



OIFIG AN CHIGIRE PRÍOSÚN
OFFICE OF THE INSPECTOR OF PRISONS

Investigation Report

Pursuant to Section 31(2) of the Prisons Act 2007

**into the circumstances surrounding the release from custody and
death**

of

Mr X

on

30 January 2018

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GLOSSARY

ACO	Assistant Chief Officer
Clockwise	Automated Time and Attendance system used to manage employees hours of attendance
CPD	Continuing Professional Development
DAR	Digital Audio Recording
DOB	Date of Birth
IPS	Irish Prison Service
IPSC	Irish Prison Service College
Nolle prosequi	The entering by the prosecution of a stay on criminal proceedings (not to be confused with an acquittal)
OIP	Office of Inspector of Prisons
PIMS	Prisoner Information Management System
PSEC	Prison Service Escort Corps
PSNI	Police Service Northern Ireland
SOP	Standard Operating Procedure

Please note throughout this report when referring to time the 24 hour clock is used.

Preface

On 24 April 2018, the Minister for Justice and Equality, Mr. Charles Flanagan, T.D., signed a warrant “*giving authorisation, pursuant to Part 5 of the Prisons Act, 2007, to the acting Inspector of prisons, to enquire into the circumstances surrounding the release from custody and death of prisoner [Mr X]*”.

The aims of this investigation were to:

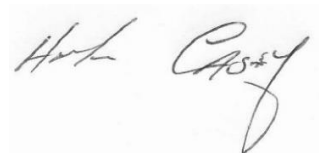
- Establish the circumstances surrounding the release and subsequent death of Mr. X; and
- Examine whether any changes in operational methods, policy and practice, or management arrangements would help to prevent a recurrence of a similar serious event.

Methodology

The investigation methodology aimed to thoroughly explore and analyse prison records, Prison Service Escort Corps (PSEC) records and staff statements. A copy of the Digital Audio Recording (DAR) for the case involving Mr. X was obtained with the permission of the presiding Judge, His Honour Judge Keenan Johnson. The investigation necessitated listening to the recording of the court proceedings relating to Mr. X’s appearance at Roscommon Circuit Court on 30 January 2018.

This report is structured to detail the events leading up to Mr. X’s release from Roscommon courthouse on 30 January 2018 and subsequent events.

We offer our sincere condolences to the family of Mr. X.



Helen Casey
Office of the Inspector of Prisons
(Acting Inspector of Prisons when investigation was commissioned by the Minister for Justice and Equality)

Summary

Mr. X was 36 years of age at the time of his death, he had an address in the Dublin area and was serving an 18 month sentence in Midlands Prison which commenced on 3 June 2017. With remission, Mr. X was due for release on 18 July 2018. However Mr. X had further charges pending which were listed for hearing at 10:00 at Roscommon Circuit Court on 30 January 2018.

On 29 January 2018 Mr. X was transferred from Midlands Prison to Castlerea Prison to facilitate his appearance at Roscommon Circuit Court. On the morning of 30 January 2018 Mr. X was conveyed in a PSEC vehicle to Roscommon Circuit Court, along with nine other prisoners.

The PSEC vehicle left Castlerea prison at 09:40 to travel 30 kms to the Court which was due to commence at 10:00. Mr. X's case was first called at 10:39. The Prosecuting Barrister told the Judge that the State was entering a "*Nolle prosequi*" in relation to the charges before the court. Mr. X was not in Court at that time. His Barrister informed the Judge that he was in custody and the Judge decided to await his arrival to deal with the charges. At 10:59:05 the case was recalled. Mr. X was in Court at this time and the Prosecuting Barrister again informed the Judge a Nolle prosequi was being entered on the charges before the Court, which was accepted by the presiding Judge.

As Mr. X was already serving a sentence he should have been returned to prison.

However, the ACO in charge of the escort directed the release of Mr. X contrary to the documentation in his possession which clearly specified, by way of a red stamp on the top left hand corner of the Court Return form, that Mr. X 'Must Return' to prison. The ACO in his statement reported that the Judge declared that the prisoner was "*free to go*". The DAR of the proceedings shows that the Judge did not state "the prisoner was free to go".

