

# Overview of Inmates' Treatment in Slovenia

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## **Purpose:**

The purpose of this article is to present an overview of inmates' treatment in Slovenia. After the introduction a brief discussion of terms is presented. The overview then takes a historical focus followed by a more detailed description of current treatment in Slovenia.

## **Design/Methodology/Approach:**

The paper is based on a literature review and on a conducted interview.

## **Findings:**

Slovenian penal institutions are dominated by compromise between treatment and punishment policy. The treatment, however, can be implemented only to the degree that is permitted by the security measurements in the penal institution. Therefore, Slovenia was and still is confronted with a question: what kind of punishment and inmates' treatment practice would be most effective?

## **Research limitations/implications:**

The lack of literature on inmates' treatment in Slovenia published in recent years was the main issue the authors have to deal with. Therefore the interview with treatment personnel was conducted.

## **Practical implications:**

Taking into account a chronological overview of inmates' treatment in Slovenia, the paper reflects the inmates' treatment in Slovenian society today.

## **Originality/Value:**

This paper attempts to provide a broad overview of Slovenian treatment of inmates. It may be important to non-academic policy makers, students as to academics interested in gaining some knowledge about Slovenia's past and present prison treatment policies.

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**Keywords:** treatment, rehabilitation, resocialization, inmates, prison, Slovenia

## 1 INTRODUCTION

In the history of mankind there has always been a wide variety of deviations from existing social norms. All societies, even the oldest ones, had condemned and sanctioned such deviations in different ways, and for the same socially unacceptable behavior they had imposed different penalties (Ferš, Černetič,

Milič, Valentinčič, 1983). The idea of punishment was otherwise simple and clear: a person who has committed an offense must in turn suffer (Sykes, 1958). Even now, in modern society, the positions about the purpose of punishment, and in particular, about the aims and objectives of prison sentences are still not clear. The methods of punishment indicate that physical and mental suffering are still the essence of punishment, largely on the account of arrest, deprivation from material goods and services, deprivation from heterosexual contacts, autonomy and sense of security (Brinc, 2001a).

Crime is dangerous to an individual and to society; therefore every society is fighting against it. A prison is a response to crime and an attempt to reduce and manage it. A prison also has a role of the most "total" social institution in a society. As one can have maximum power over another, this power can be easily abused, sometimes even to the point of physical destruction of another human being (Brinc, 1985a). Systems of sentencing and execution of the penitentiary are changing. The ruling regimes, socio-economic relations and class structure of society have the biggest impact on that change (Ferš et al., 1983). Nowadays the democracy of a country is assessed by the treatment of its inmates (Brinc, 1991) and (consequently) by the purpose of the punishment, since prisons are only a tool in the hands of the authorities.

In the early 20th century, the purpose of sanctions obtained a new dimension. In addition to compensation, disabling and intimidation, the treatment of inmates along with their compulsory re-education was applied. In Slovenia people believed that this was a mechanism that would deter offenders from offending and will reduce recidivism (Brinc, 2000). The inmates should, according to this idea, become better than they were before the imprisonment. Over the years this "revolutionary" approach lost the support of both the experts and the public who do not believe in such transformation, due to past failures. Today it seems that approaches which involve treatment and rehabilitation are merely illusions that fill the professional journals. This (probably) derives from the fact that (currently) the dominating mindset proposes that the best defenses against crime are isolation and exclusion of offenders from society. But with incapacitation or isolation of offenders, only temporary protection of society against crime is achieved. Moreover, this deactivation does not – in return - reduce crime (Meško, Frangež, Rep, Sečnik, 2006).

Previous experiences indicate that the prison sentence has only a minor role in reducing crime and ensuring that inmates will not reoffend (Brinc, 1990b). Due to the fact that punishment should deter people from committing crime, it is expected that at least some intimidation is included (Brinc, 2000). In this the length of the prison sentence and the speed of enforcement of this sentence are most important. The offender should be detected and punished as soon as possible for deterrence. Moreover, punitive sanctions aim to achieve specific and general prevention, retribution, intimidation of the offender and others, protection of the society and rehabilitation of offenders, where the social atmosphere within penitentiary institutions has an important role. Knowledge of this social climate, which depends on the regime of the institution and also of the rules and positions of employees, is a prerequisite for understanding behavior of employees and inmates (Brinc, 1997).

These relationships are important for enforcement of prison rules, understanding of “prison life” and implementation of treatment.

The idea of treatment, reeducation and resocialization was already an important issue in the former Yugoslavia. At that time increasing attention was directed to assessment of the fundamental purposes of punishment and the penitentiary of offenders. After long processes, measures and procedures of physical force, psychological and physical destruction of inmates were replaced with educational activities, individualization and humanization of their professional approach, as well as the willingness of the society to help individuals with reintegration into the environment (Ferš et al., 1983).

As a part of the former Yugoslavia and now as an independent country, Slovenia was and still is confronted with a question of what kind of punishment and treatment practice would be most effective. Taking into account a chronological overview of inmates’ treatment in Slovenia the article reflects the inmates’ treatment in Slovenian society today.

## 2 REHABILITATION, RESOCIALIZATION OR TREATMENT?

Over decades Slovenia has encountered different uses of terms in penology theory and practice. Terms such as rehabilitation, social rehabilitation, treatment, reeducation, resocialization etc. were also differently defined. Some use them as synonyms, while others make strict distinction. Gibbs (in Kanduč, 1996) suggested that the offender is “rehabilitated” if his decision not to reoffend was formed due to non-punitive methods (e.g. behavioral, psychoanalytic, social, etc.), therapy, counseling, or education. Kanduč (1996) considered that the term “rehabilitation” (most commonly used in English-speaking areas) connotes medical approaches, moreover, it is used in the phrases as “rehabilitation of people with disabilities” or “motoric rehabilitation”. This would mean that rehabilitation would be an appropriate term in criminal law enforcement, if the criminal behavior was a “symptom” of a pathological criminogenic disposition of the offender, and the content would be defined as the treatment of a sick personality. The assumption of “re-socialization” is that the offense is a sign of failure (or lack) of socialization, which may be questionable because it does not exclude the possibility that the offense may be even the sign of successful socialization (ibid.). Zebec Koren (1992a) suggested that the resocialization is rather a “total project”, because its requirement is to align individual in a position of non-infringement, then prepare this individual to accept the normative rule, and finally, internalize it. Thus successful and implemented intervention requires a fundamental change in mental structures, codes of conduct, gained mainly in the process of primary socialization. Rehabilitation (which originally means “return to power”), would in the case of inmates mean “restitution”, mostly to the state before the crime, which would, according to Zebec Koren (1992a) mean that the successful rehabilitation would lead the inmate to repeat the offense. Therefore it would be more appropriate to define rehabilitation as a replacement of the state before the crime, with another state. The term treatment is mostly used in practice. According to Cusson (in

