

## II. HETEROGENICZNE ZAGADNIENIA BEZPIECZEŃSTWA

### PROBLEM ANALYSIS OF PRISONER'S ASSAULTS ON PRISON GUARDS ON DUTY IN POLAND, BETWEEN 2013-2017

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**Summary.** It should be said that this analysis covered the period of over 5 years from August 2013 to the end of 2017. The most vulnerable officers at the risk of assault are officers of the security department and the least officers of the quartermaster department. If we analyze the aggression of the prisoners themselves and their actions, the most common event is: A hand hit – and here you can see a large increase from 22 such acts in 2014 to 39 in 2017. Therefore, it seems reasonable that the managers of penitentiary units – directors – should make efforts and direct the largest number of officers to serve in residential wards. To increase the number of security officers. The task of the head of the security department is, therefore, to depersonalize people and divide responsibilities so that they insure themselves properly during the performance of their official tasks. Training should be provided to the officers in the scope of the exhibition procedure – incarceration by the detainee. It can therefore be said that using the presented analysis as well as the proposed conclusions during the organization of the service for officers – we will provide them with greater security as well as comfort of work.

**Keywords:** penitentiary unit, prison officer, assault, set.

#### Introduction

The Polish citizens, we people living in Poland have a guaranteed protection. According to the Constitution, the State “provides freedoms and human and civil rights”<sup>2</sup>. There is an important element of this, the security. It is a key element in the functioning of people in society – also guaranteed in the Polish Constitution, stating that state “ensures ... security of citizens”<sup>3</sup>. However, in the State there are individuals who do not comply with the norms defined by law, and this is the moment when State can use its means to discipline such citizens. The most restrictive means is to deprive a person of freedom of movement, by placing in a prison. “Deprivation or restriction of liberty may only take place under the terms and in the mode specified

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<sup>2</sup> Art. 5 of the Constitution of the Republic of Poland of April 2, 1997.

<sup>3</sup> Ibidem.

in the Act”<sup>4</sup> and according to the criminal code, “deprivation of liberty; 25 years imprisonment; lifelong deprivation of liberty”<sup>5</sup>. Such a person goes to a penitentiary unit, one of many prison organizational units. According to the Executive Penal Code “The penalty of deprivation of liberty is performed ... in the following types of prisons:

- 1) prisons for juveniles;
- 2) prisons for those serving a sentence for the first time;
- 3) penitentiary institutions for penitentiary recidivists;
- 4) penitentiary institutions for imprisoned military detainees.”<sup>6</sup> These plants can be organized as:
  - „1) closed-type penal institutions;
  - 2) semi-open penal facilities;
  - 3) open type penal institutions.”<sup>7</sup>

A person convicted by a valid sentence staying in a given penitentiary unit meets on their way not only other prisoners but in particular prison officers’ personnel. It is the personnel of the Prison Service that performs the duty of punishment of deprivation of liberty in a prison.”<sup>8</sup> They are also the people who are responsible for their safety during the whole time of their stay behind the prison walls “The prison administration is obliged to take appropriate actions to ensure convicts of personal security during serving the sentence.”<sup>9</sup>

An important element is that “Officers and employees of the prison in which the convicted resides, as well as the persons directing his work or other activities are, in the area of their professional activities, the superiors of the convict.”<sup>10</sup> We are therefore dealing with a situation that is obvious and clear at first glance.

Despite the statutory order imposed on prisoners, “the convict is obliged... to a correct behavior”<sup>11</sup>, there are situations when prisoners intrude on officers of the prison service during their official duties. Looking at the very event of an attack on an officer, it is described in the internal regulations as: “assault on an officer – violation of the inviolability of a physical officer or an employee in connection with the performance of official duties”<sup>12</sup>. The legislator protects officers who represent the state – this protection results directly from the penal code: “Whoever violates the physical integrity

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<sup>4</sup> Art. 41 of the Constitution of the Republic of Poland of 2 April 1997.

<sup>5</sup> Chapter VI of art. 32 of the Penal Code Act of June 6, 1997.

<sup>6</sup> Art. 69 of the Act on the Executive Penal Code of June 6, 1997.

<sup>7</sup> Art. 70. Act on the Executive Penal Code of June 6, 1997.

<sup>8</sup> Art. 78 § 1 of the Act on the Executive Penal Code of June 6, 1997.

<sup>9</sup> Art. 108 of the Executive Penal Code, dated June 6, 1997.

<sup>10</sup> Art. 76 of the Executive Penal Code, dated June 6, 1997.

<sup>11</sup> Art. 116 of the Act on the Executive Penal Code of June 6, 1997.

<sup>12</sup> Point 6 Annex No. 1 to the Regulation of the Director General of the Służba Więzienna 1/2018. in the matter regarding the duty service in the organizational units of the Prison Service, events that may occur in the Prison Service and how to explain and document them.

of a public official or a person to help him adopted during or in connection with the performance of official duties, subject to a fine, imprisonment or imprisonment of up to 3 years.”<sup>13</sup> And further: “Whoever acting jointly and in agreement with another person or using a firearm, knife or other similar dangerous object or incapacitating measure, assaults a public official or a person... during or in connection with the performance of his duties, is punishable with imprisonment from one to 10 years „<sup>14</sup> And it should be underlined that the officer of the prison service is a public official, according to the art. 115 of the Criminal Code: “A public official is ... an officer of a body appointed to protect public safety or an officer of the Prison Service”<sup>15</sup>. **The above described problems framed the main area of a subject reaserched by the author, and also based on own experience – of a prison security officer.**

The analysis presented analysis was prepared on the basis of events occurring during the prison duties in the period from August 2013 to the end of 2017, the data examination was carried out using the information contained in the event reports. Those reports would include the description of the event occuring:

- 1) Circumstances and course
  - a) Personal data other than embedded participants of the event, in the case
- 2) Officers: identification number, grade, service position or type of duties to be performed ....
- 3) Type of injuries sustained by participants.<sup>16</sup>

The detailed analysis of this kind of descriptions of assaults on prison guards will be presented in graphical form, i.e. charts and tables. At the and a short descriptive part with conclusions will be presented.

An important component taken into consideration during this analysis was to focus on the following elements that group events and present not only their time of occurrence, dynamics, type of assault and, among others, groups of officers whom they concern, but also the phenomenon occurring and defined as attempted assault on an officer. It is important that prison officers participate periodically, during the service in training on the use of direct coercion measures and self-defense, conducted by qualified personnel. What is explicitly stated in §4 the “training of officers of the security department in the field of intervention techniques”<sup>17</sup> so they are adequately prepared for the threats that may occur is part of the job.

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<sup>13</sup> Art. 222 of the Penal Code Act of June 6, 1997

<sup>14</sup> Art. 223 of the Penal Code Act of June 6, 1997.

<sup>15</sup> Art. 115 § 13 point 7 of the Penal Code Act of June 6, 1997.

<sup>16</sup> § 6 point 2 of the Regulation of the Director General of the Służba Więzienna 1/2018 in the matter regarding the duty service in the organizational units of the Prison Service, events that may occur in the Prison Service and how to explain and document them.

<sup>17</sup> § 4 point 4 of order No. 3/2011 by the General Director of the Prison Service of January 11, 2010 on the principles of organization and scope of full-time activities of Intervention Groups of the Prison Service.

The author will give the answer to main question of: how many cases of attacks on officers occurred, and what is the cause of the attacks, as well as will observe what techniques and methods do the prisoners use.

At the outset, the author would like to clarify and introduce a reader to the principles used in creating the graphs presented below. And so, the presented data will show the number of attacks on officers both in particular months (covering the years 2013-2014) as well as in a number of individual years. An important element is to show the number of attempts to attack officers and to specify the group of officers most exposed to this phenomenon. Therefore, all officers were divided into the following groups – who have contact with prisoners – and include:

- 1) Security department – all officers included in the security department, among others, the commander of change, department leader, etc.
- 2) Penitentiary department – all officers included in the penitentiary department, including an educator, psychologist, etc.
- 3) Quartermaster's department – all officers who are part of the quartermaster's department, among others warehouse manager, chef, etc.
- 4) Healthcare – all officers and health professionals, including nurse, doctor, etc.
- 5) Other – e.g. financial department officer, escort, GISW officer, etc.

Looking at the place of the assault, it was grouped and includes the following places:

- 1) Housing cell – temporary or permanent place of detainee's also a room of searches of the detainee.
- 2) Steam and shower rooms
- 3) Dispensary – also a prison hospital, medical rooms, dental offices, etc.
- 4) Other – places not described above, such as the hall of visits, security cell, uniformed warehouse, prisoners' workplace, educator's room, etc.

The classification of the actual fact of the assault is as follows from the perspective of the aggressor and his behavior:

- 1) Hand strike – should be treated as a blow to the head, neck, torso, elbow strike, catching a uniform or body;
- 2) The push;
- 3) Kicking;
- 4) Spitting;
- 5) Liquid overflowing – including meal, urine;
- 6) Throwing the object – as well as pressing the officer with a grating, doors, etc.;
- 7) Others – e.g. bites.

