

**Prisons &
Probation**

Ombudsman
Independent Investigations

Independent investigation into the death of Mr Madala Washington a prisoner at HMP Coldingley on 1 April 2016

A report by the Prisons and Probation Ombudsman

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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.

We carry out investigations to understand what happened and identify how the organisations whose actions we oversee can improve their work in the future.

Mr Madala Washington died from stab wounds on 1 April 2016 while a prisoner at HMP Coldingley. He was 25 years old. I offer my condolences to his family and friends.

Homicides are rare in prison and identifying those likely to carry out such killings can be difficult. A prisoner who had earlier been involved in an altercation with Mr Washington was charged with his murder but was found not guilty.

We are satisfied that staff could not have foreseen or prevented Mr Washington's death, and that Coldingley's policies on prisoner movements and searches are appropriate and reasonable for a Category C training prison. However, regular random searches of prisoners are still critical, and we are concerned that Coldingley's policy on searching, although reasonable, is not sufficiently implemented.

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

Elizabeth Moody
Acting Prisons and Probation Ombudsman

November 2017

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Summary

Events

1. In March 2014, Mr Madala Washington was convicted of serious drug offences. He was sentenced to nine years in prison, and in October 2015, was sent to HMP Coldingley.
2. Intelligence information suggested that Mr Washington was involved in criminal activity in prison. On 25 March 2016, Mr Washington was told he could not attend Friday prayers as intelligence suggested he might be involved in an incident with other prisoners.
3. On 1 April, Mr Washington was allowed to go to prayers, as there was no intelligence to suggest he was either at risk to, or from, other prisoners. However, on the way to prayers Mr Washington was involved in an altercation with another prisoner. Mr Washington punched the other prisoner, which resulted in the two men fighting. Staff separated Mr Washington and the other prisoner and soon afterwards Mr Washington collapsed. Staff assisted Mr Washington and established that he had been stabbed. Staff and paramedics tried to resuscitate Mr Washington, but he died of his injury.
4. Accounts which surfaced after Mr Washington's death alleged that in the weeks before his death, Mr Washington and the other prisoner were in dispute after Mr Washington failed to return a mobile phone that he had lent him.
5. The other prisoner was charged with the murder of Mr Washington but was found not guilty. The perpetrator remains unknown.

Findings

6. Coldingley's decision to allow Mr Washington to attend Friday prayers on 1 April was reasonable given that there was no intelligence available identifying that Mr Washington was at risk from other prisoners. Staff could not reasonably have anticipated what happened that day.
7. Nevertheless, Coldingley's local policy on searching is not sufficiently robust or clear and staff do not always search prisoners at random before they move from one area of the prison to another.

Recommendations

- The Governor should review Coldingley's searching policy and satisfy herself that an appropriate number of prisoners are routinely and randomly searched before they move from the residential units.

The Investigation Process

8. The investigator issued notices to staff and prisoners at HMP Coldingley informing them of the investigation and asking anyone with relevant information to contact him. No one responded.
9. The investigator obtained copies of relevant extracts from Mr Washington's and other prisoners' records.
10. The investigator interviewed ten members of staff at Coldingley in April 2017. He invited the other prisoner to be interviewed, but he did not respond.
11. We informed HM Coroner for Surrey of the investigation and have sent him a copy of this report.
12. One of the Ombudsman's family liaison officers contacted Mr Washington's family to explain the investigation and to ask if they had any matters they wanted the investigation to consider. The Ombudsman's family liaison officer and the investigator met Mr Washington's family, and discussed a number of their ongoing concerns, which we have addressed either in this report or through separate correspondence.
13. Mr Washington's family received a copy of the initial report. They did not make any comments.

Background Information

HMP Coldingley

14. HMP Coldingley is a Category C prison on the outskirts of London, holding just over 500 adult male prisoners. Coldingley's primary purpose is to provide prisoners with the opportunity to experience a typical working day to prepare them for a purposeful life on release. Coldingley has a wide range of fully operational workshops, two of which provide jobs in printing and metal manufacturing and servicing.
15. Like many other Category C prisons, Coldingley operates a free-flow system when prisoners walk freely, with minimal supervision, at meal times or to attend work, appointments and exercise.

