

**Prisons &
Probation**

Ombudsman
Independent Investigations

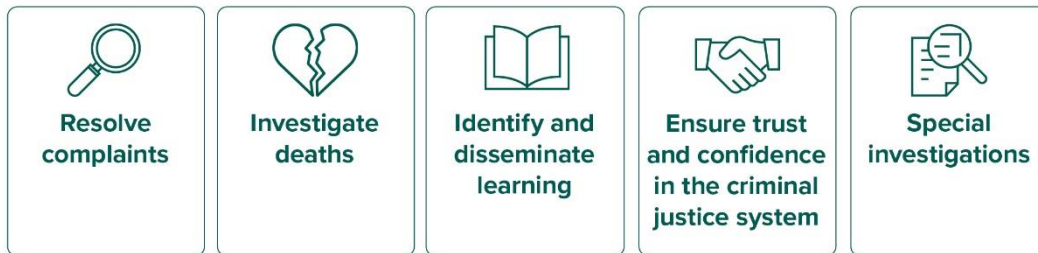
Independent investigation into the death of Mr Mirsoslav Skrzypek on 29 March 2022, following his release from HMP Doncaster

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 investigates post-release deaths that occur within 14 days of the prisoner's release.
4. Mr Miroslaw Skrzypek was found hanged on 29 March 2022, following his release from HMP Doncaster the previous day. He was 37 years old. I offer my condolences to his family and friends.
5. Mr Skrzypek was a Polish national, and his application for UK settlement status had not been processed at the time of his release. He was released homeless. Due to having no access to public resources (because of his immigration status), it was difficult to find accommodation for him in the community and this worried Mr Skrzypek.

The Investigation Process

6. HMPPS notified us of Mr Skrzypek's death on 29 March 2022. The PPO investigator obtained copies of relevant extracts from Mr Skrzypek's prison and probation records.
7. We informed HM Coroner for South Yorkshire East District of the investigation. She gave us the results of the post-mortem examination. We have sent the Coroner a copy of this report.
8. The Ombudsman's family liaison officer wrote to Mr Skrzypek's sister to explain the investigation and to ask if she had any matters she wanted us to consider. She did not respond.
9. The initial report was shared with HM Prison and Probation Service (HMPPS). HMPPS pointed out some factual inaccuracies and this report has been amended accordingly.

Background Information

HMP Doncaster

10. HMP Doncaster is a local prison, operated by Serco. It holds up to 1,145 remanded or convicted male prisoners. Practice Plus Group provides clinical services.

HM Inspectorate of Prisons

11. The most recent inspection of HMP Doncaster was in February and March 2022. Inspectors reported that the prison's procedures for rehabilitation and pre-release planning were of a good standard. Prisoners' resettlement needs were assessed and recorded well in reception. A designated pre-release area had been created for those prisoners being released from the prison.
12. Inspectors reported that there was good communication between community offender managers and prisoners before their release including through video link to enable release plans and licence conditions to be discussed.

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 supervise people throughout their licence period and post-sentence supervision.

