

**Prisons &
Probation**

Ombudsman
Independent Investigations

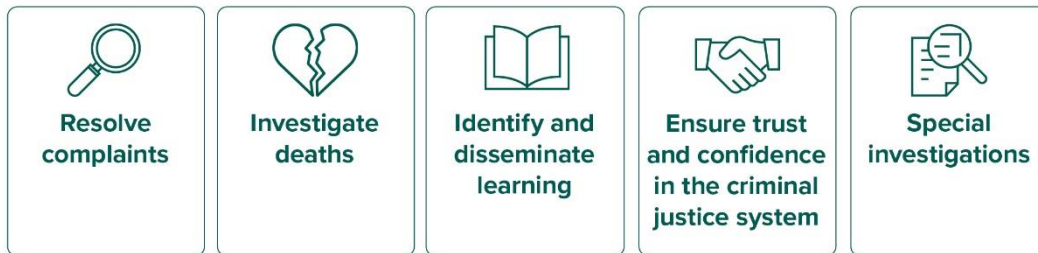
Independent investigation into the death of Mr Ross Milburn on 27 August 2022, following his release from HMP Leicester

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. If my office is to best assist His Majesty's Prison and Probation Service (HMPPS) in ensuring the standard of care received by those within service remit is appropriate, our recommendations should be focused, evidenced and viable. This is especially the case if there is evidence of systemic failure.
4. Mr Ross Milburn died of the combined effects of cocaine, methadone and heroin use on 27 August 2022, following his release from HMP Leicester on 25 August. He was 43 years old. I offer my condolences to those who knew him.
5. We found that Mr Milburn received good support with his substance misuse issues at Leicester. Substance misuse support was also put in place for when he was released from prison.
6. Mr Milburn was released homeless. However, we found that probation staff had made the appropriate accommodation referrals to local authorities and homelessness charities. The provision of suitable accommodation for people leaving prison is an issue that extends beyond the remit of HMP Leicester or local probation services, and the local authority may want to be aware of the issues raised in this case.
7. We found evidence of good practice by the pre-release caseworker at Leicester, who went over and above to put appropriate support in place for Mr Milburn to help his transition back into the community.
8. We make no recommendations.

The Investigation Process

9. HMPPS notified us of Mr Milburn's death on 31 August 2022.
10. The PPO investigator obtained copies of relevant extracts from Mr Milburn's prison and probation records.
11. We informed HM Coroner for Leicester City & South Leicestershire of the investigation. She gave us the results of the post-mortem examination. We have sent the Coroner a copy of this report.
12. The Ombudsman's family liaison officer contacted Mr Milburn's brother to explain the investigation and to ask if he had any matters he wanted us to consider. He did not respond.
13. The initial report was shared with HM Prison and Probation Service (HMPPS). HMPPS did not find any factual inaccuracies.

Background Information

HMP Leicester

14. HMP Leicester is a Category B reception and resettlement prison which holds up to 348 men who have either been convicted or are on remand. It is managed by HMPPS. The substance misuse treatment provider is Nottinghamshire Healthcare NHS Trust.

HM Inspectorate of Prisons

15. The most recent inspection of HMP Leicester was in February 2023. Inspectors reported that the substance misuse service had limited in-house clinical staffing, but this was supplemented by agency staff, most with links to community agencies, enabling the consistent delivery of effective treatment and support. Partnership arrangements, including engagement and communication between the prison and the team could be improved. Discharge planning sought to link prisoners with appropriate community services, with plans for the Leicester community team to be on site at least one day a week. Information and advice on avoiding overdose and injuries post-release was provided, along with medication or a prescription on leaving the prison.
16. Inspectors reported that a pre-release board held a month before planned release was an effective forum for checking that resettlement needs had been identified and were being managed. Prisoners could attend in person and speak to staff from the pre-release team, healthcare and the substance misuse services. They could also engage with the information, advice and guidance team and a support worker from the Shaw Trust (a charity that helps individuals with complex needs into the workplace). In the cases the inspectors reviewed, they saw persistent efforts by the pre-release team in dialogue with community offender managers to resolve prisoners' resettlement needs.

Probation Service

17. 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

18. On 2 April 2022, Mr Ross Milburn was remanded to HMP Leicester. On 14 April, he was convicted of burglary and sentenced to 26 weeks in prison. He remained at Leicester.

