

SHERIFFDOM OF SHERIFF COURT

[2020] FAI 14

STI-B211-19

DETERMINATION

BY

SHERIFF A WYLLIE ROBERTSON

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

into the death of

ANGUS SINCLAIR

Stirling, March 4 2020

The sheriff, having considered the information presented at the inquiry, determines:

in terms of section 26(2)(a) of the Fatal Accidents and Sudden Deaths etc.

(Scotland) Act 2016 (the Act) that Angus Sinclair, born 7 June 1945, died at 0428
hours on 11 March 2019 at HM Prison Glenochil, Tullibody;

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

- 1a bronchopneumonia and ischaemic heart disease;
- 2 cerebrovascular disease;

in terms of section 26(2)(e) of the Act there are no precautions which could
reasonably have been taken that might realistically have resulted in his death
being avoided;

in terms of section 26(2)(f) of the Act there are no defects in any system of working which contributed to his death;

in terms of section 26(2)(g) of the Act there are no other facts relevant to the circumstances of his death;

in terms of section 26(1)(b) of the Act there are no recommendations to make.

Note

Introduction

[1] This inquiry was held into the death of Angus Sinclair, who was born on 7 June 1945. At the time of his death, Mr Sinclair was in legal custody as a serving prisoner within HM Prison Glenochil, Tullibody.

[2] A preliminary hearing was held on 12 February 2020 and the inquiry held on 4 March 2020.

[3] Ms Rollo, procurator fiscal depute, represented the Crown. Miss Sargent, solicitor, represented NHS Forth Valley Health Board. Mr Smith, solicitor, represented the Scottish Prison Service. There were no other participants in the inquiry.

[4] A joint minute of agreement was signed on behalf of all participating parties in which all material facts were agreed obviating the need for evidence to be led.

The legal framework

[5] This was a mandatory inquiry under section 2(4)(a) of the Act, the purpose of which is to establish the circumstances of Mr Sinclair's death and consider what steps, if any, might be taken to prevent other deaths in similar circumstances.

Summary

[6] The material facts in this inquiry were undisputed and uncontroversial.

[7] The deceased Angus Sinclair was lawfully detained in custody at HM Prison Glenochil, Tullibody serving sentences of life imprisonment imposed at Glasgow and Edinburgh High Courts in 1982, 2001 and 2014 following convictions for rape and murder. For a year and a half prior to his death, he suffered from deteriorating health following a series of strokes and transient ischaemic attacks. By 15 March 2018 he required assistance with personal hygiene and dressing, had increased frequency of falls, decreased dietary and fluid intake, increased episodes of incontinence and a "Do Not Attempt Cardiopulmonary Resuscitation" instruction was in place. By 6 March 2019 he was unable to mobilise, was confined to bed and was cared for by medical and nursing staff at the Glenochil prison. The deceased was located within a cell in Abercrombie Hall at the prison. He was last seen alive by nursing staff at 0140 hours on 11 March 2019 when his cell was locked for the night. The deceased was checked by nursing staff at 0350 hours the same day and found not to be breathing. Ambulance personnel attended the deceased's cell and life was pronounced extinct at 0428 hours on 11 March 2019.

[8] On 15 March 2019 a post mortem examination of the deceased was carried out by Dr Kerryanne Shearer, consultant forensic pathologist. Her report, dated 17 June 2019, forms Crown production 3. The cause of death was found to be:

- 1a bronchopneumonia and ischaemic heart disease;
- 2 cerebrovascular disease.

[9] There is no criticism directed to the care of the deceased within the prison.

Discussion and conclusion

[10] The Crown submitted that no issue arose from the circumstances of Angus Sinclair's death. The other parties to the inquiry had no submissions to make. I must record my thanks to all parties who participated in the inquiry for their assistance and in particular for agreeing all the evidence by joint minute, the consequence of which was that I was able to determine this uncontroversial inquiry on the documentary productions and statements without the necessity of leading any witnesses.

Accordingly, I have made the formal uncontentious findings I was invited to make by the Crown.