



The
**Prisoner
Ombudsman**
for Northern Ireland

FOREWORD

BY THE PRISONER OMBUDSMAN

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FOREWORD

BY THE PRISONER OMBUDSMAN



The role of the Prisoner Ombudsman in carrying out independent and impartial investigation of prisoner complaints and deaths in prison custody remains a challenging but important function within the criminal justice system. The Office has also made, and continues to make, a significant contribution to the reform agenda now being implemented in Northern Ireland's prisons.

This year, for a budget of £603,000, investigations into six deaths in custody, 17 serious incidents and 418 complaints (including those carried forward at year end) have been completed and reported. Overall, 88% of all of our recommendations were fully accepted. This represents significant value for money and a highly effective service.

As part of our business planning process this year, we have reflected

on the changes to our operation over the last three years, in particular the increase in the demand for our service. This, I believe, demonstrates a confidence in the objectivity, impartiality and integrity of our investigations, in spite of our continued lack of Statutory Footing. Over a period when the delivery of a purposeful, rehabilitative regime in prison has been seriously lacking and the approach to engaging prisoners to change attitudes and offending

behaviour has not been appropriate to the requirements of a modern, fit for purpose prison system, prisoners have increasingly had the confidence to bring frustrations and problems to our Office. As the Office was initially set up to help to ease tensions in prison and to provide an appropriate way for prisoners to deal with difficulties, this level of confidence in our service is to be welcomed.

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Efforts to make our Office more accessible and responsive to the needs of all, have also, for the right reasons, influenced the demand for our service. Since 2009, prisoners are able to contact our Complaints Officers directly using a freephone number on their landings. Given the significant number of prisoners with literacy problems, this is now a fundamental aspect of our service. Because of arrangements now in place, the Prisoner Ombudsman Office can access the Prison Service Internal Complaint System and immediately advise a caller whether or not their complaint is eligible. Callers who are

not fluent in English are, by stating their country, immediately linked into a three way conversation with an appropriate interpreter. It is to note that I remain convinced that some prisoners, in particular women and young offenders, are still reluctant, at times, to use our service because of concerns that their regime or treatment by staff will be adversely affected.

Over the years, the Office has also made considerable efforts to support the Prison Service's commitment to making the Internal Complaints Process more effective. The Ombudsman does not accept complaints until the Prison Service has been given the opportunity to consider them. We also work with Governing Governors to support their efforts to encourage staff to be appropriate and helpful when dealing with internal complaints. I believe this is very important in the context of prison reform. It has consistently been my experience that sitting down and discussing a complaint properly is often the best way of addressing misunderstandings and difficulties and encouraging appropriate behaviour and constructive responses. The Ombudsman and the Prison Service have a duty to ensure that prison is a model of how law abiding, respectful

citizens behave and this is very much in our minds when we write recommendations.

Improvements in accessibility arrangements, as well as improving service delivery, have contributed positively to the outcomes of a fundamental review of systems, policies, investigative processes and staff development arrangements of the Office of the Prisoner Ombudsman, over the last three years. The aim of all these efforts has been to improve operational efficiency and effectiveness, streamline services and reduce wasted time.

The upward trend in prisoner complaints is predicted to rise further as reform of the prison system is rolled out.

It is testament to the extraordinary efforts and dedication of all my staff that so much has been achieved by the Office. However, given that the upward trend in prisoner complaints is predicted to rise further as reform of the prison system is rolled out, continuing to operate at this level is unsustainable without adjustments

to resources. Resources have been deficient since I took up the post of Prisoner Ombudsman four years ago and pressures of long term sickness and maternity leave have, this year, clearly demonstrated our lack of robustness in the face of any staffing challenges. As a result, I was forced to take the decision in April 2012 to restrict the availability of our prisoner complaints phone line to free up staff for investigation work.

It is enormously frustrating that the arrangements in the Department of Justice and wider civil service for the recruitment and selection of staff with the necessary skills and competencies are so onerous. Arrangements for grading, temporary transfers, secondments and even engaging agency staff are likewise unnecessarily complicated and time consuming. I am, nevertheless, very grateful for the efforts of those who have tried to be supportive in resolving staffing shortages and I welcome the forthcoming review by the Department of Justice of arrangements for the operation and support of Criminal Justice Ombudsmen that will commence shortly. I am particularly pleased to announce that I have been assured that it is one of the stated aims of the Department's review to finalise arrangements for placing the

2011/2012
at a glance:

6
death in custody
investigations

17
serious incidents
investigations

418
complaint
investigations

Office of the Prisoner Ombudsman onto a Statutory Footing. I am very grateful to the Justice Minister for his commitment to finally making this happen.

