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Security of Polish penitentiary units of the Prison Service in the face of the COVID-19 virus

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A – Research concept and design, B – Collection and/or assembly of data, C – Data analysis and interpretation, D – Writing the article, E – Critical revision of the article, F – Final approval of article

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Abstract

Objectives: The aim of the article is do demonstrate the importance of the roles and tasks of officers and civil servants of the Prison Service, who in the face of the COVID-19 virus take actions which affect on peace and safety inside penitentiary units, which translates into internal state security. **Methods**: The publication uses a method for examining documents and literature.

Results: The analysis of documents and literature has revealed the principles of the functioning of individual organizational units in prisons and detention centers in times of pandemic. Logistics activities, which are carried out by officers and civilian staff of the Prison Service have been identified, starting with a wide range of tasks relating to the provision of social and living conditions, penitentiary, protective, accountancy activities, through appropriate medical care.

Conclusions: The Prison Service, despite the constantly changing pandemic reality, continues to be guided by the values and principles set out in the legislation. One of the key laws in the law of 9 April 2010 on Prison Service and the law of 6 June 1997 on the Code of Criminal procedure. Officers and civil servants, who by following the number of regulations and also information and guidelines – published by the Main Sanitary Inspector and also orders issued by superiors to prevent COVID-19 spreading – protect the lives and health of people in prisons. The tasks performed translate into peace and security in penitentiary units and have a significant impact on the internal security of the State.

Introduction

The projects carried out in penitentiaries and detention centers in the times of COVID-19 virus, described in this article, show that the Polish prison system constitute an important link in the internal security systems of the State.

The prison system plays a crucial role on the actions under to ensure public order and safety. It protects the public against crimes perpetrators imprisoned in penitentiaries and detention centers, not only by isolating them from society, but by preparing them for proper functioning in it. The prison system cooperates with other uniform services, such as Police, Fire Service, Border Guard, ABW, CBA and army (Prison service, Tasks and Prison Service rights, 2021).

Referring to a situation, from 7 January 2020, in which the Chinese health authorities stated in their declaration, that the pneumonia outbreak of unknown origin in Wuhan, Hubei Province, was caused by a new coronavirus (Ciotti, et al., 2020), the Polish prisons had to face the enormous challenge of the COVID-19 pandemic in subsequent months.

In the area of the Republic of Poland, in accordance with Regulation of the Minister of Health dated March 20, 2020 on the declaration of an epidemic in the territory of the Republic of Poland, the epidemic was announced on 20 March 2020. The decision was preceded by the first infections recorded on the beginning of March 2020. When the World Health Organization announced a global pandemic on 11 March 2020 (Wikipedia, 2021), the growth of infected people in the country was growing systematically. In the Prison Service many actions were taken before the outbreak was announced to properly secure penitentiary units against spread of SARS-cov-2 virus.

The activities described in this article, such as: wide range of the units provision, preventive and information activities, visitations realisation, employment, courts' adjudicate, electronic monitoring system or vaccination against COVID-19, shows how prison system was struggling with the situation.

The analysis of the collected documents and literature allowed to formulate a research problem in the form of a question: what are the tasks carried out by the Prison Service in the face of the COVID-19 virus, that ensure security in penitentiaries and detention centers, including the protection of the society against crime?

On the basis of a specific problem, a research hypothesis was made: it is assumed that if in penitentiary units, in the face of the COVID-19 virus, tasks will be carried out on the basis of legal regulations, guidelines or recommendations of the competent authorities in the Prison

Service, discipline and order will be maintained, which will ensure safety, the proper execution of prison sentences, including the protection of the public against crime.

1. Provision of sanitary measures to penitentiary units

Referring to the announcements from the Sanitary Chief Inspector (Central Authorities, 2020) and the instructions from the parent units, in February 2020 Prison Service units have taken logistical measures to provide penitentiaries and detention centres with resources, materials and facilities for the disinfection of surfaces and premises.

