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

ESTABLISHED BY INSTRUMENT MADE BY THE MINISTER FOR JUSTICE AND EQUALITY UNDER THE TRIBUNALS OF INQUIRY (EVIDENCE) ACT 1921, ON 17 FEBRUARY 2017, AS AMENDED ON 7 DECEMBER 2018

CHAIRMAN OF DIVISION (P): MR. JUSTICE SEAN RYAN,
FORMER PRESIDENT OF THE COURT OF APPEAL

HELD IN DUBLIN CASTLE
ON MONDAY, 11TH NOVEMBER 2019 - DAY 114

114

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

GWEN MALONE STENOGRAPHY SERVICES

APPEARANCES

SOLE MEMBER:

MR. JUSTICE SEAN RYAN, FORMER PRESIDENT OF THE COURT OF

APPFAL

REGI STRAR: MR. PETER KAVANAGH

FOR THE TRIBUNAL: MR.

DIARMAID McGUINNESS SC PATRICK MARRINAN SC SINÉAD McGRATH BL JOHN DAVIS, SOLICITOR MR. MS. MR.

FOR GARDA NI CHOLAS KEOGH: MR. MATTHIAS KELLY SC

MR. PATRICK R. O'BRIEN BL
MS. AISLING MULLIGAN BL
JOHN GERARD CULLEN SOLICITORS
MAIN STREET INSTRUCTED BY:

TOWNPARKS

CARRICK-ON-SHANNON CO. LEITRIM

FOR SUPERINTENDENT

MR. PAUL CARROLL SC MR. JOHN FERRY BL CARTHAGE CONLON O'MARA GERAGHTY McCOURT NOREEN McBRIEN:

INSTRUCTED BY:

SOLI CI TORS

51 NORTHUMBERLAND ROAD

DUBLIN 4

FOR ASSISTANT COMMISSIONER FINTAN FANNING:

INSTRUCTED BY:

MR. PAUL McGARRY SC MR. STEPHEN O'CONNOR BL MR. ANDREW FREEMAN

MR.

SEAN COSTELLO & COMPANY SOLICITORS

HALI DAY HOUSE 32 ARRAN QUAY SMITHFIELD DUBLIN 7

FOR GARDA FERGAL GREENE, GARDA STEPHANIE TREACY

& GARDA DAVID TURNER: MR. PATRICK McGRATH SC

INSTRUCTED BY:

MR. JAMES KANE BL
MR. EOIN LAWLOR BL
MS. ELIZABETH HUGHES
MS. ÉABHALL NÍ CHEALLACHÁIN
HUGHES MURPHY SOLICITORS
13 WELLINGTON QUAY

TEMPLE BAR DUBLIN 2

FOR COMMISSIONER OF AN GARDA SÍOCHÁNA CHIEF SUPERINTENDENT PATRICK MURRAY CHIEF SUPERINTENDENT MARK CURRAN DETECTIVE INSPECTOR MICHAEL COPPINGER CHIEF SUPERINTENDENT LORRAINE WHEATLEY

RETIRED DETECTIVE SUPERINTENDENT DECLAN MULCAHY
ASSISTANT COMMISSIONER MICHAEL FINN
CHIEF SUPERINTENDENT ANTHONY MCLOUGHLIN
RETIRED ASSISTANT COMMISSIONER JACK NOLAN
RETIRED ACTING COMMISSIONER DONAL Ó CUALÁIN
RETIRED COMMISSIONER NÓIRÍN O'SULLIVAN
ASSISTANT COMMISSIONER ANNE MARIE MCMAHON
CHIEF SUPERINTENDENT JOHN SCANLAN
SUPERINTENDENT ALAN MURRAY 10. 11.

13.

SUPERI NTENDENT ALAN MURRAY SUPERI NTENDENT ALDAN MI NNOCK 14. 15.

INSPECTOR EAMON CURLEY 16.

16. INSPECTOR EAMON CURLEY
17. GARDA MICHAEL QUINN
18. RETIRED GARDA GERRY WHITE
19. CHIEF MEDICAL OFFICER DR. OGHUVBU
20. GARDA OLIVIA KELLY
21. RETIRED DETECTIVE SERGEANT TOM JUDGE
22. MR. ALAN MULLIGAN, ACTING EXECUTIVE DIRECTOR
23. RETIRED DETECTIVE CHIEF SUPERINTENDENT PETER KIRWAN
24. MR. JOE NUGENT, CHIEF ADMINISTRATIVE OFFICER
25. CHIEF SUPERINTENDENT KEVIN GRALTON
26. INSPECTOR BRIAN DOWNEY
27. MONICA CARR, HEAD OF DIRECTORATE, HUMAN RESOURCES AND PEOPLE DEVELOPMENT
28. MR. BRIAN SAVAGE

BRIAN SAVAGE 28. MR.

CHIEF SUPERINTENDENT ANNE MARIE CAGNEY
DETECTIVE INSPECTOR SEAN O' REARDON
INSPECTOR LIAM MORONEY
ASSISTANT COMMISSIONER DAVID SHEAHAN

30.

31.

CHIEF SUPERINTENDENT MATT NYLAND CHIEF SUPERINTENDENT MI CHAEL FLYNN

34.

35.

SERGEANT KIERAN DOWNEY
ASSISTANT COMMISSIONER ORLA MCPARTLIN
CHIEF SUPERINTENDENT MARGARET NUGENT
GARDA AISLING SHANKEY-SMITH
INSPECTOR TARA GOODE 36. 37.

MR. SHANE MURPHY SC MR. MICHEAL P. O'HIGGINS SC

MR. CONOR DIGNAM SC
MR. DONAL McGUINNESS BL
MS. SHELLEY HORAN BL
MS. KATE EGAN BL
MS. ALISON MORRISSEY
MS. EMMA GRIFFIN
CHIEF STATE SOLICITOR'S

INSTRUCTED BY:

CHIEF STATE SOLICITOR'S OFFICE OSMOND HOUSE LITTLE SHIP STREET

DUBLIN 8

FOR MS. OLIVIA O'NEILL: INSTRUCTED BY:

MR. MR. JOHN CONNELLAN BL PAUL CONNELLAN

T&N McLYNN BASTION COURT

11-13 CONNAUGHT STREET

ATHLONE

CO. WESTMEATH

FOR AGSI, INSPECTOR NI CHOLAS FARRELL, SERGEANT ANDREW HARAN, SERGEANT AI DAN LYONS, SERGEANT SANDRA KEANE: MR.

MR. DESMOND DOCKERY SC MS. PEGGY O'ROURKE SC MS. SINEAD GLEESON BL REDDY CHARLTON SOLICITORS 12 FITZWILLIAM PLACE DUBLIN 2

INSTRUCTED BY:

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1			THE HEARING RESUMED, AS FOLLOWS, ON MONDAY, 11TH	
2			NOVEMBER 2019:	
3				
4			CHAIRMAN: whenever you are ready. Take your time.	
5				
6			GARDA NI CHOLAS KEOGH CONTINUED TO BE EXAMINED BY MR.	
7			KELLY, AS FOLLOWS:	
8				
9			MR. KELLY: Good morning, Garda Keogh.	
10		Α.	Goof morning.	10:30
11	1	Q.	I want to turn now to the issue, I think it's issue 7,	
12			that's the absence without leave, the 14th July.	
13				
14			Now, during the course of evidence you have already	
15			given, I don't intend to go over it again to any great	10:30
16			extent, a point was being made about whether from your	
17			perspective it was important it was the 15th or the	
18			14th of July, and I think it's now accepted that the	
19			14th July was when Pat Murray made contact with you?	
20		Α.	Em.	10:31
21	2	Q.	I think that's accepted.	
22		Α.	Yeah. Yes, yeah. I think it's the 14th one second,	
23			can I just check, just to be sure?	
24	3	Q.	Sorry, it's the 15th July.	
25		Α.	15th. Yeah, the 15th.	10:31
26	4	Q.	The 15th. The significance, as I understood it at the	
27			time, was that you were saying if it was the 14th then	
28			it would look like it was Superintendent Murray that	
29			prompted you to get in touch with the sergeant, is that	

- right?
 A. No, no.
- 3 5 Q. It wasn't; it was the opposite?
- A. No, that I deliberately wouldn't answer my sergeant,
- 5 basically.

10:32

10:32

10:32

10:33

- 6 6 Q. I see. That's simply not true?
- 7 A. No.
- 8 7 Q. Okay. There came a time when you were disciplined in respect of that and then you appealed it. Whilst you
- 10 were going through the discipline process, I think you
- made a statement orally and it was written down,
- 12 handwritten.
- 13 A. Yes.
- 14 8 Q. By the inspector who was conducting it, is that right?
- 15 A. Yes, Superintendent Alan Murray.
- 16 9 Q. Superintendent, yes, Alan Murray. The actual statement
- is I think at Volume 31, page 8846. If we can call it
- 18 up. That is a report of the interview. Then the
- 19 statement, which I just made reference to, appears in
- the following couple of pages, is that right?
- 21 A. The handwritten statement, yes, that appears to be.
- 22 10 Q. Yes. That is the first hearing. That's what sought
- for the appeal hearing, is that right?
- 24 A. Yes.
- 25 11 Q. Were you provided with it?
- A. No. It has cropped up in the last few weeks, Judge,
- 27 that I signed for these documents, but I never received
- that statement. Judge, when I wrote back to Chief
- 29 Superintendent Wheatley looking for a copy of the

1			statement, this is the statement the Guards were saying	
2			they gave to me, if they had given it to me and when I	
3			wrote to back to say I request a copy of this statement	
4			for my appeal, they could have just said, okay, we'll	
5			resend that copy or something like that. You know,	10:34
6			there was no there was just no reply to it. They	
7			didn't say, we already gave you that statement and	
8			you're not getting it again, or anything like that. I	
9			wrote for the statement and that statement just didn't	
10			come.	10:34
11	12	Q.	When did you first, next see that statement, that	
12			handwritten one?	
13		Α.	Sorry?	
14	13	Q.	When did you next see that handwritten statement?	
15		Α.	Oh, both the typed and the handwritten in the volumes,	10:34
16			that's the next time I saw either of them.	
17	14	Q.	Okay. With that, I am going to move on to the next	
18			heading, which is issue 9, criticisms of the	
19			maintenance of crime files. The micromanagement issue.	
20			Let's start, if I can, by calling up Volume 1, page	10:35
21			2202.	
22		Α.	2202?	
23	15	Q.	Yes, please. This is the letter from Superintendent	
24			Murray, it concerns the theft at Custume Place. Have	
25			you found it?	10:36
26		Α.	Yes.	
27				
28	16	Q.	"The explanation given in this case for what I see as a	

29

laissez faire attitude towards the investigation of

1			these two crimes is far from satisfactory."	
2				
3			What did you understand him to mean by those two words,	
4			"laissez faire"?	
5		Α.	Well, Judge, where just oh yeah, at the top.	10:36
6	17	Q.	Yes.	
7		Α.	Yeah. I think it's supposed to be spelt differently.	
8	18	Q.	Never mind that.	
9		Α.	I understood exactly what they mean, it means a lax	
10			attitude or lazy.	10:36
11	19	Q.	This is written to the sergeant in charge at Athlone,	
12			is that right?	
13		Α.	Yes.	
14	20	Q.		
15			"Appears to need advice in relation to the purposes and	10:36
16			scope of interviewing witnesses."	
17				
18			And so on. How do you feel about that?	
19		Α.	Judge, I mean, this as I've already stated, this	
20			I at different stages over my career in the Guards	10:37
21			there were different times where I would have done the	
22			very same thing with the C8 statement forms. There was	
23			never an issue before but there was a huge issue over	
24			this particular thing this time. And I believe as I	
25			said, it never happened to me before, but after I made	10:37
26			my protected disclosure something like this becomes a	
27			massive issue.	
28	21	0.	Yes. Look at the third paragraph down:	

1 "Garda Keogh should be given formal advice regarding 2 the investigation of crime and the importance of 3 interviewing witnesses." 4 5 How did you feel about that? Here he is saying, look, 6 this guy needs to be told how to investigate crime, the 7 importance of interviewing witnesses. 8 Yeah. Α. Did you know that already? 9 22 Q. Of course, I knew, of course. Sure I'm 20 -- how many 10 Α. 10:38 11 years at the time in 2015, so I'm about 15 years doing 12 investigations and things and there was never any issue 13 before in relation to anything. It was kind of like I 14 needed to go back to Templemore or something and start 15 learning from scratch again. I had -- it was very 10:38 16 much, it was, you don't -- I didn't know how to do --17 all of a sudden I didn't know how to do anything, any 18 sort of police work.

19 23 Q. Right.

- And that's the bare, like that's the bare -- if you 20 Α. 10:38 don't know how to take a statement, is really... You 21 22 know. And, as I said, Judge, there's nothing wrong 23 with those statements. I read over them. Even if you 24 look at the statements, at the bottom there is my 25 handwriting, where I write in something like: This 10:39 statement has been read over to me and is correct. 26
- 27 24 Q. Yes.
- A. Where I got both witnesses to sign the statements and then I witnessed their signature.

