



## Aging behind bars in Portugal: a case study on elderly inmates

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### Abstract

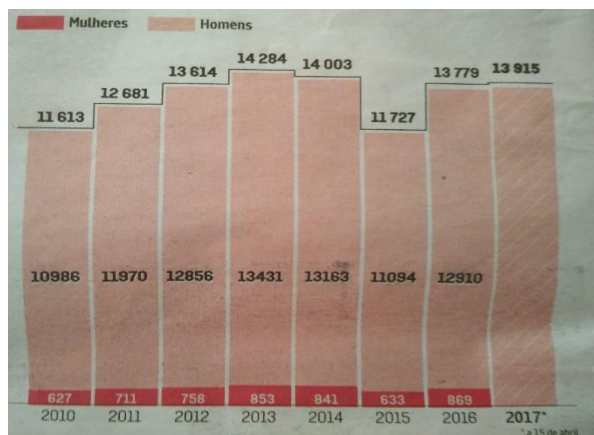
This paper presents a study about the ageing of people under detention, based on the analysis of a prison located in the north of Portugal. Scarce studies were developed with this population and statistical data indicates the increasing number of elderly inmates in the Portuguese prison context. This paper intends to explore the perceptions of the inmates who are over 60 years old, as well as other professionals who interact daily with this population. The research is a case study with a qualitative approach. Data collection includes semi-structured interviews to prisoners, the prison director, guards, health professionals, reeducation professionals, etc. For the purpose of this paper, only results from interviews to prisoners will be analyzed (n=11). Ethical issues and procedures were carefully considered during all phases of the research plan. The results intend to contribute to a greater comprehension of the ageing phenomena behind bars and the imprisonment experiences lived by elderly prisoners, including adaptation to prison as well as resocialization issues, pointed out as of great importance by the Portuguese legal system frameworks. Results of this exploratory paper show a description of the social representations of elderly inmates, regarding perspectives of life trajectory without imprisonment, reasons for the crime practice and its interpretation, representation of prison admission, adaptation to prison, representation of the relationship with professionals, social representation of prison population and resocialization and age.

**Keywords:** ageing, elderly inmates, social reintegration, Portuguese context.

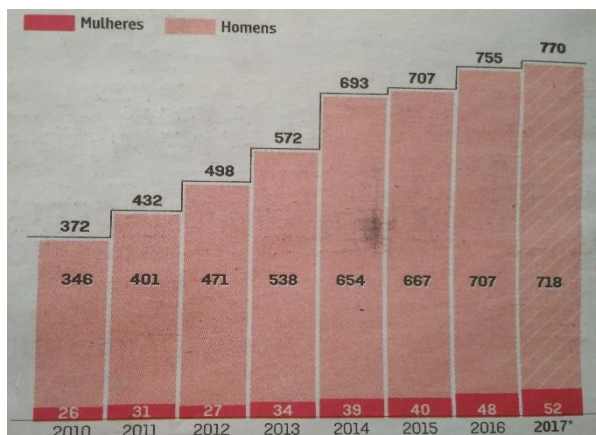
### Introduction

In 2015, Portugal was the 4th country within the European Union with the biggest percentage of elderly people, with 20.5% (source: PORDATA). It can be designated as a “hyper-aged society”, considering that in 2050 numbers will increase to over 30%. The prison context is not an exception. There are more and more elderly people in the prisons and statistical data shows that the numbers are increasing every year (see figure 1). A newspaper headline published on a national Portuguese newspaper, on the 3<sup>rd</sup> of May 2017, calls the attention to this phenomena: “Number of elderly prisoners duplicated in seven years”. This matter has become an issue of great concern and challenge for the Portuguese Prison Services. Statistics from the General Board of Prison Services (DGSP - *Direção Geral dos Serviços Prisionais*) indicate that in 2010, there were 372 inmates aged 60 or more years old in the Portuguese prisons. In the following year (2011), the number increased to 432 (see figure 2). And the number never stopped increasing since then. At the end of the year of 2016, there were 755 elderly prisoners. Of these, 707 were male and 48 female.

