

The Penitentiary System in Ensuring Security in Poland

System penitencjarny w zapewnianiu bezpieczeństwa w Polsce

RYSZARD SUDUŁ

Ph.D., University of Rzeszów, e-mail: ryszard.sudul@prokonto.pl

 <https://orcid.org/0000-0002-6420-5043>

Abstract: The Prison Service is one of the notable institutions in the state's internal security system. One of the most important tasks of this uniformed and armed formation is the isolation and resocialisation of persons sentenced by a final sentence to imprisonment. Thus, it can be said that the Prison Service is responsible for ensuring the security of society and protecting it from the negative impact of individuals who were capable of committing a criminal act, i.e. a crime. The dangers of crime significantly affect societies as a whole. This article is an attempt to analyse the pragmatic provisions concerning the system and rules of operation of one of the more important state services, responsible for the execution of punishments and punitive measures resulting in deprivation of liberty, but at the same time carrying out tasks for the benefit of state security.

Keywords: security, penitentiary system, Prison Service, prison

Streszczenie: Służba Więzienna stanowi znaczącą instytucję w systemie bezpieczeństwa wewnętrznego państwa. Wśród najważniejszych zadań tej umundurowanej oraz uzbrojonej formacji wyróżnia się izolację oraz resocjalizację osób skazanych prawomocnym wyrokiem na karę pozbawienia wolności. Wobec powyższego Służba Więzienna odpowiada za zapewnianie bezpieczeństwa społeczeństwu oraz chroni je przed negatywnym oddziaływaniem jednostek, które były zdolne do popełnienia czynu zabronionego, czyli przestępstwa. Zagrożenia związane z przestępczością w poważny sposób wpływają na całe społeczeństwo. W artykule podjęto próbę analizy przepisów pragmatycznych dotyczących ustroju i zasad funkcjonowania jednej z bardziej istotnych służb państwowych, odpowiedzialnej za wykonanie kar i środków karnych skutkujących pozbawieniem wolności, ale jednocześnie realizującej zadania na rzecz bezpieczeństwa państwa.

Słowa kluczowe: bezpieczeństwo, system penitencjarny, Służba Więzienna, zakład karny

Security is one of the basic requirements of the functioning of the state and society. The very provision of security involves a number of legal and organizational activities, both in the internal and external aspects of

the state. Concern for security is not only the fight against military threats but also issues related to environmental, social, economic, technical or cyber threats. Ensuring security is also linked to the whole range of issues related to the person himself, among others protection of his rights and freedoms. In this context, the protection of man, defined both in terms of the security of the individual and of society as a whole, becomes one of the most important missions of the state. You can see it among others in a number of existing legal acts that provide a person with protection at almost every stage of his life.

The security of the state and its society is included in the definition of Public Security, which *notabene* is one of the most important functions and tasks of the state. Public Security is determined by numerous legal and administrative conditions, but also by the functionality of institutions whose main task is to protect the life, health and property of citizens. Public security, in a broader context, is also intended to guarantee the protection of the system and sovereignty of states, protecting them from various types of external and internal threats. The security environment is dynamic, so it cannot be said to be stable and certain (Ura, Pieprzny, Pado 2007: 155–168; see for more details Boć 2009; Chajbowski 2009; Pakuła 2009).

Within the framework of Public Security, various types of institutions responsible for protecting society from threats are distinguished. These include, e.g., public authorities, as well as systems and services, including uniformed formations responsible for protecting the population. The penitentiary system, also referred to as the prison system, was created in the framework of public security. The system, which has a long and memorable past history, was designed primarily to isolate the individual in conditions that insult humanity. Until the 19th century, the prison was usually associated with dungeons, cellars, bastions and towers, also as a place of torture or execution of the death penalty or other punishments. The way of serving a sentence has changed with the transformation of life, it has begun to be seen that the forced place of isolation of a person, referred to as a prison, can create opportunities for his rehabilitation – to help in the process of returning to being a righteous member of society. An important role in this process was played by the international community, which in 1955, during the First United Nations Congress on the Prevention and treatment of crime, adopted *Standard Minimum Rules for the Treatment of Prisoners*. In Europe, a similar document was introduced only in 2006 – Recommendation

of the Committee of Ministers to the member states of the Council of Europe on European Prison Rules (*Europejskie Reguły Więzienne* 2006). Most of the recommendations contained in the highlighted rules have been incorporated into Polish Penitentiary law.

