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## Psychological well-being of prisoners as a factor in penitentiary reform

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### Abstract

The classical approach to the analysis of positive social climate follows on the scope of criminal psychology. However, it has a wider perspective. After all, the criteria presented on this scale affect not only the psychological well-being of the convicts but also serve as a benchmark for real change in the conditions of holding the convicts, which is in the focus of attention to penal law and criminology. At the same time, the aim of the paper is to study the development and modern state of implementation of international standards for the treatment of convicted persons. The aim of this paper is to study the development and modern state of implementation of international standards for the treatment of convicted persons. It is also the task of the article to choose the most appropriate scale for assessing the social climate in Ukrainian prisons. This will allow contributing to the improvement of human rights in Ukraine, improve the state statistics, and help to understand the real needs of convicts.

The article explores the importance of an effective prison crime prevention system. In order to assess the condition of detention according to international standards, the PSC scale is proposed. According to this scale, the current situations in Ukrainian prisons, as well as the penitentiary practice of Ukraine, is analyzed. This paper concludes that the concept of PSC is an effective mechanism that is recommended for implementation in Ukrainian penitentiary practice. PSC system is generally suitable for its application in Ukraine. However, architectural factors should be additionally considered, as the quality of the prisons' buildings is unsatisfactory in Ukraine.

**Keywords:** psychological well- being, penal practice, prison crime prevention, social climate

### 1. Introduction

The formation of a concept of prison crime prevention in Ukraine was looked at in isolation from the world trends for a long time.

The impact of a positive social climate on prisoners was not investigated. The classical approach to the analysis of positive social climate follows on the scope of criminal psychology. However, it has a wider perspective. After all, the criteria presented on this scale affect not only the psychological well-being of the convicts, but also serve as a benchmark for real change in the conditions of holding the convicts, which is in the focus of attention to penal law and criminology. This makes such research interdisciplinary.

The aim of this paper is to study the development and modern state of implementation of international standards for the treatment of convicted persons. It is also the task of the article to choose the most appropriate scale for assessing the social climate in Ukrainian prisons. This will allow contributing to the improvement of human rights in Ukraine, improve the state statistics, and help to understand the real needs of convicts. Therefore, in order to determine the priorities of reforming the prisons, changes in the statistical system are required. The PSC system is particularly successful here since it reflects the basic needs of the convicts while taking into account the opinion of the prisoners themselves.

The PSC scale is not currently used in Ukraine. However, we can look at the status quo with PSC parameters in mind. In this, we see the undiscovered potential of the PSC scale, which is much greater than the actual application in criminal psychology. After all, the responses of convicts to issues concerning their own well-being (ie answers to the questions of the PSC questionnaire) will enable us to determine the directions of reforming the penitentiary system from the point of view of penal law. On the basis of the survey it will be possible to propose specific amendments to the Criminal-Executive (Penal) Code of Ukraine in order to improve the conditions for the sentencing prisoners.



On the basis of disparate data it is possible to assess the situation in Ukrainian prisons as generally unfavorable [5, 23, 24, 25]. Although prison reform requires a comprehensive approach, it is necessary to start from the problems named by most prisoners. It is not physically possible to change all conditions of detention of convicts at the same time. Consequently, if the PSC survey shows that the quality of food for prisoners is a major problem, the development of a new diet will be a priority; if the majority of prisoners determine the poor quality of medical care as a problem, then the reform should start with new standards of medical care, etc. Therefore, it is important for Ukraine to choose the appropriate scale for assessing the well-being of prisoners and to receive high quality statistics on the chosen scale.

For a better understanding of the considerations given in the article, the following structure is proposed. In the introduction, the main attention is paid to describing the national specificity of Ukraine in the field of criminal-law and criminological research and substantiation of the relevance of the issue; the literature review focuses on addressing issues related to PSC and other scales used to measure the well-being of prisoners; the methodology section focuses on the methods of criminal-law and criminological investigations which were used in the article; the next section on assessment of the current situation in Ukraine according to the parameters of the PSC is devoted to the analysis of the situation in Ukraine with the well-being of the prisoners in practice on the basis of existing statistics (at this stage without conducting a questionnaire in prisons); in the conclusions, the results of the research are drawn and recommendations for their possible practical implementation are suggested.

## 2. Literature Review

Literature review focuses on criminal psychology, but a sociological approach is needed for a broader understanding of the social climate. However, the potential of PSC is not limited to issues of criminal psychology. In Ukraine there is a gap between penal law, criminology, and psychology. The basic and additional parameters included on such a scale have the potential for application in the penal law and criminology, for the purpose of improving the well-being of convicts.

