

*Karabec Zdeněk a kol.:*

## **Long-term prison sentences<sup>1</sup>**

2001 – 2003

ISBN 80-7338-024-2

### **Extended summary**

In the IKSP research plan, attention is devoted to the formation of sentencing and sanctions policy and studying its effectiveness, and the „Research into long-term prison sentences“ project was stipulated for the period 2001– 2003.

When we compare the sanctions policy of Czech courts with the length of prison sentences in countries of Western Europe, it appears to be relatively severe and repressive. That section of Czech society in which there is a prevalent fear of crime on the other hand regards this sanctions policy as too tolerant and not ensuring an adequate deterrent function in sentencing. Reference is made in the professional literature to the fact that when prison sentences are imposed for a period of more than 5 years, penitentiary problems in connection with the long-term isolation of convicted persons from the outside world come to the fore, with negative impacts on the prison environment, with adaptation to the prison sub-culture and so on. The purpose of sentencing is thus often reduced to merely taking convicted persons out of society and the re-education and resocialising functions of a prison sentence are suppressed. Long-term sentences, particularly exceptional sentences imposed for a period from 15 to 25 years and for life, constantly limit the free residence capacity of prisons and serving of these sentences is linked with significant costs for the required care of an elderly prisoner. The basic question of sentencing (and sanctions) policy is for this reason achieving the required individualisation when sentences are imposed in terms of the seriousness of the act committed and the personality of the offender, and the required differentiation in serving of prison sentences imposed, with respect to the purpose of sentencing. The requirement for reasonable length of sentences is a fundamental principle of sentencing law in democratic countries.

Findings from European democratic countries show that imposition of long-term sentences (in these countries long-term sentences are usually considered to be prison sentences imposed for a period of more than 5 years, and we have also adopted this definition for the requirements of this research) can be reduced by a sensible sentencing and sanctions policy, or an increase in their effectiveness can be achieved and so the period they are actually served shortened (in the form of conditional release, parole etc).

The aim of the research was to acquire more comprehensive knowledge of sanctions policy in the Czech Republic in terms of imposition of long-term prison sentences and their effects on convicted persons. The aim of the research was achieved by carrying out research on a number of specific research topics.

**By analysis of sanctions policy in the Czech Republic**, based on statistical data on the structure of long-term prison sentences and the dynamics of their imposition, a realistic

---

<sup>1</sup> Karabec, Z., Blatníková, Š., Diblíková, S., Marešová, A., Nečada, V., Zeman, P., Krejčová, S. Dlouhodobé tresty odnětí svobody. Praha : IKSP, 2004. 195 stran.

picture was obtained regarding the application of these sentences in our conditions over the recent period.

**By analysis of court decisions in the Czech Republic** based on analysis of court files and ascertaining the views of judges and public prosecutors, information was obtained on the practical application of the principle of reasonable length in imposing long-term sentences. Opinions of a selected group of judges and public prosecutors on the application of sanctions policy and on the issue of long-term sentences were ascertained by means of a questionnaire.

By means of a questionnaire administered to a group of prisoners, by controlled interviews with specialist prison staff and by analysis of written documentation on the creation and assessment of a **programme for treatment of prisoners serving long-term prison sentences**, information was obtained on the effectiveness of long-term sentences in terms of re-education and resocialisation of offenders.

By means of a probe into the issue of life sentences, comparative information was obtained on the legal regulation and imposition of life sentences in the Czech Republic, by analysis of prison files a picture was provided of the full set of persons serving a prison sentence for life in the Czech Republic and by means of a questionnaire, the views of a selected group of judges and public prosecutors on the issue of life sentences were assembled. A detailed analysis was made of the full set of persons serving a prison sentence for life in terms of their personalities and social characteristics, criminal careers, behaviour in prison conditions, and the views of specialists in treatment of convicted persons while serving life sentences were collected.

Information on possible negative **effects of long-term sentences on the personality** of convicts was ascertained by means of a psychological examination of a selected group of persons given prison sentences of more than 5 years, by analysis of their personal case histories, expert opinions and other source materials, which were supplemented by controlled interviews with specialist prison staff (psychologists, special educators).

Based on the literature sources, a number of the key penological questions were outlined relating to the imposing and serving of long-term prison sentences, in particular psychological aspects of imprisonment, the legal limits of life sentences and **international standards for serving long-term and life prison sentences**.

In the first part of the research „**Analysis of sanctions policy in the Czech Republic based on statistical data on the structure of long-term prison sentences and the dynamics of their imposition**“ we studied statistical data which helped us to understand the structure and dynamics of sanctions policy, particularly imposition of long-term prison sentences. Changes in the number of persons finally convicted in the Czech Republic, the numbers of persons given unconditional prison sentences and the numbers of persons given long-term prison sentences were surveyed in the time period from 1995 to 2001. The statistical data were taken from the Crime Statistics Yearbooks which are issued every year by the Czech Ministry of Justice. The proportion of persons given unconditional prison sentences among all persons convicted in the Czech Republic in the period surveyed (1995-2001) remained over 20 per cent, however it fell steadily from 1998, when it reached its peak. The proportion of long-term prison sentences among all unconditional sentences, however, remained approximately the same (between 4 and 5%). The explanation for the first of these phenomena is clearly the growing popularity of provisions enabling alternative

procedures for dealing with less serious criminal cases (alternatives to imprisonment, probation elements, diversion). Criminal offences for which long-term prison sentences were imposed most frequently in the period surveyed were studied in more detail. These were the criminal offences of murder, robbery, assault, fraud, theft and prohibited production and possession of narcotic and psychotropic substances. The proportion of unconditional prison sentences imposed for the criminal offences surveyed in this period compared with all unconditional sentences imposed in the Czech Republic in this period remained relatively stable. An exception was the criminal offence of prohibited production and possession of narcotic and psychotropic substances, where for the whole of the period surveyed there was a more than seven-fold increase.

