

Deaths in Prison Custody in Scotland 2012-2022

August 2023

Foreword

In November 2019, the Cabinet Secretary for Justice commissioned an independent review into the response to deaths in prison custody. The [Independent Review of the Response to Deaths in Prison Custody](#) was published in November 2021.

In early 2022, it was decided to bring in an external chair to oversee the implementation of the recommendations. I took up the role in April 2022, forming the Deaths in Prison Custody Action Group soon afterwards.

My first priority was to engage with families who had direct experience of losing a loved one through death in prison custody. A Family Reference Group was formed, which included some families who had contributed to the original Review. The membership has changed and increased over time with four more families joining the Group who were bereaved by the death of a loved one in prison after the Review was published in November 2021.

Families involved in this work are generously sharing their experiences in the hope that the response to the death of a relative in prison is improved for other families in the future. They share a desire to help improve the understanding of factors leading to deaths in prison in order to reduce and prevent more deaths.

The Review recognised the importance of data and analysis, with part of the key recommendation being that an independent body should produce and publish reports analysing data on deaths in custody, identifying trends and systemic issues.

Two important recommendations are aimed at understanding causes of deaths in prison and identifying trends with a view to preventing future deaths. Recommendation 1.1 states that leaders of national oversight bodies should work together with families to support the development of a new single framework on preventing deaths in custody. Recommendation 3.4 asks for a comprehensive review into the main causes of all deaths in prison custody.

I introduced an Understanding and Preventing Deaths in Prison Working Group, which sits under the Deaths in Prison Custody Action Group, to take these recommendations forward.

The Scottish Prison Service publishes data on its website, including date of admission; date of death; age; gender; ethnic group; legal status, and medical cause of death (from 2019 onwards). There has been no published analysis or identification of trends by the Scottish Prison Service or the Scottish Government, despite the data having been publicly available since 2012.

Whilst long overdue, this paper is welcome and presents a high level analysis of the data published by the Scottish Prison Service on deaths in prison between 2012 and 2022. Overall the analysis shows that there has been an increase in the number of deaths in prison over that period. It is the first in a series of reports that will be produced over the coming year. The next stage will be work with the National Records of Scotland to examine causes of deaths in prison in more detail, and to make comparisons with trends in the general population.

I will be particularly interested to see the age distribution of the prison population compared with the general population, and what analysis might tell us about the prevalence of suicide amongst young people in prison.

The healthcare provision across the prison estate and the efficiency of resources to escort people in prison to access medical appointments/treatment will also be an area of interest for future analysis.

This paper represents a start to the important work of improving the data, evidence, and analysis around prison deaths with a view to identifying factors and causes, and to prevent future deaths.

I would like to thank all those involved in producing this paper, including colleagues working in the Scottish Prison Service, the Justice Analytical Services at the Scottish Government, and the NHS National Prison Care Network.

Gill Imery
External Chair, Oversight of implementation of recommendations
Independent Review of Response to Deaths in Prison Custody

Key Points

This report marks the first publication on data and evidence produced by the Deaths in Prison Custody Action Group (DiPCAG) which was set up to provide independent oversight and leadership to the implementation of all the recommendations of the [Independent Review of the Response to Deaths in Prison Custody](#). An Understanding and Preventing Deaths in Prison working group was established under the DiPCAG. One of the aims of the working group has been to undertake a comprehensive review into the main causes of deaths in prison custody by analysing available data on deaths in prison custody in Scotland, as well as to identify and implement improvements to the data and evidence that exists.

The report provides an overview of all prisoner deaths in Scotland over the period 2012 to 2022 based on data published by the Scottish Prison Service (SPS). The analysis includes information on the number of deceased, causes, prison establishment of death, as well as personal characteristics of the individuals deceased. The insights from this report also allow us to make observations on how deaths in custody have changed over the course of the period analysed.

The analysis shows that:

- Between 2012 and 2022, 350 people died whilst in prison custody in Scotland. This is an average of 31.8 deaths per year.
- The number of deaths in prison custody per year increased between 2012 and 2022, with the highest number of annual deaths recorded in 2021 (53).
- Drawing on the national statistics on the prison population, it is possible to estimate the rate of death in prison custody per 1,000 population based upon both the total number of individuals that experienced imprisonment at any point during the year, and the average daily prison population. To do this, only deaths occurring in the full financial years of data that match the time periods covered by the national statistics are considered (i.e. 2012-13 to 2021-22, 306 deaths in total).
- While both measures of death rates have fluctuated over the time period considered, both have been rising overall. The estimated rate of death per 1,000 average daily population was 2.12 in 2012-13, trebling to 6.40 in 2021-22. Similarly, the rate of death per 1,000 individuals experiencing imprisonment more than trebled over the same period, rising from 0.85 in 2012-13 to 3.33 in 2021-22.
- The increase in rates of deaths appear most pronounced across 2020-21 and 2021-22, years impacted by the Covid-19 pandemic. Accordingly, the pandemic may be a factor in the recorded rate of death in custody. During these years, both the total number of individuals that experienced imprisonment at any point during the year and average daily prison population were also much lower than pre-pandemic levels, which may also be a factor in the higher estimated rates of death in these years.
- Of the 306 people who died between 2012-13 and 2021-22, 96% or 294 were men and 4% or 12 were women. This proportion broadly mirrors the gender split in the

overall prison population. The small number of deaths amongst women makes analysing any differences in deaths in prison custody by gender difficult.

- In terms of death rates per 1,000 population over the time period analysed, the pattern observed for men largely mirrors the pattern observed when looking at the overall prison population. As men account for most of the deaths occurring this is to be expected. Given the small number of deaths amongst women, the rates observed for women fluctuate considerably over the time period analysed.
- The official national prison population statistics show a changing age profile of the average daily prison population over time. The long term trend is a decline in the number of young people and younger adults, while the number of people aged 35 and above has been increasing. The average age of prisoners has increased from 31.8 years in 2010-11 to 36.9 years in 2021-22, and the proportion of prisoners aged 55 or over has more than doubled in the last decade rising from 3.5% to 8.1%. The single largest number of deaths in prison custody occurred in the '55+ years' age group (96), followed by the '45-54 years' age group (79).
- While there is a degree of fluctuation, the rate of death per 1,000 average daily population has remained low for the youngest age groups (16-44 years collectively) over the time period analysed. The rate of death per 1,000 average daily population has been substantially higher for the older age groups, with noticeable spikes in the rates for 2020-21 (55+ years group) and 2021-22 (45-54 years group). As stated above, these are years impacted by the Covid-19 pandemic.
- When assessing deaths in prison custody by legal status, the majority of deaths occurred in the sentenced population. Over the period 2012-13 to 2021-22, around 76% of deaths in custody were amongst those who were serving a custodial sentence and just under a quarter of the people who died in custody were being held on remand. This is broadly in line with the overall proportion of the prison population.
- The rate of death in prison custody by legal status has varied over time. The rate across the remand population spiked between 2015-16 and 2018-19 and was considerably higher than that for the sentenced population. However, the rate of death increased substantially in the sentenced population across 2020-21 and 2021-22.
- Between 2012 to 2022, there were 17 prison establishments operating in Scotland. These establishments hold different prison populations which have varying housing requirements. Therefore, the age, gender and legal status profile of prisoners varies by establishment.
- Prison establishments also differ in capacity, so the number of individuals housed in each varies considerably. For example, the average daily population in HMP Inverness was 110 in 2021-22 whereas the average daily population in HMP Barlinnie was over 10 times that figure at 1,215. The analysis shows that the highest number of deaths in prison custody have occurred in the larger prisons. However, in any given year, the number of deaths per prison establishment is small.

- In line with the small and scattered distribution of deaths in custody by prison establishment in any given year, it is hard to discern a clear pattern in differences in deaths rates across establishments. As per the overall pattern of deaths occurring, there appears to be a higher rate of death occurring in some establishments in more recent years but there are no clear trends emerging.
- SPS publish the cause of death for every death occurring in prison custody. In 2019, the way in which cause of death was collected and published was amended. To allow comparison of cause of death over time, SPS analysts have attributed cause of death to one of three broad categories across the time series. The categories are: intentional self-harm; poisonings; and other deaths, this category includes disease, illness, natural causes and homicide.
- Of the 350 deaths recorded between 2012 and 2022, the majority (57% or 199) were classified within the 'other deaths' category (3 of the 199 were recorded as homicide, whilst the remainder were attributed to disease, illness and natural causes). 29% (103) occurred due to intentional self-harm and 14% (48) were attributed to poisonings.
- Looking at the cause of deaths by year, shows that in most years (with the exception of 2016 and 2017) deaths attributed to disease, illness and natural causes accounted for the majority of deaths in prison custody. Deaths attributed to these causes also appear to have increased across 2020-2022 – a period impacted by the pandemic.
- Deaths attributed to 'poisonings' (deaths where any drugs were mentioned in the cause of death) comprise a small number of deaths in most years (except 2015), although there was a spike in deaths by 'poisonings' in 2021. The number subsequently reduced in 2022.
- There is no clear trend in the number of deaths attributed to 'intentional self-harm' (deaths where hanging, suspension by ligature or asphyxia were mentioned in the cause of death) which has fluctuated between 4 and 14 per year across the time period analysed.
- Of the 350 deaths in prison custody that occurred over the period 2012 to 2022, around half (173) occurred within 1 year of the individual entering their most recent prison establishment. 25 individuals died within 7 days of entering their most recent prison establishment, and a further 35 within 30 days.
- SPS record the residential address and postcode (where available) of each individual who enters custody. This information is held for 320 of the 350 individuals who died in prison custody over the period 2012-2022. Of these, 149 arrived in custody from an address within the most deprived areas of Scotland – SIMD quintile 1. This is comparable to the composition of the prison population at large.

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1. Background

In November 2019, the Cabinet Secretary for Justice commissioned an independent review into the response to deaths in prison custody, in recognition of the need for increased transparency and better engagement with families following a death in prison custody. The [Independent Review of the Response to Deaths in Prison Custody](#) which was published in November 2021 made one key recommendation, nineteen other recommendations and six advisory points. In April 2022, Gillian Imery was appointed as an external chair to provide independent strategic leadership and oversight of the recommendations and advisory points of the review.

A Deaths in Prison Custody Action Group (DiPCAG) chaired by Gillian Imery was established to oversee and support the work required to ensure effective, innovative and robust implementation of the recommendations and advisory points. Membership of the group is made up of representatives of agencies with responsibility for responding to deaths in prison custody (such as the Scottish Prison Service (SPS), National Health Service (NHS) Scotland and Scottish Government), along with representatives of those bereaved by a death in prison custody.

The [Independent Review of the Response to Deaths in Prison Custody](#) identified the need to improve the range of data that is available on deaths that occur in prison custody, recommending that an *“independent investigatory body must be required to produce and publish reports analysing data on deaths in custody, identifying trends and systemic issues, making recommendations and promoting good practice”*. Two of the recommendations are aimed at understanding causes of deaths in prisons and identifying trends with a view to preventing future deaths. Comprehensive data on and analysis of deaths in prison custody are essential to this work.

An Understanding and Preventing Deaths in Prison working group was established to progress these recommendations. Members of the working group have been analysing available data on deaths in custody in Scotland as well as identifying and implementing improvements to the data and evidence that exists. This work has been led by the Scottish Government’s Justice Analytical Services working with Scottish Government health analysts and policy officials, analysts and operational colleagues from the SPS, Community Justice Scotland and the NHS.

2. Introduction

This report analyses and presents an overview of data published by the Scottish Prison Service (SPS) on deaths in prison custody in Scotland. The data includes details on the cause of death and location (prison establishment) of deaths as well as personal characteristics of the individuals deceased and their status in prison custody at the time of death. This report, therefore, only presents high level quantitative data that does not reflect the individual personal stories of the people involved.

