

**A report by the Office of the Inspector of
Prisons into the circumstances surrounding
the death of Prisoner E
on 23 August 2016 while on Temporary
Release from Midlands 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 E on 23
August 2016 while on Temporary Release
from Midlands 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

31 March 2017

Preface

The deceased was a 56 year old man from the Munster area.

He is survived by his brother, sister and extended family.

I did not meet members of the deceased's family but corresponded with them. I wish to offer my sincere condolences to the family.

Names have been removed to anonymise this Report.

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General Information

1. The deceased was a 56 year old man from the Munster area.
2. The deceased was committed to prison on 14 March 2016. He was serving a four year sentence with a remission date of 13 March 2019.
3. The deceased was approved temporary release for medical treatment in hospital.
4. He was hospitalised on 20 August and passed away on 23 August 2016 at the Midland Regional Hospital Portlaoise.

Status of the deceased while in Prison

5. The deceased was on the standard level of the Incentivised Regime. The deceased had complex medical needs and suffered multiple serious illnesses and had a number of hospital admissions during his period in prison. The Irish Prison Service approved the engagement of Care Assistants to assist with his care.

Contact with the family

6. I did not meet the next of kin but corresponded in writing with them. The family confirmed that they had “*no concerns about his passing*” acknowledging that the deceased “*received the best care and attention at all times*”.

Temporary Release

7. The deceased was committed to prison on 14 March 2016. He had no previous convictions.
8. On the 17 May 2017 Doctor A wrote to the Director of Care and Rehabilitation, Irish Prison Service, outlining his concerns in relation to the suitability of a prison environment to cater for the “*multiple serious illnesses*” affecting the deceased and stated: -

“his serious medical needs are a cause of very serious concerns, not only in terms of his own safety, health needs but also the limitations of care provision within the very vulnerable prison environment..... in my professional opinion, considering his medical, psycho-social and nursing needs he is not a fit client to be minded in prison setting he could be electronically tagged if required, though I have no concern in terms of him absconding because of serious disability”.

9. The CNO A in response to specific question asked by IPS Management, *inter alia*, stated: -

“We are certainly providing the most appropriate medical treatment required and from that end the (deceased) is not compromised in any way. We have a full primary care service in the Midlands Prison and the deceased has access to whenever needed. The issue is with his chronic and complex medical status which is progressive and this is what deems him unsuitable for prison. He requires full assistance with all his activities of living”.

10. The Governor highlighted his concern for the deceased in correspondence to IPS Headquarters as he considered him a vulnerable prisoner given his poor health and stated the following in correspondence: -

“I am advised that whereas the prison provides primary healthcare, (the deceased) requires secondary care treatment which is not available here notwithstanding the supports that we have implemented specifically for him”.

11. Official A, IPS Headquarters, in a submission to the Tánaiste and Minister for Justice and Equality provided a full background to the prisoner and his health needs including correspondence from Prison Medical Staff and recommended as follows: -

“that the Minister grant Temporary Releasefor the duration of his current hospital treatment and that upon discharge from hospital he be taken immediately back to prison to continue to serve out his sentence”.

12. On 2 August 2016 the Tánaiste and Minister for Justice and Equality approved recurrent temporary release to cover periods of medical treatment in hospital.
13. The deceased was admitted to Midlands Regional Hospital on 20 August 2016. He passed away on 23 August 2016.
14. The cause of death is a matter for the Coroner.

Findings

15. The deceased suffered complex medical conditions and during his term of imprisonment was admitted to hospital on a number of occasions.
16. The deceased was afforded full primary care by the Prison Healthcare Staff while in Midlands Prison.
17. The IPS engaged Care Assistants to assist in the care of the deceased while in prison.

18. In accordance with Rules 104 and 105 of the Irish Prison Rules 2007 the prison Doctor raised his serious concerns regarding the suitability of a prison environment to treat a prisoner with such complex medical needs.
19. The Governor corresponded with IPS Headquarters outlining his concerns as regards the suitability of a prison to adequately cater for the complex medical needs of the deceased, particularly as regards the secondary care required.
20. Operations Directorate of the Irish Prison Service recommended to the Tánaiste and Minister for Justice & Equality that the deceased be granted temporary release for the duration of his hospital treatment.
21. The deceased was approved temporary release for periods of medical treatment in hospital.
22. The deceased passed away on 23 August 2016.
23. The cause of death is a matter for the Coroner.

Recommendation

Where a prisoner requires the support of external Care Assistants within a prison setting to cater for their personal hygiene and daily needs an appropriate Health and Safety Risk Assessment should be undertaken and a protocol developed to ensure the safety of these Care Workers(s) while working in prison.