

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

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

HELD IN DUBLIN CASTLE
ON FRIDAY, 6TH DECEMBER 2019 - DAY 127

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action.

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1 THE HEARING RESUMED, AS FOLLOWS, ON FRIDAY, 6TH
2 DECEMBER 2019:

3
4 CHAIRMAN: Good morning, everybody.

5 MR. MÍCHEÁL O' HIGGINS: Good morning, chief 10:32
6 superintendent.

7 WITNESS: Good morning, Chairman.

8 CHAIRMAN: Good morning, Mr. O'Higgins, thank you very
9 much.

10
11 CHIEF SUPERINTENDENT PATRICK MURRAY CONTINUED TO BE
12 EXAMINED BY MR. MÍCHEÁL O' HIGGINS, AS FOLLOWS:

13
14 1 Q. MR. MÍCHEÁL O' HIGGINS: We were dealing with the issue
15 of the crime files. I want to just return to the issue 10:32
16 concerning the robbery from the person, which we were
17 touching on yesterday. Just to start us off there, we
18 might look at page 229, please, of the materials. This
19 is Garda Keogh's manuscript report of the 13th
20 September, I think. 10:32

21 A. Yes, Chairman.

22 2 Q. Regarding the robbery from the person. And do you see
23 there in the -- if we scroll down a bit please. So it
24 is:

25
26 "With reference to a robbery from the person..." 10:32

27
28 It gives a reporting time, 4am. Party details blanked
29 out. Then, towards the end of it, it's quite a short

1 document:

2

3 "This was a serious incident and the IP may have
4 injuries. Could this be forwarded to D/Branch in
5 favour of immediate investigation." 10:33

6

7 And, as we know from either this document or elsewhere,
8 he was going on rest days I think at this point?

9 A. Yes, Chairman.

10 3 Q. Now, I think it's the case that on the 14th September, 10:33
11 at the daily PAF meeting, this report or this incident
12 was raised by the sergeant in charge, Sergeant Baker?

13 A. That's correct.

14 4 Q. What did she say and what was the discussion at the PAF
15 meeting? 10:33

16 A. She brought this up, I suppose, and she was, I suppose,
17 concerned at the fact that it hadn't been dealt with, I
18 suppose, on the Sunday morning and there seemed to have
19 been some lag in it coming to attention in terms of
20 allowing the investigation to move on and be passed 10:34
21 over from one unit to another, so that it could be
22 dealt with as quickly as possible.

23 5 Q. Yes. We have seen previously, I think from
24 Mr. Marrinan and maybe others, that on foot of
25 discussions that were had at the PAF meeting, I think 10:34
26 you sent a memo to the sergeant in charge, is that
27 right?

28 A. Yes.

29 6 Q. I think we have that at page 2313. We might just look

1 at this for a moment. It says:

2

3 "In this case the incident on the face of it was
4 serious."

5

10:34

6 I think that was the adjective used by Garda Keogh
7 himself in his initial report?

8 A. Yes.

9 7 Q. "The scant report submitted does not give any
10 indication of what investigative steps were taken at
11 the initial reporting stage regarding the scene,
12 searches of it, CCTV issues, injured parties' account
13 of events, description of assailants, what was taken,
14 what violence used, what injuries received, whether
15 photographs were taken."

10:35

16

17 Now, there is, in fairness, also a Pulse entry, isn't
18 that right?

19 A. Yes.

20 8 Q. We will come back to that issue. First of all, did the
21 questions that you are identifying here, can you assist
22 the Chairman, did these arise from the discussion of a
23 matter that was had at the PAF meeting?

10:35

24 A. Yes. At the first meeting, the general feeling of the
25 sergeant and then the rest of us, that the report
26 perhaps lacked detail to assist the enquiries that
27 Garda Keogh indicated he was unable to make at the
28 time. That's understandable, but I suppose detail is
29 very important and information in terms of allowing a

10:35

1 full analysis of the information.

2 9 Q. Yes.

3 A. I appreciate what was on Pulse, but it was felt that
4 there was additional detail perhaps that could have
5 been there that wasn't there. 10:36

6 10 Q. Well, in relation to the answer or the partial answer
7 of Garda Keogh that, look, didn't I put details on
8 Pulse, in terms of the procedures that you had
9 introduced from the spring and summer of 2015, what was
10 the obligation in relation to -- was the Pulse enough 10:36
11 or was there an obligation on investigating members to
12 produce a report?

13 A. Yes. A report really was required in relation to a
14 case like a robbery, where I suppose the minimum amount
15 of information that one can capture on the narrative on 10:36
16 Pulse, it doesn't give a full indication of what had
17 occurred maybe over a period of time, which might
18 assist people who are taking over the case and, you
19 know, to allow them the best possible opportunity to
20 prevent them repeating enquiries that perhaps maybe 10:37
21 already had been done or maybe there are more issues
22 that they should know prior to making new or further
23 enquiries.

24 11 Q. Yes. Just looking at the document that's on the screen
25 there, the frailties, if frailties they be, the 10:37
26 frailties identified appear to relate to the level of
27 information in the report as opposed to any commentary
28 on the adequacy or otherwise of investigative steps
29 that were taken?

1 A. Yes, absolutely. It's about the relaying of
2 information, I suppose. The correctness and factuality
3 of information that might be available to people who
4 were at the scene and who had engaged with the injured
5 party, that might be essential to those who, I suppose, 10:37
6 were following on then.

7 12 Q. Yes. If we could just pull up, please, Garda Keogh's
8 statement on this issue, page 133. If we go towards
9 the end of that page I think. So under heading of
10 number 12 there, it says: 10:38
11

12 "There was a case of a robbery from a person on 13th
13 September 2015.

14
15 In his opening letter of 23rd September 2015, 10:38
16 Superintendent Pat Murray, in his description of the
17 matter, said, 'the incident on the face of it was
18 serious'. In inflating the matter to 'serious' he was
19 exaggerating it into a stick to beat me with."

20 10:38
21 what do you say to that?

22 A. I say that Garda Keogh identified the incident as
23 serious himself and, indeed, it was, you know, serious,
24 a robbery with violence, as described eventually by the
25 injured party. It was quite serious. And deserved 10:38
26 needed and immediate Garda response, in line with
27 systems and processes which I had introduced, which I
28 had hoped would allow that to happen.

29 13 Q. Well, what do you say to the more inflammatory

1 allegation that you inflated the matter to get at him?
2 A. No, absolutely not. You know, the facts in the
3 situation is, as I have described in my office, it was
4 something -- a number of enquiries had been made over
5 the two-week period from when it was reported to when a 10:39
6 report was sent to the sergeant and chief, I see,
7 asking for additional information. And, you know, I
8 suppose quite detailed effort went into keeping this
9 alive in order that we might be able to bottom it out.
10 14 Q. You see the criticism that he makes in the end of the 10:39
11 document, he says, at the end of the page:
12
13 "In fact, contrary to what was alleged by Pat Murray,
14 there was a comprehensive Pulse report on the incident
15 together with a further report in manuscript submitted 10:40
16 on the 13th September."
17
18 You have dealt with that.
19 A. Yes.
20 15 Q. His response is, look, there's enough on Pulse, what's 10:40
21 your problem?
22 A. Yeah, there wasn't really, there was more information
23 that could have been captured there. The search.
24 Maybe scene details. What CCTV was checked or what
25 direction of travel people had taken, particularly the 10:40
26 injured party, to allow further efforts of CCTV. What
27 kind of account the had victim given? Had it been
28 recorded in Garda Keogh's notebook? Were there any
29 descriptive features? As it turned out, the injured

1 party seemed to have descriptive features here. The
2 nature of the injuries, perhaps photographs taken of
3 them, and those type matters were --

4 16 Q. Just in fairness to Garda Keogh, you might scroll down
5 to the next page, please, to see if that is treated of 10:40
6 further. Yeah, that deals with the de classification
7 issue, which we can come back to.

8

9 So, just in terms of the tone of Garda Keogh's
10 interactions on this issue, we might look at his 10:41
11 initial response to the enquiries being raised. Page
12 2308, please. This is a manuscript document, it's a
13 little bit difficult to work out the date but I believe
14 this to be -- you might see it from the top of it more
15 clearly on the computer. The 29th October, I think 10:41

16 A. Yes.

17 17 Q. If we just scroll down. He gives -- I don't want to be
18 unfair to it. He gives details of the investigative
19 steps that were taken, isn't that so?

20 A. Yes. This is additional and new information that came 10:41
21 after -- I suppose, five weeks after I initiated the
22 report on the 23rd September.

23 18 Q. Yes. And these were appropriate steps, isn't that so?

24 A. Absolutely, yes.

25 19 Q. You're not making criticisms of the steps taken? 10:42
26 A. No, no, no. They are ones which would be expected from
27 trained members of An Garda Síochána, yeah.

28 20 Q. From your point of view, presumably it would have been
29 useful if some of these or all of these were included

1 in the initial report?

2 A. Yes, it's important. Information is the lifeblood of
3 crime investigation.

4 21 Q. Then if you scroll down to the last paragraph, I want
5 your view on this. That's fine. So there is a 10:42
6 reference to it being reclassified?

7 A. Yes.

8 22 Q. And then there is, I think, a later response, is there,
9 on page - also upside down - 2308?

10 A. Yes. 10:43

11 23 Q. We might just go to the top of this. Yes. And then if
12 we could go, my apologies, to page 2312, we have a
13 further response from Garda Keogh?

14 A. No, I think this response that you're looking at now,
15 came before the last one. 10:43

16 24 Q. Thank you.

17 A. Yes.

18 25 Q. If we look at the date of this, we're not adding to
19 putting darkness where there should be light. So this
20 is earlier? 10:43

21 CHAIRMAN: It looks like the 2nd October, is that
22 right?

23 A. This is the response to mine of the 23rd September?

24 26 Q. MR. MÍCHEÁL O' HIGGINS: Yes, that's fine. If we look
25 to the last few lines of it, please, I just want to get 10:44
26 your comment on the tone of this, what I think is the
27 initial response. Do you see the last four lines
28 there.

29 A. Yes.

1 27 Q. "The attached report from Superintendent Murray is
2 nothing..."

3
4 The margin is slightly clipped in the photocopying, I
5 think it should read:

10:44

6
7 "...nothing short of a form of harassment towards
8 myself."

9 A. Yes.

10 CHAIRMAN: "Forwarded for your information."

10:44

11 28 Q. MR. MÍCHEÁL O' HIGGINS: It's a matter for the Chairman,
12 but do you regard that as a reasonable response to the
13 enquiries raised?

14 A. It was a very personalised response. At that stage
15 Garda Keogh had, you know, been dealing with me, I
16 suppose, in a very personalised way and conflating
17 issues that were work obligations with some personal
18 bias that he seemed to have of me for merely performing
19 my role in trying to manage the myriad of crime
20 investigations that were passing through my desk.

10:44

10:45

21 29 Q. Yes. And then just if we can go back then to 2308,
22 which, as you have identified, is the later response?

23 A. At page 2309 is my response, I suppose, to Garda
24 Keogh's of the 2nd October, which came before 2308.

25 30 Q. Yes. Just for flow, we might look at 2309, just first,
26 and then we look at 2308. And you had said:

10:45

27
28 "I note Garda Keogh's response, which is far from
29 satisfactory, in order that I can be assured the

1 organisation's objectives regarding the investigation
2 of crime are met in this case. Garda Keogh would be
3 well advised to take careful note of his statutory
4 obligation to account as set out in section 39 of the
5 Garda Síochána Act, which applies to every member of An 10:46
6 Garda Síochána equally and its inexplicable link to the
7 Garda Síochána discipline regulations 2007."

8
9 Then you make reference to the bullying policy and you
10 say: 10:46

11
12 "I await a proper response as to the actions taken on
13 the night this matter was reported."

14 A. Yes.

15 31 Q. "I also expect to see some written record as to what 10:46
16 the injured party alleged, to include a description
17 etcetera of the assailants and an answer as to why my
18 instructions of the 18th August were not complied
19 with."

20 10:46
21 So, would it be fair to say there's a degree of rigour,
22 seriousness and authority to this note?

23 A. Yes. I suppose I didn't want Garda Keogh to confuse
24 whatever complaint he wished to make about me with my
25 obligations to continue with the enquiry, which I saw 10:46
26 as a prudent and proper enquiry, commensurate with the
27 role I held and the responsibilities I had in that
28 role. And I didn't want him to confuse, you know, what
29 he had said about making a complaint with my

1 obligation. Nor did I want him to feel that that would
2 in some way, I suppose, make me move away from what I
3 felt was a legitimate enquiry. So I persisted with the
4 enquiry while making it clear to him that he had an
5 obligation to account to deal with that enquiry, and I 10:47
6 also made him aware of a mechanism which would allow
7 him to make some type of formal complaint if he wished
8 to do so.

