

# Independent investigation into the death of Mr Daniel Baumanis a resident at Braley House Approved Premises on 6 February 2018

**A report by the Prisons and Probation Ombudsman**

## Our Vision

To carry out independent investigations to make custody and community supervision safer and fairer.

## Our Values

**We are:**

**Impartial:** *we do not take sides*

**Respectful:** *we are considerate and courteous*

**Inclusive:** *we value diversity*

**Dedicated:** *we are determined and focused*

**Fair:** *we are honest and act with integrity*



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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.

My office carries out investigations to understand what happened and identify how the organisations whose actions we oversee can improve their work in the future.

Mr Daniel Baumanis was found unresponsive in his room at Braley House Approved Premises on 6 February 2018, having apparently taken a deliberate and fatal overdose of heroin. He was 33 years old. I offer my condolences to Mr Baumanis' family and friends.

Mr Baumanis had lived at Braley House since 1 December 2017. He suffered from anxiety and depression and was prescribed appropriate medication. Although Mr Baumanis' frustration at aspects of his supervision may have contributed to his decision to take an overdose, staff appropriately supported Mr Baumanis and encouraged him to address his offending behaviour and previous drug misuse.

At the time of his death, staff had no immediate concerns about Mr Baumanis' wellbeing. Mr Baumanis appeared to be working well towards moving on from Braley House and there was little to indicate that he was at increased or imminent risk to himself.

This version of my report, published on my website, has been amended to remove the names of staff and residents involved in my investigation.

**Elizabeth Moody**  
**Acting Prisons and Probation Ombudsman**

**August 2018**

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# Summary

## Events

1. On 1 December 2017, Mr Daniel Baumanis was released on licence from HMP Stafford to live at Braley House Approved Premises, Worcester.
2. Mr Baumanis had a long history of illicit drug use and suffered from anxiety and depression. He had registered with a local GP and had been prescribed appropriate medication. Mr Baumanis met and engaged with his offender manager but felt the restrictions placed on him to manage aspects of his risk were unfair.
3. On 6 February at 8.15am, a member of staff found Mr Baumanis unresponsive in his room. Mr Baumanis had no pulse, and was not breathing. Staff immediately called an ambulance, but did not begin cardiopulmonary resuscitation (CPR) as it was clear that Mr Baumanis had been dead for some time. Paramedics arrived at around 8.30am and pronounced Mr Baumanis dead on their arrival.
4. Staff found a note written by Mr Baumanis in his room, which indicated he had intentionally taken his own life.

## Findings

### Management of risk of suicide and self-harm

5. Mr Baumanis denied any current thoughts or intentions of self-harm while a resident at Braley House. He gave no cause for concern and had not been subject to suicide prevention measures while in custody.
6. We are satisfied that staff at Braley House appropriately assessed Mr Baumanis' risk of self-harm in line with national instructions and offered a supportive environment in which to address his offending behaviour.

### Enforcement of licence conditions

7. Mr Baumanis had engaged well with staff at Braley House and adhered to the conditions of his licence. However, he did not accept that there was a sexual element to his offence and was only open to addressing other areas of offending, such as his illicit drug use. After his death, staff found a note in which he said that, in his view, the restrictions placed on him by his offender manager were responsible for him failing to secure accommodation and not being able to move forward with his life.
8. We are satisfied that probation staff managed Mr Baumanis appropriately.

### Emergency response

9. Staff called an ambulance immediately after Mr Baumanis was found unresponsive in his room. From Mr Baumanis' presentation, staff decided that attempts to resuscitate him would have been futile. We consider that this was appropriate in the circumstances.

## **Substance misuse**

10. Mr Baumanis had a history of anxiety and depression. Before going to prison, he had used illicit drugs frequently as a way of self-medicating. While in custody, Mr Baumanis engaged with substance recovery professionals to address the underlying causes of his drug issues and, at the point of being released from custody, he was considered to be drug free. Mr Baumanis consistently provided negative drug tests and continued to do so at Braley House.
11. Mr Baumanis attended Narcotics Anonymous at his own request. Staff had spoken to him about his previous drug use and he maintained that he had no intention of using drugs again. Throughout his time at Braley House, Mr Baumanis gave staff no indication that he was using drugs or was likely to do so.
12. We are satisfied that staff offered Mr Baumanis sufficient support in addressing his substance misuse.