The ACO became aware of the error in releasing Mr. X when he checked the documentation in his possession and "*realised that he was serving an existing sentence...*" When the ACO realised that an error had been made in releasing Mr. X, the matter was reported to An Garda Síochána in Roscommon and to PSEC management, this was approximately 30 minutes following his release. The Police Service in Northern Ireland notified the Irish Prison Service in a report dated 1 February 2018 that Mr. X had collapsed and died at a house in Northern Ireland on 1 February 2018.

RECOMMENDATIONS

Recommendation 1

The IPS should take immediate action to ensure that an Escort departs a prison in sufficient time to arrive at a Court Sitting at least 15 minutes before that Court is due to commence thereby guaranteeing compliance with a Judicial Order of the Court.

Recommendation 2

The IPS should satisfy itself that the number of staff detailed for duty is adequate to convey prisoners from their landings to Reception and process them in a timely manner so that the departure of a Court escort is not delayed. If sufficient resources are detailed and they fail to carry out the duties to which they are assigned the officer(s) should be held to account.

Recommendation 3

The IPS should consider the appropriateness of an Assistant Chief Officer who has oversight of a number of escorts also performing the role of Court Officer.

Recommendation 4

The IPS should consider entering discussions with the Courts Service regarding the provision of appropriate facilities in Courthouses, to include a holding cell(s) and a secure toilet, for use by prisoners while attending court.

Recommendation 5

The Officer in charge of the Court should ensure that all Court Return Forms are accurately completed to allow for the recording of the result of the Court on PIMS and the placement of the signed copy on the prisoner's file.

Recommendation 6

An Officer in charge of a Court Escort must ensure that the individual before the Court is only released when s/he has properly checked all documentation and is satisfied that there are no grounds to detain the prisoner. Consideration should be given to a 'double check' system whereby the Officer-in-charge of the escort requests another officer on the escort to check all relevant documentation and both officers sign the Court Result Form to state that they both checked the documentation (date and time) prior to the release of the prisoner concerned.

Recommendation 7

The IPS should ensure that the Officer-in-charge of an escort has adequate time to check the documentation in relation to each prisoner on that escort prior to its departure from the prison in compliance with section 3.2 of the IPS SOP Escorting of Prisoners. Where sufficient time is allocated and s/he fails to comply with the IPS policy in relation to Escort Duties the officer(s) should be held to account.

Recommendation 8

The IPS should ensure that all Officers in charge of a Court Escort and those who assist in Court Escorts are fully aware of their responsibilities as outlined in the 'Irish Prison Service Standard Operating Procedure Escorting of Prisoners'.

Recommendation 9

The IPS should enhance governance structures to ensure that their Policies, SOP's, Governors and Chief's Orders are (a) known to all staff and (b) implemented at all times.

Recommendation 10

The IPS should satisfy itself that staff detailed for Court Escort duties are appropriately trained to meet the demands of the various escort role(s) and responsibilities.

Several learning points arise from this investigation. Ten recommendations for improvement are made. Two of these have previously been made, either directly or in a slightly different format, and accepted by the IPS (see recommendations 2&4).

The draft report containing ten recommendations was sent to the Director General of the Irish Prison Service on the 24 March 2020. The Director General has confirmed that all ten recommendations in this report have been accepted. These will be monitored in future inspections and investigations.

1.0 Introduction

- 1.1 The Office of the Inspector of Prisons (OIP) is a statutory, independent office. The powers of the Inspector of Prisons (Inspector) are set out in Part 5 of the Prisons Act 2007.
- 1.2 On 24 April 2018, the Minister for Justice and Equality, Mr. Charles Flanagan, T.D., signed a warrant *“giving authorisation, pursuant to Part 5 of the Prisons Act, 2007, to the acting Inspector of prisons, to enquire into the circumstances surrounding the release from custody and death of prisoner [Mr X]”*.
- 1.3 The Office is completely independent of the Irish Prison Service (IPS). The Inspector and staff of the OIP are civil servants, however, they are independent of the Department of Justice in the performance of statutory functions.

