TRI BUNAL OF I NQU RY I NTO PROTECTED DI SCLOSURES MADE UNDER THE PROTECTED DI SCLOSURES ACT 2014 AND CERTAI N OTHER MATTERS FOLLOW NG RESOLUTI ONS PASSED BY DÁl LÉl REANN AND SEANAD Él REANN ON 16 FEBRUARY 2017

ESTABLI SHED BY I NSTRUMENT MADE BY THE M N STER FOR J USTI CE AND EQUALI TY UNDER THE TRI BUNALS OF I NQU RY (EV DENCE) ACT 1921, ON 17 FEBRUARY 2017, AS AMENDED ON 7 DECEMBER 2018

CHAl RMAN OF DI V SI ON (P): MR. J USTI CE SEAN RYAN, FORMER PRESI DENT OF THE COURT OF APPEAL

## HELD I N DUBLI N CASTLE

## ON MDNDAY, 11TH NOVEMBER 2019 - DAY 114

> Gnen Mal one Stenogr aphy Servi ces certify the fol ow ng to be a a ver batimeranscript of their stenographic notes in the above- named action.
> GWEN MALONE STENOGRAPFY SERM CES

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3. CH EF SUPERI NTENDENT MARK CURRAN
4. DETECTI VE I NSPECTOR M CHAEL COPPI NGER
5. CH EF SUPERI NTENDENT LORRA NE WFEATLEY
6. RETI RED DETECTI VE SUPERI NTENDENT DECLAN MLCAHY
7. ASSI STANT COMM SSI ONER M CHAEL FI NN
8. CH EF SUPERI NTENDENT ANTHONY MCLOUGHI \(N\)
9. RETI RED ASSI STANT COMM SSI ONER J ACK, NOLAN
10. RETI RED ACTI NG CONM SSI ONER DONAL Ó CUALÁ N
11. RETI RED COMM SSI ONER NÓ RÍN O SULLI VAN
12. ASSI STANT COMM SSI ONER ANNE MARI E MCMAHON
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34. CH EF SUPERI NTENDENT M CHAEL FLYNN
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FOR AGS
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SERGEANT ANDREW HARAN,
SERGEANT A DAN LYONS,
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## WTNESS <br> PAGE <br> GARDA N CHOLAS KEOGH

EXAMINED BY MR. KELLY ..... 6
EXAMINED BY MR. O'BRIEN ..... 53

THE HEARI NG RESUNED, AS FOLLOVG, ON MDNDAY, 11TH NOVEMBER 2019:

CHA RMAN Whenever you are ready. Take your time.

## GARDA N CHOLAS KEOGH CONTI NUED TO BE EXAM NED BY MR.

## KELLY, AS FOLLOWE:

MR. KELLY: Good morning, Garda Keogh.
A. Goof morning.

1 Q. I want to turn now to the issue, I think it's issue 7, that's the absence without leave, the 14th July.

Now, during the course of evidence you have already given, $I$ don't intend to go over it again to any great extent, a point was being made about whether from your perspective it was important it was the 15th or the 14th of July, and I think it's now accepted that the 14th July was when Pat Murray made contact with you?
A. Em.

2 Q. I think that's accepted.
A. Yeah. Yes, yeah. I think it's the 14th -- one second, can I just check, just to be sure?
3 Q. Sorry, it's the 15th July.
A. 15th. Yeah, the 15th.

4 Q. The 15th. The significance, as I understood it at the time, was that you were saying if it was the 14 th then it would look like it was Superintendent Murray that prompted you to get in touch with the sergeant, is that
right?
A. No, no.

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

6 Q. I see. That's simply not true?
A. No.

7 Q. Okay. There came a time when you were disciplined in respect of that and then you appealed it. Whilst you were going through the discipline process, I think you made a statement orally and it was written down, handwritten.
A. Yes.

8 Q. By the inspector who was conducting it, is that right?
A. Yes, Superintendent Alan Murray.

9 Q. Superintendent, yes, Alan Murray. The actual statement is $I$ think at Volume 31, page 8846. If we can call it up. That is a report of the interview. Then the statement, which I just made reference to, appears in the following couple of pages, is that right?
A. The handwritten statement, yes, that appears to be.

10 Q. Yes. That is the first hearing. That's what sought for the appeal hearing, is that right?
A. Yes.

11 Q. Were you provided with it?
A. No. It has cropped up in the last few weeks, Judge, that I signed for these documents, but I never received that statement. Judge, when I wrote back to Chief Superintendent wheatley looking for a copy of the
statement, this is the statement the Guards were saying they gave to me, if they had given it to me and when I wrote to back to say I request a copy of this statement for my appea1, they could have just said, okay, we'11 resend that copy or something like that. You know, there was no -- there was just no reply to it. They didn't say, we already gave you that statement and you're not getting it again, or anything like that. I wrote for the statement and that statement just didn't come.

12 Q. When did you first, next see that statement, that handwritten one?
A. Sorry?

13 Q. When did you next see that handwritten statement?
A. Oh, both the typed and the handwritten in the volumes, that's the next time I saw either of them.

14 Q. Okay. With that, I am going to move on to the next heading, which is issue 9, criticisms of the maintenance of crime files. The micromanagement issue. Let's start, if I can, by calling up volume 1, page 2202.
A. 2202?

15 Q. Yes, please. This is the letter from Superintendent Murray, it concerns the theft at Custume Place. Have you found it?
A. Yes.

16 Q. "The expl anation given inthis case for what l see as a I ai ssez faire attitude towards the investigation of
these two crimes is far fromsatisfactory."

What did you understand him to mean by those two words, "I ai ssez fai re"?
A. Well, Judge, where -- just -- oh yeah, at the top.
A. I understood exactly what they mean, it means a lax attitude or 1azy.
19 Q. This is written to the sergeant in charge at Ath1one, is that right?
A. Yes.
Q.
"Appears to need advi ce in rel ation to the purposes and scope of intervi ewing witnesses."

And so on. How do you feel about that?
A. Judge, I mean, this -- as I've already stated, this -I -- at different stages over my career in the Guards there were different times where I would have done the very same thing with the C8 statement forms. There was never an issue before but there was a huge issue over this particular thing this time. And I believe -- as I said, it never happened to me before, but after I made my protected disclosure something like this becomes a massive issue.

21 Q. Yes. Look at the third paragraph down:
"Garda Keogh shoul d be gi ven formal advi ce regarding the investi gation of crime and the importance of i nt ervi ewing witnesses."

How did you feel about that? Here he is saying, look, this guy needs to be told how to investigate crime, the importance of interviewing witnesses.
A. Yeah.

Did you know that already?
A. Of course, I knew, of course. Sure I'm 20 -- how many years at the time in 2015, so I'm about 15 years doing investigations and things and there was never any issue before in relation to anything. It was kind of like I needed to go back to Templemore or something and start learning from scratch again. I had -- it was very much, it was, you don't -- I didn't know how to do -all of a sudden $I$ didn't know how to do anything, any sort of police work.
23 Q. Right.
A. And that's the bare, like that's the bare -- if you don't know how to take a statement, is really... You know. And, as I said, Judge, there's nothing wrong with those statements. I read over them. Even if you look at the statements, at the bottom there is my handwriting, where I write in something like: This statement has been read over to me and is correct.
A. Where I got both witnesses to sign the statements and then I witnessed their signature.

25
Q. We will come back to the original statement, I will call those up in a few moments, but I just want to look at the next one, criminal damages at Mulligan's Filling Station, that's page 215 of the same volume. There's a question about who wrote the statements. This is again from Pat Murray to the sergeant in charge.
A. Just for clarification, the statements relate to the previous incident.
Q. Yes.
A. It's not Mulligan's.

27 Q. That's right. This is theft and criminal damage.
"In rel ation to Muligan's, it appears that $X$ may be a suspect. Was this put to himin any way?."

Were you ever told why this person or persons should be named as a suspect?
A. It is not a person, it's a family surname, Judge.

28 Q. Did he ever say why he was putting them in the frame?
A. No.

29 Q. Is that known or did he just pick the family at random7?
A. No. And that surname is quite a common surname in Athlone as well. But, I mean, Judge, I would have had an idea of the family, the actual family of that surname that was -- Superintendent Murray was referring to. But, as I said, they live about two miles away, the other side of the town, they'd no transport and that. I did go back to the owner and put it to --
asked the owner and the owner just said, no, they're never around this part of the town. That was it, he didn't... They're from the Leinster side of Athlone and this is over on the Connaught side of Athlone, Judge, and there'd be plenty of local persons that would be capable of doing it on the Connaught side, committing that crime on the Connaught side. In short, in substance there was no evidence to finger them, was there?
A. Oh no, none.

31 Q. Right, okay. If we come back then to the CCTV footage thing, page 208. If we go to the page before that, the sentence up. That says:
"Crime files theft at Custume Place."

It's again from the sergeant:
"With reference to the above, pl ease find at ached report from Garda Keogh. Chapter 3 of crime i nvesti gation manual..."

