

**Prisons &
Probation**

Ombudsman
Independent Investigations

Independent investigation into the death of Mr Darren Thurling on 27 February 2022, following his release from HMP Peterborough

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 HM Prisons 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 Darren Thurling died of a drug overdose on 27 February 2022, following his release from HMP Peterborough on 21 February. He was 46 years old. We offer our condolences to those who knew him.
5. We found that Mr Thurling received good support with his substance misuse issues at Peterborough and that substance misuse support was put in place for when he was released from prison.
6. We found that Mr Thurling was allocated to a community offender manager (COM) only three weeks before his release from prison. This gave the COM very limited time to plan for his release into the community.

Recommendations

- The Head of Cambridgeshire and Peterborough Probation Delivery Unit should ensure that offenders are allocated to a community offender manager in a timely manner so that release planning can be started at the earliest opportunity.

The Investigation Process

7. HMPPS notified us of Mr Thurling's death on 15 March 2022.
8. The PPO investigator obtained copies of relevant extracts from Mr Thurling's prison and probation records.
9. We informed HM Coroner for Cambridgeshire and Peterborough 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 contacted Mr Thurling's sister to explain the investigation and to ask if she had any matters she wanted us to consider. She had no questions but asked for a copy of our report.
11. Mr Thurling's sister 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 pointed out one factual inaccuracy and this report has been amended accordingly.

Background Information

HMP Peterborough

13. HMP Peterborough is a category B local prison which holds up to 868 men who have either been convicted or are on remand. It is managed by Sodexo Justice Services. The substance misuse treatment provider is Sodexo Justice Services.

Probation Service

14. 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.

HM Inspectorate of Prisons

15. The most recent inspection of HMP Peterborough was in November 2020. Inspectors reported that the substance misuse service was providing good clinical and psychosocial support with regular face-to-face assessments and joint reviews. Despite some staffing difficulties, recovery workers had maintained support to approximately 245 prisoners on their caseload, providing work booklets, harm minimisation and relapse prevention support. Naloxone (a drug which reverses the effects of an opiate overdose) was provided on release.

Key Events

16. On 23 August 2021, Mr Darren Thurling was remanded to HMP Peterborough.
17. On 16 September, Mr Thurling was convicted of dangerous driving and sentenced to 12 months imprisonment.
18. When Mr Thurling arrived at Peterborough, he told the substance misuse service (SMS) that he used both prescription and illicit drugs on a daily basis. This included cocaine, heroin, cannabis and diazepam (a benzodiazepine, used to treat anxiety and muscle spasms). The GP at Peterborough started him on methadone (a heroin substitute) and diazepam detoxification programmes.
19. On 24 August, an SMS recovery worker saw Mr Thurling for an assessment. They discussed tolerance levels, the risk of injecting and the risks of overdosing. Mr Thurling completed naloxone training and said he would like a take-home naloxone kit on the day of his release. (Naloxone is a medication that can rapidly reverse the effects of opiate (heroin) overdose.) The recovery worker referred Mr Thurling to Change, Grow, Live (CGL), a drug and alcohol recovery service in Cambridge.
20. On 20 September, Mr Thurling was allocated a prison offender manager (POM).
21. Over the next few months, the SMS team saw Mr Thurling for regular appointments, and he completed his detoxification programmes.
22. On 14 January 2022, a member of the prison resettlement saw Mr Thurling to discuss his release. She said that Mr Thurling required a duty to refer (DTR- where certain public authorities must notify local authorities that a person who has engaged with them might be homeless or at risk of homelessness) and a Community Rehabilitation Services (CRS) referral for accommodation. As Mr Thurling had not yet been allocated a community offender manager (COM), she asked his POM to complete these applications. The referrals were not completed. The investigator was unable to ask the POM why this was not done as they have left the Prison Service.
23. On 18 January, Mr Thurling was allocated a COM.
24. On 21 February, an SMS recovery worker saw Mr Thurling for his release appointment. They completed harm reduction work, and she reminded Mr Thurling of the risk of taking drugs, reduced tolerance levels after a period of abstinence, and how this can lead to overdose. The recovery worker gave Mr Thurling a take-home naloxone kit, and she issued him with an open appointment at CGL Cambridge. An open appointment meant Mr Thurling could attend CGL at any time and he would be seen by a recovery worker.
25. Later that day, Mr Thurling was released from Peterborough.