Zebec Koren, 1992a) treatment intends to change the offender, and the concept of individualization is the centre of delinquent treatment doctrine. The treatment also tries to answer the question how to protect the inmate's personality against the harmful influences of "prison life" (Gartner, 1992).

There is much more written on the subject of terminology, but at this point, it would not be reasonable to discuss it more, as this is not the main subject of this paper. The fact remains, that even if using "rehabilitation", "resocialization", "treatment", or another term, the main idea is to help offenders (in a non-punitive manner) not to carry out criminal offences and to help them to fit into normal social environment after serving a sentence. Prisons - their supervision or treatment orientation - have the largest role in this endeavor. Furthermore, the contacts and behavioral expectations of inmates and supervisors, which may inhibit or promote the rehabilitation process, are even more important (Peretti and Hooker; Hehet; Chang, Zastrow, and Lereneur in Brinc, 1984). The social atmosphere that exists within penitentiary institutions is also important; knowledge of this social climate, which depends on the regime of the institution, its rules and positions of employees, is a prerequisite for understanding the behavior of inmates and employees (Brinc, 1997). These relationships are important in understanding "prison life", the prison rules and also in the implementation of treatment (Brinc, 1985b).

### 3 A CHRONOLOGICAL OVERVIEW OF INMATE TREATMENT IN SLOVENIA

The postwar period (after World War II) in Slovenia was marked by ideology of treatment, which was highly defended by the criminological school of Ljubljana (although the first contours can already be seen in the ideas of the sociological school and the International Association for Criminal Law). The sixties and part of the seventies were times of intensive practice with the inmates and a time for prevailing ideas of social rehabilitation of offenders. However, a turning point had already come by the second half of the seventies, since social rehabilitation failed to reduce the prevalence of crime (Petrovec, 2000).

In the sixties the so-called team works were first implemented to deal with mentally handicapped people in institutions and at home. Afterwards, experiments with an anti-authoritative working model along the lines of A. S. Neill began, giving rise to an experiment in a detention center in Logatec, which took place between 1967 and 1971. In the eighties, starting from this experiment and subsequent experiences, the socio-therapeutic model was made, and in the year 1991 the so-called communicative model. The main idea of all these models was not psychotherapy. The aim of these experiments was to modify the military way, in which people in institutions were treated, to a more humane form; therefore, they were concerned mostly with changing the climate in prisons. The main purpose of the experiment in Logatec was not its correctional impact, but rather to determine whether it is possible, with more caring and careful management of prison life, to achieve at least the same results as before (if not better), whilst not endangering the civil environment around the prison (Vodopivec, 1992). The purpose of the experiment

was to help educational staff to develop a permissive and compassionate attitude towards the people who they were dealing with. The prison should at least match the results of other correctional institutions, without taking a greater risk for the wider community during the time of stay in prison and after discharge into account. Permissive management of this prison benefited the people treated there, benefited staff and local populations (Vodopivec, Bergant, Kobal, Mlinarič, Skaberne, Skalar, 1973). The final findings indicated (Vodopivec, Bergant, Kobal, Mlinarič, Skaberne, Skalar, 1974) a need for careful selection of staff, depending on the specific work in the institution; a need to have experts with specific knowledge, according to the increasing number of people with behavioral and personality disorders who were treated in the establishment; that permissive treatment had been found to be appropriate - permissive education did not endanger the community more than repressive; and that group counseling had been revealed as a suitable method of working. The experiment in Logatec was in 1975 followed by an experiment at a women's prison in Ig. This experiment demonstrated that for 80 percent, sometimes even 90 percent of inmates, regardless the length of sentence and type of crime, an open penal system could be suitable. Inmates were allowed to go home every weekend, there was almost no abuse of these benefits, and recidivism was only 20 percent compared with the Slovenian average, which was 60 percent. The basic ideas in those days were the rehabilitation and confidence in what is good in a person. The experiment ended with state independence in 1991, with fundamental changes in staffing and with the impact of politics on prisons (Petrovič, 2006).

Several years after the noted successes at the women's prison in Ig, similar principles of working with inmates were replicated in other prisons. There were different outcomes, but everywhere some improvements were observed. It turned out that the exercise of new forms of treatment depended more on the willingness of staff rather than the structure and personality characteristics of offenders (Petrovec, 1999). Rehabilitation cannot be successful unless all the conditions for the functioning of the institution are oriented towards this goal. Brinc (2001b) argued that institutions need to create a pleasant working environment for both, workers and inmates. Petrovec (2004) argued that employees in prisons are again more oriented towards security measures and the monitoring mechanisms than the rehabilitation. However, despite the assumed uniform policy of justice system, there are still institutions that cultivate the treatment concept, namely, where staff have remained from the time of socio-therapeutic models, and these workers accept these values as theirs. In those institutions, security concepts have failed to replace constructive interpersonal communication.

When the rehabilitation with forced (re)education of inmates first appeared, people believed that after imprisonment the inmates would become good citizens. Brinc (2000) argued that punitive practice, however, has not been withdrawn. A strict control regime has remained in prisons, which hampers the effect of treatment. Psychiatrists who came only occasionally to prisons and had too many patients (and only at their request) prescribed primarily medication therapy. In Slovenia, however, social workers and educators in nursing homes and penal institutions have been specially trained to work clinically (Vodopivec, 1992).

