Summary

The prison population (group of incarcerated individuals) is not a homogenous group in terms of level of threat, risk of violent or problematic behaviour. Moreover, the specific social setting in which prison sentences or pre-trial custody are served, has its own particular rules of functioning and group dynamics. This is one of the reasons why management of the prison population – in the sense of organisational and technical measures aimed at preventing violence among inmates – is an important and difficult task for the prison service.

This monograph offers selected results from a research by the Institute of Criminology and Social Prevention (IKSP), the subject of which were violence in prisons and dangerousness of incarcerated individuals. The task was aimed primarily at mapping ways of assessing the dangerousness of prisoners in Czech prisons, and measures to prevent violence in the prison setting. The main objective was to obtain new criminological findings about prisoners identified as problematic, respectively dangerous persons, about violence among prisoners and about measures implemented in reaction to violent incidents. The idea to implement this penological research survey focussed on the issue of violence among the accused and convicts and the dangerousness or risk presented by persons in pre-trial custody and serving prison sentences, arose from practice (from the General Directorate of the Prison Service of the Czech Republic - PSCR). In our view, one of the foundations of such interest was the fact that mapping this issue at prisons in the Czech Republic using officially registered incidents may, despite the expected high degree of latency, offer a range of interesting information usable for analytic and strategic purposes. The conducted research survey was focussed on describing and summarizing the issue (mapping survey), not at testing hypotheses. The core of the research plan was the description of phenomena. The task was solved using standard methods and techniques of criminological research, such as the analysis of professional literature or statistical overviews and data from records and information systems of the PSCR. Descriptive statistical methods were also used. The research project

relied on close cooperation with the General Directorate of the PSCR, especially as regards the access to their anonymised data about violent incidents and incarcerated persons. Within the framework of risk management, the research project anticipated that it may be necessary to use alternative sources of data, and when in the course of fieldwork the research team had to cope with the fact that the necessary data was not available in the scope and form required to perform all the analyses planned within the project, the survey was implemented in a limited variant (the empirical part was focussed on an analysis of the available documents and descriptive analysis of statistical data about persons included in the index of dangerous persons, particularly dangerous persons and potential perpetrators of violence). Because the research project anticipated this possibility, the aims of the research in the given context may be considered fulfilled. Solving of the project was concluded in compliance with generally binding legal regulations, including laws on the protection of personal data, and the ethical principles of scientific research were observed.

It is desirable, not only for the purpose of determining an adequate treatment program, to differentiate the population of convicted inmates firstly based on the level of risk (to distinguish dangerous persons from those less dangerous) and secondly based on the resocialization prognosis (in simpler terms, separate the "rehabilitatable" individuals from "unrehabilitatable" ones). "**Dangerousness**" is often perceived as a social construct, which includes a range of not entirely objective (clearly measurable) variables. For this reason too, its usefulness is often put to doubt – there is most often a conflict of opinions between two groups where the contested issue is a priority: whether they consider more important the safety of the group at the expense of the individual or the freedom of the individual at the expense of the group's safety. However, in our view an important factor in applying the concept is which criteria are determinant for identifying or classifying an individual in the "dangerous" category and particularly for what purposes such categorisation should be used.

Despite doubts about the actual construct of risk, most of professional literature discusses the ways of "measuring" a **perpetrator's dangerousness**. Abroad, a number of **standardised instruments** are used for this purpose, but there are also instrument (usually simply called check lists*)* designated only for specific situations or wards of the prison facility. The effort for better (more accurate) prediction, be it either by verifying the validity of existing instruments, their comparison, updating of "standards" or improving the structure of individual instruments, is also one of the arguments for using the concept of risk. The instruments used around the world include e.g. Psychopathy Checklist–Revised (PCL-R) (Hare, 1991, 2003), Walters's Life Style Criminal Screening Form (LSCF – R) or the

Psychological Inventory of Criminal Thinking Styles (PICTS). Also used are: the Canadian tool Violence Risk Appraisal Guide (VRAG), or the revised Historical Clinical Risk (HCR-20 (V3)). The British OASys (Offender Assessment System) also served as inspiration for the SARPO/SARPO-2 method currently used by the PSCR.

Foreign professional sources state that dangerous prisoners differ from the "normal" prison population in many variables, and despite the high heterogeneity of the prison population, this group of ***problematic, difficult, conflicting/incorrigible, disruptive, dangerous or risky prisoners*** *can be distinguished.* Within the entire prison population, dangerous persons represent a very small group in terms of numbers. However, the problematic behaviour they display is often described among other as systematic, creating a major burden on the prison staff. Sorting offenders into groups may be a useful tool e.g. during differentiation, within treatment programs or when presenting data, because it reduces complexity. However, there may be a risk – not only in criminology – in the rising trend of presenting the groups as different, rather than "similar". Therefore, it is desirable also to work e.g. with the fact that different types identified in scientific studies may not exist in reality.

