

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

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

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

HELD IN DUBLIN CASTLE
ON MONDAY, 2ND DECEMBER 2019 - DAY 123

123

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 MONDAY, 2ND
2 DECEMBER 2019:

3
4 CHAIRMAN: Yes, Mr. Marrinan.

5 MR. MARRINAN: The witness for today, Chairman, is 10:33
6 Chief Superintendent Pat Murray, please.

7 CHAIRMAN: Thank you very much.
8

9 CHIEF SUPERINTENDENT PAT MURRAY WAS DIRECTLY-EXAMINED
10 BY MR. MARRINAN, AS FOLLOWS: 10:33

11
12 WITNESS: Chief Superintendent Pat Murray.

13 CHAIRMAN: Thanks very much. Good morning, chief
14 superintendent.

15 WITNESS: Good morning, Chairman. 10:33

16 1 Q. MR. MARRINAN: Chief superintendent, would you mind
17 just giving a résumé of your time in An Garda Síochána
18 to the Chairman, please?

19 A. I was attested as a member of An Garda Síochána in July
20 of 1982 and from '82 until '89 I served here in the 10:33
21 city at garda rank and then I was transferred to
22 midlands, where I served at garda rank in different
23 stations until 2002, when I was promoted to sergeant,
24 transferred back to the city again, and a year later I
25 transferred back to the midlands again as a sergeant 10:34
26 and served in a number of stations there, particularly
27 in Tullamore for a period before my promotion to
28 inspector in 2006. On promotion to inspector, I was
29 transferred to the wicklow-wexford division, as it was

1 then, and is soon to be again. I spent two years there
2 and then I was transferred back to the midlands again,
3 to Tullamore as an inspector. In 2010 I was promoted
4 to superintendent, transferred to Gort in County
5 Galway. While there, in October '13, district 10:35
6 amalgamations occurred countrywide during that time,
7 because of the district I was in then, Superintendent
8 Finn was being amalgamated with a neighbouring
9 district, I was transferred to a regional position in
10 traffic policing. I held that role until my transfer 10:35
11 to Athlone on 9th March '15, albeit it was superimposed
12 with a second position as superintendent in Roscommon
13 district, from June '14 until March '15.

14 CHAIRMAN: Thank you.

15 2 Q. MR. MARRINAN: During your time in service in Galway, 10:35
16 was Assistant Commissioner Ó Cualáin in the western
17 Region at that time?

18 A. When I went to Galway first, I met, who was then chief
19 superintendent, Donal Ó Cualáin, for the first time, in
20 2010. So he was my divisional officer or my next 10:36
21 person in the chain of command when I was in Galway,
22 until his promotion to assistant commissioner.

23 3 Q. Did you have a close working relationship with him?

24 A. No.

25 4 Q. Were you friendly with him in any way? 10:36

26 A. No, not at all.

27 5 Q. Did you socialise with him?

28 A. No.

29 6 Q. I am asking you those questions --

1 A. Yes, no, I appreciate that.

2 7 Q. -- you appreciate --

3 A. Yeah.

4 8 Q. -- there is a suggestion that there was --

5 A. I do. 10:36

6 9 Q. -- some sort of closeness between the two of you?

7 A. No, there wasn't.

8 10 Q. Were you involved in any major investigation was him?

9 A. No.

10 11 Q. You say that for a period of that time you were in the 10:36
11 traffic corps, is that right?

12 A. When I was transferred into that then, Assistant
13 Commissioner Ó Cualáin, as he was then, because during
14 my time as a district officer there he was promoted to
15 assistant commissioner, I think he went to Cork for 10:37
16 some time, if I am correct, and he came back then to
17 head up the Western Region as the assistant
18 commissioner.

19 12 Q. Yes.

20 A. And it was in that period that I was transferred to the 10:37
21 traffic policing, a regional role in traffic policing
22 in the Western Region.

23 13 Q. Now, I think you put in your statement, it's at page
24 2038, and we will be going through this as well as
25 other documentation, but at the outset of your 10:37
26 statement you said that you have over 36 and a half
27 years of service up until the time when you made the
28 statement?

29 A. That's right. That has increased a bit now, yeah.

1 14 Q. You wanted to point out to the Tribunal that you
2 weren't the subject-matter of any disciplinary
3 sanctions whatsoever, isn't that right?
4 A. That's correct.

5 15 Q. If you would expand on that yourself. 10:38
6 A. Yes. In that 36 and a half years I have never been the
7 subject of a disciplinary sanction and I have never had
8 a complaint made against me under the policy document,
9 working together to create a positive working
10 environment, which is in effect a bullying and 10:38
11 harassment or sexual harassment. So I feel I have
12 an unblemished career in An Garda Síochána until these
13 allegations.

14 16 Q. How was it that you came to be transferred to Athlone?
15 what is the process? 10:38
16 A. So when I -- I live around the midlands and I have done
17 so for a number of years, and that's why, I suppose, I
18 have always headed back there after periods on transfer
19 on promotion. In Gort, I think, in 2011 I applied for
20 a transfer back to Laois-Offaly or Westmeath division. 10:38
21 Nothing happened. I renewed it in 2013, before the
22 amalgamation happened, and nothing happened again. The
23 opportunity came then and I was notified of a transfer
24 to Athlone on 27th February, I think, 2015. That
25 application being in there, in Human Resources at that 10:39
26 time in 2011 and renewed again in 2013.

27 17 Q. So, you note that it's the Garda Commissioner who
28 decides --
29 A. Yes, I served at the pleasure of the Garda Commissioner

1 and you're entrusted with a role in a particular area
2 at the behest of the Garda Commissioner. I think the
3 time I was transferred to Athlone there were 78
4 officers appeared on just one bulletin itself at that
5 time. So that had never happened before, where there'd 10:39
6 be so many officers transferred. And it was a time
7 that former Commissioner O'Sullivan had taken over the
8 role of Commissioner, and I think that she was, I
9 suppose, laying down a marker or transferring people
10 around to where she felt they were best fit and I think 10:40
11 newspapers at the time will reflect that this was a
12 remarkable thing or an unusual thing to happen. And I
13 was on that bulletin with 78 other officers, as was
14 Superintendent McBrien, who I replaced.

15 18 Q. Had you heard of anything in relation to the problems 10:40
16 that had then arisen in relation to Athlone Garda
17 Station?

18 A. No. I didn't know anybody in Athlone. I had never
19 worked there before or never worked with anybody there
20 before. And I really didn't know anything about the 10:40
21 station or the district or the division, indeed, at
22 that time.

23 19 Q. Had you heard of Garda Nicholas Keogh?

24 A. Yes, I did, a year previously, in the media. I
25 remember watching it on television the night that it 10:40
26 became public knowledge that he was embarking on this
27 process.

28 20 Q. Did you know that he had made a protected disclosure?

29 A. Just from that time, yeah.

1 21 Q. In relation to alleged wrongdoing in Athlone Garda
2 Station?
3 A. Just what was in the media at the time. I remember
4 particularly Deputy Flanagan asking people to clap him
5 into the station at ten o'clock when he was coming on 10:41
6 duty. I remember that distinctly. I think I was at
7 home, sitting at home when I heard that.

8 22 Q. Did you know that Assistant Commissioner Donal Ó
9 Cualáin was conducting an investigation in relation to
10 matters concerning Athlone Garda Station? 10:41
11 A. Not before going to Athlone, no.

12 23 Q. Were you aware of the fact that there was an
13 investigation in relation to matters that arose out of
14 Garda Keogh's protected disclosures?
15 A. Well, my experience would tell me that there would be 10:42
16 an investigation, but until I got to Athlone I didn't
17 know the extent of it or who was doing it or what it
18 was about.

19 24 Q. I think there were other matters pertaining to Athlone
20 that we have heard from Superintendent McBrien in 10:42
21 relation to the Roma baby controversy. Were you aware
22 of that?
23 A. Not until I got there again. Again, I knew broadly
24 from the media that this had occurred and it was
25 associated with another similar incident in Tallaght. 10:42
26 And outside of that, I didn't really have any
27 understanding of its impact on Athlone until I got
28 there.

29 25 Q. Now, I think that in the first instance on your

1 transfer there was a -- you met with Noreen McBrien, is
2 that right, on 4th March 2015?

3 A. I did, yes.

4 26 Q. Can you just deal with what happened at that meeting
5 that you had with her?

10:43

6 A. That was one of three handover meetings I had that day.
7 I was relinquishing the two roles I held and I had two
8 handover meetings with officers who were taking over
9 from me. I met Superintendent McBrien in the middle of
10 that process in Athlone. It was unremarkable as far as 10:43

11 I was concerned. We discussed the policing plan, the
12 different areas of that. She showed me around the
13 station, which comprised of three separate buildings
14 unconnected to each other. I met some people who were
15 around there. We had a discussion in her office for a 10:43

16 short period and she was having a function that evening
17 in the canteen while I was there to, it was her last
18 day I think and she wouldn't have been returning, so
19 there was a small function arranged for her in the
20 kitchen which she asked me to go to, and I didn't. I 10:44

21 didn't feel it appropriate to go there until I actually
22 transferred. So the meeting didn't last that long. I
23 met Inspector Farrell and Inspector Minnock there at
24 the time and I spoke to them. Superintendent McBrien
25 was busy herself. She had boxes all around the office 10:44

26 and she was preparing to leave and that was the last
27 time she would have been in Athlone, I think that day.

28 27 Q. I asked Superintendent McBrien whether or not there
29 were any HQ directives or circulars in relation to the

1 handover meeting and whether or not particular matters
2 should be addressed at that meeting when handing over
3 to a new superintendent coming into the district.
4 Were you aware of any directives or circulars being
5 brought in in relation to that? 10:45

6 A. I am, indeed, yeah. I am. I don't have the actual, I
7 suppose, number of it on the top of my head now, but
8 there is a circular in relation to handover. And we
9 would have, I suppose, followed that format in terms of
10 discussing policing issues. 10:45

11 28 Q. What does that circular say?

12 A. It outlines, I suppose, the format in relation to
13 policing plan and the handover process that would
14 occur. And I suppose it encourages a transfer of
15 information in relation to that policing plan and how 10:45
16 it's working and resources, budgets, and all the myriad
17 of different issues associated, I suppose, with the
18 role and responsibilities of a superintendent. And
19 there are 40 of them outlined in chapter 3 of the Garda
20 Code, volume 1. 10:46

21 29 Q. Is one of those particular welfare issues concerning
22 any members in the district?

23 A. Yes. Resources is one of the issues that would be
24 discussed, yeah.

25 30 Q. Do you recall whether Superintendent McBrien discussed 10:46
26 Garda Keogh at that meeting?

27 A. She had a file with her which she was handing over to
28 me and it was in terms of that the discussion came up.

29 31 Q. Just tell us about that discussion?

1 A. It was about the file mostly and it was a file of
2 claims that Garda Keogh had made sometime ago but that
3 hadn't been paid. Superintendent --

4 32 Q. Did she say to you this is Garda Keogh who is --
5 A. Yes, yes, indeed. 10:46

6 33 Q. -- is a whistleblower?
7 A. Yes.

8 34 Q. Who is a confidential reporter?
9 A. Yes.

10 35 Q. Did she say that to you? 10:46
11 A. She did. She explained to me that Garda Keogh had made
12 those claims, that was a confidential reporter and that
13 she had been engaging with him in relation to his
14 welfare.

15 36 Q. Did she expand on that? 10:47
16 A. She explained to me in relation to the file itself,
17 that she didn't feel she could pay those claims. That
18 she tried to discuss it with him but didn't feel that
19 he was up to doing it. I think she mentioned that she
20 had done that in February of '15. Look it, I didn't 10:47
21 pass much comment on it, I didn't know much about
22 Athlone. So I said, look, just leave it with me and I
23 will deal with it when I arrive. I think she was happy
24 with that.

25 37 Q. Did she indicate to you whether or not in her view this 10:47
26 was a substantial matter that ought to be addressed
27 with Garda Keogh?
28 A. She didn't portray it as a substantial matter to me.
29 It was a very normal matter in my mind, it had to be

1 dealt with. There were monies owed to him, but until
2 the matter was dealt with, the monies couldn't be
3 approved, I suppose, for payment.

4 38 Q. Did she discuss Garda Keogh's welfare and what had been
5 put in place to support him? 10:48

6 A. She explained that she had been liaising with him
7 directly herself mostly and that he had issues with the
8 use of alcohol. Other than that, no.

9 39 Q. Did she say to you that he had previously had an
10 alcohol addiction problem? 10:48

11 A. No, she didn't go that far, no.

12 40 Q. Her account of this meeting is at page 6245 of the
13 materials, please. It's at volume 21. If we can
14 scroll down to line 630. Have you got that there?
15 She says: 10:49

16

17 "On the 4th March I met Superintendent Pat Murray. It
18 was a handover meeting. I was coming back, as I hadn't
19 been in Athlone in a while due to illness and there
20 were matters to discuss regarding the budget, welfare 10:49
21 issues, members on long-term sick leave and operational
22 matters, to include the Assistant Commissioner Ó
23 Cualáin investigation."

24

25 Do you recall her discussing that? 10:49

26 A. No.

27 41 Q. "Garda Keogh would have been discussed under welfare
28 matters. I would have explained that Garda Keogh and I
29 had met several times and our meeting on 4th February

1 2015, and I would have explained that the reason the
2 car tax matter hadn't progressed was due to both my
3 illness and the fact that I was very concerned
4 regarding his presentation on 4th February 2015."

5 A. Yes.

10:50

6 42 Q. Do you recall her saying that?

7 A. She mentioned that she didn't feel he was up to
8 discussing it in February. That's my recollection of
9 that.

10 43 Q. Well, did she explain why?

10:50

11 A. Around the use of alcohol at the time, she didn't feel
12 he was up to discussing it.

13 44 Q. I suppose there's two matters. First of all, she is
14 indicating that is this a matter that went back
15 sometime and that she hadn't dealt with it and one of
16 the reasons that she hadn't dealt with it was her own
17 personal illness and she had been away from the Garda
18 station?

10:50

19 A. She did mention that, from October, I think, that she'd
20 had recurrence of a long standing illness, which kept
21 her away, yeah.

10:50

22 45 Q. And then the second limb then is that she had met with
23 Garda Keogh on 4th February 2015 and that because of
24 his presentation at that meeting -- what did you take
25 her to mean by that?

10:50

26 A. I didn't -- I wasn't really sure. She said she had
27 been dealing with him personally, that alcohol was an
28 issue and she didn't feel he was up to discussing it at
29 that time. I didn't, I suppose, press her on it. I

1 took her at her word. I said, look it, I'll deal with
2 the file when I arrive, don't worry about it. We
3 discussed other people who had welfare issues as well.
4 There were a couple of people out on long-term sick and
5 they came into the conversation, in the same way as 10:51
6 Garda Keogh did, there wasn't a special emphasis on
7 Garda Keogh.

8 46 Q. Well, if we can just deal with this aspect of it and
9 the conversation that you had surrounding Garda Keogh.
10 Was there a sense or did you get a sense from 10:51
11 Superintendent McBrien that this was a matter that she
12 was dealing with personally with Garda Keogh?

13 A. Yes, I did, that no one else knew about it.

14 47 Q. Now, not just in relation to the car tax but generally
15 in relation to aspects of his welfare? 10:52

16 A. I wasn't sure. She said she had dealt with him
17 herself, but I didn't press her in terms of what the
18 arrangements were in the district.

19 48 Q. Did you get any sense at all that the reason that she
20 hadn't confronted him with the car tax issue on the 4th 10:52
21 February may have been as a result of his particular
22 vulnerability?

23 A. No.

24 49 Q. Because of his drinking and other issues?

25 A. No. 10:52

26 50 Q. On 4th February 2015?

27 A. No, I didn't get a sense of that.

28 51 Q. You didn't get that sense from her?

29 A. No.

1 52 Q. Did you discuss the issue of whether or not this might
2 be something over which he ought to be disciplined?
3 A. No, absolutely not.

4 53 Q. Now, I think that at various stages of your statement
5 you've described what you describe as a "palpable air 10:53
6 of fear" when you arrived in Athlone Garda Station.
7 would you like to expand on that and just tell us what
8 you mean by that?
9 A. I suppose, I set about trying to meet people early on
10 and I felt that a range of controversies that were 10:53
11 explained to me, that had attracted national media
12 attention, had an impact on confidence, I suppose, in
13 particularly the supervisory roles. Superintendent
14 McBrien listed some of those and the Roma baby
15 situation, and there were a number of other issues that 10:53
16 attracted national media attention to Athlone in terms
17 of perhaps more practices and issues like that. And
18 I'm conscious that I'm in a public forum, those issues
19 were significant for people who were there.

20 54 Q. Now, I think that you took up your role as 10:54
21 superintendent, was it the 9th March?
22 A. The 9th March.

23 55 Q. At that time did you contact Assistant Commissioner Ó
24 Cualáin?
25 A. No. 10:54

26 56 Q. In relation to his investigation?
27 A. No.

28 57 Q. Had you been advised what welfare supports had been put
29 in place for Garda Keogh?

1 A. No.

2 58 Q. Did you make any enquiry in relation to what welfare
3 supports were being put in place in respect of Garda
4 Keogh?

5 A. No. 10:54

6 59 Q. why not?

7 A. I didn't see it as something that I needed to deal with
8 in that way until sometime arrived that I had to deal
9 with. I suppose in my early analysis, I looked at
10 quite a lot of things. As I said to you, there were a 10:55
11 couple of people who were out on long-term sick leave
12 with serious welfare issues. I asked him about them.
13 I asked about Garda Keogh. I suppose I didn't make any
14 major enquiries. I was doing a general analysis across
15 a whole number of areas and I suppose the controversy 10:55
16 or, I suppose, the whistleblower investigation wasn't
17 something that I had any knowledge of or wasn't high on
18 my agenda, my emphasis was on what kind of a policing
19 service was being delivered and the analysis that was
20 involved around determining that. 10:55

21 60 Q. Well, you knew that Garda Keogh was a whistleblower?

22 A. Yes.

23 61 Q. You found out that Assistant Commissioner Ó Cualáin was
24 conducting an investigation in Athlone Garda Station?

25 A. Yes. 10:56

26 62 Q. Isn't that right?

27 A. Yes.

28 63 Q. You knew that Garda Keogh had issues in relation to an
29 alcohol problem?

1 A. Yes.

2 64 Q. And at that stage were you aware of the fact that he
3 had been out sick on a large number of occasions?

4 A. That became apparent to me when I started to conduct
5 the analysis around resources and that, yeah. 10:56

6 65 Q. Did it become apparent to you that he was out sick
7 because of work related stress?

8 A. I didn't know, other than what was on the certificates
9 that were coming in.

10 66 Q. The certificates from? 10:56

11 A. Medical certificates from his GP.

12 67 Q. Yes. Which stated work related stress?

13 A. Yes.

14 68 Q. So you were aware of the fact that he was out, having
15 been certified by his doctor certainly as suffering 10:56
16 from work related stress?

17 A. So the absences from my analysis were intermittent and
18 there were some short-term, some a bit longer and then
19 they would be encapsulated with periods of working and
20 then missing again. 10:57

21 69 Q. And all certified as being absent because of work
22 related stress?

23 A. That's what the -- the certificates that were submitted
24 by Garda Keogh indicated that, yeah.

25 70 Q. And you had also been advised that he had a drink 10:57
26 problem?

27 A. Yes.

28 71 Q. Did you get any sense that the work related stress
29 might be feeding into the drink problem?

1 A. I suppose the sense I got was it might be the opposite,
2 that the drink problem might be feeding into the work
3 related stress.

4 72 Q. would you just expand on that, please, and tell us what
5 you mean by that? 10:57

6 A. I suppose, I learned that drink had been a major factor
7 in his life for quite some time.

8 73 Q. who did you learn that from?

9 A. From -- in the first couple of days from Sergeant
10 Haran, when I met him. 10:58

11 74 Q. what did Sergeant Haran say to you about Garda Keogh's
12 drink problem?

13 A. Sergeant Haran had been supporting Garda Keogh and he
14 explained to me that his drinking problem was a
15 long-term drinking problem. 10:58

16 75 Q. You said that you thought that his drinking problem was
17 feeding into the work related stress?

18 A. Yes. what he said, that the drinking problem was there
19 for quite some time, going back over a number of years.

20 76 Q. Yes. 10:58

21 A. And drinking was a factor in his life.

22 77 Q. Did he say that he suffered from work related stress
23 arising from that?

24 A. He didn't mention work related stress to me, Sergeant
25 Haran. 10:58

26 78 Q. Just go on, would you just tell us what you mean by the
27 drink feeding into the work related stress?

28 A. well, the drinking was dominating his life, as it was
29 explained to me, at that time.

1 79 Q. I am just wondering about that. we'll come to deal
2 with your first meeting with Garda Keogh, which was on
3 the 26th March, in due course. What sort of picture
4 had you formed in your mind of Garda Keogh before you
5 came to meet him on the 26th March? 10:59

6 A. I didn't form any picture of him whatsoever. I was
7 totally neutral in the situation. I was meeting him
8 for the first time and so I had no picture formed
9 whatsoever, other than to try and offer him any support
10 that I could to help him to deal with any issues he was 10:59
11 having.

12 80 Q. Well, you have indicated to us that having discussed
13 the matter with Sergeant Haran and then having viewed
14 the medical certificates, where it stated work related
15 stress, that you thought that maybe his alcohol problem 10:59
16 was to the fore and that fed in some way in relation to
17 the work related stress?

18 A. Yeah, and that became apparent to me as the months
19 passed on, yeah.

20 81 Q. No, but what I am dealing with is before you even meet 11:00
21 Garda Keogh?

22 A. Oh well, that's not how I took your question there.

23 82 Q. Yes.

24 A. You know, I took it in the over all context.

25 83 Q. In the over all? 11:00

26 A. Yes.

27 84 Q. All right, that's fine. From experience, you're
28 saying?

29 A. Yes.

1 85 Q. All right. well, if we could deal with that period of
2 time, from the 9th March, when you took up duty as
3 superintendent in the district.
4 A. Yes.

5 86 Q. Until the 26th March; during that period of time had 11:00
6 you formed a view in relation to Garda Keogh?
7 A. No, I hadn't formed no -- I had no view formed, other
8 than I didn't get an opportunity to meet him until the
9 26th March. I couldn't form a view because I never met
10 the man before. 11:00

11 87 Q. Now, I think you point out in your statement that you
12 decided to introduce a number of initiatives with a
13 view to improving standards, accountability and
14 governance, isn't that right?
15 A. Yes. 11:01

16 88 Q. I think that that is set out at page 2039 of the
17 materials?
18 A. Yes.

19 89 Q. whilst we don't need to go through them all, and you
20 have listed them there from A to V, if we just deal 11:01
21 with the first one there:
22
23 "The performance and accountability framework in
24 Athlone district."
25 11:01
26 That is a document that is at page 2085 of the
27 material, if we could just have that up on the screen?
28 If we just look at this in a little bit of detail.
29 A. Sure.

1 90 Q. You may want a hard copy, do you?
2 A. Yes.
3 91 Q. Yes, okay. It's page 2085 of the material and it's
4 volume 8. This is addressed to the sergeants in
5 charge, it is dated 21st April 2015. You set out 11:02
6 there:
7
8 "Having spoken to each of you in the short period I
9 have been in Athlone, I understand and share your
10 appreciation of the need for a robust district 11:02
11 accountability process."
12
13 And then you point out the objectives of the framework,
14 of the performance and accountability framework. And
15 then you say: 11:03
16
17 "With your assistance I intend to make some slight
18 changes to the excellent system that is already in
19 place, which is as follows:
20 11:03
21 Phase 1... "
22
23 You go to deal with the streamlining of the daily PAF
24 meetings, is that right?
25 A. Yes. 11:03
26 92 Q. You say:
27
28 "It will be held each Monday to Friday at 10:30 in the
29 superintendent's office. The superintendent,

1 inspector, sergeant in charge, duty sergeant, detective
2 sergeant and PAF administrator will attend. Any
3 sergeant on duty in Mote or Kilbeggan will continue via
4 phone direct to the meeting. The meeting shall take no
5 longer than 15 to 20 minutes." 11:03

6
7 Then you set out what the agenda will be. Are notes
8 taken at that PAF meeting?

9 A. The format of it was that the sergeant in charge would,
10 I suppose, present the incidents for the previous 24 11:04
11 hours to the meeting, using what's called the 003
12 report and incident summary sheets. And they would
13 really form the minutes.

14 93 Q. Are notes taken by anybody?

15 A. The sergeant in charge may take some notes, depending 11:04
16 on what it is, but I didn't take notes. I chaired the
17 meeting.

18 94 Q. So it's a meeting that's not minuted, is that right?

19 A. Not minuted to any great extent, no. It's a review
20 type meeting. There would be some actions and 11:04
21 decisions taken from it.

22 95 Q. I think the first bullet-point is:

23
24 "The review of Pulse incidents created in the preceding
25 24 hours from 7am to 7pm? 11:04

26 A. Yes.

27 96 Q. So is that all entries on Pulse during that period of
28 time?

