



**Oifig An Chigire Príosún**  
**Office of the Inspector of Prisons**

# **Death in Custody Investigation Report**

Mr. I

Midlands Regional  
Hospital Tullamore in the  
custody of Midlands  
Prison

21 May 2022

Report Date to Minister: 14<sup>th</sup> August 2022

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# GLOSSARY

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| OIP | Office of the Inspector of Prisons |
| IPS | Irish Prison Service               |
| DiC | Death in Custody                   |
| NoK | Next of Kin                        |
| A&E | Accident and Emergency             |

# INTRODUCTION

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## 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 instructed the Inspector of Prisons to investigate deaths in prison custody. This includes the death of any person which occurs within one month of their temporary release from prison custody. The OIP also carry out regular inspections of prisons. The Office is independent of the Irish Prison Service (IPS). The Inspector of Prisons and staff of the OIP are independent of the Department of Justice in the performance of statutory functions.
- 1.2 The OIP can 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 public transparency, to promote best practice in the care of prisoners.

## 2. Objectives

- 2.1 The objectives for investigations of deaths in custody are to:
  - Establish the circumstances and events surrounding the death, including the care provided by the Irish Prison Service (IPS);
  - Examine whether any changes in IPS operational methods, policy, practice or management arrangements could help prevent a similar death in the 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;
  - Assist the Coroner's investigation and the States 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; and
  - Identify areas that may be pivotal in achieving or obstructing progress of the Department of Justice 2021 to 2023 Strategy Statement 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 (NoK); 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.
- 3.2 This report is structured paying particular focus to the care that was afforded to Mr. I during his time in prison.

## 4. Administration of Investigation

- 4.1 On Sunday 21 May 2022, the OIP was notified that Mr. I had passed away in the Midlands Regional Hospital Tullamore. Mr. I had been an inpatient since Wednesday, 11 May 2022. On Monday 22 May 2022, the investigation team attended Midlands Prison and met prison management and healthcare staff and were provided with an overview of Mr. I's time in prison.
- 4.2 Midlands Prison Management provided the OIP with all relevant information in accordance with the standardised checklist of information.
- 4.3 The cause of death is a matter for the Coroner.

## 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 Inspectors communicated with Mr. I's, NoK, his sister by telephone on Friday, 10 June 2022. She was complimentary of how the Irish Prison Service had cared for her brother while in custody. However, she did ask one question which is addressed in **section 7**.

# INVESTIGATION

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## 6. Midland Prison

- 6.1 Midlands Prison is a closed, medium security prison for adult males. It is the committal prison for Counties Carlow, Kildare, Kilkenny, Laois, Offaly and Westmeath. It has an operational capacity of 845 beds.
- 6.2 Mr. I was the third death of a prisoner from Midlands Prison in 2022; and the ninth death in IPS custody this year.

## 7. Family Concerns

- 7.1 Mr. I's, NoK, his sister asked if Mr. I had died alone while in Midlands Regional Hospital Tullamore. The investigation team received information from prison management confirming Mr. I was not alone when he passed away as there were prison officers and hospital staff present. This information was communicated to his sister.

## 8. Background

- 8.1 Mr. I was 65 years old when he passed away in the Midlands Regional Hospital Tullamore. He came from the Munster Region. Mr. I was committed to Limerick Prison on Friday 22 October 2021, serving a seven year sentence, and was subsequently transferred to Midlands Prison on Friday, 29 October 2021.

