

**Prisons &  
Probation**

**Ombudsman**  
Independent Investigations

# **Independent investigation into the death of Mr Matthew Brinton on 2 April 2022, following his release from HMP Channings Wood**

**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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## 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 person's release from prison.
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 Matthew Brinton died of a mixed drug overdose on 2 April 2022, following his release from HMP Channings Wood the day before. He was 42 years old. I offer my condolences to Mr Brinton's family and friends.
5. We found that Mr Brinton received good support with his substance misuse issues at Channings Wood. Substance misuse support was also put in place for when he was released from prison.
6. Mr Brinton was offered accommodation for his release, but he chose not to accept it because it was in Liskeard, over 30 miles away from Newquay, where he wanted to live. He was therefore released homeless. We are concerned that the accommodation he was offered was far from his family and support network. However, the provision of suitable accommodation is a matter for the local authority and is outside the remit of Channings Wood and local probation services.
7. We make no recommendations.

## The Investigation Process

8. The PPO investigator obtained copies of relevant extracts from Mr Brinton's prison and probation records.
9. We informed HM Coroner for Cornwall and the Isles of Scilly of the investigation. He gave us the results of the post-mortem examination. We have sent the coroner a copy of this report.
10. The Ombudsman's family liaison officer wrote to Mr Brinton's mother to explain the investigation and to ask if she had any matters she wanted us to consider. She asked why her son was not offered accommodation in Newquay, about the use of naloxone and about prisoners being released on Fridays. We have addressed these issues in the report.
11. Mr Brinton's mother received a copy of the initial report. She did not make any comments.
12. The initial report was shared with HM Prison and Probation Service (HMPPS). HMPPS did not find any factual inaccuracies.

## Background Information

### HMP Channings Wood

13. HMP Channings Wood is a category C training and resettlement prison near Newton Abbot in Devon. It holds up to 710 male prisoners who have been sentenced. Practice Group Plus provides mental health, physical health and substance misuse treatment.

### HM Inspectorate of Prisons

14. The most recent inspection of HMP Channings Wood was in July 2022. Inspectors reported that all prisoners benefited from an individually tailored, comprehensive resettlement needs assessment that was completed 12 weeks before their release. They reported that links to the community were good and information about prisoners' needs were passed on to the community offender manager (COM). Inspectors also reported that housing provision for those leaving custody was very good and 85% of prisoners leaving Channings Wood over the previous 12 months had settled accommodation for 13 weeks or longer after their release. The other 15% were referred to emergency housing services and provided with accommodation.
15. Inspectors reported that prisoners with substance misuse problems received individually tailored clinical treatment underpinned by a good range of psychosocial support. The clinical treatment of opiate addictions met individual needs and complied with national guidance. Patients due to be released within 12 weeks were identified and release planning was robust – appropriate onward referrals were made, and the non-medical prescribers provided bridging prescriptions where necessary. All patients working with the team were invited to attend naloxone training (a drug to reverse the effects of an opiate overdose) before their release and were offered the drug to take with them.

### Probation Service

16. 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 supervise people throughout their licence period and post-sentence supervision.

## Key Events

17. On 5 March 2021, Mr Matthew Brinton received a 24-month suspended sentence for burglary. On 2 July, after breaching his suspended sentence conditions, Mr Brinton's suspended order was activated, and he was sentenced to 18 months in prison.
18. On 29 July, Mr Brinton was moved to HMP Channings Wood.

### Substance misuse services

19. When Mr Brinton arrived at Channings Wood, he was already on a methadone detoxification programme (medication used to treat the symptoms of heroin withdrawal). He continued the programme at Channings Wood.
20. On 11 October, a Substance Misuse Service (SMS) worker saw Mr Brinton to discuss the risks of drug taking after his release from prison. She warned Mr Brinton that drugs in the community can have varying strengths, which can increase the chance of overdose. She told Mr Brinton how to recognise the signs and symptoms of an overdose, and what to do in the event of one. She also told him about the dangers of mixing drugs and how this can lead to overdose. Finally, she trained Mr Brinton in the use of naloxone (a medication used to reverse the effects of opioid overdose).
21. On 25 November, Mr Brinton completed his methadone detoxification. He was still seen regularly by the SMS team.
22. Over the next two months, Mr Brinton was twice suspected of being under the influence of drugs and on one of these occasions he was taken to hospital for monitoring. Mr Brinton denied using drugs on both occasions.

## Pre-release planning

### Accommodation

23. On 28 January 2022, Mr Brinton's community offender manager (COM) noted that Cornwall Council Housing had withdrawn its duty to house Mr Brinton as they considered he had deliberately made himself homeless. (They had removed him from his previous accommodation due to unacceptable behaviour)
24. On 3 February, a probation practitioner told the COM that because Mr Brinton had health and mobility issues, he needed an emergency accommodation referral (emergency duty to refer – EDTR - where certain public authorities must notify local authorities that a person who has engaged with them might be homeless or at risk of homelessness). The same day, the COM submitted an EDTR application to Cornwall Council.
25. On 9 February, Mr Brinton was allocated a new COM. The old COM gave the new COM a detailed handover of Mr Brinton's history and his needs.
26. On 3 March, Cornwall Council responded to the EDTR. They assessed that Mr Brinton was not a priority need (if a person is considered a priority need then the council must provide accommodation for them, at least temporarily).

