

Alternatives to Detention

Exploring Alternative Punitive Measures in the Polish Justice System

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Łukasz Zajic - court probation officer for adults in District Court in Przemyśl,
member of the National Council of Probation Service,
Republic of Poland



History

The origins of the Polish Probation Service date back to 1919

Juvenile Courts and offices of Permanent Judicial Guardians were established February 7, 1919.

Strictly criminal probation traces its origins back to 1958, when supervision over conditionally released individuals began.

In 2001, the Act on Probation Officers was passed, which (with subsequent amendments) currently defines the principles of the functioning of the Probation Service in Poland.



Dual character, both professional and volunteer/community.

Over 5,000 professional probation officers



The probation system in Poland has been organizationally linked to the courts since the very beginning.

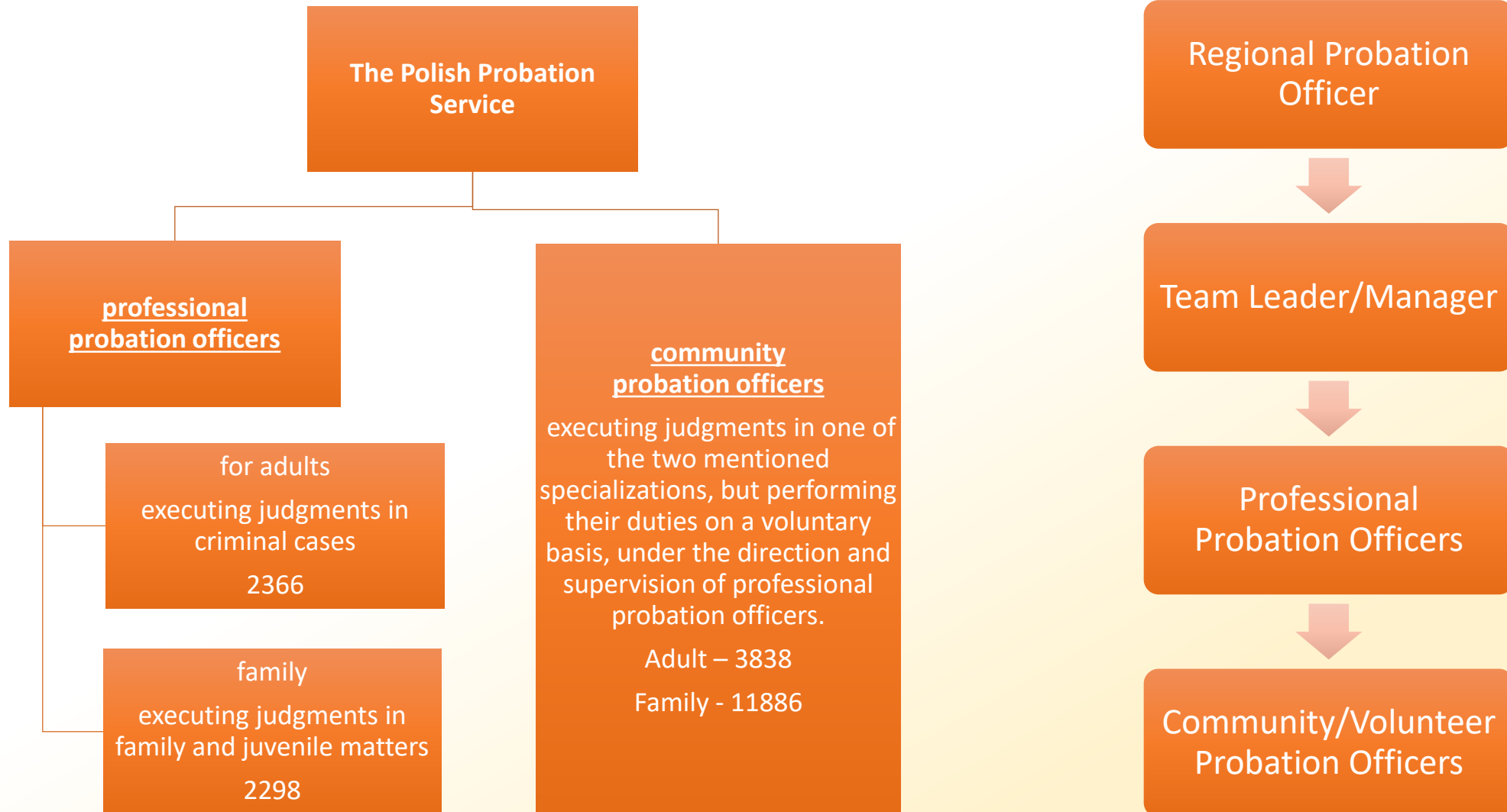
Over 15,000 community probation officers



Currently, the prevailing model is a professional-community one, with professional probation officers (both family and criminal probation) being supported by community probation officers.



