Waldemar Waśkowicz

ODDZIAŁYWANIA RESOCJALIZACYJNE W ZAKŁADACH KARNYCH DLA MŁODOCIANYCH A WSPÓŁCZESNE PROBLEMY PRACOWNIKÓW PENITENCJARNYCH

REHABILITATIVE INFLUENCE ON THE ADOLESCENT IN PENITENTIARY INSTITUTIONS AND CONTEMPORARY PROBLEMS OF THEIR EMPLOYEES

Received on: 09/02/2021 Approved on: 19/05/2021 Published on: 15/06/2021
DOI: 10.5604/01.3001.0014.8936
Original Article
Source of funding – own research

Streszczenie
Opracowanie poświęcone jest zakładom karnym dla młodocianych oraz prowadzonym na ich terenie oddziaływaniom resocjalizacyjnym, które ukierunkowane są na obowiązujące w systemie prawnym środki. Zaliczyć do nich należy: pracę, nauczanie, zajęcia kulturalno-oświatowe i sportowe, podtrzymywanie kontaktów z rodziną i światem zewnętrznym oraz nowe środki i metody oddziaływania na skazanych. Prowadzenie ich na terenie zakładów karnych wobec osadzonych młodocianych często niesie ze sobą pewne implikacje, które stają się przyczyną wielu problemów pracowników penitencjarnych w pracy z osadzonymi.

Słowa kluczowe: młodociani, zakład karny, pracownicy penitencjarni.

Abstract
This research paper concerns penitentiary institutions for the adolescent and rehabilitative influence within their premises. Penitentiary influence is

Waldemar Waśkowicz, PhD, educator in the Youth Shelter in Dominowo, wwaskowicz@wp.pl, ORCID: 0000-0002-2374-3670.

DOI: 10.5604/01.3001.0014.8936
directed towards the means which are obligatory within the legal system. They include work, teaching, sports activities, cultural and educational activities, maintaining relations with the outside world, as well as new means and methods of influencing the convicts. The activities carried out on the premises of the penitentiary institutions and directed towards the adolescent often cause certain implications that may cause numerous problems for penitentiary staff in their work with the convicts.

**Keywords**: adolescent, penitentiary institution, penitentiary staff.

**Introduction**

Rehabilitation centres in Poland include 169 standalone penitentiary institutions as well as pre-trial detention centres and separated external divisions. According to the data for 29 January 2021, the 81,637 spots in penitentiary institutions and pre-trial detention centres were occupied by 68,828 convicts. Juvenile offenders are the youngest prisoners in Polish penitentiary institutions. Article 115(10) of the Polish Penal Code defines a juvenile offender as a person who was under the age of 21 at the moment of committing the unlawful act and under the age of 24 at the moment the trial court was ruling on the case. Further analysis shows that penitentiary institutions for juvenile offenders also hold minors. Article 10(1) of the Polish Penal Code explicitly states that whoever commits an unlawful act after turning 17 is held accountable on the terms as defined in the Penal Code. According to Article 10(2) of the Polish Penal Code, a minor after turning 15 who commits an unlawful act on the terms as defined in the ten Penal Code articles listed by the legislator may be held accountable on the terms specified in the code if this is justified considering the circumstances of the case and the development level, traits and personal determinants of the offender, especially if the previously applied educational or correctional measures were ineffective. In accordance with Article 69 of

---

the Polish Executive Penal Code, individuals at an age from the above age brackets who engage in criminal acts serve prison sentences in penitentiary institutions for juvenile offenders, which are one of the four types of penitentiary institutions in Poland.\textsuperscript{5} As per Article 70(1) and Article 70(2) Executive Penal Code, penitentiary institutions are organised as three types of facilities, i.e. as: closed facilities, semi-open facilities and open facilities. According to Article 70(2) of the Executive Penal Code, the facilities differ especially in terms of the level of security and isolation of the convicts and their resulting obligations and rights in terms of moving around and outside the facility. The last component of serving the prison sentence is the penalty execution system. There are three systems under Article 81 of the Executive Penal Code: correctional programme-based system, therapy-based system and regular system. Juvenile convicts serve their sentence in the correctional programme-based system (Article 95(1) of the Executive Penal Code).

