

The penal narratives of community sentence and the role of probation: The case of the Wrocław model of community service

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Abstract

This article draws on Robinson, McNeill and Maruna's argument about the adaptability of community sanctions and measures, observed through four distinctive penal narratives, in order to shed light on the regional development of community service in Wrocław, Poland. While the managerial adaptation of community sanctions is underpinned by an inter-agency cooperation to fulfil the goals of the system, the contemporary rehabilitation iteration has become a toolkit of measures predominantly phrased around risk management, the reparative discourse seeks various means to repair harm and the punitive orientation represents the turn to desert-based and populist sentencing frameworks. In this article, the first three are reflected upon along with the emerging, restorative adaptation of community sanctions. The last one is added to expand on the findings of this author's previous research, which suggests the viability of the restorative orientation for community service in Poland. A brief discussion of how punishment, probation and restorative justice can be reconciled is followed by the introduction of Polish probation and the role of probation officers in delivering community service in Poland. Although the penal narratives are visible in the Wrocław model to different degrees and in various combinations, more research is required to evaluate the viability of a progressive orientation to punishment during a gradual optimisation of community orders.

Keywords

Community punishment, community service, Polish probation, restorative justice

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Introduction

This article aims at integrating three criminological concepts: punishment, probation and restorative justice; although rarely present together, the recent developments on practical grounds have forged an interesting alliance. This article looks at these concepts, in the Polish context, which is still little known to the international audience and analyses their practical operation through the case of the Wrocław model of community service. The significant growth of community sanctions in Europe was observed by McNeill (2013) as the outcome of an increasing public and political concern over the cost of imprisonment – the management and implementation of which has been gradually entrusted to probation officers. Although the evolution of community sanctions and measures varied in Europe and its increased use did not bring about the anticipated decrease of prison populations (see Aebi et al., 2015), the interest in community sanctions has been growing also due to its intrinsic value (see Yang, 2018) and the increasing range of measures that go beyond traditionally rehabilitative options (see McNeill, 2013). As with any form of punishment, community sanctions emerge within the ever-changing penal field and are always moulded in a specific context. Robinson et al. (2012) argued that the survival of community sanctions lies exactly in their potential to evolve or adapt to new realities and their ability to manoeuvre through four penal narratives: managerial, punitive, rehabilitative and reparative. In this article, the fifth, restorative reality, is added to expand on the findings of this author's previous research, which suggests the viability of the restorative orientation for community service in Poland (Matczak, 2018). The first part of the article will discuss how punishment, probation and restorative justice can be reconciled on theoretical grounds. The second part will introduce Polish probation and outline the nature of the Polish community order. Then, the probation-led Wrocław model of community service delivery will be discussed in light of the aforementioned penal realities, which interestingly permeate its functioning.

Reconciling punishment, probation and restorative justice

Punishment is one of the most complex and dynamic criminological concepts to define, due to the fact that it is ‘not only a reaction to crime but it is a social process with social causes and social effects’ (Garland, 2012: 24). Punishment carries many purposes, justifications and meanings, which, as argued by Canton (2007), are intrinsically conflicted and contested and as a consequence create inherent tensions between ‘hard’ and ‘soft’ responses to wrongdoings. One way of analysing these consequences would be to draw on Duff’s (2001) argument and investigate the punishment modes of inclusion or exclusion, with the former being desired, as it leads to the notion of ‘criminal punishment as a communicative, penitential process that aims to persuade offenders to recognize and repent the wrongs they have done, to reform themselves, and so to reconcile themselves with those they have wronged’ (Duff, 2001: 175). The effects of punishment are not always equal to the intentions of the sentencing actors, as the essence of a punishment is also shaped by the manner of its implementation and the experiences of the offender (Canton, 2018). Walgrave (2004) says that it is the ‘mental location’ of the painfulness that counts, and even if there is no intention to inflict pain, there must be an awareness of the hardship of even reparative obligations by offenders.

The philosophy of punishment has extended its deliberations by reflecting more on the role and place of probation within the punishment paradigm. Canton (2007) states that for a long time, probation has been seen as an alternative to punishment, an agency that expresses the belief in the capacity of people to change. However, probation is now an agency of the contemporary modern penal system that is involved in the implementation of punishment, and inevitably caught up in these competing discourses and dilemmas of what punishment is or should be (Canton, 2007). For Duff (2001), the central aims of probation, and the increased responsibility in administering punishments in the community, are still conforming to the aims of criminal punishment, which is communicative and inclusionary.