It is recognised that each individual has their own custodial journey which can be complex, continue over many years and include multiple stays within the prison system which is not captured here.

It is also widely recognised that there is a high level of health and social care need amongst Scotland's prison population. Many individuals in prison experience poor mental and physical health and have a range of needs that are often multiple and complex. There is also a high level of comorbidity with many people in prison having more than one mental health, physical health, social care or substance use related need. There are also some subgroups in the prison population, for example, people held on remand and older age groups, who may have particular needs¹. These issues are also not discussed as part of this report.

This paper marks the first in a series of reports on the data and evidence that that will be produced over the coming year. Following on from this report, we will undertake further analysis led by the National Records of Scotland (NRS) which will examine causes of death in prison custody in greater detail including providing comparisons to observed trends in the general population. It is also anticipated that further analyses using the official national prison statistics will be undertaken in the coming months, which will consider the full custodial journey of individuals who have died in custody. This latter workstream, will also seek to investigate the overall time spent in prison custody, any changes in legal status and possible movement across the different establishments.

¹ [Prison population health needs: synthesis report - gov.scot](https://www.gov.scot/publications/prison-population-health-needs/synthesis-report/pages/1-introduction.aspx)

3. Data sources and definitions

The analysis in this report is based on the data published by the SPS on deaths in prison custody. As part of SPS's legal obligations under the SPS Publication Scheme, it publishes information regarding all deaths in prison custody. SPS have published information on those who have died in prison custody since 2012. This information is updated on a quarterly basis.

Deaths in custody in this report conforms to the definition applied by the SPS on their website. This definition encompasses anyone who was resident in a prison in Scotland at the time of their death, even where their death occurred in a hospital or hospice. It therefore excludes people who may have died whilst on Home Detention Curfew or any other conditional release from prison.

Following a death in custody, prison establishments complete a Significant Incident Report to alert SPS Headquarters that a death in prison custody has occurred. This report includes an incident description to the apparent cause of death. The Headquarters' health team then submit a request to the Crown Office and Procurator Fiscal Service (COPFS) for the Medical Certificate Cause of Death (MCCD) and the final post-mortem. Upon receipt of these, the apparent cause of death initially recorded by SPS on their website may change following confirmation of the cause of death in the MCCD or post-mortem².

To allow for comparison of cause of death in custody over time in this report, we have applied the three high level published causes of death as categorised by SPS analysts – which are i) deaths due to poisonings, ii) deaths due to intentional self-harm and iii) deaths by 'all other' causes which include deaths due to disease, illness, natural causes and homicide. Further detail on what is encompassed in these broad categories is provided later in the section covering causes of death.

It should be noted that the cause of death categorisation applied here by SPS analysts is broad and will not match the coding process applied by the National Records of Scotland (NRS) in their official statistics of deaths in the wider Scottish population. Therefore, to enhance our understanding of how deaths in prison custody compare to the general population, further analyses led by NRS are planned. This will consider causes of death in prison custody in greater detail, including providing comparisons of these to causes of death and trends in the general population. The NRS categorisation of deaths will follow that applied in their official population statistics which is based on the International Statistical Classification of Diseases and Related Health Problems, Tenth Revision (ICD-10), so may differ from what is reported here.

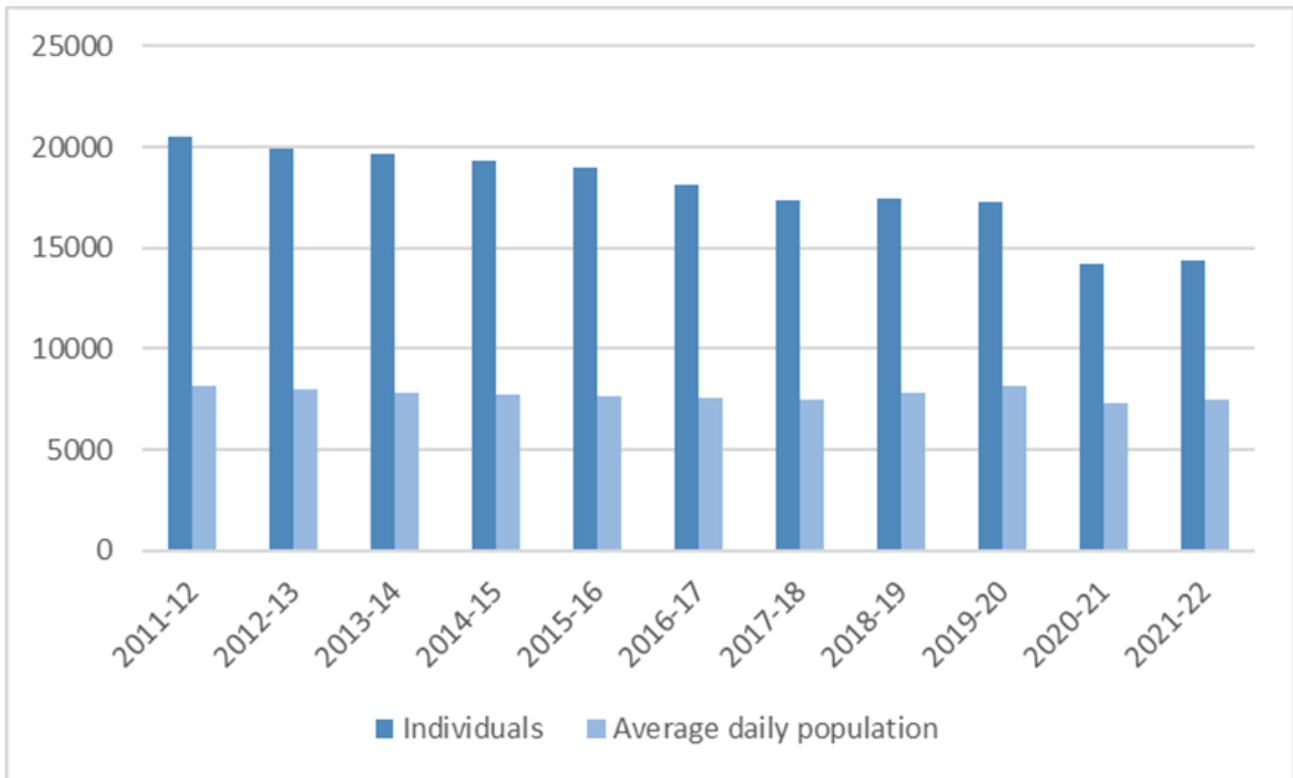
Finally, to place deaths in prison custody in the context of the prison population as a whole, including estimating death rates per 1,000 population, the official national statistics on the Scottish prison population are drawn on.

² To avoid any delays in how this information was published, changes were made to the way SPS reported the cause of death in 2019. Since 2019, SPS includes the 'medical certificate cause of death' (MCCD) for all deaths. Prior to this SPS awaited the outcome of the cause of death as detailed in the Fatal Accident Inquiry (FAI) which can take years to conclude.

4. Scottish Prison Population - Overview and Trends

The [National Statistics on Scotland's prison population](#) show that the level and composition of the Scottish prison population has changed over time. Prior to the Covid pandemic, Scotland's prison population had been rising. While the average daily prison population declined between 2011-12 and 2017-18, by late 2018 it was rising rapidly. The average daily prison population peaked at approximately 8,200 in 2019-20. Over the same period, while the number of people spending time in prison each year had been considerably higher than the population on any given day, the number fell substantially – falling by around 16% from 20,535 in 2011-12 to 17,311 in 2019-20 (Figure 1).

Figure 1: Number of individuals experiencing imprisonment and average daily prison population by financial year (2011-12 to 2021-22)



The Covid pandemic had considerable impacts on the prison population. While there has been a longer term downward trend in the numbers of individuals experiencing imprisonment year-on-year, the number of individuals that spent any time in prison in 2020-21 and 2021-22 was considerably below pre-pandemic levels (14,241 and 14,441 respectively).

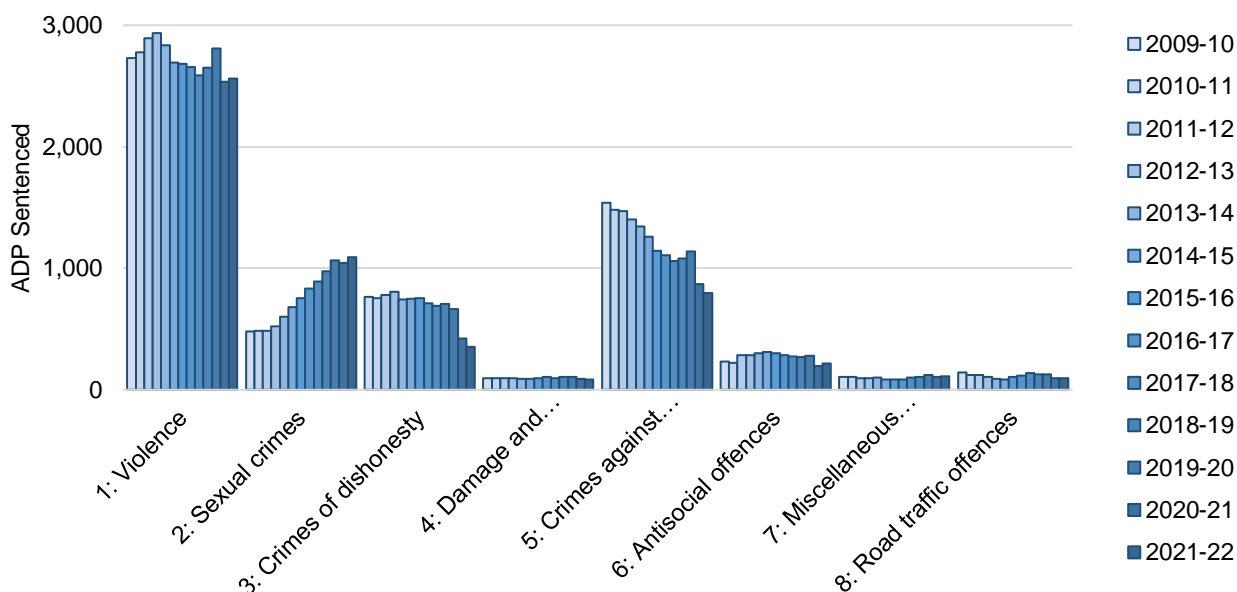
This decrease likely reflects the impacts of justice system responses to public health measures over the period. Justice system responses to public health measures in 2020-21 led to: a decreased volume of custody cases reported to the Crown Office and Procurator Fiscal Service, and an increased volume of undertakings reports; a reduced likelihood of an accused being remanded; a reduced volume of concluded cases in courts, with subsequent reduction in custodial sentences issued and growth in the trial backlog. In addition, early release was granted for 348 eligible short term sentenced prisoners in the initial stages of the pandemic under provisions in the Coronavirus (Scotland) Act 2020.

Combined, these changes across the justice system impacted both the in-flows to custody and the out-flows from custody throughout 2020-21 and 2021-22. As a result, the average daily prison population in both years was considerably below the immediate pre-pandemic period at approximately 7,300 and 7,500 respectively.

The difference between the number of individuals that experience imprisonment compared to the average daily prison population in any one year, demonstrates that there is considerable churn in the prison population. Whilst some individuals are serving long sentences, many enter and leave custody after a short period of time. Some individuals enter and leave custody multiple times in any given period.

