

# *Probation, Parole and Penitentiary Law* *class 7*

## *Prison Population Trend in Poland*



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KATEDRA PRAWA KARNEGO WYKONAWCZEGO

# *Prison population*

- \* The prison population and overall occupancy density are published every two weeks.
- \* The penitentiary administration has a computerized record keeping
  
- \* The total number of prisoners: 69 065
- \* Prison population rate (per 100,000 of national population) 182  
Date : 2020  
Source : The World Prison Brief
  
- \* Official capacity of prison system: 81 127 places. According to an ordinance of the General Director of Prison Services, in certain cases, the surface should be measured and calculated
- \* Average length of imprisonment (in months): 5.6
- \* Primary data source in Poland: The Prison Service statistics

# *The Prison Service statistics*

\* Primary data source - Central Board of Prison Service Statistics

The image shows a screenshot of the website for the Polish Prison Service (Służba Więzienna). The header features the logo on the left, the mission statement in the center, and a search bar on the right. A navigation menu is located below the header, with 'STATYSTYKA' highlighted. A breadcrumb trail shows 'Strona główna > Statystyka'. The main content area is titled 'Statystyka' and contains five dark blue buttons with white text and right-pointing arrows, each representing a different statistical category.

**SŁUŻBA WIĘZIENNA**  
Ochrona społeczeństwa  
Humanitarne i praworządne traktowanie osób pozbawionych wolności  
Resocjalizacja skazanych

**Certyfikat**

SŁUŻBA WIĘZIENNA   DZIAŁANIA   REKRUTACJA   ZAMÓWIENIA PUBLICZNE   DLA MEDIÓW   KONTAKT   **STATYSTYKA**   PATRONAT DG SW

Strona główna > Statystyka

## Statystyka

- Informacja o zaludnieniu aresztów śledczych i zakładów karnych
- Statystyka miesięczna
- Statystyka kwartalna
- Statystyka roczna
- Przeznaczenie aresztów śledczych i zakładów karnych

# *Prison population trend*

(year, prison population total, prison population rate)

2000	70,544	184
2002	80,467	211
2004	80,368	211
2006	88,647	232
2008	83,152	218
2010	80,728	212
2012	84,156	221
2014	77,371	204
2016	71,528	188
2018	72,204	190

# Women

\* Number of female inmates: 3,123

\* Percentage of female inmates: 4.5%

Date : 2020

Source : The World Prison Brief

\* Percentage of women in pre-trial detention: 5.13%

Date : 2019

Source : The Prison Service statistics

\* Percentage of foreign female incarcerated: 2.22%

Date : 2019

Source : The Prison Service statistics



# Women

- \* In 2016, the majority of women were convicted for crimes against property (13,979), most often for theft (4,053)
- \* The next group was crimes against security (4,094), including driving under influence of alcohol (2,879)
- \* The third largest group was crimes against economic offences (2,641)
- \* The last category was crimes against the credibility of documents (2,358), including document streaking (1,828) peaked in 2016 at



# *Female prison population trend*

- \* The table below gives an indication of the trend in the female prison population. The final row shows the latest figures available.
- \* It consists of the number of female prisoners in the prison population on a single date in the year (or the annual average) and the percentage of the total prison population that female prisoners constituted on that day.
- \* The final column shows the female prison population rate per 100,000 of the national population.

<b>Year</b>	<b>Number of female prisoners</b>	<b>Percentage of total prison population</b>	<b>Female prison population rate (per 100,000 of national population)</b>
<b>2000</b>	1,729	2,5 %	4,5
<b>2005</b>	2,359	2,8 %	6,2
<b>2010</b>	2,597	3,2 %	6,8
<b>2015</b>	2,379	3,4 %	6,3
<b>2020</b>	3,123	4,5 %	8,2

# *Female prison population trend*

Male prisoners are kept separately from female prisoners

However, some prisons have both male and female wards. In those prisons, prisoners are kept separately but they can meet while walking on nearby walking fields.

Female prisoners are serving their sentences in semi open-type units (except of dangerous women - they are serving their sentences in closed-type units)

A convicted woman is allowed to enjoy warm water at least once a day, as well as warm bath twice a week - which is more often than male prisoner

A general rule provides that infants can stay in prison before turning 3 in special "House of the Mother and Child" (art. 87 § 4 Executive Penal Code)

In Poland there are two units with such conditions - in Grudziądz Prison and in Krzywanięc Prison

# *Juveniles*

Number of incarcerated minors: 214

Percentage of incarcerated minors: 0.29%

Number of juvenile prisoners (including pre-trial detainees): 958 juveniles in Correctional Facilities (prisons for juveniles) and 358 in Shelters for Juveniles (remand centres)

Number (and % of all juvenile inmates) of juvenile detainees serving a final sentence (i.e. excluding pre-trial detainees): 958 / 73%

Total capacity of juvenile penal institutions (with reference to legal criteria): In Polish correctional facilities and remand centers for juveniles, there are 1.769 places (492 places in remand centres and 1.277 in prisons for juveniles).