### **1. Tabular summary of assaults, attempts as well as their characteristics, in 2013**

All based on own research

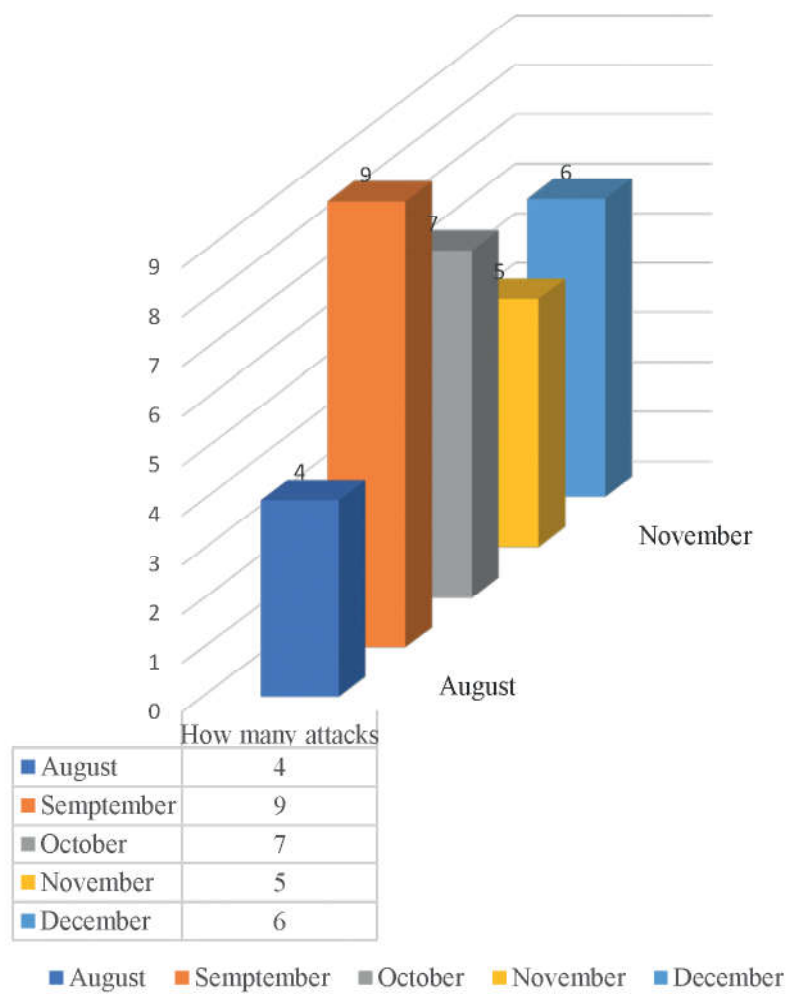


Table 1. Assaults in 2013

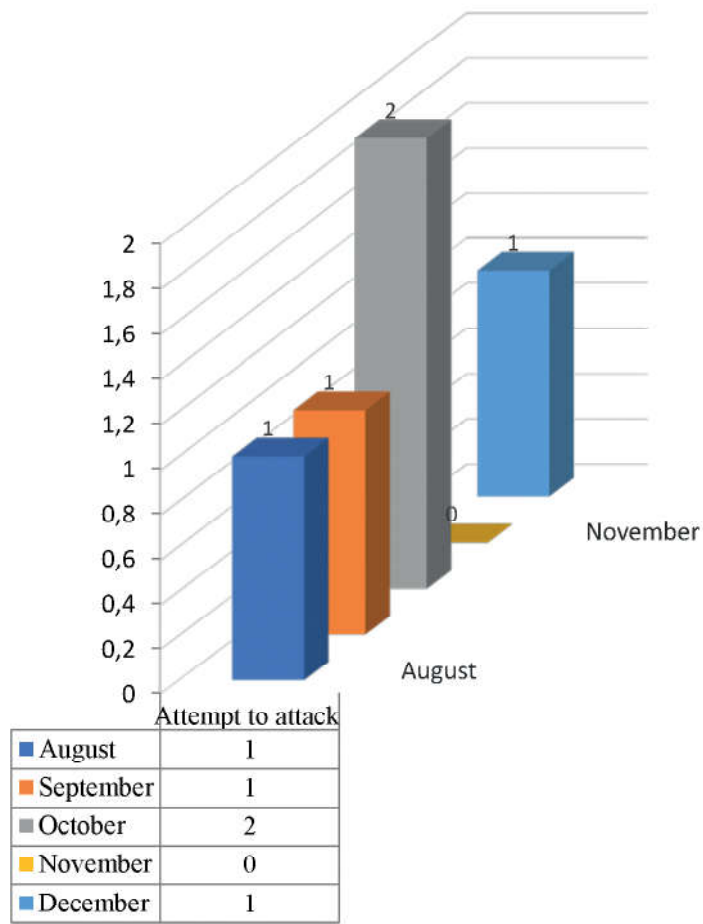


Table 2. Attempt to attack in 2013

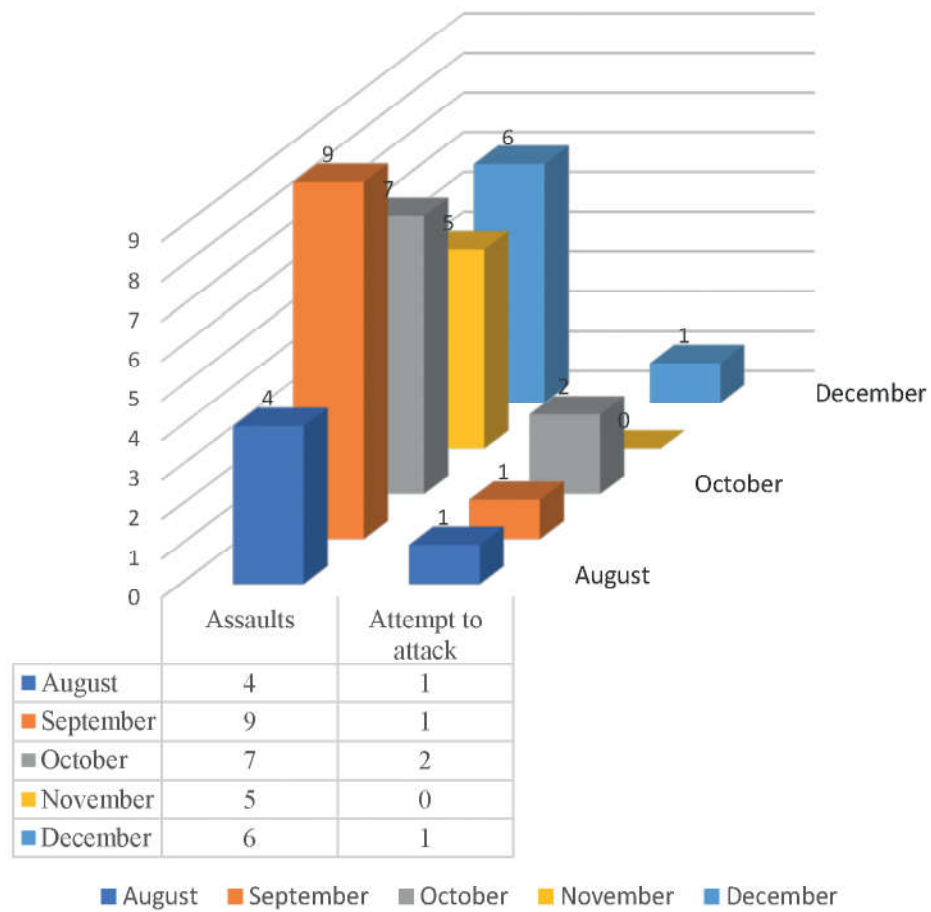


Table 3. Assaults and attempt to attack in 2013

Comparison of the number of attacks with attempts in 2013.