29 A. All entries on Pulse, and in 2015 there were some 9,000

1 of those.

2 97 Q. On a daily basis how many would you expect there to be?

3 A. Somewhere around 30 plus.

4 98 Q. And ones reporting criminality, how many would there

5 be? 11:05

6 A. That would depend on the level of criminal activity.

7 99 Q. Yes, I know.

8 A. But there could be are somewhere between 10 to 15.

9 100 Q. A day?

10 A. Yes. 11:05

11 101 Q. Then it says:

12

13 "The sergeant in charge, using of the Pulse report 003,

14 which will become the meeting minutes --"

15 11:05

16 That's what was accepted?

17 A. Yes.

18 102 Q. " -- will outline the incidents which occurred."

19 A. Yes.

20 103 Q. So that's is the sergeant in charge, we'll say, in 11:05

21 relation to Athlone Garda Station?

22 A. Athlone Garda Station, yeah.

23 104 Q. Will go through each of the incidents, is that right?

24 A. Right across the district, yeah.

25 105 Q. Then there will be a review of all intelligence entries 11:06

26 created on Pulse in the preceding 24-hour period. And

27 again, the sergeant in charge will outline the entries.

28 Then you go on to deal with issues of number of

29 prisoners, resource allocation for the period, sickness

1 absence and any other business?

2 A. Yes.

3 106 Q. So, if members were out sick, that would be highlighted
4 at that meeting?

5 A. Yes. 11:06

6 107 Q. would it?

7 A. It was a resource issue.

8 108 Q. Phase 2 then is:
9

10 "The creation of one Excel list which will capture each 11:06
11 incident discussed at the daily PAF meeting requiring
12 follow up action of any kind."
13

14 Can you tell us what that was designed to do?

15 A. So, at that time there was no IT system of an any kind 11:06
16 to capture the monitoring of those crimes, volume crime
17 or any kind of crime. And so, after speaking with the
18 key people in the management positions in Athlone, we
19 designed the system as a foundation or a bedrock
20 through which we would do our business. That Excel 11:07
21 sheet would capture incidents from the morning meeting
22 that needed follow up action and monitoring until close
23 off.

24 109 Q. Give us an example, perhaps, of what follow up action
25 might be needed in any particular case? 11:07

26 A. So, if a criminal damage incident were reported. So it
27 would be important that the file would be seen through
28 to conclusion in that, that statements would be taken,
29 any enquiries or lead developed and made and if there

1 were arrests to follow, that that would happen. That
2 the court prosecution would happen. That the victim
3 would be kept informed fully throughout the process.
4 And that the, I suppose, incident would be taken
5 through using that system from its inception until it 11:08
6 was closed off in some way, by either being marked
7 inactive because of unavailability of avenues of
8 inquiry, or that would lead to a prosecution and the
9 court process and all that entails.

10 110 Q. So in the first instance this Excel list is created at 11:08
11 the first PAF meeting, is that right?

12 A. Yes, at the initiation. When we would review the
13 incident in the morning, if follow up action was
14 required we would put it on that list and the
15 investigating guard and their sergeant will get an 11:08
16 e-mail directing them to the list, to indicate what was
17 required. And those lists then would be reviewed every
18 Monday with sergeants of a particular unit as is
19 referred to them, if that Monday or that date coincided
20 with a review of that incident. It wouldn't be always 11:09
21 crime incidents, there would be many types of incidents
22 on Pulse that required follow up action.

23 111 Q. And that's at a separate meeting on Mondays at 2:30pm;
24 is that right?

25 A. Correct, yeah. 11:09

26 112 Q. You say:

27

28 "As well as discussing the follow up action required on
29 incidents and updating the list of selection of files

1 relating to certain incidents will also be examined to
2 ensure the actions required are actually carried out."
3 A. That's right.
4 113 Q. Is that right?
5 A. Inspector Minnock undertook that role. 11:09
6 114 Q. You have a daily review of the Pulse entries and any
7 crimes that have been committed?
8 A. Yes.
9 115 Q. Is that right?
10 A. Yes. 11:09
11 116 Q. It is anticipated an e-mail would be sent to the
12 sergeants and to the members who were investigating?
13 A. Yes.
14 117 Q. Is that right?
15 A. Yes. 11:09
16 118 Q. And then on a weekly basis the file is reviewed at
17 2:30pm on a Monday?
18 A. Not every file. So there would be a date selected on
19 the first day as to when the file would be reviewed.
20 119 Q. Yes. 11:10
21 A. That would coincide with a period of time that would be
22 allowed to make that happen and it would also have to
23 coincide with when that particular unit were working on
24 Monday afternoon, that the sergeant would be available.
25 So it was associated with the roster that people were 11:10
26 working, the reviews.
27 120 Q. would you just help us in relation to the role of a
28 supervising sergeant? what do you understand the role
29 to be of a supervising sergeant?

1 A. I suppose their primary role is to manage the Garda
2 resources under their command. They also would have, I
3 suppose, a list of -- or roles in areas of district
4 policing and district portfolios that are created for
5 the sergeants across, I think, off the top of my head, 11:10
6 109 different areas of policing that were divided
7 between the 13 sergeants to, I suppose, monitor and
8 assist me in ensuring that a professional service was
9 being delivered across a myriad of policing demands
10 that would be relevant to the district. 11:11

11 121 Q. And what about the supervision of individual gardaí in
12 relation to their work?

13 A. Yeah, absolutely. Absolutely. And that's why those
14 lists and the sergeant -- the review of the sergeant --
15 with the sergeant was important in terms of ensuring 11:11
16 that they would ensure that that work was done through
17 the members that they were supervising.

18 122 Q. This is something that is going to arise obviously in
19 relation to some of the issues and the investigations
20 that were scrutinised in relation to Garda Keogh and 11:11
21 issues that arose. would one expect that the sergeant,
22 the supervising sergeant who receives a report from
23 onwards transmission to the superintendent, would have
24 a role and function in relation to ensuring that the
25 member has in fact sent in a report that would stand up 11:12
26 to scrutiny?

27 A. In the ideal world, that would be nice.

28 123 Q. But would that be your expectation?

29 A. Yes, absolutely. Yeah, if possible, yeah.

1 124 Q. And if he didn't do so, that would in part be his
2 failing as well as the member's failing, isn't that
3 right?
4 A. Well, I suppose that depends on the individual sergeant
5 and what issues they might be having with individual 11:12
6 members. You know, it's a difficult one to generally
7 comment on.
8 125 Q. You then go on to deal with phase 3 and other matters,
9 which are set out there. When did you have an
10 expectation that this would come into force? 11:12
11 A. Well, I think phase 1, 2 and 3, I see it at the end of
12 the document there on page 2086.
13 126 Q. Yes.
14 A. Would be introduced on 1st May '15.
15 127 Q. Yes. 11:13
16 A. And 4 and 5 were introduced shortly after then. I
17 think my -- I have included it in my statement.
18 128 Q. You then, in the second last paragraph, say:
19
20 "As the framework is designed to ensure the adequate 11:13
21 accountability and information exchange exists in the
22 Athlone district, I ask each member to engage with and
23 embrace the framework in order to further develop the
24 excellent policing service that already exists.
25 11:13
26 Please bring to the attention of each member. "
27
28 Insofar as you can assist in relation to this, how did
29 this change and alter the position that previously

1 existed in Athlone?

2 A. Em, I suppose in my time there early on, there were
3 some issues that hadn't been brought to conclusion,
4 that had, as it were, maybe slipped through the cracks
5 of the existing system that had been there. And I felt 11:14
6 that, I suppose, we could look at that again to create
7 a more effective and efficient system. And the key
8 people in Athlone sat around the table with me in
9 designing that. It wasn't just me alone, I was
10 assisted by the key people on my team in Athlone, who 11:14
11 also saw a need to create efficiency and effectiveness,
12 if possible, and improve things.

13 129 Q. If we could go back to your list then at 2039. There's
14 the PAF issue at A and then B is a district policing
15 and accountability process; C is a process to identify 11:15
16 staff kills; D an expenditure audit governance
17 measure; and then E high visibility patrolling
18 initiative?

19 A. Yes.

20 130 Q. And then F: 11:15

21
22 "A system to ensure accountability around the
23 investigative process for volume crime on 19th June
24 2015. "

25
26 we will have a quick look at that, if we could. This 11:15
27 is page 2099.

28 A. Yes.

29 131 Q. Again, you might want a hard copy, chief

1 superintendent.

2 A. I have it, yes. Thank you.

3 132 Q. Now, this is dated the 19th June, it's addressed to
4 each sergeant and each member in Athlone and it's
5 headed "the investigation and volume of crime and the 11:16
6 accountability process".
7

8 "The new process will operate as follows: Crime
9 reported or discovered will be entered on Pulse as soon
10 as possible." 11:16
11

12 Was that not previously being done?

13 A. Well, I was re-emphasising what should be done always.

14 133 Q. "The incident review process at the daily PAF
15 meeting --" that's what we just previously discussed? 11:16
16

16 A. Yes.

17 134 Q. " -- will examine each crime." 11:16
18

18 A. Yes.

19 135 Q. "A request for a he crime file will be displayed on the
20 tasking list column on the PAF administration system 11:16
21 and e-mailed to the to the investigating member and
22 nominated supervisor immediately after the daily
23 meetings."
24

25 Is that right? 11:17
26

26 A. Yes.

27 136 Q. "The investigating member will complete each section of
28 the attached crime file folder and insert all original
29 statements and correspondence relating to the crime

1 into the folder. When all avenues of enquiry are
2 exhausted, the investigating member will submit the
3 crime file to their nominated supervisors, usually by
4 the due date on the PAF list, who will review the file,
5 completing the last page of the manila folder and 11:17
6 submit it to the district office."

7 A. Yes.

8 137 Q. Just explain to us, how was that to work in practice?
9 The file is reviewed at the daily PAF meeting -- not
10 the file, the crime is reviewed? 11:17

11 A. Yes, and a request would be made for a crime file, if
12 that was the decision of the meeting, and that would be
13 communicated on the tasking list, as indicated in the
14 document.

15 138 Q. Then it says: 11:17

16
17 "The district officer or acting district officer will
18 then review and close off the file or return it for
19 further action."

20 A. Yes. 11:18

21 139 Q. "If all avenues of enquiry have been exhausted and no
22 leads exists, the district officer or acting district
23 officer will mark the investigation of the crime
24 inactive and send the crime file to the PAF
25 administration office at the victims office for 11:18
26 filing."

27
28 And then you deal with the victims over the page, at
29 2100. The victims office staff, we needn't go into

1 that. Then:
2
3 "This process is being introduced to ensure An Garda
4 Síochána in Athlone district are providing an
5 accountable transparent response to the investigation 11:18
6 of volume crime.
7
8 Please bring to the attention of each member for strict
9 compliance. "
10
11 And that was the view that you took in relation to
12 that?
13 A. Yes.
14 140 Q. And that you expected that there would be strict
15 compliance with that, is that right? 11:19
16 A. I had hoped that there would, yeah. I was trying to
17 set a standard which we could all aspire to.
18 141 Q. Then if we go back to your list at 2039 of the various
19 initiatives that you introduced. We were at F and then
20 G: "A district policing and performance reporting 11:19
21 structure to the chief superintendent."
22
23 And then H:
24
25 "A governance accountability and transparency policy in 11:19
26 relation to the detection and prosecution of crimes."
27
28 which was to be introduced on 14th August 2015. And
29 then I:

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"An instruction relating to the reporting of critical or serious incidents, including excellent police work, on 18th August 2015. "

11:19

If we could just look at that briefly, it's at page 2021 of the materials. And this was introduced by you -- sorry, it'S 2121, I beg your pardon, Mr. Kavanagh. The first paragraph there is:

11:20

"All incidents of a critical or serious nature must be the subject of a short, concise report in addition to any entry made on Pulse. "

what do you mean by "incidents of a critical nature"?

11:20

A. So, I suppose, anything that would involve injury to people would be notorious in that way, attract public attention and, you know, something that would be, I suppose, critical in terms of its importance as outside the norm.

11:21

142 Q. Right. And then "serious nature", give us an idea of what that might...

A. Same, you know. The same, you know, same idea again. Something that was serious, critical.

143 Q. Significant crimes that have been committed in the district, is that right?

11:21

A. Yeah, yeah. Ones involving injury to people, you know, yeah.

144 Q. Then you go on to say:

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"Must be the subject of a short, concise report--"

A. Yes.

145 Q. " -- in addition to any entry made on Pulse."

A. Yes.

11:21

146 Q. How would you define "short, concise report"?

A. Well, I suppose the idea there was that the team would move into gear, as it were, immediately that something like that would happen. And that whoever had been dealing with the incident initially had to leave or finish duty, that people taking up would have a good knowledge of the key areas that had been dealt with, so as that the information would be available to those taking over. So that, I suppose, an incident response would take place in order that we could use that golden period as soon as possible after a crime or incident is committed, to gather as much evidence as possible.

11:21

11:22

147 Q. You go on to say:

"A report in addition to the Pulse entry is necessary in order that local and divisional management are aware of the background surrounding all critical or serious incidents either reported or discovered by members."

11:22

That would indicate that this was a matter that really was for management?

11:22

A. It's also important that management would be aware. And at that time, management, when they were away from the station, had access to emails on their phones but

1 not Pulse.

2 148 Q. well, I am just wondering what is required and when
3 it's required. It's obviously required in
4 circumstances where the incident is critical or
5 serious? 11:23

6 A. Yes.

7 149 Q. That's is the first thing?

8 A. Yes.

9 150 Q. The second thing is, this is in addition to what would
10 go on Pulse? 11:23

11 A. Absolutely.

12 151 Q. So there's an obligation to put the relevant details on
13 Pulse of the crime, isn't that right?

14 A. Yes.

15 152 Q. It's the Pulse incident that is reviewed and had been 11:23
16 reviewed up until the introduction of this on the 18th
17 August, it was the Pulse that had been reviewed to
18 determine what occurred?

19 A. It's not uncommon for members, before finishing duty,
20 to leave a report of incidents that they had attended 11:23
21 in addition to what would be on Pulse. That wouldn't
22 be uncommon beforehand. Indeed, this is all captured
23 at chapter 33 of the Code. There's nothing really new
24 in this.

25 153 Q. There's nothing new in it? 11:23

26 A. No, it's in the Code, chapter 33. It's a reemphasis of
27 that. It had been re-emphasised to us in Athlone, I
28 think sometime in March or April, after I arrived or
29 just in or about that time, from the assistant

1 commissioner, to the chief, the superintendent's office
2 and Inspector Minnock had, I suppose, brought it to my
3 attention again, that it had been, I suppose,
4 re-emphasised and perhaps we could re-emphasise it
5 again. I changed it slightly to try and capture good
6 work as well, where people might, I suppose, outline
7 good detections that had been made in that way, so as
8 we could highlight these issues to the command
9 structure in the Garda organisation.

11:24

10 154 Q. Yes. You go on to say that at in that paragraph.

11:24

11
12 In the second paragraph you say:

13
14 "To ensure the reporting system works swiftly, the
15 sergeant on duty at the time the incident occurs, by
16 either being reported or discovered, or in the
17 sergeant's absence the station orderly or member in
18 charge, will repair a short, concise report and e-mail
19 it to the district office e-mail and CC it to myself,
20 Inspector Farrell, Inspector D/Sergeant Curley and
21 sergeant in charge, Sergeant Baker."

11:24

11:25

22
23 That seems to put an obligation on the sergeant on duty
24 at the time of the incident?

25 A. Or in his absence, yeah, the station orderly or the
26 member in charge at the investigation.

11:25

27 155 Q. They're under an obligation to do a concise report?

28 A. Concise report and e-mail it, yeah.

29 156 Q. So is the concise report being done by the member or is

1 it being done by the sergeant or supervising sergeant?

2 A. well, if the supervising sergeant was there, I would
3 prefer that he would do it, ideally, but sometimes he
4 wouldn't always be there.

5 157 Q. So what's envisaged in paragraph 1, a short or concise 11:26
6 report, refers to a report that should be done by the
7 sergeant, is that right?

8 A. In the ideal circumstances, if there was a sergeant on
9 duty. I would expect him to know about the incident
10 and outline, I suppose, the details on the report. 11:26

11 158 Q. well, there's always a sergeant on duty, isn't that
12 right?

13 A. Not always.

14 159 Q. Is there not a sergeant in charge of the station?

15 A. well, that role is a daytime role. 11:26

16 160 Q. And in the absence of the sergeants, the obligation is
17 on the station orderly or member in charge?

18 A. Yes.

19 161 Q. Is that right?

20 A. The station orderly or the member in charge of the 11:26
21 investigation.

22 162 Q. well, is it the member in charge of the investigation
23 or is it the member in charge of the Garda station?

24 A. well, the member in charge of the Garda station only
25 has effect in relation to the detention of the 11:27
26 prisoners, so, you know, that's a term that's used in
27 the Criminal Justice Act 1984.

28 163 Q. Okay. I would like to be clear in relation to this, I
29 am sorry if I am going back over it again.

1 A. No problem.

2 164 Q. Paragraph one refers to an obligation that is placed in
3 the first instance on the sergeant, is that right?

4 A. Yes, if the sergeant is on duty, yes.

5 165 Q. So there isn't an obligation on the investigating 11:27
6 member in those circumstances?

7 A. Yeah. well, if there's no sergeant, like obviously the
8 investigating member would be bringing it to the
9 sergeant's attention that this incident is there, so as
10 that the sergeant would report it, yeah. 11:27

11 166 Q. well, the obligation in the first paragraph refers to
12 the sergeant in charge, is that right?

13 A. The sergeant in charge?

14 167 Q. Sergeant on duty?

15 A. Sergeant on duty, yeah. 11:28

16 168 Q. Yes.

17 A. Ideally, if that -- you know, in the ideal world, it
18 would be sergeant on duty that would, I suppose, submit
19 the short report.

20 169 Q. And in the absence of the sergeant on duty, then the 11:28
21 obligation falls either on the station orderly --

22 A. Yes.

23 170 Q. -- or the member in charge of the investigation?

24 A. Yes.

25 171 Q. And then we go on to: 11:28
26
27 "Reports are required for all Pulse category types
28 which are deemed serious and likely to generate
29 community/media interest."

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Is that right?

A. Yes.

172 Q. "In addition, this reporting system should be used to highlight excellent police work carried out."

11:28

Then, on page 2122:

"The following information is the minimum that is essential to provide concise and accurate details: The date, time and place of occurrence; brief and concise narrative outlining the occurrence; details of all victims, including age and gender; details of any arrests made or planned to include power of arrest used, detention used, name, age, gender of persons arrested; the details of investigative steps taken and those planned or suggested; any other information deemed necessary to provide a complete picture."

11:29

11:29

Please bring to the attention of each member for immediate information, implementation and for strict compliance."

11:29

We then move on to item J: A process to restructure the existing crime and drug unit, which is to be implemented on the 19th September. And then, a restructuring of the immigration services in the district on 22nd October 2015. And then, an application to appoint resources to the district crime

11:30

1 unit was introduced on the 5th October. And then you
2 say:

3

4 "Request for a risk assessment of Garda A in terms of
5 the role he held on 5th October 2015."

11:30

6

7 Now, the other initiatives that you introduced from N
8 to V are all initiatives introduced after the 5th
9 October, is that right?

10 A. Yes.

11:30

11 173 Q. And go through to 21st March of 2017, which were daily
12 unit briefings, is that right?

13 A. Correct.

14 174 Q. Now, obviously, that's quite an extensive --

15 A. I suppose, I have five years experience in the rank of
16 superintendent.

11:31

17 175 Q. Yes.

18 A. I served in three different roles. In addition to
19 that, I suppose I wanted a performance leadership type
20 approach myself and the organisation at the time had
21 been coming under quite an amount of criticism in terms
22 of the investigation of volume crime, governance and
23 accountability and actioning. I suppose I was trying
24 to allow my managerial expression improve and create
25 efficiencies and effectiveness in the policing service
26 that we were delivering to the community in the Athlone
27 district. And the team, particularly the sergeants,
28 were very willing to take part in that and they were
29 innovative in their approach to it and I was delighted

11:31

11:31

1 to have that from them.

2 176 Q. Now, I think you go on in your statement to deal with
3 13th March 2015. You say at the request of Inspector
4 Farrell you met Sergeant Haran.

5 A. Yes. 11:32

6 177 Q. Who wanted to discuss the discipline investigation
7 concerning another member, is that right?

8 A. No, it was an investigation that he was involved in
9 himself.

10 178 Q. All right, okay. Will you just go on then and tell us 11:32
11 of your conversation with Sergeant Haran at that time?

12 A. I had never met Sergeant Haran before and he wanted to
13 discuss this issue that was causing, I suppose, angst
14 to him. I discussed that with him in detail. It was
15 something that was troubling him. I helped him, 11:33
16 assisted as best I could in our conversation. And
17 during the course of it he brought up Garda Keogh and
18 we had a discussion about his involvement with Garda
19 Keogh and the support he was giving him. He had
20 provided him with quite an amount of support from 2014 11:33
21 on.

22 179 Q. Yes. Did he have anything else to say in relation to
23 it?

24 A. Well, I suppose in dealing with the issues that he was
25 facing himself, which were causing him worry, and in 11:33
26 looking at his position with Garda Keogh and from what
27 he told me, I suppose he wanted a break, as it were,
28 and he didn't want any perception to be created because
29 of his entirely one handed support, one man support for

1 Garda Keogh, that there would be anything other than
2 neutrality on his part. I could understand that when I
3 listed to him. I asked him was now a good time for
4 change to happen and he said he'd think about that. He
5 didn't want to let down Garda Keogh in any way at all. 11:34
6 That was the tone of the conversation. It wasn't a
7 forced conversation, it was something that happened in
8 a very natural way, out of the blue, and it was my
9 first time to meet him.

10 180 Q. If we can just have page 11756 on the screen. This is 11:34
11 a statement that Sergeant Haran made to our
12 investigators. Line 115. We will start at line 113:

13
14 "I have been asked in respect of the above extract to
15 comment on the veracity or otherwise of what has been 11:35
16 attributed to me by Chief Superintendent Pat Murray."

17
18 That's in relation to your assertion that he was the
19 person who raised this issue. He says:

20 11:35
21 "My recollection is that this was suggested to me. I
22 was open to it and I had no issue with him saying that.
23 I felt he, as my boss, was telling me it would be a
24 good idea. I think that Superintendent Pat Murray felt
25 that Sergeant Yvonne Martin would be better placed as 11:35
26 an independent person and that it would be good to have
27 her in that role. I saw myself as impartial and still
28 feel the same way. I would like to clarify, I did not
29 see myself as being the only person supporting Garda

1 Keogh. "

2

3 You see there, he's suggesting it was you who

4 introduced the issue as to whether or not he should

5 continue in his role supporting Garda Keogh. 11:36

6 A. Yeah.

7 181 Q. Are you sure that it was he introduced it?

8 A. Yeah. I had never met Sergeant Haran before, so when

9 he brought up Garda Keogh and the conversation arose in

10 terms of what he had been doing, he said he was 11:36

11 concerned that perhaps people didn't think he was

12 neutral and out of that conversation came, I suppose,

13 the suggestion, would he relinquish the role or like to

14 relinquish it, was it too much for him, did he want to

15 step back. And that was something he considered. 11:36

16 There was nothing forced or planned or anything about

17 that, it was something that came up naturally during

18 the course of conversation.

19 182 Q. At that time Sergeant Haran was engaged, I think in

20 community policing, isn't that right? 11:37

21 A. He was.

22 183 Q. I think that Sergeant Moylan was Garda Keogh's

23 supervising sergeant, isn't that right?

24 A. Yes, but he was absence quite a bit.

25 184 Q. He had other duties at that time to attend to, is that 11:37

26 right?

27 A. He was involved with a the Association of Garda

28 Sergeants and Inspectors at a national level and he was

29 away very frequently in that role.

1 185 Q. I think the position was that when he was away, it was
2 already Sergeant Haran's duty then to step in as
3 supervising sergeant to Garda Keogh, is that right?
4 A. To the unit.
5 186 Q. Yes. 11:37
6 A. To the unit.
7 187 Q. Yes, to the unit?
8 A. To the unit.
9 188 Q. Yes. And therefore to Garda Keogh?
10 A. He would be available to them as a supervisor, albeit 11:37
11 his shifts, Sergeant Haran's shifts didn't match the
12 shifts that the unit worked. So there would be a gap.
13 189 Q. Why did you pick Sergeant Yvonne Martin to have the
14 role as a liaison officer, is it, or what role was she
15 to have? 11:38
16 A. Just to be there as support if Garda Keogh wanted to
17 discuss anything with anybody.
18 190 Q. Yes.
19 A. And to, I suppose, allow Sergeant Haran to, I suppose,
20 you know, move away, if that's what he wanted to do. 11:38
21 And if Garda Keogh kept coming to him, it was up to
22 Sergeant Haran to continue to engage with him or not.
23 But there was an alternative, let's say, provided.
24 191 Q. Well, is this in relation to work issues or in relation
25 to welfare issues? 11:38
26 A. In my mind, I had tried to separate welfare from work.
27 192 Q. Yes. Just to be clear in relation to this?
28 A. That was my intention, yeah.
29 193 Q. Sergeant Moylan's obligation as the supervising

1 sergeant --

2 A. Yes.

3 194 Q. -- referred to work issues, is that right?