Date : 2019

Source : The Prison Service statistics

# *Juveniles*

- \* Prison density – total number of juvenile prisoners in relation to capacity (%): 74%
- \* Minors can be incarcerated at 13 years old.
- \* In general, persons under 17 years old cannot be imprisoned but there is a possibility of derogation starting at 15 years old.
- \* Persons aged from 13 to 17 years old who have committed a serious crime are placed in “correctional houses” which are the equivalent of juvenile prisons, completely independent from institutions for adults (article 10 of the Polish Executive Penal Code).

# *Juveniles*

- \* There are specific establishments, units or cells reserved for minors.
- \* There are seven different types of establishments for minors: a correctional facility, a juvenile shelter, a hostel, a police establishment for children, a juvenile educational centre, a psychiatric establishment (juvenile ward) or a specialised social care home.
- \* In Polish law, minors are criminally responsible after they turn 17. They can be held responsible when they turn 15 only in cases of committing most serious crimes.
- \* For prisoners who turned 17 years old there are special types of *units called units for young offenders*.
- \* As a rule, such young prisoners are being kept separately from the older ones. However, if there is an educational reason, the Executive Penal Code permits the placement of a young prisoner with an adult one.
- \* Minors can not be housed in individual cells.

# *Juveniles*

## According to the polish Criminal Code

A person under the age of 17 who has committed an offence is generally recognized not to be able to incur criminal liability or be imprisoned.

In case of severe crimes (murder, group rape, and deprivation of liberty), the minimum age of criminal responsibility might be set at the age of 15 years. In such cases, a family court decides whether a juvenile might be tried as an adult.

Children who have committed an offence before their 17th birthday (in some cases 15th), may face educational measures, including deprivation of liberty for educational purposes and correctional measure – placement in a correctional facility. In case of educational measures there is no minimum age.

Such measures have been applied towards children as young as 6 years old. Correctional measures might, however, be applied only towards children who were at least 13 years old while committing an offence. Juvenile offenders are held in penitentiary units designed for young prisoners (those who are younger than 21 years old).

# *Juveniles*

- \* Minors have access to education in most establishments.
- \* According to article 66 of the Juvenile Justice Act, a general and vocational training must be provided for all minors in detention and re-education centres.
- \* Education is compulsory until 18 years old, including for incarcerated minors.
- \* Places of detention established by the “Act on proceedings in juvenile cases” like correctional facilities, shelters and youth educational center are generally adapted to the needs and the situation of minors.
- \* Alternative sentences exist to avoid imprisonment of minors.
- \* Restrictions of liberty are preferred to a prison sentence, that should only be used as a last resort.
- \* Minors can also be placed in centers specialized in the reintegration into the city life.

# Foreigners

Number of incarcerated foreigners: 840

- \* Data collected by the Police shows that before the accession to the EU, the level of crimes by foreigners was much higher than after accession and the vast majority were carried out by citizens from neighbouring countries
- \* The number of foreign criminals currently in prisons in Poland is less than 2% of all inmates
- \* Foreigners can benefit from legal assistance :
  1. in pre-trial detention
  2. audiences in the court (if requested)
  3. disciplinary commission (only for disciplinary proceedings)
- \* Foreigners, as well as Polish national inmates, are not assisted by a lawyer when a disciplinary sanction is reviewed by the prison warden. Foreigners can be assisted by an interpreter for audiences in the court. They can not be assisted by an interpreter in custody and for a disciplinary commission. A person deprived of liberty has the right to use an interpreter for procedural acts, at any stage of the criminal proceedings. Foreigners do not have access to interpreters in prison.
- \* Prisons are progressively being equipped with translation devices - translators. In recent years, 160 devices have been purchased

# *Foreigners*

Foreigners can not be imprisoned for illegal residency.  
Illegal stay of a foreigner in Poland is an administrative offense.  
They can be detained at the Guarded Centres for Foreigners

Foreigners are not placed in special cells or units.

A fine may be imposed by a court and an administrative procedure is initiated to oblige the foreigner to return to his home country. Together with the decision on the obligation to return, the judge must also specify for how long the person will be banned from reentering Poland.  
This prohibition may apply for a period of six months to three years

Foreigners can be deported from the country after their liberation.  
A foreigner must execute his sentence according to the Executive Penal Code before being handed over to a foreign State.