System

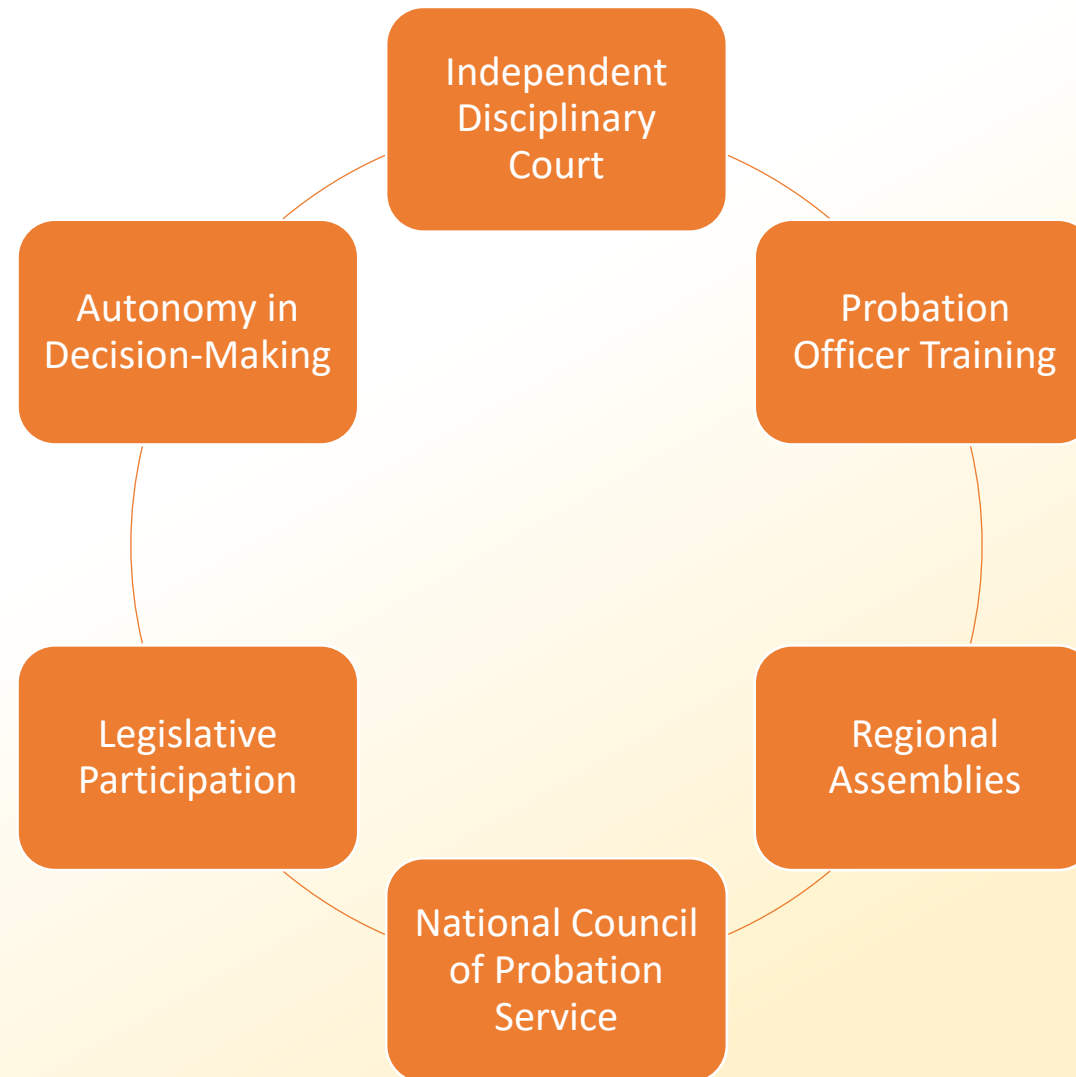


Probation officers in Poland operate within district courts.

In each district court, a team of court probation officers is established to execute judgments in criminal cases as well as in family and juvenile matters.

