

CRISIS-MANAGEMENT AND CRIMINAL-PEDAGOGY IN PRISONS

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Abstract: The criminal justice process includes: finding out information about the committing criminal offense; investigation; arrest of the suspect; imposition of a sentence; in many cases the enforcement of imprisonment and finally the reintegration of the ex-prisoner. The citizens' sense of security depends on the completeness of this process. Nonetheless, during the analysis of the "contemporary security challenges" the law enforcement profession deals undeservedly little with imprisonment and the reintegration of detainees. This is a huge mistake, because prison systems are in a global crisis and their effectiveness is highly questionable. The paper strives to describe and analyse the typical causes of the crisis as well as to propose measures to improve the situation: the development of physical conditions is certainly important, but the pedagogical training of the staff and the organization and conduct of the daily life of prisoners – according to unified penological principles (criminal-pedagogy) – must be the focus of the activity.

Keywords: prison-crisis, officers' training, criminal-pedagogy, reintegration, organizing principle

INTRODUCTION

Due to the emergence and rapid spread of the COVID-19, prisons have become one of the defining contemporary security challenges of the present age almost all over the world within a few months. It would be a mistake, however, to think that the situation in prisons was solely a consequence of the coronavirus. The process has been going on for decades, but the average citizen could hardly notice - and I fear they do not even want to notice - the problems in prisons, as most of the time they do not even want to know what is going on within the prison walls. A bigger problem is that in some countries both the criminal justice system and the law enforcement profession pay undeservedly little attention to the state of prisons and the treatment of prisoners. It is no exaggeration to say that countless prison systems are now clearly in crisis and the problem is much more complex and significant than the current health emergency. At the same time I would like to make it clear that this crisis situation - in my interpretation - is an uncertain status from which the situation can turn for the better and for

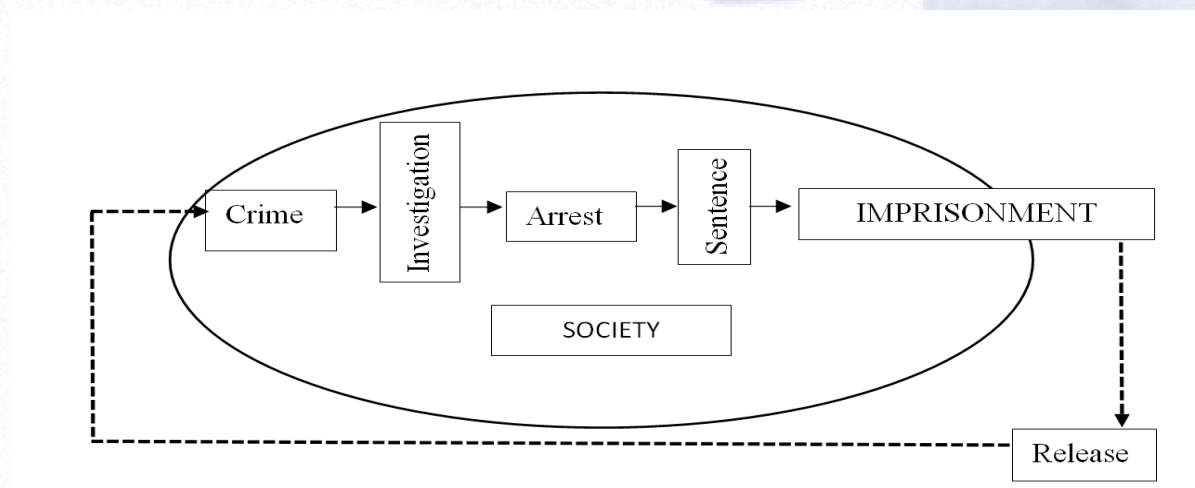
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the worse. Ergo a condition that professionals need to pay attention to and do everything possible to ensure that this crisis situation does not turn into an extremely critical condition, which can mean a serious disturbance, an emergency and, and the possible inoperability of the system.

Numerous evidence-based researches prove that the vast majority of prisons today are no longer able to perform their basic function: to facilitate the effective reintegration of prisoners (World Population Review, 2020).

