

# An Garda Síochána

Oifig Saorála Fáisnéise  
An Garda Síochána, Teach áth Luimnigh  
Lárionad Gnó Udáras Forbartha Tionscail  
Baile Sheáin, An Uaimh  
Contae na Mí  
C15 DR90



Freedom of Information Office  
An Garda Síochána, Athlumney House  
IDA Business Park  
Johnstown, Navan  
Co Meath  
C15 DR90

Teileafón/Tel: (046) 9036350

Bí linn/Join us  

Láithreán Gréasain/Website:  
[www.garda.ie](http://www.garda.ie)

Ríomh-phoist/Email: [foi@garda.ie](mailto:foi@garda.ie)

**Mr. Mark Tighe**

## **Re: Freedom of Information Request FOI-000318-2017 Request Granted**

***Dear Mr. Tighe,***

I refer to your request, dated and received on the 19<sup>th</sup> July 2017, which you have made under the Freedom of Information Act 2014 (FOI Act) for records held by An Garda Síochána.

Part 1(n) of Schedule 1 of the FOI Act states that An Garda Síochána is listed as a partially included agency "*insofar as it relates to administrative records relating to human resources, or finance or procurement matters*". Therefore, only administrative records that relate to human resources, finance or procurement shall be considered

Your request sought:

- 1. I would like records showing the annual number of Boards of Inquiry set up by the gardai to investigate alleged breaches of disciplinary rules in each year from 2014 to 2017 (to date).*
- 2. I would like records showing the outcome of each Board of Inquiry hearing ie. the finding and the sanction, if any.*
- 3. I would like records showing the annual costs of running Boards of Inquiry for each of the years from 2014 to 2017 (to date).*

I wish to inform you that I have decided to grant your request on the 15<sup>th</sup> August 2017.

The purpose of this letter is to explain my decision.

### 1. Findings, particulars and reasons for decision.

On receipt of your request, a search was conducted in the Internal Affairs Section of An Garda Síochána. Internal Affairs is responsible for the oversight of all investigations undertaken by An Garda Síochána under the provisions of the Garda Síochána (Discipline) Regulations 2007/2011 (Statutory Instrument No. 214 of 2007 ([www.irishstatutebook.ie/eli/2007/si/214/made/en/print](http://www.irishstatutebook.ie/eli/2007/si/214/made/en/print)) and Statutory Instrument No. 620 of 2011 ([www.irishstatutebook.ie/eli/2011/si/620/made/en/print](http://www.irishstatutebook.ie/eli/2011/si/620/made/en/print)), which came into effect on 1<sup>st</sup> June, 2007 and 22<sup>nd</sup> November, 2011. The purpose of these Regulations is to provide a code of conduct for all members of An Garda Síochána, which must be strictly adhered to. Any suspected breaches may be subject to investigation by officers appointed pursuant to the regulations. The penalties provided under the Regulations include dismissal, requirement to retire or resign as an alternative to dismissal, reduction in rank, reduction in pay, warning, caution and advice.

Members of An Garda Síochána are subject to the Garda Síochána (Discipline) Regulations, 2007 as amended. As per the Regulations, minor disciplinary matters are locally addressed by way of Regulation 10. Such records are retained locally and are not held centrally. Matters of a more serious nature (Part 3) and less serious nature (Part 2) are progressed centrally through the Discipline Section.

In respect of Part 1 of your request you sought ‘*records showing the annual number of Boards of Inquiry set up by the Gardai to investigate alleged breaches of disciplinary rules in each year from 2014 to 2017 (to date)*’, please see table A below which outlines the number of Board of Inquiry’s established in the respective years. It should be noted that while a Board of Inquiry may be established in a particular year, it may not sit or reach a conclusion in that year. The process may take a number of years to complete.

