

**Prisons &  
Probation**

**Ombudsman**  
Independent Investigations

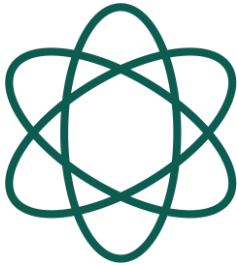
# **Independent investigation into the death of Mr George Phillips, on 20 June 2022, following his release from HMP Elmley**

**A report by the Prisons and Probation Ombudsman**



## Our vision

To carry out independent investigations to make custody and community supervision safer and fairer



## Our values

**We are:**

**Impartial:** we do not take sides

**Respectful:** we are considerate and courteous

**Inclusive:** we value diversity

**Dedicated:** we are determined and focused

**Fair:** we are honest and act with integrity

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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 process failures.
4. Mr George Phillips died of hypoxic brain injury and cardiac arrest due to a heroin overdose on 20 June 2022, following his release from HMP Elmley on 9 June. He was 37 years old. We offer our condolences to those who knew him.
5. We found no non-clinical issues of concern.

## The Investigation Process

6. We were notified of Mr Phillips' death on 11 January 2023.
7. The PPO investigator obtained copies of relevant extracts from Mr Phillips' prison and probation records.
8. We informed HM Coroner for Kent and Medway 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 Phillips' wife to explain the investigation and to ask if she had any matters she wanted us to consider. She did not respond.
10. The initial report was shared with HM Prison and Probation Service (HMPPS). HMPPS found factual inaccuracies in the report, which have been amended accordingly.

# Background Information

## HMP Elmley

11. HMP Elmley holds around 1,100 remanded or sentenced male prisoners. Oxleas NHS Foundation Trust took over the healthcare service in April 2022, and provide 24-hour care. Change Grow Live provides the psychosocial substance misuse service. Elmley also have an on-site inpatient unit which holds 22 beds and is staffed by two nurses and two healthcare assistants.

## Probation Service

12. 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

13. On 10 January 2022, Mr George Phillips was remanded to HMP Elmley for shoplifting offences. He was due to be released on 28 March.

### HMP Elmley

14. At the initial health screening, staff identified that Mr Phillips had a history of substance misuse. He tested positive for opiates (found in a range of illicit and legal drugs including heroin and painkillers such as codeine). Staff made a referral to the substance misuse team (SMS) and organised an initial clinic appointment for the following morning, but Mr Phillips refused to attend. Medical records show that Mr Phillips was advised how to get in touch with SMS if he wanted support. He said he did not want to commence methadone treatment (for opiate withdrawal) because it would mean spending time on a unit where he was at risk of violence. He said he had witnessed a crime in the community and those concerned might be on the same block. Healthcare staff put a care plan in place to support Mr Phillips' withdrawal. They provided supporting medication to manage the symptoms and organised regular monitoring for the next four to five days. Afterwards, prison records said that Mr Phillips looked fit and well and there were no other physical healthcare concerns.
15. Healthcare staff also identified that Mr Phillips had epilepsy, for which he was receiving prescribed medication in the community. Medical records show that Mr Phillips was re-prescribed his medication which he was allowed to hold 'in possession' and self-administer, as opposed to it being dispensed by the healthcare team. He was given weekly supplies.
16. On 26 January, Mr Phillips was found unresponsive in his cell. Officers suspected he had been using illicit substances and called a code blue emergency, triggering a request for assistance from staff and an ambulance. Healthcare staff answered and completed observations which confirmed Mr Phillips was under the influence of illicit drugs. The ambulance was stood down and Mr Phillips remained in his cell. His cell mate later said that Mr Phillips had taken 'Spice' (a psychoactive substance).
17. The next day, Mr Phillips was convicted of further shoplifting offences and 300 days were added to his sentence.
18. On 28 January, Mr Phillips was appointed a Community Offender Manager (COM). A letter from probation was provided to Mr Phillips which explained that his COM would keep in contact with him during the custodial phase of his sentence and help him with sentence plan targets and release planning. The letter also contained information on other support systems available to Mr Phillips while he was in custody or after release. We found some evidence probation had contacted Mr Phillips again before his release in March, and probation said they had done so on several occasions. They told us the COM had telephone contact with Mr Phillips on 1 March 2022. Mr Phillips provided his COM with a contact name and number for his release address. Probation said further telephone contact between Mr Phillips and his COM was recorded on 8 March 2022 where discussions were undertaken around his release address and his COM made contact with the Alpha Project to discuss release support. Mr Phillips' COM had contact with the prison on 9 and 11

March to discuss the home detention curfew (HDC) address and on 21 March, the COM emailed the prison to advise that the supported accommodation had a vacancy.

19. On 22 February, prison staff told Mr Phillips that he was due to be transferred to HMP Rochester. Mr Phillips said he would not go and made a cut to his arm in protest. Staff started suicide and self-harm procedures (known as ACCT) but ended the procedures later that day. Shortly after, Mr Phillips experienced an epileptic seizure. Mr Phillips was taken to the healthcare unit and later transferred to Rochester. Medical records show that Mr Phillips' in possession medication was ended because he had experienced the seizure as a result of not administering his medication appropriately. He would now have to collect his medication every day rather than keeping a supply in his cell.

