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Social Reintegration of Prisoners in Selected European Union Countries

Abstract: In relation to the issue of social readaptation of prisoners sentenced to many years of imprisonment, a comparative analysis of penitentiary systems and reintegration solutions in Denmark, France, Great Britain and Poland has been conducted and presented in the article. In the summary, different directions of systemic changes have been shown, which may increase the effectiveness of actions and may be useful in the effective preparation of prisoners for work in freedom. For it is crucial to significantly decreasing social and financial costs incurred by society for prisoners, ex-prisoners and their dysfunctional families.

Key words: social readaptation, penitentiary systems, post-penitentiary systems.

Introduction

As a member of the European Union, Poland is obliged to adopt certain standards and undertake international cooperation in many areas of social life, including in the sphere of widely understood safety and public order. The effectiveness of actions in the area of the penal and reintegration policy, which is the subject of considerations undertaken in this article, significantly affect the level of safety and sense of threat of crime, which is not only a social problem, but also a political and criminological one, both in the country and the region.

The results of public opinion polls conducted at the turn of 2012 and 2013 indicate a high sense of safety of Poles¹. However, maintaining this state requires the development of appropriate instruments of coordination and cooperation in the scope of preventing and counteracting the most serious forms of crime, systematic and ongoing observations of the evolving social expectations, developing and implementing innovative legal and organizational solutions, and the efficient use of forces and resources at the disposal of various state authorities, bodies and institutions.

One of the elements of the systemic security of order and public safety is the prevention and social rehabilitation system. However, everything points to the fact that it is inefficient and requires modernization. Internal problems, among others, relate to system fragmentation and alienation of entities that should work symbiotically; disproportions in the division of powers between the various institutions responsible for the social rehabilitation of offenders; the rare application of freedom penalties, the outdated material substance of prisons and domination of protective functions in open and semi-open prisons (excess of technical and electronic security). The etiology of these and a number of other issues in many areas defining the condition and efficiency of the system, especially in the sphere of organization and management, is directly related to the implementation of the triad of policies: punishment, prison and reintegration. However, Poland lacks serious and fruitful public debate on the philosophy of punishment, actions of courts, the standards of carrying out punishments, including the punishment of imprisonment. A result of this, among others, is conceptual turmoil, instability of the law, populist slogans appearing in the media which evoke very undesirable emotions, and consequently – the inefficiency of the system and failure in terms of the reintegration policy.

The issue of offenders returning to the open environment, focused on positive and lasting social reintegration, is both a challenge and a problem, which Poland and other European Union countries solve in different ways, mainly relying on domestic experience. Although common systemic rules of penitentiary and post-penitentiary forms are adopted, significant differences also exist in terms of providing offenders with readaptation and reintegration assistance and support.

However, in Poland we have a serious problem in this regard, connected with the implementation of important and useful initiatives, and resulting among others from the rigid administrative policies, blocking the introduction of systemic changes. Innovations and other attempts to change the existing condition are often obstructed or denied due to the fact that they require major commitment from officials, and from the central decision-makers – to change the law on re-

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¹ https://msw.gov.pl/download/1/17435/00_Raport_2012.pdf [access: 20.06.2015].

constructing the system and allocating huge financial resources that are necessary to implement the project.

The articles further presents the characteristics of selected European penitentiary and post-penitentiary systems, along with an assessment of their efficiency, and then a comparison of the Polish system. The final, third section, is a proposal of modernizing systemic changes with regard to social readaptation and reintegration of prisoners and their families. It should be emphasized that the issues discussed relate to an unpublished report prepared in 2014 under the leadership of Marek Konopczyński and the author of this article².

Reintegration assistance (penitentiary and post-penitentiary) in selected European countries

In starting a comparative analysis, one should pay attention to penitentiary social rehabilitation often criticized in Poland. It aims to serve starting social readaptation and reintegration processes, which take place outside the prison after offenders having served the punishment of imprisonment, and which give effect on previously developed social rehabilitation (development of cognitive processes and potentials). Supporting prisoners in development gives them the opportunity to create specific parameters of identity, together with anchoring themselves in the social and cultural environment. Therefore, the primary objective of institutional social rehabilitation is gradually raising cognitive and creative development of prisoners (by stimulating the emotions and imagination, thinking, motivation and perception) (Konopczyński 2007). The impact of social readaptation and reintegration should lead to consolidate in offenders specific skills and life, social and professional competences, and the final goal should be raising the level of their readiness to satisfy needs (in the performance of life, professional and social roles) in a proper manner, according to social expectations. In connection with this, the designed and then implemented social rehabilitation, readaptation and reintegration measures must take into account the personality and cognitive abilities of prisoners and their developmental possibilities, and cannot be implemented against their motivations, interests and will to cooperate.

In returning to the *substance* of the issue – penitentiary (Tab. 1) and post-penitentiary systems in all European countries (regardless of their degree of effectiveness) face many problems that they try to alleviate in different ways and with varying degrees of success.

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² Members of the research team: P. Jędral., F. Konopczyński, K. Muszyński.

Table 1. Penitentiary systems of selected European countries – list of the main problems

Penitentiary system	Main problems
Denmark	problem of ethnic minorities and drug use in prisons ¹⁾ ; mental problems of prisoners associated with being in prison; violence used by organized groups of prisoners ²⁾ ; prison overcrowding
France	dramatically growing number of prisoners; imprisonment rate has increased from 75 inmates per 100,000 inhabitants in 2001 to 100 in 2015 ³⁾ ; substantial prison overcrowding; high percentage of foreigners (21.7% of the total prison population) ⁴⁾ ; poor prison conditions
Great Britain and Northern Ireland	dramatic prison overcrowding ⁵⁾ (imprisonment coefficient: 149 prisoners per 100 000 inhabitants ⁶⁾ ; high death rate of inmates (HM Chief Inspector of Prisons for England and Wales Annual Report [2013–2014]); very high rate of mental health problems among inmates ⁷⁾ ; upward trend of prison population
Poland	Prison overcrowding (high rate of imprisonment: 201 inmates per 100 000 inhabitants ⁸⁾ ; crisis of employing prisoners; outdated material substance of prisons; dominance of protective functions in open and semi-open prisons, shortage of specialized penitentiary personnel; technical standards and referring to the prisoner that is characteristic of units with the highest degree of security

¹⁾ The QCEA report claims that in 2005, 60% of prisoners from the closed institutions in Ringe originate from ethnic minorities – <http://www.qcea.org/wp-content/uploads/2011/04/rprt-wip2-denmark-en-feb-2007.pdf> [access: 21.11.2014], while other studies say that in the scale of the entire system, this was approx. 35% of this type of prisoners, http://www.kuratorzy.gda.pl/sites/kuratorzy.gda.pl/files/STA%C5%BB%20%20W%20%20DANII-2013-5.3.2013-1_0.pdf [access: 22.11.2014].