A Board of Inquiry is established under Regulation 25 of the above outlined Regulations and consists of a “Presiding Officer” who is selected by the Garda Commissioner from a panel nominated by the Minister for Justice and Equality and shall be a judge of the District court, or a practicing barrister, or practising solicitor, of not less than ten (10) years standing. The other members of the board shall be a member not below the rank of Chief Superintendent and a member not below the rank of Superintendent.

**Table A: Number of Boards of Inquiry Established to investigate breaches of discipline per annum.**

	Jan – Dec 2014	Jan – Dec 2015	Jan – Dec 2016	Jan – Jul 2017
<b>Number of Board of Inquiry’s Established</b>	26	36	27	17

In respect of Part 2 of your request, you sought ‘*records showing the outcome of each Board of Inquiry hearing i.e. the finding and the sanction, if any*’. Please see tables attached at Appendix A which outlines the outcomes of each Board of Inquiry hearings for years 2014 up to and including July 2017. As previously advised, while the Board of Inquiry concluded in



each of the years as set out below, the Board may not have been established in the year it concluded.

Part 3 of your request sought 'records showing the annual costs of running Boards of Inquiry for each of the years from 2014 to 2017 (to date)'. Please see table B below which outlines the costs for Internal Disciplinary Expenses for the requested years 2014 - 2017. A report was conducted on the Financial Management System under Item Code 034011:- Internal

Disciplinary Expenses. The expenses included in the costs set out below include the services of legal practitioners and the provision of stenography services at hearings.

**Table B: - Costs of Running Board of Inquiry per annum.**

<b>Item Code 034011</b>	<b>Jan-Dec 2014</b>	<b>Jan-Dec 2015</b>	<b>Jan-Dec 2016</b>	<b>Jan-Jul 2017</b>
<b>Internal Disciplinary Expenses</b>	€198,888	€311,318	€309,929	€200,648

Whilst An Garda Síochána expect its officers to behave with the highest standards of integrity and professionalism at all times, the number of members formally disciplined should be placed into context with the average strength of An Garda Síochána in this time-frame which is approximately 12,500 members.

## **2. Right of Appeal**

In the event that you are not happy with this decision you may seek an Internal Review of the matter by writing to the following address quoting reference number **F01-000318-2017**:

***Freedom of Information Office, An Garda Síochána, Athlumney House, IDA Business Park, Johnstown, Navan, Co. Meath, C15 DR90.***

Please note that a fee applies. This fee has been set at €30 (€10 for a Medical Card holder). Payment should be made by way of bank draft, money order, postal order or personal cheque, and made payable to Accountant, Garda Finance Directorate, Garda Headquarters, Phoenix Park, Dublin 8.

Payment can be made by electronic means, using the following details:

**Account Name:** Garda Síochána Finance Section Public Bank Account

**Account Number:** 10026896

**Sort Code:** 900017

**IBAN:** IE86B0F190001710026896

**BIC:** BOFIE2D

**You must ensure your FOI reference number is included in the payment details.**

You should submit your request for an Internal Review within 4 weeks from the date of this notification. The review will involve a complete reconsideration of the matter by a more senior member of An Garda Síochána and the decision will be communicated to you within 3 weeks. The making of a late appeal may be permitted in appropriate circumstances.

Please be advised that An Garda Síochána replies under Freedom of Information may be released in to the public domain via our website at [www.garda.ie](http://www.garda.ie).

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.

Should you have any questions or concerns regarding the above, please contact me by telephone at (046) 9036350.

