



DEATH OF TERENCE WHEELOCK: REPORT BY THE GARDA
SIOCHANA OMBUDSMAN COMMISSION (GSOC)

Wednesday 10th March 2010

The Garda Síochána Ombudsman Commission today published a report into the circumstances surrounding the death of Mr. Terence Wheelock. Terence Wheelock died at the Mater Hospital, Dublin on 16th of September 2005, having been found unconscious in a cell in Store Street Garda station on 2nd June 2005.

The report follows an investigation under section 102(4) of the Garda Síochána Act 2005. The purpose of the GSOC investigation was to establish whether or not the conduct of any member of An Garda Síochána caused the death of or serious harm to Terence Wheelock. The terms of reference of the investigation, as stated on 27th July 2007, were to

‘.investigate any possibility of any failure by any member of the Garda Síochána in allowing for the presence of the cord/ligature in the cell and any act or omission by member(s) surrounding Mr. Wheelock’s arrest and detention that may have contributed to the death of Mr. Wheelock.’

The GSOC investigation followed an internal inquiry by the Garda Síochána following which a file was sent to the DPP resulting in no prosecution and an inquest by the Dublin City Coroner which resulted in a verdict of suicide. However, in light of family and

public concerns, the Ombudsman Commission felt it was in the public interest to carry out its own independent investigation.

The investigation was conducted by Senior Investigations Officer Brian Doherty, assisted by a number of other designated officers of GSOC. The progress and findings were reviewed at intervals by the GSOC's Director of Operations, Paul Buschini.

The Investigation

The Commission is satisfied that the report of the investigation and its review have been thorough, proportionate and independent. All possible lines of inquiry and all possible sources of evidence were followed to exhaustion. All available evidence was then reviewed and tested. This included interviews with members of the Garda Síochána, civilian witnesses and professional experts who had assisted the earlier inquiry

Several fresh avenues of investigation were examined. Several new witnesses were interviewed and several new pieces of evidence were found and examined. This arose largely because the scope of the GSOC investigation was broader than the original inquiry.

In relation to witnesses:

- GSOC identified and interviewed gardaí who had not been interviewed as part of the earlier inquiry.
- GSOC identified and interviewed new civilian witnesses in relation to the arrest of Terence Wheelock at O'Casey Avenue on 2 June 2005. This followed extensive door-to-door inquiries and leaflet drops by GSOC officers.
- GSOC identified and interviewed new civilian witnesses in relation to the activity in Store Street Garda Station during the period of detention of Terence Wheelock
- GSOC interviewed the medical personnel who were involved in the care of Terence Wheelock
- GSOC interviewed those people who were arrested with Terence Wheelock.

In relation to new evidence and fresh professional opinion:

- GSOC examined the audio from a video which was in use in Store Street on the day for other purposes. This assisted the investigation in establishing timelines and corroborating witness accounts.
- GSOC had Terence Wheelock's 'phone examined professionally
- GSOC obtained fresh professional opinion on all the available medical evidence. This meant that for the first time, a professional could offer an opinion based on the state's post-mortem report, the post-mortem report commissioned by the Wheelock family, all the evidence from the Coroner's inquest and the Mater Hospital.
- GSOC commissioned an experienced engineering expert to examine the evidence in relation to the cell and, in particular, the ligature point to allay concerns of the Wheelock family.
- GSOC commissioned an expert in knot analysis to conduct an examination of the knots used in the ligature found with Terence Wheelock on the day

Conclusions of the Investigation

The investigation of the Garda Síochána Ombudsman Commission concludes as follows:

1. There is insufficient evidence to support the allegation that Terence Wheelock was assaulted by Garda members during his arrest at Sean O'Casey Avenue on the 2nd June 2005.
2. There is no credible evidence that Terence Wheelock was mistreated in any way during his detention at Store Street Garda Station.
3. The allegation that Terence Wheelock was sexually assaulted during his detention at Store Street Garda Station is wholly without foundation in evidence.

