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the prison management
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reform imperial Russia**



**GOVERNMENT REFORM OF THE PRISON MANAGEMENT
SYSTEM
IN THE POST-REFORM IMPERIAL RUSSIA**

**REFORMA GUBERNAMENTAL DEL SISTEMA DE GESTIÓN DE
PRISIONES
EN LA RUSIA IMPERIAL POST-REFORMA**

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abstract

The article analyzes the regulations and institutional arrangements of the Russian Imperial government to create a unified national prison management system. The high central facilities of the penitentiary system management, the prison authorities at the provincial level and the legal status of the personnel of separate detention centers are considered.

Keywords: Government reform, Penitentiary system, State Council, Ministry of Internal Affairs, General Directorate of Prisons, Prison Inspectorate, Prison Council, prison staff meeting, Council of Trustees, circular note, prisoners.

El artículo analiza las regulaciones y los arreglos institucionales del gobierno imperial ruso para crear un sistema nacional unificado de administración de prisiones. Se consideran las altas instalaciones centrales de la administración del sistema penitenciario, las autoridades penitenciarias a nivel provincial y el estado legal del personal de los centros de detención separados.

Palabras clave: reforma del gobierno, sistema penitenciario, Consejo de Estado, Ministerio del Interior, Dirección General de Prisiones, Inspección de Prisiones, Consejo de Prisiones, reunión del personal penitenciario, Consejo de Fideicomisarios, nota circular, prisioneros.



Introduction

By the middle of the XIX century, a characteristic feature of the Russian penitentiary system was the variety of types of prison institutions, their different departmental subordination, the lack of a single state body for the management of the prison system with fifteen different departments, provincial structures, institutions of worship and public formations being involved.

Due to the elaboration of the basic provisions for the prison reform, the law "On the establishment of the General Directorate of Prisons within the Ministry of Internal Affairs" was adopted on 27 February 1879 by the State Council, developed by the commission headed by K.K. Grot. The General Directorate of Prisons, established within the structure of the Ministry of Internal Affairs, has become the highest administrative, supervisory and regulatory authority in the system of execution of criminal penalties in the form of deprivation and restriction of liberty in the Russian Empire.

Soon after the establishment of the General Directorate of Prisons, a new body, the Prison Inspectorate, was established. On June 30, 1879, the Minister of Internal Affairs approved the "Provisional rules and initial guidelines for the prison inspectors during their inspections and auditions of the penal facilities" (Provisional rules and initial guidelines for the prison inspectors during their inspections and auditions of the penal facilities, 1879).

The provisional rules determined the legal status of prison inspectors. During their inspections of detention centers, they were obliged to collect data on the order of execution of punishment and to prepare on their basis proposals for improving the legal regulation of the functioning of the centers.

The inspection was conducted on the basis of an order of the Chief of the General Directorate of Prisons, which regulated in detail the scope of issues subject to the inspection. The following issues were audited, evaluated and further reported:

- 1) "the condition of the prison buildings, the size and capacity of the premises ... for the detention of prisoners; all conditions relating to the prison buildings that could be relevant in the discussion of matters concerning the expansion, restructuring, adaptation and improvement of the detention centers;
- 2) the composition of people held in each detention center by category ... wives and children of the following people sent into exile; serving a sentence, ...
- 3) the administration personnel with an

indication of the salary received by each employee the order of responsibility distribution among them, degree of leadership competency enough for a successful performance of official duties;

- 4) the order of providing food for prisoners, with the obligatory check of the method to control the correct expenditure of food practiced in each detention center and the exact designation of the sum spent ... on the purchase of food;
- 5) the order of supply of prisoners with clothes and the reporting on this matter, with indication of the method of preparation of the material and further production of clothes;
- 6) the order of lighting and heating of each detention center with indication of number of lamps and hearths as well as the materials and money spent on them within the last year;
- 7) the amount of capital assets;
- 8) the organization of works started in each detention center or can be started under the conditions of the local industry ... in each prison, bearing in mind that all the needs of the prison household itself should be satisfied as far as possible by the work of its prisoners" (State Archive of the Russian Federation, file 138).

According to the quotation above, the range of the examined issues was quite extensive and covered almost all aspects of the life of prison institutions. The inspectors were given the right to freely visit all the premises in a detention center, to communicate face-to-face with its prisoners and to get acquainted with management records, without the right, except for a special order of the Chief of the General Directorate of Prisons, to give guidance to the executives of a detention center.