In practice, it should also be noted that PSC has a link to sociology. This is due to the fact that in order to talk about the use of PSC in the state, it is necessary to conduct a survey of the majority of convicts in most of the prisons. The analysis and processing of such a large mass of information is already a sociological measure of this scale (at the methodological level). As part of this study, it was not possible to interview tens of thousands of convicts in Ukraine. However, it provides the basis for conducting such interviews in the future. Taking the above into account, in the literature review, the main focus was on the PSC scale itself. After all, this particular scale is the basis for the next analysis in various aspects.

After The Stanford Prison Experiment (1971) foreign scholars have intensified their attention to research in the field of improving conditions for the holding of convicts. Faced with the same challenges as Soviet scholars (the lack of statistics, the lack of feedback with the convicts, the multifactorial condition of the prisoners, bureaucracy), they went a different way. Scholars began with the formation of the appropriate scale, which initially studied the existing problems, and then helped to solve them. One of the key advances was the introduction of such a scale at the state level in order to produce constant statistics. One of the first and most successful attempts to form such a scale is the PSC. The Prison Social Climate Survey (PSC) has been administered annually at the Federal Bureau of Prisons since its initial administration in 1988 by its developer, William G. Saylor (Saylor, 1984) [19].

Ross et al. have also explored prison climate measurement. They “[c]ompared the factor patterns and stability from three domains of the PSC survey (Environmental quality of life; Personal well-being; and Safety and security). Factors as factor-scored according to the US factor pattern showed significant differences between the USA and England on the Environmental quality of life scales and the Personal well-being scales and significant differences on only two of the six of the Safety and security dimensions” (Ross et al., 2008, p. 447) [18]. The researcher states that “[p]rocessed by them d]ata suggest that the PSC is stable within the US sample, and is also stable in its factor pattern between the US and English samples. Prison climate, as measured by the three domains of the PSC selected, appears a stable measure across similar western penal systems and inmate cultures” (Ross et al., 2008, p. 447) [18].

Liebling highlights the following criteria for determining the moral quality of life in prison : «1) Harmony (entry into custody, respect/courtesy, staff-Prisoner relationships, humanity, decency, care for the



vulnerable, help and assistance), 2) Professionalism (staff professionalism, bureaucratic legitimacy, fairness, organisation and consistency), 3) Security (security, prisoner safety, prisoner adaptation, drugs and exploitation), 4) Conditions and Family Contact (regime decency, family contact), 5) Wellbeing and Development (personal development, personal autonomy, well-being, distress)" (Liebling, 2014) [12].

PSC is a comprehensive concept that includes many parameters. It includes basic parameters - environmental quality of life; personal well-being; and safety and security and important additional factors - accidents, noise, food, crowding, visits, psychological well-being, somatic complaints, safety for staff and inmates, influence of staff on inmate behavior, influence of inmates on inmate behavior, frequency of assaults, freedom of movement around a prison, searches, and shakedowns. It is these parameters that can be considered key to assessing the current situation in the prison and finding ways to improve. Today, this is the leading concept in the world. It takes into account the interaction of factors of a physical and psychological nature, which is important for correcting a really bad situation in Ukrainian prisons.

However, there are other important concepts that need to be taken into account.

Day et al. (2011) [4] also has identified the means by which a prison social climate can be assessed. They suggest using EssenCES:

"[t]he EssenCES measure is routinely used to audit the social climate of a prison or prison unit on an annual basis, such that changes over time can be assessed, standards and targets set, and the need for additional resources or interventions identified and responded to. Further research is required to establish how a social climate might be modified or changed in a way that would enhance rehabilitative outcomes" [4].

Lafferty et al. investigated the social climate of Australian prisons. They were based on the concept of the social climate of the prison, EssenCES. Researchers conclude that "while the EssenCES measure does not directly capture social capital, it measures elements of social capital such as safety, inmates' social cohesion and mutual support (whereby the care expressed between inmates is measured), and hold and support (a measure of the level of support provided by staff to inmates)" (Lafferty et al., 2015) [10]. Scientists pay attention to the fact that "differential coercion and social support within the prison environment evidenced that social capital can be developed between inmates and prison officers in a capacity reliant on mutual trust and reciprocity" (Lafferty et al., 2015) [10].

Milsom et al. are more suited to the study due to the very well known EssenCES scale is used in prisons around the world. It reflects such dimensions: "Patients' Cohesion, Experienced Safety, Therapeutic Hold" (Milsom, 2013, p. 86) [15]. However, it should be noted that EssenCES is the 15-item instrument that comprises of three climate dimensions: Patients' Cohesion and Social Support, Safety (vs. threat by aggression and violence) and Therapeutic Hold. It is used both in psychotherapeutic practice and in assessing the condition of convicts in prisons. In scale lanes, physical parameters and other similar parameters are given less attention. However, the link between the conditions of detention and the well-being of prisoners is key to Ukraine. Despite the significant advantages of the scale, for Ukrainian practice, it is not suitable.

