

Winds of Change: Democratic Reform in the Polish Prison System

By Paul M. Klenowski

During early July 2004, a delegation of criminal justice students and professors from both Sam Houston State University in Huntsville, Texas, and Indiana University of Pennsylvania in Indiana, Pa., embarked on an in-depth study of the Polish criminal justice system. During the two-week visit to Poland, students and professors learned firsthand about the past, present and future of the Polish justice system. Classroom lectures and guest speakers, comprised of ranking Polish criminal justice administrators, coupled with on-site visits to various police headquarters, courts and correctional facilities, allowed both students and professors to better comprehend the sometimes arduous process of criminal justice policy reform. By far, the most intriguing item of discussion brought to the attention of the academic delegation was the need for further reform of the Polish correctional system, especially regarding the issue of prison overcrowding.

Much like the United States, the Polish correctional system is in a state of crisis regarding the exponential growth of its prison population. Poland has roughly 39 million total inhabitants and its prison population rate is one of the highest in all of Europe. According to the Poland Central Board of Prisons, for every 100,000 inhabitants, 210 are currently incarcerated. Considering the rate was a mere 153 per 100,000 in 1992, and a staggering 350 and 580 per 100,000 during the 1980s, this recent increase should indeed cause a reason for concern among Polish justice officials. However,

the issue of what to do has seen some valiant ideas and policies during the past 20 years, which have started to combat the issue of prison overcrowding in Poland. In fact, the roots of the Polish prison reform can be traced back to the mid-1990s. However, the issues of inadequate funding and resources continue to slow the prospects of such necessary penal reform. In order to better understand the problem, a more detailed history and analysis of the Polish correctional system is needed.

History

Under both communist and post-communist governments, the Polish penal system has traditionally operated under the auspices of national authority. Starting in 1956, the correctional system was under the Ministry of Justice. Institutions were classified by the criminal histories of the inmates coupled with the severity of their respective offenses. Each prison and jail had an appointed prison commission that classified inmates and adjusted their treatments according to the conduct of the inmate.

The Polish correctional system has been rooted in communist ideology since World War II. Modeled predominately after the Soviet Union, the Polish penal system became rife with corruption and brutality during a 40-year period until the late 1980s. Forced, uncompensated labor on private projects of prison administrators combined with horrendous living conditions became major sources of anger and



resentment among Polish inmates. However, with the creation and implementation of the Polish solidarity movement during the early 1980s, there remained some hope for a new nation rooted in the idea of democracy for all.¹

In 1989, the Polish Parliament passed an amnesty law that released hundreds of political prisoners but continued to confine recidivists. With no chance for rehabilitation, and forced to live in squalid prison conditions, the remaining inmates staged more than 500 prison riots from late 1989 through early 1990.

Finally in 1990, Pawel Moczydlowski, director of the Central Prison Administration, succeeded in stopping the violence and political corruption in Poland. More than one-third of all Polish prison correctional officers and three-quarters of all prison governors (wardens) were dismissed between 1990 and 1992. By mid-1992, roughly half of all Polish prison personnel had been in service less than three years, according to a 1998 special report of the Polish prison system director. Also, the physical structures of prisons were opened to offer inmates greater contact with the outside world. Issues of brutality, arbitrary punishment and lack of rehabilitation options were addressed with some moderate success. For the first time, religious clergy and groups like Alcoholics Anonymous were allowed in Polish prisons.

However, in late 1992, a report by Helinski Watch, an international nonprofit human rights organization, noted that the internal living conditions of most of the 156 Polish correctional institutions were less than adequate. The main issues revolved around poor sanitation conditions, overcrowding, lack of appropriate medical facilities for each prison and lack of job opportunities for inmates. To compound the problem further, in mid-1992, the Central Prison Administration had accumulated debt in excess of 8 million U.S. dollars.² Prison budgets became strapped by the housing and feeding costs of each inmate with no immediate solution in sight.

The change from communism to democracy in 1989 fueled this unique rise in the overall prison population. The influence of communist correctional sentencing policies still existed in much of Poland, allowing for the average prison sentence issued by Polish courts to be one of the longest of

any country in Europe. Also, Polish courts still tended to impose extremely long sentences for misdemeanor offenses such as traffic violations. Starting in late 1989 and continuing through 1992, the prison population grew by 1,500 inmates per month.³ Prison sentences continued to average two years in duration, compared with only six months in Western European countries. In almost all cases, criminal courts still opted to delegate the maximum sentences, even for minor offenses. Lesser punishments, such as fines and community service options, were usually never imposed. With jail and prison overcrowding also came the outbreaks of such diseases as hepatitis B and C, along with tuberculosis. These diseases, spawning from the deleterious living conditions that inmates were subjected to, turn some criminal sentences from a basic custodial period of incarceration to an inevitable, yet preventable, death penalty.

The Polish Penal System Today

Today, the Central Board of Prison Service is a national division of the Polish criminal justice system that is responsible for all aspects of the correctional process. The Prison Service is a politically neutral, armed division responsible to the Polish minister of justice. Currently, a total of 23,500 Polish men and women are employed by the Prison Service (22,000 uniformed and 1,500 civilian). The chief organizational unit of the Prison Service is the Central Board of Prison Service, which is headed by the director-general. The prime minister, at the request of the justice minister, appoints this position.

