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N. 1/2021 NORME E PRATICHE DI TUTELA DEI DIRITTI FONDAMENTALI IN CARCERE

a cura di Perla Arianna Allegri, Michele Miravalle, Daniela Ronco e Giovanni Torrente

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Prisoners for Sex Offences in Greece The “Black Sheep” of the Prison Community

Anna Kasapoglou, Dimitris Koros, Nikolaos Koulouris¹

Abstract

The aim of the paper is to examine the prison experience of sexual offenders in Greece and reintegration interventions suggested by them. No special statutory provisions exist for their treatment, nor are there any special throughcare programs in place. The construction of sexual offenders as a special category is based on their de facto separation from other prisoners, in line with the informal code shaping the social organisation of the prison community and the protective custodial regime they are subjected to, discredited, and segregated from the general prison population on the grounds of their offence.

Key words: sex offenders, Greek prison system, experiences of prison

1. Sex offenders, the monsters of the prison population

Sexual offences cause shock to collective conscience (Durkheim, 1893: 79) and the punishment of perpetrators plays a necessary social function (Vold et. al., 1998: 128), the symbolic representation of society’s moral

order and the reaffirmation of its importance for the preservation of normality (Garland, 1990: 25), consolidating the respect for common beliefs, traditions and collective practices (Durkheim, 1893: 84). Sexual crimes raise moral panics that contribute to the “othering” of offenders (Levins, 2014: 6) and affect penitentiary policy and practice. Such crimes produce a “punitive consensus”

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against offenders, who first come to mind when discussing the limits of critical penological approaches.

For Simon (1998), sex offenders are examples of understanding crime as a psychopathological and high-risk management issue. Hebbenton and Seddon (2009) discuss how punitiveness regarding sex offenders is turning to the protection of vulnerable citizens from “monsters”. The traumatising experience of prisons is harder for sex offenders. Spencer (2019: 219-21, 223) discusses the sex offender as Agambenian homo sacer, “stripped of political and legal rights”. The sex offender has lost the characteristics of a human being, understood in terms of a state of nature, a form of life outside law, excluded from law but at the same time attached to it by its very exclusion. In Agamben’s analysis (1998), homo sacer can be killed with impunity, in a way approximating civil death.

Sex offenders are treated in terms of incapacitation. They are the most obvious example of the demonisation of the “incurable”, inextricable to neoliberal punitiveness (Spencer, 2019: 224-5). Vigilante groups demand their removal from neighbourhoods, publicising their personal data, etc.

Imprisoned perpetrators of sexual crimes belong to the “bottom of the inmate hierarchy”, often put in protective custody to avoid violence, injury or death, self-harm or suicide, tolerated or informally rewarded by prison staff, resembling much of Agamben’s

description (Spencer, 2019: 233-4). Imprisoned sex offenders are further differentiated, with pedophiles at the lower level and rapists of adult women having a better status. Prison officers’ abuse of power against them is sometimes observed, due to staff disgust for their acts. Moreover, the offence a person has been imprisoned for is important for the construction of the self in prison (Levins, 2014: 4, 7). Extreme violence against sex offenders is observed even in the protective environments they are often held. The custodial regimes for them are characterised by a deep “culture of fear”. The fact that a prisoner is accompanied by officers is indicative of the offence, even if there are many other grounds for a prisoner to be protected. Special prisons for sex offenders might increase their feeling of safety, while they might also result in quite the opposite (Levins, 2014: 10-13).

Baker et al. (2021) conducted quantitative research with 3,041 imprisoned sex offenders in the US and found that they are characterised by fear regarding their future housing situation, rather than recidivism. Studied offenders have weaker social bonds, serious difficulties in socialising, higher fear of victimisation during imprisonment and less access to primary goods. Nevertheless, no radically different perceptions regarding services in prison were observed and hope for employment, as a result of the alleged ability to acquire basic skills during imprisonment, is high (Baker et al., 2021: 137-138, 144, 148).

