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Restorative Justice in post-Penitentiary Assistance in Poland. The Case of the „Mateusz” Readaptation Centre in Toruń¹

Abstract: The article discusses social policy as a way to implement restorative justice. Based on the experience of “Mateusz” Reintegration Centre in Toruń, the “Dąbrowski method”, a new approach to people leaving penitentiary institutions, has been presented. This approach involves the so-called “post-penitentiary first-aid” which embraces creating conditions that enable the so-called positive adaptation characterized by: 1) clear and simple rules, 2) individual approach, 3) a small number of single-sex residents, 4) empowerment of residents, 5) special personal traits of the person leading the centre, and 6) a particular style of leadership.

Keywords: restorative justice, social policy, post-penitentiary assistance, “Dąbrowski method”, adaptation

1. Introduction

Restorative justice embraces the entire social problem of crime, that is causes of crime, socialized process of punishment, punishment administration and application, establishment of conditions to redress harm, circumstances of punishment execution, and social integration of offenders. The article focuses on the last of the above elements and presents a social policy institution (“Mateusz” Reintegration Centre) as a way of restorative justice implementation during post-penitentiary assistance, which has become an interesting direction of searching new welfare systems in Poland.

¹ The article includes fragments of the author’s previously published study: K. Piątek, *Sprawiedliwość naprawcza jako przestrzeń dla nowej opiekuńczości w ramach lokalnej polityki społecznej*, (in:) W. Anioł, R. Bakalarczyk, K. Frysztański, K. Piątek, *Nowa opiekuńczość? Zmieniająca się tożsamość polityki społecznej*, Toruń 2015, p. 153-195.

2. Restorative justice

Among many definitions of restorative justice, the one proposed by Thomas F. Marshall deserves our attention. He described restorative justice as “[...] a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future”². This definition implies the need to provide a victim of a crime with the position of a fully empowered partner in the proceedings. At the same time (importantly enough), the definition lacks anything which might imply that restorative justice eliminates the traditional system of retributive justice. It is by all means seriousness of a crime which decides how restorative justice may replace retributive justice³.

Key features of restorative justice include the following properties:

- punishment is not imposed externally (by a court) and a perpetrator distances himself or herself from the offence; they redress harm, e.g., voluntary compensating the victim or a third party (e.g. charity) by working for a local community or by humble apology⁴;
- restorative justice is mainly implemented by: negotiations, mediations and restorative justice conferencing⁵;
- local community plays a vital role, which mostly involves creating as favourable conditions to “repair” both an offender and victim as possible; it supports the process of recovery providing mediators, negotiators, judges, etc., and organizing community service⁶;
- a comprehensive approach to the problem of crime focused on the causes of crime, socialized process of punishment, establishment of conditions to redress harm and conditions of punishment execution, and social integration of offenders⁷.

Restorative justice offers an opportunity for an effective solution of a complicated social problem of crime. It results from the fact that it does not merely focus on the issue of punishment administration and application but it is interested in all aspects of this problem, that is the causes of crime, socialized process of punishment, establishment of conditions to redress harm and conditions of punishment execution, and social integration of offenders. In restorative justice, a perpetrator, victim and local

2 T.F. Marshall, as cited in: B. Czarnańska-Działuch, D. Wójcik, *Mediacja w sprawach nieletnich w świetle teorii i badań*, Warszawa 2001, p. 14.

3 A.E. Wdzięczna, *Warunkowe umorzenie postępowania karnego w świetle koncepcji sprawiedliwości naprawczej*, Toruń 2010, p. 48.

4 *Ibidem*.

5 *Ibidem*, p. 85-106.

6 J. Consedine, *Sprawiedliwość naprawcza. Przywrócenie ładu społecznego*, Warszawa 2004, p. 207.

7 K. Piątek, *Problem przestępczości – zapomniany i niedoceniany obszar polityki społecznej*, „Polityka Społeczna” 2015, No. 9, p. 23.

community are in the foreground whereas the state is sidelined. Thus we can say that restorative justice means a passage from the state authority to social authority⁸.

