

Draft of

ORDER

entitled

**Commission of Investigation (Certain Matters relative to the Cavan/Monaghan
Division of the Garda Síochána) Order 2014**

To be made by the Government

WHEREAS, pursuant to section 3(1) of the Commissions of Investigation Act 2004 (No. 23 of 2004), the Minister for Justice and Equality, with the approval of the Minister for Public Expenditure and Reform, made a proposal to the Government for the establishment of a commission to investigate the matters specified in Article 3 of the following Order and to make any reports required under that Act in relation to its investigation;

AND WHEREAS the Government by decision made on 19 November 2014 considered those matters to be of significant public concern;

AND WHEREAS a draft of the following Order has been laid before each House of the Oireachtas, together with a statement of the reasons for establishing the commission, and a resolution approving that draft has been passed by each such House;

NOW, the Government, in exercise of the powers conferred on them by section 3 of the Commissions of Investigation Act 2004 (No. 23 of 2004), hereby order as follows:

1. This Order may be cited as the Commission of Investigation (Certain Matters relative to the Cavan/Monaghan Division of the Garda Síochána) Order 2014.
2. In this Order “Act” means the Commissions of Investigation Act 2004 (No. 23 of 2004).

3. A commission is hereby established to -

- (a) investigate the matters, which are considered by the Government to be of significant public concern, referred to in the terms of reference (the text of which is, for convenience of reference, set out in the Schedule) of the commission, and
- (b) make any reports required under the Act in relation to its investigation.

4. The Minister for Justice and Equality is specified as the Minister of the Government responsible for overseeing administrative matters relating to the establishment of the commission, for receiving its reports and for performing any other functions given to him or her under the Act.

SCHEDULE

Commission of Investigation (Certain Matters relative to the Cavan/Monaghan Division of the Garda Síochána)

Terms of Reference

1. The Commission is directed to investigate the following matters:
 - (a) The investigation by An Garda Síochána of a public order incident and possible sexual assault on a bus at Kingscourt, Co Cavan on 25 February 2007;
 - (b) The investigation by An Garda Síochána of an assault at the Lakeside Manor Hotel, Virginia, Co Cavan on 14 April 2007;
 - (c) The investigation by An Garda Síochána of two incidents in 2007 involving Jerry McGrath, i.e. the assault on Mary Lynch near Virginia, Co Cavan on 30 April 2007 and the abduction of a child during the burglary of a house in Tipperary on 9 October 2007, and the management and coordination by An Garda Síochána of those investigations, in particular in relation to the question of bail;
 - (d) The investigation by An Garda Síochána of a public order incident in Cafolla's restaurant, Bailieboro, Co Cavan on 5 August 2007;
 - (e) The investigation by An Garda Síochána of an incident of assault and false imprisonment of a girl in Cootehill, Co Cavan on 2 September 2007;
 - (f) The investigation by An Garda Síochána of a dangerous driving incident at the Lakeside Manor Hotel, Virigina, Co Cavan on 27 December 2007;
 - (g) The investigation by An Garda Síochána of an assault in Crossan's public house in Bailieboro, Co Cavan on 23 May 2007;
 - (h) The investigation by An Garda Síochána of sexual offences and child pornography offences in respect of which Michael Molloy was convicted in 2009, having particular regard to the loss of a computer seized during the course of that investigation;
 - (i) The investigation by An Garda Síochána of the allegations made by Sergeant Maurice McCabe of malpractice and corruption in relation to PULSE records seized from him on 11 October 2010 at the Hillgrove Hotel, Monaghan;

(j) The investigation by An Garda Síochána and the Minister for Justice and Equality and Department of Justice and Equality of complaints made by Sergeant Maurice McCabe in relation to matters at (a) to (i);

(k) The investigation by An Garda Síochána and the Garda Síochána Ombudsman Commission of Garda disciplinary issues arising out of the above matters;

(l) The general conduct of policing at Bailieboro Garda District in 2007/2008 with reference to the management and operational structure and resource allocation for Bailieboro Garda District, at the relevant times, including:

- The number of probationary Gardaí assigned to Bailieboro Garda District;
- The number and experience of Sergeants available to supervise and monitor on a daily basis the work of those probationary Gardaí;
- The significance, if any, of the absence of an Inspector permanently allocated to Baileboro Garda Station;
- The stability, continuity, and experience available at District Officer level in Bailieboro District;
- The arrangements in operation for the supervision and monitoring of probationary Gardaí in relation to their operational and, specifically, investigative duties, and
- The standard of accommodation at Bailieboro Garda station and its possible impact on the performance of the policing function.

2. The Commission should exercise discretion in relation to the scope and intensity of the investigation it considers necessary and appropriate having regard to the general objective of the investigation.

GIVEN under the Official Seal

of the Government,

_____ 2014.
