

# Organizacija lokalnih zaporov in režim prestajanja kazni\*

Povzetek raziskave, ki jo je opravil inštitut za kriminologijo pri pravni fakulteti v Ljubljani na pobudo republiškega sekretariata za notranje zadeve SR Slovenije do konca leta 1965.

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Upravniki lokalnih zaporov.

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## Namen raziskave

V letu 1963 je inštitut za kriminologijo pri pravni fakulteti v Ljubljani končal raziskavo o grupiranju obsojencev.<sup>1</sup> Raziskava je zajela problematiko organizacije kazenskih poglobljevalnih domov, ki so namenjeni obsojencem z daljšimi zapornimi kaznimi, v glavnem nad eno leto.

Enako, če ne morda še bolj, so pereči problemi krajsih zapornih kazni (do enega

\* Kratek prikaz nekaterih ugotovitev iz raziskave je dr. Katja Vodopivec podala na posvetovanju o problemih kazenskih poglobljevalnih zavodov, ki je bil v Ljubljani od 18. 9. do 2. 10. 1965. Pričujoči sestavek je daljši povzetek iz celotne raziskave.

<sup>1</sup> Revija za kriminalistiko in kriminologijo, Ljubljana, 1963.

leta, oziroma do šestih mesecev), ki jih prestačajo zaporniki v lokalnih zaporih. Prestajanje kratkotrajnih zapornih kazni pomeni povsod po svetu in tako tudi pri nas pereč problem in je vprašanje, s kakšno razmestitvijo zapornikov in s kakšno organizacijo zaporov bi lahko dosegli boljšo aktivizacijo oseb za družbeno koristne namene v kratkem času njihovega bivanja v zavodu.

## Metodologija

V SR Sloveniji imamo osem lokalnih zaporov, v katerih prestajajo upravno in sodno izrečene kazni odvzema prostosti zaporniki obeh spolov in vseh starostnih obdobij od 16. leta dalje. Takih oseb je okoli 9000 letno.

Medtem ko obstaja o sodno kaznovanih osebah enotno vodena kazenska evidenca pri organih za notranje zadeve po obsojenčevem prebivališču, iz katere je mogoče razbrati, katere osebe so bile večkrat sodno kaznovane, takšne evidence ni za upravno kaznovane osebe. Upravni kazenski postopek vodi občinski sodniki za prekrške, ki imajo sicer evidenco o osebah, zoper katere so vodili postopek, toda teh podatkov ne sporočajo na posebej organizirana evidenčna mesta. Zato ni podatkov o tem, katere osebe so bile večkrat upravno oziroma sodno kaznovane.

Zaradi tega smo skušali ob začetku raziskave izpisati podatke iz matičnih knjig, ki jih vodijo zapori, za vsakega zapornika posебej za tri koledarska leta (1961—1963) in nato poimensko spajati obrazce za iste osebe. To delo smo opravili najprej v zaporih v Ljubljani (mestno območje) in v Murski Soboti (podeželsko območje). Delo je bilo zelo zamudno in težavno ter ni dalo pričakovanih rezultatov. Izračunani deleži povratništva so bili očitno prenizki. Ti deleži so bili verjetno prenizki iz dveh razlogov:

— tisti storilci, ki se stalno vdajajo izvrševanju prekrškov in kaznivih dejanj, najbrž precej migrirajo in bi bilo treba spajati tudi izpiske iz raznih zaporov, kar pa bi za tri leta pomenilo poimensko spajanje okrog 27 000 izpiskov. Pri tem pa še vedno ne bi mogli zajeti tistih povratnikov, ki izvršujejo prekrške ali kazniva dejanja v različnih republikah;

— storilci kaznivih dejanj so obsojeni na razmeroma daljše zaporne kazni, zato je v

istih zaporih povratništvo teh storilcev v triletnem obdobju razmeroma nizko.

Po negativnih izkušnjah s spajanjem obrazcev smo v drugih lokalnih zaporih izpisali podatke iz matičnih knjig le za kaledarsko leto 1963, podatke o povratku upravno kaznovanih oseb pa smo ocenjevali bodisi po spominu upravnega osebja bodisi po izjavah samih zapornikov, kolikor so njihove izjave vnašale uprave zaporov v matične knjige.

Tako smo razpolagali glede povratništva z vsebinsko dvema različima vrstama informacij, ki smo jih dobili:

1. s spajanjem informacij (bodisi po izpisih za tri koledarska leta bodisi po spominu upravnega osebja) in

2. z izjavami zapornikov.

Deleži povratnikov med storilci prekrškov, ki smo jih ugotovili na ta dva načina, so bili naslednji:

#### 1. spajanje informacij

Maribor	28 %
Ljubljana	24 %
Gorica	24 %
Murska Sobota	17 %

#### 2. izjave zapornikov

Radovljica	46 %
Celje	35 %
Koper	24 %
Novo mesto	24 %

Očitno so bile torej izjave zapornikov bolj verodostojne, čeprav je število nedvomno še vedno prenizko od rezultatov spajanja informacij. Podobno razmerje smo dobili tudi, ko smo primerjali deleže povratništva po posameznih vrstah prekrškov in po prebivališču zapornikov (ozioroma s primerjavo zapornikov brez stalnega prebivališča).

Ker smo se torej zavedali, da v povratništvo storilcev prekrškov ne moremo dobiti natančnega vpogleda, smo za vsak zapor posebej korigirali zbrane podatke o povratništvu z ocenami, ki so izhajale iz naslednjih predpostavk:

— verjetno je bilo povratništvo najbolje ugotovljeno v radovljiških zaporih;

— za posamezne zapore smo razpolagali z deleži povratnikov po posameznih vrstah prekrškov in ocenjevali, kateri deleži morejo biti bolj in kateri manj verodostojni;

— za posamezne zapore smo razpolagali z deleži povratnikov med storilci prekrškov, ki imajo stalno prebivališče na območju za-

porov, in tistimi, ki imajo stalno prebivališče zunaj območja zaporov, ter domnevali, da so deleži povratništva med stalnimi prebivalci iz območja zaporov bolj verodostojni od tistih, ki so bivali zunaj območja zaporov. Poleg tega smo povečali deleže povratnikov med storilci prekrškov brez stalnega prebivališča na delež povratnikov v tej kategoriji zapornikov, kakor je bil ugotovljen v radovljiških zaporih (80 %);

— za posamezne zapore smo razpolagali s poklicno strukturo zapornikov in korigirali povratništvo pri tistih vrstah poklicev, pri katerih je bilo število povratnikov očitno prenizko ugotovljeno.

Podatki o povratništvu med storilci kaznivih dejanj izhajajo večinoma iz izpisov sodb in smo jih kot take v glavnem upoštevali kot verodostojne, zavedajoč se, da ne vsebujejo podatkov o prejšnji kaznovanosti za prekrške in tudi, da v primerih lažjih kaznivih dejanj sodišča ne ugotavljajo povratka vedno dovolj natančno.

Tako moremo domnevati, da so tudi podatki, korigirani na podlagi ocene o povratništvu, prej prenizki, kot pa previsoki.

Navedene informacije in ocene smo dopolnjevali še z osebnimi ogledi vseh lokalnih zaporov.

Končno je psihiater opravil klinični pregled 49 moških storilcev prekrškov in 30 ženskih storilk prekrškov, starih od 21. do 39. leta. V klinični pregled so bile zajete le osebe, ki so jim bile v teku enega leta izrečene najmanj tri kazni odvzem prostoti zaradi brezdelja, potepuštva, klateštva in prostitucije, torej večkratnim povratnikom.

Opazovanje tako izbranih zapornikov se je omejilo na približno enourni razgovor z zapornikom, na izpolnitve testovne predloge po L. Benderjevi in na zbiranje dodatnih podatkov o zapornikih, s katerimi so razpolagali uslužbenci organov za notranje zadeve.

Vzorec zapornikov, izbranih za klinični pregled, je strukturno približno ustrezal celotni populaciji večkratnih prekrškarjev iste starosti in istih vrst prekrškov.

#### Zaključki

V lokalnih zaporih v SR Sloveniji prestajajo upravno in sodno kaznovane osebe letno okoli 9000 kazni odvzem prostoti. Od tega odpade več kot tri četrtine na upravne kazni odvzem prostoti, izrečene za prekrške (v letu 1963 — 78 %). Nadrobnejša porazdelitev dejanj, zaradi katerih so bile leta 1963 zapornikom izrečene kazni odvzem prostoti, je naslednja:

Vrsta	Prekrški	
	%	štev.
brezdelje	48,5	2978
nedostojno vedenje	19,0	1185
prehod čez mejo bez potnega dovoljenja <sup>2</sup>	18,0	1106
prekrški v prometu	7,0	445
ostali prekrški	7,5	454
nespecificirani <sup>3</sup>	—	572
Skupaj	100,0	6740

Kazniva dejanja, storjena		
zoper	štev.	%
premoženje	785	40,0
življenje in telo	519	26,5
promet	122	6,3
uradno dolžnost	106	5,5
ostala kaz. dej.	421	21,7
Skupaj	1953	100,0

Fluktuacija zapornikov je izredno velika. Povprečna dolgost izrečenih kazni je bila naslednja:

Vrsta storilcev	Povprečna dolgost kazni v dneh	Delež storilcev po zgoraj specificiranih dejanjih
storilci prekrškov	16	78 %
storilci kaznivih dejanj, obsojeni do 6 mesecev zapora	71	16 %
storilci kaznivih dejanj, obsojeni nad 6 mese- cev zapora	—	6 %
Skupaj	—	100 %

#### Populacija lokalnih zaporov, njene socialne in psihološke karakteristike

Ocenujemo, da je med storilci prekrškov najmanj 43 % povratnikov, med storilci kaznivih dejanj pa jih je najmanj 48 %. Najbrž ne precenjujemo podatkov, če domnevamo, da se skoraj polovica zapornikov vrača v lokalne zapore na prestajanje zapornih kazni, ki trajajo od nekaj dni pa običajno največ do treh mesecev.

Skoraj polovica storilcev prekrškov je brezdelnežev in več kot ena tretjina storilcev kaznivih dejanj so storilci deliktov zoper

<sup>2</sup> Stivilo prehodov čez mejo bez potnega dovoljenja je bilo visoko zlasti med mladimi ljudmi iz vse države, ker je Slovenija obmejna pokrajina. Do sprostitev mejnih prehodov je prišlo šele v letu 1965.

<sup>3</sup> V matičnih knjigah nekaterih zaporov ni bilo mogoče najti podatkov o vrsti prekrška za vse vrste prekrškov. Nespecificiranih vrst prekrškov pri izračunavanju strukture nismo upoštevali.

premoženje. Med tem dvema skupinama zapornikov je tudi delež povratnikov najvišji.<sup>4</sup>

Naslednja značilnost naše zaporniške populacije je njena sorazmerna mladost. Okoli 31 % zapornikov je starih manj kot 23 let. Na podlagi zbranega gradiva in drugih doslej opravljenih raziskav domnevamo, da nekateri ljudje pričenjajo svojo asocialno pot z izvrševanjem prekrškov ali lažjih kaznivih dejanj zoper premoženje, postanejo pozneje storilci hujših kaznivih dejanj, nekako po 40. oziroma 45. letu starosti pa zopet storilci prekrškov.

Približno tri četrtine zapornikov nima zadostne izobrazbe in niso niti priučeni delavci. To so ljudje, ki pogosto menjajo svoje bivališče.

Na splošno lahko torej domnevamo, da v skoraj polovici primerov kazni, ki jih prestajajo zaporniki v lokalnih zaporih, niso uspešne. To pa pomeni letno okoli 4000 izrečenih kazni odvzema prostosti, ki ostajajo brez posebnega učinka.<sup>5</sup> Napačno pa bi bilo iz tega izvajati sklep, da so bile ostale izrečene kazni odvzema prostosti uspešne. Po eni strani ne vemo, na katere storilce so izrečene kazni pozitivno vplivale, kateri storilci pa bi po storjenem prvem dejanju sami od sebe ali pa zaradi uvedenega postopka prenehali z asocialno dejavnostjo. Po drugi strani ugotavljamo, da je med storilci, ki so prvič prestajali kazen odvzema prostosti, razmeroma več mladih oseb. Zanje pa ob prestajanju prve kazni ne vemo, ali bodo pozneje postali povratniki ali ne. Končno so nekateri prekrški in tudi nekatera kazniva dejanja lahko storjena v nadaljevanju (npr. prekršek brezdelja) ali kot ponavljalni delikti (npr. kazniva dejanja zoper premoženje) prej, preden je izrečena prva kazen odvzema prostosti, in pomeno tako že neko nagnjenost k asocialnemu načinu življenja.

<sup>4</sup> Pri tem ne moremo mimo dejstva, da so imeli stalnejši povratniki, ki smo jih popisali v lokalnih zaporih samo v letu 1963, v svojem življenju najmanj 3400 otrok. Nanje so pač vzgojno vplivali na svoj lasten način, oziroma zanje sploh niso skrbeli.

<sup>5</sup> Inštitut za kriminološka in kriminalistična raziskovanja v Beogradu je neuspešnost kratkotrajnih kazni odvzema prostosti ocenil sicer veliko nižje, t. j. le na 21,6 %. Pri tem pa je zaradi posebnih razlogov iz svojega opazovanja izčil vse osebe, ki so prestajale kazni odvzema prostosti do 30 dni (Davidović, Špadijer, Vukadinović — Efikasnost kratkih kazni lišenja slobode, Beograd 1965). Razen tega je treba upoštevati, da je relativni delež povratnikov med kaznovanimi v Sloveniji najvišji v primerjavi z drugimi republikami in da se storilcem, ki so prvič storili kaznivo dejanje ali prekršek, v večji meri izrekajo v Sloveniji ukrepi brez odvzema prostosti kot drugod. Tako prihaja v naše zapore resnično bolj problematična populacija.