In Poland, a noticeable process of rehabilitation of convicted and imprisoned prisoners began in the early 1990s. of the last century. Compared to the 1970s. or 1980s. of the 20th century, it has undergone significant modifications. In the processes of rehabilitation and crime prevention, a new probation institution was also introduced (controlled freedom, a system that allows serving sentences outside prison), the main purpose of which was the control of convicts remaining at large under the supervision of a specialized and authorized body, such as a probation officer. It should be emphasized that the perception of the penitentiary system and the rehabilitation of convicts and prisoners in the social consciousness is associated with an inaccessible place and giving rise to widespread resentment, evoking negative emotions, as well as arousing fear or anxiety. Often, knowledge about the functioning and reality of the prison is derived from the colloquial message, repeated phrases and biased media. The media, as a powerful source of information, often depict sensational and dramatic events outside the prison wall. It often happens that these events are false or interpreted to the needs of a given moment or situation. Furthermore, the prison service is mentioned on the occasion of some scandal or failure to perform official duties. It seems that the public's knowledge of the subject of detention is rather vague and insignificant.

1. The penitentiary system

In the literature on the subject, we do not find a unified meaning of the term penitentiary system. The various definitions of the system presented by the authors do not show substantive differences, but only come down to emphasizing its individual elements (Kalisz 2004: 32). According to Leon Rabinowicz, the penitentiary system is "a whole that consists primarily of prison architecture and cell facilities, then internal organization, the position of the prisoner, the schedule of the day, the goals for the execution of punishment, educational aspirations and the organization of the prisoner's activities" (Rabinowicz 1933: 38).

By Jerzy Śliwowski the penitentiary system is understood as “[...] the totality of the provisions and institutions of penitentiary law and the facilities of penal institutions aiming, according to a certain way and method, to achieve the main goal – punishment” (Śliwowski 1978: 71). Similarly, this system is defined by Jarosław Warylewski, for whom “the penitentiary system means a set of directives defining the principles and methods of execution of imprisonment, taking into account the organizational rules and technical and material measures that allow these principles and methods to be implemented” (Warylewski 2007: 186). Stanisław Walczak also presents a definition that is worth emphasising, in whose opinion the system is “[...] the method of execution of the sentence included in the norms of law, together with the accompanying and adapted to its assumptions a set of measures of a technical and material nature (appropriate architecture of penal institutions, separate premises intended for training and production facilities). This system consists of strictly defined rules for the classification of prisoners, their placement in appropriate types of penitentiary institutions, and specific methods and means of dealing with prisoners in order to achieve their improvement” (Walczak 1972: 107).

An important issue regarding the treatment of the penitentiary system is precisely the terminology discrepancy that can be seen in the literature. In the opinion of the author L. Rabinowicz, quoted earlier, “the prison system has failed to form clearly and sharply severing systems, fixed once and for all in the stone form.” This is an example of the Auburn system¹ which is considered to be a variant of the separate system² otherwise, it is defined as a completely separate system. When discussing the penitentiary system, it is worth paying attention to the dynamism of the system. This is a fairly

¹ The main principle of the Auburn system (silence) was the isolation of prisoners at night and their joint work during the day while maintaining complete silence. The creators of this concept saw the main cause of crime as laziness and lack of habituation to work. They also believed that providing prisoners with work would contribute to their speedy improvement. It is therefore not surprising that prisons based on these rules were characterized by an excellent organization of the work of prisoners, which, thanks to the generated property benefits, also contributed to covering the costs of maintaining penal institutions (Wala 2015: 140).

² The origins of the general system can be seen in Europe thanks to the Ghent penal institution, which dates back to 1775. The motto of the founder of this institution, count Vilain XIV, Mayor of Ghent, was: “Who does not work, has no right to eat.” Count Vilain believed that a convict who works has a much better chance of returning to an honest life. It was in general indolence that he saw the causes of most crimes. During the joint work, there was an order of silence (Wala 2015: 137).

simple and also obvious fact that dynamism in the case of individual systems means changes. The penitentiary system was also subject to continuous processes and changes or improvements. In one case they were described as better, in another as worse, yet they were subject to movement. The penitentiary System, i.e. penal institutions, has been adapted to the prevailing conditions over the years and this has determined their functioning. The penal institutions that were created in a given penitentiary system depended on the influence of many social or economic factors. This state of affairs caused that many times in their history they were transformed into a unit that deviated from their original form.