Which I think Superintendent Murray had referred to before.
"... has been brought to the attention of Garda Keogh.
Garda Keogh nominated $X$ for these thefts but si nce then has been unable to link hi mith the crimes. All CCTV was vi ewed and this gave no leads in the investigation.

Thi s case cannot be progressed at thi s time and any devel opments will be reported to your office as they arise. "

There's then a handwritten note below that:
"I note your views. The crime file has been sent to the victinゅ office."

Is it?
A. Yes "sent to the victins office".
A. Injured parties, IPs, of the efforts.
"The efforts gone --" something" to promote"?
A. "Made".
Q. And the result, I don't expect -- do not expect -something?
A. "To see a repeat of this" I think "situation by the menber i nvol ved".
Q. Whose handwriting is that?
A. It's addressed to the sergeant in charge. I presume it's Superintendent Murray, but I don't know. There's no signature at the bottom.
36 Q. Okay. Then if we look at the next page, this appears to be --
A. Just on that.

37 Q. Sorry.
A. Where is says:

> "Crime file has been sent out to the office... who will inf ormthe inj ured parties of the efforts..."

Judge, I have already said one of the injured parties was in with me viewing the CCTV, so the injured party was firmly aware of the efforts made, because they actually took part in the investigation. They saw it, they were able to see, you know, and I was also
"Theft at Custure Pl ace.

Wth reference to the above, I have al ready written on this and expl ai ned verbally to Superintendent Pat Murray regarding the statements, whi ch are legally finding and validly, made by the injured parties on C8 forms, whi ch were read over to both witnesses, who si gned same. When I got the chance I brought [ bl ank ]--"
is that the injured parties?
A. One of the injured parties, yes.

39 Q.
"-- into the CCTV room and viewed the footage with her
but it did not show the suspect enter or leave the building. I al so wi sh to point out that neither of the witnesses named a suspect in thei $r$ statement. I nom nated the suspect $X$, who was in the area at the time al ong with hundreds of other people for the triathl on event. There is no evi dence to link himto this crime."

Is that what you wrote?
A. Yes.

40 Q. That appeared to be 22nd September 2015, is that right?
A. Yes.

41 Q. If you look down, there is a further document, I think it's 214, I wanted to ask you about. Yeah. Perhaps to make sense if we begin at 213. Again:
"Theft. Dubl in, Road Athl one. "
A. This is a separate incident.

42 Q. Is this the Gilmartin?
A. This is, yes, the trailer.

43 Q. okay. Looking at 213:

> "CCTV vi ewed --"

Can you read that?
A.
"CCTV vi ewed to no avail as it is poor quality. No ID
for suspects."

44 Q. Can I just stop there, and it's probably my fault, I am the only person who doesn't understand it. On the CCTV footage there is reference to Garda CCTV, what's that?
A. The Garda CCTV is the Garda -- the Garda CCTV applies to both this and the previous incident. It's where, as 10:47 I described, there's a public office in Ath1one and there's a room that goes out to the back, it doesn't 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 would have a whole lot of screens on it. And there's one central, central, let's say, television screen and a whole lot of smaller screens around it. Once one would take control of the -- most of the cameras around the town and, indeed, any town, most of them would revolve around, so they pick up a couple of seconds and 10:47 then they move again, pick another few seconds and rotate. Judge, unless one -- when a person takes control of the main screen, you then can zoom in and out and take control of exactly what you want to look at. You can override the automatic system. Right, that's what $I$ was getting at. So these are a feed from CCTV cameras that are out on the street?
A. Yes.

46 Q. In public places?
A. Yes.

47 Q. Right. Then over on the next page, 214 , there's paragraphs 12 and 13. Who filled those out?
A. I did.

48 Q. Just read out what you have written there?
A. "Garda CCTV vi ewed. Cri me occurred 4: 31-4: 34am, 8/8/15. Poor quality footage of car moving with stol en trailer hitched."

13 is:
"Unable to make out regi stration number, col our or type of car."

49 Q. Now, is this the one where you then, having done that, went off to this filling station, is that right?
A. Yes. That night I went down to the petrol station down the road, Gilmartin's petrol station out on the Dublin Road in Athlone. I asked -- this was again in the early hours of the morning, I asked the -- it's a 24-hour station, so I asked just the young lad could he download the CCTV, but he didn't know how to do it and he said the person who does that wouldn't be back until whatever. So it wasn't until about a week later, when I came into work the CCTV was just left in -- it had been delivered to the station.
50 Q. Right. I think that I see a statement in there from the young man, it looks like he's the manager of Gilmartin's, who says he got a hold of it. what prompted you to go to the filling station that night?
A. Em, just cameras, CCTV cameras. That was really it. Because like the Garda's CCTV, it had something on it, it had -- it actually caught the crime but it didn't -there was nothing identifiable about it, really, other
than the times and things like that. So I needed better CCTV. So I think there was a pub, I don't think -- there was pub somewhere on in a road that I tried. I don't think there was anything on that CCTV. Gilmartin's petrol station, I knew from other incidents, they would have had good CCTV. Obviously I wasn't to know that that car had pulled in to the CCTV -- or into the petrol station to fill up.
51 Q. You went there on the off chance to see --
A. Just on the off chance for CCTV.

52 Q. And you got that?
A. Yes.

53 Q. As it turns out?
A. As it turned out, yes.

54 Q. I think that CCTV footage in fact was instrumental to 10:51 the successful outcome, I think they pleaded guilty, didn't they, to that?
A. Yes. It was from that CCTV I was able to get the registration number of the car, once $I$ had the registration number of the car, the rest then was -- we 10:51 were able to tie it because there was a burglary previously, the night before I think, somewhere in Ballinasloe or somewhere like that, and they were all connected to that car then.
55 Q. I want to now turn to the robbery, page 230, Volume 1, 10:51 230. This I think is the robbery in Athlone, is it?
A. Yes. Robbery from -- yes, yes. There was two. This is not the stabbing of the taxi driver, this is the young lad that was mugged basically.

56 Q. Right. In a moment we'11 go and have a look at the Pulse entry that you made and so on on that. But let's begin with this, 23rd September 2015. It's a letter from Superintendent Murray to your sergeant. This is the same say, as we know from other documents, that this was downgraded to, what, attention and complaints, is it?
A. Yes.

57 Q. What is the significance of downgrading an alleged robbery to that, attention and complaints?
A. Robbery would be tasked as a crime.

58 Q. Of course.
A. Attention and complaints is a non-crime.

59 Q. So changing it from a crime?
A. To non-crime.

60 Q. A quite a serious one?
A. Yes.

61 Q. To non-crime?
A. Yeah. A robbery from a person, any type of robbery.

62 Q. The very same day that's done, Pat Murray is writing to 10:53 you:
"In this case the incident on the face of it was serious. The scant report submitted does not give any i ndi cation of what investi gative steps were taken at
the initial reporting stage regarding the scene, searches of it, CCTV issues, inj ured parties, account of events and description of assailants. What was taken? What vi ol ence was used? What injuries were
recei ved? Whet her photographs were taken, et cetera. These issues are the basic steps required at the commencement of any investigation. The duties of the first nember at a scene are al so set out clearly in the ClT manual but are not recorded in this report.

I require an expl anation."

That is really a comprehensive list of criticisms floating your way.
A. Yes.

63 Q. Let's go and look at the Pulse report, if we may.
A. Judge, can I point out, Judge, this comes down:
"Re: Robbery fromthe person. PI N."

Pulse incident number. They have Pulse incident number 12207121, so they had to look at the Pulse incident number, because most of those details where on the Pulse report
64 Q. Let's just look at the Pulse report. It's volume 3, I think page 503 is where it starts. Here's what goes onto the pulse, is that at the time you're there basically, yes?
A. Yes.

65 Q. So, what do you put on there?
"I nj ured party wal ki ng home through one area to another area and under the train bridge was muged by two
mal es, had €20 stol en. Patrol of area with the injured party, who pointed out the scene. Negative results. Suspects were Irish in 20s. One wearing white Air Max top. "

We know it goes on to the next page. There's another one, I have seen somewhere, which completes that, is that right? You on7y got a screen shot of what was there.
A. Yeah. Basically the tab on the right-hand side in that 10:56 box indicates, Judge, that there is more to -- you can scroll down further, it is somewhere in the documents, just the document itself.
66 Q. We will come back to it, if it's is necessary. But what you are saying there is, well look, on the Pulse there $I$ have made a report of it. You say:
"Patrol of the area with injured party, who poi nted out the scene."

What did you mean by that?
A. He pointed out where the incident occurred. It was actually under a bridge. There's a shortcut under a train bridge. But on the right-hand side, Judge, of the page, number 503, it has the GPS, Judge, as well, latitude, longitude. So I would have recorded the numbers for GPS purposes exactly of this incident and the scene as well as where it occurred.
67 Q. I see that, yeah. Okay, so you took the person around
the area, you couldn't find anybody?
A. Yes.

