



A Report by the
Prisons and
Probation
Ombudsman
Nigel Newcomen CBE

**Investigation into the death of a resident
of Albion Street Approved Premises, Dewsbury
in December 2013.**

Our Vision

*'To be a leading, independent investigatory body,
a model to others, that makes a significant contribution to
safer, fairer custody and offender supervision'*

This is the investigation report into the death, on 11 December 2013, of a resident at Albion Street Approved Premises, Dewsbury, who was killed away from the premises by a previous resident (the second resident). I offer my condolences to the man's family and friends.

Staff at Albion Street and the West Yorkshire Probation Trust cooperated fully with the investigation.

On 30 September 2013, the man was released from HMP Moorland on licence to Albion Street. The second resident left the premises and moved to private accommodation on 11 November.

At just after 9.00am on a day in December the man left Albion Street, as he was entitled to do. His licence conditions included that he should be at the premises from 3.00pm to 5.00pm and from 9.00pm to 9.00am. He did not return for his 3.00pm curfew and had still not returned by 9.26pm, at which point the premises contacted the police to report that he was missing.

Police investigations led to the arrest of the second resident, who confessed, when interviewed, that he had killed the man at his home. He subsequently pleaded guilty to the man's murder and was sentenced to life imprisonment with a whole life tariff.

I am obliged to investigate the deaths of all residents of approved premises, including those, such as that of the man, which occurred away from the premises. The investigation has found that both the man and the second resident appear to have had appropriate probation supervision and I am satisfied that there is nothing that staff at Albion Street could have done to predict or prevent the man's death. However, while it would not have prevented his death, we make one recommendation for Albion Street staff to abide by national instructions to ask residents routinely where they are intending to go when leaving the premises.

The version of my report, published on my website, has been amended to remove the names of the man who died and those of staff and prisoners involved in my investigation.

Nigel Newcomen CBE
Prisons and Probation Ombudsman

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SUMMARY

1. The man was a resident of Albion Street Approved Premises in Dewsbury. On the morning he died, he left the premises, as he was entitled to do, and met the second resident. They went to the second resident's home in Huddersfield. The second resident killed the man some time that morning. The investigation found that there was nothing staff at Albion Street could have done to prevent the man's death.

THE INVESTIGATION PROCESS

2. The Prisons and Probation Ombudsman is obliged by his terms of reference to investigate the deaths of all residents of approved premises. As part of the investigation, the investigator visited Albion Street and interviewed the premises manager and the man's offender manager. One of our family liaison officers telephoned one of the man's brothers and left messages asking him to contact her. He did not respond.

ALBION STREET APPROVED PREMISES, DEWSBURY

3. Approved premises (formerly known as probation and bail hostels) accommodate offenders released from prison on licence, to be supervised in the community 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.
4. Albion Street is an approved premises in Dewsbury for up to 24 men, managed by the National Probation Service North East. Each resident is allocated a key worker, with whom the resident discusses their progress and well-being. The key worker also ensures that residents adhere to their individual licence conditions and the rules of the approved premises. Albion Street curfew times are 11.00pm to 6.00am, although some residents may have additional curfews. During these hours residents are expected to be on the premises. The man's curfew times were 9.00pm to 9.00am and 3.00pm to 5.00pm.
5. This case was the second death of a resident in Albion Street since the Ombudsman took over responsibility for investigating deaths in custody in 2004. There were no similarities with the circumstances of the previous death.

KEY EVENTS

6. The man was convicted of a number of offences on 5 September 2011 and was initially given an indeterminate sentence for public protection (IPP) with an 18 month tariff. This was subsequently commuted to a 36 month determinate sentence. The man had human immunodeficiency virus (HIV).
7. On 5 March 2013, the man was released from HMP Moorland to Albion Street Approved Premises in Dewsbury. In May 2013, he moved to Box Tree Cottage in Bradford (a residence for ex-offenders with complex needs).
8. The man was recalled to custody on 17 July 2013, due to concerns about his behaviour, which included threats to staff. He was first sent to HMP Leeds before being transferred back to HMP Moorland.
9. On 30 September 2013, the man was released again to Albion Street Approved Premises. His licence conditions included that he should inform his supervising officer of any developing personal relationship with any man or woman. The reason for this condition was because of the risk he might pose to any children in a potential partner's family. The man's conditions also included that he was required to be at the premises from 9.00pm to 9.00am and from 3.00pm to 5.00pm. He was generally compliant with his curfew times.
10. On 8 October, the man, told his offender manager that he was hopeful of a possible relationship with a 46 year old man. The offender manager told the investigator that the man seemed very happy, but had made it clear that it was still only a potential relationship at that time and he would not name the other man. The offender manager said that she had had previous conversations with the man about the importance of informing potential partners that he was HIV positive and that he was aware about the importance of safe sexual practices.
11. The offender manager reported her conversation with the man to the premises manager. The premises manager thought that the other man might be the second resident. However, when she spoke to the man he said that, although he had been hopeful of a relationship, nothing had developed. He continued to decline to name the other person.
12. The second resident had arrived at Albion Street on 19 August. He also had a licence condition to inform his supervising officer of any developing relationship with any male or female. He had murdered a girlfriend in 1991 and he was required to disclose this to any future sexual partner. The second resident's offender manager and a colleague visited Albion Street once each week for supervision meetings with him. She was content with the way the second resident had settled and integrated at the premises. On 16 October, the second resident told her that he was not in any relationship at that time and he confirmed that he understood he needed to report it if he were. (The man's offender manager and second resident's offender manager did not have any direct contact with one another about the two men.)