With the establishment of the Prison Inspectorate, an effective system of departmental control over the activities of detention centers was created and the centralization of the management of the penitentiary system increased.

A novelty in the management of the penitentiary system was the establishment by the decree of the Emperor within the General Directorate of Prisons as an advisory body the Prison Council (State Council Journal). In addition to the Chief of the General Directorate of Prisons, the Council included seven other members. Members of the Council performed their duties free of charge and were not in the public service. To address the issues before the Council the Chairman had the right to invite prison scientists, doctors and practitioners to meetings. The Council was not vested with administrative functions and acted as an expert body. Its responsibilities included preliminary discussions on various projects for the modernization of the penitentiary system,



including the opening of private prisons and societies, improving the moral and educational impact on convicts, optimizing the procedure for the transfer of exiles, improving the efficiency of the prison economy and the management of detention centres. The Council also discussed prison budget drafts and annual reports on the activities of the General Directorate of Prisons (Pechnikov, 2004). The decisions of the Council were formalized in a special journal, including the special opinions of its members, and signed by all those present. The journal of the Council meetings was handed over by the Chief of the General Directorate of Prisons to the Minister of the Internal Affairs for a decision on the merits. If the decision went beyond the competence of the Minister, he sent a special note to the appropriate authority.

Methods

The State Council received certain powers in the management of the penitentiary system. A special official was entrusted with the top management of all detention centers of the civil service with "provision in this regard in person and in the form of a temporary measure:

- a) of the rights and duties of the Minister of the Internal Affairs, both as President of the Prison Council of Trustees and as the Chief of the General Directorate of Prisons;
- b) of the right to vote in the discussion of prison matters in the highest state bodies and the right to replace the Minister of the Internal Affairs in the Government Senate and in relations with all locals in the said issues" (State Archive of the Russian Federation, file 842).

Later, a special statistical office was established under the General Directorate of Prisons, a special library was opened and official publications on prison matters were regularly exchanged with the prison institutions of England, France and Italy.

On 24 July 1879 the General Directorate of Prisons issued a circular note, which stated that the right of direct orders in the prisons is vested in a Governor, and under his supervision and control in the chief of police and the district police officer (Collection of Circular Notes Issued by the General Directorate of Prisons in 1879 – 1910).

The circular note established that prison wardens were obliged to be guided in their activities only by the current legislation and by the orders of specially authorized people in accordance with their competence.

With the help of this circular note, the General Directorate of Prisons attempted to subordinate the activities of the prison wardens to the local police authorities, removing them from the influence of the provincial and county structures

of the Prison Council of Trustees. This has not been fully achieved. The local police authorities and the committees and offices of the Council became virtually equal in the regulation of internal affairs of detention centers. Naturally, this situation has always been a source of conflict between them. However, the main office was in no hurry to radically change the situation. This was explained by the fact that the facilities of the Council with its budget formed not only from state revenues but also from charitable donations were able, if necessary, to fill the funding gap of provincial and county prisons. However, with the formation and strengthening of the new body, the period of dual power ended, and local prison administration gradually expanded its rights whereas the functions of the facilities of the Prison Council of Trustees were limited. At first, certain areas of execution of the penalty of deprivation of liberty and later the detention centers themselves were removed from their jurisdiction.

The first major implementation of the General Directorate of Prisons was the draft on changes in managing St. Petersburg detention centers prepared in early 1883 and sent to the State Council by the Minister of internal Affairs D.A. Tolstoy. The authors of the project were against the existing order of managing detention centers with two almost equivalent subjects - the prison administration and the Committee of the Prison Council of Trustees. The initiators of the draft called for the establishment of the sole authority of the heads of prisons, under the control of the General Directorate of Prisons and special supervisory commissions, with the elimination of both the provincial administration and the Committee of the Prison Council of Trustees from direct participation in the management of detention centers.

Opponents of the changes expressed fears to give too much power to wardens, including economic functions to manage the institution, which could, in their opinion, provoke abuse by the administration. To minimize the risk of corruption among prison staff, it was proposed to include the capital detention centers in the sphere of state control structures. This proposal was supported by the Minister of Internal Affairs (Solsky, 1883).

An ardent apologist of the Prison Council of Trustees was the Minister of Justice, D.N. Nabokov; he believed that the facilities of the Council effectively managed the work of detention centers and had all necessary material and financial resources and sufficient practical experience in the penitentiary field. Diametrically opposed was the position of the Minister of Internal Affairs D.A. Tolstoy, who said that "public interference should be ... allowed not



during the imprisonment but when the convict is released. In matters dealing with people released from prison, prison committees can still bring real benefits to society and the state...” (State Council Journal on 3 and 8 March 1884).

