

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

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1921, ON 17 FEBRUARY 2017, AS AMENDED ON 7 DECEMBER 2018

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

HELD IN DUBLIN CASTLE
ON THURSDAY, 23RD JANUARY 2020 - DAY 130

130

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

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1 THE HEARING RESUMED, AS FOLLOWS, ON THURSDAY, 23RD
2 JANUARY 2020:

3
4 MR. MCGUINNESS: Inspector Minnock, please. Thank you.

5 10:39

6 SUPERINTENDENT AIDAN MINNOCK CONTINUED TO BE
7 DIRECTLY-EXAMINED BY MR. MCGUINNESS, AS FOLLOWS:

8
9 CHAIRMAN: Good morning, superintendent. Thank you.

10 THE WITNESS: Good morning, Chairman.

10:39

11 1 Q. MR. MCGUINNESS: Superintendent, when we last rose I
12 was about to ask you to look at page 722 in volume 4, I
13 think that relates to a claim or a minute from Garda
14 Keogh relating to the expenses which he had been
15 seeking?

10:39

16 A. Yes.

17 2 Q. And he says:

18
19 "With reference to the above, I submitted three
20 sub-claims which have not been paid. One of the dates
21 is 13/8, the other two claims, which I do not have the
22 dates to hand, were with this claim. Can this be
23 checked out before I recommit claims. Forwarded your
24 attention."

10:40

25
26 I think you forwarded that on to the sergeant in
27 charge, is that correct? If we look at page 712. Or
28 did you check, in fact, with the clerk?

10:40

29 A. Exactly, I did.

1 3 Q. Yes.

2 A. Between the 1st, when that was submitted, so it
3 obviously arrived to me in the ordinary way in the post
4 from the sergeant in charge, who had received it from
5 Garda Keogh, who forwarded it to me at some stage. I 10:40
6 most likely picked it up in the normal way in the
7 district office post, to deal with the matter. And
8 between receiving it and my reply on the 5th, I had
9 made enquiries with the finance officer.

10 4 Q. Yes. 10:41

11 A. There was a number of inquiries to be conducted in
12 relation to it. I was unaware of any claims that were
13 submitted, but asked Catriona Quirk, now deceased, to
14 make enquiries on my behalf in respect of the matter.
15 So the claims could have been submitted and awaiting 10:41
16 entry on the oracle system, or the claims could have
17 been on the oracle system and outstanding for payment
18 due to some discrepancy on the system in relation to
19 some matter.

20 5 Q. Yes. In any event, she was able to confirm that she 10:41
21 had not possession of any claims, nor whether any
22 pending for payment or --

23 A. Were outstanding.

24 6 Q. Yes. I think the position is that you weren't aware,
25 or were you, of the resubmission of claims by Garda 10:42
26 Keogh? If we look at page 725.

27 A. No.

28 7 Q. He resubmitted claims there. If we look at page 726,
29 Sergeant Haran sends them on. Those claims have been

1 amended as requested pursuant to a minute of
2 Superintendent McBrien, isn't that correct?

3 A. That's correct.

4 8 Q. I think that minute is on page 727?

5 A. Yeah. 10:42

6 9 Q. whereby the superintendent had directed that they be
7 countersigned by Sergeant Haran in one respect and that
8 Garda Keogh should include cost of public transport
9 details, if available?

10 A. Yes. 10:43

11 10 Q. Having been resubmitted, they appear to be signed by
12 the superintendent on the 2nd February. If we look at
13 page 729 onwards.

14 A. Signed by Superintendent Murray.

15 11 Q. Yes. well, there seems to be a date stamp of the 2nd 10:43
16 February, it looks like Superintendent McBrien's
17 signature has been crossed out there?

18 A. So that was, it appears to me, a situation where the
19 claims were received in the superintendent's office on
20 the 2nd February and prepared for signature by the 10:43
21 superintendent.

22 12 Q. Yes.

23 A. But weren't in fact signed.

24 13 Q. Yes.

25 A. And the fact that underneath the "approved by" 10:44
26 signature, has the name of Superintendent McBrien,
27 would indicate that that was prepared for her to just
28 put her signature on top by the superintendent's
29 office, ready for signature but wasn't signed and was

1 eventually signed on 6th April 2015 by Superintendent
2 Murray.

3 14 Q. But is that not her signature there that is actually
4 crossed out on each of the forms?

5 A. I wouldn't think so. 10:44

6 15 Q. Okay.

7 A. I would presume, and I know it's hard to make out
8 because it is scribbled out, that because it's below a
9 line, it would be normal to put in the actual -- the
10 block capitals of the name underneath and the signature 10:44
11 on top. But I'm not too sure, I can't...

12 16 Q. Did you discuss with Superintendent McBrien the
13 withholding of the payment of the expenses claims at
14 that point in time?

15 A. No. 10:45

16 17 Q. Did you discuss the tax status of Garda Keogh's car at
17 that point in time?

18 A. No.

19 18 Q. I think you told us yesterday you weren't aware of any
20 queries that had been raised in relation to the 10:45
21 taxation status or class of his car or jeep, is that
22 right?

23 A. No.

24 19 Q. We know and you have told us in your statement that on
25 the 4th March you received a file from Superintendent 10:45
26 McBrien. Perhaps we would look just at the minute
27 relating to that, at page 1749 in Volume 7. That was
28 dated the 4th March, the forms we have looked at, and
29 she says:

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"I have addressed the matter with Superintendent Murray on this date.

Please retain this file and he will discuss the matter with you on Monday, 9th March 2015. " 10:46

We can see later obviously it was endorsed for payment, if we go down the page, later on the 7th April. Had you any knowledge of the issues at that point in time? 10:46

A. No.

20 Q. Well, you describe how Chief Superintendent Murray, Superintendent Murray as he then was, discussed the file with you following his arrival, is that correct?

A. That's correct. 10:46

21 Q. Can you recall when he raised the issue of checking the status of Garda Keogh's car at that point?

A. Em, I can't recall, but I know I actioned it pretty swiftly and sent an e-mail. I'll have to just check the date of that e-mail, maybe it might be of some help. 10:47

22 Q. Yes. Perhaps we would look at page 744, where your e-mail is. It seems to be the 19th March at 16:08 in the afternoon, looking at the middle of that page.

A. Yes. So sometime after his arrival we had the conversation and I suppose I actioned it by way of that e-mail on the 19th March. 10:47

23 Q. Yes. There's obviously reference to seeking a declaration there?

1 A. Yes.

2 24 Q. You hadn't checked Garda Keogh's details on Pulse
3 yourself at that stage?

4 A. I had.

5 25 Q. You had, all right. You obviously confined the request 10:48
6 to June to December 2014, according to that?

7 A. Yes.

8 26 Q. You didn't seek declarations, copies of the original
9 declarations made, isn't that correct, for any other
10 period or for the original registration? 10:48

11 A. No. That appeared -- obviously the period of the
12 claims, I would suspect, related to that period.

13 27 Q. Yes.

14 A. And that's why I was concerned with that period.

15 28 Q. Yes. Did you discuss the results with Superintendent 10:48
16 Murray at that point in time?

17 A. I didn't discuss the results because following sending
18 the e-mail I went on a course and I was away on the
19 course when the return e-mail from the tax officer
20 returned. I think I could have been on that e-mail, 10:49
21 but certainly I had requested that Superintendent
22 Murray was also on that e-mail in relation to the
23 outcome.

24 29 Q. Yes. You became aware that Chief Superintendent Murray
25 had a meeting, did you, with Garda Keogh at that point? 10:49

26 A. When I returned, following the course, I was made aware
27 they'd had a meeting, yes.

28 30 Q. What did he tell you about that?

29 A. That he had discussed the matter with Garda Keogh, that

1 Garda Keogh had undertaken to back tax or to correct
2 the tax category of the vehicle and that he was dealing
3 with the matter by way of informal regulation 10.
4 31 Q. Was that in advance of him doing so, did he tell you
5 that? 10:50
6 A. No, I think it was done at that stage, from my
7 recollection.
8 32 Q. Done at that stage?
9 A. Yeah.
10 33 Q. It's just, the way you put it in your statement at page 10:50
11 682, you say:
12
13 "I relayed this information to Superintendent Murray,
14 who discussed the matter with him briefly.
15 Superintendent Murray appeared anxious to deal 10:50
16 appropriately, swiftly and fairly with the matter. The
17 following week I was going on a course so I asked
18 Ms. McKinney to cc Chief Superintendent Murray on the
19 reply e-mail."
20 10:50
21 But that discussion, prior to you getting the reply,
22 can you recollect how he intended to deal with it
23 appropriately, swiftly and fairly?
24 A. Well, I think he hadn't fully indicated, but that just
25 appeared to me that he did appear anxious to deal with 10:51
26 it fairly swiftly and, I suppose, I felt fairly. That
27 just appeared to be my impression of how he was going
28 to deal with the matter, in that he just wanted me to
29 establish the facts surrounding the vehicle. There

1 didn't seem to be -- the factual position surrounding
2 the tax.

3 34 Q. You're obviously aware of and you describe the process
4 that Superintendent Murray put in place thereafter in
5 relation to the inspection of others' details? 10:51

6 A. Yes.

7 35 Q. And a general memorandum that he sent out to all of the
8 members. Had he discussed that with you?

9 A. No. I suppose he discussed it in relation to the
10 approach but not prior to taking that approach. 10:52

11 36 Q. Yes. You described that you certified the appropriate
12 documentation for all sergeants, is that correct?

13 A. Yes.

14 37 Q. Did you regard that as a consistent approach taken by
15 Superintendent Murray? 10:52

16 A. Well I felt myself that Superintendent Murray had no
17 option. Garda Keogh had divulged information to him
18 that indicated that there was cars or vehicles driven
19 by members in the district that weren't appropriately
20 taxed or insured. So, I suppose Superintendent Murray 10:52
21 had two options, one was to do nothing with that
22 information, or to action that information. And the
23 only way to action it was to establish what was the
24 factual position around the tax and insurance and this,
25 he felt, was the most appropriate way to do it. And I 10:53
26 agreed it was an appropriate way to deal with it.

27 38 Q. Just turning to the issue of the crime files, you
28 describe Superintendent Murray's leadership in your
29 statement at page 688 onwards, and in particular in

1 relation to setting high standards and ensuring
2 adherence to these standards in relation to a number of
3 investigation files, crime files, PAF, Pulse reviews,
4 which were returned to Garda members through their
5 supervisory sergeants. You took part in that process 10:53
6 of returning files to members, including Garda Keogh,
7 is that right?

8 A. I did.

9 39 Q. In relation to the first of the Garda crime files that
10 the Tribunal was concerned with, the theft from Custume 10:54
11 Place, I don't know, were you involved in that at all?

12 A. I don't believe I was.

13 40 Q. It's one where inter alia each of the two complainants
14 made their own statements?

15 A. No. 10:54

16 41 Q. No. You do say that that wouldn't be normal practice
17 and in your view not best practice?

18 A. That's correct.

19 42 Q. What do you see as the issue there in terms of
20 departure from normal practice or not best practice? 10:54

21 A. Well, I suppose, the CIT manual is quite clear in
22 relation to what is good practice in relation to the
23 taking of statements from witnesses. And I suppose the
24 deviation where I see an issue is that it provides no
25 opportunity to, I suppose, establish the facts 10:55
26 surrounding the statement, to corroborate matters or to
27 challenge various aspects of the statement, or to get
28 clarity. If someone says I went to a football match at
29 seven o'clock, they obviously know what football match

1 it refers to, but the statement taken of a guard could
2 extract details around that, what was the football
3 match, and then that can be further corroborated by
4 other events. So the inquiries would ensue after that.
5 So it just allows for a much more detailed, 10:55
6 comprehensive statement when it's taken by a garda.

7 43 Q. Did you see anything unusual or disproportionate about
8 Superintendent Murray's response?

9 A. I didn't. I just felt it was an issue certainly that
10 he couldn't let pass, in that this couldn't become 10:56
11 normal practice and it had to be addressed.

12 44 Q. In relation to one of the other crime files relating to
13 the trailer theft.

14 A. Yes.

15 45 Q. In your statement at page 690 and 696, and in your 10:56
16 response to Assistant Commissioner Finn, you describe
17 the process of the submission of a crime file?

18 A. Yes.

19 46 Q. You've expressed a view very clearly there that the
20 crime file was submitted prematurely, isn't that right? 10:56
21 A. That's right.

22 47 Q. Just explain the process as you saw it working and why
23 this was premature when it was submitted?

24 A. I suppose when a crime occurs it essentially goes on
25 the Pulse system and it's reviewed, as described by 10:57
26 Sergeant Baker in relation to the following morning at
27 the PAF meeting. Then it's given a period to allow the
28 investigation to ensue and it gets a review date for
29 the supervisors or the inspector or superintendent will

1 review the progress of that investigation. And that
2 could be a six-week period or whatever is allowed,
3 given the particular crime. In that interim, if the
4 guard identifies a suspect, he will then continue the
5 investigation, update Pulse with the progress, and 10:57
6 eventually submit an investigation file, which will
7 eventually be considered by the superintendent under
8 delegated authority or go to DPP under the general
9 direction number 3, if that's required, for a direction
10 on the matter. If there's no suspect identified and 10:58
11 all avenues have been exhausted and no suspect has come
12 to light, a crime file is submitted then to the
13 inspector or superintendent to close the matter.

14
15 So it's only when you have exhausted all inquiries and 10:58
16 you're satisfied you cannot progress any further
17 avenues, that you submit a crime file as the governance
18 mechanism to close a crime. Because it's not for a
19 guard or a sergeant to close an investigation. That is
20 done only by inspectors and superintendent rank. And 10:58
21 the mechanism to do that is submitting a crime file.
22 Submit the crime file and the decision is made, and
23 then it's closed on the Pulse system and it's closed in
24 paper file. The crime file then goes to the victims
25 office, who advise the victim of the outcome. 10:58
26

27 So that's the two mechanisms. So by submitting a crime
28 file you are basically telling the district officer and
29 the inspector, I have exhausted all inquiries, I cannot

1 progress this matter any further and I now wish to
2 close the investigation.

3 48 Q. I mean, you became later aware, at the time you sent a
4 complimentary e-mail to Garda Keogh that he had updated
5 the Pulse entry, but you were unaware at the time that 10:59
6 he had previously submitted the file some few days
7 after the incident?

8 A. Yes.

9 49 Q. For closure, is that right?

10 A. Yes, I was unaware of that. 10:59

11 50 Q. He subsequently obtained the CCTV footage, the
12 registration number of the trailer or the car that took
13 the trailer?

14 A. Yes.

15 51 Q. Which led to the identification of the suspects? 10:59

16 A. Yes.

17 52 Q. But the crime file had been submitted before any of
18 those things had happened, is that correct?

19 A. That's correct. I suppose what I kind of alluded to is
20 that, I suppose I didn't know that Garda Keogh had 11:00
21 tried to close the crime file and it was really, I
22 suppose, the intervention of Superintendent Murray that
23 had kept the investigation opened. I suppose I was
24 complimenting Garda Keogh on his proactive work
25 regarding his approach. 11:00

26 53 Q. Is that the basis of your statement on page 696, if we
27 just look at that page?

28 A. Yes.

29 54 Q. If we just go down there, there is reference to CCTV

1 footage in the middle of the screen:
2
3 "Garda Keogh states that Superintendent Murray's
4 queries on this file were oppressed and irrational. It
5 is clear to me that the queries kept the investigation 11:00
6 open and there was a successful outcome to the
7 investigation. It appears Superintendent Murray was
8 also complimentary in relation to the further work done
9 by Garda Keogh in stating that he appreciated the
10 additional inquiries." 11:01
11
12 Then you refer to Garda Lynskey's involvement there
13 A. Yes.
14 55 Q. Is there any other comment you would like to make on
15 that file? 11:01
16 A. No.
17 56 Q. The next file which related to the reclassification of
18 the offence that had been reported in Garda Keogh's
19 report, that was, as the Tribunal has been told, the
20 subject-matter of a PAF review on the 14th September. 11:01
21 Did you attend that review?
22 A. I believe I did.
23 57 Q. I think Sergeant Baker, as she was then, was in
24 possession of the report?
25 A. Yes. 11:02
26 58 Q. And you state in your statement:
27
28 "The report did not adhere to the criteria set out by
29 Superintendent Murray in his recent report dated 18th

1 August. "

2

3 And you say:

4

5 "Given the serious nature of the reported crime, 11:02
6 Detective Sergeant Curley was assigned to make further
7 inquiries in relation to the incident."

8

9 Is it correct to say that all of the people at the
10 meeting felt that it ought later to be recategorised 11:02

11 A. Well, the recategorisation was at a later meeting.

12 59 Q. Yes.

13 A. Later that month. I suppose there was a number of
14 -- I suppose certainly the team at the table were very
15 concerned about the number of discrepancies that were 11:02

16 there between I suppose -- firstly, in relation to the
17 Pulse record had noted that the clothing, a white Air
18 Max top and a blue McKenzie top, and subsequent to
19 that, when Garda Divilly spoke to him, it was a black
20 hoodie and blue hoodie. The time had also changed from 11:03

21 the Pulse incident to when Garda A spoke to him, which
22 was a day previous to Garda Divilly. I know that there

23 was no mention of the weapon initially and then
24 subsequently there was a copper bar was mentioned. I
25 suppose some inconsistencies surrounding the injuries 11:03

26 initially on Pulse and Garda Keogh's initial report
27 outlined that he may have injuries. Then subsequent to
28 that, in Garda Divilly's he outlined that he was kicked
29 and he'd a knock to his forehead and he mentioned a

1 fight and then also kicking to the chest. And then in
2 relation to Garda Divilly's, there was now a bruise to
3 the head and knuckles were damaged. And then
4 subsequent to that again, in Garda Keogh's last report
5 there was an injury to the leg. So the injuries seemed 11:04
6 to change consistently. There was a mention of a fight
7 then in the middle of it.

8
9 I suppose at that meeting, it was very clear something
10 happened but what happened we weren't sure and whether 11:04
11 it was a fight or whether it was a robbery, we just
12 didn't know. I suppose given other factors in relation
13 to robberies and examining MO of incidents around the
14 time, the normal route that the youth would have taken,
15 and I suppose the fact he wasn't cooperating in any 11:04
16 respect in relation to the investigation.

17
18 So all of these matters, I suppose, were considered.
19 And it was the consensus view that we weren't sure what
20 happened. Certainly it wasn't sufficient on the 11:04
21 balance of probability that we had, that the robbery
22 had occurred and we all agreed that it should be
23 reclassified at that juncture. But we didn't, we
24 didn't stop the investigation there. It wasn't until
25 December of that year that the incident was actually 11:05
26 taken off the accountability sheet that I mentioned
27 previously.

28 60 Q. Yes.

29 A. So it could have been recategorised back to a robbery,

1 to a theft, to an assault at any point, right until the
2 investigation had concluded, which I believe was
3 December of that year.

4 61 Q. Yes. 11:05

5 A. So, there was a number of decisions made at that PAF
6 meeting and one was the reclassification. The other
7 was to see if it could be established further
8 information from Garda Keogh and a minute was sent out.
9 And the last thing was to continue monitoring this
10 incident and leave it on the PAF system. 11:05

11 62 Q. So it remained potentially active or to be reactivated?

12 A. It did remain active following that PAF meeting, it
13 wasn't closed.

14 63 Q. Well, the way you are describing the decision, is it
15 appropriate to attribute it to Superintendent Murray as 11:05
16 a reclassification at his direction or was it a group
17 decision?

18 A. Well it's a group decision, but there's only one person
19 who has the authority to make the decision.

20 64 Q. Yes. 11:06

21 A. So it's a collective view of opinions, but ultimately
22 someone has to make the decision and there's only one
23 person with authority, as per policy at that time, to
24 make that decision, and that was the appointed district
25 officer, which was Superintendent Murray. 11:06

26 65 Q. Have you any reason to believe that it had anything to
27 do with Garda Keogh's protected disclosure or any other
28 reason?

29 A. Well, the one thing I can say is, and we had a lot of

1 consideration surrounding the reclassification of that
2 incident, but the one thing that certainly wasn't
3 factored into the rationale was the investigating
4 member and the fact that it was Garda Keogh.

5 66 Q. Turning now to a different issue, the confinement of 11:06
6 Garda Keogh to indoor duties. You will deal with this
7 at page 684 and page 691 of your statement. You say in
8 the latter part:

9
10 "Superintendent Murray consulted me regarding his 11:07
11 decision to detail Garda Keogh to indoor duties."
12

13 Can you help the Tribunal when that was; was that
14 before or after the decision?

15 A. It was after the decision. 11:07

16 67 Q. why was he consulting you about it afterwards, can you
17 help us with that?

18 A. well it was important I was aware, I suppose, and --
19 important I was aware of the decision. I suppose he
20 was partly feeling out the decision with me, to see did 11:07
21 I agree with the decision or what was my view on it.

22 68 Q. Did you agree with the decision or what did you say to
23 Superintendent Murray?

24 A. Yeah, absolutely, I fully agreed with the decision.

25 69 Q. why was that? 11:07

26 A. Because I suppose there was a -- the reality was, what
27 Superintendent Murray had reported to me in relation to
28 Garda Keogh, certainly I would have had concerns in
29 Garda Keogh going out in the public, where there is no

1 supervision or control of Garda Keogh. I suppose the
2 reputation of the organisation was at stake, in
3 relation to how he dealt with people in public. And I
4 felt by indoor duty, it meant that Garda Keogh had
5 continuous support available to him within the station. 11:08
6 There was also the situation where, I suppose, there
7 was constant supervision in the station, which added an
8 element, I suppose, that a supervisor would be
9 monitoring Garda Keogh and it would be a help, I
10 suppose, to Garda Keogh in relation to where he was I 11:08
11 believe at that time, to assist him in, I suppose,
12 making sure that he was in a fit condition for work
13 each day. And if he was out and about in the patrol
14 car, certainly it's impossible to have complete
15 oversight of how he was. 11:09

16
17 So in that regard I suppose I felt it was a good
18 decision and Superintendent Murray's decision was open
19 for review at any particular stage subsequent to that
20 if he felt that Garda Keogh was in a fit position to 11:09
21 perform duty outdoors.

22 70 Q. The instruction which we have seen, we don't need to
23 look at it now, but on page 236, issued by the
24 superintendent, obviously went to all personnel, as it
25 were, in the station. You have heard Garda Keogh's 11:09
26 evidence, that he considered this to be a very
27 oppressive step, putting him in the post stressful
28 position in terms of work, at a time when Garda A had
29 been suspended, as it were, to send some sort of a

1 message to him and to other members in the station.
2 Have you any comment on that?

3 A. No, I don't believe that had anything to do with the
4 decision to confine Garda Keogh at that stage to indoor
5 duty. The reality is, Garda Keogh had presented in 11:10
6 what Superintendent Murray had described and had found
7 himself in what he believed was an unfit condition.
8 It's certainly not a situation where you could allow
9 the member to go into the public. I suppose with the
10 indoor duty, it just provided that control and 11:10
11 oversight that Superintendent Murray was looking for
12 and I felt it was a good decision.

13 71 Q. Just touching on another topic, the misrecording of
14 Garda Keogh's sick leave in any respect and any
15 consequence for pay, did you have any involvement or 11:11
16 discussion with anyone concerned about that, the
17 doctors or the superintendent or Chief Superintendent
18 Wheatley?

19 A. No.

20 72 Q. Did you have any knowledge of how he was classified 11:11
21 either on the SAMS system or in the SR2s?

22 A. No. I have no knowledge of the SAMS system.

23 73 Q. Just turning to the issue of commendations. Firstly,
24 in relation to the attempted suicide that has been
25 referred to, a lady in the Shannon, Garda Keogh has it 11:11
26 noted in his diary that Sergeant Monaghan said he would
27 recommend him for commendation. Did Sergeant Monaghan
28 convey that to you at any time?

29 A. No.

1 74 Q. Did Sergeant Monaghan convey to you at any time the
2 making of the recommendation in respect of Seiko Just
3 in Time award, an Irish Water Safety Council award?
4 A. No. I was aware that Garda Keogh was recommended for
5 the Seiko award, and I did speak to Garda Keogh in 11:12
6 respect of that and advise him in relation to the
7 subsequent ceremony that was taking place in Dublin in
8 respect of that. But I suppose in respect of
9 commendations, the commendations arrive normally in the
10 normal way, a recommendation from the sergeant on a 11:12
11 form known as an EPW1.
12 75 Q. Yes.
13 A. And arrive into the superintendent's or the inspectors
14 for their views in respect of the matter and then it
15 goes to the divisional committee for their overall 11:13
16 recommendation for an award or not. So I suppose our
17 main involvement really with them as inspector and
18 superintendent role is either to agree with them and
19 forward the names that we feel are appropriate for
20 commendation, maybe give an indication at what level we 11:13
21 feel the commendation should be. But in respect of
22 that matter, I know I didn't receive any form forwarded
23 to me in respect of that matter. It's not to say -- it
24 could have went to another office.
25 76 Q. But technically under the Code any member can make a 11:13
26 recommendation.
27 A. That's correct.
28 77 Q. Or apply for a commendation on foot of an EPW1, is that
29 correct?

1 A. Yes.

2 78 Q. But are you aware of whether any sergeant made a
3 recommendation for EPW1 in respect of any of the
4 incidents that Garda Keogh has drawn attention to, the
5 burglary, the taxi driver or the... 11:14

6 A. No.

7 79 Q. Have you any comment to make on the burglary one? Is
8 that the type of offence that would be normally the
9 subject of a commendation?

10 A. No. A burglary is not -- it wouldn't be normally, 11:14
11 unless there was exceptional circumstances of that
12 particular case, which would mean that it was
13 exceptional in some way that would warrant
14 accommodation. But I suppose burglary would be
15 considered, I suppose, a volume crime, let's say, 11:14
16 similar to thefts. And in the main they wouldn't
17 normally attract a commendation. However, every case is
18 different and the circumstances of that particular case
19 or a particular case may warrant one, if those
20 circumstances amount to what would fit the criteria 11:14
21 under the exceptional investigation or work that went
22 into it.

23 80 Q. We know that Superintendent Murray, on the date of the
24 drowning incident, wrote to the chief superintendent
25 reporting that he would be applying for and 11:15
26 recommending an award under the Irish Water Safety
27 award, did he consult you about that?

28 A. No, but I was aware it was happening.

29 81 Q. Yes.

1 A. Yeah.

2 82 Q. I know a year later, on the 25th October, you gave
3 Garda Keogh notice of the time and place of the award?

4 A. That's correct.

5 83 Q. Did anyone else ever bring to your attention any 11:15
6 complaint or disquiet on Garda Keogh's part that he
7 hadn't been recommended for a commendation in respect
8 of any of these matters?

9 A. No, never.

10 84 Q. Insofar as the taxi driver issue was concerned, the 11:15
11 Tribunal has, of course, heard that that got joined to
12 another investigation?

13 A. Yes.

14 85 Q. And there were differing investigation teams?

15 A. Yes. 11:16

16 86 Q. We have heard Garda Keogh's complaint of that. The
17 first responders at his initial stage of the first
18 offence and I think likewise, the first responders of
19 the second, weren't commended or weren't the subject of
20 commendation. Do you have any comment in that? 11:16

21 A. Well I can't see and it certainly hasn't been outlined
22 to me what aspect of their initial response would
23 justify or warrant a commendation.

24 87 Q. It appears that Garda Keogh was not merely replaced as
25 the investigating officer, by which I think he had no 11:16
26 complaint in that regard, but didn't appear on the
27 record on Pulse, is that correct?

28 A. Yes.

29 88 Q. Can you throw any light on why that matter occurred or

1 how it might have occurred?

2 A. I can't, other than it appears to be when the role
3 category on Pulse was changed that it inadvertently
4 removed Garda Keogh. I certainly wasn't aware that
5 that is something that happens as a result of updating 11:17
6 the investigating member.

7 CHAIRMAN: Mr. McGuinness, could you just help me on
8 one point that I am not clear on.

9 MR. McGUI NNESS: Yes.

10 CHAIRMAN: The date of the burglary is the 28th 11:17
11 October, is that correct? At some point.

12 MR. McGUI NNESS: Yes.

13 CHAIRMAN: You can come back to me on that.

14 MR. McGUI NNESS: I will check that.

15 CHAIRMAN: Thanks very much. 11:17

16 89 Q. MR. McGUI NNESS: Just moving on to the issue of the
17 investigation into Garda Keogh's protected disclosure
18 by Assistant Commissioner Ó Cualáin?

19 A. Yes.

20 90 Q. Just touching on your knowledge of the extent of the 11:18
21 disclosure, what did you know about the extent of the
22 disclosure, what it embraced?

23 A. Well, I just knew that it related to Garda A and I
24 suppose I felt some of the disclosure obviously must
25 incorporate other members from the drugs unit, but I 11:18
26 wasn't aware of what, if any, other members might be
27 included in the protected disclosure.

28 91 Q. Yes.

29 A. I suppose as time went on and various items were leaked

1 into the media, I became more familiar with what
2 matters may be included in the protected disclosure,
3 but certainly I had nothing in any way factual in
4 relation to what the protected disclosure was about.

5 92 Q. Yes. We know that Garda Keogh diaried his unhappiness 11:19
6 about some members being interviewed, Garda A being on
7 duty at the time of their interviews, and the visiting
8 obviously of the station by the investigation team for
9 that purpose. Were you aware of those matters at the
10 time? 11:19

11 A. No, I was not aware of any concerns of Garda Keogh or
12 any other member in relation to the members visiting to
13 investigate that matter in Athlone.

14 93 Q. It would appear that the assistant commissioner and 11:19
15 Detective Superintendent Mulcahy gave an assurance that
16 insofar as possible they would attempt to interview
17 members away from Athlone station. We have been told
18 via the Chief State Solicitor's Office in
19 correspondence, at Volume 55, page 15524, that a number
20 of members were in fact interviewed thereafter, based 11:20
21 upon their wishes to be interviewed during tours of
22 work and also to have access to records?