More than commitment
is required to make
change happen.

There is no doubt that a momentum grew throughout the past year towards realising a comprehensive and integrated programme of reform for Northern Ireland's prisons. As Prisoner Ombudsman, I have worked hard over the last four years meeting decision makers and influencing the reform agenda. I therefore welcome the serious efforts that are now being made to take the process forward. At the heart of those efforts is the belief that, whilst security is and always will

be an important function of prisons, the need to deliver a purposeful regime that achieves real change to offending behaviour is equally important.

The task at hand is not easy and involves numerous government agencies and departments from justice, to health, and employment and learning. While the commitment of Justice Minister David Ford is indisputable, it is still not absolutely clear whether other agencies and departments are equally determined. What is clear is that more than commitment is required to make change happen - a focus on the underlying issues of management, leadership, vision, industrial relations and culture in the prison system must be viewed in the wider context and success can only be achieved if a fully coordinated approach is taken. It is also vital that money and resources are moved into all of the interventions

that reduce the likelihood of reoffending on release so that every prisoner has a full programme of purposeful activity. Put bluntly, no prisoner should spend hours every day sitting watching television in their cell because there is nothing more useful for them to do.

An integrated approach will also ensure that any achievable cost savings are delivered. It was therefore of particular concern that a joined up implementation plan for the programme of reform was not immediately instigated. This has had consequences in terms of the appropriate sequencing of some change management initiatives and the joining up of plans and activities that impact upon one another. It is worth noting that a great many best efforts will be seriously undermined if prisoners whose criminal behaviour is related to problems with medicine, alcohol and/or illicit substance abuse

have to wait six months for a first appointment with ADEPT (Alcohol and Drug Educational Programme and Training), as is currently the case. I do, however, recognise and very much welcome the recent efforts made by the Justice Minister to ensure that the need for an integrated approach to planning is fully addressed going forward.

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are delivered.

The process of prison reform is in its infancy and both successes and failures are undoubtedly ahead which will test the resolve of all stakeholders. For a number of reasons it is the case that prison officers left the system prior to the implementation of a new industrial

relations package and the recruitment of new staff. This has led to an increase in lockdowns in some areas which is likely to get worse over the summer holiday period. It will be important for everyone to stay focused on the prize of an efficient Prison Service that effectively addresses offending attitudes and behaviour in order to reduce reoffending. This must be at the heart of a victim centred approach to justice and to building safer communities. We will do everything we can to play our part.

The process of prison reform is in its infancy and both successes and failures are undoubtedly ahead which will test the resolve of all stakeholders.

It is also important to note that there is a sizeable number of prison, healthcare and other staff and voluntary organisations working in prison who show immense dedication, care and commitment in the way that they go about trying to make a difference. We owe it as much

to these people, as to anyone, to deliver the conditions that will achieve the best possible return on their considerable efforts.

As I undertake the fifth, and final, year of my term of office, I am immensely grateful to have been given the opportunity to do this important job. I continue to be appreciative of my colleagues from across the criminal justice system for their very constructive engagement. I would particularly like to thank the Director General of the Prison Service and the Chief Executive of the South Eastern Health and Social Care Trust and their staff for supporting and co-operating with our investigations.

Finally, I thank my team for their hard work, dedication and for always being willing to go the extra mile. They are great ambassadors for the Prisoner Ombudsman's Office and go to extraordinary lengths to provide the best service they can to all our stakeholders. It is a great privilege to work with them.

Pauline McCabe
Prisoner Ombudsman
for Northern Ireland
July 2012



OUR MISSION AND OBJECTIVES

Our Mission

To help ensure that prisons are safe, purposeful places through the provision of independent, impartial and professional investigation of complaints and deaths in custody.

OBJECTIVE ONE: **INDEPENDENT**

To further develop and maintain prisoner confidence in the independent and objective approach of the Office of the Prisoner Ombudsman.

OBJECTIVE TWO: **PROFESSIONAL**

To continuously review and develop the investigation processes for complaint and death in custody investigations, ensuring high standards of investigative practice, robustness and a proportionate approach.

