

**A report by the Inspector of Prisons
Judge Michael Reilly into the circumstances
surrounding the death of Prisoner G
on 5th August 2014
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 G
on 5th August 2014 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

11th February 2015

Preface

The deceased was a 30 year old man at the date of his death.

He is survived by his mother and extended family.

As part of my investigation I met with the deceased's mother and other members of his extended family. I wish to express my sincere condolences to them on the sad death of the deceased.

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

Judge Michael Reilly

Inspector of Prisons

11th February 2015

Inspector of Prisons Investigation Report

General Information

1. The deceased was a 30 year old man from the Munster area. He is survived by his mother and extended family.
2. The deceased was committed to Limerick Prison on 11th October 2012. His release date was to be 11th August 2014.
3. The deceased had a significant history of substance misuse.
4. The deceased was released on reviewable temporary release on 27th January 2014 as part of the Community Return Scheme. He did not abide by the terms of his temporary release and was returned to Limerick Prison by members of An Garda Síochána on 17th June 2014. He was again granted temporary release on 23rd July 2014.
5. The remains of the deceased were discovered by members of An Garda Síochána on 5th August 2014 in a secluded open area of his home town.
6. I met with the mother and members of the deceased's extended family. They expressed certain concerns. I have endeavoured, in this report, to address such concerns.

Meeting with the deceased's mother and other family members.

7. I met with the deceased's mother, his sister and his aunt.
8. They explained to me that the deceased had been in prison on numerous occasions prior to his last imprisonment.
9. They stated that he had been using hash since the age of 14 and that sometime thereafter he started using heroin.

10. The family explained that the deceased was also addicted to “*prescription*” drugs and that in addition to his weekly supply of such drugs he would buy others on the black market. They also explained that he would “*take anything that he could get his hands on*”. He had been on methadone but only for a short period of time.
11. The family informed me that on occasions the deceased would go for counselling but only if he thought this would be of benefit in having him released from prison or such like.
12. Apart from one sentence of 18 months all of the deceased’s sentences were of short duration.
13. The family were aware that the deceased had been released on temporary release to engage in the Community Return Scheme on 27th January 2014. At that stage he was to reside with his girlfriend in the nearby town.
14. The deceased did not abide by the terms of his temporary release and was returned to Limerick Prison by members of An Garda Síochána on 17th June 2014.
15. Between 27th January 2014 and 17th June 2014 the family informed me that the deceased had, on two occasions, to be brought to the local General Hospital on suspicion of ingesting drugs. The family stated that they had been told that the deceased was sleeping rough and was consuming drugs and alcohol.
16. On 17th June 2014 the family stated that the deceased had been arrested for a suspected crime in his local town. As he was “*unlawfully at large*” he was returned to Limerick Prison on that date.

17. The family explained to me that in or around that time they wished to have the deceased committed to a psychiatric hospital but found that this was not possible.
18. The deceased's mother informed me that in or about the middle of July she was telephoned by a person from Limerick Prison who asked her if she would take in her son for a while until he "*got on this feet*". She was reluctant to take him in but stated that she would.
19. On 23rd July 2014 the deceased arrived at his mother's house having come straight from Limerick Prison. He remained at his mother's house for 2 nights and then disappeared for 2 or 3 days before coming back again. When he returned to his mother's house it was obvious from his demeanour and his physical condition that he had been taking drugs which she suspected were "*prescription drugs*" bought on the black market.
20. The deceased stayed with his mother until the Friday and that was the last she saw or heard of him.
21. The family explained to me that his remains had been found in the Church Yard of his local town which they described as "*an old haunt for heroin addicts*".
22. The family wished me to investigate the following:-
 - a. How long had the deceased been dead before he was found?
 - b. They had been told that there was blood on his face – had he been in a fight, suffered a fit or had a fall?
 - c. Why were members of the family not brought to identify him?
 - d. Why were they refused permission to see him after he had died? They stated that they only saw a closed coffin.

Deceased's engagement with medical/psychiatric/therapeutic services in prison

23. During his terms of imprisonment the deceased had little engagement with the psychology, psychiatric or therapeutic services while in prison to enable him deal with his addiction problems.
24. The deceased had brief contact with the prison psychology service during 2011 when he was serving a previous sentence of imprisonment.
25. He was seen by Doctor A, the Clinical Psychologist, in Limerick Prison on three occasions in March/April 2011. The deceased was having sleep difficulties at the time. However, he indicated that he was not interested in psychological intervention.
26. The deceased was also referred to the addiction services with a view to addressing his substance misuse issues but because of lack of engagement on his part this came to nothing.

Status of the deceased when in Prison

27. The deceased was an enhanced level prisoner and thus was not considered a serious security risk within the prison.
28. I was informed by the prison authorities that there were no disciplinary reports recorded against the deceased during his most recent incarceration.
29. The deceased was well thought of by prison officers and his fellow prisoners.
30. The deceased was employed as a cleaner in the prison.

