



The requisite of good mental health of prison staff provided for by art. 78 of part V of Rec (2006)2 of the Committee of Ministers: what about suicide among prisons officers?

Abstract

The article highlights the importance of the requisite of good mental health of prison staff, especially among the prison officers. This prerequisite is advised by the European prison rules of 2006, according to which staff shall normally be appointed, being subject also by good physical and mental health. Nonetheless, the topic seems to be not so relevant in public debate although the rate of suicide among prison officers is higher than that of the general population. One of the reasons may be found in the fact that this kind of job is more vulnerable to the burnout syndrome, which can prove particularly disabling for work. Furthermore, the issue refers to a general illness of the prison system, which often faces difficult situations with a low number of professional staff and often not adequately informed about the management of difficult situations.

The mental health care in prison is a heart-felt challenge. The World Health Organization, which is a United Nations specialized agency for health matters, declared in its Constitution that generally “*Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity*”. In this way, mental well-being performs a central place, especially in the case of deprivation of freedom as we can see in penitentiary world.

Indeed, the Recommendation (2006)2 of the Committee of Ministers of the Council of Europe to member states, as revised and amended in July 2020, best known as “European prison rules”, mentions the expression “mental health” six times. Nevertheless, the care of psychological sanity in prison environment is commonly referred to prisoners who look like mentally unstable at their arriving behind bars or during the period of detention. In this way the European prison rules established that person who are suffering from mental illness should be detained in specific structures¹

¹ Recommendation Rec(2006)2-rev of the Committee of Ministers to member States on the European Prison Rules, adopted by the Committee of Ministers on 11 January 2006, at the 952 meeting of the Ministers' Deputies and revised and amended by the Committee of Ministers on 1 July 2020, para.12.1. The complete text is available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016809ee581.



to have personal attentions. Therefore, the prison medical unit should have oversight on both physical and mental health of detainees, respecting all universal standards within prison.²

The relevance of mental health in prison is inferable from the occurrence of critical events, that are symptomatic of an illness in the system as a whole and they usually consist of self-harm acts, containment procedures or individual and collective protests. One of the phenomenal expressions of the central position that mental health care assumes throughout the penitentiary institution, is the incidence of suicide among prisoners. Antigone, which is an Italian association, in 2019 drafted a report on condition of detention.³ In the XV report there is a survey about the suicide rate in prison⁴ which is (incredibly!) eighteen times higher than the normal incidence of the phenom among free citizens. In 2018, there were 67 suicides of prisoners and the impact of the deadly event was recorded at around 11,4% every 10 thousand detainees, when in 2015 it was attested at only 8,1%. The major number of suicides was recorded between foreign prisoners.⁵ This central theme has been also under the careful attention of the Italian Constitutional Court as adjudicatory body of judicial review. In fact, the Judges declared the sentence n. 99 in 2019, in which they sanctioned the constitutional illegitimacy of the rule regarding home detention⁶ in the part where it did not consider the hypothesis of serious mental illness, in cases of lack of medical unit in charge in prison.⁷

On the other side, the topic of good mental health of prison staff seems to cover a less significant space. Actually, article 78 of part V of Rec (2006)2 of the Committee of Ministers, in view of the complex work that they are required to do, states that professional prisons staff shall normally be appointed, being subject only to good conduct, efficiency, good physical and mental health and an adequate standard of education. Reducing the field of investigation to prisons officers, penitentiary policemen represent the most numerous professional figures in Italian prisons, with an affective presence of 31.332 operators⁸ and, for obvious reasons, they are more subject to potential mental illnesses, due to the function of maintaining the order they perform inside prisons. For what concerns

² *Ibidem*, paragraph n. 43.1. Moreover, the sections 47.1 and 47.2, entitled *mental health*, recommend the availability of special sections “for the observation and treatment of prisoners suffering from mental disorder or abnormality who do not necessarily fall under the provisions of Rule 12”.

³ The entire report is available at the following url: <http://www.antigone.it/quindicesimo-rapporto-sulle-condizioni-di-detenzione/>.

