



Independent investigation into the death of Mr Steven McGuire on 26 June 2022, following his release from HMP Humber.

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



OGL

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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.

If my office is to best assist HM 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.

Mr Steven McGuire died in hospital on 26 June of a cardiac arrest caused by heroin and cocaine intoxication, following his release from HMP Humber on 25 June 2022. He was 41 years old. I offer my condolences to Mr McGuire's family and friends.

Mr McGuire was released on licence from HMP Humber on 22 June 2023 and was required to reside at Victoria House Approved Premises. Mr McGuire was found unresponsive in a house after taking a drug overdose.

Mr McGuire had a history of substance misuse and staff provided naloxone training and a take-home naloxone kit prior to his release.

When Mr McGuire failed to arrive at Victoria House, staff took appropriate action and decided he should be recalled to prison.

This version of my report, published on my website, has been amended to remove the names of staff and prisoners involved in my investigation.

**Adrian Usher
Prisons and Probation Ombudsman**

April 2024

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Summary

Events

1. In December 2020, Mr Steven McGuire was sentenced to three years and two months in prison for robbery and was sent to HMP Hull. He was transferred to HMP Humber on 11 April 2021.
2. Mr McGuire had a history of substance misuse and received support from the Drug and Alcohol Support Team (DART). He completed a methadone detoxification programme and attended the peer support group on the drug recovery unit.
3. In October 2022, Mr McGuire's Prison Offender Manager and Community Offender Manager started to plan for Mr McGuire's release.
4. A pre-release review took place on 14 June 2023. Staff made a referral to a community drug and alcohol service and Mr McGuire completed naloxone (used to reverse an opioid overdose) training.
5. On 22 June, Mr McGuire was released on licence to live at Victoria House Approved Premises (AP). A nurse at the prison gave Mr McGuire a take-home naloxone kit before his release.
6. Mr McGuire did not attend the AP in accordance with his licence conditions. Staff reported Mr McGuire to the out of hours manager who decided that he had breached his licence conditions and should be recalled to prison. Staff reported Mr McGuire to the police as unlawfully at large.
7. At 9.30am on 26 June, the police attended Victoria House and informed probation staff that Mr McGuire had died in hospital. The police also informed Mr McGuire's next of kin of his death.
8. The post-mortem examination confirmed that Mr McGuire had died from a cardiac arrest caused by heroin and cocaine intoxication.

Findings

9. Mr McGuire had a history of substance misuse and staff made a referral to the community drug and alcohol service prior to his release from prison. Mr McGuire completed naloxone training and staff gave him a take-home naloxone kit.
10. He was released with settled accommodation in an AP but did not ever arrive to take up the place.
11. When Mr McGuire breached the conditions of his licence, AP staff took appropriate action and recalled him to prison.

The Investigation Process

12. HMPPS notified us of Mr McGuire's death on 26 June 2022.
13. The investigator issued notices to staff and prisoners at HMP Humber and Victoria House Approved Premises informing them of the investigation and asking anyone with relevant information to contact her. No one responded.
14. The investigator obtained copies of relevant extracts from Mr McGuire's prison and medical records.
15. The case was suspended while we waited for the outcome of the police investigation.
16. We informed HM Coroner for Hull and East Riding of the investigation. The Coroner gave us the results of the post-mortem examination. We have sent the Coroner a copy of this report.
17. We wrote to Mr McGuire's wife to explain the investigation and to ask if she had any matters she wanted us to consider. She did not ask any questions but asked for a copy of the investigation report.
18. Mr McGuire's wife received a copy of the initial report. She did not raise any further issues, or comment on the factual accuracy of the report.
19. The initial report was shared with HM Prison and Probation Service (HMPPS). HMPPS did not find any factual inaccuracies.

Background Information

HMP Humber

20. HMP Humber is a category C prison that holds up to 1,062 men. City Health Care Partnership provides healthcare services from 7.00am to 8.30pm and there is no healthcare service during the night. It also provides substance misuse, mental health, pharmacy and dental services but during core hours only.

HM Inspectorate of Prisons

21. The most recent inspection of HMP Humber was in October and November 2020. Inspectors reported that pre-release preparation for prisoners was good and included medications to take with them, help to find a GP in the community, harm minimisation advice and naloxone as necessary.

Victoria House Approved Premises

22. Approved Premises (or APs, formerly known as probation and bail hostels) accommodate offenders released from prison on licence and those directed to live there by the courts as a condition of bail. Their purpose is to provide an enhanced level of residential supervision in the community, as well as a supportive and structured environment. Residents are responsible for their own healthcare and are expected to register with a GP.

23. Victoria House is staffed by Probation Service employees who are on duty 24 hours a day. Sodexo provides security staff and cleaners. AP staff keep each resident's medication locked away and administer it as required. Victoria House staff are not clinically trained other than to distribute medication.

24. Residents are subject to AP rules in addition to any licence conditions they have been given. They are subject to a curfew between 11.00pm and 6.00am.

