

7 February 2024

Reference: FOI 527 Freedom of Information Request

Thank you for your emails, which we received on 4 and 11 January 2024, which we clarified on 9 January. Your request has been handled under the Freedom of Information Act 2000.

You asked us:

For information on any "non-natural" drug-related deaths in which intent was unknown, including any drug-related deaths where both prescribed and illicit drugs have been taken and caused a death. Your specific questions were:

1. Of the non-natural deaths investigated in 2023 by the Prisons and Probation Ombudsman (PPO), how many were found by a coroner to involve a) overdose involving any illicit drug, b) nitazenes and c) new psychoactive substances?
2. If any of those deaths were found to involve nitazenes, a) in which prisons did they occur and b) if applicable, which other legal and illicit drugs were mentioned on the death certificates?
3. Of the non-natural deaths investigated in 2022 by the Prisons and Probation Ombudsman, how many were found to involve a) overdose involving any illicit drug b) nitazenes and c) new psychoactive substances?

Our response:

We have searched our records and we hold the requested information on the above questions.

A copy of the information you requested is shown below.

From 1 January 2022 to 31 December 2022, there are 15 deaths categorised as other non-natural, drug related (intent unknown) deaths.

For one case, the investigation is currently suspended pending clarity on the cause of death. We have decided not to disclose the information you requested for this case as a qualified exemption applies. In accordance with section 17 of the Freedom of Information Act this letter acts as a refusal notice.

The qualified exemption is described below. In applying this exemption, we have applied a public interest test regarding the disclosure of this information.

The exemption applied under the Freedom of Information Act is:

- Section 31(1)(a) 'The prevention or detection of crime'.

The public interest lies in enabling the PPO to carry out independent investigations into complaints and deaths in custody. This relies on the PPO working with a range of public bodies, including the police and coroners to establish the facts in a fatal incident investigation. Having carefully weighed the public interest relating to possible disclosure of the information requested under section 30(1)(a), the PPO considers that disclosure of the requested information could undermine a potential police review and/or investigation. The PPO is satisfied that maintaining the exemption outweighs the public interest in disclosure.

Of the remaining 14 cases, seven were found to involve any illicit drugs (including nitazenes and/or new psychoactive substances). Three cases involved an overdose of medication prescribed to the deceased. Two cases involved an overdose of prescription medication which was not prescribed to the deceased and obtained illicitly. The remaining two cases are currently waiting for the post-mortem report death certificate or toxicology report to confirm the cause of death.

A breakdown by establishment is in the table below.

Date of death	Incident establishment	Cause of death details
19/01/2022	HMP/YOI Forest Bank	The toxicology report indicated that they had a combination of prescribed drugs and traces of illicit drugs in their system.
22/03/2022	HMP Winchester	Duloxetine overdose. This medication was prescribed to them.
15/04/2022	HMP/YOI Parc	Post-mortem toxicological analysis of their blood and urine detected therapeutic levels of mirtazapine and olanzapine (an antipsychotic) and two types of synthetic cannabinoids (ADB-BUTINACA and MDMB-4en-PINACA). The pathologist concluded that while he could not say whether there was any interaction between the drugs detected, he could not ignore the use of PS as being relevant to the cause of death. They were not prescribed olanzapine, so they must have obtained it illicitly. They were prescribed mirtazapine.
10/05/2022	HMP/YOI Rochester	Fentanyl toxicity. This medication was prescribed to them.
16/06/2022	HMP Nottingham	Tramadol toxicity. This medication was prescribed to them.
28/06/2022	HMP/YOI Lewes	Isotanzapine toxicity.
28/06/2022	HMP/YOI Lewes	Isotanzapine toxicity.
14/07/2022	HMP The Mount	Synthetic cannabinoid toxicity.
25/07/2022	HMP The Mount	Synthetic cannabinoid toxicity.

09/08/2022	HMP Ranby	Dihydrocodeine toxicity. They were not prescribed dihydrocodeine and they had been obtaining it illicitly from other prisoners.
03/11/2022	HMP Peterborough	Synthetic cannabinoid toxicity.
09/11/2022	HMP Holme House	Currently waiting for the post-mortem report, death certificate or toxicology report to confirm the cause of death.
09/11/2022	HMP/YOI High Down	Acute cardiorespiratory failure, under the influence of several drugs including methadone, pregabalin, and morphine/heroin. Individual had not been prescribed pregabalin or morphine/heroin, so they must have obtained these drugs illicitly.
13/11/2022	HMP Guys Marsh	Currently waiting for the post-mortem report, death certificate or toxicology report to confirm the cause of death.

