

Disciplinary Offences in the Penal System: Causes and Methods of Punishment*

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Introduction: Normative regulation of prison life, maintaining order and security and creating the conditions for the implementation of treatments have a high priority in penal practice. However, in spite of that, a number of convicts do not follow the rules and commit disciplinary offences. Some of the reasons why convicts commit disciplinary offences are prison life conditions, disorganisation of the prison administration, and the characteristics of prisons and convicts. *Objective:* The objective of the research is to show the frequency of disciplinary offences and disciplinary sanctioning of convicts, as well as to determine the differences in individual characteristics between convicts who have and have not committed disciplinary offences. *Methods:* The sample included 96 convicted individuals from the Sremska Mitrovica Penitentiary who started their prison sentences in 2013 and were released in the period between 2016 and 2018. The length of the imposed sentence was from three years and one month to five years ($M = 47.76$; $SD = 7.99$). The age of the convicts at the start of their prison sentences ranged from 23 to 75 ($M = 36.73$; $SD = 10.90$). The sample included 41.7% of respondents who had not been convicted previously and 64.6% who had been in prison for the first time. The data was collected by analysing official documents. *Results:* In the observed period, 52.1% of respondents committed 99 disciplinary offences, with minor disciplinary offences being more frequent (52.5%). Four disciplinary offences were committed in 62.7% of cases, and 23 disciplinary offences were never committed. Convicts were most often sanctioned by solitary confinement. According to most of the examined variables, significant differences were found between the convicts who committed and those who did not commit disciplinary offences. *Conclusion:* Even though the obtained results indicate that the discipline of convicted individuals is not at an enviable level, we should pay attention to the imposed disciplinary measures and strive to reduce frequency of solitary confinement. The fact that convicts who commit and do not commit disciplinary offences differ in certain individual characteristics can

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indicate which convicts should be given special attention in the penal treatment process. The recommendation for future research is to examine the connection between committing disciplinary offences and dynamic factors that can be influenced by treatment.

KEYWORDS: disciplinary offences / disciplinary measures / prison / convicted individual

Introduction

In order to maintain order and security and create adequate conditions for the implementation of treatment and the reduction of criminal recidivism, the execution of prison sentences is fully regulated by laws and by-laws (Ilijić & Jovanić, 2014). Nevertheless, in spite of that, some convicted individuals do not respect the rules of conduct and commit disciplinary offences. A punishment system with a high priority in penal practice is applied against these convicts. Without punishment, the formal system would be unable to achieve its purpose, and would not be able to influence the rehabilitation of criminals (Macanović & Stanković, 2014). Punishment as method of influencing convicted individuals can be applied when they violate the rules of order and security prescribed by the Law on the Execution of Criminal Sanctions. Punishment for disciplinary offences has both a preventive and repressive purpose (Milić & Dimovski, 2016).

The Law on the Execution of Criminal Sanctions (2019) prescribes minor and grave disciplinary offences, subject to disciplinary measures. A reprimand, deprivation of extended rights and benefits, and restricting or prohibiting convicts from receiving packages for up to three months can be imposed for minor and grave disciplinary offences. Other than that, limiting or prohibiting the use of money in the institution for up to three months and solitary confinement during free time or throughout the day and night are disciplinary measures that can be imposed for a graver disciplinary offence. The Rulebook on disciplinary procedures for convicted individuals (2014) prescribes that receipt of hygiene packages cannot be restricted or prohibited. Using money to purchase medicines, orthopaedic aids, provision of necessary medical services, personal hygiene items, correspondence, telephone calls and legal aid cannot be prohibited as well. In order to reduce the negative effects that solitary confinement can produce, it is imposed only exceptionally and cannot last longer than 15 or 30 days, in case of several disciplinary offences. Solitary confinement cannot last longer than six months in the course of one calendar year. This normative solution ensures that the focus is on humane treatment and the protection of convicts' rights alongside their punishment.

There are several explanations as to why convicted individuals commit disciplinary offences. These reasons are derived from the prison life conditions, the characteristics of the prison, the characteristics and personality of the convicts and the disorganisation of the prison administration (Ilijić & Jovanić,

2014). Research shows that predictors of disciplinary offences can be divided into personal and clinical characteristics of the convicts and contextual predictors (Gonçalves et al., 2014).

Objective

Since the commission of disciplinary offences affects the maintenance of order and security in prisons, but also the execution of penal treatment, it is important to establish which characteristics of the convicted individuals are connected with the commission of disciplinary offences. The purpose of this research is to show the frequency of disciplinary offences and disciplinary sanctioning of convicted individuals, as well as to determine the differences in individual characteristics between convicts who did and did not commit disciplinary offences during their prison terms.

Methods

The research was conducted on a sample of 96 convicted individuals who started their prison sentences in Sremska Mitrovica Penitentiary in 2013, and who were released in the period between 2016 and 2018. The minimum length of the prison sentence was three years and one month, and the maximum five years ($M = 47.76$; $SD = 7.99$). The age of the convicts at the start of the prison sentence ranged from 23 to 75 ($M = 36.73$; $SD = 10.90$). The number of previous convictions ranged from zero to 13 ($M = 1.92$; $SD = 2.71$), and the number of previous prison sentences ranged from zero to 12 ($M = 1.0$; $SD = 1.96$). Additionally, 40 (41.7%) respondents had no prior convictions and 62 (64.6%) of them had never been in prison before.

