

Marešová Alena, Nečada Václav, Sluková Květa, Sochůrek Jan, Zeman Petr:

Drugs and the Czech prison population in the context of the drug scene¹

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Extended summary

The study is the free continuation of an IKSP publication that came out in 2000 entitled the „**Drug issue in Czech prisons and some foreign prisons**“. By issuing both publications the Institute for Criminology and Social Prevention (hereinafter only the IKSP) also fulfilled its tasks under the program entitled the „National anti-drug policy strategy“, in which a Government resolution required the Minister of Justice to perform repeated penological research into the treatment of drug-addicted offenders in Czech prisons.

In both cases, the Ministry of Justice asked the IKSP to carry out the penological research; the research that the Institute performed directly inside the Czech prisons in 1999 and again in 2002 thus forms the basis of both studies.

The research director invited experienced members of the Prison Service to conduct the field-work sections of the research. The result was truly extensive and representative penological research, which in the first case included **436 respondents from among the ranks of prisoners and in the second case 789 prisoners** (which represents about 2 and 4.5 per cent of all imprisoned persons at that time). Selected IKSP employees supplemented the information obtained through the research with a brief description of the drug scene in the Czech Republic in general and the penal legislation issue concerning drugs in particular, and with an overview of the current situation in prisons, including the methods and results of monitoring prisoners' drug dependency and the implementation of the set of anti-drug measures by the Prison Service during the period under evaluation. The first study paid special attention to the methods of treating drug-addicted prisoners in certain countries in Europe and North America and the current study focused on penal legislation approach to what is termed drug-related crime abroad.

In both studies, the aim of all members of the research team was to provide prison service staff as well as the wider expert public and students with basic guidance in current drug-related crime in respect of criminal justice and above all to describe the drug issue in relation to those offenders serving sentences in Czech prisons at the turn of the century.

The work is divided into seven linked, but also independent sections:
One – deals generally with drugs and contains a brief summary of the penological research performed in 1999.
Two – describes the current drug scene in the Czech Republic and deals with new trends in drug abuse.
Three – concerns current Czech penal legislation for drug-related crime. It contains a summary of the facts of individual crime cases concerning the illegal production

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and possession of narcotic and psychotropic substances and poisons, the spread of addiction, including documentation of selected adjudicated cases.

Four – contains aggregate statistical data on crime related to the production, distribution and use of drugs that is known to the penal authorities.

Five – brief introduction to the penal legislation approach to drug-related crime abroad.

Six – assembles the latest data from the monitoring of drug dependency in Czech prisons and information on anti-drug measures implemented in the prisons.

Seven - looks at the results of new penological research performed in 2002 in the majority of Czech prisons in a sample of about 800 prisoners using the specially formulated questionnaire DROGPEN.

General background to the task

For several years, the issue of drug abuse, and above all criminality related to the production, distribution and use of narcotic and psychotropic substances, crimes committed while under the influence of drugs or with the aim of procuring drugs and other phenomena occurring in close or broader relation to drug abuse have been at the centre of attention for Czech society and penal authorities in particular.

It has thus far proven impossible to resolve satisfactorily the problems that place the drug issue at the centre of people's concerns, either at home or abroad; indeed, the opposite is the case – in recent years almost all the negative phenomena relating to drug abuse have worsened and ever greater numbers of people are affected: not only drug users but growing numbers of other people who don't use drugs but are affected, threatened or at the least harassed or discomforted by drug addicts and drug-related crime.

Like all serious socio-pathological problems, problems connected with drug abuse and co-habitation with drug addicts will be reflected more intensely in the prison environment than in everyday life, given that people who are subject to penal sanctions, including for criminal behaviour related to drug abuse, are often brought together in one place. The prison service has long understood the need to implement measures that would minimise the incidence of drugs and their use in prison facilities, as well as preventing the further distribution of drugs among those prisoners who are as yet „not infected“, thereby preventing new drug dependencies directly in state repressive facilities.

The Czech Prison Service thus formulated a set of anti-drug measures, particularly for custodial sentences in prisons and for prison sentences.

When formulating the set of anti-drug measures, prison staff stipulated the following **basic objectives**:

- 1) as far as possible to prevent the infiltration of narcotic and psychotropic substances into prison buildings and as far as possible to eliminate their use by prisoners,**
- 2) to formulate an effective system for the treatment of drug addicts who are currently serving sentences in Czech prisons. This system should chiefly motivate drug-addicted prisoners to consciously give up their dependency on drugs.**

3) to develop a system of prevention which, during the performance of the prison sentence, would prevent prisoners (who as yet do not use drugs) from being infected by drug dependency.

