

**Investigation into the circumstances surrounding the
death of a man in January 2008
whilst a resident at an Approved Premises**

**Report by the Prisons and Probation Ombudsman
for England and Wales**

October 2008

This is the report of an investigation into the death of a man who died in January 2008 whilst he was a resident at an approved premises.

I wish to offer my sincere sympathy and condolences to the man's family and friends for their loss.

This investigation was conducted by one of my Senior Investigators.

I would like to extend my thanks to the manager and his staff at the Approved Premises for their help and co-operation during this investigation. I am grateful to the residents who agreed to take part in the investigation process.

I would also like to thank the sergeant investigating on behalf of the Metropolitan Police for his assistance.

This is a sad case in which neither the approved premises staff, residents nor the man's family had any idea that he was thinking of ending his life. Despite the best efforts of those around him, it appears that the man relapsed into the use of illegal drugs. It is an unfortunate fact that drug use has been a contributing, and often a causal factor in many of the deaths I have investigated.

I have not made any recommendations as the result of this investigation.

Jane Webb
Deputy Prisons and Probation Ombudsman

October 2008

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SUMMARY

The man committed a serious offence in July 2002 after allegedly smoking crack cocaine during the previous 24 hours. He was sentenced to seven years imprisonment at Court in October 2003.

In March 2006, the man was released on licence and went to live with his partner in London. Just under a month later he was arrested on suspicion of another offence. At that time he tested positive for heroin and cocaine. His licence was revoked and he was returned to custody. The new charges were subsequently not proceeded with by the Crown Prosecution Service.

The man was again released on licence on 24 December 2007. On that occasion he was to reside at an approved premises in London. (Approved Premises used to be called hostels and it is still common for both residents and staff to refer to the premises as a hostel.) He duly arrived at the approved premises and appeared to settle into the routine well. He was liked by the staff and the other residents. He spent the majority of the Christmas and New Year period with his partner, although he had to return to the approved premises each night by 11.00pm.

On 9 January 2008, the man again spent time with his partner. They parted at her flat in time for him to get back to the approved premises for 11.00pm. She spoke to the man at 10.30pm, when he told her that he was waiting for a tube.

There was no further contact with the man and his whereabouts during the following hours are not known. His mobile telephone was switched off.

The man's partner made several telephone calls to the approved premises to ask if he had returned but he had not. The staff at the approved premises decided to wait until the morning before starting recall procedures as there had been no previous problems.

Just after 4.00pm on 10 January, the man was found hanging in an office rubbish collection area in London. Police were notified and quickly concluded that he had taken his own life. He was 28 years old when he died.

It was later discovered that at the time of his death the man had a large quantity of cocaine in his system.

THE INVESTIGATION PROCESS

1. The investigation was opened at the approved premises on 15 January 2007. The premises manager produced the man's probation record and other documents for examination. Notices were displayed at the approved premises to inform both staff and residents of the investigation.
2. A number of staff and residents were formally interviewed regarding the man's death. Two external probation officers were also interviewed.
3. One of my Family Liaison Officers contacted the man's family and offered the opportunity to meet her and the investigator to discuss the purpose of the investigation and to raise any concerns or questions that they would like explored and addressed. The man's family asked if he had suffered with depression or self-harm concerns whilst he had been in prison. They were also concerned that someone else might have been involved in his death. This matter has been examined by the police and they are of the opinion that no one else was involved.
4. The man's family were also able to provide the investigator with previously unknown contact details found among the man's belongings, for his further consideration. The investigator explored these as part of his investigation and shared the information with the police. Unfortunately they did not lead to any new information.
5. My investigator contacted Her Majesty's Coroner to inform him of the nature and scope of my investigation and to request a copy of the post mortem and toxicology reports. Upon completion, this report will be sent to the Coroner to assist with the enquiries into the man's death.

THE APPROVED PREMISES

6. Approved Premises were formerly known as Probation and Bail Hostels. They are approved by the Secretary of State, within Section 9 of the Criminal Justice Act 2000. Approved Premises provide a supportive, structured environment in the community for high risk and difficult to manage offenders. The management of offenders accommodated in Approved Premises is governed by the National Standards for Supervision of Offenders and the guidance contained in the National Approved Premises Handbook.
7. The Approved Premises is a large detached Victorian house on three floors. It is situated in a residential street in the London Borough and can accommodate 18 residents. Residents share bathroom and kitchen facilities.
8. The Approved Premises provides an enhanced level of supervision for some of the most difficult and high-risk offenders in the community. Accordingly, there is a general curfew from 11.00pm to 6.00am. Some residents have additional curfews imposed on them according to their assessed risk.
9. Each resident is allocated a keyworker, a trained member of staff who works closely with the resident and coordinates the support and guidance on offer to help them comply with the conditions of their licence. The man, like many residents, had regular mandatory drug tests as part of his licence conditions. Those tests are carried out by the Approved Premises staff.
10. There have been two previous deaths at this Approved Premises since I was given responsibility for investigating such deaths in April 2004. The first in 2005 was an apparently self-inflicted death and the second in January 2008 was from natural causes. Neither death has issues similar to that of the man who is the subject of this report.

