



**Investigation into allegations that information,  
in relation to the arrest of Deputy Clare Daly TD,  
was leaked from within the Garda Síochána**

**A Garda Ombudsman report  
(under section 103 of the Garda Síochána Act 2005)**

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## Introduction

In January 2013, Deputy Clare Daly, TD for the Dublin North constituency, made a complaint to GSOC, arising from her arrest on 29 January. There were four main aspects to the complaint:

- Two concerned the alleged unlawful disclosure of information to the media.
- The third concerned an allegation of discourtesy, which was examined and led to no further action.
- The fourth allegation was that Deputy Daly had been handcuffed without proper cause. This allegation is still under investigation and is not discussed in this report.

The allegations of unlawful disclosure of information were the subject of a lengthy investigation, which is now concluded and is described in this report.

## **Allegation 1: That gardaí informed the media of the fact and details of Deputy Clare Daly TD's arrest on 29 January 2013.**

### **Background**

At around 16:00 hours on 29 January 2013, Deputy Clare Daly TD was contacted by journalists from RTÉ Television News, who stated that they knew that she had been arrested earlier that day for a drink-driving incident. She was also informed that the story had apparently been with the tabloid media since around 11:00 that morning.

Deputy Daly was interviewed by RTÉ, which was broadcast on Six One news that same evening. In that interview, Deputy Daly confirmed she had been arrested in an area of South Dublin she was unfamiliar with, having made an illegal turn. She said she was breathalysed and taken to Kilmainham Garda Station. Deputy Daly was critical of how details of her arrest ended up in the hands of the media so quickly.

The story of Deputy Daly's arrest was the subject of heavy media coverage, with a number of articles appearing in the local and national press in the following days. Although many media outlets ran stories on the arrest of Deputy Daly, the first recorded contact by media sources to the Garda Press Office was from a journalist of the Irish Daily Star at 14:09 hours on 29 January 2013.

### **The arrest of Deputy Clare Daly**

At approximately 00:15 hours on 29 January 2013, two gardaí stopped a car on South Circular Road, Dublin. The gardaí stopped this vehicle for allegedly making an illegal right turn. The driver was Deputy Clare Daly.

The male Garda later reported that he suspected that the driver had been driving under the influence of an intoxicant, and made a lawful demand for her to provide a preliminary specimen of breath.

As the two gardaí did not have a straw for the alcometer, they radioed for assistance. In the meantime, a passing Garda vehicle stopped at the scene and provided a straw. The gardaí from the passing vehicle allegedly told one of the other gardaí that the driver was Deputy Clare Daly. Both gardaí have stated that prior to this, they did not know that the person they had stopped was Deputy Daly. They have also stated that they do not know the identities of the gardaí from the passing vehicle. Attempts to identify this Garda vehicle and its occupants have proved unsuccessful.

Deputy Daly attempted but ultimately failed to supply an adequate specimen of breath, and she was subsequently arrested at 00:25 hours for an alleged breach of section 9(3) of the Road Traffic Act 2010, as amended by section 7 of the Road Traffic (No.2) Act 2011. Deputy Daly was taken to Kilmainham Garda Station, where a custody record was opened. Deputy Daly provided a urine sample to a doctor, and she was released from custody at 01:30 hours. The urine sample revealed an alcohol level within legal limits.

Whilst Deputy Daly was in custody, she was asked if she wanted any persons contacted. She informed the Garda Gaoler that she wanted a person contacted for the purposes of obtaining the contact details of a solicitor, and supplied a mobile number for that person. The Gaoler rang the number, and got no response. Deputy Daly was asked if she wished another person to be contacted, and she provided the mobile number for a second person, again in order to obtain the name of a solicitor. This mobile number belongs to Deputy Mick Wallace TD, but Deputy Daly did not give the

name of Deputy Mick Wallace, to protect his privacy. The Gaoler also rang this number, with no response. At this point, Deputy Daly asked gardaí for the contact details of a solicitor and eventually spoke by telephone with a solicitor.

