



OIFIG AN CHIGIRE PRÍOSÚN
OFFICE OF THE INSPECTOR OF PRISONS

INVESTIGATION REPORT
INTO THE CIRCUMSTANCES SURROUNDING THE
DEATH OF
Mr N /2018
AGED 29

On Reviewable Temporary Release from Castlerea Prison on 15th October 2018.

Date finalised: 05 November 2019

Date published: 08 January 2020

Office of the Inspector of Prisons
24 Cecil Walk
Kenyon Street
Nenagh
Co. Tipperary
Tel: + 353 67 42210

Office Ref: Mr N /2018

Official Sensitive
Inspector of Prisons Investigation Report
Mr N

<u>CONTENTS</u>	<u>PAGE</u>
GLOSSARY	3
PREFACE	4
SUMMARY	6
RECOMMENDATIONS	7
CASTLEREA PRISON	8
FINDINGS:	
1.0 BACKGROUND TIME IN CUSTODY IN PRISON	9
2.0 EVENTS FOLLOWING RECEIPT OF RTR	11

GLOSSARY

Act	Prisons Act 2007
AGS	An Garda Síochána
CCTV	Closed Circuit Television
CRS	Community Return Scheme ¹ .
IOP	Inspector of Prisons
IPS	Irish Prison Service
OIP	Office of Inspector of Prisons
PHMS	Prisoner Health Management System
RTR	Reviewable Temporary Release

Please note throughout this report when referring to time the 24 hour clock is used.

¹ The **Community Return Scheme** is an incentivised scheme for the supervised release of qualifying prisoners who complete unpaid community work as a condition of their early release. It gives prisoners, whom the Irish Prison Service and Probation Service have assessed as being suitable and motivated, the opportunity of early - and renewable temporary release with resettlement support. It is available for those who have been assessed as posing no threat to the community; are serving more than one year and fewer than eight years, and who have served at least 50% of their sentence. The programme involves participants doing supervised community service instead of remaining in prison. Among the beneficial outcomes of this scheme is shifting the balance of the criminal justice system away from prison and toward crime prevention and paying back to the community.

PREFACE

The Office of Inspector of Prisons (OIP) was established by the Department of Justice and Equality under the Prisons Act 2007 (Act). Since 2012, the Minister has requested the Inspector of Prisons to investigate deaths in prison custody. In 2018, clarification was received that the Inspector is also requested to investigate the death of any person which occurs within one month of their temporary release from prison custody. The Office is completely independent of the Irish Prison Service (IPS). The Inspector and staff of the OIP are civil servants, however, we are independent of the Department of Justice and Equality in the performance of statutory functions.

We make recommendations for improvement where appropriate; and our investigation reports are published by the Minister for Justice and Equality, subject to the provisions of the Act, in order that investigation findings and recommendations are disseminated in the interest of transparency, and in order to promote best practice in the care of prisoners.

The Director General (DG) of the Irish Prison Service was provided with a draft copy of the Investigation Report for her review and comments. One recommendation was made and was accepted by the DG. We requested and received an Action Plan that sets out the corrective actions and preventive actions the IPS will undertake. It is our intention to follow-up periodically on the progress of implementation of the Action Plan

Objectives

The objectives for Inspector of Prisons investigations of deaths in custody are to:

- Establish the circumstances and events surrounding the death, including the care provided by the IPS;
- Examine whether any changes in IPS operational methods, policy, practice or management arrangements could help prevent a similar death in future;
- Ensure that the prisoner's family have an opportunity to raise any concerns they may have, and take these into account in the investigation; and
- Assist the Coroner's investigative obligation under Article 2 of the European Convention on Human Rights, by ensuring as far as possible that the full facts are brought to light and any relevant failing is exposed, any commendable practice is identified, and any lessons from the death are learned.

