



GARDA SÍOCHÁNA OMBUDSMAN COMMISSION

Statutory Overview Report: 2017 – 2022

Dialogue, Reform, Adaptation, Transition

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Foreword

This is the third statutory overview report published by the Garda Síochána Ombudsman Commission since its establishment in 2007. Such reports usually cover a period of five years of the agency's operation. This report covers six years – 2017 to 2022 – in order to provide a more complete overview of GSOC's recent years of operation, in advance of its expected transition to a reformed and expanded Office of the Police Ombudsman in 2024.

Our previous five-year report provided an overview of 2012-2016, a period characterised by significant challenges, upheavals and controversies in policing, and policing oversight, including the circumstances that led to the Cooke Report, the Connaughton Inquiry, the Clarke Inquiry, the O'Higgins Commission of Investigation, and the Fennelly Commission of Investigation. That period also saw a number of changes to the policing oversight landscape, including the expansion of GSOC's functions to include the receipt and assessment of protected disclosures by members of An Garda Síochána, as well as the establishment of the Policing Authority.

In the six years since, we find ourselves in a much-changed environment for policing and the wider policing accountability framework in which GSOC operates. Owing in many respects to the challenges and controversies of the 2012-

2016 period, the years 2017-2022 saw a welcome opening-up of debate and discussion around policing reform in Ireland, in which GSOC took an active part.

In December 2017, GSOC made a detailed submission¹ to the Department of Justice and Equality proposing a rehaul of the legislation underpinning GSOC including recommendations to enhance the independence of the organisation and to streamline investigative processes.

With the commencement of the work of the Commission on the Future of Policing in 2017, GSOC made further recommendations² on the broader environment within which GSOC operates. These recommendations again focused on the need for enhanced independence, broader powers, greater efficiency and an expansion in resources, staffing and expertise.

In September 2018, the Commission on the Future of Policing published its report, which outlined a new vision for policing, security and community safety in Ireland, based on a number of core principles, including that "Human Rights are the foundation and purpose of policing" and that "accountability and oversight structures for policing should be clear and effective". That report was endorsed in full by Government in December 2018, with all its recommendations accepted, and

formed the basis of a new high-level reform plan, A Policing Service for the Future.³ These developments have formed the backdrop to the six years of work summarised in this report, and in addition to fulfilling its statutory mandate during this period, GSOC has put a great deal of institutional energy into preparing the organisation for reform. This preparatory work came into focus in 2021 with the publication of the General Scheme of the Policing, Security and Community Safety Bill, and the publication of the full Policing, Security and Community Safety Bill in 2022. This Bill, which at time of writing is making its way through the Oireachtas, is expected to be enacted in mid-2023, and commenced early in 2024.

The Bill proposes sweeping changes to the structure, scope, independence, powers and statutory remit of GSOC. GSOC has actively engaged with the Department on the content of the Bill, and has published observations on its provisions. We have placed a particular emphasis on the importance of ensuring that the reformed institution is given the powers, the institutional independence, the level of timely cooperation, and, crucially, the resourcing, both financial and human, that it needs to be effective.

Internally, GSOC has created a cross-organisational project to coordinate this transitional phase in our operations. GSOC's

1. GSOC (2017), Proposal for Legislative Change: Submission to the Department of Justice and Equality. Available at <https://www.gardaombudsman.ie/publications/other-reports/?download=file&file=2452>

2. GSOC (2018), Submission to the Commission on the Future of Policing. Available at <https://www.gardaombudsman.ie/publications/other-reports/?download=file&file=2456>

3. Government of Ireland (2018), A Policing Service for the Future. Available at https://www.justice.ie/en/JELR/A_Policing_Service_for_the_Future.pdf/Files/A_Policing_Service_for_the_Future.pdf

own focus on organisational transition is of course taking place in a broader context of reform in Ireland's policing and policing oversight infrastructure. The Policing, Security and Community Safety Bill proposes wider changes to Garda Management, and to the roles of the Garda Inspectorate and Policing Authority. Elsewhere, draft legislation seeking to clarify and codify policing powers is in train, as is legislation on digital recording. We are also seeing significant progress towards the creation in Ireland of a National Preventative Mechanism, and the ratification of the Optional Protocol on the Convention Against Torture. All these developments will be relevant to our work as we expand as an organisation, and the more effective pooling of data, insights and learning between agencies will be crucial to ensure human rights compliant policing going forward.

This past six-year period also saw GSOC, alongside the broader public service, and wider Irish society, grapple with the unprecedented challenges and upheavals of the COVID-19 pandemic. With the onset of lockdowns and restrictions from March 2020, GSOC immediately moved to a remote-working model, and ensured the continuity of a full service to the public. The pandemic also led to a change in the frequency and type of interactions the public had with An Garda Síochána. Complaints and queries received by GSOC with regard to

policing during the public emergency served as an important barometer for the public mood, and throughout the pandemic, GSOC contributed the state's national contingency planning and critical incident management.

The pandemic was a stern test of the resilience of GSOC's staff, who rose to the challenge in difficult circumstances. GSOC learned a great deal during this time, not least the degree to which work can be delivered effectively through alternative working arrangements.

This report provides an overview of the work and outputs of GSOC in the period 2017-2022, as reported in the organisation's Annual Reports in each of those years. The report is structured to give an overview of GSOC's finance, staffing and internal controls over the reporting period, followed by an in-depth set of facts and figures on GSOC's complaints handling and investigative work. This includes information on GSOC's Local Intervention initiative, a successful new approach to complaints resolution launched in 2018, as well as some expanded data on the circumstances giving rise to section 102 referrals during the period, providing some richer insight than previously reported.

We hope that this report provides some useful insight into the work of GSOC over a busy six

years of operation. We would like to thank our previous Commissioners – Chairperson Justice Mary Ellen Ring, Commissioner Kieran Fitzgerald and Commissioner Patrick Sullivan – for their contribution to GSOC's work over this period. We would also like to acknowledge the dedication and commitment of GSOC's staff over what was a particularly challenging period of upheaval and change. Without them, GSOC could not deliver the work it does, and they deserve the highest respect and recognition.

**- Commissioner Rory MacCabe
SC (Chairperson)**

- Commissioner Hugh Hume

- Commissioner Emily Logan

4. GSOC (2023), Observations on the Policing, Security and Community Safety Bill. Available at <https://www.gardaombudsman.ie/news-room/archive/gsoc-publishes-its-observations-on-policing-security-and-community-safety-bill/>

5. All available to read on GSOC's website, www.gardaombudsman.ie

L-R: Commissioner Hugh Hume,
Chairperson Rory MacCabe,
Commissioner Emily Logan



Introduction

This report has been prepared and submitted to the Minister for Justice in accordance with Section 80 of the Garda Síochána Act, 2005.

The role and functions of GSOC

The Garda Síochána Ombudsman Commission (GSOC) is an independent statutory agency set up in 2007 under the Garda Síochána Act, 2005 (hereafter 'the Act'). Our function is to deal with matters involving possible misconduct by members of the Garda Síochána, in an efficient, effective and fair manner.

GSOC deals with complaints made by members of the public concerning the conduct of members of the Garda Síochána, whether allegations of a criminal or disciplinary nature. In addition, GSOC conducts independent investigations of matters referred to it by An Garda Síochána, the Minister for Justice, the Policing Authority, or matters which have been deemed by GSOC as meriting investigation in the public interest.

Statements of strategy

GSOC published statements of strategy to articulate our vision, mission and desired outcomes of the organisation's activities for the periods 2017-2020, and 2021-2023 and to set out the key actions that GSOC will take to achieve and account for its performance against these objectives over that period.

While based on GSOC's current statutory underpinnings, the 2021-2023 Statement of Strategy is also oriented towards implementing the necessary arrangements for a smooth transition to the new Office of the Police Ombudsman, the provisions for which have been outlined in the Policing, Community and Security Safety Bill, published in November 2022, and making its way through the Oireachtas in 2023. See Appendix for more detail.

Finance

GSOC is funded through the provision of an annual grant from the Vote for the Department of Justice. There has been an increase in the level of funding provided over the period 2017-2022. The Table A below shows the funding allocations made to GSOC from the Department of Justice in each of the years from 2017 to 2022. This also gives the total expenditure by GSOC in each year, analysed by pay and non-pay costs, showing that pay accounts for the vast majority of GSOC's costs.

Section 77 of the Garda Síochána Act, 2005 requires the Garda Síochána Ombudsman Commission to keep, in such form as may be approved by the Minister for Justice and Equality with the consent of the Minister for Public Expenditure and Reform, all proper and usual accounts of money received and expended by it. The Chairperson is responsible, in conjunction with the Accounting Officer, for preparing GSOC's accounts.

The financial statements of GSOC are subject to annual audits by the Comptroller and Auditor General. Arrangements have been put in place to avail of the Internal Audit Service of the Department of Justice, which reports to the Department's Audit and Risk Committee. The Department's Internal Audit Unit undertakes audits of GSOC's internal controls and reports to the Commission and to the Department's Audit and Risk Committee annually.

Table A: Funding allocation and expenditure

	2017	2018	2019	2020	2021	2022
Funding Allocation	9,576,600	10,048,000	10,658,000	11,181,000	11,272,507	13,379,000
Expenditure:						
Pay	5,187,124.62	6,066,188.35	6,917,528.66	7,534,642	7,830,439	9,465,609
Non-Pay	3,581,366.76	3,781,168.33	3,771,642.56	3,591,821	3,780,878	3,579,371
Total Expenditure	8,768,491.38	9,847,356.68	10,689,171.22	11,126,463	11,611,317	13,448,751

2017 – 2022 Staffing overview

Resourcing persisted as a significant issue for GSOC in 2017, with concerns that under-resourcing over the years since GSOC's establishment in 2007 had adversely affected the organisation's ability to provide a service and meet the objectives set for it. GSOC received welcome increases in staff resources both in 2018 and 2022 from the Department of Justice. In 2022, GSOC had a complement of 156 full time equivalent staff, an increase of 72 over the period 2017-2022. This contributed greatly to the development of a larger, more adaptable, resourceful and experienced workforce.

Table B: Staffing

Year	Staff number
2017	84
2018	92
2019	125
2020	127
2021	123
2022	156

Complaints

How GSOC Receives and Investigates Complaints

Sections 83-101 of the Act set out how complaints alleging Garda misconduct are made to GSOC. For a complaint to be admitted by GSOC you must be directly affected by what you believe is Garda misconduct, you must witness the alleged misconduct or you can make a complaint on behalf of someone if you have their consent. Complaints can be made to GSOC in a number of ways, whether by filling out a GSOC1 complaint form online, in writing, by post, via email or via correspondence from Garda stations.

Admissibility

All complaints received by GSOC are assessed against a list of criteria outlined in section 87 of the Act. This list sets out the criteria a complaint needs to meet to be admitted by GSOC for investigation. If a complaint does not meet the criteria it will not be admitted by GSOC and will be deemed inadmissible.

For a complaint to be investigated it must meet the following criteria:

- It must be made by (or, in certain circumstances, on behalf of) a person who is directly affected by, or who witnesses, the conduct that is the subject of the complaint;

- It must relate to behaviour by a member of the Garda Síochána which would, if proven, constitute a criminal offence or a breach of Garda discipline;
- It must be made within one year of the incident which is the subject of the complaint;
- It must not be frivolous or vexatious;
- It must not relate to the general direction and control of the Garda Síochána by the Garda Commissioner;
- It must not relate to the conduct of a member of An Garda Síochána while the member was off-duty, unless the conduct alleged would, if proven, be likely to bring discredit on An Garda Síochána.

Types of complaints

Disciplinary

Complaints received by GSOC involving alleged breaches of discipline are investigated under section 94 or 95 of the Act. Under the current legislation, breaches of discipline may be investigated in one of these ways:

- **Unsupervised investigations** are referred for investigation to An Garda Síochána and managed by Garda Senior Investigations Officer (GSIO) as set out in the Act. These investigations are required to be complete within a 16-week timescale.

Unsupervised investigations are subject to review mechanisms if the complainant is unhappy with the result. A request can be made by you to review the investigation under section 94(10) of the Act.

- **Supervised investigations** are conducted by a member of Superintendent rank and supervised by a GSOC. These investigations are required to be complete in a timescale of 20 weeks.
- **GSOC-led disciplinary investigations**, are carried out by GSOC's own investigators. Such investigations often arise where disciplinary, or systemic policy matters are identified during the course of a criminal investigation, and which require separate follow-up. These are dealt with under section 95 of the Act.

Criminal

All complaints that contain allegations of a criminal nature against Gardaí are investigated by GSOC investigators. Such investigations take place under section 98 of the Act. When conducting criminal investigations, GSOC investigators have full policing powers, equivalent to all the powers, immunities and privileges conferred and all the duties imposed on members of An Garda Síochána.

Our Local Intervention Initiative

Begun on a pilot basis in 2018, and is now a core part of how we handle complaints. The Local Intervention initiative aims at resolving more minor service-level complaints at a local level, without the need for a formal investigation. Such complaints tend to relate to allegations of discourtesy or failures that would represent lower level examples of neglect of duty. Under this process, nominated Garda inspectors contact complainants who have indicated that they wish to engage in the initiative, and seek to address the issue through dialogue. The focus of the process is on addressing the problem, rather than apportioning blame.

Should the intervention not be successful, the complaint returns to GSOC, and is assessed for admissibility.

The initiative was launched to reduce the time taken for complaints to be addressed, by identifying cases where the launch of an investigation under section 94 of the Act would not be in the best interest of the complainant, and would be an unnecessary drain on GSOC and Garda resources.

Local Intervention has seen good engagement by An Garda Síochána, and has had a positive impact for Gardaí, GSOC and complainants alike, providing a more efficient means of addressing service-level complaints.

