

**Prisons &
Probation**

Ombudsman
Independent Investigations

Independent investigation into the death of Mr Manoel Santos, a prisoner at HMP Belmarsh, on 2 November 2020

A report by the Prisons and Probation Ombudsman

OUR VISION

To deliver high quality and timely independent investigations and work closely with partners to achieve tangible benefits for the safety and confidence of those in custody and under community supervision.

WHAT WE DO



WHAT WE VALUE



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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 Manoel Santos died on 2 November 2020, having been found hanging in his cell in HMP Belmarsh. Mr Santos was 50 years old. I offer my condolences to Mr Santos' family and friends.

Mr Santos was a Brazilian national who had lived in the UK for many years. Shortly before he was due to be released from prison, he was served notice that the Immigration Service were considering his deportation, and he was going through the appeals process. There was some intelligence that another prisoner had been verbally abusing Mr Santos on account of his sexuality. Despite these issues, we do not consider that staff had reason to have considered him at imminent risk of self-harm or suicide before he died.

We are concerned that reports of bullying were not properly followed up. We also found some deficiencies in the emergency response, although these are unlikely to have affected the outcome for Mr Santos.

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

Sue McAllister CB
Prisons and Probation Ombudsman

December 2021

Contents

Summary.....	1
The Investigation Process.....	3
Background Information	4
Key Events	6
Findings	10

Summary

Events

1. Mr Manoel Santos was a Brazilian national who had lived in the United Kingdom since March 1997. In October 2019 he was remanded to prison charged with arson.
2. In November 2019, he moved to HMP Belmarsh. He said that he had been diagnosed with depression and anxiety, and was on anti-psychotic medication. He was referred to the mental health team.
3. Mr Santos was subject to Prison Service suicide prevention measures (known as ACCT) twice, with the last ACCT closed on 28 February 2020.
4. On 6 May, Mr Santos was sentenced to two years imprisonment and told staff that he was relieved at the outcome. He was due to be released from prison at the end of October.
5. Mr Santos saw his mental health care co-ordinator regularly. He engaged well and raised no concerns. During the COVID-19 restrictions, he had regular wellbeing checks with officers from Belmarsh's Safer Custody Department and, again, he raised no concerns.
6. At the end of September, a prisoner told staff that another prisoner was directing homophobic abuse at Mr Santos. The member of staff submitted a security report, and the security department suggested that the wing manager should interview Mr Santos and complete a Discrimination Incident Reporting Form. There is no evidence that staff took any action.
7. On 5 October, the Immigration Service served Mr Santos a notice of a decision to make a deportation order. This meant he would not be released from prison at the end of his sentence while his deportation was considered. Offender Management Unit (OMU) staff gave him bail forms and explained the application process to him. Staff offered support and, although he was disappointed, Mr Santos appeared to be coping with the news and working through the process.
8. In the early hours of 2 November, the night officer found Mr Santos hanging during a routine check. She pressed the general alarm and radioed for medical assistance. She ran to the office to telephone the control room and request an ambulance. Staff responded to the alarm and went into Mr Santos' cell. They lowered Mr Santos to the floor and tried to resuscitate him, despite signs of rigor mortis, until ambulance staff arrived and took over. At 3.30am, it was confirmed that Mr Santos had died.

Findings

Assessment, Care in Custody and Teamwork (ACCT)

9. While there were shortcomings in the management of Mr Santos' risk of suicide and self-harm earlier in his sentence, we do not consider that staff could have predicted

his death in November. We found evidence that he was well-supported throughout his time at Belmarsh, including in relation to the late notice that he was being considered for deportation.

Bullying

10. Intelligence suggested that Mr Santos was being bullied. The security department sent a generic email asking managers on Mr Santos' wing to investigate, but no one recalled seeing this and no one acted on it. There was no system for following this up.

Mr Santos' clinical care

11. The clinical reviewer concluded that Mr Santos's clinical care was equivalent to that he could have expected in the community. She made recommendations that did not relate directly to the circumstances of his death but that the Head of Healthcare will want to address.

