

Wrocław, on 5.09.2024

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Summary of Doctoral Dissertation

Title: "The Execution of Sentences of Imprisonment for Offenders Convicted under Articles 197-203 of the Penal Code in Connection with Sexual Preference Disorders"

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This dissertation aims to provide a comprehensive and interdisciplinary analysis of the legal framework and procedures applied to individuals convicted of offenses under Chapter XXV of the Polish Penal Code, which addresses crimes against sexual freedom and decency, with a particular focus on regulations concerning offenders convicted under Articles 197-203 of the Penal Code, committed in connection with disorders of sexual preference.

This dissertation undertakes a legal analysis of domestic regulations and explores legislative solutions regarding the execution of sentence of imprisonment for these offenders, addressing post-penitentiary procedures as well.

The analysis includes mandatory specialized interventions carried out in the course of penitentiary isolation, emphasizing the principle of humane treatment of offenders, their subjectivity, as well in the context of recent legislative changes.

A range of legal provisions dedicated to this specific group of offenders is presented, including regulations on the exclusion of sentence expungement (Article 106a of the Penal Code) and the extension of the statute of limitations for offenses against sexual freedom and decency (Article 101 §4 of the Penal Code).

Additionally, executive provisions aimed at these offenders are examined, including:

- Article 88 §3 point 3 of the Executive Penal Code (designation of a closed correctional facility for offenders convicted under Articles 197-203 of the Penal Code),
- Article 89 §3a of the Executive Penal Code (requiring prior consent from a penitentiary judge for transferring an offender convicted under Articles 197-203 to a facility other than a closed one),
- Article 139 §6a of the Executive Penal Code (requiring the consent of a penitentiary judge for granting certain freedom-related rewards),

- Article 151 §2 of the Executive Penal Code (exclusion of sentence suspension for this group of offenders),
- Article 159 §1 of the Executive Penal Code (mandatory supervision by a probation officer for offenders convicted under Articles 197-203 of the Penal Code),
- Article 162 §1 of the Executive Penal Code (requiring expert opinions before granting conditional release to offenders convicted of sexual crimes related to sexual preference disorders), and
- Articles 166 §2 and 168a §3 of the Executive Penal Code (obligating a penitentiary judge or prison director to notify the police about the release, escape, or temporary leave of such offenders).

Furthermore, regulations in acts not covered by the Penal Code targeting this group of offenders, introduced as part of systemic efforts to combat sexual crime, are discussed. This includes two key acts:

- The Act of 13 May 2016 on Counteracting the threat of sexual Crime and protection of minors (outlining special protection measures against the risk of sexual crime), and
- The Act of 22 November 2013 on Proceedings against Persons with Mental Disorders Posing a Threat to the Life, Health, or Sexual Freedom of Others (regulating preventive supervision or isolation in the National Center for the Prevention of Antisocial Behaviour).

The final aim of the work, beyond discussing legal regulations applicable to offenders convicted under Chapter XXV of the Penal Code, with particular emphasis on those convicted for committing a crime provided in Articles 197-203 of the Penal Code, is to compare the theoretical assumptions of the therapeutic imprisonment model with the practical aspects of its implementation and the results achieved. The dissertation analyzes the overall indicators of execution of prison sentences for the group in question, presented in a statistical overview.

The structure and intent of the dissertation facilitated the formulation of findings regarding recidivism among offenders convicted under Articles 197-203 of the Penal Code due to sexual preference disorders. These findings served as a measure of the effectiveness of executing prison sentences in a therapeutic system for this group of convicts.

Additionally, demographic and psychosocial data were analyzed to create an outline of the profile of offenders convicted of aforementioned offenses. As part of this research problem, attempts were made to identify the most common socio-demographic factors determining crimes of a sexual nature, aiming to establish whether these offenders form a heterogeneous group.

This dissertation is organized into five chapters, with the first four forming the theoretical part, supported by research findings.

Chapter I begins by defining "sexual preference disorders," including the diagnostic criteria based on two primary classifications: the ICD-10 (with reference to upcoming changes under ICD-11) and the DSM-5 (American Psychiatric Association classification). The etiology of these disorders and current treatment methods are discussed, including a brief overview of past treatment approaches and their evolution over the years. This chapter also includes a presentation of issues concerning tools for assessing the risk of recidivism, with particular emphasis on the tools and methods used to measure the recidivism risk among those convicted of crimes against sexual freedom.

Chapter II discusses the offenses in question, their placement in the Penal Code, the subject of legal protection, issues related to their definition, as well as matters concerning the cessation of criminal liability and the expungement of convictions. Additionally, based on statistical data from the statistical database of the Ministry of Justice and the Central Prison Service were used to present the epidemiology of sexual crime in Poland. as well as data from the annual and quarterly statistics of the Central Prison Service, the epidemiology of sexual crime in Poland is presented.

Chapter III outlines the principles of executing imprisonment in the therapeutic system for this group of offenders. This chapter covers the distinctiveness of procedures concerning these offenders, including a historical overview of changes in this legal area. Additionally, the objectives of executing imprisonment in the therapeutic system were discussed, along with the criteria for assigning offenders to the system, the authorities responsible for classification of convicts, the individualization of interventions, as well as the controversial institution of "voluntary therapeutic coercion," with attention to recent legislative changes following the Constitutional Tribunal ruling of 11 March 2021 (case no. SK 9/18).

Chapter IV analyzes post-penal measures applied to this group of offenders and solutions resulting from the Act of 13 May 2016 on Counteracting the threat of Sexual Crime and protection of minors, including provisions related to the Sex Offenders Register, and the Act of 22 November 2013 on Proceedings against Persons with Mental Disorders Posing who Pose a Threat to the Life, Health, or Sexual Freedom of Others. The chapter also addresses the institution of conditional release for offenders convicted under Articles 197-203 of the Penal Code in connection with sexual preference disorders.

Chapter V of the work is entirely dedicated to the results of empirical research conducted in three penitentiary units: in Penitentiary Institution No.1 in Wrocław- in the External Ward in Oleśnica, . in Penitentiary Institution No.1 in Łódź – in the External Ward in Łódź and in the Penitentiary Institution in Rawicz.

The research included convicts who served a prison sentence in a closed type prison in the therapeutic system in the years 2006-2016 (inclusive). The research was conducted between January and February 2023. They were intended, firstly, to profile offenders convicted under Articles 197-203 of the Penal Code committed in connection with disorders of sexual preferences, and secondly to determine the scope of use and effectiveness of legal instruments used during sentencing, imprisonment, and post-penitentiary phases. The chapter also discusses the therapeutic program implemented at Penitentiary Institution No.1 in Wrocław- in the External Ward in Oleśnica and the assumptions of the individual program.

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