In larger courts, multiple teams of a given specialization are often created, while in smaller courts, combined teams may be formed.

Professional Self-Government of Court Probation Officers in Poland



Court probation officers executing judgments in family and juvenile matters (kuratorzy rodzinni)

- supervise care cases concerning the restriction of parental authority,
- supervise juveniles
- control the execution of guardianship or care over partially or fully incapacitated persons,
- supervise individuals addicted to alcohol, obligated to undergo detoxification treatment,
- conduct a series of social interviews/reports on court orders (e.g., in care cases, marital cases, juvenile cases),
- participate in court-established contacts between parents and minor children,
- enforce court orders for the compulsory removal of a person subject to parental authority or under guardianship,
- manage and work in probation centers.

Court probation officers executing judgments in criminal cases (kuratorzy karni)

supervise individuals during the probation period (e.g. conditional suspension of the execution of a prison sentence, conditional early release from a prison sentence)

conduct a series of social interviews/reports both at the stage of executive criminal proceedings and procedural criminal proceedings (pre-sentence report)

control and organize the execution of community service and socially useful work imposed

monitor during the probation period the fulfillment of so-called probationary obligations imposed on convicts or perpetrators of criminal acts, i.e., those related to the probation period

supervise the execution of a penal measure specified (e.g. prohibition from contacting certain individuals)

provide assistance within the framework of the Victims and Post-penitentiary Assistance Fund (to individuals released from penal institutions, their families, as well as the families of persons deprived of liberty)

perform activities related to organizing and controlling the execution of a prison sentence outside the penal institution under the electronic monitoring system (EMS)

Primacy of Liberty Penalties

The principle of ultima ratio of imprisonment – the primacy of liberty penalties and penal measures over imprisonment.

Article 58 §1 of the Penal Code

law allows for a choice of penalty types and the offense is punishable by imprisonment not exceeding 5 years, the court should impose imprisonment only if other penalties or punitive measures cannot fulfill the objectives of the punishment

Article 37a of the Penal Code

permits the court to substitute imprisonment with a fine or restriction of liberty in cases where the offense is punishable by imprisonment not exceeding 8 years. This substitution is possible when the imposed imprisonment would not exceed one year, and the court simultaneously imposes a penal measure, compensatory measure, or forfeiture.

Alternatives to Detention

When discussing alternatives to incarceration in Poland, we can identify several sources and groups of such programs and ideas.

- One source includes systemic solutions contained in legal regulations.
- Another involves various agreements between different entities, such as government administration, courts, probation services, local governments, non-governmental organizations, associations, and foundations.
- There are also programs and projects implemented by the mentioned entities.

Our actions and activities often intersect between the indicated sources.

Systemic solutions of Alternative Measures to Imprisonment in Poland



Restriction of
liberty



Fine



Probation
Measures



Electronic
Monitoring



Penal
Measures



Compensatory
Measures



Restriction of liberty

obligation to
perform unpaid work
for social purposes
(Community Service)

deductions from the
offender's salary for
social purposes

It may also be combined with additional probationary obligations, as well as court-imposed prohibitions or orders

The Role of a Probation Officer in the Execution of the Restriction of Liberty Sentence in Poland

Supervision of
Compliance with the
Sentence

Support for
Rehabilitation

Organization of
Community Service

Submitting
appropriate
applications
regarding the
sentence

Enforcement of
Compliance

Cooperation with
Other Institutions

At the end of 2023, there were 135,428 active cases

Electronic monitoring system (SDE) in Poland

Electronic monitoring system (SDE) in Poland serves as an alternative to traditional imprisonment and is used for the enforcement of imprisonment sentences, penal measures, and preventive measures.

