

**A report by the
Office of the Inspector of Prisons into the
circumstances surrounding the death of
Prisoner B on 3 January 2017
in the Mater Hospital
while in the custody of Mountjoy Prison**

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

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Office Ref: 2017/B

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circumstances surrounding the death of Prisoner B
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while in the custody of Mountjoy Prison.**

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

Helen Casey
Office of the Inspector of Prisons

30 November 2017

Preface

The deceased was a 24 year old man who died on 3 January 2017 in the Mater Hospital while in the custody of the Irish Prison Service.

I offer my sincere condolences to the family of the deceased.

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

Helen Casey

Office of the Inspector of Prisons

30 November 2017

Inspector of Prisons Investigation Report

General Information

1. The deceased was a 24 year old single man at the time of his death.
2. He was a Lithuanian National who resided in the Leinster area for a number of years.
3. He is survived by his mother and extended family.
4. The deceased was committed to Mountjoy Prison on 23 June 2016 with a remission date of 22 June 2017.
5. The deceased transferred to Wheatfield Place of Detention (hereunder referred to as Wheatfield) on 28 June 2016. He remained there until 4 December 2016 when he transferred back to Mountjoy Prison.
6. On 27 December 2016 the deceased was moved to Mountjoy West, which is part of the Mountjoy Prison Campus.
7. The deceased was found unresponsive in his cell, Cell 23 on D3 landing, Mountjoy West on 30 December 2016, with a ligature around his neck.
8. The deceased was removed to the Mater Hospital where he was placed on life support. He did not regain consciousness and was pronounced dead on 3 January 2017.
9. As part of the investigation I visited Mountjoy Prison where I enquired into the circumstances surrounding the death of the deceased. I visited his cell and had access to all relevant prison records and to staff. I subsequently examined relevant CCTV footage.
10. We met with the deceased's next of kin and friends at an early stage of this investigation.

Meeting with next of Kin

11. We met with the deceased's mother and girlfriend separately at an early stage in the investigation to explain our role and to ascertain if they had concerns which they wished to have addressed. I endeavour to respond to their concerns in this Report.
12. I was informed that the deceased was residing in Ireland for approximately 10 years and lived in the Leinster area with his mother and that he had a good command of English. They stated he was a good worker who was employed at the time of his committal to prison.
13. The deceased's mother said her son got on well with people. She told me the deceased was in Wheatfield prior to transferring to Mountjoy and said he got on well in Wheatfield where he worked in the kitchens. However, both the deceased's mother and girlfriend said he became unhappy and fearful in November 2016. The deceased had told them that he felt threatened and was seeking a transfer to another prison.
14. When the deceased transferred to Mountjoy, his mother and girlfriend stated that he was unhappy there also and was afraid he would be attacked. They did not know by whom, or why. They both stated that the deceased had informed them that he had been attacked in the prison yard in or around 21 December 2016 and he hoped to transfer to a different prison or get early release.
15. The deceased's mother stated that she had been told by her son that he was depressed and was finding it very difficult to get an appointment with the Doctor. His mother told me that she advised her son to "*tell the Governor*".
16. Both the deceased's mother and girlfriend told me that the deceased was afraid of 'prison Guards'. They informed me that the deceased had scratched a message on his arm which read "*Prizan killed me*" they saw this when he was in the hospital on life support.

17. They asked me to investigate the following:-
- (i) What happened to make the deceased so afraid while in prison?
 - (ii) Was he threatened by prisoners or officers?
 - (iii) Where is his mobile phone and wallet? These were not returned with his property.
 - (iv) Was the deceased assaulted in the yard in Mountjoy Prison in or around 21 December 2016?
 - (v) If so, who assaulted him?

Status and Placements in Prison

18. The deceased was committed to Mountjoy Prison on 23 June 2016. He was transferred to Wheatfield on 28 June 2016.
19. While in Wheatfield the deceased was selected to work in the prison kitchen and the Officer's Mess, sought after positions in all prisons. Records show he was a good worker and earned placement on the Enhanced level of the Incentivised Regime.
20. The deceased appeared quite content in Wheatfield, however after about five months he requested a transfer. According to Prison records the deceased told Prison Management that his mother had difficulty visiting him in Wheatfield and it would be much easier for her to visit if he was in Mountjoy Prison.
21. In response to his request, the deceased was transferred to Mountjoy Prison on 4 December 2016. On 5 December 2016 he was placed in cell 10 on A1 landing. This was an ordinary landing where the deceased could associate freely with other prisoners.
22. Records viewed show the deceased requested protection and was facilitated by prison personnel and moved accordingly. I expand further on this in paragraphs 30, 31 and 32.

Engagement with Medical Services

23. I viewed the medical records of the deceased from his date of committal to the date of his death. During that time he attended for medical and dental services on more than ten occasions.
24. Doctor A, examined the deceased following Committal to Mountjoy Prison on 24 June 2016 and recorded that the deceased stated he had a cough for approximately one year. A chest x-ray was arranged for the following week.
25. Upon transfer to Wheatfield, the deceased was seen by Doctor B on 29 June 2016 who also recorded that the deceased complained of a cough.
26. The records show that the deceased continued to be seen by medical staff for minor ailments not relevant to this investigation.
27. The deceased had no engagement with the Psychiatric or Psychology Services while in custody.