Figure 1: The archaic process of criminal justice



Source: Drawn by the author

“Classical” prisons based on centuries-old traditions are largely located on the periphery of society — both philosophically and physically. We should not be surprised that the re-offending and recidivism among the released who had been exiled from society is generally very high (Yukhnenko, Sridhar & Fazel, 2019). How could the released prisoners be prepared to be reintegrated into the real world by moving them away from the real world? In my opinion there is very little chance for this in the case of prison systems operating in the “classical” form. Another major obstacle to effective reintegration is that when prisoners leave the prison gate they usually find themselves outside society. Without a supportive environment and a financially stable family background they hardly have a chance to provide themselves with work, accommodation and a normal livelihood. Of course, recidivism is not compulsory in their case either, but its risk is certainly very high.

In the present study we review the characteristics of the prison crisis on an international level, the impact of the COVID-19 epidemic on prisons and finally draw attention to a new possibility to use criminal-pedagogy as a possible alternative to reform the prison systems.

WORLDWIDE CRISIS IN THE FIELD OF IMPRISONMENT

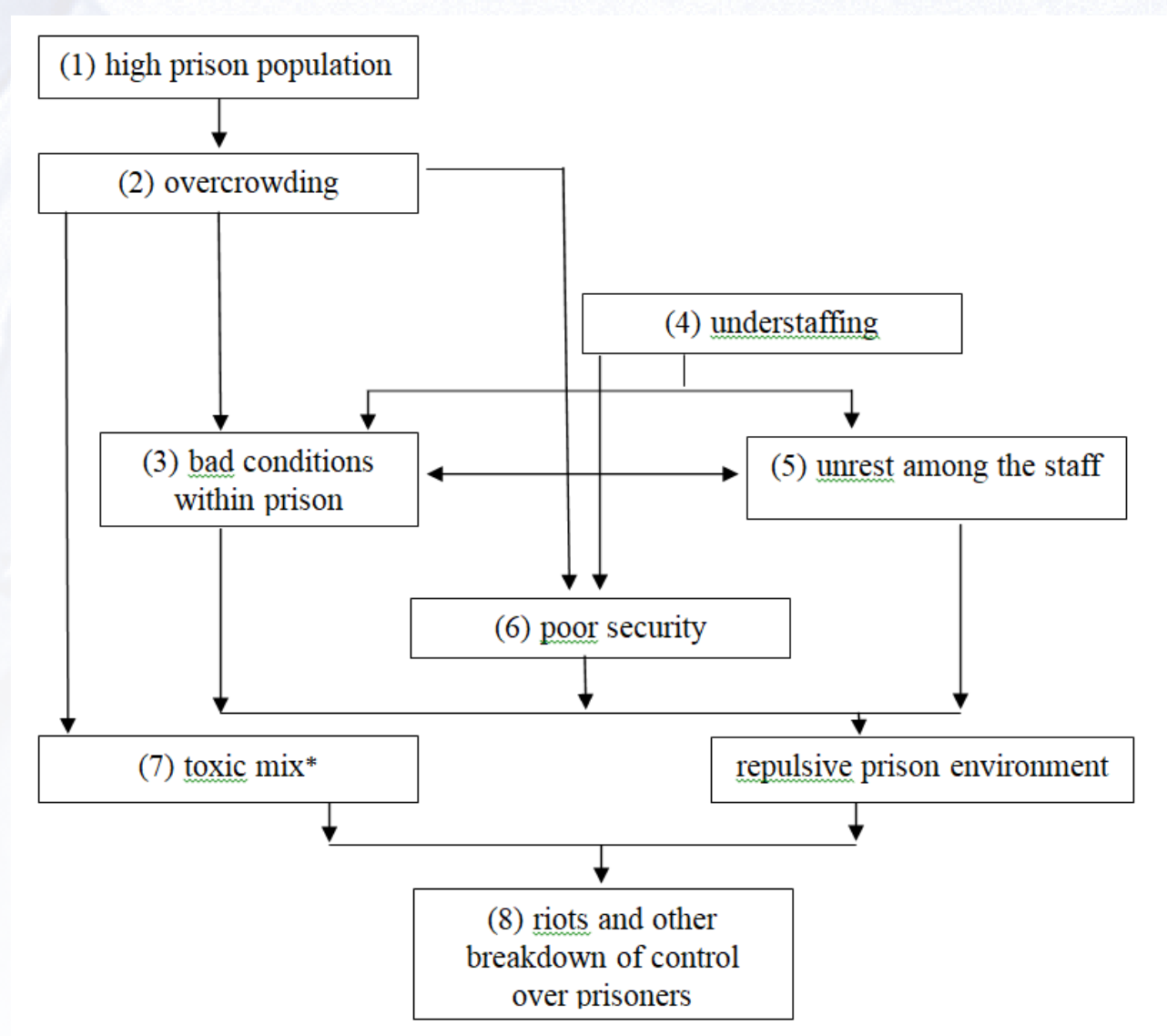
This type of crisis has been increasing nowadays. Catherine Heard – the director of the Institute for Criminal Policy Research World Prison Research Programme – said: “Prison has a poor track record of reducing reoffending or equipping people for a worthwhile life on release. (...) Data show, many of the countries where the number of prisoners has grown the most in recent years also have some of the worst levels of overcrowding. We shouldn’t be surprised when overcrowded, under-resourced



