



OIFIG AN CHIGIRE PRÍOSÚN
OFFICE OF THE INSPECTOR OF PRISONS

INVESTIGATION REPORT
INTO THE CIRCUMSTANCES SURROUNDING THE
DEATH OF
Mr E /2019
AGED 30

On Reviewable Temporary release from Cork Prison on 25 April 2019.

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<u>CONTENTS</u>	<u>PAGE</u>
GLOSSARY	3
PREFACE	4
BACKGROUND AND EVENTS PRIOR TO RTR	6
EVENTS FOLLOWING THE GRANTING OF RTR	7
FINDINGS	8

GLOSSARY

Act	Prisons Act 2007
CSO	Community Service Order
CSS	Community Support Scheme
IPS	Irish Prison Service
ISM	Integrated Sentence Management
OIP	Office of Inspector of Prisons
RTR	Reviewable Temporary Release

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

PREFACE

The Commencement Order that established the Office of Inspector of Prisons (OIP) as a body under the aegis of the Department of Justice and Equality, came into effect on 1 May 2007 when the majority of sections of the Prisons Act 2007 became operational. The Inspector of Prisons is required by statute to carry out frequent inspections of prisons. In addition, since 2012, the Minister for Justice and Equality has requested the Inspector of Prisons to investigate deaths in prison custody. The legislation is clear that once such a request is received the Inspector must carry out the investigation. 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 OIP is completely independent of the Irish Prison Service (IPS). The Inspector and staff of the OIP are civil servants, however, they are independent of the Department of Justice and Equality in the performance of statutory functions. Funding and a range of support services are provided by the Department of Justice and Equality.

In relation to Death in Custody investigations 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.

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
- Ensure 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.
- 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 as applicable.

Administration of the Investigation

The OIP was notified of Mr E's passing on 27 April 2019 at 08:28. As Mr E was on Reviewable Temporary Release (RTR) from Cork Prison therefore a visit on the day to the prison was not required. Information requirements for the investigation were agreed.

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. On committal to prison Mr E provided the name of his mother as his next-of-kin. On 5 June 2019 the OIP wrote to her and invited her to meet with us. The purpose of the meeting was to hear if the family had any concerns, questions or matters they would like to bring to the attention of the OIP. Mr E's mother spoke with a colleague and explained the family had no concern in relation to the release of Mr E on RTR. They were most appreciative and highly complementary of Mr E's Probation Officer. However, they were critical of what they considered to be the free availability of drugs within Cork Prison.

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

The Director General of the Irish Prison Service was provided with a draft report for review and comments. Following receipt of documentary evidence one alteration was made and incorporated into this report

I am grateful to the Irish Prison Service for their contributions to this investigation.

PATRICIA GILHEANEY
Inspector of Prisons

20 September 2019

BACKGROUND AND EVENTS LEADING TO RTR

1.1 Mr E was aged 30 years. He was committed on remand to Cork Prison on 13 February 2019 to appear at Cork District Court on 20 February 2019. On 20 February 2019 Mr E was sentenced to serve 6 months with a remission date of 27 June 2019.

1.2 Mr E had a chronic drug addiction since his teens. It was reported that he had a poor engagement with services, however there was significant improvement since February 2018. He was engaging with the Probation Service, other services including employment / training. He had also disassociated from his peers.

1.3 The Integrated Sentence Management (ISM) system was developed by the IPS to ensure co-ordination of interactions with prisoners based on agreed sentence plans. As part of ISM, prisoners take a greater personal responsibility for their own development through active engagement with services in the prisons. On 26 March 2019 an Integrated Sentence Management (ISM) report indicated that Mr E was doing and presenting very well and was very motivated to change. A report from Cork Alliance¹ also identified “impressive progress”. Mr E confirmed his willingness to keep working with the Probation Service on a voluntary basis in addition to his Community Service Order (CSO). The Criminal Justice (Community Service) Act 1983 gave judges the power to sentence offenders to perform between 40 and 240 hours’ community service as an alternative to a sentence of imprisonment. Mr E had an active CSO with 136 hours left.

1.4 Due to very high numbers in the prison Mr E was recommended for Reviewable Temporary release (RTR) on the Community Support Scheme (CSS) from 4 April 2019 pending Probation Services agreement to include his Community Service Order (CSO) as a condition of RTR.

1.5 On 16 March 2019 Community Sentence Coordinator confirmed Mr E’s address with his partner.

1.6 On 25 March 2019 a CSS Release Plan for Mr E was prepared by the CSS Community Sentence Coordinator with a recommendation of “*Good to go*” and sent by email to a number of recipients in Cork Prison on 26 March 2019 at 12:13.