**Prison rehabilitation of juvenile offenders**

According to H. Machel,\textsuperscript{6} penitentiary institutions are oriented towards a set of rehabilitation methods and rules which are applied in specific organisational conditions and which are to help change the personality of the prisoners in terms of their attitudes in order to discourage them from committing more crimes and to support their social re-adaptation and re-integration. The prison system should be interpreted as “all the regulations and institutions of the penitentiary law and the equipment of the penitentiary institutions designed to achieve a specific objective of a prison sentence through use of specific means.”\textsuperscript{7} The objective of rehabilitation can be divided into two sub-objectives which differ as to effectiveness: the minimum objective and the maximum objective. The minimum objective is achieving a state of the prisoner’s personality which enables them to function in the society after leaving the penitentiary institution without breaking the law. When an offender reaches the minimum objective, there is a chance that they will not reoffend. The

\textsuperscript{5} Polish Executive Penal Code of 6 June 1997; Journal of Laws of 2021, item 53, as amended
The maximum objective is achieving a state of the convict’s personality that would enable them to function in the society without breaking the law and violating the moral standards. The rehabilitative measures used in the current legal system include: work, teaching, cultural and educational activities, sports activities, contacts with the family and the outside world, therapy, rewards and disciplinary punishments, as well as new correctional measures and methods (Article 67(3), Article 71, Article 137 and Article 142 of the Executive Penal Code). Analysing the rehabilitative influence process in penitentiary institutions requires examining the number of juvenile and underage offenders in such facilities over the past years.

### Table 1. Pre-trial detainees and convicts by age

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>15-16</td>
<td>17</td>
<td>5</td>
<td>1</td>
<td>6</td>
<td>1</td>
<td>1</td>
<td>4</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>17-18</td>
<td>682</td>
<td>467</td>
<td>545</td>
<td>406</td>
<td>303</td>
<td>244</td>
<td>154</td>
<td>163</td>
<td>212</td>
<td>152</td>
<td>187</td>
</tr>
<tr>
<td>19-21</td>
<td>4998</td>
<td>4432</td>
<td>4120</td>
<td>4106</td>
<td>3913</td>
<td>3449</td>
<td>2738</td>
<td>2441</td>
<td>2408</td>
<td>2116</td>
<td>1915</td>
</tr>
<tr>
<td>Total</td>
<td>5697</td>
<td>4904</td>
<td>4666</td>
<td>4518</td>
<td>4217</td>
<td>3694</td>
<td>2896</td>
<td>2604</td>
<td>2622</td>
<td>2269</td>
<td>2104</td>
</tr>
</tbody>
</table>


The table below presents a list of juvenile and underage detainees and offenders serving prison sentences over the past 11 years. The data clearly shows that the number of convicts kept dropping year by year in the 2009-2019 period in almost all age groups. Furthermore, if we analyse the data from the extreme years 2009 and 2019 in the general compilation, we can observe that the number of juvenile and underage offenders locked up in pre-trial detention centres and penitentiary institutions for juvenile offenders dropped by 3,593.

Considering the aspect of the liability of the convicts, we should establish Poland’s current number of penitentiary institutions for juvenile offenders with wide-reach correctional systems.

### Table 2. Penitentiary institutions for juvenile offenders as standalone facilities or in pre-trial detention centres and in separated external divisions

---

Based on the data gathered by the Central Board of the Prison Service until 04/02/2021, we can conclude that Poland has 63 penitentiary institutions for juvenile offenders as standalone facilities or in pre-trial detention centres and in separated external divisions.