### **First indications that the media were aware of the arrest of Deputy Daly**

Deputy Daly has stated that she first became aware that her arrest was known about by the media when she was contacted by RTÉ journalists shortly after 16:00 hours on 29 January. She had received a text and a voice-mail from one RTÉ journalist and then a telephone call from a different RTÉ journalist. The second RTÉ journalist informed her that they knew that she had been arrested for a drink-driving offence and that they were going to run the story. Deputy Daly stated that this journalist also told her that the story had been in the hands of the tabloid media since that morning.

Analysis of Deputy Daly's telephone indicates that the second RTÉ journalist had sent a text to her at 18:25 hours, stating *"If it's any consolation, the Star had the story since 11 am"*.

Deputy Daly has stated that she only told three people about her arrest prior to the contact from RTÉ - the solicitor and the two people whom she had initially requested gardaí inform of her arrest. Accounts were subsequently obtained from the office staff of Deputy Mick Wallace TD, who was the second person she had requested to be contacted, as Deputy Wallace had indicated that he had told his office staff that Deputy Daly had tried to contact him after her arrest. Both office staff members indicated that they were unaware of the incident until sometime in the afternoon of 29 January 2013.

Deputy Daly decided to give an interview to RTÉ, which was broadcast on the Six One News on RTÉ Television that same evening. She then issued a press release that evening on her website in which she describes being pulled over by a Garda car after making an illegal right hand turn on the South Circular Road. She stated that she was breathalysed *"but this was not satisfactory and was brought to the Kilmainham Garda Station where a urine sample was taken"*.

GSOC has attempted to discover exactly when the story first got into the hands of the media. Although there is a reference in a newspaper article in the Irish Daily Mail that the story broke on Twitter on 29 January, GSOC investigators could find no trace of this. Enquiries have established it is not possible to obtain deleted tweets, and it is possible that it did appear publically on Twitter but was subsequently deleted, or that it was sent on Twitter by Direct Message from one recipient to another.

The first press query to the Garda Press Office was from a journalist of the Irish Daily Star. Garda Press Office records note two calls from this journalist, at 14:45 hours and 15:15 hours on 29 January 2013. GSOC enquiries subsequently identified three calls to the Garda Press Office from a number associated with the journalist, which are timed at 14:09 hours, 14:14 hours and 14:42 hours. Garda telecoms records were examined, and there is no record of a Garda landline number calling this journalist's mobile phone.

Accounts were obtained from a sergeant and a civilian employee of the Garda Press Office regarding these contacts. Neither were willing to make witness statements. Both indicated that the Irish Daily Star journalist was the first to contact the Garda Press Office. They said that there would have been subsequent contacts from other journalists, and the civilian told GSOC that some of these calls would have been before Deputy Daly appeared on the Six One news. However, he recounted that he did not log these calls on the Garda Press Office's computer system.

A Detective Superintendent in the Dublin Metropolitan Region completed an internal report in March 2013 in relation to the alleged leak, in which he indicated that the first contact to the Press Office was from the journalist from the Irish Daily Star, and that a journalist from the Irish Independent also contacted the Press Office. The sergeant and civilian from the Press Office have stated that they were not contacted by the journalist from the Irish Independent, and this information cannot be verified. When the Detective Superintendent was interviewed by GSOC, he speculated that the information about the Independent journalist came from his contacts within the Press Office.

As the Irish Daily Star journalist was the first to contact the Press Office for comment, he became a first focus of the GSOC enquiry, in an attempt to identify whether he was in contact with a Garda source.

From the accounts of the Garda Press Office staff, it may be the case that between his first and subsequent contacts to the Press Office, this journalist either obtained further information on the arrest of Deputy Daly, or had double-checked details of it with a third party. The sergeant from the Garda Press Office informed GSOC that his recollection was that when the Irish Daily Star journalist first phoned the Garda Press Office, he supplied an incorrect location of the arrest. The journalist called back to the Press Office, at which time he now could supply the correct location for the address, matching the PULSE record.

This hypothesis was considered alongside the known times of checks on the incident on the Garda PULSE system. There are no checks on PULSE during this time period.

### **PULSE checks prior to 14:09 hours (the time of first contact to Garda Press Office)**

The PULSE incident for Deputy Daly's arrest was created by a civilian Garda Information Services Centre (GISC) employee on foot of a telephone call from the arresting Garda at approximately 0155 hours on 29 January 2013.

