speak to 11:41
26 Superintendent Taylor, and I said he is either in his
27 office, not answering his phone or I would try and
28 transfer her through, but she wasn't -- whereas most
29 journalists would ring and whoever they reach in the

1 office they speak to that person.

2 113 Q. I think you told the Clerkin investigation that you had
3 suspicions at the time in relation to Eavan Murray and
4 Superintendent Taylor. Could you just develop that a
5 little bit for us? 11:41

6 A. Well, my suspicions were, I suppose, prompted by the
7 articles that I would read in the paper the following
8 day. Because I know it's been explained to the
9 Tribunal before how the press clippings work, etcetera.
10 So, we analyse them before they go to their various 11:41
11 departments in the morning, and on many occasions I was
12 quite surprised at the content of the article that
13 appeared in the paper. Because, like, we would be
14 privy to a lot of very sensitive information regarding
15 an investigation, but for lots of reasons, you know, 11:42
16 you can't give that information out but you analyse it
17 and you have a way of, as we call it, as press
18 releasing it and the media are happy enough with that,
19 but the articles I was reading by that particular
20 journalist seemed to have a lot more content than I 11:42
21 would have given or any of the other staff that I
22 worked with would have given, and that surprised me.

23 114 Q. Now, I think that the office, there was a process of
24 dealing with critical incident reports, is that right?

25 A. Yes. 11:42

26 115 Q. And that's an overnight report that the Press Office
27 get?

28 A. Correct. We get that every morning at around quarter
29 past seven, yeah.

1 116 Q. And that is a synopsis of incidents for the entire
2 country --

3 A. For the entire country, Chair, yes.

4 117 Q. -- relating to serious incidents nationwide. Did some
5 of the articles that were written reflect what was in 11:42
6 the critical incident reports?

7 A. Yes, Chair.

8 118 Q. It did. And was that also giving rise to the suspicion
9 that you had, it was obvious that Superintendent Taylor
10 was in some way feeding this to Eavan Murray, is that 11:43
11 right?

12 A. Somebody who had access to that critical incident
13 report overnight was, yes, Chair.

14 119 Q. Well, we are talking about Superintendent Taylor --

15 A. Yes, we are. 11:43

16 120 Q. -- aren't we?

17 A. We are.

18 121 Q. And would that have been improper for him to be doing
19 that?

20 A. Well, absolutely. Because I mean, as I said, there is 11:43
21 a lot of sensitivity issues attached to a lot of the
22 incidents that we would see in the morning from, you
23 know, from murders to fatal traffic collisions to
24 suicides, to drownings, there is a lot of sensitivities
25 there and you have to be aware of that. And you also 11:43
26 have to be aware of compromising an investigation as
27 well down the line, as my colleague mentioned earlier
28 on. I mean, it's not something we are going to get
29 into because there is -- you know, as I say, you don't

1 want to compromise an investigation. So there's
2 certain details you can and certain details you
3 can't --

4 122 Q. Yes.
5 A. -- release. 11:44

6 123 Q. What sort of relationship, working relationship did you
7 have with Mr. McLindon?
8 A. An excellent working relationship.

9 124 Q. And as far as Mr. McLindon and Superintendent Taylor,
10 what were you able to observe there? 11:44
11 A. It wasn't a very friendly relationship at all, I could
12 see that from, actually from day one.

13 125 Q. Perhaps the impression, I don't know, and this is just
14 an impression one gets, that Mr. McLindon arrived in
15 and was a civilian, became a civilian member of An 11:44
16 Garda Síochána?
17 A. Correct.

18 126 Q. And at that time Superintendent Taylor, Mr. McLindon
19 told us, seemed to be very close to the Commissioner,
20 Commissioner Callinan, is that right; Commissioner 11:45
21 Callinan and Superintendent Taylor appeared to be very
22 close?
23 A. Yes. Well, I mean, a Press Officer would be in
24 daily -- from my experience and I have over 20 years'
25 experience in there, would be in daily contact with the 11:45
26 Commissioner of the day. So they would have a lot of
27 interaction, whether it be on a one-to-one in his
28 office in, in the Commissioner's office, or by
29 telephone. So I mean, I would be aware of the

1 Commissioner ringing Superintendent Taylor or any
2 superintendent on a regular basis in the office.

3 127 Q. Right. So I think that over the period of time that
4 you observed Superintendent Taylor and his interactions
5 with the media, you were able to assist the Clerkin 11:45
6 investigation into a number of incidents, isn't that
7 right?

8 A. Correct, Chair.

9 128 Q. And I don't intend to go through them, they are there
10 set out in your statement. But there are two matters 11:45
11 that the Tribunal would like your assistance in
12 relation to. First of all, we know that Eavan Murray
13 and Debbie McCann, they were two journalists obviously
14 that you were familiar with, particularly Eavan Murray
15 in relation to her interactions with Superintendent 11:46
16 Taylor, but what about Debbie McCann, do you know her?

17 A. No.

18 129 Q. You didn't?

19 A. No. I spoke to her I'd say in my time half a dozen
20 times on the phone and that was all. 11:46

21 130 Q. We know that they, I think they call it door-stepping
22 Mrs. D in her home and in late February/early March of
23 2014, were you aware of that at the time?

24 A. I wasn't, Chair, no.

25 131 Q. Did you subsequently become aware that Paul Williams 11:46
26 had done an interview with Ms. D?

27 A. Certainly through reading it myself in the media but
28 prior to that, I wasn't aware of that, no.

29 132 Q. And your reading, was that the reading of the articles?

1 A. In the newspapers.

2 133 Q. In April of 2014?

3 A. I can't remember the exact time but that's when I was
4 aware of it, so it obviously was around that time.

5 134 Q. Did you link that to, those articles to Sergeant 11:47
6 Maurice McCabe because he wasn't named?

7 A. Possibly not at the time. I maybe was made aware of it
8 in the office, but it wasn't something -- to use an
9 expression that we use in the office, it wasn't
10 something that was flagged by us at any stage. 11:47

11 135 Q. Well, you know, having worked in the Commissioner's
12 office -- you were in the Commissioner's office
13 until --

14 A. Well, I worked in the Officers' Club which was part of
15 the Commissioner's office but, it's -- yeah. 11:47

16 136 Q. Yes. Were you aware of Sergeant McCabe and the issues
17 surrounding Sergeant McCabe?

18 A. I was only aware of what I was reading in the
19 newspapers. I mean, my colleague earlier on explained
20 that we had a line in the office which we kept -- 11:47
21 certainly I kept and my colleagues kept, as far as I am
22 aware, that we wouldn't mention named individuals, and
23 people are quite entitled to make a protected
24 disclosure.

25 137 Q. And in terms of the terms of reference of the Tribunal, 11:48
26 you have read through those --

27 A. I have, Chair.

28 138 Q. -- prior to you making a statement to the Tribunal, and
29 you say that you have no information that you can give

1 to the Tribunal that could be of assistance. But you
2 are aware of Superintendent Taylor's protected
3 disclosure --

4 A. I am aware of that, Chair, yes.

5 139 Q. -- in relation to the campaign against Sergeant Maurice 11:48
6 McCabe. Did you get any inkling at all at the time of
7 such a campaign?

8 A. Absolutely not, Chair.

9 140 Q. Were you advised by Superintendent Taylor at any time
10 to ask -- 11:48

11 A. Not once, Chair.

12 141 Q. -- speak negatively to journalists about Sergeant
13 McCabe?

14 A. Absolutely not, never. It was never discussed.

15 142 Q. And did you hear any talk amongst staff, the other 11:48
16 sergeants and civilian staff in the office?

17 A. The only talk that would have -- again, it would have
18 been down to what we read in the papers and you might
19 just discuss it over a cup of tea or coffee or somebody
20 might mention 'We are getting in a query about that' 11:49
21 but, you know, we don't know anything about it because
22 it wasn't part of the conversation in the office and it
23 wasn't something that we were asked to do at any stage.

24 143 Q. Just what you have advised the Tribunal and indeed the 11:49
25 evidence from Sergeant Whelan and how you deal with the
26 press when they have queries, would they normally come
27 over the phone or would they be emailed into the
28 office, queries from the media?

29 A. In general terms I suppose email is probably the most

1 popular medium, but if there is a breaking story, they
2 ring. And I mean a breaking story, if they are five,
3 ten minutes to a news bulletin they will ring. But
4 they do still ring on a daily basis, yes, they do.

5 144 Q. I think just again, we can see it, if we have up on the 11:50
6 screen 3892 of the materials. These are interactions,
7 this relates to the loss of a computer, but you see
8 there there is a query from, it's a response to a query
9 from Colm Kenny who is a journalist?

10 A. Yes. 11:50

11 145 Q. Do you see that?

12 A. Yes.

13 146 Q. And you see that you in fact respond to that in a very
14 formal way.

15 A. I just can't -- 11:51

16 147 Q. If we just scroll down.

17 A. Thank you.

18 148 Q. It is 27th September of 2013.

19 A. Yes.

20 149 Q. It shows perhaps the formality of the response in your 11:51
21 dealings with the Press Office. I don't intend to open
22 it --

23 A. Yeah.

24 150 Q. -- because it doesn't, in fact, add anything. But it 11:51
25 does demonstrate, if you look through there, that you
26 deal in a fairly formal way with members of the press,
27 is that right?

28 A. Yes, Chair. That's correct, Chair.

29 151 Q. And from your observations, did Superintendent Taylor

1 appear to deal in that formal way that other members of
2 the staff dealt with the media?

3 A. Well, I wouldn't have seen many or possibly any of his
4 email communication but certainly on the phone, I
5 wouldn't -- I wouldn't have been in earshot, Chair. 11:51

6 MR. MARRINAN: Thank you very much, would you answer
7 any questions.

8

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

10 152 Q. MR. McDOWELL: Sergeant Hogan, Michael McDowell is my 11:52
11 name and I am one of the counsel for Sergeant McCabe.
12 Could I ask you, we know from the evidence of Mr. Paul
13 Williams that after he had interviewed Ms. D and before
14 he published his article, series of articles in the
15 paper, that he contacted Superintendent Taylor and 11:52
16 asked him to confirm that Sergeant McCabe had been the
17 subject of an investigation arising out of allegations
18 by Ms. D and asking him to confirm whether a file had
19 been sent to the DPP. From your knowledge of Garda
20 procedure, would it be normal in respect of, first of 11:52
21 all, a civilian with no connection with An Garda
22 Síochána, for An Garda Síochána to confirm that they
23 have been the subject of a criminal investigation of a
24 sexual assault some ten years earlier?

25 A. To confirm to who, sorry? 11:53

26 153 Q. To a journalist who asked. If the journalist said 'Was
27 Joe Bloggs the subject of a Garda investigation
28 alleging sexual assault against a minor ten years ago?'
29 would that kind of inquiry be dealt with or would they

1 be given any information to confirm or deny such a
2 story?

3 A. If I could just explain it to you very quickly. In
4 that particular incident, if it was a historical
5 investigation certainly it's still there so we would be 11:53
6 obliged to have a look at it ourselves to see where
7 it's coming from, but from my point of view, location,
8 name and other pertinent information to the
9 investigation would not be given to a journalist.

10 154 Q. It's just I find it surprising that an individual who 11:54
11 had been investigated and, I use the word, cleared of
12 such a charge would be the subject of a confirmation
13 that such an investigation had taken place at the
14 request of a member of the press some ten years
15 afterwards? 11:54

16 A. Again, it's not something that I have probably done.
17 If there is no investigation into it, well then, the
18 reply would be there is no investigation into it
19 because it's finished.

20 155 Q. No, but this was, according to Mr. Williams, he said 11:54
21 that he contacted Superintendent Taylor and had it
22 confirmed that Sergeant McCabe had been the subject of
23 allegations, that they had been investigated and that a
24 file had been sent to the Director of Public
25 Prosecutions; I am just wondering, forget first of all 11:55
26 that Sergeant McCabe was a sergeant, surely An Garda
27 Síochána doesn't provide that kind of information --

28 A. No, we don't provide that information.

29 156 Q. -- to members of the press?

1 A. No, no.

2 157 Q. It would be highly unusual to do so, wouldn't it?

3 A. Absolutely, yes.

4 158 Q. And I mean, just take an example, if a person who you
5 knew had been cleared of an assault, you would be, I 11:55
6 take it, pretty shocked if An Garda Síochána told a
7 reporter 'Oh, yes, that person was the subject of a --

8 A. Well, we would never -- I certainly would never do
9 that, because that is, from my experience, and I am
10 over 20 years in there, I would never, ever do that. 11:55
11 That is not --

12 MR. McDOWELL: Thanks very much.

13

14 MS. BURNS: No questions, Chairman.

15 CHAIRMAN: No questions. 11:55
16

17 THE WITNESS WAS EXAMINED BY MR. MÍCHEÁL O' HIGGINS:

18 159 Q. MR. MÍCHEÁL O' HIGGINS: Sergeant Hogan, in terms of
19 Superintendent Taylor's management style as Press
20 Officer, you are in a position, I think, to comment; 11:56
21 you experienced and acted under other Press Officers
22 considering the length of your --

23 A. That's correct, Chair. I think five, if not six, yeah.

24 160 Q. Right. Can I just ask you about that, then. In terms
25 of discussing sensitive matters within earshot of, say, 11:56
26 for want of a better expression, junior personnel, what
27 was Superintendent Taylor's methodology?

28 A. Like, my colleagues, the sergeants, we are sworn
29 members of An Garda Síochána so we come under the

1 Official Secrets Act as well when it comes to reading
2 sensitive issues and that. I didn't like some of the
3 way that Superintendent Taylor would discuss matters of
4 a very sensitive nature in the general office, when the
5 office was full of sergeants and -- or members of An 11:57
6 Garda Síochána and civilian members of the office.

7 161 Q. Yes.

8 A. And it was, I found it uncomfortable, I found it
9 embarrassing sometimes that these matters were being
10 discussed in open court, for want of a better 11:57
11 expression, but I was uncomfortable with it.

12 162 Q. And you are referring to sensitive information there?

13 A. As in, you know, matters that would possibly
14 be sensitive, confidential information.

15 163 Q. Yes. And in your experience, when Superintendent 11:57
16 Taylor was having direct conversations with
17 journalists, generally speaking would that be done
18 within or without the earshot of you or your
19 colleagues?

20 A. Without. He would leave the office. 11:57

21 164 Q. And conduct the phone conversation effectively in
22 private?

23 A. Yes. Whether that was his style or not I don't know
24 but that's the way he operated, yeah.

25 165 Q. Mr. Marrinan mentioned the issue of timekeeping and it 11:58
26 is a coin with two sides; some people regard it as --
27 if it reaches obsessional levels perhaps it's not so
28 positive, but in terms of Superintendent Taylor, how
29 did his strong interest in timekeeping manifest itself?

1 A. Because of the very nature of the work we do there, I
2 mean, if -- you know, we could finish, as Alan Frawley
3 said earlier on, we'd finish at 11:00 but there are
4 incidents that require you to stay on in the office and
5 you don't even think of that, you just do it, because 11:58
6 that is part of your job; you want to be professional,
7 you want to be able to provide a service as well. I
8 have often left the office at a late hour or be it in
9 early, but you get it back in other ways because people
10 appreciate the fact that you are doing what you are 11:58
11 doing for the office and you are dedicated to it. But
12 in that particular case, he just became obsessed with
13 people being in at a particular time. And like, we are
14 all adults, we are all responsible people and we all
15 know what we are doing, but I found that issue quite 11:59
16 uncomfortable as well, as did my colleagues.

17 166 Q. What steps did he take to monitor colleagues'
18 timekeeping?

19 A. Well, he introduced, I don't know whether it was a full
20 security system that was introduced into Garda 11:59
21 Headquarters but from our office he swipe card
22 everywhere, including the toilets, and I don't know
23 whether that was necessary or not. But it was done.
24 So like, to enter the bathrooms facilities downstairs
25 you had to swipe card to get in, like, and if you were 11:59
26 in a hurry it was kind of difficult.

27 167 Q. You mentioned reference to critical incident reports in
28 your evidence to Mr. Marrinan. I think the Tribunal
29 has already heard that a critical incident report is

1 effectively a synopsis of incidents --

2 A. Correct.

3 168 Q. -- perhaps in the entire country in relation to serious
4 incidents that may occur nationwide?

5 A. That's correct, Chair. 12:00

6 169 Q. And in relation to those, were you ever asked to print
7 off critical incident reports?

8 A. By?

9 170 Q. By Superintendent Taylor?

10 A. Yes. While he was working in the office, which 12:00
11 wouldn't have been an unusual request because maybe a
12 printer wasn't working or a computer wasn't working,
13 but that wouldn't have been an unusual request, Chair.

14 171 Q. But you did have, did you not, certain concerns arising
15 out of the disclosure of critical incident reports? 12:00

16 A. I did, yes. But I mean, if he asked me, he was my
17 superior, he was my superintendent, if he asked me to
18 do it I would do it. He had access to it anyway,
19 Chair, so it made no difference really. He could
20 access it, he could read it on a screen or it could be 12:00
21 printed out, so like --

22 172 Q. Yes. Now, Inspector John Ferris has already given
23 evidence before the Tribunal and he gave evidence
24 concerning, from his perspective, his being treated in
25 a disrespectful fashion, as he saw it, by 12:01
26 Superintendent Taylor. Broadly speaking, were you
27 aware of that?

28 A. I was, Chair, yes. Again, I found it very
29 uncomfortable, the atmosphere that was being created

1 between Superintendent Taylor and Inspector Ferris at
2 the time. And then that particular weekend, I know
3 Superintendent Ferris has given evidence in relation to
4 that, he came back to work on a Monday morning and his
5 desk, his chair, his property, everything had been 12:01
6 moved out of quite a large office, because the
7 office -- I was trying to -- Sergeant Frawley was
8 explaining to you, Chair, about the size of the office.
9 Superintendent Taylor's office is probably the biggest
10 office of the four offices we have, and he had moved 12:01
11 that weekend, over the weekend, over the Saturday and
12 Sunday.

13 173 Q. As you saw it, what was the purpose of removing
14 Inspector Ferris's belongings?

15 A. As I saw it, just from the outside looking in, I just 12:02
16 thought he wants to be in the office on his own, he
17 wants to be able to deal with the issues on his own. I
18 couldn't see the point because every other Press
19 Officer that had worked there had worked with his
20 inspector in the office, because effectively the 12:02
21 inspector is a Deputy Press Officer, so he delegates.

22 174 Q. Yes.

23 A. This wasn't happening in this case.

24 175 Q. Leaving aside then the abrupt nature of his belongings
25 being removed from the office, Inspector Ferris, did 12:02
26 Superintendent Taylor involve him in a sort of a
27 cooperative way in his Press Office dealings or was he
28 somebody who was kept on the fringes?

29 A. The latter.

1 176 Q. And was that something you were conscious of?
2 A. I was, yeah. Because again, we are all there to do a
3 job and we all assist and help each other to the best
4 of our ability and, you know, especially an inspector's
5 point of view, he is the Deputy Press Officer, so 12:03
6 information and jobs can be handed down. In that case
7 it wasn't happening, there was very little interaction,
8 from my point of view and from what I could see.

9 177 Q. Yes. You mention in your statement that I think was
10 provided to the Clerkin investigation, that in and 12:03
11 around August or September of 2014 you recall being
12 contacted by a particular journalist about a particular
13 incident which was the subject of a critical incident
14 report?

15 A. Correct, Chair, yeah. 12:03

16 178 Q. And I think you were on your way home from Tipperary
17 back to Dublin when you received the call?

18 A. Correct, Chair.

19 179 Q. Broadly speaking what did that relate to?

20 A. It was a certain journalist who would have had my 12:03
21 number, which wasn't unusual, because again, to assist
22 the smooth running of the office, I didn't have a
23 problem with my personal mobile number being given and
24 a cry alert, which is an alert for when a child goes
25 missing, Chair, and it's -- it gets blanket media 12:04
26 coverage and it goes up on the signs over motorways and
27 it's flashed across news flashes very quickly. So it's
28 a huge event when it happens. It doesn't happen very
29 often, thank God. But anyway, the journalist asked me

1 for information and I told her. I said, I am not
2 actually working today, have you tried the office? And
3 she said no, it's busy. And I said, obviously because
4 of that. And then her next line was, I'm getting
5 enough at the moment from Superintendent Taylor. And 12:04
6 this was four months after Superintendent Taylor had
7 left the office, and that's the day I decided that
8 everybody was being compromised. I was protecting the
9 integrity of the office and I rang the Director of
10 Communications, Andrew McLindon and I rang then 12:04
11 Superintendent Paul Moran to make them aware of that
12 fact, because we were being compromised because you
13 know, it wasn't his -- in his new role, that wasn't his
14 role, to be briefing the media.

15 180 Q. And around this time, as far as you are concerned, 12:05
16 Superintendent Taylor, did he appear to be calling for
17 information that perhaps you didn't think he should be
18 looking for?

19 A. As in calling me in the office?

20 181 Q. Yes. 12:05

21 A. Correct, he was, yes.

22 182 Q. And you conveyed these concerns to senior management?

23 A. I did, yes.

24 183 Q. And were steps taken to act on foot of that?

25 A. They were, almost immediately. Superintendent Moran, 12:05
26 who was the Press Officer at the time, issued a memo to
27 all staff members indicating that no information was to
28 be released to any person apart from persons that would
29 have been cleared by Superintendent Moran or Andrew

1 McLindon.

2 184 Q. Yes. You mention in your statement that Superintendent
3 Taylor placed a number of calls concerning, looking for
4 information relating to serious incidents or at least
5 there were requests for information relating to serious 12:05
6 incidents?

7 A. This was after his departure?

8 185 Q. Yes.

9 A. Yes.

10 186 Q. And accompanying his requests to you for information, I 12:06
11 think you indicated he would provide an excuse, that
12 his Gardaí email was completely backed up?

13 A. Correct.

14 187 Q. Can you elaborate upon that?

15 CHAIRMAN: I am sorry, I am not quite following that 12:06
16 end and that is my fault.

17 MR. MÍCHEÁL O' HIGGINS: Sorry, Chairman, I suspect it's
18 my fault, I have not introduced it in a coherent way.

19 188 Q. You have mentioned that around about this time where
20 you had concerns, this is now a period after, a good 12:06
21 bit after Superintendent Taylor has left the Press
22 Office, he seemed to be asking you for information that
23 you felt he shouldn't be looking for?

24 A. Correct, Chair.

25 189 Q. And there were a number of calls seeking information in 12:06
26 relation to serious incidents, you say in your
27 statement?

28 A. Correct, Chair.

29 190 Q. And he would ring you minutes after serious incidents

1 had actually occurred?

2 A. Correct.

3 191 Q. What did he look for? And, did he provide any reason
4 for looking for the information?

5 A. Well, he'd look for the detail in relation to the 12:07
6 incident. He didn't give a reason as to why he wanted
7 it. I wasn't in a position to pass on this information
8 to him because I didn't think it was relevant to the
9 job he was in at the moment. However, I was very aware
10 of the fact that he was a superior officer, he was a 12:07
11 superintendent, so I couldn't really be saying no to
12 him, so I just -- I made excuses and I just didn't send
13 the -- or I went off duty or I was incontactable or
14 uncontactable, sorry, and that was it. But it was only
15 after all of that, that is when I decided that kind of 12:07
16 enough was enough as regards everybody being
17 compromised, including myself, and that is why I
18 brought these matters to the attention of the then
19 Press Officer and the Director of Communications.

20 192 Q. You mention in your statement that on one occasion he 12:07
21 offered an excuse that his Garda email was backed up?

22 A. Yeah. I think basically what that line was, Chair, was
23 that he would be getting certain emails of an official
24 nature on his email, on his Garda email anyway but he
25 was asking me to forward emails to a private email 12:08
26 address, which was something I wouldn't have done
27 anyway.

28 193 Q. Yes. You were aware, were you not, at this time, that
29 there were other people in the office having similar

1 problems with Superintendent Taylor?

2 A. I knew there were certain colleagues that were having,
3 yeah, that were getting phone calls --

4 CHAIRMAN: This thing about the Garda email being
5 backed up, I am just not familiar with that concept. 12:08
6 Emails being delayed or the server is down?

7 A. I think the server is either down or there is not
8 enough space available on the server to accept more
9 emails. So it just --

10 CHAIRMAN: You mean on his personal computer? 12:08

11 A. Yeah.

12 CHAIRMAN: I would have thought they would just get rid
13 of one.

14 A. That is probably what they should have done, Chair, but
15 that wasn't done at the time. Because it can happen, 12:09
16 not on a regular basis but it can happen. Maybe not
17 now because technology has moved on.

18 CHAIRMAN: All right. We are not talking about a
19 fictional thing?

20 A. No. 12:09

21 CHAIRMAN: This could be a real thing and you have
22 experienced it?

23 A. I have seen it, yeah.

24 CHAIRMAN: All right. Well, that's fine.

25 194 Q. MR. MÍCHEÁL O' HIGGINS: Now, elsewhere in your 12:09
26 statement you make reference, I think it's on the final
27 page of your statement on page 2395, you make reference
28 to requests that Superintendent Taylor made of you in
29 relation to a SIM card that he had provided to you?

1 A. Yes. while he was attached to the office he approached
2 me one day and he asked me would I be, as it's termed
3 in our job, the sergeant in charge of the office. My
4 late mother had just been diagnosed with dementia and I
5 wasn't in a position to commit to -- I had enough going 12:09
6 on in my private life and I explained that to him and
7 he said sure, take it anyway and it's a State phone,
8 which means it's an official phone. I already have my
9 own private number. So I think, as the conversation
10 went on that afternoon, I just said look it, I will 12:10
11 take it anyway. Now literally, it was a SIM card in a
12 sealed package. There was no handset with it. And I
13 have a locker, I have a number of lockers, I had one
14 locker that I put it into, I opened the door of it and
15 I cello taped it to the inside and I left it there and I 12:10
16 thought no more about it. And every so often while he
17 is still attached to the office, he'd ask me did I go
18 to what is known as our telecoms section, did I get a
19 phone, and I said no. I didn't actually want the
20 phone, I didn't want to use it, I didn't want to be in 12:10
21 communication, because I felt that would be too close.
22 So then, Superintendent Taylor left the office and I
23 think it was in the October of 2014, when he had left
24 us a number of months or so, he contacted me by phone
25 one day in the office and asked me did I still have the 12:10
26 SIM card and I said -- or the phone, as he thought I
27 probably was using, I said no, I said I still have the
28 SIM card, I have never put it into a handset. Will you
29 send it down to me, he said, in my new role, I need it

1 here for somebody else. And I posted it that day to
2 him. And that was the last I saw of the SIM card.

3 195 Q. Yes.

4 A. I never used it in a phone.

5 CHAIRMAN: Sorry, just before we move off that 12:11
6 particular topic. With a very amateur knowledge of
7 telecommunications and that kind of thing, I don't know
8 if I am expected to read something into this, I
9 honestly am mystified as to what could be going on or
10 if it could possibly be sinister in any way and maybe 12:11
11 Sergeant Hogan is not saying something, and I am not
12 saying you are holding anything back, but I just don't
13 know what this is about.

14 196 Q. MR. MÍCHEÁL O' HIGGINS: Sergeant, this is a matter that
15 is covered in your statement to the Clerkin 12:11
16 investigation, isn't that so?

17 A. Yes.

18 197 Q. And you provided the detail in relation to you being
19 urged to obtain the handset, you didn't do so?

20 A. Which I didn't, no. 12:12

21 198 Q. You put into your locker the SIM card?

22 A. Correct, Chair.

23 199 Q. Which you didn't put into any handset?

24 A. Correct.

25 200 Q. And on a subsequent date you were asked for -- you were 12:12
26 about it a few times by Superintendent Taylor, and
27 eventually he asked you for the item back, isn't that
28 so?

29 A. Correct, Chair.

1 201 Q. And you provided that back to him?
2 A. I did. On, in fact the day he rang me, I put it in the
3 internal post that day and posted it to him, the same
4 day.

5 202 Q. You are not making any sinister -- you are not 12:12
6 attaching any sinister connotation to that, but --
7 A. No, no, absolutely not.

8 203 Q. -- that was a matter you were asked to deal with in
9 your statement?
10 A. Absolutely. I was asked that question. 12:12

11 CHAIRMAN: I know, but again, I am mystified. Because
12 I mean, the information that I have is, having had a
13 mobile phone maybe longer than most people when they
14 were the size of a breeze block, I kind of took some
15 interest into how they work, etcetera, but I am 12:13
16 informed yesterday that now normally you can't store
17 stuff onto your SIM card, there certainly was an option
18 in the past to do that, so I mean, having a SIM card,
19 I'm sure I have got a few knocking around my room in
20 the Four Courts, I don't know, certainly old phones I 12:13
21 have got a few which I give back to technology, but I
22 don't think I'm doing anything sinister, and why would
23 Superintendent Taylor -- I mean, apart from the taping
24 to the locker and all the rest of it, which is
25 colourful detail, what is this all about, 12:13
26 Mr. O'Higgins? I am sorry, I am completely lost.

27 MR. MÍCHEÁL O' HIGGINS: well, just the sergeant has
28 given the context of it, he has explained from his
29 point of view there is nothing sinister attaching to it

1 but it formed part of the Clerkin investigation.

2 204 Q. Isn't that so?

3 A. That's correct, Chair.

4 CHAIRMAN: well, it was a lead that went nowhere, in
5 any event. 12:13

6 MR. MÍCHEÁL O' HIGGINS: Pardon, Chairman?

7 CHAIRMAN: It was a lead which went nowhere, I would
8 say, Mr. O'Higgins.

9 205 Q. MR. MÍCHEÁL O' HIGGINS: Yes. Finally then towards the
10 end of your statement, Sergeant, there is a detail 12:14
11 concerning phone calls and a journalist who appeared to
12 be getting -- a journalist would have information on a
13 topic and then contact the office when you would
14 answer, isn't that so?

15 A. That's correct, Chair. 12:14

16 206 Q. And that is again a matter that caused you concern and
17 that you mentioned to the Clerkin investigation?

18 A. That's correct, Chair, yeah.

19 207 Q. And you indicate that some of the stories published by
20 the journalists would have a lot more detail than you 12:14
21 yourself would have given out, and again that is
22 something that caused you ongoing concern?

23 A. That's correct, Chair. Because I couldn't see what the
24 relevance was in the certain journalists contacting our
25 office when they already had more than enough 12:14
26 information. There are certain journalists actually,
27 crime journalists, that never contact the Garda Press
28 Office.

29 208 Q. Yes.

1 A. which I find bizarre, like, they are crime journalists.

2 MR. MÍCHEÁL O' HIGGINS: Thanks very much.

3 A. Thank you.

4

5 MR. MARRINAN: No questions.

12:15

6 CHAIRMAN: There is something that I need to briefly
7 discuss, if I may, at this point. And that is all of
8 the evidence -- I am going to detain you for a moment,
9 Sergeant, if you don't mind. All of the evidence that
10 we have heard, which I am not investigating because

12:15

11 it's not within the confines of the terms of reference,
12 but which, if it is true, and I'm not saying that it

13 is, I am taking no view, does not reflect well on a
14 very central witness to this inquiry. Now, the normal

15 rule in relation to cross-examination as to credit, and

12:15

16 we have of course been through this before, is that if
17 a witness is giving evidence about cutting ivy off a
18 wall and the whole issue is as between neighbours, for

19 instance, as to whether a wall was destroyed or
20 damaged, and if the witness is asked 'Did you not serve

12:16

21 a prison sentence for fraud?' and therefore your
22 evidence is not to be believed is the inference which

23 comes from that, those questions can be asked but the
24 judge is entitled to control them on the basis that

25 they may be so removed from the fact in issue, which is

12:16

26 what happened to the wall, and may be so denigrating of
27 the person in question that a halt needs to be called.

28 Now, what follows from that is, evidence cannot be led
29 as to that person's background because it's not a fact

1 in issue. That is the rule.

2
3 The second matter is, that the witness can deny the
4 allegation and the allegation in terms of the way it is
5 denied or in terms, as I say, of the shiftiness of the 12:17
6 witness in dealing with it, may have an impact in terms
7 of the judge or the jury deciding whether this is a
8 credible witness. So those are the rules as I now
9 understand them. They have been operated for very many
10 years. 12:17

11
12 The other thing is of course, I'm not bound by the
13 Rules of Evidence, I am not bound by the hearsay rule,
14 I am not bound by the rule against self-corroboration,
15 which has been broken endless times before the 12:17
16 Tribunal, or any exception to it, but unpleasant things
17 are being said about David Taylor and no doubt in due
18 course those questions will be put by counsel for the
19 Garda Commissioner, as is responsible, but I will of
20 course abide by my entitlement, if necessary, to call a 12:17
21 halt in terms of relevancy and in terms of decorum.
22 But what I would ask for submissions on from my own
23 counsel and from Ms. Burns is: Is it necessary to just
24 leave this evidence go as a given at this particular
25 point in time? Is there to be a challenge to it? Or 12:18
26 do I wait until Mr. O'Higgins - and I don't think you
27 have behaved in any way irresponsibly, Mr. O'Higgins,
28 can I just make that absolutely clear - until
29 Mr. O'Higgins or Mr. Dignam puts those questions to

1 Superintendent Taylor and he will answer them whatever
2 way he wishes and I will get a view in relation to his
3 general credibility from that? So what is the
4 situation, I wonder? I wonder either, Mr. Marrinan or
5 Mr. McGuinness, do you want to give me any view on it? 12:18
6 Because, as you can see, what is happening is, the
7 evidence is passing unchallenged and I just have a wee
8 bit of worry about that and as to where I stand on it.
9 MR. MARRINAN: well, I think the normal rule would
10 apply, that if there is an issue in relation to 12:19
11 relevancy it should be raised when the evidence is
12 being given. And the evidence has been given by a
13 number of witnesses now in relation to a number of
14 incidents involving Superintendent Taylor, and they
15 haven't been challenged, and this is the time to 12:19
16 challenge them. And should Superintendent Taylor --
17 Superintendent Taylor will be giving evidence, and the
18 fact that there hasn't been a challenge at this
19 juncture it seems to leave it open to the parties to
20 challenge Superintendent Taylor on the evidence that 12:19
21 has already been given, the foundation having been
22 laid.
23 CHAIRMAN: well, could it be said, Mr. Marrinan, given
24 that this is a matter as to credit, that the evidence
25 was given unchallenged that, and then you add on the 12:19
26 narrative as to what has been left unchallenged?
27 Because if I'm following the rule, and there is an if
28 underneath that and forgive me for embarking on this
29 discussion but I didn't expect to do so, I wasn't

1 anticipating it, but if it be the case that the normal
2 rule in relation to cross-examination as to credit,
3 Mr. A is giving evidence and is asked about the
4 following unpleasant facts which have nothing to do
5 with the fact in issue but which impact on his credit, 12:20
6 let us say that he, whatever it may be, regularly pays
7 for sexual services, that kind of thing, normally
8 evidence as to that wouldn't come up but it is
9 certainly coming up here because the Clerkin
10 investigation is very much part of the background, the 12:20
11 suspension is very much part of the background, the
12 context in which the protected disclosure is made is
13 very much part of the background, so it's
14 understandable how it comes up here, but is it
15 necessary to challenge it, I suppose is the question I 12:21
16 have?

17 MR. MARRINAN: In my respectful submission, it would
18 be.

19 CHAIRMAN: Yes.

20 MR. MARRINAN: Once the evidence is sought to be 12:21
21 introduced the question naturally arises for any of the
22 parties, is this relevant to the case that is being
23 made or advanced by any of the parties to the Tribunal?
24 Quite clearly, some of this evidence is relevant in
25 itself without going to credit, in terms of showing 12:21
26 Superintendent Taylor's interaction with the media and
27 it's highly significant in terms of his protected
28 disclosure and what he says in relation to his
29 interaction with the media. So therefore, a great deal

1 of this evidence is relevant. Some of it is also
2 relevant in terms of reflecting on the general
3 character of Superintendent Taylor, and some of it is
4 relevant in terms of showing prior misconduct by
5 Superintendent Taylor in his role as Press Officer, 12:22
6 which arguably could also be relevant to whether or not
7 his protected disclosure is correct, because of course
8 his protected disclosure would demonstrate a Press
9 Officer who was acting inappropriately and improperly.