### Table 3. Types of penitentiary institutions functioning as standalone facilities or in pre-trial detention centres and in separated external divisions

<table>
<thead>
<tr>
<th>Penitentiary institutions for juvenile offenders</th>
<th>Types of penitentiary institution</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Closed</td>
</tr>
<tr>
<td>Penitentiary institution</td>
<td>24</td>
</tr>
<tr>
<td>Pre-trial detention centre</td>
<td>11</td>
</tr>
<tr>
<td>Separate external division</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>39</strong></td>
</tr>
</tbody>
</table>


The data in Table 3 suggest that juvenile offenders serve prison sentences in three types of penitentiary institutions (a total of 99 in Poland), which are classified into one of the following types: closed facilities (39), semi-open facilities (40) or open facilities (20).

A. Kowalczyk\(^9\) states that rehabilitative influence activities undertaken in penitentiary institutions focus primarily on shaping the officer–convict and convict–convict relations. She also believes that “the effectiveness of the educational and teaching work depends on the educational

---

competencies and methodological skills supported with the knowledge of the educational interactions, on the style of work and on the social and professional roles played in accordance with the expectations of the environment.”

It must be remembered that the educator is the individual who organises the educational process, while the convicts are quite a specific group, which requires both educating and orienting towards self-education, i.e. help to understand the notion of appropriate self-fulfilment. As I have already mentioned, prisoners in penitentiary institutions for juvenile offenders serve the prison sentence in the correctional programme-based system (Article 95(1) of the Polish Executive Penal Code). An individual rehabilitation programme (IRP) is developed for every prisoner, designed to plan long-term rehabilitative actions oriented towards: work, teaching, cultural and educational activities, sports activities, contacts with the family and the outside world (Article 95(2) of the Polish Executive Penal Code). The programme relies on thorough diagnostics of the prisoner. Based on the programme, the prisoners’ rehabilitation progress is evaluated on a regular basis, at least every 6 months (§ 49 of the Executive Penal Code). The IRP may also be verified as needed, for instance if tasks are completed ahead of schedule or if they cannot be completed at all.

In the Polish law, work is one of the most important rehabilitation measures (Article 67(3) of the Executive Penal Code). In the statement of grounds to the government’s 1997 penal code bill, work of convicts was presented as preparing the convicts to live in the community, teaching them an occupation, shaping their work habits, and showing them how to function outside prison walls. The educational aspect of work also arises from the fact that it encourages the activity of convicts, stimulates their interests, teaches them punctuality and responsibility. An additional asset of this correctional measure is that it is an opportunity to tear away from the forced isolation, to fill the free time and to release the excess energy, which is especially visible in juvenile convicts. What matters to the

---

12 Regulation of the Polish Minister of Justice of 21 December 2016 on the organisational rules for execution of prison sentences; Journal of Laws of 2016, item 2231.
13 K. Sitnik, op. cit., p. 269.
prisoners is that they are paid for their work (Article 123(1) of the Polish Executive Penal Code). It must be of course borne in mind that employment may be unpaid too (Article 123a(1) through Article 123a(4) of the Polish Executive Penal Code). The prison staff points to the significant possibilities arising for convicts in connection with the time worked as it counts as an employment period within the meaning of retirement pension regulations and for the purpose of determining employee rights (Article 127 of the Polish Executive Penal Code). This is why the convicts often see qualifying for a job as a privilege – an attractive form of serving their prison sentence.  

Another rehabilitative influence measure is learning but convicts do not perceive it as an attractive form of spending their time in the penitentiary institution. As they point out, it was one of the elements of the life outside prison where they experienced the most problems. A vast majority of socially maladapted individuals were characterised at various stages of school education by: school negativism, lack of educational ambitions, unwillingness to learn a job, cognitive passiveness, a very narrow area of interests and disdain for intellectual work. Prison staff members quite often hear the convicts claim that schools problems were the initial reasons why they skipped class, and this was when they committed their first socially unacceptable unlawful acts. So school is a kind of barrier to be overcome before juvenile offenders can be interested in education. Consequently, it is of great importance to provide teaching to convicts. According to Article 130(1) through Article 130(3), penitentiary institutions deliver compulsory primary school education and offer secondary education and vocational courses. Course-based vocational training can be fully or partially fee-based. A penitentiary institution is obligated to provide education matched to the abilities and talents of the convicts serving their prison sentences in a penitentiary institution for juvenile offenders, as they are given priority in terms of attending secondary education and vocational training. The Central Board of the

