

Life Imprisonment: 25 years of criminological and psychological research (1993-2018)

Cadena perpetua: 25 años de investigación criminológica y psicológica (1993-2018)

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academ-05@mail.ru**ABSTRACT**

Our study of 28 life convicts serving their sentences in special-regime correctional institutions in Altai Krai Federal Department of Corrections show that 70% of them are on the operational record as prone to escape, hostage-taking and suicide; 72% are recognized as persistent violators of the detention regime; only 28% have signs of guilt and remorse (72% admitted partially and did not repent); 88% have a high level of aggressiveness and conflict, and 64% of professional and social skills are unstable, and 4% - not formed at all. While the majority of this people is of 60-65 years, 90% of them have lost social contacts, professional and labor skills. As a rule, these are disadapted individuals in the conditions of new life realities, who have retained their experience of criminal activity and a high degree of social danger, and 70% of them will need social patronage after their release.

Keywords: Life imprisonment, correctional institution, correction service, Altai Krai.

RESUMEN

Nuestro estudio de 28 condenados a cadena perpetua que cumplen sus condenas en instituciones correccionales de régimen especial en el Departamento Correccional Federal de Altai Krai muestra que el 70% de ellos están en el registro operativo como propensos a escapar, tomar rehenes y suicidarse; 72% son reconocidos como violadores persistentes del régimen de detención; solo el 28% tiene signos de culpa y remordimiento (72% admitió parcialmente y no se arrepintió); El 88% tiene un alto nivel de agresividad y conflicto, y el 64% de las habilidades profesionales y sociales son inestables y el 4% no está formado en absoluto. Si bien la mayoría de esta gente tiene entre 60 y 65 años, el 90% de ellos han perdido contactos sociales, habilidades profesionales y laborales. Como regla general, estos son individuos desadaptados en las condiciones de las nuevas realidades de la vida, que han conservado su experiencia de actividad criminal y un alto grado de peligro social, y el 70% de ellos necesitará patrocinio social después de su liberación.

Palabras clave: cadena perpetua, institución correccional, servicio correccional, Krai de Altai.

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INTRODUCTION

Taking into account the fact that the execution of a sentence of life imprisonment is associated with a number of difficulties (assessment of the effectiveness of the correction of convicts, ensuring the implementation of their legal status, maintenance of psychological stability, the possibility of early release, etc.), actively discussed in the literature (Antonyan et al., 2010; Kashuba, Skiba, 2006; Smirnov, 2011; Useev, 2016), it seems relevant to analyze the characteristics of the personality of this category of convicts. The author's research began in 1993 in correctional institutions of Ivdel, Sverdlovsk region and Belozersk, Vologda region, where by the middle of the 90s the majority of persons serving life imprisonment in Russia were kept.

DEVELOPMENT

The introduction of a criminal punishment in the form of life imprisonment in 1992 took place under the conditions of growing criminal violence in the country (organized crime, crimes of a terrorist nature, etc.). Meanwhile, this legislative innovation was largely contradictory and was not accompanied by the necessary changes in criminal and correctional (penal and correctional) legislation, which initially had a negative impact on the practice of life imprisonment.

It is well known that this category of prisoners is characterized by a high degree of social danger and social and pedagogical neglect (Utkin, Detkov, 1997). Professor Y.M. Antonyan, who conducted social and psychological research of necrophilic murderers during the same period, came to the conclusion that "the persistence of passion inherent in murderers while serving their sentences can be expressed in irritability and outbreaks of aggression" (Antonyan, 1996). The criminological forecast made at that time gave grounds to believe that the number of life prisoners in the country would increase by an average of 60-70 per year, which required the solution of legal, economic and organizational problems to ensure proper conditions of detention of this category of prisoners. Unfortunately, the organizational and legal aspects of the implementation of life imprisonment have not been properly adjusted over the period under study.

The results of initial criminological and psychological studies conducted in 1993-1996 showed that the average age of those sentenced to life imprisonment at that time was 36-40 years, which is 5 years younger than the age of those convicted who had served a certain term of imprisonment, and who had been replaced by the death penalty as a pardon (and, in general, similar comparative penitentiary developments are relevant) (Ushatikov et al., 2017).

Let us distinguish a number of individual characteristics of those sentenced to life imprisonment at that time. Thus, one in four of them had no secondary education, only 24% were married (after five years of marriage, 20% of them had broken up their marriages), 80% maintained contact with relatives (during five to ten years, 40% of them had broken social ties), 68% had a specialty (mainly working professions), 42% had been convicted for the first time when they were minors, and 95% had been convicted earlier, and 70% - two or more times, and at the time of committing the crime about 80% were intoxicated. All persons were convicted of particularly serious crimes: aggravated homicide (80 per cent), serial homicide (50 per cent), leadership and participation in organized criminal groups (40 per cent), terrorist acts (20 per cent), etc. At the same time, more than half of those sentenced to life imprisonment killed two or more persons.

