

Impact of the Attitude of the Jail Staff on the Juvenile Inmates

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Abstract

The study focused on the attitude of the jail staff with the well-being of the juvenile inmates in targeted prisons of Khyber Pakhtunkhwa, Pakistan. The study aimed to explore that how the jail staffs interact with juvenile inmates in jails on daily basis. The study further revealed that what kind of conditions and facilities are available to juvenile inmates in jails. The targeted prisons such as Mansehra, Swabi, Dera Ismail Khan, Peshawar and Mardan were purposively selected. The researchers applied simple random sampling technique for the collection of the primary data. The researchers used structured interview schedule for collection of the empirical data from 132 juveniles out of 199. The empirical data were analysed through SPSS where univariate data was analysed through descriptive statistics and bivariate data was analysed through inferential statistics where Chi-square test is used to find out the association between the independent (attitude of the jail staff) and dependent (Well-being of juveniles) variables. The results of the study show a highly significant association between jail staff who fairly deals with juveniles. The results show a highly significant association with jail staff promoting the welfare of juveniles. Furthermore, the analysis gave a highly significant association between rehabilitative practices at correction facilities available at jails. Additionally, penalty at jail has negative effects on juveniles where the results show a highly significant association with the well-being of juveniles. The results of the study recommend that the government must take strict actions against those jail staff whose behaviour and attitude are very harsh with the juvenile inmates. The government must give proper training and education to the jail staff and they must deal the juvenile inmates in a proper way.

Keywords: Prisons, Jails, Juveniles, Attitude of Jail Staff, Well-being of Juvenile

Introduction

According to the report of HRCP (2014), the situation in prisoners in Pakistani jails is extremely poor, and they face problems such as unhygienic and poor living conditions, dangerous diseases, food problems, bullying, torture and corruption. Usually, juveniles are under eighteen years age and having less control

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over their emotions and instincts due to lack of rationality and reason for justification. According to Gatotoh et al., (2011) the jail officials, early in 1990 started using treatment approach instead of dehumanizing prisoners. Provision of security to juvenile prisoners in jails is the foremost duty of jail officers. The Juvenile Justice System Ordinance-JJSO (2000) has taken new steps for children who engage in unlawful activity and the police has arrested them. The police shall not put iron or chain in their hands unless the child tries to flee from detention. The head of the police station should inform the guardian of children and probation officers as soon as possible and shall produce the arrested child in front of a magistrate within twenty-four hours (UNICEF, 2006).

Article-1 of UN Convention on the Rights of Child (UNCRC) defines a child as “a human being under the age of 18 years unless under the law applicable to the child, majority is attained earlier” (Freeman, 2009). Black and Garner (1999) defined juvenile as “a child trying or pretending to act like a grown up or adult person” whereas the term juvenile is used for that person who is under the age of eighteen years and not so mature or under the age defined by the state where a person lived. Laub& Sampson (1988) defined crime as the violation of the existing law of the state. Crime is a negative activity forbidden by the state law. The state shall punish those who commit the crime.

There is no explanation of the well-being of the child, but some explanations or definitions comprise certain indicators such as, economic security, behaviour, mental health, academic soundness, intellectual attainment, physical health, and protection of the child (Lou et al., 2008).According to the “Administration on Children, Youth and Families” (ACYF) lie emphasis on the well-being structure espoused from Lou et. al., (2008),on the following points. The socio-emotional well-being which consists of emotional functioning, physical functioning, cognitive functioning, and social functioning. Emotional functions include identity of the person, ability of the child, surrounding environment, motivation, personal self-control, social capital, and positive behaviours. Cognitive functions include academic achievement, commitment, and development of language, intellectual skills and decision making. Social functioning includes adaptive behaviours, social competence, interaction, relationship, and attachment of the person (Samuels, 2011).

The study aimed to explore that how the jail staffs interact with juvenile inmates in jails on daily basis. The study further revealed that what kind of conditions and facilities are available to juvenile inmates in jails. The study further highlighted the feelings of jail staff towards the use of available resources and their treatment with the juveniles.