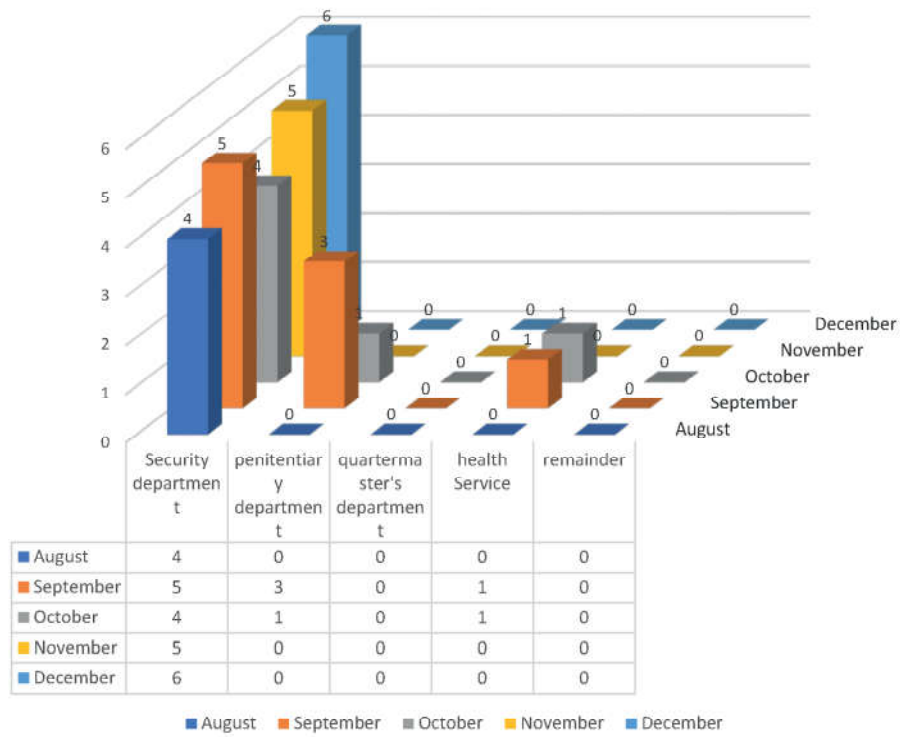


Table 4. Who was attacked on in 2013



Own elaboration

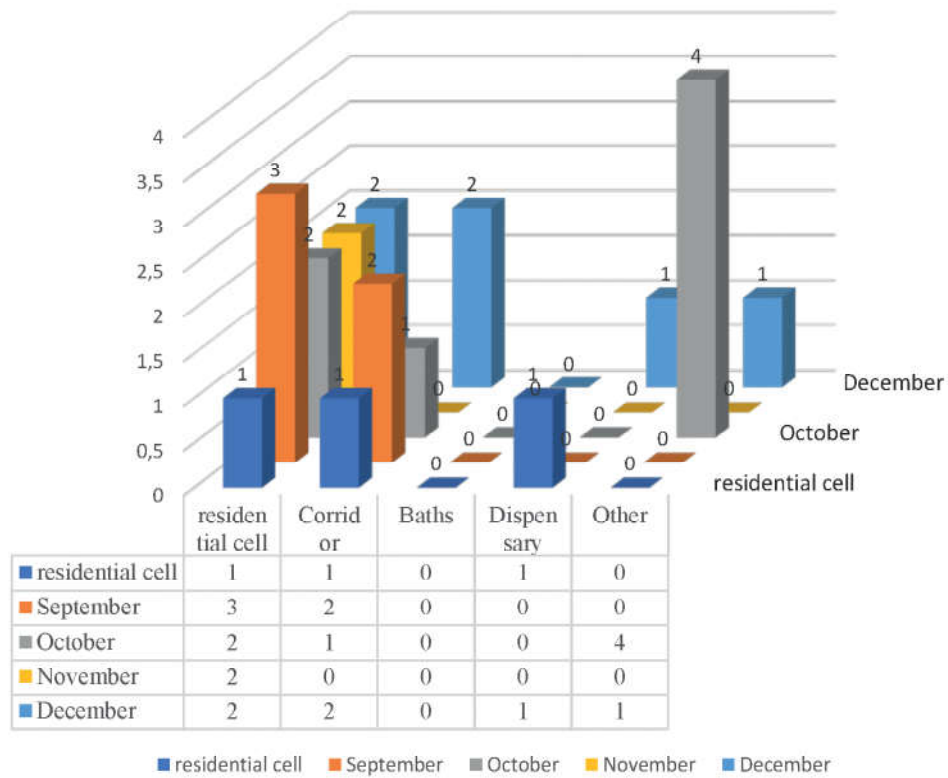


Table 5. Where the assault took place in 2013

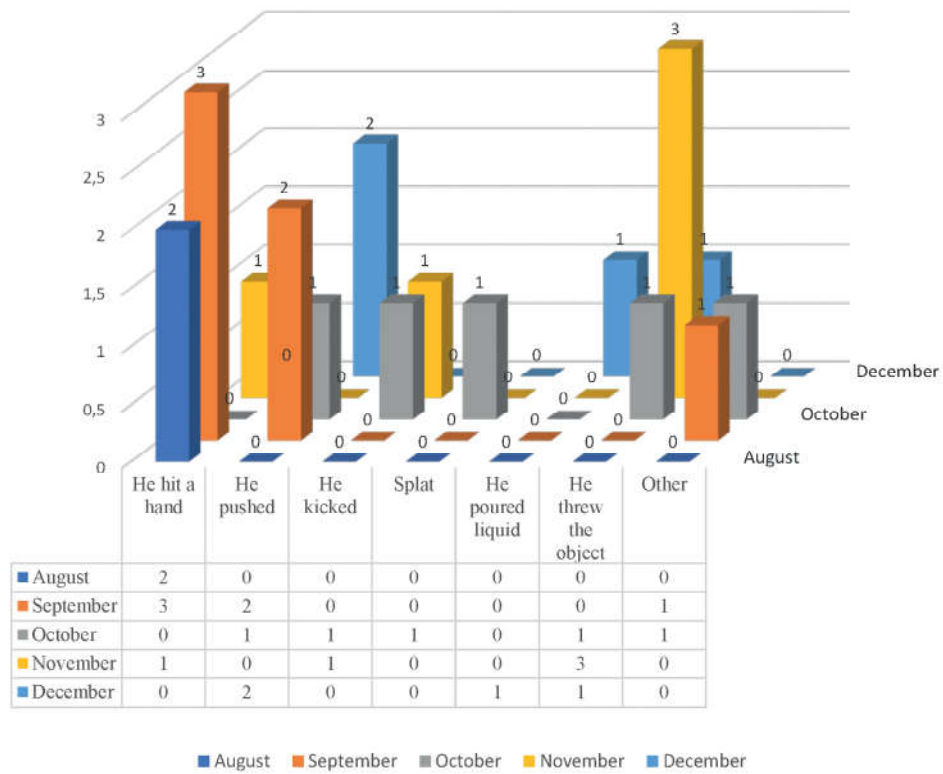


Table 6. The result of the attack in 2013

## 2. Tabular summary of assaults, attempts as well as their characteristics in terms of 2014

All based on own research

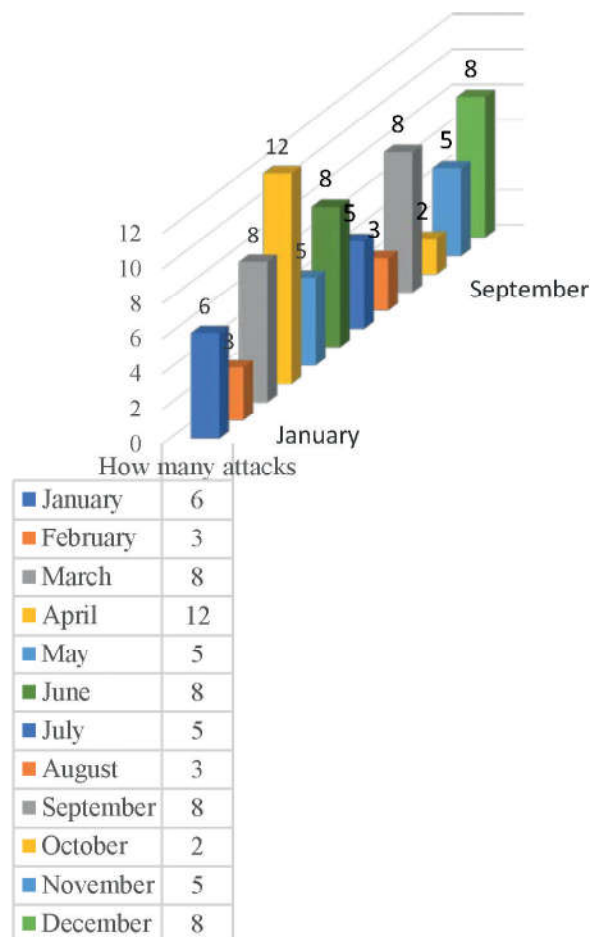


Table 7. Assaults in 2014

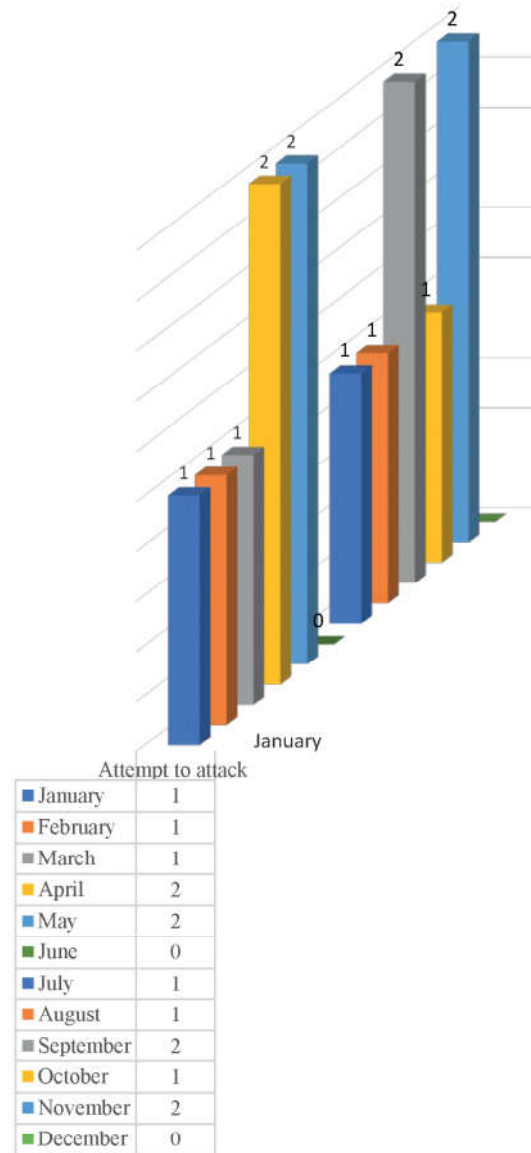


Table 8. Attempt to attack in 2014

Own elaboration

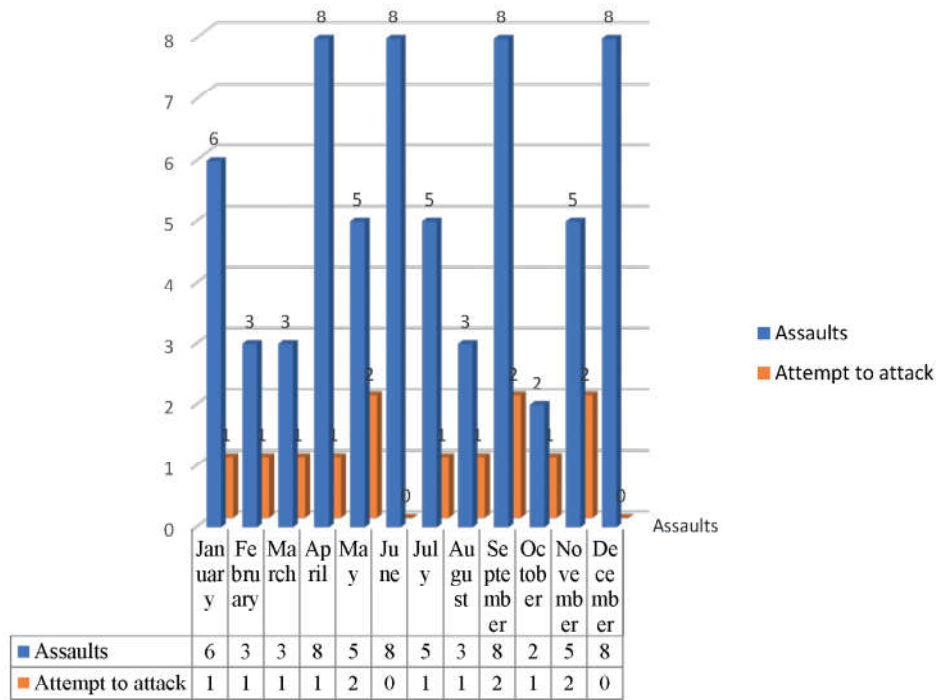


Table 9. Assaults and attempt to attack in 2014

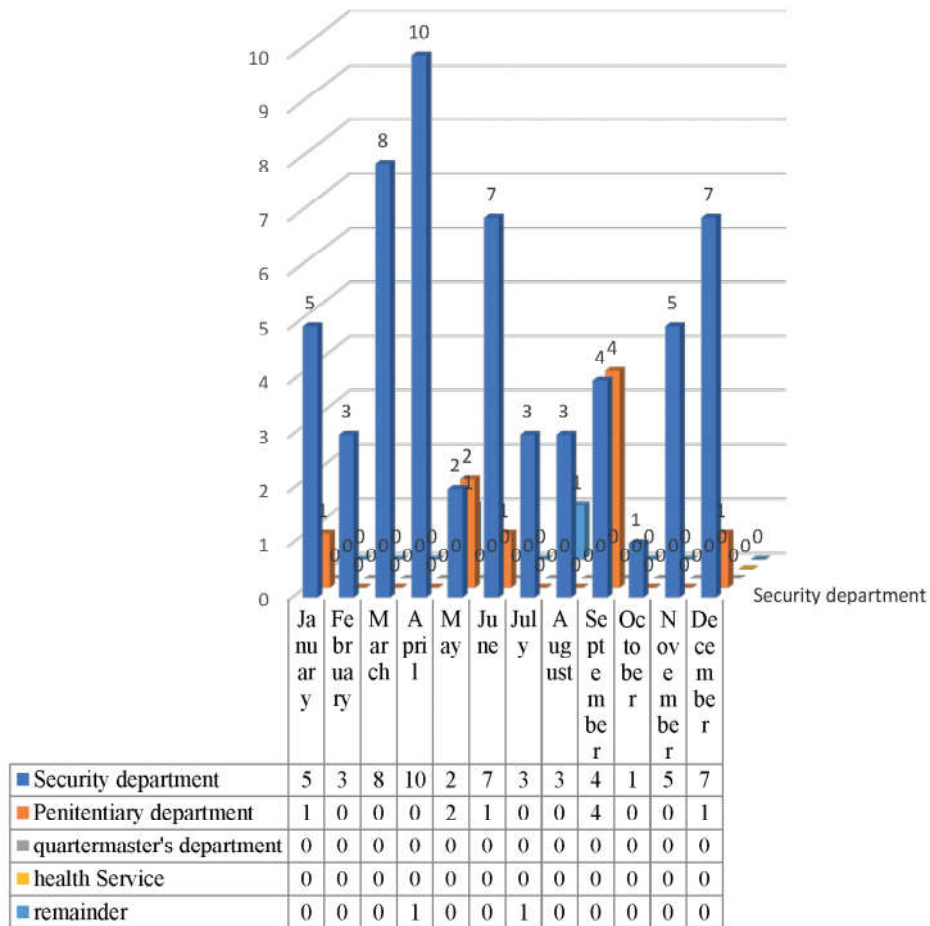


Table 10. Who was attacked on in 2014

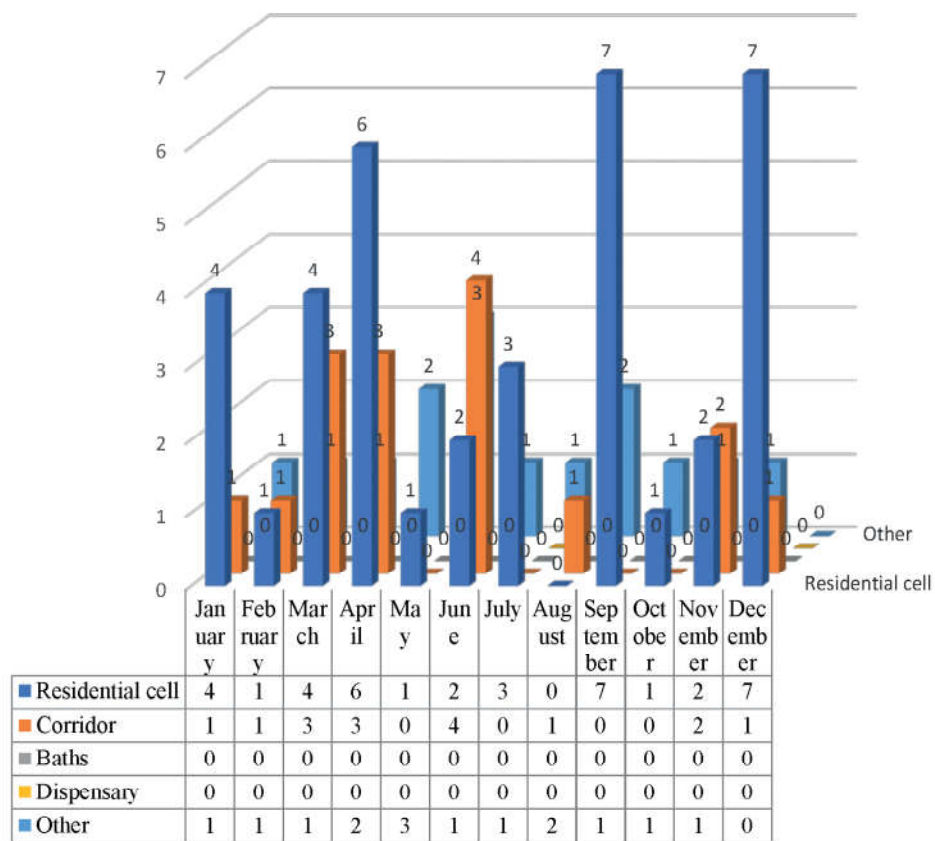


Table 11. Where the assault took place in 2014

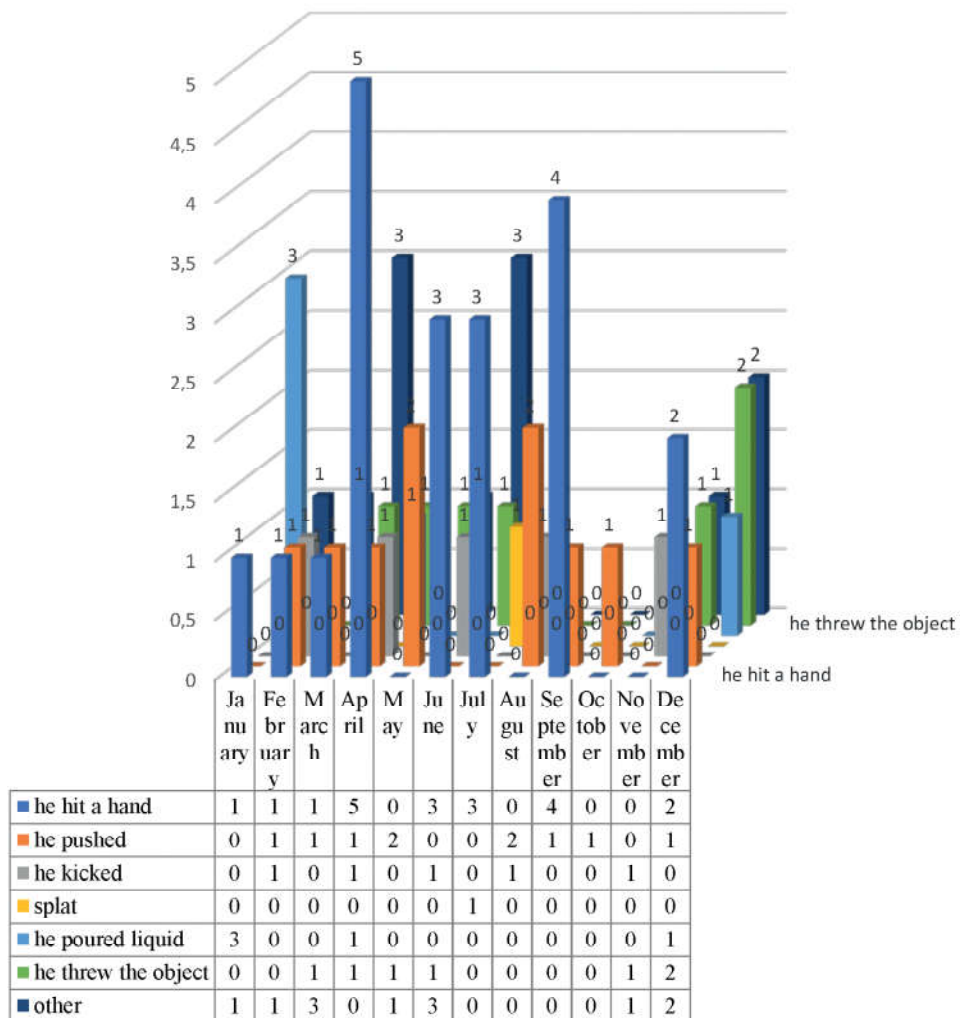


Table 12. The result of the attack in 2014



### 3. Tabular summary of assaults, attempts as well as their characteristics in terms of 2015

All based on own research.

