INFLUENCE OF CRIMINAL SUBCULTURE ON THE MANAGEMENT OF A PENITENTIARY INSTITUTION

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INFLUENCE OF CRIMINAL SUBCULTURE ON THE

MANAGEMENT OF A PENITENTIARY INSTITUTION

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Introduction

Public and policy-makers often have differing views concerning the penitentiary system. With the exception of a small group of specialists and practitioners, not many understands clearly how the penitentiary system works. Penitentiary institutions are a closed environment that leads to a heterogeneous moral and emotional climate, causing the formation of different social orders within the system. As a rule, the social order is formed by the institutional culture of the penitentiary institutions and its coexistence with the criminal subculture of the penitentiary system.Recently, when talking about the issues concerning the penitentiary system, very often, the subculture within the system and its influence on the functioning of the administration is mentioned. Reports from both local (National Prevention Mechanism) and international (European Committee for the Prevention of Torture) organizations indicate that in Georgian penitentiary institutions among prisoners are established informal hierarchies, where privileged prisoners are influencing both prisoners and the normal functioning of the institution. Besides, the same reports highlighted that the criminal subculture is one of the main sources of violence among prisoners.The transfer of the informal authority to prisoners may establish an illegitimate power that they use quite effectively by dint of the subculture within their environment. Insufficient use of legitimate measures by the administration can be as dangerous as the abuse of power if it leads to a regime where there are insufficient oversight and disorder. Finding the right balance between excessive force and the rule of law is the main task of the penitentiary administration (Sparks et al., 1996). This is an ethical, managerial, and personal challenge for those who run penitentiary institutions as they need to find the right balance between establishing an order in the institutions and treating prisoners with respect and legitimacy..The analysis of the recent history of Georgia shows there were only two models of management of the penitentiary system, which can be characterized as follows: a) management of penitentiary institutions by using elements of the criminal subculture; b) Management and control of the penitentiary system by the administration of institutions, albeit using such methods when human rights have been systematically violated. So far, the Georgian penitentiary system has failed to establish a system that balances security and human rights. The main concern is that, yet, not fully is understood if what a phenomenon this form of criminal subculture is, what it feeds on and how it maintains its impact on the functioning of penitentiary institutions. Thus, to identify its basis, it is important to answer the questions - what is the reason, and how large are these problems? Therefore, for establishing the evidence-based approaches, it is important to conduct a study on the impact of the criminal subculture on the management of the penitentiary institution.

Purpose of the study

The research aims to study the impact of the criminal subculture on the management of penitentiary institutions and the formation of institutional culture in general.

The task for the research

a) Identifying the problems within the institutional culture of the penitentiary system that affect the safety of prisoners, the management and administration of penitentiary institutions.

b) Identifying the risks arising from the criminal subculture that affect both the establishment of institutional culture and the creation of a safe environment, management, and administration in penitentiary institutions.

c) Development of the research-based recommendations that will help to solve the existing problems in this area, and establishment of an evidence-based approach to combating subculture.

Research Methodology

a) The Research of the International Practice

This part of the study discusses both the positive and negative experiences of different countries in combating the influence of the criminal subculture in penitentiary institutions. The examples show prisoner's existing self-government forms and what types of challenges different countries face in maintaining order in prisons. The author of the study tried to answer the question of what kind of impact the criminal subculture has on the relationship between prisoners and staff, why the prison administration is often tolerant of the criminal subculture, and why prisoners need to participate in the prison management. In this regard, in the various context are discussed the examples from the United States of America, Venezuela, Ecuador, Panama, Peru, Honduras, Costa Rica, Brazil, South Africa, the Philippines, Moldova, Kyrgyzstan, and Lithuania. This part is prepared on the principle of desk research.

b) The Research of the Local Practice

The research of the Local practice was conducted by using two methods - qualitative research and secondary analysis of studies/reports.

Qualitative research

A research team was composed in the first phase of the research and included the project manager, assistant, researcher, international expert, and sociologist. The team jointly planned the progress of the project and various activities, envisaged by the project, were distributed among the team members.

For the selection of the respondents was used the so-called principle of "Snow team". The respondents wer selected among those, who had professional experience in connection to the penitentiary institution and/or were serving the sentence during 2013-2019, and who possessed significant information about the criminal subculture.