The nature of comments made about the relationship between probation and punishment resembles that of comments related to restorative justice and punishment. In early discussions on restorative justice, some scholars rejected the idea of seeing restorative justice as an alternative punishment, arguing that restoration should replace the infliction of pain, coercion and painful obligations, and that reparation, along with the process of healing, should become a common goal (see Christie, 1981; Zehr, 1985). Although restorative justice is clearly different from the predominant punitive apriorism in the current criminal justice response to crime, Walgrave (2008) emphasises that distinguishing between restorative justice and punitive criminal justice does not mean totally abandoning coercion and legalism. Duff (2002) and Daly (2012) reconcile punishment and restoration, arguing that restorative justice unavoidably contains punitive aspects and criminal punishment is necessary for restoration. Restorative justice has also been discussed as an engaging process that is compatible with the communicative function of punishment (Duff, 2001; Walgrave, 2004), but nonetheless may result in producing restorative pain – the type of pain, that is welcomed and justified, is a natural by-product of a restorative practice that aims to cleanse, restore, construct, repair and reintegrate (Gavrielides, 2016). What is at issue in the relationship between punishment and restorative justice is again the intention of the decision-makers, the nature of restorative reparation (whether desired or not), as well as the perceptions of the relationship by victims and offenders.

Over the past decade, restorative justice has made a substantial move from the margins to the mainstream of criminal justice, with an increased interest from criminal justice agencies in applying restorative processes and principles in order to remodel their practices and empower their services (Marder, 2020). The probation service has not only become the next gatekeeper and referrer of cases to restorative justice programmes but has also grown into an active justice architect in developing and promoting a restorative culture in countries like Latvia, Czechia, England and Wales, as well as Ireland (Marder, 2020). In case of Poland, this has taken a rather slow takeoff; however, the most recent developments in the Lower Silesian city of Wrocław suggest an emerging adaptation of the restorative justice philosophy to the execution of community service.

Introducing Polish probation

The origins of Polish probation can be traced back to as early as 1919 when Józef Piłsudski, the Chief of State and First Marshal of Poland during the interwar period, implemented founding legislation that gave rise to the first youth courts and introduced

so-called ‘permanent social guardians’¹ appointed by the court (Stasiorowski, 2018). The guardians performed probation-like tasks in relation to young offenders under 17 years of age and are seen in Poland as the predecessors of professional probation officers for juvenile offenders (Marzec-Holka, 1997). The timing of the introduction of a probation-like institution was very important as the legislative changes were predominantly aimed at the youth that were orphans of the First World War. Although the early discussions on the nature and functioning of Polish probation were influenced by examples from the United Kingdom, the United States, Belgium and France (Zinkiewicz, 2004), shortly before the outbreak of the Second World War the rising cost of financing probation officers for juveniles changed the probation model into a community-based system (Witkowska-Paleń, 2005).

Although the subsequent political changes put Poland under Soviet domination, Polish probation experienced further steady development. Under the socialist regime, probation officers began to be organised in teams, and the repertoire of their tasks expanded (Stasiak, 2010). This was also the time when probation expertise started to evolve as two separate family and adult branches, with the introduction of probation officers for adult offenders on conditional release in 1958 (Wilamowska, 2008). The postwar legislative changes allowed for the development of a two-tier model of probation that still, today, consists of community and professional probation officers – something that has remained a very distinctive feature of the Polish probation system² until today (Witkowska-Paleń, 2005). Although the role of community probation officers has always been to support the work of professional probation officers by supervising and assisting offenders in the communities in which they live, community probation officers have always outnumbered professional ones, which has caused the system to be viewed as non-professional and on the margins of the justice system. Nonetheless, since the 1980s, there has been a gradual process of amending this model and giving priority to professional probation officers (Zinkiewicz, 2004). The professionalisation of Polish probation has grown along with an increased emphasis on the idea that the nature of probation work is to be rehabilitative rather than controlling, and that Polish probation should move from assisting the court to becoming an independent pillar in the justice system (Zinkiewicz, 2004).

The turning point for the professionalisation of the probation system in Poland occurred with the implementation of the *Probation Officers Act* on 27 July 2001, which along with the *Law on the Organization of Common Law Courts Act*, implemented on the same day, aimed at a comprehensive regulation and strengthening of the role of probation in the Polish justice system. The legislation regulated the terms and conditions of probation work, and the rights and obligations of probation officers; clarified the hierarchical probation structure; and substantially maintained the priority of the professional probation model over the community branch (Wilamowska, 2008). As a consequence, the consolidated legislation marked the professionalisation threshold for the Probation service in Poland, which was eventually transformed from semi-professional and ancillary to a decentralised, executive branch of the court system, which has resulted in higher qualification standards for probation officers as well as improved financial standing, and also increased the status of probation work (Rzepniewski, 2018; Stasiak, 2010). Polish probation is now defined as a profession of public trust, the functioning of which is well incorporated within the Polish court structure.

