

Probation, Parole and Penitentiary Law
class 2
Polish Penitentiary System
(admission process, security systems according to
the types of units, work & education)



academic year 2022/2023

mgr Aleksandra Polak-
Kruszyk



Uniwersytet
Wrocławski

Wydział Prawa,
Administracji i Ekonomii

KATEDRA PRAWA KARNEGO WYKONAWCZEGO

Prison staff

- Prison Service Officers and civilian employees are working in the prisons.
- However, for some positions only Prison Service Officers might be employed.
- According to **article 38 of Prison Service Act** Prison Service Officer's duty can be performed only by person:
 - 1) who has Polish citizenship
 - 2) whose military duty status is regulated
 - 3) who has all civil rights
 - 4) who guarantees proper performance of entrusted duties
 - 5) who was not finally sentenced for intentional crime or intentional tax crime or who was not finally judged for conditional discontinuation of criminal procedure and is not subject of criminal procedure for such crime
 - 6) who guarantees to keep secret according to provision about protection secret information
 - 7) who passed at least secondary school
 - 8) who is physically and mentally able to serve duty
- Prison Service Officers can develop qualifications in centers of development and improvement qualifications which are managed by Prison Service.



Prison staff

- Officers are provided with the equipment necessary to perform their duties (**art. 17 of Prison Service Act**)
- Officers and employees should demonstrate appropriate general and professional preparation and high moral level. They also should systematically improve their professional skills and qualifications.

In particular they should:

- 1) be guided by the rule of law, impartiality and humanity
 - 2) respect prisoners rights and dignity;
 - 3) positively influence prisoners by being an authority for them
- Prison Staff is authorized to identify visitors and distribute identification. They can also demand submission of dangerous or prohibited objects, conduct body searches, and examine clothing, footwear, luggage, any vehicle incoming or outgoing, possibly with the use of technical devices and dogs trained in the detection of explosives or stupeficients. Bags and backpacks should be submitted. Also metal detectors are in everyday use.

Admission process

- At admission many details concerning the prisoner shall be immediately recorded (for example, the identity of the prisoner, the reason for commitment, etc.)

(art. 79a § 1 Executive Penal Code)

Data recorded upon admission includes:

- the registration number;
 - the date and hour of admission of an prisoner;
 - prisoner name (first name and surname) ,
 - date of birth, and place of residence;
 - prior criminal history;
 - health status;
 - prisoners duty to alimony;
 - whether the prisoner has been transported to the prison from another prison, was brought by the police, or has reported to the prison on his own;
 - information about the coercive measures executed against the prisoner;
 - the name of the authority that ordered the detention, and the case reference number;
 - information about whether the prisoner is in the pre-trial detention
-
- The prisoners can also be photographed and subjected to an external examination of their body. Furthermore, prison authorities are able to collect fingerprints from the prisoners.

Admission process

- At admission all prisoners shall be informed in writing and orally, and in a language they understand, of the regulations governing prison discipline as well as of their rights and duties within prison.
- According to the provisions of the Executive Penal Code, immediately after admission, the prisoners shall be informed of their rights and obligations. They shall be allowed to become familiar with the provisions of the Executive Penal Code and the Rules of the Execution of Custodial Sentences

(untried prisoners - art. 210 Executive Penal Code,
regular prisoners - art. 101 Executive Penal Code)

- Moreover, the prisoner is also subjected to an appropriate medical examination and sanitary.

Admission process

- Immediately after admission to the prison, but no later than within 3 working days from the day of admission, a doctor shall examine the prisoner. Within 14 days from the date of admission he should be examined with an X-Ray.
- An examination of his teeth should also be conducted.



Security systems and types of prisons

- As it was said - prison units can be organized as (art. 70§1 Executive Penal Code):
 - 1) closed-type units
 - 2) semi open-type units
 - 3) open-type units
- Types of prisons reflect the security systems
- Although security systems differ from each other by definition, it happens that different security solutions are applied within one unit.