As part of the study the following respondents were interviewed: :

a) Former and current members of the National Preventive Mechanism within the Public Defender of Georgia / other experts working in this field (representatives of non-governmental organizations) - **16 respondents**;

b) The former employees of the penitentiary system (including the representatives of the regime, security service, social worker, psychologist and doctor, directors of the institution). Those Employees were selected, who had special experience working in the special risk, closed, semi-open, low risk, juvenile, and medical institutions - 18 respondents.

c) Former prisoners – for the project purposes, the Former prisoners (rather than current) were specially selected, since, by taking into consideration the sensitiveness of the questionnaire, the achieving of the openness of the respondents is challenging concerning the subculture and institutional culture, and existing problems of the institutions (i.e. recently published video recordings showed that the conversations with NPM officials were recorded, making it even more difficult to achieve the openness of the prisoners). The Former prisoners interviewed in the study were serving sentences in the special risk, closed, semi-open, low risk, and medical institutions - 17 respondents.

A total of 51 respondents were interviewed as part of the qualitative survey.

The qualitative survey analysis fully protected the anonymity of the respondents, which is why, in most cases, no details about the respondents were provided. Due to the deteriorating epidemiological situation, the interviews were conducted online, using a variety of electronic platforms.

The research was carried out in two stages - the development of tools and collecting the data. To pilot the instruments, the team interviewed 3 respondents based on which they modified the instrument. As a result, the study was conducted using a semi-structured questionnaire developed by the research team. The research developed 3 types of tools - for the experts (former or current members of the NPM; representatives of non-governmental organizations or international projects), for former employees of the system, and Former prisoners.

The Secondary Analysis of Surveys / reports

Besides the qualitative research, a secondary analysis of the reports, published by international and local organizations, was carried out. In particular, were evaluated the reports: of the European Committee for the Prevention of Torture, the National Public Defender/National Prevention Mechanism, and findings of the research conducted by non-governmental organizations.

➢ **Overall, the survey of local practice was structured according to the following:**

➢ The structure of the informal groups in penitentiary institutions;

➢ Participation of the informal groups in the management of the institution;

➢ Criminal subculture as a source of violence;

➢ The views of the respondents on future steps to deal with the criminal subculture;Possible consequences of reducing the influence of the criminal subculture/informal groups;Key findings of the study.

c) Conclusion and recommendations

As a result of the analysis of international and local practice, the conclusion and recommendations were developed regarding the current trends in the Georgian penitentiary system, its causes, and ways to solve the existing challenges.

Research Limitations

As a part of the qualitative research, it was planned to interview not only former but also current employees of the penitentiary system. The research team appealed to the Ministry of Justice of Georgia twice and offered to conduct interviews, including online. However, the Ministry of Justice did not respond to the offer, due to which the team could not interview the current staff.

d) Key Findings of the Research of the Local Practice

➢ The results of the study explicitly indicate that in almost all penitentiary institutions (except N16 low-risk penitentiary institution) can be observed dividing of prisoners into influence groups. In particular, the following groups are distinguished in the hierarchy of prisoners: the so-called "Palazhenets", which enjoys the highest authority among prisoners and makes key decisions on various issues. The "Watchers" are endowed with different powers according to the functions assigned to them and the areas of the prison under their control. Both "Palazhenets" and the so-called "Watchers" choose the group of the so-called "Good guys". It is the "Good guys" who form their closest environment and share the same values of the subculture. Then at the hierarchical level is the so-called ''Muzhiki,'' ''honest people,'' who constitute the main mass of prisoners, they do not think about the so-called "thieves' life", however, if necessary, they are obliged to follow the instructions of those who stand on the upper level. Even further down the ladder of the hierarchy are those enrolled in upkeep and maintenance services (they are often referred to as the so-called "Kazyol"). The separate groups are formed from the so-called "Fugitives", "Locked prisoners" (some prisoners refer to them in various stigmatizing, insulting names); the representatives of a relatively new group are the so-called "Bandits", "Robbers", "Gangsters" who do not obey to the traditional the so-called "Thieve's influences" and are not included in the traditional subcultural hierarchy. This group, however, represents a fairly small proportion of prisoners. Finally, the most marginalized group belongs to the so-called "Hens", who are deprived of their rights in the institution and are mainly responsible for performing non-prestigious, "offensive" work for other prisoners (cleaning the toilets, washing the linen of others, etc.);

➢ As a result of the research, we can conclude that the conditions of joining a group in the hierarchy are linked to the past life of the prisoner and/or in some cases, the nature of the crime committed. By the time of entry into the institution, the issue of belonging to the specific group is already decided, and this information is easily accessible both to the administration and other prisoners. As we have already mentioned, the hierarchy indeed is already defined by the prisoner's past life, however, the administration of the institutions and the so-called authoritative

prisoners still share this information between each other; the issues of belonging to influential groups and the security of the prisoner is taken into consideration. As for the placement of prisoners within a particular group, this issue is mainly resolved by the fact of belonging to a particular region, and in some cases by district or the community;