Brinc (personal interview, in Žišt, 2002) argued that rehabilitation of offenders in Slovenia showed no reduction of imprisonment, and the length of sentence did not affect the processes of social rehabilitation. The author believed that individual treatment gave the worst results, group treatment did somewhat better. Only a few inmates did better themselves in prison, most of them did not, because prison takes too much from an inmate for this inmate to return from it as a good person. Resocialization of people who are sentenced is an ideology which, in Slovenia, remained only more or less. In some other countries (e.g. Sweden, France) only those convicted of the most serious crimes are put in prisons, for those, convicted of less serious crimes, they use other penalties, such as fines, humanitarian work and so on. In Slovenia such penalties are formally provided, but Brinc (ibid.) argued that judges prefer prison sentences.

Another problem is how to measure the effectiveness of treatment programs. This is difficult, because after serving a sentence, control over the inmates is not possible. The success of rehabilitation is often measured by the rate of repeat offenders, which cannot be the sole criterion for the effect of rehabilitation, since reduction of recidivism is not the sole purpose of imprisonment (Brinc, 2000). The measurements of programs' effectiveness should therefore include also well-being of the inmates, well-being of the staff, openness of the institution, relations with the outside world, and advantages and ways of solving problems (Petrovec, 1997). Podržaj (1993) argued that the issue of resocialization is much more complex than it appears. The opportunities of educational work in a penal institution are therefore objectively limited and the results of the correctional work are more or less relative to the adequacy of system solutions, quality of staff, working conditions, the structure of inmates, etc. However, re-education and educational service are not just the superfluous. Internal balance in every country demands an appropriate division of power, and prison has the same characteristics; one service cannot prevail over another. Also, in prison the tendency of dominance over others with supervisory apparatus is most apparent, therefore it is most important not to create a unique 'monopoly power'. Correctional services are therefore needed, but expectations of their effectiveness must be realistic. Their main concern should be the responsibility for humane, professional work with people who find themselves "behind bars" (ibid.).

Opinions about the need of inmates' treatment are now divided. Brinc (2000) proposed that the treatment can only be an attempt of what should be effective, as the prison rehabilitation model is based in assumption that crime is caused by factors which can be recognized and eliminated by treatment; that there are available resources, methods and the procedures for changing the personality of the inmates and the environment, and that there exists knowledge of how to measure success of treatment. However, rehabilitation is not required for all inmates, some are not able to follow it, and others cannot be changed. It is not possible nowadays to know the reasons for the creation and termination of criminality, because human behavior is unpredictable (ibid.). Petrovec (2000: 576) argued that domestic law contains an important lesson: "... that the resocialization mechanism works, in the coarse comparison, as a wastewater treatment plant, which is able to recover a certain degree of fear, aggression and aversions, that were caused by growing security

requirements... " There will always be inmates who will not accede to permissive approach. They will require different forms of control and restraint. However, penological practice has shown that there are very few dangerous offenders; most are integrated into the environment after serving a sentence without the need for enhanced technical supervision during serving the sentence.

Rehabilitative ideology dominated for more than half a century. Since 1960, critics have attacked the concept of rehabilitation. First complaints were that rehabilitation does not reduce recidivism, and most countries on this account refused to start rehabilitation. Rehabilitation was destroyed also by the increase of organized crime. Countries gradually took more punitive strategies. Nevertheless, the rehabilitation has played a positive historical role, it accelerated the democratization and made the lives of prison inmates easier (Brinc, 2000). Today this area is dominated by compromise between rehabilitation and punishment policy.

Petrovec (2000) mentioned the "new penology", which is no longer dealing with individuals, their behavior and treatment, but attempts to identify and manage that part of the population that is not obeying social rules and law. It does not try to reduce crime, but "manage" it with interdiction and strict surveillance. "It works within the limits imposed by understanding of the demographic, economic and political phenomena" (Petrovec, 2000: 572). It cares for the safety of the population by managing or controlling certain marginalized groups. This is followed by stigmatization of a certain part of a society as dangerous. It does not evaluate individuals, but high-risk groups, which should be controlled in order to protect the rest of society against crime. Petrovec (1997) stated that ideas which reflect the findings of the new penology can also be found in Slovenia. It was first introduced decades ago, notwithstanding the fact that at that time no one knew the definition of such ideology. The largest Slovenian prison Dob was built in 1963 according to this ideology. The main goal of Dob prison was and still is the accommodation of a larger "aggregate" of dangerous offenders who have to serve long term sentences. The prison has met the particular security technical standards (high walls, wires, electric current, a buffer area, dogs, etc.). Treatment programs of inmates within the prison exist, and they are implemented, but the clear priorities in Dob prison are the control and security (Brinc and Petrovec, 2001). In addition, the institution is relatively distant from civilization, which was at first represented as additional security for society. But later such isolation was recognized as aggravating circumstance when trying to reintegrate inmates back to society after serving the sentence. In stark contrast to Dob prison, the newest prison in Slovenia, Koper prison (built in 2004) is situated next to the shopping centre in Koper.

The new penology also affects the criminological perception, political assessment, whom to punish and how severely, and in particular it affects public opinion, which gains even greater significance and impact on policy decisions at the time of a new democracy. From one point of view, this could be positive, because the public serves as a constant supervisor of political power. On the other hand, there should be awareness that there are exceptions, where public opinion should not prevail, for example in punishment practice.