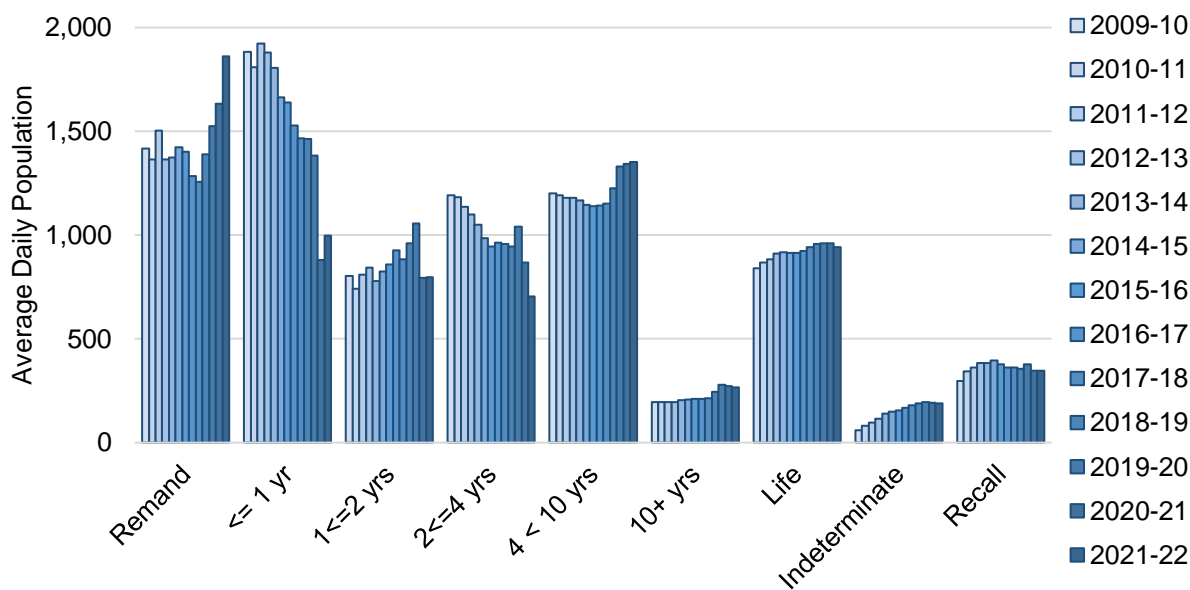
The composition of the prison population has also changed over time. Over the decade to 2019-20, the sentenced prison population became increasingly comprised of individuals convicted of violent and sexual offences, and those serving longer sentences. As shown in Figure 2, those with an index offence of serious violence were the single largest group in the sentenced average daily population in 2019-20, accounting for just over a third of the total. The average daily population serving sentences for rape and attempted rape (offences that attract long custodial sentences) trebled between 2009-10 and 2019-20, and the overall long term prison population grew substantially.

Figure 2: Sentenced index offence groups – average daily population (2009-10 to 2021-22)



As illustrated in Figure 3 below, there has been continued growth in the average daily population serving indeterminate sentences (life sentences and Orders of Lifelong Restriction) and rapid rises in those serving longer determinate sentences (4+ years) from 2017-18 to 2019-20. These patterns became more pronounced over the pandemic period as the short term sentenced prison population fell considerably. Since 2020 the remand population has grown substantially, shifting the balance between the sentenced and remand populations. In 2021-22, around 25% of the average daily population was held on remand – compared to around 19% in 2019-20.

Figure 3: Remand and index sentences – average daily population (2009-10 to 2021-22)



The age profile of the prison population has also changed. The longer term reduction in individuals spending time in custody each year has been driven almost entirely by a reduction in young people and younger adults (those under 30 years), with the average daily population of those aged under 21 years falling considerably from just over 800 in 2011-12 to just under 190 in 2021-22. At the same time, the average daily population aged 35+ years has increased steadily.

In line with these patterns, the average age of individuals experiencing imprisonment is increasing. The average age of prisoners has increased from 31.8 years in 2010-11 to 36.9 years in 2021-22, and the proportion of prisoners aged 55 or over has more than doubled in the last decade rising from 3.5% to 8.1%.

The prison population remains overwhelmingly comprised of men. In 2011-12, women comprised just 5.8% of the total prison population. The impacts of the pandemic described above were proportionately greater in the women's prison population. As such, by 2021-22 the proportion of women in the prison population had fallen to 3.8%.

A further consistency over time is that the prison population is disproportionately comprised of individuals from areas of multiple deprivation. The Scottish Index of Multiple Deprivation (SIMD) is the Scottish Government's standard approach to identifying areas of multiple deprivation in Scotland³. It is a relative measure of deprivation across 6,976 small areas (data zones). The SIMD ranks areas in Scotland in terms of their relative deprivation. Deprivation is considered in relation to seven domains: income, employment, education, health, access to services, crime and housing. The most deprived 20% of areas are found in quintile 1 or deciles 1 and 2. The least deprived 20% of areas are found in quintile 5 or deciles 9 and 10.

³ [Scottish Index of Multiple Deprivation 2020 - gov.scot](https://www.gov.scot/publications/scottish-index-of-multiple-deprivation-2020/pages/10-introduction-to-the-simd-2020.aspx)

In 2012-13, almost 53% of arrivals to custody were from areas in quintile 1 (deciles 1 and 2), the most deprived 20% of areas in Scotland. In 2021-22, this figure was almost 48%. Living in an area of deprivation is linked to poorer health outcomes, higher drug use and increased mortality rates^{4,5}.

It should be noted however that SIMD is an area-based measure of relative deprivation therefore not every person from areas ranked as 'most deprived' by the SIMD will themselves be experiencing high levels of deprivation or the outcomes associated with living in those areas. Nevertheless, a recent (2022) assessment of Scotland's prison population⁶ found high levels of health and social care needs and of co-morbidity (i.e. individuals having more than one mental health, physical, social care or substance use related need). The final assessment synthesis report also identified a series of challenges to addressing the needs of the prison population through existing health and social care arrangements.

⁴ [Scotland's Population 2021 - The Registrar General's Annual Review of Demographic Trends | National Records of Scotland \(nrscotland.gov.uk\)](#);

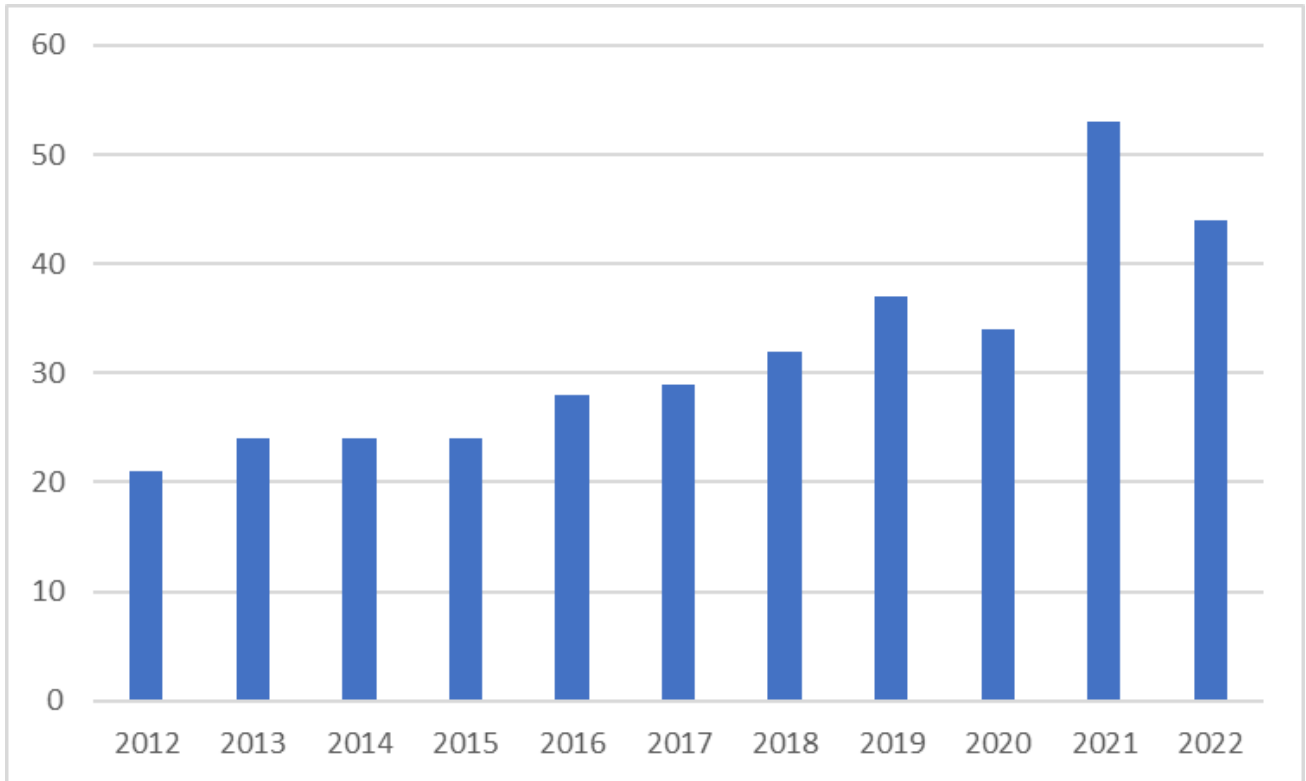
⁵ [Resetting the course for population health: evidence and recommendations to address stalled mortality improvements in Scotland and the rest of the UK - University of Glasgow](#)

⁶ [Prison population health needs: synthesis report - gov.scot](#)

5. Deaths in prison custody 2012-2022

Between 2012 and 2022, 350 people died whilst in prison custody in Scotland – an average of 31.8 deaths per year. As shown in Figure 4, the number of deaths in custody has risen overall across the 11-year period, with the highest number of deaths in any year (53) recorded in 2021.

Figure 4: Number of deaths in custody per calendar year (2012-2022)



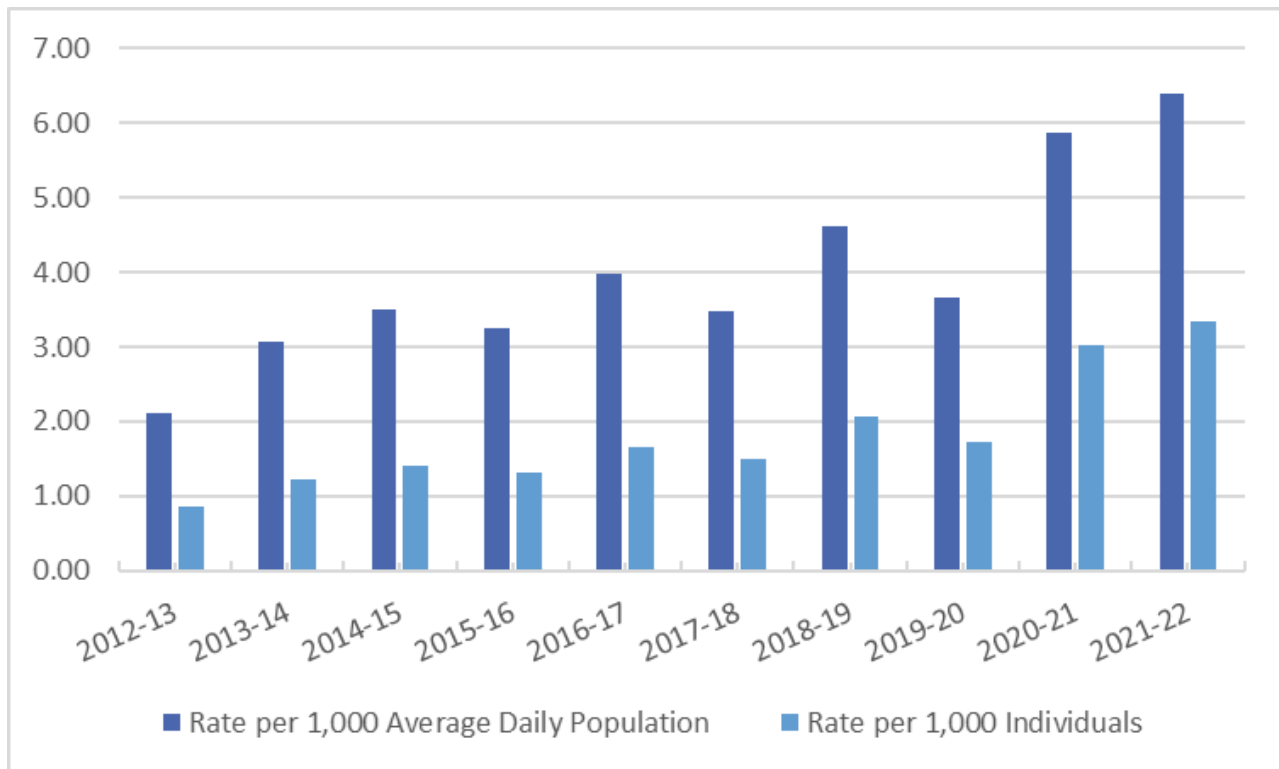
Rate of death in custody

Given the fluctuations in prison population size and the numbers of individuals experiencing imprisonment, it is difficult to make comparisons over time using the number of deaths alone. Drawing on the national statistics on the prison population, it is possible to estimate the rate of death in prison custody per 1,000 population based upon both the total number of individuals that experienced imprisonment at any point during the year, and the average daily prison population. To do this, only deaths occurring in the full financial years of data that match the time periods covered by the national statistics are considered (i.e. 2012-13 to 2021-22, 306 deaths in total). Deaths that were published on the SPS website but occurred either prior to 1st April 2012 or after 31st March 2022 are therefore omitted from this analysis.

