

(De)constructing a special category of prisoners: Sex offenders, custodial regimes and reintegration challenges in Greece

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The research project

The aim of the present research is to examine how prisoners accused of or sentenced to imprisonment for a sexual offence are treated and experience their treatment as well as to suggest reintegration interventions. In the Greek penitentiary system there is no provision regarding the custodial regime for these offenders, but, nevertheless, they are separated from the general prison population either in specific prison establishments or in special departments of prisons. Thus, it is important to address the issue of sex offenders as a *de facto* (v. *de jure*) category of prisoners. A possible legal basis of this differential treatment could be found in article 3 para. 2 PC, stating that the prisoner's situation (based on legal or actual grounds: untried and convicted, children, men and women, married or not, healthy or not etc.) could indicate that special treatment is needed, on condition that such treatment is beneficial for the prisoner.

We intend to examine, therefore, the extent of the differential treatment of sex offenders and the rationale behind it, as well as its consequences regarding the prison system, prisoners, prison staff and crime policy. Therefore, our aim is a) to study the separation of these prisoners from the general population and, thus, the construction of a special category within the prison population, b) the why's and how's of this separation in a system warehousing prisoners, and c) their experiences of custody, the extent and the level of their human rights protection. The research is expected to make suggestions regarding the overall custodial treatment of sex offenders and reintegration policies tailored to their needs.

The initial plan was to conduct the research in the two main custodial institutions where the target population of prisoners is held: Tripolis prison, which is reserved exclusively for sex offenders, and Grevena prison, which has one or more wings where these prisoners are detained. However, the pandemic and the adoption of restrictive measures seriously affected us and we were thus obliged to redraft research

methods and techniques, in an effort to avoid the delays regarding authorities' response to our applications for permission to access prisons and conduct interviews with prisoners and prison staff. Our obligation to deliver the outcomes of the study, as the project is funded, while lockdown measures were expanded, obliged us to seek alternative solutions. Therefore, we redrafted the research, turning to ex-prisoners who have been released having served a prison term for sexual offences. Thus, we contacted released prisoners' social support and integration institutions such as EPANODOS (Legal Entity of Private Law for the Social Reintegration of ex-Prisoners which operates under the Supervision of the Greek Ministry for Citizen Protection). The preliminary research, which will be presented here, is a synchronous procedure of data collection via video conferencing, using individual semi-structured interviews with ex-prisoners who have served the sentence imposed on them for "crimes against sexual freedom" in Grevena and Tripolis prisons.

The preliminary research findings are being elaborated, while the decision of the prison authorities to -hopefully- grant us permission to access prisoners and prison staff according to the original research plan is still pending.

Data analysis: Main research findings

The analysis of research findings was conducted based on the principles of thematic analysis.

○ Profile and penal status of the participants

The 36 participants were all of Greek nationality except for one who was from Albania. Their average age was **56 years**, an all, except for the youngest who was unmarried, **were either divorced or separated** and had **2 children**. Their professions before incarceration were related to unskilled work. In some occasion they were workers the private sector and one was a public servant. 5 out of 7 were high school graduates. Greek citizens were from various areas of Central Greece 6 out of 7 were residing in Athens.

The offences for which they were imprisoned can be divided in three broad categories. In 4 cases the person was accused for an offence against a minor, in other 2 the accusation was rape and in 1 case it was procuring. Two of the respondents did not admit the crime for which they were accused, 3 admit part of the accusations and 2 fully admit their actis (the one of the two had a criminal record for the same crime). The average prison sentence imposed for for their offences is 13 years and the actual time they served is 7 years (5 of the 7 had served a long sentence- 23 years). 2 of them

had a previous accusation for a sexual crime and one of the two for the same crime. No one had been put on report for prison disciplinary offences and the reasons justifying their transfers from one prison to another were pending judicial procedures, protection needs, or lack of space in the prison where they were detained. All the respondents had served time in Tripolis prison and 3 had served part of their sentence in Grevena prison.

