

**A report by the Office of the Inspector of
Prisons into the circumstances surrounding
the death of Prisoner H
on 16 May 2015 in Cork Prison**

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

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**A report by the Office of the Inspector of Prisons into the
circumstances surrounding the death of Prisoner H on 16
May 2015 in Cork Prison**

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

Helen Casey
Office of the Inspector of Prisons

28 April 2017

Preface

The deceased was a 41 year old man who died in Cork Prison on 16 May 2015.

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

Names have been removed to anonymise this Report.

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Inspector of Prisons Investigation Report

Introduction

1. The deceased was a 41 year old man who came from the Munster region. He is survived by his mother, children, brothers, sisters and extended family.
2. The deceased was committed to prison on 27 September 2011 with a remission date of 11 May 2016.
3. On the evening of 16 May 2015 the deceased was stabbed while working in the kitchen in Cork Prison. The deceased was pronounced dead at 18.15 hrs in the prison.
4. Prisoner A was sentenced to life imprisonment on 7 November 2016 for the killing of the deceased in Cork Prison.

Concerns of the family

5. At a meeting with the family of the deceased on 18 June, 2015 they raised the following concerns which they wished to have addressed: -
 - (a) How did this happen? We all know how he died but why did it happen? Had there been an argument with this man previously or was it something that just blew up on the day?
 - (b) How was the culprit cleared to work in the kitchen as a trustee when he was on remand and also had serious charges against him?
 - (c) Who approved the culprit to work in the prison kitchen?
 - (d) When was the last time a risk assessment was done – specifically for the kitchen?
 - (e) Why was there no CCTV in the Kitchen area of the prison?
 - (f) Why was the culprit with a high number of previous convictions held in a medium security prison and not a high security prison?

The family informed us that the deceased had regular telephone contact with them and telephoned his mother on an almost daily basis. We were informed

that his last visit from a family member was on 13 February 2015 when his sister visited. The family further stated that the deceased had gambling problems.

History of the deceased in Prison

6. The deceased was committed to prison on 27 September 2011. He was transferred from Cork Prison to Shelton Abbey on 7 February 2012. In April 2012 he was given temporary release to work on a local farm in the Munster area for several days a week returning to Shelton Abbey at weekends. On 3 December 2012 he received further sentences. The deceased was transferred back to Shelton Abbey on 23 December 2012 via Portlaoise Prison. On 15 April 2013 he was granted temporary release. A condition of this temporary release was that he worked on the farm in the Munster area from Monday to Saturday. On 3 October 2014 the deceased met the criteria to be released under the Community Return Scheme. He signed on in Cork Prison weekly. He engaged in two days work, unpaid, as directed by the Probation Service and reported to his local Garda station on the days he was not required to work. On 7 January 2015 the deceased was committed back to Cork Prison following a further Court appearance where he remained until the time of his death. The deceased had been an inpatient at a psychiatric unit for three days prior to his return to prison.

Status of Deceased in Prison

7. The deceased was an ordinary prisoner on the enhanced level of the Incentivised Regime. He was accommodated in Cell 13 on C2 landing. The deceased worked in the prison kitchen at the time of his untimely death. He was classed as an enhanced prisoner before his arrival in the kitchen having worked previously in the ‘Hurley’ workshop in Cork Prison where he was reported as being a “very good worker”.

Contact with Medical and Therapeutic Services

8. The deceased had regular contact with the medical services in prison from the time of his first committal for minor conditions not relevant to this report. He also attended many sessions with the Addiction Counsellor to address his

gambling addiction. On 8 January 2014 a report by Addiction Counsellor A stated as follows:-

“Met with the deceased today. Working well. On week-end programme. Continues to link with GA on a weekly basis. Engaging well”.

The deceased also attended the Psychology Service. On 21 January 2015 the deceased met with Psychiatric Nurse A who stated that he denied persistent low mood and anxiety and his current stressor was lack of access to his children.

Work Placement in Prison Kitchen

9. In any prison it is a privilege to work in the kitchen area. The Irish Prison Service has informed me that:-

“Any prisoner working in the kitchen must be considered to be a hard working prisoner. It is generally a privilege to work in the kitchen. Prisoners who work in the kitchen must be passed as being medically fit to work there by the surgery. Other avenues used for assessment of prisoners are the Class officer, the Discipline Chief Officer, the Industrial Manager, the Integrated Sentence Management staff, other Work and Training Officers and any other staff that have had dealings with the prisoner”.

10. Prisoner A had been medically certified fit to work in the kitchen on 26 March, 2015. The deceased was medically certified fit to work in the kitchen on 11 March 2015. They were both on the enhanced level of the Incentivised Regime.

11. Prisoner A had worked in the kitchen from 2007 to his release on 3 February, 2015. On 28 February, 2015 he returned to Cork Prison as a Remand Prisoner awaiting trial on new charges. I was informed that *“he never caused a problem or had been violent before. He was polite and a hard worker”* and

the views of the discipline Chief Officer were obtained before he was re-employed in the prison kitchen.