According to Milsom, "compared the factor patterns from three domains of the Prison Social Climate survey (PSC) (Environmental quality of life; Personal well-being; and Safety and security) and their stability. There is a commonality of dimensions in the US (PSC) and English Measurement of quality of prison life (MQPL) instruments although they differ in tone" (Milsom, 2013, p. 86) [15].

MQPL consists of a number of empirical-conceptual dimensions, such as 'respect', 'staff-prisoner relationships', 'humanity', 'fairness', 'staff professionalism, organization and 'consistency', 'security', 'personal development' and 'well-being'. The downside of the MQPL survey is the time that is required for it. For this reason this scale is not very appropriate for countries that are in an active reform phase, such as Ukraine. However, for sustainable democracies, it is optimal.

The comparison of the three most popular scales (PSC, EssenCES, MQPL) shows that PSC is the most relevant for Ukraine. However, the potential of PSC is not limited to issues of criminal psychology. The basic and additional parameters included in such a scale have the potential for application in the penal law and criminology, for the purpose of improving the well-being of convicts.

### 3. Aim and Methodology

The aim of this paper is to study the development and modern state of implementation of international standards for the treatment of convicted persons. Currently, there are several scales for measuring the well-being of prisoners, which can be considered international standards : PSC, EssenCES, MQPL. It is also the task of the article to suggest the most appropriate scale for assessing the social climate in Ukrainian prisons. This will allow contributing to the improvement of human rights in Ukraine, improve the state statistics, and help to understand the real needs of convicts.

The very logic of constructing all these scales (PSC, EssenCES, MQPL) is based on the opinion of the convicted prisoners on the conditions of their stay. However, only the consideration of prisoners' opinions, without effective measures for working with prison staff and changes in legislation, will not be enough to change the situation. Therefore, to solve these problems, we need a comprehensive work with the prisoners themselves and with the staff of the prisons.

According to the Correctional Code (Criminal-executive code of Ukraine), there are two types of institutions for punishment in Ukraine: prisons for those convicted and jails for those awaiting their trial or are under investigation [28]. The conditions of detention and the regime in these institutions are not very different. Therefore, in the framework of this study, they will be analyzed together under the term "prisons".

The leading theory of methodology in Ukrainian jurisprudence is normativism. Ukraine, as a post-socialist country, largely uses the Marxist approach to scientific methods. This approach is founded on the orthodox empirical concept. This scientific tradition is particularly noticeable in the field of social and legal sciences. In Ukraine, the methodology of law is studied mainly on the general theoretical level within the theory of state and law. Ukraine has a special approach to formulating legal research methods. At the same time, there are very few works on legal methodology in Ukraine. For Ukrainian legal science, it is characteristic to use references to certain traditional methods, without pointing to the author and not deciphering in detail the essence of such methods. Modern work, in which the author explains such methods as the formal-dogmatic, formal-logical, historical and comparative method, is the work of O. Skakun [20]. The traditional for Ukraine approach to methodology is also used in this study. The following methods are applied:

Formal-logical - for the formation of new concepts, their classification, typology of the studied phenomena, i.e. the division into separate types, subtypes; eliminating inaccuracies and contradictions, etc. This method involves the use of logical laws and rules (they are also called methods-techniques or logical techniques): the ascent from abstract to concrete, abstraction, analysis and synthesis, induction and deduction, modeling, etc. In many respects this method (along with the comparative) is the main one in the study.

Formal-dogmatic, or legal method, based on the use of rules of formal logic for knowledge of law, is a traditional, inherent in legal science, since it proceeds from its nature. Its essence is in the formulation and disclosure of legal concepts, the construction of legal structures, and clarification of the actual content of the law. This method was used in the analysis of legislative provisions on the conditions of convicts' imprisonment.

At all stages of scientific research the dialectical method is used. This method determines the paths of any scientific study. It helps to explore all the phenomena in the relationship, interdependence and historical development.

The historical method is used for understanding of the right-state events, facts, ideas (theories) having time and spatial certainty in the context of their origin, formation and development, revealing of internal and external relations, patterns and contradictions, unity of subjective and objective moments. The purpose of this method is to determine the value of the object under study for the period of functioning, developmental prospects, connection with the present.

Comparative method involves comparing single-order legal concepts, phenomena and processes to establish similarities and account for differences between them. A prerequisite for applying this method is comparability of its objects (belonging to the same kind, type, the presence of similar structures, functions, tasks, goals, etc.). Comparisons are used in the classification of right-wing phenomena, clarification of their historical sequence, genetic links between them, general and specific patterns of development, traditions and innovations.



