

Garda audit controversy

O'Sullivan told of fraud fears over EU funds

Commissioner confirms up to €90,000 was lodged in Garda account in Cabra

Most recent signatory on account was retired senior garda, committee told

SARAH BARDON
Political Reporter

Garda Commissioner Nóirín O'Sullivan has confirmed tens of thousands of euro from European funds were held in a Garda bank account in Cabra, Dublin.

Ms O'Sullivan told the Public Accounts Committee she had been informed of potential criminal and fraudulent activity surrounding the use of EU funds given to An Garda Síochána to train individual members of the Garda.

The commissioner said the bank account was set up in 1999 and closed 11 years later in 2010.

At its peak the funds involved were in the region of €90,000, and at its lowest €5,000.

“She said she was unable to detail the rank of the person involved as she believed it would reveal their identity”

However, Ms O'Sullivan declined to answer questions on the Garda account but stated there were a number of signatories over the history of the account. The most recent was a retired senior garda.

Due process

The commissioner was unable to detail the rank of the person involved as she believed it would reveal their identity.

She insisted she was not seeking to protect any individual but believed everyone should be afforded due process.

The *Irish Times* has reported how funds from CEPOL, an EU-funded agency for training of individual gardai, was forwarded to a bank account in Cabra linked to the home address of a retired garda.

C&AG says his office should have been told of Garda college issues

SARAH BARDON

The Comptroller and Auditor General (C&AG) has criticised Garda Commissioner Nóirín O'Sullivan for failing to inform his office of financial irregularities at Templemore Garda College.

Séamus McCarthy said he expected to be informed of the existence of issues in July 2015 when Ms O'Sullivan first learned of the difficulties. His office was not notified until August 2016.

Ms O'Sullivan told the Public Accounts Committee (PAC) she became aware of the issues on July 27th, 2015, after a meeting with head of human resources in the Garda, John Barrett, in Templemore college.

Four days later, on July 31st, she wrote to the C&AG with details of the Garda financial accounts but made no reference to the allegations of financial mismanagement at the Garda College.

Ms O'Sullivan said she did not have all of the facts at that time and did not believe it was appropriate to make Mr McCarthy aware of partial information. She told the committee she would have acted differently if she knew then what she knows now.

Ms O'Sullivan said: "I do not accept I knowingly misled the C&AG. Nobody brought to my attention anything we should alert the C&AG to."

"I knew issues had been identified in the Garda College that had to be addressed."

The C&AG told the committee it was a judgment call for the accounting officer as to whether his office should be involved.

The head of the Garda internal audit unit, Niall Kelly, has conducted a report on the allegations and verbally briefed Ms O'Sullivan on the contents on Friday last.

A written report was requested, which was delivered to the commissioner on Monday.

The commissioner insisted this was the first she became aware of the allegations. She has since forwarded it to the Garda Síochána Ombudsman Commission (Gsoc) for investigation and has made the Minister for Justice, Charlie Flanagan, the Policing Authority and the European Anti-Fraud Office aware of it.

Gag

The commissioner was strongly criticised for forwarding the internal audit to Gsoc and was accused of trying to gag the Public Accounts Committee (PAC). Members alleged this was an attempt to prevent the committee from inquiring into the allegations of mismanagement of EU funds.

Fianna Fáil TD Marc MacSharry said it had been "very conveniently" forwarded to Gsoc the day before the PAC meeting, while Social Democrats TD Catherine Murphy said her actions had put the issue out of bounds of the committee.

Ms O'Sullivan denied these allegations, insisting she referred the report to Gsoc "because that is the appropriate impartial and objective statutory body that is there to carry out examinations and investigations into any matters relating to serving or retired members of An Garda Síochána".

Asked how serious the suspicions of fraud are, the commissioner said she could not state. This would be a matter for the Ombudsman commission to establish, Ms O'Sullivan said.

The commissioner said she would make the report available to the PAC once she was in a position to do so.

However, he stressed he believed in the principle of reporting significant issues when they arise.

He said he was "quite clear" it should have been brought to his attention in 2015.

An interim audit released in March this year outlined the existence of 50 bank accounts, and taxpayers' money being used to fit privately owned shops.

Ms O'Sullivan's knowledge of events has been contradicted by a number of individuals including Mr Barrett and head of legal affairs in the Garda Ken Ruane.

She said she first became aware of the allegations on July 27th, 2015, was and she acted promptly.

The commissioner was also questioned by the committee about disputes between civilian members of the force.

Official Secrets Act

Ms O'Sullivan was asked about a letter sent to her from director of finance Michael Culhane in October 2015 requesting she take action against Mr Barrett after he raised issues surrounding Templemore. Mr Culhane had said Mr Barrett should be investigated under the Official Secrets Act for sending documentation to his home address.

The commissioner stressed the language contained in the letter was not appropriate but insisted no investigation was ever launched into Mr Barrett.

Asked about the dispute between the two civilian members of the force, Ms O'Sullivan said this was an interpersonal disagreement between two individuals.



