

### **Drugs in the penitentiary as a source of crisis situation**

The phenomena of smuggling, traffic, possession, and take of drugs by the jailed provide both indirect and direct causes of breaking the peace in the penitentiary districts.

The prison service has many uneasy to accomplish assignments due to the aforementioned situation. Firstly, the effective isolation of the jailed from the drugs by undertaking any actions aiming the counteraction of getting behind the walls of jails and arrests. Secondly, giving the jailed with drug addiction assurance that they have opportunity to be cured and rehabilitated in conditions of jail's isolation.

The counteraction of phenomena of smuggling, traffic, possession, and take of drugs by jailed people is crucial in order to secure the statutory security both for the penitentiary districts, the jailed, and also for the officers on the duty. In such cases there is an increase in probability of a crisis situation to arise.

The basic stimulant among the jailed is nowadays not only alcohol, but the very drugs. First of all, the drugs are easier to smuggle to the penitentiary units. Second important issue is the fact that they are much more expensive than alcohol, so what follows, one can earn much more on their distribution. The third great reason is that drugs are much more difficult to detect due to their small size and being odorless.

The reasons of the jailed reaching for drugs are miscellaneous. They do it to soften the withdrawal symptoms, to have fun, out of curiosity, to become accepted by other jailed people, to calm down, to level the anxiety and bad mood states due to the isolation fact, out the monotony and boredom of jail life, to come away from real life. As you can see, there can be plenty of reasons. Another problem is also the fact that the jailed use the psychotropic drugs in order to avoid being transported to another district, going to the trial, or being set in the isolated cell. There is a new phenomenon, the, so called, cross addictions. Time ago, there was only a clear alcoholic, or a clear drug addict. Now, the problem is stated by people who have taken and still take everything, the sedatives drunk by alcohol or amphetamine pills.

The rising cross addictions' range has been confirmed by the results of research on drug addiction in penitentiary districts conducted in 2001 by the Institute of Psychiatry and Neurology.

According to these results, the aforementioned processes would be increased among the jailed than outside the arrests.

The penology has been statutorily imposed to provide the addicted jailed with treatment, rehabilitation and readaptation. The anti-drug addiction activity of the penitentiary units is about to act against the development of drug addiction in temporarily jailed people and against the deepening of the already existing addicted state of some of them. It is to create and establish the critical attitudes due to use of sedatives, psychotropic drugs, but also to provide control over the drug's management and any other means that could serve as intoxication, and to eliminate the opportunities of smuggling those means on the penitentiary areas.

In a situation when in the prison isolation's conditions the demand for drugs increases, the basic way of preventing this phenomenon from overspreading is a good recognition of the environment of the jailed.

The diagnosis of the environment of the jailed aims at singling out from the population of the jailed those who before being arrested had already experimented with seductive, with high subject to juveniles and young by age, as being potentially most interested in the use of means changing consciousness, drug-addicted jailed people with the penalty of deprivation of civic rights or suspected of committing crimes included in the act of counteraction against drug addiction, drug-addicted jailed people with the penalty of deprivation of civic rights or suspected of committing crimes other than included in the act of counteraction against drug addiction, or those who are upon suspicion of participating in the organized seductive trade, so called, dealers. Therefore, the sources of information about the jailed are of great importance. These are external sources, like: information gained from the decision of the temporary arrest, information gained from the court judgments, information gained from the insight into indictments and other process documents, information from environmental inquiry, information gained as an answer for papers directed to complete data about the temporarily arrested to police station, public prosecutor's offices and the Central Criminal Investigation Agency, information received from the families of the jailed in a written form or stemming from the direct contacts due to the cooperation with the administration, information gained from the current direct contacts due to the cooperation with some of penal prosecution agencies and the system of justice, and the information from the mass

media. The great role also play internal sources, such as: the analysis of moods and characters of the jailed, the analysis of the content of the penal-protective briefing., the analysis of the existing special cases, current evaluation of the educational sphere, the analysis of data gained from the researches conducted with the use of questionnaires measuring mood and atmosphere among the jailed, as well as the notes taken covered in the acts – part B.

One also should not minimize the role of direct sources, like: spontaneous talk, planned talk, interview, monitoring, observation, interrogation and personal controls.