OBJECTIVE THREE: **EFFICIENT**

To ensure that the Office is efficient and compliant with relevant legislative and governance requirements.

OBJECTIVE FOUR: **SERVICE**

To provide an effective and courteous service to all stakeholders and to positively influence the implementation of recommendations that improve the delivery of a purposeful rehabilitative regime.

OBJECTIVE FIVE: **COMMUNICATION**

To maximise awareness of the role of the Prisoner Ombudsman amongst key stakeholders in a changing environment; and to keep those to whom we provide a service fully informed about the content and progress of investigations in which they have an interest.

OBJECTIVE SIX: **DEVELOPING ROLE OF THE OFFICE**

To secure Statutory Footing and to further develop the role of the Office to meet emerging needs and future opportunities.

Prisoner Ombudsman Costs 2011/2012

	£k
Staffing Costs	443
Accommodation Costs	72
Professional Advice ¹	49
Other running costs ²	39
Total	603

¹ Professional advice includes legal advice, clinical reviews, other specialist reviews and reports, design and PR support.

² Running costs cover a range of activities including printing of documents, stationery, staff travel costs, training.

COMPLAINTS INVESTIGATIONS

Overview

The Prisoner Ombudsman investigates complaints submitted by individual prisoners, ex-prisoners and prison visitors who have failed to resolve their problem through the Prison Service's Internal Complaints Process.

A total of 418 complaints investigations were completed in 2011/2012:

- 373 new eligible complaints were received;
- 99 complaints were carried forward from the previous year;
- 54 complaints remain ongoing at the year end.

How the complaints process works

Ideally, and whenever possible, complaints brought by prisoners, ex-prisoners or visitors to prison establishments should be resolved internally through the Northern Ireland Prison Service's own Internal Complaints Process. For a complaint to be eligible for investigation by the Prisoner Ombudsman it must first have been considered by the Prison Service. If the complainant is not satisfied with the answer received from the Prison Service following this

internal process, the complaint can then be escalated to the Ombudsman for investigation.

Prisoners can register complaints in writing using a printed form available in each prison, or by using a Freephone service from telephones located throughout Northern Ireland prisons. The Freephone service has become the most popular method of contacting the Office with complaints, particularly during the past 12 months. During the call, the Complaints Officer will discuss the details of the complaint with the prisoner to establish eligibility. If the complaint

is not eligible the caller is given advice on how to progress their complaint through the Northern Ireland Prison Service Internal Complaint Procedure. Foreign National prisoners can register their complaint through an interpreter, if required. The interpretation service links the prisoner with the Prisoner Ombudsman's Office and an interpreter in a three way conversation, thus ensuring that the prisoner is able to register the complaint and receive the correct advice directly from the Complaints Officer.

573 complaints were received from prisoners and prison visitors in 2011/2012. Of these, 66% were eligible complaints. The number of ineligible complaints reduced significantly to 34% compared to between 50% - 60% in previous years. This reduction can probably be attributed to an increased awareness of the Northern Ireland Prison Service Internal Complaints Process and the requirement to have this fully completed before bringing the complaint to the Prisoner Ombudsman.

The outcome of each complaint investigation can vary considerably. The investigation can result in recommendations to review

Prison Service policy and operational procedures or provide a more personal solution for an individual or specific group, such as Foreign National prisoners.

Time and effort goes into each investigation to ensure that the outcome does justice to the issues and concerns raised. This year, where recommendations have been made, consideration has been given to the changes that the Northern Ireland Prison Service is undertaking as a result of the implementation of the Strategic Efficiency and Effectiveness (SEE) programme. The emphasis is always on encouraging a purposeful, rehabilitative regime that encourages prisoners to take personal responsibility for their actions and progress.

The Prison Service is not obliged to accept recommendations made by the Ombudsman, yet 88% of complaint recommendations are currently accepted in full [see page 10]. It is for this reason, amongst others, that this Office is considered an example of best practice and regularly attracts requests from other jurisdictions to advise on handling complaints processes.

Figure 1: Prisoner Complaints 2011/2012



Visitor Complaints

Since February 2010 the Prisoner Ombudsman has been able to investigate complaints from visitors to prison.

Eight visitor complaints were received during 2011/2012, however all were ineligible as the issue of concern had

not been first been raised through the Prison Service Internal Complaints Process before being brought to the Ombudsman. In addition, 16 telephone advice calls were received from visitors. The Prisoner Ombudsman is currently looking at ways of promoting services to visitors.