10
11 Insofar as it reflects entirely on the credit of
12 Superintendent Taylor, without going to a fact in
13 issue, it seems to me that some of the evidence that I
14 have excised from some of the witness statements and
15 haven't pursued in examination, perhaps goes over and 12:22
16 above what certainly Tribunal counsel would consider
17 would be relevant. That has been explored in
18 cross-examination by counsel for the Garda
19 Commissioner, as is his entitlement, and if there is an
20 issue in relation to that, then, in my respectful 12:23
21 submission, for the proper running of the business of
22 the Tribunal, it would be necessary to raise an
23 objection, because if an objection is subsequently
24 raised in relation to this matter and if you, Chairman,
25 were to rule against the argument being advanced by 12:23
26 Superintendent Taylor on the issue of relevancy, then
27 are we going to have an application to have all these
28 witnesses recalled so that they can then be challenged?
29 CHAIRMAN: well, yes, but I suppose, Mr. Marrinan,

1 Sergeant Hogan is, if you like, the witness giving the
2 fullest account of this, and I suppose if he was
3 challenged, taking a reasonable view that would be
4 enough, the others could be regarded perhaps in the
5 same way, just from the point of view of length. But 12:24
6 of course it is proper under the rule in Browne v. Dunn
7 if there is a fact in issue which comes up and which,
8 on the other hand, may even lead to an inference which
9 impacts on a fact in issue, I think you are absolutely
10 right to say that that needs to be dealt with in some 12:24
11 way.

12
13 Now, Ms. Burns, if I can turn to you, and you will know
14 that I have said previously that you are getting the
15 star in terms of application to the rule in Browne v. 12:24
16 Dunn. I don't want to know what your instructions are,
17 but I do think a lot of what is being said and has been
18 led has been led responsibly, not from the point of
19 view of attempting to blacken your client because you
20 will also be aware of, for instance, what has been said 12:24
21 about the first investigation, the second
22 investigation, what has been led with a view to giving
23 me a background against which facts in issue can be
24 judged, the main fact in issue being: what was the
25 relationship with Commissioner Callinan? Were 12:25
26 instructions given by Commissioner Callinan? Was
27 Andrew McLindon, for instance, aware of that? Was
28 Nóirín O'Sullivan aware of that? Were emails or texts
29 sent in that regard giving instructions? This may all

1 impact, as may the whole notion of how straightforward
2 or sane any statement made by Superintendent Taylor may
3 be. That is, of course, taking it that I take his
4 evidence at face value, but there have been certain
5 things that have been put forward as perhaps 12:25
6 undermining the soundness of the objective ground on
7 which he may walk. So I don't know whether you would
8 like to take instructions on that or do you have them
9 already or where do we stand?

10 MS. BURNS: Firstly could I say, Chairman, that 12:25
11 obviously this portion of evidence that we are hearing
12 last week and this week, I obviously was aware that the
13 Clerkin investigation would arise and in that regard I
14 did make inquiries as to what the Tribunal's interest
15 would be in relation to that. I was obviously informed 12:26
16 and could see that an issue would arise regarding my
17 client's credit and that there would be an interest in
18 relation to that, to credit. Now, having regard to
19 that, I also took account of the very careful analysis
20 of law that the Tribunal previously outlined, counsel 12:26
21 for the Tribunal outlined, and took great account of
22 that in terms of how the evidence would be led in
23 relation to Clerkin. I can see that the Tribunal team
24 took very careful care in relation to the evidence that
25 has been led, and I can completely see that that 12:26
26 evidence is appropriate in terms of a separate analysis
27 in relation to the credibility of my client and how
28 that might, on a stand-alone basis, be assessed in
29 terms of his evidence in relation to his protected

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disclosure.

CHAIRMAN: Yes. Can I just stop you for a second, and I don't mean to, but again, I'm observing the distinction between credibility and credit. Credibility means what goes to a fact in issue in terms of, for instance, could a witness properly see, does the witness wear glasses, is the witness the kind of person who, on an objective sense, tends to see things as they are as opposed to engaging in perhaps a more fantastic view; and then credit, which is something unrelated in any way to any fact in issue or any inference that might lead to a conclusion on a fact in issue, but is entirely separate and is bad conduct alleged in respect of something utterly outside the ambit of anything that is in issue before the court or the Tribunal in this case.

MS. BURNS: And my submission to the Tribunal at this stage is in relation to cross-examination as to credit because that indeed is what the Tribunal team focused on. I'm not referring to credibility issues. I stated that it was my focus on a cross-examination in relation to credit and I haven't mixed up those two terms and I can see why there would be an interest in relation to the Clerkin investigation. Clearly, the Garda Commissioner's team has gone further and adduced further detail in relation to matters. We are presently taking instructions in relation to issues but what I would say, Chairman, is that matters that have been adduced, particularly today, it seems to me that

1 they are issues that I'm not -- regardless of whether I
2 should or I shouldn't, I certainly don't have
3 instructions, and I have obviously been careful about
4 that, I don't have instructions to challenge this
5 witness in relation to matters that are in his 12:28
6 statement. Issues in relation to whether a SIM card
7 was provided and the effect of that one way or
8 another --

9 CHAIRMAN: we can leave that out. I mean, that's --
10 look, things come up and every court has to hear things 12:28
11 that are entertaining but utterly irrelevant, and that
12 is one of them. But the other stuff we are talking
13 about, the close relationships with journalists,
14 walking out of the room to talk to journalists --

15 MS. BURNS: I am not taking issue with that, Chairman. 12:29

16 CHAIRMAN: -- giving journalists information that they
17 shouldn't be given because of the Garda press and
18 public relations office manual, and then giving out
19 information after he was no longer Press Officer, is
20 any issue being taken with any of that? 12:29

21 MS. BURNS: They are factual matters which have been
22 established in the course of the Clerkin investigation
23 and I certainly don't have instructions presently to
24 challenge any of that. They are factual, they are
25 contained in the Clerkin investigation. I do have to 12:29
26 finalise instructions in relation to it, but as matters
27 stand I don't have instructions to challenge any of
28 that. They are clearly set out. They, in the Clerkin
29 investigation, seem to relate to a real hard evidence

1 in terms of inferences, that is what I am taking
2 instructions on. But in terms of the actual
3 established facts, I am not challenging those nor can I
4 in reality.

5 CHAIRMAN: well, I know you are somewhat handicapped, 12:30
6 Ms. Burns, because I don't think Superintendent Taylor
7 is here.

8 MS. BURNS: No.

9 CHAIRMAN: well, wouldn't it be a good idea for him to
10 actually be here? 12:30

11 MS. BURNS: well, we are in constant contact with him,
12 Chairman.

13 CHAIRMAN: well, I don't know how that is happening.

14 MS. BURNS: My solicitor is in contact.

15 CHAIRMAN: Yes, I know. But I mean, we are not doing a 12:30
16 relay to -- I mean, the Morris Tribunal did a relay
17 through outer space into a hotel room across Donegal
18 Diamond, in Donegal Town, but that's not happening, we
19 are not broadcasting, so how can he be aware? I mean,
20 he can only be getting snippets or bits and pieces. 12:30

21 MS. BURNS: well, there are Twitter feeds coming from
22 this room in relation to --

23 CHAIRMAN: I am going to show off and make a fool of
24 myself probably by saying I thought you were limited to
25 20 words on a Twitter feed. 12:31

26 MS. BURNS: I will make more of a fool of myself
27 because I have no idea is the answer, but I can assure
28 the Chairman that there is regular contact with
29 Superintendent Taylor. If the Chairman would prefer if

1 he was present there is obviously no difficulty in
2 relation to that.

3 CHAIRMAN: No, no. The rule in Re Haughey is that I
4 have to give the rights. People don't have to receive
5 the rights, no more than if there is a meal offered, 12:31
6 nobody has to eat it.

7 MS. BURNS: well, if I could put it this way, Chairman:
8 I think that the Tribunal's concern is whether a
9 situation will arise that Superintendent Taylor will
10 come and give evidence and put at issue matters that 12:31
11 have been perhaps specifically referred to by the
12 Tribunal team, obviously matters have gone somewhat
13 further with the Garda Commissioner's team; I certainly
14 don't have instructions to do that, and Superintendent
15 Taylor is very aware that we needed instructions in 12:31
16 relation to this issue.

17 CHAIRMAN: All right. well, that clarifies matters,
18 and thank you very much for that clarification,
19 Ms. Burns. That is where we stand. So there it is.

20
21 unless you have any further questions, there was just a
22 few things that are on my mind. 12:32

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THE WITNESS WAS THEN QUESTIONED BY THE CHAIRMAN

1 209 Q. CHAIRMAN: You have seen loads of changes of Garda
2 Press Officer.
3 A. That's correct, Chair.
4 210 Q. CHAIRMAN: You would have seen five, six, seven or
5 eight, I suppose? 12:32
6 A. Press Officers?
7 211 Q. CHAIRMAN: Yes.
8 A. Absolutely.
9 212 Q. CHAIRMAN: And is it, as I was told, normal that if the
10 Garda Press Officer -- sorry, the Garda Commissioner 12:32
11 changes, the Garda Press Officer also changes?
12 A. Not -- no, it hasn't been a stated fact. Like, the
13 Press Officer can stay with a new Commissioner because
14 I have worked under a number of different Commissioners
15 as well and I have seen the older Press Officers stay 12:32
16 for a length of time, possibly until he got promoted or
17 whatever.
18 213 Q. CHAIRMAN: Yes. So it's not like apparently when --
19 it's not automatic?
20 A. A government -- no, no. 12:32
21 214 Q. CHAIRMAN: You have seen it happen and not happen?
22 A. Correct, both sides. Yeah.
23 215 Q. CHAIRMAN: Okay. Your evidence is that the
24 relationship between Superintendent Taylor and Andrew
25 McLindon was not a warm one, you said I think less than 12:33
26 friendly, could you perhaps expand on that just a
27 little bit.
28 A. Well, I mean, we had a -- we only ever had one other
29 Director of Communications prior to Andrew McLindon,

1 and that relationship with the Press Officer, I think
2 there might have been two, was an excellent working
3 relationship and one complemented the other because
4 experience and Garda experience and that, and in this
5 case I would have thought that's why the Director of 12:33
6 Communications is there, but from day one it was very
7 estranged, I suppose. It just wasn't working; there
8 was very little or no communication between them. And
9 I mean, a Director and Communications and a Press
10 Officer by the very nature of their work I mean, they 12:33
11 should be having regular meetings, they should be in
12 touch on a daily basis but that wasn't happening in
13 this case and I could see that.

14 216 Q. CHAIRMAN: The evidence that I had from Andrew McLindon
15 was that he was being bypassed? 12:34

16 A. Absolutely. Yeah. And from what I could see, from
17 where I am, because I wouldn't be privy to top
18 management meetings and that but from my point of view
19 and where I could see, I could see that happening,
20 yeah. 12:34

21 217 Q. CHAIRMAN: Yes. Now, there is a conflict of evidence
22 between Paul Williams and David Taylor in relation to
23 what was or wasn't said, how many phone calls,
24 etcetera, and I think David Taylor's instructions were
25 that there was no conversation about getting 12:34
26 confirmation of the details in relation to Sergeant
27 McCabe and any allegation that was made or any ruling
28 by the DPP clearing him, but merely that Paul Williams
29 rang up in order to say that he had spoken to a girl

1 whose life had been destroyed allegedly by Maurice
2 McCabe and that he was going to write about it, he was
3 simply giving information to the Garda Press Officer.
4 Had you ever come across a situation where a journalist
5 would ring up and give information to you as opposed 12:35
6 to --

7 A. I would be aware, Chair, of a journalist who would have
8 possibly more information than I would like them to
9 have, if you know where I am coming from? So I would
10 clarify the Press Office line on it and it could be 12:35
11 very short and concise, and I would be pushed and I'd
12 say 'That's the line, that's what we are saying, we are
13 not saying any more', but I would be aware that the
14 journalist would have more information because that
15 would have been communicated to me. 12:35

16 218 Q. CHAIRMAN: You must have been shocked when the
17 journalist, over the phone, revealed his or her source
18 to you, being Superintendent Taylor?

19 A. I possibly was shocked.

20 219 Q. CHAIRMAN: I mean, shocked on two levels: Firstly, 12:35
21 that the information was being given out by someone who
22 wasn't the Garda Press Officer and secondly, that a
23 journalist would break confidence in circumstances
24 where no one had ever waived the privilege?

25 A. Absolutely, Chair, yes. 12:36

26 220 Q. CHAIRMAN: And the last thing I wanted to ask you
27 about, did Superintendent Taylor have the army sweep
28 the office for bugs?

29 A. Not that I am aware of.

1 221 Q. CHAIRMAN: I don't mean ones that go on six legs
2 obviously.

3 A. No, no, not that I am aware of, Chair, no.

4 CHAIRMAN: Thank you. Was there something on your
5 mind?

12:36

6 MR. MARRINAN: No.

7 CHAIRMAN: Thank you very much.

8

9 THE WITNESS THEN WITHDREW

10

12:36

11 CHAIRMAN: I am sorry for being late, Mr. Marrinan.
12 What do you want to do in relation to going on or not
13 going on? What have we got left? We have a number
14 of --

15 MR. MARRINAN: We have witnesses to occupy the
16 afternoon, sir.

12:36

17 CHAIRMAN: All right. Well then can we break for an
18 hour then. Thank you.

19

20 THE HEARING ADJOURNED FOR LUNCH

12:38

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1 THE HEARING RESUMED, AS FOLLOWS, AFTER LUNCH:

2
3 MR. MARRINAN: Sergeant Anthony Connaughton, please.

4
5 SERGEANT ANTHONY CONNAUGHTON, HAVING BEEN SWORN, WAS
6 DIRECTLY EXAMINED BY MR. MARRINAN:

13:39

7
8 222 Q. MR. MARRINAN: I think, Sergeant Connaughton, that you
9 have been attached to the Garda Press Office since
10 2008, is that right?

13:40

11 A. That's correct, yes.

12 223 Q. I think you provided a statement to the Tribunal on the
13 6th November of last year, it's at page 2866. It's
14 fairly brief, it's only eight lines long. But you
15 point out that you have no information to give the
16 Tribunal in relation to Superintendent Taylor's
17 protected disclosure. I will just return to that in a
18 moment. But I think that you also made a statement to
19 the Clerkin investigation on the 25th July of 2015, to
20 Sergeant Brian Kavanagh, and that's to be found in
21 volume 9, at page 2388 of the materials. And in that,
22 I think that by reference to the Spotlight computer
23 system, you were able to identify four journalists'
24 telephone numbers, isn't that right?

13:40

13:40

25 A. Yes, Chair. There was certain requests made by the
26 investigation team at the time and I happened to be the
27 particular sergeant who was working that particular
28 shift and I assisted him with accessing the information
29 that was on the Spotlight system.

13:41

1 224 Q. And I think that we needn't have this up on the screen,
2 just to protect the privacy of the journalists and
3 their phone numbers. But the numbers that you gave
4 were in relation to Eavan Murray, and was a number
5 ending 760, and then the other one was Mick O'Toole's 13:41
6 number, ending in 470, and then Juno McEnroe was a
7 number ending in 371; isn't that right?
8 A. Well, I wouldn't know the numbers off by heart, but
9 whatever was on the system would be what was --
10 225 Q. Yes. Right. It's in your statement. 13:42
11 A. Yeah.
12 226 Q. And the ones that are in your statement are correct, is
13 that right?
14 A. That would reflect the numbers we have, yeah.
15 227 Q. Now, if we could just come back to your time in the 13:42
16 Press Office, you --
17 CHAIRMAN: Mr. Marrinan, that seems to be three
18 journalists, and the reason there isn't a fourth is?
19 MR. MARRINAN: I think there's only three, sir.
20 CHAIRMAN: Yes. You did say four, however. 13:42
21 MR. MARRINAN: Yes, I know. I made an error in saying
22 that.
23 CHAIRMAN: All right.
24 228 Q. MR. MARRINAN: I think that, Sergeant Connaughton, in 13:42
25 your time in the Press Office, I think that
26 Superintendent Taylor arrived there in 2012, is that
27 right?
28 A. That's correct, yes.
29 229 Q. And what sort of working relationship did you have with

1 him?

2 A. I had a professional working relationship with him, as
3 I had with my other supervisors previous to him and
4 after him. Every supervisor is different and their
5 personality comes out in their management style and 13:43
6 he'd a different style to his predecessors and people
7 that have been press officers since as well.

8 230 Q. Well, you were here in relation to the evidence, or
9 heard the evidence from Sergeant Damien Hogan, the last
10 witness, did you? 13:43

11 A. I did, yes.

12 231 Q. Yeah. Were any suspicions aroused in your mind in
13 relation to how he was interacting with journalists?

14 A. No, not from my experience. And just, I might, just by
15 way of clarification, revisit what was mentioned by 13:43
16 Damien there; like, we don't all work in the same
17 office at the same time.

18 232 Q. Right.

19 A. And any given time, there is a different dynamic going
20 on in the office due to the different staff members 13:43
21 working there.

22 233 Q. Yes.

23 A. So I wasn't aware of -- nothing came to my attention
24 that I would have concerns of in my time, working my
25 shifts. 13:44

26 234 Q. And you found Superintendent Taylor somebody who was
27 good to work with and you had no complaints at all to
28 make in relation to him?

29 A. Well, personally, I had no complaints with him, no.

1 235 Q. And in terms of Sergeant McCabe and issues concerning
2 Sergeant McCabe, certainly in early 2014 the Sergeant
3 McCabe story was very much in the media, isn't that
4 right?
5 A. I believe so, yeah. 13:44

6 236 Q. I mean, there was his appearance before the Public
7 Accounts Committee in January. Were you getting a lot
8 of media requests at that time in relation to Sergeant
9 McCabe?
10 A. We would have -- if it was topical we'd get, I can't 13:44
11 recall exactly, but if it was topical I'd imagine we
12 would get requests, the same way as we would get
13 requests in relation to other operational matters that
14 would be going around the country as well. So if they
15 were, they would be in the context of the normal 13:45
16 routine queries that you get on any given day within
17 the office, which is a busy office.

18 237 Q. Do you recall any requests coming in from Ms. Debbie
19 McCann, who is a journalist, and Ms. Eavan Murray --
20 A. I don't recall any particular one, no. 13:45

21 238 Q. -- in relation to --
22 A. Personally, no.

23 239 Q. In particular in late February/early March in relation
24 to Ms. D --
25 A. No. 13:45

26 240 Q. -- and her family?
27 A. No, I definitely don't, no.

28 241 Q. Were you aware in 2013 or 2014 of an allegation that
29 had been made against Sergeant McCabe going back to

1 2006?

2 A. I can't remember the timeframe, but just whatever would
3 have been -- the fact that we would read the papers in
4 the morning, whatever would be covered in the papers is
5 the depth of my knowledge in relation to it. 13:45

6 242 Q. Was there any talk in the Press Office at all about
7 Sergeant McCabe and his motivation for --

8 A. Not as -- once again, as I pointed out earlier, within
9 my role in the office it's -- you know, you are dealing
10 with a large volume of queries and requests coming in 13:46
11 via email and phone, and other projects were involved
12 in relation to press briefings, etcetera, as well, so
13 it is a very busy office. And there's different
14 sergeants, different dynamics there any given time.
15 But personally I wasn't aware of any conversations of 13:46
16 that nature.

17 MR. MARRINAN: Thank you very much.

18 MS. WARD: No questions.

19 MS. BURNS: No questions, Chairman.

20 MR. MÍCHEÁL O' HIGGINS: No questions, Chairman. 13:46

21 A. Thank you, Chair.

22

23 THE WITNESS THEN WITHDREW

24

25 MR. MARRINAN: Sergeant James Molloy, please. 13:46
26
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29

1 SERGEANT JAMES MOLLOY, HAVING BEEN SWORN, WAS DIRECTLY
2 EXAMINED BY MR. MARRINAN:

3
4 243 Q. MR. MARRINAN: I think, Sergeant Molloy, that you're a
5 member attached to the Garda Press Office since
6 December 2000, is that correct? 13:47

7 A. That's correct.

8 244 Q. Is that up until the present time?

9 A. For a short period on promotion I was in HRM.

10 245 Q. I think that you made a very brief statement to the
11 Tribunal on the 11th October 2017, which is at page
12 2865, indicating effectively that you had no
13 information to give to the Tribunal, isn't that right? 13:47

14 A. That's correct.

15 246 Q. However, you were -- you are aware of the fact that the
16 Tribunal is examining a protected disclosure made by
17 Superintendent Taylor? 13:47

18 A. Yes, Chair.

19 247 Q. And you're also familiar with the allegation that there
20 was, effectively that he was told by Commissioner
21 Callinan to embark on a campaign to discredit Sergeant
22 McCabe by spreading rumours about him, in particular in
23 relation to a historical sexual abuse case. Were you
24 aware of that going on at the time? 13:48

25 A. No, in no way was I aware of that. 13:48

26 248 Q. You made a statement then to the Clerkin investigation,
27 and this is at page 2339 of the materials, and it would
28 appear from that that you didn't have a particularly
29 good working relationship with Superintendent Taylor,

1 is that right?

2 A. That would be accurate, Chair.

3 249 Q. And I think that you were, amongst other things, that
4 you were concerned when he left the Press Office that
5 he was in contact with Chrissie Fitzpatrick, is that 13:49
6 right?

7 A. That's right, Judge. On a particular Sunday that I was
8 working after Superintendent Taylor had left the Press
9 Office, Chrissie Fitzpatrick received a call on her
10 private mobile and she showed me the phone and it 13:49
11 was -- the call was from Superintendent Taylor. She
12 took the call, but at the time I felt it wasn't
13 appropriate for Superintendent Taylor to be ringing a
14 civilian member of staff on her private phone while she
15 was in work. He could have rang the office number or 13:49
16 he could have rang me on my mobile, which he had.

17 250 Q. Yes. And what was your concern in relation to the
18 contact with Chrissie Fitzpatrick?

19 A. Well, I was also aware of, generally in the office,
20 that other people were receiving calls from 13:50
21 Superintendent Taylor since he'd been transferred to
22 Traffic, and it just made people uncomfortable.

23 251 Q. Was it that you thought that he had too close a
24 relationship with members of the media?

25 A. No, it wasn't at the time, that's not what I thought. 13:50

26 252 Q. It's just you say in your statement:
27
28 "When Dave Taylor arrived here first, I had concerns
29 about him. I was not happy about the way he was

1 acting."

2 A. Yeah.

3 253 Q. And that you went to Andrew McLindon and sharing
4 concerns with Mr. McLindon?

5 A. That was more to do with his style of management than 13:50
6 any concerns about inappropriate contacts with the
7 media. I mean, to be fair to him, some of the things
8 that he did were correct, but he a tendency to gossip
9 and chitchat in the general office. When he'd return
10 from the scene of an incident, he would -- he would 13:51
11 speak about everything that he had heard when he was
12 out at a press briefing, and I thought it was dangerous
13 to be saying that in the Press Office because that
14 could bleed into the media and some of it mightn't be
15 accurate. It was more of a professionalism problem 13:51
16 that I had.

17 254 Q. Okay. You considered that he had a loose tongue?

18 A. Well, when you go to a briefing at a serious crime,
19 you'll hear a lot of stories, a lot of talk from
20 guards, from detectives, from superintendents. It 13:51
21 isn't always accurate. So we must deal in the facts in
22 the Press Office, we should only be dealing in the
23 facts of the particular case. So my fear with that
24 type of gossip was that it would be bleeding into the
25 media, it would become part of the story. And people 13:51
26 shouldn't be reading about maybe injuries to victims
27 and, you know, the gruesome nature of crime in the
28 media, or at least we shouldn't be providing that
29 information to them.

1 255 Q. Yes. And I think after he left, he was taken off the
2 press clippings list, is that right?

3 A. That's right.

4 256 Q. And his name reappeared on it on three occasions and he
5 had to be taken off each time? 13:52

6 A. Yeah, I mean, I heard all that. I knew he was on and
7 he was off. I wasn't sure who was putting him on. I
8 actually didn't know who was taking him off. The press
9 clippings thing wouldn't have greatly concerned me, to
10 be honest -- 13:52

11 257 Q. Yeah.

12 A. -- but --

13 258 Q. Now, in terms of Sergeant McCabe and what was known
14 about him in the Press Office or what may have been
15 discussed in the Press Office concerning Sergeant 13:53
16 McCabe in late 2013 up until June of 2014, can you help
17 us in that regard?

18 A. Well, I can't say that I heard Superintendent Taylor
19 say anything and I can't say who said things, but, I
20 mean, obviously the case would be discussed. 13:53

21 259 Q. Well, one would have thought so.

22 A. Yeah.

23 260 Q. But every witness so far has told us, and I think
24 you're the last witness from the Press Office, has said
25 it was never discussed? 13:53

26 A. Yeah, discussed in the sense that I would hear from
27 other staff what -- let's put it this way: I was
28 clear, if there was a side to be taken in this, which
29 side David Taylor was on, and it wasn't on Maurice

1 McCabe's side, let's put it that way.

2 261 Q. Can you just expand on that a little bit?

3 A. My difficulty is that I can't point to a particular day
4 and time and say Superintendent Taylor said this, and
5 therefore I just want to be careful. 13:54

6 262 Q. It's an impression that you had?

7 A. It's that, married with the fact that other staff
8 members would tell me something that was said as well,
9 possibly by Superintendent Taylor or -- not in the
10 sense that they were repeating the gossip, but in the 13:54
11 sense that, guess what he said, and it would be
12 uncomplimentary about Maurice McCabe, it would be
13 uncomplimentary about any journalist who was writing in
14 favour of Maurice McCabe and it wouldn't be very
15 complimentary about any members of the Oireachtas who 13:54
16 were taking Maurice McCabe's side.

17 263 Q. And from what period of time was this?

18 A. It's difficult to say. What people must understand is,
19 like others in the Press Office have said, it's busy.
20 When a story gets really big, it's kind of, it's beyond 13:54
21 the Press Office, it's happening in another political
22 world. It doesn't really concern us. We're not
23 getting calls every day about Maurice McCabe. It
24 doesn't really impinge on the work of the office. But
25 when certain elements, the PAC, for instance, that does 13:55
26 create a little bit of a fuss in the office, obviously.

27 264 Q. All right. Well, prior to the PAC meeting, which was,
28 I think, the 23rd January of 2014, prior to that, was
29 Sergeant McCabe discussed in the Press Office or were

1 you getting any feedback in relation to Superintendent
2 Taylor's attitude to Sergeant McCabe?

3 A. Prior to the PAC, yeah, probably all the time that
4 Sergeant McCabe's case was on the radar.

5 265 Q. Did that have anything to do with the prior allegation 13:55
6 that had been made against Sergeant McCabe?

7 A. No. I mean, I wasn't aware of that. I was vaguely
8 aware of a rumour of a sexual assault and possibly that
9 Maurice McCabe felt that this shouldn't be on the Pulse
10 system and management weren't taking it off the -- 13:56
11 that's the rumour that I heard.

12 266 Q. And was this in 2013 --

13 A. Well, I can't --

14 267 Q. -- 2014?

15 A. I would say 2013, but it would be very early 2014 if it 13:56
16 wasn't, but I can't be certain.

17 268 Q. And I know you're -- and this is helpful, that you are
18 giving us the impression that you had at the time, but
19 the impression that you had at the time, was it that
20 Sergeant McCabe was somebody that perhaps 13:56
21 Superintendent Taylor would have held in very low
22 regard because of the investigation, the prior
23 investigation, or was it because he was simply somebody
24 who was speaking out in relation to issues concerning
25 An Garda Síochána? 13:57

26 A. More so because he was speaking out, I would have
27 thought.

28 269 Q. Yes. And do you recall the appearance of Commissioner
29 Callinan before the Public Accounts Committee and

1 giving evidence?

2 A. Yes, I do.

3 270 Q. And you recall the controversy over the remark --

4 A. Of course.

5 271 Q. -- that was made by Commissioner Callinan? 13:57

6 A. Of course.

7 272 Q. After that, do you recall any discussion in the Press

8 Office or between you and Superintendent Taylor?

9 A. No, no, there was no discussion, not between me and

10 Superintendent Taylor. I am pretty sure John Ferris, 13:57

11 Superintendent John Ferris, director of communications,

12 Andrew McLindon, would have been thinking along the

13 lines that I would have been thinking: could we maybe

14 go back and apologise for that or could we change

15 something about that, could we -- you know, this story 13:57

16 didn't look good.

17 273 Q. Shortly after that, do you have any recollection of

18 Gerald Kean, solicitor, contacting the Press Office?

19 A. No, absolutely no recollection.

20 274 Q. Or indeed Debbie McCann or Eavan Murray contacting the 13:58

21 Press Office and asking or looking for any information

22 in relation to Ms. D and her family?

23 A. No, definitely not, Chairman.

24 275 Q. So this impression that you got from discussing the

25 matter with other staff in the Press Office was that 13:58

26 Superintendent Taylor didn't approve of what Sergeant

27 McCabe was doing, is that right?

28 A. That was my impression.

29 276 Q. And was there any question-mark over Sergeant McCabe's

1 motivation for doing what he was doing?

2 A. No, beyond, as I said, this other rumour that was in
3 the ether and there was a -- it involved a sexual case,
4 but possibly he was upset because it was on the Pulse
5 system and he didn't feel it should be on the Pulse 13:59
6 system. That is the extent that I knew about any
7 sexual allegation.

8 277 Q. And you said that this arose out of discussions that
9 had you with other staff?

10 A. Well, when I say discussions, I mean, you know, because 13:59
11 of the nature of the office and shift work and people
12 moving in and out, it might be along the lines of, you
13 know what somebody said this morning --

14 278 Q. Yes.

15 A. -- or did you hear what -- you know, so I don't know 13:59
16 who said what to who, and that's why I need to be
17 careful.

18 279 Q. But it was repeating what Superintendent Taylor had
19 said?

20 A. And it may not have been. To be fair, it may not have 13:59
21 been repeating what Superintendent Taylor said either.
22 That is the problem I have.

23 280 Q. But from working in the office, your impression was
24 that Superintendent Taylor did not think well of
25 Sergeant McCabe? 14:00

26 A. That would be a strong impression that I had.

27 281 Q. And you have no evidence to offer us that he was being
28 prompted in that regard by the Garda Commissioner or by
29 the Deputy Commissioner, Nóirín O'Sullivan?

1 A. No, absolutely not, no evidence.

2 282 Q. And when the protected disclosure broke and you heard
3 what Superintendent Taylor was alleging, did you
4 reflect back then yourself on your dealings with
5 Superintendent Taylor at that particular time? 14:00

6 A. Sorry, in terms of?

7 283 Q. Did you reflect back and say, well, you know, he's
8 saying that there was an orchestrated campaign here
9 against Sergeant McCabe? You were there in the Press
10 Office -- 14:01

11 A. Yeah, yeah, yeah.

12 284 Q. -- at the relevant period of time.

13 A. Yeah.

14 285 Q. Did you have cause to reflect back?

15 A. Well, it didn't require much reflection, to be honest, 14:01
16 Chair. I wasn't aware, nobody ever said anything to me
17 about a campaign. I never witnessed a campaign. I
18 never saw any other member of staff, the Press Office,
19 brief the media negatively about Maurice McCabe.

20 MR. MARRINAN: Thank you very much. 14:01

21 MS. WARD: No questions.

22 MS. BURNS: No questions, Chairman.

23

24 SERGEANT MOLLOY WAS EXAMINED BY MR. MÍCHEÁL O' HIGGINS:

25 14:01

26 286 Q. MR. MÍCHEÁL O' HIGGINS: sergeant Molloy, just a few
27 questions, if I may. Could I ask you, first of all, in
28 relation to Superintendent Taylor's approach or
29 methodology within the Press Office. I think you

1 mentioned in your statement that was provided for the
2 purposes of the Clerkin investigation that you had
3 observed or noticed that David Taylor would sometimes
4 drive to scenes of serious incidents and would sort of
5 have a presence on the ground there at those incidents. 14:02
6 That would be one aspect, one way in which he would
7 carry out his functions as Press Officer?

8 A. Yeah, and that wasn't unusual, except that he went to
9 every one, every scene himself and stood in front of
10 the camera himself at every one. We had kind of 14:02
11 changed the ethos prior to that, where the local
12 superintendent, somebody who was hands-on on the
13 investigation would represent the investigation, but he
14 went to every scene and brought somebody from the
15 office with him to every serious incident and did a 14:02
16 piece to the camera at all of them.

17 287 Q. Did a piece to camera?

18 A. Yes.

19 288 Q. And did you get from him or did you sense that he
20 enjoyed the television side of it? 14:02

21 A. Well, there is always a danger, and I have been in the
22 Press Office a long time, of enjoying it, of loving
23 being in part of the media and getting the buzz from
24 that, and I thought he'd fallen into that trap,
25 unfortunately. 14:03

26 289 Q. You yourself worked with a number of different press
27 officers, isn't that right?

28 A. That's correct.

29 290 Q. And in contrast with those other press officers, what

1 was your view in relation to how professional
2 Superintendent Taylor discharged his role as Press
3 Officer?

4 A. I mean, these are differences that he had between
5 himself, and I'm not saying that they're wrong, I'm 14:03
6 just saying this is how he did business, but he was
7 much more controlling in the office. He wanted to have
8 control of every aspect.

9 291 Q. Yes. And how would that show itself?

10 A. Well, in terms of, Sergeant Hogan mentioned earlier, 14:03
11 even time-keeping, you just got the impression, and
12 perhaps it was paranoia in the end, but you were
13 getting a call at five past seven when you were
14 starting at seven, and you felt it was to see if you
15 in, you were getting a call at ten to eleven when you 14:04
16 were closing the office at eleven and you felt -- and,
17 you know, every time you needed a day off or to swap a
18 shift, you had to go to him; you couldn't go to
19 Inspector Ferris, who had been in charge of the
20 day-to-day management of the office up to that point. 14:04
21 So there was a sense that he wanted to control
22 everything.

23 292 Q. Yes. A previous witness, I think it was Chief
24 Superintendent Clerkin himself, made reference to a
25 number of different incidents of alleged disclosure, of 14:04
26 inappropriate disclosure to media of important stories.
27 You yourself, I think, had a knowledge or a limited
28 role in relation to a request that a journalist made -
29 we needn't go into the journalist's name - but I think

1 for the purpose of getting a photograph, was it, of a
2 homeless man who was found dead near Dáil Éireann?

3 A. Yeah, but I think also to be fair, I did get a call. I
4 don't think Superintendent Taylor had anything to do --
5 I didn't get a call from Superintendent Taylor. 14:05

6 293 Q. Right.

7 A. I got a call from a journalist, wanting me -- he had
8 found a mugshot from the US and it was the same name as
9 a man who had -- a homeless man who had died, and he
10 wanted me to just have a look and see if it was the 14:05
11 same person. I couldn't 100 percent say it was the
12 same person, so we left it at that. Now, subsequently,
13 the photograph from the Garda Pulse system did appear
14 in the media. This is why this particular piece of --
15 it was being investigated. 14:05

16 294 Q. And that would not be appropriate, would it?

17 A. Absolutely not.

18 295 Q. Yes. Now, in relation to the core matter that the
19 Tribunal is investigating into, namely the existence,
20 or otherwise, of what was said to have been a smear 14:06
21 campaign that Superintendent Taylor maintains he was
22 directed to carry out by Commissioner Callinan, and
23 which he alleges was also done in the knowledge of or
24 perhaps connivance of former Commissioner O'Sullivan
25 and also the director of communications, Andrew 14:06
26 McLindon, is a latter, is an allegation made latterly.
27 Can I ask you, did you ever receive any feedback from
28 journalists saying, what is the story with the smear
29 campaign?

1 A. Absolutely not, Chairman.

2 296 Q. Not even an impression or a sense of that from the
3 ether?

4 A. No.

5 MR. MÍCHEÁL O' HIGGINS: Thank you. 14:06

6 CHAIRMAN: I'm taking from that, Mr. O'Higgins, what
7 the journalists weren't talking to other people in the
8 Press Office about a smear campaign, if there was a
9 smear campaign, and if they weren't talking, that is
10 evidence that there wasn't a smear campaign, is that -- 14:07

11 MR. MÍCHEÁL O' HIGGINS: I think so, Chairman, yes.

12 CHAIRMAN: All right. No, once I understand that,
13 thank you.

14 297 Q. MR. MÍCHEÁL O' HIGGINS: In other words, for the
15 Chairman's benefit, perhaps it wasn't clearly asked; 14:07
16 whether directly from any journalist or from feedback
17 from colleagues in the Press Office, did you pick up
18 any scintilla of a hint even of a smear campaign?

19 A. None whatsoever, Chairman.

20 CHAIRMAN: So there was no sense of that in any 14:07
21 conversations that you had?

22 A. Absolutely not.

23 CHAIRMAN: Were you close to journalists at all?

24 A. Yes.

25 CHAIRMAN: And you would be on, you know, reasonably 14:07
26 good terms with them?

27 A. Well, with a small number you'd be on very good terms
28 with, yeah. And no, absolutely not.

29 MR. MÍCHEÁL O' HIGGINS: Thank you.

1 MR. MARRINAN: Nothing, sir.

2 CHAIRMAN: Thank you.

3

4 THE WITNESS THEN WITHDREW

5

6 MR. MARRINAN: Sir, if I can just recall Sergeant Alan
7 Frawley, please. He wants to correct something he
8 said.

9

10 SERGEANT ALAN FRAWLEY, HAVING BEEN PREVIOUSLY SWORN,
11 WAS FURTHER EXAMINED BY MR. MARRINAN:

14:07

14:08

12

13 298 Q. MR. MARRINAN: I think, Sergeant Frawley, in answer to
14 the Chairman, you were describing how one gets access
15 from the Press Office to the Garda Commissioner's
16 office, and you wanted to correct an impression that
17 you had given, is that right?

