

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

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1921, ON 17 FEBRUARY 2017, 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 TUESDAY, 26TH NOVEMBER 2019 - DAY 119

119

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

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1 THE HEARING RESUMED, AS FOLLOWS, ON TUESDAY, 26TH  
2 NOVEMBER 2019:

3  
4 MS. McGRATH: Good morning, Chairman. The first  
5 witness this morning is Ms. Olivia O'Neill, Chairman. 10:31

6 CHAIRMAN: Thanks very much.

7  
8 MS. OLIVIA O'NEILL HAVING BEEN SWORN, WAS  
9 DIRECTLY-EXAMINED BY MS. McGRATH, AS FOLLOWS:

10  
11 CHAIRMAN: Thanks very much. 10:31

12 WITNESS: Thank you.

13 1 Q. MS. McGRATH: Good morning, Ms. O'Neill.

14 A. Hi-ya.

15 2 Q. MY name is Sinéad McGrath and I am going to be taking 10:31  
16 you through your evidence on behalf of the Tribunal  
17 this morning, okay. Now, before we start, I just want  
18 to outline to you some very basic sort of procedural  
19 matter, just to help you this morning. Now, as I said,  
20 I am going to be taking you through your evidence on 10:32  
21 the part of the Tribunal, but there are other legal  
22 teams in the room and when I am finished they wish to  
23 cross-examine you in your evidence. Okay? And they  
24 will let you know that when the time comes.

25 A. Yeah. 10:32

26 3 Q. Now also, during the course of your evidence this  
27 morning, there's a lot of documentation that has been  
28 served and this documentation, when I reference a  
29 document, it will come up on the screen in front of

1 you, but you can also look at the hard copy in the  
2 folders behind you, and Ms. Doolin will get those  
3 folders for you. Okay. So don't worry if you are  
4 having difficulty reading the screen, you can look at  
5 the hard copy, okay? 10:32

6 A. That's grand, thank you.

7 4 Q. Now, the other thing is that with those documents, when  
8 the documents come up on the screen and on the folders,  
9 you might notice that there's some words or sentences  
10 that are blacked out. Okay? These are been blacked 10:33  
11 out for reasons that the Tribunal feel are necessary,  
12 okay, and generally they are to protect the privacy of  
13 somebody or to blackout a name or address, etcetera.  
14 Okay? So will you notice that there are some names or  
15 places that you won't be able to read. Okay? 10:33

16 A. Yeah.

17 5 Q. Now, also when you're giving your evidence, this issue  
18 might arise and I might ask you to refer to certain  
19 people not by their names but by a letter that we are  
20 using to identify that person here, okay? 10:33

21 A. Yeah.

22 6 Q. And again, I will help you with that as we go along,  
23 okay?

24 A. Yeah.

25 7 Q. Now, if you can speak into the microphone, because your 10:34  
26 answers are being picked up here by the stenographer,  
27 so you will see the microphone there in front of you?

28 A. Yeah.

29 8 Q. And if you can address your answers to the Chairman

1 this morning.

2 A. Okay.

3 9 Q. If you need a break at any stage, just feel free to say  
4 so and we can take a break for a couple of minutes.  
5 Okay? So the main thing is just to take your time. 10:34

6 A. Yeah.

7 10 Q. Okay. Now, just as a reminder to you, you met with the  
8 Tribunal investigators in April of this year and you  
9 were interviewed by them; isn't that right?

10 A. That's right, yeah. 10:34

11 11 Q. So to a certain extent we will follow the sequence of  
12 that and a lot of the material that you would have seen  
13 during that interview, okay? Okay. Now, I just want  
14 to start just briefly by way of background and, as I  
15 say, I am just going to ask you to speak up and to 10:34  
16 speak into the microphone, okay?

17 A. Yeah.

18 12 Q. Now, you live in Athlone, isn't that right?

19 A. Yeah, that's right, yeah, yeah.

20 13 Q. Okay. And I think you were living there in 2014 with 10:34  
21 your family, isn't that right?

22 A. Yeah. That's right, yeah.

23 14 Q. I think you have two daughters and their names will  
24 come up this morning, one is Cheyanne and one is  
25 Kayleigh, isn't that right? 10:35

26 A. That's right, yeah.

27 15 Q. Okay. Now, I think you know that the Tribunal is  
28 looking into a number of matters concerning Garda  
29 Nicholas Keogh, isn't that right? I think you know



1           that? This morning this concerns Garda Nicholas Keogh,  
2           is that right?

3           A.    Yeah, yeah.

4   16   Q.    And in particular what the Tribunal is inquiring into  
5           is what happened when you came to Athlone Garda Station 10:35  
6           on the evening of 28th May 2014, okay?

7           A.    Yeah.

8   17   Q.    So are you familiar with that date? Do you remember  
9           that date?

10          A.    Yeah. 10:35

11   18   Q.    So it's 28th May 2014. I think you arrived in Athlone  
12          Garda Station with your daughter Cheyanne, isn't that  
13          right?

14          A.    That's right, yeah.

15   19   Q.    I think you and your daughter were there because you 10:35  
16          wanted to report an alleged assault on Cheyanne by a  
17          neighbour. Now, we have been calling that neighbour  
18          Ms. B. So I would ask you to be careful and if you  
19          need to refer to this lady, we are calling her Ms. B,  
20          okay? 10:36

21          A.    Yeah, will do.

22   20   Q.    Okay. Now, am I correct that you were there because an  
23          incident had happened in the early hours of the night  
24          before, around 1am or 2am in the morning, is that  
25          right? 10:36

26          A.    That's right, yeah.

27   21   Q.    Okay. When you arrived in Athlone, you went up to the  
28          public desk in the Garda station, isn't that right?

29          A.    That's right, yeah.

1 22 Q. I think Garda Keogh once duty, is that right?  
2 A. He was, yeah.

3 23 Q. Did you recognise Garda Keogh?  
4 A. Kind of.

5 24 Q. Did you know him by name? Did you know his name? 10:36  
6 A. No, I don't think so. No.

7 25 Q. I think you said in your interview that you knew him as  
8 you would know other guards in Athlone?  
9 A. Yeah.

10 26 Q. By being in and out of the station? 10:36  
11 A. By their faces, you know, I do see them around the car.

12 27 Q. Okay. Now, I think you had a conversation with him  
13 about what happened in your home area the night before,  
14 is that right?  
15 A. When he was on -- when I went in -- 10:37

16 28 Q. When you went in to the public desk, is that right?  
17 A. Yeah, I did, yeah.

18 29 Q. Is it correct, tell the Chairman, did you had a  
19 conversation with him at the public desk?  
20 A. To tell him what happened night? 10:37

21 30 Q. Yes.  
22 A. Yeah, I did, yeah, to tell him what happened in my  
23 estate, yes.

24 31 Q. Okay. So you don't have to say the name of the  
25 location, if you just say it in your own words? 10:37  
26 A. Sorry, yeah.

27 32 Q. Can you tell the Chairman what you said to Garda Keogh  
28 at the desk, do you remember? As I say, just outline  
29 in your own words the conversation you had with him.

1 A. Yeah. I came in and I put my daughter sitting down,  
2 you know, in the chair, because she's a juvenile. So I  
3 went to the counter and I said I wanted to make a  
4 complaint about -- there was a bit of a row up in the  
5 estate we live in, that my daughter was getting -- she 10:37  
6 was only 14 or 15, 15 I think, to be sure, and could we  
7 make a statement because she was threatened, you know.  
8 And he was on the desk duty, you know, he couldn't take  
9 the statement, he said, but he would get someone for  
10 me, do you know. But other than that, that's all we 10:38  
11 spoke about, nothing else.

12 33 Q. Did you mention Ms. B to Garda Keogh?  
13 A. No, I did not. Oh, about the complaint?  
14 34 Q. Yes.  
15 A. Oh yes, sorry, now. Ms. B, sorry, yeah. 10:38

16 35 Q. Can I ask you to look at something and I am going to  
17 ask you to give your view to the Chairman on this. If  
18 Mr. Kavanagh could bring up Day 100 of the transcripts,  
19 at page 49. Now, just to explain, Ms. O'Neill, these  
20 are records of the evidence that we have heard so far 10:38  
21 in the Tribunal, okay? This is Garda Keogh giving his  
22 evidence to the Chairman, okay? Do you understand  
23 that? So this is what Garda Keogh has said to the  
24 Tribunal. Now, if I can ask Mr. Kavanagh there to  
25 scroll down, it's page 49 of Day 100, and if I can ask 10:39  
26 you to go to line 18. Can you see where I am? Can you  
27 see where I am here?  
28 A. Line 18.  
29 36 Q. Line 18, yes.

1 A. Yeah, yeah.

2 37 Q. Okay. Starting with the paragraph:

3

4 "So, when she came. . ."

5

6 Do you see that?

7 A. Yes.

8 38 Q. So this is what Garda Keogh said in his evidence:

9

10 "So, when she came and she started speaking about  
11 whatever assault or whatever was going on up there, I  
12 presume she may have known who I was, either way she  
13 did say something about -- in relation to -- there was  
14 an assault, something to do with the kids or something  
15 on those lines."

16

17 So do you agree with that or disagree with that?

18 A. Yeah, no, I did say what happened up in our estate,  
19 yeah, I did, yeah.

20 39 Q. Okay.

21 A. Because you have to explain --

22 40 Q. Then he continued in his evidence, the next sentence  
23 there, Ms. O'Neill, and we can go as slowly as you  
24 need, he said:

25

26 "She said about Ms. B doing favours for guards. And I  
27 told her, name names and name guards, put everything  
28 into your statement. That was it."

29

10:39

10:40

1 Do you remember this?

2 A. Em, no, I remember he did say put everything in your  
3 statement.

4 41 Q. Sorry, can you just speak into the microphone?

5 A. Tell everything in your statement, like put everything 10:40  
6 into the statement.

7 42 Q. Okay. But can I just ask you about the first sentence  
8 there: "She said about Ms. B doing favours for guards"  
9 do you remember that? Could you have said that to  
10 Garda Keogh? 10:40

11 A. I could have, I don't know.

12 43 Q. And then:

13

14 "And I told her, name names and name guards, put  
15 everything into your statement. That was it."

16

17 Now, can I ask you, Garda Keogh was -- - and basically,  
18 just so you know what I am proposing to do, is I just  
19 want to talk to you about what happened when you met  
20 him at the desk and then what happened later on when  
21 you went up stairs to give your statement. So just at  
22 the moment we just concentrating on what was happening  
23 a the public desk, okay.

24 A. Yeah.

25 44 Q. Okay. Now subsequently Garda Keogh was asked to draw 10:41  
26 up a report outlining the conversation he had had with  
27 you. This report is at page 8696, it's in volume 30.  
28 So, 8696. Now, Ms. O'Neill, I just want to get you to  
29 look at that report and I am going to read it out to

1 you. Again, just to be clear, this is Garda Keogh's  
2 report of the conversation at the desk, okay?

3 A. Yeah.

4 45 Q. "I wish to report that I was on duty as Member in  
5 Charge of Athlone Garda Station between 4:00pm and 10:42  
6 9:00pm on 28th May 2014. At some point during that  
7 time Ms. Olivia O'Neill arrived at the public count to  
8 make a complaint regarding Ms. B and her daughters."  
9  
10 Again, can I ask you, do you remember agree with that  
11 so far? 10:42

12

13 A. Yeah, yeah.

14 46 Q. Okay. Again I need to you lean forward.

15 A. Yeah, okay. 10:42

16 47 Q. "As she outlined her allegations, she stated to me that  
17 Ms. B did favours for a guard. I advised Ms. O'Neill  
18 to put everything into her statement, I said name names  
19 and name guards." 10:42

20  
21

22 So again can I ask you, do you agree or disagree with  
23 that so far?

24 A. Oh, yeah, yeah.

25 48 Q. Okay. And he continues: 10:43

26

27 "At no point during the conversation did either  
28 Ms. O'Neill or I mention the name of any particular  
29 guard."

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- Is that correct? 10:43
- A. That's correct, yeah.
- 49 Q. "There were members of An Garda Síochána in the public office behind me and members of the public behind Ms. O'Neill." 10:43
- Is that right?
- A. That's right, yeah, yeah. 10:43
- 50 Q. "I asked Sergeant Haran to designate a garda to take a statement due the fact the public counter was busy."
- Is that correct? 10:43
- A. That's right, yeah.
- 51 Q. Okay. Now, the garda that was designated to take your statement, you might or might not remember her name, her name is Garda Stephanie Treacy, do you remember her? 10:43
- A. I know Stephanie, yeah.
- 52 Q. Okay. Now, I think you went upstairs in Athlone Garda Station with Cheyanne after that, is that right?
- A. That's right, I did, yeah.
- 53 Q. Okay. I think that Garda Stephanie Treacy sat you both down and she started taking a statement from your daughter, is that correct? 10:43
- A. She did, yeah.
- 54 Q. Now, can I just clarify one thing with you: We

1 understand that the statement that was taken that night  
2 was from Cheyanne and no statement was taken from you,  
3 is that right?

4 A. That's right, yeah.

5 55 Q. Okay. We will come back to that in a minute, but did 10:44  
6 you give a separate statement in relation to the  
7 assault that night?

8 A. No, not that I remember. No, I didn't, no. No.

9 56 Q. Did you give one subsequently? Did you make a  
10 statement yourself in relation to the assault at any 10:44  
11 time after that date?

12 A. No, no.

13 57 Q. Okay. As I say, I will come back to that later.

14 A. Yeah.

15 58 Q. So, as you said there, Cheyanne was giving her 10:44  
16 statement to Garda Treacy. Did you speak to Garda  
17 Treacy when that process started?

18 A. Yeah, I'd have been in the room, Cheyanne was only a  
19 juvenile. I had to be with Cheyanne when she made the  
20 statement, she was a juvenile at the time. 10:45

21 59 Q. Okay. Did you speak to Garda Treacy about Ms. B?

22 A. She knew about the dispute in our estate, yeah. They  
23 all did, like. It was going on for a while, you know.

24 60 Q. And do you remember what you said to Garda Treacy about  
25 Ms. B? 10:45

26 A. No, not really.

27 61 Q. Well, can I ask you to look at your interview with the  
28 investigators on this issue? It's at Volume 1, page  
29 441. Now, I think you have seen this interview.



1 Sorry, Volume 3, page 411. Now, Ms. Doolin is going to  
2 give it to you there, it is probably easier for you to  
3 read it.

4 A. Yeah.

5 62 Q. Sorry 411. 441, sorry. 10:45

6 A. Thank you.

7 63 Q. Okay. If I can ask you to go down to line 47 there, do  
8 you see line 47?

9 A. Yeah.

10 64 Q. The numbers are on the left-hand side? 10:46

11 A. Yeah.

12 65 Q. So you say:

13

14 "We were brought upstairs, that was myself and  
15 Cheyanne. Cheyanne made her statement to Garda 10:46  
16 Stephanie. It was interrupted in the middle of taking  
17 the statement by a female sergeant. This happened as  
18 Cheyanne was making her statement. I said to  
19 Stephanie, I was told to be very careful about what I  
20 said about Ms. B." 10:46

21

22 Now, did you say that? Is that correct? Do you  
23 remember saying that to Garda Treacy?

24 A. No.

25 66 Q. Okay. Now, if we can just continue, if Mr. Kavanagh 10:46  
26 can scroll up, staying on line 50:

27

28 "I said there was a lot of ears in the barracks that  
29 were on her side."

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Do you remember saying that?

A. No.

67 Q. I mean, this was to the investigators?

A. Yeah.

10:47

68 Q. You were telling the investigators this?

A. Yeah.

69 Q. In April?

A. I do, I remember some and some I don't remember, you know.

10:47

70 Q. Okay. Well, as I said, you met the investigators in April and this is the record they took, okay?

A. Yeah.

71 Q. I guess what I'm asking you: Do you remember what you said, I am asking if you remember do you said it to Garda Treacy?

10:47

A. Oh, about Ms. B?

72 Q. Yes. About the statements there at line 50. For example:

"I was told to be very careful about what I said about Ms. B."

10:47

Do you remember that?

A. Yes, I do, yeah, yeah.

10:47

73 Q.

"I said there was a lot of ears in the barracks that were on her side."

1 Do you remember saying that?

2 A. Yeah, I do, yeah.

3 74 Q. "When I said that, Stephanie --"

4

5 Garda Treacy? 10:48

6

7 " -- went and got the sergeant."

8

9 Now we will come back to that in a moment

10 A. Yeah. 10:48

11 75 Q. We know that Sergeant Sandra Keane subsequently came

12 back to the room. But before that, I want to just stay

13 on this particular issue. Garda Treacy drew up a

14 report afterwards. This report is at page 482 of the

15 papers. Again, Ms. Doolin will give you this. 482, 10:48

16 it's in Volume 3.

17 A. Thank you.

18 76 Q. Now, this is at page 482. This document that you see

19 is a report that Garda Stephanie Treacy did later on

20 that night, okay? Or sorry, the following day, okay. 10:49

21 what I want to you look at is the second or third

22 paragraph there. And it says:

23

24 "At the beginning of this statement Olivia O'Neill told

25 Garda Treacy that her and her daughter Cheyanne were 10:49

26 advised that Ms. B is friendly with certain gardaí in

27 Athlone Garda Station."

28

29 Do you see where I am reading from?

1 A. Yeah, I do, yeah.

2 77 Q. "And that she is phoned prior to any search of her  
3 priority so that she can get rid of weapons or drugs."  
4  
5 I am going to read it first and then I will break it 10:49  
6 down.  
7  
8 "She also alleged that Ms. B is told when anybody makes  
9 a complaint or statement against her and that the  
10 gardaí cover up offences or Ms. B. 10:50  
11  
12 Ms. O'Neill informed Garda Treacy that she was told to  
13 make sure that the above information goes into her and  
14 Cheyanne's statement. Garda Treacy asked Ms. O'Neill  
15 who advised her of this and Ms. O'Neill said garda 10:50  
16 Nick, just now, at the counter downstairs."  
17  
18 Now I just want to talk about those three paragraphs.

19 A. Yeah.

20 78 Q. Now the first one I read out to you there "At the 10:50  
21 beginning of this statement" do you see that "Olivia  
22 O'Neill told Garda Treacy"?

23 A. Yeah.

24 79 Q. Okay. Do you remember telling Garda Treacy those items  
25 in that paragraph? 10:50  
26 A. I do remember about Ms. B's ears being around, do you  
27 know. But I knew that long before I went to the Garda  
28 barracks, I heard it all around the place. But I was  
29 not told that in the barracks.

1 80 Q. Okay, so that's the next question: Did Garda Keogh  
2 tell you those?  
3 A. No, he did not.  
4 81 Q. That information?  
5 A. No, he did not. 10:50  
6 82 Q. Did he tell you that information down at the public  
7 desk?  
8 A. No.  
9 83 Q. The next paragraph that Garda Treacy has there is:  
10 10:50  
11 "Ms. O'Neill informed Garda Treacy that she was told to  
12 make sure that the above information goes into her and  
13 Cheyanne's statement. Garda Treacy asked Ms. O'Neill  
14 who advised her of this and Ms. O'Neill said 'Garda  
15 Nick, just now, downstairs'."  
16 10:51  
17 Can you tell the Chairman exactly what Garda Nick told  
18 you downstairs at the public desk?  
19 A. He just told us to make sure everything was put into  
20 our statement, our statement about the allegation, on 10:51  
21 threatening my daughter, you know. The dispute was  
22 going on in the estate for a while. The Guards were  
23 well aware of that, you know. That was it.  
24 84 Q. Now, at this stage, we were looking there at your  
25 interview at page 441. If you can keep scrolling down, 10:51  
26 Mr. Kavanagh. So at line 51, let's go back to this,  
27 you have seen this page already. It says:  
28  
29 "When I said that, Stephanie went and got the sergeant.

1 The sergeant came into the room and she asked me what  
2 was said to me about Ms. B. I thought it was a bit odd  
3 to see a sergeant come in, she had more stripes, so I  
4 was a bit nervous. The sergeant asked me questions  
5 about the statement that was said to me. I said that I 10:52  
6 was told to be very careful where I spoke and what I  
7 said, and I became very nervous."

8  
9 Can I just ask you about this? I think this sergeant  
10 is Sergeant Sandra Keane. 10:52

11 A. Mm-hmm.

12 85 Q. Did you know Sergeant Keane?

13 A. Not really, no.

14 86 Q. Okay. Now, when she came into the room, you say you  
15 felt nervous, why was that? 10:52

16 A. She was a higher guard. It was only a normal auld  
17 complaint, like you don't see sergeants coming in for  
18 that. I never did.

19 87 Q. You said that she asked you questions. Do you remember  
20 what questions you were asked? 10:53

21 A. Yeah, she was asking me did Nick Keogh, the guard, tell  
22 me, like, to say all this.

23 88 Q. And what did you say?

24 A. No, he didn't.

25 89 Q. I just want to be very clear about this. When you say, 10:53  
26 no, I didn't, can you tell me exactly what you told  
27 her?

28 A. Em, I just, like, I thought -- I just said I didn't  
29 think the complaint was going to go anywhere from what

1 I was hearing about Ms. B. We were wasting our time  
2 going down before we went down. Like we were told from  
3 our own estate, we were wasting our time going down  
4 because it was never going to go anywhere. It was  
5 withdrew days later anyways. 10:53

6 90 Q. Okay. And we will come back to that?  
7 A. Yeah.

8 91 Q. The withdrawal issue later?  
9 A. Mm-hmm.

10 92 Q. Now, I think at that stage Garda Treacy and Sergeant 10:54  
11 Keane left the room and you will not be aware of this,  
12 but they spoke with an Inspector Nicholas Farrell,  
13 okay? So you won't be aware of that?  
14 A. No.

15 93 Q. But when they came back into the room to you, can you 10:54  
16 remember what they advised you or told you when they  
17 came back into the room?  
18 A. No. No, I can't really, no.

19 94 Q. Okay. Well, can I ask you to go back to Garda Treacy's  
20 report? That's at 482. Again, this is a document you 10:54  
21 have seen, it's at page 482. Now, we're going to the  
22 very last paragraph there, if you can see the last  
23 paragraph, starting with "Garda Treacy informed  
24 sergeant... "  
25 10:55

26 Can you see where I am, Ms. O'Neill  
27 A. Yeah, I can yeah.

28 95 Q. "Garda Treacy informed Sergeant Sandra Keane about this  
29 and together they explained to Ms. O'Neill that the

1 correct procedure with an allegation such as this is to  
2 go through the Ombudsman Commission. "

3  
4 Do you remember that?

5 A. No, no, that was never told -- a guard never told me 10:55  
6 that in my life, go to an Ombudsman. That's lies now.

7 96 Q. Well, the report continues:

8  
9 "It was further explained to Ms. O'Neill how to go  
10 about doing this." 10:55

11 A. No, that was -- it was not. I don't even know the  
12 details of the Ombudsman.

13 97 Q. Can you stay looking at that report, please?

14  
15 "Ms. O'Neill said that she did not have a complaint to 10:55  
16 make in relation to the Gardaí and was only going on  
17 the advice she had received at the counter."

18  
19 Do you remember that?

20 A. No. 10:55

21 98 Q. Now, can I ask you again to just look at your interview  
22 in this regard, because, as I say, you met the  
23 interviewers in April and they asked you about this  
24 report that we have just looked at, Garda Treacy's  
25 report? I am just trying to find the relevant page now 10:56  
26 for a moment dealing with this. Now, did you tell the  
27 investigators, do you know, in April that you didn't  
28 remember being told about the Ombudsman or the option  
29 of complaining about guards?



1 A. I think so, yeah.

2 99 Q. Okay. We might come back to that in a moment,  
3 Ms. O'Neill?

4 A. Yeah.

5 100 Q. Now, I think you left the station that night on the 10:57  
6 28th May and I think you came back the following day,  
7 did you remember coming back the following day, on the  
8 29th May?

9 A. No, I didn't first, no.

10 101 Q. Okay. Can I Mr. Kavanagh to open Volume 52, it's page 10:57  
11 14667. So it's 14667. Just at the top of the page, if  
12 we can go to the very top. Do you see there -- oh  
13 sorry.

14 A. Yeah, go on.

15 102 Q. "Statement of Kayleigh O'Neill of Athlone, Westmeath." 10:58  
16  
17 A date of birth is there:  
18  
19 "Taken on 29th May 2014 at Athlone Garda Station by  
20 Nick Keogh, garda." 10:58  
21  
22 Do you see that? If you look at the second paragraph,  
23 it says:  
24  
25 "Statement taken in the presence of her mother, Olivia 10:58  
26 O'Neill."  
27  
28 Do you see that?

29 A. Yeah, I see it, yeah.

1 103 Q. Do you remember that?  
2 A. No. Not really, no.

3 104 Q. Do you remember being in the interview room with Garda  
4 Keogh the following day?  
5 A. I do. Yeah, I do. 10:58

6 105 Q. Okay. That statement was given by your daughter and  
7 signed, is that right? There at the very end. Signed  
8 by your daughter and witnessed by yourself and Garda  
9 Keogh, do you see that there? Okay. Do you accept  
10 that happened the following day, when you see that 10:59  
11 document?  
12 A. Yeah.

13 106 Q. Now, again just staying with the date order of things,  
14 that was the 29th May, when you were at the Garda  
15 station. The following day, I think you told the 10:59  
16 investigators that, this is the 30th May, "I think two  
17 gardaí came..." to where you live, do you remember  
18 that?  
19 A. Well, they came to my house, my husband was there with  
20 my daughter, they were ready to go off, and they told 10:59  
21 them where I was, so they followed me down to where I  
22 was.

23 107 Q. Okay. So where were you?  
24 A. I was down in a family member's house, I was outside  
25 having a fag and they pulled up. 10:59

26 108 Q. Do you know the identity of the Guards?  
27 A. I do, yeah.

28 109 Q. Can you tell the Chairman?  
29 A. One was Tom Higgins and the other one was Sergeant

1 Curley.

2 110 Q. Okay. Can you tell the Chairman what conversation took  
3 place between yourself and -- who did you speak to?  
4 Was it both of them?

5 A. The both of them, yeah. 11:00

6 111 Q. Okay. Try and go as slowly as you can.

7 A. Yeah.

8 112 Q. And just tell the Chairman about what was the  
9 conversation you had with them that day?

10 A. Well, when they came down to me in the car -- 11:00

11 113 Q. Yeah. And again, lean forward into the microphone  
12 please, Ms. O'Neill?

13 A. Owe, yeah. I was down in a family member's, I was out  
14 the front. They had gone up to [Blank], to where I  
15 live. My husband was going off with my daughter and he 11:00  
16 told them where I was. It's only down the street, so  
17 they came out. I was outside smoking a cigarette, as I  
18 said. Anyways, like a little black car pulled up. It  
19 was no squad car and it wasn't a detective car. So  
20 they said, do you want to get into the car? I said, am 11:01  
21 I under arrest? They said, no. I said, I'm getting  
22 into no car. So they asked me about Nick Keogh.

23 114 Q. Now again, can you please give as much information to  
24 the Chairman as you can and when you say they asked you  
25 about Nick Keogh, do you remember which garda it was? 11:01

26 A. Yeah, Tom Higgins did.

27 115 Q. Okay. Can you continue?

28 A. That I was afraid of Nick Keogh. I said, I'm not  
29 afraid of no guard.

1 116 Q. Okay. And what happened next?  
2 A. I asked again was I under arrest. They said, no. I  
3 said, well I'm going, good luck. But before I said  
4 good luck, again when I asked a second time was I under  
5 arrest, they asked would I make a statement. I said, I 11:01  
6 am making no statement.

7 117 Q. Again, can you please tell the Chairman who asked you  
8 that? which garda was it?  
9 A. Tom Higgins asked me to make a statement against Nick  
10 Keogh. They asked me was I afraid. I said, I'm not 11:02  
11 afraid. They said, like, did Nick Keogh tell you what  
12 to say about Ms. B.

13 118 Q. Again, if you just please --  
14 A. Sorry.

15 119 Q. No, no. Can you just repeat that sentence with Ms. B? 11:02  
16 A. Sorry, I am just used to -- you know. Sorry.

17 120 Q. CHAIRMAN: It's all right. Try not to get confused.  
18 A. Yeah, I didn't mean that.