Ceprav nismo ugotovili, da bi bili naši lokalni zapori v povprečju preveč zasedeni (razen občasno ljubljanski zapori), je populacija zaporov skrajno heterogena. Lokalni zapori so namenjeni za pridržanje oseb čez noč (zlasti storilcev prekrškov nedostojnega vedenja, ekscesivno opitih oseb); za pridržanje vrnjenih beguncev čez mejo; osebam, ki so v priporu ali v preiskovalnem zaporu; upravno kaznovanim osebam in obsojencem; v vsaki skupini pa obema spoloma. Za vsako izmed skupin oseb, ki jim je vzeta prostost, je uveden drugačen režim dela, življenja in deloma tudi zavarovanja. Medsebojno komuniciranje, razen za upravno in sodno kaznovane osebe pri delu, ni dovoljeno. Fluktuacija vseh kategorij je neprestana, lahko bi rekli vsakodnevna.

#### *Režim prestajanja kazni*

Težnja po humanizaciji dela v zaporih, ki izhaja iz konca 18. stoletja, se postopoma uresničuje po vsem svetu in tudi v lokalnih zaporih, ponekod pač hitreje in bolj intenzivno, drugje počasneje in manj intenzivno. Kakšnih posebnih teženj, da bi prestajanje kazni odvzema prostosti dandanes še oteževali s posebno ostrimi ukrepi in režimom, skoraj ni zaslediti, razen kolikor ne gre za posamezne osebnosti, ki so izredno nedisciplinirane.<sup>6</sup> S tem so zaporne kazni izgubile zaraščevalen pomen, zlasti seveda kratkotrajne zaporne kazni.

Novejši poskusi in raziskovanja dokazujojo, da so lahko tudi kratkotrajne zaporne kazni v nekaterih primerih uspešne. Toda to le tedaj, če trajajo najmanj dva meseca, če v tem času z vsakim zapornikom (ki je tega potreben) intenzivno dela skupina strokovnjakov in če tem kaznim sledi intenzivna postpenalna pomoč.<sup>7</sup>

Seveda smo v lokalnih zaporih od takšnih ciljev še silno daleč. Za takšno delo ni na razpolago niti strokovnjakov niti ni sezna-

<sup>6</sup> »Najprej je treba natančno razlikovati med zaporom, ki ima namen čuvati zaprte osebe in si ne prizadeva posebej in zavestno uvajati eksemplarično strog režim, ter zaporom, ki ima skrbno izdelan program za to, da bi v procesu svojega dela napravil življenje obsojenca posebej neprijetno.« — Rose Gordon, *Administrative Consequences of Penal Objectives, The Sociological Review Monograph*, 1965, No 9, str. 211.

<sup>7</sup> Povzeto po diskusjskem prispevku enega od udeležencev iz ZDA na III. kongresu OZN o prevenciji hudodelstvenosti in o obravnavanju obsojenih oseb; Stockholm, avgust 1965.

Glej tudi: Gilson J.: *Étude sur l'application de l'entretien de groupe (group — counselling) dans le programme correctionnel des Comtés (Etat de Californie — USA)*; *Bulletin de l'Administration pénitentiaire*, Bruxelles, 1962, str. 277.

njeno z njim upravno osebje niti ne ustreza takim zahtevam kvalifikacija pazniškega osebja.

Zato so zapori, takšni, kakršni so, predvsem detencijske ustanove, ki izločijo zapornike iz družbe za krajši čas, iz objektivnih in subjektivnih razlogov pa ne morejo vplivati na njihovo družbeno problematičnost in nevarnost. Kot takšni tudi nimajo posebnega generalnopreventivnega pomena.

Ob vsem tem pa želimo poudariti, da se je zgolj na detencijsko vlogo omejil sistem lokalnih zaporov po vsem svetu in ne samo pri nas. Zgoraj navedeni drugačni primeri so le osamljeni poskusi. Zato je funkcionalnost takšne vloge zaporov danes po vsem svetu poseben problem, iz katerega bo slej ko prej treba najti primernejši izhod. Vprašanje je le, katere države oziroma katera regionalna območja se bodo tega problema lotila prej in z večjo odgovornostjo, katera pa pozneje. Križa je nedvomno tako velika, da je ne bo mogoče premostiti na mah niti ne samo po zakonodajni poti. Potrebni bodo mnogi poskusi, uspešni in neuspešni, in postopno prehajanje na bolj racionalno dejavnost. K takšnemu cilju pa nas lahko vodi predvsem spoznanje objektivnih in subjektivnih pomanjkljivosti, s katerimi imamo opravka.

Končno naj omenimo še, da je bilo doslej mnogo več prizadevanja za racionalizacijo daljših kazni odvzema prostoti, da pa je bilo delo v lokalnih zaporih deležno mnogo manj pozornosti. Šele v zadnjem času so se začele nekatere države s tem problemom intenzivneje ukvarjati, med njimi zlasti Belgija, Sovjetska zveza in ZDA.

#### *Zaposlovjanje zapornikov*

Nekateri lokalni zapori so posvetili veliko skrbi organiziraju raznih dejavnosti. To so zlasti zapori v Celju, v Ljubljani, v Mariboru, v Kopru in delno tudi v Gorici. V teh zaporih je upravno osebje pretežno usmerjeno v proizvodnost dela in v finančni učinek dela. To na splošno (razen nekaterih izjem) niti ni slabo niti se nam pri tem ne zdijo posebej pomembne vrste dejavnosti, ki jih zaporniki opravljajo. Za veliko večino od njih so namreč kazni odvzema prostoti prekratke, da bi uprave zaporov lahko težile k posebnemu izučevanju ali priučevanju zapornikov. Zato na tem mestu ne opisujemo nadrobnejše delavnic, s katerimi zapori trenutno razpolagajo.

Pač pa smo opazili ob tem tudi nekatere pomanjkljivosti, ki ne ustrezajo težnjam po resocializaciji zapornikov.

Tudi v teh zaporih je, razen v Celju, slabo poskrbljeno za zaposlitev žensk. Del, ki

jih lahko opravljajo zapornice, je večinoma manj, kot je zapornic. Ker pa uprave zaporov želijo doseči čim večjo proizvodnost dela in čim večji finančni učinek na vseh delovnih mestih, dodeljujejo razpoložljiva dela predvsem tako imenovanim boljšim zapornicam. Menimo, da bi morali nekateri zaporci posvetiti ženskim zapornicam, njihovim higieniskim navadam in zaposlitvi mnogo več pozornosti kot doslej.

Če smo mnenja, da vrsta zaposlitve ni posebej pomembna za zapornike s kratkotrajnimi kaznimi odvzema prostosti, pa ostaja odprt problem obsojencev z daljšimi zapornimi kaznimi. Nekaj takšnih obsojencev želijo uprave obdržati v lokalnih zaporih zaradi poklicne usposobljenosti, zaradi kontinuitete dela in zaradi drugih dejavnosti (npr. samoupravljanja, organizacije prostega časa in pod.). Kolikor gre pri tem za obsojence, ki nimajo pogojev za dodatno strokovno usposabljanje, in kolikor gre za zapore, ki imajo uvedenih več dejavnosti, je lahko takšna politika uprav zaporov sprejemljiva. Opozorili bi pa na to, da ni nepomembno vprašanje, koga zadržimo v lokalnih zaporih iz omenjenih razlogov. Če so to osebe, ki so izrazito asocialne (npr. stalnejši povratniki v izvrševanju kaznivih dejanj zoper premoženje), morejo kaj slabo vplivati na celotno zaporniško populacijo. To so po navadi ljudje, ki so zaporov vajeni; zato so dovolj prilagodljivi zaporemu režimu in disciplinirani, pa tudi močno licemerni. Tako so lahko upravam zaporov na videz sicer v pomoč, za zapornike pa pomenijo izrazito negativen zgled.

Zato bi bilo treba po našem mnenju obsojence z daljšimi kaznimi, ki bi jih iz posebnih razlogov razporejali ali obdržali v zaporih, posebej centralno izbirati pač glede na njihovo osebnost in glede na vrsto zaporov.

#### Samoupravljanje

Glede na močno fluktuacijo zapornikov opravljajo nekateri lokalni zapori pri uvajanju samoupravljanja pionirske delo. Kljub temu, da so naloge domskih svetov in posameznih komisij ponekod še bolj formalno opredeljene in še niso zaživele v praksi, je vendarle samoupravljanje v nekaterih zaporih doseglo skoraj nepričakovano stopnjo. To velja zlasti za tiste zapore, ki so se samoupravljanja lotili že pred leti in načrtno, zavedajoč se, kaj pomeni, če človek soodloča o osnovnih življenjskih vprašanjih tudi sam in ne odločajo samo drugi namesto njega.

Samoupravljanje ima najdaljšo tradicijo in je najbolj razvito v celjskih in mariborskih zaporih in bi se lahko uslužbenci drugih

zaporov koristno poučili v omenjenih zaporih, kako naj poteka samoupravljanje. Ta dva zpora ugotavlja tudi znatno zmanjšanje števila disciplinskih prestopkov po uvedbi samoupravljanja, kar je vsekakor neposredna praktična posledica prizadevanja uprav zaporov za razvijanje samoupravljanja. Seveda pa zahteva uvajanje samoupravljanja tudi določeno strokovno znanje in visoko stopnjo moralne odgovornosti tistih uslužbencev, ki samoupravljanje organizirajo in nadzirajo, ker obstoji sicer nevarnost, da bi se samoupravljanje v zaporih izrodilo. Če bi namreč zaupali del upravnih nalog obsojencem, ki so le v dobrih odnosih z upravo zaporov, nimajo pa ugleda med zaporniki, potem bi umetno vzdrževali konflikte med obsojenci samimi. Prepričani smo, da se to v celjskih in mariborskih zaporih ni zgodilo in da pomeni samoupravljanje, ki je uvedeno v teh dveh zaporih, resničen napredok.

Samoupravne funkcije zapornikov zajemajo gospodarsko dejavnost, nadalje športno in kulturno dejavnost ter izobraževanje zapornikov, probleme čistoče, higiene in prehrane, probleme medsebojnih odnosov in probleme discipline zapornikov.

Izmed vseh teh nalog, h katerim so nekateri upravni organi pritegnili zapornike, se želimo nekoliko ustaviti le ob zadnji, t. j. ob problemu reševanja disciplinskih prestopkov. Zapori v Celju in Mariboru so v zvezi s temi vprašanji našli dvoje različnih rešitev. Naloga disciplinske komisije, ki jo sestavljajo zaporniki v Mariboru, je predvsem poravnalne narave. Zaporniki skušajo »odpravljati vzroke prekrškov zoper hišni red, svetovati kršiteljem, preprečevati z nasveti, analizirati zagovore kršiteljev in jih opozarjati na posledice.« Disciplinska komisija lahko izreče opomin z objavo na oglasni deski in znižanje ocene iz lepega vedenja.<sup>8</sup>

V celjskih zaporih je področje disciplinske komisije zapornikov širše in obsega poleg navedenih nalog tudi predlaganje disciplinskih kazni upravi zaporov. Uprava lahko izreče predložene kazni ali pa izreče druge kazni po lastni presoji.

Zdi se nam, da je zaradi specifičnih razmer, v katerih živijo zaporniki, in zaradi razmeroma nizke stopnje njihove izobrazbe ter osveščenosti o vrednosti medsebojnih odnosov in družbenih norm, rešitev, ki so jo našli mariborski zaporji boljša. Pri zapornikih moramo namreč računati s precejšnjo stopnjo subjektivizma in maševalnosti.

<sup>8</sup> Predlog statuta domskega sveta zaporov v Mariboru iz leta 1965, čl. 54, 55.

## Vzgoja

Spričo kratkotrajnih kazni je v zaporih težko uvajati načrtno vzgojno delo. K vzgojnim namenom lahko prispevajo oblike samoupravljanja, razvijanje higieniskih navad, intenziviran tretman, ki ga izvajajo strokovnjaki, in le v manjši meri razna predavanja ter delovanje v kulturnih krožkih. Za trajnejši vpliv takih dejavnosti je namreč potreben daljši čas.

Naši zapori so se po osvoboditvi v higieniskem pogledu večinoma dovolj modernizirali (zadovoljivo stanje sanitarij, kopalnic, splošne čistoče prostorov). Toda vprašanje načrtnega privajanja osebnim higieniskim navadam je ostalo najbrž nekoliko zapostavljeno. To so sicer preproste, toda potrebne in izvedljive vzgojne naloge.

Kljub temu, da v nekaterih zaporih že imamo socialne delavce in psihologa, je ob sedanjih razmerah težko pričakovati, da bi se lahko intenzivne posvetili vsem zapornikom. Število zapornikov je za tako delo pač preveliko. V interesu samih strokovnih delavcev pa bi bilo, da si tu in tam izberejo po enega izmed zapornikov, s katerim bi delali več in bolj intenzivno ter ob tem preverjali svoje lastne možnosti. Kajti sicer lahko ob velikem številu primerov, ki jih obravnava le površinsko, pridobljeno znanje strokovnega delavca okrni, se preveč šablonsira, lahko pa upade tudi volja do dela, če ni mogoče vsaj tu in tam zaznamovati resničnega uspeha vloženih prizadevanj.