Previous deaths at Victoria House Approved Premises

25. There were no deaths at Victoria House in the three years prior to Mr McGuire's death.

Key Events

HMP Humber

26. On 2 November 2020, Mr Steven McGuire was found guilty of attempted robbery and was sent to HMP Hull. He was sentenced to three years and two months imprisonment on 4 December. On 11 April 2021, Mr McGuire was transferred to HMP Humber. He had been in prison before. Mr McGuire was allocated a single cell on the drug recovery wing.
27. A nurse at the prison completed Mr McGuire's initial health assessment. Mr McGuire had a history of substance misuse (heroin, crack cocaine, psychoactive substances and cannabis). He told the nurse that he suffered from anxiety and depression and took antidepressant medication. The nurse referred him to the substance misuse service (SMS) and the mental health team.
28. On 12 April, a Drug and Alcohol Support Team (DART) worker created a methadone detoxification care plan. Mr McGuire successfully completed the detoxification programme on 21 September. He continued to receive support from DART throughout his time at Humber and attended the peer recovery support group on the wing every day.
29. Also on 12 April, a mental health nurse assessed Mr McGuire and created a mental health care plan. This said that Mr McGuire needed regular therapeutic contact with the mental health team to monitor his levels of anxiety, depression and antidepressant medication. Mr McGuire said that he used illicit substances in the community when his stress levels were increased. The mental health team continued to monitor him and noted that he engaged well in the recovery group sessions and was compliant with his medication.
30. On 21 October, Mr McGuire was allocated a Community Offender Manager (COM).
31. On 2 December, a meeting took place with the COM, Mr McGuire's DART worker and his Prison Offender Manager (POM), to start the release planning process in preparation for Mr McGuire's release on 22 June 2022.
32. On 2 February 2022, Mr McGuire was discharged from the mental health team. His levels of anxiety were low, and he told a mental health nurse that he was feeling positive.
33. Further release planning took place on 8 February and the POM, and the COM, noted that Mr McGuire would be released on licence to reside at Victoria House AP.
34. On 14 June, Mr McGuire had a pre-release review. Staff made a referral to a drug and alcohol service and Mr McGuire said he would be attending Narcotics Anonymous. Mr McGuire completed naloxone training (used to reverse an opioid overdose) with a SMS nurse. Mr McGuire was taught how to recognise the signs of an opioid overdose and how to administer naloxone. He told DART staff that he felt motivated to remain drug free and to live a normal life in the community.
35. At 10.54am on 22 June, Mr McGuire was released from Humber. A nurse at the prison gave him a take-home naloxone kit.

36. Mr McGuire's licence conditions said that he should reside at Victoria House AP and arrive there by 3.30pm on the day of his release. He was required to stay there between 5.00pm and midnight every day until his electronic tag was installed unless otherwise authorised by his supervising officer.

Victoria House AP

37. By 3.30pm, Mr McGuire had not arrived at Victoria House. At 7.55pm, the out of hours manager decided that Mr McGuire had breached his licence condition by failing to reside at the AP. His licence was revoked, and Mr McGuire was recalled to prison. Staff reported Mr McGuire to the police as unlawfully at large.
38. At 9.30am on 26 June, the police attended Victoria House and informed probation staff that Mr McGuire had died in hospital. The police also notified Mr McGuire's wife of his death.

Information received following the police investigation

39. At around 4.45pm on 25 June, the police were asked by the Ambulance Service to attend an address in Hull because a man, who was subsequently identified as Mr McGuire, had suffered a cardiac arrest. Ambulance staff took Mr McGuire to hospital.
40. A man and a woman at the address told the police that Mr McGuire had been at the house since 24 June. The police investigation did not establish where Mr McGuire went after his release from HMP Humber. The police found evidence of drug use in the address and a substance which was identified as heroin in Mr McGuire's pocket.
41. The police noted an injury on Mr McGuire's forehead. The man and woman were arrested on suspicion of actual bodily harm. After Mr McGuire's death, they were re-arrested on suspicion of murder.
42. The police investigation concluded that there was no evidence that the man and woman were responsible for Mr McGuire's death.

Post-mortem report

43. A pathologist gave Mr McGuire's cause of death as complications of an out of hospital cardiac arrest caused by heroin and cocaine intoxication. The pathologist said that there was evidence of heroin and cocaine use prior to Mr McGuire's death.
44. There was no evidence of any serious injuries, specifically, Mr McGuire did not have a significant head injury.

Findings

45. Mr McGuire had a history of substance misuse and was referred to the community drug and alcohol service on his release from prison. Staff gave him information about the risk of drug overdose and training on the use of naloxone. A nurse issued Mr McGuire with a take-home naloxone kit prior to his release.
46. Mr McGuire was released with a place in an AP, which would have provided him with additional support to manage the first weeks out of prison. When Mr McGuire breached the conditions of his licence, AP staff took appropriate action and recalled him to prison.

Inquest

47. The inquest, heard on 5 October 2023, concluded that Mr McGuire's death was related to drugs/alcohol.



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