_	23	Q.	we will come back to the original statement, I will	
2			call those up in a few moments, but I just want to look	
3			at the next one, criminal damages at Mulligan's Filling	
4			Station, that's page 215 of the same volume. There's a	
5			question about who wrote the statements. This is again	10:39
6			from Pat Murray to the sergeant in charge.	
7		Α.	Just for clarification, the statements relate to the	
8			previous incident.	
9	26	Q.	Yes.	
10		Α.	It's not Mulligan's.	10:39
11	27	Q.	That's right. This is theft and criminal damage.	
12				
13			"In relation to Mulligan's, it appears that X may be a	
14			suspect. Was this put to him in any way?."	
15				10:40
16			Were you ever told why this person or persons should be	
17			named as a suspect?	
18		Α.	It is not a person, it's a family surname, Judge.	
19	28	Q.	Did he ever say why he was putting them in the frame?	
20		Α.	No.	10:40
21	29	Q.	Is that known or did he just pick the family at	
22			randomly?	
23		Α.	No. And that surname is quite a common surname in	
24			Athlone as well. But, I mean, Judge, I would have had	
25			an idea of the family, the actual family of that	10:40
26			surname that was Superintendent Murray was referring	
27			to. But, as I said, they live about two miles away,	
28			the other side of the town, they'd no transport and	
29			that I did go back to the owner and nut it to	

1			asked the owner and the owner just said, no, they're	
2			never around this part of the town. That was it, he	
3			didn't They're from the Leinster side of Athlone	
4			and this is over on the Connaught side of Athlone,	
5			Judge, and there'd be plenty of local persons that	10:41
6			would be capable of doing it on the Connaught side,	
7			committing that crime on the Connaught side.	
8	30	Q.	In short, in substance there was no evidence to finger	
9			them, was there?	
10		Α.	Oh no, none.	10:41
11	31	Q.	Right, okay. If we come back then to the CCTV footage	
12			thing, page 208. If we go to the page before that, the	
13			sentence up. That says:	
14				
15			"Crime files theft at Custume Place."	10:42
16				
17			It's again from the sergeant:	
18				
19			"With reference to the above, please find attached	
20			report from Garda Keogh. Chapter 3 of crime	10:42
21			investigation manual"	
22				
23			Which I think Superintendent Murray had referred to	
24			before.	
25				10:42
26			"has been brought to the attention of Garda Keogh.	
27			Garda Keogh nominated X for these thefts but since then	
28			has been unable to link him with the crimes. All CCTV	
29			was viewed and this gave no leads in the investigation.	

Τ			This case cannot be progressed at this time and any	
2			developments will be reported to your office as they	
3			ari se. "	
4				
5			There's then a handwritten note below that:	10:42
6				
7			"I note your views. The crime file has been sent to	
8			the victims office."	
9				
10			Is it?	10:43
11		Α.	Yes "sent to the victims office".	
12	32	Q.		
13			" to inform the"	
14		Α.	Injured parties, IPs, of the efforts.	
15	33	Q.		10:43
16			"The efforts gone" something" to promote"?	
17		Α.	"Made".	
18	34	Q.	And the result, I don't expect do not expect	
19			something?	
20		Α.	"To see a repeat of this" I think "situation by the	10:43
21			member involved".	
22	35	Q.	Whose handwriting is that?	
23		Α.	It'S addressed to the sergeant in charge. I presume	
24			it's Superintendent Murray, but I don't know. There's	
25			no signature at the bottom.	10:43
26	36	Q.	Okay. Then if we look at the next page, this appears	
27			to be	
28		Α.	Just on that.	
29	37	0	Sorry	

Т		Α.	where is says:	
2				
3			"Crime file has been sent out to the office who will	
4			inform the injured parties of the efforts"	
5				10:44
6			Judge, I have already said one of the injured parties	
7			was in with me viewing the CCTV, so the injured party	
8			was firmly aware of the efforts made, because they	
9			actually took part in the investigation. They saw it,	
10			they were able to see, you know, and I was also	10:44
11			watching a particular individual, but that individual	
12			didn't go in or out. That was it.	
13	38	Q.	Well now, on that point, if you look at the next page,	
14			page 208:	
15				10:44
16			"Theft at Custume Place.	
17				
18			With reference to the above, I have already written on	
19			this and explained verbally to Superintendent Pat	
20			Murray regarding the statements, which are legally	10:45
21			finding and validly, made by the injured parties on C8	
22			forms, which were read over to both witnesses, who	
23			signed same. When I got the chance I brought	
24			[bl ank]"	
25				10:45
26			is that the injured parties?	
27		Α.	One of the injured parties, yes.	
28	39	Q.		
29			" into the CCTV room and viewed the footage with her	

1			but it did not show the suspect enter or leave the	
2			building. I also wish to point out that neither of the	
3			witnesses named a suspect in their statement. I	
4			nominated the suspect X, who was in the area at the	
5			time along with hundreds of other people for the	10:45
6			triathlon event. There is no evidence to link him to	
7			this crime."	
8				
9			Is that what you wrote?	
10		Α.	Yes.	10:45
11	40	Q.	That appeared to be 22nd September 2015, is that right?	
12		Α.	Yes.	
13	41	Q.	If you look down, there is a further document, I think	
14			it's 214, I wanted to ask you about. Yeah. Perhaps to	
15			make sense if we begin at 213. Again:	10:46
16				
17			"Theft. Dublin, Road Athlone."	
18				
19		Α.	This is a separate incident.	
20	42	Q.	Is this the Gilmartin?	10:46
21		Α.	This is, yes, the trailer.	
22	43	Q.	Okay. Looking at 213:	
23				
24			"CCTV vi ewed"	
25				10:46
26			Can you read that?	
27		Α.		
28			"CCTV viewed to no avail as it is poor quality. No ID	
29			for suspects."	

- 1 44 Q. Can I just stop there, and it's probably my fault, I am
 2 the only person who doesn't understand it. On the CCTV
 3 footage there is reference to Garda CCTV, what's that?
- The Garda CCTV is the Garda -- the Garda CCTV applies 4 Α. 5 to both this and the previous incident. It's where, as 10:47 6 I described, there's a public office in Athlone and 7 there's a room that goes out to the back, it doesn't 8 have a door on it, it's just a -- where a door could be placed, and out the back part is the CCTV area, which 9 would have a whole lot of screens on it. And there's 10 10 · 47 11 one central, central, let's say, television screen and a whole lot of smaller screens around it. Once one 12 13 would take control of the -- most of the cameras around 14 the town and, indeed, any town, most of them would 15 revolve around, so they pick up a couple of seconds and 10:47 16 then they move again, pick another few seconds and 17 Judge, unless one -- when a person takes 18 control of the main screen, you then can zoom in and 19 out and take control of exactly what you want to look
- 21 45 Q. Right, that's what I was getting at. So these are a 22 feed from CCTV cameras that are out on the street?

at. You can override the automatic system.

10:48

10:48

23 A. Yes.

- 24 46 Q. In public places?
- 25 A. Yes.
- 26 47 Q. Right. Then over on the next page, 214, there's
- paragraphs 12 and 13. Who filled those out?
- 28 A. I did.
- 29 48 Q. Just read out what you have written there?

Τ.		Α.	Garda CCTV Viewed. Crime occurred 4:31-4:34am,	
2			8/8/15. Poor quality footage of car moving with stolen	
3			trailer hitched."	
4				
5			13 is:	10:4
6				
7			"Unable to make out registration number, colour or type	
8			of car."	
9				
10	49	Q.	Now, is this the one where you then, having done that,	10:4
11			went off to this filling station, is that right?	
12		Α.	Yes. That night I went down to the petrol station down	
13			the road, Gilmartin's petrol station out on the Dublin	
14			Road in Athlone. I asked this was again in the	
15			early hours of the morning, I asked the it's a	10:4
16			24-hour station, so I asked just the young lad could he	
17			download the CCTV, but he didn't know how to do it and	
18			he said the person who does that wouldn't be back until	
19			whatever. So it wasn't until about a week later, when	
20			I came into work the CCTV was just left in it had	10:4
21			been delivered to the station.	
22	50	Q.	Right. I think that I see a statement in there from	
23			the young man, it looks like he's the manager of	
24			Gilmartin's, who says he got a hold of it. What	
25			prompted you to go to the filling station that night?	10:5
26		Α.	Em, just cameras, CCTV cameras. That was really it.	
27			Because like the Garda's CCTV, it had something on it,	
28			it had it actually caught the crime but it didn't	
29			there was nothing identifiable about it, really, other	

1 than the times and things like that. So I needed 2 better CCTV. So I think there was a pub, I don't 3 think -- there was pub somewhere on in a road that I I don't think there was anything on that CCTV. 4 5 Gilmartin's petrol station, I knew from other 10:50 6 incidents, they would have had good CCTV. 7 wasn't to know that that car had pulled in to the 8 CCTV -- or into the petrol station to fill up. You went there on the off chance to see --9 51 Q. Just on the off chance for CCTV. 10 Α. 10:51 11 52 And you got that? Q. 12 Yes. Α. 13 As it turns out? 53 Q. 14 Α. As it turned out, yes. 15 54 I think that CCTV footage in fact was instrumental to Q. 10:51 the successful outcome, I think they pleaded guilty, 16 17 didn't they, to that? 18 Yes. It was from that CCTV I was able to get the Α. 19 registration number of the car, once I had the 20 registration number of the car, the rest then was -- we 10:51 were able to tie it because there was a burglary 21 22 previously, the night before I think, somewhere in 23 Ballinasloe or somewhere like that, and they were all 24 connected to that car then. 25 55 I want to now turn to the robbery, page 230, Volume 1, Q. 10:51 This I think is the robbery in Athlone, is it? 26 230. 27 Robbery from -- yes, yes. There was two. Α. is not the stabbing of the taxi driver, this is the 28

young lad that was mugged basically.

1	56	Q.	Right. In a moment we'll go and have a look at the	
2			Pulse entry that you made and so on on that. But let's	
3			begin with this, 23rd September 2015. It's a letter	
4			from Superintendent Murray to your sergeant. This is	
5			the same say, as we know from other documents, that	10:52
6			this was downgraded to, what, attention and complaints,	
7			is it?	
8		Α.	Yes.	
9	57	Q.	What is the significance of downgrading an alleged	
10			robbery to that, attention and complaints?	10:53
11		Α.	Robbery would be tasked as a crime.	
12	58	Q.	Of course.	
13		Α.	Attention and complaints is a non-crime.	
14	59	Q.	So changing it from a crime?	
15		Α.	To non-crime.	10:53
16	60	Q.	A quite a serious one?	
17		Α.	Yes.	
18	61	Q.	To non-crime?	
19		Α.	Yeah. A robbery from a person, any type of robbery.	
20	62	Q.	The very same day that's done, Pat Murray is writing to	10:53
21			you:	
22				
23			"In this case the incident on the face of it was	
24			serious. The scant report submitted does not give any	
25			indication of what investigative steps were taken at	10:53
26			the initial reporting stage regarding the scene,	
27			searches of it, CCTV issues, injured parties, account	
28			of events and description of assailants. What was	
29			taken? What violence was used? What injuries were	

Τ			received? Whether photographs were taken, etcetera.	
2			These issues are the basic steps required at the	
3			commencement of any investigation. The duties of the	
4			first member at a scene are also set out clearly in the	
5			CIT manual but are not recorded in this report.	10:5
6				
7			I require an explanation."	
8				
9			That is really a comprehensive list of criticisms	
10			floating your way.	10:5
11		Α.	Yes.	
12	63	Q.	Let's go and look at the Pulse report, if we may.	
13		Α.	Judge, can I point out, Judge, this comes down:	
14				
15			"Re: Robbery from the person. PIN."	10:5
16				
17			Pulse incident number. They have Pulse incident number	
18			12207121, so they had to look at the Pulse incident	
19			number, because most of those details where on the	
20			Pulse report	10:5
21	64	Q.	Let's just look at the Pulse report. It's Volume 3, I	
22			think page 503 is where it starts. Here's what goes	
23			onto the Pulse, is that at the time you're there	
24			basically, yes?	
25		Α.	Yes.	10:5
26	65	Q.	So, what do you put on there?	
27				
28			"Injured party walking home through one area to another	
29			area and under the train bridge was mugged by two	

1			males, had €20 stolen. Patrol of area with the injured	
2			party, who pointed out the scene. Negative results.	
3			Suspects were Irish in 20s. One wearing white Air Max	
4			top. "	
5				10:55
6			We know it goes on to the next page. There's another	
7			one, I have seen somewhere, which completes that, is	
8			that right? You only got a screen shot of what was	
9			there.	
10		Α.	Yeah. Basically the tab on the right-hand side in that	10:56
11			box indicates, Judge, that there is more to you can	
12			scroll down further, it is somewhere in the documents,	
13			just the document itself.	
14	66	Q.	We will come back to it, if it's is necessary. But	
15			what you are saying there is, well look, on the Pulse	10:56
16			there I have made a report of it. You say:	
17				
18			"Patrol of the area with injured party, who pointed out	
19			the scene."	
20				10:56
21			What did you mean by that?	
22		Α.	He pointed out where the incident occurred. It was	
23			actually under a bridge. There's a shortcut under a	
24			train bridge. But on the right-hand side, Judge, of	
25			the page, number 503, it has the GPS, Judge, as well,	10:56
26			latitude, longitude. So I would have recorded the	
27			numbers for GPS purposes exactly of this incident and	
28			the scene as well as where it occurred.	
29	67	Q.	I see that, yeah. Okay, so you took the person around	

- the area, you couldn't find anybody?A. Yes.
- 3 68 Q. You were, I think, going on holiday shortly thereafter, 4 weren't you, or annual leave?
- 5 A. Yes.