68 Q. You were, I think, going on holiday shortly thereafter, weren't you, or annual leave?
A. Yes.

69 Q. Is that right. Now, if we look at the very next page, 504, that seems to be a statement from the victim?
A. Yes.

70
Q. Is that right?
A. Yes.

71 Q. Who took that?
A. Garda A.

72 Q. Garda A. And that was because you were having done what you described to the Tribunal, taken the party around, I think you dropped him home, is that right?
A. I dropped, yes, after I asked did he want to go to, was it medical attention or something, and he didn't. He just want to go home at that stage.
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.
74 Q. Just if we can keep that open. And volume is that, actually? volume 32. We are calling this up, Judge.

A cross-reference. It's volume 32, page 8999. This is the Pulse entry we have been looking at. You will see there, the first page, 8999, we have already looked at
that in a different volume, if we go to the next page, 9000, where it's continuing. where it says:
"Suspects are Irish, in 20s, one wearing white Air Max top and black tracksuit bottons, two wearing bl ue MEKenzie top. Both fled towards waste ground. No CCTV foot age. "

Then down the next page, 9001:
"Updated 23rd September 2015. Inci dent recategorised by 26341 K as per directions from district officer At hl one. "

It gives a reference.
"I nj ured party ref used to cooperate with investigation and ref used to make a statement of complaint."
A. It says "no evi dence", as wel1. Judge, yeah, up at the 11:00 top as well also, "category type" where I have "robbery" up at the top with category and "robbery from person" is the sub category. It just has "attention and compl ai nts" as well in there.
75 Q. Yes. Now, if you still have it, volume 1, page 230, 11:00 that we were looking at a minute ago, which is Superintendent Murray's letter to you, setting out this exhaustive list of your many and varied failings, according to him. All of the matters that he is
complaining about there, are those actually met in what we've just been looking at?
A. Yes.
A. Yes.
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.
A. Yes. I even left a note, I left a note beforehand just 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.
80 Q. You left a note to pass it over to detective branch and that's what happened?
A. Yes.

81 Q. Thank you. Just to complete this, if we turn up the actual statement which I had a minute ago.
A. Page 504?

82 Q. 504, is it? Yes, this is 503/504. This is the young man describing it.
" Wal ki ng home. ... wal ki ng near bridge. Two I ads approached me and asked for a ci garette. I saidI'd none. One of themshouted at me, hit me across the forehead with --"

Is that a box?
A. A bar.

83 Q.
"-- | fell to the ground. One held me down and
searched my pockets and the other fellow was ki cki ng me in the chest. I started to fight back. He then hit me with the bar again a fewtimes. Then took $£ 20$ note. At about 3 or 4 --"

I can't make that out.
CHA RMAN "Euro in change". We've had this in detail, Mr. Kelly, before.
84 Q. MR. KELLY: okay. So it wasn't a trivial incident, is what it comes to.
CHA RMAN That's the point that Garda Keogh makes. He 11:04 says, look, the statement itself shows the seriousness of it.

MR. KELLY: Just forgive me for a moment.
85 Q. It was said that because he didn't want to proceed with it, it wasn't really credible?
A. That's -- Judge that's -- as far as I know that's not the case, it should be. Because somebody declines to make a statement -- in this case the person didn't decline, he made a statement, but if a person doesn't
wish to make a statement, it doesn't mean the incident or an incident as reported didn't occur. It would be a common thing with families, disputes within families, where they make a statement and sometimes --
86 Q. For example, domestic violence?
A. Yes.

87 Q. We are all familiar with that.
A. Yes.

88 Q. Does it happen sometimes a crime is reported and them they decide not to proceed?
A. Yes, it's a common thing.

89 Q. Yes, okay. I want to turn to what I believe is issue 10, the annual leave that was initially approved by Sergeant Monaghan, is that right? I think we will find that at page 210, Volume 1. You had -- just the background to it, I think I have got it right. You went to see GSOC, is that right? It was a day in which you were off on annual leave, is that right?
A. Yes. I had been -- I had been in touch with GSOC, Judge, for a while on different matters, but on this particular one, em, yes, I met GSOC on a date on which I had applied for annual leave, from recollection.
90 Q. And you put that before the sergeant, did you?
A. I sent -- it's in writing, Judge, on page 211.

91 Q. Right. You sent it to Sergeant Monaghan, that's the 1st September, it states that -- it relates to the day before, the 31st August. The sergeant approved it, is that right? You see his signature there, saying application approved?
A. Yes.

92 Q. It then went up to Superintendent Murray, who refused it, is that right?
A. Yes.

93 Q. And at 210, I think it is, there's a letter from Sergeant Monaghan to you which carries the message:
"Wth reference to the above, Superintendent Murray has ref used the cancellation of this day as leave in the absence of a proper explanation. If you still wish to have this day consi dered for cancellation, can you forward a comprehensi ve report as to the reasons and attach same to your D9 and resubmit."
what is wrong with that?
A. Well, Judge, it would have been common knowledge, this is in 2015, so the Ó Cualáin investigation in relation to the heroin and that side of things is on, is going on, Judge. It's common knowledge that I made a protected disclosure and I'm due to meet with GSOC.
Judge, $I$ don't believe -- I don't believe he's entitled to ask me why I was meeting GSOC, legally I don't -- I don't think -- I could be wrong on that, but I don't think --

94 Q. What did you understand the use of those words were "comprehensi ve report"? what did you think he was asking for?
A. Oh, a comprehensive report means a report outlining every detail, as in why are you meeting GSOC?

95
Q.

A
A. As I said, I don't think it's even legal. And I'm not sure about that, Judge, but I don't think so.
96 Q Right. Let's move on to the next issue you make. This is being confined to indoor duty. We know that -- we have seen it already, the documents which confined you at a meeting, perhaps we will cover that in a minute. What I want to ask you is this: You were asked -- you were concerned about Garda A was still on duty in the station at the time whilst you were on indoor duty, is that right?
A. No.

97 Q. He wasn't?
A. No, no. Can I just get the page?

98 Q. Yes. We can find that then.
A. It's not relevant, but, no, Garda A is suspended in around --
99 Q. We will just find it in a moment.
A. -- in around the middle of October, and it is after that I was put on indoor duties.

100 Q. Did anybody at any time ever tell you that, whether or not -- you were concerned that Garda A hadn't been suspended, is that right?
A. Oh yeah.

101 Q. Whilst you were in the station?
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

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

102 Q. Right. We do know that the reason given for why he wasn't suspended went up to Human Resources and so on, that they needed to see the basis on which he could be suspended; namely, what you were saying. Did anybody ever explain to you the whole question of whether he could be suspended or not hinged on you agreeing to that?
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, wel1, 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
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 didn't know who Fanning was or anything about him then. You know, I was afraid then of leaks from HR going back. So, I -- that's why I said no in relation to HR. But it was never explained to me that the suspension hinged on that. 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 mistaken, the actual certificates are recorded there, from 25th January 2015 to 20th November '18.
A. okay.

104 Q. Then we come to where it's reclassified after there had 11:16 been enquiries initiated $I$ think by, is it, Superintendent Tony McLough1in?
A. Yeah, Chief Superintendent McLoughlin.

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.
A. What page?

106 Q. 8199. Now it's just to identify that. Were you actually aware of this policy at the time?
A. I don't think so. I don't think --
Q. Sorry?
A. I don't think it's -- I don't think...

108 Q. Did anybody show it to you?
A. No. I don't remember, no. I mean, Judge, this is what 11:17 date, 2006 when this would have come out. I mean it's possible back then $I$ may have seen it as circulars go out, but I certainly don't -- I just don't remember. There is, within that document, a procedure for identifying injury on duty; did anybody ever talk to you about that or explain that?
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 met Chief Superintendent Tony McLough1in, I think it was more $I$ was outlining what was happening to me, I don't -- I can't remember really -- we might have touched on it, but I just can't remember. It was more, I was outlining harassment and stuff like that, that I was talking about at that meeting.
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 duty or work related stress. It says:
"A thorough investi gation shall be carried out
i mmedi ately and the out come reported to the assi stant commi ssi oner Human Resources for the attention of the chi ef medi cal officer. The menber concerned shall be advi sed of the empl oyee assi stance service, peer
support and any ot her support deemed necessary."

And then:
"Local management shall address the issues causing the 11:20 menber's stress."

Now, the local management at the time, was that Lorraine wheatley?
A. She would have been the chief superintendent, so, yes. 11:20 The superintendent would have been -- she was the chief superintendent in Mullingar and the superintendent in Ath1one.
111 Q. Yes. Were you aware of anybody, local management carrying out an investigation into the issues causing your stress?
A. No.

112 Q. Nobody ever told you that?
A. No. Well, Judge, just going back, going back to what happened from the very first day, I think I met
Superintendent Murray, where I outlined I was under stress and he made some comment about he was sceptical or something over stress.
113 Q. Yes. We also note from the policy that where there has been a continuous absence of 28 calendar days or more, that results in an intervention by of Occupational Health, is that right?
A. That I would take to be the CMO, that you'd go up to the chief medical officer.

