

**Prisons &
Probation**

Ombudsman

Independent Investigations

Independent investigation into the death of Mr Mark Smith on 3 May 2023, following his release from HMP Risley

A report by the Prisons and Probation Ombudsman

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OUR VISION

To deliver high quality and timely independent investigations and work closely with partners to achieve tangible benefits for the safety and confidence of those in custody and under community supervision.

WHAT WE DO



WHAT WE VALUE



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Summary

1. The Prisons and Probation Ombudsman aims to make a significant contribution to safer, fairer custody and community supervision. One of the most important ways in which we work towards that aim is by carrying out independent investigations into deaths, due to any cause, of prisoners, young people in detention, residents of approved premises and detainees in immigration centres.
2. Since 6 September 2021, the PPO has been investigating post-release deaths that occur within 14 days of the person's release from prison.
3. If my office is to best assist His Majesty's Prison and Probation Service (HMPPS) in ensuring the standard of care received by those within service remit is appropriate, our recommendations should be focused, evidenced and viable. This is especially the case if there is evidence of systemic failure.
4. Mr Mark Smith died from multiple injuries caused by a fall from a viaduct on 3 May 2023, following his release from HMP Risley on 28 April. He was 52 years old. We offer our condolences to those who knew him.
5. We do not know whether Mr Smith deliberately jumped from the viaduct or whether he fell. He gave no indication to staff at Risley that he had any thoughts of suicide. Nor did he give any indication to probation staff when he attended his probation appointment on the day of his release.
6. The post-mortem report noted that Mr Smith had taken heroin and cocaine before he died. He had a history of substance misuse. He declined support from the substance misuse team at Risley, but a substance misuse worker warned him about the dangers of overdose on release. He declined a referral to the community substance misuse service.
7. We make no recommendations.

The Investigation Process

8. HMPPS notified us of Mr Smith's death on 5 May 2023.
9. The PPO investigator obtained copies of relevant extracts from Mr Smith's prison and probation records.
10. We informed HM Coroner for Rochdale of the investigation. They gave us the results of the post-mortem examination. We have sent the Coroner a copy of this report.
11. The Ombudsman's family liaison officer contacted Mr Smith's daughter to explain the investigation and to ask if she had any matters she wanted us to consider. She asked why Mr Smith was moved from one prison to another and why he was released two days later than planned. We have answered these questions in the report.
12. Mr Smith's next of kin received a copy of the initial report. They did not make any comments.
13. The initial report was shared with HM Prison and Probation Service (HMPPS). HMPPS did not find any factual inaccuracies.

Background Information

HMP Risley

14. HMP Risley is a mixed sex offender and category C resettlement prison which holds up to 1061 convicted men. Change Grow Live (CGL) provides substance misuse services.

HM Inspectorate of Prisons

15. The most recent inspection of HMP Risley was in April 2023. Inspectors reported that CGL delivered a good, integrated clinical and psychosocial substance misuse service for prisoners. All prisoners could refer themselves to the service, which was well advertised throughout the prison. Patients were assessed and support was developed based on individual goals. One-to-one psychosocial work was delivered, but staffing pressures meant support had to be prioritised according to patients' needs and risks. A good range of support for harm reduction was available and peer workers provided additional information. Joint work between the prison and community services meant men could receive support on release. Nasal naloxone (a drug to prevent an opiate overdose) was available.

Probation Service

16. The Probation Service work with all individuals subject to custodial and community sentences. During a person's imprisonment, they oversee their sentence plan to assist in rehabilitation, as well as prepare reports to advise the Parole Board and have links with local partnerships to whom, where appropriate, they refer people for resettlement services. Post-release, the Probation Service supervise people throughout their licence period and post-sentence supervision.