Adding to this fact, several of these people were arrested when they were already over 60 years old. With the advance of the age, multiple health problems, the lack of hope and the possible loss of social-affective attachment, are some of the main difficulties faced by these people. The challenges of social reintegration are enormous and Prison Services have a complex task in occupying and monitoring these people.



<sup>1</sup>Figure 1: Evolution of the Prison Population in Portugal



<sup>2</sup>Figure 2: Prison population aged 60 and over

### Portuguese Prison System – some features and regulations

The Portuguese legislation concerning the Prison Establishments includes two important legal frameworks which support and guide the organization of all Prison Establishments. These are the Decree Law nº115/2009 of October 12, which refers to the *Code of Execution of Sentences and Deprivation of Liberty* and the Decree Law nº 51/2011 of April 11, which sets the *General Regulation of the Prison Establishments*. These Diplomas are the legal support that legitimizes all the work carried out by professionals (including the Re-education Professional) working in the prison context who, in an organized and cooperative manner, deal with the re-socialization of the prisoner, since the moment of his/her entrance until the moment of his/her exit. After the admission of the prisoner, his/her clinical evaluation, the contact with the surveillance and security services and other steps that are necessary to guarantee the specific needs of each person, a specific individual plan is elaborated by the Re-education Professional, who accompanies the prisoner during the entire duration of his/her detention. Special attention and consideration is given to the problem of elderly people, aged over 65, as well as youths and pregnant women. In the case of elderly inmates, the article 4º of the Decree Law nº115/2009 of October 12, referring to Special Guiding Principles, mentions on the 2<sup>nd</sup> point, the following: “*the execution of sentences and deprivation of liberty for persons over 65 years of age must respect their specific needs and their state of health and autonomy, in particular by guaranteeing them the necessary assistance in the activities of daily living and by providing them with accommodation, safety, activities and programs*”. This is, however, the only specific orientation found in the legislation which refers, in a clear and straight way, to the elderly population.

Besides this, the Individual Plan of Rehabilitation (PIR – *Plano Individual de Reabilitação*) takes into consideration specific needs of groups and population. According to the article 69º of the Decree-Law nº51/2011 of 11 of April, each inmate has an Individual Plan of Rehabilitation. The plan is compulsory for all prisoners sentenced to more than one year in prison. This plan sets out the objectives to be achieved by the inmate, the activities to be developed, the different stages of implementation and actions needed to be taken by the prison establishment to ensure the support and control of the accomplishment of these activities, based on the following areas: a) education and vocational training; b) occupational work and activities; c) programs; d) social and cultural activities; e) health; f) contacts with the outside; g) strategies for preparation for freedom. It is the responsibility of the Re-education Professional to formalize the Individual Readjustment Plan, which is approved by the director of the prison establishment. After homologation and approval, the Individual Readjustment Plan is reissued to the Court of Execution of Sentences. The Individual Plan of Rehabilitation should be carried out by

<sup>1</sup> Source: Direção Geral dos Serviços Prisionais, números a 31 de dezembro de cada ano | Infografia Jornal de Notícias (JN)

<sup>2</sup> Source: Direção Geral dos Serviços Prisionais, números a 31 de dezembro de cada ano | Infografia Jornal de Notícias (JN)



