

TRIBUNAL OF INQUIRY INTO PROTECTED DISCLOSURES MADE UNDER
THE PROTECTED DISCLOSURES ACT 2014 AND CERTAIN OTHER
MATTERS FOLLOWING RESOLUTIONS PASSED BY DÁIL ÉIREANN AND
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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 THURSDAY, 28TH NOVEMBER 2019 - DAY 121

121

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 THURSDAY, 28TH
2 NOVEMBER 2019:

3
4 MS. McGRATH: Good morning, Chairman. Chairman, the
5 first witness this morning is Sergeant Sandra Keane. 10:33

6 CHAIRMAN: Thanks very much.
7

8 SERGEANT SANDRA KEANE, HAVING BEEN SWORN, WAS
9 DIRECTLY-EXAMINED BY MS. McGRATH, AS FOLLOWS:

10
11 WITNESS: Sergeant Sandra Keane of Athlone Garda
12 Station. 10:33

13 CHAIRMAN: Good morning, sergeant.

14 WITNESS: Good morning, Chairman.

15 1 Q. MS. McGRATH: Good morning, Sergeant Keane. Now, 10:33
16 Sergeant Keane, just in relation to your statement that
17 you gave to the Tribunal, I think you said that you
18 were attached to Athlone Garda Station from January
19 2008, is that right?

20 A. That's correct. 10:34

21 2 Q. So you worked with Garda Keogh for a number of years,
22 is that right?

23 A. Yes. I wasn't on his supervisor, direct supervisor but
24 I would have seen him quite often in the Garda station.

25 3 Q. You're right, I think you say in your statement that 10:34
26 you were attached to a number of units over that time?

27 A. Yes.

28 4 Q. During those years, is that right?

29 A. That's correct.

1 5 Q. One of the matters you say in your statement is that in
2 2009 you were directed to supervise the Athlone drugs
3 unit because there was a back lock in the files, is
4 that right?

5 A. No, that's incorrect. I wasn't -- my role was to 10:34
6 supervise and oversee the investigation files for the
7 drugs files coming in for direction.

8 6 Q. So you say your only responsibility was to oversee the
9 files?

10 A. Yes. 10:34

11 7 Q. Because there was a backlog; is that right?

12 A. Yes.

13 8 Q. Sorry, I should have put that more clearly. Was that
14 your only dealing then with Garda Keogh's files in that
15 regard? 10:35

16 A. Yes.

17 9 Q. Okay. Now, I think you very helpfully explain in your
18 statement the location of the drugs unit, you explain
19 in your statement that it was in a separate building
20 that was accessed through a backyard, is that right? 10:35

21 A. That's correct.

22 10 Q. In the main Garda building, is that correct?

23 A. That's correct.

24 11 Q. Okay. Now, I think you're aware that Garda Keogh made
25 a protected disclosure on the 8th May 2014, isn't that 10:35
26 right?

27 A. Yes.

28 12 Q. Okay. Now, I just want to ask you about that and just
29 bring you to a diary entry in the very early days, 9th

1 May 2014, that was made by Inspector Farrell. That's
2 at page 638 of the books. So that should be at volume
3 3 I think.

4 A. Yes.

5 13 Q. Now, it's coming up on the screen in front of you. 10:35

6 Mr. Barnes can give you hard copies of anything. Are
7 you happy to work from the screen?

8 A. No, I am fine, I can see it perfectly, thank you.

9 14 Q. Okay. You will see there, there's an entry of the 9th
10 May, which is the following day, and it says: 10:36

11

12 "Spoke to Sergeant Keane and enquired if she had made
13 contact with Garda Keogh in her capacity as a peer
14 supporter. She stated that she had spoken to him and I
15 said that I would advise that she would keep contact as 10:36
16 this is a very stressful time for him and she stated
17 she would."

18

19 Do you remember that conversation that early on with
20 Inspector Farrell? 10:36

21 A. Yes, I do remember that conversation and I had stated
22 to Inspector Farrell that I had a good relationship
23 with Garda Keogh and I would have spoken to him in
24 passing.

25 15 Q. And after that date, can you just tell the Chairman, 10:36
26 did you keep in that type of peer support contact with
27 him over the weeks and months after that?

28 A. At that stage I think Sergeant Haran was his supervisor
29 and most of his contact was -- and welfare issues in

1 that regard were with Sergeant Haran. But certainly, I
2 would have always enquired of his wellbeing and there
3 was nothing that would have, I suppose -- it was just
4 general conversation, he didn't go into specifics.

5 16 Q. Okay. Now, I think one of the matters we would like 10:37
6 you to deal with for the purposes of the issue paper is
7 issue number 3, the incident with Ms. Olivia O'Neill on
8 the 28th May?

9 A. Yes.

10 17 Q. Now, I think you were on duty that evening, isn't that 10:37
11 right, in the station?

12 A. That's correct.

13 18 Q. Okay. Can I ask you to look at, first of all, just
14 that issue of the public office that night and that
15 particular area? Can I ask you to look at a diary 10:37
16 entry made by Garda Keogh on 19th June 2014. That's in
17 volume 1, page 433. As I say, you can deal with the
18 screen but if you want a hard copy?

19 A. No, the screen is perfectly fine, thank you.

20 19 Q. Okay. Now, if you just look down that page, there. 10:37
21 And go to the 19th June, Mr. Kavanagh. Now, I
22 appreciate this is made a number of days later, but you
23 see there Garda Keogh has recorded:

24

25 "3pm-1pm conversation with Sergeant Keane re Olivia 10:38
26 O'Neill. She stated she never wrote a report but did
27 speak with Inspector Farrell."

28

29 I will come back to that in a moment. But I would just

1 like you to address the next sentence.

2

3 "She said she was in the public office during the
4 conversati on. "

5

10:38

6 And there is a quote, which I am understanding that he
7 is taking this from you, saying:

8

9 "I remember you told me what was going on re Garda
10 Keogh and Ms. B. "

10:38

11

12 Now, can you assist the Chairman there? Do you
13 remember a conversation on the 19th June to that
14 effect?

15 A. I don't remember that specific conversation, but I
16 would have been aware that there wasn't a good
17 relationship with Garda A and Garda Keogh. But I
18 didn't know the specifics or any details.

10:38

19 20 Q. Okay. He says you were in the public office during the
20 conversation and I am taking that to mean the
21 conversation with Ms. Olivia O'Neill?

10:39

22 MS. O'ROURKE: Chairman, I am slow to intervene.

23 CHAIRMAN: Sorry, Ms. O'Rourke, if you are going to
24 intervene, lean forward a tiny bit before you are going
25 to intervene, so we can hear you.

10:39

26 MS. O'ROURKE: In fairness to the witness, I don't
27 recall Garda Keogh, and I may be corrected, giving any
28 evidence in relation to this interaction. But again, I
29 may be corrected.

1 MS. McGRATH: No, I accept my Friend, he may not have.
2 CHAIRMAN: I am not sure he did either, because I am
3 not remembering it.
4 MS. O'ROURKE: No.
5 MS. McGRATH: It can be addressed with Garda Keogh in 10:39
6 due course by my Friend. But in ease, just simply, if
7 the sergeant could say whether or not she was in the
8 public office at the time of the conversation that
9 night.
10 A. I don't recall any specific conversation. 10:39
11 21 Q. Okay. Okay. And that's your evidence in relation to
12 being present or not effectively, to the Chairman, is
13 that right?
14 A. Yes.
15 22 Q. Okay. Now, the second sentence there, you said you 10:40
16 never wrote a report but did speak with Inspector
17 Farrell. I think where that is coming from is an entry
18 on the 3rd June, and this is simply just to clear this
19 up, on the 3rd June there is a diary entry at 13259,
20 where I think on the 3rd June there, it says: 10:40
21
22 "Sergeant Keane wrote a report that I induced Olivia
23 O'Neill to make a statement."
24
25 That may be what he thought at the time, but I think, 10:40
26 as he is recording on the 19th June, you didn't write a
27 report, isn't that right?
28 A. No, I didn't.
29 23 Q. Okay. So your involvement then on that particular

1 night was later on when Ms. O'Neill and her daughter
2 had gone upstairs to Garda Treacy, is that right?
3 A. Yes.
4 24 Q. Okay. Now, you deal with this in your statement to the
5 Tribunal at paragraph 4.2, I think it is, and your 10:41
6 statement is at page 561, it should come up there.
7 Paragraph 4.2, please, Mr. Kavanagh. Now, I think it
8 is the case that that Garda Treacy left the interview
9 room and came to get you, is that right, or came to
10 speak to you? 10:41
11 A. Yeah. I wasn't aware she was in the interview room, I
12 just want to make that clear.
13 25 Q. Okay.
14 A. But I was on duty that date. Garda Treacy met me. She
15 said she had been tasked to take a statement from 10:41
16 Olivia O'Neill and her daughter Cheyanne in relation to
17 alleged threats by Ms. B.
18 26 Q. Okay. You record there that:
19
20 "Garda Treacy informed me that she had had a 10:41
21 conversation with Ms. O'Neill in the interview room."
22 A. Yes.
23 27 Q. Is that right?
24 A. Yes.
25 28 Q. "And the essence of the conversation was that 10:41
26 Ms. O'Neill wished to make a complaint as outlined
27 above."
28
29 Now, that's in relation to the previous paragraph and

1 that's in relation to the incident up at her home place
2 that previous night, isn't that right?

3 A. Yes, the alleged offence, yes.

4 29 Q. Okay.

5

10:42

6 "Ms. O'Neill went on further to say --"

7

8 Now, the rest of this paragraph, I am going to read it
9 out to you and you can confirm whether this is what
10 Garda Treacy told you that night.

10:42

11

12 "Ms. O'Neill went on further to say that Ms. B was
13 friendly with Gardaí in Athlone."

14

15 She told you that?

10:42

16 A. Yes.

17 30 Q. Okay.

18

19 "She stated that those Gardaí tipped her off in advance
20 if searches were to be carried out of her residence."

10:42

21

22 Did Garda Treacy tell you that?

23 A. Yes.

24 31 Q. Okay.

25

10:42

26 "Further, she stated that certain gardaí in Athlone
27 covered up offences for Ms. B."

28 A. Yes.

29 32 Q. "Ms. O'Neill requested that this information be

1 included in her daughter's statement of complaint."

2

3

Is that right?

4

A. Yes.

5

33 Q. "Ms. O'Neill told Garda Treacy that Garda Keogh had advised her to include this information in her daughter's complaint."

10:42

6

7

8

9

Is that right?

10

A. That's correct.

10:42

11

34 Q. Now, is that an account of the conversation you had with Garda Treacy that night?

12

13

A. Garda Treacy came to me on that evening and said that, as I said, she had been tasked to take a statement in relation to the alleged offence with Ms. B and that during the course of being present in the room with Ms. O'Neill and her daughter, that Olivia O'Neill had said that she had been advised to say that Ms. B was friendly with gardaí and that she was tipped off in advance if search was to be conducted. She was also advised too that she was protected by gardaí in Athlone. And Garda Treacy said to me that when she asked her who advised her to put this in the statement or put it into a statement, she said that Garda Nick did.

10:43

16

17

18

19

20

21

22

23

24

25

10:43

10:43

26

35 Q. Okay.

27

A. So Garda Treacy then came to me for advice.

28

36 Q. Okay. So what did you understand was the problem? Why effectively was she coming to you?

29

1 A. Well, in my view there was -- the first issue was the
2 alleged offence of threats to Cheyanne O'Neill and then
3 secondly, what Garda Treacy said to me I believed to be
4 Garda misconduct, if it was -- if that advice had been
5 given to Ms. O'Neill. 10:44

6 37 Q. And that Garda misconduct, just to be clear, did you
7 understand it was Garda misconduct vis-à-vis Garda
8 Keogh advising information to go into a statement?

9 A. Well, I was going by what Garda Stephanie Treacy said
10 to me. That from what she heard from Ms. O'Neill was 10:44
11 that Ms. O'Neill had said to Garda Treacy she was
12 advised to put into a statement.

13 38 Q. Okay. And again, you will have heard the evidence over
14 the last number of days with various witnesses, just to
15 clarify your own understanding, that the Garda 10:44
16 misconduct was an allegation effectively of coaching or
17 including information in a statement, is that fair to
18 say?

19 A. From what Garda Treacy said to me, yes.

20 39 Q. Okay. Now, I think then what happened was, I think you 10:45
21 both went to speak with Inspector Farrell, is that
22 right?

23 A. Yes. I was aware that Inspector Farrell was on duty
24 that day and I would often have gone to Inspector
25 Farrell for advice. So I went to his office with Garda 10:45
26 Treacy.

27 40 Q. Okay. If we just go to the next paragraph in your
28 statement there, paragraph 4.3, you say that:
29

1 "Upon hearing this from Garda Treacy, both Garda Treacy
2 and I attended the office of Inspector Farrell in
3 Athlone Garda Station and relayed the conversation to
4 him."

10:45

5
6 So, just to stop there for a moment. Just yourself,
7 what did you consider that you were reporting to
8 Inspector Farrell? Was it this alleged Garda
9 misconduct or the issue with Nicholas Keogh?

10 A. Obviously it was Stephanie who was in the room, it was
11 Garda Treacy who was in the room with Ms. O'Neill and
12 her daughter, so she was -- it was Garda Treacy who
13 spoke to Inspector Farrell as far as I can recall.

10:45

14 41 Q. Okay.

15 A. And relayed what she had heard from Ms. O'Neill.

10:46

16 42 Q. Okay. Then you say there on the next line:

17
18 "He advised that the correct procedure for such an
19 allegation was to inform the Ombudsman Commission."

20 A. Yes. And also, if she wished, the superintendent in
21 Athlone Garda Station.

10:46

22 43 Q. Okay. Now, what did you understand, can we just look
23 at that for a moment. That would seem to be a single
24 direction that was to be passed on to Ms. O'Neill, is
25 that right?

10:46

26 A. And/or, the Garda Ombudsman and/or the superintendent.

27 44 Q. Okay. You'll appreciate --

28 A. Yes, I accept that.

29 45 Q. Okay.

1 A. Yeah.

2 46 Q. So, albeit, it might not be in your statement, what is
3 your recollection of the direction that he gave that
4 night?

5 A. Inspector Farrell said that there was two elements to 10:47
6 it. The initial element was the complaints of alleged
7 threats to Ms. Cheyanne O'Neill and the second element
8 was what Garda Treacy had heard from Ms. O'Neill, which
9 was that she was advised to get into the statement that
10 Ms. B was being protected. So Inspector Farrell 10:47
11 advised that statement could be taken, of course, from
12 Cheyanne, and Olivia if she wished to make statement,
13 and that in relation to the other matter, Ms. O'Neill
14 was to be advised that she could go to the Garda
15 Ombudsman and/or a superintendent to make a complaint. 10:47

16 47 Q. Okay. So just to break that down, you say that he saw
17 two elements to it?

18 A. Yes.

19 48 Q. The first one being the alleged assault up in the
20 neighbourhood and in relation to that, a statement was 10:47
21 to be taken from Cheyanne, is that right?

22 A. Yes.

23 49 Q. And then you said there was a second element, which was
24 the advice she had been given.

25 A. Yes. 10:47

26 50 Q. And you say, albeit that it's not in your statement,
27 that he said she could be told that she could make a
28 statement to the superintendent or she could go to
29 GSOC?

1 A. Yes.

2 51 Q. Okay. Just in relation to the second element, was it
3 your understanding that she was to be advised that she
4 could complain in relation to the advice given by Garda
5 Keogh, is that your understanding? 10:48

6 A. Yes.

7 52 Q. Okay. Now, in relation to this, can I ask you, I think
8 we might stay with your conversation with Inspector
9 Farrell for a moment and in that regard, stay in the
10 room effectively with Inspector Farrell. He 10:48
11 subsequently drew up a report. This is on the
12 following day. And I just want to bring you to that
13 report, particularly at page 653. It will come up on
14 the screen there. Just that top line there, please,
15 Sergeant Keane, you will see that: 10:49
16
17 "Garda Treacy sought advice from Sergeant Sandra Keane
18 and Inspector Farrell."

19

20 That's what you just said, isn't that right? 10:49

21 A. Yes.

22 53 Q. "Inspector Farrell instructed that a statement relating
23 to the complaint concerning Ms. O'Neill's daughter
24 should be taken without reference to the advice given."
25 10:49
26 Again, that's your evidence, isn't that right? Okay.
27
28 "Inspector Farrell instructed that Ms. O'Neill should
29 be invited to make a statement outlining her concerns

1 relating to the advice given by Garda Keogh and that
2 she should also be made aware of the options available
3 to her in respect of bringing her concerns to the
4 superintendent in Athlone and/or the Garda Ombudsman
5 Commission. "

10:49

6
7 I think that's in your accordance with your evidence
8 this morning, is that right?

9 A. Yes.

10 54 Q. Okay. Now he uses the phrase "outlining her concerns
11 in relation to the advice given by Garda Keogh", isn't
12 that right? That's what he says "the concerns". Do
13 you recollect that type of direction?

10:49

14 A. Yes.

15 55 Q. Now, if you skip down to the third paragraph:

10:50

16
17 "The advice allegedly given by Garda Keogh was not
18 appropriate in the circumstances and projects the image
19 of An Garda Síochána in an unfavourable light. "

10:50

20
21 Now, can I ask you, staying in the room with Inspector
22 Farrell that night, was it the concern that Garda Keogh
23 was coaching Ms. O'Neill as to what to put in her
24 statement?

25 A. It wasn't a very in depth -- it was a conversation we
26 had with him. I was also conscious that Ms. O'Neill
27 was in the interview room waiting for Garda Treacy to
28 go back. So I just recall that Inspector Farrell gave
29 the advice in relation to two different matters at

10:50

1 hand.

2 56 Q. Okay. But you don't dispute anything that he has
3 outlined there in the report?

4 A. No, I don't.

5 57 Q. Okay. Now, I think when you and both Garda Treacy left 10:51
6 the room, you went back to the interview room. Just to
7 be clear, because it wasn't entirely clear from
8 Ms. O'Neill's statement to the Tribunal, I think you
9 went back into the room -- sorry, you didn't go back?

10 A. No. 10:51

11 58 Q. You went into the room with Garda Treacy?

12 A. Yes, yes.

13 59 Q. And that was the first time you met Ms. O'Neill that
14 night?

15 A. Yes. 10:51

16 60 Q. Or spoke to her, is that right?

17 A. That right, yes.

18 61 Q. Okay. Now, you'll be aware, I'm sure you have seen her
19 interview with the investigators and I raised this
20 matter with her when she was giving her evidence on day 10:51
21 119, but she said she felt nervous when she saw you
22 coming in, isn't that right?

23 A. That's what she said.

24 62 Q. And, you know, when this was put to her on Day 119, it
25 was because you were a person of higher rank, isn't 10:51
26 that right?

27 A. That's what she said.

28 63 Q. Okay. Now, she says in her interview with the
29 investigators, and I think she confirmed in her

1 evidence on day 119, that you asked her some questions
2 when you came back into the room. Do you recall that?
3 A. I don't recall specifically what was said. I would
4 have introduced myself and said that Garda Treacy had
5 come to me for advice about what was said. We informed 10:52
6 her then that a statement could be taken from her and
7 Cheyanne and that if she wished to go to the Ombudsman
8 Commission and/or a superintendent, she could do that.
9 But she said she had no complaint to make and wasn't
10 making any statement. 10:52

11 64 Q. We will take it a little bit slowly in steps. Can I
12 just ask Mr. Kavanagh to bring up the transcript of Day
13 119, at page 22. Now, sorry, if I can just ask for
14 line 19 there, please?

15 A. Yes. 10:53

16 65 Q. I will just read this out to you and then you can just
17 deal with it at that stage. Question, this is to
18 Ms. O'Neill:
19
20 "Q. You said that she asked you questions. Do you
21 remember what questions you were asked?"
22
23 She answered:
24
25 "A. Yeah, she was asking me did Nick Keogh, the guard,
26 tell me, like, to say all this.
27
28 Q. And what did you say?
29 A. No, he didn't."

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Now, do you agree with that recollection?

A. No, I do not, no.

66 Q. Okay. Did you ask her any questions about her exchange with Garda Keogh downstairs? 10:53

A. Ms. O'Neill didn't say very much. When I explained to her the procedures that we could take, or that she could take, she said she had no complaint to make, she didn't want to say anything, she wasn't making a statement. She said she was happy for her daughter to make statement in relation to the alleged allegation of the threats by Ms. B, but she didn't want to have a conversation with me. 10:53

67 Q. Okay. So is it your evidence to the Chairman that you didn't ask her what the exchange was with Garda Keogh downstairs? 10:54

A. I don't recall her saying anything about that. She said she had no complaints to make about any guards. She didn't want to make any statement.

68 Q. No, but just, did you ask her about the exchange she had downstairs? 10:54

A. She didn't say anything to me at all.

69 Q. Okay. Now, if we go on there and at line 25:

"Q. I just want to be very clear about this. When you say, no, I didn't, can you tell me exactly what you told her?" 10:54

And this is what she said:

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"A. Em, I just, like, I thought -- I just said I didn't think the complaint was going to go anywhere from what I was hearing about Ms. B. We were wasting our time going down before we went down. Like we were told from our own estate, we were wasting our time going down because it was never going to go anywhere. It was withdrawn days later anyways."

Do you remember any of that?

10:55

A. That was in relation to the alleged threats by --

70 Q. No, this is the conversation she is saying she had with you, when I asked her what she told you.

A. I'm taking that to mean the alleged criminal matter.

71 Q. Yes, absolutely.

10:55

A. Yes.

72 Q. Do you recall that conversation with her?

A. Well, she did say she wasn't making any statement.

73 Q. CHAIRMAN: Did she say?

A. She wouldn't be making any statement.

10:55

CHAIRMAN: Yes. Would you just go back for a moment, Peter, on that, a tiny bit more? Yes, thanks very much. Thank you.

74 Q. MS. McGRATH: Now, can I ask you then, you've already mentioned it, Sergeant Keane, in your evidence there. You say in your statement, and this is going back to paragraph 4.3, that's page 562. There at paragraph 4.3, it's the second last line:

10:55

1 "Garda Treacy and I spoke to Olivia O'Neill in the
2 interview room and informed her of the procedures she
3 could take with the information she had given earlier."
4

5 I think you gave evidence to the Chairman that she 10:56
6 could either make a statement to the superintendent in
7 Athlone or that she could deal with GSOC, is that
8 right?

9 A. That's correct.

10 75 Q. Now, I just want to ask you to comment on this. When 10:56
11 Ms. O'Neill gave her evidence on Day 119, she said that
12 she didn't recollect being given this advice. Do you
13 have an opportunity to see that transcript? It's at
14 page 23 of Day 119. It's at line 15 onwards and it's
15 put to her: 10:57

16
17 "Q. But when they came back into the room to you, can
18 you remember what they advised you or told you when
19 they came back into the room?"

20
21 And she said:

22
23 "A. No. No, I can't really, no.

24
25 Q. Okay. Well, can I ask you to go back to Garda
26 Treacy's report? That's at 482."

27
28 I think you have seen Garda Tracy's report, is that
29 right

1 A. Yes.

2 76 Q.

3 "Again, this is a document you have seen, it's at page

4 482. Now, we're going to the very last paragraph

5 there, if you can see the last paragraph, starting with

6 "Garda Treacy informed sergeant..?"

7

8 And just skip down to line 28.

9

10 ""Garda Treacy informed Sergeant Sandra Keane about

11 this and together they explained to Ms. O'Neill that

12 the correct procedure with an allegation such as this

13 is to go through the Ombudsman Commission. ""

14

15 Do you remember that?

16 A. No, no, that was never told -- a guard never told

17 me that in my life, go to an Ombudsman. That's lies

18 now. "

19

20 And that was the evidence she gave. Now, I think it 10:58

21 was subsequently clarified by the Chairman that the

22 Ombudsman was GSOC, so that she understood that.

23 A. Hm-hmm.

24 77 Q. Now, that is her evidence to the Chairman and I think

25 it's your evidence that she was informed. 10:58

26 A. She absolutely was informed. I sought advice from the

27 next rank above me, which was Inspector Farrell at the

28 time, and that was the advice that was given to me, and

29 that was the advice that I relayed back to her.

1 78 Q. Okay. Just to be crystal clear: when were you
2 informing her that she could go to GSOC and make a
3 statement, what was your understanding of what she
4 could go to GSOC about?

5 A. Well, what her view on -- from what Garda Stephanie
6 Treacy had relayed back to me, in relation to the
7 conversation she had with Olivia O'Neill in the
8 interview. But she didn't speak to me at all.

10:59

9 79 Q. Okay.

10 A. She didn't make any --

10:59

11 80 Q. Okay.

12 A. She just said she didn't want to make a statement,
13 didn't want to make a complaint. But she most
14 definitely was given the at the advice.

15 81 Q. Now, Garda Treacy's report is at page 482. If you go
16 down to the very last paragraph, the last three lines
17 there. We have already had the first part of that
18 paragraph. Garda Treacy records:

10:59

19

20 "It was further explained to Ms. O'Neill how to go
21 about doing this. Ms. O'Neill said that she did not
22 have a complaint to make in relation to the Gardaí and
23 was only going on the advice she received at the
24 counter."

11:00

25

11:00

26 Is that your recollection of what she said?

27 A. She just said she didn't want to make any complaint.

28 82 Q. And to be clear, she didn't want to make any complaint
29 about Garda Keogh, is that what --

1 A. She didn't really engage with me.

2 83 Q. Okay. Now, just to finish up, Sergeant Keane, a matter
3 that arose, that was opened to Superintendent McBrien
4 yesterday, it was a diary entry for 9th July 2014, at
5 page 1658. This concerned at that stage Garda Treacy 11:01
6 coming to Superintendent McBrien in relation to a
7 conversation she had had with Garda Keogh about the
8 Olivia O'Neill incident. Now, again, just paraphrasing
9 it, it's down not middle of that entry, and this is
10 what Garda Treacy said. 11:01
11
12 "She said she gets on well..."
13
14 Do you see where I am? It's about the fourth line from
15 the end. 11:01
16
17 "She said she gets on well..."
18
19 If you stop there, Mr. Kavanagh. Yes.

20 A. Yes, I see it now. 11:01

21 84 Q. "She said she gets on well with Sergeant Keane and she
22 would prefer to deal with her."
23
24 Do you have any recollection of that arising with Garda
25 Treacy? 11:02

26 A. I'm not sure what context this is.

27 85 Q. I think the diary entry records that Garda Stephanie
28 Treacy had come to her and expressed some -
29 A. Right, okay.

1 86 Q. - concern about a conversation she'd had with Garda
2 Keogh in respect of the Olivia O'Neill incident. Did
3 Garda Treacy come to you with any concerns of that
4 nature subsequently in relation to this incident?
5 A. I am just reading back over what it says. 11:02
6 87 Q. Okay. Take your time.
7 A. Can you repeat the question again, sorry?
8 88 Q. Did sergeant Treacy subsequently ever come to you
9 raising concerns about the Olivia O'Neill incident?
10 A. I think she did mention to me, I think there was a call 11:03
11 she made to the station. I don't remember the exact
12 specifics of it.
13 89 Q. Yes.
14 A. But I would have a good relationship with Garda Treacy.
15 But I don't know exactly what you're asking me. 11:03
16 90 Q. Well, in the sense of subsequent to this, did your
17 involvement with the Olivia O'Neill incident end that
18 night with Inspector Farrell?
19 A. Yes.
20 91 Q. Or was there anything subsequently that arose either 11:03
21 with any of the parties involved?
22 A. That was my involvement really with it. And I was
23 aware that Garda Treacy had made a report, that went up
24 through the chain of command.
25 92 Q. Okay. I wonder if could you answer any questions asked 11:03
26 of you?
27 A. Thank you.
28
29 END OF EXAMINATION

1 CHAIRMAN: Thanks very much. Now, Mr. Kelly.

2

3 SERGEANT SANDRA KEANE WAS THEN CROSS-EXAMINED BY MS.

4 MULLIGAN, AS FOLLOWS:

5

11:03

6 93 Q. MR. MULLIGAN: Good Morning Chairman. Sergeant Keane,
7 can you hear me? First time, I haven't tried this
8 before.

