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## **Halfway houses in The Polish Model of Social Reintegration – possibilities and limitations**

### **Domy przejściowe w Polskim Modelu Readaptacji Społecznej – możliwości i ograniczenia**

The aim of this article is the analysis of the possibilities of introduction in The Polish Model of Social Reintegration in the form of a pilot project to create halfway houses that are more or less successfully operating in other countries. The publication is an attempt to initiate a scientific discourse on assessing the adaptability and implementation of this type of institution to the national model which, as has been highlighted for many years by communities focused on social reintegration, requires systemic solutions. Reflection on halfway houses can be an impulse for an interdisciplinary view of the solution proposed in this area and the development of legal regulations combining and integrating the activities of services responsible for social inclusion.

The study seeks to identify the main areas of analysis regarding the adaptation and implementation of halfway houses to current social conditions in the context of reducing prison recidivism, as well as to answer the question what kind of halfway houses would be optimal in current Polish socio-cultural conditions.

**Key words:** penitentiary recidivism, halfway house, social activity, social readaptation.

Celem niniejszego artykułu jest analiza możliwości wprowadzenia do Polskiego Modelu Readaptacji Społecznej rozwiązań w postaci

pilotażowego projektu utworzenia domów przejściowych, które z mniejszym lub większym powodzeniem funkcjonują w innych krajach. Publikacja jest próbą zainicjowania dyskursu naukowego nad oceną możliwości adaptacji i implementacji tego typu instytucji do krajowego modelu, który – jak podkreślają od wielu lat środowiska zajmujące się readaptacją społeczną – wymaga rozwiązań systemowych. Refleksja nad domami przejściowymi może stać się impulsem do interdyscyplinarnego oglądu proponowanego w tym zakresie rozwiązania oraz opracowania regulacji prawnych łączących i integrujących działalność służb odpowiedzialnych za inkluzję społeczną.

Opracowanie zmierza do ustalenia głównych obszarów analizy dotyczących adaptacji i implementacji domów przejściowych do aktualnych warunków społecznych w kontekście ograniczania recydywy penitencjarnej, a także udzielenia odpowiedzi na pytanie, jaki rodzaj domów przejściowych byłby optymalny w aktualnych polskich warunkach społeczno-kulturowych.

**Słowa kluczowe:** recydywa penitencjarna, dom przejściowy, aktywność społeczna, readaptacja społeczna.

## Introduction

The topic of reoffending is of particular interest to penal science, particularly in the context of a country's criminal policy. We may distinguish several necessary conditions for success in reducing the phenomenon of penitentiary recidivism<sup>1</sup>, which are extensively described in the source literature in various contexts, such as reasonable legislation, the efficiency of the system of social assistance and support, the quality of the impact carried out at different stages of social deviation, proactive,

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<sup>1</sup> J. Zygmunt, *Prawne modele zwalczania powrotności do przestępstwa w Polskim prawie karnym*, „Czasopismo Prawa Karnego i Nauk Penalnych” 2008, issue 2, pp. 223-241.

resocialization or social reintegration activities<sup>2</sup>. In view of the increasing trend of reoffending, the evolution of the existing ways of preventing criminal recidivism seems to be an urgent necessity<sup>3</sup>.

The proper adaptation of persons serving a sentence of imprisonment for release is essential from the social security point of view, both individually – an adaptation of the person leaving the penitentiary unit to the conditions of freedom, and collectively – the ability of the society to readapt<sup>4</sup> to the reintegration of persons previously excluded from that society. Effective social readaptation is a relationship between man and the environment where the person returns mutual connotations and cooperation mechanisms. The systemic approach to the relationship between man and environment in social inclusion and exclusion seems to be an optimal approach to the analysis of the Polish Model of Social Reintegration<sup>5</sup>, which in the source literature is commonly referred to as the “silo model”<sup>6</sup>, characterized by the closure of one service to cooperate with other services in the provision of assistance. As S. Stasiorowski points out, the prevention of reoffending is appropriate to the qualitative model of cooperation of individual institutions, and not to the quantitative approach to the inclusion of people at risk of social exclusion in