Post-release

26. On the day of his release, Mr Thurling did not attend his initial appointment at Cambridge Newmarket Road Probation Office. Individuals on licence must have

their first face-to-face appointment with probation within 24 hours of their release from prison. The COM said that she spoke to Mr Thurling on the phone, and he told her he was having trouble finding transport to his appointment, and that he was in a lot of pain. Mr Thurling gave her the address which he was going to be staying at, a friend's address in Soham, and an updated phone number for him. She completed his induction over the phone and issued him with a new face-to-face appointment for 1 March at 3.00pm.

Circumstances of Mr Thurling's death

27. In the early hours of 27 February, paramedics attended Mr Thurling's friend's address in Soham, after friends had found Mr Thurling unresponsive. At around 2.00am, the paramedics confirmed that Mr Thurling had died. The police informed HMPPS the same day.

Post-mortem report

28. The post-mortem report concluded that Mr Thurling died of mixed drug toxicity. Ischaemic heart disease was a contributing factor.

Findings

Late allocation

29. Mr Thurling was sentenced to 12 months imprisonment. The Probation National Standards (2022) state that a community offender manager (COM) must be allocated to those with custodial sentences with ten months or more left to serve at the point of sentence, and a pre-release sentence plan prepared within three months of this allocation.
30. The investigator found that the COM was only given a period of three weeks to prepare a release plan for Mr Thurling, which is not in line with the National Standards framework. The investigator was told that there were ongoing senior probation officer shortages in the Cambridge office at the relevant time for Mr Thurling and that this most likely delayed the allocation of Mr Thurling to his COM. We recommend:

The Head of Cambridgeshire and Peterborough Probation Delivery Unit should ensure that offenders are allocated to a community offender manager in a timely manner so that release planning can be started at the earliest opportunity.

Duty to refer

31. Probation staff have a statutory duty to refer prisoners who are likely to be homeless on release to the council for accommodation. This was not done in Mr Thurling's case. The COM told the investigator that she knew Mr Thurling well as she had managed him previously and that he usually resided with his friends, so she did not do a duty to refer (DTR) application. Mr Thurling had told her that he did not want to live in a hostel or supported accommodation, and that he was going to live with his friends on release who he relied on for support. She said that it was likely that Mr Thurling would have refused accommodation if it was offered through the council.
32. We consider that although a DTR was not submitted by the COM when she was allocated Mr Thurling, it is unlikely that he would have been given accommodation by the local council as it would not have met the required 56-day relief period set out Homelessness Reduction Act 2017 policy framework (which says that councils require 56 days to find housing). He had also said he would refuse council accommodation. We therefore consider that it is unlikely that the lack of a DTR would have affected the outcome for Mr Thurling or contributed to his death. We therefore make no recommendation.

Other learning

Staffing and high caseloads

33. The investigator spoke with Mr Thurling's COM and asked how she prepared for Mr Thurling's release, she said that she did not manage to speak to Mr Thurling prior to his release. She said that she had a very high caseload at that time with her

workload management tool (used to measure staff capacity) at approximately 150%. She said that she knew Mr Thurling posed a low risk of harm (D2- the lowest category of risk) and did not present immediate risk concerns, so she prioritised the cases that were more urgent, and who presented a higher risk of harm. We consider this was a sensible, risk-based decision to make bearing in mind her extreme caseload. She was working over capacity at the time she was allocated this case. In order to effectively supervise people on probation, staffing levels must be sufficient to meet caseload demand to enable practitioners to effectively manage people on probation. HM Inspectorate of Probation identified that 'chronic' staff shortages and high workloads were severely hampering the Probation Service's ability to effectively divert people away from crime and to protect the public from harm. HMPPS is currently recruiting additional staff.

Adrian Usher
Prisons and Probation Ombudsman

September 2023

Inquest

The inquest, held on 7 December 2023, concluded that Mr Thurling's death was drug related.

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