Common matters about which people complain to GSOC:

Common matters about which people complain to GSOC include:

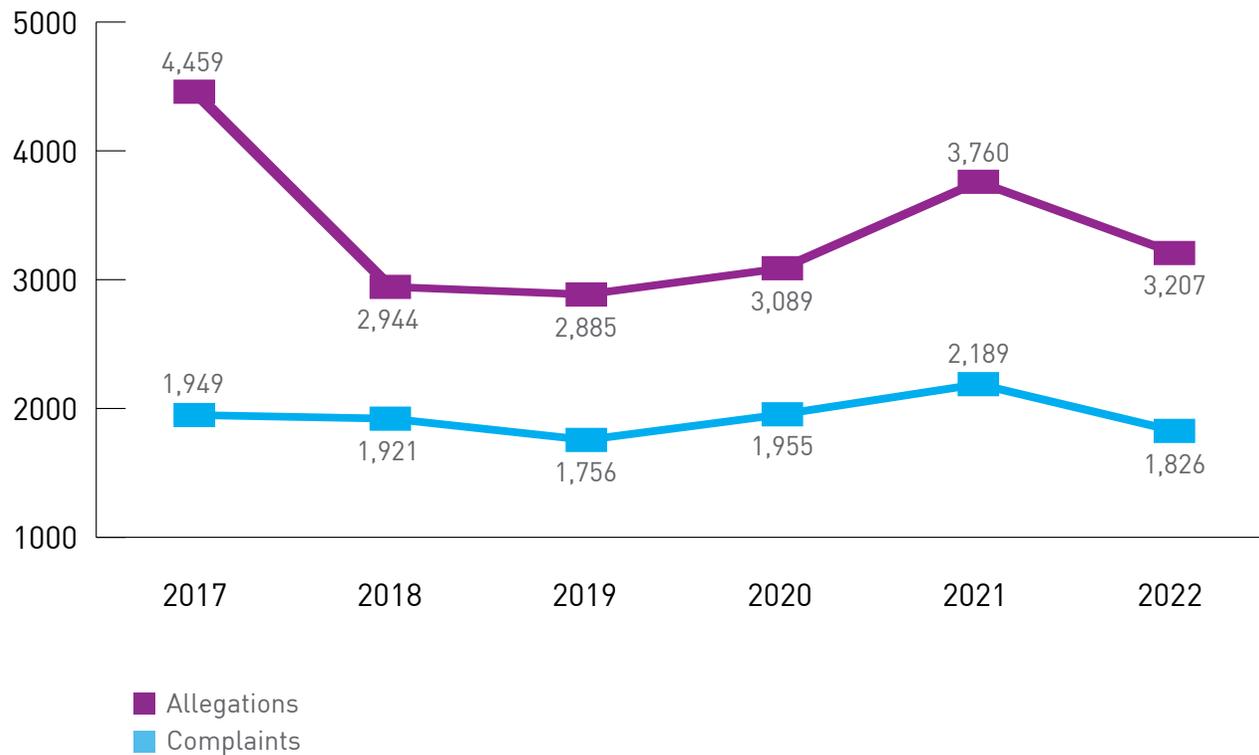
- Abuse of Authority – excessive use of force, or an instruction to do something which the person making the complaint believes was beyond the Garda’s authority to instruct, are the main types of allegation categorised as ‘abuse of authority’.
- Neglect of Duty – allegations that a Garda failed to take an action that could have been reasonably expected – such as returning a phone call at one end of the scale, or properly investigating an alleged serious crime at the other end of the scale - would be typical examples of ‘neglect of duty’.
- Discourtesy – complaints around how a Garda spoke to or behaved towards a person.
- Non-Fatal Offences – these are allegations of a criminal offence listed in the Non-Fatal Offences against the Person Act, 1997 and include, for example, assault.

Summary of complaints received from 2017 – 2022

In the period 2017-2022, GSOC has received on average 1,932 complaints a year. This number has reduced slightly from the previous reporting period (2012 – 2016), which averaged 2,022, a year. There was a decrease in the number of complaints received in 2017 (1,949), 2018 (1,921) reaching the lowest number in this reporting year in 2019 with 1,756 complaints. The number of complaints received increased in 2020 (1,955) continuing to grow in 2021 (2,189) however GSOC saw a seventeen per cent decrease in complaint received on the 2022 figure to 1,826.

One complaint can contain more than one allegation, the number of allegations in this reporting period amount to 20,344. This figure is considerably higher than the number of allegations reported in the previous reporting period at 10,110. This reflects the increasing complexity of complaints received. Chart 1 captures the number of complaints and allegations received from 2017 to 2022. For a more detailed breakdown of key facts and figures relating to complaints received from 2017 – 2022, see the Appendix (pages 27 - 44).

Chart 1: Number of complaints and allegations received from 2017 – 2022

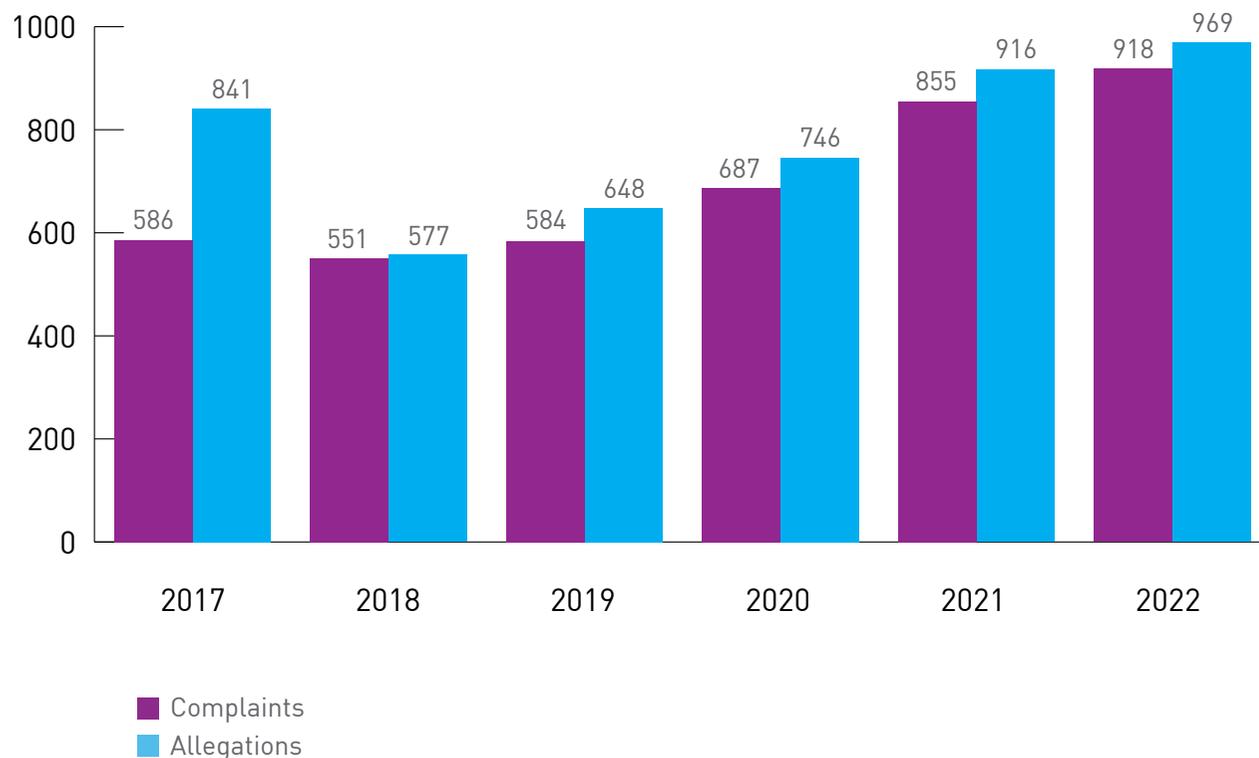


Inadmissible complaints

Approximately 36 per cent of complaints received by GSOC each year are deemed inadmissible. The most common reason for inadmissibility (accounting for 78 per cent) is that, if proven, the behaviour complained of would not be a crime or breach of the Discipline Regulations.

The second most common reason not to admit a complaint for investigation was because the allegation(s) fell outside the 12-month time limit set out in legislation. While GSOC has some discretion to admit complaints outside the specified time period, there is a practical reason for a time limit in the majority of cases: the more time that has elapsed between the incident and the complaint, the more difficult it is to conduct an effective investigation which involves preserving evidence, finding potential witnesses, and securing accurate statements.

Chart 2: Number of inadmissible complaints and allegations 2017 – 2022



Time taken to close investigations

GSOC is acutely aware of its responsibility to ensure that cases are concluded within the satisfactory timeline.

Criminal cases

The average number of days to close a criminal investigation in this reporting period was 206 days. The median time in 2022 was 366 days, an increase of 55 days on 2021 figure and 204 days on the 2020 figure (162). Chart 3 depicts an increase in closing criminal cases from 2017 to 2022, rising from 115 days in 2017 to 366 days in 2022. There are multiple factors behind this increase, including the increase in the volume and complexity of cases and the impact of the pandemic on all aspects of GSOC's investigative processes. However, another longer-term factor has been the question of resourcing.

Unsupervised and supervised disciplinary investigations

Unsupervised and supervised disciplinary investigations are undertaken by the Garda Síochána Investigating Officers (GSIO's). The average number of days to close an unsupervised disciplinary investigation in this reporting period was 249 days. Protocols between the Garda Síochána and GSOC say that

unsupervised disciplinary investigations must be completed and an investigation report provided within 16 weeks / 114 days. The median time in 2022 was 250 days, an increase of 51 days on the 2021 (199) figure. The median time to close such investigations continue to fluctuate slightly from 2020 (244) to 2017 (256).

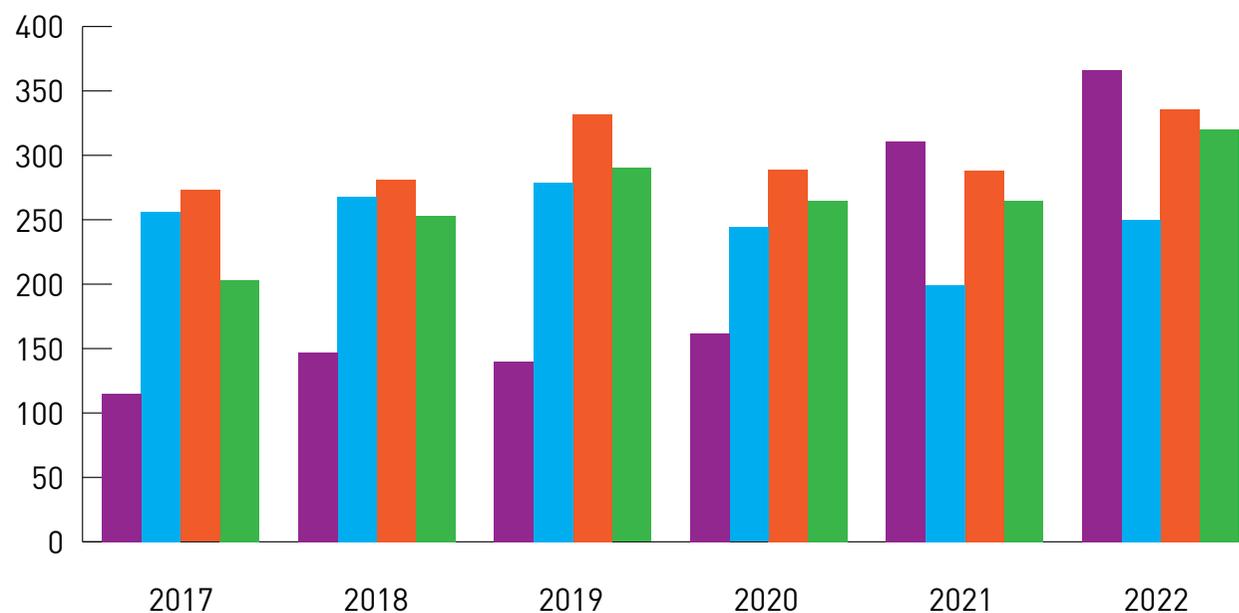
The average number of days to close a supervised disciplinary investigation in this reporting period was 299 days. Protocols between the Garda Síochána and GSOC say that supervised disciplinary investigations must be completed and an investigation report provided within 20 weeks / 140 days. In 2017, the median time to close supervised investigation rose from 273 days to 281 in 2018 and 332 in 2019, 2020 saw a decrease of 43 days to 289 in 2020, with a further decrease of one day in 2021. In 2022, the median time increased to 336, an increase of 48 days on the 2021 figure.

GSOC led disciplinary investigations

Non-criminal investigations by GSOC, under section 95 of the Act, are undertaken by the GSOC's own investigators. The average number of days to close GSOC led non-criminal investigation in this reporting period was 266 days. In 2017, the median time to close non-criminal investigation rose from 203 days to 253 in 2018 and 290 in 2019, 2020 saw a decrease of 25 days to 265 in 2020. The median time of such

investigations remained at 265 days, which is on a par with the 2020 figure. In 2022, the median time increased to 320, an increase of 55 days on the 2021 figure.

Chart 3: Median closure time



	2017	2018	2019	2020	2021	2022
■ Criminal investigations (s.98)	115	147	140	162	311	366
■ Unsupervised disciplinary investigations by Garda Síochána (s94(1))	256	268	279	244	199	250
■ Supervised disciplinary investigations by Garda Síochána (s94(5))	273	281	332	289	288	336
■ GSOC - led disciplinary investigations by GSOC (s.95)	203	253	290	265	265	320

Investigations on Referral under s102 (Death or Serious Harm)

When is a referral made to GSOC by An Garda Síochána?

Section 102 of the Act provides for independent investigation of any matter that appears to indicate that the conduct of a member of the Garda Síochána may have resulted in the death of, or serious harm to, a person. The provision forms an important element of the State's framework for the guarantee of compliance with its obligations under Article 2 and 3 of the European Convention on Human Rights.

The power to refer is delegated by the Garda Commissioner to superintendents whose responsibility it is to decide if it is appropriate to refer an incident, in order that it be investigated independently.

How GSOC investigates matters under Section 102

Once GSOC receives a referral from An Garda Síochána, we must investigate the matter.

We aim to respond proportionately, according to the circumstances. It is sometimes the case that, following the initial examination, it is clear that there is no evidence of misbehaviour or criminality. At the other end of the scale, sometimes it is appropriate to undertake a full

criminal investigation and refer the case to the DPP.

If there has been a fatality, there must be particular consideration given to the State's obligation under Article 2 of the European Convention on Human Rights (ECHR). Article 2 states that everyone's right to life shall be protected by law. The European Convention on Human Rights Act, 2003 requires that Irish state bodies including An Garda Síochána, perform their functions "in a manner compatible with the State's obligations under the convention provisions".

To be compliant with Article 2, investigations into deaths following police contact should adhere to five principles developed by the European Court of Human Rights. These are:

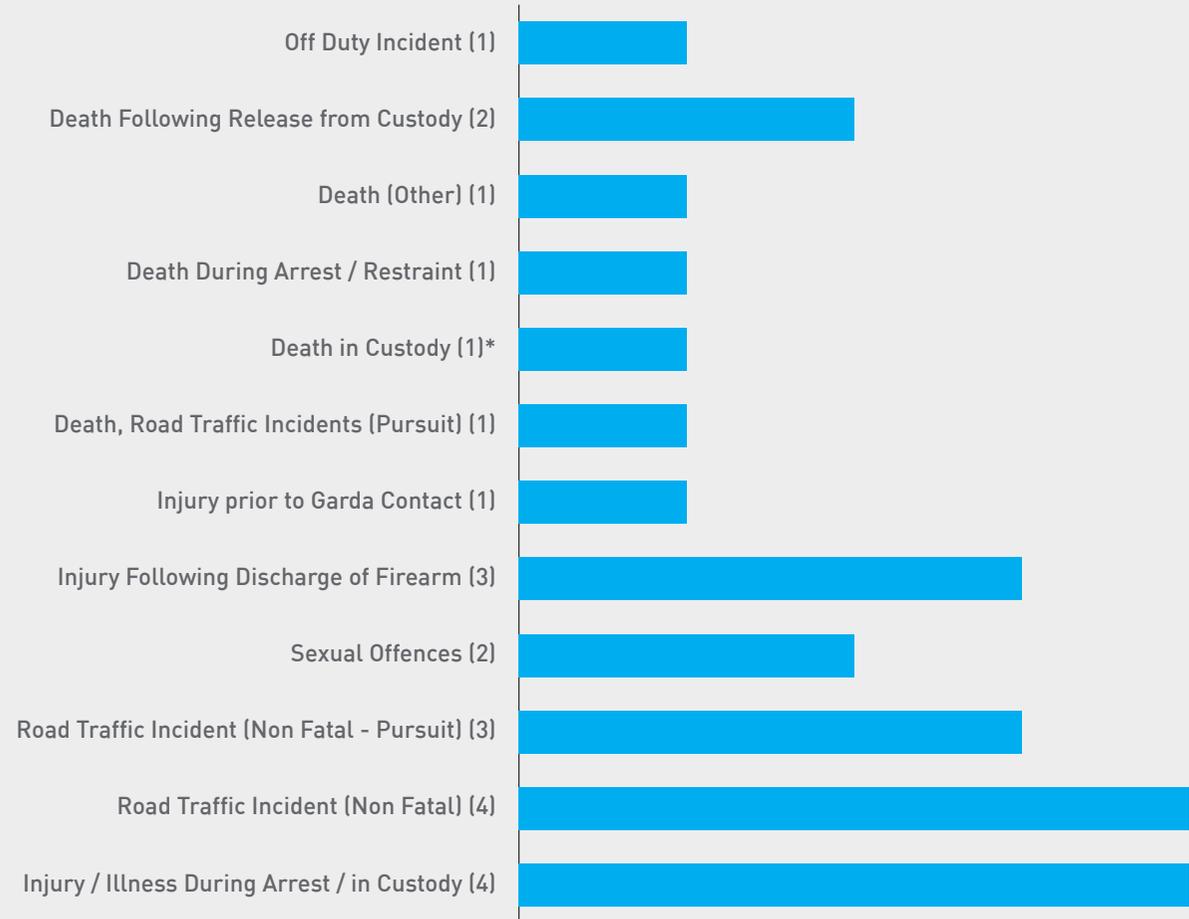
- Independence
- Adequacy
- Promptness
- Public scrutiny
- Victim involvement.

