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# Conflicts with the Law of Former Pupils of Youth Educational Centers

**Abstract:** In 2012, the criminal records were examined of 196 former pupils of three youth educational centres who stayed there in the years 2005–2006. In light of data from the National Criminal Record, up to the age of 20 years, 69.4% were convicted by the courts, of whom 71% had already been in prison or detention centre. The highest risk of conflict with the law occurs up to the age of 19. Juveniles, who were removed from the register of the institution due to absence, more frequently and earlier come into conflict with the law than those who leave the institution as a result of a court decision. The obtained data were discussed in the context of social rehabilitation in correctional facilities.

**Key words:** juvenile delinquency, the effectiveness of social rehabilitation, youth educational centers.

## Introduction

The most commonly used criterion for assessing the effectiveness of social rehabilitation centres is return to crime of persons that left them. "The application of this criterion is supported by relative objectivity, easiness in grasping and availability in the registers of the justice system" (Niewiadomska 2007, p. 235). No criminal recidivism is not the most perfect criterion of successful social rehabilitation as it is difficult to state on this basis to whether a beneficial transformation occurred in the subject of social rehabilitation. Based on the criterion of recidivism one cannot also determine whether the applied measure

was actually necessary. It is also possible that an offense committed after leaving the institution was not detected. Other performance indicators (such as: behavior during social rehabilitation, life plans) are considered even more unreliable (Ciosek 2003).

Achieving a status enabling to refrain from committing crimes (no recidivism) in social rehabilitation pedagogy is treated as the minimum goal. The main objective is to achieve a state that not only protects from recidivism, but also allows optimum social functioning (Machel 2003, p. 21). From the psychopedagogical point of view, social rehabilitation is effective when it leads to the occurrence of favorable changes in personality and the behavior of subjects of social rehabilitation (Bartkowicz 2008). In assessing the effectiveness of social rehabilitation it would be best to combine the two objectives rather than oppose them, because even the most beneficial personality transformations of the subject of social rehabilitation, erroneous in the face of his criminal recidivism, and resentencing does not mean that beneficial transformations did not take place in the subject. In practice, however, researchers are satisfied with determining whether the minimum goal was achieved.

Using the formal-legal criterion of effectiveness of social rehabilitation, which is the lack of criminal recidivism, one must bear in mind that this criterion applies *strictly* to adult offenders. Under the Criminal Code, a minor, in principle, may take penal responsibility only from the age of 17 years, and for some crimes from the age of 15. Juvenile and family court does not impose penalties on a juvenile, but applies educational measures, therapy or correctional provided for in the Act on juvenile delinquency proceedings, while measures can be implemented even up to 21 years old (Stańdo-Kawecka 2007, p. 300). Depending on the situation, they can be used in parallel with penal measures.

Among the institutions involved in institution social rehabilitation, the main place in terms of the number of minors residing in them, are youth educational centres (młodzieżowe ośrodki wychowawcze – MOW), whose numbers have recently grown rapidly. In 2004, there were 45 institutions of this type, offering 2,783 places (Laskowski 2007), and in 2014, already 92 of them operated with 5558 places (Kulesza 2014). Placement in MOW is the harshest of educational measures applied by the courts, "completely changing the educational environment of the minor" (Stańdo-Kawecka 2007, p. 305), and judgments on its application are made on average in 6% of cases (Gilewicz 2010). The court's decision is preceded by a psychological and pedagogical diagnosis, confirming the high level of demoralization of the juvenile and the need to apply such an educational measure and is mostly made after exhausting the possibilities of applying other measures.

Sizes of criminality committed by former chargers of social rehabilitation centres are evaluated differently depending on the measurement method and adopted follow-up period. The studies carried out in the 60s and 70s (e.g. by

Słupczyński et al., or by Wierzbicki - cf. Bartkowicz 1987) show that about half of the charges of correctional centres and educational centres are convicted for crimes committed after leaving the facilities within a period of 3-4 years. Currently, the situation is basically the same, at least when it comes to correctional facilities and shelters for minors. According to studies conducted by the Supreme Chamber of Control, 58% of former inmates of correctional facilities returned to crime. Indicators of recidivism (excluding the follow-up period) ranged from 14.4% for girls to 87.5% for boys – notorious runaways from social rehabilitation centers. These figures relate to 1700 former charges of 14 correctional facilities, staying there in the years 2001–2008 (Information 2009). Adam Szecówka (2013) calculated that conflict with the law in the five-year follow-up period affected 46.5% of former charges of all correctional facilities. It is worth noting that five subsequent years of discharged minors were covered by the follow-up period. These studies, like the previous ones, show that individual institutions drastically differ in obtained indicators of criminality of former charges. It should be noted that these indicators on average do not differ from those obtained over the last half century.

