

КРИМІНАЛЬНЕ ПРАВО І КРИМІНОЛОГІЯ

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THE THEORETICAL AND APPLIED PRINCIPLES OF THE INVESTIGATION OF SUICIDE PREVENTION IN PENITENTIARY INSTITUTIONS OF UKRAINE

Suicide prevention in penal establishments and pre-trial institutions is the one of priority tasks of State Penitentiary Service of Ukraine. This problem could be solved only after serious analysis of current situation in wide social context. The actual questions of research for the reasons of suicides as well as increase of their number in prisons are illuminated in the article. The methods of suicide preventing among convicted persons and inmates are proposed.

Key words: convicted persons, inmates, suicide, penal establishments, pre-trial institutions, juvenile correctional institutions, State Penitentiary Service of Ukraine.

Formulation of the problem and its relevance.

The support of an established order in correctional institutions and pre-trial institutions, the closeness of it to international principles and standards, recommendations of international organizations in penal sphere are the key orientations in the ways of State Penitentiary Service of Ukraine optimization.

The direction of real possibilities of established order into the isolation of convicted persons, permanent supervision behind them and execution of their own duties, the realization of their rights and legal interests, the safety of convicted persons and penitentiary staff, separate holding of different categories of convicted persons, different circumstances for holding of convicted persons and inmates are between the priority orientations of state policy in the sphere of execution and serving the punishment.

Purpose of the article. The article has its aim in the search for solution to the problem of inmates' and convicted persons' suicides in penal establishments and pre-trial institutions of State Penitentiary Service of Ukraine.

Analysis of the researches and publications. The theoretical background to the writing of the article is found in scientific works of prominent foreign and Ukrainian criminologists and psychologists: S. Avanesov, M. Battin, M. Church, P. Edwards, V. Efremov, V. Hvedchuk, O. Kolb, T. Kushnirova, M. Lindsay, U. Magne Ingvar, N. Maksymova, V. Panteleev, N. Philipenko, L. Shestopalova, V. Sulitsky, S. Yakovenko.

The main material. Among the actual problems of bodies and institutions of punishment execution activity there is a problem of suicide committal by inmates and convicted persons. It seems to us that this problem is an index of psychological tension in the communities of inmates thus it affirms about unfavorable conditions for serving the sentence. V. Panteleev suggests that only every tenth self-murderer (suicide) was registered by psychologists on the staff of penal establishments. It signifies the lack of effectiveness in staff's activity for suicide preventions and assistance for improvement of psychological atmosphere between convicted persons to avoid the factors of prisonization [1].

The leaders of the State Penitentiary Service of Ukraine are bothered with the fact that such incidents had happened with convicted persons at the time of serving the sentence and with inmates in pre-trial institutions. According to this problem by Scientific Research Center of Institute of Criminal Executive Service together with Department of Criminal Executive Inspection and Social and Psychological Work with Convicted Persons were developed the ways of suicide prevention among inmates and convicted persons which had been demanded.

The analysis of suicide committal among convicted persons which had been investigated by criminalistics scientists is showing that a lot suicide cases happens in a first year in the penal establishment. The studying of personal dossiers

of suicides shows that 80 % of self-murderers were ready to commit suicide at the period of imposition of penalty by court.

Among the reasons those were occasioned suicide committal we should admit difficulties of convicted person in adaptation to the circumstances of serving the criminal punishment; the loss of socially useful connections and socially important orientations by convicted person; the strict rejection of fault or oppositely – self-accusation; expectation of the serving the sentence for the committed crime; the conflict with inmates; the danger or the fact of raping or humiliation; the relations with penal staff – feeling of humiliation treating or prejudice; concatenation of negative life circumstances (the loss of close person, the tense atmosphere in the family, the exacerbation of somatic and psychological diseases).

Simultaneously we had ascertained the displays of intentions of suicide committal among them are conversation in surroundings of inmates about suicide or the threat to do it; sudden changes in conduction at work and in spare time; permanent anxiety and aggression together with depression; conversations about the loss of socially important orientations. There are few sources of getting information about disposition to suicide committal for staff: personal dossiers of convicted persons, medical cards, individual program of social and psychological work; results of psychodiagnostical study of person; messages that had been got in communication with relatives and own people of inmate by the staff.

Approximately 2/3 of all suicides (76,5 %) happens in correctional institutions. Other part – in pre-trial institutions (22,1 %) and juvenile correctional institutions (1,4 %). Nevertheless comparing of total calculation of inmates in pre-trial institutions with total number of convicted persons in penal establishments shows that the index of suicidal activity is higher in pre-trial institutions. The most unfavorable situations with this index are in penal establishments of Offices of State Penitentiary Service of Ukraine in Dnipropetrovsk oblast, Donetsk oblast, Zaporizhia oblast, Luhansk oblast and Kharkiv oblast. The most rarely cases of suicide of inmates happen in Zakarpattia, Rivne, Chernivtsi and Chernihiv oblasts.

Criminological analysis of suicides committed in 2013 reveals that in 17 cases (42,5 %) those persons were convicted for theft, robbery, brigandage, 9 (22,5 %) for violent crimes, 7

(17,5 %) for premeditated murders; 16 persons (40 %) had not have criminal experience before and were call to account for the first time, 9 (22,5 %) had been called to criminal account once, 3 (7,5 %) – twice, 3 (7,5 %) – thrice, 4 (10 %) – four times, 5 (12,5 %) – five times and more. Suicides in age dimension are mainly persons between 18 and 24 years – 11 cases (28, 2 %), 30–39 years – 10 cases (25,6 %).