These principles are at the heart of GSOC's approach to investigating fatalities.

Referrals received in 2017

GSOC received **24** referrals under this section in 2017. Six of the referrals received in 2017 related to fatalities. A breakdown of the circumstances is below.

Chart 4: Circumstances of referrals in 2017

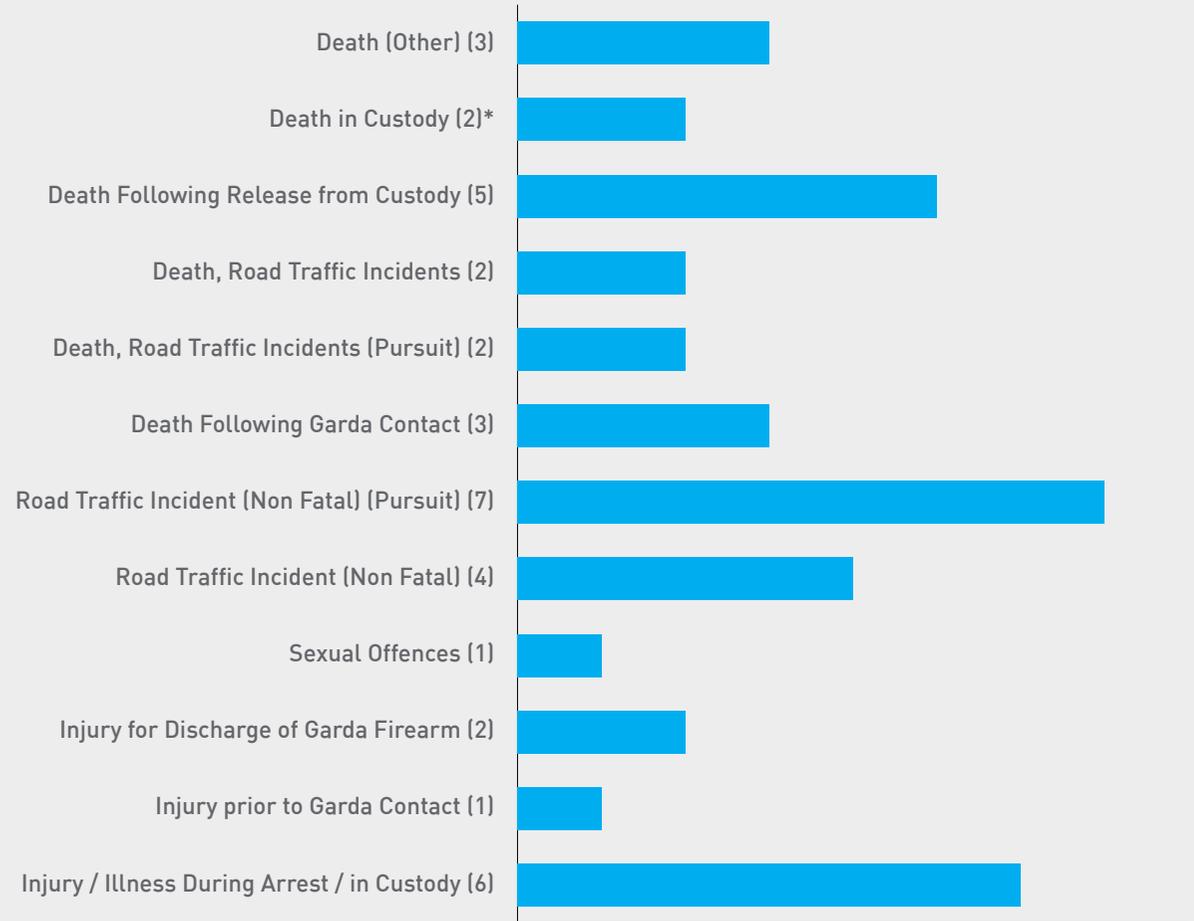


*Note: Death in Custody (1) includes where a person later died in hospital.

Referrals received in 2018

GSOC received **38** referrals under this section in 2018. Seventeen of the referrals received in 2018 related to fatalities. A breakdown of the circumstances is below.

Chart 5: Circumstances of referrals in 2018

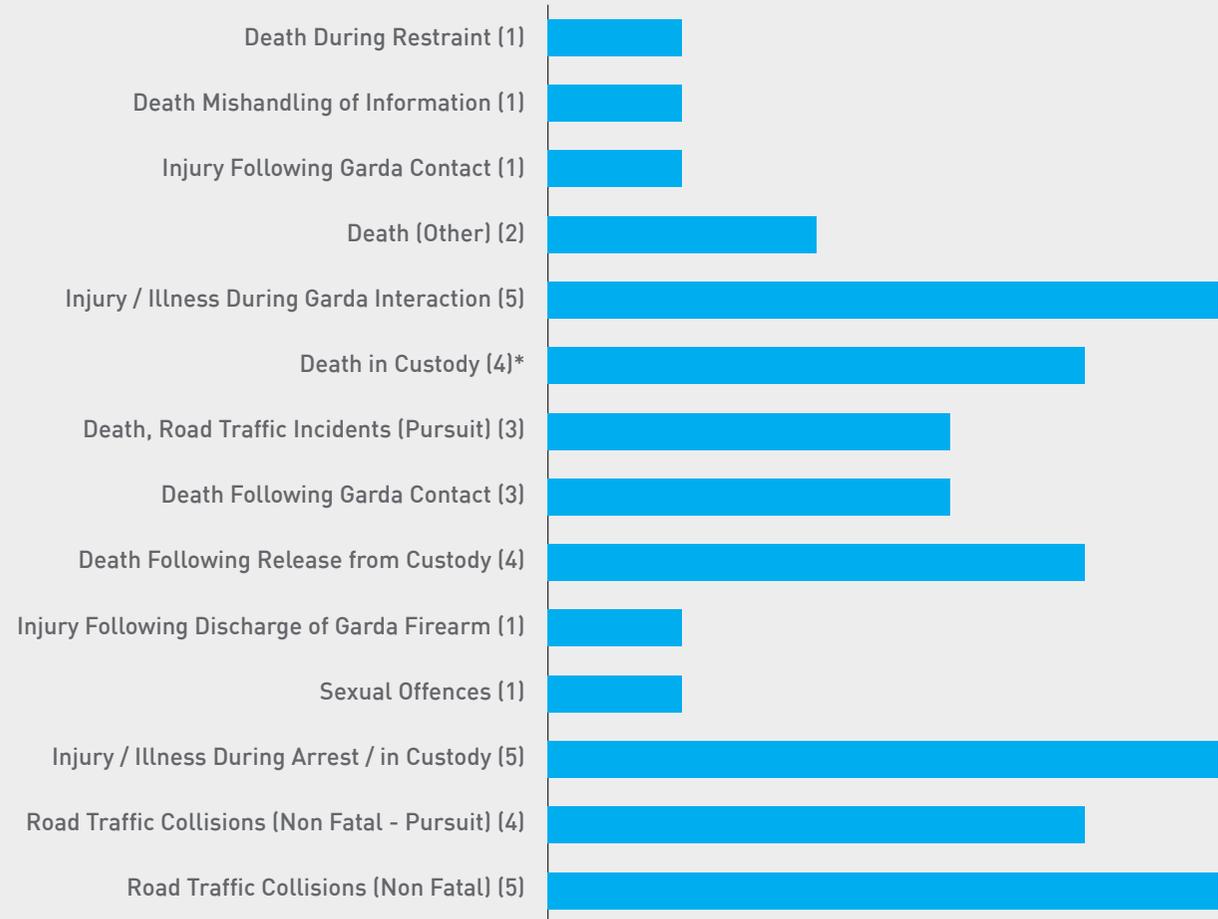


*Note: Death in Custody (2) includes where a person later died in hospital.

Referrals received in 2019

GSOC received **40** referrals under this section in 2019. Eighteen of the referrals received in 2019 related to fatalities. A breakdown of the circumstances is below.

Chart 6: Circumstances of referrals in 2019

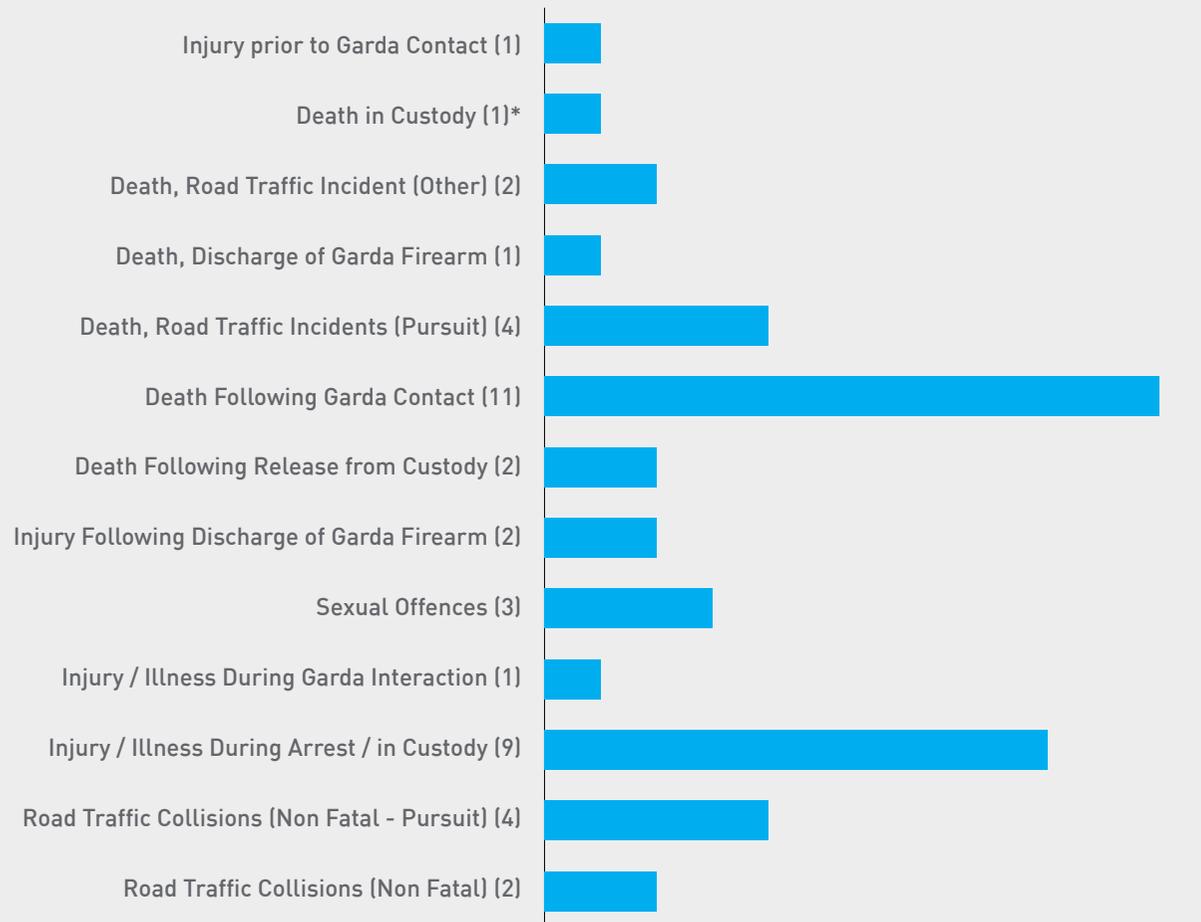


*Note: Death in Custody (4) includes where a person later died in hospital.

Referrals received in 2020

GSOC received **43** referrals under this section in 2020. Twenty one of the referrals received in 2020 related to fatalities. A breakdown of the circumstances is below.

Chart 7: Circumstances of referrals in 2020

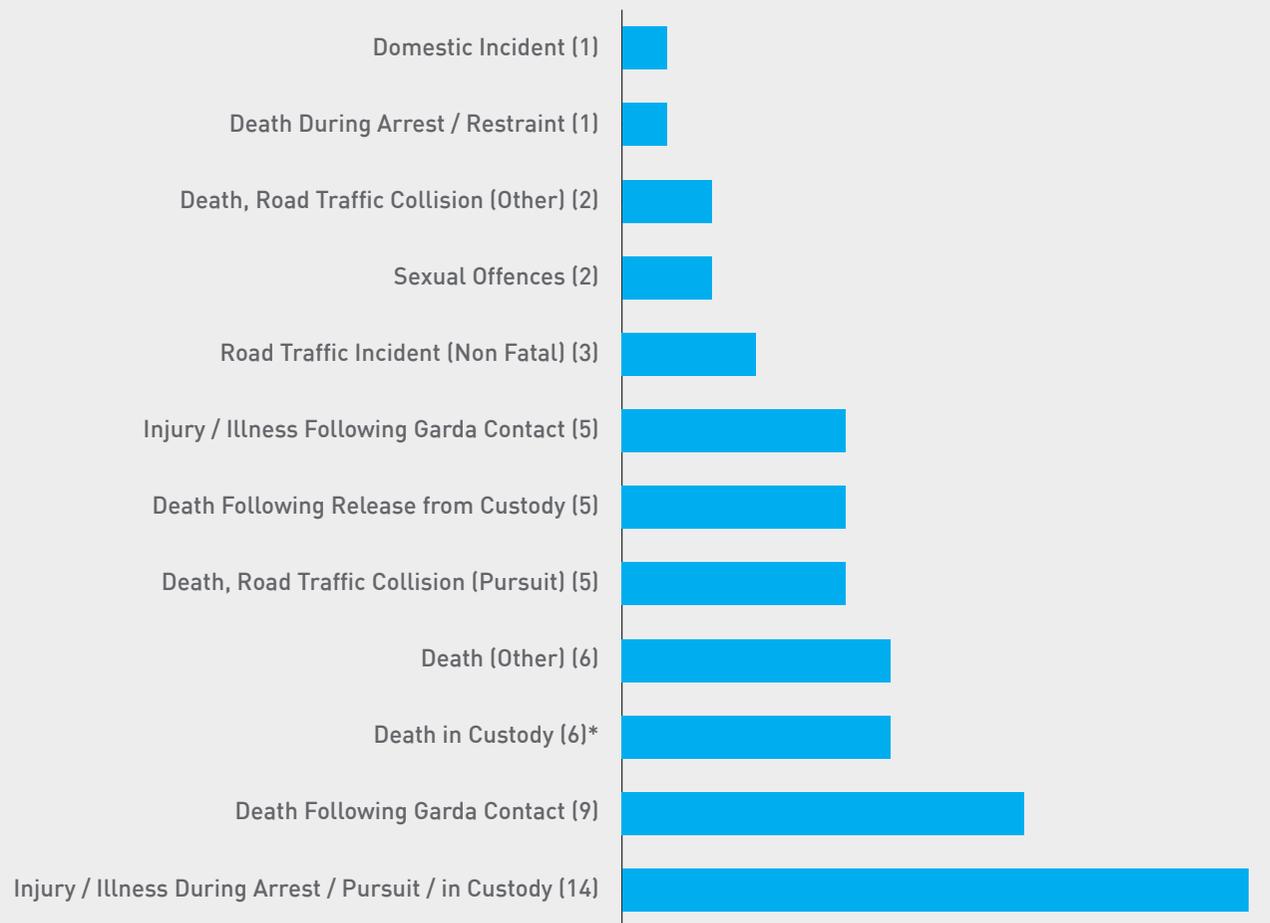


*Note: Death in Custody (1) includes where a person later died in hospital.