The statistics show that the criminal offence of murder has the highest share of long-term sentences among unconditional prison sentences imposed for a particular criminal offence (stable at ca 90%). This share is also high for fraud and robbery (15-20%, and the stated share for robbery goes up to twenty per cent), but low for theft (ca 1%). As far as long-term sentences of between 5 and 15 years are concerned, the highest and most stable proportions of these sentences imposed for a particular criminal offence among all sentences of this length imposed in the Czech Republic were those for the criminal offences of robbery (ca 25 %) and murder (more than 20 %).

The respective statistics of the Czech Ministry of Justice show that the proportion of persons given unconditional prison sentences and also the proportion of persons given a long-term sentence among all those convicted has fallen from 1998, whereas the proportion of the number of long-term sentences imposed among all unconditional prison sentences imposed has remained stable. The first of these phenomena clearly reflects a shift in sentencing policy towards greater use of diversion and gradual replacement of short-term prison sentences by alternative sanctions, which occurred in particular in the area of dealing with less serious criminal offences in this country from the middle of the 1990s. Interpretation of the stable proportion of long-term sentences among all unconditional prison sentences is more complex. For this reason we made a separate analysis of changes in sentencing statistics for a number of selected criminal offences for which long-term sentences were more frequently imposed in the period surveyed. We found that there were no significant changes in the number of persons convicted for the selected criminal offences apart from exceptions in the period surveyed, or rather we did not note a particularly clear trend for any of them in these indicators either towards an increase or a reduction in the number of those convicted. The exception is the criminal offence of prohibited production and possession of narcotic and psychotropic substances, where there was a significant increase in the number of persons convicted and also the number of persons upon whom an unconditional prison sentence was imposed, and the proportion of long-term sentences imposed among all unconditional sentences has fluctuated between 9 and 14% since 1996. Here it seems that there was no perceptible change in court practice regarding imposing sentences in more serious cases when long-term sentences were considered.

Attention was also devoted to certain basic characteristics of the persons sentenced, specifically gender, age and nationality, for the purposes of comparing selected data for 1995 and 2000. Regarding the nationality of those sentenced, it can be stated that the change in the proportion of foreigners sentenced to long-term imprisonment in terms of all persons given this sentence between 1995 and 2000 corresponds to the change in the composition of those sentenced to long-term imprisonment. Czech citizens form an overall majority (nearly 90 %), but this proportion very gradually goes down. Compared with 1995, the proportion of Slovak

citizens halved and they were replaced in second place in the number of those sentenced by Ukrainian citizens. The age composition of persons given long-term sentences corresponded in 1995 to the age structure of persons given unconditional prison sentences and the total number of persons sentenced, i.e. the 20-24 and 30-39 age groups had the highest representation. When we look at the ratio of men and women sentenced, it is clear that the proportion of men among persons given unconditional prison sentences was higher in both years than among all persons sentenced, i.e. ca 95%. This proportion also remained roughly the same in both years, whereas the proportion of women rose gradually among all persons sentenced. The proportion of re-offenders recorded by the court among persons given long-term sentences in both the years compared fell by roughly nine per cent (30% - 21%).

Data on changes in the number of persons serving long-term prison sentences in Czech prisons were obtained from the Czech Prison Service Yearbooks. These data were broken down by gender and length of sentence (from 5 to 10 years, from 10 to 15 years, more than 15 years and life). A relatively evident drop can be observed in the Czech Republic from 1999 in the coefficient of the number of prisoners per 100,000 inhabitants, though this remains quite high. From data obtained from statistics of the General Headquarters of the Prison Service (for the period 1995-2001) it can be seen that although the numbers of inmates given long-term prison sentences in this period rose steadily, the proportion of these prisoners among all the others remained roughly the same. The numbers of women prisoners also rose, but in view of their small representation in the prison population (in 2000 they represented ca 4% of the number of prisoners serving long-term prison sentences), there was only an increase by tens of persons.

We also focused in this part on a comparison of data from abroad. A group of countries was selected which can be regarded as representative of different approaches in sentencing policy and different legal, geographical and socio-economic environments. The data were classified and arranged so that it could be compared to a certain degree with Czech statistics. As comparison of prison statistics shows, the coefficient of the number of prisoners per 100,000 inhabitants is generally higher in the former Communist countries than in other European countries. When we look at the sentencing statistics abroad it can be stated that despite the differences between the countries selected for the purposes of this comparison, the Czech Republic essentially falls into the context of democratic European countries in the indicators surveyed, whether it is the ratio of the number of long-term sentences to the number of sanctions imposed in general or the ratio in the case of individual criminal offences for which more severe sentences are imposed.