4 A. Yes, work, absolutely.

5 195 Q. I suppose on occasions welfare issues might feed into 11:39
6 that and over spill into that, isn't that right?

7 A. Yes. And that there would be, I suppose, someone there
8 to deal with welfare issue.

9 196 Q. When he was away, then it was the role of Sergeant
10 Haran to deal with work issues and he had also been 11:39
11 dealing at that time with welfare issues in relation to
12 them?

13 A. He had. I think it might have been quite draining on
14 him, you know, he received quite an amount of calls at
15 various times of the day and evening. 11:39

16 197 Q. So clearly Sergeant Yvonne Martin wasn't going to have
17 any responsibility in relation to the work issues?

18 A. No.

19 198 Q. It was purely from a welfare point of view?

20 A. Yes, absolutely, that was my intention. Sergeant 11:39
21 Martin had her own unit to supervise. She, I suppose,
22 was unconnected to the station before and had arrived a
23 short time before I did.

24 199 Q. What was her unit at that time?

25 A. Oh I'm not sure. B, just off the top of my head. I 11:40
26 think it's B.

27 200 Q. If we could move on then. We dealt with a number of
28 the meetings that you had. You had a meeting with
29 Sergeant Haran. Did you also have a meeting with

1 Inspector Minnock? Several meetings with Inspector
2 Minnock?

3 A. In relation to? I had many meetings with Inspector
4 Minnock.

5 201 Q. The issue in relation to the car tax? 11:40

6 A. Oh yes, Inspector Minnock gave me the file that
7 Superintendent McBrien said she would leave him. And I
8 discussed it with him.

9 202 Q. If we could have 744 up on the screen, please? This is
10 a search that was done by Inspector Minnock in relation 11:41
11 to the car tax.

12 A. Yes.

13 203 Q. You can see there an e-mail that was sent to Tara
14 McKinney in the motor taxation office, dated 19th March
15 2015. Was this done on your instructions? 11:41

16 A. I asked Inspector Minnock to make enquiries at the tax
17 office to see what the factual position was in relation
18 to Garda Keogh's tax.

19 204 Q. It was known that Garda Keogh had motor tax but the
20 issue was whether or not it was in the right category, 11:42
21 isn't that right?

22 A. Yes. The way it was explained to me was that it may
23 not be in the correct category.

24 205 Q. It was being taxed as a goods vehicle?

25 A. Instead of private. 11:42

26 206 Q. Instead of private?

27 A. Mm-hmm.

28 207 Q. The e-mail reads:
29

1 "Tara, I would be obliged if you could provide me with
2 the taxation history of -- "

3

4 Then a vehicle

5

11:42

6 " -- particularly covering the period June to December
7 2014. "

8

9 That related to the timeframe of the claims that had
10 been put in by Garda Keogh, isn't that right?

11:42

11 A. Yes.

12 208 Q. "I understand the vehicle is taxed as per our records.
13 However, I am interested in the class of tax, private
14 or commercial? If taxed as a commercial vehicle, I
15 would be looking for a copy of the signed declaration
16 that the vehicle is a goods vehicle and would
17 appreciate a scanned copy of same or otherwise a copy
18 in the post."

11:43

19

20 why were you looking for a declaration that might have
21 been signed by Garda Keogh in relation to his motor
22 tax?

11:43

23 A. I don't recall looking specifically for a declaration,
24 I just looked to establish what was the tax situation
25 with the vehicle.

11:43

26 209 Q. You think Inspector Minnock might have done that
27 himself, is that right, of his own initiative?

28 A. I'd say so, because I didn't specifically ask for a
29 declaration.

1 210 Q. would it have been something that you would have asked
2 for?
3 A. No. No. I merely wanted to establish what the factual
4 position is with the tax before I met Garda Keogh to
5 discuss it with him, so I was armed with accurate 11:44
6 information.
7 211 Q. It's not something that would you have done if you were
8 making enquiries yourself?
9 A. I have no other reason for making the enquiry or asking
10 Inspector Minnock to do it other than to be armed with 11:44
11 accurate information before I met Garda Keogh.
12 212 Q. Inspector Minnock deals with this at page 6245 of the
13 material. He deals at line 630 with the meeting on the
14 4th March. Sorry, that is the wrong -- I beg your
15 pardon, we've got the wrong reference there. If we 11:45
16 just move on from that for the moment. I just got the
17 wrong reference to that. I will come back to that, if
18 you don't mind.
19
20 So anyway, this was in the lead up to the meeting that 11:45
21 you had on the 26th March with Garda Keogh?
22 A. Yes.
23 213 Q. What was in your mind when you to meet him? First of
24 all, where did the meeting take place?
25 A. In my office. The primary purpose of the meeting 11:45
26 insofar as I was concerned was to pay the monies that
27 were owed to him, if the issue could be solved with his
28 tax.
29 214 Q. This is at 4:50pm. If we could just look at your note,

1 which is in volume 8 at 21887. Okay, perhaps can you
2 go through this yourself in relation to your recall of
3 the conversation that you had, aided by your note.
4 This was the first time that you met him, is that
5 right?

11:46

6 A. This was the first time I met him and he felt we had
7 met before when he was a garda in Bray and I was an
8 inspector in Wicklow, but I didn't have any
9 recollection of that meeting. I suppose the
10 investigation came up in relation to his sick days and 11:47
11 that was the first part of the conversation. I brought
12 his frequent absences to his attention and I was trying
13 to find out if I could, I suppose, support or help him
14 to attend work more frequently. And I asked about the
15 cause of them, the absences. He was vague about that, 11:47
16 he just said he didn't like to be there when certain
17 people were there. And he explained that he had gone
18 sick the Sunday previous because a certain member who
19 was off came into the station. And he didn't want to
20 say who that was. 11:47

21 215 Q. Did you know who it was anyway?

22 A. Yes, I did. I had an idea who it was, yeah.

23 216 Q. Is that Garda A?

24 A. Garda A.

25 217 Q. How did you become aware of that? 11:47

26 A. That came up in my conversations in Athlone during that
27 month, that Garda A was the subject of Garda Keogh's
28 allegations.

29 218 Q. Your note says:

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"He was reticent to discuss the ongoing investigation and his part in that."

A. Yeah.

219 Q. Did you bring up the subject of that? 11:48

A. I can't recall specifically who brought it up, but it came up in the course of his absences. You know, I was asking about the absences, the frequent absences and it came up in that.

220 Q. You then go on to say: "I explained I was anxious to release his in and out sick days --" 11:48

A. Yes.

221 Q. " -- since I came and told him I felt it was not satisfactory --"

A. Yes. 11:48

222 Q. "-- re work, the organisation his colleagues etcetera."

A. Yes.

223 Q. Had you already taken a view at that stage that his absence from work may not have been as a result of what was certified on the medical officer? 11:49

A. No, I did not. I had taken no view, I was only meeting him for the first time. Resources were a problem everywhere in the Garda Síochána at that time. There had been no recruitment since 2009. One had the resources one had and no replenishments occurred in that period. The optimisation of resources was something that was a priority to me. 11:49

224 Q. You then go on to say:

1 "I asked what the cause of his ad hoc appearance at
2 work were. "

3 A. Yes.

4 225 Q. But sure had you the medical certificates that
5 indicated that he was suffering from work related 11:49
6 stress?

7 A. But I was also aware that he was drinking.

8 226 Q. I mean, were you already at this stage calling into
9 question whether he was genuine, genuinely out of work
10 due to work related stress? 11:50

11 A. I couldn't possibly do that, because I don't have any
12 medical qualification. But I was trying to ascertain
13 if there something I could do to help him come to work
14 more frequently. He could be a valuable resource in
15 terms of policing. 11:50

16 227 Q. You see, chief superintendent, you're asking him a
17 question as to why he is out of work, you're aware that
18 he has provided certificates saying that this is as a
19 result of work related stress?

20 A. But I'm also aware that alcohol, during periods of 11:50
21 absence, is an issue.

22 228 Q. Well, perhaps a question might be: I know that you're
23 out of work from work related stress, is that causing
24 you to drink more than you would otherwise drink?

25 A. The note is not verbatim as to the way the conversation 11:51
26 went.

27 229 Q. Did you adopt that --

28 A. No, I didn't. I didn't ask that particular question,
29 no. You know, I just wanted to know what he felt the

1 cause of his work related -- or his absences were and
2 he said it was stress.

3 230 Q. Then you go on to say:
4
5 "He said he didn't like to be here when certain people 11:51
6 were here."
7 A. Yes.

8 231 Q. Did you not say, look, I know, I understand?
9 A. No.

10 232 Q. But you did know? 11:51
11 A. I had an idea, yes. I knew he made allegations against
12 Garda A.

13 233 Q. Yes, but you did know --
14 A. That's what came into my mind.

15 234 Q. You did know what he was talking about? 11:51
16 A. Well, Garda A came into my mind when he said that,
17 yeah.

18 235 Q. And you knew that it must have been difficult in the
19 circumstance, both for Garda A and for Garda Keogh?
20 A. It was difficult for everybody, yes, absolutely. 11:51

21 236 Q. No, but it must have been particularly difficult for
22 both of them?
23 A. Absolutely.

24 237 Q. One the accuser and the other the accused?
25 A. I understood that perfectly. 11:52

26 238 Q. Working together in Athlone Garda Station?
27 A. And I had lots of experience of dealing with issues of
28 garda wrongdoing in my time, so I understand exactly
29 how both Garda Keogh and Garda A felt, because I have

1 felt with people in similar -- who were in similar
2 predicaments in different investigations I did around
3 the country.

4 239 Q. You say:

5

11:52

6 "He said he went sick last Sunday evening after a
7 certain member who was off came into the station."

8 A. Yes.

9 240 Q. Then you say:

10

11:52

11 "I asked who and he wouldn't say."

12

13 But you knew who it was?

14 A. It was very important for me to have Garda Keogh engage
15 with me, if I could. So they were questions designed
16 to elicit information from him in order that I could
17 build up a rapport with him.

11:52

18 241 Q. You then go on to say:

19

20 "I told him anyone working here can come in at any time
21 and nothing can be done about that." 11:52

22 A. Yes. And that's a fact.

23 242 Q. Then you say:

24

25 "I discussed work related stress in terms of his coming
26 to worked today, if work related stress was the issue." 11:53

27 A. Yes.

28 243 Q. Just explain what you meant by that.

29 A. So I was trying to, again, elicit a conversation around

1 what was going on in his life, so that I could, if at
2 all possible, gauge what I needed to do to support him.

3 244 Q. That might portray a sort of scepticism on your part
4 about his excuse for not attending work?

5 A. I couldn't be sceptical because I hadn't ever met Garda 11:53
6 Keogh before. I was trying to build up a rapport with
7 him to try and find out what was going on and what
8 could I do to support him attending work more
9 frequently.

10 245 Q. Well, would you agree with me that the notes, as you 11:53
11 have recorded them -- did you record them at the time?

12 A. After he left.

13 246 Q. After he left?

14 A. Yeah.

15 247 Q. Why did you do that? 11:54

16 A. Well, because he had brought up an issue during them in
17 relation to an allegation against the district, in
18 relation to issues with cars.

19 248 Q. What allegation is that right?

20 A. An allegation about people having cars not properly 11:54
21 taxed.

22 249 Q. But why did you make a note of the entire conversation
23 if that was the only matter that was of interest to
24 you?

25 A. Well, I just recorded the entire conversation because I 11:54
26 was going to send them to the CMO and I had made
27 decisions there about Sergeant Martin, his tax and his
28 welfare. So I recorded the entire conversation, and I
29 am very glad I did.

1 250 Q. You then go on:
2
3 "He said he had his certs from his doctor."
4 A. Yes. Indicating stress, yeah.
5 251 Q. Then you say you asked him had he been to the CMO? 11:55
6 A. Yes.
7 252 Q. And he said no?
8 A. He said no.
9 253 Q. You know he takes issue in relation to that?
10 A. I do. That was a question I asked him. I wasn't aware 11:55
11 that he had attended the CMO before. That's what he
12 said to me, and I recorded it. That, I suppose -- I
13 wondered why he said that at the time. I found it hard
14 to believe when I thought about it after, having
15 looked, you know, made myself aware of the previous 11:55
16 illness regarding alcohol in 2012.
17 254 Q. "I said I would send him to assess his stress because
18 the in and out appearances do not, in my view, support
19 what he is saying."
20 A. Mm. 11:56
21 255 Q. So, this is the first meeting you had with him?
22 A. Yes.
23 256 Q. You've had some anecdotal evidence of his drinking from
24 Superintendent McBrien and from Sergeant Haran, you
25 have the medical certificates that he supplied to the 11:56
26 Garda organisation, and you're expressing a view that
27 because of his attendance in the Garda station and his
28 in and out appearances, that it doesn't support what
29 he's saying?

1 A. Yes.

2 257 Q. Just explain why you took that view, when you indicated
3 to the Chairman that this was your first meeting with
4 Garda Keogh.

5 A. So, when you look at the absences that were there, some 11:56
6 of them were very short-term, some of them would
7 coincide with days before rest days, he would come off
8 sick for the rest days and then work after or go sick
9 again. So, it was difficult for me, without him
10 explaining it to me, to understand when you would be 11:57
11 stressed on these particular days but then okay to come
12 to work on these particular days. And if there was
13 something there that I could do.

14 258 Q. Did you ask him about that?

15 A. Yeah. That became part of the conversation, 11:57
16 absolutely.

17 259 Q. No, but did you ask him about, you know, that you
18 couldn't really understand or get your head around some
19 days in, some days out, that he was --

20 A. Yes, when I write that line, that's what -- generally 11:57
21 the conversation was about that.

22 260 Q. Is it just the way that your notes are worded? Because
23 it looks as though you have come to a conclusion at a
24 very early stage?

25 A. I have drawn no conclusion. And I sent him to the CMO 11:57
26 so as that some welfare programme could be put in place
27 for him. I was very open with the CMO because I
28 mentioned stress in the report that I sent to him. So,
29 I had no difficulty with --

1 261 Q. But you're already challenging him in a way, aren't
2 you?

3 A. I didn't feel I was challenging him. I was trying to
4 build up a rapport and trying to, I suppose, ascertain
5 information and he was very reticent and, I suppose, 11:58
6 unwilling to engage with me in an open way.

7 262 Q. Well, he was reticent in engaging with you in relation
8 to a discussion concerning the investigation and his
9 part in it?

10 A. But he was also reticent in relation to his absences, 11:58
11 the reasons for them, why exactly he -- who exactly he
12 was talking about. It was a very vague response. And
13 I wondered why.

14 263 Q. So you're really questioning him here at this first
15 meeting? 11:59

16 A. Well, I saw my role as trying to ascertain what the
17 issues were before I decided what needed to be done.

18 264 Q. "He said no and I said that I would send him to assess
19 the stress because the in and out appearances do not,
20 in my view, support what he is saying." 11:59

21 A. Yes.

22 265 Q. "He declined answering questions re points he was
23 making, instead asking me to contact Detective
24 Superintendent Mulcahy and Superintendent McBrien."

25 A. Yes. 11:59

26 266 Q. What was he asking you to contact Superintendent
27 McBrien about?

28 A. For any information I wanted to know, to contact them.

29 267 Q. About what?

1 A. whatever it was, the whole conversation, about his
2 absences...

3 268 Q. what role or function did you think that Detective
4 Superintendent Mulcahy might have in relation to it?

5 A. I hadn't an idea at that time. 12:00

6 269 Q. was he inviting you to contact them concerning his work
7 related stress and welfare issues?

8 A. In relation to anything I wanted to know about him, his
9 general invitation was that those two people would be
10 able to tell me, rather than him. 12:00

11 270 Q. You said:
12
13 "I said I wouldn't contact anyone for anecdotal info,
14 but would ask him and it was up to him whether to
15 answer or not." 12:00

16 A. Yes.

17 271 Q. why did you adopt that position?

18 A. Because I was taking over a role as the superintendent
19 in Athlone and he was a resource for me. If I were to
20 have to engage with Garda Keogh through third parties, 12:00
21 that wouldn't work at all for anybody.

22 272 Q. If this was in relation to welfare issues, if it was in
23 relation to work related stress and his drinking, would
24 it not have been reasonable for him to say, look,
25 Superintendent McBrien will fill you in and tell you 12:01
26 about the difficulties that I've had, or Detective
27 Superintendent Mulcahy, who is involved in the
28 investigation and has put in place welfare supports,
29 will tell you about all these matters?

1 A. Well, as it turned out there were no welfare supports
2 in place at all then, in a formal way, as it turned
3 out. But I'm sure we'll get to that.

4 273 Q. Was it not reasonable for him to adopt that position
5 with you? 12:01

6 A. Well, not as far as I was concerned, because I was in
7 charge of Garda Keogh, I had responsibility for his
8 welfare and I wanted to deal directly with Garda Keogh
9 and help him in as much as I possibly could, to come to
10 work and to do his work. 12:02

11 274 Q. You go on to say:
12
13 "I asked him if he was doing any work."

14 A. Yes.

15 275 Q. "He said, what do you mean?" 12:02
16
17 Then you said:
18
19 "You're getting wages."

20 A. Yes. 12:02

21 276 Q. "Are you doing Garda work, enforcement, investigations,
22 community engagement etcetera?"
23

24 A. Yes.

25 277 Q. "He said he was doing very little." 12:02
26 A. Yes. And I could imagine that would be the case, but
27 the absences I had noticed.

28 278 Q. Well, obviously if he is absent from work he's not
29 doing any Garda work?

1 A. Yes.

2 279 Q. But nobody had suggested to you that when he was
3 present and conducting his work as a garda, that he was
4 doing so in --

5 A. No, absolutely not, no one had suggested anything. 12:02

6 280 Q. There was no issue in relation to the quality of his
7 work?

8 A. Not that I -- no one had made me aware of anything at
9 that stage, no.

10 281 Q. Well, did you ask anybody? 12:03

11 A. No.

12 282 Q. Other than the drinking problem that he seems to have,
13 does it impinge in any way on his ability to perform
14 his functions when he is here?

15 A. It would be ridiculous to suggest that someone with 12:03
16 intermittent absences in that fashion, that may be
17 related to drink, that it wouldn't impact on work. It
18 would be difficult to understand how that wouldn't
19 impact on work.

20 283 Q. So your view is that it must have had an impact on his 12:03
21 work?

22 A. Well, it must have had, yeah.

23 284 Q. Even though you received no complaints from his
24 supervising sergeant?

25 A. No. He told me himself he was doing very little. And 12:03
26 I can understand how that would be the case.

27 285 Q. You then go on to say:
28
29 "I said I couldn't condone that and asked him what he

1 was doing and was he following up on incidents being
2 reported to him."

3
4 And then he mentioned a case to you. Just tell us what
5 that was about, that he mentioned to you? 12:04

6 A. He just mentioned it was a harassment case and we
7 didn't discuss it any further. He was having some
8 difficulty with it in terms of not being able to bottom
9 it out in a sufficient fashion, in a timely fashion.
10 And I could understand that, considering, you know, the 12:04
11 absences, that was understandable. But things couldn't
12 slip through the cracks either, you know.

13 286 Q. You note here:

14
15 "He agreed that that wasn't fair to the victim." 12:04

16 A. Yeah.

17 287 Q. That's something you pointed out to him?

18 A. I put that to him, look it, how do you think this
19 person would feel?

20 288 Q. Then you say: 12:04

21
22 "I asked him if there was a sergeant available for him
23 to link into."

24 A. Yes.

25 289 Q. Well, at that time you knew that there was? 12:04

26 A. Yes.

27 290 Q. You knew there was supervising sergeant, Sergeant
28 Moylan, and also in relation to welfare issues,
29 Sergeant Haran, isn't that right? You say:

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"He didn't really answer."

And then you said:

"I said I was asking Sergeant Yvonne Martin to link in with him in relation to all workplace issues."

12:05

A. Yes.

291 Q. Well, that should be really welfare issues, isn't that right?

12:05

A. Probably the word is wrong there, yeah.

292 Q. But did you say in relation to all workplace issues?

A. No, I said welfare. No, I said welfare.

293 Q. Are you sure about that?

A. Absolutely.

12:05

294 Q. Because you have recorded workplace?

A. I appreciate that. But my, I suppose, mindset in relation to Sergeant Martin, she couldn't engage or I suppose deal with him on workplace issues because she was on a different unit. She had her own unit. And it was about welfare. And to have someone there for him to contact, if he felt he needed to talk to somebody.

12:05

295 Q. "He asked why her, as he didn't know her."

And you replied:

12:06

"For that very reason, as she was new here, like I, and she would be a support to him and allow him attend work regularly."

1 A. Yeah.

2 296 Q. Then you have a note here saying:

3

4 "I advised that he discuss the shortfalls in the
5 assault case/harassment case with her." 12:06

6 A. Yes, if he wished.

7 297 Q. Surely that would have been a matter he should have
8 discussed with Sergeant Moylan or Sergeant Haran?

9 A. And I suppose that was something that I later asked
10 Sergeant Moylan to look at, so, you know. But if he 12:06
11 wanted to discuss it with her or if there was some
12 underlying reason in terms of his welfare that he
13 wished to discuss with her, that was having a bearing
14 on that, or if he wanted her to go to Sergeant Moylan
15 for him, they were all the possibilities that were 12:06
16 open.

17 298 Q. "She would put supports in place to ensure thoroughness
18 in the investigation."

19 A. Mm-hmm.

20 299 Q. "He agreed to same and to use her." 12:07

21

22 You know that he is taking issue with this and he is
23 seeing it in circumstances where he is now going to
24 have three supervising sergeants, as he put it,
25 scrutinising his work. You understand that to be his 12:07
26 case.

27 A. I do, but that is entirely erroneous on his part. The
28 supervising situation that applied to Garda Keogh
29 before I arrived continued after I arrived. I did

1 nothing more than introduced Sergeant Martin as someone
2 who he could contact in relation to his welfare, if he
3 was of a mind to.

4 300 Q. You then go on to say:

5 12:07

6 "I then spoke to him in relation to his travel
7 claims --"

8

9 which had been left for you.

10 12:08

11 "-- as his vehicle was taxed goods."

12

13 And then you say:

14

15 "He got slightly annoyed." 12:08

16 A. He did.

17 301 Q. You told him that:

18

19 "... I had been on to the tax office and showed him
20 what I got re his vehicle, explaining the problem was 12:08
21 left for me and I wanted to be sure the vehicle was not
22 wrongly taxed."

23 A. Yes.

24 302 Q. Then you say:

25 12:08

26 "He admitted it was taxed goods and shouldn't be."

27 A. Yes, he was very open about that. He indicated that he
28 had bought the vehicle as a goods vehicle and he kept
29 taxing it in that way each year, even though he knew

1 that it was in the wrong class.

2 303 Q. I think he said that he would cure the problem and
3 produce evidence that he had taxed the vehicle within a
4 week, is that right?

5 A. Yes. 12:09

6 304 Q. What did you explain to him at that time?

7 A. I explained -- he asked me what was I going to do and I
8 explained to him that my, I suppose, number one
9 priority was to pay the claims that were outstanding
10 for some time, but that he needed to correct the tax to 12:09
11 do that and if he did, and I remember saying this to
12 him, that I would deal with him in the same way as I
13 would deal with someone if I was a garda and I stopped
14 him on the street, I would give them a chance to
15 correct it and I would give them a caution then. 12:09

16 305 Q. Is that by way of regulation 10?

17 A. Yes.

18 306 Q. Did you mention regulation 10?

19 A. I did, yeah.

20 307 Q. Are you sure about that? 12:09

21 A. I did, and I explained to him that that would close off
22 the matter and that no one could ever come back to him
23 again about it. You know, that came about in me
24 answering the question, what are you going to do about
25 it? And it was a holistic solution on it. You need to 12:10
26 correct your tax, I am going to pay your claims and I'm
27 going to close this down by way of regulation 10.

28 308 Q. You hadn't discussed with Superintendent McBrien how
29 she was going to deal with the matter?

1 A. No.

2 309 Q. And that hadn't been an issue?

3 A. No.

4 310 Q. And you hadn't discussed whether or not she had
5 intended to discipline, isn't that right? 12:10

6 A. No.

7 311 Q. You had been alerted to the fact that the delay in
8 dealing with this matter wasn't Garda Keogh's, of his
9 making, obviously the wrong taxing of his car was of
10 his own making, but in terms of dealing with the 12:10
11 matter, it wasn't of his making, isn't that right?

12 A. In terms of dealing with the matter.

13 312 Q. Yes.

14 A. It had been -- the claims had been there for quite
15 sometime, I saw that on the file. 12:10

16 313 Q. In terms of Garda Keogh, did you have access to his
17 personnel file? I am sure you did.

18 A. I can't recall looking at his personnel file. I just
19 can't recall that.

20 314 Q. Did you realise that he had a complete clean sheet when 12:11
21 it came to discipline?