114 Q. Now, if we go to, I think it's Volume 11, page 3274 -sorry, 3266. Volume 11, 3266. This is an e-mail from Mullingar:
"I am di rected by Chi ef Superintendent Wheatley to
forward the attached correspondence for your i nf or mat i on, pl ease. "

And that's dated 8th June 2016. The attached correspondence, we know, comes from Chief Superintendent wheatley's long letter there, headed "sick report" and see what is said there. Have you seen this document before? It arises from chief Superintendent Tony McLough1in asking what investigation had been carried out.
A. I had only seen this in -- I'm not sure in what documents $I$ saw it in relation to the Finn investigation, but in the Tribunal documents here, I would have read everything. So I would have seen it either on one of those occasions but certainly not within 2016 anyway. I went out, Judge, out sick on 26th December 2015.

115 Q. This is?
A. This is June '16. So it's roughly six months later.

116 Q. Just to see where the trail begins, if we go back to page 3263, this is an e-mail of Chief Superintendent McLoughlin, clearly, to Lorraine wheatley.
"Lorrai ne, Garda Keogh reports sick with work rel ated
stress. Can you confirmif an investigation was carried out in accordance with the regul ations into the work rel ated stress and the outcone of it."

Then, 4th June, the next page:

[^0]Then the reply that we looked at, the 8th June, to forward the attached correspondence. We've just looked at that, which says that you're absent from work, 2014, 2015 and to date 2016.
"Medi cal certificates fromhis own medical
practitioner. Absences as a result of work rel ated stress. Efforts have been made locally to establish the source of the nenber's alleged work rel ated stress. However, the nember is rel uctant to di scuss the matter as he has indicated that it arises out of matters which 11:25 he has reported through the confidential reporting mechani smand matters whi ch he does not want to di scuss with management within the di vi sion."

Then it says:
"On the 26th March Superintendent Murray met with Garda Keogh at Athl one Garda Station and di scussed the menber's frequent absences from work."

Now, I think that is the first time you met Superintendent Murray, is that right?
A. I'11 just check to be sure.

117 Q. Just look at your diary.
A. Sorry.

118 Q. It's probably quickest if you look at your diary.
A. Yeah. Yes, first time, yeah.

119 Q. It's been said here -- this is the first time you met him, it's been said here that Superintendent Murray met 11:26 with you to discuss the member's frequent absences from work. what does your diary entry say?
A.
" 5 pm net new super, Pat Murray. Conversation re sick stress. Told himto do with investigation, legal
advice. Coul dn't di scuss with him Said he would have to send me to the CMD and that he was appoi nting Sergeant Martin to liai se with me. Asked me who my solicitor was. Told himthat's private. Then said there's a problemwith your car tax, it's commercial, 11:27 you're using it private. I told himl paid it the same way over the Iast few years and I wasn't the only one in the station. "

120 Q. Is there any mention in that diary entry of an
investigation into the causes of your work related stress?
A. No.

121 Q. Had it been mentioned, would you have made a note of
it?
A. I'm sure, I'm sure I would. I am sure I would. My notes, they're not like Superintendent McBrien's notes but I just write down the name and the thing that's in
-- that was discussed.

A11 right. If we look at 3270 , have you found that?
A. Yes.

123 Q. The author of this is Pat Murray. It sets out about Dáil Éireann events. The second paragraph:
"I was transferred to Athl one as di strict officer on the 9th March. I first met Garda Keogh on Thursday, 26th March. One of the issues that arose in my di scussi on with hi mas his sick absences, whi ch appeared to be occurring frequently and in a haphazard fashi on. Wile Garda Keogh was reticent to di scuss any issues he may have with me, I nonethel ess felt it prudent to put an arrangement in place in Athlone to support himin the work environment, as he is i ndi cating work rel ated stress as a source of his absence. Wth that in min, l have allocated a femal e sergeant who is new to the district to act as a direct poi nt of contact with the member to di scuss and possi bl y sol ve any workpl ace issues he may have in Athl one, in order to allow himto attend frequently."

Then he mentions that he has an appointment with the chief medical officer arranged for you, and advised of what workplace supports which may assist the member.

Was that explained at that meeting to you?
A. No. No. Not in -- as I said -- no. That was the meeting where -- when I said -- I don't think I have it -- it mightn't be -- it's not in my note. I just touched on where we have:
"Met new super. Conversation re sick stress."

Judge, that's where he said to me at some point during that conversation, you're under no stress. And he said 11:29 it a second time then to me, you're under no stress

124 Q. Did you know that it was intended to send the report on to HR after that?
A. No, I wouldn't have known that.

125 Q. If we go to 3272, this is then a report that Lorraine 11:30 Wheatley makes to Human Resources. Have you found that?
A. Yes.
Q. Dated 7th Apri1 2015, referring to the correspondence from Superintendent Murray of the $2 n d$ April.
"As outlined in the attached correspondence,
Superintendent Murray believes that Garda Keogh would benefit fromthis referral to the chi ef medi cal officer as he has frequent sickness absences occurring in a haphazard fashi on. The referral to the chi ef medical officer may assist in providing additional workplace supports."

And so on. Was that discussed with you from what you can recall, using your diary?
A. I think he did discuss the CMO, I think. Yeah, yes.
"Sai $d$ he would have to send me to the CMD."

127 Q. Well, let's go back, and you can see, to HR.
A. You see, as well, also, to take into account, Judge, I would have explained at that first meeting that at this point I'm working almost a year with Garda A while this investigation is going on, in the same station. A lot of the time I'm on the same tours of duty. So I would have said all that. I'm sorry, whether I said -- I don't know -- I presume I said it, I'm not sure I did, but either way it would have been common knowledge.
128 Q. CHA RMAN Would you like to clarify that for me?
A. Yeah. I'm not sure if $I$ had said that, I can't -- I just can't remember whether I said that, but that would have been common knowledge; that I was working alongside Garda A for -- this is March '15, so we're, where are we, a good -- about roughly eight, nine months working on the same shift at this stage, while the investigation is ongoing. This is all -- this would be common knowledge stuff, Judge.
129 Q. MR. KELLY: was it then explained to you that the classification would affect your pay?
A. I don't think that was explained to me, but I would have known -- as I said, since, let's say, January 2013, when I knew that I was going to -- I had my mind
made up that I was going to break from the blue code, let's say, and make a protected disclosure, I would have had to anticipate things like, you know, the wages were going to be hit, you're going to end up being sick.
Q. CHA RMAN You planned for that?
A. Yes, Judge.

131 Q. CHAI RMAN That's what you told us earlier?
A. Disciplinary matters, for example, is just an occupational hazard of a Garda whistleblower. So I would have had an idea of what I was facing into.

132 Q. MR. KELLY: If you then look at page 3273, that's a letter from Alan mulligan, the director of Human Resources, referring to the sick report in respect of you. It's dated in May.
"It is noted that the above menber's absence from 20th April to 25th April was stress rel ated.

You shoul d now --"

This is directed to the chief superintendent westmeath, who was Lorraine wheatley at the time, is that right?
A. Yes.

133 Q.

Thi s branch requires a full report, referral formand medi cal certificates in accordance with the Code.

Pl ease ensure that the menber is advi sed of the wel fare 11:34 service and any ot her support that is deemed necessary."

Was that done? Were you aware of it being done?
A. No. I do recall at some stage around that time Chief 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 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 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.

134 Q. 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 that right?
A. Yes.
Q. Which is about a whole range of issues, was it?
A. Sorry?

136
Q. which was about a number of issues?
A. Yes.

137 Q. It wasn't specifically about your sickness, was it?
A. Yeah.
Q. You say that in event, whilst going through that he expressed the view that you didn't suffer from work related stress at all?
A. Yes.

139 Q. Is that right?
A. There is one part, though, just I do see this, the part where:
"The member was quick to point out that he was a confidential reporter and had certain protections in that role."

I did point that out, that part is correct, Judge.
140 Q. Just so we've got get the timeline on this right, if we look at 3261. We have been through it before, but perhaps we might just go through it and call it up. This is the 4th June, Anthony McLoughlin writing to Lorraine wheatley.

[^1]rel at ed stress and the out cone of it."

The 4th June, from Lorraine wheatley to Anthony McLoughlin:
"The CMD has deemed Garda Keogh unfit for duty. He was agai n revi ewed by himtwo weeks ago. I spoke to the CMO s office and his revi ewing doctor and he advised me that he wants to hold an early conference with me and John Barrett in respect of Garda Keogh before he issues advi ces on his suitability to return to work. I would wel come an opportunity to di scuss this case with you in the light of your e-mail. I understand that Garda Keogh's recent certificates fromhis own doctor have himcertified unfit due to stress. However, in light of all of the intended issues in respect of this menber, I would like to di scuss this menber's case with you in early course. Perhaps you might be in a position to get an update fromthe CMO s office in respect of this menber and we can di scuss on Tuesday."

And then finally, on page 3263, the 4th June, this is Anthony McLoughlin back to Lorraine Wheatley:
"Garda Keogh reports sick with work rel ated stress. accordance with the regul ations into the work rel ated stress and the outcome of it."

And then again on the 4th June:
"Lorraine, was a work rel ated stress investigation conducted? Tony."

So there is a gap in there, four days, then you get the report. okay.