HM Inspectorate of Prisons

16. The most recent inspection of Coldingley was in February to March 2017. Inspectors reported that the majority of prisoners felt that Coldingley was generally safe and that levels of violence were relatively low, but cited some serious incidents. Inspectors noted that prisoners misusing drugs or getting into debt were more likely to be victims of violence.
17. Inspectors reported that security arrangements were generally proportionate and that prisoners had good access to free-flow, allowing them to move about the prison unescorted. Intelligence reports were well written and were analysed promptly

Independent Monitoring Board

18. Each prison has an Independent Monitoring Board (IMB) of unpaid volunteers from the local community who help to ensure that prisoners are treated fairly and decently. In its latest annual report for the year to August 2016, the IMB reported concerns about the increase of violence and bullying amongst prisoners, which they believed was fuelled by the illegal availability of new psychoactive substances (NPS), aided by the availability of mobile phones. The IMB were concerned about the availability of illegal weapons which they said worsened the situation and reported that cell searches had resulted in a number of weapons and mobile phones being found.

Previous deaths at HMP Coldingley

19. Mr Washington's death is the first murder at Coldingley since the Ombudsman started investigating deaths in custody in April 2004.

Key Events

Mr Madala Washington

20. On 28 March 2014, Mr Washington was convicted for supplying Class A drugs and sentenced to nine years in prison. Between 2013 and 2015, he spent time in a number of London prisons. On 29 October 2015, he was moved from HMP Isis to HMP Coldingley.
21. On 1 April 2016, Mr Washington was involved in an altercation with another prisoner, while the two men made their way to the multi-faith room for Friday prayers. Other prisoners were close by and some tried to intervene to stop the fight. During the incident, Mr Washington was stabbed in the chest and died a short time later. The perpetrator remains unknown.

Another prisoner

22. On 25 November 2015, the other prisoner moved to Coldingley. After the altercation with Mr Washington on 1 April 2016, he was charged with his murder but was found not guilty.

Events leading to the death of Mr Washington

23. On 23 March 2016, a prisoner told the prison's Imam that he had overheard other prisoners saying there would be a fight at Friday prayers involving a group of prisoners, and that Mr Washington's name had been mentioned. The prison's Imam completed an intelligence report which warned that Mr Washington and another prisoner, whose name was unknown, might "cause chaos" at Friday prayers, two days later on 25 March. The report noted that this might be related to a mobile phone that Mr Washington had allegedly stolen. This information was passed to officers during their daily briefing to ensure that sufficient staff were available to supervise Friday prayers.
24. A residential manager told Mr Washington that based on the intelligence available, the Deputy Governor had decided that for Mr Washington's safety and that of other prisoners, he should not attend Friday prayers on 25 March. He told Mr Washington that staff would review the situation the following week and that the Imam would speak to him personally about it. Although Mr Washington was not happy with the decision, he accepted it.
25. The prison's Imam visited Mr Washington in his cell and explained to him again why he had not been allowed to attend prayers. The Imam said that Mr Washington was upset but was respectful, polite and accepted the decision. There was no security intelligence between 23 March and 1 April about Mr Washington's attendance at Friday prayers or that he was at threat from or a risk to other prisoners.
26. The prison's Imam spoke to the Head of Security in the days before Friday prayers on 1 April, but could not recall exactly when. He said he explained to her that Mr Washington was upset that he had not been allowed to attend Friday prayers the previous week and wanted to go on 1 April.

27. The Head of Security said that the Imam spoke to her on either 31 March or 1 April to ask if Mr Washington could attend Friday prayers. She said the Imam had no concerns about Mr Washington going. She checked Mr Washington's security record to see if there was any further intelligence to indicate any risk to or concerns about him or other prisoners. There was none. She decided that Mr Washington could attend Friday prayers on 1 April.