<sup>2</sup> See T. Szymanowski, *Recydywa w Polsce. Zagadnienia prawa karnego, kryminologii i polityki karnej*, Warszawa 2010; R. Szczepanik, *Stawianie się recydywistą. Kariery instytucjonalne osób powracających do przestępczości*, Łódź 2015; J. Kosonoga-Zygmunt, *Recydywa jurydyczna w wybranych państwach członkowskich Unii Europejskiej*, Warszawa 2016; M. Muskała, „*Odstąpienie od przestępczości*” w teorii i praktyce resocjalizacyjnej, Poznań 2016; B.M. Nowak, *Poczucie lokalizacji kontroli u skazanych powracających do przestępstwa a postrzeganie przez nich własnych rodzin pochodzenia*, „Przegląd Badań Edukacyjnych” 2017, Vol. 2, 25; B.M. Nowak, *Hierarchia wartości osób wykluczonych społecznie. Komunikat z badań*, „Pedagogika Społeczna” 2017, no. 1; B.M. Nowak, *At risk of social exclusion labor market disadvantage of ex-convicts – polish casus*, „Przegląd Badań Edukacyjnych” 2018, Vol. 2, 27; B.M. Nowak, *Praca jako czynnik chroniący ekswięźniów przed powrotnością do przestępstwa i wykluczeniem społecznym*, *Annales Universitatis Mariae Curie-Skłodowska, sectio J – Paedagogia-Psychologia*, Vol. 32, 3/2019, pp. 289-306; B.M. Nowak, *Praca szansą skazanych na pomyślną reintegrację społeczną. Postawy pracodawców wobec ekswięźniów poszukujących zatrudnienia – komunikat z badań*, „Probacja” 2019 no. 1, pp. 13-32.

<sup>3</sup> Since 2011, the recidivism rate has been steadily growing: 2011 – 50,0%; 2012 – 51,0%; 2013 – 52,2%; 2014 – 54,1%; 2015 – 55,2%; 2016 – 55,9%; 2017 – 55,8%; 2018 – 56,4%; 2019 – 56,7%. Central Board of Prison Service, *Quarterly Statistics of IV quarter, 2001-2019*, <https://www.sw.gov.pl/strona/Statystyka-kwartalna> (date of access: 25.02.2020). See Ministry of Justice, *Powrotność do przestępstwa w latach 2009-2015*, Warszawa, May ed. 2017, <https://www.isws.ms.gov.pl/baza-statystyczna/publikacje/download,3502,1> (date of access: 25.02.2020).

<sup>4</sup> H. Machel, *Więzienie jako instytucja karna i resocjalizacyjna*, Gdańsk 2003, p. 200.

<sup>5</sup> Supreme Audit Office, Department of Public Order and Internal Security, *Wystąpienie pokontrolne, P/14/044 – Readaptacja społeczna skazanych na wieloletnie kary pozbawienia wolności*, letter KPB-4101-006-03/2014, <https://www.nik.gov.pl/kontrolne/wyniki-kontroli-nik>, p. 22 (date of access: 08.08.2019).

<sup>6</sup> S. Stasiorowski, *System readaptacji społecznej skazanych*, Minutes of II meeting of the Kujawsko-Pomorskie, Regional Council for Social Readaptation and Assistance of the Convicted, held on 12 May 2017 in Kujawsko-Pomorskie Voivodeship Office in Bydgoszcz, <https://www.wloclawek.so.gov.pl/container/Pliki/dokumenty/1496311804.pdf> (date of access: 25.02.2020).

society, characterized mainly by the material and living aspect. In terms of the benefits provided and the means and methods used through various institutions and aid organizations, the evaluation of the activities undertaken by them is positive, without affecting the evaluation of achieved readaptation effects. The reason for such a state can be found, for instance, in:

- raised discourses of theorists and practitioners involved in helping convicted persons, the lack of systemic and multifaceted solutions in the area of helping persons released from prison, as well as identification of the necessity to define one normative act comprehensively and precisely defining the system of cooperation and support of services for socially excluded persons. Many tasks resulting from separate regulations are performed by various entities, independent of each other, resulting in differentiation of assistance services provided depending on the region of the country and mainly consisting of assuming the implementation of services by subsequent institutions;
- the quantitative prevalence of ad hoc support, mainly related to fulfilling the basic needs of the convicted persons, over qualitative support, characterized by its sensitivity to both the needs and possibilities of satisfying such needs by the convicted persons themselves and flexibility in shaping the readaptation resources of the incarcerated<sup>7</sup>;
- standardization of activities without considering the specific needs and categories of beneficiaries of such activities.

The abovementioned statements are also referred to in reports of the Supreme Audit Office<sup>8</sup> concerning, among others, the topic of social readaptation of convicted persons, indicating that the activities undertaken in the aspect of assistance to persons leaving penitentiary units are of a fragmentary nature and do not include the necessity to cover many areas of functioning of persons deprived of their liberty, i.e. family,

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<sup>7</sup> See A. Jaworska, *Zasoby osobiste i społeczne skazanych w procesie oddziaływań penitencjarnych*, Kraków 2016; A. Fidelus, *Determinanty readaptacji społecznej skazanych*, Warszawa 2012; B.M. Nowak, *Rodzina w kryzysie. Studium resocjalizacyjne*, Warszawa 2011.

<sup>8</sup> Supreme Audit Office, Department of Public Order and Internal Security, *Wystąpienie pokontrolne, P/14/044 – Readaptacja społeczna skazanych na wieloletnie kary pozbawienia wolności* letter KPB-4101-006-03/2014, <https://www.nik.gov.pl/kontrolne/wyniki-kontroli-nik>, p. 10 (date of access: 08.08.2019); Supreme Audit Office, Department of Labour, Social Affairs & Family, *Informacja o wynikach kontroli, 66/2019/P/18/041/KPS – Pomoc społeczna świadczona osobom opuszczającym zakłady karne*, letter KPS-430.006.2018, <https://www.nik.gov.pl/plik/id,21532,vp,24180.pdf>, p. 10 (date of access: 08.10.2019). See M. Warchoł, response to the MPs Agnieszka Hanajczyk and Ewa Drozd interpellation no. 7017 from 3 November 2016 concerning the entitlement of persons sentenced to long-term imprisonment to social housing.

professional or health, with coordinated readaptation activities simultaneously. It was also underlined that a multifaceted social readaptation requires the development of rules of cooperation and coordination between all entities participating in the process, whose offer would be available to every person in need.

## Possibilities and limitations in adaptation and implementation of halfway houses

Each year thousands of prisoners leave prison units<sup>9</sup>, however, more than half of them return to prison isolation. The return to society for inmates with a complicated family, housing, and personal situations is beyond their means in psychological, social, and cultural terms. Therefore, in many countries, according to the principles of social decompression<sup>10</sup>, there are halfway houses<sup>11</sup> in the system of social readaptation for convicts requiring “rooting” in the social support network after release. Convicted persons do not enter the society directly, but are placed in an intermediary institution, where the assistance activities are carried out with the participation of the local community, referred to in the English literature as *community corrections* or *community activities*.

The schematic approach to the phenomenon of recidivism and proposals for apparent modifications aimed at making the penitentiary

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<sup>9</sup> In 2018, the movement of prisoners in penitentiary units amounted to almost 80 thousand people who were removed from the register. It indicates that the prison population is exchanged by 100% throughout the year. Central Board of the Prison Service, Annual Statistics, <https://www.sw.gov.pl/strona/statystyka-roczna> (date of access: 25.02.2020).

<sup>10</sup> See E. Humienny, *Readaptacja społeczna osób opuszczających placówki penitencjarne autorską metodą dekompresji społecznej*, A. Szerłaż (ed.), *Kara pozbawienia wolności a readaptacja społeczna skazanych*, Wrocław 2011, pp. 273-281.