Key Events

14. On 17 January 2022, Mr Miroslaw Skrzypek was convicted of assault. He was remanded to prison awaiting sentence and sent to HMP Lincoln. Mr Skrzypek was a Polish national and spoke a little English. He also went by an alias name, Serhii Herun.
15. Prior to entering prison, Mr Skrzypek applied for Limited Leave to Remain (LLR) in the UK for five years and completed an EU Settlement Scheme application (using his alias name) online. The EU Settlement Scheme (EUSS) is a registration process for EU nationals and their family members who wished to stay in the UK after the UK left the EU.
16. On his arrival at Lincoln, a nurse carried out an initial health screen and noted that Mr Skrzypek had no pre-existing health conditions. He told the nurse that he had no current or previous mental health issues or thoughts of suicide or self-harm and said that he did not use illicit substances.
17. On 24 February, Mr Skrzypek was sentenced to 10 weeks in prison. He was released from Lincoln at around 11.30am, that day, due to the time he had already served in prison on remand.
18. At 4.08pm that day, the Home Office sent a letter (by email) to the Governor at Lincoln and to Mr Skrzypek to inform them that the Secretary of State had reviewed Mr Skrzypek's immigration status in light of his criminal activity and had decided not to deport him. Mr Skrzypek had already left the prison, so it is unlikely that he received a copy of this letter. However, it appears that Lincoln did not place a copy of the letter on Mr Skrzypek's NOMIS record (electronic prisoner record).
19. Mr Skrzypek was homeless, but he told prison staff he would be staying with a friend in Doncaster. His licence conditions required him to report to the Duty Officer at the probation office at 09:15 on 25 February, but Mr Skrzypek did not attend.
20. On 28 February, Mr Skrzypek was returned to prison. Recall action had been taken by the Probation Service on 25 February and his licence had been revoked because he did not attend his probation appointment on 25 February or make contact with the Probation Office in the days thereafter. Mr Skrzypek was sent to HMP Doncaster.
21. On his arrival at Doncaster, a nurse completed an initial health screen. Mr Skrzypek said that he had no physical or mental health problems, no recent or historic thoughts of self-harm or suicide and that he had drunk alcohol monthly or less. On 1 March, he had a secondary health screen and raised no issues or concerns. He denied any current thoughts of self-harm or suicide.
22. On 1 March, a prison custodial officer saw Mr Skrzypek for an introductory keyworker session. Mr Skrzypek told him that he had been in prison before (at Lincoln) but did not understand why he was in prison. He said that he suffered with sleeping problems and had been prescribed diazepam in the past and had issues with alcohol but did not want support. Mr Skrzypek said that he would like help with finding housing on release because he currently had no fixed abode. The prison

custodial officer noted that Mr Skrzypek had a good attitude and had been engaged with education at Lincoln.

23. On 7 March, another prison custodial officer saw Mr Skrzypek for a keyworker session. Mr Skrzypek said that he would drink alcohol when he was on the streets, but that he planned not to drink when he was released. The second custodial officer told Mr Skrzypek that he would contact the prison's substance misuse team, but Mr Skrzypek said that he did not want their support. Mr Skrzypek also told the second custodial officer that he had no thoughts of self-harm or suicide.

Pre-release planning

24. On 10 March, Mr Skrzypek's Community Offender Manager (COM) asked a Foreign National Offender Supervisor at Doncaster, if Mr Skrzypek should be deported after he finished his prison sentence. The supervisor told the COM that Mr Skrzypek was of no interest to the Immigration Service, but that he would wait for confirmation from a colleague at the Home Office. The Home Office letter that was sent to Mr Skrzypek at Lincoln on 24 February had not been added to his NOMIS record. The supervisor told us that he never received a copy of this letter.
25. On 14 March, the COM arranged a meeting with Mr Skrzypek and his (Mr Skrzypek's) Prison Offender Manager (POM). The meeting did not take place because Mr Skrzypek did not speak English and an interpreter had not been organised. There is no evidence that the meeting was rearranged.
26. On 17 March, the COM completed an Approved Premises (AP) referral in preparation for Mr Skrzypek's release. (APs- formerly known as probation and bail hostels mostly accommodate offenders released from prison on licence and those directed there by the courts as a condition of bail. Their purpose is to provide a supportive and structured environment.) On 22 March, the AP Central Referral Unit, rejected the referral because Mr Skrzypek did not meet their criteria.
27. The next day, the COM completed a Community Accommodation Service 3 referral. (CAS3- provides temporary accommodation for up to 84 nights for homeless prison leavers).
28. On 24 March, the Foreign National Offender Supervisor emailed the Home Office and asked them to confirm Mr Skrzypek's settled status and therefore, whether he was entitled to public funds.
29. On 28 March, an officer from the Homelessness Prevention Team, telephoned the COM and told her that Mr Skrzypek was not eligible for CAS3 accommodation because his settlement status was still outstanding and there was no confirmation that he was entitled to public funds (which includes the provision of local authority funded accommodation).
30. That day, Mr Skrzypek was released from Doncaster on licence. He was released homeless.