the departments responsible for supervising the execution of the sentence in cooperation with all the other prison services. During the execution of the Plan, the inmate is given priority to express himself /herself about the plan. In this sense, the inmate can present ideas, programs that may be part of his individual plan. It should be noted that the intervention plan should not be restricted to prisoners, but should involve the other prison actors, such as guards, Re-education professionals, directors, among others. It is a treatment that includes a multidisciplinary intervention. This plan must be reassessed after 60 days of inmate's admission to prison. As Ramos (2011) points out, the plan is carried out and made by the Re-education Professional assuming a fundamental role in the performance of his work in order to occupy the time of imprisonment in the most pro-active way, providing the inmate with the opportunity to acquire new skills or strengthen existing ones, so as to fit him in the overall environment. About the relevance and implementation of the Individual Plan of Rehabilitation, Pontes (2015) developed a study aimed to analyse its complexity and the difficulties found in its practical use by the professionals in the prison context. Based on the empirical study, the author concluded that the Individual Plan of Rehabilitation was considered relatively well structured, in spite of being too complex and, therefore, difficult to accomplish in terms of practical utility. Also, a significant proportion of the individuals surveyed in the study proposed a wider involvement of others sectors and services, mainly the reintegration services, as well as greater specificity and individualization of the plan's objectives. The reformulation of the Individual Plan of Rehabilitation and its greater connection with the Evaluation, to better define the objectives of the inmates' reintegration, are also an important conclusion of this study. To conclude, based on this short description of the main characteristics of the Portuguese prison context, its features and regulations, several issues and challenges must be considered in the analysis and study of this complex phenomena of ageing in the prison context. The role of the social reintegration teams that work with the prison establishments are of great importance also to establish the articulation with the families of the inmates and with the communities of origin, when the flexibility of the sentences is considered: jurisdictional exits, proposals for placement in the open regime in the interior or abroad and appreciations for a possible probation and other situations like the use of the electronic bracelet.

## Method

This study is part of a broader research project carried out within a Masters Dissertation on Education Sciences at the Portucalense University, in Porto, Portugal. The study aims to analyze and understand the ageing phenomena of people who are under detention, mostly those who are over 60 years old, crossing their perspectives with the perspectives of the professionals who work daily with them. The following research questions were defined to orient the study:

- How do elderly inmates and professionals working in the prison context see and understand the ageing phenomena of inmates?
- What are the psychological and social processes that can lead to successful or unsuccessful individual adjustment of elderly inmates?
- What are the strategies and practices implemented for the by the Portuguese Prison System to support the adaptation to prison by elderly inmates?
- How do elderly inmates describe their imprisonment experiences?
- What are the perceptions of the elderly inmates and professionals who work daily with them (guards, health professionals, reeducation professionals, prison director) about social reinsertion?

To attain these objectives, a case study (Yin, 2003) was carried out at a prison context located in the north of Portugal . The research design is based on a qualitative approach and data collection includes open interviews to prisoners and semi-structured interviews to other professionals, such as the prison director, guards, health professionals, reeducation professionals, etc. For the purpose of this paper, only qualitative data from the open interviews carried out with prisoners (N=11) over 60 years old will be analyzed.

### • Procedures

Ethical issues and procedures were carefully considered during all phases of the research plan. A letter was sent to the General Board of Prison Services and Reinsertion (*Direção Geral de Reinserção dos Serviços Prisionais - DGRSP*), presenting the Research Protocol and the authorization request to develop the study in the selected



prison context. Once the confirmation of the authorization of the study was obtained, the data collection phase was initiated and carried out for a period of two weeks, starting the first interview at the midterm of the month of July. The elderly inmates were selected from a list of 46 prisoners aged 60 and over. Due to the short period available to keep up with the paper publication deadline, only 11 inmates were interviewed in the first phase of data collection. Inmates were informed about the purpose of the investigation as well as the authorization of informed consent. During a period of two weeks, the interviewees were randomly called by the guards and directed to the interview rooms. Previously, the researcher had access to the individual reports and cases of each inmate, in order to get to know him better prior to the interview, for example: age; crime; years of pity; recidivism; among others. The previous dialogue established with the guards became crucial to help the researcher become aware of certain characteristics of the inmates. In this way, it was easier for the researcher to adapt her behavior and discourse to each case.

• **Participants**

Participants in the study included a sample of 11 male inmates, selected by a sample convenience. They all have Portuguese nationality and place of residence was located in the north of Portugal. The following table summarizes the characterization of the participants in the study.

