

Impact of Imprisonment: Dimensions and Consequences

***Razdha Parveen**

**Research Scholar, Department of Sociology, Aligarh Muslim University, Aligarh: 202002.
Corresponding Author: *Razdha Parveen*

Abstract: *The legitimate aim of imprisonment is to reform and rehabilitate those who have committed an offence and are considered a danger to society, to assist them to lead a law abiding and self supporting life upon release. But most prisoners do not exist in a vacuum. They are members of family, kin and friendship networks. While prisoners experience the primary effects of detention and deprivation of liberty, their families live their lives in the shadow of prison having social stigma, economic burden and psychological deprivations. This shadow is cast not only over individuals but also over entire communities. The partners and children of prisoners experience the effects of imprisonment most acutely during sentence but also often have to cope with the manifold challenges posed by prisoners release and community re-entry. In this backdrop, this paper is an attempt to highlight the issues concerning imprisonment its dimensions and consequences of imprisonment over prisoners their family members and community.*

Key Words: *Imprisonment, Community, Prisoners, family members, Dimensions and Consequences.*

Date of Submission: 11-07-2017

Date of acceptance: 21-07-2017

I. Introduction

Perhaps one of the greatest and most complex social dilemmas has been the processing and treatment of the social deviant. Members of any society who do not follow rules and norms pose a natural threat to the group as a whole. Although the traditional Auburn-style prison is perhaps the most common image representing punishment in the United States, dealing with offenders has a somewhat varied past. Prior to the 19th century confinement was viewed as a means to an end, rather than an end in and of itself. Pre-Enlightenment punishments were often Biblically based and corporal in nature. Through pain and public humiliation, offenders were expected to atone for their social sins, sins committed against God, a monarch and society. Public punishment was in part a warning to others of their potential fate should they commit similar offences (Latessa & Holsinger, 2006). The term punishment has been referred to as ‘crime handling’ although its meaning is restricted to measures which are unpleasant and which are deliberately intended to inflict pain on an offender in response to an offence that he or she has committed. However the infliction of pain is not universally accepted as a goal of punishment. The Enlightenment brought about great change in the application of punishment. As a result confinement itself was identified as a new ‘end’ in the punishment spectrum (Joyce, 2013).

Punishment is usually seen by modern theorists of the prison as containing a number of different elements. These are the deterrence, rehabilitation, incapacitation and retribution. Deterrence refers to the effect that the prospect of punishment has on those who might commit crimes, they will assess the unpleasantness of the punishment, divide it by the likelihood of getting caught and decide not to commit crime. It assumes that the potential criminal is a rational actor with a realistic understanding of the criminal justice system. Rehabilitation or reformation is the process whereby the criminal is brought to face up to his/her crimes and adjusts his personality in such a way as to make it less likely that they will reoffend. Incapacitation refers to the extent that a punishment prevents the criminal from committing more crimes and the ultimately incapacitating punishments are death and banishment. However secure imprisonment also temporarily incapacitates. Retribution refers to the pain of punishment that is delivered to the prisoner. It announces the fact that the criminal justice system delivers a just measure of pain to those who break the law. Punishment also reinforced the values of the wider society which stressed that all should work, and should also all fit in to social hierarchies, also contained within families which provide the basic structure of authority in early modern society. The dominance of a progressive and scientific view of the penal system led to a view of the history of the prison that saw it as an inevitable progress towards a more humane, rational and effective system. In *Discipline and Punishment*, Foucault argued that the main shift in punishment in the modern era was punishing the body to punishing the mind. Prisons in the 19th century may have been places of ill health and corruption, but they allowed the inmates to interact and to maintain a sort of human society with an often surprising degree of integration with the world outside the prison. The 19th century changed this and set the pattern which persists today, of the prison as a place where the authorities claim the right to control every aspect of the prisoner’s life (Godfrey et al, 2008).