prisons produce violence, despair, and more crime.” (Walmsley, 2018) Russian prisons are, for example, famous for their overcrowded conditions. The Kresty penal institution in Saint Petersburg is said to be one of the most overcrowded prisons in the world. The designed capacity is 3000 members, but the real number is never under 10,000. Every inmate has 4 m2 of their own space, and 15 minute long shower per week. (Ürmösne, 2018)

The experts from Great Britain and the United States of America are more critical and outspoken. Prins’s opinion is, that “the American criminal justice system is in a state of crisis” (Prins, 1996: 493). Generally, the physical conditions of the prisons are outrageous. The government has been issued an unprecedented warning that inmates are being driven to take their lives as inspectors reveal conditions “worse than they’ve ever seen” (Bulman, 2018).

Figure 2: *The orthodox account of penal crisis*



* Toxic mix: a combination of different types of difficult prisoners within a single institution.

Source: Cavadino, Dignan & Mair (2013: 11)



Ricciardelli and his co-authors state that “it must be recognized that prison, in its past or present form, has not been deemed successful for the rehabilitation of prisoners, the deterrence or prevention of future criminal behaviors and providing retribution – serving justice to those who were victimized by crime” (Ricciardelli et al, 2014: 117).

Krason’s judgement is that criminal law and criminal justice in the United States may reasonably be said to be in a state of crisis. The purpose of imprisonment – and more broadly of punishment – seems to be obscured (Krason, 2013).

The United Nations has the most comprehensive insight into the evolved prison crisis. Its report summarizes the recent situation: “A large number of prison systems around the world are at a stage of crisis, the serious effects of which harm prisoners, their families and societies as a whole. The reality in many prisons tends to be not only far from international standards, but also risks undermining the ultimate purpose of a sentence of imprisonment: the protection of society from crime.” (United Nations, 2018) Elsner’s opinion is to be followed: handling this serious situation is becoming more and more difficult, because many experts agree that the penal systems worldwide are in a state of crisis these days (Elsner, 2006).

Cavadino and his co-authors offered the orthodox interpretation for the root causes of prison crisis. According to their opinion the ‘crisis’ has seven interlinking factors which culminate in grave problems for the prison system. To start, (1) the high prison population leads to both (2) overcrowding and (3) bad conditions (for both staff and inmates). In turn, this leads to (4) understaffing, (5) staff unrest and (6) poor security. The authors suggest that these factors symbolise the end product of the crisis; (7) the toxic mix of prisoners which ultimately lead to (8) riots and disorder. (Cavadino, Dignan & Mair, 2013: 11)

A crisis or near-crisis situation has developed in other fields related to prisons. Some authors, institutions and research groups have named additional issues:

1. The mental health of prisoners has been steadily deteriorating for decades (Kupers, 1999; James & Glaze, 2006; Haney, 2006; Council of State Governments Justice Center, 2015).
2. A relatively recent but significant problem is the drastic increase in the number of elderly detainees (Aday, 2003).
3. Race- and ethnicity-based prison gangs’ activity (van der Kolk, 1987; Hunt, Riegel, Morales & Waldorf, 1993; Western, 2002; McDonald, 2003; Hill, 2004, 2009; Valdez, 2005; Knox, 2005; Skarbek, 2012).
4. Prevention and control of COVID-19 in prisons – various health organizations began relatively early to prevent and control the spread of the coronavirus epidemic within prisons. It is unfortunate, however, that in the first months their opportunities were mostly limited to emphasizing the dangers of the situation and reassuring the detainees and their relatives. The World Health Organization Regional Office for Europe (2020: 1) declared, that “prison health is part of public health so that nobody is left behind. As part of public health response, WHO worked with partners to develop a set of new materials on preparedness, prevention and control of COVID-19 in prisons and other places of detention.”
5. Economic crisis – Christine S. Scott-Hayward (2010) pointed out in a comprehensive analysis that in the US “the fiscal crisis began in December 2007 has spurred lawmakers to reconsider who is punished and how. High recidivism rates among formerly incarcerated people have also given



