

Summary

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 institutions under criminal law. The background to this request relates to signals picked up during work visits to facilities that some young people respond to their custody with a reaction of pride. This reaction is undesirable; it will not stimulate the learning possibilities of juveniles with regard to behavioural change. In mutual consultation with DJJ, it was decided to interpret the request more broadly and to study various emotional reactions exhibited by juvenile offenders with regard to custody. The study was limited to the 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 regarding to the relation between emotional reactions felt during custody and recidivism.

Research question and method

The central question of the study is:

What is the relation between custody and the emotional reactions of juvenile inmates? And, based on the literature, what can be said about the effects of emotional reactions of juveniles during custody 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 will focus specifically on differences in age, ethnic origin, and previous incarceration experiences.
- 2 What characteristics of the custody are related to the emotional reactions of the juveniles involved? This refers, e.g., to physical characteristics of detention, but also to whether the custody is experienced as fair, whether the young person feels that fair procedures are used in custody, or 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 Is there an association between the emotional reactions during custody and recidivism according to literature?

We conducted two sub-studies. First, we carried out a literature study, for which we systematically searched a number of electronic databases. Secondly, we interviewed 21 experts who work in four different custodial institutions. This is an exploratory study, whereby it must be remembered that the findings cannot be generalised as though they were 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 that 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 provide literature references; for this, 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. More recently, limited studies have also been conducted into the relation between guilt or shame and incarceration.

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

Box S1 Individual characteristics and adjustment to custody (literature)

- 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 or not these changes occur in every juvenile prisoner.

- The literature does find differences in the experienced emotions when it comes to the 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 experience more emotional stress and adjust to the custody less adequately than when such problems are lacking.
-

Secondly, the phase in custody relates to the extent to which the juvenile experiences feelings of fear, guilt, or shame. According to the literature, there is a process of adaptation to incarceration that has a number of sequential phases, in which the detainee experiences different emotional reactions. Other characteristics of a custody which, according to the literature, are connected to higher levels of fear, result in a refusal to participate in structured activities, like boot camp-style environments and disciplinary measures that are experienced as being unfair (see Box S2).

Box S2 Phases of adaptation to custody (literature)

- The initial period of imprisonment is a difficult one that, 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 during 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 confused emotionally during 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, and 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.
-

Third, the social environment is a relevant factor that helps juveniles to deal with their incarceration more adequately. However, the relation between the external social environment and the process of emotional adjustment to imprisonment is unclear. There is more clarity about the connection between emotional adjustment to incarceration and internal social support. A lack of internal social support is related to emotional

stress, such as feelings of fear (emotions that may be 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 institution were related to six emotions, namely anger, guilt, shame, pride, remorse, and fear.

Box S3 In what extent are emotions of juveniles observed by experts (experts)

- According to the experts, the emotions anger, fear, and being proud of the committed offence occur frequently in boys in a custodial institution. 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.
-

In the interviews, we investigated differences based on the background characteristics of the juveniles, namely age, ethnic origin, and previous experiences with the judicial authorities (see Box S4).

Box S4 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, although feelings of pride occur somewhat more frequently in older boys, and feelings of fear and guilt in younger boys.
 - To what extent differences in the emotional adjustment to imprisonment occur on the basis of ethnic origin is not clear. On this subject, there is no consensus among the experts, either.
 - Finally, the experts observed differences between first-time offenders and recidivists, especially with regard to the experiencing of guilt, shame, and pride. Whenever the experts observed shame or guilt, this was more likely to occur 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 are.
-

Nearly all the experts observed boys who felt their incarceration was 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 these young people experience the remand as being disproportional to their offence. According to the experts, anger and shame are related to experiences of undeserved incarceration. See further box S5.

Box S5 Experiences of unjust custody (experts)

- Anger at the beginning of imprisonment is related to both uncertainty about one's criminal case, and the fact that 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.
-

In accordance with findings from the literature, the experts also observed that the duration of an incarceration is associated with emotional stress in juveniles (see Box S6). This relation between the duration and the emotional reactions, however, 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 S6 Phases of custody (experts)

- Feelings of fear are more frequently observed in boys who have newly arrived in the institutions than in boys who have been there for longer.
 - Feelings of shame and guilt are also mainly seen during the initial period (although these emotions are rarely observed).
 - With regard to anger, there is no consensus on the question in which phase of custody it is more present.
-

Also in line with findings from the literature, the experts observed a clear connection between unfair treatment by group leaders and anger, but they did not see an association with feelings of guilt, shame, and fear. The latter observation does not correspond with findings from the literature. It is likely 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 any (un)fair treatment that is associated with feelings of fear.