Leon Rabinowicz defined the three most important factors that influence the shape and purpose of a particular system. Among these factors, he first distinguished the management system, which in the case of the penitentiary system in question is the management and administration of individual penal institutions, then pointed to the second factor, which is inanimate material, and therefore in this case the size and architecture of prison buildings, and the third factor, in his opinion, is living material, which is understood as the nature and character of the criminal population (Rabinowicz 1933: 16). The social system is also important for the person subject to the penitentiary system (penitentiary unit). For the penitentiary system, the social system in question is important, the basis of which is a determinant in the context of the types and kinds of penal institutions belonging to it. Understood in this way, the totality of the social environment is the object of reference for the integrally related and hierarchically structured levels of criminalisation: the legislative system, the penal policy system and the enforcement system', as well as the congruent integrity of cultural and social practices (Wala 2015: 134). "The System of execution of custodial sentences, the most important part of which is the penitentiary system, consists in organizing the process of execution of imposed sentences in such a way that they achieve to the greatest extent the goals assigned to them" (Jędrzejak 2004: 7). The penitentiary system itself can be understood as "the totality of the provisions and institutions of penitentiary law and the facilities of penitentiary institutions, aiming, according to a certain method, to achieve the essential goal of imprisonment" (Walczak 1972: 67).

In the aspect of the discussed role of the penitentiary system in the field of state security, it resembles a paramilitary organization, which - in the most general terms - "means similarity to the military model," and therefore the military model is evident here, among other things, in the armament,

uniform, and hierarchical structure, including service ranks and the execution of service orders. Another feature of the system is also depoliticisation, closely related to and affecting the structure of the system, as well as its relations with internal and external actors, in this sense, this system also creates a complex system of interests of society, and therefore the state, which are protected by law. The functions and structure of the penitentiary system are influenced by external factors, including factors closely related to society. Among them, you can distinguish ideology, including political ideology, together with existing penal doctrines. Also important is the national culture, the existing philosophy of the state, as well as a code of morals and conduct concerning the coexistence of people in a given society. The external area affecting the functioning of the penitentiary system also refers to material resources, including financial resources. An important role is played here, among others, by the state budget or public resources, as the system itself is unable to generate revenue (Kaczmarek 2010: 98).

In summary, it should be stated that the penitentiary system is based primarily on the process of isolation of the convict, the prisoner. It is carried out in accordance with the law and within the framework of ensuring security; it is a topic that can cause extreme emotions. Many specialists in this field, as well as scientists and researchers, believe that forced penitentiary isolation negatively affects a person, and carries with it psychological consequences associated with the depravity of needs, frustration, mental overload, emotional conflicts, problems in relation with the social environment, destroys the human psyche. At the same time, alternative ways of implementing rehabilitation processes are also being sought, which would show a greater degree of effectiveness than those currently adopted in practice. Thus, the essence of the presence and functioning of all types of penal institutions is somehow called into question.

2. Systems of imprisonment

Imprisonment of convicted persons in Poland is regulated by the Act of June 6, 1997 – The executive Penal Code (Ustawa 1997/90/557), which sets out the objectives of the execution of a custodial sentence, provides for detailed rulings on the systems for the execution of that sentence and the typology of penal institutions (Ustawa 1997/88/553; Kalisz 2000: 217).

Also, the method of serving prison sentences for convicts is varied and individualized. It is a system of individual programmed influence, therapeutic and ordinary (Nawój 2007: 255; Szczygieł 2002: 107). However, it is clearly appointed by the legislator – convicts cannot be sent to other systems of serving sentences. However, the Minister of Justice may, by means of a regulation, define other systems for the execution of custodial sentences – including the possibility of creating a system of an experimental nature. A common feature of these systems of execution of punishment is their goal – to prepare the convicted person for return to society.³ What distinguishes them are the means and methods of achieving this goal, related to the spheres of influence. In the case of a system of programmed and ordinary influence, this is the sphere of the personality of the convict, while in the Therapeutic System – his health situation. The correct choice of the system of execution of punishment, as well as the determination of the type and type of penal institution through the individualization of the system of influences on convicts, is of great importance for the success of the rehabilitation process (*System odbywania kary* 2022).

