

**Prisons &
Probation**

Ombudsman
Independent Investigations

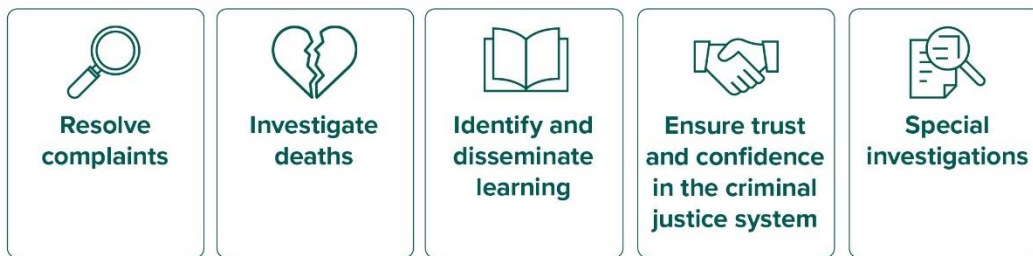
Independent investigation into the death of Mr Neal Stacey on 20 May 2023, following his release from HMP Lewes

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. 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 failure.
4. Mr Neal Stacey died from combined drug and alcohol toxicity on 20 May 2023 following his release from HMP Lewes on 17 May. He was 56 years old. I offer my condolences to those who knew him.
5. We found that Mr Stacey received satisfactory support with his substance misuse issues at Lewes. Substance misuse support was also put in place for when he was released from prison.
6. Mr Stacey was released homeless. However, we found that Mr Stacey's community offender manager had made the appropriate accommodation referrals to local authorities and homelessness support services. Also, part of the reason that Mr Stacey was released homeless was because he did not wish to return to his home area of Portsmouth and instead chose to go to Southampton, an area which had no duty to house him.
7. We make no recommendations.

The Investigation Process

8. HMPPS notified us of Mr Stacey's death on 14 August 2023.
9. The PPO investigator obtained copies of relevant extracts from Mr Stacey's prison and probation records.
10. We informed HM Coroner for East London of the investigation. They gave us the results of the post-mortem examination. We have sent the Coroner a copy of this report.
11. The Ombudsman's family liaison officer contacted Mr Stacey's next of kin, his brother, to explain the investigation and to ask if he had any matters he wanted us to consider. He did not respond.
12. We shared our initial report with HMPPS. They pointed out some minor factual inaccuracies which have been amended in this report.

Background Information

HMP Lewes

13. HMP Lewes is a local prison serving the courts of East and West Sussex, holding up to 624 men. Practice Plus Group (PPG) provides primary care services and healthcare staff are on duty 24-hours a day. PPG also provides substance misuse services.

Probation Service

14. 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.

HM Inspectorate of Prisons

15. The most recent unannounced inspection of HMP Lewes was in June 2022. Inspectors reported that prisoners arriving at the establishment received a thorough screening and those who were drug and/or alcohol dependent were housed on the stabilisation unit and received additional monitoring and access to first night prescribing, which was flexible and reflected individual need. Inspectors reported that clinical and psychosocial teams worked collaboratively to offer harm minimisation advice, deliver individual support, and complete regular joint reviews. Discharge planning was effective, with good links to local community services. Naloxone training (to reverse the effects of opiates) and general service information was provided before release.
16. The demand for resettlement help was high, with an average of nearly 100 prisoners being released each month. Many prisoners leaving the establishment had been there for only a very short time, which added to the challenges of timely and effective release planning. The pre-release team had however developed comprehensive discharge packs, offering a range of useful information, tailored according to prisoners' release areas. Accommodation in the local area was provided as part of the Community Accommodation Service Tier 3 pilot programme to reduce homelessness among prison leavers; this was a good initiative and had provided valuable help for some since its inception. Despite this, prison data showed that only about 65% of sentenced prisoners left with accommodation to go to on their first night of release.

HM Inspectorate of Probation

17. The most recent inspection of the Portsmouth and the Isle of Wight Probation Delivery Unit (PDU) was in July 2023. Inspectors rated the PDU as 'requiring improvement'. High staff vacancies meant that caseloads were not manageable and although inspectors saw some positive aspects of practice, they noted that more was needed to ensure that a sufficient quality of work was being undertaken with

people on probation. Inspectors found a suitable range of commissioned rehabilitative service (CRS) provision, however that staff were not always utilising what was available to them and referrals into partnerships were not at the expected level.

Key Events

18. On 11 January 2023, Mr Neal Stacey was remanded to HMP Bullingdon.
19. On 1 March, Mr Stacey was convicted of breaching his restraining order and sentenced to 12 weeks imprisonment. He was moved to HMP Lewes. As he was also on recall for a previous offence, he remained in prison after the release date for this offence.

