

PRESS RELEASE 28 APRIL 2005  
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## COURT ORDERS PUBLIC INQUIRY INTO ATTEMPTED SUICIDE OF BRAIN DAMAGED PRISONER IN TEST CASE

A High Court Judge ordered a public inquiry today into why a vulnerable prisoner was not prevented from making a suicide attempt, which left him brain damaged on 27 December 2001 at HMP Pentonville. The Court also found that public inquiries will be necessary in other cases of attempted suicides in custody, where the authorities were on notice that the prisoner posed a real and immediate risk to his/her own life.

The prisoner's solicitor Saimo Chahal of Bindman & Partners said:

“Mr Justice Munby is right to express grave concerns regarding the Prison Service's handling of this case. Before my client was brain injured he had self-harmed on three previous occasions in the same month.

Earlier in the day he attempted to hang himself with his bed linen, a noose was found in his cell, yet his bed linen was still not removed by prison staff. Since then the great majority of the Prison Service's files have been deleted contrary to published guidance.”

Deborah Coles, co-director of INQUEST, said:

“The failure of the prison service to properly investigate serious suicide attempts has prevented the opportunity to learn lessons. Vigorous public scrutiny to identify systemic or individual failings will help to ensure the future protection of the safety and lives of other prisoners.”

Mr Justice Munby found that the Prison Service's current procedure for investigating attempted suicides by way of an internal review failed to comply with its legal duty to protect life pursuant to Article 2 of the European Convention on Human Rights. He ordered instead an independent, public inquiry with the power to compel witnesses, who could be cross-examined by the prisoner's representatives.

This brings the investigation of attempted suicides of prisoners known by the authorities to be a real and immediate risk to their own lives in line with investigation of actual deaths in custody which are investigated by a coroner at an inquest.

This judgment carries serious repercussions as the court heard there were an estimated 16,000 recorded incidents of self-harm within the Prison Estate in 2003. A proportion of these will involve prisoners known to pose a real and immediate risk to his/her life.

"This judgment recognises that the State owes the same duty to investigate attempted suicides of known vulnerable inmates as it does where a death actually occurs. This is vital if lessons are to be learned and deaths in custody prevented.

#### Notes to Editor

The prisoner, who was on remand, cannot be identified due to the fact that he now lacks mental capacity as a result of the brain injury sustained during his attempt to hang himself at HMP Pentonville on 27th December 2001.

Mr Justice Munby made strong criticisms of the Prison Service in this case in his 28 page judgment (available on request from Bindman's), including as follows:

"...the picture is nonetheless profoundly disturbing. It suggests an alarming level of carelessness and incompetence not merely in a major prison but also in Prison Service Headquarters.... the fact that a disc containing, such seemingly important material could be "inadvertently" wiped by someone other than its author, suggests an alarmingly casual and inefficient approach to record keeping which it might be thought is simply not acceptable".

The Joint Parliamentary Committee on Human Rights' Third Report dated March 2005 highlighted concerns regarding attempted suicides in custody, including as follows:

"The number of people dying in custody, particularly by their own hand, is extremely shocking and concerning. The number attempting suicide is on average twice that of those dying in custody and the number carrying out incidents of self harm should be a cause of huge concern, Moreover, close analysis of the figures reveals not only that many in custody have mental health problems or drug and alcohol dependencies but that they have presented themselves to the authorities with those problems before they have offended..... It is within this context that the positive duties of Article 2 become of extreme relevance and importance. A proactive approach is vital in order to reduce the rate of self inflicted death amongst people in custody and help the State meet its obligations under the Human Rights Act."

Bindman & Partners was founded in 1974 by a small group of Solicitors specialising in civil liberties and the rights of the individual. These concerns have remained at the heart of the firm as it has grown to its present size of 13 Partners and 65 other staff and is widely regarded as one of the country's leading civil rights practices. Further background information about the work of the firm can be obtained by calling 020 7833 4433, emailing [info@bindmans.com](mailto:info@bindmans.com) or visiting our website at [www.bindmans.com](http://www.bindmans.com).

INQUEST is the only non-governmental organisation in England and Wales that works directly with the families of those who die in custody. It provides an independent free legal and advice service to bereaved people on inquest procedures and their rights in the coroner's courts.

#### Self-inflicted deaths in prison

<b>2004</b>	<b>2005 (as of 27 April 2005)</b>
95	21