

**Circumstances surrounding the alleged murder of a man in Newcastle
upon Tyne in April 2004**

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

The man was a 37 year old man from a large, close-knit family who had spent much of his life in the Greater Manchester area. He had a history of dishonesty offences linked with drug use although he had been drug free for some time.

Following a sentence of two years and six months, with an extended period of supervision for 5 years, for an offence of indecent assault against one of his young nieces, the man was estranged from most of his family. He was released from HM Prison Acklington on 8 April 2004 and was required to live at an Approved Probation Premises in Newcastle as a condition of his licence.

During his stay at the hostel he was perceived as a quiet man, who was easy to get along with and who made a number of friends. He abided by the rules of the hostel and was no control problem to staff.

The man was drug free and had been prescribed medication that was proving effective in treating the hepatitis from which he suffered. He told members of staff that he had been given a chance to make a new beginning and he intended to take advantage of it.

According to the evidence that the police have gathered so far, on 29 April the man was at Newcastle railway station with a friend, where there was an altercation with another man and a woman.

It is said that all four boarded a train where the argument continued. When they alighted the train, the man was stabbed several times, receiving a fatal wound to the heart. Despite the efforts of the paramedics who attended, tragically, the man died, from loss of blood as a result of his wounds, in hospital later that same afternoon.

The alleged perpetrators have been arrested and charged with the man's murder. Their trial will be heard at Newcastle Crown Court on a date to be set.

My investigation has identified one area where the Approved Premises risk assessment procedure could be improved and the recommendation can be found in Part 2, Section 1, paragraph 15.

FOREWORD

This was the second investigation that my office has undertaken into a death of an approved premises' resident. It was very different from the first, a death from natural causes, in that it was occasioned by the murder of the man who was a resident of an approved premises in Newcastle, while he was away from the hostel premises.

The purpose of my investigation was to discover whether any likely risk to the man had been assessed and properly managed, and to consider whether a sufficient level of care had been provided. My full terms of reference are attached at Annex 1

The Investigation was carried out by an Investigator from the Prisons and Probation Ombudsman's Office with the assistance of an Assistant Chief Officer from the Northumbria Probation Area, with the agreement of the th Hostel Management Committee. I am grateful for the co-operation that they received from the Northumbria Probation Area and, in particular, from the Manager of the hostel.

I am also grateful to the man's mother and sister for meeting with my investigator at a sad and difficult time for them, and for providing information about the man that was helpful to the investigation. I offer my sincere condolences to the man's family.

In conducting this investigation, the Investigators have been conscious of the parallel police investigation and the over-riding requirement to do nothing that might imperil the criminal process. The officer in charge of the Gateshead Police investigation allowed my Investigating Officer to interview all those who could contribute relevant information, with the exception of the two persons currently charged with the man's murder.

As a consequence, the Investigators have conducted formal interviews with the hostel manager, with two members of the hostel staff and with one hostel resident. The interviews were not recorded but the Investigating Officer's notes have been agreed, and signed by interviewees.

The Investigators also obtained information, by telephone, from the man's case manager, from the probation officer at HMP Acklington who prepared an assessment prior to the man's release, and from a prison officer who facilitated the Offending Behaviour Groups that the man attended. They have also examined a variety of documents. I am grateful to all those from the Northumbria Probation Area and from HMP Acklington, and HMP Durham who assisted in this inquiry.

The report is organised as follows. Part 1 provides some details of the hostel. Part 2 considers, as far as it is possible to do so, the circumstances surrounding the man's death. My brief conclusions are presented in Part 3, of this report.

I understand that the inquest into the man's death has been opened and adjourned. Depending upon the result of the Criminal Court hearing, it may never be re-opened. I am acutely aware of the need, at all costs, not to prejudice the impending trial. Nevertheless, I hope that as much as possible of this report can be disclosed as quickly as possible to the Coroner and to the man's family.