II. Impact of Imprisonment

A key issue concerning imprisonment is whether it is primarily designed to serve the interests of society and those of the prisoner. The former belief suggests that prisons may serve as warehouses that quarantine or incapacitate those men and women who either cannot be deterred by the threat of sanctions or those whose actions are so harmful to society that they are best kept away from the rest of us. The latter view emphasizes the role of prisons to bring about the reform and rehabilitation of those who have broken the law. It is the matter of concern that whether the impact of imprisonment on individual offenders undermines the capacity of these institutions to reform and rehabilitate inmates. Sociologists of imprisonment emphasize the impact that the prison environment exerts on the mental processes of its inmates. For many prisoners its consequences reduce the potential for prisons to secure their reforms and rehabilitation. Prisoners are poorly prepared for the experiences they face in the prisons and are forced to pick up the prison routine from other inmates. They are subject to a number of basic deprivations and attempt to compensate for the denials of liberty, access to goods and services, heterosexual relationships, autonomy and personal security have been argued to exert considerable influence over the behaviour of prisoners. They have been depicted as lonely individuals in a position of psychological and material weakness subordinate to the power wielded by prison staff which may give rise to anger, frustration, bewilderment, demoralization or stress. Psychological disorders including anxiety, depression, withdrawal and self injury may make reform or rehabilitation difficult to accomplish. Problems which include mental illness, inadequate care and treatment of those undergoing drug and alcohol detoxification programmes and the inability to adapt to prison regimes are major factors explaining prison suicides. In 1999 a survey into the mental health state of prisoners suggested that 95 per cent of male remand and sentenced prisoners displayed symptoms consistent with psychiatric disorders and almost all female remand and sentenced prisoners displayed symptoms common to one or more psychiatric disorders could do some extent be related to the environment of prisons (Joyce, 2013).

III. Types of Prisoners

Prisoners are categorized on the basis of punishment given to the individual by the criminal justice system. They are divided into two groups: undertrial prisoners and convicted prisoners. Undertrial prisoners are those persons who are facing trials in the competent courts. They are technically under judicial custody but for all practical purposes are kept in the same prison especially in India. In many countries there are separate institutions for undertrials. Delay in trial of cases is the main human rights issue of undertrials. The purpose of keeping undertrials in the custody is to ensure fair trial so that they cannot be in a position to influence or induce the witnesses. In the Indian Prisons, undertrials constitute more than 65 percent of the prison population. As per reports of National Crime Record Bureau, the percentage of undertrials in the Indian Prisons varies from 65 to 70 percent which is a major indicator of gross violation of human rights. The reformative and rehabilitative effects of imprisonment are insignificant for them. Yet the costs of imprisonment to the state, to prisoners themselves and their families are great. A convict is a person found guilty of a crime and sentenced by a court or a person serving a sentence in prison. Convicts are often also known as prisoners or inmates (http://shodhganga.inflibnet.ac.in/bitstream/10603/20871/11/11_chapter-06-human-rights-undertrials.pdf).

IV. Impact of Prison Environment during Imprisonment

The state of prisons is a measure of how civilized we are as a society and our record, unfortunately leaves a lot to be desired. Indeed, we have even gone backwards. The environment of prisons may not be conducive to reform, although many prisoners would be able to cope with confinement without experiencing long-term psychological deterioration. It also includes the impact of the prison environment on prison officers and relationship between officers and prisoners, especially within the overall theme of the maintenance of order in prisons.

Security: The emphasis placed on security within prisons may not be compatible with the reform and rehabilitation of prisoners. The view that security considerations should dominate the operations of prisons implied that their prime role was that of incarceration. This requires an environment that was not necessarily conducive to the rehabilitation of prisoners. The availability of training or education was considerably influenced by a prisoner's security categorization, and prison officers were primarily concerned with the security aspects of prison life rather than with its reforming role. The situation was aggravated by the way that prisoners deemed to pose a high security risk were housed throughout the prison system. This resulted in dangerous prisoners being placed in several prisons, in the belief that mixing dangerous and non-dangerous prisoners would make the former easier to handle. However, practically this policy resulted in enhanced and surveillance throughout the entire system, to the detriment of rehabilitative objectives (Joyce, 2013).

Overcrowding: Prison overcrowding is the fountain head of most of the ill. It is insufficient consolation that several countries including United States experience prison overcrowding. Overcrowding undermines the ability of prison systems to meet the basic needs of prisoners such as healthcare, food, hygiene and accommodation. It endangers the basic rights of prisoners, including the right to an adequate standard of living and the right to the highest attainable standards of physical and mental health. These are guaranteed by article 25 of Universal Declaration of Human Rights and articles 11 and 12 of the International Convent on Economic Social and Cultural Rights. The Standard Minimum Rules for the Treatment of the Prisoners (Rules 9-22) makes provisions for prisoners with respect to accommodation, healthcare, ventilation, floor space, bedding, personal hygiene and room temperatures, all of which can be compromised as a result of prison overcrowding. Overcrowding is responsible for the marginalization of the convict population in many states and has also begun to affect the attempts of the prison administration to empower prisoners with skills that would involve them in gainful employment after release (Sadiq, 2013).