The study of Van den Berg et al. (2018) explores the social isolation of sex offenders in Dutch custodial institutions (Van den Berg et al. 2018: 5). They are more stigmatised than the general prison population, viewed as incurable, evil, lacking social skills. In terms of relations with parents and childhood, they are more socially awkward. In terms of hierarchy, it is not confirmed that children's victimisers are in a worse position than other sex offenders, possibly because some prisoners keep their offence secret. Those having meaningful social relations before prison maintained them upon release. The research emphasised the importance of the training of prison staff towards building meaningful relations with sex offenders and in preventing their victimisation (Van den Berg et al., 2018: 11-14).

For Ricciardelli and Moir (2013) released sex offenders in Canada have one of the most stigmatising statuses. Intensely supervised in the post-release period, they are more stigmatized. Sex offenders are viewed as inferior, dangerous, inhuman, devaluated identities due to an inherent flaw, leading to a "homo sacer" treatment. They are perceived to be deserving severe punishment and poor treatment. They are viewed negatively in prison both by staff and other prisoners. Police and prison officers have more negative attitudes than probation officers, psychologists and other prisoners. Sex offenders are considered "less than human", and it is acceptable to victimise them (Ricciardelli and Moir, 2013: 356-358).

A "double segregation", a "penal" one, from the wider society, and a "custodial" one, from the prison community, is observed for those imprisoned for a sexual crime, being excluded from basic groups and cultures (Ricciardelli and Moir, 2013: 359). Hierarchy is again observed: rapists have slightly higher status than those who sexually abuse children, perceived more negatively than those who victimise adult women by prison officers. This status stems from them being regarded as "demonized, disrespected, condemned, viewed as 'evil'", called "sick", "weirdos", "skinner". Victimisation, the experience of a constant threat even in protection and the situation of a constant social isolation are also present. Attempts to return a person to the general prison population, after a period of detention in a protective regime fail, as "word travels", producing hostility. Therefore there is a need for policies tackling the victimisation of sex offenders (Ricciardelli and Moir, 2013: 357, 367, 371-4, 377).

In addition to the stigmatization and victimization of sex offenders, in a feminist account criticising punitive "carceral feminism" moving towards a neoliberal path around sex, Taylor (2018: 34) questions the prison and the penal system as the sole solution for the treatment of sex offenders and for dealing with sexual violence in general. She argues that sexual offenders are increasing despite stringent sentences and doubts their possible relation "to the biopolitical investment in sex that has characterised the

West”. Sex offenders are subjected to an intrusive penal-medical apparatus. Relevant policies are rather costly measures that do not succeed in producing safety for the communities, while they render reintegration almost impossible. Approaching endemic sexual violence in prisons from a feminist perspective, prison should be dealt with as “a hyper-misogynist space where sex offenders are particularly targeted for rape, and sexual violence is structural and mundane” (Taylor, 2018: 2). Therefore, the culture of rape normalises practices of rape as punishment.

2. The Greek penitentiary system: Expansionism, bifurcation, warehousing and emergencies

The 1999 Penitentiary Code adopts a neutrality model regarding the execution of custodial sentences (Karydis and Koulouris, 2013: 271-2). The Greek prison system is characterised by poor infrastructure, limited space, understaffing, lack of proper medical care (OPCAT, 2019; CPT, 2020) and the over-representation of foreigners (Koros, 2020: 207). Moreover, the training of the custodial staff is considered inadequate. They work in poor working conditions, lack of guidance and supervisory skills, isolated from other criminal justice agencies and community partners and they perform turn-key and procedural security duties. Qualified professionals are extremely disproportionate to the number of prisoners (Karydis and Koulouris, 2013: 275-6).

The expansionist policy adopted between 2000 and 2007 followed by inconsistent bifurcation measures with long prison sentences, despite the crime rates being either lower or equal to European median, was accompanied with emergency releases (2014-2019) to address the unanimously recognized problem of prison overcrowding (Palma et al., 2019: 4, Karydis and Koulouris, 2013: 265-8), “blamed” for the violation of prisoners’ rights, the increase of insecurity and the hardening of welfare-reintegrative programs implementation (Dimopoulos, 1998: 131, 2009: 488-9). Warehousing prisoners is inhuman treatment (Koros, 2020: 208) and produces an inert and socially deficit prison population (Koulouris, 2009).