²⁾ Well-organized groups of prisoners show a high resistance against the tools of the Danish penitentiary system (for example, the institution in Nyborg has a special locked ward for members of motorcycle gangs). The development of this problem can be followed in the reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and in responses prepared for CPT by the Danish government. The most recent information indicates that the problem is still growing – <http://cphpost.dk/news/violence-on-the-increase-at-danish-prisons.11726.html> [access: 21.11.2014].

³⁾ As at 01.04.2015, <http://www.prisonstudies.org/country/poland> [access: 16.06.2015].

⁴⁾ As at 01.04.2015, <http://www.prisonstudies.org/country/poland> [access: 16.06.2015].

⁵⁾ According to the HMPS report: <https://www.gov.uk/government/statistics/prison-population-figures-2014>: [access: 11.24.2014], the fill factor of prisons in November 2013 totaled 96%, and a year later increased to 97.6%, despite creating an additional 1700 places during that time.

⁶⁾ As at 01.04.2015, <http://www.prisonstudies.org/country/poland> [access: 16.06.2015].

⁷⁾ It is estimated that about 90% of inmates suffer from mental disorders, and about 70% of them have more than one disorder. Nearly half of all prisoners have personality disorders. See NICE report on antisocial personality disorders <http://www.nice.org.uk/guidance/cg77/resources/guidance-antisocial-personality-disorder-pdf> [access: 24.11.2014] and <http://www.politics.co.uk/reference/prison-overcrowding> [access: 23.11.2014]

⁸⁾ As at 30.04.2015, <http://www.prisonstudies.org/country/poland> [access: 16.06.2015].

Denmark

The Danish system, like the systems of other Scandinavian countries, is seen as a model, modern penitentiary system, which is clearly heading for the preventive function in place of the compensation and justice function. The foundations of the Danish penitentiary policy and terms of serving sentence are: The Danish Executive Act (for the Criminal Code) (Płatek 2010, p. 339–340), the Programme of objectives for prison and probation work from 1993, and the European Prison Rules. The Danish prison and probation system (SWP) are combined. The Department of the Prison and Probation System (*Kriminalforsorgen*) deals with the penitentiary and post-penitentiary system, which is subordinate to the Minister of Justice, who, in addition to care of the prison system, detention centers, half-way houses, probation service offices and Centre of Probation Service Training, coordinates the work of SWP officers. In recent years, a very low imprisonment coefficient has been recorded in Denmark, which is currently 62 inmates per 100 000 inhabitants³. Danes are consistently closing subsequent prisons and detention centers, aiming to reduce the number of convicts. This is evidenced by the steadily decreasing number of convicts and the offer of “renting out” quite a large number of cells to the Norwegian prison system.

In Danish prisons, the population of long-sentence convicts is small – only 2% of the total punishments sentenced are punishments for more than two years of imprisonment (Foote 2012), 2/3 are sentences for less than 4 months, and 80% for less than 6 months⁴. In the case of life imprisonment, prisoners may be released at the request of the Minister of Justice or pardoned by the king or queen provided a five-year probation period is served. Prisoners sentenced to life imprisonment serve in confinement on average 16 years. Danish system is also characteristic for *indefinite detention*, considered a lesser punishment than the punishment of life imprisonment, used for prisoners who are considered *dangerous offenders*, who commit sexual or violent offenses (rapists, robbers, murderers, arsonists). Convicted persons on average serve 9 years in prison and are subject to a five-year probation period (Hanson 2015). Over time, the prisoners from closed institutions are transferred to open ones, then to half-way houses, and from there, they are directed for parole.

In the Danish model, any measures taken against prisoners are aimed at reducing the negative impact of prison isolation, which makes this system, in a significantly lesser degree than the penal systems of other countries, obliged

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³ Statistics compiled by the International Centre for Prison Studies based on Eurostat data (as at 01.05.2015), <http://www.prisonstudies.org/country/denmark> [access: 16.06.2015].

⁴ Data from 2011, http://www.kuratorzy.gda.pl/sites/kuratorzy.gda.pl/files/STA%C5%BB%20%20W%20%20DANII-2013-5.3.2013-I_0.pdf [access: 22.11.2014].

to repair the damage that it caused itself. Such a solution significantly reduces social and financial costs in the performance of punishments. The acquisition of control over one's own life by the prisoner is also strongly promoted. The principle is to place prisoners in single cells, if possible arranged by themselves. In open institutions a system of two keys functions – the prisoner has one key, and the prison administration has the other⁵. The Danish prison system has eight coeducational *half-way houses*, which are primarily facilities for convicts preparing for release, juveniles and people convicted for sexual crimes or crimes involving violence, who are required to undergo treatment and therapy. They also mix people who are there on parole (homeless) and convicts who are required to perform activities related to being free (education, treatment, work). Those living in half-way houses receive remuneration for their work or welfare benefits, if they are unemployed. Unrestricted contact with friends and family is allowed, however, it is prohibited to consume alcohol and take drugs. Violating the regulations for the first time results in a verbal warning, a repeat – written reprimand, while constant violations of the rules is associated with returning to prison.

In Danish central prisons, convicts are required to devote 37 hours a week to study or work, while convicts in local prisons have a right to do this. People working in prisons received a fixed hourly rate (in 2012 it was 1.5 EUR per hour), and their salary is not subject to tax. Prisoners in open establishments have the possibility of continuing the work they performed prior to imprisonment. Service work outside prison walls is carried out by about 30% of convicts under the care of about 275 instructors, who are both specialists in a given discipline, as well as employees of the SWP⁶.

