

Scottish father of two beaten to death in a prison in 2015

Fatal Accident Inquiry finds death was “entirely preventable”

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Allan Marshall, a 30-year-old father of two from Carluke, Scotland, ran a small business recycling electrical appliances. He was arrested in early 2015 after an incident outside a nightclub. Because of some unpaid fines, Marshall was jailed on remand in Saughton prison, Edinburgh, pending a court hearing.

On the morning of March 24, 2015, Marshall, who had begun to display many signs of mental illness in prison, was involved in a brutal struggle with up to 17 prison officers. The incident ended with Marshall being dragged naked and face down across a prison corridor, held down and stood on by prison officers, a towel draped over his face. He suffered cardiac arrest, along with multiple injuries, and died four days later in Edinburgh Royal Infirmary.

More than *four years* after Marshall’s death, a Fatal Accident Inquiry (FAI) finally concluded last month that Marshall’s death was “entirely preventable,” that getting to the truth had been hampered, the Scottish Prison Service (SPS) had been “unhelpful” and that prison staff had been “mutually and consistently dishonest.”

Even after Sheriff Gordon Liddle’s verdict was announced, SPS attempted, late on a Saturday evening, to legally prevent the *Sunday Mail* newspaper from publishing video and still images of the incident and of injuries inflicted on Marshall. In the event, shocking images were published with the full support of Marshall’s family who have campaigned to expose what took place.

Liddle’s FAI report will not result in any prosecutions, however, as prison staff involved in the death were offered immunity from prosecution by Scotland’s Crown Office and Procurator Fiscal Service. The 109-page report documents only Marshall’s last few days, hours and the procedures utilised in dealing with him. Even then, and despite the SPS obfuscation, Liddle’s measured language reveals a horrifying sequence of events revealing systemic incompetence, indifference and brutality.

On March 19, 2015, less than three weeks after being

placed in remand in HMP Edinburgh, Marshall’s cellmate, identified in the report only as RR, noticed that Marshall was behaving strangely and talking about God and the devil. He said things were “going wrong for him.” He talked about a film he had seen that included a “dirty protest.”

Three days later, in the early morning of March 22, Marshall woke RR to tell him about how “everyone wants me to go outside, everyone is shouting at me.” RR said no one was outside. Marshall pointed to the intercom saying, “They’ll be listening, can you hear that music.” RR said the intercom was silent. He said Marshall was dancing about in front of the cell door.

The next morning RR told a prison officer that there was something wrong with Marshall, and staff should keep an eye on him. RR also requested to be moved to another cell. No report about Marshall’s condition was created and no action was taken by SPS. No counselling was offered and no medical advice was sought.

Two days later, on the early morning of the March 24, Marshall smashed up the contents of his cell, smeared excrement and urine on the walls and on himself. Prison night staff decided to wait till the morning to deal with the situation. No healthcare advice was sought. In the morning staff decided to move Marshall to the prison’s Segregation and Reintegration Unit (SRU).

Visiting his cell, a member of staff found the door blocked with debris, while Marshall was praying and said, “You’re going to come and get me.” He asked, “What’s going to happen when I come out?” Marshall said to the same staff member, “Look at your face, you’re going to do something.” Once again, no medical or psychiatric assistance was sought.

Marshall allowed himself to be moved to a shower area, en route to the SRU, by four prison officers. He was, they claim, handed a towel, clothing, shampoo and soap, after which all four left, and the door to the shower area locked. Marshall asked the staff, “Do you know the words of the

Lord's prayer?" and "Do you want to stab me in the heart?" He was then heard to be singing or chanting; he did not take a shower. He was then observed to be hiding behind the shower room door.

At 07:48 a.m. four prison staff then claim they attempted to move Marshall back to his cell, although he was still behaving strangely and showing signs of being terrified.

They "laid hands on him" and a violent struggle ensued. The report states officers claimed Marshall "struggled with unexpected and significantly increased strength," described by some as "super-human." "He displayed significantly increased pain threshold and long endurance." Marshall suffered injuries including "an open facial injury resulting from violent contact with the floor." "That was claimed by officers to have been self-inflicted." Back-up staff were called from across the prison.

Nearly half an hour later, at 08:17, Marshall was dragged face down and feet first into a corridor with CCTV. Liddle notes drily "[D]etermination of what happened in the corridor is therefore less reliant on oral evidence, since it can be viewed." At 08:20 Marshall tried to lift himself from the floor. Five prison staff prevented him; two used their feet. Marshall shouted, "Get off me" and "I can't breathe." Staff nevertheless put plastic handcuffs on Marshall, who by 08:25 was limp and not moving.

By 08:28 Marshall was moved on his back and a "Code Blue" emergency, when someone is not breathing, was declared. Liddle writes, "His ears were blue and he was not breathing." On the video, 12 prison officers can be seen standing around, some still restraining Marshall, who had already suffered a heart attack. Nurses arrived at 08:29. They attempted to revive him, detecting a pulse at some point. He was removed to hospital.

Liddle wrote that, according to one of the nurses, Marshall had injuries from "head to toe." "His tongue was enormous and hanging out of his mouth. He was pale and his ears were blue. She wondered if he had hanged himself. The skin was shaved off the top of his feet. His shoulder had what looked like pressure sores. He had a big gaping cut over this eye, which had been bleeding. There was dried blood on his face and blood in his eyelids and nose, there were scrape marks on his skin."

Four days later, medical staff concluded Marshall had suffered irreversible brain injury and his life support was turned off.

Liddle considered there were "credibility and reliability issues with many of the prison officer witnesses."

One claimed that no details had been recorded of RR's concerns over Marshall's strange behaviour. Another reported both that he had no concerns over Marshall's mental health yet later agreed that he expected him to be

"referred to mental health."

Much testimony was given about Marshall's alleged strength, one claimed he had the "strength of 10 men," yet no injuries to prison officers resulted in hospital treatment, although one claimed a broken wrist.

None of the prison officers admitted to using their feet against Marshall until presented with video evidence. Liddle noted that, despite Marshall's alleged struggling, none of the officers in the video had any clothing ripped. "Nor did they appear to be in any way unduly dishevelled."

None appeared to know of the warning signs of psychosis nor were they aware of the dangers of positional asphyxiation, yet all claimed they were up to date on their training requirements.

A number of officers claimed that Marshall was still struggling with immense force when plasticuffs were attached to his wrists. One claimed he could see "plastic at the joint turning from black to white under the force being exerted by the prisoner." Other officers gave similar evidence about the plastic cuffs "stretching and turning white."

In fact, by the time the cuffs were applied, Marshall was in all probability already suffering heart failure. Evidence from a police forensic witness said the cuffs showed no evidence of discolouration. Nor did Marshall have injuries consistent with straining against cuffs. Nor did the plastic material revert to black after the source of any strain was removed.

Evidence from prisoners also makes clear the level of violence deployed against Marshall. One prisoner, RM, said he was able to glimpse events through his cell hatch. RM heard one officer saying, "That c***t's mad," referring to Marshall. He heard slapping, as if someone was being hit. He saw one officer twisting Marshall's arm, another "hitting the boy in the ribs and the boy [Marshall] making a high-pitched scream."

Marshall's aunt, Sharon MacFadyen from Rutherglen, told the *Daily Record*, "The family wondered if being held in that position, with the towel over his head, had contributed to his death, particularly as Allan suffered badly from asthma when he was young."

She continued, "Obviously the Crown watched the CCTV and we cannot understand why they do not think there is anything criminal. I think Allan was put in the shower to 'give him a doing.'"



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