

**Prisons &  
Probation**

**Ombudsman**  
Independent Investigations

# Independent investigation into the death of Mr Brian Daniels, a prisoner at HMP Durham, on 27 September 2020

**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*



© Crown copyright 2020

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third-party copyright information you will need to obtain permission from the copyright holders concerned.

## Summary

1. 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.
2. Our office carries out investigations to understand what happened and identify how the organisations whose actions we oversee can improve their work in the future.
3. Mr Brian Daniels, who was 74 years old, died from a stroke on 27 September 2020, at HMP Durham. We offer our condolences to Mr Daniels' family and friends.
4. The clinical reviewer concluded that overall the clinical care Mr Daniels received at Durham was equivalent to that which he could have expected to receive in the community. However, she made two recommendations.
5. We found no non-clinical issues of concern.

## Recommendations

- The Head of Healthcare should ensure that staff initiate nursing care plans and risk assessments in a timely manner.
- The Head of Healthcare should ensure that staff complete an inpatient admission assessment following a prisoner's admission to the prison's inpatient unit.

## Investigation Process

6. NHS England commissioned an independent clinical reviewer, to review Mr Daniels' clinical care at HMP Durham. The clinical review is attached to this report as Annex 1.
7. The PPO investigator has investigated the non-clinical issues in Mr Daniels' care, including his location, the security arrangements for his hospital escorts, liaison with his family and whether compassionate release was considered.
8. One of the PPO's family liaison officers wrote to Mr Daniels' next of kin, his niece, to explain the investigation. She did not respond.
9. The initial report was shared with HM Prison and Probation Service (HMPPS). HMPPS did not find any factual inaccuracies. The recommendations were accepted, and the action plan is annexed to the report.

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

## Previous deaths at Durham

10. Mr Daniels was the 16th prisoner to die at Durham since September 2018. Four of the previous deaths were from natural causes, eight were self-inflicted, two

were drug-related and one awaits classification. We have previously made a recommendation about the need for nursing care plans.

## Key Events

11. On 6 December 2011, Mr Brian Daniels was sentenced to 18 years imprisonment for sexual offences. He was sent to HMP Durham on 2 March 2020. On 21 September, he was sentenced to a further six years and nine months imprisonment for additional sexual offences.
12. Mr Daniels had several health conditions including hypertension (high blood pressure), atrial fibrillation (a heart condition that causes an irregular heart rate), chronic kidney disease (a long-term condition where the kidneys do not work properly), and type 2 diabetes (a condition that causes too much sugar in the blood which can lead to serious damage in several areas of the body). Mr Daniels' diabetes was poorly controlled because of his frequent refusal to comply with his treatment. This contributed to circulation problems and he often suffered from leg pain and chronic leg ulcers (persistent leg sores). He refused to use his bed and he slept in a chair for several years before he died. He also had many falls. Following a fall in his cell on 28 November 2019, he was taken to hospital and had a hip replacement operation on 1 December.
13. Throughout his time in prison, Mr Daniels regularly refused food and medical treatments, including going to hospital. This was sometimes a form of protest, but more frequently he said it was because he wanted to hasten his death. He said on many occasions that he wanted to die in prison.
14. In 2020, Mr Daniels' health deteriorated. A significant contributory factor was his increasing resistance to all forms of treatments, including refusals to go to hospital on several occasions. On 12 August, he agreed to go to hospital after falling ill. However, once there he refused treatment and said once more that he wanted to die. On 21 August, prison and healthcare staff met with hospital staff, including palliative care consultants at the hospital. Mr Daniels had requested that all care should stop, and his carers agreed that he had the mental capacity to make that decision. He returned to prison on 24 August, under a palliative care treatment plan (care with the focus on optimising the quality of life and reducing suffering).
15. Mr Daniels died in the healthcare wing at Durham on 27 September at 4.38pm.
16. There was no post-mortem examination as the coroner accepted the cause of death provided by a prison doctor, who recorded that Mr Daniels had died from a stroke (restriction of the blood supply to the brain). The doctor listed chronic kidney disease and type 2 diabetes as contributory factors.

**Louise Richards**  
**Assistant Ombudsman**

**January 2021**