Figure 5 shows that while both rates have fluctuated over the time period considered, both have been rising overall. The rate of death per 1,000 average daily population was 2.12 in 2012-13 but had trebled to 6.40 in 2021-22. The rate of death per 1,000 individuals experiencing imprisonment more than trebled over the same period, rising from 0.85 in 2012-13 to 3.33 in 2021-22.

The increase in rate of death appears most pronounced across 2020-21 and 2021-22, years impacted by the Covid-19 pandemic. Accordingly, the pandemic may be a factor in the recorded rate of death in custody. In these two years, both the total number of individuals that experienced imprisonment at any point during the year and average daily prison population were also much lower than pre-pandemic levels, while the number of deaths was at an increased level.

Figure 5: Rate of death per 1,000 average daily population and per 1,000 individuals experiencing imprisonment by financial year (2012-13 to 2021-22)



6. Deaths in custody by gender

Reflecting the distribution of men and women in the wider prison population, the vast majority of deaths in custody were men. Of the 306 people who died between 2012-13 and 2021-22, 96% or 294 were men and 4% or 12 were women. The small number of women dying makes analysing deaths in custody by gender difficult. It is hoped that further analysis of broader qualitative information could help examine whether or not there are meaningful differences in the deaths of men and women.

Rate of death in custody by gender

Looking at the rate of death per 1,000 average daily population (Figure 6) and per 1,000 individuals experiencing imprisonment (Figure 7), the pattern observed for men largely mirrors the pattern observed when looking at the overall population. As men account for most of the deaths occurring this is an unsurprising finding. As to be expected in light of the very small number of deaths occurring amongst women, the rates observed for women fluctuate considerably.

Figure 6: Rate of death per 1,000 average daily population for women and men by financial year (2012-13 to 2021-22)

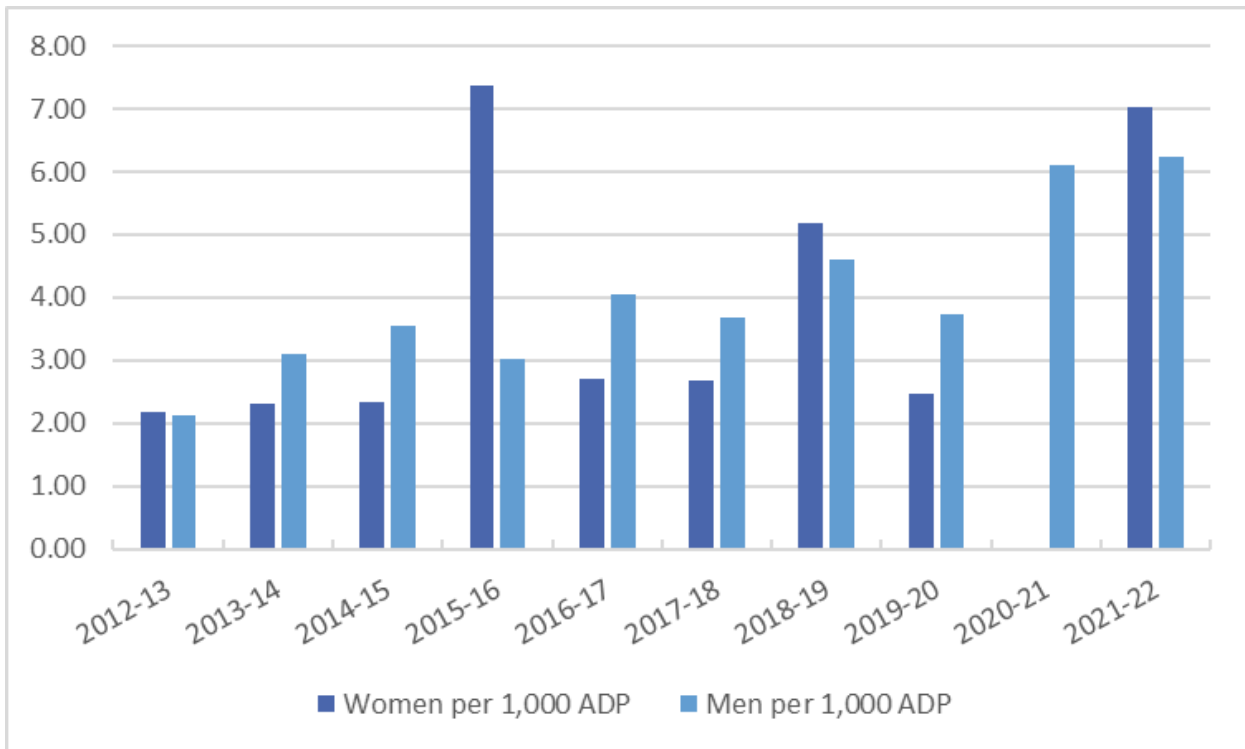
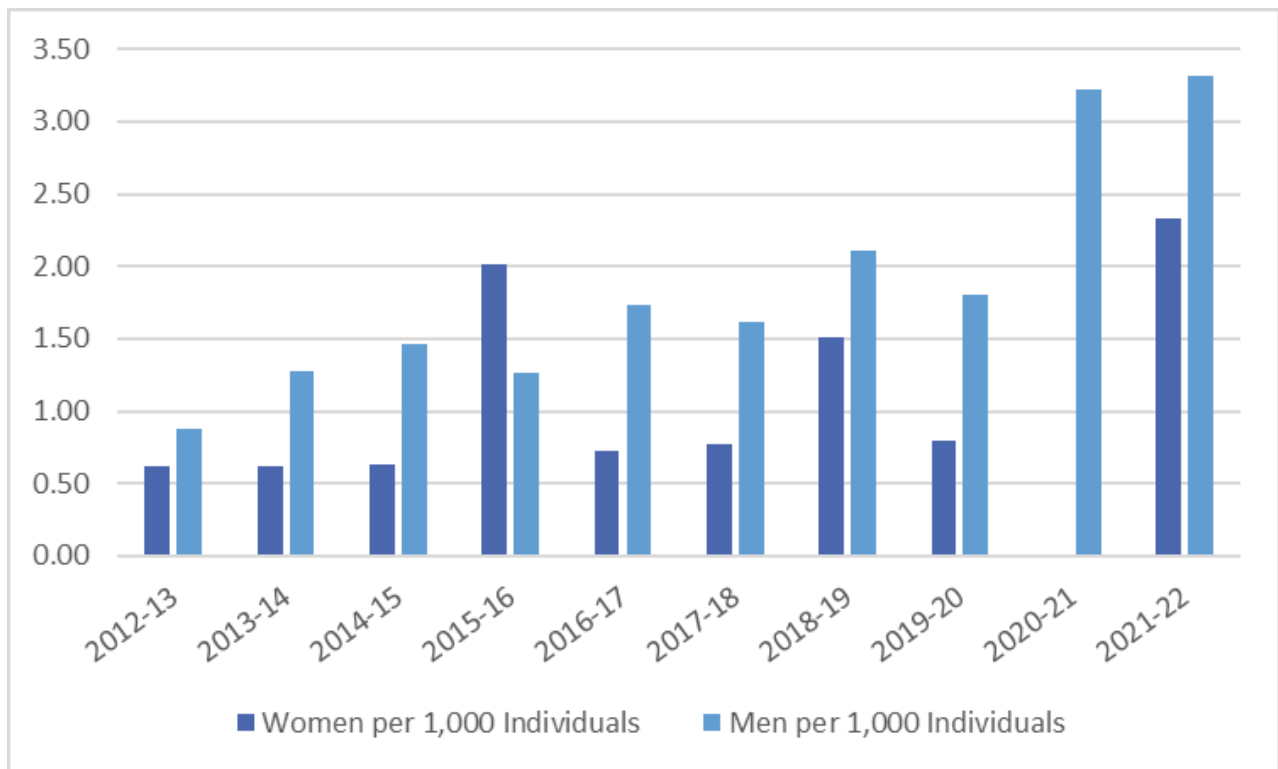


Figure 7: Rate of death per 1,000 individuals for women and men by financial year (2012-13 to 2021-22)

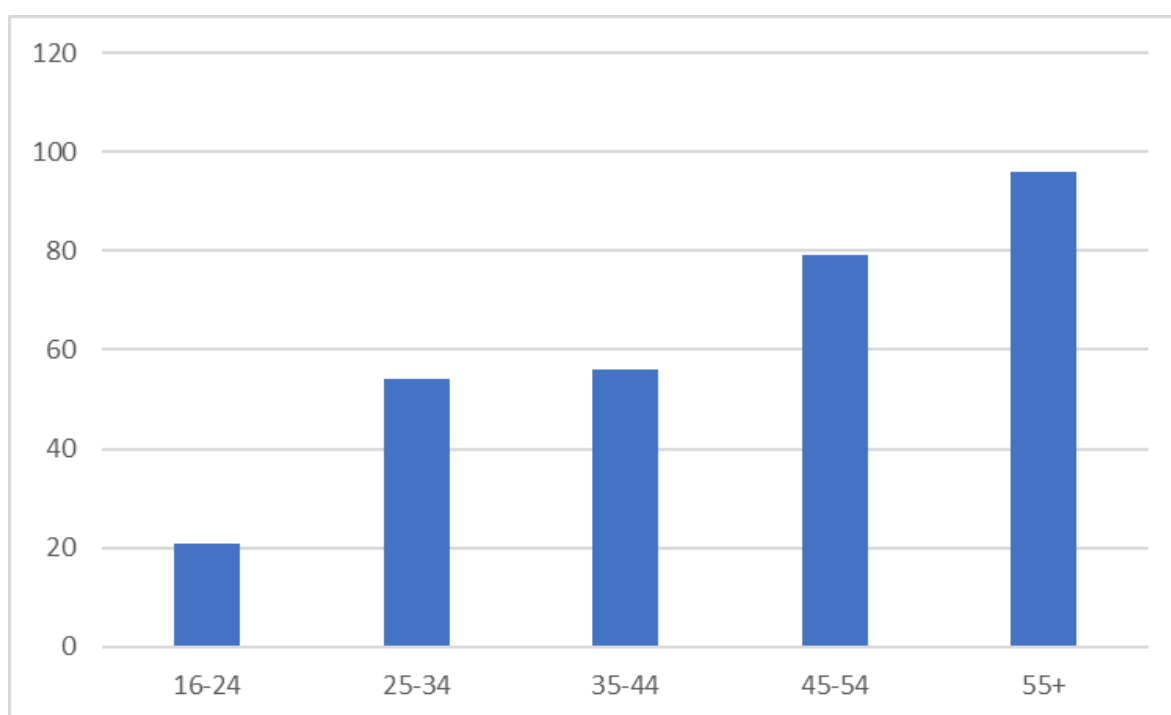


7. Deaths in custody by age

As described above, the age profile of the average daily prison population has changed over time. The long term trend is a decline in the number of young people and younger adults, while the number of people aged 35 and above has been increasing. In line with these patterns, the average age of individuals experiencing imprisonment is increasing. The average age of prisoners has increased from 31.8 years in 2010-11 to 36.9 years in 2021-22. The increase in people aged 55 and older is particularly notable, as the proportion of prisoners aged 55 or over has more than doubled in the last decade rising from 3.5% to 8.1%.

