



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

# **Death in Custody Investigation Report**

Mr. U

Wheatfield Prison

Full Temporary Release

25 December 2022

Aged 28

[Submission Date to Minister] 28 November 2023

# CONTENTS

|  |          |
|--|----------|
| <b>GLOSSARY</b>                            | <b>3</b> |
| <b>INTRODUCTION</b>                        | <b>4</b> |
| 1. Preface                                 | 4        |
| 2. Objectives                              | 4        |
| 3. Methodology                             | 4        |
| 4. Administration of Investigation         | 5        |
| 5. Family Liaison                          | 5        |
| <b>INVESTIGATION</b>                       | <b>6</b> |
| 6. Wheatfield Prison                       | 6        |
| 7. Family Concerns                         | 6        |
| 8. Background                              | 6        |
| 9. Document Analysis and NoK Clarification | 7        |
| 10. 25 December 2022                       | 9        |
| 11. Recommendations                        | 9        |
| 12. Support Organisations                  | 10       |

# GLOSSARY

---

|       |   |
|-------|---|
| A & E | Accident and Emergency  |
| DiC   | Death in Custody  |
| IPS   | Irish Prison Service  |
| OIP   | Office of the Inspector of Prisons                            |
| ICU   | Intensive Care Unit   |
| AG    | Assistant Governor  |
| AGS   | An Garda Síochána   |
| NoK   | Next of Kin   |
| TR    | Temporary Release   |
| FTR   | Full Temporary Release  |
| IASIO | Irish Association for Social Inclusion Opportunities          |
| ISM   | Integrated Sentence Management Officer-<br>IPS Prison Officer |
| PACE  | Training and Employment Agency                                |

# INTRODUCTION

---

## 1. Preface

- 1.1 The Office of the Inspector of Prisons (OIP) was established by the Minister for Justice under the Prisons Act 2007 (the Act). Since 2012, the Minister for Justice has requested 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 carries 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. 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 help to fulfil the obligations of the State 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'.

## 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. U during his time in prison and the procedures followed leading up to his temporary release.

## 4. Administration of Investigation

- 4.1 On the 28 December 2022, the OIP was notified by telephone by Governor A of Wheatfield Prison that Mr. U had passed away while on Full Temporary Release (FTR). As this death occurred within one month of Temporary Release and before Mr. U's remission date of 4 January 2023, it was investigated by the OIP.
- 4.2 Prison Management provided the OIP with all relevant information in accordance with the standardised checklist of information required.
- 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 The OIP made efforts to contact the recorded NoK in the course of our investigation but the contact numbers as recorded on the Prisoner Information Management System (PIMS) were no longer active. The OIP liaised with AGS who confirmed that they had interacted with the family and would advise the family that the OIP wished to make contact. Subsequently the OIP spoke with Mr. U's sister over the telephone. Mr. U's sister had no questions or concerns regarding Mr. U's time in prison custody.
- 5.3 Although this report is for the Minister for Justice, it will also inform several interested parties. It is written primarily with Mr. U's family in mind.
- 5.4 The OIP is grateful to Mr. U's sister for her contributions to this investigation and we offer our sincere condolences to the family on their loss.

# INVESTIGATION

---

## 6. Wheatfield Prison

- 6.1 Wheatfield Prison is a closed, medium security prison for adult males, which primarily caters for prisoners from the counties of Louth, Meath, Monaghan, Wexford and Wicklow. It has an operational capacity of 610 beds.
- 6.2 Mr. U was the second death of a prisoner in the custody of Wheatfield Prison in 2022 and the 21<sup>st</sup> death in IPS custody that year.

## 7. Family Concerns

- 7.1 The OIP spoke with Mr. U's sister on 8 and 9 August 2023 and outlined our role and function in investigating the death of her brother. Mr. U's sister expressed no concerns regarding Mr. U's time in prison but provided clarification on Mr. U's movements in his final days while on FTR.