3. Greek studies for sexual crimes and sex offenders

Criminological discourse in Greece regarding sex offenders is rather poor. Giotakos’ study (2004), conducted with prisoners for sexual offences, adopted a psychiatric approach. Bisbas’s study (2018) addresses the need for therapeutic interventions regarding sex offenders and discusses the inherent problems of the Greek penitentiary system that prevent such interventions. Other studies examine rape cases from a victimological viewpoint (Tsigris, 1998) and offenders’ profiles and modi operandi (Karabelas, 2001). Dimopoulos’s (2006) study discusses sexual crimes against minors and Tsiliakou’s (2011) work presents alternative justice models for sexual offenders. The treatment of prisoners for sexual offences and their experiences of

imprisonment remain largely out of sight. Sex offenders are neglected as it happens with marginalised and isolated groups and communities. Usually, research with these groups focuses on processes of marginalization, and interventions informed by such research do not address their experiences (Beaton et al., 2017: 563). The present research is focusing on prisoners and ex-prisoners for sexual offences themselves.

4. Research methodology

Our study will be based on narrative research, with human life stories told by acting subjects themselves (Hollway and Jefferson, 2000: 32). It is a way of understanding experience (Given, 2008: 541) with biographical procedures (Tsiolis, 2007: 97) that allow the study of interviewed participants' incarceration experiences, openly and flexibly (Atkinson, 1998: 24-25).

Participants were purposively selected, by identifying the potential research population (prisoners for sexual offences). Additional selection criteria were the length of time they were in prison (*at least one year*) and their *fluency in Greek* (Babbie, 2011: 291-292).

After a permission granted in June 2021 by the Ministry of Citizen Protection to conduct the research at Grevena Prison, one of the two custodial institutions where sex offenders are held in Greece, the administration of the prison listed prisoners registered in the prison's database, meeting the above-mentioned criteria (existing sample frames) (Bab-

bie, 2011: 316-321). 36 of 77 identified prisoners participated in the research, due to time restrictions and taking into account that qualitative research does not follow standardised sampling procedures (Glesne, 2018: 101-103).

The research was conducted in July 2021. Potential participants were called one by one and were informed of the research and signed a written consent form explained to them orally. Each semi-structured interview (Iosifides, 2008: 112) lasted about one hour and a half. The opening questions focused on issues regarding participants' demography and legal status. A number of questions regarded the prison regime and offenders' prison experiences. The last section referred to reintegration interventions in prison and post release prospects. The elaboration of data followed thematic analysis principles (Glesne, 2018: 287-325).

5. Main research results

5.1. Profile and legal status of the participants

All participants but one are Greek citizens. Their average age was 51 years. 9 of them were divorced or separated and the rest were unmarried (13) or married (14), with children (average 2). Their professions did not, in most cases, presuppose high education and special skills. Only 4 of them had science and art-related or similar professions. 2 were illiterate, 14 were primary school graduates, 6 were secondary school graduates, 3 had high

school certificates, and 9 were university students or graduates. 26 lived where they were born, most of them in provinces, a few in urban centers. One was a resident of another country.

10 of them were cannabis users. 7 were diagnosed with mental health problems related to imprisonment.

The offences participants were accused of or convicted for are classified into sexual offences against a minor (24 prisoners) and rapes against adult women (12 interviewees); 13 of 24 offenders of acts against minors referred that they were accused of or convicted for rape. 4 participants were additionally charged or convicted for homicide. The victims of 3 offenders imprisoned for crimes against minors had some kind of disability. 2 prisoners were accused of procurement.

19 participants refused that they committed an offence, 8 partly accepted it, and 9 took full responsibility for it. The average imposed custodial sentence was 40 years (20 to be served actually). The average time spent in prison was 5 years. 12 participants were convicted again in the past, 3 for another sexual offence and 9 for other offences. 31 had clear disciplinary records. Among the other 5, 3 had prior convictions and prison experience. 20 participants had served some time in Tripolis Prison, exclusively accepting sex offenders. 12 were remanded in Korydallos (Judicial) Prison.

