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**Abstract of the doctoral dissertation by Magdalena Aurelia Całus
titled “Dangerous prisoners in the Polish penitentiary system”**

The considerations undertaken in this doctoral dissertation focused on prisoners posing a serious social threat or a serious threat to the security of a penitentiary facility or a pre-trial detention center, i.e. the so-called “dangerous” prisoners. The sources of this “threat” and at the same time the basis for qualifications are committing a specific type of crime with a very high degree of social harmfulness, reprehensible behavior during the current or previous stay in a penitentiary facility or committing a crime in an organized group or association aimed at committing crimes, especially in view of a managerial or significant role in a group or relationship, all in combination with the specific personality traits of the prisoner consisting mainly in a high degree of demoralization and unpredictable behavior. The essence of the issue of “dangerous” prisoners comes down to the use of technically and organisationally strict conditions of isolation in a penitentiary unit, often interfering with the sphere of privacy and intimacy of prisoners. Such far-reaching consequences of qualifying to the “dangerous” category mean that the issue of executing the imprisonment and pre-trial detention by “dangerous” prisoners is the subject of controls carried out by national and international organizations and institutions dealing with the protection of human rights.

The subject of the research was the analysis of the execution of imprisonment and pre-trial detention by “dangerous” prisoners. The main aims of the doctoral dissertation, however, were to determine whether the applicable regulations concerning the respectively execution of imprisonment and temporary arrest by “dangerous” prisoners take into account international standards and whether the model of dealing with “dangerous” prisoners in penitentiary isolation resulting from the provisions of the Executive Penal Code is implemented in practice.

Taking into account the specificity of the problems studied, it was decided to use several research methods. In the theoretical part of the dissertation, the method of historical

analysis of law was used in order to show the evolution of distinguishing the categories of “dangerous” prisoners and the rules of dealing with them. Then, using the method of dogmatic law analysis, international law acts were analyzed, including CPT reports relating to “dangerous” prisoners in Polish penitentiary institutions, as well as acts of national law, i.e. the provisions of the Executive Penal Code and legal acts of an executive nature in the form of regulations, orders and instructions of the Director General of the Prison Service. In this regard, the conceptual apparatus was analyzed and an attempt was made to systematize and solve the doctrinal issues of interpretation and application of the law currently in force, and consequently the preferred model of dealing with “dangerous” prisoners was presented. The dogmatic considerations were supplemented by an analysis of the jurisprudence of the European Court of Human Rights in the cases of the applicants who served imprisonment or pre-trial detention under the conditions of a “dangerous” regime, and who, therefore, in individual complaints accused the Polish authorities of violating certain provisions of the European Convention on Human Rights. It was carried out in the form of a collective case study and ultimately an instrumental study covering several cases. The theoretical considerations were completed by the analysis of the results of empirical research, which was carried out on the basis of two methods. In the first place, a statistical analysis of the existing data was performed, which made it possible to know the size of the phenomenon under study and its dynamics. In the next part, the analysis of specially collected qualitative material, i.e. documents related to the process of the execution of imprisonment or temporary arrest, contained in the files of personal files of selected “dangerous” prisoners. This analysis made it possible to identify the nuances in the process of the penitentiary isolation of “dangerous” prisoners, including the procedure of qualifying to the “dangerous” category and verification of this status.

The dissertation consists of six chapters preceded by an introduction and ended with a summary in which the research results and conclusions are presented. The dissertation also includes a bibliography, a list of tables and charts, as well as patterns of the research tools used.

In Chapter I, an attempt was made to define the concept of a “dangerous” prisoner, referring to the code regulations and the provisions of the lower-rank rank . In the next part, taking into account four time intervals, the evolution of the treatment of “dangerous” prisoners is shown, taking into account the relevant legal regulations.

Chapter II presents the rules of dealing with “dangerous” inmates in the context of general standards arising from international and European law. In this regard, the standards for dealing with the group of prisoners in question resulting from the legal acts issued as part of the activities of the United Nations and the Council of Europe were presented. Particular attention was also paid to the standards of dealing with “dangerous” prisoners resulting from the CPT reports drawn up after the inspection of Polish penitentiary units, as well as from reports on the activities of the CPT and the judgments of the European Court of Human Rights issued in cases against Poland.

Chapter III analyzes the provisions of the national law currently in force regarding “dangerous” prisoners. The focus was on the aim of the qualification, the objective and subjective qualification criteria, as well as the procedures for qualifying as well as verifying and revoking the “dangerous” status. Then, the regulations concerning special units and cells for “dangerous” inmates and technical and protective measures were analyzed, followed by the rules for dealing with this group of prisoners.

Chapter IV was devoted to the analysis of statistical data, which made it possible to get to know the size of the studied phenomenon, its dynamics, as well as to look at penitentiary units in which wards were established or cells were set for “dangerous” inmates.

Chapter V presents a qualitative analysis of the procedure of qualifying to the “dangerous” category and the process of executing the imprisonment or pre-trial detention by prisoners who held on the day of the research or previously the status of a “dangerous” prisoner. At the outset, the socio- demographic, criminal and penitentiary characteristics of the studied population of prisoners were made. Then, the focus was on aspects related to the procedure of qualifying for the “dangerous” category of prisoners and verification of the “dangerous” status, with complaints against the decisions in question, penitentiary rehabilitations, the execution of imprisonment by “dangerous” prisoners in the programmed rehabilitation and therapeutic treatment system, behavior of “dangerous” prisoners during the executed sentence. In addition, analyzes were made of prisoners who were repeatedly qualified to the “dangerous” category, the results of criminological and social forecasts, the reasons for issuing psychological opinions, environmental interviews, participation in the so-called extraordinary incidents, motions prepared against “dangerous” prisoners over the imprisonment, as well as preventive recommendations regarding the treatment of “dangerous” prisoners.

The last chapter presents a qualitative analysis of the results of file research on individual aspects of the execution of imprisonment or pre-trial detention only in relation to prisoners whose “dangerous” status has been revoked. In the above scope, the socio-demographic, criminal and penitentiary characteristics of the studied group of prisoners were made, then the procedure of qualification to the “dangerous” category was analyzed and the status in question was verified. Subsequently, the participation of these prisoners in penitentiary rehabilitation, as well as the execution of imprisonment by them in the system of programmed rehabilitation or therapeutic treatment, were analyzed. Finally, their behavior was analyzed, as well as conclusions resulting from environmental interviews and participation in the so-called extraordinary events. The main assumption of the structure of Chapters V and VI presented above was to establish the circumstances related to the process of the execution of imprisonment or pre-trial detention, which resulted in the dismissal of the “dangerous” status against individual prisoners.

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