Literature Review

The function of NGOs in minimizing the consequences of juvenile delinquency is acknowledged by the “United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)” as genuine consideration might be given to positive measures that include the full usage of every single conceivable asset, including the family, volunteers and other group gatherings, and also schools and other group establishments, to promote the welfare of the adolescent, with a view to lessening the requirement for mediation under the law, and of viably, reasonably and others consciously managing the adolescent in struggle with the law (UN, 1986; Khan et al, 2018a).

According to Article 10 of the Convention against Torture (UNCAT), and other cruel, inhuman or degrading treatment or punishment; the signatory member countries are required to ensure that, instructions and data regarding the preclusion against torment are fully ensured to be incorporated into laws/legislations devised for the law enforcement staff, common or military force, restorative work force, open authorities and different officials who might be engaged with the guardianship, cross examination or treatment of any individual subjected to any type of capture or detainment by state agencies. Prohibition against torture of prisoners is also significant in all conventions and the directions also issued on the duties and functions of the offices (UN, 1984).

The government of Pakistan is bound to follow the rules designed by UNCAT, therefore those reporting on Pakistan’s agreement with the UNCAT should also examine that military’s role, since they have also engaged in illegal custody and inhuman treatment. After a long struggle in the early 1900s, laws were set upon the US due to which the jail officials started using treatment approaches instead of dehumanising prisoners and perpetuating brutal jail conditions. The jail officers had managed security of prisoners and were bound to apply disciplinary approaches for prisoners in jails (Gatotoh et al., 2011).

For the first time in 1956, the laws clearly defined the job of aguard in the United States; it is the responsibility of guard to control the internal order of jail. In fact, the law uses the term “guard” as a custodial identity; the change in role of the correctional officer reflects the introduction of the rehabilitative approach in the field of correction facilities (Farkas, 1995). In the middle of 1970s the concept of punishment of prisoners at jail shifted to rehabilitation of the prisoners, but due to some problems facing by the jail staff they rejected the rehabilitation approach in prisons, and once again they followed the in-humanitarian practice of punishment in the prison (Lipton et. al., 1975). In the 1970s majority of the researchers found that the punishment approach had a negative effect on the juvenile prisoners in the jails. Due to this, the recidivism rate increased in prisons

where they punished the prisoners. So, after that, they again converted their approach to the rehabilitation process (Gendreau et al, 1996).

Research has shown that most jails in America, Europe and in Asia are quickly reforming the policy of their jails to offer prisoner treatment services, rehabilitation, and correctional counselling as opposed to punitive sentences (Paboojian et al, 1997). Kolind et al, (2010) noted that as the availability of drugs at jail increased over the last 15 years, the diversity, and the volume in the usage of these drugs also increased at jails. The jail staffs do not want prisoners to sleep and live a relaxed life at jail. Due to the proliferation of drugs in jails, problems occur in the different approaches of punishment and rehabilitation.

According to Moon & Maxwell (2004), South Korea recently worked to change the punishment approach to a rehabilitation process. They give importance to the counselling, treatment programs, and on education. They also changed the roles of the jail staff from a custodial role to a human service role. The government expects the officers of the jail to treat the prisoners through rehabilitation (Murray, 2009). The attitude of the jail staff also changed in Africa from punishment to a rehabilitation process and they focus on how the jail staff deals with prisoners. Also, Africa has developed Correctional Facilities of rehabilitation and counselling (Gatotoh et al., 2011). They further found that most officers in the jails prefer counselling over punishment. Indeed, most people believe that counselling is far better than punishment to rehabilitate the prisoners. The result of this is a renewed sense of the importance of training jail staff in correctional counselling. According to Lariviere (2001), it is important that policy makers and social scientists give proper attention to correctional officers. Correctional Officers manage the security; order of institution and of peace in the jails.

Majority of the states consider the characteristics of gender, age, and education of prisoners for correctional orientation. Prominent researchers conducted studies which mostly examined that educated prisoners and the jail staff has no meaningful relationship between them (Farkas, 1999; Jurik & Musheno, 1996). But according to other studies the relationship of the jail staff with educated prisoners is incredibly supportive, cooperative and as a result the rehabilitation process of these educated prisoners becomes quite easy (Poole & Regoli, 1980; Lariviere, 2001).

