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GSOC reports a busy first year

Mr. Justice Kevin Haugh, Chairman, Garda Síochána Ombudsman Commission, today launched the GSOC second annual report at the GSOC headquarters, 150 Abbey Street Upper, Dublin 1. The report covers a period when GSOC was preparing to open and seven months and twenty-two days of operational activity from 9 May 2007 to 31 December 2007.

“As we approach the first anniversary of our becoming fully operational- May 9th – we have almost 3,000 (2,905) complaints and almost 300 (294) referrals under section 102 from the Garda Commissioner. We have over 750 investigations into allegations of criminal conduct ongoing. We have sent 9 files to the DPP including one which concerns section 110 of the Act, which makes it an offence to knowingly provide GSOC with false or misleading information in relation to a complaint or investigation.” said Justice Haugh.

Seventeen of the referrals under section 102(1) concerned the death of a person. Eleven arose out of road traffic incidents; six arose because of death occurring in or following garda custody or contact.

“The volume of referrals was high in the early months and decreased in the course of the year. This may be because the Garda Síochána became more familiar with the respective responsibilities of the Garda Síochána and GSOC in relation to such matters. While we welcome a realistic and common understanding of the requirements arising out of the Protocols agreed between us, GSOC re-affirms that all matters which appear to warrant GSOC involvement should be referred”

The Dublin, Louth/Meath and Mayo areas gave rise to the greatest prevalence of complaints.

GSOC also undertook one investigation in the public interest- into the death of Mr. Terence Wheelock in Dublin. That is ongoing.

In its first year GSOC opened one examination into a practice policy and procedure of the Garda Síochána- into aspects of the operation of the fixed penalty office. That examination is ongoing.

Amendments to the Garda Síochána Act 2005

Justice Haugh also published a two-year report, required by section 80 of the Garda Síochána Act 2005, on the effectiveness of the Commission and the adequacy of the functions assigned to it.

“We are seeking some amendments to the Garda Síochána Act 2005 which we believe will be of benefit to the public and gardaí alike. The primary objective is to streamline and improve independent oversight as envisaged by the Act. We are very busy and wish to concentrate our limited resources where most appropriate” he said.

The two most significant amendments are:

- The power to conduct preliminary enquiries: GSOC believes that on occasion a preliminary examination of existing documents or evidence may inform the decision as to whether or not a complaint should be deemed admissible under the Act. As the legislation stands, GSOC does not have the power to see all relevant files.
- The power to exercise greater discretion about what constitutes an appropriate and proportional investigation. The act sets out what is to be investigated by GSOC independently and what can be investigated by gardaí under the oversight and supervision of GSOC. In some cases, involving relatively less serious allegations, the full process of investigation into criminal allegations may not be appropriate. GSOC is seeking to be able to exercise discretion in such cases.

Justice Haugh commented:

“It is important that the Garda Síochána remains responsible for maintaining discipline in its ranks. Therefore we consider it appropriate that certain matters be investigated by them under our oversight, in line with international practice. We retain supervisory and review powers including the power to take over an investigation when we believe that we should in the interests of all concerned.”

GSOC also released results of an Ipsos-MORI survey of national attitudes which shows:

1 in every 20 members of the public has had a reason to complain about a garda.

If they believed they had a reason to do so

71% of the public would be willing to make a complaint

25% of the public would not be willing to make a complaint

The most common spontaneous reasons for not making a complaint are

- It might make matters worse
- Nothing would be done

Of those who believed they have had reason to complain in the past one out of two did not make a complaint.

Ipsos-MORI also sought views on GSOC

83% of the public believes that GSOC is independent

50% believes that GSOC is effective

48% believes that GSOC is efficient

Looking to possible changes in the culture surrounding policing in Ireland,

84% believe that GSOC will have a positive impact on people's willingness to complain

81% believe GSOC will have a positive impact on Garda response to complaints

54% believe GSOC will have a positive impact on Garda morale.

Ends.