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Violence in Austrian Prisons. Summary of Key Findings

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Introduction

This working paper presents the findings of the first representative survey on violence in Austrian prisons.¹ It investigates the prevalence and incidence of violent victimization of prisoners. Based on a broad understanding of violence as applied in international research, it focusses not only on criminal violence, but also on other forms of psychological, physical and sexual assaults (cf. e.g. Kapella and Schröttele n.d.; Straus et al. 1996; Ireland and Ireland 2008). The range of experiences reported to the interviewers extends from minor forms of psychological violence such as aggressive shouting, to serious crime such as severe bodily injuries and rape. Based on our experiences in the field and international research, and given the barriers to reporting incidents to a stranger, particularly in prison, a relatively high rate of underreporting is likely, especially in the area of sexual violence.

Methodology

The core piece of the study is a survey of 386 randomly selected inmates in ten Austrian prisons. Using a 25-page questionnaire in 15 different languages, we not only recorded experiences of psychological, physical and sexual violence among inmates and by staff, but also the social climate and detention conditions in the prisons concerned. The face-to-face interviews were conducted between March and June 2019. Additionally, ten qualitative in-depth interviews with detainees who had recently experienced violence took place. The prison managers' perspective on the conditions and challenges in their prisons was collected via an online questionnaire; six guided interviews with experts from different areas (specialist services, prison management, victim protection, complaints management, operational training, human rights) as well as official figures on the prison system provided additional insights. Based on this extensive empirical evidence, we identified factors that promote violent victimization in prison (for details on methodology cf. Hofinger and Fritsche 2020, 2021, 25ff.).

The situation of prisons in Austria

In the year of the study, the incarceration rate in Austria was 106 prisoners per 100,000 inhabitants, which is significantly higher than in Austria's neighbouring countries, Switzerland and Germany (Aebi and Tiago 2019, 30). Many prisons are overcrowded, making it difficult to separate certain groups of prisoners. Every sixth person we spoke to reported to be held in an overcrowded prison cell. The staff-

¹ The project SiGit (Sicherheit hinter Gittern) was funded within the Austrian security research programme KIRAS of the Austrian Federal Ministry of Finance and managed by the Austrian Research Promotion Agency. The Ministry of Justice supported the project.

inmate ratio is low by international standards and there is a severe shortage of staff, especially of social or special services (social work, psychiatrists, etc.).

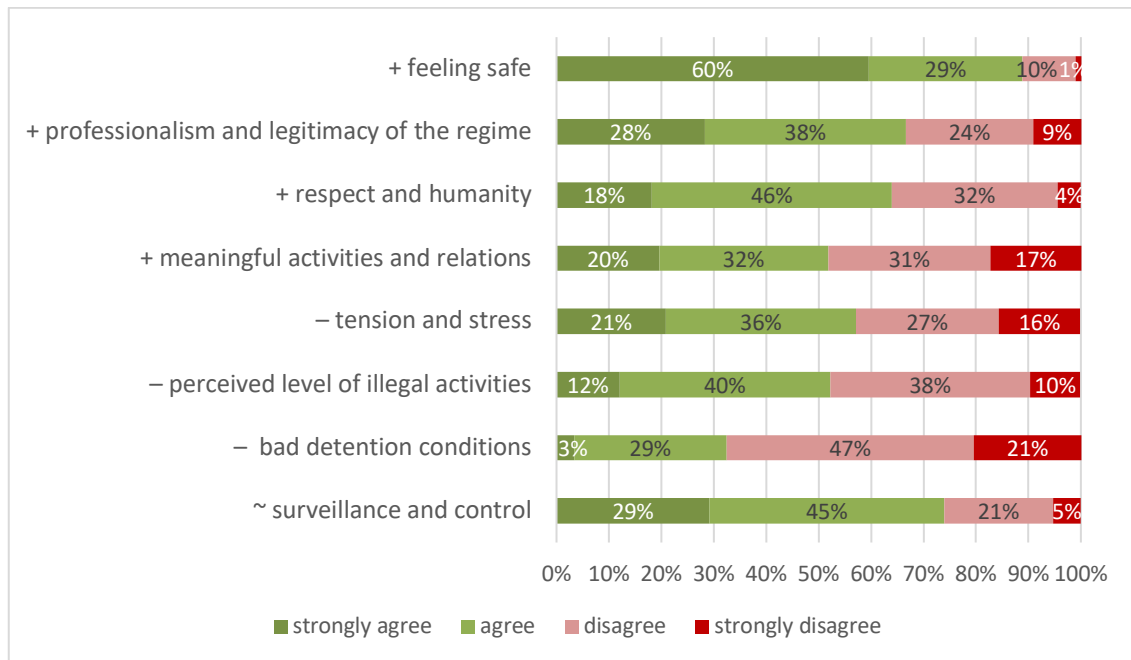
More than half of the prisoners do not have Austrian citizenship, a very high figure by international standards. The proportion of people with the security code "drugs/medication" is over 40%, with one in ten on drug substitution. Furthermore, the number of prisoners with mental health issues in "ordinary" prisons has increased, and that of mentally ill people in involuntary forensic placement (*Maßnahmenvollzug*) has almost doubled over the last ten years (from 785 inmates in 2015 to 1.418 inmates in 2024). According to an official national report, the share of prisoners who are willing to work but cannot be employed by the institution amounts to 44%, and the average daily working time is only 2.6 hours per day. The structural conditions of the prisons vary enormously: While some buildings win architectural awards, the Austrian Ombudsman Board finds serious structural deficits in others.