In today's world, certain phenomena and reactions of individuals, politicians or social groups in Slovenia can be seen as reflections of the new ideology (Petovec, 1997). The trend is clearly reflected in the penal institutions, where there is a sharp separation between two basic roles of workers: surveillance and treatment. Contradiction between these two different roles of staff defines the orientation of the prison. Orientation is important in determining the relationships between different types of workers, and in treatment and approach to the inmates (Brinc, 1984). This is strongly influenced by the contacts and behavioral expectations between the inmates and supervisors, which may inhibit or promote treatment effectiveness (Peretti and Hooker; Hehet; Chang, Zastrow and Lereneur in Brinc, 1984). Moreover, positions of workers - supervisors reflect the intentions and policy of the prison (Shamir and Drory in Brinc, 1984). And these also influence attitudes and behavior of offenders. Brinc (1984) stated that these positions are even more important than education and skills of employees. The author therefore proposed that more attention in the education of supervisory workers should be paid to changing their positions rather than producing new knowledge. The key to change the penal institution from supervisory into treatment oriented societies is therefore in changing the positions of the supervisors and thus changing relationship between these workers and inmates (ibid.). Equally important are also the views of managers, who lead and guide the life and work of the penitentiary.

Slovenian society is still not clear about the main purpose of punishment, and in particular, about the aims and objectives of sentences. However, the control of inmates remains the main concern, regardless the treatment. Inmates experience a penitentiary institution as a total institution in which the control is always before the treatment, and even when the treatment is carried out, it can be implemented only to the degree that is permitted by the security measurements in the institution and assessment of the inmates in terms of its (future) social risk (ibid.). However, on the basis of present knowledge it is not and should not be a dilemma to treat or not to treat, as experience demonstrate that treatment should be based on the findings about inmates' personality and reasons for committing crime (Ferš et al., 1983). And more, the concept of treatment direction can be defined with individualization, comprehensive examination of offenders, their modification, their reconciliation, and discretion of the therapists who deal with inmates, with rehabilitation and with the principle of empiricism (Žišt, 2004).

## 4 TREATMENT OF INMATES IN SLOVENIA

At the present time the treatment of inmates in Slovenia is regulated with the Act of implementation of penal sanctions (Zakon o izvrševanju kazenskih sankcij, 2006). Provisions in this act are about the treatment of inmates which is following the aim of how to help inmates to relieve or eliminate physical, mental or social problems. The treatment also aims to prepare the inmates for integration after the release from prison. The participation in this program is voluntary, and totally dependent on the will of inmates. In most cases, the inmates decide to participate primarily because



of the benefits obtained by the exemplary behavior. This was also confirmed in the study on "prison life", conducted by Meško et al. (2006).

The system of benefits is otherwise one of the most important factors, which provides order and discipline in institutions. But by no means the only one. The researchers added further factors; prison policy, the existing laws, available resources and public opinion, which together with the benefits affect the behavior and beliefs of the inmates that occur due to deprivation conditions (Sykes, 1958).

Regarding the Act of implementation of penal sanctions (Zakon o izvrševanju kazenskih sankcij, 2006: Article 77) the manager of a penal institution - according to the process of treatment, successes at work and compliance of house rules - may grant inmates different advantages: (1) extended or uncontrolled visits; (2) uncontrolled visits outside the institution; (3) exit from the institution with an official escort; (4) free exit from the institution, except in an environment where the inmate has committed a crime; (5) free exit from the institution (up to four times per month, for maximum 48 hours); (6) partial or complete use of the annual period outside the institution; (7) up to seven days of free annual periods per year. When deciding to grant certain types of benefits, different circumstances must be taken into consideration; first, the personality of the inmate; secondly, the risk of absconding, thirdly, the nature and manner of the committed crime or breach of law and order, as well as other circumstances which indicate the possible abuse of the benefit. Some consideration should also be given to the response of the environment, where the crime was committed, in particular the response of the victims. If the inmates, before being granted benefits, commit serious disciplinary offenses for which a disciplinary penalty in isolation cell was ordered, or they fail to comply with existing arrangements in treatment, the benefit may be withdrawn or replaced by another type. The costs of exit from the institution with an official escort is paid by the inmates; in the case the inmates are without their own funds, the costs are paid by the institution.

It is necessary to note that awarding benefits in the form of free exit is also a potential danger to the environment, since the inmates, who use this type of benefit, may offend again at the time of exit and thus jeopardize internal security of the state and personal security of its citizens. Therefore careful consideration is required before granting any type of benefits. The inmates must pass a certain part of a custodial sentence to be granted the first benefit of exit outside the institution. Here, the type of offense for which they have been convicted plays an important role, also whether it is their first imprisonment and in what regime they are serving their prison sentence. The benefit does not belong to the inmate until they passes a quarter of their sentence. The public generally does not favor such benefits, as it feels threatened. However, statistics show that the number of violations of benefits is low and as such do not pose a threat to wider society and the country at large (Ivanc, Jelušič, Peteh, 2004).

Granting benefits should result in a better atmosphere within institutions, where it should release the tensions between inmates and discourage them from forbidden activities. However, a survey at Dob showed that some inmates saw the benefit system as the best possibility for manipulation and bias of the staff. The interviewed inmates reported that some inmates have more advantages, and that

guards conduct their work with bias, which also affects their behavior (Meško et al., 2006).

Traditionally, researchers assumed that the behavior of inmates was a result of their convenience; as this can be effectively manipulated by punishment as well by targeting benefits (Colvin; DiIulio; Kantrowitz; Reisig in Reisig and Meško, 2009). A strong motivational tool in prisons is therefore also work, as the framework for determining the benefits covers the entire stay, functioning and behavior of an individual within the prison. In Slovenia, the convicted person who wants to work should be allowed to work in accordance with the capacities of the institution. With this provision, the prospect of forced labor is negated and is not allowed by Slovenian law. The work is not a punishment, nor part of a punishment. The work should be a privilege and not an obligation of the convicted person (Brinc, 1990a). However, many inmates perform daily work commitments on the sole ground of obtaining benefits.

