

OKRI Review

An Analysis of Prisoners Serving Life Sentences


BY SZILVIA ANTAL – LÁSZLÓ TIBOR NAGY – ÁGNES SOLT

The research

As part of the research, we interviewed, on the basis of questionnaires, two thirds of the 231 persons sentenced to life in prison and held in various penal institutions around the country, that is, 149 persons, 9 of whom are to serve actual life sentences without the possibility of parole. Additionally, we also surveyed the conditions in which they are held and obtained information from facility commanders and prison personnel.

Results

The majority of lifers committed crimes resulting in death. They are typically not convicts with a criminal past; many of them committed no crime at all prior to murder and did not follow deviant behaviour patterns. If we take a look at the ages of perpetrators at the time of their sentencing, we may conclude that an increasing proportion of these perpetrators have been young adults under the age of thirty in the past 20 years. Homicide committed at a young age tends to be more motivated by a desire for gain, and the younger the convict, the more likely he/she is to have taken the life of a person other than a relative. In the case of prisoners with long prison sentences, parents are the persons that they may most rely on for decades. It is the more distant relatives and friends, followed by brothers and sisters, spouses or common-law spouses, that first break contact with prisoners, and it is typically the parents that continue to support their children until the very end. In examining the reasons for the disruption of contact, we may see that those serving actual life sentences without the possibility of parole are typically more isolated as, in their cases, contact, even with the most direct family members, is severed due to the fact that the continued maintenance of a relationship of any kind appears pointless and hopeless. The financial possibilities and economic status of the convict do play a part in how safe he/she feels in the given institution; the worse his/her financial position, the less safe he/she feels. The costs of maintaining contact of any kind (telephone, travel, parcels) are high.



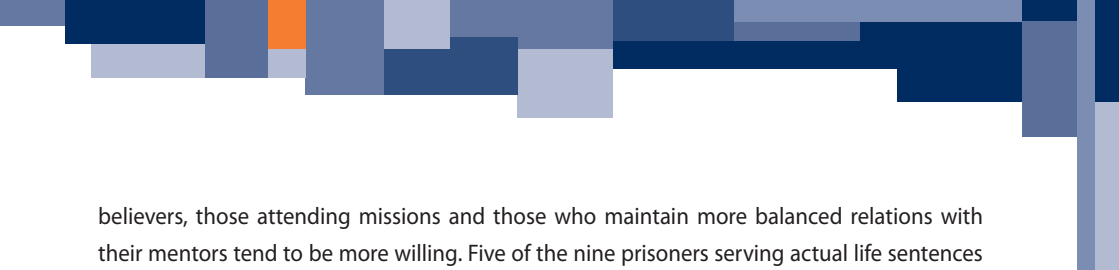
Consequently, the maintenance of contact becomes impossible for poorer prisoners who are therefore more lonely and exposed.

Prisoners serving life sentences usually lose faith in their mentors over the years, and the hope that they may be able to help them with the administration of their affairs gradually becomes diminished. A considerable proportion of convicts have no respect for anyone and, in addition to the prison stereotype effect, this is an indicator of a general loss of faith in human beings. The lack of family and love and withdrawal from human relations are some of the most punitive aspects of penal institutions.

The psychological state of inmates continuously deteriorates in response to the circumstances in which they live. Their disappointment, hopelessness and desperation become aggravated over the course of the years. The probability of suicide is related to the maintenance of contact with the outside world. Those attempting suicide typically have visitors on a less frequent basis.

Amongst perpetrators convicted of murder, one would presume that most of them do not question their own guilt. In contrast to this, our experiences show that there is a high proportion of convicts who believe themselves to be innocent. In considering one another's crimes and the sentences imposed, they find that the former is not always in proportion to the latter, and they often come to the conclusion in the course of their interactions with other perpetrators that they were given too severe a sentence. In general, they do not believe that murder is pardonable, however, in individual cases, in their own stories, they always find some excuse, an alleviating circumstance, and therefore feel that they are victims. Paradoxically, in response to the question of what it is that they would never do under any circumstances, they mostly mention the very crime that they committed. Certain types of murder are particularly emphatic. These are the crimes (primarily, violent acts committed against children, women and elderly people), on account of which they condemn and severely punish one another.

As most of those serving life sentences are in prison due to completed murderous acts, it is not easy to answer the question of whether they would repair the harm that they caused if they had a chance. Three quarters of those convicted of murder find this theoretically possible, however, one fifth of them completely exclude the possibility of redemption. Younger people,



believers, those attending missions and those who maintain more balanced relations with their mentors tend to be more willing. Five of the nine prisoners serving actual life sentences without the possibility of parole would agree to an act of redemption, however, two are clearly against it.