officials cause to re-evaluate existing policies” (p. 2). The author outlined a gloomy picture of the measures expected to alleviate the economic crisis saying that “the ongoing strategies include reducing personnel costs, downsizing or eliminating programs, and closing facilities. States are also turning toward other administrative efficiencies as a means of cutting costs, including changes in food services, implementing new technology, and exploring strategies to save on energy costs” (p. 10). Despite the difficulties, however, the Centre on Sentencing and Corrections in its 2010 study takes an optimistic approach. According to their opinion, the only way forward is if “for correction agencies, this means operating facilities in the most efficient ways possible and reducing costs by identifying offenders who can be safely supervised in the community at less cost than in a prison cell. The fiscal crisis will continue to prompt states and the federal government to re-examine their policies and practices. Through efforts to reduce spending, policy makers are learning about less punitive, more effective ways to treat individuals who commit crimes, especially nonviolent crimes.” (p. 29)

6. Prison riots – one of the most tragic consequences of the COVID-19 outbreak were riots caused by the vulnerability, fear and despair of prisoners. The situation was most favourable in Europe. Probably due to the swift and decisive action of our continent’s penitentiary organizations it was only in Italy that a prison uprising took place in the first period after the outbreak (11 March) which resulted in the deaths of several people when the authorities were still completely unprepared and when, moreover, Lombardy was the the centre of infection in Europe.

In prisons of the American continent the situation has developed significantly worse, with prisons becoming more disorderly and unsafe (Blomberg & Lucken, 2000; Hagan, 1995). Rupert Colville, the spokesperson of the UN High Commissioner for Human Rights announced on 5th May, 2020 that “thousands of inmates and prison officials have already been infected across North and South America. In many countries, the increasing fear of contagion and lack of basic services – such as the regular provision of food due to the prohibition of family visits – have triggered protests and riots. (...) Some of these incidents in detention centres have turned extremely violent. The latest happened on 1 May, in Los Llanos penitentiary in Venezuela, where a revolt by prisoners reportedly resulted in 47 inmates losing their lives. Four days earlier, on 27 April, a riot broke out in the Miguel Castro, Castro prison in Peru leaving nine inmates dead. On 21 March, 23 inmates died after security forces intervened to suppress rioting in La Modelo prison in Colombia. Other incidents, including attempts to escape, have been registered in detention centres in Argentina, Brazil and Colombia, Mexico and the U.S.” (Colville, 2020:1) Infection rates and the risk of infection in the US have reached almost inconceivable proportions. According to calculations by Robert P. Alvarez, employee of the Institute for Policy Studies “in Tennessee, where a person in prison is nearly 5,000 percent more likely than someone walking the streets to contract the coronavirus, and 255 percent more likely to die from it. Or Marion Correctional Institution in Ohio, which has a nearly 90 percent infection rate.” Mr. Alvarez stressed that “it isn’t just the incarcerated who are at risk — it’s the people who work in prisons. In Indiana, for example, someone who works at a prison is 1,116 percent more likely than your average Hoosier to be infected” (Alvarez, 2020: 1). In Brazil, 1,389 of prisoners have escaped from four semi-open prisons in São Paulo state after Easter prison holidays were cancelled and restrictions on visitors tightened because of coronavirus (Ponte, Marc 16, 2020: 1). In Venezuela, a riot at a prison in Portuguesa state left at least 46 people dead and 60 injured (Reuters, May 2, 2020: 1).