1 April 2016

28. On the morning of 1 April, Mr Washington asked if he was allowed to go to Friday prayers. A Supervising Officer (SO) decided that Mr Washington could as there was no suggestion that he had been banned from attending for more than a week. He told the investigator that he could not recall who he had spoken to, but said he would have spoken either to the duty governor or duty manager before making a decision. Although the records are not clear, it appears that the SO's and the Head of Security's decisions to allow Mr Washington to attend prayers were made independently of each other.
29. At 12.41pm, the control room confirmed that the movement of prisoners to Friday prayers could start. Prisoners waiting in the association rooms on the wings made their way to the multi-faith room. When Mr Washington reached the stairwell leading to the multi-faith room, he waited for a prisoner to arrive.
30. When the other prisoner arrived at the foot of the stairwell, Mr Washington pushed through a number of prisoners in front of him, and punched him before putting him in a headlock. He responded by punching Mr Washington. Around fifteen to twenty prisoners were close by and some tried to intervene to stop the fight. A prisoner, who was Mr Washington's friend, said that during the fight, he saw a knife fall to the floor, which he picked up and threw under the stairs.
31. At around 12.44pm, an officer who was at the top of the stairs outside the multi-faith room supervising the movement of prisoners, heard a disturbance and went to investigate. He saw Mr Washington and the other prisoners fighting. He called for immediate assistance on his radio. Another officer followed him.
32. The officer stopped the prisoners fighting and detained the other prisoner in a corner on the stairs mid-landing. Mr Washington walked towards the officer before collapsing. A number of other officers responded promptly to the call for assistance. He went to assist Mr Washington. Mr Washington stood up, said that he did not need any help, before he collapsed a second time. The duty manager and an officer moved Mr Washington into the recovery position. The officer called an emergency code blue at 12.45pm after Mr Washington collapsed for the second time. (A code blue is used when prisoners are not breathing.)
33. Staff initially thought Mr Washington was having a seizure. An operational support grade in the control room called for an ambulance.
34. Two nurses responded promptly and assessed that although he was unresponsive, Mr Washington was breathing. At about 12.50pm, Mr Washington stopped breathing and went into cardiac arrest. Nursing staff and officers tried to resuscitate him. As they did so, they established that Mr Washington had been stabbed in the chest. The duty manager radioed the control room to update them

and asked them to tell the emergency services. A defibrillator was applied and on three occasions, it advised to start chest compressions on Mr Washington. On the fourth occasion, the defibrillator detected a shockable rhythm, advising staff to administer a shock in order to restart the heart.

35. At 1.15pm, paramedics arrived, including paramedics from the air ambulance. They continued resuscitation efforts but were unsuccessful, and they pronounced Mr Washington dead at 1.40pm.

Contact with Mr Washington's family

36. The Head of Safer Custody and a custodial manager were appointed as family liaison officers. At around 4.30pm, they visited Mr Washington's father and told him that his son had died. They offered their support and condolences and a memorial service was later held at Coldingley. The prison contributed to Mr Washington's funeral in line with national instructions.

Support for prisoners and staff

37. After Mr Washington's death, the Governor debriefed the staff involved in the incident to ensure they had the opportunity to discuss any issues arising and to offer support. The staff care team also offered support.
38. The prison posted notices informing staff and prisoners of Mr Washington's death, and offering support. Prisoners assessed as being at risk of suicide or self-harm were reviewed in case they had been adversely affected by Mr Washington's death.

Information after the incident

39. After the incident, a prisoner told police that in the weeks leading to Mr Washington's death, he had fallen out with the other prisoner over a mobile phone. Another prisoner said that the other prisoner had assaulted Mr Washington after Friday prayers on 18 March. (This incident was not reported or known to staff at the time.) The prisoner said that he did not tell officers, but told Mr Washington not to go to the gym or to Friday prayers on 25 March to avoid contact with the other prisoner.
40. Other unsubstantiated and anecdotal evidence gathered after the incident suggests that other prisoners had encouraged Mr Washington to seek revenge for the assault on 18 March and for the other prisoner not to allow Mr Washington to "get away" with not returning his mobile phone.