The civilian operator's last transaction on the PULSE incident is timed at 02:03 hours. Between the final transaction for the creation of the PULSE record at 02:03 hours, and the first contact from journalists to the Garda Press Office at 14:09 hours, there were 36 separate transactions on the PULSE incident, from 24 different people. This means that there were 36 different occasions where the PULSE incident was accessed.

Deputy Daly has a unique person ID (PID), as does any person who is linked to a PULSE record. Her PID was accessed seven times during this time frame, by seven different Garda members. Four of those members were from Kilmainham Garda Station and one from Pearse Street, which is the relevant Divisional Headquarters. One was from Coolock Garda Station, and one was from Newbridge Garda Station.

Some of these access records appeared particularly unusual and were looked into thoroughly. This included the access by a garda from Newbridge Garda. An account was obtained from this garda, providing an explanation for having a particular interest in Traffic related incidents. The garda described looking up the PULSE incident and the person ID for Clare Daly, but denied telling anyone about it.

### **Knowledge within the Garda Síochána of the arrest of Deputy Daly**

One hundred people would have had knowledge of the arrest of Deputy Daly on 29 January, by actively checking PULSE, or by receiving an email with the PULSE incident.

58 people would potentially have had knowledge of the arrest, and the role of Deputy Wallace, through a separate email sent by a sergeant at Kilmainham Garda Station at 12:43 hours on 29 January. Of these 58 (which include the sender and 57 recipients either directly or through forwarding), 45 did not check PULSE.

This gives a sum total of 145 people who potentially had knowledge of the incident on 29 January, via PULSE or via the email containing the information regarding Deputy Daly's arrest.

Checks were conducted on the PULSE system from shortly after the creation of the record on PULSE, by Garda members across Ireland. It is difficult to see how the majority of the checks could be considered to be the result of legitimate enquiries into the investigation or detection of crime.

It is extremely likely that the true number of persons who would have been aware of the arrest, and of the content of the PULSE print, is significantly higher than that revealed by the audit. For example, a garda at Coolock Garda Station conducted a check on the incident at 09:08 and 09:09 hours. When interviewed by GSOC, they confirmed that they had informed at least three other gardaí of the arrest of Deputy Daly. Accounts were obtained from these three members, who confirmed this to be the case. As a result, it has not been possible to identify any specific garda or civilian employee of the Garda Síochána as the source of the information reported in the media.

### **Calls from Garda extensions to numbers associated to the Irish Daily Star**

GSOC conducted extensive telephone enquiries on calls made through the Garda switchboards.

A particular line of enquiry was followed in relation to a seven-minute call made from a Garda extension at 10:56 hours on 29 January 2013 to a landline telephone number, traced as belonging to the Irish Daily Star. (It should be noted that Deputy Daly was informed by an RTÉ journalist that the Irish Daily Star had the story from around 11:00 hours.)

It was established that the extension was located in a small one-person office, assigned to a civilian administrator, which was generally unlocked. The administrator said that they had no knowledge of the arrest of Deputy Daly until the evening news, and denied passing on any information to the media. The administrator stated that they had no memory of making the call to the Irish Daily Star, but explained that they used to work part-time at the paper, and were friends with a person who still worked there, who was not a journalist. The employee at the Irish Daily Star confirmed that they knew the administrator for many years, and would speak together a couple of times a week. The Chief Superintendent at the Garda station concerned stated that he was not aware of the arrest of Deputy Daly until it appeared in the papers. He stated that he knew that the administrator in the Divisional Office had formerly worked at the Irish Daily Star and that they had a friend who still worked there, but added that he had no concerns about that as nothing would be discussed in the presence of the administrator. The PULSE audit on Deputy Daly's personal ID and on the incident reveals no checks originating from this Garda Station.

A second call, from a landline in the public office of a Garda station to a number attributed to the Irish Daily Star, was traced. At 15:33 hours on 29 January, there was a call made from this landline extension to a mobile number believed to be the number of an identified journalist for the Irish Daily

Star. This journalist's mobile number was obtained through an examination of the contacts contained within Deputy Daly's mobile phone. There are no PULSE checks originating from people attached to this Garda station.

