

Analysis of penitentiary, social and legal operators' perceptions of prison inmates with intellectual disabilities

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ABSTRACT

Objective: To analyze the different perceptions of professionals about the problem of intellectual disability in the prison setting.

Material and method: Exploratory-descriptive type. In-depth interviews with legal, social and prison operators of Centro Penitenciario de Zuera (Zaragoza).

Results: The narratives of the interviewed subjects point to the aggravating circumstances that a closed social environment can entail for inmates with intellectual disabilities. Communications in the prison administration are written in a technical language that is not understandable for inmates with intellectual deficits.

Discussion: There is a need to give more visibility to the case of inmates with intellectual disabilities. Procedures also need to be applied that favour greater cognitive accessibility for this profile of inmates, along with the promotion of awareness raising and training for professionals to enable them to deal with this issue.

Keywords: prisons; intellectual disability; disabled persons; mentally ill persons.

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INTRODUCTION

Persons with intellectual disabilities in prison are to some extent invisible to and/or ignored by professional agents who intervene in their custody and rehabilitation. Although the prison population with this type of disability is a minority group, 248 cases (6.5%) cases with an intellectual disability are currently registered¹. They generally have difficulties in understanding complex environments and processes such as legal and prison settings. Communication within the prison administration tends to be expressed in a technical language that inmates with intellectual disabilities often find hard or impossible to understand². The outcome takes one of two forms: the inmate does not comply with prison regulations because they did not understand them, and/or they

do not understand the criminal law proceedings that they are involved in³.

Disability is currently understood as a phenomenon where, besides the “environmental factors” (outside the person), there are also “personal factors” (intellectual skills, adaptive behaviours, health, etc.)⁴. The notion of intellectual disability is understood to be an agglomeration of severe limitations in intellectual cognitive organisation and adaptive behaviour. This definition brings together both the intellectual limitations (logical reasoning, learning, etc.) and significant deficits in social and emotional skills (difficulties in interpersonal relations, low self-esteem, insufficient understanding of established rules, low problem-solving capacity, etc.)⁵.

Communication problems are constant, due to deficits in communicational and comprehension skills, and present contradictions, confusion, insecurity, social desirability or acquiescence. Another important factor is that the mental vulnerability of inmates with intellectual disabilities leaves them more exposed to manipulation or violence from other prisoners⁶. The profiles of persons with this type of disability who are serving prison sentences often show that many of them were not diagnosed as such until they entered prison, which implies that their intellectual limitations were not taken into account during the trial⁷⁻⁹. Such a situation means that they do not enjoy the benefits that they might be entitled to, such as the application of security measures. The end result is that the administration, judicial system and the prison all play a part in creating an undesired outcome that reinforces the person's vulnerability without intending to do so.

The main objective of this study is to analyse the perceptions of professionals about the issue of intellectual disabilities in the prison setting¹⁰⁻¹².

MATERIALS AND METHODS

The research was carried out with authorisation from the management of the prison where the study took place, and is exploratory-descriptive in nature. The aim of the exploratory element is to investigate a phenomenon that has hardly been studied in the scientific literature, through a review of specialist literature and in-depth interviews with legal, social and penitentiary operators of Zuera Prison (Zaragoza). The investigative work consists of exploring the diverse narratives and/or perceptual focuses of the professionals involved in one way or another with the judicial and prison system of Aragon in their professional interactions with inmates who have intellectual disabilities. The interviews were qualitatively processed, while the content analysis included data gathering, reduction and generation of categories, and the conclusions were then extracted and verified⁸.

Three main codification categories were defined and used to analyse the content: comprehension skills, rights and cognitive accessibility. The perceptions of the judicial, social and penitentiary operators of Aragon (Spain) who interact with inmates who have intellectual disabilities were then structured and analysed. The field work was carried out between January and June 2019 (Table 1).

The profiles that made up the sample were selected in accordance with criteria of significance and relevance to the exercise of their professional ambits. The interviews were recorded with the participants' consent, and then transcribed for subsequent interpretative analysis (Table 2).

RESULTS

Our analysis of the professionals' discourses and narratives taken from the in-depth interviews are organised according to the previously selected categories (comprehension skills, rights and cognitive accessibility). They reflect the wide range of difficulties and problems faced by inmates with intellectual disabilities.

Category 1: cognitive comprehension skills

Further analysis of the opinions of professionals about the comprehension skills of inmates with intellectual disabilities underscore the intrinsic difficulties involved in understanding prison rules and regulations (interview [E] number 07, E-09), judicial-criminal proceedings (E-06, E-01), legal documents (E-03, E-05) and understanding contents: "You definitely noticed more problems in understanding written texts, and not just complicated documents, but also some simple ones" (E-10).