Emergency response

12. We are concerned that the night officer did not use a medical emergency code when she found Mr Santos hanging and did not think that she was allowed to enter a cell on her own. It is unlikely that these delays would have had a bearing on the outcome for Mr Santos, but such delays could prove crucial in future medical emergencies.
13. We are concerned that staff tried to resuscitate Mr Santos despite signs of rigor mortis, contrary to national guidance.

Recommendations

- The Governor should ensure that there is an effective process in place for following up reports of bullying.
- The Governor should remind all staff of the need to use the correct codes in medical emergencies.
- The Governor should take steps to ensure that all staff on night duty are aware of and understand the policy on opening cells at night, notably that subject to a personal risk assessment, they are permitted to enter a cell in an emergency when there is potentially a risk to life.
- The Governor should share this report with an OSG and arrange for a senior manager to discuss the Ombudsman's findings with her.
- The Head of Healthcare should ensure that healthcare staff are given guidance about the circumstances in which resuscitation is inappropriate, in accordance with European Resuscitation Council Guidelines.

The Investigation Process

14. The investigator issued notices to staff and prisoners at HMP Belmarsh informing them of the investigation and asking anyone with relevant information to contact him. Nobody responded.
15. The investigator obtained copies of relevant extracts from Mr Santos' prison and medical records.
16. The investigator interviewed seven members of staff and a prisoner at Belmarsh. NHS England commissioned a clinical reviewer to review Mr Santos' clinical care at the prison. The investigator and the clinical reviewer jointly interviewed healthcare staff. All the interviews were conducted by telephone because of the restrictions in place in response to the COVID-19 pandemic.
17. We informed HM Coroner for Inner South London District of the investigation. He gave us the results of the post-mortem examination. We have sent the coroner a copy of this report.
18. One of the Ombudsman's family liaison officers contacted Mr Santos' family in Brazil, to explain the investigation and to ask if they had any matters they wanted the investigation to consider. They did not have any questions.

Background Information

HMP Belmarsh

19. HMP Belmarsh is a high security and local prison serving the Central Criminal Court and the courts of South East London and South West Essex. It holds approximately 900 men. Oxleas NHS Foundation Trust provides healthcare services. There is 24-hour healthcare cover and a 32-bed inpatient unit. Change Grow Live (CGL) provide substance misuse services.

HM Inspectorate of Prisons

20. The most recent inspection of HMP Belmarsh was a short scrutiny visit on 26 May 2020. Inspectors reported that Belmarsh had experienced an outbreak of COVID-19, although managers had maintained the delivery of the restricted regime and had worked hard to implement social distancing guidance for staff and prisoners. Inspectors found that most staff felt that the current level of restrictions was proportionate and that reasonable steps were being taken to keep prisoners safe, although some prisoners were becoming frustrated about perceived differences between restrictions in prisons and the community.
21. The most recent full inspection of HMP Belmarsh was in January/February 2018. Inspectors reported that rates of self-harm were not high, though the quality of ACCTs varied. There were concerns about the approach to violence reduction, and fewer prisoners than at comparable prisons said that they had not experienced bullying.

Independent Monitoring Board

22. Each prison has an Independent Monitoring Board (IMB) of unpaid volunteers from the local community who help to ensure that prisoners are treated fairly and decently. In its latest annual report, for the year to 30 June 2020, the IMB reported that staff were working hard to produce a safe and secure environment. During the COVID-19 pandemic, immigration staff were not allowed to work in the prison, but liaised with the Offender Management Unit who carried out prisoner liaison on their behalf.

Previous deaths at HMP Belmarsh

23. Mr Santos was the seventh prisoner to die at Belmarsh since November 2018. Three of the previous deaths were self-inflicted, one was a homicide, and two were due to natural causes (including one from COVID-19). In a recent investigation we had concerns about staff's emergency response.

Assessment, Care in Custody and Teamwork

24. ACCT is the Prison Service care-planning system used to support prisoners at risk of suicide or self-harm. The purpose of ACCT is to try to determine the level of risk, how to reduce the risk and how best to monitor and supervise the prisoner.