It cannot be proven, or discounted, that someone at either of these Garda stations was aware of the arrest of Deputy Daly and of the relevant details.

Open source research, alongside the use of numbers already in possession of the investigation, was used to examine three defined time periods, in an attempt to develop lines of enquiry. No developable lines of enquiry were identified.

### **The possibility that the details of the arrest originated from a non-Garda source**

Prior to the story appearing on the news, Deputy Daly's solicitor was aware of her arrest. The solicitor denied speaking to a journalist, and provided a statement regarding his dealings with Deputy Daly and the extent to which they would have been known within his firm at the time. There was no reason to believe that the solicitor was in contact with the media in relation to his client.

Deputy Mick Wallace was also aware of the arrest. An analysis of his mobile phone does not indicate that he texted anyone with that information, or that he called a number clearly associated with the media. Given that Deputy Wallace and Deputy Daly are political associates, it is difficult to imagine Deputy Wallace knowingly informing a journalist about Deputy Daly's arrest. In any event, there is no reason to believe that Deputy Wallace would have been in possession of the level of detail which subsequently appeared in the media, such as the exact time of the incident (same as recorded on PULSE).

The person whose home Deputy Daly was at on the evening of 28 January also knew of the arrest, but denied giving any information to any media sources. As with Deputy Wallace, there is no reason to believe that this person would have been in possession of the level of detail which subsequently appeared in the media.

The medical practitioner who obtained the evidential urine sample from Deputy Daly at Kilmainham Garda Station also provided a statement to GSOC. He stated that whilst he was at Kilmainham Garda Station, the arresting garda informed him that Clare Daly was a TD. Potentially, he may have been in a position to know much of the information which found its way into the media. He stated that he was not in contact with any journalist after his attendance at the station.

Following Deputy Daly's release, she took a taxi home from the station. GSOC managed to identify the driver who collected Deputy Daly from the station. The taxi driver informed GSOC investigators that he didn't know who Deputy Daly was, and didn't know he was "involved" until contacted by GSOC. He did not wish to make a statement. Even if the taxi driver did know the true identity of the fare he collected from Kilmainham, he would not necessarily have known Deputy Daly had been arrested, nor would he have been aware of the details of the arrest.

Deputy Wallace's Dáil office staff both indicated that they were unaware of the incident until sometime in the afternoon of 29 January. Deputy Daly maintained that she didn't tell anyone else, including her office staff, about her arrest prior to it ending up in the hands of the media. She maintained that she only discussed the matter with her solicitor, and the two friends that she had attempted to have contacted on her behalf whilst she was in custody.



GSOC considered the possibility that the mere fact of the arrest and some of the specific details, as subsequently reported in the media, could have emerged from a member of the public who happened to be in the area and witnessed the incident. Of course, this is a possibility. But if this was the case, it would be remarkable that the member of the public noted the exact time of the traffic stop, and that the time matched that noted by gardaí. GSOC is of the view that this is extremely unlikely.

### **Media articles attributing details to “Garda sources”**

An article in the Irish Daily Mail on 30 January 2013 states: *“Garda sources confirmed last night Ms Daly had given a sample at the station, although it is not known whether this was of blood or urine.”* The article also notes that she was “stopped” at 12:15 am on the South Circular Road.

The time of 12:15 am is not contained within Deputy Daly’s interview, nor her press release. This time is not contained within the custody record. It is, however, noted in the arresting garda’s notebook and, more significantly, it is noted on the PULSE incident created following the arrest.

The time of 12:15 am and the location are also printed in the Irish Daily Star on 30 January, in the Irish Independent on 30 January, and published online on the Herald’s website.

The Irish Examiner also makes reference to Garda sources. In an article on 30 January 2013, it states *“Garda sources confirmed that Ms. Daly was arrested on suspicion of drink-driving shortly after 12am yesterday”*.

A journalist from the Irish Daily Mail wrote on 2 February 2013: *“On arriving at Kilmainham Garda station, she was afforded the usual single phone call. Animal is told by a Garda source that she chose to call Mick Wallace.”*

This particular information is the subject of more detailed analysis later in the report. Contacts with certain journalists in this case resulted in the journalists refusing to divulge their sources.