Pre-release planning

20. On 3 March, a substance misuse recovery worker saw Mr Stacey for an initial assessment. Mr Stacey said that he had not used drugs for approximately two years, but that he drank alcohol daily in the community. Mr Stacey had already completed an alcohol detoxification programme at Bullingdon. Mr Stacey told the recovery worker that he did not have a release address and planned to move to Southampton. As a result, the recovery worker sent a referral to the local substance misuse service in Southampton.
21. On 14 March, Mr Stacey's prison offender manager (POM) saw him for his initial appointment. Mr Stacey told his POM that prior to his recall he was living homeless on the streets of Portsmouth, and that he would like to be released to Southampton. He said that he would like to be away from negative peers in Portsmouth who he said caused him to reoffend.
22. The same day, the POM sent an email to the resettlement team at Lewes asking them to complete an urgent housing referral to Southampton City Council (there is no evidence that the referral was made).
23. On 27 March, a member of the resettlement team saw Mr Stacey for a follow up appointment. He asked Mr Stacey where he would like to be released to. Mr Stacey said he did not want to be released to Portsmouth, so the resettlement worker completed a duty to refer application (DTR, where certain public authorities must notify local authorities that a person who has engaged with them might be homeless or at risk of homelessness) to a neighbouring borough council, Havant.
24. On 27 April, as no accommodation had yet been found for Mr Stacey, his community offender manager (COM) completed a DTR application to Portsmouth City Council and a housing referral to the local commissioned rehabilitative service (CRS), Ingeus. The COM told the POM that it was unlikely that any council other than Portsmouth would house Mr Stacey, as they were the council that held the duty (because he had been living there before coming to prison).
25. On 5 May, the POM saw Mr Stacey to discuss his release accommodation. Mr Stacey told the POM that he wanted to be released to Southampton. The POM explained that it was unlikely that Southampton City Council would house him as they did not hold the duty. Despite this, Mr Stacey said that he would rather be released to Southampton and be homeless than return to Portsmouth.
26. On 13 May, Mr Stacey had an accommodation appointment with Ingeus at 3.00pm. He did not attend, so Ingeus rebooked the appointment for a later date (as Mr

Stacey was released and then died a few days later, this appointment did not take place).

Post-release

27. On 17 May at approximately 9.30am, Mr Stacey was released from Lewes. As Mr Stacey planned to go to Southampton, his COM arranged for him to be seen by a probation practitioner at the Southampton Probation Office at 2.00pm.
28. The same day at 5.00pm, Mr Stacey attended Southampton Probation Office. The duty probation practitioner noted that Mr Stacey appeared to be intoxicated and that he became rude and aggressive when he was questioned about arriving three hours late. The probation practitioner issued him with a mobile phone and told him to come back the next day at 10.30am.
29. The next day at 11.45am, Mr Stacey attended Southampton Probation Office and again appeared to be under the influence of alcohol. He became abusive to staff and was told to leave the premises. Due to Mr Stacey's poor behaviour, the COM started breach paperwork.
30. On 19 May at 8.45am, Mr Stacey went to Southampton Probation Office. As he did not have an appointment, the duty probation practitioner saw him and advised him to get in contact with his COM. He then gave Mr Stacey a map to get to the local homeless day centre.
31. Later that day, the COM phoned Mr Stacey. Mr Stacey apologised for his behaviour and told the COM he was going to travel to London that evening where he had friends that he could stay with. Mr Stacey told the COM that he would confirm the address when he arrived.
32. The COM did not receive a phone call from Mr Stacey on Monday 22 May as had been agreed on 19 May. Attempts were made to contact Mr Stacey but these were unsuccessful.

Circumstances of Mr Stacey's death

33. On 20 May, Mr Stacey was at an address in Walthamstow, London, when he collapsed. The emergency services attended and started resuscitation attempts. He was taken to a local hospital where he was pronounced dead.
34. Since he was not informed of his death in May, the COM made numerous attempts to contact Mr Stacey via telephone. He also contacted the police and other agencies working with Mr Stacey, but nobody knew of his whereabouts.
35. On 7 August, Portsmouth court team informed the COM that Mr Stacey had died.

Post-mortem report

36. The post-mortem report concluded that Mr Stacey died of respiratory failure due to combined drug and alcohol use. The pathologist noted that the most significant findings from the toxicology report was the detection of high levels of cocaine and

alcohol. He also noted that several opiate based drugs were detected and although these were at therapeutic levels, it is likely that the combination of these with the cocaine and alcohol would have caused respiratory failure. Heart disease, chronic obstructive pulmonary disease (COPD, lung disease), hepatitis C and liver cirrhosis were contributing factors.

Findings

Substance misuse

37. Mr Stacey had a history of substance misuse. While he was at Lewes, he was seen by the substance misuse team and allocated a recovery worker. Prior to his release, the recovery worker sent a referral to a local Southampton substance misuse service to ensure he could access SMS support in the community.
38. We are satisfied that Mr Stacey's COM put appropriate measures in place to address his substance misuse issues when he was released from prison. This included adding licence conditions to comply with any requirements relating to addressing his substance misuse issues.

Accommodation

39. Homelessness on release from prison is a significant and complex challenge. While prison and probation staff can submit referrals to local authorities and charities, there are occasions when beds are not available, or the individual does not meet the eligibility criteria for housing. This means that these individuals are released homeless and are expected to report to the local authority on the day of their release in the hope of receiving emergency housing. If an individual is homeless, it can increase the likelihood that they will commit further crimes or seek shelter and support in harmful places.
40. Mr Stacey was released from prison without any suitable accommodation. However, we consider that Mr Stacey's COM suitably prepared for his release by promptly completing accommodation referrals to the local authorities and arranging for him to be seen by Southampton probation when he decided to relocate there.
41. The provision of suitable accommodation for people leaving prison is an issue that extends beyond the remit of HMP Lewes or local probation services.

Adrian Usher
Prisons and Probation Ombudsman

January 2024

Inquest

The inquest, held on 28 March 2024, concluded that Mr Stacey's death was drug and alcohol related.

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