



Improving prisoner death statistics

Policy Brief - October 2024¹

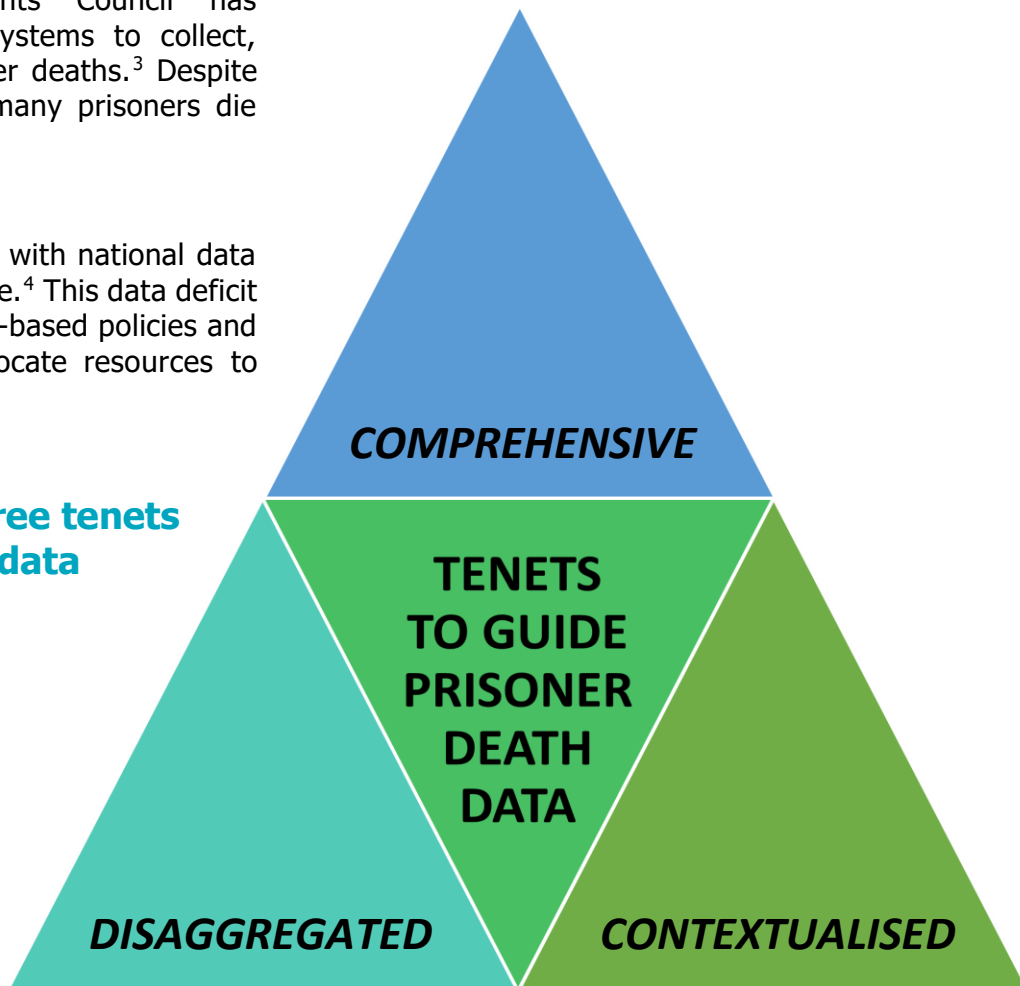


Prisoner deaths

Prisoner mortality rates are up to 50% higher than rates in the community, forming a global human rights and health equity concern, and producing tremendous harms and costs. In 2023, a UN Special Rapporteur warned that 'prisoners are ... dying needlessly' in a 'silent global tragedy'.² The UN Human Rights Council has recommended that States create systems to collect, compile and analyse data on prisoner deaths.³ Despite this, we simply do not know how many prisoners die each year around the world.

Prisoner deaths remain a 'blind spot' with national data often being absent or highly unreliable.⁴ This data deficit hinders the development of evidence-based policies and practices and the potential to reallocate resources to prevent premature prisoner deaths.

This policy brief reports three tenets to advance prisoner death data systems, in order to better understand and ultimately reduce prisoner deaths.⁵



Tenets for prisoner death data

1. Prisoner death data should be **comprehensive**
 - i) *count prisoners who die*, not only deaths occurring within prison facilities and
 - ii) indicate *how prisoners died* by reporting detailed, distinct, specific and independently verified manners of death
2. Prisoner death data should be **disaggregated**
Indicate *which prisoners died* by including a range of rights-required identifiers such as gender (identity), race, ethnicity, age, sexuality, disability and legal status
3. Prisoner death data should be **contextualised**
Indicate *who and what was involved* in the death by adding descriptive tags. Were drugs, sexual violence, restraints or weapons involved? Was the prisoner detained pre-trial or sentenced? Where did the death occur and who was responsible? Were mass fatalities or mass perpetrators involved?