In addition to other measures, the research presented here was conducted in order to achieve the aforementioned objectives, and above all to map out the current state of the drug scene, knowledge of which is essential for effectiveness of the planned measures.

The drug scene in the Czech Republic

One of the key information sources on the Czech drug scene are the annual reports of the Prague City Hygiene Station, entitled „Epidemiology of drugs and drug users“. The report summarises the operations of the national drug information system, which has been run by the Czech Hygiene Service since 1995. The system is compatible with the data gathering system of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), whose newly revised standardised form it uses.

The total number of newly-recorded persons in L/K (Therapy and Consulting) centres in the Czech Republic in 2001 amounted to 4233 people, i.e. 41.2 per 100 000 inhabitants. This is the highest annual incidence since the beginning of the national drug information system's operations. The total ratio of recorded men and women amounted to 1.9 : 1, which is practically identical to the result in 2000. The interpretation of the increase in incidents is obviously open to discussion. The annual report of the Inter-Departmental Anti-Drug Commission on the state and development of the drug issue in the Czech Republic for 2001 offers three explanations to start with. The growing number of newly-recorded persons in L/K centres may reflect the increase in the accessibility of treatment programs for problem drug users. Another possibility is the prolongation of the period between the beginning of a drug career and a request for treatment, in other words an increase in the number of cases of users who have taken drugs for an extended period but who have previously not requested treatment. The third possibility is an actual increase in the number of drug users. It is not possible to endorse one of the above hypotheses simply on the basis of data recording the incidence of problem drug users; instead these data should be assessed together with other sources of information on the drug scene in the Czech Republic.

The average age of newly-recorded drug users is 21.3. The 15-39 age group is generally acknowledged as being critical with regard to drug matters. The age group records an incidence level of 3966 people, i.e. 106.1 per 100 000 inhabitants. The most affected age group is people from 15-19, of which 1763 were recorded, or 41.6% of all newly-recorded users. This age group is also predominant among pervitin users (41.3% of all pervitin users). The second highest incidence level was recorded by the 20-24 age group (35.4%), which has the highest numbers of newly-recorded heroin users (51.3%). Problem drug users under the age of 15 represented 2.3% of newly-recorded persons. An alarming figure of 14% of newly-recorded users had tried one form of drug before the age of 15, and almost 70% by the age of 19.

The most common basic drug reported in this respect are stimulants (47.8%, of which pervitin 46.5%). These are followed by opiate users (28.7%, of which heroin 28%), cannabis drugs (17.6%) and solvents (3.5%). The most commonly used secondary drug (drug used in combination with the basic drug) was marihuana (28.6%), followed by pervitin (13.6%), ecstasy, LSD and heroin.

An important indicator is the method of the basic drug's application. Application by injection was recorded for 62.3% of newly-recorded users, a figure that rises to 64.8% when users are included who inject a secondary drug. This form of application prevails for heroin and pervitin, for which the common alternative to injection is smoking (heroin) and snorting (pervitin). The highest percentage of injection users (about 76%) falls among users in the 20-24 (highest absolute number) and 25-39 age categories. 64.4% of all injecting users had used drugs by injection for the first time before the age of 19, and 4.3% by the age of 15. 28.8% of all newly-recorded users admitted to sharing syringes and needles with other users at least once during their time as addicts.

The incidence of opiate users, particularly heroin, has almost tripled over the past seven years and has shown a constant upward trend since 1998. The incidence of stimulants users has doubled; after reaching a peak in 1998 the slight fall in 1999 and 2000 was then replaced by another rise the following year.

In 2001, the average age of all recorded problem drug users was 21.3, which represents a rise after several years of stagnation. The highest average age is recorded for users of heroin and pervitin; L/K centres recorded significantly lower age levels for users of hemp drugs and solvents. A disturbing development is the ever-growing number of newly-recorded users injecting drugs, caused by the increase in recent years of newly-recorded users who inject heroin.

