

**Prisons &  
Probation**

**Ombudsman**  
Independent Investigations

# **Independent investigation into the death of Mr Shaun Higgins on 13 May 2023, following his release from HMP Birmingham**

**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. From 6 September 2021, the PPO is investigating post-release deaths that occur within 14 days of the prisoner's release.
3. If my office is to best assist HM 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 Shaun Higgins died of heroin toxicity on 13 May 2023, following his release from HMP Birmingham on 12 May. He was 47 years old. I offer my condolences to his friends and family.
5. Mr Higgins had an extensive history of heroin, crack cocaine, cannabis and spice misuse from an early age. Mr Higgins told probation staff that he used drugs to block out the pain and abuse that he had suffered.
6. Mr Higgins did not engage with the substance misuse team during his time at HMP Birmingham. He last engaged with the service in 2014.
7. Mr Higgins was released homeless. His Community Offender Manager made a number of referrals to support him after release but did not complete a referral to the council for accommodation or refer him to the local drug and alcohol service, which is usual practice. As a result, no housing assessment was completed or initial appointment with CGL arranged for Mr Higgins before he died.

## The Investigation Process

8. HMPPS notified us of Mr Higgins' death on 17 May 2023. The PPO investigator obtained copies of relevant extracts from Mr Higgins' prison and probation records.
9. 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.
10. The Ombudsman's family liaison officer contacted Mr Higgins' mother to explain the investigation and to ask if she had any matters she wanted us to consider. Mr Higgins' mother wanted to know the date of her son's death and asked for a copy of our report.
11. The initial report was shared with HM Prison and Probation Service (HMPPS). HMPPS did not find any factual inaccuracies.

## **Background Information**

### **HMP Birmingham**

12. HMP Birmingham is a Category B local prison which holds up to 977 male prisoners who have either been convicted or are on remand. Birmingham and Solihull Mental Health Foundation Trust provides 24-hour healthcare services at the prison and sub-contracts Birmingham Community Healthcare NHS Trust to provide primary care services.

### **Probation Service**

13. 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

14. On 26 January 2023, Mr Shaun Higgins was remanded to HMP Birmingham for threatening a person with an offensive weapon. Mr Higgins had an extensive history of drug misuse in the community and had been to prison several times before.
15. On his arrival at Birmingham, a nurse completed an initial health screen. Mr Higgins said 'no' to the question 'do you currently have any problems with alcohol or using drugs?' he also said 'no' when asked 'have you had any problems with alcohol or using drugs in the last 3 months?'
16. Mr Higgins had been diagnosed with Paranoid Schizophrenia and Dissocial Personality disorder. He engaged with the Mental Health In Reach Team during his time at Birmingham. Healthcare staff recorded that Mr Higgins was mentally well and had complied with taking his prescribed medication.
17. On 27 January, a healthcare professional completed Mr Higgins's initial screen for the Birmingham Addictions Team (an addictions service, delivering psychosocial interventions to men in prison, addressing drugs, alcohol, and gambling). She talked about the dangers of using psychoactive substances and Mr Higgins confirmed that he understood. Mr Higgins declined support from the service and said that he had detoxed in the past. She told him that he could self-refer in the future by using the kiosk, but he did not.
18. Because Mr Higgins had not engaged with Birmingham Addictions Team in prison since 2014, and was not part of their caseload, he was not given naloxone (used to reverse or reduce the effects of opioids) training or a naloxone kit on release.

## Pre-release planning

19. On 30 and 31 January 2023, a Probation Service Officer (PSO) from the pre-release team at Birmingham attempted to complete Mr Higgins' basic custody screening but Mr Higgins refused to engage. He attempted to complete the screening again on 14 February, and Mr Higgins again declined to engage, but told him that he was homeless and would be of no fixed abode when released.
20. On 2 March, Mr Higgins attended his court hearing by video link. He was convicted of threatening a person with an offensive weapon in a private place and was sentenced to seven months in prison.
21. On 7 March, Mr Higgins was allocated a Community Offender Manager (COM). On 20 April, Mr Higgins was allocated a new COM.
22. On 9 March, both COMs completed a referral to several Approved Premises (accommodation that provides additional supervision to those who present high or very high risk of harm in the community). On the 12 May, the referral was rejected, because none of the Approved Premises had any capacity.
23. On 13 April, the PSO from emailed the old COM and asked for advice about Mr Higgins' accommodation plans and informed her that Mr Higgins had refused to engage in any pre-release work. There is no evidence that she responded to him.

