

**Prisons &
Probation**

Ombudsman
Independent Investigations

Independent investigation into the death of Mr Melton Hamilton, a prisoner at HMP Swaleside, on 31 December 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*



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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. 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.
3. Mr Melton Hamilton died of bronchopneumonia, caused by rectal cancer which had spread, on 31 December 2020, while a prisoner at HMP Swaleside. He was 71 years old. I offer my condolences to his family and friends.
4. The clinical reviewer found that the clinical care that Mr Hamilton received at Swaleside was equivalent to, if not better than, that which he could have expected to receive in the community. Although Mr Hamilton contracted COVID-19 11 days before he died, the clinical reviewer found that this did not affect his general clinical condition.
5. We did not find any non-clinical issues of concern. It was good practice that Swaleside took Mr Hamilton's health into account and did not restrain him when he travelled to hospital in the six months before he died.

The Investigation Process

6. NHS England commissioned an independent clinical reviewer to review Mr Hamilton's clinical care at Swaleside.
7. The PPO has investigated non-clinical issues, including Mr Hamilton's location, the security arrangements for his hospital escorts, liaison with his family and whether compassionate release was considered.
8. Our family liaison officer contacted Mr Hamilton's next of kin, his wife, to explain the investigation and to ask if she had any matters she wanted us to consider. She wanted to understand fully his living and care environment in the months before he died.
9. Mr Hamilton's wife received a copy of the draft report. She did not make any comments.
10. The initial report was shared with HM Prison and Probation Service (HMPPS). HMPPS did not find any factual inaccuracies.

Previous deaths at HMP Swaleside

11. Mr Hamilton was the tenth prisoner to die at Swaleside since December 2018. Of those deaths, eight (including Mr Hamilton's) were from natural causes, one was self-inflicted and one was drug-related. There are no similarities between our findings in the investigation of Mr Hamilton's death and those of the previous deaths.

Key events

12. In December 2015, Mr Melton Hamilton was sentenced to 25 years in prison for sexual offences. He was transferred to HMP Swaleside in 2016.
13. In June 2018, Mr Hamilton saw a prison GP because he had lumps in his neck and right armpit. He was diagnosed with lymphoma (cancer of the lymphatic system) in September, and treated successfully with chemotherapy over the following months.
14. In September 2018, Mr Hamilton also had a routine colonoscopy which identified a rectal tumour. This was considered pre-cancerous.
15. On 6 August 2019, Mr Hamilton had a biopsy taken of his rectal tumour.
16. On 18 November, Mr Hamilton's oncologist (a cancer doctor) reviewed him. The biopsy results were inconclusive. A further scan showed that the tumour had spread to nearby lymph glands. His clinical condition had deteriorated significantly, and he had a de-functioning colostomy (an operation to bring the bowel out through an opening in the stomach).
17. On 27 November, Mr Hamilton was discharged from hospital, with a diagnosis of rectal cancer, for which he had chemotherapy and radiotherapy, completed in February 2020.
18. In April, a hospital oncologist reviewed Mr Hamilton and a scan showed that the tumour had shrunk.
19. In May, Mr Hamilton was diagnosed with a lower respiratory tract infection but tested negative for COVID-19.
20. In June, Mr Hamilton was referred to the palliative care team for end-of-life care. A social care team assessed him and he signed an order not to be resuscitated if his heart or breathing stopped.
21. On 21 August, Mr Hamilton was admitted to hospital and transferred to a hospice.
22. On 27 August, Mr Hamilton's application for early release on compassionate grounds was refused because he did not have a specialist prognosis and his risk of reoffending was high.
23. On 30 August, Mr Hamilton was discharged from the hospice and returned to Swaleside but he was admitted to hospital in October with chest pain as the rectal cancer had spread to his lungs.
24. Mr Hamilton's physical health continued to deteriorate and on 18 December, he was transferred from Swaleside's Palliative Care Unit to a hospice.
25. On 20 December, Mr Hamilton tested positive for COVID-19 and the following day, he was sent back to Swaleside to prevent the transmission of COVID-19 to other residents and the escort staff.

26. On 24 December, Mr Hamilton's health deteriorated further but he declined the offer to be readmitted to the hospice. He died at Swaleside on 31 December.

Post-mortem report

27. The post-mortem established that that Mr Hamilton died of bronchopneumonia, caused by rectal cancer which had spread.
28. Mr Hamilton tested positive for COVID-19 11 days before he died. However, COVID-19 is not listed as cause of death, nor a contributory factor.

Inquest

29. On 29 October, the inquest into Mr Hamilton's death took place and found that he also had lymphoma (lymphatic cancer), which did not cause but contributed to his death.

Caroline Mills
Assistant Ombudsman

December 2021

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