To be transferred to another State, the consent of the sentenced person is necessary when a measure including deprivation of liberty is involved (art 611b, paragraph 2, subparagraph 2 of the Code of Criminal Procedure).

The majority of foreigners sentenced in Poland are executing their sentence in Poland.  
Inmates have the possibility to apply for a residence permit if they feel that their life is in danger in their home country.

# *Foreigners*

Foreigners have the right to work.

The regulations of the right to work are the same for Polish and foreigners. English speaking inmates may be asked to give lessons of their language.

The most numerous group of foreigners are Ukrainians (325 persons), followed by Russians (64 persons), Vietnamese (61 persons), Romanians (57 persons) and Bulgarians (54 persons).

According to the information obtained from the Commissioner for Human Rights, discrimination based on nationality mainly concerns prisoners of Roma origin. There were no complaints about discrimination against Muslim.

Foreigners are allowed to make a phone call abroad. The costs are borne by the detainee.

The regime of execution of penalties is the same for Polish citizens and foreigners. The administration of the unit can make some facilitations such as prolonging the visit of relatives or phone calls.

# *Long-term prisoners*

Number of long-term prisoners: 10,705 (14.5%)

Number of people condemned to life sentence: According to the data provided by Central Board of Prison Service as of 31 December 2019, 441 prisoners were serving life sentence (including 14 women).

Number of people condemned to 25 years of imprisonment: 1 769 prisoners were serving 25 years of imprisonment (including 63 women).

\* In the years 2009 – 2020 the number of prisoners serving 25 years of imprisonment has increased by over 200 prisoners, and at the same time the number of life sentenced prisoners has increased by almost a half

A long sentence is considered as such from 5 years.

Sentences can not be cumulated.  
According to Polish law, penalties cannot be cumulated. The court can apply absorption of penalties or combine them.

Life-sentenced prisoners are also allowed to work (inside the prison)

# *Long-term prisoners*

- \* A person who was sentenced to 25 years of imprisonment may be paroled after 15 years
- \* And a person convicted to life imprisonment may be paroled after 25 years
  
- \* People condemned to a long sentence are not separated from the other inmates (except of dangerous inmates - the „N” status)
- \* There are a number of crimes for which a sentence of imprisonment for life must be imposed: treason, assassination of the Polish President, genocide, crime against humanity, use of weapons of mass destruction or any other war crimes, homicide, and heavy bodily injury causing death.

# *Untried prisoners*

Number of untried prisoners: 7,239

- \* There are facilities or units reserved for untried prisoners.
- \* Pre-trial detention centers are separated from prisons. It can be completely separate facility or separate block of a prison.

Untried prisoners are separated from those who have been sentenced. This rule applies also to prisoners serving sentence who are also in pre-trial detention in another case.

The separation between untried prisoners and convicted people is effective.

Liberation on bail is possible.

# *Untried prisoners*

In theory, pre-trial imprisonment cannot exceed three months.

This period cannot be extended for more than two years. In exceptional situations, this measure may be renewed for a second period of two years. This sort of detention can only be ordered when:

- \* there is strong evidence of guilt against the defendant
  - \* if person poses a threat to society
  - \* there is a significant risk that the person will abscond and not appear for trial
  - \* he is prosecuted for a long sentence
- 
- \* Untried prisoners are not allowed to make phone calls (they need prosecutor's approval)
  - \* Access to work and activities is very limited.

# ***Ethnic groups***

- \* This information is collected during the initial conversation with the inmate.
- \* Prison staff can choose a living cell for prisoner based on this information, provide access to religious services or a religious diet.

# ***The elderly***

Number of of incarcerated elderly: 2,796

Percentage of of incarcerated elderly: 3.8%

- \* The prison administration keeps a specific register listing elderly prisoners
- \* Elderly inmates have not an appropriate detention regime.
- \* The Polish Executive Penal Code distinguishes only two groups of age –inmates between 15 and 21 years old and adults –older than 21 years old. There is no specific regulations concerning the way seniors serve their sentences. But they can be placed in therapeutic ward if their health condition requires it
- \* Living conditions are also the same as for other prisoners
- \* Age is not considered as a criteria to shorten a sentence, postpone or interrupt its execution. According to article 153 -1 of the Executive Penal Code, the court may only interrupt imprisonment due to serious illness.

# ***Task to complete***

[Watch a short video about the longest prison sentences \(on our channel on MS Teams\) and answer the following question:](#)

- Q1: In your opinion- does overly long sentences even make sense?
- **Send it back to me:** e-mail [aleksandra.polak2@uwr.edu.pl](mailto:aleksandra.polak2@uwr.edu.pl)
- Since we already covered most of material in the past couple of weeks- there won't be another task (and this is last one). So please complete previous tasks.