9 A. That's okay.

10 CHAIRMAN: I'm sorry Ms. Mulligan, I didn't call you by 11:04
11 name, I didn't know that you were -- yes, Ms. Mulligan.

12 94 Q. MS. MULLIGAN: Sergeant Keane, if you can't hear me,
13 just let me know

14 A. No, that's fine.

15 95 Q. I will lean in accordingly. In terms of the make up of 11:04
16 Athlone Garda Station, am I right in saying there's
17 about 15 to 20 people during the day, that there would
18 be 15 to 20 guards in the station on any given day?

19 A. Oh there'd probably be more than that, I would imagine.
20 If you are talking about detective units, drug units, 11:04
21 uniform units, then you have --

22 96 Q. Approximately?

23 A. There's probably 20 plus. I would say 30 maybe.

24 97 Q. 20 guards during the day and then a much smaller group
25 of people in the evening time, is that right? 11:04

26 A. It would depend on the evening. On weekends --

27 98 Q. Probably half, something like that?

28 A. Yes.

29 99 Q. Give or take, I am not going to hold you to it. If we

1 go through the length of time you have been there as of
2 May 2014, you arrived in 2009, you have been there for
3 about five years, is that right?
4 A. Yes.
5 100 Q. So you know people quite well and the dynamic of the 11:05
6 station, would that be fair?
7 A. Well, you would know the people you would work with on
8 your unit, you'd know them maybe more than others.
9 101 Q. Of course, but you would know everybody by name and
10 possibly would have stopped and chatted to most people, 11:05
11 is that fair?
12 A. That would be fair.
13 102 Q. In relation to your involvement in 2009, is it fair to
14 say that you were aware in and around 2010 that there
15 had been an allegation about Garda A in 2010, about him 11:05
16 having a relationship with Ms. B? Is that something
17 that would went around the station?
18 A. No. I was aware of that allegation. I was on the
19 maternity leave for --
20 MS. McGRATH: I am afraid there's interruptions from a 11:05
21 number of sides in relation to this particular line of
22 questioning.
23 CHAIRMAN: Is that right.
24 MS. MULLIGAN: I can move on, nothing particularly
25 turns on it 11:06
26 CHAIRMAN: I'm sorry, wait now, just to see where we
27 are going. Ms. O'Rourke, please press the button and
28 lean forward. Maybe it is just me this morning but I
29 am finding it difficult hearing everybody. I don't see

1 a light in front of your microphone.

2 MS. O'ROURKE: well, the light is on here, Chairperson.

3 Chairperson, I just question the relevance of this

4 question. Sergeant Keane is here to give evidence in

5 relation to module 1 to 4, she has given evidence in 11:06

6 relation to one discrete issue. My Friend seems to

7 want to deal with issues that I think may be outside

8 the scope of this Tribunal, but my Friends on my left

9 will be better positioned to deal with that.

10 MS. McGRATH: I think that is the position, Chairman. 11:06

11 MS. MULLIGAN: Certainly, Chairman, I am not seeking to

12 open it to prove anything. My question is what is

13 known and not known. I am trying to understand exactly

14 what was known about the allegations. I am trying to

15 look at more specifically -- 11:06

16 CHAIRMAN: Ms. Mulligan, where are we going? To what

17 purpose? What are you hoping to achieve, if I can ask

18 you that?

19 MS. MULLIGAN: I suppose, Judge, all I am trying to

20 identify is, as of 2010 up to 2014, how solid is the 11:07

21 allegation against Garda A and Garda Lyons known in the

22 station. Because I am asking whether lines have been

23 drawn between different groups of people

24 CHAIRMAN: Let's suppose Sergeant Keane says two

25 things. First of all, I knew about it, and (b), I 11:07

26 didn't know about it. Those are the two possibilities,

27 isn't that right.

28 MS. MULLIGAN: Yes

29 CHAIRMAN: What difference does it make to Ms. Olivia

1 O'Neill coming in and saying what she did or not saying
2 what they did, what difference does that make?

3 MS. MULLIGAN: I suppose my questioning is in relation
4 to Garda Treacy going straight up the line, as it were,
5 in relation to identifying whether or not an allegation 11:07
6 has been made about coaching, is it because there is
7 panic in the station at the time about the
8 whistleblowing?

9 CHAIRMAN: Can we go back for a second?

10 MS. MULLIGAN: Is it because there is background 11:08
11 history here?

12 CHAIRMAN: Can we go back for a second to see what is
13 not in dispute as I understand it. I understand it's
14 not in dispute that Ms. O'Neill arrived in the station
15 and that Ms. O'Neill made a statement, that in the 11:08
16 course of that statement she said certain things, that
17 Garda Treacy sought advice in the middle of that, that
18 Sergeant Keane returned and that events proceeded with.
19 No, I am not going to allow this, Ms. Mulligan. This
20 is not material to the area that we are investigating. 11:08
21 MS. MULLIGAN: Very good

22 CHAIRMAN: And if there is any question of suggesting
23 that I am in error in that, I will happily entertain a
24 written submission, which I will circulate to the other
25 parties for their comments, but as of now, I am 11:08
26 declaring that that is irrelevant.

27 MS. MULLIGAN: No issue with that.

28 MS. O'ROURKE: Chairperson, I also have to interject
29 again. I think my Friend clarifying there said she was

1 seeking to clarify the allegations known of Garda A and
2 Garda Lyons -- there is no suggestion of any
3 allegations.

4 MS. MULLIGAN: And I misspoke Ms. O'Rourke, my
5 apologies, in relation to Garda A and Ms. B. 11:09

6 CHAIRMAN: We now exactly know where we are going, we
7 know where we are not going. Ms. Mulligan, just to
8 assure you, if there is any issue arising, a written
9 submission, please, I will circulate it and reconsider
10 the situation. But as of now that's the ruling. 11:09

11 103 Q. MS. MULLIGAN: Very good, Chairman, thank you. So you
12 had in the station since August 2009, according to your
13 statement.

14 A. Hm-hmm.

15 104 Q. We have Garda Nicholas Keogh, who makes his 11:09
16 determination that he is a whistleblower and comes
17 forward as a whistleblower in around 8th May 2014. Can
18 I just confirm, were you aware almost immediately that
19 this allegation had been raised by Nicholas Keogh,
20 presumably either from the media or locally? 11:10

21 A. I am not quite sure when I was made aware.

22 105 Q. Okay. In relation to Sergeant Haran's report, he says
23 that on the night of the 8th May, Sergeant Haran and
24 Garda Keogh briefed a number of people on the unit. I
25 just wanted to ask you, do you recall if you were one 11:10
26 of those people who might have been briefed on unit?

27 A. I can't recall that.

28 106 Q. You can't recall that. You don't have any memory of
29 that. Okay. In terms of then your awareness of Garda

1 Keogh being a whistleblower, would it be fair to say
2 that you knew within a week that that had been the
3 case? I can't imagine it was a small thing for Athlone
4 Garda Station?

5 A. I can't say. I couldn't say it was a week, a month, 11:10
6 I'm not quite sure.

7 107 Q. Okay. Would it be fair to say that everyone accepted
8 that having a whistleblower in Athlone Garda Station
9 was a new experience for everyone in Athlone Garda
10 Station? It had never happened before? 11:11

11 A. No.

12 108 Q. No?

13 A. No.

14 109 Q. And would you say, to be fair to everyone, knowing that
15 not only there was a whistleblower but who that 11:11
16 whistleblower was, might have put everyone on high
17 alert in the station?

18 A. No, I wouldn't say that.

19 110 Q. No? You don't feel that anyone behaved any differently
20 or was any more aware of themselves or in any way 11:11
21 concerned by a member of An Garda Síochána in their own
22 unit becoming a whistleblower?

23 A. I didn't see that.

24 111 Q. You didn't experience that?

25 A. No. 11:11

26 112 Q. Okay. And can I just ask you, and I wonder,
27 Mr. Kavanagh, if you could bring up page 1802, the
28 Pulse entry. Just for your benefit, Sergeant Keane, I
29 wonder if you might take an opportunity to read that.

1 I just wanted to ask you, and give you the opportunity
2 to respond: Had you seen that prior to coming to the
3 Tribunal?

4 A. I have. I can't -- actually, I think it actually was
5 in the volumes I'd actually seen, I didn't actually go 11:12
6 seeking it on the Pulse.

7 113 Q. Yes. But had you seen it prior to seeing the volumes?

8 A. I don't think I had actually seen that.

9 114 Q. You don't think you had. Just in relation to -- again
10 because it's important to understand what's going on on 11:12
11 the ground, it's the case that this particular Pulse
12 entry was flagged and sent up the ranks to Chief
13 Superintendent Mark Curran I think on the 19th May, the
14 following day, but it's not your view that you would
15 have seen it or been aware of it? 11:12

16 A. No.

17 115 Q. All right. Garda A then makes a complaint about this
18 particular Pulse entry later, I think in July, had you
19 seen it at that stage?

20 A. No, I wasn't aware that Garda A made a complaint. 11:13

21 116 Q. All right. Okay. Just to be clear, you say that
22 nobody had told you about this or discussed it with
23 you?

24 A. No.

25 117 Q. And that no complaint had ever been raised to you, is 11:13
26 that right?

27 A. I don't recall.

28 118 Q. You don't recall to the best of your knowledge. Okay.
29 Just to go through then in relation to the Olivia

1 O'Neill incident itself. Mr. Kavanagh, I wonder if we
2 could have the transcript from Day 119, and it's page
3 17, I think it's the middle, the latter half of the
4 middle.

5
6 "It was interrupted in the middle of taking the
7 statement by a female sergeant."

8
9 It's line 16. It says:

10
11 "It was interrupted in the middle of taking a statement
12 by a female sergeant. This happened as Cheyanne was
13 making her statement. I said to Stephanie, I was told
14 to be very careful about what I said about Ms. B."

15
16 Do you see that?

17 A. Yes, I see that.

18 119 Q. Just to be clear, did you come in in the middle of the
19 statement, the start of the statement or where do you
20 say you came in?

21 A. This has been clarified on a couple of occasions.

22 120 Q. Yes. And I would just like to clarify it again, if
23 that's all right?

24 A. Again I will clarify it. I did not go into the room to
25 meet Ms. O'Neill until after Garda Treacy had come out
26 to me.

27 121 Q. Okay. So we could agree or disagree that you came in,
28 in the middle?

29 CHAIRMAN: In the middle of what?

1 MS. MULLIGAN: Of taking a statement.

2 A. No, what I said is, when Garda Treacy left the room, I
3 spoke with her, then I went to Inspector Farrell and
4 then I came back, is the first time I met her.

5 122 Q. Yes, so would you accept that from Ms. O'Neill's point 11:15
6 of view that's the middle of the statement?

7 CHAIRMAN: How does she know it's the middle of the
8 statement,

9 MS. MULLIGAN: If she can't speak to it, she can't
10 speak to it. 11:15

11 CHAIRMAN: Now, but how is she supposed to know? Garda
12 Treacy comes out and she goes in, how does she know
13 where they are. I mean surely have you to establish
14 that.

15 MS. MULLIGAN: well then I will ask the question -- 11:15

16 CHAIRMAN: Isn't that right?

17 MS. MULLIGAN: very well, Chairman

18 CHAIRMAN: You can certainly has Garda Treacy about
19 that. I am not understanding.

20 123 Q. MS. MULLIGAN: very good. In terms of the statement 11:15
21 that had been taken, did you view the statement that
22 had been taken thus far?

23 A. No, I didn't.

24 124 Q. By Garda Treacy.

25 A. No. 11:16

26 125 Q. Did you ask to see it before you went into the room?

27 A. No.

28 126 Q. No?

29 A. No.

1 127 Q. And did you ask to see it after the statement was
2 completed?

3 A. No, I didn't.

4 128 Q. No, you didn't. Okay. And can I just ask, because it
5 was Inspector Farrell I think who says we should omit 11:16
6 any material about this allegation, whatever this
7 allegation is, from the substantive statement. Why
8 didn't you just double-check that that had happened?

9 A. Sorry, I'm not quite clear what you're are saying.

10 129 Q. So from Stephanie Treacy's point of view, she was asked 11:16
11 to make sure that there was no reference to any
12 allegation about Nicholas Keogh in Cheyanne's
13 statement, is that right?

14 A. Yeah, from my --

15 130 Q. Keep them separate, isn't that right? 11:16

16 A. Yes, from my speaking to Garda Treacy, prior to seeking
17 advice from Inspector Farrell, there was the alleged
18 threats to Cheyanne and then Garda Treacy came to me,
19 also said in relation to what Olivia O'Neill had said
20 to her, being advised to give a statement that Ms. B 11:17
21 was protected.

22 131 Q. Yes. We are agreed that was the plan of action, as it
23 were. My question is: Did you double-check that that
24 had happened, that they had been kept separate?

25 A. Well, Garda Treacy had received the same advice as I 11:17
26 had in the room with Inspector Farrell, so we were
27 clear coming out of that room.

28 132 Q. Correct me if I am wrong, you are her supervising
29 sergeant, isn't that right?

1 A. Yes.

2 133 Q. Yes. Because you were in the room with her, did you
3 double-check Garda Treacy's work, to make sure that
4 there was no additional information?

5 A. No, I was quite clear that she was clear that they were 11:17
6 two separate matters.

7 134 Q. So the answer to that --

8 A. Garda Treacy is a very competent, capable member of An
9 Garda Síochána.

10 135 Q. The answer is no, is that right? 11:17

11 A. I don't recall seeing the statement.

12 136 Q. No.

13 A. I don't know if she had started to make a statement or
14 who had started to make statement.

15 137 Q. Okay. So I have to ask Garda Treacy about that? 11:17

16 A. Yes, she will be able to give evidence.

17 138 Q. That's fine. And when look at the allegation itself,
18 and I think it was put to you by Ms. McGrath just a
19 moment ago, so I won't ask Mr. Kavanagh to open it
20 again, but you have been asked whether or not -- sorry, 11:18
21 I lost my train of thought. I will go again. In terms
22 of when you go into the room, Ms. B is very clear that
23 she knew of these allegations before coming to --

24 CHAIRMAN: Sorry, I think you mean Ms. O'Neill,.

25 139 Q. MS. MULLIGAN: Sorry, Ms. O'Neill is aware of these 11:18
26 allegations about Garda A and Ms. B prior to coming
27 into the room, and she makes that clear to the
28 Tribunal. I will just get the reference. Page 20, on
29 Day 119.

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"I do remember about Ms. B's ears being around, do you know. But I knew that long before I went to the Garda barracks, I heard it all around the place. But I was not told that in the barracks."

Now, that was Ms. O'Neill's evidence to the Tribunal. I suppose my question is: When Garda Treacy came to you with, we'll call it, a concern about coaching or a concern about an allegation about another colleague, was it not reasonable to expect for you to do at least some preliminary questioning to figure out exactly what had happened and what was going on in that room?

11:19

A. Garda Stephanie Treacy had a conversation with me. We went for advice to Inspector Farrell. On going back into the room, it was quite clear to me that Ms. O'Neill did not want to engage with me and didn't have any complaint to make.

11:19

140 Q. Okay. So just so I am clear, it's not a normal course of events for a member of the public to accuse a member of An Garda Síochána of coaching, correct?

11:20

A. Correct.

141 Q. It would be an abnormal scenario?

A. Yes.

142 Q. Has it happened to you before or since?

11:20

A. No. No.

143 Q. No. So this is genuinely a once off?

A. This, yes.

144 Q. So, at any point did it occur to you that Garda

1 Stephanie Treacy was wrong?

2 A. Absolutely not.

3 145 Q. In what she understood?

4 A. No.

5 146 Q. And innocently wrong, just genuinely made an error? 11:20

6 A. Look, I wasn't in the room when Garda Treacy spoke with

7 Ms. O'Neill, I can only go by what Garda Treacy came to

8 me with. But on meeting Ms. O'Neill, she did not want

9 to engage, she didn't want to...

10 147 Q. What I am asking you: would it not have been 11:21

11 reasonable for you to -- for anyone to expect, given

12 that this is a once-off scenario, for you to ask Garda

13 Treacy, are you sure?

14 A. I am sure I did, but she was quite sure.

15 148 Q. Okay. So you are sure you did, but there is no notes? 11:21

16 A. No.

17 149 Q. Of your conversation with Garda Treacy?

18 A. No.

19 150 Q. Is that right?

20 A. No. 11:21

21 151 Q. You made no record and you have given nothing to the

22 Tribunal to give us any contemporaneous understanding

23 of just how certain Garda Treacy was?

24 A. Garda Stephanie Treacy was very sure of what she said

25 to me. 11:21

26 152 Q. Okay. So she is absolutely certain, there's no

27 possible alternative version of events that might

28 explain something which is otherwise an absolutely

29 explosive allegation against another member of An Garda

1 Síochána?

2 A. I can't speak for Garda Treacy. You know, she may be
3 able to assist on that. What Garda Treacy said to me
4 is what she --

5 153 Q. Well, just let me put it to you this way: We have two 11:22
6 options, either Garda Treacy is absolutely certain or
7 she wasn't certain and you didn't ask her any questions
8 to clarify the position. So which one is it?

9 MR. KANE: Sorry to interject, I am wondering, is there
10 a witness that is going to be produced that is going to 11:22
11 say that Stephanie Treacy was uncertain about what
12 happened?

13 CHAIRMAN: I think we know the answer to that,
14 Mr. Kane.

15 MR. KANE: But I just -- 11:22

16 CHAIRMAN: What you are really saying is, should have
17 you checked as to whether Garda Treacy had made a
18 mistake?

19 MS. MULLIGAN: Yes

20 CHAIRMAN: In regard to what? 11:22

21 MS. MULLIGAN: What had been said.

22 154 Q. CHAIRMAN: Okay. Should you have checked whether Garda
23 Treacy had got it right or had got it wrong in what she
24 said?

25 A. Garda Treacy was very sure of what she said to me. 11:23

26 155 Q. MS. MULLIGAN: Okay. I want to follow that line, if I
27 may. It's the case that we have the very first
28 whistleblower in Athlone Garda Station on the 8th
29 January --

1 MS. McGRATH: May.

2 A. May.

3 156 Q. MS. MULLIGAN: My apologies, on the 8th May. So this
4 is I think three weeks later. It's the case that Garda
5 Keogh is in the station and there has been quite a 11:23
6 significant media attention on Athlone Garda Station
7 and we are in a relatively unprecedented scenario for
8 the general staff in Athlone Garda Station, isn't that
9 fair? Yes. I think you agree with that, I think you
10 said that to me earlier, that you accept this hadn't 11:23
11 happened before or since. Yes?

12 A. Yes.

13 157 Q. And then we have a second unprecedented situation,
14 where, in your own statement you say that -- or, sorry,
15 in your own evidence you said to me that you have not 11:24
16 had anyone accused of concocting evidence, either
17 before or since. Yes? In those circumstances, where
18 we have not one but two unprecedented scenarios, you
19 took no steps to verify what Garda Treacy had said to
20 you or to clarify what Garda Treacy had said to you, 11:24
21 isn't that right?

22 A. No, I don't accept that.

23 158 Q. Okay. So what steps did you take?

24 A. Garda Treacy was quite sure of what she had heard from
25 Olivia O'Neill in the interview room. That is why she, 11:24
26 I assume, left to get advice.

27 159 Q. So I just want to be clear, you're certain because
28 she's certain, is that right?

29 A. Well, I was quite satisfied with Garda Treacy's

1 conversation to me, that that is the conversation she
2 had heard in the interview room, which is why I then
3 sought advice.

4 160 Q. Okay.

5 A. So I am quite sure of that. 11:25

6 161 Q. So you're quite sure because Garda Treacy is sure. So
7 can I be clear, it is the case that you took no further
8 steps to verify the veracity of that account?

9 A. Again, I was -- and I'm satisfied that Garda Treacy
10 relayed to me the conversation she had with Ms. Olivia 11:25
11 O'Neill.

12 162 Q. So the answer to that is yes, you took no further
13 steps?

14 A. That's correct.

15 163 Q. Yes. 11:25

16 A. Well I did, I went to seek advice from Inspector
17 Farrell.

18 164 Q. Yes. But you took no further steps to verify the
19 veracity or, I will call it, the accuracy of Garda
20 Treacy's account? 11:25

21 A. I was quite -- as I said, I was quite satisfied that
22 Garda Treacy had heard the conversation she heard.

23 165 Q. Yes. So you didn't challenge the account?

24 A. No.

25 166 Q. Okay. All right. So then we go into the room, and 11:25
26 you're not clear if it was the middle or the start or
27 wherever because you weren't in the room at the start
28 to take a position about where we were in the process,
29 that was your earlier evidence?

1 A. Yes.

2 167 Q. Can I just ask you to open, Mr. Kavanagh, page 1889. I
3 think to be fair to Ms. McGrath, I think it's the same
4 document, I just have it different. There are many
5 copies of the same document in the volumes, my 11:26
6 apologies. I think we all agree that this is Garda
7 Treacy's statement about what happened. Yes?

8 A. Yes.

9 168 Q. It's the same one that Ms. McGrath opened to you, I
10 think it just has a different number. Can I just ask 11:26
11 you, and if I can beg the indulgence of all the parties
12 for me to read, at the beginning of the statement:
13
14 "Olivia O'Neill told Garda Treacy that her and her
15 daughter Cheyanne were advised that Ms. B is friendly 11:26
16 with certain gardaí in Athlone Garda Station and that
17 she is phoned prior to any search of her property so
18 she can get rid of weapons and drugs. She also alleged
19 that she is told when anybody makes a complaint or
20 statement against her that the Gardaí cover it up." 11:27
21
22 Do you see that paragraph?

23 A. Yes.

24 169 Q. So I just want to ask you, let's just call this
25 statement one for the purpose of this question, if you 11:27
26 don't mind. The second one is the next paragraph:
27
28 "Ms. O'Neill informed Garda Treacy that she was told to
29 make sure that the above information goes into her and

1 Cheyanne' s statement. "

2

3 Do you see that?

4 A. Yes.

5 170 Q. Just bear with me, that is statement two. And then if 11:27

6 we go to the next paragraph, for want of a better word:

7

8 "Garda Treacy asked Ms. O'Neill who advised her of this

9 and Ms. O'Neill said 'Garda Nick, just now at the

10 counter downstairs' . " 11:27

11

12 Now, am I correct in saying that you have no other

13 statement or version of events or contemporaneous note

14 of your own, isn't that right?

15 A. Correct. 11:28

16 171 Q. And you're relying on Garda Treacy and her account of

17 events?

18 A. And my recall of the event.

19 172 Q. And your recall. Can I just put it to you that there

20 are two statements there, and instead of dividing them 11:28

21 up, Garda Treacy only asks who advised her of this, but

22 there are two, for want of a better word, to be asked

23 about. The first is whether or not she was told to put

24 material in her statement. And then at the top is the

25 substantive allegation itself. Is it not reasonable 11:28

26 that when Ms. O'Neill answered "Garda Nick Keogh, just

27 now at the counter downstairs" that she was answering

28 only the second part, which is who informed --

29 MS. O'ROURKE: Chairperson, this is a document -- this

1 is Garda Treacy's document.

2 CHAIRMAN: I know.

3 MS. O'ROURKE: I have listened to my Friend, it seems
4 like that Sergeant Keane is going to be interrogated as
5 to -- 11:29

6 CHAIRMAN: It doesn't matter what the witness answers
7 in relation to this.

8 MS. O'ROURKE: Yes.

9 CHAIRMAN: Because it has nothing to do with her, she
10 wasn't there. 11:29

11 MS. MULLIGAN: Respectfully, Judge, I disagree with
12 that point because what I am trying to ascertain is
13 whether or not Sergeant Keane caught this issue, and,
14 if she didn't catch the issue, why didn't she catch the
15 issue? Because it appears that we have what may have 11:29
16 been an innocent misunderstanding or a failure to take
17 a proper statement in what I would call An Garda
18 Síochána language and as a result of this we go down a
19 very, very detailed rabbit hole and train of inquiry,
20 that if anyone higher up the ranks had caught, it could 11:29
21 have been stopped ahead of time. And the question for
22 this Tribunal is whether or not this acquiescence on
23 the part of management, and I have to ask this question
24 of Inspector Farrell as well, is: Did anyone catch
25 this? And if not, why not? I think it is a legitimate 11:30
26 train of enquiry. It may be that the Tribunal might
27 not be able to make any determination.

28 173 Q. CHAIRMAN: Sorry, what did Garda Treacy tell you?
29 A. Garda Treacy said to me that she had been asked to take

1 a statement from the O'Neills.

2 174 Q. CHAIRMAN: Right.

3 A. She then said that that Ms. Olivia O'Neill had said to
4 her that she had been advised to get into the statement
5 that Ms. B was being protected by local gardaí and that 11:30
6 she had got tip offs if a search was to be conducted.
7 That's what Garda Treacy said to me.

8 175 Q. CHAIRMAN: So this is what Garda Treacy tells you, she
9 reports to you what she says Ms. O'Neill said?

10 A. Yes. 11:30

11 176 Q. CHAIRMAN: Okay.

12 A. And Ms. O'Neill --

13 CHAIRMAN: Ms. Mulligan, where I am not sure is,
14 parsing and analysing the statement that we have here.

15 MS. MULLIGAN: Yes 11:31

16 CHAIRMAN: Does not seem to me to be relevant without
17 some basis for it and what the witness says is that
18 Garda Treacy came to her with the report, which she
19 followed up by going to Inspector Farrell. Now, maybe
20 you could say, maybe they should have looked at more 11:31
21 documents or whatever it is, maybe so.

22 MS. MULLIGAN: That is where I am going with this,
23 Chairman

24 CHAIRMAN: Okay.

25 MS. MULLIGAN: Once you get this, do you -- 11:31

26 CHAIRMAN: But she doesn't get this written document.
27 That's the point. You are exploring the meaning of a
28 written document which she doesn't say she had.

29 MS. MULLIGAN: Yes, and I had asked prior to adducing

1 this particular line of questioning whether or not she
2 had seen the statement and had she checked for the
3 accuracy of the statement, and she has already
4 confirmed, I think that's correct, Sergeant Keane, that
5 you didn't see the document and you didn't check the 11:32
6 accuracy?

7 A. This particular statement was addressed to the sergeant
8 in charge, it didn't come through me. If you could
9 scroll down, I think it's addressed to the sergeant in
10 charge. 11:32

11 177 Q. CHAIRMAN: This comes later, this comes at a later
12 point. Ms. Mulligan is asking you about the night in
13 question when Garda Treacy comes and talks to you.
14 Okay,, is that right?

15 MS. MULLIGAN: Yes 11:32

16 CHAIRMAN: Right.

17 178 Q. MS. MULLIGAN: Again, you identified to me earlier that
18 you didn't look for the statement and you didn't ask
19 Garda Treacy could you check it for its accuracy or
20 look at it to make sure that there was no extra piece 11:32
21 of information in relation to the statement, isn't that
22 right? So, I asked earlier about dividing up the
23 allegation against Nicholas Keogh and the allegation
24 against Ms. B, and I asked you had you asked Garda
25 Treacy could you look at that statement or did you look 11:32
26 at that statement. I think you said no.

27 A. This particular statement? This particular statement,
28 is that what you're referring to?

29 179 Q. So, okay --

1 CHAIRMAN: I am not sure at all what's going on here.
2 MS. MULLIGAN: Apologies.
3 CHAIRMAN: Ms. Mulligan, look, let's be fair about
4 this. You're exploring a written statement made
5 subsequently by Garda Treacy and you are analysing it 11:33
6 for meanings, and maybe they are correct and maybe they
7 are not correct, but I am suggesting that it's not fair
8 to ask this witness, who says, she came to me and told
9 me, here's what had happened.
10 MS. MULLIGAN: Yes 11:33
11 CHAIRMAN: I went with her to Inspector Farrell.
12 MS. MULLIGAN: Yes
13 CHAIRMAN: Maybe she is right -- sorry, I don't mean to
14 be offensive. Maybe the witness was correct and maybe
15 she was not correct. Maybe she should have done 11:33
16 something different. Maybe she shouldn't. But a
17 subsequent statement is scarcely a legitimate zone of
18 inquiry. That's is my point.
19 180 Q. MS. MULLIGAN: Very good, Chairman. I can simplify my
20 questions. It's the case that you didn't see this 11:34
21 document, isn't that right?
22 A. That's correct.
23 181 Q. It's the case that you didn't look for this document,
24 isn't that right?
25 A. Well, I would have advised Garda Treacy to report the 11:34
26 matter.
27 182 Q. At any point subsequent to the 28th or the 29th May,
28 did you ever seek to see this document?
29 A. No, because this document was -- Garda Treacy was

1 advised by me to make a report as to what happened.
2 That was sent to the sergeant in charge's office.