In the second part we focused on **analysis of the decisions of criminal courts** in the Czech Republic with respect to reasonable length of sentences. This part of the research attempted to link objective and subjective aspects of decision-making practice in Czech courts in terms of imposing long-term prison sentences. Data was gathered from a relevant sample of criminal court files and from the opinions of judges and public prosecutors themselves. The aim of this part of the research was to ascertain how courts assessed three areas in cases when long-term prison sentences were imposed – the degree of danger of the offence to society, the possibility of reforming the offender and his/her attitudes. The examination proceeded from the assumption that courts, when giving reasons for their verdicts, explain inter alia how they satisfied the requirements of criminal law in imposing sentences. For the purposes of comparison, two sets of court files were analysed (from 1995 and from 2000), in which the final verdict was imposition of a long-term prison sentence. The five year gap between the two sets examined was to make it possible to discover any change in the decision-making

practice of courts in cases of serious criminal offences, particularly where it involves assessment of criteria stipulated by individual Acts for determining the type and the length of a sentence. The composition of criminal offences for which sentences were imposed was similar in both sets, i.e. cases of violent crime including robbery and cases of serious economic or property crime were overwhelmingly predominant.. The proportion of cases in which an aggregate sentence for a number of criminal offences was imposed was significantly higher in the sample from 2000 compared with the sample from 1995. In both cases sentences were predominantly from more than 5 to 7 years, but in the sample from 2000 the proportion of more severe sentences was higher, in particular from more than 7 to 10 years. The average length of sentences imposed and the proportion of those sentenced assigned to higher security prisons also rose.

In giving reasons for their verdicts, courts usually assessed very thoroughly and clearly the degree of danger of the offence to society under the headings stipulated by law. The fact that in some cases a higher court came to different conclusions in its judgement is not material in any way. Upon examination of source materials for assessing the possibility of reform and the attitudes of the offender, and use of them by courts when making decisions on the type and length of sentence, however, certain stereotypes appeared, which support the hypothesis that these criteria are sometimes automatically regarded as less important in the decision-making practice of courts.

Information from various sources was used to assess the personality of an offender. These are mostly objective sources, such as the Criminal Register or records of transgressions. Courts handle this information very skilfully, take it into account in their decisions and explain how they assessed it in giving reasons for their verdicts. Dealing with other sources of evidence on the personality of an offender is more problematic. A naturally fundamental source of evidence on the personality of an offender and a prognosis of his/her development is the opinion of an expert witness in a relevant field. An expert witness has specialist knowledge which bodies responsible for criminal proceedings lack. Information obtained from him/her, or ascertained with greater precision by questioning the expert witness, should therefore be inherently credible. However, this is not absolute proof. The court must assess it like other evidence, acting on the principle of free assessment of evidence. Such assessment should then be reflected in the reasons for the verdict. In both sets surveyed, however, more than half of the verdicts in cases when an expert opinion was requested either confined themselves to quoting the conclusions of the opinion in stating the evidence provided or to merely referring to the expert opinion in giving reasons for the type and length of sentence. As far as individual criteria for decisions on guilt and the sentence are concerned, we may conclude from analysis of the files that courts sometimes have a tendency, at least when giving reasons for their verdicts, to view the possibility of reforming the offender and his/her personal circumstances as only supporting criteria for the degree of danger of the offence to society.

Possibilities of using other source materials for assessing the chances of reform and the circumstances of an offender, such as reports on his/her reputation in the place where he/she lives, appraisals from employment or school etc, depend to a significant extent on the how they have been prepared, or whether they are available at all, i.e. on circumstances outside the control of the courts. In particular, reports on reputation are very short and only rarely contain specific information on facts other than data from records of transgressions. In the cases surveyed courts usually restricted themselves to citing these documents. Other circumstances from which assessment can be made of the personality of an offender and a prognosis of his/her development (for example family background) are mentioned only

exceptionally in the reasons given for the type and length of a sentence. Even so, the proportion of verdicts where the reasons given contained in our opinion detailed, comprehensive and balanced assessment of evidence for ascertaining the degree of danger of the offence to society, the circumstances of the offender and the possibility of reforming him/her rose to more than one between the two samples of court files examined.

This part of the research included administration of an expert questionnaire, in which a total of 134 respondents (judges and public prosecutors) gave their opinions on the most serious problems of long-term prison sentences. Concerning opinions on sanctions policy in the Czech Republic at the present time, a significant number of the sample polled (63% of the public prosecutors and 46% of the judges) regard current practice in imposing sentences as rather lenient or lenient. 46% of the judges and 38% of the public prosecutors consider current practice to be satisfactory. An outright majority of the public prosecutors and judges polled think that the premise „concerning the evident severity of sentences imposed by our courts for serious criminal offences“ is not supported by actual practice. A great majority of judges (61%) hold the opinion that the frequency of imposing long-term sentences from the point of view of fulfilling the aim and the purpose of sentencing is satisfactory and this opinion is also shared by about half of the public prosecutors. Nevertheless, a relatively high percentage of the respondents (36% of the judges and 50% of the public prosecutors) think that from the point of view of fulfilling the aim and purpose of sentencing, long-term prison sentences should be imposed more often than they have been to date. The judges and the public prosecutors polled mainly expect from service of a long-term prison sentence protection of society against the person who has committed the criminal offence and prevention of the offender from committing a further criminal offence. They expect least of all that serving the sentence will educate the offender to lead a proper life and rather incline to the view that long-term prison sentences serve to educate other members of society.

