



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

# **Death in Custody Investigation Report**

Mr. F

Mater Misericordiae  
University Hospital in the  
custody of Midlands  
Prison

3 March 2022

Aged 53

To the Minister: 31 July 2026

# 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. Midlands Prison                                         | 6        |
| 7. Background                                              | 6        |
| 8. Healthcare                                              | 7        |
| 9. Hospital Admissions                                     | 8        |
| 10. Correspondence from Solicitor re Hospital Appointments | 8        |
| 11. Solicitor's Correspondence with Governor               | 9        |
| 12. Critical Incident Review Meeting                       | 10       |
| 13. Family Questions                                       | 10       |
| 14. Recommendations                                        | 11       |
| 15. Support Organisations                                  | 12       |

# GLOSSARY

---

|       |                                         |
|-------|-----------------------------------------|
| CCTV  | Closed Circuit Television               |
| CNO   | Chief Nurse Officer                     |
| CUH   | Cork University Hospital                |
| CVA   | Cardio Vascular Accident                |
| ECMO  | Extracorporeal Membrane Oxygenation     |
| ICU   | Intensive Care Unit                     |
| IPS   | Irish Prison Service                    |
| MMUH  | Mater Misericordiae University Hospital |
| MRH   | Midlands Regional Hospital              |
| NIDDM | Non-Insulin Dependent Mellitus          |
| NOK   | Next of Kin                             |
| OIP   | Office of the Inspector of Prisons      |
| PHMS  | Prisoner Healthcare Management System   |

# 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, Home Affairs and Migration 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, Home Affairs and Migration, 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 includes 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. F's death in prison on 3 March 2022 and management of the events associated with his death.

## 4. Administration of Investigation

- 4.1 On 3 March 2022, the OIP was notified by phone that Mr. F had passed away in the Mater Misericordiae University Hospital (MMUH), Dublin. Mr. F was initially transferred from the Midlands Prison to the Midlands Regional Hospital (MRH) Portlaoise on 13 February 2022 and from there was transferred to the MMUH on 24 February 2022.
- 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 Inspectorate of Prisons' role when investigating a death in custody.
- 5.2 The investigation team communicated, by letter, with Mr. F's NoK (his brother) on 5 May 2022 and met in person with Mr. F's brother and father on 17 May 2022.
- 5.3 The Nok stated that Mr. F was not taken to hospital appointments while in custody. The NoK expressed the view that if Mr. F had remained in the custody of Cork Prison (where he had initially been committed), he would have been close to his family as well as to the hospital he attended prior to his committal. The same hospital where, they advised, he had follow-up appointments.
- 5.4 The NoK informed the investigation team that they were not told when Mr. F was hospitalised. The NoK stated that when they became aware that Mr. F was in hospital, they rang the Midlands Prison to arrange a visit. Mr. F's brother stated that the chaplain was very helpful and was instrumental in eventually organising a hospital visit.
- 5.5 Although this report is for the Minister for Justice, Home Affairs and Migration, it may inform several interested parties. It is written primarily with Mr. F's family in mind.
- 5.6 The OIP is grateful to Mr. F's father and brother for their contributions to this investigation and we offer our sincere condolences on their loss.
- 5.7 The NoK raised a number of questions and concerns which are documented in **Section 13** of this report.

# INVESTIGATION

---

## 6. Midlands Prison

- 6.1 Midlands Prison is a closed, medium security prison for men. It is the committal prison for Counties Carlow, Kildare, Kilkenny, Laois, Meath, Monaghan, Offaly, Westmeath, Wexford and Wicklow. It has an operational capacity of 875 beds. On the date following Mr. F's admission to hospital, 14 February 2022, 840 men were in custody in the Midlands Prison and the prison was operating at 96% of its capacity. By the time of Mr. F's death on 3 March 2022, 847 men were in custody in the Midlands Prison, representing 97% of its bed capacity.
- 6.2 At the time of his death, Mr. F's was the first death of a prisoner from the Midlands Prison in 2022 and the sixth death in IPS custody that year.