25. After an initial assessment of the prisoner's main concerns, levels of supervision and interactions are set according to the perceived risk of harm. Checks should be irregular to prevent the prisoner anticipating when they will occur. There should be regular multi-disciplinary review meetings involving the prisoner. As part of the process, a caremap (plan of care, support and intervention) is put in place. The ACCT plan should not be closed until all the actions of the caremap have been completed.
26. All decisions made as part of the ACCT process and any relevant observations about the prisoner should be written in the ACCT booklet, which accompanies the prisoner as they move around the prison. Guidance on ACCT procedures is set out in Prison Service Instruction (PSI) 64/2011.

Key Events

27. Mr Manoel Santos was a Brazilian national who had been in the UK since 1997 and was granted asylum in 2019. Mr Santos lived in Home Office approved accommodation.
28. On 29 October 2019, Mr Santos was remanded into HMP High Down on charges of arson with intent to endanger life. He had set fire to his bed in an attempt to end his own life, which he said was not his first suicide attempt. He had been in prison before and had been managed under the Prison Service's process for prisoners at risk of self-harm (known as ACCT).
29. He said that he had no current thoughts or intentions of harming himself. He had longstanding problems with drugs and alcohol. He was HIV positive and was receiving treatment. He had mental health issues and said that he had recently been discharged from a psychiatric hospital, but did not want to go to the prison's healthcare unit for mental health assessment. He was referred to the mental health team.

HMP Belmarsh

30. On 26 November, Mr Santos moved to HMP Belmarsh. He was assessed as high risk for sharing a cell, due to vulnerability because of his sexuality and previous fighting when sharing a cell. Mr Santos said that he had no thoughts of self-harm. At his reception health screening he said that he had been diagnosed with depression and anxiety and was on anti-psychotic medication. He was referred to the mental health team, but did not want to be referred to the substance misuse service.
31. Mr Santos was subject to ACCT monitoring briefly on 1 and 2 December, because he threatened to self-harm after staff restrained him when he became aggressive. He moved to the over-50s wing and ACCT procedures were closed. The scheduled post-closure review did not take place.
32. On 5 December, Mr Santos had a mental health assessment. He had been diagnosed with paranoid schizophrenia and said that he heard voices, but was not on psychiatric medication. He admitted using crystal meth on a regular basis and said he had used other drugs. He was on medication to treat HIV and hypertension. He said that he had self-harmed in the past by cutting himself. It was agreed that he would remain on the mental health team caseload, be seen daily, and have regular reviews. Mr Santos agreed to take his medication and to discuss any problems.
33. Mr Santos' electronic prison record shows frequent engagement with staff, including his key worker. He did not raise any issues. His medical record similarly shows regular entries from his mental health care co-ordinator nurse, again with no problems recorded. Mr Santos also engaged with CGL, the substance misuse team.
34. Mr Santos was subject to ACCT monitoring for a second time in February 2020 when he threatened to kill himself if he received a longer than expected sentence.

After he was convicted on 28 February 2020, he told a nurse that there had been a misunderstanding and that he had no thoughts of suicide or self-harm, and the ACCT was closed.

35. On 12 February, Mr Santos saw a psychiatrist. The doctor assessed that Mr Santos did not need to see him any further at that stage. The mental health team were continuing to monitor Mr Santos, and they or Mr Santos could request further psychiatric assessment if necessary.
36. On 6 May, Mr Santos was sentenced to two years imprisonment. When he saw his mental health care co-ordinator nurse the next day, he told her that he was relieved that the trial was over and that he was very pleased with the outcome. He would be due for release at the end of October 2020.
37. Mr Santos' care co-ordinator saw him regularly, and he engaged well and did not present with any problems. On 3 July, a nurse introduced herself and said that she had taken over as his care co-ordinator. Mr Santos said that he was doing well and had no concerns to raise.
38. During the COVID-19 restrictions from March 2020 onwards, Belmarsh changed the way their key work scheme operated, with personal contact being restricted. The Safer Custody Department identified prisoners who were vulnerable, under ACCT management or over 50 years old, and undertook regular wellbeing contact with them.
39. Mr Santos' prison record shows that he had regular contact with the Safer Custody team. He said that he had no issues and was aware of how to contact the team if he needed support at any point. At the end of July, he told an officer, one of the Safer Custody team, that he was looking for accommodation in the community after his release and he was looking forward to a fresh start. On 18 August, a member of the Resettlement Team saw Mr Santos. He did not have accommodation for when he was released, so they said that they would help him with planning.
40. At a prison inter-departmental risk management meeting in August, staff noted that Mr Santos would possibly be served with immigration papers about remaining in the UK. The notes of the meeting asked for an update to be available at the following meeting on 30 September.
41. On 15 September, Mr Santos met his CGL worker to discuss his release. On 24 September, he saw a nurse for their regular meeting, and she noted that he was talkative and cheerful. He said that he had no concerns and was looking forward to his release.
42. On 28 September, a prisoner told an officer that another prisoner was directing homophobic abuse at Mr Santos. The member of staff submitted a security report, and told wing colleagues to be aware. In response to the security report, the security department suggested that the wing manager should interview Mr Santos and complete a Discrimination Incident Reporting Form. This advice was circulated as part of a regular prison-wide security email. There is no evidence that the wing manager took any action in response to this email.

