

**Circumstances surrounding the death of
a man on 20 September 2005,
following his release from
HMP Guys Marsh the previous day**

**Report by the Prisons and Probation Ombudsman
for England and Wales**

August 2006

This report concerns the death of a man on 20 September 2005, a day after his release from HMP Guys Marsh. The man was pronounced dead after being found in a multi-storey car park in Swindon.

The investigation was conducted in line with my discretionary power to investigate deaths after release. I exercise that power when issues about the care offered by a prison appear to be raised. In addition, a valid interpretation of the investigative obligation under Article 2 of the European Convention on Human Rights is that some post-release deaths may require an independent investigation of the kind my office carries out.

I wish to express my condolences to the man's family and friends. I have been grateful for the assistance I have received from the Governor of Guys Marsh and his colleagues, from the Wiltshire Constabulary, and from others I have consulted. My particular thanks are due to the Head of Safer Custody at Guy's Marsh who acted as my liaison point.

I have made a number of recommendations to be considered by the Prison Service. (Following circulation of this report in draft, I was delighted to learn that all recommendations had been accepted.) However, this investigation was most significant for what emerged about the man who died and the use of Anti-Social Behaviour Orders (ASBOs). The man had been made subject to an ASBO in September 2003. He subsequently breached the Order on no fewer than seven occasions – each of which led to short periods of imprisonment. Yet during that time, I can find no evidence that the cause of those breaches – the man's drinking problem – was ever addressed. Nor does he appear to have had any contact with probation. While I understand the public nuisance issues that gave rise to the imposition of the ASBO in the first place, his story is an essay in the use of breach proceedings against those whose behaviour is addictive in nature and the futility of so many short prison sentences.

The post mortem found the cause of death to have been a combination of drug abuse and a pre-existing cardiac condition. At the inquest on 9 August 2006, the Coroner recorded an open verdict. Although the man was found with drug-taking paraphernalia around him, it did not contain traces of his DNA and the exact circumstances leading to his death are not known.

Stephen Shaw CBE
Prisons and Probation Ombudsman

August 2006

Contents

Summary	4
How I went about the investigation	6
The man who died	7
The man's offending and sentencing record	8
Family contact	11
HMP Guys Marsh	13
The man's two months in custody	15
Preparation for release	18
On leaving prison	21
The policy framework	23
Clinical review	26
Conclusions	27
Recommendations	28

Summary

The man who died was released from HMP Guys Marsh on the morning of Monday 19 September 2005 with a travel warrant to Swindon. He had told staff that he could stay with his mother in Devizes and he had also been given the details of a hostel in Swindon (although this had no free spaces). In effect, he was released homeless.

The man accompanied three other prisoners released that morning as far as Bath Spa station. He had already started drinking. It is assumed that he then caught a train for Swindon.

The following morning, police were called to a multi-storey car park in Swindon where the man had been found. The man was pronounced dead where he was found. The post mortem found the cause of death to have been a combination of drug abuse and a pre-existing cardiac condition.

This investigation has focussed on the response to the man's offending record – he was subject to an Anti-Social Behaviour Order that he breached seven times in less than two years – and on such preparation as was made for his release.

The clinical review is also critical of some aspects of the man's care.

My report is structured as follows:

- I explain that, having previously visited Guys Marsh myself, I decided to conduct this discretionary investigation personally.
- I make a recommendation regarding the notification arrangements of deaths occurring after a prisoner's release from custody.
- I offer some details of the man's life, listing his convictions from 1986 onwards. Details are given of the Anti-Social Behaviour Order imposed on 22 September 2003 and of the breaches of that Order over the following two years.
- I draw upon comments from the man's former solicitors and extracts from probation reports.
- I detail what the man's mother told my Family Liaison Officer about her son.
- Drawing upon reports from the prison's Independent Monitoring Board and HM Chief Inspector of Prisons, I give details of HMP Guys Marsh.
- I set out what is known about the man's final two months in custody between July and September 2005. There are very limited entries in the man's records.
- I focus on such preparations as were made for the man's release. I explain the application that was made for a place in a hostel in Swindon. In fact, the

hostel had no spare places on the day of the man's release. I note too that the man received no other guidance from Guys Marsh pending his release.

- I give such details as are available about what the man did on the morning he left prison (19 September).
- My report summarises and reviews Guys Marsh's Drug and Alcohol Strategy document, the CARATS Pre-Release Information Pack, and the Resettlement & Reducing Re-offending Strategy Document.
- Noting that the man had no contact with probation from mid-2003, I conclude that Anti-Social Behaviour Orders are not well designed for those whose offences have their roots in addictive behaviour.

I make eight recommendations. A further six recommendations are made in the clinical review.

How I went about the investigation

My office was informed of the man's death by the Prison Service within an hour of his body being discovered on the morning of 20 September. The head of Safer Custody at Guys Marsh rang the Prison Service's National Operations Unit having himself heard of the man's death from the prison's Police Liaison Officer. There is currently no guarantee that either a prison or the Ombudsman's office will learn of deaths post-release and I suspect that only a minority are referred to me. Given that the Article 2 investigative obligation may be engaged by such deaths, the absence of a proper notification system is not satisfactory.

I recommend the National Offender Management Service reviews arrangements whereby deaths of recently released prisoners are referred to the Prison Service's National Operations Unit and onwards to my office.