KEY FINDINGS

11. The man was sentenced to seven years' imprisonment by the Criminal Court in October 2003 for a serious offence involving a firearm committed in July 2002. He had claimed that he had been smoking crack cocaine for much of the 24 hour period prior to committing the offence. At the time he said that he was spending £80 to £120 per day on his drug habit.
12. Whilst in HMP Parkhurst he successfully completed the following courses: PASRO (Prisoner Addressing Substance Related Offending) an eight week programme, ETS (Enhanced Thinking Skills) which addresses thinking and behaviour related to offending, and CALM (Controlling Anger & Learning to Manage it), a cognitive behavioural anger management intervention programme.
13. In his 2005 parole assessment report the probation officer noted that the man had provided 100 percent negative samples in the voluntary drug scheme and that he had received positive feedback from the course tutors relating to PASRO and CALM. The man had also gained educational qualifications (adult literacy and numeracy level 2) whilst in prison.
14. The man was released from HMP Maidstone on licence in March 2006. However, less than a month later he was recalled to prison. He had been arrested on suspicion of a violent street robbery and had tested positive for heroin and cocaine. The charges in relation to that offence were subsequently not proceeded with by the Crown Prosecution Service but he remained in prison because of his relapse into drug use.
15. In August, whilst at Maidstone, the man was put on the waiting list of a relapse prevention group. The reason stated was to continue with his current motivation to remain drug free.
16. On 29 August, the Parole Board met and refused the man's release, scheduling a further review in October. The panel requested information as to whether his placement at an Approved Premises had been accepted, even though the man's probation officer had submitted a report confirming a place for him in East London. His solicitor asked for the case to be re-referred because of the oversight. The Parole Board reconvened on 4 September, reconsidered the man's case and stated:

"The present panel considered that [the man] presents an imminent risk of re-offending with a high risk of causing serious harm to others. The circumstances surrounding the recall echo the index offence – namely his association with criminal peers and his use of cocaine alongside his use of heroin within a month of release. The panel was not reassured by the representations made on his behalf that state that he lapsed once by smoking drugs on his release. Notwithstanding the fact that the latest charges have been dropped, [the man] has clearly re-offended by consuming illicit drugs. His risk of re-offending and harm is therefore unacceptably high and outweighs the benefits of release at this time. He is

unlikely to reduce his risk to manageable proportions within 12 months". A review date was set for a year later.

17. After his solicitor requested an oral hearing, the Parole Board reconvened again on 4 December, by which time the man had completed his relapse prevention course and was now having one to one sessions with a CARAT's worker. CARAT stands for 'Counselling, Advice, Referral, Assessment and Throughcare'. CARAT workers act as keyworkers and coordinate the care of those prisoners on their caseloads; workers can also provide basic information about drugs and their effects and ways to reduce harm; they may offer some structured one-to-one support and group work to prisoners who want to give up or cut down on their misusing. They can also refer a prisoner to a drug treatment rehabilitation programme.
18. The Board required further information about the circumstances of the man's recall and the hearing was adjourned until January 2007.
19. On 19 December, the man was accepted for open prison conditions and over the New Year period he was moved to HMP Stanford Hill.
20. The Parole Board met on 10 January 2007 and, after hearing evidence from the arresting police officer and the probation officer, his release was again refused. There was concern about the perceived high risk of the man re-offending. His partner told my investigator that the man had been angered by the refusals but he was not suicidal.
21. During the remainder of January the man had two proved adjudications against him for opiates found during mandatory drug tests and one for having a bag of urine coloured liquid and a needle in his possession in the voluntary testing unit. (When a prisoner breaks the prison rules an adjudication takes place with a prison governor acting as the adjudicator. The governor hears the evidence against the prisoner, gives the prisoner the opportunity to put his case and then makes his/her decision. If the case is proved the usual punishments are loss of privileges and/or earnings.) As a result of the adjudications the man was moved back into closed conditions at HMP Wayland and then in April he was transferred back to Maidstone.
22. The man moved to HMP Camp Hill on the Isle of Wight in June. During visits and telephone calls he told his partner that he "couldn't stand it" there and that he was unhappy. My investigator has confirmed with the prison that during his time there no concerns were raised about the man's mental health nor were there any indications of self harm or suicidal intent. The man provided voluntary drug testing samples whilst at Camp Hill which were all negative.
23. During the latter half of the year arrangements were being made for the man to be released on licence again around Christmas 2007. On 24 December, he was released on a licence which was due to expire on 25 September 2009. The conditions were that he resided at Approved Premises, undertake twice weekly drug testing, comply with requirements to address drug and offending

problems and not to seek to approach or communicate with the victim of his 2002 offence.