Currently, 14 schools operate in the Danish penitentiary system, and there is a possibility of education beyond the walls of the prison. In 2003, “Felxenskolen” as launched, a generally available reform programme of prison education, which aims to improve the quality of classes and their relevance for convicts. The programme uses new technologies to create huge databases (in Danish prisons Internet access is limited or completely restricted), innovative educational programmes and curricula. Teachers of prison schools are systematically trained in the scope of using the Internet in prison education⁷.

Generally, Danish system solutions significantly reduce the chance of recidivism. It is possible to achieve this effect, among others, thanks to the adopted legal and organizational solutions. The Danish prison system is characterized by the following (Rentzman 2008, p. 287, 297):

- treating prison as a last resort;

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⁵ <http://website-box.net/se-keyword/life+sentence+length>; <http://www.insidetime.org/articleview.asp?a=864> [access: 13.07.2015].

⁶ <http://www.krimprod.dk/In-English-1486.aspx> [access: 17.06.2015].

⁷ <http://www.epea.org/index.php?id=211> [access: 22.11.2014].

- treating prisoners as citizens: since 1946, the basis for applying the punishment of imprisonment/limited liberty is the assumption that only freedom can be the objective of sanctions (Greve, Snare 2009, p. 311);
- possibility of convicts using proper therapy;
- normalization: approximating the conditions of serving punishment to freedom conditions;
- openness: providing the convict with the possibility of serving the sentence as close to home possible and providing contact with the external environment as often as possible, if it does not have a criminogenic affect; they system is open for press, politicians and citizens, who can check that there is no abuse of power;
- optimal use of resources: flexible financial management in individual institutions (one-year contracts between the general director and managers of prisons) (Rentzman 2008, p. 288) and a flexible approach to solving problems related to resource⁸;
- safety: In ensuring all rights of the convict, emphasis is placed on combating violence and constant updating of personnel's knowledge about the situation of prisoners and their moods;
- a significant reduction of physical coercion and confrontation in convict-penitentiary staff relations (searching for compromise solutions and the use of violence towards prisoners only as a last resort, usually in response to violence);
- motivating convicts to take responsibility for their lives and way of serving the sentence (Płatek 2010, p. 387).

In the Danish system there are 14 Probation Service Offices, which are to supervise the implementation and timely realization of supervision plans. Post-penitentiary assistance (material and housing) remains with the state. In addition to probation assistance, ex-prisoners can count on many other forms of readaptation support, including assistance in obtaining social housing or temporary accommodation in half-way houses run by the SWP. During the serving period, local authorities pay rent for the convict (max. pp to 6 months) or provide a place for storing his movable property (in the case of long-term prisoners) (Tjellesen 2014). Counteracting social exclusion and training in the scope of counseling, therapy; career counseling is conducted by NGOs. Due to the developed apparatus of social welfare in Denmark, only those courses that relate directly to the experience of the punishment of imprisonment are paid from the resources of the department, like, for example, courses conducted by Prison SMART, which teach how to cope with stress and drug addiction, addressed to

⁸ For example, in order to solve the problem of overcrowding of prisons for men, coeducational penal institutions were introduced in Denmark already at the beginning of the second half of the 20th century.

former prisoners and are often conducted by them⁹. Another example of activities of Danish NGOs is a “High Five”, an organization focused on conducting career counseling, a mentoring system for former convicts and conducting information activities among former prisoners, and among entrepreneurs, aiming at the registration of jobs for former prisoners¹⁰. A holistic assistance program is also a project realized jointly by the Ministry of Employment, SWP and the Ministry of Social Affairs called “Good Release Project”. Its operation is based on the cooperation of local self-government bodies, social welfare institutions and SWP. For every individual leaving prison, a map of assistance and comprehensive information on assistance and support organizations, social welfare and entitled rights are drawn up. This dramatically reduces the waiting time of the former prisoner for entitled benefits, allowances or places in schools. The aim of the project is to appoint local coordinators readaptation, monitoring the fate of convicts and making sure that every individual, upon release from prison, has a dwelling and adequate financial security (Rentzman 2013).

An initiative based on cooperation between the self-government of the region Odense, SWP, Ministry of Immigration and Integration, is the “Rehabilitation Project” addressed to young offenders of serious crimes and offering them comprehensive readaptation support. Under the supervision of a mentor assigned to them, guiding them through the period of their punishment, and after being released from prison, convicts prepare to take up work or education already during imprisonment. They plan their future and seamlessly enter the rhythm of a normal life in freedom (Heine 2008). Many projects organized by the Danish SWP is connected to measures strengthening prisoners’ bonds with their families. In 2010, the SWP appointed, among others, a special institution “Child Managers”, which aims to improve relations of convicts with children, both while in prison and after being released (Arsrapport 2011).

France

The French penitentiary prison system is governed by the Ministry of Justice and is managed by the Directorate of Penitentiary Administration (*Direction de l'administration pénitentiaire* – DAP), which deals with administering the execution of imprisonment and restriction of liberty, organizing the everyday life of convicts and assisting their social reintegration. DAP is composed of central government (e.g. inspection) and decentralized departments (e.g. dealing with social reintegration). DAP also governs the Prison Service (*Service de l'emploi pénitentiaire* – SEP) and the National School of Penitentiary Administration (*École*

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⁹ <http://www.prisonsmart.eu/index.php?option=comcontent&view=category&layout=blog&id=22&Itemid=47> [access: 13.08.2015].

¹⁰ <http://highfive.net/en/side/public-authorities> [access: 23.04.2015].

nationale d'administration pénitentiaire – ENAP). The Integration and Probation Service (*Services pénitentiaires d'insertion et de probation*) – SPIP is involved in the social readaptation and reintegration of convicts. It is a decentralized part of the prison administration, acting on a departmental level, supporting judges in making decisions by providing them with the information necessary for the individualization of punishment (life course, type of crime, and the economic and financial situation of convicts). SPIP employees are required to carry out a five-element evaluation of every prisoner (DAVC), consisting of an assessment of his legal situation, assessment of understanding and accepting the punishment, determining the social and family environment, classification of health and summary. The aim of this measure is to create a criminological profile of the prisoner and determine the framework conditions for the consistency of various measures undertaken by SPIP (Mehanna 2012).