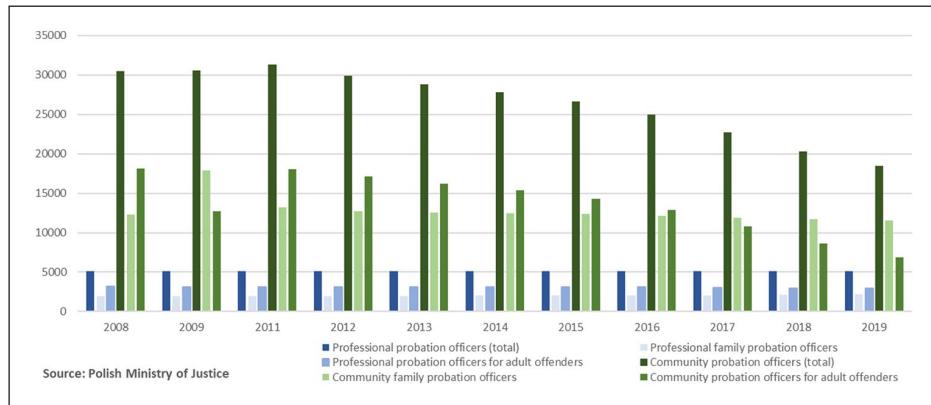


Figure 1. Probation appointments, 2008–2019.

The 2001 *Probation Officers Act* maintained the hybrid probation structure and specialisation determined by the level of professionalisation (community vs professional probation officers) and sentencing, which means that the Polish system of probation is divided into two groups: probation officers for adult offenders and family probation officers (who deal with family and youth cases). The professional branch of Polish probation is still supported by the auxiliary system of community probation officers, constituted by a very diverse group of citizens from various backgrounds, with various experience, who, in contrast to professional officers, are not obliged to complete a probation apprenticeship. Although the specialisation of community probation officers reflects that of professional probation officers (adult vs family/juvenile), a review of the available Polish research in this field suggests that this branch of the system is not sufficiently prepared, motivated and trained to work with offenders (see Witkowska-Paleń, 2005). Despite the fact that the number of community probation officers is still significantly higher than that of professional probation officers, the community branch is a very dynamic system with frequent instances of officers suspending their activity due to other commitments and, overall, a gradual decline in appointments, as shown in Figure 1.

Although Durnescu (2008) offers a useful typology of probation models that can be predominantly tasked with either (1) promoting community measures and sanctions, (2) assisting the judiciary, (3) rehabilitating offenders and protecting the public or (4) enforcing the community punishment model, the application of this typology is not an easy exercise in the Polish context. The 2001 *Probation Officers Act* sets out that Polish probation officers perform duties that are of a pedagogical-rehabilitative, diagnostical, preventive and controlling nature – the order of which is not coincidental, according to Rzepniewski (2018). Although the pedagogical/rehabilitative school of thought also guided the Polish model of probation in its early days, Wójcik (2015) indicates that the concept of rehabilitation, in the full sense of the word, has never fully materialised in Polish probation practice. The essence of the current probation tasks, which predominantly comprise interviews for court-appointed reports, supervision³ and the execution of community orders (see Figure 2), suggests that the main role of Polish probation

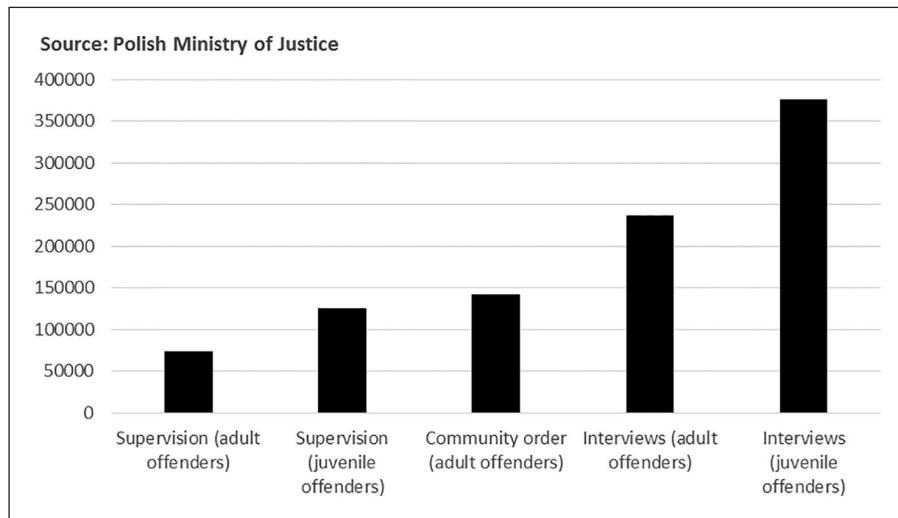


Figure 2. Probation tasks in 2019.