The budget was used to buy:

- materials required to protect individual areas in units (building materials, PVC curtains, plexiglass panels, etc.);
- equipment and devices (ozonisers, fogging machines, sprayers);
- personal protective equipment required for each station (safety masks of different standards – material masks, surgical masks, filter masks FFP2 and FFP3, safety glasses, aprons, overalls, gloves, shoe covers);
- preparations for disinfecting hands, rooms, surfaces.

During the initial phase of the pandemic, the Minister of Justice also ordered, on the basis of the reported needs, adequate and available resources from the Material Reserves Agency, which were transferred to the Prison Service (Letter from the Deputy General Director of the Prison Service BP.414.120.2020.AB, 2020). The supply of units was also carried out through the Regional Prison Service Inspectorates on the basis of the concluded contracts, and in accordance with the Act of March 2, 2020 on special solutions related to the prevention, counteraction and control of COVID-19, other infectious diseases and crisis situations caused by tchem (Ombudsman, 2020). Subsequent purchases were financed by Prisoners Professional Activation and Development of Prison Workplaces (Ministry of Finance, 2021), where successive purchases of equipment and security measures used by prison and prison staff officers, and prisoners have been made in order to prevent and combat COVID-19 (The Act on the Employment of Persons Deprived of Liberty, 2021 r).

On the basis of the intentional grants, the selected entities carried out purchases in accordance with the Act of the Public Procurement Law. The basic units were required to send weekly tabular summaries of the inventory of disinfectants and personal protective equipment. These supplies were then distributed to units on the basis of distribution lists. In case of excessive inventory differences (decrease or increase in consumption), there was also a reallocation of resources between units.

These activities have enabled the continuous monitoring of inventory, expiration dates and provided optimal security for officers, employees and inmates in the units.

2. Preventive measures and information activities at penitentiary/detention centre premises

In addition to the operations relating to the provision of security resources to units, during the initial period of the announced epidemic, a preventive measurement of body temperature has been introduced, as a recommendation of the Chief Inspector of Sanitary to all persons entering the premises, which under the instructions of the General Director, became effective from 12 March 2020 (Sadkowski & Partners, 2021). Officers, employees wear masks, and wearing gloves since August this year is only necessary for non-medical work if there is not enough disinfectant liquid available. Wearing masks by inmates is required outside residential cells. Railings and gratings are regularly disinfected, rooms and communication routes are disinfected with a fogger (Prison Service, effective and safe work of the Prison Service in epidemic conditions, 2021). The units have set up coordination and surveillance teams related to the epidemiological threat, and its possible occurrence in their territories (Ombudsman, 2020). Additional baths have been introduced, and the availability of hot water in residential cells has been increased. The need for ongoing review with recommendations and guidelines from the Chief Inspector of Sanitary, available at www.gos.gov.pl and www.nfz.gov.pl by officers and employees has been introduced. In agreement with the Chief Inspector of Sanitary, sample algorithms for the qualification of persons have been transmitted, which formed the basis for the establishment of detailed procedures for proceedings, for further investigation in relation to the COVID-19 epidemiological situation. The units established cooperation with voivodeship and district sanitary-epidemiological stations, monitoring the epidemiological situation with each other, reporting suspicion of infection or infection. In order to reduce the spread of infection in prisons, the World Health Organization also made global recommendations on combating the spread of virus (Dutheil, F. et al., 2020). The officers were also consulted on the statement of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), which indicates 10 principles for the treatment of prisoners in the context of the COVID-19 pandemic (Letter from the Deputy General Director of the Prison Service BP.414.120.2020.AB, 2020).

3. Implementation of prisoners' visitation

In March 2020, the visitations were successively suspended and the external work of the inmates was reduced (Polish Press Agency, 2020). These activities were preceded by the

issuing anti-epidemic activities and preventive actions to inactivate sources of infection and to cut the pathways of spreading SARS-COV- 2. Orders were issued by unit directors pursuant to Article 247 §1 of the Executive Penal Code. The extension was carried out in accordance with Article 247 §2 and required the consent of the penitentiary judge. Decisions were taken in consultation with the State Health Inspection. These were preventive actions which provided security for inmates, service officers and civil servants working in prison units. To compensate prisoners for restricting direct contact with their relatives, the ability of seeing via Skype has been increased and the duration of phone calls has been extended (Letter from the Deputy General Director of the Prison Service BP.414.120.2020.AB, 2020).

