



Penal Services for Offenders

Thelma Wilson

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Penal Services for Offenders:

Comparative Studies of England and Poland 1984/85

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Preface

This publication marks an important step in the development of the comparative professional education programme which began about fourteen years ago. The opportunity to learn by comparing oneself with a colleague doing a similar job in another country has become formalised into The Services for Offenders: Comparative Studies Course. Writing has always been central to the course experience because the emphasis is on the personal and professional development of those taking part. This is not the usual academic excuse for a visible product, but based on the knowledge that delivering oneself of words onto paper is a necessary part of the learning process.

The reader can judge how the warmth and emotional impact of Polish people were received by the English course members and recorded in this publication, whilst at the same time the group were absorbing the structure and function of the Polish penal system in general, and the probation service in particular.

Each chapter is written either by an English course member or a member of staff. This comparative method of learning is so intense and complex that only by sharing the writing among us can we hope to convey to the reader what we each felt. Some readers will wish to pursue points in other texts and should find the bibliography useful. I hope that for some we will raise so many issues that a personal experience of such a course will become the only answer. Those of us who have

benefitted from several courses recognise the thirst for knowledge and understanding, both of oneself and others, that they raise.

The views expressed in this publication are those of the writers and not necessarily of their employers.

Eight English probation officers worked closely with eleven colleagues from Poland. Brenda Palmer has given full details of how this was achieved in the Conclusion. The group was saddened by the death of George Henderson after Part I of the course, Martin Chance joined the group for Part II and the visit to Poland. Supporting the nineteen named course members were several times as many colleagues in their offices and institutions in England and Poland and we are grateful for the co-operation of all of them. The continued support of the Chief Probation Officers in England and the Ministry of Justice in Poland was appreciated. Our heartfelt thanks are given to Professor Maria Ziemska of the University of Warsaw, who lead the Polish group.

The office work was shared by secretaries in several offices, though it is not an exaggeration to say that without the dogged work of Earnestine Owen and Pam Botha in the South East Regional Staff Development office of the Probation Service and Ruby Boad of the Department of Paramedical Sciences office at NELP, the course could not have become a reality. I would like to say a special word of thanks to Earnestine and Pam who have supported this comparative programme since its beginning, as Earnestine has now retired and Pam has taken a different post as the result of re-organisation.

While I am unable to name those who worked with us from the many offices in Poland, our gratitude is none the less sincere.

Booklets resulting from previous courses have been published by NELP, for whom Evelyn Tovey worked as a secretary for many years, and by a series of unexpected coincidences Evelyn has also prepared this manuscript for the publishers. I am indebted to Evelyn and her colleagues at URCHIN, David and Margaret Wasdell, for the application of their combined skills and knowledge to this project. Muriel Hammond has again allowed us to have the use of her wide range of professional librarian's skills and has also produced the single bibliography from the individual references given with each chapter.

Following is a list of those who took part in the programme.

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Barry Bright, South East London Probation Service*
Jill Carperter, Inner London Probation Service*
Martin Chance, West Sussex Probation Service*
Mervyn Dawkin, Inner London Probation Service
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**Presented a paper to the course in Warsaw

C. Thelma Wilson (Editor)
September 1986

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Introduction

JOHN HARPER

Despite the growing popularity of 'going abroad' members going on exchanges express a range of feelings ranging from excitement and challenge to apprehension and doubts. Unlike a holiday, where individuals make their own plans and arrangements and choose their destination, the exchange is determined by the organisers. The two week period in the foreign country is organised by the hosts and although details are given in advance, specific information is lacking. The anxiety generated by uncertainty acts as a stimulus for everyone to prepare and think more specifically about their expectations. Additionally, there is something special about a visit to an Eastern Block country, like Poland.

On both occasions that similar programmes have been undertaken by groups of probation officers, there have been members with family connections, work or war time experiences in Poland. For them the visit has an added significance, they want to find out more about the country, its history and traditions and to test out their impressions. For others with no personal links, the prospect of the visit evokes a mixture of fantasy and curiosity. They all have second hand information and pictures derived from the media and other sources. As one member wrote, 'It is perhaps natural that as we prepared for our visit we were conscious of a strong feeling of anticipation, accompanied by a considerable amount of speculation'.