The System of individual programmatic impact taking into account the rehabilitation of prisoners is developed with the participation of the convict. The programme shall set out the details concerning the convicted person: the types of employment and training of the convicted person, their contacts with family and loved ones, the use of free time, the possibility of fulfilling the obligations incumbent on the sentenced person and other measures necessary to adapt the sentenced person to Freedom (Ustawa 1997/90/557: art. 95 § 2; see Bogunia 2008: 98). In this system, sentenced juveniles (with the exception of those sentenced to or transferred to the therapeutic system and those serving a substitute sentence of imprisonment) and adults who, having been presented with a draft of an individual impact programme, agree to participate in its preparation and implementation (Ustawa 1997/90/557: art. 95 § 1; see Lelental 2001: 248).

In the therapeutic system, imprisonment is served by convicts with non-psychotic mental disorders, including those convicted of crimes specified in art. 197–203 of the Criminal Code (Ustawa 1997/88/553), committed in connection with sexual preference disorders, mentally impaired, as

³ In Poland, as at December 31, 2021, the number of pre-trial detainees, convicts and punished persons was 68 852, including pre-trial detainees – 8788, convicts – 59 163, punished persons – 901 (Ministerstwo Sprawiedliwości, Centralny Zarząd Służby Więziennej 2022).

well as addicted to alcohol or other narcotic drugs or psychotropic substances, and convicted physically disabled, requiring in particular psychological, medical or rehabilitation care (Ustawa 1997/90/557: art. 96 § 1). Persons convicted under art. 95 § 1 of the Criminal Code, i.e. those who have committed an offence in a state of impaired sanity and in respect of whom a court has ordered placement in a penal institution using special medical or rehabilitation measures, may also be sent to the therapeutic system (Ustawa 1997/90/557: art. 96 § 2). In this system, convicts who do not show any of the above-mentioned psychophysical disorders and defects can also serve their sentence, if they consent to this, and there are medical and educational reasons for this (Ustawa 1997/90/557: art. 96 § 3; see Kwieciński 2019: 67).

In the ordinary system, prisoners who are not qualified for the above systems are sentenced to imprisonment. The convicted person can benefit from the employment, teaching and educational and sports activities available in the institution (Ustawa 1997/90/557: art. 98). In the ordinary system, convicts who, for various reasons, are not eligible to serve their sentences in the programmed influence system should also serve their sentences, in particular dangerous convicts imprisoned in a separate ward or cell of a closed penal institution, as well as persons sentenced to short (several months) prison sentences.

Convicts serving sentences in the ordinary system are subject to periodic assessments of their behaviour in the penal institution, and the progress made in this regard is taken into account in their promotion or demotion within each type of institution (e.g., transition from semi-open to closed).

There is no requirement to draw up individual treatment programmes for convicts serving their sentences in the ordinary system. When conducting periodic behavioural assessments, convicts are offered – if necessary – referral to a system of programmed influence or are eligible for a therapeutic system if there are indications for this during their sentence (Kwieciński 2005: 162).

The main goal of the analysed systems of imprisonment is the rehabilitation of a person, but he himself must accept them, while closely cooperating with educators, teachers or therapists. What becomes paradoxical is that any rehabilitative interventions carried out on the convict become his right, which he can exercise, but he can also reject them within the law.

3. Prison Service

The penitentiary System in Poland is closely linked to the custodians of convicts and inmates. The basic institution in this system is the Prison Service, which plays an important role in ensuring broadly understood Social Security (Poklek 2013: 143). It is one of the bodies distinguished from the subsystem of government institutions, which fulfils its role in the field of internal security of the state (Ustawa 2010/79/523). It is classified as a dispositional group (also called dispositional-uniformed), that is, social strata distinguished due to the fact that the members of the group remain in a specific social relationship and the special role that they fulfil in society (Poklek 2013: 153). At the same time, it is a formation with hierarchical subordination, having its own organizational structure. This structure (the Central Board of Prison Service, 11 District Prison Service inspectorates, the Higher School of Justice, penal institutions and investigative detention centres, the Central Prison Service Training Centre, the Prison Service Training Centres and the Prison Service staff improvement centres) corresponds in principle to the structure of the judiciary (Ustawa 2010/79/523: art. 8.1; Zoń 2009: 75). To a lesser extent, it coincides with the administrative structure of the state.⁴

The Prison Service is distinguished from other uniformed services by the nature of the tasks performed, as well as the uniform of its officers. Civil servants are also employed in the ranks of this service (as employees with the status of employees of state offices or as employees employed on the basis of the labour code). However, in the security division, as well as in most senior management positions (apart from the Director General of the Prison Service, who may be a civilian employee), only officers can serve.