officers is to execute court orders rather than to enhance the rehabilitation of offenders. The early evaluation research on the nature of probation supervision in Poland further suggested that officers would lean more towards the control rather than the rehabilitation model of probation (Witkowska-Paleń, 2005). Unlike in other countries where probation has been organised through various initiatives of local communities, social services or charities, and has remained independent of the court system, Wójcik (2015) maintains that the development and nature of the Polish probation service have always aimed at assisting and serving the court system first. However, as will be discussed later in this article, the examples of delivering local responses to local problems might illustrate an opposite view.

Polish probation and community service

Traditionally, all probation officers in Poland have been mainly responsible for conducting background interviews, preparing pre-sentence reports, supervising court orders, and monitoring potential breaches and the general management of sentences. Between 1 January 2014 and 30 June 2017, 600,000 offenders were under probation supervision (Najwyższa Izba Kontroli, 2018). The most recent estimates, based on the same calculations as in the 2018 *Probation and Prisons in Europe, Key Findings of the SPACE Reports*, make Poland the country with the highest number of persons subject to community sanctions and measures in Europe (Mista, 2019), which is undoubtedly reflected in the probation workload.

A major change to the composition of probation work occurred in 2015 when there was a significant increase in managing and supervising community orders⁴ (by 35.9%, from 836,000 in 2014 to 1,136,000 in 2016) (Najwyższa Izba Kontroli, 2018). This was

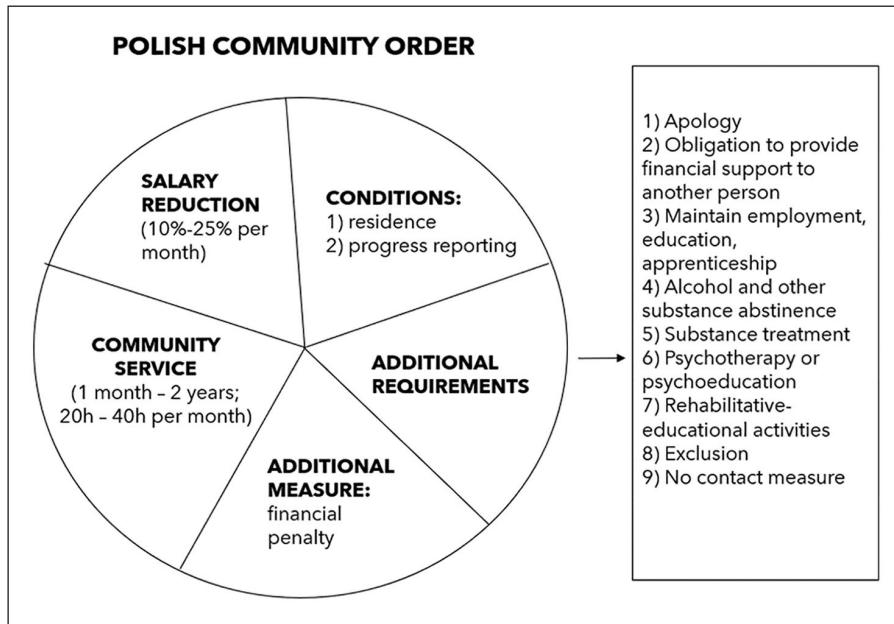


Figure 3. The composition of Polish community order.

due to the 2015 legislative change that intended to revive the popularity of community orders among Polish judges. The 2015 amendment was in place for only 9 months; however, over the past few years, there has been a significant rise in the use of community orders in Poland, which are believed to have become an alternative to short-term imprisonment (and fine). This has resulted in an overall reduction in the incarceration rate in Poland, as hoped for in other countries as well.

The particulars of the Polish Community Order are detailed in Article 34 of the Polish Penal Code and its particular elements are depicted in Figure 3. The main components of the Polish Community Order are community service and salary reduction, each of which can be accompanied with one or more additional requirements. Moreover, each adult offender, sentenced to a community order, is subject to two conditions: he or she must not change his or her place of permanent address without the consent of the court and he or she is required to report to probation officers on the progress of the sentence served. Although the provisions of the Polish community order enable judges to select any combination of conditions and requirements, in practice the sanction is predominantly understood with the obligation of community service.