Circumstances surrounding the release of the deceased on temporary release

31. The deceased was approved Reviewable Temporary Release to the Community Return Scheme on 15th January 2014. An appropriate assessment

was carried out. The deceased was to be released to the Community Return Scheme from 27th January 2014 for a period of 6 weeks to participate in the scheme.

32. On 27th January the deceased was granted temporary release to participate in the Community Return Scheme and to reside at a given address in the nearby town. The terms of his temporary release included:-

- a. To return to Limerick Prison on 4th February 2014 to sign on.
- b. To reside at a given address.
- c. To link in with the local substance misuse team.
- d. To report to the local Garda Station within 24 hours of release and daily thereafter to get the TR form stamped.
- e. To be of sober habits.
- f. To engage in two days unpaid work (Community Return Scheme) as directed by the Probation Service on Wednesdays and Saturdays.

33. The deceased abided by the conditions of his temporary release for a period of 2 weeks but on 18th February 2014 was declared “*unlawfully at large*” for failure to abide by the conditions of his temporary release, namely, his engagement in the Community Return Scheme.

34. The deceased remained “*unlawfully at large*” until he was returned to Limerick Prison by members of An Garda Síochána on 17th June 2014 as referred to earlier in this report.

35. On 23rd July 2014 there were 242 male prisoners in custody in Limerick Prison. This figure exceeded the capacity of Limerick Prison as certified by both the Irish Prison Service and my office. I was informed by the prison

authorities that no places were available in the Midlands Prison or Cork Prison to transfer prisoners to reduce this number.

36. I was informed that the deceased was one of a number of prisoners considered for release that day to reduce the overcrowding.
37. I was informed by the prison authorities that the following factors were considered by the prison management in reaching the decision to release the deceased:-
 - a. Overcrowding in Limerick Prison and lack of alternatives to reduce numbers.
 - b. The deceased had less than a month left to serve and prisoners very close to the end of their sentences were priorities.
 - c. It was noted that although he had breached the terms of his Temporary Release to the Community Return Scheme he had been granted periods of temporary release to his home address on previous sentences without any issues arising.
 - d. His mother had agreed that he could return home.
38. The terms of his temporary release included:-
 - a. To return to Limerick Prison on 29th July for the purpose of signing on.
 - b. To reside at his mother's address.
 - c. To report to his local Garda Station within 24 hours of his release and daily thereafter to get his TR forms stamped.
 - d. To be of sober habits.

39. The deceased did present at Limerick Prison on 29th July 2014 and was granted a further period of 7 days temporary release on the same terms.
40. The remains of the deceased were found on 5th August 2014 as referred to earlier in this report.

Circumstances surrounding the finding of the deceased

41. The remains of the deceased were found on 5th August 2014 by members of An Garda Síochána.
42. He was known to members of An Garda Síochána.
43. His body was in a state of decomposition as he had been dead for approximately 1 to 4 days. I understand there was no evidence of significant trauma marks on his body.

Addressing the concerns of the family

44. In paragraph 22, I set out the concerns of the family that they wished me to investigate.
45. I endeavour, in paragraph 46, to answer the reasonable questions posed by the family. I adopt the same numbering sequence as in paragraph 22.
46. (a) I understand the deceased had been dead for approximately 1 to 4 days before he was found. However, this matter will be explored in the Coroner's Court.

(b) While this is really a matter for the Coroner I understand that there was no evidence of significant trauma marks on the deceased's body.

(c) The deceased was known to a member of An Garda Síochána in his local town. This Garda identified the deceased. She did this in order to save the family further distress due to the decomposition of the body.

(d) I have been informed that the undertakers made a decision, based on the condition of the deceased's body, to keep the coffin closed to prevent further upset to members of the family. The undertakers have stated that they informed members of the deceased's family of this and that they were upset at first. I can understand that this would have had an impact on them but I consider that the actions of the undertakers were reasonable and considerate in all of the circumstances.

Findings

47. When the deceased was initially released on temporary release on 27th January 2014 an appropriate assessment had been carried out and he was released to the Community Return Scheme.
48. The deceased did not abide by the terms of his temporary release and was unlawfully at large from 18th February 2014 until 17th June 2014.
49. On 17th June 2014 the deceased was returned to Limerick Prison by members of An Garda Síochána.
50. On 23rd July 2014 the deceased was granted further reviewable temporary release.
51. A comprehensive assessment was not carried out on the deceased prior to his release on 23rd July 2014.
52. The remains of the deceased were found on 5th August 2014.
53. The deceased died of a suspected drug overdose but this matter will be explored by the Coroner at the Inquest.

Recommendation

A comprehensive assessment of all prisoners being released on temporary release must be undertaken prior to their release.