Poland has been in the headlines for some time with Solidarity, Lech Walesa, Martial Law, the Pope, financial problems and Polish films on television. The popular stereotype is of a country which is a police state, run by a communist government with a strong army and police force, with bugging and censorship commonplace and little or no freedom of action or speech.

When we met the English group to prepare for the visit these images of going behind the iron curtain prompted considerable anxiety and questions about survival and security:

- Are telephone calls and letters censored?
- Can we phone home?
- Will we be restricted?
- Will we be shadowed by the secret police?
- Why can't we buy Polish currency in England?
- What sort of food do they eat?
- Is there a health service?
- Are we in danger?
- Are we free to talk about everything?
- What about bugging devices?

This sample of questions reflects the powerfulness of the popular images generated by the media about life in a communist state.

At a professional level there were many questions about whether we would be told the 'truth' about what really happens inside prisons and in the penal system, how free would we be to see for ourselves what happens and to ask questions and what restrictions would be imposed. They were also concerned about Polish courts, fearing they would be more like military tribunals. The language barrier raised doubts about whether it would be possible to communicate properly about sensitive and detailed issues. They feared they would only receive the official Party line.

Those with experience of Poland tried to tone down some of the wilder fantasies and fears by providing information, but it was noticeable how this often raised fresh anxieties as they heard about the 'black economy' and street traders soliciting for 'hard' currency.

By the end of the induction day everyone was clearer what they had to prepare if their visit was to be valuable to their professional development. They were encouraged to write down their areas of interest and special concerns, contact their partner, visit the library, talk to previous visitors. How to survive away from the familiar in a foreign unknown country was

the dominant message everyone took away with them.

At the airport there was a high level of joking and nervous laughter as members said their farewells to family and friends as though they might never see them again! Once in the air there was no going back. The mixture of Poles returning home laden with bags brimming with Western consumer goods and Poles living in England visiting their families and friends gave the first real taste of what was in store. The chatter of an incomprehensible language, the regular supply of vodka and beer and the Polish newspapers created a mini Poland in the air.

The processing of incoming visitors at Warsaw airport set the scene for much of what life was to be like for the next 14 days. Lengthy queues formed instantly, there appeared to be no sense of order nor concern for time as everyone waited patiently to collect their luggage and to have their visas and passports checked and stamped, usually by a young looking soldier. Once through this experience everyone felt relieved until they saw the Customs procedure. Returning Poles have all their luggage searched with clothes scattered and personal questions asked. The sight of those in front undergoing this humiliating experience with apparent acceptance of the inevitable, re-awakened many of the earlier fears. But despite all this everyone was successfully processed and reached the welcoming sight of our hosts. At least we were expected and would be looked after.

The airport experience and the coach ride set the scene for the dominant issue to prevail for the two weeks and beyond. Here is a country full of visible paradoxes and contradictions. Extremes of poverty and wealth exist side by side, newness rubs shoulders with antiquity, Catholicism is everywhere evident and this is a socialist, secular state where the Polish United Workers' Party is largely made up of non workers. Such examples illustrate the perplexing inconsistencies which are remarkable perhaps because of their ostentation rather than their simple existence, for paradoxes are often a feature of many societies caught up in the process of profound social, economic and political change.

The group were permanently intrigued by their first hand experiences of these contradictions as they struggled to make some sense of them and fit them into their frameworks and cultural assumptions. But the visit was to see and understand how the Polish society perceived and dealt with those for whom perhaps the paradoxes, inconsistencies and conflicts emerged as deviance and more importantly as delinquency.

How to make sense of all this became a major preoccupation,

concern and curiosity. Whether travelling on public transport or eating and drinking in restaurants or bars, the disturbing evidence was apparent. One minute people would be having a serious discussion in formal surroundings and the next standing alongside ordinary people struggling to survive in a food or taxi queue.

Members' experiences varied considerably, which reflects how differently individuals cope with and adapt to change and unfamiliar events. But everyone went through periods of incomprehension and despair: 'I can't understand why the Catholic church is so popular' or 'Why are there so many economic problems?' or 'Why are there such large inequalities between people?' were examples of reflective queries everyone asked at some time or other. Some sought salvation in ideological explanations, others evaluated each event on its own merit.

