



Oifig An Chigire Príosún
Office of the Inspector of Prisons

Death in Custody Investigation Report

Mr. V 2022

Reviewable Temporary
Release from Cork Prison
31 December 2022
Aged 44

To the Minister: 18 July 2025

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GLOSSARY

AGS	An Garda Síochána
CSS	Community Support Scheme
IPS	Irish Prison Service
ISM	Integrated Sentence Management
NoK	Next of Kin
OIP	Office of the Inspector of Prisons
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 that 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, Home Affairs and Migration in the performance of their statutory functions.
- 1.2 The OIP can make recommendations for improvement where appropriate. The Minister for Justice, Home Affairs and Migration publishes our investigation reports, 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 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 focus on the care afforded to Mr. V during his time in prison and the procedure followed in relation to the granting of Reviewable Temporary release (RTR).

4. Administration of Investigation

- 4.1 On 4 January 2023, the OIP was notified by the Irish Prison Service's Operations Directorate that Mr. V had passed away while on RTR from Cork Prison. As this death in custody occurred while Mr. V was on temporary release, the investigation team did not attend Cork Prison. The investigation team has liaised with Cork Prison Management in the course of this investigation.
- 4.2 IPS Management provided the OIP with 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 investigation team communicated with Mr. V's NoK, his mother, by telephone. Mr. V's mother declined the opportunity to meet with the investigation team in person.
- 5.3 Although this report is for the Minister for Justice, Home Affairs and Migration it may also inform several interested parties and is written primarily with Mr. V's NoK in mind.
- 5.4 The OIP is grateful to Mr. V's mother for her contribution to this investigation and we offer our sincere condolences to her and Mr. V's family for their loss.

INVESTIGATION

6. Cork Prison

- 6.1 Cork Prison is a closed medium security prison for adults. It is the committal prison for counties Cork, Kerry and Waterford. It has an operational capacity of 296 beds. On 19 December 2022, the day Mr. V was released on RTR, Cork Prison was operating at a capacity of 90%, with 267 in custody.
- 6.2 Mr. V was the third death of a prisoner from Cork Prison in 2022; and the twenty-second death in IPS custody that year.

7. Family Concerns

- 7.1 Mr. V's mother informed the investigation team that her son had passed away following a drug overdose after his release from prison.
- 7.2 In relation to Mr. V's time in custody, his mother shared that neither she, nor her family, had any concerns or questions.

8. Background

- 8.1 Mr. V was 44 years of age when he passed away on 31 December 2022. He was committed to Cork Prison on 16 November 2022 to serve a four month custodial sentence, with a remission date of 13 February 2023.
- 8.2 Mr. V was on the 'standard' privilege level of the Incentivised Regime¹ since his committal into Cork Prison. In addition, Mr. V was 'on protection'² as he disclosed to the IPS that he was 'fighting' with some of the other prisoners in Cork Prison.
- 8.3 The Prisoner Information Management System (PIMS) recorded evidence that Mr. V's offence was associated with substance use.
- 8.4 Mr. V's RTR commenced on 19 December 2022 to enable him to partake in the Community Support Scheme (CSS)³.

¹ The **Incentivised Regimes Programme** provides for a differentiation of privileges between prisoners according to their level of engagement with services and quality of behaviour. There are three levels of regime – basic, standard and enhanced, with different privileges associated with each regime level. All prisoners enter the system at standard regime level and have the opportunity to become eligible for the enhanced regime status once they have met the required criteria for the preceding two months.

² '**On Protection**' refers to when prisoners are separated, from other prisoners, due to a perceived threat of harm.

³ The **Community Support Scheme (CSS)** offers prisoners serving sentences between 3 and 12 months the opportunity to serve part of their sentence in the community rather than in the prison. It is a short-term intervention linking those availing of this temporary release programme to services within their home locality, as a means of improving the individual's chances of sustaining life outside of prison. **Cork Alliance**, based in the community, work with the IPS to facilitate and support the CSS programme in Cork Prison.

- 8.5 A number of conditions, attached to Mr. V's release, were listed on his Temporary Release Notice⁴. These were as follows:
- 1) *"To engage with Cork Alliance.*
 - 2) *To maintain contact with the Community Support Team.*
 - 3) *Be of good behaviour.*
 - 4) *Do not convey messages in/out of prison.*
 - 5) *Keep the peace.*
 - 6) *Report to [a named] Garda station⁵ within 24 hours of release and daily thereafter to get TR form stamped.*
 - 7) *Return to Cork Prison on the date and time listed (03/01/2023 at 11am).*
 - 8) *Shall be of sober habits.*
 - 9) *Shall not enter a pub, club or other licensed premises or off-licence premises.*
 - 10) *Shall reside at [a specified address]⁶ in Cork, Ireland*
 - 11) *Agree not to change address, [specific address named again], without a new TR form.*
 - 12) *To meet with the named CSS Coordinator on Monday 19 December at 2pm in the Cork Alliance Centre (address and contact details were provided within the condition) and to continue to meet every week thereafter.*
 - 13) *Return to Cork Prison to sign weekly as directed on your TR form.*
 - 14) *Engage with addiction recovery supports*
 - 15) *Attend all other appointments as advised by your Community Sentence Coordinator."*
- 8.6 To establish information about Mr. V, his release and his time in Cork Prison, the OIP reviewed the following documentation:
- Mr. V's PIMS records;
 - A Temporary Release form signed by the Governor, another member of IPS staff and Mr. V, dated 19 December 2022, relating to the period of 19 December 2022 to 3 January 2023;
 - A Temporary Release form, signed by the Governor and another member of IPS staff, dated 3 January 2023, relating to the period 3 January 2023 to 10 January 2023;
 - Correspondence between IPS staff and from the Community Service Scheme (CSS) provider;
 - CSS meeting notes for 13 December 2022 which include information about previous meetings and notes relating to Mr. V's RTR approval.

