

**Prisons &
Probation**

Ombudsman
Independent Investigations

Independent investigation into the death of Mr Gary Johnson, a resident at Westgate Approved Premises, on 25 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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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 we oversee can improve their work in the future.

Mr Gary Johnson died of opioid toxicity on 25 October 2019 while a resident at Westgate Approved Premises (AP). He was 43 years old. I offer my condolences to Mr Johnson's family and friends.

Mr Johnson had been at Westgate AP for sixteen days. He was a polite and respectful resident and fully complied with the rules. While he had a history of illicit drug misuse, he had successfully completed drug treatment programmes and offending behaviour courses while in prison. While at the AP, there were no indications that Mr Johnson had either misused, or was planning to misuse illicit substances.

I am satisfied that Mr Johnson received a good standard of care at Westgate AP and that staff could not have predicted or prevented his death. We have not made any recommendations.

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

Sue McAllister CB
Prisons and Probation Ombudsman

May 2021

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Summary

Events

1. On 9 October 2019, Mr Gary Johnson was released from HMP Humber on licence to Westgate Approved Premises (AP), Wakefield.
2. Mr Johnson had long history of drug misuse in the community, including heroin, crack cocaine, benzodiazepines (a prescription tranquilizer) and cannabis. However, while in prison, he had successfully completed drug treatment programmes and offending behaviour courses. Staff at Humber considered him to have made good progress.
3. Staff at the AP noted that Mr Johnson was polite and respectful and that he fully complied with the AP rules.
4. On 25 October, Mr Johnson left the AP to attend an appointment with his Offender Manager in Harrogate. Following their meeting, Mr Johnson told her that he was going to his mother's house, also in Harrogate, for a meal prior to returning to the AP.
5. However, CCTV shows that Mr Johnson went into the toilets in Sainsbury's supermarket in Harrogate at 4.03pm. At 7.00pm, while carrying out routine security checks, a security officer found Mr Johnson sitting on the toilet, unresponsive.
6. The security officer telephoned for the police and an ambulance, which arrived at 7.09pm. Paramedics confirmed that Mr Johnson had died.
7. The post-mortem report gave Mr Johnson's cause of death as opioid toxicity.

Findings

8. There was nothing in Mr Johnson's behaviour while at the AP to indicate that he was misusing, or was planning to misuse, any illicit substances. We are satisfied that staff could not have predicted or prevented his death.

Substance misuse

9. We do not know where, or when, Mr Johnson obtained the opioid found in his system. However, he was not taking any prescribed medication while at Westgate AP.

The Investigation Process

10. The investigator issued notices to staff and residents at Westgate Approved Premises informing them of the investigation and asking anyone with relevant information to contact him. No one responded.
11. The investigator visited Westgate Approved Premises on 12 November 2019 to carry out interviews with two members of staff and to obtain copies of relevant extracts from AP records.
12. We informed HM Coroner for West Yorkshire (Eastern) of the investigation. The coroner gave us the results of the post-mortem examination. Our investigation was suspended for six months while we waited for the post-mortem and toxicology results. We have sent the coroner a copy of this report.
13. We wrote to Mr Johnson's next of kin, his mother, to explain the investigation and to ask if she had any matters she wanted the investigation to consider. She did not respond to our letter.
14. The initial report was shared with the National Approved Premises Team. The team pointed out some factual inaccuracies, and this report has been amended accordingly.

Background Information

Westgate Approved Premises (AP)

15. Approved Premises (formerly known as probation and bail hostels) accommodate offenders released from prison on licence and those directed 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 healthcare and expected to register with a GP.
16. Westgate AP in Wakefield is managed by the National Probation Service. It has 18 bedrooms all of which are single occupancy.
17. Each resident is allocated a key worker to oversee their progress and wellbeing, and to help them adhere to both their individual licence conditions, and the AP rules. Staff are on duty 24 hours a day to monitor residents' behaviour and report to their offender manager.