As time passed the members became more inquisitive as they strove to explain or make sense of the apparently inexplicable. They wanted answers to questions, to problems, which our hosts did not recognise: 'Why do you invest so much into the needs of the young and yet appear to punish so harshly adult offenders?' or 'Isn't resocialisation a disguised form of repressive social control?' or 'What about individual liberty?' were examples of this.

It is always much easier to see patterns in other people's societies and systems than in one's own and it took some time and confidence before realising that we were there to see and understand the Polish system through their eyes and frameworks and not simply impose our own cultural biases and preconceptions. Genuine enquiry and investigation involves suspending one's own judgements and being open and receptive to other people's experiences.

The pressure to fit the new experiences into our familiar frameworks was particularly apparent when visiting the provisions for offenders. Each person thought they knew what was happening and there were always enough similarities to support this view but they had difficulty in 'hearing' what the Polish system was aiming to achieve. On one visit to a young offender centre there was general agreement that this was the same as the old type English approved school. Once this was accepted as the basic perception all the questions were focussed on this and it took some time before people started to listen to what the institution was for and how it had come into being. Of course there were similarities, but there were also many differences.

Resocialisation is the term used by the Polish authorities to describe the purpose of working with offenders. It is used frequently and imprecisely by all staff and officials. For the English it is difficult to understand in concrete terms and it tends to disturb their own values and professional assumptions. At several points members would ask about 'freedom' and 'individual rights', citing Magna Carta as their bible. They were also concerned about 'democratic' decision making. Such questions are meaningless to the Poles, whose society is based on political collectivism and underpinned by the ideology and structure of the Catholic church. Poland has a strong belief in taking responsibility for its young, particularly those who have failed to fit into the main stream society. In some ways they feel they have failed when young people become 'demoralised' (delinquent). Instead of punishing the delinquents they seek to bring them back and retrain them to be 'good' citizens.

For the English, resocialisation is experienced as paternalistic, repressive and stifling of individuality. But whenever they visited centres or projects they were overwhelmed by the warmth, humanity and commitment of all the staff - another example of an inconsistency.

In the field of probation, the Poles make extensive use of voluntary supervisors and employ only a handful of trained staff. On the face of it this is an attractive and sensible system to the English, something to be copied in England. But when they met and talked with some volunteers, the English expressed serious reservations about the volunteers' lack of professional training and identity. The English had difficulty appreciating the Polish rationale for this approach, namely the strongly held belief that offenders are part of the local community and that their rehabilitation should be carried by responsible representatives of that community since they reflect its values and norms.

Judges are much more actively involved in the day to day managing of supervision and the work of the staff. The English were suspicious of 'professional' interference and undermining of the social and psychological aspects of the work. However when they then met judges, they were surprised at their knowledge, understanding and concern for the clients. At one day centre the judges visit regularly, they know all the young people and even join in some of the activities. Whilst this was seen as valuable and even enviable, the English still had reservations.

Those who visited Polish prisons found the experience difficult to assimilate. On the one hand they found the

prisons very similar to those in England and yet they felt different in ways that were hard to specify. They talked about their 'militaristic' style, the repressive atmosphere and the harsh physical conditions and tough regime. Yet the system seemed more purposeful and committed than in England - another contradiction.

Wherever the English visited they were confronted with the discrepancy between concern and purposefulness and the poor economic and physical conditions. They admired the attitudes but found the physical realities hard to swallow.

Informally, most of the English group lived with a partner in his or her home. Clearly the hosts took their role to mean showing as much of their country and culture as was possible in the time available. They wanted their guests to experience Poland and to appreciate its beauty, traditions and concerns. Days were long, combining official work with informal activities. The English were frequently exhausted and organised to the point where they began to feel they were losing their own cultural identity. Many were surprised at the Polish pride in 'showing' off their country and several wondered how they presented their own country to visitors. The contrast between the high material standards of the homes of their hosts and those of the majority of the people caused some to wonder about the way a 'communist' state operates. Why do some people have privileges and higher status? Surely everyone is equal? Why do some people have cars and foreign travel whilst the majority have to queue and struggle for their daily existence? These were all the types of questions the English asked. The notion that all societies have some system of social stratification appeared to get lost in the general stereotype of a 'communist' system.