9 32 Q. You made reference to Section 39 of the 2005 Act, Garda
10 Síochána Act? 10:47

11 A. Yes.

12 33 Q. I think that says basically, without going legalistic
13 on it, it says:
14

15 "A member of An Garda Síochána shall, when directed to 10:47
16 do so by a member of a higher rank, account for any act
17 done or omission made by the member whilst on duty."

18 A. Yes.

19 34 Q. And you were bringing that to his attention?

20 A. I was. Every member of An Garda Síochána has an 10:48
21 obligation under that section to account when asked.

22 35 Q. All right. And then the response to that is 2308, the
23 next page?

24 A. Yes.

25 36 Q. Unfortunately, for Mr. Kavanagh's point of view, it's 10:48
26 upside down?

27 A. And at that stage new information came in.

28 37 Q. Yes. I just want to ask you to deal with new
29 information but also with the first paragraph, which is

1 important for the Chairman. And the date of this, can
2 you assist us, chief superintendent?

3 A. The 29th October.

4 38 Q. Yes. "With reference to overleaf, I have complied in
5 full with Section 39 of the Garda Síochána Act 2005." 10:48
6
7 And he says:
8
9 "I note with the exception of how it was reported -- "
10 10:48
11 I think it is
12
13 "-- and injuries."

14 A. Yes.

15 39 Q. Wasn't that the point you were making? 10:49
16 A. Yes. I felt there was more information there. I felt
17 there had been some entries in notebooks or a notebook
18 or some entries from the night that wasn't being -- I
19 suppose, wasn't being forwarded in an open and
20 transparent way. I wondered about that and I wanted to 10:49
21 know what that was about and I wanted to make sure that
22 any information that was available was put into the
23 main of the PAF meetings.

24 40 Q. In these few lines here, it's a matter for the Chairman
25 to construe the document, but Garda Keogh, in fairness 10:49
26 to him, if I am reading it correctly, appears to be
27 acknowledging there perhaps were frailties in how it
28 was reported and in the description of the injuries?
29 A. Yes, he was giving more information, yeah.

1 41 Q. And then I think in the body of the document then he
2 gives further information as to the investigative,
3 appropriate investigate steps that were taken?
4 A. Yes.

5 42 Q. As to assisting the injured party? 10:50
6 A. Yes.

7 43 Q. From your point of view, did that justify the exercise
8 in terms of getting further information out of him?
9 A. It did, but I was a little bit exasperated that perhaps
10 that hadn't been available earlier on, particularly the 10:50
11 bit about the taxi. As I suppose a witness of that
12 calibre may have added something to allow the analysis
13 of the situation to take place in a more fuller
14 fashion.

15 44 Q. Yes, all right. I am going to move now to a new 10:50
16 matter, if I may, and it concerns the Ó Cualáin
17 investigation. I think it's the case that in September
18 2015 you, at the beginning -- sorry, excuse me, at the
19 beginning of October 2015 you received certain
20 information from Garda John Ryan at Athlone Garda 10:51
21 Station?
22 A. Yes.

23 MR. KELLY: Chairman, I wasn't aware that this was
24 included in this particular section, it had hadn't come
25 up in the items as I had understood it. 10:51
26 CHAIRMAN: Yes. Yes.

27 MR. KELLY: This is the Ó Cualáin investigation
28 apparently.

29 CHAIRMAN: Could you in general terms, Mr. O'Higgins,

1 let us know where you're going.

2 MR. MÍCHEÁL O' HIGGINS: Certainly.

3 CHAIRMAN: In general terms.

4 MR. MÍCHEÁL O' HIGGINS: Yes.

5 CHAIRMAN: I am certainly -- anyway, I won't say 10:51
6 anything for the moment. Yes, in general terms.

7 MR. MÍCHEÁL O' HIGGINS: In general terms, what follows
8 is -- I have a few points, but one point being the
9 suggestion by Garda Keogh that there was some class of
10 bias or preference towards Garda A in matters. 10:52

11 CHAIRMAN: Yes.

12 MR. MÍCHEÁL O' HIGGINS: That's one matter. And also,
13 there's been -- clearly the Ó Cualáin investigation
14 is --

15 CHAIRMAN: In other words, the suggestion that Garda A 10:52
16 was kept informed, whereas he wasn't?

17 MR. MÍCHEÁL O' HIGGINS: Yes.

18 CHAIRMAN: As to the progress of the investigation?

19 MR. MÍCHEÁL O' HIGGINS: Yes.

20 CHAIRMAN: Is that essentially... 10:52

21 MR. MÍCHEÁL O' HIGGINS: And also generally a preference
22 towards him in terms of steps taken and criticism of --
23 the suggestion of being slow in suspended Garda A and
24 so forth.

25 CHAIRMAN: Yes. 10:52

26 MR. MÍCHEÁL O' HIGGINS: I am going to ask this witness
27 to deal with that.

28 CHAIRMAN: Is that to do with the chief superintendent,
29 Mr. O'Higgins?

1 MR. MÍCHEÁL O' HIGGINS: Oh it is. With respect, to
2 discrete issues, it is.

3 CHAIRMAN: Mr. Murrinan, what's your view.

4 MR. MARRINAN: I am a bit concerned, because I don't
5 have a recollection of Garda Keogh making a case that 10:52
6 in some way Garda A got preferential treatment, other
7 than what you have identified as being that he was kept
8 informed.

9 CHAIRMAN: I don't understand, I have to say,
10 Mr. Murrinan and Mr. O'Higgins, what I don't understand 10:53
11 is that I didn't understand -- sorry, I don't think
12 Garda Keogh made allegations against the chief
13 superintendent in respect of preferential treatment for
14 Garda A. I don't recall him doing that.

15 MR. MARRINAN: No, I don't recall that either. 10:53

16 CHAIRMAN: Now, maybe I am wrong about that. And I can
17 see that if he had made that, it would be legitimate to
18 question him on it. But, I have to say, I am somewhat
19 sympathetic to Mr. Kelly's point, because it does come
20 as a bit of a surprise to me to be heading into the 10:53
21 Ó Cualáin report, I have to say, Mr. O'Higgins.

22 MR. MARRINAN: Yes.

23 CHAIRMAN: The last thing I want to do is to curtail
24 anybody's entitlement.

25 MR. MÍCHEÁL O' HIGGINS: Yes. 10:54

26 CHAIRMAN: But I think I am right in saying --

27 MR. MÍCHEÁL O' HIGGINS: Chairman, just looking at
28 matters from the context of the over all investigation
29 you're inquiring into, the allegation that on foot of

1 making his disclosures Garda Keogh was subjected to
2 discrediting and targeting.

3 CHAIRMAN: Yes.

4 MR. MÍCHEÁL O' HIGGINS: On foot of making his
5 disclosures.

10:54

6 CHAIRMAN: Right.

7 MR. MÍCHEÁL O' HIGGINS: As part of that over all
8 allegation, it is my respectful submission, he appears
9 to have made a submission that insofar, for instance,
10 that Assistant Commissioner Finn made certain findings
11 not in accordance with his wishes, that was targeting.
12 In relation to how matters were dealt with in relation
13 to the Ó Cualáin investigation, the outcome reached by
14 Assistant Commissioner Ó Cualáin, that was targeting.

10:54

15 CHAIRMAN: And he says the methodology employed by
16 assistant commissioner -- with regard to Assistant
17 Commissioner Finn, Garda Keogh is very clear. There is
18 a blanket condemnation; he says everything to do with
19 it was wrong. With regard to Assistant Commissioner Ó
20 Cualáin, it's more specific and he has listed, I think,
21 ten points or at least something like ten, which he
22 says, here is how I was targeted and how they went
23 wrong.

10:54

24 MR. MÍCHEÁL O' HIGGINS: Yes.

25 CHAIRMAN: But how is that got to do with --

10:55

26 MR. MÍCHEÁL O' HIGGINS: He goes further, he says that
27 Assistant Commissioner Ó Cualáin deliberately sabotaged
28 his own investigation.

29 CHAIRMAN: well endeavoured to sabotage. There's a

1 little confusion there. Don't ask me to summarise it,
2 but I think in fairness, he says he has respect for
3 Detective Superintendent Mulcahy and Detective
4 Inspector Coppinger and their work, despite what he
5 says was the endeavour or motivation of their superior. 10:55
6 But wait now, Mr. O'Higgins, I want to be fair as
7 possible, what I want to know is this: Tell me what
8 you are going to ask Chief Superintendent Murray and if
9 it's something that he has direct knowledge of or was
10 involved in, I have no problem with it. 10:56
11 MR. MÍCHEÁL O' HIGGINS: It is.
12 CHAIRMAN: If it's something that he wasn't directly
13 involved in, I do have a problem with it, because there
14 I'm with Mr. Kelly.
15 MR. MÍCHEÁL O' HIGGINS: No, Chairman, my questions will 10:56
16 be directed at matters in which the witness had direct
17 involvement.
18 CHAIRMAN: well, what I propose to is, we will hear a
19 question first of all and then we will proceed. All
20 right. You can renew your application, Mr. Kelly, but 10:56
21 at least we'll get to the nub of the matter by hearing
22 what Mr. O'Higgins' question is.
23 MR. KELLY: That's fine, Chairman. It's issue 17 and
24 it's not on the menu today.
25 CHAIRMAN: well, issue 17 is the Ó Cualáin inquiry. 10:57
26 MR. KELLY: Yes.
27 CHAIRMAN: Thanks very much. Anyway, tell us what the
28 question is and then we will decide, Mr. O'Higgins.
29 45 Q. MR. MÍCHEÁL O' HIGGINS: On the 2nd October, chief

1 superintendent, Garda John Ryan called to your office
2 and made a report to you that had relevance to the
3 Ó Cualáin investigation, isn't that so?

4 A. That's correct.

5 46 Q. What did he say to you and what steps did you take? 10:57

6 A. He informed me that he had been speaking to a lady who
7 had confidential information concerning a liaison
8 between Ms. B and Garda A. And he indicated this lady
9 was in a position to describe Ms. B in detail and
10 perhaps sufficient detail of her liaisons with Garda A, 10:57
11 to be of interest to the Ó Cualáin investigation. And
12 Garda Ryan seemed to know about that, that it was
13 relevant to that.

14 47 Q. Yes. So you sent -- I think it has been established in
15 evidence possibly already, you sent Garda Ryan's report 10:58
16 to Detective Superintendent Mulcahy, is that right?

17 A. I think that was on a Friday evening, if I my memory is
18 correct.

19 48 Q. Yes.

20 A. I asked Garda Ryan for a report and it didn't come then 10:58
21 until the Monday, the 5th October. And in the
22 intervening period I phoned Detective Superintendent
23 Mulcahy. I outlined to him what Garda Ryan had told me
24 and I asked him if it was of interest to his
25 investigation and he said it was. I then sent him the 10:58
26 report when I got it from Garda Ryan.

27 49 Q. We might just very briefly look at page 2325, which is
28 largely redacted, but it gives the essential gist of
29 what put you on your enquiry. In fact, we might just

1 go to page 2326, which is the portion that's not
2 redacted. And this is Garda John Ryan's report to you.
3 Then, after all the deleted text, it says:

4
5 "Ms. B would have communicated with Garda A as recent 10:59
6 as two months ago using this phone."

7 A. Yes.

8 50 Q. And in addition, there was a verbal report was well?

9 A. Yes. The verbal report, her first and the written
10 report followed. 10:59

11 51 Q. Right. And I think you sent the report to Detective
12 Superintendent Mulcahy, that's at 2324?

13 A. I did.

14 52 Q. And then I think at page 2328 we have some notes you
15 made as to certain steps you took? 10:59

16 A. Yes. Detective Superintendent Mulcahy then phoned me
17 and he indicated to me that this was something that was
18 of interest to him again but that he wanted to meet the
19 informant with Garda Ryan. I put Garda Ryan and
20 Detective Superintendent Mulcahy in contact with each 11:00
21 other, they made private arrangements with the
22 informant to meet with that person. And I think that
23 meeting took place sometime between the 5th and the
24 8th. But I had no direct knowledge of it, I wasn't
25 involved in it. I only used that information 11:00
26 afterwards.

27 53 Q. Yes. You sent a report to Chief Superintendent
28 Wheatley on the 5th October?

29 A. I did.

1 54 Q. I think that's at 2329. we might just look at that
2 briefly?

3 A. Yes.

4 55 Q. That indicates:

5

11:00

6 "At a recent meeting I had with Garda A, he informed me
7 that he been served with discipline form IA32, which
8 outlined seven allegations of serious breaches of
9 discipline."

10

11:00

11 Then the relevant portion is the last three lines:

12

13 "In light of this development, I would be obliged if
14 enquiries could be made to ascertain if Garda A
15 represents a risk by being left in his present work
16 area on drug/crime investigation within the detective
17 unit."