Post-release

31. Mr Skrzypek's licence conditions required him to report to his COM at 12.00pm, at Doncaster Probation Office on the day of his release. Mr Skrzypek telephoned his COM and told her that he would be 30 minutes late for his appointment. By 1.00pm, Mr Skrzypek had not arrived for his appointment and the interpreter arranged for the appointment had to leave.
32. At 2.00pm, Mr Skrzypek arrived at the Doncaster Probation Office, his COM was unable to meet with him. She spoke to him briefly on the telephone and Mr Skrzypek told her that he was concerned because he had nowhere to live. The COM told him that she would speak to St Leger Homes (who provide accommodation in Doncaster) and would let him know when she had more information. The COM told Mr Skrzypek that she had made a new appointment for 30 March.
33. The COM spoke to a single point of access officer, from St Leger Homes. The officer at St Leger Homes told her that they would not be able to house Mr Skrzypek as he did not have access to public funds due to his outstanding EUSS application. The officer from St Leger Homes told the COM to speak to the Home Office.
34. The COM emailed Shelter (a charity who provide support for those with housing issues and homelessness) and received an email from a service administrator, for Shelter who told her to telephone their National Homeless Advice Service (NHAS). The COM sent the telephone number to Mr Skrzypek's interpreter to see if they could arrange a call with him. The interpreter tried to call Mr Skrzypek and left a voicemail for him. Mr Skrzypek did not return their call.
35. Between 3.30pm and 10.19pm, Mr Skrzypek sent several text messages to two people (we do not know their relationship to Mr Skrzypek). The messages suggested that Mr Skrzypek was considering suicide.

Circumstances of Mr Skrzypek's death

36. At 6.14am on 29 March, Mr Skrzypek was found hanging in a public park in Doncaster. Ambulance paramedics attended and, at 6.24am, they confirmed that Mr Skrzypek had died.
37. The police contacted Doncaster and the probation office and informed them that Mr Skrzypek had died. They also located Mr Skrzypek's father in Poland and informed him of his son's death.

Events following Mr Skrzypek's death

38. Also on 29 March, a Home Office Officer responded to the Foreign National Offender Supervisor at HMP Doncaster's email of 24 March. She said that Mr Skrzypek did not fit the criteria for deportation and forwarded the supervisors email to the Home Office team responsible for the EUSS process, and asked them to respond to his queries. Mr Skrzypek's application was still under consideration at this time.

39. On 22 November, Mr Skrzypek was granted LLR, this meant that he had permission to remain and work in the UK for five years, including access public funds such as benefits and pensions if he was eligible for them. Because this was an online application process, the decision was sent to the email address Mr Skrzypek had provided on his application form.

Post-mortem report

40. A post-mortem examination concluded that Mr Skrzypek died as a result of hanging in the context of intoxication. The toxicology analysis showed a high level of alcohol, pointing to a degree of drunkenness prior to death.
41. At the inquest held on the 8 December 2023, the Coroner concluded that Mr Skrzypek died of hanging in the context of alcohol intoxication.

Findings

42. The Home Office wrote to Mr Skrzypek on 24 February 2022 and informed him that there were no plans to deport him from the UK. Mr Skrzypek completed an EU Settlement Scheme online application prior to entering prison, which was still under consideration at the time of his death. A decision was reached on 22 November 2022 and his application was successful. The decision was sent to Mr Skrzypek by email.

Homelessness

43. Homelessness on release from prison is a significant and complex challenge. This was particularly the case for Mr Skrzypek. Because his settlement status had not been decided, he was not entitled to public funds which meant he could not access much of the accommodation available to people leaving prison homeless. His COM tried to find accommodation for him on release and tried to forward him information about a homeless shelter in his area.
44. This version of my report, published on my website, has been amended to remove the names of staff and prisoners involved in my investigation.

Adrian Usher
Prisons and Probation Ombudsman

October 2023

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