23 A. Yes.

24 94 Q. You made three statements yourself to the Ó Cualáin 11:20
25 investigation?

26 A. Yes.

27 95 Q. They all appear to be made at Athlone?

28 A. That's correct.

29 96 Q. Would they have been taken in your office?

1 A. Yes. I think prior to -- and most of those, there was
2 an appointment made in some regard, either by phone or
3 by e-mail.

4 97 Q. Yes.

5 A. It certainly would have been my request to take those 11:20
6 statements in Athlone station.

7 98 Q. You make two on 9th January 2015 and one on the 19th
8 March, isn't that correct?

9 A. Yes.

10 99 Q. You exhibit them as part of your documents -- 11:20
11 A. Yes, that's correct.

12 100 Q. -- attached to your statement?

13 A. That's correct.

14 101 Q. Had you any other involvement or contact with the
15 investigation team during the course of it? 11:21
16 A. No, other than my communication to the superintendent
17 in respect of Mr. McHugh.

18 102 Q. Yes.

19 A. That recommendation that they would examine that
20 matter, but no other. 11:21

21 103 Q. Yes. And you hadn't provided a phone number to them,
22 in fact, is that right?

23 A. That's correct.

24 104 Q. And nobody came looking for one?

25 A. No one came looking, that's correct. 11:21

26 105 Q. Just touching on the allegation of bullying and
27 harassment, another issue that the Chairman is
28 examining. I think you were contacted as a witness in
29 relation to that, isn't that correct?

1 A. That's correct.

2 106 Q. Insofar as Chief Superintendent Wheatley is concerned,
3 she had taken over I think in April 2015, isn't that
4 correct?

5 A. That's correct.

11:22

6 107 Q. You deal with Chief Superintendent Wheatley's contact
7 with you insofar as it relates to Garda Keogh at page
8 694. Perhaps we can just look at that. Towards the
9 bottom of page 694. The second line of that there, the
10 second last paragraph, you say:

11:22

11

12 "I do not recall any conversation or dealings
13 surrounding Garda Keogh that I specifically had with
14 Chief Superintendent Wheatley."

15

11:23

16 Can I just ask you about that? Would that not have
17 struck you as perhaps unusual, that the chief
18 superintendent mightn't speak to you about Garda Keogh
19 and his position at that point in time?

20 A. I suppose he would have been raised in a general way
21 during the divisional accountability meetings as a
22 person who was absent, but combined with all the other
23 members who were absent, as part of -- one of the items
24 on the agenda would generally be welfare support of
25 members and absenteeism. So I suppose there would have
26 been just a confirmation that we are continuing to
27 liaise with him and other members and contact them.
28 But as regards any specific conversation around Garda
29 Keogh, I didn't have, no. And I wouldn't find that

11:23

11:23

1 unusual.

2 108 Q. Okay. You make a number of observations there in
3 relation to Chief Superintendent wheatley?
4 A. Yes.

5 109 Q. Saying: 11:24
6
7 "She had a genuine interest in the welfare of staff."
8 A. Yes, certainly.

9 110 Q. Had you ever discussed with Chief Superintendent Murray
10 or Chief Superintendent wheatley Garda Keogh's work 11:24
11 related stress, or did you know that he was being
12 certified as that?
13 A. Superintendent Murray, yes. Chief Superintendent
14 wheatley, no.

15 111 Q. Could you just describe your discussion with 11:24
16 Superintendent Murray?
17 A. Well, in respect of Superintendent Murray, I suppose we
18 were in regular contact in relation to Garda Keogh and
19 I suppose my contact and my visits with him. I know
20 there was initially -- I certainly would have had some 11:24
21 -- lots of conversations with Superintendent Murray
22 surrounding Garda Keogh.

23 112 Q. But specifically in relation to work related stress or
24 investigating any cause of it?
25 A. Well, not specifically surrounding that issue. But I 11:25
26 was aware at some time following his -- during that
27 time when Superintendent Murray arrived, that Garda
28 Keogh was out sick from work for work related stress.
29 So I was made aware of that matter but unless I was

1 appointed to investigate it, I wouldn't have been
2 dealing with that matter and I was never so appointed.

3 113 Q. Yes. And was it within your knowledge that that was a
4 matter that could be investigated or maybe perhaps
5 should be investigated? 11:25

6 A. Yes, I believe that was a matter that the
7 superintendent had taken up with the chief
8 superintendent.

9 114 Q. Were you privy to any contact between them?

10 A. No. 11:25

11 115 Q. In any event, you were required to give a statement or
12 a report in relation to Assistant Commissioner Finn's
13 investigation, isn't that correct?

14 A. That's correct.

15 116 Q. We have seen a number of drafts of your response, which 11:26
16 was ultimately sent to Chief Superintendent Myers. I
17 think that is at page 770 of the papers, if we can look
18 at that. This is in the context where I think no
19 allegations were directly made against you, isn't that
20 correct? 11:26

21 A. Yes.

22 117 Q. Or indirectly?

23 A. That's correct.

24 118 Q. But you were identified as the person who may have
25 relevant evidence to give on the matter? 11:26

26 A. Yes. The investigation team felt I should provide a
27 statement on the matter.

28 119 Q. The first couple of paragraphs there you set out the
29 background. If we just go down the page, onto the

1 second page. You provide a general comment there, in
2 the first paragraph there, about not bullying and that
3 not seeing any change or deterioration of behaviour
4 towards Garda Keogh by Garda management?
5 A. Yes. 11:27
6 120 Q. In relation to point 5, which is the car tax issue, you
7 describe that there. At point 9 you deal with the
8 theft of the trailer there and you describe the process
9 in relation to that. In the last line you identify:
10
11 "The crime file was submitted on the 11th August, three
12 or four days after the crime was committed."
13
14 That's obviously prior to obtaining the CCTV?
15 A. That's correct. 11:28
16 121 Q. And the statement from the Kilmartin --
17 A. That is correct.
18 122 Q. At point 13 you deal with the confinement to indoor
19 duties, overtime issue, point 16 isn't a matter at the
20 moment. Point 17 relates to the stabbing of the taxi 11:28
21 driver at that point in time. The burglary there,
22 Chairman, the date is given as the 28th October, if you
23 see that?
24 CHAIRMAN: The 28th October.
25 MR. McGUI NNESS: 2014. 11:29
26 CHAIRMAN: Oh, '14. That is what I wasn't certain of.
27 MR. McGUI NNESS: It's the second last paragraph there.
28 CHAIRMAN: Thank you.
29 123 Q. MR. McGUI NNESS: You don't recall receiving an EPW1 in

1 respect of that?

2 A. That's correct.

3 124 Q. You refer to the water safety award and then you deal
4 with the service of the order in point 18, which we
5 will come to in a minute? 11:29

6 A. Yes.

7 125 Q. Your conclusion there is to state that you have never
8 witnessed any bullying, etcetera, etcetera, as set out
9 there?

10 A. Yes. I stand over that. 11:29

11 CHAIRMAN: Yes.

12 126 Q. MR. MCGUINNESS: You deal with the issue of
13 Superintendent Murray's promotion at page 694 of your
14 statement. You say:

15 11:30

16 "I am aware that that was delayed as a result of Garda
17 Keogh's internal complaints of bullying and
18 harassment."

19

20 A. Yes. 11:30

21 127 Q. And you say you do not believe that it was in Chief
22 Superintendent Murray's interest to delay the
23 investigation of this complaint.

24 A. Yes.

25 128 Q. "As the investigation was a source of delay in his 11:30
26 promotion rather than facilitating."

27

28 Presumably you knew that from Superintendent Murray
29 himself?

1 A. Yes.

2 129 Q. You had no involvement in the process otherwise?

3 A. No. But I knew Superintendent Murray was particularly
4 anxious and stressed in relation to the delay
5 surrounding his promotion and I suppose for a 11:30
6 considerable period he was unaware as to why his
7 promotion was delayed.

8 130 Q. Yes.

9 A. So I knew he was under stress in that period as a
10 result. 11:30

11 131 Q. Yes. In relation to issue 21, relating to the Tribunal
12 order, I think you were asked to provide a report in
13 relation to that, isn't that correct?

14 A. That's correct.

15 132 Q. Perhaps we will look at that. It starts at page 761. 11:31
16 There's a number of reports you made. Firstly, page
17 759, we will start. Just before we deal with that, it
18 would appear that Garda Headquarters e-mailed the order
19 to all of the divisional and district headquarters?

20 A. Yes. 11:32

21 133 Q. Is that right?

22 A. Yes.

23 134 Q. Was the intention to notify all serving members of the
24 order and its effect?

25 A. That's correct. 11:32

26 135 Q. Had you yourself received a copy of the order?

27 A. Yes.

28 136 Q. Did you attend any meeting or conference about it in
29 Athlone?

1 A. No. Other than, it was mentioned at a number of PAF
2 meetings subsequently to the e-mail.

3 137 Q. Yes. At what stage were you designated to serve it on
4 Garda Keogh?

5 A. It was 6th March 2017. 11:32

6 138 Q. What efforts did you make to serve it on him?

7 A. So I called to Garda Keogh's house on a number of
8 occasions between when I got it on the 6th and when I
9 eventually served it on the 21st. So I used to
10 redirect on my way home and just pass Garda Keogh's 11:33
11 house. But on the evenings I called he wasn't at home.
12 I suppose I also tried to ring him, but I was
13 continuously having difficulty in relation to
14 contacting Garda Keogh by way of phone and I know that
15 in the period of when I was appointed in May of 2016 11:33
16 and in May '17, I think, if I am not mistaken, I had
17 six if not seven different phone numbers for Garda
18 Keogh. When I would get the phone numbers, it would be
19 as a result of not being able to contact him for a
20 period of a few weeks or longer, and when I would 11:33
21 eventually get to visit him at home I would get a new
22 number from him. I'm not sure how many times he
23 changed his phone but he did change his phone a number
24 of times. I had tried to contact him during this
25 period but was unsuccessful. I did eventually reach 11:34
26 him by way of phone on the 21st. We had a conversation
27 on the phone and we agreed on the phone that I would
28 serve the order in the post and Garda Keogh
29 acknowledged to me that he was aware of it already.

1 139 Q. Now obviously in this report to the superintendent
2 about having been appointed to serve the order, you do
3 refer to it as a preservation order?
4 A. Yes.

5 140 Q. You knew its nature? 11:34
6 A. I did, I had read it.

7 141 Q. Garda Keogh, of course, wasn't a party who was
8 specifically named in the Terms of Reference as being a
9 party who might have a case or a complaint considered
10 by the Tribunal. Did you look at the Terms of 11:34
11 Reference?
12 A. I did.

13 142 Q. You refer more fully on the next page, page 760, to the
14 service of the order on him. Is there any reason why
15 you put in a full report at that stage? 11:35
16 A. I suppose I think the report I might have submitted is
17 the shorter report but I documented the entire matter
18 at the time. So I have, I suppose, a written record of
19 it.

20 143 Q. Yes. It's followed by what seems to be a four-page 11:35
21 report, beginning on page 761?
22 A. Yes.

23 144 Q. You had been made aware of Mr. Cullen's correspondence.
24 A. Exactly.

25 145 Q. Before replying to each of these letters? 11:35
26 A. Yes.

27 146 Q. But had you seen it before you replied, the first time
28 or the second time?
29 A. Mr. Cullen's, I had certainly seen it, yes.

1 147 Q. The history there of the receipt of it, were you aware
2 of that at the time or did you find this out for the
3 purpose of making the report?
4 A. Sorry?
5 148 Q. You see the paragraph here marked "background"? 11:36
6 A. Yes.
7 149 Q. Where you recite the history of the order coming?
8 A. Yes.
9 150 Q. Etcetera, etcetera. What happens at the PAF meeting.
10 Were you at that PAF meeting, if we look at the next 11:36
11 page, on the 6th March?
12 A. I was at that PAF meeting on the 6th March.
13 151 Q. Was that the first occasion when consideration was
14 given to ensuring that service of the order would be
15 made on members who weren't actually on duty? 11:37
16 A. Yes.
17 152 Q. And who raised that issue?
18 A. The superintendent.
19 153 Q. Superintendent Murray; is that right?
20 A. Yes, Superintendent Murray. And if I am not mistaken, 11:37
21 that was previously raised by an e-mail on the 3rd
22 March by the assistant commissioner.
23 154 Q. Yes.
24 A. And then addressed by the superintendent at the PAF
25 meeting on the 6th March. And there was a large number 11:37
26 of people who were absent from duty or a number of
27 people, I won't say large number, but a number of
28 people who were absent and everybody was assigned a
29 person to serve.

1 155 Q. Yes. At page 763 you express a number of conclusions
2 in relation to it.

3 A. Yes.

4 156 Q. The first paragraph seems to relate to what the
5 preservation order specifically addressed? 11:37

6 A. Yes.

7 157 Q. And may I take it that that's what you took from the
8 order itself?

9 A. Yes. I had read the order and I was aware of what it
10 related to. 11:38

11 158 Q. Obviously it's perhaps on one view unsatisfactory that
12 an order intended to alert members to preserve evidence
13 isn't brought to their attention as soon as possible, I
14 take it you agree with that?

15 A. Oh I absolutely agree with it. But I would also say 11:38
16 that I did bring it to Garda Keogh's attention as soon
17 as possible.

18 159 Q. Was there any intention on your part or on anyone's
19 part to disadvantage Garda Keogh in preserving
20 evidence? 11:38

21 A. Absolutely not.

22 160 Q. Was there any fear that he might not preserve evidence
23 or destroy it?

24 A. No, I don't think that was -- I can't see how anyone
25 could see why he would be destroying evidence in 11:38
26 relation to a protected disclosure that he or someone
27 else was going to bring. I would envisage that perhaps
28 other people who Garda Keogh may or should have been
29 more concerned with, them having been served with the

1 order rather than himself.

2 161 Q. Just in terms of support for Garda Keogh to your
3 knowledge, you deal with this from page 699 of your
4 statement onwards, isn't that correct?

5 A. Yeah. 11:39

6 162 Q. You outline in some considerable detail the contact
7 that you yourself had with Garda Keogh and with others
8 in relation to Garda Keogh and his welfare?

9 A. Yes.

10 163 Q. I am not going to take you in detail through those, you 11:39
11 have set out the contact in sequence?

12 A. Yes.

13 164 Q. Together with your original notes of that, is that
14 right?

15 A. That's correct. 11:40

16 165 Q. I just want to touch on a couple of issues, you were
17 asked to liaise with Garda Keogh in particular after he
18 had gone out on full-time sick leave, isn't that
19 correct?

20 A. That's correct. 11:40

21 166 Q. Part of it was due to a convenience in relation to
22 where you lived, which was relatively close by, is that
23 correct?

24 A. That's correct.

25 167 Q. You detail different visits there. You also detail 11:40
26 various contacts that you had with Garda Greene?

27 A. Yes.

28 168 Q. And phone calls?

29 A. Yes.

1 169 Q. Reference has been made on a couple of limited
2 occasions to material that Garda Greene told you about
3 what other people said about Garda Keogh and what Garda
4 Keogh said to him about other people, isn't that right?
5 A. Yes, that's correct. 11:41
6 170 Q. And reference has been made to Assistant Commissioner
7 Fanning, for example, just one of the parties
8 mentioned?
9 A. Yes.
10 171 Q. You had no knowledge of the truth or otherwise of any 11:41
11 of the assertions being made to you?
12 A. No.
13 172 Q. You simply recorded as a matter of careful routine what
14 was said to you?
15 A. Exactly. 11:41
16 173 Q. I think the only thing you passed on related to an
17 apparent alleged incident where Garda Keogh had been
18 stopped at a checkpoint?
19 A. Yes.
20 174 Q. You reported that to your superintendent? 11:41
21 A. I did, yeah, because I felt that was a matter that
22 needed further inquiries.
23 175 Q. Yes. Insofar as the other information or
24 disinformation or material relayed to you by Garda
25 Greene, you didn't report that up through your 11:41
26 superiors?
27 A. No.
28 176 Q. Or feel it necessary to bring it to anyone's attention,
29 including Assistant Commissioner Fanning?

1 A. That's correct.

2 177 Q. It's simply a record of what you were told?

3 A. That was just a record, yeah, exactly, of what I was
4 told.

5 178 Q. You did note on some of the occasions remarks that 11:42
6 Garda Keogh had made about bringing down the
7 commissioner and Commissioner O'Sullivan having gone
8 and going after Donal etcetera?

9 A. Yes.

10 179 Q. Did you hear any of those directly from Garda Keogh? 11:42

11 A. Yes. I suppose some of the information that Garda
12 Greene had told me initially --

13 180 Q. Yes.

14 A. -- was subsequently corroborated by what I had heard
15 personally from Garda Keogh. 11:42

16 181 Q. Yes. I mean, for instance, you arrange -- on page 705
17 you contacted Garda Keogh with a view to meeting Chief
18 Superintendent Scanlan?

19 A. Yes.

20 182 Q. Did you know what that was in connection with? 11:43

21 A. No. I had an arrangement with Garda Keogh that I
22 wouldn't divulge his phone number to anybody.

23 183 Q. Yes.

24 A. That was an arrangement we agreed. And so, if anyone
25 wanted his phone number or his updated phone number, I 11:43
26 would always get Garda Keogh's agreement in advance
27 before I would divulge his phone number.

28 184 Q. Yes. At page 706, at the bottom of that, you detail a
29 contact with Garda Keogh on 20th October 2017?

1 A. Yes.

2 185 Q. You recorded there what you recall he said at the time?

3 A. Yes.

4 186 Q. His comments there about moving on to Donal, you took
5 it to be Donal Ó Cualáin, is that correct? 11:44

6 A. Yes.

7 187 Q. Obviously the parties are free to ask you any questions
8 about any of the contacts, but I don't intend to go
9 through them in any detail. In conclusion in your
10 statement, at page 710, you say that: 11:44

11

12 "In conclusion, I wish to state that I have never nor
13 have I ever witnessed any bullying, exclusion,
14 victimisation or harassment of Garda Keogh by the
15 various divisional officers in the Westmeath division, 11:44
16 the various district officers I worked with in Athlone,
17 Inspector Farrell or the various sergeants in Athlone
18 district. As part of the district management team in
19 Athlone I engaged with Garda Keogh and supported him
20 during his period of absence from Athlone station and 11:44
21 conducted this role within the divisional management
22 structure. I am also aware that he was regularly
23 engaging with the welfare officer, Mick Quinn, and was
24 linking in with other members across the organisation.
25 I did not at any stage engage in, witness or encounter 11:45
26 any harassment, but I didn't think, targeting,
27 exclusion, victimisation, penalisation, isolation,
28 demeaning, undermining of dignity, maltreatment or
29 isolation of Garda Keogh by any person. In this

1 regard, I did not see, witness or notice any change in
2 attitude or deterioration of behaviour towards Garda
3 Keogh following him making a protected disclosure. "

4 A. That's correct.

5 188 Q. Do you stand by that?

11:45

6 A. I do, certainly. And I suppose just dealing -- I
7 suppose both the perception I had from both
8 Superintendent Murray and Superintendent McBrien were
9 to continually support Garda Keogh. When initially he
10 made his disclosure I contacted him and met him two
11 weeks after that to give him his support. And when I
12 was appointed liaison person I continued to link in
13 with him continuously throughout that period. And I
14 suppose even the example of where I was off one day out
15 on my bicycle and I met him out walking the dogs and I
16 pulled in and had a chat with him. That was in July
17 2016. And even when I left Athlone, I called back to
18 make sure he a new liaison person if that's what he
19 wanted. He didn't want that. I remember ringing in
20 November that year, November '17, when I had left, I
21 was in Trim district, to make sure he put in his pay --
22 his sick certs, to make sure he wasn't pay affected
23 over the Christmas period. So right throughout the
24 entire period I made sure that he was supported and I
25 was there for him and if I could help him in any way, I
26 did.

11:45

11:46

11:46

11:46

27
28 I suppose the other side of that is that while
29 supporting Garda Keogh, there was also an onus on

1 management to make sure that, I suppose, there was
2 adherence to standards and policy, good practice and
3 professionalism across policing in Athlone. So that
4 element also had to be looked after, as managers of
5 Athlone district.

11:47

6 189 Q. He ultimately, I think, rejected the role of a liaison
7 officer as opposed to a role of a welfare officer?

8 A. That's correct.

9 190 Q. For reasons he has given?

10 A. Yes. Yeah, I know some of the nominations Garda Keogh
11 had some concerns with and I took those on board and
12 advised the chief superintendent in Westmeath of Garda
13 Keogh's concerns by way of e-mail following our meeting
14 on the 29th, I think, of November '17. And I e-mailed
15 those concerns to the chief and he took that on board.
16 And I was aware that Garda Keogh continued to link in
17 with Mick Quinn, they appeared to have a good
18 relationship from the very outset of my meeting Garda
19 Keogh, and I think he was a good support for Garda
20 Keogh.

11:47

11:47

11:48

21 191 Q. Just going back to one issue, when you are describing
22 the confinement to indoor duties in your statement at
23 page 684, you seem to record Superintendent Murray
24 bringing two things to your attention as the rationale
25 for it; that he had noticed a bad shake in his hand
26 when he was signing documentation and he had also
27 recently submitted a statement from an injured party,
28 which was written by the injured party rather than
29 Garda Keogh. Do you recall any other reason or basis

11:48

1 being discussed for that point of view, at that point
2 in time, from Superintendent Murray as opposed to your
3 own view?

4 A. The other part I suppose that was discussed was, I
5 suppose, securing good policing in Athlone. That was 11:48
6 certainly a matter that was mentioned, that in relation
7 to ensuring professionalism of policing out in the
8 public, which, I suppose, as managers who are in the
9 station don't have direct oversight of, the only way to
10 ensure that was to make sure that we had confidence in 11:49
11 the people that we were sending out on patrol on a
12 daily basis. That was part of the rationale also in
13 relation to confining Garda Keogh to indoor duties.
14 MR. McGUI NNESS: Thank you, Superintendent Minnock,
15 other parties may have questions. 11:49

16

17 END OF EXAMINATION

18

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

20

11:49

21 SUPERINTENDENT AIDAN MINNOCK WAS CROSS-EXAMINED BY MR.
22 O' BRIEN, AS FOLLOWS:

23

24 192 Q. MR. O' BRIEN: Good morning, superintendent.

25 A. Good morning. Apologies for having my back to you. 11:49

26 193 Q. Just moving back to deal first of all, just very
27 briefly, I know we discussed it in the last module,
28 Liam McHugh, I asked you certain questions in relation
29 to that. Just arising from the evidence that Garda

1 Lyons gave to the Tribunal the other day, just to
2 confirm your view on the report of Garda Lyons when it
3 arrived to you. I know that had you a discussion with
4 Detective Sergeant Curley, you didn't take a note of
5 that discussion, if I recall correctly? 11:50

6 A. That's correct.

7 194 Q. Do I recall correctly as well or would you agree with
8 me, that you're concerned not only with the suggestion
9 that there may have been an allegation of coaching on
10 behalf of Garda Keogh, but also the substance of the 11:50
11 report regarding the bald guard and the allegation of
12 theft, is that right?

13 A. Yes, that's right. And he described the allegation of
14 the theft, so the allegation that was alleged to have
15 happened as the substantive aspect of that. Certainly 11:50
16 from my concern, that was my main concern.

17 195 Q. I see. Without bringing -- I can bring it up on screen
18 but I think we are all familiar with the content of the
19 quote that is contained in the report, if I can put it
20 that way, it relates to the bald guard, as we know? 11:50

21 A. Yes.

22 196 Q. Did you notice that in fact in the report that it was
23 Garda Lyons that suggested Garda Keogh as being that
24 person as opposed to Mr. McHugh indicating that it was
25 Garda Keogh? 11:51

26 A. Em, I can't say I noticed that aspect. But I was
27 familiar with a mention of the bald guard.

28 197 Q. Yes. But that being the case, you didn't consider that
29 it could be somebody other than Garda Keogh, is that

1 right?

2 A. Well, I would say he was the first one to come to mind,
3 given that -- I suppose, nobody else comes to mind, I
4 suppose, in relation to a bald guard.

5 198 Q. I think we went through this a little bit the other 11:51
6 day, there are, you would accept, other bald guards in
7 Athlone?

8 A. Perhaps.

9 199 Q. So it could have potentially been somebody else?
10 A. Absolutely. 11:51

11 200 Q. Just moving on then in relation to -- just deal with
12 the next issue?

13 A. Just to clarify that matter, I think Garda Lyons
14 actually asked --

15 CHAIRMAN: He did. 11:52

16 A. Mr. McHugh --

17 201 Q. CHAIRMAN: Garda Lyons said, do you mean Garda Keogh,
18 and he said yes?

19 MR. O'BRIEN: Yes.

20 A. I think that provided clarity surrounding the fact that 11:52
21 the bald guard was Garda Keogh.

22 202 Q. Exactly. But I suppose, to clarify, that it was at
23 Garda Lyons' instigation --

24 A. Yes.

25 203 Q. -- as opposed to Mr. McHugh saying it was Garda Keogh? 11:52
26 A. I suppose that's back to what I would say about taking
27 witness statements. It's about challenge and
28 clarifying, and when you just let someone make their
29 own -- Mr. McHugh knew he was talking to the bald guard

1 but it required clarification, which Garda Lyons sought
2 and got.

3 204 Q. If we move on to the next issue just regarding the car
4 tax. I think yourself and Garda Keogh through your
5 working relationship together, you had a good working 11:52
6 relationship, is that correct?

7 A. That's correct.

8 205 Q. When you received the information or the request in
9 relation to the car tax, you sent an e-mail to
10 Ms. McGinley of Offaly County Council; isn't that 11:53
11 correct?

12 A. That's correct.

13 206 Q. That e-mail I think is at page 744, but again, we're
14 all familiar with the content of that e-mail?

15 A. Yeah. 11:53

16 207 Q. But you use a particular formula of words, when you say
17 in the e-mail -- if we could just perhaps put that up
18 on the screen, please, Mr. Kavanagh, it's Volume 4,
19 page 744. You say as follows:
20 11:53

21 "I am interested in the class of tax, private or
22 commercial. If taxed as commercial vehicle, I would be
23 looking for a copy of the signed declaration that the
24 vehicle is a goods vehicle and I would appreciate
25 scanned copy of same." 11:53

26 A. That's correct.

27 208 Q. So I would suggest to you that it's Garda Keogh's case,
28 you have heard him say that the reason you were doing
29 this is because you wanted to establish evidence that

1 he signed a false declaration, is that right?

2 A. Absolutely not.

3 209 Q. That was the reason for you looking for a declaration?

4 A. No, absolutely not.

5 210 Q. What was the reason so? 11:54

6 A. Because I was looking for the full file in respect of

7 the matter. So, I don't know Ms. McGinley, I don't

8 know whether she was one day in the job or five days in

9 the job or if she knew the difference between tax

10 classes, between private or commercial. However, I was 11:54

11 familiar with the difference and the distinction

12 between a commercial vehicle and a private vehicle.

13 What should be certified when you get a commercial

14 vehicle taxed, which is not only do you have the RF 100

15 form, you also have a tax -- normally you have a goods 11:54

16 declaration form. So I wanted the entire file and

17 that's what I thought.

18 211 Q. But couldn't she have simply have come back and said

19 it's private or it's goods, full stop, and then you

20 would have had the information that you required? Why 11:54

21 did you need to go one step further and seek a

22 declaration?

23 A. I sought the full file, the full factual situation and

24 I didn't want an e-mail back to say this is the

25 situation or that, I wanted the file, I wanted the 11:55

26 paperwork surrounding it. I am well able to interpret

27 after that myself. So I just looked for the

28 information surrounding it. The declaration I knew

29 should be part of that and that's what I sought. And,

1 in fact, if I can go a step further, I know Garda Keogh
2 has made an allegation that we were seeking the
3 declaration to go after him for fraud, but the reality
4 of the situation was I had got the RF 100B form and if
5 I can refer to page 747, and at the bottom of that 11:55
6 page, which is the form I received, which is signed by
7 Garda Keogh, which says:

8
9 "I declare that the particulars given on this form,
10 including details of insurance are correct and that I 11:55
11 am aware that any person making a false declaration or
12 who fails to provide correct details in relation to
13 motor tax, insurance status or the ownership of a
14 vehicle is committing an offence and is liable to heavy
15 penalties. " 11:56

16
17 That document was returned to me from Ms. McGinley.
18 And if I had any intention of prosecuting or dealing
19 with Garda Keogh in respect of a declaration or making
20 a false declaration, I had that. 11:56

21 212 Q. But isn't that the same basis upon which he always
22 taxed his vehicle since he bought it, you would accept
23 that?

24 A. It didn't change the fact that he could be prosecuted
25 under that declaration. 11:56

26 213 Q. If you had a close relationship with Garda Keogh at
27 work --

28 A. Yes.

29 214 Q. -- why did you not simply say to him, and you were

1 concerned with the tax classification, Nick, there's an
2 issue with your car tax, sort it out?

3 A. But I didn't know there was an issue with Garda Keogh's
4 car tax.

5 215 Q. But when it came down to you, when you saw this, when 11:56
6 you got the file, as it were, from Ms. McGinley, why
7 did you not mention it to him?

8 A. At this stage the matter had escalated to the district
9 officer. It wasn't for me to usurp the district
10 officer's decision on this matter. In fact, the 11:57
11 district officer took the very same approach; he went
12 to Garda Keogh and asked him to rectify his tax, get
13 the matter in order and he'd deal with it
14 appropriately.

15 216 Q. Isn't there a second form, I suppose, a tax form, 11:57
16 that's used regarding business that is not a part of
17 this? Is there another form, let's say, for a
18 commercial goods vehicle outside of the one that's on
19 the screen?

20 A. Yes. 11:57

21 217 Q. A goods only declaration, I think it's called?

22 A. Exactly. That's what I am referring to, the signed
23 declaration that it is a goods vehicle. That is what I
24 sought. So, the normal file for a goods vehicle has
25 two forms attached to it, I knew that, I wasn't sure if 11:58
26 Ms. McGinley would know that, but I knew that and
27 that's what I sought, the RF 100. And it actually
28 appears that the person who taxed Garda Keogh's vehicle
29 didn't know that because they didn't have it on the

1 file.