Deceased's requests for Protection and Transfer

28. The family stated that the deceased informed them he was assaulted in the yard of Mountjoy Prison in or around 21 December 2016.
29. We interviewed prisoners, made enquiries from the Chief Officer and viewed CCTV footage but no evidence of the alleged incident was found. There is no prison record of any incident occurring or having been reported.
30. Records show that he sought protection on 21 December 2016 but did not state from whom he sought this protection.
31. On 21 December 2016 ACO A spoke with the deceased on A1 landing, Mountjoy who told him that "*prisoners were saying lies about (me) on the landing*" and "*calling him a rat*". ACO A states the deceased also told him he felt he was "*going to be stabbed on the landing*" and when asked by whom, he replied "*other prisoners*" but would not name them. ACO A locked the

deceased back into his cell until he could arrange another cell on a protection landing. By 19:00 hours ACO A had removed the deceased from A landing to D Base Protection in Mountjoy Prison.

32. ACO B reports he spoke with the deceased on his arrival from A division to D Base. ACO B said the deceased “*claimed to have been bullied on the division and didn’t feel safe there anymore*”. ACO B said the deceased “*refused to name names when asked who he was fighting with*”. He told ACO B that he “*felt unsafe in the main prison, Mountjoy*”.
33. Following his requested move to a protection landing, the deceased then requested another transfer - back to Wheatfield.
34. On 22 December 2016 the Chief Officer in Mountjoy sent a request to the Chief Officer in Wheatfield seeking a transfer for the deceased back to Wheatfield as, according to records, the deceased could be placed on an ordinary landing in Wheatfield.
35. Records show that the transfer back to Wheatfield was authorised by Irish Prison Service Headquarters but the transfer could not be executed prior to Christmas.
36. On 27 December 2016 the deceased was moved from D Base in Mountjoy Prison to Mountjoy West and placed in Cell 23, a single cell, on D3 landing. This was also a protection landing and the deceased was placed with a protection group of his choosing with whom he freely associated during out of cell times.
37. On the night of 28 December 2016 Officer A was Night Guard in charge of D landing. She was “*patrolling the landing and checking inmates at approx. 2am*” when she looked into cell 23 and saw the deceased “*sitting fully clothed on the bed with his head in his hands*”. Officer A said she asked the deceased if he was ok and “*he replied nohe was being intimidated by others*” but did not say who. Officer A said she talked to the deceased and encouraged

him to get some sleep and in the morning to talk to the Class Officer. Officer A *“reported this to ACO C”* and *“throughout the night, checked the deceased on a regular basis (and), on each occasion he was asleep in his bed”*.

38. ACO C corroborated Officer A’s statement and recorded the details in the appropriate ACO Journal.
39. There is no record of the deceased raising any further issues with officers or management of the Irish Prison Service until the morning of 30 December 2016 when ACO D reports that while in charge of D Division she spoke with the deceased who requested a transfer to the Midlands Prison and requested to see the Governor. Records confirm the deceased was facilitated in meeting the Governor on Parade that same day. Later that afternoon he was permitted to make a telephone call.
40. Chief Officer A and Assistant Governor A met with the deceased at Governor’s Parade on 30 December 2016 where the deceased requested a transfer to the Training Unit. Assistant Governor A explained to the deceased that *“they would not be in a position to look at this request”* until after the Christmas period and advised the deceased to make an appointment to meet the Governor on duty on the following Tuesday, 3 January 2017. Assistant Governor A states the deceased agreed to this. Chief Officer A stated he *“did not note any outward signs that (the deceased) was under threat in the group he was in”*.

Record of Telephone calls

41. The deceased was permitted two telephone calls per day, which he availed of. As part of the investigation, we read the transcripts of the last 30 telephone call made by the deceased which were to his mother, girlfriend and friend.
42. On 30 December 2016, the deceased made his two telephone calls, the first to his girlfriend at 11:04 and the second call was made at 15:30 to his friend.

43. Before and after the two telephone calls, the deceased is seen on CCTV footage interacting with other prisoners on his landing. He can be seen collecting his shop order and then returning to his cell.
44. While the deceased did disclose fears for his personal safety during a number of these telephone conversations he did not name any prisoner(s) and/ or Prison Officer(s) whom he feared. He told those he spoke to that “*Someone is spreading lies about me. It’s like they want to kill me here*”.

CCTV

45. The following CCTV footage of 30 December 2016, which I have viewed, is relevant to this investigation:-

19:31:35 Officer master locks all cells for the night. Officer is seen on CCTV footage lifting the viewing flap and looking into the cell.

20:48:50 Officer is seen carrying out checks. He goes to Cell 23, lifts the viewing flap and looks in briefly before moving to other cells.