Methodology

Our standard investigation methodology aims to thoroughly explore and analyse all aspects of each case. It comprises interviews with staff, prisoners, family and friends; analysis of prison records in relation to the deceased's life while in custody; and examination of evidence such as CCTV footage and phone calls. The Office of the Attorney General has informed the IPS

Official Sensitive
Inspector of Prisons Investigation Report
Mr N

and Inspector that the provisions of the Act in relation to accessing healthcare /medical records of deceased prisoners in relation to investigations of deaths in custody cannot be relied upon. As an interim arrangement pending legislative amendment, the IPS has agreed to release such records with consent from Next of Kin (NoK). This inevitably leads in some instances to a failure to review healthcare/medical records where NoK is unknown, cannot be located, or refuses to provide consent. Mr N's NoK provided consent to the Inspector to access his healthcare/medical records for the purposes of this investigation.

This report is structured to detail the events leading up to Mr N's Reviewable Temporary Release on 11th October 2018 and events following receipt of RTR on 15th October 2018.

Family Liaison

Liaison with the deceased's family is a very important aspect of the Inspector of Prisons role when investigating a death in custody.

My office contacted Mr N's NoK - his sister - by letter and also spoke with her by telephone. While she initially indicated she would like to meet and that she would provide suitable dates for a meeting - no dates were received. However, she provided written consent to enable me access prison healthcare records.

Although this report will inform the Minister for Justice and Equality and several interested parties, it is written primarily with Mr N's family in mind. I offer my sincere condolences to them for their sad loss.

I am grateful to the Irish Prison Service, the Probation Service and An Garda Síochána for their contributions to this investigation.

PATRICIA GILHEANEY
Inspector of Prisons
DATE

Official Sensitive
Inspector of Prisons Investigation Report
Mr N

SUMMARY

Mr N, was aged 29 years. He was committed to Castlereagh Prison on 7 March 2018 to serve a sentence of one year and one month. He had a sentence expiry date of 06 April 2019.

Mr N received Reviewable Temporary Release (RTR) on 11th October 2018.

As arranged, Mr N attended an Induction Meeting with a Probation Officer on 12th October 2018 in accordance with the conditions of his RTR. He also fulfilled the condition relating to registering and 'signing on' at a named Garda Station and he did so on two occasions 12th and 14th October 2018. He attended his community return site on 13th October 2018. Mr N received addiction counselling services in prison and he had been referred to community addiction services.

On 15th October 2018 Mr N was found deceased in the grounds of a city council premises. The cause of death is a matter for the Coroner.

The IPS made all necessary arrangements in advance of Mr N's release from prison on 11th October 2018.

RECOMMENDATION

There is one recommendation arising out of this investigation. Mr N was aware of the terms and conditions of his RTR and he signed on as required in the specified Garda Station. However the IPS procedure in relation to notifying AGS regarding prisoners granted RTR and Castlerea Prison practice in this area differ.

Recommendation 1.

IPS should consider reviewing the procedures for notification to AGS of persons granted RTR and ensure that agreed procedures are implemented

CASTLEREA PRISON

Castlerea Prison is a closed, medium security prison for adult males. It is the committal prison for remand and sentenced prisoners in Connaught and also takes committals from counties Cavan, Donegal and Longford.

The Office of Inspector of Prisons has carried out visits to Castlerea Prison. However, there is no published inspection report of Castlerea Prison.

Mr N's was the first death of a prisoner in the custody of Castlerea Prison from the 1st January 2018 to 15th October 2018. At the time of his death he was on RTR and died in the community. His death was the 14th death in IPS custody that year.

The cause of Mr N's death is a matter for the Coroner.