Benefits, however, are also an important part of treatment. The cooperation of inmates in the treatment program is voluntary, and inmates usually refuse such organized support because they believe that their thoughts and feelings are not important to anyone (Brinc, 1984). Counseling is perceived by most as a necessary evil. They believe counselors have the time for them simply because it is their job to do so. They believe that they devote their time solely because of work assignment, without excessive effort and desire to help them facilitate their stay in prison and enable them to benefit from treatment assistance. The counselors are also perceived as manipulators of benefits. However, it is necessary to stimulate and motivate the inmates to cooperate in treatment program as soon as possible; the best is in the first weeks of their arrival at the prison. In these initial weeks the treatment staff must fulfill their obligations regarding collecting information about inmates. They need to define an inmate's personality, health, working and learning skills and other characteristics relevant to the treatment. For this reason, modern forms of intensive treatment work require an appropriate structure of professionals (Ferš et al., 1983), which seek to motivate the offender to participate in treatment.

If inmates decide to cooperate, they need to sign a formal agreement about their treatment. The treatment method can be individual, in a group or as community treatment (Zakon o izvrševanju kazenskih sankcij [Act of implementation of penal sanctions], 2006). It could involve different institutions such as social centers, employment services, administrative authorities for housing and public institutions in the field of health and education. In addition, some NGOs' could also offer some programs for inmates. The main idea of such treatment is to help the inmates to understand that offending is inadmissible and to convert their unacceptable behavior into behavior that satisfies moral and legal demands. For maximum effect, it is essential that inmates are motivated "to participate actively in their own resocialization and to engage in those activities organized in and outside the institution where they are able to obtain positive life experiences, which will gradually affect the elimination of personality and behavioral disorders", at the beginning of their imprisonment (Ferš et al., 1983).

Another form of treatment is the imitation of the external environment in punitive institutions. Inmates are provided with medical care, recreation and

possibilities of education programs. They can visit the prison library and are allowed to have visits, etc. Under the supervision of the guards they are engaged in various household chores (cooking, washing clothes, cleaning, etc.). They eat together, go to work, watch TV, learn, attend religious ceremonies, etc. The aim of such approaches is to erase borders between the external (free) life, and life inside prison. The staff is attempting to convey the values of non-delinquent life to inmates, which should guide them at their release from prison. The impact of such an approach to the individuals is not known, since (so far) there are no valid measurements in order to determine whether such a prison regime affects the inmates positively, negatively, or it simply does not affect them at all. Employees in prison are clinging to the thought that even if the imitation of life outside the prison has no positive effects, it also has no negative effects either (Sykes, 1958). Nevertheless, the primary consideration is still that if inmates are treated with respect, considering their dignity, protecting their physical and mental integrity (Kazenski zakonik [Penal Code], 2008), and they are treated as human beings, they will also act as one (Boyle in Brinc, 1981). It is therefore important that the inmates are treated as people. People with identity, which are seen as persons with different roles (such as workers, students, athletes, fathers, spouses, sons, etc.) they have outside the prison.

Treatment encompasses versions of so-called social learning (e.g. in the form of social training, designed to eliminate or mitigate the shortcomings of primary socialization), education and vocational training, work (as a source of income and social security, as well as a source of work experience, habits and skills), medical, social and psychological support (e.g. in the form of counseling, learning to confront the problems and dilemmas of life), ensuring adequate living conditions in prison, judicial protection of inmates' rights during serving the sentence, the gradual opening of the institution in relation to society and increasing its "transparency" (social visibility), psychosocial approaches, which are targeted to accept or to realize the responsibility of each individual for his education. It should also be comprised of post-penal assistance to facilitate reintegration (Kanduč, 1997).

Petrovec (1998) argued that social treatment should have a major role with all offenders (and therefore also in the various methods), but integration treatment ideas can be exercised only with better communication between the staff at all levels and inmates. It is necessary to cover the time before their sentence, while serving and after.

The goal of treatment cannot be achieved without recognition of the offenders' act unto themselves, and without their (internal) motivation to change their behavior and take responsibility for their offences. In prison, consultants, psychologists, educators and priests are employed in order to try to evoke self-conviction of inmates, which will (or rather, should), save them from choosing the criminal route in the future (Meško et al., 2006). The aim of treatment is not only the benefit of inmates, but also penologists, since their purpose is - among others - to provide a better (more human) social atmosphere in the prison. In doing so, the attention must be brought to the so-called "treatment game" which assumes that all of the inmates decide on treatment because they see it as the most comfortable and fastest way to early conditional release. Zebec Koren (1992b) indicated that

the treatment thereby acquires another, farce quality. Inmates pragmatically fake change, improvement, meanwhile therapists and other prison staff are on the other hand "burying their head in the sand" and do not want to see what is really going on. Perhaps this is why efforts to rehabilitate inmates remain purely at the verbal level, and are just a consumption of public funds, rather than a comprehensive and coordinated program of professional staff. This could be avoided by eliminating the practitioners who carry out treatment from the decision-making process of allowing the various benefits and parole (Vodopivec, 1992). Nevertheless, this still remains their role (Zakon o izvrševanju kazenskih sankcij [Act of implementation of penal sanctions], 2006: Article 77).

During life in prison the most important and crucial relations are between staff and inmates. Not only that a respectful and equitable relationship between guards and inmates affect the maintenance of order in prison (Brinc, 1984), but it most likely affects their correction. It is important how the inmates are treated. However, the study of Reisig and Meško (2009) conducted later at Dob prison in Slovenia showed that inmates' evaluative judgments of their daily interactions with prison guards do not appear to be related to inmates' sense of obligation to obey directives issued by prison guards. Through the communication theory Petrovec (1998) showed that there is no penalty that would not have an impact on the behavior of inmates. "Many studies have shown that for understanding the behavior of inmates, the position, relations, behavior and culture of supervisory employees is needed" (Brinc, 1984: 226). Any communication leaves a trail on a person. And if this communication level is significant and constant, they can have lasting effects; positive or negative. It is therefore imperative when implementing correction influence on inmates to consider the views and attitudes (perception) of staff towards inmates, their own self-esteem and to try to reduce the communication gap between them. Another influence on this is daily routine and life, where strangers are forced to live in intimacy in a small area. Each of their activities is under constant observation and supervision of other inmates and guards. Most of the socially desirable behavioral patterns, such as autonomy, decision-making, criticism and creativity, are unacceptable and also punishable inside the prison (Brinc, 1990c). Living in a crowd with strangers is for most inmates a much higher penalty than isolation (Sykes, 1958). However, in contrast with the above said, Sykes (ibid.) noted that a continuously isolated individual is no longer a man, but only half a man/organism with a number. Any type of verbal and non-verbal (non) communication, which affect relations between people in different social situations is needed. This is especially apparent in the conflicts between the penitentiary workers, especially among workers who monitor inmates and workers who carry out treatment in penal institutions. Moreover, the communication bridge between the inmates and surveillants also provides opportunities for achieving the objectives of prison.