19 121 Q. CHAIRMAN: No, what you are saying is very clear. You  
20 said that Garda Higgins said to you, did Nick Keogh 11:02  
21 tell you to say what you did about Ms. B.  
22 A. Yeah.

23 122 Q. CHAIRMAN: Is that correct?  
24 A. That's correct.

25 123 Q. CHAIRMAN: Okay. 11:02  
26 A. That's correct.

27 124 Q. MS. McGRATH: Can you just tell the Chairman what did  
28 you answer? what did you say?  
29 A. No, he didn't. Because he didn't.

1 125 Q. CHAIRMAN: Yes.  
2 A. So if I was --  
3 126 Q. CHAIRMAN: So you said, no, he didn't tell you to say  
4 anything. Whatever it was that you said or didn't say?  
5 A. Yeah. 11:03  
6 127 Q. CHAIRMAN: whatever it was?  
7 A. Yeah.  
8 128 Q. CHAIRMAN: They said, did Nick Keogh tell you to say  
9 that?  
10 A. Yeah. 11:03  
11 129 Q. CHAIRMAN: And you said, no, he didn't?  
12 A. Yeah.  
13 130 Q. CHAIRMAN: Have I got that right?  
14 A. Yeah, that's a hundred percent now, Judge, yeah.  
15 CHAIRMAN: Okay. 11:03  
16 131 Q. MS. McGRATH: Okay. Now, can I ask you to look then,  
17 Detective Sergeant Curley, he drew up a report after he  
18 met you that day. This is at page 319 of the papers  
19 and it's volume 3. I think that is the volume that you  
20 might have there. 11:03  
21 A. The same one?  
22 132 Q. Volume 3. Ms. Doolin will help you, Ms. O'Neill. So  
23 it's at page 319. Sorry, 519.  
24 A. Thank you very much.  
25 133 Q. Okay. So again, just so you understand what you are 11:04  
26 looking at, Ms. O'Neill, this is a report of Detective  
27 Sergeant Eamon Curley on that same day, the 30th May,  
28 after he has visited you, okay? Okay?  
29 A. Yeah.

1 134 Q. He says, if you look at the second paragraph there, he  
2 says:  
3  
4 "I wish to report that I met with Olivia O'Neill at  
5 3:50pm today on the 30th May 2014. I informed her that 11:04  
6 I was conducting enquiries into the information she had  
7 divulged to Garda Stephanie Treacy as received...."  
8  
9 That should read probably:  
10  
11 "...by her from Garda Nick Keogh in Athlone Garda 11:04  
12 Station on 28th April 2014."  
13  
14 Now, that date should be the 28th May.  
15  
16 "I explained to her that I wished to record a witness 11:05  
17 statement from her outlining what she was told by Garda  
18 Nick Keogh."  
19  
20 Now, do you agree with that? 11:05  
21 A. Oh yeah, he did ask me, yeah. Or Higgins.  
22 135 Q. Sorry?  
23 A. He was in the car like, but Higgins done a lot of the  
24 asking. Tom Higgins, he had done a lot of the talking.  
25 To my knowledge, I remember him asking me more so than 11:05  
26 Curley.  
27 136 Q. Okay.  
28 A. You know.  
29 137 Q. "And she replied that she didn't wish to make any

1 statement."

2

3 Is that correct?

4 A. I did, yeah.

5 138 Q. "And that she now couldn't really remember what was 11:05  
6 said in the Garda station that night at all."  
7

8 Is that correct?

9 A. No, that's not correct.

10 139 Q. Okay. The next paragraph is: 11:05  
11  
12 "Olivia O'Neill declined to consent to the recording of  
13 a witness statement from her despite being invited to  
14 do so."  
15 11:05

16 Is that correct?

17 A. No. That's not correct.

18 140 Q. Okay. Now, can I move on from May into June? We are  
19 nearly finished, Ms. O'Neill?

20 A. Yeah. 11:06

21 141 Q. In this regard, if Mr. Kavanagh could bring up volume  
22 2, it's page 434 of the brief. Now, so you know what  
23 you are looking at, these are diary entries that were  
24 kept by Garda Keogh, okay? These are typed copies of  
25 his diary. Okay? The one I want you to look at, if 11:06  
26 you see there, Mr. Kavanagh has it on the screen,  
27 Thursday, 26th June 2014; do you see that? It's  
28 recorded:  
29

1 "5:30, Olivia O'Neill calls to the station. Asked to  
2 speak to me in private."  
3  
4 Do you remember that?  
5 A. Yeah. 11:07  
6 142 Q. Do you remember calling to the station on this day, on  
7 the 26th June?  
8 A. I don't know the date now, to be honest, like you know.  
9 I wouldn't remember the date, it's too far back, but I  
10 do remember going in. 11:07  
11 143 Q. Okay.  
12 A. Yeah.  
13 144 Q. Could you say whether it was or was not around this  
14 time?  
15 A. When all this was going on like, when they came to be 11:07  
16 in the car, around that time like?  
17 145 Q. Well this is now the 26th June, so it would be --  
18 A. A few days later, like, in other words?  
19 146 Q. Yes.  
20 A. Yeah. 11:07  
21 147 Q. Do you accept that it was around this time?  
22 A. Yeah, yeah.  
23 148 Q. Okay. Did you ask to speak to Garda Keogh in private,  
24 do you remember that?  
25 A. Yeah. 11:07  
26 149 Q. He records then what you said to him, okay? I am just  
27 going to read that out and you can tell the Chairman  
28 whether you agree with it or not. You stated:  
29



1 "D/Sergeant Curley and Tom Higgins called to her house,  
2 then to her in another house to try to get her to make  
3 a statement about me."  
4  
5 Is that correct or incorrect? Is that correct? 11:08  
6 A. They wanted me to make a statement?  
7 150 Q. Yes?  
8 A. Yeah, they did, yeah.  
9 151 Q. Did you tell him that on the 26th?  
10 A. Yeah, I told him, yeah, I did. 11:08  
11 152 Q. "...but refused to take her statement of assault."  
12  
13 Now, can I just ask you about that: Did you discuss  
14 giving or not giving a statement in relation to an  
15 assault with Garda Keogh? Do you remember? 11:08  
16 A. What assault?  
17 153 Q. Well --  
18 A. What was going on? The dispute, like?  
19 154 Q. Yes.  
20 A. Would he not take one off me? Sorry? 11:08  
21 155 Q. Well, if you just read it --  
22 156 Q. CHAIRMAN: Ms. O'Neill, can I just interrupt for one  
23 second. Garda Keogh makes a note of you visiting the  
24 station, and Ms. McGrath is trying to check out what  
25 your recollection is about that? 11:09  
26 A. Yeah.  
27 157 Q. CHAIRMAN: So it's a bit complicated?  
28 A. Yeah.  
29 158 Q. CHAIRMAN: About who told what and when. Okay.

1 A. Yes.

2 159 Q. CHAIRMAN: So let's try and keep it very simple.

3 A. Yeah.

4 160 Q. CHAIRMAN: Garda Keogh's note says that you came to him  
5 in the station and said to him that the two gardaí had 11:09  
6 come out looking for a statement about him?

7 A. Mm.

8 161 Q. CHAIRMAN: But that they didn't want a statement about  
9 the original assault?

10 A. That's right, yeah. 11:09

11 162 Q. CHAIRMAN: Is that correct?

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

13 163 Q. CHAIRMAN: Tell us more about that?

14 A. No, yeah, no, they weren't interested in that at all in  
15 the dispute. 11:09

16 164 Q. CHAIRMAN: Yes.

17 A. They didn't care. They just wanted me to make a  
18 statement.

19 165 Q. CHAIRMAN: Why do you say they didn't care? Just tell  
20 about that. 11:09

21 A. Like, they just don't care, Judge, they never care.  
22 You know. It's never our side, you know. Just  
23 unfortunately. But look, they just wanted to know  
24 about Nick Keogh, they didn't want to know about the  
25 dispute. 11:10

26 CHAIRMAN: Okay.

27 166 Q. MS. McGRATH: But in fairness, Ms. O'Neill, can I just  
28 ask you, did you say that you wanted to make a  
29 statement about the assault or the original incident?

1 was there a discussion around that of any sort?

2 A. About a dispute, yeah.

3 167 Q. About wanting to make a statement or not?

4 A. Yeah.

5 168 Q. About the assault? 11:10

6 A. Yeah.

7 169 Q. Was there a discussion?

8 A. About the dispute?

9 170 Q. Yes.

10 A. Yeah, yeah. 11:10

11 171 Q. Just so the Chairman has very clear evidence on this:  
12 Did it arise that day when you were outside your  
13 brother's house, that issue of making a statement about  
14 the assault?

15 A. Yeah, I think so, yeah. 11:10

16 172 Q. Did it arise?

17 A. Yeah.

18 173 Q. Was it mentioned to you by either of the Gardaí?

19 A. No. Did they mention it to me?

20 174 Q. Yes. 11:10

21 A. No, I asked them would they like -- you know, if that's  
22 the case, like want to take a statement, like you know.

23 175 Q. Just again, very clearly speak into the microphone?

24 A. No, they didn't want a statement. They just wanted a  
25 statement on Nick Keogh. That's all like, you know. 11:11  
26 They didn't want to know.

27 176 Q. Okay. Now, as I said to you, Ms. O'Neill, I'm almost  
28 at the end of my questions. Can I ask you to confirm  
29 to the Chairman, you've given evidence about that day

1 on the 30th May outside your brother's house. Now,  
2 Garda Keogh has given his evidence to the Chairman and  
3 he has given his evidence to the effect that you may  
4 have been approached a second time to make a statement  
5 about Garda Keogh. Do you remember that or is that 11:11  
6 correct?

7 A. After that day?

8 177 Q. Yes.

9 A. No.

10 178 Q. Okay. 11:11

11 A. No, I don't remember that now.

12 179 Q. Okay. In particular, as I say, this was when you went  
13 into the Garda station, this was in June, do you  
14 remember being approached in July or after July about  
15 the same issue? 11:12

16 A. I don't know.

17 180 Q. Just lean in a little bit further.

18 A. I can't remember.

19 181 Q. Do you remember this: Can I ask Mr. Kavanagh to put up  
20 the transcript for Day 100, and it's page 67 of Day 11:12  
21 100, in particular line 22. Now again, you're not  
22 going to know anything about this, but Garda Keogh gave  
23 evidence to the effect that when he went in and  
24 reported for duty --

25 A. Sorry, can I get some water, Judge. 11:12

26 CHAIRMAN: Certainly.

27 MS. McGRATH: Sure.

28 CHAIRMAN: Absolutely.

29 WITNESS: Sorry.

1 MS. McGRATH: Take your time.

2 CHAIRMAN: No, no, take your time, Ms. O'Neill. No  
3 problem whatsoever. If you can open that bottle  
4 that'll be another achievement, I can tell you!  
5 Sometimes I wrestle with them. 11:13

6 WITNESS: I know, it's hard. I got it, thanks, Judge.

7 CHAIRMAN: I might give you over this! Thank you.

8 Now, Ms. McGrath, just go back a little bit so we know  
9 where we are.

10 182 Q. MS. McGRATH: Okay. Ms. O'Neill, I am just nearing the 11:13  
11 end of what I want to ask you, but Garda Keogh, when he  
12 was giving his evidence, he said he went into -- I am  
13 paraphrasing this a little, that he went into work and  
14 he saw a message in the diary and your name was there.  
15 It's recorded here at line 21 of this transcript. He 11:14  
16 says "And then I saw the message" do you see where I am  
17 reading from, 21, the left-hand side, those numbers?  
18

19 "And then, when I saw the message, it just happened to  
20 be in the message book, I just saw it by accident. So  
21 I then went up to Ms. O'Neill's house and I said, are  
22 these looking for a third attempt to have a go..."  
23

24 Okay, do you see where I am reading from?

25 A. Yeah, I do, yeah, yeah. 11:14

26 183 Q. Do you remember any third attempt to come up to you in  
27 relation to this issue?

28 A. I'm not a hundred percent, now. I don't, you know,  
29 it's a bit hazy like. It's a good while back. I

1 don't. I'm not saying it didn't happen either, do you  
2 know what I mean.

3 184 Q. well, can I just say, he continued in his evidence at  
4 line 27?

5 A. Yeah. 11:14

6 185 Q. "So I went up to Ms. O'Neill to her house and I just  
7 asked, what's the story? I think she said no, that's  
8 to do with something else."  
9

10 So would you agree with that? 11:14

11 A. I don't remember, like you know, really.

12 186 Q. Okay. Now, just the final matter I just want to ask  
13 you about is the actual incident itself on the 28th  
14 May. This is the alleged assault?

15 A. Oh yeah. 11:15

16 187 Q. So we're going back a little bit.

17 A. Okay, yeah.

18 188 Q. We were given the investigation file in relation to  
19 this. It's at volume 52, 14654. Now, 14654, and  
20 Ms. O'Neill, just to explain to you, this is a report 11:16  
21 from Sergeant Andrew Haran, and this is on the  
22 investigation file into the alleged assault way back on  
23 the 28th May, okay? So we're going back to the  
24 original incident?

25 A. Okay. 11:16

26 189 Q. Okay?

27 A. Yeah.

28 190 Q. He is sending on the file. If you look at the second  
29 line, he says:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

"Cheyanne and Kayleigh O'Neill had now made new statements withdrawing their complaint."

A. Yes. 11:16

191 Q. Do you remember that?

A. I do, yeah, they withdrew them, my girls withdrew them, yeah, they did.

192 Q. Okay. It says:

"The following people were interviewed and refused to make statements."

There's a number of names blacked out, but yours is there, Ms. O'Neill, okay?

A. Yeah. 11:16

193 Q. So it says that you were interviewed and you refused to make a statement, do you remember that?

A. When they were withdrawing the statements?

194 Q. No. 11:17

A. Sorry, sorry.

195 Q. In relation to the investigation itself of the original incident, it's is recorded that you were interviewed and refused to make a statement; do you have any memory of that? Can you help the Chairman? Was that the case? 11:17

A. No. I know I did make one, all right. I have made one and I know my daughter has made one, like. I don't know if I refused. No.

1 196 Q. Okay, you don't know, is that right?  
2 A. I can't remember now if I refused or not, you know, to  
3 be honest.  
4 197 Q. Okay. Now, Ms. O'Neill, as I said to you at the very  
5 beginning, there are other legal teams that might want 11:17  
6 to cross-examine on some of that evidence?  
7 A. Yeah.  
8 198 Q. So if you just bear with us for a moment, okay?  
9 A. Yeah.  
10  
11 END OF EXAMINATION 11:17  
12  
13 CHAIRMAN: Yes, thanks, Ms. McGrath.  
14 MR. DONAL MCGUINNESS: Chairman, with your permission I  
15 will go next, my colleagues have requested that I go 11:18  
16 next.  
17 CHAIRMAN: This is your colleagues representing other  
18 Gardaí, is that right?  
19 MR. DONAL MCGUINNESS: That's correct.  
20 CHAIRMAN: Certainly. 11:18  
21  
22 MS. OLIVIA O'NEILL WAS THEN CROSS-EXAMINED BY MR. DONAL  
23 MCGUINNESS, AS FOLLOWS:  
24  
25 199 Q. MR. DONAL MCGUINNESS: My name is Donal McGuinness and 11:18  
26 I represent a large number of Gardaí and also Inspector  
27 Curley?  
28 A. Yeah.  
29 200 Q. You mentioned at the start of your evidence in relation



1 to your knowledge of Garda Keogh, whether you knew him  
2 before or not, you said "kind of, I don't think so"?

3 A. Mm-hmm.

4 201 Q. Is that correct?

5 A. Yeah. In our estate, you'd see loads of them, you 11:18  
6 know, going around. So you just see faces, you know,  
7 in squad cars and maybe walking around. So you just  
8 get to know them maybe by their faces, you know, get  
9 used to them. It's a rough estate, they're always up  
10 there, you know, different Guards. 11:18

11 202 Q. Yes.

12 A. You know, that's the way it is, like.

13 203 Q. In relation to the incident involving your daughters?

14 A. Yeah.

15 204 Q. That took place on 26th May 2014, isn't that right? 11:18

16 A. I couldn't tell you the proper date now, to be honest,  
17 it's too long back like.

18 205 Q. I will just pull up the statement of your daughter  
19 Cheyanne?

20 A. I know the date, you're saying the date, but like I 11:19  
21 don't remember the exact date, I wouldn't. Judge, I  
22 can't.

23 206 Q. CHAIRMAN: If counsel says that's what the records  
24 show.

25 A. Yeah, it must be. 11:19

26 207 Q. CHAIRMAN: You're happy to accept that?

27 A. Yeah, I am.

28 208 Q. CHAIRMAN: So we can take that, Mr. McGuinness.

29 A. Yeah.

1 CHAIRMAN: That it's?

2 MR. DONAL MCGUINNESS: The 26th May.

3 CHAIRMAN: The 26th May, okay, very good.

4 209 Q. MR. DONAL MCGUINNESS: 2014. Now, the visit that we 11:19  
5 have been talking about today took place in the Garda  
6 station on the 28th May, isn't that correct?

7 A. Yeah.

8 210 Q. Yeah. Was that your first visit to the Garda station  
9 following the incident on the 26th May?

10 A. Oh no, I'd be up and down like because my son would be 11:19  
11 arrested or my husband. So I'd be in there a few  
12 times. You know, I'd see my husband, all right, or my  
13 son, is that what you mean?

14 211 Q. Yes, were you there on any other occasion between 26th  
15 May and 28th May? 11:19

16 A. Ah, you're going back 20 something year then, like my  
17 husband, you know what I'm saying. I would be, yeah.

18 212 Q. CHAIRMAN: Could I ask you, would you mind if I ask  
19 you?

20 A. Sorry, yeah. 11:20

21 213 Q. CHAIRMAN: What time of the day or night did the  
22 incident happen involving Cheyanne and Ms. B?

23 A. Oh that happened late at night.

24 214 Q. CHAIRMAN: Okay.

25 A. It was going on, it was, you see, Judge, for a few 11:20  
26 days, you know.

27 215 Q. CHAIRMAN: I understand. Sorry, Mr. McGuinness.

28 A. Yeah.

29 216 Q. CHAIRMAN: The thing that you were complaining about,

1 the thing that brought to you the station?

2 A. Was late at night yeah.

3 217 Q. CHAIRMAN: Was an episode?

4 A. Yeah.

5 218 Q. CHAIRMAN: An incident that happened and you said, my 11:20  
6 daughter was assaulted and I am complaining about it?

7 A. Yeah.

8 219 Q. CHAIRMAN: Now, give me some idea, was it early in the  
9 morning?

10 A. No, it was in around evening time, your Honour. 11:20

11 220 Q. CHAIRMAN: So it was at night?

12 A. Yeah.

13 221 Q. CHAIRMAN: As best we can, on the 26th?

14 A. Yeah.

15 222 Q. CHAIRMAN: Okay. You come to the station on the 28th. 11:20  
16 So we have the night of the 26th?

17 A. Yeah.

18 223 Q. CHAIRMAN: We have the 27th and then we have the 28th  
19 and it's the 28th when you show up at the station with  
20 Cheyanne? 11:20

21 A. Yeah.

22 224 Q. CHAIRMAN: Thanks. Sorry, I just wanted to clarify  
23 that.

24 A. Yeah.

25 225 Q. MR. DONAL MCGUINNESS: There weren't any other visits 11:21  
26 that you can recall between the 26th and the 28th?

27 A. No.

28 226 Q. You didn't discuss the matter with Garda Keogh at any  
29 time between the 26th and the 28th?

1 A. Before I went to the Garda barracks with Cheyanne?

2 227 Q. Yes.

3 A. No. No.

4 228 Q. Can I just ask you to look at your statement to the  
5 Tribunal investigators? It's at page 440, please. If 11:21  
6 you just go down to line 32/33 there. Okay? And in  
7 the middle of line 32 you say to the investigators:  
8  
9 "I'm sure it was that night Nick Keogh was on the desk,  
10 he was on the phones, he couldn't take the statement so 11:21  
11 we had to come back."  
12 A. Yeah.

13 229 Q. That seems to suggest to me that you were there on a  
14 previous occasion and spoke to Garda Keogh?

15 A. Well, if it says it I must have been. 11:22

16 230 Q. Just on that theme, if you just go over the page, at  
17 page 441, at line 39, line 40.

18 A. But sure Nick Keogh did not take the statement of my  
19 daughter, do you know what I mean.

20 231 Q. I appreciate that. 11:22

21 A. Right.

22 232 Q. And you say there line 39:  
23  
24 "As it was busy that evening in the garda barracks, we  
25 came back another day, I'm not sure how long after, it 11:22  
26 wasn't too long, maybe a day or two. We left the  
27 barracks."  
28  
29 Then if you go down to lines 46 and 46, you said:

1  
2  
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29

"When we came back they were ready for us this time."

A. Yeah. Because a few different things happened, you see, in the estate. So there was different complaints, you know, going in. It wasn't all about the one thing. 11:22

233 Q. Yes.

A. Do you know what I'm saying, we would have had to be going in and out like, you know what I mean, to complain like, because there was a feud going on. Do you know what I mean, Judge. There was another family member of mine involved as well, so they were going in and out, and I was often with them, you know, my niece and that, and my sister couldn't be there. And they were all juveniles. One of us always had to be with them. So we would have been in and out, you know, complaining to other Guards about what was going on, even though they knew because they were always up there. 11:23

234 Q. But not to Nick Keogh? 11:23

A. Nick Keogh, no. He would have been in and out of the barracks, like you know, but he did not take my statement or my daughter's statement.

235 Q. That's not the question I'm asking?

A. Oh yeah. 11:23

236 Q. I'm asking if you had contact with Garda Keogh. If you go to page 442, please, lines 56, 57 and 58. You say there:

1 "To the best of my recollection I spoke to Garda Keogh  
2 on the first occasion, I didn't speak to him when I  
3 went back to the station a few days later, I spoke to  
4 Garda Stephanie and the sergeant then."  
5 A. Yeah. 11:24  
6 237 Q. So that seems to suggest that you did speak to Garda  
7 Keogh on an occasion previous to the 28th?  
8 A. He was on the phone -- I already said that, he was on  
9 the desk. The guard duty, you know.  
10 CHAIRMAN: Sorry, who is that? 11:24  
11 WITNESS: That's my husband, sorry.  
12 CHAIRMAN: Do you want to stay out of this just for the  
13 moment.  
14 MR. O'NEILL: Sorry.  
15 CHAIRMAN: We will try to crack it and we will muddle 11:24  
16 along on our own here, thanks very much.  
17 MR. O'NEILL: Sorry.  
18 CHAIRMAN: I'm sure your husband is trying to help.  
19 Don't worry about --  
20 WITNESS: I know. 11:24  
21 CHAIRMAN: Don't worry about getting confused.  
22 WITNESS: I know, Judge.  
23 CHAIRMAN: Do you know what I mean.  
24 WITNESS: I know.  
25 MR. O'NEILL: [Inaudible] 11:24  
26 CHAIRMAN: Do you mind putting a sock in it,  
27 Mr. O'Neill.  
28 WITNESS: I get it.  
29 CHAIRMAN: I don't want to get all fussy and judgy, but

1 look, we have to have one person at a time, thanks very  
2 much, and only one person at a time.

3 MR. O'NEILL: Sorry.

4 CHAIRMAN: Okay. Now, Ms. O'Neill don't worry about  
5 not being able to remember a specific thing you are 11:25  
6 saying, but what Mr. McGuinness is querying, he's  
7 trying to work out the exact sequence, do you follow  
8 me. And he is saying, look, it looks like this from  
9 what you were telling our investigators.

10 A. Yes. 11:25

11 238 Q. CHAIRMAN: Do you know what I mean?

12 A. Yeah.

13 239 Q. CHAIRMAN: And what he is saying, if I am understanding  
14 him, is this: It looks like that in relation to this  
15 particular episode, it looks like you were in and out 11:25  
16 of the station over a short period of time on a few  
17 occasions before you actually got to make the  
18 statement -

19 A. Oh yeah, I was, yeah.

20 240 Q. CHAIRMAN: - to Garda Stephanie Treacy. That looks 11:25  
21 like the case?

22 A. Yeah.

23 241 Q. CHAIRMAN: And on at least one of those occasions,  
24 possibly more, he is asking did you meet Garda Keogh.  
25 what do you think about that? I am not saying you did 11:25  
26 or you didn't?

27 A. I know.

28 242 Q. CHAIRMAN: But he is asking, did you meet Garda Keogh  
29 and maybe have some conversation with him. what is

1 your best recollection?

2 A. Em...

3 243 Q. CHAIRMAN: If you can't remember, just say you can't  
4 remember, that's not a problem?

5 A. No, as I said like, I was in a few times, you know. 11:26

6 244 Q. CHAIRMAN: Okay.

7 A. There were complaints.

8 CHAIRMAN: Very good.

9 245 Q. MR. DONAL MCGUINNESS: Now, if we just move onto the  
10 discussion that you had with Garda Keogh for a moment, 11:26  
11 leaving aside when you had this discussion. You did  
12 have a discussion with him, you accept that?

13 A. Sorry?

14 246 Q. You did have a discussion with him?

15 A. Oh he was the guard on the desk, I gave my complaint. 11:26  
16 when we went in, I put Cheyanne sitting down and I told  
17 him what was going on. They were aware of what was  
18 going on in [Blank]. They knew about the feud because  
19 it was going on for a while. And we had been in a few  
20 times, you know, to different guards. You know, 11:27  
21 different guards taking complaints. You know, it won't  
22 be always the same guard.

23 247 Q. Did you have a bit of a laugh about things with Garda  
24 Keogh?

25 A. No, I can't remember, I don't know. To be honest, I 11:27  
26 don't know.

27 248 Q. Could I just ask you to look at page 441 of your  
28 statement, please?

29 A. Sorry, what number?



1 249 Q. Page 441.  
2 A. Yes.  
3 250 Q. Then at line 43, line 42 you start saying:  
4  
5 "I was telling him about what was going on, I remember 11:27  
6 we had a bit of a laugh about things."  
7 A. Yeah. Ah sure, don't you have to laugh about some  
8 things!  
9 251 Q. And you spent a few minutes at the public desk with  
10 Garda Keogh at this time? 11:27  
11 A. Oh when I went in with my daughter, yeah. I had to  
12 wait for another guard to come to take a statement. He  
13 could not take it because he couldn't leave the desk,  
14 the phones, like he said, you know, so...  
15 252 Q. Yes. "But on that occasion I had been talking to Nick 11:28  
16 Keogh for a few minutes at the public office."  
17 A. Yes, as I said, we had to wait a few minutes for a  
18 guard to come, he could not take our complaint. I  
19 can't say it any other way. That's all that happened  
20 like. So while we're waiting at the desk, my daughter 11:28  
21 is sitting down, you're standing there like, you know  
22 this little hatch, waiting for a guard to come down to  
23 ya. So, you know what I'm saying, after the dispute  
24 that happened that night, you're going to laugh about  
25 something, honest to God. 11:28  
26 253 Q. Okay. In this discussion with Garda Keogh, you said --  
27 A. It wasn't a discussion, you know.  
28 254 Q. Well, in this conversation. Yes. You said there were  
29 a lot of ears in the barracks that were on her side.

1           You agree with me there, you said that?

2           A.    Did I tell Nick Keogh that or did -- do you want to

3           know?

4 255 Q.    I will ask the question again?

5           A.    Yes. 11:29

6 256 Q.    Did you say to Garda Keogh that there were a lot of

7           ears in the barracks that were on her side?

8           A.    I could have, I don't recall.

9 257 Q.    You don't recall?

10          A.    I could have. 11:29

11 258 Q.    I just want to be fair to you and fair to --

12          A.    I just wanted to make sure like our complaint was going

13          to be taken seriously, like you know. Really I wanted

14          -- like my daughter was a juvenile, I really wanted our

15          complaint to be taken, because they're never taken 11:29

16          properly. So I just wanted it to be taken, you know,

17          like she was threatened, her life was threatened and I

18          wanted it -- it was serious, you know.

19 259 Q.    I am just reading out from your statement at page 441:

20

21                    "I said there were a lot of ears in the barracks that

22                    were on her side."

23          A.    You always hear stuff around, you know, you always hear

24          stuff around, especially when you come from a rough

25          estate, you will always hear who is who. So that was 11:29

26          going on for a long time, about Ms. B, that was going

27          on a long time.

28 260 Q.    You said, I was told to be very careful where I spoke?