## 8. Background

- 8.1 In determining Mr. U's prisoner status the OIP reviewed IPS documentation. It was noted that Mr. U's PIMS record showed a committal start date of 14 August 2022 and a sentence start date of 22 November 2021. The OIP sought clarification from Governor A of Wheatfield Prison regarding these recorded dates as a committal date should be on or before (if the person was on remand prior to sentencing) a sentence date. This is dealt with in more detail at 9.7 hereunder.
- 8.2 Mr. U had been on an enhanced level of the Incentivised Regime<sup>1</sup> from 10 October 2022 and on 19 December 2022 had been approved by IPS HQ for FTR.
- 8.3 As part of Mr. U's FTR conditions he was required to reside at the North Dublin address listed on his TR form, to attend an appointment with PACE,<sup>2</sup> keep the peace, be of sober habits and not enter a pub. Mr. U's FTR commenced on 20 December 2022 and was to expire on his remission date of 4 January 2023.
- 8.4 Included with the documentation provided to the OIP by the IPS were:
- A- An Expiration Checklist – signed and dated 20 December 2022.
  - B- A Temporary Release Form – dated 19 December 2022
  - C- A PIMS/Movement Application/Decision Details Document – with a decision date of the 19 December 2022 and start date for FTR of the 20 December 2022.

---

<sup>1</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.

<sup>2</sup> PACE aims to support the integration process of people with criminal convictions and bring about positive change in their lives, and by doing so, help to prevent further harm in the community.

## 9. Document Analysis and NoK Clarification

### Examination of Expiration Checklist

- 9.1 The 'Expiration Checklist' is a form which Wheatfield administrative staff use to check that all stages of a TR process have been completed by ticking, as appropriate; Yes, No, N/A to 17 questions. The OIP has been informed by prison management that this form is not an official document but an *aide memoire* developed by the administrative staff attached to Wheatfield Prison to ensure that all stages of the process leading to a temporary release have been completed.
- 9.2 Question two is a check to confirm that the "**ISM<sup>3</sup> confirmed the prisoners address**" and there are four sections to complete in response to this question i.e. **Confirmed the address,, Contact Name, Contact No** and **Address** where the person approved for TR will reside on release. None of these questions were answered in processing of Mr. U's FTR but a hand written entry "**address in system**" was entered on this section of the form.

### Examination of TR Form

- 9.3 The address on the TR Form at which Mr. U was supposed to reside following release was the same North Dublin address as that which was recorded on the Personal Details of PIMS. However, Mr. U's sister advised the OIP that her brother was separated and no longer resided at that address (with his estranged wife) in North Dublin. The postal area mentioned by Mr. U's sister was the address recorded on PIMS and the address at which Mr. U was formally required to reside while on FTR and he had agreed not to change this address without notification.

There is no evidence that the occupant of the North Dublin address had been contacted prior to approving release. In reality, after his release, Mr U resided with another family member whose address was not recorded on the TR Form (see also paragraph 9.8).

- 9.4 This TR form also required Mr. U, along with the other general conditions of his TR, as outlined at 8.3, to link in with PACE. The attendance of Mr. U at PACE was arranged by a Training and Employment Officer with IASIO<sup>4</sup> but no specific date was agreed. On examination of the documentation received the OIP noted that IASIO personnel advised IPS personnel on 16 December 2022, by email, that PACE would be closing the following week on 23 December 2022 and would not reopen until 4 January 2023. On 21 December 2022, IASIO personnel were contacted by PACE seeking clarification on Mr. U's release as he had not attended their facility. IASIO personnel replied to PACE informing them that Mr. U had been released on 20 December 2022.

---

<sup>3</sup> Integrated Sentence Management Officer

<sup>4</sup> Irish Association for Social Inclusion Opportunities. It is a gate service, from prison to the community, that help those in custody to an alternative life course which does not include offending by linking them to supports and opportunities in the community on release.

- 9.5 The TR Form required the Governor/Officer in charge of Wheatfield Prison to sign and date the form. The signature or mark of the person being released is also required along with the date of signing. The Governor/Officer in charge signed the form on 19 December 2022 but the signature of the signee is not legible and the signee failed to print their name as was required. The signature of Mr. U accepting the conditions of the FTR was legible and was witnessed by an ACO whose name was not legible, the witness failed to enter the date of signing.

#### **Examination of PIMS Movement Application/Decision Details**

- 9.6 The 'Application Details' contained the same North Dublin address for Mr. U as was recorded on PIMS Personal Details section and on the TR Form, which as already mentioned (see paragraph 9.3) was not where Mr. U resided following release. The application submitted by Assistant Governor A recommended FTR to allow Mr. U "to access appointment in PACE". The "Decision Details" completed in IPS HQ by IPS Staff Member A provided the rationale for the release of Mr. U as:

"TR/FTR to access an appointment in PACE. To alleviate high numbers Recommended by prison management."

