

Press Release
Friday 5th September 2008, 11.00am

Garda Síochána Ombudsman Commission

Call for Public Interest Inquiry into the case of Mr Kieran Boylan.

The Garda Síochána Ombudsman Commission would like to clarify its position in regard to the case of Mr Kieran Boylan against whom criminal charges were dropped on July 31st when the State entered a plea of *'nolle prosequi'*.

A number of public representatives subsequently called on the Commission to open an investigation into these matters in the public interest, as provided for under section 102(4) of the Garda Síochána Act 2005.

The Act provides for such an investigation when it appears to the Commission that a member of the Garda Síochána may have (a) committed an offence or (b) behaved in a manner that would justify disciplinary proceedings.

Recent media reports have stated that the Commission has decided not to open a public interest investigation in this case. No such decision has been taken.

The Commission has an ongoing investigation under section 98 of the Act into related matters. It is of the view, taking into account the advice of its senior investigations staff, that while opening a public interest investigation would offer no operational advantage at this time, the option should remain open and under consideration.

Ends.

For further information please contact;

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Additional Information;

Brief Explanatory note re; section 98 of the Garda Síochána Act 2005.

Section 98 of the Garda Síochána Act 2005 relates to the powers of the Ombudsman Commission's designated officers for the purpose of investigating complaints that appear to involve offences.

Section 98(1) provides that a designated officer has *"for the purpose of the investigation all the powers, immunities and privileges conferred and all the duties imposed on any member of the Garda Síochána by or under any enactment or the common law..."*

Section 98(2) explains that references in any enactment to a member of the Gardaí is to be read as a reference to a designated officer of the Garda Ombudsman. Any reference to a member of the Gardaí at or above the rank of Inspector is to be read as a reference to a member of the Ombudsman Commission.

Section 98(3) provides that *“Any person who delays obstructs or interferes with a designated officer in the exercise of the powers conferred or the carrying out of the duties imposed under this section is guilty of an offence..”*