THE CIRCUMSTANCES AND EVENTS SURROUNDING THE MAN'S DEATH

PART ONE - Background Information

Section 1: The man

1. The man was 37 years of age. He was born in Manchester and most of his family still live in that area. He was the first of six children and his mother told us that the man was brought up by his maternal grandparents much against her wishes. She said that they over indulged him and, in her opinion, this shaped his future behaviour.
2. Nevertheless, he was very much a part of his extended family as is his son of 17 from an early relationship. The man married in 1991 and had two daughters born in 1992 and 1994. His mother said that he continued to commit burglaries and, sadly, the two girls were taken into care when neglected by their mother who embarked upon another relationship while the man was serving a prison sentence. Although the girls were later adopted, the man retained a strong interest in their welfare and received regular photographs and reports that, his mother said, were very important to him.
3. The man became a drug user during his teenage years and, despite training and working as an electrician and a builder, his growing use of heroin and cocaine led to a series of offences of dishonesty. He served a number of prison sentences. The man was released from a prison sentence, on licence, in December 1999 and, having become drug free, he sought ongoing support from a Drugs Advisory Service in Manchester. He is said to have responded well to the licence and he had remained drug free. At that time, it was thought that he was facing a more positive future.
4. However, it was while staying with his sister during the licence period that the man indecently assaulted one of his nieces. The child's mother told us that the child was traumatised and the effect upon the whole family was devastating. Perhaps understandably, the man was ostracised by his family, apart from his grandparents who retained a degree of contact with him.
5. On 7 July 2000, the man was sentenced to two and a half years' imprisonment with a five year extended supervision period, for the indecent assault. During the sentence, he completed a Training Programme and was said to have developed a greater understanding of his offending behaviour. He was able to appreciate the effect that his behaviour had upon the child and upon his family and had expressed his regret for the harm he had caused.

6. The man was released from prison, on licence, in May 2001, with a condition not to contact the victim nor any member of her family. His supervising officer from the Manchester Probation Area obtained temporary accommodation for the man in the Bensham area of Newcastle but he, subsequently, moved into a privately rented flat with a new partner.
7. In January 2002, the Probation Service was informed that the man had been seen in the Manchester Area close to his victim's address. Although it was understood that he had wanted to apologise, his behaviour had caused great distress to his family, particularly his victim's mother. As a result, the Sentence Enforcement Unit was informed and the man was recalled to prison.
8. On 8 April 2004, the man was conditionally released subject to a licence that was to remain in force until 17 August 2007. One condition of his licence was that he should reside at a Hostel in Newcastle and abide by the rules, another was that he should not enter an area of exclusion around Manchester. At the time of his death, the man had been at the hostel for three weeks. He was spoken of as a fairly quiet man who had settled and kept to the hostel rules.
9. The man was being treated for Hepatitis C and had been helped by his acting key worker to obtain continuity of treatment and medication. He was very positive about the medication's beneficial effects and felt it had given him a "second chance." He told the acting key worker that he was looking forward to a much more positive future.

Section 2: Approved Premises

10. Approved Premises, formerly known as Probation & Bail Hostels, were approved by the Secretary of State within Section 9 of the Criminal Justice and Court Services Act 2000. Their purpose is to provide accommodation for persons granted bail in criminal proceedings and in connection with the supervision and rehabilitation of persons convicted of offences. The hostels can provide a supportive, structured environment in the community for high risk and difficult to manage offenders. The supervision of offenders accommodated in Approved Premises is governed by the National Standards for the Supervision of Offenders.

11. Approved Premises operate on each day of every year with 24 hour staff cover on a rota basis. The hostel is a voluntary managed, approved premises, one of two in Newcastle managed by the Society of Vincent de Paul. The hostel houses up to 17 residents in single rooms, there are two further places in a nearby cluster flat. The hostel has a curfew of 11pm each night although some residents will have individual curfew hours set by a Court. Over the past twelve months the occupancy rate in the premises has been some 94%.The hostel is staffed as follows:

Hostel Manager
Deputy Manager,
4 Project Workers
3 Project Support Workers,
Housekeeper
Burser
2 Domestic
Secretary
Handyperson (who is shared with another hostel)

12. During the day the manager and deputy manager are on duty from 9am to 5pm together with the project worker on shift. At night there are two members of staff who sleep in, with one of them 'on call' in case of emergency. Residents are charged an inclusive rate for accommodation, breakfast and a cooked evening meal. From its own funds the Society also provides a sandwich lunch and supper.

13. The Probation Service refers potential residents to the hostel by means of a form that includes background information about the individual, the nature of current and previous offences, assessments of risk of re-offending, risk of harm to the public, risk of harm to other residents and risk of harm to self. The hostel refuses to accept only those individuals whose risk is considered to be too high to manage at that particular time. Residents are encouraged to keep the nature of their offending to themselves to avoid risk of reprisal from other residents.

