



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

# Death in Custody

## Information booklet

This booklet tells you about the work the Office of the Inspector of Prisons (OIP) does to investigate deaths in custody.

The booklet contains information on:

	<b>The Office of the Inspector of Prisons and relevant legislation</b>
	<b>The death in custody investigation process</b>
	<b>The death in custody report process</b>
	<b>How to contact the OIP and support services</b>

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# 1. The Office of the Inspector of Prisons (OIP)

The Office of the Inspector of Prisons (OIP) was set up to oversee and scrutinise the work of the Irish Prison Service. The Inspectorate carries out its work independently. On behalf of the Minister for Justice, the Chief Inspector of Prisons investigates:

- deaths in prison custody
- deaths that occur within one month of a person's temporary release from prison custody.

By their very nature prisons operate in a secure environment away from the public eye. This does not lessen the need for accountability, transparency and scrutiny, particularly in the event of a death. Irish and international law compels the State to independently investigate any death that occurs in detention. The State must then publicly report on:

- the circumstances
- the findings
- any recommendations that are made.

## **Family concerns are important part of investigation**

The Chief Inspector and staff of the Office of the Inspector of Prisons recognise how difficult it is for families, relatives and friends when a loved one dies in the custody of the Irish Prison Service. It is important that those most affected by the death of a loved one in a prison are allowed to ask questions and receive a meaningful response.

The Office of the Inspector of Prisons (OIP) recognises that the questions and concerns raised by family or next of kin are important. Once the funeral has taken place, the OIP will arrange a meeting to take note of any of their concerns.

A family member can ask for a copy of a post-mortem report from the coroner who is investigating the cause of death.

## 2. The law: deaths in prison

### Irish law

When a person over the age of 18 dies in prison, as soon as possible the Governor of the prison must notify the next-of-kin. The prisoner will have previously named their next of kin. This rule is detailed in Rule 47 of the Prison Rules 2007-2020,

If a prisoner dies while in prison the Governor also makes sure to let the following bodies know as soon as possible (this is detailed in Rule 47(7) of the Prison Rules 2007-2020):

- a) Coroner who deals with the area in which the prison is located
- b) An Garda Síochána
- c) Minister for Justice
- d) Director General of the Irish Prison Service
- e) Prison doctor
- f) Prison chaplain
- g) Chief Inspector of Prisons
- h) Chair of the Visiting Committee to the prison.

### European law and European Court of Human Rights requires independent investigation

Article 2 of the European Convention of Human Rights protects the right to life. The European Court of Human Rights has ruled that the State must conduct an independent investigation when a person dies while in the custody of the State.

The Office of the Inspector of Prisons (OIP) investigates all deaths that occur in prison custody.

Since 2012, the Minister for Justice has requested the Chief Inspector of Prisons to investigate deaths in prison custody. These deaths are investigated under Section 31(2) of the Prisons Act 2007.

### **3. Death in custody investigation process**

#### **Family questions will be included in report**

At the first meeting with relatives following the death, an Inspector will invite the family or next of kin to raise any questions or concerns they may have. At any time during the Inspectorate's investigation the family or next of kin can ask more questions. Where appropriate these questions and the responses will be included in the published report.

#### **Family may appoint a solicitor**

Family or next of kin may at their own expense decide to appoint a solicitor or other representative to act on their behalf. Generally, the Office of the Inspector of Prisons will communicate through the person chosen by the family or next of kin. However, they will not do this if it:

- is against the law
- would be a conflict of interest
- would potentially compromise any investigation.

An investigation of a death in custody involves:

- reviewing prison records related to the deceased's life while in custody
- examining other evidence like CCTV footage.

It may also involve interviewing staff and other people working in the prison.

In addition to the investigation being carried out by the Office of the Inspector of Prisons, the following bodies also carry out separate inquiries.

#### **An Garda Síochána (Irish National Police Service)**

The Police investigate alleged or suspected crimes associated with the death and work on behalf of the Coroner.

**Irish Prison Service**

They carry out an internal review of actions and responses related to the death of the person in custody.

**Coroner**

The Coroner determines the cause of death and can make recommendations.

**Family will be kept informed**

At intervals throughout the investigation, the Office of Inspector of Prisons will provide a status update to the family or next of kin.

## **4. Death in custody investigation report process**

The circumstances of each death are different, therefore it is difficult to estimate the time it will take to carry out and complete an investigation. We acknowledge this may create uncertainty for families or next of kin, but in the interest of doing a thorough investigation, we cannot avoid this.

When we complete a death in custody investigation we send the draft report, including any recommendations to the Director General of the Irish Prison Service (IPS). They will review and comment on the report.

### **Report may contain Action Plan**

If the draft report contains recommendations, the IPS Director General is asked to provide an Action Plan in which the Irish Prison Service either:

- (a) accepts, or
- (b) partly accepts, or
- (c) does not accept one or more recommendations.

The Action Plan provides a timeframe to address any shortcomings highlighted in the report. Where one or more recommendations is only part-accepted or is rejected, the IPS must say why.

### **Next of kin told what is in report**

Before publication, the Office of the Inspector of Prisons verbally tells the next of kin what is in the report. When the report is published, the OIP sends the next of kin a copy of the report.

### **Minister given report**

The OIP submits the report and Action Plan to the Minister for Justice who lays it before the House of the Oireachtas.

This document is published by the Minister and a copy is made available on the OIP website ([www.oip.ie](http://www.oip.ie)). The Irish Prison Service Action Plans are also published on the OIP website when the report is published.

### **Identity of deceased protected as much as possible**

The Office of the Inspector of Prisons makes every effort in investigation reports to protect the identity of the deceased. However, families, relatives and loved ones should be aware that a death in custody can attract significant media interest that means the deceased may be identified.

## How to contact the OIP

<b>Address</b>	Office of the Inspector of Prisons 29 Molesworth Street Dublin 2 D02PF82
<b>Email</b>	investigations@oip.ie
<b>Phone</b>	(+353) 1 859 2709
<b>Website</b>	www.oip.ie

## How to contact independent charities and support services

<b>Name of and type of scheme</b>	<b>Email</b>	<b>Call or text</b>
<b>Anam Cara</b> Support for bereaved parents.	info@anamcara.ie	085 2888 888
<b>Bethany Bereavement Support</b> Support for bereaved adults throughout the grieving process.	bethanybereavement1982@gmail.com	087 9905 299
<b>Traveller Justice Initiative</b> Support for the particular needs and circumstances of Travellers in the criminal justice system.	anne@ssgt.ie	
<b>New Directions</b> Support and information for families affected by imprisonment.	familynewd@gmail.com	087 6097 686



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