

SHERIFFDOM OF SOUTH STRATHCLYDE, DUMFRIES AND GALLOWAY

[2022] FAI 1

HAM-B105-21

DETERMINATION

BY

SHERIFF THOMAS SHANKS MILLAR

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

into the death of

JEFFREY CATTELL

Hamilton 28 October 2021

DETERMINATION

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

- a) Jeffrey Cattell (the deceased), born 3 February 1960, died on 6 April 2020 at HMP Prison, Shotts. Life was pronounced extinct at 16:10 hours. At the time of his death, the deceased was in legal custody.
- b) No accident occurred which resulted in the death.
- c) The cause of death was 1a) myocardial infarction, 1b) ischaemic heart disease, 2) respiratory failure.
- d) There were no cause or causes of any accident resulting in the death, there being no accident that occurred which resulted in the death.

- e) No precautions could reasonably have been taken which might realistically have resulted in the death being avoided.
- f) There were no defects in any system of working which contributed to the death.
- g) There are no other facts relevant to the circumstances of the death.

RECOMMENDATIONS

No recommendations are made under section 26(4) of the Act.

NOTE

- [1] This inquiry took place at Hamilton Sheriff Court on 28 October 2021.
- [2] The following parties were represented:
 - Richard Hill, Procurator Fiscal Depute on behalf of the Crown.
 - Katherine Shippen, Agent for Lanarkshire Health Board.
 - Jamie Devlin, Agent for Scottish Prison Service.
- [3] Mr Hill had kept the deceased's family apprised of all aspects of the proceedings. No family member wished to participate in, or view, the proceedings.
- [4] Written submissions were submitted by all three Parties to the inquiry.
- [5] A Joint Minute was agreed signed and lodged on behalf of all three Parties.
- [6] In terms thereof, the following facts were agreed and admitted in evidence:
 - 1. On 5 February 1999, Jeffrey Cattell was sentenced to life imprisonment at the Central Criminal Court, The Old Bailey, London for the charge of murder.

2. Mr Cattell was incarcerated in several HMP establishments over his period of incarceration including HMP Canterbury, HMP Belmarsh, HMP Swaleside, HMP Rye Hill, HMP Gartree, HMP Edinburgh, HMP Barlinnie and most recently HMP Shotts where he had been incarcerated since 2019.
3. Mr Cattell suffered from a myocardial infarction in 2008 which was treated by coronary artery stenting. On 2 March 2020, Mr Cattell was diagnosed with Chronic Obstructive Pulmonary Disease with right heart failure secondary to interstitial lung disease and emphysema.
4. Mr Cattell had a do not attempt cardiopulmonary resuscitation instruction in place since July 2016 which was last reviewed and remained unchanged in December 2019. (Pg 132 of Crown Production 1).
5. On 9 March 2020, Mr Cattell's long-term oxygen therapy requirements were discussed with the respiratory department at the university Hospital Wishaw. On 24 March 2020, Mr Cattell received delivery of an oxygen concentrator which was required to assist with his respiratory issues.
6. In Mr Cattell's case the most appropriate device for providing a continuous flowrate of 4 litres per minute is a static standard mains powered concentrator. He was provided with a Devilbiss 525 oxygen concentrator.
7. The concentrators were on wheels so that they can be moved around and stationed in different rooms. The concentrators were issued with 20, 25 and 40 metre length of oxygen tubing to allow Mr Cattell freedom of movement.

8. The oxygen concentrator supplied to Mr Cattell was mains powered and as such couldn't be moved whilst in operation. Freedom of movement was provided by the various lengths of tubing.

9. At around 1520 hours on 6 April 2020, Mr Cattell left his cell and attended the treatment room to collect a new pair of glasses. He spoke briefly with two nurses who described Mr Cattell as presenting and verbalising well, alert, orientated and walking unaided. Mr Cattell did not have his oxygen with him at this time.

10. Thereafter, Mr Cattell walked to the staff desk. A nurse noticed that Mr Cattell appeared short of breath and his skin colour was pale. Mr Cattell indicated that he would like his oxygen concentrator which was located within his cell. A wheelchair was to be located to take Mr Cattell back to his cell at the request of a nurse. He stated he did not want a wheelchair. Prison Officer H.W. also noticed that Mr Cattell appeared to be out of breath. That officer offered to provide assistance but Mr Cattell declined.

11. Around a couple of minutes later Mr Cattell collapsed briefly in the prison hall. This was witnessed by several prison staff who alerted Nurses. The nurse attended and advised Mr Cattell to wait for a wheelchair to return him to his cell. At this time Mr Cattell appeared short of breath and was fairly pale. Mr Cattell advised that he didn't want the use of a wheelchair and attempted to stand up and walk towards his cell, before slouching over against a wall and finally lying on his right hand side.

12. At around 1535 hours a code blue, prisoner experiencing breathing difficulties alarm was raised and an ambulance was called.
13. Nurses observed that Mr Cattell had been incontinent and attempted to provide treatment by providing 15 litres of oxygen via a trauma mask.
Mr Cattell's breathing was slow and shallow, his lips were cyanosed and he was foaming at the mouth.
14. Attempts to treat Mr Cattell continued and a pulse oximeter was placed on his finger which showed no radial or carotid pulse. No reading or heart rate was displayed and no chest movements could be detected.
15. A Senior Nurse arrived and confirmed that no oxygen saturations were present. Attempts at CPR were not attempted by staff due to the do not attempt cardiopulmonary resuscitation instruction which was in place.
16. At around 1600 hours paramedics arrived and verified death by placing ECG leads onto Mr Cattell's chest. Life was pronounced extinct by Paramedic Iain Sinclair at 1610 hours on 6 April 2020 at HMP Shotts.
17. The Prison GP issued a death certificate with the cause of death noted as 1a) Myocardial infarction 1b) Ischaemic heart disease 2) Respiratory failure.
18. The final movements and treatment of Mr Cattell were captured on Crown Label 1, CCTV.
19. On 1 November 2011, the responsibility for the provision of healthcare (including mobile oxygen concentrators) to prisoners transferred from the SPS to the NHS. Since then individual regional NHS health boards have been

responsible for the delivery of health care services within prisons in Scotland which fall within their geographical ambit for the provision of medical care.”

20. Health Board production 1 is an affidavit by the Project Manager of Oxygen Therapy Service within NHS Lanarkshire.

[7] The affidavit described the types of concentrator which could be used for persons such as the deceased. Owing to the flow rate required, a Devilbiss 525 oxygen concentrator was the only appropriate device which could be used.

[8] Finally, in their submissions all Parties offered their condolences to the family and friends of the deceased and the Court joins in that expression of sympathy.