**Table 1.** Characterization of Participants

#	Sex	Age	Civil Status	Number sons/daughters	Qualifications	Detention period	Cause(s) of Detention
P1	Male	66	Single	1	2 <sup>th</sup> grade	7years	Robbery
P2	Male	69	Single	0	9 <sup>th</sup> grade	6 Years and four months	Sexual abuse of minors
P3	Male	72	Married	3	4 <sup>th</sup> grade	7 years	Sexual abuse of minors
P4	Male	75	Widow	0	Ceramic course	6 Years	Sexual abuse of minors
P5	Male	65	Married	3	2 <sup>th</sup> grade	6 Years	Sexual abuse of minors
P6	Male	76	Married	2	4 <sup>th</sup> grade	7 years	Tax fraud
P7	Male	69	Divorced	5	4 <sup>th</sup> grade	8 years	Attempted murder
P8	Male	66	Married	3	4 <sup>th</sup> grade	3 years	Tax fraud
P9	Male	64	Married	1	4 <sup>th</sup> grade	3 years and 9 months	Road accident
P10	Male	63	Divorced	2	3 <sup>th</sup> grade	3 years and 4 months	Domestic violence
P11	Male	60	Married	2	7 <sup>th</sup> grade	6 years	Drug dealing

• **Data Collection**

Data collection was based on open interviews carried out with prisoners over 60 years old. The interview was seen as the best research method to attain the research goals, although several constraints and limitations that are strongly related to the use of this method were also carefully considered, such as social desirability, nonverbal communication, the characteristics of the interviewer, the audio recording, etc. (Bryman, 2004; Kvale, 1996).

The script of the interview was organized according to the following guidelines (see table 2), systematized in four major dimensions: a) life before imprisonment; b) adaptation to prison; c) life imprisoned; and, finally, d) life after imprisonment.

**Table 2.** Interview Script and Guidelines

Dimension / Topic	Objectives
<b>Ethical Procedures</b>	<ul style="list-style-type: none"> <li>• Inform about the interview and its objectives</li> <li>• Request permission to record the interview</li> <li>• Create a positive atmosphere of trust</li> </ul>
<b>Life before imprisonment</b>	<ul style="list-style-type: none"> <li>• Understand the professional trajectory of the inmate before the prison entry</li> <li>• Identify the inmate's view of family</li> <li>• Identify personal goals and interests prior to the imprisonment</li> </ul>
<b>Adaptation to prison</b>	<ul style="list-style-type: none"> <li>• Describe the process of adaptation to prison</li> <li>• Identify successful or unsuccessful strategies of adjustment to prison</li> </ul>
<b>Life imprisoned</b>	<ul style="list-style-type: none"> <li>• Understand how inmates spend their time in prison</li> <li>• Identify positive and negative aspects of prison life</li> </ul>



	<ul style="list-style-type: none"> <li>• Analyse the relationships between inmates and the professionals who daily work in the prison</li> <li>• Analyze aspects related to ageing</li> <li>• Analyse the participation in activities and programs that favor inmates' reintegration</li> <li>• Compare the past with the future and the motivations for social reinsertion</li> </ul>
<b>Life after imprisonment</b>	<ul style="list-style-type: none"> <li>• Analyse possible regrets and expectations after imprisonment</li> <li>• Understand whether aging is a factor of demotivation</li> </ul>

• **Data Analysis**

For data analysis, a content analysis was carried out and data from the interviews was organized in different themes (Bardin, 2009). Results will not follow the previous four themes identified in the interview guidelines, as a variety of themes emerged from the data analyzed in the interviews. In the interpretation of the data, we also followed a recent paper from Santos and Nogueira (2015), which refers to the same theme and that was an important reference in the organization of the results, considering that there is scarce literature regarding this theme. Results should be interpreted as the result of a small sample of inmates, that was not possible to extend due to the timeline. Also it is relevant to present that no theoretical saturation was obtained by this data, so they must be considered as exploratory. Also, in this type of population social desirability is very common so the data must be interpreted and observed within this framework (Gonçalves & Gonçalves, 2012).