14:08

18 A. Yeah. That's correct. Apologies, Chair.

19 CHAIRMAN: Don't worry about it, it's fine, thanks.
20 Just tell me what --

14:08

21 A. You have to come out of the blue door at the gable end
22 and walk to the centre, the centre of the block that is
23 facing you when you walk in the main door or the gates.

24 CHAIRMAN: You have to go out in the open air?

25 A. You have to go out in the open air, and it's the door
26 in the centre of the block that leads you to the
27 Commissioner's office. There is no direct access.
28 That is an assistant commissioner's office that I
29 described earlier with the actual --

14:08

1 CHAIRMAN: Right. No, that is fine. Thank you for
2 telling me.

3 A. Apologies again.

4 CHAIRMAN: Thank you.

5 MR. MARRINAN: Thank you. 14:09

6 MS. LEADER: The next witness, sir, is Superintendent
7 Patrick Ryan. His statement is at page 4314 in volume
8 16.

9

10 SUPERINTENDENT PATRICK RYAN, HAVING BEEN SWORN, WAS 14:09
11 DIRECTLY EXAMINED BY MS. LEADER:

12

13 299 Q. MS. LEADER: Superintendent Ryan, I understand that
14 you're now assigned to the Information Technology
15 Centre in Garda Headquarters? 14:09

16 A. That is correct.

17 CHAIRMAN: Just, I think I need to say that I met
18 Superintendent Ryan up in Garda Headquarters in the
19 context of me looking at computer systems and doing
20 searches in relation to the allegation that there was 14:10
21 the Oisín-type file in relation to Sergeant McCabe, so
22 as people know that.

23 A. Yes.

24 300 Q. MS. LEADER: If you can outline your career path to
25 that assignment, Superintendent, please? 14:10

26 A. Yes, indeed. I joined An Garda Síochána in May 1994
27 and I was a student guard in Tallaght Garda Station.

28 301 Q. I'm sorry, I just can't hear you at the moment.

29 A. Oh, sorry, my apologies. As I said, I joined An Garda

1 Síochána in 1994, I was a student guard in Tallaght
2 Garda Station. On attestment then I was transferred to
3 Sundrive Road Garda Station, where I was community
4 guard for the Drimnagh area for about two years. I was
5 transferred to the IT section in January 1997, and I 14:10
6 have worked in various different roles and sections
7 within the IT centre over them years and I have
8 received a number of promotions to different sections,
9 and I was promoted to superintendent in March 2015 and
10 I am now responsible for IT operations and security. 14:11

11 302 Q. Do you have any particular training in IT matters?
12 A. Well, I would have studied; prior to joining An Garda
13 Síochána, I went to college, and I have electronic -- I
14 studied electronic engineering. I also worked in
15 industry prior to joining An Garda Síochána in the IT 14:11
16 sector, and then I would have a number of
17 qualifications as well, and I also completed my degree
18 as well in IT management since joining An Garda
19 Síochána, Chair.

20 303 Q. If you will outline what, in particular, you have 14:11
21 responsibility for in your role as head of the
22 Information Technology Centre?
23 A. Yes, as I said, I am responsible for IT operations. So
24 basically, to put it at a very high level, we have a
25 head of IT planning who would be responsible for all of 14:12
26 the development work of all our systems, our
27 applications. Once these have been developed, then it
28 is handed over to my section and we are responsible
29 then for deploying, maintaining and making sure that

1 that system is available to the operational force.

2 304 Q. And in relation to IT hardware, do you have a
3 responsibility in relation to that?

4 A. That would be correct, yes. As part of that
5 responsibility, I'm also responsible for the 14:12
6 infrastructure to support all them systems. That would
7 also include the data centres, it would also include
8 then hardware at station levels, so PCs, printers,
9 laptops, etcetera.

10 305 Q. All right. In your statement, you say that the 14:12
11 responsibility in relation to the hardware matters
12 includes but is not limited to Pulse computers, laptops
13 and tablet computer devices, and I want you to explain
14 to the Tribunal what you mean by Pulse computers?

15 A. Pulse computers, I suppose the fact that I have been in 14:13
16 IT a long time, initially when the Pulse system was
17 developed we had --

18 306 Q. Maybe if you would explain what the Pulse system is, in
19 very summary format.

20 A. It would be the main incident management system for An 14:13
21 Garda Síochána.

22 307 Q. Right.

23 A. Pulse was developed back prior to the year 2000 and it
24 was deployed to meet the -- I suppose going back to the
25 year 2000, we were all aware of the Y2K issues, and 14:13
26 Pulse was deployed prior to the year 2000.
27 Historically, on the PCs that were deployed throughout
28 the organisation, the only thing that was available was
29 Pulse, so it was basically known as a Pulse computer.

1 Over time, that has changed, I suppose dramatically.
2 We have a big catalogue of applications now, and Pulse
3 is basically one of those applications. So when a user
4 in a Garda station logs on to our network through, we
5 call it a Garda IS network, there is a number of 14:14
6 applications made available to them based on their, I
7 suppose their roles, responsibilities and permissions
8 that are set for them, or that they have.

9 308 Q. So am I correct in saying that Pulse is a data
10 retention system, basically? 14:14

11 A. It is a database, yes, it is indeed. But again, as I
12 specified, it's an application, one application that is
13 available to our members.

14 309 Q. All right.

15 A. Another example would be word processing applications, 14:14
16 etcetera, and email applications.

17 310 Q. And email applications, for instance?

18 A. Exactly, yes.

19 311 Q. And a Pulse computer then is what you refer to as the
20 physical computer, is that correct -- 14:14

21 A. It is.

22 312 Q. -- in the Garda station?

23 A. That's correct. It's a physical desktop computer.

24 313 Q. Computer. And the reason you call it a Pulse computer
25 is, when computers were first introduced in An Garda 14:14
26 Síochána, the only purpose for them was to access
27 Pulse?

28 A. That is correct, Mr. Chairman.

29 314 Q. All right. So it's almost like an acronym for a

1 computer --

2 A. That is correct.

3 315 Q. -- in An Garda Síochána. Now, I think when the
4 Tribunal was first set up, there was an order served on
5 An Garda Síochána in relation to all matters touching 14:15
6 on matters which we had to look into, is that correct?

7 A. That is correct.

8 316 Q. And arising out of that you were tasked with certain
9 jobs, is that correct?

10 A. That is correct. 14:15

11 317 Q. And I think the first one related to Commissioner
12 Nóirín O'Sullivan's computers, is that correct?

13 A. That is correct.

14 318 Q. And what were you asked in relation to that?

15 A. At the time going back, I think it was the 13th March 14:15
16 2017, I was requested to provide details of all
17 hardware that former Nóirín O'Sullivan had access to.

18 319 Q. All right. And I think later on in the year you
19 received a similar request in respect of former
20 Commissioner Callinan's hardware, is that correct? 14:16

21 A. That is correct.

22 320 Q. And that didn't in any way deal with phones, is that
23 correct?

24 A. That is correct.

25 321 Q. Now, I think there was a -- the time limit for that 14:16
26 request related to the time period when Superintendent
27 Taylor was in the Press Office, is that correct?

28 A. Well, what we worked on was the -- during the terms of
29 reference time dates --

1 322 Q. Yes.

2 A. -- from the 1st July 2012 to the 31st May 2014.

3 323 Q. Okay. So you were looking for the former
4 Commissioner's computers in between July 2012 and the
5 31st May 2014, is that correct? 14:16

6 A. That is correct.

7 324 Q. Now, I think there was a significant event that
8 happened in 2014 which impacted on the information you
9 were able to give to the Tribunal, is that correct?

10 A. Well, we had a very large-scale IT project during 2014, 14:17
11 and basically that was the replacing of all the
12 computers throughout the organisation. We had an XP
13 operating system which had become end of life and was
14 also a security risk to us and we had to replace all
15 machines with a Windows 7 PC. 14:17

16 325 Q. And that wasn't just confined to Garda Headquarters?

17 A. No, that was a national -- national deployment that we
18 had to do, upgrade.

19 326 Q. And just to give the Tribunal some idea of the scale of
20 the project, how many computers are we talking about, 14:17
21 in very round figures?

22 A. Approximately seven-and-a-half thousand.

23 327 Q. All right. Now, because everybody's -- as I understand
24 it, everybody's computer had to be replaced, is that
25 correct? 14:17

26 A. That is correct.

27 328 Q. And what steps did you take, as heading up that
28 project, in order to ensure that all data was retained,
29 which was contained in each of those computers?

1 A. Yes. At the time in question I was inspector in charge
2 of operations and I know -- as I said, it was a very
3 large scale IT project. I suppose one of the biggest
4 risks to the organisation was the loss of data. And by
5 the very nature of the deployment we have had, I was -- 14:18
6 a lot of divisional headquarters, district
7 headquarters, would have had access to our central file
8 shares, whereas some other stations wouldn't have had
9 the appropriate bandwidth at the time to be able to use
10 our centrally-managed file shares, and I can discuss 14:18
11 that in a minute, if need be. So we had a
12 comprehensive communications plan issued to the
13 organisation and as part of that was very clearly
14 defined, I suppose, and outlined the processes around
15 data migration from the old PCs to the new PCs. 14:19
16 329 Q. Right. So did you ask everybody to back up their
17 computers onto your file share system?
18 A. Yes. Those that had access, we had asked them to
19 remove any locally-stored files on the PCs to the
20 central file share. If this wasn't available to them 14:19
21 at the time, we had supplied encrypted external storage
22 for them to ensure that they had access or they were
23 able to back up their files.
24 330 Q. All right. So, as I understand it, and my
25 understanding of these things is very basic, 14:19
26 Superintendent, but information on a computer can be
27 stored on the hard drive of a computer and also can be
28 stored on a file share system, is that correct?
29 A. That is correct. If, as I said, you had access and the

1 appropriate bandwidth at the time, you could -- you had
2 facilities to save centrally on our central file share.

3 331 Q. And if you could explain to the computer [sic] about
4 your central file share system, please -- to the
5 Tribunal, sorry. 14:20

6 A. Basically, it's an enterprise storage solution that we
7 have and users will have access to it. They may have
8 personal shares and also office shares, so basically if
9 there was office files, they would be saved up to this
10 group file share, as we would call it, but users also 14:20
11 had limited storage personal space as well on the
12 enterprise storage solution.

13 332 Q. All right. And both Commissioner O'Sullivan and
14 Commissioner Callinan, did they have access to the
15 central file shares? 14:20

16 A. As far as I can recall, yes, they would have had. Now,
17 they would have had personal shares, and I am not too
18 sure, I would have to confirm if they had access to
19 group shares as well, but I can only assume that they
20 had. 14:21

21 333 Q. So what did you discover when you asked -- when you
22 tasked some of your employees or people who worked to
23 you in relation to details of former Commissioner
24 O'Sullivan's computers over the time period which we're
25 looking at, July 2012 to May 2014? 14:21

26 A. Actually, if you wouldn't mind, maybe I should just
27 clarify as well just in relation to the previous, just
28 when we talked about removing --

29 334 Q. Yes.

1 A. -- old hard drives, and I don't know if that is
2 something you would like to cover or not, but there was
3 two reasons we did retain old hard drives during the
4 upgrade, I suppose, of all the computers.

5 335 Q. I don't think you actually explained about retaining 14:21
6 old hard drives. Everybody was encouraged to back up
7 their old computers?

8 A. Yes.

9 336 Q. And separately from that --

10 A. Yes, as I said, there was a comprehensive 14:21
11 communications plan as part of that. However, we did
12 retain the hard drives from the old PCs, I suppose for

13 two reasons, Mr. Chairman. One was to, I suppose an
14 insurance policy more than anything else. If anyone
15 had come back and said that there was data missing, we 14:22
16 had the ability to be able to look at the hard drive.

17 Second of all was to ensure that we were able to do a
18 secure disposal of the drives when the time came. At
19 the time in question, we had only planned on keeping
20 the hard drives for a limited period, for between four 14:22
21 to six weeks, but we never actually got to the point
22 where we were able to securely dispose of them all.

23 And then the preservation orders came in place and we
24 have what we have today still located in the IT centre.

25 I think it's also important to note that I am aware 14:22
26 that we would have given instructions at the time that
27 if a certain time period had lapsed and no one had come
28 to us, we would have possibly reused some of them hard
29 drives. At the end of the day, they cost money and

1 they are an asset. And in the event that we'd received
2 no calls for a reported -- or someone reported any data
3 loss, we may have used that hard drive. I'm glad to
4 say that we had no calls whatsoever after the
5 completion of the project, that there was any data loss 14:23
6 across the organisation.

7 CHAIRMAN: well, superintendent, I don't mean to hold
8 you up in using your hard drives. It's only what's
9 relevant to Maurice McCabe that needs to be retained,
10 and I would say we have narrowed the field very 14:23
11 considerably since the preservation order in February
12 2017.

13 A. Yes, Chairman.

14 337 Q. MS. LEADER: Superintendent, I suppose if you got no
15 complaints about missing data, it would give you good 14:23
16 grounds for believing that everybody had backed up
17 their computer to the file share system?

18 A. That is correct.

19 338 Q. Yes.

20 A. well, as I said, if not the file share system, also 14:23
21 they were satisfied that they had a copy that they were
22 able to --

23 339 Q. A personal copy?

24 A. A personal. And again, I would be acutely aware that,
25 especially with our senior officers, that we would have 14:24
26 ensured that that job was done correctly at the time.

27 340 Q. would there have been particular emphasis placed on
28 senior officers that everything --

29 A. well, it was across the organisation, but, yes,

1 specifically I suppose all our senior officers, the
2 last thing that I wanted, anyway, definitely, was to be
3 told that there was any data lost as a result of us
4 upgrading computers.

5 341 Q. Okay. So if we can just go on to the specific 14:24
6 commissioners then. In relation to former Commissioner
7 O'Sullivan, what did you find out about her computers
8 during the relevant time period, July 2012 to May 2014?

9 A. I had tasked Sergeant Monaghan with identifying, I
10 suppose, all IT hardware that former Commissioner 14:24
11 O'Sullivan would have used. And I know that he was
12 able to, through some of the toolsets that we have, he
13 was able to identify what PCs former Commissioner
14 O'Sullivan had logged on to. So we had identified a
15 number of PCs, and basically these would have been 14:25
16 replaced during that windows 7 upgrade that we
17 completed, that project.

18 342 Q. Yes. And Inspector Monaghan is to give evidence
19 immediately following you so he can deal with that.
20 But I think there were two Pulse computers identified, 14:25
21 and the hard drive for one of them was located, is that
22 correct?

23 A. That is correct. One was located in a storeroom, a
24 secure storeroom that we had. If I can just add to
25 that, Mr. Chairman, as well; I know, for completeness, 14:25
26 we had also rechecked our audit logs as well, and there
27 was one further PC that was also logged on to during
28 the terms of reference at the time, during the terms of
29 reference.

1 343 Q. All right.

2 CHAIRMAN: So does that make three?

3 A. That would have been three PCs that former Commissioner

4 O'Sullivan would have logged on to using her account.

5 CHAIRMAN: Sorry, go on, Ms. Leader. 14:26

6 344 Q. MS. LEADER: And in relation to the logging on of a PC,

7 I think it may be the case that it may not have been

8 her computer, is that correct, or are you satisfied it

9 was?

10 A. No, I think any -- from my understanding, I think 14:26

11 definitely one or two of them would have been during

12 her time as Deputy Commissioner and they may have been

13 in the Deputy Commissioner's office.

14 345 Q. In the Deputy Commissioner's office. And in relation

15 to logging on to a computer, I think every individual 14:26

16 guard is assigned a Pulse identity, which they use when

17 they log on to a computer?

18 A. They would have a user name and password, that is

19 correct.

20 346 Q. And that is how it is established that a computer is 14:26

21 assigned and a person is logged on?

22 A. Well, not assigned. It's pretty much where a user

23 name -- we were able to identify what computers a user

24 name logged on to.

25 347 Q. All right. 14:27

26 A. If that makes sense.

27 348 Q. Okay. Now, I think you also established that a number

28 of laptops had been assigned to former Commissioner

29 O'Sullivan, is that correct?

1 A. That is correct.

2 349 Q. And you identified what these laptops were but you
3 don't have any record of them being returned to the
4 Garda IT section, is that correct?

5 A. I think what we have provided was a full list of 14:27
6 everything that we had located on our asset registers.
7 We also -- we had a number, I suppose, of different
8 data sources that we used. I think the policy that's
9 in place at the moment is that we allocate devices to
10 regional commissioners and to directors, but there is 14:27
11 no return policy in place at the moment. That is
12 something that is being worked on at present.

13 350 Q. So I think there were five laptops issued to former
14 Commissioner O'Sullivan since 2006: one issued on the
15 6th January 2016, one issued on the 30th May 2017, one 14:28
16 issued in 2009, one issued in 2010 and one issued later
17 in 2010, in September 2010, is that correct?

18 A. That appears correct, yes.

19 351 Q. And they haven't been accounted for, is that correct?

20 A. That is correct. 14:28

21 352 Q. All right. And along with the laptops, I think there
22 were two particular iPad devices that had been assigned
23 to former Commissioner O'Sullivan, is that correct?

24 A. That is correct.

25 353 Q. Now, in relation to one of those laptops, there was a 14:28
26 fault in it, and that was returned to your section for
27 repair?

28 A. That's correct, yes.

29 354 Q. And as matters turned out, it couldn't be repaired, am

1 I correct in saying that?

2 A. It was too badly damaged.

3 355 Q. Yes. But prior to it being sent away, it had actually
4 been re-set, in any event?

5 A. That is correct. 14:29

6 356 Q. And as I understand it, that would mean that there
7 would be no information on it?

8 A. That is correct.

9 357 Q. Is that correct? And the other iPad has subsequently
10 been given to the Tribunal, is that correct? 14:29

11 A. I understand that is correct.

12 358 Q. All right. Now, in relation to Commissioner Callinan,
13 what can you tell us about the computers which he had
14 accessed -- which he's accessed during his time, during
15 the relevant time period? 14:29

16 A. Yes. I think we had reported on a number of PCs.
17 However, I can confirm that there is one PC that former
18 Commissioner Callinan had logged on to during the terms
19 of reference. The other ones we reported on,
20 Mr. Chairman, are actually outside of the terms of 14:29
21 reference, so it's only one that we are talking about.
22 This would have been replaced again as part of our
23 windows 7 project on the 11th November '14. It would
24 have been replaced with a windows 7 PC at that time.

25 359 Q. All right. In relation to that hard drive, I 14:30
26 understand it hasn't been located?

27 A. No. And, you know, we -- from our investigations, we
28 were able to determine that the particular model --
29 there was some models, I think, of computers at the

1 time that were capable of taking a windows 10 image.
2 The majority of our estate wouldn't have been able to
3 take a windows 10 image, and that is why we had to
4 replace them. But this particular computer was
5 capable, it was a fairly -- more up-to-date model, and 14:30
6 we believe that this PC may have been rebuilt and
7 reallocated, but we cannot confirm.

8 360 Q. CHAIRMAN: So, in other words, it may have been
9 returned?

10 A. I would be amazed if it hasn't. I would say it was 14:30
11 rebuilt and redeployed out operationally, because it
12 would have been a perfectly working Pulse PC, or there
13 I go again, Pulse PC, but PC.

14 361 Q. MS. LEADER: I also think you established that six 14:31
15 laptops and one iPad had been issued to Commissioner
16 Callinan since 2001?

17 A. Yes. And that's going back a very long time. I have
18 no doubt that a laptop that is 17 years old, 17 years
19 at this stage, would not be wanted by anybody. But
20 that is from what our records tell us, and they would 14:31
21 have been on issue to former Commissioner Callinan, I
22 suppose, through the various ranks as well over the
23 last -- since 2001.

24 362 Q. And, of those laptops, one was issued on the 15th 14:31
25 February 2001, that was not recorded as being returned
26 to the IT centre; there is another issued on the 6th
27 January 2006, not recorded as being returned to the IT
28 centre; another one issued in 2007, not recorded as
29 being returned to the IT centre; a laptop issued on the

1 16th June 2009, this was returned during 2012 and
2 allocated elsewhere, is that correct?

3 A. That is correct, yes.

4 363 Q. So would that have been factory re-set before
5 allocation? 14:32

6 A. It would, yeah. No, it's a term, what we call
7 re-imaged, so the device would have been re-imaged
8 prior to allocation. It was allocated to the Ashbourne
9 incident room on the 6/11/2012.

10 364 Q. A laptop issued on the 23rd September 2009, not 14:32
11 recorded as being returned to the IT centre; a laptop
12 issued on the 29th August 2011, and the former
13 Commissioner Callinan bought this on his retirement
14 from An Garda Síochána, he made arrangements to have it
15 valued and buy it, is that correct? 14:32

16 A. That is correct, yes.

17 365 Q. And the records reflect that?

18 A. They do, indeed.

19 366 Q. And in relation to that laptop, can you tell us
20 anything about the process that it underwent on his 14:33
21 retirement from An Garda Síochána?

22 A. Basically, the device would have been re-imaged prior
23 to leaving the organisation. Basically that, at a very
24 high level, it means bringing the device pretty much
25 back to a factory default, and we ensure that there is 14:33
26 no Garda -- that this is to ensure that there is no
27 Garda data or Garda associated licences left on the
28 device.

29 367 Q. And I think that was being, you may be aware or may not

1 be aware, that has been made available to the Tribunal
2 in order to go through it?

3 A. I'm not aware.

4 368 Q. That is the case. Now, in relation to the information
5 that's on laptops, first of all, during the 2012-2014
6 period, or the access that it gives to the user of the
7 iPad, can you tell the Tribunal about that, please?

14:33

8 A. Well, I know iPads, specifically when they were first
9 allocated, they were pretty much allocated to the
10 executive team for following up on news feeds,
11 etcetera. My understanding is that there was no access
12 to any, as I would call it, corporate Garda services on
13 first allocation, when they were first allocated out.

14:34

14 However, with the, I suppose, advances in technology,
15 we have been able to provide secure remote access to
16 our corporate systems. This is done through a VDI
17 instance, which means Virtual Desktop Infrastructure,
18 which establishes a secure connection. Basically, VDI,
19 it would give the end-user access to a virtual PC which
20 they could log on to. I think it would be important to

14:34

21 note, though, that whilst this is securely available
22 through secure connections, the device on which we
23 provide this access through, the virtual client does
24 not interact with the local device at all, so basically
25 the laptop or iPad would essentially become a dumb
26 terminal. And once the connection is established with
27 our central systems, it's the very same as sitting down
28 in front of one of our computers in one of the
29 stations, it will give you -- so it is fully centrally

14:35

14:35

1 managed, if that makes sense.

2 369 Q. All right. Now, I think in relation to Commissioner
3 Callinan's iPad, it would appear that this developed
4 some fault, is that correct?

5 A. I can't confirm that -- 14:35

6 370 Q. Yes.

7 A. -- bar what, through my own search of my own records, I
8 had checked my own email archive, and I was able to
9 locate one or two emails which I had been copied on by
10 the previous former superintendent in IT. And 14:36
11 basically, that was just to say that there was one
12 particular email which I think our ICT executive
13 director had asked about the location of devices that
14 were on issue to former Commissioner Martin Callinan,
15 and the previous superintendent had reported, 14:36
16 basically, that the laptop had been purchased by former
17 Commissioner Callinan and the iPad had been reported
18 damaged and was to be returned.

19 371 Q. Now, in relation to email systems in An Garda Síochána,
20 I understand that, is it every individual member of the 14:37
21 guards or some guards are assigned an email account
22 which is their name and garda.ie thereafter?

23 A. That is correct.

24 372 Q. And in relation to archiving that email system, what
25 can you tell the Tribunal about that? 14:37

26 A. Well, we employ an archiving solution, it has been in
27 place since July 2010, and basically every email that
28 would be sent or received by any of our staff would be
29 captured by this email archiving solution.

1 373 Q. All right. So, for instance, if an individual guard
2 deletes emails from his Garda account, what can you say
3 in relation to that in relation to the archived
4 account?

5 A. Again, the archiving solution doesn't delete. A user 14:37
6 may be able to delete at a local level on the PC. This
7 would be from their client, their email client, but
8 this would not be deleted from the archiving solution.

9 374 Q. Okay. I think you can confirm that former Commissioner
10 Callinan, former Commissioner O'Sullivan and 14:38
11 Superintendent Taylor all had Garda email accounts?

12 A. That is correct.

13 375 Q. Now, in relation to what the last witness said about
14 backing up emails or emails to be backed up, can you
15 tell the Tribunal anything about that? There is a 14:38
16 suggestion that there isn't enough room to store
17 emails?

18 A. Sorry, I don't understand.

19 376 Q. There's some suggestion that, from time to time, a
20 situation may develop where there isn't room -- 14:38
21 A. Oh, sorry, I understand.

22 377 Q. -- in an individual email account?

23 A. No, basically, every user of our email system is given
24 a storage amount, if that makes sense. It's enterprise
25 storage, it's expensive, so we can't -- it's not like 14:39
26 cloud technology, we can't just say keep working away.
27 So we provide enough storage to allow our members to, I
28 suppose, have instant access to approximately one year
29 of emails, going back one year. They do have to manage

1 their email accounts. If they don't delete them after
2 a certain time period, then their limits start to
3 exceed. And once their limits exceed, they are given
4 warnings about their -- they need to clean down their
5 email mailbox, but if they don't do that after a 14:39
6 certain time period, well then it will basically block
7 them from sending emails. They can still receive
8 emails, but they won't be able to send. Every member
9 has access to the archiving solution, to their own
10 personal archive, so they can go in and retrieve email, 14:40
11 if required.

12 378 Q. Now, in relation to a laptop computer which was
13 assigned to Superintendent Taylor, you gave assistance
14 to the Tribunal in relation to details so as that could
15 be accessed, is that correct? 14:40

16 A. That is correct, yes.

17 379 Q. I think it was encrypted and you assisted the Tribunal
18 insofar as details on how to get into the system?

19 A. Yes, that is correct.

20 380 Q. If you would answer any questions anybody else might 14:40
21 have, please.

22 MS. WARD: No questions.

23 MS. BURNS: No questions, Chairman.

24 CHAIRMAN: Mr. O'Higgins, did you?
25
26
27
28
29

14:40

1 SUPERINTENDENT RYAN WAS EXAMINED BY MR. DONAL

2 McGUI NNESS:

3
4 381 Q. MR. DONAL McGUI NNESS: Just a few quick questions,
5 Superintendent. Just in relation to the identity of 14:40
6 the third computer that you mentioned to the Chairman
7 just now, I have a reference number just for the record
8 in relation to that; it's HQCBOB-XPC-004. That is the
9 computer you're referring to?

10 A. That is correct, yes. 14:41

11 382 Q. And just the second-last set of abbreviations, XPC, can
12 you identify what that refers to?

13 A. XPC?

14 383 Q. Yes.

15 A. Basically, it would be part of our naming convention 14:41
16 that we have for computers. So XP means it was an XP
17 older operating system that we had on the computers.

18 384 Q. And that is one of the ones that was replaced in 2014?

19 A. That would be correct.

20 385 Q. In relation to computers that were in existence in 2014 14:41
21 and the migration of data, could you indicate where
22 data can be stored on, I wouldn't say -- not standalone
23 desktops, but on computers, physical computers, where
24 is data actually stored?

25 A. Yeah. No, there would have been only three locations 14:41
26 on the PCs, which would have been on the desktop, under
27 'my documents', and on the D drive. So there would
28 have been a C and a D drive on the partitions, or that
29 is the way the drive is partitioned back then.

1 386 Q. So the user can choose to save either to the shared
2 drive or to the 'my documents' or to the other
3 locations?
4 A. Again, if they -- at the time, if they had appropriate
5 bandwidth, they would have been provided access to our 14:42
6 central file shares. If they didn't, they wouldn't
7 basically have the access, so they'd only be able to
8 save locally on the device.

9 387 Q. And in relation to the migration of data, was
10 locally-stored information migrated to the new 14:42
11 computer?
12 A. Yes.

13 388 Q. In the transfer over to the new operating system?
14 A. As I said, we had a very comprehensive communications
15 plan and a migration plan. The safeguarding of our 14:42
16 data is paramount to An Garda Síochána and, as I said,
17 there would have been very clear instructions and
18 procedures at that particular time which needed to be
19 followed, and basically that's what happened at the
20 time. 14:43

21 CHAIRMAN: Yes, well, Mr. McGuinness, emails are all
22 archived, so I've got that, but in terms of any data
23 you create on your own computer, let us say a witness
24 statement, or whatever, that certainly would be
25 migrated across if the policy was followed, but you 14:43
26 could always delete it, I suppose, prior to doing that,
27 in which case there would be nothing to migrate, is
28 that correct?
29 MR. DONAL MCGUINNESS: I understand that, Chairman,

1 yes.

2 A. That would be correct.

3 389 Q. Insofar, therefore, as one of the three hard drives in
4 relation to the three computers, one of the hard drives
5 has been handed over to the Tribunal? 14:43

6 A. That is correct.

7 390 Q. The other two are not available. Subject to what the
8 Chairman has said, are you satisfied that the
9 information that was stored on those computers as of
10 those times has been -- is available to the Tribunal? 14:43

11 A. Yes. Anything that's centrally managed is still
12 available.

13 391 Q. In relation to laptops, there is a fairly high degree
14 of obsolescence in relation to them, isn't that
15 correct? 14:44

16 A. That is correct.

17 392 Q. In relation to laptops issued to Nóirín O'Sullivan,
18 most of them were issued while she was Deputy
19 Commissioner of Operations, isn't that correct?

20 A. That would be correct. 14:44

21 393 Q. Are you familiar with the practice that specific
22 laptops might be issued for specific projects or
23 incidents?

24 A. It's possible, yes, that would be possible. Again, I
25 can only go by our asset register. It wouldn't be 14:44
26 unusual for devices to also be looked for, for, I
27 suppose, as you said, particular projects or a
28 particular job.

29 394 Q. And they might, in fact, be used by other members of

1 the team?

2 A. That is correct.

3 395 Q. And in relation to Commissioner O'Sullivan, or former
4 Commissioner O'Sullivan, there weren't any laptops
5 issued during her time as Commissioner, isn't that 14:44
6 correct?

7 A. That is correct.

8 396 Q. They all preceded that appointment. Thank you,
9 Superintendent.

10 A. Thank you. 14:45

11 CHAIRMAN: was there anything else, Ms. Leader?

12

13 SUPERINTENDENT RYAN WAS RE-EXAMINED BY MS. LEADER:

14

15 397 Q. MS. LEADER: The reference to the computer you gave 14:45
16 ending in 004, that was, as I understand it, a computer
17 assigned to former Commissioner O'Sullivan, is that
18 correct?

19 A. Sorry, can you repeat that again?

20 398 Q. The XPC-004 -- 14:45

21 A. Yes.

22 399 Q. -- the one you just gave evidence about, that related
23 to a computer attached to former Commissioner
24 O'Sullivan, is that correct?

25 A. That's -- 14:45

26 CHAIRMAN: One of the three then?

27 A. Yes, that is correct.

28 MS. LEADER: Yes. It's one of the three. And just
29 finally, in relation to the attendance of the Chairman

1 at Garda Headquarters, I think it was under the
2 supervision of Chief Superintendent Brunton, who is
3 scheduled to give evidence this week, is that correct?
4 A. That is correct.
5 400 Q. Yes. Thanks. And that was at the end of July 2017? 14:45
6 A. That is correct.
7 CHAIRMAN: I think just during that time, I presume you
8 would have had very close interaction with the Forensic
9 Service of Northern Ireland, who I think have visited,
10 it's almost on dozens of occasions, to Garda 14:46
11 Headquarters to look at things?
12 A. That is correct, Mr. Chairman.
13 CHAIRMAN: And I certainly have no hint that you have
14 done anything except give your full cooperation, and
15 thank you very much for that. 14:46
16 A. Hopefully. Thank you, Mr. Chairman.
17 MS. LEADER: Thank you very much.
18 A. Thank you.
19 CHAIRMAN: Unless you want to stay there,
20 Superintendent. 14:46
21 A. No, that's it? Thank you.
22
23 THE WITNESS THEN WITHDREW
24
25 MR. McGUI NNESS: The next witness, Chairman, is 14:46
26 Inspector Monaghan.
27
28
29

1 SERGEANT DECLAN MONAGHAN, HAVING BEEN SWORN, WAS
2 DIRECTLY EXAMINED BY MR. MCGUINNESS AS FOLLOWS:

3 401 Q. MR. MCGUINNESS: Sergeant Monaghan, I think you were
4 improperly promoted by Ms. Leader there.

5 A. That'll do. 14:47

6 402 Q. You are Sergeant Monaghan?

7 A. That's correct.

8 403 Q. Can you just outline your qualifications, you have
9 qualifications in the IT field?

10 A. I have, yeah. Prior to joining An Garda Síochána, I 14:47
11 was studying in the University of Ulster, for a BSc in
12 computing and after joining --I was seconded to the
13 Garda IT section in 1999, and on having taken on a
14 Degree in Information Technology, through the Institute
15 of Public Administration and since then I have also 14:47
16 completed a Master's in Criminal Justice Management,
17 through the same place as well.

18 404 Q. Yes. I think you have been sergeant in charge of IT
19 Live Operations in An Garda Síochána in Headquarters,
20 is that correct? 14:48

21 A. I'm attached to the Live Operations in the IT section
22 in Garda Headquarters. I have been there since,
23 September 2011 is when I took on that role.

24 405 Q. September 2011, yes. I think you received a request 14:48
25 through the previous witness from the private secretary
26 of the Commissioner to do a search, to identify all
27 computers used by the Commissioner in a specified time
28 period, being the relevant time period we're concerned
29 with?

1 A. That's correct.

2 406 Q. And that came from Commissioner O'Sullivan office
3 through her private secretary?

4 A. That's correct.

5 407 Q. And she was directing that this be done -- 14:48

6 A. That's correct.

7 408 Q. -- for the purposes of the Tribunal?

8 A. That's correct.

9 409 Q. And I think can you confirm what the previous witness
10 said, that each member would have a username and 14:48
11 password for logging on to any desktop PCs?

12 A. Yes, that's correct.

13 410 Q. And I think you maintain or An Garda Síochána maintains
14 an audit log so that you can check log-in details?

15 A. Well, any member who logs onto the Garda IS domain, 14:49
16 their log-in is tracked through -- they must
17 authenticate with domain controller and that keeps a
18 log of all log-in requests made to that at any time.

19 411 Q. Yes. And I think you were able to verify the log-ins
20 or log-ons engaged in by Commissioner Callinan and 14:49
21 Commissioner O'Sullivan which gave you the details of
22 the PC names and the virtual infrastructure desktop
23 laptops, etcetera?

24 A. That's correct.

25 412 Q. I think you were able to check that against the 14:49
26 configuration management data base, which lists all the
27 assets for networked PCs?

28 A. That, it keeps a track of all assets on the Garda IS
29 domain and it plugs into our service desktop that we

1 have locally. So I can verify the details that I'd get
2 from the audit.

3 413 Q. And between the two checks you can verify the PCs, the
4 serial name, the manufacturer and the model?

5 A. That's correct. 14:50

6 414 Q. And then you can also verify the location of those?

7 A. That's correct. The location details was got from the
8 Windows 7 migration logs --

9 415 Q. Yes?

10 A. -- which showed me the machine name and also what it 14:50
11 was replaced by, but also gave me details on the
12 location as well.

13 416 Q. Yes. And unsurprisingly they were in the
14 Commissioner's office --

15 A. Absolutely. 14:50

16 417 Q. -- isn't that right?

17 A. Yeah.

18 418 Q. Now, we've heard from the previous witness about the
19 replacement or the migration of systems and I think in
20 November of 2014 Commissioner Callinan's previous 14:50
21 desktop was replaced, is that correct?

22 A. That is correct.

23 419 Q. And Commissioner O'Sullivan's desktop was also replaced
24 on the 30th November, is that right?

25 A. That's correct. 14:51

26 420 Q. Or 13th November 2014.

27 A. That's correct.

28 421 Q. And I think the hard drive from that was located and
29 has been provided to the Tribunal?

1 A. I personally located one of the hard drives for
2 HQCBOBXPC003.

3 422 Q. Yes?

4 A. And I located that and I gave that to Superintendent
5 Ryan for safekeeping. 14:51

6 423 Q. Yes. But the laptops then that are relevant, we've
7 heard from the previous witness about them and I think
8 were you able to verify that Commissioner Callinan had
9 purchased the laptop that he had been using on his
10 retirement? 14:51

11 A. I don't think I got the details regarding to the
12 purchase of the laptop --

13 424 Q. Yes?

14 A. -- but I verified from the asset register the list of
15 devices that had been assigned to Commissioner Callinan 14:51
16 and Commissioner O'Sullivan.

