

**Prisons &
Probation**

Ombudsman
Independent Investigations

Independent investigation into the death of Mr James Howarth, on 29 March 2025, following his release from HMP Berwyn

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. 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.
3. Since 6 September 2021, the PPO has investigated post-release deaths that occur within 14 days of the person's release from prison.
4. Mr James Howarth died from asphyxia caused by airway obstruction due to aspiration on 29 March 2025, following his release from HMP Berwyn on 20 March. He was 51 years old. We offer our condolences to those who knew him.
5. We did not identify any significant learning relating to the pre-release planning or post-release supervision of Mr Howarth.
6. We make no recommendations.

The Investigation Process

7. HMPPS notified us of Mr Howarth's death on 14 April 2025.
8. The PPO investigator obtained copies of relevant extracts from Mr Howarth's prison and probation records.
9. The Coroner gave us the results of the post-mortem examination. We have sent the Coroner a copy of this report.
10. The Ombudsman's office contacted Mr Howarth's family to explain the investigation and to ask if they had any matters they wanted us to consider. They had no questions but asked for a copy of our report.

Background Information

HMP Berwyn

11. HMP Berwyn is a Category C resettlement and training prison which holds convicted male prisoners. It is managed by HMPPS. Betsi Cadwaladr University Health Board provides 24-hour physical healthcare services.

Probation Service

12. 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, prepare reports to advise the Parole Board and have links with local partnerships to which they refer people for resettlement services, where appropriate. Post-release, the Probation Service supervises people throughout their licence period and post-sentence supervision.

HM Inspectorate of Prisons

13. The most recent inspection of HMP Berwyn was in January-February 2025. Inspectors reported that an up-to-date drug strategy document set out joint working arrangements and the recovery pathway, although it did not include a sufficiently detailed supply-and-demand reduction action plan. Clinical prescribing from experienced GPs was in line with national standards while community referrals were made for prisoners before their release and they were given harm minimisation advice and training and supply of naloxone (a nasal spray to prevent overdose) where appropriate.

Key Events

Background

14. On 4 December 2024, Mr James Howarth was remanded to HMP Preston charged with burglary and theft. On 20 December, he was sentenced to eight months in prison.
15. On 5 February 2025, Mr Howarth transferred to HMP Lancaster Farms. On 13 February he was released on Home Detention Curfew (HDC – where fixed-term offenders serving between three months and four years in prison may be released between 15 days and 180 days earlier than their normal release date at the halfway point of their sentence). However, on 3 March, he breached the conditions of his licence, and he was recalled to prison and sent to HMP Berwyn. His release date was 20 March.
16. Nurse A carried out an initial assessment. Mr Howarth said that he had been taking medication for epilepsy. He also had anaemia and had several vitamin deficiencies. Mr Howarth was tested for drugs and the result was positive for cannabinoids and cocaine. Mr Howarth said that he was an intravenous drug user and had been taking benzodiazepine, methadone, heroin, crack cocaine and cocaine. He said that that he had no mental health problems and had no thought of suicide or self-harm. Mr Howarth started a methadone detoxification programme and was prescribed medication for his medical conditions.
17. The following day, Nurse B saw Mr Howarth for his second health screen. She noticed that he had a leg ulcer on his right leg and a large, healed ulcer on his left leg. She referred Mr Howarth to a GP for review and gave him advice about the services the healthcare team provided.
18. On 7 March, Nurse B saw Mr Howarth and completed an ultrasound imaging test following concerns about the ulcers on his right leg. Mr Howarth was known to be an intravenous user who injected in his legs. She referred him to a vascular specialist and advised him to attend his local walk-in centre following his release for further treatment.

Pre-release planning

19. On 5 March, Ms A from the resettlement team held a pre-release planning meeting with Mr Howarth. Mr Howarth said that prior to returning to prison, he was living in a council owned property and had been residing there for over 10 years. He asked if he could return to that address on his release. Ms A advised him that she would contact his Community Offender Manager (COM) to approve this prior to his release, to ensure that it was suitable. Ms A sent an email to the COM to discuss referring Mr Howarth to the Commissioned Rehabilitative Service (CRS – the provision of flexible support to those in the criminal justice system which includes support to secure suitable accommodation and financial well-being).
20. On 14 March, Ms A confirmed that Mr Howarth was able to move back to the same address he had previously lived in on release.

21. On 19 March, Nurse C saw Mr Howarth to treat his ulcers. She advised him to see his community GP following his release and go to the walk-in clinic for further wound care.
22. Nurse C referred Mr Howarth to the Discover Drug and Alcohol Recovery Service in the community, and an appointment was arranged for 4.00pm on 20 March. Mr Howarth declined training for prenoxad (an injection containing naloxone which temporarily reverses the effects of opioid drugs such as heroin, methadone, fentanyl and buprenorphine), naloxone (a safe and quick acting medication that reverses the effects of an opioid overdose) and nyxoid (a medication used for emergency treatment in cases of known or suspected overdose of opioid drugs).
23. On 20 March, prior to Mr Howarth's release, healthcare staff met with him and advised him about how to manage high risk situations and where to go if he felt depressed or experienced low moods. He was given advice on coping if he experienced a relapse and where to go should this happen. They also advised him on recognising signs and symptoms of overdose. Mr Howarth confirmed that he fully understood what was discussed with him.

Release from HMP Berwyn

24. On 20 March, Mr Howarth was released from Berwyn.
25. Mr Howarth's post-sentence supervision conditions were explained to him and he signed the licence to confirm he understood them. Mr Howarth was given his methadone script. He was also issued with 12 days' supply of his prescribed medications.
26. Mr Howarth reported to the probation office for his initial appointment with the duty probation officer and they went over his licence conditions and his induction pack.
27. Later that day at 4.00pm, Mr Howarth attended the Discover Drug and Alcohol Recovery Service as planned.
28. At 1.30pm on 27 March, Mr Howarth attended the probation office and was screened for drugs in line with his licence conditions. Mr Howarth told the duty probation officer that his father had died and as a result, he had used crack cocaine. The duty probation officer instructed him to attend Inspire (a community drug and alcohol service, which accepts referrals from various sources and tries to facilitate recovery from addiction).

Circumstances of Mr Howarth's death

29. On 29 March, two teenage boys found Mr Howarth in a shallow creek near a wooded area of Alexander Park, Wigan. A significant amount of used hypodermic needles and drug paraphernalia was in the area, suggesting that it was a well-used site for drug users.
30. The police attended and found no evidence of third-party involvement in Mr Howarth's death. Drug paraphernalia was also found on Mr Howarth. The paramedics attended and pronounced life extinct at 3:56pm.

Post-mortem report

31. The post-mortem report concluded that Mr Howarth died from asphyxia secondary to airway obstruction due to aspiration. The intoxicant effects of opioids were listed as a contributory factor as significant levels of morphine/heroin and methadone were found in his blood.

Findings

32. Mr Howarth had a history of substance misuse. While it is noted that he participated in the pre-release planning process and actively engaged with the substance misuse service in the prison and in the community, it was also envisaged that he would continue to engage with community services, which would have provided him with additional support. We are satisfied that both the prison and the probation services did all they could to support Mr Howarth.
33. We make no recommendations.
34. The initial report was shared with HM Prison and Probation service (HMPPS). A factual inaccuracy was identified, and this has been amended accordingly.
35. At the inquest held on 8 December 2025, the coroner concluded that Mr James Howarth's death was drug related.

Adrian Usher
Prisons and Probation Ombudsman

October 2025

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