11:01

18

19 I think you sent a further update on the 9th October to
20 the chief superintendent, is that right?

11:01

21 A. I did.

22 56 Q. That's on 2330. And you, in this document, set out the
23 recent history of the meeting with Garda Ryan on the
24 Friday afternoon, the 2nd October, and you say in the
25 last paragraph:

11:01

26

27 "The information is very relevant to the enquiries he
28 is carrying out."

29

1 That's Detective Superintendent Mulcahy

2
3 "I am aware of the interaction between [blank] and
4 Detective Superintendent Mulcahy is expected to lead to
5 very early operational initiatives being carried out by 11:01
6 the D/Superintendent and his team. I will assist those
7 operational objectives in whatever way I can. Any
8 developments coming to my attention will be immediately
9 communicated to you."

10
11 So you immediately updated your chief on that? 11:02

12 A. Yes.

13 57 Q. I think the next you step is that you requested Garda A
14 to come to your office to have dealings with him, and
15 that is page 2333? 11:02

16 A. For completeness, I had further interaction with
17 Detective Superintendent Mulcahy on that Friday
18 afternoon. I assisted him in relation to queries he
19 had regarding jurisdictional issues for search
20 warrants. I also linked in with a surveillance team 11:02
21 that he had working for him regarding the movements of
22 Garda A on that afternoon.

23 58 Q. Yes. Now, we see on pain 2334, this is your note;
24 isn't that right?

25 A. Yes. 11:02

26 59 Q. Of a meeting you had with Garda A on the 10th October?

27 A. That's correct.

28 60 Q. A reasonably early meeting, 7am. And you say in this,
29 this is the third paragraph down:

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"Explained I was of the view that both in the organisation's interest and his interest for now, it's best for him to return to uniform duties and perform duty full-time for the moment indoors as SO."

11:03

A. Yes.

61 Q. "A member in charge on unit E, the unit he is attached."

Then the last three lines of the same statement:

11:03

"I informed him he was not allowed drive any patrol cars for the time being. I said I would meet him again on Monday, the 12th October, to discuss the situation further."

11:03

A. Yes.

62 Q. Those were management decisions you took in relation to Garda A arising from the developing information?

A. Yes. I was made aware late on Friday evening that Detective Superintendent Mulcahy had carried out searches of properties belonging to Garda A and Ms. B and I felt that that was a significant development in terms of, I suppose, the risk associated with the role and the area Garda A was working in, in a crime drugs unit in plain clothes. And I came in at 7am to meet him the following morning when he was rostered for duty, but I had taken that decision to, I suppose, take him out of plain clothes duty and put him full-time indoors.

11:03

11:04

1 63 Q. Now, based on the emerging developments, you took a
2 decision, did you not, to seek Garda A's suspension?
3 A. I did, I recommended that course of action to Chief
4 Superintendent wheatley.

5 64 Q. I think your recommendation to Chief Superintendent 11:04
6 wheatley is at page 2336. And in the first couple of
7 paragraphs it narrates the correspondence that he
8 previously provided to your chief superintendent?
9 A. Yes.

10 65 Q. It relays certain matters: 11:04
11
12 "...carried out by Detective Superintendent Mulcahy in
13 relation to obtaining search warrants."
14
15 Isn't that so? 11:05
16 A. Yes.

17 66 Q. Had you received any information as to what information
18 was elicited on foot of the search warrant process?
19 A. Detective Superintendent Mulcahy had informed me that
20 he had seized telephonic equipment and I think a 11:05
21 computer and that he was going to have those analysed
22 and he felt that there was a significant chance that
23 there would be some evidential value in that evidence.

24 67 Q. Yes. Then if we go over to the next page, 2337 we have
25 your recommendation. Seven or eight lines from the 11:05
26 bottom, you say:
27
28 "However, I am aware that since Garda A's homes were
29 searched and since Detective Superintendent Mulcahy

1 informed him that new information had come to light
2 which gave rise to the searches, he has been actively
3 trying to ascertain the source of that new information.
4 That in itself causes grave concerns and will
5 undoubtedly lead to difficulties for and possible 11:05
6 danger to the informant and difficulties in the
7 workplace, where tensions are already high in relation
8 to the entire affair. Therefore, at this time I
9 respectfully recommend, taking account of all the
10 information to hand, that serious consideration be 11:06
11 given to suspending Garda A from duty in light of
12 recent developments of mitigating risks he poses to the
13 public and to the organisation. "
14 A. That's correct, Chairman.
15 68 Q. And that is your recommendation at that time. And I 11:06
16 think that was acted upon, was it?
17 A. It was. The system in place and the policy requires
18 the chief superintendent to forward that. And it's
19 anticipated that a suspension may last for more than
20 ten days, the chief superintendent again doesn't have a 11:06
21 delegated function to discipline or to suspend anyone
22 for longer than ten days and it was clear that this one
23 was going to need to be for longer than ten days. So
24 the file had to be forwarded from Chief Superintendent
25 wheatley with her recommendations to the assistant 11:06
26 commissioner governance and accountability, under whose
27 remit Internal Affairs falls, for his decision on the
28 suspension.
29 69 Q. Now, I think it's the case that in the in around this

1 time you had occasion to call Garda A into your office
2 and you had a certain intention regarding a particular
3 mobile phone, is that right?

4 A. Yes. Information had been supplied to me by a member
5 of An Garda Síochána in Athlone, that since the search 11:07
6 of Garda A's home he had been given -- I think an
7 official telephone was seized during the course of that
8 search, but he had been given another one by a member
9 of An Garda Síochána in Athlone.

10 70 Q. Yes. I think you met him on the 14th October? 11:07

11 A. I did, to serve a suspension order which had just
12 arrived from Garda Headquarters for him.

13 71 Q. Can you tell us what transpired at that meeting?

14 A. So, I had been aware of the information and in my
15 dealings with Garda A in relation to the suspension, I 11:08
16 seized any official equipment he had, as I felt his
17 suspension was going to last for a number of months and
18 be reviewed in three months time. So during the course
19 of that, he gave me what information he had and I asked
20 him if he had any telephone and he said he hadn't. And 11:08
21 being aware of the information I had, I had my own
22 telephone on my knee with the number of the official
23 telephone I knew he had received on the Saturday
24 morning, the 10th October, so I rang that, I hit the
25 ring button on my knee and it rang in Garda A's pocket. 11:08

26 72 Q. CHAIRMAN: So it rang in his pocket anyway?

27 A. Yes.

28 73 Q. CHAIRMAN: And the jig was up.

29 A. Yes, and I seized it at that stage.

1 74 Q. CHAIRMAN: All right.

2 A. I subsequently handed it to Detective Superintendent
3 Mulcahy on the 27th October, as evidence.

4 75 Q. MR. MÍCHEÁL O' HIGGINS: Right. Now, I think in January
5 2016, to move the timeline on, you sought, am I 11:09
6 correct, to have disciplinary charges preferred against
7 Garda A?

8 A. Yes. As a result of that incident, I sought to, or I
9 recommended that discipline proceedings under
10 regulation 14 be commenced against both Garda A and the 11:09
11 Garda member who had supplied Garda A with that
12 official telephone.

13 76 Q. I think we have that at page 2339 and 2340, a letter
14 you sent to again Chief Superintendent Wheatley on 21st
15 January 2016. And if we move to the bottom of the 11:09
16 second page of that letter, the last two lines, we see
17 your recommendation:

18
19 "In the circumstances that exist in this case, I
20 respectfully recommended that both Garda [blank] and 11:10
21 Garda A be dealt with under regulation 14 of the Garda
22 Síochána (Discipline) Regulations 2007."

23 A. That's correct.

24 77 Q. That was your recommendation?

25 A. That's correct, Chairman. 11:10

26 78 Q. Now, can I ask you to move to a different area
27 canvassed with you by Mr. Marrinan, and that is the
28 report from Garda Keogh relating to what he believed
29 was a sighting of Ms. B in Tullamore?

1 A. Yes, Chairman.

2 79 Q. I will just deal with this relatively briefly, I think.
3 The position is that I think in November 2015 you
4 received correspondence from a superintendent in
5 Tullamore regarding a Pulse incident entry that had 11:11
6 been created by Garda Keogh?

7 A. Yes.

8 80 Q. Now, as it has been dealt with quite extensively by
9 Mr. Marrinan, I propose to deal with this with some
10 dispatch. Can I just ask you first of all, would you 11:11
11 mind looking at the incident summary report, which is
12 at 2367. There is obviously a Pulse entry as well.
13 Just for the record, I think it's 2366, we needn't look
14 at it now for the moment. But this one here, the
15 incident summary report. The detail at the bottom 11:11
16 is -- sorry, at top left:
17
18 "Occurred date: 28th October 2015.
19
20 Reported date: 28th October." 11:11
21
22 Down towards the bottom left:
23
24 "Reporting Garda: Nicholas P Keogh, Garda, Athlone."
25 11:12
26 Then the narrative is set out:
27
28 "While off duty, driving out of house, observed a white
29 Volvo speed towards the canal. At the shop this car

1 had to stop. [Registration]. There appeared to be a
2 female driving with a male in the passenger seat. Car
3 then sped off towards town centre. No offences
4 disclosed. "

11:12

6 That was the narrative that was provided in is that,
7 isn't that so?

8 A. Yes. The superintendent in Tullamore had sent that
9 across on an incident summary sheet, as set out here.

10 81 Q. I think we might just look at -- I think you directed 11:12
11 certain enquiries and steps be taken, at page 2357?

12 A. Yes.

13 82 Q. You requested:

14

15 "Garda Keogh should now attach a statement of evidence 11:13
16 in respect of this incident. The registered owner of
17 the vehicle should be interviewed by a different member
18 and asked to outline who was driving at the time, as
19 requested. "

20

11:13

21 And you sought a reply by the 7th December?

22 A. Just for clarity, initially when the file came up from
23 Tullamore, Garda Keogh provided a brief report.

24 83 Q. Yes.

25 A. And as a result of that, the superintendent Tullamore 11:13
26 sent the file back again, asking for a statement from
27 Garda Keogh. And this was my minute on top of his
28 minute.

29 84 Q. I see.

1 A. Yes.

2 85 Q. So we might look at the printed version of the
3 statement, I think that's to be found at 2352. It's
4 the statement of evidence of Garda Nick Keogh, made in
5 Athlone on the 21st December? 11:13

6 A. Yes.

7 86 Q. He says in it:
8
9 "On 28/10/15 I was off duty about 17:53. I drove out
10 of [blank] Tullamore. I turned right onto the [blank] 11:13
11 towards town centre, when I noticed what appeared to be
12 a white Volvo in front of me at the junction of [blank]
13 and [blank]. I would have an interest in a particular
14 white Volvo S40 for other reasons. Therefore, I
15 accelerated my own car in an attempt to get the 11:14
16 registration number of the white Volvo. At [blank]
17 location another car pulled out from a shop, causing
18 the white Volvo to stop. I then stopped right behind
19 the white Volvo and noticed the registration to be
20 that. I could see the driver had long hair and there 11:14
21 was a front seat passenger, who appeared to have short
22 hair."

23 A. Yes.

24 87 Q. "... the car moved along the canal towards the Kilbeggan
25 bridge. I did not see what direction it turned, as I 11:14
26 drove towards Bowen's Lock house, where I rang GISC at
27 17:55 and carried out a registration on the vehicle to
28 ascertain if this was the same area which I had an
29 interest in, which it was."

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Nothing really turns on this, but it appears to be the case that the description of the occupants is somewhat different to the description provided in the Pulse summary sheet?

11:15

A. Yes. And I think the times are slightly out as well.

88 Q. Yes. You mentioned Sergeant Monaghan seeking a report, I think that's at page 2368. 2368. This may be out of sequence.

A. Yes. I suppose this is the first time the report came from Tullamore. Yes, and occurred before the statement was made.

11:15

89 Q. Sergeant Monaghan had obviously sought that?

A. Yes.

90 Q. If we go to 2369?

11:15

A. Yes.

91 Q. We have -- I am just looking for Garda Keogh's -- yes, sorry, it's handwritten on this document. He says:

"I did not report the incident to Tullamore Garda station. I did report it to Detective Superintendent Mulcahy. I do not know if this was a coincidence or other."

11:16

A. Yes.

92 Q. And that was that. Mr. Marrinan also brought you over your report. Would it be fair to say there was a degree of skepticism arising from matters?

11:16

A. I suppose I was concerned that -- you know, if it had happened, it was sinister. But I was also concerned

1 that there may have been some unconscious bias on Garda
2 Keogh's part.

3 93 Q. Yes.

4 A. You know, and as I went through the CCTV and that, it
5 caused some doubt in my mind about if it actually -- if 11:16
6 he got the right registration number or...

7 94 Q. Garda Keogh himself had referred to the possibility in
8 the report I am looking at, that, I do not know if this
9 was coincidence?

