

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

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

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

HELD IN DUBLIN CASTLE
ON WEDNESDAY, 22ND JANUARY 2020 - DAY 129

129

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

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1 THE HEARING RESUMED, AS FOLLOWS, ON WEDNESDAY, 22ND
2 JANUARY 2020:

3
4 CHAIRMAN: Thanks very much.

5 MS. McGRATH: Good morning, Chairman. 10:31

6 CHAIRMAN: Good morning, Ms. McGrath.

7 MS. McGRATH: The next witness is Detective
8 Sergeant Yvonne Martin, please.

9 CHAIRMAN: Thank you.

10
11 DETECTIVE SERGEANT YVONNE MARTIN, HAVING BEEN SWORN,
12 WAS DIRECTLY-EXAMINED BY MS. McGRATH, AS FOLLOWS:

13
14 THE WITNESS: Detective Sergeant Yvonne Martin.

15 CHAIRMAN: Thanks very much. Good morning. 10:32

16 THE WITNESS: Good morning, Chairman.

17 1 Q. MS. McGRATH: Good morning, detective. Detective, I
18 think you're attached to Athlone Garda Station at the
19 moment, at the rank of detective sergeant, is that
20 right? 10:32

21 A. That's correct.

22 2 Q. Okay. I think you were attested back in June 2001,
23 isn't that right?

24 A. That's correct, yes.

25 3 Q. And you became a sergeant in 2007? 10:32

26 A. That's correct, yes.

27 4 Q. It was in your capacity as sergeant then that you
28 transferred to Athlone district in December 2014, isn't
29 that right?

1 A. Yes. I initially went to Castlepollard in Mullingar,
2 in the westmeath division and then down to Athlone in
3 2014.

4 5 Q. Okay. Now, I think when you came to Athlone in 2014,
5 can you just tell the Chairman what unit you were
6 working in, in Athlone? 10:32

7 A. I was attached to the regular unit, unit B, in Athlone
8 Garda Station. And I was there just over a year when I
9 was assigned as sergeant in the crime drugs unit,
10 commencing February '16. And I worked there for a 10:33
11 number of months alongside Detective Sergeant Eamon
12 Curley before his promotion to inspector and I then
13 worked as acting detective sergeant until I was
14 appointed myself as detective sergeant.

15 CHAIRMAN: Sorry, could I ask you to pull the 10:33
16 microphone a tiny bit closer to you. Thanks very much.
17 If you pull that little apparatus. Thanks very much.
18 I don't want to make you uncomfortable or don't get too
19 conscious of it, but I find it a little easier to
20 understand. Thanks very much. 10:33

21 6 Q. MS. McGRATH: Now, I think you say there you were on
22 unit B during that period at least between end of 2014
23 into the end of 2015, is that right?

24 A. Even up to February 2016.

25 7 Q. Okay. Now, I think Garda Keogh worked on unit C, as we 10:34
26 have heard here in the Tribunal, is that right?

27 A. Yes, that's correct.

28 8 Q. Now, can I just refer to you your statement. Chairman,
29 it's at Volume 3 and it's at page 595. The first

1 paragraph is the paragraph I want you to look at, the
2 first paragraph there at page 596. You say there at
3 paragraph 3.1, there at the very top, you say:
4

5 "I would have had no dealings with Garda Keogh as he 10:34
6 was on a different unit to me. Any interaction would
7 have been limited to change of shifts and other limited
8 occasions and I do not recall any interactions even at
9 such times."

10
11 Is that right? 10:34

12 A. That's correct.

13 9 Q. So as you say, you put it down to you were on separate
14 shifts, separate units?

15 A. Yes, we'd meet at change over of if there was a 10:34
16 crossover of units.

17 10 Q. Okay. Now, when you came to Athlone in December 2014,
18 did you know that Garda Keogh at that point was a
19 confidential reporter from the previous May, did you
20 know that? 10:35

21 A. I would have known of it. I was on maternity leave for
22 the six months prior to starting in Athlone, but I
23 would have known that he had made a protected
24 disclosure.

25 11 Q. Would you have known anything about him either 10:35
26 professionally or personally, that he had been on sick
27 leave intermittently?

28 A. No, not prior to that, no.

29 12 Q. For example, would you have known that from December

1 and at least into mid 2015 his medical certificates
2 were citing work related stress, would you have known
3 that at any point?

4 A. I wouldn't have known what his medical certs were
5 saying. 10:35

6 13 Q. Can I just ask you, you say there you had effectively
7 no dealings with him and I think his supervising
8 sergeant was Sergeant Monaghan, is that right?

9 A. Sergeant Moylan.

10 14 Q. Sorry, Sergeant Moylan. would you ever have come 10:35
11 across or had occasion to come across work performance
12 issues for Garda Keogh, at least from December to, say,
13 mid 2015?

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

15 15 Q. Okay. Can I just ask you, I just want to concentrate 10:36
16 on one particular thing, detective, this morning, and
17 it's the timeframe and the events in March 2015 and, as
18 you know, Chief Superintendent Patrick Murray started
19 in Athlone in early March, isn't that right?

20 A. That's correct. 10:36

21 16 Q. Now, I want to ask you in particular about 20th March
22 2015. According to the documentation that the Tribunal
23 has seen and the chief superintendent's evidence, he
24 spoke to you on 20th March 2015 about taking on a
25 support role in respect of Garda Keogh, is that right? 10:36

26 A. That is correct, yeah.

27 17 Q. Now can you tell the Tribunal a little bit about that
28 conversation and assist the Chairman as much as you can
29 about the specifics of it?

1 A. Yes, Chairman. I spoke to Superintendent Murray at
2 that time and he informed me that he was putting a
3 structure in place to help support Garda Keogh, and he
4 asked me I would be a the liaison sergeant for him.
5 This was to deal with any welfare issues he may have, 10:37
6 with a view to solving them.

7 18 Q. Can you explain the content of the conversation, the
8 context of it; why was this necessary? Were you told
9 about this was necessary?

10 A. Well, it was obvious at that stage that Garda Keogh was 10:37
11 going through a stressful time and it was just an extra
12 support in place for him. I was somebody new to the
13 station too, I was just there a few months and I was
14 totally independent from anything that would have went
15 on previously. This was separate to his unit sergeant 10:37
16 and I know Sergeant Haran was the second sergeant
17 attached to that unit. So it was just an extra support
18 that if he needed any -- he wanted to talk to anybody
19 or he had any issues, that he could come to me.

20 19 Q. Can I ask you, was the Ó Cualáin investigation 10:38
21 mentioned to you in the context of all of this?

22 A. No.

23 20 Q. Can I also ask you, at that point, in December 2014,
24 January 2015 and March 2015, Garda Keogh had submitted
25 medical certs for his sick leave citing work related 10:38
26 stress, was this discussed with you?

27 A. I know he would have had a number of sick days, but the
28 reason for his sick I wasn't aware of.

29 21 Q. And also, can I ask you, were alcohol issues or

1 problems mentioned to you in this conversation?

2 A. I don't know if it was mentioned in the conversation,
3 but I would have been aware that there was alcohol
4 issues. But I don't recall that it was said in that
5 conversation. 10:38

6 22 Q. I think your evidence there just a moment ago to the
7 Chairman is that you were asked by the chief
8 superintendent to deal with welfare issues for Garda
9 Keogh?

10 A. Yes. 10:39

11 23 Q. Is that right?

12 A. That's correct.

13 24 Q. Now, we will come back to that in a moment, because I
14 think there is some documentation that mention work
15 related issues, we will come to that in a moment, but I 10:39
16 think is that your evidence; that on the 20th March you
17 understood it to be a welfare role, is that right?

18 A. Yes, I was very clear from that conversation that it
19 was a welfare role I had.

20 25 Q. Did it concern you or was it an issue that arose that 10:39
21 you didn't know Garda Keogh or had no relationship with
22 him at that point?

23 A. No, I didn't. I felt that I was probably a suitable
24 person for the role, in that I had no dealings with
25 anybody prior to that in Athlone and I was totally 10:39
26 independent and impartial in relation to anything.

27 26 Q. Now, I think the chief superintendent made you aware or
28 at least you may have known that Sergeant Haran was
29 previously providing the support role, is that right?

1 A. That's correct.

2 27 Q. Did you speak with Sergeant Haran about the change that
3 was to be made?

4 A. No. The only time I spoke to Sergeant Haran was a
5 number of weeks later when Garda Keogh hadn't 10:39
6 approached me, that I just wanted to ensure Garda Keogh
7 was aware that I was available to him and Sergeant
8 Haran informed me that he was, that he was aware. So
9 that's the only time I spoke to Sergeant Haran.

10 28 Q. You say this is a couple of weeks later? 10:40

11 A. Yeah, you know, because Garda Keogh didn't avail of me
12 as a resource to him, that I just wanted to ensure that
13 he was -- even though I knew he had received the
14 correspondence in relation to it, I just want to ensure
15 he was to know that he could come to me and Sergeant 10:40
16 Haran informed me he was aware of that.

17 29 Q. would you have by any chance approached Sergeant Moylan
18 at this stage, to talk to him, get a background or an
19 understanding of what was involved?

20 A. No, I didn't speak to Sergeant Moylan. 10:40

21 30 Q. Okay. Can I ask you to just move on a couple of days
22 then to 26th March 2015. The Chairman has heard that
23 it was on this particular day that the chief
24 superintendent spoke to Garda Keogh and informed him
25 that he was putting new workplace structures in situ 10:41
26 for Garda Keogh. In particular, you may be aware from
27 the transcripts that he has given evidence that he
28 informed Garda Keogh that you were going to be put in
29 place to offer support to him?

1 A. That's correct.

2 31 Q. Okay. Now, also he has given evidence that Garda Keogh
3 agreed to this and agreed to use you, do you have any
4 issue with that?

5 A. No. 10:41

6 32 Q. Do you disagree with that? Okay. Now, the chief
7 superintendent has recorded that after this meeting he
8 then spoke to you and some of your colleagues and all
9 agreed with the course of action that was going to be
10 put in place. So this is the second conversation you 10:41
11 had with Chief Superintendent Murray. Can you tell the
12 Chairman about that conversation?

13 A. I believe it's similar to the first one, my role would
14 be that I would be dealing with welfare issues.
15 Sergeant Moylan was his unit sergeant. Like every unit 10:42
16 in the station, there was two sergeants. Well, there
17 was one unit sergeant and then there was a second
18 sergeant that covered in the event that the main unit
19 sergeant was on leave or away for any reason.

20 33 Q. If I can ask Mr. Kavanagh just to put up page 2188, I 10:42
21 just want to ask you about the note that the chief
22 superintendent took in respect of that meeting with
23 Garda Keogh. Just where it concerns yourself. I just
24 want to ask you about that. So it's 2188. If you see
25 there at the top paragraph, it's recorded: 10:42
26

27 "I said I was asking Sergeant Yvonne Martin to link in
28 with him in relation to all workplace issues."
29

1 Now this is where we see workplace issues. It doesn't
2 say welfare issues, so I wonder can you assist the
3 Chairman in relation to that?

4 A. Yeah, it doesn't, no. I was very clear that I wasn't
5 dealing with workplace issues. Sergeant Moylan was his 10:43
6 unit issues. If Superintendent Murray had asked me to
7 deal with workplace issues in relation to his files or
8 his work, I would have said, well, he has his own
9 sergeant. I had my own unit. So I was very clear from
10 the conversation with Superintendent Murray that it was 10:43
11 welfare issues and not workplace issues. And in the
12 event I didn't then deal with any workplace issues.

13 34 Q. Okay.

14 A. You know, if I thought it was that role I had and it
15 was in my remit to do it, I would have done it, if he 10:43
16 hadn't got his own sergeant to deal with that matter.

17 35 Q. Just in the next sentence there, detective --

18 MS. O'ROURKE: Chairperson, just an observation.

19 CHAIRMAN: I am sorry, Ms. O'Rourke.

20 MS. O'ROURKE: Chairperson, just an observation, this 10:43
21 is a note prepared by Chief Superintendent Murray. I
22 don't know to what extent Sergeant Martin can assist in
23 interpreting that. She is giving her evidence as to
24 what she understood the position to be.

25 MS. McGRATH: There is no issue with that. As I say, I 10:44
26 just want to clarify the reference to workplace issues,
27 Chairman. But also, there is an issue arising of
28 somewhat of a dispute in relation to the second last
29 sentence there, if I could just ask the detective to

1 look at that.

2 CHAIRMAN: Before you go there, Ms. McGrath, it seems
3 to me that it is perfectly reasonable and legitimate as
4 an inquiry to say, look, to the witness, you're saying
5 that it was exclusively workplace issues, it would 10:44
6 appear from Superintendent Murray -- I am referring to
7 people by their title at the relevant time, I know that
8 Chief Superintendent Murray was promoted, but it's
9 legitimate for Ms. McGrath to say, look, Superintendent
10 Murray has recorded here that he was referring to 10:44
11 workplace issues. There's an area to be explored. And
12 the witness says, no, that wasn't my role, he had
13 somebody. And the witness might say, well actually,
14 now that you mention it, yes, there was something of
15 work. So that's perfectly legitimate, in my view 10:45
16 that's a perfectly legitimate area of inquiry.

17 36 Q. MS. McGRATH: Thank you, Chairman. I think in
18 particular, Chairman, I am looking for clarity in
19 relation to the second last sentence there, because
20 Garda Keogh takes issue with this note. In particular, 10:45
21 detective, if you can just have a look at it there,
22 this is Superintendent Murray saying:

23

24 "I advised that he --"

25 10:45

26 Namely Garda Keogh

27

28 " -- discussed the shortfalls in an assault harassment
29 case with her --"

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That's you detective

" -- and that she would put supports in place to ensure thoroughness in the investigation and he agreed the same and to use her." 10:45

Now, Garda Keogh disputes this particular note. Can I ask you, did you have such a discussion with Superintendent Murray about such a case and Garda Keogh? 10:46

A. I can't actually recall that specifically. But I do know like, even in my time in Monaghan, I worked the majority of the time in the crime unit. And even now in my role as a detective sergeant, other members in the station, not attached to my unit, would come to me in relation to crime investigations and seek advice. So he might have went down that line, to get advice from me from my past experience and my knowledge. 10:46

37 Q. Did Garda Keogh ever come to you in relation to -- 10:46

A. No, he didn't, no.

38 Q. So is it your evidence, detective, that you don't recall a conversation with the superintendent on that issue and/or you don't recall a conversation with Garda Keogh on that issue? 10:46

A. Well, I know I didn't have a conversation with Garda Keogh on it. I don't recall being asked to look at that assault harassment case.

39 Q. Okay. So if we can just move on, that was the note he

1 took on the 22nd March. Can I ask Mr. Kavanagh to
2 bring up page 9332. This is moving forward to the end
3 of March, 31st March 2015. So this is 9332. Now,
4 detective, as you know, we have heard evidence from
5 other witnesses in respect of these SR1 forms, which 10:47
6 are the forms that are filled out when somebody calls
7 in sick, isn't that right?

8 A. Yes, that's correct.

9 40 Q. I think this is the 31st March, so you're now in a
10 welfare liaison officer role in respect of Garda Keogh, 10:47
11 is that right?

12 A. That's correct, yes.

13 41 Q. Okay. Now if we just move down there, the ordinary
14 illness category is ticked, it says "not provided" and
15 I think it's signed by yourself. Is that your 10:47
16 signature?

17 A. That is, yes.

18 42 Q. So would you have taken that call from Garda Keogh then
19 on that particular day in relation to the sick leave?

20 A. I don't recall. I do know that if you go to the top of 10:47
21 that, if you go to the top of that form his name is
22 filled out in -- I don't believe that's my writing
23 along the time, the date, his name and the reg number
24 and Athlone. From that -- the protocol in relation to
25 reporting sick is that you have to report to a 10:48
26 sergeant. My belief in relation to that, that it was
27 the member in charge who would be taken the call and
28 they came down and reported it to me and explained to
29 me. Because I don't recall speaking to Garda Keogh at

1 any stage reporting sick.

2 43 Q. CHAIRMAN: would you have been on duty at five past
3 midnight?

4 A. Yeah, I would have.

5 44 Q. CHAIRMAN: You would have? 10:48

6 A. Yeah.

7 45 Q. MS. McGRATH: But in any event, by signing the form you
8 would have known that he was on sick leave at that
9 point?

10 A. Yes. And I believe actually that's the time I actually 10:48
11 mailed the super in relation to that, that I was
12 actually the member in charge who reported sick too.
13 And it's actually in the disclosure where I e-mailed
14 the superintendent in relation to that matter because
15 it wasn't following protocol, where the member was 10:49
16 reporting sick and not asking to speak to the sergeant
17 on duty to report sick, he was reporting to the member
18 in charge.

19 46 Q. Okay.

20 A. And that is included -- 10:49

21 47 Q. CHAIRMAN: I am not following that, sergeant. would
22 you mind just saying that again to me, please?

23 A. Yes. In HQ circular in relation to reporting sick,
24 when a member is reporting sick, they should actually
25 report to the sergeant on duty. So when they ring into 10:49
26 the station they should look -- they should ask for the
27 sergeant on duty, but what was happening was, they were
28 ringing in and reporting sick to the guard who was the
29 member in charge and not looking to speak to the

1 sergeant. And I recall that, that night in particular,
2 because I e-mailed asking could this protocol be --

3 48 Q. CHAIRMAN: So that was a feature, of people ringing in
4 who were going sick?

5 A. Yes. 10:49

6 49 Q. CHAIRMAN: Is that right? It wasn't particular or
7 individual to Garda Keogh?

8 A. No, it was happening across the board.

9 50 Q. CHAIRMAN: It was a more general issue?

10 A. Yes. 10:49

11 51 Q. CHAIRMAN: But it was something that attracted your
12 attention?

13 A. Yes. And the e-mail related to across the board with
14 everybody, that if everyone could follow protocol.

15 CHAIRMAN: Thank you. 10:50

16 52 Q. MS. McGRATH: Now, I think we have also heard that what
17 was a practice or is a process is that medical reports
18 may come in subsequently to that. I think the medical
19 report for this date came in on 2nd April 2015. If I
20 can ask Mr. Kavanagh to open page 422. Now, in 10:50
21 particular, you see this is a summary from his GP of
22 the sick note. It says:

23
24 "2nd April 2015, work related stress, unfit for work,
25 31st March to 3rd April '15." 10:50

26
27 Now, in your role then as his liaison officer and
28 looking after welfare issues, did you seek to follow
29 this up or look into it or make any contact with Garda

1 55 Q. Okay. Now, I think in your statement, if we can just
2 go back to your statement at page 596, at paragraph 3.3
3 there, you say, at the end of that paragraph:
4
5 "Garda Keogh chose not to avail of this resource and 10:52
6 never spoke to me in my capacity as liaison officer."
7
8 Can I just ask you about that? Did you document or
9 make any attempts yourself to contact the garda or
10 engage with him? 10:53

11 A. I didn't. As I said, I was trying to get the balance
12 right with him. I knew he knew I was available to him,
13 that I had been appointed as liaison sergeant and if he
14 had any issues he could come to me. As I said, I
15 checked with -- I confirmed with Sergeant Haran, who I 10:53
16 knew had had a previous close relationship with him in
17 this regard, and he confirmed with me that Garda Keogh
18 was aware I was available should he need me.

19 56 Q. Were you concerned by the lack of engagement,
20 detective, by the garda? 10:53

21 A. No. I think probably if it went on much longer, but
22 the fact then that he was appointed a full-time Garda
23 welfare officer, he had his own unit sergeant, Sergeant
24 Haran was still available for him and I was just an
25 extra resource if he wished to speak to somebody 10:53
26 independently really, somebody where he had had no
27 previous involvement in Athlone station.

28 57 Q. Did you ever report back, we just haven't seen in any
29 of the documentation any official reporting or

1 documents where you informed the superintendent that
2 this really was never activated, your role as a liaison
3 officer?

4 A. No.

5 58 Q. Okay. Were you ever asked by Superintendent Murray for 10:54
6 an update or a report?

7 A. No, I don't recall. Again, as the other resources were
8 put in place for him, I think it --

9 59 Q. Did the superintendent ever speak to you again about
10 this issue? 10:54

11 A. I can't recall specifically speaking to him again about
12 it.

13 60 Q. I know, from the papers, that Garda Mick Quinn was put
14 in place as his welfare officer at the end of April
15 there, 21st April 2005, were you aware of that? 10:54

16 A. I was. I don't know when I became aware of it, but I
17 did come aware of it, yes.

18 61 Q. In particular, we see, moving into the middle of 2015,
19 in particular the Chairman has heard a lot of evidence
20 around July 2015, were there was an AWOL issue in 10:55
21 respect of Garda Keogh. Did you know anything about
22 that or have any involvement as a point of contact?

23 A. No, I had no involvement.

24 62 Q. Were you ever asked to have any involvement as a point
25 of contact? 10:55

26 A. No.

27 63 Q. So is it fair to say, detective, that you were
28 formally, as it were, put in place, it was never
29 activated and no questions were ever asked; is that

1 correct?

2 A. Again, that resource was there for Garda Keogh if he
3 wished to avail of it and he chose not to.

4 64 Q. Now, did you ever query at any stage what was the whole
5 point of the exercise then effectively? 10:55

6 A. To me, and in speaking to Superintendent Murray,
7 concern for Garda Keogh's welfare was the main
8 priority. So any steps that we could take to assist
9 him was the aim of -- you know, was the reason that I
10 was put in place. So anything we could do to help. 10:56

11 65 Q. You see, detective, it appears that whatever concern
12 might have existed on the 20th and the 26th March,
13 nobody ever came back to you, nobody ever checked the
14 position, clarified the position?

15 A. Well, they did, in that they were working, in that they 10:56
16 arranged that there was a full-time Garda welfare
17 officer put in place. Inspector Minnock then was put
18 in place from the district management side. So things
19 kind of moved on from me as such. So it wasn't that it
20 was just left. 10:56

21 66 Q. Well, you see, I have to put it to you that Garda Keogh
22 in his evidence to the Tribunal takes the view that
23 this was really just an exercise in coming down on him
24 or microsupervising him or putting sergeants in charge
25 of him. Now, he concedes fully that that didn't 10:57
26 happen, but his point still remains, that he says this
27 is what this was actually all about. What do you have
28 to say to that?

29 A. I don't agree with that at all. As I said, concern for

1 Garda Keogh was at the forefront.
2 67 Q. If you bear with me for one moment, detective. I
3 wonder if you could answer any questions, please?
4 A. Thank you.

10:57

5
6 END OF EXAMINATION

7
8 CHAIRMAN: Thanks very much. Now, Mr. O'Brien.

9
10 DETECTIVE SERGEANT YVONNE MARTIN WAS CROSS-EXAMINED BY
11 MR. O'BRIEN, AS FOLLOWS:

10:57

12
13 68 Q. MR. O'BRIEN: Good morning, sergeant.

14 A. Good morning,.

15 69 Q. Did I understand your evidence to be a moment ago that
16 when you were asked by Superintendent Murray to become
17 the liaison officer for Garda Keogh, that you didn't
18 have a conversation with Garda Keogh in relation to
19 that?

10:57

20 A. I didn't, no.

10:57

21 70 Q. And why was that?

22 A. Again, I didn't want to be intrusive. I knew he was
23 aware that I had been appointed as liaison sergeant, I
24 was available. I was satisfied he knew of my
25 availability to him if he ever wanted it. And I just
26 wanted to get the balance right, of him being aware and
27 not being intrusive with him.

10:58

28 71 Q. I see. But, for example, to put him -- in
29 circumstances where he already had Sergeant Haran and

1 Sergeant Moylan as his supervising sergeants, to put
2 him at ease would it not have been better to introduce
3 yourself and simply say, I am going to make myself
4 available to you as a liaison officer for welfare
5 issues only? 10:58

6 A. Yes, I understand that, but I was aware and I confirmed
7 with Sergeant Haran that he knew, he knew me from
8 around the station and I was satisfied that he knew I
9 was available.

10 72 Q. That being the case then, would you accept that Garda 10:59
11 Keogh's position from his perspective, that along with
12 Sergeant Haran and Sergeant Moylan you had now been
13 appointed, I suppose, to supervise him in some
14 capacity, it's not clear to him what capacity perhaps
15 that that is, and that therefore it appears to him that 10:59
16 he is being excessively supervised by all three of you,
17 would you accept that?

18 A. No, because it was always clear that I was dealing with
19 welfare issues in relation to -- and you know, it was
20 explained that I was independent from everyone else in 10:59
21 the station and if he wanted to talk to somebody...

22 73 Q. But if you didn't tell him that you were solely dealing
23 with welfare issues, how was it clear to Garda Keogh?

24 A. I believe from the correspondence that he was aware
25 that I was available to deal with him -- or to address 10:59
26 any issues that he may have.

27 74 Q. When you say you believe from correspondence, I mean
28 where would that correspondence have emanated from, do
29 you believe?

1 A. Well, we all received the same correspondence where I
2 was appointed as his liaison sergeant in relation to
3 any...

4 75 Q. But the letter that Ms. McGrath just referred you to is
5 addressed, as I understand it, to the three sergeants; 11:00
6 so to yourself, Sergeant Haran, Sergeant Moylan and
7 nobody else?

8 A. Well he was made aware of my appointment as well, in
9 correspondence I believe. I believe he received the
10 correspondence and he spoke to Superintendent Murray, 11:00
11 who informed him of the structure that was being put in
12 place.

13 76 Q. But in circumstances where I suppose there's perhaps an
14 issue regarding the wording that was used in the letter
15 to you, where it says that you were dealing with work 11:00
16 related issues, and you have now told us that you were
17 dealing solely with welfare related issues, can you see
18 how Garda Keogh would be confused about that and --

19 A. Yeah.

20 77 Q. -- be under the belief that he was being excessively 11:01
21 supervised?

22 A. I would from that correspondence. But when I spoke to
23 Sergeant Haran and confirmed that he knew I was
24 available to talk to if he needed, I believe that he
25 would have been aware it was welfare issues and not 11:01
26 workplace.

27 78 Q. Just for clarification, you didn't do that yourself
28 with Garda Keogh?

29 A. No, I didn't do it myself. I didn't speak to him. I

1 left it for him to come to me if he wanted to use me.
2 MR. O'BRIEN: Thank you, I have no further questions.

3
4 END OF EXAMINATION

11:01

5
6 MS. McGRATH: Chairman, I don't know who wants to go
7 next.

8 CHAIRMAN: Yes, Mr. Murphy.

9

10 DETECTIVE SERGEANT YVONNE MARTIN WAS CROSS-EXAMINED BY 11:01

11 MR. MURPHY, AS FOLLOWS:

12

13 79 Q. MR. MURPHY: I wonder if you could be shown on the
14 screen page 596, please, which is your statement. And
15 could I just ask you to confirm paragraph 3.2, that 11:02
16 when you were appointed by Superintendent Murray in
17 your words it was:

18

19 "...to allow Garda Keogh to discuss any work related
20 issues he may have with a view to solving any potential 11:02
21 issues."

22 A. Yes, that's correct, yes.

23 80 Q. Can I take it from that that you understood your role
24 at that stage to be available to talk to him if he
25 wanted to talk to you? 11:02

26 A. That's correct, yeah.

27 81 Q. And in terms of the document at page 187, please, if
28 that can be put on the screen. Thank you. I wonder
29 please could we scroll down. So this is a document you

1 were shown a few moments ago?

2 A. Yes.

3 82 Q. I think your attention was drawn to paragraph 1, and
4 that indicates that Superintendent Murray said:
5
6 "I have allocated Sergeant Martin as a liaison person
7 for Garda Keogh to allow him to discuss any work
8 related issues he may be having with a view to solving
9 any issues that may arise. Both Sergeant Martin and
10 Garda Keogh have been informed of this workplace
11 support." 11:02
12

13 Can I ask you, did you understand that to indicate that
14 your role was one in relation to welfare?

15 A. Yes, to me, because I was very clear from the 11:03
16 conversation I had with Superintendent Murray that it
17 was welfare.

18 83 Q. And you received this letter?

19 A. I did, yes.

20 84 Q. And I think Sergeant Moylan received the letter? 11:03
21 A. Yes.

22 85 Q. And Sergeant Haran received the letter?

23 A. Yes.

24 86 Q. Could I ask you just to look then at paragraph 2 of the
25 letter? 11:03
26 A. Yes.