Although community service in Poland is not a penal sanction in its own right, it is the unpaid work element that dominates the community order. This comes with an increased role of probation officers in shaping the nature of community service, as since 2009 it has been their sole responsibility to manage the execution of community service and liaise with institutions and organisations that participate in providing community service placements (Zglińska, 2017). This development resembles the early days of community

service in England and Wales when ‘community service forged a new role for probation officers in becoming the brokers of resources, opening up opportunities for offenders whose social networks had been closed off’ (de Smit cited in Harding, 2015: 147).

The Polish law envisages the nature of community service to be unpaid, and supervised, provided and coordinated by companies, health and social care institutions, or charities; however, the recommended work needs to provide tangible benefits to the local community (Janus-Dębska, 2014). The amendment of the Penal Code from 2009 highlighted that the intention behind work as community service was to teach offenders conscientiousness and discipline. Undertaking unpaid work in places such as hospitals, care homes, hospices or homeless shelters aims at influencing offenders’ life goals and seeking to change their attitudes. It can also support rehabilitation by instilling a work ethic and routine, teaching cooperation and work-related skills, and promoting reintegration in the community. As of now, there are no provisions, however, to impose unpaid work that would be addressed directly at the victims of crime. Although Janus-Dębska (2014) acknowledged that the execution of unpaid work still encounters certain obstacles, such as unwillingness on the part of offenders, the rate of successfully completed hours of community service remains high.⁵

The evolution and expansion of the use of the Polish community order can be interpreted along with McNeill’s (2013) observation that the growth of community sanctions in Europe is the outcome of an increasing public and political concern about the costs of imprisonment. According to Robinson and McNeill (2015), community punishments in particular are not a static part of the penal field as they are vulnerable to influences, and, to retain legitimacy, community punishment may be required to adapt or evolve. The survival of community sanctions lies in their potential to adapt to new realities and their ability to manoeuvre through four penal narratives: managerial, punitive, rehabilitative and reparative (Robinson and McNeill, 2015). Since the implementation of the 1997 Penal Code in Poland, the provisions with regard to community orders have gone through a significant transformation, which includes not only the content of the regulations but also allowing probation officers to shape their process of implementation. It is now the shared responsibility of professional probation officers and the respective local authorities to organise, deliver and manage community orders in Poland (Miśta, 2017), which has been seen in Poland as an opportunity for punishments to be saturated with probation values and for making Polish professional probation officers more independent justice actors (Miśta, 2017).

Community sanctions are traditionally perceived as the key domain for rehabilitative interventions, the purpose of which is to become a viable alternative to imprisonment (Robinson, 2016). However, the change in legal philosophy of European instruments on community suggests that the increasing use of community sanctions in Europe is due to the confidence in their inherent values and benefits (Yang, 2018). The reparative potential of community sanctions and measures is argued by Robinson and colleagues to be the most interesting contemporary development, which should be carefully observed as it brings the most hope to the penal scene (Robinson et al., 2012). The purpose of the next section of the article is to introduce the case of the Wrocław model of community service delivery and expand on the argument by Robinson, McNeill and Maruna about the penal realities of community sanctions, which are approached by the authors as overlapping

rather than discrete categories, which, longing for legitimacy, must adapt in order to survive in late modern societies (Robinson et al., 2012: 600).

The Wrocław model of community service delivery

The way in which community orders are delivered in Wrocław is frequently referred to as the ‘cascade model’, which has been continuously modelled since 2007 through local and multi-agency collaboration. The Wrocław cascade model involves two levels of organisation and distribution of community service in the city. At the beginning of the 21st century, there was an overwhelming surplus of community service orders compared to the number of institutions providing community service placements, which was amplified by the belief that unpaid work performed by convicted offenders was of no value and the management of it was too expensive (Miśta, 2017). The situation was exacerbated by the understaffed and strained local probation service. Upon the request of the Presidents of the Wrocław District Courts, it was decided that two partner institutions, the Wrocław Integration Centre, a local government unit, and a non-profit charity, People for People, would be responsible for the execution of community orders or, more precisely, for providing community service placements (Miśta, 2017). Consequently, the partner institutions, as the next level of the cascade model after the probation officers, were tasked with expanding the network of placement providers.

This solution has turned out to be very successful, and the efficient and well-received functioning of the Wrocław cascade system led, in 2016, to the launch of the Wrocław Centre for Restorative Justice (hereinafter WCSN⁶) – a local ancillary project that operates within the Wrocław Integration Centre, the objective of which was to optimise the cascade model further. The idea of the WCSN was introduced by local probation officers to the Lower Silesian Local Council for Social Inclusion and Post-Sentencing Assistance, and then, in October 2016,⁷ it was approved by a later honorary patron of the project, the Main Council for Social Inclusion and Post-Sentencing Assistance, which is a consultative body to the Polish Ministry of Justice. The overriding goal of the WCSN is, in essence, to further enhance the delivery of community service in Wrocław, but in light of a number of progressive theoretical considerations, which will be discussed later in the article.