Closed-type units

High security system art. 90 Executive Penal Code

- Inmate cells may be open in the daytime for a certain period of time unless it does not interfere with security measures,
- Inmates can be employed outside the prison facilities under full escort,
- General education, sports activities and vocational training take place in the prison setting,
- The inmates mobility on the prison premises is carried out in an organised manner and under supervision,
- Inmates can have their own underwear and footwear and with the permission of the director of the prison, their own clothing,
- Inmates are allowed two visits a month, and with the approval of the director of the prison, they can use them at one time,
- The visits are subject to the supervision by the prison staff.
- The conversations during the visits are subject to control by the prison staff,
- Inmate mail is censored by the prison staff, unless the law provides otherwise,
- Inmate phone calls are subject to control by the prison staff

Semi open-type units

Medium security system art. 91 Executive Penal Code

- Inmate cells are open in the daytime, they may be locked up at night,
- Inmates can be employed outside the prison facilities under limited escort or without escort, they can be assigned individual jobs,
- The inmate may be allowed to participate in academic or vocational training as well as therapeutic activities outside the prison facilities,
- The inmates can participate in cultural, educational or sports activities organised by the administration of the prison outside the prison premises,
- The inmate mobility on the prison premises is governed by internal regulations,
- The inmates can use their own underwear, clothing and footwear,
- The inmate can be granted passes from prison but not more often than once every two months. A total period does not exceed 14 days a year,
- The inmates are allowed three visits a month, the visits can be combined with the agreement of the director of the prison,
- The visits are subject to the supervision of the prison staff. The conversations during the visits may be subject to control by the prison staff,
- Inmate mail may be checked by the prison staff,

Open-type units

Low security system

art. 92 Executive Penal Code

- Inmate cells are open 24 hours a day,
- Inmates are employed mainly outside the prison premises, without any escort, they are assigned individual jobs
- The inmate can be allowed to participate in academic or vocational training as well as therapeutic activities outside the prison facilities,
- The inmates can participate in cultural, educational or sports activities organised by the administration of the prison outside the prison premises,
- The inmates can be allowed to participate in cultural, educational or sports activities organised outside the prison premises,
- The inmate mobility on the prison premises is governed by internal regulations,
- The inmates can use their own underwear, clothing and footwear,
- The inmates are allowed to have at their disposal money from the prison deposit,
- The inmates can be granted passes from prison but not more often than once a month. A total period does not exceed 28 days a year,
- The inmates are allowed an unlimited number of visits,
- The visits are subject to the supervision by the prison staff. The conversations during the visits are not subject to the control by the prison staff,
- The inmates, as far as possible, are provided with facilities to cook their own meals.

Employment

- ✱ Finding a job can be very difficult for individuals with criminal records. Research indicates that ex offenders experience substantial barriers to employment, including restrictions on hiring because of the type of criminal charge, attitudes and perceptions of employers, low education attainment, erosion of skills during incarceration, employment-ready skills, limited re-entry resources, unrealistic expectations for employment for entry-level positions, and lack of career development interventions.
- ✱ During the time these ex-offenders spend in prison, individuals lose work skills, forfeit the opportunity to gain work experience, and affect interpersonal connections and social contacts that could lead to legal employment opportunities upon release.

It is important to prevent a crime- employment significantly reduces recidivism

- ✱ For people with a history of offending, one of the most effective ways of preventing reoffending and improving their chances of leading a better life is to find and keep a job.
- ✱ Employment has long been recognized as instrumental in reducing recidivism from crime after incarceration and supporting desistance from crime for former prisoner

Work

- Prison isolation has a negative impact on the mental and social functioning of convicts. In contemporary prison law doctrine, work is considered to belong to the most important measures of social rehabilitation
- The most important functions of employment of inmates:
- satisfying their need for activity and movement
- strengthening or gaining a work habit
- improving professional skills or gaining them while working
- obtaining economic benefits for inmates and their families - which is especially important to convicts obliged to pay maintenance, and also those with a particularly difficult financial, personal or family situation