The staff inside penal institutions plays an important role in treatment, because better results can be achieved only through team work and joint efforts (Ferš et al., 1983). Especially important is the role of guards. It is necessary to take into account their work awareness; they can experience numerous disappointments and tensions in their work and may have difficulties in the relationships with the

inmates, with their superiors and the treatment (co)workers. Several reasons can be found for alienation of the guards and their subculture (to which young guards are more vulnerable). Because often these guards, in addition to the educational staff, play a major role in the performance of treatment tasks. These criteria need special attention. Guards are in fact those, with whom inmates spend most of their time as they are with them day and night, while the inmates are left at their mercy (Brinc, 1984). The guards also play a role of "listeners" (Peteh, 2000). However, due to the supervision as primary role, the conversations should be performed by treatment staff (Brinc, 1984). But nevertheless the research project on "Self-assessment of professional skills, competences and values of employees in Slovenian prisons" (Meško, Umek, Valentinčič, 2000) showed that among other tasks guards often need to help inmates in crisis as well.

Treatment has met failure and critics in recent decades, also in Slovenia. Meško (1997) argued that despite the great effort of treatment staff the treatment did not reach any changes in inmates' behavior. Even more, inside the prison inmates learn from each other how to improve their criminal activities and how to resist the authority. Brinc (1990c) stated that the relations between inmates are therefore most important for treatment efficiency. For better effect of treatment this aspect of "prison life" should also be considered. Further, Knežević (1990) argued that treatment cannot be successful as long as murderers, thieves and rapists, fraudsters, etc. are treated in the same penal institution and in the same educational group. On the other hand Veselič (2009) spoke of a separate treatment of inmates and different specific groups, such as a group of sexual offenders. Some authors claimed that all attempts of inmates' treatment are futile. It is argued that the causes of delinquent behavior do not originate from the individual alone, but must be sought in the social environment, in poverty, poor neighborhoods, criminal underworld, etc. And since the prison does not address these factors, dealing with the inmates in terms of their rehabilitation is only a waste of time. Others argued that the causes of delinquent behavior are in an individual subconscious mind, but prison employees are not sufficiently trained and experienced in order to eradicate the causes of this (Meško et al. 2006). Employees feel a mix of optimism and cynicism (Sykes, 1958). At the same time inmates could be disappointed due to insufficient help, that they had expected (Brinc, 1982). And more, treatment programs in Slovenian prisons are too general, lacking consideration for specific characteristics of different forms of crime and offenders. They should be prepared separately for different forms of crime and treat inmates individually regarding their characteristics, characteristics of the offence they committed and the setting where the offence(s) were committed. There is an educational program in Slovenian prisons for (all) offenders, but an integrated approach is still lacking. Inmates are treated in two steps, partly with an individual approach, and partly in a group. Practitioners believe that if inmates are willing to admit to the act in front of the others in the group, it is far more likely that treatment will achieve its objectives (Veselič, 2009).

Modern science has not yet discovered reasons for the difference in the effect of imprisonment of people. It is also not known how important a part is played by "correcting" the inmates with treatment in the penal institution, and what proportion of this is represented by the post-penal help. Nevertheless, the

general prevailing belief remains that the lack of adequate aid extended to inmates after release can contribute to their re-offending, even if re-offenders are also those who received assistance (Brinc in Meško et al., 2006). It is also imperative that all recommitted crimes are reported. Determination of the extent to which the treatment was successful is therefore very difficult, especially because of deficiencies in special prevention (Petrovec, 1999) and the fact that information about post-penal behaviors of inmates is not accessible in Slovenia. If such a post-penal system was to be established, more detailed information about the treatment effectiveness probably could be gained. Specific services should act in these cases, which would offer help to inmates (and, ultimately, their loved ones) in building a "new" or different way of life because the intention of correctional systems should be refinement, readaptation and resocialization of inmates (Brinc, 1984; Brinc, 1982). Upon the release from prison, this special service could also assist them in finding housing, employment, treatment program etc. (Crow, 2001). And here is where services, such as Social Services and state Employment Offices, should provide basic social assistance and help in finding work for the inmates after serving a sentence. A comprehensive approach to the post-penal aid for inmates in Slovenia has not been yet formed. Former inmates can therefore get psycho-social support only on their own, within the health institutions or nongovernmental organizations. At this moment there is only one organization which deals with former inmates in Slovenia, and this is the Association against violent communication (2009). This association, among other services, also offers consultation to people who cause violence and social skills training for men, who commit violence against women.

A comprehensive approach to treatment of inmates should therefore be considered in the future in Slovenia. A variety of programs should be created that would be tailored to individual groups of offenders and would also provide, besides treatment in prison, the possibility of post-penal assistance. The practice has shown in particular the need for the separate treatment of specific groups; especially for sexual offenders and drug addicts. But nothing beyond talks with the decision making politicians, about funding prison administration, has yet been done.

## 5 CONCLUSION

Prisons are a part of human history, a part of our present and will certainly continue to exist in the future (Brinc, 1985a). Today they are at a crossroads. They are not such as they have been, nor they are such as the society wish them to be. But (at this moment) there are no better means of correction, and this is why prisons will be an irreplaceable method for at least a fraction of offenders, for a long time. The state cannot waive prisons, despite the negative consequences of imprisonment and negligible effectiveness in reducing crime (Meško et al., 2006), and implement general and special prevention, hoping for effectiveness of these measures.