10:57

10:57

10:58

- 6 69 Q. Is that right. Now, if we look at the very next page, 7 504, that seems to be a statement from the victim?
- 8 A. Yes.
- 9 70 Q. Is that right?
- 10 A. Yes.
- 11 71 Q. Who took that?
- 12 A. Garda A.
- 13 72 Q. Garda A. And that was because you were having done
 14 what you described to the Tribunal, taken the party
 15 around, I think you dropped him home, is that right?
- 16 A. I dropped, yes, after I asked did he want to go to, was 17 it medical attention or something, and he didn't. He 18 just want to go home at that stage.
- 19 73 Q. You took him home to his mother?
- A. We just knocked on the door, his mother opened the door, because I think it was the early hours of the morning, his mother opened the door and obviously she sees the Guards with her son, so she got a fright, but we explained the situation and she was happy.
- 25 74 Q. Just if we can keep that open. And volume is that, 26 actually? Volume 32. We are calling this up, Judge. 27 A cross-reference. It's Volume 32, page 8999. This is 28 the Pulse entry we have been looking at. You will see 29 there, the first page, 8999, we have already looked at

1		that in a different Volume, if we go to the next page,	
2		9000, where it's continuing. Where it says:	
3			
4		"Suspects are Irish, in 20s, one wearing white Air Max	
5		top and black tracksuit bottoms, two wearing blue	10:59
6		McKenzie top. Both fled towards waste ground. No CCTV	
7		footage. "	
8			
9		Then down the next page, 9001:	
10			11:00
11		"Updated 23rd September 2015. Incident recategorised	
12		by 26341K as per directions from district officer	
13		Athl one. "	
14			
15		It gives a reference.	11:00
16			
17		"Injured party refused to cooperate with investigation	
18		and refused to make a statement of complaint."	
19			
20	Α.	It says "no evidence", as well. Judge, yeah, up at the	11:00
21		top as well also, "category type" where I have	
22		"robbery" up at the top with category and "robbery from	
23		person" is the sub category. It just has "attention	
24		and complaints" as well in there.	
25	75 Q.	Yes. Now, if you still have it, Volume 1, page 230,	11:00
26		that we were looking at a minute ago, which is	
27		Superintendent Murray's letter to you, setting out this	
28		exhaustive list of your many and varied failings,	
29		according to him. All of the matters that he is	

complaining about there, are those actually met in what

11:01

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11:02

- we've just been looking at?
- 3 A. Yes.
- 4 76 Q. The original documents?
- 5 A. Yes.
- 6 77 Q. That deals with what steps you took, the initial
- 7 reporting, what you did at the scene, searches of it,
- 8 CCTV issues.
- 9 A. Yes.
- 10 78 Q. Injured parties, descriptions of the assailants, what
- 11 was taken.
- 12 A. Yes.
- 13 79 Q. Violence used. So that incident, basically you're
- saying, well, look, it's all covered already in what I
- put in if you bothered reading it.
- 16 A. Yes. I even left a note, I left a note beforehand just
- 17 to say, this is a serious matter. And at the top it
- had the Pulse incident number. That's all they had to
- do, is go into that number and they'd get all that
- information, down to the GPS, where the location was.
- 21 80 Q. You left a note to pass it over to detective branch and
- that's what happened?
- 23 A. Yes.
- 24 81 Q. Thank you. Just to complete this, if we turn up the
- actual statement which I had a minute ago.
- 26 A. Page 504?
- 27 82 Q. 504, is it? Yes, this is 503/504. This is the young
- 28 man describing it.

Т			warking nomewarking hear bridge. Two rads	
2			approached me and asked for a cigarette. I said I'd	
3			none. One of them shouted at me, hit me across the	
4			forehead with"	
5				11:03
6			Is that a box?	
7		Α.	A bar.	
8	83	Q.		
9			" I fell to the ground. One held me down and	
10			searched my pockets and the other fellow was kicking me	11:04
11			in the chest. I started to fight back. He then hit me	
12			with the bar again a few times. Then took £20 note.	
13			At about 3 or 4"	
14				
15			I can't make that out.	11:04
16			CHAIRMAN: "Euro in change". We've had this in detail,	
17			Mr. Kelly, before.	
18	84	Q.	MR. KELLY: Okay. So it wasn't a trivial incident, is	
19			what it comes to.	
20			CHAIRMAN: That's the point that Garda Keogh makes. He	11:04
21			says, look, the statement itself shows the seriousness	
22			of it.	
23			MR. KELLY: Just forgive me for a moment.	
24	85	Q.	It was said that because he didn't want to proceed with	
25			it, it wasn't really credible?	11:05
26		Α.	That's Judge that's as far as I know that's not	
27			the case, it should be. Because somebody declines to	
28			make a statement in this case the person didn't	
29			decline, he made a statement, but if a person doesn't	

1			wish to make a statement, it doesn't mean the incident	
2			or an incident as reported didn't occur. It would be a	
3			common thing with families, disputes within families,	
4			where they make a statement and sometimes	
5	86	Q.	For example, domestic violence?	11:06
6		Α.	Yes.	
7	87	Q.	We are all familiar with that.	
8		Α.	Yes.	
9	88	Q.	Does it happen sometimes a crime is reported and them	
10			they decide not to proceed?	11:06
11		Α.	Yes, it's a common thing.	
12	89	Q.	Yes, okay. I want to turn to what I believe is issue	
13			10, the annual leave that was initially approved by	
14			Sergeant Monaghan, is that right? I think we will find	
15			that at page 210, Volume 1. You had just the	11:06
16			background to it, I think I have got it right. You	
17			went to see GSOC, is that right? It was a day in which	
18			you were off on annual leave, is that right?	
19		Α.	Yes. I had been I had been in touch with GSOC,	
20			Judge, for a while on different matters, but on this	11:07
21			particular one, em, yes, I met GSOC on a date on which	
22			I had applied for annual leave, from recollection.	
23	90	Q.	And you put that before the sergeant, did you?	
24		Α.	I sent it's in writing, Judge, on page 211.	
25	91	Q.	Right. You sent it to Sergeant Monaghan, that's the	11:07
26			1st September, it states that it relates to the day	
27			before, the 31st August. The sergeant approved it, is	
28			that right? You see his signature there, saying	
29			application approved?	

		Α.	ies.	
2	92	Q.	It then went up to Superintendent Murray, who refused	
3			it, is that right?	
4		Α.	Yes.	
5	93	Q.	And at 210, I think it is, there's a letter from	11:08
6			Sergeant Monaghan to you which carries the message:	
7				
8			"With reference to the above, Superintendent Murray has	
9			refused the cancellation of this day as leave in the	
10			absence of a proper explanation. If you still wish to	11:09
11			have this day considered for cancellation, can you	
12			forward a comprehensive report as to the reasons and	
13			attach same to your D9 and resubmit."	
14				
15			What is wrong with that?	11:09
16		Α.	Well, Judge, it would have been common knowledge, this	
17			is in 2015, so the Ó Cualáin investigation in relation	
18			to the heroin and that side of things is on, is going	
19			on, Judge. It's common knowledge that I made a	
20			protected disclosure and I'm due to meet with GSOC.	11:09
21			<pre>Judge, I don't believe I don't believe he's entitled</pre>	
22			to ask me why I was meeting GSOC, legally I don't I	
23			don't think I could be wrong on that, but I don't	
24			think	
25	94	Q.	What did you understand the use of those words were	11:10
26			"comprehensive report"? What did you think he was	
27			asking for?	
28		Α.	Oh, a comprehensive report means a report outlining	
29			every detail, as in why are you meeting GSOC?	

- 1 95 Q. Did you think he was justified in calling for that,
- 2 given you had made a protected disclosure?
- 3 A. As I said, I don't think it's even legal. And I'm not
- 4 sure about that, Judge, but I don't think so.
- 5 96 Q. Right. Let's move on to the next issue you make. This 11:10
- is being confined to indoor duty. We know that -- we
- 7 have seen it already, the documents which confined you
- 8 at a meeting, perhaps we will cover that in a minute.
- 9 What I want to ask you is this: You were asked -- you
- were concerned about Garda A was still on duty in the

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- station at the time whilst you were on indoor duty, is
- 12 that right?
- 13 A. No.
- 14 97 Q. He wasn't?
- 15 A. No, no. Can I just get the page?
- 16 98 Q. Yes. We can find that then.
- 17 A. It's not relevant, but, no, Garda A is suspended in
- 18 around --
- 19 99 Q. We will just find it in a moment.
- 20 A. -- in around the middle of October, and it is after
- that I was put on indoor duties.
- 22 100 Q. Did anybody at any time ever tell you that, whether or
- 23 not -- you were concerned that Garda A hadn't been
- 24 suspended, is that right?
- 25 A. Oh yeah.
- 26 101 Q. Whilst you were in the station?
- 27 A. I would have outlined that from -- basically as far as
- back as 7th June 2014, I outlined that to the detective
- inspector or Detective Inspector Mulcahy and Assistant

1 Commissioner Ó Cualáin. I would have said, listen, no 2 one is going to talk unless you make suspensions. 3 Judge, the whole purpose of the DVD in relation to another matter, primary evidence, it would have given 4 5 them powers of arrest and powers of suspension and 11:12 6 powers to interview. The way -- the way it works with 7 an interview, you can arrest and bring somebody in on 8 one thing, but you can then, once they're in, ask them questions about other things you want to interview them 9 10 So they would have had those powers from day 11:12 11 one.

12 Right. We do know that the reason given for why he 102 Q. wasn't suspended went up to Human Resources and so on, 13 14 that they needed to see the basis on which he could be 15 suspended; namely, what you were saying. Did anybody 16 ever explain to you the whole question of whether he 17 could be suspended or not hinged on you agreeing to 18 that?

19

20

21

22

23

24

25

26

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28

29

A. No. No. That's one thing that wasn't done. I wrote a report at some stage to Detective Superintendent

Mulcahy, it was in relation to I think the taking of the statements, but it went into detail outlining about the suspension, you know, that no one is going to talk unless he's suspended, you can't -- I didn't get any report back saying, well, we have already told you that 11:13 we can't suspend, make a suspension unless your statement goes to HR. So that wasn't explained to me. Superintendent Mulcahy did say to me, will you give -- can we give your permission -- will you give your

- 1 permission to give your statement to HR. He did say
- that. And I said no, because I didn't know who was
- in -- I understand Fanning was in charge of HR but I
- 4 didn't know who Fanning was or anything about him then.
- 5 You know, I was afraid then of leaks from HR going
- 6 back. So, I -- that's why I said no in relation to HR.

11:14

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- 7 But it was never explained to me that the suspension
- 8 hinged on that.
- 9 103 Q. I want to turn now to the next issue of sick leave and
- the reduction of salary. Let's turn up Volume 12.
- This is Olivia Kelly's statement, it's at 3640. Now,
- she is referring to your sick certificate and
- explaining, we have been through this already, what she
- does and how the system operates. The actual, I think,
- record, Volume 30, if we can have it open, if we look
- at 38, which is 10721, does seem to run, if I am not
- 17 mistaken, the actual certificates are recorded there,
- from 25th January 2015 to 20th November '18.
- 19 A. Okay.
- 20 104 Q. Then we come to where it's reclassified after there had 11:16
- been enquiries initiated I think by, is it,
- 22 Superintendent Tony McLoughlin?
- 23 A. Yeah, Chief Superintendent McLoughlin.
- 24 105 Q. Chief superintendent, yes. There is a procedure set
- out for sick leave, as I understand it, and I think you 11:16
- will find that at Volume 28, page 8199.
- 27 A. What page?
- 28 106 Q. 8199. Now it's just to identify that. Were you
- 29 actually aware of this policy at the time?