The study revealed that the so-called "Palazhenets", "Watcher" cannot exist in the institution without the tacit consent, or even more, support of the administration of the institution; if the administration loses the reins of its management and the agreement with the so-called informal figure leaves the agreed scopes, the director can at any time transfer the "Watcher" to a closed institution and remove the existing informal manager from the institution. This once again highlights that the administration is aware of the informal influence in its institution and that the current situation is more or less acceptable to it;

➢ The analysis of the information revealed that the so-called "Criminal world" is quite tolerant towards ethnic and religious minorities, moreover, the minority representation does not cause any obstacles to the so-called "criminal career;" however, on the contrary, sexual minorities or those prisoners who have been rightfully equated with this group by the decision of authoritative prisoners are under the greatest pressure from any influential group. They are placed together with the "hens". From a hierarchical point of view, they can claim no rights. Often, such deprivation of rights manifested visually, and prisoners are required to wear a special identification mark on their uniform - a bandage on their hand or a leg. Such an approach is completely unacceptable, creates the greatest stigma towards this group, and leads to its complete marginalization.

➢ The research outlined that the membership of a subcultural influenced group is not solid, permanent and that this situation may easily change as a result of some event, information received, or incident. In particular, the so-called "demotion" of the prisoner may happen very quickly, however, the possibility of moving to the upper level is more difficult to implement and is not possible for all categories. Regarding the changes in the internal hierarchy, the decision is made jointly by "Palazhenets" and the "Watcher." Execution of such decisions and obedience to them is considered mandatory for all prisoners;

The study also made it clear that for the study period, the so-called authoritative prisoners had different living conditions, both in terms of cell arrangement and legal status (visits, phone calls, parcels, items allowed in the facility, preferable mobility), which was also manifested in the fact of unrestricted communication with the administration, without complying to the formal procedures;

➢ The study found that the main motivator for the prisoners to become the part of the high-ranking influential group is the acquisition of power and privileges in a penitentiary institution; for some prisoners due to a sense of security and safety. Some prisoners (mainly youth and juveniles) imitate others; there are no wide choices in the institutions and they choose to adjust to a certain role to obtain security during their stay in the institution and to improve their prison condition. The representatives of the so-called criminal world are actively persuading youth and try to "recruit" young individuals.;

➢ As for the percentage of prisoners, based on the assumptions provided by the respondents, it was revealed that the so-called "Watchers" and "Kai guys" make up a maximum of 20% of the prison population, with the largest number being the so-called "Honests"-about 70% , and the lower layer (so-called "Kazyols", "hens") makes up a maximum of 10-20% of prisoners;;

The study also found that some differences in the influence of subcultural groups are observed between closed and open type institutions. As for the N16 facility, it is not divided into groups of influence since the facility is mainly occupied by one category of prisoners; the existence of "Palazhenets" has not been confirmed in the N8 (Gldani) facility. The situation is different in the Kutaisi N2 close facility, where the influence of the criminal subculture is strong. As for the open type institutions, it became clear that the existence of different groups as well as their influence on the management is obvious; Some specifics were also revealed in the juvenile rehabilitation facility, where due to lack of knowledge of the rules of criminal subcultural there are situations that are not considered to be acceptable in other facilities; although this also leads to unfortunate circumstances when after transferring to the juvenile facility, often, the prisoners "are asked for the answers" for their actions.

➢ As outlined from the research, the so-called "Watchers" can significantly influence the management of the institution, they are actively involved in the functioning of the various segments of the institution; in particular: with the cooperation with the administration they can influence the order and security of the institution, the admission of prisoners, the grievance procedure, the resolution of the conflicts between prisoners, prisoners and administration, they can influence the rehabilitation process and to decide on participants. In a certain way they interfere in the delivery of health services, disciplinary proceeding, and in the forms of protest such as hunger strike;

The study revealed that the so-called "Watchers" are, in fact, mediators, mediators between the administration and other prisoners. As mentioned above, such an informal division exists, in fact, with the formal or informal consent of the administration, based on the existing, mutually benefiting agreement between the administration and ''Watchers''. In particular, the administration, through this union, gains the peace in the institution, avoids publicizing the problems of the institution (which may endanger the position of the representatives of the administration), and in return, the so-called "Watchers" receive various benefits and privileges;