Social readaptation of convicts sentenced to imprisonment for more than 10 years is supervised by *Centre National d'Observation*. Convicts are transported to a special facility where for up to six weeks they are under observation of teachers, doctors, psychologists and psychiatrists, who create their special *dossier* and make recommendations concerning social rehabilitation¹¹. It should be emphasized that the French penitentiary system is characterized by an extensive visiting system, which facilitates contacts of prisoners with their families, ensuring that they maintain regular and frequent contact. Prisons have rooms that imitate conditions of life in freedom (*parloirs, salons familiaux*). Convicted mothers who have children younger than 18 months old can be with them permanently in closed prisons, in specially equipped cells supplied with adequate infrastructure (*quartiers nurseries*). One of the important aspects of maintaining family ties and family reintegration in French prisons is the functioning of “family life units” (*unités de vie familiale* – UVF¹²), types of flats situated inside prisons (2–3 rooms equipped with complete housing infrastructure), where inmates can spend up to 72 hours together with their spouses and children – this mainly concerns long-term prisoners, but all convicts have the right to use the UVF. As a rule, prison guards are not allowed to enter the premises of the UVF, while the convict is staying there with his/her family. The assessments of the UVF, however, are polarized – either explicitly positive (Kazemian, Catrin 2012, p. 18), or negative (Rambourg 2009, p. 51–67), emphasizing the negative impact of this solution on convicts, since they need to constantly change their role from “prison” to “family”, which may, according to critics, contribute to identity problems. The overall assessment

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¹¹ <http://femmesdedetenus.forumgratuit.org/t372-le-centre-nationale-d-observation-cno> [access: 12.06.2015].

¹² <http://www.justice.gouv.fr/prison-et-reinsertion-10036/la-vie-en-detention-10039/le-maintien-des-liens-familiaux-12006.html> [access: 24.02.2015].

of easy access of the convicted to the family is positive, especially that many solutions (e.g. frequent visits) are not expensive (Lecerf, borvo Cohen-Seat 2012).

In the French system education is the right of a prisoner, and the principles of education are integrated with the various stages of his/her period in prison – from the beginning of serving the sentence to the state of preparing to leave prison. Convicts are guaranteed the right to basic education (*Okólnik* 2011) – minors and worse-educated people are covered by compulsory education, while illiterates and foreigners are required to learn the French language. Prisoners are offered trainings that teach low-skilled occupations at least six hours per week; distance learning is organized by NGOs. However, educational activities are covered by a clause: the State has an obligation to intervene where governmental programmes for distance learning are not sufficient (Bernath, Szücs 2009, p. 354–355)¹³. Prisoners are also provided the possibility of higher education (this is carried out mainly by correspondence and is implemented by universities – 41% and Cned – 34% (Milly 2001, p. 108). They can also use the help of prison counselors.

Work in French prisons is not an obligation, and the possibility of doing so depends on its availability. A large part of regulations from the Labour Code does not apply to working prisoners. In institutional workshops, plants, factories components of subassemblies, mainly long-term prisoners are employed (*maisons centrales and centers de détention*), for the work they perform requires higher qualifications, which can be gained by them in the course of prison re-education. At the level of the department, within the framework of *Pole emploi* and SPIP, a special unit of penitentiary counselors has been operating since 2013 (*conseillers Pole emploi/justice*), whose mission is to seek jobs for those inmates who are nearing the end of their prison sentence¹⁴ and any applications for changing the imposed sentence (*aménagement de peine*) in order to enable the convict to take up work (Stępniaak 2003, p. 78–88).

Activities related to vocational training, education, functioning of prison libraries, recreation, sport and culture are coordinated by local educators responsible for education at the regional or department level in agreement with SPIP.

Convicts can apply for a temporary benefit for leaving prison, and those who are eligible to receive assistance from the Labour Office, automatically receive the right to health and family benefits. Unemployed convicts have a right to the reimbursement of medical expenses for a year. On parole, convicts sentenced to

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¹³ There are three channels of this type of education that are available to convicts: Auxilia – an association offering courses at the primary and secondary level, carried out by teachers (both active and retired) – these are both payable and free trainings, constituting 50% of all courses; National Centre for Distance Learning (CNED – *Centre national d'enseignement à distance*) – a government programme of distance learning, which organizes approx. 20% of all courses; other associations (AFEC, AFPA, GRETA), offering mainly vocational training and conducting approx. 30% of courses.

¹⁴ Framework agreement on cooperation between Pole emploi and the penitentiary administration from 2013–2015, http://www.justice.gouv.fr/art_pix/convention_pole_emploi.pdf [access: 24.02.2015].

restriction of liberty or electronic surveillance have full access to the labor market, but persons convicted for a longer period shall not be considered still available to take up employment, therefore, they cannot be placed on the list of job seekers.

In order to facilitate convicts access to basic goods and resources upon being released from prison (housing, employment, education, health care, etc.), a network of institutional partners is organized. The French Ministry of Justice concludes framework agreements with NGOs working at a local and national level, which provide assistance to people leaving prison (some of the services are refinanced from public funds).

The primary objective and measure of effectiveness of French reintegration activities is the recidivism rate, which is growing every year. French systemic activities related to social reintegration are also poorly assessed due to prison overcrowding, their low standard and not very effective reintegration measures. Also highlighted are the negative effects of the excess role of the non-governmental sector in the reintegration policy, which entails problems connected with the empirical evaluation of actions and generating a coherent post-penitentiary policy (Herzog-Evans 2014, p. 42–56).