2

3 Can I also state that in relation to, I suppose, the
4 guard that was mentioned yesterday, Garda C, is a guard
5 who I have a good relationship with, still have a good 11:58
6 relationship with but when I discovered his car was out
7 of tax, I prosecuted him by way of FCPS and I dealt
8 with him by way of regulation 10 and I continue to have
9 a good relationship with him. But I had to deal with
10 that matter because it presented to me. 11:58

11 218 Q. But the second declaration, as I just referred to, I
12 think it's called an RF 11A declaration, he didn't make
13 that declaration, isn't that correct, as far as you're
14 concerned?

15 A. I don't believe he did. It certainly wasn't on the tax 11:58
16 file. But he also made a further declaration on a
17 number of occasions when he taxed his vehicle, which is
18 that he certified -- it's on page 730, which is an
19 application for permission to use his private vehicle
20 on duty. And in those declarations, he made a 11:59
21 declaration, in the middle of that page, 730, he made a
22 declaration that he certified that he had comprehensive
23 policy insurance effective from the period to period
24 and "My vehicle is properly taxed." And he made a
25 number of those declarations. I fully refute the fact 11:59
26 that I or Superintendent Murray were seeking
27 declarations, in fact we had many of them.

28 219 Q. Moving on to deal with the issue, which is that of
29 excessive supervision. I'm not sure if you were here

1 for the evidence of Sergeant Martin?

2 A. No.

3 220 Q. Are you or were you at the time Sergeant Martin's line
4 manager? Or do you ever recall having a conversation
5 with Sergeant Martin about her becoming a liaison 12:00
6 person for Garda Keogh?

7 A. Not directly with Sergeant Martin that I can recall but
8 we would have been familiar with each other's roles.
9 Sergeant Martin was certainly familiar with the fact I
10 was a liaison person to Garda Keogh and she was there 12:00
11 as a welfare support if that was required.

12 221 Q. Sergeant Martin told the Tribunal, told the Chairman
13 yesterday that she never had a conversation with Garda
14 Keogh just in relation to her role, she was anxious to
15 give him some space? 12:00

16 A. Yes.

17 222 Q. And not to intrude upon him. But, I suppose, in
18 circumstances where Sergeant Haran, whom Garda Keogh
19 had enjoyed a good professional relationship, had I
20 suppose withdrawn from that role as liaison person, and 12:00
21 Sergeant Martin, a new person that has come in,
22 together with Sergeants Moylan and Monaghan, was now
23 going to supervise Garda Keogh. Would you accept that
24 from Garda Keogh's perspective that he saw this as
25 excessive, being excessively supervised, at the 12:01
26 direction of Superintendent Murray?

27 A. Absolutely not, I wouldn't agree with most of that
28 statement.

29 223 Q. Or that it was, in fact, the intention of

1 Superintendent Murray that three sergeants would
2 supervise him, that was never actually borne out on the
3 ground, as it were. Would you accept that?
4 CHAIRMAN: I don't like to interrupt, Mr. O'Brien, but
5 that is not Sergeant Martin's evidence. She never said 12:01
6 that she was instructed to supervise him. You are
7 absolutely right, that was said originally. She was to
8 be the liaison in place of Sergeant Haran and she did
9 say that she had not approached him and told him that.
10 MR. O'BRIEN: Yes. 12:01
11 CHAIRMAN: Believing, rightly or wrongly, that Sergeant
12 Haran had communicated that. So you are absolutely
13 right in saying -- and you quizzed her about that as
14 far as I recall, to say that she hadn't actually gone
15 near him. And we know that about that. 12:02
16 MR. O'BRIEN: Yes.
17 CHAIRMAN: So it wasn't the case that three sergeants
18 were deputed, on the evidence.
19 MR. O'BRIEN: Yes.
20 CHAIRMAN: I mean this is now -- 12:02
21 MR. O'BRIEN: My question could have been clearer,
22 apologies.
23 CHAIRMAN: What Garda Keogh may have perceived may be
24 something different, I appreciate that.
25 224 Q. MR. O'BRIEN: I am putting to Inspector Minnock that 12:02
26 these sergeants were to supervise him, would you accept
27 that?
28 A. No, absolutely not. Because I think the communication
29 was very clear, that Sergeant Martin was merely there

1 as a support role. If there was any oppressive
2 supervision by Sergeant Martin, certainly Garda Keogh
3 didn't seem to see it or find it because he has
4 indicated that he had no interaction with Sergeant
5 Martin.

12:02

6 225 Q. Can I just move on to deal with the next issue, which
7 is confinement to indoor duty? This, as we know, took
8 place in late 2015. I think it's common case
9 essentially that since the arrival of Superintendent
10 Murray in March 2015 there had been a number of
11 incidents regarding Garda Keogh. So, first of all we
12 had the issue of him being disciplined in respect of
13 the car tax issue, isn't that correct?

12:03

14 A. Yes.

15 226 Q. Sorry, shortly after Superintendent Murray's arrival?

12:03

16 A. Yes.

17 227 Q. In the summer then we had an issue regarding the AWOL,
18 him being absent without leave, isn't that right?

19 A. That's correct.

20 228 Q. And then in the summer months, in the late summer
21 months there were a number of criticisms in relation to
22 his investigation files, isn't that correct?

12:03

23 A. Yes.

24 229 Q. So Garda Keogh, it would be fair to say, I suppose, was
25 cropping up on a regular basis within the -- being
26 brought to the attention of the management, isn't that
27 correct?

12:03

28 A. Yeah, it appears that at that stage perhaps his
29 condition impacted his work.

1 230 Q. I see. You have heard Garda Keogh's evidence,
2 essentially that this position in the station was the
3 most stressful job in the station?
4 A. Yes.

5 231 Q. It is his case, and I suggest to you, that he was put 12:04
6 there with a view to targeting him, so that he could
7 take it no more and would have to leave. Would you
8 accept that?
9 A. No, I would refute that.

10 232 Q. Just to move on then again, I just want to deal very 12:04
11 briefly with the service of the Tribunal order.
12 Mr. McGuinness went through this with you in some
13 detail?
14 A. Yes.

15 233 Q. I think it's dealt with at 692 onwards of your 12:04
16 statement. You did serve the order, you say, on the
17 20th March, isn't that correct?
18 CHAIRMAN: The 21st.
19 A. The 21st, if I am not mistaken.

20 234 Q. MR. O'BRIEN: Sorry, the 21st March, my apologies. You 12:05
21 had attempted to serve it on the 20th and you were
22 unsuccessful in that attempt.
23 A. That's correct. A number of occasions actually I was
24 unsuccessful.

25 235 Q. So you had been given the order or designated with the 12:05
26 order on the 6th March; is that right?
27 A. That's correct.

28 236 Q. How much times had you endeavour to serve it between
29 the 6th and the 21st?

1 A. I can't specifically say, to be honest. I used to be
2 able to divert on my way home and go by Garda Keogh's
3 house. So I can't specifically say. Definitely a
4 number of evenings I had rang -- I had passed by his
5 house and called to serve it. It wasn't something I 12:05
6 needed -- I didn't continuously chase him down on the
7 phone. I knew that I needed to serve the order, I was
8 looking for personal service. I didn't get that
9 eventually, but that's what was I was hoping to do, and
10 call into Garda Keogh as well. So I can't recall 12:06
11 exactly how many times.

12 237 Q. Had you phoned him between the 6th and the 20th?
13 A. I'm not sure. I think I had tried him but...

14 238 Q. You did get him I think on the 20th?
15 A. I did, I did. 12:06

16 239 Q. Was it not possible to simply to say to him, look, I
17 will leave the order through your letter box?
18 A. Well that's what I did on the 21st. We did that by
19 agreement on the 21st.

20 240 Q. So you do accept there was a delay in serving him? 12:06
21 A. I do. The delay was between the 6th and the 21st, but
22 certainly not intentional. I did my best, I called a
23 number of occasions, he wasn't there.

24 241 Q. Was there anything stopping you from putting it through
25 the letter box, for example, at an earlier stage and 12:06
26 trying to leave a message for Garda Keogh to that
27 effect?
28 A. Well, I was looking for personal service, to be honest,
29 that's kind of -- and I think, if I am not mistaken,

1 the minute that came to me was to serve it on Garda
2 Keogh. I suppose in my experience, certainly throwing
3 it in the letter box is not good service and I was
4 looking to give it to Garda Keogh.

5 242 Q. Thank you. Could you I ask you then, just 12:07
6 Mr. McGuinness again asked you just some questions in
7 relation to the bullying and harassment complaint of
8 Garda Keogh. If we could have volume 37, please,
9 Mr. Kavanagh, at page 10404. Can I ask you some
10 background questions first of all, inspector? 12:07

11 A. Thanks.

12 243 Q. 10404, thanks. Can I ask you first of all, how did you
13 become aware that Garda Keogh had made a complaint
14 under the bullying and harassment policy, do you
15 recall? 12:08

16 A. I don't recall. It certainly was communicated to me by
17 e-mail from Assistant Commissioner Finn, and I did get
18 a phone call from Chief Superintendent Myers in
19 relation to the matter.

20 244 Q. I see. 12:08

21 A. I possibly was also informed at some point by the
22 persons who were subjects to the complaint, of which I
23 wasn't one of them.

24 245 Q. Did you have any conversation, for example, with
25 Superintendent Murray in relation to the bullying and 12:08
26 harassment complaint when you received that
27 communication from Assistant Commissioner Finn?

28 A. I can't remember specifically any specific
29 conversation, but we may have spoke at some point about

1 it.

2 246 Q. I see. Just the document there at page 10404, that is
3 a letter, a draft, sorry, apologies, it's a draft
4 letter I think that you had prepared. If you just
5 scroll up just a little bit up the letter, to page 12:09
6 10402. It's a draft letter, you will see the
7 handwriting. Is that your writing on the top
8 right-hand?

9 A. "Draft" yes.

10 247 Q. I think it's dated 23rd January 2018; is that correct? 12:09

11 A. Yes.

12 248 Q. This is your draft response, I should say, to Assistant
13 Commissioner Finn's bullying and harassment
14 investigation?

15 A. Yes. 12:09

16 249 Q. Could I ask you then just to move down to page 10404,
17 the last bullet point there. This seems to address
18 both the assault and the robbery case in early 2015,
19 isn't that correct.

20 A. Yes. 12:09

21 250 Q. So it's internal page 3 of your letter, so it's page
22 10404?

23 A. Yes.

24 251 Q. It says in the second sentence, sorry, the third
25 sentence down: 12:09
26
27 "Garda Keogh had a vital role in the preservation of
28 evidence in this case but his evidence was not required
29 in court as the offender pleaded guilty in the Circuit

1 Court. This indeed was a very successful case."
2
3 That's what you write in your draft.
4 A. Yes.
5 252 Q. If I can ask you to move down to page 10489, please? 12:10
6 A. Yes.
7 253 Q. I think this is a letter that's addressed to Chief
8 Superintendent Myers, which is your formal response, I
9 think?
10 A. Yes. 12:10
11 254 Q. If you look to -- it's dated the 5th -- sorry, again
12 this is a draft letter. Apologies, the actual letter
13 is on page 10496. It's the letter that Mr. McGuinness
14 referred to earlier and it's dated the 6th April. If
15 you look to point 17 of that letter, which is at page 12:11
16 10498, please. That point again deals with what we
17 were dealing with previously in your draft, the
18 stabbing of a taxi driver, the robbery?
19 A. Yes.
20 255 Q. Isn't that right? 12:11
21 A. Yes.
22 256 Q. But you will see and you will agree with me that it's
23 absent the words that Garda Keogh played a vital role
24 in the preservation of the evidence in that case, isn't
25 that right? 12:11
26 A. Yes, yes.
27 257 Q. Why did you change from the draft to the letter that
28 you submitted, when -- in fact, I suggest to you, your
29 draft is, I suppose, crediting of Garda Keogh's

1 performance in the investigation, would you accept
2 that?

3 A. Yes.

4 258 Q. He played a vital role?

5 A. Yeah, and I agree with that. 12:12

6 259 Q. why then did you leave that out, as it were, of the
7 formal response? was it to discredit Garda Keogh?

8 A. Absolutely not, I didn't discredit him in any way in my
9 points on my final report.

10 260 Q. But, I mean, from Garda Keogh's perspective it's quite 12:12
11 a swing from something that was, I suppose, very
12 positive in his performance within that investigation,
13 to something that can be described perhaps as just
14 neutral in the formal response?

15 A. I don't -- it's certainly in no way to discredit Garda 12:12
16 Keogh. My final report doesn't go any way towards
17 trying to discredit Garda Keogh. Garda Keogh's role in
18 preserving the scene is a vital role, because without
19 preserving evidence --

20 261 Q. why did you not give him that credit then in the formal 12:13
21 response, why did you remove those words?

22 A. Because I addressed the points that were raised with
23 me, I believe. I'd say if you look at the two reports
24 across the entirety, they are quite different. I
25 suppose certainly the last report seems to be succinct, 12:13
26 addressing the particular points, whereas the first
27 draft is just, I suppose, more, let's say, all the
28 thoughts I had in respect of the matters documented in
29 that.

1 262 Q. I mean, between the preparation of the draft report and
2 you finalising your formal response --

3 A. Yes.

4 263 Q. -- did you discuss the content of your draft with
5 anybody else? 12:13

6 A. I don't believe I did. Because at that time, in April
7 '18, I was district officer in Trim Garda station and
8 prepared all of those on my own without consultation
9 with anybody. I wasn't in consultation with anyone.
10 Look, those were done when I am in Trim district, 12:14
11 subject to trying to address queries that were coming
12 from Chief Superintendent Myers.

13 264 Q. would you accept that, I suppose, the consequence of
14 omitting the use of those words or describing his vital
15 role would lead the reader to believe that he had a 12:14
16 lesser role than he actually had in the investigation?

17 A. well, I suppose --

18 265 Q. That it was toned down and that it didn't credit him in
19 any way?

20 A. well, I didn't want to -- like, I suppose part of it 12:14
21 would have been that I didn't want to mislead the
22 reader by indicating that it was my view that Garda
23 Keogh deserved or warranted a commendation for that
24 matter. And I hold a view he didn't. So I suppose my
25 final report is the final report. Like a lot of 12:14
26 reports that I did in respect of this, and disclosed to
27 the Tribunal, if I had prepared drafts or unsigned
28 drafts, I submitted every one of them as part of my
29 disclosure.

1 266 Q. Just finally in relation to the bullying and harassment
2 complaint, did you ever meet with Chief Superintendent
3 Myers yourself?
4 A. Em...

5 267 Q. Do you recall? 12:15
6 A. I...

7 268 Q. Following --
8 A. Yeah.

9 269 Q. You sent your response in on the 8th April?
10 A. I met him at some stage, but I believe it was prior to 12:15
11 submitting my response.

12 270 Q. Was it for the purpose of the investigation?
13 A. Exactly.

14 271 Q. Do you recall where you met him?
15 A. I don't. I know I met him at one point. I think it 12:15
16 could have been in Athlone, but I cannot be -- I'm not
17 too sure.

18 272 Q. Would you have made or did you make a note of the
19 meeting, just given the context of what you were
20 meeting him about? 12:16
21 A. No, it would have been -- I have no doubt that he would
22 have sent me an e-mail in respect of the content of
23 that conversation, so it was merely just, I'm going to
24 need a statement from you in respect of this matter,
25 which I assisted in the investigation. I suppose a 12:16
26 courtesy call is really what it was.

27 273 Q. When you met him was there a formal interview, as it
28 were?
29 A. No.

1 274 Q. where he put questions to you?
2 A. No.
3 275 Q. No. when you submitted your report to him, did you
4 ever have any follow up on the content -- sorry, when
5 you submitted your letter there from the 6th April, did 12:16
6 you ever have any follow up from Assistant Commissioner
7 Finn or either Inspector Brown or Chief Superintendent
8 Myers regarding the content of your letter?
9 A. No.
10 MR. O'BRIEN: I don't have any further questions, thank 12:16
11 you.
12
13 END OF EXAMINATION
14
15 CHAIRMAN: Thanks very much. Now, yes, has anybody any 12:16
16 questions? Yes, Ms. O'Rourke? Sorry, Mr. Power.
17 MR. POWER: If Ms. O'Rourke wants to go first.
18 MS. O'ROURKE: Yes, Chairperson, I have two brief
19 matters to raise.
20 CHAIRMAN: All right. well, is it okay, Mr. Power, if 12:17
21 Ms. O'Rourke goes first and then I will come back to
22 you?
23 MR. POWER: Certainly.
24 CHAIRMAN: Very good.
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29 SUPERINTENDENT AIDAN MINNOCK WAS CROSS-EXAMINED BY MS.

1 O' ROURKE, AS FOLLOWS:

2
3 276 Q. MS. O' ROURKE: Superintendent Minnock, I appear on
4 behalf of Inspector Farrell and Sergeant Lyons. I
5 wonder could document 782 be brought up. It's a note 12:17
6 of a meeting I think that you had with Garda Keogh on
7 24th May 2016. If we could just scroll to the bottom I
8 think of that page, Mr. Kavanagh. It just identifies,
9 it's 24th May 2016, it's at 5:45, that you called to
10 the house of Mr. Keogh, or Garda Keogh, you identify 12:17
11 how he appeared to you at that stage. I wonder if you
12 would turn over the page to 783, Mr. Kavanagh. And
13 just about five lines from the bottom of the first
14 paragraph, there's a sentence saying -- first of all,
15 do you recall this conversation, Superintendent 12:18
16 Minnock? I think you attended at Garda Keogh's home.
17 There was somebody present there, his mother was there.

18 A. Yeah. I remember it distinctly, yes.

19 277 Q. Towards the end of that first paragraph, you have noted
20 that: 12:18

21
22 "He said he was okay and he no issue with me or
23 Nicholas Farrell."

24
25 Do you recall -- 12:18

26 A. I do.

27 278 Q. -- Garda Keogh indicating he had no issue with
28 Inspector Farrell?

29 A. I do, indeed. He asked me to relay that, that he had

1 no issue with Inspector Farrell.

2 279 Q. I think he asked you to apologise to Nicholas and say
3 he had no issue with Inspector Farrell?

4 A. Yes, that's correct.

5 280 Q. Thank you. Then just arising out of Mr. O'Brien's 12:18
6 examination today, I think you confirmed to
7 Mr. O'Brien's that Sergeant Lyons' inquiry to
8 Mr. McHugh in relation to the identity of the bald
9 guard was an appropriate inquiry to make, is that
10 right? 12:19

11 A. Absolutely.

12 281 Q. I think Mr. McGuinness has asked you in respect of
13 various notes of conversations that you had with Garda
14 Greene, I think you confirmed that that's what Garda
15 Greene told you, but can I take it that the notes that 12:19
16 you took of your conversations with Garda Greene,
17 including the conversation in which you gave evidence
18 of on Day 122, at page 62, where Garda Greene told you
19 that Nick -- and that can be brought up on the screen,
20 it's Day 122, page 62: 12:19

21

22 "Nick said he wasn't happy with Lyons and Curley and
23 what they've said after he got disclosure. He seemed
24 to suggest he was going after them."

25 12:19

26 That is a correct record of your conversation with
27 Garda Greene, is that correct?

28 A. That's correct.

29 MS. O'ROURKE: I have no further questions.

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END OF EXAMINATION

CHAIRMAN: Now, Mr. Power.

12:19

SUPERINTENDENT AIDAN MINNOCK WAS THEN CROSS-EXAMINED BY MR. POWER AS FOLLOWS:

282 Q. MR. POWER: Thank you, Chairman. Superintendent Minnock, I wish to deal with issue 4 and that's the issue surrounding the provision of a statement or acquiring a statement from Liam McHugh. So, I think in relation to that you spoke to Sergeant Curley on the 8th July 2014, do you recall that? 12:20

A. Yes. 12:20

283 Q. Yes. I think at that stage there had been two reminders already from Superintendent McBrien about getting a statement from Liam McHugh, is that correct? There was one on the 9th June and the 23rd June.

A. I am aware of that now. 12:20

284 Q. Yes. I think you were aware at the time, is that right?

A. That's correct.

285 Q. I think you discussed with him the issue again of getting a statement from Liam McHugh, is that right? 12:20

A. No, he discussed it with me.

286 Q. He discussed it with you. You both had a discussion with each other about that?

A. That's correct.

1 287 Q. I think you said yesterday that you weren't updated on
2 what steps had been taken, is that right? You weren't
3 told anything about Garda Tom Higgins?
4 A. No. D/Sergeant Curley, I believe the purpose of his
5 conversation with me was to alert me to the fact that 12:21
6 he was uncomfortable with the fact that he was assigned
7 to take this.
8 288 Q. I see. But there was no update at all given to you on
9 what steps had been taken so far, is that right?
10 A. That's right. 12:21
11 289 Q. Does that not seem very odd, that if he wished to speak
12 to you about this issue and about the taking of a
13 statement -- or sorry, about his concerns that he had
14 about taking a statement personally, there wouldn't
15 then be any discussion about what has happened, what 12:21
16 steps have been taken. Does that not strike you as
17 odd, there was no discussion about that?
18 A. No.
19 290 Q. No. Is it fair to say and I think this might seem a
20 very basic question, is it fair to say that the first 12:21
21 important task in any investigation would be the taking
22 of a statement, isn't that right?
23 A. Yes.
24 291 Q. This again may seem a very basic question, but the
25 person doing that is, I suppose, progressing the 12:21
26 investigation or conducting the investigation while he
27 is taking a statement, isn't that fair to say?
28 A. No.
29 292 Q. That's not fair to say?

1 A. No.

2 293 Q. So a person who is taking a statement from a
3 complainant in an investigation, where the taking of a
4 statement is the first important step in the
5 investigation, they're not actually conducting the 12:22
6 investigation?

7 A. That's correct.

8 294 Q. I find that a little hard to understand.

9 A. I will explain it a bit more so. If I am appointed
10 senior investigating officer to an investigation, I am 12:22
11 at investigating officer and I hold a meeting and at
12 that meeting I designate people to take statements as
13 part of the investigation. The conference would
14 indicate what those statements should try to glean but,
15 of course, you don't know what information the person 12:22
16 has or the witness has to offer, but you designate
17 people to make statements.

18 295 Q. I see.

19 A. And they would submit the statements in to the
20 investigating officer and then, of course, the 12:22
21 investigation takes its course based on the evidence as
22 presented in those statements, and so it goes.

23 296 Q. Can I just ask a question in relation to that? You say
24 investigating officer, and we have heard a lot about
25 Pulse or Pulse entries where there is an investigating 12:23
26 member?

27 A. Exactly.

28 297 Q. Isn't it likely that if someone took a statement from a
29 complainant and they were the first person to do that,

1 they could find themselves on Pulse for some time as an
2 investigating member. It might be changed
3 subsequently, but they could find themselves as the
4 investigating member if they were to take a statement?
5 A. They could on a -- I suppose an a minor incident you 12:23
6 could certainly find yourself.
7 298 Q. Yes.
8 A. But not something of this nature.
9 299 Q. No, because it's so serious?
10 A. Exactly. Exactly. 12:23
11 300 Q. Doesn't that make it very odd then that there is no
12 notes from Garda Higgins in relation to any attempts he
13 made to take a statement. Does that strike you as odd,
14 that it was so important, he didn't take a note saying,
15 statement refused and give the date? 12:23
16 A. It certainly doesn't strike me as any way odd in
17 respect of Garda Higgins. Garda Higgins wouldn't be
18 known for his --
19 301 Q. And --
20 CHAIRMAN: Sorry, go on. 12:23
21 A. Garda Higgins wouldn't be known for his good paperwork.
22 CHAIRMAN: Okay.
23 302 Q. MR. O'BRIEN: Can I move back to your discussion then?
24 So, you certainly had reservations about gardaí in
25 Athlone investigating one other, isn't that fair to 12:24
26 say?
27 A. I did.
28 303 Q. And I think quite properly. I think it's to some
29 extent Garda policy that gardaí shouldn't investigate

1 each other in the same station, is that fair to say?

2 A. Yes.

3 304 Q. Yes. I think that's why you had those reservations?

4 A. Yes.

5 305 Q. I think you would have obviously voiced those concerns 12:24
6 to Sergeant Curley, is that fair to say?

7 A. Yes, but not very vocally.

8 306 Q. You voiced them but not very vocally. Did you tell him
9 that you were concerned about gardaí in Athlone
10 investigating each other and that it shouldn't be done? 12:24

11 A. Well, I didn't say that specifically, but I gave a
12 clear indication to D/Sergeant Curley that I agreed
13 with his sentiments regarding --

14 CHAIRMAN: Only more so?

15 A. But I suppose when I wrote to the superintendent I 12:24
16 doubled up on it.

17 307 Q. MR. POWER: Can I ask you then, I think the Chairman
18 made an important interjection, it was more than just
19 Sergeant Curley's concerns, because initially his
20 concern was that he personally knew Liam McHugh. Your 12:25
21 concerns went much further, they were that no one in
22 Athlone should be investigating this Liam McHugh issue;
23 isn't that right.

24 A. That was my view.

25 308 Q. Yes. And it's certainly not the case that he would 12:25
26 have come away from that meeting not knowing that was
27 your view?

28 A. I suppose I didn't give a very clear indication to the
29 D/Sergeant from that meeting because I didn't want to

1 undermine the superintendent, who had give an
2 instruction to the D/Sergeant to do the inquiry.

3 309 Q. I think --

4 A. So I merely -- I suppose I did agree and gave a clear
5 indication that I agreed with what he was bringing to 12:25
6 me, that he wasn't the appropriate person.

7 310 Q. Can I ask, yesterday I think you said that you left him
8 with the impression that he shouldn't continue his
9 inquiries. Are you saying you left him with the
10 impression as well that you didn't think there was 12:25
11 anything wrong in that?

12 A. No, I left him with the impression that I agreed with
13 him, but I didn't change or alter the direction of the
14 superintendent.

15 311 Q. Sorry, can we just be clear. When you say you left him 12:26
16 with the impression you agreed with him, his concern
17 initially was that he personally knew Liam McHugh?

18 A. Yes.

19 312 Q. I think we're all agreed that you left him with the
20 impression you agreed with him on that? 12:26

21 A. Yes.

22 313 Q. You went further than that though, didn't you? Did you
23 also leave him with the impression that no one in
24 Athlone -- that your view was that no one in Athlone
25 should be investigating this, no one in Athlone should 12:26
26 be taking statements from Liam McHugh?

27 A. I don't believe I left him with that impression. I
28 just merely --

29 314 Q. Can I just ask --

1 CHAIRMAN: Sorry, let him know.

2 MR. POWER: I am sorry, Chairman. Yes. I am sorry,

3 did you want to say something?

4 A. No, it's okay.

5 315 Q. I don't know, can we bring up Day 128, and can we bring 12:26

6 up page 186. You see at line 10, I had just asked a

7 question of Sergeant Curley and he has given his answer

8 and he says:

9

10 "Well, up until the point that, I suppose, I had spoken 12:27

11 to Inspector Minnock on it. And Inspector Minnock, I

12 got the impression, having spoken to him on the 8th

13 July, that he was of the impression that irregardless

14 of my personal knowledge of Liam McHugh that he

15 shouldn't even have come to me regardless of my 12:27

16 personal knowledge of him. I suppose it was at that

17 point that I considered the inappropriateness of

18 someone assigned to the drugs or detective branch being

19 assigned to it at all and that is why I reported back

20 on it. But up to that point --" then I say 12:27

21

22 "Can I ask --

23 A. Yes.

24 Q. -- did you understand the reason behind those

25 reservations that Inspector Minnock had?

26 A. Independence and impartiality. I understand, yes."

27

28 so it's clear that you did leave him with the

29 impression that Athlone gardaí shouldn't be

1 investigating it.

2 A. Yes.

3 316 Q. I think the upshot of your meeting was --

4 A. If I can just, I suppose, be clear, I certainly didn't
5 want to give Inspector Curley the impression that I was 12:28
6 telling him not to proceed, because that would be
7 undermining the superintendent. Just that's... I did
8 give him the impression of what my view on the matter
9 was, but I didn't, I suppose, tell him not to progress
10 it, because it wasn't for me to do that. 12:28

11 317 Q. Can I take it that the upshot of your meeting was that
12 in fact you took over the file from Sergeant Curley is;
13 that correct?

14 A. No.

15 318 Q. No. Can we have your statement put up, please, I think 12:28
16 it's page -- just bear with me, I will get the page
17 number, 687. If we just scroll down. Do you see the
18 large paragraph there, the last one on the screen,
19 about midway through.

20 12:29

21 "Detective Sergeant Curley outlined that he was asked
22 to take a statement from Liam McHugh but due to the
23 fact that he knew Liam McHugh, he felt he was not the
24 appropriate person to take the statement. I agreed
25 with D/Sergeant Curley. I asked that he would return 12:29
26 to the file to me and I would write on the file to
27 Superintendent McBrien."

28

29 So, is that incorrect then, he didn't return the file

1 to you?

2 A. That's correct.

3 319 Q. So you're incorrect in your statement there?

4 A. "I asked that he would return the file to me and I
5 would write on the file. Having examined the file --" 12:29
6
7 which at that point was, as far as I was concerned,
8 merely a report from Garda Lyons outlining his
9 interaction with Mr. Liam McHugh.

10 320 Q. Sorry, what I am asking, maybe I wasn't clear, so he 12:30
11 did return the file to you?

12 A. No, I obtained the file or I obtained the report from
13 D/Sergeant -- well, I obtained the report that Garda
14 Lyons had submitted to Liam McHugh.

15 321 Q. I understand. 12:30

16 A. In order to allow me prepare my minute of the 8th July.

17 322 Q. I understand. But can I just ask, when you say in your
18 statement "he returned the file to me", what do you
19 mean by that?

