

Reintegration of convicts

Class 9

The Individualization of Deprivation of Liberty



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KATEDRA PRAWA KARNEGO WYKONAWCZEGO

Art. 67 § 1 of Executive Penal Code

- ▶ **Pursuant to Art. 67 § 1 of the Executive Penal Code**, the primary aim of the execution of penalty of deprivation of liberty is to “evoke in a convict the will to cooperate in his shaping socially desirable attitudes, in particular, the sense of responsibility and the need to abide by the law, leading to refraining from returning to crime.”
- ▶ Such formulation of the norms pertaining to the aims of isolation execution means that much more is required from this penalty than just refraining from returning to crime by a convict.

In Polish prisons, the primary areas with an impact on inmates' re-socialisation process are: work, learning, cultural and educational activities, sports, maintaining contact with family and the outside world, and various forms of therapy.

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. 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

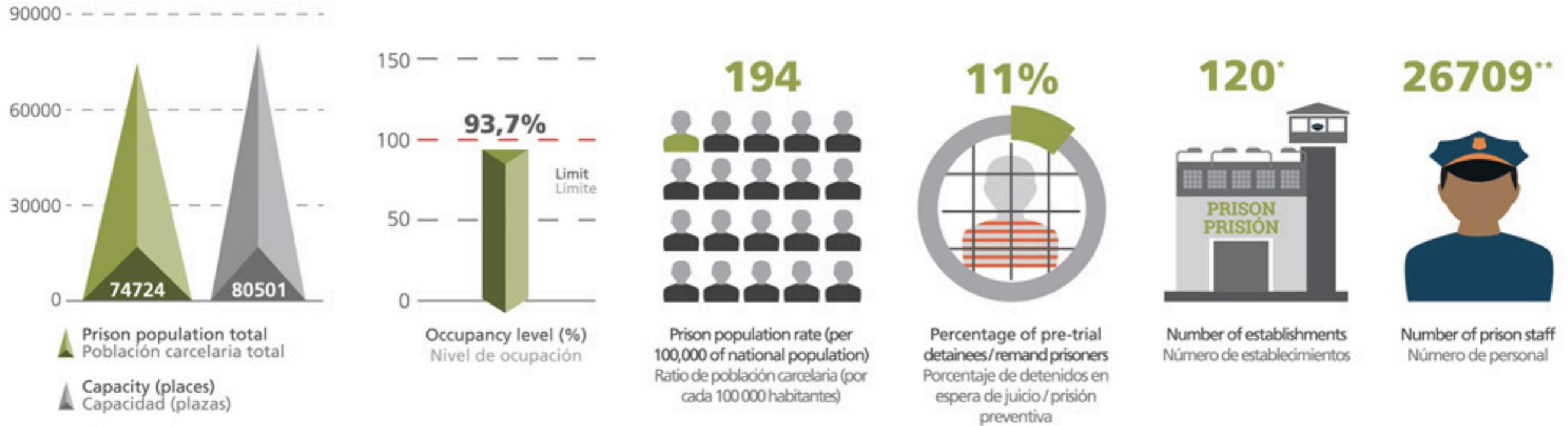
- Informacja o zaludnieniu aresztów śledczych i zakładów karnych
- Statystyka miesięczna
- Statystyka kwartalna
- Statystyka roczna
- Przeznaczenie aresztów śledczych i zakładów karnych

Prison population

- * The prison population and overall occupancy density are published every two weeks.
- * The penitentiary administration has a computerized record keeping
- * Currently, as of 31 May 2021, the number of prisoners in prisons and pre-trial detention centres is 74,724 for a capacity of 80,501 places.
- * Prison population rate (per 100,000 of national population) 194
Date : 2021
Source : The World Prison Brief
- * Average length of imprisonment (in months): 5.6
- * Prisoners live in a single or multi-person cells, the majority being two and three-person cells. The conditions for serving a sentence vary depending on the type of prison: closed, semi-open, and open.
- * In July 2018, the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published the report on their visit to Poland in May 2017.
- * The Committee reiterates its call upon the Polish authorities to raise the minimum standard of living space per prisoner to at least 4 m².
- The space for one prisoner should be [at least 3 square meters](#) (art. 110 § 2 Executive Penal Code). However, in certain circumstances, the Executive Penal Code allows putting a prisoner in a smaller cell, as long as there is [not less than two square meters per prisoner](#) (art. 110 § 2a Executive Penal Code).