Epidemiological surveys from 1994, 1997 and 2000 on young people's attitudes, knowledge and experience concerning drugs suggest that at the end of the 1990s drugs were more widespread among children from elementary schools than they had been in the middle of the decade, although the increase in the proportion of users from 1994 was „only” 3.4%. During the period monitored the proportion of cannabinoid users doubled, and the use of pervitin and heroin is also up. In general, drugs are more accessible to children, and children are also far better informed as to how to obtain drugs. The main reason for using drugs remains escaping from the problems of the surrounding world. Today, children are more likely to come into contact with drugs in their families. A positive development is the fact that pupils' awareness of the issue, including a legal awareness, has improved markedly. Children are also now more willing to accept the idea of a professional – doctor as people to whom they can turn if they have problems with drugs. Parents also continue to enjoy quite high levels of trust. The use of the very dangerous toluene has fallen by half and the application of drugs by injection has also fallen, which is a positive development.

It should be noted that in the middle-school category the number of young people who have personal experience with drugs shows a continual increase (in 2000 almost half of the population aged 15 to 19). The offer of drugs in general has broadened across the whole country. The number of young people who admit to the intravenous application of drugs (although the high-risk sharing of needles with other people has fallen) is increasing. The number of people experimenting has risen for the majority of drugs, particularly for the most high-risk. Tranquillisers are becoming a typical women's drug, and are even catching up marihuana in terms of consumption. Of some encouragement is the fact that cannabinoids, which are generally lower-risk drugs, are mostly responsible for the increase in the number of people who have experience of drugs.

Drug-related crime in the Czech Republic

The annual report of the National Anti-Drug Headquarters of the Criminal Police and Investigation Service of the Czech Police entitled „The drug situation in 2001 in the Czech Republic“ (hereinafter only the „NPC Report“), and the relevant passage from the Ministry of the Interior’s Report on the situation concerning public order and internal security in the Czech Republic in 2001, describe several fundamental features to the illegal trafficking in and distribution of narcotic and psychotropic substances in the Czech Republic. The major factor is the spread of distribution and use of narcotic and psychotropic substances (NPS) to the smaller towns, the greater availability of NPS and the increase in the use of almost all types thereof. The price of cocaine, which hitherto has been of peripheral interest, has fallen slightly and as a result there has been an increase in consumption, particularly in the „dance scene“.

- Producers and distributors of NPS are becoming more devious in their methods, such as
- moving their laboratories to smaller towns or isolated locations
 - mass use of mobile phones with prepaid cards
 - the more frequent use of other information technologies, especially the Internet
 - the possession of minimal amounts of NPS by the dealer when selling on the street
 - the use of minors (who can not be prosecuted), particularly for distribution.

In line with what is practically a worldwide trend, the Czech Republic has seen a sharp rise in the number of users of synthetic drugs, particularly XTC, which are related to the dance and music scene. Trafficking in these substances is conducted mostly by Czech citizens but also by Arabs, Russians, Ukrainians and EU citizens. There has been an increase in the production of metamphetamine from alternative sources of ephedrine – from medical products. Efforts have also been stepped up to acquire ephedrine from foreign sources for the production of metamphetamine in the Czech Republic. Deeper links are being established between criminal groups in the Czech Republic and Germany organising the production of very pure metamphetamine in the Czech Republic and its export to Germany. The misuse of medicaments continues in the production of synthetic drugs.

The role of Russian-speaking offenders is growing in practically all areas of this form of crime. Most active are groups originating from Dagestan and the Ukraine which have good links to the Czech underworld. These groups are distinguished by high levels of organisation, conspiracy, discipline, dynamism, arrogance and the criminal experience of individual criminals.

From Arab criminal structures, Tunisians are the most actively involved in the trafficking in NPS in the Czech Republic, chiefly organising the sale of heroin. Algerian groups have taken over the trade in hashish and are getting involved in the sale of heroin. They are characterised by a very high level of organisation. To a lesser degree, Palestinians from Lebanon and Jordan, and Arabs from Morocco, Egypt and Iraq also feature among such criminals.

According to the NPC Report, the illegal trafficking in NPS brings external security risks for the Czech Republic for several reasons; these include soft conditions for the acquisition of legal residence in the country, the almost risk-free laundering of money emanating from criminal activity, the simple setting-up of cover companies and low costs for their operation. Other aspects that make the Czech Republic a convenient country for this type

of crime are the relatively low sentences imposed for drug-related crime, the willingness of Czech citizens to get involved in illegal activities for relatively little reward, and the high probability of protecting proceeds from the drug trade against forfeiting.