20 A. I asked that he would return the file to me, that's 12:30
21 what I did ask at the meeting, but it didn't happen.

22 323 Q. Okay. You asked for the file and he didn't give it to
23 you?

24 A. Yes.

25 324 Q. why did he refuse to give you the file? 12:30

26 A. He didn't refuse. I obtained what I needed to write my
27 minute up to the super, which was the report from Garda
28 Lyons, which was the current position at that time.

29 325 Q. So you asked Sergeant Curley, will you return the file

1 to me, and he just ignored you, he didn't give you the
2 file?

3 A. Well, it appears that things transpired quickly after
4 that.

5 326 Q. Does it not appear that you did get the file and you 12:31
6 did write back to Superintendent McBrien, because we
7 have here what you wrote on the 8th July?

8 A. It's actually very clear I didn't.

9 327 Q. Yes.

10 A. Because D/Sergeant Curley in that event -- in order for 12:31
11 me to accept the file from D/Sergeant Curley, he would
12 have had to write a minute to me to say, further to our
13 discussion on such a date, I now attach the file and
14 perhaps you may forward it to the superintendent. But
15 he didn't. It's very clear that this file is sent from 12:31
16 him back to the superintendent. So it's very clear I
17 didn't get the file.

18 328 Q. Can we have, I think it's volume 4, page 808, on the
19 screen please? So I think that was what you sent to
20 the superintendent in Athlone, Superintendent McBrien? 12:32

21 A. Superintendent. And the reality is, that if I had the
22 file at that point I would have referred to it in my
23 minute, but I didn't.

24 329 Q. You would have said, I have the file?

25 A. I would have said, attach file. 12:32

26 330 Q. Okay.

27 A. Reference to above and attached file, I believe.

28 331 Q. Anyway, I think, are we clear on the sequence, that you
29 had your meeting with Sergeant Curley, I don't think --

1 you didn't meet Garda Tom Higgins at any stage?

2 A. No.

3 332 Q. You weren't a party to any of those discussions, no?

4 A. That's correct.

5 333 Q. Okay. You had your meeting with Sergeant Curley? 12:32

6 A. And I suppose --

7 334 Q. Time had passed from the initial request from

8 Superintendent McBrien at that stage, you have your

9 meeting, you have perfectly reasonable concerns about

10 gardaí in Athlone investigating each other, you say you 12:32

11 will write to Superintendent McBrien and you do that,

12 isn't that right?

13 A. Yes.

14 335 Q. You say you will get a phone number and you will give

15 it to the Galway team, you say that in the last line 12:33

16 there, is that right?

17 A. Yes.

18 336 Q. And I think the very next day Garda Higgins, according

19 to Sergeant Curley, meets Liam McHugh. There is a

20 dispute about what happened. But Garda Higgins says he 12:33

21 got a phone number and passed it to Sergeant Curley.

22 That certainly fits logically, doesn't it?

23 CHAIRMAN: well that is a matter for me.

24 MR. POWER: Very well, Chairman, I am sorry.

25 CHAIRMAN: Mr. Power, what difference does it make what 12:33

26 the witness says? Suppose he says it does fit

27 logically -- sorry, with all respect to everybody.

28 Suppose he says, yes, it does fit logically and I write

29 down it does fit logically, supposing he says it

1 doesn't fit logically and I write down it doesn't, it
2 doesn't make any difference.

3 MR. POWER: Certainly, Chairman.

4 CHAIRMAN: It's a perfectly legitimate point that you
5 make but it's not a matter of evidence, of fact and 12:33
6 he's not giving expert evidence on logic.

7 MR. POWER: No, no, I understand.

8 CHAIRMAN: Sorry to be pedantic on the subject,
9 Mr. Power.

10 337 Q. MR. POWER: I suppose I am suggesting to you, and 12:34
11 again, maybe you can't know because you didn't speak to
12 Garda Higgins.

13 A. Yes.

14 338 Q. I am suggesting to you that Garda Higgins' account is
15 correct? 12:34

16 A. Well, I'm not going to --

17 339 Q. You can't say?

18 A. Yeah. To be fair to Garda Higgins, I suppose, in
19 relation to assigning him that duty in relation to
20 talking to Liam McHugh, he is certainly the right 12:34
21 person to do that because in relation to sourcing
22 contacts, having local knowledge, having good contacts
23 on the ground, that would be certainly a strength of
24 Garda Higgins.

25 MR. POWER: Thanks very much. 12:34

26

27 END OF EXAMINATION

28

29 CHAIRMAN: Now, does anybody else have any questions?

1 Mr. McGuinness, have you any -- I'm sorry, Mr. Murphy.
2 MR. MURPHY: Please, Chairman, if I might, thank you.

3
4 SUPERINTENDENT AIDAN MINNOCK WAS EXAMINED BY MR.
5 MURPHY, AS FOLLOWS:

12:34

6
7 340 Q. MR. MURPHY: Superintendent Minnock, can I just take
8 you back please to your statement in the course of the
9 -- volume 4, and in particular could I ask that you be
10 taken to page 692 please. This deals with the issue of 12:35
11 the service of the Tribunal order. Just very briefly
12 on this point?

13 A. Yes.

14 341 Q. You dealt with a number of questions concerning it and
15 I don't propose to trespass on that territory. But can 12:35
16 I ask you just to look at the fourth last line. You
17 refer to the fact you phoned Garda Keogh and agreed to
18 leave the order in the post at his house?

19 A. That's correct.

20 342 Q. I think you also record there the words "He stated he 12:35
21 was familiar with it"?

22 A. Yes.

23 343 Q. Were those the words he spoke to you?

24 A. I think his words, and I have them documented in my
25 diary entry of the date, is, 'I know all about it'. 12:35

26 344 Q. Very good?

27 A. I suppose in relation to the matter. I suppose I was
28 aware of what the contents of the order was and the
29 significance of it in respect of Garda Keogh.

1 345 Q. Yes.

2 A. Or lack thereof. And I certainly did my best to serve
3 it as expeditiously as possible on Garda Keogh and
4 wasn't trying to delay it in any respect.

5 346 Q. I think you were asked by Mr. McGuinness about the 12:36
6 interviews which you gave to the Ó Cualáin
7 investigation and which took place in Athlone?

8 A. Yes.

9 347 Q. I think you indicated in your response to him that you
10 effectively had asked to be interviewed there? 12:36

11 A. Yes.

12 348 Q. Can you tell the Chairman, what was the reason for that
13 request?

14 A. Well I know in respect of some of the matters that I
15 was interviewed about, I had to actually seek court 12:36
16 files and I was able to go, obtain the court file and
17 prepare my statement in a factual way as a result of
18 that. And also, I know in respect of the other
19 matters, having diaries in relation to days you were
20 working, other records in the station, and access to 12:37
21 Pulse, it was certainly very convenient in making my
22 statements and that was something that I had requested.

23 349 Q. Very good.

24 350 Q. CHAIRMAN: But it did seem convenient for you,
25 superintendent. 12:37

26 A. Yes.

27 351 Q. CHAIRMAN: Because you had an office?

28 A. Well I was an inspector at the time.

29 352 Q. CHAIRMAN: Exactly.

1 A. I did have an office.

2 353 Q. CHAIRMAN: So you had an office.

3 A. I appreciate that.

4 354 Q. CHAIRMAN: So it might be different for somebody else.

5 A. Absolutely. 12:37

6 355 Q. CHAIRMAN: It was comfortable for you to invite them
7 into your office and so on.

8 A. Absolutely.

9 356 Q. MR. MURPHY: well, apart altogether from comfort I
10 think, superintendent, you also would have access to 12:37
11 documents?

12 CHAIRMAN: Of course, I'm sorry, Mr. Murphy, I am not
13 diminishing the access to documents, which would apply
14 more generally, clearly.

15 MR. MURPHY: Thank you, Chairman. 12:37

16 357 Q. So insofar as the general allegations have been made,
17 and I don't propose to deal with them in turn because
18 there have been many questions asked about them, but
19 the overall proposition that has been put to you on
20 behalf of Garda Keogh is that the various issues before 12:37
21 the Tribunal represented targeting, harassment of Garda
22 Keogh by the management in the station in Athlone or
23 supervised from Mullingar. Can I ask you in that
24 regard, did you ever witness anything in relation to
25 those issues, which in your view represented harassment 12:38
26 or targeting of Garda Keogh?

27 A. Absolutely not.

28 358 Q. Can I ask you in relation to Chief Superintendent
29 Curran, did you serve under his command for a time?

1 A. I did, for a significant period.

2 359 Q. In terms of his disposition and actions directed
3 towards Garda Keogh or in respect of Garda Keogh, did
4 you see anything to indicate a hostility or an attempt
5 to harass him or an attempt to bully him or an attempt 12:38
6 to demean him or discredit him?

7 A. Absolutely not. Chief Superintendent Curran is a very
8 balanced, very considered officer and I certainly
9 didn't see that in respect of Garda Keogh or any other
10 member. 12:38

11 360 Q. Can I ask you in respect of Chief Superintendent
12 wheatley, did you serve under her command?

13 A. I did, indeed.

14 361 Q. Were you privy to her attitude and views towards Garda
15 Keogh? 12:38

16 A. Absolutely. And certainly welfare and support of
17 members across the division was certainly one of her
18 key endeavours in her tenure in the Westmeath division.

19 362 Q. In relation to Chief Superintendent Murray, you have
20 given evidence about the system and how that system 12:39
21 operated?

22 A. Yes, absolutely.

23 363 Q. Can I ask you just briefly from your own perspective,
24 what was the impact of that system on the operation
25 within Athlone from your perspective? 12:39

26 A. It certainly was a process where, I suppose,
27 Superintendent Murray had, I suppose, a vision of where
28 governance oversight and process and structures should
29 be in place in respect of all matters. And certainly

1 in relation to policing and I suppose the public
2 perception of policing, Superintendent Murray was very
3 keen to ensure that that was to a very high standard in
4 the Athlone district.

5 364 Q. Were those standards applied to all members serving in 12:39
6 Athlone at that time?

7 A. Consistently across the board to all members.

8 365 Q. If I can move forward then to the protected disclosure
9 period?

10 A. Yes. 12:39

11 366 Q. When did you become aware of the fact that Garda Keogh
12 had made a protected disclosure?

13 A. It was subject to an announce in the Dáil by TD
14 Flanagan.

15 367 Q. I wonder could be shown, please, page 700 of the book, 12:40
16 which is your statement. I think in the first
17 paragraph, could I ask you just to confirm what is said
18 there, that you became aware as a result of the
19 announcement in the Dáil and that you made contact with
20 Garda Keogh by phone on the 12th May 2014? 12:40

21 A. That's correct.

22 368 Q. What was the purpose of that call?

23 A. The purpose of that call was to basically offer him
24 support because I appreciate that was a difficult
25 decision and to let him know that I was there for him 12:40
26 and if he needed any support at any particular time,
27 that he could certainly ring me, contact me and I would
28 say, I suppose, given maybe from locality or whatever,
29 I certainly felt that I should be there to support him

1 if I could in any way.

2 369 Q. I think he also told you that he appreciated your call?

3 A. He did.

4 370 Q. I don't propose to deal with the details of each of the
5 subsequent calls to him because the Tribunal has the 12:41
6 documentation, but just very briefly, if I could ask
7 you to move through a number of them?

8 A. Yeah.

9 371 Q. Can I ask you to confirm, if we look at page 700, in
10 the middle of the page, did Superintendent McBrien 12:41
11 maintain personal contact with Garda Keogh while she
12 was in command of him?

13 A. She did, indeed. She was very much concerned for Garda
14 Keogh's welfare and kept in touch with him right
15 throughout her tenure. 12:41

16 372 Q. And in terms of the situation following the public
17 announcement in the Dáil, did that create a stir within
18 the station itself?

19 A. Yes.

20 373 Q. And was this an unexpected development? 12:41

21 A. Yes.

22 374 Q. In terms of the period which followed, insofar as you
23 were concerned did that particular announcement result
24 in any targeting or harassment of Garda Keogh by
25 management in the station at that time? 12:41

26 A. No, certainly not.

27 375 Q. I think that insofar as your communications were
28 concerned, you also were involved at a later stage, at
29 the request of management, to make contact with Garda

1 Keogh, and you dealt with this in your evidence so as
2 far, because you lived near him?

3 A. Yes.

4 376 Q. And again, can I ask you just to look at page 701 of
5 your statement. You say at some point you were asked
6 to liaise with Garda Keogh and ensure that he had
7 appropriate welfare supports? 12:42

8 A. Yes.

9 377 Q. Who asked you to do that?

10 A. Superintendent Murray. 12:42

11 378 Q. In terms of the concerns for welfare at that stage,
12 what were those concerns?

13 A. I suppose his welfare concerns mainly were the fact
14 that he was absent from work, he had made a protected
15 disclosure. I suppose prior to departing from work he 12:42
16 was suffering from the effects of alcohol. I suppose
17 one of the goals that I had was to see if Garda Keogh
18 was ready to return to the workplace and give him
19 support in that regard.

20 379 Q. Yes. Was it one of your primary objectives to try and
21 ensure that he did return to the workplace if at all
22 possible? 12:42

23 A. Yes.

24 380 Q. Just moving back, if I can, to page 700. You refer to
25 a conversation you had on 5th January of 2015 with 12:43
26 Sergeant Haran?

27 A. Yes.

28 381 Q. I think that related also to Garda Keogh's welfare?

29 A. It did, indeed.

1 382 Q. And again, I think Sergeant Haran confirmed to you that
2 he had received a number of phone calls from Garda
3 Keogh on Christmas day and he said that he, Garda
4 Keogh, wasn't good?

5 A. That's correct.

12:43

6 383 Q. At this stage did you have any concern about Garda
7 Keogh's consumption of alcohol?

8 A. I certainly did. I suppose that was a concern that was
9 raised further by the fact he had rang Sergeant Haran
10 on numerous occasions on Christmas day. And during
11 that conversation with Sergeant Haran I asked if I
12 should engage more with Garda Keogh or link in with him
13 and he went to Garda Keogh, offered that support
14 facility and Garda Keogh said he was happy enough with
15 the people he was linking in with and declined the
16 gesture.

12:43

12:43

17 384 Q. I think in the course of the interactions that happened
18 subsequently, you maintained some notes in relation to
19 subsequent conversations with Garda Keogh?

20 A. That's correct.

12:44

21 385 Q. I think they are referred to in your statement from
22 page 700 onwards?

23 A. Yes.

24 386 Q. I wonder if you could be given, please, a copy of
25 volume 4, the hard copy, and in particular reference,
26 as we turn forward, to page 781. Again, I won't deal
27 with all of these, Chairman, but I will just refer to a
28 number of them in sequence. First of all, can I ask
29 you to confirm that the note at the top of the page

12:44

1 refers to your meeting with Sergeant Haran on 5th
2 January 2015?

3 A. That's correct.

4 387 Q. Confirm that you recall that meeting?

5 A. Yes. That's my note of that meeting, yes. 12:44

6 388 Q. Then moving on to the next entry, one which relates to
7 Garda Greene?

8 A. Yes.

9 389 Q. Again, I think you confirmed to Mr. McGuinness that
10 this is information that you received from Garda Greene 12:45
11 but which was hearsay evidence insofar as that was
12 concerned, but I think that conversation took place in
13 a corridor in Athlone on 19th May 2016?

14 A. The conversation actually happened in my office but I
15 met him in the corridor, I invited him into my office 12:45
16 and we had a subsequent conversation.

17 390 Q. Yes. And insofar as he indicated to you that he had
18 spoken with Garda Keogh, what did he say Garda Keogh
19 had said about the Commissioner?

20 A. Basically Garda Keogh said that they were going to take 12:45
21 the Commissioner down, and they were referring to
22 Commissioner Nóirín O'Sullivan, and that something big
23 was coming.

24 391 Q. Was there also a reference to journalists?

25 A. Yes, he said that they'd all be on to him and that 12:45
26 Harrison was on as well and journalist Michael Clifford
27 and O'Toole. And he refers to two TDs in respect of
28 contact being made as well.

29 392 Q. Was that the first time that you heard Garda Keogh

1 speaking in this way?

2 A. Yes.

3 393 Q. I think that you indicated at the end of that, you said
4 that if he wished with you, that you would be available
5 to meet him, is that right? 12:46

6 A. Apologies?

7 394 Q. Sorry, the last line, does that confirm that you were
8 willing to meet Garda Keogh?

9 A. Yes.

10 395 Q. And you see over the next page, please, at page 782,
11 you record that you had concerns for his welfare? 12:46

12 A. Yes, that's correct.

13 396 Q. What were those concerns?

14 A. Well, I suppose I did feel Garda Keogh was a vulnerable
15 person and, I suppose, I had concerns, given his 12:46
16 vulnerabilities, that I suppose he might be manipulated
17 or misguided by maybe people that were in contact with
18 him. And I was concerned about what he was talking
19 about in relation to taking down the commissioner.

20 397 Q. If we just move forward, please, to 19th May 2016, I
21 think that refers to a call, is that a call you
22 received from Garda Greene? 12:46

23 A. Yes.

24 398 Q. Did he say to you that John Wilson had answered the
25 phone when he attempted to contact Garda Keogh? 12:47

26 A. That's correct.

27 399 Q. And said that Garda Keogh wasn't available and he would
28 pass on the message?

29 A. Yes.

1 400 Q. Then, moving to 20th May 2016, again another
2 conversation with Garda Greene?
3 A. Yes.

4 401 Q. Did Garda Greene indicate to you that he had been
5 speaking with Garda Keogh? 12:47
6 A. Yes. He indicated that he had spoken to Garda Keogh
7 and again something big was coming, and that they were
8 going to bring the Commissioner down.

9 402 Q. Was there a reference also there to Sergeant Martin?
10 A. There was, indeed. He said he wasn't happy with -- he 12:47
11 said that Sergeant McCabe told Garda Keogh that it was
12 Sergeant Martin that was the person who was recorded
13 with Superintendent Cunningham.

14 403 Q. So by this stage you received this information from
15 Garda Greene? 12:48
16 A. Yes.

17 404 Q. And you had expressed the concern you have indicated to
18 the Chairman. Did you then go to see Garda Keogh on
19 the 24/5/2016?
20 A. Yes. 12:48

21 405 Q. Did you speak directly to Garda Keogh at that time?
22 A. I did, indeed.

23 406 Q. What was his appearance to you at that stage?
24 A. His demeanour wasn't good at that stage. On that
25 occasion he did appear drunk to me, from a number of 12:48
26 observations I had in relation to his speech and I
27 noted that he was unsteady on his feet. He had been --
28 when I arrived he was speaking with the welfare
29 officer, which was of some -- relieved me somewhat,

1 that he was communicating with the welfare officer,
2 Mick Quinn.

3 407 Q. Yes. If we just turn forward then to the following
4 page, page 783?

5 A. Yes. 12:48

6 408 Q. And to the middle of that page. I think there is a
7 reference there to the CMO?

8 A. Yes.

9 409 Q. Could I just ask you to confirm that you asked Garda
10 Keogh how he was and he said he was talking to Mick 12:48
11 Quinn but that the doctor wanted him back at work but
12 his own doctor said he wasn't fit, so he had to go to
13 an independent doctor?

14 A. That's correct.

15 410 Q. At this stage I think he also showed you a letter -- 12:49

16 A. He did.

17 411 Q. -- which he had written to the Minister for Justice, is
18 that right?

19 A. Yes, that's correct.

20 412 Q. So again, in terms of that particular meeting, was that 12:49
21 welfare directed on your part?

22 A. That was welfare directed and it was following my
23 appointment as a liaison person to link in with Garda
24 Keogh.

25 413 Q. Moving forward to the next entry, which I think is 14th 12:49
26 June 2016, at page 783?

27 A. Yes.

28 414 Q. I think in the course of that meeting he indicated that
29 he, Garda Keogh, was in the middle of responding to the

1 Tánaiste and that he got a letter from the Minister?

2 A. That's correct.

3 415 Q. There was a reference also to the fact that there was
4 assistance coming from Mick Quinn as his welfare
5 officer? 12:49

6 A. That's correct.

7 416 Q. And again, did you make contact on the 21/6 and
8 11/7/2016?

9 A. I did, indeed.

10 417 Q. And again you met on the 27/8/2016? 12:50

11 A. That was the occasion when I met him when I was out on
12 my bicycle. And I meet him in a casual way, he was
13 walking his dogs and I went over to him and we had a
14 conversation.

15 418 Q. Yes. 12:50

16 A. He had finished treatment at that point and we had a
17 conversation around that. He was in good form.

18 419 Q. I think the next meeting you recall was on 25/10/2016?

19 A. That's correct.

20 420 Q. Again, this was a meeting where you were serving a 12:50
21 notice in relation to pay, is that right?

22 A. I was serving a notice in relation to pay and also
23 providing a certificate in relation to water safety and
24 advising him of the ceremony, official ceremony that
25 was going to be held in Dublin Castle in respect of 12:50
26 that and advising him of that.

27 421 Q. I think at this stage he was just off the phone to Mick
28 Quinn, who was the welfare officer?

29 A. That's correct, he was still linking in with Mick

1 Quinn.

2 422 Q. Just over the page, page 785, did Garda Keogh then
3 specifically refer to the Garda Commissioner at that
4 stage?

5 A. He did, indicating there's more to come. I asked 12:50
6 him -- he said, they'll be gone. I said, who'll be
7 gone? He said, the Commissioner and there's more stuff
8 coming.

9 423 Q. At the top of page 785, did you record that Garda Keogh
10 asked you did you see a newspaper article on the 12:51
11 weekend and then said, she'll, that's the Commissioner,
12 will be already for another while but she will be gone
13 by Christmas or just after it?

14 A. That's correct.

15 424 Q. Again, you recorded that information also? 12:51

16 A. I did.

17 425 Q. Were you surprised at this type of information or were
18 you concerned about it?

19 A. I was somewhat concerned, because there was an awful
20 lot of publicity in the national media surrounding the 12:51
21 Commissioner and certainly it was a difficult period.
22 That was of concern to me.

23 426 Q. In response to Mr. McGuinness' questions earlier, you
24 indicated that you had received certain information
25 from Garda Greene and you accepted that was his 12:51
26 information, it wasn't something of which you had
27 personal knowledge?

28 A. That's correct.

29 427 Q. You also, in response to Mr. McGuinness, suggested that

1 There are limited. So, I mean, the fact that I told
2 somebody else, I think we would all understand, is a
3 limited thing. But I am a little uneasy, not about
4 Garda Greene giving the evidence, but about the
5 thirdhand evidence, and again, it's not criticism of 12:53
6 anyone, coming from Garda Greene, whose concerns as far
7 as I'm concerned I have no criticism of or anything
8 else, they could be perfectly simply welfare orientated
9 or whatever it was, but I am a little uneasy, just
10 suppose the matter stood as it was, I am not sure I 12:54
11 would be entitled to take account of those. Would you
12 agree with that?
13 MR. MURPHY: I think, Chairman, it would depend on what
14 Garda Greene is going to say. And I think in response
15 to your query, one point has struck me this morning, 12:54
16 which is that Garda Greene's legal team aren't present.
17 I just have a reservation in my own mind as to
18 whether --
19 CHAIRMAN: Well, I am making no criticism or anything
20 else. 12:54
21 MR. MURPHY: Yes.
22 CHAIRMAN: I am simply saying that my feeling is that
23 it would be more satisfactory when it comes to what
24 Garda Greene said to X or Y, and I know we have had a
25 certain amount of it and so on, and people have been 12:54
26 very practical about that, but it comes to what Garda
27 Greene said in a significant manner, we should have
28 Garda Greene.
29 MR. MURPHY: Yes.

1 CHAIRMAN: It might possibly be at that stage that if
2 he were challenged as to the veracity or accuracy of
3 his memory, that somebody might say, you might say or
4 counsel for Garda Greene might say, well, hold on,
5 evidence of recent assertion of the same thing is 12:55
6 relevant to corroborate his veracity. I simply raise
7 that question. I think there's a bit in the books
8 about that, we would all know. So I think we're better
9 not to have too much detail.

10 MR. MURPHY: Yes. 12:55

11 CHAIRMAN: In fact, not to have really any more detail.
12 I am just thinking as it's going along, about Garda
13 Greene, that I would prefer to have him say it rather
14 than somebody else say it.

15 MR. MURPHY: Thank you, Chairman. In that situation, 12:55
16 can I reserve my position in relation to the Garda
17 Greene until such time as Garda Greene --

18 CHAIRMAN: Mr. Kelly, I think that's a more
19 satisfactory way of proceeding, isn't it really.

20 MR. KELLY: I completely agree. 12:56

21 CHAIRMAN: Yes. And if an issue arises, if Garda
22 Greene is to be challenged, let's say, and he says
23 well, let me tell you, this isn't recent, recent
24 invention because I have been telling people about this
25 left, right and centre. That could come in as a 12:56
26 question as possible admissibility, possible
27 admissibility. Don't think I am making any view about
28 it. I know that this is an issue that we would all
29 have wrestled with our -- well, in my time, you still

1 have to wrestle with it.

2 MR. MURPHY: Yes.

3 CHAIRMAN: Okay, so we will leave it at that,
4 Mr. Murphy. So in respect of any question of what
5 Garda Greene might or might not have said further to 12:56
6 the superintendent, we are putting that in abeyance
7 with a question mark over it, including as to
8 admissibility.

9 MR. MURPHY: Yes. Thank you, Chairman. I will refine
10 my remaining questions as to the direct interaction 12:57
11 between --

12 CHAIRMAN: No, no, as we are going along I am just
13 thinking of this. Maybe I should have mentioned it
14 earlier. But there it is.

15 MR. MURPHY: Thank you very much. 12:57

16 CHAIRMAN: Thank you very much.

17 429 Q. MR. MURPHY: Superintendent, we will just confine the
18 next part to your testimony directly with Garda Keogh
19 and the notes that you've made of that?

20 A. Yes. 12:57

21 430 Q. I think if we move forward towards the end of 2016?

22 A. Yes.

23 431 Q. Without going into any information from Garda Greene, I
24 think you did speak to Superintendent Murray on
25 14/12/2016? 12:57

26 A. That's correct.

27 432 Q. And that's at page 786?

28 A. That's correct.

29 433 Q. Then moving forward please to 788, which is now moving

1 into 2017?

2 A. Yes.

3 434 Q. Were you still in a position where you were seeking to
4 make contact with Garda Keogh?

5 A. Yes.

12:57

6 435 Q. And on the same basis as before?

7 A. Yes.

8 436 Q. I think there are entries for the 2nd January, the 3rd
9 January, where you called to Garda Keogh's house and
10 eventually on the 12th January you met him?

12:58

11 A. Yes.

12 437 Q. What was the purpose of that visit?

13 A. Two purposes in respect of that matter. One was to
14 give Garda Keogh a summons where the defence solicitor
15 from Athlone had required him as a witness in a case,
16 where he was involved in the prosecution of the case
17 while he was a serving member in Athlone Garda Station,
18 and to give him the summons. The second was in
19 relation to -- I suppose I would describe it as to
20 challenge Garda Keogh in relation to a matter that had
21 come to my attention from Garda Greene.

12:58

12:58

22 438 Q. Again, we will pass over that matter. Moving then
23 towards the balance of the meeting, there was a general
24 conversation and you recorded that in your note?

25 A. I did.

12:59

26 439 Q. Again, moving swiftly through the next dates, which are
27 the 13th January, the 16th January, the 1st March and
28 the 9th May, you made contact with Garda Keogh?

29 A. Yes.

1 440 Q. Then again, over at page 790, there are references to
2 13th May 2017 and then the 17th May 2017?
3 A. That's correct.

4 441 Q. On that date I think you called to Garda Keogh's house?
5 A. Yes. 12:59

6 442 Q. And he invited you in?
7 A. Yes.

8 443 Q. Then I think he asked you had you heard that Enda Kenny
9 had resigned?
10 A. Yes. 12:59

11 444 Q. You said that you had?
12 A. Yes.

13 445 Q. And then he said "she wouldn't last long now"?
14 A. Yes.

15 446 Q. To whom did you understand that to refer? 12:59
16 A. The Commissioner, Nóirín O'Sullivan.

17 447 Q. And what did you report Garda Keogh as saying next, the
18 sentence beginning "he said"?
19 A. "He said the next two weeks she'll be gone and Kenny
20 didn't want to get rid of two commerce. I asked him 12:59
21 was he dealing with Mick Quinn and he said he was."

22 448 Q. That shows his desire to bring down people?
23 A. Yes.

24 449 Q. Did you find that unusual?
25 A. Yes. 13:00

26 450 Q. Did Garda Keogh appear to you to be serious about this?
27 A. Yes.

28 451 Q. 29/5/2017, is that a phone call you received?
29 A. No.

1 452 Q. No. We will pass on from that?
2 A. Yes.

3 453 Q. And then in terms of the 12th June 2017?
4 A. Yes.

5 454 Q. And again, he made reference to various issues? 13:00
6 A. Yes.

7 455 Q. Which are not necessary to trouble the Tribunal with.
8 But is there reference there to the Dáil?
9 A. There is, indeed. There was a matter that was raised
10 in the Dáil and we discussed that matter. 13:00

11 456 Q. I see. Then moving then to 23/6/2015?
12 A. Yes.

13 457 Q. You were delivering post and documentation to him?
14 A. Yes.

15 458 Q. Again, was that a welfare visit also? 13:00
16 A. That was a welfare visit, yes.

17 459 Q. Then moving down to August and July of 2017, I think
18 there's a reference there to a letter of the 17th
19 August to Garda Keogh in respect of James McCarthy for
20 the assistant commissioner? 13:01
21 A. That's correct.

22 460 Q. And what was that for?
23 A. I think is that the next page, 793, it was just a
24 letter following contact between Inspector McCarthy on
25 behalf of Assistant Commissioner Fanning, who called to 13:01
26 Garda Keogh.

27 461 Q. And did Garda Keogh bring this letter to your
28 attention?
29 A. This was actually forwarded in the post from the

1 regional office.

2 462 Q. So you were delivering this?