Referrals received in 2021

GSOC received **59** referrals under this section in 2021. Thirty-four of the referrals received in 2021 related to fatalities. A breakdown of the circumstances is below.

Chart 8: Circumstances of referrals in 2021

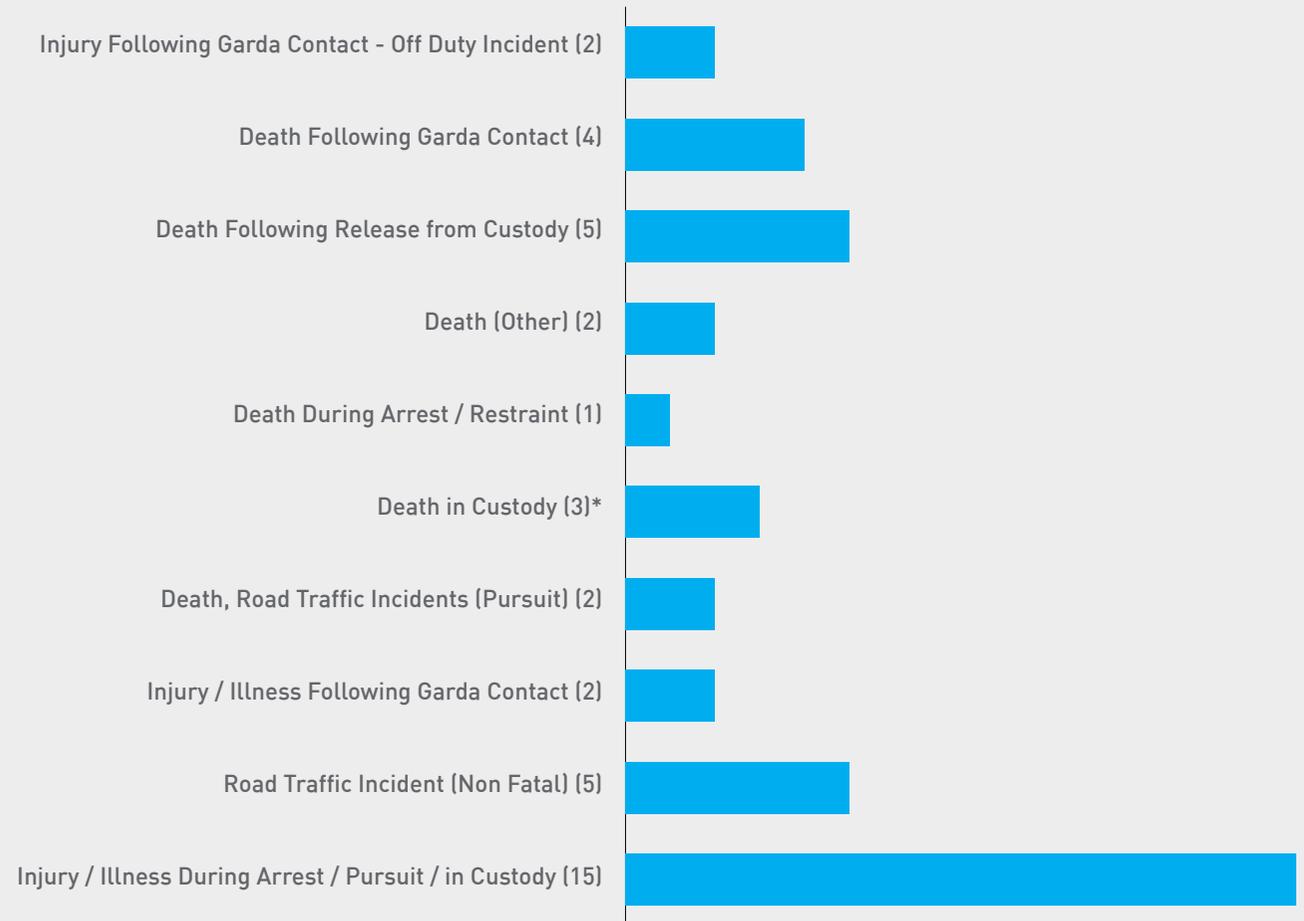


*Note: Death in Custody (6) includes where a person later died in hospital.

Referrals received in 2022

GSOC received **41** referrals under this section in 2022. Seventeen of the referrals received in 2022 related to fatalities. A breakdown of the circumstances is below.

Chart 9: Circumstances of referrals in 2022



*Note: Death in Custody (3) includes where a person later died in hospital.

Investigations in the Public Interest

The Garda Síochána Act, 2005 provides for GSOC to undertake investigations in the public interest. Such investigations can commence a number of ways.

GSOC-initiated public interest investigations (Section 102(4))

On occasion, suspected misconduct by a Garda or Gardaí comes to the attention of GSOC outside of the usual complaints or referrals processes. Such matters can come to the attention of GSOC, for example, via media reports, or via details contained in an otherwise inadmissible complaint. On such occasions, GSOC has the power to commence an investigation in the public interest where it appears that the conduct of a member of the Garda Síochána of the Garda Síochána may have committed an offence, or that their behaviour may justify disciplinary proceedings.

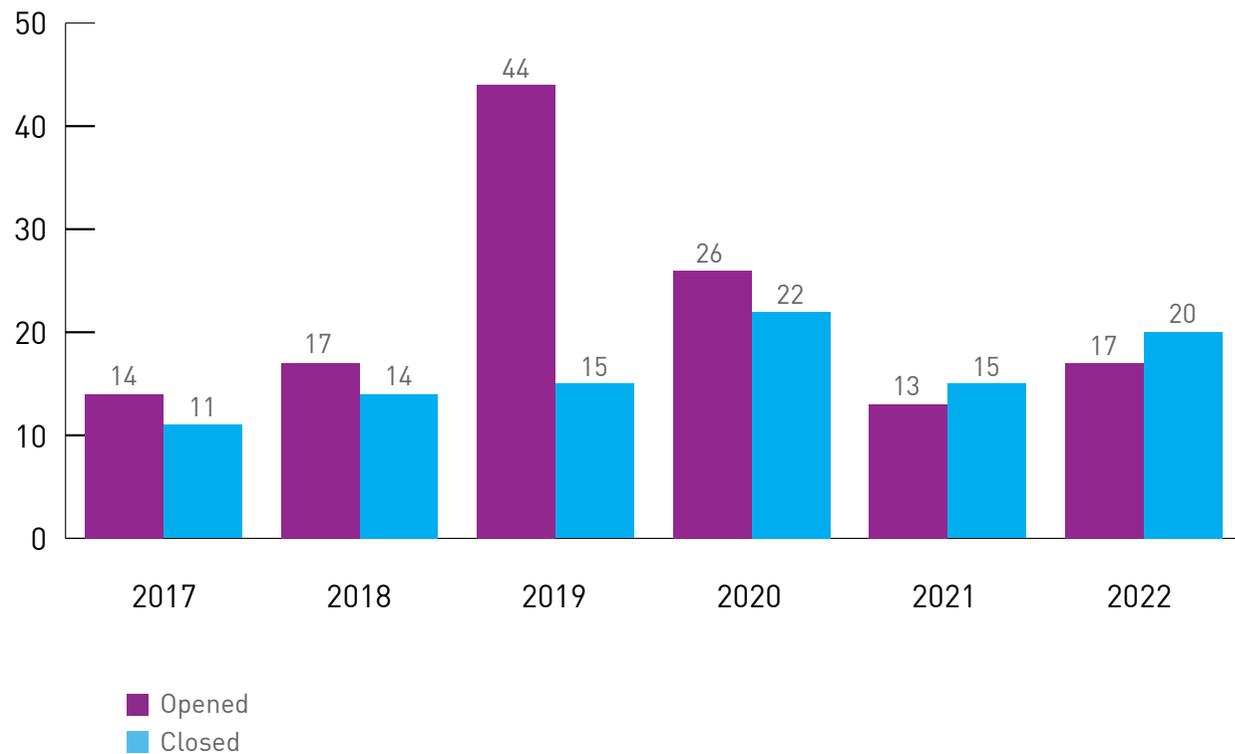
Minister-initiated public interest investigations (Section 102(5))

The Minister for Justice can refer any matter to GSOC concerning the conduct of a member of the Garda Síochána, and GSOC will investigate it. This includes referrals made to GSOC under the Independent Review Mechanism (IRM) established by the Minister in 2014. A total of 21 referrals were received by the Minister between 2015 and 2016 and the remaining two investigations were closed in 2022.

Public interest investigations on request of Policing Authority or Minister (Section 102 (7))

Both the Policing Authority and the Minister may refer a matter to GSOC to consider whether it should investigate it in the public interest.

Chart 10: Public interest investigations opened and closed from 2017 – 2022



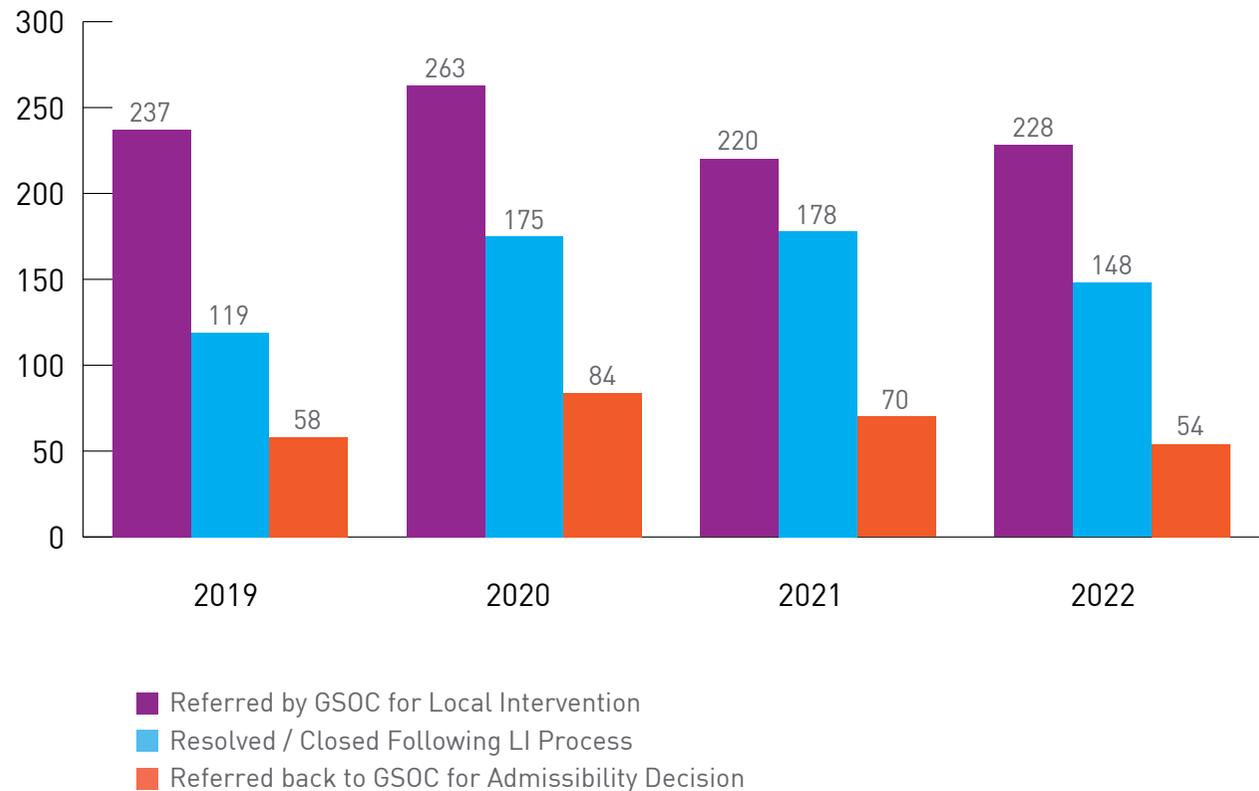
Local Intervention

GSOC's Local Intervention (LI) process ran for its fourth year in 2022. This process seeks to resolve some complaints to GSOC locally and without the need for a formal investigation.

In 2020, GSOC saw a 10 percent increase of complaints referred for local intervention compared to 2019 figure (237), and a 50 percent increase in the number resolved or otherwise closed having been referred by LI. Of the 84 complaints referred back to GSOC for a decision on whether or not they would be admitted for investigation, 66 were admitted and forwarded for investigation (64 for investigation under Section 94(1) and two for investigation under 94(5)). Almost 60 percent of cases forwarded to the nominated Garda inspectors were resolved or closed following LI.

The Local Intervention initiative proved very successful in 2022. Over the course of the year, GSOC referred a total of **228** cases for local intervention, a slight decrease on the 2021 figure of 2020. A total of **148** cases were resolved, including some carried over from the previous calendar year. At year – end, 65 local intervention cases remained on-hand.

Chart 11: Outcomes under the Local Intervention process 2019 - 2022



HOW LOCAL INTERVENTION WORKS

All cases received by GSOC are recorded initially on the Case Management System (CMS) as 'queries', and are not upgraded to complaints until there is sufficient information available for an admissibility determination. The Local Intervention process engages at the 'query' stage, before an admissibility decision is made.

- When a complaint is received, GSOC decides whether or not the matter is suitable for Local Intervention. Only service-level issues are considered for local intervention

Examples include:

- Poor quality or standard of service
 - Inefficient or no service
 - Incivility/impoliteness/rudeness
 - Lack of communications or response
- If GSOC is of the view that the complaint is suitable for LI, GSOC contacts the person making the complaint, explains the LI process and asks if the person will consent to having the matter dealt with in this way.
 - If the complainant consents, GSOC refers the matter to a nominated Garda Inspector who manages the process on behalf of the Garda Síochána. If the person does not consent, GSOC will proceed to assess the complaint for admissibility, per the standard process.
 - The nominated Garda Inspector contacts the complainant by phone to identify what actions or outcomes he/she is seeking to achieve. Typically, the Inspector then has a discussion with the Garda member concerned to explore what may have led to the issue. The process is not about apportioning blame, it is about addressing the issue raised and learning from what has happened in order to prevent a reoccurrence. The inspector contacts the complainant again to advise on the action taken to address the matter. If the complainant is satisfied with the response, the inspector notifies GSOC and GSOC confirms with the complainant that he or she is satisfied. GSOC then closes the file. If the attempts to resolve the matter through LI are unsuccessful, the complaint is referred back to GSOC which decides if the complaint should be admitted for investigation.

