

**A report by the Inspector of Prisons
Judge Michael Reilly into the circumstances
surrounding the death of Prisoner J
on 18th September 2013
while on temporary release**

***Please note that names have been removed to anonymise this Report**

Office of the Inspector of Prisons
24 Cecil Walk
Kenyon Street
Nenagh
Co. Tipperary

Tel: + 353 67 42210

Fax: + 353 67 42219

E-mail: info@inspectorofprisons.gov.ie

Web: www.inspectorofprisons.gov.ie

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**A report by the Inspector of Prisons Judge Michael Reilly
into the circumstances surrounding the death of Prisoner J
on 18th September 2013 while on temporary release**

Presented to the Minister for Justice and Equality pursuant to
Part 5 of the Prisons Act 2007

Judge Michael Reilly
Inspector of Prisons

14th February 2014

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Preface

Prisoner J was a 34 year old single man who died while on temporary release on 18th September 2013.

I offer my sincere condolences to the family of the deceased.

I met with members of the deceased's family.

There are matters of concern disclosed in this Report (paragraph 31).

I would like to point out that names have been removed to anonymise this Report.

Judge Michael Reilly

Inspector of Prisons

14th February 2014

Inspector of Prisons Investigation Report

General Information

1. The deceased was a 34 year old man at the date of his death. He came from the Connaught area. He was committed to prison on 28th May 2012. His release date was to be 19th September 2013.
2. On 17th September 2013 the deceased was granted full temporary release from Castlerea Prison.
3. The deceased died on 18th September 2013.
4. The deceased is survived by his parents, sister, two brothers and his daughter.
5. The deceased served a number of sentences prior to his last committal.

Sequence of events

6. The deceased was committed to Castlerea Prison on 28th May 2012.
7. The deceased had a history of depression, drug and alcohol misuse. On committal an assessment was carried out on the deceased.
8. On 21st March 2013 the deceased was transferred to Loughan House Open Centre.
9. From the date of his committal on 28th May 2012 to his transfer to Loughan House Open Centre on 21st March 2013 the deceased actively engaged with all services in the Prison. He attended, *inter alia*, the Addiction Counsellor, the Doctor and the Psychiatrist. The reports from these services confirmed that the deceased engaged appropriately.
10. On 21st May 2013 the deceased was transferred from Loughan House Open Centre back to Castlerea Prison as a urine test had disclosed an illicit substance. As a result of this he lost certain “privileges”.

11. From 21st May 2013 to the date of his release on 17th September 2013 the deceased did not re-engage with the services mentioned in paragraph 9.
12. Due to his failure to re-engage with the appropriate services the deceased was refused temporary release at a number of review meetings. Full temporary release was considered on 17th September 2013 due to the high numbers in custody at that time and the fact that he had only two days of his sentence left to serve.
13. The deceased was released on full temporary release on 17th September 2013 at approximately 6.15pm. The deceased was given a bus/train ticket to get home. He was also in possession of his personal belongings including his money.
14. No risk assessment was carried out before the deceased was released.
15. In the course of my investigation I asked management of Castlereagh Prison why an assessment was not carried out on the deceased prior to his release. I received the following statement:-

“An assessment was not carried out as his release date was imminent. He had been in contact with the Community Welfare Officer. Indications were that he was returning to his home address where he had previously gone both on TR and on release. Outstanding addiction issues had prevented earlier release, however with one day remaining there was no longer an opportunity for him to re-engage with the addiction counsellors.”

16. On 18th September 2013 the deceased was found dead on a street of his local city.

17. Members of An Garda Síochána carried out a preliminary investigation. The Gardaí have concluded their investigation as they are satisfied that there was no criminal element involved.
18. The cause of death will be determined by the Coroner.

