

**Prisons &
Probation**

Ombudsman
Independent Investigations

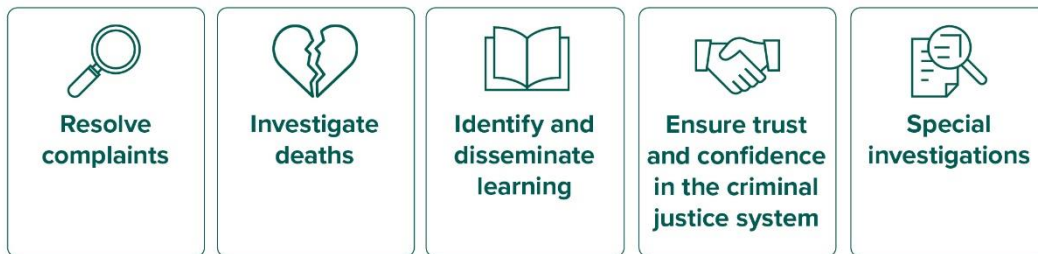
Independent investigation into the death of Mr Stuart Hamer on 13 September 2022, following his release from HMP Brixton

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. 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.
3. Since 6 September 2021, the PPO has been investigating post-release deaths that occur within 14 days of the person's release from prison.
4. Mr Stuart Hamer died from the toxic effects of heroin and cocaine on 13 September 2022, following his release from HMP Brixton on 9 September. He was 44 years old. We offer our condolences to those who knew him.
5. We found that Mr Hamer received good support with his substance misuse issues while he was in prison, and we are satisfied that Mr Hamer's community offender manager planned appropriately for his release.
6. We found no issues of concern and make no recommendations.

The Investigation Process

7. The PPO investigator obtained copies of relevant extracts from Mr Hamer's prison and probation records.
8. We informed HM Coroner for Birmingham of the investigation. She gave us the results of the post-mortem examination. We have sent the Coroner a copy of this report.
9. The Ombudsman's family liaison officer contacted Mr Hamer's next of kin, his mother, to explain the investigation and to ask if she had any matters she wanted us to consider. She did not respond to our letter.
10. The initial report was shared with HM Prison and Probation Service (HMPPS). HMPPS did not find any factual inaccuracies.

Background Information

HMP Brixton

11. HMP Brixton is a category C resettlement prison which holds up to 778 men who have been convicted. It is managed by HMPPS. The substance misuse service provider is Forward Trust.

Probation Service

12. Probation services supervise individuals serving community orders, provide offenders with resettlement services while they are in prison (in anticipation of their release) and supervise all individuals sentenced for offences committed after the Offender Rehabilitation Act 2014, for a minimum of 12 months after they are released from prison.

HM Inspectorate of Prisons

13. The most recent inspection of HMP Brixton was in June 2022. Inspectors reported that although the prison's drug strategy was well supported, further work needed to be done to address the prison's considerable drug issues. The clinical substance misuse service was short staffed and depended on agency staff. This placed pressure on the clinical lead and undermined consistency of care. Despite this pressure, clinical treatment support was good, although with an understandable focus on stabilisation and maintenance.
14. Forward Trust prepared for prisoners' release early in their stay, contacting external support agencies and generating an individualised plan. Naloxone training and supply (to reverse the effects of opiates) was considered for all prisoners and targeted support was provided whenever necessary.

Key Events

15. On 31 March 2022, Mr Stuart Hamer was convicted of burglary and sentenced to 16 months imprisonment. On 6 April, he was moved to HMP Brixton.

Substance misuse services

16. Mr Hamer was a heroin user. When he arrived at Brixton, a GP prescribed him methadone (a heroin substitute). The GP referred him to the Forward Trust (the prison substance misuse team).
17. On 11 April, a Forward Trust recovery worker completed an initial substance misuse assessment with Mr Hamer. Mr Hamer told the recovery worker that he had a long history of cannabis, crack cocaine and heroin use. Mr Hamer agreed to work on a one-to-one basis with the Forward Trust to address his substance misuse issues.
18. The same day, a Forward Trust recovery worker visited Mr Hamer in his cell. They discussed the risks associated with using illegal drugs, including the risks of overdosing on release due to a reduction in his tolerance levels.
19. On 13 June, a nurse saw Mr Hamer as he had been refusing to take his methadone for the last week. Mr Hamer told the nurse that he no longer wanted to take methadone and he wanted to complete his heroin detoxification without it. He told the nurse that he no longer wanted support from the Forward Trust.
20. On 23 August, a Forward Trust recovery worker saw Mr Hamer and told him about naloxone (medication that can reverse the effects of a heroin overdose). Mr Hamer agreed to be released with a supply of naloxone and the recovery worker gave him paper instructions on how to administer it, in the event of an overdose.
21. On 9 September, a nurse saw Mr Hamer before his release. They discussed the risks associated with taking illegal drugs and again, discussed tolerance levels and the risks of overdosing.
22. The same day, Mr Hamer was released from prison with a supply of naloxone.