43. On 30 September, Mr Santos again saw his CGL worker. They had contacted the Immigration Service to discuss assistance for housing for Mr Santos, as he had previously lived in Home Office approved accommodation. The inter-departmental risk management meeting that day noted that work was underway to support him if immigration papers were served, and asked for an update at the next meeting.
44. On 1 October, the Immigration Service sent Belmarsh a notice of a decision to make a deportation order for Mr Santos, to take effect on 27 October. Mr Santos would not be released from prison in the meantime. The papers were served on Mr Santos on 5 October, which was the first he knew of his possible deportation. He was surprised, but Offender Management Unit (OMU) staff gave him bail forms and explained the application process to him. They also informed wing staff, in case Mr Santos needed support.
45. The following day his CGL worker went to see him. Mr Santos said that he had received some bad news from the Immigration Service and did not want to discuss accommodation. The CGL worker noted that despite this they had a talk, and Mr Santos remained in high spirits. An officer from the Safer Custody team carried out a welfare check on him, and Mr Santos said he was fine and had no issues.
46. In a Safer Custody welfare check on 13 October, Mr Santos was noted to be in good spirits and said that he did not have any concerns. On 14 October, he told his CGL worker that he was getting help from the Safer Custody team with his immigration paperwork, which he appreciated. He said that he was concerned about returning to Brazil as he no longer felt that it was his home. On 16 October, he told a nurse that he was 'alright' after having heard that he was not going to be released due to immigration issues. He raised no further issues in a Safer Custody wellbeing check on 21 October. On 26 October, Mr Santos told a nurse that he was 'okay', even though that was the day he had been due to be released. Safer Custody staff were helping him complete relevant immigration appeal forms.
47. On 28 October, an officer saw Mr Santos for a Safer Custody welfare check. He told her that he was 'okay' and did not need anything. In interview, the officer said that Mr Santos never complained of any specific problems other than being concerned about having to go back to Brazil.
48. On 29 October, an officer forwarded Mr Santos' application for bail (that he had completed on 24 October) to Bail for Immigration Detainees (a charity that assists immigration detainees held in custody). Mr Santos said that he did not have a release address.

1 / 2 November 2020

49. On 1 November, an Operational Support Grade (OSG) was the night officer on Mr Santos' wing. Shortly after coming on duty at 6.30pm, she made a roll check of the landing. She said she said 'hello' to Mr Santos, who replied.
50. She had no further interaction with him until she made the early morning roll check, arriving at Mr Santos' cell at approximately 3.15am. She looked through the observation panel of his door and saw Mr Santos hanging by a twisted bed sheet attached to the cupboard door. The OSG pressed the general alarm outside the cell door and used her radio to ask for medical assistance. She ran to the office to

telephone the control room and request an ambulance. London Ambulance Service records show that a request for an ambulance was made at 3.16am.

51. Other staff responded to the alarm and went to Mr Santos' cell. A Custodial Manager (CM) was the night orderly officer (in charge of the running of the prison during the night). As he and other officers arrived at the cell the OSG handed her cell key to an officer, he unlocked the door and staff went into the cell. The bed sheet was too thick for the CM to cut with his anti-ligature knife so he untied it and the officers lowered Mr Santos to the floor.
52. A nurse checked Mr Santos for signs of life. He was unresponsive, cold to the touch, and his mouth and tongue were blue. He had no pulse and there were signs of rigor mortis. The nurse applied a defibrillator, and the machine indicated that it could not detect a shockable heart rhythm. The officers started cardiopulmonary resuscitation (CPR). Prison staff continued to attempt to revive Mr Santos until ambulance staff arrived and took over. At 3.30am, they said that Mr Santos had died.
53. After Mr Santos' death staff found a letter among his possessions, dated 26 November 2019. Mr Santos listed some people he wanted informed that he "was no longer on this planet".