The early rationale behind the Wrocław model of community service delivery fell under the managerial (penal) reality of community sanctions, which was defined by Robinson et al. (2012) as dominated by the notion of *systemisation: that is, the transformation of what was formerly a series of relatively independent bodies or agencies into a ‘system’*. Currently all community orders imposed in Wrocław are first received by probation officers who then refer cases to one of the aforementioned partner institutions. These, as the second level of the cascade model, are then responsible for directing the order to one of the placement providers in their respective network, which has grown over the years from 20 to over a 100 such providers (Miśta, 2017). It is emphasised that among the key characteristic features of the cascade model is its efficiency, flexibility, adjustment, consistency of procedures, data safety and complementarity (Miśta, 2017). Upon a first reading, the Wrocław cascade model of delivering community orders can be seen to be an inter-agency collaboration, which originated as a response to underperformance of the system – which it has successfully addressed the issues and optimised

the system. Moreover, as argued by Robinson et al. (2012), the ‘managerial adaptivity’ of community sanctions is conditioned by their quest for legitimacy, which is also mirrored, for example, in the flow of information about the progress and the economics of unpaid work performed by community service offenders (Miśta, 2017) – a mechanism that aims at creating legitimacy and support for the system in Wrocław.

The rehabilitative orientation of the Wrocław cascade model lies in the additional support that is offered by the partner institutions. Although both institutions offer (or can refer to) individual therapies, in-kind/material assistance, employment, and legal or debt advice (Miśta, 2017), the rehabilitate potential is particularly accentuated in the activity of the People for People charity run by Ewa and Erazm Humienny. The charity was founded in 1996 to assist ex-prisoners who were at high risk of homelessness (Stowarzyszenie Pomocy Ludzie Ludziom, 2014). Over the years, the couple has not only specialised in helping vulnerable individuals but has also built an extensive network of contacts. While the charity participates in the system of managing community orders, it also seeks to help people obtain appropriate qualifications, education or therapies in order to break the cycle of criminality.⁸ Likewise, Miśta (2017) observes that the cascade model also allows probation officers to concentrate more on their probationers. Contrary to the point made by Robinson et al. (2012) in relation to Anglo-Saxon jurisdictions, the rehabilitation agenda in Poland has not at any point taken centre stage, nor has it been reoriented into overly punitive terms. However, the rehabilitative trait of the Wrocław cascade model still comes as a ‘means’ rather than as ‘end’ goals.

The reparative strategy, according to Robinson et al. (2012), is the most interesting contemporary development in the field of community sanctions and the brightest hope for the future,⁹ which is also often discussed along with the community justice movement that has assigned a central role to reparation. The website¹⁰ of the WCSN clearly states that the overarching goal of the approach to community service is to hold people to account for their offending while supporting them to make positive contributions to their communities. Such an approach is consistent with one of the key findings from a qualitative study on the understandings of punishment and justice in the narratives of lay Polish people, in which the reparative nature of community service was overwhelmingly favoured by the participants (see Matczak, 2018). One of the criminological concepts that inspired the launch of the WCSN was the notion of a community court,¹¹ and more particularly how it was conceptualised by the Red Hook Community Justice Centre, which is defined by Fagan and Malkin (2003: 900) as

a court physically closer to the community, more responsive to the problems that give rise to crime, and accountable to the community to reduce crime and deliver remedial services, offers the Court a transformative role that will involve citizens in the processes of social regulation and control that are essential to crime prevention and justice.

Unsurprisingly, one of the central elements of the reparative strategy of the Wrocław model is to bridge the gap between citizens, local communities and the justice system, and allow them as a community to participate in the justice process. In practice, this means that aside from participating in the receipt of offenders who are required to do unpaid work, the WCSN also monitors the needs of local communities and liaises with

any local institutions, charities and businesses that express an interest in accommodating community service placements. Likewise, individual citizens can also report to the WCSN acts of vandalism or hate speech for which unpaid work can be performed (Miśta, 2017). The reparative (penal) reality now serves as a strong, focal point of the Wrocław model of community sanctions delivery; it undoubtedly exposes community service as a reparative sanction that can nurture community spirit and enhance informal social control. However, research from England and Wales suggests that the public appetite for active participation in the design and delivery of justice solutions is limited and might rarely go beyond the 'civic core' of the population (Jacobson, 2015).