As the epidemiological situation has changed, contact restrictions have also changed and direct vision has been gradually returned. Since August 1, 2020, visitations have been reinstated, but with limitations, they could only take place with one adult who is the closest member of the family, (Ombudsman, 2020) and only through protection that prevents direct contact (e.g. a plexi board) (WEEKEND.GAZETA.PL, 2021). In the autumn of 2020, the increase in infections prevented visitations throughout the country (polsatnews.pl, 2021). In June 2021, the children's visitations was restored with maintaining the sanitary regime. Since 1 July 2021, the consumption of foodstuffs and beverages purchased by visitors in unit's canteen has been authorized for the duration of their seeing with relatives. Since 19 July 2021, two adults could participate in the visitation (in justified cases, the director could have allowed more people). The number of minors was not restricted. Visitations were held at separate tables, allowing visitors to interact directly with inmates (Prison Service, for the public, 2021). The situation is constantly monitored, and in the face of an increase in infection, individual units issue direct visitation restrictions to prevent infections.

4. Inmates employment

The employment of convicts is one of many forms of preparation of socially unsuitable people for their return to society, and should be treated in the most effective way to achieve the aim of a rehabilitation measure of imprisonment (Nikołajew, 2020). Article 67 §3 of the Executive Penal Code states this form of influence on the convicts.

In order to limit virus expansion, the external off-site employment of inmates was successively stopped. The directors of individual units decided to impose employment restrictions only in areas related to prison operations, and the employment in external companys with food production as their business profile. These were mainly bakeries, meat factories, and dairies. The result of these activities was a drastic off-site employment decline. On the one

hand, the Prison Service has implemented preventive measures, and on the other hand, has deprived inmates of employment and entrepreneurs of people ready to work (Ombudsman, 2020).

These projects were carried out in the early stages of the pandemic, and the massive increase in infections in the country caused that external employment has been stopped completely (Dziennik Gazeta Prawna, 2020). In the meantime, the Prison Service has already focused on the involvement of inmates in the work within penitentiary units. As part of the "Justice Resort helps" action, The Minister of Justice decided before the outbreak took place in the country, that production capacity at the Mazovia Budget Economy Institution, and stateowned enterprises, such as AGOT Łódź, SETAR Siedlce, RAKON Racibórz, PPO Strzelce Opolskie, PPO Sieradz will be switched to the production of masks, protective clothing and disinfectants. This program was aimed at helping to persons and institutions that needed it. In April 2020, 83 prisons were already involved throughout the country and more than 1000 prisoners were involved. In prisons' workplaces, more than one million masks, about 60 000 aprons and coveralls, and 120 000 liters of disinfectants were created per month (Prison Service,. "Justice Resort helps"!, 2021). An important aspect of these projects was the high savings in the budgets of units or organizations. The high cost of purchasing disposable masks on the external market, which in the first days of the pandemic was able to cost PLN 4 - 5 per piece, has been reduced to a minimum. For example, the purchase of sewing machines and materials, the training of inmates allowed the cost of producing a mask to be reduced to about PLN 0,20 per piece. Hospitals, nursing homes, children's homes were helped, and masks were transferred to police and city offices.

The sewing of personal protective equipment or the manufacture of disinfectants has given additional internal employment to the inmates, which after the interruption of external employment, was a very desirable method of operation. Isolation has a number of negative consequences, with special emphasis on situations and phenomena that threaten the safety of prisoners in particular (Kalisz et al., 2013, p. 57). While work was a form of social rehabilitation of prisoners. The work provided an opportunity for inmates to obtain proper personal hygiene habits, to shape proper social attitudes and to prevent inactivity, which in prison isolation and pandemic situations has positively influenced the feelings of inmates (Nakło24.pl, 2020).