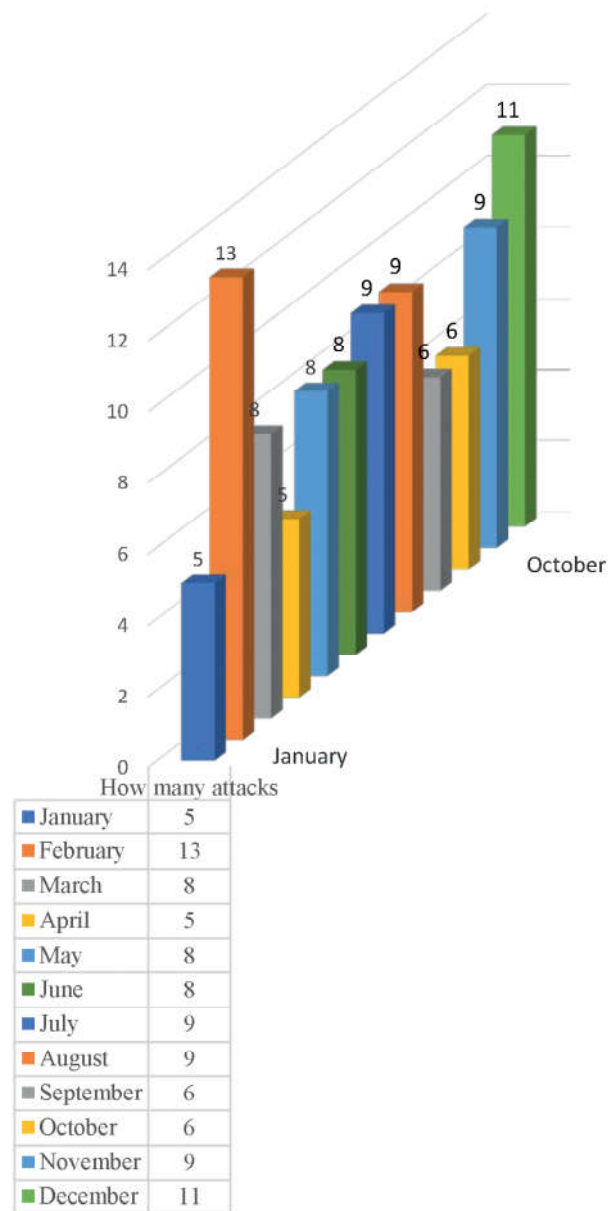


Table 13. Assaults in 2015

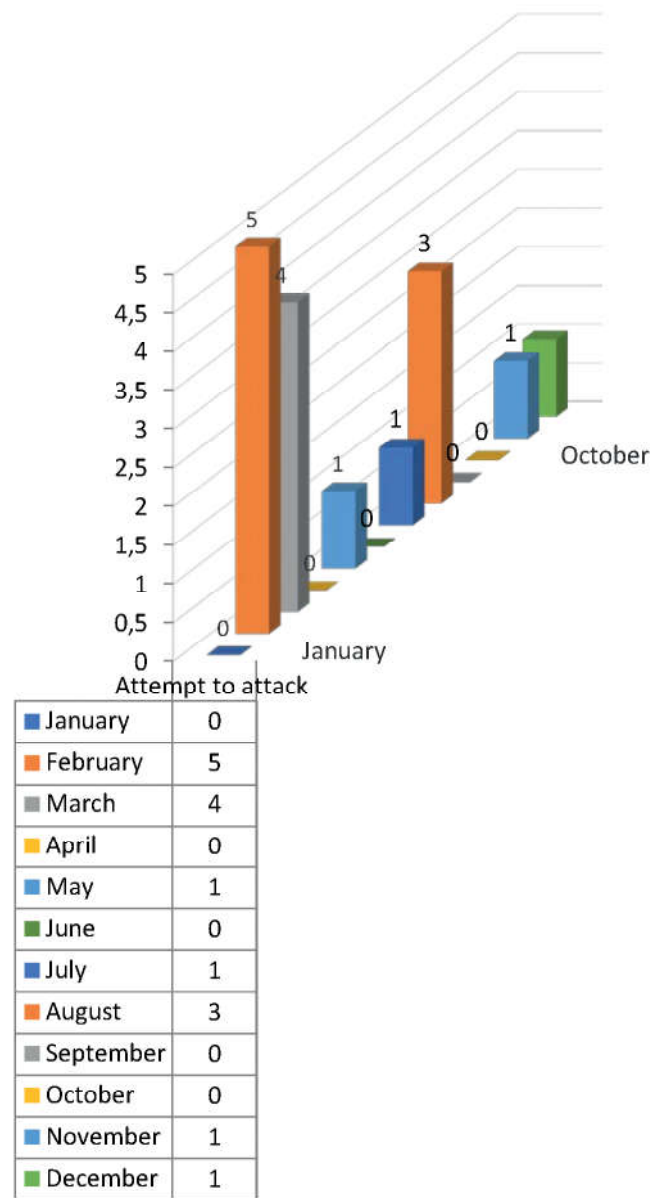


Table 14. Attempt to attack in 2015

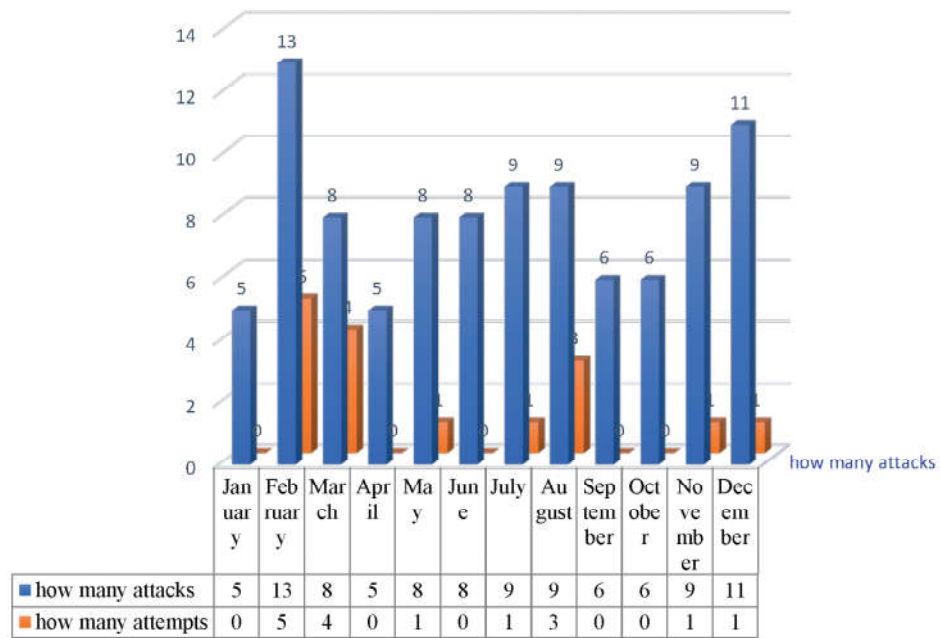


Table 15. Assaults and attempt to attack in 2015

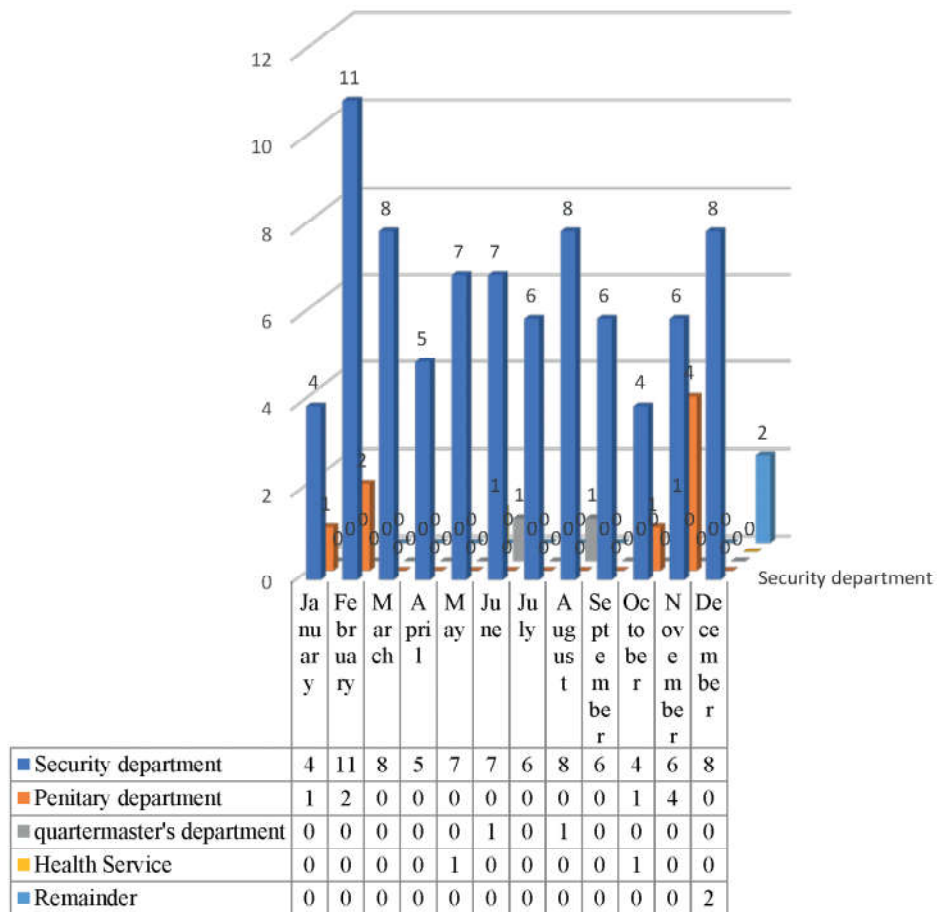


Table 16. Who was attacked on in 2015

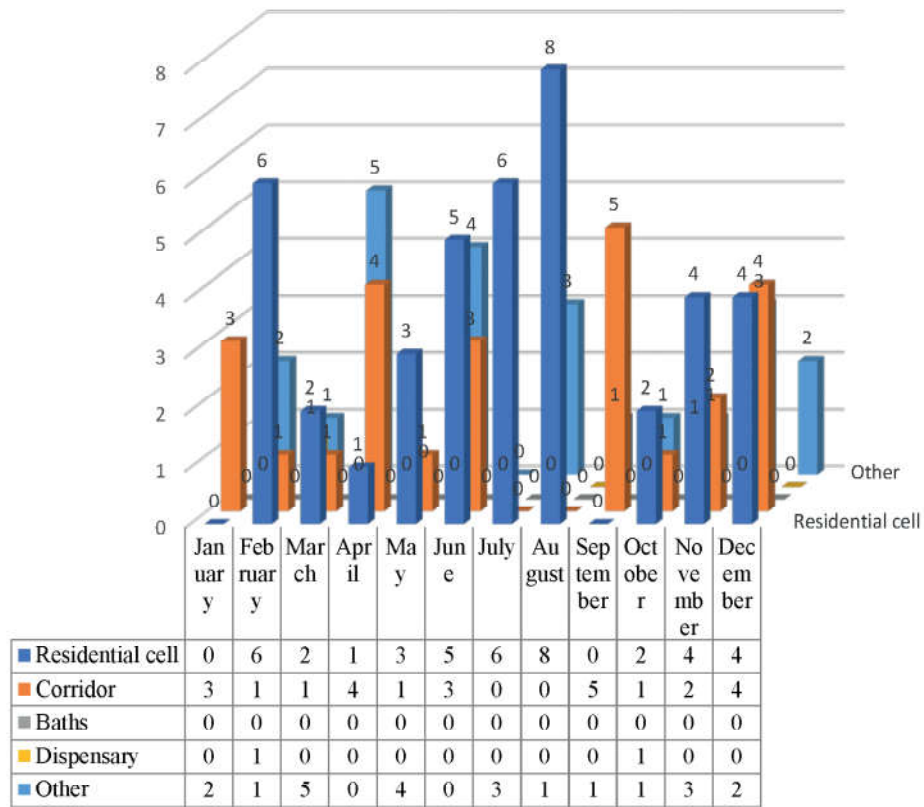
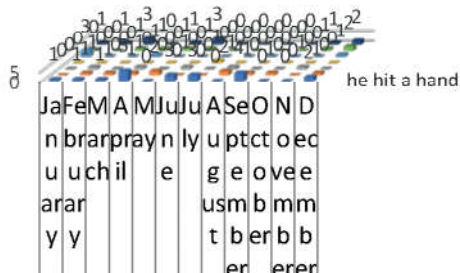


