

## Annual Report of the Garda Síochána Ombudsman Commission (GSOC) for 2019

(In accordance with section 22 of the Protected Disclosures Act 2014)

Under section 22 of the Protected Disclosures Act 2014 each public body is required to publish an annual report outlining the number of protected disclosures received in the preceding year and the action taken (if any). This report must not result in the identification of persons making disclosures.

This is the fourth such annual report from GSOC and it covers the period of 01 January 2019 to 31 December 2019

### 1. Previous Caseload

In the time covered by the 2018 report 24 disclosures were made to GSOC under sections 7 and 8 of the Protected Disclosures Act 2014. This brought the total number of investigations on hand to 36 during the reporting period of 2018 and these disclosures moved into the 2019 calendar year. During 2019, 31 additional disclosures were received which brought the total number on hand to 67 during this reporting period for 2019.

### 2. 2019 Cases

During 2019, 2 disclosures were discontinued under section 93 of the Garda Síochána Act 2005, following investigation. Discontinuation can occur by GSOC as it may not be necessary or reasonably practicable to proceed with the investigation of a disclosure following information obtained or evidence gathered during the investigation process or where the discloser withdraws from the process.

7 disclosures received in 2019 did not proceed past the assessment phase. This can occur for a number of reasons such as withdrawal by the discloser from the process and/or disengagement from the process. This can occur where the discloser decides to focus their efforts on other internal or external processes available to them. Additionally where the disclosure provides anonymous or third and fourth hand information with no prospect of identifying the source of the information or which contains information around matters for which GSOC has no statutory investigative powers, it is not possible to proceed any further.

In 2019, 2 investigation files were sent to the Director of Public Prosecutions, the outcome of which was awaited at the end of 2019. In addition 1 report was submitted to the Garda Commissioner under section 97 of the Garda Síochána Act 2005, for matters pertaining to the Garda disciplinary regulations. The outcome of that report was awaited by year end.

The remaining 55 disclosures continued undergoing investigative assessment and investigation up until the end of 2019.

### 3. Unit Resourcing

In March and April 2019 the last full time GSOC investigators were allocated to the new GSOC Protected Disclosures Unit following its establishment and a publicly run competition. After a period of training and development, these investigators began the full time task of conducting examinations and investigations into

matters received under the Protected Disclosures Act 2014 alongside their colleagues within the unit. The PDU consisted of a Senior Investigating Officer and eight Investigating Officers in 2019

GSOC has undertaken training in the area of protected disclosure legislation with two senior members of staff attending the UCD Southerland School of Law in 2019 and completing training in this area, both being awarded professional certificates in law upon completion of this training. Other training was undertaken within the unit in forensics and evidence handling, investigative interviewing, data protection training, child protection training and studies in criminal law and practice with the Law Society.

GSOC, following an invitation, has become a member of NEIWA, the Network of European Integrity and Whistleblowing Authorities, of which GSOC is the only Irish member. NEIWA's purpose is to bring together public entities entrusted with the protection of whistleblowers and/or the handling and investigation of whistleblowers' reports

It has been recognized by NEIWA that a coordinated commitment between European institutions to share their practical experiences dealing with disclosures under different national legislatures will contribute to each European Member State establishing an effective protection regime to ensure the safety of whistleblowers, the adequate follow up of whistleblowers' reports, and the prevention of future wrongdoings.

18 March 2020