



# **Independent investigation into the death of Mr Michael Phillips on 18 November 2022, following his release from HMP Stoke Heath**

**A report by the Prisons and Probation Ombudsman**

## 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 Michael Phillips died of a ruptured spleen on 18 November 2022, the day after his release from HMP Stoke Heath. He was 55 years old. I offer my condolences to those who knew him.
5. Mr Phillips was found unresponsive in the street in the early hours of 18 November. He had suffered a cardiac arrest. He was taken to hospital and during attempts to resuscitate him, his spleen ruptured. Hospital doctors agreed that the internal bleeding was too severe to treat and stopped resuscitation attempts. Toxicology tests showed that Mr Phillips had taken psychoactive substances (PS).
6. Mr Phillips was released homeless. However, we found that his community offender manager had prepared for his release by promptly completing accommodation referrals to local authorities and homelessness charities. The provision of suitable accommodation for people leaving prison is an issue that extends beyond the remit of Stoke Heath or local probation services, and the local authority may want to be aware of the issues raised in this case.
7. We make no recommendations.

## The Investigation Process

8. HMPPS notified us of Mr Phillips' death on 25 November 2022.
9. The PPO investigator obtained copies of relevant extracts from Mr Phillips' prison and probation records.
10. We informed HM Coroner for Stoke-on-Trent and North Staffordshire of our 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 Phillips' sister to explain the investigation and to ask if she had any matters she wanted us to consider. She had no questions but asked for a copy of our report.
12. Mr Phillip's sister received a copy of the draft report. She 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 Stoke Heath

14. HMP Stoke Heath is a category C prison and young offenders institution which holds up to 782 men who have been convicted and sentenced. There is also a small open category D unit attached to the prison aimed to help those close to the end of their sentence resettle back into the community. It is managed by HMPPS.

### HM Inspectorate of Prisons

15. The most recent inspection of Stoke Heath was in 2019. Inspectors reported an improvement in the prison's approach to substance misuse. There was a designated drug treatment unit which provided a positive, recovery-focused environment for prisoners with positive outcomes. There were appropriate throughcare arrangements to facilitate treatment continuation for prisoners on release. Harm reduction information included naloxone training to treat overdose in the community and there were good links with community drug services and residential rehabilitation centres.

### Probation Service

16. The Probation Service works 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 supervises people throughout their licence period and post-sentence supervision.

## Key Events

17. On 16 August 2022, Mr Michael Phillips was convicted of having a bladed article in a public place and was sentenced to eight months in prison. He was moved to HMP Stoke Heath on 26 August.

### Accommodation

18. On 10 October, Mr Phillips' community offender manager (COM) made a referral to the Community Rehabilitation Services to help find Mr Phillips local accommodation for his release (as he was due to be homeless). The same day, she made a referral to the Lyme Trust, a local housing charity. The Lyme Trust completed a telephone assessment with Mr Phillips to assess his suitability for their housing.

19. On 17 October, the COM completed a Duty To Refer application to Stoke-on-Trent Council. (Certain public authorities must notify local authorities that a person who has engaged with them might be homeless or at risk of homelessness.) The application was accepted but not progressed before Mr Phillips was released.

20. On 4 November, the Lyme Trust told the COM that Mr Phillips was unsuitable for their housing due to his history of violent offending.

21. On 17 November, Lifehouse (a local homeless charity) contacted the COM to tell her that they would be able to help Mr Phillips with temporary accommodation. Unfortunately, they had no beds available on the day of his release from prison. Lifehouse told the COM that Mr Phillips would need to wait for a bed to become available before they could offer him temporary housing.

### Substance misuse support

22. On 30 August 2022, after a referral was submitted to the prison Substance Misuse Team (SMT), a substance misuse worker saw Mr Phillips for an initial assessment. Mr Phillips told the SMT worker about his long history of drug use. As Mr Phillips only had ten weeks left in prison, the worker was unable to put him on any substance misuse courses. She did however give him some workbooks to complete, and they talked about the risks of drug taking in prison.