The English were surprised at their 'ambassadorial' status. The Poles wanted to know about political, economic and social issues in Britain. Thanks to BBC World Service and foreign newspapers they were often better informed than the English on some subjects. Their command of English was impressive and humbling. At the many formal functions the English met senior and distinguished Polish personnel who wanted to hear their views, impressions and suggestions for improving the Polish system of justice and welfare. This was not something many of the English experience in the hierarchical and status conscious system in England.

The dominant experience for both groups in 1979 and 1985 visiting Poland was coping with contradictions. On the one hand it is very obviously a foreign country, the language tells you that all the time, and yet there are many apparent

similarities. The Polish experiences of World War II have given them a strong sense of attachment to the English who are seen as their saviours. This historically important experience tends to make them lean towards the West for support and reinforcement of their identity. It was perhaps this personal feeling that caused the English to be constantly disturbed and confounded by their experiences.

The Polish warmth, affection and fund of humour added to make the experience more than just an official visit to study the Polish system for dealing with offenders. The Poles went to great lengths to enable the English to see Poland through their eyes and experiences. At times this clearly threatened the English sense of identity and caused people to find ways of breaking out of the official programme to have time to rest and recollect their thoughts.

The experience was extremely potent in many different ways and we spent several hours over the subsequent six months processing and analysing the array of impressions, experiences and perceptions which the visit had generated. Tolerating uncertainty, ambiguity and paradoxes clearly are the prime skills needed to make sense of a visit to Poland.

1 Young offenders, hopes and fears, a comparison between Poland and England

GORDON READ

Abstract

This paper looks at the decline in numbers of juveniles processed by Polish courts and committed to custody in comparison with the increased use of custody for young offenders in England and Wales. The key feature appears to have been Poland's move to use civil court processes to deal with young people. This has some similarities with arrangements in Scotland. It is suggested that the persistence of more punitive approaches in England and Wales is associated with a lay magistracy which takes a fearful, pessimistic and perhaps class view of young people with its actions designed to prevent them challenging the existing social order. Poland, in contrast, has of necessity a more optimistic view of young people, having looked to them for two centuries as its means of salvation from successive occupations.

* * * * *

Aside from the patent egalitarianism of Polish courts and in spite of recent changes in the penal code much criticised by judges and lawyers which make prison mandatory for many

offences committed by adults (Financial Times, 1.11.85), one of the most obvious contrasts between the legal systems of Poland and England and Wales lies in their responses to young offenders. Both countries have legislation which enshrines an ameliorative and rehabilitative approach to young offenders. However, while such an approach appears to be effective in Poland - a reduction of juvenile offenders processed through courts from some 60,000 per year both pre and postwar, to 30,000 by the mid sixties (Mosciskier, 1985) - in table 1.1 note how radical this reduction has been - in England and Wales there appears to have been a reverse trend.

Table 1.1
Extracts from Polish Social Statistics 1984

Juveniles (under 17) sentenced by Courts

	<u>1965</u>	<u>1971</u>	<u>1975</u>	<u>1980</u>
Custody	7,408	7,512	4,526	2,944
Non-Custody	22,322	19,110	22,087	14,220
Total	29,730	26,622	26,613	17,164

The actual youth custody population in England and Wales for both males and females, including those committed to custody for fine default, was 17,900 in 1973, 25,300 in 1977, and a staggering 33,200 in 1983 (Bridger, 1985).

It is not easy to compare national figures with any accuracy because of legal and administrative changes in both countries. Key changes in 1978 brought juvenile offenders in Poland under the civil jurisdiction of Family Courts, and a large number of offences had been converted from criminal to administrative categories in both 1966 and 1971. In the absence of detailed figures it is difficult to say for certain whether such changes resemble police cautioning practices in England and Wales.

Mosciskier estimates that 25 per cent of offenders in Poland are juveniles whereas they amount to well over a third of offenders in England and Wales. This discrepancy may well be accounted for by legal and statistical factors but differences do appear more fundamental; the Poles taking an optimistic view of young people, concerned to educate and resocialise them if they go off the rails whereas, in England, adults appear to feel more persecuted by the young. The spread of what could be a delinquent syndrome, a conglomeration of behaviour,