

RE-SOCIALISATION OF OFFENDERS IN THE EU: ENHANCING THE ROLE OF THE CIVIL SOCIETY (RE-SOC)

Workstream 4: Civic monitoring of prisons

Analysis of availability and accessibility of data in Bulgaria

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I. Introduction

Statistical information in the justice system is crucial for maintaining and enhancing the state's capacity to address issues of concern and significance through the collection and analysis of data. It can greatly assist both criminal justice executives and policymakers in planning and implementing policies in line with the system deficits and backed by empirical data. These deficits can vary from financial, for example, finding a way of coping with cost cuts, to planning social development, e.g. following crime trends in society. In all ways, availability of comprehensive statistical data is an important prerequisite for implementing knowledge-based good governance. In that respect, taking full advantage of new information technologies by keeping criminal justice information systems technically up to date would make them more flexible and enlarging serving their purpose.

All said is particularly true when speaking about the prison system. Considering its characteristics, the statistical information it generates, if used fully, can help produce analysis such as monitoring performance and can also facilitate strategic and operational planning of the system itself. If prison system-generated data is combined with statistical data of other state institutions it can greatly assist managers and policymakers even in understanding and trying to shape social development.

This study aims at providing an overview of the collection of data for the prison system in Bulgaria in order to assist the development and implementation of the Prison Conditions Monitoring Index (PCMI) – a tool designed to measure in a comparative way the conditions in prisons. The application of the PCMI consists of feeding publicly accessible primary data into the tool, which can then generate comparable ratings for each prison.

1. Publicly available information on prisons

The penitentiary system in Bulgaria consists of 12 prisons and two reformatories (one for boys and one for girls) covering the whole territory of Bulgaria. From an organisational point of view, these are divisions of the General Directorate 'Execution of Penalties' (GDEP) of the Ministry of Justice.

The overall management and supervision over the prison system is entrusted to the Minister of Justice.



The prison system in Bulgaria, similarly to other public bodies, does not publish regularly statistical information. The governing body of prisons, the General Directorate 'Execution of Penalties', maintains a website (<http://www.gdin.bg>), which provides general information only on the prison facilities, probation services, and detention facilities. Most of the information is narrative descriptions of the facilities' premises, capacity, location, history, programmes and personnel, and is often not up-to-date.

The GDEP does not draft its own annual report and only occasionally information on its activities shows up in activity reports of the Ministry of Justice. However, statistical data on the number of prisoners or data on the prison population broken down into categories such as age, nationality, etc. are often referred to in public statements of the Minister of Justice or other senior officials of the Ministry of Justice.

The GDEP, of which the prisons are territorial subdivisions, presently sustains an information system called 'Information System of Execution of Penalties' (ISEP). There is no public information on the parameters of the system, nor any evidence that in 2014 it has been functioning, although, according to information of the Ministry of Justice related to a project funded by the European Social Fund¹ and due to have been completed by May 2013, a third version of the system should have been fully implemented and functioning.

Another objective of the same project was to connect the functioning ISEP to the Unified Information System for Countering Crime (UISCC) – a national data bank for all institutions engaged with countering crime: police, courts, prosecution offices and investigation services. In

¹ http://www.vss.justice.bg/bg/register/All_projectn1.xls (Last accessed on 04.09.2014).

February 2014, the Ministry of Justice signed a contract with an IT company² with clauses similar to the ones described above.

The GDEP has a department similar to a data centre, which processes statistical information coming from the prisons and the other detention facilities. There is no public information on the size of the department, its equipment and personnel.