PART TWO - EVENTS LEADING UP TO THE MAN'S DEATH

Section one: The man's time at the Hostel

14. The probation officer who had supervised the man at the time of his recall to prison was supervising three hostel residents when the man was released. The probation officer was, initially, concerned for his own safety as, he said, the man had been angry about the recall procedure and had made some threats to the officer. It is hostel procedure to review the risk assessment on each resident weekly but, in the short time he was at the hostel, there were no concerns about the man's behaviour and the officer's fears proved unfounded .
15. The man expressed no fears for his own safety, and staff at the hostel had no reason to suppose that he was in any danger. There was nothing in the referral form to indicate any risk to the man from the victim and her family who were resident in an area of Manchester from which he was excluded by a condition in his licence.
16. The man had been returned to prison previously for breaching such a condition and was aware of the potential consequences if he did so again. There was no indication that he was at risk in the Newcastle area but the hostel Manager told me of the procedure in place to enable an easy transfer to another hostel if such a risk had been identified. If there was no bed available in such circumstances, then a 'swap' would be arranged.
17. However the form in use, 'Application for accommodation to the alternative Approved Premises' does not ask if any risk to the offender has been identified. Whilst I have no doubt that concerns would be included if they were known of, there is no prompt for referrers to consider such risk. Although my investigation has given me no reason to believe that a risk to the man from the two suspects could have been identified, **I recommend that the Probation Service conducts a review of hostel application forms and includes a question about possible risk to the offender being referred.**
18. The hostel Manager said that the man had presented no management problems. Nevertheless, she said, he was not afraid to challenge and usually did so appropriately although she recounted one exception that happened on Monday 26 April. During a house meeting the man had said he was not happy that information about his medical history had been given to the G.P. who treated hostel residents. The man believed this to be a breach of confidence and told the Manager, "firmly and assertively" that this would stop. The Manager found his attitude somewhat disconcerting but when she asked him to look again at the hostel rules and consider whether he had cause for complaint his behaviour became more appropriate.

19. The man's key worker at the hostel was on long term sick leave so he was allocated a back up key worker who was on duty during his first few days in residence. She described the man as being very quiet and keeping a low profile until he was able to identify with some of the other residents and he became friendly with a younger man. The acting key worker focused on assisting the man to sort out his medical needs and assessing how well he was dealing with difficulties.
20. A second man who was resident in the hostel as a condition of his bail, had not known the man who died, previously but became friendly with him as he was, "a fairly happy person who was easy to get along with." He said he found the man to be likeable and believed that all the hostel residents got along with him. The man who died had told him that he had been in and out of trouble for a while and that he had some problems with his family, although he did not go into detail. The two men often went out together and the second resident remarked that the man who died never acted as though he was worried about being away from the hostel. He had never expressed any concerns.
21. It is a sadly ironic coincidence that, on 25 April, only four days before his death, the man talked with his acting key worker about the dangers of becoming involved with those who carry knives. He and the second resident had gone out together but the second resident returned to the hostel alone, obviously the worse for drink. He told staff members that he had become embroiled in a fracas with a group of young men despite the man's attempts to draw him away. He said that police had been called and that he had lost the man in town.
22. It was said that, when the man returned, he was clearly angry with the second resident. He told his acting key worker that the group of young men were strangers and the second resident had become involved in a situation that was nothing to do with him. He, the man who is the subject of this report, had walked away but the second resident had followed him shouting that he was being chased by lads with knives. The man had agreed with the acting key worker when she said that one could not defend oneself against knives, saying that one stab wound could kill. During the conversation, the acting key worker did not perceive the man's behaviour to be inappropriate and he did not give the impression that he was concerned for his safety.
23. During the same conversation the man spoke about his health problems and the success of his current treatment. He said he felt that he had been given, "a reprieve from a life sentence" and recognised that he would not get another chance. This made him feel positive about his future. The conversation and the preceding events were fully recorded by the acting key worker

