



Oifig An Chigire Príosún
Office of the Inspector of Prisons

Death in Custody Investigation Report

Mr. M
Castlerea Prison
While on Reviewable
Temporary Release
16 December 2020

Submitted to Minister: 23 October 2024

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GLOSSARY

Act	Prisons Act 2007
AGS	An Garda Síochána
CCTV	Closed Circuit Television
CSS	Community Support Scheme
DG	Director General
DiC	Death in Custody
ECHR	European Convention on Human Rights
HQ	Headquarters
IASIO	Irish Association for Social Inclusion Opportunities
IPS	Irish Prison Service
ISM	Integrated Sentence Management
NoK	Next of Kin
OIP	Office of the Inspector of Prisons
PHMS	Prisoner Healthcare Management System
PIMS	Prisoner Information Management System
RTR	Reviewable Temporary Release

INTRODUCTION

1. Preface

- 1.1 The Office of the Inspector of Prisons (OIP) was established under the Prisons Act 2007 (the Act). Since 2012, the Chief Inspector of Prisons has been obliged to investigate all 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 Chief Inspector of Prisons and the staff of the OIP are independent of the Department of Justice in the performance of their 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 can be disseminated in the interest of public transparency, to promote best practice in the care of prisoners.

2. Objectives

- 2.1 The objectives of 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 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; and
 - Assist the Coroner's investigation and contribute to meeting the State's obligations 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.

3. Methodology

- 3.1 Our standard investigation methodology aims to thoroughly explore and analyse all aspects of each case. It comprises of 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 to detail the events leading up to Mr. M's death on 16 December 2020 while on reviewable temporary release from Castlerea Prison and the management of the events associated with his death.

4. Administration of Investigation

- 4.1 The OIP was notified of Mr. M's passing on the morning of 16 December 2020. The OIP spoke to Mr. M's father by telephone on 2 March 2021. On 2 June 2021, the investigation team had an in-person meeting with the NoK and other family members. The inspection team attended Castlerea Prison and consulted with other parties including An Garda Síochána (AGS), Housing Services and the Coroner's Office.
- 4.2 Prison Management provided the OIP with all relevant information in accordance with the standardised checklist of information required.
- 4.3 The Coroner's hearing took place on 28 May 2021 and the cause of death was recorded as a drug overdose.

5. Family Liaison

- 5.1 Liaison with the deceased's family is a very important aspect of the Inspectorate of Prisons' role when investigating a death in custody.
- 5.2 During the telephone conversation with Mr. M's father on 2 March 2021, he stated that Mr. M was in good form following his release. He had been *"linked in with the Probation Service and Addiction Counselling and was due to join a Community Work Scheme"*. The NoK asked the OIP to extend his thanks *"to the lady in Castlerea Prison who helped"* his son. Mr. M's father did not know her name. No concerns were raised during this telephone conversation.
- 5.3 An in-person meeting was delayed due to COVID-19 restrictions but the investigation team met with Mr. M's father, mother and grandmother on 2 June 2021. The role of the OIP in relation to the investigation into Mr. M's death was explained. At this meeting, Mr. M's family raised some concerns and questions (**see Section 9**).
- 5.4 Although this report is for the Minister for Justice, it may also inform several interested parties. It is written primarily with Mr. M's family in mind.
- 5.5 The OIP is grateful to Mr. M's family for their contributions to this investigation and we offer our sincere condolences on their loss.

INVESTIGATION

6. Castlerea Prison

- 6.1 Castlerea Prison is a closed, medium security prison for adult males. It is the committal prison for remand and sentenced prisoners in Connacht and also takes committals from counties Cavan, Donegal and Longford. At the time of Mr. M's passing it had an operational capacity of 340 beds.
- 6.2 Mr. M was the second death in Castlerea Prison in 2020 and the thirteenth death in IPS custody that year which met the criteria for investigation by the OIP.