## 7. Background

- 7.1 Mr. F was committed to Cork Prison, on remand, on 16 September 2021 and transferred to the Midlands Prison on 26 September 2021. On the date of his admission to hospital, on 13 February 2022, Mr. F was the sole occupant of a double cell (cell 43) on the C3 landing and was on the standard level of the Incentivised Regime<sup>1</sup>.
- 7.2 Mr. F had regular visits from his brother up to 15 January 2022 and almost daily phone contact with him up to 3 February 2022. Between 15 January 2022 and the date of his passing, Mr. F had the following four NoK visits cancelled:
- 29 January 2022; the visit was cancelled by the prison. There is no further information recorded as to the reason for this cancellation.
  - 5 February 2022; the visit was cancelled by the prison as Mr. F was isolating having contracted COVID-19. The investigation team was informed that Mr. F's visitors were notified of this cancellation by email.
  - 12 February 2022; the visit was recorded as cancelled as Mr. F's visitor(s) reportedly did not turn up at the prison for the visit.
  - 19 February 2022; records examined by the investigation team showed that Mr. F was an in-patient in hospital on this date.
- 7.3 Mr. F was aged 53 years at the time of his death at the Mater Hospital, Dublin, on 3 March 2022.

---

<sup>1</sup> 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. [Incentivised regimes \(irishprisons.ie\)](https://www.irishprisons.ie).

## 8. Healthcare

- 8.1 On the date of Mr. F's committal to Cork Prison, 16 September 2021, a committal interview was conducted by Nurse A who recorded that Mr. F had a heart transplant in 2005, a history of Cerebral Vascular Accident (CVA)<sup>2</sup> and Non-Insulin Dependent Mellitus (NIDDM)<sup>3</sup>. On 17 September 2021, Mr. F was examined by Doctor A who recorded '*no acute medical issues reported*'. Doctor A further recorded '*CVA during heart transplant*'.
- 8.2 Over the course of the following seven days, the Prisoner Healthcare Management System (PHMS) notes recorded that Mr. F had not been taking his medication and nursing staff had repeatedly explained to Mr. F the importance of taking his medication as prescribed. On 21 September 2021, Mr. F was examined by Doctor A who recorded that he had advised Mr. F about the importance of taking his high tech<sup>4</sup> medication. Mr. F had signed a contract to keep the high tech medication in his possession and was supplied with a clock to remind him to take it at the relevant time. Doctor A also noted on PHMS a '*referral to Nephrology*'.<sup>5</sup>
- 8.3 On 22 September 2021, Doctor A recorded that the transplant team at MMUH was to be informed if Mr. F was to be transferred to another prison. Records examined by the investigation team showed that MMUH was made aware of Mr. F's transfer to the Midlands Prison. Doctor A further noted that Mr. F "*potentially needs*" a referral to "*endocrine re diabetes cardiology, lung and transplant clinic and nephrology*".
- 8.4 On 26 September 2021, Nurse B, based in the Midlands Prison, recorded a transfer committal of Mr. F from Cork Prison and advised Chief A that he had high tech medication in his possession.
- 8.5 On 27 September 2021, Mr. F was examined by Doctor B who recorded that Mr. F had a clot on his brain and had only one functional kidney. Doctor B recommended a care plan and that Mr. F was to remain on his prescribed medication.
- 8.6 On 19 October 2021, Nurse C recorded that Mr. F had declined to take his medication and that all medication had been removed from Mr. F's possession. Mr. F was advised to collect his medication from the designated hatch on his landing during medication rounds.
- 8.7 On 30 January 2022, Mr. F tested positive for COVID-19 and was placed in isolation which was in accordance with the COVID-19 "algorithm" in place across the prison estate at that time. On 9 February 2022, Nurse D recorded that Mr. F was due out of isolation but was complaining of a chest infection. Nurse D noted that Mr. F was "*to remain in isolation until symptom free for five days*".
- 8.8 On 9 February 2022, Doctor B examined Mr. F and noted that he was "*not in respiratory distress*" but that he had a chest infection. Doctor B further documented that if there was any concern regarding hemoptysis<sup>6</sup>, Mr. F was to be referred to the Emergency Department at Midlands Regional Hospital, (MRH) Portlaoise.