29          A.    Oh, before I went to the barracks, oh, yeah, yeah, from

1 people from the estate and that, yeah, they'd always  
2 tell you, be very careful. No matter what it was like,  
3 there would be always a lot going on with Ms. B in  
4 [Blank] back then. Always the same thing, you know, be  
5 very careful because it will never be taken serious. 11:30  
6 The complaint will go nowhere about her.

7 261 Q. So then when the investigators asked you and when my  
8 colleague asked you in relation to what was said to  
9 Garda Keogh, Garda Keogh said that you said to him, I  
10 know she done favours for a guard? 11:30

11 A. As I said, you always hear the rumours, you know.

12 262 Q. Yeah. Then you said you more likely said, I know she  
13 done favours for a guard?

14 A. No. How could I get be a hundred percent sure like? I  
15 didn't really know who Ms. B was like, really, like you 11:31  
16 know, until --

17 263 Q. Yes.

18 A. You know. I couldn't say for a hundred percent sure  
19 she done favours, like. You always hear rumours, but  
20 like are they always true, is another thing, you know. 11:31

21 264 Q. Can I ask you to look at page 123, please? This is the  
22 statement that Garda Keogh gave to the Tribunal, do you  
23 understand, Ms. O'Neill?

24 A. I understand that Keogh gave -- you said a statement to  
25 the Tribunal, yeah, I do understand that. 11:31

26 265 Q. If I can ask Mr. Kavanagh to scroll down to paragraph  
27 3, numbered paragraph 3. Then the paragraph below  
28 that, Garda Keogh is talking about or is referring to  
29 in this statement the conversation that he had with you

1 that night. Okay? And he said:

2

3 "Olivia O'Neill then proceeded to allege spontaneously  
4 and of her own motion and volition that there was  
5 police collusion in the Athlone in the drugs trade and 11:32  
6 that Ms. B was doing favours for guards. Her  
7 allegations were general in nature. Given my  
8 involvement as a witness in the internal investigation  
9 into the corruption, I realised that I could be  
10 conflicted in taking any statement from her. I 11:32  
11 therefore replied that in those circumstances she  
12 should make her statement to another guard and that she  
13 should name names and name guards. I went immediately  
14 to Sergeant Haran to ask him to designate another garda  
15 to take a statement." 11:32

16

17 Obviously any conversation between Garda Keogh and  
18 Sergeant Haran is out of your earshot, but in relation  
19 to that paragraph there, do you remember any of that  
20 conversation? 11:32

21 A. That would have been the night we went down the to the  
22 make the complaint, was it? Yeah.

23 266 Q. Yes.

24 A. Yeah, again like, you hear all that on the street, do  
25 you know what I mean, like that's what I'm saying. 11:33  
26 And, do you know, we were probably wasting our time  
27 going down, you know, in the first place. Do you know  
28 what I mean, Judge? You would always hear that for  
29 years around, so you're taking chance by going down, do

1           you know what I mean. Look, my daughters withdrew them  
2           a week later. So there was nothing done to Ms. B  
3           anyways.

4 267 Q.    The question I am really asking is: Is it the case  
5           that you did talk about it to Garda Keogh that night, 11:33  
6           that you talked about essentially Garda involvement in  
7           the drug trade?

8           A.    No. I do not remember. I don't remember now.

9 268 Q.    Is Garda Keogh wrong in that?

10          A.    I don't remember. I can't remember. To the best of my 11:33  
11          knowledge, I can't remember. You never remember  
12          everything you said.

13 269 Q.    No.

14          A.    No.

15 270 Q.    In fact, in fairness to you, at page 443 of your 11:33  
16          statement you accept that you do talk a lot and that  
17          you do forget a lot of what you say?

18          A.    I do, yes. I do.

19 271 Q.    In relation to the report, Ms. O'Neill, in relation to  
20          the report that Stephanie Treacy, Garda Treacy prepared 11:34  
21          that night, you've already looked at that with  
22          Ms. McGrath?

23          A.    Yeah, I did.

24 272 Q.    That's at page 1168, we just might call that up for a  
25          second. Now, you see at the top of that document, it 11:34  
26          was made on 29th May 2014. If you scroll,  
27          Mr. Kavanagh, if you scroll to show the date there,  
28          please. Back to 1168. Do you see the date there, 29th  
29          May 2014? That's the day after the meeting on the 28th

1 May 2014, when you went to the Garda station?

2 A. I don't know like.

3 273 Q. The point I'm making is: while you might forget things  
4 from time to time and you might talk a lot and forget  
5 what you say, this report was made on the 29th May, one 11:35  
6 day afterwards?

7 A. Yeah.

8 274 Q. So do you not accept that it's more likely to be an  
9 accurate version of events compared to the one that  
10 you're just after giving us? 11:35

11 A. Oh, you're saying 72 is the one that's right and my one  
12 is wrong, is it?

13 275 Q. Yes.

14 A. Is that what -- no, you're wrong. No. You're wrong.  
15 I might talk a lot but I'm not a liar either now, you 11:36  
16 know.

17 276 Q. Yes.

18 A. I forget things, but it doesn't mean that I'm a liar.

19 277 Q. Can I ask what age is your daughter, Cheyanne?

20 A. Cheyanne is 23 now, in December. The 8th December she 11:36  
21 is 23.

22 278 Q. And back in 2014 she was aged?

23 A. Seventeen.

24 279 Q. Seventeen?

25 A. She was going on 17. She wouldn't have been 17 yet, 11:36  
26 she wouldn't have been.

27 280 Q. She hasn't been able to help the Tribunal with what  
28 took place in the station that night either?

29 A. No. She sat on the chair when I went in. I went to

1 the counter, I told you that, she sat in a chair.  
2 Cheyanne -- it's nothing to do with Cheyanne. She only  
3 made a complaint about Ms. B, that's it.

4 281 Q. Now, you didn't make a complaint that night, did you?  
5 You didn't make a statement? 11:36

6 A. It was my daughter that was threatened, you see.

7 282 Q. I see.

8 A. Yeah.

9 283 Q. And then the following night, we've already referred to  
10 it, you went back to the station on the 29th May. 11:37  
11 Ms. McGrath referred to the statement taken by your  
12 daughter Kayleigh, do you recall that?

13 A. Yeah.

14 284 Q. That was taken on the 29th May?

15 A. Yeah. 11:37

16 285 Q. The day after?

17 A. I told you, there was a feud going on, different things  
18 were happening up there. It's always happening. It  
19 never stops.

20 286 Q. No, but it was about the same incident she called? 11:37

21 A. Yes. They're a [Blank] family. Ms. B has a [Blank]  
22 family up there. There's [Blank] up there. We're only  
23 [Blank] family. There's only [Blank] of us. There's  
24 [Blank] of them families.

25 287 Q. I am not that interested in talking about Ms. B for 11:37  
26 now, I just want to --

27 A. But that's what it is about like, you know what I'm  
28 saying.

29 288 Q. I just want to deal with the events. The night after

1 the 29th May you went back to the station and you spoke  
2 to Garda Keogh again. Do you recall this?

3 A. About the Guards coming to me in the car, is that what  
4 -- like when I went back, is that what you're on about?

5 289 Q. Can I ask for document 14667 in volume 52 to be put up 11:38  
6 again, please? If Mr. Kavanagh could scroll to the top  
7 of the document, please. This is Kayleigh's statement,  
8 taken on 29th May 2014 at Athlone Garda Station by  
9 Garda Nick Keogh. Do you see that? The very top, do  
10 you see that? 11:38

11 A. I do, I see it here.

12 290 Q. Do you remember meeting Garda Keogh that second time  
13 about this issue?

14 A. Yes, well Kayleigh would have been a juvenile, I would  
15 have had to have been with Kayleigh if she went in to 11:39  
16 make her statement, yes.

17 291 Q. If we just scroll to the bottom of that document. You  
18 will see at the very bottom the witness Olivia O'Neill,  
19 that's yourself, do you see that?

20 A. Yes. 11:39

21 292 Q. Now, on this occasion you didn't make a statement  
22 either, isn't that correct?

23 A. Yes. That's correct.

24 293 Q. We go on then to the next day, that was the 30th May  
25 2014, and this is the day that Garda Curley and Garda 11:39  
26 Higgins came to see you, you've already discussed that.

27 A. Yes.

28 294 Q. And I am just going to leave that for now and I am  
29 going to come back to it in a short while, okay?



1 A. Yeah.

2 295 Q. Then what you discuss with Ms. McGrath was this visit  
3 that you paid to the Garda station and spoke to Garda  
4 Keogh and he noted in his diary on 26th June 2014, that  
5 this encounter took place between you and him, isn't 11:40  
6 that correct?

7 A. Yes.

8 296 Q. Can I just ask for that diary to be put up, please? I  
9 have it at page 1362 but there is a typed version that  
10 Ms. McGrath referred to, I think it was at page 434. 11:40

11 WITNESS: Judge, can I have a break for a minute?

12 CHAIRMAN: Certainly.

13 WITNESS: Is that okay?

14 CHAIRMAN: No problem.

15 WITNESS: I won't be two minutes, that's all. 11:40

16 CHAIRMAN: That's okay. I will tell you what we will  
17 do, we will take a break for ten minutes, okay.

18 WITNESS: Thank you, Judge.

19 CHAIRMAN: No problem, whatsoever and don't be under  
20 any pressure. Thank you very much. 11:40

21 WITNESS: We can carry on in ten minutes.

22 CHAIRMAN: No problem, thanks very much.

23 WITNESS: Thank you, Judge. Thank you.

24

25 THE HEARING THEN ADJOURNED BRIEFLY AND RESUMED AS 11:41  
26 FOLLOWS:

27

28 CHAIRMAN: Now, Mr. McGuinness.

29 MR. DONAL MCGUINNESS: Thank you, Chairman.

1 297 Q. Ms. O'Neill, we were discussing your visit back to the  
2 station that Garda Keogh recorded as having taken place  
3 on 26th June 2014. You don't really recall the date,  
4 in fairness to you, isn't that correct?

5 A. The dates, no, I wouldn't know the dates off by heart. 11:54  
6 It's over four year ago, is it, five year it must be.

7 298 Q. Yes.

8 A. Yeah, no, I wouldn't remember the date, Judge.

9 299 Q. But can I ask you this: The incident took place on the  
10 26th May, the 26th June is a full month later, do you 11:54  
11 think it was a full month afterwards that you did  
12 visit?

13 A. Oh the dispute was going on for a good while up at our  
14 estate, yeah, it was. Sometimes they last longer. Do  
15 you know, so you would be in and out with complaints, 11:54  
16 you see, you know, to different gardaí and that, do you  
17 know, as I said, with family members and that, do you  
18 know. You see, and then they'd be looking at both  
19 sides, you know, they have to.

20 300 Q. Well I suppose the question I am really asking is: At 11:54  
21 any stage between the visit to the station at the end  
22 of May and the 26th June, did you visit Garda Keogh at  
23 the station?

24 A. I'm not sure about the dates, you know the dates you're  
25 saying like. 11:55

26 301 Q. CHAIRMAN: You just don't remember the dates, yes.

27 A. Yes, Judge. And Nick Keogh was on the desk the night I  
28 brought my daughters in, he was the guard on duty.

29 302 Q. CHAIRMAN: What Mr. McGuinness is, I suppose, exploring

1 is this: Can you remember after all that, after  
2 Sergeant Curley and Garda Higgins came out to the  
3 house, do you remember going back into the station at  
4 some point and talking to Garda Keogh?  
5 A. Yes. 11:55  
6 303 Q. CHAIRMAN: Garda Keogh records about a month later, he  
7 recalls you -- do you remember that?  
8 A. Yeah.  
9 304 Q. CHAIRMAN: Even if you haven't got the date right?  
10 A. In around, I'd say, yeah. 11:55  
11 305 Q. CHAIRMAN: Okay.  
12 A. In around.  
13 306 Q. CHAIRMAN: And what do you remember about that?  
14 A. Em.  
15 307 Q. CHAIRMAN: If you can remember anything about it? 11:56  
16 A. I remember talking to him in the guards barracks, you  
17 know.  
18 308 Q. CHAIRMAN: Yes.  
19 A. And you know, just about the guards.  
20 309 Q. CHAIRMAN: And was it about Cheyanne/Kayleigh/Ms. B, 11:56  
21 was that the sort of thing you were talking about, or  
22 what were you talking about, do you remember?  
23 A. No, I'm not a hundred percent.  
24 310 Q. CHAIRMAN: That's okay, if you can't remember?  
25 A. I'm trying to think, I am. 11:56  
26 CHAIRMAN: Okay.  
27 311 Q. MR. DONAL MCGUINNESS: I am just going to refer to 434,  
28 please. That's actually up on the screen already?  
29 A. Yeah.

1 312 Q. In the middle of that page you will see a diary entry  
2 of 26th June 2014?  
3 A. Yeah.  
4 313 Q. This is a typed copy of Garda Keogh's diary?  
5 A. Yes. 11:56  
6 314 Q. He says:  
7  
8 "Olivia O'Neill called to the station, asked to speak  
9 to me in private, stated Detective Sergeant Curley and  
10 T Higgins called to her house and then to her in 11:56  
11 another house to try to get her to make a statement  
12 about me but refused to take her statement of assault.  
13 Informed her to go to GSOC."  
14  
15 Do you see that? 11:57  
16 A. I see it, yeah.  
17 315 Q. Now, earlier in your evidence you said that no guard  
18 ever told you to go to GSOC?  
19 A. No, the Ombudsman, I told you, that night. They did  
20 they not tell me go to the -- 11:57  
21 316 Q. CHAIRMAN: Ombudsman.  
22 A. Yes, yes.  
23 317 Q. CHAIRMAN: It's the same thing as GSOC.  
24 A. Oh, all right. Yeah, no, they did not tell me to go to  
25 the Ombudsman. Earlier on that night, when my Cheyanne 11:57  
26 was making her statement.  
27 318 Q. MR. DONAL MCGUINNESS: I see.  
28 A. Yeah.  
29 319 Q. Just in relation to the date --

1 A. I know the days like, it's just the dates. I know the  
2 days, just the dates.

3 320 Q. Can I ask for document 1490, please? This is a  
4 statement you won't have seen before, Ms. O'Neill. I  
5 don't really think you need to refer to it, but I just 11:58  
6 wanted to put it up for the benefit of the Chairman.  
7 This is a document by then Superintendent McBrien. If  
8 you go to page 1489, at the top of page 1489, just to  
9 see the date, the date of this document is 9th June  
10 2014? 11:58

11 A. I told you, I remember the days. You keep telling me  
12 the dates, I told you, I'm not a hundred percent on the  
13 dates.

14 321 Q. No, I accept that.

15 A. You know, I'm not like -- 11:58

16 322 Q. CHAIRMAN: That will be the least of your worries about  
17 this one, I can tell you, the date.

18 A. Yeah.

19 323 Q. CHAIRMAN: Anyway, Mr. McGuinness.

20 A. On a silly little thing, like you know. 11:58

21 324 Q. CHAIRMAN: This is the statement of Chief  
22 Superintendent McBrien.

23 A. Yes.

24 CHAIRMAN: Hold on, hold on a second, leave me to me.  
25 Chief superintendent McBrien in relation to a matter. 11:58  
26 MR. DONAL MCGUINNESS: In relation to a conversation  
27 she had with Garda Keogh.  
28 CHAIRMAN: Okay.  
29 MR. DONAL MCGUINNESS: On the 11th June.

1 325 Q. CHAIRMAN: very good. So this is something that you  
2 have nothing to do with it.

3 A. Oh right.

4 326 Q. CHAIRMAN: Chief superintendent McBrien records that  
5 she was talking to Garda Keogh and Mr. McGuinness is 11:59  
6 going to ask you something about something that was  
7 said?

8 A. Okay.

9 327 Q. CHAIRMAN: which you may know about or you may know  
10 nothing about? 11:59

11 A. Yeah, yeah, okay Judge.

12 328 Q. CHAIRMAN: we know where we are.

13 A. Yeah.

14 CHAIRMAN: Okay. Now, Mr. McGuinness.

15 329 Q. MR. DONAL MCGUINNESS: If we just go to page 1490 and 11:59  
16 the second paragraph there. Sorry, the first  
17 paragraph, halfway down:

18

19 "Garda Keogh said that Olivia O'Neill called to the  
20 counter in Athlone when he was PO, she mentioned to him 11:59  
21 that she was having trouble with her neighbours and he  
22 advised her to include this in her statement. He was  
23 insistent this is what happened. I also discussed the  
24 statement with Liam McHugh, he was adamant that apart  
25 from general chit chat, saying hello, that he hadn't had 11:59  
26 conversation with him for about two years."

27

28 That's not relevant to you, that part.

29

1 "Garda Keogh said that with regards to Olivia O'Neill  
2 he heard members had contacted her to see if he would  
3 make a complaint against him. I clarified to him that  
4 in certain situations a statement is sought. This is  
5 not to be confused with seeking to have someone make a 12:00  
6 complaint. Such a statement could provide  
7 clarification and even exoneration. He understood  
8 this. He is concerned that if certain members were to  
9 take statements they could word things in a way to give  
10 a different meaning to the content." 12:00

11  
12 The reason I pulled this document up, just to show to  
13 you, is that here on the 9th June, which is a  
14 considerable time before the 26th June, Garda Keogh is  
15 complaining about the Guards having gone out to take a 12:00  
16 statement from you, if I read that correctly.

17  
18 So the question I am asking then is: Was there another  
19 occasion when you visited or spoke to Garda Keogh  
20 between the 30th May and the 26th June to discuss the 12:01  
21 fact that a couple of guards had come out to see you  
22 about this issue?

23 A. After the first time they came out in the car asking me  
24 to make a statement against Nick Keogh, you want to  
25 know did they come again to ask me? 12:01

26 330 Q. No. No, the question I'm asking is: Did you have a  
27 conversation with Garda Keogh after the Guards came to  
28 visit you, but before the 26th, where you discussed the  
29 fact that the Guards had come to talk to you?

1 A. Em, as I said, I was in and out of the Garda barracks a  
2 good few times over the dispute, so I talked a good few  
3 guards about the complaint.

4 331 Q. CHAIRMAN: Where I'm understanding at the moment, and  
5 maybe I am getting this all wrong, correct me if I am 12:01  
6 wrong, Ms. O'Neill. I thought you said Sergeant Curley  
7 and Garda Higgins came out. The precise date is -- it  
8 is very shortly after you were down the station with  
9 Cheyanne and you were down the station with Kayleigh.  
10 Okay. The sergeant and the thing came out in a black 12:01  
11 car.

12 A. Mm-hmm.

13 332 Q. CHAIRMAN: And they had a conversation with you?

14 A. Yes.

15 333 Q. CHAIRMAN: As I recall, Ms. McGrath asked you did that 12:02  
16 happen again or was that the only time it happened.

17 A. Yeah.

18 334 Q. CHAIRMAN: And I thought you said that was the only  
19 time it happened?

20 A. Oh yeah, they didn't come out to me again in the car, 12:02  
21 no.

22 335 Q. CHAIRMAN: On that occasion they had called to your  
23 house and discovered that you were a short distance  
24 away at your brother's house?

25 A. That's right. 12:02

26 336 Q. CHAIRMAN: Or a family member, isn't that right?

27 A. Yeah.

28 337 Q. CHAIRMAN: And so then the conversation took place  
29 beside or at the car?



1 A. That's right, down further down the street, yeah.

2 338 Q. CHAIRMAN: And that was the only one that happened?

3 A. Yeah.

4 339 Q. CHAIRMAN: As far as you remember?

5 A. Yeah. As far as I remember, yeah. 12:02

6 340 Q. CHAIRMAN: Is that your evidence?

7 A. Mm-hmm.

8 CHAIRMAN: Okay, thank you.

9 341 Q. MR. DONAL McGUINNESS: The question that I am looking  
10 to bottom out, Ms. O'Neill, is: Between the time when 12:03  
11 the two guards came out to you on 30th May 2014 and  
12 26th June 2014, did you at any stage speak to Garda  
13 Keogh about that matter?

14 A. No. I don't remember.

15 342 Q. And the reason why I ask that question is -- 12:03

16 A. No.

17 343 Q. -- because the note of Superintendent McBrien would  
18 seem to suggest that you had done so no later than 9th  
19 June 2014.

20 CHAIRMAN: Mr. McGuinness, in fairness, isn't that 12:03  
21 something that we can tease out in due course?

22 WITNESS: Yeah.

23 CHAIRMAN: The chronology of what happened and when  
24 according to the various witnesses. But Ms. O'Neill  
25 gives her evidence as to what she can remember and the 12:03  
26 fact that there's a conversation between the  
27 superintendent, as she was, and the garda that implies  
28 a certain date is really not for Ms. O'Neill. She  
29 says, look, this is what I can remember, I know there

1 was some conversation.

2 MR. DONAL MCGUINNESS: May it please you, Chairman, I  
3 was just interested to establish --

4 CHAIRMAN: I mean, is that the position? I am only  
5 trying to understand what's going on here. 12:04

6 MR. DONAL MCGUINNESS: May it please you, Chairman, I  
7 was trying to establish whether or not there had been  
8 another encounter at some stage between the 3rd May and  
9 the 26th June.

10 CHAIRMAN: Okay. 12:04

11 MR. DONAL MCGUINNESS: Between Garda Keogh and  
12 Ms. O'Neill.

13 CHAIRMAN: well Ms. O'Neill's difficulty is that she  
14 doesn't know anything that happened on the 26th June.

15 WITNESS: No. 12:04

16 CHAIRMAN: She does know that she had a conversation  
17 with Garda Keogh in the station at some time.

18 WITNESS: Yeah.

19 CHAIRMAN: So maybe the question is: Did she have more  
20 than one conversation with Garda Keogh in the station 12:04  
21 about these matters?

22 344 Q. MR. DONAL MCGUINNESS: May it please you, Chairman.  
23 would you be in a position to answer that question,  
24 Ms. O'Neill?

25 A. I already told -- like I said, I was in a few times 12:04  
26 over this dispute. I went in a good few times and  
27 talked to all different guards.

28 CHAIRMAN: Okay.

29 A. Put in different complaints, you know what I mean,

1           you're not always going to get the one guard.

2 345 Q. CHAIRMAN: Yes, I understand, and you're not writing  
3           them down.

4           A. No.

5 346 Q. CHAIRMAN: Okay. Thanks very much. 12:05

6           A. That's the only way I can answer.

7           CHAIRMAN: Thank you.

8 347 Q. MR. DONAL MCGUINNESS: Just in relation to what was  
9           discussed then, at whatever time and whatever date this  
10          meeting took place between you and Garda Keogh, you 12:05  
11          can't really help us about that at this stage either,  
12          can you, in terms of the content of that statement,  
13          what you told Garda Keogh then?

14          A. What do you mean?

15 348 Q. CHAIRMAN: He means, what did you talk about. 12:05

16          A. Oh I don't know.

17          CHAIRMAN: All right.

18 349 Q. MR. DONAL MCGUINNESS: Did you ever discuss the matter  
19          with Garda Keogh again?

20          A. No, not that I remember anyways, no. I wouldn't have 12:05  
21          dealt with Garda Keogh. After that dispute I haven't  
22          seen Garda Keogh. I haven't. I haven't dealt with  
23          him.

24 350 Q. Is that true because --

25          A. Like after the dispute, you know, the dispute was going 12:06  
26          on for a good while, you know, probably into -- well  
27          over the summer anyway.

28 351 Q. But you recall my colleague Ms. McGrath referred you to  
29          a visit that Garda Keogh paid to your house after that,

1 where he was worried that the Guards had approached  
2 you, as he saw it, for a third time?  
3 A. Who was that?  
4 352 Q. Garda Keogh called to your house another time.  
5 Ms. McGrath referred to you that piece of his evidence 12:06  
6 this morning and you didn't seem to dispute it. That's  
7 Day 100 please, page 67. At line 27:  
8  
9 "So I went up Ms. O'Neill to her house and I just asked  
10 what's the story. I think she said no, that's to do 12:07  
11 with something else."  
12  
13 Do you see that?  
14 A. Yes.  
15 353 Q. If you scroll down perhaps. 12:07  
16 A. I see it, yeah.  
17 354 Q. Scroll down, please.  
18 A. I can see it.  
19 355 Q. A little further, Mr. Kavanagh, please. Just so that  
20 you have the full conversation there. You don't 12:07  
21 remember that visit that Garda Keogh called to your  
22 house, but you don't dispute that visit?  
23 A. No, because I can't be hundred percent sure, a lot of  
24 guards called to my house over that dispute at the  
25 time, you know. 12:07  
26 356 Q. CHAIRMAN: This was going on you said -  
27 A. For a while.  
28 357 Q. CHAIRMAN: - over the whole summer, is that right?  
29 A. Oh yeah, it was going on for a good while.

1 358 Q. CHAIRMAN: So there was flare-ups and then it would be  
2 quiet for a while, is that right?  
3 A. Exactly, Judge. That's the way it has always been.  
4 359 Q. CHAIRMAN: Okay. In this particular sort of episode,  
5 Cheyanne was involved? 12:08  
6 A. And my other daughter.  
7 360 Q. CHAIRMAN: And Kayleigh was involved, is that correct?  
8 A. Yes, yes.  
9 361 Q. CHAIRMAN: So, that was that, the one that happened in  
10 May. But it was going on the whole summer? 12:08  
11 A. Yeah, yeah.  
12 362 Q. CHAIRMAN: Did that mean that you were up and down to  
13 the Garda station over incidents the whole summer?  
14 A. Yeah.  
15 363 Q. CHAIRMAN: So roughly how long did that -- was this the 12:08  
16 start of the particular dispute?  
17 A. Yes. Yeah.  
18 364 Q. CHAIRMAN: The Cheyanne/Kayleigh involvement?  
19 A. Yes.  
20 365 Q. CHAIRMAN: And you say there were threats against you. 12:08  
21 So that brought you down to the station?  
22 A. Yeah, because it got really out of hand, yeah.  
23 366 Q. CHAIRMAN: But then it was up and down?  
24 A. Then it went down for a little bit and then it kicked  
25 off again. 12:08  
26 367 Q. CHAIRMAN: Okay. were you down complaining about the  
27 same sort of thing on later occasions?  
28 A. Yeah.  
29 368 Q. CHAIRMAN: When did it sort of die down or die out,

1           which I hope it eventually did?

2           A.    Yeah, it did, yeah. It always does. But it goes off  
3           again, like. But the girls withdrew their statement,  
4           you know, about a week after.

5   369   Q.    CHAIRMAN: That was in September? 12:09

6           A.    Only about -- I think it was about a week or so after  
7           they withdrew them, you know, because we shook hands.

8   370   Q.    CHAIRMAN: Don't worry about the dates?

9           A.    Yes, okay.

10   371   Q.    CHAIRMAN: We know we have a September date. Was it 12:09  
11           about the time they withdrew their statements that the  
12           whole thing sort of piped down?

13           A.    For a little while and then it just went off again and  
14           then there was no statements or anything made after  
15           that, like. Just it was only all verbal, you know. 12:09

16   372   Q.    CHAIRMAN: Thanks very much. I'm sorry to interrupt.  
17           I'm sorry to Mr. McGuinness. But thank you very much  
18           for clarifying that.

19           A.    Yeah, it's okay.

20   373   Q.    MR. DONAL MCGUINNESS: If I can ask you to look at page 12:09  
21           13262. Sorry, I probably should have brought you back  
22           to the typed copy, Ms. O'Neill, but I will read out  
23           what has to be read out anyway, to save you any more  
24           trouble. In relation to the visit of 26th June 2014,  
25           Garda Keogh reports that you told him that: 12:10  
26

27           "Detective Sergeant Curley, T Higgins called to her  
28           house, then to her in another house to try to get her  
29           to make a statement about me but refused to take her

1 statement of assault."

2

3 Do you see that? "Refused to take her statement of

4 assault."

5 A. Yeah. 12:11

6 374 Q. Now, is that really the case, that they refused?

7 A. Yes, they did, yeah.

8 375 Q. And your evidence is that they refused to take that

9 statement on assault on 30th May 2014?

10 A. Ah yeah, sure they refused a few times. It wouldn't be 12:11

11 the first time. Wouldn't be the first time.

12 376 Q. Well, just in relation to the matter that happened in

13 the [Blank]?

14 A. That is the matter, that is the whole dispute like.

15 They did refuse a good few times to take statements 12:11

16 over that dispute. They did, Judge, they did.