Prison deserves neither praise nor criticism (Meško et al., 2006). Regardless of the rehabilitative or punitive orientation, they should reflect a high quality communicative atmosphere, good professional competencies of the staff and

effective technical protection. The aggregate of all may help to reduce the number of escapes and conflicts among inmates and to fewer violations of conferred benefits, which in turn also affects the low risk of inmates to national security (Ivanc, Jelušič, Peteh, 2004). Inmates should be offered penal and post-penal aid and should find the motivation to participate not only in benefits, which are the strongest asset in the hands of prison staff. Any treatment or non-treatment affects the inmates and thereby the social atmosphere in the prison, because, after all, it is impossible not to communicate (Petrovec, 1998), especially within the prison, that is a society inside a society and reflects the values of the society in which it is placed (Meško et al., 2006). There is always at least two-way communication occurring. Based on this assumption, the inmates' acceptance of life and rules in prison relies on the staff of the prison. Even more, successful treatment of offenders depends on them.

At the moment the formal definition of inmates' treatment does not have the proper reflection in practice, therefore treatment needs to be amended, updated and adapted. Current criticisms of inmates' treatment include mainly the fact that the treatment programs in prisons are too general, lacking considering specific characteristics of different forms of crime and offenders. Nevertheless, it is obvious that neither the sentence nor the treatments can solve all future situations that may lead people to re-offend and that the penalty does not guarantee that inmates will not re-offend. Treatment programs therefore should be prepared separately for different forms of crime. They should treat inmates individually regarding their characteristics, characteristics of the offense they committed and the setting where the offense(s) were committed. However, it is reasonable to offer treatment to prison inmates, especially due to the fact that the majority of inmates return to society after serving a sentence. In Slovenia, the inmates are treated in two steps, partly by the individual approach, and partly with the group work. Groups are established regarding different crimes in general. However, how to deal effectively with specific groups of offenders remains an open question. The approach is complex and requires a lot of attention from experts in different disciplines. This is why treatment has met failure and criticism in recent decades in Slovenian practice. The treatment therefore should aim only for those characteristics of the offender which are connected to the offence and only when there exists the possibility for reoffending. At the same time it is necessary to possess knowledge on how to measure treatment efficiency and on how to establish this treatment regarding the time before convictions, while serving and after release. The latter is missing in Slovenia, so in the future this form of treatment should be considered as well. At the moment, a comprehensive approach to the treatment during imprisonment is far from being implemented. As a part of the former Yugoslavia and now as an independent country, Slovenian penal institutions are dominated by compromise between treatment and punishment policy. The treatment, however, can be implemented only to the degree that is permitted by the security measurements in the penal institution. Therefore Slovenia was and still is confronted with the question of what kind of punishment and inmates' treatment practice would be most effective.

## REFERENCES

- Association against violent communication. (2009). Retrieved December 28, 2009, from <http://www.drustvo-dnk.si/dejavnosti.html>.
- Brinc, F. (1981). Nujnost sprememb pri izvrševanju kazni zapora. *Revija za kriminalistiko in kriminologijo*, 32 (1), 3-12.
- Brinc, F. (1982). Klasifikacija zapornikov in napovedovanje prihodnje družbene nevarnosti. *Revija za kriminalistiko in kriminologijo*, 33 (3), 195-205.
- Brinc, F. (1984). Obsojenčeva percepcija delavcev kazenskega zavoda. *Revija za kriminalistiko in kriminologijo*, 35 (3), 224-235.
- Brinc, F. (1985a). Vsebinske usmeritve delovanja slovenskih kazenskih zavodov. *Revija za kriminalistiko in kriminologijo*, 36 (3), 207-221.
- Brinc, F. (1985b). Določitelji družbenega vzdušja v kazenskih zavodih v SR Sloveniji. *Revija za kriminalistiko in kriminologijo*, 36 (4), 304-317.
- Brinc, F. (1990a). Delo obsojencev. *Revija za kriminalistiko in kriminologijo*, 41 (1), 12-23.
- Brinc, F. (1990b). Vloga dela v prevzgoji obsojencev. *Revija za kriminalistiko in kriminologijo*, 41 (3), 185-196.
- Brinc, F. (1990c). Resocializacija obsojencev: razmišljanje ob magistrski nalogi Mladena Kneževiča. *Penološki bilten*, 8 (3), 23-38.
- Brinc, F. (1991). Kaznovalna politika sodišč v Sloveniji od 1950 do 1989. *Revija za kriminalistiko in kriminologijo*, 42 (1), 3-15.
- Brinc, F. (1997). Družbeno vzdušje v zavodih za prestajanje kazni zapora v Sloveniji. *Revija za kriminalistiko in kriminologijo*, 48 (4), 357-373.
- Brinc, F. (2000). Zapor za koga, kako, s kakšnim ciljem in za kakšno ceno (Kriminološke in penološke teorije – resničnost ali mit). In: M. Pagon (Ed.), *Dnevi varstvoslovja* (pp. 551-567). Ljubljana: Visoka policijsko-varnostna šola.
- Brinc, F. (2001a). Kriminaliteta in kaznovalna politika sodišč v Republiki Sloveniji od leta 1950 – 1999. *Revija za kriminalistiko in kriminologijo*, 52 (3), 187-199.
- Brinc, F. (2001b). Družbeno vzdušje v zavodih za prestajanje kazni zapora v Republiki Sloveniji. *Revija za kriminalistiko in kriminologijo*, 52 (4), 287-302.
- Brinc, F., Petrovec, D. (2001). *Družbeno vzdušje v zavodih za prestajanje kazni zapora v RS*. Ljubljana: Inštitut za kriminologijo pri Pravni fakulteti v Ljubljani.
- Crow, I. (2001). *The Treatment and Rehabilitation of Offenders*. London: Thousand Oaks; New Delhi: Sage Publications.
- Ferš, D., Černetič, I., Milič, S., Valentincič, D. (1983). *Z roko v roki*. Koper: Jadran.
- Gartner, B. (1992). Evropska zaporska pravila in tretmanska ideologija. *Penološki bilten*, 10 (1-2), 50-127.
- Ivanc, M., Jelušič, L., Peteh, B. (2004). Vloga zapora v sistemu nacionalne varnosti Republike Slovenije. In: B. Lobnikar (Ed.), *5. slovenski dnevi varstvoslovja* (e-source). Ljubljana: Fakulteta za policijsko – varnostne vede.
- Kanduč, Z. (1996). Zastrafevanje in rehabilitacija: kriminološki pogled. *Revija za kriminalistiko in kriminologijo*, 47 (3), 228-240.
- Kanduč, Z. (1997). Izrekanje in izvrševanje zaporne kazni. *Pravnik*, 52 (9/10), 532-548.
- Kazenski zakonik [Penal Code]. (2008). *Uradni list RS*, 18 (55).