In accordance with the rules laid down in the executive Criminal Code, The Prison Service shall carry out its basic tasks with regard to the execution of provisional arrest and custodial sentences and coercive measures

⁴ The Minister of Justice has established a list of organisational units subordinate to himself or supervised by him, listing, among others, the Central Board of the Prison Service and all prisons and remand centres (Obwieszczenie 2022/693). Penal institutions report to the Minister for Justice (Ustawa 1997/90/557: art. 68), who also creates and abolishes penal institutions by decree, taking into account existing needs in this regard (Ustawa 1997/90/557: art. 72 § 4). Similarly, the Minister of Justice is responsible for investigative detention (Ustawa 1997/90/557: art. 208 § 1), which are also created and abolished by the Minister of Justice (Ustawa 1997/90/557: art. 208 § 5).

resulting in deprivation of Liberty. Tasks in the field of temporary detention ensure the proper course of criminal proceedings, they are carried out by investigative detention centres and investigative units of penal institutions, deployed throughout the country. Temporarily arrested and, above all, already convicted persons can pose a threat to society and are therefore isolated from it. It is the responsibility of the Prison Service to carry out this task in such a way as to ensure the safety of the general public, of all officers and staff carrying out their duties among persons deprived of their liberty, while ensuring the same safety of every prisoner⁵ being in penitentiary isolation (Lewandowski 2019: 121).

Analysing the role and tasks of the Prison Service in the state security system, it should be emphasized that they are an instrument through which it is possible to minimize objective and potential threats that may occur at the social level within the state. Eliminated threats are primarily associated with crime, understood here as an abstract concept, as well as with diverse categories of criminals who are located in this system in a concrete sense. Viewed in this way, the security provision system is therefore about isolating criminals from society. Society, and therefore citizens, play the role of security actors in the system. There is a duality in this process. On the one hand, both prison staff and inmates are understood as a security entity, which is characterized by dynamism in terms of the sense of danger from inmates, on the other hand, the effective isolation of criminals from society by Prison Services has a subjective effect on the sense of security of society (Poklek 2013: 144).

4. Penal institutions

An important element of the functioning of the Prison Service remains the place of performance of the assigned tasks, referred to as a penal institution or penitentiary unit. This is the place where, according to the decision, and therefore the verdict of the court, convicted persons serve a sentence of

⁵ "Inmate – the term of a prisoner in a penal institution or pre-trial detention, including both convicted and temporarily arrested, as well as punished" (Główny Urząd Statystyczny 2021).

imprisonment.⁶ A sentence of imprisonment served in a penal institution is defined as the placement of a convicted person in a closed and guarded space or place for a specified period of time. The serving of a sentence in a penal institution by a convict is also characterised, among others, by the convict's being subjected to the rigours of the prison rules, as well as restricted contact with outsiders, such as family. When serving a sentence in a penal institution, leaving the institution under furloughs is also subject to restriction or total prohibition. In addition, the detainee may experience, among other things, regulatory punishments which are applied in the event of a breach of the applicable discipline (*Prawo karne wykonawcze* 2022).

The functioning of prisons in Poland is based, among other things, on the provisions of the executive Penal Code. According to the current regulations, the penitentiary institution is subordinate to the Minister of Justice, who, under regulations and orders, can create new penitentiary institutions. The detention facilities thus established may be independent or constitute separate units or detention centres (*Prawo karne wykonawcze* 2022).

According to the definition adopted by the Central Statistical Office, a penal institution is "a place where a custodial sentence is carried out; a building where people convicted by a court sentence are held; a prison" (Główny Urząd Statystyczny [s.a.]). However, the executive Penal Code defines a penal institution as a place of execution of a custodial sentence. In light of the legislation – as already mentioned – penal institutions are subject to the Ministry of Justice. In addition, each penitentiary and investigative detention facility reports directly to the director, and in addition, a separate branch can be managed by a manager under the director. The officers and staff of the penitentiary, together with the persons responsible for the prisoners' work or activities, shall act as superiors for the convict who is in the penitentiary by virtue of their duties and duties.