27 87 Q. You will see what they were asked to do, Sergeant
28 Moylan and Sergeant Haran were asked:
29

1 "To continue to supervise the member in a normal way in
2 relation to any work output required of the member
3 resulting from incidents he attends or matters he is
4 investigating. Sergeant Moylan should sit down with
5 Garda Keogh, go through his notebook, Pulse, the DPP 11:03
6 and crime file lists, ascertain if he requires help
7 with any ongoing cases as he mentioned a harassment
8 case he may have difficulty with. Any issues arising
9 should be immediately reported."
10
11 So, would you agree, you weren't asked to do any of
12 those specific work related supervisory tasks?
13 A. That's correct.
14 88 Q. And were you clear, therefore, that those workplace
15 supervisory tasks were in fact assigned to your 11:04
16 colleagues Sergeant Haran and Sergeant Moylan?
17 A. Yes, I was.
18 89 Q. In the ordinary way?
19 A. Yes.
20 90 Q. Can we take it, therefore, that it was your 11:04
21 understanding that your position was, in a sense, an
22 extra welfare support being put in place should Garda
23 Keogh seek to avail of it?
24 A. Yes. Exactly, yes.
25 91 Q. I think you told the Chairman in your evidence directly 11:04
26 this morning that at the time when you were asked to
27 carry out this task you understood that Garda Keogh was
28 going through a stressful time?
29 A. Yes.

1 92 Q. In terms of the documentation, can I ask you to be
2 shown document 2188, please. Just on the third line, I
3 think this document was shown to you earlier on, this
4 is the document where Superintendent Murray says:
5
6 "I said I was asking Sergeant Yvonne Martin to link in
7 with him in relation to all workplace issues. He asked
8 why her, didn't know her. I said the very reason she
9 is new here, like, I knew she would support him to
10 allow him to attend work regularly." 11:05
11
12 Just the words "to attend work regularly", did you
13 understand that the welfare that you were providing was
14 to assist Garda Keogh if possible to attend work
15 regularly? 11:05
16 A. Yes.
17 93 Q. Therefore, were you aware of the fact that he was
18 having difficulties in attending work regularly?
19 A. Yes, I was, yes.
20 94 Q. And were you aware what those difficulties were? 11:05
21 A. No. The only issue I knew was that it seemed to be the
22 early shifts that he seemed to be reporting sick for
23 and that was really what I knew about it.
24 95 Q. So would you agree with me, therefore, it would appear
25 that the object of involving you in this process at 11:05
26 all, was not to micromanage, but in the words of this
27 letter "to provide support to him to allow him to
28 attend work regularly"?
29 A. Yes.

1 96 Q. Would you consider that in your experience to be a
2 welfare related support?
3 A. Definitely, yes.

4 97 Q. Now, in terms of your general awareness of the
5 situation, I think you have given evidence that as time 11:06
6 progressed you became aware of the appointment of Garda
7 Mick Quinn?
8 A. Yes.

9 98 Q. And you were aware what his role was?
10 A. Yeah, he was a Garda welfare officer. 11:06

11 99 Q. I think you've also told us you then became aware of
12 the role of Inspector Minnock?
13 A. Yes.

14 100 Q. Effectively I think, as you have indicated in your
15 evidence, your role in this issue fell away? 11:06
16 A. Yes.

17 101 Q. Now, you were asked the question a few moments ago by
18 counsel on behalf of Garda Keogh which suggested that
19 there was some issue as to how was Garda Keogh to know
20 what was your role unless you spoke to him. Were you 11:06
21 clear at the time when you were asked to carry out this
22 task that Garda Keogh had been communicated with?
23 A. Yes, I knew Superintendent Murray had spoke to him.

24 102 Q. Did Garda Keogh at any stage seek to avail of the
25 welfare support that you represented? 11:07
26 A. No.

27 103 Q. Now, in terms of your statement, I wonder if we can go
28 back please to page 596. This is a point that you
29 address in your own statement. Can I draw your

1 attention, please, to paragraph 3.4. This is at page
2 596, please. Sergeant, do you see that paragraph?

3 A. Yes.

4 104 Q. Just to be clear, the questions put to you today
5 suggested that perhaps Garda Keogh wasn't contacted by 11:07
6 you, that he wouldn't have understood your role and
7 that what you were engaged in was supervision which was
8 excessive. But I think you have identified in your
9 statement that he went one step further, because in his
10 statement to this Tribunal he said: 11:07
11

12 "I was allocated Sergeant Martin as a liaison person to
13 discuss work related issues. This is the sergeant who
14 was involved in the McCabe and in the so-called
15 Mullingar meeting. This response did not amount to a 11:08
16 reasonable accommodation of my medically certified work
17 related stress."
18

19 I think that was a specific allegation he made against
20 you in the statement. I think you've responded to it 11:08
21 at paragraph 3.4, obviously, is that right?

22 A. I have, yes, yeah.

23 105 Q. Can I ask you just to confirm that response?

24 A. Would you like me to read it out.

25 106 Q. Yes, please, 11:08
26 A. Yes.

27 CHAIRMAN: well, there is no need. I mean, I can read
28 it and everybody can read it, Mr. Murphy. But if there
29 is some specific thing, well and good.

1 THE WITNESS: Just in relation to this, this was --

2 107 Q. CHAIRMAN: Nothing was found against you in relation to
3 any issue or subject of criticism arising out of that.

4 A. That's correct, Chairman. But also in relation to
5 that, this is April 2015, I was appointed as liaison 11:08
6 sergeant, it was 2016 before there was any issue raised
7 in relation to the last Tribunal. This is a year
8 prior.

9 108 Q. CHAIRMAN: So this couldn't have been true, according
10 to you? 11:09

11 A. Well, him saying that he found that it wasn't a
12 reasonable accommodation of his medical certified work
13 related stress, there was no knowledge --

14 109 Q. CHAIRMAN: It was a matter of time?

15 A. Yeah. 11:09

16 110 Q. CHAIRMAN: You say that couldn't have been in his mind?

17 A. Yes. When I was appointed liaison sergeant, there was
18 nothing --

19 CHAIRMAN: Okay.

20 111 Q. MR. MURPHY: In fact, just to confirm? 11:09

21 A. Yeah.

22 112 Q. At that time there could have been no basis in fact to
23 hold that view, is that right?

24 A. Exactly. 11:09

25

26 END OF EXAMINATION

27

28 CHAIRMAN: Okay. Anybody else?

29

1 DETECTIVE SERGEANT YVONNE MARTIN WAS THEN EXAMINED BY
2 MS. O'ROURKE, AS FOLLOWS:

3
4 113 Q. MS. O'ROURKE: Chairperson, just on that matter. I
5 think it's is a matter of public record that in fact 11:09
6 you weren't called as a witness.

7 A. That's correct.

8 CHAIRMAN: That's what she says here.

9 114 Q. Yes, thank you. In that regard, I think Garda Keogh in
10 the course of his evidence has indicated he jumped the 11:09
11 gun insofar as his complaint against you on this issue,
12 but --

13 CHAIRMAN: Say that again.

14 MS. O'ROURKE: I think in the course of his evidence
15 Garda Keogh has indicated he has jumped the gun -- 11:10

16 CHAIRMAN: Okay.

17 MS. O'ROURKE: -- in the context of Sergeant Martin.
18 But there is one document I would ask to be brought up,
19 I think that's document 151, which is volume 1.

20 CHAIRMAN: Yes. 11:10

21 115 Q. MS. O'ROURKE: This is a letter to Minister for Justice
22 which Garda Keogh sent. The date isn't clear on it.
23 Reference is made to you in this letter. Can you tell
24 the Tribunal, when did you become aware of this
25 correspondence? 11:10

26 A. When I received the disclosure for this Tribunal.

27 116 Q. And approximately when was that, would you say?

28 A. March last year, March 2019.

29 117 Q. Thank you. I have no further questions.

1 CHAIRMAN: I'm sorry, just don't leave that hanging in
2 there, Ms. O'Rourke. I am not understanding. This
3 letter was written.

4 MS. O'ROURKE: A letter was written by Garda Keogh to
5 the Minister for Justice. 11:11

6 CHAIRMAN: Very good.

7 MS. O'ROURKE: He takes some issue with Sergeant Martin
8 and it's a matter she only became aware of I think this
9 year, but it's a matter I think Garda Keogh accepts he
10 ought not to have -- that he may have overstepped 11:11
11 matters; is that correct?

12 A. That is correct.

13 118 Q. I think you identified in your statement, at paragraph
14 6.1, the impact that the allegations in the McCabe
15 issue had on you. And I think you say that Garda 11:11
16 Keogh's betrayal of you has caused further --

17 CHAIRMAN: Sorry, don't go away from that. 151.

18 MS. O'ROURKE: 151.

19 CHAIRMAN: Thanks.

20 MS. O'ROURKE: I think the sixth paragraph down, "It is 11:12
21 interesting that both persons..."

22 CHAIRMAN: The relevant paragraph is "I subsequently
23 became aware" is that right?

24 MS. O'ROURKE: I would say that the relevant paragraph
25 starts with -- the second last paragraph: 11:12
26

27 "It is interesting that both persons involved in this
28 protected disclosure, namely Sergeant Martin and
29 Superintendent Murray, are themselves subject to

1 separate allegations."

2
3 I think it's clear that no allegations -- that you did
4 not -- were not called as a witness before the
5 Charleton Tribunal, isn't that correct? 11:12

6 A. That is correct, yes. And this letter was written to
7 the Minister for Justice in relation to an assault
8 investigation in Athlone and it resulted in an
9 investigation by GSOC on me, which I -- the first time
10 I've known about this is in the disclosure to the 11:12
11 Tribunal. I have never been notified that I have been
12 investigated on another matter until the disclosure in
13 this Tribunal. I wasn't aware that Garda Keogh had
14 written to the Minister for Justice in relation to me
15 or that an investigation took place. 11:13

16 CHAIRMAN: Okay. Mr. Kelly, what am I to make of this?

17 MR. KELLY: Not a lot. Our view is that it's not
18 actually relevant to the task that the Tribunal has to
19 undertake. I can understand the sergeant feeling well,
20 this is not nice, it has an impact upon me. 11:13

21 CHAIRMAN: Yes.

22 MR. KELLY: But that's really outside the remit of this
23 Tribunal. I really don't think it helps you in the
24 ultimate task that you have to embark upon.

25 MR. MURPHY: Sorry, Chairman, I wonder if I could -- 11:13

26 CHAIRMAN: Just hold on a second. Well, sorry
27 Mr. Murphy.

28 MR. MURPHY: If I might make a submission, it might
29 assist the Chair and my Friend.

1 CHAIRMAN: Yes.

2 MR. MURPHY: In my respectful submission, this is
3 relevant, as are some of the other questions asked
4 today because it may be relevant to your assessment,
5 Chairman, as to the conduct of the complaint in making 11:14
6 allegations at a alpine level against various
7 individuals, then effectively abandoning claims after a
8 four year period and writing correspondence like this,
9 making allegations --

10 CHAIRMAN: what is the date of this letter to the 11:14
11 Minister for Justice? Can we just establish that?

12 MS. O'ROURKE: It's is not clear to us.

13 CHAIRMAN: No, but somebody must know. Mr. Cullen must
14 know, Garda Keogh must know. Somebody must know the
15 date of this letter to the Minister for Justice. 11:14

16 MR. MURPHY: It appears to be after 2016, because there
17 is a 2016 incident referred to in it. It's a matter
18 perhaps I will return to in submission, Chairman.

19 CHAIRMAN: It is included in, what shall I say, a
20 dossier that goes, but then there's a lot of materials 11:14
21 included in the same dossier that goes to the Policing
22 Authority. Mr. Caoimhghín Ó Caoláin, the Chairman of
23 the Oireachtas Justice Committee and various other
24 people, Ms. Daly TD and so on, but anyway, we will find
25 out the date of that. Ms. McGrath, what do you say to 11:15
26 this?

27 MS. McGRATH: Chairman, as you say, the evidence, the
28 direct-evidence was quite confined to the issues of the
29 facts and time and I think there is nothing further

1 arising for the witness to deal with. we will find the
2 date of the letter, if we can.

3 CHAIRMAN: That's all right, yes.

4 MS. McGRATH: so that we can resolve it.

5 CHAIRMAN: And what do you say about relevance? 11:15
6 Mr. Murphy says it's relevant, Mr. Kelly it has nothing
7 to do -- Mr. Murphy's point is, it's relevant because
8 he says it shows Garda Keogh getting the boot in left,
9 right and centre. And here's somebody who had a very
10 minor role and he is getting digs in that are entirely 11:15
11 inappropriate. That's the essence of the thing, if I
12 can put it as bluntly as that in an advocate's fashion,
13 which I fear is a tendency of mine. But that's what he
14 says. what do you say to that?

15 MS. McGRATH: Chairman, I think it all post dates the 11:16
16 timeframe that we were interested in.

17 CHAIRMAN: Yes.

18 MS. McGRATH: which was the March/April 2015.

19 CHAIRMAN: It's clear we can't get into an
20 investigation -- 11:16
21 MS. McGRATH: Absolutely, Chairman.

22 CHAIRMAN: -- involving a garda or person named
23 McMeeking, as to whom there is no suggestion of any --
24 but it is clear we can't get into a substantive
25 discussion. That is clearly right. That is 11:16
26 irrelevant. I suppose, Mr. Kelly, I will leave this
27 thought with you, I will leave this question with you,
28 it doesn't have to be answered this minute:
29 Mr. Murphy's point is that this, as far as it goes,

1 demonstrates a capacity for a wild allegation of an
2 unfounded kind. This is his point: Based on a
3 retrospective view that could not have been held at the
4 time. That's his point. So maybe you would consider
5 this at some point to come back to say whether Garda 11:17
6 Keogh is standing over that or whether that was an
7 excess of zeal. I don't expect you to say at this
8 minute, I expect you to be able to reflect on it. But
9 that maybe he went over the top and accepts that he
10 went over the top, or maybe he says, well, I'm sticking 11:17
11 by that. To the extent then that Mr. Murphy says it's
12 relevant as showing an unreasonable desire to lash out
13 left, right and centre. That's really where we are
14 going. Have a think about that, Mr. Kelly. At some
15 point you may wish to include that in a submission, 11:17
16 written or oral.

17 MR. KELLY: Yes, Chairman, I will.

18 CHAIRMAN: We will leave it on that basis.

19 MR. KELLY: I will obviously reflect on that.

20 CHAIRMAN: It's limited. You are right, there is no 11:18
21 way that the report can deal with that as a substantive
22 question. But clearly that's correct.

23 MR. KELLY: Yeah, I will reflect upon it. I must say
24 that I totally agree with the submissions that
25 Ms. McGrath has made, it was confined and I have been 11:18
26 anxious to confine to what it's about.

27 CHAIRMAN: Indeed.

28 MR. KELLY: For that reason we limited our
29 cross-examination. Now, I will just simply say this:

1 We have heard ad nauseam from Mr. Murphy on a massive
2 long cross-examination of Garda Keogh about all of
3 this, whether it gains or not by constantly being
4 trotted out yet again is of course a matter for
5 professional judgment for Mr. Murphy. But there it is. 11:18

6 CHAIRMAN: If rebuke is called for in due course,
7 rebuke will be -- I think I have enough on my plate at
8 the moment, Mr. Kelly. Okay, thank you very much, I
9 appreciate that. Anything else you want to say,
10 sergeant, about this? 11:19

11 THE WITNESS: No.

12 MS. O'ROURKE: Chairperson, for the record, I probably
13 should say that on Day 100, at page 113 of his
14 evidence, Garda Keogh indicated that he did jump the
15 gun and shouldn't have made that particular -- 11:19

16 CHAIRMAN: Very good. That's very helpful. Day 100?

17 MS. O'ROURKE: At page 113.

18 CHAIRMAN: Thank you very much. That's very helpful.
19 And that may go a long way to deal with the issue.
20 Thanks very much. 11:19

21
22 END OF EXAMINATION

23
24 MS. McGRATH: Thank you, detective. Chairman, can I
25 just say, the documentary counsel for the Tribunal have 11:19
26 confirmed that any copies of that letter on page 151
27 are all undated. So unless the Keogh team can assist
28 us as to a date, we do not have a date.

29 CHAIRMAN: well, the Department of Justice presumably

1 can say when they received it, they must have put a
2 stamp on it. Somebody must know the date of the
3 letter. At least we're advanced because Ms. O'Rourke
4 has told us that Garda Keogh accepted that he had
5 jumped the gun in relation to that. If we need to 11:20
6 analyse that, we will do so in due course. Thank you
7 very much. You have no questions?

8 MS. McGRATH: No questions, thank you.

9 CHAIRMAN: Thank you.

10 THE WITNESS: Thank you. 11:20

11

12 THE WITNESS THEN WITHDREW

13

14 MR. MARRINAN: The next witness, Chairman, is Sergeant
15 Andrew Haran. 11:20

16

17 SERGEANT ANDREW HARAN, HAVING BEEN SWORN, WAS
18 DIRECTLY-EXAMINED BY MR. MARRINAN, AS FOLLOWS:

19

20 THE WITNESS: Andrew Haran. 11:21

21 CHAIRMAN: Thanks very much.

22 119 Q. MR. MARRINAN: Thank you for coming back, Sergeant
23 Haran, it may well be that you will have to be called
24 again at a future issue. You have already given
25 evidence in relation to issues 1 to 4? 11:21

26 A. Yes.

27 120 Q. which by and large cover the period of time between
28 your first dealings with Garda Keogh and the making of
29 his protected disclosure and your interaction with him

1 and the advice, etcetera, that you gave to him. Then,
2 moving right up until March of 2015, when now Chief
3 Superintendent Murray took over the reins in Athlone
4 Garda Station?

5 A. Yes. 11:21

6 121 Q. Since then Superintendent Noreen McBrien has given
7 evidence and she is going to be recalled to deal with
8 an issue. We have heard some interactions between you
9 and she in relation to just simply conversations that
10 you may have had with her, maybe indicating that Garda 11:22
11 Keogh was drinking again or that he had particular
12 troubles. Do you take any issue with any of the
13 evidence that has been given by Superintendent McBrien
14 in relation to those matters?

15 A. No. 11:22

16 122 Q. No.

17 A. We largely, as you say, described it accurately and she
18 had asked me to be available to Garda Keogh as a
19 liaison. And that was something that I was happy to
20 take up and was happy to take up. 11:22

21 123 Q. She has given evidence, I don't want to go through
22 every conversation you had with everybody?

23 A. No.

24 124 Q. And you are aware of the evidence that has been given
25 at the Tribunal. If we could deal with it on this 11:22
26 basis: You don't take issue with anything that has
27 been said in relation to any of the conversations that
28 you had with Superintendent McBrien?

29 A. No.

1 125 Q. We have heard evidence in relation to how matters
2 transpired in relation to issues 1, 2, 3 and 4,
3 culminating I suppose in September 2014 with Garda A
4 making a complaint in relation to a search on Pulse
5 that had been conducted by Garda Keogh and another 11:23
6 garda. Between then and March of 2015, were there any
7 issues arising that you could see in relation to Garda
8 Keogh?

9 A. Can you narrow down the question? Do you mean in a
10 negative way, an interactive way? 11:23

11 126 Q. You had interactions with him --

12 A. Oh yeah.

13 127 Q. -- at the time?

14 A. On a regular basis.

15 128 Q. I mean, were there any -- first of all in relation to 11:23
16 his performance, how was he getting on in October,
17 November, December, January, February?

18 A. Well, he was struggling from the perspective that there
19 was some alcohol related issues.

20 129 Q. Yes. 11:24

21 A. He openly admitted he would struggle from the
22 perspective of file preparation.

23 130 Q. Yes.

24 A. But that wouldn't be unique to Nick Keogh, that would
25 be, you know, something that as a sergeant you would 11:24
26 look to assist any person who was looking for
27 assistance. So in relation to Nick, he did struggle in
28 terms of attendance, because, as I said earlier, he had
29 difficulties I suppose in working all of the day shifts

1 which were, I suppose, could have been seen to be
2 linked to supervisory issues and could have been seen
3 to be linked to alcohol issues.

4 131 Q. Yes.

5 A. But either way he certainly had a preference for later 11:24
6 shifts than the day and night shifts, for a number of
7 reasons.

8 132 Q. During this period, from September to March, just
9 trying to get the bigger picture, as it were, in terms
10 of Garda Keogh, there doesn't appear to be any 11:24
11 significant issues that were arising in Athlone Garda
12 Station concerning Garda Keogh during this period of
13 time?

14 A. No. Not that I -- I mean, had there been anything
15 significant I would have had a record of it. 11:25

16 133 Q. Yes.

17 A. Certainly there was nothing significant. Like minor
18 ones concerning attendance. But certainly nothing of a
19 nature that required, you know, a record of or a
20 reporting of. 11:25

21 134 Q. The Ó Cualáin investigation was ongoing at that time?

22 A. Yes.

23 135 Q. By that time a direction had been given, I think by
24 Assistant Commissioner Ó Cualáin, that interviews were
25 not to take place in Athlone Garda Station and that 11:25
26 they had stopped taking place there. You have already
27 expressed your view in relation to the earlier stages
28 of that investigation?

29 A. Yes.

1 136 Q. We received those from you. In terms of the frequency
2 of your interactions with Garda Keogh during that
3 timeframe, I am talking about September to March, can
4 you say how frequently you would have interacted with
5 him?

11:26

6 A. Well, based on when we would both be working, we would
7 interact every day. Because, I mean our shifts were
8 very closely related. I was doing community policing
9 and the shift would cross the exact shift he would do
10 by almost two-thirds of each day. By way of
11 explanation, if I was working at 6:00pm until 2:00am,
12 Nick would be working from 9:00pm through the night.
13 So we would cross, every day that the two of us were
14 working we would cross. And like it's a small station,
15 you would interact with people most every day. In the
16 absence of Sergeant Moylan, I would be -- it would be a
17 role that I would have to interact with everybody on
18 the unit, not just him.

11:26

11:26

19 137 Q. I think Inspector Minnock was acting superintendent
20 during this period of time, because Superintendent
21 McBrien was on long-term sick leave, isn't that right?

11:26

22 A. Yes.

23 138 Q. At various stages you would have been his supervising
24 garda in the absence of Sergeant Moylan, isn't that
25 right?

11:27

26 A. That's right.

27 139 Q. We have heard evidence from you in relation to this, I
28 think that Sergeant Moylan had other duties that took
29 him away from Athlone Garda Station and you would step

1 in then into the role of supervising sergeant, is that
2 right?

3 A. Yes, and it would just be standard, very much a
4 standard role that would continue.

5 140 Q. Can you just help us in relation to this and the role 11:27
6 of supervising sergeant: When a file is prepared by a
7 garda to be transmitted to the superintendent for
8 directions in relation to how the file would be further
9 disposed, is there actually a function that the
10 supervising sergeant performs rather than just being a 11:27
11 conduit of the report?

12 A. Yes, there is. If it came to me from any guard, your
13 role is very definitely defined and it's to check the
14 quality of the file and to return the file to the
15 sender if there is something insufficient in it before 11:28
16 you send it on. And then, if it was satisfactory, you
17 would then send it on with a recommendation one way or
18 the other, to either agree with the proposed course of
19 action. At times you act as a conduit if there is no
20 input required. 11:28

21 141 Q. Yes. But there is a perusal of the file that is being
22 sent?

23 A. Yes.

24 142 Q. To check on the standard of the statements that might 11:28
25 be contained in the file or the extent of the
26 investigation itself?

27 A. Yeah. That would be dependent on each supervisor being
28 different to each other insofar as how far you would
29 check and so on, but certainly is best practice.

1 143 Q. As best practice. And from time to time the pressures
2 of work may not allow that best practice to be
3 obtained, is that right?

4 A. Yes.

5 144 Q. Did you start to feel uncomfortable in your role, as it 11:29
6 were, as a confidante to Garda Keogh?

7 A. No.

8 145 Q. We'll come to a meeting that you had with Chief
9 Superintendent Murray on the 13th March. But as a
10 backdrop to that meeting that you had with him, is 11:29
11 there an issue there prior to that of a conflict that
12 might have been perceived by other members in the unit
13 or in Athlone Garda Station between your role as being
14 a confidante to Garda Keogh and perhaps your duties to
15 other members? 11:29

16 A. I think it's fair to say that following the disclosures
17 people, certain people would have had views of both
18 Garda A or Garda Keogh and as such they were held. And
19 it may be that some people would have had a view that I
20 might be -- because I would act as a liaison, some 11:30
21 people might perceive this as supporting his position.
22 I would have been comfortable in the role, because I
23 felt it was a role -- well number one, I had discussed
24 it with Superintendent McBrien, but I was happy to do
25 it because I saw it as a role to support a person as 11:30
26 distinct from their stance. It was more, to me,
27 personal. Even though, like, most people had opinions
28 in it, I took it on as a role as a supervisor to
29 support a person in difficulty as distinct from

1 supporting necessarily the role in which he disclosed.
2 146 Q. Then Chief Superintendent Murray takes up the role of
3 superintendent, taking over from Superintendent
4 McBrien, and you have your first meeting with him on
5 the 13th March, isn't that right? 11:31
6 A. Yeah. I wouldn't have remembered the date.
7 147 Q. Yes?
8 A. Like obviously, he references the date.
9 148 Q. Yes. Will you just tell us about that. I think in the
10 first instance he has told us the request for the 11:31
11 meeting had something to do with another investigation
12 that we're not concerned about, is that right?
13 A. Yeah. Again, I am not a person who kept copious notes
14 but other people seem to have. So I put a certain
15 amount of faith in notes that were made. I didn't keep 11:31
16 notes of that date, nor all of its content. The
17 mention of a Roma tribunal and me looking for a
18 meeting, I don't remember that event, but I don't have
19 a reason to dispute that aspect. So if we discussed
20 that as a prequel to a conversation, I trust and 11:32
21 believe it's true.
22 149 Q. Perhaps if we could have page 2184 up on the screen.
23 This is Superintendent Murray's note of that meeting.
24 We will come to his evidence in due course. It says:
25
26 "Met Sergeant Haran re --" 11:32
27
28 And that's the matter that you just referred to.
29

1 " -- at the request of Inspector Farrell. He brought
2 up Garda Nicholas Keogh and discussed the broad
3 outline."
4

5 Did you bring up the issue of Garda Keogh? 11:32

6 A. I don't remember instigating, but I have no difficulty
7 remembering the fact that we discussed it. And one
8 thing I would have been conscious of, with any new
9 supervisor, in this case Superintendent Murray, I would
10 have been very much wanting to assert a position that I 11:32
11 was neutral in my role, so I would have been wanting to
12 make that point to him so that he wouldn't feel I was
13 there to say I necessarily support a person who is
14 making a protected disclosure. I wanted it to be shown
15 that I was supportive of this person through having 11:33
16 been previously appointed, but also that I was fully
17 comfortable because I had a personal relationship with
18 Garda Keogh, both working and personal, so I had no
19 reason to worry. But what was important to me that day
20 was to make sure that Superintendent Murray knew that 11:33
21 position.

22 150 Q. He goes on to note:

23
24 "He indicated he was contact for Garda Keogh and knew
25 his mind re returning to work etcetera. Said he wasn't 11:33
26 directly involved in any of it. Asked him if there was
27 a perception he was on one side because of his role."
28

29 Do you recall that?

1 A. I don't, you know, specific words I won't recall. But
2 we would have discussed how I felt in relation to it
3 and I said that I had no difficulty in continuing in
4 that role.

5 151 Q. "He said there was and not totally comfortable with 11:34
6 that."
7

8 Did you say that you weren't comfortable in your role?
9 A. No, I don't recollect that at all.

10 152 Q. "Told him to consider might be better if role passed as 11:34
11 came near end of process."
12

13 Do you recall that?
14 A. I do. It's my recollection of it that it was his
15 suggestion that I might be -- that the role might be 11:34
16 passed to someone else. Generally speaking, when a
17 superintendent would take a position, I didn't refute
18 it. Whilst I was comfortable liaising with Garda
19 Keogh, if a superintendent was coming in with a plan to
20 slightly alter the arrangement, I wasn't going to fight 11:34
21 against that decision.

22 153 Q. If we just look at Day 123, if we could have that up,
23 Mr. Kavanagh, at page 44 of the transcript. This may
24 or may not be important but I think during the course
25 of your interview with the Tribunal investigators, they 11:35
26 focused on the statement that this been made by
27 Superintendent Murray, where he suggests that you had
28 initiated this change in events, as it were, right?
29 A. Yes.

1 154 Q. I am just going to give you -- you took issue with that
2 because you said that your belief was that it was he
3 who initiated this. We will go through what he had to
4 say in relation to this. At page 44, at question 178,
5 178 is the question:

11:36

6

7 "A. I had never met Sergeant Haran before."

8

9 Is that right?

10 A. Yes.

11:36

11 155 Q. "And he wanted to discuss this issue that was causing,
12 I suppose angst to him."

