



Oifig An Chigire Príosún
Office of the Inspector of Prisons

Mr H
Aged 44

Portlaoise Prison
Reviewable Temporary Release
14th July 2020

**Death in Custody
Investigation Report**

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Glossary

Act	Prisons Act 2007
AGS	An Garda Síochána
CCTV	Closed-Circuit Television
CIP	Community Integration Plan
CRS	Community Return Scheme
IASIO	Irish Association of Social Inclusion Opportunities
Inspector	Inspector of Prisons
IS	Integrated Sentence Management
IPS	Irish Prison Service
MQI	Merchants Quay Ireland
NoK	Next of Kin
OIP	Office of the Inspector of Prisons
RTR	Reviewable Temporary Release
TR	Temporary Release

Mission Statement
The Office of the Inspector of Prisons

‘Supporting excellence in both delivery and outcomes in Ireland’s prisons through an independent programme of inspections and investigations.’

Introduction

1. Preface

1.1 The Office of the 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 of Prisons and staff of the OIP are civil servants, however, they are independent of the Department of Justice in the performance of statutory functions.

1.2 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.

2. Objectives

2.1 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.
- Identify areas that may be pivotal in achieving or obstructing progress of the Department of Justice 2021 to 2023 Strategy to create a 'Safe, Fair and Inclusive Ireland' (Goals 2 and 3).

3. Methodology

3.1 Our standard investigation methodology aims to thoroughly explore and analyse all aspects of each case. It comprises interviews with staff, prisoners, Next of Kin; 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 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. It was not deemed necessary to access the healthcare/medical records for the purposes of this investigation.

3.2 This report is structured to detail the events leading up to Mr. H's Reviewable Temporary Release (RTR) on 22 June 2020 and to the time of his death on 14 July 2020.

4. Administration of the Investigation

4.1 The OIP was notified of Mr. H's death on the 14 July 2020. A standardised checklist of information requirements from the IPS to assist an investigation into deaths in custody (while on Temporary Release) is in place. The IPS Director of Operations provided the OIP with all relevant information requested.

5. Family Liaison

5.1 Liaison with the deceased's family is a very important aspect of the Inspector of Prisons role when investigating a death in custody.

5.2 The OIP made contact with Mr. H's NoK, his mother, on the morning of 26 August 2020. The role of the OIP in relation to an investigation into her son's death was explained. Mr. H's mother had no issues with his release from prison as he was treated well and was grateful for his early release.

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

5.4 I am grateful to Mr. H's family and the Irish Prison Service for their contributions to this investigation.



Patricia Gilheaney
Inspector of Prisons (Chief Inspector)
DATE: 30th December 2021

6. Summary

6.1 Mr. H was aged 44 when he died on 14 July 2020. He was committed to Cloverhill Prison on 14 June 2019 to serve a total sentence of 18 months with a remission date of 28 July 2020.

6.2 He was transferred to Midlands Prison on 20 June 2019 and then to Portlaoise Prison on 25 October 2019. Mr. H had been in custody on a number of occasions and was first committed to prison in July 2000.

6.3 Mr. H was on the enhanced level of the Incentivised Regime¹ due to good behaviour, gym activity and horticultural work.

6.4 During a General Review meeting on 11 June 2020, the Prison Service identified Mr H as a suitable prisoner for Reviewable Temporary Release (RTR).

6.5 Mr H was approved for RTR by IPS Operations Directorate on 22 June 2020 to complete his custodial sentence ending on 28 July 2020.

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

7. Recommendations

7.1 The Office of the Inspector of Prisons is satisfied following the investigation into Mr. H's death there are no recommendations necessary.

8. Portlaoise Prison

8.1 Portlaoise Prison is a closed high security prison for adult males. It is the committal prison for those sent to custody from the Special Criminal Court and prisoners accommodated there include those linked with subversive crime. It has an occupational capacity of 291 beds.

8.2 Mr. H's was the first death of a Portlaoise prisoner in 2020; and the eighth death in IPS custody that year which met the criteria for investigation by the OIP.

Findings

9. Family Concerns

9.1 Mr. H's Next of Kin did not raise any concerns about his release on RTR or about his time in custody.

¹ 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.

9.2 His family viewed that the prison system had worked well for Mr. H and he had been proud that he had learned a trade to paint. Mr. H's mother was grateful to the prison service for the help her son had received as he had spoken positively of his time in custody.

10. Chapter 1 - Background

10.1 Mr. H was 44 years old when he passed away at home. He had two children and had an address in the Leinster area.

10.2 Mr. H was committed on 14 June 2019 to Cloverhill Prison for an 18 months sentence with a remission date of 28 July 2020.

11. Chapter 2 – Time in Custody

11.1 Mr. H was transferred from Cloverhill Prison to Midlands Prison on 20 June 2019 and to Portlaoise Prison on 25 October 2019.

11.2 He was first included in the pre-release meetings schedule on 30 April 2020.² Mr. H had been doing well in prison and was making a good effort, a diligent worker engaged in industrial cleaning and painting. He was in regular contact with the Integrated Sentence Management (ISM) office and his home address was verified in preparation for his pending release.

11.3 Mr. H received regular visits from his parents and was hoping to be out in time to celebrate his children's birthdays in July.

11.4 During a General Review meeting on 11 June 2020, Mr. H was identified as a suitable prisoner for Reviewable Temporary Release (RTR) based on his Community Integration Plan (CIP). The meeting was attended by the Governor, ISM Chief Officer, Chief Work and Training Officer and an Officer from the Operations Directorate.

11.5 Mr. H was approved for RTR by IPS Operations Directorate with his release date set for 22 June 2020.

11.6 His release was subject to the following conditions:

- Be of good behaviour
- Do not convey messages in/out of prison
- Keep the peace
- Return to Portlaoise Prison on date and time listed above
- Be of sober habits
- Shall not enter a pub, club or other licence premises or off-licence premises
- Shall reside at [named address]
- No Garda Sign On condition
- Agree not to change address from [named address] without new TR form.

² Pre-release Meetings are held every two weeks, for the last three months of all prisoners' sentences in Portlaoise Prison. This is to ensure a Community Integration Plan is devised, enacted and completed prior to all prisoners' releases. The services involved in this meeting are: IASIO Training and Employment; IASIO Resettlement; MQI Addiction Support; Healthcare; Psychology; Probation; IPS Prison Management; and the Integrated Sentence Management (ISM). This is also to allow for the plan to be enacted in sufficient time, to set up community supports as appropriate, and to accommodate any TR requests which may be made near the end of a client's sentence.

12. Chapter 3 – Events after Mr. H was Found Deceased

12.1 Mr. H passed away on 14 July 2020. An Garda Síochána classified the death as non-suspicious.

12.2 The IPS were informed of Mr H's death by a local Parish Priest on the 15 July 2020. The IPS notified the OIP the same day.

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

13. Closing

13.1 Mr. H had engaged well in prison and had gained skills as a painter. He achieved his early release on RTR and had strong family connections when he left prison.

13.2 Mr. H had demonstrated good signs of rehabilitation and had been keen to contribute to society on his release.

14. Support Organisations

14.1 Those who are affected by a death in custody can obtain assistance or advice from a number of charities and support groups. The Office of the Inspector of Prisons has an information pamphlet for relatives and friends of someone who dies in the custody of a prison. Further information can be found on the OIP website at www.oip.ie.