

Summary

Being inside

An explorative study into emotional reactions of juvenile offenders to custody

At the request of the Department for Judicial Youth Policy (DJJ) of the Ministry of Justice, the WODC (*Research and Documentation Centre*) conducted an exploratory study into the relation between incarceration and the emotional reactions of juveniles incarcerated in custodial centres under criminal law. The background to this request relates to signals during workvisits in facilities and a field study that some young people respond to their custody with a pride reaction. In mutual consultation with DJJ it was decided to interpret the request more broadly and to study various emotional reactions juvenile offenders exhibit with regard to custody. The study was limited to incarceration of juvenile offenders aged 12 to 24. Studies that relate to interventions or treatment during custody were excluded as much as possible. We also studied the literature with regard to the relation of emotional reactions during custody and recidivism.

Research question and method

The central question of the study is:

What is the relation between incarceration and the emotional reactions of young inmates? And, based on the literature, what can be said about the effects of emotional reactions during incarceration on criminal recidivism?

The central question is broken down into the following four research questions:

- 1 What differences exist with regard to individual characteristics of juveniles? We focus specifically on differences in age, ethnic origin and previous incarceration experiences.
- 2 What characteristics of the judicial custody are related to emotional reactions of juveniles? This refers to e.g., physical characteristics of detention, but also to whether the custody is experienced as fair, or whether the young person feels that fair procedures are used in custody, and the phase of the custody the young person is in at that time.
- 3 What characteristics of the social environment are related to the emotional reactions of juveniles during custody? The term 'social environment' refers to the internal social environment, such as the group leaders, behavioural scientists and fellow group members, as well as the external social environment such as family members, friends and external professional aid providers such as lawyers, family guardians or probation officers.

4 What does the literature say about the association between the emotional reactions during custody and recidivism?

Two sub-studies were conducted. Firstly, a literature study was carried out, for which a number of electronic databases were searched systematically. Secondly, 21 experts who work in four different custodial institutions were interviewed. This is an exploratory study whereby it must be remembered that the findings cannot be generalised based on the opinions of all the experts employed in custodial institutions in the Netherlands. The literature study and the empirical study took place more or less simultaneously, which means it was not possible to include all the aspects found in the literature study in the interviews. The results of the two sub-studies are described separately below. This summary does not give literature references; for these we refer to the report.

Judicial incarceration of juveniles and emotional reactions

Literature study

The literature study shows that little research has been done into the relation between incarceration and the way young people deal emotionally with this deprivation of liberty. Starting points were found mainly in studies based on the stress-coping perspective. In these studies incarceration is considered a stressful experience to which someone adjusts either adequately or inadequately. Adjustment to imprisonment is a process in which inadequate adjustment may be accompanied by emotional stress and behavioural problems. With regard to juveniles, the mainly Anglo-Saxon studies focus specifically on fear, and more recently limited studies also have been conducted into the relation between guilt or shame and incarceration.

First individual characteristics of juveniles are relevant for adaptation to imprisonment and the associated emotions. The studies found differences based on coping style and ethnic origin group, but with regard to age and previous experiences with the judicial authorities there is less clarity. See box S1 for a review of the findings.

Box S1 Individual characteristics and adjustment to custody (literature)

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- Some coping styles are accompanied by strong emotional reactions during the custody (so-called ‘emotional’ and ‘avoidance’ coping styles). Such coping styles obstruct an adequate adjustment to the custody and, consequently, the functioning of the juvenile. Although changes in the coping styles appear to occur over time, it is not clear how this happens and whether these changes occur in every juvenile prisoner.
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- The literature does find differences in the experienced emotions when it comes to ethnic origin group. These are differences in the levels of fear, guilt or shame. However, with regard to young people there is insufficient information to be able to specify these differences by ethnic origin group.
 - The literature does not allow for univocal pronouncements about age differences and differences between first offenders or recidivists when it comes to the emotional reactions of young people.
 - The literature study also shows that prisoners with multiple problems also experience more emotional confusion and adjust to the custody less adequately than if such problems are lacking.
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Second, the phase in custody relates to the extent to which the juvenile experiences feelings of fear, guilt of shame. According to literature there is a process of adaptation to incarceration that has a number of sequential phases in which different emotional reactions are experienced (see Box S2). Other characteristics of custody which, according to the literature, are linked to higher levels of fear in juvenile prisoners, are refusing to participate in structured activities, boot camp-style environments and disciplinary measures that are experienced as being unfair.