In the case of post-release deaths, I have a discretionary power "to investigate, to the extent appropriate, cases that raise issues about the care provided by the prison". Given that the man had died only 24 hours after leaving Guys Marsh, I determined that this was a case when it would be right to exercise that discretion.

Having recently visited Guys Marsh, I also decided to undertake the investigation personally. I visited Guys Marsh on 23 September, speaking to senior governors (in the absence of the governing Governor, who was on leave), other staff and prisoners, and arranged for notices to be issued. I received no response to either the Notice to Staff or the Notice to Prisoners inviting the submission of evidence.

On that first visit, I also made contact with the local branch of the Prison Officers' Association (POA) and the prison's Independent Monitoring Board. The POA requested that all interviews with its members be conducted formally. I had anticipated conducting one formal interview but, in the event, concluded that this was not required.

I also made contact with HM Coroner for Wiltshire and Swindon to alert him to my investigation, and with the Wiltshire Police. The man's former solicitors and the Wiltshire Probation Area have provided very helpful background information.

Ms Emma Bradley, deputy ombudsman and a registered clinician, conducted a clinical review of the man's care while in custody. One of my family liaison officers made contact with the man's family. I am most grateful to the man's mother for her assistance. I have included many of the things she said within this report. I hope too that it answers the questions she raised. (I was pleased to be able to meet personally with the man's mother and father and their two daughters, along with two other members of the family, at the inquest on 9 August 2006.)

The man who died

The man was born on 12 March 1972 (some of his prison records incorrectly show 12 January). On 20 July 2005, he received a four months sentence for breach of an Anti-Social Behaviour Order. In line with standard sentencing arrangements, he served half of that term in custody and was released on 19 September. The next day, he was found in a car park in Swindon with evidence of drug-taking around him. He was pronounced dead at the scene. The man was 33 years old when he died.

The man was the eldest of three children, having two younger sisters. He was single and had no dependants. His family home was in Devizes, Wiltshire.

He left school at the age of 16 and had no qualifications. He had held down a variety of jobs after leaving school and through much of his twenties. Evidence heard at the inquest referred to his voluntary work with physically handicapped people through the organisation PHAB. However, in the last three years of his life, he was either in prison or unemployed.

The man's offending and sentencing record

The man's Police National Computer print-out shows 31 convictions for a total of 45 offences. The details are as follows:

- 1 against the person
- 4 against property
- 22 theft and kindred
- 9 relating to police/courts/prisons
- 1 drugs
- 6 miscellaneous
- 2 non-recordable

He was first convicted on 10 December 1986 at the age of 14 on a charge of burglary, but was not convicted again until 1992 (again for burglary). His offences from 1995 onwards involved either theft or drunkenness. On 7 September 1999, he was cautioned for supplying amphetamines. He received a Drug Treatment and Testing Order (DTTO) on 2 September 2002, but a month later (7 October) was sentenced to a total of six months imprisonment for being concerned in offering to supply heroin and for failing to surrender to bail. This was his first custodial sentence.

On 22 September 2003, the man was convicted at North Wiltshire Magistrates' Court of ten offences (three of shoplifting – total value £69.07, one of criminal damage, one of failing to surrender to bail, one of breach of a DTTO, and four of drunkenness). He was sentenced to two months imprisonment and an Anti-Social Behaviour Order was imposed. The terms of the ASBO were that, from the date the man was released from custody and for a period of two years, he should not:

1. Be found drunk within the Kennet and Devizes Town Council No Drinking Bye-Law area;
2. Use threatening or abusive behaviour in a public place;
3. Be found consuming alcohol in a public place in the Kennet District Council area;
4. Enter any licensed premises within the Kennet District Council area, including the alcohol aisles of supermarkets.

I list below the man's convictions from September 2003 onwards:

22 September 2003	Convicted of 10 offences - 2 months imprisonment plus ASBO
3 February 2004	Breach of ASBO - 3 months
20 May 2004	Theft – fine £25
28 July 2004	Breach of ASBO (x 2) - 4 months

7 October 2004	Breach of ASBO - 5 months
27 January 2005	Breach of ASBO - 3 months
12 May 2005	Breach of ASBO - 3 months Drunk and Disorderly – no separate penalty
20 July 2005	Breach of ASBO - 4 months

In effect, the man spent half of the two years between September 2003 and September 2005 in custody as a result of seven short prison sentences, the last six of which were for breach of the ASBO. To put it another way, he spent the equivalent of a year in custody, so far as I can judge, as a result of his drinking in public.

After his death, the man was described by the *Western Daily Press* as a “notorious yob” and part of a gang of drinkers who ‘terrorised’ shoppers in Devizes.

I asked the man’s former solicitors for their views on the sentencing of the man and for any other comments they might have in light of their professional relationship with him. They replied as follows:

“On each and every Court appearance an argument was put to the Court that imprisoning the man did nothing to address the underlying problem i.e. one of alcohol addiction. The deprivation of alcohol during his period of imprisonment no doubt detoxified him in the short term but just as soon as he was released he returned to the habit. The only way such a pattern could be stopped would be if there could be some form of residential rehabilitation to follow the period of compulsory detoxification whilst in prison. Sadly this wasn’t available to the man who inevitably died. He was very aware of his situation and of the danger to his health.