2. Access to prison information and data

It is evident that comprehensive prison statistics are available for management purposes within the justice system, which is not publicly available for a more general research approach for institutions and scholars other than those within the system itself. Access to such information is possible under the *Law on Access to Public Information*.³ According to the law all Bulgarian citizens and legal entities can obtain information about the activities of all state institutions, their divisions, local authorities, public bodies, as well as individuals or companies whose activities are funded by the state budget or EU funds. All formal or service (internal) information, except personal data and classified information, is generally accessible. When prevailing public interest exists, service information cannot be denied access to. The information requested is granted or rejected, or further clarification is requested, within 14 days. The access to information is free of charge; an applicant is charged a fee equal to the reproduction of the information and the mailing costs. Under the same law, all institutions are obliged to develop their own internal rules for granting access to information and publish these rules on their website. As of 2013, 81% of the public bodies have developed such rules and 80.2% accept electronic applications.⁴

As regards to the prison system in Bulgaria, the only available internal rules for granting access to public information are the ones of the Ministry of Justice. They are available at the website of the

² <http://ted.europa.eu/udl?uri=TED:NOTICE:72199-2014:TEXT:EN:HTML&tabId=1> (Last accessed on 04.09.2014).

³ Law on Access to Public Information, Prom. SG 55 of 7 July 2000, last amended SG 39 of 20 May 2011, available at: <http://lex.bg/laws/ldoc/2134929408>.

⁴ Министерски съвет, Доклад за състоянието на администрацията 2013 [Council of Ministers, Report on the situation of the administration 2013], available at: http://www.government.bg/fce/001/0211/files/DSA_2013.pdf.

Ministry of Justice, but are in a relatively inconvenient file format (.tiff). Under these rules, the DGEP is an individual responsible entity, which should be addressed separately.

However, the website of the GDEP's does not contain any reference to rules for accessing public information, contacts, contact person, or application forms as required by the law. It also does not have a section 'Access to information', as required by Article 15a of the *Law on Access to Public Information*.

3. What is collected

Although there is no public statistical information on prisons and practically whatever exists is available hierarchically to prison system executives only, the prison legislation gives a brief idea on what is collected. The three legislative documents below contain minimum requirements of what information should be collected in prisons, some indications on what prisons should report to the GDEP and what the GDEP itself should report to the Ministry of Justice.

Legislative acts regulating data collection in prisons

- Law on the Execution of Penalties and Detention in Custody, effective as of 01.06.2009, last amended SG No 15 of 15 February 2013;
- Regulation on the Implementation of the Law on the Execution of Penalties and Detention in Custody, issued by the Ministry of Justice, promulgated SG No 9 of 2 February 2010, last amended and supplemented SG No 20 of 7 March 2014;
- Ordinance No 2 of 22.03.2010 on the terms and conditions for the provision of medical services in places of detention, issued by the Minister of Health and the Minister of Justice, promulgated SG No 31 of 23 April 2010.

3.1. Data available in prisons

Upon the admission of a new inmate the prison authorities receive the judicial act, under which the person is imprisoned or detained in custody; the date and circumstances under which the person was detained; and his/her conviction history.

Upon reception the following data are collected for each prisoner:

- Personal information as in the person's identification documents (if such documents are not available, information is extracted from the other accompanying documents);
- Grounds for the accommodation of the person in the place of deprivation of liberty;
- Time and date of accommodation;
- Description of the personal belongings of the newly accommodated inmate (this inventory is attached to the prisoner's personal prison file);
- Evidence of traces of injuries and complaints of physical violence;
- General health condition.

The newly arrived prisoners are also photographed.

Within two days following the admission, the prison administration prepares a personal prison file for the inmate. A standard form, containing personal data and information on the execution of imprisonment, is filled in duplicate. One of the copies stays at the prison and the other is sent to the GDEP. This information is stored in electronic form as well. Personal files are revised and updated at least once every six months.

During the prisoner's stay in the reception unit, he/she undergoes several psychological evaluations. The prison doctor, a psychologist and a social service officer prepare reports on the following:

- Risk of re-offending and risk of harms (this evaluation is updated throughout the entire term of the sentence taking into account the changes in the prisoner's behaviour);
- Personality characteristics;
- General health condition and ability to work; and
- Recommendation for group and individual activities.

Although not mentioned explicitly, it could be assumed that these reports are attached to the prisoner's personal file. Unlike the medical staff, there are no provisions requiring the psychologists and the social service workers to keep their own files on the prisoners.

The director of the prison or the reformatory, or another official authorized by the director, can collect and process personal data in accordance with the data protection legislation.

