

**Prisons &
Probation**

Ombudsman
Independent Investigations

Independent investigation into the death of Ms Kirsty Foster, on 10 December 2022, following her release from HMP New Hall.

A report by the Prisons and Probation Ombudsman

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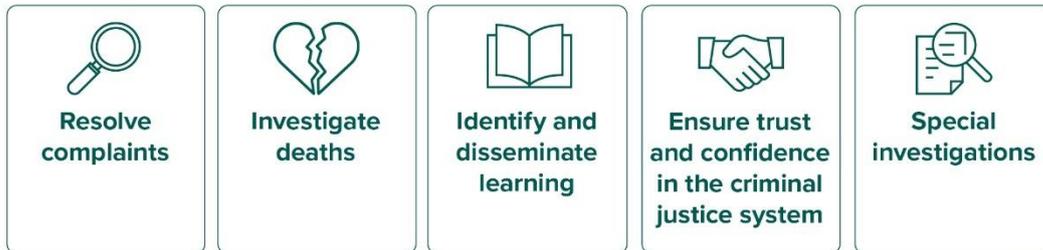
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OUR VISION

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. Ms Kirsty Foster died of heroin, methadone, pregabalin, diazepam, trazadone, and cocaine intoxication on 10 December 2022, following her release from HMP New Hall on 9 December. She was 35 years old. We offer our condolences to those who knew her.
5. We did not find any issues of concern relating to the pre and post-release planning and we make no recommendations.

The Investigation Process

6. HMPPS notified us of Ms Foster's death on 13 December 2022.
7. The PPO investigator obtained copies of relevant extracts from Ms Foster's prison and probation records.
8. We informed HM Coroner for Bradford of the investigation. She gave us the results of the post-mortem examination. We have sent the Coroner a copy of this report.
9. The initial report was shared with HM Prison and Probation Service (HMPPS). HMPPS did not find any factual inaccuracies.

Background Information

HMP New Hall

10. HMP New Hall is a closed prison which holds female prisoners aged over 18 who have either been convicted or are on remand. It is managed by HMPPS. Practice Plus Group, Health in Justice provides physical and mental health care and Inclusion, Midlands Partnership NHS Foundation Trust provides the substance misuse treatment.

Probation Service

11. 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

12. On 3 September 2022, Ms Kirsty Foster was convicted of shoplifting and was remanded to HMP New Hall. On 9 September, she was sentenced to 16 weeks in prison and stayed at New Hall.
13. On 13 October, Ms Foster was released from New Hall on Home Detention Curfew (HDC - a scheme which allows some people to be released early from custody if they have a suitable address).
14. On 17 October, Ms Foster was recalled to prison because she had not been engaging with her community offender manager (COM). There was also evidence of increased drug use, and she was not living at the address approved by the Probation Service.
15. On 22 October, Ms Foster was sent to New Hall and was re-released on 3 November.
16. On 24 November, Ms Foster was recalled back to prison because she was not engaging with probation again and on 28 November, she was sent to New Hall. She was due for release on 9 December.
17. That day, a nurse completed Ms Foster's initial health screen. Ms Foster tested positive for cocaine, crack cocaine, benzodiazepine, cannabinoids, and opiates. She said that she had used drugs on 26 November just before she had been arrested. She would usually spend around £80 per day on heroin and also used diazepam. Ms Foster started methadone (a drug used to help those with opioid addiction) detoxification therapy.
18. On 29 November, healthcare staff referred Ms Foster to the prison DART (drug and alcohol recovery) team) for additional support.

Pre-release planning

19. On 2 December, an inclusion worker from the DART team completed an initial assessment. She trained Ms Foster in the use of naloxone (a medication that can reverse an opioid overdose) and Ms Foster said that she was happy to engage with community services. She referred Ms Foster to Change Grow Live (CGL – a community drug and alcohol service) and her first appointment was arranged for 10.00am on 13 December.
20. Prior to her last recall, Ms Foster had been supported by the Bridge Project (a charity who support those affected by deprivation and inequality). Ms Foster had two MARAC (Multi-agency risk assessment conference) workers from the Bridge Project who continued to work with Ms Foster's COM and other agencies to support Ms Foster in prison and secured accommodation for her on release. Ms Foster was a victim of domestic abuse and sex work, but she continued to stay with her partner (who was known to MARAC). MARAC provided a lot of support to Ms Foster around domestic abuse and to find suitable accommodation on release, in the hope she would be safe.

Post-release management

21. On 9 December, Ms Foster was released from New Hall on licence and had an additional licence condition to attend all appointments with CGL to address her drug dependency. Ms Foster was released with a naloxone kit.
22. Ms Foster's two MARAC workers from the Bridge Project met her at the prison gate. They took her to her supported accommodation.
23. That day, Ms Foster attended her initial probation appointment. Another COM completed her initial appointment as her allocated COM was not working that day. The COM completed the induction pack with Ms Foster and texted her details of the next probation appointment.

Circumstances of Ms Foster's death

24. On the evening of 9 December, Ms Foster left her accommodation and did not return. The police found Ms Foster alone in a property and suspected she had had a drug overdose. Ms Foster's partner was arrested in connection with her death. West Yorkshire police have confirmed at the time of writing this report the investigation is still ongoing.

Post-mortem report

25. The post-mortem report concluded that Ms Foster died of heroin, methadone, pregabalin, diazepam, trazadone and cocaine intoxication.

Findings

Substance misuse

26. Ms Foster had a history of substance misuse. While she was in prison, she was seen regularly by the substance misuse team and warned about the risks and dangers of taking drugs. She was also trained in the use of naloxone and was released with a supply of this. Prison staff made appropriate referrals to the community drug and alcohol service to ensure Ms Foster received continued support once released. We are satisfied that both the prison and probation services did all they could to manage the risks associated with her substance misuse.

Accommodation

27. We consider that Ms Foster's COM appropriately prepared for her release. She liaised with external support agencies and provided all of them with up-to-date information before Ms Foster's release, so that appropriate arrangements were made prior, to ensure she was not released homeless. Ms Foster had recognised vulnerabilities and agencies worked hard to support her in the run up to her release.
28. We make no recommendations.

Adrian Usher
Prisons and Probation Ombudsman

July 2024

Inquest

At the inquest held on 28 October 2025, the coroner concluded Ms Foster's death was drug related.

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