Work

- It is important to ensure employment primarily to convicts obliged to pay maintenance, and also those with a particularly difficult financial, personal or family situation ([Article 122 § 1–2 of Executive Penal Code](#))
- According to § 37(1) Minister of Justice's Ordinance on the organizational rules of the execution of imprisonment, when sending a convict to perform an appropriate type of work, the following are considered: [age, sex, length of sentence remaining to be served, as well as order and security-related considerations](#)
- Place of employment of prisoners depends on the category of prison and type of sentence imposed.
- Many inmates, for security reasons, are not eligible to work outside their penitentiary.

[As stated in article 122a § 2 of the Executive Penal Code, convicts are obligated to:](#)

- work conscientiously and efficiently;
- follow the discipline, work regulations, order regulations, fire regulations, as well as occupational health and safety regulations;
- keep things in order in the workplace, as well as look after the condition of operated machinery and equipment.

Work

- The rules of remuneration for performed work are included in [an agreement put together by the penitentiary superintendent or in an agreement entered into by the convict](#) (Art. 123. § 1 Executive Penal Code)
- Prisoners can be hired for a fee by Prison Service facilities, cleaning works and by outside entrepreneurs. At the request of the prisoner, the prison director determines the employment conditions, which then have to be accepted by the prisoner.
- In the case that the convict is sent to administrative and cleaning work on the premises of the prison, the amount of their remuneration is decided by the Director of Penitentiary Unit ([Art. 123. § 1 Executive Penal Code](#)).
- According to the [art. 123 § 1–2 Executive Penal Code](#), the employed inmate is entitled to remuneration for full-time or part-time work, proportionally to the number of hours worked.
- The Prison is entitled to [a 7% deduction from the convict's remuneration](#) for purposes of the Victim Assistance and Post-Penitentiary Assistance Fund, also known as the Justice Fund, and 45% for purposes of the Fund for Vocational Activation of Convicts and Development of Prison Industrial Workshops, established pursuant to Article 6a of the Act dated 28 August 1997 on the employment of persons in custody ([Art. 125 § Executive Penal Code](#))

Work

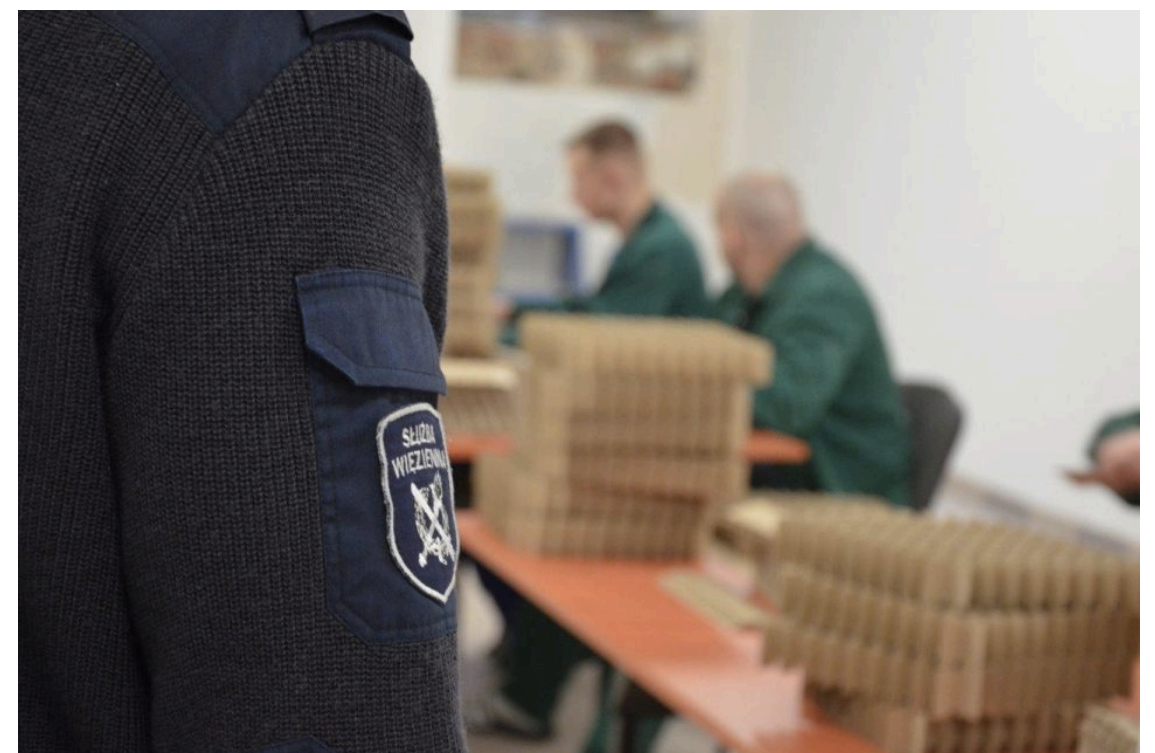
Art. 123a Executive Penal Code- the convict is not entitled to remuneration for cleaning work and ancillary work performed for organisational units of the Prison Service or for community service for:

- a local government
 - entities for which a commune/municipality, a county or a province is the founding body or state or local government organisational units
 - commercial companies owned exclusively by the Treasury, a commune/municipality, a county or a province
-
- If that this work not exceed the limit of 90 hours a month, although the penitentiary superintendent can permit the convict unpaid employment involving longer working hours based on written consent or at the request of the latter.

Work

- An outside employer is obligated to provide the prisoner's remuneration to the prison authorities. The prison authorities deposit a certain amount of the prisoner's salary, but not more than 4% of the minimum wage rate. The prisoner receives these funds when he or she leaves the prison ([Art. 126 Executive Penal Code](#))
- The prisoner has a right to be compensated for overtime work.
- After one year of continuous work the prisoner obtains the right for 14 days of leave with compensation ([Art. 124. § 1 Executive Penal Code](#))
- For inmates working under an employment contract - the Code permits 18 days of leave with compensation ([Art. 124. § 2 Executive Penal Code](#))

(source: <https://www.radiopiekary.pl/2017/12/19/jest-praca-dla-skazanych-zobacz-co-robia/>)



The work performed by convicts

PRACA WIĘŹNIÓW

PRZYKŁADY PRACY WYKONYWANEJ PRZEZ SKAZANYCH

REMONT
SZKOŁY
ZK ŻYTKOWICE



REMONT
MIESZKANIA
SOCJALNEGO DLA
WIEŁODZIETNEJ
RODZINY
ZK BRZEG



PORZĄDKOWANIE
CMENTARZA
ŻYDOWSKIEGO
AŚ PRUDNIK



REWITALIZACJA
DEPTAKA
MIEJSKIEGO
ZK STRZELIN





MINISTERSTWO
SPRAWIEDLIWOŚCI
www.ms.gov.pl



/MinisterstwoSprawiedliwosci



@MS_GOV_PL



/MS_GOV_PL

Education

All people who serve their sentences in prisons and custodies have a right for education, and they are allowed to learn. It is guaranteed and stated by many legal regulations, first of all by the Executive Penal Code.

- Finding employment without education or vocational skills is extremely difficult.
- Polish law provides convicts with a possibility to continue their education, however, learning is not compulsory.
- Schools operating in prisons offer all levels of education up to the university level.
- However, in some prisons, there is even the possibility to acquire a university degree.
- Convicts may acquire knowledge and raise their qualifications at various levels and in various fields.
Currently, the network of prison schools includes three elementary schools, nine middle schools, nine secondary schools, twenty eight vocational schools and two vocational colleges.
- Prison schools operate on the same grounds as schools outside the prison walls. What is more, they have to meet the same requirements.
- Considering individual values it provides to convicts and social advantages resulting from the process of prison education, it is important to encourage convicts to improve their qualifications.