<sup>11</sup> Reintegration in the form of halfway houses is implemented in many legal systems, including Canada, the USA, Great Britain, Denmark, Japan, Australia, and Norway. Meanwhile, the implementation of the pilot project, financed with the use of Norwegian funds, concerns, among others, the Czech Republic, Lithuania, Latvia, Romania, and Poland. <https://eeagrants.org/news/a-better-future-for-prison-inmates> (date of access: 08.10.2019).

system more efficient have not yet brought the expected results<sup>12</sup>. Populist slogans of increasing penalties for people who commit crimes<sup>13</sup> or a one-dimensional approach to responsibility for the crime recidivism rate<sup>14</sup> blur the real sense of social security and exhaust research areas, creating an illusion of knowledge of the phenomenon, which in reality varies over time and often is not explored theoretically or empirically.

The idea of introducing halfway houses to the Polish Model of Social Reintegration is not new<sup>15</sup>. Nevertheless, it has recently begun acquiring a real dimension, since due to the preference of the penitentiary measures, namely, employment, the Central Board of the Prison Service<sup>16</sup> is planning to create 5 centers of professional activation for prisoners,

<sup>12</sup> Searching for an answer to the question of the effectiveness of the penitentiary impact, which is illustrated in *What works?*, the reader will find inspiration in the following publications: H. Machel, *Sens i bezsens resocjalizacji penitencjarnej – casus polski. Studium penitencjarno-pedagogiczne*, Kraków 2008; M. Konopczyński, *Kryzys resocjalizacji czy (li) sukces działań pozomych. Refleksje wokół polskiej rzeczywistości resocjalizacyjnej*, Warszawa 2013; M. Sztuka, *Anachronizm i aktualność. Idea resocjalizacji w sporze o nowoczesność*, Kraków 2013; P. Stępnik, T. Kalisz, W. Zalewski (eds.), *Czy i jakie więzienia są potrzebne? Rozważania na tle zagadnień współczesności*, Poznań-Gdańsk-Wrocław-Kalisz 2016; P. Stępnik, *Resocjalizacja (nie)urojona. O zawłaszczaniu przestrzeni penitencjarnej*, Warszawa 2017.

<sup>13</sup> See T. Szymanowski, *Przestępczość i polityka karna w Polsce. W świetle faktów i opinii społeczeństwa w okresie transformacji*, Warszawa 2012. A. Szymanowska, *Polacy wobec przestępstw i karności*, Warszawa 2008.

<sup>14</sup> See B. Pastwa-Wojciechowska, *Czy wszyscy przegrali? Czyli co decyduje o percepcji skuteczności resocjalizacji*, [in:] P. Stępnik, T. Kalisz, W. Zalewski (eds.), *Czy i jakie więzienia są potrzebne. Rozważania na tle zagadnień współczesności*, Poznań-Gdańsk-Wrocław-Kalisz 2016, pp. 264-273.