More than 80% of the respondents agree with current legal regulation of conditional release. The most effective use of the institution of conditional release from serving a sentence is seen by respondents as most effective for economic criminal offences but on the other hand least effective for criminal offences against life and health and for criminal offences against freedom and human dignity. Legal regulation of an exceptional sentence is considered by ca 75% of the respondents as satisfactory, but by the remainder as rather unsatisfactory or not satisfactory at all. More than 90 % of those polled more or less identify themselves with the premise „concerning the great influence of expert witnesses (psychiatrists and psychologists) in making decisions on imposition of an exceptional sentence“. In the replies to the question whether investigation files usually contain enough source material for the court to be able to make a proper assessment of the possibility of reforming the offender, the opinions of the two groups polled differ significantly. For the most part public prosecutors hold the opinion that investigation files contain sufficient source material whereas among judges the prevailing view is that they do not. As far as the quality of these source materials is concerned, the replies of the two groups are much the same – nearly two thirds of them consider existing source materials as being of good quality.

The opinion that regards current sanctions policy as rather lenient predominates, particularly in connection with more serious criminal offences. Judges and public prosecutors see long-term prison sentences as an irreplaceable tool in the fight against the most serious forms of crime and regard them as an important component of overall sanctions policy.

It was shown both from the files and from the replies of respondents that there is a lack of source materials for assessing the personality of the offender and his/her circumstances, or they are not of sufficient informative value. In practice, apart from extracts from the Criminal Register, usually only opinions of expert witnesses are used to assess the personality of an offender, if they are requested. The opinion of an expert witness from the field of forensic psychiatry, or psychology or sexology is however accepted in some cases by courts as absolute proof, and they adopt its conclusions en bloc without detailed further evaluation or at the very least mentioning this assessment in the reasons given for the verdict.

The next section of the research project consists of a probe into the issue of the effectiveness of long-term prison sentences based **on resocialising programmes** for the persons convicted. For the purpose of ascertaining the effectiveness of treatment programmes implemented with those given a long-term prison sentence, a set of persons who were serving their prison sentences in the Valdice prison between 1993 and 2002 was selected. The set was divided into groups according to the length of the sentence imposed – served. A questionnaire of those sentenced and analysis of data on the prisoners which related to their resocialisation and implementation of the treatment programmes were used for the research.

The creation of treatment programmes is derived from the conditions in the prison, the composition of those sentenced and staff possibilities. A treatment programme is prepared by a team of specialists based on a comprehensive report on the person convicted in terms of the length of sentence, personality features and causes of the criminal offence. The treatment programme contains a specifically formulated objective of working with the person convicted, methods of treating the convicted person which lead to achievement and the method and frequency of assessment. In the probe there was discussion in a number of prisons with specialist prison service staff, particularly regarding creation of treatment and assessment programmes. The complete treatment programme consists of: work and training activities, special education activities, interest activities and focusing on the area of creating external relationships. Treatment programmes are different in release sections, where those convicted are placed six months before they are expected to finish serving their sentences (i.e. including any conditional release). Treatment programmes are targeted here to specific preparation of those convicted for an independent way of life in freedom. Treatment programmes are evaluated regularly (in security prisons programmes are always evaluated every three months and in high security prisons every six months). When it is assessed, the programme is updated in accordance with the development of the personality.

The questionnaire was administered to a total of 208 inmates and it was found that the great majority of prisoners perceive the treatment programmes as a duty. The most popular treatment programme activity for the prisoners is the area of creating external relationships or contact with the family and a surprising finding was that the popularity of interest activities occupied only 4th place in the evaluation table, behind training and work activities. While serving their sentence, most prisoners emphasise preservation of their family relationships and maintaining and strengthening their self-confidence. Again family relationships and also the thought of the end of serving their sentence are shown for most prisoners to be strong motivation for making serving of their sentences more tolerable. It was found that the prison environment and the behaviour of fellow-inmates and staff have the most negative effect on prisoners. They have the feeling that the staffs do not treat them objectively, while they should be a model for the prisoners by their behaviour and professionalism. Most prisoners see their future as favourable, and for this reason starting a free life with the support of their families, a social curator or some of the non-governmental charitable organisations will be

very important for them when they finish serving their sentences, so that the effect of education and training on prisoners while they are serving their sentences is not wasted and their resocialisation can be continued.

The results of the research showed that acceptance of treatment programmes by prisoners is with only some exceptions not a problem and that their implementation is the more successful the longer the prisoner spends in prison. Overall it could be noted that longer targeted education and training through treatment programmes has a positive influence on prisoners' behaviour. On the other hand it is not possible to reach a clear conclusion on whether programmes achieve their goal a hundred per cent. Account needs to be taken of prison conditions, the standard of professional staff and of course the individual nature and the effort of the prisoner to want to change something. In each case the research results showed efforts on the part of prison staff to resocialise prisoners and also an attempt by at least some prisoners to change their behaviour and their attitudes. The probe made into this issue indicates that if more prisoners could be employed while serving their sentences they would be more successfully resocialised. It is also clear that more attention needs to be devoted to first-time prisoners, to attempt to improve and vary the content of treatment programmes and to raise the professional standard of specialist prison personnel.

