



OIFIG AN CHIGIRE PRÍOSÚN  
OFFICE OF THE INSPECTOR OF PRISONS

**INVESTIGATION REPORT**  
**INTO THE CIRCUMSTANCES SURROUNDING THE**  
**DEATH OF**  
**Mr L**  
**AGED 28**  
**ON REVIEWABLE TEMPORARY RELEASE FROM MOUNTJOY PRISON**  
**on 1 August 2019.**

**[Date final report submitted to the Minister for publication: 5 July 2021]**

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## **GLOSSARY**

<b>Act</b>	Prisons Act 2007
<b>CRS</b>	Community Return Scheme
<b>IOP</b>	Inspector of Prisons
<b>IPS</b>	Irish Prison Service
<b>NoK</b>	Next of Kin
<b>OIP</b>	Office of the Inspector of Prisons
<b>PIMS</b>	Prisoner Information Management System
<b>RTR</b>	Reviewable Temporary Release
<b>WRTR</b>	Weekly Reviewable Temporary Release

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

## **PREFACE**

The Office of the Inspector of Prisons (OIP) was established by the Department of Justice 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 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.

The Inspectorate did not meet members of the deceased's family. I offer my sincere condolences to them for their sad loss.

## **Recommendations**

There are two recommendations for improvement. A copy of the final draft of the report, including the recommendations was provided to the Irish Prison Service on 20 April 2021 for review, comments and an Action Plan. A response was received on 26 June 2021. The IPS accepted recommendation one and partially accepted recommendation two.

An Action Plan was provided for the recommendations accepted and areas of responsibility and timelines were included. Implementation of the Action Plan will be monitored in future inspections and or investigations into deaths in custody.

The recommendations and reason for the part-acceptance of recommendation one by the IPS are specified in the following Summary section of the Report.

**PATRICIA GILHEANEY**

**Inspector of Prisons (Chief Inspector) DATE: 5 July 2021**

## SUMMARY

Mr L was aged 28 years. He was committed to Mountjoy Prison on 10 January 2018 to serve a sentence of two years and three months. He had a remission date of 17 September 2019.

Mr L was assessed as suitable for release to the Community Return Scheme (CRS)<sup>1</sup> on 28 May 2019 with a condition that he must engage in 3 days unpaid work (community return) each week as directed by the Probation Service.

He was released on weekly reviewable temporary release (WRTR) to the CRS on 04 June 2019.

On 1 August 2019 An Garda Síochána (AGS) informed Mountjoy Prison that Mr L was found unresponsive in a car and his death had been pronounced by a Doctor.

Mr L was not in breach of his WRTR conditions.

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

## Recommendations

**Recommendation 1: The IPS should ensure that all persons receiving Reviewable Temporary Release (RTR) sign the relevant form acknowledging their understanding of the terms of their release and that the form is signed by a witness who also print their name in block capitals.**

Accepted by the Director General.

**Recommendation 2: The IPS should consider introducing a system whereby the TR form is printed from the PIMS when the person on TR arrives at the prison to sign on. When the form is signed and witnessed it is immediately scanned and recorded on PIMS.**

Partially Accepted. The Director General provided the following response:

TR forms are printed in bulk, it would not be feasible to print each form as the prisoner arrives at the Prison. The form is signed and witnessed. Operations will include the process of the scanning of all RTR forms and recording on PIMS in the RTR circular to be issued.

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<sup>1</sup> 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.

## **MOUNTJOY PRISON**

Mountjoy Prison is a closed, medium security prison for adult men. It has an operational capacity of 698 and is the main committal prison for Dublin city and county.

Mr L was the second death of a prisoner in the custody of Mountjoy prison in 2019. At the time of his death he was on RTR and died in the community. At the time of his death he was the 12th person in IPS custody in 2019 whose death met the criteria for investigation by the OIP.

## **FINDINGS**

### **BACKGROUND AND TIME IN CUSTODY IN PRISON**

Mr L was 28 years old when he was committed to Mountjoy Prison on 10 January 2018. He had a remission date of 17 September 2019.

Mr L was on the enhanced level of the prisoner incentivised regime<sup>2</sup> when he was assessed as suitable for the CRS on 26 May 2019. As part of the assessment it was noted that his father had confirmed that Mr L could reside with him post release. Mr L was regarded as medically suitable for the scheme disclosing a drug free status for over a year. It was further noted he had engaged well with addiction services while in custody and attended school on a regular basis.

CRS Ministerial approval for RTR was provided on 26 May 2019. In addition to the standard conditions for RTR an extra condition was added, namely, that Mr L should engage in unpaid work in the community each week, as directed by the Probation Service, for approximately 12 weeks.

Mr L commenced WRTR on 4 June 2019.

The ten conditions specified on Mr L's WRTR were:

1. Must engage in unpaid work (community return), each week as directed by the Probation Service
2. Be of good behaviour
3. Do not convey messages in/out of prison
4. Keep the peace
5. Report to Mountjoy Prison (Male) on date and time listed on TR notice
6. Shall be of sober habits
7. Shall not enter a pub, club or other licensed premises or off-licence premises
8. Shall reside at [specified address]
9. Agree not to change address [specified] without new TR Form
10. Must sign on at your local Garda Station on the days you are not required on your community return site.

### **EVENTS FOLLOWING RECEIPT OF REVIEWABLE TEMPORARY RELEASE (RTR)**

The IPS in sanctioning early release made the necessary arrangements in advance for Mr L to reside with his father. The IPS indicated that the address was confirmed by Probation Officer A following contact by telephone with Mr L's father. This was confirmed by Mr L's father to the Office of Inspector of Prisons.

Mr L participated in the CRS and attended the prison as required on a weekly basis to sign on.

Mr L did not breach the conditions of his RTR.

The OIP received copies of the Temporary Release (TR) forms relating to the weekly reviewable period of temporary release for periods from 4 June 2019 to 18 July 2019.

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<sup>2</sup> The Incentivised Regimes Programme provides for a differentiation of privileges between prisoners according to their level of engagement with services and 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.

Mr L died in the early hours of the 1 August 2019. However, the OIP received a copy of the TR form for the period 1 August 2019 to 8 August 2019 which was signed by prison staff on 1 August 2019. Although it is a requirement specified on the IPS form for the signee to write their name in block capitals this was not done and the signature on the copy of the form received was illegible.

There is a section for the signature or mark by the person being released and the signature of a witness on the form to acknowledge that the person is aware of the terms and conditions of their temporary release which has been explained to them. Mr L's signature is only on two of the six forms and there is a witness signature on one of the six forms.

**Recommendation 1: The IPS should ensure that all persons receiving Reviewable Temporary Release (RTR) sign the relevant form acknowledging their understanding of the terms of their release and that the form is signed by a witness who also print their name in block capitals.**

In relation to the period 18 July 2019 to 25 July 2019 and 25 July 2019 to 1 August 2019 we were informed by the IPS Operations Directorate that the true copy of the forms were not on Mr L's file and having completed a search they could not be located. The Inspectorate was advised that TR forms are frequently soiled or badly damaged and would not generally be sent back by the gate staff to the general office for filing. The Official in Operations Directorate also stated that the forms could have been misfiled. In respect of these dates we were provided with a copy of the unsigned TR forms which were printed from the PIMS.

**Recommendation 2: The IPS should consider introducing a system whereby the TR form is printed from the PIMS when the person on TR arrives at the prison to sign on. When the form is signed and witnessed it is immediately scanned and recorded on PIMS.**

The OIP expresses its condolences to the family of Mr L.