Unfortunately, the sociological method was used only fragmentarily since in Ukraine it is virtually impossible to conduct large-scale polls of convicts.

#### 4. Results

The issue of prisoners' well-being in places of detention is explored in criminal psychology, sociology, criminal-executive law, and other fields. One of the key issues in this context is prevention of new crimes committed in places of liberty deprivation. A determining factor for prisoners' well-being and preventing them from committing new crimes is proper conditions of detention in places of imprisonment.

The concept of prison crime prevention in Ukraine prison has several tasks. Among them prison crime prevention (prevention so that the prisoners do not violate the prison rules) and rehabilitation (treatment to help them reintegrate into society). But the impact of a positive social climate on prisoners was not investigated. A classical approach is to analyze these questions within the framework of criminal psychology. However, in Ukraine, these issues are studied by criminology. Therefore, the achievements of psychology and sociology are beyond the attention of scholars and practitioners in this field. One of the problems that are typical for the Ukrainian prison system as a whole is the lack of quality state statistics. However, the Ukrainian system of prison statistics is the successor to the Soviet system. This means that actual indicators that really reflect the current situation with the rights of convicts are not collected at the state level. This does not mean that there are no statistics in prisons in Ukraine at all. Information on the number of convicts, the number of prisons, age and gender of prisoners are regularly collected and freely available. However, modern Ukrainian statistics cannot fulfill their main function of reflecting the real situation in prisons and help in choosing the priority directions for its improvement.

In this, we see the undiscovered potential of the PSC scale, which is much greater than the actual application in criminal psychology. After all, the responses of convicts to issues concerning their own well-being will enable us to determine the directions of reforming the penitentiary system from the point of view of penal law.

The works of modern Ukrainian scholars demonstrate this separation of views. Oleinik looked at the problem of the social life of illegal drug users in prison. According to Oleinik "these convicts are not a part of the traditional criminal milieu, but a product of the perception of certain acts as crimes in particular contexts (e.g., an increasing social distance, the state's control over potentially dangerous groups, etc.)" (Oleinik, 2013, p. 185) [16]. This view is progressive for the post-Soviet countries, but specific measures on the social climate are not discussed.

Ukrainian researcher Buzalo et al. points to the following types of prison crime prevention measures (that is, additional measures applicable to prisoners) from the perspective of Ukrainian criminology: "socio-economic, legal, ideological, organizational-managerial" (Buzalo, 2007, p. 147-151) [3]. This position is classic. In this system, there is no role for criminal psychology, but rather for ideology. It is within the framework of ideology that some issues of criminal psychology are considered. These fragments include resocialization and psychological assistance.

Such a small number of studies indicate a lack of attention of Ukrainian scholars to the problems of social environment in prison. This approach has a deep historical background. Ukrainian criminology continues the tradition of Soviet Criminology. At the present stage, although the references to Marx and Lenin disappeared from the work of Ukrainian criminologists, the approaches introduced during the Soviet times remained unchanged.

The work of Friday remains relevant for understanding the general situation. Friday found, that "in socialist thought, the individual is collective; the self cannot exist outside of the society" (Friday, 1987, p. 139) [7]. "Criminal behavior is rooted, therefore, in the individual's intellectual and emotional world, developed under the influence of social effects and relations. It is in this way that criminal offenses result from a series of causal connections with origins in the structure of society" (Friday, 1987, p. 139) [7]. "It is in this essential view of man's relationship to society that socialist criminologists are able to view the process of criminalization both as society's failure and the individual's responsibility and to look at objective social conditions and subjective interpretations. Criminal behavior is not determined by the internal or external, but by the dialectic between them. Determinism is not predestination; it is the determination of awareness through a constellation of causal events" (Friday, 1987, p. 139) [7]. "A criminal act, determined by





personality, is proof positive of the failure of the society to adequately socialize and integrate the offender into the collectivity. This requires remediation, resocialization, and re-education. Therefore, the imposition of penal sanctions for anti-social behavior is justified as prevention" (Friday, 1987, p. 139)[7].

Tierney and O'Neill point out the contradictory development of criminology in the 20th century. They conclude that "[i]n the communist countries, there was a specificity of the socialist criminology development. They quote this approach "Structural Marxist approach' (Structuralism)" (Tierney, J. and O'Neill, M., 2013, p. 187) [21].