5.2. The participants' offences

Participants who do not admit the commission of an offence refused to discuss their relation with the victim or the conditions that led to their arrest. Where victims were children, they were either offenders' relatives or children of their partners, students and children from the offender's social circle. Some stated that their sexual relationship with the victim was consensual. Victims, adults or juveniles, were women or girls, and in three cases boys under 12 years old. In cases of rape against adult women, victims were in most cases unknown to interviewees; exceptionally, they mentioned that there was prior acquaintance from the wider social environment or that victims were either their partners or persons who consented to having sexual encounters with them.

Many claimed that their involvement in criminal procedures for an offence against a minor is owed to *vengeful accusations* and *family conflicts*. The reasons given for rape against adult women are *unfortunate circumstances* or *vengeful accusations*. Some mentioned *alcohol or drugs as pushing factors*. Some of the cases gained *considerable media attention* that targeted them and affected negatively their prison experience. In two occasions participants connected their situation with *abuse or sexual experiences during childhood*.

5.3. Being a sex offender in prison

The *reception of participants from prison staff* and their relations were defined by the majority as *very good and not discriminatory*. In some

cases, though, *hostile reception experiences and derogatory behavior were mentioned, drawing a distinction between the worse (Grevena) and the better (Tripolis).*

The detention conditions in Grevena were characterised as good by the participants, especially in comparison to those in Tripolis. For some participants the conditions are not decent, due to overcrowding, poor hygiene and bad nutrition.

The majority of interviewees have been assigned work in prison, beneficially calculated as additional sentence time. Some do not work for various reasons, such as age, the imposition of a disciplinary sanction, staff discrimination, health problems and reasons related to the way courts assess work in prison, taken as a guilty plea.

Most participants mentioned that their physical integrity and life are in danger during their court transfers and protective separation in solitary cells of another prison (Korydallos). Almost all have suffered, witnessed or heard of violent incidents. Interviewees reported verbal violence, spitting, throwing of water and urine and incidents of physical abuse. An extreme form of violence is sexual abuse by other prisoners. Escort police officers tolerate, even incite other prisoners being transferred to harm sex offenders.

Violence in prison is less and not related to the offence a person is incarcerated for. Basic reasons given by participants for troubles are everyday coexistence issues and masculinity. Most of them highlighted that allocation of sex offenders in special wings or protection prison units prevents incidents of violence. Finally, a

small number of participants connect violence to a prisoner's (provoking) behavior.

The majority of interviewees confirmed that the prisoners' informal code influences relations among them and with prison staff, not so much in Tripolis, which hosts exclusively sex offenders, nor in Grevena, where these prisoners are detained separately from others, but in prisons where prisoners for non-sexual crimes are detained. The time a person has spent in prison is a key determinant for prisoners' status. Most participants doubted the existence of a hierarchy among them. Some, though, pointed that hierarchy does exist and they put child molesters at the lowest status.

Most participants said that they have not taken part in any reintegration program during their custody. Some attended educational or detoxification programs and sports. Finally, two participants mentioned that they expressed their interest to attend an upcoming program of an ex-prisoners reintegration organisation.

5.4. The prison experience

The vast majority of participants did not expect to be in prison at all and just a few dealt with custody as an outcome of their actions. One expected to be detained because of prior charges against him. 3 of 4 participants who expected to end up in prison were involved in homicide cases.

Participants' feelings upon admission to prison were cataclysmic. Some referred suicidal thoughts or attempts to commit suicide or self-harm. Many felt fear after they entered prison, due

either to the *unknown environment* or to reactions they heard they would meet for their offences. However, a considerable number of participants were not afraid because in Tripolis and Grevena prisons the population is homogenous or because they had a prior experience of imprisonment and they knew how to protect themselves. Most participants said they were *welcome and supported* by other prisoners. Some participants, though, mentioned that they were received with suspicion or in a bad manner.

The vast majority of participants applied for *work assignment* and engaged in *limited relations with other inmates*. A few, due to their *prior prison experience, adjusted easily*. Two interviewees of high educational and social background mentioned that they had *not been adjusted, stating that they perceived adjustment as assimilation of the negative connotations of prison*.

Work is an important determinant of interviewees' routine. Equally important are simple ways to do prison time, such as *reading, hanging around in the courtyard, playing games and sporting, attending educational activities and watching TV*.