Education

- [Art. 130 §1 Executive Penal Code](#) also refers to prison education - in accordance with the regulation: penal and corrective institutions are obliged to provide education at the level of primary school; they are also obliged to provide convicts with a possibility to continue their education at the secondary school level and to attend vocational training courses.
- Education is provided in the first place to convicts who do not have any profession, or to those who will not be able to work in their acquired profession after leaving prison, because they will be still under-aged (not 21 yet) - [art. 130 § 3 Executive Penal Code](#)
- Convicts who do not have sufficient financial means are provided with free handbooks and training aids - [art. 130 § 4 Executive Penal Code](#)
- There is also a possibility to educate convicts outside their penitentiary institution (at their own expense). In some particular cases, the penitentiary institution may even cover the expenses related to education of a convict - [art. 130 § 5 Executive Penal Code](#)
- Each penitentiary unit in Poland is equipped with a library. Depending upon the prison size, the libraries typically contain about several thousand volumes. The books are usually a gift from liquidated public libraries.

Education

A very positive tendency that may be observed in Poland is a growing demand for prison education.

- In Poland vocational schools have been the most popular ones.
- Their popularity results from the fact that they offer a real chance to acquire a profession and to find employment after leaving prison. A significant problem comes with the practical teaching of a profession and the searching for employment. Another difficulty is the fact that prison libraries do not have some current and relevant educational materials.

Among the most important functions of prison education are the following:

- To cover deficiencies in education - Prison schools provide convicts with an opportunity to complete their primary education and to acquire a profession.
- To improve convicts' self-esteem (especially of those who, despite the fact that they have graduated from a primary school, can neither read nor write);
- To provide convicts with professional skills so that they would be able to find employment in their life in freedom;

= Covering any deficiencies in their education and being granted with a certificate of school graduation come as a chance for convicts to enter the labour market.

- To eliminate chances for convicts to be involved into crime again;
- To minimise social exclusion of convicts after they leave prison

Education

- The recruitment and organisation of education at prison and custody suites schools are based on the Minister of Justice's Ordinance on the entailed regulations and modes of education provided at penitentiary institutions (2016) and in accordance with the General Director's of Prison Service Instruction no. 1/2011, on detailed organisation modes of school education and training courses provided at prisons and custody suites, of 11th June 2011.

Convicts qualified for education are:

- Convicts who are under 18 years old and who are statutorily obliged to undergo compulsory education, based on the Act on the Education System;
- Convicts for whom a need for education has been specified in their individual correctional programmes, upon the request of the department of the penitentiary institution;
- Convicts who have applied for education or its continuation at a specific type of school.



(source: <https://www.sw.gov.pl/aktualnosc/okregowy-inspektorat-sluzby-wieziennnej-w-gdansk-nauka-w-wieziennnej-szkole>)

Education

- ▶ Education is a human right, and this is also valid for people in prison.

More specifically, the Council of Europe has approved a number of recommendations relating to prisoners:

- ▶ ***The 1990 recommendation on Education in Prison and the European Prison Rules (revised in 2006)***, both of which uphold a prisoner's right to education.
 - ▶ ***The United Nations Standard Minimum Rules for the Treatment of Prisoners*** refers to the importance of education and training for all prisoners, and
 - ▶ ***its 1990 Basic Principles for the Treatment of Prisoners*** includes specific reference to the right of prisoners to take part in education.
-
- ▶ Education has been guaranteed as a right for prisoners by a number of bodies.

The right to learn

- ▶ **According to the European Law:** *Education in prisons should have purposes no less important than those of education in the community outside.*
- ▶ In particular, the aims of prison education should be essentially the same as those in adult education.
- ▶ The primary aims of prison education services must be to facilitate the right to learn which all men and women have and which is a key to their human development.

Physical education and sport

Physical education and sport have an important place in the range of educational and recreational facilities available in prisons.