13

14 That relates to the other issue.

15

16 "I discussed that with him in detail. It was something
17 that was troubling him. I helped him, assisted as best
18 I could in our conversation. During the course of it
19 he brought up Garda Keogh and we had a discussion about
20 his involvement with Garda Keogh and the support he was
21 giving him."

11:36

11:36

22

23 Now, I mean he is clearly asserting there that you were
24 the person who initiated the conversation in relation
25 to Garda Keogh and the support that you were offering.
26 Do you take issue with that?

11:36

27 A. I do, yeah. Like, I suppose for a start, it would be
28 more appropriate that the superintendent would call me
29 to his office than I would toddle in and produce a

1 conversation to him. So I would have said that -- as
2 is mentioned at the start, Inspector Farrell suggests
3 to Superintendent Murray that he should talk to me, and
4 I would have thought that we were discussing matters.
5 I would have been certainly anxious to clarify my role 11:37
6 to him regarding Garda Keogh, but I would have felt he
7 brought it up.

8 156 Q. You say you would have felt that he brought it up. I
9 mean, if there was a conflict between the two of you
10 and he seems to have a note that supports his 11:37
11 contention that you were the one who introduced it into
12 the conversation, I mean are you going to stand firm in
13 your position that it was he who brought up the
14 subject?

15 A. Well, I'd like to stand firm, in that I didn't initiate 11:37
16 a visit to his office in the first place.

17 157 Q. Yes.

18 A. So therefore, the content of any conversation that I
19 was going in for would have been known by the person
20 who planned the meeting, which wasn't me. So I would 11:37
21 have said it's more likely that if I was asked to go to
22 a meeting to discuss something, that it was the person
23 who orchestrated the meeting that might have known what
24 we were discussing.

25 158 Q. Well then he goes on to say, in answer to question 179 11:38
26 there on the screen, the question is:

27
28 "Do you have anything else to say in relation to it?

29 A. Well I suppose in dealing with the issue that he

1 was facing himself which were causing him worry and in
2 looking at his position with Garda Keogh and from what
3 he told me, I suppose he wanted a break, as it were,
4 and he didn't want any perception to be created because
5 of his entirely one handed support, one man support for 11:38
6 Garda Keogh. "
7

8 Do you recall that as being part of your conversation?

9 A. I think my memory of the conversation is that I was
10 clarifying that I was comfortable in the role and he 11:39
11 was suggesting that perception could exist from other
12 people. And I understand that, his comment, because he
13 was coming in from the outside. I grasped it, and that
14 was the point at which I was saying, I see how that
15 could be perceived that I amn't impartial. 11:39

16 159 Q. But he was the one to introduce the perception that
17 might exist?

18 A. That perceptions could exist, exactly.

19 160 Q. If we can then just move down the next page, page 45.
20 Then we have a quote from your statement, your 11:39
21 interview with the Tribunal investigators, which is at
22 11756, where an extract of Chief Superintendent
23 Murray's statement concerning this matter was put to
24 you. This was the response that you had, it's at line
25 21 there, and this is a quote from your statement to 11:40
26 the Tribunal investigators:

27
28 "My recollection is that this was suggested to me. I
29 was open to it and I had no issue with him saying that.

1 I felt he, as my boss, was telling me it would be a
2 good idea. I think that Superintendent Pat Murray felt
3 that Sergeant Yvonne Martin would be better placed as
4 an independent person and that it would be good to have
5 her in that role. I saw myself as impartial and still 11:40
6 feel the same way. I would like to clarify, I did not
7 see myself as being the only person supporting Garda
8 Keogh. "

9
10 And then it's put to him that you had been suggesting 11:40
11 that it was he who introduced the issue to the
12 conversation and the question is:

13
14 "Are you sure that it was he introduced it?"

15
16 And then he goes on to say:

17
18 "Yeah. I had never met Sergeant Haran before. "

19
20 This is line 8 of that page. 11:41

21
22 "I had never met Sergeant Haran before, so when he
23 brought up Garda Keogh and the conversation arose in
24 terms of what he had been doing, he said he was
25 concerned that perhaps people didn't think he was 11:41
26 neutral and out of that conversation came, I suppose,
27 the suggestion, would he relinquish the role or like to
28 relinquish it, was it too much for him, did he want to
29 step back. And that was something he considered.

1 There was nothing forced or planned or anything about
2 that, it was something that came up naturally during
3 the course of the conversation."
4

5 Does that reflect your understanding of the 11:42
6 conversation that you had at that time?

7 A. It's certainly broadly in agreement with my memory of
8 it. It just seems to kind of hinge on whether it was
9 he or I that brought up the discussion about stepping
10 back. 11:42

11 161 Q. Yes?

12 A. And my memory of it is it came up, the conversation
13 came up and when he discussed it from the perspective
14 of bringing somebody new into the role, I understood
15 that logic, because the logic of bringing somebody new 11:42
16 into it could certainly, in my mind, be seen as a
17 completely impartial person, if I perhaps had been seen
18 as not. So I did understand that and reflect on it.

19 162 Q. Well, when you went to the meeting on the 13th March,
20 you have already told us that you didn't have any 11:42
21 troubles in relation to your role?

22 A. No, I didn't.

23 163 Q. Yes. I think then again on the 20th March that you had
24 a further discussion with Superintendent Murray?

25 A. Yes. 11:43

26 164 Q. And you considered the position, is that right?

27 A. Yes.

28 165 Q. Yes. And would you just tell us about that?

29 A. Well again, I think it was, we were asserting a

1 position then that it would happen that I would step
2 back and that Sergeant Martin would step into that
3 role. And, as I said earlier, when the superintendent
4 had this meeting with me, it was a position that was
5 held, as distinct from a necessary conversation. So I 11:43
6 was being told that that was it. But I wasn't
7 uncomfortable with it because of the explanation of the
8 independence and the perception of the independence of
9 a new person being given that role. So I understood
10 that logic. 11:43

11 166 Q. Having confirmed the position on the 20th March, a
12 direction issued on the 2nd April. It's at page 2190
13 of the material. We have already had it open this
14 morning. If we just focus on paragraph 2:

15
16 "Sergeant Moylan and in his absence..." 11:44

17
18 Yourself

19
20 "...supervise unit C to which Garda Keogh is attached. 11:44
21 Both those sergeants should continue to supervise the
22 member in the normal way in relation to any work output
23 required of the member resulting from incidents he
24 attends or matters he is investigating. Sergeant
25 Moylan should sit down with Garda Keogh, go through his 11:44
26 notebook, Pulse, the DPP and crime files and ascertain
27 if he requires help with any ongoing cases as he
28 mentioned a harassment case he may be in difficulty
29 with. Any issues arising should be immediately

1 reported. "

2

3 During your conversation on the 13th March with
4 Superintendent Murray was there any discussion in
5 relation to the work performance of Garda Keogh? 11:45

6 A. No, not to my recollection, it was just the process of
7 the slight restructuring and because it would have
8 involved inserting Sergeant Martin in that role, it
9 would have been more relating to the welfare aspect. I
10 always was continuing to be on unit C, so my role as 11:45
11 supervisor would continue unchanged for all persons.

12 167 Q. Garda Keogh complained that he had been a member of An
13 Garda Síochána for many years and nobody had questioned
14 his work prior to this. He says that this amounts to
15 some form of targeting or certainly it was humiliating 11:45
16 for him to have to sit down and to have his notebook,
17 his Pulse entries, his DPP and crime files gone over in
18 detail. It was suggested that in some way this might
19 be a targeting of him. Is that unusual, for this event
20 to take place, for somebody to be inspected, as it 11:46
21 were, or audited in this way?

22 A. Well, I don't see it as that. I mean, when that
23 instruction came out to me, I'll be frank, I read it
24 and took it with very little need of concern, because
25 supervising unit C when Sergeant Moylan wasn't there 11:46
26 would have been an absolute role that I would have had.

27 168 Q. Yes.

28 A. And relating to Garda Keogh, there is a specific piece
29 that mentions Sergeant Moylan sitting down. But I would

1 have never have taken that kind of instruction that was
2 specific to Sergeant Moylan onto myself. I would have
3 assisted Garda Keogh with files but never taken that
4 piece?

5 169 Q. So really in a way this is retaining the status quo 11:47
6 except for the appointment of Sergeant Martin as acting
7 in some capacity as a welfare support, is that right?

8 A. Yes, because in the main in Athlone at that time there
9 would have been two sergeants attached. One with a
10 primary role to supervise a unit and one is a slightly 11:47
11 altered role, like my own, in community policing. And
12 you would always be, what might be described as a
13 substitute and your role would be to step in any time.
14 So that would have been very routine.

15 170 Q. Now, as it turned out, I think that Sergeant Moylan did 11:47
16 go through the files, etcetera. You had no role in
17 relation to that, isn't that right?

18 A. Not the specific files, I might have assisted in some,
19 what I would call, basic paperwork on occasion.

20 171 Q. I think that you were to deputise for Sergeant Moylan 11:48
21 in his absence, but I don't think that you are
22 concerned with any of the alleged matters that arise in
23 issue number 9, which are the alleged criticism of
24 criminal investigations by Garda Keogh during 2015.
25 You're not concerned in any of those? 11:48

26 A. No.

27 172 Q. And none of those files went through you or came down
28 from Chief Superintendent Murray for further queries,
29 isn't that right?

1 A. That's right, yes.

2 173 Q. So you're not concerned in relation to any of those
3 incidents. I think in relation to issue 15, which
4 concerns the issue of commendations, I don't think you
5 had any role in relation to that either? 11:49

6 A. No.

7 174 Q. Isn't that right?

8 A. That's right.

9 175 Q. If we could just have page 2261 up on the screen,
10 please. This is a direction dated 22nd October 2015, 11:49
11 and it concerns the confining to indoor duties of Garda
12 Keogh.

13

14 "With immediate effect, Garda Nick Keogh should be
15 detailed for indoor duties with unit C. 11:49

16

17 I have spoken with the member on this issue. I will
18 review the matter again on 1st November 2015.

19

20 Please inform all concerned and arrange accordingly. " 11:49

21

22 That's addressed to the sergeant in charge of Athlone
23 and then the sergeant in charge of unit C, that's
24 yourself, isn't that right?

25 A. Well, it probably would have been Sergeant Moylan in 11:50
26 real terms, but I would have been aware.

27 176 Q. And then to each sergeant in the Athlone district.

28 A. Yes.

29 177 Q. And a copy sent to Inspector Farrell and Inspector

1 Minnock. You had a conversation with Garda Keogh after
2 this direction, isn't that right?

3 A. I don't remember a specific one, I may have referenced
4 it in my evidence. I would have had regular
5 conversations with him through his work. 11:50

6 178 Q. If we could just have page 591 up on the screen. If we
7 just scroll down there to 5.2, please. 5.1 deals with:

8
9 "A decision was made by Superintendent Murray to
10 confine Garda Keogh to indoor duty. I was not 11:51
11 consulted in relation to this decision."

12
13 Indeed, Superintendent Murray has said that he didn't
14 consult you in relation to that decision or any other
15 sergeant because he had formed a view in relation to 11:51
16 the presentation of Garda Keogh when he met him on an
17 occasion, and also in relation to some crime files that
18 he was dealing with. First of all in relation to that,
19 did you notice anything in particular about Garda
20 Keogh's presentation on duty in the Garda station at 11:51
21 any time?

22 A. Nothing that I took official note of, but I would have
23 been aware of his general demeanour, health, etcetera.
24 So I would have been aware that he was struggling at
25 that point, but nothing that would have caused me to 11:51
26 make a formal report or anything.

27 179 Q. Then at 5.2 you say:

28
29 "I am aware that Garda Keogh was unhappy with the

1 decision from informal conversations we had. He would
2 often call me off duty to express his frustrations and
3 his difficulties with drink. I offered support and
4 encouraged him to seek help."

11:52

5
6 Then 5.3:

7
8 "Struggled to be on time for early shifts and mentioned
9 that he may have no choice but to commence long-term
10 sick leave. I discouraged him from going on sick
11 leave. He felt that his assignment to indoor duties
12 was a ploy on the part of the management to push him
13 out."

11:52

14
15 Do you recall that conversation?

11:52

16 A. Yeah. They're more an amalgam of conversations as
17 distinct from one particular event now. As I say, we
18 worked daily, so when we spoke daily I would call them
19 informal conversations and as a result there was no
20 doubt he was frustrated at being put into, what we call
21 the public office, on a full-time basis. Because
22 it's -- well, I previously described it as quite a
23 difficult job, and his frustration was, I suppose,
24 building. You know, he was struggling with the
25 pressures that he was under anyway. So I do remember
26 regular conversations with him.

11:53

11:53

27 180 Q. In terms of the role on the public desk, as it were,
28 did you think it was appropriate in the circumstances
29 for Garda Keogh to be put on the public desk?

1 A. Well --

2 181 Q. Did you have a view?

3 A. If you're a sergeant with what you might call a full
4 duty team, it's generally a position that rotates.
5 There are many people in the Guards who are restricted 11:54
6 to that role for various reasons, whether it's health
7 or other issues. So it's not a role anybody wants to
8 be in full-time, but in a place like Athlone we don't
9 have a large amount of roles to play with, as such.
10 There are functional roles that have to be filled every 11:54
11 day, and that was one of them. So once the
12 superintendent made the decision that he wouldn't be
13 outside, which would generally be involved on patrol
14 car duty, this is the next place and the fixed job. We
15 don't have a lot of what you might call, you know, 11:54
16 spare or alternate roles to place anybody in.

17 182 Q. Then if we could just move on in relation to another
18 matter that you deal with, which is the location of the
19 Garda safe in the station?

20 A. Okay. 11:54

21 183 Q. Will you just tell us where that is located?

22 A. Yeah. There was some mention of -- in relation to the
23 firearm and in that context?

24 184 Q. Yes.

25 A. Yeah. Firearms are located in an office away from the 11:55
26 public office. It's down a corridor that would be
27 maybe 20 metres long. A person who is qualified to
28 hold a firearm retrieves the firearm from the safe,
29 which is in a different room, but they must bring the

1 firearm to the public office in order to open a small
2 safe that is located in the public office, and that's
3 to retrieve a book in which they sign out the firearm
4 that they are taking. That book is countersigned by
5 the member in charge, who is effectively the person in 11:55
6 the public office. So that's how it happens.

7 185 Q. That seems clear enough in relation to matters. You
8 had evidence to give in relation to issue number 8, but
9 that is an issue that is not being pursued but can I
10 just deal with one aspect of that? This concerns a 11:56
11 suggestion that you were advised by Superintendent
12 Murray to pull back and alienate Garda Keogh. Do you
13 understand?

14 A. I certainly understand the comment, yeah.

15 186 Q. Yes. What's your response in relation to that 11:57
16 suggested suggestion that is contained in Garda Keogh's
17 statement to the Tribunal?

18 A. Well, the phrase alienate was never put to me and I
19 would have rejected it out of hand, even from a
20 supervisor. And the other phrase used, the phrase pull 11:57
21 back, certainly did come in in a conversation regarding
22 the impartiality discussion. So it was brought up in
23 that context and certainly in no respect related to,
24 you know, the phrase alienate, which is very different.
25 CHAIRMAN: Isolate, boycott, isolate? 11:57

26 A. Yes, and all of those words, had any of them been put
27 in context to me, I would have rejected them, but they
28 certainly, absolutely were not.

29 187 Q. MR. MARRINAN: In terms of as Garda Keogh's supervising

1 sergeant during the relevant period of time in 2014 and
2 then subsequently in 2015, albeit as a stand in for
3 Garda Moylan, did you see any discernible change in
4 management style at that time with the change over from
5 Superintendent McBrien to Superintendent Murray? 11:58

6 A. Well, I think it's fair to say that both
7 superintendents are very different in their manner.
8 But changes, like, personnel changes were negligible.
9 Practices regarding some of our meetings, what we call
10 our PAF meetings, our daily meeting, and a thing called 11:58
11 a crime file which was introduced, some of those things
12 changed, but I would have said that practices changed
13 from supervisor to supervisor. So I didn't see a
14 change that brought -- it wasn't meteoric in any way,
15 it was just discernible insofar as it obvious that a 11:59
16 new superintendent was putting his stamp on the way
17 things were done and they were in my memory all in a
18 positive fashion, just improving what I perceived as a
19 good ship and now only just that little bit better.

20 188 Q. So it was an evolutionary process, as it were. But was 11:59
21 there a dramatic change or did it come in gently?

22 A. Well, I would have to say of Superintendent Murray,
23 that he wasn't -- he was of the type to bring change.
24 So he brought it in promptly. So, insofar as -- it
25 didn't creep, it happened that on a certain day, which 11:59
26 I certainly wouldn't remember, a new practice was in,
27 and he did bring that practice in a firm way, insofar
28 as it arrived quickly after his arrival. He obviously
29 brought that manner with him, where he decided, I felt,

1 to change hinges promptly to what he perceived as an
2 improvement.

3 189 Q. From what you could see, was that done in an evenhanded
4 way?

5 A. Absolutely. 12:00

6 190 Q. If we could just have page 592 up on the screen. This
7 is paragraph 6.

8
9 "Allegations of targeting or discrediting."

10 12:00

11 You say:

12
13 "My understanding is that Garda Keogh is claiming that
14 as a result of making a protected disclosure he
15 encountered harassment, exclusion, victimisation and 12:00
16 penalisation. I played no part in any such alleged
17 treatment."

18
19 I don't think there's any suggestion that you did, but
20 did you observe any of those matters in Athlone Garda 12:00
21 Station?

22 A. Absolutely not.

23 191 Q. You then go on to say at paragraph 6.2:

24
25 "I did not receive any request or direction from my 12:01
26 other member to treat Garda Keogh any differently from
27 other members. I have no knowledge of any such alleged
28 mistreatment. As stated, I am aware that he was
29 unhappy with the decision to place him on indoor duty."

1 A. That's right.

2 192 Q. Yes. Thank you very much. would you answer any
3 questions?

4

5 END OF EXAMINATION

12:01

6

7 CHAIRMAN: Now, Mr. Kelly.

8

9 SERGEANT ANDREW HARAN WAS CROSS-EXAMINED BY MR. KELLY,
10 AS FOLLOWS:

12:01

11

12 193 Q. MR. KELLY: Good morning, Sergeant Haran?

13 A. Good morning.

14 194 Q. You worked for a quite a long time with Nick Keogh, you
15 were his sergeant?

12:01

16 A. Yes.

17 195 Q. The both of you got on well, you supported him where
18 appropriate or needed and as well you're a friend of
19 his as well?

20 A. Yes, I would like to think we have a good rapport.

12:01

21 196 Q. There was no tension whatsoever at any point ever
22 between you and him?

23 A. No, I don't think so.

24 197 Q. You had a good, solid working relationship?

25 A. Yes.

12:02

26 198 Q. One of the things, just before I forget about it, the
27 changes that were brought in by Superintendent Murray,
28 I think it was the way he entitled it "The reporting of
29 incidents other than creating Pulse entries", perhaps

1 if we just pull it up, it's volume 4 and it's page 752.
2 You see it's there. Just take a moment and look at it
3 to remind yourself. It is a letter or a memo sent "re
4 each sergeant in Athlone district" do you see it, 18th
5 August 2015? 12:02

6 A. Yes.

7 199 Q. It deals with -- you see paragraph 2:

8
9 "To ensure the reporting system works swiftly, the
10 sergeant on duty at the time the incident occurs, by 12:03
11 either being reported or discovered, or in the
12 sergeant's absence the station orderly or member in
13 charge, will prepare a short, concise report and e-mail
14 it to the district office e-mail and copy it to myself,
15 Inspector Farrell, Detective Sergeant Curley and the 12:03
16 sergeant in charge, Sergeant Baker."

17
18 Do you remember that?

19 A. Yes.

20 200 Q. That was one of the changes he had introduced. From 12:03
21 your knowledge of Nick Keogh, would you agree that he
22 was someone who was firstly proud of being a guard?

23 A. Definitely.

24 201 Q. Secondly, he was quite proud of his family's connection 12:04
25 with the Gardaí?

26 A. Yeah. To be honest, I hadn't known about the extensive
27 connections but I know he was proud to be in the
28 Guards.

29 202 Q. Yes. What I want to ask you is, that period around

1 about May 2014 when he made his protected disclosure,
2 it couldn't have been that easy for you or any of you
3 in the station, I imagine?

4 A. No, it was very difficult, absolutely.

5 203 Q. But as far as you were concerned, and I put this to 12:04
6 you, what you saw was someone who, right or wrong,
7 believed that this is what he had to do to expose
8 wrongdoing?

9 A. Oh absolutely, I have no doubts about his motives
10 whatsoever. 12:04

11 204 Q. There was no malice or anything of that sort, making
12 stuff up?

13 A. No, I believed he was exposing criminality at the time.

14 205 Q. That was his firm, honest believe and that was how you
15 saw it, is that right? 12:04

16 A. Absolutely.

17 206 Q. Thank you. Then I want to just finally ask you about
18 the confinement to indoor duty. On the last occasion I
19 asked you about that, so I will not go over it again in
20 the same way. But given that by that stage Nick Keogh 12:05
21 was clearly under stress, would you firstly agree that
22 that?

23 A. Yes.

24 207 Q. And secondly, it was apparent to you, I imagine, that
25 that was related to what had been going on at work? 12:05

26 A. Yes, clearly a factor.

27 208 Q. As he saw it. So you had this guard who then was
28 confined to indoor duty. In your view it wasn't really
29 appropriate to put Nick Keogh in that situation, on

1 permanent indoor duty, was it?

2 A. No, I couldn't say that, because the difficulty we
3 have, like if you were in a situation where you have 25
4 members on a regular unit, you could try to find a role
5 for everybody who had different skill levels. 12:06

6 209 Q. Yes.

7 A. But in a situation in Athlone, unfortunately it was a
8 numbers game.

9 210 Q. Yeah.

10 A. If the superintendent perceived that Garda Keogh 12:06
11 couldn't work outdoors, the reality is, that is the
12 next role. Each shift in Athlone, the first three
13 places that are filled is the role of public officer
14 and patrol car, driver and observer. Then you work off
15 any extra personnel you have for various roles, for 12:06
16 people. So I don't really see the options were --

17 211 Q. It was apparent to you that Nick Keogh felt that the
18 effect of that was to try and force him out of the
19 Guards. That was how he saw it, wasn't it?

20 A. Well, I suppose -- well, I see he says that very 12:06
21 clearly. I don't see it as being -- what the
22 superintendent's thought process --

23 212 Q. I'm not asking but that?

24 A. Yeah.

25 213 Q. But what Nick Keogh seen at the time as? 12:07
26 A. Oh yeah, Nick Keogh certainly felt the strain and huge
27 pressure on that, once that happened.

28 214 Q. This was sending him a clear and unmistakable message,
29 as he saw it?

1 A. Well, he may have seen it that way, yeah.

2 215 Q. I see. Thank you very much, sergeant.

3

4

END OF EXAMINATION

5

12:07

6 CHAIRMAN: Now, Mr. Murphy? Mr. O'Higgins?

7 MR. MÍCHEÁL O' HIGGINS: Thank you, Chairman.

8

9

SERGEANT ANDREW HARAN WAS EXAMINED BY MR. MÍCHEÁL

10

O' HIGGINS, AS FOLLOWS:

12:07

11

12 216 Q. MR. MÍCHEÁL O' HIGGINS: Good afternoon?

13 A. Good afternoon.

14 217 Q. Sergeant Haran, I just have a few questions for you. I

15

would ask you to look at your statement and your 12:07

16

interview to the Tribunal investigators. With that in

17

mind, could we have page 589 please up on the screen.

18

This is your statement, Sergeant Haran, I just want to

19

ask you a few general matters. Paragraph 3.6 first of

20

all. This deals with, just to locate for you, this is 12:07

21

an Olivia O'Neill matter that I am asking you the

22

question about?

23

A. Yes.

24

218 Q. You say in your statement:

25

12:08

26

"Garda Keogh refers to an interaction with Olivia

27

O'Neill sometime in 2014 in his statement. Garda Keogh

28

was working as public officer on this day. I remember

29

that he spoke to me during the day in an animated

1 manner. He outlined something about Olivia O'Neill
2 presenting unannounced at the counter and that she
3 wanted to make a statement about Garda A and other
4 individuals."

12:08

5
6 Can I just ask you just to elaborate upon that a little
7 bit. First of all, what do you mean when you say he
8 spoke you to you in an animated manner?

9 A. Yeah, this I remember because it was significant to
10 Garda Keogh. Because he was -- I think I described him
11 animated, meaning he was positive and he was excited.
12 It was a good thing for him, he saw her arrival as
13 apparently unannounced and it was his hope, very
14 clearly, that she was here, as the phrase was used I
15 think by somebody else, to name names. So that was my
16 memory of it, was that he was excited about her
17 potentially stepping up and making a statement.

12:08

12:09

18 219 Q. Yes.

19 MR. KELLY: Chairman, I just wonder, probably it's my
20 fault, isn't this issue 3.

12:09

21 CHAIRMAN: Definitely.

22 MR. KELLY: Aren't we dealing with --

23 MR. MARRINAN: we actually have dealt with this. He
24 has already given evidence in relation to this.

25 MR. KELLY: Yes.

12:09

26 CHAIRMAN: I think that is right. Is that right,
27 Mr. O'Higgins? If there is a reason for re considering
28 it, I think everybody should know where they are going,
29 if you know what I mean.

1 MR. MÍCHEÁL O' HIGGINS: Yes.

2 CHAIRMAN: Have we covered this before? I mean, have
3 we covered this particular point?

4 MR. MÍCHEÁL O' HIGGINS: May it please you, Chairman, I
5 was going to move immediately onto the supervisor role 12:09
6 aspect.

7 CHAIRMAN: No, no, Mr. O'Higgins, in fairness, I don't
8 want to shut anybody down in asking a relevant question
9 and I note there are certain difficulties, but I
10 thought that Mr. Kelly's point was correct. Now, if 12:10
11 you tell me this issue hasn't arisen before and that
12 it's proper that it should arise, then I will canvass
13 views of the various parties and I suppose make a
14 ruling on it.

15 MR. MÍCHEÁL O' HIGGINS: If I could indicate, Chairman, 12:10
16 I am happy and it's proper that I move to issue number
17 5, the supervision issue, from that. There had been a
18 referral back in relation to other matters, for
19 instance, the --

20 CHAIRMAN: Yes, I understand. There is no criticism. 12:10
21 But I think in fairness, now that we have this
22 reference to the Olivia O'Neill matter, I think in
23 fairness if Mr. Kelly wishes to revisit the matter, he
24 is free to revisit it.

25 MR. MÍCHEÁL O' HIGGINS: May it please you. 12:10

26 CHAIRMAN: So I will come back to you at the end,
27 Mr. Kelly, if you want to ask anything further about
28 that.

29 MR. KELLY: It is very kind of you, but I think it's

1 probably an invitation I will decline, but you can come
2 back to me later.

3 CHAIRMAN: Because I have to say, I have to say, I
4 wasn't aware of evidence to date, it may be just my
5 mistake, I wasn't aware of, I can't say, now that 12:11
6 you've just mentioned, animated, I noticed it and wrote
7 it down, excited, thinking it was a good thing and that
8 Olivia O'Neill was here to say things that would in
9 effect support, which is what I am understanding. I
10 wasn't aware of that as an issue. Insofar as anybody 12:11
11 thinks that's of importance, then we might at a later
12 stage decide how we are going to revisit it.

13 Mr. Kelly, I am sorry, that sounds very obscure, but
14 does that make sense?

15 MR. KELLY: I think so. 12:12

16 CHAIRMAN: Sorry, what I mean is, Garda Keogh might
17 well -- sorry, if somebody thinks that is a significant
18 piece -- this is no criticism of anybody, including the
19 sergeant. In other words, if it is thought that it's
20 relevant, that there is evidence which suggests that 12:12
21 Garda Keogh in the Garda station, on the occasion of
22 the visit of Olivia O'Neill, became excited and
23 thinking it was a very good thing, in the apparent
24 belief that she was going to name names and name
25 people, and i.e. support any case. If that was the 12:12
26 case, if anybody said that's relevant or of any
27 significance, then I think it would only be fair to
28 return to it if necessary in a very limited way, but I
29 am not even certain that anybody is going to say that

1 is important.

2 MR. KELLY: I hope not. I will just tell you what is
3 on my mind. If it is going to be said well, look, here
4 Garda Keogh was excited and wonderful, because this
5 alleged coaching that he had had all come to fruition, 12:13
6 then of course I'm not having that, we're going to have
7 to go over an awful lot of stuff. But if that is not
8 being said, then we will leave it.

9 CHAIRMAN: Thank you very much. I think fairness would
10 dictate if that were being the case. Okay, are we all 12:13
11 clear on where we stand on that?