- 1 A. I don't think so. I don't think --
- 2 107 Q. Sorry?
- 3 A. I don't think it's -- I don't think...
- 4 108 Q. Did anybody show it to you?
- 5 A. No. I don't remember, no. I mean, Judge, this is what 11:17
- 6 date, 2006 when this would have come out. I mean it's
- possible back then I may have seen it as circulars go
- 8 out, but I certainly don't -- I just don't remember.
- 9 109 Q. There is, within that document, a procedure for
- identifying injury on duty; did anybody ever talk to

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11 . 20

- 11 you about that or explain that?
- 12 A. I don't think so. I do recall when I met -- I was with
- Garda Nick Quinn, the welfare officer, the first time I
- 14 met Chief Superintendent Tony McLoughlin, I think it
- was more I was outlining what was happening to me, I
- don't -- I can't remember really -- we might have
- 17 touched on it, but I just can't remember. It was more,
- I was outlining harassment and stuff like that, that I
- 19 was talking about at that meeting.
- 20 110 Q. If you turn to page 8205, you will see at the very top
- of that investigations that are required to be carried
- out when members are absent as a result of an injury on
- 23 duty or work related stress. It says:

- "A thorough investigation shall be carried out
- immediately and the outcome reported to the assistant
- commissioner Human Resources for the attention of the
- 28 chief medical officer. The member concerned shall be
- advised of the employee assistance service, peer

Т			support and any other support deemed necessary."	
2				
3			And then:	
4				
5			"Local management shall address the issues causing the	11:20
6			member's stress."	
7				
8			Now, the local management at the time, was that	
9			Lorraine Wheatley?	
10		Α.	She would have been the chief superintendent, so, yes.	11:20
11			The superintendent would have been she was the chief	
12			superintendent in Mullingar and the superintendent in	
13			Athlone.	
14	111	Q.	Yes. Were you aware of anybody, local management	
15			carrying out an investigation into the issues causing	11:20
16			your stress?	
17		Α.	No.	
18	112	Q.	Nobody ever told you that?	
19		Α.	No. Well, Judge, just going back, going back to what	
20			happened from the very first day, I think I met	11:21
21			Superintendent Murray, where I outlined I was under	
22			stress and he made some comment about he was sceptical	
23			or something over stress.	
24	113	Q.	Yes. We also note from the policy that where there has	
25			been a continuous absence of 28 calendar days or more,	11:21
26			that results in an intervention by of Occupational	
27			Health, is that right?	
28		Α.	That I would take to be the CMO, that you'd go up to	
29			the chief medical officer.	

Т	114	Q.	Now, if we go to, I think it's Volume II, page 32/4	
2			sorry, 3266. Volume 11, 3266. This is an e-mail from	
3			Mullingar:	
4				
5			"I am directed by Chief Superintendent Wheatley to	11:22
6			forward the attached correspondence for your	
7			information, please."	
8				
9			And that's dated 8th June 2016. The attached	
10			correspondence, we know, comes from Chief	11:22
11			Superintendent Wheatley's long letter there, headed	
12			"sick report" and see what is said there. Have you	
13			seen this document before? It arises from Chief	
14			Superintendent Tony McLoughlin asking what	
15			investigation had been carried out.	11:23
16		Α.	I had only seen this in I'm not sure in what	
17			documents I saw it in relation to the Finn	
18			investigation, but in the Tribunal documents here, I	
19			would have read everything. So I would have seen it	
20			either on one of those occasions but certainly not	11:23
21			within 2016 anyway. I went out, Judge, out sick on	
22			26th December 2015.	
23	115	Q.	This is?	
24		Α.	This is June '16. So it's roughly six months later.	
25	116	Q.	Just to see where the trail begins, if we go back to	11:24
26			page 3263, this is an e-mail of Chief Superintendent	
27			McLoughlin, clearly, to Lorraine Wheatley.	
28				
29			"Lorraine, Garda Keogh reports sick with work related	

1	stress. Can you confirm if an investigation was	
2	carried out in accordance with the regulations into the	
3	work related stress and the outcome of it."	
4		
5	Then, 4th June, the next page:	11:24
6		
7	"Lorraine, was a work related stress investigation	
8	conducted? Tony."	
9		
10	Then the reply that we looked at, the 8th June, to	11:24
11	forward the attached correspondence. We've just looked	
12	at that, which says that you're absent from work, 2014,	
13	2015 and to date 2016.	
14		
15	"Medical certificates from his own medical	11:25
16	practitioner. Absences as a result of work related	
17	stress. Efforts have been made locally to establish	
18	the source of the member's alleged work related stress.	
19	However, the member is reluctant to discuss the matter	
20	as he has indicated that it arises out of matters which	11:25
21	he has reported through the confidential reporting	
22	mechanism and matters which he does not want to discuss	
23	with management within the division."	
24		
25	Then it says:	11:25
26		
27	"On the 26th March Superintendent Murray met with Garda	
28	Keogh at Athlone Garda Station and discussed the	
29	member's frequent absences from work."	

2			Now, I think that is the first time you met	
3			Superintendent Murray, is that right?	
4		Α.	I'll just check to be sure.	
5	117	Q.	Just look at your diary.	11:26
6		Α.	Sorry.	
7	118	Q.	It's probably quickest if you look at your diary.	
8		Α.	Yeah. Yes, first time, yeah.	
9	119	Q.	It's been said here this is the first time you met	
10			him, it's been said here that Superintendent Murray met	11:26
11			with you to discuss the member's frequent absences from	
12			work. What does your diary entry say?	
13		Α.		
14			"5pm met new super, Pat Murray. Conversation re sick	
15			stress. Told him to do with investigation, legal	11:26
16			advice. Couldn't discuss with him. Said he would have	
17			to send me to the CMO and that he was appointing	
18			Sergeant Martin to liaise with me. Asked me who my	
19			solicitor was. Told him that's private. Then said	
20			there's a problem with your car tax, it's commercial,	11:27
21			you're using it private. I told him I paid it the same	
22			way over the last few years and I wasn't the only one	
23			in the station."	
24				
25	120	Q.	Is there any mention in that diary entry of an	11:27
26			investigation into the causes of your work related	
27			stress?	
28		Α.	No.	
29	121	Q.	Had it been mentioned, would you have made a note of	

Τ			it?	
2		Α.	I'm sure, I'm sure I would. I am sure I would. My	
3			notes, they're not like Superintendent McBrien's notes	
4			but I just write down the name and the thing that's in	
5			that was discussed.	11:27
6	122	Q.	All right. If we look at 3270, have you found that?	
7		Α.	Yes.	
8	123	Q.	The author of this is Pat Murray. It sets out about	
9			Dáil Éireann events. The second paragraph:	
10				11:28
11			"I was transferred to Athlone as district officer on	
12			the 9th March. I first met Garda Keogh on Thursday,	
13			26th March. One of the issues that arose in my	
14			discussion with him was his sick absences, which	
15			appeared to be occurring frequently and in a haphazard	11:28
16			fashion. While Garda Keogh was reticent to discuss any	
17			issues he may have with me, I nonetheless felt it	
18			prudent to put an arrangement in place in Athlone to	
19			support him in the work environment, as he is	
20			indicating work related stress as a source of his	11:28
21			absence. With that in mind, I have allocated a female	
22			sergeant who is new to the district to act as a direct	
23			point of contact with the member to discuss and	
24			possibly solve any workplace issues he may have in	
25			Athlone, in order to allow him to attend frequently."	11:29
26				
27			Then he mentions that he has an appointment with the	
28			chief medical officer arranged for you, and advised of	
29			what workplace supports which may assist the member.	

1			Was that explained at that meeting to you?	
2		Α.	No. No. Not in as I said no. That was the	
3			meeting where when I said I don't think I have	
4			it it mightn't be it's not in my note. I just	
5			touched on where we have:	11:29
6				
7			"Met new super. Conversation re sick stress."	
8				
9			Judge, that's where he said to me at some point during	
10			that conversation, you're under no stress. And he said	11:29
11			it a second time then to me, you're under no stress	
12	124	Q.	Did you know that it was intended to send the report on	
13			to HR after that?	
14		Α.	No, I wouldn't have known that.	
15	125	Q.	If we go to 3272, this is then a report that Lorraine	11:30
16			Wheatley makes to Human Resources. Have you found	
17			that?	
18		Α.	Yes.	
19	126	Q.	Dated 7th April 2015, referring to the correspondence	
20			from Superintendent Murray of the 2nd April.	11:30
21				
22			"As outlined in the attached correspondence,	
23			Superintendent Murray believes that Garda Keogh would	
24			benefit from this referral to the chief medical officer	
25			as he has frequent sickness absences occurring in a	11:30
26			haphazard fashion. The referral to the chief medical	
27			officer may assist in providing additional workplace	
28			supports."	
29				

Τ			And so on. Was that discussed with you from what you	
2			can recall, using your diary?	
3		Α.	I think he did discuss the CMO, I think. Yeah, yes.	
4				
5			"Said he would have to send me to the CMO."	11:31
6				
7	127	Q.	Well, let's go back, and you can see, to HR.	
8		Α.	You see, as well, also, to take into account, Judge, I	
9			would have explained at that first meeting that at this	
10			point I'm working almost a year with Garda A while this	11:31
11			investigation is going on, in the same station. A lot	
12			of the time I'm on the same tours of duty. So I would	
13			have said all that. I'm sorry, whether I said I	
14			don't know I presume I said it, I'm not sure I did,	
15			but either way it would have been common knowledge.	11:32
16	128	Q.	CHAIRMAN: would you like to clarify that for me?	
17		Α.	Yeah. I'm not sure if I had said that, I can't I	
18			just can't remember whether I said that, but that would	
19			have been common knowledge; that I was working	
20			alongside Garda A for this is March '15, so we're,	11:32
21			where are we, a good about roughly eight, nine	
22			months working on the same shift at this stage, while	
23			the investigation is ongoing. This is all this	
24			would be common knowledge stuff, Judge.	
25	129	Q.	MR. KELLY: Was it then explained to you that the	11:32
26			classification would affect your pay?	
27		Α.	I don't think that was explained to me, but I would	
28			have known as I said, since, let's say, January	
29			2013, when I knew that I was going to I had my mind	

Т			made up that I was going to break from the blue code,	
2			let's say, and make a protected disclosure, I would	
3			have had to anticipate things like, you know, the wages	
4			were going to be hit, you're going to end up being	
5			sick.	11:33
6	130	Q.	CHAIRMAN: You planned for that?	
7		Α.	Yes, Judge.	
8	131	Q.	CHAIRMAN: That's what you told us earlier?	
9		Α.	Disciplinary matters, for example, is just an	
10			occupational hazard of a Garda whistleblower. So I	11:33
11			would have had an idea of what I was facing into.	
12	132	Q.	MR. KELLY: If you then look at page 3273, that's a	
13			letter from Alan Mulligan, the director of Human	
14			Resources, referring to the sick report in respect of	
15			you. It's dated in May.	11:33
16				
17			"It is noted that the above member's absence from 20th	
18			April to 25th April was stress related.	
19				
20			You should now"	11:34
21				
22			This is directed to the chief superintendent Westmeath,	
23			who was Lorraine Wheatley at the time, is that right?	
24		Α.	Yes.	
25	133	Q.		11:34
26			"You should now interview this member in order to	
27			establish the source of the member's stress and if it	
28			is suggested that it is work related, a full	
29			investigation should be carried out.	

2

3

This branch requires a full report, referral form and medical certificates in accordance with the Code.

4

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Please ensure that the member is advised of the welfare 11:34 service and any other support that is deemed necessary."

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I do recall at some stage around that time Chief Α. 11:34 Superintendent Wheatley called out to my house with a sergeant from the chief's office. Judge, I think she said -- I would have explained I'd gone -- I was out. marked -- I don't know, I would have known at the time, yes, that I was marked out with the flu and that my 11:35 sick certs were work related stress. Judge, I think. just from the documents, that she somewhere says that's the first time she heard about it. But it couldn't have been the first, because during the AWOL

was that done? Were you aware of it being done?

There's then a report from Pat Murray at 3274, which is in response to that request we've just looked at from Patrick Mulligan. If you look at that. Just read it through to yourself. Why I'm asking you about that is, we can see from the letter from Alan Mulligan, he's asking a specific investigation into this, you had one meeting with Superintendent Murray, the 26th March, is

11:36

investigation, and that statement I was looking for and 11:35

everything that is withheld, that whole thing can't --

it couldn't be the case.

