



Oifig An Chigire Príosún
Office of the Inspector of Prisons

Death in Custody Investigation Report

Mr. G

While on Compassionate
Temporary Release
8 April 2023

Submitted to Minister: 23 October 2024

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GLOSSARY

CCTV	Closed Circuit Television
CTR	Compassionate Temporary Release
IPS	Irish Prison Service
NoK	Next of Kin
OIP	Office of the Inspector of Prisons

INTRODUCTION

1. Preface

- 1.1 The Office of the Inspector of Prisons (OIP) was established under the Prisons Act 2007 (the Act). Since 2012, the Chief Inspector of Prisons has been obliged to investigate all deaths in prison custody. This includes the death of any person which occurs within one month of their temporary release from prison custody. The OIP also carries out regular inspections of prisons. The Office is independent of the Irish Prison Service (IPS). The Chief Inspector of Prisons and the staff of the OIP are independent of the Department of Justice in the performance of their statutory functions.
- 1.2 The OIP can make recommendations for improvement where appropriate. Our investigation reports are published by the Minister for Justice, subject to the provisions of the Act, in order that investigation findings and recommendations can be disseminated in the interest of public transparency, to promote best practice in the care of prisoners.

2. Objectives

- 2.1 The objectives of investigations of deaths in custody are to:
 - Establish the circumstances and events surrounding the death, including the care provided by the IPS;
 - Examine whether any changes in IPS operational methods, policy, practice or management arrangements could help prevent a similar death in the future;
 - Ensure that the prisoner's family have an opportunity to raise any concerns they may have and take these into account in the investigation; and
 - Assist the Coroner's investigation and contribute to meeting the State's obligations under Article 2 of the European Convention on Human Rights, by ensuring as far as possible that the full facts are brought to light and any relevant failing is exposed, any commendable practice is identified, and any lessons from the death are learned.

3. Methodology

- 3.1 Our standard investigation methodology aims to thoroughly explore and analyse all aspects of each case. It comprises interviews with staff, prisoners, next of kin (NoK); analysis of prison records in relation to the deceased's life while in custody; and examination of evidence, such as CCTV footage and phone calls.
- 3.2 This report is structured paying particular focus to the care that was afforded to Mr. G during his time in prison.

4. Administration of Investigation

- 4.1 On 11 April 2023, the OIP was notified that Mr. G had passed away at his home on 8 April 2023, while on compassionate temporary release (CTR) from Limerick Prison.
- 4.2 Prison Management provided the OIP with all relevant information in accordance with the standardised checklist of information required.
- 4.3 The cause of death is a matter for the Coroner.

5. Family Liaison

- 5.1 Liaison with the deceased's family is a very important aspect of the Inspectorate of Prisons' role when investigating a death in custody.
- 5.2 The investigation team communicated with Mr. G's NoK (his wife) and discussed Mr. G's time in prison. The NoK raised one concern, which is detailed in **section 7** of this report.
- 5.3 Although this report is for the Minister for Justice, it may also inform several interested parties. It is written primarily with Mr. G's family in mind.
- 5.4 The OIP is grateful to Mr. G's wife for her contribution to this investigation and we offer our sincere condolences to Mr. G's wife and their family on their loss.

INVESTIGATION

6. Limerick Prison

- 6.1 Limerick Prison is a closed, medium security prison for adult males and females. It is the committal prison for males for counties Clare, Limerick and Tipperary and for females for all six Munster counties.
- 6.2 Mr. G was the second death of a prisoner from Limerick Prison in 2023 and the seventh death in IPS custody in 2023.

7. Family Concerns

- 7.1 Mr. G's wife expressed disappointment that her husband was not granted compassionate temporary release at an earlier stage. The investigation team was informed by the NoK that Mr. G suffered from lymphoma cancer and, by the time he was granted compassionate temporary release, he was extremely ill and unable to partake in any meaningful activities with his family. Mr. G's wife expressed the hope that, in the future, compassionate release could be afforded to prisoners at an earlier stage. This could assist other families in similar circumstances to spend a little more meaningful time together.
- 7.2 Despite this, Mr. G's wife stated she would be forever grateful that he passed away at home surrounded by his family.