10 A. Yes. He was, I suppose not making a big issue out of 11:17
11 it, that's what I felt in that report.

12 95 Q. I see. Well, can I leave this issue with this
13 question: In raising the enquiries you raised and in
14 making a report in which you -- I think it's fair to
15 say, you're acknowledging you expressed scepticism 11:17
16 about the details, were you targeting or seeking to
17 discredit Garda Keogh?

18 A. No, absolutely not. I wanted to bring this to a very
19 firm conclusion, because if there was any element of
20 truth in it, you know, certain steps may have been to 11:17
21 taken in relation to Garda Keogh and advising him about
22 safety measures. And while that would be an issue for
23 the superintendent in Tullamore, you know, I have no
24 doubt -- undoubtedly, you know, I was concerned about
25 that insofar as I could help out in any way I could. 11:18
26 And I knew that Garda Keogh would have no faith in my
27 impartiality to make a decision on it, so I sent it to
28 the chief superintendent to have someone else do that
29 and I recommended that it be done by an inspector.

1 96 Q. I think arising from that, we see at page 6180 --
2 sorry, I beg your pardon, 6181, that Inspector Drey did
3 carry out further enquiries and investigations?
4 A. That's my understanding, yes.
5 97 Q. We see there under the heading: 11:18
6
7 "Attention and complaints incident regarding this
8 matter."
9
10 A list of the various steps that were taken? 11:18
11 A. Yes.
12 98 Q. It records that:
13
14 "Superintendent Tullamore, following a review of
15 incidents at a daily PAF meeting, sent correspondence 11:18
16 to Athlone seeking information from Garda Keogh
17 regarding the creation of the incident.
18
19 Garda Keogh's response in a brief report indicated the
20 car and its driver were connected to a complaint he had 11:19
21 made which is being dealt with under the Prevention of
22 Corruption and Malpractice Act 1997. He raised
23 concerns regarding the presence of the car and its
24 driver, Ms. B, in an area close to his home, leading to
25 a direct inference that he was somehow under 11:19
26 surveillance.
27
28 Superintendent Tullamore, it appears, had enquiries
29 carried out at his end to establish if CCTV existed in

1 the area where Garda Keogh indicated the suspicious
2 activity took place. It appears no CCTV footage
3 exists.

4
5 Statement was subsequently obtained from Garda Keogh 11:19
6 and Ms. B was interviewed.

7
8 Despite a number of enquiries being made to establish
9 if Ms. B's car was in Tullamore at the time of the
10 alleged incident, no definitive information is 11:19
11 available to indicate the presence of her vehicle at
12 the time reported. The only information which could be
13 established was that Ms. B's vehicle was in Athlone a
14 short time later.

15 11:19
16 Inspector Dermot Drea was directed to speak with Garda
17 Keogh and outlined to him the proper reporting
18 structures for incidents occurring outside his own
19 district when he was off duty. Garda Keogh was
20 informed that the proper reporting structures would 11:20
21 allow for the appropriate immediate investigation of
22 such matters and may result in definitive evidence
23 being obtained at the earliest opportunity."

24
25 we might just scroll down there a small bit on that 11:20
26 document. The file was returned. I think it is the
27 case that - if we look at page 6176 - this report was
28 sent up to the Commissioner on 24th May 2016 by Chief
29 Superintendent Wheatley?

1 A. Yes. It's an appendix attached to a report that she
2 was asked to send to the private secretary to the
3 Commissioner.

4 99 Q. We might just scroll down in that document to the
5 conclusion paragraph. It deals with support matters 11:21
6 and welfare. Then it refers to the intelligence report
7 and the attention and complaints incident. She says at
8 the conclusion:
9

10 "The welfare of Garda Keogh is being attended to within 11:21
11 the division at every level. He has been referred --"
12

13 I suppose this is a more general update.
14

15 "He has been referred to the CMO for review." 11:21
16

17 And it deals with matters relating to his absence
18 through illness and so on.

19 A. Yes, that was around May or June 2016, I think.

20 100 Q. Yes. Thank you. We might then move -- that concludes 11:21
21 my questions in relation to that area. Chairman, can I
22 just give you a roadmap of where I am going, I don't
23 have an awful lot more for the witness. In relation to
24 the issue of commendations.
25 CHAIRMAN: Yes. 11:21

26 MR. MÍCHEÁL O' HIGGINS: I am content that that issue
27 has been sufficiently explored.

28 CHAIRMAN: Yes. The fact that you don't cover
29 something, I will not draw an inference of any

1 concession if you don't do it.

2 MR. MÍCHEÁL O' HIGGINS: Yes.

3 CHAIRMAN: Simply that there are no relevant questions
4 you propose to ask. I think that's the sensible way to
5 approach it. And similarly in regard to questions that 11:22
6 Garda Keogh's team may have left unasked, I make no
7 assumption as to any concession unless it's expressly
8 declared.

9 101 Q. MR. MÍCHEÁL O' HIGGINS: I am going to do all of that,
10 time being saved, by asking one question on 11:22
11 commendations that's just a wrap up, if I may. In
12 respect of commendations, you have been accused of
13 targeting, you're aware of the allegation I think.

14 A. Yes.

15 102 Q. You're not in agreement with it, I understand? 11:22

16 A. No, absolutely, I utterly reject that. I never
17 targeted or discredited Garda Keogh in any shape or
18 form. That was never my intention. I acted in public
19 interest and what I felt was within my role and
20 responsibilities in dealing with the issues in the 11:23
21 workplace that I had to deal with.

22 103 Q. Chief superintendent, may I ask you to deal with a few
23 miscellaneous matters which may be of importance to the
24 Chairman and to the inquiry being carried out. That
25 is, I want to ask you about dealings with Garda Fergal 11:23
26 Greene in relation to one or two matters?

27 A. Yes.

28 104 Q. I think it's the case that, moving forward to January
29 '16, January 2016 --

1 MR. KELLY: Judge, I don't want to be -- but yet again,
2 I wonder if this is straying into an area that is
3 scheduled for examination later.

4 CHAIRMAN: I thought so too, Mr. Kelly. Are we heading
5 into the issue of promotion? 11:23

6 MR. MÍCHEÁL O' HIGGINS: No. I propose not to deal with
7 that. I appreciate that has been parked.

8 CHAIRMAN: That's all right. Well then proceed to ask
9 your questions.

10 MR. MÍCHEÁL O' HIGGINS: Yes. 11:24

11 CHAIRMAN: But bear in mind. I think Mr. Kelly,
12 obviously they have left all questions about the chief
13 superintendent's promotion question, another issue to
14 be debated, to be discussed in due course.

15 MR. MÍCHEÁL O' HIGGINS: Yes. 11:24

16 CHAIRMAN: Okay. Sure. So what is your question,
17 Mr. O'Higgins?

18 105 Q. MR. MÍCHEÁL O' HIGGINS: In relation to this then, chief
19 superintendent, Garda Greene called to your office I
20 think on 19th January 2016. 11:24

21 A. He did, Chairman.

22 106 Q. You say he relayed information to you concerning an
23 effort that was being made to discredit you, is that
24 right?

25 A. Yes, that's correct. 11:24

26 107 Q. What did he say to you?

27 A. He said that he had been talking to Garda Keogh, who
28 told him that he was trying to dig up dirt on me with a
29 view to having Mr. Wallace and Ms. Daly mention it in

1 Dáil Éireann, to damage me. He indicated to me that
2 Garda Keogh had told him that he hadn't found anything
3 yet but he would keep trying. I asked Garda Greene to
4 tell him that I wasn't his enemy but that I was
5 concerned for his welfare. 11:25

6 108 Q. Yes.

7 CHAIRMAN: This is in January 2016, did you say?

8 A. '16 Chairman.

9 109 Q. CHAIRMAN: Thanks very much. Do you have a date in
10 January? 11:25

11 A. The 19th January. Tuesday, 19th January 2016.

12 CHAIRMAN: Thank you.

13 110 Q. MR. MÍCHEÁL O' HIGGINS: And you say you asked Garda
14 Greene to inform Garda Keogh that you were not his
15 enemy? 11:25

16 A. Yes.

17 111 Q. Moving matters forward, I think you had perhaps a
18 number of conversations, but I am going to ask you
19 about a conversation you had with Garda Greene in
20 September of 2017, in the presence of Inspector Minnock 11:25
21 on 4th September 2017?

22 A. Yes.

23 112 Q. What information were you relayed concerning Assistant
24 Commissioner Ó Cualáin?

25 A. Garda Greene indicated at that stage that Garda Keogh 11:26
26 had informed him that he was now going after acting
27 Commissioner Ó Cualáin.

28 113 Q. Yes. If it is of assistance, you might look at page
29 2647 in the materials, please, which is a note of 4th

1 September 2017, made I think by you. Is that the right
2 note?

3 A. Yes.

4 114 Q. It records that Garda Greene came to you in the front
5 hallway of the station and had a conversation with you 11:26
6 and decided to tell you that Garda Keogh was no longer
7 going after you, as he was of the view that he could
8 not damage your promotion.

9

10 Sorry, that relates to the promotion. We can leave
11 that over. But for the purpose of this aspect, the
12 note relays that he said:

13

14 "Garda Keogh now going after Deputy Commissioner
15 Ó Cualáin and the Commissioner because the 11:27
16 investigation of his complaints were not brought to a
17 conclusion re Garda A and another Garda member."

18 A. Yes.

19 115 Q. Are you clear that that is what was said to you by
20 Garda Greene? 11:27

21 A. Yes. Superintendent Minnock and I were leaving the
22 building to go for a coffee and we met him just in the
23 hallway on the way out the door.

24 116 Q. Yes.

25 A. It's not something that I would readily forget. 11:27

26 117 Q. Moving the timeline on, I think it's the case that in
27 November of 2017 you received e-mail correspondence
28 from Assistant Commissioner Fintan Fanning?

29 A. Yes.

1 118 Q. Informing you that he was appointing Assistant
2 Commissioner Michael Finn to carry out a formal
3 investigation into Garda Keogh's allegations against
4 you?
5 A. Yes. 11:28
6 119 Q. Of bullying and harassment?
7 A. Yes, on 15th November 2017.
8 120 Q. Sorry, just before we deal with that, I omitted to deal
9 with a note you had made concerning a similar issue to
10 the matter discussed with Garda Greene. So excuse me 11:28
11 for bringing this out of turn, but would you mind
12 turning to page 2537, please. This is a note again I
13 think made by you, is that right?
14 A. It is.
15 121 Q. Related to a meeting of 24th May 2016, that you had 11:28
16 with Inspector Minnock.
17 A. Yes.
18 122 Q. He reported, Inspector Minnock reported to you of his
19 call to Garda Keogh, in the second paragraph this note?
20 A. Yes. I think that was one of the Inspector Minnock's 11:29
21 first visits to Garda Keogh in a welfare capacity.
22 123 Q. And the note records that:
23
24 "Inspector Minnock called to Garda Keogh. Found him
25 very drunk and drinking from a can of cider. His 11:29
26 mother and another man were there."
27
28 This is the portion I am interested in:
29

1 "Said he was going to bring down D/Commissioner
2 Ó Cualáin and me."

3 A. Yes.

4 124 Q. Well, when that was relayed to you, what was your
5 reaction? 11:29

6 A. That was in May 2016. I didn't pass much remarks on
7 it. Garda Keogh was drunk at the time, as reported by
8 Inspector Minnock, and I didn't pass any remarks on it.
9 I didn't see how he could do that and I didn't really
10 have much concern at that stage, on the 24th May. I 11:30
11 could never have anticipated the approach taken towards
12 me from that point on.

13 125 Q. At this point in time you were how long in the station?

14 A. I was just over one year.

15 126 Q. If we could move matters on then to page 2531, please. 11:30
16 I think this is a note you made concerning information
17 you received from Inspector Minnock, in the second
18 paragraph, do you see that?

19 A. Yes.

20 127 Q. This is a note of a meeting on 20th May 2016? 11:31

21 A. That's correct.

22 128 Q. It relates to:
23

24 "Inspector Minnock got information from Garda Greene re
25 Garda Keogh, telling him that M Clifford, O'Toole, 11:31
26 M McCabe, [another garda] are on to him. Said he has
27 something big to bring out over the weekend to bring
28 Commissioner down. Garda Greene rang Garda Keogh
29 afternoon of 19/5. Jockey Wilson answered the phone."

1 A. Yes, Inspector Minnock reported that to me, and he said
2 on that occasion that Garda Greene actually called to
3 his home to give him the information, he felt he should
4 give it urgently.

5 129 Q. If we could have on screen then, please, page 15823. 11:31
6 And what we are looking at there is then Inspector
7 Aidan Minnock's note of a conversation he had, he
8 indicates he has with Garda Greene. If you move
9 towards the bottom of the document, we have, in the
10 last paragraph: 11:32
11
12 "Nick said he wasn't happy with Lyons and Curley and
13 what they'd said after he got disclosure. He seems to
14 suggest he was going after them now."