Prison population

Poland: overview of the prison system Polonia: panorama del sistema penitenciario



* Includes prisons and detention centers | Incluye cárceles y centros de detención

** Number of prison officers. In addition, there are 1990 civilian employees. | Número de oficiales penitenciarios. Además, hay 1990 empleados civiles.

Prison population

- * For the functioning of the prison system, prison officers and employees are the most important resource, and most of them have higher education and specialised training.
- * Currently, around 30,000 employees work in 120 prisons and detention centres.
- * The Programme system has been found to be highly effective system because it is based on individual plan.
- * It covers both juveniles and adults who engage in self-directed work, with the support of educational personnel
- * Moreover, Currently there are 48 therapeutic wards directed at substance abuse convicts.
- * In addition, there are 23 therapeutic wards for inmates with non-psychotic mental disorders or suffering from mental impairments.
- * In seven of these establishments, they have implemented a therapeutic and re-socialisation programme for convicts for crimes against sexual freedom and decency committed because of sexual preference disorders, including paedophilia. In fact, that specialised therapeutic interactions amount to about 10,000 convicted persons per year.

Prison Systems

- Prisoners are sorted into one of three systems (art. 81 Executive Penal Code):
 - 1) the programme system (or so- called the program ward)
 - 2) therapeutic system (or so- called therapeutic ward)
 - 3) regular system (or so- called regular ward)



The program system

- The program system - guides prisoners in “structured activities”.
- A prisoner in cooperation with his tutor maps out a plan.
- Then, the plan is submitted for approval to a penitentiary commission. The program included in this plan is based on results of conversations carried out between the prisoner and his or her personal examiner.
- A program of interaction (concerning the prisoner) specifies, in particular:
 - A. types of employment and education available for convicted persons
 - B. ways of communication between convicted persons and other persons, in particular their family and other people nearest to them
 - C. ways of spending the time reserved for work
 - D. possibilities of fulfilling duties of the prisoner
 - E. other undertakings necessary to prepare prisoners to return to the society Performance of programs of interaction is subjected to periodical assessments.
- Programs may be altered in case of progress in the behavior and work of the prisoner.
- The performance of the program depends mostly on the tutor.

Therapeutic system

- Therapeutic system- In some prisons, there are therapeutic units/ wards for prisoners with non-psychotic mental disorders or sexual disorders, mentally ill or disabled and prisoners addicted to drugs or alcohol. Such prisoners are detained in a closed penitentiary institution with conditions adjusted to their needs.
- Convicts are sent to such units after previous diagnosis and stay there only for the duration of the therapy. The medical staff in such units includes psychologists, a therapists and educators. Inmates can enjoy a large range of activities and individual therapies.
- Prisoners are provided range of therapies including: pharmacotherapy, psychotherapy, addiction therapy, therapy meetings and even art therapy (including drama therapy).

Individualization

- ▶ The whole Polish prison system is supplemented by fifteen diagnostic centres (located in detention centres or prisons) whose task is to deepen the psychological and psychiatric diagnoses of the inmates and direct them to the appropriate regime.
- ▶ It should also be noted that prisons and detention centres for women occupy a separate and special place in our penitentiary structures. Among them, there are two prisons where mothers can serve their sentence with their children up to the age of three.
- *According to the Polish Executive Penal Code male prisoners are kept separately from female prisoners (art. 86§ 1 Executive Penal Code)*
- 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.

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.

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

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

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

- * 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.

