

**A report by the Inspector of Prisons
Judge Michael Reilly into the circumstances
surrounding the death of Prisoner K
on 10th September 2012
while on temporary release**

***Please note that names have been removed to anonymise this Report**

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**A report by the Inspector of Prisons Judge Michael Reilly
into the circumstances surrounding the death of Prisoner K
on 10th September 2012 while on temporary release**

Presented to the Minister for Justice and Equality pursuant to
Part 5 of the Prisons Act 2007

Judge Michael Reilly
Inspector of Prisons

14th February 2014

Preface

Prisoner K was a 27 year old single man when he died while on temporary release from the Midlands Prison on 10th September 2012.

I offer my sincere condolences to the deceased's family. As part of my investigation an official from my office met with the family and I have responded, in this Report, to questions and issues raised by them.

There are matters of concern disclosed in this Report (paragraph 39).

I would like to point out that names have been removed to anonymise this Report.

Judge Michael Reilly

Inspector of Prisons

14th February 2014

Inspector of Prisons Investigation Report

General Information

1. The deceased was a 27 year old unmarried man. He is survived by one child, his parents and siblings. He came from the Dublin area. He was committed to prison on 27th October 2009. His release date was to be 20th April 2013.
2. The deceased was initially committed to Castlerea Prison. He was transferred to Mountjoy Prison and then to the Midlands Prison on 3rd September 2010.
3. According to the medical records the deceased disclosed that he had a significant drug problem which dated from his early teenage years.
4. I had unrestricted access to all parts of the prison, to all records including medical records held in the prison, to prison staff and to prisoners.

Sequence of events leading to the deceased's release on Temporary Release

5. The deceased was a well behaved prisoner. He was described as a hard worker and was employed as a cleaner in the prisons he was accommodated in. He was a good attendee at the prisons' schools. He was well regarded by both staff and fellow prisoners.
6. The deceased's case was discussed at review meetings on 5 separate occasions. These meetings were held on 9th March 2010 (Mountjoy Prison), 26th May 2011 (Midlands Prison), 6th October 2011 (The Training Unit), 8th December 2011 (Midlands Prison) and 23rd February 2012 (Midlands Prison).
7. The purpose of the meetings referred to in paragraph 6 was to, *inter alia*, consider the suitability of the prisoner for temporary release.
8. At the review meeting held in the Training Unit on 6th October 2011 the deceased was referred to the Probation Service for assessment for the Community Return Programme. However, the deceased was returned to the

Midlands Prison on 26th October 2011 having tested positive for an illegal substance.

9. On 14th November 2011 the deceased applied for a transfer to Shelton Abbey Open Centre. A decision on this application was deferred to the review meeting to be held on 8th December 2011 in the Midlands Prison.
10. On 8th December 2011 the deceased's case was again discussed at the review meeting but no conclusion was reached on either his application for a transfer to Shelton Abbey or on his possible release on temporary release. It was decided to defer his case to a subsequent date.
11. At the review meeting on 23rd February 2012 the deceased was again referred to the Probation Service for assessment for the Community Return Programme. The outcome of this assessment, which was received by the Irish Prison Service from the Probation Service on 8th March 2012, was that the deceased was deemed a suitable candidate to participate in the Community Return Programme, that the relevant supports were in place and that the deceased, knowing the conditions for his release, was anxious to participate in the Community Return Programme.
12. On 12th March 2012 the Irish Prison Service contacted the Governor of the Midlands Prison confirming approval for weekly reviewable temporary release from the Midlands Prison with effect from 26th March 2012 in order that the deceased could participate in the Community Return Programme. This programme was for a period of 26 weeks working 3 days per week unpaid.
13. Between 12th March and 26th March 2012 appropriate arrangements were made by the Probation Service for the deceased's participation in the Community Return Programme.
14. On 26th March 2012 the deceased was granted weekly reviewable temporary release. The conditions of his release included, *inter alia*, to keep the peace, to be of sober habits, to reside at his family home, to report to his local Garda

Station daily and to report to the Midlands Prison on a weekly basis. He was also obliged to report to the relevant Probation Service Headquarters Office at 11.00am on 28th March 2012.

15. The deceased did report to the Probation Service Headquarters Office on 28th March 2012 where he was given details of all aspects of the Community Return Programme. It is recorded that the deceased understood such requirements.
16. On 19th April 2012 the deceased was transferred, on paper only, to Mountjoy Prison for the purpose of signing on.
17. I have been informed that positive reports were consistently provided by the Project Supervisor of the Community Return Programme indicating that the deceased was complying, in all respects, with his obligations under the programme. Reports from An Garda Síochána state that the deceased signed on daily at his local Garda Station in accordance with the terms of his temporary release. Reports from the prisons confirm that the deceased signed on weekly in accordance with the terms of his temporary release.
18. In the early hours of 10th September 2012 the deceased was found dead in a car outside his house. The cause of death is a matter for an Inquest, however, the suspected cause of death was drug toxicity.