24. On 2 May, the new COM held a meeting by video link with Mr Higgins. He told her that he would give her an address, but not before he was released, and that he wanted to live with his son in Bristol but provided no further details. Mr Higgins also said that he would not be told that he had to see a GP or take his medication, because he did not need it.
25. That day, the COM emailed Mr Higgins' Prison Offender Manager (POM) and his mental health In-Reach worker to let them know that accommodation on release was not looking likely due to Mr Higgins' risk and lack of engagement.
26. On 9 May, the COM referred Mr Higgins to Midlands Housing (a housing association providing affordable homes, to live independently) and they responded and said that they were unable to offer Mr Higgins any accommodation due to him being a high-risk referral.
27. The COM also referred Mr Higgins to Money Matters Action (an organisation that provide supported accommodation for vulnerable people). They told her that they could not help with accommodation as Mr Higgins needed far greater support than they could offer.
28. The mental health In-Reach worker referred Mr Higgins to Single Point Of Access (SPOA - provides contact details for secondary mental health services and support for people in a mental health crisis). The next day, the PSO emailed the COM to find out any information about Mr Higgins' release plans. The COM said no accommodation had been found, and that Mr Higgins was aware of this and needed to report to the council as homeless on release.
29. The COM did not complete a duty to refer (DTR) to the local council due to an oversight on her behalf. She was only allocated Mr Higgins' case a short time prior to his release, and she made efforts to contact other housing providers to support Mr Higgins on release. She also did not refer him to CGL Birmingham (a service offering support to those suffering with drug and alcohol issues) prior to Mr Higgins' release as she should have done. She said she was going to complete the referral as part of Mr Higgins' initial sentence plan with probation when he was released. She was aware Mr Higgins was abstinent from drug use in prison and engaged with the substance misuse team in prison.

## **Event of 12 May**

30. On 12 May, the PSO emailed the COM and told her he had seen Mr Higgins before his release and Mr Higgins said that he was going to stay with his son in Bristol when released. Mr Higgins did not go and stay with his son.
31. Mr Higgins called the COM and said that he would attend his probation appointment, but that he wanted to go to Bristol and had no money to get there. Mr Higgins also said that he was given a number for someone in Handsworth who could help him with accommodation, but he would not provide her with any further details about this. No address had been approved by the Probation Service.
32. That day, the mental health In-Reach worker received a message from the SPOA about the referral she had made for Mr Higgins, but she was out of the office at the time. When she returned to the office on the 15 May, she attempted to contact

someone in the team, and left a voicemail. A member of the SPOA team called her back on 16 May, but Mr Higgins had already died, so she informed them the referral was no longer needed.

33. A nurse saw Mr Higgins before being released. Mr Higgins declined to have his full observations taken. Mr Higgins was given his discharge medication, which included amitriptyline (an antidepressant medication used to treat depression and nerve pain), pregabalin (an anticonvulsant medication used to treat epilepsy, opiate withdrawal and anxiety), quetiapine (an antipsychotic medication used to treat schizophrenia, bipolar disorder, borderline personality disorder and depression), and zomorph (a morphine medication used to relieve severe pain).
34. Mr Higgins was released from HMP Birmingham. He had two drug-related licence conditions:
  - 'Attend appointments, as directed, to address your dependency on, or propensity to misuse, a controlled drug.
  - To comply with any requirements specified by your supervising officer for the purpose of ensuring that you address your alcohol, drug, violent, anger, prolific offending behaviour and offending behaviour problems.'

## **Post-release**

35. Once released, Mr Higgins reported to Birmingham Probation Office and had a supervision appointment with his COM. Mr Higgins admitted that he had already been to the pub and had smoked cannabis. She did not give him a warning. Mr Higgins also informed her that he would have an address to stay at by the end of the day and would let her know the details later that day. Mr Higgins did not contact her again.

## **Circumstances of Mr Higgins' death**

36. At approximately 6.20pm on the 13 May, Mr Higgins' friend called an ambulance after he had found Mr Higgins unconscious. Mr Higgins' friend started CPR until the ambulance crew arrived. Mr Higgins' friend told the paramedics that they had been taking drugs together and that Mr Higgins had injected himself with heroin.
37. Mr Higgins had overdosed and went into cardiac arrest. At 7.08pm, the paramedics confirmed that Mr Higgins had died.

## **Post-mortem report**

38. The post-mortem report gave Mr Higgins's cause of death as heroin toxicity with the presence of pregabalin and cocaine.
39. At the inquest held on the 5 December 2023, the Coroner concluded that Mr Higgins died of drug related causes.

## Findings

### The Head of Birmingham Probation Delivery Unit to note.

#### Substance misuse services support

40. Mr Higgins had a history of drug misuse in the community, but he refused substance misuse support during his time at HMP Birmingham.
41. The COM did not refer Mr Higgins to CGL Birmingham (a service offering support to those suffering with drug and alcohol issues) prior to Mr Higgins's release. She said that she was aware that Mr Higgins was not using drugs in prison and was not engaging with the drug and alcohol team in prison. However, we are satisfied that she said she planned to complete the referral as part of her initial sentence plan. Mr Higgins died before the referral was made.

#### Homelessness

42. Homelessness on release from prison is a significant and complex challenge. Mr Higgins was released from prison homeless. We do not know where Mr Higgins was residing at the time of his death, and he provided no details of this to his COM.
43. Mr Higgins was not referred to the local council, under the duty to refer. Mr Higgins' COM admitted this was an oversight as she was focused on completing various other referrals to try and find appropriate accommodation on release. Like many prisoners leaving prison, Mr Higgins had significant vulnerabilities: a history of substance misuse, mental health, and the risk of homelessness. He was not adequately referred to his local drug and alcohol service and therefore was not able to engage with them in the community. However, we are satisfied that the COM made other appropriate referrals and we recognise the efforts made to support Mr Higgins. The Head of the Probation Delivery Unit will want to be aware of the two missed referrals.
44. The provision of suitable and longer-term accommodation for people leaving prison, particularly for those with complex vulnerabilities, risks and needs, is an issue that extends beyond the remit of HMP Birmingham or local probation services, and housing and communities and the local authority may want to be aware of the issues raised in this case.

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