There is much less sophisticated data allowing to assess the effectiveness of social rehabilitation in youth educational centres measured by conflict with the law. According to the report on the inspection of activities of 14 youth educational centres in the scope of education and social rehabilitation carried out by the Supreme Chamber of Control (Information 2011), these institutions do not check effectiveness based on data on the criminal records their former charges. The questionnaire surveys conducted for the inspection showed that only 7% of respondents after leaving MOW went to prison or a correctional facility. The questionnaires were sent to 1,021 former charges of the controlled facilities, which were answered by only 200 people (19.6%), which questions the reliability of this data. Arkadiusz Kamiński (2011) included 423 former charges of three youth educational centres in questionnaire surveys, of which only 26% admitted to being punished by the court. However, the author did not provide how many former charges did not send back the questionnaire nor what the follow-up period was. Indicators of conflict with the law of former charges of MOW, established pursuant to a final conviction registered with the National Criminal Record, are dramatically higher than the questionnaire surveys cited above show, and they amount to 67.9% for 162 former charges of three MOW covered by a three-year follow-up period (Bartkowicz 2013).

High recidivism is characteristic not only of Polish social rehabilitation institutions. Recidivism in minors in the care of British social rehabilitation institutions – YOT (Youth Offending Team) in an annual follow-up period amounted to 44.4% (Wilson, Hinks 2011, p. 12), while the average age of the surveyed charges of YOTs was 15.3 years old, and 20% of the analyzed population were girls. Dutch studies on returning to crime determine the rate

of recidivism at 79.9% for 1154 adolescents aged 12–24 years, who resided in a social rehabilitation facility for a minimum of 2 years (Mulder et al. 2010).

Recidivism indicators depend on the length of the follow-up period. This is demonstrated by American research on recidivism of juvenile offenders. Among 404,638 juvenile prisoners released in 2005, 56.7% were arrested again within the first year of leaving prison, two-thirds (67.8% within three years, and as many as three-quarters (76.6%) within five years (Sickmund, Puzzanchera 2014). The level of recidivism is not permanent phenomenon, and changes over time depending on many micro- and macrosocial factors. Scottish research on recidivism (Scottish Government 2015) indicate that offenders under the age of 21 have one of the highest average numbers of repeat convictions per offender (0.57). In 1997–1998 this indicator was at the highest level and amounted to 0.93, in 2003–2004 it amounted to 0.82 at the recidivism rate of 40.6%, and in 2012–2013 it was only 33%.

The aim of the studies presented in this article is to assess the criminality of former charges of three youth educational centres in the years 2005–2006. The size of their criminality will be presented depending on the length of the follow-up period and mode of leaving the facility, as well as the number of court convictions.

### Method

The data presented are part of a research project carried out in the years 2005–2012. It included the charges of three youth educational centres (in Puławy, Łękawa and Wielkie Drogi), who resided in these facilities in 2005–2006. At the time of the study, they accounted for approx. 10% of the total population of juveniles residing in such institutions in Poland, intended for boys in the intellectual norm. They were subjected to studies using a battery of tests that were carried out in the autumn of 2005 and 2006. They also filled in a questionnaire with questions concerning their family situation, school, history of derailment and stay in an institution.

In 2012, an analysis was carried out of the documentation located in those institutions, allowing to obtain the data necessary to inquire about criminality. The seven-year period that has elapsed since the start of the study to the moment of checking criminal records, ensured that all charges residing there at the time have left the facility at least three years earlier.