In both scientific and colloquial language, the term "prison" remains synonymous with a penal institution. According to the dictionary definition, a prison is also "a place where persons convicted by a court judgement serve a sentence of imprisonment" (*Słownik języka polskiego PWN* 2007: 658). It should be remembered that in Poland until 1970, the term "prison" in legal and official circulation remained the official expression for the modern

⁶ The total number of Prison Service units in Poland is 176, including investigative prisons – 39, penal institutions – 64, external units – 69, temporary accommodation units for convicts – 4 (Ministerstwo Sprawiedliwości, Centralny Zarząd Służby Więziennej 2022).

penal institution and, at the same time, for the very punishment of deprivation of Liberty. It was officially defined as both a penal institution and the very punishment of deprivation of Liberty. The common name "prison" has been replaced in the interpretation of the law by the term "penal institution" as one of the elements of the penitentiary system (Kostrzewa, Wysocka 2021: 16).

5. Competences and tasks of the Prison Service in the state security system

The Prison Service as a uniformed and armed formation, performing its tasks, plays an important role in ensuring the security of the state in peacetime, but also in times of all kinds of military and non-military threats. However, it should be noted that during military threats of the state, it is not engaged in direct armed struggle, but in supporting the actions of the armed forces and ensuring the internal security of the state and social peace (Kalaman 2016: 24). Therefore, the functions performed by this service during militarization or states of emergency evolve to meet emerging challenges (Lewandowski 2020: 168). The main task of the Prison Service in the country is to protect the safety and tranquillity of citizens, in the face of an extremely large group of criminals behind the walls of penal institutions. Analysing the basic purpose of the Prison Service, it should be emphasized that the tasks performed by this institution in peacetime and in times of state threats result from its basic purpose as defined in the executive Criminal Code. This provision is a fundamental element of Polish penitentiary law, being a delegation to the Act of April 9, 2010 on the Prison Service (Ustawa 2010/79/523⁷), which defined the institution's relevant legal competencies,

⁷ It should be reminded that the cited act was preceded by two earlier pragmatic acts - the Act of December 10, 1959 on the Prison Service (Ustawa 1959/69/436) and the Act of April 26, 1996 on the Prison Service (Ustawa 1996/61/283). As a brief reminder, it may be pointed out that the act of the late 1950s, which was enacted after the Minister of Justice had already assumed authority over the Prison Service (previously it had been subordinate to the Ministry of Public Security), contained solutions typical of the period of the so-called people's democracy (the times of the Polish People's Republic). Thus, according to the wording of the 1959 act, an officer was obliged, among other things, to serve the People's Republic of Poland faithfully and to uphold the people's democratic system (Ustawa 1959/69/436: art. 21). Moreover, every

tasks and means, becoming indispensable in the fulfilment of the objectives set for the execution of custodial sentences of inmates in penitentiary institutions and detention centres, as well as tasks for the security of the state and citizens. On this basis, the Prison Service is primarily obliged to ensure the proper conduct of criminal proceedings, including ensuring the protection of the public from the perpetrators of crimes who are imprisoned in penal institutions and pre-trial detention centres.

The legislation also set out the specific tasks of the Prison Service, extending primarily to the protection of the public from the perpetrators of crimes, as well as ensuring safety and order in the institutions and detention centres themselves. It should be noted that the implementation of the specific and rigorous tasks set out in the legal acts with regard to detainees and prisoners in custody is also linked to ensuring that these persons – in accordance with the law – have their rights respected, including respect for dignity, health care and religious care.

The functioning of the Prison Service is also regulated by a number of other legal acts that impose additional, more specific tasks on it (Kalaman 2016: 26). Among them, internal security tasks, tasks of a protective and defensive nature, police tasks, as well as increasingly taken preventive actions are distinguished (Lewandowski 2019: 121).

In accordance with the Regulation of the Council of Ministers of April 21, 2022 on objects of particular importance for state security or defence and their special protection (Rozporządzenie 2022/880: § 2 para. 19, § 3.2), penitentiary objects supervised and protected by the Prison Service are included in the group of objects of particular importance for state security and defence. Among many others, it lists: “objects of organizational units subordinate to the Minister of Justice or supervised by him,” at the same time classifying them as Category II objects of particular importance for the security and defence of the state.