<sup>15</sup> See G.R. Hinzman, *Środowiskowe hostele w kontinuum resocjalizacji*, [in:] W. Ambrozik, H. Machel, P. Stępnik (eds.), *Misja Służby Więziennej a jej zadania wobec aktualnej polityki karnej i oczekiwań społecznych*, Poznań-Gdańsk-Warszawa-Kalisz 2008, pp. 804-822; S. Stasiowski, *Reforma systemu readaptacji społecznej skazanych w Polsce. Reintegracja społeczna skazanych najistotniejszym z celów kary*, Ministry of Justice, reform bill, September 2016, pp. 8-9, 12-14; Selected media records: „Dziennik Gazeta Prawna” 2016, 28 December, <https://prawo.gazetaprawna.pl/artykuly/1005738,domy-przejsciove-dla-skazanych.html> (date of access: 08.10.2019); Fakt 24.PL, 28.12.2016, *Rząd chce dać więźniom mieszkania? Tak się robi na Zachodzie*, <https://www.fakt.pl/pieniadze/finanse/domy-przejsciove-dla-bylych-wiezniow-hostele-dla-bylych-wiezniow/5mpy0c1> (date of access: 08.10.2019). M. Konieczna, *Po więzieniu do hostelu*, Radio Poznań, 15.05.2017, <http://radiopoznan.fm/informacje/pozostale/po-wiezieniu-do-hostelu.html> (date of access: 08.10.2019); Ochrona 24.info, 10.01.2019, „Mieszkanie Plus” dla byłych więźniów? W MS trwają prace nad reformą systemu readaptacji społecznej skazanych, <https://ochrona24.info/12538,reforma-systemu-readaptacji-spoecznej-skazanych/> (date of access: 10.11.2019); K. Sobczak, *Z więzienia do hostelu – resocjalizacyjny projekt MS*, Prawo.pl, 10.01.2019, <https://www.prawo.pl/prawo/hostele-dla-bylych-wiezniow-projekt-szluby-wieziennej,355228.html> (date of access: 10.11.2019); *gospodarkapodkarpaska.pl*, 16.01.2019, *Nie hostele a tzw. domy przejściowe powstaną przy niektórych więzieniach*, <http://gospodarkapodkarpaska.pl/news/view/29416/nie-hostele-a-tzw-domy-przejsciove-powstana-przy-niektorych-wiezieniach> (date of access: 10.11.2019).

<sup>16</sup> As part of the Third Perspective of the Norwegian Financial Mechanism 2014-2021, the Justice Programme in the area of *Prison Service and pre-trial detention* will develop detailed rules for the implementation of the project by organizational units of the Prison Service. Source: response from 11.01.2019. of the Director General of the Prison Service (issue no. BP-E.81.2.1.2019.MN) for the Ombudsman’s speech to the Director General of the Prison Service about hostels at penitentiary units on 02.01.2019, issue no. IX.517.3029.2018. ZK, [https://www.rpo.gov.pl/sites/default/files/Wystapienie\\_RPO\\_do\\_DGSW\\_ws\\_hosteli\\_przy\\_jednostkach\\_penitencjarnych\\_02.01.2019.pdf](https://www.rpo.gov.pl/sites/default/files/Wystapienie_RPO_do_DGSW_ws_hosteli_przy_jednostkach_penitencjarnych_02.01.2019.pdf) (date of access: 10.11.2019).

the so-called penitentiary-production facilities<sup>17</sup>. Halfway houses would be located near such centers. The implementation of the pilot project financed with Norwegian funds is also being carried out, with varying results, in the Czech Republic, Lithuania, Latvia, and Romania<sup>18</sup>.

It is assumed that institutions of halfway houses would be the final element of the prisoner's social readaptation process – a link between imprisonment and life in society, where a specific system of change – forming impacts would be closely related to work and study conducted in conditions similar to those in an open society while ensuring the necessary level of control. The activities carried out in halfway houses shall not only be limited to the participation of the Prison Service but also involve external institutions and organizations, such as the Probation Office, non-governmental organizations, churches, and religious associations and other entities assisting persons leaving prison units. The initial location of halfway houses includes such places as Warsaw, Chmielów (podkarpackie), Jastrzębie Zdrój, Olsztyn, and Kozięgłowy (wielkopolskie).

Currently, no regulations are specifying the scope and functioning principles of halfway houses. The actual performance of such houses will be evaluated in terms of their effectiveness and readaptive solutions applied therein, which will allow for the analysis and evaluation of the institution in terms of determining the need to include such solutions in the Polish model, as at present it is difficult to talk about systemic features, social readaptation, by means of specific legal regulations in the area of criminal law codification. It is assumed that initially, the halfway houses will be<sup>19</sup>:

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<sup>17</sup> The assumptions are as follows: initially, 5 modern centers, consisting of 1) a residential pavilion for about 200-250 inmates with lecture and therapy rooms, 3m2- 4m2 square footage, according to the recommendations of national and international institutions dealing with respect for the rights of persons deprived of their liberty, 2) a production facility, where prisoners will learn a trade, work and earn money, while often reducing their financial liabilities. An innovative and pilot project in our country is planned for 2019-2024, with a minimum three-year period of operation in the halfway houses. Ibidem.

