Prisons & Probation Ombudsman
Independent Investigations

Independent investigation into the death of Mr Richard Mitchell on 17 July 2022, following his release from HMP The Mount

A report by the Prisons and Probation Ombudsman

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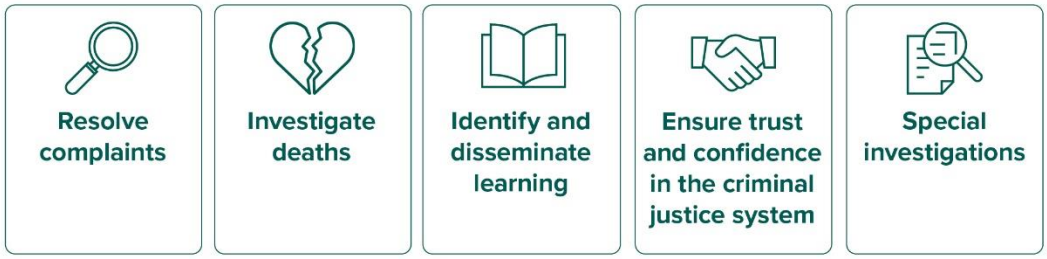
OUR VISION

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

Summary

1. The Prison 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 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.

3. Mr Richard Mitchell died of diamorphine intoxication (a heroin overdose) on 17 July 2022, following his release from HMP The Mount on 14 July. He was 46 years old. I offer my condolences to his family and friends.

4. In October 2020, Mr Mitchell completed a drug detoxification programme while at The Mount. He engaged with The Forward Trust (a charity that helps people with drug and alcohol dependency) to address his alcohol misuse.

5. During his pre-release review on 12 July, healthcare staff did not offer Mr Mitchell naloxone (a medication used to reverse or reduce the effects of opioids) training and did not arrange an initial appointment with the community substance misuse service as they should have done.

6. Mr Mitchell was released at the end of his sentence on 14 July. He was not released on a supervision licence and therefore did not need to engage with the probation service. There is no recorded evidence that he was offered naloxone when he left The Mount.

7. Mr Mitchell was released homeless.

8. On the 17 July 2022, a member of the public telephoned the police and told them that Mr Mitchell, who was behind a derelict community centre in Aylesbury, had taken heroin and was not breathing. Ambulance paramedics and police officers attended the community centre and the paramedics confirmed that he had died.

Findings

9. Mr Mitchell should have been trained on the use of naloxone prior to his release and he should have been offered naloxone on the day of his release, but there is no recorded evidence that this had happened.

10. The prison’s substance misuse service failed to arrange an initial appointment with the community substance misuse service for Mr Mitchell prior to his release.

Recommendation

- The Head of Healthcare at The Mount, and the Substance Misuse Service lead, should ensure that healthcare staff:

    - encourage prisoners with a history of opioid use to take naloxone kits when they are released and record the outcome of these discussions in the prisoners' records.

    - arrange initial appointments with community substance misuse services before prisoners are released.

The Investigation Process

11. HMPPS notified us of Mr Michell's death on 20 July 2022. The PPO investigator obtained copies of relevant extracts from Mr Mitchell's prison and probation records. The investigation was then transferred to one of the investigator's colleagues.

12. We informed HM Coroner for Buckinghamshire of the investigation. She gave us the results of the post-mortem examination. We have sent the Coroner a copy of this report.

13. The Ombudsman's family liaison officer contacted Mr Mitchell's next of kin, to explain the investigation and to ask if they had any matters they wanted us to consider. They did not respond.

14. 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 The Mount

15. HMP The Mount is a Category C prison which holds up to 1,028 male prisoners who have been convicted. GP and primary care health services are delivered by Practice Plus Group. IAPT (formerly known as talking therapies) mental health services and substance misuse services are provided by the Forward Trust (a charity that helps people with drug and alcohol dependency).

Probation Service

16. 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

17. On the 16 March 2020, Mr Richard Mitchell was convicted of burglary and sentenced to 2 years and 4 months in prison. He was sent to HMP The Mount.

18. When he arrived at The Mount, Mr Mitchell completed a methadone detoxification programme and was supported by the Forward Trust. (He completed the programme in October 2020.)

19. On 21 September 2020, Mr Mitchell was convicted of common assault and battery (He committed this offence in January 2020, prior to being sent to prison). He was sentenced to 2 weeks in prison, which was to run consecutively with his original sentence.

20. On 30 April 2021, Mr Mitchell was released from The Mount.

21. On 9 June, he was recalled to HMP Bullingdon for assaulting two police officers. He was sentenced to 4 weeks in prison. Due to being on a standard recall (meaning that a prisoner stays in prison until the end of their sentence), Mr Mitchell had to serve the remainder of his original sentence in prison plus the additional 4 weeks to run consecutively. He would not be released until he sat before the Parole Board. (The Parole Board is an independent body that carries out risk assessments on prisoners to determine whether they can be safely released into the community.)

22. On 7 October, Mr Mitchell was transferred to The Mount. He told prison staff that he wanted to remain in prison custody until his sentence end date, which was on 14 July 2022.