3 183 Q. Yes. So you didn't see it and you didn't look for it?
4 A. Correct.

5 184 Q. Correct, okay. So you can't speak to one way or 11:34
6 another whether or not there are any inaccuracies or
7 whether or not there's anything missed in how matters
8 were handled after the 28th May, is that right?
9 A. Correct.

10 185 Q. Okay. Just very briefly, it is I think in Garda 11:34
11 Treacy's statement that it was Sergeant Haran who
12 charged her with the task of getting a statement from
13 Olivia O'Neill. Is there any reason why you didn't
14 send her back to Sergeant Haran at the time?
15 A. Send her back when? 11:35

16 186 Q. To Sergeant Haran. So when she comes to you saying, I
17 think or I believe there's an allegation or there is
18 coaching going on here, I know that's not exactly what
19 she said, but when this concern is raised to you, you
20 didn't tell her to go back to Sergeant Haran, is that 11:35
21 right?
22 A. No, I didn't.

23 187 Q. No. Okay, that's fine. Did you ask her Garda Keogh to
24 clarify at the same time what he had said to Olivia
25 O'Neill, either before, during or after the 28th of 11:35
26 May?
27 A. I don't know. I don't think I did.

28 188 Q. Why was that?
29 A. Maybe I didn't see him, we might have been working

1 different hours, I'm not sure.

2 189 Q. Okay. So again you have given the evidence to the
3 Tribunal that you have neither before or since had an
4 accusation of coaching against another colleague. Just
5 to be absolutely clear, to give you every opportunity, 11:36
6 you say that the only reason you didn't discuss the
7 matter with Nicholas Keogh is because you didn't see
8 him?

9 A. I can't recall. I was aware that Garda Treacy had made
10 a report and it had gone up through higher ranks. 11:36

11 190 Q. Very good. Nothing further.

12

13 END OF EXAMINATION

14

15 CHAIRMAN: Thanks very much. Who is next? Just a 11:36
16 minute, Sergeant.

17 WITNESS: I'm sorry, apologies.

18 CHAIRMAN: Who is next in the order? Mr. Kane, where
19 do you fit in?

20 MR. KANE: I'm for Stephanie Treacy. 11:36

21 CHAIRMAN: Well, we will come to you second last in
22 that case.

23 MR. KANE: At the moment, Judge, I don't envisage
24 having any questions.

25 CHAIRMAN: That's fine. Ms. O'Rourke, have you any 11:37
26 questions?

27 MS. O'ROURKE: I think I will be the last person if
28 nobody else -- apologies, Chairman, if nobody else has
29 questions.

1 MR. DONAL MCGUINNESS: we have no questions.
2 CHAIRMAN: You have no questions. Very good.
3 MS. O'ROURKE: I don't have any questions.
4 MS. McGRATH: Chairman, can I clarify just one or two
5 very, very short matters? 11:37
6 CHAIRMAN: well, I want to go back to Mr. Kane first of
7 all. Mr. Kane, have you no questions?
8 MR. KANE: I have no questions.
9 CHAIRMAN: Thanks, Ms. McGrath, okay.
10
11 SERGEANT SANDRA KEANE WAS RE-EXAMINED BY MS. McGRATH,
12 AS FOLLOWS:
13
14 191 Q. MS. McGRATH: Thank you, Sergeant Keane. Can I just
15 ask Mr. Kavanagh to bring up page 1469 of the papers. 11:37
16 Do you see there, Sergeant Keane, that is the statement
17 of Cheyanne O'Neill?
18 A. Yes.
19 192 Q. Now, just in relation to something that Ms. Mulligan
20 raised with you, if Mr. Kavanagh can just -- I don't 11:37
21 know if you have seen it or read it in the papers at
22 any stage?
23 A. I would have, I'm sure, glanced through it.
24 193 Q. Okay. well, it's a short enough statement. If
25 Mr. Kavanagh -- you don't need to read it, if you can 11:38
26 just look down?
27 A. Yeah.
28 194 Q. That's the statement Ms. Cheyanne O'Neill gave that
29 night. I think Ms. Mulligan was trying to clarify with

1 198 Q. So you knew that Sergeant Haran had done the initial
2 tasking, you didn't go back to him, is that right?
3 Instead you both went to Inspector Farrell?

4 A. I'm not sure if he was still on duty when Stephanie
5 approached me, I can't recall. 11:39

6 199 Q. Okay. I don't think there is anything else, Sergeant
7 Keane, thank you very much?

8 A. Thank you.

9

10 END OF EXAMINATION 11:39

11

12 CHAIRMAN: Thank you very much very good.

13

14 THE WITNESS THEN WITHDREW

15

16 MR. MARRINAN: Chairman, the next witness is Sergeant
17 Andrew Haran. 11:39

18 CHAIRMAN: Thanks very much.

19 MR. MARRINAN: This witness's statement is in volume 3,
20 at page 587, and in volume 42 at 11749, his interview 11:40
21 with the Tribunal investigators.

22

23 SERGEANT ANDREW HARAN, HAVING BEEN SWORN, WAS

24 DIRECTLY-EXAMINED BY MR. MARRINAN, AS FOLLOWS:

25

26 WITNESS: Sergeant Andrew Haran. 11:40

27 CHAIRMAN: Thank you very much.

28 200 Q. MR. MARRINAN: Sergeant Haran, would you just give a
29 brief history of your time in An Garda Síochána, where

1 would be community policing specific but also, at a
2 time when a sergeant wouldn't be attached to unit C for
3 any other reason, I would take up the role as
4 supervisor in unit C.

5 206 Q. Did you get to know him? 11:42

6 A. Oh yeah. We worked -- we have a small enough team in
7 Athlone, so I would have worked with him, along with
8 the others, on a day-to-day basis. So I certainly
9 would have had a good knowledge and understanding
10 socially and professionally. 11:42

11 207 Q. How many would have been on unit C?

12 A. Approximately eight.

13 208 Q. How did you find his work?

14 A. I found him very motivated. He had a taste for certain
15 policing that others wouldn't, in that he had a 11:42
16 particular graw for outside foot patrol, which was
17 something kind of novel, where most people would see
18 that as kind of, I suppose you'd call it,
19 uninteresting, but he actually had a flare for it and
20 an interest in it, where he would pound mile upon mile 11:42
21 on the beat, which was a great thing for a supervisor
22 to see in fact.

23 209 Q. We heard from Superintendent McBrien yesterday that you
24 had told her on one occasion that he wasn't great with
25 his paperwork? 11:43

26 A. Yeah. I mean, most all of us in An Garda Síochána,
27 there's plenty of strengths and weaknesses, and as I
28 said in one of them, his strength was his interest in
29 that. He a weakness with paperwork, but that wouldn't

1 be uncommon in our job, plenty of people have different
2 flares and strengths.

3 210 Q. Did you regard that as a major failing at the time?
4 A. No. I didn't. My, I suppose, attention to his alleged
5 weakness in paperwork became apparent as his struggles 11:43
6 became worse. It wasn't apparent to me in the
7 immediacy, it only became that way as things progressed
8 for him.

9 211 Q. Well, perhaps we will deal with a time limit of October
10 2014. Did this in any way interfere with his ability 11:43
11 to do good police work?
12 A. Not in the times that I knew him, except after the
13 disclosure, obviously things changed in his ability to
14 manage his paperwork, but it wasn't apparent to me
15 prior to that. 11:44

16 212 Q. We have also heard that Superintendent McBrien, and I
17 don't want to dwell on this in any way, but that for a
18 period of time Garda Keogh had a problem alcohol
19 addiction, is that right?
20 A. Yeah, I was fully aware of it. We talked off duty on a 11:44
21 regular enough basis, where would I have been aware of
22 it.

23 213 Q. How would you describe your relationship with him?
24 A. Good. Positive in a professional way. While we didn't
25 socialise off duty, we were talkative off duty, on the 11:44
26 phone, rather than meeting off duty.

27 214 Q. Would they be discussions about work?
28 A. Predominantly they were welfare driven, albeit from my
29 side, because I'm not, I suppose, inclined to talk

1 extensively about work and especially not as the
2 situation changed for Garda Keogh, I began to be more
3 cautious talking about work to him, but they would have
4 been around his general well being.

5 215 Q. If we could move forward then to 8th May of 2014, when 11:45
6 Garda Keogh made his protected disclosure. Prior to
7 making his protected disclosure, did he give any
8 indication that he was going to make a protected
9 disclosure to you?

10 A. No. We talked a lot about different things, but I had 11:45
11 no knowledge of that event.

12 216 Q. And we know that this was first mentioned in the Dáil
13 by Deputy Flanagan, did you hear that or did you hear
14 word from the Dáil?

15 A. I did. I suppose it went around very quickly, because 11:45
16 something of that gravity will move around our circles
17 of work very quickly and it became obviously the
18 subject of much talk.

19 217 Q. Did it surprise you that Garda Keogh had gone public?

20 A. Yeah. It would have, yeah. 11:46

21 218 Q. Were you surprised that he hadn't perhaps consulted you
22 in relation to the matter?

23 A. Em, not that he hadn't consulted me, but I would be
24 surprised at that direction and course, because we
25 would have internal mechanisms to report, you know, 11:46
26 whatever would be alleged. And people have used that
27 before and since, I assume.

28 219 Q. Did you meet him on the 8th May?

29 A. Yeah. He came to work that evening. I don't know

1 whether it was I approaching him or he bumping into me
2 but we spoke.

3 220 Q. Before you spoke, what was the mood in the station?
4 A. Em, would it be one of maybe anticipation or
5 uncertainty or maybe there would have been a question 11:46
6 of whether he would turn up. But we wouldn't have been
7 in for a very long time because our shift start time
8 would have been broadly the same. But there would have
9 been a sense of, kind of, uncertainty, I suppose would
10 be a way of putting it. 11:47

11 221 Q. Was there a question mark over what he had in fact
12 disclosed?
13 A. Well, there was much talk about, I suppose you would
14 call it, the extent of it. Because there wasn't an
15 awful lot of clarity to matters that came out in the 11:47
16 first day.

17 222 Q. Were you aware of the fact at that stage that his
18 disclosure as made through the confidential recipient
19 was protected and the content of his disclosure should
20 remain unknown? 11:47

21 A. Yes.

22 223 Q. Yes. So in any event, you met Garda Keogh on the
23 evening of the 8th; is that right?
24 A. That's right.

25 224 Q. Was that on the evening shift? 11:47
26 A. Yeah.

27 225 Q. What time did that start at?
28 A. I think my time would be slightly different to his, I
29 think I would have been on what we call a 6pm to

1 perhaps 2am and that would have been because of the
2 role I had in supervision of community policing as well
3 and Garda Keogh's time would be 9pm start time.

4 226 Q. Did you speak to him?
5 A. Oh yeah, I made it my business to speak to him. 11:48

6 227 Q. Just tell us what you said.
7 A. Well, I certainly don't remember it verbatim, but it
8 would have been on the lines of: Listen, you're here
9 now and do you think, would it be prudent to chat to
10 everybody because there's a real uncertainty and, 11:48
11 perhaps I said, unease in the station about what's
12 happened and how would you feel about getting it out
13 there because I have nothing to fear from whatever it
14 is that you are making a disclosure about, as I would
15 assume the vast majority of people wouldn't have had 11:48
16 any concerns about.

17 228 Q. So really, would it be fair to say you wanted him to
18 clear the air -
19 A. Absolutely.

20 229 Q. - with his colleagues? 11:48
21 A. Yeah.

22 230 Q. Was he agreeable to that?
23 A. He was, yeah. You know, I just said, you know, how do
24 you feel about it? And he absolutely bought into it
25 pretty much immediately. 11:49

26 231 Q. Were these just the members of his unit?
27 A. Yeah. I wouldn't be able to kind of put together a
28 kind of larger audience at that time, even if I had
29 wanted to, but I felt it was most important just to

1 brief his immediate unit.

2 232 Q. Do you recall who you did convene?

3 A. Well, I don't. I mean, a duty detail of who was

4 working would be available in theory.

5 233 Q. Yes. 11:49

6 A. But I would have estimated that about six uniform

7 colleagues would have been there.

8 234 Q. Right.

9 A. And that would have been the immediate people he worked

10 with on daily basis. 11:49

11 235 Q. Did you go into a room for this meeting?

12 A. Yes. There's a building at the back of our station

13 where there would be a room that I knew would be

14 private and undisturbed.

15 236 Q. And did Garda Keogh address the people? 11:49

16 A. Yeah. I got another person to cover what I would call

17 the station duty, just for the time that it took us to

18 be away from our primary roles.

19 237 Q. And what did he say to those assembled?

20 A. Well, I know he was very careful not to name anybody 11:50

21 and he didn't name any of the people that have been

22 talked about in terms of Garda A or Ms. B or any of

23 those people, but he did say, and he was very strong in

24 saying it, that nobody in this room or indeed of your

25 rank, and I think I would have been the only sergeant 11:50

26 there, he says, has anything to concern -- I think he

27 said something along the lines of, this is about one or

28 two people in plain clothes and senior management.

29 238 Q. Did his colleagues appreciate that he had addressed

1 them in the way that he had?

2 A. well, they did. I mean, as I said, there was this
3 unease about not knowing whether we potentially were in
4 what we would call a firing line or should we be
5 concerned and he was very much trying to allay that for 11:50
6 us.

7 239 Q. Now, in the succeeding days afterwards, what was the
8 atmosphere around the station like? Had it cleared the
9 air, do you think?

10 A. well, I think it certainly cleared the air for the 11:51
11 immediate unit.

12 240 Q. Yes.

13 A. And for the team that were there. But it in no way, I
14 suppose, appeased others. Because there was -- that
15 conversation would have gone out, and even in that 11:51
16 itself, that would have created an unease amongst
17 anybody who would have been potentially in that line,
18 i.e. maybe people in plain clothes, maybe people in
19 other ranks. So, things changed from that day forth.
20 There's no doubt about it. 11:51

21 241 Q. It's perhaps difficult to get a complete handle on it,
22 the atmosphere that there would have been in the Garda
23 station at the time, but the station party at that time
24 was about a hundred, is that right, personnel?

25 A. Yes, yes. 11:51

26 242 Q. Obviously there would have been different units. But
27 you think that the word spread fairly quickly that
28 Garda Keogh had addressed his own unit and, whilst not
29 identifying the people who were involved, he perhaps

1 pointed people in a direction, if I can put it that
2 way?

3 A. Oh absolutely. I mean, a number of people, you know,
4 may have speculated, but the atmosphere and unease was
5 palpable in the station and while many of us and some 11:52
6 of the immediate unit were very careful to try not to
7 talk about it, it did come up and it couldn't but.

8 243 Q. Yes.

9 A. Because this was a hugely significant event in our time
10 working in Athlone. The negativity that surrounds an 11:52
11 event like that was very, very apparent to all of us.
12 So it became the subject-matter of quite a lot of
13 conversation.

14 244 Q. Was the conversation positive or negative towards Garda
15 Keogh, or both? 11:53

16 A. I think it's fair to say that at that stage some people
17 would have had views of a particular positive and
18 negative, but largely a huge amount of people were
19 trying really hard not to get involved, because we were
20 very aware that this is now an accusation against a 11:53
21 third party and it would be very important to let
22 things like that play out and not take a side. But it
23 was quite difficult, because of the fact that we were
24 in a station where different people work with one
25 another. 11:53

26 245 Q. I think Garda Keogh has indicated in evidence and in
27 the statements that he has made to the Tribunal that
28 other than one incident involving a sergeant, which was
29 dealt with by Superintendent McBrien, that he didn't

1 get any adverse reaction on the ground from people?

2 A. Well, I mean I certainly wouldn't have seen it, I
3 wouldn't have been party to it and I wouldn't see why
4 it would happen.

5 246 Q. Did you become privy to the intelligence entry that had 11:54
6 been entered by Garda Keogh on Pulse?

7 A. I did.

8 247 Q. Did you speak to him about that?

9 A. We spoke an awful lot around that time and I might have
10 been potentially a sound bar for him. I would have 11:54
11 kind of advised him in a general way to be very careful
12 about doing anything that would be definitive like
13 that. So, I don't remember if we spoke about the
14 specific content of that intelligence entry.

15 248 Q. Yes. 11:54

16 A. But I do remember that any time we spoke would I have
17 been very guarded about advising him not to do anything
18 definitive like that, because I wouldn't see that as
19 a -- well, a direction that I would take, even if I was
20 privy to something like that information. 11:55

21 249 Q. You had no official role in relation to the
22 intelligence entry or dealing with it, isn't that
23 right?

24 A. Only insofar as I think I passed correspondence from
25 the superintendent down. 11:55

26 250 Q. Yes. I am not going to open up the correspondence.

27 A. Yes.

28 251 Q. Because there's no issue in relation to it.

29 A. No. Yes.

1 252 Q. And just to be clear in relation to that, because I am
2 not going to go over ground that has already been dealt
3 with by Superintendent McBrien, but you're familiar
4 with Garda Keogh's evidence and Superintendent
5 McBrien's in relation to the passing of correspondence 11:55
6 back and forth?
7 A. Yes.
8 253 Q. You were really just simply the conduit of that
9 information?
10 A. That's right. 11:55
11 254 Q. I am not going to open the documents to you or go
12 through it unless any of the parties suggest otherwise.
13 But I don't see there is anything to be gained in
14 relation to that?
15 A. No. 11:55
16 255 Q. I will come back to the intelligence entry. Did you
17 think it was appropriate?
18 A. We all plough our own furrows, and I said it's just not
19 something I would ever do myself, no.
20 256 Q. What part of it didn't you think was appropriate? 11:56
21 A. Well, I mean, I can't speak for where he was in his
22 thought process, but I would, if I had a reason to, I
23 suppose, relay information like that, I would do it
24 through different channels, through more, what I would
25 call appropriate channels. 11:56
26 257 Q. Did you see it as a CHIS issue?
27 A. Em, I have learned an awful lot about CHIS from my time
28 in the Tribunal here.
29 258 Q. Yes, right.

1 A. And I know an awful lot more now than I did. At the
2 time I actually possibly would have thought it wasn't.

3 259 Q. Yes.

4 A. I am now considerably wiser and I realise that it's not
5 in our ambit to choose that, it's actually to someone 11:56
6 else to decide whether it's appropriate or not.

7 260 Q. Because if you thought at the time that it was a CHIS
8 issue and you had some sort of supervisory function,
9 and I am not in any way criticising you for this, but
10 that you might have taken him to task in relation to it 11:56
11 at the very outset?

12 A. Yes, that's right.

13 261 Q. But you didn't confront him with it. So, as you very
14 fairly said, at the time you didn't know as much about
15 CHIS as you know now and you didn't necessarily think 11:57
16 that it was a CHIS matter on its face. There were
17 questions that arose in relation to that entry. Did
18 Garda Keogh at any time in the months that followed
19 come to you and say that he thought that the questions
20 that were being asked of him in relation to this CHIS 11:57
21 entry were inappropriate?

22 A. No.

23 262 Q. Did he suggest to you at the time, at any time, that he
24 felt that in some way he was being badgered or that he
25 was being harassed in relation to it? 11:57

26 A. No, I think he just -- my impression of Garda Keogh at
27 that time was that any file that he got would have been
28 arduous to him, rather than a specific one about
29 intelligence or otherwise. Just, I'd say his focus was

1 clearly on matters related to the protected disclosures
2 and the presence of files and queries of any kind were
3 a challenge to him.

4 263 Q. Did you see any evidence that perhaps he had started
5 drinking again? 11:58

6 A. Well, periodically I did. Now, it should be said that
7 when you say evidence of his drinking, that would
8 generally take place over a phone call to me or where
9 he would say to me, I don't want to work tomorrow, you
10 know, can I have it -- it's not that I met him in a 11:58
11 drunken state in work ever.

12 264 Q. Yes.

13 A. He was saying he was drinking.

14 265 Q. He has been fairly adamant, I don't know whether you
15 were here when he gave evidence in relation to this. 11:58

16 A. I was.

17 266 Q. But I think it was as a result of a question from the
18 Chairman, where he said that he would almost go into
19 training before he came back to work -

20 A. Yeah. 11:59

21 267 Q. - after binge drinking, so that he wouldn't allow
22 alcohol to interfere with his work. Is that what you
23 found?

24 A. I did. He may have come back and perhaps he would say,
25 I had a rough week and he would refer to it that way. 11:59
26 But he would attempt and he would be turned out
27 appropriately and he would attempt to be taking part in
28 a full shift in whatever capacity he was tasked.

29 268 Q. Did he appear to you to be somebody who took his

1 responsibilities very seriously?
2 A. In respect of a given day or in general?
3 269 Q. Yes, when he was there?
4 A. Oh when he was there, he was attempting to be a fully
5 active policeman. 11:59
6 270 Q. Then if we come to the 28th of May and the Olivia
7 O'Neill incident. Will you just tell us what happened
8 that you recall that evening?
9 A. Garda Keogh was what we call PO, which is the public
10 office desk, and at some point, I don't have a time in 11:59
11 mind, but at some point in the day he came to me and
12 said she's here, Olivia O'Neill, and he said, I can't
13 take the statement. And I don't remember whether --
14 I've noted listening to the evidence whether there is a
15 suggestion he couldn't take it because he was too busy 12:00
16 or because he shouldn't take it. I don't actually
17 remember the distinction between those two points.
18 271 Q. Well, if I could just dwell on that just for a moment,
19 because if we could have page 589 of your statement up
20 on the screen, please. It's at paragraph 3.7. You 12:00
21 say:
22
23 "Garda Keogh told me he couldn't take a statement
24 because he was too busy."
25 12:00
26 The Tribunal investigators asked you about these
27 matters and you refer them back to your statement as
28 being your stated position in relation to it and it's
29 clearly in conflict with what Garda Keogh says in

1 relation to this, because Garda Keogh says that he
2 thought that there was a conflict and that's why he
3 didn't take the statement. So, you're unsure now at
4 this juncture whether his version is correct or whether
5 what you said there in your statement is correct? 12:01

6 A. Yeah. Well, I certainly wouldn't remember the
7 specifics of language used at that time.

8 272 Q. Yes.

9 A. Now, I mean, as I say, when I thought that he was too
10 busy, in my mind that was my recollection of it. But 12:01
11 it didn't seem to be a pivotal point at the time. I
12 now recognise it's different to Garda Keogh's
13 recollection and in truth, I can't categorically state
14 that mine is accurate. I think it was because he was
15 too busy. I do want to clarify that the public office 12:01
16 desk is not a desk that normally lends itself to taking
17 any statements of any kind.

18 273 Q. Yes.

19 A. In the normal course of events, if a person is on that
20 desk duty and a need to take statement arises. 12:02

21 274 Q. Yes.

22 A. It would always be done that a person, if at all
23 possible, would stand in while that statement was being
24 taken.

25 275 Q. Yes. 12:02

26 A. Because as the station suggests, it's a public office,
27 so therefore at any time if you were attempting to take
28 a statement, any number of people from the public could
29 walk in and if you have left the desk unattended, that

1 is highly inappropriate and if you are taking a
2 statement, it wouldn't be private. So I would consider
3 it would be illogical for a person at a desk to take a
4 statement in the most part unless absolutely at a
5 critical point where nobody is in the station, if you 12:02
6 understand me.

7 276 Q. But in any event, you ask Garda Stephanie Treacy to
8 take a statement, is that right?

9 A. Yes.

10 277 Q. Do you recall what Garda Keogh said to you in relation 12:02
11 to what Olivia O'Neill was there to make a statement
12 about?

13 A. Well, I wouldn't recall word-for-word but I can
14 definitely remember, as I think I said in it, he was
15 animated, in an animated manner. I think what I mean 12:03
16 is, he was happy. He saw this as a significant event,
17 that a person would come to the station to make a
18 statement. And I think remember him saying something
19 about naming names. I immediately understood that to
20 mean that Garda Keogh was happy that Olivia O'Neill was 12:03
21 here to make a statement about Garda A and Ms. B.

22 278 Q. Was that a supposition that you made?

23 A. No. Well, I mean, if it was, it was based on the fact
24 that I would have known at that point who Garda Keogh
25 was talking about in his disclosures. So therefore his 12:03
26 animation and the reason for it was quite obvious to
27 me.

28 279 Q. Just again if we can look at paragraph 3.6, and again
29 this is just a point of conflict that we would hope to

1 resolve in relation to this. You say, three lines
2 down:

3
4 "I remember that he spoke to me during the day in an
5 animated manner." 12:04

6
7 In actual fact, I think you're referring to the time
8 that Olivia O'Neill called to the station, is that
9 right?

10 A. Definitely. 12:04

11 280 Q. Yes.

12
13 "He outlined something about Olivia O'Neill presenting
14 unannounced at the counter and that she wanted to make
15 a statement." 12:04

16
17 And then you have about Garda A and other individuals.
18 Did Garda Keogh mention that Olivia O'Neill wanted to
19 make a statement about Garda A or is that just an
20 inference that you drew? 12:04

21 A. That's an inference I clearly drew. He didn't name
22 Garda A to me when he said she was here to make a
23 statement.

24 281 Q. Right. You're sure about that, because that could be
25 misleading? 12:05

26 A. I am absolutely sure.

27 282 Q. So you are happy to correct that as well. After the
28 statement was taken, we have heard from Sergeant Sandra
29 Keane this morning and we will hear from Inspector

1 Farrell, but did you become in any way or familiarise
2 yourself with the report that was sent in the following
3 day by Garda Stephanie Treacy?

4 A. I didn't. I have seen that since, but I am not able to
5 recollect exactly who was sergeant in charge on all of 12:05
6 those days.

7 283 Q. Yes.

8 A. But I know that I was on duty when she came in, but
9 wasn't a recipient of that report.

10 284 Q. When did you first become aware of it? 12:05

11 A. Oh, many -- like years later, as distinct from days or
12 weeks later.

13 285 Q. Right.

14 A. I haven't seen a report until Disclosures.

15 286 Q. In terms of a suggestion, perhaps, an interpretation of 12:06
16 the report, that it could have given rise to a
17 suggestion of coaching of a witness by Garda Keogh, was
18 there any talk at all in the station at that time that
19 Garda Keogh had perhaps sought to encourage or coach a
20 witness to give evidence to support his own claims? 12:06

21 A. Not that I heard, no.

22 287 Q. Is it something that you would remember, if there was
23 discussion in the station at that time?

24 A. Oh I would think so. I mean, it would be a significant
25 enough comment. So if it came to me, I would have 12:06
26 referenced it in my statement.

27 288 Q. Then if we move on a couple of days later, we know
28 about the Liam McHugh incident and the report of Garda
29 Lyons, and that Garda Lyons I think had a discussion

1 with Detective Sergeant Curley and then the matter was
2 referred through Inspector Farrell to Chief
3 Superintendent Curran. Had you any dealings with that
4 at all?

5 A. I didn't.

12:07

6 289 Q. Was there any discussion in the station at all about
7 Garda Lyons' interaction with Liam McHugh?

8 A. No. I began to understand it as various disclosures
9 came out. But around that time, I actually didn't hear
10 about it. I know who the person is. It may have been
11 mentioned that there was an inquiry about him, but I
12 certainly wasn't aware of any content or understanding
13 of the matters.

12:07

14 290 Q. Garda Keogh again gave evidence in relation to this and
15 he referred to the fact that he had asked around the
16 station of people in relation to the Liam McHugh and
17 what it was about. Do you remember any discussion with
18 Garda Keogh in relation to the Liam McHugh incident?
19 Did he come to you at any stage and ask you about it?