Social climate in Austrian prisons – results at a glance

For the first time, this study systematically examines perceptions of the social climate and detention conditions in prison in Austria. Unlike the problems and risk factors that inmates bring with them to prison, the institutional climate and the detention conditions can be changed and are therefore starting points for prevention.

Prison climate was measured with 34 items based on established climate scales, such as MQPL and EssenCES (e.g. Schalast et al. 2008; Liebling and Arnold 2002; Drenkhahn 2019), adapted to the Austrian research context. Via principal component analyses the items have been grouped into eight latent dimensions to better capture the relevant characteristics in prison. As graph 1 shows most respondents (almost 90%) said that they felt safe and not insecure in prison. This surprising result was coined by Bottoms (1999) as the "safety paradox": Although prisoners are actually in an unsafe environment, they report high feelings of safety. However, in order to understand this aspect, it is also important to consider, that in the prison environment, admitting fear and victimization is dangerous, as one runs the risk of being labelled a "victim" which may cause further victimization. As a kind of collective defence mechanism, vulnerability and fragility are masked, weakness and fear are denied (Bereswill 2006, 247ff.). Those who cannot position themselves as strong or fail at the "demonstration of not being a victim" (Neuber 2009) run a greater risk of becoming victims of violence.

Graph 1: Social climate and detention conditions in ten Austrian prison²



Source: *Survey on violence in Austrian prison, Hofinger and Fritsche (2021)*

The dimensions “professionalism and legitimacy of the regime”, as well as “respect and humanity” show approval rates of about two thirds. However, this means that one third does not feel treated with respect and does not perceive the prison regime as fair and legitimate. Looking at the single items of these dimensions (Hofinger and Fritsche 2021, 80ff.) we can see that more than one third of the respondents states that their rights are not respected, and about the same share finds that the rules in prison are neither clear nor equally valid for all prisoners. Furthermore, every third respondent feels that s/he is not being treated like a human being, and almost half of the respondents think that nobody is interested in how they feel. In prison, there is a clear dividing line between staff and inmates (Chong 2014, 106ff.; Neubacher and Boxberg 2018) – a reality reflected in the relatively high level of agreement with the statement that “staff cannot be trusted in here”. Nevertheless more than half of the respondents did (mostly) agree with the statement that there are individual staff members with whom they can talk openly about problems.