An effective **prisoner classification system** is among the key factors for successful operation of the entire prison. Systems of internal classification of convicts (inmates) are supplemented by external classification mechanisms. While external classification is governed – not only in the Czech Republic – by the way of guarding and ensuring security, internal classification represents a "finer" and more individualised sorting system. This involves higher subjectivity, less standardised procedures and more contradictions. Prison classification systems (internal classifications) are in many cases based on factors which we can find in tools or systems for "general" risk assessment – be it in connection to the risk of recidivism or the person's danger to themselves or others. Unlike these, however, prison classification systems take a greater interest in identifying prisoners who either pose a risk of escape or who are expected to be problematic during treatment.

Legal regulations of serving prison sentences and pre-trial custody in the Czech Republic address the issue of prisoners´ dangerousness. The basic legislation in this regard consists of Act No. 169/1999 Coll., on serving prison sentences, Ministry of Justice Decree No. 345/1999 Coll., which issues the rules of serving prison sentences, Act No. 293/1993 Coll., on serving pre-trial custody, Ministry of Justice Decree No. 109/1994 Coll., which issues the rules of serving pre-trial custody, and the internal regulations of the Prison Service of the Czech Republic. The draft bill which amends inter alia Act No. 169/1999 Coll., on serving prison sentences, foresees that prisons in the future will be classified in terms of the

method of guarding, ensuring security and (newly) the regime of serving the sentence into only two types, rather than the present four types. Depending on the level of "risk", convicts are to be placed in individual types of wards at lower-security prisons, those being wards with minimum, medium and high security. In terms of the regime within the lower-security prison, the draft bill operates with the terms <u>internal and external risk</u>. When assessing internal risk, i.e. when identifying risks directed inwards the prison, the draft bill proposes considering criteria – such as data arising 1) from the current security risk, which means the present threat of escape, further expected prosecution for a specific crime or imposition of in-patient quasi-compulsory treatment or security detention, as well as 2) safety risk from the past, which means imposed but not yet executed in-patient quasi-compulsory treatment or security detention, or the occurrence of specific criminal activity in the past.

Violence in prisons is a problematic phenomenon and one that is difficult to grasp, particularly because it is a part of a subcultural system of norms, also because it happens covertly. In attempting to clarify and theoretically define violence and aggression in the prison population, but also when studying prison subcultures, we most often encounter a deprivation-situational model, an importation model or integration model. Although studies based on the importation model have provided more consensual conclusions and findings than research studies based on the deprivation theory, researches often found support for both models in their investigations. The specific type of prison or personality of the prisoners also play a role in determining whether prison subcultures in the specific prison will "form" themselves and "react" more based on a deprivation or importation model. Social ties in the past (in the case of the importation model) and the need to adapt to the present (in the case of the deprivation model) are the factors that most authors have taken into account not only when clarifying undesirable behaviour of the individual in prison, but also e.g. when studying prison subcultures. The explanation also includes other aspects, e.g. circumstances or variables related to visits by the prisoner's family, the individual's ability to cope with their imprisonment and of course the institutional environment, which also has an impact. According to some scientists, the discussion of whether the behaviour of incarcerated persons can be explained using the deprivation or importation model, is defined incorrectly and even the consensus among experts that the answer lies in an integrated model ("a bit of everything" perspective) is not an exhaustive answer. In the course of their careers, offenders acquire attitudes and thinking styles that ease and allow them to explain (rationalise) their criminal behaviour. They will most likely employ their criminal identity, which they were used to and which was associated with certain behavioural patterns, even in the new social environment,

i.e. in prison. The lifestyle exposure model allows us to understand the relationship and connection between what prisoners bring to the institution, how they behave in the prison environment and how they perceive themselves. Unlike the importation and deprivation models, which emphasise the prisoner, the administrative control model focusses on the prison staff and method of managing the corrective facility. This is then viewed as a fundamental determinant of prisoners' behaviour.

