



OIFIG AN CHIGIRE PRÍOSÚN
OFFICE OF THE INSPECTOR OF PRISONS

INVESTIGATION REPORT
INTO THE CIRCUMSTANCES SURROUNDING THE
DEATH OF
MR F 2018
on 19 MARCH 2018
WHILE ON TEMPORARY RELEASE
FROM CORK PRISON

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Office Ref: 2018/F

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PREFACE

The Office of Inspector of Prisons (OIP) was established by the Department of Justice under the Prisons Act 2007 (the 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, they are independent of the Department of Justice in the performance of statutory functions.

We make recommendations for improvement where appropriate; and our investigation reports are published by the Minister for Justice, 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
- 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 and Inspector that the provisions of the Prisons Act 2007 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. It was not deemed necessary to access the healthcare/medical records for the purposes of this investigation.

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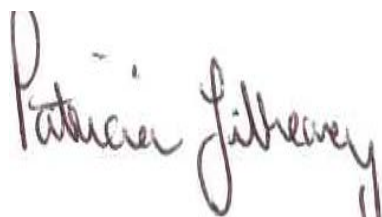
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Family Liaison

We offer our sincere condolences to the family of Mr. F whom we were unable to contact as next of kin contact details were not recorded on committal. We have been advised by the Management of Cork Prison that the family reside outside the jurisdiction.

Recommendations

There were six recommendations for improvement in the draft report provided to the IPS for review and comments. The IPS accepted four of the recommendations. Two recommendations were not accepted guidelines to address the issues raised were already in place. An action plan was provided by the IPS which addresses the recommendations and includes timelines and areas of responsibility. Implementation of the action plan will be monitored in future investigations into deaths in custody.

A handwritten signature in black ink that reads "Patricia Gilheaney". The signature is written in a cursive style with a large initial 'P'.

PATRICIA GILHEANEY
Inspector of Prisons (Chief Inspector)
14 April 2021

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Investigation Report

1.0 General Information

- 1.1 Mr. F was a 41 year old male who resided in the Munster Region.
- 1.2 Mr. F was committed to Cork Prison on 7 July 2017 and his release date with remission was 4 May 2018.
- 1.3 He was granted Reviewable Temporary Release (RTR) on 15 March 2018 to participate in the Community Return Scheme (CRS). Community Return Scheme is an incentivised scheme for the supported and supervised release of prisoners who have been assessed as suitably motivated to complete unpaid community work as a condition of their early and reviewable release. It is a joint Irish Prison Service and Probation Service initiative which operates from the Probation Service Headquarters as a co-located unit.
- 1.4 On 19 March 2018 Mr. F was found dead in a public area of an apartment block in Co. Kerry by members of An Garda Síochána.

2.0 Reviewable Temporary Release

- 2.1 Mr. F was on the Enhanced Level of the Incentivised Regime when approved for weekly Reviewable Temporary Release (RTR) to participate on the CRS. The Incentivised Regime has three levels of privilege - Basic, Standard and Enhanced. Basic level provides the least amount of privileges (number of phone calls permitted, amount daily gratuity paid etc.) while the Enhanced level offers the best privileges. All committals are placed on the Standard level of the Incentivised Retime on committal to prison.
- 2.2 In 2011 a circular was issued by the then Director of Operations, Irish Prison Service Headquarters to All Governors which outlined the conditions of "A Pilot Programme for prisoners, incorporating unpaid work in the community..." a condition of the temporary release of a prisoner under this pilot scheme was to partake in unpaid work in the community. It is unclear as to the status of the 2011 circular which specified that the pilot programme "*will initially run for a six month period, commencing in October 2011*".

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2.3 Official A IPS HQ advised that it was their understanding that the Probation Service “*has an internal procedural document on CRS for its staff...*” and IPS HQ did not have a copy of the aforementioned document.

2.4 There were twelve conditions attached to Mr. F’s temporary release:-

- (i) Report to [Named] Garda Station within 24 hours of release and on the days you are not required on your community return site;
- (ii) Be of good behaviour;
- (iii) Do not convey messages in/out of Prison;
- (iv) Keep the peace;
- (v) Return to Cork Prison on date and time listed above;
- (vi) Shall be of sober habits;
- (vii) Shall not enter a pub, club or other licensed premises or off-licence premises;
- (viii) Shall reside at [Address] Kerry, Ireland;
- (ix) Agree not to change address from [Address], Kerry, Ireland without new TR form;
- (x) He can reside post release at [Address], Co Kerry;
- (xi) He will be expected to perform 2 days unpaid work each week on a community service site based in [a Named Location] and he has confirmed he will be able to travel to and from site as required; and
- (xii) Must engage in 2 days unpaid work (Community Return) as directed by the probation service.

2.5 To qualify for RTR Mr. F was required to provide an address where he would like to reside following release. A Probation Officer informed the Irish Prison Service on 19 February 2018 that it was confirmed that Mr. F could reside at the address provided following his release.