The age profile of people who died in custody between 2012-13 and 2021-22 is shown in Figure 8. The single largest number of deaths occurred in the '55+ years' age group (96), followed by '45-54 years' (79).

Figure 8: Age profile (in years) of deaths in custody 2012-13 to 2021-22



Rate of death in custody by age

Figure 9 shows rates of death per 1,000 average daily population by age group. While there is a degree of fluctuation, the rate of death per 1,000 average daily population has remained low for the youngest age groups (16-44 years collectively) over the time period covered by the data. The rate of death per 1,000 average daily population has been substantially higher for the older age groups, with noticeable spikes in the rates for 2020-21 (55+ years group) and 2021-22 (45-54 years group). As stated above, these are years impacted by the Covid pandemic.

Figure 10 shows the rate of death per 1,000 individuals experiencing imprisonment over the same time period. The pattern observed is broadly similar to that of the rate per 1,000 average daily population.

Figure 9: Rate of death per 1,000 average daily population by age group by financial year (2012-13 to 2021-22)

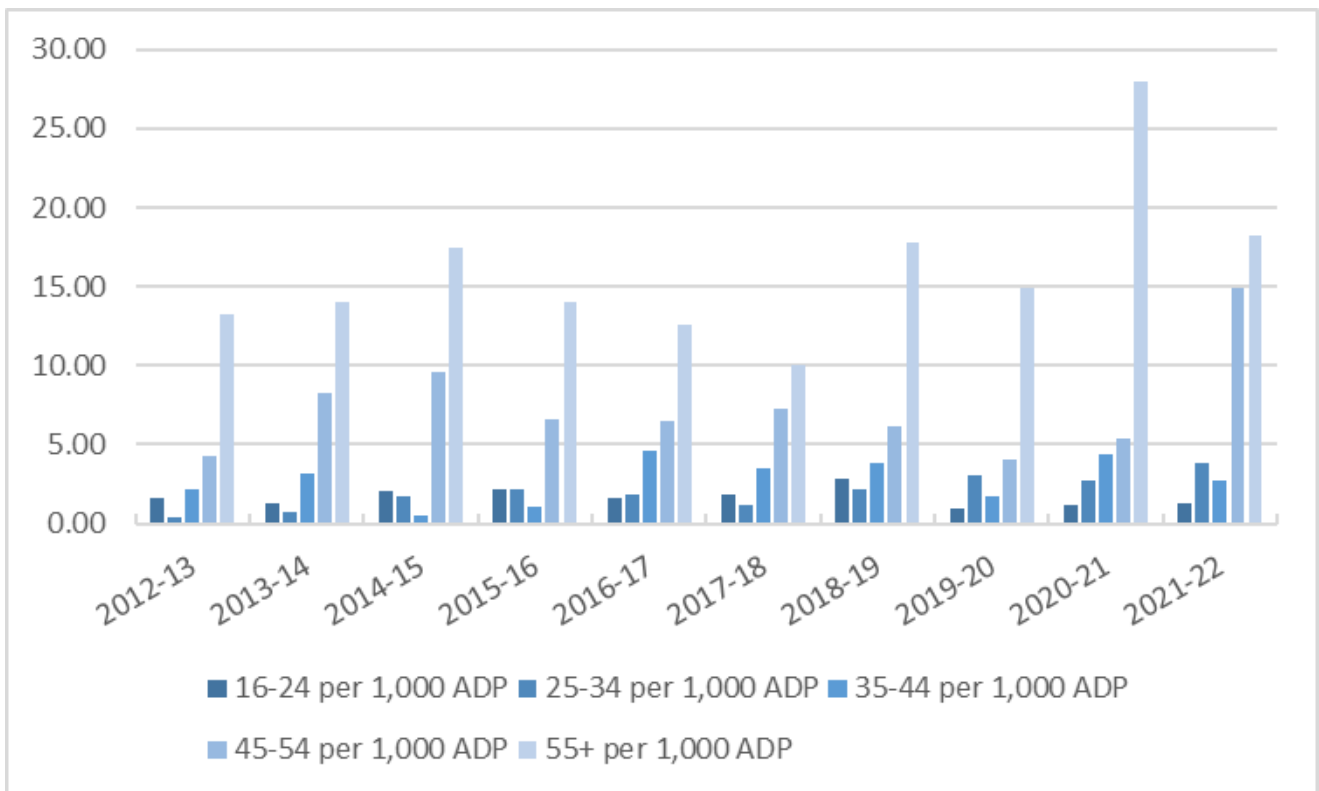
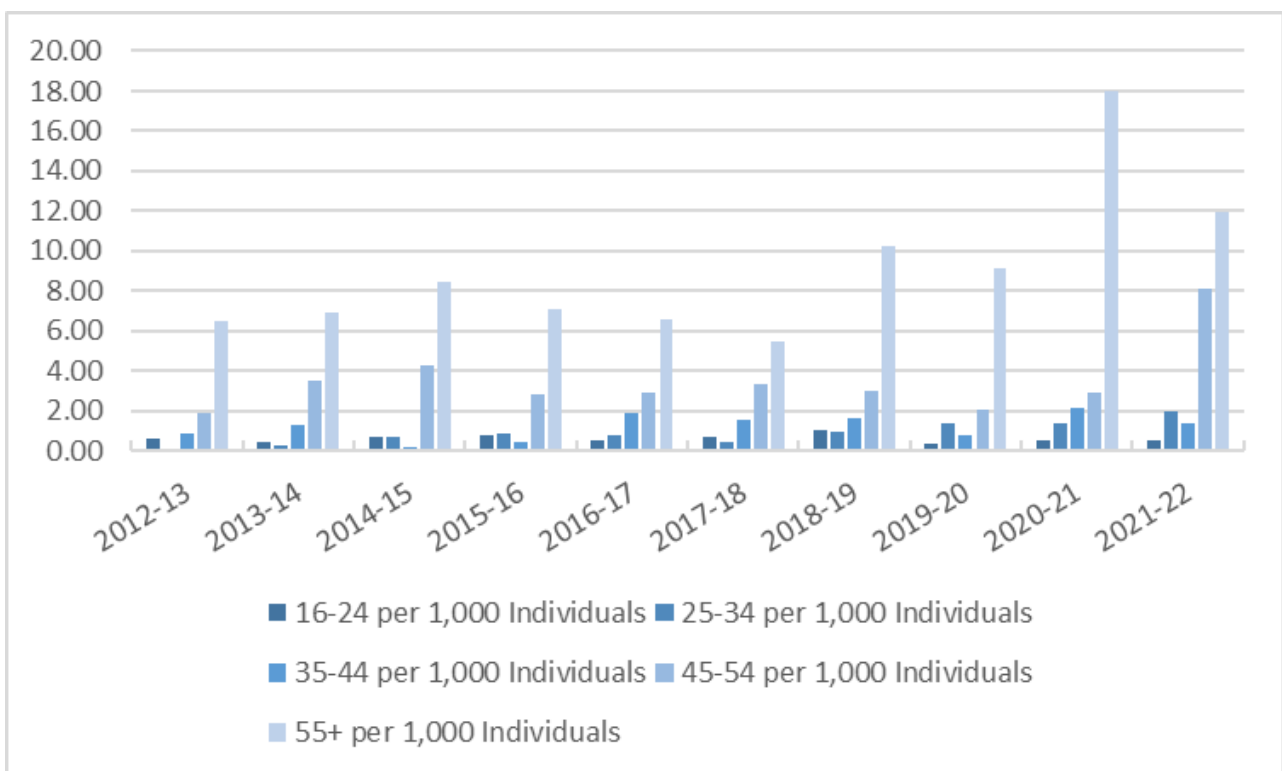


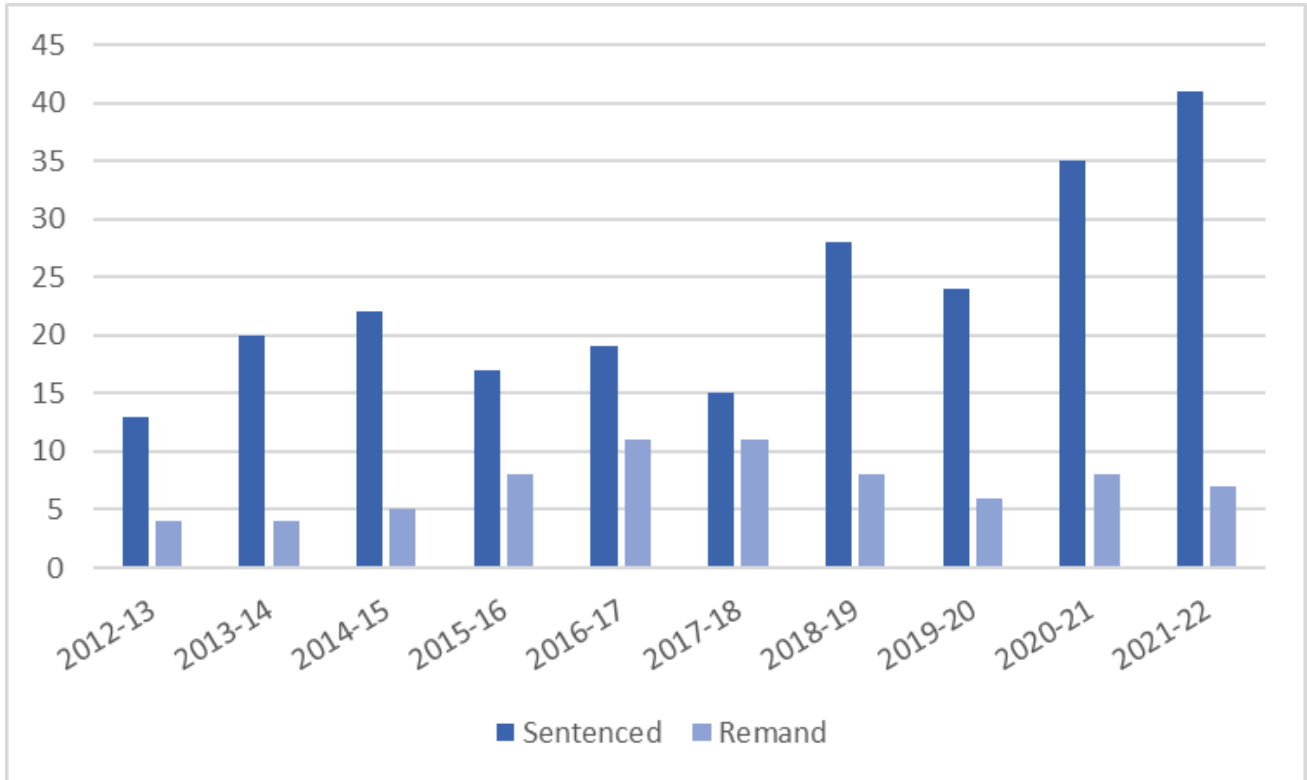
Figure 10: Rate of death per 1,000 individuals experiencing imprisonment by age group by financial year (2012-13 to 2021-22)



8. Deaths in custody by legal status

The majority of deaths in custody occurred in the sentenced population. Over the period 2012-13 to 2021-22, around 76% of deaths in custody were amongst those who were serving a custodial sentence. This pattern has varied across individual years, as shown in Figure 11.