Post-mortem report

41. A post-mortem examination established that Mr Washington had died as a result of a stab wound to the chest.

Findings

Consideration of risk to Mr Washington's safety

42. A residential manager told Mr Washington that he would not be allowed to attend Friday prayers on 25 March as security intelligence indicated that he might be involved in an incident with other prisoners. The next week, the Head of Security and a SO independently reviewed the decision and both concluded that there was no new intelligence to suggest that Mr Washington was at risk to or from other prisoners. The Head of Security decided that there was no reason to justify preventing Mr Washington from attending Friday prayers for a second week. Based on the intelligence available to her, her decision to allow Mr Washington to attend Friday prayers was reasonable and appropriate, and she could not reasonably have anticipated Mr Washington's death.

Prisoner movements

43. Coldingley is a Category C training prison which prepares prisoners for release. Prisoners are therefore reasonably and appropriately allowed to move freely around the prison with minimal supervision to attend work, collect meals, and attend appointments and Friday prayers.
44. Prisoners attending Friday prayers are allowed to leave their wings and make their own way to the multi-faith room with minimal supervision. A minimum of two officers supervise the movement of prisoners to Friday prayers and usually position themselves outside the multi-faith room. On 1 April, a third officer was also supervising Friday prayers.
45. In the week leading to 1 April, there was no intelligence to suggest that Mr Washington was at risk from the accused prisoner or any other prisoner, or that other prisoners were at risk from him. Staff could not have anticipated Mr Washington's death.

Prisoner searches

46. Coldingley's searching procedures say that before internal prisoner movements to work or activities, up to five prisoners should receive a rub-down search before they leave their wing and that any prisoner leaving the wing can be searched. Despite this, some staff told us they did not often randomly search prisoners leaving the wings, and those attending Friday prayers were not routinely searched. We have been unable to establish where the weapon used against Mr Washington came from or how a prisoner obtained it.
47. We are not satisfied that Coldingley's searching policy is sufficiently robust. It says, "up to five prisoners will receive a Level B search...", and that prisoners subject to ad hoc movements "may be searched". We are concerned that this allows staff not to search prisoners before movements. We consider that it is critical that staff search prisoners regularly, including in a Category C prison. Regular and random searches are an opportunity to find illicit items such as weapons and mobile phones and act as a deterrent to other prisoners. We make the following recommendation:

The Governor should review Coldingley's searching policy and satisfy herself that an appropriate number of prisoners are routinely and randomly searched before they move from the residential units.

Closed Circuit Television (CCTV)

48. On 1 April, CCTV did not cover the stairwell leading to the multi-faith room. We do not know whether this contributed to Mr Washington's choice of location to assault the other prisoner, to the unknown perpetrator's decision to use a weapon against Mr Washington or whether CCTV in this area would have made a difference to the events of 1 April. Immediately after Mr Washington's death, Coldingley identified the lack of CCTV in the stairwell to the multi-faith room as a security issue, and we note that they have since installed CCTV to cover this area.

Amnesty box

49. Amnesty boxes are installed in locations around the prison so that prisoners can anonymously surrender weapons, mobile phones and other illicit items. There is an amnesty box several metres from the stairwell leading to the multi-faith room. We were told that the amnesty boxes at Coldingley were very rarely used and were often filled with litter.
50. After Mr Washington's death, the box near the stairwell was checked. It had not been broken into or tampered with. We conclude therefore that the weapon used against Mr Washington did not come from the amnesty box, and it is likely that a prisoner carried it to the stairwell from a prison wing.
51. Mr Washington's family questioned the location of this box, and were concerned that it was not located in a quieter area of the prison, where prisoners were less likely to congregate and that CCTV did not cover the area. They speculated that a prisoner might have been taking the weapon used against Mr Washington to the box that day. While we acknowledge the family's concerns, we consider that it was reasonable for the prison to have located it in an area without CCTV because it allowed prisoners to hand in illicit items anonymously.

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