12 MR. MÍCHEÁL O' HIGGINS: Yes, that's fine, Chairman.

13 CHAIRMAN: Or more particularly where I stand on that.
14 we're all clear on that.

15 MR. MÍCHEÁL O' HIGGINS: Arising from what you said, 12:13
16 Chairman, I know you will be cognisant of what is
17 stated at paragraph 3.7 there in the next paragraph,
18 but it's not necessary at this point, having regard to
19 the fact we're dealing with issues 1 to 4, to dwell on
20 that at this point. 12:14

21 CHAIRMAN: Paragraph 3.7 will not cause any difficulty,
22 because we have been over that ground.

23 MR. MÍCHEÁL O' HIGGINS: Yes.

24 CHAIRMAN: And there had been reference to the fact
25 that Garda Keogh either declined to take a statement 12:14
26 because he knew something about the matters of Olivia
27 O'Neill, and then the statement that he took the
28 following day from the other daughter and so on. We
29 have been over that ground, so I don't think that

1 causes any --

2 MR. MÍCHEÁL O' HIGGINS: Sorry, I should be more
3 specific, I was referring to the final sentence, which
4 really elaborates upon paragraph 3.6 insofar as it
5 references manner and enthusiasm that Garda 12:14
6 Keogh showed for --

7 CHAIRMAN: Again, I don't think that anybody is going
8 to be troubled about that, because as far as I know the
9 evidence is that Garda Keogh said name names and name
10 guards. That's what he said himself. 12:14

11 MR. MÍCHEÁL O' HIGGINS: Thank you, Chair. I might move
12 then to the supervisory issues.

13 CHAIRMAN: So I don't think that's any problem, but the
14 other one would be a somewhat different point I think.
15 Okay. 12:15

16 MR. MÍCHEÁL O' HIGGINS: Thank you.

17 CHAIRMAN: So, thanks very much, sorry about that all.

18 220 Q. MR. MÍCHEÁL O' HIGGINS: So then could I ask you then,
19 sergeant, if we could move to paragraph 3.15 on page
20 590 of your statement, I just want to ask you one or 12:15
21 two questions surrounding Garda Keogh's abilities with
22 paperwork. You say there at 3.15 that in general terms
23 you were glad to assist Garda Keogh in doing files and
24 reports, he readily admitted it was a weakness on his
25 part and on occasion you would sit with him and you 12:15
26 would literally empty out his post locker and between
27 you would be tidy it and try to shape his
28 correspondence. Can I just ask you about that: In
29 your reference to help and your dealings with him in

1 this regard, would he sometimes fall back, fall behind
2 in his correspondence in terms of answering it and it
3 would build up and cause a stress for him?
4 A. Well that's pretty much it. If he had had an absence
5 either for a rest days or for sick days and rest days 12:16
6 combined, that would naturally lengthen time away from
7 work, so anybody's correspondence would build up.
8 221 Q. Yes.
9 A. And Nick's in particular. So I just saw that as being
10 a very natural event for me to assist him when he would 12:16
11 be back. That particular event refers to one
12 particular event that I can remember, when he was on
13 night shift.
14 222 Q. Yes.
15 A. When the phones are quiet and people have time, and was 12:16
16 an occasion when we actually manually emptied the
17 locker and tried to put matters in order of importance,
18 and answering them as systematically as we could.
19 223 Q. Yes. In the same vein you mentioned in your interview
20 with the investigators to the Tribunal that he was 12:16
21 struggling to cope with basic paperwork, is how you put
22 it, is that something you recall in your various chats
23 with him over this period?
24 A. It is. That would have been, I suppose, at the latter
25 end of Nick's working in the station. That's not meant 12:17
26 to suggest an ongoing issue.
27 224 Q. Yes.
28 A. That's meant to suggest that in what would be described
29 as the kind of post disclosures period, he began to

1 struggle more than he would have struggled.

2 225 Q. Yes. I think you have indicated in the materials you
3 have provided that you had a good working relationship
4 with him and a good friendship relationship with him,
5 but as things moved up to 2017, he was in frequent 12:17
6 contact with you but thereafter moved a little bit
7 away?

8 A. They did, and I think it was possibly on both of our
9 parts. I remember on one occasion Garda Keogh would
10 have said something to the extent that it's not good to 12:17
11 be talking to me, from his side, he was kind of trying
12 to, I felt, buffer me from potential, I suppose, you
13 know, comment of being too close or whatever.

14 226 Q. Yes.

15 A. So that was the way he was pulling back, I think you 12:18
16 could call it.

17 227 Q. Could I ask you then, looking at paragraph 4.3 of your
18 statement on page 590, you say that following his
19 disclosure you continued in your role and on occasions
20 supervised Garda Keogh: 12:18
21
22 "He struggled at times to keep things going and would
23 speak about his drinking being a problem and his
24 preferences for working nights."
25
26 I think you mentioned that already 12:18

27 A. Yes.

28 228 Q. He found the mornings difficult, is that right?

29 A. Yes.

1 229 Q. In terms of actually turning up on time for work?
2 A. I think it would have been turning up and the scale of
3 work for the public office changes dramatically,
4 because obviously the amount of people who come in
5 during the day to the public counter is huge by day and 12:18
6 a lower volume by night. So one aspect of work is
7 reduced.

8 230 Q. I think you discussed helping him with colleagues and
9 those colleagues included Inspector Farrell,
10 Superintendent McBrien and Superintendent Pat Murray? 12:18
11 A. Yeah. I just wanted to read that.

12 231 Q. And that's mentioned --
13 A. Yes, yes. No, I remember, it would have certainly been
14 brought up by me to supervisors at that time, you know,
15 just a the supports. 12:19

16 232 Q. Yes. Now, can I ask you in relation to your interview
17 with the Tribunal investigators, we might have page
18 11755 please up, which is your interview, sergeant.
19 You said there on page 11755, you were being asked by
20 the interviewers to characterise your working and 12:19
21 personal relationship, about halfway down line 93.
22 Then you speak towards the bottom of that page, you to
23 refer to:
24
25 "Sadly a lot of calls from him when he was drunk and 12:20
26 rambling. Predominantly those conversations were about
27 his welfare. I would say my relationship with Garda
28 Keogh became more distant as he became more unwell."
29

1 A. Yeah, again, this is the latter times and following his
2 disclosures when he became, as I say, yeah, unwell.

3 233 Q. Yes. In terms then of the matter Mr. Marrinan was
4 asking you about and others, concerning the passing of
5 the role of support from yourself to Yvonne Martin, to 12:20
6 come in as a liaison person, I think you mentioned --
7 you were asked about that on page 11756. The position
8 is, as I understand it, that you were aware of course
9 from your discussions with Pat Murray that that was
10 going to be happening, isn't that right? 12:20

11 A. Yes.

12 234 Q. It had been canvassed with you as to your discussions
13 with the superintendent, and I think there's a
14 difference in recollection between the two of you, if I
15 put it that way, concerning precisely who brought up 12:21
16 the question, isn't that right?

17 A. Yes.

18 CHAIRMAN: That's right, yes.

19 235 Q. MR. MÍCHEÁL O' HIGGINS: I am going to ask you about
20 that? 12:21

21 CHAIRMAN: Does it matter a whole lot?

22 MR. MÍCHEÁL O' HIGGINS: I am not sure it does,
23 Chairman.

24 CHAIRMAN: Does it matter a whole lot if the
25 superintendent said, you know, I have a feeling that 12:21
26 this is the case, or, if he says, you know, I am a bit
27 uncomfortable about this? I mean, I am wondering about
28 this.

29 MR. MÍCHEÁL O' HIGGINS: Yes. Maybe it's a matter for

1 submission later on, but in my respectful submission,
2 it will certainly be our submission --

3 236 Q. CHAIRMAN: what the sergeant says is, look, I did not
4 have any discomfort. Yes, I had a conversation with
5 the superintendent and, yes, this issue came up. It 12:21
6 wasn't that I was uncomfortable and said I was
7 uncomfortable. But my recollection is that he brought
8 it up and he felt that I might be uncomfortable in it,
9 and because he felt it, I went along with it because it
10 was a reasonable point of view among intelligent people 12:22
11 and sensible people. That's what he wanted. He
12 apparently wanted Sergeant Martin to take over and you
13 were comfortable with that. If that's what he wanted,
14 there was no problem with that.

15 A. Yeah, that's largely how I feel about it, exactly. 12:22
16 CHAIRMAN: That's the situation. And he says, no, he
17 thought that it was Sergeant Haran who brought it up
18 because he was feeling discomfort at the role. And I
19 am not sure it makes any difference.

20 MR. MÍCHEÁL O' HIGGINS: If it's of assistance, 12:22
21 Chairman, if I may say so, I propose to pass from that
22 very shortly.

23 CHAIRMAN: Thanks very much. Somebody may tell me it
24 makes had a difference and somebody may make a
25 suggestion as to how the matter may be resolved. But I 12:22
26 am in doubt at the moment, I cannot see how it makes
27 any difference.

28 MR. MÍCHEÁL O' HIGGINS: Yes. I will shortly conclude
29 then, Chairman.

1 CHAIRMAN: It's all right.

2 237 Q. MR. MÍCHEÁL O' HIGGINS: Could I ask you lastly, would
3 you mind taking a look at a document, page 4916,
4 please, sergeant. This is later in time but perhaps it
5 is of assistance to the Chairman to give an overview of 12:23
6 your position. It's an e-mail from yourself to Thomas
7 Myers of 7th March 2018. Just a take a moment there to
8 familiarise yourself with it, I have jumped ahead in
9 time, but I think it's a relevant document that you may
10 be able to assist us with. Who, first of all, is 12:23
11 Thomas Myers?

12 A. He is a chief superintendent that was involved in an
13 investigation that followed. I don't know at what
14 point it started.

15 238 Q. Yes. 12:23

16 A. But he was involved in an investigation into certain
17 issues.

18 239 Q. I think the bullying and harassment complaint by Garda
19 Keogh, is that right?

20 A. Yes. 12:23

21 240 Q. Just taking up really the last two-thirds of that
22 document, you say, and forgive me if I am cherry
23 picking here, others than extract from it what's
24 relevant. About two-thirds of the way down you say:
25 12:24
26 "He would often talk to me and I would regularly
27 advised him on files and paperwork as he freely
28 admitted he was not good on paper."
29

1 That's fine, we dealt with that.

2

3 "At this stage when he had admitted to be the person
4 who made disclosures, he was suffering from alcohol use
5 and he was clearly struggling even to be in work." 12:24

6

7 And that's your recollection?

8 A. It is.

9 241 Q. "He appeared to be under enormous strain and I remember
10 that he loved to work nights but I think he felt more 12:24
11 comfortable when less authority was around. He was
12 honest to me, stated that he may have to go sick and
13 this was apparent to me. I offered him guidance and my
14 advice and engaged with him a number of times on and
15 off duty for a period of time." 12:24

16

17 The next portion I wish to ask you about.

18

19 "Alcohol and the issues surrounding his protected
20 disclosures had clearly affected him and his ability to 12:24
21 work at his previous standards was undermined up to the
22 time he went on long-term sick leave."

23

24 Was that your understanding?

25 A. Oh, it was. I mean there was an obvious, you know, 12:25
26 change in Garda Keogh from pre and post disclosure and
27 alcohol -- substance abuse.

28 242 Q. Can I ask you, when you say in the following few lines:

29

1 "I did not see Nick Keogh being bullied by any persons,
2 his unit colleagues appeared to be supportive. The
3 supervisors in my station never bullied Nick in my
4 presence, nor did they ever converse to me on paper,
5 orally or by any meant in any way that might be 12:25
6 perceived as taking actions directed at Nick in any
7 way. Indeed, supervisors appeared to make genuine
8 efforts to support him. I look forward to his recovery
9 and return to work in due course and would welcome him
10 back to work." 12:25

11
12 That is and remains your position?

13 A. Absolutely.

14 MR. MÍCHEÁL O' HIGGINS: Thanks very much.

15 12:25
16 END OF EXAMINATION

17
18 CHAIRMAN: Anybody else?

19 MS. O' ROURKE: I don't have any questions, Chairman.

20 CHAIRMAN: Thank you very much. Anything, 12:25
21 Mr. Marrinan?

22 MR. MARRINAN: Nothing arising.

23 CHAIRMAN: I'm sorry.

24 MR. MARRINAN: Nothing arising.

25 CHAIRMAN: Thank you very much, sergeant. 12:25

26 MR. MARRINAN: Thank you very much, sergeant.

27
28 THE WITNESS THEN WITHDREW

29

1 MR. MARRINAN: Gerry white, please. His statement is
2 to be found in volume 3 at page 486.

3

4 GARDA GERRY WHITE (RETIRED), HAVING BEEN SWORN, WAS
5 DIRECTLY-EXAMINED BY MR. MARRINAN, AS FOLLOWS:

12:26

6

7 THE WITNESS: Gerry white.

8 243 Q. MR. MARRINAN: Now, I think that you were a member of
9 An Garda Síochána from 1984 until your retirement on
10 6th December 2016, is that right?

12:26

11 A. That's correct.

12 244 Q. I think that you were requested to make a statement
13 arising from issues raised by Garda Keogh in relation
14 to searches that were conducted on Pulse in relation to
15 his motor tax, is that right?

12:26

16 A. That's correct.

17 245 Q. Will you just tell us what you recall in relation to
18 that?

19 CHAIRMAN: Well tell us what your position was first of
20 all.

12:27

21 MR. MARRINAN: Yes, sorry.

22 CHAIRMAN: I mean, I know what your position was, but
23 let's have it officially.

24 A. Between 2008 and 2014 my position was district clerk,
25 assistant to the superintendent and the inspectors.

12:27

26 246 Q. CHAIRMAN: District clerk, based in Athlone?

27 A. Based in Athlone.

28 247 Q. MR. MARRINAN: Just tell us your recollection of the
29 events?

1 A. When I was asked about this, first of all I had notes,
2 it wouldn't be a practice of mine to check cars of
3 members in the station, bar maybe they parked in the
4 station in error, blocking entrances or exits or
5 something like that. But when I was asked about this, 12:27
6 I did recall that -- I didn't recall the date but I
7 remember being in the finance officer's -- in the
8 finance officer's office when Superintendent McBrien
9 came in and we had a discussion, informal, unscheduled,
10 where the finance officer was talking about the number 12:27
11 of claims that she had in front of her for payment.
12 The superintendent says, well, maybe I should check
13 that the tax and insurance and that on these vehicles
14 are all correct before we pay them. So it was agreed
15 that I would take some of these files and check the car 12:28
16 details of a certain number of these claims. Now, I
17 don't recall whether I picked up the claims, whether
18 they were handed to me by the finance officer or handed
19 to me by the superintendent but I took possibly half a
20 dozen claims and inputted them into Pulse, checked the 12:28
21 details, printed them off and transmitted to the
22 superintendent.

23 248 Q. I think you said that it was a random check in relation
24 to Garda members, it was generally a random check but
25 Superintendent McBrien asked to you include Garda Keogh 12:28
26 as part of that?

27 A. No, no, it was a random check of the claims that were
28 in front of the finance officer.

29 249 Q. Is there no specific request in relation to the

1 inclusion of Garda Keogh?

2 A. No.

3 250 Q. Are you sure about that?

4 A. I'm a hundred percent sure, yes.

5 251 Q. Right. If we could just have page 6272 up on the 12:29
6 screen, please. Yes. We see there on 30th September
7 2014, Thomas white, that was yourself, is that right?

8 A. That is myself, yes.

9 252 Q. We see there the search and it refers to "caller to
10 superintendent's office"? 12:29

11 A. Yes.

12 253 Q. In the remarks section. Can you recall what that
13 related to?

14 A. I don't recall that. Pulse at that time, when you put
15 in a query to Pulse you had to give a reason for your 12:29
16 query. This is only speculation, I don't know this as
17 a fact, but sometimes what you had put in as a reason
18 for your previous search came up in the following
19 search. That may be the reason why that was there.
20 There was no caller to the superintendent's office in 12:30
21 relation to that search.

22 254 Q. We can see from that, just above, on the 1st October,
23 the following day, Superintendent McBrien conducted her
24 own check and that relates to an inquiry re Athlone.
25 But you had no role in relation to that? 12:30

26 A. No.

27 255 Q. Would you answer any questions, please?

28

29 END OF EXAMINATION

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CHAIRMAN: Now.

GARDA GERRY WHITE (RETIRED), WAS THEN CROSS-EXAMINED BY
MR. KELLY, AS FOLLOWS:

12:30

256 Q. MR. KELLY: Do you have any recollection of these events which is independent of those documents which have been shown to you?

A. When I was first asked about this incident, I had no recollection whatsoever.

12:30

257 Q. All right.

A. But it was just, when it was put into context that I checked a number of vehicles at the time, that I said this is maybe why I was being asked this question.

12:31

258 Q. So what you are saying, if I understand it correctly, is well, look, I was called in to the finance office or Superintendent McBrien's office?

A. I was in the finance officer's office when Superintendent McBrien came in.

12:31

259 Q. So you were in with the finance office, were you?

A. Yes.

260 Q. Superintendent McBrien arrives?

A. Yes.

261 Q. Who has got the handful of vehicles?

12:31

A. The finance officer had a large number of claims on her desk.

262 Q. Right. And a group of those are handed to you, is that right?

1 A. I may have picked them up, I may have been handed them,
2 I just can't recall.

3 263 Q. You cannot say whether the finance officer or
4 Superintendent McBrien picked them up and handed them
5 to you or whether you reached across and took them? 12:31

6 A. No, I haven't a clue.

7 264 Q. What we can be certain of, as I understand your
8 evidence and on the documents, is that Nick Keogh's
9 vehicle was amongst those?

10 A. Yes, that would be the case, yes. 12:32

11 265 Q. It's right, isn't it, that Superintendent McBrien
12 included that in the bundle that was handed to you?

13 A. I cannot say that. As I say, I don't know who handed
14 me -- whether I picked up the documents, whether it was
15 the finance officer gave them to me or Superintendent 12:32
16 McBrien.

17 266 Q. So what it comes to is, you can neither say it is
18 correct or incorrect that Superintendent McBrien
19 included Nick Keogh's amongst those documents given to
20 you? 12:32

21 A. No, I can't say.

22 267 Q. You're unable to say that?

23 A. I'm unable to say that.

24 268 Q. Because you simply don't have a recollection?

25 A. I don't have a recollection. 12:32

26 269 Q. All you can say is, I went into the office, there 's a
27 bundle of these documents, I don't imagine it was that
28 thick, was it?

29 A. At that time of the year it would be after a lot of

1 summer festivals, so probably -- I don't know.

2 270 Q. How big, are we talking, this or this [INDICATING]?

3 CHAIRMAN: Are we talking 20 or 40 or something, I mean

4 in a rough --

5 A. Yeah, that ballpark. 12:33

6 271 Q. CHAIRMAN: Something of that kind?

7 A. Something of that sort, yeah, nothing major but it was

8 enough for the finance officer to make a comment on it.

9 272 Q. MR. KELLY: All you can say is, you're called in, the

10 object is you're going to check the tax status of these 12:33

11 vehicles?

12 A. Tax and insurance.

13 273 Q. Tax and insurance. And you leave that office with a

14 bunch of documents, you cannot say who handed them to

15 you or whether they came from Superintendent McBrien or 12:33

16 the finance officer, but you took them off, you checked

17 it. What you can say for certain is that Nick Keogh's

18 was amongst them?

19 A. Yeah.

20 274 Q. That's right? 12:33

21 A. Yes.

22 275 Q. And you can also say, as I understood your evidence,

23 that this was an unusual exercise from your

24 perspective?

25 A. I would never have been tasked with doing this before. 12:33

26 276 Q. Never tasked before with that?

27 A. No.

28 277 Q. The most you would have been tasked with doing in

29 relation to checking members' vehicles on Pulse would

1 be if somebody had taken their car in and was blocking
2 an exit or a parking space or something, you would be
3 asked to find out whose that is, so they could get on
4 to them and say, look, move the thing?

5 A. Yeah, just say if somebody was trying to get out, maybe 12:34
6 station guard, I was at a computer that facilitated the
7 check.

8 278 Q. CHAIRMAN: The name?
9 A. Just the name.

10 279 Q. CHAIRMAN: The details would be on the thing? 12:34
11 A. Just the member's name, so we could contact that
12 member.

13 280 Q. MR. KELLY: You have got a vehicle in the station yard,
14 this is how I imagine it, tell me if I have got it
15 wrong, it's registration whatever, somebody comes in, 12:34
16 it will ultimately end up in front of you, find out
17 whose that is, do you, they're phoned and presumably
18 they move their vehicle?

19 A. It wouldn't be in that form, it was a very small yard
20 with an awful lot of people trying to park in it, so if 12:34
21 there was a change of shift and somebody was trying to
22 get out and you didn't recognise the name of person, if
23 I was beside the computer that --

24 CHAIRMAN: It would be a harmless kind of --

25 A. Totally harmless. 12:35

26 281 Q. MR. KELLY: Yeah. So this was totally out of the
27 ordinary from the normal run of the thing?

28 A. Yes.

29 282 Q. Can I ask you, what you do now?

1 A. I'm retired.

2 283 Q. Are you?

3 A. Yeah.

4 284 Q. Congratulations.

5 A. Thank you. 12:35

6 285 Q. CHAIRMAN: So of the possibilities, the finance officer
7 had the documents to begin with?

8 A. Yes.

9 286 Q. CHAIRMAN: The superintendent comes in and there's a
10 conversation? 12:35

11 A. Yes.

12 287 Q. CHAIRMAN: As a result of this conversation you leave
13 with a bunch of documents?

14 A. That's right.

15 288 Q. CHAIRMAN: A relatively small bunch of documents? 12:35

16 A. Yes.

17 289 Q. CHAIRMAN: Compared with the number that are on the
18 thing. If it happened that you took them and Nick
19 Keogh's car is there, that was random?

20 A. Yes. 12:35

21 290 Q. CHAIRMAN: If that was the case?

22 A. Yes.

23 291 Q. CHAIRMAN: If you are handed the bundle by
24 Superintendent McBrien, then she had produced the
25 documents, is that right? 12:36

26 A. That would be the case. But I don't think
27 Superintendent McBrien knew I was in the finance
28 officer's office when she came in.

29 292 Q. CHAIRMAN: I understand.

1 A. So...

2 293 Q. CHAIRMAN: But you left with the bundle?

3 A. Yes.

4 294 Q. CHAIRMAN: And that was either handled to you by the
5 superintendent? 12:36

6 A. Yes.

7 295 Q. CHAIRMAN: And if the superintendent handed them to
8 you, you don't know how they came to be selected?

9 A. No.

10 296 Q. CHAIRMAN: But the other possibility, that you just 12:36
11 reached for a few of them, then it was random?

12 A. Yes.

13 CHAIRMAN: Okay. Otherwise it remains. Okay, thank
14 you very much. Anything arising out of that,
15 Mr. Kelly. 12:36

16 MR. KELLY: No, I think that's it.

17 CHAIRMAN: Thanks very much.

18 297 Q. MR. KELLY: You haven't come here to assert that there
19 was a pile of documents and you positively remember
20 going and you randomly selecting stuff out of it? 12:36

21 CHAIRMAN: No.

22 MR. KELLY: That is not what you are asserting at all.

23 CHAIRMAN: Garda white very fairly says, look, I do
24 remember but I am considering possibilities. Okay,
25 thank you very much. 12:37

26

27 END OF EXAMINATION

28

29 MR. DONAL MCGUINNESS: No questions, Chairman.

1 CHAIRMAN: Thank you very much.
2 MS. O'ROURKE: No questions, Chairman.
3 MR. CARROLL: On behalf of Superintendent McBrien, just
4 a couple of questions by way of clarification with
5 Mr. White. 12:37
6 CHAIRMAN: Certainly.
7
8 GARDA GERRY WHITE (RETIRED), WAS EXAMINED BY MR.
9 CARROLL, AS FOLLOWS:
10 12:37
11 298 Q. MR. CARROLL: Just to be clear. I think you have said
12 this wasn't a prearranged meeting in the finance
13 officer's area or room, isn't that right?
14 A. That's correct, yes.
15 299 Q. I think the finance officer was Catherine Quirk, I 12:37
16 think she is unfortunately deceased?
17 A. That is correct.
18 300 Q. Subsequent to this time. I think the position is that
19 you went in, and I think you made this clear, that the
20 context of what you were being asked to do was in the 12:38
21 context of claims for travel and travel subsistence
22 type claims?
23 A. That's correct.
24 301 Q. It was in that context you were being asked to check a
25 number of your colleagues' vehicles, isn't that right? 12:38
26 A. That is correct, yes.
27 302 Q. I think the position is, I don't know if you recollect
28 if anything was said at that point about audits or
29 anything of that nature in terms of procedures for

1 audits or anything like that?

2 A. My recollection is it was just to check that the tax
3 and insurance was correct for the payment of the
4 claims. The members, when you make claims, certify
5 that you are properly taxed and insured. 12:38

6 303 Q. I think am I right when you say you don't recollect
7 whether it was the finance officer or Superintendent
8 McBrien that had indicated or handed you the stuff,
9 would that be fair?

10 A. It could have been myself, it could have been 12:39
11 Superintendent McBrien or the finance officer.

12 304 Q. In the normal run of things the finance officer's role
13 would involve this type of activity in terms of claims
14 for payments to be made. That would fall within the --

15 A. The payment of claims wouldn't have been exclusively -- 12:39
16 the finance officer would deal with the administration
17 of that, yes.

18 305 Q. And is it your evidence that you went about that
19 business in checking the various members' vehicles and
20 it was at that point you became aware of one of them 12:39
21 was Nicholas Keogh, Garda Keogh?

22 A. Until this query was put to me many years later, I
23 would are not have known that Nicholas Keogh's car was
24 one of those that I checked.

25 306 Q. In that sense there was nothing outstanding in that 12:40
26 sense. You don't recollect then in terms of matters,
27 whether it was the finance officer or Superintendent
28 McBrien talking to you and giving you the instruction,
29 but you remember them both being there?

1 A. Superintendent McBrien would have tasked me with
2 checking the vehicles. As I say, I don't know who,
3 whether one or three of us picked up the claims.

4 307 Q. Just bear with me one second. Just bear with me one
5 second, sorry. Subsequently then had you indicated to 12:40
6 Superintendent McBrien that the check resulted in Garda
7 Keogh's vehicle being taxed in a commercial way, do you
8 recollect that?

9 A. I did the searches on the vehicles that I had been
10 given. I didn't note any discrepancies or 12:41
11 irregularities in any of them. It just didn't interest
12 me, to be honest with you.

13 308 Q. Just the final thing then, I know you have dealt with
14 this, just again to try and clarify it: Superintendent
15 McBrien, when asked about this by the Tribunal team, 12:41
16 wasn't in a position to clarify the caller to the
17 superintendent's office. That was an entry you made,
18 was it, when you were checking the matter?

19 A. That turned up in the search box, it wasn't a reason
20 for this search. I have no explanation as to why it 12:42
21 was there. If I was to speculate, it may have been
22 related to the previous search I conducted.

23 309 Q. Just one final question -- bear with me one moment, I
24 just want to clarify something, sorry. Just on the
25 point, because Superintendent McBrien hasn't given 12:43
26 evidence yet in relation to this matter, but she does
27 have a recollection that you had indicated that there
28 was an issue in terms of the tax being commercial, she
29 has that recollection, possibly later that day.

1 CHAIRMAN: Sorry, Mr. Carroll, I am not following.
2 MR. CARROLL: or the following day.
3 CHAIRMAN: I am not entirely clear, what question are
4 you asking?
5 MR. CARROLL: That there was some feedback to 12:43
6 Superintendent McBrien.
7 CHAIRMAN: He made the check.
8 MR. CARROLL: After the check.
9 310 Q. CHAIRMAN: You made the check.
10 A. Yes. 12:43
11 311 Q. CHAIRMAN: And you got feedback?
12 A. Yes.
13 312 Q. CHAIRMAN: And you reported the feedback?
14 A. I would have printed off --
15 313 Q. CHAIRMAN: Printed off the feedback? 12:43
16 A. To my recollection, I printed off printouts of the
17 registered number. There would be two screens, the
18 name and registration, address of the person checked.
19 314 Q. CHAIRMAN: Yes.
20 A. The second screen would have been the tax and insurance 12:44
21 details of that person.
22 315 Q. CHAIRMAN: Yes.
23 A. I don't recall anything --
24 316 Q. CHAIRMAN: You don't recollect the details of any of
25 the particular enquiries that you made? 12:44
26 317 Q. MR. CARROLL: Maybe that's is an explanation, it's just
27 that she, and I just want to put it so there is no
28 issue about it, that she has a recollection that you
29 may not have said there was a difficulty with it but

1 321 Q. I think that's the Pulse record in relation to -- you
2 can see at the top, it looks like it's Nick Keogh's
3 vehicle at the time, is that right?
4 A. Quite possibly, yes.
5 322 Q. It seems to run from the bottom up in chronological 12:45
6 order, is that right?
7 A. That's correct, yes.
8 323 Q. I see there up at the top, there is third from the top,
9 it's, what, 30th September 2014, that's you, Thomas
10 white? 12:45
11 A. That's correct, yes.
12 324 Q. Thomas white, caller to superintendent's office?
13 CHAIRMAN: Yes.
14 325 Q. MR. KELLY: what does that mean?
15 A. As I stated, when you carry out a query on Pulse you 12:45
16 have to put in a reason for your search. But that was
17 not the reason for this search. The only explanation I
18 can give for that is, that sometimes the reason for
19 your previous search carries through to your next
20 search. Say, if -- when you put in -- when I put in 12:45
21 the registration number of, say, Garda Keogh's vehicle,
22 it would ask me for the reason, a box would populate,
23 if there was something in that screen already and I
24 wasn't that interested in the query, I would have just
25 said okay, that's the reason for it, the search, and it 12:46
26 would have generated a result. If that makes sense.
27 326 Q. Then I see above that, the next following in time
28 Noreen McBrien, 1st October, seems to have run a check,
29 am I reading that correctly?