## **Recommendations**

13. We make no recommendations.

## The Investigation Process

14. The investigator issued notices to staff and residents at Braley House informing them of the investigation and asking anyone with relevant information to contact him. No one responded.
15. The investigator contacted the manager at Braley House and arranged for relevant documentation to be forwarded to him. He visited Braley House on 29 March, and interviewed four members of staff.
16. We informed HM Coroner for Worcestershire of the investigation. We have been provided with the results of the post-mortem examination and toxicology results and we have sent the coroner a copy of this report. The cause of death has been given as 1a Inhalation of vomit, 1b Overdose of heroin.
17. One of the Ombudsman's family liaison officers contacted Mr Baumanis' mother to explain the investigation and to ask her whether there were any matters she wanted the investigation to consider. Mr Baumanis' mother wanted to know how often staff checked on residents and said that she had been concerned about her son being upset with his offender manager and asked for clarity around this.
18. Mrs Baumanis received a copy of the initial report and has indicated via the investigator a number of factual inaccuracies within the report. These have been amended accordingly, but have not altered the findings of my investigation.

# Background Information

## Braley House Approved Premises

19. Approved Premises (formerly known as probation and bail hostels) accommodate offenders released from prison on licence and those directed to live there by the courts as a condition of bail. Their purpose is to provide an enhanced level of residential supervision in the community, as well as a supportive and structured environment. Residents are responsible for their own health and are expected to register with a GP.
20. Braley House, Worcester, is managed by HM Prison and Probation Service. It has seven flats, five of which are two-bedroomed, one is three bedroomed and one has five bedrooms. All the flats have cooking facilities and the premises are self-catering. Each resident is allocated a key worker/offender supervisor to oversee their progress and well-being and that residents adhere to licence conditions and the premises rules. Probation Service employees are on duty at Braley House 24 hours a day.

## HM Inspectorate of Probation

21. HM Inspectorate of Probation's annual report published in 2017, recorded that they had inspected a sample of Approved Premises and found that staff were doing some exceptionally good work to protect the public, and were quick to act when necessary to protect people from harm. The majority of Approved Premises were also doing some good work to reduce reoffending.

## Previous deaths at Braley House

22. Mr Baumanis' death is the fourth death at Braley House since 2004. The previous death was in 2007, and was from natural causes. There were no similarities with the circumstances of those previous deaths.

## Key Events

23. On 24 June 2016, Mr Daniel Baumanis was convicted of assault and actual bodily harm with intent to commit a sexual offence and was sentenced to 48 months imprisonment. Mr Baumanis' victim was his neighbour. He was sent to HMP Hewell and was later transferred to HMP Stafford. Mr Baumanis had a history of anxiety and depression, and drug and alcohol abuse.
24. On 1 December 2017, Mr Baumanis was released from HMP Stafford on licence to live at Braley House Approved Premises (AP), Worcester. He had to comply with a curfew, which required him to be on the Braley House premises between 7.00pm and 7.00am every day, and report to AP staff at 1.00pm each day. Mr Baumanis was not allowed to enter an exclusion zone covering Evesham.
25. A probation officer and keyworker met Mr Baumanis on his arrival at Braley House and completed the induction process. He explained the AP rules, including the alcohol and substance misuse policy and the support available from AP staff. Mr Baumanis was told of his specific licence conditions, restrictions and signing/curfew times and the medication policy. His licence did not include any conditions relating to drugs. Mr Baumanis signed the AP forms confirming that he had understood and accepted the rules, and was given copies of the rules and policies.
26. The probation officer noted and recorded Mr Baumanis' past suicidal behaviour from 2012, where he took an overdose of prescribed medication. Mr Baumanis denied any current thoughts or intentions of self-harm. Mr Baumanis gave no cause for concern on arrival at Braley House and had not been subject to suicide prevention measures (known as ACCT), while in custody. The probation officer told the investigator that Mr Baumanis said he still considered himself to be an addict, but had been free of drugs while in custody. He described Mr Baumanis as steady, confident and quite determined to stay clear of drugs. He said that he had no concerns about Mr Baumanis' risk of self-harm or suicide.
27. As part of premises rules, residents are required to comply with drug tests at the discretion of premises staff. During his time at Braley House, Mr Baumanis provided negative tests and no concerns about drug use were raised.
28. The probation officer recorded that Mr Baumanis was prescribed quetiapine (an antidepressant), venlafaxine (an anti-depressant), cyclizine (anti-sickness), omeprazole (for gastric reflux), paracetamol (mild to moderate pain relief), ibuprofen (anti-inflammatory), pregabalin (used to treat a variety of conditions, including anxiety), zolmitriptan (migraines) and zopiclone (sleeping tablet.) All medication prescribed to Mr Baumanis was recorded and while some were allowed in possession, others were held securely by staff and he was required to collect it daily. Mr Baumanis had registered with a local GP surgery in Worcester.
29. Mr Baumanis' offender manager told the investigator that Mr Baumanis had been assessed as posing a high risk of serious harm to adult females. His level of risk had been determined by a Multi-Agency Public Protection Arrangements (MAPPA) panel, and her role was to manage Mr Baumanis in the community.