Prison Service also mentions training within various EU courses delivered on the premises of penitentiary institutions.\textsuperscript{17}

Cultural and educational activities and sports activities are the rehabilitation measures that are the most popular with convicts. An interesting solution is that the warden may appoint convict spokespersons to give them opinion-building and consultation tasks (Article 136(2) of Polish Executive Penal Code). The presented activities are one of the basic means of filling the convicts’ free time. They foster active leisure and help satisfy the needs of the convicts. Organising cultural and educational classes and sports classes is an opportunity to switch roles: convicts are no longer merely passive recipients of the possibilities offered by the penitentiary institution but they may initiate and co-organise certain projects. Convicts may be allowed to create teams to carry out cultural, educational, social and sports activities. For this purpose, they may be given permission to build contacts and work with appropriate associations, organisations and institutions. Especially in order to undertake work in public interest and to pursue other socially recognised goals (Article 136(1) of the Polish Executive Penal Code).

Contacts with the family and the outside world are one of the measures to strengthen and rebuild the bonds with the society, especially with the convicts’ families. Close contacts with people important to the convicts who may substantially influence them to change their attitudes is a priority. If convicts meet with their loved ones as they serve their sentence, it may be easier for them to resolve their family conflicts and strengthen the bonds, which often motivates convicts to positive functioning in a penitentiary institution. H. Machel\textsuperscript{18} mentions two basic interfaces between penitentiary institutions and the society which have rehabilitative functions. The first one encompasses various forms of support for convicts from institutions, organisations, societies, churches and religious associations and from natural persons. The other interface involves the assistance provided by prisoners to various entities of community life, often in the form of work done for local communities by organised convict groups. Another component forming a part of the rehabilitative influence measures connected with the outer world is

\textsuperscript{18} H. Machel, Więzienie....
volunteering. Volunteering concentrates mainly on filling the convicts’ free time and on various forms of assistance for them and their families.\textsuperscript{19} In the eyes of convicts, volunteers are groups of people who devote their time to them of their own will, which makes them credible in their influence because they work for ideals and not for money. It must be remembered that rehabilitation without the cooperation between penitentiary institutions and the outside world, restricted to the small space of the penitentiary institution, has no chance to be successful.

Another noteworthy component of the rehabilitative influence includes new measures and methods of influencing convicts. Current legislation permits introducing new measures and methods of influencing convicts (Article 71 of the Polish Executive Penal Code). They are oriented primarily towards a penitentiary experiment. T. Szymanowski\textsuperscript{20} claims that despite the current possibilities, the Polish prison system offers very few experiments and innovative attempts in terms of exerting correctional influence. Curiously enough, penitentiary employees mention that the facilities increasingly often undertake such actions in partnership with specialists from outside penitentiary institutions. Prison staff members are open to any reasonable proposals of changes in the rehabilitative influence measures which could prevent convicts from re-offending.

To sum up, the rehabilitative influence measures provided for in the legal system are oriented towards correcting and strengthening the attitudes of convicts in penitentiary institutions, and they use both rewards and disciplinary punishments. The purpose of rewards is to create positive reinforcements and encourage better behaviour (Article 137 of the Polish Executive Penal Code). Punishments are negative reinforcements designed to eliminate undesired behaviour (Article 142(1) of the Polish Executive Penal Code). The rehabilitative nature of rewards and punishments also confirms that their use must be, in their very assumptions, consistent with the objectives and principles of serving the prison sentence.