Although the restorative orientation to community sanctions was absent in Robinson et al.'s (2012) analysis of the penal adaptations of community sanctions, the restorative justice philosophy was introduced by the WCSN to advance the delivery of community service, to emphasise the need for community engagement and to popularise restorative justice among probation officers. More recent developments have shown that the WCSN is a restoratively inclined agency and is becoming the lynchpin of popularising restorative justice not only in Wrocław but also countrywide. At the beginning of 2019, the founding fathers of the WCSN engaged in a collaborative project titled 'Restorative Justice: Strategies for Change (RJS4C)', which in November 2019 resulted in the launch of the Wrocław Board for Restorative Justice. Among the main objectives of the Board is to popularise restorative justice programmes as well as to prepare Wrocław to gain the status of a restorative justice city. The Wrocław model does not currently provide any restorative justice programmes; however, the activity of the WCSN founding fathers brings the perspective of transforming community service into restorative practice.

Although restorative justice can be seen as a somewhat 'widening river' (Zehr, 2002: 62) of practices that would formerly have been defined as diversions from court, rehabilitative schemes or community-based penalties but are now increasingly being referred to with the term 'restorative' to define their principles (Daly, 2012), more reflection is required, in particular, on how to differentiate the restorative from the reparative orientation to community service in the Wrocław model of community service, and elsewhere.

While the reparative adaptation of community sanctions is achieved through the offender's engagement in community service that is mostly of benefit to local community, the restorative orientation to community sanction should be more victim-focused and provide opportunities for direct or indirect dialogue between all parties affected by the crime. Restorative justice is a complex, evolving and contested philosophy, which is frequently referred to as an 'umbrella concept' with many different forms around the world (see Shapland et al., 2006); however, the core values of restorative justice have remained intact. The restorative justice process provides a framework for 'restoration as a continuum of responses to the range of needs and harms experienced by victims, offenders and the community' (Zehr and Mika, 2003: 41), which is encouraged through a heightened level of participation by those affected directly by the crime. To that end, the Wrocław model of community service, and WCSN in particular, still needs to accommodate the basic restorative justice principles (of dialogue, victim-focus and reconciliation) better.

In like manner, the main difference between restorative justice and restorative practice is that while restorative justice creates an opportunity for those harmed by crime and those responsible for the harm to meet and communicate, restorative practice is a

much broader field that can be used anywhere to restore relationships that may not directly involve those harmed and those responsible for the harm. Rule 59 of the *Recommendation CM/Rec(2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters* outlines a number of practices, among which are, for example, community reparation schemes, which, if designed and delivered in accordance with basic restorative justice principles, can be considered as restorative practices.

The restorative practice of community service can gradually come to be seen as a restorative measure that can help offenders to restore their relations with their respective communities, could serve as a better means to redeem one's wrongdoings and might initiate a 'thinking process' that involves acknowledging one's actions, taking responsibility and feeling remorseful. While still conceptually distant, restorative encounters can set the stage for rehabilitative or reparative outcomes and establish the ongoing role of the offender's place within the community (Ward et al., 2014).

Although making reparations is part and parcel of restorative justice, Strang and Braithwaite (2001) rightly observed that the concept of community and reparation gains the least attention in the discussion on restorative justice. Wood and Suzuki (2016) have warned that restorative justice has become an attractive and plastic concept that is applied to already-existing or new justice interventions, something that, according to them, has little to do with restorative justice. Furthermore, in the case of Wrocław, restorative justice was introduced alongside the concept of community justice. With this in mind, McCold (2004) warns against treating both concepts alike, as for community justice, restorative justice is helpful, but it is seen as only one of many ways to empower citizens. Finally, there is always a risk that even the most prominent new practices invented by committed practitioners and adapted to local circumstances according to Walgrave (2008) do not guarantee that the practice will ever become fully restorative. Despite the fact that the future of community service as a restorative practice is yet to be determined in Wrocław, the role of WCSN is now to shift this debate and operationalise the restorative justice framework into a set of perceptible measures.

Concluding thoughts

The objective of this article was to reconcile the debates on punishment, probation and restorative justice through the application of Robinson et al.'s (2012) framework of penal narratives around community sanctions to a local community service development in Poland. Over the last few years, there has been a significant increase in community sanctions and restorative justice programmes in Europe and these developments should be contextualised within the broader dynamics of the penal field. When such reviews are made, they mostly discuss the Anglo-Saxon penal landscapes. This article introduces the Polish context of probation service, which, despite its long tradition and practice, has remained little known to the international audience.

