

## Written evidence from INQUEST (TRH0101)

### About INQUEST

1. INQUEST is the only charity providing expertise on state related deaths and their investigation to bereaved people, lawyers, advice and support agencies, the media and parliamentarians.
2. INQUEST's specialist casework focuses on deaths in prison and other forms of detention, and mental health settings, as well as deaths where wider issues of state and corporate accountability are in question, such as Hillsborough and Grenfell Tower. Our policy, parliamentary, campaigning and media work is grounded in the day to day experience of working with bereaved people.

### Deaths

3. Deaths of people under supervision in the community are largely ignored, hidden from view and do not receive the same level of scrutiny, concern or investigation currently received by deaths in custody<sup>1</sup>. Deaths during and following imprisonment are often reflective of historic patterns in the characteristics of the prison population, many of whom are vulnerable and disadvantaged members of our society.
4. These deaths raise serious issues in the context of the implementation of Transforming Rehabilitation, Through-the-Gate provision and the role of prison and probation services in effectively supporting people prior to and following release from custody.
5. In the context of the ongoing inquiry into Transforming Rehabilitation, INQUEST would like to draw the Committee's attention to the deaths of people in the community following release from prison and under supervision from the National Probation Service (NPS) or Community Rehabilitation Companies (CRCs).

### Data

6. In this note, we focus specifically on Ministry of Justice (MoJ) data on deaths during post-release supervision in the community after a custodial sentence. In 2016/17, 372 people died, of which, 117 were self-inflicted, and 75 unclassified. These figures are an underestimate as data is missing for two CRCs (Humberside, Lincolnshire & North Yorkshire CRC & Norfolk and Suffolk CRC). Additionally, there were 13 deaths in Approved Premises recorded in 2016/7.<sup>2</sup>
7. Between 2010/11 and 2016/17, 1,378 people died during post-release supervision in the community after a custodial sentence. 401 deaths were recorded as self- inflicted and 229 await classification. Some of these unclassified deaths may be waiting inquests. However, in many cases an official cause of death may have been established but MoJ records have not been updated.

<sup>1</sup> Recent academic research by Phillips et al (2017) have reviewed the most recent academic literature in the field and can be viewed online here: <http://shura.shu.ac.uk/17331/>.

<sup>2</sup> It is worth noting that the MoJ reports that in 2016/17 a total of 748 people died while under supervision in the community (of which 233 self-inflicted and 153 await classification). This larger total includes people who have not served a custodial sentence, for example community sentences.

8. The table below provides an overview of MoJ data of deaths of people under post release supervision in the community after a custodial sentence. For the year 2014/15 onwards, the table indicates the distribution of deaths of people under CRC and NPS supervision.

### Deaths during post-release supervision in the community after a custodial sentence

	2010/11	2011/12	2012/13	2013/14	2014/15 <sup>2</sup> (t)			2015/16 <sup>3</sup> (t)			2016/17 <sup>4</sup>		
					NPS	CRCs	Total	NPS	CRCs	Total	NPS	CRCs	Total
<b>Males</b>	<b>100</b>	<b>136</b>	<b>131</b>	<b>128</b>	<b>88</b>	<b>75</b>	<b>163</b>	<b>145</b>	<b>128</b>	<b>273</b>	<b>170</b>	<b>161</b>	<b>331</b>
Self-inflicted	24	30	40	39	17	32	49	34	52	86	41	61	102
Natural Causes	41	54	55	58	45	26	71	73	33	106	85	44	129
Homicide	9	7	4	5	2	1	3	4	6	10	8	6	14
Accident	6	14	9	11	7	7	14	12	11	23	6	8	14
Other	2	8	10	3	0	2	2	1	3	4	2	5	7
Unclassified	18	23	13	12	17	7	24	21	23	44	28	37	65
<b>Females</b>	<b>10</b>	<b>11</b>	<b>9</b>	<b>8</b>	<b>5</b>	<b>3</b>	<b>8</b>	<b>10</b>	<b>19</b>	<b>29</b>	<b>10</b>	<b>31</b>	<b>41</b>
Self-inflicted	0	0	3	1	0	1	1	2	9	11	4	11	15
Natural Causes	8	4	5	3	3	1	4	2	2	4	4	8	12
Homicide	0	0	1	0	0	0	0	1	0	1	1	1	2
Accident	1	3	0	0	0	0	0	0	2	2	0	2	2
Other	0	1	0	1	0	0	0	0	1	1	0	0	0
Unclassified	1	3	0	3	2	1	3	5	5	10	1	9	10
<b>Total</b>	<b>110</b>	<b>147</b>	<b>140</b>	<b>136</b>	<b>93</b>	<b>78</b>	<b>171</b>	<b>155</b>	<b>147</b>	<b>302</b>	<b>180</b>	<b>192</b>	<b>372</b>

Source: Ministry of Justice (2017) Deaths of Offenders in the Community<sup>3</sup>.