30. The offender manager told the investigator that she met Mr Baumanis once a week for supervision sessions, and completion of offence-focused work. As Mr Baumanis had not completed offence-focused work in custody, it was important for him to address his offending behaviour, understand the reasons for his offending and be able to eventually move forwards and reduce his risk of sexual re-offending and re-conviction. She told the investigator that Mr Baumanis was dismissive of the sexual element of his offence. While he accepted responsibility for the other offences he had committed, he attributed them to his use of drugs. While in custody, Mr Baumanis had only focused on addressing his drug use and was resistant to completing the sex offender programme.
31. Mr Baumanis had asked to attend Narcotics Anonymous (NA) but before he could join the group, the offender manager told the investigator she had a duty to safeguard the public and had to disclose Mr Baumanis' background to those people or organisations he might have had contact with, including applications for housing. Following disclosure of his background, some of Mr Baumanis' housing applications were turned down.
32. The offender manager told the investigator that she was aware that Mr Baumanis felt that the restrictions placed on him were unjust and he blamed her for some housing applications being rejected. Mr Baumanis did not raise this as a concern directly with her or make a formal complaint. She told the investigator that Mr Baumanis had told staff at Braley House that he felt he was being unfairly treated by comparison to other residents. Staff at Braley House reassured Mr Baumanis he was being treated fairly and the process for attending groups and securing housing was being followed correctly. She told the investigator she and the police public protection officer explained to Mr Baumanis the reasons why those decisions had been made.
33. The offender manager told the investigator Mr Baumanis was keen to have his curfew arrangements revised soon after he arrived at Braley House because he felt that the restrictions were unfair. She told Mr Baumanis this was not possible as he had not been at the AP long enough at that stage. Mr Baumanis' curfew was later extended to 9.00pm to allow him to attend NA. He attended the NA group sessions, but neither he or staff raised any concerns about illicit drug use. The probation officer told the investigator that in fact, Mr Baumanis would avoid mixing with other residents he knew were using drugs.
34. On 5 February, the hostel supervisor on night duty at Braley House started his shift at 10.30pm. At 11.00pm, he and his colleague began their 'signs of life check' and went to Mr Baumanis' flat just after 11.00pm. He said that Mr Baumanis was quite talkative and was sitting on his bed painting a picture. While talking to Mr Baumanis, he and his colleague checked the rest of the flat, making sure that fire doors were closed and everything was alright. He had a brief chat with Mr Baumanis about his paintings before leaving the flat. He said that there was nothing in Mr Baumanis' presentation that raised concerns at that time and he had no reason to visit Mr Baumanis' flat again for the remainder of the night.
35. At 8.00am on 6 February, the hostel supervisor began the morning welfare check on all residents. He knocked on Mr Baumanis' door and usually Mr Baumanis would respond, but he did not. He entered the flat and immediately saw Mr

Baumanis sitting on the bed in the same position he had been in the previous evening. He described Mr Baumanis as being purple in colour and there were clear and obvious signs of rigor mortis.

36. The hostel supervisor immediately telephoned his colleague for assistance and telephoned for an ambulance. He said that given Mr Baumanis' presentation, it was decided that any attempts at resuscitation would be futile, so none were attempted. He said that he did not see any drug paraphernalia in the flat, and there was nothing obvious to indicate Mr Baumanis' cause of death. However, he saw a note on the bed and, after briefly reading the first few lines of the note, it was obvious that Mr Baumanis had written a suicide note.
37. Paramedics arrived and recorded the presence of rigor mortis and blood pooling and pronounced Mr Baumanis dead at around 8.30am.
38. Worcester Police provided the investigator (via the Coroner) with a copy of the note left by Mr Baumanis. The note indicated that Mr Baumanis had taken a deliberate overdose, although he did not say what he had taken.