When a prisoner is transferred to another prison or reformatory his/her personal file and medical files are sent to the new prison on the same day accompanied by a document pre-calculating the term of the sentences as of the same day.

Other documents, which are attached to the personal file during the term of the sentence, are:

- In cases of **search and discovery of prohibited items**, the persons who have conducted the search prepare a **protocol** in four copies. One of the copies is attached to the prisoner's personal file.
- Every prisoner is prepared an **individual sentence plan**, which comprises of a schedule of impact programmes and re-socialisation activities. The implementation of the plan is evaluated in **annual reports**.
- A **copy of any order (reward or punishment)** is attached to the prisoner's file. Another copy is sent to the GDEP to be attached to the duplicate file kept there.

Other record papers:

- Each prisoner is issued a **card for parcels and visits**, which is filled in by the commander on duty. The card contains the names of the convicted or detained person; the type of regime assigned to that person; the date of entry in the prison; the personal ID number (the identification number of each Bulgarian citizens); the number of the case under which the inmate was convicted, the issuing court and the applicable legal provision. The card is filled in with the date of every visit and the contents of the parcel received by the inmate during the visit. Every visitor fills in a visit form, which consists of: full name; personal ID number; permanent address; and the name of the visited prisoner to and the relationship

with him/her. When the visitor brings a food parcel, both he/she and the commander on duty fill in a shipment slip.

- The application of disciplinary punishment of **confinement in an isolation cell** is subject to special registration. When such penalty is imposed a special book is filled in. It contains the full name of the prisoner; the number and date of the sanctioning order; the duration of the penalty; and the date and time of entry and release.
- All applications and complaints of prisoners (to the prison administration or to other bodies outside the prison) are recorded in a special book. Every record consists of the date of receipt and dispatch, the name of the prisoner, the addressed body, the subject and the answer.
- There is a separate book for registering the results of guards' evening inspections of the cells. It includes information about the number of prisoners, availability/lack of incidents, etc.

Social Activity Data

The social, psychological and pedagogical inspectors in each prison prepare three types of analyses:

- Case study and evaluation of the risk of recidivism and harm of every prisoner;
- Psychological examinations;
- Socio-psychological study and analysis of the prison groups and communities.

On the basis of the psychological evaluation, the social services inspector drafts a personal sentence plan for every inmate. The plan consists of:

- Description of risks/problem features which should be addressed;
- Precisely set targets corresponding to concrete needs;
- Description of the activities for achieving the targets;

- The officer in charge of the prisoner's rehabilitation activities;
- The timeframe of the courses.

The results achieved under the plan are summarised in interim reports on the sentenced person. A further risk evaluation is performed annually.

All personal social activities are planned and reported via standard forms, approved by the GDEP.

All programmes for impact, for reduction the risk of recidivism, and for harm reduction are recorded. The records contain: methodology description, description of each session, evaluation scale, supervision manual, and a feedback form. A protocol is drafted during each session.

There should be paper evidence for every psychological consultation or crisis intervention in the form of a report.

Medical statistics

The *Ordinance No 2 of 22.03.2010 on the terms and conditions for the provision of medical services in places of detention* contains a separate chapter on the medical information collected in prisons. The collection and processing of such information generally follows the rules applied by all other health institutions in Bulgaria.

For every prisoner a personal health file is opened and kept at the medical centre. It is sent to another prison facility in cases of transfer. The file includes information on health status, illnesses, medical tests and applied treatment, special nutrition needs, etc. When the prisoner is released or dies the medical file is attached to his/her personal prison record.

The director of the medical centre also keeps information on the outpatient and dental care, including primary medical and financial documents. When HIV/AIDS or tuberculosis cases are discovered, they are included in the National Registry of HIV/AIDS Patients and the National Registry of Tuberculosis Patients respectively.

3.2. General Directorate 'Execution of penalties'

The GDEP keeps a duplicate file of every prisoner in Bulgaria. These files contain the initial information, collected upon the prisoner's registration, and are updated only with copies of

reward/punishment orders. The Director General of the GDEP specifies the officials who can examine the prisoners' personal files and the procedures for using the information contained therein.