Punishing drug-related crime in the Czech Republic

In general, we can say that, according to police statistics, drug crime (i.e. criminal offences under Sections 187, 187a, 188 and 188a of the Penal Code) solution rates are regularly very high (on average around 98%). It is, however, true that the police themselves admit a high latency for these types of offences due to the fact that usually no person would feel themselves to be a victim of the crime, and that the line is often blurred between the „victims“ and offenders, who both belong to the same self-contained subculture. Traditionally, the most common drug offence has been the crime of illegal production and possession of narcotic and psychotropic substances and poisons under *Section 187 of the Penal Code* (in 1996 there were 1436 such cases, 608 people were brought to trial, of which 283 were sentenced; in 2001 there were 3198 such cases, 1418 people were brought to trial, of which 905 were sentenced).

The most common sentence imposed for this type of offence is a conditional prison sentence, which is imposed for more than half of all guilty verdicts (149 in 1996, 474 in 2001). For several years there was a decline in the proportion of unconditional prison sentences, but this trend stopped in 2000 and in 2001 their proportion in total sentencing had almost returned to the level of 1996 (41% - 40.3%). Only in 2001 did the proportion of other sentences rise above the 5% level, due chiefly to the growing number of community service orders imposed. The proportion of cases where a suspended sentence was imposed fell by more than one half after 1998.

The composition of prison sentences according to their size reflected the change in sentencing terms that came into force on 1 July 1998, increasing the sentence duration in basic case merits from one year to five years. The most frequent (with a proportion of 70%) unconditional prison sentences remain between one year and five years. Since 1999 the proportion of sentences ranging from five to fifteen years has risen, exceeding 10% in 2001 for the first time since 1996. This may be due both to the success of law enforcement bodies in detecting and apprehending the members of higher drug crime structures and to the change in the approach of courts to sentencing offenders for the more serious forms of drug crime.

Whereas there was only a slight increase in the number of detected and solved cases of the crime of illegal production and possession of narcotic and psychotropic substances and poisons under *Section 187a of the Penal Code* after the paragraph came into effect (i.e. from 1 January 1999), there was a more marked increase in the numbers of people apprehended, charged and convicted (in 1999 there were 228 detected cases, 115 people were charged, of which 18 were convicted; in 2001 there were 241 detected cases, 215 people were charged, of which 86 people were convicted). Even taking into account the fact that in the first year after the amendment came into effect by no means all cases had been completed that occurred in the police files, the increase between 2000 and 2001 amounted to almost 40% and is therefore considerable. Nevertheless, the numbers of people prosecuted and in particular convicted are by no means staggering, and certainly do not fulfil the fears of those who opposed the introduction of Section 187a in the Penal Code. There is a question, however, as to whether this is the result of the sensitive approach of law enforcement bodies in qualifying individual cases, or whether it is due to the high latency of the relevant form of crime.

Unconditional prison sentences have understandably fallen markedly as a proportion of all convictions (61.1% in 1999, 18.6% in 2001), chiefly in favour of conditional sentences, which in 2001 amounted to more than 50% of all convictions (3 in 1999, 45 in 2001). Likewise, the proportion of community service orders doubled over the three years monitored (2 in 1999, 18 in 2001). The number of unconditional prison sentences reflects the sentencing terms for the relevant offence, which in the basic case merits amounts to up to two years, and in qualified case merits from one year to five years. The great majority of unconditional sentences thus do not exceed one year.

According to police statistics from the monitored period, the number of detected and solved crimes concerning the illegal production and possession of narcotic and psychotropic substances and poisons under *Section 188 of the Penal Code* fell during the monitored period, culminating in 1999, and then rising again to return to the level of 1996. Data on the numbers of people prosecuted and charged are notable for the almost sixty per cent increase between 1999 and 2000, which subsequently was manifested in the more than one hundred per cent rise in the number of people convicted in the following year (in 1996 there were 156 detected cases, 165 people were charged, of which 27 were convicted; in 2001 there were 157 detected cases, 195 people were charged, of which 62 were convicted).

Throughout the monitored period the sentencing composition was fairly constant, consisting mostly of conditional prison sentences with an increase in unconditional sentences in 2001. The proportion of other sentences to all convictions has remained above ten per cent since 1999. With regard to the length of unconditional prison sentences, we should again point out to the effect of amendment no. 112/1998 Coll., which, with effect from 1 July 1998, introduced stricter sentencing in the first paragraph of Section 188 from one year to five years, thereby reducing the option of imposing a prison sentence of under one year and shifting most sentences to the category of from one to five years.

Numbers of detected and solved cases of the crime of spreading addiction under *Section 188a of the Penal Code* rose during the monitored period up to 1999 and fell thereafter (in 1996 there were 446 detected cases, 183 people were charged, of which 24 people were convicted; in 2001, 613 cases were detected, 332 people were charged; of which 41 were convicted). The increase in the number of people prosecuted and charged in 1998, and the number of people convicted in the following year was more than fifty per cent. There was then a significant fall in 2001.