3 A. No. I just -- it just happened to coincide with my
4 visit, so I just -- because I was keeping track of
5 visits to Garda Keogh and I suppose communicated with 13:01
6 him, I took a note of that minute.

7 463 Q. And the letter then on page 793, is a letter of 17th
8 August of 2017?

9 A. Yes.

10 464 Q. That's Inspector McCarthy on behalf of the Assistant 13:02
11 Commissioner Fanning, is that right?

12 A. That's correct.

13 465 Q. And it indicates:
14
15 "Dear Garda Keogh, I am directed by Assistant 13:02
16 Commissioner Eastern Region to refer to various
17 correspondence from this office dated 16th June 2017.
18 I wish to acknowledge our meeting yesterday afternoon
19 at your home, where you spoke matters regarding members
20 of An Garda Síochána previously served or are presently 13:02
21 serving members of Westmeath division which are being
22 investigated or are being dealt with under various
23 processes, procedures legislation."

24 A. Yes.

25 466 Q. Then it refers to other correspondence? 13:02

26 A. Yes.

27 467 Q. Were you aware up to that time that Assistant
28 Commissioner Fanning had been communicating with Garda
29 Keogh?

1 A. No.

2 468 Q. Were you aware of the fact that Inspector McCarthy on
3 behalf of Assistant Commissioner Fanning had had a
4 conversation with Garda Keogh about members of the
5 Garda division, gardaí in the division in Westmeath? 13:02

6 A. No.

7 469 Q. Were you surprised to see that communication?

8 A. Yes, as I was the appointed liaison inspector at the
9 time.

10 470 Q. Yes. 13:03

11 A. I was certainly surprised.

12 CHAIRMAN: This was to do with the bullying and
13 harassment?

14 MR. MURPHY: It's not entirely clear, Chairman.

15 CHAIRMAN: Is that right? There was a long series of 13:03
16 exchanges, I am just trying to remember it, between
17 various people and I thought that the Inspector
18 McCarthy involvement was part of the explanation, which
19 somebody might say was an explanation why it's not my
20 fault that it didn't happen, there's a lot of up and 13:03
21 down and in and out. Anyway, this comes into that.

22 MR. MURPHY: Yes, there is a long letter from Inspector
23 McCarthy seeking to explain the delay.

24 CHAIRMAN: The complexity of putting an inquiry into
25 place. 13:03

26 MR. MURPHY: Yes.

27 CHAIRMAN: And how it's not my fault.

28 MR. MURPHY: Yes.

29 CHAIRMAN: I think there is a series of letters which I

1 uncharitably dubbed. Have you much more to go?
2 MR. MURPHY: Certainly, Chairman, it might be an
3 appropriate time to break and I won't be long after
4 lunch.
5 CHAIRMAN: Very good, then we will take a break and we 13:04
6 will resume after lunch. Thanks very much. Lovely.
7 Okay, so we will say five past two.
8
9 THE HEARING THEN ADJOURNED FOR LUNCH AND RESUMED AS
10 FOLLOWS: 13:04
11
12 CHAIRMAN: Now, Mr. Murphy.
13 MR. MURPHY: Thank you, Chairman. If I just have one
14 moment, Chairman.
15 THE WITNESS: Apologies, Chairman. 14:04
16 CHAIRMAN: No problem. Thank you.
17 471 Q. MR. MURPHY: Thank you, Chairman. We were just dealing
18 with the document at page 793 before the break, that's
19 to say in volume 4, page 793.
20 A. Yes. 14:05
21 472 Q. Just before we proceed to deal with the balance of the
22 letter, I think the position is that by that stage, in
23 August 2007, would you agree with me, that you were
24 aware from your interaction with Garda Keogh that he
25 had expressed a view of seeking to take down the 14:05
26 Commissioner of An Garda Síochána?
27 A. That's correct.
28 473 Q. Had he expressed views to you in relation to any other
29 people he sought to damage or inhibit who were members

1 of the force? In particular, did he express anything
2 to you about Superintendent Patrick Murray?

3 A. Yes.

4 474 Q. Can I ask you to indicate to the Chairman, what was
5 your understanding of his attitude towards 14:05
6 Superintendent Murray at that time?

7 A. It was I suppose a poor attitude or certainly had no
8 time for Superintendent Murray.

9 475 Q. Did he ever express any view to you about the potential
10 advancement of Superintendent Murray throughout the 14:06
11 force or by way of promotion?

12 A. Yes, I did recall that certainly he didn't agree with
13 Superintendent Murray's promotion.

14 476 Q. In terms of the position as of August 2017, were you
15 also aware of a lot of media coverage in relation to 14:06
16 complaints made by Garda Keogh?

17 A. Yes.

18 477 Q. Were you also aware of speeches being made in the Dáil?

19 A. I was.

20 478 Q. By members of the Oireachtas, Deputies Daly and 14:06
21 Wallace, who were supportive of Garda Keogh?

22 A. Yes.

23 CHAIRMAN: At which stage now is this, Mr. Murphy.

24 MR. MURPHY: At this stage it would be August 2017.

25 CHAIRMAN: Thank you very much, I wanted to get a time. 14:06
26 Thank you.

27 MR. MURPHY: Just momentarily, can I ask the registrar
28 to put up page 345 on the screen.

29 A. Yes.

1 479 Q. Just in terms of this letter, I am not going to ask you
2 about the detail of the letter, but can I ask you, were
3 you aware in 2017 that Garda Keogh had written a letter
4 of complaint to the Minister for Justice about
5 Superintendent Murray? 14:07

6 A. No. But I was aware that he'd communicated with the
7 Minister in relation to some matters.

8 480 Q. I see. When did you first see this letter?

9 A. It was part of disclosure.

10 481 Q. In this Tribunal? 14:07

11 A. Yes.

12 482 Q. And in terms of the expressions and views made by Garda
13 Keogh to you in your conversations up to August 2017,
14 did you think that he was serious in relation to his
15 desire and his effort to take down the Commissioner and 14:08
16 other senior Gardaí?

17 A. Yes. Yes.

18 483 Q. Turning back please to page 793?

19 A. Yes.

20 484 Q. I think you told us that you weren't aware of this line 14:08
21 of correspondence between Inspector McCarthy on behalf
22 of Assistant Commissioner Fanning and Garda Keogh?

23 A. That's correct.

24 485 Q. Until you saw this document?

25 A. Yes. 14:08

26 486 Q. At the end of the document it says:
27
28 "I also wish to remind you of the Garda Employee
29 Assistance Service and the 24 hour help line service."

1 A. Yes.

2 487 Q. Can I ask you, as of that date in August of 2017, was
3 there already in place, by direction of the command
4 structural welfare officer --

5 CHAIRMAN: Garda Quinn had been in touch with him for 14:08
6 ages.

7 A. Yes. Was in touch for ages, yes.

8 488 Q. MR. MURPHY: And you also had been the liaison officer?
9 A. I was appointed, yes.

10 489 Q. In fact, I think you weren't removed from that position 14:08
11 until December of 2017?

12 A. Yes, that's correct.

13 490 Q. So there was already in place a fully developed
14 structural support?

15 A. Yes. 14:09

16 491 Q. Organised by management of An Garda Síochána for Garda
17 Keogh?

18 A. That's correct.

19 492 Q. Were you surprised, therefore, to see this reference in
20 this letter? 14:09

21 A. I was. I was because I had been doing that and I was
22 aware of the structures in place.

23 493 Q. Was it the case, therefore, that you could see in this
24 two different elements, one, a reference to welfare
25 services as if there were none in existence already? 14:09

26 A. Yes.

27 CHAIRMAN: I mean, we can work that out, Mr. Murphy. I
28 am not sure -- I was saying to Mr. Power in relation to
29 another thing that it didn't matter what the witness

1 said, I think the same thing is true of this. The
2 letter speaks for itself.

3 MR. MURPHY: May it please you, Chairman.

4 CHAIRMAN: And you can say, look, at the same time,
5 Garda Quinn was there already, so therefore this shows 14:09
6 whatever it shows on the part of the writer of the
7 letter.

8 MR. MURPHY: Yes.

9 CHAIRMAN: Maybe it's right, maybe it's wrong.

10 494 Q. MR. MURPHY: Yes. But in any event, I think you will 14:09
11 agree with me that this was a very surprising
12 communication and you took note of it.

13 A. Yeah.

14 495 Q. Then moving forward, please, to page 794?

15 A. Yes. 14:10

16 496 Q. On 20/10/2017, this is a conversation, which you
17 recorded details of, with Garda Keogh?

18 A. Yes.

19 497 Q. In this conversation I think you told him you were
20 moving to Trim? 14:10

21 A. That's correct.

22 498 Q. And you asked him how he was doing?

23 A. Yes.

24 499 Q. And then he said:
25
26 "They have moved on the Donal d now that Nóirín is
27 gone."
28 A. I think the handwritten notes, that should be Donal.
29 So they moved on to Donal now that Nóirín is gone. 14:10

1 500 Q. who did you understand that to refer to?
2 A. The first Donal is Commissioner Donal Ó Cualáin.
3 CHAIRMAN: It's not Trump, it's Ó Cualáin, right. I'm
4 sorry, I forget myself. I'm sorry.
5 A. Nóirín is -- 14:10
6 501 Q. CHAIRMAN: Because he was the acting Commissioner,
7 isn't that right?
8 A. That's correct.
9 502 Q. CHAIRMAN: He had gone from being assistant
10 commissioner and then he was acting Commissioner? 14:11
11 A. Yes. He went from deputy to acting Commissioner and
12 Commissioner O'Sullivan was retired.
13 503 Q. MR. MURPHY: Yes. And do you see then also I think you
14 record that Garda Keogh said:
15
16 "We'll get rid of him too." 14:11
17 A. Yes.
18 504 Q. Were those the words used by Garda Keogh?
19 A. Yes.
20 505 Q. who did you understand "we'll" to refer to? 14:11
21 A. People who he was communicating with. I suppose I
22 undertook it possibly as people who had the same
23 agenda.
24 506 Q. Yes. So was it your understanding at that stage that
25 Garda Keogh was not working alone in that regard? 14:11
26 A. That's correct.
27 507 Q. And he was openly saying this to you?
28 A. That's correct.
29 508 Q. And did you understand him to be serious about what he

1 said about Commissioner Ó Cualáin?

2 A. Yes.

3 509 Q. Did that surprise you?

4 A. Yes.

5 510 Q. At the same time, I think you have indicated that he 14:11
6 was in good spirits?

7 A. Yes.

8 511 Q. Then moving further down, I think the next few phone
9 calls are not relevant to this section, but perhaps if
10 we can ask you to move forward to 29/11/17? 14:12

11 A. Yes.

12 512 Q. This was a telephone call by you to Garda Keogh?

13 A. Yes.

14 513 Q. I think you confirmed that things were well him?

15 A. Yes. 14:12

16 514 Q. Then there is a reference to "another casualty in the
17 country" could you indicate what's in the next three
18 lines? Are these words or are these the words spoken
19 to you by Garda Keogh?

20 A. "Another casualty in the country", these are the words 14:12
21 relayed to me by Garda Keogh.

22 515 Q. Perhaps read them into the record, please?

23 A. "I knew from stuff that Kenny was involved both in
24 Athlone and McCabe but for her and the department it's
25 a whole conspiracy and then the Tribunal is set up and 14:12
26 not sending in documents that they set up, if they had
27 just dealt with the McCabe stuff."
28

29 Then I went on and questions regarding the new

1 appointment of the liaison person.

2 516 Q. So did you take that to reflect yet again a view or
3 perception on the part of Garda Keogh that there was
4 some conspiracy out to get him?

5 A. Yes. 14:12

6 517 Q. In terms of noting that, you indicated that there was a
7 reference later on to Dermot Drea as a liaison person?

8 A. That's correct.

9 518 Q. What did that refer to?

10 A. That referred to me suggesting -- Dermot Drea was an 14:13
11 inspector in the --

12 519 Q. CHAIRMAN: He investigated the Longford incident,
13 didn't he.

14 A. He investigated --

15 520 Q. CHAIRMAN: He did. The question of whether the 14:13
16 Longford --

17 A. Tullamore.

18 521 Q. CHAIRMAN: Tullamore, I am sorry, Tullamore, correct.
19 Absolutely. Sorry, Tullamore. So we know about
20 Inspector Drea? 14:13

21 A. At that point I was unaware of any involvement with
22 Inspector Drea. I suggested him as replacement
23 appointment as the liaison person, but Garda Keogh just
24 indicated that he could be involved in the whole thing,
25 in the Tribunal, when the lady passed my house, 14:13
26 indicating that he felt he wasn't an appropriate
27 appointment. So I took that on board.

28 522 Q. MR. MURPHY: So again this is you relaying back to
29 management the fact that the liaison person should be

1 somebody else?

2 A. Yes.

3 523 Q. And again, this was part of your outreach to Garda
4 Keogh as directed?

5 A. Yes. 14:14

6 524 Q. It also notes that Garda Keogh said, just in the fifth
7 last line:

8

9 "I am still little linking in with Mick Quinn."

10 A. That's correct. 14:14

11 525 Q. Did you record to demonstrate that the welfare supports
12 and structures put in place were still operative in
13 relation to Garda Keogh?

14 A. That's correct.

15 526 Q. Then finally on this point, on 29/11/2017 I think you 14:14
16 called back to advise Garda Keogh that the pay period
17 cut off rate was Christmas. This was to alert him I
18 think to take steps to make sure his pay wasn't
19 interfered with?

20 A. That's correct. Because the previous Christmas his pay 14:14
21 had been affected due to a delay of submitting sick
22 certs over some period and he was pay affected, and I
23 wanted to make sure that didn't happen to him again.

24 527 Q. Just on that aspect, on the last part, if page 822
25 could be put on the screen. Just to support your 14:14
26 previous answer in relation to the liaison officer.

27 A. Yes.

28 528 Q. But also, do you see in the last paragraph?

29 A. Yes.

1 529 Q. You say:
2
3 "Garda Keogh went on to say that he is doing good,
4 continues to link in with the welfare officer Mick
5 Quinn, he said he is linking in with other people in 14:15
6 the job and doesn't need a liaison person from
7 Westmeath as he has plenty of contact from within the
8 organisation."
9 A. Yes.

10 530 Q. To whom did you understand that to refer? 14:15
11 A. Well, at that stage I suppose I knew he was linking
12 both with the regional office in Mullingar, the Eastern
13 Regional office, and also had some links in
14 headquarters.

15 531 Q. Again, you just then confirmed your role in 14:15
16 communicating issues to him?
17 A. Yes.

18 532 Q. Finally, can I just ask you in terms of your own role
19 in relation to all the facts and events and
20 circumstances which are before the Chairman. Do you 14:15
21 deny that you were engaged in any form of targeting or
22 harassment or discrediting of Garda Keogh?
23 A. I absolutely fully refute that.
24 MR. MURPHY: Thank you.
25
26 END OF EXAMINATION 14:15
27
28 CHAIRMAN: Very good. Yes, Mr. McGuinness.
29

1 SUPERINTENDENT AIDAN MINNOCK WAS THEN RE-EXAMINED BY
2 MR. MCGUINNESS, AS FOLLOWS:

3

4 533 Q. MR. MCGUINNESS: Just one matter. Superintendent
5 Minnock, Ms. O'Rourke and Mr. Murphy drew your 14:16
6 attention to your note on page 782 and 783, and perhaps
7 we will just look at those?

8 A. Yes.

9 534 Q. This isn't a criticism, it's not mentioned in your
10 statement, but as of your phone call with Garda Greene 14:16
11 on the 20th May, there's reference there to the
12 Commissioner, I don't want to go into it?

13 A. Yes.

14 535 Q. That's a hearsay matter. But did you yourself know at
15 that stage that the Director of Public Prosecutions had 14:16
16 decided that there would be no prosecution mounted on
17 foot of Assistant Commissioner Ó Cualáin's
18 investigations?

19 A. In May '16.

20 536 Q. CHAIRMAN: If you don't know, the answer is, I don't 14:16
21 know.

22 A. I don't know.

23 537 Q. MR. MCGUINNESS: All right. It would appear from the
24 volume 39 documents that the director's office had
25 written to Assistant Commissioner Ó Cualáin on the 3rd 14:17
26 March confirming there would be no prosecution?

27 CHAIRMAN: 3rd March '16.

28 538 Q. MR. MCGUINNESS: '16?

29 CHAIRMAN: Thanks very much.

1 539 Q. MR. McGUI NNESS: It would appear that Detective
2 Superintendent Mulcahy spoke to Garda Keogh on the 14th
3 April 2016?
4 CHAIRMAN: The 14th April, okay, a month later, yes.

5 540 Q. MR. McGUI NNESS: Garda Keogh is writing about it and 14:17
6 complaining about the decision in a letter to the
7 Minister of the 16th May 2016?
8 A. Okay.

9 541 Q. Which is to be found at page 298. But certainly by the
10 time you visit him on the 24th May, which is the note 14:17
11 at the bottom of this page, if we go back to 782, and
12 down to the bottom of the page. So the letter has gone
13 off, in which Garda Keogh recites inter alia that he
14 has been informed of the result, Superintendent Mulcahy
15 invited him to sit down and go through his findings 14:18
16 with him and he is demanding a copy of the
17 investigation at that point in time?
18 A. Okay.

19 542 Q. But on the next page then, in the paragraph that's
20 visible at the bottom there: 14:18
21
22 "He said it's Ó Cualáin and Commissioner they're
23 after."
24 A. Yes.

25 543 Q. "He said he's been speaking to Clare Daly and Mick 14:18
26 Wallace. . . "
27
28 That appeared to be the first time Garda Keogh saying
29 anything to you about Assistant Commissioner Ó Cualáin,

1 is that correct?

2 A. That's correct.

3 544 Q. It appears to be in the immediate aftermath or
4 certainly some shortage time after he's learnt of the
5 decision in relation to the investigation? 14:19

6 A. Yes.

7 545 Q. Does that jog your memory as to whether you --

8 A. Yeah, I would safely say that I was unaware at that
9 time.

10 546 Q. Okay. But certainly on that occasion he was drunk, 14:19
11 according to your note?

12 A. Yeah. I wouldn't say -- like, yeah, he was intoxicated
13 to some extent.

14 547 Q. He had ever previously complained to you or said
15 anything derogatory about Assistant Commissioner Ó 14:19
16 Cualáin?

17 A. No.

18 548 Q. Thank you very much.

19

20 END OF EXAMINATION 14:19

21

22 CHAIRMAN: Thanks very much. Very good. Thank you
23 very much, superintendent.

24 THE WITNESS: Thank you.

25 CHAIRMAN: Very good. 14:19

26

27 THE WITNESS THEN WITHDREW

28

29 CHAIRMAN: Now, we have Superintendent McBrien.

1 MR. MARRINAN: Superintendent McBrien is being
2 recalled.

3 CHAIRMAN: And just to reassure you, that we will sit
4 on to finish Superintendent McBrien. I know that
5 people have issues and circumstances this afternoon. 14:19
6 If necessary, in the unlikely event it's necessary, we
7 will take a little break and then finish.

8 MR. CARROLL: Thank you very much.

9
10 SUPERINTENDENT NOREEN MCBRIEN, HAVING BEEN PREVIOUSLY 14:20
11 SWORN, WAS DIRECTLY-EXAMINED BY MR. MARRINAN, AS
12 FOLLOWS:

13
14 CHAIRMAN: Now, thanks very much, superintendent.

15 THE WITNESS: Chairman. 14:20

16 549 Q. MR. MARRINAN: Superintendent, you're being recalled
17 just to deal with three discrete issues that arise in
18 relation to the issue papers that we are now looking
19 at. You have already dealt with issues 1 to 4
20 comprehensively. The first of those relates to the car 14:20
21 tax. You deal with this at page 842 of the materials.
22 If we can perhaps have that up on the screen. This is
23 the statement that you provided to the Tribunal. We
24 will just go through it. You say:

25 14:20
26 "I recall Detective Superintendent Mulcahy commenting
27 to me in regards to Garda Keogh's car tax. What I
28 specifically recall is that we were walking down the
29 street on the way back from having coffee in Athlone.

1 Detective Inspector Coppinger was walking ahead with
2 another member. Detective Superintendent Mulcahy said
3 something to the effect..."

4

5 And then in quotation marks:

14:21

6

7 "You should consider having a look at Nick Keogh's car
8 tax. I asked him was there something of concern. And
9 he replied something like no, but it might be worth
10 having a look at some time."

14:21

11

12 Is that your recollection of what occurred?

13 A. Yes, that is.

14 550 Q. You can't put a date on it. I think that your diary
15 indicates that you had two meetings with Detective
16 Superintendent Mulcahy and Detective Inspector
17 Coppinger, one on 10th June of 2014 and the other on
18 16th July 2014, isn't that right?

14:21

19 A. That's correct, yes. Is this okay? Can you hear me?

20 CHAIRMAN: Absolutely, thank you very much.

14:22

21 A. I had two. It would be my belief it's the latter, but
22 they were around the station other times as well. So,
23 as I say, a good guess would be that it would seem to
24 be the latter.

25 551 Q. MR. MARRINAN: The probability is it's the 16th July?

14:22

26 A. Yes, yes.

27 552 Q. Had you been for lunch or something?

28 A. No. We just had a coffee. As I say, I can't recall if
29 it was after he called in about saying they weren't

1 investigating the other things on the 16th July. We
2 just went for a coffee, four of us. And it was on the
3 way back. It was just a comment.

4 553 Q. Yes.

5 A. And that was it. 14:22

6 554 Q. In what sort of way was it said to you? I mean, was it
7 said in a way that, look, Garda Keogh could be
8 vulnerable because there might be something wrong with
9 his car tax and you better get him to sort it out? Or
10 was it tipping you off in a way to suggest to you that 14:23
11 perhaps you should go after Garda Keogh in relation to
12 his car tax? Can you give us a flavour?

13 A. I interpreted it -- it was just a comment and my
14 interpretation at the time, bearing in mind where I was
15 then and what was going on and they were conducting an 14:23
16 investigation.

17 555 Q. Yes.

18 A. I didn't know whether it was something they were
19 dealing with or whether it was part of something else.
20 I thought that maybe paperwork may come to me on it or 14:23
21 an e-mail or something that I should follow up. That
22 was what I took it up as.

23 556 Q. It doesn't appear one way or another that you attached
24 an awful lot of significance to it, because you didn't
25 make a note of it at the time, isn't that right? 14:23

26 A. No. It was walking along the street and that's why I
27 would think it would be the latter date, because I know
28 my notes on my diary for the 16th, when I came back,
29 there was an issue with regard to a missing person that

1 was vulnerable and they had to get forms and payments
2 and stuff like that, so I would have been distracted on
3 that.

4 557 Q. In fact you didn't follow up on the issue until
5 September?

14:24

6 A. No, I was waiting to see would something come my way
7 and then we were tied up with the murder that happened
8 on the 20th June, and then I was on a long period of
9 leave, I was in Dublin with medical issues. I didn't
10 come back, I was on leave from I think about the 10th
11 or 12th August until around the 18th September. So it
12 was only when I came back.

14:24

13 558 Q. I think that on 23rd September 2014 you were returning
14 from annual leave. You set this out in your statement
15 in the following paragraph?

14:24

16 A. Yes.

17 559 Q. You say you attended a training seminar in the Eastern
18 Region with senior management in Mullingar Garda
19 station and the subject-matter of training was
20 conducting inspections and audits under new processes.
21 That jogged your memory in relation to what Detective
22 Superintendent Mulcahy had said in relation to Garda
23 Keogh's car tax?

14:25

24 A. I was at that meeting and there were new processes
25 coming in that were risk based, and it was a different
26 kind of format than what we would have been used to.
27 So I can recall thinking over the next week or two, I
28 know when I left that meeting, within the following
29 week or so I organised a meeting with a small audit

14:25

1 team. Following on then, sometime -- within this
2 timeframe and around the end of September when I had
3 that meeting, the risk that, I suppose, was associated
4 with what Detective Superintendent Mulcahy said to me,
5 I just considered it could be a risk and that it could 14:26
6 be a broader risk, maybe something I hadn't considered.
7 I suppose the audit kind of put risk in my thought
8 process, and the evaluation of it.

9 560 Q. Garda Keogh had submitted claims at that time in
10 relation to the use of his motor vehicle; isn't that 14:26
11 right?

12 A. I can't be sure of that, because the claims wouldn't
13 have been with me, they would have been in the finance
14 office. As far as I was aware, when I spoke to Garda
15 Keogh on the 16th July, one of the issues I mentioned 14:26
16 was his claims --

17 561 Q. Yes.

18 A. -- because of the previous claims on the 7th or 8th and
19 9th May, and during that conversation about claims he
20 said to me they weren't all in. The way that 14:27
21 conversation went, it was my understanding he didn't
22 have any claims in other than the two I signed on the
23 16th July.

24 562 Q. Yes, and we have already dealt with that?

25 A. They were dealt with previously, yes. 14:27

26 563 Q. You gave your evidence in relation to that already. So
27 in any event, you spoke to your finance officer,
28 Mrs. Catriona Quirk, is that right?

29 A. Yes. The way it came about was, on the 30th September

1 I had a meeting with -- I set up a small audit team of
2 Sergeant Mary McDonald and John Mcwalter. We had a
3 meeting in Athlone and we were going through basically
4 the directive, the headquarters directive, because
5 there was a date on it, that it had to be back in by 14:27
6 the 1st November, so I was conscious of the timeframe I
7 had. We were just evaluating. It was just -- that was
8 very preliminary as regard to where we were going to
9 look or what we would look at. The same afternoon
10 then, my finance officer's office was down the very end 14:27
11 of the corridor from where my office was, I strolled
12 down and called into her, which would be my habit, just
13 to call in sometimes and just see how things were. And
14 from recollection, she was going through a lot of sub
15 and travel forms, because we were quite tight on our 14:28
16 budget and there was a big draw on our budget after the
17 murder, because there was a lot of claims.

18 564 Q. Overtime?

19 A. You know, yeah. So we were looking at it and we were
20 discussing where I had been, kind of, you know, the 14:28
21 meeting I was after being at. It was just a very loose
22 conversation. I mentioned about, you know, the audit
23 coming up. It would be my process when I would be
24 doing an audit that certain tasks leading to it, my
25 clerk would carry out or my finance officer would carry 14:28
26 out. And it was then when I was discussing that and
27 saying it, that I suggested -- I just had -- the kind
28 of risk, I suppose, was in the back of my head after
29 the meeting with the sergeant and the guard earlier,

1 and I said we will do something. Because of the amount
2 -- the volume of claims that was in and the draws on
3 the budget, I said that we would have a look at the sub
4 and travel, as it was part of a preliminary enquiry
5 into what I would do for would have been an audit, it 14:29
6 was now called an inspection and review. And because
7 of what Detective Superintendent Mulcahy said to me, I
8 thought there may be a risk, I thought maybe a broader
9 risk maybe than Garda Keogh, I just wasn't sure. And I
10 asked for a number of members who had made claims to be 14:29
11 checked and I asked that Garda Keogh be put in with
12 them because his name had been mentioned to me. If any
13 other guards' names had been mentioned to me, it would
14 have been the very same.

15 565 Q. The list of guards that you requested, that was a 14:29
16 random choice?

17 A. I didn't pick the list. I mentioned Garda Keogh, but
18 as far as I'm aware it was the finance officer did the
19 list, just a random choice.

20 566 Q. That was done on a random basis? 14:30
21 A. Absolutely.

22 567 Q. And then Garda Keogh was included in the list?
23 A. Yes.

24 568 Q. CHAIRMAN: Random except for Garda Keogh?
25 A. Random except for Garda Keogh, because Garda Keogh was 14:30
26 the only one that had been mentioned to me. And as I
27 said, if there was any other guard that had been
28 mentioned, I would have said that too.

29 569 Q. MR. MARRINAN: If we could just have page 6272 up on

1 the screen. If Mr. Kavanagh could turn it. You see
2 there, the second entry, well, we will look at the one
3 below that first. On the 30th September we see Thomas
4 white, Garda; Thomas white, Garda. And then "caller to
5 superintendent's office". Can you assist us in 14:31
6 relation to how it's possible that that arose?
7 A. I asked -- when we were in Ms. Quirk's office, Garda
8 white was there, and because he's a guard he would have
9 a different level of access to Pulse, I asked him to
10 check the people on the list that Ms. Quirk had made 14:31
11 up.
12 570 Q. So this was a specific search in relation to Garda
13 Keogh?
14 A. No, there was more people than Garda Keogh checked.
15 571 Q. Pardon? 14:31
16 A. There was more people than Garda Keogh checked.
17 572 Q. Yes, but what we are looking here is a specific
18 reference.
19 A. But this is the one on Garda Keogh.
20 573 Q. Yes. 14:31
21 A. There was more than Garda Keogh checked.
22 574 Q. Well, would it have "caller to superintendent's office"
23 then in relation to the others that were included in
24 the random list?
25 A. I don't know. I haven't seen the other ones. 14:32
26 575 Q. Okay.
27 A. I wouldn't have access to what ex-Garda white picked,
28 to what he put on them.
29 576 Q. If we look above there, we see 1st October 2014?

1 A. Yes.

2 577 Q. At 17:40?

3 A. Yes.

4 578 Q. Now you seem to have done a check yourself?

5 A. Yes. 14:32

6 579 Q. It's under "enquiry re Athlone"?

7 A. Yes. I checked -- I have a printer in my office, my

8 printer in my office, or my office then, was quite a

9 private one because it was in my office. The one

10 downstairs, where Garda White would have been, wasn't 14:32

11 as private. So later that evening, as you can see it's

12 17:40, most people were gone home, and up in my office

13 I just went through the list of people on the list,

14 purely to get a paper copy of what had been done for

15 myself. So I would have checked more than Garda Keogh 14:32

16 and it was purely to get a printed copy.

17 580 Q. This was specifically in relation to Garda Keogh's car

18 tax, is that right?

19 A. All of the checks?

20 581 Q. Yes. 14:33

21 A. Well, the checks with regard to all the people I did

22 were in relation to preparation for the audit.

23 582 Q. Yes. But in relation to Garda Keogh, was the search in

24 relation to his car tax?