In a probe into the issue of **the imposition and servicing of life sentences** in the Czech Republic we looked at legal regulation of imposing a life sentence in this country and in selected European countries, by analysing a sample of 23 of the above-mentioned offenders in terms of criminal law and by analysing the offenders' personalities and psychological aspects of long-term imprisonment. An exceptional sentence means on the one hand a prison sentence of more than fifteen years up to twenty-five years and on the other hand a prison sentence for life<sup>2</sup>.

Those given a life sentence basically serve their sentences in specialised sections of prisons. This sentence was imposed on all convicted persons serving a prison sentence for life in the Czech Republic for committing one or a number of criminal offences of murder, often supplemented by an attempt at this crime, and in most cases here also existed concurrence with other criminal offences. At the time of the investigation a total of 24 persons were serving a life sentence in Czech prisons.

As regards the previous criminal career of offenders sentenced to life, we meet with a wide range. They were persons with no previous criminal convictions, i.e. first-time offenders, and two had been sentenced by a court but not given an unconditional prison sentence. Six offenders had been sentenced or had served a sentence fewer than five times, in five cases there had been five convictions and five persons had had between six and thirteen convictions. In most cases the intervals between individual convictions were very short. Five offenders were serving a sentence for the first time, of whom 3 had no previous convictions, and three offenders had committed violent criminal offences, for example, robbery, assault and rape. The criminal offence of murder or attempted murder appeared in seven cases. Four

---

<sup>2</sup>A prison sentence of more than 15 and up to 25 years may be imposed by a court only if the degree of danger of the criminal offence to society is very high or the possibility of reforming the offender is particularly difficult. An exceptional sentence may be imposed only for a criminal offence the facts of which fit the criminal offence of deliberately causing the death of at least one person; only to an offender who has committed the criminal offence of murder or who in the criminal offence of high treason, terrorism or general threat has been guilty of the death of another deliberately, on condition that:

- a) the degree of danger of this criminal offence to society is exceptionally high in view of the particularly reprehensible way the act was committed, or the particularly reprehensible motive or a particularly grave and hard to remedy consequence, and
- b) effective protection of society requires imposition of this sentence or there is no hope that the offender could be reformed by a prison sentence of more than fifteen and up to twenty-five years.



offenders had committed the criminal offence in question under the influence of alcohol, also four had been drunk and one of them was classified as a heavy abuser of alcohol. In the cases of 13 offenders in the surveyed group, no influence of alcohol or other addictive substance was ascertained, and in one case the criminal offence was not committed under the influence but the offender was a drug addict.

From the questionnaire of public prosecutors and judges it can be seen that nearly 90% of them do not regard a prison sentence for life as a commuted death sentence, whether because of the possibility of parole or for other reasons (e.g. the chance of a pardon). Conditional release is and should remain a necessary component of not only a „normal“ prison sentence but also a life sentence, not only as a motivating factor for the person sentenced. Among the negative effects of a life sentence public prosecutors give first place to the removal of the person sentenced from positive contacts and the financial demands of serving a sentence for the state and in second place they state the danger of criminal contagion and the impossibility of resocialisation. Judges point to the impossibility of becoming a member of society again after any release as the most serious negative effect. Those polled were united in what they regard as the most suitable method of serving a sentence – the individuals sentenced should be strictly isolated in special institutions. Only a quarter of public prosecutors and somewhat fewer judges were convinced that life sentences have a sufficient deterrent effect. The sentence itself is also in the opinion of those polled not an adequate deterrent because there is the possibility of conditional release from serving a life sentence (the possibility of revising the decision for various reasons – presidential pardon, amnesty, change in the law). Respondents in both groups inclined to the view that they would use restorative approaches only with less serious criminal offences, particularly property offences, with first-time offenders and for offences where the consequences could be remedied.

One of the aims of the study carried out was to map the actual state of those given life sentences in the conditions in which they serve their prison sentences. A partial probe was targeted at characterising the group of persons given life sentences – in terms of personality and specific social features, and also in terms of their criminal career and current serving of their sentences. The study was of a descriptive nature and was based on analysis of problem areas (personality and social features, behaviour in the prison environment). The research method was study and analysis of written documents on those sentenced, analysis of court files, a questionnaire of prison personnel and interviews with specialists.

The research study assembled a set of 23 men and one woman given life sentences who were serving their sentences in Czech prisons at the time of the empirical study. The average age of those sentenced was 43.2 (higher than that of the whole of the prison population in the Czech Republic), with ages ranging from 27 to 75. The average age when starting a life sentence was 36; the youngest was 25 when the sentence started. Seven of those given life sentences had spent more than ten years in prison. Most of those given life sentences were single and childless individuals, without a regular partner. In terms of educational achievement, most had completed apprenticeships and the education pattern of those serving life sentences was not significantly different from that of the prison population as a whole. Half of those sentenced to life have grown up in a complete family. None of those sentenced was an only child. All of those sentenced to life are characterised at the most general level as having personality defects. From this angle it is also possible to understand how they perceive serving their sentence and how they experience restriction, what is primary for them in the hierarchy of values and so on. Personality features include, for instance, a need for

stimulation and excitement, and a tendency to risky behaviour. Impulsiveness, lack of ethical principles, emotional deadness, egocentric and histrionic displays are seen.