“He had sought help in the past but had never been able to sustain any period of abstinence. Family support to him had been spasmodic (understandably so) and he presented therefore as being inevitably doomed. When in custody and without alcohol behind him he presented as polite and co-operative. I believe that numerous attempts had been made by the Probation Service to provide him with counselling but the lack of self-motivation and commitment had been lacking [sic].

“Regrettably the circumstances in which the man died would appear to underwrite the fact that ASBOs should not be imposed upon chronic alcoholics like the man as the draconian powers urged upon the Bench to impose upon their breach simply leads to renewed incarceration without help.”

I am also grateful to the Wiltshire Probation Area for providing me with copies of four reports prepared for the man’s court appearances. The most recent was a so-called Nil Report, dated 6 July 2004, which said that, “due to the high number of reports requested and staff training commitments”, a pre-sentence report could not be

prepared in time for the man's next court hearing (for the second of the ASBO breaches listed above). The report noted that, "Most if not all of [The man's] offending behaviour appears to be related to his misuse of alcohol and illegal drugs." It noted "a very limited success of previous periods of supervision", said that Probation would probably be unable to recommend a community sentence, and invited the court to proceed to sentence without a report.

A similar Nil Report (dated 21 August 2003) had been submitted in the run-up to the man's court appearance in September 2003 at which, amongst other things, the ASBO was imposed. This noted that the court had requested a pre-sentence report but that the man had not attended an appointment. That failure had also placed him in breach of his bail conditions.

Two full pre-sentence reports on the man were completed by two different probation officers in 2002. The first of these reports was dated 26 July 2002 and was to lead to the court's decision to impose a Drug Treatment and Testing Order. The report drew attention to the interchangeable nature of the man's addictions by remarking that, "in any attempt to cease [the man's] heroin use, I would have concerns about a return to heavy drinking if this is not managed properly".

The second pre-sentence report was dated 1 October 2002 and was prepared for the appearance at which the man was to receive his first custodial sentence (on 7 October). This report referred to the man as part of "a mini sub-culture in Devizes" in which "a small and fairly tight-knit group of friends live in and out of one another's homes and use drugs on a daily basis". It said the man had been addicted to heroin for about three years but, before being remanded into custody, he had made a "good start" on his DTTO. Like the earlier report, it drew attention to the man's potential "to again return to alcohol as a substitute for other illegal drugs". The recommendation was for a Community Punishment Order.

This last report was written by the current chair of the National Association of Probation Officers. I spoke with him and he said he had known the man well. He said he was angered at the way the ASBO was used and the way the man had been vilified in the local media.

The man's last contact with Probation appears to have been in mid-2003.

Family contact

One of my Family Liaison Officers contacted the man's mother on my behalf. She did so in a telephone call on Monday 17 October 2005.

Understandably, his mother said that her son's death had come as a shock. This was especially so as the family had not thought he was due out of prison for another week. I am greatly indebted to her for assisting my investigation in such very sad circumstances.

My Family Liaison Officer explained the nature of my discretionary investigation into the man's death. His mother said she was pleased the investigation was taking place as she had not had much information from other sources. She wished to see my report when it was completed. She and her husband are in close contact with the man's two sisters so she will inform them of my office's involvement and show them the report.

The man's mother said that the police informed her of her son's death at 2.40 pm on 20 September. Her husband had identified the body, but they were not given much more information about what occurred. Her husband and their two daughters are planning to attend the inquest.

The man's mother talked about her son's attempts to sort his life out in the past. She explained that each time he came out of prison he tried very hard to do so, and she really tried to help him. His mother did not feel that the man had much chance of doing this in Devizes as he had several friends there with similar problems. She also felt that the ASBO did not help as it prevented him entering so many areas and that he could not get a job. Her son had enjoyed playing pool but could not go anywhere locally to play. He could not even attend a family Christmas party in a local pub with her as she had asked permission and been refused. This did nothing to help him, and probably made him worse. The only place he could go was CASH - a local homeless project, where he could eat and play pool.

She had last seen her son three days before he went to prison in July. She had not been aware of his arrest at the time and this was the only time he had been in prison and not called her. She thought her son was ashamed and had not wanted to upset her. She did not know much about the circumstances of his arrest. She thought her son had been seen in St John's graveyard without alcohol on him, but was arrested, as the police smelled it on his breath.

The man's mother said she had always stood by and supported her son and he knew that he could always come home. She said she would never have given up on him no matter what he had done, and would never have thrown him out.

The man's mother said her son had stopped using heroin around two years ago. As far as his family was aware, he had not used it since. He had been different in these two years and in a much better state, even though still drinking. Her son had talked openly with her about his heroin problem, describing it as a monkey on his back permanently saying 'take it/don't take it'. Her son had always been sorry for the

stealing he committed to fund his habit. He had low self-confidence and, although he had attended a drugs programme, he had not been able to stand up and talk in the group. He preferred the one-to-one sessions.

According to man's mother, a female friend of her son had seen him in Swindon on the Monday night before his death. The friend had since been to see her and told her how well he had looked that night. She had been going into the theatre at the time so had not stopped to talk properly. The man's mother explained that it was not unusual for her son to come home a day after his release, as he liked to go for a drink with friends first. She did not understand why he went to Swindon as, although he had a friend there, that friend was not there at the time.