4. The allegation that Garda members taunted Terence Wheelock during his detention is not supported by credible evidence.
5. Systemic failures and the lack of clear instruction led to the presence of a ligature suspension point in Cell 7 of Store Street Station on the 2nd June 2005.
6. A lack of clear instruction and process allowed Terence Wheelock to bring a ligature with him into the cell during his detention.
7. The recording of the details of the custody of Terence Wheelock on the 2nd June 2005 fell below appropriate standards.

Recommendations of the Commission

The following recommendations have been made by the SIO and supported by the Director of Operations. The Commission fully endorses these recommendations, which are set out hereunder:

1. That An Garda Síochána commence an immediate State wide review of all custody facilities to ensure that no ligature points exist within cells that are used for the detention of prisoners.
2. That An Garda Síochána initiate a process of regular documented ligature reviews of all cells.
3. That An Garda Síochána commence a study of the feasibility of the installation of CCTV cameras in all custody areas, including cells, used for the detention of prisoners on a regular basis.
4. That An Garda Síochána introduce a specialist role for Garda members charged with the responsibility for the custody of prisoners. This dedicated custody officer role should be given to members with the necessary experience and ability to

- carry out such a function. The role should only be carried out by members trained to a high standard in all areas of the custody function.
5. That An Garda Síochána should issue consolidated, clear and comprehensive instructions as to the need for prisoners to be searched for potential ligatures and the removal of cords etc., from clothing.
 6. That An Garda Síochána issue clear and comprehensive instruction as to the need for Custody Record entries to be accurate and complete.
 7. That An Garda Síochána issue a reminder to all members as to the need for accurate recording of the time on Custody Records. A single digital custody clock should be used in each station by all members for the recording of the times on custody records.
 8. That An Garda Síochána commence a review of the provision of safety equipment within custody areas. The review is to specifically address the provision of First Aid Equipment, including Vent Aids, in custody areas.
 9. That An Garda Síochána commence a review of the First Aid Training and First Aid refresher training provided to its members. Specifically, the review should address the provision of First Aid Training to Garda members deployed in the role of Member in Charge or Gaoler.
 10. That An Garda Síochána review the feasibility of providing ligature cutting equipment to each station designated for the custody of prisoners.

The conclusions of the Commission are evidence-based. Extensive new evidence has been found and examined. Several new witnesses- both civilian and Garda- have been interviewed. Fresh professional expertise has been used to re-examine issues which may have given rise to concern. The Commission is satisfied that its investigation has been thorough, proportionate, impartial and independent. The Commission extends its sympathy to the Wheelock family and thanks them for their patience and co-operation.

Ends

Note 1

Significant Events relating to the case

2nd June 2005 Arrest of Mr. Terence Wheelock , following which he is found unconscious in a cell in Store Street Garda Station and transferred to the Mater Hospital

16th September 2005 Never regaining consciousness, Mr. Wheelock dies at the Mater Hospital

19th September 2005 It is widely reported by the press that the Wheelock family are seeking an independent public inquiry into the death of Mr. Wheelock

February 2006 Following an internal Garda inquiry a file on the matter is sent to the DPP. The DPP directed that there was to be no prosecutions.

17 February 2006 Inquest into the death opens and the Wheelock family through their solicitor, request that Terence's personal belongings be made available for independent forensic testing.

August 2006 It is indicated that following agreement an independent Forensic Team from the UK will carry out testing on Terence's clothes and the full inquest is set for November 2006

November 2006 Inquest opens on 20 November, 2006. It is adjourned on 22 November, 2006 to allow the State Pathologist view photos of the deceased.

15th December 2006 Inquests reopens and following a brief mention is adjourned until till 2007.

July, 2007 The inquest finishes and the jury cannot unanimously agree on a verdict. A majority of 4:3 return a verdict of death by suicide. They also make recommendations including the installation of CCTV in all cells in Garda Stations.

27th July 2007 The Garda Síochána Ombudsman Commission launches an investigation, in the public interest, into the circumstances surrounding the death of Mr. Terence Wheelock .

8th March 2010 The Wheelock family and its legal representatives, the Garda Commissioner and the Minister DJELR are presented with copies of the investigation Report.

10th March 2010 The Report is made public by GSOC