Overall, only one in five respondents was fully satisfied with the activities offered in the respective prison. According to half of the respondents, sports and educational measures were particularly lacking. Approval rates differed significantly between

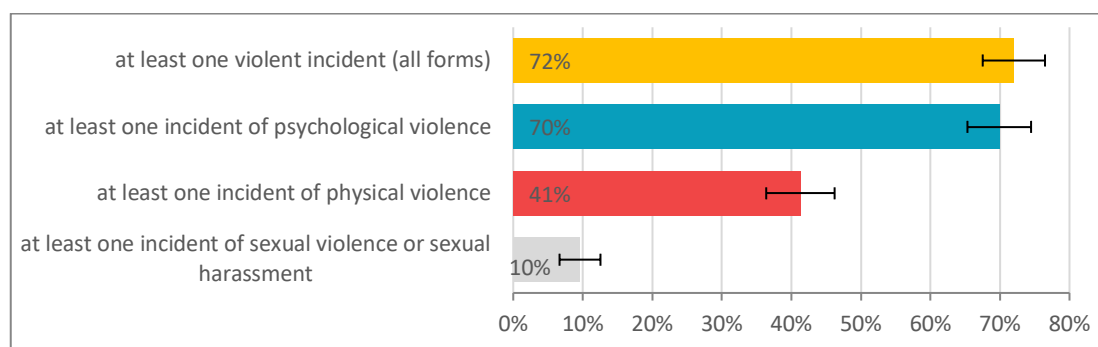
² For three dimensions (feeling safe, surveillance and control, tension and stress), the calculated Cronbach's alpha is (slightly) below 0.70. However, the calculated high reliability is not the only criterion for index formation. Sum values should also reflect as many facets of a measured dimension as possible. Consequently, these three dimensions were also taken into account due to their content-related contribution. The other items' Cronbach's Alpha ranges between 0.73 and 0.8. For the single items cf. Hofinger and Fritsche 2021, 63ff.

different prisons of the same type (i.e., court prison and penal detention³). More than half of the inmates agreed that life in prison was stressful and that the atmosphere was tense. Every second inmate perceived high levels of illegal activities, like drug dealing, in the prison s/he was incarcerated. The inmates stated that there was a lot of fighting among the prisoners or that they had observed physical violence – be it among prisoners or between staff and prisoners. On average, every third interviewee criticized the detention conditions. From the respondents' point of view, overcrowding was the biggest problem. Even though – due to the inherent nature of the prison itself – the majority of respondents felt that surveillance and control were high, one in four nevertheless stated that prisoners were (rather) uncontrolled and not supervised. About one fifth had the impression that the staff (rather) did not care if prisoners did something forbidden.

Violent victimization in Austrian Prisons

The study's findings on the extent of violence in prison can be summarized as follows: 72% of respondents reported at least one violent incident during their time in an Austrian prison⁴ – i.e. some form of psychological, physical, or sexual violence. The vast majority of incidents occurred within the last three years. As expected, psychological violence is most commonly reported – 70% stated that they have been aggressively shouted at, insulted, threatened, blackmailed or treated in a similar way at least once. 41% reported an incident of physical violence, i.e. that they were kicked, punched, touched unreasonably hard, pushed, choked or victimized in a similar way. 10% reported sexual harassment or sexual violence, ranging from presumably minor incidents to serious sexual violence.

Figure 2: Overview of the different forms of violence (n=385 and 386) ever experienced in an Austrian prison (within the last ten years)



³ “*Gerichtliches Gefangenenhaus*” (sentence up to 18 months) vs. “*Strafvollzugsanstalt*” (more than 18 months).

⁴ The question focused on incidents within the last ten years in any prison.

Besides this analysis of violence ever experienced in prison, the study focused on experiences of violence in the prison where the survey took place.⁵ In doing so, results could be linked to information on accommodation, the social climate, the length of imprisonment, as well as to the work situation.

Psychological violence

64% of respondents reported *psychological* violence in the prison they were currently detained, with 47% stating that they had also experienced such violence in the last three months. 27% of respondents stated that they had experienced severe psychological violence, such as massive threats or blackmailing, 15% during the last three months. A comparison with an Austrian study on the prevalence of violence in the general population showed that reports on psychological violence were significantly higher in prison than outside.