<sup>18</sup> See F. Dünkel, I. Pruin, A. Storgaard (ed.), *Prisoner resettlement in Europe*, New York 2019, pp. 60, 67, 78, 139, 176, 192-193, 234-235, 275; Delfi.en, 25.10.2014, *Lithuania to open Norwegian-style halfway houses to transition prison inmates into freedom* (date of access: 10.11.2019); Norway Grants, <https://eeagrants.org/archive/2009-2014/projects/LT14-0005> oraz <https://eeagrants.org/news/a-better-future-for-prison-inmates> (date of access: 10.11.2019).

<sup>19</sup> Response from 11.01.2019 of the Director General of the Prison Service (issue no. BP-E.81.2.1.2019. MN) for the Ombudsman's speech.

- created and operated as the open prisons with the maximum reduced surveillance system,
- for groups of 22-50 convicts,
- intended for prisoners serving a sentence of imprisonment 6 months before the expected conditional early release or before the end of their sentence,
- addressed to persons to whom Article 164 of the Executive Penal Code is widely applied and the so-called freedom program is established,
- for men and women,
- located near the prison units, yet outside of them,
- managed by the Prison Service,
- initially introduced on a pilot basis, without excessive interference in the current legal order – only the amendment of the ordinance of the Minister of Justice of 17 October 2016 on the methods of protecting organizational units of the Prison Service is planned.

Despite the approximate general assumptions of halfway houses, many questions about the model of their functioning still exist. The concept of creating halfway houses seems to be correct in terms of activating the society and increasing the readaptation capacity of the society, as also indicated by some Polish concepts of resocialization<sup>20</sup>.

At the beginning of the implementation of solutions in various countries, which work differently, questions concerning halfway houses are a natural need, since there is no thoughtless implementation of something that in the conditions of Polish social and legal order may not necessarily succeed<sup>21</sup>. Therefore, the adaptation of solutions and their gradual implementation will allow adjusting optimal and territorially appropriate solutions. Considering the attitude of the society towards the incarcerated, one may encounter a view that people leaving prisons should not return directly to the society<sup>22</sup>, but there should be some kind of institution supporting prisoners in their return to freedom. The name

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<sup>20</sup> See L. Pytka – the concept of social reintegration and self-resocialization; P. Stepniak – the concept of assistance in maintaining social bonds; A. Baładynowicz – the multidimensional concept of resocialization with the participation of society; W. Ambrozik – the concept of the prevention and resocialization system socialization, B.M. Nowak – the concept of network and system (re)integration: B.M. Nowak, *Interdyscyplinarne, sieciowo – systemowe podejście do procesu readaptacji i reintegracji społecznej osób skazanych i ich rodzin*, Studia Edukacyjne, 42/2016.

<sup>21</sup> See D. Routh, Z. Hamilton, *Work Release as a Transition: Positioning Success Via the Halfway House*, Journal of Offender Rehabilitation, 54/2015, p. 239-255; R. Shukla, *Exploring the role of concentrated reentry in the relationship between halfway houses and recidivism*, Maryland 2016.

<sup>22</sup> A. Szymanowska, *Polacy wobec przestępstw i karnia*, Warszawa 2008, pp. 295-315.



of this institution is a secondary matter, although there are known solutions such as a hostel, social housing, or an adaptation house.