Τ			that right?	
2		Α.	Yes.	
3	135	Q.	Which is about a whole range of issues, was it?	
4		Α.	Sorry?	
5	136	Q.	Which was about a number of issues?	11:37
6		Α.	Yes.	
7	137	Q.	It wasn't specifically about your sickness, was it?	
8		Α.	Yeah.	
9	138	Q.	You say that in event, whilst going through that he	
10			expressed the view that you didn't suffer from work	11:37
11			related stress at all?	
12		Α.	Yes.	
13	139	Q.	Is that right?	
14		Α.	There is one part, though, just I do see this, the part	
15			where:	11:37
16				
17			"The member was quick to point out that he was a	
18			confidential reporter and had certain protections in	
19			that role."	
20				11:37
21			I did point that out, that part is correct, Judge.	
22	140	Q.	Just so we've got get the timeline on this right, if we	
23			look at 3261. We have been through it before, but	
24			perhaps we might just go through it and call it up.	
25			This is the 4th June, Anthony McLoughlin writing to	11:38
26			Lorraine Wheatley.	
27				
28			"Can you confirm that an investigation was carried out	
29			in accordance with the regulations into the work	

T	related stress and the outcome of it."
2	
3	The 4th June, from Lorraine Wheatley to Anthony
4	McLoughlin:
5	11:3
6	"The CMO has deemed Garda Keogh unfit for duty. He was
7	again reviewed by him two weeks ago. I spoke to the
8	CMO's office and his reviewing doctor and he advised me
9	that he wants to hold an early conference with me and
10	John Barrett in respect of Garda Keogh before he issues 11:3
11	advices on his suitability to return to work. I would
12	welcome an opportunity to discuss this case with you in
13	the light of your e-mail. I understand that Garda
14	Keogh's recent certificates from his own doctor have
15	him certified unfit due to stress. However, in light 11:3
16	of all of the intended issues in respect of this
17	member, I would like to discuss this member's case with
18	you in early course. Perhaps you might be in a
19	position to get an update from the CMO's office in
20	respect of this member and we can discuss on Tuesday." 11:3
21	
22	And then finally, on page 3263, the 4th June, this is
23	Anthony McLoughlin back to Lorraine Wheatley:
24	
25	"Garda Keogh reports sick with work related stress. 11:4
26	Can you confirm if an investigation was carried out in
27	accordance with the regulations into the work related
28	stress and the outcome of it."
29	

1		And then again on the 4th June:	
2			
3		"Lorraine, was a work related stress investigation	
4		conducted? Tony."	
5			11:40
6		So there is a gap in there, four days, then you get the	
7		report. Okay.	
8			
9		Did anybody ever tell you in that period, in 2015, that	
10		you were actually approaching 180 days sick? Did	11:40
11		anybody say, look, there's a marker coming up that will	
12		change	
13	Α.	Yes, there was documents, I was getting I was	
14		getting forms, Judge, that you're approaching 183 days	
15		I think or something like that. Yeah, I was getting	11:41
16		those forms fairly regularly in relation to that. But	
17		like it wasn't until I didn't know I was being	
18		marked out with the flu until December 2015, when I met	
19		the CMO. And, as I have stated, he didn't know that I	
20		was being marked out with work related stress. And it	11:41
21		was as a result of that meeting that I found out, we	
22		both found out there was problems.	
23		MR. KELLY: Okay. Perhaps, Judge, we will take a break	
24		at that moment.	
25		CHAIRMAN: Are you moving on to another topic?	11:41
26		MR. KELLY: Yes, I am.	
27		CHAIRMAN: I would prefer to you finish one topic, if	
28		that is all right. Are we finished with this topic?	
29		MR. KELLY: I think so, yes.	

Т			CHAIRMAN: Thanks very much. Give me two seconds, I'm	
2			sorry. That seems convenient, if that's the case.	
3			Very good. What time? Shall we say 11:55, all right.	
4			Thanks very much.	
5				11:42
6			THE HEARING THEN ADJOURNED BRIEFLY AND RESUMED, AS	
7			FOLLOWS:	
8				
9			MR. KELLY: I want to turn now, if I can, briefly, to	
10			the Ó Cualáin investigation issue.	11:58
11			CHAIRMAN: Yes, thank you.	
12	141	Q.	MR. KELLY: Were you ever given advice that if you	
13			didn't give a statement to HR that Garda A couldn't be	
14			suspended?	
15		Α.	No. No, definitely not. As I've said, I wrote a	11:59
16			number of letters to Detective Superintendent Mulcahy.	
17			I do accept he did say to me or he asked me at some	
18			point would I consent to sending a copy to HR and I	
19			said no. I've outlined the reason: I didn't know who	
20			was there, who they were connected to, could it be	11:59
21			leaked? That was a fear I always had with my main	
22			the main original statement be leaked and go into the	
23			wrong hands within An Garda Síochána.	
24	142	Q.	There was a meeting that took place in Portumna with	
25			Assistant Commissioner Ó Cualáin and Superintendent	11:59
26			Mulcahy. You will find that at Volume 13, page 3946.	
27			If you just look at that. 3946.	
28		Α.	Yes, Judge. That's the second meeting, Judge.	
29	143	Q.	Right. Let just look at that. It's 13th August 2014.	

1				
2			"The assistant commissioner outlined concern about a	
3			report received for Nicholas Keogh and the meeting with	
4			[blank]. Explained the governance and going to GSOC in	
5			respect of other complaints. Assistant commissioner	12:00
6			explained he was investigating the original complaint.	
7			Olivia O'Neill is one of the matters he is going to	
8			GSOC about. Nicholas Keogh is aware of the 2014 Act.	
9			The assistant commissioner explains that we will	
10			continue. He says Nicholas Keogh happy and states that	12:01
11			it's up to [blank] if he wants to go GSOC or not as	
12			long as he gets it down in writing."	
13				
14			Is that right?	
15		Α.	Well, firstly, that thing, Olivia O'Neill is one of the	12:01
16			matters he is going to GSOC about, Judge, that's not	
17			accurate. I don't know what	
18	144	Q.	I don't know need to know who "he" is, but it's not	
19			you?	
20		Α.	well, no, the middle line there is not accurate:	12:01
21				
22			"Olivia O'Neill is one of the matters he is going	
23			to"	
24				
25			Judge, I never went to GSOC in relation to at some	12:01
26			point when Ms. O'Neill said to me about she more or	
27			less was reporting to me that members of the An Garda	
28			Síochána were trying to get statements about me and the	
29			only option I had, the only thing I could say to her	

Т			was, go to GSOC, there was nothing I could do about it.	
2	145	Q.	Yes. In that, if we then look on, clearly you're	
3			raising issues that are of concern to you?	
4		Α.	Yes.	
5	146	Q.		12:02
6			"Issues raised: Nobody will talk unless he is	
7			suspended. "	
8				
9			That's is Garda A?	
LO		Α.	Yes.	12:02
L1	147	Q.		
L2			"Hanging around during investigation. Concerned about	
L3			this. Assistant commissioner stated we will try to do	
L4			our interviews at another station if can and take the	
L5			focus of investigation away from where he works.	12:02
L6			Assistant commissioner to write to HRM regarding	
L7			suspension. It's a high bar."	
L8				
L9		Α.	He did use that term "high bar", I recall him saying	
20			"high bar". Just in relation to the first part there,	12:02
21			just as I said, the damage was done, they'd already	
22			taken the bulk of the statements in Athlone Garda	
23			Station at that time. The damage was already done.	
24	148	Q.	well, we have since been provided with a letter that	
25			was sent to the Tribunal, dated 30th October '19. I	12:03
26			haven't yet got the exact reference for that, but I	
27			will do. It shows where the interviews were conducted.	
28			According to my count there was about 17 out of 81 that	
29			were conducted at Athlone Garda Station. Did you see	

- 1 that letter?
- 2 A. I don't know if I saw the letter. I would have seen a
- document where it outlined -- the statements that were
- 4 taken in Athlone that I'm on about were the statements
- from the members of An Garda Síochána that were taken

12:04

12:04

- 6 in the station when Garda A was on duty. And from my
- 7 recollection, Garda A didn't leave the station, he just
- 8 walked around the station all day to see who they were,
- 9 who was being brought in, who they were talking to, the
- investigation team was talking to.
- 11 149 Q. Right.
- 12 A. As a result of that, I would have wrote a letter to
- 13 Detective Superintendent Mulcahy and that prompted this
- 14 meeting on the 13th August in Portumna.
- 15 150 Q. Yes. Okay, so your concern is that this person against 12:04
- whom complaints are made is hanging around whilst the
- 17 witnesses are being interviewed?
- 18 A. Yes.
- 19 151 Q. And so on. Can you explain to us again, just roughly,
- the layout of Athlone Garda Station and why that makes
- 21 it problematic?
- 22 A. Judge, the layout of the station, Judge, there's the
- main part of the station, which would be like any other
- 24 Garda station, which has the main bulk of the offices
- and the public office and that. Out the back of the
- station there is another building which has a community
- 27 policing office and if there was a serious crime or
- anything -- this is when I was there, a serious crime,
- there would be an incident room out there. And then,

_			to the fert of the station there was an old, I think,	
2			social welfare building and that was commandeered by An	
3			Garda Síochána. That's where the detective branch and	
4			the drugs unit were based, Judge. That's where their	
5			office was would be, but everybody would basically	12:05
6			always have been in and out of the main part of the	
7			Garda station, the bulk of activity in the Garda	
8			station, the centre.	
9	152	Q.	Where were the interviews being conducted?	
10		Α.	I can't I can't recall in which building they used	12:05
11			for the interview rooms, I can't recall that.	
12	153	Q.	If we just look at the final report of Ó Cualáin, which	
13			I think is 39, Volume 39, 11042?	
14		Α.	11042?	
15	154	Q.	Yeah. Let's just check that is the right one. 11144,	12:06
16			we see clearly it's Donal Ó Cualáin who is assigned	
17			24th November 2015?	
18		Α.	Just for clarification, the page number?	
19	155	Q.	Well, I was looking at the signature. The last page is	
20			11144.	12:07
21		Α.	Yes.	
22	156	Q.	Again we see that's his report. If you go to 15.8.1,	
23			which is just further up. The internal pagination is	
24			63, but it is 11142. Have you found that?	
25		Α.	Yes.	12:07
26	157	Q.	That appears to be central to this bit.	
27				
28			"Key witness nominated by the reporter"	

1			That's you.	
2				
3			" has declined to cooperate with this investigation.	
4			While he initially came forward with very damning	
5			evidence to the reporter, the fact that he has refused	12:08
6			to make a statement in the investigation has weakened	
7			the evidence to support a criminal charge."	
8				
9			That appears to be the key as to why it didn't move	
10			forward?	12:08
11		Α.	I'm not sure if I just can I just what part of	
12			the page 11142 is that?	
13	158	Q.	I am looking at page 11142, it's paragraph 15.8.1. Can	
14			you see that?	
15		Α.	Yes, yes.	12:08
16				
17			"Key witness nominated by the reporter has declined to	
18			"Key witness nominated by the reporter has declined to cooperate."	
18				12:09
18 19 20 21	159	Q.	cooperate." Yes Yes.	12:09
18 19 20 21 22	159	Q. A.	Yes Yes. Judge, that's not accurate. Declined to make a	12:09
18 19 20 21 22 23	159		cooperate." Yes Yes.	12:09
18 19 20 21 22 23 24	159		Yes Yes. Judge, that's not accurate. Declined to make a statement. As I understand, he cooperated with the investigation team. He declined to make a statement.	12:09
18 19 20 21 22 23 24 25	159		Yes Yes. Judge, that's not accurate. Declined to make a statement. As I understand, he cooperated with the	12:09
18 19 20 21 22 23 24 25 26		Α.	Yes. Judge, that's not accurate. Declined to make a statement. As I understand, he cooperated with the investigation team. He declined to make a statement. But it became clear, according to the gist of the report	
18 19 20 21 22 23 24 25		Α.	Yes Yes. Judge, that's not accurate. Declined to make a statement. As I understand, he cooperated with the investigation team. He declined to make a statement. But it became clear, according to the gist of the	

1			"A key witness nominated by the reporter has declined	
2			to cooperate with the investigation."	
3				
4	161	Q.	CHAIRMAN: Yes. What is wrong with that?	
5		Α.	Just, I will read the rest:	12:09
6				
7			"While he initially came forward with very damning	
8			evidence to the reporter, the fact that he has refused	
9			to make a statement, declined to make a statement, this	
10			investigation has weakened the evidence to support a	12:09
11			criminal charge."	
12				
13	162	Q.	MR. KELLY: What they seem to be saying there is, look,	
14			he made these allegations to you, you reported them, he	
15			refused to make a statement in effect to this	12:09
16			investigation and as a result that weakened the	
17			evidence to support a criminal charge, appears to be	
18			the gist of what is said.	
19			CHAIRMAN: No, it's not the gist, it's precisely what	
20			it is saying.	12:10
21		Α.	Yes. That is the person that came forward the	
22	163	Q.	CHAIRMAN: But have you a problem with that?	
23		Α.	Em, no. No, I understand that that individual wouldn't	
24			make a statement because that's the person I met on the	
25			10th May 2014 and wouldn't make a statement to me.	12:10
26	164	Q.	CHAIRMAN: I know, but Mr. Kelly asking you to comment	
27			on 15.8.1?	
28		Α.	Yes.	
29	165	Q.	CHAIRMAN: I understood you to at first to disagree	

Τ			with it, but now that to agree with it?	
2			MR. KELLY: It is a statement of fact as to what they	
3			found and as a fact that's what happened.	
4			CHAIRMAN: Do you agree with that? Do you accept it?	
5		Α.	I accept that that person did not make a statement.	12:10
6	166	Q.	CHAIRMAN: That's not it. It's not that he didn't make	
7			a statement. What it says is, he refused to make a	
8			statement. There's no point in translating it. That's	
9			the statement there.	
10		Α.	Yes. But he did	12:11
11	167	Q.	CHAIRMAN: Do you agree with that or disagree with	
12			that?	
13		Α.	Well, I agree with the part	
14	168	Q.	CHAIRMAN: That's what Mr. Kelly is asking you?	
15		Α.	Yes.	12:11
16	169	Q.	CHAIRMAN: He is asking you: What do you say to	
17			paragraph 15.8.1?	
18		Α.	Judge, I agree with the part of statement, I don't	
19			agree with the part "has declined to cooperate with the	
20			investigation", that's not accurate, because that	12:11
21			person did meet the investigation team and did speak to	
22			them.	
23	170	Q.	CHAIRMAN: All right. I see the area.	
24		Α.	Wouldn't commit to a statement.	
25	171	Q.	CHAIRMAN: Sorry, the fact that he refused to make a	12:11
26			statement, you say, doesn't constitute refusing to	
27			cooperate. Okay. That's an opinion, that's fair	
28			enough.	