12:07

20 A. I don't think so. I have no recollection of it. We
21 talked about many things, but I don't recall him --

12:08

22 291 Q. Well, we know that correspondence went down through to
23 you him in relation to Olivia O'Neill later on and also
24 Liam McHugh again later on in July. Again, I don't
25 intend to open it up. Then Garda Keogh sent his
26 response, again through you, to Superintendent McBrien
27 and we have heard evidence in relation to that. Did
28 Garda Keogh at any time express concern to you that
29 again these questions that were coming down to him were

12:08

1 in some way that he might have felt at that time that
2 he was being targeted or harassed or bullied by
3 management?

4 A. No.

5 292 Q. That's in relation to the Olivia O'Neill incident and 12:09
6 the Liam McHugh incident?

7 A. Yes. No to both, yeah.

8 293 Q. Then there were queries that arose in relation to a
9 complaint that had been made by Garda A, first of all
10 discovering that there had been a search of -- well, 12:09
11 first of all about the entry on the 18th May, were you
12 involved in that in any way?

13 A. No, I wasn't.

14 294 Q. No. And then the discovery of the search that had been 12:09
15 conducted by Garda Keogh and by another garda who was
16 stationed in Donegal, did you become familiar with
17 that?

18 A. I didn't.

19 295 Q. No. During the period of time, it's quite clear from 12:09
20 your evidence, which is very helpful in this regard,
21 that up until the protected disclosure was made that
22 you were very supportive and close to Garda Keogh. Did
23 you remain as close to him after he had made the
24 protected disclosure, up until -- well, we will use the
25 timeframe, because other matters happened subsequent to 12:10
26 that, but up until October of 2014.

27 A. Yes, I did. I didn't do it under any sense of duty.
28 It was purely done as you would do for a colleague and
29 support a colleague. I had no issue with doing it.

1 296 Q. Did he come to you with any issues that he had during
2 that period of time arising out of his interaction with
3 management?

4 A. No, he never brought specific issues. Our
5 conversations were lengthy but centred on his stresses. 12:10
6 He was certainly addled. There was no question about
7 him struggling, that was very apparent to me and his
8 admissions of drinking and his difficulties with work,
9 all of those things were apparent to me. The strain
10 was very obvious. But no particular issues were 12:11
11 brought to me. More, it was a collective strain that
12 he was feeling regarding, I suppose, working and
13 dealing with the disclosures and the various people
14 that he was meeting with and things like that. They
15 weren't specific to any management issue, it was more a 12:11
16 collective issue.

17 297 Q. Did it appear to you to be taking a toll on him?

18 A. Oh definitely. Very apparent.

19 298 Q. Did you see a risk that he might go back drinking?

20 A. Oh yeah. I mean, a risk to drinking, a risk to his 12:11
21 personal health, a risk to his mental health, a risk to
22 his person was very apparent.

23 299 Q. At that time did he appear more focused on his
24 complaint rather than his police work?

25 A. He was interesting in his focus, is that he was an 12:11
26 emotional person who had peaks and troughs. So at a
27 certain time when he might have perceived something was
28 going in his direction, there was a very obvious, you
29 know, contentment and that, and then, perhaps when

1 something went in his way against what he perceived was
2 his plan or disclosure, he would struggle. And that
3 might have coincided with some of his absences and
4 drinking issues.

5 300 Q. This touches on another issue but I will deal with it 12:12
6 now because it may be appropriate. The Ó Cualáin
7 investigation were conducting interviews in Athlone
8 Garda Station, isn't that right?

9 A. Yes.

10 301 Q. How did you feel about that at the time? 12:12

11 A. Do you mean in relation to the investigation at all or
12 its location?

13 302 Q. It's location.

14 A. Well, it was an appalling idea to have it in Athlone
15 Garda Station. 12:12

16 303 Q. Why do you say that?

17 A. Well, the idea that you might make an investigation on
18 behalf of one person but accusing another, where both
19 parties were in the station and both still working in
20 the station, to me it seemed unprofessional. It 12:13
21 seemed, to attempt to get the best and to get the best
22 evidence and answers from everybody, it would have been
23 done properly to have been taken completely away from
24 Athlone Garda Station, to put people on both sides, and
25 I don't just talk about the protagonists, I am talking 12:13
26 about the people accused, it would have put everybody
27 in a better place. Because I didn't particularly make
28 a decision that someone was right or wrong, but in the
29 interests of best practice, all parties were affected

1 by the Ó Cualáin investigation taking place in Athlone
2 Garda Station.

3 304 Q. Did witnesses who were called in to make statements
4 express concern to you?

5 A. Not to me, because I was a witness. So I had my own 12:13
6 concerns. I felt everything that I felt everybody else
7 felt. So if I was feeling all of the angst about going
8 from a building to a room to make a statement about a
9 person and both parties were working in the Garda
10 station, I felt it was very much on the back foot and I 12:14
11 wasn't happy with it at all. And I then knew from
12 other witnesses. It's not that they said that they
13 made a complaint to me, but they felt -- specifically
14 some of them said to me they felt deep discomfort in
15 making statements in that location. 12:14

16 305 Q. Do you think that might have fed into the pressure that
17 Garda Keogh was feeling at the time?

18 A. Well, I mean, if he felt some of the pressures that I
19 felt even working amongst it, it must have.

20 306 Q. Thank you. Would you answer any questions. 12:14

21

22 END OF EXAMINATION

23

24 CHAIRMAN: Now, yes Mr. Kelly.

25

12:14

26 SERGEANT ANDREW HARAN WAS CROSS-EXAMINED BY MR. KELLY,

27 AS FOLLOWS:

28

29 307 Q. MR. KELLY: Sergeant Haran, my name is Matthias Kelly,

1 I am asking questions on behalf of Garda Nick Keogh.

2 A. Okay.

3 308 Q. I think over the years you have been his sergeant and
4 had been quite supportive of him, is that right?

5 A. Yes. 12:15

6 309 Q. Just to pick up on that last matter that you were asked
7 about, you've described it in your statement which you
8 made to the Tribunal investigators, at the location
9 chosen for the interviews as Athlone Garda Station as
10 being inappropriate? 12:15

11 A. Yeah. wholly inappropriate.

12 310 Q. I think you also said that in your view it was, you
13 used a very nice phrase, it was a bit tricky for people
14 to meet with them there. I take it from that, that
15 what you mean is that, just, as you say, it wasn't a 12:15
16 very good idea at all. It made it difficult for
17 people?

18 A. It made it difficult for all parties, as I say, on any
19 side.

20 311 Q. Yes. 12:15

21 A. If there was a side and there didn't and shouldn't have
22 been.

23 312 Q. Yeah, fine. One thing I also want to ask you about, if
24 you don't mind, is about Olivia O'Neill events. She
25 came into the station that evening with her daughter to 12:16
26 make a complaint. Now, you I think were on other
27 duties but were in the station, is that right?

28 A. Yeah.

29 313 Q. Nick Keogh was on the public desk, is that right?

1 A. Yes.

2 314 Q. You have described that it's a place where you
3 couldn't, with the best will in the world, really take
4 a statement, it's not a desirable place to take a
5 statement in any event? 12:16

6 A. That's right.

7 315 Q. Nick Keogh says that he was quite busy that evening, do
8 you dispute that?

9 A. No. The desk, the public office job is one of the
10 busiest job if not the busiest job in the station. 12:16

11 316 Q. Just while we're on that, the public office. That is a
12 job, as I understand it, that's not very popular
13 amongst guards?

14 A. No, I mean, it isn't. Because for a start it's unknown
15 in its nature, in that if you take up a position in the 12:17
16 public office, by the nature of the public you don't
17 know what's coming in the door and it can be a question
18 of volume only but there could also be a question of
19 strange content coming through and challenge you on a
20 minute-by-minute basis, along with a lot of other 12:17
21 duties that go with the position. So it's a really
22 difficult job.

23 317 Q. So it's not a job that would be first prize at a
24 raffle?

25 A. Absolutely not. 12:17

26 318 Q. It would be last, a booby prize?

27 A. Yes.

28 319 Q. On that evening when Olivia O'Neill had come in, Nick
29 Keogh said he was busy, she was in, she wanted to make

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MR. MARRINAN: I am sorry.

CHAIRMAN: Yes, who is speaking?

MR. MARRINAN: I am sorry, sir, this issue just arose a moment ago in the cross-examination of Sergeant Sandra Keane, and the problem here is that we're not looking into the truthfulness -

CHAIRMAN: Yes.

MR. MARRINAN: - of Garda Keogh's allegations. You will be familiar, if you look there, at paragraph 3.12, and this relates to this witness's interaction with a senior member of management.

CHAIRMAN: Yes.

MR. MARRINAN: who isn't here, isn't a party to the proceedings. This, in my respectful submission, is inadmissible.

CHAIRMAN: Yes. There is an allegation of a relationship between Garda A and Ms. B. It's no more than an allegation and it's not something we're investigating.

MR. KELLY: I understand that, Chairman, entirely.

CHAIRMAN: If that were the case, we would have to have a completely different kind of inquiry.

MR. MARRINAN: Yes.

CHAIRMAN: So where is this going, Mr. Kelly?

MR. KELLY: I will tell you where it's going. It's just to establish what knowledge was in the community and therefore is relevant to what Ms. O'Neill said,

1 that when she went in, everybody in the community knew
2 it.

3 CHAIRMAN: She has given evidence --

4 MR. KELLY: And, therefore, for it to be suggested to
5 her that she was being put up to this by Nick Keogh,
6 simply is groundless. That's all I am getting at.

12:20

7 CHAIRMAN: She has given evidence about the state of
8 knowledge in the community. She has given that
9 evidence.

10 MR. KELLY: Mm-hmm.

12:21

11 CHAIRMAN: If you are suggesting, which you are as I
12 understand, that there is substance in the rumours,
13 belief or suspicions, which is what you are doing, I am
14 ruling that out. That's irrelevant and immaterial and
15 not connected with the thing. If you want to insist on
16 doing this, you can make a written submission about it
17 and I will do so. But my ruling is that this is
18 irrelevant. We have already made this abundantly
19 clear, even in the opening statement on the 11th April:
20 what are we not concerned with? We are not concerned
21 with the truth of any allegation made by Garda Keogh
22 and it's not going to come in by the back door or the
23 side door or any other door. I am satisfied at
24 present, the matters of which I am aware, which is what
25 the community people told Sergeant Haran and what he
26 reported or the validity of it or not validity of it or
27 suspicions arising, are not relevant. So I am ruling
28 that out, Mr. Kelly.

12:21

12:21

29 MR. MARRINAN: Sorry, sir, could I just add to that and

1 it may put Mr. Kelly's mind at ease. Neither are we
2 examining whether or not Garda Keogh actually coached
3 any witness. What we are dealing with is how
4 management dealt with the reports of these
5 interactions. So we're not in actual fact examining 12:22
6 that aspect of it either. It's never been put to Garda
7 Keogh by the Tribunal or by any of the teams here at
8 the Tribunal that Garda Keogh was involved in coaching
9 either Olivia O'Neill or Mr. McHugh.

10 CHAIRMAN: That's true, Mr. Kelly, it's not suggested 12:23
11 that he coached anybody. The question is: Given the
12 reports they received from Garda Treacy and the way
13 matters proceeded, the conduct of Garda management, did
14 it represent targeting or discrediting? That's quite
15 clear. So Mr. Marrinan is correct, irrelevant. That 12:23
16 is another reason which I should have realised at
17 first. So that's inadmissible and illegitimate
18 cross-examination, Mr. Kelly. If you want to challenge
19 that, as I said, make a written submission, but I can
20 tell what you the result will be. 12:23

21 MR. KELLY: That's very kind of you. I am not asking
22 any more questions.

23
24 END OF EXAMINATION

25 12:23
26 CHAIRMAN: Thanks very much. So, who is next? Yes,
27 Mr. McGuinness.

28 MR. DONAL MCGUINNESS: Chairman, I have a few
29 questions.

1 CHAIRMAN: Very good.

2 SERGEANT ANDREW HARAN WAS CROSS-EXAMINED BY MR. DONAL
3 McGUI NNESS, AS FOLLOWS:

4
5 326 Q. MR. DONAL McGUI NNESS: Sergeant Haran, just to recap 12:24
6 exactly when you were supervising and involved in the
7 supervision of Garda Keogh. In 2012 were you involved
8 in the supervision of Garda Keogh?

9 A. I would have been in a general way, not specifically on
10 his unit but on the community policing unit that worked 12:24
11 at broadly the same times. So primarily, if his own
12 unit sergeant was in the role, they would be his
13 immediate supervisors, but on any day they weren't,
14 that I would be a general supervisor to that team.

15 327 Q. Were you aware in 2012 that he had a residential 12:24
16 treatment course in relation to his alcoholism?

17 A. Just in an unspecific way, like not down to dates and
18 times. But at that point I was aware that he was
19 struggling.

20 328 Q. Struggling? 12:24

21 A. Yeah.

22 329 Q. In fact, we have heard evidence previously about Garda
23 Tully, Sergeant Tully who referenced his coping in
24 relation to issues?

25 A. Yeah, and he would have been his primary, as I say, 12:25
26 supervisor. That's when I would step in, would be just
27 in the absence of Sergeant Tully at times then.

28 330 Q. I might ask you just to look briefly at page 9281
29 please. The question I just asked you was about 2012,

1 this is now in 2013. If you just look at that box
2 there. Mr. Kavanagh might scroll down, just to show
3 the signature at the bottom of this document. It's a
4 referral in relation to occupational health dated 21st
5 October 2013, it is signed by Superintendent McBrien. 12:25
6 Then, Mr. Kavanagh, if you might go up to where you
7 were, please. In the first box is:

8
9 "Q. Is the member experiencing or reporting to
10 experience difficulty carrying out their usual duties? 12:26

11 A. Yes.

12
13 If yes, give details

14 A. Alcohol related." 12:26

15
16 Do you see that?

17 A. Yes.

18 331 Q. You wouldn't disagree with that?

19 A. No, I wouldn't, no.

20 332 Q. Then, if I might just refer you to page 4916, please. 12:26

21 Now, this is a much later document, but this document
22 was created in response to allegations of bullying and
23 harassment concerning certain members. That's not the
24 module we're dealing with, but I think it does have
25 certain content that is relevant to the issues that 12:26
26 Mr. Marrinan was canvassing just now?

27 A. Okay.

28 333 Q. It also puts the very good relationship that you had
29 with Garda Keogh into perspective as well?

1 A. Okay.

2 334 Q. If you just go down halfway there on that document.
3 You said:
4
5 "He would often talk to me." 12:27
6
7 You see it, it's up on the screen.

8 A. Yes, I can see it.

9 335 Q. "He would often talk to me and I would regularly advise
10 him on files and paperwork as he freely admitted he was 12:27
11 not good on paperwork."
12
13 we've discussed this already this morning as well?

14 A. Yeah, it's accepted I think.

15 336 Q. "At this stage when he had admitted to being the person 12:27
16 who had made disclosures, he was suffering from alcohol
17 abuse and she was clearly struggling even to be in
18 work."
19 A. Definitely.

20 337 Q. "He appeared to be under enormous strain and I remember 12:27
21 that he loved to work nights, where I think he felt
22 more comfortable when less authority was around."
23
24 Yes?

25 A. Yes. 12:27

26 338 Q. "He was honest to me, stating that he may have to go
27 sick and this was apparent to me."
28 A. Yes. He was struggling to attend on a regular basis.

29 339 Q. Can you give us a time when this was said, have you any

1 idea when you are referencing that statement, that "He
2 was honest and he said he may have to go sick and this
3 was apparent to me at the time"?

4 A. It would have been subsequent to the disclosures, but I
5 can't be more accurate than that. It was probably late 12:28
6 in the summer of 2014.

7 340 Q. Summer of 2014?

8 A. Yes.

9 341 Q. Thereabouts?

10 A. Late summer, yes. 12:28

11 342 Q. Then you stated:
12
13 "I offered guidance and advice and engaged with him a
14 number of time on and off duty for a period of time."
15 A. Yes. 12:28

16 343 Q. Then you go on to say:
17
18 "Alcohol and the issues surrounding his protected
19 disclosure had clearly affected him and his ability to
20 work, previous standards was undermined, up to the time 12:28
21 he went on long-term sick leave."
22 A. Yeah, he was trying to continue working, but he was
23 clearly struggling and he knew that once he went sick
24 that he would be unlikely then to return. So he was
25 struggling to keep his attendance and his sick records 12:28
26 are kind of -- would match that, to show that the
27 sickness was increasing at the time.

28 344 Q. "I did not see Nick Keogh being bullied by any
29 persons."

1 A. Absolutely not.

2 345 Q. Or targeted, for that the matter?

3 A. Absolutely not.

4 346 Q. "His unit colleagues appeared to be supportive. His
5 supervisors in my station never bullied Nick in my 12:29
6 presence nor did they ever converse to me on paper,
7 orally or by any means in any way that might be
8 perceived as taking actions directed at Nick in any
9 way."

10 12:29

11 You agree with that?

12 A. Absolutely.

13 347 Q. "Indeed, supervisors appeared to make genuine efforts
14 to support him."

15 A. Yes. 12:29

16 348 Q. Just in relation to the O'Neill visit, Mr. Marrinan
17 referenced a potential conflict between you and Garda
18 Keogh as to reasons why he was unable to take a
19 statement on the night?

20 A. Yes. 12:29

21 349 Q. We might be able to resolve that issue if we look at
22 page 123. And if Mr. Kavanagh can scroll down to item
23 3, please. Now, this is Garda Keogh's statement to the
24 Tribunal. At the end of the first -- the last
25 sentence, the first paragraph, paragraph 3: 12:30
26

27 "I told her that I couldn't take a statement there and
28 then because of how busy the desk was on that day."
29

1 Then he goes on:
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 Athlone in the drugs trade and that 12:30
6 Ms. B was doing favours for guards. Her allegations
7 were general in nature. Give my involvement as a
8 witness in the internal investigation into corruption,
9 I realised that I could be conflicted in taking any
10 statement from her. I therefore replied that in those 12:30
11 circumstances she should make her statement to another
12 guard and that she should name names and name guards.
13 I went immediately to Sergeant Haran to ask him to
14 designate another garda to take her statement."
15
16 So, that paragraph does seem to chime with what you
17 have said in your statement as well, isn't that
18 correct?
19 A. Yes, I think so.
20 350 Q. Yes. And there apparently was a discussion about, if I 12:31
21 can just use the very neutral expression that was used
22 here, police collusion in Athlone?
23 A. Are you saying that that was mentioned to me on the
24 night?
25 351 Q. I am suggesting that at that time that this issue was 12:31
26 underway and at the time you noticed that Garda Keogh
27 was very animated, that the issue of police collusion
28 was being discussed, whether it was discussed in your
29 earshot or not is not something...

1 A. Yeah, he didn't mention anything, but he was very happy
2 that this lady, Olivia O'Neill, would be bringing
3 matters to the table about that. That was his -- well,
4 I think he used the phrase name names and that is why
5 he was motivated by her persons. 12:31

6 352 Q. Yes. If I can just ask you to go to page 591, please.
7 This is your statement and the very first paragraph
8 there, 4.4, if you just have a read of that first.
9 Just in relation to that paragraph, you will see
10 Inspector Farrell was anxious to see if he could assist 12:32
11 Garda Keogh in any way?

12 A. Yeah. We would speak regularly about Garda Keogh, but
13 also about any matters that would be arising at the
14 time. He would have -- we would have tried to come up
15 with any supporting mechanism or any method of support 12:32
16 that we could.

17 353 Q. Garda Keogh was not receptive at that time to those?
18 A. Yeah. He might listen to them but he wasn't generally,
19 I suppose, receptive to what might be perceived as
20 management kind of advices. If I had a hope of getting 12:33
21 advice to him, it would be best coming from myself or
22 from another colleague, but if he felt it was coming
23 from the top down, he might perceive it as not being
24 the best advice.

25 MR. DONAL McGUI NNESS: Thank you, sergeant. 12:33
26

27 END OF EXAMINATION

28
29 CHAIRMAN: Very good. Now, Ms. O'Rourke, do you have

1 any questions?
2 MS. O'ROURKE: I don't have any questions.
3 CHAIRMAN: Anybody else? Thank you very much.
4 Mr. Marrinan, any follow-up questions?
5 MR. MARRINAN: No. 12:33
6 CHAIRMAN: Thank you very much. Thank you very much
7 sergeant.
8
9 THE WITNESS THEN WITHDREW
10 12:33
11 MS. McGRATH: Thank you, Chairman, the next witness is
12 Inspector Nicholas Farrell, please.
13
14 INSPECTOR NICHOLAS FARRELL, HAVING BEEN SWORN, WAS
15 DIRECTLY-EXAMINED BY MS. McGRATH, AS FOLLOWS: 12:34
16
17 WITNESS: Inspector Nicholas Farrell.
18 CHAIRMAN: Thanks very much. Sit down.
19 354 Q. MS. McGRATH: Thank you, Inspector Farrell. Inspector
20 Farrell, I think you gave a statement to the Tribunal 12:35
21 and it's at volume 3, page 616 of the documents. Now,
22 are you happy to work from the screen or would you like
23 Mr. Barnes to provide you with hard copies?
24 A. I will how it goes first of all.
25 355 Q. Okay, perfect. Now, you outline in your statement your 12:35
26 background in An Garda Síochána. I think you confirm
27 that at the time of all of these events in 2014 you
28 were an inspector attached to Athlone, isn't that
29 right?

1 A. That's correct.

2 356 Q. Okay. I think you're still attached to Athlone in that
3 capacity; is that right?

4 A. That's correct, yes.

5 357 Q. Okay. Now, you say in your statement that you went 12:35
6 there first in 2006, but I think you left for a period
7 to go to Sligo; is that right?

8 A. That's correct, on promotion, yes.

9 358 Q. Now, while you were in Sligo, I think Garda Keogh
10 started in Athlone in October 2007? 12:35

11 A. That's correct.

12 359 Q. Then you came back to Athlone in October 2008 and I
13 think at that stage Garda Keogh was attached to the
14 divisional drugs unit, is that right?

15 A. That's correct. 12:35

16 360 Q. Okay. Now, during your period as inspector in Athlone,
17 you would have acted as district officer from time to
18 time, isn't that right?

19 A. That's correct.

20 361 Q. I think we have heard evidence from Superintendent 12:36
21 McBrien where you were the acting district officer when
22 she was on leave during 2014; is that right?

23 A. That's correct.

24 362 Q. Okay. Now, in your statement you tell the Tribunal
25 that your relationship with Garda Keogh was a purely 12:36
26 professional one and you say you had minimal personal
27 interaction with him during your time working with him,
28 is that right?

29 A. That's correct, yeah.

1 363 Q. Okay. Now, you deal with a matter that was raised by
2 Garda Keogh very early on in your statement, and Garda
3 Keogh in his own statement, he said:
4
5 "Prior to making my first protected disclosure, my 12:36
6 relationship with Inspector Nicholas Farrell was good
7 and afterwards it deteriorated."
8
9 Now, this is at paragraph 4.5 of your statement, on
10 page 619. Now, your answer to that, you say, that: 12:37
11
12 "If our relationship deteriorated in any way, the
13 deterioration was not of my making."
14 A. Yes.
15 364 Q. Now, did you see your relationship as deteriorating 12:37
16 after the protected disclosure made by Garda Keogh?
17 A. Yes. The first example of that was when I interviewed
18 or spoke with Garda Keogh on the 8th -- sorry, the 9th
19 May, when he made his protected disclosure.
20 365 Q. Okay. We will come to that in a minute. Just a yes or 12:37
21 no, did you feel it deteriorated around this time?
22 A. Yes, I did.
23 366 Q. Okay. If we could just start then with the early days
24 of the 8th and the 9th May. In that regard, you have
25 given diary entries to the Tribunal, isn't that right? 12:37
26 A. That's correct.
27 367 Q. We will just have a look at some of those diary
28 entries. Now, as you say, you knew he made a protected
29 disclosure on the 8th May; is that right?

1 A. That's correct.

2 368 Q. Okay. You were the acting district officer on those
3 two dates, the 8th and the 9th May, as Superintendent
4 McBrien was on leave, isn't that correct?

5 A. That's right, yeah. 12:38

6 369 Q. Okay. Now, how did you hear about the protected
7 disclosure that day, do you remember?

8 A. I think I heard it on the radio. I think I did. I am
9 not so sure.

10 370 Q. Okay. You were working that night in any event, of the 12:38
11 8th?

12 A. I was working that day also, yeah.

13 371 Q. Okay. And we know, we have heard that Garda Keogh came
14 on duty around 9pm that night; is that right?

15 A. That's correct, yeah. 12:38

16 372 Q. You have a diary entry for this day and it's at page
17 630 of the papers. If Mr. Kavanagh could just bring
18 this up. Now, we have heard from Chief Superintendent
19 Curran, he wanted you to meet with Garda Keogh this
20 particular day, is that right? 12:38

21 A. That's correct, yes.

22 373 Q. You have recorded that at the very top, you say:
23
24 "Requested by chief in writing to meet with Garda
25 Nicholas Keogh and inform him of the organisation's 12:38
26 support - that he should utilise the employee
27 assistance service and that any issues he wishes to
28 raise will be dealt with."
29

1 So that is your note of what you were asked to do, is
2 that correct?

3 A. Yeah.

4 374 Q. Now, you have a record there of attempts that you made
5 to phone him, and you were unsuccessful? 12:39

6 A. That's correct.

7 375 Q. Okay. Now, you also have a record that you spoke with
8 Sergeant Haran that evening, isn't that right?

9 A. That's right, yes.

10 376 Q. And you told him that you would try to contact Garda 12:39
11 Keogh?

12 A. That's correct, yeah.

13 377 Q. Okay. Now, you record there in the middle of the page,
14 just after 6pm, that Sergeant Haran said he would talk
15 to Garda Keogh and come back to you. And in fact he 12:39
16 did come back to you later on that night?

17 A. Correct, yeah.

18 378 Q. You have it recorded there that Garda Keogh said he
19 would prefer not to meet you, and, at the very last
20 line, Sergeant Haran went on to say that it was nothing 12:39
21 personal at that stage. Okay.

22 A. Yes.

23 379 Q. Can I ask you, did Sergeant Haran tell you, it's not
24 recorded but did he tell you that around or in around
25 this time that Garda Keogh was speaking to colleagues 12:40
26 about the protected disclosure? Did you know that that
27 was happening?

28 A. I was aware of that. Because I was in an office and
29 the meeting was going on in mother building across from

1 my office. So I remained in my office, waiting for
2 that meeting to finish, or that briefing to finish so
3 that I could speak with Garda Keogh. But when that
4 briefing finished, I was told that he didn't wish to
5 speak with me. 12:40

6 380 Q. Did you know anything about the briefing subsequently,
7 did you know --

8 A. Subsequent to the briefing, I think Sergeant Haran
9 might have referred to it, that Garda Keogh wanted to
10 speak to the unit about the disclosure. 12:40

11 381 Q. Okay. What happens then, it seems, on the next page,
12 at page 632, you reiterated that you wanted to convey
13 your support and it's recorded there at the top of the
14 page, isn't that right?

15 A. That's correct yeah. 12:40

16 382 Q. I think in your notes, it's at page -- I want to stay
17 with the typed version, so we will go to page 632.

18 A. Okay.

19 383 Q. Okay, there. There is you reiterating your support, is
20 that right? 12:41

21 A. That's correct.

22 384 Q. Now, you also record that Garda A handed over a box
23 containing files relating to Clean Street and you
24 secured those files without checking them in a steel
25 locker. 12:41

26 A. That's correct.

27 385 Q. Just to confirm, Clean Street, is that Operation Loki?

28 A. Yes.

29 386 Q. We will come to that again because I think he gives you

1 files the following day, but I will deal with that in a
2 moment. I want to start with the following day itself,
3 on the 9th May. In the morning, it seems that you got
4 more files from Garda A, is that right?

5 A. That's correct, yeah.

12:41

6 387 Q. This time you've just a little bit more detail, you
7 say:

8
9 "Garda A believed that they may relate to the
10 allegations of Garda Keogh."

