

# The law enforcement system is ill-prepared for dying prisoners

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In Switzerland, an increasing number of offenders are aging and dying in prison. Penal institutions need to better adjust to this situation, and uniform rules are needed to ensure a dignified end of life in prison. These are the recommendations of a study conducted as part of the National Research Programme "End of life" (NRP 67).

An increasing number of prisoners are dying in prison. Since 2005, the number of over-50s imprisoned in Switzerland has doubled to more than 600 people; of these, approximately 30 are over 70 years old. The reasons for this are demographic change in the Swiss population, the increase in crime committed by the elderly, stricter laws and harsher penalties, such as custodial sentences.

A research team from the Universities of Bern and Fribourg led by social anthropologist Ueli Hostettler has researched how prisons are responding to this development and what it means for prisoners and staff. As part of the research, the team analysed legal provisions, examined 15 cases of death, conducted around 60 interviews with inmates and staff, and researched life inside Lenzburg and Pöschwies penal institutions over a three-month period.

## **Fear of an undignified death**

To sum up: "The researchers believe that the law enforcement system is ill-prepared for the demographic change that is taking place among prisoners," says social anthropologist, Ueli Hostettler. The institutions are geared to rehabilitation, not old detainees, and staff are not trained to care for them. The system therefore faces a dilemma: on the one hand, it has to control and supervise offenders, but on the other, it should look after and care for them. The latter, however, is subject to limitations: for professional reasons, prison staff do not touch detainees, something that runs counter to the requirements of caring for the elderly.

Detainees fear that they cannot live out the end of their lives in dignity because of the regime that is imposed on them in prison. They fear that they will not receive proper treatment if they are ill or in pain, and that their wishes will not be taken seriously. For today's prisons, it is very difficult to afford elderly and sick prisoners a dignified death.

## **Convert cells, train and educate staff, develop uniform rules**

On the basis of their investigation, the researchers recommend several measures. Institutions should convert cells and equip them for inmates requiring long-term care, for example, with height-adjustable beds and emergency buttons within reach of bedridden prisoners; staff should be given appropriate training or professional carers should be brought in to look after the chronically ill and provide palliative care at the end of life. The quality of life of elderly detainees should also be improved.

In addition, researchers recommend that dying prisoners should also have a say in where they die, whether it is "outside" in a hospice or in the institution. "Prisoners have human rights too, and they have the right to a dignified death like everyone else," says Hostettler. To ensure this is the case, prison conditions should be relaxed during the final phase of life: institutions could relax their visiting rules or make it easier for prisoners to take medication. "For example, they could let them adjust their dosage of painkillers by themselves as the end of their life draws near," explains Hostettler. As part of this process of self-determination, prisoners should be informed about the option of writing a living will. In the event of a death, fellow inmates should also be informed in a transparent manner so that they have the opportunity to say goodbye to the deceased.

Finally, the researchers recommend developing uniform rules to ensure a dignified end to life in prison. Switzerland has neither guidelines nor legal norms for dealing with this issue. "The Criminal Code contains articles that would allow an alternative enforcement regime," said Hostettler. The researchers conclude that the Federal Supreme Court makes very little use of this leeway, but tends to support the predominant zero-risk attitude of rejecting any relaxation of detention conditions.

## **Publications**

Ueli Hostettler, Irene Marti, Marina Richter: Lebensende im Justizvollzug. Gefangene, Anstalten, Behörden. [End of life in law enforcement. Prisoners, institutions, authorities.] Stämpfli-Verlag, Berne 2016. 141 pages

Stefan Bérard, Nicolas Queloz: Fin de vie dans les prisons de Suisse: aspects légaux et de politique pénale, in: [End of life in Swiss prisons: legal aspects and criminal law policy] Jusletter, 2 November, 2015

(Journalists can obtain PDF versions of both publications from the SNSF: [com@snf.ch](mailto:com@snf.ch))

## **Conference**

The research group will be presenting their results at a conference: End of life in law enforcement. Research and practice in dialogue, University of Bern, 29 April, 9.30 am to 4.45 pm.

[The conference](#)

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## **The National Research Programme "End of life" (NRP 67)**

The Swiss National Science Foundation has been mandated by the Federal Council to conduct the National Research Programme "End of life" (NRP 67). The programme will contribute to a better understanding of changes and newly emerging needs in the context of death and dying. NRP 67 will publish its recommendations in a final report in 2017.

Link to the National Research Programme "End of life" website  
<http://www.nfp67.ch/en/>

Link to the SNSF research database:  
<http://p3.snf.ch/>