The multivariate analyses revealed certain factors that significantly increased the risk of becoming a victim of (severe) psychological violence in prison.⁶ While neither gender nor the respondents' level of education had an impact on victimisation, age proved to be a key factor: 83% – and thus about 20% more – of those imprisoned in Austria's juvenile prison reported at least one incident of psychological violence. Besides age, the country of origin also played a role: Certain nationalities were more likely to report experiences of serious psychological violence, namely people from the Middle East as well as inmates with Austrian citizenship. In addition, people who experienced severe violence in their childhood also had a higher risk of experiencing psychological violence in prison, including severe forms. If someone was imprisoned for a sexual offence, s/he had an increased risk of being blackmailed or threatened. The data also showed a significant correlation between perpetration and the risk of victimization: Those who admitted to having used violence against others, also experienced more psychological violence. Prison conditions influenced the risk of victimization: Imprisonment in a prison with long lockdown periods as well as overcrowding increased the likelihood of reporting psychological violence. If the detention conditions were rated as poor and if little control by staff was perceived, more severe psychological violence was reported; there was also a highly significant correlation between psychological violence in general and the assessment of the prison regime as professional and legitimate or the opportunities for meaningful occupation and relationships: The more these aspects were rated positively, the less violence was reported.

⁵ On average, the interviewees had already been in this prison for 16 months at the time of the survey.

⁶ For further details see Annex/table 1.

Physical violence

In terms of *physical violence*, 32% of the respondents reported at least one such experience in the prison where the interview took place. If the observation period is limited to the last three months, 14% of respondents were affected. Focusing on severe physical violence, around one fifth of respondents stated that they had experienced such violence. The comparison with the general population shows that men in prison experience more violence within three months than within three years outside prison. Comparing the results with findings of a German study (Baier et al. 2012; Baier and Bergmann 2013), the prevalence rates in Germany were lower, whereas the figures for young inmates were similar to those found in a study on violence in juvenile prisons by the University of Cologne (Neubacher et al. 2018).

In the multivariate model – i.e. the analysis of influencing factors that increase the likelihood of physical violence – age and nationality again proved to be relevant predictors of both minor and severe forms of physical victimization in prison. Those imprisoned for a drug offence were also significantly more likely to report physical assaults. The findings also show a higher risk of victimization for sex offenders. Those who experienced severe violence in childhood also reported physical violence more frequently in prison. There was also a significant correlation between offending and victimization in the case of physical violence, meaning that those who committed violent offences in prison themselves were also more likely to be victimized. Those who were accommodated in a prison with long lockdown periods or in an overcrowded prison reported physical assaults more often. The perception of the prison's social climate also played a role for victimization: Those who stated that there was too little control and that staff did not care if prisoners did something wrong reported more experiences of violence. In addition, a significant correlation was found between the assessment of the prison regime as legitimate and professional and the reporting of physical violence (including serious violence).

Mentally ill offenders held in involuntary forensic placement (“Maßnahmenvollzug”) reported significantly more violent victimization than inmates of “ordinary” prisons: Two-thirds of the former reported serious violent victimization, compared to less than one third of the latter. These results, which are based on only a small sample in the current study, have also been reported in another IRKS study on violence against people with disabilities, among other in involuntary forensic placement (Mayrhofer et al. 2019).

Sexual violence and harassment

Regarding *sexual violence*, one in ten interviewees reported at least one incident of sexual harassment or sexual violence in prison. The quality of such reported incidents differed enormously, ranging from relatively harmless situations to rape. No multivariate models were calculated due to the low number of cases involving this

form of violence, but also because we believe – in line with other researchers – that sexual violence is massively underreported due to its taboo nature.

The figures presented above refer to both victimization by fellow inmates and victimization by staff. There is a great area of overlap, particularly in the case of psychological violence, i.e. one and the same person reported being shouted at aggressively by both fellow inmates and prison guards.

