

SHERIFFDOM OF LoTHIAN AND BORDERS AT EDINBURGH

[2025] FAI 14

EDI-B1319-24

DETERMINATION

BY

SHERIFF MATTHEW AUCHINCLOSS

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

into the death of

ALAN CAMERON

EDINBURGH, 28 February 2025

The sheriff, having considered the information presented at an inquiry under section 26 of the Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Act 2016 (“the Act”) determines:

1. In terms of section 26(2)(a) of the Act that Alan Cameron born 17 May 1954, a prisoner held in legal custody at His Majesty’s Prison Edinburgh, died there, within his cell, on 1 November 2022.
2. In terms of section 26(2)(c) of the Act that the cause of death was Ischaemic Heart Disease, Coronary Artery Atheroma and obesity.
3. In terms of sections 26(2)(b), (d), (e), (f) and (g) no findings fall to be made and no recommendations are made.

NOTE

Introduction

[1] This inquiry was held under section 1 of the Act. It was a mandatory inquiry in terms of section 2(1) and (4) of the Act as Alan Cameron was in legal custody at the time at the time of his death, serving a life sentence, having been convicted of murder, attempt to defeat the ends of justice and theft. The procurator fiscal lodged a notice of the inquiry on 17 September 2024. There was a preliminary hearing on 19 November 2024, and the inquiry itself took place on 20 January 2025.

[2] Three parties were represented at the inquiry. A procurator fiscal depute appeared for the Crown. Solicitors appeared for the Scottish Ministers on behalf of the Scottish Prison Service and NHS Lothian.

[3] No oral evidence was led at the inquiry. A joint minute of agreement was entered into by all of the parties. This formed the entirety of the evidence. All parties invited me to make formal findings only in respect of paragraphs (a) and (c) of section 26(2) of the Act. None of the parties invited me to make any recommendations. The following evidence is derived from the joint minute of agreement.

Background

[4] Alan Cameron, hereinafter referred to as Mr Cameron, was born on 17 May 1954. At the time of his death, he was 68 years of age and was being held in legal custody at His Majesty's Prison Edinburgh, 33 Stenhouse Road, Edinburgh, EH11 3LN.

[5] On 13 November 1995, Mr Cameron was sentenced to 6.5 years imprisonment in relation to a conviction of two charges of lewd and libidinous practices, five contraventions of the Sexual Offences (Scotland) Act 1976 section 5, one contravention of the Sexual Offences (Scotland) Act 1976 section 2A and a contravention of the Sexual Offences (Scotland) Act 1976 section 2B.

[6] On 23 June 2010, Mr Cameron was sentenced to life imprisonment with a punishment part of 25 years in relation to a conviction of murder, attempts to defeat the ends of justice and theft.

[7] On 29 March 2011 the punishment part of Mr Cameron's sentence was reduced from 25 years to 14 years on appeal.

[8] Mr Cameron's death occurred within His Majesty's Prison, Edinburgh on 1 November 2022. His life was pronounced extinct at 1438 hours.

Productions

[9] The intimation of death form completed by Doctor Kerryanne Shearer and dated 9 November 2022 narrates the cause of death of Alan Cameron was ischaemic heart disease pending investigations. Said form is a true and accurate copy of the original, the contents of which are agreed.

[10] The Medical Certificate of Cause of Death of Alan Cameron completed by Dr Kerryanne Shearer and dated 7 November 2022 narrates the cause of death as being ischaemic heart disease pending investigation.

[11] The autopsy report completed by Dr Kerryanne Shearer and dated 28 December 2022 narrates that death appears to be of natural causes, from ischaemic heart disease, coronary artery atheroma and obesity. This was evidenced by the presence of cardiac enlargement in addition to severe narrowing of two and moderate narrowing of the other main coronary arteries and extensive scarring of the heart muscle. Such heart disease could have caused sudden death at any time from the onset of fatal cardiac arrhythmia and would explain the apparent sudden nature of death. It also states that obesity may have also been important playing a role as this can predispose to the development cardiac enlargement. The toxicology report completed by Dr Alice Seywright, dated 21 November 2022 confirms that the deceased had a therapeutic amount of paracetamol in his blood at the time of his death.

