

## 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
- time taken by the Garda Síochána to decide on the case once GSOC has submitted its report
- whether the case goes to a Board of Inquiry

Unfortunately this type of investigation can take some time to complete. There are a number of reasons for this.

To date, cases investigated in this way have often been very complex matters that involve examining the conduct of Garda investigations which **themselves** spanned years, and may have involved numerous garda members and large amounts of information and evidence.

Also, because these cases often concern serious matters, gardaí who are subject of such investigations will often engage legal advice (as is their right). There can be delays in completing investigations while legal matters are dealt with.

And, following such investigations, the Garda Commissioner appoints a Garda senior officer to review GSOC's investigation report and evidence file, in line with the Garda Síochána (Discipline) Regulations 2007. (GSOC is purely an investigative agency and has no power to make decisions about disciplinary matters.) This Garda Síochána officer will decide on the matter – whether that is to implement a disciplinary sanction should they believe the member to be in breach, or to recommend that a Board of Inquiry be established in more serious cases – all of which can add to the time taken to conclude the matter.

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



Garda  
**Ombudsman**  
INQUIRY INDEPENDENCE IMPARTIALITY

# Non-criminal investigations

under section 95 of the Garda Síochána Act 2005



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Garda  
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Non-criminal matters may be investigated independently by the Garda Ombudsman, in line with section 95 of the Garda Síochána Act 2005.

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 Ombudsman investigator.

Section 96 of the Garda Síochána Act 2005 sets out the investigator's legal powers in such cases. These are essentially that the investigator may require a person:

- to provide any "information, document, or thing" that they believe is relevant to the investigation
- to "attend before the Commission if required by the investigation".



### How does the investigation work?

An investigator will be assigned to your case.

He or she will contact you and give you an opportunity to be heard. You are also entitled to present evidence and make submissions, if you wish.

If you need us to arrange an interpreter, or any other special assistance to help you participate fully in the investigation, please let us know and we will do our best to facilitate you.

If you wish, you can bring another person and/or a legal representative with you to any meeting or interview. You will need to tell the investigator in advance who you would like to bring to an interview 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.

You can also appoint a legal representative to attend instead of you, if you prefer.

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 end.

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

If you have any questions or concerns about the investigation, you can contact the investigator.

### What happens when the investigation is over?

Possible results of this type of investigation are:

- **Our investigator may not find enough independent evidence to prove that any version of events took place.** They will decide then, on the balance of probabilities, if a breach of discipline happened or not. (That means that they will decide, taking the available evidence into account, if it is more likely that it happened, or that it did not happen.) If they come to the conclusion that there was no breach of discipline, the investigation may end.
- **Our investigator may come to the conclusion that a garda may have committed a breach of discipline.** If this is the case, we report it to the Garda Síochána. (GSOC does not have any power to decide on whether there has been a breach of discipline, nor sanctions that may be imposed.) A senior Garda officer will be appointed to assess whether there has been a breach. Under the Discipline Regulations, breaches are categorised as "less serious" or "serious". If this Garda officer finds a "less serious" breach, they can impose a sanction themselves. This can range from giving the garda advice about what they should have done in relation to your situation, to a reduction in pay. If they believe there may be a "serious" breach, however, a Board of Inquiry must be set up to make a decision and recommend a sanction. The Board is made up of three people, appointed by the Garda Commissioner, one of whom must be a judge or a lawyer. Sanctions imposed in these cases can go as far as dismissal of the garda.

Either way, when the investigation is over, the investigator will tell you the results and will give you a report detailing the findings, if appropriate. They will also send a report to the Garda Commissioner.

As well as indicating whether we believe there may have been a breach of discipline, the report will highlight any issues that may have come to light during the investigation which were not related to the actions of an individual garda, but were possibly organisational or procedural issues. Such findings are valuable in helping the Garda Síochána to resolve issues and avoid the recurrence of similar complaints in the future.