1 A. Yes. That would be correct, yes.

2 327 Q. And it says "inquiries re Athlone"?

3 A. Yes.

4 328 Q. Okay, that is all I wanted to ask.

5 329 Q. CHAIRMAN: Can you just help me, I'm not able to read 12:46
6 the full form because of the shape it comes up here.
7 The column on the left, if I take the very top one,
8 Nicholas P Keogh, Garda, what's the one on the right,
9 Nicholas P Keogh, Garda? Does that mean that Garda
10 Keogh was checking himself. 12:47

11 A. Yes.

12 330 Q. CHAIRMAN: Is that what was happening?

13 A. Yes.

14 331 Q. CHAIRMAN: I'm sorry to be stupid about this?

15 A. No. 12:47

16 332 Q. CHAIRMAN: The person being checked on the left and on
17 the right is the person who is doing the check or
18 requesting the check?

19 A. In some cases they might be two different persons. If
20 the query came in to the public office of Athlone Garda 12:47
21 Station to check a vehicle, the first -- from my
22 recollection, the first name there would be the member
23 on the street who was checking it, the second name
24 would be the person who checked it on Pulse.

25 333 Q. CHAIRMAN: I see. 12:47

26 A. I'll be honest with you, I don't recall at this stage,
27 it may be one or the other. So in some cases them two
28 may be different, in some cases they may be the same.

29 CHAIRMAN: Okay. Thank you very much. You want to ask

1 something arising out of that, Mr. Kelly.

2 334 Q. MR. KELLY: No, I don't want to confuse matters, but
3 when you're talking about the two, the entry to the
4 left, take that third one down, "Thomas White, Garda."
5 Then the next one "Thomas White, Garda". What I read 12:48
6 there, you're not checking yourself, are you?

7 A. No, that would be -- we're checking the vehicle, the
8 person requesting the check was Thomas white in this
9 case.

10 335 Q. CHAIRMAN: Yes. 12:48

11 A. And the person performing the check in this case was
12 Thomas white.

13 MR. KELLY: I see.

14 336 Q. CHAIRMAN: The person requesting the check and the
15 person performing the check? 12:48

16 A. Yes, in some cases they may vary.

17 CHAIRMAN: Thank you very much. That's great. Thanks
18 very much.

19

20 END OF EXAMINATION 12:48

21

22 CHAIRMAN: Nobody wants to ask any more questions?

23 MR. MARRINAN: No more questions.

24 CHAIRMAN: Thanks very much for coming, and you're free
25 to go now obviously. 12:48

26 THE WITNESS: Thank you.

27

28 THE WITNESS THEN WITHDREW

29

1 MS. McGRATH: Chairman, the next witness is Inspector
2 Michelle Baker and subject to yourself, we can take her
3 up at two o'clock.

4 CHAIRMAN: If everybody is happy with that, I think
5 that makes a lot of sense. Thanks very much.

12:49

6
7 THE HEARING THEN ADJOURNED FOR LUNCH AND RESUMED, AS
8 FOLLOWS:

9
10 MS. McGRATH: Good afternoon, Chairman. The next
11 witness is Inspector Michelle Baker, please.

14:00

12 CHAIRMAN: Thanks very much.

13 MS. McGRATH: Chairman, her statement is at page 599 of
14 the books at volume 3.

15
16 INSPECTOR MICHELLE BAKER, HAVING BEEN SWORN, WAS
17 DIRECTLY-EXAMINED BY MS. McGRATH, AS FOLLOWS:

14:00

18
19 THE WITNESS: Michelle Baker.

20 337 Q. MS. McGRATH: Good afternoon, inspector. Inspector,
21 just by way of outline at the beginning, I think you
22 were attested as a member of An Garda Síochána in 1998,
23 is that right?

14:01

24 A. That's correct.

25 338 Q. And you were promoted to the rank of sergeant in
26 2009 -- sorry, 2007, and you came to Athlone in that
27 capacity, is that right?

14:01

28 A. No, that's not right. I transferred to Athlone as a
29 garda in 2002 and I was promoted in 2007 and I left

1 Athlone at that point. I was away for a year, returned
2 in 2008 as sergeant.

3 339 Q. So I think June 2008, would that be correct, when you
4 came back to Athlone?

5 A. Yes. 14:01

6 340 Q. Okay. You were the sergeant in charge for Athlone for
7 a significant period, I think the period is August 2013
8 to September 2016, is that right?

9 A. That's correct.

10 341 Q. Okay. Then you were promoted to the rank of inspector 14:01
11 in October 2016, is that right?

12 A. Yes.

13 342 Q. But I think when you were working with Garda Keogh, it
14 was in your capacity as sergeant in charge in Athlone,
15 isn't that right? 14:02

16 A. Yeah. I didn't work directly with Garda Keogh. When I
17 was a unit sergeant I was on unit A.

18 343 Q. Okay, he was, as we have heard, on unit C?

19 A. Yeah.

20 344 Q. You had no unit responsibility for Garda Keogh? 14:02

21 A. That's right.

22 345 Q. In your statement you say you had limited direct
23 contact with Garda Keogh and I think you attribute that
24 to your different units and your different schedules,
25 is that right? 14:02

26 A. Yes. In the initial few years as unit sergeant we were
27 on a different tour of duty, and then as sergeant in
28 charge the role is different, it's not directly
29 supervising individual members.

1 346 Q. I think you say in your statement that he seemed to
2 favoured nights and weekend duty, while you worked
3 mostly days, Monday to Friday, is that right?
4 A. Yeah, that's while I was sergeant in charge, yeah.
5 347 Q. You also outline in your statement when you talk about 14:03
6 this limited contact, you talk about really being a
7 conduit for paperwork or signing documentation in
8 respect of him, but it never went further than that, is
9 that right?
10 A. That would be correct, yes. 14:03
11 348 Q. Okay. Now, can I tell you that -- sorry, can I ask you
12 then just in relation to the period of 2014, I think
13 you would have been aware that he had made a protected
14 disclosure, is that right?
15 A. Yes. 14:03
16 349 Q. Would you have been aware or have any knowledge of the
17 impact that was having on him, either personally or
18 professionally, after that period?
19 A. I wouldn't in the initial stages, no, I wouldn't have
20 been aware. 14:03
21 350 Q. Would you have known that he was on sick leave and
22 attributing it to work related stress, for example?
23 A. I would have been aware of his absence, but maybe not
24 particularly directed to what the exact nature of it
25 was. 14:03
26 351 Q. Can I bring you in to 2015, and if I could ask
27 Mr. Kavanagh to open up page 2043.
28 A. Yeah.
29 352 Q. Now, I think this is the statement of Chief

1 Superintendent Pat Murray?

2 A. Okay.

3 353 Q. So it's 2043. Okay. Now, if you just look at the end
4 of that paragraph there, he is stating in his
5 statement:

14:04

6

7 "After meeting Garda Keogh on the 26th March."

8

9 Now this is 2015.

10

14:04

11 " -- I spoke with Sergeant Martin, Sergeant Moylan and
12 Sergeant Haran, the sergeant in charge, Sergeant Baker
13 and Inspector Farrell about the supports I discussed
14 with Garda Keogh and all agreed with that course of
15 action."

14:05

16

17 Can you tell us, you were party to this discussion or
18 meeting, can you assist the Chairman, were you to have
19 a role in those supports?

20 A. I would have been advised of that in my capacity as 14:05

21 sergeant in charge. I suppose if I can explain a
22 little bit in relation to the office and the function.
23 There is a clerical assistant or a clerical officer
24 attached to my office, so all the paperwork from the
25 district offices to and from, all of the uniform 14:05
26 personnel in Athlone, which is unit A, B, C, D, E, in
27 community policing should be channeled through my
28 office, where the clerical office would record that.
29 So as a result of that I would have been included in

1 the briefing because -- if it had any impact, but as a
2 rule it didn't have an impact on where the
3 correspondence was still going to be channelled through
4 his unit supervisor, which was Sergeant Moylan.

5 354 Q. Just so that we all understand it, your function as a 14:05
6 sergeant in charge, just generally, what is that
7 function in the station?

8 A. I suppose it's sort of like I suppose really the senior
9 sergeant of the uniform personnel. You have a dual
10 function, in that you are the conduit, as I have 14:06
11 described, for correspondence between all of the
12 uniform sergeants and the district officer, the
13 superintendent and inspectors. You also have sort of a
14 role in relation to, you know, the building and its
15 maintenance and security and all those kind of OPW, I 14:06
16 would call it, related matters and issues. And then
17 another main core function of it is in relation to the
18 PAF system, which is in relation to the accountability
19 framework.

20 355 Q. Just there with the PAF? 14:06
21 A. Yeah.

22 356 Q. Would you have then a sort of general responsibility
23 for work related issues or performance?

24 A. Do you want me to describe my role in the PAF?

25 357 Q. Yes, if you would. 14:06
26 A. Yeah, okay. So every morning there is a meeting in the
27 superintendent's office and the main attendees would be
28 the superintendent, inspectors, if they're available,
29 myself as the sergeant in charge, the detective

1 sergeant, whatever unit sergeants are working or
2 sergeants from, you know, external sub-district
3 stations. They would all attend, including the
4 district clerk and the PAF administrator. There was
5 also maybe sometimes a person available from the 14:07
6 victims support office sat in. There was also, in
7 Chief Superintendent Murray's time, an extended
8 invitation was open to any garda personnel who were
9 working in the mornings to attend, to understand the
10 process. Also, if a sergeant was absent or the 14:07
11 detective sergeant was absent, a guard would sit in
12 instead of those, so a detective might sit in if a
13 detective sergeant was away. So all members kind of
14 contributed to the meeting.

15
16 So the role of the sergeant in charge in the morning,
17 certain items -- I had to gather a lot of items to
18 bring in to this meeting. The superintendent chaired
19 the meeting but I was sort of like a presenter. It's
20 not a formal presentation, it's at a conference table. 14:07
21 So for this I would have to gather numerous items. The
22 003 report, which is something I printed off Pulse.

23 358 Q. Sorry, we wouldn't know what is in that type of report?

24 A. Okay. So a 003 report is the incidents that have
25 occurred in the previous 24 hours that have been 14:08
26 recorded on Pulse for Athlone district, or on a Monday
27 morning it's incidents that were recorded for the
28 previous 72 hours, so from 7:00am on Friday morning
29 until 7:00am on Monday morning. So I would review all

1 those incidents and on a Monday, that would be upwards
2 of 120 incidents. I would have to check each one in
3 terms of outcome, what position it was at, because when
4 I present that to the district officer he is going to
5 have questions as to well, where is that at now, or 14:08
6 what's the latest on that? So my function would be to
7 gather the most update and relevant information,
8 anticipating more questions. So that could be that I
9 might have to talk to people in the station, check for
10 emails, check for other reports and try and bring it to 14:08
11 the best possible, I suppose, up-to-date information
12 available.

13
14 In addition to that, I would have to check intelligence
15 record, prisoner details, resources on personnel, who 14:09
16 was available to work in the next 24 hour period. If
17 it was a Friday morning meeting, I would look at
18 resources for the next 72 hours to check our cover for
19 the whole weekend. And then I would also bring matters
20 to the attention, that go on the agenda for the 14:09
21 meeting, if there were any planned events, if there was
22 any kind of, you know, races or anything that would
23 maybe draw on your resources or personnel in the
24 following 24 hours. So that would be what I would do
25 for the morning meeting, gather all that stuff. 14:09

26 359 Q. Can I just bring you back to something, the first
27 document you talked about, you called it a 003 report,
28 is that right?

29 A. Yes, 003 report, incident --

1 360 Q. Is that printed off from the Garda system, would you
2 see that on the heading?

3 A. No, you'd have to go into reporting mechanisms within
4 Pulse.

5 361 Q. Okay. 14:09

6 A. You would request the report, you pick the district you
7 want it printed for and the time period. It would
8 automatically default to the previously 24 hour or on a
9 Monday you would amend that you want to review the full
10 72 hours, as the case may be. You can check for a week 14:10
11 or whatever.

12 362 Q. We will come to a specific incident in a moment?

13 A. Yes.

14 363 Q. But that 003 report, is it literally just a record of
15 Pulse recordings? 14:10

16 A. Yes.

17 364 Q. Is there commentary or a narrative on it?

18 A. There is narrative. It's basically the date, the time,
19 the occurrence, the investigating member, the location
20 of the occurrence, and then the narrative, what's in 14:10
21 the narrative screen on Pulse will --

22 365 Q. Is this all pulled automatically from Pulse, there is
23 no human interaction?

24 A. It interacts it. It prints everything that is recorded
25 in that. 14:10

26 366 Q. Okay. As you may be aware, inspector, we're interested
27 in a particular incident, which is issue number 9 that
28 the Tribunal is considering?

29 A. Yes.

1 367 Q. It is alleged robbery from a person in Athlone in the
2 early hours of 13th September 2015. Okay?

3 A. Yes.

4 368 Q. Now, do you recall that particular incident that
5 particular weekend? 14:11

6 A. I do, yes.

7 369 Q. Can you tell me, were you on duty that weekend or do
8 you remember your roster around that weekend?

9 A. I was working on Monday morning, I wasn't working on
10 that weekend. 14:11

11 370 Q. Do you remember who was on duty over the course of that
12 weekend?

13 A. From recollection, you know, from obviously being
14 somewhat influenced by what I saw in the disclosure, I
15 know that unit C were working on nights at some part of 14:11
16 the weekend.

17 371 Q. Do you know who the sergeant on duty was?

18 A. Well, it would have been scheduled to be Sergeant
19 Monaghan, but I believe he was on leave.

20 372 Q. Okay. Do you know if there was a station orderly or 14:11
21 the identity of that person that weekend?

22 A. Do you know, I wouldn't remember that.

23 373 Q. Now, can I ask you, you say you weren't on duty until
24 the Monday, now you were the sergeant in charge?

25 A. Yes. 14:11

26 374 Q. I think the chief superintendent mentioned in his
27 evidence that you may have been aware of incidents
28 occurring, they may have fed into e-mails on your
29 phone, would you be aware over the weekend of what was

1 happening?

2 A. Absolutely, yes. I would work occasional Sundays, but
3 primarily I would work Monday to Friday. But with
4 that, I would receive e-mails on my phone, I would be
5 cc'd on a lot of correspondence. It would be something 14:12
6 that -- you know, I would have it, you're obviously
7 keeping up-to-date, because while you're off for the
8 weekend, if you are up to speed on what's happening in
9 the station it makes Monday morning easier. Then it
10 wouldn't be unusual that, say, if there was a missing 14:12
11 person and I received information about that, I would
12 ring in and check. Because I might be aware -- you
13 know, from Friday's meeting I would have known what
14 resources were over the weekend, there may be a lapse
15 in supervision or something, so you might just know 14:12
16 that and you'd ring in and say, are you okay, do you
17 need a hand? You might call in. But you would
18 definitely be keeping up to speed with your
19 information.

20 375 Q. Do you remember if you got an e-mail on the Sunday in 14:12
21 relation to the incident of the robbery?

22 A. No, I didn't.

23 376 Q. Okay.

24 A. No.

25 377 Q. We have heard evidence from some witnesses who have 14:13
26 said that this would have been an unusual incident,
27 that there were not very many robberies like this in
28 that year in Athlone?

29 A. Yes.

1 378 Q. So you just made a reference there that, you know,
2 anything serious or unusual might be brought to your
3 attention, but was this brought to your attention on
4 the Sunday, do you remember?

5 A. No, it definitely wasn't. The first I came across this 14:13
6 was when I printed out the 003 report. So if you bear
7 in mind, I'm starting, it's chronological order it
8 prints out, so a serious incident, whatever way it
9 works out. I would have looked through Friday's and
10 then Saturday's and then halfway through I would have 14:13
11 spotted this allegation of the robbery, and at that --
12 information was scant enough on Pulse, in my mind. So,
13 I think, if I recollect, the clerical officer said,
14 here is a report, you might need that. So she would
15 say, oh, this is something that's happening, you might 14:13
16 need that. Because while I would do a 003 report, she
17 is checking the physical trail of paper that has been
18 left in the office over the weekend.

19 379 Q. Now, I think one of the physical pieces of paper that
20 was left for you was the report from Garda Keogh later 14:14
21 on that morning?

22 A. Yes.

23 380 Q. This is where I was talking about the Sunday. It's at
24 page 229. The Chairman has seen this report, it's
25 marked for the attention of the sergeant in charge, 14:14
26 which was yourself. We can see that it is stamped on
27 the 13th in the public office. So he made that --
28 would you accept that he made that report that Sunday,
29 before he went off duty?

1 A. Just bear with me. 229, yes?

2 381 Q. 229.

3 A. Yeah.

4 382 Q. Now, as I say, it has the date stamp there of the 13th,
5 so it was received by the public office on that Sunday? 14:14

6 A. Yes.

7 383 Q. Do you accept that?

8 A. That wouldn't have been received by the public office,
9 that would have been the stamp that Garda Keogh would
10 have put on the paper when he wrote that report. 14:15

11 That's his date stamp, it's not received by the public
12 office.

13 384 Q. Okay.

14 A. Just for clarity, all the guards in the station use
15 that as their stamp. 14:15

16 385 Q. Okay. Can I also ask you there, it's making reference
17 to the robbery from a person and it has the pin, which
18 is the Pulse number, isn't that right?

19 A. Is the number I believe, yeah.

20 386 Q. Okay. Now, again it's been opened in some detail, I am 14:15
21 not going to open it fully, but it makes reference to
22 the robbery, the date, the injured party, details of
23 the injured party?

24 A. Hm-hmm.

25 387 Q. He notes in the printed first paragraph: 14:15
26
27 "The IP was intoxicated and after pointing out the
28 scene was brought home by the Gardaí."
29

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He goes on to say:

"Garda Keogh was going on rest days and has two days annual leave booked and is not due to work until 19/9/2015. This was a serious incident and the IP may have injuries. Could this be forwarded to D/Branch for favour of immediate investigation." 14:15

Now, can I ask you, there was a lot of discussion with the chief superintendent in his evidence about this particular report and whether it was intended to be a report in the formal sense. In this regard, Garda Keogh in his evidence said that -- he talked about, the purpose of it was to let you know that he wasn't going to be there and that it should be escalated for higher attention. Do you accept his evidence in that regard? 14:16

A. That is to tell us he wasn't going to be there, yeah, that's obvious.

388 Q. He takes issue with the fact that this was intended to be the report which is outlined in a direction that the superintendent had put into place on the 18th August that year. We are going to switch between documents just for a moment. This direction is at page 2121 and I am sure you are very familiar with it. 14:16

A. Yes.

389 Q. Can I just ask you, just in relation to this direction, which has come up on the screen.

A. Hm-hmm.

1 390 Q. If you look at the first paragraph, and, as I say, I'm
2 sure you're familiar with this, is that the case,
3 inspector?

4 A. Yeah.

5 391 Q. It says:

14:17

6

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

10

14:17

11 Now, do you accept that Garda Keogh did make a Pulse
12 entry and we saw the Pulse number there on his letter?

13 A. He did, yeah.

14 392 Q. Okay. Now, just to talk about the actual report that
15 is envisaged by the directive at page 2121, the second
16 paragraph, as I say, was the subject of some discussion
17 with the superintendent. But it says:

14:18

18

19 "To ensure that the reporting system works swiftly, the
20 sergeant on duty..."

14:18

21

22 Do you see where I am reading from, inspector?

23 A. Yes.

24 393 Q. "At the time the incident occurs..."

25

14:18

26 So it's at the time the incident occurs, so it's
27 envisaging an immediate type of report, is that right?

28 A. Yeah. It would -- hypothetically had a sergeant been
29 working a Saturday night, the responsibility would have

1 fallen on the sergeant on the Saturday night, Sunday
2 morning to --

3 394 Q. So it would have either fall on, as you say, the
4 sergeant on duty. And it goes on to say:

5
6 "In the sergeant's absence, the station orderly or the
7 member in charge."
8

9 Do you accept that?

10 A. It would, it would fall on the sergeant and in practice 14:18
11 what would that would mean is the sergeant would ensure
12 it was sent. The sergeant themselves mightn't have all
13 the detail really, I would say the member in charge is
14 the investigating member, and that member is the person
15 with the information to complete the report as per the 14:19
16 kind of guidelines that were set out on the remainder
17 of the document.

18 395 Q. I think it goes on to say, and it's quite affirmative,
19 it says:

20
21 "Will prepare a short, concise report and e-mail it to
22 the district office e-mail, CC it to myself, Inspector
23 Farrell, D/Sergeant Curley and Sergeant Baker."
24

25 Yourself. 14:19

26 A. Yes.

27 396 Q. So would you have expected to see a report of that
28 nature about this incident when you came in on the
29 Monday?

1 A. I would, I would have expected to see it on the Sunday
2 morning.

3 397 Q. On the Sunday morning?

4 A. In my e-mail and which I would have taken action, made
5 a phone call, checked in with Detective Sergeant 14:19
6 Curley, made sure it was actioned and that the duty
7 sergeant on Sunday morning was fully aware of it and
8 had set in plan, you know, a course of action,
9 interviewing the witness or identifying the scene, all
10 those sort of preliminary steps. 14:20

11 398 Q. But that duty sergeant, I think you said earlier in
12 your evidence, you understood was to be Sergeant
13 Monaghan?

14 A. Sergeant Monaghan should have been on on the night, but
15 he was on leave. So he would have finished at 7:00am 14:20
16 if he hadn't been on leave. He wasn't the early
17 morning sergeant, he wasn't the 7:00am sergeant.

18 399 Q. Do you know who was to be the 7:00am sergeant that
19 morning?

20 A. I couldn't tell you. 14:20

21 400 Q. Do you know if there was one?

22 A. There may not have been. I don't recall that. There
23 mightn't have been one. That can happen.

24 401 Q. Can I ask you then just generally, move away from the
25 specific incident, but generally, if you have these 14:20
26 facts colliding, namely there's nobody there and
27 there's nobody on duty, where does the report come
28 from, from paragraph 2?

29 A. The report come from? The investigating member.

1 402 Q. who produces the short, concise report?
2 A. In the absence of the sergeant it falls to the
3 investigating member.
4 403 Q. Okay. Do you accept that's not outlined by the
5 directive? 14:20
6 A. No, it would have -- sorry, where do I see it?
7
8 "In the sergeant's absence, the station orderly or
9 member in charge."
10 14:21
11 which is the member in charge of the investigation.
12 The station orderly -- member in charge of the
13 treatment of persons in custody is a different thing.
14 So in this instance it means the station orderly, which
15 is the PO, this person doing the desk. And the reason 14:21
16 that would be there is because hypothetically, a
17 hypothetical incident I should say, the investigating
18 member could be at the scene, they could be gone to the
19 hospital with someone, that they would often ring back
20 and they might say, well, you're there in the station, 14:21
21 will you create this for me and send the e-mail. So I
22 suppose it boils back on team. It's team work. The
23 unit would pull together. No individual would
24 investigate something so seriously, so little tasks
25 would be delegated amongst the team. 14:21
26 404 Q. But do you accept it doesn't say the investigating
27 member, just in black and white, plain English?
28 A. The word investigating member isn't there, but it says
29 member in charge, which I take to be the same.

1 405 Q. Okay. Now, you arrived in on the Monday morning and
2 there was no such report, isn't that right?

3 A. There was no e-mail, no.

4 406 Q. There was no e-mail to you, there was no report?

5 A. No, there was a report in the tray. 14:22

6 407 Q. And are you talking about the report at page 229?

7 A. Well, that's the report from Garda Keogh, the
8 investigating member, in relation to the alleged
9 robbery.

10 408 Q. And are you rejecting Garda Keogh's evidence that this 14:22
11 was a note effectively for you to say that he wouldn't
12 be here to deal with it, that's what that was about.
13 That's his evidence. Are you accepting or rejecting
14 that?

15 A. I don't know whether -- what -- how do you mean 14:22
16 accepting or rejecting. That is a report. It's a
17 Garda report, notifying us (a), that this incident
18 occurred and (b), that he wasn't available to
19 investigate it.

20 409 Q. Now, he does have the pin number or the Pulse number on 14:22
21 that report. As you said to us earlier -- and it's a
22 new document we're hearing about, this 003, but you're
23 saying this 003 form is populated from Pulse and
24 therefore it was populated in respect of this incident
25 from that Pulse number 12207121, is that right? 14:23

26 A. Sorry, you kind of threw me there. The 003 report is
27 the incident summary report, that has been mentioned
28 here, I would have thought.

29 410 Q. Oh, okay. I didn't realise they were one and the same?

1 A. 003 is the Pulse code, I suppose, sorry, it's what I
2 call it in a day-to-day fashion, but it's the incident
3 summary report.
4 CHAIRMAN: Sorry.
5 A. Summary of all the incidents. 14:23
6 411 Q. CHAIRMAN: I am lost, and I am lost for two reasons.
7 First of all, I can't hear you properly. Could I ask
8 you to move that a bit closer to you or to move your
9 chair a tiny bit closer. I don't want to make anybody
10 uncomfortable but I can't hear properly. 14:23
11 A. Sorry.
12 412 Q. CHAIRMAN: The second thing is, I am not understanding,
13 there's a Pulse entry, that I understand.
14 A. Yes.
15 413 Q. CHAIRMAN: There's a 003 document that you're referring 14:23
16 to.
17 A. Yes.
18 414 Q. CHAIRMAN: what's that?
19 A. That is where -- it's a report that's generated from
20 Pulse that shows all of the incidents created in 14:24
21 respect of a district for a period of time, it can be
22 24 hours or 72 hours.
23 415 Q. CHAIRMAN: Okay.
24 A. You select.
25 416 Q. CHAIRMAN: So that would be something that you would 14:24
26 either prepare or supervise the preparation of?
27 A. No, I would have prepared it. I would extract that
28 from Pulse every morning.
29 417 Q. CHAIRMAN: And bring it to the PAF on Monday?

1 A. Yes. That was one of a number of items I brought to
2 that meeting every morning.

3 418 Q. CHAIRMAN: So for our purposes here, in respect of what
4 Garda Keogh did or didn't do, he didn't have anything
5 to do with the 003? 14:24

6 A. Oh God, no.

7 419 Q. CHAIRMAN: So that's irrelevant for this purpose?

8 A. Well I was explaining, she asked about the
9 functionality of the sergeant in charge and my role in
10 the PAF. 14:24

11 420 Q. CHAIRMAN: Absolutely, and I am understanding. But
12 from the point of view of Garda Keogh's role and
13 whether he did right or he didn't do right, he didn't
14 have anything to do with the 003 report?

15 A. No, it's an incident report. 14:24

16 CHAIRMAN: Thank you very much. So we have the Pulse
17 report and now we have a document.

18 421 Q. MS. McGRATH: Can I ask you, you say that that 003
19 report is the incident summary report, is that correct?

20 A. I think it's the summary report. It prints off all the 14:25
21 incidents that occurred in a particular area for a
22 particular period of time.

23 422 Q. Well, can I ask you to look at page 496, which appears
24 to be the incident summary report for this particular
25 incident? 14:25

26 A. Yes. There's also an incident summary report for an
27 individual incident.

28 423 Q. And that is also printed off by you, is that correct,
29 on the Monday morning?

1 A. That would be part of it, yes.

2 424 Q. That is part of the documentation --

3 CHAIRMAN: Sorry, slow down, Ms. McGrath, slow down,

4 don't ask the next question before the first one has

5 been answered. I work slowly and I like to take a 14:25

6 note. Sorry.