Approval from the Ministry of Justice of the Republic of Serbia – Administration for the Execution of Criminal Sanctions was obtained for the implementation of the research. The data were collected during December 2022, through the analysis of official documentation.

The statistical package SPSS ver. 26 for Windows was used for data processing. Descriptive statistics measures (frequencies, percentages, arithmetic means and standard deviations), t test for independent samples and bivariate chi-square test were used.

Research Results

The results of our research show that 52.1% (51) of respondents were subjected to disciplinary sanctions. In the observed period, 99 disciplinary offences were committed, with minor disciplinary offences being more frequent (52.5%). The maximum number of disciplinary offences committed by one convict was six ($M = 1.03$; $SD = 1.37$). Table 1 shows the most frequently committed disciplinary offences in the observed period.

Table 1

Most frequently committed disciplinary offences

Disciplinary offence	<i>f</i>	%
Undisciplined, rude and aggressive behaviour disrupting the life and work at the institution	29	29.3
Production, possession or use of intoxicants or psychoactive substances	18	18.2
Possession of items the convict is not supposed to have on his person	8	8.1
Violence towards another person, physical or mental abuse of another person	7	7.1

The disciplinary offences listed in Table 1 were committed in 62.7% of cases. Producing, possession or use of a dangerous item or a means of remote communication and grave abuse of granted extended rights and benefits are disciplinary offences that were committed four times. The following disciplinary offences were committed three times: improper, violent or offensive behaviour towards a staff member, organising games of chance, gambling, preparing meals, drinks or food outside the area designated for that purpose and smoking outside the area designated for that purpose.

As for the disciplinary offences committed twice, they included neglecting work obligations that caused or could have caused serious harmful consequences, endangering, damaging or large-scale destruction of property, refusing to execute a lawful order of an authorised person, which resulted or could have resulted in a more serious harmful consequence and leaving the institute or the workplace and workshop of the institute without approval. Finally, producing or bringing an attacking device into the institution, escape or commission of a criminal offence, refusal of the convict to submit to testing in case there was reasonable suspicion of him being under the influence of narcotics or psychoactive substances, buying and selling clothes, shoes, medicines and other items, tattooing and body piercing of oneself or others in the institution, insulting behaviour towards another person in any personal capacity and providing incorrect information about facts essential for the exercise of rights were committed once. The remaining 12 grave and 11 minor disciplinary offences were not committed.

Table 2 shows the frequency of imposition of disciplinary measures. The most frequent disciplinary measure was solitary confinement during free time or throughout the day and night, while limiting or prohibiting the use of money in the institution for up to three months was never imposed.

Table 2

Imposed disciplinary measures

Disciplinary measure	<i>f</i>	%
Solitary confinement during free time or throughout the day and night	33	33.3
Restriction or prohibition on receiving packages for up to three months	30	30.3
Reprimand	23	23.2
Deprivation of extended rights and benefits	13	13.1
Restriction or prohibition of use of money at the institution for up to three months	0	0.0

Table 3 presents the descriptive data for convicted individuals who did and did not commit disciplinary offences, in relation to the age at the start of their prison sentences and the length of the sentences.

Table 3

Descriptive statistics of continued variables

Variable	Was he subjected to disciplinary punishments	<i>M</i>	<i>SD</i>	<i>SE_M</i>
Age at the time of arrival in prison	Yes	34.22	7.68	1.09
	No	39.46	13.12	1.93
Length of the sentence in months	Yes	47.04	7.99	1.13
	No	48.54	8.00	1.18

The two sub-samples differed significantly according to the age at the time of arrival in prison ($t = -2.360$, $df = 71.36$, $p < .05$), so the convicts who committed disciplinary offences were significantly younger. No significant differences were found regarding the length of the imposed sentence ($t = -0.92$, $df = 94$, $p > .05$).

Table 4 shows descriptive data for convicted individuals who did and did not commit disciplinary offences, in relation to convictions during the juvenile period, criminal and penological recidivism and whether the convict received visits during the time served.

The two sub-samples differed significantly according to the juvenile-age convictions ($\chi^2 = 6.85$, $df = 1$, $r_v = 0.27$, $p < .01$), criminal recidivism ($\chi^2 = 10.54$, $df = 1$, $r_v = 0.33$, $p < .001$) and visits ($\chi^2 = 4.39$, $df = 1$, $r_v = 0.41$, $p < .05$). There were no significant differences in terms of penological recidivism ($\chi^2 = 1.98$, $df = 1$, $p > .05$).