The proposed draft on changes in the management of St. Petersburg prisons was supported by the United Departments of the Government Senate, which advocated that the draft became “... the basis for the organization of local management of penal institutions throughout the Empire.” The changes in the order of managing the capital's detention centers were implemented on July 1, 1884.

At the same time, the State Council established new control bodies over the activities of the administration of the capital's detention centers – three supervisory commissions. The legal status of the new bodies was determined by a special instruction approved by the Minister of the Internal Affairs, in consultation with the Prison Council and the Minister of Justice. The commission consisted of: “... one or two members elected by the City Council from among the councilors or third parties; one representative of the Prosecutor's supervision appointed by the Prosecutor of the Trial Chamber; two directors of the men's prison committee and from one to five members appointed by the Minister of Internal Affairs...” (On Some Changes in the Order of Management and Economy in the St).

The term of office of the Commission was three years, followed by rotation. Membership did not entail any remuneration. The Commission was not directly involved in the management of prison facilities, monitored all areas of functioning of detention centers, accepted prisoners' requests, applications and complaints concerning the regime of execution and the execution of punishment, and assisted those released from prison and their children.

Members of the commission informed the wardens about the revealed violations in the order of execution of punishment. In case when the prison authorities failed to take the necessary measures, as well as the detection of abuses by the staff, the members of the commission informed the Chief of the General Directorate of Prisons.

The activities of the monitoring commissions made it possible to limit and suppress violations of the law and arbitrary actions by the prison administration in the process of execution of punishment and to guarantee the observance of the rights of prisoners by involving a wide range of officials and individuals in the monitoring functions. It was a collegial body independent of the penitentiary system with a sufficiently wide range of powers and capability to fully control the activities of the administration of detention centers.

Result and Discussion

The General Directorate of Prisons began to establish close ties with similar structures of European States, to adapt the best foreign penitentiary practices to the Russian reality and to actively participate in the work of international penitentiary congresses. Thus, following the example of the local administration of the prisons in Paris, a permanent meeting headed by the Chief of the Directorate with participation of his deputy, the chief inspector of the transfer of prisoners, the prison inspector and clerks was established in 1880. The meeting was focused on a strictly limited number of issues:

- a) reports of the chief inspector of the transfer of prisoners, prison inspectors and other staff after they inspection of detention centers;
- b) consideration of proposals of the local prison administration on various issues of execution of punishment;
- c) proposals to improve the activities of the General Directorate;
- d) issues submitted at the initiative of the Chief of the General Directorate (Pechnikov, 2002).

The meeting allowed to solve effectively, without excessive bureaucratization, the arising problems and gave the Directorate's administration the opportunity to react quickly to the situation developing in the penitentiary sphere.

The General Directorate of Prisons has continuously expanded its jurisdiction by joining central and local prison authorities. Thus, in 1883 prisons of the Caucasus became subordinated to the Directorate, in 1904 the Tyumen order of the exiles was abolished, and its functions passed to the Directorate too. After the adoption in 1908 of the Normal Charter of the patronage society, the position of the official supervising the activities of this society was introduced under the Chief of the General Directorate of Prisons.

On December 13, 1895 by decree of the Emperor for “... convergence of the prison case, in its legislative formulation and practical implementation with the most important interests of criminal justice ... and easing the burden of the Ministry of Internal Affairs from extensive and diverse cases” the penitentiary system was withdrawn from the Ministry of Internal Affairs and re-subordinated to the Ministry of Justice. However, even after the transfer of the prison system from one department to another, the Ministry of Internal Affairs was not completely removed from the penitentiary practice. Thus, according to the “General institution of the governorate” of 1892, the police was obliged to supervise “the improvement of detention centers and the execution of all legal decisions on the order of detention and transfer of prisoners”



(Report of the General Directorate of Prisons of 1900). The spheres of activity and the tasks solved by these departments also assumed their rather close and constant interaction.

