

**Prisons &
Probation**

Ombudsman
Independent Investigations

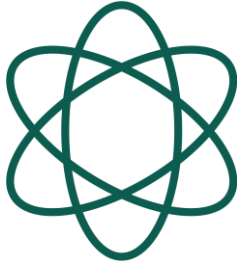
Independent investigation into the death of Mr Nathan Hibberd, on 10 September 2022, following his release from HMP/YOI Portland

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. Since 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 Nathan Hibberd died of heroin toxicity on 10 September 2022, following his release from HMP Portland the day before. He was 48 years old. I offer my condolences to those who knew him.
5. Mr Hibberd was given good substance misuse advice in preparation for his resettlement but was not offered a naloxone kit (a drug that can reverse the effects of opioid overdose) on release because he had completed his detoxification programme. The issuing of naloxone might have prevented Mr Hibberd's overdose. To increase risk management for individuals with substance misuse issues, Portland has since ensured that all individuals who have been supported by substance misuse services are offered naloxone, regardless of the status of their engagement at the time of release.

The Investigation Process

6. The PPO investigator obtained copies of relevant extracts from Mr Hibberd's prison and probation records.
7. We informed HM Coroner for Gloucestershire of the investigation. They gave us the results of the post-mortem examination. We have sent the Coroner a copy of this report.
8. The Ombudsman's family liaison officer contacted Mr Hibberd's next of kin to explain the investigation and to ask if they had any matters they wanted us to consider. We did not receive a response.
9. The initial report was shared with HM Prison and Probation Service (HMPPS). HMPPS pointed out a factual inaccuracy, and this final report has been amended accordingly.

Background Information

HMP Portland

10. HMP Portland is a category C prison which holds up to 530 young male and adult male prisoners who have been convicted. During the time that Mr Hibberd spent at Portland, Care UK and Practice Plus Group were commissioned to provide healthcare services. EDP Drug and Alcohol provided substance misuse services.

Probation Service

11. 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 whom, 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

12. On 27 December 2021, Mr Nathan Hibberd was recalled to prison after breaching his licence and sent to HMP Bristol. Mr Hibberd was allocated a Community Offender Manager (COM).
13. At his initial health screening, Mr Hibberd reported that he had last injected heroin and crack cocaine on 24 December 2021. Healthcare staff tested Mr Hibberd's urine and it was positive for opiates, benzodiazepine (a sedative used to treat a range of issues including anxiety, insomnia and seizures) and methadone (an opioid used to treat addiction to heroin and other opiates). The GP reviewed Mr Hibberd and created a detoxification care plan.
14. On 28 January 2022, Mr Hibberd transferred to HMP Portland. On 30 January, the Substance Misuse Service (SMS) tested Mr Hibberd's urine, which was positive for methadone. The SMS worker noted that this was to be expected and that Mr Hibberd was completing a gradual withdrawal.
15. On 31 January 2022, Mr Hibberd was allocated a Prison Offender Manager (POM).
16. On 8 February, a drug addiction therapist reviewed Mr Hibberd. They recorded that Mr Hibberd felt stable on his current dose of methadone but his sleep was poor and his mental health was up and down. They spoke about the risk of overdose on release from prison and planned regular meetings to help increase Mr Hibberd's motivation to stay away from drugs and develop a relapse prevention plan.
17. On 12 April, Mr Hibberd told his drug addiction therapist that he was struggling with the reduction in his methadone but wanted to continue with it. He said he hoped to stay off drugs on release and that getting a job would help him achieve this.
18. On 17 May, Mr Hibberd told his drug addiction therapist that his reduction was going well. He said that he would not attend Narcotics Anonymous meetings or engage with any other substance misuse services in the community after release.
19. On 20 May, Mr Hibberd told his drug addiction therapist that he did not want to engage with SMS once his withdrawal from methadone was complete.
20. On 15 June, Mr Hibberd asked to end his methadone detoxification programme five days early.
21. On 20 June, Mr Hibberd told his drug addiction therapist that he was not feeling good after finishing the methadone programme. He said that his risk of relapse in the community would depend on the accommodation he could secure.
22. On 4 July, Mr Hibberd met with his POM and a housing officer from ATLAS (a project which helps prison leavers secure appropriate accommodation) via video conference, to discuss release planning. His POM recorded that Mr Hibberd had unrealistic expectations, but they provided housing options and planned to arrange another meeting.

23. On 19 July, Mr Hibberd told his drug addiction therapist that he was recovering from his methadone withdrawal. He also said that probation had offered him a bed in a hostel on release, but that he was going to turn it down.
24. On 2 August, staff at Portland completed Mr Hibberd's resettlement plan, which stated that Mr Hibberd was due to be homeless on release and that his COM would need to send a Duty to Refer (a referral sent by public authorities to the council, to communicate that a service user is homeless) to the council when he left prison. They recorded no other issues.
25. On 5 September, Mr Hibberd's COM recorded that he would be homeless on release because he wanted his own council property and was refusing to accept any other accommodation options. A Duty to Refer was completed and Mr Hibberd was advised to present himself to the council on release. The COM set up Mr Hibberd an account to allow him to bid on council properties. He told his COM that he had people to stay with on release.
26. On 7 September, Mr Hibberd spoke to his local Job Centre. A Job Centre representative booked an appointment for after his release and explained the process of claiming Universal Credit.
27. On 9 September 2022, Mr Hibberd was released from HMP Portland. His sentence had expired, so he was not subject to licence conditions and was not required to make contact with the Probation Service. He was given a train warrant, to enable him to travel to his release area.

Circumstances of Mr Hibberd's death

28. On 10 September 2022, the police informed Gloucestershire Probation that Mr Hibberd had died.

Post-mortem report

29. The post-mortem report concluded that Mr Hibberd died of heroin toxicity.

Findings

30. When Mr Hibberd arrived at Portland, his substance misuse risks were recorded and the prison substance misuse service (SMS) supported him to withdraw from methadone. Mr Hibberd engaged with SMS but once he had successfully completed the process, he voluntarily withdrew from SMS. Because Mr Hibberd voluntarily withdrew from SMS, he was not offered naloxone (a drug which counteracts an opioid overdose) before he was released from Portland.
31. Since Mr Hibberd's death, SMS at Portland have changed their policy to ensure that everyone who engaged with SMS while in the prison would be offered a naloxone kit before release, regardless of whether they were engaging with the service at the time of release. We are satisfied that this policy change, if implemented effectively, will help to reduce the risks for all individuals with substance misuse issues who are being released from Portland.

32. The inquest into Mr Hibberd's death was held on 17 August 2023 and concluded that his death was drug related.

Adrian Usher
Prisons and Probation Ombudsman

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