In the next section, findings will be presented and discussed, according to the data analysis and the review of literature in this field.

**Results and Discussion**

The first theme “*perspectives of life trajectory without imprisonment*” showed similar responses among all participants. Very low qualifications were reported, with some inmates almost without knowing how to read. Also professional careers with no defined purpose, or a specific qualification are reported. In this theme, we found an idealization of the life courses reported by the interviewees. All inmates reported a professional life with a defined occupation, and showed the intention of maintaining that profession when they get out. They present an idealized “positive perspective” also reported by Santos and Nogueira (2015), referring that when they got out they will continue to work on the same tasks, or even open a new business. We found this idealization also associated with their role on the family. The inmates mainly were silent when asked for life goals.

The second theme is “*reasons for the crime practice and its interpretation*”. Surprisingly, this sample does not present any inmate who shows regret and guilty, which shows that these prisoners, according to Gonçalves (2002), are not prepared for re-entry into society, since they did not assume the crime nor demonstrate understanding of punishment and accountability. The emerged category “*victimization by others*”, was reported by subjects who tend to channel the guilt of the crime committed in people or circumstances that are external to them and “impossible” to control (Santos & Nogueira, 2015, 47), including for instances the victim who refers that “I’m here because of her”.

The third theme is “*representation of prison admission*”. It gathers two categories that associate subjective and reported interpretations regarding institutionalization. The first category is the “*surprise associated with the deprivation of freedom*”. The second category is “*sadness*” as most of inmates state this emotional state as part of their admission to prison.

The fourth theme is “*adaptation to prison*”. The main category reported is “*tendency of isolation for personal safety precaution*”. Also, as reported by Santos and Nogueira (2015), “*age*” is the second category and relevant indicator in this dimension as older inmates did not identify with the remaining age groups, so they tend to isolate themselves. The third category is “*relationships out of prison: support and contact with family and friends*” which focuses on the contacts with family and friends, either through letters, phone calls or visits. Family is the center. All, except one, declared family visits and phone calls as a great moment of anxiety, joy and excitement. As Gonçalves & Gonçalves (2012, p.556) argue “... the maintenance of family contacts during the period of incarceration may be a factor in the prevention of break-ups, which in turn lead to recidivism”.



Surprisingly, we have a sample that does not work in prison. We did not find the importance of labor and training practice as an inclusion strategy, confirming the isolation of the interviewed inmates and their rigidity in not adapting to the prison system. For instances, the "precarious exits" granted for good behavior and work allows prisoners to visit family and friends during imprisonment. The fourth category is "**tendency of isolation and victimization of others**". The majority of participants reported that they do not work in prison, however one does and another is in a resocialization program. They report a tendency to isolation associated with exploitation of other prisoners, that clean their cells and personal clothing.

The fifth theme is "**representation of the relationship with professionals**". The prison staff plays a key role in adapting and reintegrating the inmate. Inmates reported difficulties in accessing a social resocialization professional or doctors. This set of participants demonstrated high satisfaction with the relationship established with nurses and the guards. The time of relationship established between these two professional groups, nurses and guards, with the inmates (more than the doctors or reeducation professionals) may allow the development of a closer relationship. It is also known prison's financial difficulties in Portugal, in hiring professionals, so consequently the lack of human resources for the high number of inmates, that is reported by these interviewees. Also, an interesting information is pointed out by Gonçalves (2002), referring that guards tend to protect inmates who are detained for sexual offenses, against other inmates. In this sample, there is a high prevalence of interviewees arrested for this crime, who express appreciation for the guards, as expressed in by the former author. According to Decree-Law no. 3/2014, of January 9, "it is the responsibility of ensuring the security and order of prisons, observance of the law and prison regulations (...) and participate in the re-socialization of prisoners". In Portugal, guards go through a training program with specific re-socialization dimensions, that are part of the training program. We think that some small positive results are emerging from these training programs that can be seen in these exploratory and initial results.