22 A. He told me that and I took him at his word. I didn't
23 see regulation 10 as a major disciplinary way of
24 dealing with issues.

25 315 Q. We then move on. I will return to that in a moment. 12:11
26 Yes, you said:

27

28 "I told him I would deal with him myself if he did
29 that, in the same way I would deal with someone I

1 stopped, if I found the same problem. He got annoyed,
2 blaming them."

3 A. Yeah.

4 316 Q. "But wouldn't say who."

5 A. No. 12:12

6 317 Q. What's that about?

7 A. He was annoyed then and he felt that people were using
8 this to get at him. But he wouldn't say who he meant
9 or who he felt was doing that. He was very vague.

10 318 Q. You go on to say: 12:12

11

12 "He criticised Chief Superintendent Curran re trying to
13 create complaints against him."

14 A. Yes.

15 319 Q. "He said he hadn't thought what was for him in the 12:12
16 organisation."

17 A. The conversation moved on then to -- away from that
18 topic then to me again trying to elicit information
19 about his, I suppose, views on, you know, what was for
20 him in the organisation, how could I help him with that 12:13
21 in terms of reigniting the value he had said he got
22 from his work previously.

23 320 Q. Was there any discussion at that stage in relation to
24 the possibility that he might be transferred?

25 A. No, I think that was in the next conversation. 12:13

26 321 Q. You say:

27

28 "He said he hadn't thought about his future. He joined
29 An Garda Síochána in 1999. That he was in Bray,

1 Ballynacargy and in Athlone."

2 A. Yes. So he gave me a résumé of, you know, the work he
3 had done and I listened to him on that. Again, I was
4 trying to, you know, I suppose, as it were, bring him
5 back to that place where he was and he appeared to 12:14
6 have --

7 322 Q. You note that you went over the three issues that you
8 had brought up during the course of the discussion, is
9 that right?

10 A. Yeah. 12:14

11 323 Q. Number one is ad hoc appearances at work and referral
12 to the CMO?

13 A. Yes.

14 324 Q. You say:
15
16 "I was skeptical re his excuse."
17 A. Yes.

18 325 Q. "I felt the CMO could put supports in place for him."
19 A. Yes.

20 326 Q. What did you mean by that? 12:14

21 A. Well, I felt that the CMO could best assess the
22 situation in terms of what welfare programme was
23 required. In referring him to the CMO, I completed the
24 form where I ticked all those boxes, asking the CMO to
25 give advice in relation to how best he could be 12:14
26 facilitated at work in terms of a welfare programme.

27 327 Q. "2. Sergeant Martin to be his contact rework issues to
28 support his renewed attendance at work."
29 A. Yes.

1 328 Q. "3. The correction of his car tax and the payment of
2 his claims."

3

4 And that you would deal with him yourself by way of
5 regulation 10.

12:15

6 A. Yes.

7 329 Q. Go on and tell us what he said in relation then to
8 other members and their cars.

9 A. So, I wasn't sure whether he was saying this in a
10 reactionary way or whether he had some specific
11 information. He said that other members had issues
12 with their cars. I told him that -- I first of all
13 asked him if he had specific information or if he
14 wanted to tell me something he knew, so as I could act
15 on it. But he was very vague about it. Then he said
16 he didn't want me to do anything about it at all. And
17 I told him I couldn't unhear what he had said. And I
18 felt I was in a position then where if I did nothing I
19 had a problem and if I did something, I could possibly
20 find a problem. So I told him I would think about it
21 and I would take his views on board but that I couldn't
22 unhear it.

12:15

12:15

12:16

23 330 Q. I think the meeting then came to an end, is that right?

24 A. Yes, we shook hands then and the meeting came to an
25 end.

12:16

26 331 Q. Just if we can go to what Garda Keogh says in relation
27 to this meeting in his statement to the Tribunal, at
28 page 126 of the materials, please. If we scroll down
29 the page to 5 there.

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"I met him for the first time on 26th March 2015, after being called into his office. He advised me that my two seater Land Rover van was taxed as commercial. He said there was a problem with my motor tax. My Land Rover van should be taxed, he claimed, as a private car or, as he put it, non-goods. He said that he has been down to the motor taxation office looking for declarations about my motor tax."

12:17

A. Well, I had all the declarations I needed in what was returned from the tax office, that there was a declaration signed by Garda Keogh. It was never my intention to treat Garda Keogh as a suspect in this in any shape or form.

12:17

332 Q. How could he have known that anybody was looking for declarations in the motor taxation office at that time?

12:17

A. I don't know.

333 Q. Unless you told him?

A. I didn't tell him. Absolutely not.

334 Q. You will appreciate that the Tribunal only obtained the material and the e-mail in relation to this matter in the not too distant past, long after Garda Keogh had made this statement to the Tribunal?

12:18

A. I never mentioned declarations to him. I showed him everything I got from the tax office in a very open way. I put that in front of him and I allowed him to see it. I never mentioned declarations to him.

12:18

335 Q. Well, he is saying that this is what you said to him, that you were looking for declarations about his motor

1 tax?

2 A. No, I told him that I had made enquiries with the tax
3 office to establish the facts and I showed him
4 everything I got from the tax office.

5 336 Q. "I thought this very odd. I pointed out inter alia 12:18
6 that the NCT authorities would not process my van as
7 private (it had been tested commercially by the
8 Department of the Environment) it had no back seats, it
9 was used for police duty and to carry dogs."
10 12:19

11 Did he point that out to you?

12 A. No. Indeed, that doesn't make sense, because he was
13 able to tax his jeep the next day without any
14 difficulty whatsoever. Garda Keogh well knows that one
15 cannot use one's vehicle for police duties in any way. 12:19
16 One may use one's vehicle on duty to travel from point
17 A to B, provided one has permission to do so.

18 337 Q. "He then asked me about my sick leave. I said that I
19 was suffering from work related stress, my stress had
20 to do with the ongoing internal investigation into 12:19
21 garda collusion in criminal Garda operations from
22 Athlone Garda Station."
23

24 Then he says that you said to him:
25 12:20
26 "You're under no stress. And he repeated this for
27 emphasis."
28 A. No, I did not say that.

29 338 Q. But certainly you were skeptical of it?

1 A. Skeptical of the excuse. I, in a very open way, sent a
2 report and a referral form to the CMO, highlighting
3 work related stress.

4 339 Q. "He said that he was sending me to the chief medical
5 officer if I wouldn't give him any other reason than 12:20
6 work related stress for my sick leave."
7 A. That's entirely untrue.

8 340 Q. "He then said he was placing Sergeant Martin over me."
9 A. That's entirely untrue.

10 341 Q. "This would be the third sergeant now supervising me. 12:20
11 He gave no reason."
12
13 Did you give a reason?

14 A. Absolutely.

15 342 Q. "He also, oddly, asked me who my solicitor was." 12:21
16
17 Did you ask him that?

18 A. No. I couldn't envisage why he would need a solicitor.
19 So I did not ask him that. That never came into the
20 conversation in any way at all. 12:21

21 343 Q. "I told him I couldn't disclose that information to
22 him, it was also part of the internal investigation."
23 A. That did not happen.

24 344 Q. He said: 12:21
25
26 "He asked me if I would take transfer."
27 A. No. I would be very happy to deal with the context of
28 that, but it happened in the next conversation.

29 345 Q. Yes. We will come to that.

1 A. Yes.

2 346 Q. But are you saying that this wasn't during the course
3 of this conversation?

4 A. No, no.

5 347 Q. "I replied, no, that I didn't want a transfer. I had 12:21
6 not asked for a transfer. I believed the transfer he
7 was proposing was an attempt to prevent me from
8 observing close-up the patently inadequate criminal
9 investigation into garda collusion with criminals
10 (condoned by management). " 12:22

11 A. I had nothing to do with any investigation in relation
12 to him, so I knew nothing about it. So that did not --
13 that conversation did not arise.

14 348 Q. "The non-interviewing of witnesses, etcetera, in the
15 investigation of my substantive complaints." 12:22

16 A. No, that was not the discussed.

17 349 Q. "The cleaning out of the storeroom containing drugs
18 following my protected disclosures, the absence of
19 forensic engineers in preserving electronics etcetera."

20 A. As I have already stated, that was not discussed. 12:22

21 350 Q. So clearly we have your notes and your account of that
22 first meeting that you had with Garda Keogh?

23 A. Yes.

24 351 Q. And we have had his account when he was giving evidence
25 in relation to the same meeting. In a broad sense, he 12:23
26 is suggesting that from the very off that you were
27 quite hostile towards him, that you were sceptical of
28 his claims in relation to work related stress, that you
29 advised him that he wasn't suffering from work related

1 stress and he says that you confronted him in relation
2 to the motor taxation issues and that you told him to
3 put it in order, and that there was no mention in
4 relation to regulation 10. what do you say in relation
5 to that?

12:23

6 A. That first meeting was to solve problems. I was trying
7 to pay the monies owed to him, which required his tax
8 to be dealt with. I offered a solution in a holistic
9 way, which he accepted. I tried to ascertain what I
10 could do in relation to allowing him attend work more
11 frequently. It was a problem solving meeting as far as
12 I was concerned. If there was a problem that he wished
13 to discuss with me, I was more than happy to, I
14 suppose, solve that problem, to do whatever I could or
15 whatever was in my gift to ensure that his welfare and
16 every other consideration was taken care of. There was
17 no hostility on my part. I had never met Garda Keogh
18 before. I had no motive to do anything other than my
19 job and my duty. And I think my history reflects that.

12:24

12:24

20 352 Q. Could you just deal with that for a moment? Because
21 it's something that you dealt with in your statement to
22 the Tribunal investigators and I think it's a point
23 that you wish to make in relation to the question of
24 motive?

12:24

25 A. Yes. As I've said, I never worked with anyone in
26 Athlone before, I never worked there before. I had no
27 motive in any shape or form to do anything that Garda
28 Keogh alleges.

12:25

29 353 Q. In any event, going back to 2187 and your notes. 2189,

1 I beg your pardon. You have a note then, it's not of
2 the conversation, but you said that you saw Garda A in
3 the station throughout the evening, up to when you left
4 at 7pm.

12:25

5
6 "His presence creates a scepticism re Garda Keogh's
7 excuse of work related stress as explained by him."

8 A. Yes.

9 354 Q. Was that your feeling at the time?

10 A. So, the vagueness with which Garda Keogh dealt with, I 12:26
11 suppose, what I was trying to ascertain from him,
12 didn't allow me to, I suppose, understand where he was
13 coming from in terms of he didn't want to be there when
14 certain people were there, because I had just seen
15 Garda A there at 7pm, at a time when Garda Keogh was 12:26
16 there. And I made that note after seeing him. Garda A
17 was on a different unit completely to Garda Keogh, I
18 think he was on unit E. There may have been crossovers
19 during the roster tours that Garda A worked. So the
20 excuse -- 12:26

21 355 Q. Sorry, just one moment.

22 A. Sorry.

23 356 Q. I think that then you wrote a letter to Chief
24 Superintendent Lorraine Wheatley, isn't that right?

25 A. Yes. 12:27

26 357 Q. This is to be found at page 2191 of the material. It's
27 entitled "Sick report Garda Nicholas Keogh."

28

29 It says:

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"As a result of utterings in Dáil Éireann in May 2014 by Mr. Luke Ming Flanagan, it became public knowledge that Garda Nicholas Keogh, Athlone Garda Station, had provided information to the confidential recipient alleging malpractice and corruption against certain Garda members in Athlone. I understand the matters alleged are being investigated by assistant commissioner Western Region. Garda Keogh has continued toed work in Athlone in the interim period."

12:27

12:28

You say:

"I was transferred to Athlone as district officer on 9th March 2015. I first met Garda Keogh on Thursday, 26th March 2015. One of the issues that arose in my discussion with him was his sick absences, which appeared to be occurring frequently and in a haphazard fashion. While Garda Keogh was reticent to discuss any issues he may have with me, I nonetheless felt it prudent to put an arrangement in place in Athlone to support him in the work environment as he is indicating work related stress as a source of his absences. With that in mind, I have allocated a female sergeant who is new to the district to act as a district point of contact for the member, to discuss and, if possible, solve any workplace issues he may have in Athlone in order to allow him attend work more frequently."

12:28

12:28

12:29

1 As an additional measure I wish to have an appointment
2 with the chief medical officer arranged for Garda
3 Keogh, in order that professional expertise can advise
4 of other workplace supports which may assist the
5 member. The member indicated that he had not attended 12:29
6 the CMO previously.

7
8 The member has a total of 184 sick days in the past
9 four years. Forty eight of those occurred since
10 January 2014, with 52% occurring on early tours of 12:29
11 duty. The member has availed of 34 days annual leave
12 from 1st March 2014 to 31st March 2015, with 92% of
13 leave taken on early tours alone.

14
15 I believe both the member and the organisation would 12:30
16 benefit by referring him to the Occupational Health
17 Service at this time."

18
19 That was the view that you had and you were anxious
20 that he would see the chief medical officer? 12:30

21 A. I was, I felt that a welfare programme would be
22 initiated by the chief medical officer and I completed
23 a referral form along with a report.

24 358 Q. Now, during the interview with our investigators, at
25 page 3070, you say: 12:30

26
27 "The matter was mentioned in Dáil Éireann on 1st April
28 2015 by Mick Wallace TD. I kept meticulous notes and
29 records of my interactions with Garda Keogh from that

1 point on."

2

3 And then, at 3076, there is a second mention there of
4 the car tax issue being raised in Dáil Éireann. Have
5 you got a reference to that, that you could assist us
6 with? Because you'll be aware of the fact that the
7 Tribunal have obtained a copy of the Dáil record for
8 the 31st March, when Deputy Mick Wallace spoke during
9 Leader's Questions, you have seen that?

12:31

10 A. Yes.

12:32

11 359 Q. Is that what you are referring to?

12 A. Yes.

13 360 Q. There's no reference to the car tax issue or any
14 conversation that Garda Keogh had with you?

15 A. I suppose, how that knowledge came to me was, on the
16 1st April, when I got phone calls about a Dáil outburst
17 towards the then Taoiseach, and I hadn't read the Dáil
18 record and my understanding from the phone calls was
19 that the tax had been an issue.

12:32

20 361 Q. Who told you that?

12:32

21 A. It was -- they were phone calls I got from then
22 Assistant Commissioner Ó Cualáin and Detective
23 Superintendent Mulcahy on the 1st April.

24 362 Q. And they told you that this had been raised in the
25 Dáil?

12:33

26 A. That was their -- yeah, that was the impression got
27 from the conversations, that the tax had been raised in
28 the Dáil. But now it appears that it was a catalyst to
29 allow utterances to be raised in the Dáil.

1 363 Q. But that becomes translated in your statement to the
2 Tribunal?

3 A. Yes, I got the date wrong, on the 1st April, it should
4 be the 31st March, I suppose, in relation to the Dáil.

5 364 Q. But more importantly, I think that you make a case, 12:33
6 first of all, this is the catalyst for you keeping
7 notes of your conversations --

8 A. Yes.

9 365 Q. -- with Garda Keogh?

10 A. Yes. 12:33

11 366 Q. We know that's not right, because you took an extensive
12 note on the 26th March. But you also say that you
13 became quite cautious of talking to Garda Keogh in
14 relation to issues because of the fact that you were
15 surprised that a conversation that you had on the 26th 12:34
16 March should be repeated, or the topic should be
17 repeated in Dáil Éireann on the 12th April?

18 A. Yeah, I thought it was bizarre that my dealings with
19 him would end up in issues being raised in the Dáil. I
20 thought that was bizarre. 12:34

21 367 Q. If we can, before we move on, just deal with that. I
22 think on the 1st April that you had two telephone
23 conversations with Detective Superintendent Mulcahy,
24 one at 10am in the morning and one at 2:32?

25 A. Yes. 12:35

26 368 Q. We see that in your notes at page 2490, you have a note
27 saying:
28
29 "Wednesday, 1st April 2015: Calls from Assistant

1 Commissioner Ó Cualáin by three and Detective
2 Superintendent Mulcahy re Dáil utterances and Garda
3 Keogh. "

4 A. Yes.

5 369 Q. What was discussed in the three conversations that you 12:35
6 had with Assistant Commissioner Ó Cualáin?

7 A. The first telephone call at 9:58am, that was very
8 short, because it was followed at 10am by a call from
9 Detective Superintendent Mulcahy.

10 370 Q. Yes. 12:36

11 A. So the first call from Assistant Commissioner Ó Cualáin
12 was simply asking me what -- had something occurred
13 because there was a Dáil out burst in relation to
14 Athlone.

15 371 Q. Yes. 12:36

16 A. Detective Superintendent Mulcahy rang me at 10:00
17 asking me the same question, and I didn't know what had
18 occurred that led to that, at that time.

19 372 Q. Yes. Any other conversations?

20 A. No. They were very short. And the next call was at 12:36
21 1:45pm, from then Assistant Commissioner Ó Cualáin, who
22 informed me that Detective Superintendent Mulcahy had
23 made contact with Garda Keogh, who told him that he was
24 the source of the information that led to the Dáil
25 utterances and that the tax was a catalyst for that. 12:37

26 373 Q. That the tax had been the catalyst for that?

27 A. Yes, the tax and the CMO, because he felt people were
28 getting at him.

29 374 Q. Yes.

1 A. Detective Superintendent Mulcahy rang me then at 2:32,
2 to give me the same information.

3 375 Q. Did you, during the course of those conversations,
4 either with Detective Superintendent Mulcahy or
5 Assistant Commissioner Ó Cualáin, did you discuss and 12:37
6 ask them what welfare supports had been put in place
7 for Garda Keogh?

8 A. I had that discussion with Detective Superintendent
9 Mulcahy at that time and he said that he didn't think
10 Garda Keogh wanted welfare at that particular time. 12:37
11 And I explained to both of them what I was doing in
12 terms of referring him to the CMO, to ensure some type
13 of welfare programme would be created or that there
14 would be some support from the proper welfare
15 structures in the organisation, outside of anything I 12:38
16 could do.

17 376 Q. So other than being advised that Detective
18 Superintendent Mulcahy had spoken to Garda Keogh, who
19 said that the car tax issue and the referral to the CMO
20 had been the catalyst -- 12:38

21 A. That's correct, yes.

22 377 Q. -- for him going to Deputy Wallace.

23 A. Yes.

24 378 Q. You jumped to a conclusion that those issues had been
25 raised in the Dáil by Deputy Wallace, is that right? 12:38

26 A. I did. But again, you know, the way it was explained
27 to me is that the tax and my interaction with him and
28 the referral to the CMO had caused this. So I assumed
29 that it had been mentioned.

1 379 Q. And you assumed that right up until you made the
2 statement to the Tribunal, isn't that right?

3 A. I assumed that right up until I saw in the disclosures
4 the record of the Dáil on the 31st March.

5 380 Q. It was something that caused you concern at the time. 12:39
6 You were unhappy because you believed that your
7 conversation with Garda Keogh had actually been
8 referred to in the Dáil and that these issues had been
9 raised, isn't that right?

10 A. My level of anxiousness about that wouldn't matter, 12:39
11 whether it was raised or not. The mere fact that the
12 conversation that I had had with him, which I thought
13 was one that was going to solve problems, would end up
14 being, I suppose, delivered to a TD and then being
15 raised in Dáil Éireann, did cause me concern, yes, and 12:39
16 I found that bizarre. I had never come across anything
17 like that before.

18 MR. MARRINAN: Chairman, we're going to proceed,
19 because we had anticipated that we would have another
20 witness here at 12:30 but we're going to proceed 12:40
21 because she's not available at the moment.

22 CHAIRMAN: Very good.

23 MR. MARRINAN: Is that all right, chief superintendent?

24 WITNESS: Yes.

25 381 Q. Sorry, I am just referring to the page number, 431, 12:40
26 which is the note of your conversations on Wednesday,
27 1st April 2015.

28 A. Yes.

29 382 Q. You then refer there to the conversations with

1 Assistant Commissioner Ó Cualáin at 9:58, 1.45 and
2 5:06?

3 A. This is at that page 2491?

4 383 Q. Sorry, 2491. It's 431 of your material. 2491.

5 A. Yes.

12:41

6 384 Q. "Re out burst of Mick Wallace". You say:

7

8 "Explained re letters sent to Clare Daly from D office
9 and my conversation with Keogh re his welfare, work
10 supports and his work and car tax and what I was doing.
11 AC wanted to know who from Athlone was on to Mick
12 Wallace. I told him the general perception was it was
13 Garda Keogh."

12:41

14

15 Is that right?

12:41

16 A. That was -- in the first conversation he simply asked
17 me, I didn't know. In the second conversation I told
18 him the general perception was -- but at that stage he
19 had the information from Detective Superintendent
20 Mulcahy.

12:41

21 385 Q. Then it says:

22

23 "AC's last phone call was for me to ask Garda Keogh re
24 his welfare, considering he told Detective
25 Superintendent Mulcahy he felt people were closing in
26 on him."

12:42

27

28 Particularly a named chief superintendent

29 A. Yes.

1 386 Q. And then: "...when his car tax and CMO were mentioned
2 to him."
3 A. Yes.

4 387 Q. And then the assistant commissioner was complimentary
5 in relation to your handling of Garda Keogh and his 12:42
6 welfare to date?
7 A. Yes. I explained to him fully what had happened in our
8 conversation of the 26th March and what I intended to
9 do.

10 388 Q. And that included that you were putting Sergeant Yvonne 12:42
11 Martin in charge of welfare issues?
12 A. It included everything. And forwarding a referral to
13 the CMO and dealing with his car tax to conclusion. I
14 informed him of what I was I doing on all three issues.

15 389 Q. I think that you then refer to the phone call with 12:42
16 Detective Superintendent Mulcahy.
17 A. Yes.

18 390 Q. At 10am and 2.32.
19
20 "He had made contact with Garda Keogh and told him he 12:43
21 had raised the issues with Mick Wallace as he felt the
22 job was supporting the chief superintendent -- "
23
24 who, we are not going to name.
25 12:43
26 " -- when his tax, CMO mentioned to him."
27 A. Yes.

28 391 Q. "Explained to Detective Superintendent Mulcahy my
29 conversation with Garda Keogh. He explained their

1 investigation was nearly finished and Garda Keogh was
2 anxious to be finished as soon as possible, and this
3 was a source of his concern as well."

4
5 Then you say that you advised Chief Superintendent
6 wheatley of those matters; is that right? 12:43

7 A. I did.

8 392 Q. The following day you got a call that you refer to
9 there, from Assistant Commissioner Ó Cualáin offering
10 advice? 12:44

11 A. Yes.

12 393 Q. Just tell us about that?

13 A. That was advice in relation to the protections that he
14 should have as someone who made a protected disclosure
15 or a confidential reporter. He wanted to ensure that I 12:44
16 fully understand the confidentiality around not
17 disclosing Garda Keogh's name. Indeed, for all intents
18 and purposes I wasn't to know, I was to strike from my
19 mind that I knew he had anything to do with the Dáil
20 utterings, or that it was him that was referred to in 12:44
21 the Dáil utterings the day before.

22 394 Q. Now, I think that on the 2nd April, if I could have
23 page 2190 up on the screen, please, I think that you
24 wrote to Inspector Farrell and the sergeant in charge?

25 A. Yes. 12:45

26 395 Q. And the heading of that is:

27
28 "Sick report Garda Ni chol as Keogh.
29

1 I refer to the above and I wish to advise you of the
2 following.

3
4 1. I have allocated Sergeant Martin as a liaison
5 person for Garda Keogh, to allow him discuss any work 12:45
6 related issues he may be having with a view to solving
7 any issues that may arise. Both Sergeant Martin and
8 Garda Keogh have been informed of this workplace
9 support."

10
11 A. Yes. 12:45

12 396 Q. "2. Sergeant Moylan and in his absence Sergeant Haran
13 supervise unit C, to which Garda Keogh is attached.
14 Both those sergeants should continue to supervise the
15 member in the normal way in relation to any work output 12:45
16 required of the member resulting from incidents he
17 attends or matters he is investigating. Sergeant
18 Moylan should sit down with Garda Keogh, go through his
19 notebook, Pulse, the DPP and crime files lists and
20 ascertain if he requires help with any ongoing cases as 12:46
21 he mentioned an harassment case he may be in difficulty
22 with. Any issues arising should be immediately
23 reported."

24
25 I suppose a number of issues arise there. In the 12:46
26 absence of any complaint from any supervising sergeant
27 or inspector, why did you deem it necessary that
28 Sergeant Moylan should go through Garda Keogh's
29 notebook and his pulse entries and files for the DPP

1 and his crime files?

2 A. That came about as a result of the conversation I had
3 with Garda Keogh, where he said he was having
4 difficulty with that particular case. And I wanted to
5 make sure that nothing else was in difficulty for him 12:46
6 that would cause him difficulty.

7 397 Q. Well, you say he raised one issue in relation to one
8 specific case that was troubling him?