2.0 Legislation Governing the Investigation

- 2.1 Under Section 31(2) of the Prisons Act 2007, the Inspector of Prisons may, and shall if so requested by the Minister for Justice and Equality, investigate any matter arising out of management or operation of a prison and shall submit to the Minister a report on any such investigation.
- 2.2 In April 2018 the Inspector of Prisons post was vacant and the functions of the office at that time were undertaken by Helen Casey who was Acting Inspector of Prisons. The signed warrant referred to at 1.2 authorised *“... the acting Inspector of Prisons, Ms. Helen Casey to investigate into the circumstances surrounding the release from custody on 30 January, 2018 and death of Mr. X and to submit a report of her findings.”*
- 2.3 The warrant also authorised the acting Inspector of Prisons to:

“- ... at any time enter any prison or any part of any prison;

- ... may request and obtain from any governor a copy of any books, records, other documents (including documents stored in non-legible form) or extracts therefrom kept there;*
- Governors and other prison officers, other persons employed in prisons and prisoners, shall as far as reasonably practicable, comply with any request for information made by her;*
- She may make enquiries into any relevant persons and authorities including the Courts Service and An Garda Síochána.”*

3.0 Investigation Process

- 3.1 To commence the investigation the management of Castlerea Prison was contacted and copies of all relevant records pertaining to the transfer of Mr. X from Midlands Prison to Castlerea Prison on 29 January 2018 were requested. Records relating to Mr. X's accommodation overnight in Castlerea Prison and records relating to his escort to Roscommon Circuit Court on 30 January 2018 were also sought.
- 3.2 The Governor of the Prison Service Escort Corps (PSEC) was contacted. PSEC was established in 2005, on an independent basis within the Irish Prison Service, to provide a prisoner escorting service. PSEC is a dedicated corps of Irish Prison Service staff whose task is to escort prisoners to and from court and to other scheduled appointments throughout the State. There are insufficient staffing resources assigned to PSEC to meet all escort demands and consequently, on a daily basis, staff attached to the prison(s), from which a prisoner(s) is/are required to attend Court or other pre-scheduled appointments, are detailed to assist the PSEC staff with these escorts.
- 3.3 On the 30 January 2018 four staff attached to Castlerea Prison formed part of the six officer escort to Roscommon Circuit Court – section 7.3 also refer. Copies of documents in the possession of PSEC relating to the escort of Mr. X to Roscommon Circuit Court and to his subsequent release were requested. A copy of any record(s) in the possession of PSEC relating to the Court proceedings relating to Mr. X was sought including a copy of any investigation file prepared by PSEC following the unlawful release of Mr. X.
- 3.4 On receipt and review of the documentation requested, the Officers who were involved in the escort of Mr. X to Roscommon Circuit Court were interviewed.
- 3.5 His Honour Judge Keenan Johnson presided over Roscommon Circuit Court on 30 January 2018. The permission of His Honour Judge Johnson to release and review the DAR of the proceedings, as they related to Mr. X, was sought through the Courts Service. I wish to thank His Honour Judge Johnson for approving the release of the recording of Mr. X's proceedings.
- 3.6 The Courthouse in Roscommon was also visited.
- 3.7 Having gathered and reviewed the relevant evidence, this report into the circumstances surrounding the release of Mr. X has been prepared.

4.0 Custodial Sentence

- 4.1 Mr. X was committed to prison on 3 June 2017 to serve an 18 month prison sentence and was serving his sentence in Midlands Prison Portlaoise. He was due for release with remission on 18 July 2018 however he had further charges pending.
- 4.2 Mr. X was subject to a Remand Warrant to appear before the Circuit Court *“Midlands Circuit County Roscommon By Order of His Honour Judge Keenan Johnson.” ...“at 10:00 on the 30/01/2018 ...”*