1.7 On 1 April 2019 confirmation of continuing Probation Service involvement was noted and Mr E was recommended for RTR.

1.8 On 4 April 2019 Mr E was approved RTR to 11 April 2019 at 11:00 for the CSS, subject to the following conditions:

1. Complying with Community Service Order – must attend appointment on the community service site in [location specified] on Friday 5 April at 11:30am

¹ Cork Alliance is a community based project which works with people released from Cork Prison

2. Be of good behaviour
3. Do not convey messages in/out of prison
4. Keep the peace
5. Report to [specified Garda Station] within 24 hours of release and daily thereafter to get TR form stamped
6. Return to Cork Prison on date and time listed above
7. Shall be of sober habits
8. Shall not enter a pub, club or other licensed premises or off-licence premises
9. Shall reside at [specified address]
10. Agree not to change address from [specified address] without new TR form.
11. To meet [specified person at specified location with landline and cell phone numbers provided] on 04/04/19 12:30pm and every week thereafter.
12. To link in with [specified name] Probation Officer on a voluntary basis.
13. To link in with [specified name] IASIO re training and employment.
14. To complete 135 hours community work in [specified town].

1.9 A copy of the RTR form received in the OIP clearly stated that “Failure to return on or before the expiration of the period of temporary release or breach of any of the conditions attached to the period of temporary release is an offence under section 6 of the Criminal Justice Act, 1960 and punishable on conviction by imprisonment for a term not exceeding six months.”

1.10 There is a section on the RTR form that provides for the recipient, and in this case Mr E, to sign and

- Acknowledge his awareness of the terms and conditions of his release that have been explained to him and also the time when his period of release expires, and
- Confirm he has been given a copy of the notice.
- Provide his name (block capitals), signature and date.

Mr E signed the relevant form.

EVENTS FOLLOWING THE GRANTING OF RTR

2.1 Mr E was released from Cork Prison on RTR on 4 April 2019. Mr E called into the Cork Alliance Centre on his release and reported he had lost his social welfare cheque and that he needed to go and look for it. He stated he would return after lunch. By chance the CSS Community Sentence Coordinator met Mr E in the city centre approximately an hour later. Mr E stated he did not want to be hanging around Cork city and asked if he could go straight back to [named town] and that he would travel to Cork the following day to meet the CSS Community Sentence Coordinator. No concerns for his welfare were noted as he presented drug and alcohol free.

2.2 On 5 April 2019 (Friday) Mr E failed to attend appointment.

2.3 On 8 April 2019 (Monday) the CSS Community Sentence Coordinator rang Mr E. He apologised for not attending his appointment and reported that everything was going well but he had lost his travel pass as he was now on a job seekers payment. He reported no issues or concerns and that he was abiding by the terms of his release. Mr E stated that he would

be in Cork Prison on 11 April 2019 to sign on and meet them. He stated that he would ring if he needed anything.

2.4 On 11 April 2019 Mr E failed to sign on at Cork Prison and attend his appointment with the CSS Community Sentence Coordinator. The CSS Community Sentence Coordinator phoned Mr E's partner in the afternoon and advised her that Mr E would need to sign on immediately. Mr E's partner undertook to inform Mr E accordingly and also to inform him of a new appointment with the CSS Community Sentence Coordinator the following day at 13:00. Mr E's partner stated that they were having issues with social welfare payments.

2.5 On 12 April 2019 Mr E did not attend his appointment. The Community Sentence Coordinator contacted Cork prison and was informed Mr E was UAL.

2.6 As the CSS Community Sentence Coordinator had no contact from Mr E on 15 April 2019 they contacted Cork Prison who confirmed he remained UAL.

2.7 On 15 April 2019 Cork Prison recorded that Mr E had failed to comply with the conditions of his RTR and was deemed to have breached CSS and was to be held in custody upon his return to prison to sign-on.

2.8 On 17 April 2019 the CSS Community Sentence Coordinator spoke with Senior Probation Officer A who advised that they had spoken to Mr E and he had agreed to hand himself in after Easter on 23 April 2019.

2.9 On 26 April 2019 Senior Probation Officer A reported to Cork Prison that Mr E passed away the previous evening.

2.10 The cause of death is a matter for the Coroner.

FINDINGS

3.1 Mr E was assessed and recommended for Reviewable Temporary Release with conditions attached.

3.2 The copy of the RTR form received in the OIP was signed by Mr E. .

3.3 The address in which he proposed to reside was confirmed prior to his release.

3.4 Arrangements were in place for Mr E to complete his CSO hours and also attend a meeting with the CSS Community Sentence Coordinator.

3.5 Mr E was released from Cork prison on RTR on 4 April 2019.

3.6 Mr E failed to adhere to temporary release conditions 1, 11, and 6.

3.7 On 15 April 2019 Mr E was deemed to have breached CSS and was to be held in custody upon his return to Cork Prison to sign on.

3.8 On 17 April 2019 Mr E had stated his intention to hand himself in to prison after Easter on 23 April 2019.

3.9 Mr E passed away on 25 April 2019 and his death was reported to Cork Prison on 26 April 2019.

3.10 Appropriate arrangements were put in place in advance of Mr E's release from Cork Prison on RTR and there is documentary evidence that he was informed of the arrangements and the terms of his RTR.