Contact with Mr Santos' family

54. Mr Santos had no family in the UK. The prison contacted the Brazilian Embassy, who located Mr Santos' brother in Brazil. The prison's family liaison officer arranged Mr Santos' funeral.

Support for prisoners and staff

55. The prison posted notices informing staff and other prisoners of Mr Santos' death, and offering support. Staff reviewed all prisoners assessed as being at risk of suicide or self-harm in case they had been adversely affected by Mr Santos' death.

Post-mortem report

56. The post-mortem examination found that Mr Santos died as a result of hanging. Toxicology tests did not show the presence of any illicit substances in his system.

Findings

Management of Mr Santos' risk of suicide or self-harm

ACCT procedures

57. Mr Santos was subject to ACCT monitoring twice while at Belmarsh and there were shortcomings on both occasions. The first ACCT was closed very quickly and there was no post-closure review. Case reviews for the second ACCT were not sufficiently multi-disciplinary, it was closed before sentencing, and the issues on the caremap had not all been resolved.
58. Given the passage of time between these ACCTs and Mr Santos' death, we do not consider these shortcomings contributed to his death and we do not make any recommendations about this. However, the Governor will want to work with the Head of Healthcare to ensure ACCT procedures are being managed in line with the requirements of PSI 64/2011.

October/November 2020

59. PSI 64/2011 lists a number of risk factors and triggers that might increase a prisoner's risk of suicide and self-harm. The PSI says that when a foreign national prisoner is or is about to be detained under immigration powers or is close to deportation, this can be a trigger for suicide or self-harm. We have, therefore, considered whether staff should have opened ACCT procedures in October 2020 when Mr Santos was told his deportation was being considered.
60. An officer from Belmarsh's Offender Management Unit was assisting Mr Santos with his immigration procedures and appeal. She said in interview that Mr Santos seemed to understand that it was not certain that he would be deported, but that he was in a process. Mr Santos assured staff that although he was concerned about facing deportation, he was dealing with it.
61. During the COVID-19 lockdown, the key worker scheme as it had previously operated was suspended in prisons. In Belmarsh, the Safer Custody department identified prisoners who were potentially vulnerable to ensure that they had wellbeing support. Mr Santos was identified as requiring support, and Safer Custody staff saw Mr Santos at least weekly and made entries in his prison record. This was good practice. He did not raise any issues or problems with them and none noted signs of distress. There were no signs that he was at imminent risk of harming himself when he died.
62. We are satisfied that staff spoke to Mr Santos regularly about his possible deportation and the appeal process and that he was well supported by the prison. We do not consider that staff could have known Mr Santos was at imminent risk of self-harm or suicide before he died in November 2020.

Safer Custody welfare checks

63. Although we commend the practice of Safer Custody seeing vulnerable prisoners regularly during the pandemic, we note that this was not the same as key work sessions. An officer, who saw Mr Santos most often, said that she would see 10 or

12 prisoners a day and that she did not feel she knew “the real Mr Santos”. We also note that most of the entries about these checks were very brief and uninformative, mostly recording that Mr Santos said he was doing well and had no issues to raise with the person conducting the check. The officer told us that Mr Santos discussed his immigration situation with her and told her he did not want to go back to Brazil, but she not record this.