The sixth theme is "**social representation of prison population and resocialization**". In this theme three categories are relevant. The first is "the **stigma**" where they present feelings of shame towards the general population and do not want to be associated with a resocialization program considering this association with the prison stigma. Another category is "**lack of knowledge towards reintegration programs**". Participants in the study refer that some other inmates, not themselves (once again these participants show high social desirability or lack of personal self-evaluation) probably would benefit from these programs. One refers that the programs should have an income associated, other states that he already has gone through one, and other says that he probably would enter in the city library in one of these programs. To sum up, they all show lack of knowledge about these programs and some inmates are not sure about their existence, or how they have access to them. The third category is "**disbelief in prison's regenerative capacity**". As found in Nogueira and Santos (2015), these interviewees discredit the effectiveness of the prison's objectives.

The final theme is "**age**". Considering Santos and Nogueira (2015) research, we can observe a negative perception of elderly inmates regarding their ageing processes. In the interviewed inmates, there was a great diversity of responses, suggesting that elderly inmates do not reflect on ageing in general and on their ageing personally. Faced with this question, there was silence, there was no immediate response. Inmates assume that there is sadness associated, and psychological problems. Based on these interviews, it was not clear if these inmates acknowledge ageing. If they have a real perception of age and the impact of ageing and the life cycle in their life. Nogueira and Santos (2015) describe a resistance to ageing, fighting a constant battle against ageing, not even recognizing it. They also express, as reported by previous authors, a reported association of ageing with illness and disability. Also, they present an external control perception in behaviors that they are able to control. Participants lay down the responsibility of doing physical exercise, even with little intensity as walking, in the prison establishment. Several groups of inmates perform physical exercises in prison, but these inmates, as reported in Santos and Nogueira (2015), present more characteristics of isolation and external accountability for their own behavior. Therefore, there is a lack of personal responsibility in the practice of physical exercise required. Gonçalves (2002) refers that age is a fundamental dimension that differentiates inmates, as younger subjects would be more prone to develop adaptive problems in prison, as they have a more strict and limited repertoire of coping skills. To sum up, in this sample, results, that are initial and exploratory, seem to



acknowledge these elderly inmates as well-adapted to prison (Gonçalves & Gonçalves, 2012). Well-adapted as Gonçalves and Gonçalves (2012) refer do not usually have criminal records, are detained for occasional crimes, although violent, such as those in our sample, composed of several sexual offenders, are over 30 years of age, have conventional values and do not engage in disciplinary proceedings. In Gonçalves (2002), sexual offenders are reported as the best adapted to prison and this is relevant to understand our results as we have many participants detained by these crimes, or crimes against people, that are better adapted to prison than offenders with crimes against property.

### Conclusions

This study presents a relevant and innovative design. Lorito, Völlm and Dening (2017) wrote a systematic review of the existing literature on ageing prisoners. They found that literature tends to focus on diagnosis and physical health. Lorito et al (2017) results show that the experience of imprisonment from the perspective of inmates has received much lesser attention. This study is, therefore, relevant and updated. Presented results do not intend to establish a difference between elderly and younger inmates. This was an exploratory and initial study that intends to see if ageing was relevant in offenders' self-representation. As in Santos and Nogueira (2002) it seems that they are ignoring or rejecting ageing, and results can be a direct sum of other reported dimensions, for instances the crime that they executed and for which they were detained. So, no relevant differences were found between these elderly inmates and the literature that did not focused on ageing (Gonçalves, 1999). This is an important finding to acknowledge, as future developments of this study need to deeper explore ageing in prison, possibly through more specific and detailed scripts regarding age. This study presents relevant advances in understanding ageing in prisons, exploring and describing perspectives of life trajectory without imprisonment, reasons for the crime practice and its interpretation, representation of prison admission, adaptation to prison, representation of the relationship with professionals, social representation of prison population and resocialization and age.

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