

NORTHAMPTONSHIRE MAGISTRATES' COURTS RESPONSE TO HM CORONER'S REGULATION 28 REPORT TO PREVENT FUTURE DEATHS – RE: MR JASON BASALAT

INTRODUCTION

1. On 27th November, 2017 Mr Osbourne, HM Senior Coroner for Milton Keynes, requested a response from the Clerk to the Northamptonshire Magistrates' Court to his report to prevent future deaths made under paragraph 7, Schedule 5, of the Coroners and Justice Act 2009 (the Act) and regulations 28 and 29 of the Coroners (Investigations) Regulations 2013 arising from the death of Mr Jason Basalat.
2. Her Majesty's Courts and Tribunals Service wish to place on record its concern that it was not identified as an interested party in accordance with Section 47 (1) (2) (f) or (m) of the Act or required to give or submit any evidence to the inquest into the death of Mr Basalat, in accordance with Section 32 and Paragraph 1 of Schedule 5 of the Act. This concern relates particularly to the first question put to the inquest jury that the courts service had failed to pass on information regarding the offence and concerns relating to Mr Basalat to the prison authorities and that that failure caused or contributed to his death.

BACKGROUND

3. Mr Basalat appeared in custody before the Northamptonshire Magistrates' Court sitting at Wellingborough on 10th December, 2016, a Saturday morning, charged with an allegation that on 9th December, 2016 he had driven a National Express coach on the M1 dangerously contrary to section 2 of the Road Traffic Act 1988. [REDACTED] appeared on behalf of the Crown Prosecution Service and [REDACTED] Nobles Solicitors, represented Mr Basalat. The legal adviser to the magistrates was [REDACTED]
4. Brief details of the offence were outlined to the court, who were also advised that, in respect of Mr Basalat's mental health, the all clear had been given by the police's doctor/mental health team. There were no concerns about Mr Basalat from the Community Psychiatric Nurse who had assessed him in custody the previous evening so a CPN1 was not completed.
5. The court determined that the matter was too serious to be heard in the magistrates' court and sent the matter to Northampton Crown Court for trial; Mr Basalat not having indicated a plea.

6. There was no application for bail and Mr Basalat was remanded in custody to appear before the Crown Court. The exceptions stated for refusing bail were that, Mr Basalat may failure to surrender to custody and may commit further offences on the grounds of the nature and seriousness of the charge, not for his own protection as stated in the Coroner's report (see copy record of bail decision appendix A).
7. ██████████ not knowing that Mr Basalat had been seen the previous evening by a CPN, tried to contact the CPN service but was not successful. The remand warrant authorising Mr Basalat's detention was issued to GeoAmey, the prisoner escort service. ██████████ put a marker on the warrant indicating the prosecution's and defence's representations regarding Mr Basalat's mental health.
8. A Person Escort Record form had been completed by the police and would have accompanied Mr Basalat.
9. Subsequently, Mr Basalat was taken to HMP Woodhill where on 11th December, 2016 he was found hanging from his bed frame, he was taken to Milton Keynes hospital where his death was confirmed.

10. CORONER'S CONCERNS

11. Matters of Concern

12. **"The warrant simply stated that the offence was "Dangerous Driving". Which did not in any way give a true picture of the offence and very little information was provided to the prison as to his behaviour or mental state."**
13. On a normal working day, any remand warrant would generally be generated by the court's computer system when the result is entered. This would state the full charge which would detail the date, place etc. of the offence; however, it would not outline how the offence was alleged to have been committed. At present, on a Saturday, as there are no support staff, the legal adviser manually generates the warrant and records only a brief description of the offence. This is normal practice; full details of the charge, in any event as stated above, would not indicate the circumstances of the offence or any behaviour or mental health issues.
14. HMCTS is implementing an 'in-court' computer system which requires the legal adviser, rather than support staff, to enter the court result. This will generate a warrant with the full charge but will not include the circumstances of the offence.

15. [REDACTED] did place a marker on the warrant in relation to Mr Basalat's mental health, unfortunately, although the legal adviser's contemporaneous notes, state; "marker put on remand warrant for GeoAmy re: pros & def rep's re m health" [REDACTED] is unable, given the passage of time, to recall the details of that note. A copy of the warrant has been requested from the Coroner's office but this has not been forthcoming.
16. [REDACTED] again as evidenced by her notes, did try and call in the Community Psychiatric Nurse Service to no avail. If she had been successful then the CPN's assessment, recorded on form CPN1 would have been available to forward to the prison with the warrant. In any event a CPN had assessed Mr Basalat the previous evening and had not completed a CPN1 because they had no concerns.
17. The court did have in its possession a physical copy of the police form MG5 which includes an outline of the circumstances of the offence by way of a summary of the evidence supported by the key statements. It is not normal practice for this to be forwarded to the prison, consideration will be given as to whether it should be in the future – see below.
18. **"The prison informed me that it would have been helpful for them to receive a copy of the deceased's custody record that gave the full picture."**
19. This was not in the possession of the court and would not normally be. The police had completed a PER form.
20. **"When the deceased appeared before the magistrates his solicitor was informed that it was not possible on a Saturday morning for a mental health assessment to be conducted."**
21. The court does have in place a process to provide it with information when vulnerable adults are detained in custody. This is initiated by the police when they have concerns that such an adult is being detained; they will request a CPN to attend the custody suite and carry out an assessment. The assessment is then recorded on form CPN1 and this is then forwarded to the court when the defendant appears before them in custody, or at a later date if the defendant is released to appear on a subsequent occasion.