Bullying

64. An officer appropriately reported allegations that Mr Santos was being bullied about his sexuality to the Security Department the month before Mr Santos’ death. They sent a generic email asking the wing manager to interview Mr Santos and submit a DIRF form. There is no evidence that Mr Santos was interviewed and a DIRF form was not submitted.
65. One of the houseblock co-managers said in interview that he did not recall receiving the email from the Security Department. He said that the security emails containing such information were daily and prison-wide, and contained a good deal of information. It was therefore possible that managers could miss such requests. There is no system for following up requests in security emails.
66. After Mr Santos’ death, the prison interviewed six prisoners on his houseblock about the allegations of bullying. Three of them said that they were aware that another prisoner had been targeting Mr Santos, mainly with verbal abuse. The others had not been aware of it. There is no record that Mr Santos spoke to staff on the wing about being bullied. The officer said she did not know about the allegation until after Mr Santos’ death and that she would have liked to have known so that she could have raised it with him during her wellbeing checks.
67. We cannot say whether bullying played any part in Mr Santos’ decision to take his life. However, we are concerned that a potential bullying issue was reported and was not adequately followed up. We consider that communication from the Security Department was not sufficiently clear, and we are concerned that there was no system for ensuring that any action was taken. We make the following recommendation:

The Governor should ensure that there is an effective process in place for following up reports of bullying.

Mr Santos’ clinical care

68. The clinical reviewer concluded that the clinical care provided to Mr Santos in Belmarsh met all required standards. His physical health was assessed and treated as necessary. His HIV treatment was appropriate. He was also reviewed regularly by the mental health team, who made sure he had continuity of care. The clinical reviewer was satisfied that Mr Santos’ healthcare was equivalent to that which he could have expected to receive in the community.
69. The clinical reviewer makes some recommendations that we do not repeat here, but which the Head of Healthcare will wish to address.

Emergency response

Medical emergency codes

70. PSI 3/2013 requires Governors to have a two-code medical emergency response system. As is usual, Belmarsh use code blue to indicate an emergency when a prisoner is unconscious, or having breathing difficulties, and code red when a prisoner is bleeding. Calling an emergency code should automatically trigger the control room to call an ambulance and should alert healthcare staff to attend with the appropriate equipment.
71. The OSG said in interview that she pressed the general alarm outside Mr Santos' cell and then called an emergency code blue on the radio on her way back to the office to telephone the control room. The prison could not provide recordings of radio traffic from that night. However, statements from other staff only refer to a general alarm and do not mention hearing a code blue, and the control room log only records a general alarm.
72. The control room log shows that an ambulance was requested a minute after the OSG raised the general alarm, so there does not seem to have been a significant delay in this instance. We cannot, though, be confident that the correct emergency code was used. In medical emergencies, any delay can be critical and it is, therefore, important that staff understand the need to use the medical emergency codes promptly. We make the following recommendation:

The Governor should remind all staff of the need to use the correct codes in medical emergencies.

Entering the cell

73. The OSG said in interview that she understood that she was not allowed to go into a cell at night, even though she carries a key in a sealed pouch. Both national policy and Belmarsh's local instruction on entering cells at night say that staff may enter cells alone where there appears to be immediate danger to life, where it is safe to do so. Staff must obviously consider the risk to themselves before entering a cell alone, but we are concerned that the OSG thought that she was not able to do so in any circumstances. We make the following recommendations:

The Governor should take steps to ensure that all staff on night duty are aware of and understand the policy on opening cells at night, notably that subject to a personal risk assessment, they are permitted to enter a cell in an emergency when there is potentially a risk to life.

The Governor should share this report with the OSG and arrange for a senior manager to discuss the Ombudsman's findings with her.

Resuscitation

74. In March 2016, HMPPS, the Royal College of Nursing and the Royal College of General Practitioners issued guidance to support the decision-making process of when not to perform CPR. The guidance, which is based on the European Resuscitation Council Guidelines for Resuscitation, says resuscitation is

inappropriate and should not be provided or continued when there is clear evidence that it will be futile.

75. In this case rigor mortis was present, meaning that attempts at resuscitation would be futile. Doing so in these circumstances is undignified for the deceased and distressing for staff. We agree with the clinical reviewer that it was therefore not appropriate for a nurse to have attempted resuscitation. We make the following recommendation:

The Head of Healthcare should ensure that healthcare staff are given guidance about the circumstances in which resuscitation is inappropriate, in accordance with European Resuscitation Council Guidelines.

Inquest

76. The inquest into Mr Santos' death concluded on 27 September 2023. The jury provided a narrative verdict and concluded that Mr Santos took his own life.

**Prisons &
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