In Pakistani jails the condition of prisoners is extremely poor, and they face problems such as poor living conditions, dangerous diseases, food problems, bullying, torture, and corruption (HRCP, 2014; Khan et. al., 2018b). The Juvenile Justice System Ordinance-JJSO (2000) has taken new steps for children who are engage in unlawful activity and arrested by the police. Police shall not put the iron

or chain in their hands unless the child tries to flee from detention. The head of the police station should inform the guardian of children and probation officers as soon as possible. The police shall produce the arrested child to the magistrate within twenty-four hours (UNICEF, 2006). The reason for this mandate is due to a research report which found that the police sexually exploit the children. The report found the police engaged in false arrests of children and took bribe from their families. The police released children of the wealthy families after their families paid bribes to the police, but the children from poor families reported that police forced them and beat them to confess guilt. In majority of the cases police released children without producing them before a magistrate (UNICEF, 2006). According to JJSO 2000, the police shall bring a child of non-bailable offence to exclusive court within twenty-four hours (SPARC, 2000; Khan et. al., 2017).

According to the Pakistan Penal Code, there should be no torture of the prisoners in the custody and in courts. But torture in custody of jails and in police stations is present all over Pakistan. Police do not use modern investigation techniques in Pakistan; the only way they know how to investigate a crime is to torture the accused until they receive a confession. The government must take positive steps and invest in resources that allow training in modern investigation procedures so that police officials may not torture the accused (HRCP, 2014).

According to HRCP (2014), 72 prisoners died at jails in 2014 and about 47 injured in accidents at jails. The report confirmed 50 deaths as due to illness and 3 deaths due to custodial torture. Heart failure is a major cause of deaths at jails and the police rarely encourage post-mortem reports. If the investigation reports find the police officers guilty for the death of the prisoner, they rarely punished. Kazmi et al., (2013) interviewed re-offenders and lawyers and showed that these three factors are the major cause of recidivism peer pressure, flawed legal system and low income. Further they analysed that one factor alone is not responsible for recidivism. There is correlation between all these three variables for reoffending of juveniles though, no one factor is fully responsible.

The jail authorities demand for a heavy bribe from the prisoners to escort them to court for their hearings. And if prisoners refused to give something to the jail officers, they beat the prisoners badly. In Lahore central jail, a superintendent beat a prisoner badly and fractured his leg. In petitioned time the prisoner reported his abuse at the hands of the superintendent and further said that jail officers beat the prisoners very harshly when prisoners failed in their demands. Later the prisoner forgives the official involved in this (HRCP, 2014).

Methodology

The research investigated the attitude of the jail staff with the well-being of the juvenile inmates. Keeping in view the nature of the research, the authors conducted the research activity through quantitative research method under the positivism research philosophy (Babbie & Mouton, 2001; Rubin & Rubin, 2012). The researcher conducted this study in five different populous jails of Khyber Pakhtunkhwa such as Mansehra, Swabi, Dera Ismail Khan, Peshawar and Mardan. The researchers selected populous jails through purposive sampling technique where the number of the juvenile inmates were more. The total number of the juvenile inmates in the selected prisons were 199 (SPARC, 2015). The researcher selected 132 inmates as a sample size through Sekaran and Bougie (2016) sample size table. Simple random sampling was used for the collection of the empirical data. The primary data were collected through interview schedule. The interview schedule was used because the juveniles were not so mature to fill the blanks by their self (Kumar, 2011). The researcher asked the questions and the juvenile respondents gave the answers then the researcher filled the blank by himself. After the collection of the primary data then the researcher analysed the data through SPSS where univariate data was analysed through descriptive statistics and the bivariate data was analysed through inferential statistics where Chi-square test was used to find out the association between the independent variable i.e. the attitude of the jail staff and the dependent variable i.e. the well-being of the juvenile inmates (Bryman, 2012; McCall & Robert, 1975). The conceptual framework for the study is below.