17 377 Q. CHAIRMAN: But specifically, the time the car, the

18 black car came out?

19 A. Yes.

20 378 Q. CHAIRMAN: And you had the conversation at your 12:11

21 brother's house?

22 A. Out the front, I was smoking a cigarette, yes.

23 379 Q. CHAIRMAN: Okay. And you had the conversation in the

24 car?

25 A. No, I didn't get into the car Judge. 12:12

26 380 Q. CHAIRMAN: No, no, no, sorry, beside the car, by the

27 car, near the car, they were in the car and you were

28 outside the car?

29 A. Yeah, I wouldn't get into it.

1 381 Q. CHAIRMAN: Okay. They were asking you to make a  
2 statement?  
3 A. Yes.

4 382 Q. CHAIRMAN: About your conversation with Garda Keogh?  
5 A. Yes, they did, yes. 12:12

6 383 Q. CHAIRMAN: And you didn't want to and said no?  
7 A. No.

8 384 Q. CHAIRMAN: Okay.  
9 A. There was nothing to make.

10 385 Q. CHAIRMAN: Okay. 12:12  
11 A. You know.

12 386 Q. CHAIRMAN: So did you want to make a statement to them  
13 about the assault?  
14 A. Yeah.

15 387 Q. CHAIRMAN: On that occasion? 12:12  
16 A. I asked them like, could they like, you know, and take  
17 it maybe even off me like later or whatever.

18 388 Q. CHAIRMAN: Just tell us exactly what you remember?  
19 A. I asked them to take a statement of the assault, Judge,  
20 like you know, and even a later date, you know, if I 12:12  
21 went to the Garda barracks. But they said no, they  
22 wouldn't take it. They wanted a statement about Nick  
23 Keogh and that's all. That's all they wanted off me,  
24 Judge, they didn't want to know about anything else.

25 CHAIRMAN: Thank you. 12:13  
26 A. You're welcome, Judge.

27 389 Q. MR. DONAL MCGUINNESS: You see, I have to put it to you  
28 that that is incorrect, that they didn't refuse to take  
29 a statement?



1 A. But sure like you weren't there. How do you know, you  
2 weren't there. I was there. You were not there.

3 390 Q. CHAIRMAN: Counsel is just asking you a question, do  
4 you know what I mean?

5 A. I know, yeah. 12:13

6 391 Q. CHAIRMAN: So let's keep it nice and civilised?

7 A. Judge, it's like he's calling me a liar like, you know.

8 392 Q. CHAIRMAN: No, no, no, hold on, if he is going to call  
9 you a liar, he will tell you he is going to call you a  
10 liar and then I'll have to decide whether that's the 12:13  
11 case, okay?

12 A. Yeah.

13 393 Q. CHAIRMAN: Nothing Mr. McGuinness has said -- but  
14 people have been wrong before?

15 A. Yeah. 12:13

16 394 Q. CHAIRMAN: I have been wrong and you have been wrong?

17 A. I know.

18 395 Q. CHAIRMAN: So Mr. McGuinness is asking you questions,  
19 let's just keep it nice and civilised?

20 A. Yeah, okay. 12:13

21 396 Q. CHAIRMAN: He says, no, and the Gardaí will give  
22 evidence that that didn't happen. That's what he is  
23 saying to you?

24 A. Oh they will, yeah.

25 397 Q. CHAIRMAN: And what do you say? 12:13

26 A. It did.

27 398 Q. CHAIRMAN: It did?

28 A. Yes.

29 399 Q. CHAIRMAN: And you said to them, I want to make a

1 statement about the assault?

2 A. Yeah.

3 400 Q. CHAIRMAN: And they said?

4 A. They only wanted Nick Keogh, a statement about him.

5 401 Q. CHAIRMAN: But what did they say? 12:14

6 A. No, they wouldn't take it.

7 CHAIRMAN: Okay, thank you.

8 402 Q. MR. DONAL MCGUINNESS: And the next question I am going  
9 to ask is -- I'm sorry, what I am going to suggest to  
10 you is that you are mistaken about that and the reason 12:14  
11 I say you are mistaken about that is that you had every  
12 opportunity to make a statement about the assault  
13 before that. Do you understand what I am saying? You  
14 were in the Garda station twice?

15 A. Yeah. 12:14

16 403 Q. You accompanied your daughter Cheyanne when she made a  
17 statement?

18 A. Yeah.

19 404 Q. She made a statement about the issue on the 28th May.  
20 You went back to the station on the 29th May and you 12:14  
21 spoke to Garda Keogh. Here was the second opportunity  
22 for you to make your statement about assault. Do you  
23 understand what I'm saying?

24 A. Yeah, I hear you.

25 405 Q. So I am suggesting to you that you're mistaken when you 12:14  
26 now say, I was going make a statement on the 26th June  
27 and that they wouldn't take a statement about assault?

28 A. No, I'm not mistaken.

29 406 Q. CHAIRMAN: Do you understand what he is asking you?

1 A. Yeah, I do, oh yeah.

2 407 Q. CHAIRMAN: He said, look, if you didn't make a  
3 statement on the day before or the day before that, why  
4 were you bursting to make a statement then?

5 A. Well they wanted one off me, Judge. So I asked them to 12:15  
6 take one.

7 408 Q. CHAIRMAN: Okay.

8 A. Do you know like, if they wanted one, I wanted them to  
9 take one from me.

10 CHAIRMAN: Okay, very good. 12:15

11 409 Q. MR. DONAL MCGUINNESS: And as matters transpired you  
12 never made a statement, isn't that right?

13 A. We shook hands sure, we shook hands.

14 410 Q. And you never had a statement?

15 A. Shook hands. The dispute, you know, calmed down in a 12:15  
16 week, kicked off again.

17 411 Q. I am just going to go back to the 30th May again. This  
18 is the encounter had you with Garda Curley and Garda  
19 Higgins, then Detective Sergeant Curley and Garda  
20 Higgins. Do you remember that? We discussed that 12:16  
21 already.

22 A. Yes, yes.

23 412 Q. On that occasion you told Detective Sergeant Curley  
24 that you couldn't really remember what happened when he  
25 asked you to make a statement? 12:16

26 A. When he asked me at the car.

27 413 Q. Yes.

28 A. No, I said I wasn't make a statement, you know, I had  
29 nothing to make a statement about. I had nothing to

1 make a statement about like, you know.

2 414 Q. You agree in any event that you didn't assist them in  
3 any way on that occasion?

4 A. On that day when they asked me to make a statement?

5 415 Q. Yes. 12:17

6 A. I didn't make a statement that day, no, and I haven't.

7 416 Q. Would you agree that you didn't assist them in any way?

8 A. I didn't make a statement about Nick Keogh. They asked  
9 me, I did not make one.

10 417 Q. You appear to be annoyed that they had approached you 12:17  
11 at all?

12 A. Pardon?

13 418 Q. Were you annoyed that they had approached you?

14 A. No. Like, I just didn't know. Like, I was a bit  
15 shocked, yeah, I didn't know why they were coming down, 12:17  
16 like you know, to me. I didn't know like, you know. I  
17 couldn't understand it, you know. It was only a normal  
18 dispute and it turned into this big thing like.

19 419 Q. CHAIRMAN: Say that again.

20 A. It was only a normal dispute, you know, between 12:17  
21 neighbours and it turned into this big thing, you know.

22 420 Q. CHAIRMAN: You can't understand how it became such a  
23 big thing, yes.

24 A. No, really, Judge, no.

25 421 Q. MR. DONAL MCGUINNESS: Can I ask you to look at page 12:18  
26 519, please? This is Detective Sergeant Curley's note  
27 of what transpired that day. I am just going to read  
28 through this briefly, it is a fairly short document and  
29 I am going to give you the opportunity to comment

1 further in relation to anything that's said. Do you  
2 understand?

3 A. Yes, yes.

4 422 Q. It's headed:

5

12:19

6 "Information divulged by Olivia O'Neill to Garda  
7 Stephanie Treacy at Athlone Garda Station, 28th May  
8 2014."

9

10 It is dated 30th May 2014, this document. So it was  
11 made the very same day that Detective Sergeant Curley,  
12 as he then was, came out to see you. You knew  
13 Detective Sergeant Curley before this, didn't you?

12:19

14 A. I would know him from being around. A lot of the  
15 guards -- our estate is rough, they're always up and  
16 down.

12:19

17 423 Q. I don't want to pry into other business, but he had --

18 A. That's how I know them. That's how I have to explain  
19 how I know them, do you know what I mean, you'd see  
20 them up and down.

12:19

21 424 Q. CHAIRMAN: There would be guards in and out of the  
22 estate.

23 A. Yes.

24 425 Q. CHAIRMAN: And you would tend to get to know them?

25 A. You would over the years, just their faces, you know.

12:19

26 426 Q. MR. DONAL MCGUINNESS: And he may have been at your  
27 house in relation to another matter; is that correct?

28 A. Oh he could have come in and arrested my son or my  
29 husband, I don't know. I don't know like, it was years

1 ago since my husband was in jail so I don't know, it  
2 was years.

3 427 Q. CHAIRMAN: Everybody has their troubles and we are not  
4 concerned?  
5 A. Yeah, yeah. 12:20

6 428 Q. CHAIRMAN: You really want to ask about the statement  
7 that she couldn't really remember what was said in the  
8 Garda station that night, is that right,  
9 Mr. McGuinness? Sergeant Curley says that you said to  
10 him, I can't really remember what was said in the Garda 12:20  
11 station that night, is that correct or broadly right?  
12 A. When he came to me?

13 429 Q. CHAIRMAN: Yes. He wanted you to make a statement?  
14 A. Yes, he did, yeah.

15 430 Q. CHAIRMAN: About -- 12:20  
16 A. No, and I said, no, I have no reason to make a  
17 statement.

18 431 Q. CHAIRMAN: I understand that, but what Mr. McGuinness  
19 is referring to, is Sergeant Curley's statement, where  
20 he says -- do you follow me? 12:20  
21 A. Yes, I do, yeah.

22 432 Q. CHAIRMAN: He says that Ms. O'Neill said to me she now  
23 couldn't really remember what was said in the Garda  
24 station that night. Is it correct that you said that?  
25 A. No, I do not remember saying that. No. 12:21

26 433 Q. CHAIRMAN: You don't remember saying that?  
27 A. No, I don't remember saying that.

28 434 Q. CHAIRMAN: Do you think you didn't say it or you could  
29 have said it?

1 A. No, I don't think I said it.

2 435 Q. CHAIRMAN: You don't think you said it?

3 A. I don't remember saying it, do you see, Judge. I don't  
4 remember it, no.

5 436 Q. MR. DONAL McGUINESS: But one thing you do agree with 12:21  
6 is that you didn't assist him in any way in relation to  
7 his enquiries, isn't that correct?

8 A. No, he wanted a statement. I didn't give a statement.  
9 I told you, I wouldn't into the car. I asked was I  
10 under arrest, they said no, and I said okay. So, you 12:21  
11 know... It was only a small little car, like, you  
12 know, so it wasn't a detective car or a squad car.

13 437 Q. He will say, and I have to put it to you that he is  
14 going to say certain things?

15 A. Oh yeah, yeah, yeah. 12:21

16 438 Q. To give you an opportunity to respond?

17 A. Yeah, yeah. That's okay.

18 439 Q. He will say that he was looking to have a discussion  
19 with you, in fact, he was looking to ask you to make  
20 statement? 12:22

21 A. Yeah, he did, yeah.

22 440 Q. About the matters that you disclosed to Stephanie  
23 Treacy on the 28th May. Do you accept that?

24 A. Oh he did ask me to make a statement, yeah, he did,  
25 yeah. 12:22

26 441 Q. About the matters that were disclosed to Stephanie  
27 Treacy?

28 A. No, about Nick Keogh, he said, about Nick Keogh. He  
29 said his name, Nick Keogh. I thought it was very odd,

1 a guard coming about another guard, like. It was  
2 nothing to do with me, like.

3 442 Q. Now, you mentioned in your statement to the Tribunal  
4 that the guards weren't very nice to you at that time?  
5 A. No. 12:22

6 443 Q. I am going to put it to you that that's not correct,  
7 that they were perfectly courteous to you and that they  
8 asked you to cooperate with them and give them a  
9 statement?  
10 A. A statement about what like, you know? Nick Keogh 12:23  
11 didn't tell me anything like, you know, so there was  
12 nothing to make a statement about, do you know. As I  
13 said it was a guard against guards, it's nothing to do  
14 with me.

15 444 Q. Garda Curley will say that he was very clear to you? 12:23  
16 A. He wasn't.

17 445 Q. He made it very clear to you what he wanted?  
18 A. No, he didn't. Nick Keogh he wanted a statement about.  
19 He asked about Nick Keogh.

20 446 Q. Yes. But if you just -- 12:23  
21 A. No, he did not -- Nick Keogh, he just asked me to make  
22 a statement about him. I keep telling you. I cannot  
23 change my answer a different way.

24 447 Q. In your statement to the Tribunal, you said that they  
25 said to you did you meet up with Garda Keogh or what 12:23  
26 was Garda Keogh saying to tell you about a certain  
27 guard, is that something that was discussed?  
28 A. I don't remember, no.

29 448 Q. You don't remember?



1 A. No. They just wanted a statement, like you know.  
2 449 Q. He will say that that didn't occur?  
3 A. Well...  
4 450 Q. would Garda Keogh ask you to make a certain allegation  
5 about a guard? 12:24  
6 A. Did he tell me?  
7 451 Q. Is that something that was discussed?  
8 A. Did Nick Keogh tell me to tell --  
9 452 Q. Yes, would Garda Keogh ask you to make a certain  
10 allegation about a guard? 12:24  
11 A. No, he did not. What guard? I don't know what guard  
12 you're on about.  
13 453 Q. Maybe I should -- these quotes are coming from your  
14 statement, Ms. O'Neill?  
15 A. No, but like what guard did he want me to make a 12:24  
16 statement -- like what are you on about?  
17 MS. McGRATH: It is page 452, Chairman.  
18 CHAIRMAN: Thank you. 452.  
19 MS. McGRATH: It would make it easier.  
20 CHAIRMAN: Thank you. 12:24  
21 MR. DONAL McGUINNESS: At the top of page 452,  
22 Ms. O'Neill:  
23  
24 "They asked me was I afraid, I said I was not afraid."  
25 A. That's right. I said that I was -- yeah, I did say 12:25  
26 that, I said I wasn't afraid. They did ask me was I  
27 under -- I did ask them was I under arrest, they said  
28 no.  
29 454 Q. I am putting it to you that that didn't happen?

1 A. what?

2 455 Q. I am putting it to you that that didn't happen?

3 A. That they didn't --

4 456 Q. It didn't happen, that you're incorrect there.

5 A. No, that did happen. I did ask them was I under 12:25

6 arrest, they said no. I said I wasn't getting into no

7 car.

8 457 Q. "They mentioned about Nick Keogh, they asked me what

9 did Nick say to me, what we were talking about, we were

10 meeting up all the time." 12:25

11 A. what?

12 MS. McGRATH: "Were we meeting up all the time."

13 458 Q. MR. DONAL McGUI NNESS: "Were we meeting up all the

14 time. They were not very nice to me."

15 A. No, they weren't. 12:26

16 459 Q. That didn't happen, I am putting to you that didn't

17 happen?

18 A. That did. It did.

19 460 Q. "Garda Curley was doing all the talking."

20 A. Yeah. 12:26

21 461 Q. Is that correct?

22 A. The two of them were. Two of them.

23 462 Q. The two of them?

24 A. Two of them had -- you see they had files each on their

25 laps as well. They had files on their laps. 12:26

26 463 Q. If I understand your evidence this morning earlier was

27 that Tom Higgins was doing all the talking?

28 A. Yes, well the two of them -- obviously the two of them

29 had to ask me stuff, didn't they? They just wanted a

1 statement, they wanted a statement about Nick Keogh.  
2 Like, I can't give a statement, you know. About what?  
3 464 Q. You then said in your statement:  
4  
5 "They went on saying about the allegations I'd said and 12:26  
6 was Nick Keogh telling me to say all these things, but  
7 as I had said already, he wasn't."  
8 A. Yes.  
9 465 Q. "When I say allegations, it's what I said about Ms. B  
10 having ears in the barracks. They kept wanting to 12:27  
11 know. I was afraid. I said I wasn't. They wanted to  
12 take statement from me in the car. They asked me did I  
13 meet up with Garda Nick Keogh and what was Nick Keogh  
14 saying to tell me to say about a certain guard. They  
15 asked me would Garda Nick Keogh ask me to make a 12:27  
16 certain allegation about a guard."  
17  
18 That's what you said to the Tribunal and I am just  
19 putting it to you that your recollection of these  
20 events incorrect, and that the issues that were 12:27  
21 canvassed and were discussed on that occasion were the  
22 issues that were raised in the statement or in the note  
23 taken by Garda Stephanie Treacy that night. And they  
24 were addressed in the manner that you suggest they had  
25 been addressed in your statement. I just have to put 12:27  
26 that to you, that you are incorrect in all of that.  
27 CHAIRMAN: Okay.  
28 A. Okay.  
29 466 Q. MR. DONAL MCGUINNESS: Now, what he does accept is that

1           they did ask you to get into the car that night, but  
2           that was for the purpose of protecting your own privacy  
3           and not addressing the matter in the street?  
4           A.    why would I need protection? For what like?  
5   467   Q.    So that you could make an statement? 12:28  
6           A.    I wasn't making a statement. About what like?  
7   468   Q.    I just want to clarify that --  
8           A.    That's why they wanted me to get into a car like.  
9   469   Q.    It's one of the few things they would agree with you on  
10           or certainly Inspector Curley would agree with you on, 12:28  
11           is that they did invite you to go into the car. We're  
12           not in dispute in relation to that matter.  
13           A.    Well why didn't they bring a detective guard or a squad  
14           guard or a ban Gardaí with them, do you know, two male  
15           guards, why didn't they have a ban Gardaí with, if they 12:29  
16           wanted me, do you know.  
17   470   Q.    We're nearly finished now, Ms. O'Neill?  
18           A.    Do you know what I mean, it's true like.  
19   471   Q.    Just one more question: You do agree with me though  
20           that there was never any other attempt by Garda Curley 12:29  
21           or by any other guard to get you to make a statement in  
22           relation to this matter?  
23           A.    No, not that I remember, no.  
24   472   Q.    Thank you very much. 12:29  
25  
26           END OF EXAMINATION  
27  
28           CHAIRMAN: Very good. Now, does anybody else want to  
29           ask questions?

1 MR. KANE: Yes, Chairman. I think I have agreed with  
2 Mr. McGuinness to go next, if that's okay.

3  
4 MS. OLIVIA O'NEILL WAS THEN CROSS-EXAMINED BY MR. KANE,  
5 AS FOLLOWS: 12:29  
6

7 473 Q. MR. KANE: Good afternoon, Ms. O'Neill, I act for Garda  
8 Stephanie Treacy, who you spoke with on 28th May 2014.  
9 I want to ask you a short number of questions about  
10 what you said to her. I want you to know that I am not 12:29  
11 making any criticism of you or anything of that nature.

12 A. Yeah.

13 474 Q. I just want to detail some of the differences in your  
14 account and Stephanie Treacy's account?

15 A. Yeah. 12:29

16 475 Q. I am going to ask that page 482 is put on the screen?

17 CHAIRMAN: 4?

18 MR. KANE: 482.

19 CHAIRMAN: 482, thanks.

20 476 Q. MR. KANE: Just while we're waiting for that, 12:30  
21 Ms. O'Neill, this is a document we have seen already  
22 this morning. I know a number of documents have been  
23 opened to you this morning, so I just want to read the  
24 material part of this before I ask you a question about  
25 it? 12:30

26 A. Yeah.

27 477 Q. You see in the second or third paragraph, where it says  
28 -- they're talking about a statement that Cheyanne gave  
29 that night, and it says:

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"At the beginning of this statement Olivia O'Neill told Garda Treacy that her and her daughter, Cheyanne, were advised that Ms. B is friendly with certain gardaí in Athlone Garda Station and that she is phoned prior to any search of her property so that she could get rid of weapons or drugs. She also alleged that Ms. B is told when anybody makes a statement or complaint against her and that the Gardaí cover up offences for Ms. B. Ms. O'Neill informed Garda Treacy that she was told to make sure that the above information goes into her and Cheyanne's statements. Garda Treacy asked Ms. O'Neill who advised her of this and Ms. O'Neill said Garda Nick, just now at the counter downstairs. Garda Treacy informed Sandra Keane of this conversation and together they thought the correct procedure was with an allegation such as this was to go to the Ombudsman Commission. It was further explained to Ms. O'Neill how to go about doing this. Ms. O'Neill said that she did not have a complaint to make in relation to gardaí and was only going on the advice she received at the counter."

12:30

12:31

12:31

12:31

That has been opened to you already I think this morning. I think you've told us that essentially you don't agree with that?

12:31

A. Yes.

478 Q. Well, can I start maybe with something that I think we do agree with?

1 A. Yeah.

2 479 Q. At some point during your interview or while you were  
3 present in the interview room with Garda Treacy, you  
4 said something about Ms. B; is that correct?

5 A. Yeah. 12:32

6 480 Q. When you said whatever it is that you did say about  
7 Ms. B, Garda Treacy left the room, isn't that right?

8 A. Yes, she brought in another guard, yeah.

9 481 Q. She returned with a sergeant?

10 A. Yeah, had more stripes, yeah. 12:32

11 482 Q. You told us that made you nervous, is that right?

12 A. Yeah.

13 483 Q. Did that happen during the time that Cheyanne was  
14 giving her statement?

15 A. I know it was the statement but I'm not sure if it was 12:32  
16 the middle or what, you know.

17 484 Q. Do you know --

18 A. It was the statement but I'm just not sure what part,  
19 like you know, when Cheyanne was making her statement,  
20 I don't know, you know. 12:32

21 485 Q. Do you recall in your statement to the Tribunal  
22 investigators, I think you said it was at the end of  
23 the statement?

24 A. It could have been. It could have been.

25 486 Q. Do you recall saying that? 12:33

26 A. It could have been, yeah.

27 487 Q. You don't have a clear recollection of it, do you?

28 A. No. When it was actually said, no.

29 488 Q. So I have to suggest to you, and I don't criticise you

1 for it?

2 A. No.

3 489 Q. Because it's many years ago?

4 A. Yeah.

5 490 Q. But your recollection of what was said, what passed 12:33  
6 between you and Stephanie Treacy that day, just isn't  
7 very clear?

8 A. Sorry.

9 491 Q. I'm inviting you to comment on that.

10 A. Sorry, sorry. 12:33

11 492 Q. I am suggesting to you that your recollection as to  
12 what you said Stephanie Treacy --

13 A. Oh, I do agree, yeah, it was a good few year ago, yeah.

14 493 Q. It's not very clear, isn't that right? I'm not  
15 criticising you. 12:33

16 A. About Ms. B, like, yeah.

17 494 Q. You're not very clear on what you --

18 A. what?

19 495 Q. I'm sorry, you're not very clear what you said to  
20 Stephanie Treacy that night, isn't that right? 12:33

21 A. Like, what do you mean now, what I said?

22 496 Q. You have a clear recollection of what you said to  
23 Stephanie Treacy?

24 A. Oh why Cheyanne went down, yeah, she made her statement  
25 because Ms. B was threatening to assault her, you know, 12:34  
26 and I brought Cheyanne down, made a statement.  
27 Stephanie brought us upstairs, she took the statement.

28 497 Q. But you can't tell us at what point during the  
29 statement you volunteered this information?



1 A. No. It could have been added on, I don't know, you  
2 know, it could have -- it might have been added on  
3 actually.

4 498 Q. Okay.

5 A. I think it was added on. Yeah, I do, yeah, I think it 12:34  
6 was added on.

7 499 Q. CHAIRMAN: How do you mean? Can you tell me what that  
8 means?

9 A. You can add on you see, you know. If you make a  
10 statement, like you know, when your children, say, make 12:34  
11 a statement and they would say like, you know, would  
12 you like to add on, you know.

13 500 Q. CHAIRMAN: Yes.

14 A. Because they write it like, you know.

15 501 Q. CHAIRMAN: Right. 12:34

16 A. And you can tell them like something you want added in.

17 502 Q. CHAIRMAN: Oh yes?

18 A. You know what I mean, Judge, now, yeah.

19 503 Q. CHAIRMAN: I know. Thanks very much.

20 A. Yeah. 12:34

21 CHAIRMAN: Okay.

22 504 Q. MR. KANE: Are you sure about that or are you just  
23 telling us from the best of your memory?

24 A. Yeah, to the best of my memory, yeah.

25 505 Q. The best of your memory? 12:35

26 A. Yeah.

27 506 Q. Okay.

28 A. It could have been added on, you know.

29 507 Q. Okay. Thanks, Ms. O'Neill. Thanks, Chairman.

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END OF EXAMINATION

CHAIRMAN: Thanks very much. Now, anybody else? well, just let me clarify if there anybody else, Mr. Kelly, anybody else on behalf of the Gardaí.

12:35

MS. O'ROURKE: Yes, Chairman, I have very brief question.

CHAIRMAN: Thanks very much indeed.

12:35

MS. OLIVIA O'NEILL WAS CROSS-EXAMINED BY MS. O'ROURKE, AS FOLLOWS

508 Q. MS. O'ROURKE: Ms. O'Neill, I have very short questions for you this morning?

12:35

A. That's okay.

509 Q. And really by way of clarification. I appear for Sergeant Keane. I think you met Sergeant Keane?

CHAIRMAN: That's Sergeant Sandra Keane, Ms. O'Rourke, is that right?

12:35

MS. O'ROURKE: Sandra Keane.

CHAIRMAN: Okay.

510 Q. MS. O'ROURKE: who I think you met briefly on the night?

A. Yeah, I don't really know her, yeah.

12:35

511 Q. Just for the purposes of clarification really, Ms. O'Neill, I think you've just outlined in response to my Friend there that you were giving your statement to Garda Treacy upstairs in the --

1 A. My daughter was.

2 512 Q. Your daughter was?

3 A. Yes.

4 513 Q. Yes, Ms. O'Neill. During the course of that, Garda  
5 Treacy left the room and then came back later with 12:36  
6 Sergeant Keane?

7 A. Yeah.

8 514 Q. If I could ask the Tribunal maybe to put up a document  
9 which was opened to you this morning, your own  
10 statement to the Tribunal, at page 441. This is the 12:36  
11 statement you gave to the Tribunal some time ago and  
12 it's really only for clarification?

13 A. Yeah.

14 515 Q. I think you were asked this morning, it started at line  
15 48, if Mr. Kavanagh can go down, you said: 12:36  
16

17 "Cheyanne made her statement to Garda Treacy. It was  
18 interrupted in the middle of taking the statement by a  
19 female sergeant. This happened as Cheyanne was making  
20 her statement." 12:36  
21

22 Then you say:

23

24 "The sergeant came into the room and she asked me what  
25 was said to me about Ms. B." 12:36  
26

27 I just want to be clear that the sergeant came into the  
28 room once and that was after Garda Treacy left the room  
29 and found her and then came back to you, isn't that

1 correct?

2 A. Yeah, when Stephanie went out?

3 516 Q. Exactly.

4 A. Yeah.

5 517 Q. Yes.

12:37

6 A. She brought her in, yeah.

7 518 Q. Okay, thank you.

8

9 END OF EXAMINATION

10

12:37

11 CHAIRMAN: Thank you very much. That's all you want to  
12 ask, Ms. O'Rourke?

13 MS. O'ROURKE: Yes, it is.

14 CHAIRMAN: Thank you very much. Now, Mr. Kelly, yes.

15 I think Mr. Kelly is the last to ask you questions, is  
16 that right? Oh no, of course, we will come back to  
17 Ms. McGrath. Sorry, Mr. Kelly.

12:37

18

19 MS. OLIVIA O'NEILL WAS CROSS-EXAMINED BY MR. KELLY, AS

20 FOLLOWS:

12:37

21

22 519 Q. MR. KELLY: My name is Matthias Kelly, I'm asking  
23 questions on behalf Garda Keogh, whom I represent here.

24 A. Okay.

25 520 Q. It will be quite short?

12:37

26 A. That's grand.

27 521 Q. There was this row up in the estate and you went down  
28 with Cheyanne to the Garda station, that was on the  
29 28th May, is the date that we have here.

