

**Prisons &  
Probation**

**Ombudsman**  
Independent Investigations

# **Independent investigation into the death of Mr Thomas McMahon, on 31 October 2023, following his release from HMP Nottingham**

**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 Thomas McMahon died of combined use of synthetic cannabinoids, morphine and cocaine on 31 October 2023, following his release from HMP Nottingham on 20 October. He was 33 years old. I offer my condolences to those who knew him.
5. We note that there are wide regional differences in approach to and criteria for distributing naloxone on release. However, we found that the current policy for offering naloxone to prison leavers from HMP Nottingham relies too heavily on them having engaged with the prison's substance misuse team.

## Recommendation

**The Head of Healthcare should work in partnership with Nottingham Healthcare NHS Foundation Trust, the regional Health and Justice Leads and regional drug providers to satisfy themselves that the local policy on the offer and issue of naloxone on release captures prison leavers with previous opiate use and other relevant risk factors, not just those on the substance misuse caseload.**

## The Investigation Process

6. HMPPS notified us of Mr McMahon's death on 19 April 2024.
7. The PPO investigator obtained copies of relevant extracts from Mr McMahon's prison and probation records.
8. We informed HM Coroner for Derbyshire of the investigation. They gave us the results of the post-mortem examination. We have sent the Coroner a copy of this report.
9. The Ombudsman's office contacted Mr McMahon's mother to explain the investigation and to ask if she had any matters she wanted us to consider. She said that she believed that Mr McMahon had sustained a head injury during a previous sentence in prison which made him vulnerable, and he had mobility issues since August 2023. She wanted to know why Mr McMahon was not released to the Derby area or to her address. She also said that she asked probation staff about an alcohol monitoring tag, but they said no such thing existed. We have addressed her concerns in this report. Other questions have been addressed in separate correspondence.
10. Mr McMahon's family received a copy of the draft report. They did not make any comments.
11. The initial report was shared with HM Prison and Probation Service (HMPPS). HMPPS did not find any factual inaccuracies.

## **Background Information**

### **HMP Nottingham**

12. HMP Nottingham is a resettlement and local prison serving the courts of Nottinghamshire and Derbyshire. Healthcare for the prison is provided by Nottinghamshire Healthcare NHS Foundation Trust.

### **Probation Service**

13. 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

14. On 25 July 2023, Mr Thomas McMahon was convicted of assault on a police officer and was sentenced to 24 weeks in prison. He was released from HMP Ranby on a home detention curfew (HDC) conditional licence on 14 September 2023. He was then recalled to HMP Nottingham for breaching his HDC on 25 September 2023. He had a history of substance misuse and mental health problems.

## Pre-release planning

15. On 25 September 2023, a nurse completed Mr McMahon's reception screening, and he was assessed as fit to keep and administer his medication himself. Mr McMahon told the nurse that he had mental health problems, and he was referred to the mental health team.
16. Mr McMahon's history of opioid misuse was noted. He reported that he had problems with drugs and had previously used many different types of drugs. A urine sample was taken, which tested positive for cannabinoids and cocaine, and he was moved to the stabilisation unit for substance misuse monitoring for five days. Mr McMahon was offered but declined a referral to the substance misuse team.
17. The primary care clinical matron told us that Mr McMahon did not raise any concerns about a head injury or mobility issues during his reception screen or throughout his time at Nottingham. She said she expected that if staff observed an issue, they would document it in the medical records. There is nothing recorded in Mr McMahon's medical records about either concern.
18. On 26 September, Mr McMahon's Community Offender Manager (COM) completed a Commissioned Rehabilitative Service (CRS) referral for housing to Nacro (an accommodation advice service) and a referral to the local authority under the legal duty to refer those at risk of homelessness.
19. On 1 October, a nurse completed a mental health assessment with Mr McMahon. The nurse found no evidence of acute mental health concerns. Mr McMahon told him that he was due to be released soon and that he would contact his GP for further support if necessary.
20. On 4 October, the COM completed an assessment of Mr McMahon's risks and needs in the community following his release. She assessed that Mr McMahon should engage with substance misuse support to reduce his risk of reoffending and the risk he posed to himself. Mr McMahon's Prison Offender Manager (POM) contacted the COM about referring Mr McMahon to NHS Reconnect (a care after custody service that seeks to improve the continuity of healthcare for people leaving prison).
21. On 9 October, the mental health team discussed Mr McMahon's mental state at a multidisciplinary team (MDT) meeting, and they agreed to discharge him from their care as no further treatment was appropriate.
22. That day, the COM completed a referral to HMPPS' Community Accommodation Service Tier 3. (CAS3, a service open to adult prison leavers who are at risk of

homelessness on release from prison. The service provides access to up to 84 days of accommodation.)