12:42

11 A. Mm-hmm.

12 388 Q. So can I ask you then at this stage, even as early as
13 morning of the 9th May, did you have a good
14 understanding of what the protected disclosure of Garda
15 Keogh concerned?

12:42

16 A. Well, I certainly knew that it concerned obviously
17 Garda Keogh and Garda A.

18 389 Q. And these files?

19 A. And these files, because they were presented to me that
20 they would relate to that, in anticipation that they
21 would relate to it. Garda A said to me, I am handing
22 these to you for safekeeping because I anticipate these
23 relate to the disclosures.

12:42

24 390 Q. Okay. Did you understand then the purpose of why you
25 were being given these files?

12:42

26 A. Well, I took them when he gave them to me, I didn't
27 examine them because I didn't know what was going to be
28 in them, but he said, I want you to take them for
29 safekeeping, and I did that. And I didn't discuss

1 anything with Garda A.

2 391 Q. Okay. So later on in the day, it's that night by the
3 time you meet Garda Keogh?

4 A. That's correct.

5 392 Q. I think you meet him at 9:35. Again, you have a diary 12:43
6 entry at page 634 in relation to this. Now, at 634 you
7 say: "Spoke with Garda Keogh in my office."
8

9 So he was happy to meet you at this particular point,
10 is that right? 12:43

11 A. Well he met me. I don't know whether he was happy to
12 meet me.

13 393 Q. But he came to see you?

14 A. He met me, yeah.

15 394 Q. You describe him as: 12:43
16
17 "Very anxious and hostile. I explained that I
18 understood that this could be a very tough time and
19 that I wanted to offer my personal and organisational
20 support. He said 'your support means nothing to me, 12:43
21 say what you have to say, tick all the boxes'."

22

23 Can I ask you, did that cause you to pause or cause you
24 concern at that particular point?

25 A. Well, I can tell you, I was taken aback by that 12:44
26 reaction. It did, it would have caused me to pause
27 and, I would say, think of why he would be so hostile
28 towards me. Now I didn't ask him that question, but I
29 was taken aback by it, yes.

1 395 Q. When Garda Keogh was asked about this entry when he was
2 being cross-examined about your counsel, he accepted
3 your note of this meeting and he accepts that you
4 offered him support. I think at Day 105, page 10, just
5 for the transcript, he says that his response had 12:44
6 nothing to do with you personally. Do you know what he
7 might have meant by that?

8 A. Em, not on this date, but at later date it became clear
9 to me that because I was friendly with certain people,
10 he didn't trust me. 12:44

11 396 Q. And again, can you tell the Chairman what you
12 understand by that? Do you know why Garda Keogh might
13 say this?

14 A. He was of the view that I was friendly or more friendly
15 with people in the station and by being friends with 12:45
16 them, that I probably -- that he couldn't trust me.
17 That was my understanding.

18 397 Q. Okay. Now, you record there, just staying with your
19 diary entry, you record that you understood this could
20 be a very tough time for him and, as I say, you had 12:45
21 described him as anxious or hostile. Did you see him
22 as somebody under pressure on that day?

23 A. Yes. He was obviously a person under stress, yes.

24 398 Q. In fact, I think I have already opened it this morning
25 to Sergeant Keane, at page 638 of your diaries. You 12:45
26 spoke to Sergeant Keane and you used the words that
27 this is a very stressful for him, to her, is that
28 right?

29 A. That's correct. Yes, that's correct. And anyone that

1 would have dealt with him in the circumstances that I
2 dealt with him would see that obvious stress, yes.

3 399 Q. Now, you report up to Chief Superintendent Curran a
4 report of this meeting. The Chairman has seen it
5 before, at page 648, and it's effectively in accordance 12:46
6 with your diary note for that day, isn't that right?

7 A. That's correct, yes.

8 400 Q. Now, could I just ask you about something: Sergeant
9 Curran was asked about this report and he was -- sorry,
10 I keep saying that, my apologies. Chief Superintendent 12:46
11 Curran, he was asked about this report that came up to
12 him on Day 111. I might just ask Mr. Kavanagh to bring
13 up that, 117 please. So, it's Day 117 and it's page
14 18. So it's page 18, at the very top of the page.

15 A. Yes. 12:47

16 401 Q. Now, I had just asked him about the report that you
17 sent up after the 9th May and I asked him at the top of
18 the page:
19
20 "Was this as a cause of concern for you, when you saw 12:47
21 this report, that it hadn't been a particularly
22 positive meeting with Inspector Farrell?"
23
24 He answers:
25
26 "To some extent, yes, but I think if I was to really to 12:47
27 rationalise it, there was anti-management things going
28 on for him, you know, at that time."
29

1 Now, in fairness to you, on the following page, I asked
2 him -- oh sorry, it was later actually on the following
3 day, we went back to this, on Day 118. You don't need
4 to bring it up for a moment, I asked him:

12:48

5
6 "Had you used the words anti-management."

7
8 But he said this is what he gleaned from you. So, can
9 I just ask you about this: Is that how you saw it on
10 the night of the 9th May? Did you see or did you glean 12:48
11 an anti-management attitude from Garda Keogh that
12 night?

13 A. Well, I was told by Sergeant Haran that it was nothing
14 personal. The way he said it, go on, tick the boxes.
15 Your support means nothing to me, go on, tick the 12:48
16 boxes, I didn't understand why he would say that, other
17 than that I was in a management position.

18 402 Q. Okay. As you said earlier, you were surprised by this.

19 A. I was, I was, I was surprised.

20 403 Q. You had worked with him since 2008; is that right? 12:48

21 A. I had worked with him since 2008. He's not a person
22 that would I have had much interaction with.

23 404 Q. Okay.

24 A. Garda Keogh is, in my view, a reserved personality. I
25 wouldn't have -- I can't recall any occasion where we 12:49
26 had any small talk between us. All of our dealings
27 would have been on a professional basis, we'll say,
28 briefings and things like that.

29 405 Q. Okay. Just then for the Chairman, would you have seen

1 an anti-management attitude from him before over those
2 years?

3 A. Oh certainly not to me, no, no.

4 406 Q. Okay. Now, can I bring you then, just moving along
5 chronologically in time. So that's the 8th and the 9th 12:49
6 May. I think you spoke to him, we know you spoke to
7 him on the 15th May 2014, because you were asked -- oh
8 sorry, I correct myself. You spoke to Garda Noel
9 Mulligan on the 15th May, because you were asked to do
10 so by Superintendent Noreen McBrien, is that right? 12:49

11 A. That's correct.

12 407 Q. You remember this?

13 A. Speaking to Sergeant Mulligan?

14 408 Q. Yes.

15 A. Oh I do, of course, yes. 12:50

16 409 Q. And you have a diary entry at page 636 in relation to
17 this?

18 A. That's correct, yes.

19 410 Q. It should come up there. And it records that:
20 12:50
21 "On the 15th May I spoke with Sergeant Mulligan and
22 explained that Garda Keogh had spoken with
23 Superintendent McBrien and that he heard that Sergeant
24 Mulligan had made derogatory statements about him in
25 the station." 12:50
26

27 Isn't that right?

28 A. That's correct.

29 411 Q. Now, you continue on down, if we could just skip down a

1 couple of lines. You said:
2
3 "We need to be careful in our comments and to ensure
4 that comments do not offend or cause anxiety to
5 anyone." 12:50
6
7 Is that right?
8 A. That's correct, yes.
9 412 Q. You said:
10 12:50
11 "I went on to advise that in these sensitive times, all
12 of us must be conscious of what we say."
13
14 Now, can I ask you there, we heard very clear evidence
15 just a moment ago from Sergeant Haran that there was a 12:50
16 palpable sense of unease in the station around these
17 dates. Is that what you are referring to there; the
18 sensitive times?
19 A. That's correct, yeah.
20 413 Q. You spoke with Sergeant Mulligan and I think on the 12:51
21 following page you note he rejected the allegation but
22 agreed with your comments and thanked you for advice,
23 is that right?
24 A. That's correct.
25 414 Q. Okay. Now, I just want to ask you about one final 12:51
26 diary entry. I am skipping a little bit forward in
27 time, just to the 20th May, at page 642. When you were
28 asked for relevant diary entries you also provided this
29 one to the Tribunal. This is a conversation you had

1 with Garda Conor Staunton, a GRA rep, on that date, is
2 that right?

3 A. That's correct, yes.

4 415 Q. I will just read it and then maybe you can tell the
5 Chairman what it concerned?

12:51

6 A. Okay.

7 416 Q.

8

9 "Garda Staunton was concerned about the impact the
10 recent whistleblower allegation had on the people
11 involved. I explained that this is new to the
12 organisation and that we would deal with all issues
13 raised and afford support to all individuals. He
14 accepted that we could only deal with what is alleged.
15 We can't act in a vacuum."

12:52

12:52

16

17 Can you tell the Chairman, first of all, he was talking
18 to you about the impact of the recent whistleblower
19 allegation?

20 A. That's right. Garda Staunton would be the Garda
21 association rep that would deal with the gardaí and
22 conditions for the gardaí on the ground. He obviously
23 was concerned of the impact that the whistleblowing
24 allegations were having on members in the station.

12:52

25 417 Q. He refers to the people involved. So would that be a
26 reference to just everyone generally or Garda Keogh and
27 Garda A, who are understood to be involved in the
28 issue?

12:52

29 A. I would say it probably would be more for the people,

1 Garda A and Garda Keogh, yes.

2 418 Q. You recorded there "we can only deal with what is
3 alleged, we can't act in a vacuum". Do you know what
4 that might have meant?

5 A. Well, I think what I was trying to say there is that we 12:53
6 have to let it develop to see -- for the investigations
7 to develop and see where it goes and that we can
8 only -- as I say, as the investigations or inquiries
9 goes on, we can only deal with problems as they arise.
10 I think that's what I was trying to say there. 12:53

11 419 Q. Okay.

12 A. I couldn't go outlining to him what we were going to do
13 in the future when I didn't know myself how this was
14 moving. I think that's what I was referring to, that
15 we'd wait and we would see how it developed and the 12:53
16 different inquiries and if there's particular issues
17 arising from that, that we would try and deal with them
18 as best we could, from a support perspective.

19 420 Q. Okay. Now, in relation to the issues that I want to
20 ask you about, we are dealing with use 1 to 4, I think 12:53
21 you know that, isn't that right, Inspector Farrell?

22 A. Yes.

23 421 Q. Issue 1 is the intelligence entry. Now, we know that
24 this intelligence entry was made on 18th May 2014,
25 isn't that right? 12:54

26 A. That's correct.

27 422 Q. Now, we also know from Superintendent McBrien's
28 evidence that she was on leave and this is when you
29 were the acting district officer, isn't that right?

1 A. That's correct.

2 423 Q. Okay. Now we have your report up to Chief
3 Superintendent Curran, it's at page 8278. You see
4 there the date of the 19th May, so this is the
5 following morning, at 10:23? 12:54

6 A. Yes.

7 424 Q. Is that right?

8 A. That's correct.

9 425 Q. Now, I think you were asked later on how you became
10 aware of the intelligence entry and I think you tried 12:54
11 to resolve that yourself, you weren't entirely sure how
12 you became aware of it, is that right?

13 A. I'm still not entirely sure how I became aware of it.
14 I enquired with Garda Gerry White, who is retired now,
15 and I asked him because he was the district officer at 12:55
16 the time and I asked him and he wasn't able to throw
17 any light on it, so I don't know how that was brought
18 to my attention.

19 426 Q. I think that you wrote to Chief Superintendent Kevin
20 Gralton, who was the chief super in later years, in 12:55
21 2017?

22 A. That's correct.

23 427 Q. And you said that you assume that it came to your
24 attention following routine review of incidents and
25 intelligence? 12:55

26 A. Yes.

27 428 Q. Effectively at a PAF meeting the following day, would
28 that be correct?

29 A. I don't think so, because I think I would have

1 remembered it if it was at a PAF meeting, because if it
2 is brought up at a PAF meetings -- and the PAF meetings
3 at that time were quite small, it just entailed myself
4 and the sergeant in charge and the detective sergeant,
5 and I would recall it being discussed. I don't recall 12:56
6 discussing this with anybody except Garda White.

7 429 Q. Okay.

8 A. So I don't know how it came to my attention.

9 430 Q. Okay. When it came to your attention, and then you see
10 there the emails at 10:23, you reported it up to Chief 12:56
11 Superintendent Curran. Can I ask you, you didn't go to
12 Garda Keogh at that point, is that right?

13 A. That's correct.

14 431 Q. Why did you decide not to go to Garda Keogh at that
15 point? 12:56

16 A. Due to the seriousness of, we'll say, the last two
17 lines in the entry.

18 432 Q. Okay.

19 A. I was acting district officer. Just, if I can put that
20 role into context. When you're acting district 12:56
21 officer, the superintendent, you do the mundane routine
22 things that the superintendent does in respect of
23 correspondence and briefing members and operations,
24 that sort of thing, but you don't take on any new issue
25 or new policy that you think might be -- without having 12:57
26 consulted the district officer or the superintendent.
27 So in circumstances like that, something that was of a
28 very serious nature, my tendency, and I have been
29 acting officer now for over 12 years, I would go to the

1 chief superintendent, because I wouldn't be presuming
2 how the superintendent would deal with it. So
3 therefore I would need guidance on how I should deal
4 with it and therefore I would ask the chief
5 superintendent in the circumstances. 12:57

6 433 Q. Okay. So I think you just said a moment ago to the
7 Chairman, it was the last two sentences which were
8 triggering --

9 A. Sorry, the last two lines.

10 434 Q. The last two lines. 12:57

11 A. Yes.

12 435 Q. And just to be clear, is it the fact that:
13
14 "She has been aided and abetted for years by a senior
15 member of the drugs unit, who himself is a close 12:57
16 associate of a high ranking Garda officer, fact"?

17 A. Yes.

18 436 Q. That was the trigger for you, is that right?

19 A. That triggered it for me, yes.

20 437 Q. Okay. Now you use the words "some of the contents of 12:58
21 this intelligence report is not appropriate for" and we
22 think it is "recording" is that what you meant,
23 recording?

24 A. For recording in this manner, that's correct.

25 438 Q. Okay. 12:58

26 A. What I am referring to is the last two lines.

27 439 Q. Okay.

28 A. I could have said the last two lines, I just said some
29 of the contents.

1 440 Q. So recording, when you use the word recording, it might
2 be taken that you were seeing this as a Pulse content
3 or a Pulse compliance issue, is that correct or
4 incorrect?

5 A. No. My thinking at the time, I believe now my thinking 12:58
6 at the time was that to put information of that nature
7 in an intelligence report was incorrect.

8 441 Q. And why do you say that?

9 A. It would be my view at the time and I still hold the
10 view that information relating to, we'll say, 12:59
11 malpractice by members of An Garda Síochána should be
12 reported up the line in a confidential manner to
13 persons who are in the position to investigate it. I
14 don't think -- from a fair and just way, I think that's
15 the proper way to do it. I don't think it's 12:59
16 information that should be sent around loosely to other
17 members who have -- the vast majority of them would
18 have no interest or nothing got to do with it.

19 442 Q. Okay. So are you telling the Chairman that it was
20 alleged Garda misconduct and malpractice issue for you, 12:59
21 is that right? Okay. I will just finish on this, I
22 wanted to finish with this report and then we will
23 break for lunch, perhaps. Can I ask Mr. Kavanagh to
24 open up Day 117 of the transcript. Again, this is
25 Chief Superintendent Curran's evidence when he was 13:00
26 asked about this report. It's at Day 117, page 34. So
27 it's page 34. Okay, if we can go down to line 21,
28 please, Mr. Kavanagh. Actually just above it. I was
29 asking Chief Superintendent Curran a question at line

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17:

"Q. So it was a Pulse issue?"

A. Yes.

Q. Would you agree that's how he saw it that day?"

Then he replies:

"A. Some of the contents of the intelligence report are not appropriate for recording. So I would say it's not just Pulse, it whistleblowers around the operational impact of releasing information like that."

Can I ask you, do you understand what Chief Superintendent Curran means by that?

13:00

A. What he means about exactly what now?

443 Q. So his sentence, when he saw your report he said:

"So I would say it's not just Pulse."

13:01

In other words, it's not just Pulse that's being reported up to me.

"It's whistleblowers around the operational impact of releasing information like that."

13:01

MS. O'ROURKE: Chairperson, I just wonder as to the assistance that Inspector Farrell can give you. Chief Superintendent Curran was here, there was the

1 opportunity to follow up with him as to what he meant
2 by it. Inspector Farrell has indicated what he meant.

3 444 Q. MS. McGRATH: Sorry, Ms. O'Rourke. Can I ask you then,
4 just to simplify it: Did you see this as whistleblower
5 issue or having anything to do with whistleblowers, 13:01
6 when it came up to you, when you were sending up this
7 report?

8 A. Well, as I say, the last two lines of the entry is the
9 one that drew my attention and at the time I read it, I
10 was aware of the whistleblower's, we'll say, 13:01
11 information.

12 CHAIRMAN: That Garda Keogh was a whistleblower.

13 A. Yeah, I was aware at the time, yes.

14 445 Q. MS. McGRATH: But did that have anything to do with why
15 you were concerned when you were reporting it? 13:02

16 A. I suppose it would be wrong for me to say that it was
17 totally removed from me, but if that entry came to me
18 in the same position from any other garda in any other
19 time, I would have done the very same thing.

20 446 Q. Okay, Inspector Farrell, we will move on after that? 13:02

21 CHAIRMAN: we will take it up after lunch, okay.

22 MS. McGRATH: Thank you.

23 CHAIRMAN: Thank you very much.

24

25 THE HEARING THEN ADJOURNED FOR LUNCH AND RESUMED AS 13:02
26 FOLLOWS:

27

28 CHAIRMAN: Just before we start, Mr. Kelly, I have
29 something to say, particularly to you. Before lunch,

1 in the course of a ruling, I spoke carelessly and
2 loosely and inaccurately. I spoke about evidence
3 coming in by the side door or the back door. The last
4 thing I wanted to imply or suggest was any impropriety
5 on your part. I appreciate that my language was 14:09
6 inaccurate and could give rise to that interpretation,
7 although it was the furthest thing from my intentions
8 and my thoughts. So I want to apologise for that. I
9 was wrong and I made a mistake and I'm sorry. So,
10 first of all, I take that back, and please don't think 14:09
11 that there's any suggestion or imputation as I think it
12 happened in the course of the lilt of the argumentum,
13 one thing led to another and looseness of thought and
14 free association, which are not really appropriate for
15 somebody giving a ruling of that kind. That's the 14:09
16 first thing I want to say.

17
18 The second thing was that when I made the ruling and
19 then said that you could make a written submission and
20 I then rather bruskiy and dismissively said, and you 14:10
21 know the result of that. Again, that was wrong and I
22 would be happy to consider any submissions, especially
23 in circumstances where we will have witnesses who will
24 be coming back for another purpose and so on. But if
25 necessary, if a ruling is made, if I make a ruling and 14:10
26 there's thinking that it's wrong, I am perfectly happy
27 to entertain an application. I think it's better if it
28 is done in writing, where I can get other people's
29 views and give a more formal ruling.

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So the first one is directed specifically to you, the second one is rather more to the substance of the objection and in both of those I was in the wrong and I am very happy to put it right.

14:10

MR. KELLY: Chairman, I am very happy to accept the apology.

CHAIRMAN: Thank you very much. Thank you very much.

MR. KELLY: I am told, for an entirely different reason, that it would be helpful if you could rise for about five minutes.

14:11

CHAIRMAN: Sure. Well, I can't rise for five minutes, but I will tell you what we will do, we will do it for 15 minutes. I am glad, I wanted to do that at the first opportunity, Mr. Kelly, to get that out of the way, so that we would all know where we are. So 15 minutes, no problem. Okay. Thank you very much.

14:11

THE HEARING THEN ADJOURNED BRIEFLY AND RESUMED, AS FOLLOWS:

14:11

MR. KELLY: Thank you for that, Chairman.

CHAIRMAN: Before you resume, Mr. Kelly, I would be happy to revisit the question of the -- obviously we're not concerned with the truth of any allegation, rumour, belief. Obviously we're not concerned, we all understand that. At the same time, there are circumstances in which one has to acknowledge that the fact of a suspicion or a rumour may itself be of some

14:23

1 materiality. So, those are the sort of parameters of
2 the ruling, where we are really going. The exact
3 application will depend on the particular
4 circumstances. So, insofar as something might be said
5 to be confirmatory or something, if accepted or 14:24
6 believed, I think that is on one side of the line, but
7 the fact of the opinion or belief, suspicion or
8 whatever, I don't think it would be appropriate
9 certainly in all circumstances to exclude that.

10
11 So I am happy to revisit that, knowing that you will
12 accept those sort of two sides of that issue. I don't
13 want to exclude that from any questioning at this
14 stage. So you may feel free to revisit that in light
15 of what I am now saying. 14:25

16 MR. KELLY: Chairman, what I was going to suggest in
17 relation to that, I think we all know what we are
18 talking about, we will just call them certain matters.
19 It's fine, because you, yourself, have correctly
20 identified what relevance is. As far as we are 14:25
21 concerned, we of course accept that it's no part of the
22 job of this Tribunal to look at the truth, falsity,
23 whatever. It's the existence and what that might have
24 caused other people to do.

25 CHAIRMAN: That's what I am saying. I am saying I am 14:25
26 leaving it, if an issue arises, counsel will no doubt,
27 or you can raise it or stop and say, look, I am
28 proposing to approach it in this way. But otherwise we
29 will proceed.

1 MR. KELLY: And I will just use those two words,
2 certain matters, this afternoon.

3 CHAIRMAN: Okay, thank you very much.

4 447 Q. MS. McGRATH: Thank you. Inspector Farrell, just
5 before lunch, we had just been looking at the report 14:26
6 that you had sent up to Chief Superintendent Curran.
7 At page 646 of the books, Chief Superintendent Curran
8 replied to you. So we will just wait for that to come
9 up on the screen there. So that's dated 19th May 2014,
10 isn't that right, inspector? 14:26

11 A. That's right.

12 448 Q. So he came back straightaway. Do you see there in the
13 second paragraph, he asked you to meet with Garda
14 Keogh, isn't that right?

15 A. It is. 14:27

16 449 Q. We have seen the document now a number of times. He
17 asked you in the third paragraph to:
18
19 "...enquire from Garda Keogh if he has information from
20 a specific source which gives rise to the assertion of 14:27
21 fact in respect of the intelligence created. If Garda
22 Keogh has obtained information from a source, he should
23 be immediately advised of the contents of HQ Directive
24 126/10 in relation to the management and use of Covert
25 Human Intelligence Sources and revised Code of Practice 14:27
26 for the same."
27
28 So, when it came back down to you, this was an
29 additional matter, if we put it like that, that Chief

1 Superintendent Curran was raising and asking you to
2 raise, is that right?

3 A. That's correct, yeah.

4 450 Q. And in the last paragraph, this refers to seeking to
5 establish on what basis Garda Keogh has entered the 14:27
6 additional information. And that's effectively the
7 last line or the last two lines that you had mentioned?

8 A. That's correct, yes.

9 451 Q. And were concerned about. Okay. Just in relation to
10 the middle paragraph, it came back down as a CHIS 14:28
11 matter. Now, what was your response to that when you
12 saw it? Did you familiarise yourself with the
13 Directive or the code, did you take a view?

14 A. When you say did I familiarise myself with the
15 directive or code, you're referring to HQ circular 14:28
16 126/10.

17 452 Q. 126/10 and the CHIS Code of Practice?

18 A. No, I didn't. I had somewhat of a knowledge of that
19 circular. So when I got the instructions, what I did
20 is, I arranged to meet with Garda Keogh and I put the 14:28
21 questions that were raised by Chief Superintendent
22 Curran to him. That's what I did.

23 453 Q. Okay. But just in relation to the middle line there,
24 "he should be immediately advised of the content of the
25 HQ Directive 126/10", what did you understand he meant 14:29
26 by that?

27 A. Well, my understanding of that was that his attention
28 should be drawn to HQ Directive 126/10. It would be
29 common in correspondence and when you're speaking to,

1 we'll say, inspectors, superintendents and sergeants,
2 when they are referring to particular issues they might
3 say with reference to, ensure this is compliance with
4 HQ Directive, we'll say, XX. That's a common -- it
5 would be a common instruction, that if you are talking 14:29
6 about any particular policy, that you bring the policy
7 document or the directives to the member's attention so
8 that they can read it and peruse it and be familiar
9 with it.

10 454 Q. Okay. I am sure you are aware that it's part of Garda 14:29
11 Keogh's position that nobody did effectively advise him
12 of the ins and outs of these documents or sit down with
13 him or open them with him and I think you didn't do
14 that, did you?

15 A. No, no, I did not. 14:29

16 455 Q. In retrospect, do you think that might have been
17 something you should have done?

18 A. Well perhaps. But again I am going back to our first
19 meeting, that I met with Garda Keogh, that was, we'll
20 say, in such a situation or there was such an 14:30
21 environment that it wouldn't lend itself to me in a
22 second meeting sitting down, explaining to him about HQ
23 circulars, I believe.

24 456 Q. Can I ask you yourself, did you have a view on whether
25 this was a CHIS matter or not at that particular time? 14:30

26 A. When the intelligence report was brought to my
27 attention, I have to be honest, that didn't enter my
28 head.

29 457 Q. Okay.

1 A. Now, I really don't know what my view was on it was at
2 this stage, we'll say, when I met him the second time,
3 other than I was carrying out the instructions of Chief
4 Superintendent Curran.

5 458 Q. Okay. As you say, you sat down with him, and we have a 14:30
6 diary entry at page 640, later on that evening, at
7 9:45. I will just wait for that to come up there. I'm
8 sorry if I was going fast earlier this morning,
9 inspector?

10 A. You're okay. 14:31

11 459 Q. Okay. So that's your diary entry of the meeting that
12 night with Garda Keogh. And again, we have seen this
13 before. But I just want to look at it:
14

15 "I spoke with Garda Keogh in my office. I drew his 14:31
16 attention to his entry in an intelligence report. I
17 asked him if he had solid information to the effect
18 that Ms. B was seriously involved in the heroin trade."
19

20 Is that right? Do you remember your note? 14:31

21 A. Yes, if that's what's written there.

22 460 Q. "I informed him that if he had information that they
23 should be registered with CHIS in accordance with HQ
24 126/10."
25 14:31

26 So, is that you taking position at that stage or simply
27 passing on an instruction?

28 A. Well, that would be standard. If you have, we'll say,
29 an informant, that they should be registered. That

1 would be standard knowledge.

2 461 Q. Okay. Now, just the next sentence:

3

4 "He said he was due to meet with AC Ó Cualáin and that
5 he couldn't discuss the entry with me and he stated
6 that he was advised by the confidential recipient that
7 he didn't need to talk to anyone else except AC
8 Ó Cualáin."

14:32

9

10 Can I ask you about that? What was your view when he
11 said that to you? Was it a red flag to you or a
12 comfort to you or how did you see it?

14:32

13 A. Well it certainly wasn't a red flag to me. It was a
14 response to me and I thought it was reasonable, his
15 response, yeah.

14:32

16 462 Q. Okay. Then you go on to ask him about Ms. B. Just
17 skipping down a couple of lines:

18

19 "...being aided and abetted by a senior member of the
20 drugs unit. He again stated that he couldn't talk to
21 me about that as I was friendly with persons who were
22 friendly with the person involved."

14:32

23

24 Now, I think we touched on this earlier. Did you
25 understand what he meant by that?

14:32

26 A. I was friendly with persons who were friendly with the
27 person involved. Again this goes back to me, we'll
28 say, having a friendly relationship with people around
29 the Garda station who would be friendly with people

1 involved.

2 463 Q. Okay.

3 A. That's the only message I can take from it.

4 464 Q. Did you see it as reasonable or unreasonable as a
5 position? 14:33

6 A. Well, we'll say, to say that he, we'll say, couldn't
7 talk openly to me, I suppose that's somewhat
8 understandable.