3. Social policy as a manner of restorative justice implementation

A social nature of the problem of crime, and a social character of the causes of this pathology in particular, ensues the need to take advantage of social institutions in the process of its resolution. One of them is undeniably social policy, which plays an important role both in the process of crime prevention and commission. The first case involves general social and fundamental prevention which impacts sources of crime and should remove its deeper causes such as inequality, discrimination of poverty, unemployment, disease, lack of educational opportunities, alcohol and drug addiction, families disintegration, etc. On the other hand, the second case involves activities undertaken when a specific crime is committed. Activities aimed at social integration of a perpetrator, which thus fulfil the idea of restorative justice, may be divided into three stages and be limited to pre-penitentiary, penitentiary and past-penitentiary assistance⁹.

The pre-penitentiary phase embraces a period from the moment a crime is committed to putting a convicted offender (of this crime) to prison, or executing another punishment against him or her. One of the institutions applied during this stage is a community court (in common law countries), that is a court cooperating with local social organizations in order to solve problems of the local community. This purpose of fulfilled, among others, by increasing a share of intermediate sanctions and non-custodial sentences in the courts case law, which eventually positively affect the quality of life of the entire community¹⁰.

The penitentiary phase takes advantage of many correction or rehabilitation tools including, among others, education of inmates in prison and external schools, paid and unpaid employment of inmates, inmates preventive support, application of a “liberty programme” within the last six months of a sentence, etc.¹¹

A relatively new social policy tool used in the penitentiary phase is inmates electronic monitoring programme (in Poland since 2009). This measure may be applied against offenders sentenced to short imprisonments, usually up to one year, who have been classified as not dangerous to others. This system is mostly used with juvenile offenders who are very likely to become demoralized in prison while a loss of family

8 *Ibidem*, p. 208.

9 K. Piątek, *Problem...*, *op. cit.*, p. 21.

10 K. Piątek, *Sprawiedliwość...*, *op. cit.*, p. 172.

11 A. Kacprzak, I. Kudlińska, *Praca socjalna z osobami opuszczającymi placówki resocjalizacyjne i ich rodzinami*, Warszawa 2014, p. 24-29.

and professional relations may have particularly negative consequences for their future life and their relatives' situation¹².

Social policy tools fulfilling restorative justice ideas during the post-penitentiary phase include both traditional methods, such as assistance provided by Prison Service, and new ones (at least in Poland): social employment (since 2003) and Victims of Crime Support and Post-Penitentiary Assistance Fund (since 2012).

The institution of social employment is an important part of the so called active social policy in Poland. Its aim is, among others, facilitation of social integration of individuals leaving prison by providing them with the following services:

- development of skills necessary to fulfil social roles and achieve social positions available to those who are not subject to social exclusion,
- acquiring vocational skills and completing vocational trainings, retraining or enhancement of professional qualifications,
- learning to plan one's life and satisfy needs by oneself, particularly by a possibility to earn one's living through employment or business activity,
- learning skills of rational management of one's financial assets¹³.

The newest tool of financing post-penitentiary assistance in Poland is Victims of Crime Support and Post-Penitentiary Assistance Fund, i.e. a state special purpose fund whose means are transferred mainly to funds, associations and other institutions providing post-penitentiary assistance to inmates leaving prison and their families within the following scope of:

- organizing and funding vocational trainings,
- organizing and funding courses enhancing social competence (including costs of addiction treatment therapies),
- temporary subsidy for the rent,
- paying costs of temporary accommodation or providing shelter in homeless shelters,
- providing in-kind support (e.g. clothes, medicaments, food vouchers, necessary house appliance devices, etc.),
- paying costs of specialist medical treatment or rehabilitation,
- assisting in obtaining disability degree certificates or unfit for work certificates,
- paying costs of legal assistance,
- paying travel expenses to the place of residence,
- paying costs connected with obtaining important personal documents,
- providing financial benefits for the purpose indicated by the entity providing support¹⁴.