Youth educational centres are educational institutions, and so the organization of the school year has a significant impact on the length of stay of charges. Generally, minors come to these facilities in the post-holiday period and are discharged at the end of the school year. During the school holiday period, charges mostly stay in their family homes.

Based on the analysis of institutional documentation, data was compiled which enabled to submit requests about the criminal records of 196 people, i.e. all charges actually residing there at the time. They were boys aged 13-18 years (average 16.5). Among them, 28% are pupils of grades 5 and 6 of primary school, 63% – attended middle school, and 9% – were taught in basic vocational school. The average length of stay of the juvenile respondents in these facilities was 21 months (SD = 13.1).

### Results

According to data obtained from the National Criminal Record, 148 people, i.e. 75.3% of 196 former charges, were in the system as finally convicted by the court, while inquiries for up to 48 people, i.e. 24.7%, came back with the information "is not listed".

In analyzing the data obtained from the National Criminal Record, the age at which first court conviction occurred was taken into account. These data are summarized in Table 1. It turned out that as many as 33 people (16.8%) were convicted in criminal proceedings as seventeen-year-olds before reaching the age of 18. At the age of 18, but before completing 19 years of age, there were already 43.4% of respondents in conflict with the law. This group consists of people in relation to whom the criterion of a one-year follow-up period can be referred. Under current law, turning 18 years old is the end of compulsory education in MOW. Therefore, if one were limited to a one-year follow-up, the effectiveness of social rehabilitation carried out in the three surveyed institutions could be assessed as fairly optimistic as more than half (56.6%) did not fall into conflict with the law at that time.

Ta	ble	1.	Age	of	respond	dents	at	first	conviction	

	Court convicted		Not court convicted					
Completed years of age at the time of first conviction			N	%	% cumu-	including: placed in prison or detention centre		
	N	%			lated	N	%	
17 y.o. and younger	163	83.2	33	16.8	16.8	32	97%	
18 y.o.	111	56.6	52	26.5	43.4	40	77%	
19 y.o.	70	35.7	41	20.9	64.3	25	61%	
20 y.o.	60	30.6	10	5.1	69.4	3	30%	
21 y.o. and older*	56	28.6	12	6.0	75.5	5	42%	
Total	48	24.5	148	75.5		105	71%	

<sup>\*</sup> data on criminal records in this age group relate to 86.7% of respondents.

The risk of conflict with the law is not limited to the first year of majority age. As the data in Table 1. shows the risk of conflict with the law is not much lower in the next. 19th year of age (20.9%). At 20 years of age the recidivism rate already reaches 64.4%. It was only with the start of 21 years of age that the number of new offenders clearly declines, reaching a value of 5.1%. Thus, using a three-year follow-up (from the age of 18) we obtain an indicator of conflict with the law amounting to 69.4%, which means that only 30.6% of former charges can be considered as socially rehabilitated from the formal-legal point of view. The last age group applies to people who entered into conflict with the law after turning 21 years of age. It is a group of 12 people, of whom 6 were first convicted at the age of 22, and 2 not until they turned 23. Such a long, at least 4-year follow-up period was, however, available in relation to 86.7% of all respondents, so these figures should be treated with some caution. Nonetheless, the fact that 6% of the surveyed group comes into conflict with the law only after turning 21 years of age suggests that such a risk still exists. The data presented show that one should approach the studies covering the period of only one or even two follow-up years quite skeptically.

Table 1 also reports information on what portion of the convicted people of a particular age was placed in the analyzed period in a prison or detention centre. Nearly all the respondents among those who came into conflict with the law the earliest, at 17 years old, were sent to a penitentiary institutions (97%). For 18-year-olds convicted by a court, placement in prison or detention centre is also highly likely (77%). In the case of those convicted by the court in their 19th year, applying a penalty of absolute imprisonment and/or stay in a detention centre already includes only 61% of the group, while in the case of those convicted after turning 20 years of age - only 30%. Overall, 71% of all charges convicted by the courts during the period under study ended up in a penitentiary institution. Because the use of imprisonment is based on an assessment by the court of the offense committed and a negative prognosis in the application of more lenient penalties, it should be assumed that former charges, who had started to commit crimes earlier, in the court's opinion, were considered more dangerous, and their degree of derailment was assessed as more serious than coming in conflict with the law later in life. Every second charge, i.e. 105 out of 196 (54%) respondents have in their records stay in a detention centre or prison. This indicator would probably be even higher if the follow-up period were lengthened by subsequent years. Probably MOW personnel does not realize that three-quarters of their charges soon after leaving the facility will be convicted by the court, while at least half are future inmates of penitentiary institutions. The criminal career will probably not end with their stay in prison or detention centre. Because - as Teodor Szymanowski (2010) calculated - the recidivism rate of juveniles sentenced to imprisonment amounts to 72%, it can be assumed that recidivism will affect this group similarly.