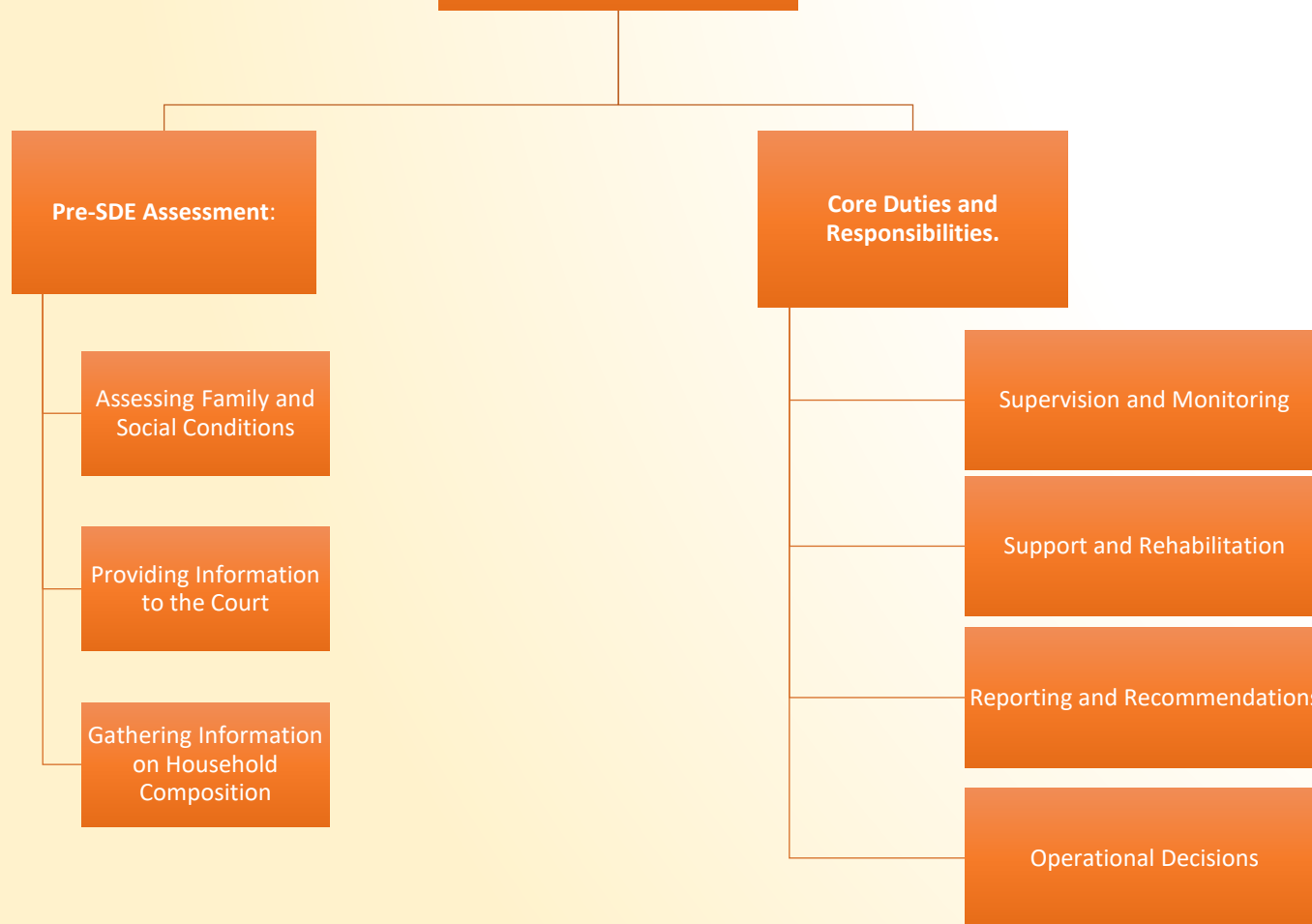
**Scope of
Application**

**Technical
Conditions
and Consent
of
Cohabitants**

**Types of
Electronic
Monitoring**

**Application
Procedure**

The Role of a Probation Officer in the functioning of the electronic monitoring system (SDE) in Poland.



Probation centers

Institution of probation centers (ośrodki kuratorskie) in Poland operates under the framework established by the Act of June 9, 2022, on Supporting and Resocializing Juveniles (Ustawa z dnia 9 czerwca 2022 r. o wspieraniu i resocjalizacji nieletnich). This legislation replaced the previous Act on Proceedings in Juvenile Cases from 1982.

Purpose and Objectives:

- Probation centers are designed to provide educational and rehabilitative support to juveniles exhibiting signs of demoralization or those who have committed punishable acts. The primary goals include preventing further delinquency, facilitating social reintegration, and promoting lawful behavior among juveniles.

Target Group: The Act applies to individuals aged 10 to 18. Specifically, it addresses:

- Demoralization Cases: Juveniles aged 10 and above who display behaviors indicating moral corruption.
- Punishable Acts: Individuals aged 13 to 17 who have committed acts classified as offenses under the law.
- Implementation of Measures: Persons up to 21 years old, if such measures were imposed before they reached 18.