The location of such institutions and entities is vital from the point of view of the organization of the conducted impacts in such institutions and entities, including those participating therein, as it may constitute both a potential and a ballast, especially in the implementation and evaluation of effects. Therefore, consideration of all arguments for and against will allow for optimal selection of the location<sup>23</sup>. It seems clear that it should be “socially rooted”, nevertheless, there are many possible solutions to consider, such as location: near the prison but outside it; near the court or in the local community; on the periphery of the city, in the city or the countryside; in a so-called good or perhaps problematic district<sup>24</sup>. Already at the stage of community conceptualization some problems may occur related to a specific, rather negative social perception of convicted persons, resulting from the processes of social stigmatization<sup>25</sup>, stereotyping, prejudice and discriminatory behavior, which could result in the reluctance of citizens to have such an institution near their place of residence<sup>26</sup>. Therefore, community education seems to be an elementary activity in the field of adaptation of halfway houses to social conditions, as it will allow eliminating doubts related to such an institution, which is undoubtedly an institution of social demand. The public opinion should be informed about the organization and activity of the halfway house located in the immediate vicinity in such a way that the local community has a sense of security. It is fundamental for shaping the society involved in the process of social readaptation.

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<sup>23</sup> The importance of place is widely discussed by Prof. Maria Mendel, the author of the concept of place-based education, developed in the formula of socially engaged research, inquiring about the spatially conditioned subject's activity.

<sup>24</sup> See J. Wetzel, S.M. Smeal, K. Bucklen, S. McNaughton, *Optimizing the Role Community Corrections Centers in Reentry*, “Corrections Today” 2012, April/May, s. 56-60; D.Gilna, *When Halfway Houses Pose Full-Time Problems*, Prison Legal News, 01.10.2015, <https://www.prisonlegalnews.org/news/2015/jan/10/when-halfway-houses-pose-full-time-problems/> (date of access: 10.12.2019).

<sup>25</sup> See E. Czykwin, *Stygmat społeczny*, Warszawa 2007; T.F. Heatherton, R.E. Kleck, M.R. Hebl, J.G. Hull, *Spółeczna psychologia piętna*, Warszawa 2008; A.J.M.Dijker, W.Koomen, *Stygmatyzacja, tolerancja, i naprawa. Integracyjna analiza psychologiczna reakcji na dewiację*, Białystok 2009.

<sup>26</sup> See M. Kaźmierczak, *Mieszkańcy Różanki protestują. Nie chcą byłych więźniów za sąsiadów*, „Polska Times” 2018, 20 January, <https://polskatimes.pl/mieszkancy-rozanki-protestuja-nie-chca-bylych-wieznio-w-za-sasiadow/ar/12866388>, (date of access: 10.12.2019); J. Urbańska, *Nie chcą w sąsiedztwie domu dla mężczyzn. Miasto uspokaja: to nie są groźni przestępcy. Chcą wrócić do społeczeństwa*, „Gazeta Wyborcza” 2019, 20 January, <https://wroclaw.wyborcza.pl/wroclaw/7,35771,22904971,wroclawianie-nie-chca-w-sasiedztwie-domu-dla-mezczyzn.html> (date of access: 10.12.2019); A. Boruszewska, *Spór o dom socjalny dla mężczyzn na Różance narasta*, „Gazeta Wrocławska” 2018, 18 February, <https://gazetawroclawska.pl/spor-o-dom-socjalny-dla-mezczyzn-na-rozance-narasta/ar/12939864> (date of access: 10.12.2019).

Building a support network for the organization and functioning of halfway houses requires, at a further stage, determining the number of such institutions on a national scale. The key here may be to determine the territorial coverage overlapping with the administrative coverage. Therefore, the more halfway houses located in local communities, the more likely it is that the scope of support will be optimal. Hence, it is necessary to consider that a minimum of one halfway house should be located in each municipality, each district, or each voivodeship, instead of having one central institution supporting people leaving the penitentiary units. It seems to be a noteworthy proposal, especially at the planning and implementation stage<sup>27</sup>.

In the Polish version of halfway houses, the supervision and conducting this type of institution have been entrusted to the Prison Service as the institution conducting and coordinating the activities of other institutions and organizations, i.e. the Probation Service, Social Services, foundations and associations (NGOs), the local community. It is possible that after the end of the project, the halfway houses will permanently adopt the Polish Model of Social Reintegration, and perhaps the supervisory and coordinating activities will be transferred to another institution or organization with a statutory status closer to social readaptation of people leaving penitentiary units than the Prison Service. It is possible that a “reintegration act” will be established by another service or a new one cooperating closely with all the abovementioned<sup>28</sup>, thus constituting a milestone in creating systemic readaptation solutions.