Figure 11: Deaths in custody by legal status by financial year (2012-13 to 2021-22)

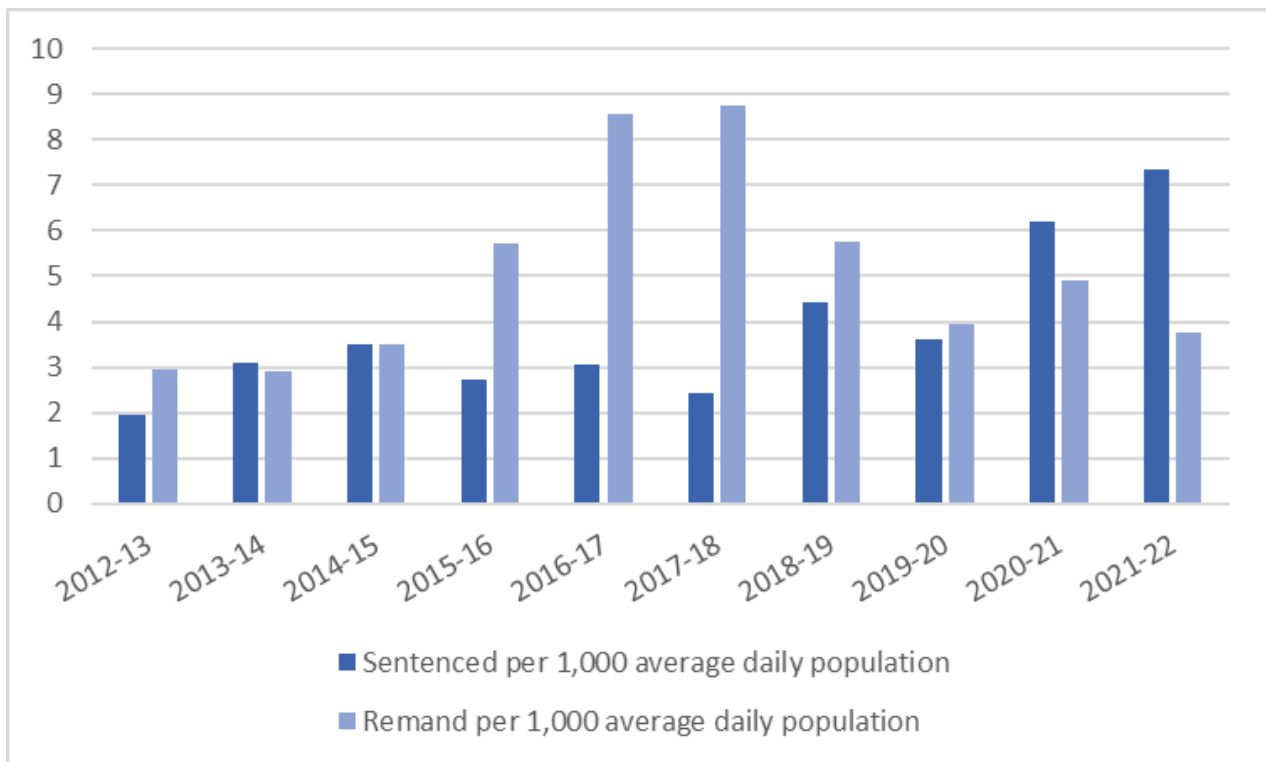


Rate of death in custody by legal status

The large difference in size between these population groups means rates need to be applied for comparison between them and over time. Due to the counting conventions applied in the production of the national statistics, it is only possible to make such comparisons using the average daily populations of remand and sentenced prisoners (Figure 12).

The rate of death by average daily population in custody by legal status has varied over time. The rate across the remand population spiked between 2015-16 and 2018-19 and was considerably higher than that for the sentenced population. However, the rate of death increased substantially in the sentenced population across 2020-21 and 2021-22. Coupled with a decline in rate in the remand population this has meant that the rate of death in the sentenced population has surpassed that in the remand population since 2020-21.

Figure 12: Rate of death in custody per 1,000 average daily population by legal status by financial year (2012-13 to 2021-22)



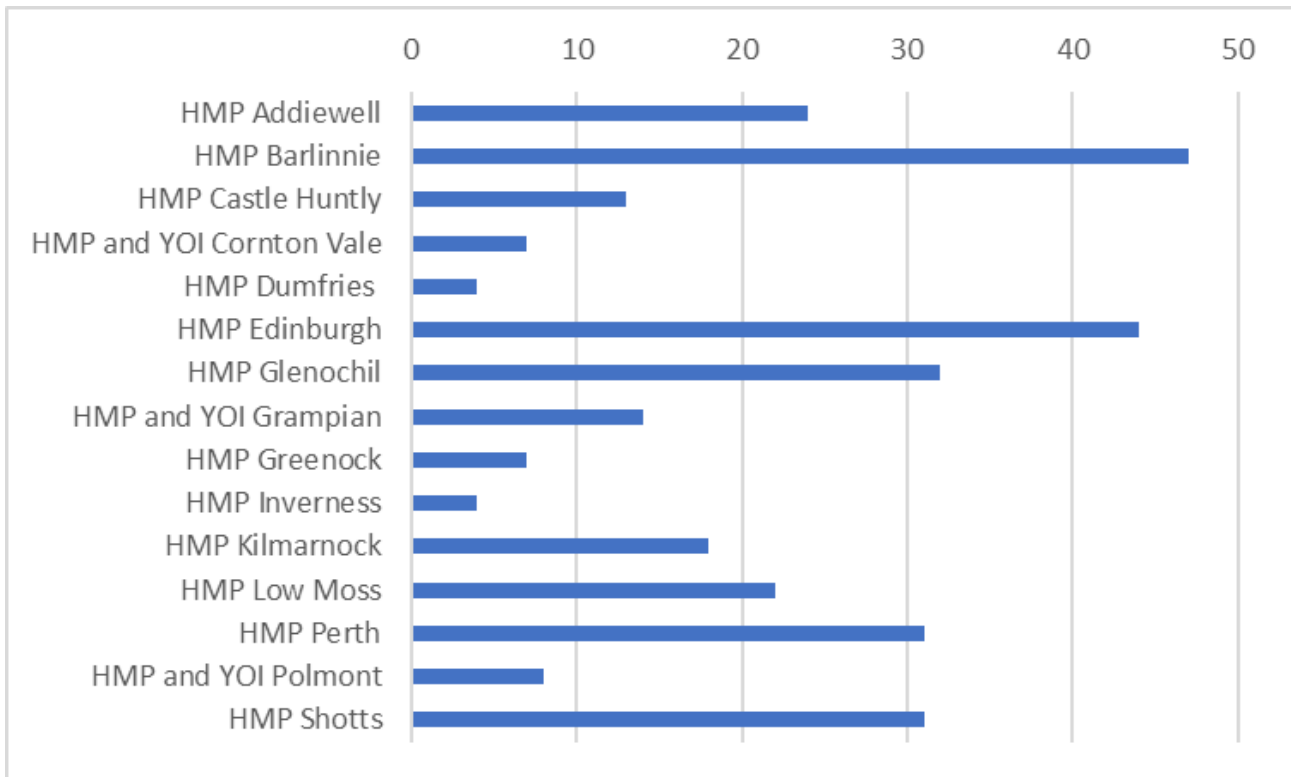
9. Deaths in custody by prison establishment

Between 2012 to 2022, there were 17 prison establishments operating in Scotland. This figure includes two prisons that closed in 2014 (HMP Aberdeen and HMP Peterhead) and one that opened in 2014 (HMP and YOI Grampian). Different prison establishments hold different prison populations. Different population groups are required to be housed separately (e.g. remand prisoners, women, young people under 21), and others have specific management requirements (life sentenced prisoners, long term determinate sentenced prisoners). Therefore, the age, gender and legal status profile of prisoners varies by establishment.

Prison establishments also differ in capacity, so the number of individuals housed in each varies considerably. For example, the average daily population in HMP Inverness was 110 in 2021-22 whereas the average daily population in HMP Barlinnie was over 10 times that figure at 1,215. Establishment level information on the different populations held can be found in Annex A.

Figure 13 below shows the number of deaths occurring in the different prison establishments from 2012-13 to 2021-22. The highest number of deaths have occurred in the larger prison establishments. No deaths occurred in HMP Aberdeen or HMP Peterhead during the short time they were open during this period, so these establishments are omitted from the chart.

Figure 13: Number of deaths in custody by prison establishment 2012-13 to 2021-22



In any given year, the number of deaths per prison establishment is small, as shown in Table 1 below.

Table 1: Deaths in custody by prison establishment by financial year (2012-13 to 2021-22)

	2012 -13	2013 -14	2014 -15	2015 -16	2016 -17	2017 -18	2018 -19	2019 -20	2020 -21	2021 -22	Total
HMP Addiewell	1	2	1	1	2	3	2	4	4	4	24
HMP Barlinnie	2	6	2	3	9	3	6	7	7	2	47
HMP Castle Huntly	2	1	2	2	1	1	1	-	1	2	13
HMP and YOI Cornton Vale	1	-	1	2	1	-	-	1	-	1	7
HMP Dumfries	-	-	1	-	-	-	-	-	2	1	4
HMP Edinburgh	3	7	4	5	3	4	4	2	4	8	44
HMP Glenochil	3	2	4	1	3	2	5	4	3	5	32
HMP and YOI Grampian	-	-	2	1	1	5	1	-	2	2	14
HMP Greenock	-	2	-	-	-	-	2	-	1	2	7
HMP Inverness	1	-	-	1	-	1	-	-	-	1	4
HMP Kilmarnock	-	-	2	-	3	1	2	1	5	4	18
HMP Low Moss	-	2	1	4	2	2	-	4	6	1	22
HMP Perth	2	1	1	3	2	1	8	3	5	5	31
HMP and YOI Polmont	-	-	2	-	2	1	-	-	-	1	8
HMP Shotts	2	1	4	2	1	2	3	4	3	9	31

Rates of death in custody by prison establishment

With the exception of HMP Barlinnie, all prison establishments have an average daily population below 1,000. Therefore, in this section due to the small average daily population size within individual prison establishments, we have only estimated rates of death based upon the total number of individuals that experienced imprisonment.

Table 2 below shows the rate of death in custody per 1,000 individuals by prison establishment. In line with the scattered distribution of deaths in custody by prison establishment shown above, it is hard to discern a clear pattern. As per the overall pattern of deaths occurring, there appears to be a higher rate of death occurring in some establishments in more recent years but there are no clear trends emerging.

