

**Prisons &
Probation**

Ombudsman
Independent Investigations

Independent investigation into the death of Mr Blake Brown a resident at Southwood Approved Premises on 24 October 2016

A report by the Prisons and Probation Ombudsman

Our Vision

To carry out independent investigations to make custody and community supervision safer and fairer.

Our Values

We are:

Impartial: *we do not take sides*

Respectful: *we are considerate and courteous*

Inclusive: *we value diversity*

Dedicated: *we are determined and focused*

Fair: *we are honest and act with integrity*



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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.

My office carries out investigations to understand what happened and identify how the organisations whose actions I oversee can improve their work in the future.

On 24 October 2016, Mr Blake Brown was shot and killed in the street near Southwood Approved Premises (AP) where he was a resident. Mr Brown was 30 years old. I offer my condolences to Mr Brown's family and friends.

The police concluded that Mr Brown had been deliberately targeted in what was probably a gang-related killing. In February 2019, an individual was found not guilty of conspiracy to murder Mr Brown. In March 2019, two individuals were convicted of perverting the cause of justice in relation to the investigation into Mr Brown's murder.

Mr Brown had been released on licence from HMP Liverpool on 16 September 2016, and had been at Southwood for five weeks before he was killed. He had attended the AP as directed and saw his offender supervisor on a weekly basis. I am satisfied that AP staff could not have foreseen or prevented Mr Brown's death.

I do, however, have some concerns about some aspects of Mr Brown's management by the Probation Service and I have made recommendations about these.

This version of my report, published on my website, has been amended to remove the names of staff and prisoners involved in my investigation.

Sue McAllister, CB
Prisons and Probation Ombudsman

November 2019

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Summary

Events

1. On 18 September 2014, Mr Blake Brown was convicted of assault and sentenced to four years and six months in custody.
2. Mr Brown was believed to be involved in the criminal gang culture in the Croxteth area of Liverpool.
3. On 16 September 2016, Mr Brown was released on licence from HMP Liverpool to live at Southwood Approved Premises (AP). His licence conditions required him not to enter the Croxteth area and not to have contact with 30 named individuals.
4. The AP had not been told in advance that Mr Brown would be arriving and it was only after Mr Brown arrived that their list of current residents was checked to confirm that it was safe for him to associate with them.
5. Mr Brown's offender manager granted him overnight leave at his mother's house in Croxteth on 15 and 16 October and again on 22 and 23 October.
6. On 24 October, Mr Brown spent most of the day away from Southwood. At approximately 10.20pm, Mr Brown was shot three times in a street near Southwood. Emergency services were called but Mr Brown was pronounced dead at the scene.

Findings

7. We are satisfied that AP staff could not have foreseen or prevented Mr Brown's death.
8. We are, however, concerned that AP staff had not been told in advance that Mr Brown would be arriving, and that no risk assessment of Mr Brown's suitability for Southwood had been carried out before he arrived.
9. We are also surprised that Mr Brown was granted overnight stays in Croxteth so soon after his release.

Recommendations

- The Head of Public Protection for the National Probation Service North-West Division should ensure that:
 - Approved Premises are notified in advance of the arrival of new residents, particularly in the case of offenders being managed under MAPPA;
 - where an offender with criminal gang connections is being placed in an AP, offender managers check in advance that there are no current or planned AP residents with whom the offender should not associate; and
 - the reasons for varying key licence conditions are recorded.

The Investigation Process

10. The investigator issued notices to staff and residents at Southwood informing them of the investigation and asking anyone with relevant information to contact him. No residents responded.
11. The investigator obtained copies of relevant extracts from Mr Brown's probation records and liaised with the police officers investigating Mr Brown's death. In line with the Ombudsman's terms of reference, we suspended our investigation while the police carried out a criminal investigation.
12. On 21 September 2018, the investigation was reallocated to a second investigator, as the first investigator left the Ombudsman's office.
13. Mr A was charged with conspiracy to murder Mr Brown and was found not guilty at trial in February 2019. Mr B and Mr C were charged with perverting the course of justice in relation to Mr Brown's murder and were convicted on 1 March 2019. To date, no one has been charged with Mr Brown's murder.
14. On 18 March 2019, Merseyside Police informed the investigator that our investigation could begin.
15. We informed HM Coroner for Merseyside – Liverpool District of the investigation and we have sent the coroner a copy of this report.
16. The investigator contacted Mr Brown's mother, to explain the investigation and to ask whether there were any matters she wanted the investigation to consider. Mr Brown's mother did not raise any concerns and did not request a copy of this report.