Contact with the family

19. I met with the deceased's mother and sister. They expressed certain concerns which are outlined in paragraph 24 below.
20. The family informed me that there was a Court Order in place barring the deceased from their family home. Therefore, the deceased would not have had a home to go to on his release. The deceased's mother had told him that he would have to go to a B&B on his release.
21. In the course of my investigation I asked management of Castlerea Prison what enquiry was made of the deceased to confirm a place of residence that he would go to? The response I received stated:-

“The place of residence was confirmed as part of the ISM process and would have been accepted as there was a record of this address from previous TR's and release. The record would also verify that this was the same address as his mother whom he gave as his next of kin.”

The ISM interview referred to in this paragraph was conducted on 13th February 2013.

22. I viewed the record of the interview. The relevant extract from this recorded interview is as follows:-

Question: Intended Accommodation on release is same as given on admission?

Answer: No

Question: Requires help with accommodation matters on release?

Answer: Yes

23. The family were not aware that the deceased was released early.
24. The following are the concerns raised by the family:-
- (1) Why was he let out at that time being an ex-addict with his possessions and no where to go?
 - (2) What medication was he on?
 - (3) Was he given anything to come down off heroin when he was committed to prison on 28th May 2012?
 - (4) Why was he sent back from Loughan House?
 - (5) Why were his phone calls and privileges stopped?
 - (6) Who was on his telephone call list?
 - (7) Where did the money and bus pass go to?
 - (8) Where were his possessions? (e.g. pictures of his daughter, letters, runners that were given to him 2 weeks previously – he was wearing boots when he was found).

Addressing the family concerns

25. In this paragraph I intend to address the family's concerns as set out in paragraph 24 as follows:-
- (1) I have addressed the reasons given by the prison for his release in paragraph 12. I comment on his release address in my findings. Prisoners are given money on their release in order that they can provide for themselves. This is considered best practice which I endorse. The same procedure would have been adopted had the deceased remained in prison until his release date.
 - (2) The deceased was on appropriate medication, details of which I will relate to the family prior to the publication of this Report.
 - (3) The deceased was given medication to assist him “come down off heroin” in the prison. This was not methadone as it was the policy of the prison not to prescribe methadone at that time. I will inform the family of the medication prior to the publication of this Report.
 - (4) As stated in paragraph 10 above the deceased was transferred back to Castlereagh Prison due to a positive urine test.

- (5) I have addressed this issue at paragraph 10.
- (6) I have carefully considered whether, under Data Protection Legislation, I should disclose the names of the persons on the deceased's telephone list to the family. I have decided that family names can be disclosed but not others. I will inform the family of the relevant names prior to the publication of this Report.
- (7) The deceased was released at approximately 6.15pm on the evening of 17th September. There is a record in the prison to the effect that he was given a bus/train pass. It is difficult to travel between Castlereagh and the deceased's city by public transport. I investigated this matter and am satisfied that when released at 6.15pm the deceased could have availed of train and bus transport to his home city that evening. I cannot say whether the deceased took this transport or not. If the deceased availed of public transport he would have used his bus/train pass for this purpose. I understand that, when found on 18th September, the deceased had less money than he had when he was released from prison. I cannot explain what happened to his money. It is not within my mandate to investigate these two issues.
- (8) When any prisoner is released from prison he/she takes with them their personal belongings should they so choose. Prisoners do not declare such belongings to the prison. However, if articles of clothing or otherwise are held by the prison for the prisoner these items are returned to the prisoner and a record of same is maintained. In this case items were released to the deceased. I will provide a list of such items to the family prior to the publication of this Report.

Findings

26. The deceased had access to all services while in prison. He availed of same up to 21st May 2013 but not thereafter.
27. The deceased was released on full temporary release on 17th September 2013.
28. No risk assessment was carried out prior to his release.

29. It was appropriate that the deceased was given a bus/train pass, his belongings and his money.
30. The deceased was released to his home address.
31. I cannot reconcile the statement of prison management referred to in paragraph 21 with the recorded ISM interview referred to in paragraph 22. As the record of the interview was a contemporaneous record I consider it to be correct.

Recommendations

1. A risk assessment should be carried out in all cases where a prisoner is to be released on temporary release.
2. Great care must be taken to ensure that statements made to me in the course of any investigation reflect the actuality of the situation.