The GDEP keeps record of the meetings of all commissions, which are attached to it (e.g. the Medical Committee, which decides on medical issues such as treatment of inmates outside prison; or the execution of penalties committees within each prison, which decide upon the change of the regime under which prisoners are placed). The record is kept in the form of protocols, containing information about attendance, discussed issues and decisions.

Under the law, the GDEP has the following prerogatives related to the collection and use of information about the penitentiary system:

- Keeps track of all persons deprived of liberty maintaining the necessary databases;
- Analyses and summarises the system of regimes operating in the places of detention and prepares reports and proposals for correcting deficiencies. It also analyses the security services in prisons.
- Develops methodological guidelines for the needs of prisons;
- Prepares the prisons' financial reporting;
- Performs international data exchange;
- Meets the information and analytical needs of the GDEP, the prisons and the probation services, including reference, statistical and archival activities by the development and use of automated information systems;
- Prepares analytical and statistical inquiries and reports.

The GDEP has a unit (sector) called Medical Service in Places of Deprivation of Liberty, the head of which annually compiles statistical information on:

- Number of persons, who were transferred for medical treatment outside the prison facility;
- Cases of death in prison;

- Cases of denial of food, self-harm and workplace accidents leading to permanent disability;
- Number of prisoners who have undergone specialised treatment of drug addiction, alcohol addiction, mental diseases, tuberculosis, and AIDS;
- Number of complaints by prisoners and/or their relatives against the medical treatment in prisons and the number of those complaints found relevant.

The head of the sector Medical Service in Places of Deprivation of Liberty prepares an annual analysis of the situation of medical care in prisons. The analysis is not public but is discussed within the GDEP.

In order to perform these activities, the GDEP should have a significant data array available. For that purpose, the GDEP runs a Data Centre, but there is no available information about its capacity in terms of human and IT resources.

Execution of Penalties Council

The Execution of Penalties Council performs research and methodological assistance in relation to all aspects of the execution of penalties. It also prepares draft legislative amendments and organises the professional qualification of the prison staff. The Council issues an official newsletter, which focuses on theoretical and methodological matters, and occasionally publishes research results based on statistical data. The Council does not have a website and does not draft minutes or public reports and could not be considered a public source of primary data.

3.3. Ministry of Justice

The Ministry of Justice obtains reports on the condition of the prison system and, upon request, data on prisons.

4. Publicly available primary sources

The only publicly available source of information on the prison system is the annual report of the Ombudsman in its capacity of National Preventive Mechanism.⁵ These reports publicise the results of the annual inspections of the Ombudsman, including inspections of places of detention. Although regular, the reports do not provide a snapshot of the situation in prisons first of all because the inspections do not cover all prisons every year, and second, because they are directed towards finding deficiencies related to the respect for human rights in prisons, which are not measured statistically.

Data on prisons are sometimes included in reports of the Ministry of Justice. Such reports are, however, not issued on a regular basis and do not follow the same structure.

5. Conclusion

The information collected in prisons is strictly defined in the legislation. It is utilised mainly for assisting prison authorities in doing their daily job, rather than being the basis of analysis and knowledge-based decision-making. The General Directorate ‘Execution of penalties’, which is responsible for this activity, does not fully use its potential. The data collected in compliance with the law, especially psychological reports, is sufficient for drafting various types of analyses, including offender profiling, which would assist not only the work inside prisons but also crime prevention in general. As another example, the record of visits and the personal evaluations can be used for a studying of the links between regular family connections and the process of re-socialisation.

The reason for failing to utilize the available information can partially be related to the lack of an operational information system. There are indications that efforts are being invested to overcome this shortage but the results will eventually be visible in the near future.

As to the accessibility of statistical information, the prison system is among the backward institutions in Bulgaria. It is among the few, which do not have a mechanism for granting access

⁵ All reports are available online at: <http://www.ombudsman.bg/national-prevention/>.

to public information as required by the law. Its website is not updated regularly, does not provide statistical data and cannot be used as a reliable source for research.

In conclusion, although collected, statistical information in the prison system in Bulgaria is not stored in a way allowing its use for research purposes. It is available primarily for internal use and the channels for external access are rather limited.