Currently, Poland has 156 correctional facilities (86 prisons and 70 jails) that have an actual custodial capacity of roughly 69,300 inmates. However, in January 2004, the Polish prison system was housing more than 81,000 inmates. On average, the Polish correctional population is 17 percent over capacity; however this number continues to increase with each passing year. To further complicate the issue, 95 of the total 156 correctional institutions were constructed before World War I (some dating back to the 13th and 14th centuries), while only 37 were built after World War II, according to the Prison Service. Needless to say, this offers less than humane living conditions for the thousands of

Photos courtesy Paul M. Klenowski



Recent reforms in Polish prisons included basic correctional officer riot scenario training (above) and creating new emergency response teams (right).



Piotrkow Trybunalski (above, right) is one of Poland's 156 correctional facilities.



inmates who are forced to live in institutions that would be condemned in most other democratic nations. At the present time, roughly 50,000 Polish inmates are kept in cells that do not even offer 3 square meters per person and offer less than adequate sanitary and living conditions.

Adding to the prison overcrowding issue in Poland is the fact that the fundamental ideas of democracy and a capitalistic economy are still being formed and reformed on a daily basis. It should be noted that it was only in 1990 that communism fell in Poland and it was not until May 2004 that Poland officially joined the European Union. In essence, then, Poland is a budding country with great potential, but the ways of the past and a limited economy still hinder its future.

With Poland's staggering unemployment rate of roughly 18 percent, its government has little to no money to adequately address criminal justice issues like prison and jail overcrowding. In fact, the Prison Service reported that in fiscal year 2002, it could barely cover the most essential needs of food, water, shelter and sanitary conditions for its nearly 80,000 inmates.⁴ For example, food expenses at a prison are usually placed at a limit of just more than \$1.50 (U.S. currency) per inmate, per day, but the other maintenance costs for one inmate per month amount to roughly \$400. This may not seem to be staggering to the common person, but with a country that is still trying to establish a healthy economy, these numbers for maintaining more than 80,000 inmates could prove to be devastating to the new Polish democracy.

Due to the overcrowding and financial strain on the former communist country, prisons are also failing to offer a means of rehabilitation for their inmates. In some extreme cases, medical units, recreational areas and libraries have been converted into living quarters for hundreds of inmates, further diminishing the opportunity for inmates to better themselves.⁵

The deteriorating physical structure of most of the Polish prisons in addition to the rapid growth of the prison population, has created some monumental problems for the Polish criminal justice system. It should also be mentioned that the Prison Service is severely understaffed. One correctional officer is currently responsible for at least four inmates, putting Poland near last on the list of other European countries that strive for an inmate to correctional officer ratio of 1-to-1.

What Has Been Done?

It has only been within the past 10 years that issues stemming from prison overcrowding have become priorities of correctional policy reform for the Polish government. During the past 20 years, Polish prison administrators have taken on this formidable problem of overcrowding with a level of tenacity and resolve that should be used as a benchmark by other countries. In fact, "Poland offers a better model than do most Western countries," said Vivien Stern, the British secretary general of Penal Reform International, a non-governmental organization working on prison reform issues throughout the world.

The question remains, then, what has and continues to be done to make Poland a possible leader of correctional reform throughout the world? In retrospect, during the

1970s and 1980s, Poland had the largest prison system in Europe, excluding the Soviet Union, with a continual yearly average of 100,000 inmates being detained in 209 correctional facilities. By the early 1980s, roughly one out of eight Polish adults had been in jail or prison at some time. So what is propelling Poland to reform and become the leader in correctional policy reform? The answer is simple — democracy.

With the fall of communism in 1989 and the removal of communist correctional administrators and staff, the ideals of a democratic criminal justice system could now be implemented and developed to fit the needs of the new Polish republic. During the past 20 years, reformers have used the idea of "power by the people" to reshape the many institutions of their criminal justice system. In particular, when countries move to a democratic form of government, one of the first items on the agenda for evaluation seems to be prisons since it focuses the democratic values of freedom and liberty for all. And, according to many of the new administrators, it makes no logical sense to incarcerate individuals, especially when criminologists and other academics have empirically supported the fact that prisons tend to lack the intended deterrent effect of its confines and, in actuality, continue to harden and negatively reinforce criminal attitudes.

It is safe to say that Poland's excessive prison population problem stems not so much from increased levels of criminal activity, but rather from the aftereffects of a still extremely repressive criminal policy agenda. With this in mind, many government officials set out to create a foundation of reform during the early to mid-1990s, which has ultimately started the process of reducing Poland's prison overcrowding problem.