1 A. Yes.

2 522 Q. So this row had taken place, what, was it the night  
3 before?

4 A. No, it was going on for a little while.

5 523 Q. Well, I know -- 12:37

6 A. Oh, yeah, when it got out of hand, yeah, yeah.

7 524 Q. So that was the night before?

8 A. Yeah.

9 525 Q. But it was the next day you went down to the Garda  
10 station, is that right? 12:38

11 A. Yeah, I think so.

12 526 Q. Okay. Okay.

13 CHAIRMAN: I don't think so, Mr. Kelly.

14 MR. KELLY: Sorry.

15 CHAIRMAN: I think the episode happened in the evening 12:38  
16 of the 26th.

17 MR. KELLY: Yes.

18 CHAIRMAN: And we know that the events in the station  
19 happened on the 28th. One of the issues is, was there  
20 a calling in before that. 12:38

21 A. Yeah.

22 527 Q. CHAIRMAN: But it happened one afternoon?

23 A. Yeah, when the statement was formally made, yeah.

24 528 Q. CHAIRMAN: And not the next day but the day after that  
25 was the day when you actually were down with Cheyanne? 12:38

26 A. Yeah, that's right.

27 CHAIRMAN: Sorry to interrupt Mr. Kelly, forgive me.  
28 So the 26th and the 28th.

29 A. Yeah.

1 529 Q. MR. KELLY: Okay. So you go down to the station on the  
2 28th and you say that you got into the station, Nick  
3 Keogh was on the desk, it was busy, he was on the  
4 phones and he said he would get another guard to take  
5 the statement from Cheyanne. 12:38

6 A. Yeah.

7 530 Q. Is that right?

8 A. That's right, yes.

9 531 Q. He did in fact get one, Garda Stephanie.  
10 He did, yeah. 12:39

11 532 Q. And you went upstairs with her that evening?

12 A. Yeah.

13 533 Q. And Cheyanne gave a statement?

14 A. That's right, yeah.

15 534 Q. Kayleigh's statement, however, wasn't made until I  
16 think the following day, the 29th? 12:39

17 A. Yes.

18 535 Q. So you had gone back within that day, gone down the  
19 next day as well, a statement taken then. Now, it was  
20 put to you, this phrase, that Ms. B had hears in the  
21 station? 12:39

22 A. Yeah.

23 536 Q. That was something, as I read your statement, that you  
24 had said to Stephanie Treacy, Garda; is that right?

25 A. Yes. 12:39

26 537 Q. Just for the purposes of the transcript, I am taking  
27 that from volume 3, page 441, line 49. That wasn't  
28 said to Nick Keogh, it was said to Stephanie, isn't  
29 that right?

1 A. Yes.

2 538 Q. The following day, the 30th May, two guards in little  
3 black car come around to your place?

4 A. Yeah.

5 539 Q. Is that right? 12:40

6 A. That's right, yeah.

7 540 Q. So far as you are concerned, they had one vision only,  
8 as I understand it?

9 A. Yeah.

10 541 Q. And that was to get to you make a statement about Nick 12:40  
11 Keogh?

12 A. Yes. Yeah.

13 542 Q. What do you think about that?

14 A. I thought it was very odd.

15 543 Q. What do you think they were trying to get you to say? 12:40  
16 Was there anything said to help you on that?

17 A. I don't know, but they just wanted a statement about  
18 him.

19 544 Q. They weren't interested at all in --

20 A. Not in me, no. 12:40

21 545 Q. -- the ruckus that was going on?

22 A. No, no, they did not care. They don't care.

23 546 Q. All that Nick Keogh had said in the statement was,  
24 look, tell them the whole story when you make the  
25 statement, is that right? 12:40

26 A. Yes.

27 547 Q. And if you have to name guards, name guards?

28 A. Yes.

29 548 Q. Just give the full picture?

1 A. Yeah, of the row that was going on up in the estate.

2 549 Q. That's it?

3 A. Yeah.

4 550 Q. Okay. That's all I wanted to ask you. Thank you very  
5 much for that?

12:41

6

7

END OF EXAMINATION

8

9

CHAIRMAN: Thank you.

10 MS. McGRATH: I should say, Mr. Connellan is here for

12:41

11 Ms. O'Neill, I don't know if he has any matters.

12 MR. CONNELLAN: The only issue that I was going to

13 raise has just been dealt with.

14 CHAIRMAN: Thanks very much. This is your counsel,

15 Ms. O'Neill.

12:41

16 WITNESS: Yes.

17 MR. CONNELLAN: Yes.

18 CHAIRMAN: Thanks Mr. Connellan. And Mr. Mr. Connellan

19 has no speech to make today. That's very good. Thank

20 you, Mr. Connellan.

12:41

21 MS. McGRATH: Nothing arises by way of re-examination.

22 CHAIRMAN: Thank you very much. Thanks for coming up.

23 Thanks for your assistance. I know it's a miserable

24 day. Thank you very much for your evidence.

25 WITNESS: Thank you very much.

12:41

26 CHAIRMAN: And Mr. O'Neill, thank you for being so

27 quiet. Okay. Thank you very much.

28 WITNESS: Thank you very much.

29 CHAIRMAN: You are free to go now, there's no problem



1           whatsoever.

2           WITNESS: That's great. Thank you very much. Thank  
3           you.

4

5           THE WITNESS THEN WITHDREW

12:41

6

7           MR. MARRINAN: Yes, Chairman. The next witness is  
8           Superintendent Noreen McBrien.

9           CHAIRMAN: would you like to get started now?

10          MR. MARRINAN: I am in your hands in relation to that. 12:41

11          CHAIRMAN: Everybody happy? Yes.

12          MR. CARROLL: My client is present.

13          CHAIRMAN: we will proceed, we have 20 minutes to get  
14          started. Thanks very much.

15

12:42

16          SUPERINTENDENT NOREEN MCBRIEN HAVING BEEN SWORN WAS  
17          DIRECTLY-EXAMINED BY MR. MARRINAN, AS FOLLOWS:

18

19          CHAIRMAN: Thank you very much, Superintendent McBrien.

20          MR. MARRINAN: Superintendent McBrien's statement to 12:43  
21          the Tribunal is to be found in volume 4, at page 823,  
22          and the interview with the Tribunal investigators is at  
23          volume 21, commencing at page 6204.

24   551   Q.    I think, Superintendent McBrien, you're currently  
25           attached to the Garda Bureau of Community Engagement in 12:43  
26           Harcourt Square, is that correct?

27           A.    That's correct.

28   552   Q.    would you mind just giving a brief history of your time  
29           in An Garda Síochána up to the present time to the

1 Chairman?

2 A. I joined An Garda Síochána in October 1984. I was  
3 promoted superintendent in July 2012. Previous to  
4 that, I was a guard in Rathfarnham, Crumlin, in-service  
5 training in Harcourt Square, I got promoted then and 12:43  
6 went to as a sergeant to Tułsk in Roscommon, came back  
7 to in-service training in Harcourt Square, went to  
8 community relations, then got promoted inspector and I  
9 went to Bray then. I was six years in Bray as an  
10 inspector. I went to Terenure in 2010 and then I was 12:44  
11 promoted to superintendent. I did almost three years  
12 in Athlone. On 9th March 2015 I was transferred to  
13 Baltinglass. And then in June 2016 I was transferred  
14 to HRPD, the Garda reserve management office, for  
15 approximately a year. And then in August 2017 I was 12:44  
16 transferred to community engagement, where I currently  
17 am.

18 553 Q. Now, I think that your promotion to superintendent  
19 occurred on 17th July of 2012, is that right?

20 A. That's correct, yes. 12:44

21 554 Q. I think that your first district that you were  
22 appointed to as a superintendent was Athlone?

23 A. That's correct.

24 555 Q. I think you took up duty on 27th July of 2012, when you  
25 took over from superintendent Aidan Glacken, is that 12:45  
26 right?

27 A. That's correct.

28 556 Q. I think he had been promoted to chief superintendent?

29 A. He had, yes.

1 557 Q. Now, I think that prior to taking up your appointment  
2 in Athlone, and from the time of your appointment, you  
3 called to Athlone Garda Station on a number of  
4 occasions, is that right?  
5 A. Between getting promoted -- 12:45  
6 558 Q. On the 17th July --  
7 A. No, I called once.  
8 559 Q. Pardon?  
9 A. I called once.  
10 560 Q. Once? 12:45  
11 A. Yes.  
12 561 Q. Did you have a meeting with Superintendent Glacken?  
13 A. Yes, we had what we call a hand over meeting, where you  
14 get introduced to the staff. You would be dealing with  
15 the relevant staff, such as your district staff and 12:45  
16 maybe the district sergeants and that were on duty.  
17 You go through different things like budgets and  
18 different programmes that would be on, different  
19 initiatives that was on, maybe any major outstanding  
20 cases. Briefing on any members that have welfare 12:46  
21 issues, yes.  
22 562 Q. Is there a directive covering the hand over?  
23 A. There is a hand over document, yes.  
24 563 Q. Is that for guidance purposes?  
25 A. It's for guidance purposes, that would just give you 12:46  
26 the headings that would be covered in a meeting like  
27 that.  
28 564 Q. Would you just run through what was in fact covered  
29 with Superintendent Glacken?

1 A. I don't have notes of that meeting. It's over seven  
2 years ago, but roughly it would be -- I would have met  
3 the people that were there, the relevant people.

4 565 Q. Yes.

5 A. Like the district clerk I think and a finance officer, 12:46  
6 whatever sergeants would have been on. Budgetary  
7 constraints. The stations in the district. The  
8 different -- say the different units, who were the  
9 sergeants on them. Any projects or serious cases that  
10 were going on. And welfare issues with regard to any 12:47  
11 welfare issues with regard to members or outstanding  
12 issues.

13 566 Q. When you say welfare issues in relation to members,  
14 what do you mean by that?

15 A. Well, there would be a few members, there were a few 12:47  
16 members that had -- maybe had been engaged with the CMO  
17 or had issues with sick, issues like that, that you  
18 would discuss. There were no other -- from  
19 recollection, no other kind of non-sick related welfare  
20 issues. 12:47

21 567 Q. At that time did Superintendent Glacken mention issues  
22 that arose in relation to Garda Nicholas Keogh?

23 A. He did, yes.

24 568 Q. What were those issues?

25 A. They were that Garda Keogh had been suffering from 12:48  
26 alcohol related issues and I think he had been absent  
27 in relation to them.

28 569 Q. Did he indicate that they were in any way impacting on  
29 his work?

1 A. I don't recall. I don't think so. But like, as I say,  
2 it's seven years ago. Em, I don't think so, no.

3 570 Q. Well, I suppose there would be an obligation on the  
4 superintendent in relation to the welfare of guards who  
5 were under the superintendent in the station? 12:48

6 A. Yes.

7 571 Q. And there would be a general obligation that arose  
8 there and there would be a secondary obligation, to  
9 ensure that that didn't in fact impact on their work.

10 A. No, I've no recollection that he did. 12:48

11 572 Q. Just while we're on the point, because I think that  
12 ultimately you were to leave on 8th March 2014?

13 A. Yes.

14 573 Q. During your period of time in Athlone Garda Station,  
15 did any supervising sergeant alert you to any problems 12:49  
16 that existed in relation to the quality of Garda  
17 Keogh's work?

18 A. No. But I do recall one day I was dealing with a file  
19 and there was something on it that I was looking for,  
20 it was still upcoming, and I can remember discussing it 12:49  
21 with Sergeant Haran and he did mention that Garda Keogh  
22 was slow on paperwork. That's...

23 574 Q. Other than on one occasion a reference to Garda Keogh  
24 being slow on paperwork, did any other supervising  
25 sergeant have any complaint to make in relation to the 12:49  
26 quality of the work?

27 A. No.

28 575 Q. That Garda Keogh was --

29 A. No.

1 576 Q. Did any inspector alert you to the quality of the work  
2 of Garda Keogh?  
3 A. No.

4 577 Q. Were there any disciplinary issues during that period  
5 of time? 12:50  
6 A. No.

7 578 Q. Were there any issues that arose for consideration by  
8 you up to the time when you became aware of the fact  
9 that he had made a protected disclosure?  
10 A. No, I met him once. He called into me. Because I had 12:50  
11 worked with Garda Keogh previously and because I knew  
12 he had been unwell, I had said that I would like to see  
13 him, just for a chat, to see how things were. And he  
14 did call in to me, I think it was February 2013. We  
15 had a long chat that night. 12:50

16 579 Q. Yes. If you want to expand on that, the conversation  
17 that you had?  
18 A. That conversation was how he was, how he had been since  
19 he moved down to the midlands. He told me he went to  
20 Ballynacargy. He didn't seem to be happy there. He 12:50  
21 missed Bray greatly. We both had good memories of  
22 Bray. To elaborate on that: I was an inspector for  
23 six years in Bray, I didn't work with Garda Keogh in  
24 Bray as such, he was in a different section, a  
25 different station then for a while, but the unit that I 12:51  
26 worked on for six years would have been the one that  
27 Garda Keogh would have worked on originally. So we  
28 knew a lot of the same people and we would have had a  
29 lot to talk about, about how different people were

1 getting on and how different people had moved on. So,  
2 during that conversation I did say to him, he did seem  
3 not to have settled when he went to Ballynacargy. I  
4 could understand that when he explained to me that that  
5 was a two-man station in comparison with leaving Bray, 12:51  
6 which was a really good kind of vibe, a lot of young  
7 people there, a lot of, you know, interaction and that  
8 type of stuff, which he may have missed. And I did say  
9 to him if he wanted to make an application to go to  
10 back to Bray, I would support it. And he said 12:51  
11 something to the extent that it's not the same when you  
12 go back.

13 580 Q. I think you made a brief note of that conversation,  
14 it's at page 1565. I don't intend to open it, I think  
15 it's there and it speaks for itself. I think you're 12:52  
16 also aware of the fact that Sergeant Haran had a  
17 particularly good relationship with Garda Keogh, isn't  
18 that right?

19 A. Yes, that's right.

20 581 Q. Now, I think if we can then move into the events of May 12:52  
21 2014. I think that you were on annual leave on the 8th  
22 and 9th May 2014, isn't that right?

23 A. That's correct, yes.

24 582 Q. You were contacted on the 9th May by Chief 12:52  
25 Superintendent Mark Curran, who was the divisional  
26 officer?

27 A. Yes. My recollection is, I was at my home in Dublin  
28 and I got a phone call from the chief to tell me. I  
29 think it was on the news at that time that Garda Keogh

1 had become a confidential recipient and was being  
2 mentioned in the Dáil by Deputy Flanagan.

3 583 Q. Had you heard of that on the news yourself?  
4 A. No. No.

5 584 Q. So this was the first that you heard of it? 12:53  
6 A. This was the first, yes. I hadn't -- it was just a  
7 phone call. I was in my home. It was the first -- it  
8 seemed to be on the radio or that, but I didn't have  
9 the radio on.

10 585 Q. Did it come as a surprise to you? 12:53  
11 A. Very much so, yes.

12 586 Q. What kind of relationship did you think that you had  
13 with Garda Keogh up until this?  
14 A. I always had a good, open relationship. He knew my  
15 door was always open. I had spoken to him again in I 12:53  
16 think late October, November 2013, just briefly. We'd  
17 always -- we'd see each other in corridor, we would  
18 always say hello. I would have thought I had a very  
19 open relationship with him.

20 587 Q. I think after your conversation with Chief 12:54  
21 Superintendent Curran, you contacted Sergeant Haran?  
22 A. I did.

23 588 Q. To obtain contact details for Garda Keogh. He got back  
24 on to you to say that he had spoken with Garda Keogh,  
25 had the contact details, and that Garda Keogh was aware 12:54  
26 of the fact that you would be contacting him, is that  
27 right?  
28 A. Yes. I wanted to be sure and, as I say, I didn't have  
29 Garda Keogh's contact details, it was his private



1 phone, I wanted to be sure that Garda Keogh would be  
2 happy and willing to have a chat with me, and he was.  
3 589 Q. Now, during the conversation that you had with Chief  
4 Superintendent Curran?  
5 A. Yes. 12:54  
6 590 Q. What was his view in relation to the fact that this  
7 matter had arisen in the Dáil and that one of the  
8 persons in the division had become a whistleblower?  
9 A. I don't know what his view was, to be honest. He was  
10 just updating me on the circumstances that a member of 12:55  
11 my district staff was in this situation. I don't  
12 recall discussing a view or him expressing view.  
13 591 Q. Well, did he perhaps express the view that this person  
14 ought to be protected in some way or helped or  
15 assisted? 12:55  
16 A. Yes. Yes. Like, I mean, we -- it was a concern that  
17 we would engage with him and see how he was. I took on  
18 to do that, because I knew Garda Keogh.  
19 592 Q. Had you any experience of the confidential reporting  
20 procedures at that time? 12:55  
21 A. I knew what they were but I had never dealt with them  
22 previously. I had never had any practical experience  
23 of their application.  
24 593 Q. You had never been an investigator arising out of a  
25 disclosure? 12:56  
26 A. No.  
27 594 Q. And it hadn't occurred under your watch previously; is  
28 that right?  
29 A. No.

1 595 Q. So this was new to you?  
2 A. It was completely new territory for me.  
3 596 Q. Was that the same for Chief Superintendent Curran?  
4 A. I don't know, I didn't ask him that.  
5 597 Q. Ask you make any enquiries as to how he might give you 12:56  
6 guidance in relation to the matter?  
7 A. I didn't ask him was it his first experience. But I do  
8 recall we certainly discussed about making sure Garda  
9 Keogh was okay and checking on his welfare.  
10 598 Q. Then I think you contacted Garda Keogh by phone on 11th 12:56  
11 May 2014, isn't that right?  
12 A. From recollection, that was a Sunday afternoon, we  
13 spoke by phone.  
14 599 Q. At that time, were you aware of the fact that Inspector  
15 Farrell had contacted Garda Keogh on the evening of the 12:57  
16 9th May?  
17 A. I can't be sure, to be honest. I'm not sure. I  
18 know -- I can recall -- I recall speaking to Garda  
19 Keogh. No, I can't be sure on that.  
20 600 Q. If we could just perhaps have the transcript for Day 12:57  
21 118 on the screen. This is the evidence that was given  
22 by Chief Superintendent Curran. If we could go to page  
23 107 of the transcript, please, to line 23, actually  
24 line 19. This is the evidence that was originally  
25 given, it's a quotation from evidence by Chief 12:58  
26 Superintendent Curran. It says:  
27  
28 "To some extent, yes, but I think if I was to really  
29 rationalise it, there was anti-management things going

1 for him, you know, at that time."

2

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And then he goes on further down the page and the succeeding page to describe what he actually meant by that. But were you alerted to the fact that there might be a sort of either anti-management feeling towards Inspector Farrell or towards management generally?

12:59

A. Garda Keogh mentioned in a conversation with me, I think the 8th July, that he didn't trust Inspector Farrell.

12:59

601 Q. Yes.

A. That's all I know.

602 Q. But you hadn't been alerted to that earlier on?

A. No.

12:59

603 Q. No. Then we come to the 11th May and your conversation with Garda Keogh on the phone?

A. Yes.

604 Q. Your notes are at Volume 6, at page 1626. You also made a journal entry?

13:00

A. Yes.

605 Q. Your typed notes, which we will look at, are volume 7, at page 1717.

CHAIRMAN: Those references, Mr. Marrinan, that's 6, 1626 and 7, 1717; is that right?

13:00

MR. MARRINAN: Yes.

CHAIRMAN: Have I got those references right?

MR. MARRINAN: Yes.

CHAIRMAN: we will take a break there. we will break

1 for lunch there and resume afterwards. Okay. Thank  
2 you.

3

4 THE HEARING THEN ADJOURNED FOR LUNCH AND RESUMED, AS  
5 FOLLOWS:

13:00

6

7 606 Q. MR. MARRINAN: Superintendent, I think we were about to  
8 deal with your conversation with Garda Keogh on 11th  
9 May 2014. If we have page 1717 up on the screen. What  
10 was the purpose of this call, as far as you were  
11 concerned?

14:04

12 A. As far as I was concerned, I wanted to see how Garda  
13 Keogh was, that he was well. That he would know I was  
14 there to support him, the organisation was there to  
15 support him. To let him know that, you know, if  
16 there's anything, he needed any support, that I was  
17 there for him.

14:04

18 607 Q. I think if we can just look at the note. And if there  
19 are any matters that you want to highlight, feel free  
20 to highlight them for the benefit of the Chairman. You  
21 deal with:

14:05

22

23 "Thanks for taking the call."

24

25 You asked him how he was. He said he was feeling  
26 great. He indicated that he had no gripe with you, is  
27 that right?

14:05

28 A. That's correct.

29 608 Q. And that nothing that he was dealing with referred to

1           you. Did he discuss what he in fact was dealing with?  
2           A. No, he didn't and I didn't ask him either, I didn't  
3           think it was appropriate.  
4 609 Q. You have a note there saying:  
5  
6           "Probably more rockets landing..."  
7  
8           Or launching.  
9           A. Yes.  
10 610 Q. But you had nothing to worry about.  
11           A. Yes.  
12 611 Q. That's an indication in relation to the matters that he  
13           was disclosing at the time?  
14           A. Yes, it is.  
15 612 Q. Then you have a note of support, organisational and           14:05  
16           personal?  
17           A. Yes.  
18 613 Q. Is that what you were trying to impress upon him?  
19           A. Yes, I to be sure that he was aware that he had the  
20           organisation's support, that he was aware of the           14:06  
21           welfare services and that they could be there to  
22           support him, but also that I gave him my support as  
23           well. To ensure that, you know, he was aware of that  
24           and he knew I was there for him. I was under the  
25           understanding from a conversation with him in February           14:06  
26           2013, that he would feel comfortable enough to call in  
27           and talk to me if he had an issue. So we arranged to  
28           meet after that. He said that he was -- he it planned  
29           and he was focused.

1 614 Q. He also made a comment, I think that you suggested that  
2 you would meet up and then he made a comment that he  
3 was aware that people higher up may be eavesdropping on  
4 the conversation, is that right?  
5 A. He said that, that's correct, yes. 14:06

6 615 Q. You then discussed his welfare issues with him, is that  
7 right?  
8 A. I discussed --

9 616 Q. You just have a note "welfare"?  
10 A. Yeah, I just mentioned his welfare. That would be 14:07  
11 where I would be discussing with him about the welfare  
12 services and also that I would be available to him, to  
13 listen to him and to -- if there was anything he felt I  
14 could, you know, assist or support him in. I asked him  
15 was his issues being answered and resolved and she 14:07  
16 said, they will be.

17 617 Q. I think he indicated to you again that he had no  
18 problem with you, that you would be hearing things that  
19 you hadn't heard before?  
20 A. Yes. 14:07

21 618 Q. It was clear that he wasn't going to tell you the  
22 contents of his protected disclosure, isn't that  
23 correct?  
24 A. No. But I wouldn't ask either because, as I say,  
25 that's the focus of the protected disclosure; it's 14:07  
26 protected and it's confidential. So I was just  
27 ensuring that him, as one of my members of staff, knew  
28 he had my support and the organisational support and  
29 probably on a personal basis, because I had met him

1 before, I knew him, I just wanted to make sure he was  
2 okay.

3 619 Q. I think that the question was posed:

4  
5 "Where did all so wrong?"

14:08

6  
7 I presume that should mean: where did it all go so  
8 wrong?

9 A. That refers, exactly, back to the conversation we had  
10 had in February 2013, we were a long time talking. As  
11 I said, Garda Keogh and I had a lot of colleagues and  
12 that in common. He had expressed to me, probably, the  
13 issues he had when he went to Ballynacargy, that it  
14 didn't work out well for him. I remember, it was just  
15 the famous George best quote: where did it all go  
16 wrong? we just had a laugh about that at the time.  
17 From my recollection, on the 11th May he said to me, I  
18 almost told you then but I didn't think you deserved  
19 that shit thrown at you, or something to that effect.

14:08

20 620 Q. When you say he nearly told you, he nearly told you  
21 about the concerns that he had about alleged  
22 wrongdoing?

14:08

23 A. Yeah, when I said to him, where did it all go wrong, he  
24 said he almost told me then, but he didn't.

25 621 Q. I think that he indicated to you that in his view  
26 privately the vast majority of people supported him, is  
27 that right?

14:09

28 A. He said he had great support from all over the country,  
29 except Mullingar.

1 622 Q. I think he made some more comments in relation to that,  
2 I don't think that we need to address that?

3 A. No, no.

4 623 Q. Then if we go over the page, to page 1718. Sorry, just  
5 before we do that, I think that he indicated to you 14:09  
6 that he had briefed the unit that he was on, that's  
7 unit C, isn't that correct?

8 A. That's it, he had briefed the unit. He had told them  
9 about the circumstances and that type of thing.

10 624 Q. We know that in fact Sergeant Haran I think had 14:10  
11 suggested that?

12 A. Yes. Can I clarify just there, something between the  
13 typed notes.

14 625 Q. Yes.

15 A. See where it says "CHIS issues" there. 14:10

16 626 Q. Yes, I coming to that?

17 A. That is actually "his issues". I have the original  
18 here, if you care to look. It's just that there's a  
19 bracket that's not around it. It didn't turn up in the  
20 photocopy but it's there in my -- it's in my journal if 14:10  
21 you'd like to look at it.

22 627 Q. CHAIRMAN: So where that case "CHIS" it should say  
23 "his".

24 A. "His" and as I say, it's here, and they're handwritten  
25 notes that were taken in my car. 14:10

26 628 Q. CHAIRMAN: I understand.

27 A. It's just that when it was being photocopied, the  
28 second part of that bracket didn't turn up.

29 629 Q. MR. MARRINAN: And if you put it in context there, it



1 "his issues will be focused with the least possible  
2 collateral damage. Will not affect most people."  
3 A. Yes. "Nothing from him that will be coming my way. He  
4 could point me in the right way with certain matters."  
5 14:11  
6 He also expressed an interest in picking, selecting an  
7 special investigation team, which I told him would not  
8 really be my call, to bring that to the attention of  
9 whoever he is dealing with.  
10 630 Q. I think he later on said that he intends to bring his 14:11  
11 allegations, as he put it, "across the line"?  
12 A. That's correct, yes.  
13 631 Q. Then he started asking questions in relation to the  
14 investigation team, as to whether or not he could hand  
15 pick three or four gardaí or sergeants? 14:11  
16 A. Yes.  
17 632 Q. Is that right?  
18 A. To take part in the investigation team, could he hand  
19 pick them. Yeah.  
20 633 Q. I think then you record: 14:11  
21  
22 "Some people to investigate something, bring them in."  
23  
24 A. "From outside the division." Yes.  
25 634 Q. "From outside the division." Is that right? 14:12  
26 A. Yes. I think what he is alluding to there is that, you  
27 know, he wanted to -- that the investigating team that  
28 would be investigating his allegations would be from  
29 outside the division. He expressed then and at a later

1 date an interest in having input into the choosing on  
2 that team, which I think I advised him was a matter for  
3 the assistant commissioner.

4 635 Q. I think the next line down he says he may not be able  
5 to get it off the ground either? 14:12

6 A. Yes.

7 636 Q. And he said to you that he was in great form?

8 A. Yeah, he was in very good form. I thought he was in  
9 exceptionally good. It was a good week for him. He  
10 said once it broke the pressure was off. I informed 14:12  
11 him obviously during it that I was heading off on  
12 holiday and he said to me -- I told him I was going on  
13 holidays and he said it was a good time to be taking a  
14 break in a few weeks time.

15 637 Q. Obviously they're notes of the meeting? 14:13

16 A. They're notes, yes.

17 638 Q. We don't really need to go into it the particular  
18 details line-by-line, but it would appear that the  
19 general thrust of the conversation was that he seemed  
20 happy at that time, that he had got a burden or a 14:13  
21 weight removed from his shoulders that he had been  
22 carrying, is that right?

23 A. Yes, I believe so.

24 639 Q. He was quick to point out, perhaps by reference to the  
25 conversation in February 2013, that this was something 14:13  
26 that had been on his mind for a considerable period of  
27 time?

28 A. Yes. Well he did say he was going to tell me in  
29 February '13 and he decided not to, so...

1 640 Q. Having imparted the information that he did and made  
2 the disclosure that he had, he felt that he was getting  
3 support at that time from his colleagues, is that  
4 right?