## Kadri

Problem kadrov je v vseh kazenskih poboljševalnih zavodih izredno pereč, najbolj pa verjetno v lokalnih zaporih. Tem kadrom smo doslej, tako kot povsod po svetu, posvečali najmanj pozornosti, jih najmanj izbirali in najmanj strokovno usposabljali. Pri tem pa ne smemo pozabiti na to, da gre velika večina obsojencev, ki so obsojeni na daljše kazni odvzema prostoti, najprej skozi lokalne zapore. Nekateri pač zato, ker so prej storili lažja kazniva dejanja ali prekrške, nekateri pa zato, ker so v lokalnih zaporih prestajali pripor ali preiskovalni zapor.

Obsojeni so kot vsi ljudje nagnjeni k določenim posplošitvam. Če so imeli slabe izkušnje v lokalnih zaporih, je njihovo pričakovanje v kazenskih poboljševalnih domovih podobno. Zato lahko preteče precej časa, preden jih more osebje drugega zavoda prepričati o nasprotnem.

To pa povzroča nepotrebne konflikte, izgubo časa in včasih tudi minevanje obojsstranskega potrpljenja.

K slabemu kadrovskemu sestavu prispevajo zlasti: neznaten ugled pazniške službe, nizke plače in premajhno dodatno izobraževanje. Če hočemo jasno povzeti obstoječe stanje, potem je položaj tak, da se na razpisana mesta praviloma ne priglašajo sposobnejši mladi ljudje, ker kot nekvalificirani delavci lahko zaslužijo več.

Ceprav menimo, da bi morali biti lokalni zapori v strokovnem pogledu močneje odvisni od republiškega strokovnega centra, kot so, se nam po drugi strani dozdeva, da bi moglo biti koristno, če bi se finančno bolj osamosvojili, t. j. osamosvojili tudi od občinskih uprav za notranje zadeve. Če bi mogli zapori obdržati dohodek od produktivnega dela zase in dobiti del finančnih sredstev za vzdrževanje pazniškega kadra, potem bi nekateri zapori lahko svoje osebje tudi drugače finančno stimulirali, kakor pa je to doslej. S tem bi med zapori nastale sicer razlike v nagrajevanju osebja, toda te razlike bi pomenile, da bi imeli večji zapori boljše osebje in večje možnosti za razvoj.

Pri republiškem sekretariatu za notranje zadeve naj bi oddelek za izvrševanje kazni opravljal tudi naloge strokovnega centra za vzgojo osebja v kazenskih poboljševalnih zavodih. Izdelati bi moral podrobni koncept o vlogi pazniške službe, o dodatnem izobraževanju paznikov in o načinu dajanja strokovne pomoči. Ta koncept naj bi tudi predvidel, katere strokovne službe in v kakšnem obsegu so potrebne v posameznih zaporih.

## Zdravstvena problematika zapornikov

Med preiskovanci, upravno kaznovanimi osebami, pa tudi med obsojenci do enega leta zapora, je dovolj akutnih in kroničnih obolenj, ki zahtevajo posebno organizacijo zdravstvenega varstva v lokalnih zaporih. Razvito tega varstva pa ni odvisna samo od števila obolenj, marveč tudi od razumevanja upravnih organov, od vključevanja zdravstvenih delavcev v splošno politiko izvrševanja kazni in od poskusov prevzgoje posameznih storilcev kaznivih dejanj.

Prav zaradi tega je zdravstvena služba v posameznih lokalnih zaporih različno razvita. Zapori v Ljubljani imajo na primer zelo razvito zdravstveno službo, ki ima splošno in zobno ambulanto, rentgensko sobo, laboratorij, v katerem so nameščeni aparati za fizioterapijo, ter pet sob za ležeče bolnike. Ambulanta ima dva stalna uslužbenca, in sicer medicinskega tehnika ter bolničarja, honorarno pa obiskujejo ambulanto zdravnik splošne prakse, zdravnik stomatolog in zdravnik specialist za kožne bolezni, zdravnik specialist za duševne ter živčne bolezni.

Zdravstvena služba v drugih zaporih je kadrovsko in prostorsko mnogo manj razvita, čeprav dosega na primer frekvence oskrbovancev v Mariboru 81 % zaporniške populacije v Ljubljani. Vendar pa obstaja v vseh zaporih vsaj osnovna zdravniška in ostala zdravstvena pomoč. V vseh hujših primerih pa se zapori, prav tako kot v Ljubljani, nslanjajo na zavode javne zdravstvene službe.

Iz letnih poročil, ki jih pošiljajo zapori zdravstveno-psihološki službi pri republiškem sekretariatu za notranje zadeve SR Slovenije, smo skušali ugotoviti, kakšno je zdravstveno stanje oseb, ki jih oskrbujejo lokalni zapori. Pri tem poudarjamo, da gre le za oceno, ker statističnih poročil ne moremo šteti za popolnoma zanesljiva. Ta poročila namreč niso izdelana po enotnih opredelitvah bolezni.

Mnoga obolenja so izkazana v rubriki »ostala obolenja« kar ne daje natančnega pregleda o vrstah bolezni. Vendar sodimo, da so pod »ostalimi obolenji« zajeta zlasti akutna obolenja zgornjih respiratornih poti in prehladna obolenja.

V našem obravnavanju zdravstvene problematike pa smo želeli zbrati podatke predvsem o tistih obolenjih, ki jih je mogoče imeti za bolj kronična. Ta vplivajo tako na osebno počutje kot na delazmožnost zapornikov.

Iz poročil, ki jih pošiljajo zapori zdravstveni službi republiškega sekretariata za notranje zadeve SR Slovenije, smo zbrali podatke o posameznih boleznih za triletno obdobje in ocenili enoletno povprečje.

Diagnoza	Zapori v:						
	Mariboru	Gorici Kopru	Novem mestu	Celju	Ljubljani	Skupaj	Letno povprečje
TBC — pljučna	6	—	—	3	4	13	4
TBC — neaktivna	28	12	6	9	16	71	23
TBC — drugi organi	12	—	—	1	1	14	4
Bolezen srca in ožilja	42	36	12	36	7	133	44
Živčne bolezni	138	6	9	132	91	376	125
Duševne bolezni	12	6	3	3	6	30	10
Alkoholizem	12	18	3	6	2	41	13

Če upoštevamo enoletno povprečje, ki je za razmeščanje obsojencev v lokalnih zaporih najpomembnejše, vidimo, da je število oseb, pri katerih sta delazmožnost in splošno počutje huje prizadeta, razmeroma nizko. Pri tem moramo poudariti, da je večina oseb izmed tistih z neaktivno pljučno tuberkulozo zmožnih za lažja dela; pa tudi vsi tisti, kibolehajo zaradi srca in ožilja, niso nezmožni za delo. Starih in onemoglih oseb je med obsojenimi v lokalnih zaporih razmeroma malo (na leto okoli 1,7 %). Zaradi navedenega števila bolnih in fizično prizadetih oseb ne bi bilo primerno, da bi jih namestili v en sam lokalni zapor. Število fizično prizadetih se v okviru enega lokalnega zapora kar razgubi in ne pomeni posebne obremenitve za zapor.

Prav tako ne bi bilo utemeljeno združevati osebe, ki kažejo živčne ali duševne motnje, pač pa bi takšno združevanje predvideli za alkoholike. Kategorija živčnih bolezni je namreč pre malo opredeljena, da bi na podlagi zbranega, sicer velikega števila oseb sklepali na potrebo po posebnih ukrepih za takšne bolnike. Storilci kaznivih dejanj so po naših izkušnjah pretežno ekstravertirane osebnosti in zato doživljajo omejitve v zaporu v konkretni obliki. Nanje pa tudi reagirajo s konkretno simptomatiko, ki variira od povrčane notranje napetosti do hujšega nevrotičnega reagiranja.

Med duševnimi boleznimi je seveda največ reakcij na zapor. V izjemnih primerih premeščamo takšne bolnike v bolnišnico za duševne bolezni. Sledimo pa teoretični zahtevi, da je reakcijo na zapor najbolje urediti na kraju samem. Zato bi tudi premeščanje tako motenih oseb v drug lokalni zapor pomenilo isto kot premeščanje v bolnišnico za duševne bolezni. Takšna premeščanja pa navadno podaljšujejo in utrjujejo abnormo reagiranje v zaporniški situaciji.

Določeno število hujših bolnikov, na primer vse bolnike z aktivno pljučno tuberkulozo, pa bi bilo treba nameščati v bolnišnico za kazenske poboljševalne zavode. Takšna bolnišnica bi zbirala hujše bolnike iz kazenskih zavodov in iz vseh lokalnih zaporov v Sloveniji.

Zlasti pomembna je preventivna vloga lokalnih zaporov pri odkrivanju in zdravljenju veneričnih obolenj. O veneričnih obolenjih imamo natančne podatke le za zapor v Ljubljani. Med 508 dermatološkimi pregledi v letu 1964 je bilo odkritih 92 bolnih za gonorejo in 16 sveže bolnih zaradi luesa. Iz drugih zaporov so številke spolno bolnih oseb razmeroma zelo nizke. Nismo prepričani, da te številke prikazujejo dejansko stanje, mavec so prej izraz slabše organizacije in veneročiske kontrole nad osebami, ki prihajajo v zapor. Zapor v Ljubljani imajo dermatološko

službo organizirano v svojem okviru. Specialist za omenjene bolezni pregleduje enkrat tedensko upravno kaznovane osebe ženskega spola, prav tako pa so posebej pregledane tudi osebe, pri katerih obstoji sum okužbe. Vsem osebam, ki prihajajo v zapor, se odvzame kri za Wassermannovo reakcijo. Podobno organizacijo dermatoloških pregledov bi bilo treba uvesti tudi v drugih večjih zaporih. Manjši zapori pa bi se morali samo še tesneje nasloniti na mrežo lokalnih kožno-veneričnih dispanzerjev.

V lokalnih zaporih posvečajo v zadnjem času skrb tudi osebam, pri katerih je zaradi hujših intoksikacij z alkoholom prišlo do najrazličnejših bolezenskih okvar notranjih organov. Z apliciranjem visokih doz vitaminov B - skupine preprečujemo nastanek abstinenčnih delirijev, organizem pa okrepimo za lažjo odstranitev škodljivih posledic alkohola. S temi ukrepi seveda ne posegamo v jedro razvade.

### Predlogi

Kakor izhaja iz naše študije, imamo v SR Sloveniji osem lokalnih zaporov, v katerih prestajajo upravno in sodno izrečene kazni odvzema prostosti zaporniki obeh spolov in vseh starosti od 16. leta dalje ter zaporniki, ki so zelo različno osebnostno strukturirani. Toda motili bi se, če bi mislili, da v teh zaporih resnično prestajajo kazen odvzema prostosti prav vsi, katerim je bila ta kazen izrečena bodisi kot prvotno izrečena kazen bodisi kot kazen, ki je bila izrečena namesto neizsterljive denarne kazni. Nekateri zaporniki, ki so jim bile izrečene zelo kratke, zlasti upravne kazni odvzema prostosti, bodisi kot prvotne bodisi kot nadomestne za neizsterljive denarne kazni in so doma iz bolj oddaljenih krajev, namreč teh kazni ali sploh ne prestanejo v zaporih, ali pa jih nekako odslužijo s priložnostno organiziranimi deli (kot so na primer žaganje in sekanje drva na postajah milice, čiščenje prostorov milice in pod.). To je sicer praksa, ki je nastala zunaj možnosti, predvidenih z zakonom, ki pa so jo pogojile praktične potrebe in ki po našem mnenju ni slaba. Treba je namreč upoštevati, da imajo s prestajanjem zelo kratkotrajnih kazni odvzema prostosti in z neizterljivostjo denarnih kazni<sup>9</sup> težave povsod po svetu in jih rešujejo na različne načine. Za ilustracijo naj povemo, da na primer v Češkoslovaški ni mogoče izreči kazni odvzema prostosti, ki bi bila krajsa od treh mesecev. Zaradi tega ostan-

nejo skoraj vse neizterljive denarne kazni brez posebnih posledic, kar je po našem mnenju za utrjevanje spoštovanja do pravno izrečenih ukrepov slabše, kot so nadomestne rešitve, ki smo jih za take primere našli pri nas.

Glede na izredno heterogenost zapornikov v naših lokalnih zaporih pa seveda vse sedanje rešitve pri nas ne ustrezajo. Zato bomo v nadaljnjem skušali prikazati nekaj predlogov za možne drugačne rešitve, in sicer predvsem po posameznih vrstah zapornikov, kakor smo jih mogli izločiti na podlagi zbranega gradiva. Pri tem želimo poudariti, da izhajamo pri izdelavi predlogov iz sedanje zakonodaje. Naši predlogi pa se vendarle že vključujejo v možne zakonodajne spremembe kot del razvojnega procesa, ki naj bi se s tem sicer začel, kateremu pa iz razumljivih razlogov za sedaj ne moremo dati povsem dokončne oblike; to pa zato, ker bo uresničevanje vmesnih faz odpiralo nove probleme in nakazovalo tudi nove rešitve.

### *Stalni kršilci javnega reda in miru*

Iz podatkov, ki smo jih zbrali v ljubljanskih in murskosoboških zaporih za dobo treh let, moremo razbrati, da so se nekateri storilci prekrškov vrnili v iste zapore v treh letih tudi po šestkrat in večkrat. To so zlasti brezdelneži in nekateri storilci prekrškov nedostojnega vedenja.