FINDINGS

I:0 BACKGROUND AND TIME IN CUSTODY IN PRISON

- I.1 Mr N was 29 years old when he was remanded to Castlereagh Prison on 7th March 2018. On 14th May 2018 he received concurrent and consecutive sentences which amounted to thirteen months imprisonment. He had a remission date of 28th December 2018.
- I.2 It was reported by the IPS that Mr N was a well behaved prisoner and did not receive any disciplinary reports. The IPS Regime Management comprises of three levels, basic, standard and enhanced and Mr N was on enhanced regime. He attended the gym and school regularly.
- I.3 Mr N was engaged with addiction counselling services in prison and he had been referred to community addiction services.
- I.4 At a Multidisciplinary Review Meeting in the prison he was identified as a potential candidate for RTR to CRS. He was referred by the IPS Operations Directorate to Probation Services for a suitability assessment. It was noted at a review Meeting on 27th July 2018 that he “needs support on release”. Mr N had a history of illicit drug use however was reported as drug free since committal to prison.
- I.5 The OIP reviewed a series of emails between IPS Operations Directorate, the prison and Probation Service which illustrates the decision trail in relation to RTR. In addition, a signed TR Checklist dated 11th October 2018 demonstrates that the following preparatory work was undertaken in advance of Mr N receiving RTR:
- Warrants, sentences and release dates were re-checked and confirmed;
 - The address at which Mr N was to reside on RTR from prisons was confirmed;
 - The surgery in the prison was notified of his release;
 - Probation was notified that Mr N was subject to post release supervision;
 - Mr N received correct paperwork;
 - Mr N received his property and his prison accounts were closed;
 - Mr N was confirmed as having a bus, rail or Luas Ticket (return ticket if going on RTR)
 - Mr N received paperwork in relation to follow-up appointments.
- I.6 On 11th October 2018 Mr N signed a Temporary Release form stating that he was aware of the terms and conditions of his temporary release which had been explained to him. There were 10 conditions attached to his RTR, one of which was that he was to report to a named Garda Station within 24 hours of release and also on the days he was not required on his Community Return site and another clearly stated that he must engage in 2 days unpaid work (community return) as directed by the probation service.

2.0 EVENTS FOLLOWING RECEIPT OF REVIEWABLE TEMPORARY RELEASE (RTR)

- 2.1 On release from prison on 11th October 2018 Mr N was given an appointment with a Probation Officer in the Community on 12th October 2018 for his Community Return Induction. Mr N attended his scheduled appointment and at the meeting it was agreed that he would attend a specific community return placement under the supervision of a Community Service Supervisor. He was required to attend the placement 2 days per week, Saturdays and Wednesdays for a 5 week period, commencing from 13th October 2018.
- 2.2 During his Induction appointment Mr N queried if the Probation Service dealt with social welfare payments. The Probation Officer directed him (verbally) to his local social welfare office - Intreo for such matters. It is reported that no other issues of concern arose during that meeting.
- 2.3 AGS confirmed that Mr N presented himself at the relevant Garda Station and 'signed on' in the relevant register on Friday 12th October 2018 and Sunday 14th October 2018.
- 2.4 The IPS provides an automatically generated Temporary Release Report to AGS. The report contains a list of prisoners who have been approved a period of temporary release in the 24 hour period up to midnight. The report also contains the conditions attaching to the period of temporary release. The first page of the report states as follows:
*"Please disseminate this information as soon as possible to the relevant District and Local Garda Stations.
A hard copy of the temporary release form will be issued to the relevant Local Garda Station by the General Office of the appropriate prison."*
- 2.5. Assistant Governor A in Castlerea Prison informed the OIP that the practice in Castlerea is that the prisoner is issued two copies of his TR sheet on departure, one he retains for himself and the other he presents to the Gardaí at his sign on station for their records. This process differs from that stated in the IPS Temporary Release Report to AGS.

Recommendation :

IPS should consider reviewing the procedures for notification to AGS of persons granted RTR and ensure that agreed procedures are implemented.

- 2.6 On 15th October 2018 Mr N was found deceased in the grounds of a city council premises. The cause of his death is a matter for the Coroner.
- 2.7 The IPS made all necessary arrangements in advance of Mr N's release from prison on 11th October 2018.