Protected Disclosures

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 action taken. Further detail on GSOC's protected disclosures work can be found in this report, which is available on the GSOC website.

In 2019, following an invitation, GSOC became a member of the Network of European Integrity and Whistleblowing Authorities (NEIWA), of which GSOC was the only Irish member. GSOC has continued to work on sharing knowledge and expertise in disclosure matters and the implementation of the Directives. GSOC attended meetings virtually and in person for the first time since 2019, declarations from which can be found on our website.

GSOC has also continued its engagement with the Project against Economic Crime in Kosovo (PECK III), a joint co-operation initiative of the European Union (EU) and Council of Europe. As part of this, GSOC has been providing practice and procedural review to the Kosovo police in the handling of protected disclosures. The overall objective of PECK III is to enhance anti-corruption and anti-money laundering practices in Kosovo, in line with applicable European and international standards.

In 2022, GSOC continued attendance

and participation in the Government Interdepartmental Protected Disclosures Network, in addition to liaising with other Government departments and An Garda Síochána on disclosure matters and associated processes.

Table C: Protected disclosures received by GSOC in 2017 – 2022

	2017	2018	2019	2020	2021	2022
Received in reporting year	22	24	31	19	20	18
On hand at year end	31	49	67	75	69	53

GSOC Legal Unit: Engaging with the Courts

As outlined in previous sections, GSOC conducts criminal investigations on foot of both complaints and referrals, as well as in the context of public investigations.

On completion of a criminal investigation, if GSOC is of opinion that the conduct under investigation may constitute an offence, a file is prepared and sent to the Office of the Director of Public Prosecution (DPP).

Where there has been a death in Garda custody or where a person has died following interaction with Gardaí, and GSOC has carried out a criminal investigation, GSOC may send a file to the DPP in order to comply with its obligations under Article 2 of the European Convention on Human Rights. GSOC may also send a file to the DPP when the Ombudsman Commission determines that it is in the public interest to do so.

Section 110 of the Act also creates the offence of providing false or misleading information to the Ombudsman Commission in relation to a complaint or investigation whether by a Garda or a member of the public.

GSOC engagement with the Office of the Director of Public Prosecutions 2017 – 2022

On completion of a criminal investigation, GSOC may issue a file to the Office of the Director of Public Prosecutions for its consideration. In all cases, it is the DPP who decides whether or not to prosecute the case in court. The below table itemizes the number of files GSOC issued to the DPP each year in 2017-2022. It also itemizes the number of decisions the DPP made in the same period to direct a prosecution and to direct no prosecution.

Table D: GSOC engagement with the Office of the Director of Public Prosecutions 2017 – 2022

Investigative files issued by GSOC to the Director of Public Prosecutions 2017 – 2022	
2017	16
2018	17
2019	23
2020	27
2021	21
2022	27

Directions by the Director of Public Prosecutions for prosecution arising from a GSOC investigation 2017 – 2022

2017	10
2018	4
2019	5
2020	7
2021	13
2022	10

Directions by the Director of Public Prosecutions for no prosecution arising from a GSOC investigation 2017 – 2022

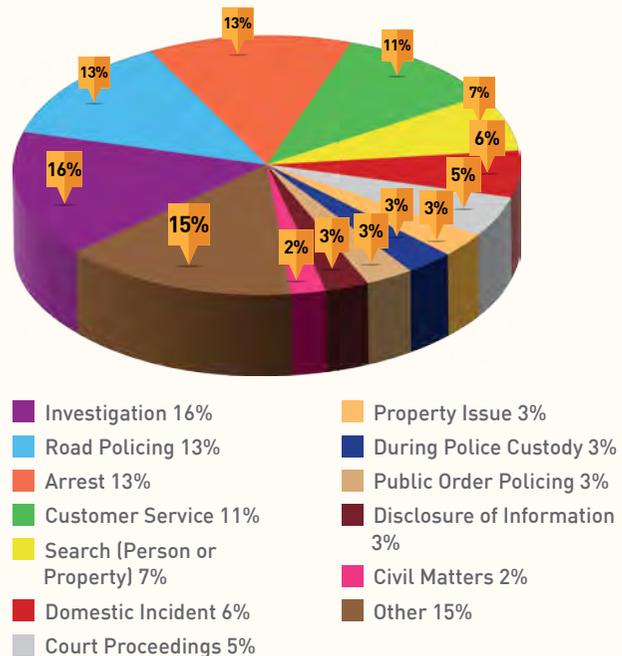
2017	5
2018	9
2019	14
2020	14
2021	11
2022	16

Key facts and Figures for Complaints in 2017

Appendix

A total of **1,949** complaints were opened in 2017, an increase of ten percent on the number opened in 2016. These complaints contained **4,459** allegations – each complaint can contain several allegations.

Chart i: Circumstances of Complaints Received in 2017 (Total Complaints: 1,949)

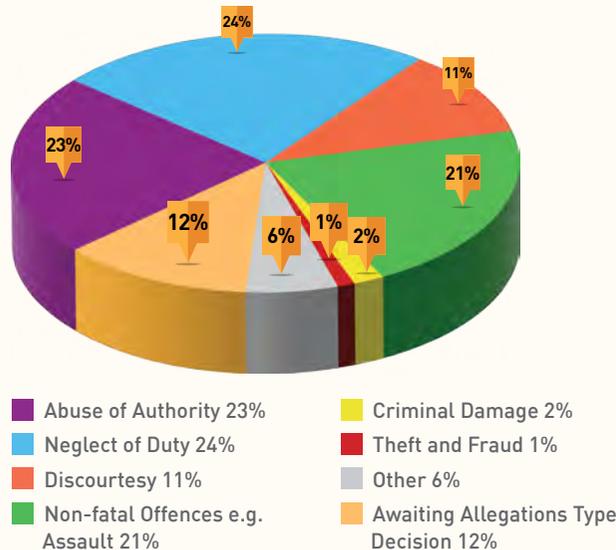


The three most common circumstances which gave rise to complaints in 2017 were: the conduct of investigations by Gardaí, road policing incidents and the conduct of arrest by Gardaí.

What people complain about

The chart below gives a breakdown of allegation types for 2017.

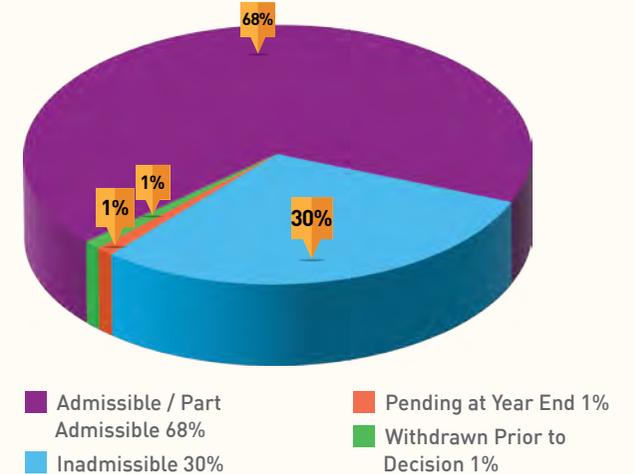
Chart ii: Allegation Types in Admissible Complaints in 2017 (Total Allegations: 4,459)



Admissibility Decisions

In 2017, a total of 1,949 complaints were received, of which 1,330 (68 per cent) were deemed admissible (containing at least one admissible allegation). A total of 586 (30 per cent) were deemed inadmissible. Chart 4 below details the types of investigations opened in 1,320 cases (the type of investigation had yet to be decided in ten cases at the end of the year.)

Chart iii: Complaint Admissibility Decisions in 2017 (Total Complaints: 1,949)



Outcomes of Investigations

In 2017, 1,702 complaints containing 4,155 allegations were closed in 2017. Of these, 1,016 complaints containing 3,222 allegations were admitted and investigated (the remainder were closed after being deemed inadmissible or after being withdrawn).

While the 1,061 complaints all contained one or more allegations, 240 of the allegations contained in them were inadmissible, so these were not investigated. In total, 2,982 allegations were investigated and the outcomes are described in Table i.

Chart iv: Investigations Opened by Type in 2017
(Total Complaints Admitted for Investigations: 1,320)

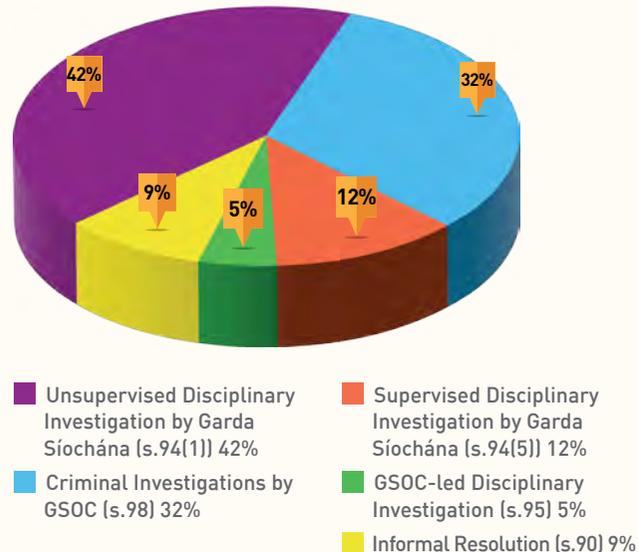


Table i: Outcomes of complaints closed in 2017

Outcome / Reason	Explanation	Type of investigation concerned	Number of allegations
Discontinued – Further investigation not necessary or reasonably practicable	The most common scenarios here are (in order of frequency that there was no independent evidence to prove either version of events; or the complaint was deemed to be frivolous or vexatious* after investigation had begun.	All types	2,036
No breach of the Discipline Regulations identified	The allegations were investigated and the Garda whose conduct was complained of was found to have acted correctly.	Disciplinary investigation by the Garda Síochána (s.94) or by GSOC (s.95)	449
Allegation withdrawn	The person who made the complaint indicated that they would not pursue it.	All types	270
Non-cooperation by the complainant	The complainant failed to engage with investigation	All types	80
Breach of Discipline Regulations identified and sanction applied	A range of sanctions may be applied depending on the gravity of the breach found (See Table ii). The identification of the specific breach and any sanction to be applied is a matter for the Garda Commissioner under the Discipline Regulations. GSOC has no role in the process.	Disciplinary investigation by the Garda Síochána (s.94) or by GSOC (s.95)	66

No misbehaviour identified following criminal investigation	The most common scenario here is that there was no independent evidence to prove the allegation(s) made.	Criminal investigation by GSOC (s.98)	59
Garda Discipline Regulations no longer apply	The Garda subject of a disciplinary investigation retired or resigned prior to, or during, the investigation.	Disciplinary investigation by the Garda Síochána (s.94) or by GSOC (s.95)	13
Informally resolved	The matter was resolved to the satisfaction of both parties	Informal Resolution (s.90)	6
Referred to the DPP – No Prosecution Directed	If there is evidence that an offence may have been committed following criminal investigations, the case is referred to the DPP, who makes a decision on whether or not to prosecute or not. In certain cases, the Ombudsman Commission may refer a case to the DPP to ensure full transparency and public confidence.	Criminal investigation by GSOC (S.98)	3**
Total Outcomes			2,982

*The term 'frivolous and vexatious' is issued in the Act, section 87(2)(d), as a reason for inadmissibility

**The figure 3 refers here to the number of files, arising from complaints, which were sent to the DPP and for which the DPP directed no prosecution.

Table ii: Sanctions applied by the Commissioner in 2017, following the disciplinary investigations

Sanction	Number
Advice	33
Reduction in pay / fine	19
Warning	9
Caution	3
Reprimand	2
Total Sanctions	66

Key facts and Figures for Complaints in 2018

A total of **1,921** complaints were opened in 2018, a slight decrease of (1.4 per cent) on the number opened in 2017. These complaints contained **2,944** allegations – each complaint can contain several allegations.

The three most common circumstances which gave rise to complaints in 2018 were: the conduct of investigations by Gardaí, road policing incidents and customer service by Gardaí.

What people complain about

The chart below gives a breakdown of allegation types for 2018.

Chart v: Circumstances of Complaints Received in 2018 (Total Complaints: 1,921)

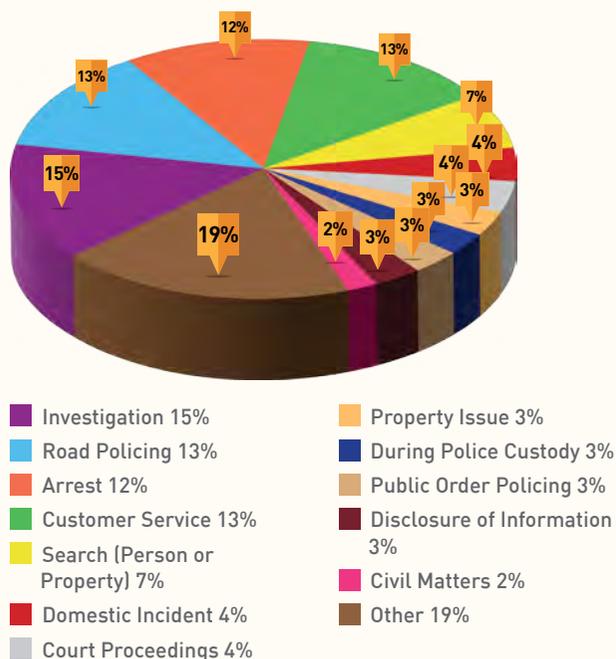
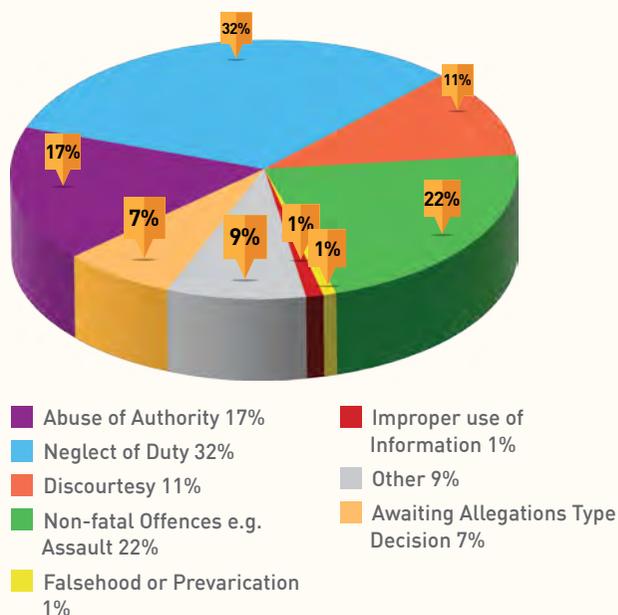


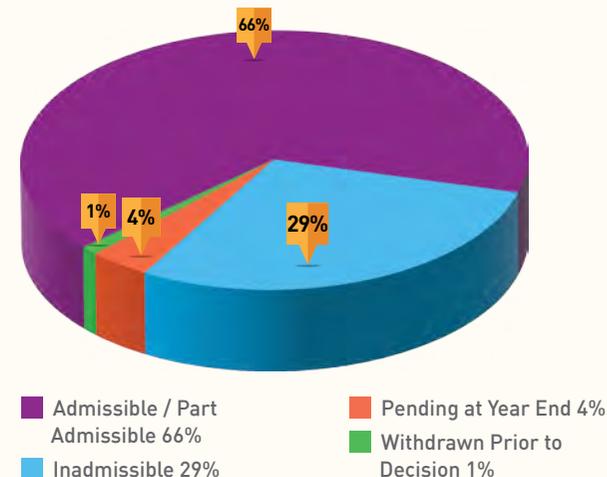
Chart vi: Allegation Types in Admissible Complaints in 2018 (Total Allegations: 2,262)



Admissibility Decisions

In 2018, a total of 1,921 complaints were received, of which 1,270 (66 per cent) were deemed admissible (containing at least one admissible allegation). A total of 551 (29 per cent) were deemed inadmissible.