MR. KELLY: Right. Judge, I propose to move on to what

1			will be a significant section, bullying and harassment,	
2			I will take the witness through his examination on	
3			that.	
4			CHAIRMAN: Certainly.	
5		Α.	Judge, just for clarification on the last part.	12:12
6	172	Q.	CHAIRMAN: Yes.	
7		Α.	I totally understand and accept that that witness did	
8			not make a statement but it has here "has declined to	
9			cooperate with the investigation", that part is not	
10			accurate, Judge.	12:12
11			CHAIRMAN: I'm sorry, I haven't got it on the screen in	
12			front of me. It's disappeared.	
13			MR. KELLY: I think the Chairman has got the point	
14			about that.	
15			CHAIRMAN: Yes.	12:12
16			MR. KELLY: You say he didn't meet with him, but in the	
17			end he didn't make a statement.	
18		Α.	He did meet with him.	
19	173	Q.	MR. KELLY: I'm sorry, he did meet with them and in the	
20			end he	12:12
21			CHAIRMAN: I'm sorry. Garda Keogh, we're quibbling	
22			with words here. Can I see it? He declined to	
23			cooperate, is what it says. Now, you may say, that's a	
24			different thing from not making a statement, but he	
25			didn't not make a statement, according to this he	12:13
26			refused to make a statement.	
27			MR. KELLY: Yes.	
28			CHAIRMAN: Now, that's a clear statement. It's not	
29			somebody just happening not to make a statement; it's	

1			somebody refusing to I'm sorry to insist on this.	
2		Α.	No, I accept that.	
3	174	Q.	CHAIRMAN: But you appear to me to be quibbling with	
4			the meaning of a simple, clear statement. I can	
5			understand you say that that's not sufficient to say he	12:13
6			didn't cooperate. Okay, that's a matter of opinion as	
7			to what cooperate means. No problem there, you're	
8			entitled to your opinion, as is anybody else. But	
9			refused to make a statement, couldn't be clearer?	
10		Α.	I agree with that part, Judge. What I am trying to say	12:13
11			is, "has declined to cooperate with the investigation",	
12			it's my understanding he did meet with the	
13			investigators and he verbally told them what he told	
14			me.	
15	175	Q.	CHAIRMAN: Okay.	12:13
16		Α.	But just didn't	
17			CHAIRMAN: I have it now. I am with, you. I am	
18			understanding your position on that.	
19			MR. KELLY: Okay. We will move on now to the next	
20			section: Bullying and harassment.	12:14
21				
22			GARDA NI CHOLAS KEOGH WAS EXAMINED BY MR. O'BRIEN, AS	
23			FOLLOWS:	
24				
25			MR. O'BRIEN: Garda Keogh, in relation to issue 18,	12:14
26			which is the bullying and harassment investigation	
27			which was carried out by Assistant Commissioner Finn, I	
28			am going to ask you some questions in relation to that	
29			now. If I can take you back first of all to 20th	

1			October 2016. If I could ask for Volume 34, page 9825	
2			please. Garda Keogh, it's page 9825.	
3			CHAIRMAN: Thanks very much.	
4	176	Q.	MR. O'BRIEN: I think, Garda Keogh, that is a	
5			handwritten letter that you wrote to Chief	12:15
6			Superintendent Anthony McLoughlin on 20th October 2016,	
7			is that correct?	
8		Α.	Yes.	
9	177	Q.	If I could just ask you to look at the bottom portion	
10			of that letter, it says:	12:15
11				
12			"I understand that there are obligations to both myself	
13			and An Garda Síochána to have this investigated under	
14			the terms of the harassment and bullying policy	
15			document of An Garda Síochána and I wish to make a	12:15
16			formal complaint in relation to same."	
17				
18		Α.	Yes.	
19	178	Q.	So, following your interaction with Chief	
20			Superintendent McLoughlin, what was your understanding	12:15
21			of would happen in relation to your complaint at that	
22			stage?	
23		Α.	That somebody would come out and take a statement	
24			basically from me in relation to the bullying and	
25			harassment under the Garda policy.	12:15
26	179	Q.	At that stage of your career in An Garda Síochána, had	
27			you ever had cause to raise a complaint under the	
28			policy before?	
29		Α.	Never. I never invoked that policy before.	

- 1 180 Q. Were you familiar with the policy and how it operated?
- 2 A. No, because prior to this I had spoken to GSOC about it
- and basically they said that I'd have to exhaust the
- 4 Garda policy before I could go to them, which was fair

12:16

12.17

- 5 enough. And I then invoked the Garda policy.
- 6 181 Q. Following your initial interaction with Chief
- 7 Superintendent McLoughlin, what further interaction did
- 8 you have with him, in particular in relation to your
- 9 initial bullying and harassment complaint?
- 10 A. Judge, the first time I met Chief Superintendent
- 11 McLoughlin was a meeting in Tullamore with Garda Mick
- 12 Quinn, who works under Chief Superintendent McLoughlin.
- I brought a load of documentation with me, where I
- outlined this is happening, that's happening, this is
- happening, various documents that we have gone through, 12:17
- Judge.
- 17 182 Q. I think it's common case that Chief Superintendent
- 18 McLoughlin notified HR that you wished to make a
- bullying and harassment complaint. Were you aware that
- on 1st November 2016 a file in relation to bullying and 12:17
- 21 harassment was opened by the HR department in respect
- of you?
- 23 A. The 1st, I don't... I may have read it in the
- documents but I wouldn't have been aware at the time.
- 25 183 Q. If we look to page Volume 35, it's 9865. It is a
- letter from Alan Murray to the superintendent of the
- 27 Commissioner's office, just confirming that.
- 28 A. Yes.
- 29 184 Q. I think you received a letter, Garda Keogh, if you can

1			just confirm this, from John Barrett, who is the	
2			executive director of HR, on the 11th November 2016 in	
3			relation to your bullying and harassment complaint.	
4			It's page 9849. Can you just confirm receiving that	
5			letter, please?	12:18
6		Α.	I do recall receiving a letter. 9849? Yes.	
7	185	Q.	Were you aware at that stage that Mr. Cullen, your	
8			solicitor, was also writing to the Commissioner's	
9			office in respect of your bullying and harassment	
10			complaint, as well as the other parties involved, HR	12:19
11			and so on?	
12		Α.	I just can't recall at that particular time.	
13	186	Q.	Okay, if we could turn to page 9873, please. You will	
14			see from that letter, that is a letter from Chief	
15			Superintendent Mark Curran. It's dated 25th November	12:19
16			2016. You will see from the third paragraph that the	
17			Commissioner directed that a meeting was convened with	
18			Mr. Cullen as a matter of urgency and that the	
19			Commissioner's office would be fully appraised of the	
20			position. As at that stage, as at 25th November 2016,	12:19
21			was such a meeting ever convened?	
22		Α.	I can't I can't recall. I know there was a meeting	
23			with perhaps it's the meeting I had with Chief	
24			Superintendent Tony McLoughlin and Mr. John Barrett.	
25			There was a meeting in Portlaoise with myself, my	12:20
26			solicitor and both of those gentleman.	
27	187	Q.	If we could turn over, just moving forward, I think it	
28			was on 23rd December 2016, Mr. Cullen received a letter	
29			from the Commissioner's office. This is at page 9918.	

1			That letter, amongst other things, I think confirms in	
2			its final paragraph, that Chief Superintendent Roche,	
3			Naas Garda station, was appointed to be the	
4			investigator of the bullying and harassment complaint.	
5		Α.	Yes.	12:20
6	188	Q.	Can I just ask you in relation to that, what was your	
7			understanding at that point, as of December 2016, in	
8			relation to the status of your bullying and harassment	
9			complaint and where it was at?	
10		Α.	Well, I had previously mentioned, Judge, that I had	12:21
11			become aware that Chief Superintendent Roche had been	
12			appointed and then Chief Superintendent Scanlan was	
13			appointed, so. But at that particular time I would	
14			have presumed that Chief Superintendent Roche would	
15			have met me to take a statement for the bullying and	12:21
16			harassment policy.	
17	189	Q.	What explanation was given to you, Garda Keogh, as to	
18			the fact that Chief Superintendent Roche did not carry	
19			on the bullying and harassment investigation	
20			ultimately?	12:21
21		Α.	I don't know what happened there. There's a lot of	
22			stuff in the volumes, I'm still unsure as to what	
23			happened there.	
24	190	Q.	When you received correspondence informing you that	
25			Chief Superintendent Scanlan would be appointed to take	12:22
26			a statement from you, what did you think at that point?	
27		Α.	Judge, I had been I had been in a number of	
28			telephone calls with myself and Chief Superintendent	
29			Scanlan in relation to it, because I had said to him, I	

1			had told Chief Superintendent Scanlan this is messy	
2			stuff and I pointed out that he was my superintendent	
3			prior and there could be a conflict of interest if he	
4			wished to go down that road. I'm aware he did, he did	
5			try to go down that road but he was later appointed to	12:22
6			take the statement.	
7	191	Q.	I think you actually met with your solicitor and Chief	
8			Superintendent Scanlan originally, isn't that correct?	
9		Α.	Yes.	
10	192	Q.	And at that meeting, which took place I think in March	12:22
11			2017; is that right?	
12		Α.	That's correct. There was two meetings. One was	
13			yes, there was two meetings, yeah.	
14	193	Q.	At the meeting that you had with superintendent	
15			Scanlan, what precisely occurred?	12:23
16		Α.	The first meeting was where Chief Superintendent	
17			Scanlan and Detective Inspector, I think, Dunne had	
18			they Chief Superintendent Scanlan tried to more or	
19			less dictate the statement and Detective Inspector	
20			Dunne was writing it down and there was problems with	12:23
21			that, with the statement. Basically I wasn't happy	
22			with the way it was being done and as a result of that,	
23			myself and my solicitor left and I then made a	
24			pre-prepared statement and when we went back down to	
25			Portlaoise Garda station the second time, I submitted	12:24
26			the pre-prepared statement.	
27	194	Q.	You might just confirm, so that's the statement, the	
28			comprehensive statement, if we can call it, that's	
29			dated 27th March 2017.	

- 1 A. I think that --
- 2 195 Q. That can be found at Volume 1, page 303?
- 3 A. It's the statement that I signed. I didn't sign the
- 4 first statement.
- 5 196 Q. Then you presented that statement to Chief
- 6 Superintendent Scanlan. I presume that was in the
- 7 context of a meeting between yourself, your solicitor

12.24

12:24

- 8 and Chief Superintendent Scanlan, is that correct?
- 9 A. Em, that was the second meeting?
- 10 197 Q. Yes.
- 11 A. Yes.
- 12 198 Q. You presented them with your statement?
- 13 A. Yes.
- 14 199 Q. And appendices?
- 15 A. And a list of appendices, yes.
- 16 200 Q. So it was a detailed volume of paper?
- 17 A. Yes.
- 18 201 Q. What issues, if any, did Chief Superintendent Scanlan
- raise with you about the content of the statement?
- 20 A. Well, it wasn't so much the content. There was no
- issues with the content of the statement. I do recall
- at the first meeting, where he pulled out the form,
- 23 which I have termed the -- the form which -- the
- amnesty form, where all the other guards were given the
- opportunity to get their cars in order. He pulled that 12:25
- document out and he asked me how -- instead of saying,
- God, that looks serious, or anything, he said, how did
- you get that statement, is the only thing he said.
- 29 202 Q. In terms of the content and the complaint that you were

1			seeking to put forward under the bullying and	
2			harassment policy, what, if any, queries did Chief	
3			Superintendent Scanlan raise with you?	
4		Α.	I don't think there was any.	
5	203	Q.	What was your understanding of what Chief	12:25
6			Superintendent Scanlan was going to do with that	
7			complaint?	
8		Α.	That he would send that complaint and the appendices to	
9			either HR or to Assistant Commissioner Fanning of the	
10			Eastern Region.	12:26
11	204	Q.	Yes. So in sending it to Assistant Commissioner	
12			Fanning, we know that he was the officer in charge of	
13			the Eastern Region at that time.	
14		Α.	Yes.	
15	205	Q.	Subject to the terms of the policy, it would be a	12:26
16			matter for Assistant Commissioner Fanning to make an	
17			appointment under the policy, is that correct, or to	
18			nominate an appointment?	
19		Α.	Yes.	
20	206	Q.	We know ultimately that Assistant Commissioner Finn was	12:26
21			appointed to conduct the investigation on 15th November	
22			2017, isn't that correct?	
23		Α.	I think that sounds right.	
24	207	Q.	But if we can just go back, if we can go back to the	
25			month of March 2017 through to the appointment of	12:27
26			Assistant Commissioner Finn, what was your view on the	
27			complaint was progressed through those months? What	
28			did you know about what was going on with your	
29			complaint?	