### **Conclusion**

GSOC believes that it is more likely than not that at least some of the specifics of Deputy Daly’s arrest were provided by someone from within the Garda Síochána (which may include civilian employees), and that this information subsequently ended up in the hands of the media.

It is not possible to state whether the information was directly passed to a journalist, or if it ended up in the hands of journalists through an indirect route. GSOC is of the view that it would be impossible to prove who may have divulged the information in the absence of a co-operating witness, a confession, or other evidence.

But, when considered alongside the publishing of information concerning the role of Deputy Wallace, addressed later in this report, there does appear to be sufficient evidence to state, on the balance of probabilities, that some of the specifics of Deputy Daly’s arrest emanated from within the Garda Síochána and ended up in the hands of the media in an unauthorised manner.

GSOC is also of the view that Deputy Daly was entitled to the presumption of innocence and had a right to privacy, which appears to have been infringed by the release of such information.

## **Allegation 2: That gardaí informed the media that Deputy Clare Daly TD had requested that Deputy Mick Wallace TD be informed of her arrest, whilst she was in custody on 29 of January 2013.**

At around 21:42 hours on the evening of 29 January 2013, a journalist from the Irish Daily Mail sent Deputy Daly a text message stating: *“Understand you rang Mick Wallace TD on your allowed phone call by Gardaí. Why was that?”*

This journalist then wrote a story, printed in the Irish Daily Mail on 2 February 2013. This story contained one fact which appears not to have been previously reported in the media – the fact that Deputy Daly requested that Deputy Wallace be informed of her arrest.

The journalist wrote: *“On arriving at Kilmainham Garda station, she was afforded the usual single phone call. Animal is told by a Garda source that she chose to call Mick Wallace.”*

Deputy Daly’s legal representative, as part of her complaint to GSOC, has submitted that such a leak was designed to embarrass Deputy Daly, to fuel media intrusion and was an infringement on her right to privacy. Deputy Daly maintains that the only people beyond gardaí who knew that she had attempted to have Deputy Wallace contacted whilst she was in custody were herself, Deputy Wallace and possibly the friend whom she had also attempted to have contacted whilst she was in custody.

### **The phone call to Deputy Mick Wallace TD**

As described earlier in this report, whilst Deputy Daly was in custody, she was asked if she wanted any persons contacted. She informed the Garda Gaoler that she wanted a person contacted for the purposes of obtaining the contact details of a solicitor, and supplied a mobile number for that person. The Gaoler rang the number, and got no response. Deputy Daly was asked if she wished another person to be contacted, and she provided the mobile number for a second person, again in order to obtain the name of a solicitor. This mobile number belongs to Deputy Mick Wallace TD, but Deputy Daly did not give the name of Deputy Mick Wallace, to protect his privacy. The Gaoler also rang this number, with no response. At this point, Deputy Daly asked gardaí for the contact details of a solicitor and eventually spoke by telephone with a solicitor.

The Gaoler subsequently told GSOC that he conducted checks on the Garda PULSE system, and established that the number of the second person was the number of Deputy Mick Wallace TD. A record is created on the PULSE system of all reports of crime, incidents and arrests. The audit of the Gaoler’s checks on PULSE does not reflect that he searched for this phone number or checked on Deputy Wallace.

Open source research using Google links this number directly to Deputy Wallace. In any event, when the Garda Gaoler rang the number, it would have been diverted to Deputy Wallace’s Dáil office voicemail, clearly linking the mobile number to Deputy Wallace.

The District Superintendent informed GSOC that he expected gardaí who take details from arrested persons to check the phone numbers provided to them, to confirm that they are being given genuine details.

## **Knowledge within the Garda Síochána about the role of Deputy Mick Wallace**

The information that Deputy Daly asked gardaí to contact a person who was subsequently identified as Deputy Mick Wallace is not contained within Deputy Daly's hand-written custody record, nor is it contained within the PULSE record of her arrest.

