

# Bhatt Murphy Solicitors

## PRESS RELEASE

### FOR IMMEDIATE CIRCULATION

14 February 2012

#### Prison Service Censured over Death

The Health and Safety Executive (HSE) has formally censured the Prison Service<sup>1</sup> for allowing designated safer cells at HMP Bullingdon to be modified to include shower rails offering ligature points.

On 13 February 2012, in only the second time Crown Censure proceedings have been brought against the Prison Service, the HSE described how these cells had fallen “far below” any acceptable standard. This censure arises from the death of Danny Rooney at HMP Bullingdon on 26 September 2006. On the day he died, there was evidence available to prison officers to suggest that Danny Rooney was at serious and imminent risk of death by hanging. Instead of referring him to the care of the prison healthcare team, the officers’ response was to put him in one of the safer cells which had been modified. It was a manifestly unsafe environment for a vulnerable prisoner and within about 40 minutes he was discovered hanged from one of the shower rail fittings.

The Prison Service has formally accepted the censure.

Ann Rooney, Danny Rooney’s widow and the mother of their eight children, said as follows:

*“It has been a very hard fight from the start to find out what happened to Danny and for the prison to accept that they did wrong. I still don’t think we have the full picture but I hope this case at least stops other families from going through what we have.”*

Carolynn Gallwey of Bhatt Murphy, the Rooney family’s solicitor, adds:

*“I welcome the HSE finding and very much hope that lessons will indeed be learned. But this case also emphasises the need for timely and unflinching investigations into custodial deaths, which are capable of earning the trust and confidence of the bereaved family. It should not be left to them to shoulder the burden of trying to find out what happened to their loved one”.*

For further information, please contact:

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<sup>1</sup> Part of the National Offender Management Service

**Notes to Editor:**

1. Crown bodies are immune from prosecution for failure to comply with health and safety legislation. A Crown Censure is the term given to the formal recording of a decision by the HSE that, but for that immunity, there would be sufficient grounds to provide a realistic prospect of conviction of that Crown body in the criminal courts.
2. This is the second ever such censure of the Prison Service. The previous censure in 2009 concerned a potential outbreak of legionella at HMP Nottingham.
3. Safer cells are designed as places where prisoners at risk of self-harm can be accommodated in relative safety i.e.: where ligature points have been reduced to a minimum. They should never be viewed as completely safe and are only one of a number of protections which can be offered to vulnerable prisoners.