23. On 10 October, the COM had a pre-release meeting with Mr McMahon. She told him that he had an appointment with the Department for Work and Pensions on the day of his release and that the police had offered to take him to his accommodation. Nacro completed referrals to NHS Right Care and to various charities which supported prison leavers, young people and homeless people.
24. On 19 October, Mr McMahon was accepted at a CAS3 accommodation in Derby city centre. Probation staff told us that Mr McMahon's mother's property was discussed for his previous HDC release in September but it was not approved because his two children lived at the property and it was not deemed appropriate for Mr McMahon to live there.
25. The COM looked into move-on accommodation and completed a referral to St Andrews House, a community-based drug and alcohol support service. An appointment was arranged with them for 3 November. The POM referred Mr McMahon to NHS Reconnect.
26. On 20 October, Mr McMahon refused to collect his seven-day supply of medication. The primary care clinical matron confirmed that Mr McMahon was released without his medication because of this.

### **Post-release management/release from HMP Nottingham**

27. On 20 October, Mr McMahon was released from Nottingham and attended his induction with Probation. The COM went through Mr McMahon's licence conditions with him. These included that he was to attend appointments to address his drug misuse and that he would need to wear an electronic tag to monitor his alcohol intake. Mr McMahon consented to the CAS3 rules, and she told Mr McMahon to attend another supervision appointment at the probation office on 26 October.
28. On 22 October, electronic monitoring services (EMS) attended Mr McMahon's CAS3 accommodation to fit his tag for alcohol monitoring but he was not there. The COM received information that Mr McMahon had been staying at Safe Space, instead of his CAS3 accommodation, and an ambulance had been called for him the previous day after he presented with a head injury.
29. On 23 October, the COM issued a breach of licence notification to Mr McMahon because he failed to comply with his tag as he had missed appointments with EMS to have it fitted.
30. On 25 October, the manager at Safe Space emailed Probation and confirmed that Mr McMahon was last seen there on 23 October, and he had presented as under the influence since his release.
31. On 26 October, Mr McMahon failed to attend his planned appointment with Probation. Probation staff had arranged for a Reconnect Support Officer to attend this appointment. The COM phoned the CAS3 accommodation, and they told her that a number of agencies were looking for Mr McMahon. They told her that there was no evidence that Mr McMahon had stayed there since 20 October. As no-one

knew where Mr McMahon was, he had not been in contact with Probation and he had missed visits from EMS to fit his tag, she initiated a fixed term recall.

### **Circumstances of Mr McMahon's death**

32. On 31 October, a CAS3 support worker phoned Probation and told them that Mr McMahon had died, and they had found his body at the accommodation. Probation told us that Mr McMahon's whereabouts were unknown up until this point.

### **Post-mortem report**

33. The post-mortem report concluded that Mr McMahon died of combined use of synthetic cannabinoids, morphine and cocaine. Mr McMahon also had depression which did not cause but contributed to his death.

### **Inquest**

34. At an inquest held on 28 October 2024, the Coroner concluded that Mr McMahon's death was drug related.



## Findings

35. Mr McMahon had a known history of opioid misuse and during his reception health screen, he had reported current substance misuse. Although he was monitored in the stabilisation unit following a positive test for cannabinoids and cocaine, he declined a referral to the substance misuse team at HMP Nottingham.
36. On the day of his release, Mr McMahon was not given harm reduction information or a naloxone kit. The substance misuse team told us that this was because he had not engaged with their service and was not on their caseload.
37. The local naloxone policy at Nottingham states that it can be supplied to anyone in the course of lawful drug treatment services. As Mr McMahon chose not to engage with the service, he did not meet the policy's criteria for a naloxone kit, even though he had a history of substance misuse.
38. We appreciate that staff adhered to the local naloxone policy. There are wide regional differences in approach to distributing naloxone on release across the prison service and we cannot know whether it would have changed the outcome for Mr McMahon, especially because he died from the effects of a combination of substances. However, he had a number of risk factors, including previous opiate use and mental health problems. He may therefore have benefitted from being offered naloxone on release. We make the following recommendation:

**The Head of Healthcare should work in partnership with Nottingham Healthcare NHS Foundation Trust, the regional Health and Justice Leads and regional drug providers to satisfy themselves that the local policy on the offer and issue of naloxone on release captures prison leavers with previous opiate use and other relevant risk factors, not just those on the substance misuse caseload.**

## Good practice

39. The COM noted Mr McMahon's history of drug misuse and appropriately referred him to a community substance misuse service before his release, even though he had declined substance misuse support in prison and did not raise any specific concerns about substance misuse in their appointments.

**Adrian Usher  
Prisons and Probation Ombudsman**

**May 2025**

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