12 K. Piątek, *Sprawiedliwość...*, *op. cit.*, p. 176-181.

13 K. Piątek, *Oblicza polityki społecznej. W kierunku autonomizacji polityki socjalnej*, Toruń 2012, p. 258-259.

14 A. Kacprzak, I. Kudlińska, *Praca...*, *op. cit.*, p. 35-36.

A serious problem connected with the use of social policy to support wrongdoers is its limited range, inefficiency, or even counter-efficiency (e.g. re-education in prison), insufficient funding, etc. The same applies to the operation of post-penitentiary assistance, which is important from the perspective of this study. For instance, inmates leaving prison in Poland are beneficiaries of social employment at a minimal level. According to the Centre of Social Integration in Toruń, individuals released from prison who faced difficulties with social integration constituted merely 3% of integration classes participants in 2013 as compared to 62% of the long-term unemployed and 10% of the disabled¹⁵. On the other hand, relatively low financial means of Victims of Crime Support and Post-Penitentiary Assistance Fund do not allow to tailor the assistance offer to actual needs of (ex) convicts and their families applying for help¹⁶.

Nevertheless, third sector initiatives emerging in Poland evoke certain hope that post-penitentiary assistance will improve; and one of them will be the subject of further considerations herein.

4. Waldemar Dąbrowski and his Reintegration Centre “Mateusz”¹⁷

Thanks to talent and endurance, Waldemar Dąbrowski, a young hockey player in Toruń, quite quickly won recognition of both experts and mates. First successes encouraged him to further work and opened the door to a professional career in Western Europe. Growing fame and frequent boozy parties became everyday reality. In consequence, he became addicted to alcohol and all efforts to quit this abuse failed; he carried on drinking. The effects were obvious and inevitable – he played hockey more and more seldom and his family fell apart (divorce). He started to lack everything: family, job, money, friends, etc.

Waldemar Dąbrowski returned to Poland and started to “fight” for his life undertaking alcohol rehabilitation treatment. With enormous effort he succeeded in breaking his own fall and, step by step, he rebuilt his (bio-psycho-social) system. Return to Toruń became an important element of his endeavour as well as building foundations of his place on Earth from scratch, i.e. both a place of residence and a place of his future unique life activity, widely speaking.

At the beginning, he lived in a small vacant barrack (sleeping on Styrofoam) together with other sportsmen who quickly “woke up” and returned to their homes. Their place was taken by other people, most often addicts and ex convicts who lacked a sense of life or willingness to struggle, often suicidal. Together with them Waldemar adapted the barrack to a place of living. At the beginning, there were no basic housing

15 The report of the Centre of Social Integration to Kujawsko-Pomorskie Province Governor in 2013 (manuscript).

16 A. Kacprzak, I. Kudlińska, *Praca...*, *op. cit.*, p. 36.

17 A source of information used here are direct conversations of the author with Waldemar Dąbrowski and the so called participant observation carried out as a part of cooperation between the author and “Mateusz” Centre.

facilities there like furniture or sanitary devices, only so called “rough walls”. These works were more and more often accompanied by the idea to create a house (centre) for ex-sportsmen, ex-convicts and ex-alcohol addicts who were abandoned and left without any support.

Eventually, on 6 August, 2009 Association of Prophylactics and Re-education “Mateusz” was registered in the National Court Register, and a few days later Re-integration Centre “Mateusz” commenced its activity. Both institutions were called Mateusz after Waldemar Dąbrowski’s disabled son whom he attempted to help in all possible way to cure his illness. The Centre housed men who served time in Polish prisons, often after alcohol rehabilitation therapies. The Centre focused on prophylactics, i.e. preventing re-offending, and widely understood re-education, i.e. social reintegration. W. Dąbrowski’s colleagues and friends contributed greatly to the Centre’s establishment, starting from ex-hockey players “scattered” all over the worlds, through “homies”, and finishing with those whom he quickly “infected” with his passion. There were many, many ordinary people among them as well as therapists, politicians and scientists.