\textsuperscript{20} T. Szymanowski, \textit{Polityka karna i penitencjarna w Polsce w okresie przemian prawa karnego (podstawowe problemy w świetle danych empirycznych)}, Warsaw 2004.
Problems of rehabilitative influence

Rehabilitation includes correcting the antagonistic and destructive behaviour of an individual, helping them assimilate the norms and values shared by the general society, commencing and persistently continuing the process of designing their own identity and personality, and consistently pursuing the vision of themselves in the future. These activities are organised hierarchically into specific temporal distances.\(^{21}\)

Unfortunately, the rehabilitative influence presented above entails a number of problems caused by the youngest convicts. Educators from penitentiary institution for juvenile offenders are unanimous that this is the most difficult group of prisoners.\(^{22}\) The majority of them come from pathological milieus, which means that the models of behaviour taught in the family environment were distorted. A large percentage of convicts have already been in various rehabilitation facilities for juvenile offenders, such as juvenile care centres, youth shelters and youth detention centres. Facilities for juvenile offenders have “left their mark” on this group of convicts, which is why their perception of the world is vastly incompatible with the social environment outside the facility.\(^{23}\)

Analysis of the peer environment of individuals before they are locked up in a correctional facility requires identifying the most common problems, which are connected with taking and abusing psychoactive substances, such as narcotics, designer drugs, inhalants, alcohol and other substances.\(^{24}\) Other problems mentioned by the staff of penitentiary institutions are: the already mentioned young age of the convicts, their demanding attitudes, hormonal instability and the emotional immaturity which underlies various social deficits leading to conflicts with fellow inmates. If we add the fact that they are unfamiliar with the prison conditions and rules, including the rules of the “other life,” a lot of juvenile offenders have major trouble finding their place in such reality. The prison

---

24 E. Szlęzak-Kawa, *op. cit.*
staff claim that at the initial stage of imprisonment the majority of convicts start to respond with rebellion and aggression, especially towards the staff, which – as the prisoners themselves later claim – is the result of the frustration which overwhelms them and makes them feel helpless as they are unable to make their own decisions about themselves. They also release their emotions though aggressive behaviour towards other convicts and by engaging in fights and disrupting order in the penitentiary institution. This is why it is so important, as the prison officers claim, to have a cell placement system that takes into account the well-being of other convicts.25

Another type of behavioural deficits visible in convicts serving prison sentences in penitentiary institutions for juvenile offenders arises, as they themselves believe, from too much free time, which they are trying to fill in. A common way to “kill the time” is to tattoo their bodies with needles and self-made tattooing devices, with ink obtained through smuggling or from ballpoint pens and gel pens. Such behaviour is of course prohibited and subject to disciplinary punishment but this in no way discourages the convicts from applying such dubious decorations on their bodies (Article 116a of the Polish Executive Penal Code). Other destructive behaviours mentioned by the penitentiary staff are connected with the prison subculture. The majority of practitioners claim that the “other life” does not exist anymore and if it does, than to a much smaller extent than it used to before 1989, which was the year of political and system transformations in Poland.26 Still, this does not change the fact that the “other life” is still trending among convicts and they are trying to cultivate the tradition. As we analyse the behaviour among the convicts, there are plenty of disruption cases arising on that account. It is obvious that not everyone deserves the honour of functioning in the highest cast – “people,” which is why others must expect to be bullied, abused and humiliated as “losers.” It must be noted that juvenile convicts are highly creative in their actions and do not like boredom, which is why something must be going on all the time, in a negative aspect of course. The penitentiary staff emphasise that prisoners remain in the institution round the clock so they have plenty of time to devise various scenarios to achieve their goals. Such

scenarios may involve actions taken to set the record straight with other convicts, struggle for power, struggle for influence and for the privileges coming from visits and from the packages received by fellow inmates. For juvenile offenders, such situations often lead to powerful tension with a negative emotional charge, taking the form of: aggression, manipulative actions, threats, provocations, which often turn into conflicts between convicts.\(^\text{27}\) These are just examples of the vast range of behaviour which the prison staff face and need to adequately respond to on a daily basis. Such behaviour leads the prison officers to apply the disciplinary punishments provided for in relevant rules and regulations (Article 142(1) of the Polish Executive Penal Code), which often causes disgruntlement among the convicts because they believe that they are unfair. Consequently, educators are trying to intervene in many situations and they lose credibility in the eyes of convicts in the process because they are employees of the institution that stands in their way to freedom. And when a convict does not agree with an evaluation, the employee who made the employee becomes their number one enemy in the penitentiary institution.\(^\text{28}\) In such a reality, prison officers are trying to continue indirect and direct rehabilitative influence towards the convicts. They must verify it thoroughly and plan anew – the individual rehabilitation programme (IRP) must be verified.

