



OIFIG AN CHIGIRE PRÍOSÚN
OFFICE OF THE INSPECTOR OF PRISONS

INVESTIGATION REPORT
INTO THE CIRCUMSTANCES SURROUNDING THE
DEATH OF
Mr F /2019
AGED 38

On Reviewable Temporary Release from Limerick Prison.

Limerick Prison was informed of Mr F's death on 03 May 2019.

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GLOSSARY

Act	Prisons Act 2007
IOP	Inspector of Prisons
IPS	Irish Prison Service
ISM¹	Integrated Sentence Management
NoK	Next of Kin
OIP	Office of the Inspector of Prisons
PHMS	Prisoner Health Management System
RTR	Reviewable Temporary Release
UAL	Unlawfully at Large

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

¹ 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. ISM involves initial assessment, goal setting and periodic review to measure progress.

Under ISM, a newly committed prisoner with a sentence of one year or greater is assessed by an ISM Co-ordinator. A personal plan for the prisoner to complete during his/her time in prison is then drawn up. The plan is reviewed regularly between the ISM Co-ordinator and the prisoner, with written reports feeding in from the relevant services and agencies.

Approximately one year prior to release, the ISM Co-ordinator meets the prisoner to establish his/her needs on release and a plan is put in place to assist his/her re-integration into 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 two recommendations were made and two were 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

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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 F'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 F's Reviewable Temporary Release (RTR) on 24th April 2019 and events following receipt of RTR on 24th April 2019.

A standardised checklist of information requirements from the IPS to assist an investigation into deaths in custody (while on Temporary Release) is in place. On 3rd May 2019 Limerick Prison Management advised that outstanding information was being collated and would be provided to the OIP the following week. A reminder email issued from the OIP on 4th June 2019 and the OIP was advised that the IPS Headquarters were compiling the information required. The OIP received a completed checklist indicating that the 11 areas for which information was requested was attached. However, the requested information was not received. A subsequent email from IPS Headquarters stated that it had confirmed with staff in the OIP that the checklist had been received and if there was anything outstanding from the list which the OIP needed or required further to inform them. The OIP reverted and requested the outstanding information which was promptly provided.

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 F's NoK, his mother, on 5th June 2019 by letter and also spoke with her daughter by telephone on 7th June 2019. The role of the OIP in relation to an investigation of her son's death was explained. Mr F's mother did not wish to meet with the OIP, however, her daughter explained that the family would like to know how Mr F sustained an injury to his leg while in prison. Mr F's mother provided written consent for the OIP to access Mr F's clinical records for his time in custody.

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



PATRICIA GILHEANEY
Inspector of Prisons
12 June 2020

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SUMMARY

Mr F, was aged 38 years. He was committed to Limerick Prison on 1st March 2019 to serve a sentence of five months. He had a remission date of 22nd June 2019.

Mr F served fifty-five days in custody and he was released on reviewable temporary release on 24th April 2019. Official A in the IPS Operations Directorate informed the IOP on 3rd May 2019 that Mr F was approved RTR, with a no driving condition on 24th April 2019, in order to reduce high numbers in Limerick Prison.

On 3rd May 2019 An Garda Síochána informed Limerick Prison that Mr F was found deceased in a public toilet in Ennis, Co Clare.

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

RECOMMENDATIONS

There are two recommendations arising out of this investigation.

Recommendation 1:

The IPS should ensure that all persons receiving Reviewable Temporary Release (RTR) are made aware of the terms of their release in writing and that they sign the relevant form acknowledging their understanding of the terms of their release. A copy of the signed form should be retained by the Prison as evidence that this had been done.

Recommendation 2:

The IPS should put appropriate governance procedures in place to ensure that the required Doctors Committal Interview section in PHMS is completed and addresses the requirements of Rule 11 of the Prison Rules 2007-2017 for all persons admitted to Limerick Prison.