In the early twentieth century, the General Directorate of Prisons was composed of fifteen records management authorities: personnel; construction authorities; administrative authorities; commercial authorities; accounting authorities; chief inspector for the transfer of prisoners; authorities dealing with the organization of prisoners' work; legislative and statistical authorities; authorities dealing with cases of minors and juvenile offenders; authorities dealing with the shoots of prisoners; authorities granting pensions to families of prisoners; authorities for the allocation of funds for the maintenance personnel; authorities for provision of officials with uniforms; health authorities; authorities for hiring of quarters for the Directorate. The staff consisted of 56 class ranks and 41 people worked in clerical positions. The positions of the Chief of the General Directorate, his two assistants, four inspectors, the Head of the Chancery and twenty clerks and twelve their assistants, the Head of the Statistic Department, the accountant and his assistant, the Secretary of the Chief, the executor, the journalist, the medical inspector, the architect and three assistants, and also five candidates for prison positions were completed with class ranks (State Archive of the Russian Federation, file 6592).

In 1912, the organizational structure of the Directorate was revised and instead of office work departments were formed, which were headed by chiefs with broad powers. In addition to the Chief Inspectorate for the transfer of prisoners they established nine departments:

- 1) Department of Personnel, which dealt with the appointment, movement, dismissal, trial, awarding, etc. employees of the Directorate;
- 2) Department responsible for salaries, grants and pensions of employees of the Directorate, office and economic affairs of detention centers and prison guards;
- 3) Administration Department, which oversaw internal regulations in detention centers and placement of prisoners;
- 4) Construction Department;
- 5) Economic or Housekeeping Department, which dealt with food, medical treatment and clothing provision of prisoners, heating and lighting of detention centers;
- 6) Department, which oversaw the prisoner's works;
- 7) Accounting Department;
- 8) Legislative and Statistic Departments, which dealt with draft laws, annual reports on the General Directorate of Prisons, as well as various reference publications, etc.;

9) Department, which oversaw educational and correctional institutions and the Society of patronage (State Archive of the Russian Federation, file 670).

The General Directorate took several measures to improve the training of prison officials. On 22 November 1896, the head of the Department of Justice, A. Solomon, using the Prussian penitentiary practice, sent a report to the Minister of Justice N.V. Muraviev. In the report he proposed to improve the skills of employees of the General Directorate by successive positions of: "junior clerk of the State Technical University, assistant provincial prison inspector, senior clerk of the State Technical University, provincial prison inspector, senior clerk and inspector of the General Directorate of Prisons..." (State Archive of the Russian Federation, file 670). Such a system of recruitment, in his view, would allow training of highly qualified staff familiar with the functioning of the various parts of the prison system.

At the regional level, prison facilities were managed by the prison departments of the provincial and regional boards and the offices of the mayor. The prison departments along with other departments of the provincial boards were under the jurisdiction of the vice-governors and assistant governors. The general management of prisons was carried out by governors, chiefs of regions and town governors. They were responsible for ensuring the functioning of detention centres and the conditions of detention, as well as for monitoring the execution of the government's decisions and orders in the penitentiary sphere.

On June 15, 1887, the Emperor approved "Special rules on the management of separate detention centres of the civilian communities and prison guards". This document referred prison chiefs, their assistants, senior and junior wardens to the staff in charge of managing detention centres and prison guards. The provisions of the law of December 8, 1878 on the assignment to police officers and district police officers of the duties of "direct supervision over the order and improvement of detention centres were prolonged... and the most possibly frequent visits to prisons and monitoring the correct application of the laws in them." But the ranks of the police did not have administrative and managerial authority over the prison staff and the ranks of the prison guards. Their activity in prison was a form of control in the penitentiary sector by provincial authorities (Kazachenok, 2018).

The rules abolished the dependence of the officials of the prison administration and supervision from the provincial and district committees and branches of the Prison Council of Trustees. The replacement of positions of prison



wardens and their assistants was made without participation of local structures of the Council and up to the VI class was made by the order of the Governor while the appointment to positions of the highest classes - by orders of the Ministry of Internal Affairs according to the petition of the General Directorate of Prisons.

The procedure for the recruitment and dismissal of prison guards also changed. If earlier it was a prerogative of committees and offices of the Prison Council of Trustees or district police officers, under new rules it was carried to exclusive competence of prison wardens.

The rules changed the manner of financial backing for prison officers, removing these functions from committees and departments of the Council of Trustees and handed them over to provincial governments and police departments. The consent of the committees and offices of the Council to make the court of the prison officers for the crime commitment was not required anymore. All officials of detention centres, up to the VI class, were brought to trial under the decisions of the provincial boards. Prison guards in the service ratio were considered equal to the lower police officers and brought to court according to the decisions of the police departments.