Centre residents were most often ex-inmates coming straight from the “street” and looking for existential help and more widely understood support whom Waldemar Dąbrowski had met. In time, they were people leaving therapeutic centres, addicted to alcohol and referred to “Mateusz” by colleagues-therapists. Recently, the Centre has been more and more often housed by people sent here by probation officers or those who learnt about “Mateusz” in prison.

Centre residents are men; overwhelming majority of them are alcoholics before, during or after therapy. Very often they are inmates sentenced to punishment for different offences, from theft to homicide. “Mateusz” also houses people who were released from psychiatric facilities. All of them may be well described as homeless, unemployed, lost in life, suffering from medical and emotional problems, and mainly coming from Toruń and nearby area.

Basic activities of the Centre (including *stricte* supportive ones) are contained in its Regulations and are limited to, among others: satisfaction of housing needs (accommodation, board, clothes, shoes and cleaning supplies), support to fulfil life functions, take care of and arrange personal matters, participation in group therapy and improvement of skills, satisfaction of religious and cultural needs, stimulation to establish, maintain and develop contacts with family and wider communities, activities favouring residents empowerment or independence, taking up a job, paying for necessary personal items of individuals who do not have their own income in the amount not exceeding 20-30% of permanent social benefit, contact with a psychologist or therapist, etc.¹⁸

18 Regulations of Reintegration Centre “Mateusz”.

Residents can formally stay in the Centre from 6 to 12 months. They must observe basic rules of conduct which include specified orders and obligations binding in the Centre. The above mentioned rules encompass: absolute soberness (giving up alcohol and psychoactive substances) within and outside the Centre, refraining from both verbal and physical violence, no provocative behaviour, cultural communication, and sincerity. Basic obligations embrace: participation in classes or courses and other residents meetings, working for the Centre (cooking, cleaning, repairing, renovating, taking care of the surroundings, etc.) and sharing costs of the Centre's maintenance.

About a dozen people regularly reside in the Centre, and during the past seven years nearly one hundred people looking for support have found there warmth, understanding and, most of all, normality. All the time the Centre carries out works to improve the quality of its operation through, among others, extending the building and allocating places to sleep, eating meals, furnishing bathrooms and a common room, fencing the area to relax and host guests. The extension and development of the facilities have been and is possible thanks to lobbying, in effect of which, among others, the city of Toruń handed over the building to the Association and Toruń president himself was the Centre's guest several times. Further ideas aim at the stabilization of "Mateusz" situation by covering its funding by the local system of post-penitentiary assistance. The concept thereof has been the subject of ongoing social debate and discussion among the Centre's friends and supporters.

The activities carried out by Waldemar Dąbrowski and his associates outside the Centre have initiated works on establishing a similar centre for women in Grudziądz. At the same time, conceptual preparation has been launched for setting up another centre, this time for men, in Włocławek. Moreover, there is an ongoing debate about the idea to establish Research and Reintegration Institute "Mateusz" that would join its therapeutic functions with scientific research.

5. "Dąbrowski method"

Seven years of Reintegration Centre "Mateusz" operation, the fact that already nearly one hundred people have been residing there, the study author's direct observation (over two years) of everyday operation of the Centre, and the opinions of experts, therapists and educators allow to use the notion "Dąbrowski method" with full awareness of its specificity and impreciseness.

The essence of this method has been outlined by Waldemar Dąbrowski who said: "...I am trying to show them that life is worth living. I believe that a man who has been convicted or otherwise excluded is not flawed. I have learned this myself, and today I thank God he has tried me so. I help guys because I know very well what they feel. I have done it all. I do not use scientific psychology but a simple conversation.

The message: «Pull yourself together, man, because you will return where you have come from.» – is understood by these men”¹⁹.

