

SHERIFFDOM OF TAYSIDE CENTRAL AND FIFE AT ALLOA

[2018] FAI 34

ALO-B51/18

DETERMINATION

BY

SHERIFF DAVID N MACKIE

**UNDER THE INQUIRIES INTO FATAL ACCIDENTS AND SUDDEN DEATHS ETC
(SCOTLAND) ACT 2016**

into the death of

STANLEY SANDISON

Alloa, 14 August 2018

DETERMINATION

The Sheriff, having considered the information presented at the inquiry, determines in terms of section 26 of the Act that:-

Stanley Sandison, born on 24 February 1947, late of Her Majesty's Prison, Glenochil, died at Her Majesty's Prison, Glenochil on 17 December 2016 at 12:04 p.m.

1. In terms of section 26(2)(a) of the 2016 Act Stanley Sandison died at Her Majesty's Prison, Glenochil within Cell 3.61 within Abercrombie Hall at 12:04 p.m. on 17 December 2016.
2. In terms of section 26(2)(b) and (d) of the 2016 Act there are no findings to be made, no accident resulting in the death having occurred.
3. In terms of section 26(2)(c) of the 2016 Act the death was caused by:
 - 1a ischaemic heart disease
 - b coronary artery atheroma

2 obesity.

4. In terms of section 26(2)(e) of the 2016 Act there are no precautions which could reasonably have been taken that might realistically have resulted in the death being avoided had they been taken.
5. In terms of section 26(2)(f) of the 2016 Act there are no defects in any system of working which contributed to the death or the accident resulting in the death.
6. In terms of section 26(2)(g) of the 2016 Act there are no other facts which are relevant to the circumstances of the death.

RECOMMENDATIONS

In terms of section 26(1)(b) of the 2016 Act there are no recommendations to be made.

NOTE

Introduction

[1] An inquiry into the death of Stanley Sandison, born on 24 February 1947 and late of HM Prison, Glenochil was required by virtue of the terms of section 2(4)(a) of the Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 ('the 2016 Act') in respect that it occurred whilst he was in legal custody. Notice of the inquiry was duly submitted to Alloa Sheriff Court by the Procurator Fiscal and a first order on 23 May 2018 set a date for the inquiry to take place on 14 August with a Preliminary Hearing on 10 July 2018. There were represented at the Preliminary Hearing and subsequently at the Inquiry the Scottish Prison Service, the Prison Officers' Association and Forth Valley Health Board. No family members

were in attendance at either the Preliminary Hearing or the Inquiry, nor were they represented. The Prison Officers' Association were represented at the inquiry by Mr Phillips, the Scottish Prison Service by Ms Thornton and the Forth Valley Health Board by Mr Johnston.

[2] None of the participating parties identified any issues in dispute or matters which the Sheriff might be invited to address in the determination. The participating parties entered a Joint Minute agreeing facts which could be admitted into evidence without the necessity of witnesses being led.

The Legal framework

[3] The inquiry into the death of the late Stanley Sandison was held under section 1 of the 2016 Act, and its procedure governed by the Act of Sederunt (Fatal Accident Inquiry Rules) 2017 (SSI 2017/103). The purpose of an inquiry under section 1(3) of the 2016 Act is to establish the circumstances of the death and to consider what steps, if any, might be taken to prevent other deaths in similar circumstances. The Sheriff's determination after the conclusion of the evidence and submissions in the inquiry should address the findings as to the circumstances mentioned in section 26(2)(a) to (e) and set out such recommendations, if any, as the Sheriff considers appropriate in relation to the taking of reasonable precautions, the making of improvements in any system of working, the introduction of a system of working and the taking of any other steps which might realistically prevent other deaths in similar circumstances¹. The procurator fiscal in a fatal accident inquiry represents the public

¹ 2016 Act section 26(4)

interest. It is an inquisitorial process the purpose of which has no part to play in establishing civil or criminal liability.

Summary

[4] Abercrombie Hall within HM Prison Glenochil is used to house prisoners who are elderly and infirm. The late Stanley Sandison was the occupant of cell 3.61 there, prisoner number 139167. He was serving a sentence of 7 years imprisonment in respect of charges of rape and lewd, indecent and libidinous practices and behaviour imposed at Glasgow High Court on 31 August 2015. The late Mr Sandison was registered disabled as a result of obesity and required to use a wheelchair and zimmer frame to mobilise. During his period of incarceration he had lost almost 45kg of weight as a result of a healthier diet and exercise.

[5] At approximately 21:00 hours on Friday 16 December 2016 he was locked within his cell for the night. At about 08:10 hours on Saturday 17 December Gordon Ford, Prison Officer, viewed the deceased lying in his bed where he appeared to be sleeping.

[6] At about 08:35 hours on the same date Gordon Ford along with nurses Fiona Young and Tina Coupe, attended at the late Mr Sandison's cell but were unable to rouse him. They thought he was dead.

[7] Dr Oliver Frenschock attended the deceased's cell and pronounced life extinct at 12:04 hours on 17 December 2016.

[8] A *post mortem* examination was conducted of the late Stanley Sandison on 22 December 2016 by Consultant Forensic Pathologist Dr Ian Wilkinson at the City of Edinburgh Mortuary. The cause of death was certified as:

1a ischaemic heart disease

- b coronary artery atheroma
- 2 obesity.

Discussion and Conclusions

[9] I did not require to be addressed at length by parties. There was unanimity amongst them that it was not necessary for me to make any findings beyond the formal findings required by section 26(2)(a) and (c) of the 2016 Act. There were no issues in dispute and no parties considered that any other findings or recommendations were necessary or appropriate. I agreed and those conclusions are reflected in this Determination.

Further information, observation or comment

[10] There are no other observations or comments that I need or wish to make.