○ The sex offenders' prison conditions

As mentioned above, 5 out of 7 participants had served a long prison sentence. Except for 2 that had served few some months (8 and 10 respectively), the rest mentioned that they worked during their sentence and also that for them work was a strategy of survival in prison. It is interesting that some of the participants were placed in privileged positions in the prison establishments, such as the treatment room (??) or the kitchen.

Prison labour was the only means for time to pass faster in prison, as, according to the participants, there was a complete lack of activities, especially in Tripolis prison. All participants that served part of their sentence in Grevena prison mentioned that they had more opportunities in that establishment. First of all, there was the Second Chance School (??) for prisoners.

As suggestions regarding prison's idle time, the participants stretched the need for creative and art related.

Beyond the lack of activities, especially in Tripolis prison, one of the most important problems that were mentioned regarding the conditions of imprisonment was the lack of space and the overpopulation of prisoners. Moreover, it was very often that these problems led to confrontations and fights between.

The lack of basic needs, such as hot water and heating, was also a problem that was rendering the prison experience difficult.

Another problem concerning prison conditions according to the participants was the deficient healthcare. The grand majority (5 out of 7) had seriously impaired health and had to be regularly monitored, something that could not take place in all occasions. This fact does not concern solely Tripolis prison, as it was mentioned as an issue regarding Korydallos prison as well

○ The informal codes of contact in Greek prisons

Beyond conditions of imprisonment, which relate more to the function of the correctional system itself, we often find both in literature and from prisoners themselves that there are certain rules among them, but also among prisoners and staff, that regulate everyday life and the interaction between all parts of prison. Therefore, that which was observed in practice was above all **a segregation of prisoners according to time spent in prison and the offence for which they were imprisoned.** From the last answer we witness the effort of a young inmate to survive in prison. According to the informal code, the prisoners that are under an old prisoner's "protection" are safe from harm from the rest.

However, despite the participants mentioning that there was a set of informal rules that regulated their relations, they emphasised that those rules had more power (???) and their violation would lead to many troubles in Korydallos prison more than in any other establishment. Korydallos is a big prison and the population structure is varying more than other prisoners, and also has the most prisoners in Greece. In that way, the power of the code is very intense and defines the living conditions. Therefore, even someone who spends only a limited amount of time there is in position to comprehend the rules and follow them in order to be protected, in comparison to other prisons where the informal conduct needs more time to be understood. In Tripolis, for example, we observe that the population is "compact", as mostly sex offenders are imprisoned there and someone that does not spend enough time in that prison may not be aware of certain informal rules regulating everyday life. Moreover, sometimes the informal code in Tripolis may have been inverted, as someone might be unwanted if they did not belong to the category of sex offenders.

An important parameter of the informal prisoners' code regards the attitudes of the staff. According to the participants, the staff had an informal "arrangement" with powerful inmates that were high ranking in the hierarchy in order to "punish" prisoners for sexual offences. That which is observed is the preferential treatment of those who had not committed a sexual offence.

However, despite the power of those informal rules that regulate inmates' relations, but also inmates' relations with the staff, we observe the fact that this code may not be as important in the cases where a prisoner is wealthy. Thus, the financial aspect and

interests are becoming definitive factors for the strength of the informal code of conduct of prisoners. They define the way that someone will experience incarceration and how he will spend his time in prison irrespectively of the crime for which he is accused. This finding is compatible with literature; as Aloskofis mentions there is a shift of the informal rules and a new code of conduct is formed, which preserves, on the one hand, some elements of the old one, but a shift in individualistic mentality is observed, instead of collective action.

Finally, regarding hierarchy among prisoners for sexual offences, for example between pedophiles and rapists, the majority of the participants stated that there is no such thing.

