

**DEATH OF TERENCE WHEELock: REPORT BY THE GARDA
SIOCHANA OMBUDSMAN COMMISSION, PURSUANT TO
SECTION 103, GARDA SIOCHANA ACT 2005.**

Introduction

The Commission (GSOC) has received and approved the report of the Senior Investigations Officer (SIO), assigned to investigate the circumstances surrounding the death of Terence WHEELock (16th of September 2005).

On the 27th of July 2007, the Commission, having considered submissions made by the family of Terence WHEELock, commenced an investigation under section 102(4) of the Garda Síochána Act 2005 into the circumstances surrounding his death on the basis that it was in the public interest to do so.

The death of Terence WHEELock had previously been the subject of a number of comments by public representatives. It was also the subject of extensive news media reportage.

On July 13th 2007 a jury at the Dublin City Coroner's Court returned a majority verdict (4 to 3) of 'death by suicide' in regard to Terence WHEELock.

The purpose of the GSOC investigation, as designated under section 98 of the Garda Síochána Act 2005, 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, specifically:

'The Garda Ombudsman takes the view that it is necessary 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 investigation was conducted by Senior Investigations Officer Brian Doherty, assisted by a number of other designated officers (DOs) of the Commission. The progress of the investigation was reviewed at intervals by the Commission's Director of Operations, Paul Buschini.

Acknowledgments

The Commission wishes to extend its sympathy to the family of the late Terence Wheelock on the loss of their loved one. The Commission is conscious of the lapse of time since their bereavement and that the period since has been difficult for them. The Commission would hope that, insofar as may be possible, the completion of this investigation may help to answer their questions and to bring a degree of closure to their loss.

The Commission would like to acknowledge the co-operation of members of the Wheelock family, as well as the many witnesses from in and around the locality where Terence Wheelock lived, who gave assistance to the inquiry.

It would also like to acknowledge the assistance of the members of the Garda Síochána (particularly those in the 'C' District, Dublin Metropolitan Region) and members of other professional services who gave evidence to or otherwise assisted the investigation. It is conscious that the long interval since the events set out in the report may also have caused strains for many of

these, especially for individuals who were involved in the events of June 2nd 2005 that led to the death of Terence Wheelock.

The Investigation

The Commission is satisfied that the report of the investigation and its review have been thorough, proportionate and independent. The Commission would like to acknowledge the work of SIO Doherty and his team who spared no effort in this investigation. All possible lines of inquiry and all possible sources of evidence were followed to exhaustion. All available evidence was then reviewed and tested. The original inquiry conducted by Detective Superintendent Oliver Hanley was fully reviewed. Door-to-door checks and other lines of inquiry yielded important additional information which has been set out in the body of the report.

Obligations under Section 103 (Garda Síochána Act) 2005

Under Section 103, Subsection 1 (b) of the Garda Síochána Act 2005, the Commission is obliged to keep certain parties advised of the progress and results of an investigation in the public interest. The Commission has complied fully with these requirements.

The Minister for Justice, Equality and Law Reform and the Commissioner of the Garda Síochána have been supplied with copies of this report. A copy has been forwarded to the Director of Public Prosecutions for his information. The family of the late Terence Wheelock and their legal representatives have been supplied with a slightly edited version of the full report.

Arrangements have been made to make a similarly-edited copy of the report available to Gardaí whose conduct was examined in the course of the investigation.

The purpose of the edits is to enable the Commission to comply with Section 103 (2) which requires the Commission to withhold any information which would, in its opinion –

(a) prejudice a criminal investigation of prosecution

(b) jeopardise a person's safety, or

(c) for any other reason not be in the public interest.

Conclusions of the Investigation

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

There is insufficient evidence to support the allegation that Terence WHEELLOCK was assaulted by Garda members during his arrest at Sean O'Casey Avenue on the 2nd of June 2005.

There is no credible evidence that Terence WHEELLOCK was mistreated in any way during his detention at Store Street Garda Station.

The allegation that Terence WHEELLOCK was sexually assaulted during his detention at Store Street Garda Station is wholly without foundation in evidence.

The allegation that Garda members taunted Terence WHEELLOCK during his detention is not supported by credible evidence.

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 of June 2005.

A lack of clear instruction and process allowed Terence WHEELLOCK to bring a ligature with him into the cell during his detention.

The recording of the details of the custody of Terence WHEELLOCK on the 2nd of 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.**

It will be noted that these recommendations by the Commission are similar in many aspects to the recommendations made by the Coroner's jury on July 13th 2007 at the inquest into the death of Terence Wheelock.