Extreme conditions have also developed in Australia. According to Kriti Sharma “for the 43,000 people in Australia’s overcrowded prisons, social distancing is impossible. Lockdowns put people with psychosocial or cognitive disabilities – already at risk of being manipulated or abused by others – at heightened risk of violence, especially since independent oversight of facilities is limited.” (Sharma, 2020: 1) Thalia Anthony, a professor at the University of Technology Sydney, assesses the situation in a



similar way: “Australia’s overcrowded prisons are unable to guard against the rapid spread of diseases. It is a combined product of the facilities and inadequate sanitation and health services in prisons.” (Anthony, 2020: 1)

The situation is also tense in Africa. In countries such as the Democratic Republic of Congo, prisons are frequently characterised by overcrowding, cramped conditions, malnutrition, poor hygiene, inadequate sanitation and limited access to health care. In addition to human rights and humanitarian concerns, situations such as the COVID-19 pandemic, heighten the risk of riots and breakouts, and endangering public health and security (United Nations News, May 5, 2020: 1).

As a summary we can state that alarm has been sounded all over the world for imprisonment. Unfortunately, the “treatment” factor is completely missing in the authors’ expounding. Undoubtedly, the quality of the daily routine of prisons, the level of the cooperation between the staff and inmates and a sort of comprehensive organizing principle of prison life determine (reduce or extend) the prison ambience and the level of prison crisis. In such a frustrating and shocking situation, experts and researchers have to seek new and innovative recommendations. One of the new methods should be the utilization of the potentials of criminal-pedagogy.

INTRODUCTION OF CRIMINAL-PEDAGOGY

The concept of criminal-pedagogy as a science is certainly in need of an introduction, especially when it comes to countries it is not as well-known as – for example – in Hungary.

Definition of criminal-pedagogy

Criminal-pedagogy is a special scope of general pedagogy which deals with shaping of the personality through correctional education of persons who are in danger of criminality; who commit antisocial misconducts; criminals who are sentenced to imprisonment or putting to juvenile approved school or juvenile reformatory. During the pedagogical procedure it tries to provide for aligned developing of cognitive and social competencies. Its primary goal is promoting a constructive way of life. The constructive way of life means that a human being’s lifestyle is personally effective and socially useful at the same time. This type of behaviour modification based on the prisoners’ needs system (Ruzsonyi, 2001, 2009). One of the relevant specialized scientific fields of criminal-pedagogy is the closed-institution pedagogy (dealing with prisoners and juvenile delinquents) and its most important part is the correctional pedagogy (dealing with prisoners) (Ruzsonyi, 2014).

THE ROLE AND RESPONSIBILITY OF CRIMINAL-PEDAGOGY

Successful reintegration is very much a realistic goal, which reflects the sharing of these concepts. Undoubtedly the professional efforts that are pedagogically valuable can only be the results of a structure in which the topmost place is dedicated to reintegration (Macallair, 1993) – or, in other words, establishing a constructive way of life – and which contributes to and supports creating conditions that are necessary for the reintegration of the subjects. Thyssen was absolutely right when claiming that prison systems should do more than just make prisoners develop new habits and behavioural customs: they should directly influence the inner workings that motivate them. In order to achieve a significant improvement in one’s personality, it is vital to secure the voluntary cooperation and responsible



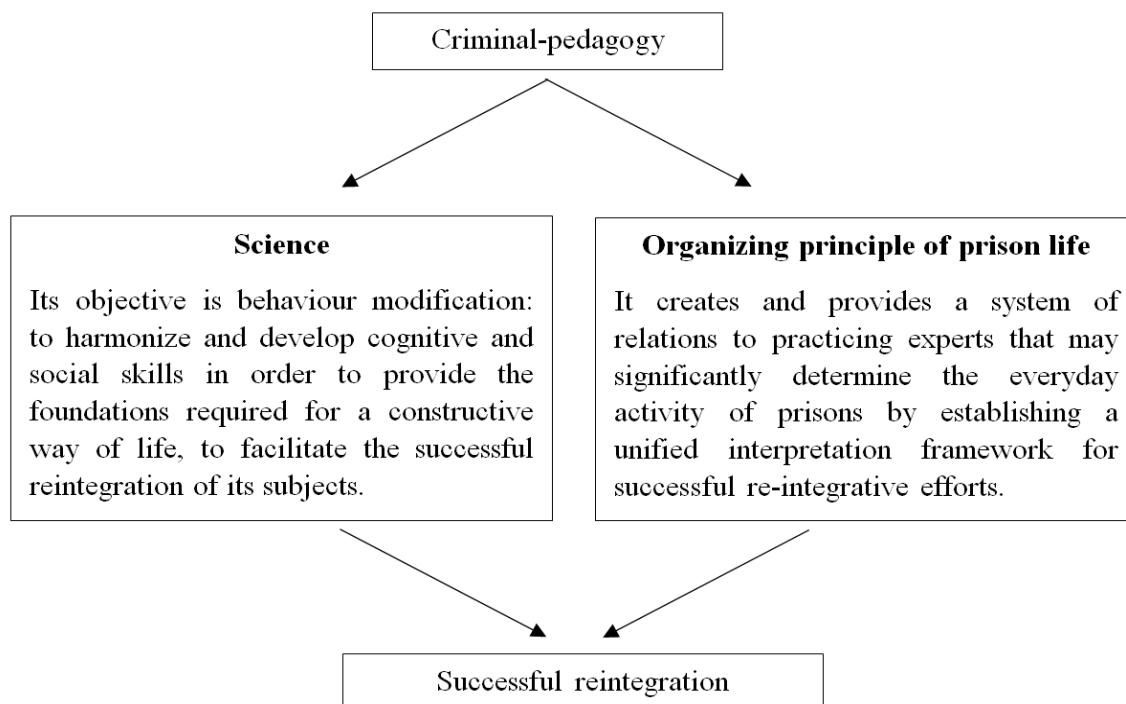
decision-making of the subjects and at the same time respect their self-esteem and sovereignty while avoiding harming their privacy (Thyssen, 2003).