Meeting with the Family

19. An official from my office met with a number of the deceased's family at their home. They informed her that the deceased was a vulnerable person and had received psychiatric care for approximately five years before he was imprisoned. They stated that he had received inpatient treatment in a hospital in the Dublin area and that he was on medication before he went into prison but that he often told them that the medication had been taken from him by other prisoners.

20. The deceased's mother informed my official that she tried, on numerous occasions, to explain to staff in both Mountjoy Prison and the Midlands Prison the circumstances surrounding the deceased's mental health problems. She stated that she just wanted somebody to talk to him. As far as she and the family were concerned he received no help while in prison.
21. The family stated that once the deceased started the Community Return Programme he went "downhill". They stated that on a few occasions he came back from the Community Return Programme "high".
22. The family's concerns can be summarised as follow:-
 - (a) What help was given to the deceased while he was in prison?
 - (b) What services were made available to him while he was in prison?
 - (c) Why people are not tested for drugs while on the Community Return Programme?

Review of Records

23. I reviewed the deceased's prison file and in particular his medical file. It is clear from the medical file that the deceased had considerable contact with outside psychiatric agencies prior to his committal to prison and with the medical personnel while in prison.
24. The medical records are not comprehensive in that while there are many references made to the deceased wishing to see a psychiatrist or medical personnel there is little documentary evidence to show that appointments were made with the psychiatrist and, if made, were kept by the deceased.
25. It is clear from the records that the review meetings referred to in paragraph 6 were attended by all relevant personnel in the prison and were comprehensive.

Addressing the concerns of the family

26. In paragraph 22, I set out certain questions that the family wanted answers to.
27. It is completely understandable that, in a case such as this, the family of a prisoner, who had mental health issues allied to drug dependency issues would ask what help had been given to such person while in prison to deal with such issues.
28. I have carefully considered whether such concerns should be investigated by me. The purpose of this Report, in the context of the temporary release of the deceased to *inter alia* participate in the Community Return Programme, is to investigate whether the actions or non actions of the Irish Prison Service or the management of any prison, in particular the Midlands Prison, could have either contributed directly or indirectly to the death of the deceased or by acts or omissions created circumstances which might have contributed to his death.
29. In applying the criteria set out in paragraph 28, I have concluded that an investigation into all aspects of the care of the deceased from the date of his committal to the date of his release could not add to or further inform my findings as set out in paragraphs 32 to 39.
30. Therefore while numbers of issues raised by the family – particularly, the help given to the deceased while in prison and the services available to the deceased while in prison are understandable issues of concern they are not addressed in this Report for the reasons already referred to.
31. I accept that while the deceased’s family disclosed that on occasions the deceased would come back from the Community Return Programme “high” this information was not relayed to the Probation Service or the Irish Prison Service. In view of the positive reports from the stakeholders in the Community Return Programme circumstances did not present themselves which should have prompted drug testing of the deceased.

Findings

32. While in prison the deceased was a well behaved hardworking prisoner who was gainfully employed as a cleaner in the prisons he was accommodated in. His school attendance record was good.
33. The deceased was well thought of by both prison officers and his fellow prisoners.
34. The review meetings referred to in paragraph 6 were thorough and comprehensive and addressed all relevant aspects surrounding the proposed temporary release of the deceased to participate in the Community Return Programme.
35. The decision by the Irish Prison Service to authorise the weekly reviewable temporary release of the deceased on 12th March 2012 followed appropriate assessments by the Probation Service and others and was a reasonable response.
36. The deceased was aware of the terms of his weekly reviewable temporary release. He participated in the Community Return Programme to the satisfaction of the Project Supervisor. He signed on at his local Garda Station and at the prisons.
37. The deceased complied in all respects with the terms of his weekly reviewable temporary release.
38. The concerns of the family referred to in paragraph 21 and 22(c) were not communicated to the Irish Prison Service, the Probation Service or any other relevant authority.
39. It is not possible to determine from the medical file whether the psychiatry services were provided to or availed of by the deceased.

Recommendations

- (1) Records must confirm the medical and therapeutic treatment and advice offered to and availed of by all prisoners whether provided within the prison or otherwise. Where appointments are made and not kept or availed of the record should contain appropriate explanations.

- (2) In circumstances where a prisoner with a known drug taking history, is released on temporary release to participate in a Community Return Programme or otherwise consideration should be given to providing, as a condition of such temporary release, that the prisoner might be subject to random drug testing during the currency of such temporary release. The results of such random testing should be relevant factors to be taken into consideration.