The level of natural endowment among those given life sentences varies from the borderline of the below average band to an above average level of intelligence; overall there is a clear tendency to below average natural endowment. No natural endowment in the defective band was found in any of those sentenced. A tendency to dependence is found for half of those given life sentences. Most (75%) showed no deviant sexual behaviour. The whole group of those given life sentences showed signs of personality defects. The age of the offenders at the time they committed the criminal offence varied between 20 and 70. The average age of offenders at the time they committed the criminal offence for which a life sentence was imposed was 33.8.

The information obtained on the issue of those given life sentences was seen through the eyes of those looking after them. No significant tendency to break rules appeared in the behaviour of those given life sentences when serving their sentences. Correlation of scales for assessing the degree of adaptation to prison conditions showed a linkage between problems in adapting (e.g. lack of discipline) and the activity of an individual in adapting. Quite hypothetically, this would mean that absence of problems in serving the sentence is linked with passivity on the part of prisoners, whereas displays of activity on their part rather indicate problems.

The method of serving a life sentence and the nature of treatment should fit the type and nature of the personality disorder of those given life sentences. There may be a uniform approach to problems which those given life sentences have but treatment programmes themselves should definitely be highly individualised and specific. And the fact that specialists frequently refer to the need for an individualised approach can be interpreted as an attempt to differentiate in more detail between those given life sentences. Programmes for those given life sentences should not be targeted generally to changes in behaviour (this is possible only with difficulty with individuals having personality disorders), but can start a more positive dyadic relationship between those sentenced and staff. The importance of intensive contacts with the outside world is indisputable.

Serving long-term or life sentences have its specific features and problems, and this also means heavier demands on the work of prison staff in dealing with those sentenced. Personnel working with those given life sentences are exposed to their behaviour and communication patterns and so on, which reflect the psychopathic make-up of inmates' personalities. A person who deals with those given life sentences should be resistant to pressure, sufficiently socially skilled to be able to make a general estimate of the motivation behind the behaviour of others and to be able to manage a crisis situation well. In training specialists, attention should be paid to developing interpersonal perception and also to aim at preventing burn-out syndrome and developing healthy mental habits.

In the next section we focused on ascertaining **the consequences of long-term imprisonment**. Long-term imprisonment of those who have committed serious criminal offences and their placement in closed facilities is constantly perceived by society as the optimal sentence for criminal acts ascertained and as the best protection of society against their being repeated. At the same time, however, there has been discussion for decades both in the Czech Republic and abroad of problems associated with the imprisonment of a significant number of the population and the social and economic impacts of serving a prison

sentence on society, but also the negative effects of long-term imprisonment in particular on the personality of individual persons isolated in prisons.

The penological section of our research was designed to verify these statements. The aim of this section of the research was to obtain knowledge of those currently sentenced to a long term of imprisonment, in particular knowledge by means of which it would be possible to document undesirable effects of serving a long prison sentence on the personality of convicted prisoners. The following methods and techniques were used to obtain this knowledge: analysis of prisoners' personal case histories, psychological examination of ca 70 male prisoners given prison sentences of more than 5 years (persons imprisoned for the first time (first-time offenders) and persons imprisoned repeatedly (re-offenders)), analysis of court expert witnesses' opinions on individuals convicted, and ascertaining the ideas of those sentenced on their own future (special questionnaire). Based on semi-standardised interviews, the staff awareness of the specific features of imprisonment and dealing with those given long-term sentences was mapped and an analysis was made of the professional training of Prison Service staff in terms of the specific features of long-term sentences.

The research carried out confirmed that the issue of persons imprisoned long-term is of such breadth that it should be one of the central themes dealt with by the prison service in relation to persons imprisoned in its facilities. A long-term stay in prison should, for that section of those imprisoned long-term who have the prerequisites for it, be thoroughly targeted to a fundamental reappraisal of their attitude to their own asocial behaviour, to radical change of life style or attitudes to life. The work of specialist prison staff with prisoners while they are serving their prison sentences must be targeted to this. For prisoners who have been given a long-term sentence for the first time (aged about 30 and more), and who can be assessed in accordance with the results of a criminological investigation as people not differing in basic social psychological characteristics from what is termed the average citizen, repeat criminal behaviour is a manifestation of failure to achieve the purpose of the long-term sentence imposed on them. The group of persons imprisoned for the first time that we investigated differed from the group of persons who had been in prison before, but not significantly. For this reason we cannot reach a conclusion from the findings obtained which would be an argument that serving a long-term sentence has a clearly negative effect on the personality and also the person of a prisoner given this sentence. We are aware that arriving at this conclusion from this part of the research is clearly influenced mainly by the fact that this was a single investigation and that at this time it is not possible for technical and other reasons to carry out an extensive longitudinal survey of offenders imprisoned long-term.

Many interesting findings were ascertained, the correctness of which can be verified by more extensive research. For instance, we found that the composition of those imprisoned long-term changed significantly – our respondents (those imprisoned for the first time and those who had been in prison before) included more persons convicted of fraud than those convicted of a violent criminal offence. Also the length of the sentence imposed on them for fraud was clearly greater than for serious violent crimes. Those in prison for the first time given long sentences were often middle-aged (older than re-offenders in the group compared), had a higher level of education and IQ, good relationships with their own family, interest in social events outside prison, including interest in political events and so on. Positive frame of mind and confidence in their own favourable future and positive expectations of professional assistance from specialist prison staff, which distinguished them from those in prison for the first time examined in previous research, are a promise of possible positive changes in their behaviour and also prevention of repeated criminal activity among the respondents we

investigated. Findings on the section of prisoners from this group thus confirmed the justification of discussing the suitability of sanctioning even those given long-term sentences by another form of sentence than traditional imprisonment, but certainly drew attention to the fact that such prisoners need to be treated in a different way from those imprisoned repeatedly, and the content of education and training programmes needs to be adapted to this difference.