The specification of the duties of the Prison Service in the field of tasks for the defence of the state was set out in the Regulation of the Minister of Justice of October 17, 2017. on the protection of organisational units of

officer of the Prison Service was obliged to constantly raise the level of his political awareness. On the other hand, in order to be admitted to the service, one had to demonstrate, first of all, an impeccable past (Ustawa 1959/69/436: art. 5, para. 1), while in order to be promoted in it (especially in the period before the political transformation), an officer should be characterised not only by specific and measurable service qualifications but also by an appropriate level of political and social awareness.

the Prison Service (Rozporządzenie 2016/1804). The regulation regulates, among other things, the organisational forms of security of Prison Service units:

- a) treatment of inmates,
- b) conditions of admission to the prison organizational units,
- c) the protection of prisoners during their convoy by prison officers.

Protective activities of the organizational units of the Prison Service consist in particular in: the appointment of posts and determination of the number of officers and employees performing protective tasks; organization of movement in the organizational unit; opening and closing of entrances and passages; specific handling of keys; determining the use of prohibited items; conducting appeals, checks, inspections and overviews; the use of technical protection, dogs and armament. These tasks can be achieved through the introduction of an appropriate system of protection and its organizational forms to ensure the protection of society from crime. The protection System therefore varies according to the type of Penitentiary Unit, and this differentiation is achieved by the scope of the measures applied and the types, quantity and scope of the technical and protective security, as well as the means of signalling and communication, and the types and number of posts and positions (Rozporządzenie 2016/1804: § 3).

Defensive and protective tasks concerning also organizational cells of the Ministry of Justice and penitentiary units in conditions of external threat to the security of the state and in time of war determine the organizational rules for the time of war.

The implementing act that clarifies the above is the Order of the Minister of Justice of March 8, 2021 on the organisation of the performance of tasks under the general duty of defence (Zarządzenie 2021/25). According to this document, the defence tasks performed in the organizational units of the Prison Service include in particular:

1. Creating conditions for the implementation of defence tasks.
2. Defence planning, which includes:
 - a) operational planning,
 - b) defence programming,
 - c) defence reviews.
3. Preparation of the national security management system of the Minister of Justice, including leadership positions.
4. Creating conditions for the introduction of higher states of state defence readiness, including the creation of a system of permanent duty.

5. The implementation of tasks arising from Civil-Military Cooperation (CIMIC).
6. Implementation of tasks arising from the obligations of the host state in favour of Allied troops (Host Nation Support – HNS).
7. Planning and organising defence benefits, including personal and in-kind benefits.
8. Preparation of personnel reserves for the performance of defence tasks.
9. Coordinating activities and supervising the development of the needs of organizational units of the Prison Service reported to the economic mobilization program.
10. Preparation of organizational units for militarization.
11. Preparation of special protection of objects important for the security and defence of the state.
12. Planning and implementation of defence training.
13. Planning and implementation of controls on the performance of defence tasks (Zarządzenie 2021/25: § 3).

The Prison Service carries out the defence tasks specified in the above order as follows: organisational cells of the Prison Service such as the Central Prison Service Directorate, District Prison Service inspectorates, penal institutions and investigative detention centres and training and staff improvement centres establish in their areas cells competent in defence matters arising from the Act of March 11, 2022 on the defence of the Fatherland (Ustawa 2022/655) and its implementing provisions. The heads of the competent units, in turn, shall be entitled to request reports and information on the state of defence preparations from the heads of the organisational units as regards their characteristics, as well as to issue instructions and ad hoc orders on the performance of defence tasks. Within the organizational units of the Prison Service, services, departments, teams and positions can be created that carry out activities in various fields. These can be schools, hospitals, outpatient clinics, pharmacies, which function depending on the needs in individual units. However, always the main principle when deciding on their creation is – among others – the need to ensure security.