This form had a recorded start date for FTR as 20 December 2022 with an end date of 4 January 2023, which corresponds with the TR Form.

#### **Sentence Start Date versus Committal Date**

- 9.7 The General Information, TR form and PIMS movement application form all provide a committal date of 14 August 2022 and a sentence start date of 22 November 2021. The OIP sought clarification on this information from the Governor of Wheatfield Prison. The Governor confirmed that Mr U was committed to Cloverhill Prison on 22 November 2021 and then subsequently transferred to Wheatfield prison. On 13 August 2022 Mr U attended Accident and Emergency (A&E) at Tallaght University Hospital. On Mr. U's return to Wheatfield Prison the next day, 14 August 2022, it was discovered that an error was made with his hospital discharge as he had been inadvertently recorded as 'released' on the PIMS rather than shown as "Discharged on a Hospital Movement". The recording error in discharging Mr. U to hospital necessitated that Mr. U be formally recommitted, hence recording 14 August 2022 as his committal date on the PIMS.

#### **NoK Address Clarification**

- 9.8 Mr. U's sister informed the OIP that Mr. U had been estranged from his wife for some time. Mr. U's sister informed the OIP that his estranged wife and children reside at the North Dublin address listed on his TR form and PIMS Movement Application form. Mr. U's sister also informed the OIP that her brother was collected from Wheatfield Prison by another family member and that he resided with that family member for one night following release. The OIP were unable to establish how contact was made with the family member who collected Mr. U from Wheatfield Prison on 20 December 2022.



## NoK Status Clarification

- 9.9 In the course of the OIP's investigation it was established that the NoK as recorded on the PIMS did not reside at the recorded address as that was the address of Mr. U's estranged wife and family. The OIP also established that the recorded NoK was in the custody of the Dóchas Centre at the time of Mr. U's release on FTR and therefore would not have been contacted regarding the provision of accommodation on release.
- 9.10 Prison management advised the OIP that Mr. U never gave any indication of homelessness and was consistent in the use of the North Dublin address in his engagement with staff and in-reach services. There was no evidence provided to show that the occupant (ex-wife) of the North Dublin address which was recorded on PIMS and on the TR Form as the address where Mr. U was to reside on release was contacted. As stated earlier in this report the OIP were advised by Mr. U's sister that her brother has not resided with his estranged wife for many years.
- 9.11 The Investigators were advised that as Mr. U had not indicated a change of address during his sentence and the ISM Officer reported that they would only confirm a change of address.

## 10. 25 December 2022

- 10.1 On 28 December 2022 the OIP was informed by Governor A of Wheatfield Prison that Mr. U had been found unresponsive in Dublin City center on 22 December 2022. The OIP was advised by Mr. U's sister that they were contacted by AGS and attended St. James Hospital. Mr. U had been admitted to the Intensive Care Unit (ICU) and his family were with him on 25 December 2022, when they gave approval to turn off his life support.

## 11. Recommendations

- 11.1 It is recommended that all documentation relating to a Temporary Release, including an *aide memoire* should be fully completed to ensure that all required contacts have been made in advance of approving Temporary Release.
- 11.2 All appointments should be in place prior to the release of a person on Temporary Release to include, time and date of meeting(s). It should not be left to the released person to arrange appointments.
- 11.3 The Assistant Chief Officer in charge of Committals and Discharges should at all times ensure that the documentation relating to a discharge is correct before instructing the Gate Officer to discharge the person.
- 11.4 When an error occurs with an entry on the PIMS in relation to a discharge/committal date the Assistant Chief Officer in charge of Committals and Discharges should notify the governing Governor who should immediately notify Operations Directorate to ensure that the error is rectified.
- 11.5 All personnel with responsibility for arranging and processing of a Temporary Release be reminded of their roles and responsibilities as set out in the Irish Prison Service Standard Operating Procedure relating to Temporary Release.

- 11.6 IPS Management should ensure that all sections of official documents are fully and comprehensively completed in legible handwriting and all signatures are supported by block capitals. Similar recommendations have been made in Mr. L and Mr. Q 2019.

## 12. Support Organisations

- 12.1 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).