Yours sincerely,

 **SUPERINTENDENT**  
**HELEN DEELY**  
**FREEDOM OF INFORMATION OFFICER**

**16<sup>th</sup> AUGUST 2017**

## **BOARDS OF INQUIRY CONCLUDED IN 2017**

No		Breach	Recommendation/ TRIP
1	In breach	Criminal Conduct	€200
2	In breach	Discreditable Conduct x 8	€4,800
		Neglect of Duty x 5	€3,000
		Falsehood/Prevarication x 5	€3,000
3	In breach	Neglect of Duty	€900
		Falsehood/Prevarication x 3	€700
4	In breach	Discourtesy	€1,500
5	In breach	Neglect of Duty	€1,000
		Discreditable Conduct x 2	€1,500
		Neglect of Duty	NIB
6	In breach	Discreditable Conduct x 4	€1,500
7	In breach	Neglect of Duty x 6	€3,600

### **Terminology Used:**

**TRIP** = Temporary Reduction in Pay  
**NIB** = Not in Breach  
**RIL** = Resign in lieu of Dismissal



## **BOARDS OF INQUIRY CONCLUDED IN 2016**

No	Status	Breach	Recommendation / TRIP
1	In breach	Neglect of Duty x 6	€3,000
2	In breach	Criminal Conduct	€400
3	In breach	Neglect of Duty	€2,500
		Falsehood/ Prevarication	NIB
4	In breach	Discreditable Conduct	€3,814.12
5	In breach	Criminal Conduct	€3,230.20
6	In breach	Discreditable Conduct	NIB
		Discreditable Conduct	€750
		Falsehood/ Prevarication	NIB
		Falsehood/ Prevarication	€1,000
		Neglect of Duty	NIB
		Neglect of Duty	€500
7	Discontinued	Neglect of Duty x 6	N/A
8	Discontinued	Neglect of Duty x 37 Falsehood/ Prevarication x 7	N/A
9	In Breach	Discreditable Conduct	€2,547.06
		Corrupt/Improper Practice	NIB
10	Dismissal/ RIL/ Retire	Neglect of Duty x 5	Resignation
11	In Breach	Discreditable Conduct	€100
		Neglect of Duty	€100
12	In Breach	Neglect of Duty	NIB
		Neglect of Duty	€849.20
		Falsehood/ Prevarication x 4	NIB
13	In Breach	Discreditable Conduct	€3,000
14	In Breach	Discreditable Conduct	€400
		Discreditable Conduct x 2	NIB
15	In Breach	Discreditable Conduct	€400
		Discreditable Conduct x 2	NIB
16	Not in Breach	Neglect of Duty x 6	NIB
17	In Breach	Neglect of Duty x 38	€5,700

### **Terminology Used:**

**TRIP** = Temporary Reduction in Pay

**NIB** = Not in Breach

**RIL** = Resign in lieu of Dismissal

## **BOARDS OF INQUIRY CONCLUDED IN 2015**

No	Status	Breach	Recommendation / TRIP
1	Not in breach	Neglect of Duty	NIB
2	In breach	Discreditable Conduct	€500
		Breach of confidence	€1,500
3	In breach	Discreditable Conduct x 2	€3,814.12
4	In breach	Discreditable Conduct x 3	€7,210.40
5	In breach	Neglect of Duty x 3	€3,230.20
6	Dismissal/ RIL/ Retire	Neglect of Duty x 19	Dismissal
7	In breach	Neglect of Duty x 3	Caution
		Neglect of Duty x 2	NIB
8	Discontinued	Neglect of Duty	Resigned
9	In breach	Discreditable Conduct x 4	€4,000
10	In breach	Neglect of Duty x 4	€2,600
11	Not in breach	Neglect of Duty x 3	NIB
11	Not in breach	Neglect of Duty	NIB
12	In breach	Neglect of Duty x 14	€10,390.60
		Neglect of Duty	NIB
13	In breach	Neglect of Duty x 3	€600
		Neglect of Duty	NIB
14	In breach	Disobedience of Orders	€3,230.20
		Falsehood/Prevarication x 2	€6,460.40
		Corrupt/Improper Practice x 2	€6,460.40
15	In breach	Criminal Conduct	€750
16	Not in breach	Criminal Conduct	NIB
		Neglect of Duty	NIB
17	In breach	Discreditable Conduct	€1,680.98
18	In breach	Discreditable Conduct x 2	€1,666.84