○ Difficulties and survival strategies of prisoners during their prison time

Prisoners for sexual offences, before all the difficulties that they had to face, they had to conceal their offence, until they reach the wing in which they would initially serve their sentence. This strategy was important to be replayed every time that they had to be transferred for judicial or other reasons, or if they had to interact with the general prison population. However, despite the fact that discriminatory behaviour on the part of the staff against prisoners for sex crimes has been mentioned, it is interesting that more than half of the participants mentioned that the correctional staff or even police officers guided them/adviced them not to mention their offence in order to avoid possible violent or abusive behaviour from other prisoners.

The basic problems and difficulties that the participants faced during their prison sentence had to do with the health issues that they had (as mentioned above the grand majority of participants older than 50 years old had health problems) and the problems rising from the prison conditions (such as cold, lack of space, overcrowding).

Regarding survival strategies that the participants utilised during their imprisonment, some participants mentioned **prison labour, reaching for support to inmates, the detachment from the other inmates** with which they had not common *interests*.

○ Relations between prisoners

The relations of the participants with their inmates are characterised by them as typical and limited to a small number of persons with which they could share some

things. Usually, those were the people with which they shared the same cell or cellblock

As mentioned above, we did not observe a hierarchy among prisoners for sexual offences. However, even in cases where someone might feel distress with some other's offence, **the everyday contact soothed existing differences that might arise due to the nature of the crime.**

On the other hand, despite soothing the differences due to the everyday contact, most participants mentioned, either for themselves or for other prisoners, exploitation between prisoners through offering services in order to obtain some valuables. This practice was mostly usual among migrant prisoners, who, due to lack of supporting environment and financial problems were easier to use in order to serve the rest with a small fee for exchange

○ **Relations between prisoners and custodial staff: How the different leadership style of prisons affects these relations**

The relations of prisoners with the custodial staff **are different in regards to the prison and the category of the staff.** More specifically, the participants differentiate staff in terms of guards, external guards, administrative-scientific staff and medical staff of the corresponding hospitals. **Their relation with the custodial staff is generally regarded as positive.** However, despite mentioning the good relations with the staff, they add that this relation is considered good as they themselves did not cause any troubles. That is, in the cases where prisoners did not “bother” the custodial staff, the relations were good.

Also, the participants that worked while in prison describe their relations with the staff as positive and had close collaboration with the staff.

Regarding **issues of violence against prisoners, the participants mention that the violent behaviour concerned specific members of the custodial staff, while with the tolerance and cover-up of the others.** That which they observed was **a different stance regarding the change of high-ranking staff of the services and/or the change of the country's political scene.**

The administration and the scientific staff of Tripolis prison, according to the participants, had no contact with the prisoners.

The experience was negative also regarding external guards with whom they were in contact during transfers for health issues. Also, a change of stance and of the behaviour of external guards was mentioned, related to the political changes, such as the integration of the prison establishments to the competency of the Minister of Citizens Protection.

Finally, the experience was negative also regarding the doctors of public hospitals where prisoners were transferred. Their treatment from the medical staff of the collaborating hospitals was deemed as discriminatory against the prisoners of Tripolis, more specifically, a differential treatment based on the offence.

That which is observed from the analysis of the participants' answers regarding their relations with the staff of the prison establishments is that **the different leadership style of each establishment dictates a different kind of relations among prisoners and staff.** Any change in the administration of prisons, and also the political changes, have a direct effect on the treatment of prisoners, as well as on the relations that are formed.

○ **Violence and abuse during the prison sentence: Transfers and incarceration**

The main sentiment of the participants during entry in prison was the fear that existed mainly due to the offence. Fear became even bigger during transfers, when they could be in danger and have their physical integrity threatened from other prisoners as much as from police officers.

Regarding violence to which they were subjected or which they witnessed, **the participants differentiated between violence during transfers, which was more common, and violence during imprisonment,** which in Tripolis prison, due to bigger homogeneity, was not so often, or so intense, or did not happen due to the offence or the penalty imposed, but mainly was the outcome of everyday troubles and common life. During transfers verbal violence was the most common.

Physical violence is used mainly from prisoners and is tolerated, or even incited by the police officers, something that is an indirect form of police violence.