7 425 Q. MS. McGRATH: 496?

8 CHAIRMAN: 496.

9 A. As I said, the first thing I will do is print off the

10 003 report, which could contain 120 incidents. 14:25

11 426 Q. CHAIRMAN: It's a summary of a large number of

12 incidents?

13 A. A period of time.

14 427 Q. CHAIRMAN: Okay.

15 A. From that I would, if you want to call it, drill into a 14:26

16 particular incident.

17 428 Q. CHAIRMAN: Yes.

18 A. And produce one of those, which is on the screen there

19 now.

20 429 Q. CHAIRMAN: 496. 14:26

21 A. Yes.

22 430 Q. CHAIRMAN: we can call that a summary report, it's not

23 important what we call it, but that's --

24 A. They both kind of have the same name but they're

25 different. 14:26

26 CHAIRMAN: Okay, very good. Now, Ms. McGrath, I am

27 sorry for being dim about this.

28 431 Q. MS. McGRATH: You understand my confusion?

29 A. Yes.

1 432 Q. It was the document at page 496. Okay. So again, just
2 going back to the Monday morning, the preparation of
3 your documentation, as you said yourself earlier, you
4 see the directive, the one you opened as a team, and
5 can I ask you, were any queries raised before the 14:26
6 meeting with anybody else, anyone who was on duty the
7 previous day, as to was there any report, further
8 reporting or anything for this incident?

9 A. I don't recollect having conversations but my practice
10 would be I would always go and check with the station 14:27
11 orderly or the duty sergeant, especially when there's
12 an incident of significance, I would call it, just to
13 check, did you hear anything about this, do you know if
14 anyone is doing something on this. I would probably
15 have the same conversation with Detective Sergeant 14:27
16 Curley, just so that I would have an idea of where it's
17 at before I go to the meeting, if some development had
18 occurred.

19 433 Q. Did you make those queries that morning in respect of
20 this incident? 14:27

21 A. Oh I would have, yes, definitely.

22 434 Q. Do you remember who you spoke to?

23 A. I don't. It could have been just the PO, the guard who
24 was at the counter, that would be very normal. As part
25 of my preparation I check the cells, I check the 14:27
26 custody records, I speak to the member in charge, as in
27 the PO, and talk to them about if there is somebody in
28 custody or whatever. So you do a general sort of a
29 walkthrough, I call it, in the mornings, catching up

1 over the weekend to see was there anything of
2 significance that I need to bring to the meeting.

3 435 Q. Can you assist the Chairman as to whether this incident
4 arose in those conversations?

5 A. I can't specifically remember talking to anybody, but I 14:28
6 imagine I would have. When I had a report like Garda
7 Keogh's handwritten report, you know, it meant I knew
8 something so I would have been curious to try and find
9 more information. Because I would have known going to
10 the meeting that I hadn't enough information. 14:28

11 436 Q. Would you have asked, is there a report from the
12 sergeant in charge, or was there one?

13 A. I am the sergeant in charge.

14 437 Q. Sorry, not the sergeant in charge, the sergeant on
15 duty? 14:28

16 A. I was aware that Sergeant Monaghan had been on leave.

17 438 Q. Okay. So you went into the meeting. Can I just ask
18 you, what time was the PAF on Monday mornings?

19 A. It's now at 10:00am but I believe it was 10:30am at the
20 time. 14:28

21 439 Q. Okay, and no contact was made with any other team
22 member or Garda Keogh before the meeting by you?

23 A. No, I wouldn't have -- he was off on leave and...

24 440 Q. Okay. So you went to the meeting and I think we have
25 heard evidence that you raised the issue of this 14:29
26 document, the report at page 229. I think the evidence
27 we have heard is that you felt it was unsatisfactory?

28 A. Yeah. Well, I would have raised this not as an
29 individual item, it would have come about in the course

1 of the list of the hundred and whatever incidents. At
2 each one we have a brief discussion and I would have
3 said, I have additional information, a small bit, in
4 this report that the investigating member isn't
5 available, he's on leave, and that we need to, you 14:29
6 know, task someone with -- my view on it is that it was
7 unsatisfactory and that it wasn't e-mailed and we had
8 lost crucial time on the Sunday to interview the
9 injured party, find the scene, look for witnesses, you
10 know, all that timely investigation. 14:30

11 441 Q. So your dissatisfaction was that it wasn't e-mailed as
12 opposed to what it was telling you or content?

13 A. Point one for me was disappointment it wasn't e-mailed
14 because we lost time and then point two, now that we
15 are 36 hours later, 24 hours late, we still don't have 14:30
16 enough, we have more questions than answers.

17 442 Q. Did you express anything further? Did you express
18 anything further in relation to Garda Keogh
19 specifically?

20 A. Oh no. This would have been the way I talk about every 14:30
21 incident if there is something missing. It's about the
22 data quality, the information to hand, the decisions
23 that we can make at that time.

24 443 Q. Well, can I ask you to look at page 2049 of the papers.
25 It's Chief Superintendent Murray's statement. 2049, 14:30
26 and it's the third paragraph there?

27 A. Okay.

28 444 Q. It's about the fourth line in. It's referring to
29 yourself as bringing it to the attention of the meeting

1 and I will just quote:

2

3 "The report from Garda Keogh, which she felt was far
4 from satisfactory in that it lacked any detail to
5 assist inquiries Garda Keogh said he was unable to
6 make."

14:31

7

8 Now, that's a little bit different, it doesn't mention
9 not e-mailing it, it's going to the content or
10 substance of the report. Is that your recollection of
11 the objection you raised to the report?

14:31

12 A. It's probably accurate, in that I wouldn't have been
13 satisfied with the information but I know from my own
14 personal opinion when I saw this handwritten report
15 that morning and I saw the 003, I was like, why didn't
16 I get an e-mail on this yesterday morning, to make sure
17 something was done. I suppose really at the meeting
18 we're not -- we can't turn back time, we're dealing
19 with what we have and what's the best -- you know, what
20 is the next best step. So at that meeting I would be
21 asked questions and if I can ask them, great, we can
22 advance things, and if I can't, well then we need to
23 find the extra information, it becomes a task, which
24 Detective Sergeant Curley took on then.

14:31

14:32

25 445 Q. Would you accept that in relation to details there was
26 actually a significant amount of detail on the incident
27 before the meeting, particularly if you look at the
28 detail of the Pulse entry, would you accept or reject
29 that position?

14:32

1 A. There was some details, but there wasn't anything
2 extra. If you were to look at, you know the incident
3 report, what's required to be sent by e-mail, the
4 instruction on the 18/8, you know, certain things like
5 exact location, where was the scene, you know, could we 14:32
6 organise searches. You know, very fundamental policing
7 kind of tasks, where items were missing.

8 446 Q. Just in relation to that, seeing as I think you are
9 squarely raising an issue there that needs to be
10 addressed by looking at the Pulse record at page 225 14:33
11 and 226.

12 A. Okay.

13 447 Q. So if we can just open that Pulse record. It's page
14 225 and 226.

15 A. Okay. 14:33

16 448 Q. Now, if you look at the Pulse record and again, I don't
17 want to delay the Tribunal, the Chairman has seen this
18 in some detail while the chief superintendent was
19 giving his evidence, but just the last issue you
20 mentioned. If you look at the scene and location, it 14:33
21 could not be more precise, and on the right-hand side
22 it has a longitude and latitude location, do you accept
23 that, on the Pulse record?

24 A. Yeah, the GPS, yeah.

25 449 Q. Okay. So it has GPS, it has a scene address, Saint 14:34
26 Mel's Terrace, do you see that?

27 A. Yes.

28 450 Q. It has a time, a date, a date reported, and then it has
29 a reference to the sum of money of €20. Then in the

1 narrative, you will see there's some detail there?

2 A. Yeah.

3 451 Q. And again it's location, scene, details of the injured
4 party, details of the possible suspects and
5 descriptions. So would you accept that if you want to 14:34
6 tie yourself back to the directive of the 18th August,
7 the detail is there. Would you accept that or reject
8 that, inspector?

9 A. To a certain degree, but Saint Mel's Terrace is a long
10 road, you know, so if you were to say at which end it 14:34
11 happened. That's what I mean, you know, to say that it
12 wasn't pointed out, it wasn't preserved.

13 452 Q. But the GPS there would seem to refer to precise locus?

14 A. Yeah, I suppose it would, yeah.

15 453 Q. CHAIRMAN: Where did he get the GPS? 14:35

16 A. It's on the right of the screen.

17 454 Q. CHAIRMAN: I know, where did he get it?

18 A. The guard would collect it on his TETRA radio.

19 CHAIRMAN: Okay, very good. Thank you very much.

20 455 Q. MS. McGRATH: Chairman, if you see just over the word 14:35
21 latitude, you will see DMT TETRA and that box is
22 ticked?

23 456 Q. CHAIRMAN: Thank you very much, I am sorry. And if
24 somebody put those in, they would give you pretty
25 precise -- 14:35

26 A. More or less, yes.

27 457 Q. CHAIRMAN: If you went the other way round, in other
28 words?

29 A. The general area.

1 458 Q. MS. McGRATH: So again, I would put it to you,
2 inspector, that at the meeting on the Monday, the stark
3 reality of it was that this is a very detailed Pulse
4 record and the inquiries could have been commenced on
5 the basis of the Pulse record that you were referencing 14:35
6 earlier, is that right?

7 A. To a certain -- they were commenced from it and it
8 start from that, but in terms of -- just usually
9 there's a bit of extra detail required for something so
10 serious as this. 14:36

11 459 Q. This is what you say, and we have opened the note there
12 of the chief superintendent a moment ago, this is why
13 you said the report was far from satisfactory?

14 A. Yeah. Well, it was not satisfactory from my point of
15 view, because it wasn't e-mailed on the Sunday. 14:36

16 460 Q. Can I ask you, inspector, is it the case that when
17 you're not there as sergeant in charge and matters are
18 put in your tray, does anybody have responsibility for
19 notifying you of the matters in your tray on a Sunday,
20 when you're not there? 14:36

21 A. No, the tray post is what I would call -- generally
22 it's non-urgent correspondence. Members leave
23 applications, you know, rudimentary sort of post and
24 correspondence. That's the sort of channel that's
25 used, it's something that is going back into the 14:37
26 district office.

27 461 Q. But who is there on your days off to ensure --

28 A. Nobody. Nobody. The clerical officer works Monday to
29 Friday, the same as myself. So she is tasked with

1 logging every item in and out.

2 462 Q. We do know from the evidence that after the meeting
3 Garda A was tasked with going to meet the injured party
4 to take a statement from him, isn't that right, were
5 you aware of that? 14:37

6 A. Yes. Detective Sergeant Curley took over after the
7 meeting.

8 463 Q. Is there any reason why a garda couldn't have been
9 tasked the previous day, given that all the details
10 were there to do that? 14:37

11 A. I wasn't there, so I can't say. It wouldn't appear
12 that anybody took it on or wasn't -- I can't speak for
13 what happened, whether Garda Keogh handed the report on
14 to the oncoming unit. There doesn't appear to have
15 been any continuity from when the report was received 14:38
16 until when I picked it up on Monday morning. It
17 appears to have laid dormant.

18 464 Q. Can I ask you, maybe I'm misinterpreting what you are
19 saying, but was the problem really a process failure or
20 that processes or procedures were not in place for 14:38
21 passing on information, as opposed to the content of
22 Garda Keogh had actually written on the 13th?

23 A. Well, primarily the process, it wasn't e-mailed.
24 That's the first part, because that would have allowed
25 for timely intervention. And then the report wasn't 14:38
26 exactly detailed. Usually a Garda report about
27 something like a serious assault or a robbery, would
28 have a lot more detail in relation to efforts made.

29 465 Q. Now, can I ask you just to confirm, I think, if I heard

1 you correctly, you said that D/Sergeant Curley took
2 over after the meeting, is that right?

3 A. Yes.

4 466 Q. Okay. Now, we know that there's a letter from
5 Superintendent Murray to yourself on 23rd September 14:39
6 2015 in relation to this at page 505 of the papers, if
7 you just have a look at that.

8 A. Okay.

9 467 Q. At page 505, you see that it's addressed to yourself,
10 sergeant in charge, do you see that? 14:39

11 A. Yes.

12 468 Q. Okay. Do you remember getting this particular letter?

13 A. Yes. This would have been sent to me to pass on to
14 Sergeant Moylan. While it's addressed to me, that's
15 the channels of correspondence, I would have then 14:39
16 forwarded that to Sergeant Moylan.

17 469 Q. Okay. And the content of it, referencing a scant
18 report, do you see that there on the first paragraph?

19 A. I do, yeah.

20 470 Q. And the issues highlighted, does that take you somewhat 14:40
21 by surprise, given the detail on the Pulse entry?

22 A. No, not really.

23 471 Q. Would this be something -- letters of these nature that
24 you might see -- you see a lot of correspondence, you
25 are saying, would you see these types of letters 14:40
26 frequently?

27 A. Yeah, there would be -- any file that is submitted for
28 direction, potentially queries are raised. I suppose
29 the investigating member knows the file very well,

1 maybe the supervising sergeant knows it well, but
2 sometimes an inspector or superintendent is reading it
3 for the first time and they see a loose end that they
4 want clarification on. So reports coming back with
5 points for clarity would be quite common. 14:40

6 472 Q. We see that it's passed on to Garda Keogh and he
7 replies at page 232. And again he marks it back for
8 your attention?

9 A. As I said, that's the channel of correspondence,
10 everything would go through my office, because the 14:41
11 clerical officer, she is based in my office. So she
12 would record all the post coming to and from the unit.

13 473 Q. Have you got 232 in front of why you, inspector?

14 A. Yes.

15 474 Q. This is his response. I just want you to look at the 14:41
16 very end, the last line. He says:
17
18 "The attached report from Superintendent Murray is
19 nothing short of a form of harassment towards myself.
20 Forwarded for your information, please." 14:41
21

22 Did you read this document when you got it?

23 A. I'm not --

24 475 Q. 232? Are you on page 232?

25 A. Yeah. 14:41

26 476 Q. It's there at the very end, the last sentence.

27 A. Just one moment. I am not sure if I did see that. I
28 don't think I wrote on that, going back in the way.
29 Like, if I was on a day's absence, then one of the duty

1 sergeants -- usually actually at that time Sergeant
2 Monaghan would have sat in as sergeant in charge if I
3 was on a course or away. So the 2nd October, I'm not
4 sure if I was working on that date. And I am looking
5 at the next page over, Sergeant Monaghan appears to 14:42
6 write direct to the superintendent, which makes me
7 think he, you know, did, I suppose, a double job, he
8 was the unit sergeant and the sergeant in charge
9 passing it on.

10 477 Q. Can I ask you then in relation to your -- as you say, 14:42
11 you attended all the PAF meetings, pretty much?
12 A. When I am working, every day.

13 478 Q. When you're working?
14 A. Yes.

15 479 Q. So this incident moved along. We see there that there 14:43
16 was even further exchanges. Can I ask you, there was a
17 PAF meeting then on the 23rd September in relation to
18 this. Or this issue came up at a PAF meeting on the
19 23rd September, isn't that right?
20 A. Yes. 14:43

21 480 Q. We have heard evidence from the superintendent in
22 respect of the reclassification of this issue at that
23 meeting. Do you remember that?
24 A. Yeah. I suppose for the PAF process, one of the
25 changes that Superintendent Murray brought to -- we 14:43
26 always had a PAF process that was pretty strong in
27 Athlone. Superintendent Murray brought in an
28 additional, I suppose, measure. He applied dates on
29 incidents. So something wouldn't be left open-ended

1 for a long period of time. The superintendent put
2 structure on accountability, that, you know, he might
3 set a target date, to complete it by such a date, so
4 that things wouldn't be left open-ended. So for
5 critical and serious incidents like this, he would 14:44
6 often put it on for a short return, I would call it, so
7 that it could be reviewed again in a short period of
8 time. Something else that might be a more complex
9 investigation, might get it over a period of time, if
10 it was something like a missing period it would be 14:44
11 raised again the next day, you know, sort of depending
12 on the priority required. So for this to come up again
13 within a couple of weeks would have been very normal.

14 481 Q. Okay. Are you aware then that there was a decision to
15 reclassify the incident and that's recorded on the 14:44
16 incident summary report we saw?

17 A. Yes, and that would be based on various sort of tasks,
18 investigation work carried out by the detective branch.

19 482 Q. Would you have had any role in relation to that?

20 A. No. 14:44

21 483 Q. Would you have had a view, an opinion or a role?

22 A. Well, I would have sat there collectively and listened
23 to the new and additional evidence, the position of the
24 injured party and all of that, and, you know, a general
25 consensus of the group kind of, a think, a conversation 14:45
26 around -- like I said, the PAF process, it's very
27 strong on the control of the data, you know, checking
28 that incidents are of the correct classification. If
29 something could be marked, you know, what we call

1 attention and complaints but we actually at that
2 meeting might say there is something more serious to
3 that and recategorise it up to a crime or laterally,
4 you know, it can be reviewed. That's what the process
5 is for.

14:45

6 484 Q. Just finally, inspector, on that point, we know from
7 the documentation and the evidence that we have heard
8 that one of the primary reasons for the
9 reclassification of the incident was a view taken of
10 the credibility of the injured party. Did you have
11 anything to say or contribute or to do with that?

14:45

12 A. I didn't meet the injured party or read his statement,
13 so I didn't have any direct opinion on him.

14 485 Q. Okay. Could you answer any questions?

14:45

15
16 END OF EXAMINATION

17
18 CHAIRMAN: Very good. Mr. O'Brien.

19
20 INSPECTOR MICHELLE BAKER WAS CROSS-EXAMINED BY MR.
21 O'BRIEN, AS FOLLOWS:

14:46

22
23 486 Q. MR. O'BRIEN: Thank you, Sergeant Baker. If we could
24 just go back first of all to the document, it's at page
25 2121, please, it's Superintendent Murray's directive.
26 That's dated the 18th August.

14:46

27 A. Yes.

28 487 Q. You will see just at the top, it's addressed to each
29 sergeant --

1 A. Sorry.

2 488 Q. It's 2121?

3 A. Yeah, okay.

4 489 Q. It's addressed to each sergeant, each member Athlone
5 district. Can you recall, was there ever a meeting in 14:46
6 relation to this directive between, let's say, the unit
7 sergeant and the individual units or any explanatory
8 sort of a meeting relating to this?

9 A. I wouldn't -- each unit sergeant would have a briefing
10 with their unit at the change of shift and tour. So, 14:46
11 you know, these type of minutes would be raised. But
12 what's in this isn't new, you know, it was always --
13 you always had an expectation that anything serious or
14 critical should be circulated.

15 490 Q. So was it left then, as it were, I suppose for each 14:47
16 member to interpret the directive as to what it meant?

17 A. Well, it would have been left for each sergeant to
18 bring it to the attention of members under their
19 supervision.

20 491 Q. Okay. And when the member received the directive then, 14:47
21 just to digest that information themselves and to
22 understand it?

23 A. Yeah.

24 492 Q. Okay.

25 A. It would be standard. There's nothing really unusual 14:47
26 in it, it's pretty standard.

27 493 Q. Yes. So moving forward then. So the directive is in
28 place a little over three weeks, nearly four weeks when
29 we get to the PAF meeting on 14th September 2015, isn't

1 that correct?

2 A. Yes. This particular -- I would call Superintendent
3 Murray's instruction, it was actually a reminder of
4 something that was already in place in the
5 organisation, e-mailing critical incidents, you know, 14:48
6 serious incidents. It was always in place. This was
7 just, I suppose, putting it -- setting it out very
8 clearly, the standard, and the information that was
9 required.

10 494 Q. Well, let's say with the emphasis on the content of the 14:48
11 second paragraph, about what the sergeants and so on
12 are obliged to do under the directive once an incident
13 occurs, that's in place then, as you say?

14 A. Yes, it's very clear, yeah.

15 495 Q. In advance, you have explained to us the 003 report and 14:48
16 you have advised the Chairman in relation to that. So
17 you were in possession of the 003 report in advance of
18 the PAF meeting?

19 A. Oh I would have, yes, of course.

20 496 Q. I see. Had you yourself read the Pulse entry in 14:48
21 advance of the PAF meeting?

22 A. Yes, I would have to read every Pulse entry. I
23 wouldn't just read the Pulse entry of every incident, I
24 would check the catalogues, check for any update or any
25 additional information. It would mean I would check, 14:49
26 you know, for everything. You'd see was there
27 something in my e-mails relating to these. And then
28 like that then, we found the paper, I can't say we, in
29 that I don't know was it I or was it my clerk

1 assistant, but between us it was in the office, we had
2 it. So I would go to a lot of different sources before
3 I go to the meeting, to try and gather the most
4 up-to-date information.

5 497 Q. In relation to this particular incident, I know it's 14:49
6 some time ago, but do you remember precisely what
7 information you had, you were armed with going into the
8 PAF meeting, or in possession of?

9 A. I don't remember it by heart, but I know from the Pulse
10 screen, the clip that we saw a couple of moments ago, 14:50
11 it was on the narrative.

12 498 Q. Okay. Do you see accept what Chief Superintendent
13 Murray said in his statement at page 2049, that it was
14 you who brought to his attention the report from Garda
15 Keogh? 14:50

16 A. Yes, because it's me who orally -- I orally present all
17 this information.

18 499 Q. Yes, I understand, and you would have presented it on
19 that occasion?

20 A. Yes. 14:50

21 500 Q. I see. My understanding is that you are saying it
22 lacked detail, the report of Garda Keogh?

23 A. Yes, the handwritten report.

24 501 Q. So you had the report, but you had also had the Pulse
25 entry? 14:50

26 A. Yes.

27 502 Q. Did you open the Pulse entry or have any discussion
28 surrounding the Pulse entry at the PAF meeting?

29 A. Yes.

1 503 Q. As the presenter?
2 A. Both, yes.
3 504 Q. Okay. So if we could just -- I know we have been
4 through this a couple of times, but if we could just
5 have that Pulse entry again, please. I think it's 225 14:50
6 and 226. So on Garda Keogh's behalf, what I am
7 suggesting to you is that that Pulse entry contains
8 most, if not all, of the details that are required for
9 you to take further steps in relation to this incident.
10 It has the address, it has the GPS coordinates, it has 14:51
11 a description of the assailants, as it were. Would you
12 accept that?
13 A. It does. I believe it's missing details about -- in
14 his handwritten report he said, may have injuries, he
15 didn't expand on that. Then, if he did anything else 14:51
16 in terms of searching or checked for CCTV or...
17 505 Q. Well, if we move down to 226. So again, you will
18 accept he visited the scene of the injured party, again
19 there is a description of the assailants and that both
20 assailants fled towards the waste ground behind that 14:52
21 address and that there was no CCTV, isn't that right?
22 A. Yeah. I suppose he doesn't say what steps he has taken
23 to try and source where he looked for the CCTV, if
24 there was any premises. Like, it's one thing to say
25 there is no CCTV, but you have to say that I checked 14:52
26 and maybe name the places, so you rule out what has
27 been done.
28 506 Q. Well, sergeant, you said a minute ago that one of your
29 criticisms was, you know, that there was no check for

1 CCTV. I mean it is unequivocal there that there is no
2 CCTV, I suggest to you?

3 A. It says no CCTV, but he doesn't say, like, where he
4 looked or if he looked. It just says no CCTV, it's not
5 exactly expansive enough. 14:52

6 507 Q. If we move back then, please, to page 2121 again.
7 We're just moving on then, this again is Superintendent
8 Murray's directive. Can I just ask you to look at the
9 second paragraph of that, please. And again,
10 Ms. McGrath I know has asked you some questions in 14:53
11 relation to this, but just to deal with it on Garda
12 Keogh's behalf. It says as follows:

13
14 "To ensure the reporting system works swiftly, the
15 sergeant on duty at the time the incident occurs, by 14:53
16 either being reported or discovered, or in the
17 sergeant's absence the station orderly or the member in
18 charge will prepare a short, concise report and e-mail
19 it to the district office."

20 14:53

21 Do you accept that the member in charge and the
22 sergeant in charge can be used interchangeably?

23 A. No, member in charge is usually referring to a guard.

24 508 Q. Do you accept that it doesn't anywhere say that the
25 garda investigating the incident would prepare a short, 14:54
26 concise report?

27 CHAIRMAN: It doesn't, Mr. O'Brien.

28 MR. O'BRIEN: Very good.

29 CHAIRMAN: We have been over that a number of times.

1 It doesn't say it.

2 509 Q. MR. O'BRIEN: Very good. Thank you. So I suggest it
3 put no obligation on Garda Keogh to prepare a report,
4 isn't that right?

5 A. I would interpret that to say the member in charge of 14:54
6 the investigation, because that is the person with the
7 information.

8 510 Q. Isn't it correct that a Garda Linanne was also involved
9 in investigating this incident with Garda Keogh?

10 A. I don't actually recall who was with him on the night. 14:54
11 CHAIRMAN: Sorry, Mr. O'Brien, I am not trying to cut
12 you off, but I can tell you this, I can practically
13 recite that now myself without looking at it but it
14 does not say that the investigating garda or the first
15 responder puts in a -- it does not say that. 14:54

16 MR. O'BRIEN: Yes.

17 CHAIRMAN: Maybe it should say that, maybe that's the
18 practice, but that memo does not say it.

19 MR. O'BRIEN: It's just for completeness sake,
20 Chairman, that I was putting it on Garda Keogh's 14:55
21 behalf.

22 CHAIRMAN: Absolutely, that's what I am just trying to
23 say, Mr. O'Brien, I understand the point you are
24 making.

25 MR. O'BRIEN: Yes. 14:55

26 CHAIRMAN: And I agree with it.

27 MR. O'BRIEN: I will move on so.

28 511 Q. Insofar as Garda Keogh is concerned, Sergeant Baker,
29 the outcome following the PAF meeting is that he then

1 receives correspondence, I suppose, criticising the
2 manner in which he dealt with the investigation. Do
3 you accept that, or are you aware of that?
4 A. That's at 505, is that what you are referring to?
5 512 Q. Yes. 14:55
6 CHAIRMAN: Yes, the 23rd September.
7 MR. O'BRIEN: Apologies, yes, at page 505.
8 A. Yes, it would appear the superintendent is requesting
9 an explanation.
10 513 Q. And it puts him back, as it were, on Superintendent 14:55
11 Murray's radar, would you accept that?
12 A. I don't understand what you mean by radar.
13 514 Q. Well, were you aware that in advance of this PAF
14 meeting that there was any issue between Garda Keogh
15 and Superintendent Murray regarding other investigation 14:56
16 files?
17 A. No, I wasn't.
18 515 Q. You weren't aware.
19 CHAIRMAN: It puts him back in trouble, in other words.
20 Sorry, it puts him in trouble. 14:56
21 A. Well, the "back" word, I don't know, because I didn't
22 know he was in trouble.
23 CHAIRMAN: Leave back out of it, I'm sorry, you're
24 completely right, because you're not concerned with the
25 other ones. But it puts him in trouble. 14:56
26 A. Well, he's to answer questions, yes.
27 CHAIRMAN: That's what it really does, it says, look --
28 516 Q. MR. O'BRIEN: And you accept that?
29 A. Well, he has to answer questions and explain.

1 CHAIRMAN: Mr. O'Brien, the letter speaks for itself in
2 a way, do you know what I mean, so I mean, it's a
3 matter of interpretation.

4 517 Q. MR. O'BRIEN: Very good. You criticised, I think, in
5 your evidence a few moments ago the failure of Garda 14:56
6 Keogh to provide an e-mail of reporting this issue to
7 you.

8 A. The e-mail would have kick started everything on Sunday
9 morning.

10 518 Q. I see. Did you ever take any step to remind Garda 14:57
11 Keogh, if you say that this is the case, to remind him
12 of that obligation or to point out his failure in that
13 regard? Is there any correspondence from you?

14 A. That would have been the responsibility of his duty
15 sergeant, because the instruction in relation to the 14:57
16 e-mail was addressed to each sergeant or each member
17 and they would have been briefed by their unit
18 sergeant. I personally didn't brief any member. I
19 passed it on to ensure it is completed by other
20 members. 14:57

21 519 Q. Did you say you did pass it on to -- did you pass it on
22 to the duty sergeant?

23 A. It would have been passed on to every unit sergeant to
24 bring to the attention of their unit.

25 520 Q. But following this particular incident and following 14:57
26 the PAF meeting and the failure to provide this e-mail,
27 did you report this failure to Garda Keogh's duty
28 sergeant?

29 A. No, I didn't raise it, because the superintendent

1 raised it.

