

**A report by the Inspector of Prisons
Judge Michael Reilly into the circumstances
surrounding the death of Prisoner A
On 27th January 2013
While on temporary release**

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

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**A report by the Inspector of Prisons Judge Michael Reilly
into the circumstances surrounding the death of Prisoner A
on 27th January 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

15th November 2013

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Preface

Prisoner A was a 27 year old man who was tragically killed in a motor accident on the 27th January 2013 while on temporary release.

I offer my sincere condolences to the family of the deceased. While I did not meet with members of the deceased's family I did speak to his mother on the telephone.

There are matters of concern disclosed in this Report.

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

Judge Michael Reilly

Inspector of Prisons

15th November 2013

Inspector of Prisons Investigation Report

General information

1. The deceased was a 27 year old man at the date of his death. He came from the Leinster area. He was committed to prison on the 3rd November 2010. His release date was to be the 26th February 2013.
2. On the 8th January 2013 the deceased was granted weekly temporary release from the Midlands Prison.
3. The deceased was killed in a single vehicle accident on the 27th January 2013.
4. The deceased was subject to a Part Suspended Sentence Supervision Order (PSSSO) for a period of two years after his release.
5. The deceased had a significant history of psychiatric illness which was known to outside agencies in addition to the prison authorities. He also had significant drug and alcohol problems.
6. I spoke to the mother of the deceased. I also obtained permission to take up a copy of the deceased's medical file from the Midlands Prison.
7. I had unrestricted access to all parts of the prison and to records held in the prison. I was also given access to relevant records held by other agencies.

Interaction with psychiatric and other services

8. I have stated at paragraph 5 that the deceased had contact with the psychiatric services not alone in the prison but also with those in the community.
9. The deceased had been an inpatient in a psychiatric hospital prior to his committal to prison. He had been attending Doctor A - a consultant psychiatrist.

10. I have stated at paragraph 1 that the deceased was committed to prison on the 3rd November 2010. He was assessed on committal. The prison nursing staff referred him for assessment to the psychiatric services and he was initially seen by the Inreach Psychiatry Team in the Midlands Prison on the 5th November 2010.
11. A comprehensive history covering the deceased's family history, his personal history, his past psychiatric history, his past medical history, his past forensic history, his significant illicit substance use and the circumstances which led to his committal are recorded in the medical notes following his assessment by the Inreach Psychiatric Team on the 5th November 2010.
12. I do not propose disclosing the details of the history referred to in paragraph 11 save to say that:-
 - prior to his committal to prison the deceased was attending outpatient appointments on a regular basis,
 - he had significant longstanding issues with alcohol use and illicit substance use,
 - he was taking prescribed medication, and,
 - his history indicated the need for psychiatric intervention while in prison.
13. The deceased was reviewed later on the 5th November 2010 by the visiting Community Mental Health Nurse (CMHN).
14. The deceased was reviewed on the 16th November 2010 by Doctor B – the visiting consultant psychiatrist to the prison.
15. Between the 5th November 2010 and the 16th November 2012 the deceased was reviewed on a regular basis by the psychiatric team. His medication was kept under constant review and was changed as appropriate. The deceased at times refused to take his medication. Up to the 16th November 2012 the

deceased presented as a person who needed and benefited from the interventions of the psychiatric staff.

16. Early in November 2012 the deceased had applied for temporary release. His application was to be considered later in the month.
17. On the 16th November 2012 the deceased was reviewed by the CMHN. This was his last review by any member of the psychiatric team. He presented as quite a different person at interview. He presented as calm and relaxed and as being 'mentally stable'. He stated that he would be willing to engage with out-patient appointments at his local mental health service.
18. During his time in prison the deceased was seen by all the medical staff in the prison including the doctors. On occasions he refused to attend for psychiatric review despite efforts being made to have him attend. The notes in the prison medical records are comprehensive and enabled me to make my finding referred to in paragraph 33 that the deceased was able to access medical treatment while in the Midlands Prison.
19. The deceased was due to be reassessed again in January 2013.

Circumstances and sequence of events leading to temporary release

20. In early November 2012 the deceased applied for temporary release. This application was to be considered on the 29th November 2012.
21. The Probation Service was made aware that the deceased was subject to a Part Suspended Sentence Supervision Order. They were preparing plans in line with this order and were aware that the deceased had requested temporary release. They were also aware that the deceased's final release date was the 26th February 2013. This planning involved, *inter alia*, supervision in the community.