9. The MoJ claims that recent increases in recorded deaths are partly explained by the introduction of the Offender Rehabilitation Act (ORA) on 1 February 2015, which resulted in a substantial increase in the number of people on post-release supervision, from 39,669 as at 31 March 2015 to 64,441 as at 31 March 2016 (an increase of 62%). Changes to recording practices may also have had an impact. However, as shown in the table above, the number of deaths recorded has risen by 274% between 2013/14 and 2016/17.

10. The MoJ urges caution in comparing deaths in prison with those in the community. However, we believe that it is important to consider the two alongside each other to better understand levels of harm experienced by people during and post release from prison. In 2017, in England and Wales, there were 276 deaths in prison, of which 66 have been classified as self-inflicted and 56 awaiting classification. In 2016, the total number of deaths was 345, of which 120 were self-inflicted and 47 await classification<sup>4</sup>.

11. Phillips et al (2017)<sup>5</sup> note that; “data suggests that the mortality rate among people in contact with the criminal justice system is higher than the general population. However, deaths in the community receive much less attention than deaths that occur in secure settings. This is problematic because it may be that the mortality rate among people in the community is higher than those in custody, yet we do not know this. The true figure may be significantly higher.”

<sup>3</sup> <https://www.gov.uk/government/statistics/deaths-of-offenders-in-the-community-annual-update-to-march-2017>

<sup>4</sup> <https://www.inquest.org.uk/deaths-in-prison>

<sup>5</sup> Phillips, J., Gelsthorpe, L, and Padfield, N. (2017). Non-custodial deaths: Missing, ignored or unimportant? *Criminology & Criminal Justice*. December 2017, Online first. <http://shura.shu.ac.uk/17331/>.

12. The Prisons and Probation Ombudsman (PPO) investigates deaths of prisoners or detainees in the custody of prisons, young offender institutions, secure training centres, immigration removal centres, probation approved premises and court cells. The PPO has discretion to investigate deaths of people following release from custody if it is felt that lessons could be learned. As far as we are aware, between 2010 and 2017, the PPO has not investigated any deaths of recently released prisoners, other than those in Approved Premises.
13. The absence of statutory investigations contributes to the lack of understanding about deaths following release from prison. Inquests play an important role in uncovering evidence about factors that may have contributed to deaths and recommendations to prevent future deaths. However, there is no central mechanism for collating recommendations and ensuring they have been implemented. In the case of deaths following release from prison, this is compounded by the fact that such deaths are largely hidden from official scrutiny.
14. Phillips et al<sup>6</sup> in their report 2016 for the Equality and Human Rights Commission explain; “Categorisation of deaths whilst under supervision is, in any case, difficult to achieve, since it is the Coroners’ Reports which will record the most accurate information. Even where an inquest takes place, there may be no indication that the person was under supervision and so no information would be forwarded to the probation provider.”

## **Recommendations**

15. INQUEST recommends that the Justice Committee explores further;
  - a. The current lack of independent investigation and scrutiny of deaths following release from prison.
  - b. The availability and accuracy of current data on deaths (i.e. ensuring CRCs submit data; and unclassified deaths are updated).
  - c. The factors that may be contributing to deaths of people under probation supervision.
  - d. The measures that the Ministry of Justice, National Prisons and Probation Service, and Community Rehabilitation Companies can take to reduce risks of deaths amongst former prisoners and people under supervision in the community.

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<sup>6</sup> Phillips, et al (2016) *Research Report 106: Non-natural deaths following prison and police custody*, Equality and Human Rights Commission <https://www.equalityhumanrights.com/sites/default/files/research-report-106-non-natural-deaths-following-prison-and-police-custody.pdf>