15 A. Yes. 11:33

16 130 Q. Do you recall that conversation?

17 A. No, I don't know anything about that conversation.

18 131 Q. Sorry, do you recall seeing this note in the materials?

19 A. In the materials, absolutely, yes.

20 132 Q. And then if we could then please move then, please, to 11:33
21 a new matter concerning a development in November 2017,
22 concerning the Finn investigation. I started to ask
23 you about that?

24 A. Yes.

25 133 Q. In November '17 you got word from Assistant 11:33
26 Commissioner Fanning by letter that he was going to
27 appoint AC Finn to carry out the bullying and
28 harassment investigation?

29 A. Yes, Chairman, on 15th November 2017.

1 134 Q. Just moving matters on. I think on Sunday, the 19th
2 November, you heard, did you, an RTÉ News At One radio
3 programme regarding a feature that was going to be
4 played on that programme regarding Assistant
5 Commissioner Finn's appointment to investigate you? 11:34

6 A. Yes, I did. And I unfortunately had listened to that
7 programme each Sunday during the autumn of 2017, I
8 heard this feature myself.

9 135 Q. Yes. And that was four days after you had received
10 word from Assistant Commissioner Fintan Fanning? 11:34

11 A. That's right.

12 136 Q. I think it's the case then in July of 2018 --
13 CHAIRMAN: Do we know what the programme said.
14 MR. MÍCHEÁL O' HIGGINS: Excuse me. I am going too
15 quickly. That programme related to -- 11:34

16 A. The appointment of Assistant Commissioner Finn to carry
17 out the bullying and harassment investigation.

18 137 Q. CHAIRMAN: Okay.
19 A. And made references to me.

20 138 Q. CHAIRMAN: Okay. 11:35

21 A. Directly.
22 MR. MCGARRY: Chairman, I am sorry to interject.
23 CHAIRMAN: Yes, I'm sorry, Mr. McGarry, yes.
24 MR. MCGARRY: Chairman, I am struggling to see how this
25 has any relevance to the specific issues that this 11:35
26 witness has been asked to identify and deal with. If
27 anything, it is potentially relevant to matters which
28 are to be looked into I think later on by the Tribunal.
29 CHAIRMAN: Yes. I think that would accord, Mr. Kelly's

1 point, and Mr. McGarry I think are indicating. That
2 does seem right, Mr. O'Higgins. I mean, I know it's
3 difficult to separate but it does seem more relevant to
4 the question. I mean, we know what Garda Keogh's
5 position is on the superintendent's, as he then was, 11:35
6 promotion to chief superintendent, and we know what
7 Chief Superintendent Murray's position is in relation
8 to that and there is a major clash there. But this
9 would certainly seem to reflect that.

10 MR. MÍCHEÁL O' HIGGINS: Chairman, could I just say 11:36
11 this, I am largely finished with that issue, but in my
12 submission it's directly relevant to a very important
13 issue have you to decide, that is to say the contest.
14 But Garda Keogh says he was harassed and targeted by
15 Chief Superintendent Murray, Chief Superintendent 11:36
16 Murray says in response --

17 CHAIRMAN: I am the one who was targeted.

18 MR. MÍCHEÁL O' HIGGINS: -- I am the one who was
19 targeted.

20 CHAIRMAN: Absolutely. 11:36

21 MR. MÍCHEÁL O' HIGGINS: It is directed to that issue
22 and the invoking and calling in --

23 CHAIRMAN: well, let's leave it at this. What are you
24 saying is, look, I mean, we don't want to make too much
25 of it at this stage, and we can return to it later. 11:36

26 MR. MÍCHEÁL O' HIGGINS: Yes.

27 CHAIRMAN: You're saying that the notification came on
28 the 15th November and somebody alerted RTÉ to it and
29 query did that come from Chief Superintendent Murray,

1 unlikely, so it must have come from somebody else.
2 That's where we stand at the moment. Somebody else.
3 And if we want to pursue that further, we will pursue
4 it at the time, I think, when the promotion question is
5 coming up. Because I think that's more relevant. 11:37
6 WITNESS: Yes.
7 CHAIRMAN: It seems to me that that falls more
8 naturally into that category, into that box rather than
9 the matters that were canvassed by Mr. Marrinan.
10 MR. MÍCHEÁL O' HIGGINS: May it please you, Chairman. I 11:37
11 will leave that.
12 CHAIRMAN: Okay.
13 139 Q. MR. MÍCHEÁL O' HIGGINS: Moving matters on then, I think
14 it's the case that in July of 2018 you had a
15 conversation with Superintendent Minnock, again dealing 11:37
16 with matters which he said was told to him by Garda
17 Fergal Greene.
18 A. Yes.
19 140 Q. And what was said to you in relation to that?
20 A. On 19th July 2018, Superintendent Minnock informed me 11:38
21 that he was contacted by Garda Greene, who informed him
22 that Garda Keogh had telephoned Garda Greene while
23 drunk and told him he was being assisted by Assistant
24 Commissioner Fanning, who, Garda Keogh informed Garda
25 Greene, had made a protected disclosure in relation to 11:38
26 failures of Garda management in Athlone.
27 CHAIRMAN: Mr. O'Higgins, maybe I should have said this
28 a little earlier, but we're going to have the evidence
29 of Garda Greene, isn't that right?

1 MR. MÍCHEÁL O' HIGGINS: I think so.

2 CHAIRMAN: Mr. Marrinan, we're having Garda Greene to
3 give evidence.

4 MR. MARRINAN: Yes, later on.

5 CHAIRMAN: Okay. Here we have Inspector Minnock 11:38
6 reporting to Superintendent Murray what Garda Greene
7 told Inspector Minnock as to what Garda Keogh told
8 Garda Greene. I shudder to think what Phipson on
9 Evidence would say about the levels of hearsay that
10 we're engaged in really. I mean, we're going to have 11:39
11 Garda Greene and then we're going to have Chief
12 Superintendent Murray on the promotion question.

13 MR. MÍCHEÁL O' HIGGINS: Yes.

14 CHAIRMAN: Are we not safer to leave it at that,
15 Mr. O'Higgins? I mean, we all have this material and 11:39
16 we know that people said what other people said to them
17 about what Nick Keogh said and whether he was sober or
18 not sober at the time. So the reliability, without
19 castings aspersions on anybody, but it's a difficult
20 one to -- I mean, the chief superintendent is receiving 11:40
21 this information. Naturally, he is not pleased about
22 it. But we may have to work out who actually said what
23 to whom and where it went. Do you understand me? I
24 mean, is that a reasonable point?

25 MR. MÍCHEÁL O' HIGGINS: Chairman, what I propose to 11:40
26 do --

27 CHAIRMAN: I know it's a reasonable point because I
28 just made it. But I am hoping you will see the force
29 of the logic behind it.

1 MR. MÍCHEÁL O' HIGGINS: Chairman, I won't demure -- I
2 don't demure. I am going to ask the witness a
3 different question.

4 CHAIRMAN: Thanks very much. I think we are better off
5 to try to have some regard to the Rules of Evidence. 11:40
6 And I appreciate the point, it's not the importance of
7 the value of the thing, it's what was said and done.
8 So anyway, thanks very much.

9 141 Q. MR. MÍCHEÁL O' HIGGINS: In December of 2018, and this
10 is now relevant to the Michael Finn investigation, in 11:41
11 December 2018, you received communication from
12 Assistant Commissioner Fanning.

13 A. Yes.

14 142 Q. I think indicating that he received the completed
15 investigation file from Assistant Commissioner Finn, is 11:41
16 that so?

17 A. That's correct, Chairman.

18 143 Q. Presumably you were anxious to obtain -- this was a
19 matter of stress for you and you were anxious to know
20 the outcome? 11:41

21 A. Yes, it had gone on for some time in my life, yes.

22 144 Q. Did you seek to have the result disclosed to you?

23 A. Yes. Assistant Commissioner Fanning indicated in the
24 e-mail that he would not be releasing the results to me
25 at that time. On 3rd January 2019, I sought the 11:41
26 representations of the chief superintendents
27 associations to have the results released to me.

28 145 Q. Yes. We might just very briefly look at that, page
29 2968, please.

1 MR. MCGARRY: Sorry, Chairman, I am again struggling to
2 comprehend how this is relevant to the issues that the
3 witness is being asked to deal with at this stage. It
4 doesn't seem to feature anywhere in relation to Garda
5 Keogh's issues that have been identified. 11:42

6 MR. KELLY: Chairman, I have also got to say, I am in
7 total agreement on that.

8 MR. MÍCHEÁL O' HIGGINS: This actually is my last
9 question. But it is directly relevant to how the Fin
10 investigation impacted this witness. 11:42

11 MR. KELLY: But that is another issue.

12 CHAIRMAN: He wasn't told the result and maybe he has a
13 good complaint that he wasn't told the result and maybe
14 he doesn't have a good complaint. So what difference
15 does it make, Mr. O'Higgins? By which I do not mean 11:42
16 any disrespect to anybody. Assume everything is
17 correct, so then Assistant Commissioner Fanning was (a)
18 correct or (b) incorrect or maybe inconsiderate in not
19 letting him no. So what? To be blunt about it.
20 Anyway, I think we will close that off. I think 11:43
21 Mr. McGarry and Mr. Kelly are right.

22 MR. MÍCHEÁL O' HIGGINS: May it please you, Chairman.

23 CHAIRMAN: And I don't think it's doing anybody any
24 injustice.

25 146 Q. MR. MÍCHEÁL O' HIGGINS: could I conclude by asking you, 11:43
26 chief superintendent, in terms of all of the decisions
27 you have taken that you have described in your evidence
28 regarding Garda Keogh and regarding the developments
29 that were on your desk, the files that were on your

1 desk during this period, were any of those decisions
2 directed towards targeting or discrediting Garda
3 Nicholas Keogh?

4 A. Absolutely not, Chairman. My motives were honourable
5 in line with the values of the organisation in relation 11:43
6 to service, honesty, accountability, respect,
7 professionalism and empathy. I live and abide by those
8 values and I use them in my decision-making and my
9 judgment. And any issue I dealt with, with Garda Keogh
10 came across my desk and there was an issue that was in 11:44
11 the workplace that I had to deal with, commensurate
12 with the role and responsibilities I had as the
13 district officer and superintendent in Athlone at the
14 time.

15 CHAIRMAN: Okay. 11:44

16 MR. MÍCHEÁL O' HIGGINS: Thank you.

17
18 END OF EXAMINATION

19
20 CHAIRMAN: Thank you very much. Now, does anybody else 11:44
21 want to ask any questions? Very good. Yes,
22 Mr. McGrath.

23 MR. McGRATH: I think it was indicated that we may
24 wish --

25 CHAIRMAN: Just remind me who you are for? 11:44

26 MR. McGRATH: I am for Garda Greene, Judge.

27 MR. McGUI NNESS: Your microphone wasn't on.

28 MR. McGRATH: I'm very sorry. I only have two very
29 brief questions.

1 CHAIRMAN: Very good, thanks very much.
2 MR. McGRATH: And I am conscious of what you said.
3 CHAIRMAN: Okay, Mr. McGrath, very good.
4
5 CHIEF SUPERINTENDENT PATRICK MURRAY WAS CROSS-EXAMINED 11:45
6 BY MR. McGRATH, AS FOLLOWS:
7
8 147 Q. MR. McGRATH: Just two questions, chief superintendent.
9 The first question is: Did you at any time after the
10 date of Garda Keogh's first complaint, which is I think 11:45
11 8th May 2014, did you inform or did you ask Garda
12 Greene not to pull away from Garda Keogh or words to
13 that effect?
14 A. I had no conversation, I wasn't even in Athlone in May
15 '14. I didn't arrive there until March '15. 11:45
16 148 Q. Well, at any time after you arrived did you ask him not
17 to pull away?
18 A. Absolutely not. I never tasked Garda Greene with
19 anything in relation to Garda Keogh, other than to pass
20 by my views on to him once or twice. 11:45
21 CHAIRMAN: Mr. McGrath, maybe I am just being dumb.
22 Did you mean did you ask him to pull away?
23 MR. McGRATH: Not to pull away.
24 CHAIRMAN: Okay.
25 MR. McGRATH: Not to pull away. 11:45
26 CHAIRMAN: Thank you very much. That's the question
27 you asked and that is the question the chief
28 superintendent answered. Thank you very much.
29 149 Q. MR. McGRATH: At any stage after you arrived, did you

1 become aware that Garda Keogh had said that he wished
2 for management interventions or your communications to
3 him to stop? Did you become aware of that at any
4 stage.

5 A. That Garda Keogh asked for management interventions to 11:46
6 stop?

7 150 Q. Yes.