From 1 January 2023 to 31 December 2023, there are currently nine deaths categorised as other non-natural, drug related (intent unknown) deaths. Of these, two were because of illicitly accessed prescription drugs, which were not prescribed to the deceased at the time of their death. One death was due to an overdose of their prescription medication, though the deceased's intent is unknown. The remaining six are currently waiting for the post-mortem report, death certificate or toxicology report to confirm the cause of death.

Date of death	Incident establishment	Cause of death details
16/01/2023	HMP The Mount	Currently waiting for the post-mortem report, death certificate or toxicology report to confirm the cause of death.
26/01/2023	HMP The Mount	Currently waiting for the post-mortem report, death certificate or toxicology report to confirm the cause of death.
09/02/2023	HMP Peterborough	Mixed drug toxicity. Methadone and Chlordiazepoxide found at levels consistent with prescription. Toxicology also found therapeutic levels of unprescribed diazepam which was illicitly obtained.
12/02/2023	HMP Altcourse	Morbid obesity with cardiomegaly, mixed drug toxicity, pneumonia and pulmonary emphysema. Both codeine and quetiapine were found in a toxicology report which were not prescribed to them at the time and would have been illicitly obtained.
15/02/2023	HMP Liverpool	Ischaemic and hypertensive heart disease with citalopram toxicity. This was prescribed to them.
02/08/2023	HMP Berwyn	Currently waiting for the post-mortem report, death certificate or toxicology report to confirm the cause of death.
08/08/2023	HMP/YOI High Down	Currently waiting for the post-mortem report, death certificate or toxicology report to confirm the cause of death.

31/10/2023	HMP Swaleside	Currently waiting for the post-mortem report, death certificate or toxicology report to confirm the cause of death.
16/11/2023	HMP Pentonville	Currently waiting for the post-mortem report, death certificate or toxicology report to confirm the cause of death.

These numbers are subject to change, as there are currently 19 deaths, which occurred between 1 January 2022 and 31 December 2023, that are awaiting a classification. These are cases where we do not currently have enough information about the circumstances of the death for them to be classified. It is common for these to be classified as other non-natural when further evidence is received such as toxicology and post-mortem reports.

You have the right to appeal against our response if you think it is incorrect. Details can be found in the 'How to Appeal' section attached at the end of this letter.

The Prisons and Probation Ombudsman (PPO) carries out **independent investigations** into complaints and deaths in custody. The detailed role and responsibilities of the PPO are set out in our office's Terms of Reference. The PPO has three main duties:

- to **investigate complaints** made by prisoners, young people in detention (prisons and secure training centres), offenders under probation supervision and individuals detained under immigration powers (detained individuals)
- to **investigate deaths** of prisoners, young people in detention, approved premises' residents and detained individuals due to any cause, including any apparent suicides and natural causes
- to **investigate deaths** of **recently released prisoners** that occur within 14 days of release from prison (except homicide)

The purpose of these investigations is **to understand what happened, to correct injustices** and **to identify learning** for the organisations whose actions we oversee so that the PPO makes a significant contribution to safer, fairer custody and offender supervision.

We may use or share your data only to the necessary extent when conducting our independent investigations in the exercise of our official authority. We will share your data with third parties (e.g. the prison) in order to make sure the information is accurate; to prevent or detect failings; and to identify lessons learnt. We may sometimes need to share your data with third parties if required by law. We only keep your personal data for as long as it is needed, as set out in our data retention policy. If you need any further information about how your data is used, please contact us.

How to Appeal

Internal Review

If you are not satisfied with this response, you have the right to an internal review. The handling of your request will be looked at by someone who was not responsible for the original case, and they will make a decision as to whether we answered your request correctly.

If you would like to request a review, please write or send an email to the Prisons and Probation Ombudsman's office **within two months of the date of this letter**, at the following address:

Prisons and Probation Ombudsman
Third Floor
10 South Colonnade
Canary Wharf
London
E14 4PU
E-mail: Mail@ppo.gov.uk

Information Commissioner's Office (ICO)

If you remain dissatisfied after an internal review decision, you have the right to apply to the Information Commissioner's Office. The Commissioner is an independent regulator who has the power to direct us to respond to your request differently, if he considers that we have handled it incorrectly.

You can contact the ICO at the following address:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Internet address: <https://ico.org.uk/>