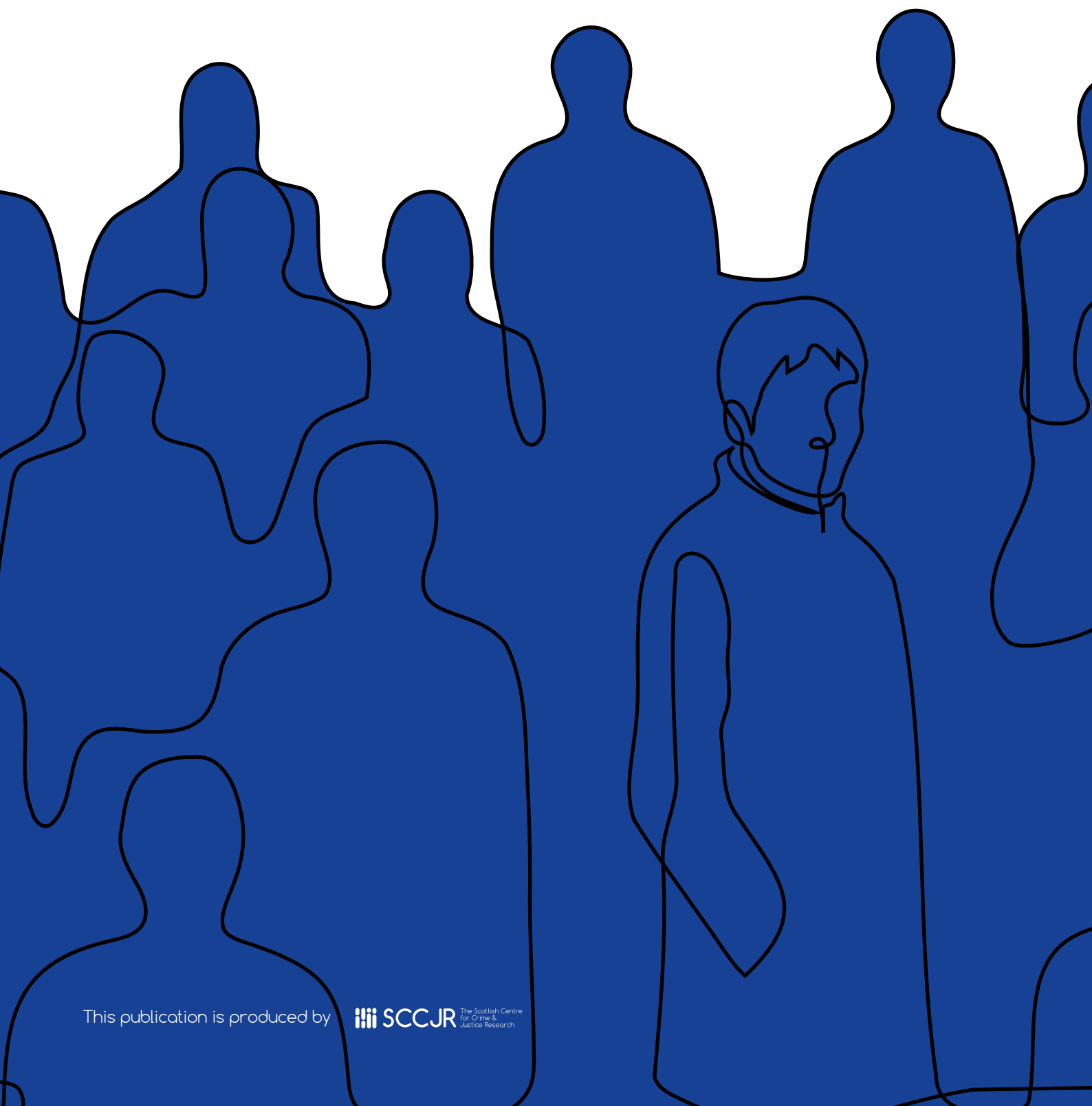


# Bereavement and Imprisonment:

Prisoners' experiences of  
death-related grief

A Scottish Justice  
Fellowship  
Briefing Paper

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# INTRODUCTION

This briefing provides an overview of key messages from doctoral research on prisoners' experiences of bereavement prior to and/or during imprisonment in two Scottish prisons (Simanovic, 2021). It elaborates on the main findings and situates them into current policy contexts in Scotland, focussing specifically on the unintended consequences of the restrictive, and discretionarily applied, definition of a near relative in the Escorted Day Absence Direction (2011), used for regulating day release(s) for different purposes, including funerals or hospital visits of terminally ill relatives.