The only written record of the involvement of Deputy Mick Wallace is contained in an email sent by a sergeant at Kilmainham Garda Station to the Kevin Street District Office at 12:43 hours on 29 January. This email contained the details of the arrest, noting the people that Deputy Daly asked to be contacted, and states: *"Enquiries have since disclosed that the phone number given [...] is actually assigned to Mick Wallace, who is a TD for the Wexford constituency."*

The sergeant confirmed to GSOC that he commenced duty at 07:00 hours on the morning of 29 January, at which time he was informed of the arrest of Deputy Daly. He confirmed that he was also informed that Deputy Daly had asked for a person to be informed of her arrest who turned out to be Deputy Mick Wallace. He could not recall who told him this.

The sergeant stated that he had informed the District Superintendent of the arrest of Clare Daly on the morning of 29 January, although when he spoke to the Superintendent on the telephone he did not inform him about who Deputy Daly asked to be informed of her arrest.

He was later asked by the superintendent's clerk to provide a report regarding Deputy Daly's arrest. He contacted the superintendent, who confirmed the request. It should be noted that the Garda Code dictates that incidents which are likely to give rise to public interest or that are likely to attract significant media publicity are to be brought to the attention of the Assistant Commissioner, Crime and Security, once the basic facts are established and before they come to the notice of the media. The sergeant then compiled a report from the PULSE print of the incident and the custody record. He stated that he also spoke with the arresting garda to confirm some of the details.

GSOC has traced the forwarding of the sergeant's email. It was directly forwarded to 57 people. The circulation extended as far as the Garda Commissioner's office on 29 January 2013. The email was not directly forwarded to an external email address, but there is no way of knowing whether the email was printed and circulated or if the nature of the information was not disclosed onwards through another means.

It is apparent that the fact that Deputy Daly had been arrested, and the circumstances of the arrest, would have been widely known within the Garda Síochána before the Six One news that evening. The sergeant who authored the email confirmed that the arrest of Deputy Daly would have been common knowledge within Kilmainham Garda Station by around lunchtime that day.

Prior to the Six One news on 29 January, there were 87 different people within the Garda Síochána (civilian or police) who either potentially had direct knowledge of the arrest of Deputy Clare Daly, as they either directly accessed records relating to her on PULSE, had received (but not necessarily opened) an email with the PULSE report attached, and/or had received (but not necessarily opened) an email from the sergeant from Kilmainham. By the end of the day, this was 145 people.

It is reasonable to conclude that other gardaí would have been informed by word-of-mouth. The role of Deputy Mick Wallace was not contained on PULSE, and would only have been available to those who either had found out the information from gardaí at Kilmainham, or had access to the sergeant's email, or were informed of the content of that email.

Deputies Daly and Wallace each knew that Deputy Daly had tried to have Deputy Wallace contacted whilst she was in custody. The person whose house Deputy Daly had been at on the evening of 28 January met with Deputy Daly following her release and took her to Kilmainham to collect her car. Deputy Daly is unsure as to whether she discussed Deputy Wallace's role with this person. She has stated that there would have been no reason not to have told him, but speculated she may have told him only after the Irish Daily Mail journalist had revealed his knowledge of the call to Deputy Wallace. All three deny telling any other persons about the arrest or about the role of Deputy Wallace.

### **The first contacts from the Irish Daily Mail on 29 January 2013**

Deputy Daly stated that she received a text from a journalist from the Irish Daily Mail at 18:22 hours, asking her to ring him about the *"hot whiskey episode"*. No mention was made of Deputy Wallace.

Deputy Daly then stated that at 21:40 hours, she had a missed call from the Irish Daily Mail journalist. She then received a text from him, asking her to ring him. She then received another text from the journalist, stating: *"Understand you rang Mick Wallace TD on your allowed phone call by Gardaí. Why was that?"*

Deputy Wallace has stated that he received two texts from the same Irish Daily Mail journalist, the first of which was timed at 19:45 hours and said *"Sympathy for Clare?"* He then received a text at 21:43 hours which stated: *"Understand Clare Daly rang you Mick on her allowed phone call by Gardaí. Why was that? Did you collect her?"*

Although the journalist wrote a story in the Irish Daily Mail, which was published on 30 January 2013, this story did not make reference to Deputy Daly asking for Deputy Wallace to be contacted whilst she was in custody. The journalist did not publish this information until 2 February 2013. However it is clear that he had the information by 21:40 hours or thereabouts on 29 January. The RTÉ story made no mention of Deputy Wallace's role. In his initial contacts to the two Deputies, he does not make reference to the role of Deputy Wallace. He may not have had this bit of information when he first contacted Deputies Daly and Wallace.