The process of social rehabilitation in a given centre formally ends as soon as the charges are crossed off the list. Reasons for crossing off the list have been grouped into two categories resulting from the applicable law: "unexcused absence" and "completion of the social rehabilitation process". It was analyzed whether and to what extent the way of leaving the facility is connected with later conflict with the law. The data summarized in Table 2 show that there is a statistically significant relationship between the two variables. Former charges who have been crossed off the record due to unexcused absence come into conflict with the law more frequently than those crossed off as a result of court order to end the social rehabilitation process.

Table 2. Reason for crossing off the facility's record and criminality after leaving

Completed years of age at the time of first conviction	Unexcused absence		The court to discontir of the educat in the form of MC	Differentiation		
	N	%	N	%		
17 y.o. and younger	18	30.5	15	10.9	$\chi^2 = 23.036$ df = 4	
18 y.o.	21	35.6	31	22.6		
19 y.o.	6	10.2	35	25.5		
20 y.o.	6	10.2	4	2.9	p = 0.0001	
21 y.o. and younger	0	0	12	8.8		
Total convicted by the court	51	86	97	70.8	$\chi^2 = 5.453$	
Total not convicted by the court	8	14	40	29.2	df = 1	
Total	59	100	137	100	p = 0.02	

The length of stay in a youth educational centre, and consequently also the moment of the charge leaving it, are not rigidly defined. Under current law, this educational measure, in principle, is applied to minors until they turn 18 years old. It may, however, be redeemed or exchanged for another. Staying at the facility at the request of the charge may be extended until completing education, which was began before reaching the age of majority. Completion of staying in the facility formally ends with crossing off the charge from the record, which follows a disciplinary hearing (due to absence) or as a result of the court's decision to discontinue the use of the educational measure in the form of placement in the facility.

It was examined whether and in what way the cause of crossing off the charge from the record is associated with future criminality. It turned out that

charges who were crossed off the list due to unexcused absence were most frequently and earliest convicted of crimes. Of the 59 crossed off charges in this way, as many as 51 were convicted, which means that the criminality rate for this group amounted to as much as 86%.

The vast majority of charges, because 137 of all 196 respondents (representing 69.9%), were crossed off as a result of the court's decision to discontinue the use of the educational measure in the form of placement in MOW. In this group, convicted for a crime is 97 people, which gives a criminality rate of 70.8%, which is 15.2% lower than among those crossed off due to unexcused absence (cf. Tab. 2.). The presented analysis shows that persons crossed off MOW due to unexcused absence are significantly more often convicted of a crime ( $\chi^2 = 5.453$ , df = 1, p = 0.02).

Youth educational centres are open and do not have the security measures that can effectively prevent runaways. Notorious runaways is one of the main problems of these institutions, disorganizing or preventing effective work with minors. "The scale of this phenomenon in Poland in the school year 2010/2011 included 3292 charges, representing 72.55% of all places in facilities" (Kulesza 2012), while the main cause of absence of charges is not returning to the family home (after leave for holidays). Longer absence of juveniles in the facility, and the changes of the institution where they should be staying associated with this fact, put into question the possibility of social rehabilitation interactions, and consequently the "accountability" of youth educational centres for ineffective social rehabilitation.

Table 2 presents data that allows to answer the question of whether the way of leaving MOW (unexcused absence or court order) is linked to age, when the first court conviction was made. It turned out that in the group of 51 juveniles crossed off the record due to absence, as many as 18 (30.5%) were convicted before the age of 18, and a year later there were already 66.1%, while among those crossed off by court order the respective percentages amount to 10.9 and 33.5. The relationship between the mode of crossing off the charge and the age of the first conviction, checked using the test  $c^2$  is highly statistically significant (p = 0.0001).