Rehabilitation role of EMS

- ▶ Another extremely important element of re-socialisation process is the Electronic Monitoring System, which from August 2018 onwards is entirely managed by the Prison Service.

The resocialization dimension

- * An individual serving sentence under the Electronic Monitoring System can function in their normal environment. This allows the individual to work, spend time with their family and participate in their social and cultural life. Furthermore, the Electronic Monitoring System eliminates the negative psychological and social effects of longterm isolation, as well as the reliance on the penitentiary system to take responsibility for securing the basic necessities of life. This is a very important aspect from the point of view of humanitarianism in punishment systems and the rehabilitation of convicts.
- * EMS must be combined with other measures which address offenders' problems and criminogenic needs (allowing time for them to engage in employment or training)
- * The efficiency of electronic surveillance may be increased by the introduction of treatment programs / rehabilitation programs that increase the chance of a fuller social rehabilitation of people who are covered by this system

Rehabilitation role of EMS

EMS is a useful alternative to a custodial sentence served in isolation, because it can be more effective and, what is important, less expensive for the budget.

More so,

- * The EMS systems do inform about relevant violations of monitoring directives that restrict movement of convicted person or proscribe particular behaviors - *so it's a practical resource for correctional control*
- * The Electronic Monitoring technology is considered as a prospective remedy for prison overcrowding

What is the role of education and training in prisons and what is the level of development of prison work and industries?

- ▶ There is a network of eighteen Continuous Training Centres in the premises of penitentiary units, which carry out didactic tasks that enable inmates to gain education or improve professional qualifications.
- ▶ On average, about 3,000 convicts are taught every year in the schools located in prisons; thereby, once they have served their sentences, they can more easily overcome the obstacles of the modern labour market. Thanks to the efforts of the Prison Service, the educational offer is systematically adjusted to the reality of the changing job market.

What is the role of education and training in prisons and what is the level of development of prison work and industries?

- ▶ Over the years, there are effectively used the opportunities created by European Union funds towards a positive influence on convicts. By way of example, I mention the project “Raising the professional qualifications of prisoners to return to the labour market after imprisonment”, which is currently underway.
- ▶ This project, worth 111 million PLN (over €26 million), is co-financed by the European Social Fund under the Operational Programme “Knowledge Education Development 2014-2020”. Under this program, by mid-2020, polish prisons have trained over 46,000 convicted men and women.



Przytuly Stare prison, located in Rzekuń, centre-east region of Poland

Projects, prorates

- ▶ It should be noted that, in the opinion of the authorities that control the implementation of this type of projects, the Polish Prison Service is an institution that manages the allocated resources in an efficient, adequate and transparent way, achieving the metrics specified in individual projects.
- ▶ “Jobs for prisoners” programme has been comprehensively implemented by the Prison Service since 2016. An important element supporting this programme was the adoption, by the Polish government, of a package of legal solutions allowing entrepreneurs to employ prisoners on more favourable terms.

Work dimension

- ▶ At present, almost 58% of prisoners work (an increase of 22% from 2016), while the employment rate in the group of convicts able to work is over 86%. In 2018, convicts worked for almost two million working hours, which was valued in almost 24 M PLN (about €105 M). In the last three years, Polish prisons put into operation twenty-five modern production facilities in the premises of our establishments and another twelve are under construction.
- ▶ In the current situation of the Polish labour market, the employment of convicts is becoming increasingly popular among private entrepreneurs. Prisoners work for a fee, which is very important in economic terms, allowing them to be able, for example, to fulfil financial obligations imposed by judicial decisions.



Kleczkowska prison, located in Wrocław,

Work dimension

- ▶ Work carries with it not only economic value, but, above all, a great contribution to the re-socialisation and readjustment for the prisoners. It enables the acquisition of specific professional qualifications, elevates the level of social competence, helps to deal with negative emotions, and moulds a sense of duty.
- ▶ Undoubtedly, all these elements support the process of returning to society after serving a sentence. The work that the convicts perform for free to the local government and the community is equally important, as it is an element of social compensation.