



# POLAND

## Fragile Reforms

The ISTD study tour to Poland in October last year provided a first-hand demonstration of what can be achieved in prison reform if the political will exists. It also gave us a fascinating glimpse of a proud country emerging from forty five years of penal servitude. (Czechoslovakia's Vaclav Havel was the first to draw the comparison between prison and Soviet communism.)

We visited two prisons, one in Warsaw and one in Cracow. The general openness and willingness to answer questions was impressive, especially as we were the first foreigners to be shown round. Mr Zolzislaw Turek, the Director of Rakowiecka Prison in Warsaw, explained that prison regimes now aim to reward good behaviour rather than punishing bad conduct. At first, prisoners had thought that this implied a free-for-all, but it had proved possible to maintain order within a less repressive framework. Staff uneasiness to start with had now diminished.

The prisoners we met evidently did feel free to talk, and uniformed staff seemed relatively unfussed.

Neither of the prisons we visited is modern, but our group agreed that physical conditions seemed better than in any comparable gaol in Britain. Above all,

there is integral sanitation and no slopping out. For sentenced prisoners, there is adequate work paid for at the going rate outside. (Deductions are made for their own and their family's keep). Home leave is granted after the first year-and-a-half of a long sentence. One prisoner, just returned from five days away, commented, *'it gives you the possibility of functioning normally.'*

### **Prisoners in Poland now have rights and safeguards that put Britain in the dark ages.**

Prisoners awaiting trial, fare less well with no automatic entitlement even to receive visits. (The Public Prosecutor decides, as is common in accusatorial systems). Sentenced prisoners told us they too spend long spells without receiving visits, because of distance from home. Food had got better, however, with the relaxation of rules allowing in extra rations. The Catholic Church is involved in supplying food parcels, as well as having access to provide religious services.

We saw neither the toughest nor the most remote of Polish prisons, which number 160 in all. But it was evident that the penal framework within which all prisons operate has been radically changed since Solidarity gained the lead-

ing role in government in 1989. The new mood, said Director Turek, was set by the new administration. It came from the top. Some of the people now taking top decisions in Poland are former prisoners themselves. One wing, in no way different from the ordinary convict landings, in spite of Solidarity having been released in large numbers recently is still known as the 'Solidarity Wing'.

Prisoners in Poland now have rights and safeguards that put Britain in the dark ages. A code of minimum standards has been brought in; complaints about medical treatment may be investigated by independent doctors; direct access (without censorship) is available to an Ombudsman, or in Poland's case, Ombudswoman.

Mrs Ewa Letowska, Commissioner for Civil Rights Protection, told us how she avoids being overwhelmed by her case-load by requiring systematic efficiency, and how she avoids the pitfalls of politics through absolute impartiality. Her aim is to raise standards, but always within the law and the constitution. Only Parliament could alter the law itself, she insisted. Her own humour and total openness - not least with the press - has evidently proved a most effective catalyst for change. Meanwhile, her team's painstaking investigations have diminished negligence in prisons. The achievement is all the more remarkable since prisons are only one part of the Commissioner's overall task.

We were given lectures by some of the leading lawyers in the land, now also government advisers. All share the Commissioner's concern that Poland must be 'a state of law', which was not the case under the Communists. But we met repeated worries about the pace and scale of all the changes needed to transform criminal justice from instrument of the state into protector of the individual. The spectacular rise in crime that Poland (like her neighbours) has been experiencing also causes much anxiety to the legal reformers. Public opinion demands harsher punishments, risking a reversal in the remarkable drop in prison numbers achieved since the political changeover. The prison population in Autumn



Martin Farrell

The entrance to Oswiecim (Auschwitz) concentration camp in Poland

# A HUNGARIAN SPRING

## Fragile reforms contd.

1990 was down to around 43,000, less than half the figure of the mid-eighties. Overcrowding has ceased to be a nightmare.