➢ As the analysis of the obtained information shows, the relationship between prisoners and the administration is seemingly calm and respectful, however, it was revealed that as soon as the interests of staff and influential prisoners do not match and demonstration of force becomes necessary; prisoners recklessly confront staff and often in a rather severe form;

➢ In many cases, in the penitentiary institutions staff creates an institutional culture together with inmates, they replicate those stigmatizing verbal assessments which one group of inmates uses toward another, and often follow some of the sub-culturally defined rules; they do not openly motivate these restrictions by the institutional culture, and seek in their view, to find more rational and logical explanations for this behavior;;

As the survey showed, none of the respondents denies the involvement of influential prisoners in the management of the penitentiary institution (especially in open and some closed institutions). Moreover, the majority of respondents rate this influence with 4-5 points out of 5. Other respondents talk about the lower degree of their involvement, although except institutions N16 and N8, no one points to the zero or very low rate of involvement;

➢ The study revealed that there are precedents of using informal resources of influential prisoners to manage some of the prisoners and when the institution uses other convicts to deal with certain problematic prisoners.;

➢ There is an unequal relationship between the prisoners. The prisoners in the lower and middle hierarchy are obliged to obey the decisions made by the prisoners in the higher level of the hierarchy, and the rules set by them; they have no right to challenge them. No matter how paradoxical it may sound, the higher the influence of a prisoner, the more easily he can disobey the existing rules. Based on his high status, he can receive an indulgence for disobeying the rules of the subculture and avoid responsibility.

➢ After analysis of the information, it became obvious that the so-called "thieves' rules" are not completely static and it is possible to change some of them following the existing political system, government approaches, and type of governance. In particular, for a certain period, an action that was previously prohibited may be allowed and visa versa. Therefore, it becomes clear that subcultural rules are adopting and adapting to the realities and needs of the country, which is ultimately one of the most important determinants of the sustainability of this system. Representatives of this world try to adapt their rules to the development and evolution of the society for it not lose its appeal among young people and do not become a very heavy, based on prohibitions burden, the wish of the engagement to which the so-called "the future" will no longer have.

Research has revealed that the criminal subculture is a source of violence, the weapon of physical, psychological, and economic violence. Physical violence mainly takes place for punishment and it aims at subjugating one group of prisoners by another or changing their status, demoting them for a certain violation. The information provided by the respondents shows that often the administration either does not have information about such controversies or sometimes deliberately fails to resolve conflicts;

As for psychological violence, this form of harassment is particularly common and involves forcing prisoners to take certain actions against their will, such as taking part in some form of protest, gathering "common funds," obeying the rules and prohibitions of the subculture. If there is no obedience from any prisoner, will be applied such forms of psychological violence as expulsion, ignorance, the case may even lead to physical violence;

➢ Another particularly common form of violence is economic violence. This type of impact is mainly manifested in collecting the so-called "common funds", which in some cases means depositing money on the plastic card, and more often means collecting various household items and placing them under the supervision of the "Watcher" in the so-called ''Satasao.' [slang - ''for hanging out'']. "Common fund" is administered both to help needy prisoners and, in some cases, is a source of trade and income for authoritative prisoners. Refusal to participate in collecting the "common fund" leads to exclusion, if necessary, receiving support from other prisoners, etc. Besides, the study found that there is also a fairly high probability that in some cases, in the process of benefiting from the realization of ''common fund'' the administration is engaged in a corrupt deal with the members of an influential group of prisoners;

In some cases, respondents also reported cases of sexual violence, although it was found that during the study period, this form of violence between prisoners was not a systemic problem.

The research revealed that the violent environment among prisoners created by subcultural rules and influences leaves a significant imprint on the physical and mental health of prisoners. A large proportion of respondents noted that they constantly feared for things to go wrong, not to give anyone the reason for conflict and controversy. Often, the existing stressful and antagonistic environment causes anxiety, the tension in prisoners, they are constantly under pressure and psychological influence;Regarding the involvement of prisoners in the management, part of the prisoners believes that they can be legitimately involved in the prison management under certain regulations, while others consider such activities impossible and do not see the need for it. The opinion was divided among other respondents, some experts and former staff believe that the prisoners can participate in the management process, but strictly exclude their involvement in ensuring security, order, and the general legal regime. In their opinion, it is possible if the detainees will participate in support and mobilization of the prisoners for certain rehabilitation activities. The other part of the respondents thinks that the involvement of prisoners in governance is not advisable, as it increases the risk of expanding their influence, disorder, and tension.