Participants are financially supported by their *close family*. Many prisoners, though, live by their own means, which might be a *pension* or a *wage*. On the other hand, there are some prisoners who create and sell *handicrafts*. However, some participants *do not have any financial support* and depend on prison's *Social*

Service or the *Church*; some even *offer services to the rest of the prisoners in exchange of some goods*.

As regards participants' experiences of violence or abuse either from other prisoners or police and prison staff, many mentioned that they themselves *had not experienced incidents of this kind*. Some mentioned the opposite, attributing violence not to their offence but to disputes for *money, possession of goods, or symbiosis problems*. They also refer *serious violence during court and prison transfers* (see above).

Participants' relations with other prisoners are characterised as *good*. They mentioned, though, that they are very selective to build *close relations*. For some participants their relations with other inmates are *not good, or do not exist at all*. Some of them stated that *they feel isolated in prison*.

Difficulties of interviewees' coexistence with other inmates is dealt with *distancing*. Some are *totally indifferent for the crimes* committed by others, *or they ignore* these crimes.

Regarding the *close social environment* of participants, many refer that relatives and *friends* support them *financially, morally and emotionally*. However, in some cases their offence and imprisonment lead to *divorce*. On the contrary, some participants report that while initially their intimates *kept them at a distance*, later on *their relations were restored*.

5.5. Reintegration interventions

The vast majority of participants believe that reintegration programs should aim at *job finding and housing*. Some participants mentioned the importance of *educational programs and creative activities*. *Financial support* for the post-release period is, in many participants views, the means to manage things upon release.

Many said that *psychological support* programs that *start in prison and continue outside* are necessary. Among them, many suggest that this support should be obligatory, considering that sexual offences, especially against children, are (mental) “*diseases*” that ought to be treated in therapeutic terms. Contrary to this, some interviewees consider that *no reintegration program would work equating sexual offending, especially against children, with incurable sickness*.

One participant raised the problem of stigmatisation. Reintegration, he said, presupposes that *all information related to the crime committed be erased from the internet* after the sentence has been served.

Almost all participants mentioned that they are *looking forward to having a job that will be offered to them by their families or other acquaintances* or to *retire after their release*. The vast majority of participants declared that they have either a private property or other accommodation to live after release. Their future plans are *to create a family or to return to their existing one, and live a quiet life*.

6. Thoughts and reflection. Sex offenders, custody and beyond

The starting point of this research was the lack of any special provision regarding their custodial regime and post-release status. Nevertheless, in addition to the blame and stigma attributed to them in criminal legislation and punitive social reactions, they are separated from the general prison population to be protected from other inmates. A de facto category of unpopular prisoners is thus constructed. Their negative image is amplified within the prison estate in two levels; one as prisoners and a second as offenders who pay the price for the aversion their offences cause to law enforcement staff and to other prisoners, bringing to mind approaches comparing their status to Agamben’s homo sacer. Their multiple social exclusion, not counterbalanced by tailored interventions to strengthen their reintegration potential, pushes them deeper in the prison quagmire. The concern of the prison administration is to prevent their victimisation from other prisoners, in a way, though, that confirms their vulnerability; they are left to their own devices to lead a law-abiding life.

Despite this, their status and relations shape a controversial and contradictory experience, combining denial of responsibility, adoption of a medical, mental deficiencies approach and rehabilitationist rhetoric, selective trust and support, easy adjustment, widespread fears, (self-)harm and willful isolation. They do not suffer the pains of imprisonment in

the worst form and they are optimistic as regards their ability to go their own way after release, although almost nothing happens to prepare them properly. Thus, they are a useful and productive “element” of the penitentiary system; they justify its necessity to protect society, they become the scapegoats of the prison community and facilitate the division of prisoners to superior and inferior in terms of the devaluation of the committed offences and the curability of their deficiencies (Taylor, 2018: 29-32), making the controlling work of prison staff look like a meaningful protective role for the black sheep of the prison community.

If Backhouse’s (2012: 734) claim “If we are against rape, we are against all rape” is accepted, and prisons are characterised by cruelty, hatred, endemic misogyny and ubiquitous rape, as Taylor (2018: 32-3) says, locking up people with misogynistic perceptions in an environment where masculinity is the rule, cannot be a solution to sexual offences and offending.

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