In the published article, the journalist makes reference to having received the information about the call to Deputy Wallace from a "Garda source".

Enquiries revealed that the Irish Daily Mail journalist was in contact with a telephone number registered to a Detective Garda. This number was the Detective Garda's personal mobile.

### **The Detective Garda in contact with the journalist from the Irish Daily Mail**

The Detective Garda became of interest to GSOC when Twitter records were searched on the Internet, in an attempt to verify the Irish Daily Mail journalist's claim that the story of the arrest first broke on Twitter.

The research revealed that on 29 January 2013, two tweets were sent from a particular Twitter account to Deputy Daly's Twitter account @ClareDalyTD.

Open source research indicated that this account had links with two groups which relate to the Garda Síochána (@GardaCuts and @Un Parodí Síochána.) Further open source research revealed that on 14 February 2013 the Twitter user accessed and used a particular fitness website. This resulted in a tweet detailing a bike trip he completed. The tweet included a link which, when clicked,

linked directly to the fitness website. The Detective Garda's full name and date of birth were published on the website.

- The first tweet from this Twitter account to @ClareDalyTD appeared at 19:00 hours on 29 of January 2013 and states: "*@ClareDalyTD Are you DRIVING to the meeting ???*"
- The second tweet is timed at 19:09 hours on the same date, and states: "*@ClareDalyTD How big was the hot whiskey ? Boiling a bottle of Jameson & swallowing it doesn't count as 1.*"

These two tweets were sent after Deputy Daly appeared on the Six One news. The sender of the tweets clearly indicates that he was aware of the arrest of Deputy Daly, as Deputy Daly's statement to the press indicated that she had drunk a hot whiskey on an empty stomach before she was stopped by Gardaí and subsequently arrested.

- On 30 January 2013, another tweet from the Detective Garda's Twitter account was sent to Deputy Daly's account, at 07:47 hours. This tweet states: "*@ClareDalyTD Hilarious – a media hungry attention seeking savage complaining about information being given to the media hilarious*".
- A further tweet was sent from the Detective Garda's Twitter account to Deputy Daly on 7th February 2013. This tweet states: "*@ClareDalyTD Probably a bit too late night or in the night to expect certain TD's to be sober at this late hour*".

### **Contacts between the Detective Garda and the journalist from the Irish Daily Mail, and between the Detective Garda and other members of the Garda Síochána**

Open source research established that a personal link exists between the Detective Garda and the Irish Daily Mail journalist. Media reports in January 2016 also alluded to the personal relationship between the journalist and the Detective Garda.

However, the contacts between the Detective Garda and this journalist on 29 January 2013 aroused suspicion. GSOC carried out a number of other enquiries which also caused the Detective Garda to fall under suspicion. The Ombudsman Commission considered, but ultimately decided not to, seek a search warrant in relation to the Detective Garda. He was notified of the investigation and requested to attend a cautioned interview at the GSOC offices, which he did, in the company of his solicitor.

### **Cautioned interview of the Detective Garda**

During the cautioned interview, the Detective Garda confirmed that he knew the journalist from the Irish Daily Mail in a private capacity, corroborating the information obtained by GSOC through open source research. He described the journalist as a friend.

He accepted that he was the holder of the Twitter account described above. When asked if he posted any tweets regarding the arrest of Clare Daly he replied "possibly". When the specific tweets outlined above were put to him, he stated that he could not recall sending these tweets to Deputy Daly's Twitter account. When asked if his Twitter account was secure, he replied that a Twitter account can easily be hacked or accessed from other devices.

He confirmed that he was aware of the arrest of Deputy Daly on 29 January 2013, but stated he found out about it on the news. He also confirmed that he was aware of the role of Deputy Wallace, but said he didn't know it on 29 January. He stated that he became aware of this through "open source media". GSOC Designated Officers have conducted open source research on the Internet to

see if this could be verified, but could find no trace of this. It may be the case that the information is contained within private sections of websites, or has been removed from the Internet.

