

**Prisons &
Probation**

Ombudsman
Independent Investigations

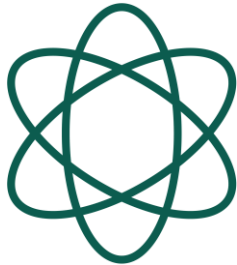
Independent investigation into the death of Mr Dean McConville on 23 October 2021, following his release from HMP Altcourse

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

OGI

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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. From 6 September 2021, the PPO has been investigating post-release deaths that occur within 14 days of the prisoner's release.
3. We carry out investigations to understand what happened and identify how the organisations whose actions we oversee can improve their work in the future.
4. Mr Dean McConville died of heroin toxicity on 23 October 2021, two days after his release from HMP Altcourse. He was 50 years old. I offer my condolences to those who knew him.
5. Mr McConville had a long history of substance abuse including heroin (an opioid). He died from a heroin overdose. While staff at Altcourse gave Mr McConville training on how to use naloxone (a medicine that rapidly reverses an opioid overdose), they failed to give him a naloxone kit when he was released from prison. The Head of Healthcare accepted that this had been an oversight.
6. We found that probation services and the resettlement team at Altcourse put appropriate measures in place to support Mr McConville when he was released.

Recommendations

- The Head of Healthcare should ensure that prisoners who are assessed as being in danger of opioid overdose are provided with naloxone training and given a naloxone kit when they leave prison.

The Investigation Process

7. NHS England commissioned an independent clinical reviewer to review Mr McConville's clinical care at HMP Altcourse.
8. The PPO investigator obtained copies of relevant extracts from Mr McConville's prison and probation records.
9. On 21 January 2022, the investigator and clinical reviewer interviewed three members of the Altcourse healthcare staff, and one member of the prison's resettlement team. The clinical reviewer interviewed another member of healthcare staff separately on 4 March.
10. We informed HM Coroner for Liverpool and the Wirral of the investigation. The Coroner gave us the results of the post-mortem examination. We have sent the Coroner a copy of this report.
11. The Ombudsman's family liaison officer contacted Mr McConville'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.
12. The initial report was shared with HM Prison and Probation Service (HMPPS). HMPPS found no factual inaccuracies.

Background Information

HMP Altcourse

13. HMP Altcourse is a local prison run by G4S and holding up to 1,164 men, including around 100 young adults. As a local prison one of its primary functions is to serve the courts of Merseyside, Cheshire and North Wales and has a very high turnover of prisoners. Healthcare is provided by G4S Health Services.

HM Inspectorate of Prisons

14. The most recent inspection of Altcourse was in November 2021. Inspectors reported that there were staff shortages in the substance misuse clinical team, though recruitment was underway. Very limited non-clinical support was available to provide prisoners with psychosocial support. Prisoners received naloxone and training in how to use it, and information was shared with community services to support them on release.

Probation Service

15. Probation services supervise individuals serving community orders, provide offenders with resettlement services while they are in prison (in anticipation of their release) and supervise all individuals sentenced for offences committed after the Offender Rehabilitation Act 2014, for a minimum of 12 months after they are released from prison.

Key Events

November 2020 – May 2021

16. In November 2020, Mr Dean McConville was remanded in prison custody following a breach of a restraining order and threats to kill. He was sent to HMP Liverpool. In January 2021, he was convicted and sentenced to 12 months imprisonment.
17. Mr McConville had a long history of substance misuse including alcohol, cannabis, amphetamines, heroin and crack cocaine.
18. In May, Mr McConville failed a mandatory drugs test. He tested positive for buprenorphine (a prescription opioid painkiller), which he had obtained illicitly. He told the substance misuse team that he had taken the drug because he was due to be released that month and wanted an opiate blocker to deter him from using opiates once out of prison. A substance misuse team member warned him about putting himself at risk of overdose when released. However, they continued his buprenorphine on prescription to combat his triggers and cravings on release, and it was to be managed by the community substance misuse team (We Are With You).
19. On 28 May, Mr McConville was released from Liverpool on licence. He was given a naloxone kit (a medicine that rapidly reverses an opioid overdose), and he was provided with supported accommodation in the community.

May 2021 – September 2021

20. Initially Mr McConville's compliance with his supervision was good but deteriorated when he lapsed back into substance misuse.
21. On 17 June, Mr McConville was incoherent in a telephone call with his Offender Manager (OM) but denied any substance misuse. However, when he met her face to face on 23 June, he admitted to drinking heavily and that he had used crack cocaine.
22. On 1 July, Mr McConville was discharged from We Are With You due to non-compliance and refusing to engage with them.
23. At the beginning of August, Mr McConville moved to new supported housing managed by Creating Change Housing (CC Housing). In a telephone call later that month to his Offender Manager, he admitted that he had lapsed back into alcohol use. He then missed a telephone appointment with her. She sent him a warning letter on 27 August. His next appointment was 3 September.
24. On 1 September, after drinking a lot of alcohol, Mr McConville attempted to take his life by overdosing on the prescription drug pregabalin. However, he changed his mind, and he was saved by paramedics and taken to hospital. He remained in hospital until he discharged himself on 13 September. While he was there, he underwent a medically supported detoxification for alcohol.
25. The Offender Manager engaged with Mr McConville on his release from hospital and part of his action plan was to attend Wirral Ways, a substance misuse counselling service. However, he cancelled his appointment with them on 21 September. While he was in hospital Mr McConville was also issued with a final

eviction warning by his accommodation provider. On 23 September, housing staff found Mr McConville unwell in his room and under the influence of alcohol, heroin and cannabis. He was taken to hospital and his accommodation was withdrawn.