9 A. Yes.

10 398 Q. I put it in a neutral way, it was troubling him? 12:47

11 A. Mm-hmm.

12 399 Q. But now you're directing Sergeant Moylan to go to Garda
13 Keogh and sit down and inspect --

14 A. Make sure that everything was okay

15 400 Q. -- his notebooks? 12:47

16 A. I think that was a very prudent thing to do and a
17 supportive thing to Garda Keogh, because if he had been
18 in any difficulty or if anything had arisen, it was
19 going to be able to be cured and fixed, not allow any
20 further complications to arise for Garda Keogh or any 12:47
21 member of the public in relation to issues he was
22 dealing with them on.

23 401 Q. And then you have:

24

25 "Any issues arising should be immediately reported." 12:47

26 A. Yeah.

27 402 Q. Why was it necessary to report any issue that might
28 arise?

29 A. If the sergeant felt there was anything I needed to

1 know about that he couldn't handle. I was leaving that
2 option open to him there.

3 403 Q. You see, in the normal course of events one might have
4 expected you to write a direction to Sergeant Moylan to
5 offer any assistance to Garda Keogh in relation to any 12:48
6 issues that might arise for Garda Keogh in relation to
7 his work. But this is very specific. It's a direction
8 to Sergeant Moylan to go through a notebook, Pulse
9 entries, etcetera?

10 A. Yes. 12:48

11 404 Q. Can you perhaps understand why Garda Keogh might
12 perceive that as being an examination of his work by
13 you as the new superintendent coming in?

14 A. I think that's a very subjective view to take,
15 considering the issues Garda Keogh had in relation to 12:48
16 his absences from work.

17 405 Q. Yes.

18 A. And I think it was a prudent measure on my part, to
19 ensure that nothing was going to arise that would cause
20 him further problems or further exacerbate any issues 12:49
21 he may be having in the workplace. Because if things
22 were being let lie, as it were, that was going to cause
23 problems and I didn't want that to happen.

24 406 Q. Well, in hindsight do you think that it was perhaps an
25 over reaction in the circumstances? 12:49

26 A. No, I don't. I think it was quite prudent on my part.
27 The sergeant, I understand, did that check. I didn't
28 follow up on that. I left it to the sergeant to make
29 sure Garda Keogh was okay with everything.

1 407 Q. what you were actually doing was directing an audit of
2 Garda Keogh's work, isn't that right?
3 A. No, I didn't see it like that. I saw it as, I suppose,
4 a prudent move to ensure that there was no risk either
5 for Garda Keogh or the organisation. 12:49

6 408 Q. At page 596 of the material, this is the statement from
7 Sergeant Yvonne Martin. At 3.2 there, she says:
8
9 "Superintendent Murray appointed me as Liaison officer
10 for Garda Keogh to allow him to discuss any work 12:50
11 related issues he might be having with a view to
12 solving any potential issues."
13
14 Then 3.3
15 12:50
16 "Superintendent Murray discussed this role with me
17 prior to the date of receipt of the above direction.
18 Garda Nicholas Keogh was notified of this facility by
19 Superintendent Murray. Garda Keogh chose not to avail
20 of this resource and never spoke to me in my capacity 12:51
21 as Liaison officer."
22
23 Did you ever ask for a report at any time from sergeant
24 Yvonne Murray?
25 A. Martin. 12:51
26 409 Q. Martin, sorry?
27 A. No.
28 410 Q. Did she communicate to you at all?
29 A. I would be in contact with her very frequently in the

1 workplace, yeah.

2 411 Q. Did she indicate to you that Garda Keogh wasn't
3 availing of the facility that you had offered?

4 A. I cannot recall her ever saying that to me, no,
5 directly. 12:51

6 412 Q. But you didn't follow up on the matter?

7 A. No.

8 413 Q. And ask for a report from her?

9 A. I left Sergeant Martin as a resource to Garda Keogh if
10 he wished to do so. I couldn't be prescriptive in 12:51
11 terms of what Garda Keogh might or might not do.

12 414 Q. Then if we go to page 606 of the material, this is the
13 statement from Sergeant Moylan to the Tribunal. Then
14 paragraph 3.3, referring to the direction that I opened
15 a few moments ago. 12:52

16

17 "I believe it's a recognition of the fact that I had
18 taken up position on the National Executive of
19 Association of Sergeants and Inspectors in April 2013
20 and as such was not always working the same shifts as 12:52
21 my unit."

22

23 That's what we discussed earlier on, isn't that right,
24 chief superintendent?

25 A. Yes. 12:52

26 415 Q. "The correspondence also requested that I sit down with
27 Garda Keogh and go through his notebook, Pulse, DPP and
28 crime file list. I duly did go through Garda Keogh's
29 Pulse, crime file and DPP list. I do not recall going

1 through his notebook. I believe I was satisfied that
2 all relevant incidents were covered in the areas gone
3 through. When I was going through the list of issues
4 in relation to Garda Keogh, I remember showing him what
5 I was submitting before submitting same, to ensure he 12:53
6 was satisfied with the line being taken."
7

8 Did you receive a report from Sergeant Moylan at any
9 time that he had undertaken the tasks that you had
10 deputed to him and that he had gone through the various 12:53
11 notebooks and crime files?

12 A. No, I never looked for -- followed up on that. I
13 allowed the sergeant to deal with it. And what I
14 assume he is referring to there is that there were some
15 files or ongoing issues or investigations that Garda 12:53
16 Keogh may have had that he submitted or moved on.

17 416 Q. At 3.4 he says:

18
19 On page 46, line 660, there is again a reference to me
20 being requested to go through Garda Keogh's outstanding 12:53
21 incidents, in particular..."

22
23 And he quotes

24
25 "... a harassment case he may be in difficulty with. I 12:54
26 recall dealing with this as part of the review but I
27 recall it not being overly complicated to rectify, save
28 for an explanation about the passage of time in the
29 investigation since the complaint was made. This was

1 negated by the injured party, who wished to withdraw
2 the complaint, which I believe she duly did and the
3 matter was then closed off."
4

5 Is that what we were referring to earlier on? 12:54

6 A. Yes, and I couldn't have known about that case unless
7 Garda Keogh said to me, that there was a difficulty.

8 417 Q. Yes. We then move onto the second meeting you had with
9 him.

10 CHAIRMAN: I think we will take a break there, before 12:54
11 you head for the second meeting, Mr. Marrinan.

12 Mr. McGuinness, if the parties in the other matter are
13 present after lunch.

14 MR. MCGUINNESS: Yes.

15 CHAIRMAN: we will take that up, otherwise we will 12:55
16 proceed with Chief Superintendent Murray.

17 MR. MCGUINNESS: Yes. The witness has been here, but
18 one of the legal representatives hasn't arrived yet.

19 CHAIRMAN: That's not a problem. I mean, we want to
20 accommodate people as far as possible and I know there 12:55
21 is an issue. So that's not a difficulty. If all that
22 clarifies itself over lunch, we can do it. Otherwise,
23 Mr. McGuinness, what I think we will do is, we will
24 suspend the questioning of Superintendent Murray a
25 little early to enable us to do that this afternoon. 12:55
26 Okay. Thanks very much.

1 THE HEARING THEN ADJOURNED FOR LUNCH AND RESUMED AS
2 FOLLOWS:

3
4 CHAIRMAN: Now, thank you very much, chief
5 superintendent, yes. Thank you very much. Now, 14:07
6 Mr. Marrinan.

7 418 Q. MR. MARRINAN: Chief superintendent, we're about to
8 come to the 3rd April of 2015. First of all, I don't
9 know if you have been advised that we intend to
10 continue until three o'clock? 14:07

11 A. Yes.

12 419 Q. You have been advised that, and then we are going to
13 take Garda Stephanie Treacy, if you don't mind.

14 CHAIRMAN: I am having a tiny bit of difficulty hearing
15 that last exchange, Mr. Marrinan. We were going to 14:07
16 April '15, isn't that right?

17 MR. MARRINAN: until three o'clock and then we are
18 going to take Garda Stephanie Treacy, so we require you
19 back tomorrow then; is that all right?

20 A. Yes. 14:07

21 CHAIRMAN: I think you will be coming back for a day or
22 two after that as well.

23 WITNESS: I would imagine so, yes.

24 420 Q. MR. MARRINAN: Before we come to the meeting on the 3rd
25 April, and one has to be conscious of the fact that you 14:08
26 are only moving into your third week on the job and you
27 had other duties to attend to, is that right?

28 A. Yes. I was doing quite a bit of analysis at the time
29 and I had some, I suppose, legacy issues left over from

1 my previous two roles I was trying to deal with as
2 well. It was quite a busy time, yeah.

3 421 Q. Could you give us an indication of a volume of work and
4 the time that you were putting into it in around about
5 that time? 14:08

6 A. Well, I suppose in Athlone itself, in 2015 there were
7 some 9,000 odd Pulse incidents that I had to monitor,
8 manage and control. There was some 5,000
9 correspondence record numbers generated in my number
10 alone and correspondence relating to each one of those 14:08
11 would have moved around laterally and upward and
12 downward at different times. In the District Court
13 that year, I just note that there were in and about
14 9,500 prosecutions in the district. I found myself
15 working on average 61 hours a week between March and 14:09
16 December of 2015, in dealing with the duties allocated
17 to me as a result of the role I held.

18 422 Q. And again, before we deal with the 3rd April 2015, you
19 will appreciate that I am going through and I am
20 examining various documents and also the statement is 14:09
21 that you have provided to the Tribunal?

22 A. Yes.

23 423 Q. And also the interview that you had with the Tribunal
24 investigators, that I think goes to 116 pages. If I am
25 not dealing with something, be sure to say if you think 14:09
26 it's important and that you'd refer me to deal with it.

27 A. Okay.

28 424 Q. I don't want to give you the impression that I might be
29 skipping over any part of your statement?

1 A. Yes.

2 425 Q. Or your interview with the investigators, okay?

3 A. Yes.

4 426 Q. So up until lunchtime, was there anything additional
5 that you feel that you should have added? 14:10

6 A. No.

7 427 Q. Or did we cover everything up until that point?

8 A. The only thing I would say is that in I suppose
9 devising and designing and developing an accountability
10 and governance framework that, you know, I had a 14:10
11 team-based approach to that. That involved the
12 majority of the people at sergeant rank in Athlone,
13 including, I suppose, the people who were in key roles
14 there in designing and developing that and then the
15 implementation of it as well. So I wasn't -- lest the 14:10
16 impression be given that I am working on my own in some
17 fashion like that, it was very much a team-based
18 approach. And it's something that I encouraged; to try
19 and have an empowered team work type approach in
20 managing the district. 14:10

21 428 Q. Then we will come to the second meeting that you had
22 with Garda Keogh on the 3rd April 2015. I think your
23 note of that meeting, we can find that at page 2194.
24 Would you just give an account yourself of the meeting?

25 A. Yes. 14:11

26 429 Q. With the aid of your note. It commenced at 5.40.

27 A. I was leaving the station and Garda Keogh approached me
28 and in line with, I suppose, the arrangement we had in
29 relation to his car tax, he wanted to show me that he

1 had corrected the car tax. So we returned to my
2 office. And he had all the material with him,
3 including the receipt for the arrears and the actual
4 tax disk that he had obtained on correcting the issue.
5 He gave me those documents when we went to the office 14:12
6 and we photocopied them, in order that I could attach
7 them to the claims, the file for the claims, to ensure
8 that there was an account there in terms of when an
9 audit would occur to show that the issue had been dealt
10 with and finished out and the file was closed. And so 14:12
11 I attached them to the claims file. Completed the
12 regulation 10 and he signed for that. We went along
13 then to discuss, I suppose, having left that all behind
14 us, I felt that he was unburdened in a way, because we
15 had a very frank, open and honest discussion about him 14:12
16 and his career and what I could do for him and the
17 value that he had got from his career at one stage.
18 And I was making the point that if I could do anything
19 that would allow that to return, I was more than
20 prepared to do that within whatever was my gift or 14:13
21 whatever support I could give.

22 430 Q. He then said that he had to continue going sick for the
23 month?

24 A. He did.

25 431 Q. Or so? 14:13

26 A. Yes.

27 432 Q. And he'd let you know what he was doing next?

28 A. I understood that. And all I did was, I asked him to,
29 you know, kind of ensure that he complied with the

1 regulations, so as that we would know in terms of
2 replacing him as a resource when he was sick, that we
3 would have an indication of how long he would out
4 perhaps and that we would be able to plan, as it were,
5 on unit C, to ensure there was no deficiency there. 14:13
6 The budgets at the time were very tight and the
7 district was over budget at that time in itself. So my
8 ability to, I suppose, replace resources with overtime
9 was limited.

10 433 Q. Now, I think that Garda Keogh indicated that he was 14:13
11 feeling well and that he would work until 3am; is that
12 right?

13 A. Yes, he said he was on duty until 3am that morning.

14 434 Q. Did you make a comment then in relation to his future 14:14
15 reporting?

16 A. Yes. As I just said to you, I asked him if over the
17 next month when he was going sick that he would report
18 it in a proper fashion so as the resource issue would
19 be able to be planned for.

20 435 Q. And then, did you discuss about his referral to the 14:14
21 chief medical officer?

22 A. Yes. So on the second I had completed the referral and
23 I gave him the normal advice that's associated with
24 that, that would come down from the CMO in the normal
25 way, about confidentiality and about bringing medical 14:14
26 records with him if he wished. That was generic kind
27 of advice that would normally be issued by the CMO when
28 one refers someone to the CMO.

29 436 Q. Then there was a discussion in relation to Sergeant

1 Martin and what you had put in place, is that right?

2 A. Yes. And that was just, I suppose, a repeat of what we
3 had discussed the previous day or at the previous
4 meeting. Any difficulties he had, you know, to them to
5 them, not to let things get out of hand or fester, as 14:15
6 it were, where they would cause difficulties.

7 437 Q. I think that you advised him that his supervisors,
8 Sergeant Moylan and also Sergeant Haran, would
9 supervise his work and discuss any difficulties with
10 him? 14:15

11 A. Yes.

12 438 Q. Did you tell him that you directed that Sergeant Moylan
13 should review his files and notebook?

14 A. Well, I think with that document that I issued in
15 relation to that, that I had left a copy of that or him 14:15
16 in an envelope in a pigeonhole.

17 439 Q. You then go on to say that:
18
19 "He agreed with himself to try and reignite his value
20 from his career." 14:16
21

22 What do you mean by that? What was that discussion?

23 A. That was a conversation about how he had got value from
24 his career up until these issues had occurred.

25 440 Q. Yes. 14:16

26 A. And I was trying to get to him that it wasn't beyond
27 him to try and get back there, and if there was
28 anything I could do to support that or to help in that
29 regard, I would do it.

1 441 Q. Then there was a discussion in relation to the
2 completion of the MC1 and MC2 forms, what are they?
3 A. They are forms for anyone who is paying class A PRSI,
4 that they must complete in order that the Garda vote
5 would be reimbursed by the social welfare vote. 14:16
6 442 Q. Yes.
7 A. When one is on sick leave.
8 443 Q. You have a note saying he thanked you when he was
9 leaving?
10 A. Yeah. It was a very open and honest discussion on his 14:17
11 part.
12 444 Q. You have a note saying that he said that earlier he
13 realised that the tax issue had been left for you?
14 A. Yes.
15 445 Q. But he felt that other people were getting at him? 14:17
16 A. Yes.
17 446 Q. Did he say who those other people were?
18 A. He didn't.
19 447 Q. You say:
20
21 "I put the other side of the argument to him."
22 A. Yes. Which was that, look it, this was bound up in the
23 claims that you submitted and I suppose the state
24 couldn't be seen to compound the incorrect tax by in
25 the normal way paying your claims, knowing that that 14:17
26 was occurring.
27 448 Q. We can see there the regulation 10 that you filled out
28 when you were with him. This is at page 8766. We see
29 his name there and then:

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"I wish to inform you that the matter described at A below is minor in nature and is suitable to be dealt with informally."

14:18

And then you set out the conduct, you see there?

A. Yes.

449 Q. Did you have that filled out in advance of your meeting with him?

A. No, I wrote that out when he was there.

14:18

450 Q. Yes.

A. I had offered Garda Keogh the option of dealing with his tax in this way. I didn't know whether he was going to take up that offer or not until he came back to me.

14:18

451 Q. We will see there that he has signed an acknowledgment of the notice at the end there?

A. Yes.

452 Q. That's his signature. You indicate in the statement that you made to our investigators that you dealt with him by way of regulation 10 on the basis that it was a minor matter and that you had issued other notices during your time in 2015 in Athlone.

14:19

A. Yes.

453 Q. And we have copies of those notices. I am not going to deal with them in any great detail, but if we could look at 8794 in the first instance, please. This actually concerns Garda A?

14:19

A. Yes.

1 454 Q. "Neglect of duty -- "
2 A. Yes.
3 455 Q. " -- without good or sufficient cause. Failing to
4 submit an investigation file in relation to the seizure
5 of controlled drugs on 20th November 2013." 14:20
6 A. Yes.
7 456 Q. One might have thought that that was quite a serious
8 matter, would it not be?
9 A. I looked at each case on its merits, looking at the
10 individual in the circumstances, each time I had to 14:20
11 deal with someone in relation to issues that arose.
12 This, the bringing forward of this matter came as a
13 result of the analysis I was carrying out, which led in
14 turn to the introduction of the new type of
15 accountability process. I looked at this case and the 14:20
16 merits of it and I decided that this was the best way
17 to deal with it. It was a legacy issue, where, I
18 suppose, errors had occurred that prevented this
19 particular file from being dealt with until July '15.
20 But it was dealt with to conclusion and a prosecution 14:21
21 ensued. And I weighed up all the merits of the case in
22 making my decision as to how to deal with it.
23 457 Q. 8795, please, Mr. Kavanagh. This refers to another
24 garda and it relates to neglect of duty again?
25 A. Yes. 14:21
26 458 Q. He had a certain function in Athlone but he:
27
28 "...extended the immigration registrations of 129
29 students for a period over that which was allowed,

1 thereby carrying out your duties in a negligent
2 manner."

3
4 Again, that seems quite a serious matter?

5 A. Well, that as a result from an audit I asked to be 14:22
6 conducted of emigration services in the district by the
7 Garda National Immigration Bureau. And when the
8 inspector there visited and audited, he found this
9 discrepancy in the auditing. I looked at the
10 circumstances of the case and I dealt with this member 14:22
11 in the fashion chosen. Again, it was something that
12 occurred prior to my arrival. I weighed up all the
13 merits of the case and I designed a new immigration
14 structure following the revelation of this discrepancy,
15 to bring more accountability to that and I have that 14:22
16 demonstrated in my statement there. I suppose that
17 particular member then came to my attention later on
18 that year and on that occasion, him having been dealt
19 with this way, I recommended a regulation 14 on the
20 second occasion where discrepancies occurred. 14:23

21 459 Q. 8796, this is against a member who seized 4.87 grams of
22 heroin?

23 A. Yes.

24 460 Q. Again in 2013, and failed and neglected to submit a
25 file in relation to the seizure, on the 22nd October 14:23
26 2015?

27 A. Yes. Again, the situation in that, that came about as
28 a result of the analysis I was carrying out and it was
29 a similar type situation that had occurred in the drugs

1 unit before my arrival. I discovered the discrepancy
2 and that this file hadn't been brought to conclusion,
3 ensured that happened and I looked at the circumstances
4 again and I dealt with it in this manner.

5 461 Q. Then 8797, it's against another member in Athlone with 14:23
6 you, in the case of an alleged rape offence?

7 A. Yes.

8 462 Q. I can't read your handwriting there, would you just
9 mind reading the rest of that?

10 A. 14:24

11 "That you, in the case of an alleged rape reported to
12 you in September '10, without good and sufficient cause
13 failed and neglected to carry out a proper
14 investigation and allowed the case go without
15 investigation for four years." 14:24

16 463 Q. And again, that was something that was then dealt with
17 under regulation 10. Were there any particular reasons
18 in that instance as to why?

19 A. Yes, that again was an issue I discovered in carrying
20 out analysis in the district. This particular female 14:25
21 member had some serious welfare issues, which were
22 ongoing. My diary tells me I met her on the 20th
23 March, where we discussed this. In addition to
24 applying this regulation 10, having ensured that the
25 investigation was brought to a conclusion, albeit late, 14:25
26 I also switched her to a different unit so that
27 additional supervision would be available to her. And
28 I chose to deal with it in this fashion in all of the
29 circumstances that presented in the case to me.

1 464 Q. Well, I suppose Garda Keogh's position would be that
2 the five regulation 10s that I have opened to you
3 there, and we have had a brief look at and every case
4 must depend on its own particular set of circumstances,
5 but he would say that that stands in stark contrast to 14:26
6 his misdemeanour as he would see it?

7 A. I wouldn't agree with him. I think he takes a
8 subjective view on that, not knowing the circumstances
9 in the other cases. But in addition to that, Garda
10 Keogh's I suppose could be considered more serious in 14:26
11 that his case was one where I suppose he had
12 purposefully continued to engage in committing what was
13 an offence over a number of years, knowing that it was
14 wrong. While in the other case it was neglect of duty
15 in terms of dealing with work issues, albeit quite 14:26
16 serious, but the circumstances indicated to me that the
17 regulation 10 option was the best in each of those
18 cases.

19 465 Q. If we could just look at Garda Keogh's account of this
20 meeting, if we just look first of all at his diary 14:26
21 entry, which is at page 13305. If you look on the
22 right-hand side:

23
24 "Met superintendent re tax. Showed him tax disk and
25 receipt. He then gave Section 10 discipline for same. 14:27
26 I said I wrote a report months ago re this, asking was
27 there a problem and pointed out it should have been
28 dealt with then."
29

1 Do you recall him saying that?

2 A. No. When I met Garda Keogh that evening, he was
3 resigned to the regulation 10 because it was part of
4 the agreement we had.

5 466 Q. You see, that note might be read as suggesting that it 14:28
6 came as a bit of surprise to him.

7 A. I wouldn't see that, and the fact that he acknowledged
8 receipt of it, you know, indicates to me --

9 467 Q. No, the fact that the regulation 10 had been in fact 14:28
10 utilised on the occasion, because it appears what he is
11 saying there in his note, he says:

12

13 "He gave Section 10 discipline for same. I said I
14 wrote a report months ago re this, asking was there a
15 problem." 14:28

16

17 That's in relation to the road tax clearing.

18

19 "Pointed out it should have been dealt with then."

20

14:28

21 You don't recall him saying that in any event?

22 A. But I go further and I say he didn't say that. Like
23 regulation 10 was offered by me as part of the solution
24 on the 26th March. What occurred in the Dáil and what
25 I learned on the 1st April then -- if I hadn't made it 14:29
26 clear on the 26th March, I don't think I'd have
27 produced it just as Garda Keogh says, you know, the tax
28 issue being a type of catalyst for an outburst in Dáil
29 Éireann. From my perspective, it was what we agreed

1 and I brought it to a conclusion and closed the matter
2 off.

3 468 Q. If we could have page 127 up on the screen, please. If
4 we scroll down. That's fine. He says:

5
6 "After I had been induced to pay motor tax at the
7 private rate." 14:30

8
9 Do you agree with that expression of his position?

10 A. Absolutely not. Garda Keogh was a member of An Garda 14:30
11 Síochána for 15 odd years at that time, he knew what it
12 meant to have correct car tax. I am sure he had
13 enforced the road traffic legislation under the Finance
14 Act in relation to car tax in his time as a garda and
15 he understood perfectly what it meant to have one's car 14:30
16 and documents correct.

17 469 Q. He says:

18
19 "On 3rd April 2015 I was disciplined on such grounds.
20 I pointed out to Superintendent Pat Murray that my 14:31
21 noncompliance had been known since September '14, when
22 the matter had been searched on Pulse by the caller and
23 had not been brought to my attention then."

24
25 Do you recall that conversation? 14:31

26 A. No, in fact, it didn't happen.

27 470 Q. "I received no explanation as to why the matter had
28 been parked for six months and that such six months had
29 subsequently been used to suggest that I had been in

1 noncompliance. "

2 A. That doesn't make sense, because he been non-compliant
3 for a number of years, in a knowing way.

4 471 Q. You have heard him in evidence describe how, when he
5 gave you the documentation, that you went hastily to 14:32
6 the photocopier to photocopy it and he says that he
7 knew that he was in trouble and that was the reason why
8 he knew he was in trouble then?

9 A. That didn't happen. We went back up to my office, the
10 office is about 25 feet long by maybe 15 feet wide, 14:32
11 there's a table in the middle, a kind of conference
12 table that we would sit at to have meetings. There is
13 a photocopier in the corner. It's right beside the
14 table we were sitting at. I heard him describe me
15 running. It wouldn't be possible, number one; I didn't 14:32
16 do it, number two. And this was Garda Keogh presenting
17 the documents to me in accordance with the agreement we
18 came to on the 26th March. The fact that he had them
19 all with him, ready to show me, indicates that he, you
20 know, took it as that; that he would have produce them 14:32
21 and present them to get this dealt with.