Table 2: Rate of death in custody per 1,000 individuals by prison establishment by financial year (2012-13 to 2021-22)

	2012 -13	2013 -14	2014 -15	2015 -16	2016 -17	2017 -18	2018 -19	2019 -20	2020 -21	2021 -22
HMP Addiewell	0.41	0.84	0.45	0.44	0.98	1.48	1.05	1.88	2.65	2.52
HMP Barlinnie	0.38	1.16	0.39	0.62	2.09	0.72	1.26	1.57	2.14	0.57
HMP Castle Huntly	3.57	1.68	3.45	3.53	2.08	2.19	2.42	-	3.52	6.80
HMP & YOI Cornton Vale	0.65	-	0.73	1.62	0.90	-	-	1.06	-	1.68
HMP Dumfries	-	-	2.12	-	-	-	-	-	5.51	2.70
HMP Edinburgh	0.91	2.09	1.23	1.56	1.00	1.40	1.46	0.77	2.14	3.98
HMP Glenochil	2.24	1.49	3.22	0.79	2.44	1.53	3.55	2.81	2.47	3.66
HMP & YOI Grampian	-	-	1.51	0.73	0.72	3.47	0.74	-	2.01	1.79
HMP Greenock	-	2.18	-	-	-	-	2.84	-	1.93	3.38
HMP Inverness	1.29	-	-	1.39	-	1.54	-	-	-	2.41
HMP Kilmarnock	-	-	1.36	-	2.08	0.71	1.41	0.63	3.70	3.09
HMP Low Moss	-	0.82	0.42	1.52	0.79	0.85	-	1.73	3.03	0.48
HMP Perth	0.86	0.39	0.43	1.31	0.94	0.51	3.74	1.39	3.11	2.85
HMP & YOI Polmont	-	-	1.22	-	1.17	0.64	1.35	-	-	1.13
HMP Shotts	2.42	1.33	5.34	2.68	1.32	2.65	3.88	5.22	4.39	12.68

10. Deaths in custody by cause of death

SPS publish the cause of death for every death occurring in prison custody. In 2019, the way in which cause of death was collected and published was amended. To allow comparison of cause of death over time, SPS analysts have attributed cause of death to one of three broad categories across the time series. The categories are: intentional self-harm; poisonings; and other deaths. As already noted earlier, the NRS will shortly be leading further analysis which will examine cause of death in greater detail and provide comparisons to trends in the general population. The NRS categorisation of deaths will follow that applied in their official population statistics which is based on the International Statistical Classification of Diseases and Related Health Problems, Tenth Revision (ICD-10), so will differ from what is reported here. There is therefore a chance that future analysis may differ in terms of numbers in the overall categories.

SPS has categorised a cause of death as being Intentional Self-Harm under ICD-10 coding (suicide) where 'hanging', 'suspension by ligature' or 'asphyxia' appeared anywhere in the cause of death. Cause of death has been categorised as Poisonings in the ICD-10 coding (drug-related) where any drugs were mentioned in the cause of death, even if not the primary cause. This was done, under the assumption that access to drugs exacerbated any pre-existing health condition also listed and so will have contributed to the death.

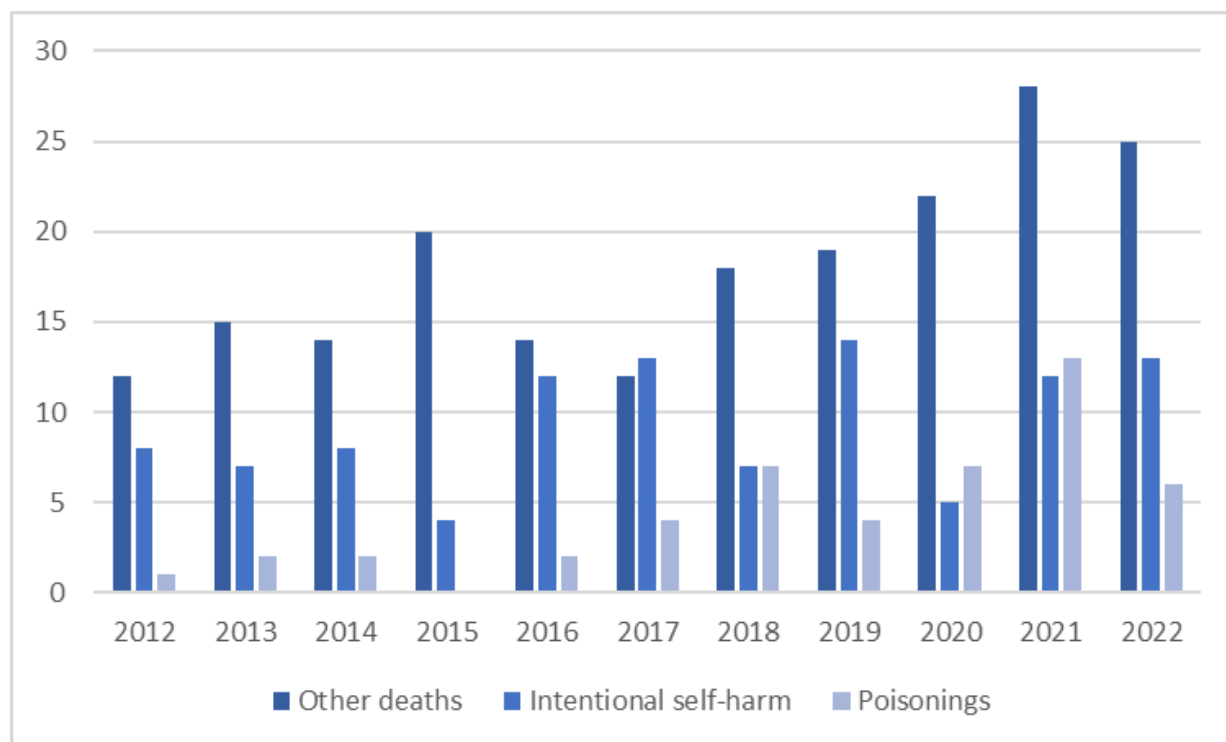
Where cause of death is not currently known for older data, any cause of death listed as 'suicide' has been categorised as Intentional Self-Harm, and any death listed as 'drug-related' or 'event of unknown intent/overdose' has been coded as Poisonings. Two deaths in 2014 logged in the public data as 'event of unknown intent' are known from their subsequent Fatal Accident Inquiries (FAIs) to be drug-related and so have been coded as such.

The 'other deaths' category includes deaths due to disease and other natural causes, deaths attributed to Covid-19 and homicide. It should be noted that over the time period considered for this analysis, only three homicides were recorded. Future analyses will seek to consider these cases in more detail.

Of the 350 deaths recorded between 2012 and 2022, 103 occurred due to intentional self-harm, 48 were attributed to poisonings, and 199 fall into the other deaths category, which accounted for the majority.

Looking at the cause of deaths by year, Figure 14 shows that in most years (with the exception of 2016 and 2017) 'other deaths' account for the majority of deaths. 'Other deaths' also appear to have increased across 2020-2022. 'Poisonings' comprise a small number of deaths in most years (except 2015), although there was a spike in 'poisonings' in 2021. The number is reduced in 2022. There is no clear trend in the number of deaths attributed to 'intentional self-harm' which has fluctuated between 4 and 14 across the time period for which data is available.

Figure 14: Deaths in custody by cause of death 2012 to 2022



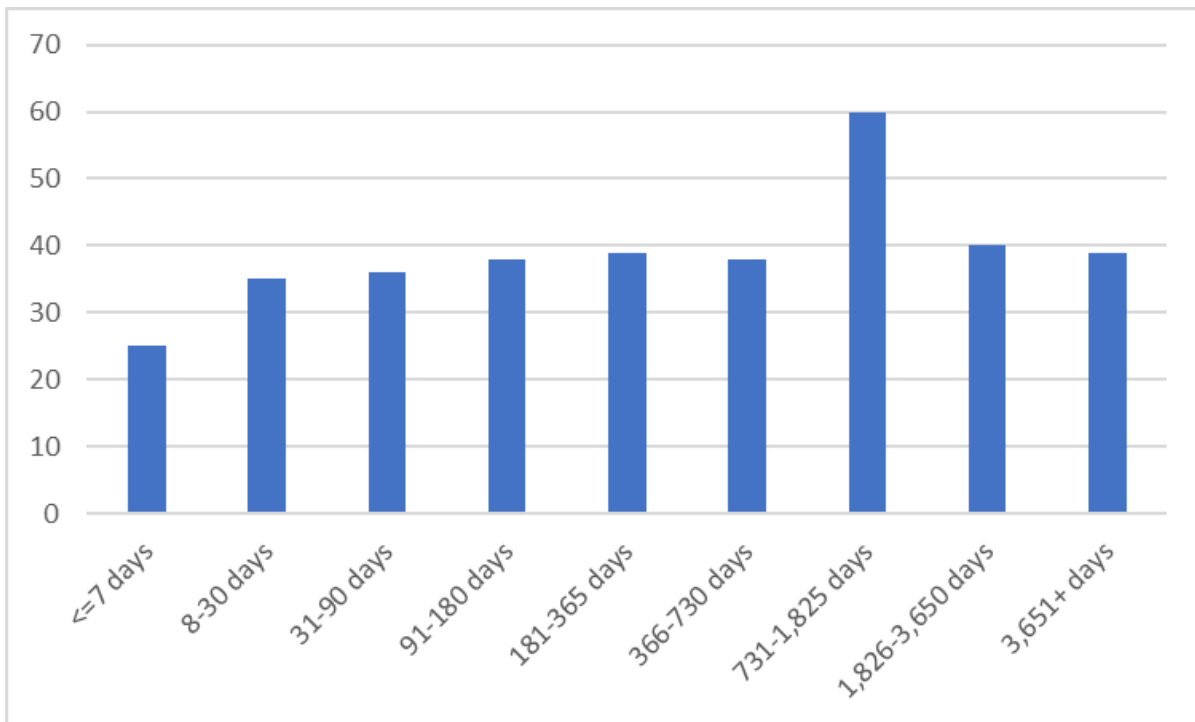
11. Additional analyses

Deaths in custody by time spent in (most recent) prison establishment when death occurred

SPS hold data on the amount of time an individual had been held in the prison establishment in which they died or where resident at the time of death (in the case of say hospital deaths). This is used here as a rough proxy for the amount of time individuals have spent in custody but it must be noted that individuals may move between prison establishments during their time in custody. Therefore, there may be an undercount of time spent in custody using this measure. It is anticipated that future analyses using the official national prison statistics could be used to consider the complete custodial journey of individuals who have died in custody to explore in full, time spent in custody.

Using full calendar year data for 2012 to 2022 (350 deaths in total), around half of all deaths (173) occurred within 365 days (or 1 year) of the individual entering the (most recent) prison establishment. 25 individuals died within 7 days of entering the (most recent) prison establishment, and a further 35 within 30 days (Figure 15).