It evidences the difficulties of adaptation of such group in new circumstances, and for full or partial loss of socially useful connection with close people, absolute lack of faith and impasse [1].

Also these data from the view of criminal legal structure of convicted persons justify the absence of dependency between inclination for suicide and direction of criminal conduct. That is to say suicidal factors should be considered from the position of prisonization as concerned to mostly all inmates. The most vulnerable to those factors are persons who had not have criminal experience and were called to criminal account for the first time. There are a lot of criminological problems connected with prisonization in social and psychological adaptation of such persons [1].

The types of suicide prevention in penal establishments are general prevention, individual and medical preventions.

The general prevention anticipates the measures, directed on reduction and elimination of social, psychological and everyday reasons and circumstances, connected with formation of suicidal behavior, and giving the legal explanation for convicted persons of criminal liability for the actions expected in Criminal Code of Ukraine as driving to suicide.

Individual prevention include timely rendering of social and medical help for inmates, who are in prolonged suicidal dangerous states. The main meaning from that point of view belongs to diagnostic of suicide behavior of convicted person.

Medical prevention is composed of medical help (emergency medical help for suicide person; resuscitation; brining back to life, medicine treatment and others); psychiatric help (diagnostics of psychiatric disease, observation for mental condition of inmate's behavior, justifying of reasons and circumstances of suicidal conduction, its dependence from mental state of inmate's health).

Ukrainian scientist O. Kolb considers that we could anticipate suicide through the concatenation

of some circumstances. Among them are person's inclination for suicide (person with high potential level of suicide risk); existing of suicidal situation, which is obsessing person to death; the revealing of possibility to materialize suitable way of self-murder [2, p. 136]. There is a lack of attention in scientific literature to the question of driving inmate or convicted person to suicide. The studying of case papers devoted to investigation of the facts of suicidal death shows the absence of commencing an actions against someone by the article of Criminal Code of Ukraine "Driving to suicide".

The wide practice judgment of dismissal in case of suicide L. Shestopalova explains through some objective reasons. First of all among those reasons are lack of attention in society to the problems of autoaggression and its extreme case – suicide, and to the revision of completed suicides, especially in penal establishments. Second – the theoretical treatment of criminal law is not enough, in spite of it anticipates corpus delicti in such activity, but has problems in realization. Third, the complex of arrangements those could support the safety for every convicted person is absence in penal establishments. Fourth – the vocational training for suicide prevention ought to be better. Self-murders committed inadvertently and demonstrative blackmail forms of behavior often qualified as accidents should not be certain to suicides [3, c. 36].

Meanwhile suicide belongs to widespread, dramatic and poorly known phenomenon which exists in different groups including inmates. But if in society attitude to suicide is for the most part negative, than in delinquent subculture suicide understands like a norm and has high value as an act of behavior. So suicide is immanent to person who is possible to comprehend the meaning of own actions to control his or her conduct.

The phenomenon of suicide presents in inmates surroundings both in foreign and in Ukrainian penal practice in spite of permanent control and information. For example suicide is every tenth emergency situation in penal establishments. It exceeds the total point of accidents, murders and cases of causing of hard body injuries. There were cases of suicide committal even in hospitals for inmates with their permanent medical care and observation seems to be impossible.

Suicides of convicted persons is the one most serious problems in penal establishments activity because they could influence negatively on operative situation and disorganize activity of correctional institution, to effect on convicted persons and to the staff, to provoke social resonance.

Conclusions. Suicidal situation in penal establishments demands indispensable study and investigation of preventive measures according to this social phenomenon. Activity of penal institutions touches a lot of people destinies.

Contemporary prevalence of suicide among prisoners should be regarded as excessive: suicide in penal institutions should be excluded and greatly reduced. Modern situation of suicidal inmates identifies by particular and external factors: an increase of number of persons who are serving sentences, overcrowding (overlimit) the increasing proportion of unhealthy people (both somatically and mentally), accumulation (concentration) in prison persons convicted for serious and especially serious crimes, high unemployment and under-funding of penal institutions.

Today we can only achieve a certain weakening of the severity of suicidal situation in penal establishments. However, this is seemingly not the optimal line in activity institutions concerned with effectively suicidal prevention of penal establishments services should be regarded only as a positive one.

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Теоретико-прикладні засади дослідження запобігання суїциду в пенітенціарних установах України

Попередження самогубств, що вчинюються в установах виконання покарань та слідчих ізоляторах, є одним із пріоритетних завдань Державної пенітенціарної служби України. Вирішення цієї проблеми не можливе без ґрунтовного аналізу поточної ситуації із залученням широкого соціального контексту. У статті висвітлено актуальні питання дослідження причин суїцидів зростання кількості їх кількості у пенітенціарних установах. Запропоновано шляхи запобігання вчиненню засудженими та ув'язненими суїциду.

Ключові слова: засуджені, ув'язнені, суїцид, установи виконання покарань, слідчі ізолятори, виховні колонії, Державна пенітенціарна служба України.

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Теоретико-прикладные основы исследования предупреждения суицида в пенитенциарных учреждениях Украины

Предупреждение самоубийств, совершаемых в учреждениях исполнения наказаний и следственных изоляторах, – одно из приоритетных заданий Государственной пенитенциарной службы Украины. Решение этой проблемы не возможно без основательного анализа текущей ситуации с привлечением обширного социального контекста. В статье освещены актуальные вопросы исследования причин суицидов, а также увеличения их числа в пенитенциарных учреждениях. Предложены способы предупреждения совершения суицида осужденными и заключенными.

Ключевые слова: осужденные, заключенные, суицид, учреждения исполнения наказаний, следственные изоляторы, воспитательные колонии, Государственная пенитенциарная служба Украины.