The source of “Dąbrowski method” are his own life experiences (alcoholism) and personal skills acquired during numerous alcohol rehabilitation therapies. A basic form of this method’s implementation is sincere conversation rather than academic psychotherapy. This method has no scientific background based on the analyzed professional literature or research carried out directly by its author. Practical knowledge acquired systematically for years is extended thanks to everyday contacts of W. Dąbrowski with the representatives of the world stricken by traumatic experience. He himself expresses this univocally saying that: “...boys from «Mateusz» are an open book I learn a lot from”²⁰.

Waldemar Dąbrowski identifies with “his boys” very much during the group therapy called “community”. He speaks their language in everyday conversations too. Thus he achieves a necessary level of credibility which allows him to challenge “broken feelings” full of anger, sense of wrong, injustice, or abandonment, etc., but also big emotions. Waldemar Dąbrowski is fully aware of the difficulty of this task saying, among others, that: “I did not realize earlier that «work on emotions» may be such hard drudgery, but I have learnt simple methods which are the most efficient. We have no aggression, swearing, orders or bans. And this is true about all residents [...]. These people change right before my eyes, I see it every day”²¹.

Knowing the Centre residents’ social capital (broken families, professional and social ties, etc.) and human capital (lack of education or its expiry, communication very often based on prison slang, instable emotions, or broken feelings, etc.) well, Waldemar Dąbrowski is acutely aware of these conditions and the difficulty of the task he has undertaken. This ensues the need to search appropriate forms of impact to be applied in a correct order while being fully aware of time limits at his disposal. It is confirmed by his words: “You have mentioned this job, yes, I really help them find it but, first, boys have to grow mentally to face it. For many of them, it is too early to confront reality. They usually stay in my Centre from six to twelve months, but some of them stand on their own two feet faster. They rent a room, work, meet a woman and get their life back together”²².

Waldemar Dąbrowski helps “Mateusz” residents solve their current but still urgent or burning problems. Apart from the support ensuing right from the fact of their residence in the Centre, he satisfies their other needs: accommodation (a place to stay the night), board, sanitary needs, etc. He looks for jobs for them (mainly with his colleagues who are businessmen and a variety of employers) pledging his word for them. He helps them find proper medical assistance or professional therapy. He

19 W. Dąbrowski, as cited in: P. Błaszkiwicz, Proste metody są najlepsze, “Nowości”, 11 August 2014, p. 8.

20 *Ibidem*.

21 *Ibidem*.

22 *Ibidem*.

arranges meetings with the family and close friends being interested in the course of such meetings and even often participating in them.

The activity outside the Centre is a very important element of “Dąbrowski method”. It mainly involves searching people who can help him solve specific problems concerning “Mateusz” everyday operation. Recently (already having a stable group of people supporting him on every day basis such as, e.g., a baker), he takes part in lobbying activities to resolve the Centre’s system problem (e.g. the Centre’s permanent and fixed manner of funding) and develop an optimal model of post-penitentiary assistance in Poland (among others, through a mutual meeting with two Committees of Polish Senate, or a scheduled meeting in Polish Sejm, and cooperation with Management and Members of the Council for Post-Penitentiary Assistance of Ministry of Justice).

“Dąbrowski method” resembles social and personal (life) coaching the most. It contains many elements of social mentoring because it is voluntary, based on trust, requires commitment to others, patience, confidentiality and openness. Due to a highly individualized nature, it contains elements of therapy or rather psychotherapy because it mostly refers to feelings and emotions.

6. The case of “Mateusz” as a source of new welfare system providing support to individuals leaving prisons in Poland

The situation of individuals released from prisons in Poland is connected with the weakness of institutional post-penitentiary assistance, which results, among others, from the lack of coordination of aid activities, insufficient and hardly available information (for the convicts) about places and forms of assistance, imperfect and often ignored legal solutions, limited therapeutic and psychological assistance, insignificant financial support, and a slim chance of social and professional activation of ex-inmates. If we add here a sphere of social awareness which is dominated by the conviction that, in fact, each of us perceives an ex-inmate as a dangerous criminal and, in consequence, a threat to himself or herself and the nearest environment, the situation of individuals leaving prisons appears hopeless and thus favours re-offence.