Since her son's death, her sister-in-law had been into the local Job Centre in Devizes and seen the member of staff whom her son used to see. The staff member had checked the computer records and discovered that her son had made an application for a new starter loan in the Swindon Job Centre. The man's mother wondered if her son had decided to go to Swindon for a new start, and if he had hoped he would have more chance of success there where he was away from his old peer group and less well known.

The man's mother had received some post for her son after his death. This showed that he had withdrawn £96 from his Post Office account on 19 September, so would have had this money as well as that with which he left prison. The statement did not show where the money was withdrawn.

The man's mother said she was sure her son did not commit suicide as they had discussed this and he had always promised he would never take his life. She was certain that, if he had died of a heroin overdose, this was by accident and not suicide.

She raised a number of questions that she said she hoped my investigation could answer. In particular, she asked what help was available to her son from Guys Marsh before and after his release, and if he made use of this.

HMP Guys Marsh

Guys Marsh is a category C prison and young offender institution situated to the south of Shaftsbury in Dorset. One unit holds the young offenders, and the other eight units are for adult prisoners. The prison is modern in design and attractively landscaped. It can take up to 570 prisoners.

By coincidence, I had visited Guys Marsh at the invitation of the Governor during the summer of 2005. In a letter dated 28 June, I had written of being really impressed by what was being achieved: “the level of activity hours, the work of the Prison Council, the generally can-do attitude”. (The Prison Council is elected by prisoners and meets every fortnight. I thought it was an exceptional development.) I had also remarked on the speedy way in which a couple of matters I had raised had been addressed: “This was also a mark of a confident and high-performing establishment.” A copy of that letter was on display in the gate when I visited again after the man’s death.

A similarly favourable view of Guys Marsh can be found in the most recent annual report of the establishment’s Independent Monitoring Board. Covering the period 1 December 2003 - 30 November 2004, the report recorded “substantial progress” in performance, including a “substantial reduction in the drug problem”. However, the Board drew attention to the “short time the average prisoner spends at Guys Marsh”, arguing that this made it difficult to equip prisoners to lead useful lives after release. The Board wrote: “Increases in the average time spent by prisoners at Guys Marsh and in the length of the working week are essential if the objectives of this training prison are to be properly met.” (The Board reported that almost half of the prisoners released from Guys Marsh had spent three months or less in the establishment.)

The Board also wrote about the need to co-ordinate all the activities that bear on resettlement and to improve the effectiveness of the Resettlement Management Unit (RMU). In light of what I was to find, I note too the Board’s view that the Personal Officer scheme needed urgent improvement.

Paragraph 39 of the Board’s report is also of interest:

“ ... the Dorset Drugs and Alcohol Advisory Service (DDAAS) could also expand its important work in helping prisoners to address their alcohol related problems, but funding presently precludes this.”

I met a member of the IMB. She confirmed that the shortness of time prisoners spend at Guys Marsh was the Board’s biggest concern.

HM Chief Inspector of Prisons conducted a full unannounced inspection of Guys Marsh between 18-22 October 2004. In her introduction to the inspection report, the Chief Inspector, Ms Anne Owers, reported that, “Guys Marsh was a prison that was liked by both staff and prisoners; it was in general a safe and respectful environment.” However, her report called for “major changes” in respect of activities and resettlement. She noted that, although the prison discharged hundreds of prisoners a year, “resettlement work was in disarray”.

In the body of her report, Ms Owers concluded that, “The personal officer system was a good one and prisoners knew their personal officers, but it was not operating as it should due to regular redeployment of staff.” The quality of written comments by personal officers in history sheets varied greatly. In para 2.51, she wrote, “staff should be encouraged to write positive and detailed comments in prisoners’ history sheets ...” She also called for a review of the resettlement function, “which should include the identification of prisoner needs, the provision of resources and services to meet those needs, and management arrangements to ensure monitoring and performance.” Most prisoners “had little help with preparation for release”. Ms Owers said that, “approximately 30% of all prisoners discharged from Guys Marsh were released with no accommodation to go to”.

On substance misuse, the Chief Inspector reviewed the prison’s drug strategy document (April 2004), noting that the prevention of harm was one of its aims. However, Ms Owers also found that the strategy “lacked explicit guidelines on issues relating to alcohol misuse”. She reported that the prison had “no facilities or treatment for alcohol/drug detoxification”.

Ms Owers’s report also made reference to workshops on harm reduction and drug overdosing run under the CARATS (Counselling, Advice, Referral, Assessment and Throughcare) scheme, to the employment of an alcohol counsellor from DDAAS, and to referrals from CARATS staff to education which ran an alcohol and drug awareness course. As will be shown, the man was not referred (and did not self-refer) to any of these services.

The man's two months in custody

On 19 July 2005, the man was found drunk in Devizes Town Council Area. This breached the Anti-Social Behaviour Order imposed under s1 of the Crime and Disorder Act on 22 September 2003 by North and West Wiltshire Magistrates' Court. He was charged at 8.36 am on 20 July, having spent the night in police custody.

The man was sentenced on 20 July to four months imprisonment by North West Wiltshire Magistrates' Court for breach of his ASBO. He was received by HMP Bristol that day, transferring to Guys Marsh as a category C prisoner on 28 July.

There is a Prisoner Escort Record (PER form) for 20 July covering the man's journey from Melksham Police Station to North West Wiltshire Magistrates' Court in Chippenham, and from there to HMP Bristol. The risk category for drugs/alcohol issues has been ticked, but the word 'drugs' crossed through. The PER for 28 July, when he transferred to Guys Marsh, is also ticked for drugs/alcohol issues – the source being the earlier form.