Nóirín engulfs questioners in verbal dust screen



Miriam Lord Sketch

The commissioner was accused more than once of talking down the clock with a wall of management-speak

The first thing Nóirín O'Sullivan did upon becoming Garda Commissioner in April 2014 "was to set about restoring confidence in An Garda Síochána".

That went well. Three years on and confidence in An Garda Síochána – among serving members and members of the public – is soaring like a paper plane in a downpour.

It was all go in 2014. "I set up an environment where people can speak freely," she told the Public Accounts Committee. That's going well too. The commissioner doesn't do irony. She was back before the PAC yesterday, this time as a solo act, but with a sullenly silent backing trio sitting beside her – three supporting men expressly forbidden to say a word.

The committee said she could confer with them – two Assistant Commissioners and the force's Chief Accounting Officer – but only she was allowed to speak. A bit like *University Challenge*, where the answers must come through the team captain.

Very hazy

It's hard work listening to O'Sullivan as she tells everyone about her grand plan to re-energise the force, something which involves concentrating on future management through the use of construction metaphors while being very hazy about the past.

O'Sullivan doesn't answer questions; she throws up a verbal dust screen. After the first hour passes, you begin to wonder

if she is capable of giving a simple, straight reply. After the second hour, you don't really care. And after the third hour, you've lost the will to live.

How are things, commissioner? Probable response: "Can I make it very clear that I am clear we are dealing with extremely complex architecture and that while, clearly, I cannot account for anybody's actions before I was accounting officer, I am now fully confident I am enabling the architectural skill-set required to create an effective and cohesive team so that any matters arising from the structural issues will be put into the process and actioned. And I am unanimous with myself on that."

That's Nóirín in a nutshell. Our favourite part of yesterday's PAC marathon, where she was under sustained questioning over allegations of serious financial irregularities at Templemore Garda training college, wasn't the bit where Mary Lou McDonald accused her of indulging in "verbal Pilates" (Pilates being all the rage in Sinn Féin these days). No, it was when Mary Lou's colleague David Cullinane put it repeatedly to the ultra-careful commissioner that she made a mistake back in 2015 by not informing the Comptroller and Auditor General that issues had arisen over the handling of Templemore's finances.

Suspicious irregularities

At first, O'Sullivan blustered about "issues" not being the same as actual "irregularities". Issues must be examined in the fullest possible manner before anything is done, you see. Big, suspicious irregularities, on the other hand, are given straight over to the Garda Síochána Ombudsman Commission (Gsoc).

At times, this can be most unfortunate, as one might come to light just before a PAC meeting and then the poor guards can't really say anything because they handed the problem over to Gsoc the day before. It happened this week. Some committee members couldn't help thinking this was an amazing coincidence but Nóirín reassured them the force isn't trying to shove its dirty linen down Gsoc's chute.

But back to 2015 and the C&AG, who wrote to O'Sullivan as Accounting Officer of An Garda Síochána asking if she had anything to report on the money front. She dashed off a reply saying everything was totally in order within the Garda

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accounts. Anything at all amiss, wondered the State's accountant? No. All tickety boo, wrote back Nóirín, a few days after attending a meeting at which matters such as "potentially compromised" accounts were discussed.

"Not good enough," chided Cullinane. "If I knew then what I know now . . . of course I would have . . ." murmured the commissioner. But, of course, "this is very much a work in progress".

It was unfortunate for her to have Séamus McCarthy, the State's accountant, sitting a few seats away and not subject to the same speaking ban as her Garda colleagues, who had done so much of the talking at previous meetings. McCarthy turned out to be very forthright with his answers.

Abysmal track record

In 2015, when she knew quite a bit about the dodgy accounting rumours, Nóirín didn't want to tell the C&AG anything until she had compiled all the relevant information (and God knows how long that might take, given the force's abysmal track record in this department). But Séamus told the PAC that where there is even a question of irregularities "I feel that is something which should be made known to me".

He doesn't need to be presented with an open and shut case. All he needs is some basic information. "It gives me the power to investigate."

Under questioning from Cullinane, the commissioner conceded her letter to the C&AG wasn't all it should be.

"So, are you admitting you made a mistake by telling him all she knew?" Not a chance. "No." But the information sent by the commissioner to Séamus McCarthy was incorrect. Surely that amounts to making a mistake?

Not in Nóirín's world. "It was my mindset at the time" was her excuse. Which, apparently, is a different thing entirely.

That's sounds like a great courtroom defence: "I'm sorry for stealing that cream bun, yer honour. But I'm innocent. It was my mindset at the time." If nothing else, it would make a change from blaming the drink.

Independent TD Catherine Connolly got a rare admission from the commissioner, who once tried to explain away the mounting number of allegations surfacing from the Templemore accounts as

“When it comes to holding her own under intense questioning, Garda Commissioner Nóirín O'Sullivan is very impressive.” PHOTOGRAPH: CYRIL BYRNE

"legacy issues". She accepted that this isn't really the case.

Connolly is a very effective inquisitor: calm, incisive and insistent. She wanted to know why, after two major reports and the first allegations of alleged malpractice surfacing in 2008, nothing was done to address the situation. "I don't know," said the commissioner. But she can't be responsible for her predecessors.