In conclusion we tried to outline certain **penological and criminal law aspects of the principle of reasonable length of sentences**. In penitentiary practice the principle should apply that secondary - negative - effects of a sentence should not devalue and to any significant degree reduce the main - positive - effects. From the psychological point of view, two aspects can be distinguished in the process of gradual adaptation to the way of life in prison and the community of those sentenced (prisonisation). This is institutionalisation, which represents adjustment to the highly organised prison life. This is linked with loss of activity and initiative and means external orientation in the specific living conditions of serving a sentence. Every convict is more or less subject to institutionalisation. It needs to be noted that even the first signs of changes in the behaviour of a convict, which are shown by acceptance of programmes and goals, do not have to mean the first signs of the required changes, and may only be a question of adapting to the conditions. The second aspect is acquiring the ideology, which manifests itself by identification with the criminal sub-culture, and includes here for example acquisition of a specific language, what is termed criminal argot. This represents internal acceptance of sub-culture norms and rules, values and attitudes, and also rationalisation of the system (as protective mechanisms).

Those imprisoned long-term also undergo a staged process of adaptation to the prison environment. The argument that convicts who have spent a longer time in prison have already had enough time to test the prison environment is based on the idea that these people do not encounter fundamental problems arising from the institutionalised – prison - environment. The longer the time is in prison, however, the more intensive the impact of this process is. From the point of view of administration of the prison system and from the short-term point of view the fact is that „institutionalised“ prisoners have a tendency to cause fewer problems for management than „uninstitutionalised“ prisoners. This adaptation, however, is contrary to the basic intention of the institution of a prison sentence – reintegration. It can be stated in general that long-term imprisonment, through the influence of the prisonisation process, reduces and even makes impossible the probability of successful reintegration after release (for instance in the area of social relationships). However, we need to be very careful when making generalisations about the prisonisation process, as is traditionally stressed in certain writings in the prison sociology field. In addition to the structural features of the institution - prison - that produces these phenomena, there is also the personal (socio-psychological) history of convicts which they bring when they enter the institution. Previous experience with a similar institution, the personality structure of the individual, the values of the social group they come from, personal experiences and expectations and so on have an influence. It seems that the model of deprivation places too much stress on the power of society to apply negative labels to individuals and underestimates the ability of individuals to reflect such labelling and react to it.

Loss of contacts with family and friends and severing of ties with the outside world is regarded by convicts as one of the most serious problems which they are forced to face. Long-term imprisonment is often a sort of slow process of social distortion, the essence of which is the absence of most forms of social interaction. Strengthening or weakening of their own psychological frame of mind depends on the strength and quality of social

relationships and on emotional ties in the environment from which convicts come. It seems that positive and supportive relationships with important people (most often family) can lead to strengthening, which can then be used as a „buffer“ against the immediate effect of other (negative) factors in the prison environment.

There is general agreement in the scientific literature with the opinion that long-term imprisonment in itself leads to certain harmful effects. When interpreting studies dealing with the psychological effects of long-term sentences it is very important to be aware that it is not possible to generalise, for each individual who has experience of long-term imprisonment reacts to this situation in his/her own way. Research studies inter alia point to the fact that there is a range of ways in which prisoners adapt to life in prison and in which on the other hand the prison environment and the situation of imprisonment have an impact on them. Convicts are equipped in different ways for coping with the demands of a long stay in prison, depending on experiences before being imprisoned (criminal career), social relationships, personality traits, external environment and interactions taking place in it and so on. It is not possible to make simple generalisations, but it is possible to assume that there is a profile of a resistant, less resistant and non-resistant individual in the conditions of long-term imprisonment and life imprisonment.

At the theoretical level, an unconditional prison sentence contains the following elements in particular: detriment to the offender, revenge, moral condemnation, isolation as a means of protecting society, an opportunity for retraining and resocialisation, deterrence of other potential offenders, satisfaction of the victim and the public. With a life sentence there is also the element of elimination – permanent exclusion of the offender from society. These elements are not, of course, evenly represented in a long-term prison sentence. Their frequency and weight change in relation to the length of the sentence imposed (served).

This is closely related to the issue of the reasonable length of sentences. The principle is simple; the sentence should correspond to the crime committed and the personality of the offender. Czech legal regulations require that when stipulating the type and length of the sentence, the court considers the danger of the criminal offence to society, the possibility of reform and the offender's circumstances. Here the court has to assess in particular the importance of the protected interest which was affected by the offence, the manner in which the offence was committed and its consequences, the circumstances under which the offence was committed, the personality of the offender, the degree of his/her guilt and the motive. What the law says is therefore relatively clear. These elements of the principle of the reasonable length of the sentence of course imply other questions. With long-term prison sentences there is in particular the issue of the personality of the offender and the possibility of reform (retraining, resocialisation) of persons given this sentence. Very long prison sentences are given mainly for the purpose of isolating from society a dangerous offender who in actual practice cannot be influenced. A number of surveys have produced the finding that these sentences often lead to negative changes in the experiences of those convicted which have a relatively permanent impact and operate against attempts to resocialise.