Zembroski studied the problem of the development of sociological theories of crime and delinquency, which developed in parallel with the Soviet ones. His research begins with the anomie theory and the theories associated with the Chicago School of Sociology (1920s). They are followed by theories of strain, social control, opportunity, conflict, and developmental life course (Zembroski, 2011, p. 240) [29]. Even a superficial analysis of these concepts allows them to see their fundamental differences with the Soviet doctrine. Ukrainian scholars should pay more attention to foreign trends in criminology. Foreign scholars can also find interesting ideas in post-Soviet criminology.

First of all, Ukraine needs to pay more attention to the positive social climate and conduct sociological research in prisons; we can bring Ukrainian criminological research closer to our present developments. Harding uses the notion of "validated tools for measuring prison social climate" (Harding, 2014, p. 163). This research identified "regime factors that tend to make the prison experience less negative for prisoners. Experience in other human service areas would suggest that programs delivered in a positive prison social climate should be more effective than those delivered in a negative climate" [8] (Harding, 2014, p. 163).

However, these fragmentary measures are not enough. To build an effective preventive system, we need to use the achievements of psychological and sociological research in this field. Now the social climate in Ukrainian prisons is very unfavorable.

The lack of scientific basis for studying the social climate in prisons at the national level, inadequate statistics and the inability of scientists to access the prisoners make the situation catastrophic. Nowadays, the living conditions are very poor in Ukrainian places of detention. There are significant economic and structural problems in this area. Different methods from a variety of research fields, such as economic, psychological, sociological and others, are used to address those problems. Undoubtedly, it is necessary to comprehensively improve the conditions of detention of convicts. One universal recipe cannot be offered however, in order to improve the situation, it is necessary to explore it. Current prison statistics do not meet contemporary requirements; researchers have no possibility to interview prisoners and there is no possibility for receiving feedback from convicts.

Therefore, there is an urgent need in an effective instrument for a comprehensive analysis of the prisoners' living conditions and for obtaining feedback from them in Ukraine. Such tool would allow solving several issues:

- a) contribute to the improvement of human rights in Ukraine;
- b) improve the state of the statistics;
- c) help understand the real needs of convicts;
- d) all of the above will contribute to the formation of a concept of prison crime prevention.

Comprehensive improvement of the situation with prisoners' conditions requires constant evaluation of the current situation and for that an effective scale needs to be chosen. Some widely used scales are the Essen Climate Evaluation Schema (EssenCES), the Prison Social Climate Survey (PSC) and English Measurement of quality of prison life (MQPL) instruments.

Bennett and Shuker have indicated that "more positive social climates can improve safety, psychological well-being, quality of life and contribute to reduce reoffending. It is concluded that understanding and managing social climate is an essential aspect of improving the safety and effectiveness of prisons. Developing practices that "enhance social climate requires looking beyond mainstream prison practices, towards niches such as specialist units and prisons, including D[emocratic] T[herapeutic] C[ommunity]s and other therapeutic communities, and psychologically informed environments, as well as looking at practices in other settings including forensic mental health" (Bennett and Shuker, 2018, p. 44) [2]. Taking this wider perspective can be a source of ideas and practice that could inform a profound culture change.



Ukraine does not have many achievements in this area. This is due to complete isolation of criminology and criminal law in the Soviet times. Therefore, the solution of this problem is crucial in solving three problems:

- a) study of the historical aspect of the question;
- b) analysis of works on social climate issues for possible application of their provisions in Ukraine.
- c) analysis of available statistics (due to the technical impossibility of obtaining other data from prisons);

Lykhova found that “one of the positive moments of globalization is the possibility of the formulation of international standards in the approach of criminal legal protection of human values” (Lykhova, 2016, p. 126) [13]. Globalization processes anticipate the new level of international cooperation. That is why the European choice of Ukraine requires the analysis for state development issues of current importance to domestic legislation in the context of the common European research area.

In Ukraine there is a gap between penal law, criminology, and psychology. There is also a gap between theory and practice. According to Lykhova, the existing penal system and pre-trial detention were created in Soviet times. Ukraine lacks financial resources to fund prisons and colonies adequately. As a result, people often live in inhumane conditions there. Penal system does not correspond to the current level of socio-economic development of society and to the principles of humanism and respect for human rights and freedoms in the process of punishment execution (Lykhova, 2014) [14]. However, the issue of positive social climate is paid very little attention to even on a theoretical level. State policy prioritizes individual work with convicts in Ukrainian prisons; however collective work with convicts should be based on modern developments. Therefore, the question of the prison climate in Ukraine is so relevant.

Ukraine should follow the experience of other countries and implement the concept of measuring the social climate in the population at the state level. However, there is no need in inventing a new scale. It is possible choose the best of existing scales, translate it into Ukrainian, adapt it to national conditions and adopt it for use at the state level. This has not been done yet and the current study is one of the first attempts to encourage this policy development.