The sentencing composition is similar to that for offences under Section 188 of the Penal Code, i.e. a constant prevalence of conditional sentences, albeit with a growing proportion of other sentences not involving imprisonment and (after recording declining numbers for several years) also unconditional prison sentences. The length of unconditional prison sentences is derived from the sentencing term, whose upper limit was raised from 1 July 1998 from one to three years for basic case merits and from three to five years for qualified case merits. This means that most sentences are still under one year.

In the study's conclusion the authors state that on the basis of the findings acquired, the drug scene in prisons reflects the general drug scene, with variations caused by the realities of life in prisons. Their inter-linkage is currently very high. This means that it is not possible to radically alter the drug scene in prisons (to entirely remove drugs from prisons and entirely

rid addicted prisoners of their drug dependency) without bringing about radical changes in the environment outside prisons, i.e. in Czech society.

Information from an analysis of selected judicial records

From a study of 18 judicial files concerning cases handled by courts in Prague from 2000 to 2001, for the purposes of this study, and from a study of other available materials on drug-related crime and accompanying phenomena we formulated **several generalisations**, or rather, observations:

Although in many instances (including those mentioned here) the same case merit was recorded for the „drug“ offence for which offenders were subsequently also convicted, cases of recorded crime relating to the offenders' drug addiction can be divided into three groups (without relation to the division mentioned above), which radically differ from each other.

1) **The first group of cases** refers chiefly to criminal activity connected to the **international illegal drug trafficking**: to activities of multinational criminal organisations specialising *inter alia* in smuggling drugs between states and continents (along what is termed 'drug routes'). The cases that we mention here (from group I and cases a) and b) from group II) fall under the international crime group, which in our opinion is distinguished by the following characteristics:

- a) In the cases studied by us each smuggled consignment of drugs represented a significant quantity of an expensive drug – primarily cocaine and heroin – with a value often of several million crowns. At present, however, there is an opposite trend for greater numbers of consignments (and often several separate couriers in one flight) of less value and only their aggregate value represents significant financial sums. The change in approach is due on the one hand to lower losses in the event that one courier is arrested, and on the other to the limited possibility of customs and police authorities thoroughly checking large quantities at the same time as arriving foreigners.
- b) Well-organised groups, specialised in drug smuggling, participate in the movement of illegal drugs between states and in what is termed transit countries. These groups organise the couriers' accommodation, their contacts, handover of the drugs and the further movement of the drugs along the indicated route etc. Unlike the arrested couriers, these are often people who have long been members of the drug „industry“, persons for whom this activity is a permanent part of their livelihood – some of them have the character of national residents of multinational organisations. Other, „expert staff“ live off the movement of drugs, such as document forgers, thieves of documents for couriers, persons providing other essential „services“, including securing the „permeability of borders“. These people are engaged from the local „underworld talent“, but also from the ranks of corrupt employees of state administration or chemical laboratories, from pharmacists and so on.
- c) Drugs are moved according to scenarios that have been worked out in advance and tested by many years of practice and which can adapt flexibly to any changes (including changes in national legislation). Routes are carefully worked out and take into account potential risks and even seek to anticipate them. Planning includes calculating in the arrest of the courier, i.e. potential losses are already calculated for. Drug routes are not only inter-state but in most cases inter-continental, with prepared variants of mutually replaceable methods for illegal distribution through a variety of transit countries to the target countries.