LIMERICK PRISON

Limerick Prison is a closed, medium security prison for adult males and females. It is the committal prison for males for counties Clare, Limerick and Tipperary and for females for all six Munster counties.

Mr F's was the first death of a prisoner in the custody of Limerick Prison from the 1st January 2019 to 3rd May 2019. At the time of his death he was on RTR and died in the community. His death was the 6th death in IPS custody in 2019.

FINDINGS

I:0 BACKGROUND AND TIME IN CUSTODY IN PRISON

- I.1 Mr F was 38 years old when he was committed to Limerick Prison on 1st March 2019 to serve a five months sentence. He had a remission date of 22nd June 2019.
- I.2 Mr F was on the standard privilege² in the prison and had no disciplinary issues³ during his sentence.
- I.3 On 24th April 2019 Mr F was discussed at a multidisciplinary meeting in the prison attended by Integrated Sentence Management (ISM) Officer, Governor, Chief Officer and Nurse Officer. It was noted as follows “... Committed 1 March, no P19’s this sentence. Address confirmed, No methadone or Probation.”
- I.4 The IPS informed the OIP that contact was made by Prison staff with Mr F’s family on 10th April 2019 to confirm address.
- I.5 Mr F received RTR on 24th April 2019.
- I.6 The OIP received a copy of a Temporary Release (TR) form for Mr F relating to a reviewable period of temporary release for the period from 1st May 2019 08:00 to 8th May 2019 for the reason of “Pre-release/resocialisation” to a specified address. The form was signed by Governor A. However, the sections for date and witness to the signature were not completed. The section for the signature or mark of the person being released was also not completed. There is a handwritten entry on the bottom of the form as follows: “UAL 01/05/19”. The entry is not dated or signed, therefore it is not known by whom or when it was made. The entry is at variance with the information provided to the OIP by the IPS on 16th May 2019 which stated “Mr [named stated] was not in breach of TR.”

The ten conditions specified on the form were:

1. Be of Good behaviour
2. Do not convey messages in/out of prison
3. Keep the Peace
4. Report to [specified] (24hr) Garda Station within 24 hours of release & daily thereafter to get TR form stamped
5. Return to Limerick Prison on date and time listed
6. Shall be of sober habits
7. Shall not enter a pub, club or other licensed premises or off-licence premises

² The IPS Incentivised Regimes Policy was introduced on a phased basis across all prisons in 2012 and is now operational in all Irish Prisons. The Incentivised Regimes Programme provides for a differentiation of privileges between prisoners according to their level of engagement with services and quality of behaviour. The objective is to provide tangible incentives to prisoners to participate in structured activities and to reinforce good behaviour, leading to a safer and more secure environment. There are three levels of regime – basic, standard and enhanced, with different privileges associated with each regime level. All prisoners enter the system at standard regime level and have the opportunity to become eligible for the enhanced regime status once they have met the required criteria for the preceding two months.

The Incentivised Regimes Policy provides significant motivational factors in encouraging prisoners to engage in authorised structured activities and improve general behaviour. The hope is that these benefits are not just apparent in prisons and that the behavioural change effected will stay with the prisoner on their release. [accessed from www.irishprisons.ie on 20/11/19]

³ Referred to as P19’s in the Prison System which is a reference to Rule 19 of the Prison Rules 2007-2017.

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8. Shall reside at [specified address]
9. Agree not to change address [specified] without new TR Form
10. Not to drive any Motorised Propelled Vehicle

- I.7 As previously stated, Mr F received RTR on 24th April 2019. The OIP requested a copy of his TR forms and only received one form as described in section I.6. Therefore it is not known if:
- a) there was a TR form to cover the period from 24th April 2019 to 1st May 2019
 - b) if there was a form, if it was completed in full
 - c) if Mr F was aware of the terms of his TR and if he signed the form to confirm his understanding.