9. Document Analysis

Decision to grant Reviewable Temporary Release (RTR)

- 9.1 Records confirm that Mr. V was first referred for assessment for the CSS on 1 December 2022 and he was discussed at a CSS Review meeting on 5 December 2022. A PIMS entry, relating to 5 December 2022, provided a summary of Mr. V's personal circumstances, including that he had a valid medical card, and that he was to be assessed for his suitability for the CSS by Cork

⁴ A Temporary Release Notice is a document that stipulates conditions for a person's release. IPS representatives and the person being released sign the document. A copy is given to the person being released and the IPS retain a copy for their records.

⁵ The Garda station was named on Mr. V's Temporary Release Notice; however, the specific location/name has been omitted from this report to protect the identity of Mr. V and his family.

⁶ A specified address was included within Mr. V's Temporary Release form but has been removed from this report to protect the identity of Mr. V and his family.

Alliance. As Mr. V had a further Court appearance impending, at that time, a decision regarding RTR was postponed until all outstanding Court matters were completed.

- 9.2 An integrated sentence management (ISM) case note, dated 12 December 2022, documented that Mr. V's Court matters had concluded and his original release date, 13 February 2023, remained unchanged.
- 9.3 Mr. V was discussed at a further CSS meeting on 13 December 2022. It was recommended that Mr. V could be approved for release, to engage in the CSS, if his proposed release address could be confirmed.
- 9.4 Mr. V proposed two potential release addresses and neither was considered to be a viable option based on legitimate documented concerns. As a result of the decision not to approve either address, Mr. V was referred to the Post Release Coordinator⁷ for assistance regarding accommodation. Correspondence from the Post Release Coordinator on the afternoon of 13 December 2022 confirmed that Mr. V's uncle had agreed for Mr. V to reside with him during his time subject to RTR. The same correspondence also confirmed that Mr. V's welfare payment had been arranged and would be available to him at the Post Office on 19 December 2022.
- 9.5 During Mr. V's time in custody, he engaged in a detoxification programme to address his substance use. The CSS Meeting notes recorded that the ISM team had confirmed with the prison surgery that Mr. V had completed the detoxification programme on 7 December 2022. This information was recorded next to the decision to recommend Mr. V for release as evidence that it was a consideration in the final decision.
- 9.6 A PIMS entry confirmed that Mr. V's release plan was approved on 14 December 2022. According to a case note by IPS Official⁸ A on PIMS, Mr. V was "*recommended for RTR to CSS due to high numbers*" [in prison custody].

Compliance

- 9.7 The IPS provided information that breach action was not initiated in the case of Mr. V. However, from reviewing the feedback from his CSS Community Sentence Coordinator, Mr. V did not attend his appointment with her on 19 December 2022 as instructed; nor did he maintain contact with his Community Support Team or engage with Cork Alliance.
- 9.8 The CSS Community Sentence Coordinator recorded that Mr. V had made a telephone call to Cork Alliance on 19 December 2022, advising that he could not attend his 2pm appointment and requested that it be rescheduled to the following week. The notes documented that Mr. V's RTR conditions were verbally explained to him during the call and he was given a revised appointment time of 4.15pm on the same day, 19 December 2022. Records evidence that Mr. V failed to attend his revised appointment and did not contact his CSS Community Sentence Coordinator to explain his absence. Indeed, the CSS Community Sentence Coordinator recorded that she telephoned Mr. V's uncle, on 20 December 2022, in an attempt to try to engage Mr. V. She noted that Mr. V was not present so she left a message requesting that Mr.

⁷ The Post Release Coordinator is based in the Education unit at Cork prison as part of the Cork College of FET, Cork's Further Education and Training Service.

V contact her as soon as possible. The missed appointment and lack of contact from Mr. V was reported, by email, to the IPS on 22 December 2022.

- 9.9 Given that Mr. V was clearly in breach of his RTR conditions, clarity was sought from the senior management team at Cork Prison regarding the decision making process in this case. In response, Assistant Governor A advised that the member of staff, who was notified of Mr. V's noncompliance, was on leave when the email notification of non-attendance was sent. By the time he had returned to work, Mr. V had passed away.
- 9.10 The investigation team enquired with senior management at Cork Prison if Mr. V had complied with his condition to report to his local Garda station on a daily basis. The response from Assistant Governor A acknowledged that Mr. V's local Garda station does not record the names of those who present with their Temporary Release Notices but they do stamp and date them when presented. Furthermore, it was confirmed that in order for a person to have their RTR renewed, a Garda stamp must be present on the person's Temporary Release Notice when they return to the prison, as evidence of compliance. If the notice does not have a Garda stamp, without a confirmable reason, the person subject to RTR would be deemed to have failed to comply with their conditions. Based on this information, it is not possible to confirm whether Mr. V attended his local Garda station, as directed.

10. Recommendations

- 10.1 The OIP has made one recommendation:

1. When a person, who has been granted Reviewable Temporary Release, fails to keep to their conditions, it is important that swift action is taken and all decision making regarding compliance, is accurately recorded. As Mr. V's case demonstrates, in order to do this, there must be sufficient staff cover and systems in place when designated officers are on leave. The OIP believes that this could potentially be important for the welfare of those subject to temporary release conditions as well as for the wider community. In addition, if appropriate action is not taken when a person fails to comply with their conditions and does not have an acceptable explanation, the authority and legitimacy of the Temporary Release process could be called into question.

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.