Former charges of youth educational centres have records of a diverse number of crimes and convictions. Only 19.6% among those in conflict with the law were convicted only once, 36.5% - 2-3 times, and 44.1% -had 4 or more convictions. A person convicted for an offense at least the fourth time is referred to as "multiple offender" (Błachut et al. 2004, p. 307–308). Assuming the criterion of juridical recidivism (Art. 64 § 1 of the Penal Code) 12 former charges (8% of convicted) were classified to the category of ordinary special recidivism, and one was considered a multirecidivist (Art. 64 § 2 of the Penal Code).

Table 3. Number of convictions

Number of convictions	N	%
1	29	19.6
2	36	24.3
3	18	12.2
4 and more	65	44.1
Total	148	100

According to data provided by the Institute of Justice (Jankowski, 2012, p. 6) persons convicted once constituted as much as 46.8%, and repeatedly convicted – 24.3%. Compared to the national population, former charges of MOW stand out with exceptionally high criminal activity and high (almost twice as high) multiple crime rate. However, it should be remembered that national data include all convicts, regardless of age.

### Discussion and conclusions

The data presented in this article on the criminality of former charges of youth educational centres show that the effectiveness of social rehabilitation measured by coming into conflict with the law is, in the case of these institutions, clearly lower than in the case of correctional institutions. The data show that 69.4% of former charges of three MOW are convicted before turning 21 years of age, i.e. less than three years after reaching adulthood and leaving – in most cases – the facility. In the meantime – let us remember – the indicator of conflict with the law for former charges of correctional institutions in a five-year follow-up amounts to 46.5% (Szecówka 2013). This conclusion certainly conflicts with the common perception that MOW gather less demoralized youth, for whom it is sufficient to use an educational measure in order to protect them from conflict with the law.

The greatest risk of conflict with the law is the period immediately after leaving the facility. Since this is the most sensitive period, we should consider improving the system of care for young people leaving the facilities, which – as it can be assumed based on the results of this study – is insufficient.

The obtained indicators adversely differ from the indicators obtained in Polish studies from 30–40 years ago, in light of which the criminality of people leaving correctional institutions is more severe than of those leaving educational institutions. The question arises of whether we really are dealing with the deterioration of the effectiveness of social rehabilitation of youth educational centres (continuing the tradition of educational institutions) or if adolescents are referred to these facilities, who would formerly be referred to correctional

institutions. If the cause of greater effectiveness of the correctional institution lied in the social rehabilitation system of this institution, including the degree of isolation, it would probably be worth resuming discussion on the effects of excessive freedom and liberty in social rehabilitation of deeply derailed people.

The presented studies revealed that prolonged absences resulting in crossing off charges from the record are an important factor impinging on the future fate: such charges commit crimes earlier and more often, which should lead to a deeper analysis of this aspect of functioning of MOW. One can quite easily leave these facilities, and several weeks of absence are probably conducive to committing crimes and deepening social derailment.

In the case of minors systematically running away from facilities it is difficult to even speak of effectiveness or ineffectiveness of the social rehabilitation process, as most probably this process would have never begun. The information contained in the response from the undersecretary of state in the Ministry of National Education to interpolation no. 18167 on educational and social rehabilitation facilities (*Response...* 2010) indicates that: "approx. 70% of those waiting for available places in MOW are minors who have already had facilities indicated (often repeatedly) and they were not led to them, and those who will soon turn 18 years of age, while 10% are minors absolutely in need of treatment (including psychiatric) before being placed in MOW". In their case one can speak – after Krystyna Marzec-Holk (1999) – about "apparent and false social rehabilitation", which is the result of taking ineffective measures unsuited to their needs. Through failure to take effective and professional action, the state somehow condemned these people to a criminal career.

The attempt undertaken in this article to evaluate the effectiveness of MOW is based solely on the legal and criminal criteria. Research would be needed also taking into account other criteria, including psychosocial functioning and particularly undertaking work. Studying the fate of former charges that take into account the above criteria is an urgent need for the next few years.

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