- 4.3 Mr. X was transferred from Midlands Prison to Castlerea Prison on the afternoon of 29 January 2018 to facilitate his appearance at Roscommon Circuit Court the following day.
- 4.4 Mr. X was processed through Reception (which involved the recording of his personal details and also a search) in Castlerea prison on his arrival and was accommodated overnight in a single cell in the Committal Unit of Castlerea Prison.
- 5.0 **Court Escorts from Castlerea Prison on 30 January 2018**
- 5.1 Officer A assisted the Class Officer on the Committal Unit on the morning of 30 January 2018. Officer A in his statement reported that Mr. X was provided with his breakfast in the Committal Unit at approx. 08:20.
- 5.2 Following breakfast Mr. X was moved to the Reception area. Officer B who was in-charge of the Reception area reported that Mr. X was “... *processed, identified and searched as per normal procedures*” before he was placed in the PSEC vehicle for transportation to Roscommon Circuit Court.
- 5.3 On 30 January 2018, PSEC had five escorts from Castlerea Prison to the following courts; Letterkenny Circuit Court, High Court in Dublin, Galway District Court, Castlebar Circuit Court and Roscommon Circuit Court. Records showed that staff detailed to escort prisoners to Letterkenny, Dublin and Galway were scheduled to commence work at 07:00. Staff assigned to Castlebar and Roscommon Court escorts were detailed to commence work at 08:00.
- 5.4 Seven prisoners were escorted to Castlebar Circuit Court and ten prisoners to Roscommon Circuit Court. Mr. X was one of ten prisoners conveyed by PSEC to appear at Roscommon Circuit Court on 30 January 2018.
- 5.5 ACO A was in-charge of the escort to Roscommon Circuit Court and in his statement he explained that he was responsible for all of the escorts specified in section 5.3 from Castlerea Prison on 30 January 2018. He stated that this involved detailing PSEC staff and handling “*issues that may arise during the day*” on any of the escorts which left Castlerea prison. He explained that it also involved dealing with any queries he received on his Radio during the course of the day and “*planning for the following day*” as well as having responsibility for the escort at Roscommon Circuit Court which comprised ten prisoners.
- 5.6 ACO A stated that “*it was very busy and it took time to process the prisoners through Reception*” on the morning of 30 January 2018. He explained that “*there are only three cells in Reception. Factions must be separated so it was very busy.*” He also reported that “*the number of Reception staff on duty*” remains the same whether there is a large or small number of prisoners to be processed.
- 5.7 ACO A explained that it is the responsibility of prison staff and not PSEC staff to escort prisoners from their cells to Reception to be searched prior to being placed in the PSEC vehicle. ACO A stated that prison staff are rostered to start work at 08:00 but it takes time for staff to “*get through the search area, travel from the gate to the locker room and to the main prison*” and “*it would be circa 08:30 before a prisoner is taken to Reception.*”

- 5.8 ACO A reported that as *“the escort was running late for Court and as the prison van was full”* he decided to travel in the official prison car as he knew *“the Judge starts Court in Roscommon on time at 10:00 and I wanted to be present at the start of Court and travelling in a car would get me there on time.”* It was recorded in the Gate Journal that the prison car left the prison at 09:20.
- 5.9 It was recorded in the Gate Journal that the PSEC van with the ten prisoners left Castlerea Prison at 09:40 on 30 January 2018 to travel 30km to Roscommon Courthouse. Mr Mc Donagh was due before the Court at 10:00.
- 5.10 There is a local Chief’s Order in place in Castlerea Prison dated 12 December 2012 relating to escorts, the purpose of which states: *“to assist with the smooth running of reception and getting escorts out on time in the morning.”* This Order requires the Night Guard following completion of the 06:30 check to transfer any prisoner on PSEC’s list to a holding cell in Reception. The Order also states that the Night Guard should remain in Reception until the Officer in-charge in Reception takes up duty at 07:00. The Order also states that *“All prisoners on the Discharge docket that are going to court or on transfer early should be woke (sic) up at 6.00 am. They should have been issued a breakfast pack the previous day but they may need a razor and should be allowed same.”* Incorporated in the Order is an *“agreement with PSEC”* which states *“The highlighted prisoners are to be in Reception by 6.45 am. The escorting Psec (sic) Officers will assist the Reception Officer in processing at 7 am. These prisoners are to depart Castlerea by 7.15 am. The other 7 AM escort prisoners will be collected by Psec (sic) in the prison and brought to reception as has been the practice. The escorting Psec (sic) officers will assist the Reception Officer in processing. To depart by 7.20am. 8 am escort prisoners shall be delivered to reception at 8am by prison staff.”*
- 5.11 Management at Castlerea Prison confirmed that *“at that time it was the responsibility of Castlerea Staff to convey Prisoners to Reception for court appointments”*. It was also confirmed that *“Two Officers are assigned collection duties daily for courts scheduled to depart after 8:00 a.m., in addition to these two staff any Castlerea Staff detailed to assist PSEC would also have the function of collecting Prisoners from the various landings and assisting with the processing of them through reception and onto Prison transport.”*
- 5.12 If the above Chief’s Order of 12 December 2012 had been complied with, the Escorts for Letterkenny Circuit Court, the High Court in Dublin and Galway District Court should have departed Castlerea prison by 07:20 and they would not have adversely impacted on the later escorts.
- 5.13 The Reception Journal in Castlerea prison does not record the time of arrival of a prisoner into the Reception area. The Class Journals did not have a record of the time prisoners were collected from their landings. However, the CCTV checked showed Mr. X with other prisoners being escorted to Reception at 08:59. If the Chief’s Order referred to at Section 5.10 was complied with the prisoners listed to appear before Castlebar Circuit Court and Roscommon Circuit Court should have been in Reception at 08:00 .