Origin of Prisoner Complaints

The breakdown of eligible prisoner complaints by prison during 2011/2012 remains similar to prior years; however over the past three years the overall number of complaints received has increased significantly, as shown in Figure 2.

70%

of complaints were received from Maghaberry prisoners who represent 56% of the overall prison population.

19%

of complaints were received from Magilligan prisoners who represent 30% of the overall prison population.

11%

of complaints were received from Hydebank prisoners. The male population in Hydebank represents 11% of the overall prison population and 2% of complaints received, while the female population represents 3% of the overall prison population and 9% of complaints received. The the number of complaints received from female prisoners has increased year on year while the number of complaints received from male prisoners in Hydebank has reduced.

Time Taken to Investigate Complaints

The Prisoner Ombudsman's Terms of Reference require that complaints investigations are completed and the final report sent to the prisoner within 18 weeks of the complaint being received.

76%

resulted in a response issued to the prisoner within 18 weeks or less. In order to maximise the effectiveness of recommendations, many complaints are reported much sooner with 57% completed in 14 weeks or less.

Complaints Recommendations

During 2011/2012, the Office of the Prisoner Ombudsman made 203 recommendations to the Prison Service across 418 investigations.

167

recommendations (88%) have been accepted by the Prison Service and 132 of those recommendations (80%) have been confirmed as implemented by year-end. At the year-end, responses are pending in relation to 13 recommendations.

Figure 2. Eligible Complaints Breakdown

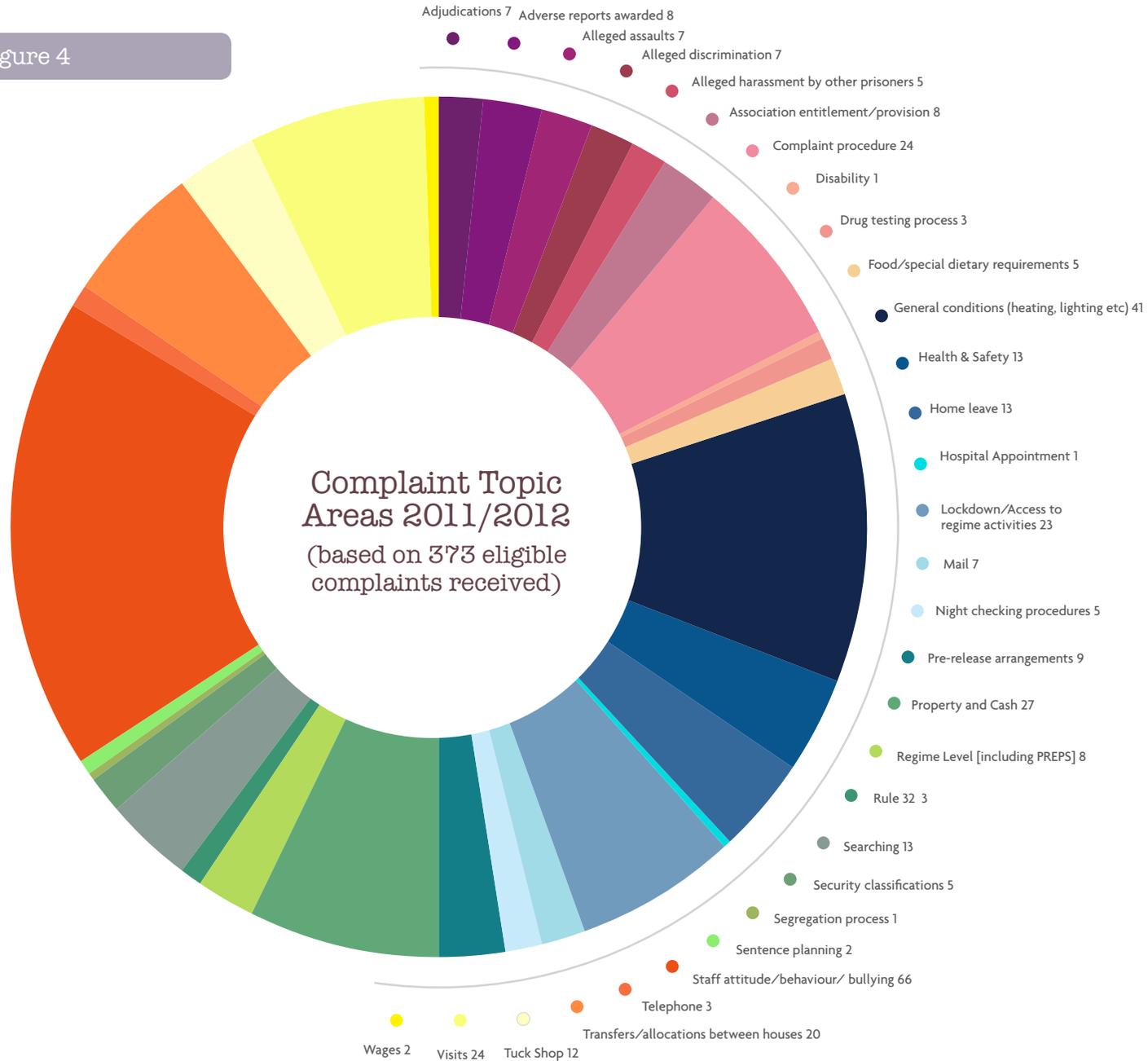
	07/08	10/11	11/12
Total Complaints Received	143*	328	373

