

**Prisons &
Probation**

Ombudsman
Independent Investigations

Independent investigation into the death of Mr Malcolm Cohen, a prisoner at HMP Dartmoor, on 26 October 2019

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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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 Malcolm Cohen, who was 69 years old, died of throat cancer and chronic obstructive pulmonary disease on 26 October 2019, while a prisoner at HMP Dartmoor. We offer our condolences to Mr Cohen's family and friends.
4. The clinical reviewer concluded that the care Mr Cohen received at HMP Dartmoor was equivalent to that which he could have expected to receive in the community. He has made one recommendation about a clinical issue.
5. We did not find any non-clinical issues of concern.

Recommendation

- The Head of Healthcare should review the policies and protocols around providing chronic disease management in respiratory and cardiovascular disease, with reference to NICE guidance, and ensure clinical staff follow these protocols.

Investigation Process

6. NHS England commissioned an independent clinical reviewer to review Mr Cohen's clinical care at HMP Dartmoor.
7. The PPO investigator has investigated the non-clinical issues in Mr Cohen's care, including his location, the security arrangements for his hospital escorts, liaison with his family and whether compassionate release was considered.
8. The PPO family liaison officer wrote to Mr Cohen's next of kin, his niece, to explain the investigation. She did not respond to our letter.

Previous deaths at Dartmoor

9. Mr Cohen was the fourth prisoner to die from natural causes at Dartmoor in the last two years. There have been two further deaths from natural causes since Mr Cohen's death.
10. There are no similarities between our findings in the investigation of Mr Cohen's death and the other deaths.

Key Events

11. On 12 June 2015, Mr Malcolm Cohen was sentenced to 21 years in prison for sexual offences. He was sent to HMP Exeter.
12. Mr Cohen arrived in prison with a number of pre-existing medical conditions, including chronic obstructive pulmonary disease (COPD, an inflammatory condition of the lungs which restricts air flow) for which he was prescribed inhalers, high blood pressure which was controlled with prescribed medications and depression. He was referred to the prison's mental health in-reach team (MHIRT) for support. Mr Cohen was reviewed regularly by healthcare staff.
13. On 30 October, Mr Cohen was transferred to HMP Dartmoor.
14. During his initial health screen at Dartmoor, Mr Cohen's pre-existing medical conditions were noted and his prescribed medications reviewed. Healthcare staff reviewed Mr Cohen regularly following his arrival at the prison.
15. On 3 October 2018, Mr Cohen was reviewed by a prison GP after he had complained of having a sore throat for the previous two weeks. The GP diagnosed him with a streptococcal infection. However, despite completing a course of antibiotics, Mr Cohen's symptoms did not improve. On 7 November, the GP made a two week wait referral to Derriford Hospital, Plymouth.
16. Following a review by hospital staff on 11 December, Mr Cohen was diagnosed with an aggressive type of throat cancer. Hospital staff told him that the cancer was incurable and that he had a prognosis of a matter of months. Mr Cohen told healthcare staff at the prison that he did not want to be resuscitated in the event of cardiopulmonary arrest and signed a DNACPR (do not attempt cardiopulmonary resuscitation) to that effect.
17. In March 2019, prison staff made an application for early release on compassionate grounds on Mr Cohen's behalf. However, the application was refused because he did not have a prognosis of less than three months and had a considerable amount of his sentence left to serve.
18. In June, Mr Cohen decided not to make any further applications for early release on compassionate grounds.
19. On 25 October, during a review by healthcare staff, it was noted that Mr Cohen's condition was deteriorating rapidly. He was taken to Derriford Hospital by emergency ambulance for review. Mr Cohen was not restrained.
20. Mr Cohen's condition did not improve and at 1.38pm on 26 October, Mr Cohen died. A hospital doctor confirmed Mr Cohen's death at 1.50pm.
21. A hospital doctor gave Mr Cohen's cause of death as:
 - 1a) throat cancer
 - 2) chronic obstructive pulmonary disease