- d) People from what is termed developing countries or states referred to as poor countries (Brazil, Bolivia, Peru, Tunisia, Nigeria etc.) are often used as couriers. They are often „ordinary citizens“, without a criminal record or with no serious criminal record, who at the time are in a difficult life situation: unemployment, debt, flight from personal problems etc., and their use is limited to a single drug transfer, or subsequent transfers in the event that they are successful. These people are deliberately not informed of the detailed organisation for the movement of drugs; although they are usually aware that they are „working“ for an organisation that is carrying out illegal or even criminal activity, they understand their role as peripheral. For this reason the information they can provide to law enforcement bodies, who wish to use it in the battle against drug smuggling, is almost useless. They are, however, almost always and in all states the only persons prosecuted – or only a small number of them. Indeed, it may sometimes be the case that the victim is deliberately set up for arrest in order to conceal a more important activity, consignment or corrupt person working for the criminal organisation. Due to the fact these are what is termed end-people in the drug „industry“, and that for the drug business their arrest only represents the loss of the drugs they are transporting, their arrest has almost no significance whatsoever for the fight against the illegal transit of drugs. The higher echelons of organisations specialising in the international illegal drug trafficking remain beyond prosecution – i.e. the controlling persons from these echelons remain concealed, are not prosecuted and are remunerated for their activity with their profits.
- e) In our opinion, profits from the illegal transit of drugs must be enormous, and the permeability of borders for transit states must be extensive if the volume of drugs reported in the press to have been confiscated has no obvious effect on the success of organised crime groups' activities. It is also confirmation of the great demand for drugs and a sign of the relatively small risk involved in this form of „business“ with regard to the overall volume of risk.
- f) Due to the constant recurrence of the same organised cases, the illegal transit of drugs is a well-functioning mechanism; despite their best efforts, customs officials are unable to substantially decrease profits from the illegal sale of drugs.
- g) The use of easily replaceable couriers and the sustainability of losses from confiscated drugs means that penal legislation enacted by individual states to combat drug crime does not present a major obstacle to organised crime involved in the illegal distribution of drugs. Losses are incurred in all types of business, including legal business. Penal legislation is thus often understood merely as the definition of certain limitations, which can without any great problem be avoided with the aim of maximising profit and minimising possible losses. The improvement of penal codes in relation to the illegal drug trafficking can not therefore reduce the incidence of drug crime of this sort without enforcing other, linked measures of a diplomatic, economic, social and health nature.
- 2) The **second group of cases** concerns criminal activity connected with the **production and distribution of drugs in the Czech Republic mostly by Czech citizens (or foreigners living long-term in the Czech Republic) with the aim of financial gain through the sale of drugs to fellow citizens who are addicted to drugs.**

Persons prosecuted in this group are usually connected with the production and distribution of the Czech speciality - pervitin, the purchase for the purpose of resale of hard drugs and what is termed dance drugs from abroad, or the cultivation and sale of marihuana. (A significant number are people who could be called business intermediaries). Many dealers (also included in this group) are also users of the „goods“ that they distribute who sell drugs in order to earn the funds necessary for their own consumption. They rarely

involve people without a criminal record. Those people who haven't yet been prosecuted are often jointly responsible for a variety of negative social phenomena and typically pursue livelihoods that attract society's condemnation: prostitution, scrounging off parents or other relations and acquaintances, connections with the underworld, most of whom abuse the Czech social system through social security fraud etc. Unemployment is their vocation. Even when they are themselves not yet addicted to drugs they have no scruples about distributing drugs, including selling them to minors. The sale and/or production of drugs is for them the fundamental and permanent source of income and part of their lifestyle. Such people often include foreigners living more or less permanently in the Czech Republic: citizens from Slovakia, Vietnam, some Arab states, the Ukraine and other countries of the former Soviet Union, citizens of the former Yugoslavia etc. Larger groups are becoming ever more common, with a division of labour and connections to other groups (e.g. erotic club operators). Links to international crime are not yet common, only contacts to dealers of hard drugs and dance drugs for their subsequent sale where this is the fundamental source of profit.

Those drug crime offenders who are prosecuted and convicted in the Czech Republic, and whose activity receives most coverage in the media, generally come from this group. Here also, the endeavours of the law enforcement bodies are an important factor in limiting this form of crime. Or should be. Unfortunately, any initiatives taken against these groups is almost without exception haphazard. They are hindered among other things by the nature of the crime – the resistance of drug users, but also sometimes of those around them, to testify on drug crime, and to testify against dealers etc. In addition, the approach of the wider public to drug crime is not unambiguous (it approximates the attitude to legal alcohol) and often the use and sale of drugs are tolerated – a matter which is dealt with in greater length elsewhere in this study. As the conclusions of the Special Report of the Supreme Public Prosecutor's Office on drug-related crime make clear, criminal justice in future anticipates a further increase in drug crime. There are even suggestions that drug crime will have an increasing influence on the development of crime as a whole, and not only in the quality of criminal activity but in its quantity. We identify ourselves with this view.