* plus 64 health care complaints no longer considered by the Prisoner Ombudsman

Figure 3. Complaints received by prison 2011/2011

	11/12
Maghaberry	401 (70%)
Magilligan	110 (19%)
Hydebank Wood Female	51 (9%)
Hydebank Wood and Young Offenders Centre	11 (2%)

Figure 4



Hospital Appointments

Mr A, an insulin dependent diabetic, complained to the Prisoner Ombudsman about a hospital appointment being cancelled at short notice and other appointments being confirmed only on the day of appointment itself. As it is was a common requirement for Mr A to fast prior to hospital appointments, he was concerned that cancellations at short notice could place his health at risk by fasting unnecessarily or that, he would be forced to cancel appointments himself if he had not been given sufficient notice to fast in preparation for his appointment.

Mr A was not satisfied by the response he received to his internal complaint to the Northern Ireland Prison Service.

In 2008, responsibility for the delivery of healthcare in prisons was transferred to the South Eastern Health and Social Care Trust. At the same time, responsibility for complaints concerning health care transferred to the Northern Ireland Parliamentary Ombudsman. The function of the Prison Service in facilitating prisoner attendance at hospital appointments does however fall within the remit of the Prisoner Ombudsman where the prisoner is dissatisfied by a response from the Internal Complaints Process.

The Prisoner Ombudsman concluded that the situation surrounding cancelled and short notification of hospital appointments for Mr A and several other prisoners was wholly unacceptable. As a result it was recommended that there should be a review of PECCS (Prisoner Escort and Court Custody Service) with a view to addressing staffing difficulties that caused cancellation at short notice. It was also recommended that arrangements for communicating appointments and pre-hospital instructions to prisoners should be reviewed. Both recommendations were accepted.

Mail

Ms B complained to the Prisoner Ombudsman about privileged mail being opened by staff at Hydebank Wood. She said that although the letter from her solicitor had clearly been marked with the legal ocular, it had already been opened when she received it.

In a response to the internal complaint, Ms B received an apology for the mistake. Ms B was not satisfied with this response as she alleged this had happened on three other occasions.

The Prisoner Ombudsman's investigation found that although Hydebank Wood had taken measures to implement a process setting out a chain of custody for incoming mail, this process was not being adhered to. Furthermore, the systems in place did not operate effectively to establish at what point within the chain of custody the letter could have been opened and, who was responsible.

The Prisoner Ombudsman recommended that arrangements be made for occasional checks to audit the implementation of mail measures and ensure that all staff covering incoming mail duties are fully aware of the correct operating procedures. Both recommendations were accepted and implemented.

Drug Testing

Mr C complained about being demoted in regime level because he felt the adjudication process that followed a charge against him for passing drugs was unfair.

At adjudication, Mr C was found guilty of the charge and demoted from an enhanced privileged regime to standard regime and received 28 days loss of association, 14 days loss of tuck shop and 28 days loss of gym and sports. Mr C alleged he was subsequently made to take a drugs test 26 days after his last failed test and, when he failed again, he was further demoted from standard to basic regime. Mr C felt he had been punished twice in a short period of time and believed the Prison Service should have waited 28 days after the adjudication before asking him to take a drugs test to allow time for any drugs to leave his system. Mr C disagreed with the Prison Service response to his internal complaint as he maintained that his treatment was unfair.