25 A. It's car tax that was mentioned to me by Detective 14:33

26 Superintendent Mulcahy.

27 583 Q. Hm-hmm.

28 A. I cannot be a hundred percent specific whether I said

29 check their details, check -- because to a guard,

1 checking someone's details would be checking tax and
2 insurance and that?

3 CHAIRMAN: Checking tax and insurance.

4 A. So, yes, tax would have been included for all the
5 members that were checked. 14:33

6 584 Q. MR. MARRINAN: If we could just look at page 6240,
7 which is your interview with the Tribunal
8 investigators, and it might be helpful just to correct
9 something that may be in there. If we scroll down to
10 line 557, the Tribunal investigators asked you a
11 question: 14:34

12
13 "I have been asked in respect of extract what issue was
14 identified with respect to Garda Keogh's car tax."

15 14:34

16 Your answer is:

17

18 "The issue was that he had his car insured
19 commercially."

20 A. Yes, that is a typing error, that should be taxed
21 commercially. 14:34

22 585 Q. I thought that.

23 A. Yeah, no, taxed commercially, yes, sorry.

24 586 Q. Did that information come from Chief Superintendent
25 Mulcahy? 14:34

26 A. No. No, no.

27 587 Q. Where did that come from?

28 A. It came from the car check. The checks -- when the
29 people were checked by ex-Garda White, he then told me,

1 he came back up to me and said to me, it could have
2 been the following day or it could have been later that
3 evening, that there was an issue with Garda Keogh's
4 tax.

5 588 Q. That it was taxed commercially?

14:35

6 A. Yes.

7 589 Q. And not privately?

8 A. Yes.

9 590 Q. Okay. You didn't deal with the issue immediately,
10 isn't that right?

14:35

11 A. His claims couldn't be paid until this was resolved and
12 I said that to -- I think it was -- I'm finding it hard
13 to see as to whether Garda White and Catriona Quirk
14 were both there at the same time, I just can't recall
15 that, but I did say his claims couldn't be paid until
16 this was resolved and I intended investigating it. But
17 unfortunately, the following morning in work, when I
18 was going into work I took ill and I was driven to
19 Dublin and I was out for three months or more.

14:35

20 591 Q. If we could just perhaps have just one of Garda Keogh's
21 claims up on the screen. If we go to page 729. This
22 is the second page of a claim that he has made for
23 travelling and subsistence allowance. I just want to
24 draw your attention to the bottom line there, because
25 it's subsequently dealt with by Superintendent Murray
26 and we have had evidence in relation to that already.
27 But you will see that it's signed by Garda Keogh. The
28 date he signed it isn't apparent, it's obscured. Then
29 we have Sergeant Haran, who signed it on 11/1/2015.

14:35

14:36

1 The next line down is "Pat Murray" and there's a date
2 6/4/15, but there is a name crossed out there, and it
3 looks as though it might be N McBrien superintendent,
4 and it's dated 2nd February 2015?

5 A. Yes.

14:37

6 592 Q. Can you help us, this appears on all --

7 A. That's not my signature.

8 593 Q. It's not your signature that's been crossed out?

9 A. No, no, that looks like it's prepared for me to sign
10 and I couldn't sign it until I resolved the issue with
11 Garda Keogh.

14:37

12 594 Q. It's just an anomaly?

13 A. No, my signature is on other documents before the
14 Tribunal.

15 595 Q. You had never at any stage authorised payment --

14:37

16 A. No.

17 596 Q. -- in respect --

18 A. I didn't, because I wanted to investigate the issue or
19 resolve the issue regarding the car tax.

20 597 Q. When did you come back after being out long-term?

14:38

21 A. I came back on the 17th and 18th December or 18th and
22 19th December and Garda Keogh was not working those
23 days. I came back then -- can I just consult my diary
24 just to be totally accurate on it?

25 598 Q. Yes.

14:38

26 A. I came back mid January. I came back on the 13th
27 January 2015. Then, during that time I was on a course
28 in Templemore and then I took ill again. I was driving
29 to work on the 9th February and I took ill on the way

1 to work and Chief Superintendent Curran picked me up
2 and dropped me home.

3 599 Q. I think we have evidence from Chief Superintendent
4 Curran that during the course of that car trip that you
5 mentioned the car tax issue to him? 14:39

6 A. Yeah, I mentioned it because there was a number of -- I
7 wanted to just kind of -- there was other issues and
8 other investigations and different things and I just
9 wanted to update him on anything that was outstanding.
10 I did mention to him about the car tax issue and that I 14:39
11 had intended resolving it the week before, which would
12 have been my interview with Garda Keogh on the 4th, but
13 I wasn't able to do so and I had intended doing it
14 ASAP.

15 600 Q. So you then met Garda Keogh on the 4th February, isn't 14:39
16 that right?

17 A. I did, yes.

18 601 Q. You have already dealt with this, so I don't intend to
19 go back over it again, but the notes of that meeting
20 are at page 1108, they're the manuscript notes, but the 14:40
21 typed notes, which we might just briefly look at, are
22 at page 6413 of the material, please. If we have that
23 up on the screen. We know and you have already given
24 evidence in relation to this, that you found Garda
25 Keogh, to put it mildly, to be in a very low mood, 14:40
26 isn't that right?

27 A. That's correct.

28 602 Q. In a bad way.

29 A. That's correct, I was actually surprised because I

1 hadn't seen him since September and he just didn't look
2 well. He was very agitated about anything that was
3 kind of probably slightly of concern to him. He was
4 agitated about a thing about the property audit. He
5 was talking about dark forces and he was saying that 14:40
6 there was dark forces at work in Athlone and things
7 like that. I explained to him, because I knew he had
8 an issue with former Superintendent Glacken and I
9 explained to him that Superintendent Glacken was coming
10 out to me the following day on a separate issue and 14:41
11 this seemed to upset him as well.

12 603 Q. We don't need to go through the whole --
13 A. Okay.

14 604 Q. This has already been opened to the Chairman.
15 A. Right. 14:41

16 605 Q. But in terms of the car tax issue.
17 A. Yes.

18 606 Q. Prior to going and meeting with him on the 4th
19 February 2015 --
20 A. Yes. 14:41

21 607 Q. -- had you decided to deal with the car tax issue?
22 A. Yes.

23 608 Q. Yes.
24 A. Yes.

25 609 Q. And then did you change your mind -- 14:41
26 A. I did.

27 610 Q. -- because of the position?
28 A. I changed my mind because of his presentation in front
29 of me. I was concerned that it wasn't an appropriate

1 time because -- I was also concerned because it was
2 very late at night as well. He was very agitated and
3 very anxious about several things. His demeanour had
4 changed since September. I had been informed by
5 Detective Superintendent Mulcahy at the end of October, 14:42
6 he rang me, I think, to say that Garda Keogh was back
7 on the drink and Sergeant Haran had told me only that
8 morning, in February, that Garda Keogh had been very
9 bad over the Christmas and was back on the drink. And
10 I just felt looking at him in front of me and listening 14:42
11 to him and taking account of the situation, that I
12 would be better off dealing with -- not mentioning the
13 tax issue, mention it to him the following week, it was
14 my intention to maybe pick a daytime time to discuss
15 this with him, because I felt it was better and if any 14:42
16 other member had presented in front of me in the same
17 way -- I just felt his welfare was paramount to the car
18 tax at that time.

19 611 Q. If we just look, it's about 15 lines down, you have
20 just referred to this: 14:43
21

22 "He said there were dark forces at work in An Garda
23 Síochána and there are dark forces at work in Athlone."
24

25 And then he raised the issue of you checking his car. 14:43

26 A. He did.

27 612 Q. "He asked me about checking his car. Informed him I
28 checked his and several other cars as I was evaluating
29 areas for my audit."

1 A. Yes.

2 613 Q. "And aspects of finance were considered."

3 A. Yes.

4 614 Q. Was that not an opportune time to mention --

5 A. It was. 14:43

6 615 Q. -- look, I was checking your car tax because --

7 A. I struggled greatly, I struggled greatly with whether I

8 would or wouldn't say it to him at that time. I was

9 sitting, looking at him, taking in account the way the

10 conversation went beforehand, and it was an opportune 14:44

11 time and I considered it, but I was looking at Garda

12 Keogh and the way he was presenting in front of me and

13 I really didn't think it was in the best interests of

14 his welfare and I made the decision at that time it

15 wouldn't kill it to wait a week, and that's what I did. 14:44

16 616 Q. If we just scroll down then, if you could just explain

17 what you mean by what's noted here. Four lines from

18 the bottom:

19

20 "I took a view by me retaining ownership of the 14:44

21 information and telling him it nullified any

22 opportunity for him to form any false perceptions,

23 Garda Keogh works well, is chatty and happy to talk

24 about issues re his time in Bray, dogs, etcetera."

25 14:44

26 what do you mean by that?

27 A. Sorry.

28 617 Q. That note that is recorded there. When you say

29 "ownership of the information" is that the information

1 in relation to the car tax?

2 A. Probably in relation to his car tax, yeah.

3 618 Q. Okay. Well that was just a judgment --

4 A. That was it.

5 619 Q. It was a judgment call you made at the time and you 14:45
6 knew ultimately it was going to have to be dealt with,
7 but that wasn't the time to deal with it as far as you
8 were concerned?

9 A. I felt at that time, and it was playing on my mind as
10 well a lot of the time, that it was very late at night 14:45
11 and I felt when I was talking to him that it would be
12 better addressed -- as I say, at that time when I was
13 talking to him, it was my view I would be seeing him
14 the following week and I thought it would be better
15 addressed when he was a little bit more settled. It 14:45
16 was my first time seeing him since September and I was
17 concerned about the -- his demeanour had changed
18 significantly.

19 620 Q. You understand and appreciate that Garda Keogh claims
20 that the delay in the payment of his car tax and 14:45
21 withholding payment amounted to targeting him in some
22 way, you understand that?

23 A. I know he has said that, yes.

24 621 Q. Was there any aspect of you intending in some way to
25 deprive him of payment deliberately to discommode him? 14:46
26 A. No, there wasn't. Sure I had paid him the money,
27 the -- I had sought clarification in July of 2014 in
28 relation to his other visits in May and I had paid him
29 as soon as I was told that I could make that decision.

1 622 Q. Okay. So if we then just move onto the second issue,
2 the 4th March and your meeting with Chief
3 Superintendent Murray. This was effectively a hand
4 over meeting, isn't that right?

5 A. That's correct, yes.

14:46

6 623 Q. You deal with this at page 843 of the material, just
7 the paragraph there. If we go to that, please, 843.

8 A. Yes.

9 624 Q. You have that?

10 A. I have it, yes.

14:47

11 625 Q. You say:

12

13 "On the 4th March I met with Superintendent Patrick
14 Murray, who was taking over from me as district officer
15 in Athlone. I updated him on Garda Keogh, including
16 the situation with his car tax."

14:47

17 A. Yes.

18 626 Q. Could you just deal with that? When you say you
19 updated him in relation to Garda Keogh, exactly what
20 did you say to him about Garda Keogh?

14:47

21 A. Well, Garda Keogh would have -- when there is a hand
22 over meeting there is a lot of different things
23 discussed, there's policing plans, budgets, you know
24 any issues in the station, you know, numbers of
25 vehicles, people, all that type of stuff, staff, where
26 they are, accommodation issues, all that type of thing.
27 And one of the things is welfare as well. So there
28 were several members at the time that had welfare
29 issues. And Garda Keogh would have been one of them.

14:47

1 So it was obvious, it was in the press and that about
2 the Ó Cualáin investigation.

3 627 Q. Yes.

4 A. So I would have said that that was -- you know, the
5 Ó Cualáin investigation was going on. It wasn't a huge 14:48
6 part of anything I said, it was just probably as part
7 of the welfare with regard to Garda Keogh. I outlined
8 to him that I had been meeting with Garda Keogh, that I
9 had -- I told him about my own situation and the file
10 with regard to the tax. 14:48

11 628 Q. When you say you told him that you had been meeting
12 with Garda Keogh.

13 A. Yes.

14 629 Q. Exactly what did you say to him?

15 A. Oh, exactly... 14:48

16 630 Q. Well not word-for-word.

17 A. It'd be along the lines that I was kind of dealing with
18 Garda Keogh from the welfare perspective and that I had
19 been meeting with him regularly and I had notes of my
20 meetings, which is a copy of -- which is the copy of 14:49
21 the A4, and I left a copy of them or I gave a copy of
22 them for Superintendent Murray in the superintendent's
23 filing cabinet in Athlone.

24 631 Q. What you say in your statement is:
25
26 "I gave Superintendent Murray copies of my notes
27 regarding Garda Keogh."
28 A. That's correct, yeah. He didn't take them with him
29 because -- sorry, it's my recollection, Superintendent

1 Murray came in that day and he was late for a he
2 meeting he had with me because he was caught up with
3 another meeting in Galway. So he came in to meet with
4 me. We went through all the stuff. We discussed the
5 car tax issue and the car tax file was -- we came to an 14:49
6 arrangement that I would put in a covering report and
7 give it to Inspector Minnock and hold it until Monday.
8 The copy of my notes, these were all just historical
9 notes. The only one that was really of relevance was
10 the 4th, the meeting of the 4th February, which I had 14:50
11 gone through with him. So he was aware of that and the
12 reason why I couldn't discuss the car tax with Garda
13 Keogh. I made a copy of those and they were -- he
14 couldn't take them with him because he was going to
15 another meeting, I think it was in Roscommon, from what 14:50
16 I recollect. I was heading to Baltinglass the next
17 day, where I was taking up. So the notes were left in
18 the superintendent's, some call it safe, some call it
19 locker, in Athlone.

20 632 Q. Superintendent McBrien, one might have expected in the 14:50
21 circumstances where there's a hand over --
22 A. Yes.

23 633 Q. -- as you correctly say there's a welfare issue in
24 relation to a number of gardaí --
25 A. Yes, there were. 14:50

26 634 Q. -- in Athlone Garda Station. There was also a welfare
27 issue in relation to Garda Keogh?
28 A. Yes.

29 635 Q. But in a very public manner he had made a disclosure --

1 A. Yes.

2 636 Q. -- of alleged wrongdoing in Athlone Garda Station?

3 A. Yes.

4 637 Q. There was an assistant commissioner who was examining
5 that -- 14:51

6 A. Yes.

7 638 Q. -- and conducting an investigation, isn't that right?

8 A. Yes.

9 639 Q. So in many ways, in that aspect Garda Keogh was very
10 much a special case? 14:51

11 A. Well, from a welfare issue he was one of a number of
12 people.

13 640 Q. We just dealt with that?

14 A. Yes.

15 641 Q. But I am suggesting to you that he was very much a
16 special case? 14:51

17 A. Well, I would have been meeting him more than I was
18 meeting the rest of the --

19 642 Q. Did you supply your notes to Superintendent Murray in
20 relation to your meetings on all the other welfare 14:51
21 issues?

22 A. I didn't meet all the other welfare people. But my
23 issue with regard to Garda Keogh and part of the reason
24 why I left my notes there, would be in case anybody
25 needed to refer for something -- refer to something in 14:52
26 them. So as that somebody that -- there would have
27 been a secure environment if anyone needed to look back
28 on them. Because bear in mind, I had been quite ill
29 and I knew I was going to have surgery. So in case

1 anything happened in that period of time, someone would
2 be able to refer to them if there was an issue. But
3 they were mostly historical. They were all historical.
4 The only one that was really of relevance to Chief
5 Superintendent Murray, or Superintendent Murray as he 14:52
6 was then, was the 4th, the meeting of the 4th February,
7 which I had gone through with him in regard to the car
8 tax.

9 643 Q. Did you explain to him that you had met him on the 4th
10 February and that you hadn't raised the issue of the 14:52
11 car tax?

12 A. In relation to the car tax, yes, I did, yes.

13 644 Q. Did you tell him the reason why you hadn't raised the
14 issue of the car tax?

15 A. Yes. It was the way he presented and I explained that 14:52
16 to Superintendent Murray.

17 645 Q. Did you then go on and say that you had met him
18 frequently since he had made his protected disclosure
19 on numerous occasions as a support to Garda Keogh?

20 A. I can't recall the exact wording, but I would have said 14:53
21 that I was meeting with Garda Keogh regularly.

22 646 Q. And did you say that you were trying to put in place
23 all the support you thought was necessary at the time?

24 A. As I say, again I can't recall my exact words, but, you
25 know, I would have said something along the lines that 14:53
26 I was meeting with Garda Keogh regularly from a welfare
27 perspective and that type of thing.

28 647 Q. Did you mention anything in relation to Garda Keogh
29 having a drink problem?

1 A. I believe I did. I believe I would have said that he
2 had issues with alcohol.

3 648 Q. Did you say that that was long standing and went back
4 into the past?

5 A. I can't specifically recall, but I would imagine that 14:53
6 in the conversation and welfare, because I would have
7 given a brief outline of all of the welfare cases.

8 649 Q. Did you tell him that he was out as a result of work
9 related stress?

10 A. I wasn't aware he was out on work related stress at 14:54
11 that stage.

12 650 Q. Did you discuss that aspect at all?

13 A. With regard to work related stress?

14 651 Q. Yes.

15 A. No. I wasn't aware myself that Garda Keogh was out 14:54
16 with work related stress.

17 652 Q. Superintendent Murray has given evidence and he says
18 that the reference to Garda Keogh was a very brief
19 reference, it was primarily in relation to the road tax
20 issue and that you didn't discuss aspects of his drink 14:54
21 problem?

22 A. My recollection is I just would have. As I say, I
23 don't have specific notes, I would have given a brief
24 welfare outline of all the members. Like, it was --
25 yeah. 14:55

26 653 Q. It may well be that he doesn't recall it.

27 A. Yeah.

28 654 Q. So in any event, how ultimately were you going to deal
29 with the road tax issue?

1 A. I would have had to follow it through. I would have
2 investigated it. I probably would have spoke to Garda
3 Keogh about it and went through the processes of
4 getting the proofs. As I say, it didn't become an
5 issue for me. I had taken it as far as I could to that 14:55
6 time. But it would have had to have been followed
7 through to the end because it was a matter of concern.

8 655 Q. So in any event, you handed over responsibility in
9 relation to that to Superintendent Murray?

10 A. Well, I had to because I was going on transfer. 14:55

11 656 Q. Yes.

12 A. As I say, I had hoped to have it finished before I went
13 on transfer, but that didn't work out.

14 657 Q. So regardless, it was known since July of 2014 that
15 Garda Keogh's road tax wasn't the appropriate tax that 14:56
16 he should be paying?

17 A. No, it was known since -- I knew it, I think, late on
18 the 30th September.

19 658 Q. I beg your pardon.

20 A. Yes. 14:56

21 659 Q. There was an issue from July, but that wasn't
22 identified?

23 A. There was just a comment. I didn't -- as I say,
24 nothing else had come my way. So it wasn't until it
25 was shown on the Pulse check. 14:56

26 660 Q. Is there anything more you wish to say in relation to
27 that?

28 A. No.

29 661 Q. If we just move on to the final issue then, and that

1 concerns a meeting, I think it was in Garda
2 Headquarters on the 23rd September 2014?

3 A. Yes.

4 662 Q. This concerned a meeting that you had with Chief
5 Superintendent Curran, Detective Superintendent Mulcahy 14:57
6 and Assistant Commissioner Ó Cualáin; isn't that right?

7 A. Yes.

8 663 Q. where did the meeting take place?

9 A. when?

10 664 Q. where? 14:57

11 A. In the centre block in the Phoenix Park, which would be
12 the office of the deputy commissioner.

13 665 Q. There aren't any notes of the meeting, is that right?

14 A. No, it was extremely brief.

15 666 Q. It was a prearranged meeting, was it? 14:57

16 A. It was a prearranged meeting at short notice.

17 667 Q. what was it to discuss?

18 A. I don't recollect having a whole pile of knowledge of
19 what it was about before we went, but I did bring my
20 notebook with the notes of the meetings with Garda 14:58
21 Keogh.

22 668 Q. But you didn't make any notes at that meeting?

23 A. No, no. It was just, as I say, very brief and I do
24 recall at that meeting reading out the bit about the
25 meeting that I had with Garda Keogh when he made the 14:58
26 comments about Garda A having the -- sorry.

27 CHAIRMAN: Garda A, everyone understands.

28 A. Garda A, sorry.

29 669 Q. MR. MARRINAN: Nobody recorded this meeting, do you

1 understand?

2 A. Yes.

3 670 Q. We don't even have a note that was made after the
4 meeting.

5 A. Yes. 14:58

6 671 Q. We just know there was a meeting.

7 A. Yeah.

8 672 Q. So if you could help us in relation to this. Did you
9 travel there with Chief Superintendent Curran?

10 A. No, no, I didn't. No. I had a training seminar that 14:58
11 morning, that went on in Mullingar, the training
12 seminar about the audits or the inspections and
13 reviews, and then I remember us having to hot foot it
14 to Garda Headquarters for this meeting with the deputy
15 commissioner. 14:59

16 673 Q. The issue of Garda A's suspension --

17 A. Yes.

18 674 Q. -- was mentioned at that meeting. Can we have page
19 6397 up on the screen, please. This is a letter from
20 you to Chief Superintendent Curran, it would have been. 14:59
21 It's undated. I don't think the letter was actually
22 sent. It has written on the right-hand corner, if we
23 can scroll up "draft"?

24 A. Yes.

25 675 Q. It seems to have been prepared by you and it deals with 14:59
26 the whole background of the protected disclosure and
27 then the position as to whether or not Garda A should
28 be suspended and your recommendations?

29 A. Yes.

1 676 Q. Do you see that?
2 A. I see that. But I don't recollect this at all. I
3 don't recollect preparing it. I don't think it was
4 prepared by me. It's not signed by me and it's a
5 draft. I just saw this when it was disclosed. I think 15:00
6 there's two pages to it, is there?
7 677 Q. It's three pages, yes.
8 A. Three pages.
9 678 Q. Yes.
10 A. I don't have a recollection of that. But I have read 15:00
11 it and I think it gives an accurate reflection really
12 of the knowledge in Athlone of things at the time.
13 679 Q. Well, who do you think may have written it, if it
14 wasn't you? Was it maybe an inspector acting on your
15 behalf? Did you deputise somebody to do this? 15:00
16 A. Can you just scroll? I don't recall. Can you scroll
17 down to the very end?
18 680 Q. If you wish to have a look at it there?
19 A. Yeah, no, that's fine.
20 681 Q. CHAIRMAN: would you like to see the printed copy 15:01
21 probably? Or do you have the printed copy?
22 A. I don't.
23 682 Q. CHAIRMAN: It's a lot easier to look at the printed
24 copy.
25 A. It could be my clerk. 15:01
26 683 Q. CHAIRMAN: 637.
27 A. Yeah I have it here beside me. I have it now. I know
28 I didn't prepare it and I don't recall asking for it.
29 But it looks like -- it looks like something that could

1 be being worked on in case it was required. I don't
2 recall asking someone for it but it would be -- if I
3 was asking someone to do something like that, it would
4 be my clerk I would ask, Garda White.

5 684 Q. CHAIRMAN: But as far as you're concerned it does 15:02
6 reflect as you can recall, it reflects what was in your
7 mind, I take it, is that right?

8 A. Not so much what was in my mind, it reflects -- I have
9 read it since I have seen it and it does reflect the
10 level of knowledge that was -- 15:02

11 685 Q. CHAIRMAN: It reflects the situation.
12 A. It does reflect the situation.

13 686 Q. CHAIRMAN: As you best understand it.
14 A. Yes.

15 687 Q. CHAIRMAN: This letter, this draft reflects the 15:02
16 situation as you believe it existed?

17 A. That's correct.
18 CHAIRMAN: Okay.

19 688 Q. MR. MARRINAN: And this follows guidelines that are
20 laid down, we have them in the papers? 15:02

21 A. There is a procedure and a kind of template for if
22 someone is going through suspension. But suspension of
23 Garda A wouldn't have been my call, it would have been
24 Deputy Commissioner Ó Cualáin's call.

25 689 Q. I wonder whether that's entirely right in relation to 15:03
26 the matter. If we just have the guidelines in relation
27 to this. Page 7828, the policy document on the
28 suspension from duty of members of An Garda Síochána
29 under the Garda Síochána (Discipline) Regulations 2007

1 as amended. This version that we have been provided is
2 in January 2017. There is a high degree of probability
3 that the issues were in existence at the time because
4 you addressed a lot of these. But if we go to page
5 7831, we see there under "short-term suspension", it
6 says:

15:04

7
8 "The commissioner has delegated to all members of chief
9 superintendent rank the power to suspend a member for a
10 period not exceeding ten days."

15:04

11 A. Yes.

12 690 Q. Then:

13
14 "Long-term suspension. The commissioner may suspend a
15 member for a period exceeding ten days. The
16 commissioner may also extend the suspension of a member
17 who has been suspended for a period not exceeding ten
18 day. These functions may be delegated by the
19 Commissioner. The views of the member's divisional
20 officer will be sought on the following matters when
21 the issue of the member's long-term suspension is being
22 considered."

15:04

15:04

23
24 So it would appear that the chief superintendent had
25 the power to suspend in relation to a short-term
26 suspension.

15:04

27 A. Yes.

28 691 Q. Long-term, the power of suspension rests with the
29 Commissioner but he can delegate that?

1 A. Yes. But with regards to this investigation, I
2 probably worded it badly, is that neither myself nor
3 the chief superintendent were aware of what was going
4 on with the Ó Cualáin investigation or the content of
5 it. So with regard to the draft suspension notice 15:05
6 that's there, that was the only level of knowledge that
7 was in Athlone at the time. As I say, I have read
8 that, and that would be the level of knowledge that was
9 available. But Deputy Commissioner Ó Cualáin, who was
10 carrying out the investigation, would have known what 15:05
11 his investigation was about.

12 692 Q. Indeed. We will just read on:

13
14 "The views of the member's divisional officer will be
15 sought on the following matters when the issue of a 15:05
16 member's long-term suspension is being considered."

17 A. Yes.

18 693 Q. "The strength of the evidence", you couldn't have known
19 that, "The seriousness of the allegation", you couldn't
20 have known. "The risk of members to the public? 15:05

21 A. Yes.

22 694 Q. "Risk to colleagues, potential to pervert the course of
23 justice, options of alternatives to suspension."

24
25 So those were all matters, those latter matters were 15:06
26 matters that you could have dealt with or made
27 recommendations from a divisional viewpoint, isn't that
28 right?

29 CHAIRMAN: Except you couldn't have said anything about

1 the strength of the evidence?
2 MR. MARRINAN: Yes.
3 A. No, no, and I think that is reflected in the draft
4 document as well, that it follows on those lines of the
5 primary and secondary considerations. From my 15:06
6 recollection, it looks -- yes.
7 695 Q. Indeed, if we look then at the secondary
8 considerations?
9 A. Yes.
10 696 Q. "Likely outcome". 15:06
11 A. Yes.
12 697 Q. That couldn't have been known. "Estimated time to
13 conclude investigation", you couldn't have known that.
14 "Relevant complaint history", that would have been
15 known locally? 15:06
16 A. Yes.
17 698 Q. "Current performance", would have been known locally?
18 A. Yes.
19 699 Q. "Impact on police public relations", again that's is a
20 local matter. "Impact on service morale", again that 15:07
21 would be a local matter. "Risk to officer welfare
22 considerations". So those were all matters that are
23 reflected in the --
24 A. In the draft.
25 700 Q. -- draft? 15:07
26 A. Yeah.
27 701 Q. I am just wondering, I mean, is it possible that this
28 was prepared by you as an aide memoire for yourself and
29 Chief Superintendent Curran going to meet Assistant

1 Commissioner Ó Cualáin and Chief Superintendent
2 Mulcahy?

3 A. Is it possible?

4 702 Q. Or is it possible that it's prepared after you have met
5 with them and they have asked you for your views in 15:07
6 relation to the matters that you could deal with, which
7 are set out in this?

8 A. Well, I know I didn't write it and I know the
9 information certainly there wouldn't be at hand for me
10 to have. It is possible, and I don't recollect if I 15:07
11 did, but it is possible, thinking maybe ahead what
12 could, what couldn't happen, or I could have asked my
13 clerk to draft something. But the primary and
14 secondary considerations on page 7831 are reflected in
15 that draft and do reflect the level of knowledge that 15:08
16 was there or wasn't there at the time. But I don't --
17 the only thing that was mentioned at the meeting was my
18 notes in regard to Garda A's access to the gun.

19 703 Q. Can you perhaps give us some guidance as to how we can
20 establish who it is who is the author of this report if 15:08
21 it's not you?

22 A. The only other person that I could suggest that could
23 have done it on my behalf would be -- it definitely
24 wasn't the inspectors, I know that. It could be my
25 clerk. 15:09

26 704 Q. Your clerk?

27 A. Yes. It would be most likely that he would be who I
28 would ask, because he would have access to the points
29 that's there, the points, the secondary considerations.

1 705 Q. Well, you'll agree with me perhaps that it's quite well
2 put together, it's comprehensive and it deals with the
3 issues?
4 A. Well I had -- Garda White was a very efficient clerk,
5 who was very good at his job. 15:09
6 706 Q. At the meeting on the 23rd September --
7 A. Yes.
8 707 Q. -- in Garda Headquarters, did you raise the issue of
9 Garda A's access to a firearm?
10 A. No. It was raised -- I think it was given in answer to 15:10
11 something that was asked.
12 708 Q. Can you remember what --
13 A. What was asked?
14 709 Q. Maybe it was one of the questions that since it's
15 reported is in -- 15:10
16 CHAIRMAN: Risk to colleagues.
17 MR. MARRINAN: Risk to colleagues, you might have said,
18 well there was an issue.
19 CHAIRMAN: Risks to member of the public, but certainly
20 risk to colleagues would appear to be the relevant 15:10
21 heading.
22 A. Yeah, I think -- I can't recall the exact question
23 because, as I say, it was a very short meeting, nobody
24 took notes. I was the only one that seemed to have a
25 notebook with me. And I had this. And there was 15:10
26 obviously something that was asked. I think from what
27 I can recollect, it would have been about how Garda A
28 was around the station, that type of thing. And I
29 asked -- I remember specifically reading it and I

1 remember specifically the bit about whether Garda Keogh
2 felt under threat and me saying that it was more that
3 Garda Keogh was interested in Garda A's welfare, I
4 think he felt that the results of the inquiry would be
5 quicker than it was. 15:11

6 710 Q. I think at that stage that you had got a report from
7 Detective Sergeant Curley in relation to Garda A's
8 access to firearms, isn't that right?