22 472 Q. If we look at page 7796, it's the Garda Code that deals
23 with the informal breach or resolution of minor
24 breaches. Regulation 10 there:

25 14:33
26 "Notwithstanding anything in these regulations, a
27 member whose duties include the supervision of another
28 member may deal informally with a minor breach of
29 discipline by that other member, whether by advice,

1 caution or warning, as the circumstances may require."

2
3 Does it always have to be in writing, as it was put in
4 writing on this occasion?

5 A. It doesn't. It doesn't always have to be in writing. 14:33
6 I have quite a good working knowledge of the discipline
7 regulations. And no, it would always have to be in
8 writing. But one must make some type of record in the
9 notebook or something that that had occurred.

10 473 Q. I am just wondering, would it have been permissible for 14:34
11 you to simply have said to Garda Keogh, that wasn't
12 satisfactory and don't do it again and will you give me
13 an assurance that you won't do it again, and leave the
14 matter at that? Was that open to you?

15 A. Oh it would, yeah. But I didn't choose to do it in 14:34
16 that fashion on this occasion or in the other four that
17 you've opened to me.

18 474 Q. Okay.

19 A. I was the superintendent. I suppose I was dealing with
20 this matter personally to ensure confidentiality for 14:34
21 Garda Keogh. It was left personally for me by my
22 predecessor, who was also at superintendent rank. And
23 it was important that, I suppose, there would be a full
24 and transparent process, which was brought to a
25 conclusion by the issue of this notice and that in turn 14:34
26 then allowed the payment of the monies owed to Garda
27 Keogh in a very straight fashion.

28 475 Q. Looking at the regulation itself there, "Whether by
29 advice", would it have been permissible for you maybe

1 to advise him that his car was inappropriately taxed
2 and that there was to be no recurrence, without
3 actually, as it were, formulating a charge against him
4 as set out in the regulation 10 notice?

5 A. I did provide that advice at section B of the
6 regulation 10 notice.

14:35

7 476 Q. Yes.

8 A. In that fashion.

9 477 Q. Yes.

10 A. Yes.

14:35

11 478 Q. Okay. But in any event, you say it was entirely
12 appropriate?

13 A. Yes.

14 479 Q. The fact that issues, in your belief, had been brought
15 to the attention of the Dáil by Deputy Mick Wallace, a
16 mistaken belief, as we now know to be the position, but
17 do you think in any way that that might have coloured
18 your view of this?

14:35

19 A. Absolutely not, because this was part of the over all
20 solution offered to Garda Keogh on the 26th March.
21 That didn't colour anything in relation to this,
22 because I had already -- this was part of the deal that
23 we had agreed. If he produced it, I would deal with it
24 in this fashion. In fact, that should have made me
25 step away from it, rather than go towards it.

14:36

14:36

26 480 Q. Now, if we could just have volume 11 at page 3026 up on
27 the screen, please. And if we scroll down to line 245.
28 This is your interview with the Tribunal investigators.
29 This is an assertion that Garda Keogh had made during

1 the course of his interview with the Tribunal
2 investigators, where he said:

3
4 "Pat Murray, after disciplining me on this matter,
5 motor tax disciplinary proceedings, said he could 14:37
6 organise a transfer for me to Birr. I had never asked
7 to be transferred to Birr and I refused."

8
9 And then your answer to that is:

10
11 "I am delighted to get an opportunity to address this." 14:37
12

13 And then you go on to state your position. would you
14 just state your position there now for us please?

15 A. I will. The meeting on the 3rd April lasted about half 14:37
16 an hour. The regulation 10 part of it and photocopying
17 his details was over in a matter of minutes, and the
18 rest of the conversation was about Garda Keogh and his
19 career, the value he might get to it if he were to
20 return to the mindset he had before all this happened. 14:38
21 And it was in that context that the conversation around
22 the transfer occurred. The point I was making is: How
23 do I help you? what can I do to help you? You're in a
24 process now that can't be influenced, but how are you
25 going to take care of yourself and what can I do to 14:38
26 help? what options are open to you? And is a transfer
27 of one of them? And if it is then, I remember saying
28 to him, put your compass on a map in Tullamore, where
29 he lived, and go in a circle then and see what might

1 suit you, and in doing that exercise in one's mind -- a
2 number of stations were mentioned in that same radius,
3 Birr, Kildare, Edenderry, Enfield and the conversation
4 was in that type of fashion.

5 481 Q. Was the mention of a transfer and the possibility of a 14:39
6 transfer mentioned in the context of him having
7 difficulties in Athlone Garda Station because Garda A
8 was there?

9 A. No. It was about how he could, I suppose, bring
10 himself back to get value from his career. 14:39

11 482 Q. But how did it a transfer accommodate that?

12 A. So if Athlone was a hindrance or if there were --

13 483 Q. What led you to believe it was a hindrance?

14 A. Because in the conversation I had with him, the issues
15 that he brought up about Athlone were, you know, 14:39
16 causing problems for him, he felt, the investigation
17 and it was in that context, to see would this be of any
18 benefit for him.

19 484 Q. Exactly what did he say about the problems that it was
20 causing him, him being in Athlone? 14:40

21 A. The investigation itself and, I suppose, the fact it
22 would be difficult for him to be there when it was
23 going on. That type of a conversation about that.

24 485 Q. Did you have any view yourself in relation to that?

25 A. I didn't know much about the investigation. I knew 14:40
26 that allegations were directed towards Garda A, but I
27 didn't know, I suppose, what the ins and outs of it
28 were. But it was having an effect on him, there is no
29 doubt about that. And I suppose how does he help

1 himself? Is moving away from Athlone, even on a
2 temporary basis, something that may help him? It was
3 in that vein that the matter was discussed.

4 486 Q. Was there an implied recognition as a result of this
5 conversation on your part, that it mightn't have all 14:41
6 been drink related, that there might have been a work
7 related stress issue there for him?

8 A. I didn't know, simply.

9 487 Q. Pardon?

10 A. I didn't -- I wasn't sure. I didn't know. At that 14:41
11 stage I had referred him the day before to the CMO.

12 488 Q. Well, he is quite clearly in the course of that
13 conversation with you indicating that he is finding
14 working in Athlone stressful, is that right?

15 A. Well, he wanted to continue working in Athlone, because 14:41
16 he wasn't sure about this transfer, he said he would
17 have to think about it. He wasn't sure what way it
18 would go for him. It was in that context that it was
19 discussed. It is a very normal conversation. It
20 lasted about half an hour and it was mostly about Garda 14:41
21 Keogh.

22 489 Q. Well, you see, if Garda Keogh was just simply suffering
23 from a drink problem, a transfer to another station
24 wasn't going to help him at all, isn't that right?

25 A. I don't know. I honestly don't know. A new 14:42
26 environment may allow him to clear his mind. It may
27 allow him to take control of his life and manage his
28 health.

29 490 Q. Do you even now recognise that Garda Keogh may have

1 result in loss of revenue to the State of €377 resulted
2 each year.

3
4 I met Garda Keogh on 26th March 2015. He admitted
5 taxing his vehicle in the wrong class. I gave him an 14:44
6 opportunity to correct his tax and pay any arrears due.
7 He did so on the 27th March and provided proof of same
8 to me on 3rd April 2015. I then dealt with him by way
9 of regulation 10 discipline regulations, copy attached,
10 and approved his claims for payment. The matter is now 14:45
11 closed."

12
13 You don't note there in your letter to the chief
14 superintendent that on the 26th March you advised Garda
15 Keogh that you would deal with the matter by way of 14:45
16 regulation 10 if he got his tax in order. Why don't
17 you refer to that in your letter?

18 A. There's no reason to refer. The decision was entirely
19 mine. The discipline regulations, as they're framed,
20 don't allow me to have any access to initiate 14:45
21 discipline at superintendent rank, unless by the use of
22 regulation 10. It's an unfettered use of that, that I
23 have as a superintendent, as has an inspector or
24 sergeant. And under the discipline regulations the
25 only one that has the delegated authority from the 14:45
26 Commissioner to initiate discipline is a chief
27 superintendent. So, I just closed the matter out and
28 I was informing the chief superintendent that the issue
29 had been dealt with.

1 492 Q. If we go to page 15694, please. This is the same
2 letter which has been copied to Assistant Commissioner
3 Ó Cualáin by mail on 8/4/2015. Why did you copy it to
4 Assistant Commissioner Ó Cualáin?

5 A. First of all, that's my handwriting on the top 14:46
6 right-hand side. I sent the very same file to the
7 Commissioner by way of e-mail, to show him that the
8 issue that he phoned me about on the 1st April was
9 closed off. I note that he in turn, from the
10 disclosures that I have read, reported that to the 14:46
11 Commissioner, who in turn reported it to the
12 inspectorate and GSOC. I think under the confidential
13 reporting and malpractice regulations, there is an onus
14 on the Commissioner to inform GSOC and inspectorate of
15 updates and developments in relation to confidential 14:47
16 reporters. That's what he did with it and I sent it to
17 him, after having a discussion with him on the 1st
18 April, as I told him I would at the time, that I'd
19 inform him when the matter had brought to a conclusion.

20 493 Q. Now, I think -- 14:47

21 A. It wasn't uncommon to send reports to assistant
22 commissioners and I did that in Athlone to the
23 assistant commissioner Eastern Region at times, when
24 issues arose that required his attention.

25 494 Q. In around this time you had a number of calls. If we 14:47
26 could just deal with those. The first note of it is
27 2492, this is 20th April 2015. You received a call
28 from Detective Superintendent Mulcahy and he advised
29 that Garda Keogh rang the night before and was drunk

1 and began to give out about the delay in the
2 investigation and wanted Garda A arrested; is that
3 right?

4 A. Yes.

5 495 Q. You note that:

14:48

6
7 "Will bring down the Commissioner, Assistance
8 Commissioner and AGS through Mick Wallace and Clare
9 Daly."

10 A. Yes.

14:48

11 496 Q. And then:

12
13 "Became psychotic and disturbing. He thought that
14 Garda A will shoot both of them. Has rats running
15 around his computer and has superimposed Commissioner's
16 head on them. D/Superintendent Mulcahy to look into
17 welfare."

18
19 what did you make of that?

20 A. It was obviously the result of an overindulgence in
21 alcohol. This was a man who needed medical
22 intervention, like the CMO and a welfare programme.
23 That became very apparent from that. That was the way
24 the matter was reported to me by Detective
25 Superintendent Mulcahy. From our conversation there,
26 both of us were concerned, it became apparent that
27 Garda Keogh hadn't been liaising with the welfare
28 service in a formal way.

14:49

14:49

29 497 Q. Yes.

1 A. We spoke that time in order that we might have a
2 full-time welfare officer assigned to him or link in
3 with him, to try and help him.

4 498 Q. And the following day --

5 A. And that call was a catalyst for that. 14:49

6 499 Q. The following day you received a telephone call from
7 Detective Sergeant Curley, it's at page 2493?

8 A. Yes.

9 500 Q. Where you say:

10

14:50

11 "D/Sergeant Curley got a call from Garda Keogh at 11am.
12 Told him Mick Wallace and Clare Daly are asking him
13 about delay in a murder trial."

14

15 Then a superintendent and a sergeant. And he then 14:50
16 advised you that -- I am just trying to make some sense
17 of it.

18

19 "...was explaining to Eamonn, Garda Keogh told he..."

20

14:50

21 Can you make some sense of what that telephone call
22 says?

23 A. Yes. Garda Keogh was telling Inspector Curley that he
24 thought that Inspector Curley and the other member, who
25 he had named, were okay. He wanted to get someone who 14:51
26 was then a chief superintendent.

27 501 Q. If you go over to page 2494, this is a note that you
28 have:

29

1 "Calls from D/Superintendent Mulcahy re Garda Keogh.
2 He also phoned D/Sergeant Curley. "
3 A. Yes.
4 502 Q. "And was drunk. "
5 A. It's the same note, yeah. 14:51
6 503 Q. Is that a reference to the two earlier calls?
7 A. Yes.
8 504 Q. The one on the 20th?
9 A. It's the same note, the one you have opened there,
10 there's an actual note from my diary itself and then it 14:51
11 goes into more detail in a secondary note.
12 505 Q. So they're not additional calls?
13 A. No, it's the same one.
14 506 Q. And the one from Detective Superintendent Mulcahy you
15 note that again, even though it was at 11am in the 14:51
16 morning, that Garda Keogh was drunk?
17 A. Yes.
18 507 Q. I think you then wrote to the superintendent on 21st
19 April 2015?
20 A. Yes. 14:52
21 508 Q. The letter is at page 2495?
22 A. Yes.
23 509 Q. That concerned a report that we will just look at
24 briefly. But you write to the chief superintendent:
25 14:52
26 "I attach for your information a report from Detective
27 Sergeant Curley regarding a phone call he received from
28 Garda Keogh. As a result of my interaction with
29 Detective Superintendent Mulcahy, Western Region, I am

1 aware that Garda Keogh has been behaving in an unusual
2 and disturbing manner and is using alcohol. Detective
3 Superintendent Mulcahy has arranged that the member
4 meet with Garda Mick Quinn, welfare officer. I
5 understand that this is acceptable to the member and a 14:52
6 meeting has been arranged to take place today, 21st
7 April 2015."

8
9 You had been led to believe that by?

10 A. Detective Superintendent Mulcahy, who I had discussed 14:53
11 it with.

12 510 Q. "As you are aware, I put supports in place for the
13 member in Athlone and made a referral to the CMO to
14 explore other available supports. There are no other
15 avenues available to me to support the member." 14:53

16
17 And then a copy of the report of Sergeant Curley is to
18 be found at page 2496. If you just look briefly at
19 that.

20 14:53
21 "I wish to report that on the above date Garda Nicholas
22 Keogh..."

23
24 And this was on the 21st April.

25 14:54
26 "...phoned me on my official phone. He sounded
27 agitated and nervous.

28
29 He stated that he was being used by TDs Clare Daly and

1 Mick Wallace. He stated that they were seeking to
2 mention in the Dáil a murder case and the fact that the
3 accused is walking around town on bail for four years.
4 He went on to say that they had received letters from
5 the public on this and that they had asked him to get a 14:54
6 phone number of an individual. And that he did that.
7 He stated that he was trying to stop them from bringing
8 up this matter in the Dáil and that if it came up he
9 wanted me to know it didn't come from him.

10
11 Then went on to say he is proud of his work in the
12 Guards and his family have a proud tradition of working
13 in An Garda Síochána. I interjected on a number of
14 occasions and advised him that it was a conversation he
15 would be best having with Declan Mulcahy, Detective 14:55
16 Superintendent, whom he informed me was his contact
17 person for his complaint. He replied that he had
18 already informed him of this and he was now informing
19 me because if it came out, it may reflect badly on me
20 as the detective sergeant Athlone and he wanted me to 14:55
21 know it didn't come from him.

22
23 He stated that he was going to hold off Clare Daly and
24 Mick Wallace from bringing this matter up in the Dáil
25 for as long as he could but he might not be able to do 14:55
26 so long-term.

27
28 I had never previously had a conversation with Garda
29 Keogh on any subject relating to issues surrounding

1 allegations he may have made against gardaí based in
2 Athlone.

3
4 Forwarded for your information."

5 14:55

6 Now, one has to note there that he doesn't refer to the
7 fact that Garda Keogh was drunk during the course of
8 that telephone conversation.

9 A. He is being kind to Garda Keogh.

10 511 Q. Pardon? 14:56

11 A. He is trying to be kind to Garda Keogh. We had --
12 Detective Sergeant Curley came to me about it.

13 512 Q. You might correct me if I am wrong, but in your
14 original note on 2493, of your conversation with
15 Detective Sergeant Curley, you haven't noted that he 14:56
16 said he was drunk when he was dealing with Garda Keogh,
17 that Garda Keogh was drunk, should I say. The note
18 where you first mention this is, the composite note, at
19 2494. Can you say why that is, or it may be totally
20 inconsequential. 14:56

21 A. I can't. I am happy enough that when I discussed it
22 with Detective Sergeant Curley that morning, that he
23 indicated to me that he felt Garda Keogh was drunk.

24 513 Q. Just for the sake of -- no, that's outside the 14:57
25 timeframe that we are now looking at by quite a
26 substantial amount. So we are going to move on now, in
27 relation to the car tax issue itself and how you
28 ultimately dealt with it. This might be a convenient
29 time to interpose Garda Stephanie Treacy.

1 CHAIRMAN: Very good. Just clarify the question of the
2 car tax, why are you moving on that one?
3 MR. MARRINAN: Just on to how he dealt with it
4 generally within the station.
5 CHAIRMAN: Oh sorry, yes, I am sorry. Thank you very 14:57
6 much. with others, yes.
7 MR. MARRINAN: Yes.
8 CHAIRMAN: So you want to suspend operations there and
9 I think it's probably unlikely that we will be
10 returning to Chief Superintendent Murray, is that 14:57
11 right? Very good, thank you very much.
12 WITNESS: Thank you.
13 CHAIRMAN: So we will ask you to come back tomorrow,
14 chief superintendent.
15 WITNESS: Yes. 14:58
16 CHAIRMAN: Even if we finish up a little earlier.
17 WITNESS: Thank you.
18
19 THE WITNESS THEN STOOD DOWN
20 14:58
21 MR. MCGUINNESS: Chairman, the next witness is Garda
22 Stephanie Treacy.
23 CHAIRMAN: Thank you very much.
24
25 GARDA STEPHANIE TREACY, HAVING BEEN SWORN, WAS 14:58
26 DIRECTLY-EXAMINED BY MR. MCGUINNESS, AS FOLLOWS:
27
28 WITNESS: Garda Stephanie Treacy, Athlone Garda
29 Station.

1 CHAIRMAN: Thanks very much.

2 514 Q. MR. McGUI NNESS: Garda Treacy's statement may be found
3 at page 469 onwards.

4 CHAIRMAN: Thank you.

5 515 Q. MR. McGUI NNESS: Garda Treacy, I think you're stationed 14:59
6 in Dundalk, is that correct, or in Athlone?

7 A. In Athlone, that's correct.

8 516 Q. When were you attested as a member?

9 A. In 2008.

10 517 Q. I think you were first stationed then in 14:59
11 Carrick-on-Shannon after that, and you left there in
12 2011?

13 A. That's correct.

14 518 Q. And you have been there with the exception of a
15 temporary transfer to Dundalk -- 14:59

16 A. That's correct.

17 519 Q. -- for a short period, for a year in fact, is that
18 correct?

19 A. That's correct.

20 520 Q. In 2016. Now, I think you were interviewed by the 14:59
21 Tribunal investigators and you were shown a copy of
22 your report that you had written in relation to the
23 statement of Cheyanne O'Neill, isn't that correct?

24 A. That's correct.

25 521 Q. That was a report that you wrote on 29th May 2014, 14:59
26 following events in the station on 28th May 2014?

27 A. That's correct.

28 522 Q. Could you just, doing the best you can from your
29 recollection moment, could you tell the Tribunal what

1 occurred on the 28th? You were on duty there in the
2 late afternoon, as I understand it?

3 A. That's correct. I was on duty. I was on the early
4 duty day, due to finish at 5pm. The sergeant, Sergeant
5 Haran, sometime in the late afternoon approached me, 15:00
6 and he was the sergeant covering the late unit. He
7 asked me -- he informed me that Ms. O'Neill and
8 Cheyanne were in the station to make a statement and he
9 asked me as favour to oblige in taking that statement,
10 as, I don't know, I think he said it was either they 15:00
11 couldn't do it at the desk and he didn't have any other
12 members.

13 523 Q. Okay. Now, first of all, did you know Ms. O'Neill and
14 her daughter or either of them?

15 A. Yes, Ms. O'Neill more so than her daughter. I knew of 15:01
16 her daughter but I knew Ms. O'Neill.

17 524 Q. Had you been aware of this, sort of public order
18 incident that had been going on since the early hours
19 of the 26th/27th May?

20 A. Yes. I wasn't aware of the actual incident she was 15:01
21 making a statement about but I was aware of the over
22 all bad feeling that was in the estate and there was
23 numerous public order incidents.

24 525 Q. Yes. Was that a sort of ongoing sword that would erupt
25 from time to time? 15:01

26 A. Yes.

27 526 Q. Was Ms. B one of the persons inter alia on one side of
28 the feud at different stages?

29 A. Yes.

1 527 Q. Now, in terms of what Sergeant Haran told you, did he
2 say anything to you about what Ms. O'Neill wanted to
3 make a statement about?
4 A. No.

5 528 Q. Did you see Ms. O'Neill at any stage speaking to Garda 15:02
6 Keogh?
7 A. No.

8 529 Q. Had you been in the public office yourself at that
9 point in time?
10 A. No. 15:02

11 530 Q. Where were you when Sergeant Haran came to ask you to
12 do this duty?
13 A. I was in the back office, it was known as the files
14 room.

15 531 Q. Okay. So you couldn't have seen anything that happened 15:02
16 either outside the public office or at the hatch of the
17 public office?
18 A. No. This office was situated down the corridor, close
19 to the rear door of the station, not near the public
20 office. 15:02

21 532 Q. Okay. So did you go out and did Sergeant Haran
22 introduce you to Ms. O'Neill or did you just go over to
23 her yourself?
24 A. I just went over to her myself, from my recollection.
25 As I said, I knew her. 15:02

26 533 Q. Yes.
27 A. So I went out to the public office to her.

28 534 Q. Okay. Did you have any conversation with her there
29 about what she wanted to make a statement about?

1 A. No, not there. I brought her up to an interview room.

2 535 Q. And you brought her daughter with her?

3 A. Yes.

4 536 Q. At what stage did you understand that her daughter had
5 apparently been threatened and that it was she who 15:03
6 would be making the statement?

7 A. Before I took the statement, in the interview room.

8 537 Q. Yes. Now, did you commence taking the statement then?

9 A. Em...

10 538 Q. Or were you getting sort of a description? 15:03

11 A. From my recollection, I was getting a background of the
12 incident, because I wasn't aware of what they wanted to
13 make a statement about. So I was getting background to
14 the incident and I think maybe having written the first
15 line. 15:04

16 539 Q. Had you put the paper on the table and commenced the
17 first line or two of the statement?

18 A. Yes, from my recollection, yes.

19 540 Q. All right. Was it just the three of you in the room at
20 that stage? 15:04

21 A. Yes.

22 541 Q. Now, when you were getting the background, were you
23 getting that exclusively from Ms. O'Neill or from
24 Ms. O'Neill and her daughter?

25 A. From the two of them, but mostly Ms. O'Neill. 15:04

26 542 Q. Yes. Doing the best you can, can you recollect what
27 she said to you at that point?

28 A. Just in relation to the background?

29 543 Q. Yes.

1 A. It was my belief that Ms. B had shouted abuse at
2 Cheyanne.

3 544 Q. Yes.

4 A. I don't believe it had happened that day, I think she
5 said it had happened one or two days previous to that. 15:04

6 545 Q. Yes. Was that in the nature of a threat?

7 A. Yes, I believe so.

8 546 Q. All right. Now, did Ms. O'Neill make any comment about
9 Ms. B and anyone who was friendly with her?

10 A. Just as I proceeded to take the statement, as I said, I 15:05
11 think I had possibly the introduction line taken when
12 Ms. B -- Ms. O'Neill interrupted and said that she had
13 been told that Ms. B was friendly with certain Gardaí
14 in Athlone Garda Station. She said that she had been
15 told that Ms. B is informed of any searches that were 15:05
16 to be carried out in her home beforehand so that she
17 could get rid of any weapons or drugs, and she told me
18 that she had been told that Ms. B would be informed if
19 anybody made a statement against her and that Gardaí
20 would cover up offences for Ms. B. 15:06

21 547 Q. Did she mention any particular garda at that point or
22 at all?

23 A. No.

24 548 Q. And in relation to each of the three things that you
25 have told the Chairman about, you have said that 15:06
26 Ms. B [sic] told you that she was told these things, is
27 that right?

28 A. Yes, Ms. O'Neill, yes.

29 549 Q. And are you fairly clear about that?

1 A. Yes.

2 550 Q. Is it the case then that you certainly didn't think, or
3 did you think that she was telling you that she knew of
4 these things from her own knowledge? or did you think
5 that she had been told this by somebody else? 15:06

6 A. That she had been told this by somebody else. She said
7 she had been told.

8 551 Q. Did she relate that information in any way to the
9 statement that Cheyanne was going to make or started
10 making? 15:07

11 A. Yes. She said that she had been told that it had to go
12 in the statement, to make sure it went into the
13 statement that Cheyanne was going to make.

14 552 Q. Did you ask her anything then?

15 A. I did. I asked her who had told her this and she 15:07
16 replied that Garda Nick, just now at the counter
17 downstairs.

18 553 Q. Well now, your question there seems to have been
19 related at least to the issue as to who had told her to
20 make sure that the information went into her and 15:07
21 Cheyanne's statement and she told you Garda Nick, down
22 below. But was she confirming to you that she had been
23 told the other things by Garda Nick downstairs, was
24 that your understanding?

25 A. That was my understanding, yes. That's what she told 15:08
26 me.

27 554 Q. Okay. So to be clear then, you didn't specifically ask
28 her whether Garda Nick had told her the first three
29 things or all of them?