Pre-release

19. On 12 April, a probation pre-release caseworker completed the Basic Custody Screening Tool (BCST, a tool which identifies the key issues to prioritise in a prisoner's resettlement plan) with Mr Milburn. She identified that Mr Milburn would be homeless on release, would require post release support, and needed help in setting up a bank account.
20. On 12 May, the probation pre-release caseworker emailed Help the Homeless, a homelessness charity, to request support and let them know Mr Milburn's release date.
21. As Mr Milburn had severe pancreatitis (inflammation of the pancreas), the probation pre-release caseworker emailed two nurses at Leicester on 22 June, to ask them to complete a form to support Mr Milburn to access housing on release.
22. On 23 June, Mr Milburn's community offender manager (COM) completed a 'Duty to Refer' (DTR, a referral to the local housing authority for anyone who will be homeless on release, or who is at risk of homelessness) to Leicester City Council.
23. On 29 June, the probation pre-release caseworker met with Mr Milburn to discuss his release. She told him that she would issue him with a phone on the day of his release and that he would need to contact Leicester City Council about accommodation. She said that a Nacro (a housing and support charity) referral had also been made. She had also arranged with the Department for Work and Pensions (DWP) to support Mr Milburn to open a bank account and set up benefits.
24. On 30 June, the probation pre-release caseworker sent another email to Help the Homeless to arrange for Mr Milburn to receive support with clothing, toiletries, a bank account and accessing accommodation upon his release.
25. On 1 July, Mr Milburn was released from Leicester. As no accommodation had been found for him, Mr Milburn was released homeless. It is not known if he followed the probation pre-release caseworker's instructions and tried to contact Leicester City Council. As he had been identified as having a history of heroin use, he was issued with a **naloxone kit** (a medication that can rapidly reverse the effects of an overdose of heroin or other opioids).

Recall to prison

26. After Mr Milburn's release from prison, he attended his induction appointment at Leicester Probation Office.
27. Over the next few weeks, Mr Milburn did not attend his scheduled probation appointments, and he did not keep in contact with his COM.

28. On 8 August, due to his failure to engage and concerns of substance misuse, the COM considered that she was unable to manage Mr Milburn's risk safely in the community. She initiated a 14-day fixed-term recall to prison.
29. On 12 August, Mr Milburn was arrested by police and sent back to Leicester.

Substance misuse services

30. On 12 August, a GP at Leicester diagnosed Mr Milburn with drug and alcohol dependency and prescribed him a methadone detoxification programme (opioid medication used to treat the symptoms of heroin withdrawal) and an alcohol detoxification programme. He was taken back under the care of the prison's substance misuse services (SMS).
31. On 14 August, a SMS worker saw Mr Milburn for his initial substance misuse assessment. The SMS worker warned him of the risks of misusing substances while on his methadone programme and warned him of the increased risks associated with 'snowballing' (taking heroin and cocaine at the same time). They discussed the risks of overdosing on release due to a reduction in his tolerance levels, and the SMS worker told Mr Milburn about naloxone. Mr Milburn said that he always carried naloxone with him in the community, and that he would like to be released with a naloxone kit.
32. On 15 August, a SMS worker saw Mr Milburn for a review. He said that he was having opiate withdrawal symptoms, so the SMS worker increased his methadone dose.
33. On 20 August, Mr Milburn completed his alcohol detoxification programme.

Accommodation

34. On 18 August, the probation pre-release caseworker recognised that Mr Milburn would again be homeless on his release, so she completed another DTR application. She also made another referral to the Shaw Trust for further post-release support.
35. On 19 August, the COM completed an accommodation referral to Commissioned Rehabilitative Services (CRS). (Various services, including accommodation, are delivered in the community by CRS providers.)
36. On 22 August, the probation pre-release caseworker emailed Leicester City Council to ask for Mr Milburn to be considered as a priority need for housing due to him having severe pancreatitis.
37. On 23 August, the probation pre-release caseworker organised Mr Milburn an appointment at the DWP for 10.00am on the day of his release.
38. On 24 August, the probation pre-release caseworker spoke with a support worker at the Shaw Trust. The support worker said that they would provide Mr Milburn with a mobile phone at his first appointment. She issued Mr Milburn with an appointment at the Shaw Trust for the day of his release at 10.00am.

39. The same day, Mr Milburn had a telephone assessment with Lotus Sanctuary Housing. They told Mr Milburn to contact them on the day of his release and gave him their telephone number.