Chart vii: Complaint Admissibility Decisions in 2018 (Total Complaints: 1,921)



Outcomes of Investigations

In 2018, 1,897 complaints containing 3,949 allegations were closed. Of these, 1,352 complaints containing 3,370 allegations were admitted and investigated (the remainder were closed after being deemed inadmissible or after being withdrawn).

While the 1,352 complaints all contained one or more admissible allegation, 132 of the allegations contained in them were admissible, so these were not investigated. In total, 3,238 allegations were investigated and the outcomes described below in Table iii.

Chart viii: Investigations Opened by Type in 2018 (Total Admissible Complaints: 1,270)

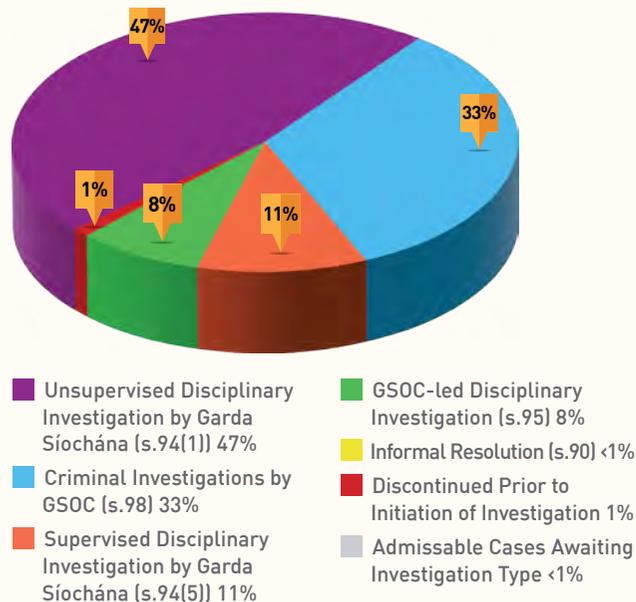


Table iii: Outcomes of complaints closed in 2018

Outcome / Reason	Explanation	Type of investigation concerned	Number of allegations
Discontinued – Further investigation not necessary or reasonably practicable	The most common scenarios here are (in order of frequency that there was no independent evidence to prove either version of events; or the complaint was deemed to be frivolous or vexatious* after investigation had begun.	All types	2,104
No breach of the Discipline Regulations identified	The allegations were investigated and the Garda whose conduct was complained of was found to have acted correctly.	Disciplinary investigation by the Garda Síochána (s.94) or by GSOC (s.95)	549
Allegation withdrawn	The person who made the complaint indicated that they would not pursue it.	All types	232
Non-cooperation by the complainant	The complainant failed to engage with investigation	All types	151
Breach of Discipline Regulations identified and sanction applied	A range of sanctions may be applied depending on the gravity of the breach found (See Table iv). The identification of the specific breach and any sanction to be applied is a matter for the Garda Commissioner under the Discipline Regulations. GSOC has no role in the process.	Disciplinary investigation by the Garda Síochána (s.94) or by GSOC (s.95)	74

No misbehaviour identified following criminal investigation	The most common scenario here is that there was no independent evidence to prove the allegation(s) made.	Criminal investigation by GSOC (s.98)	99
Garda Discipline Regulations no longer apply	The Garda subject of a disciplinary investigation retired or resigned prior to, or during, the investigation.	Disciplinary investigation by the Garda Síochána (s.94) or by GSOC (s.95)	14
Referred to the DPP – No Prosecution Directed	If there is evidence that an offence may have been committed following criminal investigations, the case is referred to the DPP, who makes a decision on whether or not to prosecute or not. In certain cases, the Ombudsman Commission may refer a case to the DPP to ensure full transparency and public confidence.	Criminal investigation by GSOC (S.98)	13
Referred to the DPP – Prosecution Directed	The DPP may also make a decision based on the evidence to direct a prosecution and a trial will commence.	Criminal investigation by GSOC (S.98)	2*
Total Outcomes			3,238

*This figure refers to the number of files, arising from complaints, which were sent to the DPP and for which the DPP directed prosecution. The trial may not have taken place in 2018.

Table iv: Sanctions applied by the Commissioner in 2018, following the disciplinary investigations

Sanction	Number
Advice	36
Fine Imposed	9
Warning	6
Caution	10
Reprimand	3
Reduction in pay not exceeding 2 weeks' pay	8
Reduction in pay not exceeding 4 weeks' pay	2
Total Sanctions	74

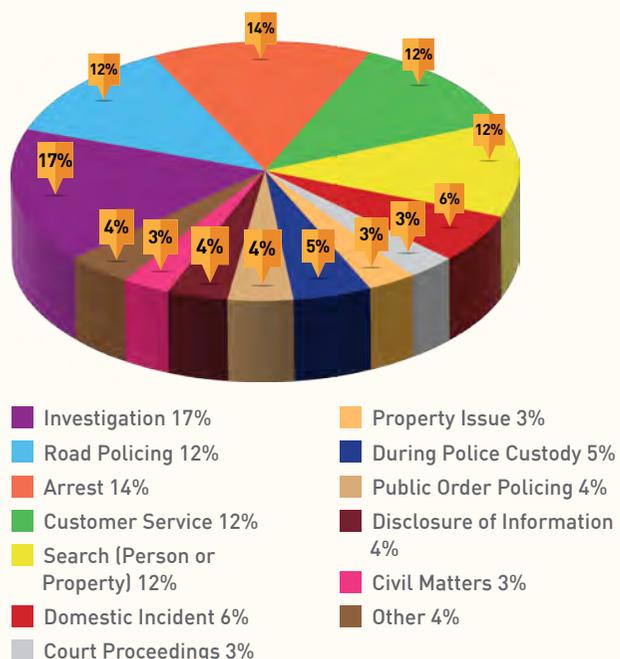
Key facts and Figures for Complaints in 2019

Appendix

A total of **1,756** complaints were opened in 2019, a decrease of (9 per cent) on the number opened in 2018. These complaints contained **2,885** allegations – each complaint can contain several allegations.

The most common circumstances which gave rise to complaints in 2019 were: the conduct of investigations by Gardaí, conduct of Gardaí when effecting an arrest, road policing incidents, customer service by Gardaí and conduct of Gardaí when searching property and/or person.

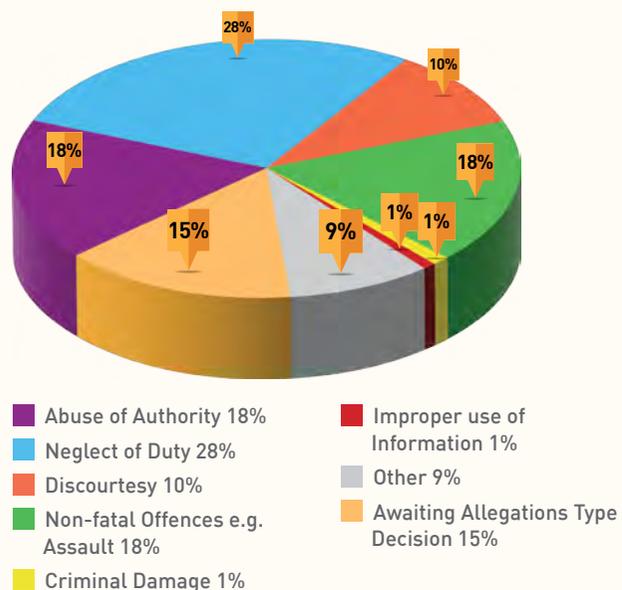
Chart ix: Circumstances of Complaints Received in 2019 (Total Complaints: 1,756)



What people complain about

The chart below gives a breakdown of allegation types for 2019.

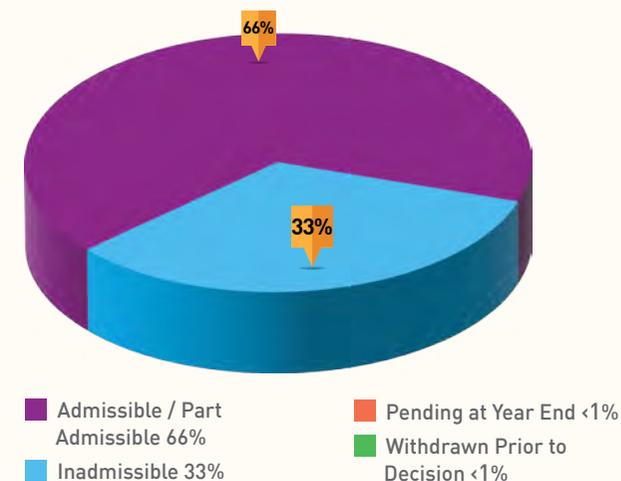
Chart x: Allegation Types in Admissible Complaints in 2019 (Total Allegations: 2,262)



Admissibility Decisions

In 2019, a total of 1,756 complaints were received, of which 1,153 (66 per cent) were deemed admissible (containing at least one admissible allegation). A total of 584 (33 per cent) were deemed inadmissible.

Chart xi: Complaint Admissibility Decisions in 2019 (Total Complaints: 1,756)



Outcomes of Investigations

In 2019, 1,896 complaints containing 3,038 allegations were closed. Of these, 1,210 complaints containing 2,280 allegations were admitted and investigated (the remainder were closed after being deemed inadmissible or after being withdrawn).

While the 1,210 complaints all contained one or more allegations, 48 of the allegations contained in them were inadmissible, so these were not investigated. In total, 2,232 allegations were investigated and the outcomes are described in Table v.

**Chart xii: Investigations Opened by Type in 2019
(Total Complaints Admitted for Investigations: 1,153)**

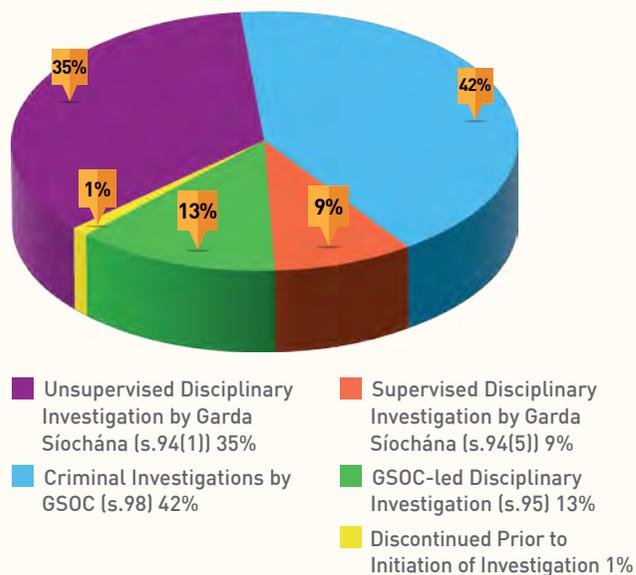


Table v: Outcomes of complaints closed in 2019

Outcome / Reason	Explanation	Type of investigation concerned	Number of allegations
Discontinued – Further investigation not necessary or reasonably practicable	The most common scenarios here are (in order of frequency that there was no independent evidence to prove either version of events; or the complaint was deemed to be frivolous or vexatious* after investigation had begun.	All types	1,334
No breach of the Discipline Regulations identified	The allegations were investigated and the Garda whose conduct was complained of was found to have acted correctly.	Disciplinary investigation by the Garda Síochána (s.94) or by GSOC (s.95)	429
Allegation withdrawn	The person who made the complaint indicated that they would not pursue it.	All types	237
Non-cooperation by the complainant	The complainant failed to engage with investigation	All types	26
Breach of Discipline Regulations identified and sanction applied	A range of sanctions may be applied depending on the gravity of the breach found (See Table vi). The identification of the specific breach and any sanction to be applied is a matter for the Garda Commissioner under the Discipline Regulations. GSOC has no role in the process.	Disciplinary investigation by the Garda Síochána (s.94) or by GSOC (s.95)	96

No misbehaviour identified following criminal investigation	The most common scenario here is that there was no independent evidence to prove the allegation(s) made.	Criminal investigation by GSOC (s.98)	83
Garda Discipline Regulations no longer apply	The Garda subject of a disciplinary investigation retired or resigned prior to, or during, the investigation.	Disciplinary investigation by the Garda Síochána (s.94) or by GSOC (s.95)	9
Referred to the DPP – No Prosecution Directed	If there is evidence that an offence may have been committed following criminal investigations, the case is referred to the DPP, who makes a decision on whether or not to prosecute or not. In certain cases, the Ombudsman Commission may refer a case to the DPP to ensure full transparency and public confidence.	Criminal investigation by GSOC (S.98)	10
Referred to the DPP – Prosecution Directed	The DPP may also form a decision based on the evidence to direct a prosecution and a trial will commence.	Criminal investigation by GSOC (S.98)	8*
Total Outcomes			2,232

*This figure refers to the number of files, arising from complaints, which were sent to the DPP and for which the DPP directed prosecution. The trial may not have taken place in 2019.

Table vi: Sanctions applied by the Commissioner in 2019, following the disciplinary investigations

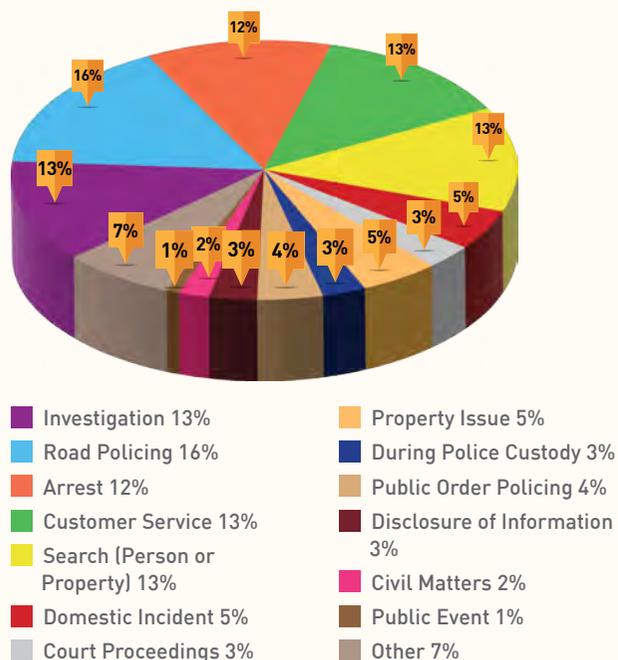
Sanction	Number
Advice	21
Fine Imposed	17
Warning	8
Caution	13
Reprimand	5
Reduction in pay not exceeding 2 weeks' pay	30
Reduction in pay not exceeding 4 weeks' pay	2
Total Sanctions	96

Key facts and Figures for Complaints in 2020

A total of **1,955** complaints were opened in 2020, an 11 per cent increase on the number opened in 2019. These complaints contained **3,089** allegations – each complaint can contain several allegations.

The most common circumstance which gave rise to complaints in 2020 were road policing incidents, the conduct of investigations by Gardaí, customer service by Gardaí and conduct of Gardaí when searching property and / or person.