9 A. Yes, I had got the written report but I do recall from
10 the time I sent it down to Garda Curley, that he had 15:11
11 verbally advised me as well about Garda A's access to
12 firearms.

13 711 Q. Well, I think by the 23rd September you had received
14 the report?

15 A. I had the written one, yes, yeah. 15:11

16 MR. MARRINAN: would you answer any questions, please.
17

18 END OF EXAMINATION

19
20 CHAIRMAN: Thank you very much. Now, Mr. Kelly. 15:11

21
22 SUPERINTENDENT NOREEN McBRIEN WAS THEN CROSS-EXAMINED
23 BY MR. KELLY, AS FOLLOWS:

24
25 712 Q. MR. KELLY: Good afternoon, superintendent? 15:12

26 A. Good afternoon.

27 713 Q. I want to go back to the 5th June 2014, you can call it
28 up if you like, it's volume 4, page 828, it's your
29 statement. Do you have it there?

1 A. Yes.

2 714 Q. You might find it easier if you look at the paper copy,
3 it's a matter for you, of course.

4 A. What page number?

5 715 Q. Page 828. 15:12

6 A. Yes.

7 716 Q. Have you found it?

8 A. Yeah, I have it.

9 717 Q. This is about the middle there, roughly, 5th June?

10 A. Yes. 15:13

11 718 Q. Just have a quick look through it to familiarise
12 yourself?

13 A. Yes. Yes.

14 719 Q. You see there, the substance of that is Catriona, this
15 is Catriona Quirk, recorded, you're saying, two claims 15:13
16 made for Nick Keogh for travelling expenses. Firstly,
17 was that odd that she was pointing these out?

18 A. Sorry?

19 720 Q. Was that odd, out of the run of what she was doing?

20 A. Oh, no. Yes, she would normally, if there was anything 15:13
21 that was slightly -- yeah.

22 721 Q. She said those claims were to meet Ming Flanagan and
23 someone else there she mentioned?

24 A. The confidential recipient.

25 722 Q. Yeah, the confidential recipient. And was asking 15:14
26 whether those were in line with policy?

27 A. Why.

28 723 Q. What I am wondering is, why would she think they
29 weren't in line with policy?

1 A. Because -- it's very hard for me to think on her
2 behalf.

3 724 Q. I know that.

4 A. However, it's my recollection that she was concerned --
5 we -- you're supposed to apply for incurring -- on the 15:14
6 form FMS2, if you are travelling that type of -- you
7 know, in advance. And also, at the time we were
8 very -- budgets were extremely tight and we were
9 monitoring the sub and travel very tightly. But the
10 thing was, meeting Mr. Flanagan, Ming Flanagan, it 15:14
11 wasn't -- we were concerned as to whether it was
12 considered or could be considered duty, because it
13 wasn't something that was agreed or sought permission
14 for or that, it was something just Garda Keogh had done
15 kind of his own volition and we were just -- you know, 15:15
16 is this Garda duty or is this something someone who is
17 doing it themselves? And that's what the concern was.
18 And it was new to us, it was something we hadn't come
19 across before.

20 725 Q. Those claims were then referred to what, the finance 15:15
21 executive, weren't they?

22 A. As I said before, I think I made a phone call on them.
23 Because, as I say, it was what clarifies duty. A
24 district officer, once they are satisfied, can sign the
25 claims, or can authorise the claims, but I just wasn't 15:15
26 a hundred percent sure on this one. It was
27 specifically meeting the TD aspect of it. As I say, it
28 was just something that was done, there was no -- you
29 know, as I say, we weren't aware, there wasn't

1 permission sought, like was this person working or on
2 over time or on a work rest day or whatever. I think I
3 rang someone and they said just send it in and I did,
4 and then it came back to say that the authority rested
5 with me to grant it and I did grant the payment of 15:16
6 that.

7 726 Q. Yeah. If you turn up volume 7, page 1741, perhaps we
8 could have 1741 up on the screen. Do you see it there?

9 A. Yes.

10 727 Q. 8th July 2014. It's sent to chief superintendent, 15:16
11 Mullingar from Michael Culhane, executive director of
12 finance and services:

13

14 "Attached claim, sent with the above, is forwarded for
15 your attention." 15:16

16

17 Relating to Garda Nicholas Keogh.

18

19 "As the claim was not forwarded from your office, it is
20 unclear from the enclosures why this claim has been 15:16
21 forwarded to the finance directorate."

22 A. Yes.

23 728 Q. Do you see that?

24 A. Yes.

25 729 Q. That seems to have gone to Mark Curran, because it you 15:17
26 look at the preceding letter, preceding page 1740, this
27 is Mark Curran writing to you:

28

29 "I refer to the attached correspondence which has been

1 returned to this office by the executive director of
2 finance and services.
3
4 It is not clear why these claims have been referred to
5 the executive director of finance and services. It is 15:17
6 a matter for the district officer to examine such
7 claims and decide on the validity of the claim
8 forwarded.
9
10 Forwarded for your information and attention please." 15:17
11
12 That what's said, it goes up to the Phoenix Park. They
13 say, what's this doing here, it's really for the local
14 office. They send it back. What did you do then?
15 A. Sorry? 15:17
16 730 Q. What did you do then?
17 A. I paid those two claims.
18 731 Q. Right. Okay.
19 CHAIRMAN: It's not exactly a helpful answer from the
20 Phoenix Park, really. 15:18
21 A. It wasn't a helpful answer.
22 732 Q. CHAIRMAN: A snooty response.
23 A. I think the problem was --
24 733 Q. CHAIRMAN: They leave it to yourself. Then if it goes
25 wrong, if anything goes wrong you get the blame. 15:18
26 A. I rang somebody, I think. My recollection is I rang
27 somebody. I thought -- my query was the visiting the
28 TD aspect of it, was it or wasn't -- did it --
29 734 Q. CHAIRMAN: Of course. You hadn't come across that

1 before?

2 A. It was unusual. No.

3 735 Q. CHAIRMAN: visiting a TD, is this part of duty and
4 therefore getting the thing and answer there came
5 there, none from headquarters, except a snooty 15:18
6 response?

7 736 Q. MR. KELLY: well, it wasn't just visiting a TD, it was
8 also the confidential recipient?

9 A. The confidential recipient was separate.

10 737 Q. CHAIRMAN: Absolutely. He wasn't raising the question 15:18
11 about the confidential recipient?

12 A. No.

13 738 Q. MR. KELLY: Before you had seen this correspondence,
14 you had spoken to someone about it on the phone?

15 A. I think that's how -- I think what happened was, when I 15:18
16 got it, Ms. Quirk came into me and we just -- as I say,
17 he was visiting the TD. It was with regard to
18 consenting to it or approving it, it was unusual. And
19 there is circumstances, in exceptional circumstances
20 you can contact the executive director. I rang up, I 15:19
21 believe, somebody in that section and they would have
22 said just send it in writing, and I did.

23 739 Q. So you didn't get what has been described as a snooty
24 brush off from them?

25 A. Well, that's the response I got and I decided then in 15:19
26 the circumstances I'd pay it.

27 CHAIRMAN: You don't have to agree with my description
28 of it.

29 740 Q. MR. KELLY: Anyway, you got the brush off and you paid

1 it?

2 A. I did.

3 741 Q. Another matter I wanted to ask you about, the claims
4 that were returned, do you remember, that Nick Keogh
5 made, which weren't countersigned or were sent back to 15:20
6 get countersigned?

7 A. The ones in January.

8 742 Q. Yeah, in January.

9 A. Yes, I was in in January and I don't think we
10 overlapped. Those claims were there, yes. 15:20

11 743 Q. But when I read the papers, and correct me if I am
12 wrong, those January claims, it was essential it be
13 countersigned by the sergeant, in this case Sergeant
14 Haran, yeah?

15 A. Yes. They are resubmissions. 15:20

16 744 Q. Yes, resubmissions. Why was that not done, to send it
17 back and say, well look, these need to be signed until
18 June of 2014?

19 A. Sorry, the claims that were sent back in January, they
20 were the ones that were there. 15:20

21 745 Q. Yeah.

22 A. I didn't see any previous claims.

23 746 Q. I think I can call those up for you?

24 A. Yeah.

25 747 Q. 1750 is the relevant letter there? 15:21

26 A. Yes.

27 748 Q. And:

28

29 "Attached correspondence is forwarded for early

1 attention of Garda Nick Keogh. "

2

3 That seems to have been 13th January 2015, is it?

4 A. Yes.

5 749 Q. "Garda Keogh, for your early attention please. 15:21

6

7 Sergeant Haran amended as requested. "

8

9 But those weren't actually paid until June that year,

10 isn't that right? 15:21

11 A. Those claims were paid in April 2015. They were signed

12 by chief superintendent, then Superintendent Murray,

13 after the tax issue had been addressed. I didn't --

14 they were dated January, those resubmissions.

15 750 Q. Yes, that is what I am wondering? 15:21

16 A. Yes.

17 751 Q. You see here we are in January and there is months go

18 back?

19 A. Yes.

20 752 Q. Is there any reason why you're aware that it took so 15:21

21 long for them to be paid? I am just wondering.

22 A. Well they couldn't be paid until the tax was sorted.

23 753 Q. Sorry?

24 A. They couldn't be paid until the tax was sorted.

25 754 Q. I see. So they were held up for that? 15:22

26 A. But these resubmissions, I don't recall -- that's the

27 first time I saw the claims.

28 755 Q. Yes. But you knew that he had these claims in. You

29 also knew by that time, in fact you had known from

1 October the preceding year, about the issue about the
2 car tax?

3 A. I didn't know what claims he had in or how many or that
4 in October, because I didn't actually see -- I don't
5 know what claims he had in. That was -- there was a 15:22
6 number of claims for lots of members in the finance
7 office. I don't know -- Garda Keogh says in his
8 statement he doesn't know when he submitted the claims.
9 So I don't know what claims are there in October.

10 756 Q. When you had met Nick Keogh in February? 15:22

11 A. Yes.

12 757 Q. I understand the reasons you have told the Chairman why
13 you didn't mention it?

14 A. Yes.

15 758 Q. But had you mentioned it to him at that time and just 15:23
16 said, look, Nick, there's a real problem here, your
17 motor is not properly taxed, that could have been all
18 sorted out there and then, his expenses claimed paid
19 and so on, couldn't it?

20 A. There was going to be no sorting out, like I mean this 15:23
21 had to be investigated. For me to sign or to do
22 anything other than that, it would be to compound what
23 could be an issue with the expenditure of public money.
24 So it wasn't a matter of just we'll sort this out
25 between us type of thing. This was something that had 15:23
26 to be investigated.

27 759 Q. I don't understand that. You see, if you said to him
28 in February, look, Nick, I am aware by reason of Pulse
29 inquiries that I had made on the 1st October last year

1 that your vehicle appears to be irregularly taxed, and
2 that has the consequence. For example, expenses claims
3 you put in cannot be paid until that is regularised,
4 what do you propose to regularise the position. That
5 would have been possible, wouldn't it? 15:24

6 A. Not in the position -- not with the way Garda Keogh
7 presented to me. As I say, if Garda Keogh, as he had,
8 or any other member, presented it to me in that way, I
9 wasn't happy and I felt that -- as I say, at that time
10 I thought the issue was only going to wait a week, but 15:24
11 unfortunately I was ill the following week.

12 760 Q. Yes. You would only have let it go a week, a few days
13 or so?

14 A. Absolutely. I think this was a -- I'm not sure what
15 night of the week this was, I think it was a Wednesday 15:24
16 and I was hoping to kind of have a similar meeting the
17 following week and it just didn't work out that way.

18 761 Q. I see. This is all looking back with the benefit of
19 hindsight. What would your intention have been, to
20 mention it to him, to get the position regularised, at 15:25
21 that subsequent meeting?

22 A. I think what I would have done is, I would have
23 mentioned it to him and tell him, you know, that this
24 was something that -- see what he had to say first of
25 all. But the process would have had to have been 15:25
26 bottomed out. As I say, I never got there with it.
27 But the process would have had to be bottomed out. The
28 strict -- like the regulations in the job are fairly
29 strict and that was it. It would have to be dealt with

1 and dealt with properly. And there was no way that I
2 would sign his claims knowing that there was a possible
3 situation where they were incorrect.

4 762 Q. How would you have dealt with it, is what I am getting
5 at? 15:25

6 A. I actually haven't -- I would have said it to him
7 first.

8 763 Q. Yes.

9 A. As I say, it's kind of hypothetical at this stage what
10 would I have done, what might I have done. 15:26

11 764 Q. I appreciate that.

12 A. I know that I would have had to follow-through, take it
13 through to the end, take it to a finality. You know,
14 it depends, you see I don't know what Garda Keogh was
15 going to say back to me. 15:26

16 765 Q. CHAIRMAN: Can I ask you. I mean I am following the
17 exchange?

18 A. Yeah.

19 766 Q. CHAIRMAN: I mean here's really the question:
20 Mr. Kelly is saying, could you have said, your tax is 15:26
21 not right, fix it, and let that be the end of the
22 matter? That's one thing. Clearly that was possible.
23 I mean, I am not suggesting that this is the only way
24 to do it. I mean there wasn't a whole lot to
25 investigate. So to speak, either deliberately or not 15:26
26 deliberately, he was not paying the correct tax?

27 A. That's correct.

28 767 Q. CHAIRMAN: Either intentionally or not intentionally,
29 he said it was all an accident, he just carried on.

1 But whether or which, however it was, he was paying the
2 wrong tax?

3 A. Yes.

4 768 Q. CHAIRMAN: He was paying too little tax and that had to
5 be put right? 15:27

6 A. Yes.

7 769 Q. CHAIRMAN: And I understand the regulations said
8 everything has to be in order?

9 A. Yes.

10 770 Q. CHAIRMAN: So I have, I suppose, two questions. One, 15:27
11 was it possible for you to say, look, just put it right
12 and we'll forget it? Alternatively, supposing it later
13 turned out that he had been sending in declarations,
14 signed declarations that he was using it as a
15 commercial vehicle, would that affect the position? 15:27
16 Those are my two questions?

17 A. I think the situation is --

18 771 Q. CHAIRMAN: Do you follow me?

19 A. Yes, yes.

20 772 Q. CHAIRMAN: I am trying to work out where we are going 15:27
21 here. Garda Keogh says, look, this is all a storm in a
22 teacup, look, I made a mistake, I did something, okay,
23 maybe you can say it was stupid or wrong, whatever it
24 was, I should have known, fair enough. All somebody
25 had to do was to say to me, fix it. Which is in fact 15:27
26 what happened. But he says that Superintendent Murray
27 made a big deal about it and that's one of the issues.
28 Now, could it have been done low level, fix the thing?

29 A. Well, my view is that the regulations are the

1 regulations and it could well have been a disciplinary
2 matter.

3 773 Q. CHAIRMAN: It was a disciplinary matter?
4 A. That would be my view.

5 774 Q. CHAIRMAN: That's exactly where we are headed? 15:28
6 A. Okay.

7 775 Q. CHAIRMAN: And where Mr. Kelly is headed. You say,
8 well, it still was a disciplinary matter at some level?
9 A. Yes.

10 776 Q. CHAIRMAN: I'm sorry Mr. Kelly but I thought we might 15:28
11 as well cut to the chase and say, right, is it, because
12 I think that the question in everybody's mind,
13 including Garda Keogh's, is to say, look, somebody
14 should have said to him, look, get that fixed and
15 that'll be the end of it. which is clearly a 15:28
16 possibility.
17 A. Yes.

18 777 Q. CHAIRMAN: But you say there was a disciplinary element
19 to it?
20 A. There is a disciplinary element, yes. 15:28
21 CHAIRMAN: Okay.

22 778 Q. MR. KELLY: And recognising that, it still would have
23 been a matter for you to decide, in the light of what
24 he said to you, what you then decided to do, that
25 clearly must be right? 15:29
26 A. Sorry, could you repeat that?

27 779 Q. Right. Recognising that it was potentially a
28 disciplinary matter?
29 A. Yes.

1 780 Q. Your position, as I understand it, would have been,
2 well, look, I would have listened to what he would have
3 said?
4 A. Yes.

5 781 Q. And in light of that, I would then have made a decision 15:29
6 as to how I would then proceed. I am saying to you
7 plainly that must be right, do you agree?
8 A. Yes. It's all -- as I say, we're dealing very
9 hypothetically.

10 782 Q. Of course. 15:29
11 A. Yes, it would have been, if you were considering that
12 it is a disciplinary matter, there would have been --
13 whichever way you're going to deal with it, yes.

14 783 Q. Another matter, you mentioned there sometime ago about 15:29
15 the policy about using private cars without permission
16 and claiming expenses. You had simply sent out a note
17 on that?
18 A. I recall something being sent out and I have looked for
19 it and I can't find it. I am wondering was it sent
20 from the finance office on my behalf. But at the time 15:30
21 there was lots of -- even at PAF meetings and that, it
22 was very, very prevalent. The travel and subsistence
23 budget was cut, was kept very tight. During that year
24 we had to account for people going for interviews. All
25 the interviews would have been in Templemore, so you 15:30
26 had all of that. You had training, travelling to and
27 from training, travelling to and from court, all that
28 stuff came out of it. So at stages I think we were
29 using community policing bus to bring members to

1 Tullamore for court. So it was well -- everyone in the
2 station would be well aware that the budget and sub and
3 travel budget was very tight.

4 784 Q. The reason I mention this is, you were asked about this
5 by the Tribunal investigators? 15:31

6 A. Yes.

7 785 Q. That is to be found at Volume 21, page 6235. What was
8 put to you was this:

9

10 "I have been referred to my statement to the 15:31
11 Disclosures Tribunal where I state..."

12

13 This is line 475:

14

15 "...I had previously sent out notification to all 15:31
16 members of the district that they were not to use their
17 private cars on duty without permission being
18 sanctioned in advance."

19 A. Yes.

20 786 Q. "I have been asked in respect of the above extract when 15:31
21 this notification was sent out, whether I had provided
22 it to the Disclosures Tribunal to date and if not I
23 have been asked to provide this document to the
24 Disclosures Tribunal through my solicitor.

25 A. It would have been addressed at PAF meetings. I 15:31
26 don't recall when the notification was sent out but I
27 am certain it was sent out. Budgets were tight then
28 and I would have been conscious of making the best use
29 of funds. I don't have a copy of this document. There

1 were strict financial budgets in place and I had to
2 manage the funds quite tightly."

3
4 That is more or less what you just said to the Chairman
5 now, isn't it? 15:32

6 A. Yes.

7 787 Q. Have you had a good look for this elsewhere?

8 A. I had a look before that. But it's in the Garda
9 finance code regulations and that, if you are using
10 your private car, you are supposed to apply in advance 15:32
11 on an FMS2 and have it approved. Every member knows
12 that. And there was a headquarters circular out in
13 2009 as well relating to budgets and relating to
14 members, you know, all these things being strictly
15 monitored and best use of money. So I can't find that 15:32
16 specific document I am talking about, but I am
17 satisfied that it was sent out either from the finance
18 office on my behalf or the district office of whatever,
19 but it was something that was addressed regularly.

20 788 Q. You were sending it out because you thought, look, this 15:33
21 is an issue, I have got to generate this note, send it
22 out, you are being asked where it is and nobody has
23 been able to come up with it. That's right, isn't it?

24 A. I can't find it.

25 789 Q. But presumably it's not just you, you have asked others 15:33
26 to go through the records, finance records, to see if
27 this --

28 A. I looked. No, I believe that some stuff was just not
29 available. Sorry, there was some of the finance

1 records, some of the finance -- if I asked Ms. Quirk to
2 send out something on my behalf, she could have done it
3 from her own computer and it would only be a general
4 note saying, send out something on my behalf. And I do
5 recall going out to Athlone to the district office and 15:33
6 being told that some stuff had been moved with regard
7 to old historical kind of stuff that wouldn't be of
8 great consequence, you know.

9 790 Q. So you have got on to Athlone?

10 A. I have, I got on -- 15:34

11 791 Q. And you have been told, look, stuff has been removed,
12 is that right?

13 A. I have been told I think there was some old finance
14 type, as I say, general stuff like that wasn't
15 available. 15:34

16 792 Q. Wasn't available?

17 A. Well, I can't -- I was told by the then clerk, the
18 current -- the lady who was the then clerk. Because I
19 did look for it and couldn't find it. So it wasn't on
20 the record in Athlone in the district office, from what 15:34
21 I can recall.

22 793 Q. CHAIRMAN: Okay.

23 A. But then, I don't know whether it's something that I
24 could have typed up myself on my own.

25 794 Q. CHAIRMAN: But you haven't found it? 15:34

26 A. I haven't found it.

27 795 Q. CHAIRMAN: Despite searches, it hasn't been found?

28 A. No.

29 796 Q. CHAIRMAN: Okay.

1 A. It would be something I could have even typed up on my
2 own PC and sent out myself.

3 797 Q. CHAIRMAN: Okay.

4 A. I'm not -- sorry, when I say my own PC, I mean my own
5 work PC. 15:35

6 798 Q. CHAIRMAN: I understand. Superintendent, that's enough
7 on that one, if that is all right with you. Unless
8 Mr. Kelly wants to ask another, I think we have
9 exhausted that one.

10 799 Q. MR. KELLY: Fine, I have asked about it. 836, again in 15:35
11 your statement. You say there, it's page 836:
12
13 "On the 17th, 18th, 19th July, whilst on annual leave,
14 I got a text from Garda Keogh. On the 17th July, 19th
15 July I was on the beat when McHugh came over to me, 15:35
16 20th July..."

17
18 You then say that it is a text, 22:46, according to my
19 note, you got a text from Nick Keogh asking if there
20 was a complaint against you? 15:36

21 A. Whereabouts is it?

22 800 Q. It's up at the top I think. Yeah, do you see there at
23 the top of the page, at 22:46:
24
25 "I got a text from Garda Keogh: Superintendent, can 15:36
26 you let me know whether there is a complaint against me
27 please? I replied: Stop worrying. I have recommended
28 that they be investigated. You will be kept in the
29 loop."

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Do you see that?

A. Yes.

801 Q. Was there a complaint?

A. No, Garda Keogh was told there was no complaint, I told him that loads of time. 15:36

802 Q. "I recommend they be investigated" was your reply?

A. Yes.

803 Q. What are you recommending? If there was no complaint what are you recommending be investigated? 15:36

A. That the incidents, the incidents, whatever it was, the Liam McHugh, the Olivia O'Neill, I had recommended that they be investigated too. I think it's on a report on the 16th. What date is this?

804 Q. That is your statement. It's your appendix NB 14? 15:37

A. Yeah. But what date is the text? Because I had sent a report to the chief on the 16th. At the end I said I felt that they should be --

805 Q. Could we find NB 16? It's appended, the date of this. Look, in the meantime perhaps I can just move on whilst that is being done. The complaints there -- or what 15:37

you are recommending, he was speaking, saying, look, is there a complaint? what you were then saying, I recommend it be investigated, what you were referring to was not a complaint but these other matters, the McHugh stuff, is that right? 15:38

A. As I say, I'm not a hundred percent sure what date this date this, that the text is, I think it's the end of July. But I had sent a report to the chief on the 16th

1 July and I had explained to Garda Keogh numerous times
2 that just because something is being investigated
3 doesn't mean he's being investigated. He was told that
4 and I had said that to him, it's in my notes on that, I
5 think at the very outset, that he wasn't having 15:38
6 investigated. That I was investigating these issues or
7 events or incidents and that any investigation could
8 have any conclusion, including complete exoneration. I
9 mentioned that to him several times. And that's just
10 me reiterating the same thing. I'd have to go through 15:38
11 my notes to get the exact page.

12 806 Q. I see, yes.
13 A. It has been said and I did say it in my original
14 evidence.

15 807 Q. volume 7, 1733? 15:39
16 CHAIRMAN: what number did you say, Mr. Kelly? 1733?
17 Thank you.

18 A. I have it mentioned in my notes, which are dated the
19 9th June, which at the very outset I say, I said that
20 he has to understand if an issue is brought to my 15:39
21 attention I have to address it and he should not
22 misunderstand this and he said he totally understood.

23 808 Q. Okay.
24 A. So that's one of the times I mentioned it.

25 809 Q. Now, when you met with -- we have been over this a 15:40
26 number of times, so I am not going to dwell on it. You
27 met with Superintendent Mulcahy in Athlone, you had
28 been out for a coffee, you think it was July, and he
29 makes this rather serious comment to you about Nick

1 Keogh's tax, that you should have a look at it?

2 A. Mm-hmm.

3 810 Q. At the time did it strike you as odd?

4 A. That he had made the comment?

5 811 Q. Yeah, it's apropos nothing, isn't it? 15:40

6 A. You see, I didn't know Superintendent Mulcahy.

7 812 Q. Yes.

8 A. So I don't know much about his personality. But it was

9 probably somewhat unusual. But also, you know, he

10 could have been just giving me a heads up that 15:40

11 something was coming my way, that's the spirit I took

12 it in.

13 813 Q. I understand that. When he did that, you were

14 expecting something perhaps in e-mail or a piece of

15 paper or something to come through? 15:41

16 A. I was.

17 814 Q. Nothing came through?

18 A. That's correct.

19 815 Q. Yeah. Then later this thing about the car tax comes

20 up. Did it fall into place then? Did you think to 15:41

21 yourself, well, that must have been what he was on

22 about?

23 A. Em...

24 816 Q. Or did that not cross your mind at all?

25 A. Well, the car tax, when it was identified in late 15:41

26 September, early October?

27 817 Q. Well say the 1st October, when you'd had a look at

28 Pulse.

29 A. Yeah. So when there was an issue identified with Garda

1 Keogh's car tax.

2 818 Q. Yes.

3 A. Did I think that's what D/Super Mulcahy had been

4 talking about?

5 819 Q. I'm asking you, did it go through your mind that, ah, 15:41

6 that must have been what Mulcahy was on about?

7 A. Yes, it did.

8 820 Q. Okay. Can I ask you this: When you met with Pat

9 Murray prior to the hand over, you say you talked about

10 different things and Nick Keogh had been one of those 15:42

11 things, yeah?

12 A. Well that was at a meeting prior to the hand over.

13 821 Q. Of course.

14 A. I met him at the hand over, yes.

15 822 Q. You had left notes, copy of your notes? 15:42

16 A. A copy of these.

17 823 Q. Yeah, I think it was Inspector Minnock?

18 A. No, I didn't leave the notes for Inspector Minnock.

19 what I left was, I discussed the car tax and the claims

20 with Superintendent Murray. 15:42

21 824 Q. Yes.

22 A. We agreed that I would give them to Inspector Minnock,

23 I did a covering report on them, left them for

24 Inspector Minnock and they were dealing with them the

25 following week. Because Superintendent Murray knew I 15:42

26 was concerned about this file. The notes are a copy of

27 the historical notes of my meetings with Garda Keogh

28 should there ever be an issue or query, should anyone

29 ever need to reflect on anything. They were

1 historical. And they were just left in the
2 superintendent's safe for him.

3 825 Q. They were historical. Did they go back to 2014?
4 A. Yes. They're the notes that have been disclosed to the
5 Tribunal. They have -- 15:43

6 826 Q. So they would have covered the Olivia O'Leary stuff and
7 all that?
8 A. Yes.

9 CHAIRMAN: I think you mean Olivia O'Neill?

10 827 Q. MR. KELLY: I do, indeed. I do, indeed. 15:43
11 A. Yes. But all of these, Olivia O'Neill and Liam McHugh
12 and all were all finished before Superintendent Murray.

13 828 Q. Yes.
14 A. But as I said, it was a concern of mine that there
15 would be a copy of these accessible for someone in a 15:43
16 safe place in case they would be ever needed. I kept
17 them very, very safe. They were the only copy of those
18 notes and they were left there should they ever be
19 required.

20 829 Q. So it's fair to say from your perspective what you were 15:43
21 trying to do was to ensure that your successor was
22 fully briefed, all those in the station but Nick Keogh
23 as well, you wanted your successor to have the full
24 picture; is that right?
25 A. Well I had given my successor the picture when I had 15:44
26 the meeting with him. I had given him the picture on
27 Garda Keogh and other members.

28 830 Q. Yes.
29 A. But, as I say, my concern was just to have a copy of

1 these there in case anybody wanted them for any reason
2 if there was any issue in the future. As I said, I had
3 been ill and I didn't know what was ahead of me, and
4 just in case anybody wanted to check something, they
5 were there. 15:44

6 831 Q. I am not being critical in the least. All I am saying
7 is, the picture I have is you are the outgoing super,
8 there is an incoming one, you want to do your best and
9 ensure that the incoming one hits the ground, so to
10 speak, with his feet running, has got the full picture 15:44
11 and full briefing. That's the object, isn't it?

12 A. Well they were there for reference.

13 832 Q. Of course, yes.

14 A. If someone sought to check them. But, as I said, they
15 were historical. 15:45

16 833 Q. Did you, when you were discussing with him, either at
17 that or the other meeting you had with him, discuss
18 Nick Keogh's absences due to alcohol?

19 A. I don't recall going into exact detail like that. It
20 would have been an overview of all the members. I 15:45
21 don't recall the exact detail.

22 834 Q. Well, alcohol, I'd have thought.

23 A. Yeah, I would have said he had alcohol related issues.

24 835 Q. Did you mention those?

25 A. Alcohol related issues? 15:45

26 836 Q. Yes.

27 A. I would imagine, yes, that's -- I would say yes, I
28 probably said alcohol related issues, because it was a
29 brief résumé of all the people who had welfare issues.