The results of the study of criminal cases also allowed to conclude that their criminal activity was accompanied by a high level of latency, long-term character, multi-episodic nature, and committing crimes of different gravity.

Almost all cases of rape and robbery have resulted in homicides, often with particular brutality. In the case of serial rapes, however, the perpetrators generally did not survive.

Thus, with very unfavourable criminological characteristics, about half of those convicted still maintained social ties and seemed to plan to be released from prison.

At the end of the 1990s, it became evident that a more comprehensive and objective picture of the socio-demographic and psychological portrait of a prisoner sentenced to life imprisonment required a long and comprehensive study of his or her personality.

The results of subsequent studies of life prisoners in the correctional facility in Ivdel, Sverdlovsk region, conducted in 1998, show the following: about 56% take a passive personal position, try to avoid failure, tend to "swim with the current", etc., 57% are able to objectively assess the current extreme situation, control their behavior and take adequate measures in situations of fear, stress, 52% are optimistic, hoping for release from prison and the device. By the nature of the actions in a stressful situation, the convicts: They experience "unpleasant situations" in a depressed state, which is aggravated by deep stress (their answer was the most widespread), have a clear tendency to aggressive actions, which can be manifested in demonstrative disobedience to the administration, taking hostages, Attacks on employees with the aim of seizing weapons, beating of inmates, escape from prison (second place), go into the world of inner feelings and turn to God (third place), tend to nostalgic memories (fourth place), prefer to go into the world of dreams and illusions about the future (fifth place), etc. . In addition, according to the results of the survey, about half of the convicts strive to be released from prison for the transition to a quiet family life, as they

have retained social ties.

Let us separately highlight the following results of the research conducted in 1998

- Only about half of the convicts got acquainted with the Penal Enforcement Code of the Russian Federation (which replaced the Correctional Labour Code of the RSFSR), and they focused on the execution of the sentence in the form of life imprisonment, and about one in twenty people expressed their satisfaction with the provisions of the Penal Enforcement Code of the Russian Federation;
- About half of the inmates expressed dissatisfaction with the duration of their walks and the conditions of their exercise;
- About a third of the convicts disagree with the current situation and will try to secure their release by all means;
- More than half of those convicted believed that they should be held in cells of two or three to six people each;
- The majority of the convicts expressed dissatisfaction with the quantity and quality of food, the lack of warmth and dissatisfaction with their sexual desires;
- More than half of them were not satisfied with their state of mental health, therefore they wished to communicate with a psychologist as often as possible;
- About half of the convicts did not see any prospects of their release.

Thus, the mental state of the majority of prisoners did not allow optimistically assessing the effectiveness of their normal post-penitentiary adaptation, for example, in case of their conditional release.

In general, penitentiary psychology usually distinguishes between three stages of imprisonment: adaptation, basic and final. At each stage, dynamic changes in the social-legal and psychological characteristics of the convict's personality are recorded.

The results of psychodiagnostic studies conducted during the period of adaptation of convicts to life imprisonment (1993, 1995, 1998) have shown that more than half of them take a passive personal position in the form of "self-care" and have a state of deep "out" with motivation to avoid failures and intentional "floating in the current". In terms of internal tension, they tend to be psychologically unstable, impulsive, irresponsible in extreme situations (from suicide to hostage-taking) and have a steady tendency to act aggressively, which may manifest itself in the demonstrative disobedience of the administration, hostage-taking, attacks on prison staff, beating of inmates, and high conflict threshold. At the same time, their behaviour may be unpredictable.

The next stage (from 3 to 5 years) from the moment of arrival at the institution is a kind of awakening. During this period, 30% of the convicts show interest in life, approximately one in ten starts to take an interest in religion, and 70% have questions about the prospects of serving their sentence and the possibility of release. This period can be referred to as a "device".

In the process of execution of life imprisonment, an important place is occupied by the regime of serving the sentence, which actually covers all aspects of the activities of the correctional institution. By the way, for the first time Professor A.L. Remenson drew attention to the qualitative side of the regime of serving a sentence, who introduced the concept of punitive educational process into the theory of correctional labour (penal and correctional) law (Remenson, 2003).

As practice has shown, the regime of execution of life imprisonment requires the application of a number of legal, organizational, psychological, pedagogical and other measures arising from the need to take into account the personality of convicted persons, to ensure an adequate level of security and law and order in the relevant institutions. However, it is unlikely that these measures should strengthen the very nature of the criminal legal punishment, which is inherent in the deprivation of liberty as a form of criminal punishment, if only because the most severe type of punishment (from those currently applied - note: the author's note) - is life imprisonment.