7. Family Concerns

- 7.1 Mr. M's family and NoK raised four concerns/questions which have been considered during this investigation. These related to the wellbeing of their son and the planning for his release from Castlerea Prison. These are addressed in **Section 9** of this report.

8. Background

- 8.1 Mr. M was 22 years of age when he was found deceased in a public place on 16 December 2020. At the time of his passing, Mr. M was on Reviewable Temporary Release (RTR) from Castlerea Prison.
- 8.2 Mr. M was committed to Castlerea Prison on 25 May 2020 to serve a short sentence and was approved for temporary release with effect from 27 May 2020. Following a further appearance before the Courts, Mr. M was committed to Castlerea Prison on 29 June 2020 and his sentence was imposed on 2 September 2020. Mr. M had a remission date of 28 December 2020. He was on the standard level of the incentivised regime¹ and had been accommodated on A1 division.
- 8.3 Mr. M's suitability for temporary release to engage in the Community Support Scheme² (CSS) was considered at a multi-disciplinary meeting on 9 December 2020 attended by Chief Officer A, ISM Officer A, Prison Clerical Officer A, Community Support Officer A, attached to the Irish Association for Social Inclusion Opportunities (IASIO)³, and the Lead of the IPS Co-Located Unit⁴. It was acknowledged by those at the meeting that Mr. M had progressed well and they believed the CSS would be beneficial for his re-integration to the community. Mr. M had re-entered education and committed to a college course which they reported demonstrated

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.

² Community Support Scheme (CSS) is an incentivised early release scheme co-managed by the Irish Prison Service and the Probation Service.

³ Irish Association for Social Inclusion Opportunities: The Service is a prison based 'through-the-gate' guidance service that provides individuals with opportunities for change. The Resettlement Service is a one-to-one intervention whereby the Resettlement Coordinator co-develops an effective resettlement plan with the prisoner that addresses their needs as they leave prison.

⁴ The co-located unit is as unit of IPS staff based in the probation Service which manages the CSS.

significant progress in his rehabilitation. At this meeting, it was decided that Mr. M met the criteria to partake in the CSS and a plan was agreed for his release.

- 8.4 A request was submitted to IPS HQ Operations Directorate seeking approval for Mr. M's RTR. The Co-Located Unit Lead A informed the OIP that "*due to the complex nature of this case*" he telephoned IPS Headquarters Official A to verbally explain the justification for the application in seeking sanction to release Mr. M on RTR. Official A gave written approval for the temporary release of Mr. M
- 8.5 Mr. M's RTR was to take effect from 14 December 2020. There were a number of conditions attached to the release of Mr. M on RTR, which included that he partake in the CSS, reside at a specific address, attend addiction counselling and refrain from consuming alcohol.
- 8.6 Mr. M was released at 10:29 on 11 December 2020. Chief Officer A recorded on PIMS that Mr. M's release was brought forward due to high numbers in custody in Castlerea Prison. An application to change Mr. M's release date from 14 to 11 December 2020 was forwarded to IPS HQ Operations Directorate by prison management. Mr. M's RTR was approved in writing to commence on 11 December 2020.
- 8.7 On 11 December 2020, Castlerea Prison had a maximum occupancy capacity of 340 persons, the actual occupancy on the date was recorded by the IPS as 276. Castlerea Prison management informed the OIP that, due to renovation works in the prison, some cells were out of commission; in addition, COVID-19 restrictions in place, which included quarantine and isolation of prisoners, resulted in some double cells being used for single occupancy. Consequently there were less beds/cells available impacting on actual capacity.
- 8.8 Mr. M's parents informed the OIP that they had made arrangements to collect their son from Castlerea Prison on 14 December 2020 and they were not informed that his release had been brought forward to 11 December 2020. Mr. M was provided with a ticket by prison management for public transport to return home.
- 8.9 Mr. M's mother advised the investigation team that, on 11 December 2020, Mr. M was to stay at his brother's address while on temporary release but he [Mr. M] refused to stay with his brother. Mr. M contacted his mother looking for money to secure a hostel bed. Mr. M's mother stated that she arranged for her son to reside with his grandmother but Mr. M did not go to his grandmother's house.
- 8.10 Mr. M's mother informed the investigation team that she was concerned for her son's wellbeing and had conversations with him regarding the dangers of taking drugs.
- 8.11 The investigation team established that Mr. M spent one night, 14 December 2020, in a hostel following his release. The family believe that Mr. M may have slept rough the other nights.
- 8.12 On 15 December 2020, at 12:44 AGS were called to a fast-food outlet where Mr. M was found collapsed in the toilets and there was evidence of drug use at the scene. Mr. M was removed to hospital as an emergency admission. Later the same evening, Mr. M discharged himself and the OIP was informed that his grandfather gave him money to pay for accommodation. However, there was no record that Mr. M stayed in any local hostel accommodation that night.
- 8.13 The following day, 16 December 2020, at 07:30 Mr. M was found deceased in a public place.