8 A. To the best of my recollection that occurred when Chief
9 Superintendent Duff arrived in the autumn of 2018.

10 CHAIRMAN: Okay. 11:46

11 151 Q. MR. McGRATH: And did you pass that information on to
12 Garda Greene?

13 A. I have no recollection of doing that.

14 152 Q. I see. Inspector Minnock, I think, from recollection
15 again, may have informed me before he left that Garda 11:46
16 Keogh wasn't anxious for any local management
17 intervention any more.

18 153 Q. CHAIRMAN: But it wasn't something that you dealt with?

19 A. No.

20 154 Q. CHAIRMAN: Or that came across your desk? 11:47

21 A. No.

22 155 Q. MR. McGRATH: Can I just ask for page 438, please.
23 Sorry, it's 2498, page 2498. Could I just ask you to
24 look at this, please? And could I ask you about this?
25 Is that a memorandum prepared by you? 11:47
26

27 "Garda Greene called, told me Garda Keogh told him he
28 was going public again. Asked him..."
29

1 I presume that's is you.
2
3 "...asked him to tell Garda Keogh my views about
4 treatment and transfer to get him better."
5 11:47
6 Do you recall that?
7 A. I do. That's my note. I disclosed it, yeah.
8 156 Q. That's something that you asked Garda Greene to do, is
9 that correct?
10 A. Absolutely, and I repeated another message in January 11:48
11 '16, as we mentioned earlier, to tell him I wasn't his
12 entry.
13 157 Q. That's right. I think that's on page 2529, you may
14 have been referred to that?
15 A. Yes. 11:48
16 158 Q. You told Garda Greene to tell Garda Keogh he was not
17 his enemy but was concerned for his welfare; is that
18 correct?
19 A. I did.
20 MR. McGRATH: Thank you very much. 11:48
21
22 END OF EXAMINATION
23
24 CHAIRMAN: So, nobody else? Very good. Now,
25 Mr. Murrinan. 11:48
26
27 CHIEF SUPERINTENDENT PATRICK MURRAY WAS RE-EXAMINED BY
28 MR. MARRINAN, AS FOLLOWS:
29

1 159 Q. MR. MARRINAN: There are just a number of matters that
2 arose out of cross-examination of you and examination
3 by Mr. O'Higgins.
4

5 The first matter is in answer to a question that you 11:48
6 were asked by Mr. O'Higgins in relation to your
7 contacts with Detective Superintendent Mulcahy?

8 A. Yes, Chairman.

9 160 Q. You under indicated that you commenced with contact on
10 the 1st April and then a general statement that the 11:48
11 contacts continued thereafter?

12 A. Yes.

13 161 Q. We have a whole series of notes in your diary, notes of
14 phone calls, and they appear at different parts of the
15 material, in volume 8, volume 9, volume 13 and volume 11:49
16 43, I don't want to go through them one-by-one, and you
17 seem to be on top of your papers, as it were.

18 A. I hope.

19 162 Q. But it appears that you were in contact on the 1st
20 April, arising out of the utterances in Dáil Éireann, 11:49
21 and you were also in contact with Assistant
22 Commissioner Ó Cualáin. And then there are a number of
23 calls that are made from Detective Superintendent
24 Mulcahy to you. One on the 13th April concerning the
25 investigation. And then the 20th April, where he told 11:49
26 you that Nicholas Keogh had phoned the night before
27 while drunk and talked about bringing down the
28 Commissioner. You recall we opened that?

29 A. Yes.

1 163 Q. We went through that. And then, the 21st April, you
2 had a conversation, which we have again referred to,
3 you spoke to Detective Superintendent Mulcahy regarding
4 the welfare services that had been put in place for
5 Nicky Keogh? 11:50

6 A. Yes.

7 164 Q. That concerned Garda Quinn?

8 A. Yes.

9 165 Q. Then we have the call that was again made from
10 Superintendent Mulcahy to you on the 27th April, that 11:50
11 was the one where we referred to, where he said that
12 Garda Keogh had asked him to say to you that he was not
13 a bad person?

14 A. Yes.

15 166 Q. Do you recall that? 11:50

16 A. I do.

17 167 Q. There's a note of a call then a month later, which is
18 an entry that says "calls from Detective Superintendent
19 Mulcahy relating to the plane", some plane in Shannon
20 "and whistleblower investigation"? 11:51

21 A. Yes.

22 168 Q. Do you recall what that was about? Not the plane,
23 we're not interested in that.

24 A. The primary purpose of the call was him seeking some
25 advice from me in relation to an issue he was dealing 11:51
26 with in Shannon. And then the conversation reverted to
27 Garda Keogh and how he was doing. So, while I wrote
28 down whistleblower investigation, it wasn't -- you
29 know, Detective Superintendent Mulcahy has always been

1 clear about this, he would never would discuss the
2 investigation with me. I was happy enough with that.
3 He made that clear to me on the 1st April, that he
4 couldn't.

5 169 Q. Then there's a call, again I think it's from Chief 11:52
6 Superintendent Mulcahy, on the 26th May. You have a
7 note:

8
9 "Calls later from and to the chief superintendent and
10 Superintendent Mulcahy re whistleblower investigations 11:52
11 and Athlone."

12
13 Do you recall what that was about?

14 A. I don't. But it was concerning Garda Keogh or some 11:52
15 involvement he had. But I don't --

16 170 Q. There don't appear to be any calls in the month of June
17 between the two of you?

18 A. No.

19 171 Q. And there don't appear to be any calls in the month of 11:52
20 July between the two of you?

21 A. Yeah, I have none recorded there.

22 172 Q. In August, the only contact seems to be in relation to
23 what we were discussing earlier on, namely the planting
24 of drugs, but it didn't concern Garda Keogh?

25 A. Planting of drugs? 11:52

26 173 Q. You have a diary entry:

27

28 "Sent statements re planting of drugs to Detective
29 Superintendent Mulcahy."

1 A. I don't just recall that.

2 174 Q. Right, okay.

3 A. Yeah.

4 175 Q. But then there is no contact in relation to Garda Keogh
5 for the month of August. And then there's no contact 11:53
6 for the month of September, is that right?

7 A. Yes, if I haven't it recorded in my diary, it's not
8 there.

9 176 Q. The calls in October appear to be in relation to what
10 we were discussing about Garda John Ryan? 11:53

11 A. Yes.

12 177 Q. Isn't that right?

13 A. Yes.

14 178 Q. So the next call we have where there's a reference to
15 Garda Keogh is 11th November 2015, where you inform the 11:53
16 welfare service with Detective Superintendent Mulcahy
17 that Nicky Keogh were was drinking heavily, is that
18 right?

19 A. Yes.

20 179 Q. So it would appear from May until 11th November 2015 11:53
21 there was no contact between you and Detective
22 Superintendent Mulcahy concerning the welfare of Garda
23 Keogh?

24 A. Well, I'd say none that I have recorded, but my
25 recollection is that we had frequent interaction but I 11:54
26 recorded what I recorded and there may be other calls
27 but I can't be certain, yeah.

28 180 Q. Will you tell us about them, because we will have
29 Detective Superintendent Mulcahy in due course?

1 A. Absolutely, yeah. My recollection of that time is that
2 whenever he had an issue in relation to Garda Keogh he
3 would phone me to let me, as local management, know.
4 And if it involved a welfare situation, well, we would
5 discuss that and if there was anything that could be 11:54
6 done to help him outside of the structures that we had
7 in place with the employee assistance service, that was
8 it. I was making efforts from July to have a case
9 conference on Garda Keogh.

10 181 Q. We will just come to that in a minute. But all I am 11:54
11 pointing out to you is that you said as a result of
12 what you believed to have been said in the Dáil on the
13 1st April, that you decided that you were going to take
14 a note in relation to your interactions --

15 A. Yes. 11:55

16 182 Q. -- with Garda Keogh?

17 A. Yes.

18 183 Q. And you appear to have kept a note in relation to your
19 interactions with Detective Superintendent Mulcahy and
20 Assistant Commissioner Ó Cualáin? 11:55

21 A. On that date, yes.

22 184 Q. You have made them all available to us?

23 A. Yes.

24 185 Q. I am just pointing out, that on the basis of the notes
25 that you have made available to us of your contacts 11:55
26 with Detective Superintendent Mulcahy and Assistant
27 Commissioner Ó Cualáin, you don't seem to have been in
28 contact with Detective Superintendent Mulcahy in
29 relation to Garda Keogh between May and the 11th

1 November?

2 A. That may be the case. The majority of the phone calls
3 that I received were from him to me, because he was
4 liaising very regularly with Garda Keogh at that time.

5 186 Q. If we could just then deal with another issue that 11:55
6 again arose out of questions that were asked of you in
7 relation to the referral to the CMO. We know that
8 Garda Keogh saw the CMO on the 19th May?

9 A. Yes.

10 187 Q. Of 2015. 11:56

11 A. Yes.

12 188 Q. Did you not get a report back in some form, either from
13 the CMO or from human resource section?

14 A. No. And I never got any, I suppose, report back in
15 response to my referral, let's say, as to what had 11:56
16 happened at that meeting or what the views of the CMO
17 were.

18 189 Q. You had referred --

19 A. Yes.

20 190 Q. -- in relation to a particular issue? 11:57

21 A. Yes.

22 191 Q. And the particular issue you had referred to referred
23 on the form to mental health. Which, because of the
24 regulations and the way these things are framed, would
25 have encompassed the work related stress, isn't that 11:57
26 right?

27 A. Yes.

28 192 Q. So that was a referral that you made, because you had a
29 concern in relation to that?

1 A. Yes, I wanted to give support.

2 193 Q. It's not a phrase I particularly like but everybody
3 seems to be using it, you were using, but you were
4 bottoming out a lot of issues. Why didn't you bottom
5 that issue out? 11:57

6 A. Well, I wasn't sure, I suppose, what way the CMO was
7 going to deal with that. When I sent the report up on
8 the 2nd April, it set out the context of Garda Keogh's
9 involvement with the confidential -- as a confidential
10 reporter. And once that was highlighted, things seemed 11:57
11 to get very secretive and I assumed that this may be
12 something that had occurred along those lines and
13 perhaps that the CMO was dealing with Garda Keogh and I
14 didn't make any further enquiries.

15 194 Q. What's the normal procedure if you refer somebody to 11:58
16 the CMO in these circumstances?

17 A. The normal procedure --

18 195 Q. Have you got an expectation that you are going to
19 receive a report back?

20 A. The normal procedure is that you would receive a report 11:58
21 back. And after the visit of Garda Keogh to the CMO in
22 December '15, a report arrived in January of '16.

23 196 Q. Just stay with the 19th May for the moment?

24 A. No, I am just trying to make a connection, that
25 normally that's what happens, yeah. 11:58

26 197 Q. Well, for instance, you didn't go to Garda Keogh and
27 say, how did you get on with the CMO?

28 A. I don't recall that, but I do recall him in evidence
29 saying that I did ask him when I met him in the

1 corridor one day.

2 198 Q. Did you make enquiries in relation to the chief
3 superintendent? Did you write any correspondence
4 asking what's emerged?

5 A. No. I suppose events moved on, in that in the middle 11:59
6 of April then the employee assistance service came on
7 board. They're directly aligned with the human
8 resource section and the occupational health section.
9 And I know that the CMO interacts personally with that
10 group of people in relation to issues. And once they 11:59
11 were involved again then, well, you know, he was, I
12 suppose I felt, coming under the care of that
13 specialist section, which involved the occupational
14 health department and the human resource section, which
15 is directly under it's chain of command, the employee 11:59
16 assistance service.

17 199 Q. You went through this, and I'm not going to go over it
18 again, but your note of the 26th March indicates that
19 you were somewhat sceptical of the work related stress
20 issue. You note at the end of it, you note that Garda 11:59
21 A was in the Garda station, and you had a certain
22 viewpoint in your own mind. You continue to deal with
23 Garda Keogh. Having referred him on this very issue no
24 the CMO, can you explain why it was that you didn't
25 make an enquiry to find out whether or not you were 12:00
26 wrong in your view, that there was work related stress,
27 that it wasn't always alcohol related, that there were
28 issues here that had to be addressed, or that there
29 were stress factors at work that had been identified?

1 Did you not make any enquiries at all?

2 A. I have never said there weren't stress factors. And I
3 have been very clear, the skepticism that I had was
4 about the excuse he was using for the stress, in
5 relation to the presence of Garda A in the workplace. 12:00
6 And the enquiries or the information, I didn't make
7 direct enquiries with the occupational health
8 department or the CMO. But again, on 20th May 2015 I
9 answered correspondence that came to the chief
10 superintendent from Mr. Mulligan, from the HR 12:01
11 department. And again, in that I sent up certificates
12 at this time. So like, more information had now gone
13 back up to the occupational health department.

14 200 Q. But that related to what you perceived to be your duty
15 to investigate thoroughly the issue of work related 12:01
16 stress. That wasn't concerning the CMO and the CMO's
17 observations and recommendations?