And then there was the question of civilian staff member, John Barrett, who raised the issues and persisted with his questions and concerns. Did she agree with what he was actually saying? O'Sullivan repeated he was right to "raise the matter" and agreed he "did the right thing".

Barrett had given a very detailed account of a meeting they had. Did the commissioner accept it? "I'd have to read it again."

"I think you should. I think you should. It's disappointing you haven't," remarked Connolly.

Labyrinthine accounting system

It was a gruelling session for the commissioner, not least because she had to confer with her colleagues and more than once expressed her frustration that this had to happen. There were many accounts of what transpired with the Garda college's labyrinthine accounting system – some PAC members accused her of giving contradictory evidence yesterday.

"Different people have different memories," she suggested. "I'm sure we all have a different account of this meeting here." Except it was being televised and held in public.

When it comes to holding her own under intense questioning, Nóirín O'Sullivan is very impressive. More than once she was accused of talking down the clock with her wall of management-speak built around the complex "architecture" of the "structures" underpinning her force. Never mind the detail of bank accounts in Cabra and the like. Nóirín is busy creating an "effective and cohesive team" and that's all that matters.

At least she didn't say "strong and stable". For that, we must be grateful.

Committee members unable to disguise distrust and incredulity



Conor Lally Analysis

TDs and Senators claimed O'Sullivan was managing the oversight processes to suit herself

Key witnesses in murder trials have had an easier time in the witness box than Garda Commissioner Nóirín O'Sullivan enjoyed before the Public Accounts Committee.

To say many of the Senators and Dáil deputies applied distrust and incredulity as their default approach is an understatement. This was open disdain, pure and simple. The most senior police

officer in the country was at different times accused of talking down the clock, managing oversight processes to suit herself and was urged towards brevity in her responses, mostly while still mid-sentence.

She was openly questioned on whether she had the clout to be Garda Commissioner and was accused of "verbal Pilates" by Mary Lou McDonald (Sinn Féin) as she urged O'Sullivan to give shorter, clear and substantive answers to questions.

"We don't always need a long narrative," McDonald told her, with others also complaining their questions were not being answered despite long replies by O'Sullivan.

Several committee members, including Marc MacSharry (Fianna Fáil) and Catherine Connolly (Independent4Change), suggested it was "convenient", "very convenient" and "incredibly convenient" that late on Monday O'Sullivan had referred to the Garda Ombudsman suspected fraudulent activity on a bank account link to the Garda College in Templemore.

Catherine Murphy (Social Democrats) said that referral, and the commencement of a

Garda Síochána Ombudsman Commission (Gsoc) inquiry, meant questions about the bank account were rendered "out of bounds" just as O'Sullivan was due to face them.

Damaged O'Sullivan

All in all O'Sullivan was jostled, talked over and hurried along like an exasperated parent would a child who'd deliberately left their homework until bedtime so they could stay up a while longer.

It's a mark of how damaged O'Sullivan, and the reputation of senior Garda management, has become in the eyes of many in the houses of the Oireachtas that at one stage she was compared to a hostile witness in a criminal trial. David Cullinane TD (Sinn Féin) made the charge and when O'Sullivan told him she took issue with it in the strongest sense, he didn't flinch.

Chairman Alan Kelly TD (Lab) interjected, asking Cullinane to "refrain". But he stopped well short of asking for the remark to be withdrawn and Cullinane didn't offer.

"I've never been described as a hostile witness in my whole career," O'Sullivan protested, clearly aghast at what had just



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been said. We've incrementally led to this point – of open hostility towards Garda management on the part of public representatives – for several years, of course.

Up until relatively recently, even five years ago, at Oireachtas committee hearings a Garda commissioner's word was accepted in full in all but exceptional circumstances.

Change of mood

The mood changed when the Garda was under the stewardship of Martin Callinan. It was at a PAC hearing when he was being pounded over his handling of the whistleblower crises that he described their actions as "disgusting". Two months later he was gone.

And since O'Sullivan took over – first as interim commissioner in March 2014 and then formally seven months later – her questioning in public has become something of a blood sport.

She's been hit hard, early and often, and spends most of her time on the ropes trying to keep her guard up.

It would have been unthinkable to have seen former commissioners such as Callinan's predecessor Fachtina

Murphy and Noel Conroy before him, treated like a public nuisance in the way O'Sullivan yesterday.

She was in the ring for six hours from just after 9.30am and back again in the evening for another hour.

When those in her corner have been thrust in to answer questions in her absence, they've at times fought among themselves.

Ordinarily the fast-approaching Oireachtas summer break would offer some respite. It would normally provide time to regroup and rethink and for crises in other areas of public life to displace the Garda as the latest outrage. But these are not ordinary times.

The Charleton Tribunal is limbering up and will soon begin substantive public hearings. It is probing, among other matters, allegations from whistleblowers Supt David Taylor and Sgt Maurice McCabe that O'Sullivan was involved in a smear campaign against McCabe.

She has protested her innocence and will hope for a less hostile reception from the tribunal barristers than she endured in Leinster House yesterday.