Background Information

Southwood Approved Premises (AP)

17. Approved Premises (formerly known as probation and bail hostels) accommodate offenders released from prison on licence 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. Residents are responsible for their own health and are expected to register with a GP.
18. Southwood, in Liverpool, is managed by the National Probation Service. It has 23 single rooms and three double rooms. All meals are provided and there is a communal area for dining and socialising, and areas for group work. Each resident is allocated a key worker/offender supervisor to oversee his progress and well-being, and to ensure that residents adhere to licence conditions and the premises' rules. Probation Service employees are on duty at Southwood 24 hours a day.

Previous deaths at Southwood

19. Mr Brown's murder was the first such death to occur at Southwood. Since Mr Brown's death, another resident died on 5 December 2018 from natural causes.

Key Events

20. On 18 September 2014, Mr Blake Brown was convicted of assault and sentenced to four years and six months in custody. He had a history of drug abuse and had successfully completed an alcohol and drug rehabilitation programme while in prison.
21. Mr Brown was believed to have links to organised crime gangs in the Croxteth area of Liverpool. A few years previously he had been deliberately targeted and run down by a car in what was thought to be a gang-related incident, and this had left him with possible brain damage. Police intelligence suggested that it was his intention to resume his place in the gang on his release.
22. He was assessed as presenting a continuing high risk to others and it was agreed he would be managed under Multi-Agency Public Protection Arrangements (MAPPA) when he was released. (The purpose of MAPPA is to assess and manage the risks posed by sexual and violent offenders in the community. Mr Brown was to be managed under the lowest level.)
23. On 16 September 2016, Mr Brown was released on licence from HMP Liverpool. His licence conditions required him to live at Southwood AP. He had a curfew requiring him to be at Southwood between 9.00pm and 7.00am every day. He was required to report to AP staff at 12 noon and 4.00pm on Saturdays and Sundays. Mr Brown was excluded from the Croxteth area and not permitted to have any contact with 30 named individuals.
24. Following his release, Mr Brown met his probation officer who directed him to Southwood. When he arrived at Southwood, staff had not been told he was coming and had no information about him or his licence conditions. Mr Brown said that he had been expecting to go to his mother's home in Croxteth and had only been told 30 minutes earlier by his probation officer that he was required to live at Southwood.
25. Given Mr Brown's gang links, the AP manager was concerned that they had not known he was coming and had not an opportunity to carry out a risk assessment. She left numerous phone messages for a Senior Probation Officer (SPO), who was not available, and sent an email to her requesting information and risk assessments and expressing concern about managing him and other gang members.
26. Mr Brown provided the AP manager, with a copy of his licence and she arranged for him to be given a brief induction by, one of the AP staff. He was told about, and issued with copies of the AP rules, given details of the facilities, regime, fire and health and safety procedures, the alcohol and substance misuse policy and the support available from AP staff. Mr Brown signed to say he had received copies of the rules and policies, and that he understood these. Mr Brown was also informed of his specific licence conditions, restrictions and signing and curfew times and the medication policy.
27. The AP manager, then allowed him to leave the AP until 11.00pm to give her time to receive the risk assessment from the Integrated Offender Management Team and to be assured that it was safe for him to be at Southwood. She sent

the probation officer a list of the other residents at Southwood, current and expected that month, and was told that there were no residents there he should not associate with.