[12] In the medical records of Mr Cameron, a medical note outlined on page 3 states on 1 November 2022 medical staff responded to a code blue. On arrival an officer was giving CPR to a patient. Nursing staff took over but were unable to gain IV access. An ambulance was phoned and advanced nurse practitioners informed. Nursing staff continued CPR for around 40 – 50 minutes until paramedics arrived who took over and attempted CPR with a LUCAS machine and adrenaline. Paramedics stopped and called time of death 20 minutes after their arrival.

[13] The Death in Prison Learning Audit Review (referred to as the DIPLAR) is a report carried out at HMP Edinburgh following Mr Cameron's death. After any death in custody this type of review is carried out by the SPS and NHS.

Provision of healthcare in Scottish prisons

[14] On 1 November 2011, the responsibility for the provision of healthcare to prisoners transferred from the SPS to the NHS (Health Board Provision of Healthcare in Prisons (Scotland) Directions 2011). Since then individual regional NHS health boards have been responsible for the delivery of healthcare services within prisons in Scotland which fall within their geographical ambit for the provision of medical care.

Background, medical care and treatment

[15] Mr Cameron had a diagnosis of Asthma.

[16] In May 2015, a diagnosis was made for Mr Cameron of migraines and Bell's Palsy. In 2021, Mr Cameron stopped taking his medication for migraines.

[17] On 26 January 2021, Mr Cameron suffered a fall and was seen by a nurse due to a head injury. He suffered bruising to both his upper and lower eyelid and his forehead and vomited as a result. On 28 January 2021 he complained of double vision and was seen by a nurse. He was sent to Accident and Emergency for an X-ray and advised to attend an eye specialist.

[18] On 1 November 2022 Mr Cameron was within Hermiston Hall, Level 2, HMP Edinburgh. In the morning Mr Cameron advised fellow prisoner Shaun Nolan that he had a slight pain in his chest however believed this may have been related to his heart murmur.

[19] On 1 November 2022 at about 1215 hours, Mr Cameron was within his cell after lunch as lockdown was due to start at 1230 hours.

[20] On 1 November 2022, prior to lockdown Mr Cameron asked a fellow prisoner in the neighbouring cell, Martyn Griffiths to get him paracetamol. He did not specify why he required paracetamol.

[21] On 1 November 2022, Martyn Griffiths collected the paracetamol and slid this under the cell door of Mr Cameron's cell. Staff were not aware of Mr Cameron requesting paracetamol.

[22] On 1 November 2022 at around 1230 hours Prison Officer Mark Mullan locked up Mr Cameron's cell. Mr Cameron looked fit and well.

[23] On 1 November 2022 at around 1345 hours Prison Officer Christopher King attended at Mr Cameron's cell. He was unresponsive. A "code blue" was called in relation to Mr Cameron. Mr King performed CPR until nursing staff attended at the cell. Nursing staff continued CPR, there were no obvious signs of a pulse at this time.

[24] On 1 November 2022 a defibrillator machine was applied to Mr Cameron. The defibrillator did not pick up any output and did not request a shock to be applied to Mr Cameron. An ambulance was requested at approximately 1403 hours. CPR continued on rotation for approximately 20 minutes.

[25] On 1 November 2022 at approximately 1415 hours, an ambulance crew arrived at the prison. Advanced life support was commenced which included administering adrenaline and fluids. Paramedics applied a LUCAS machine, which is a mechanical chest compression device and advanced life support was carried out for over 20 minutes. There was no response.

[26] On 1 November 2022 treatment was stopped. Alan Cameron's life was pronounced extinct by Mark Whytock, paramedic at 1438 hours.

[27] That on 7 November 2022, a post-mortem was conducted by Consultant Forensic Pathologist, Dr Kerryanne Shearer. Alan Cameron's cause of death was attributed to:

1a) Ischaemic Heart Disease 1b) Coronary Artery Atheroma and 2) Obesity.

Conclusions

[28] I accepted the submissions made by each party that formal findings should only be made in terms of section 26(2)(a) and (c) of the Act. Those are set out above.

[29] At the time of his death Alan Cameron was a 68 year old man who suffered from ischaemic heart disease, coronary artery atheroma and obesity. This was evidenced by the presence of cardiac enlargement in addition to severe narrowing of two and moderate narrowing of the other main coronary arteries and extensive scarring of the heart muscle. Such heart disease could have caused sudden death at any time from the onset of fatal cardiac arrhythmia and would explain the apparent sudden nature of death.

[30] I wish to express my thanks to all parties, and their agents, for their professional and efficient approach to this inquiry.