## 9. Medical Care

- 9.1 On Saturday 30 October 2021, the Prison Doctor examined Mr. I and became concerned about his wellbeing, describing him as *'cachectic'*<sup>1</sup> and *'querying the possibility of an underlying malignancy'*<sup>2</sup>. Subsequently, bloods were requested and taken on Thursday 4 November 2021 to determine his medical diagnosis.
- 9.2 From November 2021 to mid-January 2022, Mr. I's condition steadily declined experiencing nausea, poor appetite, throat issues and weight loss. Mr. I was examined by prison medical staff on Friday 28 and Monday 31 January 2022, noting Mr. I's appetite had begun to improve, but had then declined by the second examination. Notably, on his second visit, Mr. I had lost 5kg in weight since his last weight check in December 2021. Results for the blood tests conducted in November 2021 remained outstanding.
- 9.3 On Tuesday 1 February 2022, prison nursing staff contacted the laboratory seeking Mr. I's full blood count results and were provided with them. His blood results were a cause for concern, and Mr. I was referred to A&E at Portlaoise Hospital for further investigation and was later referred to St James Hospital, Dublin. Hospital staff in St James Hospital Dublin conducted a Computerised Tomography (CT)<sup>3</sup> and discovered several sinister lumps on his esophagus

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<sup>1</sup> A visible appearance of physical wasting with loss of weight and muscle mass due to disease. A range of diseases can cause cachexia, most commonly cancer, congestive heart failure, chronic obstructive pulmonary disease and chronic kidney disease.

<sup>2</sup> The state or presence of a tumour. The medical condition becomes progressively worse and is most familiar as a characterisation of cancer.

<sup>3</sup> A medical device that is used to obtain detailed internal images of the body.

tube<sup>4</sup>, which had spread to other parts of the body. Prognosis was very poor. As an interim measure, Mr. I was fitted with a stent to assist with food digestion.

- 9.4 Nursing staff deemed Mr. I fit only for palliative chemotherapy and he was discharged from hospital on Tuesday 15 February 2022, and referred to Oncology. On Thursday 3 March 2022, prison medical staff noted Mr. I was having difficulty eating. Medical staff referred Mr. I for palliative care.
- 9.5 On Tuesday 12 April 2022, Mr. I was assessed by the palliative care team who recommended a hospital bed and pain relief medication. Mr. I was transferred from cell 24 a double cell, to cell 6 a single cell that was equipped medically for his needs. Prison medical staff continued to assess Mr. I on a daily basis and sometimes twice daily. With his condition deteriorating, Mr. I's pain increased and his inability to consume food became an issue. Prison nursing staff became concerned and took Mr. I to A&E at Portlaoise Hospital on Friday 15 April 2022, where he spent four days in hospital.
- 9.6 Over the next four weeks, prison nursing staff and the palliative care team monitored and varied medication and the dosage provided to Mr. I to meet his needs and to provide pain relief.

## 10. Hospital Admission

- 10.1 On Thursday 12 May 2022, Mr. I attended the Oncology department at the Midlands Regional Hospital Tullamore with a view to commencing palliative chemotherapy. Due to his presentation, Mr. I was admitted to hospital and his condition deteriorated over the next nine days.
- 10.2 Mr. I passed away in the Midlands Regional Hospital Tullamore on Saturday, 21 May 2022.

## 11. Recommendations

- 11.1 There are no recommendations in this case.

## 12. Closing

- 12.1 The investigation team wish to commend the prison medical staff, who from their observations and medical experience identified the seriousness of Mr. I's poor health and put an appropriate care plan in place.
- 12.2 Cells across the prison estate are not designed or equipped to accommodate detainees with serious health issues. To address this, Mr. I was transferred to a cell that was fully equipped to adequately manage his care. It is important to acknowledge that he was provided with dignity and respect by those caring for him during his time in detention. The Irish Prison Service is examining the potential for establishing a dedicated section at the Midland Prison for prisoners in palliative or end of life care. This would be designed bespoke to medical needs and allow families more privacy and access to their relatives at a difficult time. It would also reduce pressures on the general operational activities of the prison. This proposal is something the Office of the Inspector of Prisons welcomes.
- 12.3 The OIP would like to thank the medical staff and the senior management team at the Midlands Prison for their cooperation and prompt responses to this death in custody investigation.

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<sup>4</sup> A tube that carries food and liquid once consumed to the stomach.

## 13. Support Organisations

- 13.1 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](http://www.oip.ie).