All our hosts made it clear how fragile the reforms could turn out to be, particularly with the unaccustomed divisions that the Presidential elections were giving rise to. *'Differences of opinion are a part of liberty, of democracy'*, said one of our eminent lecturers. *'but people aren't used to it.'*

As guests, we were spared the everyday hardships that Polish people are used to. Restaurant meals, with abundant vodka, were indecently cheap for anyone with western earnings and hard currency. Our dinner as guests of the Warsaw Inn of Advocates was a banquet. The week also gave us insights into Polish history, its glories and its horrors.

The post-war reconstruction of the Royal Palace in Warsaw, financed by

public subscription, was by any standards breathtaking. So too was the famous shrine of the Black Virgin at Czestochowa, though the unabashed commercialisation of faith took some swallowing. Mediaeval and renaissance Crackow, particularly in bright autumn sunlight, was a treasure that seemed on a different planet to the grey apartment blocks in the city's outer ring.

A short drive outside Crackow, the extermination complex of Auschwitz-Birkenau brought home the nightmare of Poland's last-invasion-but-one. Following the tracks of the four million victims, witnessing their clothes, their shoes, their shorn hair in mountainous heaps, their identity photos today still defying anonymity, we all fell silent. You come away from Auschwitz vowing that this must never, ever, happen again.

*Jennifer Monahan is a freelance journalist, living in Paris.*

## On a sunny spring afternoon last year, a Hungarian professor of criminal law, Imre Wiener, visited our Institute.

Although his main fields of research at the Hungarian Institute of Legal Science are international criminal law and the criminal law of the economy, this time he lectured on another subject: the effect of political changes on crime and criminal justice in eastern Europe.

### the new police are yet to emerge

He emphasised that the revolution in Hungary was more of an evolution carried out step by step, without blood - unlike the less fortunate Romania. Surprisingly, the (r)evolutionary process was facilitated by a major wing of the old regime, the so called 'reform communists'.

The most urgent questions are related to the economy: how can the eco-  
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# HASLAR

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conomic structure be transformed? How should (re) privatisation be carried out? Is it possible to find owners for the property of the state? This means that at this stage, Hungary has to rebuild its economy as well as its social and political institutions.

In this situation, he said reformers of criminal justice should patiently wait. Professor Wiener emphasised the task of criminal law is not to influence social movements but to protect the most important elements of society. When he warned against the active involvement of criminal justice in major social changes, he recalled the example of the 1940s and 1950s when tens of thousands of people were sent to prison for political reasons.

The new democratic approach has side effects, the most visible of which is increasing crime. The 'new police' are yet to emerge; the police force of the old regime tries to cope with the requirements of a new atmosphere. Before, they were protecting the state and were not well loved by the people; now almost overnight they are expected to become the servants of the good citizens of Hungary.

As our lecturer pointed out, only some 'firefighting' has been done so far on the borderline of criminal justice and civil liberties. The legislation on the control over pretrial detention has been modified; this role was taken from the prosecutor and given to the judiciary. Another example is the movement against capital punishment.

Since Professor Wiener's lecture, there have been several new developments. The most important of them was Hungary's accession to the Council of Europe in October 1990 and the abolition of capital punishment for all crimes in January 1991. As a consequence of this, major work began, in cooperation with foreign experts, on reshaping the present legislation on Hungarian criminal law, procedure and penal sanctions with a view to make them meet the requirements and principles of the Council of Europe member states.

*Krisztina Morvai, Institute for Legal and Administrative Sciences, Hungary, studied for the Lem at Kings College in 1989-90 on a British Council Scholarship.*

## A long way to Britain

**Since June 1989, HMP Haslar (Gosport, Hants) has been used for detaining people under the Immigration Act, having previously been a Young Offender Institution. Haslar is run by the Prison Service and as such is the only specialist unit for detainees in the country.**

Capacity is ninety five and the establishment is normally full. Usually, detainees spend a short while at Harmondsworth before being transferred to Haslar until their case is resolved; on release they are either deported or admitted to the country. As detainees have not been convicted of any offence, the establishment operates as open a regime as possible within the confines of a secure perimeter. Much free choice is allowed concerning activities offered by the education department, the library, and the gym.

