

**A report by the Inspector of Prisons
Judge Michael Reilly into the circumstances
surrounding the death of Prisoner D
on 21 March 2015
while on Temporary Release from
Midlands Prison**

***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 D
on 21 March 2015 while on Temporary Release from
Midlands Prison**

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

Judge Michael Reilly
Inspector of Prisons

13 July 2015

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Preface

The deceased was a 47 year old man at the date of his death.

He is survived by his partner, mother and family.

I sought to meet with the family of the deceased. However, due to understandable family circumstances they were unable to meet me. I fully understand their position and sympathise with them in this regard.

I wish to offer my condolences to the deceased's partner, his mother, and all members of his family on their sad loss.

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

Judge Michael Reilly
Inspector of Prisons

13 July 2015

Inspector of Prisons Investigation Report

General Information

1. The deceased was a 47 year old man from the Munster area. He is survived by his partner, mother and family.
2. The deceased was committed to Limerick Prison on 14 February 2014. His release date was to be 14 May 2016. On 28 May 2014 he was transferred to Midlands Prison for onward transfer to Shelton Abbey Open Centre which took place on 11 June 2014. This reflected the deceased's positive attitude to prison and his interaction with the appropriate services. He was returned to Midlands Prison on 3 July 2014 as *"intel received that (deceased) had taken illicit substances during the night – 2/7/14"*. He remained in Midlands Prison.
3. The deceased was a man in good health.
4. The deceased became ill on 10 March 2015. He was transferred to Midlands Regional Hospital, Portlaoise. He passed away shortly after midnight on 21 March 2015 at Milford Hospice, Limerick.

Status of the deceased while in Prison

5. The deceased was on the Incentivised Regime in the prison.
6. The deceased attended the Building Skills Workshop in the prison. He was described by the Industrial Manager in the following terms:-

"He worked in the Building Skills Workshop here in the Midlands Prison since 8.8.14 and was extremely disciplined in both his approach to work and his high attendance rate in the intervening period. He managed to maintain enhanced level of participation on the incentivised regimes program since July 2014 and this level of continuous engagement probably reflects more accurately than

anything else the quiet and unassuming demeanour of this man as he passed his time in a positive and productive manner”.

7. The deceased was well thought of by prison officers and his fellow prisoners who all acknowledged that he was a private person who “*preferred to keep himself to himself*”.

Deceased’s request to transfer to Limerick Prison

8. The deceased had requested a transfer to Limerick Prison on 8 January and 22 January 2015 for family reasons. His mother was elderly and found it hard to visit him in Midlands Prison. His applications were recommended by the Governor of the Midlands Prison and approved by the Operations Directorate of the Irish Prison Service. I have been informed that when transfers of this type have been approved it is normal practice that arrangements are made by telephone by Chief Officers in each prison to effect such transfers. In the instant case the deceased was not transferred to Limerick Prison. There are no records to explain why the transfer was not effected. Records show that the prisoner population in Limerick Prison on the two dates was over capacity. There are no records subsequent to 22 January 2015 to suggest that any further attempts were made to effect his transfer.

Relevant dates and occurrences

9. I have already stated that the deceased was a man in good health who, while a private person, worked in the Building Skills Workshop and was highly valued as a worker in this workshop. As is normal in any society he had contact with the medical services in the prison. These were for ailments not relevant to this investigation.
10. On 27 February 2015 the deceased was seen by Dr. A as he was complaining of pain on his right side. He was prescribed treatment for that particular diagnosis at the time.
11. On the morning of 10 March 2015 the deceased went to work as normal in the Building Skills Workshop. At approximately 10.30 am he complained of

feeling unwell. His Work Training Officer, Officer A contacted the surgery and was told by Nurse Officer A to bring the prisoner to the surgery at 2 pm.

12. At approximately 11 am the deceased was still feeling unwell and again approached Officer A who arranged to have him brought to the surgery where he was seen by Dr. A, who immediately ordered that he be brought to the A & E Department of the Midlands Regional Hospital Portlaoise. He was brought to the hospital at approximately 12.30 pm.
13. The deceased remained as an in patient in the Midlands Regional Hospital, Portlaoise until 18 March 2015 when he was transferred to St. James's Hospital Dublin to undergo tests. He was subsequently returned to Midlands Regional Hospital, Portlaoise.
14. On 18 March 2015 a solicitor acting on behalf of the partner and mother of the deceased wrote to the prison authorities explaining that the deceased was critically ill and asking that favourable consideration be given to having him released on temporary release.
15. This was the first that the prison authorities were aware that the deceased was critically ill. The Operations Directorate of the Irish Prison Service was contacted and asked to agree to the temporary release of the deceased. This was forthcoming, provided clinical confirmation of his condition was submitted.
16. On 19 March 2015 Dr. B, a Consultant Physician with the Health Service Executive in Midlands Regional Hospital Portlaoise, advised by letter, that the deceased's condition had deteriorated significantly since his admission to hospital and that his condition appeared terminal. Dr. B stated that the patient had been seen by the Palliative Team for pain management and symptom control. He stated that the patient was too ill to return to prison and that they were currently trying to source a bed in Milford Hospice in Limerick. This letter arrived after business hours on 19 March 2015. This letter was the confirmation required as referred to in paragraph 15.

17. I must point out at this stage that the deceased was at all times in hospital and was not returned to the prison.
18. During the night of 19/20 March the deceased's condition deteriorated significantly. This was reported to Governor A on the morning of 20 March by Officer B. He told the Governor that the hospital was trying to source a bed for the deceased in Milford Hospice, Limerick.
19. Governor A immediately contacted the Operations Directorate of the Irish Prison Service and explained the position to the relevant official. It was agreed that the deceased would be granted day to day temporary release until he left the hospital and then full temporary release as soon as the Hospice confirmed that they were taking him. Governor A personally went to the Midlands Regional Hospital, Portlaoise. He brought with him the day to day temporary release form. The deceased was too ill to sign the form. The Governor signed it on his behalf. The Governor was told in the hospital that a bed had just been sourced for the deceased in Milford Hospice, Limerick. He informed those in the hospital which included the deceased's partner that the deceased was free to go to Milford Hospice. It was his understanding that the deceased would be brought to the Hospice as soon as transport could be arranged. The arrangement of transport was being attended to by the hospital. Governor A then returned to the Midlands Prison and contacted the relevant official in the Operations Directorate of the Irish Prison Service and informed her of the situation. She agreed that the prisoner was now on full temporary release. The Governor completed the paperwork and signed the full temporary release form on behalf of the prisoner and filed same.
20. The deceased was transferred directly from Midlands Regional Hospital, Portlaoise to Milford Hospice, Limerick.
21. The deceased passed away shortly after midnight on 21 March 2015.

Findings

22. The deceased was a fit, hard working private man who was passing his time in prison as described in this report.
23. The deceased's prior medical history did not suggest any concerns for his medical well being.
24. The medical personnel in the prison took immediate and appropriate action when the deceased presented with, what was quickly diagnosed as, a significant and ultimately life ending illness.
25. The prison authorities were correct in seeking clinical medical confirmation of the deceased's medical condition before granting him temporary release. On receipt of this confirmation the authorities acted expeditiously in arranging for his temporary release. The decision by the prison authorities to grant him temporary release was a correct decision.
26. The decision by the Governor to sign the temporary release forms was a practical and correct decision in the circumstances as this meant no barriers were placed in the way of the expeditious transfer of the deceased to Milford Hospice.
27. While the cause of death is a matter for the Coroner it is my view that the deceased died of natural causes.