Proposals, recommendations

We do not find the current legal regulation of actual life imprisonment acceptable; it may effectively be regarded as an extended death sentence which is contrary to the constitutional principles and the concept of a modern, civilised, European approach to criminal policy. At the time of the handing down of the sentence, it is impossible to claim with any certainty, in the case of any perpetrator, that they would not commit another crime in the future. No court may ever deliver a verdict that excludes the possibility of a complete change of personality once and for all. However, in order to promote the chance of this change, more psychological assistance would be required. At the same time, it would also be necessary to alter the system of the authorisation of conditional release which could, if reinforced by appropriate legal propaganda, contribute to the social acceptance of a more humane penal system. Instead of decisions taken by a single person, individual risk analyses should be carried out by relying on expert opinions which would not focus on the convict's behaviour within the walls of the penal institution adjusted to the order of things inside but on the prisoner's presumed independent behaviour in the outside world. It would be desirable to organise and implement a follow-up programme that would track down the life patterns of those released after long years in prison.

Representation of Children and Crime in the Media

BY SZILVIA GYURKÓ – GYÖRGY VIRÁG


The primary purpose of the research was to explore how crime is depicted in the media, with special emphasis on children and young people as perpetrators or victims. To this end, based on a questionnaire method, we analysed news items and reports containing key words identified on the basis of the subject-matter of our research in selected media, with a view to media plurality, between 1 and 30 April 2009.

Children committing punishable crimes

According to statistical data, 0.2% of children in Hungary under the age of 14 years, who may not yet be punished, commit some kind of factual criminal act (typically, in four fifths of the cases, some crime against property), while 2% of the under-age population (between 14 and 18 years) are involved in crimes as perpetrators. Some 3% of the known perpetrators are children and 9% are juvenile perpetrators (14 to 15% in the case of crimes against property, violent crimes and disorderly conduct). Annually, some four to five thousand children become victims of crimes. They are mostly the victims of threatening conduct or violent crimes, while victims involved in crimes against property account for 40%. At the same time, most of the annual eight to nine thousand juvenile victims (60 to 70%) are involved in crimes against property.

Research sample

In addition to one of the most important political dailies (Népszabadság) and the tabloid newspaper with the largest circulation (Blikk), we analysed the news reports of two electronic media, the broadcasts of a public service medium and a commercial television channel (MTV Evening News and TV2 Facts), and we also gathered together and analysed the relevant news items published on the pages of an Internet news portal (Index). News items containing the following key search words were included in the research sample: „child”, „juvenile”, „victim”, „perpetrator”, „crime”, „offence”, „guilt” and „violence”. In the course of the analysis, we examined both the combined appearance of the key words and their independent incidence. The sample eventually consisted of 1,450 news items, 57% originating from written media and 43% from electronic media. Based on the incidence of the key words within the individual medium groups, news items in the tabloid newspaper accounted for 35%, while the political newspaper accounted for 23% of the written news items examined. Eight per cent of the news



reports of the public service news programme were relevant to our research and 12% of the news programmes of the commercial television channel. Twenty-two per cent of the materials published on the Internet news portal were classified into the sample.

Results

It may be stated in general that (in deviation from the actual situation), violent crimes tend to dominate the news. In agreement with our research hypothesis, in the case of punishable crimes, there was a higher proportion of violent crimes committed against human life (17.5%). Crimes against property and economic crimes accounted for 12% of the news items reported. According to criminal statistics, more than 65% of perpetrators (or suspected perpetrators) are older than 25. Most of the perpetrators appearing in the media are between the ages of 25 and 40 years. We may also observe the trend that juvenile perpetrators are involved in a significant proportion of the crimes, in particular, violent crimes, covered by the news reports. As regards juveniles and young people, the analysis appears to confirm our assumption that the news value of criminal information related to children/juveniles, and consequently, the probability of appearance in the media, is high. Whenever there was a news item about a child coming into contact with crime, in 30% of the cases the child was a victim and in 12% of the cases a perpetrator. In the majority of cases (58%), children were featured in the news in connection with education, family life (in particular, in the case of celebrities), issues related to child raising or public events featuring children.