The Detective Garda denied that he provided any information regarding the arrest of Deputy Daly to the Irish Daily Mail journalist. He also stated: "I have never provided any information to any journalist gleaned by me in the course of my duties".

He was asked if he was willing to give GSOC the mobile phone device which he was using on 29 January 2013. He said that he would make efforts to find it and would hand it over. In a letter received some time later, the Detective Garda's solicitor informed GSOC that the Detective Garda was no longer in possession of the relevant mobile phone. The letter stated that the Detective Garda did not have any data back-ups from that device on any of his current computer devices.

Following the cautioned interview, the GSOC senior investigator attempted to access the Twitter account and messages described above and noted that the profile could no longer be found. It appeared to have been deleted.

Following the interview, GSOC made contact with the journalist from the Irish Daily Mail. The journalist stated that GSOC was "barking up the wrong tree". He would not reveal his source, however did not disavow the information contained in his article of 2 February 2013, which stated that the information came from a "Garda source".

### **Circle of knowledge of role of Deputy Wallace**

One hundred people would have had direct knowledge on 29 January of the arrest of Deputy Daly, either by checking PULSE, or having received an email with the PULSE print. It is highly likely that the true number of persons who would have been aware of the content of the PULSE print is higher. The PULSE record does not, however, contain any mention of the role of Deputy Wallace.

- The role of Deputy Wallace would have been known to the Garda Gaoler at Kilmainham, and also potentially to any other Gardaí at Kilmainham who may have been on duty. It is clear that the arrest of Deputy Daly was a topic of conversation at the station and that it was common knowledge within the station by lunchtime. It is reasonable to conclude that at least some gardaí at the station would have been aware that Deputy Daly had asked for Deputy Wallace's mobile number to be contacted and informed of her arrest. It is not possible to state with any level of certainty how many gardaí would have been informed of this by word-of-mouth.
- As detailed earlier in this report, a sergeant from Kilmainham Garda Station sent an email to the District Office at Kevin Street, at 12:43 hours on 29 January 2013. This email contained the details of the arrest, noting the people that Deputy Daly asked to be contacted, and states: "*Enquiries have since disclosed that the phone number given [...] is actually assigned to Mick Wallace, who is a TD for the Wexford constituency*". This email was cc'd to an inspector. It was also forwarded to a number of people and email address groups. These email groups included the Pearse Street Divisional Office, the Garda Commissioner's Office, the Commissioner Ops Department (Deputy Commissioner Operations), the Assistant Commissioner DMR's (Dublin Metropolitan Region) office, and the Divisional Office for "Liaison and Protection". (Liaison and Protection is part of Crime and Security.) Altogether, 58 persons (including the sender) could have direct knowledge of the email, either having sent it or having it sent to them. It is not possible to know whether any of the persons within

the “circle of knowledge” informed any other persons by telephone, word of mouth, or through any other means.

It has not been possible to place the Detective Garda as a direct recipient of this information.

### **Conclusion**

At the conclusion of the investigation, the Ombudsman Commission considered that there was insufficient evidence to send a file to the Office of the Director of Public Prosecutions. Similarly, it came to the conclusion that there was insufficient evidence to warrant further investigation of the Detective Garda by GSOC.

It is possible, of course, that the Deputies, or the person whose home Deputy Daly was at on the evening of 28 January 2013, may have inadvertently disclosed this information to someone who then informed the media.

However, when one looks at all the circumstances, particularly considering that the journalist from the Irish Daily Mail has stated that the information came from a Garda source, while it is not possible to state that this information was released by a particular Garda or any other identifiable person, there does appear to be sufficient evidence to state, on the balance of probabilities, that some of the specifics of Deputy Daly’s arrest emanated from within the Garda Síochána organisation and ended up in the hands of the media in an unauthorised manner.

The Ombudsman Commission is of the view that it is difficult to imagine any set of circumstances where Deputies Wallace and Daly would have wished for this information to be known by others. It is also of the view that Deputy Daly was entitled to the presumption of innocence and both Deputies Daly and Wallace had a right to privacy. These rights appear to have been infringed by the release of such information.