## THE MAIN FINDINGS HIGHLIGHT THAT:

- **Bereavement is a universal, but highly individualised human experience, requiring different (levels of) support at different times.**
- **Prison populations are likely to have experienced a higher incidence of traumatic events in their lives, compared to non-justice involved individuals, and bereavement is yet another adversity interwoven in the plethora of other social, relational, cultural, spiritual, and general well-being issues that they might be experiencing.**
- **Bereavement in prisons is often exacerbated through:**
  - isolation from one's social support and inability to fully participate in death rituals (e.g., funeral, wake, visiting the grave at any time),
  - limited choice around engagement with meaningful activities to distract individuals from thinking about bereavement (i.e., "nothing to do in here"),
  - inability to use one's preferred coping mechanisms (e.g., spending time with people of their choice, going for a walk, having a cigarette),
  - feeling lonely and alone,
- having little incentive to acknowledge and process grief (e.g., given the complexities around understanding the implications of death to the individual without being in that social context; having other, potentially more pressing, issues to work through – sentencing, appeal, adjusting to life in prison),
- other circumstantial and institutional features (i.e., over-crowding, confinement in a small space, restricted regime, exposure to higher rates of instability and conflict).

The aim of this research briefing is to inform policymakers and practitioners to broaden and strengthen the impact of the existing person-centred and trauma-informed frameworks. Small changes to daily prison operations, allowing for mindfulness, where appropriate, and approaching prisoners with compassion could indicate the beginning of a larger, structural change that will make a difference in experiences of bereavement in prisons. Likewise, embedding a bereavement-focussed approach into these strategies would allow for better awareness, understanding, and support of diverse personal experiences, which has the potential to limit additional harm that imprisonment could cause to grieving individuals. This might improve prisoners' overall (mental) health and wellbeing, creating a foundation for their successful return to the community.



# 1. BACKGROUND

This briefing is based on doctoral research done in the late 2018 and 2019, exploring prisoners' experiences of bereavement (Simanovic, 2021). It was conducted in two Scottish prisons through semi-structured, voice-recorded interviews with 33 male and female adult prisoners with diverse personal circumstances and offending histories. The deaths discussed during these interviews could have happened prior to and/or during their imprisonment and the dead could be anybody who had an impact on the individual's life. This section will first discuss bereavement more generally, followed by the examination of the barriers to grieving in prison that were highlighted throughout this study.

## 1.1. WHAT IS BEREAVEMENT?

Bereavement is a state of having suffered a loss. Each bereavement is experienced differently, and individuals can require different types of support. Their needs can also change throughout the grieving process. Bereavement is commonly associated with death, although it can also be experienced after certain life-changing events, such as a divorce or a job loss (Worden, 1991). It can also emerge in situations that can mimic death; for example, loss of one's family after being placed in care (Welch et al., 2018). However, the focus of Simanovic's (2021) study presented here was death-related bereavement.

Bereavement is a complex issue that can be manifested through physical, psychological, emotional, spiritual, social, and behavioural reactions (e.g., Hall, 2014; Ferszt, 2002; Worden, 1991). The findings from this study show that people can experience bereavement as being in a state of shock, sudden physical weakness, difficulty breathing, restlessness, anger, loss of appetite, trouble sleeping, and heart palpitations. Although most of those are short-lasting, continuously experiencing bereavement reactions could indicate the existence of a prolonged and/or complicated grief, which can lead to mental health complications and further disenfranchisement of the bereaved. This is more likely to occur if loss has not been acknowledged, feelings have been suppressed and internalized, and bereavement remained unrecognized (e.g., Leach et al., 2008). It is also more likely to emerge following unexpected, violent, and/or traumatic deaths (e.g., Shields et al., 2017; Vaswani,

2014; Walsh and McGoldrick, 2013), all of which are more commonly experienced among justice-involved individuals (e.g., Lane, 2015; Wilson et al., 2020). Other factors that could impact the extent and intensity of grief include the relationship with the dead, prior instances of death, accessibility of support, and/or availability of specific coping strategies (e.g., visiting the grave, going for a walk, talking to a trusted person).