In the interaction with incarcerated peers, group-dynamic mechanisms are central to emotional adjustment. In addition to 'standing up for one's interests' (for instance, anger is functional for protecting one's own interests) or 'prisonisation', the experts mainly observed general group pro-

cesses such as obtaining ‘status’ or ‘fear of ridicule’. These more general group mechanisms determine the hierarchy in the residential group.

Box S7 Incarcerated peers and emotional reactions (experts)

- Boys who want to obtain or maintain status in the residential group do so by reacting angrily to others, or by showing pride about their offence. These emotions were observed more frequently in recidivists than in first-time offenders.
 - According to the experts, feelings of guilt and shame about the committed offence are shown rarely or not at all to fellow group members. 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.
-

Emotions during incarceration and recidivism (literature)

The fourth research question concerns the relations between emotions experienced during incarceration and recidivism. We only used information obtained from the literature. A few studies have been conducted in which the relation was examined between the moral emotions anger, guilt, and shame experienced during custody and recidivism (see Box S8). These studies do not yet provide a clear picture.

Box S8 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, while it cannot be said that feelings of guilt during custody are a determining factor, as so many other influences play a role in behaviour 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 subgroups, 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 in relation to recidivism.
-

Discussion and recommendations

The way an incarceration is experienced and the emotional reactions of juveniles incarcerated in a custodial institution do not remain constant

throughout the entire period of imprisonment. The initial period, in particular, is emotionally stressful for juveniles. Some aspects that are associated with the emotional stress are described in the discussion.

The initial period of the custody is an emotionally stressful period

For juveniles in custody, there is considerable uncertainty about what their future holds in store, and certainly for those on remand this period is very unclear. The initial period is accompanied by (strong) feelings of fear. According to some studies, in the case of some young people it is accompanied by feelings of shame or guilt about what they have done and the consequences of their offence as well. The literature refers to a period of 'introspection', in which a form of increased awareness may be possible. The emotions experienced at the start of this period decrease as the juvenile is incarcerated for a longer period of time. In the Netherlands, no research has been conducted on 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, more specifically in 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 conducted specifically among young people is needed.

Uncertainty and emotional stress during remand

Most juveniles start a judicial custody while being on remand. During this period, there is uncertainty about the course that the criminal case will take and, therefore, about the format and duration of the incarceration as well. 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 when a prosecution is in progress. From a legal perspective, this remand is not a penalty, but the young people themselves experience custody as a punishment. While the incarceration during remand has its (legal and social) purpose, it 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 behaviour, this perception stimulates feelings of anger that may result in aggressive and/or rule-

breaking behaviour, with a greater chance of unsafe situations within the custodial institution.

Experienced injustice

Treatment that is perceived as being unfair can increase emotional stress (anger, fear) and might have a negative effect on the safety within a judicial institution. For this reason, it is important for staff working in correctional facilities to recognise situations that are perceived as being unfair, so that they can acquire a better understanding of the emotional stress of the juveniles concerned. 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 stress caused by the uncertainty of the custody during a remand period. This stress 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 aforementioned discussion, we can make three recommendations:

Phasing of custody

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).

Preliminary residential plan during remand

A clearly described schedule for the custody, 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 institution. A preliminary residential plan upon arrival can provide the juvenile with more certainty about his stay, while the evaluation of this plan provides insight into potential behavioural change. A preliminary residential plan may be based on an initial (remedial educational or 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 Lower House of Parliament that such a screening is part of a reform process for correctional institutions for juvenile offenders. This 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 should focus more broadly both 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 the staff of 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. We think it is relevant that solicitors are informed about the emotional stress caused by custody during a remand period. For this reason, we think it is important that the parties involved during the remand period provide the young people with univocal, consistent information. An important aspect of this is that, during this period, it is not clear what the court will decide.