Recommendation I: The IPS should ensure that all persons receiving Reviewable Temporary Release (RTR) are made aware of the terms of their release in writing and that they sign the relevant form acknowledging their understanding of the terms of their release.

- I.8 Mr F's NoK asked the OIP to ascertain how Mr F sustained an injury to his leg while in prison. Mr F's mother provided written consent for the IOP to access Mr F's prison clinical records to include medical, nursing, psychology, psychiatry and any other clinical files for his time in prison prior to his release on TR.
- I.9 The OIP sent an email to Chief Nurse A in Limerick Prison on 29th July 2019 requesting the clinical records relating to the period 1st March 2019 to 24th April 2019 and a copy of the signed consent form was attached. A copy of records was received.
- I.10 In addition, the IOP visited the prison on 26th November 2019 and viewed all Mr F's records on the Prison Health Management System (PHMS).
- I.11 On 1st March 2019, the day of Mr F's committal to prison, a Nursing Committal Interview was undertaken. It was observed in the nursing committal notes that Mr F had "no marks when asked".
- I.12 The section on PHMS for the Doctors Committal Interview was blank. The IOP asked if this was unusual and was informed that this section is not completed for persons committed to Limerick Prison.
- I.13 Rule 11 of the Prison Rules 2007-2017 specifies the legal requirements in relation to medical examination of a prisoner following admission to a prison. Rule 11(1) specifies that the examination of the prisoner is for the following purpose:
- "(a) the diagnosis of any physical or mental illness and the taking of such measures as are necessary to ensure that any such illness is treated,*
- (b) the isolation of, on medical grounds, a prisoner suspected of having a contagious condition or any condition that might threaten the health or well being of others if they were to come into contact with him or her,*
- (c) the determination of the prisoner's fitness for work,*

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- (d) the noting of any physical or mental conditions that might impede the prisoner's integration into the prison regime or into society upon his or her release, and*
- (e) the noting of any indication of recent injuries, and*
- (f) the recording of any medication prescribed for the prisoner.”*

I.14 There is a brief entry in the All Notes section of PHMS dated 2nd March 2019 which was completed by Dr A. The entry refers to Mr F being a new committal; the nature of his charges; his appearance; illicit substance use history; current medications; living arrangements prior to his committal and urinalysis. In the absence of completion of the Doctors Committal Interview there is no documentary evidence that the above legislative requirements were fulfilled.

Recommendation 2: The IPS should put appropriate governance procedures in place to ensure that the required Doctors Committal Interview section in PHMS is completed and addresses the requirements of Rule 11 of the Prison Rules 2007-2017 for all persons admitted to Limerick Prison.

I.15 Mr F received prescribed medication during his time in Limerick Prison. He was not on any medication prior to his release on RTR on 24th March 2019.

I.16 On 14th March 2019 the ISM Officer requested referral to psychology services. The reason for referral was not recorded. On 28th November 2019 Acting Senior Psychologist A informed the prison nursing staff that Mr F was referred to the Psychology Service by Healthcare, but was released prior to being triaged.

I.17 Mr F had no further engagement with healthcare services during his time in prison.

I.18 The IOP reviewed the Reception Book containing the records for all persons committed to Limerick Prison on 1st March 2019. There was no record of any leg injury.

I.19 The family asked the IOP to find out how Mr F sustained an injury to his leg when in prison. This investigation did not find any evidence to support the view that Mr F had sustained a leg injury in prison.

2.0 EVENTS FOLLOWING RECEIPT OF REVIEWABLE TEMPORARY RELEASE (RTR)

- 2.1 The OIP is unable to ascertain if Mr F fulfilled the terms of his RTR as no documentary evidence of the terms of his release on 24th April 2019 was made available for this investigation.
- 2.2 On 3rd May 2019 an Garda Síochána notified staff in Limerick Prison by telephone that Mr F was found deceased in a public toilet in Ennis. The cause of his death is a matter for the Coroner.