22:10:56 Officer goes to Cell 23, lifts the viewing flap and looks into the cell. The officer can be seen immediately using his Tetra radio, while turning away from the cell.

22:11:45 Four officers run to cell 23 and enter the cell.

22:12:42 A Medical Officer enters Cell 23 carrying emergency equipment.

22:22:58 Paramedics from the Ambulance Service arrive at Cell 23 and assist with CPR.

22:28:30 The paramedics remove the deceased from his cell and carry him to the Ambulance.

46. He is taken to the Mater Hospital where he was treated and placed on life support.

47. The deceased remained on life support until 3 January 2017, when, at 21:33 his death was pronounced.

Property of the deceased

48. I contacted Mountjoy Prison Management regarding the personal property of the deceased, which the next of kin stated was not returned to them with his belongings. In seeking details of the deceased's possessions on committal, I requested "*a copy of the PIMS Records and/or Journal entries showing the property the deceased*

(i) had on committal;

(ii) that which was transferred with him to Wheatfield;

(iii) returned with him to Mountjoy when he transferred back; and

(iv) the list of property returned to the next of kin".

In reply, I received a copy of the property Journal where items of clothing in the possession of the deceased on committal was recorded. As there was no reference to the alleged missing property I sought further clarification as to whether other property such as a mobile phone or wallet were in the possession of the deceased on committal. A wallet and phone, property of the deceased, were subsequently located in Wheatfield prison. I received no Journal or PIMS record of these items as having been recorded on committal. However, I did obtain a PIMS 'Receipt for property checked out' showing the date these items were checked out of Wheatfield as 7 July 2017. The *Property Type*" field in the PIMS printout describes the items of property as a "*Mobile Phone and Wallet*". The "*Property Description*" field was blank.

Addressing Concerns of the next of kin

49. I respond to the concerns of the next of kin in the same sequence as outlined at paragraph 17:-

(i) My investigation has found nothing to explain why the deceased was afraid for his safety. I refer to this in paragraphs 29 to 44.

(ii) Having examined all relevant records I can find no evidence of any particular threats from any prisoners and/or officers. The deceased informed prison staff that he was afraid that other prisoners would stab him but did not

name whom he was afraid of. I could not find any evidence to corroborate the deceased's allegations that he was threatened.

(iii) This is addressed in paragraphs 48.

(iv) I could find no evidence to substantiate that the deceased was assaulted in Mountjoy Prison exercise yard. This is addressed in paragraph 29.

(v) My response at (iv) refers.

Findings

50. The deceased was a well-behaved prisoner who was described as a good worker when employed in the kitchen in Wheatfield.
51. At his own request, the deceased was transferred to Mountjoy prison on 4 December 2016.
52. He attended medical and dental services on more than ten occasions. There is nothing on record to suggest that he gave the Healthcare team any indication of suicidal tendencies or that he was suffering from depression.
53. The deceased told some prison staff that he had a fear of being assaulted by other prisoners but would not identify whom he feared.
54. At his own request, the deceased was placed on protection in Mountjoy Prison on 21 December 2016 and moved to D Base, a protection landing.
55. The entry in relation to the above move on the Prison Information Management system (PIMS) shows the move as having occurred on 23 December 2016 while the Journal entry records the deceased as having been placed on protection in D Base on 21 December 2016. Local Prison management has confirmed that the manual Journal record is correct.

56. The deceased's mobile phone and wallet were not transferred to Mountjoy prison following the deceased transfer. This property was only located following my enquiries.
57. There was no record produced detailing the property, other than clothing, in the possession of the deceased on committal to Mountjoy prison. The PIMS printout received from Wheatfield prison confirmed that the deceased had a mobile phone and wallet but the 'Property Description' column was not completed.
58. The deceased was alone in a single cell on D3 landing in Mountjoy West when found unresponsive with a ligature around his neck.
59. Both operational and medical staff responded promptly to the deceased when found.
60. The cause of death is a matter for the Coroner.

Recommendations

1. This Report highlights the lack of robust records on the property retained by the Irish Prison Service. The safe custody of prisoner's personal property is a matter that must be addressed by management of the Irish Prison Service. A robust tracking system must be introduced to account accurately for property the prisoners are not allowed to retain under the Prison Rules. This tracking system should be linked to the prisoner's custody file so that - upon release or in the event of a death in custody - all property is returned safely and in a timely fashion to the deceased or the next of kin.
2. Irish Prison Service Management must ensure that there is a section in the Property Journal to record details of all personal property in the possession of a prisoner on committal and not just his/her clothing. Prison management must ensure that immediate steps are taken to ensure that the Prison Information Management System (PIMS) is heretofore fully and accurately completed ensuring that the 'Property Description' field contains identifying

details such as; make, model, serial number and condition of prisoners personal property.

3. Movement of prisoners should be recorded accurately on PIMS (with PIMS and Journal entries corresponding) in order that any authorised person can track such movements. Previous Reports from this Office have highlighted inaccuracies in records keeping. Immediate steps must be taken by Irish Prison Service management to remedy deficiencies in this area.