12. I was informed that both prisoners were working on the pot-wash section of the kitchen, cleaning pots, pans, dishes, plates and stacking them away. When their work was done, they both helped in other areas of the kitchen, voluntarily helping with deliveries, preparing food, and other jobs. They had worked together on the pot wash area since 26 March 2015.
13. I viewed the Standard Operating Procedure for the Kitchen in Cork Prison. This clearly set out the daily operating guidelines for the kitchen from 07.30 hrs to 19.40 hrs when the final checks are done and the kitchen is secured.
14. I requested and received the risk assessments for the kitchen area of Cork Prison. The risk assessment document was dated 23 June 2009 which stated that:-

“all employees are safety inducted. Manual handling training completed. Weekly fault sheets being completed”.
15. I was informed by the Irish Prison Service that *“prisoners had access to knives and other implements during food preparation. Knives and other implements are issued for a specific task, or as the need arises. They are checked, counted and locked away when they are finished with in the knife safe. There is a Standing Order Procedure for the kitchen which includes knife checks at specific times. Checks are performed much more frequently by kitchen staff. There is an itemised sheet in the knife safe where all knives are accounted for”*.

Events prior to the incident on 16 May 2015

16. Prisoner A was accommodated in Cell 17 on C3 landing prior to the incident in the prison kitchen. Prisoner A was originally granted full temporary release on 3 February 2015 from a previous sentence but was committed to

prison again on 28 February 2015. On 13 April 2015 he was refused bail in the High Court.

17. Officer A in her statement noted the following:-

“I was last working in the kitchen on Friday 15/5/15. The deceased and Prisoner A both worked in the kitchen on that day. I observed no animosity between both prisoners on the day”.

18. Officer B noted in his statement:-

“While on a basic cookery course in the kitchen in Cork Prison, I witnessed both the deceased and Prisoner A working together without any issues. This was true for both days I was there, 13 – 15 May 2015”.

19. Officer C who worked in the kitchen as an Industrial Supervisor noted in his statement:-

“I am employed as Industrial Supervisor in the Prison Kitchen. I had on the 15/5/2015, 15 offenders working in the kitchen, among them the deceased and Prisoner A. At no time did I see any problem between them”.

20. Prisoner B who was present in the kitchen but did not witness the incident reported in his statement the following:-

“I never saw any trouble between the two before today, not that I saw or heard. I didn’t see any trouble between them today after that incident at 15.10 hrs and 15.15 hrs. I didn’t see them throw glances or anything at each other. Nothing was said between them at tea at 16.30 hrs and 17.05 hrs when they were both at the table. We were just chatting about the cake and other things, nothing out of the ordinary, just a bit of craic. I don’t remember the two interfacing. In fact everyone seemed in great form, everyone was having the craic. I can’t remember Prisoner A saying

anything, he kind of keeps to himself anyway. This just seemed like it came out of the blue”.

21. Prisoner C who shared a cell with Prisoner A and from time to time worked in the kitchen with him, reported in his statement:-

“There’s a telly in the kitchen in the corner. The remote could be anywhere. We could be hiding it on each other, the main thing that would be on is the music channels or the rugby or soccer, you’d never see trouble over it. I work down by the telly usually, I get the vegetables ready. When you need a knife you have to ask for it. When you’re finished you wash it and give it back to the officer. It never happens that a knife would be left around the kitchen. The knives are used in the corner and given back afterwards. Prisoner A works in stores and the wash up, he wouldn’t have needed a knife or shouldn’t have needed one in his normal job. When I was working with the deceased and Prisoner A I never saw them argue”.

Sequence of events of 16 May 2015

22. On 16 May 2015 Officer D and Officer E were detailed for duty in the kitchen in Cork Prison. The kitchen can be described as an L shaped kitchen. Eight prisoner were also working in the prison kitchen at this time. The deceased was stabbed by one of the prisoners. Officer D, on hearing the commotion, went to the area and saw the deceased lying on the floor with a knife beside him. Officer D being the officer who discovered the deceased described the sequence of events in the following terms:-

“On 16 May 2015 I was detailed relief AIS in the kitchen with Officer E as the other relief staff. Officer F is AIS in charge of the kitchen. Officer F was off duty at 15.10 hrs and I took charge of the kitchen.

15.20 hrs approx. – The deceased and Prisoner A have a minor argument over what they are going to watch on the TV in the kitchen. I intervene and tell them to calm down and there is no further conflict.

16.00 hrs approx. - Officer G enters the kitchen to bring the prisoners to feed A and B wings and Officer E brings the prisoners to feed C wing.

16.30 hrs approx. - Officer E returns to the kitchen and we sit down at the kitchen table to have our food and the prisoners go to the food preparation areas to have theirs.

16.40 hrs approx. - Officer H enters the kitchen and leaves at 16.50 hrs approx.