8. Background

- 8.1 Mr. G was 55 years old when he passed away on 8 April 2023 at his home. He had been committed into custody on 4 November 2005. Mr. G was a life sentenced prisoner who had been accommodated in Limerick Prison.
- 8.2 Prior to the approval of compassionate temporary release, Mr. G was awaiting review by the Parole Board. The most recent submission made by the Prison Review Committee to the Parole Board was dated 11 October 2022. The submission recommended that Mr. G be transferred to a low security regime where his medical needs could be met. The submission further recommended that a programme of temporary release for re-socialisation be put in place for Mr. G. It was noted by the investigation team that Mr. G had engaged with the services available to him in prison and had behaved well while in custody.
- 8.3 Mr. G was terminally ill with lymphoma cancer and had been granted compassionate temporary release to his home address. The records showed that Mr. G had been treated for cancer on three occasions during his time in custody.
- 8.4 Mr. G was on the enhanced incentivised regime¹ since 19 January 2017.

¹ The Incentivised Regimes Programme provides for a differentiation of privileges between prisoners according to their level of engagement with services and quality of behaviour.

9. Compassionate Temporary Release

- 9.1 The IPS policy, 'Compassionate temporary release on grounds of health and health related humanitarian grounds,' provides guidance as to the circumstances under which a prisoner may be considered for release on grounds of health or other health related humanitarian grounds.
- 9.2 The policy sets out the criteria for release on health grounds in line with Rule 105 of the Prison Rules 2007–2020, which stipulates that, "*A prison doctor shall, after consulting with such other healthcare professionals as he or she considers appropriate, inform the Governor in writing if he or she is of the opinion that:-*
- (a) the life of a prisoner will be endangered by continued imprisonment,*
 - (b) a prisoner is unlikely to live until the expiration of the period of his or her sentence,*
 - (c) a prisoner is unfit for continued imprisonment or for that particular prison's regime,*
 - (d) the mental or physical state of any prisoner is being significantly impaired by his or her continued imprisonment, ..."*
- 9.3 On 3 March 2023, Governor A made a recommendation to Official A, Operations Directorate, IPS HQ, that Mr. G be considered for CTR. The Governor's recommendation was supported by a medical consultant's report.
- 9.4 On 3 March 2023, Official A requested a report and recommendation from the IPS Executive Clinical Lead, Doctor A. It was confirmed by Official A that Doctor A responded on 3 March 2023 providing a report and their recommendation to Official A.
- 9.5 On 7 March 2023, Official A submitted a detailed application with supporting documentation to the Minister for Justice for consideration pursuant to s.2 (i) (b) (1) of the Criminal Justice Act 1960, as amended. In the submission, the Minister was advised that Mr. G was in the final stages of terminal cancer with a life expectancy estimated to be two to eight weeks. The submission further stated that Mr. G required palliative care - preferably to be provided in a hospice or community setting.
- 9.6 On 10 March 2023, the Minister for Justice approved Mr. G for CTR, which took effect from 08:00 on 14 March 2023. A condition of release was that Mr. G reside at his home address.
- 9.7 The complete chronology of the process of granting compassionate early release to Mr. G was therefore as follows:

Measure	Date
Prison Doctor's recommendation to Prison Governor	3 March 2023
Prison Governor's application to IPS Headquarters	3 March 2023
IPS Prison Headquarters application to the Minister for Justice	7 March 2023
Date of Minister's decision	10 March 2023
Effective date of compassionate temporary release	14 March 2023

- 9.8 On 11 April 2023, the IPS was informed that Mr. G had passed away at his home on 8 April 2023.

10. Recommendations

10.1 The OIP has no recommendations to make regarding this investigation.

11. Support Organisations

11.1 Those who are affected by a death in custody can obtain assistance or advice from a number of charities and support groups. The Office of the Inspector of Prisons has an information pamphlet for relatives and friends of someone who dies in the custody of a prison. Further information can be found on the OIP website at www.oip.ie.