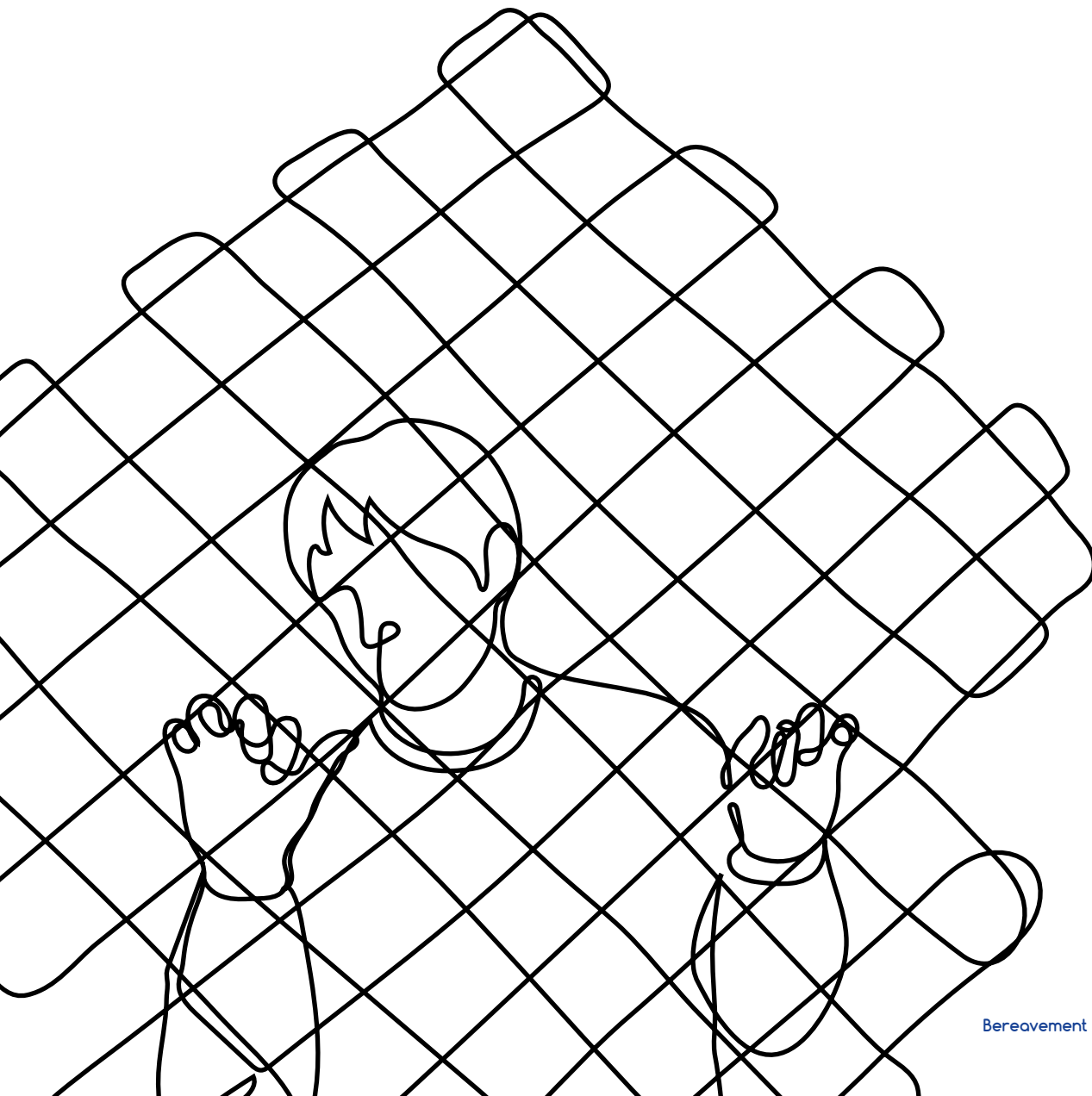
Apart from being individualised, bereavement is inherently social and cultural. The bereft often feels like they lost a part of their identity and need to renegotiate their position in their family or the wider society – for example, by becoming a widow(er), an orphan, and/or the main provider for the family (e.g., Stroebe and Schut, 2015; Walsh and McGoldrick, 2013). This could be additionally challenging for those in prison, who are removed from their social surrounding and assigned a prisoner identity, as prior research highlighted that one's social position might influence the extent of their agency to reconcile their existing identity with that of being bereft (e.g., Paul and Vaswani, 2020; Stroebe and Schut, 2015; Walsh and McGoldrick, 2013).

Thus, bereavement can be seen as a vulnerability. For prisoners in this study, imprisonment limited accessibility and availability of tools required to engage with their grief. At the same time, it elevated the perceived threat of punishment, social mockery, and/or risk of exploitation by other prisoners if they allowed those emotions to emerge. These barriers to express, understand, acknowledge, and address bereavement experiences further complicated the interaction between bereavement and imprisonment.