Temeljni zakon o prekrških<sup>10</sup> predvideva za hujše kršitve javnega reda varstveni ukrep določitve prebivališča za dobo do dveh let (čl. 11 in 40). S hujšimi krštvami javnega reda pa razume takó težo prekrška kakor tudi storilčeve brezobzirnost do koristi družbenе skupnosti, ali pa njegovo nagnjenost k izvrševanju prekrškov, zaradi česar je potrebno, da se storilec izloči iz dotedanje okolice (čl. 40). Varstveni ukrep določitve prebivališča se lahko izvršuje tudi v posebnem zavodu (čl. 163).

Za izvajanje varstvenega ukrepa določitve prebivališča v posebnem zavodu nima Slovenija posebnih organizacijskih možnosti. Letno se okoli 12 stalnih storilcev prekrškov sicer pošlje na otok Grgur pri Rabu, kjer je za take osebe delovna kolonija, ki jo je organizirala SR Hrvatska. Očitno je, da se kljub temu, da je problem stalnih kršilcev javnega reda v Sloveniji pereč, slovenski sodniki za prekrške te možnosti skoraj ne poslužujejo, najbrž zaradi oddaljenosti in posebnih razmer na otoku Grgurju.

Po podatkih naše raziskave ocenjujemo, da s stalnim izvrševanjem prekrškov kaže v

<sup>9</sup> Deuxième Congrès des Nations Unies pour la Prévention du Crime et le Traitement des Délinquants, Londres, 8—19 août 1960. Publ. Nations Unies, str. 34.

<sup>10</sup> Uradni list SFRJ 1965/26

Sloveniji nagnjenost k prekrškom najmanj 280 oseb. Pri tem pa je treba upoštevati, da je ocena prenizka, pač glede na to, da so podatki o številu povratnikov prenizki, medtem ko s podatki o tem, ali kaže storilec posebno brezobzirnost do družbene skupnosti, sploh ne razpolagamo.

SR Slovenija bi torej potrebovala posebej organizirano delovno kolonijo (pretežno kmetijsko ali gozdarsko<sup>11</sup>) s kapaciteto 200 ležišč za moške in posebej organizirano na pol industrijsko delovno kolonijo s kapaciteto okoli 80 ležišč za ženske storilke prekrškov v povratku.

Čeprav je prognoza za delo z ljudmi te vrste slaba in včasih skoraj brezupna, smo vendarle mnenja, da bi bilo v posebej organiziranih razmerah mogoče vsaj začeti privajati ljudi na delo, medtem ko v sedanjih razmerah takšna oblika prevzgoje sploh ni možna. Organizirana nastanitev predvsem delomrznježev za daljši čas pa bi imela zlasti velik preventiven pomen. Ugotovljeno je bilo namreč, da se storilci te vrste prekrškov zbirajo na prostosti v trdnejše, povezane skupine, ki imajo v svojem sestavu tudi mlade ljudi. Te skupine izvajajo na posamezni tako močan pritisk, da se jim ne morejo odtegniti niti tisti, ki bi to hoteli.<sup>12</sup> Če pa bi z organiziranim nameščanjem in izločanjem kolovodij za daljši čas uspeli skupine razkrojiti, bi bilo možno uspešneje resocializirati posamezne, osebnostno manj prizadete in s skupino slabše povezane osebe.

Končno naj omenimo še, da v okviru naše študije ugotavljamo, da postanejo stalni kršilci javnega reda in miru v organiziranih razmerah vodljivi, disciplinirani in celo delovni. To ugotavlja v svoji študiji o stalnih delomrznježih tudi Wexliard.<sup>13</sup>

V zvezi z organizacijo delovnih kolonij pa bi bilo treba predvideti tudi sodelovanje močne strokovne ekipe.

#### *Alkoholomani*

Z našo študijo nikakor nismo mogli ugotoviti, koliko je v naših zaporih kronično alkoholno zasvojenih oseb. Republiški sekretariat za socialno varstvo pa je leta 1959 ocenil, da naj bi bilo v Sloveniji okoli 2200 hudič kroničnih alkoholikov. Iz naše raziskave o socialnih, psiholoških in zdravstvenih značilno-

<sup>11</sup> Upravnik KPD Dob je mnenja, da bi bilo mogoče, takšno delovno kolonijo organizirati v okviru gozdnega gospodarstva Kočevje.

<sup>12</sup> Problemi povrata, Inštitut za kriminologijo, publ. št. 6, leto 1962, str. 297.

<sup>13</sup> Wexliard Alexandre, Le clochard, Deselée de Brouwer, 1. 1957.

stih delinkventnih in nedelinkventnih alkoholikov<sup>14</sup> povzemamo, da je le prav malo takšnih kroničnih alkoholomanov, ki ne bi imeli opravka bodisi s sodnikom za prekrške bodisi z rednim sodiščem. Zato je republiška skupščina SRS na zasedanju marca 1965 med drugim obravnavala tudi predlog o zgraditvi posebnega zdravstvenega zaščitnega doma za asocialne alkoholomane in ga načelno sprejela. Toda, če bi se lotili realizacije načrta že letos, ni mogoče pričakovati, da bi bil takšen zavod organiziran prej kot v štirih letih, saj zanj nimamo še niti idejnega načrta. Dotlej pa so primeri alkoholomanov, zlasti storilcev prekrškov (ne toliko storilcev kaznivih dejanj, ki jih lahko na podlagi kaznovalne politike vendarle za dalj časa namestimo v razne vrste zapornih zavodov), tako pereči, da ne bi smeli več odlašati vsaj z organiziranjem začasnih možnosti za najhujše vrste primerov.

V novomeških zaporih je bilo med storilci kaznivih dejanj več kot 41 % obsojenih zaradi kaznivih dejanj zoper življenje in telo, kar je največ v Sloveniji. Za storilce prekrškov žal nadrobnejše specifikacije v novomeških zaporih za večino zapornikov nimamo na razpolago. Iz teh in drugih podatkov o potrošnji alkoholnih pišč na območju Dolenske sklepamo, da gre v mnogih primerih za kazniva dejanja in prekrške, storjene v vinjenosti.

Novomeške zapore bi bilo mogoče adaptirati za sprejem okoli 45 novodošlih oseb na mesec. Če bi vanje nameščali samo moške storilce prekrškov, persistentne alkoholomane, za dobo najdaljših možnih upravnih kazni, t. j. za 30 dni oziroma 60 dni (TZP čl. 10/2), potem bi se v enem letu lahko zvrstilo v novomeških zaporih okoli 450 alkoholomanov. Zavedamo se, da s takšno začasno rešitvijo alkoholomani ne bi mogli zdraviti, večinoma vsaj ne uspešno, mogli pa bi zapornike začasno klinično okrepliti in deloma pomagati nekaterim družinam. V ta namen bi bilo treba v teh zaporih okrepliti zdravstveno službo. Hkrati s tem pa bi bilo treba opozoriti tudi sodnike za prekrške, da takšen zavod obstoji, da pa izrečene kazni za namestitev v teh zaporih ne smejo biti krajše od 30 dni. Vprašanje je končno, ali bi lahko v te zapore nameščali tudi alkoholomane, ki bi jim bilo mogoče izreči varstveni ukrep določitve prebivališča do dveh let po čl. 163 TZP, kar pa bi pomenilo, da bi se kapaciteta teh zaporov za alkoholomane bistveno zmanjšala.

<sup>14</sup> Bavcon, Pečar, Kobal, Uderman — Socialne, psihološke in zdravstvene značilnosti delinkventnih in nedelinkventnih alkoholikov, Inštitut za kriminologijo pri pravni fakulteti v Ljubljani, 1963, str. 232, 233.

## *Mladoletniki in mlajši polnoletniki*

Po temeljnem zakonu o prekrških iz leta 1958 je bilo mogoče izreči kazen zapora ali denarno kazen, ki se je ob neizsterljivosti lahko spremenila v zaporno kazen, le mladoletnikom, starim 16 let in več. Ta kazen pa v nobenem primeru, t. j. tudi v primeru realnega steka ali ob zaporni kot nadomestni kazni za denarno kazen, ne bi smela biti daljša od 15 dni (glej čl. 42 TZP in Potočki Komentar, str. 95, 96).

V letu 1963 so v slovenskih lokalnih zaporih prestajali mladoletniki zaporno kazen 388-krat, med njimi je bilo najmanj 56 povratnikov. Med 388 mladoletnimi zaporniki je bilo 79 deklet ali 20 %.

Temeljni zakon o prekrških je z noveljo v letu 1965 ohranil zgoraj navedena določila glede kaznovanja mladoletnikov, v 3. odst. 44. člena prečiščenega besedila pa je še dodal, da je treba dobiti mnenje pristojnega skrbstvenega organa prej, preden se mladoletnik kaznuje. Zaradi tega lahko pričakujemo, da se bo število mladoletnikov, kaznovanih z zaporno kaznijo, v naslednjih letih nekoliko znižalo.

Spričo tega, da tisti mladoletniki, ki jim je zaradi storjenih kaznivih dejanj odvzeta prostost, prestajajo vzgojni ukrep oddaje v vzgojni zavod ali vzgojni poboljševalni dom ali kazen mladoletniškega zapora v posebnih zavodih oziroma v strogo ločenih oddelkih (celjskih zaporov), je dejstvo, da mladoletni storilci prekrškov prestajajo zaporne kazni v vseh lokalnih zaporih skupaj z odraslimi, čeprav ponavadi v ločenih spalnicah, kaj ne-navadno. Poleg tega postavljamo na podlagi naše študije domnevo, da mnogi mladi storilci kaznivih dejanj začenjajo svojo asocialno pot kot storilci prekrškov, predvsem kot mladi brezdelneži. Zato bi bilo po našem mnenju primerno naslednje:

— sodniki za prekrške naj bi ne izrekali zapornih kazni pod 15 dni;

— vsi tako kaznovani mladoletniki naj bi se napotili na prestajanje kazni v celjske zapore, kjer bi bili v tem času podvrženi posebni observaciji strokovne ekipe, ki naj bi ugotovila, kako je treba ravnati z mladoletnikom po prestani kazni;

— mnenje ekipe bi bilo treba poslati pristojnemu sodniku za prekrške in tistem skrbstvenemu organu, ki je dal mnenje sodniku za prekrške po 3. odst. 44. čl. temeljnega zakona o prekrških.

Ker je v dveletnem starostnem razdobju razmeroma še malo povratnikov, naj bi prestajali zaporne kazni zaradi prekrškov v celjskih zaporih tudi mladoletni povratniki, pri katerih naloga strokovnjakov ne bi bila

več observacija, marveč nadaljevalno delo z mladoletnikom.

Razen tega je v letu 1963 v vseh lokalnih zaporih prestajalo zaporne kazni 1523 mlajših polnoletnih oseb (starih od 18. do 21. leta), in sicer 1356 zaradi storjenih prekrškov, 167 pa zaradi storjenih kaznivih dejanj.

Med storilci prekrškov je bilo 306 žensk ali 22 %, od tega največ med delomrzneži, med storilci kaznivih dejanj pa je bilo 13 žensk ali 8 %, največ med storilci kaznivih dejanj zoper premoženje.

Več kot 40 % zgoraj navedenih storilcev kaznivih dejanj, t. j. 68 mlajših polnoletnikov (od tega 32 povratnikov), je bilo kaznovanih s kaznimi zapora, daljšimi od šest mesecev. Mnenja smo, da bi bilo treba vse take mlajše polnoletne moške namestiti v posebnem oddelku KPD v Dobu, ženske pa v KPD na Igu. Sicer pa naj bi mlajši polnoletni moški storilci kaznivih dejanj zoper premoženje in vsi povratniki prestajali zaporne kazni v celjskih zaporih, medtem ko bi storilci ostalih kaznivih dejanj, ki so bili obsojeni prvič, prestajali zaporne kazni v drugih lokalnih zaporih. Storilce kaznivih dejanj zoper premoženje smo, ne glede na povratek, izvzeli kot posebno kategorijo zato, ker je pri njih nevarnost povratka največja in bi jim bilo treba čimprej posvetiti posebno pozornost.

Mlajšim polnoletnim storilcem prekrškov so bile v 325 primerih (24 %) izrečene kazni do vključno devet dni. Menimo, da so take kazni, izrečene zlasti mladim ljudem, zelo neprimerne, ker je bolj verjetno, da zaradi njih ne dobijo strahu pred zaporom, marveč se z njim spriajaznijo. Posebne evidence o tem, kolikokrat so bile takšne kazni izrečene brezdelnežem, nismo napravili, domnevamo pa, da tudi v tem primeru niso bile izjemne, saj je bilo brezdelnežev med storilci prekrškov več kot 40 %. Zato bi priporočali naslednje predloge:

— Sodniki za prekrške naj bi tudi mlajšim polnoletnikom ne izrekali zapornih kazni pod 15 dni, saj imajo na razpolago poleg zapornih kazni tudi druge vrste ukrepov. Take kazni bi mogle ostati kvečjemu kot izjemne nadomestne kazni za denarne kazni.

— V celjske zapore naj bi se nameščali vsi mlajši polnoletni moški brezdelneži in vsi moški storilci drugih vrst prekrškov, ki so povratniki, medtem ko naj bi se taka dekleta nameščala v KPD na Igu. Tudi v teh primerih bi upravne kazni (izrečene za najmanj 15 dni) služile za observacijo kaznovanih oseb.