Table 17. Where the assault took place in 2015



■ he hit a hand	1	1	1	5	0	3	3	0	4	0	0	2
■ he pushed	0	1	1	1	2	0	0	2	1	1	0	1
■ he kicked	0	1	0	1	0	1	0	1	0	0	1	0
■ splat	0	0	0	0	0	0	1	0	0	0	0	0
■ he poured liquid	3	0	0	1	0	0	0	0	0	0	0	1
■ he threw the object	0	0	1	1	1	1	0	0	0	0	1	2
■ other	1	1	3	0	1	3	0	0	0	0	1	2

Table 18. The result of the attack in 2015

#### 4. Tabular summary of assaults, attempts as well as their characteristics in terms of 2016

All based on own research

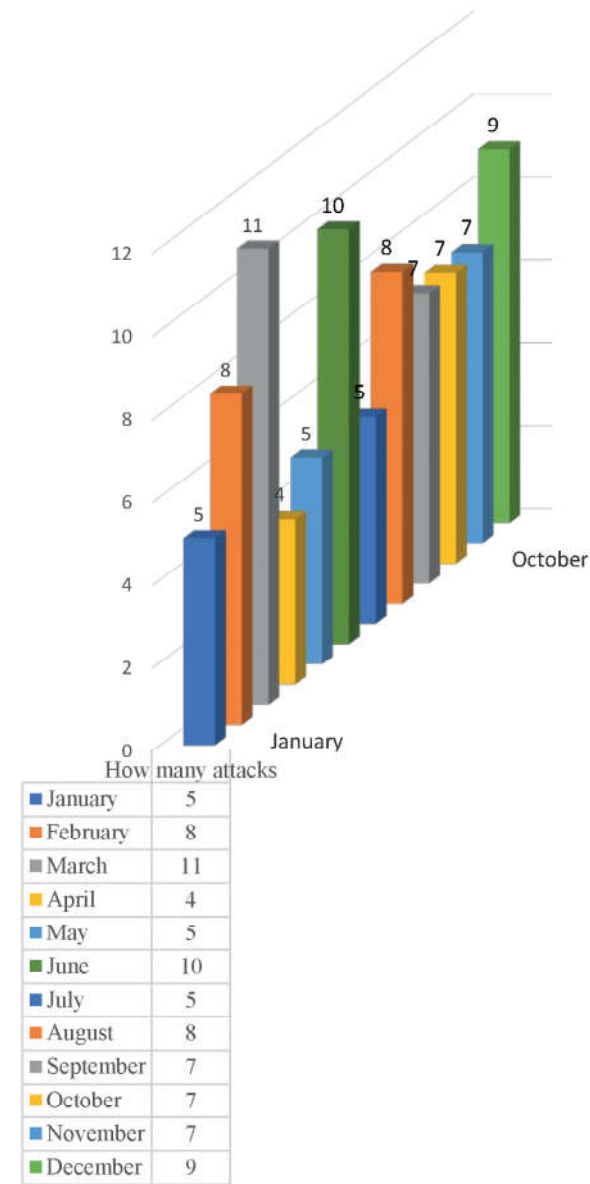


Table 19. Assaults in 2016

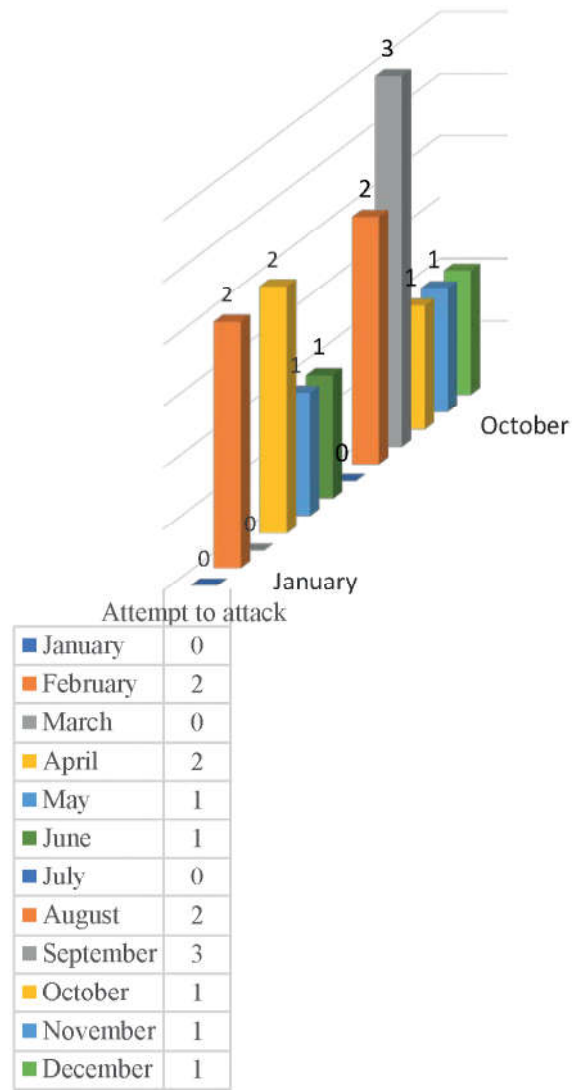


Table 20. Attempt to attack in 2016



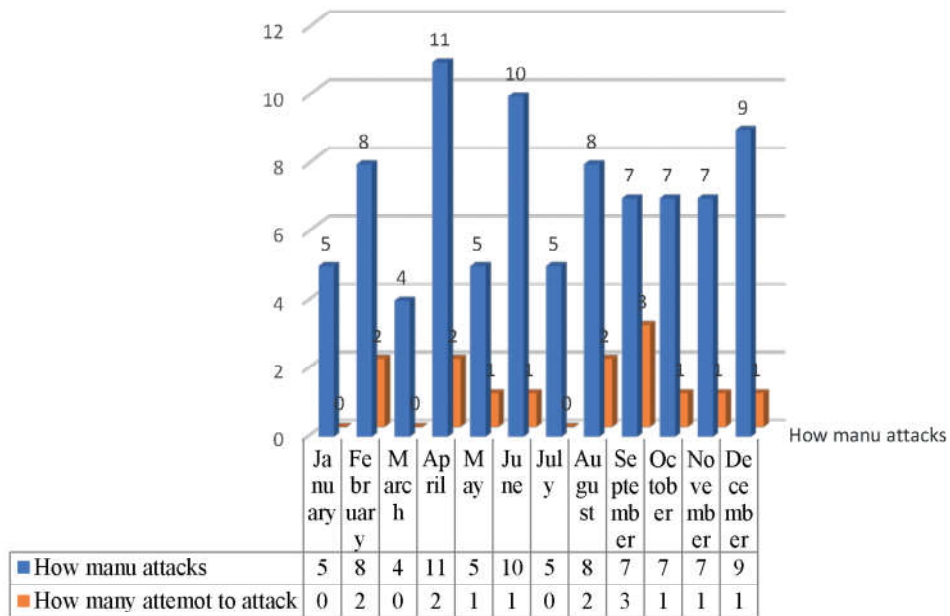


Table 21. Assaults and attempt to attack in 2016

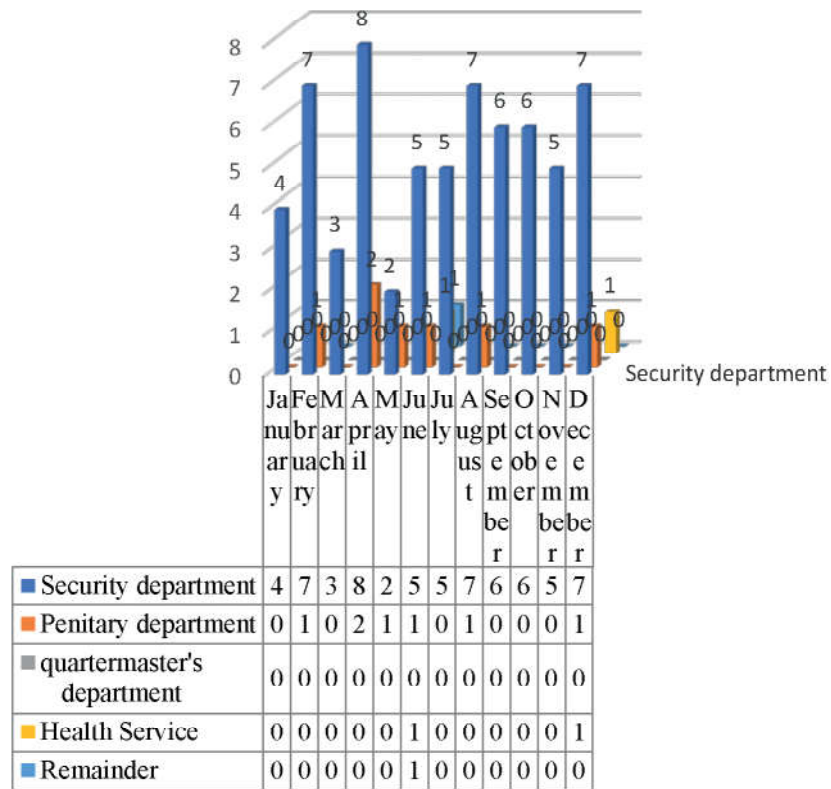


Table 22. Who was attacked on in 2016

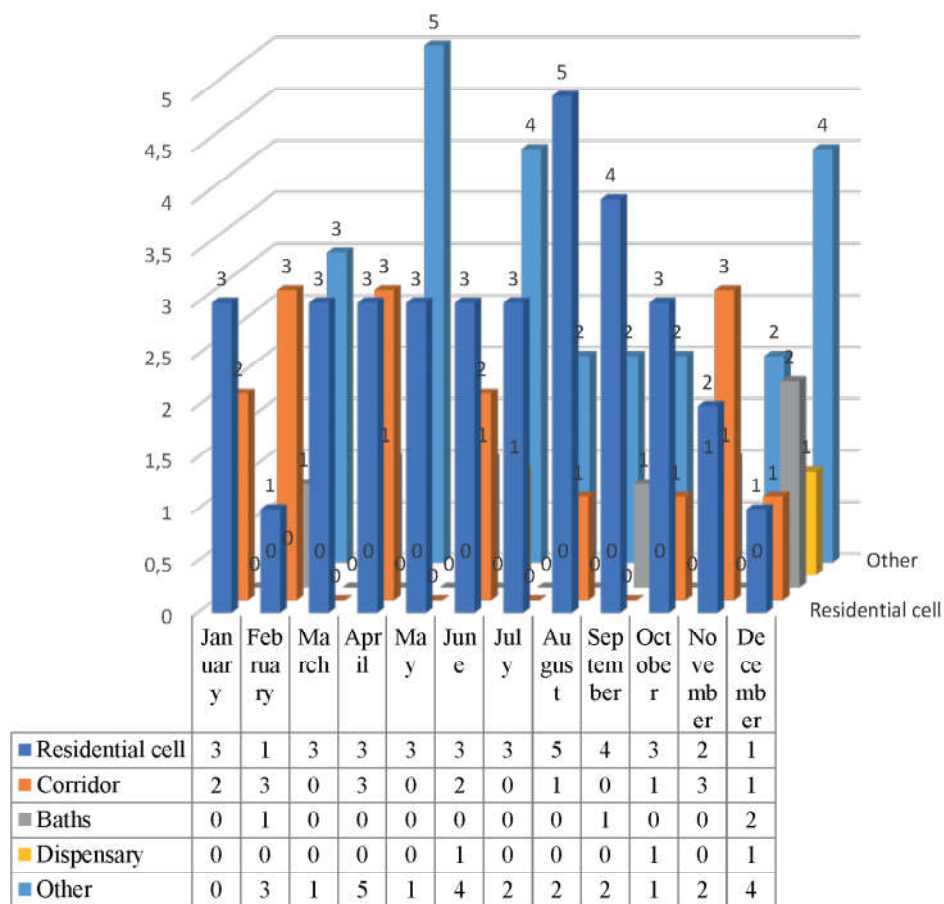


