

**Prisons &  
Probation**

**Ombudsman**  
Independent Investigations

# **Independent investigation into the death of Mr Paul Davies, on 27 February 2022, following his release from HMP Highpoint**

**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. From 6 September 2021, the PPO has investigated post-release deaths that occur within 14 days of a 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 Paul Davies died from a drug overdose on 27 February 2022, following his release from HMP Highpoint on 25 February. He was 50 years old. We offer our condolences to his family and friends.
5. We found that when Mr Davies was released from custody, he did not have an agreed release address, or an induction appointment scheduled with probation services.

## Recommendation

- The Head of North Essex Probation Delivery Unit should ensure that the Community Offender Manager (COM) reschedules and maintains induction appointments for their service users should they be unable to attend their initial following release.

## Learning to highlight outside our remit

6. Mr Davies was released from prison homeless, and without even temporary emergency accommodation in place. The provision of suitable accommodation for people leaving prison is challenging and is an issue that extends beyond the remit of Highpoint or local probation services. The local authority will want to be aware of the issues raised in this case.

## Investigation Process

7. The PPO investigator obtained copies of relevant extracts from Mr Davies' prison and probation records. On 13 December 2022, the investigator interviewed two senior probation officers who at the time were at the Liverpool South Probation office.
8. We informed HM Coroner for East London of the investigation. The coroner gave us the results of the post-mortem examination. We have sent him a copy of this report.
9. The PPO family liaison officer wrote to Mr Davies' nominated next of kin, his father, to explain the investigation. He asked if Mr Davies had leukaemia, whether he had met his probation officer the day after he was released from prison and for any additional information about the events leading to his death. We have addressed these questions in this report.
10. Mr Davies' family received a copy of the initial report. They did not raise any further issues, or comment on the factual accuracy of the report.
11. The initial report was shared with HM Prison and Probation Service (HMPPS). HMPPS pointed out two factual inaccuracies and this report has been amended accordingly. HMPPS also raised a number of questions that do not impact on the factual accuracy of this report. We have provided clarification by way of separate correspondence.

## Background Information

### HMP Highpoint

12. HMP Highpoint is a Category C prison in Suffolk, holding up to 1,319 men across two sites (North and South). Care UK provides general and mental health services at the prison seven days a week between 7.45am and 6.15pm from Monday to Friday and 8.00am to 6.00pm at weekends. NHS 111 and emergency services are used out of hours, if required.

### Probation Service

13. The Probation Service work with all individuals subject to custodial and community sentences. During a person's imprisonment, they oversee their sentence plan to assist in rehabilitation, as well as prepare reports to advise the Parole Board and have links with local partnerships to which, where appropriate, they refer people for resettlement services. Post-release, the Probation Service supervises people throughout their licence period and post-sentence supervision.

## Key Events

14. On 6 July 2019, Mr Paul Davies was sentenced to four years in prison for burglary. This was not his first time in prison, and he had a history of substance misuse (heroin and cocaine).
15. On 6 June 2020, a resettlement worker completed a Basic Custody Screening (BCS) with Mr Davies. The BCS tool is a standardised HMPPS assessment used to identify a prisoner's needs (both in custody and on release) and any risk they pose. The form transfers with the prisoner's record as he transfers to different prisons. In the BCS, the resettlement worker identified housing issues and noted that housing support would need to be provided nearer release.
16. On 25 September 2020, Mr Davies was transferred to HMP Highpoint.
17. On 6 December 2021, Mr Davies was expected to attend court by video link for outstanding offence charges, but he refused to participate.

## Pre-release planning

18. On 13 December 2021, the prison resettlement team reviewed the BCS form and received a completed resettlement questionnaire from Mr Davies in preparation for his forthcoming release. In it, he wrote:

"I intend to commit suicide on my release day - I won't need to go anywhere" and "I don't want nothing from anyone as I will be dead before lunch on 26th Feb."
19. The resettlement officer immediately alerted the duty governor, safer custody and security teams. Safer custody staff asked if suicide and self-harm prevention procedures, known as ACCT, should begin. The duty governor told wing staff to go and speak to Mr Davies. Later that day, two officers from Safer Custody spoke to Mr Davies about what he had written. Mr Davies denied making the statement or having any suicidal intent. He said that staff must have confused his details with those of another prisoner. The officers decided not to start ACCT procedures but informed the safer custody team.
20. On 14 December, the resettlement officer notified staff in safer custody that a copy of the BCS form had been sent to them and that Mr Davies had claimed it was mistaken identity as he had no thoughts of suicide or self-harm. He notified Mr Davies' community offender manager (COM) that the resettlement form had been returned incomplete but contained comments about an intention to harm himself on release. However, the prison was unable to take any further action as Mr Davies had not agreed for them to share any information with anyone, including community services.
21. On 21 December, the resettlement team wrote to Mr Davies to ask if he wanted to use their services. He did not reply. They noted that because Mr Davies did not engage with them, they were unable to assess or address his release needs.
22. On 19 January 2022, Mr Davies provided a proposed release address in Essex, but did not supply any details about the accommodation. Colchester Probation Office

began preparations for his release licence, but Mr Davies' COM noted that Mr Davies would be homeless on release as he had failed to engage with the prison resettlement team and had not given his consent to share any information about the address in Essex.

23. On 15 February, Mr Davies was allocated a new COM in the Colchester Probation Office in Romford.
24. On 21 February, Mr Davies' COM contacted Highpoint to ask if Mr Davies had given them any other potential release addresses. Highpoint provided an address in the Liverpool area for Mr Davies' sister. That day, Mr Davies' COM sent a transfer request to Liverpool South Probation and asked them to provide an induction appointment for Mr Davies' release. She also asked them to visit the property to assess its suitability.
25. On 24 February, a Senior Probation Officer (SPO) at Liverpool South Probation told Mr Davies' COM that they had not been able to complete a home visit at that address as Mr Davies' sister would not allow them inside the property. As a result, he said that Liverpool South Probation could not accept the transfer and did not provide an induction appointment for Mr Davies.
26. Later that day, Mr Davies' COM in the Colchester Probation Office spoke to Mr Davies' sister, who subsequently agreed for Liverpool Probation Services to visit and assess her home. Mr Davies' COM contacted Liverpool South Probation and explained that Mr Davies was adamant that he was going to the Liverpool area when released. She asked them to attempt another home visit which they agreed to do. However, they said that they would not be able to complete this until after his release (as he was due for release the following day, a Friday). Liverpool South Probation did not provide an induction appointment for Mr Davies' release.

## **Post-release**

27. At approximately 10.30am on Friday 25 February, Mr Davies was released from prison. Prison staff gave him his licence (which stated that he should report to the Colchester Probation Office in Romford at 2.00pm that day), prison discharge papers and a small amount of money. However, the police arrested him immediately at the prison gate because there was a warrant for his arrest for outstanding charges and he was required to attend court.
28. The police contacted Mr Davies' COM and told her that he was likely to be released from police custody that day. They asked where Mr Davies was going to report while under probation supervision. His COM in the Colchester Probation Office said that his plan was to go to Liverpool, and she provided the police with Liverpool South Probation contact details. At interview, the Liverpool South Senior Probation Officers said that there was no record of any police enquiries being made to their office.
29. Mr Davies remained in police custody until Saturday 26 February when he attended court. He was released that day and travelled to Essex. He had no contact with the probation service as no initial appointment had been arranged. (He had not been able to attend the appointment the previous day as he had been arrested on release.)

## **Circumstances of Mr Davies' death**

30. At around 9.30am on 27 February, Mr Davies was found dead in some bushes at the side of a road by a dog walker in the Borough of Havering. The police found his prison discharge papers in his pocket and noted that there were no suspicious circumstances.

## **Post-mortem report**

31. The post-mortem report concluded that Mr Davies died from morphine toxicity (heroin). The post-mortem results found no evidence of leukaemia.

## Findings

32. Mr Davies had a history of substance misuse. While he was in prison, he declined support from the prison's substance misuse service. Although he had a history of substance misuse in the community, he told prison staff that he did not have any drug issues and he did not consider it necessary to engage with substance misuse services in the community.