— Menimo, da so nekateri mlajši polnoletni delomrzneži že toliko osebnostno iztirjeni, da bi jim bila potrebna daljša hospitalizacija. Zato predlagamo, da se v celjskih

zaporih ustanovi tudi poseben oddelek za prestajanje varstvenega ukrepa določitve prebivališča do dveh let (po čl. 163 TZP) za moške (in morebiti za ženske) in da se ta ukrep v hudih primerih povratka tudi izreka. Ta predlog utemeljujemo s tem, da je upanje na sorazmerni uspeh takšnega ukrepa in na privajanje na redno delo in življenje v mlajših letih večje kot pozneje.

Če bi se hoteli lotiti teh nalog, bi morali v celjskih zaporih organizirati čvrsto ekipo strokovnih delavcev (v začetku bi morali imeti vsaj po enega stalno nastavljenega socialnega delavca in psihologa, pozneje pa zaradi velike fluktuacije zapornikov po dva socialna delavca in dva psihologa in enega honorarnega zaposlenega psihiatra). Vsi zaporniki, stari nad 23 let (oziroma 21 let), ki sedaj prestajajo kazen odvzema prostosti v celjskih zaporih, naj bi v bodoče prestajali to kazen v bližnjih mariborskih zaporih.

Težava, s katero je treba računati, je seveda v tem, da bi tako imeli v celjskih zaporih združenih več vrst mlađih zapornikov, ki bi jih bilo treba obravnavati različno in v različnih oddelkih.

Razmisljiti bi bilo treba tudi, ali ne bi iz celjskih zaporov izločili dekleta. Mlađoletne storilke prekrškov, ki bi bile kaznovane z upravnimi kaznimi 15 dni, bi mogli nameščati v Prehodni dom v Jaršah, če bi zanje občine plačevali, kar bi se po vsej verjetnosti izplačalo. Za varstveni ukrep določitve prebivališča pa bi bilo treba organizirati posebno skupino v okviru predvidene delovne kolonije za ženske.

#### Ostali zaporniki

Kakor smo rekli, je organizacija zaporov postopen proces. Zato menimo, da bi na tej poti lahko skušali doseči prve uspehe že s tem, če bi iz sedanje heterogene populacije zaporov izločili stalnejše kršilce javnega reda in miru, v posebne zapore v Celju in Novem mestu pa namestili mlađoletnike, nekatere mlajše polnoletnike in nekatere huje moteče alkoholomane. Pri tem bi nastale seveda določene težave in dodatni stroški s prevozom zapornikov v specializirane zavode. Menimo pa, da je Slovenija razmeroma majhna in razdalje niso take, da jih ne bi bilo mogoče obvladati. Po drugi strani so izbrane kategorije zapornikov tako pomembne, da bi se zaradi smotrnosti dela izplačalo spoprijeti se tudi s temi težavami. Končno naj bi po našem mnenju nobeni izmed predlaganih kategorij zapornikov ne bili izrečene zaporne kazni krajše od 15 dni, medtem ko se de lege ferenda zavzemamo za drugačno rešitev tega vprašanja.

Tako naj bi za sedaj, dokler nimamo možnosti preizkusiti izločevanja nekaterih vrst zapornikov v posebne zavode, drugi zaporniki prestajali kazni odvzema prostosti še nediferencirano v ostalih lokalnih zaporih.

Slej ko prej pa bo treba razmisljiti tudi o tem, ali ne bi enega od manjših zaporov namenili samo za ženske. Takšen predlog pa bi postal bolj konkreten potem, ko bi že nameščali stalnejše povratnice v zavod za izvrševanje ukrepa določitve prebivališča, mlada dekleta pa deloma v celjske zapore, deloma drugam. Šele potem bi mogli natančneje ugotoviti, kakšna populacija žensk je v zaporih še ostala in s kako dolgimi kaznimi odvzema prostosti.

#### Poskus organiziranega dela s prostosti

V naši organizacijski shemi nismo posebej omenili tistih upravno ali sodno kaznovanih oseb, ki so jim bile kazni odvzema prostosti izrečene sicer kot retributivne kazni, ni pa posebnih razlogov za to, da bi jih kontinuirano internirali v zaporniško okolje. Problem takih kazni odvzema prostosti rešujejo v Belgiji in Franciji s tako imenovanimi kaznimi odvzema prostosti ob koncu tedna (vikend kazni). Takšne kazni imajo namen uvesti na Poljskem, v Sovjetski zvezi pa poznajo namesto njih tako imenovano prisilno oziroma poglobjevalno delo brez odvzema prostosti. Poglobjevalno delo smo kot posebno vrsto kazni poznali tudi pri nas in je bilo ustanovljeno z zakonom o vrstah kazni iz leta 1945. Ker pa delo ni bilo smiseln organizirano, so se te kazni izrodile in iz poznejše zakonodaje izpadle.

Kazni ob koncu tedna, kot nadomestne kazni za kontinuiran odvzem prostosti, pomenijo zasedanje prostorskih kapacetov in terjajo konec koncev povečevanje teh kapacetov.

Če so se kazni prisilnega dela pri nas izrodile zaradi slabe organizacije, to še ne pomeni, da jih v drugačnih pogojih ni mogoče izvajati. Ugovor zoper te kazni je bil tudi v tem, češ da delo ne more biti kazen. To je lahko v bistvu res, toda zavedati se moramo, da pomeni v sedanjih razmerah kratkotrajen odvzem prostosti predvsem načrtno zaposlovjanje zapornikov in mnogo manj možnost za izvajanje drugih vzgojnih vplivov. Podoben učinek imajo tudi kazni ob koncu tedna (vikend kazni).

Kolikor bi želeli ponovno predlagati kazni organiziranega dela pod določenimi pogoji, menimo, da bi bilo treba takšen način izvajanja ukrepa prej preskusiti; zlasti zato, da bi lahko preskusili, v kakšnih konkretnih razmerah naj se ukrep izvaja.

Zaradi tega menimo, da bi bilo primerno poskusiti z uvedbo organiziranega dela za sedaj le v zaporih v Ljubljani za manjše število zapornikov. Zanje naj bi bil organiziran poseben delovni prostor pri zaporu ali na kakšnem drugem primernem delovnem mestu. Osebe, za katere bi uveljavili takšen režim, bi prihajale na delo vsak dan, ostali čas pa bi preživele doma. Tak poskus naj bi trajal šest mesecev. Če bi bil uspešen, bi ga lahko razširili na večje število zapornikov nadaljnjih šestih mesecih, še vedno le v ljubljanskih zaporih, nato pa bi ga lahko preskusili še v nekaterih drugih lokalnih zaporih v Sloveniji. S tem bi dobili dovolj izkušenj za to, da bi se odločili, ali lahko takšen ukrep kot samostojen ukrep predlagamo de lege ferenca.

Med tehnična vprašanja spadajo nagrajevanje pri delu, obnašanje v prostem času, nedisciplina pri prihajanju na delo in preklic posebnega režima, zdravstveno varstvo itd. Nobeno izmed teh vprašanj ne predstavlja načelne ovire za uveljavitev omenjenega načina izvrševanja kazni.

#### *Evidenca o povratništvu*

Raziskava je pokazala, da nikakor ni mogoče priti do kolikor toliko zanesljivih podatkov o povratništvu med storilci prekrškov. Nasprotno je teh storilcev preveč, da bi mogli o njih voditi centralno evidenco. Menimo pa, da bi bilo to možno organizirati vsaj za tiste storilce prekrškov, ki so kaznovani z zapornimi kaznimi. Po naši oceni bi zadoščala za vodstvo centralne evidence dva uslužbenca, ki bi v republiškem merilu vpisovala podatke na poimenske kartone in bi lahko hkrati dajala tudi potrebne informacije sodnikom za prekrške na njihovo telefonsko zahtevo. V ta namen bi morali vsi lokalni zapori napraviti kopije vpisov v matične knjige, ki bi jih pošiljali na centralno mesto ob zaključku vsake strani matične knjige, in na kopiji odkljukati storilce prekrškov. Menimo, da bi bila taka organizacija evidence že v bližnji prihodnosti nujno potrebna, če bi se hoteli kadarkoli lotiti pošiljanja povratnikov v delovne kolonije.

#### *Problemi centralizacije in decentralizacije lokalnih zaporov*

Iz naših uvodnih misli v to poglavje izhaja, da je funkcionalnost zapornih ustanov za prestajanje kratkotrajnih kazni odvzema prostosti povsod po svetu zelo sporna. Te zaporne ustanove so razmeroma drage, njihov učinek pa je več kot minimalen.

Med mnogimi dejavniki, ki pogojujejo takšno stanje, je treba na prvem mestu omeniti dejstvo, da tudi teoretično še ni jasno, s kakšnimi prevzgojnimi postopki je mogoče koristno usmerjati asocialne osebnosti. Kljub temu, da so posamezniki in mnoge ustanove hospitalnega značaja skušali uvajati različne vzgojne metode dela, uspešnost teh metod doslej še ni bila preverjena in smo v svetovtovnem merilu šele na začetku poti pri iskanju primernih metod, s katerimi bi se dalo preveriti uspešnost različnih vzgojnih prizadevanj. Šele tedaj, ko bo uspešnost oziroma neuspešnost različnih vzgojnih postopkov glede na različne vrste osebnosti in glede na stopnjo asocialnosti preverjena, bo možno izdelati tudi bolj konkretnje teoretične posplošitve. Socializiranje asocialnih osebnosti pomeni vodenje in usmerjanje ljudi, deloma s pedagoškimi oziroma z andragoškimi prijemi, deloma z zdravstvenim in socialnim tretmanom. Torej s prijemi, ki so se izoblikovali iz praktičnih postopkov z drugimi skupinami ljudi, ki pa se na penološkem področju še zdaleč niso zlili v celoto in še ne pomenijo nove in zato drugačne kvalitete dela, ki bi ustrezala specjalni populaciji.

Če velja vse to za penološko prizadevanje v celoti, potem velja to še toliko bolj za tiste zapore, v katere prihajajo zaporniki le za kratek čas, v katerih je fluktuacija zapornikov velika, usposobljenost in zmogljivost osebja, ki dela z njimi, pa je na nizki ravni. V takšni situaciji niti ni mogoče posredovati osebju kakšnih natančneje opredeljenih navodil, po katerih naj bi ravnalo.

Poglavitno sredstvo, s katerim bi se mogli postopoma povzpeti na višjo raven, so eksperimenti in obenem preveritev eksperimentov. Za to pa sta potrebni po eni strani velika prožnost in pogumnost, po drugi strani pa mora biti podano poroštvo, da se bodo eksperimenti uvajali postopoma, z veliko osebno in strokovno odgovornostjo in da ne bodo vodili v anarhijo.

Majhna republika, kakršna je Slovenija, za takšno dejavnost pač nima in ne more imeti na razpolago mnogo kvalificiranih strokovnih delavcev. Spričo razmeroma majhne zaporniške populacije to verjetno niti ni potrebno. Zadostovala bi manjša strokovna ekipa, ki bi se v tej smeri dodatno izobraževala, ki bi imela možnost proučiti nekatere eksperimente v drugih državah in ki bi mogla uvesti zdaj ta, zdaj oni poskus pri nas. Hkrati s tem bi si takšna ekipa polagoma pridobila dovolj izkušenj za to, da bi intenzivneje in uspešneje svetovala ostalim kazenskim zavodom, ki bi še nadalje opravljali svoje delo brez posebnih novot.

Če tako postavimo vprašanje funkcionalnosti kazenskih zavodov, potem postane razumljivo, da bi bilo objektivno nemogoče, pa tudi nesmoteno, da bi se s takšnimi problemi ukvarjali občinski samoupravní organi. To delo, ki ni samo operativno, marveč tudi študijsko in pedagoško — če pa hoče biti takšno, mora biti seveda tudi operativno —, pripada po našem mnenju posebnemu oddelku republiškega sekretariata za notranje zadeve.<sup>15</sup>

<sup>15</sup> Kot primer naj omenimo, da obstoji takšen oddelek v ministrstvu za pravosodje v Varšavi. Na Poljskem spadajo namreč kazenski poboljševalni zavodi v pristojnost ministrstva za pravosodje.

Takšnega dela tudi ne bi mogel uspešno opravljati katerikoli inštitut, in sicer zato, ker nima operativnih pooblastil. Inštituti kot raziskovalni zavodi pa bi mogli dati upravnemu oddelku na razpolago vso svojo strokovno pomoč.

Po drugi strani se v naših predlogih vzemamo za večjo finančno in gospodarsko samostojnost zaporov.

Posledica naših predlogov bi bila torej zmanjšanje vpliva občinskih samoupravnih organov na funkcioniranje zapornih ustanov. Takšen predlog postavljam zavestno v razmerah naše republike, ki je populacijsko majhna.

## The Organization of Local Prisons and their Corectional Programs

Summary of research carried out by the Institute of Criminology of the Faculty of Law in Ljubljana by the end of 1965, on the initiative of the Secretariat for Inner Affairs of the Socialist Republic of Slovenia.

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### Wardens of the local prisons.

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### Research aim

The grouping of convicts was the subject of an earlier research program of the Institute for Criminology of the Faculty of Law in Ljubljana.<sup>1</sup> This work was completed in 1963. It investigated problems associated with the organization of prisons for convicts serving longer sentences, typically more than one year. Short-term imprisonment, i. e., less than one year, poses equally, if not more urgent problems, both here and abroad. The focus of the present investigation was the question: What grouping of convicts and what kind of prison organization could better contribute to the active participation of offenders in their social responsibilities.