45% of respondents reported psychological violence by staff while in custody. If we focus on more serious psychological violence, the proportion of those who name staff as perpetrators falls to 8%. One in six respondents stated that they had also experienced physical violence from staff, including cases that could possibly be categorized as legitimate coercive force. While violence by fellow detainees is reported more frequently by Austrians or persons without a migrant background, Muslims and persons with a first language other than German were significantly more likely to accuse staff of being perpetrators. Only 3% of respondents reported serious physical assaults by members of staff. The interviewed experts emphasized, that physical assaults by prison guards were rare, but that it does occur in exceptional cases and must therefore not be denied but should be addressed appropriately.

Conclusion

As international research shows, prison violence is not only a reaction to imprisonment and an important means of establishing hierarchies within the prison subculture (e.g. Chong 2014; Boxberg and Bögelein 2015; Neuber 2009; Clemmer 1968 [1940]; Sykes 2007 [1958]). It is also a biographically learnt means of conflict resolution in male sub-cultures and in situations where pressure and tension are particularly high (Bereswill 2004; Irwin and Cressey 1962; Rowe 2007). In the survey as well as in the in-depth interviews of the study, the close link between offending and victimization became apparent. The findings show that even relatively harmless psychological violence – minor forms of bullying by fellow inmates or insults by prison guards – can potentially escalate and lead to serious forms of violence. Therefore, the respectful and professional behaviour of prison staff, their conflict resolution skills, but also the successful development of relationships in the sense of dynamic security have great potential for de-escalation. Our data also shows that being held in overcrowded detention centres with long lockdown periods is, on the one hand, perceived as structural violence in itself, and, on the other hand, leads to more psychological and physical assaults. In the qualitative interviews, the lack of opportunities to engage in meaningful activities and to practice sports and exercise to reduce aggression was highlighted as a major cause of violent behaviour.

In order for prisons to be able to respond adequately to incidents of violence, they need to know about them. However, there are major obstacles to reporting or denouncing incidents in prison. The general lack of a “rights claims atmosphere” (Dâmboeanu et al., 2021: 129) in prison, socio-economic and structural barriers can to some extent explain the limited use of complaints mechanisms. In addition, the

normality of violence and the role of violence in sub-cultural conflict resolution limit the use of official reporting mechanisms. Anyone who shows weakness and snitches on a fellow inmate must expect negative consequences and is more likely to become a victim. In exceptional cases, staff may come to the aid of victims, namely if there is a relationship of trust between the victim and the prison guard or the member of the specialised services. Victims should have the opportunity to approach staff at an early stage, i.e. before conflicts escalate, and should be taken seriously so that they can be helped quickly and discreetly.

Transfer of perpetrators or victims to other institutions or prison cells can have a positive impact on dynamics of violence – though such solutions would require sufficient space to carry out such transfers in the first place. Effective assistance by staff members in cases of violence requires a staff-inmate ratio that allows for trust to be built and individual attention to be given to inmates. In this respect, the specialist services play a very central role as a possible contact point for victimized inmates, especially the psychological service. In addition, the selection, training and further education of prison officers is very important. Interviewed experts criticized the fact that it is not compulsory for prison officers to attend further training after their basic training, and that non-participation in such trainings had no negative consequences. The working conditions of prison staff, which are closely linked to the conditions of detention, should also be considered when discussing prevention mechanisms. A management culture that sets out clear red lines and signals a desire to be informed about grievances and incidents of violence is just as important as the presence of management and staff in the prison (Crewe and Liebling 2015).

At the time of the study, two thirds of the inmates were unable to name any external organizations that they could turn to in the case of violence or for complaints; more than half of the respondents were unaware of the existence of the Austrian Ombudsman Board (“Volksanwaltschaft”). Only a small number of inmates have made use of the various options for filing a complaint provided for in the respective laws, as the hurdles are too high for many and the fear of negative consequences too big. Both inmates and experts are calling for more investigation in pending cases, both within the prisons and by the public prosecutor's offices. Given the very low likelihood of prosecution⁷ and the high risk of negative consequences, it is quite understandable that victims of violence in prison often refrain from officially reporting an incident.

Specific measures to reduce violence by staff and to better prosecute misconduct include an improved documentation of special operations. On the one hand, reports on operations should be less standardized and medical staff has to be involved systematically. On the other hand, all the experts interviewed were in favour of the use of bodycams, with appropriate training and clear regulations. An extension of the deletion periods for video footage was also suggested.