There are temporary detention isolators (for those awaiting trial) and correctional colonies (for those convicted of crimes) in Ukraine. Temporary detention facilities are formally segregated and are not prisons. However, under conditions of detention and a very long stay, they are actually prisons. The conditions of detention in both are very similar and unsatisfactory as confirmed by the OSCE reports [17,5], the Ombudsman [23,24] and the State Penitentiary Service [25].

One of the problems that are typical for the Ukrainian prison system as a whole is the lack of quality state statistics. This does not mean that there are no statistics in prisons in Ukraine at all. Information on the number of convicts, the number of prisons, age and gender of prisoners are regularly collected and freely available. Public organizations also conduct relatively regular polls among convicts and prison staff on various issues [5,6]. However, the Ukrainian system of prison statistics is the successor to the Soviet system. This means that actual indicators that really reflect the current situation with the rights of convicts are not collected at the state level. At the same time, although the current statistics in Ukraine are very imperfect, we use the available data to illustrate the situation where possible.

Also, in order to determine the priorities of reforming prisons, changes in the statistical system are necessary. After all, without real statistics, there is no way to determine the ways of reforming the prison system. In this case, PSC is a comprehensive tool that allows you to immediately identify the major issues that exist and take immediate measures to improve the situation. The PSC system is particularly successful here since it reflects the basic needs of the convicts while taking into account the opinion of the prisoners themselves. The PSC scale is not currently used in Ukraine. However, even in the current situation, we can talk about the situation as a whole on the basis of the given parameters.

The PSC in the first section highlights the environmental quality of life. The first domain of the PSC relates to physical environment: accidents, noise, food, crowding, visits. However, in the Ukrainian context, it is worth considering physical architecture as an additional dimension (Akers, 1976, p. 624) [1].

A physical architecture of place of imprisonment is a big problem for Ukraine. Lykhova (2016) states that “one of the most critical situations of the Penalty Service in Ukraine – is overloaded penal institution. Most prisons and other institution were built 50 and 100 years ago. They function today” (Lykhova, 2016, p.



127) [14]. The horrible unsanitary, cold or stranglehold, heterogeneous contingent, and brutal guard - all these are usual pictures of the life of prisoners. These problems were discussed in reports of the reputable international institutions - the UN Committee against Torture, the UN Committee of Human Rights, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The Ukrainian ombudsman paid attention to the discrepancy between detention conditions in Ukraine and in Europe for a number of times [14].

The statistics of the penitentiary service are very specific. It does not reflect the real conditions of detention. According to Donetskyi Memorial (2018):

[i]n the prison system in Ukraine system controlled by the Ukrainian authorities, that is, without institutions of Crimea and the occupied part of the Donetsk and Luhansk regions, as of 01.07.2018 there were 56,638 people. The number of prisoners per 100 000 of population of Ukraine is 135. As of 01.01.2018, 57295 people were registered on the account of the authorized probation bodies. During 2017, 568 people died in prison institutions, of which 164 were in detention centers (we do not have separate statistics on what caused the death - murder, suicide or illness. However, high mortality indicates serious problems). The number of cases of suicide during the stay of persons in all institutions of deprivation of liberty was 46 in 2017, of which in investigative detention centers - 13 persons [5].

Even without conducting a survey, this quality of the physical environment can be considered unsatisfactory.

Other indicators are actually not available for scientific research. Such high rates of mortality and suicide suggest that the issue of using psychological knowledge to improve the social climate in prisons and prevent recurrences is very relevant. Positive points can be considered to increase the attention of the state to the work of psychologists in prisons and attempts to introduce a probation service. First of all, this reflects the adoption of a number of international conventions in this area. In compliance with the commitments undertaken, the relevant national regulations are issued.

The situation with noise and crowding also needs to be changed. There is not enough beds therefore, prisoners sleep in turn. According to the information of The General Prosecutor Office of Ukraine "European standards for the detention of prisoners, each prisoner should have at least 4.5 square meters area of the camera. General Prosecutor of Ukraine informed that in Ukraine, this standard is at 2.5 square meters, but in fact even 1.5 square meters" (The General Prosecutor Office of Ukraine, 2018) [25]. Under these conditions noise is constant. That is, the situation with noise and crowding can also be considered unsatisfactory.

Romanov et al. have looked at the problem in the same way. However, he gives even more impressive numbers. He notes that "the soap norm is 200 grams per convict per month. At the same time, the norm of soap for a prison dog is 250 grams per month. In this, the scientist sees an image of human dignity" (Romanov et al., 2015, p. 74) [17]. The next indicator is food. Last year Ukraine allocated UAH 250 (USD10) for food per prisoner per month. Maintenance costs covered by the budget are 10 UAH (less than 50 cents) per day. It is clear that such financing cannot provide prisoners with high-quality food. Therefore, the food situation is also unsatisfactory, which is obvious even without a poll.