Did anybody ever tell you in that period, in 2015, that you were actually approaching 180 days sick? Did anybody say, look, there's a marker coming up that will change --
A. Yes, there was documents, I was getting -- I was getting forms, Judge, that you're approaching 183 days I think or something like that. Yeah, I was getting those forms fairly regularly in relation to that. But 1ike it wasn't until -- I didn't know I was being marked out with the flu until December 2015, when I met the CMO. And, as I have stated, he didn't know that I was being marked out with work related stress. And it was as a result of that meeting that $I$ found out, we both found out there was problems.

MR. KELLY: Okay. Perhaps, Judge, we will take a break at that moment.
CHA RMAN Are you moving on to another topic?
MR. KELLY: Yes, I am.
CHA RMAN I would prefer to you finish one topic, if that is all right. Are we finished with this topic? MR. KELLY: I think so, yes.

CHA RMAN Thanks very much. Give me two seconds, I'm sorry. That seems convenient, if that's the case. Very good. what time? Shall we say $11: 55$, all right. Thanks very much.

## THE HEARI NG THEN AD ORNED BRI EFLY AND RESUMED, AS

 FOLLOVG:MR. KELLY: I want to turn now, if I can, briefly, to the ó Cualáin investigation issue.

CHAN RMAN Yes, thank you.
141 Q. MR. KELLY: Were you ever given advice that if you didn't give a statement to $H R$ that Garda A couldn't be suspended?
A. No. No, definitely not. As I've said, I wrote a number of letters to Detective Superintendent Mulcahy. I do accept he did say to me or he asked me at some point would I consent to sending a copy to HR and I said no. I've outlined the reason: I didn't know who was there, who they were connected to, could it be
leaked? That was a fear I always had with my main -the main original statement be leaked and go into the wrong hands within An Garda Síochána.
142 Q. There was a meeting that took place in Portumna with Assistant Commissioner Ó Cualáin and Superintendent If you just look at that. 3946.
A. Yes, Judge. That's the second meeting, Judge.

143 Q. Right. Let just look at that. It's 13th August 2014.
"The assistant commi ssi oner outlined concern about a report recei ved for Ni chol as Keogh and the meeting with [ bl ank]. Expl ai ned the governance and goi ng to GSOC in respect of ot her complaints. Assistant commissioner expl ai ned he was investigating the original complaint. Oivia O Neill is one of the natters he is going to GSOC about. Ni chol as Keogh is aware of the 2014 Act. The assistant commissioner explains that we will continue. He says Ni chol as Keogh happy and states that ${ }_{\text {12:01 }}$ it's up to [blank] if he wants to go GSOC or not as Iong as he gets it down in writing."

Is that right?
A. Well, firstly, that thing, Olivia O'Neill is one of the 12:01 matters he is going to GSOC about, Judge, that's not accurate. I don't know what --
144 Q. I don't know need to know who "he" is, but it's not you?
A. Well, no, the middle line there is not accurate:
"Ol ivia O' Neill is one of the matters he is going to..."

Judge, I never went to GSOC in relation to -- at some point when Ms. o'Neill said to me about -- she more or less was reporting to me that members of the An Garda Síochána were trying to get statements about me and the only option I had, the only thing I could say to her
was, go to GSOC, there was nothing I could do about it. 145 Q. Yes. In that, if we then look on, clearly you're raising issues that are of concern to you?
A. Yes.

146 Q.

> "Issues rai sed: Nobody will talk unl ess he is suspended."

That's is Garda A?
A. Yes.

> "Hanging around during investigation. Concerned about this. Assistant commissioner stated we will try to do our interviews at another station if can and take the focus of investigation away from where he works.
Assistant commissioner to write to HRM regarding suspension. It's a high bar."
A. He did use that term "hi gh bar", I recall him saying "hi gh bar". Just in relation to the first part there, just as I said, the damage was done, they'd already taken the bulk of the statements in Athlone Garda Station at that time. The damage was already done. 148 Q. Well, we have since been provided with a letter that was sent to the Tribunal, dated 30th October '19. I haven't yet got the exact reference for that, but I will do. It shows where the interviews were conducted. According to my count there was about 17 out of 81 that were conducted at Athlone Garda Station. Did you see
that letter?
A. I don't know if I saw the letter. I would have seen a document where it outlined -- the statements that were taken in Athlone that I'm on about were the statements from the members of An Garda Síochána that were taken in the station when Garda A was on duty. And from my recollection, Garda A didn't leave the station, he just walked around the station all day to see who they were, who was being brought in, who they were talking to, the investigation team was talking to.
A. As a result of that, I would have wrote a letter to Detective Superintendent Mulcahy and that prompted this meeting on the 13th August in Portumna.
Q. Yes. Okay, so your concern is that this person against whom complaints are made is hanging around whilst the witnesses are being interviewed?
A. Yes.

And so on. Can you explain to us again, just roughly, the layout of Ath1one Garda Station and why that makes it problematic?
A. Judge, the layout of the station, Judge, there's the main part of the station, which would be like any other 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 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 left of the station there was an old, I think, social welfare building and that was commandeered by An Garda Síochána. That's where the detective branch and the drugs unit were based, Judge. That's where their office was would be, but everybody would basically always have been in and out of the main part of the Garda station, the bulk of activity in the Garda station, the centre.
Q. where were the interviews being conducted?
A. I can't -- I can't recall in which building they used for the interview rooms, $I$ can't recall that.

153 Q. If we just look at the final report of Ó Cualáin, which I think is 39, Volume 39, 11042?
A. 11042?

154 Q. Yeah. Let's just check that is the right one. 11144, 12:06 we see clearly it's Donal ó Cualáin who is assigned 24th November 2015?
A. Just for clarification, the page number?
Q. Well, I was looking at the signature. The last page is 11144.
A. Yes.
Q. Again we see that's his report. If you go to 15.8.1, which is just further up. The internal pagination is 63 , but it is 11142. Have you found that?
A. Yes.

157 Q. That appears to be central to this bit.
"Key witness nomi nated by the reporter --"

That's you.
" -- has declined to cooper ate with this i nvestigation. Wile he initially came forward with very daming evi dence to the reporter, the fact that he has ref used to make a statement in the investigation has weakened the evi dence to support a criminal charge."

That appears to be the key as to why it didn't move forward?
A. I'm not sure if I -- just -- can I just -- what part of the page 11142 is that?
Q. I am looking at page 11142, it's paragraph 15.8.1. $\qquad$ you see that?
A. Yes, yes.
"Key witness nomi nated by the reporter has declined to cooper ate."

Yes
159 Q. Yes.
A. 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.
160 Q. But it became clear, according to the gist of the report --
CHA RMAN Sorry, what part is wrong here?
A. Just at the initial, it has:
"A key witness nomin nated by the reporter has declined to cooperate with the investigation."

161 Q. CHA RMAN Yes. What is wrong with that?
A. Just, I will read the rest:
"Wile he initially came forward with very daming evi dence to the reporter, the fact that he has refused to make a statement, declined to make a statement, this investigation has weakened the evi dence to support a criminal charge."

162 Q. MR. KELLY: what they seem to be saying there is, look, he made these allegations to you, you reported them, he refused to make a statement in effect to this
investigation and as a result that weakened the evidence to support a criminal charge, appears to be the gist of what is said.
CHA RMAN No, it's not the gist, it's precisely what it is saying.
A. Yes. That is the person that came forward the --
Q. CHA RMAN But have you a problem with that?
A. Em, no. No, I understand that that individual wouldn't make a statement because that's the person I met on the 10th May 2014 and wouldn't make a statement to me.
164 Q. CHA RMAN I know, but Mr. Kelly asking you to comment on 15.8.1?
A. Yes.

165
Q. CHAN RMAN

I understood you to at first to disagree
with it, but now that to agree with it?
MR. KELLY: It is a statement of fact as to what they found and as a fact that's what happened.
CHA RMAN Do you agree with that? Do you accept it?
A. I accept that that person did not make a statement.

166 Q. CHA RMAR That's not it. It's not that he didn't make a statement. what it says is, he refused to make a statement. There's no point in translating it. That's the statement there.
A. Yes. But he did --

167 Q. CHA RMAN Do you agree with that or disagree with that?
A. Well, I agree with the part --

168 Q. CHA RMAN That's what Mr. Kelly is asking you?
A. Yes.

169 Q. CHA RMAN He is asking you: what do you say to paragraph 15.8.1?
A. Judge, I agree with the part of statement, I don't agree with the part "has declined to cooperate with the i nvesti gation", that's not accurate, because that
person did meet the investigation team and did speak to them.

170 Q. CHA RMAN A11 right. I see the area.
A. Wouldn't commit to a statement.

171 Q. CHA RMAN Sorry, the fact that he refused to make a statement, you say, doesn't constitute refusing to cooperate. okay. That's an opinion, that's fair enough.
MR. KELLY: Right. Judge, I propose to move on to what
will be a significant section, bullying and harassment, I will take the witness through his examination on that.
CHAN RMAN Certain7y.
A. Judge, just for clarification on the last part.
A. I totally understand and accept that that witness did not make a statement but it has here "has declined to cooperate with the investigation", that part is not accurate, Judge.
CHA RMAN I'm sorry, I haven't got it on the screen in front of me. It's disappeared.
MR. KELLY: I think the Chairman has got the point about that.
CHA RMAN Yes.
MR. KELLY: You say he didn't meet with him, but in the end he didn't make a statement.
A. He did meet with him.