On reception at Bristol, the man gave his address as his mother's home in Devizes. His unconditional release date was 19 September and his sentence expiry date was 19 November. His Home Detention Curfew (HDC) eligibility date was 20 August, although in fact he declined to apply.

The Prisoner Induction Checklist completed at Bristol has been ticked 'yes' for detoxification from alcohol. His first night interview indicated the man had previously been in custody six to ten times, including previous periods at Bristol. The question 'are you a drug user?' has been ticked no, as has the question 'Do you think you would benefit for a detox programme?' Boxes for self-harm and risk of self-harm have also been ticked no. The man was described as polite and no problem by the officer completing the form. He did not make a phonecall and declined the offer of a Visiting Order.

The F2052B Record of Events was opened on 20 July with a note that the man had been in custody before and was an alcohol abuser.

The Cell Sharing Risk Assessment at Bristol was completed by Officer Osborne. Question 5: 'Has the prisoner ever abused alcohol or drugs?' is ticked yes and the source code is I – meaning inmate. Question 6: 'Is the prisoner currently dependent on drugs or alcohol?' has been ticked no with the same source. Somewhat contradictorily, the Healthcare section of the form (Section 3) contains the following exchange:

"Following the self-harm assessment, do you have any concerns? No.

"If so, what are they? Detox."

A form used to determine the man's appropriate allocation was ticked to show that he was not dependent on drugs or alcohol and did not have identified offending behaviour or resettlement needs. It was recommended he be allocated to HMP Erlestoke. In the event, he went to Guys Marsh. His cell sharing risk assessment there was low risk. Alcohol abuse (not drugs) was ticked, as was the box for not currently dependent. This is all identical to Bristol.

The man's first reception health screen on 20 July revealed he drank two bottles of cider a day. In answer to a question about use of drugs in the last month, he said no. The man was referred to the doctor regarding his substance abuse.

The man's Prescription and Administration Record Chart shows that on 20 July he received 20mg of Chlordiazepoxide. On 21 July, he received Thiamine 100mg for 14 days and Strong Vitamin B also for 14 days in recognition of his detoxification from alcohol. His drinking was recorded as ten units a day.

The further reception healthcare screen at Guys Marsh (dated 28 July) reveals the man reporting 'yes' to cannabis use (no other drugs were mentioned) but 'no' to sharing needles, and he admitted again to drinking two bottles of cider daily. He also said he smoked five cigarettes a day. (Further details of these healthcare screens and related matters are in the Clinical Review.)

The Induction Labour Form at Guys Marsh shows the man asked to be considered for 'bikes, garden, farm'. The form is annotated "good on induction no problem" and dated 3 August. The Induction Review is ticked to show that the drugs strategy (including CARATS and DDAAS) has been covered and reads: "A good week. No problems to staff." However, there was no CARATS file, indicating that the man was neither referred nor self-referred.

Indeed, I found little other paperwork at all. The man's history sheets at Guys Marsh include next to nothing except a note of his allocation to Cambria House (one of the units), and a formal verbal warning he received under the Incentives and Earned Privileges Scheme on 25 August for throwing an item over the farm buildings towards the greenhouse. There are no weekly entries.

I subsequently discovered that the man had not been allocated a personal officer at Guys Marsh. This probably explains the absence of entries in his history sheets. Systems for identifying prisoners slipping through the net were clearly not effective, and I conclude that the personal officer scheme as a whole is still not operating as it should.

I recommend that the Governor urgently reviews the personal officer scheme, in particular to ensure that prisoners not allocated a personal officer are identified by managers.

I further recommend that the Governor reminds all staff of the importance of maintaining regular records in prisoners' history sheets.

Week 2 of the induction programme at Guys Marsh includes a module entitled Introduction to Going Straight. Notes read: "Stopped taking heroin 2003 ... Needs area in Swindon, hostels ... Wants to work ... Mum supportive." It was noted that the man's offences were alcohol-related. His release address was recorded as Swindon.

I interviewed the prisoner who had been the man's next door neighbour in Cambria House for around a month before his release. He said the man had been friendly and helpful. He was laid-back and largely kept himself to himself. The prisoner did not believe that the man had received any visits while in custody (this is confirmed by the prison's records).

The prisoner said he and the man had talked out of their cell windows. He did not think that the man took drugs in custody (although the prisoner said there were drugs in the prison if you wanted to find them) and they had never discussed drugs. They had helped each other out with tobacco but, so far as the prisoner was concerned, the man did not drink nor brew hooch (prison-brewed alcohol).

According to the prisoner, the man's demeanour had not changed as he approached his release date. He had said he was going back to Swindon and had been looking forward to getting out and to having a pint.

Preparation for release

On 5 August, the man submitted an Application for a Discharge Grant. (This was the same day he opted out of consideration for HDC.) He wrote:

“I [am] hoping to go to a hostel. I’ve got to see housing about it. I am generally homeless because my mum has washed her hands of me now.”

The same day he put in a Prisoner Application:

“Can I see someone from Resettlement please because I haven’t got nowhere to live when I get out.”

He was told in reply that a Resettlement Orderly in the library would be able to assist with his search for accommodation.

Accordingly, four days later the man put in a further application to see the Housing Orderly in the library. Guys Marsh is unusual in that a prisoner acts as Housing Orderly, assisting probation with planning for prisoners’ resettlement.