Detainees are paid up to £10 per week if they work, have almost unlimited visiting time, pay-phones are available, and generally are allowed a lot of freedom within the prison walls.

Haslar has the customary forbidding appearance of a prison, but once inside, the atmosphere, even allowing for the normal security aspects of a prison, is very much that of a boarding school with the Governor acting in the role of a headmaster, with the warders as senior prefects.

There is a fully equipped gymnasium and weights room, a multi-denominational chapel (when we visited there were thirty-five nationalities in Haslar and, presumably, about as many religious sects). In sympathy with the religious needs of the inmates, no pork is used and only halal meal is served. I was most impressed with the educational facilities provided and both the quality and obvious keenness and motivation of the teaching staff. Many of the inmates are introduced to computers and great efforts are made with the teaching of English. Indeed, the staff have prepared text books of their own. The Deputy Education Officer speaks Spanish and many of the warders are learning French and other languages. There is a wide variety of art classes, including painting, soft-toys, pottery and the designing of T-shirts, which can be supplied commercially.

The atmosphere inside Haslar appears excellent. The Governor and staff often receive cards from grateful detainees after they have left. There is a football team for warders and inmates.

Most inmates stay about a month, but some can be there up to a year while their cases are investigated. The Governor pointed out that Switzerland decides all these questions within a week.

While we were there, one inmate committed some damage. Behaviour within Haslar does not influence decisions about immigration; this struck me as probably unwise, as their behaviour might indicate which inmates may contribute positively to British society, if admitted.

There are also up to 10 ordinary prisoners, transferred from other gaols, who seem to blend in amicably with the detainees.

All in all, Haslar seemed to be a not too unpleasant method of gaining admission to the country, although the delay in coming to a decision does seem to be unduly long.

*David Hurwich, a chartered accountant and ISTD honorary treasurer, visited Haslar with other ISTD members in autumn 1990.*

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## Orchard Lodge

**Orchard Lodge is a residential regional resource centre in South London which caters for boys between twelve and seventeen, who have offended and/or have family and emotional difficulties.**

Administered by the London Borough of Southwark on behalf of the London Borough's Childrens Regional Planning Committee, it has three open units (although only two are in use at the moment) and one secure unit which has eight places. Between 100 and 200 boys pass through the doors of Orchard Lodge each year.

The overall aim is to give basic care. Orchard Lodge also provides both assessment reports for boys in care or those causing concern to Social Services and other agencies and Reports to the court which consider alternatives to custody.

Although the staff accept the necessity for security and for closely monitoring the boys - they are not allowed into the local shops unaccompanied for example - they are working towards a much more 'open' system with fewer locked doors, even on the Secure Unit. They described the Secure Unit as 'small, crowded and uncomfortable', and with

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# HOLLOWAY & CANTERBURY

## Red Nose Day in Holloway

**Holloway provides secure accommodation for 500 women prisoners from the South East of England, some on remand and some already sentenced.**

Holloway was rebuilt in the 1970s, the last phase having been only opened in 1985. It is a mixture of single rooms and dormitories, all rooms with integral sanitation. The accommodation is divided up into units with about 32 women to each unit, each having its own kitchen, dining room, recreation area with TV, record player, pool table, etc., as well as bathrooms furnished with both baths and showers.

There is a mother and baby unit, where babies can stay until they are nine months old. Family visits, where mothers can maintain contact with their other children, are permitted every two weeks.

Other facilities include a heated

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few facilities. The boys are locked up between 10pm and 7.30am.

They have a 'points' system for rewards and punishments, and they have evening meetings when general discussions take place on acceptable and unacceptable behaviour patterns. The staff use the Home Office method of restraint where necessary - the number of daily 'restraints' has fallen recently. My overall impression was of a caring staff with a very low turnover rate. The emphasis appears to be on 'needs' assessment and asking questions about how these needs can be constructively met.

I was impressed by the activities available to the boys, ranging from a well equipped gym to the fulfilling of a number of daily 'chores' such as cleaning which were referred to as 'contributing to the environment'. The school age boys have daily lessons, particularly in the 'three Rs' and the older boys join these classes where appropriate. On the down side, facilities for family visits, which are encouraged, are abysmal.