### Resettlement questionnaire and potential suicide risk

33. Mr Davies refused to provide information about his resettlement plans on a number of occasions. When staff reviewed Mr Davies' resettlement form, they noted that he had said that he would not be alive shortly after his release. We consider that prison staff took reasonable and appropriate steps to ascertain Mr Davies' intentions by speaking to him and finding out how he felt. It was also positive that even when Mr Davies denied making the comments in the resettlement form, they still alerted the safer custody team, the duty governor, and Mr Davies' COM of their potential concerns about his risk. We are satisfied that they appropriately considered whether to start ACCT procedures and decided not to do so based on a dynamic risk assessment.
34. Although prison staff told Mr Davies' COM about his comments in the resettlement form, we saw no evidence that his COM raised this with him. However, we note that as well as denying making the comments in the resettlement form, Mr Davies supplied two potential release addresses. This suggested his intent to make plans for his release despite the resettlement form including comments that he would not need to go anywhere as he planned to take his life on his release day. With the benefit of hindsight about Mr Davies' subsequent actions, we might have expected the COM to have at least spoken to him about his potential risk of suicide. However, we are satisfied that the COM took reasonable steps to support him with his resettlement plans.

### Accommodation

35. Homelessness on release from custody is a significant and complex challenge, particularly over a weekend. Mr Davies had spent several periods homeless and sofa surfing when in the community. Initially, he provided pre-release information about potential accommodation in Essex, but did not provide sufficient information for probation staff to confirm that it was suitable. On 21 February, Highpoint then told Mr Davies' COM (who was based in Romford, where he was initially meant to be released) that he now wanted to go to Liverpool on release. Liverpool probation staff then started the process of assessing the suitability of the new address he provided (his sister's home), but they did not follow this through as it was too soon before his release to arrange to visit his sister's home, and the fact that he was released over a weekend meant that they could not complete the visit until the following week. This left Mr Davies with no accommodation in place on release.
36. When the court matters concluded the day after Mr Davies' release, he was released homeless from police custody on a Saturday without any new reporting instructions. (He had reporting instructions for the previous day when he was

released from prison but could not attend as he was arrested on release.) It appears that the probation service was still exploring suitable accommodation options for him. They had planned to visit his sister's home in Liverpool the following week.

37. Since Mr Davies's death, Ministers committed in June 2022 to stop releasing prisoners on a Friday or over the weekend, as there are no opportunities for them to meet significant contacts to arrange accommodation or put in place any other support measures. This would not necessarily have benefitted Mr Davies as he was arrested on release and was placed in police custody overnight. While court matters do not fall within our remit, we note that Mr Davies' court hearing and subsequent release on a Saturday meant that he was left homeless and without appropriate support in place over the weekend.

## **Induction appointment**

38. HMPPS has a policy framework for case transfers due to geographical moves which states that there should be a presumption towards agreeing a case transfer which is only considered complete when the management responsibility for the case passes from the transferring area to the receiving area. This should be formalised through the allocation process that records the transferred status with a named Responsible Officer.
39. Mr Davies had an induction appointment at Colchester Probation Office on the afternoon of his release from prison. His COM had appropriately set this up because she had initially expected Mr Davies to come to Essex. When Mr Davies' plans changed and he wanted to go to Liverpool on release, his COM began arrangements for Liverpool South Probation to take over his care. However, this fell through as Liverpool South could not satisfy themselves about the proposed accommodation before Mr Davies was released from custody. Although they agreed to visit the proposed address the following week, they refused to arrange an induction appointment for Mr Davies without confirming that his accommodation was suitable.
40. However, once Liverpool South refused to take Mr Davies' onto their caseload, it was appropriate for Colchester Probation Office to maintain their induction appointment with Mr Davies. While we recognise that he was not available to attend the induction appointment set up for the afternoon of his release date as he was arrested, we would have expected the Colchester Probation Office to arrange a subsequent appointment. We acknowledge that these options would have not been satisfactory in this case and are unlikely to have changed the outcome for Mr Davies as it was a Saturday. It is extremely regrettable that Mr Davies would have been left without any appointments in place until the following week. We recommend:

**The Head of North Essex Probation Delivery Unit should ensure that the Community Offender Manager (COM) reschedules and maintains induction appointments for their service users should they be unable to attend their initial following release.**

**Kimberley Bingham  
Acting Prisons and Probation Ombudsman**

**April 2023**

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