### **HMP Rochester**

20. At the initial health screening, staff identified that Mr Phillips was receiving prescribed medication for epilepsy. Mr Phillips denied being dependant on drugs or alcohol although admitted to previously using crack cocaine and heroin. Mr Phillips was offered support from the substance misuse service (SMS) but declined for the five weeks he was there.
21. On 14 March, Mr Phillips attended court for sentencing. He fell ill on arrival and staff called the Ambulance Service, who took him to hospital. Prison and medical records do not say what he was treated for. Mr Phillips was returned to prison on the same day.
22. On 16 March and 19 March, Mr Phillips experienced seizures. Officers and his cell mate monitored him, and no further concerns were recorded. After another reported seizure the following week, a GP at the prison referred Mr Phillips for an MRI scan.
23. On 28 March, Mr Phillips was released from Rochester on licence and seen by his COM for an initial induction appointment, accompanied by a member of the Alpha project. The prison said that only clients that engage with the SMS are offered naloxone on release. (Naloxone is a drug that prisons can issue to those with substance misuse risks which reverses the effects of an overdose.) As Mr Phillips did not engage with the service whilst at Rochester, substance misuse practitioners could not say if he was suitable for naloxone. Mr Phillips was required by his licence to reside at the Kent Alpha Project (supported housing for people with substance misuse issues) until 8 June, and to engage with the substance misuse programme provided there.
24. On 30 March, Mr Phillips' licence was revoked following a breach of his curfew which was not related to substance misuse.

### **HMP Elmley**

25. On 4 April, Mr Phillips was recalled to HMP Elmley. At the initial healthcare screening, staff identified ongoing concerns regarding his seizures. They noted that he had already been referred to the neurologist at the local hospital. Medical records showed that Mr Phillips had a history of substance misuse. Mr Phillips was offered the support of the substance misuse team but declined it.

26. On 26 April, Mr Phillips' COM spoke with his niece regarding his proposed release address on 25 May 2022 and requested safeguarding and police checks for the address on the 26 May. Police checks were requested again by the SPO following a discussion with the COM on 7 June.
27. On 25 May, the pre-release team provided the COM with the details of accommodation they had organised in the community, which was at the Kent Alpha House Project. Mr Phillips had completed an initial assessment with a member of the Resettlement Team. The COM was provided with the details of Mr Phillips' accommodation on his release.
28. Healthcare staff at Elmley told us that Mr Phillips was not under the care of the substance misuse team and therefore would not have been considered for naloxone on release.

### **Post release**

29. On 9 June, Mr Phillips was released from Elmley on licence to Kent Alpha Project. He was required to remain at his place of curfew between 10.00pm and 7.00am every day.
30. Mr Phillips contacted reception at Ashford Probation Office by telephone at 12.55pm stating that he was running late and had been released at 10.15am from Elmley and had borrowed a stranger's telephone to contact the office. His initial appointment had been scheduled for 12.00pm. He reported that he also had an appointment at the job centre at 2.00pm. He was instructed to attend his appointment with probation. Contact was made by the COM with the prison, who confirmed he was released at 9.45am.
31. On 10 June, Mr Phillips did not attend his probation appointment. Probation staff attempted to contact Mr Phillips, and his aunt and niece, but were unable to get through to them. Mr Phillips did not contact probation staff again. Probation staff subsequently requested and approved Mr Phillips' recall to prison.
32. We requested an interview with Mr Phillips' COM in order to understand his risks and how they were managed in more detail. Mr Phillips' COM had been on long term sick leave since November 2022 and the Senior Probation Officer was able to provide only limited information. We were unable to ascertain Mr Phillips' movements between 10 – 13 June because there are no records of his movements during this time.

### **Circumstances of Mr Phillips' death**

33. On 13 June, Mr Phillips was found unresponsive in a park in Folkestone. He was taken to hospital for treatment but passed away on the 20 June.

## **Post-mortem report**

34. The post-mortem report concluded that Mr Phillips died of hypoxic brain injury caused by cardiac arrest due to a heroin overdose.

## Findings

35. Mr Phillips was offered substance misuse support at HMP Elmley from his arrival on 10 January 2022, which he accepted. However, he declined to engage with substance support services at Rochester or following his return to Elmley on 4 April. While Mr Phillips might have benefitted from naloxone, his lack of engagement with substance misuse services meant that it was not appropriate to issue it to him on release.
36. The pre-release team at Elmley were very supportive of Mr Phillips. They referred him to a COM and arranged for his accommodation in the community well in advance of his release. Probation staff contacted Mr Phillips by letter on 28 January, when he was at Elmley, to provide information on the support he would receive in prison and after his release. There was some evidence of pre-release assessments/checks being undertaken by probation for Mr Phillips while he was in custody.

## Inquest

37. The inquest, heard on 13 September 2022, concluded that Mr Phillips' death was drug related.

**Adrian Usher**  
**Prisons and Probation Ombudsman**

**January 2024**

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