



PROTOCOL FOR THE INVESTIGATION OF DEATHS IN GUERNSEY PRISON BETWEEN THE STATES OF GUERNSEY HOME DEPARTMENT AND THE PRISONS AND PROBATION OMBUDSMAN

Introduction

1. This protocol between the Guernsey Prison Service (GPS) and the Prisons and Probation Ombudsman for England and Wales (PPO) sets out the arrangements for the investigation of deaths of prisoners in the custody of Guernsey Prison. Investigation will only take place at the invitation of Minister for the Home Department.
2. The protocol includes:
 - Deaths due to natural causes, self-inflicted deaths, accidental deaths and homicides.
 - Discretionary investigations of other deaths, such as any that occur soon after release from Guernsey Prison
 - Any death occurring during the escort of a prisoner to or from Guernsey Prison
 - Any other deaths that the PPO has the discretion to investigate.

Guernsey Prison Service

3. The Guernsey Prison Service (GPS) forms part of the Home Department of the States of Guernsey. The Home Department is headed by a Minister, who is supported by a Board comprised of Deputies. The GPS is headed by the Prison Governor. The prison is located at St Sampsons, and holds male, female and juvenile prisoners, both convicted and on remand. The Prison Administration (Guernsey) Law, 1949, as amended, is the legislation governing Guernsey Prison. It addresses the purpose of imprisonment, the Home Department's duties in respect of the prison, and the



power to make rules on prison matters by way of Ordinance. The Prison Administration (Guernsey) Ordinance, 2013 has been approved by the States of Guernsey. The Ordinance details how the prison operates on a day-to-day basis, but says little about how this is to be put into practice. Instead, the prison has its own Prison Orders which are approved by the Governor.

The Prisons and Probation Ombudsman

4. The PPO investigates the circumstances of the deaths, in England and Wales, of:

- Prisoners and young people in detention (including those held in contracted prisons, young offender institutions and secure training centres). This includes people who are temporarily absent from the prison but are still in custody (for example, under escort, at court or in hospital). It excludes persons released from custody unless the PPO uses his discretion;
- Residents of Approved Premises (including voluntary residents);
- Residents of immigration detention accommodation and persons under immigration escort.

5. The aims of the PPO's investigation are to:

- Establish the circumstances and events surrounding the death, especially as regards management of the individual by the relevant Service or Services, but including relevant outside factors;
- Examine whether any change in operational methods, policy, practice or management arrangements would help prevent a recurrence;
- In conjunction with a clinical reviewer, where appropriate, examine relevant health issues and assess clinical care;



- Provide explanations and insight for the bereaved relatives;
- Help fulfil the investigative obligation arising under Article 2 of the European Convention on Human Rights, by working together with Coroners to ensure as far as possible that the full facts are brought to light and any relevant failing is exposed, any commendable action or practice is identified and any lessons from the death are learned.

Notification of a death

6. In the event of a death at Guernsey Prison, or in the circumstances set out in paragraph 2 above, the GPS will notify the PPO by e-mailing their office immediately at PPOFIadmin@ppo.gsi.gov.uk or calling the next working day on 020 7633 4100.
7. The initial details of the death should be included in any communication. These details should include:
 - The full name of the deceased;
 - The date of birth, ethnic origin and nationality of the deceased;
 - The date, time and location of death;
 - Prison number;
 - The apparent cause of death (self-inflicted, natural causes, homicide, accidental, drugs overdose or unknown);
 - Offence and sentence details where applicable;
 - Whether the deceased was subject to any monitoring;
 - Whether the next of kin has been informed.

The name and telephone number of the Governor (or, in his/her absence, the Deputy Governor) should also be provided.



8. The case will be allocated to an appropriate investigator. The investigator will then call the Governor (or Deputy) to make arrangements to open the investigation.

The PPO investigation

9. The PPO investigation will, as far as possible, follow the same process as for investigations in England and Wales.
10. Notices will be issued by the PPO informing staff and prisoners of the investigation and asking anyone with any relevant information to contact the investigator.
11. The Ombudsman will decide how he wishes to conduct the investigation. Normally, however, the appointed investigator will travel to Guernsey to open the investigation within five working days of notification of the death in custody, or may ask for relevant prison documentation to be sent to the PPO's office in the event of a foreseeable death with no obvious complications. Otherwise, at the opening meeting, a copy of all documents (including medical records) relating to the deceased should be available for the investigator. A list of facilities required can be found at Annex A and essential documents can be found at Annex B. The investigator will not take copies of original documents away from the prison. A member of the Independent Monitoring Panel and a local trade union representative should be made aware of the opening meeting and be invited to meet the investigator should they wish to.
12. The GPS should appoint a liaison officer at the prison. The liaison officer should facilitate the investigation, for example by arranging interviews and ensuring that a room is set aside for use by the investigator.
13. The investigator will decide who needs to be interviewed according to the circumstances of the case. Members of staff may be accompanied if they wish. The investigator will usually record the interview using a digital recorder, and may subsequently provide a transcript of the interview for factual accuracy check.