⁷ According to official data for 2019, only 3% of complaints against staff led to prosecution, and in only one case was the perpetrator convicted (BMEIA 2020).

In analysing the survey data in conjunction with the qualitative interviews with inmates as well as with data collected from prison management and experts, and in consideration of the international literature, it becomes evident that prevention needs to be implemented at different levels. While both person-centred interventions such as anti-violence training for inmates and technical security and control measures aimed at reducing opportunities to commit offences may reduce violence, they are not sufficient on their own. In order to reduce violence, it is also necessary to alter the conditions of detention: Structural and organizational conditions that facilitate retreat (e.g., individual accommodation, less overcrowding), that promote the reduction of frustration (e.g. sport, open prison cells) and that allow autonomy and self-efficacy, but also a certain degree of "normality" (opportunities for participation, meaningful activities, etc.) have a preventive character. Also, special protection of certain vulnerable groups, such as sex offenders or prisoners in involuntary forensic placement, must be further improved. Overall, it becomes evident that staff plays a key role: aspects of professionalism and relationships between staff and inmates, the way in which the prison regime exercises authority, establishes and enforces rules and the prison climate in general are of considerable relevance (Liebling 2011, Crewe 2016) – or, as Byrne and Hummer (2007, p. 539) put it: "the moral performance of prisons will affect the moral performance of prisoners".

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Annex Table 1: Logistic Regression Modell for violent victimization – at least one incident of (severe) violent psychological or physical victimization in the prison where the interview was conducted

	model 1a: psychological violence		model 1b: severe psychological violence		model 2a: physical violence		model 2b: Severe physical violence	
Total number of people (sample size)	370		370		369		369	
Number of people affected	241		99		117		70	
Proportion of explained cases	80.0%		75.1%		77.0%		84.8%	
Nagelkerke's pseudo R ²	0.468		0.265		0.366		0.328	
	Coefficient of Regression	Average Marginal Effect	Coefficient of Regression	Average Marginal Effect	Coefficient of Regression	Average Marginal Effect	Coefficient of Regression	Average Marginal Effect
Male/female	0.456	0.065	-0.296	-0.0465	-0.17	-0.0263	-0.55	-0.0636
Nationality (in groups)	-0.203*	-0.029	-0.293***	-0.0460	-0.227**	-0.0350	-0.247*	-0.0286
Education (in categories)	-0.326	-0.047	0.014	0.0022	-0.206	-0.0318	-0.304	-0.0352
Youth prison (y/n)	1.205*	0.173	0.347	0.0544	1.631**	0.2518	1.524**	0.1762
Violent victimization in childhood (y/n)	1.33***	0.190	0.699*	0.1097	0.791**	0.1220	0.507	0.0586
Length of sentence (in years)	0.404**	0.058	0.181	0.0285	0.299**	0.0462	0.178	0.0286
(No) prior imprisonment (y/n)	0.703*	0.101	0.379	0.0595	-0.054	-0.0084	0.369	0.0426
Violent offence (y/n)	-0.375	-0.054	0.287	0.0450	-0.081	-0.0125	0.016	0.0018
Drug offence (y/n)	0.366	0.052	0.573	0.0899	0.727*	0.1123	1.095**	0.1265
Sexual offence (y/n)	0.393	0.056	1.343*	0.2109	1.105	0.1705	1.295	0.1497
Self-reported violence (y/n)	1.846***	0.264	0.856**	0.1344	1.264***	0.1951	1.06**	0.1226
Index: professionalism and legitimacy	.534**	0.076	0.12	0.0188	0.313*	0.0482	0.472*	0.0546
Index: prison conditions	-.307	-0.044	-0.349*	-0.0547	-0.303	-0.0468	-0.167	-0.0193
Index: meaningful activities &relations	0.642***	0.092	0.227	0.0357	0.094	0.0145	-0.062	-0.0072
Index: supervision and control	0.127	0.018	0.305*	0.0478	0.246	0.0380	0.426**	0.0492

*p < 0.05 **p < 0.01 ***p < 0.001