Violence in a specific environment – such as serving a pre-trial custody or a prison sentence – has a **number of shapes and forms,** from bullying through economic abuse, psychological extortion to sexual or physical assault. It includes violence not only towards other individuals, but also to one's self – auto-mutilation (self-harm), attempted or successful suicide among prisoners. One of the ways we can view violence in this specific environment is by distinguishing **interpersonal and collective violence**. While manifestations of collective violence (usually in the form of riots and unrest) disrupt the normal running and social order of the given institution, <u>interpersonal violence</u> does not disrupt the operation of the prison as an organisation, but it does affect day-to-day prison life. It involves the violent behaviour of individuals serving prison sentence or pre-trial custody among each other, the violence among prisoners that is directed at members and civilian employees of the prison service (prison staff), or takes the form of inappropriate violence of the staff vis-à-vis the inmates. The subject of studies and discussions concerning prison violence (violence in prisons) can thus be mental or physical violence, or on a more general level victimisation or bullying, etc. Interpersonal violence is most often divided based on the nature of the relationship between the offender and the victim. This concerns violence between prisoners, attacks by a prisoner (prisoners) against prison staff, or violence by the staff against a prisoner (prisoners). Some authors also separate the category of sexual assault, psychological violence, self-harm, or group violence (gangs). Each variant of interpersonal violence can then take various form or manifestation – it can by physical, psychological or economic violence. If the manifestations of interpersonal violence are transposed into terms of criminal law, they can take the form of criminal offences like murder, manslaughter, etc.

Cases of <u>collective violence</u> are generally classified as extraordinary incidents. They are not a common part of prison life and if they occur, they usually take the form of unrest and riots. It is obvious that such behaviour disrupts the normal functioning and social structure of the entire institution. The American Correctional Association (ACA, 1996) identified three types of events that can be included in the category of collective violence. Incidents, defined as less critical events which involve only several prisoners and do not lead to the "occupation"

of any part of the prison. Disturbances are more serious than incidents, involve more prisoners, but the facility management (prison staff / prison governor) do not lose control over the institution (prison). A riot is a case when a majority of the inmate population controls and manages a larger part of the prison institution for a longer period of time.

The reasons (or motives) behind the violent behaviour of prisoners may be an effort to acquire or affirm their status within the prison group. Manifestations of violence in prisons can serve e.g. to show strength or scare off other prisoners (demonstration of power), to exploit and use others e.g. through theft, to maintain one's own image (status), as a means of protection against insults or e.g. as a means of sexual satisfaction. Another motives for using violence can be material gain (e.g. addictive substances) and of course mutual antagonism, or the fact that the perpetrator takes pleasure in violence as a reason for physical assault.

There have always been, are and will be manifestations of violence in prisons. Predicting problematic behaviour when serving prison sentences, in the sense of the given individual's maladaptation to the prison environment (prison misconduct, institutional/disciplinary adjustment), is among the priorities of every prison system. Identifying conflicting prisoners, respectively violent individuals, and predicting their behaviour in the institution (prison) setting helps to improve security. By identifying prisoners with the highest risk of misconduct (violence) – which was achieved through prediction – it is possible not only to increase supervision specifically above these individual (group of individuals), but also to monitor them more, add them to the index of dangerous persons, or include them in a "stricter" category within the internal differentiation, or involve them in special treatment programs.

Interaction between personality factors (variables on the part of the prisoner) and social or situational factors (on the part of the social setting and institution itself – prison) is what makes prediction a probability estimate. Often mentioned as important among the variables pertaining to the person/personality are: the given person's criminal history, prior experience of imprisonment and imprisonment at a young age, anti-social attitudes and pro-criminal behaviour. Opinions on the relationship or connection between community violence and subsequent prison violence (misconduct) in professional studies vary. The conducted empirical studies partly confirm and partly refute the hypothesis of behavioural continuity, meaning that the perpetration of a violent crime in the community predicts a higher degree of involvement in violent incidents in prison. The results of empirical studies thus indicate that there is no scientifically-grounded reason to perceive a prisoner serving a prison sentence for

violent crimes as the equivalent of prisoner inclined to commit institutional violence automatically.

Important situational variables that are often mentioned include institutional factors, meaning those related to the given correctional facility, such as e.g. the level of care/treatment, demographic data about composition of the prison population, costs, level of security, prison movement (relocation), ratio of employees to one prisoner or overcrowding. Factors related to the imposed unconditional prison sentence are also always considered, such as the length of the imposed sentence, the time of the prison sentence already served, or admission of guilt. Outputs from instruments evaluating the presence of antisocial aspects in the personality are also taken into account. The prediction of prison conduct must anticipate the interaction of personality (prisoner) and situational factors (prison). For a risky individual (person in whom risk factors were identified or who was classified as dangerous – violent) finding themselves in adverse life conditions multiplies the probability of misconduct. Hence, if a person reaches high scores/level in personality risk factors (e.g. antisocial attitudes and behaviour) and finds themselves in a prison setting, undesirable consequences e.g. in the form of violent behaviour are probable. A prisoner's risk factor may to some degree be inferred from their individual characteristics, values and attitudes and criminal history, with a role played by situational factors. Variables that predict the presence of misconduct (prison violence) with a varying degree of probability can be divided into several categories, which are in continuous interaction. These are the characteristics of the prisoner (personality and social variables), environmental factors and variables arising from the prison management. The factors or variables that the prisoner "brings" to the prison are a particular weakness of many prediction instruments and their abilities must not be overestimated.