United Kingdom of Great Britain and Northern Ireland

The United Kingdom of Great Britain and Northern Ireland has one of the largest prison populations in Europe¹⁵. Since the early 1990s, the number of prisoners has almost doubled in English, Welsh and Scottish prisons. The United Kingdom system emphasizes the retributive role of punishment, combining the desire to impose very strict penalties with a large control of offenders and offenses. Two of the *constituent parts* – England and Wales – have a common administration of the penitentiary system – the *National Offender Management Service*, which governs the *National Probation Service* and *Her Majesty's Prison Service*, and Northern Ireland and Scotland their own: The Northern Ireland Prison Service and the Scottish Prison Service. Each of them is governed by the relevant Ministry of Justice or authority corresponding to it and operates on the basis of partially coherent legal acts, due to the fact that the legal system of the United Kingdom is inconsistent and allocates a number of powers to local authorities, including the right to create legal acts in the sphere of justice and certain aspects of criminal law¹⁶. The legal basis for starting penitentiary care in the United Kingdom are scattered laws, but the *Criminal Justice Act* of 2003, *Offender Rehabilitation Act* of 2014

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¹⁵ http://www.prisonstudies.org/highest-to-lowest/prison-population-total?field_region_taxonomy_tid=14 [access: 23.05.2015].

¹⁶ The analysis concerns a representative system of England and Wales for the whole of the United Kingdom, due to the fact that it is the highest (prison population subject to the care of HMPS is currently 85,925 people, the Scottish system – 7,331 people, and Northern Ireland Prison Service – 1,792 people).

and multiple *Prison Order Acts* should be considered as most important, which regulate the rules of visitations, passes, etc. The National Offender Management Service accentuates both the function of social rehabilitation of penalty, and its retributive and isolating importance. At the same time, great emphasis is placed on the readaptation of prisoners and rewarding them for good behavior¹⁷. Its main task is to coordinate the work of Her Majesty's Prison Service and the National Probation Service. Her Majesty's Prison Service is a uniformed formation carrying out the tasks in the following areas: supervision of serving the penalty of isolation, maintenance of order in prisons and assisting prisoners in social readaptation.

In addition to state prisons in England and Wales there are 14 private institutions, where approximately 11% of all convicts are carrying out their sentences. Private prisons are supervised by the state and operate under 25-year contracts. However, they are much more overcrowded than state prisons and achieve worse results during the evaluation. Currently, the prison service employs about 50,000 employees – officers, instructors and therapists.

In British penitentiary institutions, prisoners are usually located in group cells. Their guaranteed package of rights is quite limited: 30 minutes of walking a day, minimum one one-hour visit per month, unlimited, but censored correspondence, use of prison pay phone (calls may be controlled), receiving (for a fee) e-mails in the form of printouts. Passes are granted in the last period of imprisonment (*resettlement releases*) for childcare (*childcare releases*), and in exceptional and duly justified circumstances (*special releases*)¹⁸. Prisoners with children can apply to serve their imprisonment sentences in special wards located in selected prisons until the child reaches the age of 18 months old.

Education conducted in the penitentiary system in England and Wales is carried out by private entities on the basis of contracts. However, the level of prison education is considered very low. Prisoners have the right to participate in courses and trainings – at the level of primary education, courses of interest, as well as vocational training. Education and vocational courses are organized for all interested only in 22 prisons; others, due to overcrowding, are able to conduct trainings only for some of the convicts. Vocational courses are mostly certified – GCSE certificates or NVQ are widely recognized on the labor market. Prisoners may with no limits conduct correspondence education using, among others, the offer of *Open University*.

Prisoners also have the possibility of taking up employment in prisons and outside them. Although the work is paid, it is usually a significantly lower rate than on the market. All of the earned money is transferred to the prisoner for his/her

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¹⁷ <https://www.gov.uk/government/policies/reducing-reoffending-and-improving-rehabilitation> [access: 23.12.2014].

¹⁸ Passes are regulated by the Prison Act no. 6300: <http://www.insidetime.org/resources/psi/psi-2012-21-rotl.pdf> [access: 25.11.2014].

disposal. Work carried out inside the prison takes place in prison workplaces under the supervision of instructors and is often a component of vocational courses. Prisoners serving their sentence in open facilities may work outside the prison, both in the course of the prison's functioning, as well as for external subcontractors. Private Prisons encourage employers to hire prisoners as cheap labor, which raises an ethical dilemma – the work of prisoners at low rates is a form of unfair competition. At the same time, the British prison system is not able to provide jobs and education to all willing convicts (*Annual Report 2014*).

Former prisoners can also apply for *Jobseeker's Allowance*, a social assistance fund for the unemployed actively looking for work. Under the supervision of a *work coach*, they prepare a job application, which is then sent to potential employers. They receive a weekly allowance until they find work, provided that they are active in searching for a job and check-in at the *Jobseeker's Allowance* office on indicated dates. Since 2010, the programme “Fresh Start Initiative” has been operating, which allows a convict to enroll for *Jobseeker's Allowance* already at the final stage of serving imprisonment. In addition to the allowance *Prison discharge grant* in the amount of a weekly benefit (50–70 pounds, depending on the age of the released prisoner) provided by *Jobseeker's Allowance*, prisoners are encouraged to seek financial assistance in various funds. These include: *Money discretionary funds* (for a wide group of people – former prisoners, the homeless, people in sudden and difficult financial situations), *Local welfare assistance* and *Short term benefit advances* (both funds are provided for all citizens on low incomes or who are in a crisis situation). Prisoners who do not have permanent places of residence are encouraged to seek help in order to obtain *Housing Benefit*. In addition, many non-governmental organizations try to help prisoners in reducing the symptoms of the punishment during and after serving. Some of the forms of assistance offered by them are co-financed from public funds. NGOs are focused mainly on assistance in the scope of: employment (*Unlock*), acquiring financial resources to realize a specific life goal (*Hartman Trust*), fighting addictions (*Shelter*), readaptation (*Hartman Trust, Unlock, Nacro*), legal counseling (*Unlock*), support for families of convicts (*Action for Prisoners' and Offenders' Families, Family Lives*), and housing assistance (*Shelter, NACRO*). Analysis of the PFG (*Prisoner's Finance Gap*), the period between leaving prison and receiving benefits/wages, has shown that in most cases, the above-mentioned forms of assistance are inadequate and former prisoners were forced to use the help of loved ones or obtain loans (Meadows, Feasey et al. 2010).