5. Implementation of the meetings of the prison court - e-docket

Another challenge that the Polish justice system had to face up were decisions of the penitentiary court in an epidemic state. Article 14f.1 of the Act dated 2 March 2020 on specific arrangements for preventing, counteracting and combating COVID-19 virus, other infectious diseases and the crisis situations caused by them introduced the following: 'During the period of epidemic risk or epidemic announced due to COVID-19, in case a sentenced person without liberty is present at a meeting of the penitentiary court, the meeting may be held by means of technical facilities enabling the operation to be carried out at a distance with a direct transfer of picture and sound. A representative of the penal institution or detention center administration shall take part at the place where the sentenced person is located.' The new legislation has allowed the court penitentiary session to take place in the form of video conferences. According to the Central Authority of the Prison Service, more than 90% of penitentiary cases are carried out online. Change in regulations allowed the continuity of penitentiary cases, reduced the costs and time associated with the travel of penitentiary judges to units, and consequently accelerated procedures (Prison Service, Effective and safe work of the Prison Service in epidemic conditions, 2021). It is also impossible not to mention the safety associated with the risk of contamination during the pandemic. During e-docket, applications for conditional early release, interruption of execution of the sentence, and authorizations for imprisonment in the system of electronic surveillance are considered. On one side in the courthouse, there is penitentiary judge, prosecutor, sometimes also a lawyer, and on the other side in the penitentiary unit, there is inmate with the Prison Service representative. Regulation in the article 14c from Act cited above of 2 March 2020 on specific arrangements for preventing, counteracting and combating COVID-19 virus (...), gives the possibility for the directors of penitentiary units to apply to the penitentiary court for interruption of execution of the sentence. The Director may submit such a request if he considers that this will result in a reduction or elimination of the epidemic. Such a request must be approved by the General Director of the Prison Service.

If the convict is not allowed to interruption of execution on the basis of article 14c, and the reduction or elimination the risk of contamination another person by convict is not possible in the course of penitentiary proceedings, the Director of the penal institution may submit to the penitentiary court an application, also approved by the General Director of the Prison Service, for the execution of a sentence in the form of placement the convict in the medical facility. The application shall be made on the basis of article 14d abovementioned Act. The

court rules on the imprisonment by placing the sentenced person in the appropriate medical facility for a limited period of time or refusing to take account of the application.

In order to lessen the amount of people in penitentiary units, the COVID Act extends the range of convicts, who may be punished outside the penal institute during the epidemic and the court may also grant authorization for Electronic Monitoring System imprisonment (Niełaczna, 2020). The Justice Resort states that one of the most effective preventive measures, to reduce the risk of infection in prisons, is to allow the sentenced person to be punished in Electronic Monitoring System. This is more effective and cost-effective than prison isolation. According to the Ministry of Justice, this system is constantly being developed. Electronic Monitoring System can be applied, from spring 2020, to convicts sentenced to imprisonment for up to 1,5 year (previously for one year) (Ministry of Justice, 2021). According to published data from the Electronic Surveillance of Central Board of the Prison Service in 2020, the number of completed installations of people monitoring devices in Electronic Monitoring System is 13 266 and by the end of the second quarter of 2021 almost 8 thousand of installations (Prison Service, Electronic Surveillance Bureau - Statistics, 2021). These are significant savings for the state budget. The Deputy Minister of Justice informed that the stay of the convict in prison in 2020 cost the taxpayer about PLN 4100 per month, and costs of service in terms of Electronic Monitoring System are PLN 840 per month (Ministry of Justice, 2021). These forms of imprisonment in the so-called remote form during the period of the epidemic threat and epidemic state are now desirable and justified in the Prison Service.

6. Vaccination of prison officers, employees and inmates

The new situation related to COVID-19, which required the Prison Service to take decisive logistical measures to ensure that the duties in the units are properly followed by the vaccination of officers, workers and prisoners. The vaccination process started on Wednesday 24 March 2021 at the PGE National Stadium. Officers under the Ministry of Justice, Police, Fire Service, State Protection Service, Border Guard, received first doses of vaccines. Deputy General Director of the Prison Service Gen. Andrzej Leńczuk, Lt. Agnieszka Tracz from the Warsaw-Służewiec Detention Center, and Lance Cpl. Mateusz Bronk from Warsaw-Białołęka Detention Center got vaccinated among prison officers (Ministry of Justice, 2021). The vaccination of officers and workers took place in hospitals and vaccination centers, where a certain number of persons have been notified, as determined at a given date and time, examined and once the procedural requirements have been fulfilled, the vaccination has been carried out. According to TVN24.pl, in the uniform formations, officers of the Prison Service will be most likely