Key Events

17. On 4 March 2023, Mr Mark Smith was convicted of racially aggravated wounding and was sentenced to 16 weeks in prison. He was sent to HMP Altcourse.
18. On 30 March, Mr Smith was moved to HMP Risley as this was closer to Rochdale, the area to which he wanted to be released.
19. Although Mr Smith had a history of substance misuse, he told the reception nurse that he did not currently have any problems with drugs or alcohol, and that he did not want to receive support from the prison's substance misuse service (SMS). He said that he had never tried to harm himself and that he had no mental health issues. Mr Smith's medical records indicate that he experienced drug induced mental health problems and thoughts of suicide in 2018, but nothing more recently.
20. Due to his history of substance misuse, on 4 April, an SMS peer mentor at Risley saw Mr Smith to tell him about the service. The peer mentor gave him harm minimisation advice which included advice on safer injecting and information on the dangers of mixing drugs. The peer mentor then told him about the risks of overdose on release, how to recognise the signs and symptoms of an overdose, and what to do in the event of an overdose. Mr Smith signed the harm reduction form to say that he understood and did not want to receive any further SMS support at Risley.
21. On 11 April, Mr Smith attended his resettlement board. He completed the harm reduction and overdose awareness paperwork and said that he did not want to be referred to the community substance misuse service.

Release from Risley

22. Individuals who are sentenced to 12 months but less than four years in custody will automatically be released on licence at the halfway point of their sentence. This is called their conditional release date, and they will not be released before this date unless they are granted Home Detention Curfew (HDC, a scheme which allows some people to be released early from custody if they have a suitable address to go to). As Mr Smith was not suitable for HDC, he was released from Risley on his conditional release date, 28 April.
23. A nurse saw Mr Smith in reception before he was released. He raised no concerns and did not mention any thoughts of suicide or self-harm. Prior to going to prison, Mr Smith held a private tenancy for a flat in Rochdale. He continued with this tenancy upon his release from Risley.
24. Later that day, Mr Smith attended Rochdale Probation Office for his initial appointment. His community offender manager (COM) completed his induction and read through his licence conditions. Mr Smith said that he was annoyed that his COM had added a licence condition for him to be drug tested. He said that he had stopped using drugs before he went to prison and that he remained drug free. The COM explained that his previous substance misuse issues had been linked to his offending behaviour, and therefore a testing condition must be put on his licence as a precaution. The COM told Mr Smith that if he provided a positive drug test, then he would need to engage with Turning Point, the local substance misuse service.

Although Mr Smith was not happy with his, he signed his licence to say he understood the conditions. The COM issued Mr Smith with his next office appointment for 2 May at 1.30pm.

Circumstances of Mr Smith's death

25. On 3 May, a member of the public found Mr Smith's body beneath a viaduct in Rochdale.
26. The same day, the police informed HMPPS that Mr Smith had died.

Post-mortem report

27. The post-mortem report concluded that Mr Smith died from multiple injuries consistent with a fall from height. It noted that Mr Smith had taken heroin and cocaine before he died.

Findings

Risk of suicide

28. Mr Smith died after falling from a viaduct. Toxicology tests show that he had taken heroin and cocaine before he died. It is unclear whether he deliberately jumped or whether he fell. There was no evidence that he had any thoughts of suicide or self-harm during his time at Risley. He also gave no indication to probation staff that he had any thoughts of suicide when he attended his probation appointment on the day of his release. He had no recorded mental health issues or thoughts of suicide since 2018.

Substance misuse services

29. Mr Smith had a history of substance misuse. However, while he was in prison, Mr Smith said that he was not currently using drugs and did not want help from the substance misuse service. Despite this, the SMS team noted that Mr Smith had a history of opiate use, so they saw him and warned him about the risks and dangers of taking drugs. Mr Smith declined a referral to the community SMS team.
30. We are satisfied that Mr Smith was offered appropriate support with his substance misuse issues and was warned about the risks of taking drugs following his release.
31. We make no recommendations.

Adrian Usher
Prisons and Probation Ombudsman

April 2024

Inquest

The inquest, heard on 29 May 2024, concluded that Mr Smith died by suicide.

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