In the analyzed penitentiary system, much less emphasis is placed on readaptation effects than on mere punishment, hence convicts usually return to crime¹⁹.

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¹⁹ Local Adult Reoffending 1 January 2013 – 31 December 2013 England and Wales, Ministry of Justice Statistics bulletin 20 May 2014, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/312417/local-adult-reoffending-trusts-jan13-dec13.pdf [access: 25.11.2014].

It is estimated that over 57% of those sentenced to imprisonment returns to crime within a year. The British penitentiary and post-penitentiary policy is constantly criticized by non-governmental organizations, e.g. *Prison Report Trust*, which in subsequent reports points out that instead of heightening punishments and increasing the number of prisoners, it would be appropriate to provide convicts with better readaptation care, especially in the sphere of employment and education. The report from 2012 provides very worrying statistics – 48% of convicts are below an 11-year-old in reading skills, 64% in the scope of numeracy and 82% in the scope of writing. Only 36% of convicts, after completing their sentence of imprisonment, take up work, therapy or education. Symptomatic is the fact that 79% of inmates who had no place of residence when imprisoned, were imprisoned again due to the inability of finding their way in the free life (Edgar, Aresti, Cornish 2012).

Despite the many valuable solutions in the scope of social readaptation of convicts, the system of reintegration assistance (penitentiary and post-penitentiary) in the United Kingdom of Great Britain and Northern Ireland is evaluated as inefficient, due to the harsh sentences, restrictive approach of the Prison Service towards convicts, as well as poor prison conditions and poor offer of forms of social rehabilitation and readaptation work.

The Polish penitentiary and post-penitentiary system compared to other European countries

Polish prisons are administered by the Prison Service – a uniformed and armed formation subordinated to the Ministry of Justice. The organizational units of the Prison Service are: The Central Board of the Prison Service, provincial inspectorates of the Prison Service, penitentiary institutions and detention centers, as well as training centers and centers of personnel education of Prison Service. In Polish prisons three systems function for serving imprisonment: regular, programmed impact and therapeutic. In statistical terms, employees of the Polish Prison Service have lower seniority than in other countries, but a higher level of education (many people have tertiary education in the field, mainly pedagogical).

The dominance of imprisonment sentences over other types of punishments for different, often minor crimes, bears the marks of a serious systemic defect. In other analyzed countries, this problem is treated interdepartmentally, or even addressed in the form of an open public debate (e.g. on the decriminalization of certain types of crimes). The “uniform” nature of the Polish prison system is indicated as a serious shortcoming of the system, which serves to build the atmosphere of a “total institution”, but is definitely not conducive to social rehabilitation, understood as preparing prisoners to re-integrate themselves in society. In addition, compared with the Danish system, where the prisoner has

full rights entitled to convicts until the moment in which, as punishment, he/she is deprived of; in Poland these rights are in the form of rewards (e.g. passes) and can be obtained e.g. for the prisoner's good behavior.

The Polish prison system recognizes social reintegration as one of the basic functions of the punishment of imprisonment, next to a range of others – isolation, safety and protection of convicts. One of the basic reintegration tools is professional activation and re-education. Although prisoners have a duty to work (in 2014, 34.7% of prisoners were employed – a total of 10,052 people, and this is an increase in relation to the previous year by 3.2%), but they usually perform work that does not raise their qualifications. During this period, prison companies dominated in the employment structure (state-owned enterprises and institutions of the budget economy), which employed 1,774 inmates, as well as cleaning and auxiliary works of an administrative and economic nature which were performed by 5,870 prisoners²⁰. Working prisoners are entitled to a “holiday” period – during this time they acquire preferences in terms of visits, longer time in the exercise yard, priority in participation in cultural events, etc.

In Poland, for work performed, prisoners receive the equivalent of at least minimum wage – in 2014 this amounted to 1,138.56 PLN (average hourly rate amounted to 10.14 PLN)²¹. Without remuneration, prisoners may perform cleanup work for prisons (cleaning, washing, cooking, etc.), as well as for municipalities for no more than 90 hours per month. In 2011, a provision was added to Polish law providing convicts with at least minimum wage, and employers employing convicts may recover 20% of the paid remuneration provided they submit an application. There are about 50% fewer convicts who receive remuneration for work than those who work for free. This is a factor that has a negative effect on financial inflows to the Post-penitentiary Assistance Fund. Furthermore, prison companies face serious difficulties, because they must operate in the free market economy with simultaneous restrictions related to the employment of a specific category of employees – prisoners. Legal solutions, however, do not sufficiently consider these complex and unique aspect. Moreover, the competitive position of state-owned companies employing so few prisoners is very unfavorable, which means that they are unprofitable and, therefore, liquidated.

Teaching convicts takes place in prisons (from September 2013, 18 continuing education centers – CKU – operate). Prisoners have the opportunity to learn also in non-prison educational establishments and may also take up tertiary education. In the school year 2013/2014, in prison and non-prison schools 4,459 inmates were taught²². In CKU teaching is conducted at all levels of education, i.e. elementary school, middle school, secondary school, supplementary technical, post-secondary

²⁰ <http://sw.gov.pl/Data/Files/001c169lidz/rok-2014.pdf> [access: 19.06.2015].

²¹ Ibidem.

²² Ibidem.

school. In addition, qualification vocational courses are conducted, which are funded from different sources (in 2014, 4,209 graduates of teaching courses were recorded). In Poland, there are also several non-governmental organizations that conduct vocational training and activities in the field of vocational reintegration of prisoners (Woźniakowska 2006). However, there is good coordination of activities in this area, both at the local and regional level. Hence, it seems that the French example of measures coordinated by local educators, and connected to prison libraries, vocational training and education of prisoners, sport and cultural activities, is a promising solution also in Polish conditions.