9 465 Q. Okay. You say to him:
10 14:33

11 "I put it to him that would it not have been better for
12 him to have spoken to AC Ó Cualáin before creating the
13 entry."
14

15 why did you take that position? 14:33

16 A. Well, I believe that if he spoke to AC Ó Cualáin or if
17 he spoke to anybody, they would have told him not to
18 put that entry in.

19 466 Q. "And he said 'it's done now and what can I do, everyone
20 has seen it'. He then went on to say that if this is 14:33
21 referred to an employee in Tesco..."
22

23 This is moving to 642.

24

25 "...and a manager at Tesco, there wouldn't be a word 14:34
26 about it."
27

28 what did you make of that response?

29 A. Well, what I said to him was, you know, when you talk

1 about persons and particularly, we'll say, members of
2 An Garda Síochána aiding and abetting the drugs trade,
3 that we would have to investigate it. It would merit
4 investigation.

5 467 Q. Now, would you have had any idea at this stage what was 14:34
6 being investigated by AC Ó Cualáin?

7 A. Well, as I said, I was aware that there was a
8 confidential report made and I was aware that Garda A
9 was involved and that Garda Keogh was involved. Now,
10 to the other extreme, how far that investigation went, 14:34
11 what other allegations were involved, I wasn't aware
12 of.

13 468 Q. Okay. Now, we know and I am sure you know that when
14 Garda Keogh was giving his evidence he told the
15 Chairman in very clear terms that he didn't dispute 14:35
16 your note save in one respect.

17 A. Yes.

18 469 Q. And that was that it is his position that you asked him
19 to change it. I think you're aware of that, is that
20 right? 14:35

21 A. I'm aware of that, yes.

22 470 Q. Now, he has a diary entry for that date at page 431,
23 it's on 19th May 2014:

24
25 "Inspector NF asked me to change intel. 'What part do 14:35
26 you want me to change' I say no, I will speak to AC and
27 ask re informant."
28
29 Now, do you agree or disagree with that?

1 A. I totally disagree with that. I don't know why Garda
2 Keogh thinks that, because I had never it in my mind to
3 ask him to change the intel report. I never really
4 deviated from the instructions of Chief Superintendent
5 Curran at all in my conversation with him, other than 14:36
6 to make the remark about Assistant Commissioner Ó
7 Cualáin. And I couldn't change it, he couldn't change
8 it. I wouldn't, I wouldn't have asked him that in the
9 circumstances that existed from the point of view of
10 meeting him on the 8th or the 9th, and then having to 14:36
11 meet him again in a very formal circumstance. This was
12 a very formal meeting as far as I was concerned. I
13 know that Garda Keogh has said in his own evidence that
14 I didn't ask him aggressively or formally, but we sort
15 of talked about it. There was nothing informal about 14:36
16 this meeting as far as I was concerned. Everything
17 that I asked, I was supposed to ask from Chief
18 Superintendent Curran.

19 471 Q. Now, it was, indeed, you just said there "I couldn't
20 change it, he couldn't change it". And on Day 105, 14:36
21 when Garda Keogh was being cross-examined by your
22 counsel, that was put to him, that neither of you had
23 the capacity to change it, isn't that right? Now, I
24 think Garda Keogh didn't dispute that, isn't that
25 correct? 14:37

26 A. Yes.

27 472 Q. But he did say and he was very clear, at page 43 on Day
28 105, that it could have been changed by the CIO in
29 Mullingar and he was calling this person the collator?

1 A. That's correct, yeah.

2 473 Q. And that's correct, I think you agree with that?

3 A. That is correct, it's a divisional position and they

4 have the authority to do that, yes.

5 474 Q. Okay, so he is correct in that regard? 14:37

6 A. That it could be changed by the criminal intelligence

7 officer. But it could not be changed by me or by him.

8 475 Q. Okay. As I say, you're aware that he was asked a

9 number of times about this and he remained steadfast in

10 his response, that he was asked to change it that 14:37

11 night?

12 A. I know that, but I remain equally as steadfast, that

13 certainly that never came into my mind.

14 476 Q. Okay. Now, if you just move on, issue 2 on the paper

15 is the Pulse check that was carried out by Garda Keogh 14:37

16 on the 18th May. Now, you can correct me, I don't

17 believe you had any dealings with this, is that right?

18 A. Absolutely none.

19 477 Q. Okay. So in that vein, we will just move on to issue

20 number 3, which is the Olivia O'Neill issue. Now, the 14:38

21 Olivia O'Neill issue, as we know, concerned an incident

22 on 28th May 2014, isn't that right?

23 A. That's correct, yes.

24 478 Q. You were on duty that night and again you were the

25 acting district officer that night? 14:38

26 A. That's correct, yes.

27 479 Q. And the following day, isn't that right?

28 A. That's correct, yes.

29 480 Q. Okay. Now, the position of Garda Keogh is, and I am

1 sure you're aware of this, he was very clear to the
2 Chairman that he was no longer making the accusation
3 against you that you had manufactured reports in
4 relation to this incident, isn't that right?

5 A. That's correct. He said that in his statement.

14:38

6 481 Q. He said it in his statement and I think in his evidence
7 on Day 105, he says that you were involved as part of
8 the chain of events but he didn't attribute any motive
9 to you. Okay. So I think that is his position in his
10 evidence.

14:39

11 A. And I am glad that's his position.

12 482 Q. Okay. What I just then want to ask you is: The facts
13 surrounding the incident and particular night. Okay.
14 Now, in that regard, if I could ask for your statement
15 to come up on the screen, page 621. Okay. So page
16 621, paragraphs 7.3. So at paragraph 7.3, and I don't
17 want to travel old ground, but we see there that Garda
18 Treacy was about to commence the statement and
19 Ms. O'Neill made certain disclosures or statements to
20 her, okay. Now, just moving to paragraph 7.4:

14:39

21
22 "Ms. O'Neill was told to ensure that the information at
23 paragraph 7.3 above was incorporated into her statement
24 and the statement of that of her daughter Cheyanne.
25 When Garda Treacy asked Ms. O'Neill who gave her this
26 advice, she said Garda Keogh, who was working at the
27 counter downstairs."

14:40

28
29 okay? So that's your record of it?

1 A. Yes.

2 483 Q. Is that what was brought to you effectively by Sergeant
3 Keane and Garda Treacy that night?

4 A. Yes. My recollection of what occurred is, I was in my
5 office, I was busy with something else and Sergeant 14:40
6 keen and Garda Treacy came into my office. I think the
7 initial interaction that I had with Garda Treacy was
8 that she asked me would she include certain information
9 into the statement she's taking. I think that was
10 really, we'll say, it's not the only reason but it's 14:40
11 one of the reasons why she came to me.

12 484 Q. Okay. Did she clarify whose statement she was taking
13 at that particular time?

14 A. I took it, mistakenly, I think I took it that it was
15 Olivia O'Neill's statement she was taking at the time. 14:41

16 485 Q. Okay.

17 A. But I know now that it was her daughter's statement.

18 486 Q. Okay.

19 A. But she had come to me and she told me what Olivia
20 O'Neill had said, which included the fact that the 14:41
21 Gardaí were friendly with Ms. B and that they were
22 ringing her when they had -- when there was warrants or
23 raids on her house and that they were covering up
24 offences. And she said to me that she was advised to
25 put this into her statement. I said, well it's a 14:41
26 totally separate matter. The matter of investigation
27 with her is about an incident that occurred down where
28 she lives and this is another allegation or information
29 and they should be kept separate.

1 487 Q. Okay. So just to be clear then, what you were
2 separating out was the incident up in the local area?
3 A. Yes.
4 488 Q. The alleged assault?
5 A. Yes. 14:42
6 489 Q. And the advice that you understood had been given to
7 her?
8 A. Exactly.
9 490 Q. Okay. Then just to be crystal clear, you understood
10 that what was being reported to you concerned Garda 14:42
11 Keogh, conduct by Garda Keogh and advice given by Garda
12 Keogh?
13 A. Well, when she came to me initially, I wouldn't have
14 been, we'll say, as au fait. I knew there was
15 reference to Gardaí, being friendly gardaí and being 14:42
16 told and a couple of offences. But the exact details I
17 wouldn't have known until she gave in a report the next
18 day. But what I was concerned about on the night was
19 that there was an investigation going on in respect of
20 Ms. Olivia O'Neill and that it was in relation to 14:42
21 assault, public order or something, and then there was
22 another allegation. And I think that it would be
23 incorrect to put both of to them together in the one
24 statement. That's the point I was making.
25 491 Q. But just again for the Chairman, did you consider that 14:42
26 they were reporting inappropriate conduct by Garda
27 Keogh?
28 A. The information -- what I was told, that Olivia O'Neill
29 had certain information and she wanted to include it in

1 her statement. That information referred to the
2 Gardaí, we'll say malpractice of An Garda Síochána in
3 respect of Ms. B. And she wanted that included in her
4 statement. And I took the view that it should not be
5 included in the statement in respect of the public 14:43
6 order, she should be given an opportunity to make a
7 formal complaint or a statement to the superintendent
8 or the Garda Ombudsman, whoever she wanted to. They
9 were two separate issues.

10 492 Q. Well, you see, inspector, I think what we trying to get 14:43
11 to the bottom of is: What exactly was the core concern
12 when they came up to your office? In relation to
13 Sergeant Keane this morning, it was put to her what she
14 reporting to you, was she reporting this issue of
15 advice by Garda Keogh and she agreed. Now, I am 14:44
16 paraphrasing. But is that how you saw it?

17 A. Well again, how you saw it was that Olivia O'Neill was
18 in possession of information and she wanted it to be
19 included in her statement. And I didn't agree with
20 that. I said, she should make a separate statement. 14:44

21 493 Q. So that's clear.

22 A. That was my understanding, yes.

23 494 Q. Okay. But in relation to the second statement that you
24 were proposing she make.

25 A. Yes. 14:44

26 495 Q. Was that second statement directed towards Garda
27 Keogh's conduct in advising her?

28 A. Yes. If Garda Keogh, and I think I used the word
29 allegedly, if Garda Keogh had advised Ms. O'Neill this

1 information, I would think that was inappropriate.

2 496 Q. Okay. So had you concerns about coaching then at that
3 stage? Is that where this was going?

4 A. I can honestly say that the coaching aspect of it
5 didn't come in to me, didn't come into my mind on that 14:45
6 night. We'll say, giving information to somebody did.

7 497 Q. Okay. Now, Garda Treacy did up her report the
8 following day and it's been opened a number of times to
9 the Chairman.

10 A. Yes. 14:45

11 498 Q. And that's the following day, on the 29th.

12 A. Yes.

13 499 Q. We might just bring that up on the screen. Sorry, 654.
14 Now, this statement was reported up to you, is that
15 right? 14:46

16 A. That's correct, yeah.

17 500 Q. Was it this document then that you used when you
18 further reported up to Chief Superintendent Curran?

19 A. Yes, yes.

20 501 Q. I think you enclose the Treacy report, is that right? 14:46

21 A. Sorry?

22 502 Q. You enclose this Garda Treacy report?

23 A. Yes, yes.

24 503 Q. Okay. So you looked at this report before you drew up
25 your own? 14:46

26 A. Yes.

27 504 Q. That is fair to say. Okay. Again, it's been opened a
28 number of times. You see what happens at the beginning
29 of the taking of the statement and as you have said,

1 that's now corrected, it was Cheyanne's statement that
2 was being taken?

3 A. Yes, it's only Cheyanne's statement.

4 505 Q. There is a record there in the middle of what
5 Ms. O'Neill said and then:

14:46

6
7 "Ms. O'Neill informed Garda Treacy that she was told to
8 make sure that the above information goes into her and
9 Cheyanne's statements. Garda Treacy asked Ms. O'Neill
10 who advised her of this and Ms. O'Neill said 'Garda
11 Nick, just now at the counter downstairs'."

14:47

12
13 Can I just ask you, when you read that, did you pause
14 out to see whether you needed to separate out what
15 exactly she was advised, was she advised to include
16 information or was she advised of the actual
17 information to include.

14:47

18 A. Just ask me that question again now.

19 506 Q. So, did you pause to separate out the paragraphs and
20 check to see was she simply told to include information
21 in her statement, whatever she wanted to say, or did
22 you check to see whether she was told the information
23 to include? Am I being clear?

14:47

24 A. Well, the answer I would make is that that was my
25 understanding; that she was told information to
26 include.

14:48

27 507 Q. Okay. Okay. And that was your understanding when you
28 read the report. Okay. I think it's recorded there by
29 Garda Treacy that your direction effectively was to go

1 to the Ombudsman Commission?

2 A. That's correct, yes.

3 508 Q. Now, I think we heard evidence from Sergeant Keane this
4 morning that she said in fact it was broader, that she
5 was to be given two options? 14:48

6 A. That's correct.

7 509 Q. That she could go to the superintendent?

8 A. Yeah.

9 510 Q. Or she could go to GSOC? And again -

10 A. Sorry, go on. 14:48

11 511 Q. Sorry. Again, what did you understand you were saying
12 she could go to GSOC about?

13 A. About?

14 512 Q. Yes.

15 A. Okay. when somebody comes to me and tells me they have 14:48
16 a complaint about An Garda Síochána, the advice that I
17 give to them myself or to other Gardaí, that they can
18 make a complaint directly to the Ombudsman Commission
19 themselves or they can make a complaint to the local
20 superintendent. I give them the option of both, 14:49
21 because some people would prefer to talk the
22 superintendent and some people would prefer to go the
23 Ombudsman Commission. Invariably, if they do make a
24 report to the superintendent, it will get to the
25 Ombudsman Commission. So that would be the standard 14:49
26 that I would tell them; to take a statement off them in
27 respect of whatever complaint they had and that it
28 could be sent to the superintendent or to the Ombudsman
29 or to both, wherever they wanted it to be sent.

1 513 Q. But did you understand, inspector, that you were giving
2 her the option of going to GSOC about Garda Keogh?
3 A. About the information, yes. About the information,
4 yes.

5 514 Q. Well, that's not -- 14:49
6 A. Well, the reason --

7 515 Q. There is a difference I think between them.
8 A. Is there? Well, you tell me the difference or do you
9 want me to give my side of it?

10 516 Q. Well, in the sense of: Did you understand that the 14:49
11 misconduct she could go to GSOC about was Garda Keogh's
12 misconduct in advising her about her statement and the
13 contents of her statement?
14 A. Well, what I believed is that the misconduct or what
15 she could -- I don't know what she wanted to report to 14:50
16 GSOC, okay. But she could have reported that the
17 Gardaí in Athlone are engaged in corrupt, malpractice
18 with Ms. B. She could have reported that.

19 517 Q. Okay.
20 A. She could also have reported that I brought complaint 14:50
21 of this to the Gardaí and they didn't investigate it
22 because of that.

23 518 Q. Okay. Could she have gone to GSOC to complain that she
24 was being told what to put in her statement?
25 A. I didn't -- that didn't enter my mind. 14:50

26 519 Q. Okay. Well let's look at your report at page 652.
27 It's coming up, it should come up there, 652. Okay.
28 Is that 652? We need to go to the start of it there,
29 please, Mr. Kavanagh. Okay. So this is on the 29th

1 May. So would it be fair to say that you got Garda
2 Treacy's report and you spoke to Chief Superintendent
3 Curran before you reported up to him, is that right?

4 A. Yes, that would be fair. I see there:

5
6 "Further to above and recent phone conversation."
7

8 That would suggest to me that I spoke to him that
9 morning.

10 520 Q. Okay. Do you have any note or diary entry? 14:51

11 A. I don't. I don't, no.

12 521 Q. Do you have any recollection of that phone call?

13 A. Specifically I don't, but in the position that I held,
14 as I said before, I could ring Chief Superintendent
15 Curran on a regular enough basis. Looking back on it, 14:52
16 this was a, I use the word, peculiar incident. So it
17 would be something that I would be ringing him, we'll
18 say, in the morning about incidents that occurred and I
19 have no doubt that I would have mentioned that to him,
20 saying to him what happened the evening before, what I 14:52
21 had done and that I am sending you over a report on it.

22 522 Q. Okay. Now, that report, the last two paragraphs there
23 on the page we're looking at, it's very similar to
24 Garda Treacy's account of matters.

25 A. That would be deliberate on my behalf. 14:52

26 523 Q. Okay.

27 A. Because I wouldn't want to try and alter what was being
28 said.

29 524 Q. Okay, perfect.

1 A. Because it wasn't my writing.

2 525 Q. Then moving on to the next page then, this was your own
3 account really of what you were proposing they should
4 do, at 653. So we will start there at the very top,
5 the first paragraph, the end of the line: 14:53
6
7 "Inspector Farrell instructed that a statement relating
8 to the complaint concerning Ms. O'Neill's daughter
9 should be taken without reference to the advice given."
10 14:53
11 You've already given that evidence, isn't that right?
12 A. Yes.

13 526 Q. "Inspector Farrell then instructed that Ms. O'Neill
14 should be invited to make a statement outlining her
15 concerns relating to the advice given by Garda Keogh." 14:53
16
17 Can I just stop there? I think this is why I was
18 asking you a moment ago, that the spotlight, for want
19 of a better word, seemed to be on what Garda Keogh had
20 advised, is that right? 14:53
21 A. No. The information -- if I could substitute -- you
22 see the word advise and advised was used there, I
23 suppose, too much so. But when I was recording what
24 Garda Treacy told me I didn't want to alter what she
25 was saying. So I probably used the same words. But 14:54
26 perhaps if I was using 'relating to the information
27 given by Garda Keogh' probably would have been more
28 accurate.

29 527 Q. So you say "her concerns relating to it", what did you

1 mean by that?

2 A. Well, what I said to you earlier, that if she had come
3 to the Garda station to make a complaint and she had
4 received this information from a garda, to say, you
5 know, such a one is doing this and such a one is doing 14:54
6 that, to me it's inappropriate because it gives the
7 impression that the Gardaí are telling stories about
8 everyone to everyone. Like, nobody -- you would lose
9 confidence in An Garda Síochána because if you go to
10 them and tell them something in confidence, well, who 14:54
11 is to know that they are not going to tell the next
12 person that comes in that you did that. That
13 information.

14 528 Q. Well, I have to say that if you look at the next
15 paragraph, inspector, I have to put it to you that you 14:55
16 use the word advice again and it's in a very specific
17 context. We will read the sentence:
18
19 "Ms. O'Neill made a statement of complaint in respect
20 of her daughter but declined to make a statement or a 14:55
21 formal complaint in respect of the advice received."
22

23 A. Mm.

24 529 Q. Now it's not in respect of the information received,
25 it's in respect of the advice received. Again, I have 14:55
26 to ask you and we need to clarify this for the
27 Chairman, was this the refusal by Ms. O'Neill to make a
28 complaint about Garda Keogh?
29 A. You're making a distinction between advice and sorry?

1 530 Q. Information. You said information and advice, you
2 could interchange them?

3 A. And you think I --

4 531 Q. But you're using it there again in a very specific
5 context. You say:

14:55

6

7 "She declined to make a formal complaint in respect of
8 the advice received."

9

10 Can you just tell the Chairman what you meant by that?

14:56

11 A. Again, the information more so than the actual advice,
12 that's what I'm saying.

13 532 Q. Then you continue, you say:

14

15 "The advice allegedly given by Garda Nicholas Keogh was
16 not appropriate in the circumstances and projects the
17 image of an An Garda Síochána in an unfavourable
18 light."

14:56

19 A. Yes. And again, if you tell somebody that, we'll say,
20 or allegedly somebody that the Gardaí are doing favours
21 or X, it's giving sensitive information to members of
22 the public. That doesn't do anything to project An
23 Garda Síochána in a professional or a good light. It
24 gives the impression, as I said, that we are very loose
25 in our information when we talk to people.

14:56

26 533 Q. So did you consider on that particular day that you
27 were reporting up to a chief superintendent
28 inappropriate conduct by a member of your station? Did
29 you consider that's what you were doing?

1 A. Potentially yes.

2 534 Q. Okay. And that inappropriate conduct, as you saw it,
3 was telling a witness particular information to put
4 into her statement?

5 A. That's correct.

14:57

6 535 Q. Okay.

7 A. Or informing a witness, any person, sensitive
8 information. That's what I'm saying. The allegation
9 to me is that he was disclosing sensitive information
10 to a third party.

14:57

11 536 Q. Would you agree, when this matter was, shall we say,
12 teased out with Chief Superintendent Curran, what he
13 considered was reported to him, on Day, I think 117,
14 page 139. It was to tease out what Ms. O'Neill was
15 being invited to make a statement about, there between
16 lines 4 and 9. And the question I put to him:

14:58

17
18 "Q. But the request is not in relation to the
19 criminality, it's in relation to the advice given by
20 Garda Keogh. Is that correct or incorrect? How do you
21 see it?"

22

23 And he said:

24

25 "A. Well, that's his decision to do that."

26

27 He's referring to you, inspector.

28

29 "So like, I can't say a hundred percent what was in his

1 mind, but the advice of Garda Keogh seems to
2 encapsulate both the criminality and there could be a
3 suggestion of coaching."
4

5 So, would you agree, were both of those matters on your 14:59
6 mind?

7 A. In my mind when I was writing the report?

8 537 Q. Yes.

9 A. What was in my mind when I was writing the report was
10 that there is a potential that Garda Keogh could have 14:59
11 given sensitive information to a third party. It could
12 be interpreted at this stage that it was coaching. I
13 didn't think of that. It was giving information to
14 people, to a third party, that I believed was sensitive
15 information, that shouldn't be done that way. 14:59

16 538 Q. Now, back to your report at page 653. On that page,
17 just the last two sentences there or the second last
18 paragraph:

19
20 "It also places Ms. B in a vulnerable position from 15:00
21 persons currently under investigation in the Athlone
22 area."
23

24 what did you mean by that, inspector?

25 A. Well, the information that was allegedly given was that 15:00
26 Ms. B was friendly with Gardaí, that they were covering
27 up offences for her and that they were letting her know
28 when her house was being raided. That to me would
29 suggest that Ms. B was giving information to the Gardaí

1 and that persons that would be seen to be giving
2 information to the Gardaí could be under threat from
3 other people in the drugs trade in Athlone that were
4 currently under investigation.

5 539 Q. So does this reference have anything to do with the 15:00
6 whistleblower allegations?

7 A. Absolutely no reference whatsoever.

8 540 Q. So that was not your intention to refer to --

9 A. Absolutely not my intention, no.

10 541 Q. Okay. Can I just ask you, and I just want to finish up 15:00
11 on this issue, the investigation file for this night,
12 the 28th May, and I think it's been made clear to the
13 Tribunal that this was a running problem up in the area
14 for a couple of days, from the 26th May to the 28th
15 May, is that right? 15:01

16 A. Yes.

17 542 Q. This feud. Ms. O'Neill herself referred to a feud?

18 A. Yes, there would have been disputes on an ongoing basis
19 in that estate, yes.

20 543 Q. We got the investigation file just in October, after 15:01
21 the hearing commenced. I am not sure why there was a
22 late provision of the file. Do you know why we got it
23 in October?

24 A. I don't. I'm familiar with the file, because when the 15:01
25 file was brought to my attention, I realised that I was
26 actually -- I actually wrote on the file myself,
27 directions on it and carried out some inquiries in
28 respect of it. The actual late -- I don't know whether
29 it was noticed or -- I don't know.

1 MS. O'ROURKE: I wonder if I could intervene. I
2 understand that the file was provided in May, but I am
3 in your hands, and on another occasion.

4 MS. McGRATH: Okay. Well, I can certainly check that.
5 I will correct it if we are wrong. I understood the 15:02
6 file was --

7 CHAIRMAN: Ms. McGrath, may I respectfully suggest, if
8 we are complaining about the date of the file, that's
9 one thing, and we should challenge about that, but if
10 we are just asking about the contents of the file, 15:02
11 that's a separate question and it's possibly a bit
12 unfair to a particular witness to throw in, as you are
13 going along, a fact that we got the information late.
14 But if we are going to make a complaint, that's a
15 legitimate area to say, look here, you have been 15:02
16 holding this back and you have been impeding us, but it
17 may not be fair to say it to this witness.

18 544 Q. MS. McGRATH: I will withdraw it, Chairman. Nothing
19 turns on it. Can I just ask you to look at that file.
20 And, inspector, you are right, you did make comments on 15:03
21 that file and observations. It's at page 14654 of the
22 books. In particular, I just want to actually ask you
23 about --

24 MS. O'ROURKE: We're still waiting for the document, I
25 think. 15:03

26 MS. McGRATH: I want to change the date, it's 14667.

27 CHAIRMAN: Thanks very much.

28 MS. McGRATH: Or the page, I should say, 14667.

29 CHAIRMAN: Thank you very much. This is part of the

1 report, Ms. McGrath, is that right?

2 MS. McGRATH: It's part of the investigation file.

3 CHAIRMAN: Thank you. Investigation file, thank you.

4 545 Q. MS. McGRATH: I just want to ask you, that day, on the 15:03
5 29th May, 14667, it's the statement of Kayleigh O'Neill
6 and there at the very end, if Mr. Kavanagh can just go,
7 that line just at the top there, it's taken in the
8 presence of her mother Olivia O'Neill, do you see that,
9 inspector?

10 A. I do, yeah. 15:04

11 546 Q. And then down at the very end we have the signing and
12 witnessing of it. If we just keep going, please. At
13 the end: Kayleigh O'Neill, witnessed by Olivia
14 O'Neill, mother, and taken by Garda Nick Keogh. Were
15 you aware that this statement was being taken that day 15:04
16 by the garda that was involved the night before?

17 A. No.

18 547 Q. Okay. Were you surprised to discover that was the
19 case, or did you have any view on it when you
20 discovered that Garda Keogh was taking a statement in 15:04
21 the presence of Olivia O'Neill the following day?

22 A. It didn't, it didn't register with me, to be honest
23 with you.

24 548 Q. Now, you drew up a minute on the file and one of your
25 questions was, and this is at 14659, you asked whether 15:05
26 Olivia O'Neill had been interviewed for the
27 investigation?

28 A. Yes.

29 549 Q. That's 14659. Do you see that? You ask was Olivia

1 O'Neill interviewed? Now, Olivia O'Neill was asked
2 about this when she was giving her evidence and she
3 said she couldn't remember if she refused or not. Can
4 you help the Chairman? Do you have any recollection of
5 what became of that issue? 15:05

6 A. No. That was a standard file.

7 550 Q. Okay.

8 A. When I was writing that file, I wasn't thinking of what
9 happened in the station, to be honest. That was just
10 another file that was sent in to me to go through and 15:05
11 to see if there were necessary proofs or necessary --
12 what decision we were going to make on it. I would
13 have asked that question because I would have gone
14 through the file and there was into reference to Olivia
15 O'Neill statements. So I would have asked that 15:06
16 question. I would ask that question on most files that
17 comes in to me: Was such a one interviewed. There is
18 no connection between the incident that occurred on the
19 28th and my asking that question. Absolutely none.

20 551 Q. Okay. Can I just move then very quickly, we're nearly 15:06
21 at a close, inspector, to the Liam McHugh matter.
22 Which is issue 4?

23 A. Yes.

24 552 Q. Now, I think you didn't have much of an involvement
25 with this at all, except that the e-mail from Garda 15:06
26 Lyons on the 3rd June came in via you, isn't that
27 right?

28 A. That's correct, yes.

29 553 Q. As district officer. Now this is at 657. At 657,

1 Garda Lyons' report is there at the end, we can't see
2 it, but we know it's there, we have seen it many times.
3 This comes through I think perhaps the district clerk
4 and it comes to you, does it?

5 A. I think it came to. I think it came to me. I think I 15:07
6 clarified it actually came to me and I forwarded it on
7 to the district clerk.

8 554 Q. Okay.

9 A. I think I clarified that. I literally sent it on,
10 without commenting on it, to the district clerk. 15:07

11 555 Q. Can I just ask you that then, is that your e-mail there
12 at the top of the page?

13 A. Of course it is. Sorry? Where?

14 556 Q. Well, here we have, it's sent on behalf of
15 superintendent inspector -- sorry -- 15:07

16 A. That is sent on behalf of me. I authorising the
17 sending of that e-mail but I wouldn't have compile the
18 e-mail.