14. Feedback on the progress of the investigation, and about any emerging issues, will be given to the Governor by the investigator. Any verbal feedback will be followed up in writing.

Family liaison

15. The PPO will appoint a family liaison officer (FLO) at the start of each investigation. The FLO will make contact with the bereaved family and advise them of the investigation. Should the family choose to be involved in the investigation; the FLO will remain in contact until the final report is issued. The FLO ensures that the family's concerns and issues are addressed, both during the investigation and during the reporting process.

Clinical review

16. A clinical review will be undertaken for all investigations. The review will consider the care the deceased received while in custody. The PPO will commission a reviewer for this purpose.

Reports

17. At the conclusion of the investigation, the PPO will produce a draft report within 20 weeks for a natural causes death and 26 weeks for a self-inflicted death. This will be sent to all relevant parties to the investigation at the same time. Should, however, a report recommend disciplinary investigation, it will be disclosed first to the GPS, who will have 14 days to consider the findings.
18. The GPS will have one month to respond to any factual inaccuracies in the draft report. An action plan setting out how recommendations will be addressed should be included in the response to the report.
19. The investigator will consider any feedback before issuing a final report. The report will be sent to all parties to the investigation.



20. An anonymised report will be prepared by the PPO for publication on the PPO website after the inquest is complete.

Liaison with Guernsey Police

21. Guernsey Police will have primacy for all investigations into deaths in custody in Guernsey. The PPO will liaise with Guernsey Police to ensure that the PPO investigation can proceed.

Costs

22. The costs of the PPO investigation will be defrayed by the Home Department. These costs will include the time of the investigator, family liaison officer, clinical reviewer and manager, as well as any travel and subsistence incurred.
23. All travel arrangements will be made through staff at Guernsey Prison to save on administrative costs.
24. Subsistence will be paid in line with the rates in force for investigators and FLOs under current Ministry of Justice terms and conditions.

Review

25. The MoU will be reviewed annually. Lead contacts will include:

PPO

Deputy Ombudsman: Fatal Incident Investigations

Deputy Ombudsman: Learning Lessons & Strategic Support

Guernsey

Deputy Governor, Guernsey Prison



Signed

Nigel Newcomen CBE

Prisons and Probation Ombudsman

Date: 29 July 2014

Signed

Dave Matthews

Governor Guernsey Prison

Date: 2nd August 2014



1. ANNEX A - REQUIRED FACILITIES

Where possible a dedicated room with the following facilities should be made available to the PPO investigators:

A telephone;

A copy of the prison phone list;

A lockable filing cabinet. If this is not possible then the team should be able to lock the room itself.

An additional room for interviewing should also be made available where possible. It is not necessary for the same room to be made available for interviewing on the days when the team is in the prison.

Access to a fax machine and photocopier should also be provided.

Training

It is anticipated that the PPO staff will draw keys, so local key training may be required.



2. ANNEX B - DEATH IN CUSTODY: ESSENTIAL DOCUMENTS

1. Statements from staff and prisoners - eg, those first on the scene, others attending, last person to see the prisoner alive, Duty Senior Manager, prisoners in adjacent cells, Medical Officer, others with knowledge of the individual ie personal officer/party officer/friends.
2. Prisoner's Core Record – F1150 (Including Security File, Visits Sheets (PIMS) and Property Cards).
3. Clinical Record (including Care Plan), F2169 and F2169a
4. Incident Forms.
5. Incident Log - including copy of suicide note (if applicable).
6. Any ACCT's (current and previous documents).
7. Copy of Contingency Plans for a death in custody.
8. General Observation notes. (PIMS)
9. Copy of ACCT policy and procedures.
10. Copies of previous three Safe Custody Group minutes.
11. Copies of previous RMM minutes
12. Names of the prisoners in adjacent cells.
13. Reception Register. (PIMS)
14. Relevant details of staff duties, including night staffing.
15. Movement sheets.
16. Details of Core Day.
17. Copies of any other relevant correspondence found in the cell.
18. Specifications (map of wing/landing).
19. PIMS print-out for the deceased prisoner.
20. PER Form
21. Substance Misuse Worker Casework file



3. ANNEX C – DEATH IN CUSTODY: USEFUL DOCUMENTS

1. Relevant Governor's Prison Orders and Notices to Staff.
2. Staff Training Records.
3. Copies of any HMCIP report (within the preceding twelve months).
4. Action Plans of any investigations into previous deaths (within the preceding twenty four months) at the prison.
5. Registration procedures for ACCT documentation.
6. Roll on Day: Receptions in and out.
7. Applications forms.
8. Complaint forms.
9. Copy of ACCT strategies guidance document.
10. Copy of PO 28 ACCT.
11. Risk Assessments for Bed-watches.
12. Bed-watch Log.
13. Names and times of Escorting Staff.
14. Copy of PO 37 Follow up to Death in Custody
15. Night Sheets.
16. Duty Manager's Hand over sheet.
17. SCAPU Forms.
18. Copy of Health Care Standards.
19. Food Refusal Book