Violence in prison is described as more limited from the participants. It mainly took place during entry in prison and not during imprisonment.

Also, intense incidence of violence, even incidents of sexual violence are mentioned from prisoners in other prison establishments, beyond Tripolis and Grevena, such as Korydallos and the juvenile prison of Avlona.

○ **The relations of prisoners with their social/family environment**

The participants' answers concerning the existence of a supporting environment vary and cannot be categorised. First, there are those cases where the professional environment and friends disappeared and offered no help at all, neither communicated, **while the family environment was very supportive during the whole judicial procedure and imprisonment.**

On the other hand, **some participants had no contacts with their family, meaning their wife or children, but had support from the father's side of the family, mainly from brothers and sisters.**

Finally, we also encountered a case with no supporting environment and had a more lonesome route, something that, therefore, does not relate to the imprisonment for the relevant offence, as there was a pre-existing distance in the relations between them

○ **Life after release: Reintegration or exclusion?**

Above all after release from prison the participants experienced stigmatisation in many levels. One participant mentioned that he was stigmatised in his work environment. For another participant the fact that he was in **Tripolis prison contributed to his removal from his environment.** Consequently, we observed **stigmatisation and difficulty regarding finding a job in the place he grew due to the small community,** while stigmatisation played a role regarding having more intimate relations.

The most basic and essential problems that the participants faced upon release were **finding a job,** as the **criminal record is a very difficult barrier,** as well as **finding a place to live.** Some of the participants were **homeless at the streets** for a while.

Another barrier, beyond criminal record, was some participants' impaired health which does not allow them to work.

Those who did not have a paternal home to live or some family member to host them, stayed in the street or in homeless shelters.

Some managed to obtain a **minimum state guaranteed income** with which they could meet some basic needs.

In the question regarding the extent to which they used the offered services of reintegration institutions, the answers point towards more **ad hoc practical solutions offered rather than a long-term intervention.**

Regarding intimate relations of participants, that which is observed is the difficulty to make relations and to emotionally relate with others, **either due to the crime, that is not known by the partner, or due to the health problems of the participants.**

Finally, regarding future plans, we observe a big hesitation even inability to dream the future either **due to the impaired health, or due to the limitations set to survival by the inability to find a job and subsequently a house**

○ Suggestions for reintegration interventions

Concluding the data analysis for released persons who were imprisoned for sexual offences and have served their sentences in Tripolis and Grevena prison establishments and regarding propositions that they were asked to express for the planning of a reintegration program that addresses their needs, the answers can be categorised in three broad categories. First, a program should cover **the need for employment** and second, **the need for housing.** Also, the participants stated the **need for a supporting environment.**

Finally, it is important to note that one participant, the only one who does not live in Athens, mentions that **the services of reintegration institutions and the planning of programs demands a decentralisation as not everybody lives in the big urban centers.**

3. Thoughts on the treatment of sex offenders

Studying pretrial detainees and/or convicted prisoners for sexual offences is a theoretically and practically challenging endeavor. Sexual offences provoke public sentiments and cause shock to the “collective conscience”, in the Durkheimian sense, “the totality of beliefs and sentiments common to average citizens of the same society”. Punishment, consequently, plays a necessary social function, which is the symbolic representation of society’s moral order and the reaffirmation of its

importance for the preservation of normality. The way that punishment achieves this reaffirmation is by creating- enforcing the respect for the common beliefs, traditions and collective practices. Sexual crimes usually raise moral panics, but what is observed is that the latter have shifted towards “othering” the offenders themselves as unacceptable, more than the crimes committed by them, which inevitably affects both the custodial treatment and the penitentiary policies and practices. Such crimes, moreover, especially those against children, produce a more stable “punitive consensus” against sex offenders, who are probably the first category of offenders that come to mind when discussing the limitations of critical approaches to prison, especially when advocating abolitionist and feminist strategies regarding the criminal justice system.