## 1.2. BARRIERS TO GRIEVING IN PRISONS

Simanovic (2021) argues that prison contexts aggravate bereavement experiences in multiple ways. Apart from being physically separated from their loved ones, implicit social norms of prisons discourage emotional expression (e.g., Aday and Wahidin, 2016; Crewe, 2015; SPS, 2015). Prisoners in this study discussed a shortage of safe space for processing emotions and a lack of social support. At the same time, they were often denied a visual confirmation of death and excluded from participating in socially established rituals around death. Bereavement research further underscored the relevance of trusting relationships in processing of grief (e.g., Hall, 2014; Vaswani et al., 2016), but prison research classifies prisons as environments of low trust (e.g., Crewe et al., 2017). This creates barriers to implementing person-centred approaches and encouraging discussions on bereavement. As one young female indicated, “You have to trust to come forward.”

Bereavement is a natural part of life and bereaved individuals should have the right to access emotional, practical, financial, social, and spiritual support when needed (Scottish Care, 2020), yet Simanovic (2021) argues that many of these needs fail to be met within the prison environment, at least to the extent to which they might be within the community. The recently published [Vision for Justice in Scotland](#) (Scottish Government, 2022) strives to have “approaches to justice in which everyone can have trust” (p.8), including services designed to help individuals, and staff listening and respecting everyone’s needs. To understand how bereavement fits into the current socio-political landscape and how the person-centred, individual-focussed aims of the Vision for Justice (2022) are more likely to be achieved, the next section will examine wider policy discussions in Scotland.



## 2. WIDER POLICY DISCUSSION

Bereavement in prisons started to gain increased attention from the Scottish Prison Service (SPS) in 2008, when researcher Vaswani's Criminal Justice Social Work briefing paper on the profile of persistent offenders identified a high prevalence of bereavement among young persistent offenders in Glasgow. Vaswani (2008; 2014) implied that there might be a link between persistent offending and grief. This coincided with increasing pressures from academics, practitioners, and the public to acknowledge the impact of Adverse Childhood Experiences on the overall mental well-being of justice-involved individuals, as well as to bring greater attention to creating trauma-informed practice and person-centred care. As a result, new bereavement programs and strategies for (young) bereft offenders were implemented (see Bereavement Care Short Life Working Group, 2015; Vaswani et al., 2016).

Despite these recent developments in the policy area that recognised the need for a multiagency approach and individualised focus on prisoner care, research underpinning this briefing paper discovered a level of disconnect between the policy intention, its implementation, and lived experience of it. For example,

the application and interpretation of the definition of a 'near relative' in the Scottish Prison Rules (Escorted Day Absence) (see Figure 1) might have a negative impact on prisoners' ability to attend funerals and/or visit an important individual on their death bed, potentially aggravating their bereavement experiences.

4. For the purposes of escorted day absence, the persons to be treated as a near relative of the prisoner are—

- (a) a spouse or a civil partner;
- (b) a parent;
- (c) any person who has or has had the care and custody of the prisoner;
- (d) a sibling;
- (e) a grandparent or great-grandparent;
- (f) a child, grandchild or great-grandchild
- (g) any parent, grandparent or sibling of the prisoner's spouse or civil partner;
- (h) a stepchild or any person for whom the prisoner has, or has had, the care and custody; and
- (i) any person with whom the prisoner cohabited (whether of the same sex or not) prior to the prisoner's imprisonment.

Figure 1. A near relative as defined by the Scottish Prison Rules (Escorted Day Absence) Direction 2011