In terms of the regulative function of a sentence (change of behaviour), long-term sentences are, with the probability that they will end during the life of the person sentenced, „over-dimensioned“ in time. As a result, socially desirable patterns of behaviour are extinguished, for in conditions of imprisonment they are not adaptive and new patterns emerge, which are unsuitable for life in freedom. There is a loss of initiative, interests narrow and the personality of the convict socially deteriorates.

Surveys focused on change of personality through the influence of serving a life sentence point to a gradual loss of perspectives, institutionalisation which is shown by the creation of dependence on staff and the conditions of institutional life. There is increased introversion and a partial increase in a hostile attitude particular to oneself. An overall decay of the personality was not, however, noted in the surveys.

The results of our research do not provide sufficient empirically based arguments for blanket confirmation of devastating effects of long-term imprisonment on the personality of prisoners. Even so it can be agreed that long-term imprisonment undoubtedly has negative effects as well. It can be stated in general that long-term imprisonment in itself does not significantly threaten the mental health of a convict (if he/she is a person without psychological problems before imprisonment), but to a great extent in itself through the influence of the prisonisation process reduces the probability of successful reintegration upon release. It can be anticipated that the probability of failure in a range of basic areas of social life – at work, in life with a partner and also in civil life – increases with the length of imprisonment. When interpreting the prevailing type of behaviour and conduct in serving a sentence, the structure of the personality before imprisonment of an „in some way scarred“ prisoner (offender), has to be looked at, i.e. his/her biography before institutionalisation has to be taken into account.

The concept of what is termed restorative justice, which contributes new elements to the traditional system of criminal justice, has constantly been extended in terms of content in recent years. Originally intended as a certain alternative to the traditional criminal process, it was first applied at the pre-trial stage or in court proceedings, or instead of a court hearing. The principles of restorative justice are now also progressively being put forward (particularly at the theoretical level) at the stage of execution proceedings, i.e. in serving criminal sanctions imposed. This involves in particular various proposed modifications of serving unconditional prison sentences. In this connection there is talk of the „restorative prison system“ as a system which should eliminate undesirable effects of imprisonment, particularly long-term imprisonment. As is known, the definitive precondition for the reform (resocialising) effect of serving a prison sentence is recognition of one's own guilt and the justice of the sentence on the part of the convict. This could be assisted by some of the already tried and tested methods of restorative justice, such as contact (perhaps only in writing) between the convict and the victim (in extreme cases, for example, also with survivors), which would enable subjective experience of guilt (for instance and apology, or showing regret) and would motivate the offender to rectify the consequences of his/her offence, to pay compensation for damage/loss caused and thereby to his/her own re-education. Wider contact with the outside world, provision of opportunities for the convict to take part in the organisation of his/her daily routine in prison and so on are considered to be other „restorative“ methods of serving long-term and also life sentences.

Prisoners serving long-term or life sentences were usually convicted of a particularly serious criminal offence and were judged by the court as persons who were a danger and a threat to society. Penitentiary experience confirms that under the conditions of serving the sentence imposed these prisoners did not usually present an increased risk to prison staff or fellow prisoners. Those given long sentences, particularly life sentences, paradoxically present a stabilising element in a prison, for they have an interest in a peaceful and if possible bearable time when serving their sentences.

Prisoners usually go through three phases when serving a long-term sentence: the first phase is a period of „relinquishing the past“, when prisoners stop reliving their ever present memories of life in freedom and gradually adapt to the conditions of life in prison. Growing deprivation and other undesirable aspects of long-term imprisonment of course require systematic attention and timely intervention. The second phase is „preparation for change“, when the prisoner, often with great difficulty, psychologically disengages from the customs and stereotypes of everyday prison life and from adaptive mechanisms which have enabled him/her to survive the long period of imprisonment. The third phase is „freedom shock“ after release and after loss of the feeling of safety and security in prison and on adapting to the new reality of life.

The problem lies in the fact that certain elements of serving a prison sentence may be counter-productive; on the one hand they help to lessen the effects of long-term isolation for prisoners and make it easier for them to adapt to prison conditions, but on the other hand increase their stress and deprivation (for example, most prisoners regard visits from family members as great support in overcoming the effects of imprisonment. After these visits, however, the feeling of powerlessness, that they cannot influence events which affect them personally and which happen behind the walls of the prison, is often intensified for prisoners and increases their stress with all the other consequences). On the other hand, total interruption of contacts with the outside world often makes it easier for prisoners to accept the conditions of a long-term prison sentence, but also makes their transition to life in freedom after release significantly and often irreparably difficult.

Serving a life sentence has certain specific features. Even though it follows from the name of this sentence that its end is connected with the physical death of the convicted person, in practically all European countries serving this sentence does not reach the final point. Even these prisoners are released into freedom, and so for them too opportunities have to be provided for resocialisation and preparation for life in freedom. In all cases when the aspect of safety and protection society makes it possible, the possibility of transfer to less severe conditions for serving their sentence should exist for prisoners sentenced to life too, and they should not be permanently isolated from other groups of prisoners and so on.

Czech legal regulations enable conditional release from serving a life sentence after at least 20 years have passed. For prisoners sentenced to life, problems related to biological ageing occur with time. For this reason prison facilities must be able to provide these prisoners with adequate medical care and other professional assistance.