- 1 A. I didn't know exactly what was going on. At some point
- 2 -- at some point contact had -- had made some sort of
- 3 contact with Inspector McCarthy, who was with Assistant
- 4 Commissioner Fanning. He was informing me of certain
- 5 things. But there was problems there as well, because

12:28

12 · 28

- 6 during -- I'm not sure if it is prior to this or after
- 7 this, but there was, of course, two chief
- 8 superintendents appointed to do the investigation.
- 9 There was just confusion from the start in relation to
- 10 that.
- 11 208 Q. Just to clarify for the Chairman then, the confusion
- that you had at that stage, am I correct in saying that
- it was because of the initial appoint of Chief
- 14 Superintendent Roche or what was your confusion?
- 15 A. That was the initial confusion, in relation to there
- 16 was two chief superintendents appointed to deal with
- this.
- 18 209 Q. Okay. Throughout the summer months, if I can say that,
- from March up until September/October time, what was
- your concern in relation to the bullying and harassment 12:28
- 21 complaint?
- 22 A. Judge, it appeared to have gone missing. I don't know,
- there appeared to be no progress. I didn't know, like
- it was just -- it's supposed to be -- I think in the
- policy, I think, Judge, I am not sure about this, that
- it's 28 days to conduct this.
- 27 210 Q. CHAIRMAN: Yes.
- 28 A. But I knew, I knew --
- 29 211 Q. CHAIRMAN: You knew it was going to take longer than

- 1 that? 2 I knew it was going to take longer. Α. 212 3 0. MR. O' BRI EN: I think you instructed your solicitor in 4 any event to write to --5 CHAI RMAN: But you didn't know anything about what was 12:29 6 going on? 7 No. Α. 8 213 CHAI RMAN: Except there was some contact with Inspector Ο. 9 McCarthy, as I understand? Yes. And, as I said, when I was in contact to 10 Α. 12 · 29 11 Inspector McCarthy at the start, obviously there would 12 be mistrust as in the initial -- but when I -- I was 13 trying to find out, you know, what -- I was trying to 14 find out, straight out, what Assistant Commissioner 15 Fanning knew what was going on from the inspector. And 12:29 16 I got the impression -- well, they weren't -- Inspector 17 McCarthy wasn't telling me much, but I got the 18 impression he didn't actually know much to tell me.
- 19 214 Q. MR. O'BRIEN: What explanation was given to you for it? 20 A. Em, you see, having read the documents now, I'm not

- sure, but having read the documents I now know that
 Assistant Commissioner Fanning was saying that this was
 wider than a bullying and harassment thing and there's
- reference to a Byrne/McGinn model about the
 investigation. I can't say, I don't know if I knew -- 12:30
 I don't know if I knew that at the time.
- 27 215 Q. CHAIRMAN: But you didn't understand why it took so 28 long to get this up and running?
- 29 A. No.

1			CHAIRMAN: Okay.	
2	216	Q.	MR. O'BRIEN: I think on the 9th November, you received	
3			a letter from Assistant Commissioner Fanning just	
4			confirming receipt of the bullying and harassment	
5			complaint. That letter is at page 6917, Volume 23.	12:30
6			Can you confirm, Garda Keogh, that you received that	
7			letter from Assistant Commissioner Fanning?	
8		Α.	Yes.	
9	217	Q.	You will see there that it's set out that the matter	
10			may now be dealt with in two ways:	12:31
11				
12			"Firstly, with your permission and with the permission	
13			of the members complained of, the matter could be	
14			referred to an external mediator."	
15				12:31
16			I think it's common case that that didn't occur, is	
17			that correct?	
18		Α.	That's correct. I actually remember Inspector McCarthy	
19			explained that and I straight out said I don't need	
20			time to think about this, that I wanted a formal	12:31
21			investigation.	
22	218	Q.	CHAIRMAN: I mean that's what you wanted from the	
23			start?	
24		Α.	Yes.	
25	219	Q.	CHAIRMAN: You were making a bullying and harassment	12:31
26			complaint and here, months later, it's coming up a	
27			suggestion about mediation.	
28		Α.	Yes.	
29	220	Q.	MR. O'BRIEN: If you turn over the page, Garda Keogh,	

Т			to page 6918, you will see I m not sure if you were	
2			aware of this, perhaps you can confirm if you were or	
3			not, that on the same date Assistant Commissioner	
4			Fanning wrote to a number of senior Gardaí, to include	
5			Superintendent Murray, Inspector Farrell, just	12:32
6			informing them that you had made a complaint against	
7			them. Were you aware of that?	
8		Α.	Em, Inspector McCarthy may have told me that, I just	
9			can't I just can't recollect that.	
10	221	Q.	So, what was your understanding then in terms of	12:32
11			Assistant Commissioner Fanning and Inspector McCarthy?	
12			Do I take it that they understood what the complaint	
13			was about?	
14			CHAIRMAN: Say that again, Mr. O'Brien.	
15			MR. O'BRIEN: Sorry, Judge, I will move on. It was	12:33
16			just a question in relation to the complaint and who	
17			the complaint was being made against.	
18			CHAIRMAN: Oh yes, right.	
19			MR. O'BRIEN: It was certainly clear I think to	
20			Assistant Commissioner Fanning who the complaint was	12:33
21			being made against when he's writing to these senior	
22			officers, isn't that right?	
23		Α.	Yes. And I do, just I do think I was aware that I	
24			wouldn't have been aware probably of the letters or	
25			that, but I would have been, I think, aware that there	12:33
26			were persons notified as a result of the complaint.	
27	222	Q.	You see, if we move forward then and if I can ask for	
28			page 4219 to be opened, please, that is Volume 14.	
29			These are minutes of a meeting that was held between	

1 yourself, Assistant Commissioner Finn, I think your 2 solicitor was present, Inspector Browne and Chief Superintendent Myers. They were, as I understand, a 3 part of a team of investigators who worked under 4 5 Assistant Commissioner Finn, is that right? 12:34 6 Yes. Α. 7 223 Do you recall that meeting? Q. 8 I do. Α. At the meeting what, what it your understanding of 9 224 Q. Assistant Commissioner Finn's understanding of your 10 12:34 11 complaint at that stage? What did he have in his 12 possession? 13 Judge, he had -- just prior to the meeting Inspector Α. 14 Annette Browne rang me, just basically I think it was 15 to organise the meeting. I told her she would have to 12:35 16 get the statements and the appendices. The main thing 17 is the statement, and have that read over before me 18 going in to meet them, because it would obviously be a 19 very long meeting if they didn't read the statement. 20 So then, when we had the meeting, Judge, Assistant 12:35 Commissioner Finn had the statement and he had some of 21 22 the appendices, I don't know if he dealt with them all, but he some of them, some of them. 23 24 You will see from the first page of that document, 225 Q. 25 Garda Keogh, he was aware, Assistant Commissioner Finn, 12:35 that you didn't want mediation? 26

65

Do you know how he was aware of that?

27

28

29

226

Yes.

Em, I don't know.

Α.

Q.

Α.

It could have cropped up during a

- 1 call with Annette Browne. I have no idea, I just can't 2 recollect.
- 3 227 In the overall context of the meeting, what was your Q. 4 view on how it was conducted by Assistant Commissioner 5 Finn?

12:36

12:37

12:37

- 6 Em, well, Judge, I found it to be more of an Α. 7 obstructive meeting than anything else. There was 8 no -- everything was -- firstly, is it a corporate complaint or is it some other type of a complaint. 9 then this went on for a while. And then it was, who 10 11 are you making a complaint about. It was more or less 12 just kind of, you don't know what you're complaining 13 about at all, was my take on it. It was... It was 14 kind of an obstructive meeting, was what I got from it.
- 15 what concerns did you have after the meeting? When it 228 Q. 12:37 16 finished, what concerns did you have?

17

18

29

Well, the concerns were, Inspector Annette Browne, who Α. was writing, taking notes -- Judge, these notes are --19 which are obviously the typed notes or what we are looking at, 4219. Judge, they were never read over to 20 They never asked to sign notes or anything like 21 22 well, obviously, if they weren't read out over that. 23 So we didn't know what was in the notes. 24 the other thing was, after that and due to what went on 25 and what was said at the meeting, for the subsequent 26 second meeting we requested that it be recorded, audio 27 recorded so that there would be no dispute over what was said or anything like that. Assistant Commissioner 28 Finn, from recollection, declined and there was no

- 1 second meeting.
- 2 229 Q. Just going back one step for a moment, in relation to
- 3 your detailed statement that you had sent to -- sorry,
- 4 that you had given to Chief Superintendent Scanlan.
- 5 A. Yes.
- 6 230 Q. What questions did Assistant Commissioner Finn ask you

12:38

12:38

- 7 about that, at the meeting?
- 8 A. Em, Judge, really the only -- the only recollection I
- 9 have of that meeting was over and over again: Is it a
- 10 corporate complaint? Is it some other type of
- 11 complaint? And then, who are you making your complaint
- 12 about? Over and over again. That was the
- bulk of that meeting, from my recollection.
- 14 231 Q. Was any reference made to Assistant Commissioner
- 15 Fanning's letter of the 9th November about the
- understanding of the complaint and who it was made
- 17 against?
- 18 A. I just --
- 19 232 Q. For example, did you say Assistant Commissioner Fanning
- 20 has already written to Superintendent Murray notifying
- 21 him of my complaint?
- 22 A. I don't think -- I don't think that cropped up, I
- don't.
- 24 233 Q. I think your solicitor was concerned about how the
- 25 meeting ran, because he wrote a detailed letter in the
- 26 aftermath of that, isn't that right?
- 27 A. Yes. Just to go back to the last question: I don't
- 28 know, is the answer, I just don't know what -- I just
- can't remember exactly.

1	234	Q.	Well, just dealing with you've just said to the	
2			Chairman that you wanted the next meeting to be	
3			recorded?	
4		Α.	Yes.	
5	235	Q.	I think you have given evidence as to why that was?	12:39
6		Α.	Yes.	
7	236	Q.	But let me ask you: In terms of the investigation	
8			team, how many times did you meet with Chief	
9			Superintendent Myers?	
10		Α.	Just the once. That was the meeting. That was the	12:39
11			only time I met him.	
12	237	Q.	And I think for the sake of completeness, the same	
13			answer applies to Inspector Browne, is that correct?	
14		Α.	That's correct, yes, and commissioner Finn, for all	
15			three of them, yeah.	12:40
16	238	Q.	CHAIRMAN: The 1st December, that was the only meeting	
17			you had with any of those people?	
18		Α.	Yes.	
19			CHAIRMAN: Okay.	
20	239	Q.	MR. O'BRIEN: In the aftermath of that again and in	12:40
21			terms of the people that you identified as being	
22			persons against whom you were complaining, what	
23			questions, if any, did any of the investigators ask you	
24			in writing or what concerns did they have, do you	
25			recall?	12:40
26		Α.	Is it at this meeting? At this meeting, it was	
27			Assistant Commissioner Finn over and over again, just,	
28			who are you making a statement about and is it	

Judge, it was very clear in the statement who I was

1			making the complaint about. It was all there in	
2			writing and I had signed it was a sworn statement	
3			and I had signed it, Judge.	
4	240	Q.	Just moving forward then in the process, we know that	
5			each of the senior officers responded in writing to the	12:40
6			complaint. Were you ever informed about meetings	
7			taking place between the investigators and the persons	
8			that you complained about?	
9		Α.	No. At some stage, Judge, Assistant Commissioner Finn	
10			sent me a bunch of documents and in the documents, from	12:41
11			recollection, there were no statements. It was kind of	
12			solicitors letters, which answered all the allegations.	
13			They seemed to have been sent to people that I hadn't	
14			made complaints about and all the rest as well.	
15	241	Q.	Chairman, if we can have Volume 16, page 4903. I think	12:41
16			that the statements were provided to you through your	
17			solicitor from Assistant Commissioner Finn on 13th June	
18			2018, is that right? I will ask if you can see this,	
19			this letter here.	
20		Α.	That's 4903?	12:42
21	242	Q.	Yes. You will see from that letter, it's dated 13th	
22			June 2018, and it says:	
23				
24			"Please find attached a copy of all the witness	
25			statements and reports that I have procured during the	12:42
26			course of my investigation.	
27				
28			I wish to afford your client an opportunity to review	
29			the material and to make any comment or observations	

1			before concluding the investigation."	
2				
3			First of all, you received that letter and the	
4			statements, is that correct?	
5		Α.	Yes.	12:42
6	243	Q.	When you went through those statements, what were your	
7			concerns in terms of the bullying and harassment	
8			complaint?	
9		Α.	Em, Judge, I know I wrote back four issues, just off	
10			hand I can't remember what they were, I'm sure they're	12:42
11			in here, but I wrote back with four concerns or four	
12			issues. I can't recollect what they are, but	
13	244	Q.	In fact, if you turn to 4997, Garda Keogh, I think	
14			Mr. Cullen wrote an e-mail on your behalf setting out	
15			those issues. If you scroll down, please, to 4998.	12:43
16			You might just have a quick look through that e-mail,	
17			Garda Keogh, and confirm that that represents the	
18			concerns you had and the instructions you provided to	
19			Mr. Cullen to raise with the Assistant Commissioner	
20			Finn?	12:43
21			CHAIRMAN: Could you scroll back up, Peter, please, I	
22			want to see the start. Thank you very much.	
23		Α.	Yes.	
24	245	Q.	MR. O'BRIEN: What response did you receive to that	
25			e-mail from Assistant Commissioner Finn, can you	12:44
26			recall?	
27		Α.	Em, I do know	
28	246	Q.	Well, were you ever given any comfort in relation to	
29			the queries you raised or any answers?	