- 5.14 Management at Castlerea prison confirmed that officers *“assisting the escort are responsible for searching the prisoners before departure along with the Reception staff.”* On the morning of 30 January 2018 there were two Reception Officers, four PSEC Staff and six Castlerea prison staff assisting with the Castlebar and Roscommon Court escorts (there were seven Castlerea prison staff assigned escort duties but one was a female and not permitted in a male Reception area).

Recommendation 1

The IPS should take immediate action to ensure that an Escort departs a prison to arrive at a Court Sitting at least 15 minutes before that Court is due to commence thereby guaranteeing compliance with a Judicial Order of the Court.

Recommendation 2

The IPS should satisfy itself that the number of staff detailed for duty is adequate to convey prisoners from their landings to Reception and process them in a timely manner so that the departure of a Court escort is not delayed. If sufficient resources are detailed and they fail to carry out the duties to which they are assigned the officer(s) should be held to account.

6.0 Roscommon Circuit Court

- 6.1 ACO A reported that it was a very busy morning at Roscommon Circuit Court and the Judge *“.. dealt with cases very quickly.”*
- 6.2 ACO A reported that *“there were numerous lists before the Court on the day and the Judge was moving from one list to another which was confusing.”* ACO A explained that the name of a prisoner was called by the Court Registrar which did not match any of the names he had on his list so he dispatched the officer who was assisting him in Court to check if any of the prisoners in the van was using the name called out in court. While Officer C was checking this out ACO A stated that he was on his *“own to listen to the Judge in a noisy courtroom and arrange for prisoners to be brought in and out.”*
- 6.3 ACO A stated that he *“planned to have another officer in court but due to unforeseen circumstances he was not available”* and ACO A stated that he *“stepped in to take responsibility for the Court on the day.”* Examination of the PSEC Detail Sheet showed a requirement for six staff for Roscommon Circuit Court on 30 January 2018. This comprised two named PSEC staff and four Castlerea officers. IPS records examined confirmed that the escort comprised all six officers.
- 6.4 Officer D in his statement reported that he was the detailed driver and reported *“to work at 08:10, got breakfast then went to Reception which was busy...”* He stated that they *“arrived to Roscommon Circuit Court at around 10:30 and parked.”* Officer D reported that the Court had already started by the time they arrived and *“another officer came out saying Mr. X was required in Court.”*
- 6.5 As there is no holding cell at Roscommon Courthouse the cellular vehicle was used as a mobile holding cell. There are no toilets in the cellular van and only one male

toilet in the Courthouse which ACO A stated *“places pressure on the escort team when a prisoner requests to use the facilities also family and friends are outside/around the Court on the first day of a hearing.”*

- 6.6 Mr. X was taken from the cellular van by Officer E and taken in to the Courtroom. Officer E was handcuffed to the prisoner and he reported that they were seated together at the back of the Courtroom. When the case involving Mr. X was called Officer E stated:

“We stood up and I went to take the handcuffs off the prisoner but it was awkward where we were so we went back down the steps. I was trying to get the cuffs off in the middle of a busy courtroom..... by the time I was finished removing the cuffs the case was over.... The only thing I believe I heard about the case was that man is free to go.....I said to the prisoner you are going nowhere until you speak to that man and ACO A was coming toward us. I can't recall what ACO A said but it was something like he is good to go... A while afterwards ACO A spoke to me about Prisoner Mr. X as he wasn't sure if he should have been released”.