Figure 15: Time spent in (most recent) prison establishment before death 2012-2022



Deaths in custody by SIMD quintile on arrival

As noted earlier, a significant proportion of arrivals to custody were from the most deprived areas of Scotland and research evidence suggests that living in a deprived area is linked to

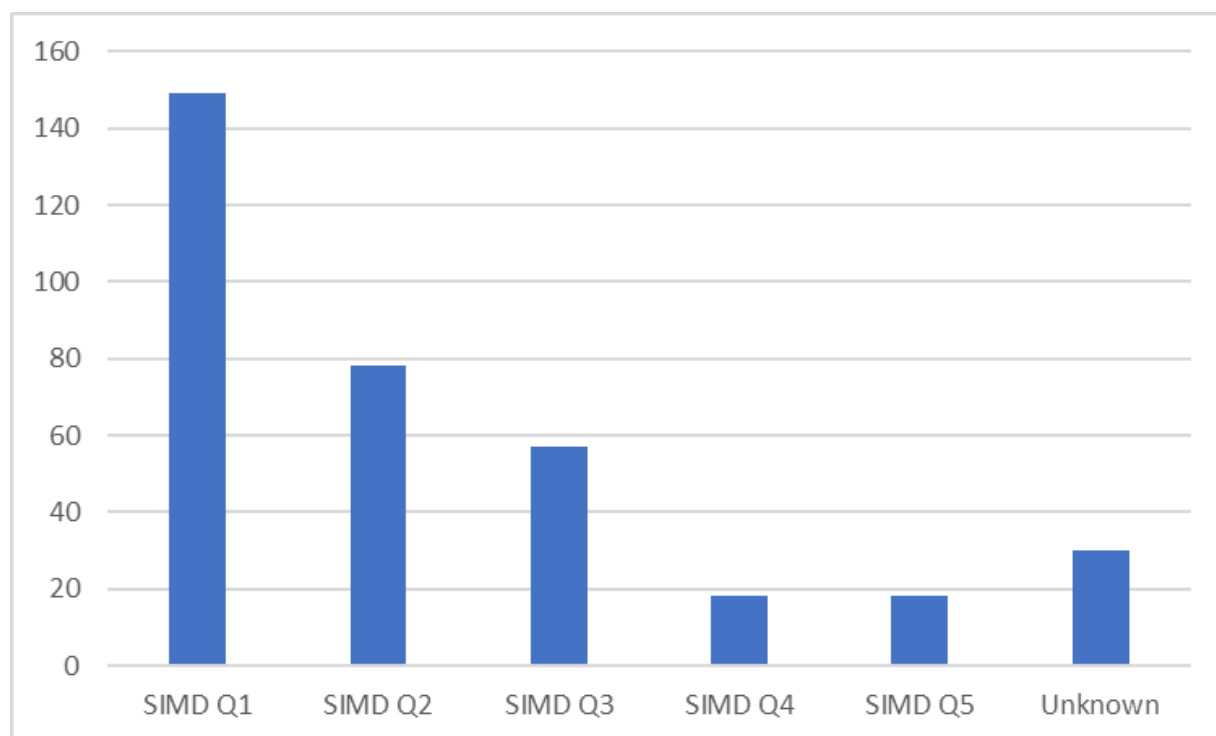
poorer health outcomes, higher drug use and increased mortality rates^{7,8}. This section assesses deaths in custody against an individual's residential address SIMD quintile on arrival to prison custody.

SPS record the residential address and postcode (where available) of each individual who enters custody. Of those who died in custody in the full calendar years 2012-2022, this information is held for 320 of the total 350 individuals.

It is estimated that around 47% (149 of 320) of those with addresses held on record, arrived in custody from an address within SIMD quintile 1, the 20% most deprived areas of Scotland. However, as noted earlier, SIMD is an area-based measure of relative deprivation therefore not every person from areas ranked as 'most deprived' by the SIMD will themselves be experiencing high levels of deprivation or the outcomes associated with living in those areas.

Figure 16 shows the distribution of deaths (of those with addresses held on record) across all SIMD quintiles.

Figure 16: Deaths in custody by SIMD quintile of address on arrival 2012-2022



⁷ [Scotland's Population 2021 - The Registrar General's Annual Review of Demographic Trends | National Records of Scotland \(nrscotland.gov.uk\)](#)

⁸ [Resetting the course for population health: evidence and recommendations to address stalled mortality improvements in Scotland and the rest of the UK - University of Glasgow](#)

12. Conclusion

This report marks the first in a series of data and evidence publications that will be produced by the DiPCAG in the coming year. This first report has presented a high level overview of the data previously published by the Scottish Prison Service on deaths in prison custody between 2012 and 2022. Overall, the analysis shows that there has been an increase in the number of deaths occurring in prison custody over the period analysed.

The report also estimated death rates per 1,000 prison population based on two measures of the prison population applied in the official national prison statistics - i) the total number of individuals that experienced imprisonment at any point during the year and ii) the average daily prison population. The analysis showed that, whilst both measures of death rates have fluctuated over the time period considered, overall both have been rising.

The increasing death rates appear to be due to a number of factors including an aging prison population leading to increasing deaths from disease and illness and the impacts of the Covid-19 pandemic.

The analysis also showed that the majority of deaths in prison occurred amongst men and those in the sentenced population. Almost half of deaths occurred amongst people who had been in their most recent prison establishment for less than one year. In assessing cause of death, the analysis showed that deaths attributed to disease, illness and natural causes accounted for the majority of deaths over the period – with marked increase in the pandemic years.

In line with the make-up of the overall prison population, the analysis also showed that the majority of people who died in custody and whose residential address was known, had arrived into custody from a residential address in one of Scotland's most deprived areas.

Further Planned Analysis

As noted throughout the report, there are a number of areas where it was difficult to draw any clear observations or conclusions on patterns or trends which therefore warrants further detailed exploration and investigation.

For example, the very small number of women dying makes analysing deaths in custody by gender difficult. It is envisaged that future work could focus on examining whether or not there are meaningful differences in the deaths of men and women, taking into account other qualitative evidence.

It would also be helpful to examine in greater depth the role that age and an aging prison population, the incidence of pre-existing health conditions and legal status may have on the likelihood of dying in prison custody. Similarly, additional analysis and understanding of the impact of other individual factors such as adverse childhood experiences, levels of deprivation and pre-custodial circumstances, and length of custodial sentence would also help us better understand the factors that may be associated with deaths in prison custody including causes of death.

As already noted earlier in the report, following on from this report, the DiPCAG will undertake further analysis led by the NRS which will examine cause of death in custody in greater detail including providing comparisons to trends in the general population accounting for the age distribution.

It is also anticipated that further analysis using the official national prison statistics will also be undertaken in the coming months, which will consider the full custodial journey of individuals who have died in custody including examining in full their whole time spent in prison custody and possible movement across the different establishments.

Annex A: Establishment Prisoner Profile

Establishment	Supervision Level	Population	Admission Establishments - Courts
Addiewell	All	<ol style="list-style-type: none"> 1. Adult Men - Remands 2. Adult Men – Convicted (Short term prisoner (STP)) 3. Adult Men – Convicted (Long Term prisoner (LTP)) 4. Adult Men non offence protections. 5. Selected Adult Men for management reasons 	<p>Airdrie Hamilton Lanark Livingston Virtual courts</p>
Barlinnie	All	<ol style="list-style-type: none"> 1. Adult Men - Remands 2. Adult Men – Convicted (STP) 3. Adult Men – Sex Offender (STP) 4. Adult Men non offence protections. 5. Newly convicted or downgraded Adult Men LTPs awaiting space in prison of allocation 6. Selected Adult Men for management reasons. 7. Adult Men – National Top End⁹ 	<p>Glasgow Virtual Courts</p>
Castle Huntly	Low	<ol style="list-style-type: none"> 1. All Adult Men offenders who meet the criteria for open conditions. 	<p>Not an admission establishment</p>
Cornton Vale	All	<ol style="list-style-type: none"> 1. Adult Women - Remands 2. Adult Women – Convicted (All) 3. Women (All) - National Top End 4. All Adult women offenders who meet the criteria for open conditions. 5. All pregnant women 6. All pregnant young persons 7. All segregation women offenders 	<p>All areas except Highland and Islands and the North East Virtual Courts</p>
Dumfries	All	<ol style="list-style-type: none"> 1. Adult Men - Remands 	<p>Stranraer</p>

⁹ The purpose of National Top End (NTE) is primarily to provide the opportunity for life sentence offenders to prepare for release, have increased self-responsibility and to be gradually tested in the community, in order that they are better prepared for transfer and succeed within open conditions – see [Scottish Parole Board Glossary](#)

Establishment	Supervision Level	Population	Admission Establishments - Courts
		<ul style="list-style-type: none"> 2. Adult Men – Convicted (STP) 3. Adult Men – Sex Offender (LTP) 4. Adult Men – Sex Offender (STP) 5. Adult Men non offence protections. 6. Selected Adult Men for management reasons 	Dumfries Virtual courts
Edinburgh	All	<ul style="list-style-type: none"> 1. Adult Men - Remands 2. Adult Men – Convicted (STP) 3. Adult Men – Convicted (LTP) 4. Adult Men – Sex Offender (LTP) 5. Adult Men – Sex Offender (STP) 6. Adult Men non offence protections. 7. Adult Women - Remands 8. Adult Women – Convicted (All) 9. Newly convicted or downgraded Adult Men LTPs awaiting space in prison of allocation 10. Selected Adult men for Management reason 	Edinburgh Jedburgh Selkirk Virtual Courts
Glenochil	All	<ul style="list-style-type: none"> 1. Adult Men – Convicted (STP) 2. Adult Men – Convicted (LTP) 3. Adult Men – Sex Offender (LTP) 4. Adult Men – Sex Offender (STP) 5. Selected Adult Men for management reasons. 	Not an admission establishment
Grampian	All	<ul style="list-style-type: none"> 1. Young Person Remands (Women) 2. Young Person Convicted (Women) 3. Adult Men Remands 4. Adult Women Remands 5. Adult Men Convicted (STP) 6. Adult Men Convicted (LTP) 7. Adult Women Convicted (STP) 8. Adult Women Convicted (LTP) 	Aberdeen Peterhead Banff Lerwick Kirkwall Inverness (Women) Wick (Women) Tain (Women) Virtual courts

Establishment	Supervision Level	Population	Admission Establishments - Courts
		<p>9. Newly Convicted or downgraded Adult Men LTPs awaiting space in prison of allocation.</p> <p>10. Selected Adult Men or Women for management reasons.</p> <p>11. Adult Men Convicted assessed suitable for Community Access with up to 24 months left to serve depending on sentence length.</p> <p>12. Young Person & Women assessed suitable for Community Access with up to 24 months left to serve depending on sentence length.</p>	
Greenock	All	<p>1. Adult Men - Remands</p> <p>2. Adult Men – Convicted (STP)</p> <p>3. Adult Men – National Top End</p> <p>4. Adult Women - Remands</p> <p>5. Adult Women – Convicted (All)</p> <p>6. Selected Adult Men for management reason</p>	<p>Greenock</p> <p>Dumbarton</p> <p>Oban</p> <p>Campbeltown</p> <p>Dunoon</p> <p>Rothesay</p> <p>Lochgilphead</p> <p>Virtual Courts</p>
Inverness	All	<p>1. Adult Men - Remands</p> <p>2. Adult Men – Convicted (STP)</p> <p>3. Selected Adult Men for management reason</p>	<p>Elgin</p> <p>Fort William</p> <p>Inverness</p> <p>Tain</p> <p>Stornoway</p> <p>Kirkwall</p> <p>Wick</p> <p>Virtual Courts</p>
Kilmarnock	All	<p>1. Adult Men - Remands</p> <p>2. Adult Men – Convicted (STP)</p> <p>3. Adult Men – Convicted (LTP)</p> <p>4. Adult Men non offence protections</p> <p>5. Adult Men non offence specific protections.</p>	<p>Ayr</p> <p>Kilmarnock</p> <p>Virtual Courts</p>
Low Moss	All	<p>1. Adult Men - Remands</p> <p>2. Adult Men – Convicted (STP)</p> <p>3. Adult Men – Convicted (LTP)</p> <p>4. Selected Adult Men for management reasons.</p>	<p>Alloa</p> <p>Falkirk</p> <p>Stirling</p> <p>Paisley</p> <p>Virtual Courts</p>
Perth	All	<p>1. Adult Men - Remands</p> <p>2. Adult Men – Convicted (STP)</p>	<p>Dundee</p> <p>Dunfermline</p>

Establishment	Supervision Level	Population	Admission Establishments - Courts
		3. Adult Men – Convicted (LTP) 4. Adult Men non offence protections. 5. Selected Adult Men for management reasons.	Forfar Kirkcaldy Perth Virtual Courts
Polmont	All	1. Young Person - Remands 2. Young Person- Convicted (All) 3. Adult Women - Remands 4. Adult Women – Convicted (All)	National facility accepts from all courts. Virtual courts
Shotts	All	1. Adult Men – Convicted (LTP) 2. Adult Men non offence protections. 3. Selected Adult Men for management reasons.	Not an admission establishment



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