

How long will the investigation take?

The time taken to close a case depends on a number of factors, for example:

- the level of complexity of the case
- time taken to receive information and evidence
- the cooperation and availability of witnesses
- whether the file is sent to the DPP for a prosecution decision
- whether the case goes to court.

Typically, the investigation itself will take between three and six months, but if a court process follows the investigation, it is hard to say how long it will take for this to conclude.

We will keep you updated and will make every effort to ensure that your complaint is dealt with in a timely manner.



Garda
Ombudsman
INQUIRY INDEPENDENCE IMPARTIALITY

Criminal investigations

under section 98 of the Garda Síochána Act 2005



A9-10-2016



Garda
Ombudsman

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GSOC has considered your complaint and believes it includes matters which may amount to a criminal offence.

Who will investigate my complaint?

Complaints that appear to involve allegations of a criminal offence are independently investigated by a Garda Ombudsman investigator. Section 98 of the Garda Síochána Act 2005 covers this process.

In these investigations, the Garda Ombudsman investigator has “all the powers, immunities and privileges conferred and all the duties imposed on a member of the Garda Síochána”.

At the end of a criminal investigation, if the Ombudsman Commission considers that there is sufficient evidence that a crime may have been committed, a file may be sent to the DPP with a recommendation. The DPP makes a decision, based on the investigation file, whether to prosecute or not. **(GSOC does not have this power.)**



How does the investigation work?

A Garda Ombudsman investigator will be assigned to your case. He or she will contact you and arrange to interview you as soon as possible.

If you need us to arrange an interpreter, or any other special assistance, for the interview, please let the investigator know in advance. Equally, if your complaint concerns allegations of sexual offences and you would prefer to be interviewed by someone of the same sex, please tell us and we will facilitate you.

If you wish, you can bring another person and/or a legal representative with you to the interview. You will need to tell the investigator in advance who you would like to bring because, in some circumstances, a specific person might not be allowed. For example, if the person is a witness to the same incident, it would not be good investigation practice for them to be present during your interview.

It is important that you engage with our investigator, so the investigation can progress and be completed as quickly and effectively as possible. If you do not respond to attempts to contact you, it may not be practical to continue the investigation and it may be ended.

As well as interviewing you, the investigator will gather evidence in relation to your complaint, for example by speaking to witnesses, obtaining CCTV footage and examining scenes. They will keep you updated about their progress throughout.

If you have any questions or concerns about the investigation, you can contact the investigator. You may also find our ‘Information for victims of crime’ leaflet useful, so please ask for one if you haven’t been given it.

If, during the investigation, the investigator finds out that this is a potential disciplinary matter instead of a criminal matter, the criminal investigation will end and a disciplinary investigation may start instead. Should this happen, you will be given information about how a disciplinary investigation works.

What happens when the investigation is over?

When the investigation is over, the investigator will tell you the results.

Possible results of this type of investigation are:

- **The investigator may not find enough independent evidence to prove that any version of events took place.** If that happens, the investigation may end.
- **The investigator may find enough evidence to warrant a file being sent to the DPP for a prosecution decision.** They will let you know that this is being done and then tell you the DPP’s decision.
 - » **The DPP may decide to prosecute.** The office of the DPP has useful information on its website, www.dppireland.ie, about what you can expect during a court case. The GSOC investigator will also continue to support you during any such process. For example, if you need to give evidence in court, we will accompany you, reimburse your travel expenses and give you fixed allowances for other costs involved.
 - » **The DPP may decide not to prosecute.** You are entitled to ask the office of the DPP for the reasons for their decision if you wish. There is a form on their website for this purpose.
 - » The Ombudsman Commission may decide that non-criminal matters in your complaint should be investigated. This may be done by a GSOC investigator or by a Garda Síochána Investigating Officer.
 - » No further action may be taken.