- 6.7 ACO A stated that when Mr. X's case was dealt with he directed Officer E to release Mr. X *“in what I believed to be the instructions of the Judge”.*
- 6.8 ACO A and Escorting Officer E reported that they heard the Judge declare that the prisoner was *“free to go”.*

Recommendation 3

The IPS should consider the appropriateness of an Assistant Chief Officer who has oversight of a number of escorts also performing the role of Court Officer.

Recommendation 4

The IPS should consider entering discussions with the Courts Service regarding the provision of appropriate facilities in Courthouses, to include a holding cell and a secure toilet, for use by prisoners while attending court.

7.0 Documentation relating to the Escort

- 7.1 ACO A furnished a copy of the PSEC West Detail sheet for Tuesday 30 January 2018. This sheet provided the names of the Courts in which prisoners were required to appear, the names of the prisoners to attend these sittings, names of PSEC staff detailed to form part of the respective escorts and the number of staff required from the prison to assist with the respective escorts. The Detail Sheet showed the PSEC staff who were rostered for duty on 30 January 2018. ACO A was detailed to start at 07:00 and was detailed to form part of the Roscommon Circuit Court escort party and was in charge of that escort.
- 7.2 Officer D was listed for escort duty to Roscommon Circuit Court to commence duty at 08:00. The Detail Sheet showed that ACO A and Officer D were to be accompanied by four Castlereagh staff.
- 7.3 The PSEC Detail Sheet showed a requirement for six staff for Roscommon Circuit Court on 30 January 2018. This comprised two PSEC staff who were named and four

Castlerea officers who were not named on that sheet. Records examined confirmed that the escort comprised all six officers.

- 7.4 The PSEC Detail Sheet also listed the names of ten prisoners who were to appear before Roscommon Circuit Court on 30 January 2018. ACO A stated that on *“The day before the Court I got details of prisoners who are due in Court. I looked at PIMS to check these prisoners.”*
- 7.5 On the morning of 30 January 2018 ACO A reported collecting the prisoner’s profiles from the ACO’s office at 07:00 when he reported for duty. He stated that he was *“given Court Return Forms to be completed in court in respect of these prisoners.”* A Court Return Form contains information pertaining to an individual prisoner such as name, DOB, Prison No, status in prison i.e. remand or serving a sentence, date committed, duration of sentence, location and date of Court appearance. If the prisoner is already serving a sentence ‘Must Return’ is stamped on the form thereby alerting the Officer in charge of the Escort that the prisoner must be returned to prison following his/her Court appearance.
- 7.6 ACO A alleged that some of the forms he was provided with for the individuals appearing before Roscommon Circuit Court had errors, he said *“there were errors on four of the 10 sheets received on the morning of the Court.”* ACO A stated that all ten Court Return Forms had *“Must Return”* stamped on them and this was not correct as he knew some of the prisoners *“were only remanded to Roscommon Circuit Court”* and *“could be released.”* ACO A stated that *“due to the pressure on the morning I did not have time to check/verify the accuracy of the detail on all 10 forms received.”*
- 7.7 A copy of the Court Report Form was obtained in respect of Mr. X’s appearance at Roscommon Circuit Court 30 January 2018. Mr. X’s personal details were entered on the top of the form as was his then prison status which showed that he was serving a sentence of 1 year and 6 months which started on 3 June 2017 and the Remission Date entered was 18 July 2018. *“MUST RETURN”* was stamped in capital red letters on the top right hand side of this form. The section with the heading *“Court Result Details – Must Be Completed”* was blank and the section requiring Officer’s Name (Block Capitals), Signature and Date were not completed on the copy of the form received by this Office from Castlerea Prison.

Recommendation 5

The Officer in charge of the Court should ensure that all Court Return Forms are accurately completed to allow for the recording of the result of the Court on PIMS and the placement of the signed copy on the prisoner’s file.