### Methodology

Each year approximately 9000 people, over 16 years of age and of both sexes, serve judicial and administrative sentences in Slovenia's eight local prisons. Uniform records of judicial sentences according to the place of residence are kept by the offices for the internal affairs, thus allowing the determination of the rate of recidivism. No such records exist for administrative sentences pronounced by the local administrative judges for petty offences. Although the local judges indeed have the evidence concerning each person they sentence, this information is not sent on to the special information center. Thus no overall record indicates which persons have received repeated judicial and administrative sentences.

In an initial attempt to overcome the lack of data concerning recidivism, we extracted data

<sup>1</sup> Review of Criminalistics and Criminology, Ljubljana 1963, p. 123—131

from the prison registers. This was done for each person imprisoned during the three calendar years from 1961 to 1963. The individual records were then matched by name in order to determine the number of repetitive prison sentences. This procedure was carried out for the prison in Ljubljana (a city area) and Murska Sobota (a rural area). Though the work proved difficult and time consuming, it did not yield the expected results. The rate of recidivism was obviously too low, probably due to the following factors:

— persons who, repeatedly commit petty offences and other offences tend to change their place of residence frequently, making it necessary to match data from different prisons. In the present study this would have meant matching the data from all the prison sentences combined for a three year period i. e. approximately 27 000 extracts. Even this approach would overlook those recidivists whose offences were committed in different republics (states);

— prison sentences for offences punishable by regular courts are generally longer, than those for petty offences, thus reducing the possibility for repeated sentences within a three-year period.

These difficulties encountered in matching data over a three year period suggested a different approach. In the other local prisons we extracted data from the prison registers for the calendar year 1963 alone, and then estimated the rate of recidivism. Our estimate was based on the recollection of administrative staff, on statements of the prisoners themselves that were corroborated by the prison register and on records of judicial sentences.

Thus we had two kinds of information at our disposal on which to base our evaluation of the rate of recidivism:

1. the results of matching data gathered from the prison registers over three calendar years, recollected by the administrative staff or contained in judicial records,

2. the statements of prisoners.

The rates of recidivism among those sentenced for petty offences, based on the two sources of information, were as follows:

1. Matching of data

Prison ni Maribor	28 %
Prison ni Ljubljana	24 %
Prison ni Gorica	24 %
Prison ni Murska Sobota	17 %

2. Statements of prisoners

Prison ni Radovljica	46 %
Prison ni Celje	35 %
Prison ni Koper	24 %
Prison ni Novo mesto	24 %

Obviously the statements of prisoners were more reliable than the results derived from the

matching of data, but both sources of information would tend to underestimate the rate of recidivism. Similar estimates resulted when the classification of prisoners was based on the kind of offence, or on the place of residence or lack of permanent residence. Since a precise determination of the rate of recidivism among persons sentenced for petty offences proved unattainable, we tried to correct the figures based on the available information for each prison. Our new estimates were based on the following hypotheses:

— The most accurate estimate of the percentage of recidivism was the one for the prison in Radovljica.

— The percentage of recidivism in individual prisons for each kind of offence had varying degrees of reliability.

— The percentage of recidivism among the committers of petty offences with their permanent residence in the area of the prison was more reliable than that for offenders with their permanent residence elsewhere. In keeping with this we also increased the percentage of recidivism among offenders without permanent residence sentenced for petty offences to the percentage for the corresponding category as determined in the Radovljica prison (80 %).

— Percentages of recidivism among some professional categories were obviously too low. In such cases corrections were made.

The evidence for previous sentences for punishable acts came mostly from the courts' records, and as such was considered reliable. However, these records do not report previous convictions for petty offences, nor do they always contain information of previous convictions for less serious offences.

Thus we can assume that the corrected data tend still to underestimate the frequency of previous convictions.

The data and estimates were in all cases supplemented by inspections of the local prisons.

Finally, a selected group of offenders (49 male and 30 female, between 21 and 39 year of age) were subjected to a psychiatric examination. All members of this group had a minimum of three previous convictions within one year period for idleness, begging, vagrancy or prostitution. The investigation of these recidivists was limited to a one-hour interview, the taking of a test based on that of L. Bender, and collection of additional information from the officers for internal affairs.

The distribution of prisoners chosen for the psychiatric examination approximately correspond to the distribution of prisoners of the same age and same offence classification in the population of recidivists as a whole.

## Conclusions

Each year in Slovenia approximately 9000 people receive judicial or administrative prison sentence. More than three-fourths of the sentences are administrative, pronounced on offenders found guilty of petty offences (1963, 78%). A more detailed break-down of the kinds of offences for which these sentences were pronounced is as follows:

Petty offences		
kind of offence	number	%
Idleness, begging, vagrancy, prostitution	2978	48,5
Violent and indecent behavior	1185	19,0
Crossing of border without travelling permit <sup>2</sup>	1106	18,0
Traffic violations	445	7,0
Other	454	7,5
Non-specified <sup>3</sup>	572	..
Total	6740	100,0

Offences		
against	number	%
Property	785	40,0
Life and body	519	26,5
Traffic	122	6,3
Official duty	106	5,5
Other	421	21,7
Total	1953	100,0

The turn-over of prisoners is extremely high. The average sentence lengths for three classes of sentences were, as follows:

Type of offence	Average length of sentence in days	Percentage of offenders in each of the three offence categories
Petty offences	16	78 %
Criminal offences punishable with up to 6 month imprisonment	71	16 %
Criminal offences punishable with more than 6 months imprisonment	..	6 %
Total	..	100 %

<sup>2</sup> The number of illegal border crossings was especially high among young people from all parts of the country. The wide geographical distribution of these offenders is understandable in light of Slovenia's position as a border region. Relaxation of the restrictions governing border crossing was introduced only in 1965.

<sup>3</sup> Some prison registers did not contain a record of the kind of offence for certain offences. In calculating the percentage distribution of offences, we did not consider the unspecified ones.

## The Social and Psychological Characteristics of the Population of the Local Prisons

We estimate that at least 43% of offenders convicted of petty offences are recidivists; among those convicted of punishable acts, at least 48% are recidivists. It is quite likely not an exaggeration to assume that of every 100 people sentenced to prison, 50 return to serve other sentences, ranging in length from several days to a usual maximum of three months. Nearly one-half of the people convicted of petty offences are vagrants, idlers, prostitutes; and more than one third of punishable acts are against property. It is among these two groups of offenders that we find the highest rate of recidivism.<sup>4</sup>

A further characteristic of our prison population is its youth. 31% of the prisoners are less than 23 years old. Both our data and the results of previous investigations suggest that young people tend to first commit petty offences and offences against property, later progress to more serious punishable acts, and then at the age of about 40 to 45 return to petty offences.

Roughly three-quarters of the prison population has inadequate education and is also without sufficient occupational training for semi-skilled employment. These are also the people who most frequently change their place of residence.

We can therefore come to the general conclusion that almost one half of the sentences served in the local prisons are unsuccessful. In other words, about 4000 sentences each year were relatively ineffective.<sup>5</sup> On the other hand, it would be a mistake to assume that the other sentences were in themselves successful. In the first place, we are ignorant as to which offenders were positively influenced by their imprisonment, and which would have spontaneously terminated their asocial activity after the first offence. Secondly, first offenders tend to be relatively young. We are unable to predict that

<sup>4</sup> Here we must not neglect the fact that the habitual offenders which we found in the local prisons in the year 1963 alone have had no fewer than 3400 children thus far in their lifetime. These children have experienced the educational influence of their parents if they were not neglected entirely.

<sup>5</sup> The Institute for Criminological and Criminalistic Research in Belgrade arrived at a much lower estimate of the percentage of unsuccessful short-term prison sentences, i.e., only 21,6%. However, for special reasons they excluded from consideration all prison sentences of thirty days or less. (Davidović, Spadijer and Vukadinović: Efficacy of short prison sentences, Belgrade, 1965). Also, it is noteworthy that Slovenia does have a higher percentage of recidivists than do the other republics (states) and makes greater use of punitive measurements that do not involve imprisonment. Thus our prisons do in fact contain a more problematical population.

they will not become recidivists at some later time. And finally, some petty offences and punishable acts can be committed over a period of time (e. g. idleness, vagrancy, prostitution) or repeatedly (e. g., punishable acts against property) before the first prison sentence is pronounced. Thus they already indicate a tendency towards asocial behavior typical for recidivists.

Although we found no conclusive evidence that our local prisons are on the average overcrowded (except occasionally the prison in Ljubljana), the prison population is in any case markedly heterogeneous. The local prisons are intended for overnight detention (especially for the petty offences of violent and indecent behavior and excessive drunkenness); for detention of those apprehended and returned after having crossed the border illegally; for those in detention while pending trial; for offenders serving administrative sentences and for offenders serving judicial sentences. Each group includes members of both sexes. Prisoners in each of these categories experience a different regimen of work and living, and in part also are confined differently. Mutual communication between different categories of offenders is not allowed, except for those serving judicial or administrative sentences at their places of work. The turnover of prisoners of all categories is considerable.

#### *Regimen for prisoners*

The current world-wide trend towards the humanization of prison life, which began in the 18th century, is also present in the local prisons. Tough advances in this direction are less marked in some regions than in the others, there seems to be no tendency in our time to make the conditions of imprisonment more severe. An exception to this trend is provided by measures typically used for particularly undisciplined prisoners.<sup>6</sup> The introduction of more humanitarian conditions in the prisons has tended to reduce the value of prison sentences as crime deterrents through intimidation. This especially applies to short term sentences.

Recent experiments and studies demonstrate that short sentences can also be successful in some cases. However, such results are attained only if the sentences are at least two months long, if the prisoner receives concentrated assistance as needed from a group of experts during the time of his sentence, and if he is given intensive aid after completion of his sentence.<sup>7</sup>

<sup>6</sup> Rose Gordon, Administrative Consequences of Penal objectives, *The Sociological Review Monograph*, 1965, No. 9, p. 211.

<sup>7</sup> Adapted from the contribution of one of the USA participants in discussion at the IIIrd Congress of the United Nations concerning the

To be sure, these conditions are far from being realized in most local prisons. The necessary experts are not available, and neither the administrative staff nor the guards are properly qualified for this kind of work.

Therefore the prisons, such as they are, function as detention institutions which isolate offenders from society for a short while, but which for subjective and objective reasons cannot influence the problems and dangers posed by the lawbreaker for society. As such the prisons have no particular preventive significance.

In discussing this matter we would like to emphasize that local prisons have been limited to a detentive role all over the world, and not just here in Slovenia. The experiments mentioned above are only isolated examples. Therefore throughout the world the functional value of this kind of prison is a problem which eventually must be met with a more adequate solution. It is only a question of which country or local region will be first to face the problem responsibly. But the dimension of the problem clearly precludes a quick solution, or a solution by legislative means alone. Many experiments are undoubtedly needed, some of which will meet with success while others fail, in a gradual transition to a more rational mode of operation. Progress towards the goal depends above all on acknowledgement of the objective and subjective shortcomings with which we have to deal.

Finally, we would point out that greater efforts have been made towards rationalizing longer imprisonment, while the local prisons have been relatively neglected. Only recently have the problems of local prisons been the subject of serious investigations, particularly in Belgium, Soviet Union and the United States.

#### *The Employment of Prisoners*

In some local prisons much attention has been given to the organization of occupations. This is particularly true in the prisons in Celje, Ljubljana, Maribor, Koper and in part also in Gorica, where the administrative staff directs much of its attention to the productivity and financial return of prison work. In general this is not bad, except in exceptional cases, nor does the particular nature of prison occupations seem to have any great importance. This is because the sentences are for the most part too short to permit any special occupational training of the prisoners. Therefore no further details will be given here concerning the workroom facilities

prevention of crime and the treatment of offenders in Stockholm, August, 1965. See also: Gilson J.: *Etude sur l'application de l'entretien de group (group-counselling) dans le programme correctionnel des Comtés (état de Californie — USA)*; *Bulletin de l'Administration pénitentiaire*, Bruxelles, 1962, p. 277.

now available. But we did notice some shortcomings inconsistent with efforts to resocialize the prisoners.

Except for the prison in Celje, facilities for the employment of women are poor. The number of women prisoners usually exceeds the number of available jobs, and because the administration wishes to obtain the highest possible productivity and financial gain, all the available work tends to be given to the so-called better prisoners. We feel that some prisons need to devote much more attention to the employment and hygienic habits of their women prisoners.

Though we assumed that the kind of occupation is not particularly important for prisoners with short sentences, the question remains open for convicts with longer sentences. Local prisons sometimes wish to retain such convicts, either because they have professional occupational ability, or for other considerations (continuity of work, self-government, and the organization of free-time activities). Retention of offenders in local prisons might be acceptable for those who cannot benefit from technical training, or in those prisons which have introduced various constructive activities. But it is not a matter of indifference which offenders are retained for such reasons. If they are the markedly asocial (e. g., recidivists sentenced for offences against property), a powerful negative influence is exerted on the entire local prison population. Such prisoners are accustomed to prison life as such and are disciplined and well-adjusted. But while hypocritically appearing to help the prison administration, they often are in fact a bad example for the other prisoners.

These considerations suggest the necessity of a centrally controlled selection of prisoners with longer sentences who are candidates for relocation or retention in prisons.