The first reform in Poland carried out in the mid-1990s was to improve the quality of its prison staff. As mentioned earlier, a great majority of former administrators and correctional staff who had been reared in the ways of communism and its means of arbitrary punishment were let go and replaced by a fresh crop of young leaders and officers. These new authorities overlooking the prison continued to weed out and take action against other forms of staff corruption, graft and drunkenness as it became manifest. Overall, close to 7,000 staff members, roughly 40 percent of the entire prison and jail work force, were released, forced to retire or fired. Those who were allowed to retain their jobs were retrained to understand the importance of human rights, ethical treatment of inmates and rehabilitation, not deterrence, as a means for correcting behavior. Consequently, this retraining eradicated the means of arbitrary punishment and staff collusion with powerful inmates to control the rest of the prison. These changes were achieved primarily through new laws, the increased quality of the personnel and by the continual removal of communist seeds of antagonism and total social control.⁶

The creation of the new laws also offered a small reprieve from the increase in prison overcrowding during the 1990s. The most important of these new laws focused on the circumstances in which orders to remand an accused individual to custody could be issued. No longer could minor offenses be given a harsh penalty of jail or prison time. Offenses now had to be evaluated one by one



for the overall severity and harmful effects of a particular criminal act. Based on another piece of legislation, courts were also forced to follow a set of new guidelines to ensure that an individual was not detained wrongfully, detained without cause, or arbitrarily punished for his or her political ideologies and beliefs. In a final piece of legislation, the introduction of alternatives to custodial sentences or what is sometimes referred to as intermediate sanctions was introduced in late 1998. This new law provided a wide continuum of sanction options that included a range from monetary fines to supervised intense confinement or imprisonment. Furthermore, the courts could now only impose a custodial sentence with no possibility of it being suspended in cases where no other means could realistically satisfy the rationale for the punishment. This indeed has and will continue to assist Polish officials to lower their total prison population while allowing the individual offender the opportunity to still be connected to his or her family and their respective communities.⁷

Another reform implemented in the 1990s took administrators and inmates out of official uniforms. Only correctional officers were then required to wear a uniform. Removal of the uniforms allowed both staff and inmates the chance to establish their own identity and further permitted a more personal level of rapport. Keeping with this theme, all staff were required to wear name badges to allow inmates a chance to interact and speak with correctional staff. Inmates were also then permitted to receive mail and packages from home. In addition, visitors were now permitted to enter prisons to allow families the opportunity to see their loved ones and to continue to nurture the social and familial bonds.

The Future

The above-mentioned reforms and laws are but a fraction of what has been done to improve the correctional system in Poland. These most recent reforms have truly made a positive impact on the correctional system not only in Poland but also around the world. However, more must be done to reduce the correctional population in Polish prisons. For a country that has risen out of the ashes of communism, more work must be accomplished to ensure that the problems of the past do not come back to haunt the prospects of the future. Some possible options that are currently being entertained by the Polish minister of justice include: the introduction of other forms of intermediate sanctions, more diversion and intervention programs focused on drugs and alcohol, and the creation of stronger medical facilities that may be best suited for elderly and mentally impaired or disturbed inmates.⁸

Final Thought

The mere fact that Poland has propelled itself from having one of the worst penal systems in Europe to one of the best in Europe and around the world speaks volumes about the will and determination of this young democracy. This

country has been continually invaded, captured, robbed of its wealth and vitality, and in some cases, totally destroyed. However, Poland has amazingly regained its composure and national heritage time and time again. The only foreseeable hindrance for continued successful prison reform in Poland is the lack of appropriate funding for implementing further ideas and solutions. One such idea would be the creation and implementation of a national probation system. An efficient probation program would drastically decrease the prison population while further allowing the financial burden of housing inmates to be reduced significantly. Once again, this would take an initial financial investment in order to reap the possible long-term benefit of a reduced prison population; and unfortunately, there are no new funding proposals that have been offered to date.

Overall, the delegation of students and professors that took part in the study of the Polish criminal justice system found it to be a profound life-changing experience. A lot can be learned from the country of Poland. The concepts of hard work, values, ethics and determination of a proud yet humble nation were quite evident for those who embarked on this trip. American officials could learn a substantial amount from Polish justice officials, especially when it comes to implementing and successfully carrying appropriate correctional policy reform.

In the end, it will take the young scholars of this nation to join forces with other countries to share ideas and possible solutions to criminal justice issues. However, it will take the concerted effort of all nations' citizens to believe in the formation of a system of corrections that is implemented for the sake of all who are involved. That is the true nature and purpose of democracy — "liberty and justice for all."

ENDNOTES

¹ Markiewicz, W. 1998. *Reforming the system to reduce prison population: A special report of the director of the Polish prison system*. Rakowiecka, Poland: Central Board of Prison Service.

² Mierzejewski, M. 2004. Full house: The Polish Prison system in crisis. *The Warsaw Voice*, 21(Aug. 2):1-3.

³ Stern, V. 1998. Polish prison system serves as a model: A special report. *Penal Reform International*, 4(July-September).

⁴ Markiewicz, W. 1998.

⁵ Stern, V. 1998.

⁶ Markiewicz, W. 1998.

⁷ Markiewicz, W. 1998.

⁸ Central Board of Prisons. 2004. *Management of the Polish prison system: Basic information, penitentiary system and data statistics*. Rakowiecka, Poland: Central Board of Prison Service.

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