1 A. From my recollection, when I said, who told you all
2 this?

3 555 Q. All right.

4 A. And she said, Garda Nick, at the counter downstairs.

5 556 Q. So, are you clear in your own mind that your question 15:08
6 and her answer embraced all of the things that she told
7 you she was told?

8 A. Yes.

9 557 Q. And that it all related to being told them by Garda
10 Keogh? 15:08

11 A. Yes.

12 558 Q. What was your reaction to that?

13 A. I found it uncomfortable and I wanted advice on it. I
14 wanted to ensure that I did the right thing in that
15 instance. 15:09

16 559 Q. Yes.

17 A. So I left the room.

18 560 Q. Yes.

19 A. And sought advice.

20 561 Q. Were you unsure as to what to do or what the correct 15:09
21 position to do adopt would be?

22 A. Yes.

23 562 Q. All right. I suppose one course of action could have
24 been to go straight down to Garda Keogh and ask him had
25 he said any of these things. Did you consider whether 15:09
26 you might have done that?

27 A. No, I never considered it.

28 563 Q. Okay.

29 A. No.

1 564 Q. In any event, I think you were here for Ms. O'Neill's
2 evidence last week, were you?
3 A. Yes.

4 565 Q. She said in fact a number of different things, each of
5 which I will ask you to deal with. She said that she 15:09
6 said that there were ears in the Garda station. Did
7 she say anything about ears in the Garda station to
8 you?
9 A. No.

10 566 Q. She told the Tribunal that she was told to be very 15:10
11 careful about what she would say about Ms. B, did you
12 say anything like that?
13 A. No.

14 567 Q. She told the Tribunal that not only was it being said
15 to her up in her estate that it was a waste of time to 15:10
16 come down to the Garda station to report these things,
17 that nothing would happen with these things, did she
18 say that to you at any stage?
19 A. No.

20 568 Q. In any event, being unsure about what to do, what did 15:10
21 you do?
22 A. I stepped out of the room. I contacted my supervisor,
23 Sergeant Keane. I informed her of what had been told
24 to me. I asked her what to do. And she accompanied me
25 to Inspector Farrell and we asked his advice. 15:11

26 569 Q. First of all, can you recollect what you reported to
27 Sergeant Keane?
28 A. Yes. I told her that I was taking a statement from
29 Ms. O'Neill and that while taking the statement, she

1 told me that Garda Keogh had given her information
2 about Ms. B and that she had been told to ensure that
3 it was incorporated into the statement. And I told her
4 the information.

5 570 Q. Yes. Did she offer any view about what to do at that 15:11
6 stage or was there any discussion with her about just
7 going down to speak to Garda Keogh?

8 A. No.

9 571 Q. Is it the case then, that she took it straight to
10 Inspector Farrell, is that right? 15:12

11 A. Yes.

12 572 Q. Was that an unusual step in itself?

13 A. No. Inspector Farrell would always be available for
14 assistance and guidance.

15 573 Q. Yes. 15:12

16 A. But you would normally go to a supervisor, your
17 immediate supervisor first.

18 574 Q. Yes. Did you explain it in the same way to Inspector
19 Farrell as you had to Sergeant Keane?

20 A. Yes. 15:12

21 575 Q. Did he ask you any questions?

22 A. Not that I recall. I think he -- I don't recall him
23 asking me any questions.

24 576 Q. Okay. And what did he advise?

25 A. He advised that the information shouldn't go into that 15:12
26 statement and that she should -- Ms. O'Neill should
27 be -- that I should continue taking the original
28 statement as planned.

29 577 Q. Yes.

1 A. And that Ms. O'Neill should be invited to make a
2 separate statement if she wished about any allegation
3 she had, and she should be informed that she can make a
4 statement, she can go to the superintendent or straight
5 to the Ombudsman Commission. 15:13

6 578 Q. I mean, did you consider that she had made an
7 allegation to you that warranted a statement to a
8 superintendent or to GSOC, about a guard?

9 A. No. I considered -- the way Inspector Farrell
10 explained it to me was, he said, if she had been in to 15:13
11 make -- if Ms. O'Neill had been in to make the
12 statement and in the middle of making the statement she
13 also said, oh and my house was burgled by Joe blogs, he
14 said, would you incorporate it into the statement. I
15 said, no. He said, what would you do? I said, I would 15:14
16 take a separate statement, it's a separate
17 investigation, it's a separate allegation. He said,
18 exactly. He said, this is the exact same thing, invite
19 her to make a different statement if she wishes to.
20 And that's exactly what I did. 15:14

21 579 Q. Yes. From point of view of how Ms. O'Neill presented
22 herself to you and when she told you that she had been
23 told these things, did it appear to you that she was
24 making a complaint about Garda Keogh or just telling
25 you about information that she did want to put into a 15:14
26 statement?

27 A. No, it didn't appear that they was making a complaint,
28 no, just telling me the information.

29 580 Q. Well, how long would you say you spent with Inspector

1 Farrell and Sergeant Keane?

2 A. Em, possibly ten minutes or so. I can't say exactly.

3 581 Q. Okay. Did Sergeant Keane come in to the room with you
4 when you went back?

5 A. When I returned to Ms. O'Neill, yes. 15:15

6 582 Q. And had she been in the room before that?

7 A. No.

8 583 Q. Okay. So from the point of view of where things had
9 been left, you had perhaps commenced to write the first
10 line of the statement, you left of your own accord to 15:15
11 see Sergeant Keane, leaving Ms. O'Neill and Cheyanne
12 there, is that right?

13 A. That's correct.

14 584 Q. You came back in with Sergeant Keane then?

15 A. That's correct. 15:15

16 585 Q. Did you recommence taking the statement or did you
17 address Ms. O'Neill about this issue?

18 A. I think I introduced Ms. O'Neill to Sergeant Keane.

19 586 Q. Yes.

20 A. We addressed this issue before I commenced taking the 15:15
21 statement.

22 587 Q. Yes. Did each of you speak to Ms. O'Neill or was it
23 the sergeant or yourself or both of you?

24 A. Both of us, I believe.

25 588 Q. Okay. Can you recollect what you told her? 15:16

26 A. Yes. We told her that if she wanted to make any
27 complaint in relation to Garda malpractice or anything
28 like that, that there were different ways she could go
29 about doing so. That she could go to the Ombudsman

1 Commission, that she could meet with a superintendent
2 and that she could make a witness statement to the
3 Gardaí.

4 589 Q. Were you linking or did you link this suggestion about
5 possibly making a statement about Garda malpractice, 15:16
6 did you link it with what she said about Garda Keogh?
7 I mean, did you address it in that way?

8 A. Well, there was -- I mean, I wasn't going to put words
9 in her mouth. It could have been, I don't know, it
10 could have been about Garda Keogh or it could have been 15:17
11 about the information that she now had, regardless of
12 who gave it to her. But if there was allegations that
13 she now had, that's what I presume she would have been
14 making a statement about.

15 590 Q. Yes. Ms. O'Neill disputed vehemently that she hadn't 15:17
16 been told about going to the Ombudsman by I think
17 either of you at that stage.

18 A. Yes.

19 591 Q. Have you got a clear recommend of that?

20 A. I have a very clear memory of that. That was most 15:17
21 definitely explained to her and explained very clearly
22 I think to her. Because it was -- that part was
23 important to me, because up until that point it wasn't
24 about me. It was -- she had mentioned certain gardaí,
25 she hadn't mentioned names and she had mentioned Garda 15:18
26 Keogh. And these were allegations of malpractice and
27 covering up for Ms. B, and I wanted to be very sure
28 that she was very clear and aware that I was not
29 covering up anything or nor trying to cover up anything

1 or Ms. B or for any guard or for anyone.

2 592 Q. Okay.

3 A. So when I explained this to her, I knew myself that she
4 understood when she replied to me.

5 593 Q. Okay. Had she in fact mentioned any guard by name 15:18
6 while in the room with you, either initially or when
7 you came back?

8 A. Just Garda Nick.

9 594 Q. Just Garda Nick. Garda Keogh's evidence has been, and
10 I am sure you have heard that or read it or both, that 15:18
11 he simply told her to name names and name any guards
12 involved. Did she mention anything about just being
13 told to name names?

14 A. No. When I explained to her -- when Sergeant Keane and
15 I explained to her about making a statement, making a 15:19
16 complaint to the Ombudsman or making a statement, she
17 said that she didn't have any complaint to make and she
18 was just saying what she had been told to say.

19 595 Q. Yes. I mean, did you ask her to make a statement in
20 relation to Garda Keogh? 15:19

21 A. No.

22 596 Q. Did you ask her to make a statement against Garda
23 Keogh?

24 A. No.

25 597 Q. Did you suggest to her that she should consider making 15:19
26 a complaint about Garda Keogh to the superintendent or
27 to GSOC?

28 A. No.

29 598 Q. In your answer to the fourth last question, you

1 referred about making a complaint to the Ombudsman.
2 Now, a lot of people use the shorthand GSOC, can you
3 recollect, did you use the full title of GSOC or did
4 you just call it GSOC or did you just call it the
5 Ombudsman? 15:20

6 A. I think I called to the Ombudsman. I think, from my
7 recollection. When I am speaking to members of the
8 public I would generally refer to it as the Ombudsman.

9 599 Q. But would that not require you to explain that this is
10 the Ombudsman for people who want to make complaints 15:20
11 about guards, if they have a complaint?

12 A. Em, I think -- well, when we say the Garda Ombudsman, I
13 don't know that I explained fully what their role was.
14 I don't think I did.

15 600 Q. All right. You didn't have any forms with you for 15:20
16 making a complaint to the Ombudsman?

17 A. No.

18 601 Q. In any event, Ms. O'Neill said she wouldn't make a
19 statement or didn't want to make a statement about any
20 such matter, is that right? 15:21

21 A. That's correct.

22 602 Q. Did she respond to that invitation by saying anything
23 further?

24 A. In relation to what we had explained to her?

25 603 Q. Yes. 15:21

26 A. She said, I don't have any complaint to make, I was
27 only saying what I was told to say.

28 604 Q. At that stage did she say who or where she had been
29 told what to say?

1 A. Not at that stage, I believe.

2 605 Q. You took a statement from Cheyanne then; is that right?

3 A. That's correct.

4 606 Q. Did Sergeant Keane remain for the whole of that
5 process? 15:21

6 A. No.

7 607 Q. At what stage did Sergeant Keane leave the room?

8 A. I think after Ms. O'Neill had been advised and said
9 that she had no complaint to make, I think Sergeant
10 Keane left the room at that stage. 15:22

11 608 Q. Just to be clear, how did it come about that you
12 actually wrote the report of the 29/5?

13 A. Sorry, I don't understand.

14 609 Q. A member of the public had come in with her daughter to
15 make a statement about an incident and you had taken a 15:22
16 statement from her daughter?

17 A. Yes.

18 610 Q. Now, did Ms. O'Neill herself want to make a statement
19 about the incident?

20 A. About the incident that she was originally reporting? 15:22

21 611 Q. Yes.

22 A. No, I don't believe so, or I didn't take one off her
23 that day anyway.

24 612 Q. All right. Did you refuse to take statement from her
25 about the incident? 15:22

26 A. No, no, not at all.

27 613 Q. Okay. So you have taken the statement from
28 Ms. O'Neill's daughter?

29 A. Yes.

1 614 Q. But you then write a report about what happened the
2 following day and my question is: How did it come
3 about that you wrote that report of the 29th May?
4 A. I felt it was pertinent that this was sent up through
5 the channels in a formal way. 15:23
6 615 Q. Okay. Well, that's what I am coming round to asking.
7 Were you directed to write the report by Sergeant Keane
8 or by Inspector Farrell?
9 A. No, I don't believe so. No. I can't recall if in the
10 office, if Inspector Farrell may have said -- I don't 15:23
11 know, is my honest answer.
12 616 Q. Yes.
13 A. But I very well could have done that of my own
14 volition, because I definitely wanted it reported in
15 the correct manner, in a formal manner. 15:23
16 617 Q. All right. I mean, you have told the Tribunal there a
17 moment ago that you felt it was pertinent that this was
18 sent up through the channels in a formal way?
19 A. Yes.
20 618 Q. That seems then, on the basis of your subsequent 15:24
21 answers, to have been your decision?
22 A. I believe so.
23 619 Q. Okay. Perhaps we will just look at the report at page
24 484. It starts, it's headed:
25
26 "Statement of Cheyanne O'Neill."
27
28 Just from the point of view a minor discrepancy,
29 Inspector Farrell subsequently refers to Ms. O'Neill

1 having made a statement of complaint in respect of her
2 daughter. But that's not accurate.

3 A. No. No.

4 620 Q. There was only the one statement taken that day, from
5 the young person? 15:24

6 A. Yes.

7 621 Q. Now, you see the last line in the first paragraph:
8
9 "Garda Keogh was unable to leave the office to take a
10 statement, so Sergeant Andrew Haran asked Garda Treacy 15:25
11 to oblige."

12 A. Yes.

13 622 Q. Is that something you were told on that afternoon or
14 did you learn that subsequently?

15 A. No, I was aware at the time that Garda Keogh was the 15:25
16 public officer and Sergeant Haran -- I believe that's
17 what Sergeant Haran told me at the time. It most
18 likely is, as the report was contemporaneous.

19 623 Q. The second paragraph then records the three items that
20 you told the Tribunal Ms. B [sic] told you about, isn't 15:25
21 that correct?

22 A. That's correct, yes.

23 624 Q. Without reference to any other member of An Garda
24 Síochána?

25 A. That's correct, yes. 15:26

26 625 Q. And you identify the member. The next line says:
27
28 "Ms. O'Neill informed Garda Treacy she was told to make
29 sure the above information goes into her and Cheyanne's

1 statements."

2

3 And then you're recorded as asking who advised her of
4 this. And you write there:

5

15:26

6 "Ms. O'Neill said 'Garda Nick, just now at the counter
7 downstairs'."

8

9 This refers to everything in the preceding two
10 paragraphs, is that your evidence?

15:26

11 A. Yes. A report, it's obviously a more formal way of
12 getting it across than a conversation. The
13 conversation between Ms. O'Neill and I would have been
14 slightly more informal.

15 626 Q. Yes. It's not a criticism, but the last paragraph
16 omits any reference to going to Inspector Farrell or
17 getting advice. Is there any reason why you might not
18 have included that?

15:26

19 A. I think really -- I don't know why. I don't know why.
20 There's no reason for it at all.

15:27

21 627 Q. All right. It concludes then:

22

23 "Ms. O'Neill said she did not have a complaint to make
24 in relation to the Gardaí and was only going on advice
25 she had received at the counter."

15:27

26

27 Is that something she said to you at that point?

28 A. Yes.

29 628 Q. You sent that up to the sergeant in charge of Athlone

1 Garda Station. Who should have got that then at that
2 time?

3 A. From my recollection, it could have been Sergeant
4 Baker, now Inspector Baker, possibly. It would have
5 been whoever was the sergeant in charge at the time. I 15:27
6 think it would have been Inspector Baker.

7 629 Q. Yes. The Tribunal has seen Inspector Farrell's report
8 that went up to the chief superintendent, while he was
9 acting superintendent. Did you see that at the time or
10 did he speak to you after your report had gone in? 15:28

11 A. No.

12 630 Q. Did either of the sergeants in charge speak to you in
13 relation to your report?

14 A. No.

15 631 Q. Did anybody come and speak to you about the report? 15:28

16 A. No.

17 632 Q. Perhaps we will just look at one or two lines of that.
18 At page 653, it's the second page of Inspector
19 Farrell's report of the 29th. On the fourth line of
20 that, it records: 15:28

21

22 "Inspector Farrell then instructed that Ms. O'Neill
23 should be invited to make a statement outlining her
24 concerns relating to the advice given by Garda Keogh
25 and that she should also be made aware of the options 15:29
26 available to her in respect of bringing her concerns to
27 the superintendent at Athlone and/or the Garda
28 Ombudsman Commission."
29

1 First of all, did you describe Ms. O'Neill as having
2 concerns about the advice she had been given, or do you
3 remember how you described it?
4 A. No, very factually repeated what she told me.
5 633 Q. Inspector Farrell seemed to have envisaged three 15:29
6 possible options there, or two options perhaps; invited
7 to make a statement outlining her concerns and also
8 then that she be made aware of the options available to
9 her, which seemed to then involve another two options,
10 going to the superintendent or GSOC, and/or GSOC. Did 15:30
11 you understand your instructions that had been given to
12 you by Inspector Farrell in that way?
13 A. Yes.
14 634 Q. You did?
15 A. Yes. 15:30
16 635 Q. Okay. So you invited her to make a statement, invited
17 Ms. O'Neill to make a statement about what she had been
18 told by Garda Keogh, is that correct?
19 A. That's correct.
20 636 Q. And you also advised her about an option of making a 15:30
21 statement to the superintendent, is that correct?
22 A. Of meeting with the superintendent.
23 637 Q. Of meeting the superintendent?
24 A. Yeah, speaking with the superintendent.
25 638 Q. To bring her concerns, it wouldn't necessarily include 15:30
26 a statement then, is that right?
27 A. I am unaware. I am unaware.
28 639 Q. Can I just ask you, Garda Treacy, what were your
29 relations like with Garda Keogh as a colleague? Had

1 you known him a long time and got on well with him?
2 How would you describe your relations?

3 A. Yeah, we got on fine. We never worked on the one unit
4 but we never had any issues at all. Yeah, Garda Keogh
5 was all right. 15:31

6 640 Q. Did bring it to the attention that Garda Keogh spoke to
7 you on the phone at some stage, is that correct?

8 A. Yes.

9 641 Q. Could you just explain what happened there?

10 A. I was dealing with a family, I was with a family in 15:31
11 relation to a serious incident. I rang to speak --
12 asked to speak to a sergeant one evening, I think it
13 may have been a Sunday, I rang the Garda station and
14 Garda Keogh answered the phone on that date.

15 642 Q. Yes. 15:32

16 A. I don't have any notes to say exactly what was said, I
17 can't recollect exactly what was said, but I know it
18 was an uncomfortable conversation. Garda Keogh
19 challenged me. He brought up the incident. I asked to
20 speak to a sergeant. Garda Keogh brought up the 15:32
21 incident with Olivia O'Neill, he asked me why I had
22 gone to management about it. As I said, I can't
23 remember word-for-word what was said but I know it
24 wasn't a pleasant conversation.

25 643 Q. He was querying you in some way about why you had gone 15:32
26 to management about this?

27 A. Yes.

28 644 Q. Is that right? I think you raised that issue with
29 Sergeant Keane, was it, or was it Inspector Farrell?

1 A. I believe it was with Superintendent McBrien.

2 645 Q. I beg your pardon.

3 A. Yeah.

4 646 Q. Superintendent McBrien.

5 A. Yeah. Garda Keogh had told me in that conversation 15:33
6 that it was going to go further. I think he may have
7 said that I was going to be interviewed about it. As I
8 said, I felt it was uncomfortable and I didn't know
9 what I was being accused of or what was being alleged
10 against me. And I went to the superintendent about it. 15:33

11 647 Q. Yes. Superintendent McBrien's account of that is in
12 volume 5, at page 1187. Perhaps we will just look at
13 that. In the second paragraph there, she describes:
14

15 "On the 9th July, Garda Stephanie Treacy met with me 15:34
16 and said she was concerned about the Olivia O'Neill
17 incident. She said she works with both Garda Keogh and
18 Garda A and she gets on well with them both. She was
19 concerned because one evening in ringing the station,
20 the telephone was answered by Garda Keogh. He 15:34
21 indicated to her that the Olivia O'Neill incident could
22 be going further."
23

24 what did you understand that might mean, if you did
25 understand it meant something? 15:34

26 A. I didn't know exactly what it might mean but I -- it
27 concerned me. I was concerned that a complaint was
28 being made against me, or that an allegation of some
29 wrongdoing was being made against me.

1 648 Q. She records then:

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"I had a conversation with her about this. I offered her the services of the Garda welfare officer. She declined and said she gets on well with Sergeant Keane and she would contact her if she needed to. I also advised her to contact me if she had any difficulties." 15:34

But do I understand your evidence, you had no incident with Garda Keogh before or after this which led to any ill feeling between you? 15:35

A. No.

649 Q. You didn't have to go back to either Superintendent McBrien or Sergeant Keane, did you?

A. No. 15:35

650 Q. MR. McGUINESS: Thank you. If you could answer any further questions.

END OF EXAMINATION

CHAIRMAN: Thanks very much. Who is on your team? Ms. Mulligan, is it? Thank you. 15:35

GARDA STEPHANIE TREACY WAS CROSS-EXAMINED BY MS. MULLIGAN, AS FOLLOWS: 15:35

651 Q. MS. MULLIGAN: Good afternoon, Chairman. Good afternoon, Garda Treacy. If I am not speaking into the microphone, please remind me. Garda Treacy, just to

1 confirm, I think it says in your statement that you
2 started in Athlone in 2001, but that's 2011; isn't that
3 right.

4 A. That's correct.

5 652 Q. I think it's just a typo. In terms of that then, your 15:35
6 relationship with Sergeant Keane is, would you call it
7 quite a close relationship?

8 A. A close working relationship.

9 653 Q. Yes. Would you be friendly both inside and outside of
10 work? 15:36

11 A. We don't really socialise together outside work, apart
12 from Garda occasions, Garda dos.

13 654 Q. Okay.

14 A. But we have a good working relationship.

15 655 Q. You have a good working relationship. Just to be 15:36
16 clear, is she the person that would you normally go to
17 if some issue did arise? Is she kind of the first port
18 of call? She is your direct sergeant in charge.

19 A. She was my direct sergeant, my unit sergeant, my direct
20 supervisor, so... 15:36

21 656 Q. At the time?

22 A. At the time.

23 657 Q. Does she continue to be your direct sergeant?

24 A. No.

25 658 Q. No. Okay. In terms of Inspector Farrell then, is it 15:36
26 fair to say that you would normally go to Sergeant
27 Keane before you go to Inspector Farrell?

28 A. You would go to a sergeant, yeah, your supervisor.

29 659 Q. Yes.

1 A. Mostly.

2 660 Q. But you have a good relationship with Inspector
3 Farrell, is that fair?

4 A. Yes, a good working relationship.

5 661 Q. And in relation to both of these two superior officers, 15:37
6 is it fair to say that if they tell you to do
7 something, you take their direction, subject to it
8 making simple sense to you, is that fair?

9 A. Yes.

10 662 Q. You don't over think it or microanalyse it, you 15:37
11 essentially do as you are directed by your superior
12 officers, is that fair?

13 A. Em, that's fair. I mean, yes, I would hope, I would
14 consider myself to be competent. I don't feel that I
15 have to go and look for advice every day on everything. 15:37
16 But when I do, I appreciate their guidance. And yes, I
17 would trust that they would give me the best option.
18 Yes.

19 663 Q. And generally speaking, you are happy with their
20 guidance and you accept their guidance on a regular 15:37
21 day-to-day basis, is that fair, where necessary?

22 A. Where necessary, yes.

23 664 Q. Okay. Just in terms of the history and your
24 involvement in Athlone since you have been there, since
25 2011. In cross-examination on Thursday, Inspector 15:38
26 Farrell identified that he had been aware of rumours
27 between Ms. B and Garda A in the community since about
28 2012. Did you have any awareness of that allegation
29 being in the community at the time?

1 A. Never.

2 665 Q. No?

3 A. No, not until -- not until -- the first person to ever
4 mention any kind -- anything to do with Ms. B to me was
5 in May 2014, by Ms. O'Neill. 15:38

6 666 Q. Okay. And is it fair to say that Inspector Farrell
7 didn't raise that issue with you in and around 28th May
8 2014?

9 A. Which issue?

10 667 Q. He didn't tell that you there had been a rumour in the 15:38
11 community, that he had been aware of?

12 A. No.

13 668 Q. No? That's not something that came up, is that right?

14 A. No, that's not something that we ever spoke about, no.

15 669 Q. Okay. And in terms of Garda Keogh being a 15:39
16 whistleblower, is it fair to say that you became aware
17 of that on 8th May 2014, in terms of either newspaper
18 or media coverage?

19 A. Yes.

20 670 Q. Yes. Is it fair to say then that -- I am not sure if 15:39
21 you were here when Sergeant Haran gave his evidence,
22 but were you aware that the unit was, we'll say,
23 informally briefed by Garda Keogh on the 8th?

24 A. No. No.

25 671 Q. Were you in work on the 8th May, do you recall? 15:39

26 A. Em, yes, I believe I was, because -- I think I was
27 working the early shift, yes.

28 672 Q. Did you become aware that there was -- that this unit
29 briefing had arisen?

1 A. No.

2 673 Q. No. Nobody told you about it either the following day
3 or nobody discussed it with you?

4 A. No. From my recollection, no.

5 674 Q. I just want to confirm in terms of the Pulse entry, 15:40
6 Mr. Kavanagh, at page 1802, I know everyone here has
7 seen it extensively. But just to confirm, Garda
8 Treacy, prior to Ms. O'Neill coming in to give her
9 statement, had you had sight of this Pulse entry?