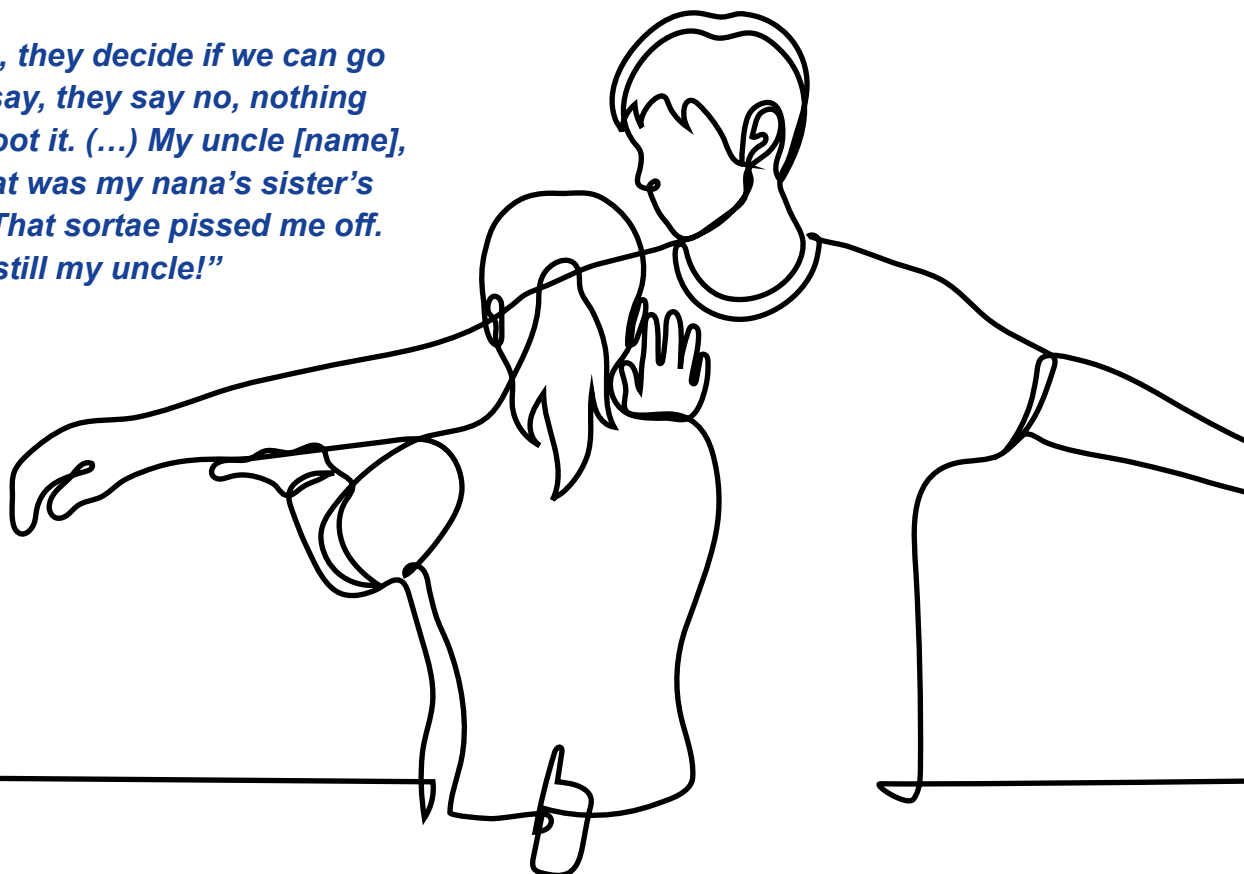
There was a high prevalence of fractured family relationships among many individuals in this study sample. This was often a result of parental drug abuse, experiences of being in care, and overall chaotic lifestyles that prevented prisoners from developing strong and healthy bonds with others. Many participants in this research discussed the absence of their biological parent(s), either physically (i.e., being in care or cared for by other family members) or emotionally (i.e., living with parents, but being self-reliant, often due to parental substance misuse). In either case the bond with their 'family of choice' emerged strongly. For example, uncles, cousins, family friends, even ex-partners, especially if they had a child together, were commonly raised as significant. This is mirrored in other research (e.g., Wilson et al., 2020) and further underscores the relational aspect of bereavement.

Following this broad definition of family of choice and considering the complexity of (family) relationships among justice-involved populations, there may be strong grounds to reconsider using near relatives as a definition for Escorted Day leave and focus on significant social relationships instead. One of the prominent grievances of many participants in this research was the perceived lack of willingness to allow funeral attendance for those beyond the immediate family. One younger male was very open about his thoughts on not being able to attend his uncle's funeral and being powerless to challenge this rule:

***"It's the prison, they decide if we can go or not. If they say, they say no, nothing you can do about it. (...) My uncle [name], 'cause that, that was my nana's sister's husband. (...) That sortae pissed me off. (...) Well, he's still my uncle!"***

The solution might be in evaluating who is a near relative on a case by case basis, starting with the inclusion of this question on the intake form, monitoring calls and visitor lists, and redefining near relatives throughout the prisoner's stay. It is also important to note that not having someone on a visitor or call list does not necessarily indicate a lack of strong emotional attachment to that person, which is why it is crucial to discuss near relatives with each prisoner. Sometimes the most important people in the individuals' lives will not be able to visit and/or call them, either due to their own difficulties (e.g., distance from prison, lack of transport options, ill-health), but also because the prisoner might not want them to (e.g., being ashamed, feeling like they disappointed the person, not wanting to bring the person into prison). For example, one male in this sample wanted to have a picture of his deceased mother in his cell, but felt like it would be wrong to bring her into prison:

***"I've not got that [picture of mum]. (...) I would [like to have it], but no in prison. I just, I always feel like I wouldnae bring my mom in tae prison. I feel that I wouldnae do that."***



Likewise, clause five of the same Escorted Day Absence Direction specifies that “a prisoner may be permitted to attend any service or proceedings which forms part of the funeral but the prisoner may not otherwise be permitted to attend any family gathering in connection with the funeral” (SPS, 2011, p.2), which can reduce the extent of their participation in socially acknowledged rituals (Hendry, 2009; Hunt and Read, 2018; Wilson et al., 2020; Young Junior, 2003). Through a rights-based lens, this may constitute an example of the right to family life. In fact, in this sample, many prisoners indeed perceived saying their last goodbye as their human right, which indicates the existence of a much bigger conflict between individual’s rights and (lack of) agency that strongly emerged in this study. This young female expressed her dissatisfaction with having to choose one event to pay their respects:

***“Ooooooh, see, that’s what the governor asked me actually. He said which one would I rather do [funeral or hospital visit]... And I said both. I think I should have had the right to do both.”***

Lane (2015) and Young Junior (2003) revealed that prisoners typically attend a funeral hand-cuffed or chained, potentially increasing their perceived humiliation and embarrassment. This emerged very openly in this study too, as indicated by the following quotation from an older male:

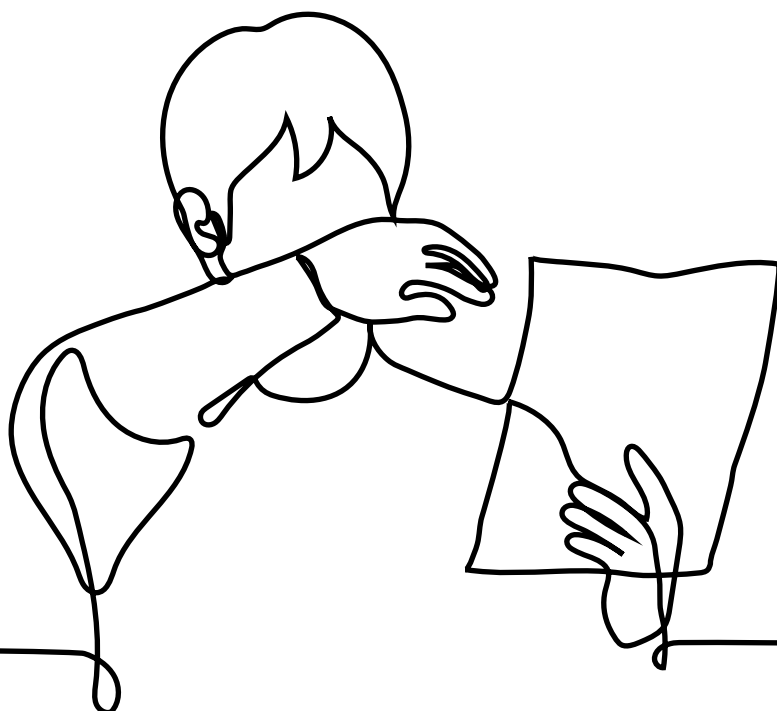
***“If I ken I would’ve been on a dog chain, I wouldnae be there for the first time either. (...) I thought I’d be hand-cuffed, but not on a big chain.”***

Due to security reasons, prisoners are almost never alone with the dead – neither during the funeral, nor during the wake. This could further impact their ability to pay their respects to the dead, given that the person escorting them is typically a stranger to them, as well as to the deceased. The following quotation from a young female depicts her reality of grieving over her mother while chained to a security officer who gave her little to no privacy:

***“So, as I’m hanging over my mom’s coffin... I’ve got this woman hanging over me...I just felt so uncomfortable with these strangers being there, just didn’t feel, didnae feel right.”***