Box S2 Phases of adaptation to incarceration (literature)

- The initial period of imprisonment is a difficult one, which, for many young people, is clearly accompanied by increased feelings of fear. Feelings of guilt and shame are also experienced more strongly in this period than in later stages of the incarceration.
 - In the course of the incarceration, emotions that may be felt strongly at first become less intense and even occur less frequently. How long such periods last in individual juveniles is not clear, and depends in part on the personal situation.
 - Juveniles may be very emotionally confused in the initial phase but in the last phase juveniles should be able to adequately deal with the custody and experience fewer (emotional) problems with, for instance, rules, the absence of loved ones or fellow group members than in earlier phases. This is a fragile process throughout which the juvenile may revert to earlier phases for a number of reasons, such as kicking a drug habit or a transfer to another department.
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Third, the social environment is a relevant factor, which helps juveniles to deal with incarceration more adequately. However, there is a lack of clarity about the relation between the external social environment and the process of emotional adjustment to imprisonment. There is more clarity about the link between emotional adjustment to incarceration and internal social support. A lack of internal social support is related with emotional stress, such as feelings of fear (emotions that maybe the result of a lack of familiarity with incarceration and the structure of the regime).

The experts

In the interviews with experts we asked to what extent they observed that characteristics of the incarceration, the social environment and background characteristics of juvenile offenders in a custodial centre were related to six emotions, namely anger, guilt, shame, pride, remorse and fear. It must be said, in advance, that this is an exploratory study, the results of which cannot simply be generalised based on all incarcerated juveniles.

According to the experts, the emotions anger, fear and being proud of the committed offence occur frequently in boys in a custodial centre. The interviewed experts observed feelings of shame and guilt to a limited extent. Furthermore, according to the experts, the two emotions are difficult to distinguish. Remorse is rarely observed in incarcerated juveniles.

Nearly all experts observed boys who felt their incarceration is undeserved. This is associated with the institutions selected for this study. In custodial institutions there are many boys who are still awaiting a decision about their criminal case (the boys who are 'on remand'). It is therefore in their own best interest to maintain their innocence, and a proportion of young people experience the remand as being disproportional to the offence. According to the experts, anger and shame is related to experiences of undeserved incarceration. See further box S3.

Box S3 Experiences of undeserved incarceration (experts)

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- Anger at the beginning of imprisonment is related to uncertainty of the criminal case and the fact some boys feel that they are not guilty and do not deserve an incarceration.
 - A limited number of experts also observed that shame occurs more frequently in boys who experience their imprisonment as undeserved, this shame exists primarily because of the assumed reactions of the outside world. Boys who experience their imprisonment as undeserved are of the opinion that they are being stigmatised as a result.
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In accordance with findings from the literature, the experts also observed that the duration of incarceration is associated with emotional confusion in juveniles (see box S4). This relation between the duration and the emotional reactions is not observed in all the boys. There are individual differences that are based, among other things, on personality, the committed offence or previous detention experiences.

Box S4 Phases of incarceration (experts)

- Feelings of fear in particular are more frequently observed in boys who have newly arrived in the institutions than in boys who have been there for longer.
 - And, although these emotions are rarely observed, feelings of shame and guilt are also mainly seen in the initial period.
 - With regard to anger, there is no consensus as to whether it is present more frequently in the initial period or rather among boys who have been in detention for longer.
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Also in line with findings from the literature, the experts observed a clear link between unfair treatment by group leaders and anger, but they did not see an association with feelings of guilt, shame, and fear. The latter does not correspond with findings from the literature. It is feasible that those aspects of (un)fair treatment that we asked about in the interviews (whether a boy feels that he is being taken seriously, and that people are listening to him) do not form part of (un)fair treatment that is associated with feelings of fear.