1 837 Q. Yes. 15:46

2 A. Then I mentioned the car tax and I mentioned -- you
3 see, because of the car tax issue we kind of -- you
4 know, the two issues merged, both the welfare and the
5 car tax. As I say, in relation to the notes, all 15:46
6 that's in the notes is just a brief outline of previous
7 meetings and most of the stuff that was in them was
8 resolved, like, as you say, the Olivia O'Neill, Liam
9 McHugh, that type of thing.

10 838 Q. Just one matter and then you will be pleased to know 15:46
11 that I will move on. You have told us when you met
12 Nick Keogh on the 4th February that you didn't, because
13 of his state at the time, mention his car tax to him.
14 You then met with Pat Murray on the 4th March 2015?

15 A. Yes. 15:46

16 839 Q. That's right, isn't it?

17 A. Yes.

18 840 Q. And you did discuss Nick Keogh's car tax situation with
19 him then, didn't you?

20 A. Yes, yes. 15:47

21 841 Q. So why didn't you tell Nick Keogh before then?

22 A. Sorry?

23 842 Q. Why didn't you tell Nick Keogh either before then or at
24 the same time, the same day or the day after you told
25 Pat Murray? 15:47

26 A. Well the day after I was in a different station, and
27 this was a hand over meeting. And I hadn't been in
28 work myself. I came back down that particular day to
29 do a hand over meeting with Superintendent Murray.

1 843 Q. I see. Thank you very much.

2

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END OF EXAMINATION

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CHAIRMAN: Thanks very much. Now, Mr. McGuinness, yes 15:47
I will come around to you last, I think, Mr. Carroll,
is that right? well second last, if you like. I will
leave it to counsel. Now, Mr. McGuinness.

9

10

SUPERINTENDENT NOREEN McBRIEN WAS THEN CROSS-EXAMINED 15:47
BY MR. DONAL McGUI NNESS, AS FOLLOWS:

11

12

13

844 Q. MR. DONAL McGUI NNESS: Thanks, Chairman.
Superintendent, in relation to detective Superintendent
Mulcahy? 15:47

16

A. Yes.

17

845 Q. He knew when he mentioned the issue of the car tax that
you were on very good terms with Garda Keogh, isn't
that correct?

19

20

A. I'd say -- I don't know what he knew about my 15:48
relationship with Garda Keogh or how -- I presume he
would have thought I got on well with him.

21

22

23

846 Q. You had a number of conversations about Garda Keogh,
isn't that correct?

24

25

A. Yeah, he would have known I was meeting with Garda 15:48
Keogh, yeah, because he would have met me on the 10th
June and --

26

27

28

847 Q. CHAIRMAN: I thought you had only met twice.

29

A. Yeah, that's what I am saying. I met Detective

1 Superintendent Mulcahy on the 10th June and I met him
2 on the 16th July. The 10th June was mainly about, you
3 know, processes and that in the station, who was over
4 which, whatever unit, but --

5 848 Q. CHAIRMAN: He would have had no reason to think you 15:48
6 weren't getting on well with him, I suppose is another
7 way of putting it, Mr. McGuinness.

8 A. Yes.

9 849 Q. CHAIRMAN: He would have had no reason to think --

10 A. Yeah. I presume he would have known, you know, that I 15:48
11 was engaging with him, yes.

12 850 Q. MR. DONAL MCGUINNESS: It's a somewhat incidental
13 question. In relation to the car tax issue, Garda
14 Keogh's view, as reflected at page 41 of the materials,
15 is that you had no involvement in this targeting and he 15:49
16 was discussing this in the context of the car tax
17 issue.

18 A. I had no involvement in?

19 851 Q. No involvement in his targeting?

20 CHAIRMAN: In targeting him. 15:49

21 A. Targeting, yeah, I had no involvement in targeting
22 Garda Keogh at all.

23 852 Q. MR. DONAL MCGUINNESS: No, I understand that. But
24 Garda Keogh, in his statement to the Tribunal, has made
25 that very clear. That's the point I am making? 15:49

26 A. Yes.

27 853 Q. On the other hand, as against Mark Curran, he has
28 indicated at page 42 of the materials, we might just
29 call that up, that he suspected Mark Curran was behind

1 the phone call?

2 A. Yes, I have read that.

3 854 Q. And the phone call that he was referring to was the
4 phone call --

5 CHAIRMAN: To superintendent's office. 15:50

6 A. Yes.

7 855 Q. MR. DONAL MCGUINNESS: That caused the Pulse inquiry.

8 A. Yes.

9 856 Q. And that is completely incorrect, isn't that right?

10 A. Absolutely. Totally. 15:50

11 857 Q. And then in relation to Pat Murray, the allegation also
12 on page 42 is that he targeted me with the acquiescence
13 of Mark Curran, on the car tax issue?

14 A. That is totally incorrect.

15 858 Q. That's totally incorrect also. Just in relation to 15:50
16 Mark Curran, if we might go to page 6406. This is a
17 note of your meeting with Garda Keogh of the 14th
18 February 2015. And if we go down to the meeting of the
19 4th February '15 on that page, it's very difficult to
20 read on the screen, but halfway down: 15:50

21

22 "He said there were dark forces at work in An Garda
23 Síochána and there are dark forces at work in Athlone.
24 He asked me about checking his car. "

25 A. Yes. 15:51

26 859 Q. "And I informed him that I checked his and several
27 other cars as I was evaluating areas for my audit and
28 aspects for finance were considered. "

29 A. Yes.

1 860 Q. Then you carry on by saying:

2

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"I had to say I did not pursue this aspect and other areas were decided upon after valuation. While he was discussing this I thought he became more tense. In light of this talk about dark forces, his demeanour when stating this and discussing Liam McHugh and Olivia O'Neill, taking into account my knowledge and his medical history, I did not consider it prudent to mention his car tax."

15:51

15:51

11

A. Yes.

12

861 Q. "Which I intended to do."

13

A. Yes.

14

862 Q. So essentially the car tax issue was paused, was essentially created as a result of your inquiries, you told Garda Keogh this in February '15?

15:51

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A. I told him that the car tax issue was probably put in my mind by Detective Superintendent Mulcahy. The checks on Pulse were generated by me for Garda Keogh and other members as a result of the risk being

15:52

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probably in the back of my head and then the combination of that and the new type of inspections and reviews that were coming out, probably a combination of that and concern about budgeting. I just thought there may be a wider risk there and I was considering.

15:52

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28

29

Then in February I told Garda Keogh that I had checked the car, yes, as part of the audits, but by his demeanour and the way he appeared and the way he was

1 talking that night and, as I say, the fact it was
2 nighttime probably played with me as well, I didn't
3 pursue it further, I didn't think it was prudent, I
4 thought his welfare was more important at that time.
5 And I had intended to pursue this with him the 15:52
6 following week.

7 863 Q. Yes. You already mentioned in your evidence today that
8 you considered that it was a discipline matter and, in
9 fact, you have also previously reported that in your
10 statement to the Tribunal? 15:53

11 A. Yes.

12 864 Q. That the issue could have given rise to a disciplinary
13 matter?

14 A. Yes, absolutely.

15 865 Q. CHAIRMAN: It was late at night. 15:53

16 A. It was. All my meetings with Garda Keogh were very
17 late at night. Because he didn't like working days and
18 I used to -- like some of them were until 11:00, 11:30,
19 or that type of time at night.

20 866 Q. CHAIRMAN: It doesn't sound like, if you follow me, 15:53
21 such a sort of potentially embarrassing or huge issue.
22 I mean I know it's a serious issue?

23 A. Yes.

24 867 Q. CHAIRMAN: I am not diminishing that. But your car tax 15:53
25 isn't in order is not something, you know, that would
26 desperately trouble most people, if I am making myself
27 clear, do you understand?

28 A. I have no problem with --

29 868 Q. CHAIRMAN: Does that make sense to you? Do you know

1 what I mean?

2 A. Absolutely.

3 869 Q. CHAIRMAN: It wouldn't be a killer blow that would,
4 sort of, push me over the edge, do you know what I
5 mean? 15:54

6 A. Well I had discussed men things that were unpleasant
7 with Garda Keogh over the period of time. But,
8 however, I hadn't seen him since the previous
9 September. And that night he was not in a great place.
10 He was very -- probably anxious, nervous, I suppose 15:54
11 jittery.

12 870 Q. CHAIRMAN: You didn't want to make his misery any
13 worse, is that right, or his tension or whatever?

14 A. Yes, I was concerned that Garda Keogh wasn't engaging
15 with the welfare officer. I knew that Garda Keogh -- 15:54

16 871 Q. CHAIRMAN: Sorry, could I be absolutely blunt. Was he
17 sober when you spoke to him?

18 A. Yes, I think so. But he was very --

19 872 Q. CHAIRMAN: I am not trying to --

20 A. Yeah. 15:54

21 873 Q. CHAIRMAN: I am not trying to suggest something to you.
22 I am trying to understand the encounter.

23 A. Yes.

24 874 Q. CHAIRMAN: I am certainly not disagreeing with you. I
25 am impressed, if you like, by the fact that you said 15:54
26 his condition was such that you decided, gosh, I better
27 not mention this car tax to him. And my thinking is,
28 the car tax isn't such a ferocious thing, which implies
29 then that he must have been in a very sort of febrile

1 way or tense or -- I am trying to explore what that
2 really means, do you know what I mean?

3 A. I would say he was jittery.

4 875 Q. CHAIRMAN: Okay.

5 A. He was anxious. He was very, very, very happy when he 15:55
6 was talking about something he was happy about.

7 876 Q. CHAIRMAN: Okay.

8 A. But agitated beyond what I would consider normal.

9 877 Q. CHAIRMAN: I understand.

10 A. On things that weren't to his taking. I was a bit 15:55
11 concerned and I felt -- yes.

12 878 Q. CHAIRMAN: You were a bit concerned and you felt,
13 listen, I'm not getting into any accusation or issue
14 that might cause any --

15 A. Jeopardise him. I wasn't sure of his medical 15:55
16 condition.

17 879 Q. CHAIRMAN: Thank you very much.

18 A. Whether he was engaging with the doctor. I knew he
19 wasn't engaging with welfare, I knew he lived on his
20 own. And I wasn't sure what -- the fact I had been 15:56
21 away, but I wasn't sure what was around for him. I
22 would have preferred, leave it a week and get a few
23 supports.

24 880 Q. CHAIRMAN: You were concerned enough to say, I'm not
25 going to raise this? 15:56

26 A. That was it.

27 CHAIRMAN: Sorry, Mr. McGuinness. Okay, thank you very
28 much.

29 881 Q. MR. DONAL MCGUINNESS: The reason I mention this is,

1 the dark forces, in Garda Keogh's mind, were very
2 clearly an issue for him at that point in time.

3 A. They were.

4 882 Q. That being the 4th February, because you noted it a
5 number of times in your memo? 15:56

6 A. Yes.

7 883 Q. And notwithstanding the fact that he asked me about
8 checking his car and notwithstanding your explanation
9 that it was for audit purposes, he still persisted in
10 the allegation against Chief Superintendent Curran and 15:56
11 Superintendent Pat Murray?

12 A. Yes, yes. Garda Keogh that night was -- as I say --

13 884 Q. CHAIRMAN: He was in a bad place, we'll say?

14 A. I hadn't seen him since September and I would have --

15 885 Q. CHAIRMAN: All right. 15:57

16 A. Yeah, I just wasn't happy with his appearance.

17 886 Q. MR. DONAL McGUI NNESS: Just to move on to the only
18 other issue that I want to address with you, and that
19 is just in connection with the Ó Cualáin investigation?

20 A. Yes. 15:57

21 887 Q. The allegation about Garda Keogh, again at page 106 of
22 the materials, is that the conduct of the AC Ó Cualáin
23 investigation in itself discredited me. They
24 interviewed Garda witnesses while Garda A was on duty
25 and Garda A on duty in the same station was incorrect 15:57
26 and Garda A on duty in the same station. He mentioned
27 those three issues. That's the issue I just want to
28 briefly deal with now. They're at all at page 106.
29 You had a series of meetings with Garda Keogh and

1 telephone calls?

2 A. Yes.

3 888 Q. They are recorded in your notes?

4 A. Yes.

5 889 Q. I note there was one on the 17th June 2014?

15:57

6 A. Yes.

7 890 Q. You raised the Ó Cualáin investigation in that. We
8 might just call 6403, please?

9

10 "Met by arrangement at my office. He is well. He said 15:58
11 he is still engaging with D/Superintendent Mulcahy and
12 is about 10% thorough his concerns."

13

14 And then just down a few lines, he said:

15

15:58

16 "When asked, that he would find it awkward working with
17 Garda A."

18

19 And then down further again:

20

21 "He mentioned that when the result of the inquiry comes
22 out he is aware Garda A has an official weapon and I
23 asked was he concerned for himself. He said no. I
24 said we would see the outcome of the investigation and
25 revisit the situation."

15:58

26

27 So, you were engaging with him in relation to the fact
28 that there was an ongoing investigation, you were
29 making sure he is okay and discussing Ó Cualáin, albeit

1 somewhat briefly?

2 A. Yes. Well, Garda Keogh a couple of times mentioned the
3 Ó Cualáin investigation throughout my meetings with him
4 and would be getting me to try, you know, ask them,
5 let's say, with regard to the CHIS issue and that, 15:59
6 which I didn't. So it was quite -- like, I had told
7 him I had served documentation and that in regard to
8 the Ó Cualáin investigation. So but the only issue we
9 had was that one with Garda A.

10 891 Q. Yes. And your interest in this issue was being 15:59
11 interested in Garda Keogh's welfare?

12 A. Oh absolutely, at all times his welfare was paramount.

13 892 Q. And making sure that the Ó Cualáin investigation wasn't
14 negatively impacting on his welfare?

15 A. Yes. 15:59

16 893 Q. I also note that you had a call on the 16th July 2014.
17 That's at page 6404. There's a reference there to
18 Garda Keogh getting fair -- Garda Keogh indicating that
19 he had been getting fair play.

20 A. That's correct, yes. 16:00

21 894 Q. Then, on the 23rd July, you tried to meet Garda Keogh,
22 that didn't suit him. We don't need to go there. On
23 22nd September 2014, at page 6406. Sorry, that is an
24 incorrect reference, the page reference there. I have
25 a note anyway, I don't have the correct page reference, 16:00
26 but he was in good form, 22nd September 2014?

27 A. He was, yeah. That was the last meeting I met with him
28 before the 4th.

29 895 Q. Exactly.

1 A. It was a short meeting. He's fine. Good form. Dogs
2 are well. He is taking a few earlies off over the next
3 few weeks. And I told him I would send correspondence
4 to him from the chief and it's with Sergeant Haran.

5 896 Q. Yes. 16:01

6 A. Yeah.

7 897 Q. Now, just in relation to the issue of the statements
8 being taken in the station in Athlone?

9 A. Yes.

10 898 Q. The issue was raised, as I understand it, on 11th 16:01
11 August 2014?

12 A. Yes.

13 899 Q. In a meeting with Detective Superintendent Mulcahy?

14 A. That wasn't a meeting with me, now.

15 900 Q. No, I understand that, but just in terms of when Garda 16:01
16 Keogh raised that issue?

17 A. Oh Garda Keogh, yes.

18 901 Q. That's referenced at page 3946. And then the response
19 to that was quoted there:
20
21 "Nobody will talk unless he is suspended."
22
23 Sorry, the second line. Stop there, please,
24 Mr. Kavanagh.
25 16:01
26 "AC stated we will try to do our interviews at another
27 station if we can, take the focus of the investigation
28 away from where he works. AC to write to HRM regarding
29 suspension. High bar."

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And then:

"One major concern: Do our investigation when he is not around."

16:02

That is a reference to Garda A.

"Rest days, etcetera. AC explains that he is entitled to be there but that we will try to move focus of the investigation."

16:02

So that's the Ó Cualáin team investigating with the concern expressed by Garda Keogh in a manner that he expressed it at that time?

16:02

A. Yes.

902 Q. Now, I accept that perhaps he has expressed somewhat differently in evidence before the Tribunal. Going through the list of interviews that did take place in Athlone?

16:02

A. Yes.

903 Q. And they're contained in page 15526. Now, it's very small print here, so I will just assist you, if you don't mind. On a very brief run through the list there, there is interviews in Athlone on 26th June 2014, Inspector Farrell.

16:03

A. Sorry, 15526?

904 Q. It's at page 15527, I believe?

A. Sorry.

1 905 Q. And there's an entry at 26th June 2014?
2 A. How far down is that one?
3 CHAIRMAN: What is your point, Mr. McGuinness?
4 MR. DONAL MCGUINNESS: I suppose I can just run through
5 them. 16:03
6 CHAIRMAN: Well, you can just tell us what the
7 conclusion is, if you like. You say there's ten of
8 them taken in Athlone or whatever it is, and I am sure
9 that the superintendent will agree with you.
10 MR. DONAL MCGUINNESS: Yes. I identify one, two, 16:03
11 three --
12 CHAIRMAN: Do you want to say how many there are or how
13 few there are? I imagine you're saying how few there
14 are.
15 906 Q. MR. DONAL MCGUINNESS: What I was going to say is, 16:04
16 there were a series of interviews that took place
17 during that time that you were engaging with Garda
18 Keogh.
19 A. Yeah, I see the Inspector Farrell one now, yes.
20 907 Q. Yes, but there are a number of others. There's 16:04
21 Inspector Farrell, there's Mick Ryan, there's Turner,
22 there's Lucas and there's Minnock n January 15 and --
23 908 Q. CHAIRMAN: Did it occur to you -- is that your real
24 point, did it occur to you that there was anything
25 inherently wrong, embarrassing or inappropriate about 16:04
26 taking the statements, given that -- I hadn't
27 understood what counsel was saying, but he is saying
28 these were there under your watch, so to speak, did it
29 occur to you that there was anything wrong with taking

1 them in the --

2 A. No, I wasn't aware a lot of these took place, to be
3 honest with you in Athlone. I know there's three
4 buildings and none of the members ever came up and told
5 me they were making a statement to Declan Mulcahy's 16:04
6 team. Nor did I ask. So I don't even know where in
7 the station some of these -- now some of these were
8 during periods I was out sick, but it was never --

9 909 Q. CHAIRMAN: Superintendent, that would suggest to me
10 that it never occurred to you to wonder whether it was 16:05
11 appropriate or not, which is not a criticism, I hasten
12 to add?

13 A. Yes.

14 910 Q. CHAIRMAN: And that you may not even have been aware
15 that it was going on, which suggests that it may not 16:05
16 have been such a problem after all?

17 A. Well, Declan Mulcahy and my --

18 911 Q. CHAIRMAN: I don't mean that that's a conclusion, but,
19 I mean, that would appear to be the inference from
20 Mr. McGuinness' question? 16:05

21 A. They were occasionally around the station. They could
22 have been in the property store, they could have been
23 anywhere. There's three buildings in Athlone that's
24 very separate. I never questioned why they were there
25 and nobody ever came to me and told me they were being 16:05
26 interviewed.

27 912 Q. CHAIRMAN: Let's put it this way: It didn't come to
28 your attention as something that was questionable or
29 inappropriate; is that correct?

1 A. No, no, and it was never brought to my attention by
2 anyone as a problem.
3 CHAIRMAN: Very good.

4 913 Q. MR. DONAL MCGUINNESS: And the temporal period that I
5 opened to you in relation to your contact, your welfare 16:06
6 contact with Garda Keogh, and listing out of all those
7 dates?

8 A. Yes.

9 914 Q. In June '14, July '14, September '14, February '15?
10 A. Yes. 16:06

11 915 Q. Corresponds with the time when I have identified
12 statements were being taken in the station?

13 A. Absolutely, yes.

14 916 Q. And at no stage during any of those interviews with
15 Garda Keogh was this issue referenced? 16:06

16 A. No, it wasn't raised.

17 917 Q. Fine. Then just one last matter, in relation to former
18 Garda Gerry white?

19 A. Yes.

20 918 Q. There were two issues that I wanted to mention to you. 16:06
21 The first one is in relation to him bringing it to your
22 attention that there was actually something awry with
23 his tax?

24 A. Yes.

25 919 Q. His evidence essentially is that he doesn't recall 16:06
26 actually doing that?

27 A. Yes.

28 920 Q. But I just wanted to reflect that.

29 A. Yes.

1 921 Q. And the other issue is the draft report, we have been
2 able to take instructions from former Garda White in
3 relation to that issue?
4 A. Yes.
5 922 Q. Once more, he doesn't actually recollect compiling the 16:07
6 draft report?
7 A. Yes.
8 923 Q. There is a possibility that he might have been away at
9 the time the Ming Flanagan allegations -- sorry, he is
10 quite sure he was away at the time the Ming Flanagan 16:07
11 allegations were raised. So if the report was compiled
12 at that time it's very unlikely he would have been
13 involved in its drafting.
14 A. The drafting, isn't it September? I don't think it
15 reflects the situation in May. 16:07
16 CHAIRMAN: No, I don't think so either, Mr. McGuinness.
17 I thought this was the meeting at HQ, isn't that right?
18 MR. MARRINAN: We have no date on it at all.
19 A. Yeah, it's just a draft.
20 MR. MARRINAN: But certainly it appears that it's 16:07
21 either in the run up to the meeting of the 23rd
22 September or immediately after it.
23 CHAIRMAN: Mr. McGuinness, it would appear to be
24 sometime around late September, to the best we can
25 deduce. 16:08
26 MR. DONAL MCGUINNESS: Yes, I only just got the
27 instructions essentially just now.
28 CHAIRMAN: Garda White says, listen, I don't think I
29 had anything to do with it. Not alone I don't remember,

1 I don't think I had anything to do with this.

2 MR. DONAL MCGUINNESS: Indeed, and then he just made
3 the additional comment, if it had occurred around the
4 time of the Flanagan allegations, which doesn't appear
5 to be the case, he was abroad at that time. That's the 16:08
6 only point that I wanted to give the witness an
7 opportunity to answer.

8 CHAIRMAN: That's very helpful. Thanks very much,
9 Mr. McGuinness.

10 16:08

11 END OF EXAMINATION

12

13 CHAIRMAN: Now, Mr. Power, you have nothing to say
14 about this?

15 MR. POWER: No. 16:08

16 CHAIRMAN: Thanks very much. Ms. O'Rourke.

17 MS. O'ROURKE: No, I don't.

18 CHAIRMAN: Very good. Now, Mr. Carroll.

19 MR. CARROLL: Very, very few questions, Chairman.

20 CHAIRMAN: That's all right. 16:08

21

22 SUPERINTENDENT NOREEN MCBRIEN WAS EXAMINED BY MR.
23 CARROLL, AS FOLLOWS:

24

25 924 Q. MR. CARROLL: Just a couple of things that might assist 16:08
26 in clarification. I think just in relation to one of
27 the last things Mr. McGuinness was asking you about, I
28 think you had indicated when you were interviewed by
29 the Tribunal team, and this can be found at page 6222,

1 that you actually indicated there had been no formal
2 correspondence between yourself and Assistant
3 Commissioner Ó Cualáin's investigation team regarding
4 the logistics of the investigation. That there was
5 some correspondence, the only formal correspondence was 16:09
6 when you requested about them investigating the Liam
7 McHugh allegations. So there wasn't a consultation
8 process where they asked you who they could interview
9 and where they could interview and so forth. I think
10 you made that clear to the Tribunal team early on when 16:09
11 you were being interviewed, isn't that right?

12 A. That's totally correct.

13 925 Q. I think in relation to -- I will leave over what Chief
14 Superintendent Murray says about alcohol because we can
15 look at the transcript and there was references to 16:09
16 alcohol being raised at the meeting, the hand over
17 meeting, but that's a matter for submission?

18 A. Yes.

19 926 Q. But there was reference made by him that you talked
20 about Garda Keogh's alcohol issues a number of times in 16:10
21 that hand over meeting. There was just one thing I
22 wanted to clarify in relation to the check and maybe
23 this just wasn't quite clear. The document at 6272 was
24 referred to, which was the record of the checks on
25 Garda Keogh's vehicle, isn't that right? We can get 16:10
26 that back up again.

27 A. Yes.

28 927 Q. Just in relation to this briefly, you're recorded there
29 as having gone in at 17:40 on 1st October 2014?

1 A. That's correct.

2 928 Q. In relation to printing off the check, the check on the
3 vehicle, isn't that right?

4 A. That's correct. I went in at that time on all of them.

5 929 Q. Yes, that's the point. I jut wanted to make that 16:10
6 point. We don't need to go through the documents but
7 you provided documents to the Tribunal that are at page
8 1112 onwards, and they include the other vehicles, and
9 one of them is Garda Keogh's vehicle, but they include
10 the other vehicles as well, and they're actually all 16:11
11 date and time stamped to in and around that period, 1st
12 October 2014. They are time stamped 17:30, is the
13 first one at 113, that's a Volkswagen Golf, we have
14 blanked out the names, not necessary, of the other
15 members. The point is, Garda Keogh's was time stamped 16:11
16 17:40 and that's within that bundle, I am not going to
17 go through them?

18 A. Yes.

19 930 Q. If anything arises, anybody else can. But the point
20 is, they were what you were doing on the 1st October by 16:11
21 printing off those various checks on the vehicles,
22 isn't that right?

23 A. That's correct yes.

24 931 Q. The document we have got up at 6272 just reflects that
25 timeframe and date stamp as well, isn't that correct? 16:12
26 A. That's correct.

27 932 Q. Just bear with me. I think everything else has been
28 covered sufficiently. Unless there is anything you
29 wish to add on any of these issues to the Tribunal?

1 A. NO.

2

3

END OF EXAMINATION

4

5

CHAIRMAN: All right. Now, Mr. Marrinan.

16:12

6

MR. MARRINAN: No, there is nothing arising.

7

CHAIRMAN: Thank you very much. Thank you very much, superintendent. You're free to go. Thank you very much.

9

10

MR. KELLY: Chairman, just before you rise, it needn't detain the witness.

16:12

11

12

CHAIRMAN: You can collect yourself and off you go, superintendent. Yes, Mr. Kelly.

13

14

MR. KELLY: I will be really swift.

15

CHAIRMAN: There is no need for me to be long really. I just quickly checked through that, what we were looking at, I counted 53 in Athlone.

16:12

16

17

18

CHAIRMAN: 53 what, Mr. Kelly?

19

MR. KELLY: Interviews in Athlone. Anybody can count it up, if I am wrong I will be corrected.

16:13

20

21

CHAIRMAN: Mr. McGuinness' point was, that there was a significant number of them taken during the superintendent's time.

22

23

24

MR. KELLY: That's right, I know that.

25

CHAIRMAN: I'm sorry, yes.

16:13

26

MR. KELLY: I know that. The other thing you had asked me yesterday, it was volume 1, page 151, do you remember the letter that was read, that had gone to the --

27

28

29

1 CHAIRMAN: Could I ask the superintendent just to wait
2 for a moment -- Mr. Carroll, sorry, could I ask the
3 superintendent just to wait for one moment, because I
4 just realised there is something I want to ask and,
5 Mr. Kelly, you will be interested in it as well. 16:13
6 MR. KELLY: The letter to the Tánaiste, which was
7 undated.
8 CHAIRMAN: Yes.
9 MR. KELLY: There's no mystery about that at all. In
10 fact it's volume 56, it's at page 15869. The date 16:13
11 stamp is quite clear from the Minister's office, 20th
12 January 2017. There is a letter on the preceding page
13 from the Department of Justice which confirms that.
14 CHAIRMAN: Thank you very much. which is very
15 interesting, because I didn't think the department 16:14
16 could find it. Well thank you very much, that's very
17 helpful.
18 MR. KELLY: In fairness, I wrote to Philip Barnes, 22nd
19 January, and pointed this out.
20 CHAIRMAN: Superintendent, could I just ask you to come 16:14
21 back for one moment? I'm sorry, that's a real
22 nuisance. There is one thing that is puzzling me, and
23 it's really just about a date, which I thought I was
24 wrong about and it may be that it has nothing to do
25 with you, superintendent. Issue 15, denial of 16:14
26 commendations. Stabbing a taxi driver, on 4th August
27 2015, and we have the evidence about that. My note is
28 that the next one is the arrest of a person for
29 burglary on 28th October 2014. Can I be right about

1 that or should I change that to '15?
2 MR. MARRINAN: No, it is '14.
3 CHAIRMAN: Because if he went into the shop and
4 discovered the burglary, as Garda Keogh colourfully
5 described, and used his ingenuity and imagination to 16:15
6 work out where the guy might be and found a pair of
7 feet and shoes evident under the stand, if I remember
8 correctly, and nabbed his man, who declared, it's fair
9 cop, governor. If that was in October 2014, then it
10 let's Superintendent Murray off the hook for the 16:16
11 burglary. Can we clarify that? You don't remember
12 that, I suppose.
13 MR. MARRINAN: If it is of assistance to you, Chairman,
14 I think it has always been October 2014.
15 Superintendent McBrien, she was out on long-term sick 16:16
16 leave.
17 CHAIRMAN: You were out sick. Thank you very much.
18 That's great. Thank you very much. But I am glad to
19 have the opportunity of raising the question because in
20 my -- thanks very much. 16:16
21 MR. CARROLL: I think the dates were the 2nd October,
22 the superintendent was on sick leave.
23 CHAIRMAN: That's okay. Thanks very much, Mr. Carroll.
24 Obviously Superintendent McBrien is not involved in it.
25 But it also would appear to suggest that Chief 16:16
26 Superintendent Murray is not involved in it.
27 MR. CARROLL: Yes.
28 MR. MARRINAN: That's correct.
29 CHAIRMAN: And I should have it A, because I have it in

1 the wrong chronological, I have A is a date later.
2 That's what has been troubling me. So now that I have
3 solved that issue, I will go home happy, thank you.
4 Very good. Tomorrow morning. Thanks very much
5 everybody.

6
7 THE HEARING THEN ADJOURNED UNTIL FRIDAY, 24TH JANUARY
8 2010 AT 10:30AM

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