5 A. That was my understanding, with the exception -- as I 14:13  
6 say, he did say with the exception of Mullingar.

7 641 Q. He seemed very upbeat in relation to his position?

8 A. He did, yes.

9 642 Q. Is that right?

10 A. Yes. 14:14

11 643 Q. And seemed quite content and happy to carry on in his  
12 duties?

13 A. That is it. I would describe him as sounding in good  
14 form.

15 644 Q. So, I think then the following day -- is there anything 14:14  
16 else you would like to say about that meeting or that  
17 conversation?

18 A. No, that was it. I think we arranged that we would  
19 meet up. I gave him a ring or whatever. But we did --  
20 most of my engagements with Garda Keogh ended up with 14:14  
21 kind of making a date or a rough -- you know, picking a  
22 schedule for when we would meet again.

23 645 Q. I think the following day, the 12th May, you received a  
24 telephone call from Chief Superintendent Curran, is  
25 that right? 14:14

26 A. That's correct, yes.

27 646 Q. I think he was anxious that you would meet up with  
28 Garda Keogh again, is that right?

29 A. I hadn't met up with Garda Keogh on the 11th.

1 647 Q. Oh sorry.  
2 A. Because I was annual leave and I was at my home in  
3 Dublin. I spoke to him by phone. So the 12th would  
4 have been my first day, my next day back in Athlone.  
5 So the chief rang me and I would have outlined to him 14:15  
6 my conversation the previous day and he wanted me to  
7 physically meet with Garda Keogh, which I did.  
8 648 Q. What was he anxious that would you discuss with Garda  
9 Keogh?  
10 A. Just to make sure that his welfare was okay, that he 14:15  
11 knew we were there for him, that he was aware of the  
12 supports. That was just to make sure he was in -- he  
13 was good.  
14 649 Q. Did Chief Superintendent Curran indicate that he was  
15 happy to meet with Garda Keogh? 14:15  
16 A. He did, yes, he did. He had indicated he was happy to  
17 meet with Garda Keogh and I did mention to Garda Keogh  
18 that the chief was happy to meet with him and Garda  
19 Keogh said he would if it was for the same type of  
20 thing that I was, which I took to be welfare and see 14:15  
21 how he was keeping.  
22 650 Q. I think that you also had a phone conversation with  
23 Karena Friel, the welfare officer; is that right?  
24 A. Yes, Karena Friel was the welfare officer for the  
25 Eastern Region at the time. From recollection, I think 14:16  
26 that she may have contacted -- you know, when something  
27 would happen like this, she may have contacted relevant  
28 parties.  
29 651 Q. Now, I think that at 9:30pm, when you were in your

1 office, that you got a call from Garda Keogh, is that  
2 right?

3 A. I got a call from Garda Keogh. We had an arrangement  
4 to meet that night and I got a call from Garda Keogh  
5 saying he couldn't meet me because he was told by the 14:16  
6 confidential recipient he should only meet with the  
7 nominated assistant commissioner. I told him I was  
8 only interested in his wellbeing and welfare and I  
9 wanted to be sure he was okay and that he was  
10 supported. He said he trusted me. So I asked him 14:16  
11 would he make the confidential recipient aware that I  
12 only was meeting him in relation to his welfare. I  
13 told him that the chief would like to meet with him as  
14 well. Then he mentioned that he was concerned that I  
15 think he was behind the leaks in the Roma report, which 14:17  
16 had never occurred to anybody. I outlined that to him.  
17 He was to meet me, I was waiting, I waited in the  
18 office for him that night and at 22:51 he rang me to  
19 say he couldn't make it, that he got -- had taken a  
20 wrong turn on the road. 14:17

21 652 Q. Now, I think you made notes of your conversations with  
22 Garda Keogh on the 12th May?

23 A. Yes.

24 653 Q. They're at page 1636, isn't that right? That's in  
25 volume 6. Just coming back to the issue then, those 14:17  
26 notes reflect what you've just told us now in relation  
27 to your conversation with Garda Keogh.

28 A. Yes.

29 654 Q. Just in relation to the Roma children case?

1 A. Yes.

2 655 Q. And his concern that you may have thought that in some  
3 way he had leaked information in relation to that.  
4 what was the Roma children case?

5 A. If I can just give a context of that time in Athlone. 14:18

6 656 Q. Yes.

7 A. Briefly.

8 657 Q. Yes.

9 A. 2013-2014 was extremely busy for us. It has been  
10 alluded to previously. So, September '13 we had the 14:18  
11 Dublin rape and abduction of two young girls. Then in  
12 October '13 we had an incident where a Roma child was  
13 kept under Section 12, removed under Section 12 of the  
14 Childcare Act. Then we had the Roma investigation and  
15 the inquiry. We then had the -- 14:19

16 658 Q. The Roma investigation?

17 A. In relation to a child that was Section 12, subject to  
18 Section 12 of the Childcare Act in Athlone. Then we  
19 had the sentencing --

20 659 Q. CHAIRMAN: Is that the one about the blonde child? 14:19

21 A. Yes.

22 660 Q. CHAIRMAN: So could the blonde child have been  
23 associated with Roma?

24 A. Yes.

25 661 Q. CHAIRMAN: And people allegedly jumped to certain 14:19  
26 conclusions and so on?

27 A. Yes. Then we had the sentencing --

28 662 Q. CHAIRMAN: Superintendent, could I ask you, if it's not  
29 too uncomfortable, to lean a tiny bit closer or bring

1 your microphone a little closer. You stay where you  
2 are and bring the microphone a little closer?

3 A. Is that better?

4 663 Q. CHAIRMAN: Say again. Speak.

5 A. Is that better? 14:19

6 664 Q. CHAIRMAN: Yes, thank you.

7 A. We had the Roma then investigation in January '14. In  
8 March '14 then we had, you may recall, some Northern  
9 Ireland fishermen went missing in Loughrea. In May '14  
10 then we had Garda Keogh became a confidential 14:19  
11 recipient. In June '14 we had a murder. And in July  
12 '14 we had the man that went missing in Athlone, was  
13 found murdered elsewhere. Then 1st July we had the  
14 release of the Roma report and then August/September we  
15 had a garda internal investigation into the Roma report 14:20  
16 and we also had Operation P, which was in relation to  
17 drugs. So that's just to give you -- that's on top of  
18 your daily workload in Athlone, plus all the welfare  
19 and other issues that would come from those  
20 investigations. 14:20

21

22 So the Roma report is in relation to a child that was  
23 subject to Section 12 of the Childcare Act. It was  
24 taken from his parents and there was investigations  
25 going on at the time, external, and then following on, 14:20  
26 internal. Garda Keogh, for some reason, thought that  
27 we thought he was behind the leaks. There was an  
28 investigation into leaks. But it had never occurred to  
29 anyone, it was something that never occurred --

1 665 Q. MR. MARRINAN: There were two issues. There was the  
2 issues considering the investigation, but there was a  
3 second issue that was live in relation to the leaking  
4 of information to the media, is that right?  
5 A. Two leaks, that's correct. 14:21  
6 666 Q. And that's the matter that Garda Keogh appears to have  
7 been concerned with?  
8 A. That's the matter that Garda Keogh -- but I attended a  
9 meeting that morning about it and it had not occurred  
10 to anybody around the table. He wasn't mentioned. 14:21  
11 That wasn't an issue at all.  
12 667 Q. I think you then engaged in sort of general  
13 conversation with him, he talked about his dogs, isn't  
14 that right?  
15 A. Yes, Garda Keogh was -- I would always -- every time I 14:21  
16 meet with Garda Keogh I would always ask about his  
17 dogs. I know he's very attached to his dogs. He two,  
18 they were an unusual breed, an Irish Setter I think,  
19 and he used to go walking with them a lot. So we would  
20 always talk about his dogs. That was that. Then he 14:21  
21 spoke about -- I was meeting him, I couldn't meet with  
22 him or he couldn't make the meeting that night, so he  
23 was going to the coroner's court in Mullingar the  
24 following day or the day after, he asked could he go in  
25 plain clothes and I allowed that. I asked why. He 14:21  
26 said he had other things he had to attend to. And then  
27 we made an arrangement to meet in Mullingar.  
28 668 Q. Okay. Is there anything else arising out of that  
29 conversation that you think might be important to



1 assist the Chairman?

2 A. Em, he just said he was -- he reiterated he was being  
3 specific in his allegations and wouldn't be dragging  
4 everyone into his complaint. He said he knew he was  
5 supported and he trusts me and he knows I have his well 14:22  
6 being at heart, and we agreed to meet tomorrow.

7 669 Q. Now at that time I think you have a note in your diary  
8 that you spoke to Garda A?

9 A. Yes.

10 670 Q. Re welfare issues, is that right? 14:22

11 A. I did.

12 671 Q. Can you say, were aware as early as that Garda A  
13 potentially was the subject-matter of the allegations?

14 A. There was an awareness in the station and I cannot --  
15 when I came back on the 12th there was an awareness in 14:23  
16 the station, yes.

17 672 Q. That Garda A could be the subject-matter of the  
18 allegations?

19 A. Could be the subject-matter, yes.

20 673 Q. That were being made by... 14:23

21 A. Yes.

22 674 Q. As early as the 12th May?

23 A. As early as the 12th May. Bear in mind, a lot of  
24 people in the station would have had a lot more service  
25 in the station than me. So they may have known past 14:23  
26 relationships or friendships or that that I would be  
27 unaware of. And from speaking to Garda A, I believe he  
28 thought he was the subject, because at one stage he  
29 advised me he had given files and documentation to

1 Inspector Farrell for safekeeping.

2 675 Q. Then we go on and I think that you met him in a cafe in  
3 Mullingar.

4 A. I did.

5 676 Q. The following day, the 13th May, is that right? 14:23

6 A. That's correct.

7 677 Q. Again, you made notes in relation to this?

8 A. I did.

9 678 Q. The handwritten notes are in Volume 6, at 1638?

10 A. That's correct. 14:24

11 679 Q. Then you have some typed notes at page 1719. If we can  
12 perhaps just focus on your handwritten notes, because I  
13 think that they are more comprehensive?

14 A. Yes.

15 680 Q. What you say in your statement in relation to this is 14:24  
16 that you met with Garda Keogh in a cafe?

17 A. Yes.

18 681 Q. That he again said that he was feeling good?

19 A. Yes.

20 682 Q. So at that time he was still upbeat? 14:24

21 A. Yes, he was very upbeat, I would say.

22 683 Q. I think he indicated to you that he had been given the  
23 name of -- he had not been given the name of his  
24 confidential recipient yet. That's what you have  
25 recorded there. 14:25

26 A. That's correct.

27 684 Q. Is that actually correct?

28 A. That's correct, yes. Yes. He hadn't because I have  
29 further notes as to when I gave him that and when I

1 found out. He said he had no problem with me, that the  
2 things you're alleging was before my time. He said he  
3 was in contact with ex Garda John Wilson. And then he  
4 said again, if there was an investigation he would like  
5 to have some input into the choice of the investigating 14:25  
6 members. He'd prefer members from Bray and  
7 superintendent John Hand in Blackrock.

8  
9 Superintendent Hand would have been his inspector I  
10 think at some stage. 14:25

11  
12 "I told him he should say that to the nominated AC,  
13 whoever is nominated by the confidential --"

14  
15 You know the confidential recipient. He left. He was 14:25  
16 going to the coroner's court. We parted amicably and  
17 we agreed to meet again. I told him I'd be away for  
18 the next two weeks. I was conscious that he had made  
19 this disclosure and I was going away for two weeks, and  
20 I knew -- well, I was of the opinion he felt 14:26  
21 comfortable in talking to me. I asked him did he want  
22 to deal with either of the inspectors and he said he  
23 didn't really deal with them. So that's it.

24 685 Q. So again, this was a positive meeting that you had with  
25 him? 14:26

26 A. Oh absolutely. Absolutely.

27 686 Q. Garda Keogh agrees with the content of all your notes  
28 in relation to all the meetings that you had?

29 A. He does, yeah. We used to have very long chats when

1 we'd meet and we had a lot of, as I say, ex work  
2 colleagues in common and we'd always have a catch up.

3 687 Q. Now, I think you may have note that the chief  
4 superintendent was coming over for a meeting with the  
5 sergeants? 14:26

6 A. That's on that date, is it?

7 688 Q. Was that on that date? No, it's the following day.

8 A. The following day, is it.

9 689 Q. I beg your pardon, it's the 14th May.

10 A. Yeah. The 14th May: 14:27

11

12 "Fergal Greene called in to say he was in contact with  
13 Garda Nicky Keogh and there were more allegations to  
14 come out next week. "

15 14:27

16 Then I enquired about how Fergal Greene was?

17 690 Q. Then you referred to Chief Superintendent Curran coming  
18 over?

19 A. Yes.

20 "Chief Superintendent Curran coming over for a meeting 14:27  
21 with sergeants. "

22

23 Yes.

24 691 Q. Again, in terms of your interaction with Fergal Greene  
25 and then the chief superintendent, you provided typed 14:27  
26 notes of that and they're at page 1719, for ease of  
27 reference of the parties. But again, I don't think a  
28 great deal turns on your interactions on the 14th May.  
29

1           Then if we just turn to the 15th May.

2           A.    Yes.  On the 15th May I spoke to Sergeant Haran to  
3           check if he was okay and how he was getting on with  
4           Garda Keogh.

5  692  Q.    Just before you move on. 14:28

6           A.    Yes.

7  693  Q.    I don't want to be moving too quickly now for the  
8           Chairman.

9           A.    Sorry.

10 694  Q.    If we could just have Volume 6, page 1640 up on the 14:28  
11          screen, please.  This is your handwritten notes, which  
12          again are perhaps more comprehensive than your typed  
13          notes.  If we scroll down the page there, yes.  We  
14          start on the 15th May.  Scroll down a little bit  
15          further, Mr. Kavanagh.  Thank you.  Go on, you were 14:28  
16          going to tell us?

17          A.    I was speaking to Sergeant Haran, I asked him how Garda  
18          Keogh was.  He said all was fine.  I thanked Sergeant  
19          Haran for his assistance and, you know, cooperation.

20 695  Q.    If we just scroll down the page? 14:29

21          A.    Yes.

22 696  Q.    There's a note that says that you spoke to Assistant  
23          Commissioner Ó Cualáin.

24          A.    Yes.

25 697  Q.    Re the service of a letter on Garda Keogh? 14:29

26          A.    Yes.

27 698  Q.    You just might be able to give evidence in relation to  
28          that.  You may have heard Chief Superintendent Curran  
29          say that he believed that --

1 A. He did. I think what happened is, he got a phone call  
2 saying that I was to make contact with Assistant  
3 Commissioner Ó Cualáin. I think that he gave me  
4 Assistant Commissioner Ó Cualáin's mobile number, which  
5 I wouldn't have. I can't honestly recollect whether 14:29  
6 Assistant Commissioner Ó Cualáin rang me or I rang him,  
7 but the conversation was in regard to a letter being --  
8 he had a letter that he wanted given to Garda Keogh,  
9 ASAP. I made arrangements. He was travelling from  
10 Galway to Dublin. I made arrangements for him to pull 14:30  
11 in on the Athlone bypass, there was a section that you  
12 could pull in. I organised for the letter to be  
13 collected. I then contacted Garda Keogh at some stage  
14 to deliver that letter and Garda Keogh suggested that I  
15 give it to him, I meet him in Kilbeggan in a garage. 14:30

16 699 Q. Just before we move on to that, I think if we can have  
17 847 up on the screen, please. This is in volume 4.

18 A. That's right.

19 700 Q. There is an e-mail there?

20 A. Yes, I e-mailed the commissioner with Garda Keogh's 14:31  
21 phone number. I told him -- because I had spoken to  
22 Garda Keogh about giving his phone number when I rang  
23 him. I didn't give Garda Keogh's phone number to  
24 anyone without his permission because it was a private  
25 phone. Garda Keogh told me he wasn't answering 8282 14:31  
26 numbers and if AC could text him beforehand to identify  
27 himself. 8282 numbers are numbers that are usually  
28 allocated to Garda official mobile phones. If  
29 Assistant Commissioner Ó Cualáin couldn't contact him,

1 I had already discussed with Sergeant Haran and I gave  
2 -- Sergeant Haran had a phone number as well, an  
3 official one, to ensure that if the AC couldn't get  
4 through to Garda Keogh that he could get through to  
5 Sergeant Haran, who would assist. 14:31

6 701 Q. And the e-mail clearly indicates I think it was you  
7 that was dealing with Assistant Commissioner Ó Cualáin?  
8 A. In regard to this I was, because the letter had to be  
9 collected.

10 702 Q. Did you discuss any other issues with Assistant 14:32  
11 Commissioner Ó Cualáin?  
12 A. No, the only thing, that's exactly it, there, what's  
13 there, with regard to where -- somebody from traffic I  
14 think picked up the envelope for me.

15 703 Q. Then perhaps if we could go back to volume 6 at 1640, 14:32  
16 please, Mr. Kavanagh. Page 1641, if you scroll down to  
17 that. You have a note here:  
18  
19 "Met with Garda Keogh Kilbeggan."  
20 A. Yeah. 14:32

21 704 Q. "Gave him the document from the Assistant Commissioner  
22 Ó Cualáin."  
23 A. Yes.

24 705 Q. You asked him if everything was all right with him.  
25 A. Yes. 14:32

26 706 Q. "He said he was fine."  
27 A. That's correct.

28 707 Q. Then you mentioned some issue in relation to a sergeant  
29 who was making comments about him; is that right?

1 A. That's correct. He made a -- I think we have referred  
2 to that sergeant before, I think the Chairman referred  
3 to him as Sergeant M, previously I think he gave -- we  
4 will call him sergeant M, he was referred to  
5 previously. Garda Keogh kind of said, like you know, 14:33  
6 just a word in your ear, someone should have a word in  
7 his ear. But I dealt with it properly because, to be  
8 honest, that's just the way I do things.

9 708 Q. We will come to that in a minute?

10 A. Yeah. 14:33

11 709 Q. He made it clear that he wasn't actually making a  
12 formal complaint in relation to it?

13 A. No.

14 710 Q. But he hoped that someone might just speak to him, is  
15 that right? 14:33

16 A. When someone says something to you, you have to deal  
17 with it.

18 711 Q. I think that immediately after that meeting you  
19 contacted Inspector Farrell, is that right?

20 A. That's correct. From recollection, I think this was a 14:33  
21 Thursday and I had business in Dublin on the Friday and  
22 in Mullingar on the Friday and I wasn't coming back to  
23 Athlone before I went on my holidays. So Inspector  
24 Farrell was acting for me. So, I rang Inspector  
25 Farrell to actually have a word with the sergeant and 14:34  
26 outline to him, you know, his duties and obligations  
27 and then separate to that, I e-mailed all of the  
28 members in Athlone and I attached the link to the  
29 sexual harassment and bullying in the workplace



1 document and advised them to read it and ask  
2 supervisors to make them aware of it.

3 712 Q. I think at page 857 of the materials, you've provided  
4 us, it appears to be a screen shot perhaps, of a  
5 message that you sent to Inspector Farrell, is that 14:34  
6 right?

7 A. Yes, yes.

8 713 Q. Where you say that you met with Garda Keogh?

9 A. Yes.

10 714 Q. And that he had heard what you just indicated? 14:34  
11 A. Yes.

12 715 Q. And you asked him to deal with it, is that right?

13 A. That's correct.

14 716 Q. Then if we go onto the 16th May, page 1238, which is  
15 volume 5. You see an e-mail, I think, is that to all 14:35  
16 the members?

17 A. That's to all the members. That's kind of a group  
18 e-mail to all the -- I had one for all the guards and  
19 one for all the sergeants and supervisors. So that's a  
20 group e-mail to all the members, outlining the policy 14:35  
21 to them and to make sure they were aware.

22 717 Q. I think it reads:  
23  
24 "For attention of all members Athlone. All members are  
25 to familiarise themselves with their obligations and 14:35  
26 the content of working together to create a positive  
27 working environment, the policy and procedures of the  
28 Garda Síochána for dealing with harassment, sexual  
29 harassment and bullying in the workplace. This is

1 available on the Garda portal. Supervisors are to  
2 address their units and ensure that all members are  
3 fully aware of the content of this policy document.  
4 For information and strict compliance."

14:36

5  
6 A. Compliance.

7 718 Q. And you signed off on that?

8 A. Yes.

9 719 Q. That was your response to Garda Keogh's informal, if  
10 can I put it this way, complaint?

14:36

11 A. It is, because, it was -- at the outset -- it was only  
12 a few days after he had come out with the confidential  
13 recipient. I wasn't happy that someone would pass a  
14 derogatory comment and I wanted to nip it in the bud.  
15 And that was the way I did it.

14:36

16 720 Q. Now, I think that you took annual leave?

17 A. Yes.

18 721 Q. You were on annual leave from the 19th May to the 4th  
19 June, is that right?

20 A. That's correct.

14:36

21 722 Q. You had no other dealings with Garda Keogh during that  
22 period of time?

23 A. No.

24 723 Q. Or anything touching on his circumstances, isn't that  
25 right?

14:37

26 A. That's correct, I was abroad.

27 724 Q. I think on your return you contacted him by phone with  
28 a view to meeting with him, is that right?

29 A. Yes. I came back on the 5th June and I had a number of

1 tasks that day. I had four interviews in relation to a  
2 GSOC complaint I was dealing with. I had an enquiry  
3 with GSOC with a separate investigation. I had a call  
4 to a member who was investigating a bullying and  
5 harassment incident. I had a call to another member 14:37  
6 who was investigating a discipline incident. I had to  
7 ring Garda Keogh to see how he was, and to ring Garda A  
8 to see how he was. And all the other issues that was  
9 brought to my attention that day.

10 725 Q. Yes. Just before we move on to look at that meeting 14:38  
11 that you had with him or conversation that you had with  
12 him, if we could look at your handwritten notes for  
13 that day?

14 A. Yes.

15 726 Q. They're at page 1643 of the material. If you scroll 14:38  
16 down, please, Mr. Kavanagh. 4th June 2014, duty  
17 Athlone, files and reports. We know separately that  
18 reports had been sent in by Garda Stephanie Treacy.

19 A. Yes.

20 727 Q. In relation to the Olivia O'Neill incident, and we know 14:38  
21 that a report had been sent in by Garda Aidan Lyons.

22 A. Yes.

23 728 Q. In relation to his alleged interaction with Liam  
24 McHugh?

25 A. Mm-hmm. 14:39

26 729 Q. Were they amongst the reports and files that you read  
27 that morning?

28 A. Yes. Files and report are something that I put down in  
29 regard to a lot of days, if you go through my diary,

1 when I am doing general duties in a station because  
2 that would be a lot of what would be coming across your  
3 desk. But those documentation would be, because I have  
4 all catch up on my absence, Liam McHugh, Olivia  
5 O'Neill, all the other -- the four incidents, the 14:39  
6 incidents that happened in my absence.

7 730 Q. If you wouldn't mind just before we deal with the  
8 conversation that had you with Garda Keogh.

9 A. Yes.

10 731 Q. If you have in fact read these reports, I would just 14:39  
11 like to refer you to them?

12 A. Yes. I did, because I think I say to him that in  
13 relation to a meeting on the 9th -- just hold on until  
14 I just -- I told him I would like it meet him before,  
15 yeah, he agreed. I think Garda Keogh said to me there 14:40  
16 was stuff going on in the background.

17 732 Q. All right.

18 A. Yeah, that's it, yeah.

19 733 Q. We will come to your conversation with him?

20 A. Yeah. 14:40

21 734 Q. But if we just look at these two reports in the first  
22 instance because I would like to know what you made of  
23 them at the time, all right?

24 A. Mm-hmm.

25 735 Q. If we just look at the report that is there. It's at 14:40  
26 1310, is the reference I have. It was give another  
27 page number this morning. So if we could simply have  
28 1310. This is the report from Garda Stephanie Treacy  
29 dated the 29th May. What did you understand Garda

1 Treacy to be conveying to her superiors about her  
2 interaction with Olivia O'Neill?

3 A. These matters were fairly well progressed when I came  
4 back from my annual leave. It's just as it says there.  
5 Like she was giving an account of what happened when  
6 she was taking the statement, of what was said to her.

14:41

7 736 Q. What meaning did you attribute to the contents of that?  
8 I will open it if you want. I mean, do you want to be  
9 refreshed in relation to it? If we just start with the  
10 second paragraph there:

14:41

11  
12 "At the beginning of this statement Olivia O'Neill told  
13 Garda Treacy that her and her daughter, Cheyanne, were  
14 advised that Ms. B is friendly with certain gardaí in  
15 Athlone Garda Station and that she is phoned prior to  
16 any search of her property so that she can get rid of  
17 weapons or drugs. She also alleged that Ms. B is told  
18 when anybody makes a complaint or statement against her  
19 and that Gardaí over up offences for Ms. B."

14:41

20 14:41

21 A. Mm-hmm.

22 737 Q. Which I suppose is a very serious allegation to be made  
23 against Gardaí in Athlone?

24 A. It's very serious, it's a very serious allegation, yes.

25 738 Q. Then she goes on:

14:42

26  
27 "Ms. O'Neill informed Garda Treacy that she was told to  
28 make sure that the above information goes into her and  
29 Cheyanne's statements.

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Garda Treacy asked Ms. O'Neill who advised her of this and Ms. O'Neill said 'Garda Nick, just now at the counter downstairs'."

14:42

what did you take from that?

A. well, those allegations are very serious but from recollection, I think Detective Sergeant Curley had a report coming up back up saying that Ms. O'Neill didn't -- that there wasn't a statement I think -- I'd have to --

14:42

739 Q. If we just come back, if we just come back just for the moment, superintendent in relation to this document, all right?

A. Yes.

14:43

740 Q. what did you understand Garda Treacy to be saying in relation to her interaction with Olivia O'Neill?

A. well, it's exactly what Garda Treacy is saying there, insofar as she was informed during the taking of a statement that the witness or the witness's mother had been advised to put information into a statement.

14:43

741 Q. But you see, there's two meanings that one could attribute to this. The first one is that Garda Keogh had told Olivia O'Neill what to say to the other guards. In other words, that she had been coached by Garda Keogh. Is that a meaning that you took from it?

14:43

A. Em, I was more concerned about the content of what she was saying and if there was -- if there was accuracy in and then, as I say --

1 742 Q. No, just before you move on to that?  
2 A. Yes.

3 743 Q. If we deal with that question?  
4 A. Yes.

5 744 Q. Did you infer from the use of the word "advice" there 14:44  
6 that Garda Keogh was coaching Olivia O'Neill in what  
7 she should say to the gardaí or the guard who was about  
8 to take her statement?  
9 A. There was certainly a lack of clarity in what was said  
10 or what was alleged to have been said. 14:44

11 745 Q. Well, you see, that's one meaning that one could take  
12 from that, isn't that right?  
13 A. Yes.

14 746 Q. And it appears from the evidence or the statement of  
15 Garda Treacy that that's the meaning that she intended 14:44  
16 to convey?  
17 A. Yes.

18 747 Q. But that's one meaning that would alarm one in those  
19 circumstances?  
20 A. Yes. 14:45

21 748 Q. Because Garda Keogh had very recently made a protected  
22 disclosure in relation to alleged wrongdoing?  
23 A. Yes.

24 749 Q. On that interpretation, here we have very shortly  
25 afterwards Garda Keogh coaching a witness as to what 14:45  
26 they should put in a statement. Now, not just  
27 encouraging them to name names, but actually telling  
28 them the nature of the complaint and what to say.  
29 Okay? Now I am asking you, did you attribute that

1 meaning at all to what you read in the report from  
2 Garda Treacy?

3 A. I find it very hard to recollect what feeling or what  
4 consideration I had at the time. Because, as we're  
5 aware, there were several different reports in relation 14:45  
6 to issues that happened in my absence, and I find it  
7 difficult now with the time span involved to actually  
8 recall what I thought when I read the document.