---

<sup>2</sup> Cerebral Vascular Accident is an interruption in the flow of blood to the brain.

<sup>3</sup> Non-Insulin Dependent Mellitus is type 2 diabetes.

<sup>4</sup> High Tech Medication is medication prescribed for serious and long-term illnesses.

<sup>5</sup> Nephrology is a medical speciality dealing with the kidneys.

<sup>6</sup> Coughing up blood from the lungs.

- 8.9 On 10 February 2022, Doctor C examined Mr. F and noted that he found him very unwell with abdominal pains and hemoptysis and advised his immediate transfer to MRH.

## 9. Hospital Admissions

- 9.1 At 14:19 on 10 February 2022, Nurse D recorded that Mr. F was admitted to the Emergency Department at MRH. At 19:10 that same day, 10 February 2022, Nurse D recorded that Mr. F was *'returned to C3 isolation'* in the Midlands Prison. The hospital patient discharge summary was viewed by the investigation team and it noted that Mr. F was suffering from kidney disease and was provided with a discharge prescription.
- 9.2 On 13 February 2022, Mr. F was examined by Doctor D. Doctor D recorded that Mr. F was in *'constant stomach pain, vomiting, and diarrhoea'* and he referred him to the Emergency Department at MRH. On 14 February 2022, Chief Nurse Officer (CNO) A recorded that Mr. F was being treated for acute kidney injury and was on the COVID ward at MRH. It was also recorded by the CNO that the MRH was liaising with the Transplant Unit in the MMUH.
- 9.3 On 20 February 2022, Nurse D noted that Mr. F's condition was stable in hospital. On 24 February 2022, Nurse E recorded that Mr. F was *"currently ventilated due to respiratory inflammation and distress"* and was *"in critical health"*. On 28 February 2022, CNO A contacted the Intensive Care Unit (ICU) and recorded that Mr. F was in a critical condition and was not suitable for ECMO<sup>7</sup>. On 24 February 2022, Mr. F was transferred to MMUH, Dublin, as he was already under the care of the transplant team in MMUH and required more intensive care than what could be provided in the MRH.
- 9.4. On 3 March 2022, Mr. F died at the MMUH, Dublin.

## 10. Correspondence from Solicitor re Hospital Appointments

- 10.1 On 19 October 2021, Mr. F's solicitor wrote to the Governor of the Midlands Prison expressing his concerns in relation to Mr. F's medical conditions, namely that he was a heart transplant patient and a stroke victim, as well as suffering from diabetes, kidney illness, neurological and eye defects. Mr. F's solicitor requested that the prison ensured the attendance of Mr. F at his various hospital appointments. The solicitor informed the Governor that he had been contacted by Mr. F's brother who was concerned that Mr. F had missed his booster vaccination appointment, given his medical conditions.
- 10.2 On 3 November 2021, Mr. F's solicitor wrote to CNO A and notified her that Mr. F was required to validate his place on a waiting list at the Endocrinology Department, South Infirmary University Hospital in Cork. CNO A informed the investigation team that there was no record of Mr. F having attended this appointment. Mr. F's solicitor further notified the CNO of a second rearranged hospital appointment at Cork University Hospital (CUH), scheduled for 10 November 2021. CNO A has noted that there was no confirmation on PHMS that Mr. F attended this appointment. Mr. F's solicitor indicated in this correspondence that it acted as a follow up to a previous telephone conversation with the CNO.

---

<sup>7</sup> A form of life support for people with life-threatening illness that affects the function of their heart or lungs.