#### Self-government

The heavy turnover of inmates in the local prisons makes the introduction of self-government there a pioneering effort. Though the role of prison councils and commissions has often been a more formal one, with little practical significance, in some prisons self-government has been developed to an unexpected degree. This is particularly true of prisons which introduced self-government over a period of years, methodically developing it on the basis of an awareness of the significance of self-determination for the prisoner in matters which vitally concern himself. Apparently self-government has the longest tradition in the prisons in Celje and Maribor. From them the administration of other prisons could profitably learn. These two prisons experienced a considerable decrease in discipline problems after the introduction of self-government,

and this is certainly a direct practical consequence of efforts exerted by the administration to develop self-government. But it is clear that successful self-government can be achieved only if the staff members in charge of its introduction and supervision possess both professional competence and a high degree of moral responsibility. Otherwise the risk of degeneration is high. If a part of the administrative function is entrusted to convicts who are in good terms with the staff, but who have no claim on the confidence or respect of the other prisoners, the net result is the instigation of conflicts among the prisoners themselves. We are convinced that such was not the case in the Celje and Maribor prisons, and that therefore their introduction of self-government represented a true step forward. The areas of self-government for prisoners include: economic management, athletics, cultural and educational activities, regulation of cleanliness, hygiene and nutrition, and problems related to discipline and relationship among prisoners.

We wish to consider in further detail only one of the areas of prison self-government: the regulation of discipline. The prisons in Celje and Maribor have developed differing approaches. In Maribor, the prisoners' committee is primarily conciliatory. It attempts to »abolish the causes for violations of regulations, advise offenders, offer preventive advice, to analyze the defences of offenders, and to point out the consequences of violations against the rules«. The discipline committee itself may issue warnings, post reminders on the bulletin board and lower the ratings for good behavior.<sup>8</sup>

In the prison of Celje, the discipline committee has a broader role. In addition to performing the functions mentioned above, the committee also proposes disciplinary punishments. The administration then has the option of either adopting the proposed punishment, or pronouncing one of its own.

In light of the conditions in which prisoners live, their relatively low level of education and relative lack of appreciation for interpersonal relationships and social norms, we feel that the program of the Maribor prison is the better one. For in dealing with prisoners, one must be prepared to encounter a considerable degree of subjectivism and revengefulness.

#### Education

The shortness of sentences in the prisons makes the introduction of planned educational programs difficult. Though an educational contribution can be made by self-government, hygiene training, intensive professional treatment

<sup>8</sup> A proposal of the house council of prisons in Maribor, 1965, paragraphs 54, 55.

and to a lesser degree lectures and other cultural activities, lasting benefits require a longer period of time.

Hygienic conditions were for the most part satisfactorily modernized after liberation (bathrooms, general cleanliness of the rooms). In contrast, personal hygiene has often been neglected. Here then is an educational task which is both necessary and feasible.

Despite the fact that some prison staffs already include social workers and psychologists, the present conditions make it unreasonable to expect intensive personal attention for all prisoners. The number of prisoners is simply too great. But it is the interest of the professional workers themselves to occasionally devote more intensive efforts to selected inmates. Otherwise they have no opportunity to explore their own potentialities and reap the satisfaction of at least occasional concrete successes. Furthermore, superficial treatment of a large number of cases can easily lead to sterile routinization and curtailment of the acquisition of new knowledge.

#### *Prison Employees*

The problem of workers is acute in all correctional institutions, but particularly in the local prisons. Both in Slovenia and elsewhere in the world, these workers have been given the least attention, being both unselectively chosen and poorly trained. Despite this state of affairs, we must recognize that the large majority of people receiving longer sentences experience their first confinement in a local prison. In many cases this results from previous imprisonment for less serious offences, or from detention while pending trial. Like all people, prisoners are prone to make generalizations, and bad experiences in local prisons generate negative expectations concerning the correctional institution. As a result, much effort may be necessary on the part of the staff of the second institution before the attitudes developed in the local prisons can be overcome. Time is wasted, avoidable conflicts arise, and demands are placed on the patience of both staff and prisoner.

The low standard of prison employees is particularly traceable to the following factors: low prestige of the occupation, low salaries, and insufficient additional training. To summarize the present situation simply: able young men rarely apply for prison jobs, for they can earn more as unskilled workers.

Although we feel that the local prisons should be more dependent upon the professional center of the republic for the technical assistance, it seems to us on the other hand to be advantageous for them to have a greater degree of financial autonomy, including independence from

the close control of the communal administration for internal affairs. If the prisons could retain the income from prison labour and obtain additional funds for the maintenance of their guards, greater financial incentives would undoubtedly be brought to bear on prison employees. As a related effect, inequalities in pay-scales would undoubtedly arise between different prisons. This would mean that bigger prisons would have better staffs and greater possibilities for development.

The education of prison staffs should be undertaken by the department for administrations in the Secretariat for Inner Affairs. It should formulate a detailed conception of the role of prison staffs, the need for additional training, and the methods of furnishing technical aid. Also, an effort should be made to anticipate the needs of individual prisons for professional staff.

#### *Prison Health Problems*

The incidence of acute and chronic diseases among the inmates of the local prisons requires a special organization of health protection. Satisfactory health protection is not simply a matter of the incidence of disease considered in isolation, but rather depends also on understanding from administrative bodies, inclusion of health considerations in the general philosophy of punishment, and re-education of the individual offender.

The multiple determinants of the quality of health service naturally results in inequalities among prisons. For example, the prison in Ljubljana has an exceptionally well developed health service, including a general and dental clinic, X-ray installation, and laboratories equipped for physical therapy. Five rooms are equipped for bedfast patients. The clinic employs a medical technician and male nurse on a permanent basis. A doctor in general practice, a specialist for skin diseases, a stomatologist and a specialist for neural and mental illness serve on a part-time basis.

Health services in other prisons are much less developed, both in facilities and staff, although the percentage of prisoners in the Maribor prison is more than 80% of the figure for Ljubljana. However, all prisons furnish at least basic necessities of medical and health service. In Ljubljana and elsewhere all serious cases are transferred to the public health institutions.

On the basis of the yearly reports sent by the local prisons to the health and psychological service of the Republican Secretariat for Inner Affairs (RSIA SRS), we estimated the frequency of diseases in the prison populations. It should be emphasized that our estimate is only as

reliable as the statistical reports on which it is based. A particular difficulty arises because the reports of the local prisons follow no uniform system of disease classification. Many diseases are summarized under the item »other diseases«, making a more detailed analysis impossible. However, we assume that among »other diseases« are counted mainly colds and diseases of the higher respiratory tracts.

Our investigation concerned itself primarily with those chronic diseases which affect the psychological condition of prisoners as well as their ability to work.

The following table contains the incidence rate of various illnesses in the local prisons over a three-year period, and a yearly average, based on reports sent to the health service of RSIA SRS.

Diagnosis	Prison in						Yearly Average
	Maribor	Gorica Koper	Novo mesto	Celje	Ljubljana	Total	
TB — pulmonary	6	—	—	3	4	13	4
TB — inactive	28	12	6	9	16	71	23
TB — other organs	12	—	—	1	1	14	4
Heart and other circulatory diseases	42	36	12	36	7	133	44
Nerve diseases	138	6	9	132	91	376	125
Mental illness	12	6	3	3	6	30	10
Alcoholism	12	18	3	6	2	41	13

Yearly averages, which are most relevant to the distribution of ill convicts among the local prisons, show that the number of persons suffering from chronic diseases is relatively low. The damage to physical and mental wellbeing appears even less extensive in light of the fact that most inmates with inactive pulmonary TB are able to do light work, and not all those suffering from heart and other circulatory ailments are prevented from all work. Debilitated old people constitute only a small percentage of the local prison population (ca. 1.7% per year). The limited number of prisoners incapacitated by chronic illness does not warrant placing them in one single institution, nor does their presence constitute a serious burden.

Consolidation of prisoners with mental or nervous disturbances is likewise unwarranted, though such a consolidation might well be considered for the alcoholics. Although the number of inmates reported as suffering from nervous disease is relatively high, the vagueness of this disease category argues against taking definite action on the basis of our data. According to our experience, offenders sentenced for punishable acts are often extroverts, prone to experience the limitations of prison life in a concrete way. Their reaction includes concrete symptoms, ranging from increased inner tension to neurosis.

Mental disturbances in prison are primarily due to negative reactions to the prison environment. In exceptional cases transferal to a mental hospital proves necessary. However, we agree with the theoretical principle that the reaction to the prison can best be dealt with in the prison itself. Transfer of such persons from one local prison to another could likewise tend to prolong and fixate the abnormal reaction.

Active pulmonary tuberculosis is one exception to the general rule that consolidation of the sick is unnecessary. Person suffering from this and other serious contagious diseases should be transferred to a hospital serving all prisons. Such a hospital should treat the more serious cases from penitentiaries and local prisons in Slovenia.

The local prisons have a particularly important role to play in the prevention and healing of venereal diseases. Accurate data for this disease category exist only for the Ljubljana prison. The 508 dermatological examinations performed in 1964 revealed 92 cases of gonorrhea and 16 cases of recently contracted syphilis. The reported incidence of venereal disease was considerably lower for the other prisons. It seems unlikely that this difference reflects an underlying difference in the prison population. More likely it is the result of less thorough examination for venereal disease of persons entering the prison. The prison in Ljubljana has an established dermatological service. Weekly examinations of all female prisoners administratively punished are conducted by a specialist, who conducts examination on anyone suspected of infection. Blood samples for the Wassermann's Test are taken from all persons first entering the prison. Similar examination procedures should be introduced in all other larger prisons. Smaller prisons should take greater advantage of the system of local venereal-preventive and dermatological centers.

Recently local prisons have given special care to offenders whose alcoholism has resulted in particularly severe damage to various internal organs. High doses of vitamins in the B-group is used to prevent delirium associated with abstinence and to support the body in repairing the

harmful consequences of alcoholism. Of course with these measures the central core of the alcoholic habit remains untouched.

### Proposals

As we have seen, Slovenia has eight local prisons, populated by offenders over 16 years of age, of both sexes and of highly varied personality types, serving administrative and judicial sentences. It is not true, however, that all prison sentences are actually served, whether they be original sentences or ones substituted for fines which could not be paid. Offenders sentenced to very short prison terms (particularly administrative sentences) who live in remote districts either do not serve the term in prison at all, or do some manual work as a substitute (e. g., cutting of wood at the local police stations, cleaning floors, etc.). This practice was not anticipated by law, but rather grew up to meet practical needs. In our opinion it is not harmful. One must keep in mind that short sentences and non-collectable fines<sup>9</sup> are problems all over the world, and that differing solutions are being practiced. For example, in Czechoslovakia prison sentences of less than three months are not permitted. As a result, the majority of non-collectable fines are without consequence. We feel this approach undermines respect for administrative sentences more than does the present practice in Slovenia.

In view of the extreme heterogeneity of the population of our local prisons, not all current solutions are adequate. We shall therefore attempt to suggest some alternatives, with special consideration given to the separate groups of prisoners that can be differentiated on the basis of our data. Here we want to emphasize that the formulation of these proposals is based on existing legislation. However our suggestions may constitute a part of possible legislative changes that can contribute to a developmental process, a process that must proceed stepwise, without trying to assume a finished form prematurely. For the realization of intermediate phases must necessarily reveal new problems and new solutions.

#### *Habitual offenders against Public Order (petty offenders)*

Our data from Ljubljana and Murska Sobota show that some offenders return to the same prison six times and more within a three-year period. They are most often idlers and those sentenced for violent or indecent behavior.

<sup>9</sup> Deuxième Congrès des Nations Unies pour la Prévention du Crime et le Traitement des Délinquants, Londres, 8—19 août 1965, Publ. Nations Unies, page 34.

The basic law for petty offences<sup>10</sup> proscribes the fixing of the place of residence for up to 2 years (paragraphs 11 and 40) as a protective measure against more serious violators public order. Violators included in this category are defined by the seriousness of the offence, degree of social danger, and inclination of the offender to the behavior that necessitates his transfer to a fixed place of residence (par. 40). The protective measure of fixed residence can also be served in special institutions (par. 163).

There are no organizational possibilities in Slovenia for administration of the protective measure of fixing the place of residence in an institution. However, each year about 12 habitual offenders are sent to the island Grgur near Rab, where a work colony has been organized for such people by the Socialist Republic of Croatia. It is clear that judges in Slovenia rarely use this measure, most likely out of consideration of the remoteness of the work colony on Grgur, despite the fact that the problem of inveterate offenders against public order is acute also in Slovenia.

On the basis of our data we estimated that there were at least 280 inveterate offenders (petty offences) in Slovenia. It should be remembered that this estimate is conservative as a result of the conservative bias of the original data. Also, our data gives no information concerning the extent of the offender's ruthlessness towards society.

The Socialist Republic of Slovenia therefore needs a specially organized work colony for men (primarily for farm work or forestry) with a capacity of 200, and one for women repeatedly convicted of petty offences (semi-industrial) with a capacity of 80.

The prognosis for attempts to work with these people seem indeed poor if not sometime hopeless. But we feel that favorably organized conditions would at least accustom people to work under supervision. Under the present conditions such a form of reeducation is impossible. The preventive potential of an institution designed especially for people with an ingrained aversion to work deserves particular attention. It is known that such people tend to band together into cohesive groups upon release from prison. These groups include young people, and the pressure bearing on individual members is so great that even those who would withdraw cannot.<sup>11</sup> But if the ringleaders could be isolated and replaced for a longer period of time and the group disorganized, resocialization of less affected and more peripherally involved individuals might prove successful.

<sup>10</sup> Official legislative journal SFRJ 1965/26

<sup>11</sup> The problems of recidivism, Institute for Criminology, publ. no. 6, 1962, page 297.