28. On 20 September, Mr Brown's offender manager from the Violent Offender Management Unit, saw Mr Brown at Southwood. Mr Brown was angry that he was not able to go to Croxteth as he would not be able to visit his mother. She agreed that Mr Brown could be allowed to go to his mother's address on a specified route and would be given a letter of authority that he could show the police if he was challenged. She also told Mr Brown that his curfew had been reviewed and amended to 11.00pm and 7.00am, with just one sign in at 4.00pm on Saturdays and Sundays.
29. On 29 September, the offender manager saw Mr Brown at Southwood. Mr Brown said he had settled at Southwood and was pleased that his curfew had been amended. He said he had been to see the doctor as he had a "funny turn" but could not remember it. The doctor had referred him to a consultant neurologist to be assessed as to whether he had epilepsy. Mr Brown said he had an appointment later that day to claim state benefits.
30. On 5 October, the offender manager saw Mr Brown at Southwood. Mr Brown said he had made his claim for state benefits and he was waiting to receive his hospital appointment. Mr Brown asked if he would be permitted to have home leave to stay with his mother. She recorded that there were no concerns or issues with Mr Brown, and she would look into the possibility of him being granted home leave.
31. On 12 October, the offender manager saw Mr Brown at Southwood. Mr Brown said he had registered for a Post Office bank account so his benefits could be paid into it. He said he had an appointment at the hospital on 18 October, and that his sister would be accompanying him. She told Mr Brown that his home leave had been granted for 15 and 16 October, and he had to return by his night curfew time on 16 October.
32. On 15 and 16 October, Mr Brown stayed with his mother at her home address. He returned to Southwood on 16 October before his curfew at 11.00pm.
33. On 18 October, Mr Brown attended his hospital appointment. He was diagnosed with epilepsy and prescribed lamotrigine (for epilepsy). Mr Brown handed in his medication to AP staff, as required, for them to issue it to him each day.
34. On 19 October, the offender manager saw Mr Brown at Southwood. Mr Brown said that he had been to the hospital, had been diagnosed with epilepsy and prescribed medication. He said that he had handed his medication to AP staff as required. He said his home leave had gone well and that he had no other issues. Mr Brown admitted that he used cannabis daily. She told Mr Brown he was not allowed to smoke anywhere in the hostel. She agreed that Mr Brown could have further home leave at his mother's address on 22 and 23 October.
35. On 21 October, at 00.10am, an AP support worker, recorded that Mr Brown was in another resident's room and there was a strong smell of cannabis. She asked

Mr Brown to go to his own room. She noted that Mr Brown was unsteady on his feet as he went back to his room.

36. At 12 noon, the offender manager saw Mr Brown at Southwood. She warned him about smoking cannabis and being in another resident's room.
37. Later that afternoon, the AP manager, issued Mr Brown with a formal warning letter telling him not to smoke in the premises at Southwood and not to enter another resident's room.
38. On 22 and 23 October, Mr Brown again stayed with his mother at her home address. He returned to Southwood on 23 October, before his curfew time of 11.00pm.
39. On 24 October, Mr Brown spent the day out of Southwood. At approximately 10.20pm, he was shot three times in a street near the approved premises.
40. Other residents told AP staff what had happened. Two of the AP staff went outside to offer assistance. Emergency services had already been called and members of the public attempted to help Mr Brown. Merseyside Police confirmed that Mr Brown was pronounced dead at the scene.

Contact with Mr Brown's family

41. In line with National Probation Service guidance, the police visited Mr Brown's mother and informed her of her son's death. Later that morning, the AP manager, contacted Mr Brown's mother by phone and offered her condolences and support. In the days that followed, she maintained contact with Mr Brown's family and, in line with national guidance, the Probation Service offered a contribution to the costs of the funeral.

Support for residents and staff

42. The AP manager held a meeting with residents following the incident to inform them that Mr Brown had died and offered them support. She offered support to all staff, including those staff not on duty at the time of the incident. Trauma counselling was arranged for staff and for a resident who had witnessed the shooting.

Findings

43. We are satisfied that staff at the AP could not have foreseen or prevented Mr Brown's death.
44. We do, however, have some concerns about the way Mr Brown was managed by probation staff.
45. We are concerned that staff at Southwood had not been informed in advance that Mr Brown would be arriving and that no one had checked in advance whether it was safe for him to be co-located with the other residents.
46. Mr Brown's licence conditions included not entering the Croxteth area. This was intended to reduce the risk of him becoming involved in gang-related activities. We have seen no evidence that Mr Brown's risk had reduced while he was at Southwood and we are, therefore, surprised that his offender manager agreed to him having overnight stays at his mother's house in Croxteth only a few weeks after his release.
47. We make the following recommendation:

The Head of Public Protection for the National Probation Service North-West Division should ensure that:

- **Approved Premises are notified in advance of the arrival of new residents, particularly in the case of offenders being managed under MAPPA;**
- **where an offender with criminal gang connections is being placed in an AP, offender managers check in advance that there are no current or planned AP residents with whom the offender should not associate; and**
- **the reasons for varying key licence conditions are recorded.**

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