- Knežević, M. (1990). Resocializacija u zatvoru. In: V. V. Godina (Ed.), *Antropološki zvezki 1* (pp. 283-305). Ljubljana: Sekcija za socialno antropologijo pri Slovenskem sociološkem društvu.
- Meško, G. (1997). *Družinske vezi na zatožni klopi?: o kriminalnem življenjskem stilu in o moči in nemoči obravnavanja kriminalnih prestopnikov*. Ljubljana: Educy.
- Meško, G., Frangež, D., Rep, M., Sečnik, K. (2006). Zapor: družba znotraj družbe – pogled obsojencev na odnose in življenje v zaporu. *Socialna pedagogika*, 10 (3), 261-286.
- Meško, G., Umek, P., Valentinčič, D. (2000). Samoocena strokovne usposobljenosti, kompetentnosti in vrednote zaposlenih v slovenskih zaporih – rezultati analize. In: M. Pagon (Ed.), *Dnevi varstvoslovja* (pp. 587-601). Ljubljana: Visoka policijsko-varnostna šola.
- Peteh, B. (2000). Varnostni vidiki izvrševanja kazenskih sankcij. In: M. Pagon (Ed.), *Dnevi varstvoslovja* (pp. 579-585). Ljubljana: Visoka policijsko – varnostna šola.
- Petrovčič, P. (2006). *Šturmov pogled na zapore je inkvizijsko-srednjeveški*. Retrieved October 5, 2009, from [http://www.mladina.si/teknik/200611/clanek/slo--zlocin\\_in\\_kazen-peter\\_petrovcic/](http://www.mladina.si/teknik/200611/clanek/slo--zlocin_in_kazen-peter_petrovcic/).
- Petrovec, D. (1997). *Nekatera temeljna načela izvrševanja kazenskih sankcij*. Ljubljana: Inštitut za kriminologijo pri Pravni fakulteti v Ljubljani.
- Petrovec, D. (1998). *Kazen brez zločina: prispevek k ideologijam kaznovanja*. Ljubljana: SH Zavod za založniško dejavnost.
- Petrovec, D. (1999). *Ideja in realnost socioterapevtske usmeritve*. Ljubljana: Inštitut za kriminologijo pri Pravni fakulteti v Ljubljani.
- Petrovec, D. (2000). Konflikti med zahtevami po varnosti in resocializaciji. In: M. Pagon (Ed.), *Dnevi varstvoslovja* (pp. 569-577). Ljubljana: Visoka policijsko-varnostna šola.
- Petrovec, D. (2004). *Vpliv družbenih sprememb na izvrševanje kazenskih sankcij*. Ljubljana: Inštitut za kriminologijo pri Pravni fakulteti v Ljubljani.
- Podržaj, J. (1993). Izvrševanje kazni – racionalizacija s preudarkom. *Revija za kriminalistiko in kriminologijo*, 44 (4), 395-398.
- Reisig, M. D., Meško, G. (2009). Procedural justice, legitimacy, and prisoner misconduct. *Psychology, Crime and Law*, (1), 37-54.
- Sykes, G. M. (1958). *Society of Captives: A Study of a Maximum Security Prison*. Princeton, New Jersey: Princeton University Press.
- Veselič, M. (2009). (Head of Educational Department in Prison Maribor.) *Personal interview*. Conducted on December 11, 2009, at Prison Maribor (Zavod za prestajanje kazni zapora Maribor), Slovenia.
- Vodopivec, K. (1992). O vlogi strokovnega osebja v kaznovalnih inštitucijah. *Revija za kriminalistiko in kriminologijo*, 43 (1), 3-12.
- Vodopivec, K., Bergant, M., Kobal, M., Mlinarič, F., Skaberne, B., Skalar, V. (1973). *Spreminjanje vzgojnih metod v vzgojnem zavodu v Logatcu*. Retrieved December 28, 2009, from [http://www.inst-krim.si/upload/raziskovanje/r\\_035.pdf](http://www.inst-krim.si/upload/raziskovanje/r_035.pdf).
- Vodopivec, K., Bergant, M., Kobal, M., Mlinarič, F., Skaberne, B., Skalar, V. (1974). *Eksplozivna u Logatcu: pokušaj uvođenja novih koncepcija u vaspitni zavod*. Beograd: Savez društava defektologa.

- Zakon o izvrševanju kazenskih sankcij [Act of implementation of penal sanctions]. (2006). *Uradni list RS*, 16 (110).
- Zebec Koren, M. (1992a). Kako misliti resocializacijo. *Revija za kriminalistiko in kriminologijo*, 43 (3), 227-239.
- Zebec Koren, M. (1992b). Kje zgreši resocializacija?. *Penološki bilten*, 10 (1/2), 26-35.
- Žišt, D. (2002). Problematika resocializacije obsojenih oseb. In: M. Pagon (Ed.), *Dnevi varstvoslovja* (e-source). Ljubljana: Visoka policijsko-varnostna šola.
- Žišt, D. (2004). Žrtve nasilja v slovenskih zaporih. In: B. Lobnikar (Ed.), *Dnevi varstvoslovja* (e-source). Ljubljana: Visoka policijsko-varnostna šola.

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