1		Α.	I think he addressed them, I think he addressed I'm	
2			not sure, I am actually not even sure, Judge, in this	
3			thing. And apart a lot of this stuff, you see, I	
4			was kept in the dark about. Just, there's an incident	
5			there at page 5000, Judge, and it was I won't go	12:44
6			into the incident because it's not covered under the	
7			terms. But it was an incident where two weeks after	
8			Garda A was suspended, Ms. B drove by my house and	
9			there was someone in the car with her. I made	
10			reference to that in the Finn thing, and like, the	12:45
11			answer I think it was:	
12				
13			"Inspector Drea advises that he did not investigate the	
14			i nci dent. "	
15				12:45
16			But it was never told who did investigate the incident,	
17			it was told who didn't investigate the incident, for	
18			example. I think when I was making a statement to the	
19			Tribunal, I think I said that's the worst thing they	
20			did out of everything, and it was to with that	12:45
21			incident. But I know it's not in the terms.	
22				
23			But, yeah, on that like, it was to do with that	
24			particular incident. You know, they told me who wasn't	
25			investigating it, they never told me who was	12:46
26			investigating it. I thought just something	
27	247	Q.	In terms of other documentation, Garda Keogh, were you	
28			ever provided with minutes of interview between the	
29			investigation team, Assistant Commissioner Finn and,	

1	for	example.	Chief	Superintendent	Murray?

A. No. No. I have not seen them in the documents, in the
Tribunal documents either. All I have seen are the -I think it was Reddy Charlton solicitors, letters, that
they all appear to have been written out on a format.

12:46

- Outside of Superintendent Murray, what about the other senior officers, Chief Superintendent Wheatley or Chief Superintendent Curran?
- No, nothing, nothing from any of them. It was all just 9 Α. from -- from what I recollect, I think Reddy Charlton 10 12:46 11 solicitors and all the, let's say, call them 12 statements, were done under I think headed paper, the 13 solicitors headed paper, which would be very unusual 14 for the Guards because guards usually write out their 15 own statements. And under their own statements there's 12:47 16 a declaration in Garda statements, so...
- 17 249 Q. We know that Assistant Commissioner Finn completed his
 18 investigation and prepared a report. I think that's
 19 dated 20th December 2018. It's at Volume 18, page
 20 5521. I think you have commented on it previously and 12:47
 21 in detail, but just, what is your view of the report
 22 and the findings of Assistant Commissioner Finn?

23

24

25

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28

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A. Judge, I've described that complaint I think as something along the lines of quick sand. That's why I am not pointing the finger at Mr. de Bruir or Assistant 12:47 Commissioner O'Brien for part of the reason, because the Assistant Commissioner Finn complaint appeared to me to be so flawed that any review or anything based on the Assistant Commissioner Finn complaint could only

- 1 have been flawed from the very start.
- 2 250 Q. Just in terms of Assistant Commissioner O'Brien, as I
- 3 say, what meetings did you have with him?
- 4 A. None.
- 5 251 Q. What comments do you have on his report?
- 6 A. Well his report cannot be right because it's based on

12:48

12 · 49

12:49

12:49

- 7 the Finn investigation and all that came out of the
- 8 Finn investigation. As I said, any investigation
- 9 conducted by the Guards that have I ever seen, it is
- done by guards make statements, there's a declaration
- and they write out whatever, day, date, time, place,
- occurrence, and they sign it at the bottom. The Finn
- investigation, it was more a solicitor's letter in
- 14 reply to everything, which I found unusual.
- 15 252 Q. Just finally, Garda Keogh, for the sake of
- 16 completeness, Mr. de Bruir was appointed as the legal
- 17 expert to carry out the paper review. You have seen
- 18 his report?
- 19 A. Yes.
- 20 253 Q. What is your view on that?
- 21 A. Yeah, again, just, I mean I don't -- I can't accept the
- de Bruir report. Again it's based on the Finn thing.
- 23 So as I described, it's like a house might be perfect
- but if it's built on quicksand, it's structurally
- damaged. Judge, the one thing that jumped out in that, 12:49
- 26 which I've already said before, was the thing about the
- 27 Liam McHugh incident and by the time -- by the time --
- 28 what started off with, was I coaching a witnesses in
- relation to the theft, an alleged theft by three

1 guards, by the time it reaches de Bruir, even though no 2 additional evidence comes to light, it would appear 3 that it was my hand that was dipping into Mr. McHugh's It just... I can't say any more in relation 4 5 to it, Judge. 12:50 6 254 Just by way of summary, Garda Keogh, you first brought Q. to the attention of Chief Superintendent Scanlan the 7 8 issue of the bullying and harassment complaint or your 9 intention to make the complaint in October 2016, is that correct? 10 12:51 11 Α. Em... 12 255 I think you told the Chairman a few moments ago? Q. 13 Yeah. Α. You would agree with that, would you? 14 256 0. 15 Again, I can't remember the date just off the top of my 12:51 Α. 16 head. 17 we then proceed a number of months later to March 2017, 257 Q. 18 when you make your comprehensive statement to Chief 19 Superintendent Scanlan, isn't that right? 20 It was in March --Α. 12:51 March '17? 21 258 Q. 22 March '17 that I made my statement to Chief Α. 23 Superintendent Scanlan, yes. 24 We then, a number of points later, have the appointment 259 Q. 25 of Assistant Commissioner Finn, six months later or 12:51 seven months later, in November '17? 26 27 Yes. Α. Then the report of Assistant Commissioner Finn is a 28 260 Q. 29 full year later, isn't that correct, in December?

		Α.	163.	
2	261	Q.	Then, by the time the paper review is completed by	
3			Mr. de Bruir, we're at a remove, we are in June of	
4			2019, I think, isn't that right?	
5		Α.	Yes. And for clarification, Judge, I knew it would	12:52
6			take longer than 28 days, but they really stretched it	
7			out, Judge.	
8			MR. O'BRIEN: Thank you, Chairman, they are all the	
9			questions I have for the witness.	
10			CHAIRMAN: Thanks very much.	12:52
11			MR. KELLY: That, I think, completes the re-examination	
12			of this witness, it was much swifter than we had	
13			anticipated.	
14			CHAIRMAN: Thank you very much.	
15			WITNESS: Judge, there is one thing I wanted to say.	12:52
16			CHAIRMAN: Yes, certainly.	
17			WITNESS: Judge, to make a point in relation to the	
18			McMahon investigation, which came out of the	
19			disciplinary investigation. I only thought of this and	
20			I just wanted to make a point.	12:52
21			CHAIRMAN: Yes.	
22			WITNESS: A finding in the McMahon investigation	
23			relates to the planting of drugs incident, which I	
24			won't go into, but it's just the finding into the	
25			McMahon investigation I want to point out. The finding	12:52
26			is, and I could be wrong on this, that it had no no	
27			member of An Garda Síochána planted drugs in that car,	
28			let's say, is my interpretation of the finding. Judge,	
29			it's a lovely finding to read but the problem is: The	

1	allegation was that an unregistered informant planted	
2	the drugs in the car. I just wanted to point that out,	
3	in relation to that investigation.	
4	CHAIRMAN: That is another issue I think that your	
5	counsel are probably going to review, is that right,	12:53
6	Mr. Kelly? Issue 19.	
7	MR. KELLY: Yes.	
8	CHAIRMAN: Now, I don't think that particular point is	
9	going to arise because it's not	
10	MR. KELLY: I will have a look at that, but what I am	12:53
11	mindful of is only asking questions about matters which	
12	this witness can directly speak to.	
13	CHAIRMAN: Very good. I quite understand.	
14	MR. KELLY: I bear this in mind.	
15	CHAIRMAN: Thank you very much.	12:53
16	MR. KELLY: There are still a number of outstanding	
17	issues, you will have noticed, I haven't gone through	
18	every single one of them.	
19	CHAIRMAN: No, no, I quite appreciate Mr. Kelly. I	
20	quite appreciate your approach.	12:54
21	MR. KELLY: I don't imagine you're inviting me to	
22	either.	
23	CHAIRMAN: I'm sorry?	
24	MR. KELLY: I don't imagine you're inviting me to	
25	either.	12:54
26	CHAIRMAN: No, no, I quite understand your approach.	
27	Thank you very much. Look, you wanted to say that. To	
28	the extent that it is relevant or important, we will	
29	just have to take a note of it and visit it as and if	

1	required. What is your next one? I am thinking we
2	will break there, Mr. Kelly.
3	MR. KELLY: We will break there and I will reflect on
4	where we are at.
5	CHAIRMAN: Okay, thank you very much. So two o'clock. 12:
6	That's very helpful.
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1	THE HEARING THEN ADJOURNED FOR LUNCH AND RESUMED, AS
2	FOLLOWS:
3	
4	MR. KELLY: Judge, I have had an opportunity to look at
5	where we are at.
6	CHAIRMAN: Thanks very much.
7	MR. KELLY: I think that at this stage, for the reason
8	that I came to before lunch, that concludes my
9	examination of this witness.
10	CHAIRMAN: Thank you very much. Very good. Garda 14:00
11	Keogh, you can go down for the moment. Thanks very
12	much, Garda Keogh. Where does that leave us?
13	Mr. McGuinness?
14	MR. KELLY: Yes, Chairman. Obviously the rules of
15	procedure allow Tribunal counsel to have a final 14:00
16	re-examination.
17	CHAIRMAN: Yes.
18	MR. McGUINNESS: I had anticipated, in fact, that at
19	the pace things were going on Friday that that might
20	take place on Thursday, but I'm very happy to
21	accelerate that to begin tomorrow morning.
22	CHAIRMAN: Yes, that seems perfectly reasonable. How
23	long do you think you will be?
24	MR. McGUINNESS: I hope to be concluded well within the
25	day.
26	CHAIRMAN: Very good. All right.
27	MR. KELLY: That's absolutely fine. I apologise to
28	Mr. McGuinness but I took the decision this morning to
29	short-circuit

1	CHAIRMAN: It's easier in a court context, it seems to
2	me, it's not always easy in a Tribunal to estimate how
3	long or short things will be and, indeed, the evidence
4	of Garda Keogh has been explored at considerable
5	length. So that's not the problem whatsoever and I 14:01
6	understand that you have been making those decisions.
7	Where does that leave us? Well, we will break now, we
8	resume then tomorrow.
9	MR. McGUINNESS: Yes.
10	CHAIRMAN: Garda Keogh will be delighted to know that 14:01
11	his evidence will be concluded tomorrow, when
12	Mr. McGuinness revisits whatever issues he thinks are
13	appropriate. That's really to wrap up the final stage.
14	That's the position, Mr. McGuinness?
15	MR. McGUINNESS: Yes. We have, of course, published a 14:02
16	list of witnesses, Chairman, and it's anticipated that
17	we will commence that on Wednesday morning and continue
18	until Friday.
19	CHAIRMAN: Very good.
20	MR. McGUINNESS: It is anticipated, though, that 14:02
21	because of the unavailability of one witness later down
22	the list.
23	CHAIRMAN: Yes.
24	MR. McGUINNESS: That we would interpose him.
25	CHAIRMAN: Yes, that's Chief Superintendent Curran, is 14:02
26	that correct?
27	MR. McGUINNESS: That's correct. So, as of the moment,
28	and I hope I am getting it right, that we intend to
29	take the evidence of Olivia O'Neill on Wednesday

1	morning, followed by Garda Stephanie Treacy, Sergeant	
2	Sandra Keane and Garda Lyons.	
3	CHAIRMAN: Items 1 to 4 witnesses.	
4	MR. McGUINNESS: Yes.	
5	CHAIRMAN: As far as we can dispose of them.	14:02
6	MR. McGUINNESS: Yes.	
7	CHAIRMAN: Then we will have Chief Superintendent	
8	Curran on Thursday morning possibly and, however long	
9	that takes, then we may have some further evidence, is	
10	that right?	14:03
11	MR. McGUINNESS: Yes, that's correct.	
12	CHAIRMAN: Okay. So you have kept your colleagues	
13	informed of the general plan.	
14	MR. McGUINNESS: It's been a slightly movable feast	
15	because of unpredictability.	14:03
16	CHAIRMAN: Of course. We are trying to accommodate	
17	everybody and at the same time get through things as	
18	efficiently as we can. All right, very good. Thank	
19	you very much. So be it. We can go and do some work	
20	for the afternoon, like everybody else. Thank you very	14:03
21	much.	
22		
23	THE HEARING THEN ADJOURNED UNTIL TUESDAY, 12TH NOVEMBER	
24	2019, AT 10: 30AM	
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