Brutalization: Prisons are violent places. Explicit violence gains credit for its perpetrators in both male and female prisons and a known capacity for such behaviour is the necessary currency for efficient and healthy survival. This suggests that prisoners may either need to develop violent traits while in prison or risk being victims of violence from other inmates. It was learnt that those prisoners subjected to violent treatment within prison, especially if carried out by prison staff, may leave prison with a feeling of resentment against society resulting in the commission of further, and more violent criminal acts in future. Another aspect of this problem has been the rise of prison gangs who exert their control over other inmates through harassment, intimidation or murder (Joyce, 2013).

Universities of crime: Prisons are sometimes popularly viewed as places in which relatively minor offenders learn the 'tricks of the trade' from seasoned inmates and thus return to society as more accomplished criminals. It is in this sense especially that prisons have been described as constituting an expensive way of making bad people worse. Further explanation for prisons serving as institutions that educate offenders in criminal habits is the negative image associated with them. The routine of prisons emphasizes that society views prisoners as deviant and in need of a disciplined regime to remedy their personal failings. Such negativity may not be conducive to self improvement. Additionally the stigma of imprisonment may make it hard for prisoners to find gainful employment upon release. It further isolates those who are already marginalized and perhaps encourage prisoners to commit crimes, which may increase the rate of recidivism (Joyce, 2013).

Pains of Imprisonment: The pains of imprisonment include the deprivation of liberty, deprivation of goods and services, deprivation of heterosexual relationships, deprivation of autonomy, and the deprivation of security. Inmates in a prison are not free to leave, or even to move about the institution without the permission of their keepers (staff) and the worst of the liberty restrictions meant that inmates were cut off, for the most part, from family and friends. They cannot call whomever they like or visit with whom they want, when they wish to do so (http://www.sagepub.com/sites/default/files/upm-binaries/43448_7.pdf).

Sexual Assaults: Almost 60 per cent of female prison inmates have experienced some form of sexual and physical violence during imprisonment. Moreover it has been suggested that the experience of sexual violence, in particular, is associated with engaging in sexual behavior that puts women at risk for HIV/AIDS and sexually transmitted diseases. Finally many victims of violence are so severely impacted by their experiences of violence that they remain in a constant state of arousal thereby impacting their ability to function in everyday situations (Arriola, et al (2006).

V. Impact on Family

Most prisoners do not exist in a vacuum. They may stand alone in the dock in court and serve a prison sentence alone, but most prisoners are members of family, kin and friendship networks. While prisoners experience the primary effects of detention and deprivation of liberty, their families live their lives in the shadow of prison. This shadow is cast not only over individuals but also over entire communities. The partners and children of prisoners experience the effects of imprisonment most acutely during sentence but also often have to cope with the manifold challenges posed by prisoners release and community re-entry. Even when an individual has been released from prison their future job and housing prospects, relationships and social status can be affected by their previous incarceration and the circumstances and lives of their family members will often have undergone major change. For many families relationship bonds, including the bonds of marriage, intimacy and the bonds between parents and children, mean that imprisonment poses a challenge to their relationship but does not end it. Many families continue to care for prisoners because despite the locks, bars and bolts an imprisoned family member is still a family member. However the continued existence of family ties is

not to be taken for granted. Imprisonment by its very nature challenges relationships between prisoners, family and kin, friends and other members of their communities. It is not only the by-product incarceration, but a core aspect of the punitive element of imprisonment and one of the unstated aims of sentence. Some families sever contact with an inmate, and some inmates sever contact with their families but that does not change the fact that a family member is imprisoned. For example, even if a prisoner's wife decides to end the relationship, she cannot return to her previous status of never having been married to a prisoner (Codd, 2008).

In considering the impact of incarceration on family, national and international literature has focused on the emotional, financial and psychological burden and pressures experienced by partners and family members of inmates, and the stigma and the resulting erosion of partners and family members social networks. Inmates' re-entry into the family can create a financial burden and stress for partners and families, as well as for inmates. Those released may also experience a complete loss of social support.