These feelings of awkwardness, embarrassment, and stigma of attending a funeral as a prisoner were exacerbated for people convicted of sexual offences, who experienced an internal conflict between being scared for their personal safety in the community and wanting to pay their respects to the dead. Likewise, for many prisoners in this study attending a funeral was the first time they were out of prison, sometimes in years, which further increased their anxiety about attending. While Fuchs (2017) highlighted the relevance of social rituals in accepting the new reality without the dead, going to a funeral chained and without family or professional support might bring into question the beneficence of it all. Thus, prisoners often lack closure (Harner et al., 2011) and are left feeling cheated by the system (Young Junior, 2003), alone and powerless to do anything to support themselves or those on the outside:

***“[you are] alone when you come in, you’re alone throughout, then you’re alone once you get oot... And you can’t, if anything happens outside, you are completely helpless (...). You can’t do anything for anyone... (...) You’re left in limbo! (...) It’s [prison] such a false environment.”***







This research was conducted before Covid-19 pandemic and little was known about the vast potential that online communication platforms could unlock, so the following idea did not emerge among the individuals in this study. But, for example, attending a funeral virtually could be an avenue going forward. This should not be understood as a substitute for physical attendance, as it would still deprive the individual of sharing the time and space with their loved ones, as well as of actively participating in the rituals. Yet, virtual attendance might be an option for those who are imprisoned away from home or those who experience an internal conflict because they are scared to go to the funeral, despite their wish to do so.

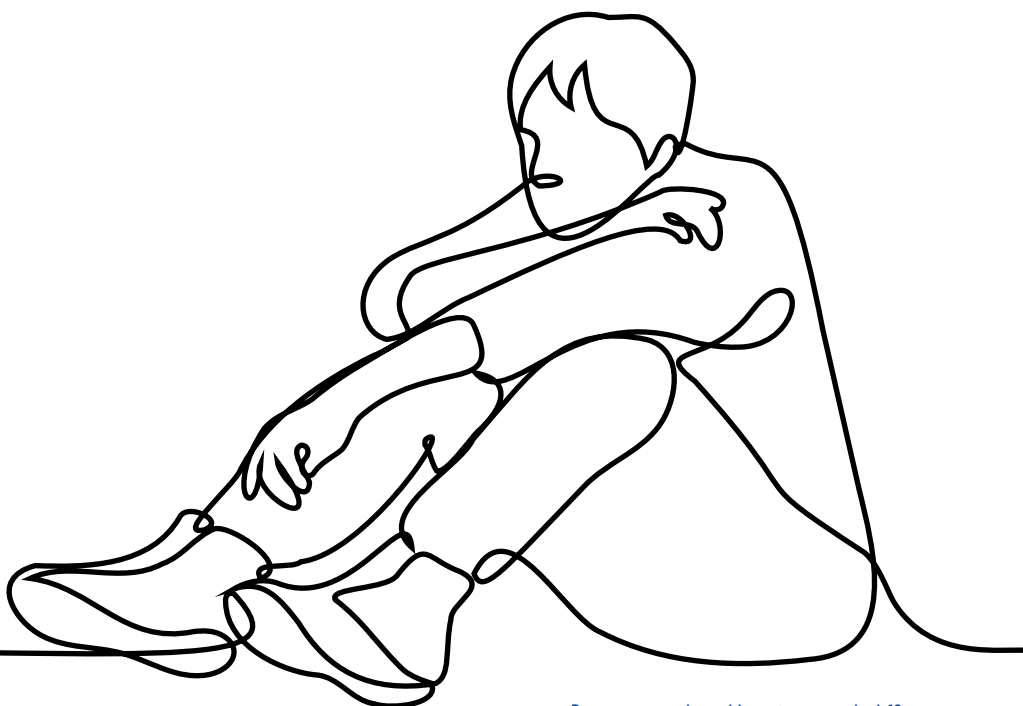
There might be a few ways in which bereavement, albeit a complex phenomenon, can be integrated into actionable ideas. However, this briefing paper also acknowledges the difficult task that prisons have of balancing prisoners' rights with their security risk classification and (public) safety. For example, being with family and having the right to be a part of community during certain bereavement rituals, such as funerals, was perceived by participants in this study as an action that would make a change in their grieving patterns. Prior research also found that being included in the established customs around death and dying could support acknowledgement and understanding that the person is really gone, provide that visual confirmation of death that many prisoners lack (e.g., Harner et al., 2011). At the same time, it might raise issues regarding being in the proximity of one's victims, depending on the nature of the crime committed, or make the prisoner a target.