Consequently, according to the first section of the PSC scale, even without a survey, it can be argued that the situation is unsatisfactory.

The next aspect is personal well-being. It can be divided into two factors - psychological well-being and somatic complaints. In May 2017, a group of four foreign experts and two representatives of the Secretariat of the Ombudsperson for Human Rights conducted a tour of the penitentiary establishments of Ukraine in order to assess the quality of psychiatric assistance in the system of punishment execution. In June 2017 a report has published an overview of the prison health services in Ukraine and the development of an action plan [9]. Basically, the system aspects of mental health in the penitentiary system, the prison environment, contacts with the outside world and the content of the day were assessed. No specific method for evaluating the quality of the environment was used. It is pointed out only that "Creation of a better prison system should be linked with the best trained, qualified and paid prison staff. In addition, a less repressive prison system, more aimed at rehabilitation, a correction and an alternative to pre-trial detention may reduce the number convicted" (The report reviews the mental health services in Ukraine and develops a plan of action, 2018).



Psychological well-being is a big problem in Ukraine. According to the staffing schedule, all prison institutions must have a psychologist, but in reality that is not always the case. There are also problems with trust between prisoners and a psychologist. Although among the tasks of the psychologist is the provision of psychological assistance to the convicted and detained persons, the methods of such work and the collection of statistics are not defined. However, the provisions of these acts are often obsolete even before adoption. The Act-On the organization of socio-educational and psychological work with the condemned regulates the activities of the psychological service in detention isolators and correctional colonies. In accordance with the Order of the Ministry of Justice of Ukraine "On Approval of Rules of the Internal Rules of Investigative Insulators of the State Criminal Execution Service of Ukraine" (Ministry of Justice of Ukraine, 2013):

[p]sychologist in prison has his own tasks: providing psychological assistance to the convicted and detained persons, development and implementation in cooperation with the personnel of the institution of individual and group programs of psycho-correction and pedagogical influence on convicts, increasing the psychological skills of the staff of the institution, generalization, and introduction into practice of the institution of modern methods of psychological and pedagogical influence on convicts and persons taken into custody [26].

Therefore, the improvement of the qualifications of psychologists and the definition of clear parameters for determining the psychological state of convicts is important. The next parameter is somatic complaints. Currently, the quality of health care is not adequate in prisons. According to the report that reviews the mental health services in Ukraine (Donetskyi Memorial, 2018) "on average, prisons are provided with doctors by 75 percent. Drug procurement budget is very small and funded by 50%". The procedure for providing medical care to the prisoners is very bureaucratic.

That is, in the second section of the PSC "personal well-being" (which generally includes the quality of medical and psychological care), the situation in Ukraine is also unacceptable basis of available statistical data.

The situation is also threatening with respect to personal safety and security (Safety for staff and inmates, Influence of staff on inmate behavior, Influence of inmates on inmate behavior, Frequency of assaults, Freedom of movement around a prison, Searches, and shakedowns).

Liebling state that "the most important dimensions, which contribute most to variations in levels of personal development among prisoners, are 'humanity', 'staff professionalism', 'help and assistance', 'bureaucratic legitimacy' and organization and consistency" (Liebling, 2004) [11]. These included respect, humanity, staff-prisoner relationships, trust, well-being, safety, order and the use of authority by staff.

Donetskyi Memorial provides the following statistics on prison staff:

[t]hey are forbidden to use energy soft drinks, and the beds should be laid according to the established pattern. On the other hand, due to small salaries, there are problems with the number and quality of the prison staff. We have very little empirical material about staff satisfaction with their work. In fact, the only one can be called Analysis of the results of the survey of employees of the SIZO No. 13 in Kyiv. The total number of interviewed SIZO employees is 100 people (48 men and 52 women). The level of satisfaction with the working conditions among the respondents is low. Satisfied by them are 29%, not sure are 9%, dissatisfied are 62% of the respondents. Most respondents indicated that they would have left the job in the penitentiary system if they had a more attractive offer. 57.7% would agree to change the job, 23.7% would not agree, the rest - have not answered. Among the main reasons for changing job the respondents mentioned higher remuneration (33%), better working conditions (8%), some would agree to move to a job with better social guarantees [6].

There is a general dissatisfaction with the level of remuneration among the prison staff. Only three respondents indicated that their salary provides a reasonable standard of living. The rest was "completely dissatisfied with the level of payment (45%) or believes that it does not fully ensure a standard of living (52%). The majority of respondents (70%) supported the need for psychological prevention among prison staff, while 22% denies such need and the rest did not respond" (Donetskyi Memorial, 2007).

