

SHERIFFDOM OF GRAMPIAN HIGHLAND AND ISLANDS AT PETERHEAD

[2019] FAI 30

PHD-B69-19

DETERMINATION

BY

SHERIFF CHRISTINE P McCROSSAN

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

into the death of

ALEXANDER GRAHAM

Peterhead, 3 July 2019

The sheriff, having considered the information presented at an inquiry under section 26 of the Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Act 2016 (“the Act”) finds and determines:

1. In terms of section 26(2)(a) of the Act that Alexander Graham born on 4 April 1950 died at Aberdeen Royal Infirmary, Foresterhill Road, Aberdeen on 23 June 2017, life being formally pronounced extinct at 2218 hours on that date;
2. In terms of section 26(2)(c) of the Act that the cause of death was a consequence of natural causes namely:
 - I (a) pneumonia,
 - II, insulin dependent diabetes mellitus, ischaemic heart disease.

NOTE

Legal framework

[1] This Inquiry was held under section 1 of the 2016 Act. This was a mandatory inquiry in terms of section 2(1) and (4) of the 2016 Act as whilst Mr Graham died at ARI he was in legal custody at the time of his death.

[2] The Crown in the public interest is represented by the procurator fiscal depute. A Fatal Accident Inquiry is an inquisitorial process and it is not the purpose of an Inquiry to establish civil or criminal liability. The purpose of such an inquiry 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.

[3] The Procurator Fiscal issued notice of the inquiry on 25 April 2019. A preliminary hearing took place at Peterhead Sheriff Court on 19 June 2019 with the date for the inquiry being set for 3 July 2019. Mr Hanton, Procurator Fiscal Depute appeared for the Crown. Mr Graham's next of kin did not enter appearance in these proceedings. Representatives were in attendance for the Scottish Prison Service, the Prison Officers' Association (Scotland) and NHS Grampian. The Crown and Scottish Prison Service intimated that they proposed to enter into a Joint Minute setting out all salient facts, thus it was unlikely an evidential hearing would be required. The matter was continued to the date of the inquiry.

[4] On 3 July 2019 Mr Hanton again represented the Crown. Mr Smith attended for the Scottish Prison Service. Mr Hanton read out the terms of the Joint Minute. He invited the court to make formal findings in terms of section 26(2)(a) and (c) of the 2016 Act. This position was supported by Mr Smith. Mr Hanton and Mr Smith concluded by expressing condolences for the family and friends of Mr Graham.

Circumstances

[5] The following narrative is taken from the terms of the agreed Joint Minute.

[6] Mr Graham had been a prisoner at HMP Grampian, South Road, Peterhead since 2016. He was suffering with ill health including chronic kidney disease, cardiac issues and type 2 diabetes, which led to his admission to ARI from HMP Grampian on various separate occasions between September 2016 and May 2017.

[7] On 7 June 2017 following concerns about his general health by the GP at HMP Grampian Mr Graham was readmitted to ARI. He was admitted to the Infection Ward. His condition was deemed to be serious but stable.

[8] On 8 June Mr Graham refused to administer his insulin. It was noted antibiotics appeared to be having no effect. Infections on his heel and buttocks were becoming necrotic.

[9] Mr Graham's health thereafter deteriorated. He refused all food and drink. He was given only palliative care from 19 June 2017. Life was pronounced extinct at 2218 hours on 23 June 2017 at ARI.

[10] The death of Mr Graham was reported to the Procurator Fiscal at Aberdeen on 26 June 2017.

[11] The body of Mr Graham was subject to a post mortem examination by Dr Tamara McNamara on 28 June 2017 at Aberdeen Mortuary. It was his considered opinion that Mr Graham died of natural causes, namely: I(a) pneumonia, II, insulin dependent diabetes mellitus, ischaemic heart disease.

[12] The Crown lodged in process the post mortem report.

Conclusion

[13] Taking into account the circumstances of Mr Graham's death I am satisfied that formal findings should be made in this case. Mr Graham's death was due to natural causes as indicated in the post mortem report. No information available to the court suggests that his being in custody leading up to his admission to ARI contributed to his passing. No submissions were made to the effect that any precautions could reasonably have been taken which might realistically have resulted in his death being avoided (section 26(2)(e)); or that any defect in any system of working had contributed to his death (section 26(2)(f)). Nor were there any other facts relevant to the circumstances of his death which fell to be included in this determination (section 26(2)(g)).

[14] I have set out the formal findings at the outset of this determination.

[15] I wish to add my condolences to the bereaved family of the deceased Mr Graham.