As we analyse the problems that arise during work with convicts, we must remember about the individuals who solve it, i.e. prison officers. They spend years in direct contact with individuals serving prison sentences and as such they experience stress, which is inseparably connected with their work and influences all the areas of their functioning.\(^\text{29}\) Stress may of course be a driver for action and for attainment of goals but if excessive and chronic, as is the case for the prison staff, it has various consequences in the form of health disorders which substantially deteriorate the functioning of the individual and affects their private and professional life. They feel they are becoming less


\(^{28}\) A. Kowalczyk, \textit{op. cit.}, p. 102.

effective and competent in their jobs, which may very often lead to occupational burnout.\textsuperscript{30} According to D. Wojtczak,\textsuperscript{31} persisting stress and emotional overload deplete an individual’s physical strength and any failures exacerbate the problem. The situation deteriorates considerably if there is no support from the immediate surroundings, both the family and the coworkers, and if the individual has been neglecting their own professional development. An employee observes their growing sense of inadequacy and lack of the skill required to bring help.

**Conclusion**

The issues related to the correctional influence in penitentiary institutions for juvenile offenders and of the contemporary problems of rehabilitation activities presented above outline the daily challenges that the prison staff has to face. The rehabilitative influence activities, in a broad sense of the term, carried out in prison are on the one hand accepted by the convicts because they are aware that they should submit to penitentiary influence in order to leave the prison as soon as possible. On the other hand, they see the appeal of what is forbidden: the “other life,” the desire to function in a way that makes them perceived by all as individuals who stand up to the system, always fight and whose opinion must be respected by everyone. This is of course a distorted image of the convicts have the reality. The task of the prison staff is to use long-term rehabilitative influence to change this perception and change the personality of the convicts. This requires a lot of work on the part of the prison officers and the prisoners. Our analysis shows that there are three major factors determining the effectiveness of rehabilitation: the conditions of serving the sentence, the commitment of the prison staff and the commitment of the convict, which must be fully aligned. If any of the presented factors malfunction, the influence is ineffective. It must be borne in mind that to be successful such activities require professionally trained staff who can cope with all the challenges arising from contemporary problems accompanying rehabilitative influence. Every employee must

\textsuperscript{31} D. Wojtczak, *Stres i wypalenie zawodowe w pracy pielęgniarek*, “Praca Socjalna” 2007, No. 4.
have the characteristics and skills required to carry out such activities or take part in rehabilitation of convicts. One thing is certain – prison officers must be prepared to work under constant stress which, without appropriate coping mechanisms, unfortunately leads to occupational burnout and hinders proper interactions with those who serve prison sentences.

References

Jastrzębska M., Krótka charakterystyka zjawiska nieformalnych struktur podkultury przestępczej. „Studia Gdańskie. Wizje i rzeczywistość” 2010, T. VII.
Kowalczyk A., Dylematy pracy wychowawczej w jednostkach penitencjarnych, „Lubelski Rocznik Pedagogiczny” 2014, T. XXXIII.
Pstrąg D., Praca w procesie readaptacji społecznej skazanych, „Lubelski Rocznik Pedagogiczny”, Lublin” 2014, T. XXXIII.
Sitnik K., Indywidualny program wykonywania kary pozbawienia wolności jako podstawa systemu programowanego oddziaływania, „Nowa Kodyfikacja Prawa Karnego”, Wrocław 2011, T. XXVII.


**Legal acts**


Regulation of the Polish Minister of Justice of 21 December 2016 on the organisational rules for execution of prison sentences; Journal of Laws item 2231.

**Online sources**
