

SUMMARY OF DOCTORAL THESIS
entitled TASKS AND LEGAL POSITION OF THE PROBATION OFFICER IN
LIBERTY RESTRICTION PENALTY
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Liberty restriction penalty constitutes an essential tool of criminal policy, aimed at the greater individualization and rationalization of criminal measures. It can be applied to different categories of perpetrators and acts. In the last five years, liberty restriction penalty has undergone fundamental changes in terms of execution. The amendments aimed at improving liberty restriction penalty execution and contributing to a more effective organization of the probation officer's work.

The entry into force of the Act of 20 February 2015 amending the Criminal Code and certain other laws and the Act of 11 March 2016 amending the Act – the Code of Criminal Procedure and certain other laws – has posed many organizational challenges to the judiciary. The most important one pertains to the functioning of the probationary judicial service, which largely focuses on the effects of changes in the execution area, indispensable for ensuring an effective organization in liberty restriction execution. Many important responsibilities have been delegated to probation officers, fulfilling their duties in a form of unpaid controlled social work. This contributed to a significant facilitation of judiciary work and concentration of organizational and supervisory duties for probation officers. In this way the position of the professional probation officer in the Polish judiciary system has been normatively strengthened.

The doctoral thesis presents the tasks and legal position of the probation officer in the course of liberty restriction penalty execution. In order to meet the most important demand, which is the reliability of scientific research, a historical analysis method was used in the sphere of theoretical findings, in which the following issues were discussed: the evolution of the judicial guardianship in Poland, its long-standing tradition and the formation of liberty restriction penalty from the moment it was introduced into criminal legislation.

In the area of dogmatic findings, current legal solutions pertaining to liberty restriction penalty execution are presented. The Author discussed the content of liberty restriction penalty sentence, the adjudication of the sentence in the light of the law and the position of the penalty in question in relation to other penalties. The section concerning liberty restriction

penalty execution discusses its objectives, the place where that sentence is executed and the possibility of sentence modification in the course of executive proceedings.

This monograph presents the probation officer and other participants of the legal proceedings in terms of custodial sentence execution. It also discusses the scope of the probation officer's duties, the supervisory and judicial tasks of the district court and the tasks of the hiring entities, as well as the rights and obligations of the convicted person.

The practical findings based on empirical research have outlined the actual picture of liberty restriction penalty execution. It has been also shown that liberty restriction penalty is a viable alternative to a short-term custodial sentence. In the doctoral dissertation the Author used and then discussed the results of the five-year study covering the period 2005-2009. The research was carried out on the basis of the court files of the District Court for Wrocław – Downtown in Wrocław, the Criminal Division II and the Criminal Division V. In that Court, the largest number of liberty restriction penalties was imposed in comparison to other Wrocław courts. By juxtaposing so much information, it was possible to create an extensive database, which was subjected to detailed analysis. People sentenced to liberty restriction penalty have been characterised.

Based on the surveys, the basic data on convicted persons were first established: gender, age group, place of birth, place of residence, education, marital status, income source, dependent children, previous criminal record and the basis for conviction. A catalogue of acts for which liberty restriction has been imposed is also presented here.

Statistics obtained from the Wrocław District Court reports have been added to the analysis of liberty restriction dynamics and its structure. This made it possible to assess the functioning and effectiveness of execution of liberty restriction penalty.

Thanks to the surveys addressed to professional probation officers operating at the District Court for Wrocław – Downtown In Wrocław, the District Court for Wrocław – Fabryczna in Wrocław and district court for Wrocław – Krzyków in Wrocław, general characteristics of probation officers were worked out.

The evidence of one's character data was obtained and the preparation of the examined group for the function of probation officer was assessed. The practical information related to liberty restriction execution was collected. In addition, information was obtained on: the average number of cases conducted by each probation officer, the ways probation officers contact with convicted persons and with representatives of workplaces in which liberty restriction penalty is exercised. The impact of the probation officer on the effective execution

of liberty restriction sentence by a convicted person was also discussed. The reasons for deferring and the conditions for suspending liberty restriction penalty were indicated. The grounds for the application for immunity from serving the rest of liberty restriction penalty or a request to recognise the sentence as being executed were outlined.

Finally, attention was drawn to the challenges and dangers that probation officers face in the performance of their duties in the course of supervision of liberty restriction penalty.

Concluding, it should be noted that liberty restriction penalty, as amended by the Law of 11 March 2016, appears to be more severe for the offender, mainly because of its duration and the numerous obligations of the convicted person. In contrast to the custodial sentence, it promotes the formation of positive attitudes of convicted and their rehabilitation.

The study findings demonstrated that liberty restriction, together with fines, are the most common penalties in criminal policy and at the same time the most common measures taken against criminal acts. This, undoubtedly, reflects the impact of the criminal law reform which delegated more power over work organization and its execution to professional probation officers.

N-5, du. 17.03.2021v