23. On 27 October, the SMT worker saw Mr Phillips for a pre-release review. The SMT worker told Mr Phillips about the risks of taking drugs in the community. She explained that his tolerance levels would have dropped whilst in prison and that he was therefore at an increased risk of overdosing and dying. They discussed ways to minimise this risk if Mr Phillips did decide to use drugs, such as taking smaller amounts and not taking them alone. The SMT worker told Mr Phillips about naloxone (a medication used to reverse the fatal effects of opiate (heroin) overdose). Mr Phillips told the SMT worker that he did not use heroin, but would be happy to be trained in how to use naloxone prior to his release from prison. The SMT worker asked Mr Phillips if he would like any help from substance misuse services in the community. Mr Phillips said he did not want help from them and so the SMT worker closed the case.

24. On 1 November, Mr Phillips completed the naloxone training.

## **Release from Stoke Heath**

25. On 17 November, Mr Phillips was released from Stoke Heath with a supply of naloxone.
26. He attended his induction appointment at Stoke Probation Office. As Mr Phillips was homeless, the COM told him to go to the Macari Centre (a local homelessness charity). The COM also told Mr Phillips to make a homeless application to the council and provided him with a telephone number for Rough Sleepers (a local organisation that helps house homeless people).

## **Circumstances of Mr Phillips' death**

27. In the early hours of 18 November, Mr Phillips was found unresponsive by the police in the streets of Stoke-on-Trent in wet and cold conditions. The police started chest compressions whilst they waited for the ambulance to arrive. Paramedics said that Mr Phillips had gone into hypothermic cardiac arrest (a drop in core body temperature that results in cardiac arrest). They took Mr Phillips to Royal Stoke Hospital where chest compressions were continued using an automated machine. Whilst the doctors were trying to save his life, Mr Phillips' spleen ruptured, and he started to bleed internally. Doctors agreed that the internal bleeding was too severe to treat, and he was pronounced deceased at approximately 12.55pm.
28. On 25 November 2022, the police informed HMPPS that Mr Phillips had died.

## **Cause of death**

29. No post-mortem examination was carried out. A hospital doctor provided Mr Phillips' cause of death as a ruptured spleen caused by automatic cardiac massage induced trauma (chest/abdominal injuries as a result of vigorous chest compressions) and hypothermic cardiac arrest.
30. The toxicology report stated that Mr Phillips had MDPHP (a psychoactive substance, also known as 'monkey dust') in his system at the time of his death. The toxicology report noted that adverse effects associated with the use of MDPHP include unconsciousness, seizures and cardiac arrest.
31. The Coroner advised us that he would determine the cause of death at inquest.

## Findings

32. Homelessness on release from prison is a significant and complex challenge. While prison and probation staff can submit referrals to local authorities and charities, there are occasions when beds are not available, or the individual does not meet the eligibility criteria for housing. This means that these individuals are released homeless and are expected to report to the local authority on the day of their release in the hope of receiving emergency housing. If an individual is homeless, it can increase the likelihood that they will commit further crimes or seek shelter and support in harmful places.
33. Mr Phillips was released from prison without any suitable accommodation. Although his COM was able to find him accommodation with a local homeless charity, they did not have any beds available on the day of his release, so he was released homeless.
34. We consider that Mr Phillip's COM suitably prepared for his release by promptly completing accommodation referrals to the local authorities and homeless charities. She also provided Mr Phillips with the phone number of a local homelessness charity and directed him to the local council on the day of his release.
35. The provision of suitable accommodation for people leaving prison is an issue that extends beyond the remit of Stoke Heath or local probation services. However, as a result of having no accommodation available, Mr Phillips was left to face attempting to survive a night in the open air with nothing but his clothing to protect him from near freezing temperatures. We are sure that the Local Authority will want to be aware that he did not succeed in that attempt.

**Adrian Usher  
Prisons and Probation Ombudsman**

**September 2023**

### Inquest

The inquest, held on 21 October 2024, concluded that Mr Phillips died by misadventure. The medical cause of death was recorded as fentanyl and MDPHP toxicity with hypothermia.



Third Floor, 10 South Colonnade  
Canary Wharf, London E14 4PU

Email: [mail@ppo.gov.uk](mailto:mail@ppo.gov.uk)  
Web: [www.ppo.gov.uk](http://www.ppo.gov.uk)

T 020 7633 4100