Mr C's first complaint that his initial regime demotion was unfair was not accepted by the Prisoner Ombudsman who emphasised the need for a decisive response to prisoners found to be trading or passing drugs. In relation to Mr C's second complaint, the Prisoner Ombudsman reviewed the records and found that on all occasions there had been the required 28 days between drugs tests, therefore the action to test and the timeframe for testing was compliant with the Progressive Regimes and Earned Privileges Scheme (PREPS).

The Prisoner Ombudsman noted that Mr C's PREPS records detailed that he was a 'model prisoner' prior to his adjudication and there was no evidence that this was considered when regime demotion decisions were taken. The Prisoner Ombudsman recommended that, as a general principal, decisions about regime demotion should be consistent with an overall objective of ceasing drug use. Where drug tests are failed, a review of PREPS ought to inform the circumstances in which a prisoner punished at adjudication should or should not be demoted. The Prisoner Ombudsman also emphasised the need for therapeutic interventions to address addiction problems. These recommendations were accepted.

Home Leave

Mr D complained to the Prisoner Ombudsman about being refused home leave.

Mr D applied for two days home leave to seek accommodation in preparation for his forthcoming release from prison. In refusing home leave, the Governor had highlighted the fact that Mr D was assessed as being a high risk re-offender; he had ignored many of the conditions attached to his release for earlier convictions; and his current sentence was similar to a large number of previous ones.

Mr D was dissatisfied with the Prison Service response as he claimed that his good behaviour in prison should be taken into account.

The Prisoner Ombudsman concluded that the refusal of Mr D's home leave was compliant with Prison Service policy. Whilst very supportive of pre-release home leave and the need for comprehensive resettlement planning, she noted that, in this instance, there was evidence that Mr D's good behaviour in prison provided no guarantee that he would not pose a risk outside of prison. She said, therefore, in light of Mr D's assessment as a high risk offender and previous breaches of bail conditions, the Prison Service response was reasonable in all the circumstances.

Bullying

Mr E complained about alleged incidents of assault, bullying and racial abuse by a group of other prisoners and some staff.

There was no dispute that Mr E was having problems with other prisoners and some of the prisoners involved in these incidents had been charged by the Prison Service. Although Mr E was eventually relocated to the Vulnerable Prisoner Unit, he felt he had been unfairly treated by a number of staff members in relation to the alleged bullying and assaults and also reported inappropriate and aggressive behaviour by staff.

Mr E complained to the Prisoner Ombudsman as he was unhappy with the responses he received through the Prison Service's Internal Complaint Process.

The Prisoner Ombudsman concluded that the Prison Service had failed to take sufficient action in line with Prison Service Policy. The incidents of alleged bullying and racial abuse had not been adequately investigated, particularly in relation to the allegations against staff. Furthermore, appropriate action was not taken, either to protect Mr E or deal with the perpetrators.

As a result the Prisoner Ombudsman recommended that the Prison Service carry out a comprehensive review of the implementation of its own policy relevant to the internal investigation of complaints of alleged bullying by prisoners and/or staff and ensure that all evidence opportunities – CCTV, witness interview, prisoner phone calls are gathered and fully examined. This recommendation was accepted.

Child Centred Visits

Mr F was one of several prisoners who complained that child centred visits at Magilligan had been restricted to take place once every eight weeks, compared to the four week basis that had previously been in place.

In response to an internal complaint, Mr F was advised that child centred visits had been restricted due to staffing pressures. Unsatisfied with this response, Mr F escalated his complaint to the Prisoner Ombudsman for investigation.

The Prisoner Ombudsman reviewed records of child centred visits and observed an unacceptable level of provision and low level of priority within the prison. She noted that the restricted provision of child centred visits undermined the commitment of the Prison Service to deliver a 'Family Strategy' to address the needs of prisoners' families and support families to work with the Prison Service in its efforts to rehabilitate and resettle offenders. She also noted that visits had at time been cancelled at very short notice, causing considerable disappointment.

As a result, the Prisoner Ombudsman recommended a review of the arrangements for staffing child centred visits across all Northern Ireland prisons as part of the Prison Reform Programme proposed operating model. She also recommended that, with immediate effect, Magilligan Prison should make arrangements that once a month, every month, the children of prisoners are given the opportunity of a child centred visit with their father. These recommendations were accepted.

