

**Statement by Sgt Maurice McCabe
Monday, 24th February 2014**

My attention has been drawn by members of the media today to a statement or press release that appears to have been released to the media earlier today in relation to me. The un-headed statement or press release is, I regret to say, both gravely misleading and false.

It suggests that the Garda Commissioner wrote to me 14 months ago “and told [me] to co-operate with the investigation into the allegation that penalty point had been cancelled”.

It claims that the Commissioner “issued a direction” to me “to cooperate with the investigation being carried out by the Assistant Commissioner” and “directing” me to bring any information or concerns I had “to the inquiry team”.

It goes on to say that “the Garda Siochana is a disciplined force and that members are required to comply with directions issued by the Commissioner”, implying that I wrongfully failed to comply with the Commissioner’s direction to cooperate.

The statement further suggests that I did not comply with the Commissioner’s direction during a period when I was on sick leave and that I “did not contact” the Assistant Commissioner until “April 2013, by which time the investigation had been completed”.

I was never directed by the Commissioner to cooperate with the O’Mahony investigation as alleged.

On 14th December, 2012, I was asked to remain back after duty in Mullingar Garda Station to meet with Chief Superintendent Mark Curran. I did so.

When he arrived he read me out a document. I have, fortunately, a full record of what transpired and it is attached to this statement. As appears from the record, the Chief Superintendent refused my request to furnish me a copy of that document. I presume that this was in accordance with his superiors’ instructions.

The fact that I was denied a copy of the direction may have encouraged the author of the statement issued today about me to grossly misrepresent the terms of the Commissioner’s direction as read out to me and as recorded by me.

I was never contacted by anyone conducting the O’Mahony investigation which completed its report without making any attempt to speak with me or to seek my input or cooperation into its inquiries.

I never withheld any information or cooperation from the O’Mahony investigation as is now suggested.

When I learned that its report had been completed without making any attempt at all to contact me, I protested at what had happened, as the record shows. At that point I was offered a totally meaningless opportunity to speak with Assistant Commissioner O’Mahony.

As a member of the Garda Siochana, I have tried to uphold its integrity by complying with my duty and being truthful in my dealings with my superiors and with the public office holders with whom I have been dealing in relation to these matters.

I must leave it to others to judge whether those standards are shared or have been adhered to by those who issued the false and misleading statement concerning me today.

ENDS

Correspondence from Commissioner

Direction to desist searching pulse and dissemination to a third party of sensitive personal data regarding cancellation of fixed charged notices

The Commissioner understands that you have been searching and printing out from pulse documents that contain sensitive personal data regarding the cancellation of the fixed charge notices. The Commissioner further understands that it is your intention to provide a third party with that documentation. It is noted that sensitive personal data in relation to fixed charge cancellation have already appeared in the public domain.

The Commissioner has sought the advices of the Attorney General and has consulted with the Data Protection Commissioner in respect of this matter. You are aware that there is power as set out in the Garda policy procedure and guidelines for cancelling these fixed charge notices in certain instances in such circumstances. Having consulted with the above mentioned authority the Commissioner is satisfied that you're continued access pulse data and disclosure of such it and personal data to a third party is likely to be in breach of the Data Protection Act and other legislation, as well as being prejudicial to the current investigation being undertaken by Assistant Commissioner John O Mahony.

Ok, so that is the instructions to you in his direction

The direction is as follows

The Commissioner is now directing you to desist from the practice of accessing Pulse and or disclosing to third parties sensitive personal data regarding the cancellation of fixed charge notices by members of An Garda Siochana. If you have any further concerns and without prejudice of your rights under the Confidential Reporting Mechanism such matters can be brought to the attention of Assistant Commissioner John O Mahony, Crime and Security, who will fully investigate those matters.

Further conversation.

Maurice : But I didn't do any of that?

Chief : Well I'm only telling you that that is the directions from the Commissioner.

Maurice : And what happens under the Garda Siochana Act, where you are allowed hand over stuff, under Section 62 and the Whistleblower Charter, what about that?

Chief : I think you need to raise that with Assistant Commissioner Mahony, honestly that might be the way you pursue it.

Maurice : That's a serious accusation.

Chief : The directions on it and just to make sure we are both clear I'll read it out to you again.

Maurice : No, I'm very clear. He is accusing me of handing stuff over, (*Chief then reads out the first paragraph in the report again to explain what the Commissioner is accusing me of. And then reads out the whole lot again.*). So he saying I did that.

Chief : The Commissioner has facts on which he is basing these comments on. So I'll read it out one more time so you understand. *He reads it all out again.*

Maurice : He is basically saying that I gave the information to somebody else, so the Whistleblower Charter is gone, finished, cause he is saying there. If the Data Protection Commissioner asks me for stuff what do I do, do I say no to him? He has asked for stuff.

Chief : No no don't. It you want authority to do anything or if you have as issue there in relation to those matters you can talk to Assistant Commissioner John O Mahony. Or you can send your concerns here in relation to that.

Maurice : So I can't go near the Whistleblower Charter anymore? Obviously!

Chief : You cannot.

Maurice : I can. *(he reads out the report to me again)* He's after accusing me of stuff there what I didn't do and that is shocking. The only person I forwarded stuff to was An Taoiseach, so I'll have to take it up with him. Cause he must be the third party? Shocking stuff.

Chief : I know but that's his legal advice.

Maurice : But even the Data Protection Commissioner, he asked me for stuff so what do I say to him, no?

Chief : Well that's the instruction and you'll be in breach of discipline and any other possible Acts if you ignore it.

Maurice : So am I allowed email Edna Kenny about that.

Chief : I can give you an answer, my own personal answer but I think you should address it with John O Mahony. The direction is down here that he will deal with your concerns.

Maurice : Shocking stuff. So basically I can do nothing.

Chief : What you need to do is do what you're meant to do, your day to day duty. .

Maurice : Oh, and not report anything which is wrong which....

Chief : This is a direction from the Commissioner, you are searching pulse for a particular reason.

Maurice : I got a complaint in relation to that from a Garda , I carried out my duty.

Chief : Did you report that?

Maurice : I carried out my duty.

Chief : Did you report it here?

Maurice : I carried out my duty, I carried out my duties in relation to that.

Chief : Did you report it through the channels?

Maurice : I carried out all my duties in relation to it.

Chief : Ok

Maurice : I used the Whistle Blowing Charter. Let's not argue, as regards the last paragraph, you'll have no issue with me here anymore,

Chief : That all I want to know

Maurice : You wont chief, you wont no. but its just amazing. I did not think it was that, I thought it was something.

Chief : No you should follow that, it is a direction.

Maurice : Yes, it is and I will follow that , I wont disobey any direction and you can make note of that Paddy , I wont disobey any directions in relation to that . You have my full compliance. But, 'm just amazed, but sure...

Small talk.

Maurice : Do I get a copy of that?

Chief : No.

Maurice : Ok, well it won't happen anyway. I give you my word on that. It's not your problem anyway, you were sent to read it out to me.