Previous deaths at Westgate Approved Premises

18. Mr Johnson was the second resident to have died at Westgate Approved Premises.

Key Events

19. On 18 February 2019, Mr Gary Johnson was charged with malicious wounding. He was sentenced to 12 months imprisonment and sent to HMP Humber.
20. Mr Johnson had long history of drug misuse in the community, including heroin, crack cocaine, benzodiazepines (a prescription tranquilizer) and cannabis. However, while in prison, he successfully completed drug treatment programmes and offending behaviour courses. Staff considered him to have made good progress.
21. On 9 October, Mr Johnson was released from Humber on licence to Westgate Approved Premises, Wakefield. When he arrived, he had an induction session with one of the key workers at the AP, in which his licence conditions and the rules of the AP were explained to him. He was subject to a 9.00pm to 7.00am curfew. He signed the resident's induction form to indicate that he understood his licence conditions and would comply with what was expected of him.
22. During his induction, the key worker noted Mr Johnson's previous history of drug misuse. When questioned about it, he told her that he had successfully completed a drug treatment programme while in prison, and said that he would have no issues with drug or alcohol misuse while at the AP.
23. He also told the key worker that while in prison he had been treated for depression and had been prescribed mirtazapine (an antidepressant that works by restoring the balance of natural chemicals in the brain). However, his treatment had finished prior to his release. He said that although he was nervous due to the move to the AP, he had no thoughts of self-harm.
24. On 17 October, Mr Johnson saw the key worker for a review, and they discussed his progress at the AP. He told her that he was settling into the approved premises well and had no concerns, but that he did want to take on extra responsibility to help pass the time and to keep him occupied. He also said that he was keen to secure employment. The key worker told him she would refer him to Turning Point (an organisation primarily providing substance misuse support, but also assists people with disabilities and ex-offenders with education training and employment) to discuss the possibility of training courses. During the review, Mr Johnson told her that other residents were smoking cannabis in the toilets of the AP, something he did not want to get involved in. She thanked him for the information and told him she would investigate it herself.
25. On 24 October, the key worker met with Mr Johnson again to check on his progress. He told her he had an appointment with his Offender Manager (probation officer) at their office in Harrogate the following day. She asked him how he felt about the meeting and how he was getting on at the AP. He told her that he was struggling with boredom and had a lot on his mind, but that he had not used illicit drugs since his arrival at the AP. Mr Johnson also told her that he had spent his jobseeker's allowance and had no money. The key worker told him she would look into the possibility of the AP paying for a membership at the local gym to help him keep occupied. He thanked her and told her he would appreciate it if she could arrange that for him. She told him that he could speak

to staff at any time if he had any concerns or felt like he was struggling to cope. He said that he would.

26. The following day on 25 October, Mr Johnson left the AP to attend the appointment with his Offender Manager. Following their meeting, Mr Johnson told her that he was going to his mother's house in Harrogate for a meal prior to returning to the AP.
27. At 4.03pm, Mr Johnson was seen on CCTV entering the toilets in Sainsbury's supermarket in Harrogate. At 7.00pm, while carrying out routine checks prior to securing the toilets for the evening, a security officer found one of the doors to a toilet cubicle was locked. He opened it and found Mr Johnson sitting on the toilet, unresponsive. He noted that Mr Johnson had a syringe in his mouth and there was also a full syringe by his feet and glass pipe, commonly used for smoking crack cocaine.
28. The security officer telephoned for the police and an ambulance, which arrived at 7.09pm. Paramedics confirmed that Mr Johnson had died.

Post-mortem report

29. The post-mortem report gave Mr Johnson's cause of death as opioid toxicity.

Contact with Mr Johnson's Family

30. At 7.30pm, a police officer from West Yorkshire Police telephoned Mr Johnson's mother who he had listed as his next of kin, to inform her of her son's death.
31. The following day, the AP manager telephoned Mr Johnson's mother to offer her support. She told her the circumstances of his death and remained in contact with her, offering her support.
32. Mr Johnson's funeral was held on 8 August. In line with national guidance, the National Probation Service contributed toward the costs of his funeral.

Support for prisoners and staff

33. After Mr Johnson's death, the AP manager and the keyworker debriefed all the staff and residents to ensure they had the opportunity to discuss any issues arising, and to offer support.
34. The key worker also held a meeting with the residents at the AP to tell them of Mr Johnson's death and to also offer them support.

Findings

Substance misuse

35. Mr Johnson had a long history of drug misuse in the community. However, while in prison, he successfully completed drug treatment programmes and offending behaviour courses. Staff considered him to have made good progress. During his induction with the key worker, Mr Johnson said that he had successfully completed a drug treatment programme while in prison, and would have no issues with drug or alcohol misuse while at the AP. AP staff had no reason to suspect Mr Johnson was using illicit substances.
36. We do not know where, or when, Mr Johnson obtained the opioid which caused his death. However, we are satisfied that AP staff could not have predicted or prevented Mr Johnson's death.
37. We make no recommendations.

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