13. On 11 November, the second resident moved from Albion Street to a rented flat in Huddersfield. The move was made with agreement and help from the second resident's offender manager. The second resident continued to receive weekly supervision from his offender manager, this time by visiting her at her offices. Their last meeting was on 9 December. The second resident again said that he was not in a relationship with anyone. He reported that he kept in contact with a serving prisoner who he had once shared a cell with.
14. At just after 9.00am on the day of his death the man left Albion Street. He did not say where he was going and no one asked him. The man did not return by 3.00pm as he was required to do and at 4.00pm staff informed his offender manager.
15. The man's offender manager told the investigator that a multi agency-meeting that morning had decided to lift the man's 3.00pm to 5.00pm curfew starting from 12 December. She spoke to two probation managers and they discussed the fact that the man knew that a multi-agency meeting had taken place that morning where his afternoon curfew was likely to have been amended. Taking into account the man's previous good compliance with curfew hours, they decided that they would not instigate prison recall procedures, but instead allow him to return for the 9.00pm curfew and give him a warning for failing to return for the 3.00pm curfew without having had confirmation that this curfew had been lifted. The man's offender manager telephoned the premises at 7.30pm and again at 9.10pm and each time the man had still not returned. At 9.26pm, the premises contacted the police to report the man missing.
16. The next day, police studied CCTV film taken in the town which showed the man meeting the second resident shortly after leaving Albion Street. They were tracked travelling by train and bus to the second resident's home in Huddersfield. The police discovered that the second resident had telephoned the man three times on the morning of 11 December. When police questioned him, the second resident confessed that he had strangled the man and disposed of his body. He said that this was because the man had revealed that he was HIV positive after they had had sex.
17. The man had had no contact with his family for many years, but the police traced them and broke the news of his death. West Yorkshire Probation Trust contributed to the funeral expenses and several members of staff from Albion Street attended the service.
18. On 4 March 2015, the second resident was sentenced to life imprisonment with a whole life tariff.

ISSUES

The man's relationship with the second resident

19. Both the man and the second resident had licence conditions requiring them to disclose to their offender managers any developing relationship with a man or woman. Although the man told his offender manager on 8 October that he had met a man with whom he was hoping to start a relationship, he said that there was no relationship at that point and he would not disclose the name of the other person. When the premises manager later spoke to him about this, he told her that no relationship had developed and he again refused to give a name.
20. On 16 October, the second resident told his offender manager that he was not in a relationship with anyone. On 11 November, he moved from the premises to a flat in nearby Huddersfield.
21. Nothing further appears to have occurred to give staff cause to ask the man again whether he was in a relationship and he did not disclose one.
22. On the morning of December 11, when the man left the premises, staff did not ask him where he was going. However, if he had said that he was going to meet the second resident, staff at the premises would have had no reason to question this or have any grounds for concern about the man's safety. Both men had lived at Albion Street at the same time, without any problems, and the staff would have had no reason to prevent or caution against him meeting the second resident.

The second resident's supervision

23. The second resident had lived at Albion Street for almost three months. While there, he complied with the requirement for him to attend weekly meetings with his offender manager and she had no concerns about him. She had agreed that he could leave the premises on 11 November to move to a private rented flat. After he moved, he continued to attend weekly supervision meetings with his offender manager, this time by visiting her at her offices. Again no further concerns were noted and we are satisfied that the second resident was supervised appropriately.

Notification of the man's absence

24. At 4.00pm on 11 December, the premises contacted the man's offender manager to report that he had not returned for his 3.00pm curfew. The man's offender manager discussed options with her managers and they decided to take no action at that stage. In part, this was because the man's 3.00pm to 5.00pm curfew had been lifted that morning and it was thought that he had anticipated that decision and assumed he did not need to return until the evening. They also took into account the man's previous good compliance with his curfew. The staff informed the police when the man still did not turn up, after the 9.00pm evening curfew.

25. The police told the investigator that if they had been informed of the man's absence at 4.00pm their first action would have been to begin tracing family members and previous victims to alert them that the man was missing and to ask that they inform the police should they see him. There was no reason for anyone to have suspected that the man's failure to return for the 3.00pm curfew was because he was in any danger. The man's offender manager belief that he had merely anticipated the lifting of his mid-afternoon curfew was a reasonable one and the decision to deal with the matter by giving him a warning about the need for compliance with his licence condition was appropriate in the circumstances.
26. When the man left Albion Street on the morning of 11 December, no one asked him where he was going and he was not required to write this down in an exit book. Approved premises are required to record when residents leave and then return to the premises and say where they intend to go. The Approved Premises Manual says:

"On departure, residents should be asked where they intend to go and, where required for offender management purposes, a record made of their clothing and any other important feature such as their demeanour. Residents are required to plan their time, including time spent outside the AP, using diaries. These can be checked if there is any doubt about a resident's intentions. While it is hard to ensure that a resident has indeed been where the diary indicates, it can be used as a starting point for searches and can be used in support of enforcement action."

27. The investigator found that it was not the practice at Albion Street to ask residents leaving the premises where they were going. Although it would not have prevented the man's death, had he been asked, and had he informed staff where he was going, the police would have known where to go as soon as the man was reported missing. We make the following recommendation:

The manager of Albion Street Approved Premises should ensure that staff ask residents where they are going when they leave the premises and make a record.

RECOMMENDATION

The manager of Albion Street Approved Premises should ensure that staff ask residents where they are going when they leave the premises and make a record.