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THE PRISONS IN POLAND

EDOUARD NEYMARK¹

The self-existent Polish prison system dates from November 11th, 1918; although the Polish authorities of the administration of justice have been constituted earlier, yet they could not take over the prisons, the former authorities of occupation having objected to it. The Polish authorities did not take over the prisons in the Republic at once—on the contrary, it was effected gradually, from November 4th, 1918, in the former Kingdom of Poland, till November 1st, 1922, in Upper Silesia.

In total there were taken over: 33 large prisons, 70 larger ones, 35 smaller prisons and 262 arrest prisons—in total 400 prisons of all kinds.

The prisons that were taken over were subject to three different kinds of penal laws and to three systems, applied by the former prison authorities in former Russia, Austria and Germany.

In the territory formerly belonging to Prussia the prisons were subject to the authorities charged with the duty of public prosecution, in the territory formerly belonging to Austria, to the judicial authorities and in that formerly belonging to Russia the prison authorities were separated and autonomized.

Also the inner organization and the principles of the execution of the sentences, depriving of freedom, were different in each of the above-mentioned provinces. The Polish authorities maintaining the former organization of prison authorities in each region, endeavored during the period of seven years to raise the level of the prison life and to reform it, for it is to be observed, that among the prisons, which were taken over, there were some very well organized and suitable, for instance in Warsaw, Vilno, Białystok, Rawicz, Wronki, Drohobycz, but many of them were in a deplorable state.

THE NUMBER OF PRISONS AND THEIR CLASSIFICATION

At present the total number of prisons amounts to 333. They are divided into three classes in proportion to their population. The

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prisons containing more than 450 inmates belong to the I class, 30 prisons; those of less than 450 and more than 150 inmates belong to the II class, 54 prisons; the remaining belong to the III class, the prisons and arrest prisons.

The population of all the prisons amounts to 41,000 inmates, the number of persons incarcerated amounts to the number of 28,000. (1. X. 1927—27,659.)

TRAINING OF THE STAFF

Pursuant to the decree of the Minister of Justice of May 16th, 1923 (The Official Journal of the Ministry of Justice N. 12 of June 15th, 1923) there were established a Central School for superior prison officers (governors and inspectors) in Warsaw, and 50 preparatory courses in prisons for the subordinate functionaries for the purpose of acquainting the prison officers and functionaries with the principles of the knowledge of the prison system and of making uniform in all the parts of the Republic the prison administration, the prison economy and the principles of the prisoners' labor.

Till December 31st, 1927, in the Central School were held 10 courses, which were attended by 185 superior officers (governors and inspectors of prisons) and by 210 persons among the superior warders and candidates to these posts—for which were held five special courses.

In the Central School are given lectures on the following subjects: the knowledge of prison system, the criminal etiology, the criminal psychology, the penal law and the penal procedure, the constitutional law, the administrative law, the Polish laws concerning the officers, the organization of prison authorities and prison service, the principles of prison labor, the hygiene and means of saving, the knowledge of commercial articles, the principles of the office work, the political economy taking in account the budget.

Besides, the auditors are acquainted with the recent methods of military drilling, handling arms, of overcoming the offender in self-defense and particular attention is given to special grasps without causing any physical pain. Their aim is to weaken and make impotent the prisoners in case, for instance, of a rebellion, without causing them any hurt.

The lectures in the Central School are systematically given by the superior officers of the Ministry of Justice and by the members of the judicial magistrature. Besides, in order to deepen the knowl-

edge of the auditors, the President of the Supreme Court, Prof. A. Mogilnicki, the vice-president of the International Association of Penal Law, Prof. Dr. E. Stan. Rappaport, the former Minister of Justice, Prof. W. Makowski, have given a series of lectures upon criminological sciences, discussing the most important of modern problems connected with the prison system.

In courses for warders in prisons are given lectures on subjects of general information: geography, history, arithmetic and the Polish language, and on special subjects, as the knowledge of prison system, the penal law and the penal procedure, the organization of state, hygiene, the means of saving, the principles of the prison law and prison regulation, in a limited program. The auditors are also made acquainted with the principles of military drilling, of handling arms and grasping the offenders in self-defense.

TEACHING IN PRISONS

The decree of the Minister of Justice of April 20th, 1926 (The Official Journal of the Ministry of Justice No. 9 of May 1st, 1926) had established the principles of teaching in prisons.

Education is obligatory for the juveniles and those adult prisoners who are sentenced to terms of over one year and are not yet 40 years old and have no certificates of having ended their education in four classes of a common school. Teaching in the prison schools is given in accordance with the curriculum of the common schools, elaborated by the Ministry of Confessions and Public Instruction. Before entering the school and after having ended the studies in the same prisoners pass their examens. The Committee of Examination is composed of the prosecutor of the Circuit Court, the governor, the chaplain, the prison teacher, and a delegate of the school inspector.

The prisoners who show progress in learning get a reward in the form of books and also are granted some attenuations of the prison regulations, concerning correspondence, visits of relatives, etc.