One of the basic tools of social rehabilitation and social reintegration of prisoners are sport and cultural activities conducted in prisons, usually coordinated by NGOs. Most of the projects carried out, both governmental and non-governmental, are small-scale and have small budgets, hindering reliable verification of their effectiveness. One of the good and effective programmes is “The voluntary system of convicts in Poland”, the effect of which was to achieve positive changes in attitudes and value systems, and improving monitoring of aggression and self-destruction in the prisoners participating in it (Cegielska 2009). As part of the Human Capital Operational Programme, implemented in the period 2007–2013, many projects were carried out to improve the employment situation of prisoners. One of them was a pilot project²³, assuming intensified vocational training, legal counseling and career counseling for a group of 40,000 prisoners, preparing them to enter the labor market after serving a prison sentence. EU funds also financed qualitative studies of factors affecting the effectiveness of reintegration in the context of taking up professional work²⁴.

The Polish Executive Penal Code²⁵ requires government bodies, local and territorial authorities, as well as probation officers to provide convicts and their families with the necessary assistance in material, medical and legal form, and in the scope of employment and housing. Cooperation of entities involved in reintegration activities in Poland is coordinated by the Main Council for Social Re-adaptation and Assistance to Prisoners, as well as Field Councils for Social Re-adaptation and Assistance to Prisoners (a total of 11 councils operate in nine

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²³ The project was entitled: “Training and activating cycle to raise the professional qualifications of prisoners and prepare them for returning to the labour market after serving the punishment of imprisonment”.

²⁴ Report from qualitative studies on the research-training programme concerning the professional and social activation of prisoners (Raport z badań jakościowych na temat programu badawczo-szkoleniowego dotyczącego aktywizacji zawodowej i społecznej więźniów). Project “Process of professional and social activation of former prisoners” (Proces aktywizacji zawodowej i społecznej byłych więźniów), http://www.zmiananalepsze.com.pl/Rapoort_badania_jakosciowe.pdf [access: 22.11.2014].

²⁵ Act of 6 June 1997 – Executive Penal Code (Journal of Laws No. 90, item 557 as amended).

provinces)²⁶. The activities are focused on the cooperation of state authorities and members of society in preventing crime and enforcement of sentences. The tasks of the Central Council also focus on providing assistance to convicts in social readaptation (especially financial, medical, in finding a job and accommodation), as well as exercising social control and making an assessment of the prison policy (art. 40 § 1 and art. 41 § 1 of the Executive Criminal Code). The composition of the Central Council consists of representatives of the following Ministries: Justice, Labour and Social Policy, Health and Social Welfare, National Education, Interior and Administration, National Defense, Police, Prison Service, representatives of science, associations, foundations, organizations and institutions whose aim is to implement tasks related to the readaptation of convicted persons, as well as churches and other religious organizations. The advisory role is fulfilled by the Council of Prison Policy by giving impetus and evaluating the activities of the prison system. From the state and target Assistance Fund to Victims and Post-penitentiary Assistance Fund, convicts leaving prison may obtain legal, psychological or career counseling, as well as take advantage of vocational courses. In addition to the prison system, the holders of funds allocated for providing assistance to people released from prisons and their families are also courts, probation officers and NGOs.

According to the Act on social assistance²⁷, benefits from the Post-penitentiary Assistance Fund are granted to the convict and his/her family until they obtain benefits from the pool of social assistance, but for not longer than three months after leaving prison. Annual statistical information show that in 2014 a total of 132,031 benefits were granted for an amount of 9,216,251 PLN, while the average benefit amount was 70 PLN, and was higher by 15 PLN in comparison with 2013²⁸. Resources from the Fund may be used, among others, to finance trainings, courses, programmes raising social skills of prisoners, the purchase of necessary materials (in 2014, 4,874,966 PLN was spent for these purposes²⁹). The main source of the Post-penitentiary Assistance Fund is payroll deductions earned by employed convicts, who were paid for their work. Given the small number of such prisoners, income to the Fund is also small and amounted to less than 8 million PLN in 2013. Symptomatic is the average value of the benefit, which is 55 PLN.

Former prisoners can also benefit from the help and support offered by local governments, public interest organizations and religious associations. Compared with France, where it is being departed from the trend of delegating tasks of the

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²⁶ Ordinance of the Prime Minister dated 21 August 1998 on determining the detailed rules and procedure for appointment and operation of the Main Council for Social Readaptation Matters and Assistance to Convicts, as well as field councils for social readaptation matters and assistance to convicts (Journal of Laws 1998 No. 113, item 723).

²⁷ Act of 12 March 2004 on social assistance (as amended).

²⁸ <http://sw.gov.pl/Data/Files/001c169lidz/rok-2014.pdf> [access: 19.06.2015].

²⁹ Ibidem.

penitentiary and post-penitentiary system to non-governmental entities in the way of open competitions due to the low effectiveness of such a policy (these projects are short-term and are local and uncoordinated in nature), this trend is growing in Poland.

A major drawback of the Polish prison system is omitting families of convicts in their reintegration efforts. Most remedial actions are addressed almost exclusively to convicted persons. The families of prisoners and former prisoners are provided indirect support, consisting in social rehabilitation measures undertaken by the prison service towards imprisoned members of their families. Preparing inmates for readaptation in the family environment should include intensive family therapy conducted in prisons during the period of preparing inmates for life in freedom, with the possibility of continuing it in conditions of freedom (within the framework of post-penitentiary assistance). It is important, because the majority of family members with a penitentiary problem show not only the deprivation of needs related to daily life (material and financial), but above all it requires interaction in the scope of training skills for dealing with difficult situations, renewal of lost or enfeebled bonds with the family member residing in prison, social competences and many other skills that are necessary to secure social functioning (Nowak 2012). Unfortunately, penitentiary and post-penitentiary assistance in this area of social services is woefully inadequate (Stępnia 2007; Pstrąg 2009; Marczak 2009; Szymanowska, Korwin-Szymanowski 2009).