The Wrocław model of community service delivery shows the potential of a communicative, inclusionary orientation to community punishment that has evolved and adapted to new realities, which interestingly corroborates the argument regarding the penal realities surrounding community sanctions made by Robinson et al. (2012). These penal

realities are visible in the Wrocław model to different degrees and in various combinations – something that can be described as ‘braiding of “old” and “new” forms and functions: the old tends to survive (or adapt) alongside the new, rather than being supplanted by it’ (Robinson et al., 2012). The managerial narrative, which dominated the early days after the launch of the practice, persists alongside the reparative orientation, the current flagship narrative that is intermeshed with the notion of community justice. The rehabilitative narrative appears to be secondary and struggles to take any centre stage. While the three narratives are well observable in the Wrocław model, the restorative contour is less visible in practice but still exemplifies a slowly emerging restorative orientation to community sanctions. While Robinson et al. (2012) acknowledge the probation’s umbilical cord with the development of community sanctions over the recent decades, the authors also admit that this expansion has come with a struggle for legitimacy. The growing worldwide interest in restorative justice as well as the increased use and trust in the language of modernisation and stakeholder needs may bring a risk of using the restorative adaptation of community service just as another legitimisation strategy to gain public confidence and government support, without providing real opportunities for restoration and reconciliation between victims and offenders. A more encouraging view is that, even if the Wrocław model does not implement a restorative justice programme nor succeed at transforming community service into a fully fledged restorative practice, the particulars of the Polish community order can still accommodate a restorative component in it. The Wrocław cascade model of community service delivery illustrates both the potential and the tensions between conflicting understandings of punishment, probation and restorative justice. On one hand, it shows how a practice can go beyond a simple national shift towards the greater use of community sanctions and enable a progressive orientation to punishment during a gradual optimisation of community orders, while on the other, it illustrates a number of limitations and dilemmas in terms of the nature and dynamic of this shift.

Although the Wrocław model embodies the efforts to resist the punitive rhetoric to toughen up community sentences, an absence of evident punitive narratives, which was also discussed by Robinson et al. (2012) but not applied in this article, does not equate with an absence of ‘penal bite’ during the implementation and reinforcement of the punishment (Canton, 2018; Robinson et al., 2012). A robust evaluation of the model is necessary to analyse the outcomes of this practice. As argued earlier, different narratives might produce various outcomes; rehabilitation may be a by-product of reparative or restorative efforts, but contrary to common perceptions, imprisonment is not the only painful sanction, as community penalties can also be experienced as painful (Durnescu, 2011).

The Wrocław model of community service delivery demonstrates the capacity to initiate strategic, local inter-agency collaborations, with an active role of probation officers, which is in opposition to probation officers being just implementers of centrally orchestrated government policies. The case of Wrocław shows how the Polish probation service can go beyond their role to serve the courts and manage court orders and engage more in rehabilitative, reparative and restorative dialogues. This process can perhaps be further advanced in the future by allowing community probation officers to be part of this development, as they have ‘natural capacity’ to build links between the justice system and local communities. Canton (2018) regards probation as an avenue to

build a dialogue, not only with the offender but also with the community. As Canton (2007) observes, in practice, different penal narratives can interfere with or even undermine each other, and thus probation officers have to find ways of recognising and transcending these tensions. These endeavours are being brought forward by practitioners and advocates in an increasingly unsettled penal field everywhere, which has a habit of putting community sanctions and restorative justice programmes on the margins of the justice system. The Wrocław model of community service delivery nonetheless offers a hopeful outlook into the future on this matter.

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Notes

1. Also defined in the Polish literature as ‘caseworkers’ (see Wilamowska, 2008).
2. A similar hybrid probation system operates in Japan, which originated as a volunteer support system for ex-prisoners and now combines the well-established system of community volunteers (known as *hogo-shi*) with professional probation officers (see Kato, 2018).
3. Which in the Polish probation system is articulated differently for adult (*dozór*) and juvenile offenders (*nadzór*).
4. The main type of community sanction currently imposed in Poland is community order, also frequently translated ‘Restriction of Liberty’ as it is used by the courts not only as a reparation to communities but also as a punishment to deprive individuals of their free time.
5. In 2010, 13,849,327 hours of unpaid work were referred to be monitored by Polish probation officers, out of which 11,832,104 were completed (85.4%). In 2013, the completion rate was 97.3% (17,619,790 hours), out of which 17,152,443 hours were successfully completed (Janus-Dębska, 2014).
6. Polish title: *Wrocławskie Centrum Sprawiedliwości Naprawczej*.
7. Resolution 6/2016 of the Main Council for Social Inclusion and Post-Sentencing Assistance.
8. http://serwer10597.lh.pl/ludzieludziom/wp-content/uploads/spll_web.pdf
9. One of the first illustrations of the reparative approach to community service was the multi-agency partnership established in Norfolk in 2010, the purpose of which was to implement a number of reparation projects, including unpaid work provided directly to the victim or the community (Cake and Cooper, 2011).
10. <https://www.wcsn.pl/idea/>
11. <https://www.wcsn.pl/idea/>

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