17 425 Q. Yes. And that's actually a fairly standard procedure?

18 A. Yeah.

19 426 Q. It wasn't a special procedure for Commissioner
20 Callinan? 14:51

21 A. No, no.

22 427 Q. And the laptop, as I understand it, was valued by An
23 Garda Síochána and he paid for it --

24 A. That would be correct.

25 428 Q. -- at the valuation. Okay. I think you made a second 14:52
26 statement on the 6th November 2017 and you were able to
27 identify log-on dates for Commissioner Callinan's
28 computer, two particular dates, one of the 26th
29 November 2013 and another on the 23rd August 2013, on

1 the Dell OptiPlex which had been one of the replaced
2 ones, is that correct?

3 A. Em... This is in the additional statement?

4 429 Q. Yes. Your statement of the 6th November.

5 A. Yeah. So basically my first statement I provided, the 14:52
6 initial query it was very broad in that it said, it
7 related to computers used by -- details of computers
8 used by the Commissioner from the period 1st July 2012
9 to 31st May 2014, but it didn't specify whether it
10 pertained to Commissioner Callinan or Commissioner 14:53
11 O'Sullivan.

12 430 Q. Yes?

13 A. I got that further clarified, that it was Commissioner
14 O'Sullivan that it pertained to --

15 431 Q. Yes? 14:53

16 A. -- and I provided the details at the time --

17 432 Q. Yes?

18 A. -- pertaining to Commissioner O'Sullivan.

19 433 Q. Yes?

20 A. Subsequent to that, when I was on leave, a further 14:53
21 statement was provided in relation to Commissioner
22 Callinan and on returning from leave and I when was
23 preparing my statement Superintendent Ryan asked me to
24 verify the details of the second report and that's what
25 I have done in my second statement. 14:53

26 434 Q. Yes. And the details showing Commissioner Callinan's
27 log-on to the computer --

28 A. Yes.

29 435 Q. -- is one of the Pulse enabled computers?

1 A. They're all on the Garda IS domain, yes, that's
2 correct.

3 436 Q. But it doesn't follow that he was logged onto Pulse
4 necessarily?

5 A. No, no. 14:53

6 437 Q. There are a number of other applications in addition to
7 it being a normal desktop computer?

8 A. Yeah. So like, the name Pulse workstation is a generic
9 term --

10 438 Q. Yes? 14:54

11 A. -- for a Garda, yes, a client that's attached to the
12 Garda IS domain. There's an awful lot of different
13 systems. Like, there's a service catalogue of many
14 different applications there now, of which Pulse is
15 just one of them. And the likes of email, word 14:54
16 processing and there's other systems that are
17 available, not just Pulse.

18 439 Q. Yes. Just in terms of the migration, obviously and
19 presumably neither Commissioner Callinan or
20 Commissioner O'Sullivan would have had any actual 14:54
21 personal involvement in migrating data from their
22 computer, either onto the new system, is that right?

23 A. I don't know if that is kind of technically right. The
24 way I would see is it is that they would be informed
25 that they could take their own data and back it up for 14:54
26 themselves onto the new PC. But certainly any
27 personnel from my IT section that would have called to
28 their office would have assisted them in any migration
29 of data that needed to take place.

1 440 Q. Yes. But you have no evidence or no reason to suggest
2 that either Commissioner Callinan in 2014 or
3 Commissioner O'Sullivan since migrated any data that
4 isn't in the file share system?

5 A. No.

14:55

6 441 Q. And just going back to the issue of Pulse computers,
7 the Tribunal raised a further query with you as to
8 whether Commissioner Callinan's log-ons in 2013
9 necessarily meant that he was using Pulse and the
10 answer was no?

14:55

11 A. No.

12 442 Q. Thank you.

13 A. Just for completeness there, I did discover that extra
14 PC that Superintendent Ryan --

15 443 Q. Superintendent Ryan is talking about.

14:55

16 A. -- was talking about earlier on, so --

17 444 Q. Yes, thank you.

18

19 MS. WARD: No questions, Chairman.

20 MS. BURNS: No questions, Chairman.

14:55

21

22 WITNESS WAS EXAMINED BY MR. DONAL MCGUINNESS AS

23 FOLLOWS:

24 445 Q. MR. DONAL MCGUINNESS: Just two questions sergeant. In
25 relation to log-ons, when someone logs on to a computer
26 they can remain logged on for a period of time, isn't
27 that correct?

14:55

28 A. That's correct.

29 446 Q. And that's because they don't log off?

1 A. If they don't log off, they can lock their work
2 station, leave for the day, come back the next day and
3 unlock the PC and it will not be recorded in the audit
4 logs.

5 447 Q. In relation to former Commissioner Callinan he also 14:56
6 logged on using VDI access --

7 A. That's correct.

8 448 Q. -- isn't that right?

9 A. That's correct.

10 449 Q. And just for the purposes of explanation, a VDI log-on 14:56
11 is what exactly?

12 A. The VDI --

13 CHAIRMAN: we have it in the courts. It's called
14 Sirius in the courts, would that be the right thing?

15 A. I would think so. Basically what it is, is it provides 14:56
16 access to a desktop and infrastructure that is sitting
17 centrally up in Garda Headquarters.

18 CHAIRMAN: But you're not changing the system that you
19 are logging into, are you?

20 A. No. 14:56

21 CHAIRMAN: You're only changing your own PC?

22 A. It's a standard generic Pulse log-on, Garda IS log-on.

23 CHAIRMAN: It is a package.

24 A. Yeah. It's a Garda IS workstation for all terms and
25 purposes on a dumb terminal. So, it provides people 14:57
26 with the ability to access a Garda IS terminal from a
27 remote location.

28 CHAIRMAN: So, you could be sending emails from your
29 home --

1 A. You can be, yes.

2 CHAIRMAN: -- it looks as if they are being sent from
3 Garda Headquarters but they're not?

4 A. Yes.

5 CHAIRMAN: Like, you could say you're looking at one 14:57
6 o'clock in the morning by virtue of your emails --

7 A. Yeah.

8 CHAIRMAN: -- but it's not proof you were there.

9 A. No, no.

10 MR. DONAL MCGUINNESS: Thank you, sergeant. 14:57

11 CHAIRMAN: Thank you.

12 MR. MCGUINNESS: Thank you, sergeant.

13 A. Thank you.

14

15 THE WITNESS THEN WITHDREW 14:57

16

17 MR. MCGUINNESS: Could we have Garda Darina O'Brien
18 please.

19

20 GARDA DARINA O'BRIEN, HAVING BEEN SWORN, WAS DIRECTLY 14:57
21 EXAMINED BY MR. MCGUINNESS AS FOLLOWS:

22 450 Q. MR. MCGUINNESS: Garda O'Brien, I think you're attached
23 to the IT section in Garda Headquarters and you're
24 attached to the IT Live Operations side as well, isn't
25 that correct? 14:58

26 A. Yes.

27 451 Q. And how long have you been working there?

28 A. I transferred into Garda IT in January '99 and have
29 been working in several departments since then, but

1 have most recently and for the longest period of time
2 been working in IT Operations.

3 452 Q. Yes. And I think you were tasked in August of last
4 year of preparing a report for queries that were raised
5 in relation to former Commissioner Callinan and his 14:58
6 computers --

7 A. Yes.

8 453 Q. -- isn't that correct?
9 A. That's correct.

10 454 Q. And I think you performed a number of searches which 14:58
11 determined, as per your statement of the 9th November,
12 the PC names and details --

13 A. Yes.

14 455 Q. -- that Commissioner Callinan had been using?
15 A. That's correct. 14:59

16 456 Q. I think the desktop that he had been using, which was
17 replaced in 2014, that's ending in 003, I think you
18 searched for that hard drive and it couldn't be
19 located?

20 A. It couldn't be located, no. 14:59

21 457 Q. It couldn't be located. And there's no reason to think
22 that there is anything unusual about its either removal
23 or storage as such?

24 A. No.

25 458 Q. Okay. In relation to the log-ons, I think you were 14:59
26 able to confirm the log-on dates that the previous
27 witness has referred to also, for Commissioner
28 Callinan?

29 A. That's correct, yes.

1 459 Q. And so, that data was still available notwithstanding
2 the inability to locate the previous hard drive?
3 A. No, that was --
4 460 Q. You were able to check the log-on?
5 A. Yeah, that is stored on the audit logs, which is on -- 14:59
6 yeah.
7 461 Q. That is stored on the audit log.
8 CHAIRMAN: Mr. McGuinness, I'm puzzled as to the
9 relevance, if any, of the log-ons. How do the log-ons
10 help me? Because, one of them seems to have been 2017. 15:00
11 MR. MCGUINNESS: No, I don't think so, Chairman.
12 CHAIRMAN: I think somebody said that and I was
13 immediately puzzled.
14 MR. MCGUINNESS: They were both 2013, a date in
15 November and a date in August 2013. 15:00
16 A. Yes, that's correct.
17 CHAIRMAN: Okay, I probably misheard.
18 462 Q. MR. MCGUINNESS: They're the dates in your statement,
19 isn't that correct?
20 A. That's correct. 15:00
21 463 Q. August and November 2013, when the Commissioner was
22 still in place?
23 A. Yes, 2013.
24 464 Q. And do you agree with the evidence of the previous
25 witness, it doesn't follow that Commissioner Callinan 15:00
26 was logged on to Pulse as such, on those dates?
27 A. Yes, that's correct. It's a single sign log-on.
28 465 Q. It's a single sign log-on?
29 A. Yes.

1 466 Q. With a variety of applications that could be accessed,
2 if desired?

3 A. Yes, depending on your --

4 467 Q. And there are separate audit logs for actual use of
5 Pulse, isn't that correct? 15:00

6 A. That's correct.

7 468 Q. Okay. I think in relation to the laptops that were
8 issued to former Commissioner, I think you were able to
9 determine the sequence and identity of the various
10 laptops that had been issued to him. And I think the 15:01
11 last one that he had been issued to him was purchased
12 by him following his retirement?

13 A. That's correct.

14 469 Q. And have you seen the original documentation in
15 relation to that? The re-imaging documentation? 15:01

16 A. The re-imaging.

17 470 Q. Yes?

18 A. No, I haven't seen documentation --

19 471 Q. Yes?

20 A. -- but it would have been done as a matter of course, 15:01
21 that --

22 472 Q. We have a statement from Mr. Bannon, are you familiar
23 with Mr. Bannon?

24 A. Simon Bannon, yes.

25 473 Q. All right. His previous laptop was, according to the 15:01
26 records, re-imaged and re-allocated to Ashbourne
27 incident room, is that correct?

28 A. That's correct.

29 474 Q. I think there are no records relating to the previous

1 laptops which precede the period of interest to the
2 Tribunal, isn't that correct?

3 A. No.

4 MR. McGUI NNESS: Thank you.

15:01

6 MS. WARD: No, questions Chairman.

7 CHAIRMAN: Anybody have any questions?

8 MR. DONAL McGUI NNESS: No questions, Chairman.

9 CHAIRMAN: Again, the same as everybody working in IT,
10 thank you very much for your help.

15:02

11 A. Thank you very much, Chairman.

12

13 THE WITNESS THEN WITHDREW

14

15 MR. McGUI NNESS: Chairman, that is the list of
16 witnesses for today.

15:02

17 CHAIRMAN: Sure. would you mind going through the
18 witness list then for tomorrow, Mr. McGuinness, if
19 possible, please.

20 MR. McGUI NNESS: Yes. we have the two FSNI witnesses,
21 Ms. Elaine Strachan and Mr. Mark McConnell from the
22 FSNI.

15:02

23 CHAIRMAN: Yes.

24 MR. McGUI NNESS: Then on Friday we have former Chief
25 Superintendent Peter Kirwan and Detective
26 Superintendent Brian Brunton.

15:02

27 CHAIRMAN: Yes. And then next week, have we settled on
28 a witness list, more or less indicatively?

29 MR. McGUI NNESS: Next week we're commencing with

1 Superintendent David Taylor and then we also hope to
2 start former Commissioner Callinan on perhaps Thursday,
3 continuing on to Friday.

4 CHAIRMAN: Yes. All right. Thank you very much.
5 Sorry vis-à-vis tomorrow I just might say after having 15:03
6 -- again I just apologise, I am embarrassed by keeping
7 everyone hanging around this morning, thoughtlessness
8 on my part is part of it. But tomorrow, I have
9 something else to do at 9:30 across the courtyard, so
10 it will be 10:30, but I promise to be here. There it 15:03
11 is.

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THE TRIBUNAL THEN ADJOURNED UNTIL THURSDAY, 10TH MAY
2018 AT 10:30AM

	88:1 1997 [1] - 88:5 1999 [1] - 112:13 19th [1] - 6:24 1:00 [3] - 19:27, 20:3 1st [2] - 92:2, 116:8	14:21, 20:19, 73:11, 91:16, 96:12, 99:15, 111:5, 115:26, 122:10 2018 [3] - 1:18, 6:2, 125:14 21 [1] - 2:25 21st [2] - 10:1, 20:18 2339 [1] - 73:27 2388 [1] - 68:21 2391 [1] - 24:9 2395 [1] - 48:27 23rd [3] - 77:28, 102:10, 115:29 24 [1] - 4:14 25th [1] - 68:19 26th [1] - 115:28 27th [1] - 36:18 2837 [1] - 6:26 2865 [1] - 73:12 2866 [1] - 68:13 2869 [1] - 9:27 2872 [1] - 24:4 28th [1] - 24:7 29th [1] - 102:12	99:15, 101:26, 115:26, 116:4	51:10, 54:28, 58:9, 64:8, 65:16, 66:25, 79:19, 81:1, 84:17, 85:1, 85:22, 85:28, 114:15 abuse [1] - 73:23 accept [1] - 48:8 access [27] - 23:6, 31:12, 42:18, 42:20, 86:14, 86:27, 90:26, 91:17, 93:7, 93:18, 93:22, 93:29, 94:7, 94:14, 94:18, 103:6, 103:11, 103:15, 103:19, 103:23, 105:28, 106:9, 108:5, 108:7, 119:6, 119:16, 119:26 accessed [4] - 100:14, 106:15, 123:1 accessing [1] - 68:28 accompanying [1] - 46:10 according [2] - 38:20, 123:25 account [8] - 58:2, 59:19, 59:21, 98:4, 104:21, 105:2, 105:4, 105:22 accounted [1] - 99:19 accounts [2] - 105:11, 106:1 Accounts [2] - 71:7, 78:29 accurate [3] - 74:2, 75:15, 75:21 acronym [1] - 90:29 Act [1] - 40:1 ACT [2] - 1:4, 1:9 act [1] - 45:24 acted [1] - 39:21 acting [2] - 57:9, 75:1 action [1] - 1:28 activity [1] - 8:20 ACTIVITY [1] - 3:29 actual [4] - 62:2, 86:29, 117:20, 123:4 acutely [1] - 96:24 add [3] - 36:24, 55:25, 97:24 addition [1] - 117:6 additional [1] - 116:3 address [1] - 47:26 adduced [2] - 60:25, 60:29 ADJOURNED [2] - 67:20, 125:13
'14 [1] - 100:23 '99 [1] - 120:28 'did [1] - 53:20 'my [2] - 107:27, 108:2 'oh [1] - 39:7 'three [1] - 11:19 'was [1] - 37:26 'we [3] - 10:19, 10:20, 35:20	2 2 [5] - 2:25, 3:6, 3:10, 3:31, 3:32 20 [3] - 32:24, 39:10, 62:25 2000 [4] - 73:6, 89:23, 89:25, 89:26 2001 [3] - 101:16, 101:23, 101:25 2004 [2] - 24:19, 24:22 2006 [3] - 72:1, 99:14, 101:27 2007 [2] - 6:13, 101:28 2008 [2] - 6:18, 68:10 2009 [4] - 24:26, 99:16, 102:1, 102:10 2010 [4] - 99:16, 99:17, 104:27 2011 [3] - 102:12, 112:23, 112:24 2012 [8] - 25:8, 69:26, 92:2, 92:4, 94:25, 97:8, 102:1, 116:8 2012-2014 [1] - 103:5 2013 [18] - 6:21, 8:8, 8:21, 10:1, 20:18, 25:7, 36:18, 71:28, 76:16, 78:12, 78:15, 115:29, 118:8, 122:14, 122:15, 122:21, 122:23 2014 [28] - 1:4, 13:20, 14:6, 17:4, 17:16, 33:23, 34:2, 44:11, 49:23, 71:2, 71:28, 76:16, 77:28, 78:14, 78:15, 92:2, 92:5, 92:8, 92:10, 94:25, 97:8, 107:18, 107:20, 114:20, 114:26, 116:9, 118:2, 121:17 2015 [3] - 24:8, 68:19, 88:9 2016 [1] - 99:15 2017 [14] - 1:6, 1:10, 6:24, 9:24, 13:18,	3 30th [2] - 99:15, 114:24 31st [3] - 92:2, 92:5, 116:9 32 [1] - 2:12 37 [1] - 4:15 371 [1] - 69:7 3892 [1] - 36:6 39 [1] - 4:16 3:00 [3] - 20:4, 20:11, 20:12	7 7 [7] - 2:12, 2:29, 92:15, 97:16, 100:23, 100:24, 114:8 71 [1] - 1:18 73 [1] - 4:23 760 [1] - 69:5 7:00 [7] - 19:21, 19:23, 19:27, 20:3, 20:4, 20:5, 20:12 7:00am [1] - 27:10	
0		3	8 8 [2] - 2:20, 3:20 81 [1] - 4:24 86 [1] - 4:27 87 [1] - 4:30	
003 [1] - 121:17 004 [1] - 110:16		4 4314 [1] - 87:7 470 [1] - 69:6	8	
1		5 5:00 [3] - 19:24, 20:3, 20:4 5th [1] - 14:21	9 9 [4] - 4:5, 4:8, 24:11, 68:21 9:00 [3] - 19:24, 20:4 9:30 [1] - 125:9 9th [2] - 9:24, 121:11 9TH [2] - 1:18, 6:1	
1 [2] - 3:26, 14:18 10 [2] - 101:1, 101:3 100 [1] - 84:11 107 [1] - 4:31 10:00 [1] - 19:23 10:30 [1] - 125:10 10:30AM [1] - 125:14 10TH [1] - 125:13 110 [1] - 4:32 112 [1] - 5:2 116 [1] - 14:17 118 [1] - 5:3 11:00 [7] - 19:26, 19:28, 20:3, 20:5, 20:11, 27:10, 41:3 11th [2] - 73:11, 100:23 12 [1] - 14:23 12-hour [1] - 18:7 120 [1] - 5:6 127 [3] - 14:22, 14:24, 15:4 12th [2] - 13:16, 20:19 13th [2] - 91:15, 114:26 14 [1] - 4:9 15th [1] - 101:24 16 [2] - 1:6, 87:8 16th [1] - 102:1 17 [4] - 1:10, 4:10, 101:18 18 [2] - 2:28, 4:11 1921 [1] - 1:10 1984 [1] - 24:15 1994 [5] - 24:16, 24:17, 24:18, 87:26,		6 6 [1] - 4:4 6/11/2012 [1] - 102:9 63 [1] - 4:17 68 [1] - 4:20 6th [5] - 68:13,	A abbreviations [1] - 107:11 abide [1] - 54:20 ability [3] - 44:4, 95:16, 119:26 able [30] - 10:13, 32:10, 33:5, 41:7, 43:17, 68:23, 92:9, 93:9, 93:23, 95:16, 95:17, 95:22, 96:22, 97:12, 97:13, 98:23, 100:28, 101:2, 103:15, 104:8, 105:6, 106:8, 108:7, 113:19, 113:25, 115:8, 115:26, 121:26, 122:4, 123:8 above-named [1] - 1:27 abrupt [1] - 43:24 absolutely [19] - 26:29, 31:20, 35:8, 35:14, 39:3, 51:7,	

<p>administration [1] - 112:15</p> <p>administrative [1] - 6:13</p> <p>adults [1] - 41:14</p> <p>advanced [2] - 56:23, 57:25</p> <p>advances [1] - 103:14</p> <p>advised [2] - 35:9, 35:24</p> <p>AFTER [1] - 68:1</p> <p>afternoon [2] - 49:10, 67:16</p> <p>afterwards [1] - 38:15</p> <p>ago [1] - 37:28</p> <p>agree [1] - 122:24</p> <p>air [2] - 86:24, 86:25</p> <p>ALAN [4] - 4:7, 4:26, 9:21, 86:10</p> <p>Alan [4] - 9:18, 27:9, 41:2, 86:6</p> <p>alert [2] - 44:24</p> <p>ALISON [2] - 2:17, 2:27</p> <p>allegation [11] - 13:22, 15:20, 54:4, 65:27, 71:28, 73:19, 78:5, 80:7, 84:26, 87:20</p> <p>allegations [2] - 37:17, 38:23</p> <p>alleged [2] - 60:14, 83:25</p> <p>allegedly [1] - 66:1</p> <p>alleges [1] - 84:23</p> <p>alleging [2] - 37:28, 81:3</p> <p>allocate [1] - 99:9</p> <p>allocated [6] - 102:2, 102:8, 103:9, 103:13, 123:26</p> <p>allocation [3] - 102:5, 102:8, 103:13</p> <p>allow [1] - 105:27</p> <p>almost [4] - 26:13, 45:25, 90:29, 111:10</p> <p>alone [1] - 59:28</p> <p>amateur [1] - 50:6</p> <p>amazed [1] - 101:10</p> <p>ambit [1] - 60:15</p> <p>amount [1] - 105:24</p> <p>analyse [2] - 30:10, 30:16</p> <p>analysis [2] - 59:19, 59:26</p> <p>AND [4] - 1:4, 1:5, 1:9, 3:2</p> <p>Andrew [13] - 16:14,</p>	<p>16:20, 17:24, 19:2, 45:10, 45:29, 58:27, 64:24, 64:29, 65:14, 75:3, 79:12, 84:25</p> <p>anecdotally [1] - 11:3</p> <p>answer [17] - 6:25, 10:19, 14:10, 14:24, 15:4, 15:24, 15:26, 16:11, 17:28, 21:10, 37:6, 52:14, 55:1, 62:27, 86:13, 106:20, 118:10</p> <p>answered [1] - 29:24</p> <p>answering [3] - 10:11, 10:12, 29:27</p> <p>Anthony [1] - 68:3</p> <p>ANTHONY [2] - 4:19, 68:5</p> <p>anticipating [1] - 56:1</p> <p>anyhow [2] - 12:13, 18:20</p> <p>anyway [9] - 20:25, 21:5, 42:18, 44:29, 47:24, 47:27, 49:7, 49:11, 97:2</p> <p>apart [2] - 45:28, 51:23</p> <p>apologies [4] - 6:4, 86:18, 87:3, 87:29</p> <p>apologise [2] - 79:14, 125:6</p> <p>appear [8] - 9:3, 12:7, 12:12, 37:1, 45:16, 73:28, 84:13, 104:3</p> <p>appearance [2] - 71:6, 78:28</p> <p>APPEARANCES [1] - 2:1</p> <p>appeared [5] - 12:16, 12:26, 30:13, 32:21, 52:11</p> <p>appellation [1] - 18:3</p> <p>application [4] - 57:27, 58:15, 90:12</p> <p>applications [10] - 88:27, 90:2, 90:3, 90:6, 90:15, 90:16, 90:17, 117:6, 117:14, 123:1</p> <p>apply [1] - 55:10</p> <p>appointment [1] - 110:8</p> <p>appreciate [1] - 41:10</p> <p>approach [2] - 27:23, 81:28</p> <p>approached [1] -</p>	<p>49:1</p> <p>appropriate [6] - 59:26, 74:13, 84:16, 93:9, 94:1, 108:4</p> <p>approve [2] - 28:20, 79:26</p> <p>approved [2] - 7:26, 28:21</p> <p>April [1] - 34:2</p> <p>archive [2] - 104:8, 106:10</p> <p>archived [2] - 105:3, 108:22</p> <p>archiving [6] - 104:24, 104:26, 104:29, 105:5, 105:8, 106:9</p> <p>area [5] - 19:6, 19:14, 23:14, 23:15, 88:4</p> <p>arguably [1] - 57:6</p> <p>argument [1] - 57:25</p> <p>arise [3] - 59:13, 59:16, 63:9</p> <p>arises [1] - 56:21</p> <p>arising [3] - 37:17, 42:14, 91:8</p> <p>army [1] - 66:27</p> <p>arose [1] - 80:8</p> <p>aroused [1] - 70:12</p> <p>ARRAN [1] - 2:12</p> <p>arrangements [1] - 102:14</p> <p>arrested' [1] - 11:20</p> <p>arrests [2] - 11:17, 11:19</p> <p>arrive [1] - 9:29</p> <p>arrived [6] - 10:4, 25:7, 26:4, 32:14, 69:26, 74:28</p> <p>article [2] - 30:12, 37:14</p> <p>articles [6] - 30:7, 30:19, 31:5, 33:29, 34:5, 37:14</p> <p>AS [5] - 6:1, 68:1, 112:2, 118:22, 120:21</p> <p>Ashbourne [2] - 102:8, 123:26</p> <p>aside [1] - 43:24</p> <p>aspect [3] - 17:3, 82:6, 83:8</p> <p>assault [5] - 13:22, 37:24, 37:28, 39:5, 78:8</p> <p>assessed [1] - 59:28</p> <p>asset [4] - 96:1, 99:6, 109:25, 115:14</p> <p>assets [2] - 113:27, 113:28</p>	<p>assigned [11] - 21:14, 87:14, 98:16, 98:21, 98:22, 98:28, 99:22, 104:21, 106:13, 110:17, 115:15</p> <p>assignment [1] - 87:25</p> <p>assist [4] - 15:27, 33:5, 44:3, 44:21</p> <p>assistance [3] - 33:11, 35:1, 106:13</p> <p>assistant [3] - 21:12, 21:14, 86:28</p> <p>assisted [3] - 68:28, 106:17, 117:28</p> <p>ASSOCIATED [1] - 3:12</p> <p>associated [1] - 102:27</p> <p>assume [1] - 94:19</p> <p>assure [1] - 62:27</p> <p>AT [1] - 125:14</p> <p>atmosphere [5] - 26:21, 26:25, 28:28, 29:9, 42:29</p> <p>attached [10] - 31:21, 49:1, 49:17, 68:9, 73:5, 110:23, 112:21, 117:11, 120:22, 120:24</p> <p>attaching [2] - 51:6, 51:29</p> <p>attempting [1] - 58:19</p> <p>attendance [1] - 110:29</p> <p>attention [4] - 7:29, 17:23, 47:18, 70:23</p> <p>attestment [1] - 88:2</p> <p>attic [3] - 22:4, 22:6, 22:7</p> <p>attitude [1] - 78:2</p> <p>audit [7] - 97:26, 113:14, 114:2, 119:3, 122:5, 122:7, 123:4</p> <p>August [9] - 6:20, 8:8, 8:21, 44:11, 102:12, 115:29, 121:3, 122:15, 122:21</p> <p>AUGUSTUS [1] - 2:28</p> <p>authenticate [1] - 113:17</p> <p>automatic [1] - 64:19</p> <p>available [15] - 25:20, 25:25, 48:8, 89:1, 89:28, 90:6, 90:13, 93:20, 103:1, 103:21, 109:7,</p>	<p>109:10, 109:12, 117:17, 122:1</p> <p>aware [55] - 8:5, 12:27, 13:4, 13:27, 13:29, 14:8, 15:9, 16:8, 16:15, 17:6, 21:13, 22:14, 31:25, 31:26, 32:29, 33:23, 33:25, 33:28, 34:4, 34:7, 34:16, 34:18, 34:22, 35:2, 35:4, 42:27, 45:11, 47:9, 47:28, 58:20, 58:27, 58:28, 59:12, 62:19, 63:15, 66:7, 66:13, 66:29, 67:3, 70:23, 71:28, 72:15, 73:15, 73:24, 73:25, 74:19, 78:7, 78:8, 81:16, 89:25, 95:25, 96:24, 102:29, 103:1, 103:3</p> <p>awful [1] - 117:12</p>
B				
<p>backed [5] - 46:12, 47:21, 48:5, 96:16, 105:14</p> <p>background [6] - 13:21, 53:29, 56:10, 56:11, 56:13, 58:23</p> <p>backing [1] - 105:14</p> <p>bad [3] - 27:1, 29:2, 60:13</p> <p>badly [2] - 28:27, 100:2</p> <p>bandwidth [3] - 93:9, 94:1, 108:5</p> <p>bannon [3] - 123:22, 123:23, 123:24</p> <p>bar [1] - 104:7</p> <p>barristers' [1] - 6:5</p> <p>base [1] - 113:26</p> <p>based [1] - 90:6</p> <p>basic [1] - 93:25</p> <p>basis [9] - 27:13, 27:19, 29:13, 33:2, 36:4, 48:16, 53:24, 59:28, 65:12</p> <p>bathrooms [1] - 41:24</p> <p>became [6] - 13:26, 13:27, 26:16, 32:15, 41:12</p> <p>become [4] - 33:25, 75:25, 92:13, 103:25</p> <p>becomes [1] - 27:11</p> <p>BEEN [9] - 6:10, 9:21, 24:1, 68:5, 73:1,</p>				

<p>86:10, 87:10, 112:1, 120:20 behalf [1] - 9:3 behaved [1] - 54:27 belongings [2] - 43:14, 43:24 benefit [4] - 9:24, 9:27, 24:5, 85:15 best [1] - 44:3 better [3] - 13:28, 39:26, 40:10 between [15] - 14:24, 26:24, 26:26, 43:1, 53:18, 60:4, 64:24, 65:8, 65:22, 79:8, 79:9, 83:4, 92:4, 95:20, 114:3 beyond [3] - 19:13, 77:20, 80:2 big [3] - 18:28, 77:20, 90:2 biggest [2] - 43:9, 93:3 bit [9] - 15:14, 21:17, 26:16, 30:5, 46:21, 55:8, 64:27, 77:2, 77:26 bits [1] - 62:20 bizarre [1] - 53:1 BL [9] - 2:7, 2:10, 2:16, 2:16, 2:17, 2:23, 2:27, 2:31, 3:3 blacken [1] - 58:19 blanket [1] - 44:25 bleed [1] - 75:14 bleeding [1] - 75:24 block [8] - 18:26, 22:11, 23:4, 23:5, 51:14, 86:22, 86:26, 106:6 Bloggs [1] - 37:27 blue [3] - 18:28, 23:10, 86:21 book [1] - 25:20 boss [2] - 7:14, 9:8 bought [1] - 102:13 bound [3] - 54:12, 54:13, 54:14 BOW [1] - 2:28 Brady [1] - 24:8 branch [1] - 20:20 break [2] - 66:23, 67:17 breaking [2] - 36:1, 36:2 breeze [1] - 51:14 BREFFNI [1] - 2:10 Brenda [2] - 19:11, 21:17 Brian [2] - 68:20,</p>	<p>124:26 brief [7] - 13:3, 15:1, 15:8, 16:21, 68:14, 73:10, 81:19 briefing [3] - 45:14, 75:12, 75:18 briefings [1] - 72:12 briefly [1] - 53:6 bringing [1] - 102:24 broad [1] - 116:6 broadcasting [1] - 62:19 broadly [2] - 42:26, 44:19 BRODERICK [1] - 3:24 broke [1] - 81:2 broken [1] - 54:15 brought [2] - 47:18, 82:14 Browne [2] - 58:6, 58:15 Brunton [2] - 111:2, 124:26 BSc [1] - 112:11 bugs [1] - 66:28 building [2] - 18:26, 22:6 bulletin [1] - 36:3 Burns [1] - 9:2 BURNS [20] - 2:22, 4:5, 9:1, 9:2, 14:13, 39:14, 59:10, 60:17, 61:15, 61:21, 62:8, 62:11, 62:14, 62:21, 62:26, 63:7, 72:19, 81:22, 106:23, 118:20 burns [4] - 54:23, 58:13, 62:6, 63:19 business [2] - 57:21, 83:6 busy [4] - 45:3, 71:17, 72:13, 77:19 buy [1] - 102:15 buzz [1] - 82:23 BY [50] - 1:5, 1:8, 2:11, 2:17, 2:23, 2:28, 2:32, 3:4, 3:14, 4:4, 4:5, 4:8, 4:9, 4:10, 4:11, 4:14, 4:15, 4:16, 4:17, 4:20, 4:23, 4:24, 4:27, 4:30, 4:31, 4:32, 5:2, 5:3, 5:6, 6:11, 9:1, 9:22, 14:15, 17:1, 18:5, 24:2, 37:9, 39:17, 63:29, 68:6, 73:2, 81:24, 86:11, 87:11, 107:1, 110:13, 112:2, 118:22, 120:21 bypassed [1] - 65:15</p>	<p style="text-align: center;">C</p> <p>Callinan [35] - 15:6, 15:10, 15:29, 16:9, 32:20, 32:21, 58:25, 58:26, 73:21, 78:29, 79:5, 84:22, 94:14, 100:12, 100:18, 101:16, 101:21, 102:13, 104:14, 104:17, 105:10, 113:20, 115:8, 115:15, 115:20, 116:10, 116:22, 117:19, 118:2, 119:5, 121:5, 121:14, 121:28, 122:25, 125:2 Callinan's [6] - 91:20, 104:3, 114:20, 115:27, 116:26, 118:8 camera [3] - 82:10, 82:16, 82:17 campaign [15] - 8:3, 8:5, 13:2, 35:5, 35:7, 73:21, 81:8, 81:17, 84:21, 84:29, 85:8, 85:9, 85:10, 85:18 cannot [2] - 53:28, 101:7 capable [2] - 101:1, 101:5 captured [1] - 104:29 car [2] - 18:24, 22:24 card [11] - 41:21, 41:25, 48:29, 49:11, 49:26, 49:28, 50:2, 50:21, 51:17, 51:18, 61:6 care [1] - 59:24 career [1] - 87:24 careful [5] - 59:19, 59:24, 61:3, 77:5, 80:17 carry [2] - 82:7, 84:22 CARTHAGE [1] - 2:23 case [21] - 10:15, 10:26, 11:14, 25:12, 27:17, 41:12, 43:23, 44:6, 56:1, 56:22, 60:16, 65:5, 65:13, 73:23, 75:23, 76:20, 78:4, 80:3, 98:7, 103:4, 108:27 cases [5] - 10:25, 10:28, 28:2, 28:6, 28:10 CASTLE [1] - 1:17</p>	<p>catalogue [2] - 90:2, 117:13 caused [2] - 52:16, 52:22 cellotaped [1] - 49:15 central [8] - 53:14, 93:7, 93:20, 94:2, 94:4, 94:15, 103:27, 108:6 centrally [5] - 93:10, 94:2, 103:29, 109:11, 119:17 centrally-managed [1] - 93:10 Centre [2] - 87:15, 88:22 centre [11] - 18:26, 22:11, 86:22, 86:26, 88:7, 95:24, 101:26, 101:28, 101:29, 102:11 centres [1] - 89:7 CERTAIN [1] - 1:4 certain [17] - 26:26, 32:2, 42:14, 44:20, 47:23, 48:2, 52:24, 52:26, 59:4, 68:25, 77:25, 78:16, 91:8, 95:27, 106:2, 106:6 certainly [19] - 14:5, 27:2, 28:17, 33:27, 34:21, 37:4, 38:5, 39:8, 51:17, 51:20, 56:9, 57:16, 61:2, 61:23, 63:13, 71:2, 108:24, 111:13, 117:26 certify [1] - 1:25 chair [2] - 43:5, 64:3 Chair [57] - 13:8, 13:11, 13:26, 16:23, 18:19, 24:20, 24:23, 25:2, 25:18, 25:28, 26:2, 26:6, 26:15, 28:2, 29:14, 29:21, 31:3, 31:7, 31:13, 33:8, 33:24, 34:27, 35:4, 35:8, 35:11, 36:28, 37:5, 39:23, 42:5, 42:13, 42:19, 42:28, 43:8, 44:15, 44:18, 44:25, 46:24, 46:28, 47:22, 48:14, 50:22, 50:29, 52:3, 52:15, 52:18, 52:23, 66:7, 66:25, 67:3, 68:25, 72:21, 73:18, 74:2, 81:16, 86:18, 88:19</p>	<p>chairman [1] - 61:15 Chairman [41] - 9:14, 14:12, 14:13, 39:14, 46:17, 52:6, 57:24, 59:10, 60:28, 62:12, 62:28, 62:29, 63:7, 72:19, 72:20, 79:23, 81:22, 85:1, 85:11, 85:19, 86:14, 90:28, 95:13, 96:13, 97:25, 100:20, 106:23, 107:6, 108:29, 109:8, 110:29, 111:12, 111:16, 111:25, 118:19, 118:20, 122:11, 124:6, 124:8, 124:11, 124:15 CHAIRMAN [121] - 4:11, 4:17, 6:4, 17:22, 17:27, 18:1, 18:5, 18:6, 18:22, 18:24, 20:7, 20:10, 20:13, 20:15, 20:20, 20:22, 20:25, 20:28, 21:6, 21:8, 21:16, 21:20, 21:28, 22:5, 22:8, 22:16, 22:22, 22:24, 22:27, 23:2, 23:4, 23:6, 23:16, 23:19, 39:15, 46:15, 48:4, 48:10, 48:12, 48:18, 48:21, 48:24, 50:5, 51:11, 52:4, 52:7, 53:6, 55:23, 56:19, 57:29, 60:2, 61:9, 61:16, 62:5, 62:9, 62:13, 62:15, 62:23, 63:3, 63:17, 63:29, 64:1, 64:4, 64:7, 64:9, 64:18, 64:21, 64:23, 65:14, 65:21, 66:16, 66:20, 66:26, 67:1, 67:4, 67:7, 67:11, 67:17, 69:17, 69:20, 69:23, 85:6, 85:12, 85:20, 85:23, 85:25, 86:2, 86:19, 86:24, 87:1, 87:4, 87:17, 96:7, 98:2, 98:5, 101:8, 106:24, 108:21, 110:11, 110:26, 111:7, 111:13, 111:19, 119:13, 119:18, 119:21, 119:23, 119:28, 120:2, 120:5, 120:8, 120:11, 122:8, 122:12, 122:17, 124:7, 124:9, 124:17, 124:23, 124:27, 125:4 Chairman's [1] -</p>
--	--	---	--	--

