

**A report by the Inspector of Prisons
Judge Michael Reilly into the circumstances
surrounding the death of Prisoner L
on 19 December 2014 while on Temporary
Release from Mountjoy 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 L
on 19 December 2014 while on Temporary Release from
Mountjoy Prison**

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

Judge Michael Reilly
Inspector of Prisons
23rd March 2015

Preface

The deceased was a 43 year old man who died on 19 December 2014 while on temporary release from Mountjoy Prison.

I offer my sincere condolences to the deceased's family.

This report is divided into 6 sections as follows:-

- General Information.
- Meeting with the deceased's family.
- The deceased's contacts with addiction and medical services in prison.
- Temporary Release of deceased.
- Addressing the concerns of the family.
- Findings.

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

Judge Michael Reilly
Inspector of Prisons
23 March 2015

Inspector of Prisons Investigation Report

General Information

1. The deceased was a 43 year old man who came from the Dublin area. He is survived by his mother and other family members.
2. The deceased was committed to Mountjoy Prison on 29 September 2014. His release date was to be 28 March 2015. He had served many terms of imprisonment since his teenage years. These sentences were of short duration as was his last sentence.
3. The deceased had a long history of substance misuse. He availed of residential treatment and during his life took active steps to deal with his addiction both in the community and in prison.
4. The deceased was granted temporary release on 7 November 2014 subject to certain conditions.
5. The deceased died on 19 December 2014 while on temporary release.
6. I met with the deceased's next of kin. I offer my sincere condolences to them on their sad loss.

Meeting with the deceased's family

7. In my meeting with the family of the deceased they gave me a short biographical history of the deceased. They explained that he had been in prison for short sentences since his teens. They told me that he suffered from depression and had a long history of substance misuse. I was informed and accept that he took steps both in prison and in the community to deal with his addiction including availing of residential care.

8. It was explained to me that the deceased did many courses while in prison and in the community to “*better himself*”. He had gained some expertise as a television maintenance man.
9. The deceased telephoned his mother on a regular basis while in prison.
10. The family explained that when he was released on temporary release prior to his death the deceased was “*unhappy in himself*”.
11. The family further explained that the deceased was on methadone while on temporary release and that his methadone clinic was adjacent to the area where he was engaging with the Community Return Scheme under the auspices of Care after Prison. They informed me that, on occasions, he would not attend the methadone clinic as by doing so he came in contact with drug dealers known to him.
12. They informed me that while on temporary release the deceased did take some drugs.
13. The family raised certain concerns with me that they wished me to address, as follows:-
 - (a) Was he getting medication for his depression while in prison?
 - (b) Why was his nominated methadone clinic in a particular geographic location in Dublin where he would, of necessity, come in contact with drug dealers known to him?
 - (c) Why was the family informed of his death by telephone from Dublin City Fire Brigade?
 - (d) Why was the family not allowed visit the flat where he died and only allowed see him in the morgue?

The deceased's contacts with addiction and medical services in prison

14. During the deceased's prior terms of imprisonment he had considerable contact with both the addiction and medical service in prisons. It is clear from a perusal of the records that he had significant addiction problems, that he always intended breaking his drug taking habits but inevitably failed, that he was on methadone which he tried to detox from and that he was treated for depression.
15. On 29 September 2014, when he was committed to Mountjoy Prison, Nurse Officer A carried out an appropriate committal assessment. She noted that he was using drugs such as opiates, benzos and cocaine. She also noted that he was not linked to a clinic in the community and wanted methadone detox.
16. On 30 September 2014 the deceased was assessed by Dr. A the prison doctor. He noted the deceased's misuse of drugs and alcohol but did not detect any other medical problems and was satisfied that there were no mental illness indicators.
17. In October the deceased was treated by the prison doctor for certain injuries. These are not relevant to this investigation.
18. On 28 October 2014 it was noted by Dr. B that the deceased had completed methadone detox.
19. On 7 November 2014 the Chief Nurse Officer – Nurse Officer B on being informed by ACO A that the deceased had been approved for temporary release confirmed, having reviewed his file, that the deceased "*is ok to go*".
20. It is clear from the medical records that, despite being prescribed medication for depression in the past, the deceased was not diagnosed as having depression while in prison following his committal on 29 September 2014 to his release on temporary release on 7 November 2014.