- 10.3 Mr. F's solicitor followed up on this correspondence with another letter, dated 18 November 2021, to the Governor of the Midlands Prison in which he enclosed the following five letters:
- First letter requesting that Mr. F validate his place on a waiting list for the Diabetic Retina Screen Test. The investigation team reviewed the PHMS and did not find anything to indicate that this was validated.
  - Two letters from CUH Cardiac Renal Outpatient Department dated 26 October 2021. One of these letters confirmed a re-arranged appointment for Mr. F in CUH on 10 November 2021 at 10:20 and the second letter notified Mr. F of the rearranged appointment.
  - Two letters from the Endocrinology Department, South Infirmary Victoria Hospital Cork, dated 22 October 2021 and 10 November 2021. The first letter indicated that Mr. F had to validate his place on the Endocrinology Outpatient waiting list and the latter correspondence was a reminder of the first letter.
  - A copy of the letter sent, on 18 November 2021, by Mr. F's solicitor to the CNO at Midlands Prison. The investigation team found no evidence that this letter received a reply.
- 10.4 Mr. F had a number of hospital appointments during his period in custody. On 1 February 2022, he had a scheduled appointment at the Department of Nephrology in MMUH. Mr. F had been referred to Nephrology by Prison Doctor A on 21 September 2021. CNO A recorded that Mr. F did not attend this appointment as he had tested positive for COVID-19. He had a further appointment confirmed for the 17 February 2022 at the Department of Cardiology at the MMUH. Mr. F was an in-patient in the MRH, Portlaoise, on this date. CNO A recorded that there is no confirmation that this appointment went ahead but further noted that on 14 February 2022, MRH was liaising with MMUH. On 13 December 2021, Mr. F was placed on a waiting list at Mercy University Hospital, Cork. CNO A recorded that the prison did not receive any appointments for Mr. F from Mercy University Hospital, Cork.
- 10.5 On 9 November 2021, Mr. F's community doctor, Doctor E, wrote to the prison doctor in the Midlands Prison and outlined the necessity of Mr. F attending his hospital appointments given '*his fragile health status*' and further stressed the need for close medical surveillance given Mr. F's '*intellectual disability*'. Doctor E enclosed a copy of Mr. F's last prescription. The investigation team did not find any evidence that this letter received a reply.

## 11. Solicitor's Correspondence with Governor

- 11.1 On 4 October 2021, Mr. F's solicitor wrote to the Governor of the Midlands Prison advising that Mr. F's NoK had been unable to contact him and he was concerned. Mr. F's solicitor also highlighted the fact that Mr. F was a '*heart transplant patient and is on multiple medications*'. He asked that the Governor make contact with him.
- 11.2 On 12 October 2021, Mr. F's solicitor again wrote to the Governor of the Midlands Prison and stated that he had not received a reply to his letter of 4 October 2021. He further stated that Mr. F appeared to have no clothes and was borrowing clothing from other prisoners. Mr. F's solicitor informed the Governor that Mr. F's NoK had clothes available for Mr. F but had been unable to book a visit or to forward the clothes to the prison.

- 11.3 On 18 October 2021, the Governor of the Midlands Prison sent a letter to Mr. F's solicitor in which it was outlined that Mr. F had been provided with clothing and that the IPS does provide clothing to prisoners. The Governor advised the solicitor that clothing is not accepted through visits and must be sent by post.
- 11.4 The investigation team was informed by Mr. F's solicitor that he received only one response to his various letters to the Midlands Prison, the letter dated 18 October 2021.

## 12. Critical Incident Review Meeting

- 12.1 A Critical Incident Review Meeting<sup>8</sup> was held on 4 March 2022. Governor A chaired the meeting. In attendance were Assistant Governor A, CNO A, Chief B, Chief C and Prison Clerical Officer (PCO) A.
- 12.2 CNO A provided a brief outline of the recent medical care provided to Mr. F and gave an account of his medical issues, including kidney disease and diabetes. CNO A stated that Mr. F's health had deteriorated following a positive COVID-19 result on 30 January 2022 and he was subsequently transferred first to MRH, Portlaoise, on 13 February 2022, and then to the MMUH, Dublin, on 24 February 2022.
- 12.3 Chief B stated that he had received a phone call from an Assistant Chief Officer in Mountjoy Prison at 16:39 on 3 March 2022 to say that Mr. F had passed away at MMUH.
- 12.4 No recommendations were recorded at the conclusion of the critical incident review meeting.