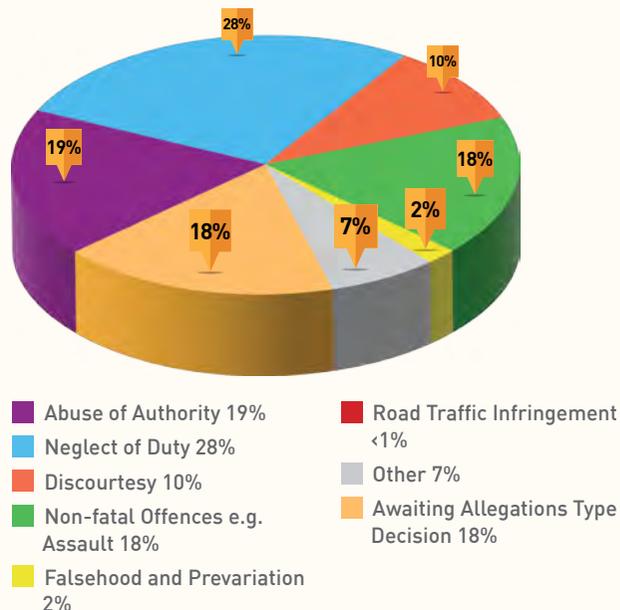
Chart xiii: Circumstances of Complaints Received in 2020 (Total Complaints: 1,955)



What people complain about

The chart below gives a breakdown of allegation types for 2020.

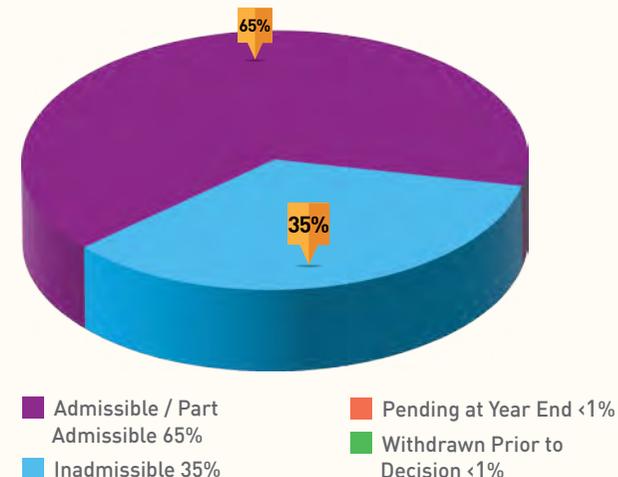
Chart xiv: Allegation Types in Admissible Complaints in 2020 (Total Allegations: 2,339)



Admissibility Decisions

In 2020, a total of 1,955 complaints were received, of which 1,264 (65 per cent) were deemed admissible (containing at least one admissible allegation). A total of 687 (35 per cent) were deemed inadmissible.

Chart xv: Complaint Admissibility Decisions in 2020 (Total Complaints: 1,955)



Outcomes of Investigations

In 2020, 1,724 complaints containing 2,813 allegations were closed. Of these, 1,017 complaints containing 2,046 allegations were admitted and investigated (the remainder were closed after being deemed inadmissible or after being withdrawn).

While the 1,017 complaints all contained one or more allegations, 57 of the allegations contained in them were inadmissible, so these were not investigated. In total, 1,989 allegations were investigated and the outcomes are described in Table vii.

**Chart xvi: Investigations Opened by Type in 2020
(Total Complaints Admitted for Investigations: 1,264)**

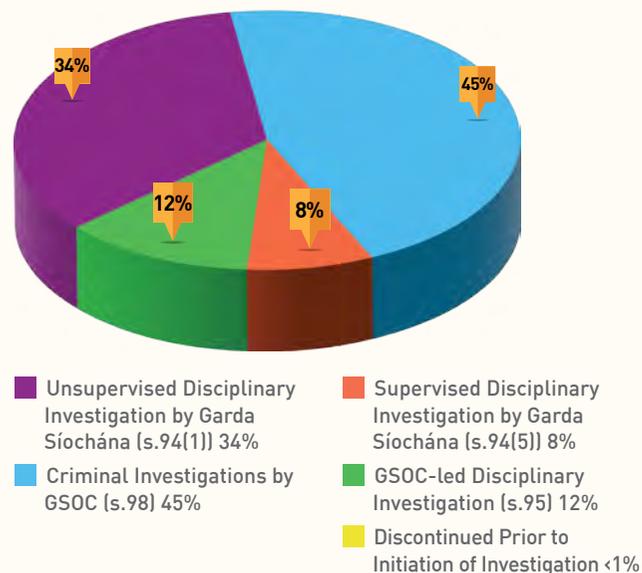


Table vii: Outcomes of complaints closed in 2020

Outcome / Reason	Explanation	Type of investigation concerned	Number of allegations
Discontinued – Further investigation not necessary or reasonably practicable	The most common scenarios here are (in order of frequency that there was no independent evidence to prove either version of events; or the complaint was deemed to be frivolous or vexatious* after investigation had begun.	All types	1,046
No breach of the Discipline Regulations identified	The allegations were investigated and the Garda whose conduct was complained of was found to have acted correctly.	Disciplinary investigation by the Garda Síochána (s.94) or by GSOC (s.95)	439
Allegation withdrawn	The person who made the complaint indicated that they would not pursue it.	All types	187
Non-cooperation by the complainant	The complainant failed to engage with investigation	All types	40
Breach of Discipline Regulations identified and sanction applied	A range of sanctions may be applied depending on the gravity of the breach found (See Table viii). The identification of the specific breach and any sanction to be applied is a matter for the Garda Commissioner under the Discipline Regulations. GSOC has no role in the process.	Disciplinary investigation by the Garda Síochána (s.94) or by GSOC (s.95)	77

No misbehaviour identified following criminal investigation	The most common scenario here is that there was no independent evidence to prove the allegation(s) made.	Criminal investigation by GSOC (s.98)	177
Garda Discipline Regulations no longer apply	The Garda subject of a disciplinary investigation retired or resigned prior to, or during, the investigation.	Disciplinary investigation by the Garda Síochána (s.94) or by GSOC (s.95)	6
Referred to the DPP – No Prosecution Directed	If there is evidence that an offence may have been committed following criminal investigations, the case is referred to the DPP, who makes a decision on whether or not to prosecute or not. In certain cases, the Ombudsman Commission may refer a case to the DPP to ensure full transparency and public confidence.	Criminal investigation by GSOC (S.98)	13
Referred to the DPP – Prosecution Directed	The DPP may also form a decision based on the evidence to direct a prosecution and a trial will commence.	Criminal investigation by GSOC (S.98)	4*
Total Outcomes			1,989

*This figure refers to the number of files, arising from complaints, which were sent to the DPP and for which the DPP directed prosecution. Trials in relation to these cases may not have taken place.

Table viii: Sanctions applied by the Commissioner in 2020, following the disciplinary investigations

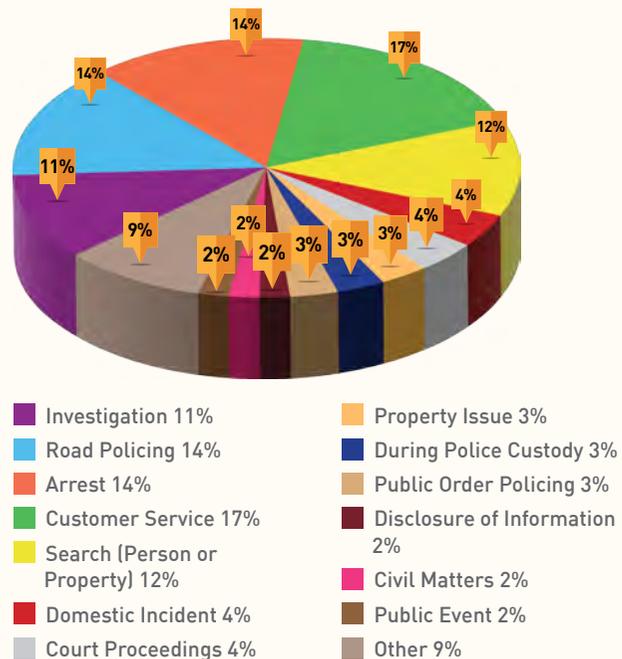
Sanction	Number
Advice	32
Fine Imposed	8
Warning	7
Caution	12
Reprimand	1
Reduction in pay not exceeding 2 weeks' pay	16
Reduction in pay not exceeding 4 weeks' pay	1
Total Sanctions	77

Key facts and Figures for Complaints in 2021

Appendix

A total of **2,189** complaints were opened in 2021, a 12 per cent increase on the number opened in 2020. These complaints contained **3,760** allegations – each complaint can contain several allegations.

Chart xvii: Circumstances of Complaints Received in 2021 (Total Complaints: 2,189)

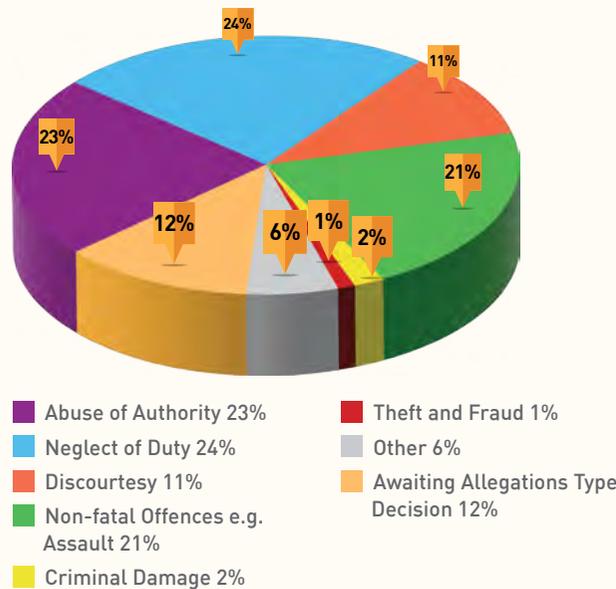


The most common circumstances which gave rise to complaints in 2021 were 'customer service' and the conduct of Gardaí during road policing incidents and during arrests.

What people complain about

The chart below gives a breakdown of allegation types for 2021.

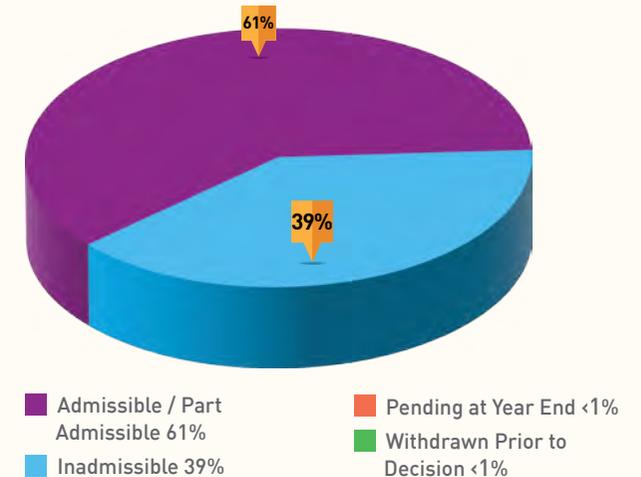
Chart xviii: Allegation Types in Admissible Complaints in 2021 (Total Allegations: 2,842)



Admissibility Decisions

In 2021, a total of 2,189 complaints were received, of which 1,332 (61 per cent) were deemed admissible (containing at least one admissible allegation). A total of 855 (39 per cent) were deemed inadmissible.

Chart xix: Complaint Admissibility Decisions in 2021 (Total Complaints: 2,189)



Outcomes of Investigations

In 2021, 2,078 complaints containing 3,878 allegations were closed. Of these, 1,219 complaints containing 2,957 allegations were admitted and investigated (the remainder were closed after being deemed inadmissible or after being withdrawn).

While the 1,219 complaints all contained one or more allegations, 55 of the allegations contained in them were inadmissible, so these were not investigated. In total, 2,902 allegations were investigated and the outcomes are described in Table ix.

Chart xx: Investigations Opened by Type in 2021
(Total Complaints Admitted for Investigations: 1,332)

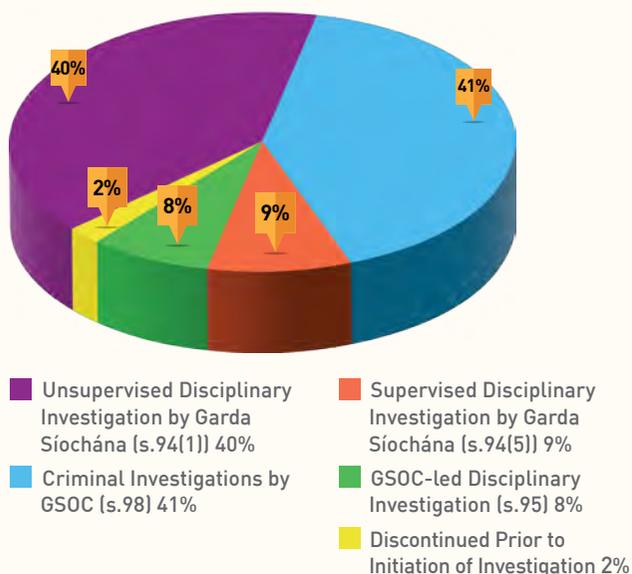


Table ix: Outcomes of complaints closed in 2021

Outcome / Reason	Explanation	Type of investigation concerned	Number of allegations
Discontinued – Further investigation not necessary or reasonably practicable	The most common scenarios here are (in order of frequency that there was no independent evidence to prove either version of events; or the complaint was deemed to be frivolous or vexatious* after investigation had begun.	All types	1,647
No breach of the Discipline Regulations identified	The allegations were investigated and the Garda whose conduct was complained of was found to have acted correctly.	Supervised or unsupervised disciplinary investigation by the Garda Síochána (s.94), or GSOC led disciplinary investigation (s.95)	384
Allegation withdrawn	The person who made the complaint indicated that they would not pursue it.	All types	305
Non-cooperation by the complainant	The complainant failed to engage with investigation	All types	155
Breach of Discipline Regulations identified and sanction applied	A range of sanctions may be applied depending on the gravity of the breach found (See Table x). The identification of the specific breach and any sanction to be applied is a matter for the Garda Commissioner under the Discipline Regulations. GSOC has no role in the process.	Supervised or unsupervised disciplinary investigation by the Garda Síochána (s.94), or GSOC led disciplinary investigation (s.95)	60

No misbehaviour identified following criminal investigation	The most common scenario here is that there was no independent evidence to prove the allegation(s) made.	Criminal investigation by GSOC (s.98)	317
Garda Discipline Regulations no longer apply	The Garda subject of a disciplinary investigation retired or resigned prior to, or during, the investigation.	Supervised or unsupervised disciplinary investigation by the Garda Síochána (s.94), or GSOC led disciplinary investigation (s.95)	19
Referred to the DPP – No Prosecution Directed	If there is evidence that an offence may have been committed following criminal investigations, the case is referred to the DPP, who makes a decision on whether or not to prosecute or not. In certain cases, the Ombudsman Commission may refer a case to the DPP to ensure full transparency and public confidence.	Criminal investigation by GSOC (S.98)	8
Referred to the DPP – Prosecution Directed	The DPP made a decision based on the evidence to direct a prosecution, resulting in a trial.	Criminal investigation by GSOC (S.98)	7
Total Outcomes			2,902

Table x: Sanctions applied by the Commissioner in 2021, following the disciplinary investigations

Sanction	Number
Advice	31
Fine Imposed	5
Warning	3
Caution	7
Reprimand	4
Reduction in pay not exceeding 2 weeks' pay	8
Reduction in pay not exceeding 4 weeks' pay	2
Total Sanctions	60

Key facts and Figures for Complaints in 2022

A total of **1,826** complaints were opened in 2022, a 17 per cent decrease on the number opened in 2021. These complaints contained **3,207** allegations – each complaint can contain several allegations.