25 September – 21 October 2021

26. On 25 September, Mr McConville was recalled to prison for a fixed period of four weeks. His recall dossier said that he was no longer manageable in the community and that a return to prison would enable Mr McConville to engage with substance misuse and mental health services in custody and provide some stability before release again on additional licence conditions. He was sent to HMP Altcourse.
27. Mr McConville's Person Escort Record (PER – a form that accompanies prisoners between police custody, courts and prisons which sets out the risks they pose) said that he had a history of numerous self-harm incidents, that he had a chronic dependence on alcohol and that he had a dependence on heroin. Staff started suicide and self-harm prevention procedures (known as ACCT) and made referrals to the substance misuse and mental health teams.
28. Mr McConville was located on the detoxification wing, and although he did not undergo detoxification following the earlier hospital interventions, it provided a supportive environment for him.
29. On 26 September, Mr McConville had a mental health assessment. It did not identify any acute risks, and he had no further contact with mental health services.
30. Mr McConville was seen in the substance misuse clinic on 27 September. He said that he sometimes took heroin but mainly abused alcohol. He was trained on how to use naloxone at that meeting. He did not have any further engagement with the substance misuse team at Altcourse.
31. Staff closed Mr McConville's ACCT on 18 October. However, in the week before his release, Mr McConville became anxious, especially over uncertain accommodation arrangements.
32. On 21 October, Mr McConville was released from prison.

Pre-release planning

33. Prior to his release from Altcourse, there was good communication between the Offender Manager and the resettlement team at Altcourse, with the focus on securing accommodation for Mr McConville when he came out of prison. The Offender Manager spoke to Mr McConville several times on the telephone in that period. A probation service officer (PSO) who was Mr McConville's resettlement officer at HMP Altcourse, met him on 11 October (COVID-19 restrictions had prevented a face to face meeting before then) to discuss his concerns. The PSO also had a meeting with him on the day before his release to make sure that he was able to cope with the practical arrangements.
34. Another member of the Altcourse resettlement team started the process of finding accommodation for Mr McConville early on in his recall period. However, housing availability and Mr McConville's eviction in September meant that there were limited options, and the situation was only resolved on the day of his release. He was assessed as too high risk for hotel accommodation because of his mental health

background and there were no hostel placements available. However, the North West Homeless Prevention Team managed to find him accommodation in CAS3 housing (short term accommodation with low level support which can be made available to prisoners on release who would otherwise be at risk of being homeless). On 21 October, Mr McConville went to an address on the Wirral, where he was due to stay until 27 October before moving to new CAS3 accommodation in Liverpool which would have been available for several weeks.

35. The uncertainty about Mr McConville's accommodation made aspects of his pre-release planning difficult. A referral was made to We Are With You in Liverpool, but he ended up with a placement in the Wirral for a few days first, and it was not practical to make formal arrangements with substance misuse services there. However, the Offender Manager told him to go to Nightingales Café in Birkenhead, a community café for people with substance misuse problems supported by Wirral Ways, which was just off the same road as Mr McConville's house about three quarters of a mile away. It is not known if he went.
36. Prior to his release, healthcare staff at Altcourse contacted Mr McConville's GP in the community to let them that he was going to be released. When he left the prison, they gave him a supply of his medications, but they did not give him naloxone.

Post-release

37. Mr McConville complied with his release conditions. He had been very anxious about the timing of his appointments on the day of his release, and the resettlement officer helped him with the arrangements the day before he was released and gave him directions for where he had to go.
38. Mr McConville moved into a shared property which was serviced by a housing management company, but not staffed.
39. At around 8.30pm on 23 October, another resident went to check on Mr McConville who had been intoxicated earlier in the day and had been lying in the hallway for several hours. When he realised that Mr McConville was unresponsive, he called the emergency services.
40. Paramedics were unable to revive Mr McConville, and they confirmed death at 8.43pm. Police found drug paraphernalia in Mr McConville's room.

Post-mortem and inquest

41. Toxicology tests found traces of cocaine and morphine (from heroin) in Mr McConville's body. Although the morphine level was not particularly high, the pathologist concluded that it was likely that following Mr McConville's time in prison, his tolerance to opioids would have reduced. He gave heroin toxicity as the cause of death.
42. At an inquest on 31 January 2022, the Coroner determined that Mr McConville's death was drug related.

Findings

Clinical care at HMP Altcourse

Substance misuse

43. The clinical reviewer found that staff had put appropriate care plans in place for Mr McConville's substance misuse and alcohol dependency. The clinical reviewer also noted that Mr McConville benefitted from peer support as he was located on the prison's substance misuse wing.
44. Although staff at Altcourse gave Mr McConville training on how to use naloxone, they failed to give him a naloxone kit when he was released from prison on 21 October. He died from a heroin (opioid) overdose two days later. The Head of Healthcare at Altcourse accepted that this had been an oversight. We recommend:

The Head of Healthcare should ensure that prisoners who are assessed as being in danger of opioid overdose are provided with naloxone training and given a naloxone kit when they leave prison.

Mr McConville's release accommodation

45. When asked at interview, Mr McConville's resettlement officer said that Mr McConville ideally required supported accommodation. Had he been in an Approved Premises, it is very unlikely that he would have been lying in a communal area for so long without intervention. However, it was not possible to provide supported accommodation for Mr McConville. This was because of both his recent history in the community and because of availability of a limited resource, and not because of a lack of effort by Altcourse or the Probation Service.
46. The resettlement team at Altcourse began the process of sourcing accommodation for Mr McConville early and were persistent in their attempts to find somewhere for him, although in the end confirmation of his accommodation arrangements were only made on the day of his release. Communications between the resettlement team and Mr McConville's Offender Manager were good. We make no recommendation.

Sue McAllister

Prisons and Probation Ombudsman

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