Release from HMP Leicester

40. On 24 August, a SMS worker saw Mr Milburn for a pre-release appointment. They discussed the risks associated with taking illegal drugs and again, discussed tolerance levels and the risks of overdosing.
41. On 25 August, Mr Milburn was released from Leicester. That day, a SMS worker transferred Mr Milburn's methadone prescription to Turning Point, a community substance misuse service, for him to collect the following day. The SMS worker issued Mr Milburn with a naloxone kit, and with an appointment to see a Turning Point recovery worker on 1 September at 3.00pm.
42. On the day of his release, Mr Milburn reported to Leicester Probation Office for his induction appointment. The COM went through Mr Milburn's licence conditions with him. His licence included conditions to comply with any requirements given to him to ensure he addressed his drug and alcohol problems. Mr Milburn signed to say that he understood the requirements of his licence.
43. The same day, Mr Milburn failed to attend his pre-arranged 10.00am meeting with the Shaw Trust. The support worker spoke to him on the phone and rearranged a meeting for the following day at 10.00am.
44. On 26 August, Mr Milburn did not attend his rearranged appointment with the Shaw Trust.

Circumstances of Mr Milburn death

45. On the evening of 27 August, a member of the public found Mr Milburn lying unresponsive in the stairwell of a car park in Leicester. The emergency services attended but as rigor mortis had already set in, they did not attempt resuscitation. Mr Milburn was declared deceased at 18.48pm.
46. On 30 August, a team leader at Turning Point informed HMPPS that Mr Milburn had died.

Post-mortem report

47. The post-mortem report concluded that Mr Milburn died of the combined effects of cocaine, methadone and heroin use.

Findings

Substance misuse support

48. Mr Milburn 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. His methadone prescription was transferred to the community drugs service, and Mr Milburn had an appointment with a community substance misuse recovery worker a few days after he died. We are satisfied that both the prison and probation services did all they could to manage the risks associated with Mr Milburn's substance misuse.

Accommodation

49. Homelessness on release from prison is a significant and complex challenge. While prison and probation staff can submit referrals to local authorities and charities, there are occasions when beds are not available, or the individual does not meet the eligibility criteria for housing. This means that these individuals are released homeless and are expected to report to the local authority on the day of their release in the hope of receiving emergency housing. If an individual is homeless, it can increase the likelihood that they will commit further crimes or seek shelter and support in harmful places.
50. Mr Milburn was released from prison without any accommodation. We consider however, that the probation practitioners involved in his care suitably prepared for his release by promptly completing accommodation referrals to local authorities and homelessness charities. On his release, Mr Milburn was given the contact details of Leicester City Council. He had been told to report to the council on the day of his release so that they could assist him finding accommodation. We do not know why Mr Milburn did not attend.
51. The provision of suitable accommodation for people leaving prison is an issue that extends beyond the remit of HMP Leicester, or local probation services, and the local authority may want to be aware of the issues raised in this case.

Good practice

52. We know that probation practitioners work with high caseloads of risky and complex individuals where time management and prioritising is imperative. We would like to highlight the good practice of the probation pre-release caseworker, who worked tirelessly from Mr Milburn's initial reception into Leicester to his final release.
53. The probation pre-release caseworker went over and above in her duties to ensure support was put into place prior to Mr Milburn's release from prison. She made the relevant referrals to ensure that Mr Milburn had the support he needed to give him the best chance at succeeding in the community. These included referrals for support with accessing clothing, a mobile phone, toiletries, opening a bank account, claiming benefits, and accessing accommodation.

54. In the short amount of time that she had after his recall, the probation pre-release caseworker made multiple additional referrals to external support agencies and arranged post-release appointments for Mr Milburn. In particular, she raised concerns regarding his homelessness especially as she considered him to be vulnerable due to suffering from severe pancreatitis. Additionally, it is noted in the Early Learning Review that she personally walked Mr Milburn to the reception area on the day of his release and introduced him to the staff to help him feel at ease. Finally, she issued Mr Milburn with a letter detailing his upcoming appointments along with a list of phone numbers for him to access local support services in the community.

Inquest

55. The inquest, held on 11 April 2023, concluded that Mr Milburn's death was drug related.

Adrian Usher
Prisons and Probation Ombudsman

November 2023

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Probation**

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