The system of centres established according to “Mateusz” experience might be the so called **first post-penitentiary assistance**, equivalent to first pre-medical aid. Similar to their prototype, as “gates of freedom”, they could relatively painlessly secure the convict’s first contact with free environment thus limiting risk factors connected with his contact with criminal environment or alcohol, and providing initial therapy. Centres’ residents could gain support from social welfare centres, benefits from employment agency, or any assistance referring to professional activity. New institutions would create conditions of the so called **positive adaptation**, which is defined as a process of successful adaptation to the new, so called out-of-prison, situ-

ation that requires qualitative changes with regard to various psychosocial functions and properties of an individual. In the centres of “Mateusz” type it would be possible thanks to “Dąbrowski method” based on social and personal (life) coaching, which is characterized by the following features.

Clear and simple rules, leaving no doubts as to their observance, e.g. absolute soberness (giving up alcohol and psychoactive substances) within and outside the Centre, withdrawal from verbal and physical violence, cultural communication, and sincerity.

Individual approach, which means adapting the content and form of support to the needs of a specific person, his level of awareness, readiness for change, and a degree of determination to exit the sphere of comfort closed to “others”.

A small number of same-sex residents: the Centre regularly houses maximum about a dozen men, which favours more profound individual relations, everyday direct contacts and creates specific home-like atmosphere.

Activation of residents. First of all, everyone residing in the Centre is engaged in the house’s functioning, works connected with everyday rhythm of its residents’ life, and undertakes friendly cooperation to resolve problems. Secondly, every beneficiary works or actively look for a job and, if it is necessary and possible, takes part in various forms of therapy outside the Centre²³.

Special personal traits of the person managing the centre shaped in result of life experience, obtained education and connected with natural attributes favouring mentor’s credibility.

Particular style of leadership: communication with the use of a simple language, everyday contact, thorough observation of residents, listening to their needs and openness to their requests, creating conditions for direct conversations, full acceptance and respect, relying on the residents’ widely understood resources, values and capabilities.

7. Summary

Emphasizing that social policy is a way to implement restorative justice in the post-penitentiary assistance phase appears to be obvious and natural. Considering the fact that sources of crime are mainly rooted in social causes and that punishment for a crime is generally executed in the conditions of incarceration thus limiting, according to many experts, efficient re-education or rehabilitation, it seems absolutely socially necessary to support individuals leaving prisons.

The Polish system of post-penitentiary assistance suffers from numerous legal, financial, organizational and informational weaknesses as well as formality. This aid is characterized with little flexibility, lack of openness and empathy with regard to

23 *Ibidem.*

convicts, or their efficient activation. All of this together ensues limited inclusive possibilities of this assistance favouring consolidation or even intensification of social exclusion that can be apparently confirmed by high rates of re-offence.

Mainly due to its undeniable advantages with regard to the fulfilment of tasks of first post-penitentiary assistance and authentic opportunities to achieve the so called positive adaptation, "Dąbrowski method" provides hope and indicates a direction of searching a new welfare system in Poland. Moreover, it is undoubtedly a form of restorative justice implementation as it connects an offender with the community by securing the first contact of an ex-inmate with free environment and limiting possibilities of his contact with criminal environment and stimulants (alcohol and drugs) as well as providing initial therapy which is appropriate to his needs. However, we should remember about limitations of such aid. Limited nature of this method is connected with its basic features such as: a small number of residents, individualization, personalization of internal relations, and special traits a leader or manager of such an institution must possess. It is hard to imagine that all individuals leaving prisons in Poland could be beneficiaries of "Mateusz" assistance. What is more, not all of them will decide to take advantage of such aid while it must be voluntary. Finally, and particularly important, not everyone needs such support.

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