9 750 Q. Well, if we could just move on, and I don't want to  
10 spend too long on this, but it may be not unimportant, 14:46  
11 because if we can go to page 652, which is a report by  
12 Inspector Farrell, who was acting as superintendent in  
13 your role when this occurred. He sent a report, which  
14 is dated 29th May 2014, to the chief superintendent.  
15 If we could scroll down to the second page of that, at 14:46  
16 page 253. Having recounted the contents of Garda  
17 Treacy's report and the interaction that Garda Treacy  
18 had with Sergeant Sandra Keane and Inspector Farrell,  
19 he then says in the third last paragraph:

20 14:47  
21 "The advice allegedly given by Garda Nicholas Keogh is  
22 not appropriate in the circumstances and projects the  
23 image of An Garda Síochána in an unfavourable light."  
24

25 A. Yes. 14:47

26 751 Q. So that would tend to suggest that certainly he  
27 attributed the meaning that I am putting to you now as  
28 flowing from Garda Treacy's report; namely, that Garda  
29 Keogh was acting inappropriately by coaching a witness



1 to give information to a guard who was just about to  
2 interview.

3 A. Yes, well --

4 752 Q. Okay, does that help you?

5 A. Yeah. 14:48

6 753 Q. I mean, what was in your mind at the time?

7 A. This is the 29th May and I believe there was further  
8 documentation that I read on the 3rd and there was  
9 other incidents as well that were all feeding into each  
10 other. Sorry, when I say feeding into each other, they 14:48  
11 are all relevant, that they all had happened in my  
12 absence. As I say, they were issues of concern for me.  
13 As a group of incidents they were also an issue of  
14 concern for me.

15 754 Q. You see, the other meaning that there could be, or one 14:48  
16 could perhaps draw from the report of Garda Treacy, was  
17 that Garda Keogh was merely encouraging the witness to  
18 name names or to give information to the Gardaí. And  
19 then there's a third one, that the information in fact  
20 was something worthy of investigation? 14:49

21 A. Yes.

22 755 Q. All right. But if one has decided that it's the first  
23 meaning, well then you don't really need to go beyond  
24 it, because the information is emanating from Garda  
25 Keogh, do you see what I mean? 14:49

26 A. The way I would look at that is, there's kind of three  
27 people who have something to add. There's Garda  
28 Treacy, who has given a report, there's Garda Keogh who  
29 was given the opportunity to make a report and he did,

1 and there was Ms. O'Neill, who didn't choose to make a  
2 report. So, as I say, not being physically there at  
3 the time of the incident and not speaking to the people  
4 at the time, that was what I would be depending on to  
5 form any opinion and make a decision.

14:50

6 756 Q. If we go to the second report that had come in then in  
7 relation to Garda Lyons. This is in volume 3, at page  
8 522, please, up on the screen. You see there the  
9 second line:

10

14:50

11 "Mr. McHugh brought up the general topic of  
12 whistle blowers."

13 A. Yes.

14 757 Q. "And we had a general conversation for a few minutes  
15 during which he informed me as follows..."

14:50

16

17 And then in quotation marks, it says:

18

19 "'The bald guard came over to me the other day and  
20 asked if I could remember the time I was searched by  
21 three guards and 800 was stolen from me and spent  
22 drinking in the Castle pub, the bookies and the casino.  
23 He said if I wanted to make a complaint about it, then  
24 he would back me up.'"

14:51

25

14:51

26 He goes on to say:

27

28 "I asked Liam McHugh if he was alleging that in  
29 actually happened and the answer was 'no, not at all.

1 I am not going to bring trouble on myself. I asked  
2 him if he was referring to Garda Nick Keogh and he  
3 confirmed that he was. He went on to say 'he told me  
4 that he was there himself when it happened and that he  
5 would back me up if I wanted to make a complaint'." 14:52  
6  
7 what did you make of that when you read it?  
8 A. I thought it was quite a serious allegation.  
9 758 Q. What is the allegation?  
10 A. The allegation could be that Mr. McHugh may have been a 14:52  
11 victim of crime and may have had money stolen from him.  
12 759 Q. Sorry, where is that allegation? He said it didn't  
13 happen?  
14 A. Then he says following on, that it didn't happen.  
15 760 Q. Yes. 14:52  
16 A. So with this again, we have the report from Garda  
17 Lyons, that's there. Garda Keogh is given the  
18 opportunity to make a report and Mr. McHugh is given  
19 the opportunity to make a statement and he didn't. So  
20 therefore, I had nothing to go on, on that. 14:52  
21 761 Q. But here is a second report that has come in?  
22 A. Yes.  
23 762 Q. One of the meanings from it, in fact probably the only  
24 meaning, the meaning that we know from a statement that  
25 Garda Lyons has provided to the Tribunal, what he 14:52  
26 intended to convey was that Garda Keogh was coaching  
27 Liam McHugh. He was telling him what to say and  
28 suggesting he should say it, and that he would back him  
29 up.

1 A. Are you talking about Garda Lyons' statement or this?  
2 763 Q. Yes. No, Garda Lyons' statement said that's what he  
3 intended to convey, the exact same as Garda Treacy,  
4 that this is what was intended to be said?  
5 A. Garda Treacy's report is dated end of May, Garda Lyons' 14:53  
6 statement is only made to the Tribunal. So I am going  
7 by this, which is what I had to hand, which is  
8 somebody -- it's a report of a conversation that Garda  
9 Keogh forwarded through the channels. He says he  
10 forwards it for information. It highlights something 14:53  
11 that could be a matter of -- that would be a matter of  
12 concern, but Mr. McHugh when approached to make a  
13 statement, to see what he had to say in it, he decided  
14 he didn't want to do so.  
15 764 Q. Well, if we could just come back to the first question 14:54  
16 that I asked you in relation to this, did you take a  
17 meaning from this, that this was an allegation that  
18 Garda Keogh was coaching a potential witness?  
19 A. I don't see where there's coaching in that. He's  
20 reporting a conversation. 14:54  
21 765 Q. Mr. McHugh, in the body of the report, says that this  
22 did not happen to him. He was not approached by three  
23 guards. They did not take money from him. He says  
24 that this did not happen.  
25 A. To be fair to Garda Keogh, Garda Keogh was afforded the 14:54  
26 opportunity to comment on this, and he did, and I  
27 didn't disagree with what he said. So, therefore, the  
28 three parties that's mentioned, Garda Keogh, Garda  
29 Lyons and Mr. McHugh were all given the opportunity to

1 give further information to -- well, Garda Lyons has  
2 given his report there. Garda Keogh, I spoke to him  
3 about this matter, I got reports, and he said it didn't  
4 happen. So that was it.

5 766 Q. Did you discuss this at all with Chief Superintendent 14:55  
6 Curran?

7 A. This, I would have conversations by phone, I'd have a  
8 few a week with Chief Superintendent Curran. I can't  
9 specifically say whether I discussed this or not, but I  
10 would imagine I would, because we would be talking 14:55  
11 about all things that's going on.

12 767 Q. Would you agree with me that on the face of it this is  
13 an ambiguous report that's being sent in by Garda  
14 Lyons?

15 A. No. 14:55

16 768 Q. Well, we have what he has written, we know from his  
17 written statement to the Tribunal what he intended to  
18 convey. Does that not give rise to an ambiguity?

19 A. I didn't have his statement to the Tribunal, I only had  
20 this. 14:56

21 769 Q. So you were happy that that conveyed something that was  
22 logical, coherent?

23 A. I would be happy that it would be something that I  
24 should -- I would be duty bound to evaluate and check  
25 out more and in doing so Garda Keogh was given the 14:56  
26 opportunity to supply a report, as was Mr. McHugh and  
27 he chose not to, and I couldn't take it any further  
28 than that.

29 770 Q. Did you know who the source of the information was,

1 Mr. MCHugh?

2 A. Do I know Mr. MCHugh?

3 771 Q. Did you know?

4 A. I don't know Mr. Mr. MCHugh.

5 772 Q. Did you make any enquiries as to whether this was 14:56  
6 somebody reliable?

7 A. Em, Mr. MCHugh I would have discussed him, I think,  
8 with Inspector Minnock and Detective Sergeant Curley in  
9 regard to the taking of a statement from him. Garda  
10 Keogh told me that he sells the Big Issue around town, 14:56  
11 so that would be...

12 773 Q. Yes, but did you discuss whether or not he was somebody  
13 who could be relied upon?

14 A. I don't recall other than my notes.

15 774 Q. In any event, we were at the stage where you had 14:57  
16 contacted Garda Keogh on the 5th June by telephone with  
17 a view to seeing him and you described him as being in  
18 great form, is that right?

19 A. Yes.

20 775 Q. And that he was on leave the following day, that which 14:57  
21 was a Saturday, is that right? Now, he then said to  
22 you that he thought there was stuff that was going on  
23 behind the scenes?

24 A. Yes.

25 776 Q. Did you think that that was a reference to the reports 14:57  
26 that you had read in relation to Olivia O'Neill and  
27 Liam MCHugh?

28 A. I don't think so because Garda Keogh said to me at the  
29 meeting on the 9th that that's what he was referring

1 to. Garda Keogh said to me on the meeting on the 9th  
2 that that's what he was referring to when he said there  
3 was stuff going on behind the scenes?

4 777 Q. What did you think that he was referring to?  
5 A. I don't know he was talking -- he could have been 14:58  
6 talking about anything.

7 778 Q. I think that you advised that he disclose everything to  
8 the assistant commissioner if he felt had he other  
9 issues, is that right?

10 A. That's correct. From the outset and at all time I 14:58  
11 always steered him in the direction of the  
12 investigation team because they were dealing with the  
13 investigation.

14 779 Q. Well, you were really making it clear to him that you  
15 were only dealing with issues in relation welfare? 14:58  
16 A. That's what I was dealing with, was welfare. Well, of  
17 course, if something happened in Athlone that was  
18 relevant to me as a superintendent, I would be dealing  
19 with it. But I was not dealing with his allegations.  
20 And I made it quite clear to him from the outset that 14:59  
21 he should always direct his stuff to the assistant  
22 commissioner.

23 780 Q. I think that you told him that you would like to meet  
24 with him before he went on rest days?

25 A. I did. 14:59

26 781 Q. Which was the following Tuesday, and he agreed to that?  
27 A. That's correct.

28 782 Q. You say in your statement all these meetings, as I've  
29 just indicated, were focused on Garda Keogh's welfare,

1           isn't that right?

2           A.    Yes.

3   783   Q.    As I indicated, just for the reference for the parties,  
4           your typed notes of that conversation are at page -- or  
5           your handwritten notes are at page 1644. Just for           15:00  
6           reference purposes, your typed notes for the 5th June  
7           are at page 1720. They don't add anything further to  
8           it.

9

10           I think on the 5th June, on the following day, I think           15:01  
11           that you had a conversation with your finance officer,  
12           Ms. Catriona Quirke, isn't that right? I think she  
13           brought to your attention that Garda Keogh had made a  
14           number of claims, isn't that right?

15           A.    Sorry, is this in my statement?           15:01

16   784   Q.    Yes.

17           A.    Sorry, I just want to get the page.

18   785   Q.    Pardon?

19           A.    I just want to get the page.

20   786   Q.    Yes, page 8282?           15:01

21           A.    8282?

22   787   Q.    Yes. It's page 6 of your own statement but it's page  
23           8282 of the materials. These concerned payment for a  
24           meeting with Mr. Luke Flanagan on the 7th May and a  
25           meeting with the confidential recipient on the 8th May?           15:02

26           A.    Sorry, I'm on the wrong page, will you just bear with  
27           me? Yes.

28   788   Q.    I think that you included -- those were matters that  
29           you approved ultimately?



1 A. Those were matters that actually -- I think they're on  
2 my statement to the Tribunal. The query was in  
3 relation to duty, as to what duty meant, yeah.

4 789 Q. Just for completeness sake.

5 A. Yes.

15:03

6 790 Q. I think if we have page 1742 up on the screen. This is  
7 a letter that you sent to the executive director of  
8 finance and services, dated the same day, the 5th June.  
9 You say:

10

15:03

11 "Attached two claims received at this office on this  
12 date from Garda Keogh."

13

14 One is in relation to Luke Flanagan, the other one is  
15 in relation to the confidential recipient.

15:03

16

17 "The claims were submitted without prior sanction being  
18 obtained by Garda Keogh to perform this duty, nor was  
19 he detailed for same."

20

15:03

21 And then you sought their observations?

22 A. Yes.

23 791 Q. We needn't go through the chain of the correspondence,  
24 but ultimately, at page 1740, Chief Superintendent  
25 Curran wrote to you. At the second paragraph he says:

15:03

26

27 "It is not clear why these claims have been referred to  
28 the EDFs. It is a matter for the district officer to  
29 examine such claims and to decide on the validity of

1 the claim forwarded."

2

3 I think that you duly approved the claims, is that

4 right?

5 A. I think the concern was what was duty. I think may 15:04

6 have possibly rang finance and they said send in the

7 query, because I wasn't terribly sure. It was just we

8 had the query with regard to visiting, was the main

9 concern. They were -- I think it's around 16th July I

10 got -- yeah, well that's says the 15th. So those 15:04

11 payments were approved.

12 792 Q. I think then if we move forward to the 6th June. I

13 think that you didn't have any interaction with Garda

14 Keogh but after one unsuccessful attempt to contact

15 Garda A, you managed to contact Garda A? 15:05

16 A. I did, yes.

17 793 Q. He said things were difficult at that time?

18 A. Yes.

19 794 Q. But he had given all his files to Inspector Farrell, is

20 that correct? 15:05

21 A. Yes.

22 795 Q. You have that recorded. We don't need to have it up on

23 the screen?

24 A. No.

25 796 Q. But that's recorded in your notes at page 1644. It 15:05

26 would appear at that stage that your suspicions in

27 relation to whether or not Garda A was the

28 subject-matter of a complaint --

29 A. Well, Garda A obviously had some concern if he gave the

1 files to Inspector Farrell.

2 797 Q. Yes. Then if we move forward, please, to the 9th June.  
3 I think that you again spoke to Sergeant Haran and made  
4 enquiries of him as to how Garda Keogh was getting on  
5 and you were told that he was in good form and that he 15:06  
6 had faith in the appointed investigation team; isn't  
7 that right? I think that you asked Sergeant Haran to  
8 monitor Garda Keogh?

9 A. I did, yes.

10 798 Q. And then, in particular in relation to not getting 15:06  
11 involved in what you described as solo runs?

12 A. That's correct, yes.

13 799 Q. Was this is a reference to the Olivia O'Neill and the  
14 Liam McHugh incidents?

15 A. I had a concern that -- from my very initial 15:06  
16 conversation with Garda Keogh on the 11th May, where he  
17 indicated about getting his teeth into things, he made  
18 an opening, made a break, that type of stuff, and  
19 wanting an input into the investigation team and the  
20 follow up of with a similar kind of thought process, 15:07  
21 when I met him in Mullingar. I was concerned that that  
22 he may consider himself part of the investigation team  
23 rather than a witness to it. I was also aware of Garda  
24 Keogh's vulnerabilities with regard to his health.  
25 Sergeant Haran was a very supportive member to him and 15:07  
26 also a supervisor. And I asked Sergeant Haran to just  
27 basically keep an eye on him to make sure Garda Keogh  
28 was okay and that he wasn't doing anything he shouldn't  
29 be doing and wasn't taking on this type of role

1           himself. So I would say my decision or my comments on  
2           that are influenced by the information I had to hand at  
3           the time, taking into account Garda Keogh's welfare and  
4           what I knew of his condition.

5   800   Q.    But was it also taking into account the Olivia O'Neill   15:08  
6           and the Liam McHugh incident?

7           A.    It possibly was.

8   801   Q.    I see.

9           A.    They're all things that -- you can't -- if you read  
10          them, you can't, you know, discount them.                   15:08

11   802   Q.    I think you went on to say that you were aware that  
12          Garda Keogh's name was in the public domain, you felt  
13          that he had health issues?

14          A.    Yes.

15   803   Q.    What did you believe his health issues at that stage to   15:08  
16          be?

17          A.    Garda Keogh had been treated previously for alcoholism.

18   804   Q.    Yes.

19          A.    I was conscious of that. From what I know about these  
20          conditions, stressful or, you know, intense situations   15:08  
21          can sometimes be a trigger and I wanted to ensure that  
22          Garda Keogh was well. I was also concerned that  
23          because of the almost euphoric condition I found him  
24          in, from the time he made his allegation, that he may  
25          not always be the best judge of a dangerous situation   15:09  
26          he could find himself in. That was a concern for me.

27   805   Q.    I think at the time he wasn't engaging with the welfare  
28          services either, is that right?

29          A.    That's correct. He wasn't engaging with the welfare

1 services as he didn't truth Karena Friel, the welfare  
2 officer, because she was in a building in Navan with  
3 someone else he didn't -- he didn't want to engage  
4 with.

5 806 Q. I think you say that you were anxious that you would 15:09  
6 maintain communication with him, is that right?

7 A. Yes. As I say, Garda Keogh's well being and welfare  
8 was the forefront of my decision-making. I felt that  
9 he a good rapport with me and I had a good rapport with  
10 him and I didn't want to jeopardise his welfare for any 15:10  
11 interaction I would have or any support I could give  
12 him. I wanted to make sure that he was aware that he  
13 had the support of the organisation and my support. At  
14 that stage Garda Haran, particularly on a day-to-day  
15 basis, and myself and the inspectors were there for him 15:10  
16 if he needed us.

17 807 Q. Perhaps if we could just look at your handwritten notes  
18 in the first instance, at page 1645. This isn't the  
19 entirety of your notes for this day, I think there is a  
20 reference to perhaps "see other notes" in it. But for 15:11  
21 the ease of the parties, if we have page 1721 up on the  
22 screen, which is the typed note. This seems to  
23 correspond. The reason I am opening the typed notes on  
24 some occasions and not others is because I think you  
25 appreciate that the typed notes often don't fully 15:11  
26 correspond to the handwritten notes?

27 A. Yes.

28 808 Q. And vice versa. So I am trying to get a balance in  
29 relation to it. You have a note:

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"D/Superintendent Mulcahy rang to say he will be over the following day."

Is that right?

15:11

A. That's correct, yes.

809 Q. Did he say what that was in relation to?

A. I don't recall.

810 Q. You don't recall?

A. Yeah.

15:12

811 Q. Right. Then you have a note saying:

"Called in Sergeant Haran to see how he is doing and how Garda Keogh is getting on. How he was after speaking to AC Ó Cualáin on Saturday."

15:12

A. Yes.

812 Q. Sergeant Haran told you that, is that right?

A. Yeah. I knew that Garda Keogh was meeting the AC on the 7th, I think, so I asked Sergeant Haran how was Nick, how was he getting on, how did he feel after seeing the AC. He said he was good and he had good faith in the investigation team. Then we discussed his duties.

15:12

813 Q. "He said that Garda Keogh was in good form, that he felt he had good faith in the investigation team."

15:12

And then you have a note here:

"I addressed the issue of Garda Keogh's duties, for

1 example, the Olivia O'Neill issue."

2 A. Mm-hmm.

3 814 Q. What did you actually say to Sergeant Haran at that  
4 time, do you recall?

5 A. I don't have any further than what's written there, 15:13  
6 which is all I am using to prompt me. I may have read  
7 the -- yeah, I may have read the report from Stephanie  
8 at that stage and would have asked how Garda Keogh was  
9 doing on his duties and to make sure he's kind of doing  
10 okay, make sure that he's -- I think I've addressed 15:13  
11 about why I said I wanted him, as I say, monitored or  
12 assisted with that.

13 815 Q. Okay.

14

15 "He said he had spoken to Nick about this. He did not 15:13  
16 mention the allegation. That Nick mentioned Ms. B."

17 A. Yeah.

18 816 Q. "Olivia O'Neill he just mentioned non-specific person."

19 A. "Non-specific person" I know. That doesn't seem to be  
20 very well put together, to be honest, that sentence, so 15:14  
21 I don't --

22 817 Q. Do you have a recollection of your conversation with  
23 Sergeant Haran in relation to the Olivia O'Neill issue?

24 A. That looks to me like as if he gave me a brief, some kind of  
25 a briefing on it. That's just looking. Maybe Sergeant 15:14  
26 Haran may have more recall.

27 818 Q. It may prompt your memory in relation to it?

28 A. Yes.

29 819 Q. "I said this was not good enough. That it undermines

1 members' morale etcetera and could leave a civilian  
2 (member of the public) vulnerable."

3  
4 A. Yeah. I would think that if what was in -- you know,  
5 according to Garda Treacy's report, this is what I am 15:14  
6 assuming obviously, that it could leave a member of the  
7 public vulnerable if a guard was mentioning a person's  
8 name to be put in a statement. I'd say that's probably  
9 what I'm thinking.

10 820 Q. You say: 15:15

11  
12 "I asked him to monitor Garda Keogh and ensure he is  
13 not getting involved in solo runs."

14 A. Yeah.

15 821 Q. "And he should deal with the investigation team." 15:15

16 A. Yeah. I think I have already addressed that. I had a  
17 concern that he may be thinking he was part of the  
18 investigation team and taking on tasks that weren't  
19 assigned by them and I wanted that he should -- the  
20 tasks should be -- you know, any issues he had like 15:15  
21 that should be addressed to the Ó Cualáin team and  
22 he shouldn't be dealing with them himself. I was  
23 concerned about his safety, I was concerned about the  
24 safety of other members, if he was dealing with --  
25 doing things that he shouldn't be doing, that he would 15:15  
26 leave himself vulnerable and maybe other members  
27 vulnerable if they had to assist him in a situation.

28 822 Q. Okay. So you then had a meeting with Garda Keogh,  
29 isn't that right?



1 A. Yes.

2 823 Q. On the 9th June?

3 A. Yes, I think it's that night. I used to meet Garda  
4 Keogh usually at night.

5 824 Q. I think it's your handwritten notes are at page 1227. 15:16  
6 If we just look at those in the first instance. Do you  
7 see there it says "intro" and then it's "re your"  
8 something and then "intel". This is in relation to the  
9 intelligence information, is it? Then it says  
10 "outline"? 15:16

11 A. Yeah.

12 825 Q. Were these pre-prepared notes that you had of the  
13 issues that you were going to address with Garda Keogh?

14 A. Obviously in relation that, I had made a few bullet  
15 points, that's what it looks like. And then I have the 15:16  
16 copy of my notes. Yeah, that looks just like bullet  
17 points, like self prompts. As I said to you, I would  
18 meet Garda Keogh very late at night, so sometimes if I  
19 was sitting there, I maybe -- that's what that looks  
20 like, like a note to self to go through these things 15:17  
21 with him.

22 826 Q. Okay. If we look at your typed notes, it would  
23 probably be easier to follow. I believe they're at  
24 page 6401, Mr. Kavanagh, please. I think these  
25 probably reflect the conversation that you had with 15:17  
26 him on the 9th June?

27 A. Yes.

28 827 Q. The first one is:  
29

1 "Welfare. He indicated that he is not happy with  
2 Karena."  
3  
4 That's Karena Friel, is that right?  
5 A. That's correct, yes. 15:18  
6 828 Q. Then he said that he would wait until John Ryan --  
7 A. Is qualified.  
8 829 Q. Was qualified. Then you said that you offered to get  
9 him an alternative welfare officer if required?  
10 A. That's correct. 15:18  
11 830 Q. Then you advised him of the employee assistance  
12 services, is that right?  
13 A. Yes, I did, and I believe I gave him those details  
14 should he wish to do so himself in case he wanted to.  
15 831 Q. Which is the address? 15:18  
16 A. The address and phone number.  
17 832 Q. Then you have a note:  
18  
19 "Requests/issues that he may wish to raise. Will be  
20 dealt with in a positive manner." 15:18  
21 A. Yeah.  
22 833 Q. You reiterated that; is that right?  
23 A. That's correct, yes.  
24 834 Q. Then you referred back to the e-mail that opened  
25 earlier on to you with regard to the bullying? 15:18  
26 A. Yes.  
27 835 Q. And that had been sent out by you to ensure that he was  
28 not harassed in any way, is that right?  
29 A. Yes, that's correct.

1 836 Q. I think you have a note:  
2  
3 "After a long conversation it came around to Liam  
4 McHugh."  
5 15:19  
6 Is that right?  
7 A. That's correct, yes.  
8 837 Q. And you asked about him?  
9 A. Yes.  
10 838 Q. He said that he knew him to say hello and small talk? 15:19  
11 A. Yes.  
12 839 Q. Apart from saying hello to him, he hadn't had a  
13 conversation or dealing with him in over a year?  
14 A. Yes.  
15 840 Q. Just in relation to that, did you tell him the nature 15:19  
16 of the allegation that was being made by Liam McHugh?  
17 A. Yes, I believe I did.  
18 841 Q. You did?  
19 A. Yeah.  
20 842 Q. At that meeting? 15:19  
21 A. Yeah. Because I say we discussed Liam McHugh, yes, I  
22 would believe so.  
23 843 Q. What was the nature of the allegation that you  
24 conveyed?  
25 A. That Liam McHugh was -- basically the content of what 15:19  
26 was in Garda Lyons' statement. That Liam McHugh said  
27 that somebody, guards had searched him and money had  
28 been taken and spent. Something to that effect.  
29 844 Q. So what you weren't saying was that you would coached

1 Liam McHugh but rather that Liam McHugh says that he  
2 had been searched by some guards and money taken off  
3 him and you may have witnessed this?  
4 A. Absolutely. Absolutely. It would have been basically  
5 what was in Garda Lyons' report. 15:20  
6 845 Q. Well, you see, it's not, because Liam McHugh and Garda  
7 Lyons has recorded this, said that it didn't happen?  
8 A. I know, but I was offering -- telling Garda Keogh what  
9 Liam McHugh had initially said before.  
10 846 Q. All right. Then he says: 15:20  
11  
12 "Haven't discussed anything. Hadn't discussed any of  
13 these issues."  
14  
15 He said that he feels he is being set up. 15:20  
16 A. Yes.  
17 847 Q. And then the 28th May of 2014?  
18 A. That's the date when he was in the Athlone public  
19 office I think.  
20 848 Q. And this is the Olivia O'Neill incident? 15:21  
21 A. Olivia O'Neill, yes.  
22 849 Q. Then you have initials there, NK PO?  
23 A. Yes.  
24 850 Q. Is that public officer?  
25 A. Public officer yes. 15:21  
26 851 Q. You have a note that Sergeant Haran had asked Stephanie  
27 Treacy to take a statement?  
28 A. Yes.  
29 852 Q. And then:

1  
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28  
29

"Comments to Olivia O'Neill re Ms. B."

A. Yes.

853 Q. And you said:

"I need to know."

And then:

"He said he didn't mention Ms. B to Olivia O'Neill. That she mentioned issues she was having with neighbours and he advised her to include this in her statement."

A. "He was insistent that this is what happened."

Yeah

854 Q. Then you outline your role as manager in the district and whilst you were supporting him, that you had to know what is happening.

A. Yes.

855 Q. His personal safety, other members personal safety. Safety of the general public.

A. Yes.

856 Q. You said that he appreciated this and your position. Then you advised him to address his concerns with Assistant Commissioner Ó Cualáin?

A. Yes.

857 Q. Then there is a note saying, again:

1 "Liam McHugh, 31st May."

2

3 And then a reference:

4

5 "Not to be attempting to go on solo runs."

15:22

6 A. Yes.

7 858 Q. You go on about his personal safety.

8

9 "He said he appreciated this advice because he had  
10 considered doing so. He said he heard members were  
11 asking people (Olivia O'Neill) to make complaints  
12 against him and outlines to him that asking a person if  
13 they wanted to make a statement was a different thing  
14 to asking them to make a complaint. He shouldn't  
15 confuse this."

15:23

15:23

16

17 You said that you understood if he had an issue and  
18 brought it to your attention -- or if there was an  
19 issue and it was brought to your attention, that had  
20 you to address it, that he should not misunderstand  
21 this.

15:23

22

23 "He said he totally understood."

24

25 Could I just stop there in relation to that  
26 conversation that you were having with him, the notes  
27 are a little bit disjointed and maybe the conversation  
28 was as well. But would it be fair to summarise the  
29 thrust of the conversation, that you were bringing up

15:23

1 the issue of Liam McHugh and you were also bringing up  
2 the issue of Olivia O'Neill, to see what his response  
3 was to the accusations, is that right?

4 A. Yeah, well, as I say, with regard to the -- I think we  
5 spoke for about an hour and a half that night. 15:24

6 859 Q. Yes.

7 A. So there would be lots of chitchat. Yeah, I would be  
8 asking him like what he had to say and that's exactly  
9 it. Then I was concerned about his personal safety. I  
10 was advising him of that. It was the first time I had 15:24  
11 seen him since the garage in Kilbeggan and there was an  
12 awful lot of things had happened in the two weeks I was  
13 away on my holidays. I wanted to --

14 860 Q. Just before you move on.