All in all, I found it a constructive and interesting visit and was most grateful for the excellent 'ethnic' lunch!

*Joanna Staughton JP, Chairman Lambeth Juvenile Court, visited Orchard Lodge in Autumn 1990.*

swimming pool, a sports hall, a gym for weight training, a very well stocked prison library and a hairdressing salon.

The staff impressed us as being very caring and, under the leadership of the new Governor, Mr O'Sullivan, aim to treat prisoners with respect and provide them with constructive activities. This policy is paying dividends and the recreation rooms and passages were bright with cartoons and murals made during activity sessions by those prisoners with artistic ability. It was red nose day and we met some prisoners dressed up in comic costumes which they had made themselves. Prisoners who wish to help in the library learn how to catalogue the books and loan them out.

In the Sports Hall two teams of prisoners were enjoying an enthusiastic session of tug-of-war. The swimming pool was being used by inmates of Wormwood Scrubs who had been bussed in for that purpose. On other days this facility is sometimes available to outside groups of mentally handicapped or disabled persons. The women prisoners help with the classes for these groups and this develops their personal relationships and self-esteem.

The prisoners are locked in their cells from 12 noon to 1pm while the staff have lunch, and again from 4 to 4.45 pm while the staff have tea, and at night from 8 pm to 7.30 am. During the rest of the day there is 'free flow' as prisoners make their way to morning and afternoon sessions of education, work and recreation, or evening association from 5 to 8 pm.

Great trouble is taken to accommodate prisoner's dietary requirements, and a chart in each unit's dining room indicates who eats fish, who does not eat pork and who is vegetarian.

We saw no graffiti and we were told that swearing is now seldom heard. The prisoners were obviously responding positively to the new enlightened attitudes of the prison officers towards them. Holloway shows what can be done to ameliorate prison life if the dedication and resources are there.

*Jean Howroyd is a barrister and visited Holloway with other ISTD members in March 1991.*

## House of Correction 1808

**Inscribed over the entrance to the prison is 'County Gaol and House of Correction 1808'. We are told it is the oldest prison in the country.**

Canterbury is a local prison where the majority of inmates are held on remand. It regularly holds between 345 and 375 prisoners, and has a Certified Normal Accommodation (CNA) of 230. The prison has been known to hold up to 500 inmates. That this 'House of Correction' is still correcting people after 182 years might suggest that the procedure is successful. However, figures for recidivist offenders indicate that the prison provides time out from crime but does not reform criminals.

The prison provides accommodation in cells of 14' x 6'. Two men typically live in this space. There is a small window with double bars through which some natural light can enter. It would be gloomy without the overhead fluorescent tube. It seems cramped. There is a bucket with a lid - the toilet - two beds and two cupboards. The overall impression is smallness, fluorescent light and a scent of stale urine.

The prison officer who showed us around was very open and frank in expressing his views. He questioned whether the more violent, damaged or brutal inmates 'should be allowed to breed'. His view reflected the man's experiences of seeing prisoners returning again and again. The 'House of Correction' does not seem to correct.

The prisoners who are sentenced have to work but for those on remand, it is an option. They are paid about £2.60 per week. Prison work is ever more scarce; we saw prisoners sewing mail bags - 'occupational therapy'. A prisoner resented our presence ('*We're not bloody monkeys*'). The workshop was 'full of fibres, no extractors' commented a member of the Board of Visitors who accompanied us.

Our tour was comprehensive and relaxed. We talked to prisoners who worked in the kitchen and were offered in jest, a cup of tea, but our tea was to be taken later with the Governor. We were shown the section where men were kept secure if they broke prison rules. One of these was called the 'Daisy Cell'. This cell was for prisoners who were dirty and reluctant to shower. It had a drain in the

# DEATHS IN CUSTODY

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## Canterbury 25-28 March 1991

**'Absolutely absorbingly interesting and encouraging' were the words used by conference chair, Sir Henry Fisher, to describe the proceedings of an international conference held to celebrate the 60th Anniversary of ISTD.**

Despite an unfortunate interruption by the late arrival of the Minister of State for Prisons, Angela Rumbold, David Biles set the tone by illustrating the multi-disciplinary contributions it is necessary to draw upon in order to understand deaths in custody.