2.6 An electronic Temporary Release Report is automatically generated on a daily basis by the IPS which contains a list of prisoners who have been approved TR in the 24 hour period up to midnight on the date of the report. This report is sent to the Chief Superintendent at An Garda Síochána Divisional Headquarters who is asked to “*disseminate this information as soon as possible to the relevant District and Local Garda Stations.*” The Chief Superintendent is

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also informed that *"A hard copy of the temporary release form will be issued to the relevant Local Station by the General Office of the appropriate prison."*

- 2.7 Mr. F, as stated at 1.3, was released on RTR on 15 March 2018. Mr. F's RTR and conditions of his release were contained in the electronic report generated and issued to An Garda Síochána at 05:01 hours on 16 March 2018. There were 47 prisoners named in that report who identified 33 Garda Stations to which they would report.
- 2.8 The General Office at Cork prison did not issue a 'hard copy' of the RTR to the relevant Garda Station. We were advised by Assistant Governor A that it is the practice at Cork prison to provide a prisoner with two copies of his RTR form, one copy which he may retain and another copy which he is to present at the Garda station to which he has undertaken to report to following release.
- 2.9 It is not known if or when An Garda Síochána disseminated the details of Mr. F's RTR to the local Garda Station as it is outside of the remit of this investigation.
- 2.10 In accordance with a condition of the RTR, Mr. F signed on at his local Garda Station at 14:36 on 16 March 2018. At 16:35 on the 16 March 2018 Mr. F was arrested by An Garda Síochána on a Public Order offence of drunkenness in a public place and was subsequently released from custody on the same day. This was a breach of the conditions of his RTR. (See Section 2.4 (iv) above).
- 2.11 A copy of the Agreement and/or Protocol between the Irish Prison Service and An Garda Síochána in relation to non-compliance with conditions attaching to RTR was sought from Official B. We were provided with an undated and unsigned draft protocol. The draft document would appear to pre-date 2011 as it referred to an IPS Director General who was in post prior to 2011.
- 2.12 Mr. F had a scheduled induction appointment with the Probation Service on 21 March 2018 which he did not attend. The purpose of that meeting was to arrange the days Mr. F would attend for work on the Community Return site.

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2.13 On 21 March 2018 Senior Probation Officer A notified Official C in Irish Prison Service and Probation Service co-located Unit that Mr. F failed to attend for his appointment on 21 March 2018. Senior Probation Officer A reported that she rescheduled a further meeting for 27 March 2018 and sent notification of the new appointment by post to the residential address provided by Mr. F prior to his release from prison.

2.14 Official B, IPS HQ reported that An Garda Síochána notified Cork prison of the death of Mr. F on 21 March 2018.

3.0 Findings

3.1 Mr. F was granted Reviewable Temporary Release on 15 March 2018 to partake in the Community Return Scheme.

3.2 Mr. F provided an address where he could reside following release. On 19 February 2018 Probation Officer A, verified the availability of that accommodation to Mr. F on release.

3.3 One of the conditions of Mr. F's RTR was to report to [Named] Garda Station within 24 hours of release, which he did.

3.4 An electronic Temporary Release Report generated by the Irish Prison Service on 16 March 2018 which is the day following Mr. F's release and which contained details of Mr. F's RTR conditions, issued to An Garda Síochána Divisional Headquarters for dissemination to relevant local Garda Stations.

3.5 The relevant local Garda Station were not notified by Cork Prison that Mr. F had been released on RTR.

3.6 Enquiries by An Garda Síochána following the death of Mr. F revealed that he did not stay at the address provided to the Irish Prison Service.

3.7 The first meeting scheduled with the Community based Probation Officer was scheduled for 21 March 2018, six days following Mr F's release and three days after Mr. F was found

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deceased. The purpose of the meeting was to arrange suitable days for Mr. F to partake in Community Returns scheme.

- 3.8 Mr. F was not compliant with the terms of his RTR as evidenced by his arrest for drunkenness in a Public Place on 16 March 2018. The Irish Prison Service informed this office that An Garda Síochána did not notify them of the breach of the terms of Reviewable Temporary Release.
- 3.9 Mr. F was found unresponsive in a public area of an apartment block in Co. Kerry on 19 March 2018 where he was pronounced dead at 13:00.
- 3.10 The Office of the Inspector of Prisons was unable to make contact with Mr. F's next of kin as the information was not recorded on committal. Therefore, the Irish Prison Service was non-compliant with Rule 4(e)(ii), (iii) of the Prison Rules 2007–2017.
- 3.11 The cause of death is a matter for the Coroner.

4.0 Recommendations

- 4.1 The Irish Prison Service should prioritise the development and implementation of a Community Return/Support Scheme Policy and Standard Operating Procedure(s) for dissemination to all Irish Prison Service personnel.
- 4.2 A Standard Operating Procedure (SOP) for notification in writing to a Garda Station to which a prisoner granted RTR is to report should be developed and implemented in each prison. The SOP should, at a minimum, clearly identify the post (at a senior level) to which the Governor delegated the responsibility, details regarding the prisoner that has been granted RTR and also the conditions attaching to his/her release.
- 4.3 The Governor of the prison should put in place a review mechanism in relation to recommendation 4.2 so that he/she can satisfy him/herself that the SOP is being implemented

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- 4.4 The Irish Prison Service should consult and agree a written Protocol with An Garda Síochána to ensure that any breach of Reviewable Temporary Release coming to the attention of An Garda Síochána is promptly reported in writing to Irish Prison Service HQ.
- 4.5 The first meeting of a prisoner with the Probation Service and/or Community Project to which s/he is referred should be on the day of release or on the following working day. An early meeting would ensure that a prisoner released on Reviewable Temporary Release would have the necessary 'community based supports' in place immediately following his /her temporary release.
- 4.6 As the recording of next of kin contact details is a statutory requirement under Rule 4(e)(ii), (iii) of the Prison Rules 2007–2017, the Irish Prison Service should make the entry of such information a mandatory field for completion on every occasion a person is committed to prison. The importance of providing details regarding a next of kin and the obligations attaching to a next-of-kin should be clearly explained to a prisoner on committal. The IPS should also consider and implement a process whereby up to date details of next of kin of prisoners serving long sentences are available on the Prisoner Information Management System (PIMS).