As important as gaining crucial information occurs to be further use of it by the penitentiary administration, in particular, by the security and penitentiary departments' officers. A very essential issue is a permeability of the flow of information in the particular service departments and sections due to the cooperation between them. The appropriate organizational structure due to which different forms of transmission and registration of gained information are used seems to be of a great importance. Immensely significant an issue in the aforementioned matter is the proper behavior of the jail service towards the drug addicted people. The people with the deprivation of liberty, according to the Act of counteracting drug addiction, are jailed with others unless their health forbids it. In another case, they are transported to the prison hospital for the withdrawal course conducted using some chemical substances. When such a person becomes imprisoned while being on the withdrawal course and while being on the metadon, for example, the court can decide to put him/her to jail where a department for addicted people is placed. The main aim of the department for addicted people is the improvement of the imprisoned drug-addicted in the psychosocial functioning. It is mainly about the changes in the hierarchy of life-values and acquiring some new skills when dealing with negative emotions, but also working out the inner motivation to fight against the addiction.

While working with the drug addicted jailed people it is considerable to note that those are people on different intellectual levels, with different education, people addicted to different types of drugs, being in different period of addiction, being under duress or being not previously treated. Moreover, there must be underlined that on the way to achieve a successful and durable effect of treatment, there appears the problem with the lack of post-therapeutic help. Most often, the drug addicted people after leaving the penal institutions return to their previous environment. If they do not get enough proper support, they usually return very quickly to their addiction. Hence, the issues of such significance are as follows: training of all prison service officers concerning the

drug addiction, education, professional improvement in prevention, treatment and rehabilitation, and defining the rules of cooperation among that field with the state institutions, social organizations, but also the collaboration with the families of the drug addicted jailed people. The potential threat to the discipline and order in the penitentiary units are not only the jailed people after the use of drugs, but also those being on, so called, 'drug hunger' who can behave aggressively by rebelling, destroying estate or using extraction that can result in riots, or even a rebellion in a penitentiary unit, named a crisis situation.

The potential threat to the discipline and order in the penitentiary units are the smugglers and drug sellers proceeding in there. The consequences of the existence of these organized structures dealing with smuggling and distribution of drugs may be dangerous both for the health and life of dealers themselves in cases of market and clients' rivalisation among the fighting structures, but also to the safety of the co-jailed and the prison department officers. Till 2001, on the strength of the Act of Counteracting Drug Addiction, the only activities conceded to be crime were only production, distribution, smuggling, and trade of drugs. In 2001, the only fact of owning a significant amount of drugs was implemented as a penalization.

The currently valid Act, from July the 29<sup>th</sup> 2005, of Counteracting Drug Addiction, also provides penal sanctions for possessing intoxicants or psychotropic substances. The idea was, among other things, to shift the penal responsibility toward drug sellers (dealers) who proceeded without penalty till 2001, when the changes introduced, unless they were proved their drug trade.

The potential buyers are found in the penitentiary units among people already addicted and also among the jailed using drugs not addicted yet. In practice, the prison is treated by the members of organized structures as a potential market having a real demand for drugs. The drug sellers are perfectly aware of the fact that it is a very receptive and profitable market, because a man in prison tends to look for any intoxicants.

The prison service has, therefore, a difficult and complicated task to undertake, that is not to let the phenomena of smuggling, trade, ownership, and the use of drugs in penitentiary institutions get out of control and, thereby, not let it be the cause of a crisis situation.

According to the analysis of order, discipline and mood in the penitentiary units, between January the 1<sup>st</sup> and December the 31<sup>st</sup> 2005, one can easily figure out that "in order to limit the threats stemming from pervading of intoxicants and drugs to the remand centers and custody areas, in 2005 there were some planned actions undertaken due to the functioning of programmes getting

at increasing the level of tightness in the penitentiary units, improving the methods and principles of acting regarding the way of detecting, identifying them and dealing with people possessing them or just after using the aforementioned substances.

Maintaining the example of recent years showing the increasement of the recognition and detection of psychoactive substances and drugs, the organized trainings covered the particular service departments, with use of external institutions' representatives. The informative actions have also been intensified within the harmfulness and effects of drug abuse and the law consequences.

The problem of smuggling of drugs to the penitentiary units is growing because of the fact that for drug seller the jailed people state a really important market. The most liable to smuggling attempts are the penitentiary units placed in the area of high drug addiction threat. These are above all big cities, border and harbor cities.