The schools and the libraries for the prisoners exist in all the prisons of the I class and in the larger ones of the II class, where are incarcerated the prisoners committed to prison under sentence of imprisonment for over one year. In the smallest prisons (of the III class), in consideration of the brief sojourn of inmates there are no schools and the libraries are organized as may be necessary.

The total number of inmates which are taught is 4,505. (1. VII. 1927.)

The number of books in 145 prison libraries, besides the school books, amounts to 67,000 volumes.

THE SCHOOL BOOKS

The Ministry of Justice lays great stress upon the fact that the prison officials, while studying, might use suitable school books containing the necessary courses of a subject and the principles of modern criminal sciences.

Till now were elaborated the study books of theoretical prison knowledge, of criminal etiology, of prison regulations applied in practice, of the principles of economical bookkeeping and principles of the organization of prison labor, lectured on in the Central School; also the Constitution of the Polish State, of the penal law and penal procedure, of hygiene and means of saving, and of the prison regulations, lectured on in the courses for warders.

PRISONERS' WORK

The prisoners' work, as the most important measure of the penitentiary policy is applied in Polish prisons in the bounds of possibility. The total number of furnished workshops amounts to 410 in 134 prisons. There are organized: clothing tailor shops, shoe shops, joiner shops, harness-making shops, upholstery shops, locksmith shops, brush shops, canvas-making shops, sheet-metal shops, knitting shops, woodworking shops, rope-making shops, box-making shops, bookbinding shops, basket-making shops, playthings-making shops, button-making shops, sawyer trade, embroidering shops, painting shops, clock and watchmaking shops, cooper's trade, wheelwright's trade, printing houses, bakeries, electricity factories, head-dressing shops, mills, mechanical shoe manufactories, paper manufactories and lithographies.

The total number of prisoners, which are employed at various works, exceeds 3,000.

In 45 prisons the number of prisoners employed at work is over 25%, and in this figure, in 18 prisons, exceeds 40% of criminal prisoners.

THE INSPECTION OF PRISONS

In order to organize a due control over the prisons, a decree of the Minister of Justice of July 11th, 1924 (The Of. Jour. of the

Ministry of Justice No. 15) concerning the organization of a control over the prisons entered into force; all the prisons were divided into three districts of inspection and at their head are four district inspectors (of which one is a reserve inspector) subordinated directly to the Director of the Penal Department, which is personally directing the inspection of prisons and exercises the superior control over the same. With a view to facilitate the control over the arrest prisons and the prisons of the III class, the governors, which in consideration of their capacities and irreproachable service during many years, inspire a particular confidence are appointed as inspectors.

In order to make uniform the inspection of prisons and to facilitate it there was elaborated a standard of a protocol of inspection, containing 169 questions, to which the officer charged with the inspection is obliged to give detailed answers concerning all parts of administration and of education.

THE LAW ON THE PRISON ORGANIZATION

The Minister of Justice, in accordance with the resolution of the Council of Ministers, has submitted to the Diet the project of the prison organization.

The said project is founded on the following principles:

1. All the prisons, excepting the military and preventive detention prisons, are placed under the direction of the Minister of Justice. It concerns also the educational and correctional institutions for the juvenile offenders.

2. The hierarchy of the prison authorities is of two instances. That is to say, that between the governor and the Minister of Justice there is no mediate instance.

3. The penal establishments are divided into prisons and arrest prisons: with regard to the nature of the penalty, depriving of freedom and the number of population we distinguish three classes of prisons:

- a. Those with populations exceeding 450 inmates; b. Less than 450 and more than 150 and c. Prisons with less than 150 inmates and arrest prisons. The Minister of Justice is entitled to transfer the prisons from one class to another.

4. There is applied a classification of prisoners, segregating: the males from the females, the juveniles from the adults, the prisoners in preventive detention from those convicted for criminal offenses, the political from the common ones.

5. Instruction is given in prisons in accordance with the curriculum of the common schools. Are taught all the prisoners under 40 years, sentenced to imprisonment for a term of over one year.

6. The prisoner's work, besides the education, is considered as a measure of improvement and is applied as compulsory to the offenders sentenced to imprisonment. The persons incarcerated in preventive detention prisons can be employed at works of their choice. In the appointing of the work it is necessary to take into consideration: the health, the age, the sex, the capacity, the degree of education, the former occupation and the predilection of the prisoners to any branch of work. As far as possible the wishes of the prisoners are to be taken into consideration. The prisoners receive wages for their work and can obtain a special premium in case they prove a great productiveness of work and show love for labor.