3) The **third group** concerns cases where individual **users of illegal drugs, or groups of such users, drug addicts, commit numerous other crimes, primarily property crimes although sometimes also violent crimes (e.g. robbery) in order to obtain drugs.**

These people produce – grow – buy drugs to satisfy their own dependency. We can also include communities of drug users with small-time dealers, where long-term contacts have been established and maintained through drug use, often in a group. They also include individuals who grow marijuana or „cook“ drugs just for themselves or offer them free to other people who are close to them or as a result of chance encounters. People from this group often also commit intentional crimes as well as crimes of negligence under the influence of drugs (deliberate harm to health, traffic accidents etc.). Prosecution and convictions usually have little impact; they cause problems in serving their sentence and if a number of such persons happen to be serving their sentence in one prison, they are highly disruptive in their attempt at any cost to obtain drugs. Following their release they usually return to their „community“ and continue in their former lifestyle, usually related to drugs.

Research into the drug scene among the Czech prison population

The research was performed using the **DROGPEN** questionnaire, which is the **penitentiary modification of the Drogan SF 3 K questionnaire, which was used for the research in 1999.**

The questionnaire follows the traditional format of open and closed questions. Previous research tested questions' comprehensibility for respondents and, unlike Drogan, questions that prisoners could not understand, or found difficult to understand, were omitted, as were those that proved to be superfluous as prisoners did not respond to them.

Due to prisoners' understandable lack of trust in any form of research and questioning, we sought to ensure the greatest degree of anonymity. We followed this principle even at the cost of reducing possibilities of comparing certain data. We also sought the greatest representation of the same or similar questions in order to ensure the compatibility of both forms of research.

Description and characteristics of the respondents

The sample was selected so as to cover the whole spectrum of the prison criminal subculture. Unlike the previous research, it covered not only prisons (prison sentences) but also remand prisons (custody). We also followed **external differentiations of prisoner categories not according to the type of prison but according to their sex, whether they were a first-time prisoner or repeat offenders and whether they were juveniles.**

The sample of respondents was selected on a random basis and performed by well-informed professional colleagues directly from the prisons (mostly psychologists and special pedagogues). We instructed them to select, on a random basis, one dormitory, workplace etc. We only advised them not to include prisoners who would not be able to fill out the questionnaire due to intellect problems, or who would react negatively to filling it out.

In total, the research covered 798 respondents, of which 9 questionnaires could not be assessed due to incomplete data. This means that N = 789. „N“ thus represents the final number of people researched using the DROGPEN questionnaire.

The following were questioned:

95 juveniles
134 women
261 male first-time prisoners (had not previously been imprisoned)
299 adult males with previous prison terms

We divided the above into two basic groups: those prisoners who admitted abusing drugs at some time in their lives, and those who stated that they had not abused drugs. The term drugs did not include: alcohol, nicotine or caffeine, and the prisoners were alerted of this fact.

Of the total number of respondents, **446 prisoners, or 56 % of the sample** admitted to abusing drugs at some point in their lives. In the individual groups this broke down as follows:

juveniles - 82 % of the group sample
women - 54 % of the group sample
male first-time prisoners - 45.5 % of the group sample
male repeat prisoners - 59 % of the group sample.

By way of comparison, in 1999 our research covered a total of 436 respondents, of which 41.3% of the total number questioned admitted to abusing or having abused drugs at some point in their lives.

The increase in the number of prisoners from the various groups who admitted to abusing drugs is more than alarming, and this applies to all the groups analysed. It shows a sharp rise in the number of people with experience of drugs in the prison criminal population. Nevertheless, the determining factor is how this finding is understood and perceived. The authors of this study do not feel equipped to provide an unambiguous conclusion and therefore offer the following approaches.

1. approach: The increase of prisoners with experience of drugs in their past history copies the rising curve of drug abusers in society.
2. approach: The increase in prisoners with experience of drugs in their past history means an increased number of socially deviant people with reduced adaptation ability in society.
3. approach: Among people with a reduced adaptation capacity, drug abuse is a significant, and often the sole or dominant criminogenic factor in their criminal career (the unemployed, offenders who commit crimes „in order to obtain drugs or the means to buy them“).
4. approach: Drug abuse is a status symbol for a substantial section of the delinquent subculture or one of the chief causes triggering a criminal career.