<p>85:15 challenge [8] - 54:25, 55:16, 55:18, 55:20, 56:15, 61:4, 61:24, 61:27 challenged [3] - 55:15, 57:28, 58:3 challenging [1] - 62:3 CHAMBERS [1] - 2:24 change [1] - 79:14 changed [2] - 82:11, 90:1 changes [4] - 26:4, 64:1, 64:11 changing [2] - 119:18, 119:21 character [1] - 57:3 charge [6] - 20:23, 38:12, 49:3, 83:19, 93:1, 112:18 charged [2] - 11:20, 11:24 CHARLETON [2] - 1:12, 2:2 check [3] - 113:14, 113:25, 122:4 checked [1] - 104:8 checks [1] - 114:3 Chief [2] - 83:23, 111:2 CHIEF [1] - 2:18 chief [1] - 124:24 child [1] - 44:24 chitchat [1] - 75:9 choose [1] - 108:1 Chrissie [3] - 74:5, 74:9, 74:18 Ciaran [1] - 21:24 circumstances [1] - 66:23 civilian [11] - 19:8, 19:22, 19:24, 19:26, 21:25, 32:15, 35:16, 37:21, 40:6, 74:14 civilians [2] - 18:15, 20:4 claims [1] - 8:4 clarification [2] - 63:18, 70:15 clarified [1] - 116:13 clarifies [1] - 63:17 clarify [4] - 15:6, 15:28, 66:10, 94:27 clean [1] - 106:4 clear [3] - 54:28, 76:28, 108:17 cleared [3] - 38:11, 39:5, 45:29</p>	<p>clearing [1] - 65:28 clearly [5] - 56:24, 60:24, 61:28, 85:15, 93:13 Clerkin [21] - 24:7, 24:18, 26:12, 29:1, 30:2, 33:5, 44:10, 50:15, 52:1, 52:17, 56:9, 59:13, 59:23, 60:24, 61:22, 61:25, 61:28, 68:19, 73:26, 82:2, 83:24 client [6] - 58:19, 59:27, 103:23, 105:7, 117:11 client's [1] - 59:17 clippings [4] - 7:4, 30:9, 76:2, 76:9 close [7] - 32:19, 32:22, 49:21, 61:13, 74:23, 85:23, 111:8 closing [1] - 83:16 cloud [1] - 105:26 club [2] - 22:19, 34:14 Code [1] - 26:1 coffee [1] - 35:19 coherent [1] - 46:18 coin [1] - 40:26 colleague [3] - 27:9, 31:27, 34:19 colleagues [6] - 34:21, 39:28, 40:19, 41:16, 48:2, 85:17 colleagues' [1] - 41:17 college [1] - 88:13 collisions [1] - 31:23 Colm [1] - 36:9 colourful [1] - 51:25 comfortable [1] - 26:28 coming [9] - 7:24, 11:12, 19:29, 38:7, 56:9, 62:21, 66:9, 71:18, 72:10 comings [1] - 25:3 commencement [1] - 14:18 commencing [1] - 124:29 comment [9] - 8:19, 10:19, 10:20, 10:27, 11:1, 11:9, 11:14, 27:25, 39:20 COMMISSIONER [1] - 2:14 Commissioner [86] - 15:6, 15:7, 15:10, 15:28, 16:9, 22:8,</p>	<p>22:11, 32:19, 32:20, 32:26, 33:1, 54:19, 57:19, 58:25, 58:26, 64:10, 64:13, 73:20, 78:28, 79:5, 80:28, 80:29, 84:22, 84:24, 91:11, 91:20, 94:13, 94:14, 94:23, 97:6, 97:10, 97:13, 98:3, 98:12, 98:28, 99:14, 99:23, 100:12, 100:18, 101:15, 101:21, 102:13, 104:2, 104:14, 104:17, 105:9, 105:10, 109:19, 110:3, 110:4, 110:5, 110:17, 110:23, 112:26, 112:27, 113:2, 113:20, 113:21, 114:20, 114:23, 115:8, 115:15, 115:16, 115:19, 115:27, 116:8, 116:10, 116:13, 116:18, 116:21, 116:26, 117:19, 117:20, 118:2, 118:3, 118:8, 119:5, 121:5, 121:14, 121:27, 122:21, 122:25, 123:8, 125:2 commissioner's [1] - 86:28 Commissioner's [18] - 22:15, 22:28, 23:8, 23:15, 24:24, 24:26, 32:28, 34:11, 34:12, 34:15, 60:25, 63:13, 86:15, 86:27, 92:4, 98:13, 98:14, 114:14 commissioners [3] - 64:14, 97:6, 99:10 commit [1] - 49:5 Committee [2] - 71:7, 78:29 commonly [1] - 19:10 communicated [1] - 66:15 communication [3] - 37:4, 49:21, 65:8 communications [12] - 15:21, 16:20, 45:10, 47:19, 64:29, 65:6, 65:9, 79:11, 84:25, 93:12, 95:11, 108:14 community [1] - 88:3 COMPANY [2] - 2:11,</p>	<p>3:29 complaints [3] - 70:27, 70:29, 96:15 complemented [1] - 65:3 completed [3] - 88:17, 97:17, 112:16 completely [4] - 17:29, 46:12, 51:26, 59:25 completeness [2] - 97:25, 118:13 completion [1] - 96:5 complimentary [1] - 77:15 comprehensive [3] - 93:12, 95:10, 108:14 compromise [1] - 32:1 compromised [3] - 45:8, 45:12, 47:17 compromising [1] - 31:26 computer [36] - 36:7, 42:12, 48:10, 68:22, 87:19, 89:13, 89:29, 90:19, 90:20, 90:23, 90:24, 91:1, 92:24, 93:26, 93:27, 94:3, 96:17, 98:8, 98:15, 98:17, 98:20, 101:4, 106:12, 107:6, 107:9, 108:11, 108:23, 110:15, 110:16, 110:23, 115:28, 116:27, 117:7, 117:22, 118:25 computers [34] - 19:5, 89:12, 89:14, 89:15, 90:25, 91:12, 92:4, 92:12, 92:20, 92:29, 93:17, 94:24, 95:4, 95:7, 97:4, 97:7, 97:20, 98:23, 100:13, 100:29, 103:28, 107:16, 107:17, 107:20, 107:23, 109:4, 109:9, 112:27, 116:7, 116:29, 118:6, 121:6 computing [1] - 112:12 concept [1] - 48:5 concern [5] - 52:16, 52:22, 63:8, 74:17, 77:22 concerned [8] - 12:25, 15:9, 17:2, 21:13, 45:15, 74:4, 76:9, 112:28</p>	<p>concerning [6] - 42:24, 46:3, 52:11, 71:1, 76:15, 78:24 concerns [7] - 42:14, 45:22, 46:20, 70:24, 74:28, 75:4, 75:6 concise [1] - 66:11 conclusion [1] - 60:12 conduct [2] - 40:21, 60:13 conducted [1] - 9:4 confidence [1] - 66:23 confidential [1] - 40:14 configuration [1] - 113:26 confined [1] - 92:16 confines [1] - 53:11 confirm [13] - 16:13, 37:16, 37:18, 37:22, 37:25, 38:1, 94:18, 100:17, 101:7, 104:5, 105:9, 113:9, 121:26 confirmation [2] - 38:12, 65:26 confirmed [1] - 38:22 conflict [1] - 65:21 CONLON [1] - 2:23 CONNAUGHTON [2] - 4:19, 68:5 Connaughton [3] - 68:3, 68:8, 69:24 connection [3] - 37:21, 103:18, 103:26 connections [1] - 103:22 connivance [1] - 84:24 connotation [1] - 51:6 CONOR [3] - 2:15, 3:14, 3:30 conscious [1] - 44:1 consider [1] - 57:16 considerably [1] - 96:11 considered [1] - 75:17 considering [1] - 39:22 constant [1] - 62:11 contact [11] - 11:4, 14:29, 27:21, 32:25, 52:13, 52:27, 62:11, 62:14, 62:28, 74:5, 74:18 contacted [4] -</p>
---	--	--	---	---

<p>37:15, 38:21, 44:12, 49:24</p> <p>contacting [3] - 52:24, 79:18, 79:20</p> <p>contacts [1] - 75:6</p> <p>contained [2] - 61:25, 92:29</p> <p>content [2] - 30:12, 30:20</p> <p>context [4] - 51:28, 56:12, 71:15, 87:19</p> <p>continuing [1] - 125:3</p> <p>contrast [1] - 82:29</p> <p>control [3] - 53:24, 83:8, 83:21</p> <p>controller [1] - 113:17</p> <p>controlling [1] - 83:7</p> <p>controversy [1] - 79:3</p> <p>convention [1] - 107:15</p> <p>conversation [4] - 35:22, 40:21, 49:9, 65:25</p> <p>conversations [4] - 27:28, 40:16, 72:15, 85:21</p> <p>conveyed [1] - 45:22</p> <p>cooperation [1] - 111:14</p> <p>cooperative [1] - 43:27</p> <p>copied [1] - 104:9</p> <p>copy [2] - 96:21, 96:23</p> <p>core [1] - 84:18</p> <p>CORMAC [1] - 3:24</p> <p>corporate [2] - 103:12, 103:16</p> <p>correct [171] - 6:16, 6:19, 6:22, 7:21, 7:25, 8:11, 9:26, 11:27, 12:1, 12:2, 24:10, 24:20, 24:23, 24:25, 24:27, 24:29, 25:18, 25:24, 26:2, 26:15, 27:4, 29:14, 29:16, 29:18, 29:21, 30:28, 32:17, 33:8, 36:28, 39:23, 42:2, 42:5, 44:15, 44:18, 45:21, 46:13, 46:24, 46:28, 47:2, 50:22, 50:24, 50:29, 52:3, 52:15, 52:18, 52:23, 57:7, 64:3, 64:22, 68:11, 69:12, 69:28, 73:6, 73:7, 73:14, 75:8,</p>	<p>82:28, 86:7, 86:16, 86:18, 87:16, 89:4, 90:9, 90:20, 90:23, 90:28, 91:2, 91:6, 91:7, 91:9, 91:10, 91:12, 91:13, 91:20, 91:21, 91:23, 91:24, 91:27, 92:5, 92:6, 92:9, 92:25, 92:26, 93:28, 93:29, 96:18, 97:22, 97:23, 98:8, 98:19, 98:29, 99:1, 99:4, 99:17, 99:18, 99:19, 99:20, 99:23, 99:24, 99:28, 100:1, 100:5, 100:8, 100:9, 100:10, 100:11, 102:2, 102:3, 102:15, 102:16, 104:4, 104:23, 105:12, 106:15, 106:16, 106:19, 107:10, 107:19, 108:28, 109:2, 109:6, 109:15, 109:16, 109:19, 109:20, 110:2, 110:6, 110:7, 110:18, 110:24, 110:27, 111:3, 111:4, 111:6, 111:12, 112:7, 112:20, 113:1, 113:4, 113:6, 113:8, 113:12, 113:24, 114:5, 114:7, 114:21, 114:22, 114:25, 114:27, 115:24, 116:2, 117:2, 118:27, 118:28, 119:7, 119:9, 120:25, 121:8, 121:9, 121:15, 121:29, 122:16, 122:19, 122:20, 122:27, 123:5, 123:6, 123:13, 123:27, 123:28, 124:2</p> <p>correctly [1] - 96:26</p> <p>corridor [3] - 19:14, 23:7, 23:13</p> <p>corridors [1] - 22:1</p> <p>corroboration [1] - 54:14</p> <p>cost [1] - 95:29</p> <p>COSTELLO [1] - 2:11</p> <p>counsel [6] - 37:11, 54:18, 54:23, 57:16, 57:18, 59:20</p> <p>country [4] - 31:2, 31:3, 42:3, 71:14</p> <p>course [11] - 53:16, 54:12, 54:18, 54:20,</p>	<p>57:7, 58:6, 59:3, 61:22, 79:4, 79:6, 123:20</p> <p>court [4] - 10:27, 40:10, 60:15, 61:10</p> <p>COURT [2] - 1:13, 2:3</p> <p>courts [2] - 119:13, 119:14</p> <p>Courts [1] - 51:20</p> <p>courtyard [2] - 22:24, 125:9</p> <p>cover [2] - 28:11, 95:2</p> <p>coverage [1] - 44:26</p> <p>covered [3] - 25:29, 50:15, 72:4</p> <p>create [2] - 77:26, 108:23</p> <p>created [2] - 26:21, 42:29</p> <p>credibility [5] - 55:3, 59:27, 60:4, 60:5, 60:20</p> <p>credible [1] - 54:8</p> <p>credit [12] - 53:15, 55:24, 56:2, 56:5, 56:25, 57:11, 59:17, 59:18, 60:4, 60:10, 60:18, 60:22</p> <p>crept [1] - 26:26</p> <p>crime [4] - 52:27, 53:1, 75:18, 75:27</p> <p>criminal [2] - 37:23, 112:16</p> <p>critical [8] - 30:24, 31:6, 31:12, 41:27, 41:29, 42:7, 42:15, 44:13</p> <p>CROSS [4] - 4:5, 4:15, 9:1, 37:9</p> <p>cross [5] - 53:15, 56:2, 57:18, 60:18, 60:21</p> <p>cross-examination [5] - 53:15, 56:2, 57:18, 60:18, 60:21</p> <p>CROSS-EXAMINED [4] - 4:5, 4:15, 9:1, 37:9</p> <p>Crumlin [2] - 10:3, 10:4</p> <p>cry [1] - 44:24</p> <p>CULLEN [1] - 2:28</p> <p>CUNNINGHAM [1] - 3:19</p> <p>cup [1] - 35:19</p> <p>cutting [1] - 53:17</p>	<p style="text-align: center;">D</p> <p>daily [5] - 28:23, 32:24, 32:25, 36:4, 65:12</p> <p>DALY [1] - 3:24</p> <p>damaged [3] - 53:20, 100:2, 104:18</p> <p>Damien [3] - 23:23, 70:9, 70:16</p> <p>DAMIEN [2] - 4:13, 24:1</p> <p>danger [1] - 82:21</p> <p>dangerous [1] - 75:12</p> <p>DANIEL [1] - 3:23</p> <p>DARINA [2] - 5:5, 120:20</p> <p>Darina [1] - 120:17</p> <p>DARRYL [1] - 3:24</p> <p>data [24] - 89:7, 90:9, 92:28, 93:4, 93:15, 95:15, 96:2, 96:5, 96:15, 97:3, 99:8, 102:27, 107:21, 107:22, 107:24, 108:9, 108:16, 108:22, 113:26, 117:21, 117:25, 117:29, 118:3, 122:1</p> <p>database [1] - 90:11</p> <p>date [4] - 50:25, 101:5, 122:14, 122:15</p> <p>dated [1] - 24:7</p> <p>dates [6] - 91:29, 115:27, 115:28, 121:26, 122:18, 122:26</p> <p>Dave [1] - 74:28</p> <p>DAVID [1] - 3:30</p> <p>David [7] - 14:19, 54:17, 65:22, 65:24, 76:29, 82:3, 125:1</p> <p>DAY [1] - 1:18</p> <p>day-to-day [1] - 83:20</p> <p>days [2] - 19:29, 27:10</p> <p>dead [1] - 84:2</p> <p>deal [10] - 27:18, 35:25, 36:26, 37:1, 43:17, 51:8, 56:29, 75:21, 91:22, 97:19</p> <p>dealing [9] - 7:24, 8:15, 10:10, 10:16, 28:17, 30:24, 54:6, 72:9, 75:22</p> <p>dealings [5] - 12:16, 12:27, 36:21, 43:27,</p>	<p>81:4</p> <p>dealt [4] - 28:6, 37:2, 37:29, 58:10</p> <p>DEBBIE [1] - 3:13</p> <p>Debbie [5] - 17:5, 33:13, 33:16, 71:18, 79:20</p> <p>December [3] - 13:16, 20:19, 73:6</p> <p>decided [2] - 45:7, 47:15</p> <p>deciding [1] - 54:7</p> <p>DECLAN [2] - 5:1, 112:1</p> <p>decoration [2] - 26:6, 26:8</p> <p>decoration-wise [1] - 26:6</p> <p>decorum [1] - 54:21</p> <p>dedicated [1] - 41:11</p> <p>deemed [1] - 11:15</p> <p>default [1] - 102:25</p> <p>defined [1] - 93:14</p> <p>definitely [5] - 17:28, 71:27, 79:23, 97:2, 98:11</p> <p>degree [3] - 88:17, 109:13, 112:14</p> <p>Deirdre [2] - 6:8, 19:7</p> <p>DEIRDRE [2] - 4:3, 6:10</p> <p>delayed [1] - 48:6</p> <p>delegates [1] - 43:21</p> <p>delete [4] - 105:5, 105:6, 106:1, 108:26</p> <p>deleted [1] - 105:8</p> <p>deletes [1] - 105:2</p> <p>Dell [1] - 116:1</p> <p>dementia [1] - 49:4</p> <p>demonstrate [2] - 36:25, 57:8</p> <p>denied [2] - 17:29, 54:5</p> <p>denigrating [1] - 53:26</p> <p>deny [2] - 38:1, 54:3</p> <p>departments [2] - 30:11, 120:29</p> <p>departure [1] - 46:7</p> <p>deployed [3] - 89:24, 89:26, 89:27</p> <p>deploying [1] - 88:29</p> <p>deployment [2] - 92:17, 93:5</p> <p>depth [1] - 72:5</p> <p>Deputy [8] - 15:7, 43:21, 44:5, 80:29, 98:12, 98:13, 98:14, 109:18</p>
--	--	---	--	---

<p>describe [2] - 7:22, 27:6</p> <p>described [2] - 9:7, 86:29</p> <p>describing [1] - 86:14</p> <p>DESIGNATED [1] - 3:29</p> <p>desired [1] - 123:2</p> <p>desk [7] - 6:28, 19:6, 19:7, 19:8, 21:3, 23:8, 43:5</p> <p>desks [2] - 19:5, 19:12</p> <p>Desktop [1] - 103:17</p> <p>desktop [10] - 90:23, 107:26, 113:11, 113:22, 113:29, 114:21, 114:23, 117:7, 119:16, 121:16</p> <p>desktops [1] - 107:23</p> <p>destroyed [2] - 53:19, 66:1</p> <p>detail [8] - 20:17, 28:5, 47:5, 50:18, 51:25, 52:10, 52:20, 60:26</p> <p>detailed [2] - 15:1, 15:8</p> <p>details [18] - 32:2, 65:26, 91:16, 94:23, 106:14, 106:18, 113:14, 113:21, 114:1, 114:7, 114:11, 115:11, 116:7, 116:16, 116:24, 116:26, 121:12</p> <p>detain [1] - 53:8</p> <p>detained [1] - 11:21</p> <p>DETECTIVE [2] - 4:7, 9:21</p> <p>detective [3] - 6:14, 20:20, 124:25</p> <p>detectives [1] - 75:20</p> <p>determine [2] - 100:28, 123:9</p> <p>determined [1] - 121:11</p> <p>develop [2] - 30:4, 105:20</p> <p>developed [4] - 88:27, 89:17, 89:23, 104:3</p> <p>developing [2] - 27:13, 28:4</p> <p>development [1] - 88:26</p> <p>device [7] - 102:7,</p>	<p>102:22, 102:24, 102:28, 103:22, 103:24, 108:8</p> <p>devices [6] - 89:13, 99:9, 99:22, 104:13, 109:26, 115:15</p> <p>diagnosed [1] - 49:4</p> <p>diagonally [2] - 23:2, 23:3</p> <p>diamond [1] - 62:18</p> <p>DIARMAID [1] - 2:6</p> <p>diary [1] - 15:17</p> <p>died [1] - 84:9</p> <p>difference [1] - 42:19</p> <p>differences [1] - 83:4</p> <p>different [15] - 28:6, 64:14, 70:4, 70:6, 70:19, 70:20, 72:13, 72:14, 82:26, 83:25, 88:6, 88:8, 99:7, 117:12, 117:14</p> <p>difficult [2] - 41:26, 77:18</p> <p>difficulty [2] - 63:1, 77:3</p> <p>Dignam [1] - 54:29</p> <p>DIGNAM [1] - 2:15</p> <p>direct [2] - 40:16, 86:27</p> <p>directed [1] - 84:22</p> <p>directing [1] - 113:5</p> <p>directions [1] - 11:13</p> <p>directly [4] - 10:10, 10:12, 27:26, 85:16</p> <p>DIRECTLY [16] - 4:4, 4:8, 4:14, 4:20, 4:23, 4:30, 5:2, 5:6, 6:10, 9:22, 24:1, 68:6, 73:1, 87:11, 112:2, 120:20</p> <p>director [9] - 16:20, 45:9, 47:19, 64:29, 65:5, 65:9, 79:11, 84:25, 104:13</p> <p>Director [1] - 38:24</p> <p>director's [1] - 23:12</p> <p>directors [1] - 99:10</p> <p>discharged [1] - 83:2</p> <p>disclosure [16] - 8:2, 13:1, 14:2, 34:24, 35:3, 42:15, 56:12, 56:28, 57:7, 57:8, 60:1, 68:17, 73:16, 81:2, 83:25, 83:26</p> <p>Disclosures [1] - 15:16</p> <p>DISCLOSURES [2] - 1:3, 1:4</p> <p>discover [2] - 94:21, 118:13</p> <p>discredit [1] - 73:21</p>	<p>discrediting [1] - 16:25</p> <p>discuss [5] - 10:25, 35:19, 40:3, 53:7, 93:10</p> <p>discussed [8] - 16:15, 35:14, 40:10, 76:15, 76:20, 76:25, 76:26, 77:29</p> <p>discussing [2] - 39:25, 79:24</p> <p>discussion [3] - 55:29, 79:7, 79:9</p> <p>discussions [3] - 13:9, 80:8, 80:10</p> <p>disposal [1] - 95:18</p> <p>dispose [1] - 95:22</p> <p>disrespectful [1] - 42:25</p> <p>distinction [1] - 60:4</p> <p>distribution [1] - 7:4</p> <p>district [1] - 93:6</p> <p>divisional [1] - 93:6</p> <p>DMG [1] - 3:15</p> <p>DOCK [1] - 3:25</p> <p>document [1] - 14:23</p> <p>documentary [2] - 15:17, 15:27</p> <p>documentation [3] - 123:14, 123:15, 123:18</p> <p>documented [1] - 16:1</p> <p>documents' [2] - 107:27, 108:2</p> <p>domain [5] - 113:15, 113:17, 113:29, 117:1, 117:12</p> <p>DONAL [10] - 2:16, 4:31, 5:3, 107:1, 107:4, 108:29, 118:22, 118:24, 120:10, 124:8</p> <p>done [16] - 26:10, 27:28, 33:26, 38:16, 40:17, 41:23, 47:26, 48:14, 48:15, 84:23, 96:26, 103:16, 111:14, 113:5, 116:25, 123:20</p> <p>Donegal [2] - 62:17, 62:18</p> <p>door [11] - 18:20, 18:28, 18:29, 22:12, 23:10, 33:21, 49:14, 86:21, 86:23, 86:25</p> <p>door-stepping [1] - 33:21</p> <p>doubt [2] - 54:17, 101:18</p>	<p>down [14] - 11:21, 14:4, 14:22, 19:2, 22:17, 31:27, 35:18, 36:16, 44:6, 48:6, 48:7, 49:29, 103:27, 106:4</p> <p>downstairs [1] - 41:24</p> <p>dozen [1] - 33:19</p> <p>dozens [1] - 111:10</p> <p>DPP [3] - 11:13, 37:19, 65:28</p> <p>draft [1] - 21:25</p> <p>drafting [1] - 21:20</p> <p>dramatically [1] - 90:1</p> <p>drew [1] - 7:28</p> <p>Drinnagh [1] - 88:4</p> <p>drive [13] - 82:4, 93:27, 95:16, 96:3, 97:21, 100:25, 107:27, 107:28, 107:29, 108:2, 114:28, 121:18, 122:2</p> <p>drives [11] - 95:1, 95:3, 95:6, 95:12, 95:18, 95:20, 95:29, 96:8, 109:3, 109:4, 115:1</p> <p>drownings [1] - 31:24</p> <p>DUBLIN [10] - 1:17, 2:12, 2:20, 2:25, 2:29, 3:6, 3:10, 3:20, 3:26, 3:32</p> <p>Dublin [1] - 44:17</p> <p>due [2] - 54:17, 70:20</p> <p>dumb [2] - 103:25, 119:25</p> <p>Dunn [2] - 58:6, 58:16</p> <p>during [23] - 7:5, 7:27, 8:5, 12:10, 13:19, 20:25, 20:26, 27:12, 91:28, 92:10, 95:3, 97:8, 97:16, 97:27, 97:28, 98:11, 100:14, 100:18, 102:1, 103:5, 110:5, 111:7</p> <p>duty [1] - 47:13</p> <p>dynamic [1] - 70:19</p> <p>dynamics [1] - 72:14</p> <p>DÁIL [1] - 1:5</p> <p>Dáil [1] - 84:2</p>	<p style="text-align: center;">E</p> <p>EARLSFORT [1] - 3:31</p> <p>early [5] - 20:1, 20:12, 41:9, 71:2, 78:15</p> <p>earshot [4] - 27:29, 37:5, 39:25, 40:18</p> <p>easy [2] - 23:6, 23:10</p> <p>eat [1] - 63:6</p> <p>Eavan [9] - 17:4, 29:15, 30:3, 31:10, 33:12, 33:14, 69:4, 71:19, 79:20</p> <p>effect [1] - 61:7</p> <p>effectively [5] - 40:21, 42:1, 43:20, 73:12, 73:20</p> <p>eight [3] - 19:25, 64:5, 68:14</p> <p>either [10] - 23:10, 26:27, 29:26, 48:7, 55:4, 80:21, 108:1, 117:22, 118:2, 121:22</p> <p>elaborate [1] - 46:14</p> <p>Elaine [1] - 124:21</p> <p>electronic [3] - 15:18, 88:13, 88:14</p> <p>elements [1] - 77:25</p> <p>eleven [2] - 83:15, 83:16</p> <p>ELIZABETH [1] - 2:7</p> <p>elsewhere [2] - 48:25, 102:2</p> <p>em.. [1] - 116:3</p> <p>email [28] - 10:29, 16:2, 35:29, 37:4, 46:12, 47:21, 47:24, 47:25, 48:4, 72:11, 90:16, 90:17, 104:8, 104:12, 104:19, 104:21, 104:24, 104:27, 104:29, 105:7, 105:11, 105:22, 105:23, 106:1, 106:5, 106:10, 117:15</p> <p>emailed [1] - 35:27</p> <p>emails [20] - 10:8, 10:12, 15:18, 21:10, 47:23, 47:25, 48:6, 48:9, 58:28, 104:9, 105:2, 105:14, 105:17, 105:29, 106:7, 106:8, 108:21, 119:28, 120:6</p> <p>embark [1] - 73:21</p> <p>embarked [2] - 26:7,</p>
---	--	--	---	--

<p>26:9 embarking [1] - 55:28 embarrassed [1] - 125:6 embarrassing [1] - 40:9 EMMA [1] - 2:18 emphasis [1] - 96:27 employ [1] - 104:26 employees [1] - 94:22 enabled [1] - 116:29 encouraged [2] - 25:26, 95:6 encrypted [2] - 93:21, 106:17 end [14] - 18:27, 18:28, 18:29, 19:14, 22:2, 29:7, 46:16, 52:10, 83:12, 86:21, 92:13, 95:29, 103:19, 111:5 end-user [1] - 103:19 ending [5] - 69:5, 69:6, 69:7, 110:16, 121:17 endless [1] - 54:15 engage [1] - 11:9 engaged [2] - 13:3, 113:20 engaging [1] - 60:9 engineering [1] - 88:14 enjoy [1] - 29:10 enjoyed [1] - 82:20 enjoying [1] - 82:22 ensure [5] - 92:28, 93:22, 95:17, 102:25, 102:26 ensured [1] - 96:26 enter [1] - 41:24 enterprise [3] - 94:6, 94:12, 105:24 entertaining [1] - 61:11 entire [3] - 31:1, 31:3, 42:3 entirely [2] - 57:11, 60:13 entitled [2] - 34:23, 53:24 entitlement [2] - 54:20, 57:19 entries [1] - 15:17 environment [1] - 12:10 EQUALITY [1] - 1:9 error [2] - 24:17, 69:21</p>	<p>especially [2] - 44:4, 96:25 essentially [1] - 103:25 established [6] - 61:22, 62:3, 98:20, 98:27, 101:14, 103:26 ESTABLISHED [1] - 1:8 establishes [1] - 103:18 estate [1] - 101:2 estranged [1] - 65:7 etcetera [8] - 30:9, 51:15, 65:24, 72:12, 89:9, 90:16, 103:11, 113:23 ether [2] - 80:3, 85:3 ethos [1] - 82:11 event [6] - 25:29, 44:28, 52:5, 92:7, 96:1, 100:4 eventually [1] - 50:27 everywhere [1] - 41:22 evidence [49] - 12:14, 15:17, 15:27, 35:25, 37:12, 41:28, 42:23, 43:3, 53:8, 53:9, 53:17, 53:22, 53:28, 54:24, 55:7, 55:11, 55:12, 55:17, 55:20, 55:24, 56:3, 56:8, 56:20, 56:24, 57:1, 57:13, 59:4, 59:11, 59:22, 59:24, 59:26, 59:29, 61:29, 63:10, 64:23, 65:14, 65:21, 70:8, 70:9, 79:1, 80:27, 81:1, 85:10, 97:18, 110:22, 111:3, 118:1, 122:24 Evidence [1] - 54:13 EVIDENCE [1] - 1:9 evidence [1] - 28:19 exact [1] - 34:3 exactly [3] - 71:11, 90:18, 119:11 examination [6] - 53:15, 56:2, 57:15, 57:18, 60:18, 60:21 EXAMINED [36] - 4:4, 4:5, 4:8, 4:9, 4:10, 4:14, 4:15, 4:16, 4:20, 4:23, 4:24, 4:27, 4:30, 4:31, 4:32, 5:2, 5:3, 5:6, 6:11, 9:1, 9:22, 14:15, 17:1, 24:2, 37:9, 39:17,</p>	<p>68:6, 73:2, 81:24, 86:11, 87:11, 107:1, 110:13, 112:2, 118:22, 120:21 EXAMINER [1] - 3:22 examining [1] - 73:16 example [4] - 11:6, 11:13, 39:4, 90:15 exceed [2] - 106:3 excellent [2] - 32:8, 65:2 except [2] - 82:8, 111:14 exception [1] - 54:16 EXCHANGE [1] - 3:25 excised [1] - 57:14 excuse [2] - 46:11, 47:21 excuses [1] - 47:12 executive [2] - 103:10, 104:12 existence [2] - 84:19, 107:20 expand [2] - 64:26, 77:2 expect [1] - 55:29 expected [2] - 21:9, 50:8 expensive [1] - 105:25 experience [11] - 11:10, 11:11, 12:9, 24:12, 32:24, 32:25, 39:9, 40:15, 65:4, 70:14 experienced [2] - 39:21, 48:22 explain [4] - 38:3, 89:13, 89:18, 94:3 explained [5] - 30:8, 34:19, 49:6, 51:28, 95:5 explaining [1] - 43:8 explanation [1] - 119:10 explored [1] - 57:17 expression [3] - 34:9, 39:26, 40:11 extent [1] - 80:6 external [1] - 93:21 extra [1] - 118:13 eye [1] - 8:13</p>	<p>41:24, 94:2 fac [2] - 22:13, 86:23 fact [23] - 36:13, 36:24, 41:10, 45:12, 47:10, 51:2, 53:25, 53:29, 55:18, 56:5, 57:12, 58:7, 58:9, 58:24, 60:5, 60:11, 60:12, 64:12, 72:3, 73:15, 77:7, 89:15, 109:29 factory [2] - 102:4, 102:25 facts [5] - 56:4, 58:23, 62:3, 75:21, 75:23 factual [2] - 61:21, 61:24 fair [3] - 75:7, 80:20, 84:3 fairly [5] - 36:26, 68:14, 101:5, 109:13, 115:17 fallen [1] - 82:24 familiar [5] - 33:14, 48:5, 73:19, 109:21, 123:22 family [3] - 17:14, 71:26, 79:22 FANNING [3] - 3:3, 3:4, 3:8 fantastic [1] - 60:10 far [11] - 12:25, 14:8, 15:9, 21:13, 22:14, 26:25, 32:9, 34:21, 45:15, 76:23, 94:16 fashion [1] - 42:25 fatal [1] - 31:23 fault [4] - 46:16, 46:18, 99:26, 104:4 favour [1] - 77:14 fear [1] - 75:23 FEBRUARY [2] - 1:6, 1:10 February [3] - 17:16, 96:11, 101:25 February/early [3] - 17:4, 33:22, 71:23 feed [1] - 62:25 feedback [3] - 78:1, 84:27, 85:16 feeding [1] - 31:10 feeds [2] - 62:21, 103:10 felt [8] - 29:6, 29:8, 46:23, 49:21, 74:12, 78:9, 83:14, 83:16 Ferris [10] - 11:29, 19:12, 21:18, 42:22,</p>	<p>43:1, 43:3, 43:25, 79:10, 79:11, 83:19 Ferris's [1] - 43:14 FERRY [1] - 2:23 few [6] - 50:26, 51:19, 51:21, 63:22, 81:26, 107:4 fictional [1] - 48:19 field [2] - 96:10, 112:9 figures [1] - 92:21 file [17] - 11:13, 37:18, 38:24, 87:21, 93:7, 93:10, 93:17, 93:20, 93:28, 94:2, 94:4, 94:10, 94:15, 96:17, 96:20, 108:6, 118:4 files [3] - 93:19, 93:23, 94:9 fill [1] - 21:8 final [1] - 48:26 finalise [1] - 61:26 finally [2] - 52:9, 110:29 Finan [1] - 11:28 fine [5] - 7:14, 25:9, 48:24, 86:19, 87:1 finish [2] - 41:2, 41:3 finished [1] - 38:19 first [20] - 6:7, 9:28, 12:9, 17:23, 22:9, 24:21, 33:12, 37:20, 38:25, 58:21, 74:28, 81:27, 90:25, 91:4, 91:11, 103:5, 103:8, 103:13, 116:5 firstly [2] - 59:10, 66:20 FITZGERALD [1] - 2:17 Fitzpatrick [3] - 74:5, 74:9, 74:18 five [7] - 20:5, 28:6, 36:2, 39:23, 64:4, 83:13, 99:13 flagged [1] - 34:10 flashed [1] - 44:27 flashes [1] - 44:27 flavour [1] - 28:28 floor [2] - 18:23, 22:9 focus [1] - 60:21 focused [1] - 60:19 follow [2] - 117:3, 122:25 followed [2] - 108:19, 108:25 FOLLOWING [1] - 1:5 following [9] - 1:26,</p>
		F		
		face [1] - 59:4 facilities [3] - 19:3,		

