

LEGISLATION: DEATHS IN PRISON

Under Rule 47 of the Prison Rules 2020, when an adult prisoner (i.e. a person over the age of 18) dies, the Governor of the prison is obliged to notify 'as soon as may be' the next-of-kin whom the prisoner had previously nominated.

Under Rule 47(7) of the Prison Rules 2020, if a prisoner dies while in prison the Governor ensures the following are notified as soon as possible:

- a) Coroner who deals with the area in which the prison is located
- b) An Garda Síochána
- c) Minister for Justice
- d) Director General of the Irish Prison Service
- e) Prison doctor
- f) Prison chaplain
- g) Inspector of Prisons, and
- h) Chair of the Visiting Committee to the prison

Article 2 of European Convention of Human Rights protects the right to life placing 3 obligations on the State:

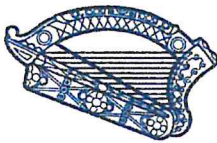
- The duty to refrain from unlawful deprivation of life;
- The duty to investigate suspicious deaths and;
- In certain circumstances having a positive obligation to take steps to prevent avoidable losses of life

CONTACT INFORMATION	
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Email	info@oip.ie
Phone	067-42210
Website	www.oip.ie

SUPPORT SERVICES INFORMATION	
Name of scheme	Contact details:
Anam Cara	info@anamcara.ie Call or text: 085 2888 888
Bethany Bereavement Support	bethanybereavement1982@gmail.com Call or text: 087 9905299
Travellers in Prison Initiative	info@ssgt.ie
New Directions	familynewdirections@gmail.com Call or text: 0876097686

All these charities are independent

**DEATH IN CUSTODY
INFORMATION BOOKLET**



OIFIG AN CHIGIRE PRÍOSÚN
OFFICE OF THE INSPECTOR OF PRISONS

This booklet provides information of the steps taken when a death occurs in a prison.
If you are family or next of kin the Office of the Inspector of Prisons will be in touch to explain these steps in more detail.

Additional information can also be found on the Office of the Inspector of Prisons Website:

 www.oip.ie

Or by contacting us:

 **Email: info@oip.ie**

 **Telephone: 067-42210**

This information booklet has been designed with help of families and next of kin whose loved ones have died in prison. The Chief Inspector of Prisons is extremely grateful for their assistance.

THE INSPECTORATE

The Chief Inspector and staff of the Office of the Inspector of Prisons recognises how difficult it is for families, relatives and friends when a loved one dies in the custody of the Irish Prison Service. It is important those most affected by the death of a loved one in a prison are allowed to ask questions and receive a meaningful response.

By their very nature prisons operate in a secure environment away from the public eye, but this does not lessen the need for accountability, transparency and scrutiny, particularly in the event of a death. Irish and international law compels the State to independently investigate any death that occurs in detention and publicly report on the circumstances, the findings and any recommendations that are made.

The Office of the Inspector of Prisons was established to provide oversight and scrutiny of the work of the Irish Prison Service. The Inspectorate is independent in its functions and has a statutory role to investigate the death of a prisoner in the custody of the Irish Prison Service or where a death occurs within 30 days of temporary release.

The officials who investigate deaths in custody are known as inspectors and senior inspectors of prisons.

The Office of the Inspector of Prisons places importance on questions and concerns raised by family or next of kin of someone who dies in custody and will arrange a meeting, usually once the funeral has taken place.

MEETING & INVESTIGATION

At the initial meeting an inspector will invite the family or next of kin to raise any questions or concerns they have. At anytime during the investigation the family or next of kin can ask additional questions. Where appropriate these questions and the responses will be included in the published report.

Family or next of kin may at their own expense decide to appoint a solicitor or other representative to act on their behalf. The Office of the Inspector of Prisons will communicate through the chosen advocate unless to do so would be contrary to law, be a conflict of interest, or potentially compromise any investigation.

An investigation of a death in custody will involve inspecting and analysing 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 other evidence such as CCTV footage. Prison medical records may also be examined and consent from next of kin may be sought to access these documents.

In addition to the role of the Inspector of Prisons, others investigations will be conducted by:

- An Garda Síochána: investigate alleged or suspected crimes associated to the death and act as agents of the Coroner
- Irish Prison Service: review their actions and responses
- Coroner: determines the cause of death and can make recommendations

Throughout the investigation the Office of Inspector of Prisons will maintain contact with families or next

THE INSPECTORATES REPORTS

The circumstances of each death can differ, therefore it is difficult to estimate the time it will take for an investigation to conclude. It is acknowledged this may create uncertainty for families or next of kin, but in the interest of conducting a thorough investigation this is unavoidable.

On completion of a death in custody investigation the report, including any recommendations, is sent to the Director General of the Irish Prison Service who prepares an action plan. The report and action plan is submitted to the Minister for Justice who lays it before the House of the Oireachtas. This document is published by the Minister and a copy is made available on the OIP website www.oip.ie.

Prior to publication, the Office of Inspectors of Prisons verbally inform next of kin of the content of the report and following publication provides them with a copy.

The Office of Inspector of Prisons respects anonymity of the deceased in reports, although this is not a legal requirement. Families, relatives and loved ones should be aware a death in custody can attract significant media interest and therefore the deceased may be identified. In some instances families or next of kin themselves may wish to engage with media. The Office of the Inspector of Prisons will not make any media comments without the express permission of the Chief Inspector of Prisons.

There may be occasions where the Office of Inspector of Prisons is required to comment on a death in custody in an official capacity such as at Coroners Courts, during Oireachtas Committee meetings or when responding to parliamentary questions. Wherever possible the family or next of kin will be notified of these proceedings.