Final conclusion and recommendations of the research

a) Criminal subculture as a phenomenon

International experience shows that inmates in penitentiary institutions are characterized by a recognition of certain types of informal rules. Formed within the criminal subculture, the so-called ''Prisoners' Code" differs from country to country in its content, form, and influence. There are so-called "Predatory" or "Survival-oriented" criminal subcultures. In the United States, for example, criminal subculture is characterized by racial, ethnic, and religious affiliation. Similar systems are common for the penitentiary systems of other countries. In Post-Soviet countries, criminal subculture is less characterized by similar signs, and it is mainly built on other types of relationships that have formed and changed over the years.The subculture within the Georgian penitentiary system is a successor to the system established in the Soviet period of the '20s and '30s. That is why it does not have strong religious, ethnic, or racial affiliations. Research has indeed shown it is a fairly common form to place prisoners in cells based on ethnic and racial grounds, but the rules of the subculture are common to all. The subculture established in Georgian prisons, the hierarchies there, has evolved over the years. Existing informal rules are not static and can mutate. The current subculture can be described as and characterized by both the "predatory" and the "survival-oriented" system.

After the collapse of the Soviet system, in independent Georgia, the existing rules in the criminal subculture changed following the existing policies in the country and tried to adapt to reality. Especially in the last two decades, changes in the penitentiary system have created a heterogeneous perception of hierarchies and rules in the criminal subculture by different groups of prisoners, which is a powerful tool in the hands of the government to change stereotypes in prisons. Today, this phenomenon in Georgia is distinguished from the subcultures of prisons established in other countries by one important factor. This form of the criminal subculture, in the Soviet period, was first established inside prisons ("Gulags") and only then spread to society. Its ideas and unwanted popularization were spread within society which is still present. Therefore, dealing with this phenomenon only within a penitentiary institution is virtually impossible. The fight against subculture requires a unified approach of the state, significant reform of criminal and preventive policies. However, even in the current situation, it is quite possible to reduce the influence of the criminal subculture on the management of the penitentiary institution, thus ensuring the creation of an environment free from the criminal subculture for the majority of prisoners.

Recommendation:

- **Develop a state strategy to combat criminal subculture under the framework of a unified policy on criminal justice and crime prevention. When formulating the strategy, it is important to ensure the involvement of representatives of various agencies, as well as professionals with relevant education and experience;**

- **The unified policy should be based on inter-agency cooperation, where agencies will have their own defined roles and functions. Multidisciplinary cooperation will integrate both educational and social protection systems, as well as law enforcement and the penitentiary system.**

b) Large prisons

Analysis of the experience of other countries shows that the influences of the criminal subculture and informal groups are especially strong in large, open-type institutions where is a large number of prisoners. For example, prison gang groups have only appeared in the United States since the 1950s, when the prison contingent grew dramatically. A similar thing happened in Brazil in the 1990s. And in South Africa, the repressive policies of apartheid gave rise to a remarkably powerful prison gang that still exists in the South African prison system. These processes can be compared to the Soviet "Gulag" system, where the increase in the number of prisoners led to the formation and strengthening of

a subculture. We do not compare the above-mentioned systems, however, Georgian practice has shown that in large open-type institutions, where more than 1000 prisoners communicate with each other, the situation is quite complicated. It is especially difficult to manage an institution with a complete imbalance between the number of prisoners and staff, which is typical for almost all penitentiary institutions in Georgia nowadays. Consequently, in prisons, the main burden of controlling the internal security system is shifted to ordinary employees who, in their day-to-day interactions with inmates, must be able to manage processes by using the elements of dynamic security. Currently, it is an unsolvable task and in such conditions, the subcultural influences in the institutions are even stronger, hence the administration and the staff are tempted to run the institution by using prisoners. In institutions where a large number of inmates interact with each other daily, only a static security system (eg video surveillance) cannot provide control. In those institutions where the area is divided into sectors, wings, independent spaces (e.g. yard, sports grounds), prisoners do not have contact through sectors/wings, the static security system (infrastructure) greatly simplifies the management process. Consequently, large institutions, where infrastructural division is not possible, are a significant problem.