Table 23. Where the assault took place in 2016

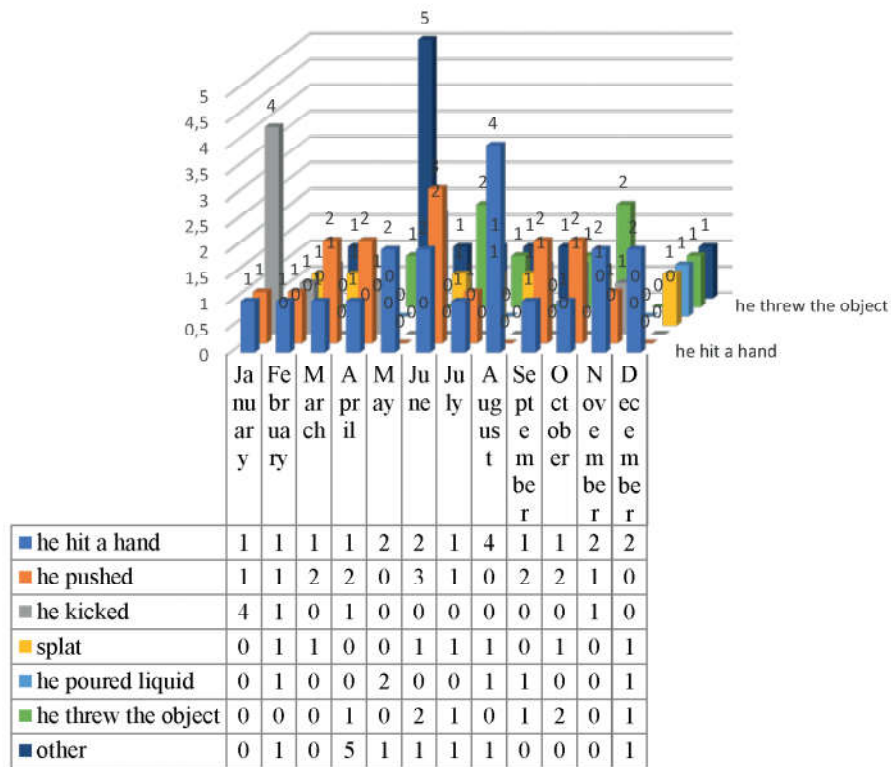


Table 24. The result of the attack in 2016

## 5. Tabular summary of assaults, attempts as well as their characteristics in terms of 2017

All based on own research

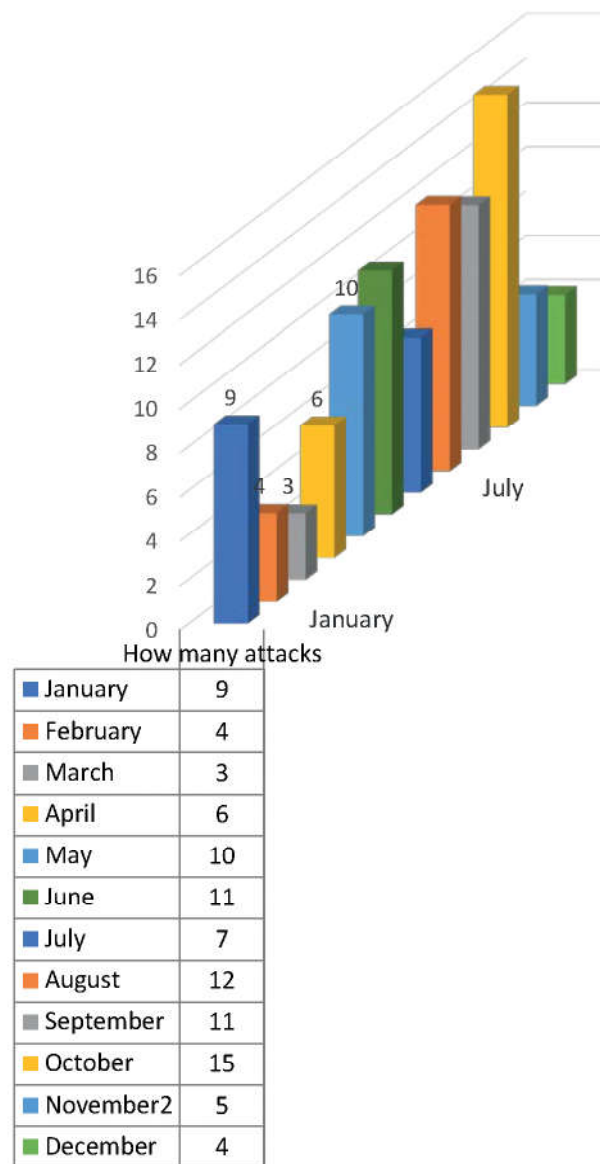


Table 25. Assaults in 2017

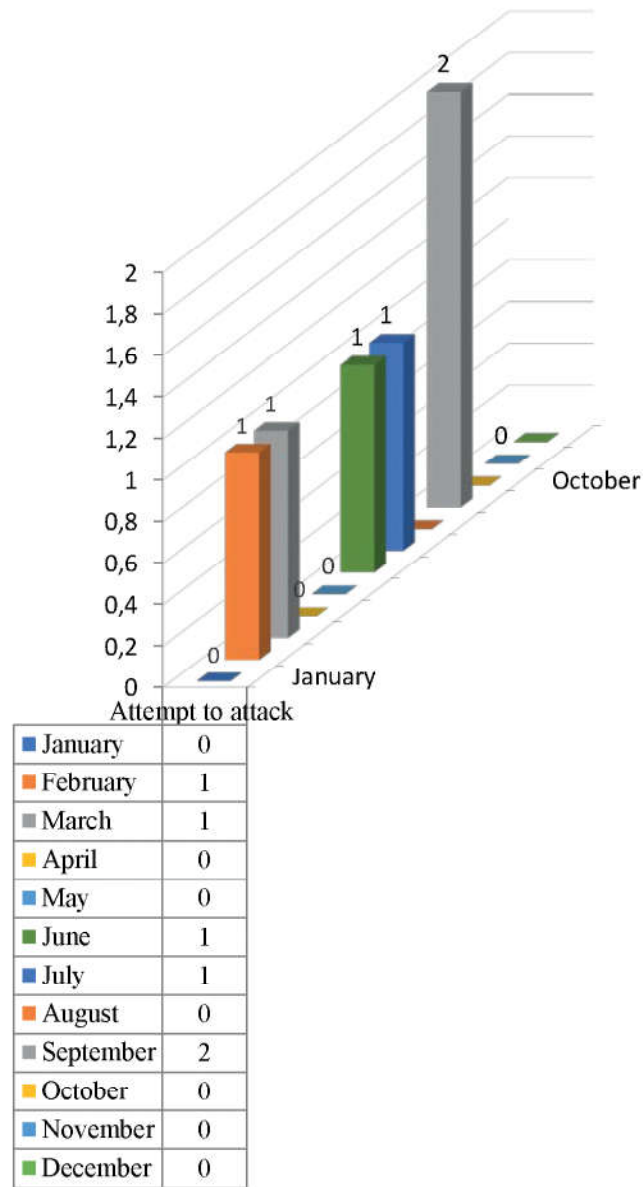


Table 26. Attempt to attack in 2017

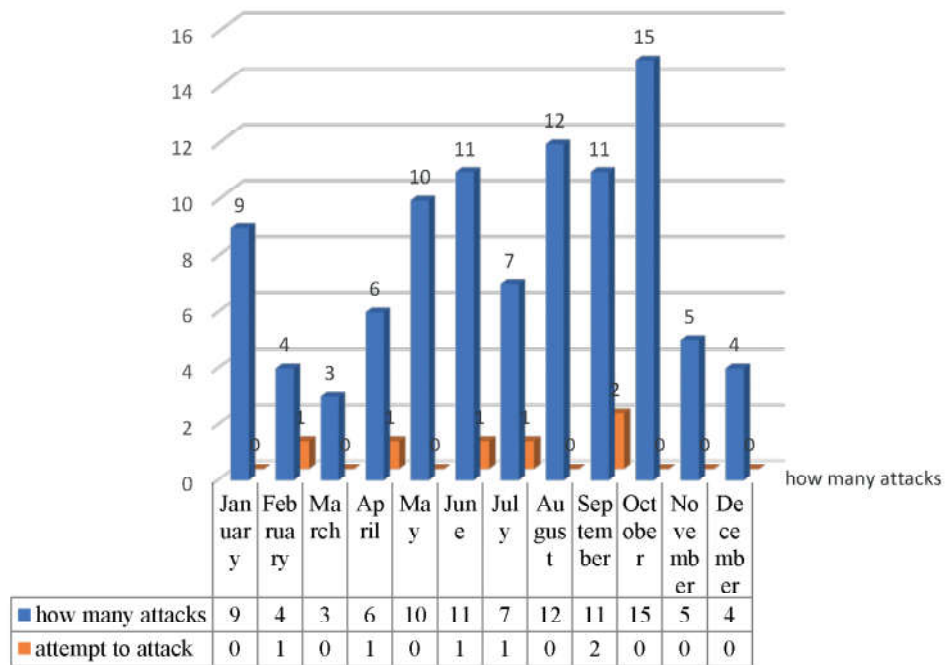


Table 27. Assaults and attempt to attack in 2017

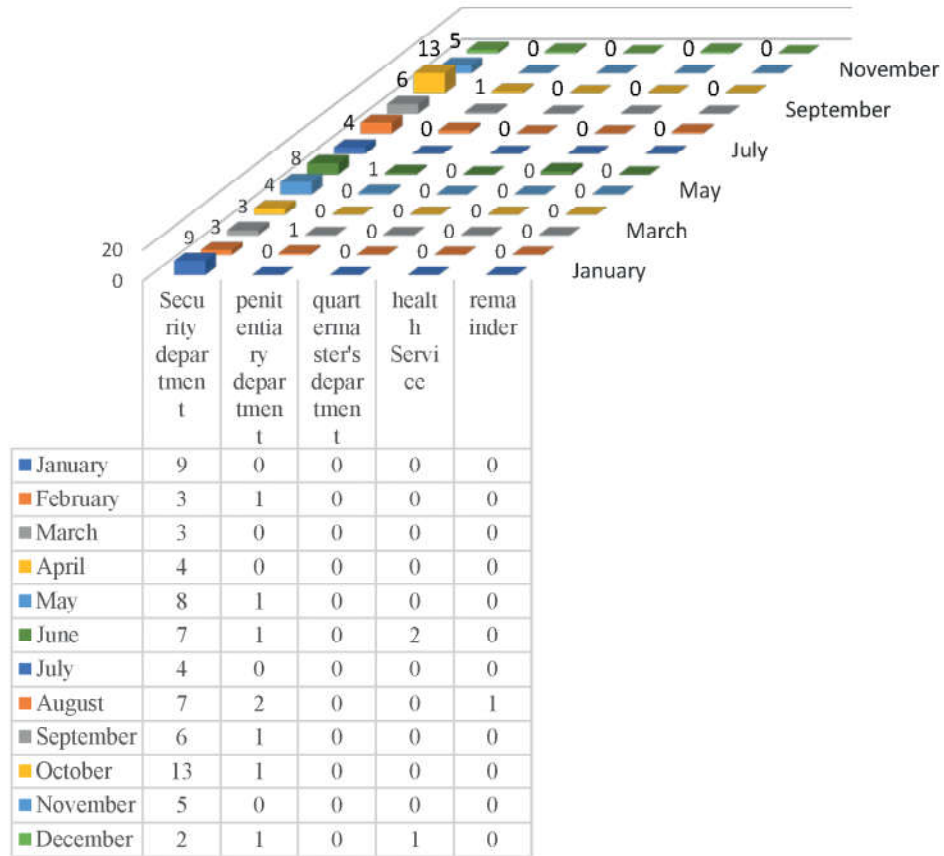


Table 28. Who was attacked on in 2017



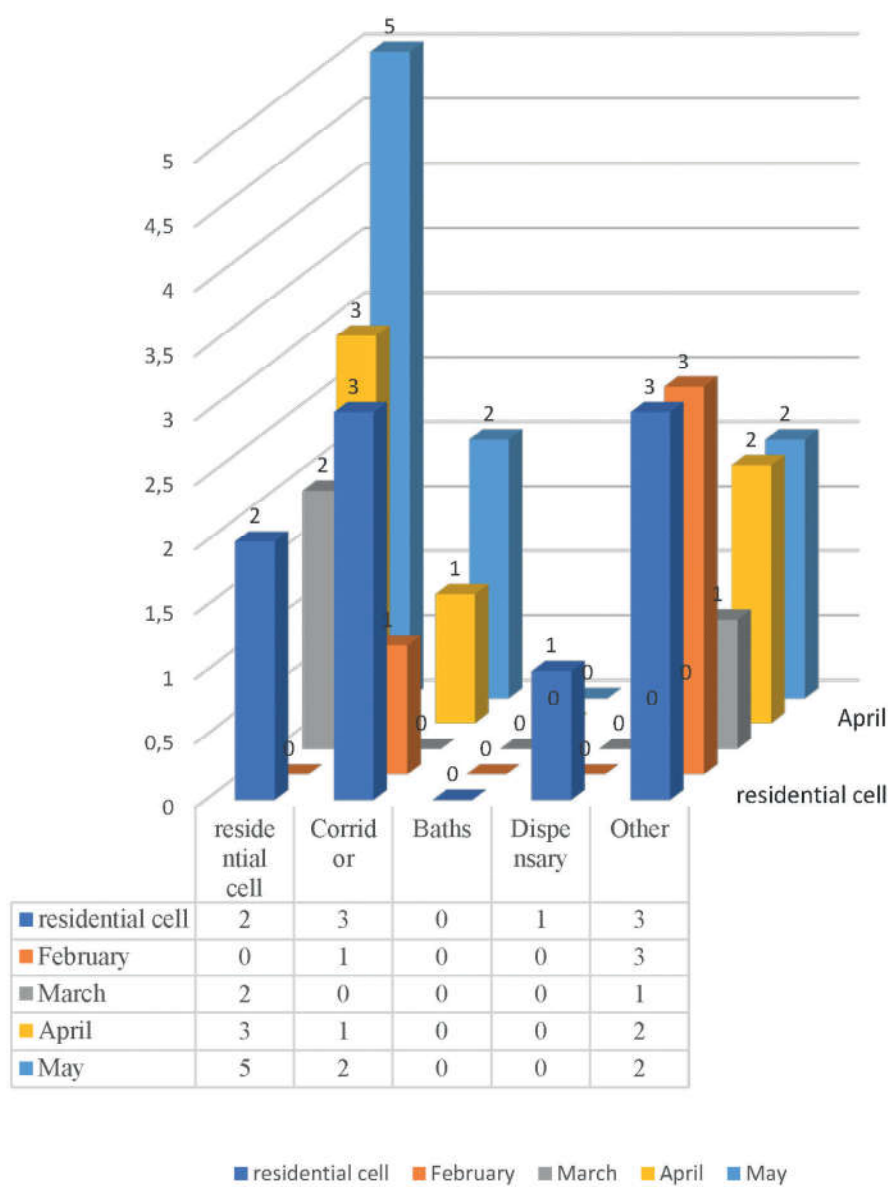


Table 29. Where the assault took place in 2017

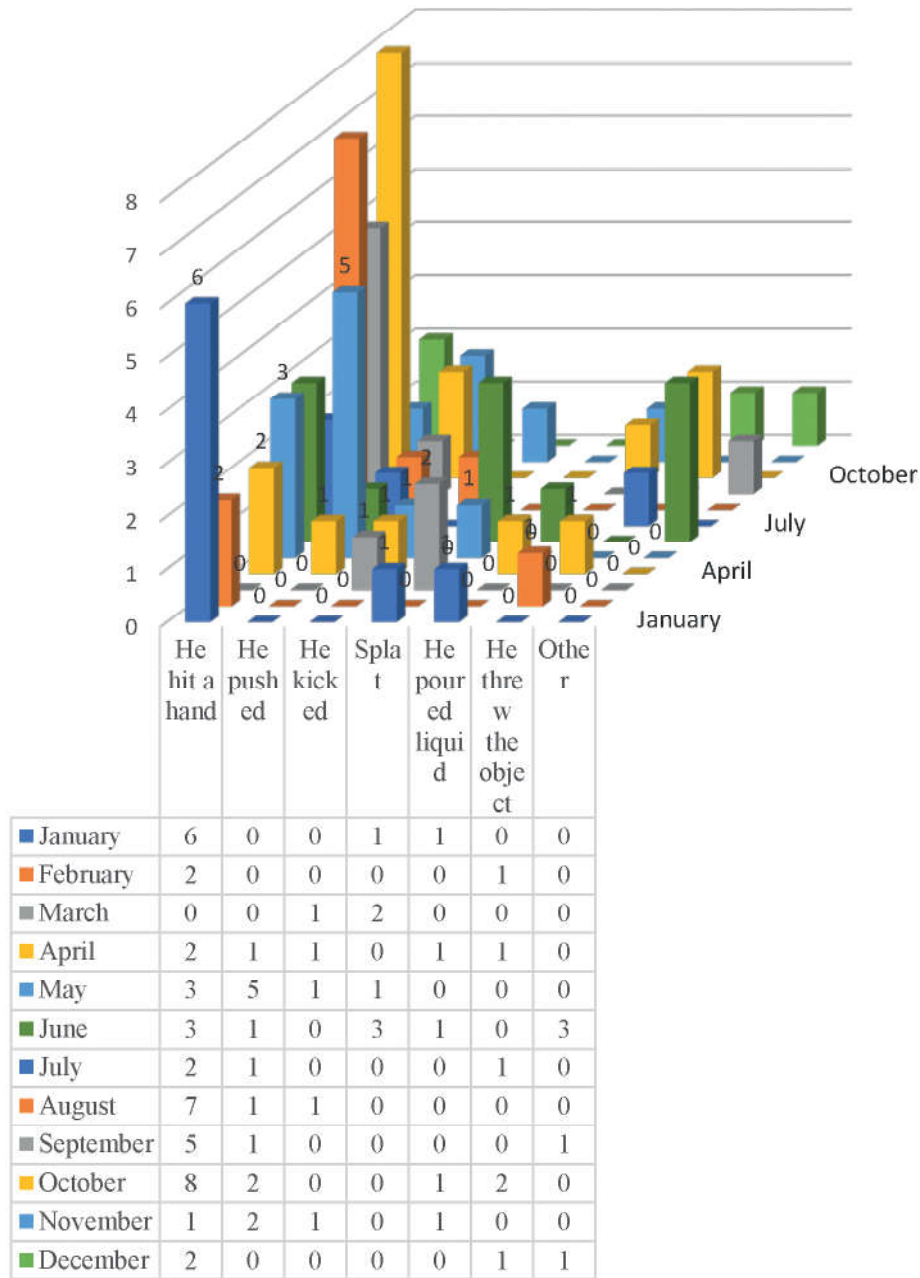


Table 30. The result of the attack in 2017

Table showing how the officer was assaulted in 2017.