In 2005, just like previous years, there was an increase in disclosures of smuggling attempts concerning the dangerous and forbidden objects, therein the order menacing ones, into the penal areas. In 2005, there was 1073 such accidents noted, in 2004 – 974, in 2003 – 826, in 2002 – 744, in 2001 – 624, and in 2000 – 406. On average, in every month of 2005 there were disclosed about 89 of smuggling attempts (in 2004 – about 81, in 2003 – 69).

The largest amounts of drugs and intoxicants were disclosed in the custody in Bydgoszcz – 45g of amphetamine, in prison in Sztum – 165 pills of extasy, in custody in Bytom – 100 pills of amphetamine, in custody in Słupsk – 39,5g of hashish, in prison in Tarnów – 1000 pills of amphetamine, in custody in Kielce – 200 pills of amphetamine, in prison in Pińczów – 198 pills of amphetamine, in prison in Włodawa – 44,35g of amphetamine, in prison in Chełm – 400g of amphetamine, in prison in Garbalin – 199 pills of amphetamine, in prison in Łowicz – in turn, 50g, 55g, and 346 pills of amphetamine (...).

The intoxicants and psychotropic substances were manifested for 718 times. In 308 cases (what makes about 43% of all manifestations), those substances were disclosed when already owned by the jailed (169 times during the cell's control, 62 times during personal control, 76 times in common-room, bath, and places where the jailed work, and in one case the jailed person himself handed to the tutor the amphetamine).

In the lasting 410 cases, the substances were disclosed, among others, during the control of box, during the control of the jailed person just after the sight, after returning from work outside the

unit area, during the post control, during the control over people trying to enter the penitentiary area. In 59 cases, the intoxicants and the psychotropic substances were found within the area of penitentiary unit.

One should mention that in 118 cases the manifestations were done by dogs trained to look for drugs. In the end of 2005, the number of dogs specially trained to search for the drugs increased to 104 (in 2004 – 83, in 2003 – 63). The arrest service is fully aware that the data concerning disclosed smuggling of drugs into the penitentiary area do not reflect the real size of this phenomenon. It is assessed that the dark-side of this phenomenon is huge. No one exactly knows what amount of drug reaches illegally the arrest. Interpol assesses that the services that usually do not cope with counteracting drug smuggling – for example, the arrest service, hand about 1-2% of drugs. The authors of order, discipline, and mood state analysis in the penitentiary units from the 1<sup>st</sup> of January till the 31<sup>st</sup> of December 2005 having in mind the value of problem underlie that the essential element in the system of counteracting intake & detection of drugs are:

- furnishing the units with machines to x-ray luggage (in the end of 2005, there were 103 machines of that kind disposed by the arrest services),
- using specially trained to detect drugs dogs in the custodies and prisons
- proper recognition of the intentions of the jailed people and the proper flow of information between particular services,
- systematic organization of specialist trainings for the arrest service personnel with the cooperation of policemen.

The authors of the above mentioned analysis, additionally state that “by evaluating the effectivity of the arrest service’s actions in extremely difficult work conditions it is necessary to state that the afford made by personnel due to the widely understood security in the penitentiary units brought tangible effects. Above all, there were no rebellions made by the jailed. Moreover, in 2005 the amount of group manifestations again decreased (...).

The authors of the aforementioned analysis also underline that the appropriate actions by the administration of the penitentiary units in order to provide the personal security to the jailed not in every case occur to be successful. The reasons of such a situation could be attitudes and behaviors of the jailed promoting the limitation of the efficiency made by the personnel due to the valid regulations and many diverse preventive actions. The drop of the possibilities of effective control over the population of the jailed was unavoidable, taking into account the

fact of maintaining the average level of population ranging 118% (in some units even higher) and due to the higher jailed' rotation.

At once, in the subject analysis it was altogether stated that the higher risk of making mistakes by the personnel in undertaking task concerning providing security is not always the effect of their negligence or the lack of sufficient competences that results from significant amount of service duties in overcrowded units. Despite it, the occurrence of a number of unfavourable circumstances for the effective effort of the penitentiary units' personnel in providing personal security to the jailed do not let the administration undertake some proper preventive actions concerning this issue.

The key statement is that nowhere in the world the penitentiary units are in 100% tight. independently from all the efforts made to prevent the jailed people from the access to drugs, there is always a small part of it pervading the prison's walls. Nevertheless, the point is to make this small part smallest possible. The tighter the penitentiary unit the smallest probability of a crisis situation to appear as a result of the jailed people standing in touch with drugs.

**References:**

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- 4) R. Andziak "Nieszczelne kraty. Narkotyki wśród więźniów"