<p>16:11, 30:7, 46:15, 55:27, 56:4, 97:19, 103:10, 123:12 FOLLOWS [5] - 6:1, 68:1, 112:2, 118:23, 120:21 follows [1] - 53:28 fool [2] - 62:23, 62:26 foot [1] - 45:24 FOR [14] - 1:8, 2:6, 2:9, 2:14, 2:22, 2:27, 2:31, 3:2, 3:8, 3:12, 3:17, 3:22, 3:28, 67:20 force [1] - 89:1 Forensic [1] - 111:8 forget [2] - 18:12, 38:25 forgive [2] - 20:16, 55:28 form [1] - 6:25 formal [3] - 36:14, 36:26, 37:1 formality [1] - 36:20 format [1] - 89:19 formed [1] - 52:1 former [28] - 84:24, 91:17, 91:19, 92:3, 94:23, 97:6, 97:10, 97:13, 98:3, 98:28, 99:13, 99:23, 100:17, 101:21, 102:12, 104:10, 104:14, 104:16, 105:9, 105:10, 110:3, 110:17, 110:23, 119:5, 121:5, 123:8, 124:24, 125:2 forward [2] - 47:25, 59:5 foundation [1] - 55:21 four [8] - 18:15, 21:1, 28:5, 43:10, 45:6, 68:23, 69:20, 95:20 Four [1] - 51:20 fourth [1] - 69:18 FRANCIS [1] - 3:19 fraud [1] - 53:21 FRAWLEY [4] - 4:7, 4:26, 9:21, 86:10 Frawley [6] - 9:19, 9:23, 41:2, 43:7, 86:7, 86:13 FREEMAN [1] - 3:3 frequently [1] - 29:19 Friday [2] - 124:24, 125:3</p>	<p>friendly [2] - 32:11, 64:26 fringes [1] - 43:28 front [6] - 19:1, 19:4, 23:11, 23:18, 82:9, 103:28 FSNI [2] - 124:20, 124:22 full [6] - 20:13, 20:14, 40:5, 41:19, 99:5, 111:14 fullest [1] - 58:2 fully [1] - 103:29 functions [1] - 82:7 FURTHER [2] - 4:27, 86:11 fuss [1] - 77:26 FÍONÁN [1] - 2:27</p>	<p>120:22, 120:23, 120:28 garda.ie [1] - 104:22 Gardaí [2] - 10:16, 46:12 gate [2] - 22:20, 22:28 gates [2] - 22:10, 86:23 general [7] - 20:2, 26:8, 35:29, 40:4, 55:3, 57:2, 75:9 generally [6] - 10:27, 13:27, 21:24, 21:26, 40:17, 74:19 generic [2] - 117:8, 119:22 GEORGE'S [1] - 3:25 Gerald [2] - 17:16, 79:18 girl [1] - 65:29 given [31] - 11:14, 15:24, 16:7, 16:9, 19:18, 30:21, 30:22, 38:1, 38:9, 42:22, 43:3, 44:23, 51:28, 52:21, 54:24, 55:12, 55:21, 55:23, 55:25, 58:26, 61:17, 66:21, 70:19, 71:16, 72:14, 86:17, 95:26, 100:10, 105:23, 106:3 glad [1] - 96:3 glasses [1] - 60:7 God [1] - 44:29 goings [1] - 25:3 golden [1] - 10:23 GORDON [1] - 2:10 gossip [3] - 75:8, 75:24, 77:10 government [1] - 64:20 granted [1] - 23:6 great [2] - 56:29, 59:21 greatly [1] - 76:9 GRIFFIN [1] - 2:18 ground [3] - 18:23, 59:6, 82:5 grounds [1] - 96:16 GROUP [1] - 3:17 group [2] - 94:10, 94:19 groups [1] - 19:20 gruesome [1] - 75:27 guard [5] - 87:27, 88:1, 88:4, 98:16, 105:1 guards [3] - 75:20, 104:21</p>	<p>guess [1] - 77:11 guidelines [1] - 25:17 GWEN [1] - 1:30 Gwen [1] - 1:25</p>	<p style="text-align: center;">H</p> <p>habit [1] - 6:6 half [2] - 33:19, 92:22 HALIDAY [1] - 2:11 HALL [2] - 3:4, 3:9 halt [2] - 53:27, 54:21 HAMILTON [1] - 3:13 HANAHOE [1] - 2:24 hand [1] - 58:8 handed [3] - 44:6, 88:28, 109:5 handicapped [1] - 62:5 hands [3] - 27:23, 27:24, 82:12 hands-on [3] - 27:23, 27:24, 82:12 handset [4] - 49:12, 49:28, 50:19, 50:23 hanging [1] - 125:7 happy [2] - 30:18, 74:29 Harcourt [1] - 6:14 hard [19] - 61:29, 93:27, 95:1, 95:3, 95:6, 95:12, 95:16, 95:20, 95:28, 96:3, 96:8, 97:21, 100:25, 109:3, 109:4, 114:28, 115:1, 121:18, 122:2 hardware [6] - 89:2, 89:8, 89:11, 91:17, 91:20, 97:10 HARRINGTON [1] - 2:32 HATCH [4] - 3:4, 3:5, 3:9, 3:9 Haughey [1] - 63:3 HAVING [9] - 6:10, 9:21, 24:1, 68:5, 73:1, 86:10, 87:10, 112:1, 120:20 HAYES [1] - 3:30 head [3] - 22:18, 88:21, 88:25 heading [1] - 92:27 Headquarters [13] - 18:25, 20:21, 41:21, 87:15, 87:18, 92:16, 111:1, 111:11,</p>	<p>112:19, 112:22, 119:17, 120:3, 120:23 headquarters [2] - 93:6, 93:7 hear [9] - 12:15, 13:6, 13:9, 35:15, 61:10, 75:19, 76:26, 80:15, 87:28 heard [11] - 13:21, 41:29, 53:10, 70:9, 75:11, 76:6, 76:18, 78:11, 81:2, 114:18, 115:7 hearing [1] - 59:11 HEARING [3] - 6:1, 67:20, 68:1 hearsay [1] - 54:13 heart [1] - 69:8 held [1] - 78:21 HELD [1] - 1:17 help [10] - 10:13, 18:16, 21:29, 28:3, 28:9, 28:13, 44:3, 76:16, 122:10, 124:10 helpful [1] - 78:17 high [3] - 88:24, 102:24, 109:13 highly [2] - 39:2, 56:27 himself [6] - 21:26, 27:18, 82:9, 82:10, 83:5, 83:24 hint [2] - 85:18, 111:13 historical [2] - 38:4, 73:23 historically [1] - 89:27 Hogan [8] - 23:23, 24:3, 37:10, 39:18, 50:11, 58:1, 70:9, 83:10 HOGAN [2] - 4:13, 24:1 hold [1] - 96:7 holding [1] - 50:12 home [4] - 17:5, 33:22, 44:16, 119:29 homeless [2] - 84:2, 84:9 honest [3] - 8:14, 76:10, 81:15 honestly [1] - 50:9 hope [1] - 125:1 hopefully [1] - 111:16 hotel [1] - 62:17 hour [2] - 41:8, 67:18 hourly [1] - 27:13 hours [2] - 19:26,</p>
---	---	--	--	---	---

<p>20:7 HOUSE [4] - 2:11, 2:19, 3:19, 3:31 HQCB0B-XPC-004 [1] - 107:8 HQCB0BXP003 [1] - 115:2 HRM [1] - 73:9 huge [1] - 44:28 hurry [1] - 41:26</p>	<p>11:18, 11:22, 30:24, 31:6, 31:12, 38:4, 41:27, 41:29, 42:7, 42:15, 44:13, 47:6, 75:10, 82:15, 89:20, 102:9, 123:27 incidents [16] - 31:1, 31:4, 31:22, 33:6, 41:4, 42:1, 42:4, 46:4, 46:6, 46:26, 46:29, 55:14, 82:4, 82:5, 83:25, 109:23 include [3] - 26:28, 89:7 includes [1] - 89:12 including [2] - 41:22, 47:17 incontactable [1] - 47:13 indeed [6] - 35:24, 60:19, 79:20, 87:26, 90:11, 102:18 INDEPENDENT [1] - 3:2 INDEX [1] - 4:1 indicate [2] - 52:19, 107:21 indicated [1] - 46:11 indicating [2] - 45:27, 73:12 INDICATING [1] - 23:1 indicatively [1] - 124:28 individual [8] - 10:16, 10:25, 11:10, 38:10, 98:15, 104:20, 105:1, 105:22 individuals [3] - 8:19, 11:2, 34:22 individuals' [1] - 10:20 industry [1] - 88:15 inference [3] - 53:22, 58:8, 60:12 inferences [1] - 62:1 inform [1] - 11:23 Information [2] - 87:14, 88:22 information [46] - 11:3, 16:24, 27:21, 28:15, 30:14, 30:16, 34:29, 38:1, 38:8, 38:27, 38:28, 40:12, 40:14, 44:6, 45:1, 45:17, 45:27, 46:4, 46:5, 46:10, 46:22, 46:25, 47:4, 47:7, 51:12, 52:12, 52:26, 61:16, 61:19, 66:3,</p>	<p>66:5, 66:8, 66:14, 66:21, 68:15, 68:28, 73:13, 75:29, 79:21, 92:8, 93:26, 100:7, 103:4, 108:10, 109:9, 112:14 informed [4] - 21:4, 51:16, 59:15, 117:24 Infrastructure [1] - 103:17 infrastructure [3] - 89:6, 113:22, 119:16 initial [1] - 116:6 initiated [1] - 8:4 injuries [1] - 75:26 inkling [1] - 35:6 inquiries [2] - 17:11, 59:14 INQUIRY [2] - 1:3, 1:9 inquiry [2] - 37:29, 53:14 inside [2] - 22:28, 49:15 insofar [4] - 26:6, 57:11, 106:18, 109:3 Inspector [11] - 11:28, 11:29, 19:12, 21:18, 42:22, 43:1, 43:14, 43:25, 83:19, 97:18, 111:26 inspector [5] - 18:12, 18:14, 43:20, 43:21, 93:1 inspector's [1] - 44:4 instance [9] - 11:5, 53:19, 58:20, 58:27, 60:6, 77:25, 90:17, 103:17, 105:1 instant [1] - 105:28 institute [1] - 112:14 instruct [1] - 16:21 instructed [2] - 14:29, 15:8 INSTRUCTED [7] - 2:11, 2:17, 2:23, 2:28, 2:32, 3:4, 3:14 instruction [4] - 15:2, 15:10, 15:28, 16:1 instructions [21] - 16:7, 16:9, 16:14, 16:15, 25:22, 58:16, 58:26, 58:29, 59:8, 60:27, 61:3, 61:4, 61:23, 61:26, 61:27, 62:2, 63:14, 63:15, 65:24, 95:26, 108:17 INSTRUMENT [1] - 1:8</p>	<p>insurance [1] - 95:14 integrity [1] - 45:9 intend [2] - 33:9, 36:21 intensive [1] - 27:7 interact [2] - 25:22, 103:24 interacted [1] - 27:26 interacting [1] - 70:13 interaction [7] - 17:18, 27:5, 32:27, 44:7, 56:26, 56:29, 111:8 interactions [4] - 9:6, 33:4, 33:15, 36:6 interest [7] - 11:16, 40:29, 51:15, 59:14, 59:17, 60:23, 124:1 internal [1] - 51:3 interview [3] - 9:4, 14:19, 33:26 interviewed [1] - 37:13 interviewers [1] - 9:5 INTO [1] - 1:3 introduced [5] - 41:19, 41:20, 46:18, 56:21, 90:25 introduction [1] - 16:18 investigated [3] - 38:11, 38:23, 84:15 investigating [2] - 53:10, 84:19 investigation [35] - 24:7, 29:1, 30:2, 30:15, 31:26, 32:1, 33:6, 37:17, 37:23, 37:27, 38:5, 38:9, 38:13, 38:17, 38:18, 44:10, 50:16, 52:1, 52:17, 56:10, 58:21, 58:22, 59:13, 60:24, 61:22, 61:25, 61:29, 68:19, 68:26, 73:26, 78:22, 78:23, 82:2, 82:13 investigations [1] - 100:27 investigator [1] - 14:25 investigators [4] - 6:23, 7:27, 14:20 involve [1] - 43:26 involved [4] - 26:18, 28:24, 72:11, 80:3 involvement [1] - 117:21 involving [1] - 55:14</p>	<p>iPad [7] - 99:22, 100:9, 101:15, 103:7, 103:25, 104:3, 104:17 iPads [1] - 103:8 Ireland [1] - 111:9 IRELAND [1] - 3:15 IRISH [3] - 3:22, 3:28, 3:29 Irish [1] - 29:17 irrelevant [2] - 28:27, 61:11 irresponsibly [1] - 54:27 IS [8] - 90:5, 113:15, 113:28, 117:1, 117:12, 119:22, 119:24, 119:26 issue [26] - 40:25, 41:15, 53:18, 53:25, 54:1, 55:10, 56:5, 57:13, 57:20, 57:26, 58:7, 58:9, 58:23, 58:24, 59:16, 60:5, 60:11, 60:13, 60:15, 61:15, 61:20, 63:10, 63:16, 101:21, 104:14, 118:6 issued [22] - 45:26, 93:12, 99:13, 99:14, 99:15, 99:16, 101:15, 101:24, 101:26, 101:28, 101:29, 102:10, 102:12, 109:17, 109:18, 109:22, 110:5, 123:8, 123:10, 123:11 issues [12] - 25:13, 31:21, 34:16, 40:2, 43:17, 60:20, 60:27, 61:1, 61:6, 71:1, 78:24, 89:25 IT [30] - 88:5, 88:7, 88:10, 88:11, 88:15, 88:18, 88:23, 88:25, 89:2, 89:16, 92:10, 93:3, 95:24, 97:10, 99:4, 101:26, 101:27, 101:29, 102:11, 104:10, 112:9, 112:13, 112:18, 112:21, 117:27, 120:23, 120:24, 120:28, 121:2, 124:9 item [1] - 50:27 itself [3] - 40:29, 56:25, 83:9 ivy [1] - 53:17</p>
I				
<p>ICT [1] - 104:12 idea [6] - 18:6, 18:8, 28:22, 62:9, 62:27, 92:19 identified [3] - 97:14, 97:20, 99:2 identify [6] - 68:23, 97:13, 98:23, 107:12, 112:26, 115:27 identifying [1] - 97:9 identity [3] - 98:16, 107:5, 123:9 IFSC [1] - 3:26 image [2] - 101:1, 101:3 imaged [4] - 102:7, 102:22, 123:26 imagine [1] - 71:11 imaging [2] - 123:15, 123:16 immediately [3] - 45:25, 97:19, 122:13 immense [1] - 27:12 impact [4] - 26:20, 54:6, 56:5, 59:1 impacted [1] - 92:8 impacts [1] - 58:9 impinge [1] - 77:24 important [3] - 83:26, 95:25, 103:20 impression [12] - 32:13, 32:14, 77:6, 78:18, 78:19, 79:24, 79:28, 80:23, 80:26, 83:11, 85:2, 86:16 improper [1] - 31:18 improperly [2] - 57:9, 112:4 improve [1] - 26:7 IN [1] - 1:17 inability [1] - 122:2 inappropriate [2] - 75:6, 83:26 inappropriately [1] - 57:9 incident [19] - 11:15,</p>				

J	JUNO [1] - 3:23 Juno [1] - 69:6 jury [1] - 54:7 justice [1] - 112:16 JUSTICE [3] - 1:8, 1:12, 2:2	106:12, 115:9, 115:12, 115:22, 123:25 laptops [19] - 89:9, 89:12, 98:28, 99:2, 99:13, 99:21, 99:25, 101:15, 101:24, 103:5, 109:13, 109:17, 109:22, 110:4, 113:23, 115:6, 123:7, 123:10, 124:1 large [5] - 26:9, 43:6, 72:10, 92:10, 93:3 large-scale [1] - 92:10 last [13] - 22:12, 50:2, 59:12, 66:26, 68:13, 70:9, 76:24, 97:2, 101:23, 105:13, 107:11, 121:3, 123:11 late [12] - 17:4, 19:27, 19:28, 19:29, 20:2, 20:11, 33:22, 41:8, 49:4, 67:11, 71:23, 76:16 latter [2] - 43:29, 84:26 latterly [1] - 84:26 LAVERY [1] - 3:31 law [1] - 59:20 LAW [1] - 2:28 layout [2] - 18:19, 19:16 lead [5] - 14:26, 52:4, 52:7, 58:8, 60:12 lead-in [1] - 14:26 leader [3] - 98:5, 110:11, 112:4 LEADER [14] - 2:7, 4:30, 4:32, 87:6, 87:11, 87:13, 87:24, 96:14, 98:6, 101:14, 110:13, 110:15, 110:28, 111:17 leading [1] - 23:13 leads [1] - 86:26 least [2] - 46:4, 75:28 leave [10] - 12:17, 12:24, 13:15, 40:20, 54:24, 55:19, 61:9, 116:20, 116:22, 119:2 leaving [3] - 29:3, 43:24, 102:23 led [7] - 20:17, 53:28, 58:18, 58:22, 59:22, 59:25 left [21] - 7:10, 8:8, 8:21, 18:21, 18:29, 22:19, 23:13, 29:8, 41:8, 45:7, 46:21,	49:15, 49:22, 49:23, 55:26, 67:13, 74:4, 74:8, 76:1, 84:12, 102:27 legs [1] - 67:1 length [3] - 39:22, 58:5, 64:16 less [2] - 64:25, 124:28 letters [1] - 15:17 level [3] - 88:24, 102:24, 105:6 levels [3] - 40:27, 66:20, 89:8 licences [1] - 102:27 life [3] - 49:6, 66:1, 92:13 limit [1] - 91:25 LIMITED [3] - 3:13, 3:17, 3:18 limited [5] - 62:24, 83:27, 89:12, 94:11, 95:20 limits [2] - 106:2, 106:3 line [12] - 7:25, 8:17, 8:18, 11:21, 14:1, 14:4, 31:27, 34:20, 45:4, 47:22, 66:10, 66:12 lines [3] - 68:14, 79:13, 80:12 link [1] - 34:5 list [7] - 7:4, 76:2, 99:5, 115:14, 124:15, 124:18, 124:28 lists [1] - 113:26 literally [1] - 49:11 LITTLE [1] - 2:19 Live [3] - 112:19, 112:21, 120:24 loads [1] - 64:1 local [3] - 82:11, 103:24, 105:6 locally [4] - 93:19, 108:8, 108:10, 114:1 locally-stored [2] - 93:19, 108:10 locate [2] - 104:9, 122:2 located [12] - 15:22, 95:24, 97:21, 97:23, 99:6, 100:26, 114:28, 115:1, 115:4, 121:19, 121:20, 121:21 location [6] - 38:7, 104:13, 114:6, 114:7, 114:12, 119:27 locations [2] - 107:25, 108:3	lock [1] - 119:1 locker [4] - 49:13, 49:14, 50:21, 51:24 lockers [1] - 49:13 log [26] - 98:17, 103:20, 113:14, 113:16, 113:18, 113:19, 113:20, 115:27, 116:27, 118:8, 118:25, 118:29, 119:1, 119:10, 119:22, 121:25, 121:26, 122:4, 122:7, 122:9, 122:27, 122:28 log-in [3] - 113:14, 113:16, 113:18 log-ins [1] - 113:19 log-on [9] - 115:27, 116:27, 119:10, 119:22, 121:26, 122:4, 122:27, 122:28 log-ons [6] - 113:20, 118:8, 118:25, 121:25, 122:9 logged [10] - 97:14, 97:27, 98:4, 98:21, 98:24, 100:18, 117:3, 118:26, 119:6, 122:26 logging [4] - 98:6, 98:15, 113:11, 119:19 logs [8] - 90:4, 97:26, 113:15, 114:8, 118:25, 119:4, 122:5, 123:4 longest [1] - 121:1 look [16] - 18:26, 18:27, 22:11, 22:12, 22:18, 36:25, 38:6, 47:3, 47:5, 49:10, 61:10, 79:16, 84:10, 91:6, 95:16, 111:11 looked [1] - 109:26 looking [13] - 28:9, 29:20, 29:22, 43:15, 45:18, 46:3, 46:23, 47:4, 79:21, 87:19, 92:3, 94:25, 120:5 looks [1] - 120:2 loose [1] - 75:17 loss [4] - 36:7, 93:4, 96:3, 96:5 lost [3] - 17:23, 51:26, 97:3 losing [1] - 82:22 low [2] - 22:5, 78:21 LOWER [2] - 3:5, 3:9 lunch [1] - 19:15 LUNCH [2] - 67:20, 68:1
	K	KATHLEEN [1] - 2:7 Kavanagh [1] - 68:20 KAVANAGH [1] - 2:4 Kean [2] - 17:17, 79:18 KEELEY [1] - 3:14 keep [2] - 21:4, 105:26 keeping [4] - 6:4, 83:11, 95:19, 125:6 keeps [2] - 113:17, 113:28 KELLY [3] - 3:4, 3:8, 3:8 KENNEDY [1] - 2:31 Kenny [1] - 36:9 kept [4] - 34:20, 34:21, 43:28 KEVIN'S [2] - 3:5, 3:10 KIERAN [1] - 3:8 kind [21] - 8:18, 10:21, 12:10, 13:27, 18:7, 18:8, 21:10, 21:12, 21:22, 23:1, 37:29, 38:27, 41:26, 47:15, 50:7, 51:14, 56:7, 60:7, 77:20, 82:10, 117:23 Kirwan [1] - 124:25 kitchen [4] - 19:14, 23:14, 23:16, 23:17 knocking [1] - 51:19 knowledge [5] - 37:19, 50:6, 72:5, 83:27, 84:23 known [3] - 49:18, 76:13, 89:29		
	L	laid [1] - 55:22 LALLY [1] - 3:30 landline [1] - 29:23 lapsed [1] - 95:27 laptop [12] - 101:18, 101:29, 102:10, 102:11, 102:19, 103:25, 104:16,		

M				
<p>M.E [1] - 2:24</p> <p>machine [1] - 114:10</p> <p>machines [1] - 92:15</p> <p>MADE [2] - 1:3, 1:8</p> <p>mailbox [1] - 106:5</p> <p>main [8] - 7:1, 18:20, 19:5, 22:10, 29:23, 58:24, 86:23, 89:20</p> <p>maintain [1] - 113:13</p> <p>maintaining [1] - 88:29</p> <p>maintains [2] - 84:21, 113:13</p> <p>majority [1] - 101:2</p> <p>Malone [1] - 1:25</p> <p>MALONE [1] - 1:30</p> <p>man [3] - 84:2, 84:9</p> <p>manage [1] - 105:29</p> <p>managed [3] - 93:10, 104:1, 109:11</p> <p>management [12] - 7:26, 39:19, 45:22, 65:18, 70:5, 75:5, 78:10, 83:20, 88:18, 89:20, 112:16, 113:26</p> <p>manifest [1] - 40:29</p> <p>manual [1] - 61:18</p> <p>manufacturer [1] - 114:4</p> <p>March [6] - 6:18, 17:4, 33:22, 71:23, 88:9, 91:15</p> <p>mark [2] - 79:29, 124:21</p> <p>married [1] - 77:7</p> <p>MARRINAN [49] - 2:6, 4:4, 4:8, 4:10, 4:14, 4:20, 4:23, 4:27, 6:7, 6:11, 6:12, 8:23, 9:13, 9:18, 9:22, 9:23, 14:10, 16:28, 17:1, 17:2, 17:20, 17:26, 17:29, 23:23, 24:2, 24:3, 37:6, 53:5, 55:9, 56:17, 56:20, 67:6, 67:15, 68:3, 68:6, 68:8, 69:19, 69:21, 69:24, 72:17, 72:25, 73:2, 73:4, 81:20, 86:1, 86:6, 86:11, 86:13, 87:5</p> <p>Marrinan [9] - 17:22, 20:17, 40:25, 41:28, 55:4, 55:23, 57:29, 67:11, 69:17</p> <p>Martin [1] - 104:14</p> <p>master's [1] - 112:16</p>	<p>materials [8] - 6:26, 14:17, 14:22, 24:5, 24:9, 36:6, 68:21, 73:27</p> <p>matter [12] - 16:28, 26:10, 28:13, 50:14, 51:8, 52:16, 54:3, 55:24, 57:24, 79:25, 84:18, 123:20</p> <p>matters [21] - 29:2, 33:10, 39:25, 40:3, 40:9, 40:13, 47:18, 60:26, 60:28, 61:5, 61:21, 61:26, 63:10, 63:12, 63:17, 71:13, 88:11, 89:11, 91:5, 91:6, 99:29</p> <p>MATTERS [1] - 1:5</p> <p>Maurice [14] - 11:7, 13:4, 13:12, 34:6, 35:5, 66:1, 76:29, 77:12, 77:14, 77:16, 77:23, 78:9, 81:19, 96:9</p> <p>MAY [3] - 1:18, 6:1, 125:13</p> <p>McALEESE [2] - 3:18, 3:18</p> <p>McCabe [43] - 2:9, 8:4, 8:12, 11:7, 13:4, 13:12, 14:6, 16:22, 16:25, 34:6, 34:16, 34:17, 35:6, 35:13, 37:11, 37:16, 38:22, 38:26, 65:27, 66:2, 71:1, 71:2, 71:3, 71:9, 71:29, 72:7, 73:22, 76:13, 76:16, 77:12, 77:14, 77:23, 77:29, 78:2, 78:6, 78:9, 78:20, 79:27, 80:25, 81:9, 81:19, 87:21, 96:9</p> <p>McCabe's [5] - 13:21, 77:1, 77:16, 78:4, 79:29</p> <p>McCann [6] - 3:13, 17:5, 33:13, 33:16, 71:19, 79:20</p> <p>McConnell [2] - 3:23, 124:21</p> <p>McDowell [7] - 2:9, 8:26, 14:12, 37:9, 37:10, 39:12</p> <p>MCDOWELL [1] - 4:15</p> <p>McEnroe [2] - 3:23, 69:6</p> <p>McGARRY [1] - 2:10</p> <p>McGuinness [26] -</p>	<p>55:5, 107:2, 107:4, 108:21, 108:29, 111:25, 112:2, 112:3, 118:22, 118:24, 120:10, 120:12, 120:17, 120:21, 120:22, 122:8, 122:11, 122:14, 122:18, 124:4, 124:8, 124:15, 124:18, 124:20, 124:24, 124:29</p> <p>MCGUINNESS [6] - 2:6, 2:16, 4:31, 5:2, 5:3, 5:6</p> <p>McLindon [17] - 16:15, 16:20, 17:24, 32:7, 32:9, 32:14, 32:18, 45:10, 46:1, 58:27, 64:25, 64:29, 65:14, 75:3, 75:4, 79:12, 84:26</p> <p>McLindon's [1] - 19:2</p> <p>meal [1] - 63:5</p> <p>mean [41] - 6:29, 25:9, 25:11, 26:20, 28:4, 28:21, 29:5, 29:9, 31:20, 31:28, 32:23, 32:29, 34:19, 36:2, 39:4, 41:2, 42:16, 48:10, 51:12, 51:18, 51:23, 60:3, 61:9, 62:15, 62:16, 62:19, 64:28, 65:9, 65:10, 66:20, 67:1, 71:6, 75:7, 76:6, 76:20, 78:7, 80:10, 83:4, 89:14, 96:7, 100:6</p> <p>means [6] - 7:1, 49:8, 60:5, 102:24, 103:17, 107:16</p> <p>meant [1] - 118:9</p> <p>MEDIA [2] - 3:2, 3:15</p> <p>media [32] - 10:9, 10:10, 10:14, 10:15, 10:25, 11:16, 11:23, 12:17, 15:1, 15:8, 25:23, 27:5, 30:18, 33:5, 33:27, 35:28, 37:2, 44:25, 45:14, 56:26, 56:29, 71:3, 71:8, 74:24, 75:7, 75:14, 75:25, 75:28, 81:19, 82:23, 83:26, 84:14</p> <p>medium [1] - 36:1</p> <p>meet [1] - 89:24</p> <p>meeting [1] - 77:27</p>	<p>meetings [2] - 65:11, 65:18</p> <p>MEMBER [2] - 1:12, 2:2</p> <p>member [14] - 19:22, 21:25, 25:20, 26:24, 32:15, 38:14, 73:5, 74:14, 81:18, 104:20, 106:8, 113:10, 113:15</p> <p>members [21] - 7:2, 12:7, 12:17, 25:21, 25:22, 26:18, 26:26, 36:26, 37:1, 38:29, 39:29, 40:5, 40:6, 45:27, 70:20, 74:24, 77:8, 77:15, 90:13, 105:27, 109:29</p> <p>memo [1] - 45:26</p> <p>mention [8] - 18:10, 21:29, 34:22, 35:20, 44:9, 46:2, 47:20</p> <p>mentioned [9] - 31:27, 40:25, 41:27, 46:19, 52:17, 70:15, 82:1, 83:10, 107:6</p> <p>MERCHANTS [1] - 3:20</p> <p>merely [1] - 65:28</p> <p>met [2] - 6:23, 87:17</p> <p>methodology [2] - 39:27, 81:29</p> <p>Michael [1] - 37:10</p> <p>MICHAEL [4] - 2:9, 2:22, 3:8, 3:14</p> <p>Mick [1] - 69:5</p> <p>might [13] - 10:13, 28:10, 35:18, 35:20, 59:28, 60:12, 65:2, 70:14, 80:12, 106:20, 109:22, 109:29, 125:5</p> <p>mightn't [1] - 75:14</p> <p>migrate [1] - 108:27</p> <p>migrated [3] - 108:10, 108:25, 118:3</p> <p>migrating [1] - 117:21</p> <p>migration [8] - 93:15, 107:21, 108:9, 108:15, 114:8, 114:19, 117:18, 117:28</p> <p>mind [8] - 18:7, 18:8, 53:9, 63:22, 67:5, 70:12, 94:26, 124:17</p> <p>MINISTER [1] - 1:8</p> <p>minor [1] - 37:28</p> <p>minute [1] - 93:11</p> <p>minutes [2] - 36:3, 46:29</p> <p>misconduct [1] -</p>	<p>57:4</p> <p>misheard [1] - 122:17</p> <p>missing [3] - 44:25, 95:15, 96:15</p> <p>mixed [1] - 60:22</p> <p>mobile [4] - 44:23, 51:13, 74:10, 74:16</p> <p>model [3] - 100:28, 101:5, 114:4</p> <p>models [1] - 100:29</p> <p>Molloy [3] - 72:25, 73:4, 81:26</p> <p>MOLLOY [3] - 4:22, 73:1, 81:24</p> <p>moment [7] - 45:5, 47:9, 53:8, 68:18, 87:28, 99:9, 99:11</p> <p>Monaghan [5] - 97:9, 97:18, 111:26, 112:3, 112:6</p> <p>MONAGHAN [2] - 5:1, 112:1</p> <p>Monday [3] - 18:17, 19:18, 43:4</p> <p>money [1] - 95:29</p> <p>monitor [1] - 41:17</p> <p>months [2] - 45:6, 49:24</p> <p>monument [1] - 22:27</p> <p>Mooney [2] - 6:8, 9:2</p> <p>MOONEY [2] - 4:3, 6:10</p> <p>Moran [3] - 45:11, 45:25, 45:29</p> <p>more [1] - 66:13</p> <p>Morning [1] - 9:2</p> <p>morning [14] - 6:7, 7:3, 12:15, 28:5, 28:7, 29:10, 30:11, 30:28, 31:22, 43:4, 72:4, 80:13, 120:6, 125:7</p> <p>Morris [1] - 62:16</p> <p>MORRISSEY [1] - 2:17</p> <p>most [8] - 8:20, 20:29, 25:29, 29:28, 35:29, 51:13, 109:18, 121:1</p> <p>mother [1] - 49:4</p> <p>motivation [2] - 72:7, 80:1</p> <p>motorways [1] - 44:26</p> <p>move [3] - 12:18, 14:22, 50:5</p> <p>moved [4] - 6:17, 43:6, 43:10, 48:17</p> <p>moving [1] - 80:12</p>