to be vaccinated, while the least willing members of the uniform are from the Border Guard. 21 000 officers and civil servants declared their participation in the vaccination. Lt. Col Elżbieta Krakowska, a spokesperson of the Prison Service, reported that 17 179 people had been vaccinated in the early part of May. The Prison Service is the third largest uniform formation in Poland. Currently, 28 000 people are serving and working in the formation. The data above shows that 75 percent of employees are willing to participate in the vaccination (TVN24.pl, 2021). Vaccines are also given to prisoners, in penal institutions and detention centers, who have given their consent to vaccination. They are regularly informed of the National Vaccination Program and the benefits of vaccination (Ombudsman, 2021). The information is transmitted through radio broadcasts and individual conversations with medical practitioners. As at February 15, 2021, 63% of the total population of prisoners in prison units declared themselves willing to vaccination (Letter from the Director of the Health Service Office of the Central Board of Prison Service of March 10, 2021 mark: BSZ.055.2.2021. L, 2021). The inmates were vaccinated by medical staff of the Prison Service in penal outpatients clinics, prison hospitals and through external companies, which came to the unit premises and carried out vaccination at a specially designed facility. Preventive vaccination was carried out in accordance with § 27 of the Council of Ministers' Regulation of 6 may 2021 on the establishment of certain restrictions, orders and prohibitions in connection with the outbreak (Dz.U.2021.861). The prisoners were vaccinated with different types of vaccines such as AstraZeneca, Pfizer, Moderna or JOHNSON&JOHNSON (single dose). For logistical reasons, it is easier to inoculate with single-dose preparations. This is linked to the time after which a second dose can be administered, which due to the large rotation of the inmates causes many problems (transport, inmates release, interruption of execution of the sentence, etc.). Due to performing vaccinations mainly within the units, teams have been set up to coordinate all vaccination activities. Vaccines supplied by external companies should be properly stored. There was therefore a need for storage or transport of vaccines. Stationary and transport refrigerators have been purchased. Stationary equipment is equipped with temperature monitoring or retrofitted with electronic recorders. These systems shall inform via email, SMS, and light or audible signals in case of loss of control, when the temperature would not comply with the vaccine manufacturer's recommendations (Krawczyńska, 2021, pp. 8-11).

According to the Health Service Office of the Central Board of the Prison Service, 51 382 persons were fully vaccinated at the end of July 2021. This accounted for 72 percent of convicts in prison units in the country. In other European countries, the vaccination system is largely

organized in a similar way and inmates are vaccinated in units by medical staff of the prison health service.

According to the Office of the General Director of the Central Authority of the Prison Service (Krawczyńska, 2021, p. 9), as of mid-July 2021, the number of persons fully vaccinated in prisons in other European countries is:

- Slovakia 4886 = 47,00 %;
- Estonia 1343 = 59,00 %;
- Finland 1198 = 42,90 %;
- Hungary -13352 = 74,92%;
- Lithuania 1782 = 34,00 %;
- Bulgaria -1070 = 15,00 %;
- Romania 15700 = 68,00 %;
- Austria 4311 = 50,00 %;
- The Czech Republic 4592 = 24,00 %;
- Latvia -30,00%;
- Belgium 5 774 persons

This situation is shown in chart 1.

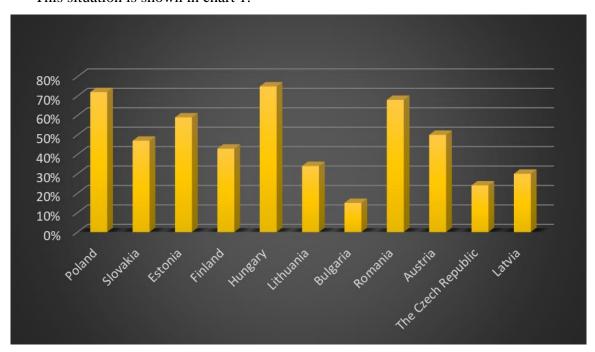


Fig. 1. The percentage of prisoners fully vaccinated at the end of July 2021 in prison units of European countries.