⁴ The document that specifically refers to suicide rate is available at the following url: http://www.antigone.it/quindicesimo-rapporto-sulle-condizioni-di-detenzione/wp-content/uploads/2019/06/15.-ANTIGONE_XVrapporto_Suicidi.pdf

⁵ Additionally, number of major suicides relevance occurs within two years from the end of the sentence, because, at the end of the sentence, prisoners do not have any further and better perspectives outside. For more data, see sub note n. 8.

⁶ Specifically, the rule is article 47 ter of penitentiary law n. 354 of 1975, which refers to cases of admission to home detention.

⁷ In these cases, the Mental Health Department should certify the serious mental illness. After that, the Supervisory Court Judge can move the prisoner on probation to a rehab center in which he will undergo a therapeutic program.

⁸ For more data, see the Antigone’s report, at the following link: <http://www.antigone.it/quindicesimo-rapporto-sulle-condizioni-di-detenzione/>.



our debate, which turns around the requisite of good mental health of prison staff as required by the Council of Europe, it is possible to proceed inductively, starting from symptomatic figures such as the incidence of suicide and mental pathologies, and then go back to the training and requirements of the prison staff, also bearing in mind that investigating in this sense leads to better study the prison reality and being able to understand it in its complexity.

Nonetheless, this issue seems not to have echoes on public debate. For the period of the research activity within the European Commission funded project “Be-Competent. Boosting Competences in Penitentiary Staff in Europe” a different approach appeared. During one of the focus group meetings with Public authorities, Supervisory Court Judges put the light on the high percentage of suicide among prison staff and spoke a long about the syndrome of feeling detained, without a prison sentence, among detained people: the prison isolates anyone, not only prisoners, having severe repercussions also on staff. Consequently, what emerged from the first focus meeting was that there is a sort of “mirroring” between suicide among prisoners and among prison army. In this way, we can say, with almost certainty, that “*Prison generates negative effects not only on prison population, but also on those who work there daily*”⁹. To follow up in a comparative manner, there are not so many sociological studies about penitentiary army in Italian academic research instead of in the U.K. and in the U.S.A. In fact, with the only exception of internal studies carried out by the Department of Penitentiary Administration, in Italy this kind of research led, in most cases, to poor and not homogeneous results.¹⁰ Some data can be useful.

With particular attention to suicide as a preferential field of investigation, the Italian SAPPE (Autonomous Union of the Penitentiary Police), which is the trade union of penitentiary police and also some academics¹¹ asserted that the data provided by the Department of Penitentiary Administration show an incredible average of 12 suicide every year: in fact, since 1997 to 2019, 144 penitentiary cops committed suicide. Certainly, this number is lower than suicide of prisoners (1.063 from 2000 to 2019) and suicide among free citizens. Whereas generally 6,5 people every 100.000 commit suicide every year, it is clear that the number of suicides among prison policemen is higher than the general average, compared to their total number. This kind of job, as all the helping professions, is more vulnerable to the burnout syndrome and, if not appropriately treated, the affected subjects develop a slow process of psychophysical decay, due to lack of energy and stress, deriving

⁹ See A. MACULAN, *lo studio della polizia penitenziaria: uno sguardo al di fuori dei confini italiani*, in *Sociologia del diritto*, Franco Angeli, 2, 2014, p. 131. Furthermore, on prison as a “*factory of handicap*”, see E. GALLO, V. RUGGIERO, *Il carcere immateriale* (La detenzione come fabbrica di handicap), Edizioni Sonda, 1989, available at the following link: http://www.ristretti.it/areestudio/cultura/libri/il_carcere_immateriale.pdf

¹⁰ See A. MACULAN, *lo studio della polizia penitenziaria: uno sguardo al di fuori dei confini italiani*, in *Sociologia del diritto*, Franco Angeli, 2, 2014, pp. 111 e ss.