The data obtained from the research, together with the evaluation of information from other research projects, from its own findings and the opinions gained from long-term treatment of drug addicts (not only prisoners) led the group responsible for the field part of the research to formulate the following conclusions, with which the other members of the research team identify:

- 1) Socio-pathological phenomena today are not only a natural element of the delinquent subculture but go beyond it and are becoming a common feature of life of the remaining, non-delinquent (normal) population,
- 2) Socio-pathological phenomena that occur in prisons are brought there from the external environment and then again returned to that environment from the prisons. This applies in general, although over the years the dynamics, form and degree has altered dramatically. The study's authors believe that this combination of the inner world of the prisons with the external world is more dynamic and far-reaching than it has been for about 50 years.
- 3) We may assume that many of the recorded and latent crimes are related to drugs and that a significant proportion of them are committed in order to obtain drugs (obtaining the means to purchase drugs),
The term „many“ expresses our belief that their number can't be quantified from the available sources, although there are considerably more of them than are represented for example in the media. We can support this with additional testimonies from individual prisoners.
- 4) The drug scene in prisons is relevant to the drug scene in the external society, and socio-pathological phenomena that occur in prisons are modifications of socio-pathological phenomena that exist in the external society,

- 5) At least half of all prisoners have individual experience with drugs, and the majority of these prisoners first experimented with drugs before their first prison sentence. The age at which the delinquent juvenile population in our study first experimented with drugs is now about 14-15, and we expect this figure to fall to twelve years, at which point it will stop, over the next five to ten years,
- 6) The frequency of attempts and the subtlety with which drugs are smuggled into prison, This is linked to the fact that prisoners are becoming more organised and that the „organisations“ they create have the direct objective of disrupting the effectiveness of the prison system .
- 7) The corruption pressure is rising and will continue to rise on prison staff and persons entering prisons with the aim of bringing more drugs into the prison.
- 8) Drugs are one of the main areas disturbing prisons' internal security and are a significant part of prisoners' hidden illegal activities – the „second life“ of the convicted,
- 9) Prisoners who abuse drugs are characterised by high levels of vulnerability as possible victims of bullying or other violent or aggressive behaviour in prisons,
- 10) At least one half of prisoners who abuse drugs fail in the standard conditions of serving the prison or custodial sentence,
- 11) Where conditions allow, prisoners who abuse drugs should receive special treatment separately from other prisoners,
- 12) Drugs are available in prisons, albeit spasmodically and in relatively small amounts. In most cases, prisoners with past histories of drug-taking switch smoothly to multiple abuse without distinction (using medications, accumulating them),
- 13) A significant number of people belonging to the criminal prison subculture and criminal subculture in general are distinguished by their lack of attention to their own health and their failure to appreciate certain risks, particularly in relation to transmittable diseases,
- 14) Current methods of treating drug addicts in Czech prisons, including therapy and special treatment, are generally satisfactory, determined mostly by the financial, personnel and spatial possibilities of the Czech Prison Service.

Conclusion

If we compare this study's findings on the abuse of illegal drugs and other, similar substances behind prison walls and outside them, we can say that the theory propounding a link between the incidence of socio-pathological phenomena in the normal population and the prison subculture has been confirmed. As was stated at the end of the section dealing with penological research, we may expect that this link is currently highly evolved. This clearly also involves drug abuse. The drug scene in prisons by and large reflects the general drug scene, with variations stemming from the realities of prison life (the composition of prison population, physical obstacles to obtaining drugs for consumption etc.).

The study's subject matter meant that the formulation of more general conclusions or prognoses was restricted to the issue of drugs in the prison environment. This is understandable – the purpose of the study was not to provide a detailed analysis of the drug scene in the Czech Republic or the legislative approach to the unlawful handling of illegal drugs, but to find any specific features of the drug problem in the prison subculture. At this point it is obviously apposite to again mention the factual impossibility of distinguishing the solution of any socio-pathological phenomenon in prisons from its solution in society as a whole. The idea that you can turn prisons into pockets free of the vices that evidently thrive in the outside world is clearly naive. The approach should instead be the opposite. Using information on the special attributes of a specific environment (prison subculture as well as

other specific environments), an effective approach to the issue taking in the whole of society should introduce elements that modify and supplement the general approach in this area.

The results of the penological research, as stated in its conclusion, allow the cautious statement that current methods of treating drug-addicted prisoners in Czech prisons, including therapy and special treatment, are generally satisfactory, determined mostly by the financial, personnel and special possibilities of the Prison Service. The by no means negligible level of drugs and their abuse in prisons means that we can only make this statement if we look at the Prison Service's activity in terms of realistically achievable goals. A drug problem exists in our society and we can't expect that the opposite will be the case in a prison subculture. The section devoted to the drug issue outside the prison environment (despite its brevity, for reasons already stated) should therefore not by any means be regarded merely as a backdrop to the penological research itself. It should also (and we hope this will indeed be the case) bring people to consider the effectiveness of the approach that has been thus far pursued in the Czech Republic to a problem so serious as the abuse of illegal drugs.