Table 4*Descriptive statistics of category variables*

Variable		Was he subjected to disciplinary punishments			
		Yes		No	
		<i>f</i>	%	<i>f</i>	%
Juvenile-age convictions	Yes	15	78.9	4	21.1
	No	35	45.5	42	54.5
Criminal recidivism	Yes	37	66.1	19	33.9
	No	13	32.5	27	67.5
Penological recidivism	Yes	21	61.8	13	38.2
	No	29	46.8	33	53.2
Visits	Yes	43	48.9	45	51.1
	No	7	87.5	1	12.5

Discussion

The results of our research showed that slightly more than half of the examined sample was subjected to disciplinary punishments, and that 52.5% of those convicted committed minor disciplinary offences. The obtained results were not consistent with earlier research conducted in our region (Ilijić, 2012; Jovanić, 2012; Stevanović, 2006) where it was established that the majority of convicts were never subjected to disciplinary punishments. Since the commission of disciplinary offences could affect security in prisons and the execution of penal treatment, the finding that more than half of the convicted individuals did not respect the rules of conduct is extremely important.

Our research determined that convicts committed four disciplinary offences most frequently, represented in 62.7%, indicating that the range of illegal behaviours committed by convicts was much narrower than those prescribed by law. Other disciplinary offences occurred sporadically, while 23 of them were never committed. Similar results were also obtained by Pavlović et al. (2018) who claimed that the most common basis for a disciplinary report is the production, possession or use of narcotics or psychoactive substances, followed by undisciplined, rude and aggressive behaviour that disrupted life and work in the institution. Additionally, citing data from the Administration for the Execution of Criminal Sanctions from 2013, Ilijić and Jovanić (2014) reported that the most frequent disciplinary offences were indiscipline, violence against other persons, possession and consumption of intoxicating substances, and assaulting other convicts.

The conclusion that convicted individuals were most often sanctioned by solitary confinement during their free time or throughout the day and night was worrying because it was the most severe form of disciplinary measure with potentially many negative consequences for convicts. Additionally, since solitary

confinement during free time or throughout the day and night and the restriction or prohibition of use of money at the institution for up to three months (a disciplinary measure that was never imposed) could only be imposed for grave disciplinary offences, we concluded that out of 47 grave disciplinary offences, 33 of them were sanctioned by solitary confinement. The remaining three disciplinary measures were imposed only for about 30.0% grave disciplinary offences. In accordance with the obtained results, we could ask whether it was justified to resort so often to imposing the most severe disciplinary measure, especially taking into consideration that some authors (Pavlović et al., 2018) had questioned its effectiveness.

The more frequent commission of disciplinary offences by younger convicts, established in our research, was also documented in the research of other authors. Based on 39 studies published between 1940 and 1995, Gendreau and associates (Gendreau et al., 1997) determined that younger age was a predictor of improper behaviour in prison. Additionally, a meta-analysis (Gonçalves et al., 2014) of 75 studies published between 1990 and 1996 indicated that younger convicts were more prone to improper behaviour in prison than older ones.

Juvenile-age convictions and criminal recidivism in our research had a significant connection with disciplinary punishment. The importance of criminal history as a predictor of improper behaviour in prison was indicated by Gendreau et al. (1997). The results of research conducted in Ecuador showed that recidivists, unlike non-recidivists, committed disciplinary offences more often in prison (Molina-Coloma et al., 2021). The obtained results were expected, because the basis of maladaptive behaviour in prison, in addition to contextual factors, were the same or similar factors also associated with criminal behaviour (Cochran et al., 2014). Some of these factors were: antisocial attitudes and behaviour, antisocial personality, education (Butler et al., 2020; Gendreau et al., 1997; Gonçalves et al., 2014). On the other hand, penological recidivism did not show significant connection with disciplinary punishment.

Our research established a significant connection between visits and disciplinary punishment. Other authors also indicated that convicted individuals with better social support, manifested through visits, among other things, were less likely to exhibit improper behaviour in prison (Gonçalves et al., 2014). Petrović and Jovanić (2019) also indicated the importance of maintaining social contacts during the execution of a prison sentence, with a special emphasis on contacts with family members.

Finally, no connection was found between the length of the sentence and the commission of disciplinary offences. The results of the research about this issue showed that those sentenced to longer sentences were a lesser threat to prison security (Cunningham & Sorensen, 2006), but it should be taken into account that our research included those sentenced to prison sentences between three and five

years long, which could be the reason for the obtained data. Perhaps the differences would have been detected had the range of prison sentences been greater.

Conclusion

The obtained results indicated that discipline of convicted individuals was not at an enviable level, and that compared to earlier research conducted in our region, the frequency of disciplinary offences had increased. Due to the limitations of this research, which was conducted in one correctional-penitentiary institution and on a small sample of convicts, we must take the findings with reservation. However, in spite of that, these results could be a starting point for further study of the problem. Particular attention should be paid to the imposed disciplinary measures, and reducing the frequency of solitary confinement, the most severe disciplinary measure. The fact that convicted individuals who committed and did not commit disciplinary offences differed in certain individual characteristics was extremely important, because it indicated to us which convicts should receive special attention in the penal treatment process. Ultimately, the recommendation for future research was to examine the connection between committing disciplinary offences and dynamic risk factors that could be influenced by treatment activities.

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