Independent Variable	Dependent Variable
Attitude of the Jail staff	Well-being of juvenile inmates

The researcher followed the ethical standard of this research activity. For the collection of the primary data from the juvenile inmates, the researcher took consent from the home minister of the Khyber Pakhtunkhwa province. After meeting with the home minister then the researcher took permission from the Inspector General of Prisons (IGP) and the superintendents of the targeted jails. The superintendents ensured free and friendly environment to the researcher and the target population i.e. juvenile inmates. The researcher took consent of the juvenile inmates and assured them about their confidentiality and anonymity. The researcher assured them to use this primary data for only academic purpose.

Results and Discussion

The researchers evaluated the data collected from jails through univariate and bivariate analysis as follows:

Table-1: Attitude of Jail Staff towards Juvenile Inmates

Statement	Agree		Disagree		Don't Know		Total
	OV	%V	OV	%V	OV	%V	
Jail staff deals fairly with juveniles	09	6.8	117	88.6	06	4.5	132
Jail staff is promoting the welfare of juveniles	11	8.3	118	89.4	03	2.3	132
Skill development programs are there for juveniles	02	1.5	123	93.2	07	5.3	132
Rehabilitative and Correctional Facilities are available at jail for juveniles	02	1.5	127	96.2	03	2.3	132
Penalty at jail has negative effects on juveniles	93	70.5	15	11.4	24	18.2	132
Jail staff teaches ethics/manners to juveniles	03	2.3	125	94.7	04	3.0	132

Source: Field Survey, 2016.

Table-1 shows the attitude of jail staff with juvenile prisoners. The researcher asked statements about the attitude of the jail staff to determine whether jail staff deals fairly with juvenile prisoners. Majority of the juvenile respondents (i.e., 88.6 percent) disagreed with the statement that the jail staff dealt fairly with juveniles. Only 6.8 percent of juvenile respondents agreed that the attitude of the jail staff was supportive, while 4.5 percent of juveniles did not express their views about the attitude of jail staff. While asking whether jail staff promotes the welfare of juveniles, most juvenile respondents (i.e., 89.4 percent) disagreed while 8.3 percent of respondents agreed with the statement and 2.3 percent juvenile inmates did not express their views. In third statement concerning skills development programs are there for juveniles majority of the respondents 93.2 percent (123 out of 132) were disagreed that there were no skill development programs for juvenile inmates, 5.3 percent (07 out of 132) were of no opinion and only 1.5 percent (02 out of 132) were agreed that there were skill development programs at the jail. Asking about the availability of rehabilitative and correction facilities at jail for juvenile inmates, most of the juvenile respondents (i.e., 96.2 percent) disagreed

with the statement, only 1.5 percent juvenile respondents agreed with the statement, while 2.3 percent did not express their views. Asking whether penalties at jail negatively affect the juveniles, majority of the respondents (i.e., 70.5 percent) agreed with the statement while 11.4 percent juvenile respondents disagreed with the statement and 18.2 percent respondents did not know. Asking whether jail staff teaches ethics/manners to juveniles, the majority of the juvenile respondents (i.e. 94.7 percent) disagreed with the statement, 2.3 percent of the juveniles agreed, and 3.0 percent of the juvenile respondents did not express their views on whether jail staff teaches ethics and manners to juveniles.

