

## Investigation reviews

If you are not happy with the results of the investigation, you can request GSOC to review how the investigation into your complaint was undertaken. Section 94(10) of the Act provides for this.

**Reviews are carried out by GSOC officers. They look at how your complaint was investigated by the GSIO (they do not investigate it again).**

Should a concern arise about how the investigation was conducted and/or its results, we will inform the Garda Commissioner (GSOC does not have the power to make decisions on matters of Garda discipline, so we cannot overrule any finding).



Garda  
**Ombudsman**  
INQUIRY INDEPENDENCE IMPARTIALITY

# Disciplinary investigations

under section 94(1) of the Garda Síochána Act 2005



A5-10-2016



Garda  
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## **GSOC has considered your complaint and believes that it contains possible breaches of Garda Discipline.**

Complaints that appear to involve disciplinary matters, rather than any criminal offence, are usually investigated by a Garda Síochána Investigating Officer, in line with the Garda Síochána (Discipline) Regulations 2007. Section 94 of the Garda Síochána Act 2005 covers this process.

It is important to know that such investigations are **only concerned with whether there may have been a breach of the Garda Síochána (Discipline) Regulations 2007** and any outcome will relate solely to whether evidence of a breach was found, or not. The regulations are publicly available on [www.irishstatutebook.ie](http://www.irishstatutebook.ie).

## **Who will investigate my complaint?**

**These investigations are undertaken by a Garda Síochána Investigating Officer (GSIO).** The GSIO is usually a Superintendent (unless you have complained about a Superintendent – then the GSIO will be of a higher rank). An Inspector may be asked to assist them. The GSIO will not be a line manager of the garda (or gardaí) under investigation, nor will they be from the same garda district (but they can be from the same garda division, which is a larger geographical area). However, they should have had no previous involvement in any aspect of the incident you have complained about. (There are a number of other principles about the appointment of the GSIO in the Protocols between the Garda Commissioner and GSOC, which are available on our website.)

We will refer your complaint to the Garda Síochána and a GSIO should be appointed to investigate it within a month. Once an appointment has been made, we will tell you who the GSIO is.

## **How does the investigation work?**

The GSIO will investigate your complaint without direction from GSOC.

They will most likely contact you and/or any witness you have identified, to gather further information or to take statements.

It is important that you engage with them, so that the investigation can progress and be completed as quickly as

possible. If you do not respond to attempts to contact you, it may not be practical to continue the investigation and it may end. If you have any questions about the investigation, you should contact the GSIO.

If, during the investigation, the GSIO finds out that there may be a criminal offence involved, they will refer the matter back to us, to decide whether a criminal investigation is more appropriate.

## **How long will the investigation take?**

The GSIO has **four months** to complete the investigation, starting from the date they were appointed.

If it doesn't look like the investigation will be completed in that time, we will ask for a reason and for a progress update and we may allow an extension of the time.

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.

If there has been an unreasonable delay, we may take further action. We will update you based on any updates we receive from the GSIO and we will make every effort to ensure that your complaint is investigated in a timely manner.



## **Do I need to do anything during the investigation?**

To allow the investigation to progress, you need to co-operate with the GSIO and make yourself available to meet with him or her.

Please contact GSOC if:

- Your contact details change during the investigation. We will update our files and will pass on your new details to the GSIO.
- You decide that you do not wish to proceed with the complaint.
- You wish to make further allegations, or a new complaint. A new complaint file will usually be opened, so that the original investigation is not delayed.

## **What happens at the end of the investigation?**

When the GSIO has completed the investigation, the Garda Síochána will tell you the results.

Possible results of this type of investigation are:

- **The GSIO may not find enough independent evidence to prove that any version of events took place.** If that happens, the investigation may be discontinued (ended). The case may be closed and your complaint may not be taken any further.
- **The GSIO may find evidence of a breach of garda discipline by the garda (or gardaí) concerned and impose a sanction.** This can range from giving the garda advice about what they should have done in relation to your situation, to a reduction in pay.
- **The GSIO may decide that there was no breach of Garda discipline.**

GSOC does not have any role in deciding on whether there has been a breach of discipline, nor sanctions that may be imposed.

The Garda Síochána will also tell us the results, and we will write to you with information about your right to request a review.