### **Terminology Used:**

**TRIP** = Temporary Reduction in Pay  
**NIB** = Not in Breach  
**RIL** = Resign in lieu of Dismissal

## **BOARDS OF INQUIRY CONCLUDED IN 2014**

<b>No</b>	<b>Status</b>	<b>Breach</b>	<b>Recommendation/ TRIP</b>
<b>1.</b>	<b>In breach</b>	Corrupt/Improper Practice	€1,000
		Discreditable Conduct	NIB
<b>2.</b>	<b>In breach</b>	Discreditable Conduct	€3,230.20
		Discreditable Conduct	€3,230.20
<b>3.</b>	<b>Dismissal/ RIL/ Retire</b>	Neglect of Duty x 4	RIL
		Neglect of Duty x 9	NIB
		Misuse of Money	RIL
		Disobedience of Orders x 2	RIL
<b>4.</b>	<b>Dismissal/ RIL/ Retire</b>	Neglect of Duty x 2	RIL
		Discreditable Conduct	RIL
<b>5.</b>	<b>In breach</b>	Neglect of Duty x 4	€2,800
<b>6.</b>	<b>In breach</b>	Falsehood/Prevarication	€750
		Corrupt/Improper Practice	€750
		Neglect of Duty	€750
		Discreditable Conduct	€750
<b>7.</b>	<b>In breach</b>	Neglect of Duty	€200
		Neglect of Duty x 2	NIB
<b>8.</b>	<b>Dismissal/ RIL/ Retire</b>	Neglect of Duty	RIL
		Disobedience of Orders	RIL
		Discreditable Conduct x 3	RIL
<b>9.</b>	<b>In breach</b>	Discreditable Conduct x 2	€5,652
		Discreditable Conduct	NIB
<b>10</b>	<b>In breach</b>	Neglect of Duty x 6	€600
		Neglect of Duty	NIB
		Falsehood/Prevarication	NIB
		Disobedience of Orders	NIB
<b>11</b>	<b>In breach</b>	Neglect of Duty x 5	€600
		Falsehood/Prevarication	NIB
		Neglect of Duty x 2	NIB
		Disobedience of Orders x 2	€100
<b>12.</b>	<b>Dismissal/ RIL/ Retire</b>	Discreditable Conduct	Dismissal
<b>13.</b>	<b>In breach</b>	Criminal Conduct	€500
<b>14.</b>	<b>In breach</b>	Neglect of Duty x 16	€1,100
		Neglect of Duty	NIB
<b>15.</b>	<b>Not in breach</b>	Discreditable Conduct x 5	NIB
<b>16.</b>	<b>Not in breach</b>	Discreditable Conduct	NIB
<b>17.</b>	<b>In breach</b>	Neglect of Duty	€400
		Disobedience of Orders	€800
<b>18.</b>	<b>Not in breach</b>	Neglect of Duty x 2	NIB



<b>19</b>	<b>In breach</b>	Discreditable Conduct	€300
		Neglect of Duty	NIB
		Neglect of Duty	€300
		Falsehood/Prevarication	€300
<b>20</b>	<b>In breach</b>	Discreditable Conduct	€2,000
<b>21</b>	<b>In breach</b>	Discreditable Conduct	€2,422.65
<b>22</b>	<b>In breach</b>	Criminal Conduct	€150
<b>23</b>	<b>Not in breach</b>	Discreditable Conduct	NIB
<b>24</b>	<b>Dismissal/ RIL/ Retire</b>	Neglect of Duty x 3	Retire
		Disobedience of Orders x 2	Retire
		Discreditable Conduct	NIB
<b>25</b>	<b>Not in breach</b>	Neglect of Duty	NIB
<b>26</b>	<b>Dismissal/ RIL/ Retire</b>	Discreditable Conduct	RIL
		Discreditable Conduct	RIL

### **Terminology Used:**

**TRIP** = Temporary Reduction in Pay

**NIB** = Not in Breach

**RIL** = Resign in lieu of Dismissal