

SHERIFFDOM OF TAYSIDE, CENTRAL AND FIFE AT STIRLING

2021 FAI 3

STI-B80-20

DETERMINATION

BY

SHERIFF W GILCHRIST

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

into the death of

DEREK JOHN McLEAN

Stirling, 6 January 2021

Determination

The sheriff having considered the information presented at the enquiry, determines in terms of section 26 of the Act that Derek John Mclean, born 12 April 1962, prisoner in HM Prison Glenochil died on 25 July 2019 at 21:30 hours within HM Prison Glenochil.

In terms of the section 26(2)(c) the cause of death was:

- 1a. complications of clinically diagnosed cryptogenic liver cirrhosis
2. ischaemic heart disease

NOTE

Introduction

[1] This was a mandatory enquiry in terms of section 2 of the Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Act 2016 as the deceased was in custody at the time of his death.

[2] A preliminary hearing was held on 14 October 2020. The enquiry was held by telephone conference on 19 November 2020 with representatives of the Crown, NHS Forth Valley and the Scottish Prison Service participating. The deceased's next of kin were not represented at the enquiry.

Summary

[3] The parties represented at the enquiry had submitted a joint minute of agreement in terms of which the following facts had been agreed:

1. Derek John Mclean was born on 12 April 1962 and died on Thursday 25 July 2019 at HM Prison Glenochil.
2. At the date of his death the deceased was in lawful custody at HM Prison Glenochil serving a life sentence for the offence of murder. This sentence was imposed on 19 January 1996. The deceased was released on life licence on 20 July 2007 and was recalled into custody on 10 September 2007 after committing a further offence. The deceased tendered a plea of guilty to the charge of abduction and assault at Edinburgh High Court of Justiciary on

26 February 2008 and was sentenced on 11 June 2008 to 5 years imprisonment.

3. The deceased was admitted to Forth Valley Royal Hospital as an emergency on 29 December 2014 with a history of Melena and Haematemesis caused by an acute varical bleed. An ultrasound was performed on 30 December 2014 which revealed an enlarged spleen and a liver markedly coarsened in appearance which would be in keeping with alcoholic liver disease. He underwent an endoscopy on 30 December 2014 which diagnosed stomach and oesophageal varices. He was commenced on a banding programme. He self-discharged against medical advice on 3 January 2015 before his liver issues could be properly investigated. He was subsequently advised of the diagnosis of liver cirrhosis and its implication.
4. The deceased refused to attend various outpatient clinics in relation to his diagnosis.
5. The deceased had capacity to understand medical advice and make his own decisions in relation to medical care and treatment.
6. On 30 November 2018 the deceased was placed on the supportive and palliative care register.
7. The deceased was admitted to Forth Valley Royal Hospital, Larbert, on at least six occasions between January 2019 and June 2019. This was for symptom relief, draining of fluid from the abdomen, blood transfusion and rebanding of varices.

8. On 22 March 2019 a Do Not Attempt Cardiopulmonary Resuscitation Form was completed in agreement with the deceased.

9. A multi-disciplinary care and compassion meeting was held at HM Prison Glenochil on 10 April 2019. The minutes of this meeting noted that:

“It was agreed that Mr Mclean is in the best place for him. He has no support in the community, no motivation for release and there is no prognosis on his illness at this time. There is a care plan in place for when Mr Mclean returns to the establishment and this is manageable. He will return to a cell that is suitable for his needs within the hall. In view of this and the risk that Mr Mclean poses, the group agreed that he was not suitable for consideration for early release on compassionate grounds at this time.”

10. On 3 June 2019 the deceased was admitted to the liver transplant unit for assessment.

11. On 10 June 2019 it was conferred that the deceased was not a suitable candidate for a liver transplant.

12. On 25 July 2019 the deceased’s physical condition deteriorated sharply overnight. His eyes were open but there was no response to speech and he had laboured breathing. It was noted that he was to be observed at 15 minutes intervals for signs of pain or agitation and treated with medication in the form of Morphine and Midazolam as appropriate.

13. The deceased passed away peacefully on Thursday 25 July 2019 within HM Prison Glenochil. Staff nurse Claire MacKenzie confirmed time of death as 21:30 hours. As per protocol, staff nurses Patricia Hammond and Claire Thompson checked and confirmed the deceased’s death five minutes later.

14. The deceased's body was taken to Edinburgh City Mortuary and was examined by Dr Ralph Bouhaidar, consultant forensic pathologist on 1 August 2019. A post mortem examination was carried out by Dr Bouhaidar.

15. The cause of death was certified as:

- 1a. complications of clinically diagnosed cryptogenic liver cirrhosis
2. ischaemic heart disease

Discussion and conclusions

[4] The death raises no issues of public concern. The deceased died from natural causes while lawfully imprisoned within HM Prison Glenochil. I made no findings in terms of section 26(2)(e), (f) or (g) of the 2016 Act. In addition, I make no recommendations in terms of section 26(1)(b) of the Act.