## 13. Family Questions

- 13.1 Mr. F's NoK asked the following questions:

1. Why was Mr. F not taken to any of his hospital consultations?

**OIP Response:** Mr. F had a number of hospital appointments during his time in custody. However, he was not taken to a number of scheduled appointments.

2. Why was Mr. F moved to the Midlands Prison when he had not been found guilty of the charges against him?

**OIP Response:** The Midlands Prison is used by the Irish Prison Service to accommodate people accused of the nature of the criminal offence with which Mr. F had been charged.

3. Why did the daily phone calls to Mr. F's brother stop?

---

<sup>8</sup> Staff meeting held following the death of a prisoner. The purpose of the meeting is to review the circumstances and activities surrounding an incident, identify learnings, commend good practice and recommend changes, if required, to prevent a similar occurrence.

**OIP Response:** There is no automatic entitlement for a prisoner to make or receive phone calls while staying in a hospital, due to security reasons. Any exception to this is at the discretion of the Governor or senior prison staff.

4. The family asked the investigation team to establish why Mr. F was not admitted to hospital when he contracted COVID-19.

**OIP Response:** On 30 January 2022, Mr. F tested positive for COVID-19 and was placed in isolation which was in accordance with the COVID-19 “algorithm” in place across the prison estate at that time. There was nothing in the records examined by the investigation team to indicate that Mr. F required hospitalisation as a result of contracting COVID-19. Mr. F was assessed by a doctor, on 9 February 2022, when he complained of chest pain. He was subsequently admitted to hospital on 10 February 2022 after reporting abdominal pain.

5. Why were Mr. F’s NoK not informed that Mr. F was in hospital?

**OIP Response:** The Prison Rules do not require prison authorities to inform the NoK, of any adult prisoner (aged 18 or over), in relation to a transfer to hospital. However, the prison authorities should consider and risk-assess such instances on a case-by-case basis and consider informing the NoK. In Mr. F’s case he was a critically ill man with an intellectual disability and close to death. Such a set of circumstances should have triggered a family notification unless significant security considerations suggested otherwise.

6. Why did Mr. F not get visits when he was in hospital?

**OIP Response:** The decision to allow family or friends to visit prisoners while in hospital is at the discretion of the prison Governor and any such decision would usually include considerations of security and safety. It would be highly unusual for such visits to be permitted. COVID-19 precautions would have been another significant consideration during this time.

## 14. Recommendations

The investigation has identified lacunae in the quality of care provided to Mr F while in the custody of the Irish Prison Service. These include failures to facilitate him to attend specialist hospital appointments that had been scheduled to respond to his complex needs. It is evident that there was also a lack of due diligence in responding to the legitimate enquiries of Mr F’s solicitor and his NoK. It will be a matter for the Coroner to determine whether or not these shortcomings may have hastened his demise.

The OIP makes two recommendations:

1. If, in exceptional circumstances, a person in custody cannot be escorted to an ordinary somatic healthcare appointment due to acute staff shortages or other operational reason(s), a record of any appointments that are cancelled for this reason should be maintained by healthcare personnel and the Governor in charge of the prison notified of these on a weekly basis by the

Chief Nurse Officer. Any prisoner whose health care appointment is cancelled for this reason, should be facilitated to attend a replacement equivalent appointment as a matter of urgency.

2. Prison management should (after risk assessment) notify the NoK in the event that a prisoner is transferred to hospital with an immediate life-threatening illness, especially where the death of the prisoner is expected to be imminent.

## 15. Support Organisations

- 15.1 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).