<p>MR ^[128] - 1:12, 2:2, 2:4, 2:6, 2:6, 2:9, 2:10, 2:10, 2:14, 2:15, 2:15, 2:16, 2:16, 2:17, 2:22, 2:23, 2:23, 2:27, 2:31, 3:3, 3:3, 3:8, 3:14, 3:18, 3:24, 3:30, 4:4, 4:8, 4:9, 4:10, 4:14, 4:15, 4:16, 4:20, 4:23, 4:24, 4:27, 4:31, 5:2, 5:3, 5:6, 6:7, 6:11, 6:12, 8:23, 8:26, 9:13, 9:14, 9:18, 9:22, 9:23, 14:10, 14:12, 14:15, 14:16, 16:27, 16:28, 17:1, 17:2, 17:20, 17:26, 17:29, 23:23, 24:2, 24:3, 37:6, 37:9, 37:10, 39:12, 39:17, 39:18, 46:17, 48:25, 50:14, 51:27, 52:6, 52:9, 53:2, 53:5, 55:9, 56:17, 56:20, 67:6, 67:15, 68:3, 68:6, 68:8, 69:19, 69:21, 69:24, 72:20, 72:25, 73:2, 73:4, 81:20, 81:24, 81:26, 85:5, 85:11, 85:14, 85:29, 86:1, 86:6, 86:11, 86:13, 87:5, 107:1, 107:4, 108:29, 111:25, 112:2, 112:3, 118:22, 118:24, 120:10, 120:12, 120:17, 120:21, 120:22, 122:11, 122:14, 122:18, 124:4, 124:8, 124:15, 124:20, 124:24, 124:29</p> <p>MS ^[44] - 2:7, 2:7, 2:17, 2:18, 2:22, 4:3, 4:5, 4:30, 4:32, 6:10, 9:1, 9:2, 14:13, 39:14, 59:10, 60:17, 61:15, 61:21, 62:8, 62:11, 62:14, 62:21, 62:26, 63:7, 72:18, 72:19, 81:21, 81:22, 87:6, 87:11, 87:13, 87:24, 96:14, 98:6, 101:14, 106:22, 106:23, 110:13, 110:15, 110:28, 111:17, 118:19, 118:20, 124:6</p> <p>mugshot ^[1] - 84:8</p> <p>MUIRCHEARTAIGH ^[1] - 2:27</p>	<p>MULLAN ^[1] - 2:7</p> <p>murders ^[1] - 31:23</p> <p>MURPHY ^[1] - 2:14</p> <p>Murray ^[9] - 17:4, 29:15, 30:3, 31:10, 33:12, 33:14, 69:4, 71:19, 79:20</p> <p>must ^[4] - 66:16, 75:21, 77:18, 113:16</p> <p>mutterings ^[1] - 13:9</p> <p>mystified ^[2] - 50:9, 51:11</p> <p>MÍCHEÁL ^[24] - 2:15, 4:9, 4:16, 4:24, 9:14, 14:15, 14:16, 16:27, 39:17, 39:18, 46:17, 48:25, 50:14, 51:27, 52:6, 52:9, 53:2, 72:20, 81:24, 81:26, 85:5, 85:11, 85:14, 85:29</p>	<p>117:29</p> <p>needn't ^[2] - 69:1, 83:29</p> <p>needs ^[3] - 53:27, 58:10, 96:9</p> <p>negatively ^[3] - 16:22, 35:12, 81:19</p> <p>neglected ^[1] - 17:3</p> <p>neighbours ^[1] - 53:18</p> <p>network ^[2] - 90:4, 90:5</p> <p>networked ^[1] - 113:27</p> <p>never ^[18] - 9:9, 15:7, 16:1, 22:14, 22:16, 26:22, 35:14, 39:8, 39:10, 49:28, 50:4, 52:27, 76:25, 81:17, 81:18, 95:21</p> <p>new ^[9] - 25:11, 45:13, 49:29, 64:13, 93:15, 108:10, 108:13, 117:22, 117:26</p> <p>news ^[10] - 6:28, 13:28, 19:6, 19:7, 19:8, 21:3, 23:8, 36:3, 44:27, 103:10</p> <p>NEWS ^[2] - 3:2, 3:17</p> <p>newspapers ^[2] - 34:1, 34:19</p> <p>NEWSPAPERS ^[3] - 3:12, 3:17, 3:17</p> <p>newsroom ^[2] - 10:7, 23:7</p> <p>next ^[7] - 9:18, 45:4, 87:6, 111:25, 119:2, 124:27, 124:29</p> <p>nice ^[1] - 7:14</p> <p>night ^[1] - 27:11</p> <p>nobody ^[3] - 16:13, 63:6, 81:16</p> <p>NOEL ^[1] - 2:16</p> <p>none ^[1] - 85:19</p> <p>normal ^[8] - 20:22, 37:20, 53:14, 55:9, 56:1, 64:9, 71:15, 117:7</p> <p>normally ^[3] - 35:26, 51:16, 56:7</p> <p>Northern ^[1] - 111:9</p> <p>note ^[2] - 95:25, 103:21</p> <p>notes ^[2] - 1:27, 15:17</p> <p>nothing ^[6] - 22:4, 51:29, 56:4, 70:23, 86:1, 108:27</p> <p>notice ^[4] - 12:21,</p>	<p>12:22, 26:4, 26:20</p> <p>noticed ^[4] - 27:8, 28:18, 29:12, 82:3</p> <p>notion ^[1] - 59:1</p> <p>notwithstanding ^[1] - 122:1</p> <p>November ^[12] - 9:24, 68:13, 100:23, 114:20, 114:24, 114:26, 115:26, 115:29, 116:4, 121:11, 122:15, 122:21</p> <p>nowadays ^[1] - 21:9</p> <p>nowhere ^[2] - 52:4, 52:7</p> <p>number ^[32] - 7:6, 26:11, 29:24, 33:6, 44:21, 44:23, 46:3, 46:25, 49:9, 49:13, 49:24, 55:13, 64:14, 67:13, 69:4, 69:6, 69:7, 74:15, 82:26, 83:25, 85:27, 88:8, 88:16, 90:5, 97:15, 98:27, 99:7, 100:16, 107:7, 117:6, 121:10</p> <p>numbers ^[5] - 68:24, 69:3, 69:8, 69:14</p> <p>Nóirín ^[5] - 58:28, 80:29, 91:12, 91:17, 109:17</p>	<p>15:7, 58:28, 80:29, 84:24, 91:17, 94:13, 97:7, 97:11, 97:14, 98:4, 98:29, 99:14, 99:23, 105:10, 109:17, 110:3, 110:4, 110:17, 110:24, 113:2, 113:21, 115:16, 116:11, 116:14, 116:18, 117:20, 118:3</p> <p>O'Sullivan's ^[3] - 91:12, 94:24, 114:23</p> <p>O'TOOLE ^[1] - 3:8</p> <p>O'Toole's ^[1] - 69:5</p> <p>objection ^[2] - 57:23</p> <p>objective ^[2] - 59:6, 60:8</p> <p>obliged ^[1] - 38:6</p> <p>observations ^[2] - 27:25, 36:29</p> <p>observe ^[1] - 32:10</p> <p>observed ^[3] - 27:6, 33:4, 82:3</p> <p>observing ^[1] - 60:3</p> <p>obsessed ^[2] - 27:1, 41:12</p> <p>obsessional ^[1] - 40:27</p> <p>obsolescence ^[1] - 109:14</p> <p>obtain ^[1] - 50:19</p> <p>obvious ^[1] - 31:9</p> <p>obviously ^[16] - 7:5, 8:8, 28:19, 33:13, 34:4, 45:3, 59:11, 59:12, 59:15, 61:3, 63:1, 63:12, 67:2, 76:20, 77:26, 117:18</p> <p>occasion ^[2] - 21:18, 47:20</p> <p>occasions ^[4] - 12:15, 30:11, 76:4, 111:10</p> <p>occupy ^[1] - 67:15</p> <p>occupying ^[1] - 22:2</p> <p>occur ^[1] - 42:4</p> <p>occurred ^[2] - 15:2, 47:1</p> <p>occurs ^[1] - 11:15</p> <p>October ^[2] - 49:23, 73:11</p> <p>OF ^[4] - 1:3, 1:9, 1:12, 2:3</p> <p>offer ^[1] - 80:27</p> <p>offered ^[2] - 47:21, 63:5</p> <p>office ^[106] - 6:13, 12:10, 12:11, 13:29, 14:1, 18:21, 19:1,</p>
N		O		
	<p>name ^[13] - 9:2, 37:11, 38:8, 76:4, 83:29, 84:8, 98:18, 98:23, 98:24, 104:22, 114:4, 114:10, 117:8</p> <p>named ^[10] - 1:27, 8:19, 10:16, 10:19, 10:20, 10:28, 11:1, 11:10, 34:6, 34:22</p> <p>namely ^[2] - 11:8, 84:19</p> <p>names ^[2] - 113:22, 121:12</p> <p>naming ^[1] - 107:15</p> <p>narrative ^[1] - 55:26</p> <p>narrowed ^[1] - 96:10</p> <p>national ^[2] - 92:17</p> <p>nationwide ^[2] - 31:4, 42:4</p> <p>naturally ^[1] - 56:21</p> <p>nature ^[9] - 40:4, 41:1, 43:24, 47:24, 65:10, 72:16, 75:27, 80:11, 93:5</p> <p>near ^[1] - 84:2</p> <p>necessarily ^[2] - 117:4, 118:9</p> <p>necessary ^[6] - 22:17, 41:23, 54:20, 54:23, 56:15, 57:22</p> <p>need ^[6] - 49:29, 53:6, 80:16, 87:17, 93:11, 106:4</p> <p>needed ^[5] - 21:21, 63:15, 83:17, 108:18,</p>	<p>117:29</p> <p>needn't ^[2] - 69:1, 83:29</p> <p>needs ^[3] - 53:27, 58:10, 96:9</p> <p>negatively ^[3] - 16:22, 35:12, 81:19</p> <p>neglected ^[1] - 17:3</p> <p>neighbours ^[1] - 53:18</p> <p>network ^[2] - 90:4, 90:5</p> <p>networked ^[1] - 113:27</p> <p>never ^[18] - 9:9, 15:7, 16:1, 22:14, 22:16, 26:22, 35:14, 39:8, 39:10, 49:28, 50:4, 52:27, 76:25, 81:17, 81:18, 95:21</p> <p>new ^[9] - 25:11, 45:13, 49:29, 64:13, 93:15, 108:10, 108:13, 117:22, 117:26</p> <p>news ^[10] - 6:28, 13:28, 19:6, 19:7, 19:8, 21:3, 23:8, 36:3, 44:27, 103:10</p> <p>NEWS ^[2] - 3:2, 3:17</p> <p>newspapers ^[2] - 34:1, 34:19</p> <p>NEWSPAPERS ^[3] - 3:12, 3:17, 3:17</p> <p>newsroom ^[2] - 10:7, 23:7</p> <p>next ^[7] - 9:18, 45:4, 87:6, 111:25, 119:2, 124:27, 124:29</p> <p>nice ^[1] - 7:14</p> <p>night ^[1] - 27:11</p> <p>nobody ^[3] - 16:13, 63:6, 81:16</p> <p>NOEL ^[1] - 2:16</p> <p>none ^[1] - 85:19</p> <p>normal ^[8] - 20:22, 37:20, 53:14, 55:9, 56:1, 64:9, 71:15, 117:7</p> <p>normally ^[3] - 35:26, 51:16, 56:7</p> <p>Northern ^[1] - 111:9</p> <p>note ^[2] - 95:25, 103:21</p> <p>notes ^[2] - 1:27, 15:17</p> <p>nothing ^[6] - 22:4, 51:29, 56:4, 70:23, 86:1, 108:27</p> <p>notice ^[4] - 12:21,</p>	<p>12:22, 26:4, 26:20</p> <p>noticed ^[4] - 27:8, 28:18, 29:12, 82:3</p> <p>notion ^[1] - 59:1</p> <p>notwithstanding ^[1] - 122:1</p> <p>November ^[12] - 9:24, 68:13, 100:23, 114:20, 114:24, 114:26, 115:26, 115:29, 116:4, 121:11, 122:15, 122:21</p> <p>nowadays ^[1] - 21:9</p> <p>nowhere ^[2] - 52:4, 52:7</p> <p>number ^[32] - 7:6, 26:11, 29:24, 33:6, 44:21, 44:23, 46:3, 46:25, 49:9, 49:13, 49:24, 55:13, 64:14, 67:13, 69:4, 69:6, 69:7, 74:15, 82:26, 83:25, 85:27, 88:8, 88:16, 90:5, 97:15, 98:27, 99:7, 100:16, 107:7, 117:6, 121:10</p> <p>numbers ^[5] - 68:24, 69:3, 69:8, 69:14</p> <p>Nóirín ^[5] - 58:28, 80:29, 91:12, 91:17, 109:17</p>	<p>15:7, 58:28, 80:29, 84:24, 91:17, 94:13, 97:7, 97:11, 97:14, 98:4, 98:29, 99:14, 99:23, 105:10, 109:17, 110:3, 110:4, 110:17, 110:24, 113:2, 113:21, 115:16, 116:11, 116:14, 116:18, 117:20, 118:3</p> <p>O'Sullivan's ^[3] - 91:12, 94:24, 114:23</p> <p>O'TOOLE ^[1] - 3:8</p> <p>O'Toole's ^[1] - 69:5</p> <p>objection ^[2] - 57:23</p> <p>objective ^[2] - 59:6, 60:8</p> <p>obliged ^[1] - 38:6</p> <p>observations ^[2] - 27:25, 36:29</p> <p>observe ^[1] - 32:10</p> <p>observed ^[3] - 27:6, 33:4, 82:3</p> <p>observing ^[1] - 60:3</p> <p>obsessed ^[2] - 27:1, 41:12</p> <p>obsessional ^[1] - 40:27</p> <p>obsolescence ^[1] - 109:14</p> <p>obtain ^[1] - 50:19</p> <p>obvious ^[1] - 31:9</p> <p>obviously ^[16] - 7:5, 8:8, 28:19, 33:13, 34:4, 45:3, 59:11, 59:12, 59:15, 61:3, 63:1, 63:12, 67:2, 76:20, 77:26, 117:18</p> <p>occasion ^[2] - 21:18, 47:20</p> <p>occasions ^[4] - 12:15, 30:11, 76:4, 111:10</p> <p>occupy ^[1] - 67:15</p> <p>occupying ^[1] - 22:2</p> <p>occur ^[1] - 42:4</p> <p>occurred ^[2] - 15:2, 47:1</p> <p>occurs ^[1] - 11:15</p> <p>October ^[2] - 49:23, 73:11</p> <p>OF ^[4] - 1:3, 1:9, 1:12, 2:3</p> <p>offer ^[1] - 80:27</p> <p>offered ^[2] - 47:21, 63:5</p> <p>office ^[106] - 6:13, 12:10, 12:11, 13:29, 14:1, 18:21, 19:1,</p>

<p>19:2, 19:5, 19:9, 19:10, 20:23, 21:1, 21:3, 22:13, 22:15, 22:28, 23:9, 23:13, 23:15, 24:24, 24:26, 25:12, 25:25, 26:7, 26:13, 26:21, 27:21, 27:22, 28:16, 29:23, 29:27, 30:1, 30:23, 32:28, 33:2, 34:8, 34:9, 34:12, 34:15, 34:20, 35:16, 35:22, 35:28, 40:4, 40:5, 40:6, 40:20, 41:4, 41:8, 41:11, 41:21, 42:10, 43:6, 43:7, 43:8, 43:9, 43:10, 43:16, 43:20, 43:25, 44:22, 45:2, 45:7, 45:9, 45:19, 47:29, 49:1, 49:3, 49:17, 49:22, 49:25, 52:13, 52:25, 61:18, 66:28, 70:17, 70:20, 71:17, 72:9, 72:13, 74:15, 74:19, 75:9, 77:24, 77:26, 80:11, 80:23, 82:15, 83:7, 83:16, 83:20, 86:16, 86:27, 86:28, 94:8, 94:9, 98:13, 98:14, 113:2, 114:14, 117:28</p> <p>OFFICE [1] - 2:18</p> <p>Office [65] - 6:18, 6:20, 6:27, 7:15, 8:16, 8:21, 9:29, 10:5, 10:6, 10:23, 11:5, 11:8, 11:26, 13:10, 13:13, 13:19, 14:7, 17:11, 17:17, 18:9, 20:16, 24:12, 24:14, 24:28, 25:1, 25:8, 25:15, 25:21, 26:5, 28:28, 29:3, 29:19, 30:26, 36:21, 43:27, 46:22, 52:28, 66:10, 68:9, 69:16, 69:25, 72:6, 73:5, 74:4, 74:9, 75:13, 75:22, 76:14, 76:15, 76:24, 77:19, 77:21, 77:29, 79:8, 79:18, 79:21, 79:25, 81:10, 81:18, 81:29, 82:22, 85:8, 85:17, 86:15, 91:27</p> <p>Officer [25] - 20:27, 27:11, 27:16, 28:3, 28:7, 32:23, 39:20, 43:19, 43:21, 44:5, 45:26, 47:19, 57:5, 57:9, 61:19, 64:2,</p>	<p>64:10, 64:11, 64:13, 65:1, 65:10, 66:3, 66:22, 82:7, 83:3</p> <p>officer [1] - 47:10</p> <p>officers [6] - 70:7, 82:27, 82:29, 96:25, 96:28, 97:1</p> <p>Officers [11] - 7:6, 10:24, 20:29, 21:2, 25:10, 27:8, 27:20, 27:29, 39:21, 64:6, 64:15</p> <p>officers' [2] - 22:19, 34:14</p> <p>offices [1] - 43:10</p> <p>Official [1] - 40:1</p> <p>official [2] - 47:23, 49:8</p> <p>officially [1] - 20:18</p> <p>often [3] - 41:8, 44:29, 49:16</p> <p>Oireachtas [1] - 77:15</p> <p>Oisín [1] - 87:21</p> <p>Oisín-type [1] - 87:21</p> <p>old [8] - 51:20, 93:15, 95:1, 95:3, 95:6, 95:7, 95:12, 101:18</p> <p>older [2] - 64:15, 107:17</p> <p>ON [4] - 1:6, 1:10, 1:18, 6:1</p> <p>once [9] - 10:22, 10:26, 35:11, 56:20, 72:8, 85:12, 88:27, 103:26, 106:3</p> <p>one [80] - 14:16, 16:28, 17:3, 17:22, 18:14, 19:28, 20:1, 27:2, 27:19, 27:27, 29:12, 32:12, 32:14, 32:27, 37:11, 47:20, 48:13, 49:2, 49:13, 49:25, 61:7, 61:12, 64:25, 64:28, 65:3, 65:6, 66:24, 69:5, 71:20, 76:21, 82:6, 82:9, 82:10, 86:14, 90:3, 90:12, 91:11, 93:3, 95:13, 95:27, 97:21, 97:23, 97:27, 98:11, 99:14, 99:15, 99:16, 99:25, 100:17, 100:21, 101:15, 101:24, 101:28, 103:28, 104:9, 104:11, 105:28, 105:29, 107:18,</p>	<p>109:3, 109:4, 110:22, 110:26, 110:28, 115:1, 115:28, 116:1, 116:29, 117:15, 120:5, 122:10, 123:11</p> <p>one-to-one [3] - 27:19, 27:27, 32:27</p> <p>ones [5] - 67:1, 69:12, 100:19, 107:18, 116:2</p> <p>ongoing [1] - 52:22</p> <p>ons [6] - 113:20, 118:8, 118:25, 121:25, 122:9</p> <p>open [7] - 12:12, 12:26, 36:21, 40:10, 55:19, 86:24, 86:25</p> <p>opened [1] - 49:14</p> <p>operated [2] - 40:24, 54:9</p> <p>operating [3] - 92:13, 107:17, 108:13</p> <p>operational [2] - 71:13, 89:1</p> <p>operationally [1] - 101:11</p> <p>operations [4] - 88:10, 88:23, 93:2, 121:2</p> <p>Operations [4] - 109:19, 112:19, 112:21, 120:24</p> <p>opinion [2] - 21:5, 27:24</p> <p>opposed [2] - 60:9, 66:5</p> <p>option [1] - 51:17</p> <p>optiplex [1] - 116:1</p> <p>orchestrated [1] - 81:8</p> <p>order [5] - 65:29, 91:4, 92:28, 96:11, 103:2</p> <p>orders [1] - 95:23</p> <p>organisation [7] - 89:28, 92:12, 93:4, 93:13, 96:6, 96:29, 102:23</p> <p>original [1] - 123:14</p> <p>originally [1] - 24:14</p> <p>OSMOND [1] - 2:19</p> <p>OTHER [1] - 1:4</p> <p>otherwise [3] - 15:18, 15:19, 84:20</p> <p>ourselves [1] - 38:6</p> <p>outer [1] - 62:17</p> <p>outline [3] - 87:24, 88:20, 112:8</p> <p>outlined [3] - 59:20, 59:21, 93:14</p>	<p>outside [4] - 28:15, 43:15, 60:14, 100:20</p> <p>overnight [2] - 30:26, 31:13</p> <p>own [15] - 19:21, 20:23, 21:1, 21:10, 43:16, 43:17, 49:9, 54:22, 104:7, 104:8, 106:9, 108:23, 117:25, 119:21</p>	<p>109:27, 109:28, 115:28</p> <p>particularly [3] - 33:14, 60:29, 73:28</p> <p>parties [5] - 9:27, 24:5, 55:19, 56:22, 56:23</p> <p>partitioned [1] - 107:29</p> <p>partitions [1] - 107:28</p> <p>party [1] - 10:21</p> <p>pass [1] - 47:7</p> <p>PASSED [1] - 1:5</p> <p>passing [1] - 55:7</p> <p>password [2] - 98:18, 113:11</p> <p>past [4] - 27:8, 30:29, 51:18, 83:13</p> <p>path [1] - 87:24</p> <p>PATRICIA [1] - 2:32</p> <p>PATRICK [3] - 2:6, 4:29, 87:10</p> <p>Patrick [1] - 87:7</p> <p>PAUL [2] - 2:10, 3:3</p> <p>Paul [5] - 33:25, 37:12, 45:11, 65:22, 65:28</p> <p>pays [1] - 56:6</p> <p>PC [17] - 92:15, 97:27, 98:6, 100:17, 100:24, 101:6, 101:12, 101:13, 103:19, 105:6, 113:22, 117:26, 118:14, 119:3, 119:21, 121:12</p> <p>PCs [14] - 89:8, 89:27, 93:15, 93:19, 95:12, 97:13, 97:15, 98:3, 100:16, 107:26, 113:11, 113:27, 114:3</p> <p>people [24] - 11:20, 12:27, 20:5, 21:9, 25:11, 34:23, 40:26, 41:9, 41:13, 41:14, 47:29, 51:13, 63:4, 70:6, 74:20, 74:22, 75:25, 77:18, 80:11, 85:7, 87:22, 94:22, 119:25</p> <p>per [1] - 121:11</p> <p>percent [1] - 84:11</p> <p>perfectly [1] - 101:12</p> <p>performed [1] - 121:10</p> <p>perhaps [19] - 8:14, 12:17, 14:26, 32:13, 36:20, 40:27, 42:3, 45:17, 57:15, 58:4,</p>
P				
<p>PAC [3] - 77:25, 77:27, 78:3</p> <p>package [2] - 49:12, 119:23</p> <p>page [16] - 6:25, 9:27, 14:17, 14:22, 14:23, 14:24, 15:4, 24:4, 24:9, 48:27, 68:13, 68:21, 73:11, 73:27, 87:7</p> <p>PAGE [1] - 4:2</p> <p>paid [1] - 115:23</p> <p>paper [3] - 30:7, 30:13, 37:15</p> <p>papers [5] - 7:3, 21:21, 35:18, 72:3, 72:4</p> <p>paramount [1] - 108:16</p> <p>paranoia [1] - 83:12</p> <p>pardon [1] - 52:6</p> <p>park [2] - 18:24, 22:10</p> <p>parked [1] - 22:25</p> <p>parks [1] - 22:25</p> <p>PARLIAMENT [1] - 2:25</p> <p>part [18] - 11:17, 28:23, 34:14, 35:22, 41:6, 52:1, 56:10, 56:11, 56:13, 75:25, 82:23, 89:4, 93:13, 95:11, 100:22, 107:15, 125:8</p> <p>particular [38] - 7:9, 8:2, 10:15, 13:1, 13:20, 13:22, 28:8, 29:13, 30:19, 38:4, 41:12, 41:13, 43:2, 44:12, 50:6, 54:24, 68:27, 71:20, 71:23, 73:22, 74:7, 75:23, 77:3, 81:5, 84:14, 88:11, 88:20, 96:27, 99:22, 100:28, 101:4, 104:12, 108:18,</p>				

<p>59:5, 60:9, 63:11, 64:26, 78:20, 83:12, 84:24, 85:15, 125:2</p> <p>period [26] - 7:5, 7:16, 7:27, 8:5, 13:19, 28:29, 33:3, 46:20, 73:9, 77:17, 81:12, 91:26, 94:24, 95:20, 95:27, 97:8, 100:15, 103:6, 106:2, 106:6, 112:28, 116:8, 118:26, 121:1, 124:1</p> <p>permissions [1] - 90:7</p> <p>person [16] - 10:18, 10:22, 10:28, 11:23, 16:6, 16:8, 25:13, 30:1, 39:4, 39:7, 45:28, 53:27, 60:8, 84:11, 84:12, 98:21</p> <p>person's [1] - 53:29</p> <p>personal [13] - 12:23, 21:11, 21:14, 26:18, 44:23, 48:10, 94:8, 94:11, 94:17, 96:23, 96:24, 106:10, 117:21</p> <p>personality [2] - 25:13, 70:5</p> <p>personally [5] - 14:8, 70:29, 71:22, 72:15, 115:1</p> <p>personnel [4] - 25:6, 26:17, 39:26, 117:27</p> <p>persons [2] - 11:23, 45:28</p> <p>perspective [1] - 42:24</p> <p>pertained [2] - 116:10, 116:14</p> <p>pertaining [1] - 116:18</p> <p>pertinent [1] - 38:8</p> <p>Peter [1] - 124:25</p> <p>PETER [3] - 1:12, 2:2, 2:4</p> <p>PHELAN [1] - 3:30</p> <p>phone [27] - 10:29, 12:18, 12:22, 27:27, 28:11, 29:24, 29:27, 33:20, 35:27, 37:4, 40:21, 48:3, 49:7, 49:8, 49:19, 49:20, 49:24, 49:26, 50:4, 51:13, 52:11, 65:23, 66:17, 69:3, 72:11, 74:10, 74:14</p> <p>phoned [1] - 17:17</p> <p>phones [2] - 51:20, 91:22</p>	<p>phoning [1] - 29:19</p> <p>photograph [2] - 84:1, 84:13</p> <p>physical [3] - 90:20, 90:23, 107:23</p> <p>pick [1] - 85:17</p> <p>picture [1] - 28:8</p> <p>piece [3] - 82:16, 82:17, 84:14</p> <p>pieces [1] - 62:20</p> <p>place [11] - 8:21, 18:1, 26:23, 38:13, 95:23, 99:9, 99:11, 104:27, 112:17, 117:29, 122:22</p> <p>placed [2] - 46:3, 96:27</p> <p>plan [4] - 93:12, 95:11, 108:15</p> <p>planned [1] - 95:19</p> <p>planning [1] - 88:25</p> <p>plugs [1] - 113:29</p> <p>point [15] - 22:29, 38:7, 43:18, 44:5, 44:8, 51:29, 53:7, 54:25, 58:5, 58:18, 65:18, 68:15, 77:3, 83:20, 95:21</p> <p>pointed [1] - 72:8</p> <p>policy [4] - 95:14, 99:8, 99:11, 108:25</p> <p>political [1] - 77:21</p> <p>popular [1] - 36:1</p> <p>portion [1] - 59:11</p> <p>position [4] - 21:21, 39:20, 47:7, 49:5</p> <p>positive [2] - 9:7, 40:28</p> <p>possible [3] - 109:24, 124:19</p> <p>possibly [13] - 12:20, 19:23, 34:7, 37:3, 40:13, 50:10, 64:16, 66:8, 66:19, 77:9, 78:8, 80:4, 95:28</p> <p>post [1] - 51:3</p> <p>posted [2] - 50:1, 51:3</p> <p>practice [1] - 109:21</p> <p>precede [1] - 124:1</p> <p>preceded [1] - 110:8</p> <p>predecessors [1] - 70:6</p> <p>prefer [1] - 62:29</p> <p>prepare [1] - 7:25</p> <p>prepared [1] - 7:3</p> <p>preparing [2] - 116:23, 121:4</p> <p>presence [1] - 82:5</p> <p>present [5] - 16:7,</p>	<p>16:13, 63:1, 73:8, 99:12</p> <p>presently [2] - 60:27, 61:23</p> <p>preservation [2] - 95:23, 96:11</p> <p>press [17] - 11:18, 11:19, 25:16, 30:9, 30:17, 35:26, 36:26, 38:14, 38:29, 61:17, 70:7, 72:12, 75:12, 76:2, 76:8, 82:26, 82:29</p> <p>Press [101] - 6:17, 6:20, 6:26, 7:6, 7:15, 8:16, 8:20, 9:29, 10:5, 10:6, 10:23, 10:24, 11:5, 11:8, 11:26, 13:10, 13:13, 13:19, 14:7, 17:11, 17:17, 18:9, 20:16, 20:27, 20:29, 21:2, 24:12, 24:14, 24:28, 25:1, 25:7, 25:10, 25:15, 25:21, 26:4, 27:8, 27:11, 27:16, 27:20, 27:29, 28:3, 28:7, 28:28, 29:3, 29:19, 30:26, 32:23, 36:21, 39:19, 39:21, 43:18, 43:21, 43:27, 44:5, 45:26, 46:21, 47:19, 52:27, 57:5, 57:8, 61:19, 64:2, 64:6, 64:10, 64:11, 64:13, 64:15, 65:1, 65:9, 66:3, 66:10, 66:22, 68:9, 69:16, 69:25, 72:6, 73:5, 74:4, 74:8, 75:13, 75:22, 76:14, 76:15, 76:24, 77:19, 77:21, 77:29, 79:7, 79:18, 79:21, 79:25, 81:9, 81:18, 81:29, 82:7, 82:22, 83:2, 85:8, 85:17, 86:15, 91:27</p> <p>pressure [2] - 27:12, 27:16</p> <p>presumably [1] - 117:19</p> <p>presume [1] - 111:7</p> <p>pretty [5] - 39:6, 79:10, 98:22, 102:24, 103:9</p> <p>previous [16] - 27:8, 70:3, 83:23, 94:27, 104:10, 104:15, 112:25, 113:9, 114:18, 114:20,</p>	<p>115:7, 121:26, 122:2, 122:24, 123:25, 123:29</p> <p>previously [2] - 58:14, 59:20</p> <p>PREVIOUSLY [1] - 86:10</p> <p>primarily [1] - 7:23</p> <p>print [2] - 25:19, 42:6</p> <p>printed [1] - 42:21</p> <p>printer [1] - 42:12</p> <p>printers [1] - 89:8</p> <p>prison [1] - 53:21</p> <p>privacy [1] - 69:2</p> <p>private [8] - 40:22, 47:25, 49:6, 49:9, 74:10, 74:14, 112:25, 113:3</p> <p>privilege [1] - 66:24</p> <p>privileged [1] - 22:16</p> <p>privy [2] - 30:14, 65:17</p> <p>problem [3] - 44:23, 75:15, 80:22</p> <p>problems [3] - 9:9, 12:11, 48:1</p> <p>procedure [3] - 37:20, 115:17, 115:19</p> <p>procedures [1] - 108:18</p> <p>process [2] - 30:23, 102:20</p> <p>processes [1] - 93:14</p> <p>processing [2] - 90:15, 117:16</p> <p>professional [3] - 41:6, 70:2, 83:1</p> <p>professionalism [1] - 75:15</p> <p>project [8] - 26:9, 92:10, 92:20, 92:28, 93:3, 96:5, 97:17, 100:23</p> <p>projects [3] - 72:11, 109:22, 109:27</p> <p>promise [1] - 125:10</p> <p>promoted [4] - 24:22, 64:16, 88:9, 112:4</p> <p>promotion [1] - 73:9</p> <p>promotions [1] - 88:8</p> <p>prompted [2] - 30:6, 80:28</p> <p>proof [1] - 120:8</p> <p>proper [2] - 57:21, 58:6</p> <p>properly [1] - 60:6</p> <p>property [1] - 43:5</p>	<p>Prosecutions [1] - 38:25</p> <p>protect [1] - 69:2</p> <p>PROTECTED [2] - 1:3, 1:4</p> <p>protected [13] - 8:2, 13:1, 14:2, 34:23, 35:2, 56:12, 56:27, 57:7, 57:8, 59:29, 68:17, 73:16, 81:2</p> <p>protecting [1] - 45:8</p> <p>provide [10] - 15:16, 38:27, 38:28, 41:7, 46:11, 47:3, 91:16, 103:15, 103:23, 105:27</p> <p>provided [16] - 14:21, 24:3, 24:6, 44:10, 48:29, 50:18, 51:1, 61:7, 68:12, 82:1, 99:5, 108:5, 114:29, 116:5, 116:16, 116:21</p> <p>provides [2] - 119:15, 119:25</p> <p>providing [1] - 75:28</p> <p>public [6] - 7:2, 8:12, 25:16, 25:23, 61:18, 112:15</p> <p>Public [3] - 38:24, 71:6, 78:29</p> <p>published [2] - 37:14, 52:19</p> <p>Pulse [32] - 78:9, 80:4, 80:5, 84:13, 89:12, 89:14, 89:15, 89:16, 89:18, 89:23, 89:26, 89:29, 90:2, 90:9, 90:19, 90:24, 90:27, 97:20, 98:16, 101:12, 101:13, 116:29, 117:3, 117:8, 117:14, 117:17, 118:6, 118:9, 119:22, 122:26, 123:5</p> <p>purchase [1] - 115:12</p> <p>purchased [3] - 104:16, 115:9, 123:11</p> <p>purpose [4] - 16:25, 43:13, 84:1, 90:26</p> <p>purposes [4] - 82:2, 113:7, 119:10, 119:25</p> <p>pursued [1] - 57:15</p> <p>pushed [1] - 66:11</p> <p>put [17] - 11:16, 11:18, 14:1, 17:25, 19:7, 49:14, 49:28, 50:21, 50:23, 51:2, 54:18, 59:5, 63:7,</p>
--	---	--	---	---

<p>63:10, 76:27, 77:1, 88:24 puts [1] - 54:29 putting [1] - 76:7 puzzled [2] - 122:8, 122:13</p>	<p>26:24 ranks [1] - 101:22 rapport [1] - 26:23 rare [1] - 21:11 RE [4] - 4:10, 4:32, 17:1, 110:13 re [10] - 63:3, 100:4, 102:4, 102:7, 102:22, 123:15, 123:16, 123:26 re-allocated [1] - 123:26 RE-EXAMINED [4] - 4:10, 4:32, 17:1, 110:13 re-imaged [4] - 102:7, 102:22, 123:26 re-imaging [2] - 123:15, 123:16 re-set [2] - 100:4, 102:4 reach [1] - 29:29 reaches [1] - 40:27 read [7] - 25:26, 30:7, 34:26, 35:18, 42:20, 50:8, 72:3 reading [7] - 30:19, 33:27, 33:29, 34:18, 40:1, 75:26 real [3] - 12:11, 48:21, 61:29 reality [1] - 62:4 reallocated [1] - 101:7 really [5] - 42:19, 47:11, 77:20, 77:22, 77:24 reappeared [1] - 76:4 reason [6] - 47:3, 47:6, 69:18, 90:24, 118:1, 121:21 reasonable [1] - 58:3 reasonably [1] - 85:25 reasons [3] - 30:15, 95:3, 95:13 rebuilt [2] - 101:6, 101:11 recalled [1] - 57:28 receive [3] - 63:4, 84:27, 106:7 received [8] - 16:13, 44:17, 74:9, 88:8, 91:19, 96:1, 104:28, 112:24 receiving [1] - 74:20 recently [1] - 121:1 rechecked [1] - 97:26</p>	<p>recollection [2] - 79:17, 79:19 record [2] - 99:3, 107:7 recorded [6] - 16:11, 101:25, 101:27, 101:28, 102:11, 119:3 records [5] - 101:20, 102:17, 104:7, 123:26, 123:29 redeployed [1] - 101:11 refer [2] - 15:26, 90:19 reference [16] - 7:29, 12:28, 34:25, 41:27, 48:26, 48:27, 53:11, 68:22, 83:24, 91:29, 97:28, 97:29, 100:19, 100:21, 107:7, 110:15 referred [4] - 18:2, 19:10, 63:11, 121:27 referring [3] - 40:12, 60:20, 107:9 refers [1] - 107:12 reflect [7] - 31:5, 53:13, 69:14, 81:4, 81:7, 81:14, 102:17 reflecting [1] - 57:2 reflection [1] - 81:15 reflects [3] - 28:26, 28:27, 57:11 refurbishment [1] - 26:8 regard [8] - 15:29, 40:26, 58:29, 59:13, 59:18, 76:17, 78:22, 80:28 regarded [1] - 58:4 regarding [3] - 30:14, 59:16, 115:11 regardless [2] - 26:24, 61:1 regards [1] - 47:16 regional [1] - 99:10 register [2] - 109:25, 115:14 registers [1] - 99:6 REGISTRAR [1] - 2:4 regular [5] - 29:13, 33:2, 48:16, 62:28, 65:11 regularly [1] - 56:6 relate [3] - 12:7, 44:19, 61:29 related [4] - 91:11, 91:26, 110:22, 116:7 relates [1] - 36:7 relating [4] - 31:4, 46:4, 46:5, 123:29</p>	<p>relation [113] - 8:3, 9:4, 10:15, 11:4, 11:6, 11:9, 11:12, 15:26, 17:12, 26:10, 27:25, 28:13, 30:3, 33:12, 33:15, 35:5, 42:3, 42:6, 43:3, 46:26, 47:5, 48:29, 50:18, 53:15, 55:2, 55:10, 55:13, 56:2, 56:28, 57:20, 57:24, 59:15, 59:18, 59:23, 59:24, 59:27, 59:29, 60:18, 60:21, 60:23, 60:26, 60:27, 61:5, 61:6, 61:26, 62:22, 63:2, 63:16, 65:22, 65:26, 67:12, 68:16, 69:4, 70:8, 70:13, 70:28, 71:8, 71:13, 71:21, 71:23, 72:5, 72:12, 73:23, 74:17, 78:1, 78:24, 79:22, 81:28, 83:1, 83:28, 84:18, 87:20, 87:21, 89:2, 89:3, 89:11, 91:5, 91:14, 94:23, 94:27, 97:6, 98:6, 98:14, 99:25, 100:12, 100:25, 102:19, 103:4, 104:2, 104:19, 104:24, 105:3, 105:13, 106:12, 106:14, 107:5, 107:8, 107:20, 108:9, 109:4, 109:13, 109:14, 109:17, 110:3, 110:29, 116:21, 118:25, 119:5, 121:5, 121:25, 123:7, 123:15 relations [2] - 25:16, 61:18 relationship [14] - 12:5, 26:16, 32:6, 32:8, 32:11, 58:25, 64:24, 65:1, 65:3, 69:29, 70:2, 73:29, 74:24 relationships [1] - 61:13 relatively [2] - 9:28, 24:6 relay [2] - 62:16 release [3] - 11:18, 11:19, 32:5 released [1] - 45:28 releasing [1] - 30:18 relevance [2] - 52:24, 122:9 relevancy [3] -</p>	<p>54:21, 55:11, 57:26 relevant [14] - 47:8, 56:22, 56:24, 57:1, 57:2, 57:4, 57:6, 57:17, 81:12, 96:9, 97:8, 100:15, 112:28, 115:6 remain [3] - 7:16, 25:1, 118:26 remained [2] - 6:20, 7:19 remark [1] - 79:3 remember [6] - 7:6, 8:14, 8:15, 22:5, 34:3, 72:2 remote [2] - 103:15, 119:27 removal [1] - 121:22 remove [1] - 93:19 removed [2] - 43:25, 53:25 removing [2] - 43:13, 94:28 repair [1] - 99:27 repaired [1] - 99:29 repeat [1] - 110:19 repeating [3] - 77:10, 80:18, 80:21 replace [2] - 92:14, 101:4 replaced [11] - 26:13, 92:24, 97:16, 100:22, 100:24, 107:18, 114:11, 114:21, 114:23, 116:1, 121:17 replacement [1] - 114:19 replacing [1] - 92:11 reply [1] - 38:18 report [6] - 30:26, 31:13, 41:29, 44:14, 116:24, 121:4 reported [6] - 96:2, 100:16, 100:19, 104:15, 104:17 reporter [1] - 39:7 reporting [1] - 7:19 reports [6] - 15:18, 30:24, 31:6, 41:27, 42:7, 42:15 represent [1] - 82:13 request [7] - 38:14, 42:11, 42:13, 83:28, 91:19, 91:26, 112:24 requested [1] - 91:16 requests [10] - 46:5, 46:10, 48:28, 68:25, 71:8, 71:12, 71:13, 71:18, 72:10, 113:18</p>
Q				
<p>qualifications [3] - 88:17, 112:8, 112:9 quarter [1] - 30:28 QUAY [2] - 2:12, 3:20 queries [11] - 7:24, 8:15, 10:12, 10:13, 11:5, 11:12, 35:26, 35:28, 71:16, 72:10, 121:4 query [7] - 10:14, 10:17, 35:20, 36:8, 116:6, 118:7 question-and-answer [1] - 14:24 question-mark [1] - 79:29 QUESTIONED [4] - 4:11, 4:17, 18:5, 63:29 questions [29] - 8:26, 9:14, 14:10, 14:12, 14:13, 37:7, 39:14, 39:15, 53:5, 53:23, 54:18, 54:29, 63:21, 72:18, 72:19, 72:20, 81:21, 81:22, 81:27, 106:20, 106:22, 106:23, 107:4, 118:19, 118:20, 118:24, 124:6, 124:7, 124:8 quick [1] - 107:4 quickly [2] - 38:3, 44:27 quite [10] - 12:16, 12:26, 26:9, 29:19, 30:12, 34:23, 41:15, 43:6, 46:15, 56:24</p>				
R				
<p>radar [2] - 14:6, 78:4 raise [1] - 57:22 raised [5] - 11:6, 55:11, 57:24, 118:7, 121:4 rang [6] - 45:9, 45:10, 51:2, 65:29, 74:15, 74:16 rank [2] - 25:11,</p>				