Summary

In the news items concerning young people, there is a strong underlying narrative of deviance; on average, 34% of the representation of children, that is, one third, fell into this category. This trend prevailed in all the media examined, while there were differences, beyond any doubt, between the individual media. In the public service television news programme and in the „quality daily“, every fourth or fifth news item involving children concerned crimes, while in the tabloid newspaper and in the news programme of the commercial television channel, almost every second news item in this genre related to criminal activities. That is, in the world of media, and in particular, in the „high-consumption“ tabloid and commercial media, the representation of children is typically connected to crime, and with regard to the fact that violent acts are significantly over-represented among children, children are with great probability presented in connection with a criminal act. This specific tendency in the representation of children conveys the message that our children are dangerous from a criminal point of view and, even more so, that our children are exposed to the dangers of crime.

Successful Methods and Tactics for the Substantiation of Crimes Related to Corruption

BY GÉZA FINSZTER – ÁDÁM MÉSZÁROS

The rules of Hungarian criminal law prohibit corrupt practices manifested both in official positions and in the field of business, as part of the crimes against the fairness of public life, and punish both the active and passive parties to such practices.

The research


In 2009, we examined the specific features of the investigation of corrupt practices constituting crimes by analysing legal cases. As part of the research, we first studied how corrupt practices come to the attention of the investigating authorities. From this point of view, we must distinguish between

- a) corrupt practices typical of office-customer relations entered into in official proceedings on an ad hoc basis (situation-based); and
- b) recurring corrupt practices often manifested in conspiracy, in an organised manner, in political, business and state administration institutions (structural).

Results

Effective internal investigation schemes are able to uncover situation-based corrupt practices that are of lesser gravity with a high degree of probability. It is also a frequent occurrence that the person involved in the attempted corrupt practice her- or himself a report with the authorities. These cases are relatively easy to prove. More than 90% (estimated data) of the crimes known for the purposes of criminal statistics fall into this category. (This category includes policepersons serving on the street, customs guards on the border, parking attendants and the members of other state administration authorities that are authorised to proceed in an official capacity who may become active parties to corrupt practices in the course of official proceedings in relations with their clients.)

Grossly corrupt practices that may seriously damage the fairness of public life, may destroy faith in public institutions or may shake public security to its foundations and may distort the fairness of business, which are often fed by erroneously functioning social, state and



business structures (hence the name structural), fall into the category of cases that are difficult to detect. In these areas, the efficiency of internal controls is not perceivable, while the institutions of control outside the hierarchy (audit office, financial supervisory authority, public procurements office, etc.) likewise operate with a low degree of efficiency. Persons who become aware of criminal corrupt practices hardly ever file reports with the authorities, while those actively involved in corrupt practices are likewise unwilling to uncover their criminal activities before the authorities in return for impunity (which is offered to them under the rules of law). In most detected cases, we may find the contrary interests of accomplices which induce some individuals to secretly cooperate with the authorities. In these cases, the perpetrator is caught in the act with the aid of organised police methods, which then permits the institution of criminal proceedings, however, interventions of this kind simultaneously prevent the more thorough investigation of the causal relationship behind the crime. (The contradictions of political party financing emerged in a number of cases of this nature, however, it was not possible to uncover the phenomenon comprehensively with the aid of conventional investigation methods.) Substantiation before the court was made more difficult by the fact that the suspects denied their guilt, the statements of witnesses provided little information, while expert assistance is insufficient to verify the causal relationship between the mal-functioning of an organisation or business difficulties and the corrupt practices manifested.

The efficiency of secret police methods is reduced by the fact that the statutory regulation of the use of secret police methods does not take account of the fundamental constitutional principle that the use of methods grossly restricting basic human rights may only be lawful and effective against the enforcement of the criteria that the use of such methods must be tied to the attainment of a specific legitimate objective, must be necessary and must be proportionate.

The organisational division of the investigating authorities (at present, nine different law enforcement agencies are authorised to conduct secret investigations) and the incomprehensively regulated supervision of the work of these agencies by the prosecutor's office result in three serious consequences: first of all, there is a high risk that breaches may occur, secondly, efficiency is low, thirdly, it is a major threat that the custodians of governmental power use crime investigation for the attainment of their political objectives by avoiding the pledges of the maintenance of law and order.

Proposals, recommendation

Among the legislative and organisational recommendations identified on the basis of the results of our research, the most important recommendations are that secret procedures should only be regulated in the Criminal Code, the number of investigating authorities should be reduced and these should be monitored and supervised by the prosecutor's office on a comprehensive basis. We need constitutional rules which vest the executive agencies with the rights and authorisations essential for the development of a criminal policy but which prevent the representatives of governmental power from taking over the functions of the justice system.