2 521 Q. But I think, isn't it fair to say that in fact what
3 Superintendent Murray was concerned with was more the
4 lack of information as opposed to the failure to
5 provide the e-mail? 14:58

6 A. Yes. No, I didn't initiate any conversation. I didn't
7 write to Garda Keogh about that.

8 522 Q. I don't have any further questions.

9

10 END OF EXAMINATION 14:58

11

12 CHAIRMAN: Thanks very much, Mr. O'Brien. Anybody
13 else?

14 MR. DONAL MCGUINNESS: I just have some questions,
15 Chairman. 14:58

16 CHAIRMAN: Yes, Mr. McGuinness.

17

18 INSPECTOR MICHELLE BAKER WAS CROSS-EXAMINED BY MR.
19 DONAL MCGUINNESS, AS FOLLOWS:

20

21 523 Q. MR. DONAL MCGUINNESS: You referred to the incident as
22 A critical and serious incident in your evidence
23 earlier? 14:58

24 A. Yes.

25 524 Q. And that's because it's a robbery? 14:58

26 A. A robbery, yes.

27 525 Q. And how often do robberies occur in the likes of
28 Athlone district?

29 A. I would estimate one every two months and that's very

1 rough. There could be a couple together and none for a
2 long period of time.

3 526 Q. If I might briefly refer you to page 133. This is
4 Garda Keogh's complaint to the Tribunal, at paragraph
5 12?

14:59

6 A. Yes.

7 527 Q. Then briefly, Garda Keogh's allegation is, against
8 Superintendent Murray:

9

10 "Inflating the matter to serious, he was exaggerating
11 it into a stick to beat me with."

14:59

12

13 Have you anything to say about that?

14 A. I couldn't really -- all I can say is it was a serious
15 incident, it would be one of what we would call a
16 headline crime, it would be notable. As regards its --
17 you know, it was reviewed in the PAF process, it was
18 just an incident. It didn't matter who was the member,
19 if it was presented in that fashion we would still
20 always ask the same questions.

14:59

14:59

21 528 Q. Was your concern in relation to the absence of the
22 e-mail the fact that it wasn't circulated quickly among
23 members so that the matter could be looked at as
24 promptly as possible?

25 A. Yeah. Time was lost. So the e-mail was of the utmost
26 importance. That's why the superintendent had
27 everybody cc'd on it in terms of the key people, myself
28 and the detective sergeant, that we would be able to
29 action it and make sure things were done in advance of

15:00

1 the Monday meeting, because time was lost in the
2 initial stages on this.

3 529 Q. If we can just have a look at page 230, please. This
4 is the -- we have seen this document a few times. This
5 is where Superintendent Murray sets out the reason why 15:00
6 he feels that the information that was received was
7 incomplete.

8 A. Yes.

9 530 Q. Is there any aspect of that letter that you disagree
10 with? 15:01

11 A. No.

12 531 Q. Just in relation to the issue of CCTV, the Pulse entry
13 that we have looked at refers to no CCTV, but the Pulse
14 entry also doesn't refer to -- it refers to the area
15 where people fled to but it doesn't indicate whether 15:01
16 CCTV footage was sought in that area?

17 A. No. And like, it doesn't say that the injured party
18 travelled from location X to Y, where the incident
19 occurred, and that, you know, any corroborative CCTV
20 along his route and then the alleged offenders' route. 15:01
21 You know, it's not just the immediate area of the
22 crime, it's what's -- you know, it's the town, it's the
23 different routes of where the alleged offenders may
24 have come from and gone to. So it's not just that
25 spot, you have to do other areas. 15:01

26 532 Q. The Pulse entry also doesn't refer to the level of
27 violence that was used; isn't that correct?

28 A. That's correct, or the injuries, if there was some.

29 533 Q. Yes.

1 A. It said in the report that they may be injuries, which
2 would have put it into the serious category.

3 534 Q. If I might just briefly refer to page 504, this is the
4 statement that was taken by Garda A on the 14th
5 September. 15:02

6 A. Yes.

7 535 Q. If we would scroll down, please, Mr. Kavanagh. About
8 six lines down, it references the alleged assault took
9 place with a copper bar?

10 A. Yes. 15:02

11 536 Q. How would you describe that, is that in the serious
12 category, if that was used as a weapon?

13 A. Yes. And like, if that had been indicated in an e-mail
14 on Sunday morning, it would have definitely push start,
15 you know, a comprehensive and an immediate response. 15:02

16 537 Q. Is there any reference in the Pulse to hospital?

17 A. No, nothing in the Pulse incident about medical
18 treatment or anything, if I recollect.

19 538 Q. Is there any reference to the type of injuries that
20 were incurred? 15:03

21 A. Incurred, no, or I don't believe a weapon is mentioned
22 in Pulse incident.

23 539 Q. Is that the type of information that you would expect
24 to receive in a report furnished in accordance with
25 your expectations that you mentioned? 15:03

26 A. Yeah, they would be key factors in serious or critical
27 incidents.

28 540 Q. Briefly, in relation to this business of member in
29 charge, in common parlance, in Garda terms, I know from

1 a legal perspective lawyers have a particular view what
2 member in charge means?

3 A. Yes.

4 541 Q. But that isn't the context in which you understood in
5 this minute?

15:03

6 A. No, to me this minute is very clear. As you say, in
7 the legal parlance member in charge is treatment of
8 persons in custody, who invariably is a guard but
9 actually also can be a sergeant. That's just one part
10 set aside. In the superintendent's minute it addresses 15:04
11 to me three people, one is the sergeant or supervisor,
12 the next person is the station orderly, also known as
13 the public officer, and then the third person is the
14 member in charge, which is the member in charge of the
15 investigation. Because station orderly, public 15:04
16 officer, you know, you wouldn't say or member in charge
17 because that's the same thing. So his reference to
18 member in charge I would have taken without doubt to be
19 the investigating member in charge of the
20 investigation. 15:04

21 542 Q. You mentioned in your evidence that although this memo
22 was articulated by Superintendent Murray when he
23 arrived on 18th August 2015, there wasn't anything
24 particularly new in looking for a full report of the
25 incident, of a serious incident? 15:04

26 A. No, or e-mail, it was common practice.

27 543 Q. In relation to the response of Superintendent Murray,
28 you have already looked at the response of Garda Keogh,
29 where he indicated it was nothing short of harassment.

1 would you agree that the response from Superintendent
2 Murray could not be classified as harassment of any
3 kind?

4 A. No, it was very common for files and correspondence to
5 have questions and queries and seeking further 15:05
6 information, and also seeking explanations. Sergeants
7 would do it all the time to guards, and inspectors,
8 superintendents would also request the same off
9 sergeants.

10 544 Q. In circumstances where a senior officer, such as a 15:05
11 superintendent, would enquire for further information
12 and the response received that this is nothing short of
13 a form of harassment toward myself --

14 CHAIRMAN: Just what page is that, Mr. McGuinness, just
15 remind me. 15:05

16 MR. DONAL MCGUINNESS: Sorry, my apologies, Chairman.
17 232.

18 CHAIRMAN: 232, thank you very much.

19 MR. DONAL MCGUINNESS: The report from Garda Keogh is:

20 15:05
21 "I returned to work on 19/9/15 having already written a
22 report on the incident and put it on Pulse. I rang the
23 injured party, who informed me that he made a statement
24 to a detective to the effect that he did not want the
25 matter pursued by gardaí. The attached report from 15:06
26 Superintendent Murray is nothing short of a form of
27 harassment towards myself. Forwarded for your
28 information please."
29

1 Is that the type of response that you would expect to
2 receive from a garda in response to your query from a
3 superintendent?

4 A. No, I have never seen anything like that before.

5 545 Q. Then just looking at Superintendent Murray's response 15:06
6 to that, which is at page 234, it's evident from --
7 would you agree that it is evident from this letter
8 that Superintendent Murray is unhappy with that
9 response?

10 A. Yes. And it would appear then he's also seeking an 15:06
11 explanation as to why his instructions of the 18th
12 August were not complied with, which I would take to
13 mean why it wasn't e-mailed.

14 546 Q. Yes. And just in relation to the last sentence of the 15:07
15 first paragraph there, Superintendent Murray indicates
16 that if he feels he is some way removed from his
17 statutory obligations then there may be a remedy to
18 open to him under the policy document Working Together
19 to Create a Positive Working Environment. And that's a
20 reference to the bullying and harassment policy. 15:07

21 A. That's right.

22 547 Q. Just in relation to the reclassification, had you no
23 part in the reclassification of this particular crime,
24 isn't that correct?

25 A. I personally wasn't tasked with it, no. 15:07

26 548 Q. But the reclassification was to attention and
27 complaints.

28 A. Yes.

29 549 Q. It's an odd phrase?

1 A. Yes.

2 550 Q. Could you explain that to the Chairman?

3 A. Attention and complaints, I suppose it records what we
4 would call a call to service, where somebody reports
5 something and, you know, I suppose no crime has been 15:07
6 established but it's recorded that we were there and we
7 had an interaction with that person. It would be
8 different -- it's not invalidating it, it's not saying
9 it didn't happen, it's just that, you know, it records
10 the transaction between the Guards and that individual. 15:08

11 551 Q. Yes. Would you agree that that classification means
12 it's not set in stone that this will not be pursued at
13 a later date?

14 A. No. Like I said, it's not invalidated, it's still
15 there, it's still potentially live and could be, you 15:08
16 know, reactivated or changed if something new was to
17 come about.

18 552 Q. And for that reason would you agree that it's important
19 that the record is straight in relation to each and
20 every fact that can be gleaned is put on the record at 15:08
21 that stage?

22 A. Yes. It is there, it's contained, I suppose it's date
23 stamped, for want of a better word, the decisions are
24 made, they're there, they're recorded in the narrative.
25 The Pulse system has dramatically changed in the last 15:08
26 couple of years since this time, in that investigation
27 actions are recorded. But at that time we just had the
28 Pulse narrative. So something being attention and
29 complaints means it was still there for consideration.

1 553 Q. Thank you.

2

3 END OF EXAMINATION

4

5 CHAIRMAN: Now, anybody else? Yes, Ms. O'Rourke. 15:09

6 MS. O'ROURKE: Chairperson I just have one short
7 question by way of clarification.

8 CHAIRMAN: Sure. Absolutely.

9

10 INSPECTOR MICHELLE BAKER WAS EXAMINED BY MS. O'ROURKE, 15:09

11 AS FOLLOWS:

12

13 554 Q. MS. O'ROURKE: I wonder if document 232 could be put on
14 screen, please. I think that's dated 2nd October 2015?

15 A. Yes. 15:09

16 555 Q. I know Ms. McGrath asked you some questions as to
17 whether you had seen that before and I think you
18 weren't sure that you had?

19 A. No, I don't believe I did.

20 556 Q. I just wonder could your witness statement at page 600 15:09

21 be put on the screen. Again, it may be that this might
22 clarify matters, or it may not. Page 600. If you go
23 down, sorry, to the top of the next page, you have your
24 work and your tours of duty. There is an indication
25 that you were on maternity leave? I think if we go to 15:10
26 the next page, I am sorry.

27 A. I wasn't on maternity at that time, October was an
28 approximate, but I wasn't at the beginning of the
29 month. I may have been -- at this time I believe there

1 was a transition period between myself and Sergeant
2 Monaghan. I was going on maternity leave and Sergeant
3 Monaghan was taken in, so that's probably why he
4 addressed that matter at that time. I was still
5 working though.

15:10

6 557 Q. Thank you.

7 CHAIRMAN: So sorry.

8 MS. O'ROURKE: I just didn't know, it may be -- I just
9 wanted the dates of whether or not she was on --

10 CHAIRMAN: In relation to this letter of October, you
11 think you may not have been there at the time.

15:10

12 A. Well, I may or may not have been there on that
13 particular day. I wasn't on leave, but Sergeant
14 Monaghan, we were having what we call a transition
15 period.

15:10

16 CHAIRMAN: That's fine.

17 MS. O'ROURKE: Thank you.

18

19 END OF EXAMINATION

20

15:10

21 CHAIRMAN: Anybody else? Very good. Thanks very much.

22

23 INSPECTOR MICHELLE BAKER WAS QUESTIONED BY THE

24 CHAIRMAN, AS FOLLOWS:

25

15:10

26 558 Q. CHAIRMAN: Can I just clarify a couple of points with
27 you?

28 A. Sure, no problem.

29 559 Q. CHAIRMAN: So a guard is on duty and comes across an

1 incident or it's reported, in this case we have a
2 robbery?

3 A. Yes.

4 560 Q. CHAIRMAN: Okay. So the information we have, I am sure
5 I will be corrected if I get a materially wrong, the 15:11
6 officers, Garda Keogh and his colleague, attend to the
7 injured party who has reported the matter and they do
8 certain things, okay.

9 A. Mm-hmm.

10 561 Q. CHAIRMAN: We know ultimately they see him home? 15:11

11 A. Yes.

12 562 Q. CHAIRMAN: And give him into the care of his mother?

13 A. Yes.

14 563 Q. CHAIRMAN: That's what we know eventually at the very
15 end? 15:11

16 A. Yes.

17 564 Q. CHAIRMAN: Maybe we should have known it earlier but
18 that's what we know at the end. Okay. So he puts the
19 information on Pulse and as I understand, you are
20 somewhat critical of the level of detail of the 15:11
21 information that's on Pulse?

22 A. Yes.

23 565 Q. CHAIRMAN: So that's one point where there's an issue.
24 And he maintains that what he put on Pulse was a
25 sufficient description. Now, I take it, what he put on 15:12
26 Pulse could be added to subsequently if necessary, is
27 that correct?

28 A. Oh it would be, yes.

29 566 Q. So it's not a once for all, I am absolutely stuck, I

1 know about changing Pulse and so on, but to add
2 information to it is a different story?

3 A. Yes. No, additional information to the Pulse is to
4 give us a good head start.

5 567 Q. CHAIRMAN: I follow. 15:12

6 A. Picking up.

7 568 Q. CHAIRMAN: The first point is, I should put enough
8 information to enable the force, i.e. my colleagues, to
9 be able to get as much information as possible, within
10 reason? 15:12

11 A. And the additional -- I suppose at the end of the day
12 the Guards use a lot of files and paper.

13 569 Q. CHAIRMAN: Sure.

14 A. So the additional report that was to be circulated by
15 e-mail would be what's in the report. 15:12

16 570 Q. CHAIRMAN: No, we will get to the e-mail in a second?

17 A. Sorry.

18 571 Q. CHAIRMAN: We're still on Pulse?

19 A. Pulse is fine.

20 572 Q. CHAIRMAN: Put a certain amount on Pulse, and he did 15:13
21 put a certain amount of Pulse and there's a degree of
22 disagreement, that what you say what he put on Pulse
23 was less than satisfactory, less than adequate, it left
24 gaps.

25 A. Yes. 15:13

26 573 Q. CHAIRMAN: That's what you say. So you were critical
27 of that part of it. The next thing he had to do was he
28 had to make a report?

29 A. Mm-hmm.

1 574 Q. CHAIRMAN: Now, the memo from Superintendent Murray,
2 2121, we don't have to argue that. We can interpret
3 that as to what it says or what it requires. But if I
4 am understanding, in this case, whether he was obliged
5 to do it or wasn't obliged to do it, Garda Keogh put in 15:13
6 a report, and that report comes up for consideration at
7 the PAF meeting on the Monday?

8 A. Yes.

9 575 Q. CHAIRMAN: And that's considered to be unsatisfactory?
10 A. Yes. I described it, you still had more questions than 15:14
11 answers.

12 576 Q. CHAIRMAN: It leaves more questions. Now, this was a
13 Sunday morning at 4:00am when this happened?

14 A. Yes.

15 577 Q. CHAIRMAN: You say he should have also sent in an 15:14
16 e-mail?

17 A. Yes.

18 578 Q. CHAIRMAN: With the same information as was on the
19 Pulse, is that right?

20 A. The e-mail should be -- I would say the handwritten 15:14
21 report should have been e-mailed.

22 579 Q. CHAIRMAN: Okay. Now there should have been more on
23 the handwritten report?

24 A. Yes.

25 580 Q. CHAIRMAN: So it should be sufficient to enable him -- 15:14
26 we will just explore that a tiny bit in a moment?

27 A. Okay.

28 581 Q. CHAIRMAN: He should have put in an e-mail, and the
29 purpose of putting in the e-mail was that that would

1 come to you even though you were off duty at the time?

2 A. Yes, I was one of a number of recipients, yeah.

3 582 Q. CHAIRMAN: Okay. Does that mean that the response to
4 this would depend on whether you were available to
5 receive the e-mail at the time? I mean, you might have 15:15
6 been out, you might have been, you know, asleep or
7 whatever it is?

8 A. Well reasonably, there was five recipients.

9 583 Q. CHAIRMAN: Okay.

10 A. So chances are, one, if not all five, would respond or 15:15
11 question --

12 584 Q. CHAIRMAN: Okay. And the five recipients would or
13 might all be off duty?

14 A. Em, I suppose it's the nature of Garda work, you know,
15 someone is going -- 15:15

16 585 Q. CHAIRMAN: I'm not being critical. I am exploring.

17 A. I know, yeah.

18 586 Q. CHAIRMAN: I am a little surprised that in the absence
19 of the sergeant in charge there isn't a deputy sergeant
20 in charge, so that there is somebody on duty available 15:15
21 to do a specific job. So if you are not there, maybe
22 it's my job to be on duty in the station to receive the
23 e-mail?

24 A. I suppose if there had been a duty sergeant working
25 that night, you know, things would have progressed. 15:16

26 587 Q. CHAIRMAN: Okay.

27 A. So generally there would be a sergeant in the station.
28 It's the nature -- like the superintendent could have
29 been on call either.

1 588 Q. CHAIRMAN: Okay. So it's usual that there would be.
2 It would be unusual for all of the recipients, there
3 may be up to five, and so it would be highly likely
4 that one or more of them would respond?
5 A. Absolutely. 15:16

6 589 Q. CHAIRMAN: Possibly to each other and decide and
7 consult. Okay. So that's the advantage of an early
8 e-mail?
9 A. Yeah.

10 590 Q. CHAIRMAN: Okay. And you say that was communicated to 15:16
11 the various sergeants in charge of the squads or
12 divisions, is that right?
13 A. The e-mail from the incident?

14 591 Q. CHAIRMAN: The need for an e-mail, that was well
15 understood? 15:16
16 A. Well understood.

17 592 Q. CHAIRMAN: Okay. All right. Now let's look for a
18 moment at the report that Garda Keogh put in, the
19 actual written report. Whether he had to do it or not
20 we're not concerned. Could we look at 232 for a 15:17
21 moment. Just stop in the middle there for a second.
22 Thanks, Peter. Obviously Garda Keogh resents the
23 criticism, express or implied, in Superintendent
24 Murray's letter. He is very unhappy about it, and he
25 responds here. But as well as complaining that he 15:17
26 thinks that's harassment, as well as that he actually
27 gives a good deal more detail about the incident.
28 A. I see that, yeah.

29 593 Q. CHAIRMAN: If he had given that detail in the report,

1 would you have been happy with it? In other words,
2 checking him out, bringing him round, no CCTV, bringing
3 him round to his mother and so on, blah-blah-blah,
4 would that have gone some way to --

5 A. Yes. And when preparing for this, I was on leave but 15:18
6 there's even more information came in later, you know.
7 I suppose the quality of the investigating member
8 writing a detailed report with all the detail that they
9 have gathered at that time.

10 594 Q. CHAIRMAN: I follow. Now can I ask you this: This is 15:18
11 on night duty, four o'clock in the morning?

12 A. Mm-hmm.

13 595 Q. CHAIRMAN: Presumably he would be going off duty at
14 what, six o'clock in the morning?

15 A. Seven. 15:18

16 596 Q. CHAIRMAN: Seven o'clock in the morning. And maybe
17 there's other things happening as well?

18 A. Possibly.

19 597 Q. CHAIRMAN: I mean between the incident here. would you
20 expect a sort of -- I understand your point about full 15:18
21 information and I would expect that for somebody
22 sitting down eventually and writing out a fairly full
23 report. I am a little concerned that it seems a bit
24 hard to expect him to put in a full report, do you
25 understand me, given that he might be busy. I don't 15:19
26 know whether he was very busy or not. If he had
27 nothing else to do, well and good. But do you
28 understand my point?

29 A. I understand.

1 598 Q. CHAIRMAN: what would you say to that?
2 A. I understand your point, and if that member was
3 returning to duty the next evening, I would say, well,
4 you know, not too much has lapsed and we can get other
5 information. But he had, to my knowledge, a lot of 15:19
6 information that he took away with him for a period of
7 days.
8 599 Q. CHAIRMAN: He's not back until the 19th?
9 A. He's not back.
10 600 Q. CHAIRMAN: I am a bit worried about the numbers, he 15:19
11 thought he was off for two days and he had two days
12 leave, which only makes four days?
13 A. No, we rest for four.
14 601 Q. CHAIRMAN: He was resting for four, okay, that explains
15 the six days. So you say whether he was off duty or on 15:19
16 duty he should have made the report, even if he was off
17 duty?
18 A. I suppose the detail, the rule of thumb is, you know,
19 you put everything in the report to the person who has
20 never -- knows nothing about it, should know as much as 15:20
21 possible. So he had some information, whether he
22 unintentionally left out or forgot to, and it was
23 important.
24 CHAIRMAN: Okay. Thanks very much.
25
26 END OF QUESTIONING
27
28 CHAIRMAN: Now, I am sorry for asking so many questions
29 and does anybody want to ask anything arising out of

1 what I have been exploring.

2

3 INSPECTOR MICHELLE BAKER WAS RE-EXAMINED BY MS.

4 McGRATH, AS FOLLOWS:

5

15:20

6 602 Q. MS. McGRATH: Can I just clarify there, inspector, in
7 relation to the direction and the e-mail issue, I think
8 the direction says that the e-mail must go to the
9 district office, is that right?

10 A. The district office, the superintendent -- where is it 15:20
11 now, sorry?

12 603 Q. It's at page 2121. It might come up on the screen
13 there?

14 A. Sorry.

15 604 Q. So it's to go to the district office e-mail. 15:20

16 A. Yeah, it goes to the district office and cc'd to
17 Superintendent Murray's personal e-mail, Inspector
18 Farrell, I imagine that's meant to say Inspector
19 Minnock, Detective Sergeant Curley. So five individual
20 people would have got that personally on their phones 15:20
21 and then it would have been in the district office box,
22 e-mail box.

23 605 Q. Okay. This is the short report, which is timely
24 report?

25 A. Timely as in immediate. Timely in my mind there means 15:21
26 as soon as possible that they can write this, before
27 they can finish their tour of duty.

28 CHAIRMAN: Okay.

29 606 Q. MS. McGRATH: One of the matters, just to finish up

1 with your statement, I didn't give you an opportunity
2 earlier to address paragraph 7 of your statement and
3 you may wish to do so before the Tribunal. It's page
4 603. So page 603. If you scroll down there,
5 Mr. Kavanagh. I think you address generally your
6 position in relation to Garda Keogh and as your
7 position as sergeant in charge you say you had limited
8 interaction with him and treated all members under your
9 supervision equally; is that right?

15:21

10 A. That's correct, yes.

15:22

11 607 Q. You say you did not receive any request or direction
12 from any other member to treat Garda Keogh in any way
13 other than the norm, and you say you had no knowledge
14 of any alleged mistreatment of Garda Keogh; isn't that
15 right?

15:22

16 A. That's correct.

17 608 Q. And I think you do record that you had gone on
18 maternity leave shortly after this incident seems to
19 have occurred, until May 2016 and at that stage I think
20 Garda Keogh was on long-term sick leave?

15:22

21 A. Yes, when I was on maternity leave I think he went on
22 sick, yeah.

23
24 END OF EXAMINATION

15:22

26 CHAIRMAN: Thanks very much. Thank you very much,
27 inspector.

28
29 THE WITNESS THEN WITHDREW

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MR. McGUI NNESS: Chairman, the next witness is Superintendent Minnock, who is being recalled to continue his evidence.

CHAIRMAN: Thanks very much, superintendent, you are already sworn.

15:23

INSPECTOR AIDAN MINNOCK, HAVING BEEN PREVIOUSLY SWORN, WAS DIRECTLY-EXAMINED BY MR. McGUI NNESS, AS FOLLOWS:

15:23

609 Q. MR. McGUI NNESS: Inspector Minnock, you have already given evidence on Day 122?

A. Correct.

610 Q. Which was the 29th November 2019. Your principal statement to the Tribunal is to be found in volume 4, starting at page 679. You did make an earlier statement relating to your disclosure of material and the searches that you had made in relation to such material.

15:23

A. That's correct.

15:24

611 Q. On the occasion that you gave evidence on you were dealing in the first instance with issues 1 to 4. Could I just ask you one or two more questions in relation to issue number 4, arising out of some evidence yesterday. Were you here yesterday for the evidence of Garda Higgins and Inspector Curley?

15:24

A. I was here for most of it.

612 Q. Yes. One fact emerging from Garda Higgins' evidence is that he said that he did not in fact ask Mr. McHugh to

1 make a statement, nor did the issue of therefore a
2 refusal of Mr. McHugh to make a statement arise or the
3 deferral of it, you understand that?

4 A. Yeah.

5 613 Q. He, in fact, in evidence to the Chairman, stated that 15:25
6 he obtained a phone number for Mr. McHugh and gave that
7 phone number to Sergeant Curley, as he then was. You
8 understand that?

9 A. Yes.

10 614 Q. I just want to ask you briefly about your interaction 15:25
11 with Sergeant Curley in and around that period of the
12 8th and 9th July 2014. You understand that?

13 A. Yes.

14 615 Q. Now, your account in your statement, if we could look 15:25
15 at page 687, at the bottom half of page 687 in volume
16 4.

17 A. Yes.

18 616 Q. In the middle of that paragraph there, where it says:
19
20 "Detective Sergeant Curley and I discussed the report 15:26
21 submitted by Garda Aidan Lyons."
22

23 Can you recall when that discussion took place?

24 A. It was on the day I submitted a report to
25 Superintendent McBrien. 15:26

26 617 Q. Superintendent McBrien?

27 A. Yes, the same day.

28 618 Q. We know that's dated the 8th July?

29 A. That's correct.

1 619 Q. There has been a suggestion in evidence that you may
2 have been either on leave or off at a course?
3 A. That's correct.

4 620 Q. Sometime immediately prior to that?
5 A. That's correct, I had been absent for, yeah, the prior 15:26
6 period.

7 621 Q. Was that your first day back then and were you being
8 briefed on a number of matters by Detective Sergeant
9 Curley?
10 A. I had returned, I think, a day or so previous but the 15:26
11 murder investigation was very much underway at the
12 time. It was a sickly complex investigation, where the
13 culprits had absconded and actually had to be
14 extradited from the UK eventually. But it was quite
15 complex. So there was daily briefings in respect of 15:27
16 that ongoing investigation.

17 622 Q. Yes.
18 CHAIRMAN: Can you just recall the date of the murder,
19 by any chance.
20 A. Not off the top of my head. 15:27
21 CHAIRMAN: It's not important, no, that's all right, it
22 doesn't matter. We will find it elsewhere.

23 A. Yeah. It was in the --

24 623 Q. CHAIRMAN: I thought it was June.
25 A. It was June. 15:27

26 624 Q. CHAIRMAN: June of '14?
27 A. It was June and it was approximately the second or
28 third week.

29 625 Q. CHAIRMAN: Okay, thank you very much.

1 A. During when I abroad actually, as it happens, I was in
2 the States.

3 626 Q. MR. McGUI NNESS: You say there:
4
5 "Detective Sergeant Curley outlined that he was asked 15:27
6 to take a statement from Li am McHugh but due to the
7 fact he knew Li am McHugh, he fel t he was not the
8 appropriate person to take the statement."

9 A. Yes.

10 627 Q. Is that correct? 15:28
11 A. Yes.

12 628 Q. Was there any mention by him of having deputed Garda
13 Higgins to take that statement?
14 A. No.

15 629 Q. On that occasion? 15:28
16 A. No.

17 630 Q. Was there any discussion with you about in lieu of
18 taking a statement, simply getting Mr. McHugh's phone
19 number?
20 A. No. 15:28

21 631 Q. You say you agreed with D/Sergeant Curley.
22
23 "I asked that he would return the file to me and I
24 would write on the file to Superintendent McBrien."
25 15:28
26 I think you did that on the 8th?
27 A. I did, indeed.

28 632 Q. Perhaps we will just look at that very briefly. That's
29 at page 808 of the papers. That's addressed to the

1 superintendent in Athlone:

2

3 "Liam McHugh. With reference to the above, I believe
4 the association of Garda members both with Liam McHugh
5 and the members involved in the investigation, Garda 15:29
6 Lyons and Garda A and Garda Keogh, make it
7 inappropriate for Gardaí from Athlone to interview Liam
8 McHugh when colleagues under investigation.