7. In case of infraction of the obligatory regulations the inmates incur the following disciplinary punishments: a, the blame; b, they can be deprived of favors and privileges, granted by virtue of prison regulations during the period of four weeks; c, they can be deprived of the right of using books, papers, receiving visits or correspondence, or one of those rights during the space of four weeks; d, a diminution of the wages for their work during the period of four weeks; e, deprivation of the possibility of earning their livelihood during the period of two weeks; f, condemnation to bread and water on separate days, the total number of fast days inflicted in one sentence cannot exceed eight days; g, deprivation of bedding (the hard-bed) during the space not over one week; h, solitary confinement in a separate cell, thereto destined during the space of two weeks; finally i, the confinement in a dark cell for two days. By application of the penalties mentioned a, d, f, g, h, i, it is necessary to take the opinion of the jail physician. The project does not apply the last penalties to the juveniles and pregnant women. Against the decision pronouncing a disciplinary punishment the prisoner can form a complaint, which will be resolved by the competent prosecutor of the Circuit Court.

Special registers on the disciplinary punishments are to be kept in each prison.

APPLICATION OF THE PROGRESSIVE SYSTEM

Considering the necessity of a constant betterment in the system and conditions of the penalty depriving of freedom, the Ministry of

Justice is elaborating the introduction of the progressive system of the penalty depriving of freedom, recognized now as the best, and applied in Great Britain and in many greater States. From the standpoint of the criminal policy the said system has this very precious quality that it lays the fate of the prisoner and the conditions of his life in prison in the hands of the prisoner himself. The prisoner, showing an improvement, can gradually ameliorate the conditions of his life and even shorten his stay in prison. The project concerning the application in Poland of the progressive system was elaborated by a committee constituted for this purpose.

INTRODUCTION OF PRISON COMMITTEES

In the same time, taking into account the task of the prison administration, particularly during the introduction of the progressive system, and the necessity of the cooperation of the society, the Ministry of Justice intends to create prison committees which would be composed of the representatives of the authorities of the justice administration (the judge of circuit and the prosecutor), of the prison administration (the governor, the chaplain, the medical officer and the prison teacher), of the general administration (the starost), of the self-government (the delegate of the little Diet) and of the "Patronage."

The said committees, on the pattern of similar institutions existing in Great Britain, Belgium, Germany, Switzerland, etc., without violating the established principles of the prison administration, should partake in prison life, taking care of the application of the prison regulations and a humane execution of penalty, which the Ministry of Justice, in accordance with the principles of criminological sciences, grounds on three bases: legality, education and work.

THE ASSOCIATION OF THE "PATRONAGE"

The protection over the persons released from prisons and over the prisoners and their families is exercised by the Association called the "Patronage." At its head is an administration, whose chairman is Mr. Leon Supiński, the president of the Court of Appeal in Warsaw, the former Minister of Justice.

The Association "Patronage" has an exemplary statute, enacted by the Minister of Justice on December 1st, 1923, and develops successfully its activity. The sections of the "Patronage" are in several larger towns of the Republic and are registered in the Ministry of

Justice. Till now, sections were organized and entered, in: Brześć, Brodnica, Brzeżany, Cieszyn, Częstochowa, Dubno, Grodno, Grudziądz, Kalisz, Kołomyja, Kielce, Kowel, Kobryń, Kraków, Janów Lubelski, Krzemieniec, Łomża, Łuck, Nowy Sącz, Pińsk, Płock, Piotrków, Prużany, Pułtusk, Oszmiana, Ostróg, Radom, Siedlce, Sieradz, Sosnowiec, Suwałki, Tarnów, Tarnowskie Góry, Wilejka, Włodzimierz Wołyński, Zamość and Złoczów.

The prison curators of the "Patronage," which are appointed by the Minister of Justice, enjoy the right of visiting the prisoners and talking with them in order to fulfill the duties they are in charge of.

The prison curators proceed in accordance with the instructions, issued by the "Patronage" and approved by the Minister of Justice.

THE SCIENTIFIC ASSOCIATIONS OF CRIMINOLOGY

The following Associations occupy themselves with the problems of the reform of the penal legislation and the penitentiary questions: The Association of Penal Law, the assistant group of the Commission of Codification which is at the same time the Polish group in the International Association of penal law in Paris. At the head of the Association is the Chairman, Prof. E. Stan. Rappaport, Judge of the Supreme Court, the general secretary of the Commission of Codification, the vice-president of the International Association of Penal Law and two vice-presidents, Prof. Waclaw Makowski, the president of the section of penal law of the Commission of Codification and former Minister of Justice and Prof. Alexander Mogilnicki, the president of the Supreme Court, the vice-president of the section of penal procedure of the Commission of Codification. The Association has a special commission of criminological and penitentiary problems; she counts 110 members among the prominent representatives of the doctrine and practice of the penal law.

The Criminological Society is composed of 170 members among the judges, psychiatrists, barristers, and representatives of the justice administration.

THE CRIMINALISTIC PRESS

To the problems of the reform of the penal law are consecrated: The Polish Review of Civil and Penal Legislation, Chairman, Prof.

E. St. Rappaport; Prison Review of Poland, "Revue Penitentiaire de Pologne," Chairman, Edouard Neymark; The Judicial paper of Warsaw, Chairman, Prof. Henryk Konic.

The said papers contain a lot of professional articles, consecrated to the modern problems of criminalistic sciences and to the reform of the penal legislation in Poland.