<p>require [2] - 41:4, 81:15</p> <p>required [1] - 106:11</p> <p>RESOLUTIONS [1] - 1:5</p> <p>respect [3] - 37:20, 60:14, 91:19</p> <p>respectful [2] - 56:17, 57:20</p> <p>respond [3] - 10:17, 10:29, 36:13</p> <p>response [4] - 10:22, 11:8, 36:8, 36:20</p> <p>responses [1] - 10:18</p> <p>responsibilities [1] - 90:7</p> <p>responsibility [4] - 88:21, 89:3, 89:5, 89:11</p> <p>responsible [7] - 41:14, 54:19, 88:10, 88:23, 88:25, 88:28, 89:5</p> <p>responsibly [1] - 58:18</p> <p>rest [2] - 22:1, 51:24</p> <p>result [1] - 97:3</p> <p>RESUMED [2] - 6:1, 68:1</p> <p>retain [2] - 95:3, 95:12</p> <p>retained [2] - 92:28, 96:9</p> <p>retaining [1] - 95:5</p> <p>retention [1] - 90:10</p> <p>retire [1] - 29:6</p> <p>retirement [4] - 102:13, 102:21, 115:10, 123:12</p> <p>retrieve [1] - 106:10</p> <p>return [3] - 68:17, 75:9, 99:11</p> <p>returned [10] - 24:28, 99:3, 99:26, 101:9, 101:25, 101:27, 101:29, 102:1, 102:11, 104:18</p> <p>returning [1] - 116:22</p> <p>reused [1] - 95:28</p> <p>revealed [1] - 66:17</p> <p>revisit [1] - 70:15</p> <p>rid [1] - 48:12</p> <p>rights [2] - 63:4, 63:5</p> <p>ring [7] - 29:23, 29:29, 36:2, 36:3, 36:4, 46:29, 66:5</p> <p>ringing [2] - 33:1, 74:13</p>	<p>rise [1] - 31:8</p> <p>risk [1] - 92:14</p> <p>risks [1] - 93:4</p> <p>Road [1] - 88:3</p> <p>role [13] - 6:26, 7:1, 10:4, 21:9, 45:13, 45:14, 49:29, 57:5, 72:9, 83:2, 83:28, 88:21, 112:23</p> <p>roles [2] - 88:6, 90:7</p> <p>RONAN [2] - 2:31, 3:24</p> <p>room [12] - 12:17, 12:18, 12:24, 18:11, 51:19, 61:14, 62:17, 62:22, 102:9, 105:16, 105:20, 123:27</p> <p>rooms [1] - 18:9</p> <p>ROSSA [1] - 3:3</p> <p>round [1] - 92:21</p> <p>routine [1] - 71:16</p> <p>RTÉ [2] - 2:31, 2:32</p> <p>rule [12] - 10:23, 53:15, 54:1, 54:13, 54:14, 55:9, 55:27, 56:2, 57:25, 58:6, 58:15, 63:3</p> <p>rules [1] - 54:8</p> <p>Rules [1] - 54:13</p> <p>ruling [1] - 65:27</p> <p>rumour [3] - 78:8, 78:11, 80:2</p> <p>rumours [1] - 73:22</p> <p>running [2] - 44:22, 57:21</p> <p>Ryan [7] - 87:7, 87:13, 87:18, 115:5, 116:23, 118:14, 118:15</p> <p>RYAN [4] - 4:29, 87:10, 107:1, 110:13</p>	<p>50:2, 81:18</p> <p>SC [9] - 2:6, 2:6, 2:9, 2:10, 2:14, 2:15, 2:15, 2:22, 3:3</p> <p>scale [3] - 92:10, 92:19, 93:3</p> <p>scene [3] - 75:10, 82:9, 82:14</p> <p>scenes [1] - 82:4</p> <p>schedule [1] - 27:15</p> <p>scheduled [1] - 111:3</p> <p>scintilla [1] - 85:18</p> <p>screen [4] - 14:18, 36:6, 42:20, 69:1</p> <p>scroll [1] - 36:16</p> <p>sealed [1] - 49:12</p> <p>SEAN [1] - 2:11</p> <p>SEANAD [1] - 1:6</p> <p>search [2] - 104:7, 112:26</p> <p>searched [1] - 121:18</p> <p>searches [2] - 87:20, 121:10</p> <p>SEBASTIAN [1] - 3:13</p> <p>second [8] - 54:3, 58:21, 60:2, 95:17, 107:11, 115:25, 116:24, 116:25</p> <p>second-last [1] - 107:11</p> <p>seconded [1] - 112:12</p> <p>secondly [1] - 66:22</p> <p>secretary [3] - 21:6, 112:25, 113:3</p> <p>secretive [1] - 12:16</p> <p>Secrets [1] - 40:1</p> <p>sectio [1] - 112:13</p> <p>section [8] - 49:18, 88:5, 88:28, 99:4, 99:26, 112:21, 117:27, 120:23</p> <p>sections [2] - 88:6, 88:8</p> <p>sector [1] - 88:16</p> <p>secure [5] - 95:18, 97:24, 103:15, 103:18, 103:22</p> <p>securely [2] - 95:22, 103:21</p> <p>security [3] - 41:20, 88:10, 92:14</p> <p>see [27] - 14:23, 15:12, 26:25, 31:22, 32:12, 36:5, 36:7, 36:11, 36:13, 38:6, 43:18, 44:8, 52:23,</p>	<p>55:6, 59:16, 59:23, 59:25, 60:6, 60:8, 60:23, 65:13, 65:16, 65:19, 83:14, 84:10, 117:24</p> <p>seeking [1] - 46:25</p> <p>seem [1] - 61:29</p> <p>self [1] - 54:14</p> <p>self-corroboration [1] - 54:14</p> <p>send [3] - 47:12, 49:29, 106:8</p> <p>sending [2] - 106:7, 119:28</p> <p>senior [4] - 45:22, 96:25, 96:28, 97:1</p> <p>sense [11] - 60:8, 76:26, 77:10, 77:11, 82:19, 83:21, 85:2, 85:20, 98:26, 104:1, 105:24</p> <p>sensitive [6] - 30:14, 39:25, 40:2, 40:4, 40:12, 40:14</p> <p>sensitivities [1] - 31:24</p> <p>sensitivity [1] - 31:21</p> <p>sent [7] - 7:4, 37:19, 38:24, 58:29, 100:3, 104:28, 120:2</p> <p>sentence [1] - 53:21</p> <p>separate [3] - 59:26, 60:13, 123:4</p> <p>separately [1] - 95:9</p> <p>September [7] - 6:24, 36:18, 44:11, 99:17, 102:10, 112:23, 112:24</p> <p>sequence [1] - 123:9</p> <p>SERGEANT [13] - 4:7, 4:13, 4:19, 4:22, 4:26, 5:1, 9:21, 24:1, 68:5, 73:1, 81:24, 86:10, 112:1</p> <p>sergeant [29] - 7:26, 9:18, 9:23, 10:6, 17:2, 19:21, 19:23, 20:1, 20:2, 24:3, 24:8, 35:25, 37:10, 38:26, 39:18, 43:7, 49:3, 50:11, 50:14, 51:27, 58:1, 68:3, 68:27, 72:25, 81:26, 112:18, 118:24, 120:10, 120:12</p> <p>Sergeant [52] - 8:4, 8:12, 11:7, 13:4, 13:12, 13:21, 14:6, 16:22, 16:25, 23:23,</p>	<p>34:5, 34:16, 34:17, 35:5, 35:12, 37:11, 37:16, 38:22, 38:26, 52:10, 53:9, 65:26, 68:8, 68:20, 69:24, 70:9, 71:1, 71:2, 71:8, 71:29, 72:7, 73:4, 73:21, 76:13, 76:15, 77:29, 78:2, 78:4, 78:6, 78:20, 79:26, 79:29, 80:25, 81:9, 83:10, 86:6, 86:13, 87:21, 97:9, 112:3, 112:6</p> <p>sergeants [12] - 7:23, 11:25, 18:14, 19:7, 19:19, 19:20, 19:29, 35:16, 39:28, 40:5, 72:14</p> <p>serial [1] - 114:4</p> <p>series [1] - 37:14</p> <p>serious [9] - 31:4, 42:3, 46:4, 46:5, 46:26, 46:29, 75:18, 82:4, 82:15</p> <p>seriousness [1] - 11:22</p> <p>serve [1] - 53:20</p> <p>served [1] - 91:4</p> <p>server [3] - 48:6, 48:7, 48:8</p> <p>service [3] - 41:7, 113:29, 117:13</p> <p>Service [1] - 111:9</p> <p>Services [1] - 1:25</p> <p>services [2] - 56:7, 103:12</p> <p>SERVICES [1] - 1:30</p> <p>set [8] - 10:18, 33:10, 61:28, 90:8, 91:4, 100:4, 102:4, 107:11</p> <p>settled [1] - 124:27</p> <p>seven [9] - 11:27, 18:14, 19:19, 27:10, 30:29, 64:4, 83:13, 83:14, 92:22</p> <p>seven-and-a-half [1] - 92:22</p> <p>several [1] - 120:29</p> <p>sexual [8] - 13:22, 37:24, 37:28, 56:7, 73:23, 78:8, 80:3, 80:7</p> <p>SGT [1] - 2:9</p> <p>shadowing [1] - 7:23</p> <p>SHANE [1] - 2:14</p> <p>share [9] - 93:17, 93:20, 93:28, 94:2, 94:4, 94:10, 96:17, 96:20, 118:4</p>
S				
	<p>safeguarding [1] - 108:15</p> <p>safekeeping [1] - 115:5</p> <p>SAINT [2] - 3:5, 3:10</p> <p>sane [1] - 59:2</p> <p>satisfied [3] - 96:21, 98:8, 109:8</p> <p>Saturday [3] - 18:17, 20:7, 43:11</p> <p>save [3] - 94:2, 108:1, 108:8</p> <p>saved [1] - 94:9</p> <p>saw [6] - 12:10, 42:25, 43:13, 43:15,</p>			

<p>shared [1] - 108:1 shares [8] - 93:8, 93:10, 94:8, 94:15, 94:17, 94:19, 108:6 sharing [2] - 18:11, 75:3 shift [3] - 68:28, 80:11, 83:18 shiftiness [1] - 54:5 shifts [2] - 18:7, 70:25 SHIP [1] - 2:19 shocked [4] - 39:6, 66:16, 66:19, 66:20 short [4] - 9:28, 24:6, 66:11, 73:9 shorter [3] - 19:25, 20:8, 20:9 shortly [1] - 79:17 show [2] - 62:23, 83:9 showed [2] - 74:10, 114:10 shower [1] - 19:3 showing [3] - 56:25, 57:4, 116:26 shows [1] - 36:20 sic [1] - 94:3 side [6] - 76:28, 76:29, 77:1, 77:16, 82:20, 120:24 sides [2] - 40:26, 64:22 sign [2] - 122:27, 122:28 significant [3] - 14:27, 56:27, 92:7 signpost [1] - 15:20 signs [1] - 44:26 SIM [9] - 48:29, 49:11, 49:26, 49:28, 50:2, 50:21, 51:17, 51:18, 61:6 similar [2] - 47:29, 91:19 Simon [1] - 123:24 SIMON [2] - 3:18, 3:18 simply [3] - 14:6, 66:3, 78:23 sincere [1] - 6:4 single [3] - 18:16, 122:27, 122:28 sinister [5] - 50:10, 51:5, 51:6, 51:22, 51:29 Sirius [1] - 119:14 sitting [2] - 103:27, 119:16 situation [4] - 55:4,</p>	<p>63:9, 66:4, 105:20 six [7] - 11:25, 19:5, 39:23, 64:4, 67:1, 95:21, 101:14 size [2] - 43:8, 51:14 slung [1] - 22:6 small [2] - 23:14, 85:27 smear [6] - 84:20, 84:28, 85:8, 85:9, 85:10, 85:18 SMITHFIELD [1] - 2:29 smooth [1] - 44:22 snippets [1] - 62:20 SOLE [2] - 1:12, 2:2 solicitor [3] - 17:17, 62:14, 79:18 SOLICITOR [1] - 2:7 SOLICITOR'S [1] - 2:18 SOLICITORS [7] - 2:24, 2:28, 3:4, 3:8, 3:18, 3:24, 3:30 solution [7] - 94:6, 94:12, 104:26, 104:29, 105:5, 105:8, 106:9 someone [4] - 21:21, 66:21, 96:2, 118:25 sometimes [3] - 28:7, 40:9, 82:3 somewhat [2] - 62:5, 63:12 sorry [25] - 11:29, 13:26, 14:8, 16:28, 17:22, 22:17, 24:17, 25:8, 37:25, 46:15, 46:17, 47:14, 50:5, 51:26, 64:10, 67:11, 81:6, 87:28, 87:29, 94:5, 98:5, 105:18, 105:21, 110:19, 125:5 sort [6] - 7:23, 10:23, 32:6, 43:26, 69:29, 82:4 sought [1] - 56:20 soundness [1] - 59:6 source [1] - 66:17 sources [1] - 99:8 space [4] - 22:4, 48:8, 62:17, 94:11 speaking [5] - 40:17, 42:26, 44:19, 78:24, 78:26 special [2] - 6:14, 115:19 specific [3] - 97:5, 109:21, 109:22 specifically [3] -</p>	<p>63:11, 97:1, 103:8 specified [2] - 90:12, 112:27 specify [1] - 116:9 speech [1] - 21:22 speeches [1] - 21:26 spend [1] - 20:16 spent [1] - 20:29 split [1] - 19:19 spoken [1] - 65:29 Spotlight [6] - 8:17, 11:17, 14:1, 14:2, 68:22, 68:29 spreading [1] - 73:22 Square [1] - 6:14 staff [23] - 10:24, 12:8, 19:8, 25:6, 25:15, 25:20, 26:19, 26:24, 26:26, 30:21, 35:15, 35:16, 37:2, 45:27, 70:20, 74:14, 76:27, 77:7, 79:25, 80:9, 81:18, 104:28 stage [6] - 29:5, 29:10, 34:10, 35:23, 60:18, 101:19 stairs [4] - 19:2, 19:3, 19:4, 19:9 stand [5] - 55:8, 59:9, 59:28, 61:27, 63:19 stand-alone [1] - 59:28 standalone [1] - 107:22 standard [6] - 8:18, 10:22, 11:7, 26:7, 115:17, 119:22 standing [1] - 22:27 star [1] - 58:15 start [3] - 19:27, 106:2, 125:2 started [5] - 6:12, 18:19, 19:11, 20:18, 20:26 starting [1] - 83:14 STATE [1] - 2:18 state [1] - 15:7 State [1] - 49:7 statement [43] - 6:24, 7:22, 9:24, 9:28, 24:4, 24:6, 24:7, 24:18, 26:12, 33:10, 34:28, 44:9, 46:2, 46:27, 47:20, 48:26, 48:27, 50:15, 51:9, 52:10, 59:2, 61:6, 68:12, 68:18, 69:10, 69:12, 73:10, 73:26, 74:26, 82:1, 87:7,</p>	<p>89:10, 108:24, 115:26, 116:3, 116:4, 116:5, 116:21, 116:23, 116:25, 121:11, 122:18, 123:22 statements [2] - 15:18, 57:14 statements' [1] - 10:21 Station [3] - 87:27, 88:2, 88:3 station [4] - 89:8, 90:4, 90:22, 119:2 stations [2] - 93:8, 103:29 stay [4] - 41:4, 64:13, 64:15, 111:19 stenographic [1] - 1:27 STENOGRAPHY [1] - 1:30 stenography [1] - 1:25 stepping [1] - 33:21 steps [3] - 41:17, 45:24, 92:27 still [13] - 13:13, 20:13, 25:2, 36:4, 38:5, 49:17, 49:25, 49:27, 95:24, 106:7, 109:11, 122:1, 122:22 stint [1] - 24:21 stood [1] - 82:9 stop [1] - 60:2 storage [8] - 93:21, 94:6, 94:11, 94:12, 105:24, 105:25, 105:27, 121:23 store [2] - 51:16, 105:16 stored [9] - 93:19, 93:27, 93:28, 107:22, 107:24, 108:10, 109:9, 122:5, 122:7 storeroom [2] - 97:23, 97:24 storey [1] - 22:3 stories [6] - 22:2, 27:13, 28:4, 52:19, 75:19, 83:26 story [9] - 28:9, 36:1, 36:2, 38:2, 71:3, 75:25, 77:20, 79:15, 84:28 Strachan [1] - 124:21 straight [3] - 11:21, 19:1, 19:4 straightforward [1] -</p>	<p>59:1 strained [1] - 26:17 STREET [6] - 2:19, 2:25, 2:28, 3:5, 3:9, 3:19 stress [1] - 27:12 strong [2] - 40:29, 80:26 structures [1] - 7:19 struggling [1] - 18:8 student [2] - 87:27, 88:1 studied [2] - 88:12, 88:14 studying [1] - 112:11 stuff [2] - 51:17, 61:12 style [5] - 39:19, 40:23, 70:5, 70:6, 75:5 subject [9] - 25:16, 37:17, 37:23, 37:27, 38:12, 38:22, 39:7, 44:13, 109:7 submission [3] - 56:17, 57:21, 60:17 submissions [1] - 54:22 subsequent [2] - 50:25, 116:20 subsequently [4] - 33:25, 57:23, 84:12, 100:9 substantiate [1] - 15:19 suggest [1] - 118:1 suggestion [2] - 105:16, 105:19 suicides [1] - 31:24 summary [1] - 89:19 summer [2] - 13:20, 14:5 Sun [1] - 29:17 Sunday [5] - 18:17, 20:7, 20:9, 43:12, 74:7 Sundrive [1] - 88:3 SUNLIGHT [1] - 2:24 SUPERINTENDENT [4] - 4:29, 87:10, 107:1, 110:13 superintendent [15] - 11:29, 18:15, 20:22, 33:2, 42:17, 45:25, 45:29, 47:11, 82:12, 88:9, 96:7, 104:10, 104:15, 124:25, 124:26 Superintendent [130] - 7:7, 8:3, 9:3, 9:6,</p>
---	---	--	--	--

<p>12:1, 12:3, 12:26, 13:2, 14:19, 14:25, 18:2, 18:11, 18:21, 19:1, 20:26, 21:2, 21:15, 21:18, 25:7, 25:9, 25:10, 25:14, 26:3, 27:17, 28:14, 28:26, 29:2, 29:7, 29:26, 30:4, 31:9, 31:14, 32:9, 32:18, 32:21, 33:1, 33:4, 33:15, 35:2, 35:9, 36:29, 37:15, 38:21, 39:19, 39:27, 40:3, 40:15, 40:28, 42:9, 42:26, 43:1, 43:3, 43:9, 43:26, 45:5, 45:6, 45:11, 45:16, 46:2, 46:21, 48:1, 48:28, 49:22, 50:26, 51:23, 55:1, 55:14, 55:16, 55:17, 55:20, 56:26, 57:3, 57:5, 57:12, 57:26, 59:2, 62:6, 62:29, 63:9, 63:14, 64:24, 66:18, 66:27, 68:16, 69:26, 70:26, 73:17, 73:29, 74:8, 74:11, 74:13, 74:21, 76:18, 77:4, 77:9, 78:1, 78:21, 79:8, 79:10, 79:11, 79:26, 80:18, 80:21, 80:24, 81:3, 81:5, 81:28, 83:2, 83:24, 84:4, 84:5, 84:21, 87:6, 87:13, 87:18, 87:25, 91:26, 93:26, 96:14, 105:11, 106:13, 107:5, 110:9, 111:2, 111:20, 115:4, 116:23, 118:14, 118:15, 125:1</p> <p>superintendents [1] - 75:20</p> <p>superior [2] - 42:17, 47:10</p> <p>supervision [1] - 111:2</p> <p>supervisor [1] - 70:4</p> <p>supervisors [1] - 70:3</p> <p>supplied [1] - 93:21</p> <p>support [1] - 89:6</p> <p>suppose [31] - 10:7, 13:28, 25:26, 27:7, 28:15, 29:5, 30:6, 35:29, 56:15, 57:29, 58:2, 64:5, 65:7, 89:15, 89:24, 90:1,</p>	<p>90:7, 93:3, 93:14, 95:4, 95:12, 95:13, 96:14, 97:1, 97:10, 99:7, 101:22, 103:14, 105:28, 108:26, 109:27</p> <p>SUPREME [2] - 1:13, 2:3</p> <p>SUPT [1] - 2:22</p> <p>surely [1] - 38:26</p> <p>surprised [2] - 30:12, 30:22</p> <p>surprising [1] - 38:10</p> <p>surrounding [1] - 34:17</p> <p>suspect [1] - 46:17</p> <p>suspension [1] - 56:11</p> <p>suspicion [1] - 31:8</p> <p>suspicious [3] - 30:3, 30:6, 70:12</p> <p>swap [1] - 83:17</p> <p>sweep [1] - 66:27</p> <p>swipe [2] - 41:21, 41:25</p> <p>SWORN [9] - 6:10, 9:21, 24:1, 68:5, 73:1, 86:10, 87:10, 112:1, 120:20</p> <p>sworn [1] - 39:28</p> <p>synopsis [2] - 31:1, 42:1</p> <p>system [28] - 7:15, 41:20, 68:23, 68:29, 69:9, 78:10, 80:5, 80:6, 84:13, 89:1, 89:16, 89:18, 89:20, 90:10, 92:13, 93:17, 93:28, 94:4, 96:17, 96:20, 104:24, 105:23, 106:18, 107:17, 108:13, 117:22, 118:4, 119:18</p> <p>systems [9] - 87:19, 88:26, 89:6, 103:16, 103:27, 104:19, 114:19, 117:13, 117:16</p> <p>Sióchána [28] - 6:13, 11:1, 16:21, 32:16, 37:22, 38:27, 39:6, 39:29, 40:6, 78:25, 87:26, 88:1, 88:13, 88:15, 88:19, 89:21, 90:26, 91:3, 91:5, 102:14, 102:21, 104:19, 108:16, 112:10, 112:19, 113:13, 115:23</p>	<p style="text-align: center;">T</p> <p>tablet [1] - 89:13</p> <p>Tallaght [2] - 87:27, 88:1</p> <p>taping [1] - 51:23</p> <p>Tara [1] - 9:2</p> <p>TARA [1] - 2:22</p> <p>tasked [4] - 91:8, 94:22, 97:9, 121:3</p> <p>Taylor [103] - 7:7, 8:3, 9:3, 9:6, 12:1, 12:3, 12:26, 13:2, 14:25, 18:2, 18:11, 20:27, 21:2, 21:15, 21:19, 25:7, 25:9, 25:14, 26:3, 28:26, 29:2, 29:7, 29:26, 30:4, 31:9, 31:14, 32:9, 32:18, 32:21, 33:1, 33:4, 33:16, 35:9, 36:29, 37:15, 38:21, 40:3, 40:16, 40:28, 42:9, 42:26, 43:1, 43:26, 45:5, 45:6, 45:16, 46:3, 46:21, 48:1, 48:28, 49:22, 50:26, 51:23, 54:17, 55:1, 55:14, 55:16, 55:17, 55:20, 57:3, 57:5, 57:12, 57:26, 59:2, 62:6, 62:29, 63:9, 63:15, 64:24, 65:22, 66:18, 66:27, 69:26, 70:26, 73:17, 73:29, 74:8, 74:11, 74:13, 74:21, 74:28, 76:18, 76:29, 77:4, 77:9, 78:21, 79:8, 79:10, 79:26, 80:18, 80:21, 80:24, 81:3, 81:5, 82:3, 83:2, 84:4, 84:5, 84:21, 91:27, 105:11, 106:13, 125:1</p> <p>TAYLOR [1] - 2:22</p> <p>Taylor's [14] - 14:19, 18:21, 19:1, 27:17, 28:14, 35:2, 39:19, 39:27, 43:9, 56:26, 65:24, 68:16, 78:2, 81:28</p> <p>tea [2] - 19:15, 35:19</p> <p>team [9] - 6:28, 59:23, 60:19, 60:25, 63:12, 63:13, 68:26, 103:10, 110:1</p> <p>technically [1] - 117:23</p>	<p>technology [5] - 48:17, 51:21, 103:14, 105:26, 112:14</p> <p>Technology [2] - 87:14, 88:22</p> <p>telecommunication [1] - 50:7</p> <p>telecoms [1] - 49:18</p> <p>telephone [4] - 10:8, 10:11, 32:29, 68:24</p> <p>telephones [1] - 19:6</p> <p>telephonic [1] - 15:19</p> <p>television [1] - 82:20</p> <p>ten [5] - 36:3, 37:24, 37:28, 38:14, 83:15</p> <p>tendency [1] - 75:8</p> <p>tends [1] - 60:8</p> <p>term [2] - 102:6, 117:9</p> <p>termed [1] - 49:2</p> <p>terminal [3] - 103:26, 119:25, 119:26</p> <p>terms [46] - 7:28, 10:13, 11:12, 12:27, 13:12, 25:6, 26:8, 27:5, 34:25, 35:29, 39:18, 39:24, 40:28, 53:11, 54:4, 54:5, 54:6, 54:21, 56:25, 56:27, 57:2, 57:4, 58:15, 59:22, 59:26, 59:29, 60:5, 60:22, 62:1, 62:2, 71:1, 76:13, 81:6, 83:10, 85:26, 85:27, 91:28, 97:28, 100:18, 100:20, 108:22, 117:18, 119:24</p> <p>TERRACE [1] - 3:31</p> <p>text [1] - 16:1</p> <p>texts [1] - 58:28</p> <p>that' [1] - 35:20</p> <p>that'll [1] - 112:5</p> <p>THE [34] - 1:4, 1:8, 1:9, 1:12, 2:3, 2:6, 2:14, 3:22, 3:25, 3:28, 3:29, 4:11, 4:17, 6:1, 9:1, 9:16, 14:15, 17:1, 18:5, 23:21, 37:9, 39:17, 63:29, 67:9, 67:20, 68:1, 72:23, 86:4, 111:23, 120:15, 124:13, 125:13</p> <p>themselves [1] - 117:26</p> <p>THEN [11] - 9:16, 18:5, 23:21, 63:29, 67:9, 72:23, 86:4, 111:23, 120:15,</p>	<p>124:13, 125:13</p> <p>thereafter [1] - 104:22</p> <p>therefore [4] - 53:21, 56:29, 77:5, 109:3</p> <p>thinking [3] - 29:3, 79:12, 79:13</p> <p>third [3] - 10:20, 22:3, 107:6</p> <p>thoughtlessness [1] - 125:7</p> <p>thousand [1] - 92:22</p> <p>three [12] - 19:13, 19:20, 69:17, 69:19, 76:4, 98:2, 98:3, 107:25, 109:3, 109:4, 110:26, 110:28</p> <p>throughout [3] - 7:16, 89:27, 92:12</p> <p>Thursday [1] - 125:2</p> <p>THURSDAY [1] - 125:13</p> <p>time-keeping [1] - 83:11</p> <p>timeframe [1] - 72:2</p> <p>timekeeping [4] - 27:1, 40:25, 40:29, 41:18</p> <p>TIMES [3] - 3:17, 3:28, 3:30</p> <p>Tipperary [1] - 44:16</p> <p>today [4] - 45:2, 60:29, 95:24, 124:16</p> <p>toilets [2] - 19:3, 41:22</p> <p>tomorrow [3] - 124:18, 125:5, 125:8</p> <p>tongue [1] - 75:17</p> <p>took [7] - 8:21, 51:14, 59:19, 59:21, 59:24, 74:12, 112:23</p> <p>toolsets [1] - 97:12</p> <p>top [4] - 15:4, 19:4, 19:8, 65:17</p> <p>topic [2] - 50:6, 52:13</p> <p>topical [2] - 71:10, 71:11</p> <p>total [1] - 11:27</p> <p>totally [2] - 13:25, 26:29</p> <p>touch [1] - 65:12</p> <p>touching [1] - 91:5</p> <p>tour [4] - 19:18, 19:27, 19:28, 20:14</p> <p>towards [2] - 29:7, 52:9</p> <p>Town [1] - 62:18</p> <p>track [1] - 113:28</p> <p>tracked [1] - 113:16</p>
---	--	---	--	---

<p>traffic [1] - 31:23 Traffic [1] - 74:22 training [1] - 88:11 traits [1] - 27:2 transcript [1] - 1:26 transfer [2] - 29:28, 108:13 transferred [5] - 20:19, 74:21, 88:2, 88:5, 120:28 trap [1] - 82:24 treated [1] - 42:24 Tribunal [55] - 9:5, 9:25, 11:3, 12:14, 12:28, 14:20, 14:25, 15:16, 15:21, 15:27, 24:4, 30:9, 33:11, 34:25, 34:28, 35:1, 35:24, 41:28, 42:23, 54:16, 56:23, 57:16, 57:22, 59:20, 59:21, 59:23, 60:16, 60:17, 60:19, 62:16, 63:12, 68:12, 68:16, 73:11, 73:13, 73:16, 84:19, 89:14, 91:4, 92:9, 92:19, 94:5, 100:10, 103:1, 103:7, 104:25, 105:15, 106:14, 106:17, 109:5, 109:10, 113:7, 114:29, 118:7, 124:2 TRIBUNAL [3] - 1:3, 2:6, 125:13 Tribunal's [3] - 7:28, 59:14, 63:8 TRIBUNALS [1] - 1:9 tried [1] - 45:2 true [1] - 53:12 TRUST [1] - 3:30 try [1] - 29:27 trying [3] - 22:5, 28:8, 43:7 turn [3] - 19:9, 23:13, 58:13 turned [1] - 99:29 Twitter [2] - 62:21, 62:25 two [23] - 19:12, 19:19, 19:20, 19:29, 22:2, 33:10, 33:13, 40:26, 60:22, 65:2, 66:20, 88:4, 95:3, 95:13, 97:20, 98:11, 99:22, 104:9, 109:7, 114:3, 115:28, 118:24, 124:20 type [2] - 75:24, 87:21 typing [1] - 21:10</p>	<p>typographical [1] - 24:17</p> <p style="text-align: center;">U</p> <p>Ulster [1] - 112:11 unaware [1] - 13:25 unchallenged [3] - 55:7, 55:25, 55:26 uncomfortable [5] - 40:8, 40:11, 41:16, 42:29, 74:22 uncomplimentary [2] - 77:12, 77:13 uncontactable [1] - 47:14 under [8] - 27:11, 27:16, 39:21, 39:29, 58:6, 64:14, 107:26, 111:1 UNDER [2] - 1:3, 1:9 underestimating [1] - 6:6 undermining [1] - 59:6 underneath [1] - 55:28 understandable [1] - 56:14 understate [1] - 28:25 underwent [1] - 102:20 unfortunately [1] - 82:25 unit [1] - 6:14 university [1] - 112:11 unless [2] - 63:21, 111:19 unlock [1] - 119:3 unpleasant [3] - 18:3, 54:16, 56:4 unrelated [1] - 60:11 unsurprisingly [1] - 114:13 UNTIL [1] - 125:13 unusual [7] - 39:2, 42:11, 42:13, 44:21, 82:8, 109:26, 121:22 up [38] - 13:20, 14:5, 19:3, 21:2, 29:9, 36:5, 44:26, 46:12, 47:21, 48:5, 56:8, 56:9, 56:14, 58:7, 60:22, 61:10, 65:29, 66:5, 69:1, 73:8, 76:16, 83:20, 85:17, 87:18, 91:4, 92:27, 93:16,</p>	<p>93:23, 94:9, 95:6, 96:8, 96:16, 101:5, 103:10, 105:14, 117:25, 119:17 up-to-date [1] - 101:5 upgrade [3] - 92:18, 95:4, 97:16 upgrading [1] - 97:4 upset [1] - 80:4 upstairs [5] - 18:10, 22:1, 22:14, 23:8 urged [1] - 50:19 US [1] - 84:8 user [9] - 90:3, 98:18, 98:22, 98:23, 103:6, 103:19, 105:5, 105:23, 108:1 username [1] - 113:10 users [2] - 94:7, 94:10 usual [1] - 6:5 utterly [2] - 60:14, 61:11</p> <p style="text-align: center;">V</p> <p>vaguely [1] - 78:7 valuation [1] - 115:25 value [1] - 59:4 valued [2] - 102:15, 115:22 variety [1] - 123:1 various [4] - 30:10, 88:6, 101:22, 123:9 VDI [5] - 103:16, 103:18, 119:6, 119:10, 119:12 vendettas [1] - 26:18 verbal [2] - 15:29, 16:14 verbatim [1] - 1:26 verified [1] - 115:14 verify [6] - 113:19, 114:1, 114:3, 114:6, 115:8, 116:24 via [1] - 72:11 victims [1] - 75:26 view [14] - 38:7, 44:5, 44:8, 51:29, 53:13, 55:2, 55:5, 58:3, 58:5, 58:19, 58:22, 60:10, 65:18, 83:1 virtual [3] - 103:19, 103:23, 113:22 Virtual [1] - 103:17</p>	<p>virtue [1] - 120:6 vis-à-vis [1] - 125:5 visit [1] - 17:8 visited [2] - 17:5, 111:9 volume [1] - 72:10 Volume [4] - 14:18, 24:11, 68:21, 87:7</p> <p style="text-align: center;">W</p> <p>wait [1] - 54:26 waiting [1] - 6:5 waived [1] - 66:24 walk [4] - 23:11, 59:7, 86:22, 86:23 walking [1] - 61:14 wall [3] - 53:18, 53:19, 53:26 wants [3] - 43:16, 43:17, 86:7 WARD [5] - 72:18, 81:21, 106:22, 118:19, 124:6 warm [1] - 64:25 warnings [1] - 106:4 WAS [20] - 6:10, 9:1, 9:21, 14:15, 17:1, 18:5, 24:1, 37:9, 39:17, 63:29, 68:5, 73:1, 81:24, 86:11, 87:10, 107:1, 110:13, 112:1, 118:22, 120:20 ways [1] - 41:9 wear [1] - 60:7 WEDNESDAY [2] - 1:18, 6:1 wee [1] - 55:7 week [6] - 27:10, 59:12, 111:3, 124:27, 124:29 weekend [3] - 43:2, 43:11 weeks [1] - 95:21 welcome [1] - 9:11 whatsoever [2] - 85:19, 96:4 Whelan [1] - 35:25 WHELAN [1] - 2:16 whereas [4] - 27:19, 28:13, 29:28, 93:8 whilst [1] - 103:21 whole [2] - 53:18, 59:1 Williams [5] - 33:25, 37:13, 38:20, 65:22, 65:28 WILLIAMS [1] - 3:3 Windows [7] - 92:15,</p>	<p>97:16, 100:23, 100:24, 101:1, 101:3, 114:8 wise [1] - 26:6 wish [2] - 15:6, 23:18 wishes [1] - 55:2 WITHDREW [8] - 9:16, 23:21, 67:9, 72:23, 86:4, 111:23, 120:15, 124:13 witness [30] - 6:7, 9:18, 53:14, 53:17, 53:20, 54:3, 54:6, 54:8, 57:14, 58:1, 60:6, 60:7, 61:5, 70:10, 76:23, 76:24, 83:23, 87:6, 105:13, 108:23, 111:25, 112:25, 113:9, 114:18, 115:7, 121:27, 122:25, 124:18, 124:28 WITNESS [17] - 4:2, 9:1, 9:16, 14:15, 17:1, 18:5, 23:21, 37:9, 39:17, 63:29, 67:9, 72:23, 86:4, 111:23, 118:22, 120:15, 124:13 witnessed [1] - 81:17 witnesses [5] - 55:13, 57:28, 67:15, 124:16, 124:20 wonder [3] - 14:17, 55:4 wondering [1] - 38:25 word [4] - 13:28, 38:11, 90:15, 117:15 words [3] - 62:25, 85:14, 101:8 works [1] - 29:17 workstation [2] - 117:8, 119:24 world [1] - 77:22 worry [2] - 55:8, 86:19 Wren [1] - 21:24 write [1] - 66:2 writing [2] - 16:1, 77:13 written [1] - 31:5</p> <p style="text-align: center;">X</p> <p>XP [3] - 92:12, 107:16 XPC [2] - 107:11,</p>
---	--	--	--	--

107:13
XPC-004 [1] - 110:20

Y

Y2K [1] - 89:25
year [11] - 7:9, 7:12,
17:16, 68:13, 89:23,
89:25, 89:26, 91:18,
105:28, 105:29, 121:4
years [12] - 13:23,
25:4, 26:11, 37:24,
37:28, 38:14, 39:10,
54:10, 88:4, 88:7,
101:18
years' [1] - 32:24
yesterday [1] - 51:16
yourself [4] - 52:21,
81:4, 82:26, 83:27

É

ÉIREANN [2] - 1:5,
1:6
Éireann [1] - 84:2

Ó

Ó [1] - 2:27