15 A. Yeah. 15:25

16 861 Q. I don't want to interrupt you.

17 A. No.

18 862 Q. But just before you move on from that, you had brought  
19 up the Olivia O'Neill issue and also the Liam McHugh  
20 issue? 15:25

21 A. Yes.

22 863 Q. I had asked you earlier on about the context in which  
23 Garda Keogh was saying that he thought there were  
24 things going on behind the scenes?

25 A. Yes. 15:25

26 864 Q. That's my expression.

27 A. Yes.

28 865 Q. In relation to issues that had arisen?

29 A. Yes.

1 866 Q. And I asked you was this a reference to the Olivia  
2 O'Neill and the Liam McHugh incident. And it would  
3 appear that it was when you look at it in the notes and  
4 you try and contextualise it?

5 A. Yes. Yes.

15:25

6 867 Q. So he was responding on the basis that he thought there  
7 was something going on behind the Liam McHugh incident  
8 and also the Olivia O'Neill incident, all right. So  
9 there was some skullduggery going on in the station.  
10 You didn't tell him at that time that Garda Lyons had  
11 sent in the report in relation to his interaction with  
12 Liam McHugh, isn't that right?

15:26

13 A. I didn't tell him it was Garda Lyons but the nature of  
14 the report was discussed.

15 868 Q. Yes. But is the reason that you didn't mention Garda  
16 Lyons' name at that stage was because he was the  
17 partner of Garda A?

15:26

18 A. No. The reason I didn't mention Garda Lyons' name at  
19 any stage is because I was trying to keep a level of  
20 harmony and balance in the station. As I have outlined  
21 to you earlier, there was an awful lot of things going  
22 on in Athlone at the time and also this, Garda Keogh's  
23 issues, there was an atmosphere in the station after  
24 that and there was an atmosphere -- nobody knew what  
25 was going on with regard to it. I wanted to keep a  
26 balance and to keep it as fair as I could. So I  
27 outlined to him what was said, but I didn't think at  
28 that time the decision I made, based on what was  
29 presented to me, based on the information I had, was

15:26

15:26



1 that it was better not to give him Garda Lyons's name.  
2 It was nothing to do with -- like when someone like me  
3 or anyone goes to a station and you're maybe a year or  
4 two in it there, there's links, apart from someone  
5 being a partner with someone or working beside each 15:27  
6 other, like there's so many links there that you're not  
7 aware of, you know.

8 869 Q. I am not suggesting that there is any impropriety in  
9 your decision not to refer to the fact that Liam McHugh  
10 had this conversation with Garda Lyons. Garda Keogh 15:27  
11 was made aware of the fact that Olivia O'Neill's  
12 statement was taken by Garda Treacy. So there is no  
13 issue in relation to that, isn't that right?

14 A. I think it was her daughter's statement.

15 870 Q. Yes, well the interaction with Olivia O'Neill was 15:27  
16 through Garda Treacy?

17 A. Yes.

18 871 Q. There's no issue in relation to you imparting that  
19 information to him?

20 A. No. Well that report was done at that time. 15:28

21 872 Q. Yes.

22 A. And he had been aware. Sure he was in the station at  
23 the time when Garda Treacy was in the same office.

24 873 Q. Yes.

25 A. I think at some stage he said that he said it to the 15:28  
26 sergeant and Garda Treacy was there at the time and she  
27 took the statement and he was aware of at that.

28 874 Q. In any event, you decided to tell him, don't go on any  
29 solo runs?

1 A. Yes.

2 875 Q. Don't be involved with these people. I suppose you  
3 were trying to keep him away from anybody that he may  
4 have been having contact with inappropriately, is that  
5 right? 15:28

6 A. No, no. I was trying to keep Garda Keogh away from  
7 what I thought was -- what I picked up from him was  
8 that he may have saw himself as having an active part  
9 in Donal Ó Cualáin's investigation, which he hadn't.  
10 He was there -- you know, what I mean? I told him he 15:29  
11 was not to take on any tasks on behalf of that  
12 investigation unless they gave them to him. That's who  
13 I was telling him to be, you know.

14 876 Q. And you were also anxious, because you explain it here  
15 to him, that you would be obliged as the district 15:29  
16 officer to investigate any issues that arose?

17 A. I tried to explain to Garda Keogh as clearly as I  
18 could, because he was saying, oh, more complaints to  
19 me. I explained to him that there were no complaints  
20 as such or no investigations into him. That issues had 15:29  
21 been brought to my attention that happened in my  
22 district and as district officer I was duty bound to  
23 investigate those incidents. Not that I was  
24 investigating him. I made it very, very clear to him  
25 that was not what was happening. I was investigating 15:29  
26 these incidents and that the outcome of these incidents  
27 -- they were giving an opportunity to account for  
28 themselves and that the outcome of them would be dealt  
29 with when there was an outcome. That they can, you

1 know, prove total clarity to the situation. That's  
2 what I was doing, and I outlined that to him on several  
3 occasions.

4 877 Q. You then have a note that:  
5  
6 "While not prying into the issues addressed by him with  
7 AC, the assistant commissioner, I asked him if he was  
8 in contact with criminals."  
9 A. I did.

10 878 Q. "The conversation was leading this way."  
11 A. Yes.

12 879 Q. "I told him that I was concerned for his own safety if  
13 he was doing so."  
14 A. Yes.

15 880 Q. Is that right?  
16 A. Yes, that's correct.

17 881 Q. "He said he was and that he would give their names to  
18 the assistant commissioner. He said that some  
19 criminals had been in contact with him since Saturday  
20 the 7th June meeting with the assistant commissioner.  
21 He was not doing so, he would pass everything to the  
22 assistant commissioner."  
23 A. Yes.

24 882 Q. There is a note there:  
25  
26 "He said if members (certain members that he believes  
27 have affiliations) were taking statements about him  
28 that they could use slight inflections to reflect badly  
29 on him."

1 A. That's correct. He was afraid that if certain people  
2 were taking statements that he could use an inflection  
3 on what was said to him that would reflect badly on  
4 him. And that was really --

5 883 Q. That was a concern that he had at the time? 15:31

6 A. That was a concern, yes.

7 884 Q. I think that you agreed to meet on the week starting  
8 the 16th June and you have a note saying that the  
9 meeting lasted for 90 minutes?

10 A. Yes. 15:31

11 885 Q. Garda Keogh said that he was close to going back to  
12 Deputy Flanagan and getting him to announce the  
13 situation in the Dáil?

14 A. In the Dáil, yes.

15 886 Q. I think that you had the same day, or after that 15:32  
16 meeting, which went on until about 10:30 in the  
17 evening?

18 A. Yes.

19 887 Q. You then wrote a letter to the chief superintendent?

20 A. That's correct, that was my habit, I would make my 15:32  
21 notes and then --

22 888 Q. That's at page 1896 of the material. You say you had a  
23 scheduled meeting with Garda Keogh. Then, on the  
24 second paragraph, you refer to that you outlined the  
25 services, the peer support, welfare and employee 15:32  
26 assistance services. You said you informed him that  
27 any requests or issues that he wished to raise would be  
28 dealt with in a positive manner, that the emails had  
29 been sent to members in Athlone on the 16th May. And

1 then his interaction with Assistant Commissioner Ó  
2 Cualáin.

3  
4 And then on the next page you state the following:

5  
6 "We spoke for approximately 90 minutes. During this  
7 period I addressed the situation regarding Olivia  
8 O'Neill. He said that this was the matter he mentioned  
9 in our telephone conversation on the 5th June, he had  
10 brought to the attention of Assistant Commissioner Ó  
11 Cualáin and he was dealing with it." 15:33

12 A. Yes.

13 889 Q. "Garda Keogh said that Olivia O'Neill called to the  
14 counter in Athlone when he was PO. She mentioned to  
15 him that she was having trouble with her neighbours and 15:34  
16 he advised her to include this in her statement. He  
17 was insistent that this is what happened. I also  
18 discussed the situation with Liam. . . ."

19  
20 That should be: 15:34

21  
22 ". . . about Liam McHugh."

23 A. Hm-hmm.

24 890 Q. "He was adamant that apart from general chit chat,  
25 saying hello etcetera, that he hadn't had a 15:34  
26 conversation with him in about two years. Garda Keogh  
27 said that with regard to Olivia O'Neill he had heard  
28 that members had contacted her to see if she would make  
29 a complaint against him. I clarified to him that in

1 certain situations a statement is sought, this is not  
2 to be sought with seeking to have someone make a  
3 complaint, such statement can provide clarification and  
4 every exoneration. He understood this. He is  
5 concerned that if certain members were to take 15:35  
6 statements they would word things in a way to give a  
7 different meaning to the content."

8  
9 You then go on to point out that you outlined to Garda  
10 Keogh that the issues he raised and any other concerns 15:35  
11 he had regarding his disclosures were being  
12 investigated by Assistant Commissioner Ó Cualáin and  
13 his investigation team.

14  
15 "I advised him that he should leave the investigation 15:35  
16 to them and should not take on any role in the  
17 investigation other than any advised by the team. Told  
18 him my concerns for his safety, the safety of other  
19 members that may be required to assist him if such  
20 situation arose and also the safety and members of the 15:35  
21 public who may be made vulnerable by information  
22 getting into the public arena about them."

23  
24 So you're obviously keeping Chief Superintendent Curran  
25 up-to-date in relation to your interactions at that 15:36  
26 stage in relation to Garda Keogh.

27 A. Yes.

28 891 Q. Now, I think on the 9th, on the same day, sorry, it is,  
29 you also wrote to Sergeant Eamon Curley, requesting

1 that he ascertain if Mr. McHugh was willing to make a  
2 statement about the matter and to make arrangements for  
3 the statement to be taken, isn't that right?

4 A. Yes, that's correct.

5 892 Q. That's at volume 3 and it's at page 524. I don't need 15:36  
6 that up on the screen. Then, on the following day,  
7 10th June 2014, you again spoke to Garda Keogh  
8 regarding giving his phone number to Detective  
9 Superintendent Mulcahy?

10 A. Yes. 15:37

11 893 Q. You wanted to ensure that you had his permission and he  
12 gave you permission, isn't that right?

13 A. That's correct, yes.

14 894 Q. I think that you received a letter from Chief  
15 Superintendent Curran, which is at page 6276. If we 15:37  
16 just scroll down. This is in relation to Olivia  
17 O'Neill and the conversation with Liam McHugh.

18 A. Yes.

19 895 Q. It says: 15:38  
20  
21 "In light of the recent report from Garda Lyons, you  
22 should arrange for a statement to be taken from Liam  
23 McHugh. All of the matters as they relate to Garda  
24 Keogh should be dealt with collectively so as to ensure  
25 that rights under the confidential reporting mechanism 15:38  
26 are not interviewed with."  
27  
28 That's one of the concerns that Garda Keogh had when he  
29 was giving evidence, that you probably heard him give

1 evidence about, was that he felt, I think the  
2 expression he used was that they were all being rolled  
3 up. And no doubt these issues were being dealt with in  
4 correspondence, the intelligence issue which I will  
5 come to in due course with you. 15:38

6 A. Yes.

7 896 Q. This issue in relation to Olivia O'Neill and also the  
8 conversation with Liam McHugh. We see that they are  
9 dealt with in correspondence?

10 A. They are dealt with, and they come out with the same 15:39  
11 headings.

12 897 Q. Were you happy that that was the reason that Chief  
13 Superintendent Curran was anxious that they would all  
14 be dealt with together?

15 A. Well, they kind of compartmentalised them, so, yeah, I 15:39  
16 was happy enough with it.

17 898 Q. Then the second paragraph:  
18  
19 "However, in light of the comments attributed to Garda  
20 Keogh by Mr. McHugh and those alleged by Ms. O'Neill in 15:39  
21 her conversation with Garda Treacy, I now require your  
22 firm views and recommendations regarding these  
23 matters."

24 A. Yes.

25 899 Q. I think will come to it in due course, but you write on 15:39  
26 the 16th July?

27 A. I do.

28 900 Q. And you express your views in relation to the entirety  
29 of the matters. We will come to that in due course. I



1 think the brief conversation that had you with Garda  
2 Keogh is in your notes and it's at page 1906. I don't  
3 need it up on screen. The typed version of that is at  
4 page 1721. And again, nothing of any substance arises  
5 out of that.

15:40

6  
7 We then move on to 17th June 2014. I think you met by  
8 arrangement with Garda Keogh in your office; isn't that  
9 right?

10 A. I did, yes.

15:40

11 901 Q. You have recorded in your statement that he was doing  
12 well and getting on well with his colleagues, is that  
13 right?

14 A. That's correct.

15 902 Q. You say in your statement that:

15:41

16  
17 "He said that he was concerned (not in a major way)  
18 about Garda A coming under pressure."

19 A. Yes.

20 903 Q. "And carrying an official firearm."

15:41

21 A. That's correct, yeah.

22 904 Q. Then you asked him if he was concerned for himself and  
23 he said that he was not. Then you said that he would  
24 await the outcome of Assistant Commissioner Ó Cualáin's  
25 investigation?

15:41

26 A. Yes.

27 905 Q. That you would then revisit the matter?

28 A. That's correct. It was my understanding --

29 906 Q. I suppose at that stage you had no idea of the extent

1 of the investigation that Assistant Commissioner Ó  
2 Cualáin was embarking upon?

3 A. No.

4 907 Q. I suppose you probably hoped that it would report in  
5 early course, in perhaps matter of weeks, if not  
6 months? 15:42

7 A. I think from talking to Garda Keogh as well, that's  
8 probably his view as well. In regard to that, it was  
9 my understanding as well that his concern was more for  
10 Garda A, when the result comes out with regard to the  
11 firearm, rather than anything else. 15:42

12 908 Q. Now, on the same day, the 11th June, you caused a  
13 letter to be sent to Garda Keogh through Sergeant  
14 Haran. This is at page 1328. This arises out of a  
15 communication that we just opened from Chief  
16 Superintendent Curran, isn't that right? 15:43

17 A. Yes.

18 909 Q. It's with regard to the Olivia O'Neill incident. Then  
19 you request a written report from Garda Keogh setting  
20 out the nature and content of conversation he had with  
21 Olivia O'Neill during the visit? 15:43

22 A. Yes. And I think I e-mailed Sergeant Haran to advise  
23 him to facilitate Garda Keogh with time to provide  
24 these reports, to do these reports. And then on the  
25 16th June I just was downstairs in the station, because  
26 the superintendent's office was on a different floor  
27 and I happened to bump into Garda Keogh in the CCTV  
28 room. I think he could have said he had the report  
29 ready but I asked could he have it typed and he 15:43

1 expressed the desire to have a particular typist,  
2 because he just wanted a particular typist, he had  
3 views on other typists in the station and I organised  
4 for him to have it typed by that particular lady and  
5 that was forwarded to him.

15:44

6 910 Q. Your typed notes in relation to the meeting that you  
7 had on the 17th of June with Garda Keogh are at 1096.  
8 Sorry, the typed notes are at page 6403, the  
9 handwritten notes are at page 1096. Perhaps we will  
10 just refer to your statement, because again there's a  
11 discrepancy between the notes and the typed version.  
12 But if we just perhaps look at your statement to the  
13 Tribunal, at page 832. If we just scroll down the page  
14 and then just halfway through the first paragraph  
15 there. You did write to Detective Sergeant Curley  
16 outlining Garda Keogh's concerns, requesting his views  
17 on Garda A's suitability to have access to a weapon,  
18 isn't that right?

15:44

15:45

19 A. I did.

20 911 Q. That letter that you sent, and there's no need to open  
21 it, is at volume 5, at 1295. It's in the material.  
22 You then go on to say:

15:45

23  
24 "I note that Garda Keogh makes reference to the fact  
25 that while the investigation was going on for over a  
26 year, he had to work in the same station and half the  
27 time on the same shift as the garda under investigation  
28 who was the subject-matter of the complaint, namely  
29 Garda A."

15:45

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And then you point out:

"It must be acknowledged that I was not privy to Garda Keogh's complaint, whether in terms of what it was about or who it was against."

15:46

A. Yes.

912 Q. "Until the reference of his concern regarding Garda A having access to a weapon, the only other awareness I had of any issue with respect to Garda A was a request by Assistant Commissioner Ó Cualáin's investigation team for Garda A's mobile telephone device."

15:46

That obviously isn't correct. I mean, you had the other information and the concerns earlier on that you said in relation to Garda A and the feeling around the station that he was the subject-matter of the complaints, but you didn't have any confirmation from the investigation team. I think that's what you are trying to convey?

15:46

A. That's exactly the -- as I say, the feeling around the station was just -- that was it, do you know I mean. It wasn't based on anything. So I did have a request that they were going to -- they notify me that they were going to -- they required Garda A's phone. And just in relation to that, it says that -- I know Garda A makes reference to the fact that the complaint is going on over a year. That's a quote from Garda A's statement to the Tribunal, I think. At this time, this

15:47

15:47

1 is June and it's only going on since May. So it's only  
2 going on over a month then in my timeframe. But his  
3 comment in the statement is over a year.

4 913 Q. You then go on in the next paragraph to say that you  
5 recall during the conversation that you discuss how he 15:47  
6 felt working on the same unit with Garda A.

7 A. Yes.

8 914 Q. Which involved a half overlap?

9 A. Yes.

10 915 Q. You say it's to your recollection that he said it 15:48  
11 wasn't an issue because it was only a half overlap,  
12 which meant that Garda A was on a call unit while --

13 A. It's the opposite.

14 916 Q. Garda Keogh was on a call unit, while Garda A was on a  
15 non-call unit. What do you mean by that? 15:48

16 A. The rosters are 10-hour days. The tours of duties were  
17 ten hours. Garda A would be on unit C core. So, Garda  
18 A -- sorry, Garda Keogh would be on unit C core,  
19 Garda A would be probably unit C DDU tour, which they  
20 would overlap by a half tour. So of every 10-hour tour 15:48  
21 they would overlap by five years. They were also in  
22 different buildings in the station. And usually on  
23 lates I would stay there till about 11:00pm anyhow.

24 917 Q. I think you also recorded you asked him how he would  
25 have felt if they were responding to a major incident? 15:49

26 A. Yes.

27 918 Q. And they had to attend the same call. He said that he  
28 would find it awkward. You say that he gave no  
29 indication that this was a situation he would find

1 untenable?

2 A. That's exactly it. I pushed. I said -- I think I gave  
3 the example if there was a bridge collapsed or  
4 something like that, there was an all hands on deck  
5 type of job. And he said that it would be awkward but 15:49  
6 he never -- like there are lots of situations in a work  
7 environment and sometimes people can find it awkward to  
8 work with someone else. He never indicated to me at  
9 all that it would be untenable or that he couldn't do  
10 it. 15:49

11 919 Q. At this stage did Garda Keogh at any time raise an  
12 issue as to whether or not in his view that Garda A  
13 should be suspended?

14 A. He would ask nearly all the time about him being  
15 suspended. 15:50

16 920 Q. Oh really?

17 A. He would ask a lot.

18 921 Q. What was your response in relation to that?

19 A. It wasn't my investigation. I didn't know.

20 922 Q. That's an issue that we will come to at a later stage? 15:50

21 A. Yeah, it wasn't -- yeah.

22 923 Q. But for the moment, you advised it wasn't your call, as  
23 it were, is that right?

24 A. It wasn't my call and I didn't know -- like I mean, we  
25 weren't kept up-to-date. Apart from knowing that Donal 15:50  
26 Ó Cualáin's investigation was ongoing, that was all we  
27 knew about it. We didn't know any more about it. I  
28 met with them on the 10th, I met with Declan Mulcahy  
29 and the DI Coppinger in relation to just an

1 introductory meeting and they told me that they  
2 required the phone. Then I think on the 16th they came  
3 by another day to update me on what they weren't  
4 investigating, basically. But we were completely in  
5 the dark about that investigation and which way it was 15:51  
6 going. So I wouldn't be able to answer those questions  
7 for Garda Keogh.

8 924 Q. Just tell me, while we're on the subject of more  
9 general issues, we will take a break from your diary  
10 for the moment, in terms of the over all investigation, 15:51  
11 you knew it was being undertaken by Assistant  
12 Commissioner Ó Cualáin. This is now, we're talking  
13 about June 2014, and that he was being assisted by  
14 Detective Superintendent Mulcahy and Inspector  
15 Coppinger? 15:51

16 A. Yes.

17 925 Q. Did they consult you in any way as to the logistics of  
18 their investigation and how they were going to go about  
19 doing it?

20 A. No. When we met on the 10th June, my recollection of 15:51  
21 that interview was more so like units, who was  
22 supervising units, that type of thing. But with regard  
23 to that aspect, the logistics of their investigation,  
24 they didn't. That was their call, that wasn't mine. I  
25 didn't have any part in that. 15:52

26 926 Q. I mean, how did you feel ultimately when you became  
27 aware of the fact that interviews were being conducted  
28 in Athlone Garda Station, which you had responsibility  
29 for?

1 A. I wasn't -- I wasn't even as aware to the extent until  
2 I got the disclosure. Because Athlone Garda Station is  
3 in three separate buildings, it's three separate kind  
4 of buildings, and sometimes I'd see them in the  
5 corridor. They could have been over to the property 15:52  
6 store, they could have been over for anything. I never  
7 questioned them about why they were there. I didn't  
8 think it was my place to.

9 927 Q. But Garda Keogh did draw your attention to his concerns  
10 in relation to -- 15:52

11 A. No, he didn't.

12 928 Q. -- Garda A?

13 A. Oh, with regard to Garda A?

14 929 Q. Yes.

15 A. Em, I think it was Fergal Greene. 15:52

16 930 Q. We will come to it at the appropriate time?

17 A. Yeah. Sorry, I think Garda Greene drew my attention to  
18 concerns he had about Garda A and I addressed them.

19 931 Q. Yes, that's right.

20 A. Yeah, that was addressed. I think from -- and it's 15:53  
21 only from looking at the disclosure, I think Garda  
22 Keogh addressed those concerns to D/Superintendent  
23 Mulcahy.

24 932 Q. The last paragraph at page 832, which is your statement  
25 to the Tribunal, you say: 15:53  
26

27 "I was careful throughout this time to engage with  
28 Garda Keogh appropriately without being formal and  
29 issuing directions, as I was concerned of his situation



1 and welfare. "

2 A. Yes.

3 933 Q. Could you just expand on that?

4 A. Well I always -- I said to Garda Keogh when I met him  
5 in the cafe in Mullingar that I would basically keep 15:53  
6 him informed and involved, insomuch as I could with  
7 regard to anything that I know about. I think I  
8 followed that up by the time I rang him, say, around  
9 June to tell him that the correspondence was coming  
10 down in relation to the two reports, I think McHugh and 15:54  
11 O'Neill, and to facilitate him with the time to do it.  
12 And I think I did the same again around July with  
13 regard to another report. I engaged with Sergeant  
14 Haran to ensure he was facilitated with carrying out  
15 any of the tasks I was sending down to him. 15:54

16 934 Q. On the other hand, Garda Keogh was receiving at that  
17 time letters in relation to Olivia O'Neill and in  
18 relation to Liam McHugh.

19 A. Yes.

20 935 Q. That were formal letters. 15:55

21 A. Yes.

22 936 Q. Coming from his superiors.

23 A. Yes.

24 937 Q. In a formal manner, asking him to account for these  
25 interactions, isn't that right? 15:55

26 A. That's correct.

27 938 Q. Your notes reflect that you discussed this with Garda  
28 Keogh before he received them and indicated that these  
29 were letters that were coming to him?

1 A. Yes.

2 939 Q. And explaining to him why it was necessary that they  
3 were being sent, is that right?

4 A. That's correct. During our conversations I also  
5 explained it to him. So he was left in no doubt, you 15:55  
6 know, the reasons for them.

7 940 Q. It's fairly clear, superintendent, that you thought at  
8 the time that Garda Keogh was in somewhat of a  
9 vulnerable position and needed special treatment, would  
10 that be fair to say? 15:55

11 A. Sorry?

12 941 Q. You were conscious and aware of his history?

13 A. Yes.

14 942 Q. His alcohol abuse?

15 A. Yes. 15:56

16 943 Q. You were aware of the fact that he had made a protected  
17 disclosure in which he had alleged wrongdoing by  
18 colleagues.

19 A. Yes.

20 944 Q. I suppose you must have understood that that must have 15:56  
21 been something that might have been difficult for him?

22 A. Yes.

23 945 Q. And he indicated to you that he thought about it,  
24 apparently since February 2013, when he nearly told you  
25 about it? 15:56

26 A. Yes.

27 946 Q. And that this had been perhaps playing on his mind in  
28 the intervening period of time?

29 A. Yes.

1 947 Q. You were also aware of the fact that he was at times,  
2 you described it as being, euphoric --

3 A. Yes.

4 948 Q. -- on the one hand and then on the other hand, he is  
5 coming out with expressions that might suggest that he 15:56  
6 is being a little bit paranoid at the time as well --

7 A. Yes.

8 949 Q. -- in relation to people listening in to phone calls?

9 A. Yes.

10 950 Q. On the other hand, there are these two potentially 15:57  
11 serious complaints that could amount to coaching that  
12 have been made by Olivia O'Neill and by Liam McHugh.  
13 You're affording him sort of favours, if you like, by  
14 not writing to him formally, by advising him the nature  
15 of the complaints that are coming in his way, and then 15:57  
16 giving him an opportunity to tell you about them and  
17 then there would be a follow up, a formal complaint, a  
18 letter coming his way and he would have to reply to it  
19 formally. So, what I am really asking is: You know,  
20 you saw that he was in a vulnerable position and that's 15:57  
21 why you were giving him perhaps special treatment?

22 A. Well, I never knew what he was intending, what he was  
23 talking about when he said he nearly told me on the  
24 13th February. I wouldn't call his treatment special.  
25 I engaged with other parties who are central to it as 15:58  
26 well and there was other members in Athlone Garda  
27 Station who had welfare issues as well, that I was  
28 dealing with at the time. I visited other members in  
29 hospital and different things like that. So, if a

1 welfare issue came to me, some people thought better --  
2 would prefer to bring them to the inspectors. If they  
3 came to me, they got very detailed attention. With  
4 regard to explaining things to Garda Keogh and  
5 explaining that these things were going up and down to 15:58  
6 him, I would imagine -- not that I would imagine, it's  
7 fact, when other members had issues and had any  
8 concerns, and I think there's notes there with Garda  
9 Treacy as well, she had concerns, and I met with her  
10 and explained everything to her as well. It would be 15:59  
11 my technique and style to do that with people. Garda  
12 Keogh, I suppose because of the level of interaction, I  
13 wouldn't call it special treatment, he didn't get any  
14 of channels communication, the written correspondence  
15 that went down through the channels to him, but you 15:59  
16 would have to take account of the fact that he was in  
17 an unusual situation. I had never dealt with a  
18 confidential recipient before and it was an unusual  
19 situation.

20 951 Q. I think that there's a gap of nearly three weeks 15:59  
21 between the 17th and the 8th July, before you meet with  
22 Garda Keogh again; isn't that right?

23 A. That's correct. I think he was going on leave, if I  
24 can recollect, and I used to have some business in  
25 Dublin as well and different trials and that. 16:00

26 MR. MARRINAN: I don't know, Chairman, if that's an  
27 appropriate moment.

28 CHAIRMAN: Yes, thank you very much. Now, tomorrow we  
29 have been requested, for reasons that seem to me and to

1 us to be perfectly reasonable, not to start until  
2 eleven o'clock because of other commitments that  
3 counsel have. I would be concerned that we would want  
4 to finish Superintendent McBrien's evidence tomorrow.  
5 So I hope that counsel will engage with each other to 16:00  
6 make sure that that happy outcome eventuates. If  
7 necessary we will sit further, but I sincerely hope  
8 that won't be necessary. So we will start at eleven  
9 o'clock. Maybe, Mr. Marrinan, will you have a word  
10 with your colleagues to sort of divide up the time, if 16:00  
11 you like, in a fair and reasonable way that is  
12 reasonable for everybody.

13 MR. MARRINAN: Indeed.

14 CHAIRMAN: Thank you very much.

15  
16 THE HEARING THEN ADJOURNED UNTIL WEDNESDAY, 26TH  
17 NOVEMBER 2019 AT 11:00AM 16:01

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