The main arguments in favor of psychological assistance were the danger of professional deformation (degradation), great psychological stress, and negative emotions. It was also mentioned that it could be an opportunity to improve the skills of staff, in particular, help overcome a problems with alcohol dependence.



There is no social statistics for prison accidents in Ukraine. The community becomes aware of only some of these cases. We know that various accidents occur frequently in Ukraine, but we do not have access to quantitative indicators. For example, in Kherson region, 8 prisoners cut their hands and forearms with a safety razor using the blade [5].

The walk of the prisoners lasts one hour. This happens in the yard, fenced with lattice. With such indicators, we cannot even talk about the opportunity to be satisfied with the conditions. Commissioner of the Supreme Council for Human Rights (2018) emphasized on this problem during every visit to all prisons [23].

The situation with visits, in general, is not bad. Prisoners are allowed short visits with relatives or other persons. To realize this right they need to obtain a written permission from the investigator or the court conducting the criminal proceedings.

Internal Rules of Investigative Insulators of the State Criminal Execution Service of Ukraine regulates that the duration of the visit is one to four hours, taking into account the wishes of the prisoner, his conduct and the capacity of the premises for the provision of visits. In the Criminal-executive code of Ukraine regarding convicted prisoners, the number of visits depends on many factors. On average, the convicted person is given one short appointment per month and one long visit for three months. Taking into account the data, it is very important to study the number and quality of visits, according to the prisoners themselves.

Both of these factors, along with the lack of adequate statistics, generate numerous abuses. For example, according to the information of the Prosecutor's Office of Poltava removed from criminals "in [several] local prisons - hogs and horns, wound barbed wire with sharp metal spikes, snags, and sledgehammers that could be used to torture prisoners" (the Prosecutor's Office of Poltava, 2018) [22].

In 2017 more than 500 people died in Ukrainian penitentiary institutions. The high powers of the staff, low wages and tight restrictions on prisoners without the necessary controls make the situation dangerous. Therefore, the maintenance of the necessary safety statistics is of paramount importance.

Personal security, as we see, is not generally provided either. Despite the good situation with the visits of other parameters (Safety for staff and inmates, Influence of staff on inmate behavior, Influence of inmates on inmate behavior, Frequency of assaults, Freedom of movement around a prison, Searches, and shakedowns) are unsatisfactory, which is generally clear and without an additional poll.

## 5. Discussion and Conclusion

The comparison of the three most popular scales (PSC, EssenCES, MQPL) shows that PSC is the most optimal for Ukraine. The issue of positive social climate in prisons in Ukraine has not been studied. Therefore, foreign work is used to study this issue. However, the potential of PSC is not limited to issues of criminal psychology. The basic and additional parameters included on such a scale have the potential for application in the penal law and criminology, for the purpose of improving the well-being of convicts. It is the PSC that focuses on issues of concern to the Ukrainian penitentiary system - the physical environment (including food and noise); inappropriate medical care; low quality of work of the personnel and excessive constraints for prisoners.

At the same time, access to the penitentiary system is very obscure, and the quality of such statistics is unsatisfactory. The first step for converting the state policy in this area is the introduction of the PSC at the state level in the system of official prison statistics. The second step would be to conduct a poll on the PSC system in all prisons. The third step, based on the collected data, is to determine the parameters that cause the most dissatisfied prisoners. The fourth and most important step should be the development of concrete measures to improve the lives of convicts in accordance with the data obtained through the survey. That is, reform can begin with the development of a prison repair program; and maybe from the development of a new diet for convicts. All at the same time cannot be changed. The sequence of changes should be determined first and foremost, taking into account the opinion of the convicts. A very good tool for this is the PSC. However, after significant reforms, the PSC will not lose its impetus to assess not only the opinion of the concrete convict but also the situation as a whole. A regular, semi-annual poll of convicts will allow control of the situation. This will help to respond in a timely manner to negative trends, as well as give further recommendations on penitentiary prophylaxis in terms of criminal law and criminology. In general,



the concept of PSC is an effective mechanism that should be implemented in Ukraine in the practice of prisons. It is helping to obtain statistics, conduct further research and improve conditions for prisoners. Better conditions for the detention of prisoners will help to prevent crimes.

As was investigated, the indicators proposed by Liebling (Environmental quality of life (food, crowding, noise etc.), personal well-being (psychological well-being and somatic complaints) and personal safety and security) are appropriate for assessing the quality of life of convicts in Ukraine. At the same time, at the moment, as demonstrated by research, the quality of the social climate is unsatisfactory with all indicators. This means that the reform of the penitentiary system should be in all directions specified by the PSC, with priority being determined by interviewing the convicts.

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