

**SHERIFFDOM OF GLASGOW AND STRATHKELVIN AT GLASGOW**

**[2018] FAI 24**

**GLW B838-18**

**DETERMINATION**

**BY**

**SHERIFF LINDA M RUXTON**

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

into the death of

**WILLIAM GALBRAITH**

GLASGOW, 29 June 2018.

The Sheriff, having considered the evidence, the productions, the terms of the joint minute and submissions presented at the Inquiry, under section 26 of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 FINDS AND DETERMINES:

- (1) in terms of subsection (2)(a) that William Galbraith, born 25 October 1968 died in Her Majesty's Prison, Barlinnie, 81 Lee Avenue, Glasgow, G33 2QX on 8 January 2018, life being formally pronounced extinct at 0740 hours on that date: and
- (2) in terms of subsection(2)(c) of the said Act that the cause of death was hanging.

**NOTE:****Introduction**

[1] On 25 June 2018, an Inquiry under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (“the 2016 Act”) was held at Glasgow Sheriff Court into the death of William Galbraith. The circumstances of the death had previously been investigated by the procurator fiscal who presented evidence to the court in the public interest.

[2] Ms Carrie Macfarlane, Senior Procurator Fiscal Depute, appeared for the Crown. Mr Ross Fairweather, solicitor, represented the Scottish Prison Service.

**The legal framework**

[3] The Inquiry was held under section 1 of the 2016 Act. 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. The inquiry was mandatory in terms of section 2(1) and (4) of that Act as Mr Galbraith was in legal custody at the time of his death.

[4] The court heard evidence from one witness, Mrs Lesley McDowall, the Health Strategy and Suicide Prevention Manager for the Scottish Prison Service. Otherwise, the evidence was presented by means of a joint minute of agreement.

**The facts**

[5] At the time of his death, William Galbraith, born 25 October 1968, was a prisoner on remand in Her Majesty's Prison, Barlinnie, 81 Lee Avenue, Glasgow. Prior to his remand, Mr Galbraith lived at Flat 19, 660 Hillpark Drive, Glasgow G43 2QG.

[6] On 23 August 2017, Mr Galbraith appeared at Glasgow Sheriff Court on a criminal petition in respect of which he was fully committed for trial and remanded in custody.

[7] An indictment was duly served on Mr Galbraith and his trial before a jury commenced on 4 January 2018. Evidence was led on 4 and 5 January 2018. The trial was adjourned until Monday, 8 January 2018 when evidence was due to continue.

[8] Mr Galbraith was the sole occupant of Cell 2, Level 2, A Hall in Barlinnie Prison. He was locked into his cell around 1730 hours on Sunday, 7 January and was later observed there by Darren Kane, Operations Officer, at 2030 hours that evening. He was watching television at that time and gave no cause for concern.

[9] The following morning at around 0700 hours, Monday, 8 January 2018, staff were carrying out morning checks when Prison Officer Keith McCafferty found Mr Galbraith hanging by his shoe lace which was tied to the metal bedframe in the cell. The officer put out an emergency "Code Blue" call and other officers attended. Medical assistance was called for and the ligature was cut. Mr Galbraith was cold and unresponsive and it was clear that he had been dead for some time. Prison nursing staff immediately attended as did an ambulance. Scott Diamond, Paramedic, formally pronounced life extinct at 0740 hours.

[10] Officers from Police Scotland attended and investigated. The circumstances of Mr Galbraith's death gave no cause for suspicion or concern. A note was recovered in his cell which read as follows "Da + Jim Can't take this. Sorry. Love William. Tell Abbey I love her so much xxx". Lying on the note was a photograph of a young girl.

[11] On 15 January 2018 at the Queen Elizabeth University Hospital, Glasgow, a post mortem examination was carried out by Julie McAdam, Consultant Forensic Pathologist, Department of Forensic Medicine and Science, University of Glasgow. The cause of death was recorded as: 1a: Hanging.

[12] Samples of blood and urine collected during the examination were analysed for alcohol, prescription drugs and drugs of abuse by Claire Parks, Forensic Toxicologist, University of Glasgow. All analyses were negative save for a small amount of alcohol thought to represent post mortem production.

[13] The Scottish Prison Service operates a new Suicide Prevention Strategy known as "Talk 2 Me". This is a revised strategy which replaced the previous Act 2 Care Strategy which had been in place until December 2016. Like the previous strategy Talk 2 Me represents a multi-disciplinary approach which involves the putting together of an appropriate care plan to keep a person considered to be at risk of suicide safe. The new strategy aims to put appropriate supports in place for any prisoner considered to be at risk of self-harm while, wherever possible, keeping the prisoner in a normal environment.

[14] In accordance with the strategy, a risk assessment is carried out on each prisoner whenever the prisoner is returned to prison. Thus, a risk assessment is carried out when

the prisoner is first received into the establishment and on every other occasion when a prisoner returns having been out of the prison for any reason (typically, court appearances, medical appointments and the like). These risk assessments are carried out by a prison officer and a member of the nursing staff.

[15] Mr Galbraith was the subject of a reception risk assessment on initial entry to the prison and thereafter on his return following each court appearance. He was assessed on seven separate occasions: 15 August 2017, 23 August 2017, 19 October 2017, 2 November 2017, 6 December 2017, 4 January 2018 and 5 January 2018. On each occasion, Mr Galbraith was assessed to be at no apparent risk of suicide and the Talk 2 Me strategy was never initiated in his case. In the course of these assessments, it was identified that Mr Galbraith had attempted suicide on two previous occasions, once in 2003 and an attempted hanging in 2015. However there was nothing in his current behaviour to suggest that he had any thoughts of suicide. Mr Galbraith's family and partner were supportive and visited him regularly while he was on remand.

[16] Throughout the period of remand Mr Galbraith was prescribed sertraline, an anti-depressant which had been prescribed by his general practitioner in the community. While on remand he sought help for his asthma and a skin complaint but had not otherwise made any complaints as to his physical or mental health. A previous dependency on alcohol had been noted and he had undergone the standard prison detoxification regime without incident.

[17] In accordance with the standard practice following any death in custody, a Death in Prison Learning, Audit and Review ("DIPLAR") was carried out under the joint

Chairmanship of the Scottish Prison Service and the National Health Service for Scotland. The DIPLAR Report identified no significant events or contributory factors and made no findings of note.

### **Submissions**

[18] Both Ms Macfarlane and Mr Fairweather invited me to make formal findings in terms of section 26(2)(a) and (c) of the 2016 Act. No submissions were made in terms of section 26(2)(e) (any precautions which could reasonably have been taken and which might realistically have resulted in the death being avoided) or section 26(2)(f) (any defect in any system of working which contributed to the death). I was satisfied that there was no basis on which to make any finding in terms of either of these provisions. Nor were there any other facts relevant to the circumstances of the death which fell to be included in my determination under section 26(2)(g).

[19] Both Ms Macfarlane on behalf of the Crown and Mr Fairweather on behalf of the Scottish Prison Service offered condolences to Mr Galbraith's family and to his partner and it is appropriate that I now do so on behalf of the Court.