Table-2: Association between Attitude of Jail Staff and Well-being of Juveniles

Statement	Response	Well-being of Juveniles						Total		Statistics
		Agree		Disagree		Don't Know		OV	%V	
		O	%V	O	%V	O	%			
Jail staff fairly deals with juveniles	A	03	2.3	06	4.5	00	00	09	6.8	(p=0.000) ($\chi^2=20.262$)
	DA	58	43.9	53	40.2	06	4.5	11	88.7	
	DK	01	0.8	02	1.5	03	2.3	06	4.5	
	Total	62	47.0	61	46.2	09	6.8	13	100.2	
Jail staff is promoting the welfare of juveniles	A	03	2.3	08	6.1	00	00	11	8.3	(p=0.000) ($\chi^2=21.093$)
	DA	59	44.7	52	39.4	07	5.3	11	89.8	
	DK	00	00	01	0.8	02	1.5	03	2.3	
	Total	62	47.0	61	46.2	09	6.8	13	100.2	
Skill development programs are there for juveniles	A	00	00	00	00	02	1.5	02	1.5	(p=0.000) ($\chi^2=29.606$)
	DA	60	45.5	56	42.4	07	5.3	12	93.3	
	DK	02	1.5	05	3.8	00	00	07	5.3	
	Total	62	47.0	61	46.2	09	6.8	13	100.2	
Rehabilitative	A	00	00	02	1.5	00	00	02	1.5	(p

and correction facilities are available at jail for juveniles Penalty at jail has negative effects on juveniles	DA	62	47.	58	43.	07	5.3	12	96.	(p=0.000) ($\chi^2=21.338$)
			0		9			7	2	
	DK	00	00	01	0.8	02	1.5	03	2.3	
		62	47.	61	46.	09	6.8	13	100	
	Total		0		2			2		
	A	51	38.	39	29.	03	2.3	91	68.	
			6		5				9	
	DA	04	3.0	11	8.3	00	00	15	11.	
									4	
	DK	07	5.3	11	8.3	06	4.5	24	18.	
								2		
		62	47.	61	46.	09	6.8	13	100	
Total		0		2			2			
Jail staff teaches ethics/manners to juveniles	A	01	0.8	00	00	02	1.2	03	2.3	(p=0.000) ($\chi^2=22.292$)
	DA	61	46.	57	43.	07	5.3	12	94.	
			2		2			5	7	
	DK	00	00	04	3.0	00	00	04	3.0	
			62	47.	61	46.	09	6.8	13	
Total		0		2			2			

Source: Field Survey, 2016

The table-2 is about the attitude of jail staff towards the well-being of juvenile prisoners in the sampled jails of *Khyber Pakhtunkhwa*. The results showed significant ($p=0.000$) association between attitude of jail staff and well-being of juveniles. The significant association shows that jail staff not fairly deals with juveniles. The findings of other studies were also support the finding of the statement. Kazmi et al., (2013) concluded that in Pakistani jails lack well trained wardens and other staff to treat juveniles in aright way. The negative way of treating juveniles by the jail staff and lack of rehabilitative measures in the jail increases the probability of committing crimes repeatedly. And, when they release from jails they involve in severe kind of crimes and they join criminal gangs and they become recidivist. The results prove that due to untrained and harsh behaviour of jail staff juveniles become recidivist and involved criminal activities.

The analysis shows a significant ($p=0.000$) association between jail staff is promoting the welfare of juveniles and well-being of juveniles. The significant value shows that jail staff does not promote the welfare of juveniles. The findings

of the United Nations (1986) support the findings of the statement. According to United Nations, the function of NGOs in minimizing the consequences of juvenile delinquency is acknowledged by the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) as “Serious attention shall be given to positive measures that involve the full utilisation of all possible resources, including the family, volunteers and other community groups, as well as schools and other community institutions, for the purpose of promoting the welfare of the juvenile inmates, with a view to reducing the need for intervention under the law, and of effectively, fairly and humanely dealing with the juvenile inmates in conflict with the law.” According to United Nations there will be positive measures for the welfare of juveniles it supports the significant value of the statement that there are no proper measures for the welfare of juveniles.

Moreover, the result shows a significant ($p=0.000$) association between skill development programs are there for juveniles and well-being of juveniles in sampled jails. The findings of the statement show that there are no skill development programs there at jails for juveniles. The findings of Farkas (1995) and UNICEF (2006) were in the support of the study findings of statement. Both agreed that there will be structured programs in jails which will develop skills and will support juvenile in finding jobs for themselves after releasing from jails. Furthermore, the findings also show that jail staff does not ensure provision of basic facilities and skilful programs to juveniles in jails.