An application form for Stonham Housing Association’s Bridge Services in Swindon is dated 11 August. The man has completed his part of the form as follows:

“Move on and benefits and help with getting work. All I want is somewhere to live for a few weeks till I get somewhere to live permanently.

“All I want to tell you is I’ve been on a ASBO for two years. It stop[s] three days after I get out. Now soon it stops all I want to do is to get somewhere to live and a job and hopefully get somewhere to live permanently.”

The remainder of the form has been completed by the Housing Orderly. It says, “Applicant was NFA [No Fixed Abode] in Swindon before arrest.” Under reason for referral, it says, “Will be NFA upon release.” The section reading “Does the applicant have any drug/alcohol issues of which you are aware?” has been left blank.

The accompanying Resettlement Action Plan minute sheet, also completed by the Housing Orderly, reads as follows:

8/11/05 (sic) “Given [the man] Bridge Services Hostel App to be filled out by him and returned to me as soon as possible.”

13/8/05 “Given to [Probation Service Officer] Bridge House app to be faxed off and sent to them.”

15/9/05 “Spoken to [Probation Service Officer] and Bridge Services. Have no space as yet. Spoken to [the man] who told me he was going to live with his mum anyway.”

19/9/05 “[The man] discharged and going to mothers.”

21/9/05 (sic) “Spoken to Bridge Services and told them [the man] won’t be turning up on day of release.”

I understand that last minute was written after the man’s death was known but referred to a conversation on 19 September.

I interviewed the Probation Service Officer who told me she had been working at Guys Marsh since December 2004. She said that her practice when receiving an application for a hostel place was to send either a fax or a hard copy. She did not recall which method she had used when sending the man’s application to Bridge Services in Swindon. She said it was not a hostel she knew.

On 15 or 16 September, she had spoken to someone at the hostel (she did not know their name but thought it had been a woman). They had said that they had not received the fax but the man could turn up on the day of his release and they would interview him. However, they had also said they did not have any beds for the Monday [19 September, the date of the man’s release].

The Probation Service Officer said there was nothing unusual about not hearing back from a hostel when an application was sent through. They tended to leave the hostels to get on with their own jobs. The system depended on the resettlement orderly bringing forward the paperwork. She added that the fax machine currently in use did not have a function confirming that a fax had been sent successfully.

The Probation Service Officer said that, if the man had asked for help, then they would have found him a B&B and paid for it through a discretionary grant.

A formal recommendation is not required, but as a housekeeping point the Governor will wish to review the specification of the fax machine currently in use by probation.

The Housing Orderly’s account in his interview coincided with that of the Probation Service Officer. He said that he had identified three possible hostels for the man in Swindon, but one was a ‘dry house’ and one was for under-25s, so Bridge Services was the only relevant one. Like the Probation Service Officer, the Housing Orderly had had no previous contact with Bridge Services.

He confirmed that, following her telephone conversation with the hostel, the Probation Service Officer had said they had suggested that the man simply turn up on the day. She had said that there was no need to tell the man that the fax had not turned up. (In a letter to the Hostel Manager of 12 October 2005, I asked if these and other details could be confirmed. I have received no reply.)

The Housing Orderly added that the man had seen him on Saturday 17 September to thank him for having helped out. He described the man as a bit forceful at times but okay.

The Housing Orderly reported that since becoming the Resettlement Orderly in June he had helped between 100-150 prisoners with their accommodation on release. He said it was unusual for someone to leave Guys Marsh with nowhere to live but it had happened to five or six of the prisoners whom he had helped.

Aside from the help – such as it was – with accommodation, the man who died received no other guidance from Guys Marsh pending his release. The Head of Resettlement told me that those prisoners in contact with CARATS would have been given a booklet warning, amongst other things, of the dangers of drug use post-release. However, as the man was not in touch with CARATS this did not apply. I have been pleased to learn that the booklet will now be given to all prisoners on discharge as part of a tightening up of procedures following the man's death. This will also form part of the pre-release course to be delivered a week before discharge.

(The Head of Resettlement said some of this information would have been delivered on induction and that the man would have had an Alcoholics Anonymous talk. However, as in most prisons, I have not sensed a real focus on alcohol as an issue in resettlement.)

On leaving prison

On the morning of Monday 19 September, the man was released from custody after serving two months of his four month sentence, under s.33 (1) (a) of the Criminal Justice Act 1991. In accordance with s.116 of the Powers of the Criminal Courts (Sentencing) Act 2000, he was liable to be returned to custody if convicted of a further imprisonable offence before his sentence had fully expired. The F2052B Record of Events completed at Guys Marsh on the day of his discharge simply reads "No special needs. No outstanding complaints, property in order, discharge clothing issued."

The man left prison with a travel warrant to Swindon (not to Devizes where his mother lived), a small amount of personal property, cash, discharge clothing and a discharge grant of £46.00.

He left Guys Marsh at around 10.00 am in the company of three other prisoners: one who was heading for Bristol, one who was heading for a hostel in Taunton, and one who was on resettlement licence to his home in Wales. I have not sought to trace the first two men but have interviewed the third prisoner following his return to Guys Marsh after his resettlement leave.