9

10 I understand Detective Inspector Coppinger is the 15:29
11 external appointed officer to investigate this matter
12 and I feel he or his investigation team are the most
13 appropriate persons to interview Mr. McHugh.

14

15 I will obtain a mobile number from Liam McHugh, which 15:29
16 will assist the investigating team to arrange a meeting
17 with Mr. McHugh."

18

19 Now, and this isn't a criticism, in the first paragraph
20 you don't refer to your discussion with Detective 15:29
21 Sergeant Curley, in which he expressed his reservations
22 in a sense about being asked to take a statement, isn't
23 that right?

24 A. That's right.

25 633 Q. You agreed with those reservations? 15:30

26 A. I did.

27 634 Q. And you're expressing them here also then?

28 A. Yes.

29 635 Q. It would seem, coupled with the absence of any

1 reference to Garda Higgins, that you didn't depute
2 Garda Higgins to take a statement, did you?

3 A. I didn't?

4 636 Q. Depute Garda Higgins to approach Mr. McHugh to take a
5 statement? 15:30

6 A. No. I had no interaction with Garda Higgins in
7 relation to the matter.

8 637 Q. Yes. The mention of a mobile phone number --

9 A. Yes.

10 638 Q. -- would appear, therefore, on your understanding of 15:30
11 matters, to be perhaps an alternative to the taking of
12 a statement by Sergeant Curley or any other member from
13 Athlone?

14 A. Well, my position on the matter was that firstly, I
15 didn't feel it appropriate for members from Athlone to 15:31
16 take the statement.

17 639 Q. Yes.

18 A. And I suppose given that the investigation was underway
19 in relation to certain matters in Galway, of which
20 those matters I was unaware of, this could have been 15:31
21 incorporated into that. I was unaware of that. But it
22 did relate to the same guard and I felt they were the
23 most appropriate persons to take this on. And it could
24 have been actually a matter they were already
25 advancing, but I wasn't aware of that. 15:31

26 640 Q. Yes.

27 A. And given the difficulties I envisaged, for them to
28 contact Mr. Liam McHugh.

29 641 Q. Yes.

1 A. Difficulties that I could easily overcome, I felt it
2 was most appropriate to indicate that if they were
3 going to have difficulty in contacting him, I had the
4 solution, in that Detective Sergeant Curley could
5 easily obtain a mobile phone number and I knew that 15:31
6 because he had an acquaintance or a knowledge of
7 Mr. Liam MCHugh.

8 642 Q. Yes. You see, I am just looking at the process as it
9 was intended. The superintendent had obviously
10 previously directed that a statement be obtained? 15:32

11 A. That's correct.

12 643 Q. That process was perhaps put on hold in a sense by
13 Sergeant Curley coming to you with his reservation and
14 you agreeing with it?

15 A. Well, I didn't fully indicate to the detective sergeant 15:32
16 other than indicating that I agreed with him.

17 644 Q. Yes.

18 A. But I didn't undermine the superintendent by saying I
19 objected to him taking the statement.

20 645 Q. Yes. 15:32

21 A. I left D/Sergeant Curley under the impression he was to
22 continue his inquiries, because I wasn't going to
23 undermine the superintendent.

24 646 Q. Yes.

25 A. However, I gave my reservations in respect of the 15:32
26 matter to the superintendent immediately and by putting
27 it on paper I was documenting my reservations.

28 647 Q. Yes. I mean, I am not suggesting that there is
29 anything improper in what you have done, in this sense,

1 you agreed with Sergeant Curley but it would seem
2 inconsistently if you then, either tacitly or
3 otherwise, allowed him to think he should still seek a
4 statement, would you not agree with that?

5 A. I disagree. 15:33

6 648 Q. You disagree?

7 A. Because I was an inspector.

8 649 Q. Yes.

9 A. He was a D/Sergeant.

10 650 Q. Yes. 15:33

11 A. The superintendent had made a direction.

12 651 Q. Yes.

13 A. Who was my boss.

14 652 Q. Yes.

15 A. I couldn't undermine that decision. 15:33

16 653 Q. Yes.

17 A. It was her decision, her direction, and it would be
18 followed. I merely expressed my opinion in relation to
19 her direction for her to consider.

20 654 Q. Yes. 15:33

21 A. In light of information that I had or knew.

22 655 Q. Yes.

23 A. And I gave her that to allow her to reconsider her
24 decision on the matter, which in fact I now know she
25 did. 15:33

26 656 Q. It's just I understood from one of your answers a
27 couple of moments ago that you did mention the issue of
28 a telephone number, you were confident that you would
29 be able to get a telephone number for Mr. McHugh?

1 A. Yes.

2 657 Q. Had that been raised by Detective Sergeant Curley with
3 you or did you consider that possibility in
4 conversation with him?

5 A. No. No, it wasn't a matter that came up in a 15:34
6 conversation with D/Sergeant Curley. But the Galway
7 investigation team wouldn't have been aware of Liam
8 McHugh and basically who he was, where he frequented,
9 whereas I was. I knew the lifestyle he led. I knew he
10 could be somewhat difficult to contact on occasions, 15:34
11 but he was still available and amenable. And certainly
12 I knew I could get a phone number from him and would
13 allow Galway to progress the matter. If they were
14 going looking for Liam McHugh at his home address, I
15 believe they were going to have difficulties. 15:34

16 658 Q. Okay.

17 659 Q. CHAIRMAN: Could I just stop for one second. My
18 understanding, correct me if I am wrong, was that
19 Detective Sergeant Curley expressed a personal
20 difficulty, because he came from the same townland or 15:35
21 parish or whatever it was.

22 A. That's correct.

23 660 Q. CHAIRMAN: He knew him. He a personal difficulty and
24 he mentioned that to you?

25 A. Yes. 15:35

26 661 Q. CHAIRMAN: You had a bigger issue, you thought
27 actually, I have a bigger objection, not just the
28 personal individual one, which you respected, but that
29 wasn't the case, you said, no, I have a bigger

1 objection, and you proposed to write to the
2 superintendent about that. Is that more or less the
3 situation?

4 A. That's it.

5 662 Q. CHAIRMAN: That's what I understood. Sorry 15:35
6 Mr. McGuinness. I just thought that's where I stand at
7 the moment on my understanding of the attitude of
8 Detective Sergeant Curley, as he was, and of your
9 position.

10 A. That's exactly it. 15:35
11 CHAIRMAN: Okay. Thank you.

12 663 Q. MR. MCGUINNESS: As matters stood then as of the 8th,
13 you expressly did not countermand the superintendent's
14 instruction to get a statement?

15 A. Exactly. 15:36

16 664 Q. And nor did you suggest to Detective Sergeant Curley
17 that he should deputise it to Garda Higgins?

18 A. No.

19 665 Q. Nor did you ask either Garda Higgins or Sergeant Curley
20 just to get a phone number? 15:36

21 A. No.

22 666 Q. The issue of the phone number was your own thought
23 process, not discussed with either of those two; is
24 that right?

25 A. Exactly, that's correct. And just if I can clarify one 15:36
26 matter on that, that was raised also.

27 667 Q. Yes.

28 A. There was mention in relation to the file in relation
29 to that matter.

1 668 Q. Yes.

2 A. When the detective sergeant approached me on the
3 matter, I had no paperwork, no e-mail.

4 669 Q. Yes.

5 A. No file. 15:36

6 670 Q. Yes.

7 A. And I requested a copy of the file.

8 671 Q. Yes.

9 A. And what I got, and I think I was clear on two
10 occasions in my previous evidence, was the report or 15:36
11 e-mail from Sergeant Lyons, and I have expressly said
12 that in my evidence previously.

13 672 Q. Yes, you did. And in your statement you said you asked
14 for the return of the file?

15 A. Yes. 15:37

16 673 Q. And then you later said that you were quite happy that
17 the file had been sent to Galway?

18 A. Yes.

19 674 Q. Isn't that right? But Detective Sergeant Curley, he
20 also wrote to Superintendent McBrien the following day. 15:37

21 A. Yes.

22 675 Q. On the 9th of July. Perhaps we will look at that, page
23 527. Again, that's addressed to the superintendent.
24 In the first paragraph he says:
25 15:37
26 "I note receipt of attached correspondence. Prior to
27 same being forwarded to me, I requested that I may not
28 be the most suitable person to pursue same as I
29 personally known to Liam McHugh."

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Now, could I just stop you there. You had known, or did you, when you came back that the superintendent had given a direction on the 9th June and a reminder had issued on the 23rd June?

15:37

A. Well, I wasn't privy to those at the time. That's the period I was away.

676 Q. Okay.

A. I returned, I think from abroad, I think on the 4th July.

15:38

677 Q. Yes.

A. But I was aware of them from conversation with the D/Sergeant that he had been tasked with it from the superintendent.

678 Q. Yes. And if he had been tasked with it, it hadn't, as of the 9th or the 8th, when you met him, hadn't been possible to give effect to it or it wasn't given effect to, for whatever reason?

15:38

A. Yes.

679 Q. Anyway, you agreed with the sentiments in the first paragraph there?

15:38

A. Yes.

680 Q. The second paragraph then says:

"I have requested personnel within the detective office to complete this task. I tasked Garda Higgins with this role."

15:38

Now, there had been no discussion with you the previous

1 day of such task?

2 A. No.

3 681 Q. Okay. would that be, just from your own point of view,
4 inconsistent with your own judgment as to who should
5 take the statement? 15:39

6 A. Yeah.

7 682 Q. It says:
8
9 "Garda Tom Higgins met with Liam McHugh and invited him
10 to make a statement in relation to this incident. Liam 15:39
11 McHugh refused to consent to provide a witness
12 statement at that time but undertook to think about it
13 and maybe make himself available to provide such a
14 statement in the future."
15 15:39

16 Now, that was information presumably not known to you
17 as of the time of your either meeting with Detective
18 Sergeant Curley or at the writing of your memo to the
19 superintendent?

20 A. That's correct. 15:39

21 683 Q. So if that had happened, it would appear to have
22 perhaps happened in the interim, is that your
23 understanding?

24 A. Yes, certainly.

25 684 Q. Had Sergeant Curley reported that to you yourself as of 15:39
26 the 9th?

27 CHAIRMAN: As of the 9th?

28 MR. McGUI NNESS: Yes.

29 CHAIRMAN: Or as of the 8th?

1 MR. McGUI NNESS: well, no, this is dated 9th. He is
2 now writing, Sergeant Curley is writing to the
3 superintendent.

4 CHAIRMAN: Correct.

5 MR. McGUI NNESS: If we just look at the top there. 15:40

6 CHAIRMAN: The conversation is in the 8th with
7 Inspector Minnock. I will call you from your rank at
8 the time. Okay.

9 685 Q. MR. McGUI NNESS: Was this reported to you by Sergeant
10 Curley on the 9th that this had occurred? 15:40

11 A. No.

12 686 Q. Or on any subsequent date?

13 A. I have no doubt there was some conversation at some
14 later date to say that Mr. McHugh was unwilling to make
15 a statement and that matter had been reported to the 15:40
16 superintendent, but I knew that my report had also gone
17 in at the same time, but I suppose it was -- I felt at
18 that time it was probably a little bit irrelevant, in
19 that he wasn't or hadn't made a statement to local
20 Gardaí. 15:40

21 687 Q. Yes. Obviously from the point of view of the Chairman,
22 if Garda Higgins' evidence is correct, Mr. McHugh was
23 never asked to make a statement, isn't that right?

24 A. Yes, that is Garda Higgins' position.

25 688 Q. And never contacted by any other member that you know? 15:41

26 A. No.

27 689 Q. The third paragraph is:

28

29 "Garda Higgins reported the situation to me following

1 his meeting with Liam McHugh. "

2

3 Then it continues on, if we scroll down the page
4 slightly:

5

15:41

6 "Due to the fact that the matter under inquiry relates
7 to members within Athlone Garda Station, I feel it may
8 be prudent for a member other than Athlone crime/drug
9 office staff to pursue Liam McHugh further for a
10 statement on the matter. "

15:41

11

12 That is then signed at the bottom by D/Sergeant Curley.
13 Or sorry:

14

15 "Consequently, I recommend that some other members of
16 sergeant or inspector rank be appointed to complete
17 this task. "

15:41

18

19 Now, there is no mention of obviously the obtaining,
20 the seeking or obtaining of Mr. McHugh's phone number
21 there, isn't that right?

15:41

22 A. That's correct.

23 690 Q. But the phone number was the method by which you had
24 identified as being the way that Mr. McHugh should be
25 contacted by outside independent Gardaí, isn't that
26 right?

15:42

27 A. That's correct.

28 691 Q. Were you ever provided with or told of the fact that
29 according to Garda Higgins he had obtained Mr. McHugh's

1 phone number?

2 A. That was never mentioned to me.

3 692 Q. If we go to page 3977. This is the superintendent's
4 letter. If we go back up to the top, just to look at
5 the date?

15:42

6 CHAIRMAN: The 9th July.

7 693 Q. MR. McGUINNESS: It should be the 9th July, yes. This
8 appears to have been written subsequent to Sergeant
9 Curley's report getting to the superintendent because
10 it refers to the events which are described in the
11 previous report.

15:43

12 A. Yes.

13 694 Q. But in the third paragraph, the superintendent says:

14

15 "I have considered and agree with Inspector Minnock and
16 Detective Sergeant Curley's view that in the light of
17 your investigation it might be more appropriate and
18 impartial if someone from outside this district
19 approached Mr. McHugh to ascertain if he is willing to
20 make a statement. In the circumstances, would it be
21 possible for Detective Inspector Coppinger to arrange
22 to interview Liam McHugh in this regard? Inspector
23 Minnock, Athlone..."

15:43

15:43

24

25 And your phone number is given.

15:43

26

27 "...will assist you in arranging such a meeting."

28

29 scroll down, please.

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"Garda Keogh is aware that I know about this allegation. He informed me last night that he is meeting his confidential recipient on Monday and he will be making him aware of it.

15:43

I would be grateful for your assistance in this regard."

So, it's just from the point of view of the superintendent's original direction, both you and Sergeant Curley appear to have come back to her on successive days to say that this perhaps shouldn't happen, although Sergeant Curley appears to have directed that it did happen and to have it reported to him that Mr. McHugh had been approached by local Gardaí, is that right?

15:44

15:44

A. Yes. Well, I suppose, when I wrote to the superintendent, the direction of the superintendent stood.

15:44

695 Q. Yes.

A. So the D/Sergeant was still complying with that and I didn't indicate any different, and wouldn't, to undermine that decision.

696 Q. Yes.

15:44

A. But provided my report to the superintendent to allow an opportunity to revisit that.

697 Q. Yes.

A. Giving my views on board. However, things seemed to

1 happen subsequently very quickly after that.

2 698 Q. Yes.

3 A. With Garda Higgins talking to Mr. McHugh and
4 subsequently the report submitted into the
5 superintendent and her report to Galway on the 9th, the 15:45
6 subsequent day.

7 699 Q. Yes. Obviously it's a matter for the Chairman to
8 decide any findings or any relevant findings, if
9 necessary, but on one interpretation, if Garda Higgins
10 is correct, nobody approached Mr. McHugh for a 15:45
11 statement, either locally or from the Galway team. As
12 you yourself point out in your statement, you confirm
13 that no investigation was ever carried out into the
14 allegations concerning the alleged theft of monies
15 recounted by Garda Lyons in his report, isn't that 15:45
16 right?

17 A. Yeah. I suppose the decision in relation to the
18 matter, Mr. McHugh, when he initially reported the
19 matter to Garda Lyons, said that it never happened and
20 Garda Keogh also said it never happened. 15:46

21 700 Q. Yes.

22 A. So I suppose Chief Superintendent Curran made a
23 decision based on that.

24 701 Q. And Superintendent McBrien recommended a course of
25 action on foot of that as well, isn't that right? 15:46

26 A. That's correct.

27 702 Q. Were you consulted about that or not?

28 A. No.

29 703 Q. Okay. Can we just pass on to the next issue.

1 A. If I can just say as well in relation to that, I
2 suppose.

3 704 Q. Yes.

4 A. I know there's been an allegation in relation to, I
5 suppose, that we were somehow targeting Garda Keogh in 15:46
6 respect of this matter. But I think given the fact
7 that we were sending the matter to Galway and the fact
8 that D/Sergeant Curley was anxious to bottom it out, I
9 was anxious to bottom it out, as was the
10 superintendent, forwarded the matter to Galway, which 15:46
11 actually gave Garda Keogh protections under the
12 protected disclosure legislation. And if we had any
13 way intended to target Garda Keogh, that certainly
14 wouldn't have been our course of action.

15 705 Q. In other words, if you were trying to target him, you 15:47
16 might have hotfooted it to Mr. McHugh?

17 A. Absolutely.

18 706 Q. To try and get him to put this allegation in
19 writing and stand over it?

20 A. Exactly. We wouldn't have been passing it on to an 15:47
21 independent investigation and given him the protections
22 of the protected disclosure legislation.

23 707 Q. All right. Can I pass on to the next issue that the
24 Chairman is concerned with, the issue of
25 micromanagement and supervision, excessive supervision. 15:47
26 I think you deal with the issue of Garda Keogh's
27 relationship with the three sergeants at page 686 of
28 your statement, and also at page 695. You describe
29 Garda Keogh's relationship with Sergeant Yvonne Martin,

1 but it seems quite clear that he didn't perhaps have
2 any real relationship with Sergeant Martin as things
3 turned out?

4 A. That's correct. But he had the availability there of
5 somebody independent if he wished, I suppose, to 15:48
6 contact them or wish to seek their support or advice at
7 any stage. I suppose that was the formal structure
8 that was put in place.

9 708 Q. But were you aware of Garda Keogh's view of Sergeant
10 Martin? 15:48

11 A. Certainly not.

12 709 Q. From your point of view, was it your responsibility to,
13 as it were, supervise how Sergeant Martin was
14 interacting with Garda Keogh?

15 A. Not really, but I suppose if Sergeant Martin maybe had 15:48
16 a particular concern, she may have brought it to me to
17 consult with me on the matter, if she felt the need to,
18 or the superintendent, but that didn't arise.

19 710 Q. The next paragraph there, if we scroll down, you
20 describe Garda Keogh's relationship with Sergeant 15:49
21 Haran. Certainly in the second line you seem to be
22 expressing the view that Sergeant Haran looked out for
23 Garda Keogh and wouldn't have condoned unfair
24 targeting, bullying or harassment of any member of
25 staff; is that correct? 15:49

26 A. That's correct.

27 711 Q. You also state that you believe that Sergeant Haran had
28 witnessed or was concerned that he was being unfairly
29 targeted or subjected to any form of bullying,

1 harassment or targeting. He would have brought it
2 either to your attention, Inspector Farrell, the
3 district officer, directly to the person to whom it
4 concerned. Does that reflect your view of Sergeant
5 Haran's character, that he wouldn't put up with that? 15:50

6 A. Absolutely, he wouldn't.

7 712 Q. You are confirming, are you, that no complaint was ever
8 made to you by Sergeant Haran about any maltreatment of
9 Garda Keogh or targeting, is that right?

10 A. That's correct. I suppose I remember an incident 15:50
11 specifically, I suppose, that Sergeant Haran brought to
12 my attention, I think it was December '15, I'd have to
13 go back to my diary notes, where Garda Keogh had rang
14 him on a number of occasions on Christmas day.

15 713 Q. Yes. 15:50

16 A. And I believe he was intoxicated. But Sergeant Haran,
17 for the concern of Garda Keogh, answered the phone each
18 time, because he had concerns and I suppose it really
19 highlighted to me his approach in relation to
20 supporting Garda Keogh. But I also felt that the 15:50
21 relationship, myself, had maybe just gone a step too
22 far, in that getting those phone calls on Christmas day
23 was probably somewhat inappropriate really. But
24 subsequently I felt that Sergeant Martin's appointment
25 as a liaison and a support person was certainly a good 15:51
26 initiative and it kind of made a little bit of distance
27 between Garda Keogh and Haran, which was a good thing
28 in my view.

29 714 Q. You're referring obviously to Christmas 2014 now, is

1 that correct?

2 A. Yes, and it was actually January '15 when it was
3 reported to me.

4 715 Q. Did you express any concerns to Sergeant Haran about
5 that? 15:51

6 A. I didn't. I just -- I suppose we discussed it and I
7 suppose I didn't feel that -- there was very little I
8 could advise him to do. You know, not stepping back
9 was not a good idea, in that he was a good support for
10 Garda Keogh. I suppose I did ask Sergeant Haran if I 15:52
11 should contact Garda Keogh, but he did consult with
12 Garda Keogh in respect of that matter and Garda Keogh
13 felt he had enough supports and that I shouldn't make
14 further contact.

15 716 Q. Did this discussion occur in advance of Superintendent 15:52
16 Murray's sort of reassigning?

17 A. Yes.

18 717 Q. With Sergeant Haran, is it?

19 A. Yes.

20 718 Q. And did Superintendent Murray discuss his proposal with 15:52
21 you in advance?

22 A. I can't recall that he did.

23 719 Q. At the bottom of the page we're looking at, you refer
24 to Garda Keogh's relationship with Sergeant Moylan, who
25 was his supervisory sergeant on unit C? 15:52

26 A. Yes.

27 720 Q. You state there that you believe they had a good
28 rapport?

29 A. Yes.

1 721 Q. And you express the same view about the issue of
2 bullying and harassment and what Sergeant Moylan would
3 have done, is that correct?

4 A. That's correct. And I suppose, just to be clear, in
5 relation to the units in Athlone, every unit across the 15:53
6 district has two sergeants on the unit. One which is
7 on the regular units attached to Athlone station and
8 one which is across the sub-district. So unit C, Garda
9 Keogh's unit, is no different in any way in respect of
10 having two sergeants assigned to them. 15:53

11 722 Q. Yes.

12 A. But the only distinction that Garda Keogh had was that
13 he was assigned a support person.

14 723 Q. Yes.

15 A. Which was initially, I suppose, felt to be in an 15:53
16 informal, it was Sergeant Haran, and then formally
17 Sergeant Martin was appointed.

18 724 Q. Was it an assignment on the basis that he was a person
19 whose welfare was the subject of concern or because he
20 had made a protected disclosure or both? 15:54

21 A. Well, I think because he had made a protected
22 disclosure and because of his addiction issues, that
23 his welfare was a -- and that he needed additional
24 supports.

25 725 Q. Okay. 15:54

26 A. They were certainly interlinked.

27 726 Q. At page 695 you address directly one of Garda Keogh's
28 assertions, that there were three sergeants supervising
29 him. The second last paragraph at page 695.

1 A. Yes.

2 727 Q. You say that this was not the position and you explain
3 the position there as it was in your view, is that
4 right?

5 A. Yes. That's the factual position. 15:55

6 728 Q. Is there anything more you wish to say on that issue of
7 microsupervision or excessive supervision that Garda
8 Keogh has complained about?

9 A. Well he had the same supervision as every other member
10 in the district. So, I cannot see where the allegation 15:55
11 is in relation to microsupervision.

12 729 Q. CHAIRMAN: In fairness, I think that Garda Keogh
13 doesn't say that the sergeants actually carried out
14 microsupervision, his complaint was with Superintendent
15 Murray, who he said put this in place with the 15:55
16 intention of microsupervision, but it didn't actually
17 eventuate. That's what he says. What do you say about
18 the intention behind it, superintendent?

19 A. The only difference with Garda Keogh's situation was
20 that he appointed a support person, who was Sergeant 15:56
21 Martin, who never actually --

22 730 Q. CHAIRMAN: They never actually interacted.

23 A. They never interacted. It was really just a support
24 resource available to Garda Keogh should he so wish,
25 one which he never took up on. So I don't see the 15:56
26 microsupervision.

27 731 Q. CHAIRMAN: So you don't see that arising.

28 A. No.

29 CHAIRMAN: Okay, very good.

1 732 Q. MR. McGUI NNESS: Moving on to the issue of the car tax
2 and the delay in dealing with Garda Keogh's expenses
3 claims, can I ask you this: We know from
4 Superintendent McBrien's statement and from Garda
5 White's evidence that the issue of the taxation of the 15:56
6 car was an issue in August and September of 2014, were
7 you aware of that?
8 A. No.

9 733 Q. So that wasn't discussed with you either via the late
10 Ms. Quirk or Superintendent McBrien? 15:57
11 A. No.

12 734 Q. Just before Superintendent Murray was assigned to
13 Athlone, I think you became aware of a complaint made
14 by an anonymous member of the public, isn't that
15 correct? 15:57
16 A. That's correct.

17 735 Q. Just in terms of the relevance of this, it was a
18 complaint that was sent to Chief Superintendent Curran
19 and Superintendent McBrien on or about 8th December
20 2014, isn't that correct? 15:58
21 A. Yes.

22 736 Q. And it was referred on to you. I don't need to go into
23 the details of the particular guard concerned?
24 A. Yes.

25 737 Q. But the issue arose from a member of the public who had 15:58
26 been stopped by a member of the Guards in relation to a
27 check on the normal Driving Licence, tax, insurance
28 etcetera?
29 A. That's correct.

1 738 Q. That person went to a station in the division to
2 produce the relevant documents, isn't that correct?
3 A. That's correct.

4 739 Q. And apparently observed a car belonging to a member of
5 the Garda Síochána which wasn't taxed? 15:59
6 A. That's correct.

7 740 Q. That was brought to your attention. You inspected the
8 guard's car and I think it led to you taking action
9 against that member when you found them driving the
10 car? 15:59
11 A. Well, the letter came to my attention one afternoon
12 before I finished work and I did a Pulse check of the
13 vehicle, and the Pulse check corresponded with what was
14 in the anonymous letter. In that the tax on Pulse was
15 not up-to-date. So the following morning, having 15:59
16 checked the duty detail of the member who was the
17 registered owner of the vehicle, was due to be working,
18 finishing nights at 7:00am. So I did a checkpoint
19 outside the Garda station at 6:30 until 7:15 and
20 stopped the member leaving work, and demand documents, 16:00
21 checked that the insurance was in order, as it had been
22 alleged that that was also not in date. I did find
23 that there was no tax on the vehicle and I issued an
24 FCPS, a fixed charge penalty notice, and recommended a
25 disciplinary sanction. 16:00

26 741 Q. Yes. These documents, Chairman, just for the
27 transcript, are to be found in volume 56, the anonymous
28 letter at page 15738 and the associated documentation
29 of relevance at page 15717 to 719.

1 CHAIRMAN: Thank you.

2 742 Q. MR. MCGUINNESS: But this occurred then between 8th
3 December and the date in January when you stopped the
4 member on the public road?

5 A. Yes. 16:01

6 743 Q. It led to you, I think, disciplining the member
7 concerned with a regulation 10 notice?

8 A. Yes. I recommended an informal sanction under the
9 discipline regulations, under regulation 10.

10 744 Q. Yes. Now, this is obviously in the period just 16:01
11 immediately while Superintendent McBrien was out,
12 although she then returned in the new year, and before
13 Superintendent McBrien was appointed, isn't that
14 correct?

15 A. That's correct. 16:01

16 745 Q. Can the Chairman take it you didn't discuss it with
17 either of those superintendents?

18 A. No.

19 746 Q. Did you ever make Superintendent Murray aware that this
20 is the sort of action that you took in relation to this 16:01
21 guard?

22 A. No, I never told anyone other than my correspondence to
23 the chief superintendent. I felt it was a sensitive
24 enough matter. I felt I had dealt with it swiftly, I
25 had sanctioned the member and I didn't need to 16:02
26 publicise the matter.

27 747 Q. In any event, you became aware of Garda Keogh's, a
28 concern on his part that his payments were being
29 delayed, is that correct?

1 A. That's correct.

2 748 Q. I think you received a minute from Garda Keogh; is that
3 correct?

4 A. That's correct.

5 749 Q. Perhaps we will just look at that, at page 722 of 16:02
6 volume 4.

7 CHAIRMAN: You will probably be a while longer, will
8 you, Mr. McGuinness?

9 MR. MCGUINNESS: Yes, I will be quite a while longer.

10 CHAIRMAN: Very good, thanks very much, well then we 16:03
11 will break. If it was going to be a few minutes we
12 would carry on and finish but if you are going to be
13 looking at a few documents, then we will break there.

14 MR. MCGUINNESS: Very good, Chairman.

15 CHAIRMAN: Okay, thanks very much. Thanks very much, 16:03
16 superintendent.

17 THE WITNESS: Thank you.

18 CHAIRMAN: we will resume in the morning. Thank you.

19

20 THE HEARING THEN ADJOURNED UNTIL THURSDAY, 23RD JANUARY
21 2020 AT 10:30AM

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