Surprisingly, England and Wales appeared to have one of the lowest rates in the western world. The presence of Dr Rosemary Wool, the Director of our Prison Medical Service, and the many prison governors, doctors and officers from England and Wales, Scotland and both Northern Ireland and the Republic, illustrated the concern felt in the UK that we do have a problem, and that the problem is increasing.

David Biles, the Deputy Director of the Australian Institute of Criminology, began by congratulating the Institute on their choice of topic: there was no subject higher on our Home Office Minister's agenda. The programme was most

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corner and no toilet bucket. It was empty and smelt like a subway toilet. The 'Daisy Cell' is a symbol of a system that incarcerates with little rehabilitation - the smell lingers.

Everyone we spoke to, the Governor, the officer and the prisoners wanted reforms and more emphasis on rehabilitation but all were prisoners of a political system that 'can't pay, won't pay' the price of improvement now, but is willing to accept the long term costs.

Prisons such as Canterbury have a perception and philosophy about the potential of the humanity of offenders. It is not inspiring. The men inside wait or serve sentences under a system which inspires little hope, and offers little reform or rehabilitation.

*Mary O'Dowd, a student from Western Australia who studied in the UK in 1990, visited Canterbury earlier this year.*

impressive. There were presentations from the UK, Canada, the USA, Holland, Switzerland and Australia and the audience were clearly well-informed and highly experienced even at the start of the conference.

Judge Tumim spoke of his Report (one free copy of which given to all conference members!) and opened the way for a detailed and pragmatic look at the causes of suicides in prison. The Report had articulated for the first time the growing recognition that regimes and conditions may have a significant impact on suicide rates, a conclusion to which all were drawn by the end of the conference.

The need for information, cooperation and openness was expressed by many throughout the conference. The story of an attempt made by the Howard League to carry out their own investigation of a series of young prisoner suicides in Leeds illustrated the dangers of Prison Department reluctance to open their doors when things go wrong. Anticipated criticism breeds its own kind of peril. One of the most valuable effects of this conference was to bring together those on all sides of the prison walls - managers, policy-makers, police, psychiatrists, academics and prison staff, probation officers, samaritans, magistrates, and not least, the families of two young boys who had died in custody in the last year. This moving presentation stirred the strongest feelings in those who deal with suicide in prison and its aftermath. The very real senses of anger, guilt, censure and defensiveness were acknowledged by the aggrieved and by those accused of failing to care.

Lindsay Hayes from Massachusetts illustrated the possibilities of reducing suicide by creating a climate of commitment by prison staff and managers.

Expensive lawsuits have in some states been replaced by contracts binding establishments to improved standards of care, support for staff and regular reviews of their suicide prevention procedures. As John Ure, a Superintendent from the New South Wales police argued, the key to effective custody management is accountability.

Rod Morgan, Professor of Criminal Justice, University of Bristol, drew the conference to a close by reminding us of some of the traps and dilemmas facing those who seek to understand suicides in prison: many acts are acts of desperation, suicide may be the ultimate expression of despair, but there are many other symptoms of prisoner malaise such as riots. Secondly, statistics alone are misleading and often simply wrong; there is a serious responsibility on all those who use them to place them in their context. Also, it must be acknowledged that the external environment in which police and prison staff operate is one in which the vulnerable are swept into custody by a society that fails to care. And lastly, the notion of suicide prevention in prison cannot be directed solely at those we falteringly identify as being 'at risk'. Conditions for all prisoners and the effect that this environment has on the quality of life for the mainstream population are crucial components of the problem. The right balance has to be struck between preventing suicide and treating prisoners as people.

The key determinant of the quality of life in prison, Professor Morgan concludes, is the basic grade officer. Making his job more rewarding would provide the appropriate context in which suicide prevention would come naturally.

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