Our research has shown that an attempt to cross this threshold can lead to a contradiction between penal legislation and its application and the principles of humanism and respect for human dignity, as well as with generally accepted international legal standards for the treatment of prisoners, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

Increased security measures and supervision of this category of convicts in general are conditioned by their increased social danger. This contributes to the prevention of crime, interpersonal conflicts, suicides and other violations of the established regime for serving sentences.

According to Article 127 of the Penal Enforcement Code of the Russian Federation, two people each are sentenced to life imprisonment. Our observations for a long time testify to the fact that an individual, being in such isolation conditions, is deformed socially and psychologically.

And if in the first two or three years the overwhelming majority of the convicts (about 90%) have thoughts about the past and self-analysis of what happened, then later they try to understand the very life imprisonment, to imagine the prospect (albeit ghostly) of being released.

Meanwhile, it is obvious that if there is a possibility of parole (or otherwise: in connection with a serious illness of a convicted person (Article 81 of the Criminal Code of the Russian Federation), in case of pardon (Article 85 of the Criminal Code of the Russian Federation), it is necessary to comprehensively monitor the mental state of a person to prevent him/her from committing another crime.

A special census of convicts and remand prisoners, conducted in 2009, also touched on those sentenced to life imprisonment:

- Socio-demographic characteristics: 74.2 per cent of all those sentenced to life imprisonment are men aged 30 to 50; 96.2 per cent are Russian citizens; 91.2 per cent have a secondary education; 54.2 per cent did not work before their conviction; and 70.4 per cent were unmarried (a clear decrease compared with the 1990s) In the twentieth century, the number of convicts with social ties was 81.8%, including 70.6% Orthodox or Christians of another confession;
- Medical characteristics: 92.2 per cent do not suffer from mental disorders (these data require further study-note: 99.4 per cent do not suffer from HIV infection and 69.1 per cent from tuberculosis);
- Criminal characteristics: 50.6 per cent committed an offence of complicity and 20.4 per cent as part of an organized group or criminal association; 52.4 per cent were initially sentenced to life imprisonment and 47.6 per cent to the death penalty;
- Penitentiary characteristics: 62.3% served more than 10 years; 73.6% previously served their sentences in the form of imprisonment and 18.7% were conditionally released (which requires clarification of the criteria for its application and overall adjustment of the institution - note the author); 95.5% serve their sentences outside their place of residence or conviction (i.e. far from relatives and close friends - note:); 68.6% are held in strict conditions (i.e. are characterized by a negative administration of the correctional facility - note:); 85.3% are able to work and 79.1% are involved in socially useful work (Kokurin, Seliverstov, 2011).

CONCLUSIONS

Comparative legal (socio-demographic, criminal-legal, penal and psychological) characteristics of the personality of life convicts at different stages of serving the sentence and the results of our research give grounds to believe that their psychotype changes significantly in the process of serving the sentence, but at the same time its stable criminal attitudes remain. Being in isolation for a long time, the majority of convicts have the effect of “frozen stress”.

Thus, the results of our study of 28 life convicts serving their sentences in special-regime correctional institutions in Altai Krai Federal Department of Corrections (this group was first studied by us in the 1990s.) show that 70% of them are on the operational record as prone to escape, hostage-taking and suicide, 72% are recognized as persistent violators of the detention regime, only 28% have signs of guilt and remorse (72% admitted partially and did not repent), 88% have a high level of aggressiveness and conflict, and 64% of professional and social skills are unstable and 4% - not formed at all. In addition, the age of this category is 60-65 years, 90% of them have lost social contacts, professional and labor skills. As a rule, these are disadapted individuals in the conditions of new life realities, who have retained their experience of criminal activity and a high degree of social danger, and 70% of them will need social patronage after their release.

Currently in Russia there are more than 2,000 persons deprived of their liberty for life, of whom more than 200 have the opportunity to be released on parole in accordance with Article 79 of the Criminal Code of the Russian Federation; at the same time, this provision of the criminal law is not focused on the proper consideration of their mental health, social ties and other circumstances. Moreover, article 79 of the Criminal Code does not aim at the need for a comprehensive study of the personality of the convicted person in order to prevent him or her from committing another crime. It seems that the application of this type of early release from serving a sentence in respect of the category of persons under consideration should take into account the peculiarities of the characteristics of their personality in order to effectively achieve the goals of the application of criminal punishment, enshrined in Article 43 of the Criminal Code of the Russian Federation.

Our results of 25-year criminological and psychological research (1993-2018) of life imprisonment convicts show that it is obvious that it is necessary to continue this work, to strengthen the psychological support of corrective action in their respect, to clarify the criteria for their possible conditional release from serving their sentence, as well as to organize post-penitentiary control over their behavior, which will require adjustment of the criminal, penal and other legislation.

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