In the interaction with incarcerated peers, group-dynamic mechanisms play a central role in the emotional adjustment (see box S5). In addition to 'standing up for ones interests' (for instance, anger is functional for protecting one's own interests) or 'prisonisation', the experts mainly observed general group processes such as obtaining 'status' or 'fear of ridicule'. These more general group mechanisms determine the hierarchy in the residential group.

Box S5 Incarcerated peers and emotional reactions (experts)

- A large proportion of experts observed boys who want to obtain or maintain status in the residential group and do so by reacting angrily to others or by showing pride about their offence. In the group it is often observed that boys tell their fellow group members 'tall' stories about their offence, hoping in this way to obtain or confirm status. These emotions were observed more frequently in recidivists than in first-time offenders.
 - Feelings of guilt and shame about the committed offence are rarely or not at all shown to fellow group members according to the experts. One explanation may be that boys do not want to lose face in front of other boys ('fear of ridicule'); they do not want to appear to be the weaker party.
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In the interviews we also investigated differences based on the background characteristics of the juveniles, namely age, ethnic origin and previous experiences with the judicial authorities.

Box S6 Individual characteristics and emotional reactions (experts)

- According to the experts, hardly any differences based on age are observed in the various emotional reactions of juveniles, albeit that feelings of pride occur somewhat more frequently in older boys and feelings of fear and guilt in younger boys. These findings are in line with the literature. The reasons the experts give for the psychological distress (irrespective of which emotion) that young boys experience as a result of the custody are, e.g., uncertainty and a lack of clarity, or separation from family members, whereas the emotions that are observed in older boys are linked to the social context of the group, such as wanting to obtain status, or to their more advanced moral development, such as experiencing guilt for the committed offence.
 - To what extent there are differences in the emotional adjustment to imprisonment based on ethnic origin is not clear. There is no consensus among the experts, either, on this subject.
 - Finally, the experts observed differences between first-time offenders and recidivists, especially with regard to experiencing guilt, shame and pride. If the experts observed shame or guilt, this is more likely to be in first-time offenders than in recidivists, whereas feelings of pride with regard to the committed offence are in fact observed slightly more often in recidivists. This may have something to do with age: first-time offenders tend to be younger than recidivists.
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Emotions during incarceration and recidivism (literature study)

The fourth research question concerns the relations between emotions experienced during incarceration and recidivism. Only information obtained from the literature was used. A few studies have been conducted in which the relation between the moral emotions anger, guilt and shame experienced during custody and recidivism was studied. These studies do not give a clear picture yet (see Box S7).

Box S7 Emotions during incarceration and recidivism (literature)

- With regard to anger, the literature notes that the presence of this emotion during incarceration is not a good predictor for recidivism after detention.
 - Some Anglo-Saxon studies show that feelings of guilt, evoked during restorative justice conferences, are predictors for reduced recidivism, but that it cannot be said that feelings of guilt during a custody are a determining factor, as so many other influences play a role in behavior outside prison. Taking into account some of these other factors, a German study shows that feelings of guilt or shame in juveniles do not have a direct effect on recidivism but that, when divided into sub-groups, feelings of guilt in violent offenders are related to reduced recidivism. Because these findings are only based on a single study, little can as yet be said about the predictive value of, for instance, feelings of guilt in juveniles during incarceration when it comes to recidivism.
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Discussion and recommendations

The way an incarceration is experienced and the emotional reactions of juveniles incarcerated in a custodial centre do not remain constant throughout the entire period of the imprisonment. The initial period, in particular, is emotionally stressful for juveniles. Some aspects that are associated with the emotional confusion are described in the discussion.

The initial period of the custody is an emotionally stressful period

For juveniles there is considerable uncertainty about their future in custody, and certainly for those on remand this period is very unclear. The initial period is accompanied by (strong) feelings of fear and, according to some studies, in the case of some young people also by feelings of shame or guilt about what they have done and the consequences of their offence. The literature refers to a period of 'introspection', in which a form of increased awareness may be possible. The emotions that are experienced at the start of this period decrease as the juvenile is incarcerated for a longer period of time. In the Netherlands there has been no research into the emotional adjustment of young people during the initial period of the incarceration, but the findings of the experts in our study correspond with those in the international literature. The experts observed that in some young people, and more specifically first-time offenders and young suspects, feelings of guilt about what they have done are observed more often at the start of the custody than in other young people.