Furthermore, it might be beneficial to inquire about the individual's bereavement circumstances at admission into prison to find out their list of significant people. This will often be somebody from a family of choice, rather than a blood-relative, which is relevant for (re-)defining a near relative for EDA Direction. However, Levy et al. (2018) warn that assessing prisoners' needs upon entry is likely to miss certain needs that might arise through interaction with the environment. As such, it is critical to have follow-up assessments and to monitor and review strategies to support individuals (Levy et al., 2018). Based on this research, there is a high likelihood that reviewing bereavement needs, frequently following-up on prisoners' important individuals, as well as regularly checking-in and monitoring bereavement symptoms and experiences could create an environment suitable for processing emotions and accepting death. This could reduce the potential for prolonged or complicated grief, supporting the broader policy aims of trauma-informed and person-centred approach to working with people in custody.

Despite the multiple benefits of the compassionate approach, the decision on granting funeral attendance also needs to take into consideration concerns regarding the type of offence committed, potential issues around coming into proximity of the prisoner's victims, being at risk themselves, having an organised crime marker, acquiring agreement from the family, and similar. These considerations around risk management and safeguarding make the release for compassionate purposes even more complex, although not impossible.

### 3. LIMITATIONS

Perhaps simultaneously the most significant limitation of Simanovic's (2021) doctoral research, and its greatest strength for this policy briefing, is its qualitative nature. Such a design acquired in-depth information on very personal experiences yet limited the generalisability of the findings. While this is a concern, the main findings from this doctoral research are also supported by more recent findings from two independent reviews conducted by Her Majesty Inspectorate of Prisons for Scotland, administered across the prison estate (e.g., [Independent Review of the Response to Death in Prison Custody](#) (2021); [HM Chief Inspector's Annual Report 2021-22](#) (2022)). Likewise, Mental Welfare Commission for Scotland published a report on [Mental health support in Scotland's prisons](#) (2021), with a subtitle: "under-served and under-resourced". Their publication raised serious concerns around the significant gaps in reception screening of prisoners, which might have detrimental effects on individuals' mental health and wellbeing. They also highlighted the need for more in-depth training to equip prison staff with skills necessary to support individuals with complex issues and identify behaviours that are often an expression of these needs being unmet (Mental Welfare Commission for Scotland, 2022). Thus, despite the small sample size and limited number of prisons that were within the scope of Simanovic's (2021) research, there is ample evidence to suggest that the concerns identified and presented in this briefing paper are emerging across the estate.



## 4. CONCLUSION

To date, there have been many strategies and policies aimed at improving the wellbeing of prisoners. However, it seems like the needs of those very prisoners are still lost in the sea of well-intended ambitions. The HMIPS (2021) Death in Custody review underscored the gloomy reality of daily lives in prison – not just for the prisoners, but for staff and management too – and similar findings emerged in Simanovic (2021). HMIPS (2023) recently published a Thematic Review Of Segregation In Scottish Prisons calling for urgent improvement of ways in which this subset of prisoners are handled, especially with regards to their mental health. There is so much knowledge about bereavement and deaths, in prison and in the community, yet research consistently shows that more needs to be done to translate this knowledge into practice.

### 4.1. KEY LEARNINGS AND AREAS FOR ACTION

The existing (mental) health, social care, and overall wellbeing policies and strategies already identify and advise on best practice with vulnerable individuals, yet HMIPS and the Mental Welfare Commission for Scotland have many urgent warnings. Talking about death is difficult but, as discussed in this briefing, even the option of discussing bereavement is often taken away from incarcerated individuals. Thus, the key take-away points are:

- Bereavement does not need to be openly displayed; just because somebody looks fine or acts as expected does not mean that they are fine.
- Bereavement experiences are highly individualized and shaped through interactions with the wider social, cultural, personal characteristics; no two experiences will be the same, even for the same individualised.
- Embracing vulnerability and creating a safe space for emotional expression could create a cultural shift in the narrative, away from portraying prisons as not conducive to processing traumatic experiences.

Focusing on human rights and understanding the complexities around experiencing bereavement in prisons could initiate broader conversations on implementing (or standardising) a compassionate response to grief and bereavement that is transparent and safe for all. This could improve the wellbeing of bereaved prisoners, provide meaningful support to those aiming to disentangle some of the complex issues they bring with them into custody, and improve the overall atmosphere within prisons. Unacknowledged and unprocessed grief can have implications for prison stay, as well as reintegration, as it aggravates the difficulties that imprisonment presents for the individual's ability to navigate their past, their present, and their future:

***“For bereavement this [imprisonment] is death. Because we didnae live in here, we live in the past.”***

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The full research thesis from which this briefing derives is freely available online: <https://doi.org/10.48730/r3py-x522>

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