#### **Contact with Mr Baumanis' family**

39. Following Mr Baumanis' death, Worcester Police initially notified Mr Baumanis' mother of her of her son's death. Later, the AP Manager contacted Mr Baumanis' mother by telephone to offer her condolences and the support of staff at Braley House.
40. The National Probation Service contributed to the costs of the funeral in line with national policy.

#### **Support for residents and staff**

41. After Mr Baumanis' death, staff held a meeting with residents to inform them of Mr Baumanis' death and to offer support. Support was also offered to all staff including those who were not on duty at the time of the incident.

#### **Post-mortem report**

42. A post-mortem and toxicology examination confirmed that the cause of Mr Baumanis' death was 1a Inhalation of vomit, and 1b Overdose of heroin.

# Findings

## Management of risk of suicide and self-harm

43. Probation Instruction (PI) 32/2014 *Approved Premises Manual*, which sets out the National Probation Service framework for delivering safer procedures, lists a number of risk factors and potential triggers for suicide and self-harm. These include previous self-harm, recent monitoring in prison custody under ACCT, conviction of a violent offence and a history of alcohol or drug abuse. Staff are expected to interview new residents as part of the induction process to assess their risk of suicide or self-harm. All staff are expected to be alert to the increased risk of self-harm or suicide posed by residents with these risk factors and to act appropriately to address any concerns.
44. Mr Baumanis denied having any current thoughts or intentions of self-harm while a resident at Braley House. Although he had made a past suicide attempt in 2012, had a history of anxiety and depression and previous substance misuse issues, he had not been subject to suicide prevention measures while in custody and he gave no cause for concern during his stay at Braley House. We are satisfied that staff at Braley House appropriately assessed Mr Baumanis' risk of self-harm in line with national instructions.
45. We make no recommendation.

## Enforcement of licence conditions

46. PI 32/2014 states the overriding responsibility of offender managers and staff of APs is to manage the resident in a way that reduces the risks of reoffending and serious harm to the public, as well as harm to the resident.
47. Mr Baumanis had engaged well with staff at Braley House and had complied with the conditions of his licence. Mr Baumanis would not accept that there was a sexual element to his offending, but he was open to addressing other areas of offending such as his illicit drug use. Mr Baumanis left a note in his room which said that he felt that the restrictions placed on him by his offender manager were responsible for him failing to secure accommodation, and prevented him from being able to move forwards.
48. Although Mr Baumanis denied that there was a sexual element to his offending, his offender manager had to manage him in accordance with the sentence of the court. Mr Baumanis' risk to females was assessed as high and he was managed supportively and appropriately. This included appropriate disclosure of this aspect of his offending history when applying for housing. Mr Baumanis blamed his offender manager for some housing applications being rejected. She told the investigator that there was a duty to safeguard and disclose information about Mr Baumanis, and that decisions made by housing authorities were beyond her control. The day after his death, Mr Baumanis received an offer of a flat.
49. Mr Baumanis considered the restrictions posed by his curfew and the need for information about his level of risk to be shared with other service providers to be overly restrictive. This was, though, necessary for the purposes of public

protection. He gave no indication that his concern over these restrictions might lead him to take the action he did.

50. We make no recommendation.

### **Emergency response**

51. PI 32/2014 requires AP staff to call an ambulance immediately when an emergency incident occurs.

52. Staff called an ambulance immediately after Mr Baumanis was found. They considered from his presentation that attempts to resuscitate Mr Baumanis would have been futile. We consider that the decision not to attempt resuscitation was appropriate.

53. We make no recommendation.

### **Substance misuse**

54. Court reports suggested that prior to entering prison custody Mr Baumanis had used illicit drugs frequently for a couple of years as a way of self-medicating. However, while in custody, Mr Baumanis engaged with substance recovery professionals to address the underlying causes of his drug misuse and on release from custody he was drug free. Mr Baumanis had consistently provided negative drug tests in prison and continued to do so at Braley House.

55. Mr Baumanis had no specific areas to address in relation to his previous drug use, but attended Narcotics Anonymous at his own request. Staff spoke to Mr Baumanis about his previous drug use but he maintained that he had no intention of using drugs again. Throughout his time at Braley House, Mr Baumanis gave staff no indication that he was using drugs or was likely to do so.

56. We make no recommendation.

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