173 Q. MR. KELLY: I'm sorry, he did meet with them and in the end he --
CHAN RMAN I'm sorry. Garda Keogh, we're quibbling with words here. Can I see it? He declined to cooperate, is what it says. Now, you may say, that's a different thing from not making a statement, but he didn't not make a statement, according to this he refused to make a statement.
MR KELLY: Yes.
CHAN RMN Now, that's a clear statement. It's not somebody just happening not to make a statement; it's
somebody refusing to -- I'm sorry to insist on this.
A. No, I accept that.

CHA RMAN But you appear to me to be quibbling with the meaning of a simple, clear statement. I can understand you say that that's not sufficient to say he 12:13 didn't cooperate. Okay, that's a matter of opinion as to what cooperate means. No problem there, you're entitled to your opinion, as is anybody else. But refused to make a statement, couldn't be clearer?
A. I agree with that part, Judge. What I am trying to say 12:13 is, "has declined to cooperate with the i nvesti gation", it's my understanding he did meet with the investigators and he verbally told them what he told me.
175 Q. CHAN RMAN okay.
A. But just didn't --

CHAL RMAN I have it now. I am with, you. I am understanding your position on that.
MR. KELLY: Okay. We will move on now to the next section: Bullying and harassment.

GARDA N CHOLAS KEOGH MAS EXAM NED BY MR. O BRI EN AS

## FOLLO/5:

MR. O BRI EN Garda Keogh, in relation to issue 18, which is the bullying and harassment investigation which was carried out by Assistant Commissioner Finn, I am going to ask you some questions in relation to that now. If I can take you back first of all to 20th

October 2016. If I could ask for Volume 34, page 9825 please. Garda Keogh, it's page 9825.

CHA RMAN Thanks very much.
MR. O BRI EN I think, Garda Keogh, that is a handwritten letter that you wrote to Chief Superintendent Anthony McLough1in on 20th October 2016, is that correct?
A. Yes.

If I could just ask you to look at the bottom portion of that letter, it says:
"I understand that there are obl igations to both myself and An Garda Sí ochána to have this i nvesti gated under the terns of the harassment and bullying policy document of An Garda Sí ochána and I wi sh to make a formal compl ai nt in rel ation to same."
A. Yes.
Q. So, following your interaction with Chief Superintendent McLough1in, what was your understanding of would happen in relation to your complaint at that stage?
A. That somebody would come out and take a statement basically from me in relation to the bullying and harassment under the Garda policy.
179 Q. At that stage of your career in An Garda Síochána, had you ever had cause to raise a complaint under the policy before?
A. Never. I never invoked that policy before.


Q. Were you familiar with the policy and how it operated?
A. No, because prior to this I had spoken to GSOC about it and basically they said that I'd have to exhaust the Garda policy before I could go to them, which was fair enough. And I then invoked the Garda policy.
Q. Following your initial interaction with Chief Superintendent McLough1in, what further interaction did you have with him, in particular in relation to your initial bullying and harassment complaint?
A. Judge, the first time I met Chief Superintendent McLoughlin was a meeting in Tullamore with Garda Mick Quinn, who works under Chief Superintendent McLough7in. 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.

182 Q. I think it's common case that Chief Superintendent 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 harassment was opened by the HR department in respect of you?
A. The 1st, I don't... I may have read it in the documents but $I$ wouldn't have been aware at the time.
Q. If we look to page Volume 35, it's 9865. It is a letter from Alan Murray to the superintendent of the Commissioner's office, just confirming that.
A. Yes.
Q. I think you received a letter, Garda Keogh, if you can
just confirm this, from John Barrett, who is the executive director of HR, on the 11th November 2016 in relation to your bullying and harassment complaint. It's page 9849. Can you just confirm receiving that
letter, please?
A. I do recall receiving a letter. 9849? Yes.

185 Q. Were you aware at that stage that Mr. Cullen, your solicitor, was also writing to the Commissioner's office in respect of your bullying and harassment complaint, as well as the other parties involved, HR and so on?
A. I just can't recall at that particular time.
Q. okay, if we could turn to page 9873, please. You will see from that letter, that is a letter from Chief Superintendent Mark Curran. It's dated 25th November 2016. You will see from the third paragraph that the Commissioner directed that a meeting was convened with Mr. cullen as a matter of urgency and that the Commissioner's office would be fully appraised of the position. As at that stage, as at 25th November 2016, was such a meeting ever convened?
A. I can't -- I can't recall. I know there was a meeting with -- perhaps it's the meeting I had with Chief Superintendent Tony McLoughlin and Mr. John Barrett. There was a meeting in Portlaoise with myself, my

187 Q. If we could turn over, just moving forward, I think it was on 23rd December 2016, Mr. Cullen received a letter from the Commissioner's office. This is at page 9918.

That letter, amongst other things, 1 think confirms in its final paragraph, that Chief Superintendent Roche, Naas Garda station, was appointed to be the investigator of the bullying and harassment complaint.
A. Yes.
A. I don't know what happened there. There's a lot of stuff in the volumes, I'm still unsure as to what happened there.
190 Q. When you received correspondence informing you that Chief Superintendent Scanlan would be appointed to take 12:22 a statement from you, what did you think at that point?
A. Judge, I had been -- I had been in a number of telephone calls with myself and Chief Superintendent Scanlan in relation to it, because $I$ had said to him, I
had told Chief Superintendent Scanlan this is messy stuff and I pointed out that he was my superintendent prior and there could be a conflict of interest if he wished to go down that road. I'm aware he did, he did try to go down that road but he was later appointed to take the statement.

191 Q. I think you actually met with your solicitor and Chief Superintendent Scanlan originally, isn't that correct?
A. Yes.

192 Q. And at that meeting, which took place I think in March 2017; is that right?
A. That's correct. There was two meetings. One was -yes, there was two meetings, yeah.
193 Q. At the meeting that you had with superintendent Scanlan, what precisely occurred?
A. The first meeting was where Chief Superintendent Scanlan and Detective Inspector, I think, Dunne had -they -- Chief Superintendent Scanlan tried to more or less dictate the statement and Detective Inspector Dunne was writing it down and there was problems with that, with the statement. Basically I wasn't happy with the way it was being done and as a result of that, myself and my solicitor left and I then made a pre-prepared statement and when we went back down to Portlaoise Garda station the second time, I submitted the pre-prepared statement.
194 Q. You might just confirm, so that's the statement, the comprehensive statement, if we can call it, that's dated 27th March 2017.
A. I think that --
Q. That can be found at volume 1, page 303?
A. It's the statement that I signed. I didn't sign the first statement.
Q. Then you presented that statement to Chief Superintendent Scanlan. I presume that was in the context of a meeting between yourself, your solicitor and Chief Superintendent Scanlan, is that correct?
A. Em, that was the second meeting?

197 Q. Yes.
A. Yes.

198 Q. You presented them with your statement?
A. Yes.

199 Q. And appendices?
A. And a list of appendices, yes.
Q. So it was a detailed volume of paper?
A. Yes.

201 Q. What issues, if any, did Chief Superintendent Scanlan raise with you about the content of the statement?
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, 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.

202 Q. In terms of the content and the complaint that you were
seeking to put forward under the bullying and harassment policy, what, if any, queries did Chief Superintendent Scanlan raise with you?
A. I don't think there was any.
what was your understanding of what chief Superintendent Scanlan was going to do with that complaint?
A. That he would send that complaint and the appendices to either HR or to Assistant Commissioner Fanning of the Eastern Region.
204 Q. Yes. So in sending it to Assistant Commissioner Fanning, we know that he was the officer in charge of the Eastern Region at that time.
A. Yes.

205 Q. Subject to the terms of the policy, it would be a matter for Assistant Commissioner Fanning to make an appointment under the policy, is that correct, or to nominate an appointment?
A. Yes.
Q.

We know ultimately that Assistant Commissioner Finn was appointed to conduct the investigation on 15th November 2017, isn't that correct?
A. I think that sounds right.

207 Q. But if we can just go back, if we can go back to the month of march 2017 through to the appointment of Assistant Commissioner Finn, what was your view on the complaint was progressed through those months? what did you know about what was going on with your complaint?
A. I didn't know exactly what was going on. At some point -- at some point contact had -- had made some sort of contact with Inspector McCarthy, who was with Assistant Commissioner Fanning. He was informing me of certain things. But there was problems there as well, because during -- I'm not sure if it is prior to this or after this, but there was, of course, two chief superintendents appointed to do the investigation. There was just confusion from the start in relation to that.