# **6. Tabular summary of assaults, attempts as well as their characteristics in terms of the years 2013-2017**

All based on own research.

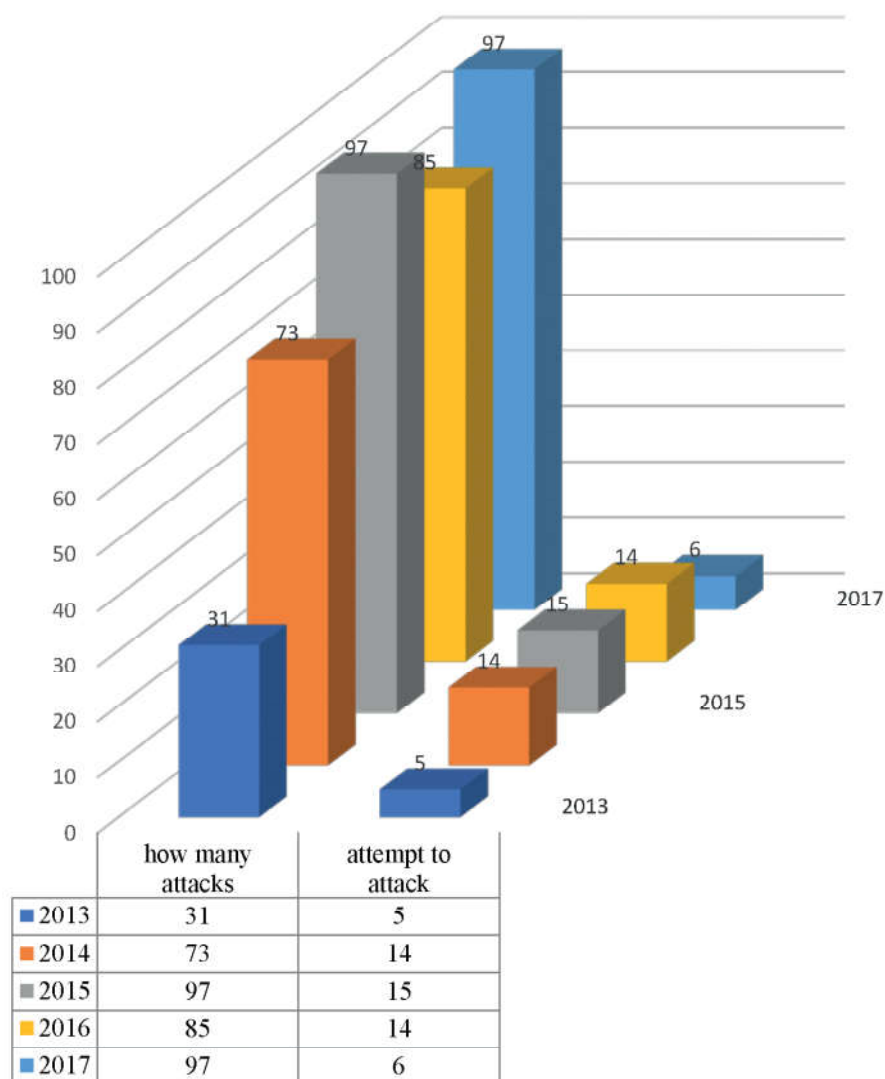


Table 31. Assaults and attempt to attack in 2013-2017

### Analysis

There is a growing trend of attacks on officers, despite a slight decrease in one year (2016 – 85 attacks), increase to 97 in 2017. On the other hand, attempted assault – here we notice a significant decrease of the phenomenon by more than 50% between 2016 – 14 attempts and 2017 – 6 attempted assault.

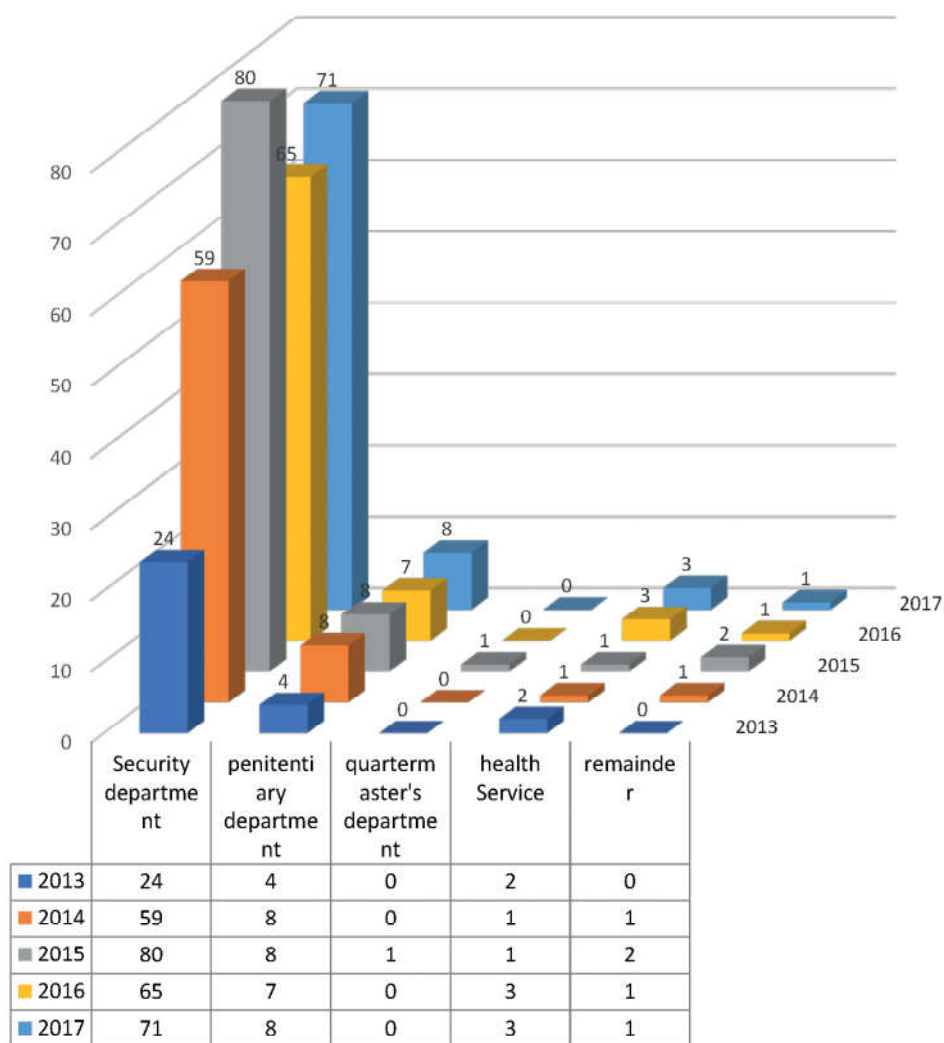


Table 32. Who was attacked on in 2013-2017

As we can see the most vulnerable officer is an officer of the security department. The number of assaults on persons from the penitentiary department has remained stable over the years. It is important to increase the attack on health services.