- 8.14 The IPS Co-located Unit Lead A informed the OIP that the Unit would not normally support the temporary release of prisoners on a Friday as there are limited or no community support services available over weekends. The application for the early release was made by local prison management for the reasons outlined at 8.6. Having considered the application, IPS HQ Operations Directorate Official A approved the release, which took effect on 11 December 2020, which was a Friday.
- 8.15 When reviewing Mr. M's medical/healthcare records, the inspection team noticed that nurse officers' entries were made to his record recording medical examinations on 31 May 2020 and 4 June 2020 when Mr. M was not in prison. This entry error was not directly relevant to the circumstances surrounding Mr. M's death and has separately been brought to the attention of IPS HQ. However, inaccurate record keeping is a matter of serious concern and has been the subject of recommendations on many previous occasions by the OIP.
- 8.16 The Coroners hearing took place on 28 May 2021 and the cause of death was recorded as a drug overdose.

9. Family Response

- 9.1 The family raised four concerns/questions which were considered during the investigation and responded to hereunder.

1. The family was notified that Mr. M was due to be released on 14 December 2020. Why were the family not notified that Mr. M was being released on 11 December 2020?

Response: Due to limited space available at Castlerea Prison at the time, management of the Prison resubmitted an application to IPS HQ Operations Directorate to bring forward Mr. M's release date by three days. Given the situation outlined in the application, the application was approved. Prison management accepted that they had failed to notify Mr. M's family of his early release date but had provided him with ticket for public transport to his designated address.

2. Was Mr. M provided with his medication while in Castlerea Prison?

Response: Prison doctors prescribe medication for prisoners following medical examination on committal. The investigation team reviewed Mr. M's medical records which confirmed that he was administered his prescribed medication while in custody.

3. When Mr. M was committed to Castlerea, he had to quarantine for two weeks with no medication. Why?

Response: As a COVID-19 infection control measure, all new committals were required to quarantine. The medical records examined verified that Mr. M's medication was dispensed daily and he was also tested for COVID-19 by nursing staff on a daily basis.

4. Mr. M's brother was not sanctioned temporary release for his brother's funeral, why?

Response: At the time, due to COVID-19, the Irish Prison Service had strict measures in place to protect the health of staff and prisoners. The measures in place included restriction on movement of persons and the numbers of persons who could meet all of which informed the IPS management decision to refuse temporary release.

10. Recommendations

10.1 The Office of the Inspector of Prisons has made four recommendations:

1. Prisoners who are granted RTR and are required to engage with community services that are only available on weekdays should only be released between Monday and Thursday.
2. Where a RTR plan has been approved, this should not be varied unless all relevant parties have been contacted and details as to who was contacted and when (time and date) recorded on Prisoner Information Management System (PIMS). This requirement should be included in the IPS Temporary Release Policy Guidance.
3. The basis for all decisions relating to a temporary release should be accurately recorded on PIMS.
4. The IPS should review its record keeping policy in order to improve accountability and ensure the accurate recording of operational and medical activities.

11. Support Organisations

11.1 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