The marginalised background of this type of inmate, where the socio-educational dynamic is highly deficient, makes it impossible for them to adequately understand their situation or judicial-criminal status (E-03, E-05). One judicial operator commented in this regard that: "the language of what is really a revision, they don't understand the limitation of serving one third of the time accumulated in prison sentences..., that is, the application of a penitentiary benefit in the execution of the prisoner's sentence. They even say: I'm doing time ... and what's this? ...and they don't even know the sentences they have" (E-04). Such comments highlight the fact that many inmates with intellectual disabilities evidently show cognitive limitations in their understanding of oral and written information given to them in prisons.

Category 2: cognitive accessibility

The answers given by professionals about the "cognitive accessibility" category agree on the severe difficulties inmates with intellectual disabilities present when faced with documentation about their

Table 1. Types of professionals interviewed.

Professional profiles and categories	Interviews
Social workers and coordinator. Plena inclusión Aragón	(E-01)
Social worker	(E-02)
Legal-aid lawyer assigned to criminal division	(E-03)
Lawyer of the judicial department	(E-04)
Support team coordinator	(E-05)
Delegate of the Aragon Judicial Council for the Disabled	(E-06)
Prison officer	(E-07)
Female prison officer	(E-08)
Head of prison services	(E-09)
Prison teacher	(E-10)

Table 2. Interview script.

What problems do you think persons with intellectual disabilities encounter in legal proceedings (custody, trial, etc.)?
Do you think that the professionals involved in legal proceedings (judges, lawyers, police) are sufficiently trained in the issue of intellectual disabilities?
Do you think that the prison system adequately manages the needs of persons with intellectual disabilities? Why?
Do you think that the legal and prison settings are accessible to persons with intellectual disabilities? Why?
What future improvements do you feel should be made to the legal and prison system for this group?
Do you think that prison operators (officers) are sufficiently trained in intellectual disabilities?
Do you consider a normal prison setting to be the ideal place to deal with the needs of this population?

classification and the day-to-day regime in prison: "I think there is a lot of room for improvement in accessibility... We already mentioned the difficulties in understanding legal language, the inadequacies and lack of adaptation to needs for persons with intellectual disabilities" (E-06). Legal language tends to be cryptic and turgid, and difficulties in understanding legal and

regulatory texts are much more evident amongst inmates with intellectual disabilities.

One of the significant points found with regard to how inmates with intellectual disabilities are treated is the behaviour of prison personnel in their daily interactions with this sector of the prison population. In certain situations it was found that there is clearly room for improvement in how they are treated and cared for: "Any improvement in accessibility in the judicial-penal sectors still depends to a great extent on the training and sensitivity of each professional" (E-07). The results show that cognitive accessibility has yet to be effectively implemented for inmates with this type of intellectual and cognitive limitation. In fact, neither sector, judicial or penal, meets the minimum standards necessary to deal with functional diversities of this nature in the prison setting.

However, some proposals were found in the comments made by professionals who are more committed and/or aware of the need for adequate interaction with this type of inmate: "Guidelines are necessary to ensure that the legal rulings are fully understood, because it is harder for them than for others to understand the meaning and scope of prison regulations and court rulings" (E-09).

Category 3: rights

The narratives of the operators involved in professional interventions with persons with intellectual disabilities explicitly state that inmates of this nature are entitled to notifications, summonses, arraignments and injunctions that are expressed in simple and understandable terms, and that sentences and other legal rulings should be written in such a way as to be easily understood by their recipients (E-02, E-04, E-05).

One prison professional stated: "There is a general lack of recognition of the right of persons with intellectual disabilities to support and assistance during court and police proceedings" (E-08). The lack of training of judicial and penal operators in dealing with intellectual disabilities does little to help in effectively complying with the principle of equal rights for such persons.

DISCUSSION

At present, cognitive accessibility in the legal and penitentiary systems depends on the goodwill of the professionals who intervene and deal with inmates with intellectual disabilities^{13,14}. It is therefore essential for the state administration to not only provide the necessary economic resources and infrastructure, but

also establish specific training to enable professionals to adequately interact with this type of inmate. Adequate training is urgently needed for personnel who work in prisons and habitually interact with this sector of the prison population.

The appropriate adaptations could then be made to regulatory instructions and so provide the necessary conditions to enable persons with intellectual disabilities to understand how the prison functions, their rights and obligations, and the functions of the persons working in the prison setting^{11,15}.

One of the limitations of our study is the fact that the results obtained with the sample do not permit any more generalised conclusions to be drawn about the professionals who are in contact with inmates with intellectual disabilities. Future research is necessary, with a cross-sectional approach that can go deeper into the interpretative analysis of the highly complex and multifaceted phenomenon of intellectual disabilities in prisons.

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