27. On 16 March, a local homeless charity, Harbour Housing, agreed to assess Mr Brinton for accommodation.
28. On 21 March, Mr Brinton rang his COM and told her that he would like to be released to his mother's address in Newquay. She told Mr Brinton that she would not approve this address given that his mother was the victim of his offence.
29. On 24 March, Mr Brinton had a pre-release appointment with a Jobcentre officer. She recorded that Mr Brinton said he did not want any help to set up a Jobcentre appointment after release. She said Mr Brinton asked for contact telephone numbers for Employment Support Allowance (ESA), Personal Independence Payment (PIP) and Universal Credit, which she sent to him.
30. On 28 March, the COM asked Harbour Housing if they had completed their initial housing assessment. Harbour Housing told her that they had contacted the prison on multiple occasions but had been unable to speak to anyone to complete this.
31. The same day, the COM contacted Mr Brinton's prison offender manager (POM) to find out why the housing assessment had not taken place. He told her that he had been unable to facilitate these calls as they took place during wing lockdowns (when prisoners are not permitted to leave their cells). She agreed to contact Harbour Housing and give them a time to ring that aligned with the prison regime.
32. On 29 March, the COM arranged for Harbour Housing to complete the housing assessment with Mr Brinton at 11.30am on 31 March.
33. On 31 March, the COM emailed Harbour Housing, Cornwall Council and the designated probation practitioner in charge of housing. She asked for Mr Brinton to be housed in Newquay, where he had already established a support network. She said that Mr Brinton had complex medical needs and that in Newquay, he could be supported by his GP. She also said that Mr Brinton already had a substance misuse worker in Newquay, support from his mother, and that he was familiar with the resources that Newquay had to offer for homeless and vulnerable individuals.
34. The COM received a reply from Cornwall Housing that day. They confirmed that they did have a duty to house Mr Brinton, but it was unlikely that this would be in Newquay.
35. Later that day, Harbour Housing started Mr Brinton's housing assessment with him. Harbour Housing told Mr Brinton that they could offer him accommodation in Liskeard (around 30 miles from Newquay). Mr Brinton declined this offer, so the assessment was not completed.

### **Substance misuse**

36. On 22 March 2022, Mr Brinton completed naloxone training for the second time. The SMS worker reminded Mr Brinton about the risks of overdose on release, the dangers of mixing drugs, how to recognise signs of an overdose, and what to do in the event of an overdose.

37. On 25 March, the SMS worker sent a referral to We Are With You (WAWY), the local community substance misuse service. She requested a release appointment for Mr Brinton.
38. The same day, WAWY responded to the referral and issued Mr Brinton a release appointment for Monday 4 April at 11.30am.

### **Release from Channings Wood**

39. On Friday 1 April, Mr Brinton was released from prison with a supply of naloxone. He was released homeless.
40. As Mr Brinton had mobility issues, the COM arranged for him to be seen at St Austell Probation Office rather than Truro, as it was closer to the station and avoided him having to walk up a big hill. He was instructed to see a probation practitioner at 2.00pm.
41. At around 2.15pm, Mr Brinton rang the probation practitioner. He said that he had managed to get a lift straight to Newquay with a friend, but that he was no longer with his friend and would need to get public transport back to St Austell. The probation practitioner agreed to see Mr Brinton on Monday 4 April at 11.30am. However, he told Mr Brinton that he would be getting a warning letter for failing to attend his induction appointment.

### **Circumstances of Mr Brinton's death**

42. On the day of his release, Mr Brinton went to a friend's house where they took heroin.
43. The next day, Mr Brinton told his friend that his legs were hurting and so at around 8.00pm, he went to his room to rest. At around 10.50pm, Mr Brinton's friend found Mr Brinton lying face down on the floor. He tried to help him up but then realised that he might have died. He called an ambulance and did chest compressions until paramedics arrived. Paramedics were unable to resuscitate Mr Brinton and at 11.21pm, they pronounced that he had died.
44. On 4 April, Devon and Cornwall Police told the Probation Service that Mr Brinton had died.

### **Post-mortem report**

45. The post-mortem report concluded that Mr Brinton died of a mixed drug overdose.

## Findings

### Substance misuse

46. Mr Brinton had a history of substance misuse. While he was in prison, he was seen regularly by the SMS team and warned about the risks and dangers of taking drugs. He was also trained in the use of naloxone and was released with a supply of this. We are satisfied that both the prison and probation services did all they could to manage the risks associated with his substance misuse.

### Pre-release planning

47. We found that the housing agency had difficulties in contacting the prison to facilitate Mr Brinton's housing assessment. The housing agency attempted to ring the prison on multiple occasions however were unable to complete the assessment due to the prison being in lockdown, where prisoners are not permitted to leave their cells. We do however acknowledge that this did not affect the outcome for Mr Brinton, as when the housing assessment was facilitated, he turned down the accommodation that was offered to him. It is unclear why the phone calls were arranged for when the prison was in lockdown, but we suggest that the Governor considers this, and the process for facilitating such assessments is reviewed.
48. We consider that Mr Brinton's COM appropriately prepared for his release. She liaised with external support agencies, provided his POM with up-to-date information before his release, arranged emergency accommodation through the local authority and advised Mr Brinton of his release date and licence conditions.
49. While we note that Mr Brinton was offered accommodation, he turned this down as it was 30 miles away from Newquay, which was his home area and where he had family and a support network. The provision of suitable accommodation for people leaving prison is an issue that extends beyond the remit of Channings Wood and local probation services, and the local authority may want to be aware of the issues raised in this case.

### Friday releases

50. Mr Brinton was released on a Friday and his mother asked how many prisoners were affected by this. Figures show that around one in three offenders currently leave prison on a Friday, giving them little time to arrange accommodation, register with a GP or sign-up to certain support services before they close for the weekend. In June 2022, Ministers committed to stop releasing prisoners on a Friday or over the weekend. They have acknowledged that there are no opportunities for them to meet significant contacts to arrange accommodation or put in place any other support measures.

## **Inquest**

At the inquest held on 15 November 2023, the coroner concluded that Mr Brinton death was drug related.

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