Since certain provisions of the Rules were interpreted ambiguously by the subjects of law enforcement practice, the Ministry of Internal Affairs, with the circular note No. 8 of 17 April 1889, brought to the attention of prison staff and prison guards the official interpretation of several provisions of the "Special rules on the management of certain detention centres and prison guards". The circular note once again drew attention to the fact that "the former prison wardens, now called the chief of prisons, are independent and responsible officials in the direct management of detention centres entrusted to them..." (Collection of Circular Notes Issued by the General Directorate of Prisons in 1879 – 1910).

The act of 31 March 1890 introduced provincial prison inspections in several regions. For the first six years, they have already worked in 24 provinces (State Archive of the Russian Federation, file 182). For various reasons, the process of formation of these prison authorities has been somewhat delayed. By early 1913, the Empire had 56 provincial prison inspections (Nekrasov, 1996).

Conclusion

The provincial prison inspector became a key figure in the implementation of the prison policy at the provincial level and the second person after the Governor in the field of prison management.

The high status of provincial prison inspectorates was ensured by a special procedure for their formation, which included consideration of the establishment of inspections in the State Council and its subsequent approval by a decree of the Emperor. The direct appointment of provincial inspectors and their assistants was carried out by the Chief of the General Directorate, and the consent of the Governor on the personnel was not required.

The range of powers of a provincial inspector included monitoring and supervision of local prison facilities; periodic inspections and audits; management of the prison administration; monitoring of all aspects of life of detention centres under his jurisdiction; application to the General Directorate for the needs and requests of local prisons; assistance and support to the prison administration in dealing with various issues and the correct application of regulations; compilation of prison practices and submission of reports to the centre (Zabrovskaya, 2006).

The inspector was given disciplinary authority to carry out his functions. He had the right to make oral and written comments and reprimands to the prison administration without being included in the record for omissions in the service. The convicted were also included in his jurisdiction. For violations of the regime of serving the sentence, he could impose on convicts a penalty of solitary confinement for a certain period, the imposition of shackles and corporal punishment.

In direct submission of the provincial prison inspector there was an assistant or several assistants. Recruitment of positions of the provincial inspector and his assistants was carried out at the expense of employees of the General Directorate, Judicial Department and ranks of the Prosecutor's office. Rotation of staff between central and local institutions, as well as between provinces, was envisaged. The organizational structure of inspections, with rare exceptions, was similar and usually consisted of three records management authorities: administrative, economic or housekeeping and secretary.

The Chief of the General Directorate of Prisons A.P. Salomon called for special care in the recruitment of prison inspections and formulated the requirements for the staff of the new management structure: "...in addition to the moral qualities of these people we should demand: knowledge of the legal provisions relating to prisons, sufficient experience in record keeping, familiarity with the internal prison order and with the prison economy an important condition is a personal, perhaps close acquaintance with the General Directorate and hence the confidence that the ranks of the inspection will be quite familiar with the direction how to investigate a case given



from the center (State Archive of the Russian Federation, file 2870)."

At the lower level, the act of 15 June 1887 identified wardens and their assistants; detention center priests, deacons and psalm readers; as well as doctors and medical assistants were identified as executives of detention centers.

In most prisons, a clear distinction was made between the duties of the assistants of superiors of these institutions "one assistant ... shares the work of the chief of the prison, replaces him in case of absence or illness, and, in addition, specifically manages some branch of management or economy....; the other is in charge of ... supervising the proper order in the detention of prisoners and in the service of prison guards; the third is in charge of the prison office; the fourth is responsible for the prison economy and housekeeping; the fifth is in charge of one of the isolated... departments of the prison, for example, a single building or a hospital (State Archive of the Russian Federation, file 6592)."

The new structure of the penitentiary system was logically derived from the meaning of the prison reform of 1879. In a series of bourgeois reforms of the second half of the XIX century, the prison reform was the longest in time. This was caused by both objective and subjective factors. In fact, the main reason was that poor economic and budget conditions did not allow to simultaneously allocate the necessary funds for the modernization of the penal system. Since the country at that time carried out several expensive projects that had an unconditional priority before the prison reform, in particular, strategic railway construction, naval program, military reform and the associated re-equipment of the army, the financing of the prison reform was carried out on a residual basis.

However, even what has been done, and it must be admitted that a lot has been done, made it possible to adapt the system of detention centers to the new conditions and to carry out its tasks quite effectively, using the achievements of domestic and world penitentiary practice. The reforms helped to create a centralized, coherent and effective system of prison management.

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