DEATH IN CUSTODY INVESTIGATIONS

Overview

Since 1st September 2005, the Prisoner Ombudsman has been responsible for **death in custody investigations** and also has the discretion to investigate the deaths of former prisoners, where the circumstances of the death may relate to the care received in prison.

There have been 36 deaths in Northern Ireland prisons since September 2005. 35 of these prisoners were male and one was female.*

Of these, 11 were in Magilligan prison, 22 in Maghaberry prison and 3 in Hydebank Wood Prison and Young Offenders Centre.*

Investigating deaths in custody

The aims of death in custody investigations are to:

- establish the circumstances of the death;
- examine whether any change in operational methods, policy and practice, or management arrangements would help prevent recurrence of a similar death or serious event;
- inform the Coroner's inquest; and
- address any concerns of the bereaved family.

As part of death in custody investigations, independent and appropriately qualified experts are engaged, where necessary, to carry out a full clinical review of the healthcare provided to a prisoner whilst in prison.

In order to maximise the effectiveness of investigations in a timely manner, it is the Prisoner Ombudsman's practice to inform the Prison Service and South Eastern Health and Social Care Trust of serious areas of concern as and when these are identified.

* Figures correct at July 2012.



Remit of Investigations

The South Eastern Health and Social Care Trust assumed responsibility for the delivery of healthcare within prisons in October 2008. Whilst the Commissioner for Complaints investigates prisoner complaints about healthcare, the Prisoner Ombudsman retains overall responsibility for investigating healthcare aspects of deaths in custody. Matters concerning the application of Prison Service policy and practice, staffing and healthcare issues are inter-related and this arrangement ensures a comprehensive approach and full consideration of all relevant evidence. The Prisoner Ombudsman has no responsibility for investigating the care of a prisoner whilst in an outside hospital.

Working with Bereaved Families

The death of a loved one in prison can be particularly difficult because of the limited information a family has about the last hours and days of the prisoner and the exact circumstances of the death.

The Prisoner Ombudsman is committed to working closely with families in a way that is fully open and transparent but also sensitive to and respectful of their needs. Families are updated, at appropriate intervals, on emerging information and progress.

The purpose of this family liaison is to:

- meet at an early stage to discuss family concerns and questions;
- keep families up to date on emerging findings and progress;
- ensure that investigation reports address family concerns and questions;
- give the family an opportunity to discuss the draft investigation report;
- agree arrangements for report publication.

Working with Key Stakeholders

The need to keep the Prison Service and South Eastern Health and Social Care Trust fully informed of serious emerging issues is taken very seriously. There is also ongoing liaison with the Prison Service, the Trust and Criminal Justice Inspection Northern Ireland (CJI) to report the progress of investigations. The Prisoner Ombudsman also meets the Regulation and Quality Improvement Agency (RQIA) to discuss healthcare issues and meets CJI inspectors before prison inspections. She also contributes to thematic reviews in the justice sector.

Deaths in Custody 2011/12

Six death in custody investigations were completed:

Allyn Baxter (*Died: 3 August 2010*)

- Report published: 15 June 2011
- Cause: death by suicide
- 18 issues of concern identified

Armondo Nunes (*Died: 18 November 2010*)

- Report published: 9 March 2012
- Cause: terminal illness
- 4 issues of concern identified

Francis Gerard McAlary (*Died: 25 December 2010*)

- Report published: 14 March 2012
- Cause: death by suicide (following release from prison)
- 6 issues of concern identified

Mark Charles Maginnis (*Died: 25 October 2010*)

- Report published: 21 March 2012
- Cause: septicaemia
- 6 issues of concern identified

Patrick Duffy (*Died: 23 June 2011*)

- Report published: 13 June 2012
- Cause: poisoning by dihydrocodeine, diazepam and chlordiazepoxide
- 14 issues of concern identified

Aaron Wayne Hogg (*Died: 22 May 2011*)

- Report published: 28 June 2012
- Cause: death by suicide
- 24 issues of concern identified

Ongoing Investigations

There are currently (July 2012) four ongoing death in custody investigations and a further three investigations have been completed and will shortly be with the Prison Service for comment.