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 Superintendent Roche or what was your confusion?
A. That was the initial confusion, in relation to there 12:28 was two chief superintendents appointed to deal with this.
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 complaint?
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 12:28 it's 28 days to conduct this.
Q. CHAL RMAN Yes.
A. But I knew, I knew --

211 Q. CHA RMAN You knew it was going to take longer than
that?
A. I knew it was going to take longer.

MR. O BRI EN I think you instructed your solicitor in any event to write to --
CHA RMAN But you didn't know anything about what was going on?
A. No.

CHAI RMAN
Except there was some contact with Inspector McCarthy, as I understand?
A. Yes. And, as I said, when I was in contact to

Inspector McCarthy at the start, obviously there would be mistrust as in the initial -- but when I -- I was trying to find out, you know, what -- I was trying to find out, straight out, what Assistant Commissioner Fanning knew what was going on from the inspector. And 12:29 I got the impression -- well, they weren't -- Inspector McCarthy wasn't telling me much, but I got the impression he didn't actually know much to tell me.

214 Q. MR. OBRIEN what explanation was given to you for it?
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 mode1 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.
Q. CHAN RMAN But you didn't understand why it took so long to get this up and running?
A. No.

MR. OBRI EN I think on the 9th November, you received a letter from Assistant Commissioner Fanning just confirming receipt of the bullying and harassment complaint. That letter is at page 6917, volume 23. Can you confirm, Garda Keogh, that you received that letter from Assistant Commissioner Fanning?
A. Yes.

217 Q. You will see there that it's set out that the matter may now be dealt with in two ways:
"Firstly, with your permission and with the permission of the members compl ai ned of, the matter could be referred to an external medi ator."

I think it's common case that that didn't occur, is that correct?
A. That's correct. I actually remember Inspector McCarthy explained that and I straight out said I don't need time to think about this, that I wanted a formal investigation.

218 Q. CHA RMAN I mean that's what you wanted from the start?
A. Yes.

219 Q. CHAN RMAN You were making a bullying and harassment complaint and here, months later, it's coming up a suggestion about mediation.
A. Yes.

220 Q. MR. O BRI EN If you turn over the page, Garda Keogh,
to page 6918, you will see -- I'm not sure if you were aware of this, perhaps you can confirm if you were or not, that on the same date Assistant Commissioner Fanning wrote to a number of senior Gardaí, to include Superintendent Murray, Inspector Farrel1, just
informing them that you had made a complaint against them. Were you aware of that?
A. Em, Inspector McCarthy may have told me that, I just can't -- I just can't recollect that.
221 Q. So, what was your understanding then in terms of Assistant Commissioner Fanning and Inspector McCarthy? Do I take it that they understood what the complaint was about?
CHAN RMAN Say that again, Mr. O'brien.
MR. O BRIEN Sorry, Judge, I will move on. It was
just a question in relation to the complaint and who the complaint was being made against.
CHAN RMAN oh yes, right.
MR. O BRI EN It was certainly clear I think to Assistant Commissioner Fanning who the complaint was being made against when he's writing to these senior officers, isn't that right?
A. Yes. And I do, just I do think I was aware that -- I wouldn't have been aware probably of the letters or that, but I would have been, I think, aware that there were persons notified as a result of the complaint.
222 Q. You see, if we move forward then and if I can ask for page 4219 to be opened, please, that is volume 14. These are minutes of a meeting that was held between
yourself, Assistant Commissioner Finn, I think your solicitor was present, Inspector Browne and Chief Superintendent Myers. They were, as I understand, a part of a team of investigators who worked under Assistant Commissioner Finn, is that right?
A. Yes.
Q. Do you recall that meeting?
A. I do.

At the meeting what, what it your understanding of Assistant Commissioner Finn's understanding of your complaint at that stage? what did he have in his possession?
A. Judge, he had -- just prior to the meeting Inspector Annette Browne rang me, just basically I think it was to organise the meeting. I told her she would have to get the statements and the appendices. The main thing is the statement, and have that read over before me going in to meet them, because it would obviously be a very long meeting if they didn't read the statement. So then, when we had the meeting, Judge, Assistant Commissioner Finn had the statement and he had some of the appendices, $I$ don't know if he dealt with them all, but he some of them, some of them.
Q. You will see from the first page of that document, Garda Keogh, he was aware, Assistant Commissioner Finn, 12:35 that you didn't want mediation?
A. Yes.

226 Q. Do you know how he was aware of that?
A. Em, I don't know. It could have cropped up during a
call with Annette Browne. I have no idea, I just can't recollect.

227 Q. In the overall context of the meeting, what was your view on how it was conducted by Assistant Commissioner Finn?
A. Em, well, Judge, I found it to be more of an obstructive meeting than anything else. There was no -- everything was -- firstly, is it a corporate complaint or is it some other type of a complaint. And then this went on for a while. And then it was, who are you making a complaint about. It was more or less just kind of, you don't know what you're complaining about at a11, was my take on it. It was... It was kind of an obstructive meeting, was what I got from it.
228 Q. What concerns did you have after the meeting? when it 12:37 finished, what concerns did you have?
A. We11, the concerns were, Inspector Annette Browne, who was writing, taking notes -- Judge, these notes are -which are obviously the typed notes or what we are looking at, 4219. Judge, they were never read over to us. They never asked to sign notes or anything like that. We11, obviously, if they weren't read out over to us. So we didn't know what was in the notes. But the other thing was, after that and due to what went on and what was said at the meeting, for the subsequent second meeting we requested that it be recorded, audio recorded so that there would be no dispute over what was said or anything like that. Assistant Commissioner Finn, from recollection, declined and there was no
second meeting.
Just going back one step for a moment, in relation to your detailed statement that you had sent to -- sorry, that you had given to Chief Superintendent Scan1an.
A. Yes. complaint? And then, who are you making your complaint about? Over and over and over again. That was the bulk of that meeting, from my recollection. Was any reference made to Assistant Commissioner Fanning's letter of the 9th November about the understanding of the complaint and who it was made against?
A. I just --
Q. For example, did you say Assistant Commissioner Fanning has already written to Superintendent Murray notifying him of my complaint?
A. I don't think -- I don't think that cropped up, I don't.
Q. I think your solicitor was concerned about how the meeting ran, because he wrote a detailed letter in the aftermath of that, isn't that right?
A. Yes. Just to go back to the last question: I don't know, is the answer, I just don't know what -- I just can't remember exactly.

234

MR. O BRI EN In the aftermath of that again and in
terms of the people that you identified as being persons against whom you were complaining, what questions, if any, did any of the investigators ask you in writing or what concerns did they have, do you recall?
A. Yes.
Q. But let me ask you: In terms of the investigation team, how many times did you meet with Chief Superintendent Myers?
A. Just the once. That was the meeting. That was the only time I met him.
Q. And I think for the sake of completeness, the same answer applies to Inspector Browne, is that correct?
A. That's correct, yes, and commissioner Finn, for all three of them, yeah.
Q. CHAN RMAN The 1st December, that was the only meeting you had with any of those people?
A. Yes.

CHA RMAN okay.
A. Is it at this meeting? At this meeting, it was Assistant Commissioner Finn over and over again, just, who are you making a statement about and is it -Judge, it was very clear in the statement who I was
making the complaint about. It was all there in writing and I had signed -- it was a sworn statement and I had signed it, Judge.
Just moving forward then in the process, we know that each of the senior officers responded in writing to the 12:40 complaint. Were you ever informed about meetings taking place between the investigators and the persons that you complained about?
A. No. At some stage, Judge, Assistant Commissioner Finn sent me a bunch of documents and in the documents, from 12:41 recollection, there were no statements. It was kind of solicitors letters, which answered all the allegations. They seemed to have been sent to people that I hadn't made complaints about and all the rest as well.
241 Q. Chairman, if we can have volume 16, page 4903. I think 12:41 that the statements were provided to you through your solicitor from Assistant Commissioner Finn on 13th June 2018, is that right? I will ask if you can see this, this letter here.
A. That's 4903?

242 Q. Yes. You will see from that letter, it's dated 13th June 2018, and it says:
"Please find attached a copy of all the witness statements and reports that I have procured during the course of my investigation.

I wi sh to afford your client an opportunity to revi ew the material and to make any comment or observations
bef ore concl uding the investi gation. "

First of all, you received that letter and the statements, is that correct?
A. Yes.

When you went through those statements, what were your concerns in terms of the bullying and harassment complaint?
A. Em, Judge, I know I wrote back four issues, just off hand I can't remember what they were, I'm sure they're in here, but I wrote back with four concerns or four issues. I can't recollect what they are, but...
Q. In fact, if you turn to 4997, Garda Keogh, I think Mr. Cullen wrote an e-mail on your behalf setting out those issues. If you scroll down, please, to 4998.
You might just have a quick look through that e-mail, Garda Keogh, and confirm that that represents the concerns you had and the instructions you provided to mr. Cullen to raise with the Assistant Commissioner Finn?

CHAN RMAN Could you scroll back up, Peter, please, I want to see the start. Thank you very much.
A. Yes.

245 Q. MR. OBRIEN what response did you receive to that e-mail from Assistant Commissioner Finn, can you recall?
A. Em, I do know...