However, it must be said that only small institutions and closed-type institutions do not guarantee the elimination of the influence of informal groups in the institution. It directly depends on the management skills of the administration and the institutional culture within the prison. Some of the respondents of the study said that with the support of the administration in the closed type of facility in Kutaisi, certain groups of prisoners were allowed to move freely on the territory of the facility. However, the study also showed a positive experience in terms of managing the institution, namely institution N16, where the size, number of prisoners (maximum 200), number of staff, and space in the institution, allow creating an environment free from the criminal subculture.The construction of prisons, due to high-security systems, is quite expensive, however, it is vital that the state takes steps to build new, small facilities and/or modify existing ones. Therefore, the reform aiming at reducing the impact of subculture must be considered within the framework of a unified criminal policy. Today, the Georgian penitentiary system accommodates up to 10,000 prisoners, which is quite higher than the European average. It is important to take steps to develop non-custodial measures and improve the system of early release, which will reduce the number of prisoners. Such steps do not aim to weaken the fight against organized crime and do not rule out the existence of a criminal policy against crime. The above changes will reduce the financial burden on the state, enable the classification of prisoners and their placement according to risks, create a much safer environment for both prisoners and staff, and reduce the impact of criminal subcultures / informal groups on the management of the institution.

Recommendation

- **The government should develop a clearly defined, evidence-based plan for modifying the infrastructure of the penitentiary system**

- **The infrastructure development plan should be part of a unified criminal policy, where the significant emphasis will be placed on refining and developing a system of non-custodial sentences and parole;**

- **Implement the Classification of prisoners according to the risks, taking into account their affiliation with the subculture, to exclude the influence of one group of prisoners on another at a lower risk.**

c) Involvement of prisoners in the management of the institution

Practice shows the attempts of different countries to involve prisoners in the management of the institution, although there is little information on successful examples in this regard. A study of the management practice of institutions in Georgia shows that the involvement of prisoners in the management process within the legal framework, will not change the current situation, but will further strengthen the influence of informal groups. In coordination with the administration, it is desirable to involve prisoners in organizing various educational, rehabilitation, and cultural events, however, it is strictly unacceptable for them to participate in maintaining order and security in the institution. Here, it is not advisable to completely detain prisoners from the day-to-day administration of the facility and make decisions without communicating with them, as they are members of the prison community, and each decision concerns their daily life.Accordingly, all prisoners should have the opportunity to deliver any kind of opinion and information for improving their living conditions to the administration. An important task of the administration is to ensure all prisoners have the opportunity to communicate freely with them without mediators ("Watchers"). However, the safety of prisoners and the maintenance of order in the institutions should belong exclusively to the authorities and be solely the responsibility of the administration.

Recommendations:

- **To ensure equal access and treatment of different groups of prisoners by the prison staff;**
- **To establish a mechanism of communication between the administration and prisoners, which eliminates hierarchical dependence in the criminal subculture, informal influences of prisoners and allows all prisoners to exercise a legitimate component of self-government according to law, mainly rehabilitative - educational initiatives.**

d) Lack of material resources

The study showed that the lack of resources is directly related to household issues, in particular, lack of clothing, low access to hygiene items, and more. It is the responsibility of the prison administration to provide prisoners with adequate material conditions. For example, the budget of the Kyrgyz Penitentiary Department met only 35% of the needs of the penitentiary system, so prisoners were forced to depend on each other to improve their food, safety, and living conditions. If we look at the situation in the penitentiary system of Georgia, it is clear that to eliminate a similar type of deficit, the collection of the so-called "common fund" has been partially modified and currently linked to the forced collection of various types of products from prisoners. Research has shown that the products collected by prisoners may in some cases be distributed to impoverished (the so-called "Bedalaga" [RUS - "poor fellow"]), thus replacing the function of the administration to some extent and creating a seemingly noble basis for the collection of the "common fund." One of the most vicious and old subcultural traditions, which, in disguise, actually serves to provide financial support to criminal authorities and their associates.

Recommendation:

- **The government should ensure that penitentiary institutions are provided with equally accessible household and hygienic facilities for all prisoners, supplying of which is their obligation under the law**

- **To eliminate the informal influences that create more favorable conditions for persons close to the so-called "authoritative" prisoners.**

e) Economic violence, the so-called "Common fund"

The study also revealed other types of alarm signs in connection to the so-called "common fund". There are two types of trends - one when certain types of products are collected on the territory of the institution, and the other, when "common fund" is collected, for example, on the accounts of "Adjarabet" and similar types of electronic cards. It was revealed that the so-called Income received from the "common fund" is mostly shared by criminal authorities, and in some cases reveals the alleged corrupt interests of the prison administration and/or staff. Some of the respondents expressed the opinion that the administration of the institution is also involved in this process. Logically, prison management can't be unaware. This is why we can assume that some groups of employees of the institutions may also be involved in this process. Besides, it can be said for sure that in the collection of the so-called "common fund" a large number of prisoners are forcefully involved, causing violence among them. The refusal to participate concerns their safety issues.