8.0 Digital Audio Recording (DAR)

- 8.1 The DAR recording confirmed that the Court Registrar called case No 21 DPP v Mr. X at 10:39:28. The legal representative for Mr. X declared his presence. The Prosecution informed the Judge that Mr. X *"is in custody. He should be brought in."* The Prosecution told the Court that *"the State is entering a Nolle Prosequi in relation to the matter."* The Judge in response stated *"So it is not proceeding. I suppose we will wait until Mr. X comes in."* This was 10:39:59.
- 8.2 At 10:59:05 the Court Registrar called case No. 21 again. The Prosecution is recorded stating that Mr. X had *"been brought in now." Enter a Nolle Prosequi in relation to the sole count on the indictment."* The Defence stated *"There is still a docket I ask that it be treated a trial date and a Nolle Prosequi is entered."* The Prosecution then stated *"Yes there are three counts. Enter a Nolle Prosequi for each of the counts."* The Judge responded; *"Each of the counts. Very good."* At 10:59:45 the case ended and the Court Registrar called the next case.

Recommendation 6

An Officer in charge of a Court Escort must ensure that the individual before the Court is only released when s/he has properly checked all documentation and is satisfied that there are no grounds to detain a prisoner. Consideration should be given to a 'double check' system whereby the Officer-in-charge of the escort requests another officer on the escort to check all relevant documentation and both officers sign the Court Result Form to state that they both checked the documentation (date and time) prior to the release of the prisoner concerned.

9.0 Irish Prison Service Standard Operating Procedure Escorting of Prisoners

- 9.1 The Escorting of Prisoners SOP has an effective date of 17 April 2017.
- Section 3.0 of the SOP relates to Responsibilities and it requires a Chief Officer to *"review and sign Prisoner Profile Forms.....in advance of an escort departing."*
 - Section 3.1 states that *"The officer or ACO detailed in charge of any escort will retain overall control of said escort/s while preparing, conducting and standing down any escort."*
 - Section 3.2 states that *"The officer in charge of the escort will check all documentation is correct .. they will advise assisting escort staff accordingly."*
 - Section 4.1 relates to Pre-escort Procedures and states that the officer in charge must *"Ensure relevant paperwork is present and correct including profiles...."* S/he must also ensure that *"All prisoners are searched prior to departure..."*

Recommendation 7

IPS should ensure that the Officer-in-charge of an escort has adequate time to check the documentation in relation to each prisoner on that escort prior to its departure in compliance with section 3.2 of the IPS SOP Escorting of Prisoners. Where sufficient time is allocated and s/he fails to comply with the IPS policy in relation to Escort Duties the officer(s) should be held to account.

Recommendation 8

IPS should ensure that all Officers in charge of a Court Escort and those who assist in Court Escorts are fully aware of their responsibilities as outlined in the 'Irish Prison Service Standard Operating Procedure Escorting of Prisoners'.

Recommendation 9

Irish Prison Service should enhance the governance structures to ensure that their Policies, SOP's, Governors and Chief's Orders are (a) known to all staff and (b) implemented at all times.

10.0 Unlawfully at large

- 10.1 ACO A gave an instruction to release Mr. X. When he later checked the paperwork in his possession he *"realised that he was serving an existing sentence..."*. ACO A stated that he notified his supervisors and An Garda Síochána that *"a prisoner had been released in error"* and was unlawfully at large.
- 10.2 A report dated 1 February 2018 from the Police Service in Northern Ireland confirmed that in the early hours of the 1 February 2018 Mr. X collapsed *"at his home address"* in Northern Ireland. It was reported that attempts to revive him by paramedics proved unsuccessful. *"At 0309 hours"* a medical Officer pronounced him dead.
- 10.3 On the 2 February 2018 a post mortem was carried out on Mr. X and the cause of death is a matter for the Coroners Service for Northern Ireland.