Temporary Release of Deceased

21. From the date of his committal to prison on 29 September 2014 the deceased was on the standard level regime. He had no disciplinary reports on record for his current period of custody.
22. On 3 October 2014 the deceased was referred for assessment for suitability for the Community Return Scheme. On 7 October 2014 he was assessed. At that time he was undergoing a detox programme in the prison. Therefore, his assessment was deferred for further review.
23. On 29 October 2014 he was further reviewed. He was finally reviewed on 5 November and recommended for reviewable temporary release to the Community Return Scheme. The meeting that recommended his temporary release was attended by a representative of Care after Prison, the Mountjoy Integrated Sentence Management Team, a representative from the Irish Prison Service and the Community Support/Return Scheme. In addition to the statutory requirements considered by the review body the fact that the deceased had then detoxed and had a permanent residence were matters taken into consideration when the decision to release the deceased on temporary release was taken.
24. On 7 November 2014 the deceased was released on reviewable weekly temporary release on strict conditions which included, *inter alia*, that:-
 - He reside at a specified address (his mother's address).
 - He sign on at a designated Garda Station once a day.
 - He link in with and attend all appointments arranged by the Community Support worker.
 - He report to Mountjoy Prison after 7 days.
25. On succeeding weeks the deceased was granted weekly temporary release on the same terms as referred to in paragraph 24 as the prison was satisfied that he had abided by all the terms of his temporary release.

26. It is clear from the statements of the key workers assigned to the deceased and the documentation available to me that he, the deceased, cooperated in every way with his care plan.
27. The deceased received mentoring and assistance with social protection issues. He received support with his addiction issues from a named agency in the City of Dublin. This agency also supported him in dealing with other medical conditions related to drug use. He availed of sessions relating to drug overdose awareness and at all time assured his key worker that "*he was drug free and would not go back down that road*".
28. The deceased never missed his weekly community meetings with Care after Prison.
29. On one occasion the deceased, in a telephone call with his key worker, "*seemed off*". The deceased described the reason as that he had a few drinks the night before. He was advised of the conditions of his temporary release and agreed to attend a community meeting the following day which he did. At that meeting the deceased again reiterated that he "*was clean*" but wanted support. This support was afforded to him.
30. The deceased was due to attend a community meeting with Care after Prison on 19 December 2014 but did not attend. His key worker tried to contact him by telephone and eventually spoke to his mother on 22 December who informed her that her son had passed away on 19 December.
31. The deceased was found in a friend's flat on 19 December. It appears that he died, on that day, of an overdose as drug paraphernalia were found beside his body.

Addressing the concerns of the family

32. In paragraph 13, I set out the concerns expressed by the family that they wished me to investigate. For ease of reference I address these hereunder using the same numbering sequence as in paragraph 13 as follows:-
- (a) At various and appropriate times the deceased was prescribed medication for depression and this was administered to him.
 - (b) This was in fact a methadone clinic that the deceased had, in the past, attended. The deceased did not make his unhappiness with this clinic, if indeed he was unhappy with same, known to his key workers.
 - (c) I cannot explain why this happened. This is an issue that the family may wish to take up with Dublin City Fire Brigade.
 - (d) I cannot account for this. I should point out that this was, at the time, an unexplained death and the body was under the jurisdiction of the coroner.

Findings

33. The deceased had a significant long history of substance misuse.
34. He had availed of residential treatment and during his life had taken various steps to deal with his addiction both in the community and in prison.
35. The deceased had suffered from depression but during his last term of imprisonment had not been treated for same as he did not present with recognisable symptoms during his consultations with the prison medical personnel.
36. The deceased was granted weekly reviewable temporary release on 7 November 2014 subject to conditions. The decision to grant him temporary release was made subsequent to a thorough assessment. **This decision was a**

correct decision having regard to all the circumstances as disclosed in this report.

37. The deceased complied with all the conditions of his temporary release.
38. The personnel in Care after Prison, the deceased's key workers and those involved in the Community Return Scheme went the "**extra mile**" to ensure that the deceased was mentored during the currency of his temporary release.
39. The personnel in Care after Prison and the deceased's key workers were not aware that he had taken drugs during his period on temporary release.
40. The suspected cause of death is a drugs overdose but this is a matter for the coroner.