16.55 hrs approx. - Officer E leaves the kitchen.

17.00 hrs approx. – I am sitting at the kitchen table having a cup of tea and I hear a scuffle around the corner by the TV.....At the back wall of the kitchen the deceased is slumped against the wall holding his chest with Prisoner D holding some blue disposable kitchen paper to a wound on his chest.”

Officer D called for medical assistance. He stated “*I go to open the gate onto A1 to see if Medical Orderly A is on his way and he is coming through the checks gates by the circle. I beckon him to hurry and inform him the situation is serious. We both quickly go to the deceased and Medical Orderly A tells me to ring the ambulance. I go to phone an ambulance and meet Officer I entering the kitchen. He goes to ring the ambulance and I return to the scene.*

Prison Officer J enters the kitchen and assists Medical Orderly A with the deceased. Officer K enters the kitchen and assist the deceased. Medical Orderly A leaves the kitchen to get some medical equipment. He returns shortly after with a bag and is followed by Nurse Officer A. Around this time, I answer the phone and it is ambulance control asking for details of the scene. Officer L and Officer E enter the kitchen followed by Chief Officer A.. Chief Officer A instructs Officer L to remove the other

prisoners from the area which he does. Officer M arrives in the kitchen and takes control of the knife. The ambulance crew arrive and go to treat the prisoner”.

Medical Orderly A stated in the medical notes: -

“At 17.05 hrs last evening, I receive a phone-call to go to the kitchen as a prisoner had been allegedly stabbed. On arrival I found the deceased being held in a sitting position against the wall.

I observed a stab-wound to his mid chest area. I immediately informed staff member to call an ambulance. I applied a compression bandage to the wound which was bleeding heavily. Eyes were reactive to stimulus, palor-pale unresponsive to speech, pulse weak and shallow breathing. I placed the deceased in the recovery position and asked Officer J to keep pressure on the wound while I retrieved emergency bag. Nurse Officer A was instructed to bring defibrillator and attend scene. The deceased’s condition quickly deteriorated. His pulse became weak and he stopped breathing. I immediately started CPR with Officer J. We continued CPR until ambulance crew arrived. A full hand over was given. We assisted the ambulance crew with CPR while at scene”.

23. The deceased was pronounced dead by Dr. A at 18.15 hrs on 16 May 2015.
24. The above incident was not captured on CCTV as there were no CCTV cameras in the kitchen area.
25. I am informed that members of the deceased’s family arrived at the prison at 19.25 hrs and Governor A met them in his office.

Matters of concern

26. There was no CCTV available in the kitchen area of Cork Prison at the time of the incident. We were informed by local management that financial resources had not been made available. At the time of this incident, work was well

underway on the building of the new Cork Prison which was occupied in February 2016.

27. The most recent Health and Safety Risk Assessment which was conducted on the Kitchen area of old Cork Prison was dated 23 June 2009. I was not given any evidence of this having been reviewed since then. This is a matter of serious concern as the potential for injury etc. in such an environment requires regular re-assessment. Health and Safety legislation should be complied with.

Addressing the concerns of the family

28. In Paragraph 5 I set out the issues raised by the family. In this Paragraph I address such issues, I have adopted the same numbering sequence as in Paragraph 5:-
 - (a) This matter is addressed in Paragraphs 17 to 21.
 - (b) This matter is addressed in Paragraphs 10 and 11.
 - (c) This matter is addressed in Paragraphs 9, 10 and 11.
 - (d) I refer to this in Paragraphs 14 and 27.
 - (e) I address this matter in Paragraph 26.
 - (f) It would be normal practice to hold a prisoner with convictions similar to Prisoner A in Cork Prison (a closed medium security prison).

Findings

29. The deceased was an ordinary prisoner on the enhanced level of the incentivised regime at the time of his death.
30. The deceased was working in the Prison kitchen when he was stabbed.
31. The deceased and Prisoner A were enhanced prisoners and both medically cleared to work in the kitchen of Cork Prison.
32. There was no CCTV footage available from the kitchen in Cork Prison.
33. As soon as the alarm was raised there was an immediate response from the Prison Staff and medical personnel.
34. The deceased was pronounced dead at 18.15 hrs on 16 May 2016.
35. While the cause of death is a matter for the Coroner I understand that the deceased died as a result of a stab wound to the chest.

Recommendations

1. There should be strict adherence to Health and Safety Legislation as applicable to prison kitchens and all work training areas having particular regard to Risk Assessments.
2. I recommend that a television should not be used for recreational viewing during working hours in the prison kitchens or other work training areas.
3. A comprehensive review of CCTV should be undertaken to ensure full coverage of all areas of a prison subject to relevant legislative restrictions.
4. Approval for prisoners to work in areas containing sharp implements such as Kitchens, Woodwork and Metal workshops should involve a multi disciplinary assessment of the individual(s) and a written record retained of the assessment conducted.