24. The man was released from Camp Hill on 24 December and reported to his Offender Manager at 3.00pm as instructed. She discussed the conditions of his licence and told him about the hostel curfew times (11.00pm – 6.00am). He was then told to go directly to the hostel which he did. The hostel manager saw the man when he arrived and completed the induction procedure.
25. It was decided that the man would share a double room. His room mate did not want to speak with my investigator but told a member of the hostel staff that he had liked the man and had found him to be cheerful.
26. The man spent the Christmas and New Year period with his family and his partner, returning to the hostel each night before curfew. He attended a pre-booked probation appointment on 28 December. The man told a probation officer that he was considering a job offer involved with the building trade. The probation officer recorded that he did not detect any signs of the man having abused crack cocaine but he admitted using cannabis. The use of cannabis did not breach the conditions of his licence.
27. On 3 January 2008, the man attended another planned meeting with the probation officer. He was advised to attend his drug counselling appointments. The man had another meeting on 7 January when, amongst other things, he told the probation officer that he had attended a session with his drug counsellor. He said that he did not want to use drugs at that time and hoped not to in the future.
28. Later that day, the man had a keywork session with his appointed hostel keyworker. During the session he said that he drank moderately and smoked cannabis, but that he was staying away from his old friends as he did not intend to return to using class A drugs. All of his drug tests at the hostel had been negative for class A drugs. He said that he had a good relationship with his family and that his relationship with his partner was strong.
29. On 8 January, the man's new Offender Manager met him at the hostel. After the meeting she wrote the following:

“He appeared motivated and keen to get on with his life, however, records indicate that he is easily led and influenced by others. Concerns are also around the use of Class A drugs as I believe one ‘hit’ may set him on a downhill spiral. He has a long history of offending behaviour and violence and I consider that he needs to be closely monitored, especially with regards to his associates.”
30. On the morning of 9 January, the man asked for £5 from his personal allowance (an amount of money available to residents who are not in work). The assistant hostel manager gave him the money in small change. She said that he was in good spirits and talking about his plans to start looking for work. The man then left the hostel.

31. During the day the man visited his partner at her place of work and later went to her flat in Soho. He left her to return to the hostel. His partner rang him on his mobile phone at 10.30pm when he told her he was at the underground station waiting for a train to get back to the hostel, by curfew. That was a route he often took when travelling from his partners flat. She rang the man again at 11.00pm but there was no answer and his phone was switched off.
32. A resident later claimed that he saw the man at the underground station at 10.30pm, but that can be discounted as the man was subject to and on time for an 8.00pm curfew and so could not have been there.
33. The on-call probation manager was notified of the man's absence at 12.15am when it was decided that any further action could wait until normal working hours.
34. The man's partner rang the hostel a number of times during the next day, becoming increasingly more concerned. The hostel manager contacted the local police at about 10.00am to try to ascertain if the man had been arrested or injured. The new offender manager decided that recall would not be initiated until mid-afternoon. If he turned up, her intention was to drug test him and listen to his reason for breaking curfew before making a decision. The hostel staff completed the recall procedure during the afternoon and in fact the local police arrived at the hostel at 8.00pm to try and arrest him.
35. Unfortunately, shortly before 4.15pm on 10 January, a passer by had looked into the rubbish storage area of an office building. He told police that he had heard a woman scream and walked towards the sound. He saw the metal door of the storage area swing slightly and decided to look in. The passer by saw the man hanging by a ligature from a curved metal grille on the left at the rear of the room. The man had tied a shirt around his neck and to the grille. The passer by ran out and called the emergency services. Police and an ambulance crew arrived shortly after but the man was pronounced dead at 4.20pm. Information supplied by the Police Sergeant, who has viewed CCTV footage, indicates that the man entered the storage area at 9.00am on his own. No one else was seen to enter or leave until after 4.00pm when the man was found.
36. Neither the police nor my investigator has been able to discover any clue as to the man's whereabouts from the late evening on 9 January until 9.00am on 10 January.
37. The post mortem concluded that the cause of the man's death was hanging. A subsequent toxicology report revealed that he had a large quantity of cocaine in his system when he died.

ISSUES

38. The central theme of every interview in this case was how well the man was settling into the routine of hostel life, how he was liked by all and how he was planning for the future. This in turn makes his sudden death, apparently by his own hand, so sad.
39. Although the man was only at the hostel for a short time, he appeared to comply with the requirements of the hostel staff and the conditions imposed by his licence. He had been made aware on a number of occasions of the need to keep to the curfew times and the importance of negative drug tests. Whatever his reasons for not returning to the hostel on the night of 9 January and his apparent lapse into the use of cocaine, he would have known the likely result would be a recall to prison.
40. From the examination of the documents supplied by the hostel manager and the interviews conducted, my investigator is satisfied that the man was being correctly handled both by the hostel and the probation service. I believe that the decision on 10 January 2008 to delay activating the recall procedure for a few hours was justifiable on this occasion. He had not given any cause for concern up to that time, even over the festive period.

RECOMMENDATIONS

41. I have no recommendations to make in relation to the death of the man.