Release planning

23. Prior to his release, Mr Hamer's community offender manager (COM) identified that Mr Hamer would be homeless upon release, so she made seven applications to local housing companies and charities. Due to Mr Hamer's history of racist behaviour and violence, most were declined.
24. On 3 August, a local supported housing company, Prime Midlands, told the COM that they would be able to offer Mr Hamer a room in a mixed-sex supported house. As Mr Hamer was only suitable for single-sex occupancy housing, she could not accept this offer.
25. On 16 August, Prime Midlands told the COM that they had secured him a room in an all-male property.

26. On 1 September, Mr Hamer's Prison Offender Manager (POM) visited him in his cell. The POM told Mr Hamer that they had found him a room. However, to secure the room, he must attend the address and collect the keys before 2.00pm on the day of his release. She told him that he must go to this address before reporting to the Probation Office and that he must be there by 2.00pm, or he would lose his room. The POM told Mr Hamer that she would give him a travel warrant as well as instructions on how to get to the accommodation on the day of his release.
27. On 6 September, Mr Hamer's case was transferred to East Birmingham Probation Office, the local office to his supported accommodation. He was allocated a new COM.
28. At approximately 9.00am on 9 September, Mr Hamer was released from Brixton.
29. At around 4.00pm, Mr Hamer arrived at the Probation Office for his induction appointment. As the COM was not available at this time, he was seen by another probation practitioner. Mr Hamer told her that he had not been to collect the keys for his room as he had been drinking and having food in a local pub. The probation practitioner tried to contact Prime Midlands, but they did not answer. She told Mr Hamer to go to the accommodation but that she could not guarantee that the room would still be available for him. She gave him a bus ticket and instructions for him to attend the accommodation. She also told Mr Hamer to go to SIFA Fireside, a homeless charity in Birmingham, if his room was no longer available at Prime Midlands. She gave Mr Hamer his next office appointment for 12 September along with a bus ticket for him to get there.
30. On 12 September, Mr Hamer attended his probation appointment. He told the COM that he had spent the weekend homeless and that he needed somewhere to live. She found him some emergency temporary housing with a local homeless charity, Helping Hands. Mr Hamer left the appointment and went to the Helping Hands property.

Circumstances of Mr Hamer's death

31. On 13 September, residents at the Helping Hands temporary accommodation found Mr Hamer unresponsive. They started chest compressions and called for an ambulance. Paramedics arrived and were unable to resuscitate Mr Hamer. A Helping Hands staff member contacted the COM to tell her that Mr Hamer had died. On 14 September, the COM informed Mr Hamer's mother that her son had died.

Post-mortem report

32. The post-mortem report concluded that Mr Hamer died as a result of the toxic effects of a combination of drugs, including heroin and cocaine. Alcohol intoxication was a contributing factor.
33. The inquest, held on 13 February 2023, concluded that Mr Hamer's death was drug and alcohol related.

Good practice

34. We consider that Mr Hamer received good support with his substance misuse issues while he was in prison. Before his release, substance misuse staff warned him about the dangers of overdose and trained him to use naloxone, which they gave to him on release.
35. We are satisfied that Mr Hamer's COM planned appropriately for his release. She worked and communicated effectively with his POM and made multiple applications to housing agencies to ensure Mr Hamer had accommodation available on release. She also put in place licence conditions to ensure Mr Hamer addressed his substance misuse issues when he was released from prison.
36. We found no issues of concern and make no recommendations.

Adrian Usher
Prisons and Probation Ombudsman

September 2023

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Third Floor, 10 South Colonnade
Canary Wharf, London E14 4PU

Email: mail@ppo.gov.uk
Web: www.ppo.gov.uk

T | 020 7633 4100