19 557 Q. Did you compile the e-mail, the previous reports from
20 this office in respect... 15:07

21 A. No. What I am saying is, I wouldn't -- Garda Gerry
22 White was the district clerk at the time.

23 558 Q. Okay.

24 A. He was the district clerk to the superintendent, he
25 worked, Chairman, in an administrative role in the 15:08
26 office. He would be there all the time. He would know
27 all of the information going through the office. He
28 would have more knowledge of it than I would. On that
29 particular day, when I look back on it and I think

1 about it, I got that e-mail, I sent it in to him and it
2 would be standard that I would say, Gerry, can you do
3 up something in relation to that for the information of
4 the chief.

5 559 Q. Okay. And I suppose maybe I'm just not understanding, 15:08
6 do you see:
7
8 "Attached find report of Garda Aidan Lyons."
9

10 That's not you writing that, is it? Or is it you 15:08
11 writing it?

12 A. No, Garda White would have compiled -- I wouldn't have
13 actually typed that, but would I have authorised that
14 and he would have showed it to me and I would have said
15 fine, let that go. 15:08

16 560 Q. Okay.

17 561 Q. CHAIRMAN: It's going out under your name.
18 A. Under my name.

19 562 Q. CHAIRMAN: But the words are put together by the clerk?
20 A. That's my recollection of it, yes. 15:08

21 563 Q. MS. McGRATH: Okay. So therefore you would have
22 authorised the second paragraph?
23 A. Of course, yes.

24 564 Q. Okay.
25 A. Of course, yes. 15:09

26 565 Q. Sorry, that is my misunderstanding?
27 A. Yes.

28 566 Q. He "so previous reports from this office in respect to
29 intelligence record report number 4085409 of the 20th

1 May 2014. "

2

3 That's the intelligence entry, isn't it, that we talked

4 about?

5 A. Yes, yeah. 15:09

6 567 Q. " -- and the information divulged by Olivia O'Neill to

7 Garda Treacy at Athlone Garda Station on 28th May 2014

8 forwarded on 29th May 2014, all appear to refer to

9 similar incidents. "

10 15:09

11 I suppose that's what I want to ask you about, the

12 reference to similar incidents.

13 A. Okay.

14 568 Q. Because it is one of the complaints of Garda Keogh, the

15 rolling in together of matters, which he has taken 15:09

16 issue with before the Tribunal. why did you use that

17 phraseology, first of all?

18 A. Well, I was of the view that they were similar

19 incidents.

20 569 Q. So can you tell the Chairman why you were of that view? 15:09

21 A. Well, two of them referred to Ms. B, three of them

22 referred to Garda Keogh and the three of them were, in

23 my view, peculiar to the normal run of the day

24 correspondence that I would deal with.

25 570 Q. Were they peculiar sinister or peculiar neutral or... 15:10

26 A. They were completely -- they weren't the normal run of

27 the mill reports that I would receive.

28 571 Q. Well, what did you consider you were reporting on when

29 you got that?

1 A. what did I -- well, what Garda Lyons had recorded from
2 the conversation he had with Mr. McHugh.

3 572 Q. And what did you consider was the incident?

4 A. well, the incident was Liam McHugh had said that he had
5 met with Garda Keogh and that Garda Keogh was -- 15:10
6 referred back to another incident involving three
7 Gardaí taking money and that he was encouraging
8 Mr. McHugh to report that to the Guards.

9 573 Q. So again, were you using the word similar because you
10 saw here a coaching issue? 15:11

11 A. Coaching isn't a word that would have entered my mind
12 at all.

13 574 Q. But again, how did you see this as being similar, for
14 example, to the Olivia O'Neill incident?

15 A. well, both Ms. B and Garda Keogh was mentioned in that. 15:11

16 575 Q. And that was as simple as that?

17 A. Yes. And Garda Keogh was mentioned in this particular
18 incident. And the third one was that Garda Keogh
19 mentioned Ms. B and put it on an intelligence report.

20 576 Q. Can I ask you, what was coming up from the e-mail of 15:11
21 Garda Lyons, did you check to see whether this was an
22 incident on Pulse?

23 A. No.

24 577 Q. Or there was any record?

25 A. No. 15:12

26 578 Q. Did you take a view on that?

27 A. Did I take a view on whether there should be an
28 incident on Pulse or not?

29 579 Q. Yes. We know it's not on Pulse.

1 A. Yes.

2 580 Q. From the papers?

3 A. It's very vague. It's just a report on a conversation.
4 No, I didn't really take a view, no.

5 581 Q. You used the word vague, are you escalating and sending 15:12
6 up something that's very vague?

7 A. Well, you must understand the context that was present
8 at the time. There was an intelligence or a
9 confidential report made by Garda Keogh and that was --
10 had to be in the back of my mind. And this was talking 15:12
11 about Garda Keogh telling some person to -- or Liam
12 McHugh to tell the Gardaí about another incident. So,
13 that was the reason. Again, in my role was acting
14 superintendent, I wasn't in a position to deal with
15 that myself. It was of a peculiarity and certain 15:13
16 residents, that I needed to send it forward.

17 582 Q. Well, I think we heard from Chief Superintendent Curran
18 and he described it as more of a message that was being
19 sent by Garda Lyons, would you agree with that? Is
20 that how you saw it? 15:13

21 MS. O'ROURKE: I wonder if what Chief Superintendent
22 Curran put could be identified exactly.

23 MS. McGRATH: The transcript?

24 MS. O'ROURKE: Please.

25 MS. McGRATH: I will find the transcript for you, 15:14
26 Inspector Farrell. It's at Day 118, page 57, and it's
27 line 16. So, 118, page 57, line 16. You see there,
28 this was his evidence on cross-examination, I think by
29 Patrick O'Brien.

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"Garda Lyons sent up a report with no commentary. So, he is just trying to leave a message. There's no complaint. It's an insinuation from someone on the street..."

And I am just asking, is that how you saw it? What's your own view?

A. My recollection, I didn't give that an awful lot of attention. That came to me and I got Garda White to put a report on it and I sent it forward, because I was busy with other things. I accept what Chief Superintendent Curran is saying, you know, it was a commentary on what went on between them. That was it. 15:15

583 Q. Again, did you consider it vague or did you take any issue with it, with Garda Lyons? 15:15

A. At the time I didn't give it much attention other than I believed that it merited me sending it forward to the chief superintendent.

584 Q. Did you consider going back to Garda Lyons at any point yourself? 15:16

A. Once that was forwarded to the chief superintendent, I was not involved in it whatsoever after that. I was tasked with no duties after that in respect of that.

585 Q. MR. McGRATH: Okay, inspector. I wonder if you could answer any questions, inspector? 15:16

END OF EXAMINATION

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CHAIRMAN: Now, Mr. Kelly? Yes, Mr. O'Brien.

INSPECTOR NICHOLAS FARRELL WAS THEN CROSS-EXAMINED BY
MR. O'BRIEN, AS FOLLOWS:

15:16

586 Q. MR. O'BRIEN: Good afternoon, inspector. Patrick O'Brien is my name, I will be asking you some questions on behalf of Garda Keogh. Just beginning, can you confirm, insofar as your dealings with Garda Keogh are concerned at work, you never experienced any disciplinary issues with Garda Keogh, isn't that correct?

15:16

A. No.

587 Q. And you never had any work related complaints in relation to Garda Keogh?

15:16

A. No.

588 Q. Save perhaps the paperwork issue that Sergeant Haran indicated to us earlier?

A. Hm-hmm.

15:17

589 Q. If I can begin by just ascertaining the position on the ground, as it were, in Athlone Garda Station, as of 8th May 2014 and perhaps slightly earlier. And I am obviously very conscious of the ruling that the Chairman gave in relation to this earlier on, so I will try to frame this question in the best way that I can. Were you aware that there were rumours as to certain matters circulating either in the community or the station?

15:17

1 A. Yes.

2 590 Q. You were?

3 A. Mm-hmm.

4 591 Q. When did you become aware of those rumours?

5 A. I am guessing now, but I am going to say -- 15:17

6 592 Q. To the best of your recollection?

7 A. 2012. 2012.

8 593 Q. 2012, thank you. So if we can move forward then. We

9 know that you were asked by Chief Superintendent Curran

10 to speak with Garda Keogh on the 8th May and you 15:17

11 received a letter from Chief Superintendent Curran in

12 relation to that, isn't that correct?

13 A. That's correct, yes.

14 594 Q. Did you have any conversation with Chief Superintendent

15 Curran on the telephone, do you recall, prior to 15:18

16 receiving the letter?

17 A. I have no recollection of that.

18 595 Q. Is it possible that you did?

19 A. It's quite possible that -- as I said to you, I would

20 have spoken to Chief Superintendent Curran on a fairly 15:18

21 regular basis, but I have no recollection of him

22 specifically speaking about it.

23 596 Q. I see. Superintendent McBrien, both in her statement

24 to the Tribunal investigators and at volume 21, page

25 6219, says that there was a knowledge in the station of 15:18

26 what was going on. Would you agree with that?

27 A. On the 8th?

28 597 Q. On the 8th, yes?

29 A. Yes, yes. Well, sorry, no, I had a knowledge of what

1 was going on from what was, we'll say, disclosed, we'll
2 say, on the radio. I had a knowledge of what was going
3 on. And I am sure other people had. But to what
4 extent, I don't know.

5 598 Q. Okay. We have heard that there was a distrust between 15:19
6 yourself and Garda Keogh. I think Chief Superintendent
7 Curran, in his evidence last week, gave evidence in
8 relation to this. It's at page 117, if we can have
9 that, please, Mr. Kavanagh. Sorry, Day 117, page 17,
10 line 12? 15:19

11 A. I think he referred to it as management issues, did he?

12 599 Q. He also -- this relates to the meeting that you had
13 with Garda Keogh on the 9th. If we can just look at
14 that. He says in response to a question that was asked
15 by Ms. McGrath at line 12: 15:19

16
17 "Em, my memory is that I think he was probably slightly
18 distrusting of Inspector Farrell..."

19
20 Was that a view that you shared? Was that something 15:19
21 that you knew that there was an issue between you?

22 A. There was no issue between me and Garda Keogh other
23 than when I met him on the 9th and his reaction to
24 meeting me on the 9th, is where I got the sense that he
25 didn't like me and then, you know, it was just fairly 15:20
26 obvious in his demeanour and what he said to me.

27 600 Q. I see. Just in advance of your meeting, I know that
28 you had tried to meet with him on the 8th?

29 A. Yes.

1 601 Q. That was unsuccessful?
2 A. That's correct.
3 602 Q. You had spoken with Sergeant Haran?
4 A. That's correct.
5 603 Q. And Sergeant Haran said to you that Garda Keogh didn't 15:20
6 want to speak to you at that time?
7 A. That's correct.
8 604 Q. To give him some time?
9 A. That's correct yeah.
10 605 Q. At that stage then did a flag not go up in your mind to 15:20
11 say, maybe I'm the person that's not best placed to
12 deal with this issue?
13 A. Well, Sergeant Haran did also say to me that it's
14 nothing personal.
15 606 Q. He did. 15:20
16 A. And I can assure you, that if that flag did go up, I
17 would not have met Garda Keogh.
18 607 Q. If you look back to the transcript, sorry, just at
19 Chief Superintendent Curran's evidence. If you go down
20 a couple of lines there to line 16, it says: 15:21
21
22 "It was whatever personal issue Garda Keogh had with
23 Inspector Farrell at that time."
24
25 I mean, are you saying to the Tribunal that you weren't 15:21
26 aware of that issue, of an issue?
27 CHAIRMAN: We better wait to see this, Mr. O'Brien.
28 That's not my recollection of the evidence, I have to
29 confess. I thought that Chief Superintendent Curran

1 said that he inferred or deduced suspicion on the part
2 of Garda Keogh from the very response and report that
3 he got from Inspector Farrell about their exchanges.
4 In other words, say what you like, go through the
5 motions, tick the boxes, I don't care what you say, I'm 15:21
6 not paying any... that's my understanding, that Chief
7 Superintendent Curran was referring to that incident
8 and deducing from it -- I may be wrong about that but
9 that's what I think we will finding in the transcript.
10 I have been wrong before but that's what I remember. 15:22
11 MR. O'BRIEN: well, if we can move on then, please,
12 Inspector Farrell, if we go to the --
13 CHAIRMAN: Mr. O'Brien, if your colleagues are checking
14 that and discover it's wrong, please let me know.
15 MS. McGRATH: Chairman, it might be that page 17, line 15:22
16 12, if that's the paragraph that's at issue. Page 17,
17 line 12.
18 608 Q. MR. O'BRIEN: Sorry, it was page 17, line 16 into 17.
19 It seems to suggest a reference to a personal issue
20 between yourself and Garda Keogh. 15:22
21 A. And your question is?
22 609 Q. Were you aware of any such issue?
23 A. Absolutely not.
24 610 Q. Okay.
25 A. Absolutely not. 15:22
26 611 Q. If we can move forward then to the issue of the Pulse
27 entry, which we know is on the 18th May 2014. You say
28 that the Pulse entry was brought to your attention, but
29 you can't remember how that was?

1 A. No.

2 612 Q. When you saw the Pulse entry, were you concerned about
3 it?

4 A. I was concerned about the last two lines of it, yes.

5 613 Q. Yes, you said that earlier. Is it not highly unusual 15:23
6 that you wouldn't have made a note as to who told you
7 about it, just given the content of the entry, a diary
8 note or a journal note?

9 A. Of who brought this to my attention?

10 614 Q. Yes. 15:23

11 A. I don't think that's unusual, no. For what reason?

12 615 Q. Well, just given the content of it and the fact that
13 you say you were concerned with the last two lines,
14 that maybe you may have made a diary entry as to why
15 you were concerned, who brought it to you, the 15:23
16 circumstances in which it came to your attention?

17 A. Well, I wrote on it immediately. I put my comment on
18 it immediately.

19 616 Q. I see.

20 A. So if I was writing, if I do a report I don't, I don't 15:23
21 keep a note of why I did the report. The report
22 itself, it sort of speaks for itself. Most of the time
23 the report speaks for itself.

24 617 Q. We know that you sent it up the line to Chief
25 Superintendent Curran is by e-mail, and that's volume 15:24
26 29, page 8728. And you say:

27

28 "Some of the contents of the intelligence report is not
29 appropriate for recording in this matter."

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I know that Ms. McGrath asked you about this again. But is it because of the content of the last two lines, is that particularly what you were concerned with?

A. Yes, yes. 15:24

618 Q. And is it because of the particular words used "aided and abetted", "for use by a senior member of the drugs unit" is that what stood out to you?

A. It's the Garda malpractice that stood out to me. I don't know did the actual words -- it's what the two last lines contained, the information they contained. 15:25

MS. McGRATH: Sorry, I don't want to interrupt. Is the correct document on the screen, Mr. O'Brien.

MR. O'BRIEN: It's 8278.

MS. McGRATH: Thank you. 15:25

MR. O'BRIEN: Apologies.

CHAIRMAN: I think we all know it by heart at this stage.

619 Q. MR. O'BRIEN: Yes. In any event --

A. I'm talking about the particular words, it was the contents of the last two lines. 15:25

620 Q. It was the content, exactly. You were then given directions by Chief Superintendent Curran, I suppose, to ascertain three issues. One, to meet with Garda Keogh to discuss the content. Secondly, to enquire if he had information from a specific source, what we have been looking at from the CHIS perspective. And thirdly, the basis that he entered the additional information, isn't that right? 15:25

1 A. That's correct.

2 621 Q. I think you said to us earlier CHIS never entered your
3 head when you --

4 A. When I was sending up the report.

5 622 Q. I see. You met with Garda Keogh and I think your 15:26
6 response is at page 1806, which is volume 7. When you
7 met with Garda Keogh, he stated to you, and you can see
8 it there just in the middle of that paragraph,
9 Inspector:

10 15:26

11 "He said he was due to meet with Assistant Commissioner
12 Ó Cualáin and he could not discuss the entry with me."
13

14 That's a position he has maintained consistently
15 throughout, isn't that correct? 15:26

16 A. Mm-hmm.

17 623 Q. When he said that to you, did it not give you a certain
18 comfort that he was dealing with the Ó Cualáin team and
19 that you need not be concerned about this?

20 A. I could say it did, but I don't think it did -- I don't 15:26
21 think I was even thinking of that line. I have to be
22 very frank here, I was just asking the questions that I
23 was supposed to ask and I got the -- I noted the
24 answers.

25 624 Q. So you know that -- you are aware from hearing Garda 15:27
26 Keogh's evidence that he has taken the position that he
27 found that your -- and as chief superintendent --
28 sorry, and your questions towards him were
29 inappropriate just given the fact that he was dealing

1 with the Ó Cualáin team, isn't that right?

2 A. Yes.

3 625 Q. You understand that that's because he was relying on
4 information he had gained from the confidential
5 recipient, that he didn't need to speak to anybody else 15:27
6 about this, save the Ó Cualáin team, isn't that right?

7 A. That was his view, yeah.

8 626 Q. If we can just look, he says then further down:
9
10 "He again stated that he could not talk to me about 15:27
11 this because I was friendly with persons who were
12 friendly with the persons involved."
13

14 And I think this caused, I suppose, a degree of -- an
15 issue between you in relation to discussion; is that 15:28
16 correct?

17 A. I don't --

18 627 Q. His garda talk, so to speak?

19 A. Yeah, yeah, of course, yeah, I understand what you are
20 saying. It didn't create an issue with me. I was 15:28
21 surprised by it but it didn't create issues, no.

22 628 Q. I have to suggest to you that it meeting you did ask
23 him to change the entry, the Pulse entry, that's his
24 case, I have to put that to you, that you did?

25 A. I know that. 15:28

26 629 Q. I have to put it to you that you did because of your
27 concern about the content of the last two lines of the
28 entry?

29 A. Well, all I can say, as I said earlier, that never

1 entered my mind, about asking him to change that.

2 630 Q. If we can move on then to deal with the Olivia O'Neill
3 issue. We have been through this, Ms. McGrath has
4 taken you through the sequence of events that occurred
5 that led to Sergeant Keane and Garda Treacy attending 15:29
6 at your office for a direction?

7 A. That's correct.

8 631 Q. I think your evidence has been to the Chairman that
9 essentially your concern was that the allegation to you
10 was that Garda Keogh was disclosing sensitive 15:29
11 information. It's been put, it's been suggested, the
12 word coaching has been suggested to you, what you have
13 used is disclosing. That was your concern, disclosing
14 sensitive information, is that correct?

15 A. Sensitive information, yeah. 15:29

16 632 Q. In relation to that sensitive information, from what
17 you understood, that's what was alleged that Garda
18 Keogh was telling Olivia O'Neill to put into the
19 statement, isn't that right?

20 A. Yes. 15:29

21 633 Q. Now, can you tell us, how is that different in your
22 mind to coaching, if there is a direction to put
23 something specific into a statement? It's the same
24 thing, isn't it?

25 A. It could be interpreted that way, yeah. But what I am 15:29
26 saying, at the time I wasn't -- it wasn't in my mind.
27 Coaching wasn't in my mind. But you can draw that
28 interpretation from it now, yes, of course.

29 634 Q. Your concern in relation to the information that was

1 relayed or allegedly relayed from Garda Keogh was an
2 allegation of Garda misconduct or malpractice; is that
3 right?

4 A. Yes.

5 635 Q. Can you just again tell us what your precise 15:30
6 understanding was of what Garda Treacy was seeking a
7 direction from you about? What exactly was she looking
8 for a direction on?

9 A. She was looking -- when she came to me, she said that
10 she was taking a statement and that certain 15:30
11 information, that we spoke about earlier, was divulged
12 to her and she was saying to me, do I put that
13 information into the body of the statement that I am
14 taking, will I put it into the body of the statement
15 I'm making. I said, no, it's more appropriate to keep 15:31
16 it away from that and to ask the person to make another
17 statement or a complaint or a concern, whatever they
18 wanted.

19 636 Q. Did you ever at any stage of that interaction with
20 Garda Treacy or Sergeant Keane stop and think, there 15:31
21 could be a mistake here, there could be an inaccuracy
22 here?

23 A. No.

24 637 Q. why?

25 A. Well, under normal business, we'll say in a Garda 15:31
26 station, if some member of An Garda station Síochána
27 comes in to you and they say something to you, unless
28 you have some reason to think they're not accurate, you
29 will take it that what they're saying is correct.

1 638 Q. would that be the same when you're dealing with two
2 members of An Garda Síochána?
3 A. I don't understand your question now.

4 639 Q. well, the question is: Here you have Garda Treacy
5 attending at your office for a direction? 15:31
6 A. Mm-hmm.

7 640 Q. And she information and you are saying to the Chairman,
8 I think, that you accept, you had no reason to second
9 guess what she was saying?
10 A. Of course, yes. 15:32

11 641 Q. Or to challenge what she was saying to you?
12 A. Yes.

13 642 Q. But if the information that she is relaying to you
14 concerns another serving member of the Gardaí, does
15 that not put you on notice? 15:32
16 A. well, in actual fact, I think what it does is, it makes
17 you more -- you would be inclined more to investigate
18 the circumstances or to send it up the line to be
19 investigated.

20 643 Q. Okay. 15:32
21 A. More so than -- what you are saying is, should I have
22 carried out an inquiry myself into what Garda Treacy
23 was telling me?

24 644 Q. well, had you any concern whatsoever? what was your
25 concern? what was your view when this information was 15:32
26 relayed to you?
27 A. I took the information on face value, as I take all
28 information that comes into me from Garda members that
29 I work with, on face value, unless I have some reason

1 not to.

2 MS. O'ROURKE: Chairperson, I would want to note for
3 the transcript that it has been made clear that Garda
4 Keogh is not making any allegation against Inspector
5 Farrell in relation to the O'Neill and McHugh matters 15:33
6 and I am just wondering in that regard, my Friend has
7 for some time pursued this issue and I just wonder the
8 relevance at this stage, Chairman.

9 MR. O'BRIEN: well, simply what I am trying to
10 establish here, I accept that there is no allegation 15:33
11 made against Inspector Farrell, simply what I am trying
12 to establish here is that there was another step
13 available to him perhaps that he didn't take prior to
14 sending the matter up the line. That's where I am
15 going with it, Chairman. 15:33

16 CHAIRMAN: As I understand, his evidence is that the
17 sergeant and the guard came to him and said, what do we
18 do in this situation, he says, do put it into one
19 statement, do we put it into two. He says put it into
20 two. 15:34

21 MR. O'BRIEN: Yes.

22 CHAIRMAN: Other things happen after that, but that was
23 the interaction as I am understanding with the two.
24 Maybe I am wrong.

25 MR. O'BRIEN: I am simply just trying to establish why 15:34
26 he didn't ask to speak to Nick Keogh about this issue
27 at that time. That's the question I have.

28 CHAIRMAN: Okay.

29 645 Q. MR. O'BRIEN: why did you not speak to Garda Keogh at

1 period of ten days, so first of all on the 18th May
2 --or sorry, on the 18th May we have the Pulse entry and
3 you have sent that up the line with, I suppose, a
4 negative or a criticism of Garda Keogh, is that right?
5 A. In relation to? 15:36
6 651 Q. In relation to the inappropriate recording?
7 A. It could be interpreted as a criticism, but I just put
8 it as a comment. Commentary from me, yeah.
9 652 Q. And here we have then on the 29th May a second negative
10 comment in relation to Garda Keogh, that his -- 15:36
11 MS. O'ROURKE: Chairperson, I think that that's an
12 unfair question, if the second paragraph is read in
13 context, but I am just marking --
14 CHAIRMAN: I don't think so, Ms. O'Rourke. I think
15 Mr. O'Brien is entitled to say, look, you were heaping 15:36
16 another criticism on him. He says the first one was
17 critical, you say, yes, it could be interpreted that
18 way, if I understand what you are saying.
19 MR. O'BRIEN: That's correct.
20 CHAIRMAN: And Mr. O'Brien is saying, look, this is 15:36
21 another one. You say it's not appropriate. Well
22 that's a criticism.
23 MS. O'ROURKE: I think in context, the advice allegedly
24 given by --
25 CHAIRMAN: Absolutely, if true. I mean, sorry, as far 15:37
26 as it goes, if true. Ms. O'Rourke is absolutely right.
27 Mr. O'Brien, you have to accept what he is really
28 saying is, if it's true.
29 MR. O'BRIEN: Yes.

1 CHAIRMAN: The advice allegedly given.
2 MR. O'BRIEN: Yes.
3 CHAIRMAN: So that extent, yes, I am sorry,
4 Ms. O'Rourke, I missed that. That's right Mr. O'Brien,
5 isn't it. 15:37
6 653 Q. MR. O'BRIEN: Yes. Just taking those two letters
7 together, you've told us earlier that prior to the 8th
8 May 2014 you never had any issue with Garda Keogh. And
9 now, within the space of ten days, there were two
10 issues, isn't that right? 15:37
11 CHAIRMAN: That is a fact, Mr. O'Brien, within ten days
12 there are two issues.
13 A. Well, there are two issues that presented themselves to
14 me, but they're not two issues I have with Garda Keogh.
15 CHAIRMAN: Okay. We can tease that out in due course. 15:37
16 But Mr. O'Brien is right to say, look, from a cloudless
17 sky, or an apparently cloudless sky for Garda Keogh,
18 suddenly he finds himself the subject of two at least
19 potentially critical criticisms.
20 654 Q. MR. O'BRIEN: Well, as Ms. McGrath said to you earlier 15:38
21 on, it's Garda Keogh's case that these matters, when
22 taken together, are evidence of targeting. So, what I
23 am suggesting to you is, were you trying to establish a
24 link between the Pulse issue and then the Olivia
25 O'Neill issue within this period of ten days 10 day 15:38
26 when you sent it up the line?
27 A. When you say a link, what do you mean?
28 655 Q. The Pulse entry you sent it up the line, that is issue
29 number one?

1 CHAIRMAN: You did make a link between them, didn't
2 you?

3 A. I said there was similarity.

4 CHAIRMAN: Mr. O'Brien, he did make a link.

5 A. Yes. 15:39

6 CHAIRMAN: He said, these three look similar to me. I
7 don't think Ms. McGrath was entirely happy that they
8 were as clear, but the inspector said, yes, they are.
9 That's what he said in his short letter. Isn't that
10 right, Ms. McGrath. 15:39

11 MS. McGRATH: Yes, Chairman.

12 CHAIRMAN: He said there's three and, look, they appear
13 to be the same kind of things.

14 MS. McGRATH: He gave his evidence --

15 A. A reference to a link, I don't know what link he was 15:39
16 saying. I was saying they were similar.

17 CHAIRMAN: well, don't let's get too worried about
18 whether similar implies -- it doesn't imply link, you
19 are quite right, quite right, sorry. Similar,
20 Mr. O'Brien, is what he was saying. Yes, they were 15:39
21 connected one with the other and you weren't suggesting
22 that. Thank you for clarifying that. But he was
23 saying they bear a certain similarity. I'm trying to
24 be as neutral as I can.

25 656 Q. MR. O'BRIEN: Yes. what I am suggesting to you is that 15:40
26 perhaps both of these issues could have been resolved
27 by you, by you having a conversation with Nick Keogh
28 personally, instead of sending them up the line. You
29 could have given yourself comfort as to his position

1 before you did it.

2 A. Perhaps they could. Maybe some other person acting as
3 superintendent on the day might have dealt with it
4 differently, but I hold the view even now that I would
5 do the very same thing again. 15:40

6 657 Q. If we can just move on then finally to deal with the
7 Liam McHugh issue. That's the final issue. I think
8 save receiving the e-mail from Garda Lyons about this
9 incident and sending it forward to Chief Superintendent
10 Curran, you had no further involvement? 15:40

11 A. Absolutely none, no.

12 658 Q. Could I just ask you, in your experience as an
13 inspector, was it not unusual that a statement would
14 not be taken from Garda Lyons in relation to the
15 content of that e-mail? That he would not be requested 15:41
16 to make a statement in relation to the information that
17 was allegedly imparted to him?

18 A. Em, a report or a statement would be normal, either
19 one. It's not -- statements are taken for
20 investigation purposes. 15:41

21 659 Q. But he was never asked for one, was he, as far as
22 you're aware?