Recommendation:

- **To establish through inter-agency cooperation between law enforcement agencies a strategy to combat the collection of the so-called "Common", and to take steps in this direction;**

- **To ensure by the administration of the institution the safety of the prisoners, so that the refusal to participate in the collection of the so-called "common fund" is not to avoid the pressure of the influential prisoners and, if necessary, gaining the protection of the so-called "watchers".**

f) Legal status of staff

For the management of the penitentiary institutions, the qualified staff is needed, and to ensure their successful work the staff should receive continuous training. It is crucial for the staff to be aware of their rights and responsibilities, and to have professional working experience. Currently, staff in penitentiary institutions have defined certain types of functions, although it does not include detailed instructions concerning crises. Only general provisions are reflected in the legislation. At the same time, the staff of the institution should be able to act independently and make certain decisions if necessary, although the analysis showed that the management system is strictly vertical. In crises, the staff of the institution is guided not by the norms defined by the legislation but by the instructions given by the prison management, mainly the director. The practice has shown that attacks on staff and their physical abuse in penitentiary institutions are not uncommon. There were numerous instances where the administration either did not respond to such facts at all, or charged the employee, and the response was not commensurate with the misconduct committed by the prisoner. Refusal of the administration to use legitimate measures can be as dangerous as abuse of power if it leads to a regime where there are insufficient oversight and disorder. Working in such conditions leads to professional burnout of employees. Employees are unsure that in performing the functions prescribed by law (e.g., the minimal and proportionate use of legitimate force), they will not be held liable. It leads to their frustration and creates a sense of insecurity. Working in penitentiaries is generally associated with quite a lot of stress, unregulated schedules, inability to take full advantage of leave. Therefore, employment in penitentiary institutions is not considered attractive, at the same time the staff turnover from the institutions is quite high, due to which it is not possible

to retain qualified and experienced staff. The small number of staff remaining (especially in large institutions) is unable to perform the functions assigned to them, which is complemented by the criminal subculture and the informal groups within it.Both the experience of other countries and the practice in Georgia show that one of the reasons for the growing influence of the criminal subculture in penitentiary institutions is the lack of human resources. The administration seeks to fill the gap by involving prisoners in the management process. Studies in the United States have shown that gaps are filled by prison gangs. In Brazil, for example, there is 1 employee per 137 inmates, which, of course, creates problems with the control. The situation is similar in Moldova, in the semi-open colony of "Barenest", in 2017 there were 700 prisoners and 184 prison staff. In Georgia, there is a total disbalance between the number of employees and prisoners. The exception is Establishment N16, which has created an environment more or less free from the criminal subculture.

Recommendation:

- **To determine in detail the functional rights and responsibilities of the staff of the institution (especially in crises), to train the staff and allow them to use existing authority;**

- **To ensure a reasonable balance between the staff and employees of the institution;- To improve the legal and social protection guarantees for the staff of the institution;- The institution should be managed following the principles of delegation of the authority and teamwork, which ensures the sustainability of prison management in cases of outflow of individual staff;- Take steps to increase the salaries of the staff of the institution and to improve other incentive mechanisms;**

- **Measures should be taken to ensure that staff does not work overtime at all times, employees are given additional remuneration for overtime work according to law. To ensure the possibility of leisure and vacation;- Take steps to ensure the psycho-social rehabilitation of staff (training on burn-out; define the position of HR psychologist, etc.), by taking into consideration the stressful work environment and their burnout.**

g) The System of Motivation of Prisoners

International experience shows that one of the tools in the fight against criminal subculture is the establishment of a system for the motivation of prisoners. The research of local practice has shown that prisoners have low motivation to engage in various educational and rehabilitation programs because they do not believe they will benefit from it, including the most desirable form of incentive, the parole (in Ukraine the impacts of the criminal subculture was reduced through the activation of the parole mechanism). The incentive system becomes even more important when engaging in such programs among prisoners, to put it mildly, is not considered as a desirable behavior.In the process of combating the criminal subculture, it is important to ensure the prisoners that in case they will reject the subcultural norms that pose significant risks to them, they will have benefits and support from the administration of the institution. The prisoner must have a clear choice between the two value systems and see a legal and attractive alternative to the subculture. Taking an unpopular step by a prisoner (involvement in rehabilitation-education processes) should be neutralized by the expectation of receiving positive, legitimate benefits, which will counterbalance the informal influences and motivate the prisoner to disobey subcultural prejudices. The lack of such systemic approaches and a clearly defined vision leads to the fact that the influence of the criminal subculture / informal groups in most of the institutions is quite large. Authoritative prisoners influence a process that is directly the responsibility of the administration. In particular, placement of prisoners; sending complaints; the rehabilitation-resocialization process; delivery of health care services; conflict resolution; delivery of certain kinds of household items to the prisoners. The existing environment completely deprives the administration of the institution of its authority; Prisoners do not see the possibility of receiving any kind of benefits and, willingly or unwillingly, are fully subjected to the subcultural environment. It may sound strange, but a large proportion of prisoners view members of the subculture more as
aguarantee of their safety. The exception is facility N16, the concept of which may be used to modifyother prisons.