If, in the case of specific groups of suspects, there is an initial period of introspection that fades as they are incarcerated longer, this initial period may be a more effective period to intervene and respond to the 'awareness raising process' than in a later phase of the incarceration. For the moment our study does not provide us with sufficient certainty to say that this applies to all first-time offenders and young suspects; for this purpose a study among young people themselves is needed.

Uncertainty and emotional stress during remand

Most juveniles start a judicial custody 'on remand'. During this period there is a level of uncertainty about the course of the criminal case and therefore also about the format and duration of the incarceration. From the point of view of criminal prosecution, remand is an important means that can be used during the prosecution phase. It may also be in the public interest to (temporarily) incarcerate juveniles if a prosecution is in progress. From a legal perspective this remand is not a penalty, but the young people themselves experience a custody as a punishment. The incarceration during remand has its (legal and social) purpose, but also has undesirable side effects. According to the experts we interviewed, a substantial proportion of juveniles experience the imprisonment as unjust, or feel that the 'punishment' is disproportional. Although this

may be a neutralisation of their own behavior, this perception stimulates feelings of anger that may result in aggressive and/or rule-breaking behaviour with a greater chance of unsafe situations in the custodial centre.

Experienced injustice: the importance of univocal information about the incarceration

Treatment that is perceived as being unfair can increase emotional confusion (anger, fear) and have a negative effect on the safety in a judicial institution. For staff in correctional facilities it is therefore important to recognise situations that are perceived as being unfair, so that they can get a better understanding of the emotional stress of juveniles. One point that requires attention in this context is the contact between detainee and solicitor during the remand period. Comments from the various experts show that solicitors are not always aware of the emotional confusion caused by the uncertainty of the custody during a remand period. This confusion is enhanced by comments that imply that a young person's case will be decided in the near future, when the reality is ultimately quite different.

Based on the before mentioned discussion we can make some recommendations; these relate to phasing, a preliminary residential plan – even during remand – and univocal communication about the remand situation.

Phasing of incarceration

The observation that the initial phase is emotionally stressful and may therefore increase the chances of problem behaviour also raises questions for the practice as to 'how to deal with this'. One possibility is to create residential groups in the correctional facilities based on phasing upon arrival (in some facilities this is already the case). The question is what the effect of this phasing is, for instance with regard to the safety of the young people and staff members in correctional institutions for juvenile offenders.

Preliminary residential plan during the remand

A clearly described schedule for the custody that is formulated right at the start is an option for helping juveniles with their (emotional) adaptation to the incarceration. This may be achieved, for instance, by formulating a preliminary residential plan for all young people entering a custodial centre. A preliminary residential plan upon arrival can provide the juvenile with more certainty about his stay. A preliminary residential plan may be based on an initial (remedial education/psychological) screening of the juvenile, and may provide the basic definition for a training, education and leisure programme. As a result of the inspection

reports, the State Secretary of Justice recently emphasised in her letter to the House of Commons that such a screening is part of a reform process for correctional institutions for juvenile offenders. The screening 'at the gate' for the purpose of formulating a preliminary residential plan is not a task for the correctional institutions for juvenile offenders alone, but requires collaboration between different partners in the judicial chain. Such a screening should not be limited only to the (criminogenic) risk factors, but focus more broadly on the needs of a juvenile and the ways in which a juvenile offender copes with stressful situations (coping styles). An early understanding of the coping styles of juveniles may provide staff in correctional institutions for juvenile offenders with starting points on how to deal with specific young individuals in order to reduce or prevent (imminent) emotional stress and related problem behaviour.

Univocal communication by all the parties involved about the course of the criminal case during the remand period

The emotional stress that is created by contradictory information about the young person's criminal case during the remand period, and the accompanying feelings of injustice should, in our opinion, be prevented as much as possible. It appears to us to be relevant that solicitors are informed about the emotional confusion caused by custody during a remand period. We therefore think it is important that during the remand period the parties involved provide the young people with univocal information, an important aspect of which is that, in this period, it is not clear what the court will decide.