The weakness of post-penitentiary assistance in Poland shows a high rate of recidivism. In 2014, 39,067 cases of recidivism were recorded, 614 more than in 2013³⁰ as well as a constantly increasing number of convicts reinforcing the area of social exclusion. At the level of both systemic and local support there are clear deficiencies in inter-institutional cooperation (*networking*). This is confirmed by the results of empirical studies, which confirm an insufficient level of cooperation between institutions required to provide systemic post-penitentiary assistance to former prisoners and their families (Marczak 2009). There is no system of information flow and coordination, databases containing a description of the family-social-occupational situation of convicts at the central and local level (both the Main Council and the Field Councils do not have such data). The process of readaptation and reintegration of convicts is significantly impeded by the small pool of financial resources which the Polish post-penitentiary system has. This causes that the highly rated by experts Danish solutions (e.g. subsidized from the funds of public half-way houses for people leaving prison) or the French solutions (e.g. the functioning of “family life units”: *unités de vie familiale* – UVF), seem to be unattainable in Polish conditions due to the lack of funds for these purposes.

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³⁰ Ibidem.

Proposal of systemic changes in the field of social readaptation and reintegration of prisoners and their families³¹

In the presented model of social activities of a network and system nature (Nowak 2014), undertaken for prisoners and their families in the scope of readaptation and reintegration, the organizer of assistance at the central level is, as it has been until now, the **Main Council for Social Readaptation and Assistance to Convicts**, which appoints provincial **Readaptation Field Councils** (RRT), of which it is a supervisory entity (Fig. 1). The RRT consists of: Chairman – judge of the Court of Appeal and members (10 people) – representatives of local institutions supporting the process of social readaptation of convicts.

The operating headquarters of Readaptation Field Councils located in voivodship cities are **District Offices of Readaptation Assistance** (PBWR), whose main activity, based on close cooperation with local government units and public benefit organizations, aims at collecting data on the possibilities of obtaining real, local readaptation assistance (creation of a readaptation database for former prisoners). Their task is also to coordinate the activities undertaken in the local environment, in area of: **education** (in cooperation with Centers of Vocational and Continuing Education operating in a given area); **employment** (PUP – a separate pool of jobs for former prisoners and vocational qualification courses); **welfare** (cooperation with institutions of social assistance). The directions and priorities in the activities of PBWR also include: monitoring the fate of prisoners, their re-education and vocational education, as well as support in development, and also simultaneous competence, financial and tangible support of all family members with penitentiary issues. Using the support of PBWR is voluntary.

In addition to administrative staff and cooperating probation officers, the volunteers (employees) of PBWR are also properly trained former prisoners, who are a strong support group for prisoners leaving penitentiary institutions. At PBWRs self-help **Readaptation Support Groups** (GWR) can also be created, the members of which are former prisoners, positively and permanently socially readapted and integrated with the local community.

An important element of the modernization of the system is the creation of the Information Points in prisons for inmates, which have a national readaptation database and cooperate with local PBWRs. Another solution could be the establishment of a prison **post-penitentiary assistance coordinator**, whose task is to draw up a preliminary diagnosis of the needs of convicts leaving prisons,

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³¹ The authors of the presented project of systemic changes in the field of social readaptation and reintegration of prisoners are B.M. Nowak and M. Konopczyński.

based on interviews with convicts and lists of activities conducted in prisons within the framework of preparing convicts for social readaptation (so that readaptation and reintegration measures are now duplicated). This information is then communicated to local PBWRs. Appropriate training of prison officers is required here, who aspire to act as prison coordinators of post-penitentiary assistance.

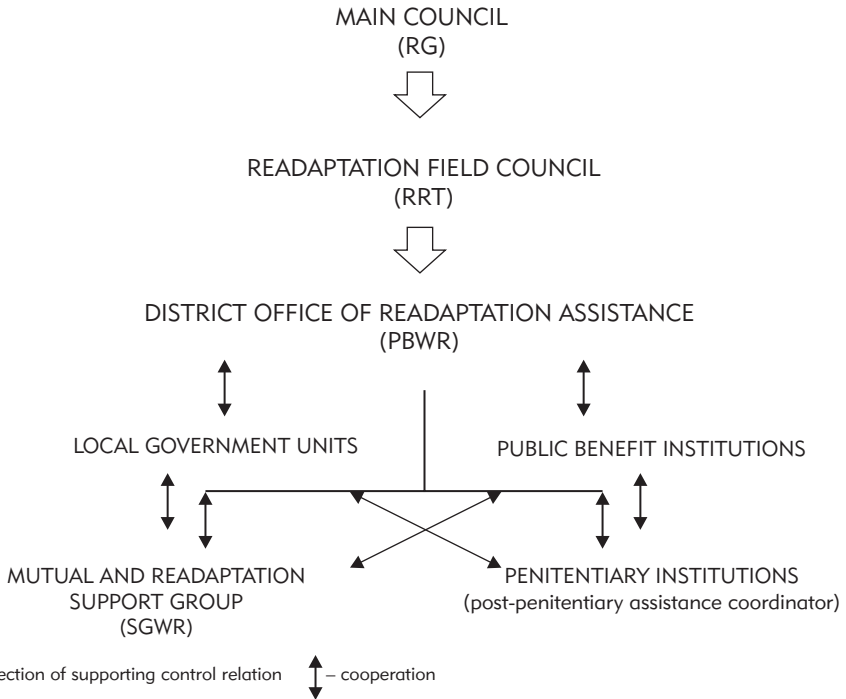


Fig. 1. Organizational scheme of readaptation and reintegration support
Source: own development.

The model outlined above is only a preliminary, very general proposal of changes that will be developed in the course of further theoretical analyses and empirical studies. However, it is not an easy task, as it requires time, commitment and a great intellectual effort, as well as the cooperation of many people – both theorists and practitioners. A well-developed project of modernizing the system requires good orientation in theoretical trends of modern management, organizational trends and efficient system solutions used in other countries.

I hope that the proposal presented in the article will inspire researchers to conduct further empirical research, evoke reflection and encourage central decision-makers to gradually make constructive systemic changes. I am convinced that the reality in which we live – difficult, full of threats and axiologically crazy – we all need to think and act creatively, we need to develop innovative research projects

and build theoretical constructs, activate intellectual and environmental potentials, and make many attempts to change the rigid administrative strategies for the implementation of initiatives in the field of system solutions. Only then, what is inefficient and ineffective in human thinking and acting, will be redeveloped into innovative, efficient and effective, and thus valuable and useful both for us and for future generations.

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