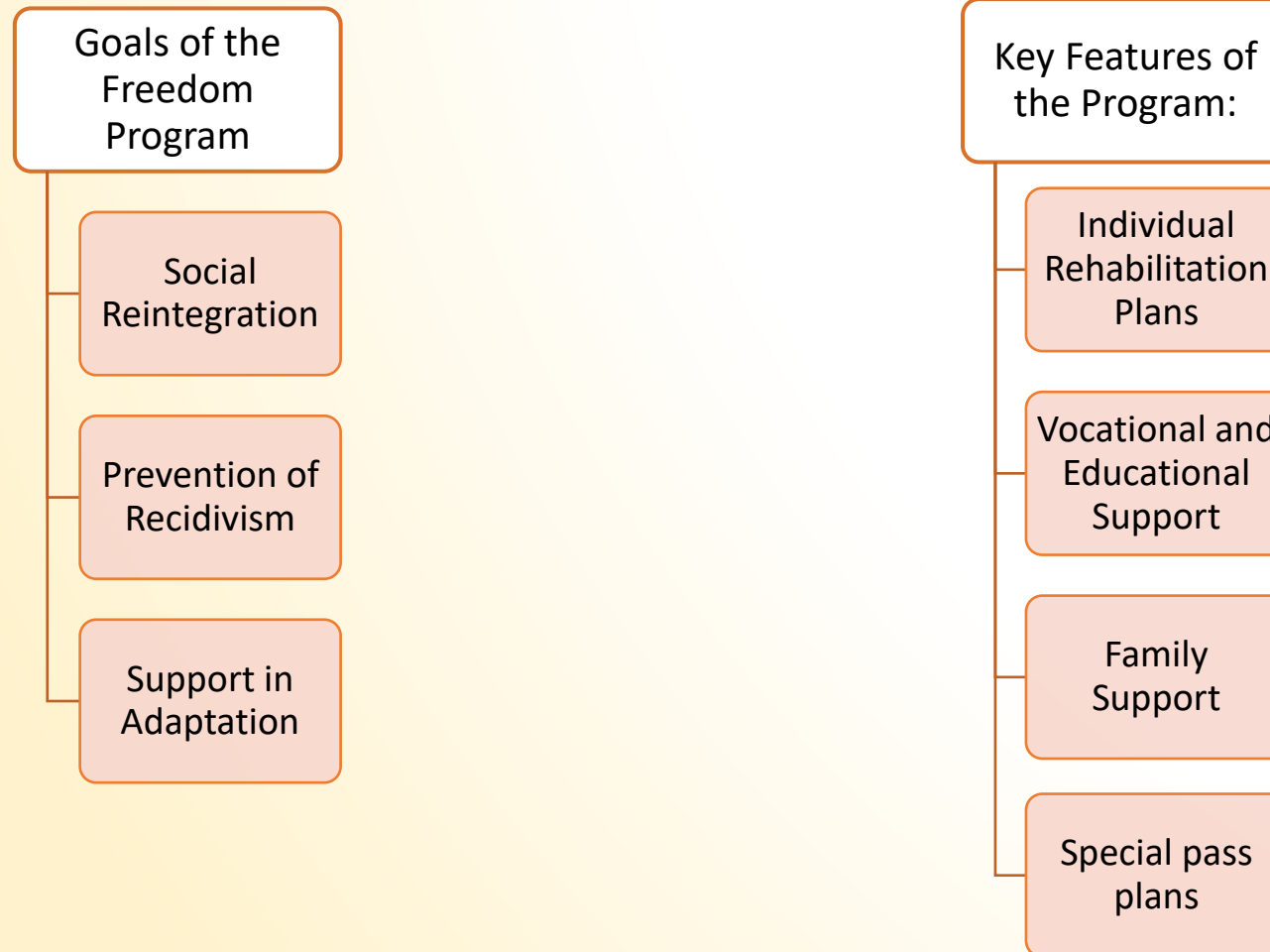
Functions and Activities: Probation centers offer a range of programs and activities, including:

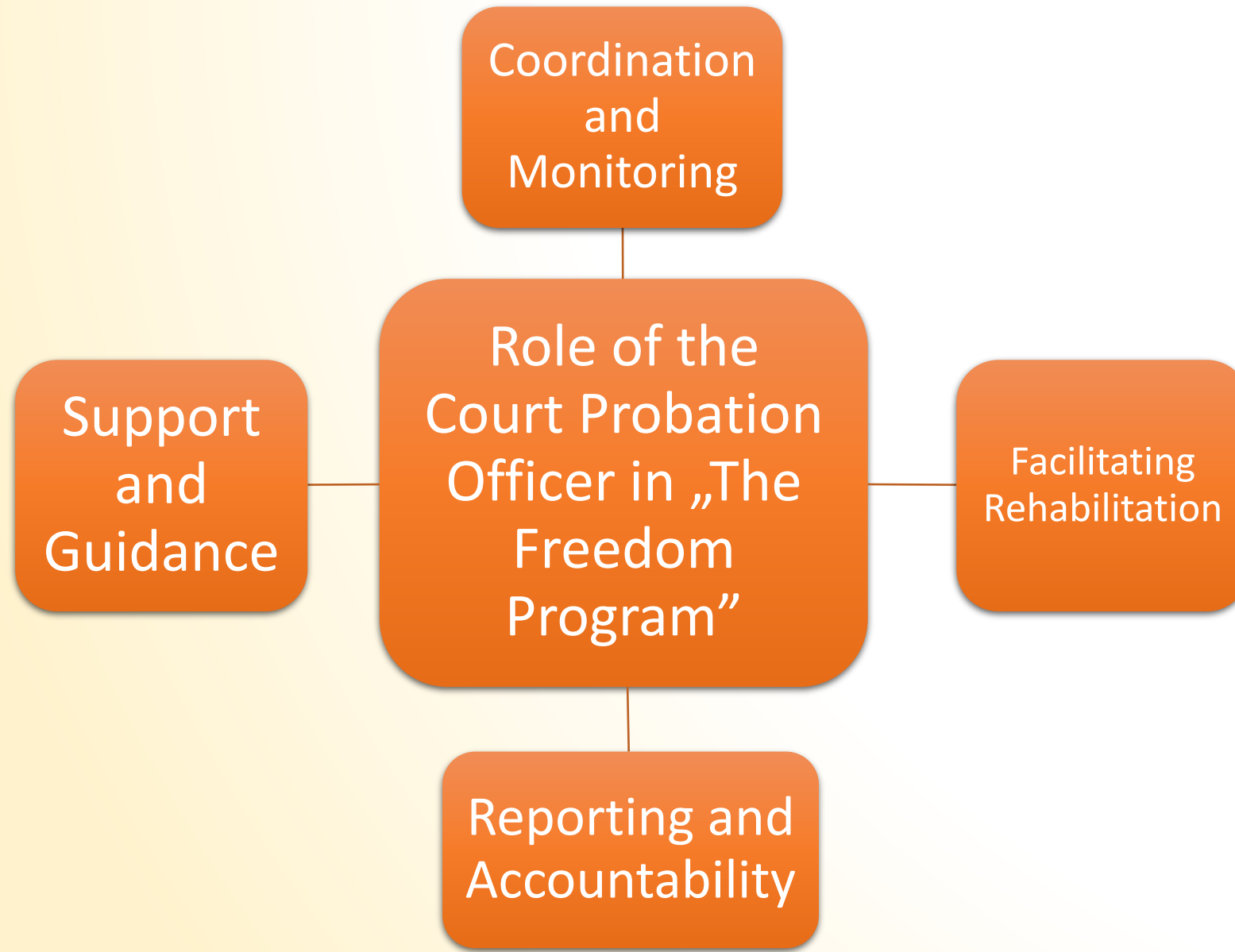
- Educational Workshops: Focusing on personal development, social skills, and legal awareness.
- Therapeutic Interventions: Providing psychological support and counseling to address behavioral issues.
- Vocational Training: Equipping juveniles with skills to enhance employability and social integration.
- Supervised Leisure Activities: Promoting constructive use of free time to prevent engagement in delinquent behaviors.

Staffing and Collaboration: Each probation center is managed by a professional court probation officer, who is responsible for organizing the center's work, implementing rehabilitation programs, and ensuring their proper execution. Probation centers are staffed by other professional family probation officers (kuratorzy sądowi), educators, psychologists, and social workers.

Preparing Convicts for Life in Freedom (The Freedom Program)

Article 164 § 1 of the Polish Executive Penal Code (k.k.w.)