Legislation concerning prison management address the issue of violence among prisoners, be it among themselves or vis-à-vis prison staff, within the regulations on ensuring security, order and discipline at prisons. Nevertheless, the Act on serving prison sentences, Act on serving pre-trial custody and implementing decrees to these laws only contain a few provisions on this topic, referring to the fact that the observance of order and discipline are among the basic obligations of the convicted and accused (Section 28(1) of the Act on serving prison sentences, Section 21(1) of the Act on serving pre-trial custody). Prison regulations also regulate the right of the convicted serving prison sentence and accused serving pre-trial custody to protection against unauthorised violence, degradation of human dignity and insults or threats (Section 35 Decree on serving prison sentences, Section 61 Decree on serving pre-trial custody). Within this protection, the prison governor is i.a. obliged to ensure that

convicts, who given their mental characteristics, age, medical or physical condition and other identified facts could be the victims of violence and degradation of human dignity, be housed separately from convicts with aggressive inclinations; in doing so, they employ the findings of the physician, psychologist, sociologist, special pedagogue, social worker, priest and wardens (Section 35(5) of the Decree on serving prison sentences).

Contrary to generally binding legal regulations concerning the serving of pre-trial custody and prison sentences, the **internal regulations of the prison service** address the issue of preventing and solving violent behaviour among prisoners in greater detail – they specify the provisions of generally binding legal regulations directly for the area of violence. This particularly refers to the Directive of the Director General of the Prison Service of the Czech Republic No. 12/2012, on the avoidance, prevention and timely detection of violence among the accused, convicts and inmates, which in its second part addresses the prevention of violence among prisoners, including auxiliary measures implemented for so called specified persons. The head of the pre-trial custody and prison sentence department at each prison is responsible for keeping the list of these prisoners. The list of specified persons can thus be understood as an instrument for avoiding, preventing and detecting violence among prisoners. The list contains prisoners in several categories – prisoners identified as possible victims of violence, possible perpetrators of violence, persons with significantly reduced body weight, persons of obvious low mental capacity, so called other specified persons and other specified persons characterised by their profession. Specified prisoners account for about 10% of all prisoners, where the largest group every year tends to be persons identified as possible victims of violence, which e.g. in 2012 accounted for 40 % of all specified prisoners.

One of the categories in the list concerns **possible perpetrators of violence**, meaning persons inclined towards aggressive behaviour or violence (Section 7(1) of DDG No. 12/2012). A person can be proposed for addition to this list by prison employees, in particular employees of the pre-trial custody department, prison sentence department or security detention department. The head of the pre-trial custody and prison sentence department decides about the proposal. Information that is considered in connection to proposing the inclusion of a person as a potential perpetrator of violence: current conduct of the prisoner and information from their personal file (e.g. degree of self-control, physical condition, severity of committed crime, manner of its committing and resulting consequences). The share of identified possible perpetrators of violence is very low given the total number of prisoners. E.g. in 2012 the possible perpetrators of violence in Czech prisons accounted for ca. 22% of

the total number of all specified persons, which given the total Czech prison population was less than 2 %.

The efficacy of preventive measures largely depends on the given framework conditions that the prisons cannot stipulate themselves. Apart from preventive measures such as the aforementioned specifying of potential perpetrators of violence, the prison service also detects violence among prisoners. Prison employees who identify physical violence among prisoners are obliged to report this fact.

An analysis of empirical data in the form made available to the research team did not reveal any major problem or trend in the occurrence of dangerous persons and violent incidents in Czech prisons (nor could it really, given the said form and extent of provided data). Nevertheless, based on the findings collected in the research, the results of which are presented in this book, it is definitely recommended that the Prison Service of the Czech Republic devote attention to conceptualising the category of dangerous prisoners in terms of precising the terminology and above all the system of recording and reporting of data about violent incidents and dangerous prisoners. Despite the vast amount of data that the employees of individual prisons continuously record about this issue, the data is apparently registered in a manner that does not allow the automated creation of structured overviews, and thereby more detailed or reliable analyses. It is possible that similar overviews and analyses can be created from the recorded data on the level of individual prisons, but similar partial data sets are not greatly adapted to further use for the purposes of fulfilling the strategic, conceptual, analytic, methodical and controlling role of the General Directorate of the PSCR.

Translated by: Presto