The picture that emerges is of the four men being driven by an Officer Support Grade (OSG) to Gillingham station. The man apparently went off on his own at the station and returned with four cans of strong lager and started drinking. I calculate that the men most likely caught the 10.42 train to Salisbury where it arrived at 11.15. There they would have waited for the 11.41 train to Bristol which arrived at Bath Spa at 12.31.

On the platform at Salisbury, the man stole a sandwich from the buffet and words were exchanged between the men. The prisoner I interviewed told me the man was "three parts cut" on the train to Bristol and that he spoke confusingly about whether he was returning to Swindon or to Devizes, but also said he intended to buy drugs. The man got off the train at Bath Spa and the other three men carried on to Bristol.

If he caught the first available train at Bath Spa (12.42 pm), the man would have arrived in Swindon at 1.10 pm.

The next morning, at 10.10 am, police were called to Fleming Way Car Park in Swindon where the man was found unconscious. An ambulance was called and paramedics pronounced the man dead.

The final post mortem findings were not available until the end of January 2006. The cause of death was recorded as drug overdose and dilated cardiomyopathy (enlargement of the heart). Dilated cardiomyopathy (DCM) is a relatively rare condition, more common in men than women, and sometimes caused by alcohol or drug misuse.

The toxicology results indicate that the man had taken heroin before he died, albeit not in large quantities. It seems likely that his reduced tolerance to the drug, combined with a pre-existing cardiac weakness, combined to cause his death.

The policy framework

I am grateful to Guys Marsh for supplying me with three documents.

Guys Marsh's Drugs and Alcohol Strategy document 2005-2006 is dated April 2005. DDAAS Ltd provides brief alcohol counselling therapy to prisoners referred by the CARATS workers. Fortnightly AA meetings, held in education, are open to prisoners across the estate.

The document also says:

“Needs Analysis has shown that the Guys Marsh population has a binge drinking culture prior to custody. Any prisoner identified with an alcohol problem will be referred to CARATS for assessment. Their approved disposal is through DDAAS. Due to the continued long waiting list for this provider some one to one work may be considered by the CARAT worker or referral to the education alcohol (sic) awareness course. If funds were to become available or an alcohol pilot was to be run we would expand our alcohol strategy appropriately.”

In light of the findings of this report, I recommend that the Governor and Area Manager review the services available under the alcohol strategy.

The throughcare of drug using prisoners represents one of the strands of the drug and alcohol strategy. Drug awareness training should be received by all prisoners on induction. In addition, the strategy says all prisoners should be assessed for substance abuse on reception, and all prisoners with such problems should be assessed in turn by CARATS.

A CARATS/Health Care Referrals & Liaison Protocols document is appended to the strategy. Section 3.1. says:

“Subject to consent all prisoners who present at initial reception Health Care screening with drug misuse problems should be referred to the CARATS team for assessment.”

Section 3.4. adds:

“If the prisoner refuses to give his consent, he must be advised of the CARATS self-referral process.”

The document makes no reference to alcohol.

I also received a copy of the CARATS Pre-Release Information Pack. This includes advice under six headings:

- What to do if you think someone may have overdosed.
- Cravings.

- HIV and HEP C facts and figures.
- Taking a drug after a period of abstinence.
- High Risk Behaviour.
- Useful Numbers/Addresses.

The advice under the fourth heading includes:

- Just take a little (“Remember, your tolerance level will have dropped. Taking at your old levels may cause you to O.D.”)
- Try not to inject.
- Use with someone that is used to it.
- Do your research.
- Give the drugs time to take effect.
- Don’t purchase more than you intend to use.
- Know your dealer.
- Don’t mix.

This is all sensible and well-intentioned. However, I wonder if the warning about reduced tolerance is sufficiently strongly worded. A lecturing tone may be self-defeating but there is no merit in being mealy-mouthed about the dangers ex-prisoners may run by returning to drug use.

I recommend that the governor reviews the content of the CARATS Pre-release Information Pack.

The final document was Guys Marsh’s Resettlement and Reducing Re-offending Strategy Document, dated August 2005. This says:

“Guys Marsh aims to ensure that all its prisoners are prepared for release, by enabling them to address their individual needs, identified in pre- and post-sentence Offender Assessment System (OASys) processes, personal assessment interviews at admission, and a systematic, two-week Induction programme, and, by doing so reduce re-offending and enhance protection of the public.”

On Accommodation, the document says:

“Guys Marsh will provide practical help, advice and guidance to assist those looking to retain existing accommodation via the library and the housing team including the Probation department and offenders being empowered to locate and secure accommodation and to help and support each other ... Additional links are being sought to assist in providing short and medium term accommodation for all prisoners indicating they are NFA on release.”

Under Drugs and Alcohol, the document reads:

“Referrals for assessment for treatment by specific methods/models for all drug-related offending will be made through CARATS staff, who will then advise on the necessity for treatment and suggest the methodology required.

Access to NA [Narcotics Anonymous] and relapse support groups will be made available. To ensure effective response to throughcare and aftercare of offenders with problematic alcohol use. Appropriate referrals to DDASS for prisoners identified with alcohol related offending. Access to AA and alcohol dependency support groups will be made available. The availability of drugs, alcohol and other mood-altering substances within Guys Marsh will be reduced as part of the ongoing Drug Action Plan. Information, support and education will be provided to reduce the likelihood of drug-related death following release. Post-treatment peer support mechanisms will be established to maximise positive treatment outcomes.”