23 A. I don't know. I don't know. I can't answer that. I
24 had no other involvement other than forwarding it on to
25 the chief superintendent. 15:41

26 660 Q. Just finally, just in relation to three issues, which
27 are similar, at the time Garda Keogh was never asked to
28 provide his version of events, isn't that right?

29 A. By me?

1 661 Q. Yes.

2 A. No.

3 662 Q. I don't have any further questions, Chairman.

4

5 END OF EXAMINATION

15:42

6

7 CHAIRMAN: Thanks very much. So your real question,
8 Mr. O'Brien, is that the inspector didn't ask him to
9 give any --

10 MR. O'BRIEN: Yes.

15:42

11 CHAIRMAN: Very good, thank you very much. Okay, now
12 who is next? Mr. Kane, are you involved in this?

13 MR. KANE: I don't have any questions, thank you very
14 much.

15 CHAIRMAN: Thanks very much. Mr. Murphy?

15:42

16 MR. MURPHY: May it please you, Chairman.

17 CHAIRMAN: Is that the right sequence, to go around to
18 you next?

19 MR. MURPHY: I believe so, yes.

20

15:42

21 INSPECTOR NICHOLAS FARRELL WAS THEN CROSS-EXAMINED BY

22 MR. MURPHY, AS FOLLOWS:

23

24 663 Q. MR. MURPHY: Can I ask please if you be shown on the
25 screen the following document, page 3701, please. I
26 think you have been asked questions this afternoon
27 about Garda Keogh's capacity to work prior to the time
28 when he made the disclosure that's the subject-matter
29 of the review in this instance. But can I ask you to

15:42

1 confirm that you wrote this letter which is on the
2 screen? It's a letter dated 22nd October 2013?

3 A. Yes.

4 664 Q. That's your letter I think addressed further up the
5 chain of command to the chief superintendent in
6 Westmeath?

15:43

7 A. That's correct, yes.

8 665 Q. Just looking at the document, I think you will agree
9 with me, that in the first paragraph you indicate that
10 at that stage, October 2013, in your words:

15:43

11

12 "Garda Keogh would return to full uniform duties, had
13 an excellent relationship with both his peers and
14 supervisors. He carries out any duties assigned to him
15 in a professional and diligent manner."

15:43

16

17 A. That's correct.

18 666 Q. I think you also record, would you agree with me, in
19 the next paragraph, that Garda Keogh attended a
20 residential treatment centre in 2012 for alcohol
21 addiction?

15:43

22 A. That's correct.

23 667 Q. The purpose of this letter in this case, I think you
24 will agree with me, in October of 2013, is to report up
25 the line that, in your words:

15:44

26

27 "In the recent past Garda Keogh has commenced drinking
28 again despite continuing to work full-time. Concerns
29 have been raised as regards his welfare. Management

1 and colleagues close to Garda Keogh have tried to
2 assist him in seeking treatment. However, he remains
3 reluctant to avail of same. On Saturday, 19th October
4 2013, he was treated in hospital for dehydration as a
5 result of his drinking." 15:44

6
7 So, can we take it from that that at that stage you
8 were reporting your concerns in relation to Garda
9 Keogh's capacity to work effectively because of alcohol
10 related issues? 15:44

11 A. Yes, he had alcohol related issues, yes.

12 668 Q. In terms of your attitude towards him, would you agree
13 with me that you indicated that as far as you were
14 concerned, at that stage he was a person who had an
15 excellent relationship with both his peers and his
16 supervisors? 15:44

17 A. That's correct.

18 669 Q. Would you agree with me that also in the final
19 paragraph that you were expressing your concerns that
20 he needed help, isn't that correct? 15:44

21 A. That's correct.

22 670 Q. Is it also the case that you say:

23
24 "Local Garda management are anxious that Garda Keogh be
25 afforded every opportunity to avail of any services
26 that can assist him at this time." 15:44

27
28 Does that sentence encapsulate your view and the view
29 of the management in Athlone in relation to Garda Keogh

1 as of that date?

2 A. Yes.

3 671 Q. In terms of the next page in sequence, pages 9280,
4 please. I think as a result of that particular
5 communication, this is a document we have seen before, 15:45
6 Chief Superintendent McBrien filled out this form.
7 This is a form which is called the "Garda occupational
8 health services referral form for absences attributed
9 to illness", isn't that correct?

10 A. That's okay, yeah. 15:45

11 672 Q. Would you turn over the following page, please, to
12 9281? Just to confirm, I think this is a standard form
13 document, but on the left-hand side it says:

14

15 "Is the member experiencing or reporting to experience 15:45
16 difficulty carrying out their usual duties?"

17

18 It's signed by Chief Superintendent McBrien. And the
19 answer is:

20

21 "Yes, alcohol related." 15:46

22

23 Does that accord with your concerns from a management
24 perspective at that time?

25 A. Yes, the alcohol related -- 15:46

26 673 Q. In the second box, do you see it's recorded:

27

28 "Have efforts been made to resolve coping difficulties
29 at work if reported?"

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And the answer is: "Yes".

And then the third column:

"Previously received residential treatment."

So, did that confirm your understanding at the time.

A. Yes.

674 Q. That Garda Keogh had difficulties coping at work?

A. Yes.

675 Q. And these were being reported up the line for the purposes of assisting him to obtain medical assistance and help?

A. That's correct.

676 Q. In terms of the attitude that you had to him at that stage, you have given evidence also in relation to his approach towards you when you spoke to him, after he had made his disclosure. Would you agree with me that your description of your interaction with him was that he was very tense and very fraught?

A. Yes.

677 Q. And very hostile towards you?

A. Yes.

678 Q. It's been suggested to you that you should have sat down and spoken to him. Can we take it from your earlier evidence that in effect your attempts to communicate with Garda Keogh were rebuffed by him at that time?

1 A. On the 9th, yes.

2 679 Q. Yes.

3 A. I wouldn't -- I couldn't have sat down -- I was
4 sitting, he didn't sit.

5 680 Q. And is it fair to say that your view was that at that 15:47
6 stage he was very hostile to you?

7 A. Yes.

8 681 Q. Now, you have been asked questions about the evidence
9 of Chief Superintendent Curran. I wonder if you could
10 be shown, please, the transcript of Day 117, at page 15:47
11 17, with particular reference, please, to line 18.
12 Sorry, perhaps line 12, please, I'm sorry. Line 12. I
13 think this is the passage you referred to a few minutes
14 ago, where, in the evidence of Chief Superintendent
15 Curran: 15:47

16

17 "There was whatever personal issue Garda Keogh had with
18 Inspector Farrell at the time, it had probably got in
19 the way to some extent. Whatever personal issue Garda
20 Keogh had in respect of Farrell at the time, probably 15:48
21 got in the way to some extent."
22

23 Do you see that?

24 A. Yes.

25 682 Q. But you also see his evidence where he said: 15:48
26

27 "But I also was conscious that Garda Keogh -- this
28 would have been a difficult time for Garda Keogh."
29

1 A. Yes.

2 683 Q. would you just please turn forward to the next page,
3 that's page 18, where he was asked about what happened
4 when he saw your report, and he said:
5
6 "To some extent, yes, but I think if I was to really
7 rationalise it, there was anti-management things going
8 for him, you know, at that time."
9
10 It just comes back to the Chairman's question at an
11 earlier stage. Can I take it from your evidence today
12 that you were concerned at that stage by his attitude
13 towards you when he met you, that Garda Keogh was
14 manifesting an animus or an antipathy towards you as
15 part of management? 15:48

16 A. Yes.

17 684 Q. In terms of the disclosure itself, you have heard the
18 evidence of Sergeant Haran here today about the impact
19 of the publication in the Dáil by Deputy Flanagan of
20 Garda Keogh's disclosure? 15:49

21 A. Yes.

22 685 Q. And the fact that he was a whistleblower in that sense?

23 A. Yes.

24 686 Q. Can I ask you to confirm, what impact did that have on
25 the management and operation of An Garda Síochána in
26 Athlone? 15:49

27 A. Well, from my perspective, once the disclosure was
28 made, there was a sense of, fear is the word that comes
29 to mind but it may be a bit strong, in the sense that

1 we became over cautious in what we done. We made sure
2 that everything we done was done correctly and seen to
3 be done correctly. It was similarly, we'll say, to
4 someone carrying out an audit, there was going to be an
5 audit carried out on the work you were doing. So 15:49
6 therefore you would be more conscious that you would
7 have it right.

8 687 Q. And did this difficult affect every level within the
9 station?

10 A. I would say so, yes. 15:49

11 688 Q. You were asked questions in relation to Ms. Olivia
12 O'Neill, and whether she made a statement. I wonder if
13 you could please be shown page 14654. This a report
14 from Sergeant Haran, it's from your investigation file.
15 I think it says there: 15:50

16
17 "Please find file returned for your information.
18 Cheyanne and Kayleigh O'Neill have now made a new
19 statement withdrawing their complaint. The following
20 people were interviewed and refused to make 15:50
21 statements."

22
23 A number of blank names and then there's the name:

24
25 "Olivia O'Neill. For your information please." 15:50

26 A. That's correct.

27 689 Q. If you could be shown document 14653, please. Will you
28 agree with me that this is your letter of the 18th
29 September 2014, reacting to that previous report from

1 Sergeant Haran?

2 A. That's correct, yeah.

3 690 Q. So, in effect, I think just to answer a question
4 previously answered, it's effectively registering at
5 that stage that Ms. O'Neill has not made a statement at 15:50
6 all?

7 A. That's correct.

8 691 Q. Can I also ask to be put up on the screen, just to
9 finish on this point, could you be shown page 123,
10 please? This is an extract from Garda Keogh's early 15:51
11 statement and in particular reference I think 123. If
12 you scroll down please to the bottom of the page, there
13 should be a point 3. Again, further down, please.
14 Thank you. Do you see here in the last paragraph there
15 is a reference there to: 15:51
16

17 "Apparently, Inspector Farrell then wrote up a report.
18 It was implied in that that I had somehow coached
19 Olivia O'Neill to implicate Garda A in corruption. No
20 statement was taken from Olivia O'Neill either in 15:51
21 relation to her assault or her claims of corruption."
22

23 Do you see that?

24 A. I do, yes.

25 692 Q. Can we take it from that, would you agree that that 15:52
26 indicates that Garda Keogh's statement at that stage
27 was that he was aware that Ms. O'Neill hadn't made a
28 statement about anything at that time?

29 A. That's correct, yeah.

1 693 Q. But also at this stage he made a complaint that you had
2 made a report?

3 A. Sorry?

4 694 Q. He also makes a complaint about you at that stage?

5 A. That's correct.

15:52

6 695 Q. which is subsequently withdrawn, that you had made a
7 report?

8 A. That's correct.

9 696 Q. Yes. Can I ask you if you can be shown please,
10 document 4031. This is a letter written by Garda Keogh
11 to Detective Superintendent Mulcahy on 17th October
12 2014. Having praised the investigation in the first
13 paragraph, can I just draw your attention to the second
14 paragraph, which relates to you. He says,
15 Superintendent Mulcahy:

15:52

15:52

16
17 "I am aware that Chief Superintendent Curran of An
18 Garda Síochána and Inspector Nicholas Farrell were both
19 involved to some degree regarding this. I understand
20 that both men are going for promotion and if my
21 complaint were proven it may jeopardise their chances.
22 Since I last spoke to yourself and GSOC the cabal has
23 come at me from another angle in relation to a Pulse
24 check I carried out on 18th May 2014."

15:53

25
26 First of all can I ask you, were you on a promotion
27 list at that time?

15:53

28 A. I wasn't on a promotion list but I was going for
29 promotion, I was going for interview at that time.

1 697 Q. I see. So again, in terms of the attitude, would you
2 agree with me, that suggests a degree of hostility
3 towards you from Garda Keogh at that time?
4 A. Yes. And it was only when I received the actual
5 disclosure that I became aware of that. I wasn't aware 15:53
6 of that, that or other diary entries that he had made
7 about me.

8 698 Q. But I think in your statement to the Tribunal you made
9 reference to the fact that you were made aware of the
10 fact that High Court proceedings were issued, in which 15:53
11 you had to effectively attempt to seek advice?
12 A. That's correct.

13 699 Q. Again, not going near that advice, but in your
14 statement -- if I could ask, could the document 670
15 please be placed on the screen. This is a personal 15:54
16 injuries summons, which is dated 13th April 2017.
17 Again, the Tribunal has received this document, so I am
18 not going to go to it in every detail. But could I ask
19 please if the document could scroll forward to page
20 675. I think you were given a copy of this document? 15:54
21 A. That's correct.

22 700 Q. I think the reason you were given it is because in
23 subparagraph (c) there is a reference in the following
24 terms:
25
26 "A report was written in relation to the plaintiff
27 implying that he had coached a person in relation to
28 allegations of and claims of corruption against an
29 individual garda who is the subject of the plaintiff's

1 protected disclosure statement."

2

3 A. That's correct.

4 701 Q. Did you understand that complaint to relate to the
5 complaint Garda Keogh was making at that stage?

15:55

6 A. Yes.

7 702 Q. Then if I could ask, please, to move forward and if
8 page 25 could be placed on the screen. This is Garda
9 Keogh's statement made to this Tribunal and to its
10 investigators in 2018. If you could look, please, at
11 line 354. I think you will agree with me that Garda
12 Keogh is asked a question there as to what information,
13 evidence or knowledge he had that you had written a
14 report implying that he had somehow coached Ms. Olivia
15 O'Neill or on about the 28/5/2014 to implicate Garda A
16 in corruption.

15:55

15:55

17

18 Turning over please to the next page, page 26. I think
19 you're aware now, are you not, that his response to
20 that, Garda Keogh's response was:

15:56

21

22 "I don't know if Inspector Farrell wrote a report in
23 this regard."

24

25 A. I remember that.

15:56

26 703 Q. Then he is asked a further question. He is asked to
27 provide a copy of any report that you had made in this
28 respect, implying that he had coached Olivia O'Neill
29 and you replied:

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"I do not have a copy of any such report."

So, I think the position, you'll agree with me, is that from 2014 into 2015, 2016, in High Court proceedings, and up to that date in 2018, that complaint was being levelled against you? 15:56

A. That's correct.

704 Q. And it's also clear, is it not, from the answer given by Garda Keogh, that in fact he never had any evidence of that at all in terms of the report? 15:56

A. It appears that way, Chairman.

705 Q. Just turning back, if I could, please, to your statement. I wonder if you could please be shown page 620. Could I ask you, please, to look at paragraph 6.6, which you discussed earlier today and you were asked questions about it. Do you see there where it indicates that you described your reaction to Garda Keogh when you say: 15:56

"I put it to him it would have been better for him to have spoken to Assistant Commissioner Ó Cualáin before creating the entry and he said 'it's done now, what can I do, everyone has seen it'."

In what tone did he say that to you? 15:57

A. Em...

706 Q. Was it angry, defiant, resigned? What was the tone in which he said that to you?

1 A. Indifferent in the sense that he didn't care, we'll
2 say.

3 707 Q. So when you say he didn't care, he didn't care about
4 the advice that you had offered him?

5 A. Exactly, yes. 15:57

6 708 Q. Had you offered that advice in good faith as his
7 superior officer trying to assist him?

8 A. Yes.

9 709 Q. CHAIRMAN: well, was it was retrospective, in fairness?
10 MR. MURPHY: Yes. 15:58

11 CHAIRMAN: I am not sure that it matters, Mr. Murphy,
12 in what tone, because it had been done.

13 A. Yes.

14 MR. MURPHY: Yes.

15 CHAIRMAN: He says, look, there it is. Maybe he is 15:58
16 saying whatever advice and maybe it wasn't the wisest,
17 but whatever it was, it was done.

18 MR. MURPHY: I fully accept that, Chairman, I am only
19 asking the question to elicit the attitude that --

20 CHAIRMAN: I understand. But it sort of speaks for 15:58
21 itself really, doesn't it. And it is rather rueful,
22 one could say. I don't know how one would describe it.

23 MR. MURPHY: But isn't it the case --

24 CHAIRMAN: what's done is done. There it is.

25 710 Q. MR. MURPHY: Sure. Chairman, I fully accept that. But 15:58
26 just in terms of the tone of that discussion and the
27 tone of the other discussion that you've mentioned, is
28 it your evidence that at the end of those discussions
29 you felt very clear in your mind that Garda Keogh

1 didn't really want to speak to you about these matters
2 at all?

3 A. Yes.

4 711 Q. And that Garda Keogh had an attitude towards you and
5 management which was hostile at that stage? 15:58

6 A. Certainly towards me anyway.

7 712 Q. Could I ask you please to be shown page 623 of your
8 statement. At paragraph 10.2, I think you've described
9 the -- you say it's the fear permeating everything in
10 Athlone which followed the disclosure of the existence 15:59
11 of the protected disclosure and the fear, you say, that
12 led to people believing they were all under a
13 microscope of public opinion and constantly reenforced
14 by media commentary. Briefly can you indicate to the
15 Chairman what you mean by the media commentary? 15:59

16 A. Well, it was the media commentary, what was being said
17 in the papers about the disclosure and, you know, about
18 the drugs problem and the drugs allegations that was
19 made.

20 713 Q. And then just moving finally to the last part of your 15:59
21 statement, just a number of brief points. Paragraph
22 10.3, do I understand from what you say there, that in
23 the period where you were present under the authority
24 of Chief Superintendent McBrien and Superintendent
25 Murray, it was very much a focus on reform and 16:00
26 improvement of procedures?

27 A. Correct, yes.

28 714 Q. Did you agree with those reform driven procedures?

29 A. Very much so, because I believed that we needed that

1 safety and security going forward, to bring us back,
2 we'll say, to confidence in ourself.

3 715 Q. At 10.4 in your statement you say you took no issue
4 with the strict, accountable regime because, you say:

5
6 "I believed it increased our efficiency and offered
7 potential to all members. These were safeguards seen
8 by management to reduce exposure to risk in many
9 areas."

10
11 MS. McGRATH: I don't want to interrupt, Mr. Murphy,
12 but these are straying into the set of other issues.

13 CHAIRMAN: Absolutely.

14 MS. McGRATH: And that might be unfair for other teams
15 in the room.

16 CHAIRMAN: Are we coming back to the inspector? Is he
17 coming back to deal with those other ones?

18 MS. McGRATH: I think we are very cleanly dealing with
19 1 to 4 and certainly the other teams understand that
20 that's the case and they may be taken short by us
21 straying into other areas.

22 MR. MURPHY: Chairman, on the basis of the existing
23 lists, it's my understanding that this witness was just
24 being called in this section. So, I just I wanted to
25 ask the question in case I don't get a chance to ask it
26 again.

27 CHAIRMAN: well, ask away and we will worry in due
28 course. I mean, nobody else is going to be -- well,
29 they could cross-examine afterwards, I suppose, yes.

1 MR. MURPHY: I think if the witness is here for this
2 day, I will only be two minutes.
3 CHAIRMAN: Very good. Well, take your two minutes and
4 we will make sure that if there is a question just,
5 look, we will come back to it if we need to. 16:01
6 MS. McGRATH: He can be recalled if necessary and if
7 any party has a difficulty, they can let us know.
8 MR. MURPHY: Well, I wouldn't suppose it would be
9 reasonable to recall him for one question and that is
10 all I want to ask. 16:01
11 CHAIRMAN: Well, why don't you ask the question,
12 Mr. Murphy, and we will worry about how to achieve
13 fairness afterwards.
14 MR. MURPHY: Thank you, Chairman.
15 716 Q. Just finally, from 10.5 to 10.8 of your statement, you 16:01
16 deal with the allegations made against you in relation
17 to clauses 1 to 4. First of all, can I take it from
18 your answer at 10.5 that you completely reject the
19 allegation that Garda management in Athlone or, indeed,
20 in the Westmeath division targeted, isolated or 16:02
21 demeaned Garda Keogh?
22 A. Yes.
23 717 Q. Did you ever receive any specific instruction from
24 Garda management to treat Garda Keogh in a different
25 way to anybody else? 16:02
26 A. Absolutely not.
27 718 Q. Were you ever asked by your senior managers to
28 participate in any such targeting treatment against
29 Garda Keogh?

1 A. Absolutely not.

2 719 Q. Are you aware of any other similar type of instructions
3 that were ever given to your colleagues by Garda
4 management?

5 A. I'm not aware of any instructions given. 16:02

6 720 Q. Finally, in terms of your attitude towards Garda
7 Keogh's welfare, is it your evidence that you took
8 whatever steps were within your power to ensure his
9 welfare, particularly with regard to his alcohol
10 problem? 16:02

11 A. Yes, and I maintain that at all times, that I would
12 encourage people to -- especially peer support, to
13 ensure that he is being supported, yes.

14 MR. MURPHY: Thank you.

15 16:02

16 END OF EXAMINATION

17

18 CHAIRMAN: Thanks very much. Ms. O'Rourke, have you
19 any questions?

20 MS. O'ROURKE: I would probably have a few short 16:02
21 questions.

22 CHAIRMAN: Thanks very much. well, it would be as well
23 if we can to let the inspector away if we can.

24

25 INSPECTOR NICHOLAS FARRELL WAS EXAMINED BY MS. 16:02
26 O'ROURKE, AS FOLLOWS:

27

28 721 Q. MS. O'ROURKE: Yes. I suppose just taking up where
29 Mr. Murphy left off there, he asked you whether you at

1 all times acted in the interests of the welfare of
2 Garda Keogh. In that regard, if I can just point you
3 to statement at I think page 618, paragraph 4.3. You
4 refer to a meeting -- it's paragraph 4.3, which I think
5 is at 619. I think you refer there to a meeting that 16:03
6 you had in -- Mr. Murphy I think brought you to an
7 entry in relation to 2013, I believe. This is in
8 relation to September 2012. You indicate there that
9 you referred Garda Keogh to the CMO and the following
10 day that certain members accompanied him in that 16:04
11 regard.

12 A. That's correct.

13 722 Q. Yes. And in relation to the incident in 2013, you
14 interacted with other officers, is that correct, who
15 assisted Garda Keogh at that time? 16:04

16 A. That's right. I have a recollection that I was
17 contacted by a guard in relation to Garda Keogh and
18 that I arranged for two gardaí to visit him, yes.

19 723 Q. When was that, inspector?

20 A. That was -- I don't remember off the top of my head, I 16:04
21 think it could be 2013.

22 724 Q. So in this incident you refer to Sergeant Lawless and
23 Garda Ryan, who accompanied Garda Keogh to his home.
24 In respect of the second incident, and I think,
25 Mr. Murphy, it's at 3701, so maybe it we put it up just 16:04
26 for completeness. I think that is a separate incident,
27 a separate date.

28 MR. KELLY: Chairman, I am just a little puzzled as to
29 what this has got to do with issues 1 to 4.

1 CHAIRMAN: Little if nothing, in fact. More nothing,
2 Mr. Kelly. But since Inspector Farrell is here, since
3 the questions on this topic zone in so such a small
4 extent, I am inclined to let them happen, subject to
5 any issue that arises. In other words, if there's any 16:05
6 substantive issue of any significance, we will
7 obviously have to deal with that in an appropriate
8 manner. So, don't be worried about that issue. But in
9 the event that it happened, that nothing major, nothing
10 significant turned on it, we might well revisit the 16:05
11 question to see whether there was any issue you wished
12 to raise or your side wished to raise. But in the
13 meantime --

14 MS. O'ROURKE: Yes, Chairperson, I think really all I
15 wanted to bring -- and I think in fairness to Garda 16:05
16 Keogh, he has confirmed in his evidence that there is
17 only real one issue and that was a line in the
18 statement by Inspector Farrell.

19 CHAIRMAN: I understand.

20 MS. O'ROURKE: But since it has been suggested that 16:06
21 Inspector Farrell -- that the relationship
22 deteriorated, I think it's important that Inspector
23 Farrell I think --

24 CHAIRMAN: I understand. I have allowed it,
25 Ms. O'Rourke. I have allowed it given that we have 16:06
26 very short number of questions and I have reassured
27 Mr. Kelly that he need have no apprehensions about any
28 significant matter that turns out to be controversial,
29 that he won't be left without some capacity.

1 725 Q. MS. O'ROURKE: Maybe I will move on then, Chairperson,
2 in that regard. Inspector, you indicate -- you have
3 seen that Garda Keogh has said that the relationship
4 between you deteriorated after making his protected
5 disclosure. I take it from your evidence that you were 16:06
6 always available to Garda Keogh and insofar as there
7 was any change in the relationship, what do you say in
8 respect of that.

9 A. Certainly I didn't contribute in any way, make any
10 effort to encroach on Garda Keogh's line of thought. 16:07
11 In the background I spoke to a lot of people and I
12 continually asked them to make sure that he was
13 supported. I didn't contact him directly myself,
14 because I didn't -- I hadn't that relationship with him
15 to do that. 16:07

16 726 Q. Just in relation to the Pulse entry, Garda Keogh has
17 said that you asked him to change the entry, you have
18 given your evidence on that and I am not going to go
19 through that again. But insofar as Garda Keogh, I
20 think in the course of his evidence, while he accepted 16:07
21 you couldn't change it and he couldn't change it, I
22 think later he said that it could be changed by what he
23 called the collator. Can I just ask you, in your
24 experience, changing a Pulse entry, is that something
25 that would be done on a regular basis? 16:07

26 A. Not to my knowledge. Not to my knowledge.

27 727 Q. In respect of the Liam McHugh report, I think you were
28 asked by Mr. O'Brien whether or not a report or a
29 statement would be obtained from Garda Lyons and you

1 indicated -- or whether would statement would be
2 obtained, and you indicated in your answer a report or
3 a statement would be obtained. I think Garda Lyons
4 forwarded a report of a conversation, is that correct?

5 A. He could have. He could have, I don't know. 16:08

6 MS. O'ROURKE: I don't have any other questions.

7
8 END OF EXAMINATION

9
10 CHAIRMAN: Thank you very much. 16:08

11 MS. McGRATH: Sorry, if I can just confirm there in
12 relation to the last question asked.

13 CHAIRMAN: Yes.

14
15 INSPECTOR NICHOLAS FARRELL WAS RE-EXAMINED BY MS. 16:08

16 McGRATH, AS FOLLOWS:

17
18 728 Q. MS. McGRATH: Is there a separate reporting from Garda
19 Lyons?

20 CHAIRMAN: No. 16:08

21 729 Q. MS. McGRATH: or is the report you're talking about the
22 e-mail?

23 CHAIRMAN: Ms. McGrath, Ms. O'Rourke was merely
24 reiterating the evidence. He said you'd either have a
25 statement or a report. In this case there was a 16:08
26 report. So, sometimes there would be a statement,
27 sometimes there would be a report. As far as the
28 witness was concerned, Inspector Farrell was concerned,
29 he didn't see a heap of difference between one and the

1 other. That's is what he said.

2 730 Q. MS. McGRATH: Chairman, sorry, that there was no other
3 report? The report is what he have seen in the e-mail,
4 is that right, inspector?

5 A. Not to my knowledge. 16:09

6 CHAIRMAN: No.

7 731 Q. MS. McGRATH: Okay. I just want to finish up by saying
8 an apology to yourself and to your team, the
9 investigation file I mentioned earlier did come in in
10 May and it was entirely my error? 16:09

11 A. That's all right. Thank you very much.

12

13 END OF EXAMINATION

14

15 CHAIRMAN: There we are. You're in the clear. Thanks 16:09
16 very much. Now it's possible, it is possible, but I
17 suspect unlikely, that we might have to ask you to come
18 back. I doubt if that will be possible but I don't
19 want to rule it out and then have to come back and
20 change it. But thank you very much. You're free to go 16:09
21 and thank you very much for your evidence.

22 WITNESS: Thank you Chairman.

23

24 THE WITNESS WITHDREW

25

26 CHAIRMAN: So, tomorrow at 10:30, is that right? 16:09

27 MS. McGRATH: Yes. I think it's Inspector Minnock in
28 the morning, or Superintendent Minnock, apologies, in
29 the morning at 10:30.

1 CHAIRMAN: Thank you very much.

2
3 THE HEARING THEN ADJOURNED UNTIL FRIDAY, 29TH NOVEMBER
4 2019 AT 10:30AM
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