22. If the court believes a vulnerable adult is appearing before them without such an assessment having been carried out then there is a call-in scheme for a CPN to attend and complete an assessment and submit a report, again on a CPN1.
23. On this occasion, even though a Saturday morning, it should have been possible to contact a CPN to attend and carry out an assessment. Unfortunately, as stated above Ms Mehan was unsuccessful in her attempts to do so.
24. In any event, on this occasion, the court was advised that Mr Basalat had been given the all clear by the police doctor/mental health team to attend court. There were no concerns about Mr Basalat from the Community Psychiatric Nurse who had assessed him in custody.
25. Ms Mehan does not recall that Mr Basalat's solicitor requested that a CPN attend.
26. **"The court did not attempt to contact the prison to inform the prison of the problems being experienced by him due to his mental illness."**
27. Ms Mehan did place a marker on the warrant indicating that Mr Basalat had mental health issues. Without sight of the warrant it is not possible to comment on the details of that marker.
28. It is not normal practice for a legal adviser to directly contact any prison establishment. Unlike any custodian of a detained person the court does not undertake a risk assessment of a prisoner. The police had completed a Person Escort Record form and this would have accompanied Mr Basalat.
29. **"Consideration should have been given as to the most appropriate place for the deceased to be held or to receive a mental health assessment."**
30. No representations were made from either party that Mr Basalat should be remanded to any establishment other than a penal one. The court had been specifically advised that Mr Basalat had been given the all clear to appear before the court by the police doctor/mental health team.
31. The court does have power, under certain circumstances, to remand a defendant to a hospital or custodial establishment for a mental health assessment if it is satisfied that the defendant did the act or omission alleged, however, in this case the defendant had not indicated a plea and had been

SUMMARY AND WAY FORWARD

38. HMCTS is concerned that it was not identified as an interested party or requested to submit any evidence or make any representations to the inquest into the death of Mr Basalat.
39. There has been a review of Mr Basalat's appearance before the court on 10th December 2016. This concluded that:
- a) Mr Basalat was sent to the Crown Court for trial and he was remanded in custody on the grounds that he would fail to surrender to custody and commit further offences.
 - b) Mr Basalat had been cleared to attend court by the police's doctor/mental health team. A CPN had assessed Mr Basalat the previous evening.
 - c) There was no CPN1 available and [REDACTED]'s attempt to call in a CPN was unsuccessful.
 - d) The warrant issued by [REDACTED] was endorsed indicating that Mr Basalat had mental health difficulties. The warrant only detailed the offence as 'dangerous driving' and no further information was provided; the court did have in its possession an MG5.
 - e) No representations were made to the court that Mr Basalat should be remanded to any other establishment other than the usual remand prison.
40. The court does have in place procedures to ensure vulnerable adults are identified and assessments undertaken.
41. Liaison has taken place with Northamptonshire Constabulary and Northamptonshire PCC's office and this has established;
- a) The police are undertaking their own review and further liaison will take place following its conclusion.
 - b) The PCC's office is re-negotiating a new contract for the provision of healthcare in custody.
42. The court will liaise with the Criminal Justice Liaison and Diversion Team, to review the robustness of the present CPN procedures and consider what further information should be forwarded to a prison should a vulnerable adult be remanded to it.
43. Legal advisers have been issued with the above Team's information leaflet and reminded of the need to forward the CPN1 form to the relevant custodial establishment if a vulnerable adult is remanded into custody. Failing this, to endorse the warrant and forward the MG5, if available.
44. If a report on the outcomes of future liaison with the police/PCC/Criminal Justice Liaison and Diversion Team are required, then the court respectively requests an extension of the period allowed for this response. (It is understood that Northamptonshire Constabulary will be requesting an extension of six weeks and if granted a similar time-period is likewise requested.)

sent to the Crown Court for trial. Additionally, the court was not in a position to conduct such an enquiry and had not been invited to do so by either party.

32. A copy of the record of the proceedings, including Ms Mehan's notes, see appendix B and statement made by Ms Mehan, see appendix C are attached.

PROCEDURES IN PLACE, ACTION TAKEN AND TO BE TAKEN

33. As outline above the court does have procedures in place to ensure that vulnerable defendants are identified to the court; see appendix D and E. Magistrates have been made aware of these procedures, see appendix F and training has been delivered to magistrates and evaluated, see appendix G.

34. Following receipt of the Coroner's report liaison has taken place with the relevant criminal justice agencies. The court is aware that Northampton Constabulary are conducting its own review, which will include the CPN response. Following its conclusion there will be further liaison to share outcomes and ensure that the necessary information is shared with the prison when a vulnerable adult is remanded into their care.

35. The court is also aware that the Northamptonshire Police and Crime Commissioner's office is re-negotiating a new contract for the provision of healthcare in custody. Again, there will be further liaison following this review.

36. The court facilitates a 'custody meeting' attended by numerous criminal justice agencies. This group has in the past overseen the CPN procedure. The court will liaise with the Criminal Justice Liaison and Diversion Team, Northamptonshire Healthcare NHS Foundation Trust to review the robustness of the present procedures and to consider what further information should be forwarded to a prison should a vulnerable adult be remanded to it.

37. In the interim, legal advisers have been issued with the above Team's information leaflet, see appendix H, and reminded of the need to forward the CPN1 form to the relevant custodial establishment if a vulnerable adult is remanded into custody. They have also been advised that if a CPN1 form is not available then they should ensure that any warrant is suitably endorsed and if available the MG5 should accompany the warrant.

J. Currie



Deputy Clerk to the Justices