Own elaboration

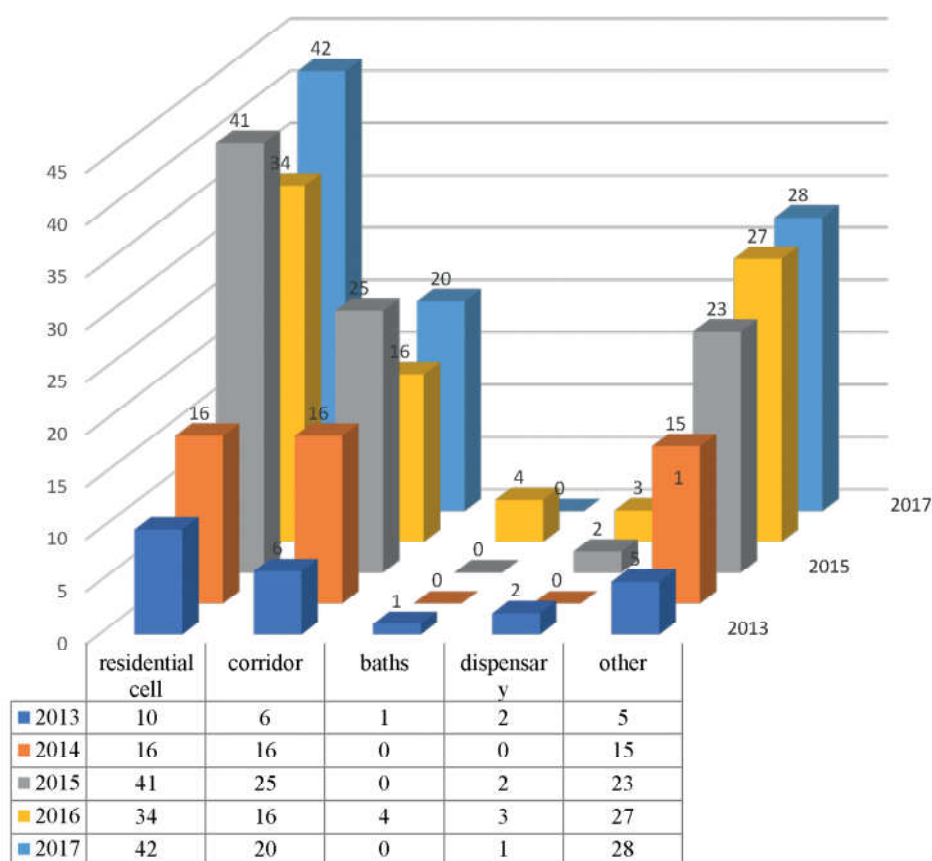


Table. 33. Where the assault took place in 2013-2017

Table showing the location of the assault in 2013-2017. Most often the attack occurs in a residential cell, although the downward trend is noticeable. An interesting fact is the significant increase to 28 in 2017 from 15 in 2014. Assault elsewhere in a penitentiary unit not included in the table.

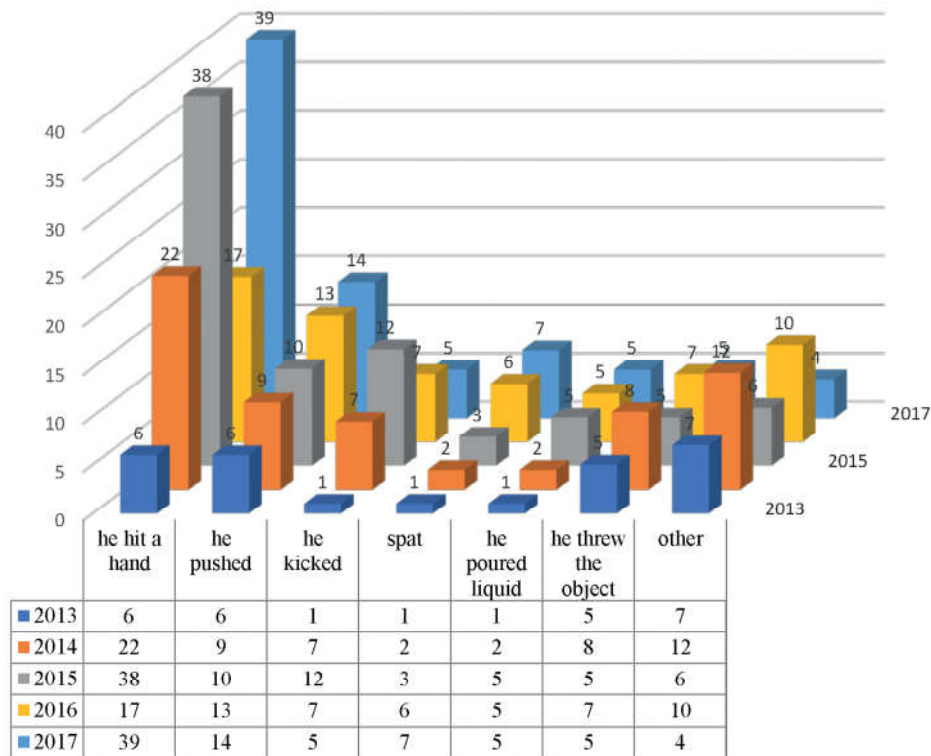


Table 34. The result of the attack in 2013-2017

Most often, prisoners attack officers by hand attack, however the number of pushes is increasing until 14 – 2017. You can also see an increase in spit-related attacks, or spilling a meal or urine

### Summary

It should be said that this analysis covered the period of over 5 years from August 2013 to the end of 2017, the prison service in this period underwent not only structural changes, i.e. the introduction of penitentiary departments<sup>18</sup> but also changes specifying “the amount of things that can be embedded in a residential cell”<sup>19</sup>. Such

<sup>18</sup> Order No. 19 of the General Director of the Prison Service of 14 April 2016 on detailed rules for the conduct and organization of penitentiary work and the scope of activities of officers and employees of penitentiary and therapeutic departments and penitentiary departments.

<sup>19</sup> Order No. 32 of the General Director of the Prison Service of 14 July 2016 amending the order on determining the acceptable quantity and dimensions of things, including food, held by the convicted prisoner and the handling of items and food, the dimensions or amount of which violate the applicable order or hinder escorting

matters are very significant and measurable properly only when observed while performing duties in the penitentiary units. Keeping this in mind, it also must be stressed that all the time unwaveringly two factors are permanent – an inmate and an officer. Of course, you can find out the numerical changes in the form of the number of prisoners in units or the number of officers directed for service in direct contact with inmates, but the analysis carried out led to interesting conclusions. Namely:

1. Looking at the number of assaults on the cross-section of the analyzed years, we can see an increase from 73 in 2014<sup>20</sup> up to 97 in 2017<sup>21</sup>
2. The number of assault attempts has increased more than 50% between 2014<sup>22</sup> and 2017<sup>23</sup>
3. The place where the attack usually takes place is a residential cell – a continuous increase from 2013<sup>24</sup> down 2017<sup>25</sup>, 42 cases. It is important that the increase was also recorded in the corridor from 16 in 2014<sup>26</sup> down 20 in 2017<sup>27</sup>. However, the biggest difference relates to other places not specified strictly in the table. And here you can see an increase between 2014 and 2017, about 80%
4. The most vulnerable officers at the risk of assault are officers of the security department<sup>28</sup>, and the least the officers of the quartermaster department<sup>29</sup>.

If we analyze the aggression of the prisoners themselves and their actions, the most common event is:

- 1) A hand hit - and here you can see a big increase from 22 such acts in 2014<sup>30</sup> up to 39 in 2017<sup>31</sup>.
- 2) Push away – increase from 9 cases 2014<sup>32</sup> up to 14 in 2017<sup>33</sup>
- 3) There has also been an increase in incidents – 7 cases in 2017.<sup>34</sup>
- 4) Liquid flooding has remained constant over the year for the three years tested<sup>35</sup>

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<sup>20</sup> Table 31.

<sup>21</sup> Table 31.

<sup>22</sup> Table 31.

<sup>23</sup> Table 31.

<sup>24</sup> Table 33.

<sup>25</sup> Table 33.

<sup>26</sup> Table 33.

<sup>27</sup> Table 33.

<sup>28</sup> Table 32.

<sup>29</sup> Table 32.

<sup>30</sup> Table 34.

<sup>31</sup> Table 34.

<sup>32</sup> Table 34.

<sup>33</sup> Table 34.

<sup>34</sup> Table 34.

<sup>35</sup> Table 34.

5) Throwing with the subject – although the analysis showed a decrease in such cases from 8 year 2014 to 5 in 2017<sup>36</sup> – however, the effects of such action can be very dangerous for the officer's health. (we also deal with hot meals)

6) Other forms of assault – there is a downward trend in 2017 – 4 cases<sup>37</sup>

In penitentiary units we have an increase in the number of attacks on officers – so it seems reasonable that the managers of penitentiary units - directors - should make an efforts and direct the largest number of officers to serve in the residential units, increasing the number of security officers. The task of the head of the security department is, therefore, to “depersonalize” areas and divide responsibilities so that they insure themselves properly during the performance of their official tasks. In organized trainings in the field of self-defense and the use of direct coercive measures, they should be used as trainers – Intervention Groups of the Prison Service – and the subject should include methods of defense against attack by hand, pushing and kicking. All officers should be trained, however, the protection department – adequately more. This training should also should include conduct and appropriate behavior in a residential cell, corridor or other chosen place, e.g. a walking square. Training should be provided to the officers in the scope of the exhibition procedure – incarceration by the detainee. It is important to equip officers with kits used to treat wounds resulting from burns – pouring a liquid – a meal<sup>38</sup> because the number of such assaults remains constant.

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5. Regulation No. 3/2011 by the General Director of the Prison Service of January 11, 2010. on the principles of organization and scope of full-time activities of Intervention Groups of the Prison Service.
6. <http://www.polsatnews.pl/wiadomosc/2016-06-16/niedostateczna-ostroznosc-wobec-osadzonego-sluzba-wiezienna-o-ataku-kajetana-p/> [accessed May 8, 2018].
7. Order No. 19 of the General Director of the Prison Service of 14 April 2016 on detailed rules for the conduct and organization of penitentiary work and the scope of activities

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<sup>36</sup> Table 34.

<sup>37</sup> Table 34.

<sup>38</sup> Table 34.



of officers and employees of penitentiary and therapeutic departments and penitentiary departments.

8. Order No. 32 of the General Director of the Prison Service of 14 July 2016 amending the order on determining the acceptable quantity and dimensions of things, including food, held by the convicted prisoner and how to deal with objects and food, whose dimensions or amount they violate the binding order or make it difficult to escort.

#### **ANALIZA PROBLEMU ATAKÓW NA STRAŻNIKÓW WIĘZIENNYCH PEŁNIĄCYCH SVOJE OBOWIĄZKI W POLSCE W LATACH 2013-2017**

Streszczenie. Przedmiotowa analiza obejmowała okres ponad 5 lat od sierpnia 2013 roku do końca 2017. Funkcjonariuszami najbardziej narażonymi na ryzyko napaści są funkcjonariusze działu ochrony, a najmniej funkcjonariusze działu kwatermistrzowskiego. Jeżeli przeanalizujemy już samą agresję osadzonych i ich działania, to najczęstszym zdarzeniem jest uderzenie ręką – i tu widać duży wzrost z 22 takich aktów w roku 2014 do 39 w 2017. Zasadne wydaje się zatem, aby kierownicy jednostek penitencjarnych – dyrektorzy – czynili starania i kierowali do pełnienia służby w oddziałach mieszkalnych jak największą liczbę funkcjonariuszy. By zwiększali liczbę funkcjonariuszy działu ochrony. Zadaniem kierownika działu ochrony jest zatem takie przydzielenie zadań ludziom i podzielenie obowiązków, by w sposób właściwy się ubezpieczali w trakcie realizacji zadań służbowych. Należy zapewnić szkolenie funkcjonariuszom z zakresu procedury ekspozycyjnej – przypadki oplucia przez osadzonego. Można zatem powiedzieć, że wykorzystując przedstawioną analizę, jak również proponowane wnioski w czasie organizacji służby funkcjonariuszom – zapewnimy im większe bezpieczeństwo i komfort pracy.

**Słowa kluczowe:** jednostka penitencjarna, funkcjonariusz służby więziennej, napisać.