246 Q. We11, were you ever given any comfort in relation to the queries you raised or any answers?
A. I think he addressed them, I think he addressed -- I'm not sure, I am actually not even sure, Judge, in this thing. And apart -- a lot of this stuff, you see, I was kept in the dark about. Just, there's an incident there at page 5000, Judge, and it was -- I won't go into the incident because it's not covered under the terms. But it was an incident where two weeks after Garda A was suspended, Ms. B drove by my house and there was someone in the car with her. I made reference to that in the Finn thing, and like, the answer -- I think it was:
"I nspector Drea advi ses that he did not i nvestigate the i nci dent. "

But it was never told who did investigate the incident, it was told who didn't investigate the incident, for example. I think when I was making a statement to the Tribunal, I think I said that's the worst thing they did out of everything, and it was to with that incident. But $I$ know it's not in the terms.

But, yeah, on that like, it was to do with that particular incident. You know, they told me who wasn't investigating it, they never told me who was investigating it. I thought just something...

247 Q. In terms of other documentation, Garda Keogh, were you ever provided with minutes of interview between the investigation team, Assistant Commissioner Finn and,
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.

Q. Outside of Superintendent Murray, what about the other senior officers, Chief Superintendent wheatley or Chief Superintendent Curran?
A. No, nothing, nothing from any of them. It was all just from -- from what I recollect, I think Reddy Charlton solicitors and all the, let's say, call them statements, were done under I think headed paper, the solicitors headed paper, which would be very unusual for the Guards because guards usually write out their own statements. And under their own statements there's 12:47 a declaration in Garda statements, so...
Q. We know that Assistant Commissioner Finn completed his investigation and prepared a report. I think that's dated 20th December 2018. It's at Volume 18, page 5521. I think you have commented on it previously and 12:47 in detail, but just, what is your view of the report and the findings of Assistant Commissioner Finn?
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
have been flawed from the very start.
Just in terms of Assistant Commissioner O'Brien, as I say, what meetings did you have with him?
A. None.
A.

What comments do you have on his report? the Finn investigation and all that came out of the Finn investigation. As I said, any investigation 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 reply to everything, which I found unusual.
Just finally, Garda Keogh, for the sake of
completeness, Mr. de Bruir was appointed as the legal expert to carry out the paper review. You have seen his report?
A. Yes.
Q. what is your view on that?
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. 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 which I've already said before, was the thing about the Liam McHugh incident and by the time -- by the time -what started off with, was I coaching a witnesses in relation to the theft, an alleged theft by three
guards, by the time it reaches de Bruir, even though no additional evidence comes to light, it would appear that it was my hand that was dipping into Mr. McHugh's pocket. It just... I can't say any more in relation to it, Judge.

254 Q. Just by way of summary, Garda Keogh, you first brought to the attention of chief Superintendent Scanlan the issue of the bullying and harassment complaint or your intention to make the complaint in October 2016, is that correct?
A. Em...
Q.

We then proceed a number of months later to March 2017, when you make your comprehensive statement to Chief Superintendent Scanlan, isn't that right?
A. It was in March --
Q. March '17?
A. March '17 that I made my statement to Chief Superintendent Scanlan, yes.
259 Q. We then, a number of points later, have the appointment of Assistant Commissioner Finn, six months later or seven months later, in November '17?
A. Yes.

260 Q. Then the report of Assistant Commissioner Finn is a full year later, isn't that correct, in December?
A. Yes.

261 Q. Then, by the time the paper review is completed by Mr. de Bruir, we're at a remove, we are in June of 2019, I think, isn't that right?
A. Yes. And for clarification, Judge, I knew it would take longer than 28 days, but they really stretched it out, Judge.

MR. O BRI EN Thank you, Chairman, they are a11 the questions $I$ have for the witness.
CHA RMAN Thanks very much.
MR. KELLY: That, I think, completes the re-examination of this witness, it was much swifter than we had anticipated.
CHA RMAN Thank you very much.
WTNESS: Judge, there is one thing I wanted to say.
CHA RMAN Yes, certain7y.
WTNESS: Judge, to make a point in relation to the McMahon investigation, which came out of the disciplinary investigation. I only thought of this and I just wanted to make a point.
CHA RMAN Yes.
WTNESS: A finding in the McMahon investigation relates to the planting of drugs incident, which $I$ won't go into, but it's just the finding into the McMahon investigation I want to point out. The finding 12:52 is, and I could be wrong on this, that it had no -- no member of An Garda Síochána planted drugs in that car, let's say, is my interpretation of the finding. Judge, it's a lovely finding to read but the problem is: The
allegation was that an unregistered informant planted the drugs in the car. I just wanted to point that out, in relation to that investigation.
CHA RMAN That is another issue I think that your counsel are probably going to review, is that right, Mr. Kelly? Issue 19.
MR. KELLY: Yes.
CHA RNAN Now, I don't think that particular point is going to arise because it's not --
MR. KELLY: I will have a look at that, but what I am mindful of is only asking questions about matters which this witness can directly speak to.
CHAN RMAN very good. I quite understand.
MR. KELLY: I bear this in mind.
CHA RMAN Thank you very much.
MR. KELLY: There are still a number of outstanding issues, you will have noticed, I haven't gone through every single one of them.
CHAN RMAN No, no, I quite appreciate Mr. Kelly. I quite appreciate your approach.
MR. KELLY: I don't imagine you're inviting me to either.

CHA RMAN I'm sorry?
MR. KELLY: I don't imagine you're inviting me to either.

CHA RMAN No, no, I quite understand your approach. Thank you very much. Look, you wanted to say that. To the extent that it is relevant or important, we will just have to take a note of it and visit it as and if
required. What is your next one? I am thinking we will break there, Mr. Kelly.
MR. KELLY: We will break there and I will reflect on where we are at.
CHA RMAN okay, thank you very much. So two o'clock. 12:54 That's very helpfut.

THE HEARI NG THEN AD OURNED FOR LUNCH AND RESUMED, AS FOLLO/5:

MR. KELLY: Judge, I have had an opportunity to look at where we are at.

CHA RMAN Thanks very much.
MR. KELLY: I think that at this stage, for the reason that I came to before lunch, that concludes my examination of this witness.

CHA RMAN Thank you very much. Very good. Garda Keogh, you can go down for the moment. Thanks very much, Garda Keogh. Where does that leave us?
Mr. McGuinness?
MR. KELLY: Yes, Chairman. Obviously the rules of procedure allow Tribunal counse1 to have a final
re-examination.
CHA RMAN Yes.
MR. MEGI NESS: I had anticipated, in fact, that at the pace things were going on Friday that that might take place on Thursday, but I'm very happy to
accelerate that to begin tomorrow morning. CHA RMAN Yes, that seems perfectly reasonable. How long do you think you will be?

MR. MEGI NESS: $I$ hope to be concluded well within the day.

CHA RMAN Very good. A11 right.
MR. KELLY: That's absolutely fine. I apologise to
Mr. McGuinness but I took the decision this morning to short-circuit --

CHA RMAK It's easier in a court context, it seems to me, it's not always easy in a Tribunal to estimate how long or short things will be and, indeed, the evidence of Garda Keogh has been explored at considerable length. So that's not the problem whatsoever and I understand that you have been making those decisions. Where does that leave us? Well, we will break now, we resume then tomorrow.

MR MEGU NNESS: Yes.
CHA RMAN Garda Keogh will be delighted to know that his evidence will be concluded tomorrow, when Mr. McGuinness revisits whatever issues he thinks are appropriate. That's really to wrap up the final stage. That's the position, Mr. McGuinness?
MR. MEGU NESS: Yes. We have, of course, published a list of witnesses, Chairman, and it's anticipated that we will commence that on Wednesday morning and continue until Friday.
CHA RMAN Very good.
MR. MEGU NESS: It is anticipated, though, that
because of the unavailability of one witness later down the list.

CHAL RMAN Yes.
MR. MEGU NESS: That we would interpose him.
CHA RMAN Yes, that's Chief Superintendent Curran, is that correct?

MR. MEGU NESS: That's correct. So, as of the moment, and I hope $I$ am getting it right, that we intend to take the evidence of Olivia O'Neill on Wednesday
morning, followed by Garda Stephanie Treacy, Sergeant Sandra Keane and Garda Lyons.
CHA RMAN Items 1 to 4 witnesses.
MR. MGGU NESS: Yes.
CHA RMAN As far as we can dispose of them.
MR. MGGI NESS: yes.
CHAI RMAN Then we will have Chief Superintendent Curran on Thursday morning possibly and, however long that takes, then we may have some further evidence, is that right?
MR. MEGU NESS: Yes, that's correct.
CHA RMAN Okay. So you have kept your colleagues informed of the general plan.
MR. MtGU NESS: It's been a slightly movable feast because of unpredictability.
CHAN RMAN of course. We are trying to accommodate everybody and at the same time get through things as efficiently as we can. All right, very good. Thank you very much. So be it. we can go and do some work for the afternoon, like everybody else. Thank you very much.

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[^0]:    "Lorrai ne, was a work rel ated stress investigation conducted? Tony."

[^1]:    "Can you confirmthat an investigation was carried out in accordance with the regul ations into the work