VI. Impact on Children

Children of imprisoned parents are often described as the forgotten victims of imprisonment. When a mother or father goes to prison, their children are affected, usually adversely. Yet these effects are rarely considered in criminal justice processes, which instead focus on determining individual guilt or innocence and punishing lawbreakers. The failure to consider or consult children of imprisoned parents at all stages of the criminal justice process, from arrest to trial to imprisonment to release to rehabilitation into the community can result in their rights, needs and best interests being overlooked or actively damaged. The impact of parental imprisonment on children can be profound and long-lasting. Often children of prisoners are discriminated against and stigmatized as a result of parental imprisonment and have suffered from trauma, fear, shame, guilt and low self-esteem. Relationships with other family members frequently suffer. Some children become withdrawn, are affected by increased health problems and regressive behaviour such as bed-wetting, suffer worsening performance and attendance rates at school or display increased aggression, antisocial or criminal tendencies. Some children live with their mother (or, more rarely, their father) in prison. In theory, this does not continue indefinitely most jurisdictions have guidelines stipulating the maximum age at which a child can remain in prison, which varies from a few months to several years old. However, these guidelines are not always adhered to, either because they allow for some flexibility in exceptional circumstances, or because the children cannot be cared for outside (as in India, where children as old as have reportedly remained in prison with their parents because nobody comes to collect them (http://www.penalreform.org/wp-content/uploads/2013/05/Impact_English.pdf)).

The majority of participants had children under the age of 18 years. The most commonly reported impact of incarceration on children was anxiety and the child's sense of loss and responsibility for their parent's incarceration. These reactions were believed to be compounded by the visiting process, which portrayed their parents negatively and prevented them from showing affection. The impact of imprisonment on children appeared to differ according to the age of the children. Incarceration continued to negatively affect parent-child relationships following the parent's release from prison. This was a stressful period of readjustment for both child and parent and sometimes resulted in parents and children withdrawing from one another. Parents sometimes experienced a loss of control and a sense of hopelessness in seeking to re-establish the relationship with their child or children. This was most notable for children aged five years and older. Generally, it stemmed from the child's resistance to the newly released parent imposing parental structure on them (<https://nhc.health.govt.nz/system/files/documents/publications/effects-of-imprisonment.pdf>).

The impact of imprisonment goes beyond the prisoner and some of these consequences may have positive benefits. For example the imprisonment of a drug-using parent may lead to a better experience of parenting for their children where children experience stability and good substitute care. Similarly, if a parent is imprisoned for offending within the family then the quality of life of the family could be substantially enriched by their absence. Removal of a dangerous persistent offender from a community may promote public safety. However, many of the other consequences at best pose challenges for families and at worst lead families to experience profound difficulties and stresses and sometimes family relationship damage or disintegration (Codd, 2008).

VII. Alternative for Imprisonment

Prisons are found in every country of the world. Policy-makers and administrators may therefore simply come to regard them as a given and not try actively to find alternatives to them. Yet imprisonment should not be taken for granted as the natural form of punishment. In many countries the use of imprisonment as a form of punishment is relatively recent. It may be alien to local cultural traditions that for millennia have relied on alternative ways of dealing with crime. Further, imprisonment has been shown to be counterproductive in the rehabilitation and reintegration of those charged with minor crimes, as well as for certain vulnerable populations. Individual liberty is one of the most fundamental of human rights, recognized in international

human rights instruments and national constitutions throughout the world. In order to take that right away, even temporarily, governments have a duty to justify the use of imprisonment as necessary to achieve an important societal objective for which there are no less restrictive means with which the objective can be achieved. Several social objectives are claimed for imprisonment. It keeps persons suspected of having committed a crime under secure control until a court determines their culpability. Equally importantly, it punishes convicted offenders by depriving them of their liberty after they have been convicted of an offence, keeps them from committing further crime while they are in prison, and, in theory, allows them to be rehabilitated during their period of imprisonment. Finally, imprisonment may be thought to be acceptable for detaining people who are not suspected or convicted of having committed a crime, but whose detention is justified for some other reason (https://www.unodc.org/pdf/criminal_justice/Handbook_of_Basic_Principles_and_Promising_Practices_on_Alternatives_to_Imprisonmn.pdf).