Recommendation:
- **To establish a system of incentives for prisoners, which will enable prisoners to take action against subcultural rules, so as not to endanger their safety. Here, it is important to ensure the prospect of receiving real benefits.**

H) Institutional culture and political will of the government

The important question is - why does the prison administration arrange and/or cooperate with informal groups? Apart from the above-discussed factors, it is directly related to the lack of political will. Real changes in the management of institutions are virtually impossible without political support and political will. The practice has shown that the prison administration receives direct instructions from the political leadership to maintain tranquility in the penitentiary institutions at all costs, avoid complaints about the issues concerning the institution, and generally avoid publicizing the problems that can damage the reputation of the ministry. Moreover, the directors of the institution have received a clear message that any commotion and issue will cost them their position. The current situation does not allow the prison administration to act independently and in fact, deprives them of the possibility to use real security management tools against subculture. In this way, the Ministry directly encourages the administration of the institution to use informal groups of prisoners in the prison management process. It is important to decentralize the penitentiary system - to enable the administration of the institution to make decisions independently (except in cases that require inter-agency cooperation); Define specific and clearly defined functional rights and responsibilities for the staff, which include all possible scenarios and frameworks for action; At the level of the Ministry, an internal monitoring system should be established, which will supervise the activities of the institution on the ground. All this is possible only with strong political will. Any changes related to the reform of this system will not go smoothly and most likely will lead to serious resistance, especially within the system. Here, the state needs to have a clear vision, to completely separate itself from the criminal system both inside and outside the institution, to use legitimate force if necessary, as well as to ensure the public as much as possible about the planned activities. Public involvement and support, the consensus of citizens, and the state on value issues are particularly important for the reform to be successful.

Both international and local practice shows that in the process of combating the criminal subculture in penitentiary institutions, one of the impediments is the institutional culture of the staff within the institution. As already mentioned, cooperation between prison staff and criminal authorities in prisons also has historical precedents. The existing practice shows that staff uses the same terms (slang) as do prisoners in their colloquial communication; Familiar relationships between staff and inmates are common; In some cases, there is unequal treatment towards different groups of prisoners, with obvious signs of discrimination. Especially towards the most vulnerable groups determined by the criminal subculture hierarchy. These kinds of approaches directly encourage criminal subculture and violence between prisoners in institutions. Besides the training of the employees, it is important to establish a quality control system for their activities. Also, the study unequivocally revealed the existence of privileged prisoners, which could not be achieved without the consent of the administration. This type of collaboration is an integral part of the criminal subculture and institutional culture and carries risks. In the current atmosphere, prisoners have no desire to go against the existing rules. They see the support of the existing hierarchical system from both a certain group of prisoners and the administration of the institution and therefore, prisoners do not want to oppose subcultural rules and endanger their safety and comfort. Any member of the prison administration should unequivocally treat all prisoners equally, which will inevitably change the climate in the institutions to some extent. Even in the way of breaking such vicious stereotypes, it is necessary to have the political will, define specific functions, and support the staff. The political will depends significantly on the relationship of various agencies with criminal elements, both inside and outside the prison. As already mentioned, research has shown that the prison administration has an unhealthy (and possibly highly corrupt) relationship with criminal authorities inside the prison, however, it is no less important to eliminate these types of connections and influences outside the prison as well. Any suspicion of alleged collaboration or deal with criminal authorities calls into question the prospect of a successful implementation of the state's fight against the criminal subculture. The political will should distance itself from such processes. Otherwise, the fragmentary steps that are sometimes taken towards the fight with organized crime are only of a façade nature and will not bring real results.

Recommendations:

- **To take steps for decentralization of the system, which should be accompanied by defining the functions of the staff, supporting in the performance of their duties, and creating an effective system for their monitoring/supervision;**

- **To modify fundamentally the penitentiary system in the light of the existing challenges, for the government to clearly express the will on reducing the influence of criminal groups, refusing to cooperate with them in any way, through inter-agency cooperation and active involvement of civil society.**