11.0 Staff Training

- 11.1 In response to a question regarding training for escort duties ACO A replied that he had two days familiarisation with the previous occupant of the ACO post in PSEC in the Connaught Region. He stated that he also underwent a *"one day induction at PSEC HQ Dublin."* *"The training was to inform me how to use the computer system."* He stated he was shown how to detail staff and monitor clockwise. He replied, when asked, that he obtained no formal training.
- 11.2 IPSC Management informed the OIP that *"there is no specific course for staff who are in-charge of Court Escorts but there are a range of inputs which staff undertake in training and CPD."* The OIP was informed that Escort Guidelines are delivered on CPD and *"Escort Guidelines Refresher is included for 2020."* In addition, RPO's while in training undertake various inputs such as *"escort familiarisation."* *"RPO's assigned to PSEC undertake 2 training days with PSEC prior to passing out."*

Recommendation 10

The IPS should satisfy itself that staff detailed for Court Escort duties are appropriately trained to meet the demands of the various escort role(s) and responsibilities.

12.0 Findings

- 12.1 Mr. X was the subject of a Remand Warrant to appear before Roscommon Circuit Court at 10:00 on 30 January 2018.
- 12.2 Mr. X was in the custody of Midlands Prison serving a custodial sentence.
- 12.3 Mr. X was transferred from Midlands Prison to Castlerea Prison on 29 January 2018 to facilitate his attendance at Roscommon Circuit Court on the following day.
- 12.4 Six staff, two PSEC and four Castlerea officers, were detailed for escort duty at Roscommon Circuit Court on 30 January 2018. Records examined confirm that all six formed part of the escort on 30 January 2018.
- 12.5 ACO A (PSEC) was in-charge of the escort. He was detailed to commence duty at 07:00 while the other five officers on the escort were detailed to commence duty at 08:00.
- 12.6 On 29 January 2018 ACO A was provided with the names of ten prisoners listed to appear before Roscommon Circuit Court on 30 January 2018.
- 12.7 On 30 January 2018 ACO A collected the Escort documents (Court Packs), prepared by the General Office staff, from the ACO's office. The documents included the Prisoner Profile and Court Return Form for each of the ten prisoners who were to attend Roscommon Circuit Court.
- 12.8 The Court Return Form in respect of Mr. X showed that he was already serving a sentence and 'Must Return' in capital letters and red font was stamped on the top right hand side of the form.
- 12.9 All prisoners entering and leaving a prison must be processed through the Reception area of the prison. This process includes searching a prisoner. On the morning of 30 January 2018 there were 21 prisoners processed through the Reception area of Castlerea prison to attend five courts.
- 12.10 Staff escorting prisoners to Dublin, Letterkenny and Galway court sittings were detailed to commence work at 07:00. There was a total of four prisoners escorted to these courts.
- 12.11 There were seven prisoners listed to appear at Castlebar Circuit Court and ten prisoners to appear at Roscommon Circuit Court on 30 January 2018. The staff listed to escort these two escorts were detailed to commence work at 08:00.
- 12.12 It was the responsibility of Prison based staff to ensure that prisoners who were to appear at Court, were provided with breakfast. The prison based staff were supported by prison staff who formed part of the escort team escorted prisoners from their cells to the Reception area. The Reception staff supported by the PSEC escort staff searched and processed the prisoners for departure to court.

- 12.13 There are three holding cells in the Reception area of Castlerea prison.
- 12.14 On the morning of 30 January 2018 the PSEC Van with ten prisoners to appear before Roscommon Circuit Court departed Castlerea prison at 09:40.
- 12.15 Roscommon Circuit Court commenced at 10:00 and Mr. X was not in court when his case was first called at 10:39:28. At this time the Prosecuting Barrister entered a Nolle Prosequi in relation to the charges against Mr. X before the court. The Judge waited until Mr. X was brought into Court to give his ruling.
- 12.16 Mr. X was in court when his case was called for the second time at 10:59:05, again the Prosecuting Barrister entered a Nolle Prosequi on the three counts before the court. His Honour Judge Keenan Johnson said "*Very good*" and did not say "free to go" as recollected by ACO A and Escorting Officer E. The hearing ended at 10:59:45.
- 12.17 In error Mr. X was released from custody at Roscommon Circuit Court and his release was reported by the ACO to his supervisors and to An Garda Síochána in Roscommon approx. 30 minutes following his release.
- 12.18 The PSNI reported to the IPS on 1 February 2018 that Mr. X died in Northern Ireland at "*0309 hours*" on 1 February 2018.
- 12.19 The cause of death is a matter for the Coroners Service for Northern Ireland.