22. The deceased's request was considered at a review meeting in the Midlands Prison on the 29th November 2012. This review meeting also dealt with numbers of other applications from other prisoners for temporary release.
23. The review meeting referred to in paragraph 22 was attended by Governors, Chief Officers, Probation Officers, a Chaplain, a teacher, a drug counsellor and a representative from the Irish Prison Service.
24. The application by the deceased for temporary release was refused. In answer to a query from me as to the reasons for the refusal I was informed by the Prison Service that:-

“The fact that a PSSSO was in place arose and that supervision in the community would be available after Christmas. The decision of the meeting was recorded as (Refused Christmas. IPS to revert with RTR decision early in 2013)”.

25. On the 3rd December 2012 Probation Officer A received an email from Probation Officer B informing her that the prisoner had been refused temporary release but would be released in the ‘New Year’.
26. On the 7th January 2013 an application for reviewable temporary release was submitted to the Irish Prison Service. This was recommended on behalf of the Governor by a Chief Officer and was approved by the Irish Prison Service.
27. The deceased was released on temporary release on the 8th January 2013. The reason for his temporary release is stated on his release form to be for: *“Pre release/resocialisation.”*
28. Under the terms of his temporary release the deceased was obliged, *inter alia*, to:-

- Reside at a specific address.
- Report to his local Garda Station daily for the purpose of signing on.
- Report to the prison weekly for the purpose of signing on.
- ‘Be under the supervision of the Probation Service, including attending all appointments directed by supervising officer and cooperating with all directions of the supervising officer’.

29. On the 24th January 2013 the visiting Community Mental Health Nurse (CMHN) noted that the prisoner had been released on temporary release. On that date he contacted Nurse A – a nurse from the Mental Health Centre in whose area the deceased was residing under the terms of his temporary release. He also sent a faxed copy of a letter addressed to Doctor A – the consultant psychiatrist referred to in paragraph 9 who operated from the same Centre as that referred to above.

30. In his letter to Doctor A referred to in paragraph 29 the CMHN states:-

“The prisoner was released unexpectedly on temporary release from the Midlands Prison on the 8th January 2013”

This letter was a comprehensive letter which set out in great detail the deceased’s family history, his personal history, his past psychiatric history, his past medical history, his past forensic history, his significant illicit substance use, the circumstances leading to his committal and his progress since his committal to prison. He also set out the medication that the prisoner was prescribed. The letter asked that the prisoner be offered an out patient appointment. In the letter to Doctor A the CMHN states that he was aware that the prisoner was known to “your service”.

31. I have been informed that the deceased complied with the terms of his temporary release in that he resided at a specific address, signed on daily at his local Garda station and signed on weekly at the prison.

Contact with the family

32. In a telephone conversation with my office the deceased's mother stated that her son had been let out early and was welcomed at home. She did not have any other issues that she wished to raise.

Findings

33. The deceased was able to access medical services while in prison.
34. The deceased was a vulnerable prisoner who had considerable contact with the medical services, particularly the psychiatric services, before his committal to prison and while in prison.
35. The deceased's vulnerability was known to the prison authorities.
36. The deceased was treated by the psychiatric services and continually assessed while he was in the prison.
37. The prison authorities and the probation service were aware that the deceased was to be supervised in the community post his release.
38. The deceased was released on temporary release on the 8th January 2013.
39. There is no record of any formal assessment of the deceased or a review meeting to consider the temporary release of the deceased between the 29th November 2012 and the 8th January 2013.
40. It appears from the medical notes and from the letter written by the Community Mental Health Nurse, referred to in paragraph 30, that the CMHN was not notified of the pending release of the prisoner or of his release on the 8th January 2013 or the fact that he had been released until the 24th January 2013 when he appears to have ascertained this fact himself.
41. There were no formal arrangements for the supervision of the deceased in the community in place when he was released on the 8th January 2013.

Recommendations

1. Prisoners should not be released on temporary release without an adequate assessment as to their needs.
2. Any assessment must have regard to the vulnerability of the prisoner.
3. **In an obvious case, where supervision in the community is required a prisoner should never be released on temporary release until the prison authorities and relevant agencies are satisfied that appropriate arrangements are in place.**