The Main Council for Social Readaptation and Assistance to Convicts and Regional Councils

The Main Council for Social Readaptation and Assistance to Convicts under the Ministry of Justice, along with Regional Councils, are advisory bodies dedicated to supporting activities aimed at rehabilitation, social reintegration, and assistance to convicts in their return to society. Their operation is governed by Article 40 § 1 and § 3 of the Executive Penal Code and the Regulation of the Prime Minister of August 21, 1998, on the detailed principles and procedures for appointing and operating these councils. Main Council operates at the central level as an advisory body to the Minister of Justice. Its primary purpose is to support penitentiary policy and to initiate and coordinate efforts to rehabilitate and assist convicts.

Scope of the Council's Activities:

- Organizing, initiating, and supporting initiatives aimed at preventing crime and promoting the social reintegration of convicts.
- Providing opinions on the activities of governmental bodies and societal representatives in the areas of crime prevention, execution of judgments, social reintegration of convicts, and assistance to convicts and their families.
- Coordinating the activities of associations, foundations, organizations, institutions, as well as churches and religious unions, along with trusted individuals, in the implementation of penalties, penal measures, preventive measures, and security measures.
- Undertaking, organizing, and coordinating social oversight over the execution of penalties, penal measures, preventive measures, and security measures, and preparing reports based on the findings of these controls.
- Evaluating penitentiary policy, including its effectiveness and alignment with the objectives of rehabilitation and social reintegration.
- Submitting proposals and opinions on the allocation and utilization of funds from the Penitentiary Assistance Fund.
- Initiating and supporting scientific research aimed at preventing crime and fostering the social reintegration of convicts.

Composition of the Main Council :



Regional Councils for Social Readaptation and Assistance to Convicts

Regional Councils operate at the local level and are appointed by provincial governors (województwie) based on regional needs. Their functioning is similar to that of the Main Council but focuses on addressing local challenges and specificities.

Composition of Regional Councils:

The councils include: + Representatives of local governments. + Judges and probation officers operating within the region. + Representatives of correctional facilities and detention centers. + Representatives of local NGOs. + Experts and practitioners in rehabilitation and labor market issues in the region.

Tasks of Regional Councils:

- Local advisory functions, Collaborating with local governments, social welfare centers, and organizations to implement reintegration programs for convicts.
- Coordination of regional efforts, Facilitating cooperation between courts, correctional facilities, social organizations, and labor market institutions.
- Promotion of rehabilitative initiatives: Organizing and supporting initiatives to assist convicts post-incarceration, including employment, housing, and therapy programs.

Associations and foundations

Court probation officers play a key role not only within the scope of their statutory duties but also by actively engaging in the activities of various associations and foundations that support the process of rehabilitation and social reintegration of convicts.

Through cooperation with these organizations, probation officers can more effectively achieve goals related to preventing recidivism and promoting alternatives to imprisonment, such as community service, mediation, or educational programs.

The joint efforts of probation officers and non-governmental organizations include organizing training sessions, supporting employment opportunities, assisting with reintegration into families and local communities, and monitoring the implementation of support and rehabilitation programs.

I would like to present to you several such organizations in which probation officers play a vital role in their operations, particularly in providing convicts with real opportunities for rehabilitation and social reintegration without the need for incarceration.

Sursum Corda Association

The Sursum Corda Association, based in Nowy Sącz, is a Polish non-governmental organization focused on supporting individuals in need, including those leaving correctional facilities and their families. The organization provides psychological, legal, and material assistance to promote social reintegration and reduce the risk of recidivism. Through its programs, Sursum Corda collaborates with courts, probation officers, and other institutions to offer comprehensive support and create opportunities for personal development and a fresh start in society.

Center for Assistance to Individuals Leaving Correctional Facilities and Their Families

The **Center for Assistance to Individuals Leaving Correctional Facilities and Their Families**, based in Nowy Sącz, operates under the management of the **Sursum Corda Association**. The center is dedicated to supporting individuals who are reentering society after serving prison sentences, as well as their families. Its primary aim is to facilitate social reintegration and reduce the challenges faced during this transitional period.

Services Offered:

- 1. Psychological Support:** Counseling and therapy to address emotional and mental health challenges.
- 2. Material Assistance:** Providing essential resources such as food, clothing, and financial aid to meet basic needs.
- 3. Legal Aid:** Guidance on legal matters, including employment rights, housing issues, and dealing with administrative formalities.
- 4. Reintegration Programs:** Activities and workshops aimed at building life skills, fostering personal development, and preparing individuals for independent living.