Applying these tenets to national and international datasets

Multiple national and international datasets refer to prisoner deaths, including the Ministry of Justice [Safety in Custody Statistics, England and Wales](#), the 'Mortality in Prison' section of the [UN Crime Trends Survey](#) and Table 28 of the [SPACE I](#) statistics regarding Council of Europe member States. This policy brief reports universal tenets, to improve all prisoner death statistics, but critiques may not apply to every dataset.

Comprehensive data

Where prisoner death data are available, the true scale of prisoner deaths is too frequently obscured due to the exclusion of prisoners who die outside prison, e.g. in public hospitals following resuscitation. Additional SPACE I data in 2022 indicated the number of prisoners who died outside prisons,⁶ however, these data were not available from 13 of the 46 Council of Europe member States (c. 28%).⁷ The number of prisoners who died outside was higher than the number of deaths in prison in Albania, Belgium, Georgia, Greece and Turkey. The inclusion of data on prisoner deaths *outside* penal institutions is vital to ensure transparency and represent the true scale of prisoner deaths nationally and internationally.

We recommend that the deaths of **all persons subject to an ongoing detention order be included in national and international prisoner death data.**

Prisoner death data refer to limited manners of death, with undue reliance on 'other' categorisations. For example, SPACE I refers to three categories of deaths: 'homicide', 'suicide' or 'other', meaning that two thirds of all prisoner deaths across Council of Europe member States in 2020 were classified simply as 'other', with no indication of what proportion were potentially preventable.

Where deaths by 'natural causes' are reported, this obscures frequently inadequate prison healthcare (e.g. young prisoners dying from non-acute naturally occurring

diseases such as pneumonia) and a 'dark figure' of unrecorded homicides.

We recommend explicit **recognition of the limitations of reporting by manners of death and accordingly suggest the development of further, exclusive prisoner death categories.**

Disaggregated data

Deceased prisoners' characteristics are routinely invisibilised in datasets, but prisoner death is a phenomenon stratified by intersectional characteristics encompassing gender (including transgender prisoners), race and ethnicity (including indigenous and minority ethnic populations) and disability, *inter alia*. Disaggregation is necessary to ensure prevention policies are underpinned by evidence, particularly for groups susceptible to discrimination. We support calls to move away from data that mask 'underlying disparities' and towards the incorporation of data on disadvantaged or marginalized groups.⁸

We recommend that **prisoner death data should be disaggregated by important grounds of discrimination including gender identity, sexuality, race, migratory status and disability.**