Source: own study based on data obtained from the Office of the General Director of the Central Board of Prison Service.

The level of vaccinated inmates in organizational units in Poland is already 78% of the inmates population according to the October 2021 information. In contrast, according to the Republic of Poland Service on November 13, 2021, people fully vaccinated throughout the country were 20 134 376 (Polish Republic Service, 2021), which means 52,76% of the population. The above figures show that the level of vaccination in the country is significantly lower than those in prison units. In view of the still existing epidemic threat situation in the country, the continuation of vaccination in both staff and prisoners continues.

According to the Deputy General Director of the Prison Service Gen. Andrzej Leńczuk words in a letter to the Deputy Ombudsman, Ms Hanna Machińska (Letter from the Deputy General Director of the Prison Service of April 21, 2021 mark: BKS.101.27.2021. MN.), between the beginning of the pandemic and 20 April 2021, Prison Service organizational units had:

- 1. 1660 prisoners who received positive results at Covid-19, including 603 during the period from the onset of the pandemic to 31 December 2020, and 1057 from 1 January to 20 April 2021.
- 2. 5968 officers and civil servants who received a positive result, including 3666 from the onset of the pandemic to 31 December 2020, and 2302 from 1 January to 20 April 2021. The situation is illustrated in chart 2.

6000

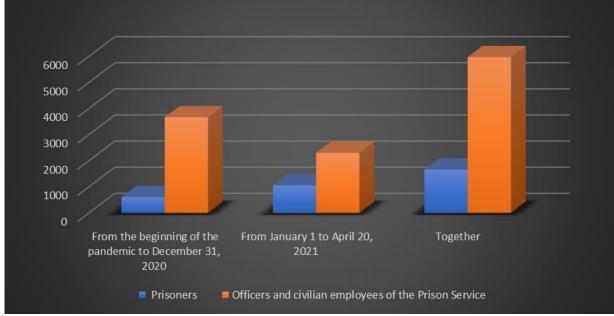


Fig. 2. The number of inmates, officers and civil servants who received a positive result at Covid-19 between the onset of the pandemic and 20 April 2021. Source: own study based on data published in the letter of the Deputy General Director of the Prison Service of 21 April 2021, mark: BKS.101.27.2021.MN.

While, the country wide statistics, dated 14 November 2021, obtained from the information provided by the Ministry of Health (Esri Poland, 2021) show that at the present time the infection rate is increasing:

- 1. Infected individuals since 4 March 2020 3 204 515.
- 2. People who have recovered 2 802 616.
- 3. Fatalities 78 867.

Conclusions

Taking into account all the above actions and the information provided, it should be noted that despite a pandemic, life continues in penal institutions and detention centers. Every day goods should be taken to the food warehouse, meals should be prepared and given out in residential, inmates should be taken in a uniformed warehouse to meet current needs (release of clothing, RTV equipment, etc.), dirty things should be transferred to the laundry and clean stuff should be taken. The transport of prisoners must also be carried out in accordance with certain criteria and with a sanitary regime. During the pandemic, renovations and planned investments are carried out. Walks are done according to the graphic. Prisoners are admitted to doctors of different specialities, both in prison hospitals, outpatients clinics and external medical institutions. Disciplinary talks are held every day, and complaints or requests are being heard from prisoners. Many activities are being undertaken in connection with admission and dismissal from penal institutions and detention centres.

In the face of COVID-19, these measures, in conjunction with the regulatory tasks that prison must comply with, have not allowed the loss of control and unwanted moods among inmates, for example, revolts, riots, etc. that could move outside penitentiary units.

According to article 73 § 1 of Executive Penal Code, in penal institution, discipline and order shall be maintained in order to ensure the safety and performance of the tasks of imprisonment, including the protection of the public against crime. The measures taken by officers and civil servants enable the article to be implemented on a continuous basis, thus contributing to the peace and internal security of penitentiary units as well as the internal security of the State.

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