However, the emphasis of the fact of re-educating, and by this, correcting prisoners is not the goal, and neither is education, which in itself cannot be an independent goal, but only a tool which can be used to refine characteristics that lie within people. It is crucial to add, though, that while it is an extremely versatile tool, pedagogical personality-improvement cannot become an exclusive tool. The system to be offered should be a complex in which the employment of inmates, the psychological aid, education, spiritual and vocational training provided to them all have important roles. Taking into account the facts above, criminal-pedagogy can enjoy being the “first among equals” as it is capable of creating a supporting environment within prisons which provides further options for the resocialization of prisoners.

Undoubtedly, criminal-pedagogy is not a panacea, but there is a certainty that neglecting such a field will result in severe long-term setbacks which would reduce the prisoners’ chances for successful resocialization and reintegration.

Creating new methods requires an aspect – and professional reasons – which can integrate the prisons’ pedagogical methods with the use of social and psychological devices dedicated to solving the conflicts between prisoners and their environment; the creation of a self-sustaining and constructive way of life; general and vocational trainings, spiritual care and the contribution of civilian organizations alike. It is important to note that the needs associated with security and the prisoners’ personalities have to be harmonized in a goal-oriented manner in order to avoid any damaging overlaps and harmful effects associated with a zero-sum game (Ruzsonyi 2018: 121). The theory of criminal-pedagogy and the related practice might contribute to this effort.

Figure 3: The double function of criminal-pedagogy



Source: Drawn by the author



In summary, it is a fact that rehabilitation is effective in reducing the criminal behaviour in at least some of the offenders. Imprisonment – and even criminal-pedagogy – is not a cure-all for all criminals but an important and in many cases necessary tool for crime prevention.

The evidence from the meta-analyses suggests that effective correctional treatment programs appear to follow some basic principles. In order to effectively reduce recidivism, it appears that treatment programs should necessarily:

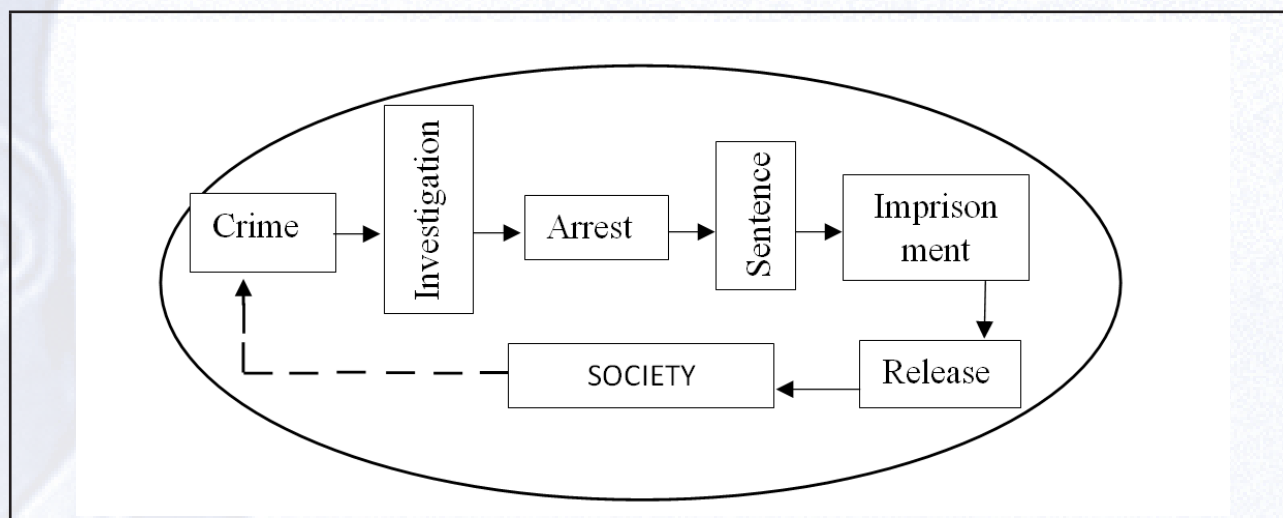
- (1) Be carefully designed to target the specific characteristics and problems of offenders that can be changed in treatment (dynamic characteristics) and those that are predictive of the individual's future criminal activities (criminogenic) such as antisocial attitudes and behaviour, drug use, anger responses;
- (2) Be implemented in a way that is appropriate for the participating offenders and that utilizes therapeutic techniques that are known to work (e.g., designed by knowledgeable individuals, programming provided by appropriately educated and experienced staff, use of adequately evaluated programs) and require offenders to spend a reasonable length of time in the program considering the changes desired (deliver sufficient dosage);
- (3) Give the most intensive programs to offenders who are at the highest risk of recidivism;
- (4) Use cognitive and behavioural treatment methods based on theoretical models such as behaviourism, social learning or cognitive behavioural theories of change that emphasize positive reinforcement contingencies for prosocial behavioural and are individualized as much as possible (See more: Dowden & Andrews, 2009; Landenberger & Lipsey, 2005).

It is unquestionable that the above would result in successful rehabilitation/reintegration, but there is one important deficiency. The overall organizing principle of these elements is missing from the previous scientific approach. Yet it is convincing that criminal-pedagogy is ready and capable of coordinating and harmonizing all the supportive initiatives and methods and reducing the negative influences at the same time.

CONCLUSIONS

I am confident that this study has proven that the professional renewal of prisons - and thus the response to one of the key security challenges of the present - can only be carried out after studying the development and current state of the crisis situation within penal systems on a scientific basis. In an absurd way, the COVID-19 worldwide epidemic has helped and accelerated facing with problems; psychological "prison walls" have become more permeable. The direct impact of the pandemic is, of course, devastating: the high level of infection within prisons, the large number of deaths of staff members and detainees, and the prison uprisings that also claim human lives are tragic. It is unfortunate that such serious events and, inextricably, a further deterioration of conditions had to take place in order for the existence of prisons and the conditions there to reach the stimulus threshold of society. At the same time the growing public interest on the matter is encouraging: the public has become aware of the current situation and conditions in the prisons and many questions have been raised as a result. I hope that this change of attitude will encourage the criminal justice profession in the narrower and broader sense to be critical of the situation, to find quick solutions to acute problems, and at the same time to seek scientific and professional answers to the crisis that has gradually deepened over the decades.



Figure 4: The optimal functioning of the criminal justice system

Source: Drawn by the author

The COVID-19 epidemic highlighted the weaknesses of the prison system. After the epidemic – hopefully – it would be a mistake to restore all the procedures and conditions that contributed to the pre-epidemic situation. Imprisonment cannot be the end of the judicial process. The effective reintegration of released prisoners depends on the existence of at least two basic conditions. (1) Internal condition: prisons cannot be “man-warehouses” that serve only retaliation and deterrence. Prisons need to operate in a way that promotes long-term change in the behaviour of detainees in order to develop a constructive lifestyle (behaviour modification). One – but certainly not the only – promising way to do this is to apply the scientific findings of criminal-pedagogy as a system-organizing principle. (2) External condition: prisons as institutions of society deal with offenders who remain members of society during their sentence and who try to reintegrate into the same society after their release. Prisons alone are not able to perform their social function, they need help and support from the narrower and wider environment all the time. The combined fulfilment of these two conditions does not in itself guarantee the effective resocialization of the prisoners but at least creates a realistic chance of it.

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