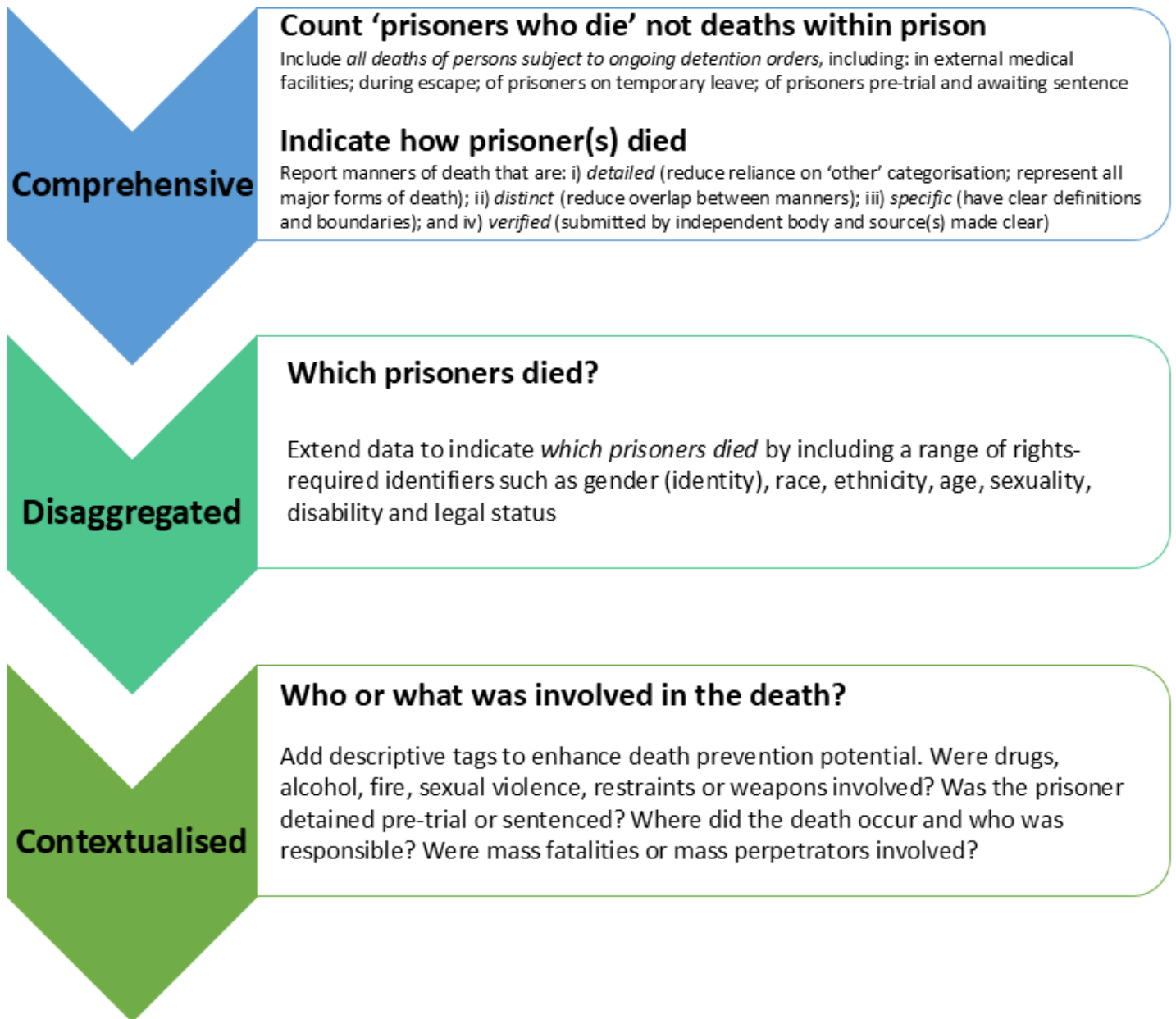
Contextualised data

Current categorisation approaches by manners of death (homicide, suicide, 'external causes', 'other') conceal factors that contribute to prisoner deaths and do not provide a comprehensive evidence base to facilitate death prevention.

We recommend the **inclusion of descriptive contextual tags** across prisoner deaths, enhancing prevention potential by indicating: the presence of hazards such as drugs, fire, restraint, sexual violence; the prisoner's sentence status; the location and means of death; and persons with responsibility for the death.

Preventing prisoner deaths nationally and internationally

Illustrating the 'tip of the iceberg,' prisoner fatalities indicate the state of rights, health and safety within prison systems. Existing approaches disguise the scale of the issue, invisibilize prisoner characteristics and mask the circumstances of deaths. Reliance on a narrow handful of categories conceals the avoidable nature of many deaths and points of prevention.⁹ We hope our tenets can help to improve data collection and help underpin evidence-based safeguarding policies to reduce the rates of premature prisoner death.



¹ **Based on P. Tomczak and R. Mulgrew, 'Making prisoner deaths visible: towards a new epistemological approach' (2023) 4(1) *Incarceration* 1-21.**

² 'Deaths in Prison', Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/HRC/53/29) 18 April 2023, para. 2.

³ 'Human Rights in the administration of justice' (A/HRC/RES/42/11) 26 September 2019, para. 8.

⁴ Penal Reform International and *prisonDEATH*, [Deaths in prison: Examining causes, responses and prevention of deaths in prison worldwide](#), 2022 at 5.

⁵ This research is based on a thematic analysis of multidisciplinary scholarship and supranational prison oversight reports (116 reports from visits to 58 countries) that focused on the penological and rights issues relating to prisoner deaths in various world regions. Funded by the University of Nottingham, Research England SPF-QR funding and UK Research and Innovation [*grant MR/T019085/1*]. See also R. Banwell-Moore (2022) *What Is Known About Prisoner Deaths Internationally?* (DOI: 10.13140/RG.2.2.11922.12486).

⁶ Table 28, SPACE 1-2022, PC-CP (2022)4 at 115-116. See also Aebi, Berger-Kolopp, Burkhardt and Tiago, *Prisons in Europe 2005-2015: Volume 1: Country profiles* (2019, Strasbourg: COE) at 28. SPACE I statistics contained an additional table outlining which deaths or suicides occurred in hospitals or outside prisons (2006-2017).

⁷ Austria, Bosnia-Herzegovina, Bulgaria, Croatia, France, Germany, Italy, Latvia, Liechtenstein, Portugal, Serbia, Switzerland and the UK.

⁸ See Table 15.1 SPACE I 2011 at 134-5.

⁹ See R. Mulgrew, 'Prisoners Lives Cut Short: The Need to Address Structural, Societal and Environmental Factors to Reduce Preventable Prisoner Deaths' (2023) 23 *Human Rights Law Review* 1-25; P. Tomczak, 'Highlighting "Risky Remands" through prisoner death investigations: People with very severe mental illness transitioning from police and court custody into prison on remand' (2022) *Frontiers in Psychiatry* 13: 862365.



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