18 A. No.

19 201 Q. But is there any correspondence anywhere from you to
20 your authorities asking the question, what is the 12:01
21 official position coming out of the CMO in relation to
22 the condition of Garda Keogh?

23 A. There isn't, no.

24 202 Q. So we know then that you formed a view in July that
25 there should on a case conference, isn't that right? 12:02
26 A. Yes.

27 203 Q. Yes. You wrote off in relation to that. One wasn't
28 held until the 9th December?

29 A. Yes.

1 204 Q. Do you know why that was?
2 A. I don't.

3 205 Q. We have your notes in relation to that, your
4 preparatory notes and then subsequently a brief note in
5 relation to that. It's at page 2500. I don't need it 12:02
6 up on the screen. But you were asked questions in
7 relation to the notes from the CMO, which are at page
8 3646 of the material. Just to identify the issues that
9 you are disputing in relation to this, so that we can
10 deal with it with future witnesses, as it were. On the 12:03
11 right-hand side there's comments that are attributed to
12 you, because you were there from local management,
13 isn't that right?

14 A. This is the -- which meeting is this?

15 206 Q. This is the meeting of 9th December 2015? 12:03
16 A. Okay. Yes, I was indeed.

17 207 Q. "Local management observations and actions"?
18 A. Yes.

19 208 Q. This is what's noted.
20 A. Yes. 12:03

21 209 Q. "Management are relaying that there are serious
22 concerns over the member's obvious misuse of alcohol,
23 which is adversely affecting his ability to do his job
24 and his physical presentation."
25 A. Yes. 12:03

26 210 Q. "High level of short-term sickness absences on record."
27 A. Yes.

28 211 Q. "EAS officer observation is that the member needs to
29 decide for himself that he needs help and make a

1 concerted effort to access services to address the
2 issue. "

3
4 And then it says:

5
6 "Management suggesting medium to long-term support
7 would be given for a transfer out of Athlone in view of
8 events that had transpired there, if it is considered
9 to be beneficial for the member's sustained wellbeing
10 and effectiveness after he would have come through an
11 appropriate treatment programme. "

12:04

12:04

12 A. Yes.

13 212 Q. Do you accept that as being the view that was expressed
14 by you at the time?

15 A. It was a view expressed by quite a few people,
16 including the CMO and the HR department, that this was
17 one of the options.

12:04

18 213 Q. No, I am just asking you about that. Do you accept
19 those notes, do you, in relation to that?

20 A. Oh, yeah, absolutely. We all discussed it at that
21 time.

12:04

22 214 Q. I thought an issue had arisen --

23 A. No, absolutely not.

24 215 Q. -- that you might have been disputing what was recorded
25 there and I just wanted to give you the opportunity to
26 deal with it. A matter arose this morning, and if we
27 could have page 8663 up on the screen. This is going
28 back to the Tullamore incident. You said yesterday in
29 evidence and you have said it again in an answer to

12:04

1 Mr. O'Higgins, that you had referred this on for an
2 independent review, is that right?

3 A. Whatever -- yeah, like I wanted someone impartial to
4 have a look at it.

5 216 Q. From what perspective did you want them to have a look 12:06
6 at it?

7 A. Because I didn't feel that if there was an issue, that
8 Garda Keogh would have any faith in my impartiality to
9 make any decision with regard to any assessment.

10 217 Q. With regard to what? 12:06

11 A. Whether or not Ms. B was driving around his house or
12 close to his house on that particular day.

13 218 Q. You see, I had asked you questions in relation to this
14 the day before yesterday?

15 A. Yes. 12:06

16 219 Q. And I thought that we had agreed on this. First of,
17 all I thought that we had agreed that your statement in
18 relation to Garda Keogh's account may lack credibility,
19 we had agreed that that was based on the fact of the
20 timeline? 12:07

21 A. The timeline, yes.

22 220 Q. Yes. But it didn't exclude the possibility and that
23 was the only reason --

24 A. Absolutely, no, I agree that, yeah.

25 221 Q. And that was the only basis that you had referred to 12:07
26 this?

27 A. Yes.

28 222 Q. Today you have said that he may not have been correct
29 or he may have made a mistake. But that's not the

1 terminology that you have used here. If you look at
2 the first line:

3
4 "It appeared that Garda Keogh's alleged observation
5 regarding the presence of Ms. B around his home may 12:07
6 lack credibility."

7
8 You don't say he might have been mistaken. You don't
9 say that --

10 A. Well, that's what I mean by the credibility, you know, 12:07
11 I mean, I may have used the wrong word, but that's what
12 I mean. The whole thing was -- you know, the
13 credibility around the whole thing and...

14 223 Q. Then we move onto the next line, because you have now 12:07
15 moved away from the actual incident and you're talking
16 about the creation of the incident?

17 A. Yes.

18 224 Q. "The manner and circumstances under which the incident 12:08
19 was created by Garda Keogh via GISC requires
20 explanation in that Garda Keogh was off duty and did
21 not contact Tullamore Garda station at the time of his
22 alleged observation."

23 A. Yes.

24 225 Q. "Neither did he report the matter to anyone other than 12:08
25 GISC."

26 A. Yes.

27 226 Q. "The creation of the incident by Garda Keogh, which he
28 has intertwined with a whistleblower investigation,
29 merits further explanation by the member in light of

1 the clear assertion by Ms. B that her car was at a
2 garage that afternoon and that neither she nor her car
3 were in Tullamore."

4 A. Yes. That's my understanding of what her position was.

5 227 Q. So what we have now moved on to here is the creation of 12:08
6 the incident by Garda Keogh, isn't that right?

7 A. That's one issue in the incident. That's one issue.
8 You know, the whole thing has to be taken in context.
9 That's one issue. That's one part of it, the creation
10 of it. And then it moves on to the CCTV and there's a 12:09
11 garage man involved.

12 228 Q. If we look at the last three lines:
13
14 "Therefore, I respectfully suggest that a member of
15 inspector rank be tasked with carrying out a 12:09
16 fact-finding exercise in relation to the creation of
17 the incident by Garda Keogh."

18 A. Yes.

19 229 Q. Now, am I understanding from your evidence --
20 MR. MÍCHEÁL O' HIGGINS: Chairman, could I just make one 12:09
21 observation.
22 CHAIRMAN: Yes.

23 MR. MÍCHEÁL O' HIGGINS: I appreciate this has been gone
24 over and Mr. Marrinan has chosen to focus in his
25 re-direct again on this Tullamore matter. I had 12:09
26 understood that it wasn't intended to accord this to
27 the status of item number 23 in the list of matters.
28 It appears to be given focus and emphasis suggestive
29 that it has been put on the list as a discreet matter

1 to be inquired into, and I'm not sure that's in
2 accordance with the indication that was given. I just
3 make that observation, Chairman.

4 CHAIRMAN: well, what do you want me to do about that,
5 Mr. O'Higgins? 12:10

6 MR. MÍCHEÁL O' HIGGINS: well, insofar as Mr. Marrinan
7 appears to be intent on dwelling on issue and devoting
8 the balance of the morning to it, I wonder is
9 that appropriate?

10 230 Q. CHAIRMAN: I think you think Mr. Marrinan is being a 12:10
11 bit hard. Maybe he is, but that's his decision. Can I
12 just clarify one thing: I thought the creation of the
13 incident was the creation of the incident on Pulse.

14 A. Yes.

15 MR. MARRINAN: Yes. 12:10

16 231 Q. CHAIRMAN: So it's not the creation of the incident in
17 the sense that -- nobody is suggesting that Garda Keogh
18 made it up?

19 A. Absolutely not. Oh no.

20 232 Q. CHAIRMAN: Created the incident. It's the creation of 12:10
21 it on Pulse, is that correct?

22 A. Yes.

23 233 Q. MR. MARRINAN: That is the point?

24 A. Oh, I didn't get that. No, absolutely not.

25 CHAIRMAN: Mr. O'Higgins is not making an objection, he 12:10
26 is making an observation. There it is, Mr. Marrinan,
27 let's proceed.

28 MR. MARRINAN: which I actually utterly reject, for the
29 simple reason that I dealt with this yesterday --

1 CHAIRMAN: I don't think there's anything that you need
2 to reject, Mr. Marrinan.

3 MR. MARRINAN: well, I do, and I would like to state my
4 position in relation to it. Because I introduced the
5 matter yesterday, I gave what I thought was a very fair 12:11
6 summary of the background and the circumstances without
7 going into the details of the actual report. The chief
8 superintendent agreed with that summary that I gave.
9 Mr. O'Higgins revisited the matter today and went
10 through all aspects of the report, the report and what 12:11
11 was requested.

12 CHAIRMAN: Mr. Marrinan, what can do I to reassure you?

13 MR. MARRINAN: Yes.

14 CHAIRMAN: That your standing is undiminished and that
15 your propriety and expertise are in no way challenged. 12:11
16 There is no criticism of you. I have just rejected it
17 and observed that Mr. O'Higgins' intervention was
18 merely an observation. Please proceed, Mr. Marrinan,
19 undimmed and undiminished, undeterred by any
20 interventions. 12:12

21 234 Q. MR. MARRINAN: what's being investigated here, quite
22 clearly, was Garda Keogh creating this incident on
23 Pulse?

24 A. Yes.

25 235 Q. By using the Pulse system? 12:12

26 A. Yes.

27 236 Q. Himself directly?

28 A. Yes.

29 237 Q. Instead of reporting the matter to An Garda Síochána?

1 A. Yes.

2 238 Q. In Tullamore through the normal reporting procedures?

3 A. Absolutely.

4 239 Q. Isn't that right? That is what was going to be
5 investigated -- 12:12

6 A. Yes.

7 240 Q. -- by the inspector. The actual incident had already
8 been investigated by you?

9 A. Yes.

10 241 Q. And you had determined that it lacked credibility, is 12:12
11 that right?

12 A. Well, I had hoped that the inspector would look at the
13 -- take the whole thing in its entirety. The word
14 creation there is not me insinuating that the incident
15 was created in someone's mind. It was the creation on 12:13
16 Pulse. But I mean, the job went to a detective
17 inspector, a very experienced detective inspector and,
18 you know, it'd be normal to look at the whole thing in
19 the round, rather than fragmenting it or taking just
20 one aspect of it and dealing with that. I mean, these 12:13
21 are experienced police people and if there is an issue
22 like that, the issue has to be looked at in the round.

23 242 Q. Now, just one final matter, chief superintendent, and
24 it refers the decision to deal with Garda Keogh by way
25 of regulation 14 in relation to the absence without 12:13
26 leave.

27 A. Yes.

28 243 Q. I am not entirely sure, I may have misheard you in
29 relation to some questions that were asked in relation

1 to Mr. Kelly, but what's clear from the documentation
2 is that you had decided to deal by way of regulation 14
3 before you got the response from Garda Keogh, isn't
4 that right?

5 A. No. I suppose -- and I appreciate there's a document 12:14
6 there which says I was going to deal with this under
7 separate cover. But I was -- I wanted to see a
8 response from Garda Keogh. And in my mind, if he had,
9 I suppose, acknowledged that he needed help, I would
10 have supplied him with that help and perhaps a 12:14
11 different course would have been taken in consultation
12 with the chief superintendent. But I had given him an
13 opportunity to explain, I told him I would. And the
14 first letter I sent was primarily for the CMO for a
15 case conference. So I wanted to emphasise that, you 12:14
16 know, this was a serious issue and perhaps to have that
17 case conference held as quickly as possible.

18 244 Q. Okay, it would appear that I was correct, that is your
19 position. I think if you could just explore that a
20 little bit more. Page 2227. This is Garda Keogh's 12:15
21 response, 21st July 2015?

22 A. Yes.

23 245 Q. "Sergeant Monaghan, with reference to overleaf, I made
24 a mistake regarding the reporting unfit for duty, I
25 thought I was still on sick those days. I apologise 12:15
26 for same. Sick certificate attached. Forwarded for
27 your information, please."

28
29 And that's sent on by Sergeant Monaghan to you, isn't

1 that right?

2 A. That's correct, yeah.

3 246 Q. But you had already written a letter to Chief
4 Superintendent wheatley. If we could have page 800 up
5 on the screen, please. Sorry, it's 8800. We have 12:16
6 already opened this. But if we turn over to page 8801,
7 we note:

8

9 "Under separate cover I intend recommending
10 disciplinary proceedings under regulation 14 commence 12:16
11 against the member for being absent without leave."

12 A. Yes.

13 247 Q. Then you go on and ask for a case conference. That
14 seems very clear, that had you already determined that
15 you were going to deal with him by way of regulation 12:17
16 10?

17 A. I just want to make my position very clear on this.

18 248 Q. Regular 14.