- ▶ The European Prison Rules states that all prisoners should be given the opportunity to take part regularly in properly organised sport and physical education, and suggest that some priority should be given to these activities.

Physical education and sports for prisoners should be emphasised and encouraged

Participation in physical education and sport can have three aims:

- ▶ Specific: to learn or improve one's performance in a particular sport, for example, swimming, basketball;
- ▶ Social:= to get along with other people through, for example, being part of a team and working together, learning to accept defeat, exercising self-control and coping with aggression;
- ▶ Reflective: exposure to values and norms of having rules in sport. Prisoners can learn that the rules exist for the benefit of all the participants.

Social education

Social education was not specifically mentioned in any legal document

- ▶ Social education should include practical elements that enable the prisoner to manage daily life within the prison, with a view to facilitating the return to society
- ▶ The term "social education" is preferred to alternatives such as "social and life skills" or "social training", because it focuses on the general education or development of the whole person
- ▶ Wherever possible, prisoners should be allowed to participate in education outside prison

The right to learn

According to that provisions:

- ▶ Education is the central element in the system of social rehabilitation of inmates.
- ▶ In educational programmes for inmates, specificities of each person should be considered and possibilities for general cultural development provided.
- ▶ As a rule, after release the ex-inmate faces employment problems, and in penitentiary institutions they are affected by alienation from the normal way of life, absence of living perspectives and opportunity to change something.



Benefits of Prison Education

- ▶ **Recidivism:** Studies show that there is a **43%** reduction in recidivism rates for those prisoners who participate in prison education programs.
- ▶ Indeed, the higher the degree, the lower the recidivism rate is: **14%** for those who obtain an associate degree, **5.6%** for those who obtain a bachelor's degree, and 0% for those who obtain a master's degree.
- ▶ **Employment Opportunities:** There are increased and improved employment opportunities available for those formerly incarcerated people who engaged in prison education programs, and reentry is far smoother and more successful for those who took classes in prison, especially insofar as gainful employment is one of the defining features of successful reentry.
- ▶ Study found that there is 13% increase in post-release employment for parolees who participate in prison education programs

Benefits of Prison Education

- ▶ **Cost Effective:** Prison education is a highly cost-effective investment. A study found that “a \$1 million investment in incarceration will prevent about 350 crimes, while that same investment in prison education will prevent more than 600 crimes. Prison education is almost twice as cost effective as incarceration.
- ▶ **“Inside” Benefits:** Even for those who are serving long term sentences, prison education has profound and often life-changing benefits. It may reduce violence and disciplinary infractions among those involved in prison education. Prison education also breaks down racial and ethnic barriers that are often a cause of tension and violence in prisons.

Benefits of Prison Education

- ▶ **Community and Intergenerational Benefits:** Studies show, for instance, that post-secondary prison education has many positive effects on families of the incarcerated and on reintegration process.
- ▶ **Improved safety and positive culture of prisons:** The longer an inmate is involved in prison education, the more likely he will experience positive behavioral changes.



Learning opportunities

Interaction with the community

- ▶ Education introduces a “normalisation” into the life of the prison by close links between educational activities within unit and the providing agencies outside.
- ▶ Where education has to take place within the prison, the outside community should be involved as fully as possible

Basic education

- ▶ Throughout Europe, the proportion of people with serious literacy problems is far higher in prisons than in the community. The number of prisoners who cannot read or write at all is still high
- ▶ Access to education can help them gain some basic education

Learning opportunities

Vocational education

- ▶ Vocational education can be an excellent source of more general personal development as well as a vehicle for imparting
- ▶ Vocational education can be administered along with work activities or within the prison education service.
- ▶ Vocational education should aim at the wider development of the individual, as well as being sensitive to trends in the labour market;

Education for adaptability

- ▶ But, even when skills are very well developed, it may be equally necessary for prisoners to progress in other aspects of their lives (personal or social education, or simply a general growth in confidence)
- ▶ Education helps prisoners to be more adaptable,