Section two: The occurrence on 29 April 2004

- 24.** A female and a male have been arrested and charged with the murder of the man who died. They have appeared in court and the case has been sent to the Crown Court where the Plea & Directions hearing is likely to take place in July. The police inquiries are continuing. The Investigators obtained details of the events of 29 April from an interview with the second resident and from information provided by the police.
- 25.** The second resident said that he and the man had previously met two young women from the local area and they would sometimes spend time together. They had arranged to meet the young women on 29 April and the two men made their way to the railway station for the appointed time. It is known that they went into shops before arriving at the platform where the altercation began after the man recognised the two people subsequently charged with his murder.
- 26.** The second resident gave my Investigator his perception of what occurred next and the man's mother talked of her son's background. However, I have not included the information in this report as it was not my responsibility to investigate the man's murder and I am conscious of the need to say nothing that could prejudice the trial. It is to be hoped that the full details of the man's connections with the two people charged with his murder and the events that led to his death will be revealed when the Crown Prosecution Service presents its case to a jury but, in essence, the man was stabbed several times and the fatal wound struck his heart. The second resident told my Investigator that he did not really appreciate the seriousness of what had happened until his friend passed into unconsciousness before him. Paramedics called to the scene attempted to treat the man but, tragically, he died in hospital around 5.35pm, from loss of blood due to stab wounds to his chest

PART THREE: CONCLUSIONS

It was the task of this investigation to examine the level of care provided to the man and, in particular, to examine the assessment and management of risk to his safety.

- 27.** So far as the hostel is concerned, the members of staff that we interviewed were clearly caring and concerned to do their very best for all those resident at the hostel. They were familiar with the conditions of the man's licence and the reasons why he was placed away from the Greater Manchester area.
- 28.** There are clear procedures in place for the recording of day to day events of note in the hostel log and, additionally, for any specific issues of concern to be recorded in individual's files. The members of staff were familiar with these procedures. It was a matter of pride to them that records were made quickly after events occurred while they were clear in the mind. There was evidence in the detail of the daily 'hand overs' that members of staff are supportive to their colleagues and work well as a team so that there is continuity of care. Residents' issues are dealt with sensitively regardless of which staff members are on duty.
- 29.** We found that the acting Key Worker spent time with the man and recorded her contact appropriately. She assisted him with practical issues and addressed areas of concern particularly when he, inadvertently, became involved with another resident in a potentially dangerous situation.
- 30.** We found no evidence to suggest that the man expressed concerns for his safety - either before he was released from prison or subsequently - and nothing in the risk assessment to indicate that there was cause for such concern. If a question about risk of harm to the offender had been included in the hostel referral form, it might have highlighted risk concerns - for example the potential animosity from the man's family. However, it is far from certain that the possibility of risk from the two alleged perpetrators would have been identified.
- 31.** Neither is there evidence that anything in the regime, or in the man's treatment by staff or by other residents contributed to what took place. I am satisfied that the hostel provided a high standard of care for the man as it seems to do for all residents.

Recommendation:

I recommend that the Probation Service conducts a review of hostel application forms and includes a question about potential risk to the offender being referred.

**STEPHEN SHAW
OMBUDSMAN**

Appendix 1

Terms of reference

May 2004

NOTICE OF AN INVESTIGATION BY THE PRISONS AND PROBATION OMBUDSMAN

Under my terms of reference from the Home Secretary, I am required to investigate and report on the circumstances of the death of a man in April 2004.

The objectives of the investigation are:

- to examine the care provided by the Probation Area in the management of the man's licence
- in particular, to examine the identification, assessment and management of risk to the man's safety
- to examine whether any change in operational methods, policy, practice or management arrangements could help prevent a similar death in future
- to ensure that the man's family have the opportunity to raise any concerns they may have and that these are taken into account in the investigation and report
- to assist the Coroner's inquest .

My report may include recommendations.

Evidence provided to the Ombudsman may be shared with specialist advisers and with other investigating bodies including the police, where that is necessary for the purposes of the Ombudsman's investigation, for the inquest or for a criminal investigation.

The report, and the evidence on which it relies, will normally be given to the Coroner, the National Probation Service and its partnership agencies, the man's next of kin and any other persons whom the Coroner considers have a proper interest in the inquest.

The report, without the accompanying evidence, will be made public at a later date in a form that omits the names of witnesses and others associated with the events.

STEPHEN SHAW
PRISONS AND PROBATION OMBUDSMAN

Appendix 2

The following documents were studied:

Approved Premises Handbook

Referral form for the man

Hostel rules

Hostel log

Keyworker sheets

Pre-sentence report

Parole Assessment report

Group Member Product Pack, HMP Acklington

Seconded Prison Probation Officer's report to Parole Board