19 A. I phoned Garda Keogh on the 15th July, we had a
20 meaningful conversation around this. He asked me to 12:17
21 ignore it and I said I couldn't and I would ask for an
22 for an explanation. And I talked to him about having a
23 case conference. I wanted him to understand that
24 something needed to be done about this, it had to be
25 marked. And if it wasn't, I felt it would re-occur 12:17
26 again. I had hoped that Garda Keogh would take
27 responsibility and perhaps give me some indication or
28 succour that he was going to deal with his issues. So
29 when I saw his response I had no hesitation in

1 recommending discipline at that stage. The first
2 report is merely a report to go up to the CMO. It's in
3 relation to a case conference. I wanted to have that,
4 the discipline aspect of it, emphasised, when that was
5 going up there, in order that, I suppose, some account 12:18
6 would be taken of the situation to have a case
7 conference.

8 249 Q. What is the Chairman to make of the statement there
9 "under separate cover I intend recommending
10 disciplinary proceeding"? 12:18

11 A. Just as I have explained it now.

12 250 Q. Just finally then, in relation to one matter that
13 unfortunately I have to return to, just to bring
14 absolute clarity, that's in relation to the filing
15 process, all right, and the obligations in relation to 12:18
16 Pulse. Before the introduction by you on 18th August
17 2015, of your direction in relation to the reporting of
18 incidents other than creating Pulse entries, what was
19 in force was your direction of 19th June 2015, in
20 relation to the investigation and volume of crime and 12:19
21 the accountability process, isn't that right?

22 A. That should be the investigation of volume crime.

23 251 Q. Sorry?

24 A. Of volume crime, yes.

25 252 Q. So the heading is wrong there, right. A garda 12:19
26 investigates a matter, a matter is reported to a garda.
27 What's envisaged is that that appears on Pulse, because
28 that's the primary obligation of the member, is to put
29 the incident on Pulse, isn't that right?

1 A. Yes.

2 253 Q. He would also have an obligation, if he is an ordinary
3 serving member of garda rank, to report the matter to
4 his supervising sergeant, isn't that right?

5 A. Yes. I suppose that would be something -- depending on 12:20
6 how serious the incident was, it depends on the
7 incident.

8 254 Q. Yes.

9 A. Whether something needed to be brought to attention out
10 of the Pulse realm, let's say. 12:20

11 255 Q. So that was the only obligation at that time, other
12 than obviously to investigate the matter.

13 A. Yes.

14 256 Q. But that came before the daily PAF meeting?

15 A. The Pulse incident would arrive at the daily PAF 12:20
16 meeting in the incident summary report.

17 257 Q. And then at the PAF meeting a crime file would be sent
18 back attached to an e-mail, through the sergeant to the
19 member?

20 A. Okay. No. What would go back, if there were no leads 12:20
21 indicated on the incident, if it wasn't going in any
22 direction, a request would go by e-mail and be placed
23 on an Excel sheet for the member to generate a crime
24 file.

25 258 Q. Right, okay. 12:21

26 A. And return that maybe in a six-week period or at the
27 end of six weeks.

28 259 Q. So that crime file would then be returned to come
29 before a future PAF meeting; is that right?

1 A. No.

2 260 Q. Right.

3 A. At that stage, when the crime file would come back in
4 then, it would come to either myself or the two
5 inspectors to have a look at it, to review and to 12:21
6 audit, before we would indicate that we would mark it
7 inactive.

8 261 Q. That's what I was going to ask you, does it come back
9 in two circumstances; does it come back in the first
10 instance where the original PAF meeting have set -- 12:21

11 A. No.

12 262 Q. -- a timeline in which it is to come back, or does it
13 merely come back with a view to closing the file?

14 A. It comes with a view to closing the file, if it's
15 submitted in that fashion. 12:22

16 263 Q. Yes.

17 A. And every Monday then, those outstanding files for each
18 unit would be reviewed with the sergeant in charge of
19 that unit. So whatever ones were outstanding or had
20 gone outside of time, would be reviewed from the Excel 12:22
21 sheet, to ensure things were kept moving. But it would
22 be returned back to me to close off.

23 264 Q. That was the issue that I had, when you say it had gone
24 outside the timeline?

25 A. Yes. 12:22

26 265 Q. What do you mean by that?

27 A. So, at the initial request to submit a crime file, a
28 time would be given to allow the member do that and to
29 allow him make a few enquiries or whatever enquiries

1 were necessary to allow him make a decision on which
2 way this was going, whether it was going to be marked
3 inactive or whether there were leads to follow and it
4 would end in a prosecution.

5 266 Q. Is the crime file sent back to you when the deadline is 12:22
6 passed?

7 A. Again, it's a bit complicated. The Monday reviews
8 would, I suppose, at times interfere with that Excel
9 sheet again outside of the PAF. The PAF meeting only
10 calls maybe for the initial request and then it would 12:23
11 come into the realm of the two inspectors and I and the
12 mechanism around a weekly Monday meeting with whatever
13 sergeants were working in relation to their issues.

14 267 Q. So then you introduce a different procedure in relation
15 to reporting, with the direction which we see at page 12:23
16 2121. This concerned the reporting of incidents other
17 than creating Pulse entries?

18 A. Yes.

19 268 Q. In relation to this, again the matter comes before the
20 daily PAF meetings, is that right? 12:24

21 A. Yes.

22 269 Q. Who is it in the first instance who reports the
23 incident to the PAF meeting?

24 A. In relation to ones other than Pulse entries or
25 critical or serious incidents. 12:24

26 270 Q. Yes.

27 A. That would be generated, I suppose, as a result of
28 whatever group of people on the team that were at that
29 incident and primarily it should be the sergeant.

1 271 Q. Yes.

2 A. But in his absence --

3 272 Q. You see, this is what I am not clear about. In the
4 actual document itself, it refers twice to two short
5 concise reports? 12:24

6 A. Mm-hmm.

7 273 Q. And we see there, the first line there:
8
9 "All incidents of a critical or serious nature must be
10 the subject of a short, concise report in addition to 12:24
11 an entry made on Pulse."
12 A. Yes.

13 274 Q. And then the second paragraph appears to suggest that
14 that obligation referred to in paragraph one is placed
15 on the sergeant on duty at the time of the incident? 12:25

16 A. Yes.

17 275 Q. Am I correct in that?
18 A. That would primarily be the number one person I would
19 expect to provide as much information as possible to
20 allow that critical or serious incident get immediate 12:25
21 attention by an oncoming unit.

22 276 Q. So the onus there appears to be put on the sergeant on
23 duty?

24 A. Yes.

25 277 Q. And in the absence of the sergeant on duty -- 12:25

26 A. Yes.

27 278 Q. -- the station orderly.

28 A. Yes.

29 279 Q. To ascertain from the investigating member --

1 A. Yes.

2 280 Q. -- the details that would go into his or her concise
3 report?

4 A. Yes.

5 281 Q. Is that right? 12:26

6 A. Yes, and they're all on the one team, they're all on
7 the same team. This is a group of people working
8 between two times, who all work together on the same
9 team.

10 282 Q. So when Sergeant Baker raised the issue in relation to 12:26
11 the robbery from the person.

12 A. Yes.

13 283 Q. And that there was no report, the primary obligation
14 would have been on the sergeant in charge?

15 A. Yes, of the unit. 12:26

16 284 Q. Of the unit?

17 A. Yes.

18 285 Q. Or alternatively, the station orderly?
19 Or member in charge of the investigation.

20 286 Q. Yes. 12:26

21 A. Yes.

22 287 Q. But is it because Garda Keogh had done a report that it
23 was perceived that this had been the report that was
24 being sent to the PAF meeting in lieu of a report from
25 the sergeant or from the station orderly? 12:26

26 A. Yes. The main concern was the report lacked
27 information and the second concern at that PAF meeting
28 was that it hadn't, I suppose, gone in the way it
29 should in terms of there had been a gap and this

1 incident wasn't picked up on, and our investigative
2 process didn't kick into place immediately.

3 288 Q. That is not really what I am asking you.
4 A. Okay.

5 289 Q. I am asking you, was it perceived that in some way that 12:27
6 Garda Keogh's report had, as it were, bypassed the
7 sergeant in charge, bypassed the station orderly and
8 come in the guise of a report that was anticipated in
9 this?

10 A. No. No. I mean, the information is what's important, 12:27
11 not who generates the report really. And so, if the
12 sergeant had delegated this function to someone on his
13 unit, will you draw up a report for me there and just,
14 you know, send it in, or e-mail it or whatever was
15 required, there would be no problem with that. It was 12:27
16 about getting the information and I suppose as much
17 information as possible.

18 290 Q. But were there any queries raised at the time in
19 relation to why the sergeant in charge or the station
20 orderly hadn't sent in a report? 12:28

21 A. I presume there was no sergeant on that night and there
22 were no enquiries generated in that way. This is
23 something that's not new, this is in chapter 33 of the
24 Garda Code, this type of reporting for critical or
25 serious incidents. And I am merely, I suppose, trying 12:28
26 to make that fit, to highlight good work and to try and
27 fit it into the mechanism we were creating.

28 291 Q. You understand, why was Garda Keogh in the circumstance
29 where the obligation is placed on the sergeant in

1 charge or the station orderly, why was Garda Keogh the
2 subject-matter of criticism in relation to his report,
3 when it should have come from one of those two others
4 gardaí?

5 A. It lacked detail, number one. And secondly, I suppose, 12:29
6 I believe there was no sergeant on duty that night.
7 That was my understanding I think at the time.

8 MR. MARRINAN: Thank you very much.

9
10 END OF EXAMINATION 12:29

11
12 CHAIRMAN: very good. Thank you very much chief
13 superintendent.

14 WITNESS: Thank you Chairman.

15 CHAIRMAN: we will in due course return to the 12:29
16 outstanding question but that deals with all of those
17 issues, whatever they are, from number 5 to, I forget
18 what the number is. So thank you very much, indeed.

19 MR. MÍCHEÁL O' HIGGINS: Chairman, excuse me, could I
20 interrupt you. Could I just bring one matter to your 12:29
21 attention, which is not of any importance.

22 CHAIRMAN: Yes.

23 MR. MÍCHEÁL O' HIGGINS: It's a matter, it's proper that
24 I correct, an error was made by me yesterday.

25 CHAIRMAN: Thank you very much. 12:29

26 MR. MÍCHEÁL O' HIGGINS: In case it leads to inadvertent
27 follow on effects, it's proper I correct it. I wonder,
28 Chairman, could I call up page 14895 of the system for
29 a moment, to correct this.

1 CHAIRMAN: Document 14 -- shall we leave the chief
2 superintendent where he is?

3 MR. MÍCHEÁL O' HIGGINS: No, it's not related to the
4 chief superintendent.

5 CHAIRMAN: Thanks very much. I am sure you will be
6 relieved to be finished. 12:30

7
8
9

THE WITNESS STOOD DOWN

10 CHAIRMAN: Okay. So you have the number, 14895. 12:30

11 MR. MÍCHEÁL O' HIGGINS: 14895. I will just explain why
12 I need to correct this. In the course of my asking
13 questions of Chief Superintendent Murray, this document
14 came up on the screen, I asked for it to be put up on
15 the screen. 12:30

16 CHAIRMAN: Yes.

17 MR. MÍCHEÁL O' HIGGINS: You see the second paragraph
18 down, there is a reference to Garda X and Garda Y.

19 CHAIRMAN: You said Garda X was Garda Keogh.

20 MR. MÍCHEÁL O' HIGGINS: That's exactly right. I was
21 wrong in that. 12:30

22 CHAIRMAN: It's Garda Y is Garda Keogh.

23 MR. MÍCHEÁL O' HIGGINS: It's Garda Y. Nothing really
24 turns on that, save that as there are other references
25 to Garda X elsewhere in the materials -- 12:31

26 CHAIRMAN: Thank you very much point for pointing that
27 out. Thank you very much. I had noted that you had
28 identified or mentioned that that was the situation.

29 MR. MÍCHEÁL O' HIGGINS: So apologies for that, it was

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inadvertent.

CHAIRMAN: No, no problem. Consider it corrected then, we all know where we are. Okay. So thank you very much. Right. That's the end of that phase of the Tribunal. We will resume our hearings on the 20th January 2020, at 10:30.

12:31

Now, because of the efficiency of our officer manager, Mr. Barnes, the parties can leave their papers here and they will be secure. So you don't have to take them away with you, obviously you are free to take them away with you, but they will be secure here over the holiday period. Mr. Barnes can be contacted over the period in case parties wish to have access to the room. But otherwise it will be locked and secure and so on. So that I think is the facility. And thank you very much indeed, Mr. Barnes, take a bow for that facility. I am sure the parties will be relieved and pleased to have that.

12:31

12:32

So, nothing more than to adjourn and wish everybody a happy Christmas and New Year and we look forward to seeing you back here on the 20th. Thank you very much.

12:32

12:32

THE HEARING THEN ADJOURNED UNTIL MONDAY, 20TH JANUARY 2020 AT 10:30AM

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