¹¹ See G. BRANDI, M. IANNUCCI, *A proposito dei suicidi dei poliziotti penitenziari*, *Diritto penale e uomo*, 24 July 2020 and *Il male di vivere dei poliziotti penitenziari*, in *Polizia Penitenziaria. Società, giustizia e sicurezza*, 270, 2019.



from working in a place deprived of personal liberty and in a tumultuous context.¹² To conclude, being a police officer can put a strain on mental integrity, compromising one of the standards required by Rec (2006)2 of the Committee of Ministers for the recruitment and training of professional penitentiary personnel. How this dyscrasia could be solved?

One of the most obvious reason of disruption of the Italian penitentiary system is that, even though policemen are meant to collaborate in the re-educational development of prisoners, they mostly dedicate themselves to containing deviance and to maintaining order. As a fact, criteria inspiring the recruiting process of new prison staff deal mostly with skills like education level, physical attitude and linguistic abilities; other crucial skills, such as integrity, humanity and cultural sensitivity are not perceived as crucial values for prison staff to operate in prisons. This is particularly true for older staff prison, who, paradoxically, feel the regard payed to these values as a *deminutio capitis*, almost as a shame, as if humanity and cultural sensitivity in prison be a show of weakness.¹³ Also during the training program of army serving in prison on the first assignment, special attentions is given to security and problem-solving in place of transversal skills, also called “soft skills”¹⁴ and the result is that they could not be that prepared as in complying with daily practice in prisons.

In addition, in Italy the penitentiary network is still suffering from systematic lack of personnel: as mentioned above, prison police are the professional figure with the highest numerical consistency within the penitentiary system but there is a staff shortage of 16% and this is because police officers actually present are less than what the permanent employee plan foreseen.¹⁵

In closing, the rate of suicide among prisons officers in Italy is what a fever is for the flu: otherwise, is a symptom of a more general illness of the entire system. This topic embraces *a latere* considerations and constitutes an intertwined sub-issue. However, it is linked to the staff training issue because it highlights the that best prison

¹² There is a French study of the 1999, about the relationship between burnout and self-esteem among penitentiary police. The results found a very close correlation between self-esteem and burnout: the lower the self-esteem level is, the higher percentage of burnout results. (see *Il male di vivere dei poliziotti penitenziari*, in Polizia Penitenziaria. Società, giustizia e sicurezza, 270, 2019). On the opposite, see, P. BUFFA, *Il suicidio del personale del Corpo di Polizia penitenziaria. Un tentativo di uscire dal procedere a tentoni nella nebbia della sofferenza umana*, in Diritto Penale e Uomo, 2019. The author intended to debunk the myth that suicides among prison policemen are greater than the incidence of the phenomenon on a general scale, concluding that the incidence of suicides among prison cops is between 2,4 and 12,7 times lower than that of the general population. In this sense, the author assumes that suicide is a complex phenomenon of a multifactorial order in which biological, psychic and social variables intervene for various reasons and with different effects, also in the presence of reasons external to the penitentiary system.

¹³ These feedbacks emerged from one of the focus group meeting within the European Commission funded project “B-ComPetent. Boosting Competences in Penitentiary Staff in Europe” (GA 854040). Once again, the collected data revealed a chasm between the normative level and the selection procedure of prison staff.

¹⁴ For further informations, i.e., see the *Corso Allievi Agenti 2019/2020* leaflet at the url: https://www.polpenuil.it/attachments/article/8748/Progetto%20176_177%20corso%20allievi%20agenti.pdf

¹⁵ See sub note n. 3.



practices should be attentive to the institutional and cultural context, as well that purely juridical-normative one.

On one hand, the assumption should lead Public Authorities to think back the penitentiary structure, trying to conceive new criminal policies which are more consistent with constitutional and international law, so turned to human fundamental rights safeguard.

On the other hand, overcoming a prison-centered model, it is important to rethink about the education path of prison professional figures, in order to guarantee their mental health and to make them benefit from a specialized training. Therefore, it crucial to obtain the indispensable tools to develop diversified organizational and professional cultures, fighting against social isolation that this kind of profession entails.

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