Pre-release planning

23. On the 10 November 2021, Mr Mitchell was allocated a Community Offender Manager (COM).

24. On 30 November, the COM arranged a telephone call between herself, Mr Mitchell, and Mr Mitchell's Prison Offender Manager (POM). They discussed sentence planning and prepared for his impending parole hearing. During the meeting, Mr Mitchell said that he wanted to work and that he was on the waiting list. He wanted support with updating his CV to help him find employment on release. The POM planned to contact the GP at The Mount and the mental health team as Mr Mitchell had been on their waiting lists but had not been given an appointment for either. It was agreed that he would benefit from support from the Forward Trust, and he was added to their waiting list.

25. In February 2022, the Parole Board decided not to release Mr Mitchell, which meant that he would serve his entire sentence in prison until 14 July.

26. On the 24 April, Mr Mitchell's new POM referred him to Accommodation South Central (a partner agency working with the probation service) through the Commissioned Rehabilitative Service (CRS - a partnership with the probation service who support and enable successful rehabilitation), to help secure accommodation and support on release.

27. On 28 April, the POM arranged a teleconference for Mr Mitchell with a worker who worked for Accommodation South Central. During the call, Mr Mitchell said that he had already completed a referral to Connection Support (who offer a wide range of services including homelessness, housing support, and independent living), but he had not heard anything back. The worker recommended that the COM should complete a duty to refer (DTR) form. (The Homelessness Reduction Act 2017 requires prisons and probation services to refer anyone who is homeless or at risk of becoming homeless within 56 days to a local housing authority.)

28. On 13 June, a colleague of the COM completed a duty to refer form and submitted it to Aylesbury Council. On the 4 July, she followed up her DTR with Aylesbury Council. A council worker told her that he had been allocated the case and wanted to do a homelessness assessment on Mr Mitchell prior to his release.

29. On 7 July, a housing officer arranged to complete a homelessness assessment for Mr Mitchell. The housing officer told Mr Mitchell that he would need to contact the Housing Department at Aylesbury Council on the day of his release to find out if they had found accommodation for him and gave Mr Mitchell their telephone number. We do not know if Mr Mitchell contacted the Council on the day of his release.

30. The POM made arrangements for a telephone call to take place between Mr Mitchell and a council worker. The telephone call took place on 8 July. The council worker gave Mr Mitchell his contact details during the call and told him to call on the day of his release and provide him with his phone number. We do not know if Mr Mitchell called the council worker on the day of his release.

31. On 12 July, Mr Michell had a pre-release review. During this review, Mr Mitchell's release plans were discussed, he was also provided with the contact details of the recovery service, One Recovery Bucks (a community substance misuse service). Mr Mitchell said he had previously engaged with them. The meeting also discussed harm minimisation, and gave Mr Mitchell substance misuse advice and guidance, including the risk of low tolerance levels, how to use drugs safely, the dangers of using illicit substances on top of methadone and the risk of overdosing. Usually during these pre-release reviews naloxone training is provided to those identified as suitable. Mr Mitchell should have been provided this training, however it was not documented that this had been offered to him. Also, during this review, the practitioner should confirm any referrals made to the community services such as One Recovery Bucks, however there is no evidence that any referrals were made for Mr Mitchell prior to his release.

Post-release

32. On 14 July, Mr Mitchell was released from prison. He was not subject to licence conditions, which meant that he would not be supervised by the Probation Service. He was not given naloxone.

33. The COM arranged for Mr Mitchell to meet with the CRS team about accommodation on the day of his release. Mr Mitchell did not attend the appointment; we do not know why he failed to attend. When Mr Mitchell failed to attend, the allocated advisor for this appointment contacted the COM, who confirmed that there was no further probation involvement due to Mr Mitchell being

released on his sentence end date. A note was made on the record system that the CRS intervention would be closed.

34. On 20 July, the CRS team made another appointment for Mr Mitchell. There is no evidence that Mr Mitchell engaged with any agencies in the time that he was in the community and before his death.

Circumstances of Mr Mitchell's death

35. On the 17 July, a member of the public telephoned the ambulance service and told them that Mr Mitchell, who was behind a derelict community centre in Aylesbury, had taken heroin and was not breathing. The ambulance service and the police attended the scene and the paramedics confirmed that Mr Mitchell had died.

Post-mortem report

36. The pathologist gave Mr Mitchell's cause of death as diamorphine (heroin) intoxication. Toxicology tests showed that Mr Mitchell had taken cocaine, cannabis, alcohol, omeprazole (for indigestion and heartburn) and temazepam (to treat sleep problems).

37. At the inquest held on the 23 January 2023, the coroner concluded that Mr Mitchell died of drug related causes.

Findings

Issues to highlight outside of our remit

42. Mr Mitchell was referred to the local council before his release, under the duty to refer process. Mr Mitchell's POM referred him to CRS for help in securing accommodation, and an appointment was made for him while he was in prison. His COM made another appointment for him on the day of his release, but Mr Mitchell did not attend the appointment.

43. Homelessness on release from prison is a significant and complex challenge. Mr Mitchell had been appropriately referred to his local council prior to release, and spoke with other partner agencies. We do not know where Mr Mitchell stayed following his release and we do not know if he called the council on the day of his release, as instructed.

44. Like many people leaving prison, Mr Mitchell had significant vulnerabilities: significant substance misuse, and the risk of homelessness. 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 The Mount or local probation services. Housing and communities and the local authority may want to be aware of the issues raised in this case.

Adrian Usher
Prisons and Probation Ombudsman **November 2023**

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