The results show significant ($p=0.000$) association between rehabilitative and correction facilities are available at jail for juveniles and well-being of juveniles. The significant association shows that there were no rehabilitative and correction facilities available at jails. Earlier studies findings were in the support of the findings of the statement. Moon and Maxwell (2004) conducted a study. According to them South Korea worked on this and change the punishment approach of inmates to rehabilitative approach. Korea gives importance to treatment programs, education and counselling of inmates specially focus given to juveniles. And, the role of jail staff changed from custodial punishment to human service role and mostly the given training to the officers of the jails to treat the prisoners exclusively the juveniles through rehabilitation. Also, the study findings of Farkas (1995) and, Paboojian & Teske (1997) were in the support of the findings of the statement. According to their studies findings most jails in America, Asia and in Europe changed their jail policy and offer rehabilitation, correctional and counselling as opposed the sentence of the inmates. The researchers concluded from their findings that majority of the countries changed their policy of beating inmates and harsh behaviour of the jail staff to reconstructive, rehabilitative, and, they focused on education of the juveniles. And

the study findings of the statement showed that there were no rehabilitative and correction facilities available to juveniles in the sampled jails of Khyber Pakhtunkhwa.

Moreover, the analysis showed a highly significant ($p=0.000$) association between penalty at jail has negative effects on juveniles and well-being of juveniles. The findings of the statement showed that harsh and negative attitude of the jail staff had negative consequences upon the juvenile prisoners. Juveniles face punishment that has reverse effects on their personality development. The findings of Gendreau et al., (1996) were in the support of the findings of the statement. According to them in 1970 majority of the researchers found that the penalty approach has negative effects on juvenile prisoners due to this penalty approach the recidivism rate become increases in those jails where the punishment of juveniles exists. Furthermore, the findings of the HRCP (2014) were also in the support of the findings of the statement. According to the penal code of Pakistan, there should be no punishment and torture in jails. Earlier study shows that there is no modern way of handling inmates in jails, the jail staff use the old way of treating the inmates by punishing them especially they treat juveniles as adult criminals in jails. It is concluded from the findings that in Pakistani jails the jail staff use the old way to treat the inmates through penalty and harsh attitude, the findings of the previous studies showed that Government not taking positive steps to guide the jail staff to use the modern way of treating the prisoners especially the juveniles.

Moreover, the results showed a highly significant ($p=0.000$) association between jail staff teaches ethics/manners to juveniles and well-being of juveniles. Majority the respondents were disagreed with the statement that jail staff teaches any type of ethics or manners to juveniles. The findings of the United Nations (1986) were in the support of the findings of the statement. According to United Nations there shall be positive measures for treating juveniles and education will be provided to juveniles specially jail staff have to teach ethics or positive measures to juveniles and jail staff must deal these juveniles like their own children. The researchers concluded from their findings and discussion of the above table that jail staff not fairly deals with juveniles and they are treating them very harshly and negatively. The jail staff are engaged in cruel and humiliating practices, they often beat juveniles and penalty has negative effects on juveniles and in the result, they become severe kind of criminals and mostly they become recidivist. Also, there is nothing for the better socialization and welfare of juveniles nor do they have skill development programs available at jails. And the most severe dealing of jail staff with juveniles were when juveniles want to meet with their , parents, relatives and legal counsels jail staff demands for something

in shape of money or any other things mostly juveniles were of the view that jail staff want and demand to meet with lonely.

Conclusion

The study concludes that juvenile inmates were not feeling good at sampled jails. They complained of the attitude of the jail staff that they did not fairly deals with the juvenile inmates. The jail staff did not promote the welfare of the juvenile inmates, there were no skill development and rehabilitative programs in the targeted jails. The jail staff used very abusive and vulgar language to the juvenile inmates, also they beat them with hard rubbers and iron sticks. The negative attitude of the jail staff is directly proportional to the severe criminal acts and recidivism rate of the juvenile inmates. Based on the findings, the study recommends that the government officials must take strict actions against such jail staff whose attitude is not positive with the juvenile inmates. Furthermore, government must appoint educated and well-trained jail staff to deal the juvenile inmates in a positive way.

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