The most common circumstance which give rise to complaints in 2022 were ‘customer service’, the conduct of Gardaí during arrests and when carrying out investigations.

What people complain about

The chart below gives a breakdown of allegation types for 2022.

Chart xxi: Circumstances of Complaints Received in 2022 (Total Complaints: 1,826)

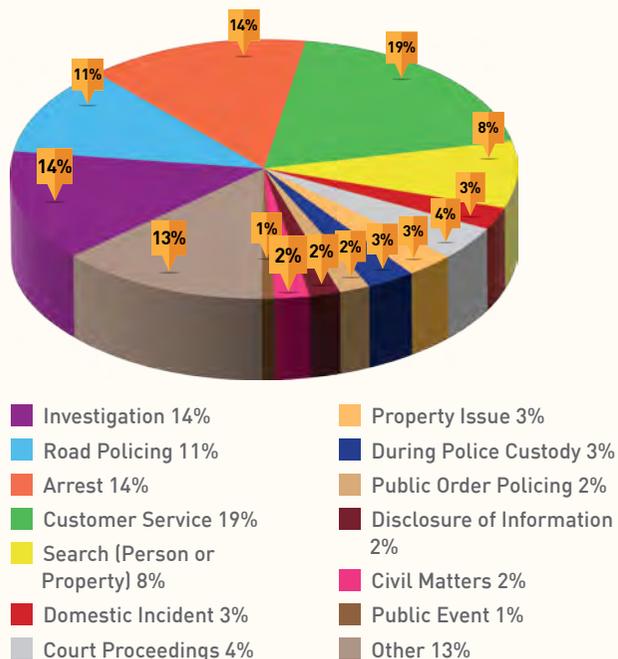
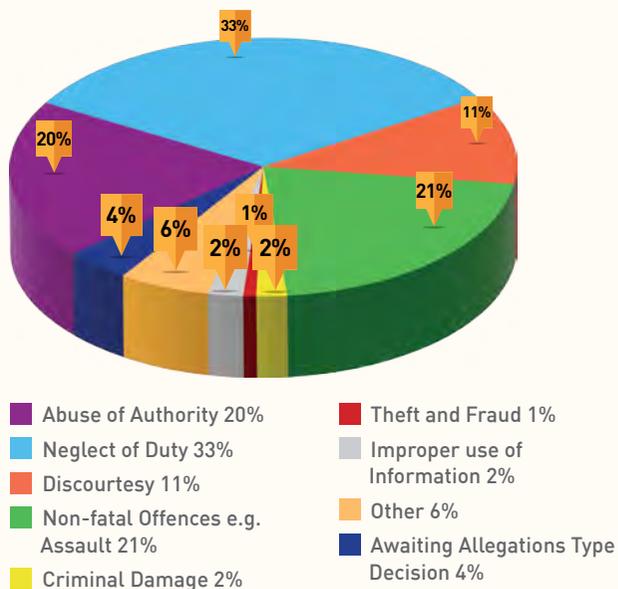


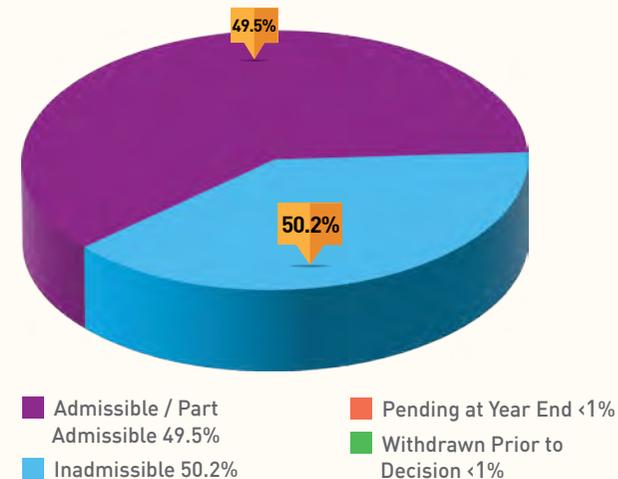
Chart xxii: Allegation Types in Admissible Complaints in 2022 (Total Allegations: 2,234)



Admissibility Decisions

In 2022, a total of 1,826 complaints were received, of which 904 (49.5 per cent) were deemed admissible (containing at least one admissible allegation). A total of 918 (50.2 per cent) were deemed inadmissible.

Chart xxiii: Complaint Admissibility Decisions in 2022 (Total Complaints: 1,826)



Outcomes of Investigations

In 2022, 2,301 complaints containing 4,484 allegations were closed. Of these, 1,376 complaints containing 3,511 allegations were admitted and investigated (the remainder were closed after being deemed inadmissible or after being withdrawn).

While the 1,376 complaints all contained one or more allegations, 46 of the allegations contained in them were inadmissible, so these were not investigated. In total, 3,465 allegations were investigated and the outcomes are described in Table xi.

Chart xxiv: Investigations Opened by Type in 2022
(Total Complaints Admitted for Investigations: 904)

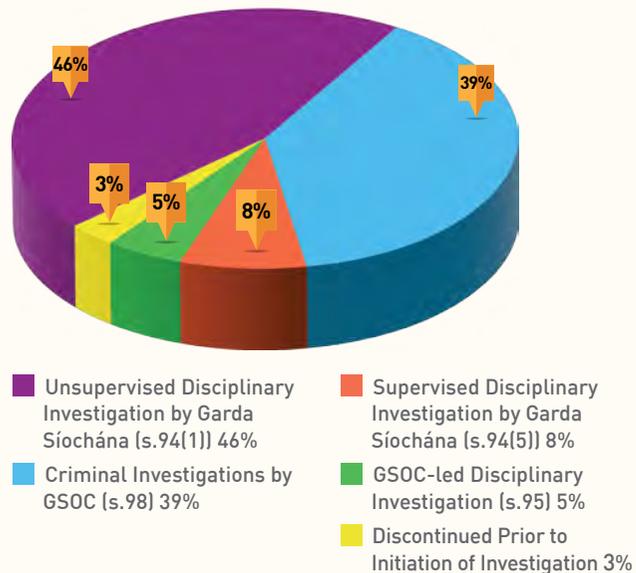


Table xi: Outcomes of complaints closed in 2022

Outcome / Reason	Explanation	Type of investigation concerned	Number of allegations
Discontinued – Further investigation not necessary or reasonably practicable	The most common scenarios here are (in order of frequency that there was no independent evidence to prove either version of events; or the complaint was deemed to be frivolous or vexatious* after investigation had begun.	All types	2,464
No breach of the Discipline Regulations identified	The allegations were investigated and the Garda whose conduct was complained of was found to have acted correctly.	Supervised or unsupervised disciplinary investigation by the Garda Síochána (s.94), or GSOC led disciplinary investigation (s.95)	426
Allegation withdrawn	The person who made the complaint indicated that they would not pursue it.	All types	237
Non-cooperation by the complainant	The complainant failed to engage with investigation	All types	76
Breach of Discipline Regulations identified and sanction applied	A range of sanctions may be applied depending on the gravity of the breach found (See Table xii). The identification of the specific breach and any sanction to be applied is a matter for the Garda Commissioner under the Discipline Regulations. GSOC has no role in the process.	Supervised or unsupervised disciplinary investigation by the Garda Síochána (s.94), or GSOC led disciplinary investigation (s.95)	62

No misbehaviour identified following criminal investigation	The most common scenario here is that there was no independent evidence to prove the allegation(s) made.	Criminal investigation by GSOC (s.98)	173
Garda Discipline Regulations no longer apply	The Garda subject of a disciplinary investigation retired or resigned prior to, or during, the investigation.	Supervised or unsupervised disciplinary investigation by the Garda Síochána (s.94), or GSOC led disciplinary investigation (s.95)	7
Referred to the DPP – No Prosecution Directed	If there is evidence that an offence may have been committed following criminal investigations, the case is referred to the DPP, who makes a decision on whether or not to prosecute or not. In certain cases, the Ombudsman Commission may refer a case to the DPP to ensure full transparency and public confidence.	Criminal investigation by GSOC (S.98)	14
Referred to the DPP – Prosecution Directed	The DPP made a decision based on the evidence to direct a prosecution, resulting in a trial.	Criminal investigation by GSOC (S.98)	6
Total Outcomes			3,465

Table xii: Sanctions applied by the Commissioner in 2022, following the disciplinary investigations

Sanction	Number
Advice	29
Fine Imposed	4
Warning	7
Caution	14
Reprimand	4
Reduction in pay not exceeding 2 weeks' pay	3
Reduction in pay not exceeding 4 weeks' pay	1
Total Sanctions	62

GSOC Statement of Strategy 2021-2023

Appendix

Our Strategic Outcomes and Objectives

INDEPENDENT COMPLAINTS HANDLING AND INVESTIGATION OF ALLEGED POLICE MISCONDUCT IN THE PUBLIC INTEREST

- Process complaints from members of the public against the Garda Síochána in an independent, fair and timely manner.
- Investigate referrals from the Garda Commissioner, the Minister for Justice and the Policing Authority regarding possible misconduct by Garda members and undertake investigations in the public interest.
- Deal with Protected Disclosures in accordance with statutory functions.

EXCELLENT CUSTOMER SERVICE

- Inspire trust and confidence in the service we provide and in policing in general by providing a professional and competent complaints service to the public.
- Provide a quality customer service experience and human rights compliant service to all of GSOC's customers.
- Improve and develop relationships with our key stakeholders consistent with enhancing the level of service that GSOC can provide to its customers and promoting awareness of GSOC's role.

SMOOTH TRANSITION TO GSOC'S SUCCESSOR BODY

- Plan and effectively manage the process of establishing and transferring GSOC's functions to its successor body.
- Create the capacity to respond to the increased demands of new legislation and other challenges in our environment.
- Influence the future development of policing and policing oversight and contribute to enhanced public trust and confidence in policing.

A HIGH-PERFORMING, WELL-RESPECTED ORGANISATION

- Invest in our people and make GSOC an employer of choice.
- Build a strong, inclusive and transparent culture in the organisation directed at achieving our common purpose and supporting our staff in a valued partnership across the organisation.
- Manage change proactively.
- Promote greater public awareness of GSOC's role and achievements.
- Review, refine and continue to develop and implement innovative solutions to assist in the delivery of efficient and effective services to the public.
- Develop our capability to comprehensively manage records and information to enhance organisational competency and knowledge in order to inform internal decision making and external stakeholders.
- Comply with governance and accountability requirements required by legislation and Governance Codes making quality and high performance central to how we work.

Our Vision, Mission and Values



Our Values are central to everything we do and guide us in our approach to how we do our work. They inform our decisions and how we treat our stakeholders and our colleagues.

These core values and what they mean to us are shown below:



Glossary of Terms and Abbreviations

Appendix

Term	Meaning
The Act	The Garda Síochána Act, 2005, as amended, is the principal act governing the functioning of GSOC. This can be seen at: http://www.irishstatutebook.ie/eli/2005/act/20/enacted/en/print
Admissibility	All complaints are assessed against the criteria listed in section 87 of the Act to decide whether they can legally be admitted for investigation or not.
Advice	This is a sanction, which may be applied by the Garda Commissioner, for breach of the Discipline Regulations – it can be formal or informal.
Allegation	Each complaint is broken down into one or more allegations, which are individual behaviours being complained about. For example, if a person said that a Garda pushed them and used bad language, this is one complaint with two separate allegations.
Article 2	Article 2 of the European Convention on Human Rights (ECHR) states that everyone’s right to life will be protected by law.
Bound to the Peace	A peace bond is a court order to keep the peace and be on good behaviour for a period of time. This essentially means that the person must not be charged with a criminal offence. Peace bonds often have other conditions too, such as not having any weapons or staying away from a person or place.
Complaint	An expression of dissatisfaction made to GSOC by a member of the public, about the conduct of an individual member of the Garda Síochána. A complaint may contain one or more allegations against one or more Gardaí. Each allegation against each Garda is assessed individually for admissibility.
Council of Europe’s “Venice Principles”	The ‘Principles on the Protection and Promotion of the Ombudsman Institution’, adopted by the Council of Europe’s Venice Commission in March 2019. The Venice Commission is the Council of Europe’s Commission for Democracy through Law providing legal advice to its Member States. The 25 Venice Principles represent the first independent set of international standards for Ombudsman institutions.
Custody Regulations	Criminal Justice Act, 1984 (Treatment of persons in Custody in Garda Síochána Stations) Regulations, 1987 – regulations related to the detention of people in Garda stations. It can be seen at http://www.irishstatutebook.ie/eli/1987/si/119/made/en/print
Discipline Regulations	The Garda Síochána (Discipline) Regulations 2007, as amended. These can be seen at: http://www.irishstatutebook.ie/eli/2007/si/214/made/en/print
Disciplinary Action	Sanction which may be applied by the Garda Commissioner following an investigation. There are two levels of action provided for by the Discipline Regulations, relating to less serious breaches and serious breaches of discipline respectively.
Disciplinary Proceedings	These are proceedings that may be instituted by the Garda Síochána following a disciplinary investigation. Recommending the institution of such proceedings is the limit of GSOC jurisdiction. Any sanction arising is a matter for the Garda Commissioner.

DMR	Dublin Metropolitan Region
DO	Designated Officer
DPP	Director of Public Prosecutions
ECHR	European Convention on Human Rights
FRTC	Fatal Road Traffic Collision
GSIO	Garda Síochána Investigating Officer
GSOC	Garda Síochána Ombudsman Commission
IO	Investigations Officer
Local Intervention	The local intervention process is aimed at resolving certain service-level types of complaints against members of the Garda Síochána at a local level without the need for the matter to enter a formal complaints process. The process entails nominated Garda inspectors contacting the person making the complaint, establishing what the issues are, and attempting to resolve matters to the complainant's satisfaction.
Median	When numbers are listed in value order, the median value is the number at the midpoint of the list, such that there is an equal probability of falling above or below it.
Member in charge	The member of the Garda Síochána who is designated as being responsible for overseeing the application of the Custody Regulations, in relation to people in custody in the Garda station. This can be a member of any rank. The full legal definition and list of duties of a member in charge can be seen in sections 4 and 5 of the Custody Regulations (see above).
Ombudsman Commission	The three Commissioners of the Garda Síochána Ombudsman Commission.
Out of time	A complaint made more than twelve months after the incident being complained of.
PDA	Protected Disclosure Act, 2014
PD/PDU	Protected Disclosures/Protected Disclosures Unit.
Policing, Security and Community Safety Bill 2023	The Policing, Security and Community Safety Bill 2023 was published in November 2022. The text of the Bill can be found here: https://data.oireachtas.ie/ie/oireachtas/bill/2023/3/eng/initiated/b0323d.pdf
Restorative justice	Restorative justice occurs when both the victim of a crime and the offender agree to communicate in relation to what occurred. This is a voluntary process and both parties must agree to it. The communication gives the victim the opportunity to relay to the offender the impact that the crime had on them and provides an opportunity for the offender to acknowledge the wrong they committed and take responsibility for their actions. A report is prepared by an independent person as to the outcome of the communication. This report is then put before the Court.
Summary disposal	Summary disposal is when the case can be heard in either the District or Circuit Court but the DPP instructs that the matter should be heard in the District Court. The Judge then hears a summary of the facts and if the Judge agrees with the DPP the matter will remain in the District Court.