The Prisoner Ombudsman is also currently undertaking the Office's first 'near death' investigation as a result of an attempted death by suicide at Maghaberry Prison. Following a direction from the House of Lords in connection with the need for independent investigation in the case of near fatal incidents, the Prison Service agreed in January 2010 that the Prisoner Ombudsman should investigate serious incidents in circumstances: that without immediate intervention the prisoner would have died; that as a result of the incident the prisoner has suffered a permanent or long term serious injury; and that as a consequence of the long term injury sustained, the individual's ability to know, investigate, assess and/or take action in relation to the circumstances of the incident has been significantly affected.

Key issues

During the course of death in custody investigations, the Prisoner Ombudsman has found evidence of efforts made by the Northern Ireland Prison Service and South Eastern Health and Social Care Trust to deliver a caring and compassionate service, particularly in the case of prisoners suffering with terminal or chronic illnesses. However, many areas of concern have also been identified.

The significant issues arising from the death in custody investigation reports completed in 2011/2012 include:

- Long periods of lockdown without purposeful activity;
- Adherence to 'Supporting Prisoner's at Risk' (SPAR) booklet protocol;
- Management of prescribed medication and supervision of self-medication arrangements;
- Availability of illicit substances/non prescribed medication;
- Trading of prescribed and illicit drugs;
- The management of drug related bullying;
- Inadequate consideration of mental health and therapeutic interventions;
- Failure to update prisoner healthcare records following all prisoner interactions with healthcare;
- Transfer of healthcare information from community providers to prison on committal; and from prison to community on release.

Implementation of recommendations

The final report by the Prison Review Team, chaired by Dame Anne Owers and published in October 2011, delivered a comprehensive, up to date picture of the entire custodial system which reconciles many issues that have been identified time and again through various reports from the Office of the Prisoner Ombudsman, amongst others.

In February 2011, in her interim report, Dame Owers said:

An early task for the change management team will be to rationalise and prioritise the outstanding recommendations from the various external reviews and monitoring bodies. They have become a barrier rather than a stimulus to progress, with a plethora of action plans at local and central level, and a focus on servicing the plans rather than acting on them. This has led to inspection and monitoring being defined as a problem within the service, rather than a solution and a driver for change.

The Prison Service and South Eastern Health and Social Care Trust are currently engaged in two programmes of work with the aim of achieving significant change in Northern Ireland prisons. These are the Strategic Efficiency and Effectiveness (SEE) Programme and the Trust's Service Improvement Boards.

In light of Dame Owers' comments and in order to support the development of a more strategic and joined up approach to service development, the Prisoner Ombudsman took a decision in June 2011 not to make recommendations following death in custody investigations and instead to detail issues of concern that the Prison Service and South Eastern Health and Social Care Trust are expected to fully address, with appropriate urgency, in the context of their programmes for change. This approach remains under review and the Prisoner Ombudsman will revert to making recommendations if not satisfied that the response of the Prison Service and/or Trust is appropriate.

To date, the response to areas of concern identified has indicated that these issues are being given a high level of priority by the Prison Service and the Trust in the context of the change programmes.



OUR 2012/2013 PRIORITIES

The Office of the Prisoner Ombudsman has some significant priorities for the forthcoming year 2012/2013:

Statutory Footing

The Prisoner Ombudsman has now been given a commitment that statutory footing for the Office will be progressed during the current year. The Department of Justice is soon expected to commence a consultation exercise on arrangements for the most effective operational and support structures for Ombudsmen operating in the area of Justice and the delivery of Statutory Footing for the Prisoner Ombudsman is one of its planned outcomes.

Resources

The Office delivers a very high level of efficiency and effectiveness, however staffing levels are not adequate at current business levels. Restrictions on external recruitment have also made it difficult to ensure the right skills and competencies. The forthcoming Department of Justice review of arrangements for the Office must address the long standing human resource issues in order to provide sustainable staff recruitment and retention.

Complaints

The Office of the Prisoner Ombudsman will continue to work closely with prison Governing Governors to encourage prison staff to resolve complaints better and more efficiently at the point of complaint. Greater support and encouragement for officers in solving problems helpfully and constructively will be a particular significant factor as the Northern Ireland Prison Service Strategic Efficiency and Effectiveness (SEE) Programme moves forward.

Driving Forward Reform

The Owers report delivered a blue print and now all stakeholders in the criminal justice system must play their part in building a new modern, fit for purpose prison system in Northern Ireland. The Prisoner Ombudsman is committed to supporting the change programme and driving forward the implementation of the full programme of reform.