Finally, it should be mentioned that our investigation indicated that habitual disturbers of peace and public order, when put in a conductively organized environment, become tractable, disciplined and even diligent. Vexliard reports a similar finding in his study of the habitual idlers and beggars.<sup>12</sup>

#### *Alcoholics*

In our study we were in no way able to determine the number of chronic alcoholics in our prisons. According to the 1959 estimate of the Republic Secretary for Social Security, persons affected by severe chronic alcoholism in Slovenia numbered 2,200. Our investigation of the social, psychological and health characteristics of delinquent and non-delinquent alcoholics<sup>13</sup> indicated that only very few of them had not had dealings with either the judge for petty offences or the regular court. The establishment of a medical and custodial home for asocial chronic alcoholics was discussed in a meeting of the Assembly of the Socialist Republic of Slovenia (March, 1965), and approved in principle. But even if this project were begun now, at least four years would pass before its completion, for at this time plans have been formulated only in roughest outlines. We feel that in the meantime some interim solution must be found to meet the acute problem of chronic alcoholics sentenced for petty offences (and to a lesser extent those sentenced for punishable acts, since judicial punishment policy permits their distribution among various kinds of penal institutions).

In the Novo mesto prison 41% of all sentences for punishable acts were for offences against life and body, category with the highest rate in Slovenia. Unfortunately, a more specific frequency distribution of the kinds of petty offences is unavailable for this prison. On the basis of these and other data concerning the consumption of alcohol in the region of Dolenjska, we concluded that in many cases the punishable acts or petty offences are committed under the influence of alcohol.

The Novo mesto prison could be adapted to accomodate 45 newcomers a month. If it would house only male chronic alcoholics serving the maximum administrative sentences for petty offenders (i. e. 30 or 60 days, The Basic Law for petty offences, par 10/2), the approximately 450 alcoholics could be dealt with yearly. Though it is clear that such a temporary solution could do little to cure alcoholics, it would at least allow temporary clinical support and partial help for some families. For these purposes the prison

would need a strengthened health service. Also, judges for petty offences would need to be informed of the existence of such an institution and instructed that sentences for people sent there should not be less than 30 days. A final question is whether the same prison could accommodate the chronic alcoholics who are liable to the protective measure of fixing of the place of residence for up to two years (the same Law, par. 163). Inclusion of this group of offenders would significantly lower the capacity of the institution.

#### *Juveniles and Young Adults*

According to the Basic Law for petty offences of 1958, only juveniles of 16 years or more (i. e. 16—18 years) could be sentenced to prison, either directly or for an unrecoverable fine. In either case the sentence was not to exceed 15 days (see par. 42).

In 1963, 388 juvenile sentences of this kind were served in Slovenia's local prisons. This number included at least 56 recidivists. Among these juvenile prisoners there were 79 girls-20% of the total.

The amended version of the Basic Law for petty offences (1965) retained the earlier rules for juvenile offenders, and added the stipulation that the opinion of the responsible social agency be obtained before the juvenile is sentenced. This change should result in a decrease in the number of juveniles sentenced to prison.

In light of the fact that juveniles sentenced for punishable acts are sent to special institutions, it is surprising that those sentenced for petty offences are put in the midst of adult offenders in the local prisons. Offenders in the former group are subjected to educational measures in educational institutions, or confined in strictly separate quarters (Celje prison), or special juvenile prisons, whereas those in the second are given no special treatment, except for usually being given separated dormitories. On the basis of our study it is apparent that many young offenders convicted of punishable acts begin their asocial careers with petty offences, primarily vagrancy. We feel therefore that the following would be appropriate:

— Judges for petty offences should pronounce no sentences of less than 15 days;<sup>14</sup>

— All juveniles so punished should serve their sentences in the prison at Celje, under the observation of a team of professionals who would

<sup>12</sup> Baycon, Pečar, Kobal, Uderman: Social, psychological and health characteristics of delinquent and non-delinquent alcoholics, Institute for Criminology of the Law Faculty in Ljubljana, 1963, pp. 232, 233.

<sup>14</sup> For the future an amendment of the existing law for petty offences should raise both the lower and the upper limits.

<sup>12</sup> Vexliard Alexandre, Le clochard, Deselee de Brouver, 1957.

determine how the young offender should be treated after release from prison.

— This team of professionals should give its opinion to the sentencing judge and to the social agency, which advised him.

Since the 16 to 18 year age group contains relatively few recidivists, also they should serve sentences for petty offences in the Celje prisons. In such case the professional team would not simply observe, but rather initiate additional work with the juvenile.

In 1963 there were also 1,523 young adults (18 to 21 years of age) serving sentences in the local prisons. Of these, 1,356 were convicted of petty offences and the remaining 167 convicted of punishable acts.

The 306 young women sentenced for petty offences (primarily idleness and prostitution) constituted 22% of the total. Young women sentenced for punishable acts (primarily punishable acts against property) numbered 13, or 8%.

More than 40% of the young adults convicted of punishable acts, that is 68, including 32 recidivists, were sentenced to imprisonment, of more than six months. We are of the opinion that all such young men should be placed in a special section of the Penitentiary at Dob and the young women in Penitentiary at Ig. Otherwise, young men convicted of punishable acts against property and all recidivists should be put in the prison at Celje, while those sentenced for the first time for other punishable acts should be confined in the other local prisons. We have considered the offenders convicted of punishable acts against property as a special category, for they are the most prone to recidivism. Accordingly, they should be given special attention as soon as possible.

Prison sentences of up to nine days were pronounced in 325 cases (24%) of young adults convicted of petty offences. We consider such sentences highly inadequate, especially for young people, since they probably serve only to acquaint the offender with the prison, without any frightening or inconveniencing of him. We collected no particular evidence concerning the number of such sentences given to habitual idlers, but we assume that they were not unusual, since idleness constituted 40% of all misdemeanors.

The following suggestions therefore seem appropriate:

— The judges for petty offences should also refrain from pronouncing prison sentences of less than 15 days for young adults, and rather implement the other available measures. Such penalties should be used in exceptional cases as a replacement for unrecoverable fines.

— All young adult men convicted of idleness or reconvicted of the other kinds of petty offences should be placed in the prison of Celje.

Women in this category should be placed in the Penitentiary of Ig. Administrative prison sentences (minimum of 15 days) in these cases could allow observation of the offenders.

— We feel that the damage to the personalities of some habitually idle young adults is so extensive as to require extended institutionalization. We therefore propose the establishment of a special division in the Celje prison to house men sentenced to the protective measure of fixing of place of residence up to two years (according to article 163 of basic Law for petty offences). This measure should also be employed for inveterate recidivists. We base this proposal on the grounds that the prospects for the success of treatment, including introduction of good work attitudes and a respectable way of life, are greater for the young. If these proposals were to be implemented, a strong team of professional workers would need to be organized in the prison at Celje (initially at least one permanently employed social worker and one psychologist, but later on, due to the high rate of turnover of prisoners, two social workers and two psychologists, and one visiting psychiatrist). All prisoners of 23 (or perhaps 21) years and more that originally would serve their short sentences at Celje would in the future be transferred to the nearby Maribor prison.

Here we would of course encounter the difficulty of having to deal in the Celje prison with many different kinds of young prisoners requiring separate divisions and various methods of treatment.

We should also consider the possibility of excluding girls from the Celje prison. Female juvenile offenders with administrative sentences of 15 days imprisonment could be placed in the home for observation at Jarše, provided the local authorities would pay for them, which seems a likely solution. Within the planned working colony for women a special group would need to be organized for those sentenced to the protective measure of fixing of the place of residence.

#### Other Prisoners

As stated before, the organization of prisons is a gradual developmental process. Therefore we feel that improvement could at least begin with utilization of the following organization opportunities: isolation of the more inveterate disturbers of the peace and public order from the present heterogeneous prison population placing of juveniles, some of the younger adults, and the more severely alcoholic offenders in the prisons in Celje and Novo mesto. It is true that these measures would cause certain difficulties and expense increases related to transporting prisoners to special

institutions, but Slovenia is relatively small, and we feel the distances can certainly be dealt with. But on the other hand, the importance of these selected categories of prisoners justifies extra efforts on their behalf. Finally, we suggest that no offenders in these selected categories should be sentenced to prison terms of less than 15 (or 30) days. We anticipate a different solution to these problems in regard to de lege ferenda.

Until it is possible to isolate other categories of offenders in special institutions, the remaining prisoners would of necessity remain undifferentiated in the other local prisons.

Sooner or later the possibility of designating one of the smaller prisons exclusively for women must be considered. This possibility would become more concrete when inveterate female recidivists have been placed in an institution for administration of the measure of fixing of place of residence, and when juvenile women are placed elsewhere. Only then could the extent of the remaining female prison population be determined, together with the length of their sentences.

#### *Attempt to Organize Penal Labor without Imprisonment*

In our discussion we have not yet mentioned those people receiving administrative or judicial prison sentences as retributive punishments, but whose continued confinement in prison is not required. In France and Belgium, so-called «weekend imprisonment» is employed in such cases. Introduction of this procedure is anticipated in Poland. In the Soviet Union so-called compulsory or corrective labor without imprisonment is used. Here in Yugoslavia, similar punishment in the form of corrective labor was also formerly in use (law concerning kinds of punishments, 1945). Bad organization resulted in degeneration of this kind of punishment, and it was eliminated in subsequent legislation.

Imprisonment on the weekends, a substitute for continuous imprisonment, implies occupation of specially reserved prison space and thus requires an eventual increase in prison capacities.

The fact that the punishment of compulsory labor degenerated here because of poor organization does not mean that it could not be successful under other conditions. One objection raised against such sentences was that work cannot be a punishment. This may be so in principle, but the fact is that under present conditions brief imprisonment serves primarily to occupy prisoners with planned work, with little possibilities for other educational or corrective influences. The same applies to weekend sentences.

If the punishment of organized labor is to be reconsidered, it seems advisable to test the proposed methods of administration beforehand. This is particularly advisable because of doubt as to methods would meet with success.

It would therefore seem appropriate to introduce such organized work at first only in the prison in Ljubljana, and for a limited number of prisoners. A special work area could be set up in prison or at some other appropriate location. Persons serving the sentence would come to work each day, but spend the remainder of their time at home. This experiment should last six months. If successful, a greater number of prisoners could be included in the following six-month period, but still only in Ljubljana. Then the procedure could be tried in some other local prisons in Slovenia. In this manner enough experience could be gained to decide whether such punishment can be suggested de lege ferenda.

Among technical questions are the following: compensation of work, behavior during free time, laxity in reporting for work, cancellation of the special regimen, health protection etc. None of these questions pose a fundamental hindrance for the above proposal.

#### *Evidence of recidivism*

Our research found that no reliable data exists showing the extent of recidivism among petty offenders. In general, the number of people convicted of petty offences is too great for centrally coordinated evidence to be collected. However, we feel that such a task could be accomplished at least for a more limited group — those punished for petty offences by prison sentences. We estimate that two full-time employees could keep centralized records for such sentences, in the form of cards indexed by name. The information would be available for judges of petty offences on request by telephone. To this end, all local prisons would have to make copies of the entries in the prison registers which would be sent to the central evidence office. These copies would be delivered each time a page of the register was filled, with offenders convicted of petty offences checked off. A method of this sort for collecting data seems badly needed in the near future if any serious effort is to be made to segregate recidivists in work colonies.

#### *Problems of Centralization and Decentralization in the Local Prisons*

Our introductory remarks pointed out that the functional value of prisons for short imprisonments was in question all over the world. Their cost is considerable, their effects less than minimal.

Many factors contribute to this state of affairs. First of all, there are no clear theoretical guidelines showing which educational methods are useful in reorienting asocial persons. Though individuals and many institutions giving full-time care have tried to introduce educational methods, their efficacy has not been verified. And on a world-wide scale, methods of verification of educational endeavours have only begun to be developed. Concrete theoretical generalization must wait for accurate determination of the effectiveness of different educational methods in dealing with different personality types and varying degree of asociality. The socialization of asocial people requires reorientation and guidance, partially through pedagogical and andragogical methods, and partially through medical and socially oriented treatment. In other words, methods already developed for the practical treatment of other groups of people, but as yet unproved in the penal field. Thus they do not guarantee qualitative improvement in the methods required by this special population.

If the above observations apply to penal efforts in general, they must be particularly pertinent for institutions with a high inmate turnover rate and poorly qualified staff — e. g., the local prisons. Here the situation does not permit even to giving of detailed instructions as to how to proceed.

The primary means for progress are carefully planned and verified experiments. Great flexibility and daring are needed, counterbalanced by guarantees that such experiments will be introduced gradually and with high standards of personal and professional responsibility. Otherwise only confusion can result.

A small republic such as Slovenia can not be expected to have large numbers of qualified

professional workers available for research in penal methods. It is probably also unnecessary. Due to the small size of the prison population, a small professional team would suffice. This team should have the opportunity for further education, including the study of methods and experiments in other countries, and freedom to conduct occasional experiments here in Slovenia. In the process enough experience would be acquired to permit the intensive and successful advising of our penal institutions, which would in the meantime devote themselves to their work without special innovations.

If the functional value of penal institutions is questioned in the above manner, it becomes clear that it is objectively unfeasible and unsuitable to require the communal administration to deal with the problem. This work is complex and many-sided, being not only practical, but also academic and pedagogical-and therefore of necessity also practical. We feel that the responsibility for it should be placed in the hands of a special department in the republic's Secretariat for Inner Affairs.

Although it is the case that no institute could do the job successfully, lacking the necessary operative authority, institutes functioning as research centers could offer the administrative department all possible professional aid.

On the other hand, we include in our proposals the suggestion that the penal institutions be given greater economic and financial autonomy.

Our proposals therefore imply a reduction of communal control over the functioning of penal institutions. We offer them with particular awareness of the conditions prevailing in our republic, with its small population.