10 A. I don't believe I did, no. I think the first one I saw 15:40
11 was in disclosure. I can't -- that's to my
12 recollection.

13 675 Q. Okay. Was there any awareness in the station at the
14 time that this Pulse entry existed?

15 A. Yes. 15:40

16 676 Q. Yes. Can you recall to the best of your knowledge and
17 belief when or how you became aware of that, who told
18 you or any details surrounding it?

19 A. I can't recall. I recall slightly being aware of a
20 Pulse intelligence entry but I definitely don't 15:41
21 remember being aware of the wording or anything like
22 that.

23 677 Q. And again, you don't remember who told you, is that
24 right?

25 A. I don't remember, no. 15:41

26 678 Q. Do you remember if it was any cause for concern by
27 members or was it the subject of controversy?

28 A. Again, I don't really -- I don't really remember. I
29 don't remember talking about it in depth or anything

1 A. No.

2 687 Q. Did you ask?

3 A. If she had limitations? In what respect? No.

4 688 Q. I think she gives her own evidence about her memory and
5 things like that, just any limitations you might want 15:43
6 to be aware of in taking her evidence. Did you
7 consider you might need to take it slower, that you
8 might need to ask individual questions, that you might
9 have to take it at a slower pace? Anything like that,
10 that you took into account when taking a statement from 15:43
11 an individual?

12 A. No, when taking a statement from anybody I -- we speak
13 about it first and I read over the declaration to the
14 person, I ask them if they understand that and I would
15 presume that if they had any difficulties, that's when 15:43
16 they would bring it up.

17 689 Q. Okay. Just on that basis, can I just ask you to have a
18 little look at page 1889. Again, this is your own
19 report. Can you see that, Garda Treacy?

20 A. Yes. 15:44

21 690 Q. I wonder could you just have a little look at the
22 second paragraph and then the third paragraph. And
23 then the fourth paragraph says:
24
25 "Garda Treacy asked Ms. O'Neil who advised her of this 15:44
26 and Ms. O'Neil said 'Garda Nick, just now at the
27 counter downstairs'."

28
29 Do you see that?

1 A. Yes.

2 691 Q. Is it fair to say that there are two questions and that
3 there is no, we'll say, question one, answer one,
4 question two, answer two. I think that's a fact. Can
5 I just ask why that is the case? why were they 15:45
6 amalgamated and bundled into one answer?

7 A. Because I believe the way I phrased it was: And who
8 told you all this? And that was her reply.

9 692 Q. Just on that note, Garda Treacy, I asked Sergeant Keane
10 on Thursday had she ever made an allegation of coaching 15:45
11 or fabrication against a colleague and she said neither
12 before or since. And I just want to ask you the same
13 question. I presume the answer is the same; you have
14 never made that allegation against any other colleague,
15 is that fair? 15:45

16 A. I would definitely like to point out I am not making
17 any allegation against a colleague. I am not making
18 any allegation against Garda Keogh. I am repeating
19 only what Ms. O'Neill said to me. I am not saying that
20 Garda Keogh said it to her, I am saying that she said 15:46
21 that to me.

22 693 Q. But again, you did -- and again, just for the benefit
23 of the Chairman, you did say that you wished to pursue
24 this matter in a formal way, isn't that right?

25 A. That's correct, I thought that information should be 15:46
26 passed through the channels, through the correct
27 channels, yes.

28 694 Q. And that's after Ms. O'Neill refused to make a
29 statement of any kind to An Garda Síochána?

1 A. Yes.

2 695 Q. Therefore, we're left with what we might describe as
3 hearsay, it might be double layered hearsay, because
4 we're not entirely clear what Ms. O'Neill is saying and
5 it's your report of what Ms. O'Neill was saying, isn't 15:46
6 that right?

7 A. Exactly, I sent a report up of what was being said to
8 me.

9 696 Q. And just to be clear, no one ever asked you in terms of
10 either Sergeant Keane, Inspector Farrell, Noreen 15:47
11 McBrien or Chief Superintendent Mark Curran, no one
12 ever asked to you clarify those three statements, did
13 they? No one ever came back to you about it, no one
14 ever questioned it or raised any concerns about how
15 this report was put together, is that fair? 15:47

16 A. That's correct. I can't swear that we didn't speak
17 about it when I spoke to Superintendent McBrien, but as
18 far as I know that would be the only time that I would
19 have spoken about this incident.

20 697 Q. Okay. Mr. Kavanagh, I wonder could we just go to 15:47
21 Thursday's transcript please. If we could go to page
22 15, line 6. Day 121, my apologies. I just want to
23 clarify -- page 15 and line 6. I think it's the case
24 that Ms. McGrath put it to Sergeant Keane and she says:
25 15:48

26 "And again you will have heard the evidence over the
27 last number of days with various witnesses. Just to
28 clarify you're your own understanding, that the Garda
29 misconduct was an allegation effectively of coaching or

1 including information in a statement, is that fair to
2 say?"

3
4 The answer:

5
6 "From what Garda Treacy said to me, yes."
7

8 So do you agree or disagree with Sergeant Keane's
9 understanding?

10 A. I agree that personally I believed and I believe that 15:49
11 if that was told, if that information was given by any
12 member of An Garda Síochána to any member of the
13 public, that that's highly unprofessional. I believe
14 that would be misconduct. But I also believe that the
15 allegations in relation to Ms. B and certain Gardaí, 15:49
16 they are also misconduct.

17 698 Q. Okay. That's not the answer to my question, Garda
18 Treacy. My question was: Do you agree or disagree
19 with the statement or the understanding of Sergeant
20 Keane? 15:50

21 A. Sorry, I don't understand the question.

22 699 Q. Do you agree with Sergeant Keane's understanding of
23 events about the allegation of his conduct was in
24 relation to coaching?

25 A. No, as I said, the word coaching never came into it. 15:50
26 The allegations -- I say that there were two
27 allegations; one, that Ms. B told -- or Ms. O'Neill
28 told me that she was told this by a garda, and I
29 believe that, yes, that was Garda misconduct, but I

1 also believe that the other allegations should have
2 been -- should be investigated, if they were
3 allegations made by Ms. O'Neill.

4 700 Q. So, was Sergeant Keane incorrect in her understanding
5 of what you are alleging? 15:51

6 A. No. Sergeant Keane was very correct. I was repeating
7 what had been said to me.

8 701 Q. I am going to repeat myself, Garda Treacy, just to be
9 absolutely clear: Sergeant Keane was clear that she
10 understood you were making effectively an allegation of 15:51
11 coaching, including information in a statement, she
12 says:

13

14 "From what Garda Treacy said to me, yes."

15

16 That was the allegation that was being made. And my
17 question is: Is Sergeant Keane correct in her
18 understanding of what you were putting to her? She can
19 be incorrect but I need to know if she's incorrect. 15:51

20 CHAIRMAN: I think the question you mean to ask is, do 15:52
21 you agree with that. It's not for her to say whether
22 she's correct or not, what she can say is whether she
23 agrees or not.

24 MS. MULLIGAN: Very good, Chairman.

25 A. Yes, I agree. I agree that -- no, I don't agree, 15:52
26 sorry, that Ms. O'Neill was making that complaint. I
27 don't, I don't agree that Ms. O'Neill was making an
28 allegation against Garda Keogh at all. But I agree
29 that if that information was given by Garda Keogh, then

1 that would be Garda malpractice.

2 702 Q. Okay. Just again for the benefit of the Chairman, what
3 is the allegation of misconduct that you were reporting
4 up the line, as you said, it was necessary to do in a
5 formal manner?

15:53

6 A. There are two allegations to my mind of misconduct.
7 Number one, that information was given by a garda to a
8 member of the public, in a public area or anywhere, of
9 very sensitive information. And number two,
10 allegations of Ms. B being protected by certain gardaí.

15:53

11 703 Q. Okay. And is it your understanding that Sergeant Keane
12 understood you to be making two allegations and not
13 one?

14 MR. KANE: Judge, I am sorry to interject but we are
15 having a lot of discussions around interpretations.
16 Garda Treacy's evidence is essentially what she
17 committed to writing. That's her account. I think
18 it's unfair that -- and I didn't interrupt on the first
19 opportunity I had, I think it's unfair that she is
20 being subjected to sustained questioning on the
21 interpretation of what Ms. O'Neill said.

15:53

15:54

22 MS. MULLIGAN: Respectfully, Chairman, I think Sergeant
23 Keane gave her own evidence, that she relied entirely
24 and took no notes because she was absolutely certain as
25 to what Garda Treacy was alleging. I am trying to
26 clarify whether or not Garda Treacy was certain about
27 what she is alleging and what that was. Because if
28 there is a discrepancy between the two of them, that is
29 something that the Chairman has to consider, and that

15:54

1 is why I am pursuing this line of questioning.

2 CHAIRMAN: Sorry, let's just clarify where we are. We
3 know that Garda Treacy spoke to Sergeant Keane,
4 reported to her what had happened. We know what
5 Sergeant Keane said she understood from that. 15:54

6 MS. MULLIGAN: Yes.

7 CHAIRMAN: This witness has given her evidence as to
8 what she meant. How can this witness pass judgment as
9 to whether the sergeant is correct or incorrect in the
10 sergeant's understanding of what this witness told her? 15:55
11 Tell me how that can happen.

12 MS. MULLIGAN: Judge, I am not asking Garda --

13 CHAIRMAN: No, but you did ask that. I don't want to
14 be unfair to you. I don't want to stop you asking
15 something. At the same time, I am having difficulty in 15:55
16 following how this witness can comment on the
17 correctness of the understanding of another witness.

18 MS. MULLIGAN: Chairman, all I am trying to identify
19 is: Is there a discrepancy between the two? It
20 appears that there may be a discrepancy. 15:55

21 CHAIRMAN: Yes.

22 MS. MULLIGAN: That's all I am trying, to give the
23 opportunity -- that I put every version of that to
24 Garda Treacy, to make sure that the Chairman is clear.

25 CHAIRMAN: I have no difficulty with a discrepancy and 15:56
26 you have established that and you have asked does this
27 witness agree with that statement, which I think is the
28 proper question. As I said, I completely understand
29 that.

1 MS. MULLIGAN: Very good, Chairman, I will continue on
2 in that vein. I am obliged.

3 CHAIRMAN: I am keen not to shut down any legitimate
4 line of cross-examination. If you can show me how that
5 is a -- another way of looking at it is this: What 15:56
6 does it matter what this witness thinks of what another
7 witness thought?

8 MS. MULLIGAN: Well, Chairman, I am going to reserve
9 comment for the moment and I am going to move on.

10 CHAIRMAN: Okay, thanks very much. 15:57

11 MS. MULLIGAN: If you are satisfied with that. I just
12 want to continue then in that vein.

13 CHAIRMAN: Yes, of course.

14 704 Q. MS. MULLIGAN: I am going to continue in that vein,
15 Garda Treacy, in relation to your conversations with 15:57
16 Inspector Farrell. If we could again, Mr. Kavanagh,
17 open page 8687. Again, it has been opened to the
18 Chairman -- my apologies. Do you have that, Garda
19 Treacy.

20 A. Yes. 15:58

21 705 Q. Just the bottom of page 8687, it says:
22
23 "The advice allegedly given by Garda Keogh was not
24 appropriate in the circumstances and projects the image
25 of An Garda Síochána in an unfavourable light." 15:58
26

27 Do you see that?

28 A. Yes.

29 706 Q. I just want to be clear, you didn't see this letter, is

1 that right?

2 A. No, I don't believe so, no.

3 707 Q. No one asked for any further clarification on your
4 version of events as you saw them in and around the
5 28th to 29th May 2014?

15:58

6 A. I don't believe so. No.

7 708 Q. No. And in terms of what Inspector Farrell says about
8 projecting the image of An Garda Síochána in an
9 unfavourable light, your position is that means two
10 things and not one thing; it's first Garda misconduct
11 of Garda Keogh and second, Garda misconduct in terms of
12 the allegation in relation to Ms. B being covered for
13 by guards, is that right?

15:59

14 A. I mean, I can't speak for Inspector Farrell but
15 "projects the image of An Garda Síochána in an
16 unfavourable light", I believe that if that information
17 was given by a guard to any member of the public, then
18 I would agree with that, that it absolutely projects
19 the image of An Garda Síochána in an unfavourable
20 light.

15:59

15:59

21 709 Q. Again, I wonder if we could just go to the transcript,
22 Mr. Kavanagh, I think it's day 121 again, the Thursday
23 and it's page 129, lines 1-7. I just want to be clear:

24
25 "I can honestly say that the coaching aspect of it
26 didn't come in to me, didn't come into my mind on that
27 night."

28

29 I just wanted to ask you about that. From your point

1 of view, the meeting that you had, I think you said in
2 your direct-evidence that lasted about 15 minutes. Do
3 you think that you think that you were clear about an
4 aspect of fabrication or coaching or Garda Keogh
5 putting information in to a member of the public for 16:00
6 the purposes of creating an allegation? Do you think
7 you made that clear to Inspector Farrell?
8 A. All I can say is that I repeated to Inspector Farrell
9 exactly what had been told to me.
10 710 Q. Okay. Do you think you were clear? 16:01
11 A. Yes, I think I was clear. I think I repeated it
12 exactly as it had been told to me.
13 711 Q. Okay. So, can I just ask then: Is the error yours or
14 is the error Inspector Farrell's?
15 A. I don't see that there's an error. 16:01
16 712 Q. Something has -- sorry, just bear with me, Garda
17 Treacy. Something has gotten lost in translation, if I
18 am correct, which I think I am, because yourself and
19 Inspector Farrell on 28th May 2014. And my question is
20 whether or not that breakdown in communication was 16:02
21 yours or whether or not that breakdown in communication
22 is Inspector Farrell's?
23 MR. KANE: Judge, again I am very sorry to interrupt
24 and I am sorry to Ms. Mulligan. Garda Keogh has given
25 evidence twice to say that that Garda Treacy did 16:02
26 nothing wrong. These questions seem to be going
27 against that grain. I'm happy to open the transcript,
28 I don't think it is necessary, but I am happy to open
29 the transcript to you, Chairman. He said it twice in

1 his evidence that Garda Stephanie Treacy did nothing
2 wrong and I am a little bit concerned about --

3 CHAIRMAN: Surely, Mr. Kane, counsel is entitled I
4 think to explore the matter. Certainly I would be
5 grateful if you would explain what the mistake is. 16:02
6 what's the error? You say somebody made an error.

7 MS. MULLIGAN: Yes.

8 CHAIRMAN: Something was lost in translation. Okay,
9 what was lost in translation?

10 MS. MULLIGAN: It appears -- 16:02

11 CHAIRMAN: Do you understand me?

12 MS. MULLIGAN: Yes.

13 CHAIRMAN: I see no reason why you can't ask the
14 question.

15 MS. MULLIGAN: Yes. 16:03

16 CHAIRMAN: But if you tell us what has been lost in
17 translation, at least we will know what the answer
18 might be.

19 MS. MULLIGAN: I suppose what I am trying to explore,
20 Chairman, is whether or not -- it appears to be from 16:03
21 Garda Treacy's statement that she believes that Garda
22 Keogh essentially planted all of the information -- or
23 not that she -- that Olivia O'Neill is telling her that
24 Garda Keogh put her forward to make this statement.
25 That may or may not be true. 16:03

26 CHAIRMAN: This is a little, a little -- I mean, you
27 may ultimately make a submission to that effect.

28 MS. MULLIGAN: Yes.

29 CHAIRMAN: You may suggest to the witness that that's

1 what she is saying. But what she said is, this is what
2 Ms. O'Neill said, I went and I reported what she said.
3 That's what she said. She didn't say Garda Keogh put
4 her up to it or planted it in her head or got her to do
5 it. I mean, that may be a conclusion, that may be an 16:04
6 inference that you suggest should be drawn from the
7 Garda witnesses, I don't know. But let's keep it clear
8 and simple. You said something was lost in translation
9 between Inspector Farrell and this witness, but you
10 didn't say what it was that was lost in translation. 16:04
11 Because you actually said to the witness, who made the
12 mistake, was it you or Inspector Farrell? And I just
13 want to know what's the mistake.

14 MS. MULLIGAN: The issue is that Inspector Farrell
15 doesn't seem to think that was being reported to him on 16:04
16 the 28th was coaching. And I am asking, and I had
17 asked in my cross-examination, was Garda Treacy clear
18 about what she was putting forward. She said there
19 were two aspects to what she was putting forward. And
20 the aspect of coaching does not appear to be in the 16:04
21 mind of Inspector Farrell at the time. And I am asking
22 where does that break down of communication come from,
23 was it in --

24 MS. GLEESON: Apologies, Chairman, for interrupting
25 again. Just on behalf of Inspector Farrell, sorry. 16:05
26 CHAIRMAN: I am sorry, Ms. Gleeson.

27 MS. GLEESON: Sorry, I know the Chair wants to address
28 Ms. Mulligan, I won't interrupt, apologies.

29 CHAIRMAN: It's all right.

1 MS. GLEESON: Just to say that Inspector Farrell, at
2 page 138 of Day 121, he does accept that it could be
3 interpreted as coaching at this stage.
4 CHAIRMAN: Yes.
5 MS. GLEESON: And I suggest respectfully that perhaps 16:05
6 my Friend just might --
7 CHAIRMAN: Hold on, Ms. Gleeson.
8 MS. GLEESON: Yes.
9 CHAIRMAN: Let's keep it simple. Ms. Mulligan says
10 Inspector Farrell made a mistake or you made a mistake. 16:05
11 All I wanted to know is what's the mistake? And the
12 mistake turns out to be an understanding of Inspector
13 Farrell; is that correct.
14 MS. MULLIGAN: Yes. An understanding of what was
15 reported to him by Garda Treacy. I am trying to 16:05
16 identify is she satisfied that she was clear that she
17 was making two allegations and putting forward two
18 allegations to Inspector Farrell.
19 CHAIRMAN: Okay.
20 MS. MULLIGAN: Because he says he didn't catch it. 16:06
21 713 Q. CHAIRMAN: Did you put two allegations to Inspector
22 Farrell?
23 A. No. My primary reason for going --
24 714 Q. CHAIRMAN: Did you tell him what Ms. O'Neill had said?
25 A. I told him what Ms. O'Neill had said. My primary 16:06
26 reason for leaving the interview room and for taking
27 advice was to see does it belong in this statement or
28 not.
29 715 Q. CHAIRMAN: Okay.

1 A. And that's what he advised me on.

2 CHAIRMAN: Now, Ms. Mulligan, carry on. Thanks very
3 much. Yes, Ms. Mulligan.

4 716 Q. MS. MULLIGAN: very good, Judge. And again, I wonder, 16:06
5 Mr. Kavanagh, if we could open Day 117, page 142, line
6 2. This is the evidence of chief superintendent Mark
7 Curran and his understanding of what comes forward
8 following on -- sorry, Mr. Kavanagh, it's page 142.

9 CHAIRMAN: Let's try to get the page right.

10 MS. MULLIGAN: Mr. Kavanagh, it's page 142, my 16:07
11 apologies.

12 CHAIRMAN: Now, Ms. Mulligan.

13 MS. MULLIGAN: And it says:

14

15 "But in terms of the information divulged that was the 16:07
16 most pressing matter, that somebody here has potential
17 information about Garda corruption."

18

19 I just wanted to ask you very quickly, Garda Treacy, 16:08
20 nobody came back to ask you anything further about
21 that. That's the primary concern of Chief
22 Superintendent mark Curran and nobody asked you
23 anything further to clarify your statement about what
24 allegations you were making or anything like that, is
25 that right 16:08

26 A. That's correct, yes.

27 717 Q. And you don't dispute or take any issue with Chief
28 Superintendent Curran's version of events; is that
29 right?

1 A. That's correct.

2 MS. MULLIGAN: No further questions.

3

4 END OF EXAMINATION

5

16:08

6 CHAIRMAN: Thank you very much. Who is next?

7 Mr. O'Higgins, are you next?

8 MR. MÍCHEÁL O' HIGGINS: May it please you, Chairman, I
9 will be quite brief.

10

16:08

11 GARDA STEPHANIE TREACY WAS CROSS-EXAMINED BY MR.

12 MÍCHEÁL O' HIGGINS, AS FOLLOWS:

13

14 718 Q. MR. MÍCHEÁL O' HIGGINS: Garda Treacy, I just want to
15 ask you some questions on behalf of the Commissioner
16 and senior management. Garda Keogh, in his materials
17 and I think also in his evidence, has expressed the
18 position that he was conflicted taking any statement
19 from Olivia O'Neill and that is why he requested
20 Sergeant Haran to assign the task of taking a statement
21 to somebody else, hence you being that person. Can I
22 ask you, do you have any knowledge as to why or how
23 Garda Keogh got to take a statement the following day,
24 on the 29th May, from Kayleigh O'Neill, Olivia
25 O'Neill's daughter?

16:08

16:09

16:09

26 A. No, I had no knowledge of that.

27 719 Q. Were you made aware that Olivia O'Neill was back in the
28 station on the following day?

29 A. No.

1 720 Q. Or that Garda Keogh was in fact the person who took the
2 statement from Kayleigh O'Neill on that particular day?

3 A. No, I wasn't aware.

4 MR. MÍCHEÁL O' HIGGINS: Thank you very much.

5

16:10

6 END OF EXAMINATION

7

8 CHAIRMAN: Thank you very much. Now, Mr. Dockery,
9 Ms. Gleeson, any questions.

10 MR. DOCKERY: No Chairman, unless Ms. Gleeson has a
11 question, I should say.

16:10

12 CHAIRMAN: Have you any questions, Ms. Gleeson.

13 MS. GLEESON: No.

14 CHAIRMAN: Mr. Carroll, any questions.

15 MR. CARROLL: I want to clarify just one very short
16 matter, Chairman.

16:10

17 CHAIRMAN: Yes, okay.

18

19 GARDA STEPHANIE TREACY WAS CROSS-EXAMINED BY MR.

20 CARROLL, AS FOLLOWS:

16:10

21

22 721 Q. MR. CARROLL: Garda Treacy, on behalf of Superintendent
23 McBrien, I just wanted to clarify one matter in
24 relation to your evidence. It was just about, the
25 Tribunal's counsel put to you about meeting
26 Superintendent McBrien after the phone call from Garda
27 Keogh?

16:10

28 A. Yes.

29 722 Q. Just in the context of matters as to what was

1 discussed, I think Mr. Marrinan opened, I think it was,
2 1187, a paragraph of Superintendent McBrien's notes.
3 It commences on the 9th. 1187, sorry. Yes. I think
4 it was just that, I just want to clarify something.
5 That paragraph on the 9th July, was when that meeting 16:11
6 was, isn't that right?

7 A. Yes.

8 723 Q. That's Superintendent McBrien's note of it and I think
9 that was opened to you earlier and you would agree with
10 that, I take it, as an accurate note of your meeting 16:11
11 with Superintendent McBrien?

12 A. Yes.

13 724 Q. I think also Superintendent McBrien mentioned this in
14 her evidence, you wouldn't have been present, and I
15 just want to point where it's very similar to her note, 16:12
16 it's at Day 120, page 35, it's the only question I am
17 going to ask you. I think it is line -- it's page 35,
18 line 132. You weren't present, probably Superintendent
19 McBrien was being asked by Mr. Marrinan about this
20 meeting and she answered, if we just go down to line 8, 16:12
21 just there. This is about you now:

22

23 "Garda Treacy was worried because Garda Keogh indicated
24 to her that this might be going further. That was, I
25 think, in relation to a phone call. She was ringing 16:12
26 the station one night about something. So we chatted."

27

28 So this is you and Superintendent McBrien.

29

1 "... chatted about it."

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And Superintendent McBrien outlined to you that there was no decision yet as to how this would progress. She didn't know how it was going to go, that you shouldn't be worrying and that she then advised you about the welfare and I think you mentioned there Sergeant Keane, you were happy to talk to Sergeant Keane about any welfare issues if you needed to, is that right? 16:13

10 A. Yes. 16:13

11 725 Q. She then gave you general advice to not worrying and
12 just tension in the station. I don't need to worry
13 about the rest of that paragraph. I suppose in terms
14 of, you were asked earlier about being asked or about
15 knowing what happened about this issue, I think at that 16:13
16 point, on the 9th July, as well as looking after
17 welfare issues, Superintendent McBrien was telling you
18 that no decision at that point this been made, that
19 nothing had been concluded in relation to it?

20 A. Yes. 16:14

21 726 Q. Is that correct?

22 A. Yes.

23 MR. CARROLL: Thank you.

24

25 END OF EXAMINATION 16:14

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27 CHAIRMAN: Mr. Kane?

28 MR. KANE: Thank you, Judge, nothing.

29 CHAIRMAN: Very good.

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MR. MCGUINNESS: Nothing further, Chairman.

CHAIRMAN: Thank you very much. All done? Thank you very much. Thank you.

WITNESS: Thank you.

CHAIRMAN: Thank you very much. Very good, then we will resume with Chief Superintendent Murray at 10:30 in the morning.

16:14

THE HEARING THEN ADJOURNED UNTIL TUESDAY, 3RD DECEMBER 2019 AT 10:30AM

16:14

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