The Prison Service is also assigned specific tasks in the event of militarization of the state. The Status of a prison officer in wartime is determined by art. 25 of the Act of April 9, 2010 on the Prison Service (Ustawa 2010/79/523). Officers remaining in service on the day of the declaration of mobilisation or on the day on which the time of war begins, as determined by the President of the Republic of Poland on the basis of the Act of March 11, 2022 on the defence

of the Fatherland (Ustawa 2022/655: art. 24 para. 1 point 7), become officers on duty in time of war by virtue of the act and remain in such service until dismissed.⁸ Due to the internal security policy of the state, a statutory delegation was also made, implemented in the Regulation of the Minister of Justice of October 31, 2003 on the defence of organisational units of the Prison Service. That document sets out how the organisational units of the Prison Service are to be defended in situations where there is a threat to the health, and life of officers, workers, and prisoners in penal institutions and pre-trial detention centres as a result of natural disasters and in situations where there are other threats (Rozporządzenie 2003/1903: § 1). Coordinated defence systems shall be established to ensure defence. These, in turn, are carried out by officers and designated employees of the endangered unit. In the system of defence of the organizational unit, the tasks of Civil Defence, directing defence, State defence readiness, militarization, ensuring mobilization needs, and universal self-defence are taken into account.

The Prison Service, performing tasks for the security of the state, also has the right to carry out tasks of a police nature undertaken in order to ensure the safety of society in various spheres of life. In this regard, officers, when performing official activities, in accordance with the regulation of the Council of Ministers of December 23, 2019 on the detailed course of action of Prison Service officers during the performance of official activities (Rozporządzenie 2019/2518), have the right to use direct coercive measures and weapons against persons deprived of liberty and other persons on the basis of the Act of April 9, 2010 on the Prison Service (Ustawa

⁸ In accordance with the act on the defence of the Fatherland indicates the positions with which the privilege of carrying out other activities for the defence of the state in the event of war is associated (Ustawa 2022/655: art. 541). These are, in addition to the listed positions of prison officers, deputies, senators, councillors, and key employees e.g., of the Sejm, the Senate, the National Bank of Poland, the Constitutional Court, the Office of the president and prime minister of the Republic of Poland, key persons responsible for the functioning of the most important state institutions and enterprises that are of particular importance for defence. In addition, persons also persons holding senior state positions as defined in the Act on the Remuneration of Persons Holding Senior State Positions (Ustawa 1981/20/101: art. 2) and the act and the act amending the Remuneration Act (Ustawa 2021/1834) or positions of public administration bodies as defined in the Code of Administrative Procedure (Ustawa 1960/30/168). The operators of the national power dispatch and the central gas transmission system will also not be called up - their job will be to maintain the supply of power and gas. More specifically, police officers, firefighters, railway security officers, customs officers, border guards, prosecutors, university rectors, presidents of refinery boards will also not get appointments.

2010/79/523: art. 19) and the Act of May 24, 2013 on direct coercive measures and firearms (Ustawa 2013/628). From the indicated provisions of the law it follows that the tasks of the Prison Service officers include: enforcing the behaviour required by law; repelling direct, unlawful attacks on the life, health or freedom of an authorized person or another person; preventing actions aimed directly at an attack on the life, health or freedom of an authorized person or another person; preventing violations of Public Order or security; preventing direct attacks on areas, objects or facilities protected by the authorized person; protection of order or security in areas or facilities protected by the beneficiary; preventing the destruction of property; ensuring the safety of the convoy or its arrival; detaining persons, thwarting their escape or pursuit of that person; Overcoming Passive Resistance; overcoming active resistance; preventing acts of self-aggression (Ustawa 2013/628: art. 11).

Summary

The analysis of the penitentiary system presented in the content of this article allows us to agree that, on the one hand, the modern functioning of this system is necessary for broadly understood security, and on the other hand, the activities of penitentiary units must face a number of problems affecting them both outside and inside the system. The System carries out not only the basic tasks listed in the law, but also tasks for security, including internal security of a protective and defensive nature of the state, including police. More and more challenges are being met in an open environment, both by carrying out activities in the field of social prevention and by taking over tasks that until recently were carried out by other actors: ensuring order and security in the offices serving the Minister of Justice and the National Prosecutor's office, as well as operating an electronic surveillance system. The Prison Service correctly carries out the tasks entrusted to it, despite the fact that there are more and more of them and they are becoming more diverse. The interpretation of the available materials in the form of legal acts, as well as scientific studies, allows us to put forward the thesis that the penitentiary system is perceived as an integral element of the security of the state and its citizens. Its role in providing protection against various forms of crime is appreciated. The role of prison officers in ensuring public

safety is also clearly emphasised. This can be seen, among other things, in the regulations, as well as in the requirements placed on them, so that officers are best prepared to carry out their duties.

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