Collaboration with Probation Officers:

Court probation officers play a crucial role in the center's operations by acting as intermediaries between the judiciary, the beneficiaries, and the center. They:

- Support convicts in navigating the reintegration process.
- Monitor the progress of individuals participating in the center's programs.
- Facilitate communication and coordination between the center and legal institutions.

This center is an essential resource for individuals leaving correctional facilities, offering comprehensive support to ensure a smoother transition back into society and contributing to the broader goals of reducing recidivism and promoting social cohesion.



The Association for Creative Rehabilitation "PO-MOST"

The Association for Creative Rehabilitation "PO-MOST", based in Toruń, Poland, is an organization dedicated to supporting individuals who are socially maladjusted or in conflict with the law. Founded by a group of court probation officers, the association focuses on implementing innovative and creative methods of rehabilitation to help participants reintegrate into society.

They implement projects primarily aimed at families, minors and juveniles, such as parenting schools, youth clubs, and vocational projects for young people. Additionally, they organize conferences.

Association "Patronat" in Białystok

Non-governmental organization focused on providing assistance to individuals deprived of liberty, those released from correctional facilities, and their families.

The association's activities include:

- **Material, legal, and spiritual support** for prisoners and their families.
- **Operating a shelter** for homeless former inmates, offering 23 beds.
- **Collaborating with local organizations** to support the social reintegration of individuals released from prison.
- **Initiating actions** to prevent recidivism and promote volunteerism and community engagement.

Wrocław Restorative Justice Center (WCSN)

The **Wrocław Restorative Justice Center (WCSN)** was established in 2016 as an initiative of the **Lower Silesian Regional Council for Social Readaptation and Assistance to Convicts**. The project is led by the **Department of Social Affairs of the Wrocław City Hall** and the **Wrocław Regional Court**, with implementation carried out by the **Wrocław Integration Center** and the **judicial probation service** of the Wrocław Regional Court.

The creation of the center builds on over a decade of successful collaboration between local government and the justice system. Since 2009, efforts have focused on creating optimal conditions for offenders of minor crimes and misdemeanors to perform **community service as an alternative to incarceration**. This approach emphasizes that criminal acts often involve direct harm to individuals, resulting in a conflict between the offender and the victim. However, crimes frequently impact broader communities, such as damage to public property, vandalism of playgrounds, cemeteries, or parks, and polluting shared spaces.

Through the WCSN, offenders have the opportunity to repair the harm they caused by performing community service, repaying their “debt” to the local community they harmed. Wrocław has developed an effective model for non-custodial sentences, supported by a network of over 100 facilities where community service is carried out. The **Wrocław Integration Center**, which coordinates this network, also offers social reintegration tools such as vocational activation, legal counseling, therapy, and material assistance.

Lower Silesian Association of Court Probation Officers "Frontis"

It was established in 2010 in Wrocław to support the development of the probation system in Poland. It focused on promoting restorative justice, professional development for probation officers, and effective implementation of non-custodial sentences. "Frontis" organized educational initiatives such as the "Bringing Culture In" program, which aimed to integrate probationers into cultural and social life. The association also cooperated with local governments and justice institutions to create innovative solutions, like Wrocław's cascading model for community service. Although "Frontis" ceased operations in recent years, its legacy lives on through projects like the Wrocław Restorative Justice Center.



Conclusion

Poland has the highest probation population rates in Europe (in Poland around 636, while the European average is approximately 164).

Poland holds a world record in the number of people serving community-based sentences (at the end of 2023, there were 135,428 active cases)

Polish probation officers also manage a significant number of cases involving electronic monitoring (ranking second in Europe after France, in Poland, around 7,000 electronic monitoring sentences are currently active)

Polish probation officer supervising around 25,000 juveniles — the highest number in Europe.

Polish probation officers carry out their tasks primarily in the community of the individuals they supervise. On average, they visit their supervisees once a month. They spend two days per week on duty in court, with the remainder of their time devoted to home visits, supervising community sentences, and conducting environmental interviews and reports. Their work is often done using their private vehicles, for which they receive partial reimbursement of expenses. This adds another layer of personal commitment to their already demanding role.

Polish probation officers continue to demonstrate dedication despite these challenges, but the growing demands of the system highlight the need for policy adjustments and additional support to enhance the effectiveness of probation measures.

Thank you for your attention.

If you have any questions,
feel free to contact us

rada@kuratorzy.ms.gov.pl

rafal.narloch@ms.gov.pl