Some interventions made by the police service in connection with crime do not involve an offender being taken to court. These include on-the-spot fines, informal warnings and cautions. An informal warning is given by a police officer and may apply to a relatively minor offence. The cautioning system was initially introduced on an informal basis as a response to juvenile offending. The 2003 Criminal Justice Act introduced a new penalty that of conditional cautions which are given to low-risk adult offenders and are linked to requirements contained in the community order. If offenders are taken to court, sentences that are alternatives to custodial sentences may impose. There are two main categories of alternatives, firstly those without any element of supervision, secondly those that includes supervision. Sentences lacking supervision includes, *conditional discharge* introduced by the 1948 Criminal Justice Act. It is a sentence of the court, non-compliance with which can lead the offender to being sent to prison. The requirement to attend court and be sentenced may have a preventive effect on an offender's future behaviour although such a sentence is open to the charge that the offender has been allowed to escape meaningful penalty and has effectively been let off. *Fines* are the most common sentence of the court. The money extracted from offenders goes into Treasury. Non-payment of fines traditionally resulted in prison sentences, although the 1914 Criminal Justice Act introduced the ability to pay them in installments. *Binding Over* the procedure of binding over originated in the 1361 justice of the Peace Act. This entails a verbal undertaking by a defendant to be of good behaviour or to keep the peace. A sentences which include supervision, comprise a range of community-based interventions. *Probation orders* were introduced by the 1972 Criminal Justice Act and re-titled community rehabilitation orders by the 2000 Criminal Justice and Court Services Act. *Community service orders* were introduced in England and Wales in 1973 under supervisions of the 1972 Criminal Justice Act. These orders were put forward as alternatives to custodial sentences and were supervised by the Probation Service. It required offenders to perform constructive tasks of unpaid work of a period of time that now ranges between 40 and 240 hours that were designed to provide tangible benefits to the community.

VIII. Conclusion

The legitimate purpose of imprisonment is to reform and rehabilitate those who have committed an offence and who are considered a danger to society, to assist them to lead a law abiding and self supporting life upon release. However prison population not only consists in this context offenders but also undertrials. The reformative and rehabilitative effects of prison are minimal for such inmates. The Undertrial prisoners suffer in many ways. They are subjected to psychological anxiety and deprivations, social stigma and economic impairment till proved innocent. Every hour reinforces their disillusionment and bitterness towards the system. In this context, there are a number of advantages of community based, non custodial sentences. Community sentences posses the potential to be more effective than prisons in reducing reoffending. It is observed that the rise in the prison population witnessed over the recent years was unsustainable and thus prisons should be reserved for dangers and persistent offenders with other offenders being given non-custodial sentences. Community sentences also enable offenders to remain with their families and retain their jobs, it is helpful avoiding the disruptions to the patterns of family and work ties that a custodial sentence would involve. However, every coin has two sides, similar to the community sentence. Though it is very helpful to reduce negative impact of imprisonment but in many condition it is not fully functional. Often it has been argued that it is a soft option which falls short of real punishment for criminal behaviour.

References

- [1]. Arriola, J. K. et al (2006) ed. Health Issues among Incarcerated Women, British Library Press, USA.
- [2]. Codd, H. (2008) In the Shadow of Prison: Families imprisonment and criminal justice, Routledge, London & New York.
- [3]. Godfrey, S. B. et al (2008) History & Crime, Sage Publications, London.
- [4]. [http://shodhganga.inflibnet.ac.in/bitstream/10603/20871/11/11_chapter-06-human-rights undertrials.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/20871/11/11_chapter-06-human-rights%20undertrials.pdf)
- [5]. http://www.penalreform.org/wp-content/uploads/2013/05/Impact_English.pdf.
- [6]. http://www.sagepub.com/sites/default/files/upm-binaries/43448_7.pdf.
- [7]. <https://nhc.health.govt.nz/system/files/documents/publications/effects-of-imprisonment.pdf>.

- [8]. https://www.unodc.org/pdf/criminal_justice/Handbook_of_Basic_Principles_and_Promising_Practices_on_Alternatives_to_Imprisonment.pdf.
- [9]. Joyce, P. (2013) *Criminal Justice: An Introduction*, 2nd ed., Routledge Publications, London.
- [10]. Latessa, E. J. & Holsinger, M. A., (2006) *Correctional Contexts: Contemporary and Classical Readings* 3rd ed., Roxbury Publishing Company, USA.
- [11]. Sadiq, S. (2013) *Women and Bail*, APH Publishing, New Delhi.

International Journal of Humanities and Social Science Invention (IJHSSI) is UGC approved Journal with Sl. No. 4593, Journal no. 47449.

Razdha Parveen. "Impact of Imprisonment: Dimensions and Consequences." *International Journal of Humanities and Social Science Invention (IJHSSI)* 6.7 (2017): 59-64.