Under the heading Personal Officer Scheme, the document records that a Head of Personal Officers will be identified to develop the role of the Personal Officer within the establishment.

Amongst the document’s Strategy Outcomes is to reduce “the amount of No Fixed Abode (NFA) discharges of all prisoners”.

I note that the document says that a pre-release board (also referred to as the discharge board) should take place six to eight weeks prior to the prisoner’s discharge.

I recommend that the Governor reviews discharge arrangements for prisoners at Guys Marsh who have less than eight weeks to serve.

The Resettlement Strategy also refers at one point to the organisation Narconon as being a possible supplier of drugs interventions. I was alarmed to see this as Narconon is closely associated with the Church of Scientology. The Church of Scientology is not recognised by the Prison Service as a bona fide religion and is not an appropriate partner for the Prison Service.

One of my Assistant Ombudsmen spoke with the Prison Service’s Drugs Co-ordinator for the South West. He said he had recently learned of the reference to Narconon and had confirmed with Headquarters that they should not be engaged. The Governor of Guys Marsh had been informed and had removed them from the list of service providers. As a housekeeping point, the Governor will wish to amend the Resettlement Strategy documentation. However, the implications go wider than Guys Marsh.

I recommend that the Prison Service issues advice to all Governors confirming that Narconon should not be engaged as a supplier of drugs interventions.

Clinical review

I am most grateful to my colleague, Ms Emma Bradley, for her clinical review. Based on her assessment of the clinical record, Ms Bradley concludes that appropriate referrals and information were not provided to the man to enable him to address his addictive behaviour and associated problems.

Ms Bradley is critical of other aspects of the man's care and makes six recommendations that I endorse.

I am also indebted to the Director of Primary Care, South West Dorset Primary Care Trust, for her helpful comments on the draft of this report.

Conclusions

Guys Marsh's resettlement strategy sets ambitious targets. However, the man left the prison homeless and with nothing having been done about the alcohol problems that had repeatedly led to periods of imprisonment. His documents show no referrals to DDAAS or to Alcoholics Anonymous. Apart from on induction, he had been given no advice about the dangers of using illicit drugs.

The man had opted out of consideration for HDC. Nor did he have a Discharge Board before leaving prison since these normally take place six to eight weeks before release. With one minor exception, his custodial behaviour was ordered and he neither sought nor came to attention. Next to nothing was written about him during his seven weeks in Guys Marsh.

Insofar as he was seen at all, the man was regarded as a good (that is, compliant) prisoner and little was done to help him prepare for the challenges he would face once again on release from custody.

This investigation also calls attention to the effectiveness of Anti-Social Behaviour Orders (ASBOs) and the penalties for breach. After being made subject to an ASBO in September 2003, the man breached the Order on seven occasions – each of which led to short periods of imprisonment. Yet during that time, the cause of those breaches – the man's drinking problem – was never once addressed. Nor did he have any contact with probation.

The man was punished again and again for minor anti-social behaviour, the roots of which were addictive in nature. Rarely can one person's story have so illustrated the futility of repeated, short custodial sentences. I endorse the view expressed by his former solicitors: "ASBOs should not be imposed upon chronic alcoholics ... as the draconian powers urged upon the Bench to impose upon their breach simply leads to renewed incarceration without help."

I recommend that a copy of this report is sent to the Head of the Home Office's Anti-Social Behaviour Unit, to the Chief Officer of Wiltshire Probation, and to the Chair of the Wiltshire branch of the Magistrates' Association, for their consideration.

Recommendations

- **I recommend the National Offender Management Service reviews arrangements whereby deaths of recently released prisoners are referred to the Prison Service's National Operations Unit and onwards to my office.**
- **I recommend that the Governor urgently reviews the personal officer scheme, in particular to ensure that prisoners not allocated a personal officer are identified by managers.**
- **I further recommend that the Governor reminds all staff of the importance of maintaining regular records in prisoners' history sheets.**
- **In light of the findings of this report, I recommend that the Governor and Area Manager review the services available under the alcohol strategy.**
- **I recommend that the governor reviews the content of the CARATS Pre-release Information Pack.**
- **I recommend that the Governor reviews discharge arrangements for prisoners at Guys Marsh who have less than eight weeks to serve.**
- **I recommend that the Prison Service issues advice to all Governors confirming that Narconon should not be engaged as a supplier of drugs interventions.**
- **I recommend that a copy of this report is sent to the Head of the Home Office's Anti-Social Behaviour Unit, to the Chief Officer of Wiltshire Probation, and to the Chair of the Wiltshire branch of the Magistrates' Association, for their consideration.**

Recommendations in Clinical Review:

- 1. Healthcare professionals should retrieve previous clinical records when prisoners are received into custody and ensure these records are merged with the current record.**
- 2. Healthcare staff should be reminded of the need to fully complete clinical assessments to enable appropriate care planning.**
- 3. Prisoners identified as having substance misuse problems should be referred to local drug support services in a timely manner.**
- 4. Staff should be reminded of the need to provide a comprehensive and documented assessment of clinical problems, needs and treatment.**

- 5. When electronic and paper records are being used together, entries in both must reflect the care and treatment administered to ensure a seamless approach to patient care.**
- 6. A multi-disciplinary/agency programme to promote health and well-being should be developed to ensure that, prior to release from prison, prisoners are provided with relevant multi-disciplinary advice and information.**