The activity of each institution is defined by its functions in the area of social life. The definition of the place and the leading body to some extent determines the teleology, methodology, axiology, and mission of a given institution, thus, the concept of conducting halfway houses may apply to:

- reintegration and readaptive areas of their activities<sup>29</sup>,

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<sup>27</sup> Supreme Audit Office, Department of Public Order and Internal Security, *wystąpienie pokontrolne, P/14/044 – Readaptacja społeczna skazanych na wieloletnie kary pozbawienia wolności* letter KPB-4101-006-03/2014, <https://www.nik.gov.pl/kontrolne/wyniki-kontroli-nik>, pp. 14-17, (date of access: 08.08.2019).

<sup>28</sup> See B.M. Nowak, *Reintegracja społeczna skazanych w wybranych państwach Unii Europejskiej*, “Resocjalizacja Polska” 2015, no. 10; M. Willis, *Supported housing for prisoners returning to the community: A review of the literature*, “Australian Institute of Criminology” 2018, <https://aic.gov.au/publications/tr/rr7> (date of access: 12.10.2019); RHHA&ARMT, <http://halfwayhouses.ca/en/> (date of access: 12.10.2019); The Singapore Prison Service [https://www.unafei.or.jp/publications/pdf/12th\\_Congress/26Soh\\_Wai\\_Wah.pdf](https://www.unafei.or.jp/publications/pdf/12th_Congress/26Soh_Wai_Wah.pdf) (date of access: 12.10.2019).

<sup>29</sup> See A. Kieszkowska, *Inkluzyjno-katalaktyczny model reintegracji społecznej skazanych. Konteksty resocjalizacyjne*, Kraków 2012.

- resocialization and isolation dimensions of the impact, rooted in the philosophy of execution of a custodial sentence<sup>30</sup>,
- supporting and inclusive activities for beneficiaries<sup>31</sup>,
- destigmatization and readaptive dimensions of the change process<sup>32</sup>,
- proactive and preventive interventions<sup>33</sup>.

The functions assigned to halfway houses, as well as their legal and organizational functioning, should have their origins in specific legal provisions, which will constitute a halfway house in the Polish Model of Social Reintegration. Therefore, it is important to determine whether it will be: penal codification, regulations concerning the Probationary Office, regulations concerning social assistance, or perhaps a “Special Purpose” concerning the social readaptation of convicted persons regulating the issues of cooperation between different services. The legal constitution will also determine the method of financing this type of institution, the sources being: penitentiary budget appropriations, funds from the Victims Assistance Fund and the Post-Penitentiary Assistance Fund – the Justice Fund, funds from Community programs, central funds, local government funds, and perhaps, as is the case in some countries<sup>34</sup> – convicts staying in this type of institution will participate in the maintenance of halfway houses, e.g. at a level of 10%-30% of the living costs.

Previous remarks concerning the personnel of halfway houses relate to the status of the implementer of activities aimed at reducing recidivism and correct social inclusion. The training and activities carried out by the personnel of halfway houses should by principle be qualitatively different from those carried out by different services, institutions and organizations with the participation of volunteers or local community representatives. Thus, the establishment of a separate, trained service to conduct such an institution, broadly looking at inclusion activities, without burdens from other professional circles, while integrating these circles for the social readaptation of a particular case, would be a dynamic approach to the dimension of assistance, where many specialists

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<sup>30</sup> See: H. Machel, *Więzienie jako instytucja karna i resocjalizacyjna*, Gdańsk 2003.

<sup>31</sup> See: A. Fidelus, *Determinanty readaptacji społecznej skazanych*, Warszawa 2012.

<sup>32</sup> See: M. Konopczyński, *Pedagogika resocjalizacyjna. W stronę działań kreujących*, Kraków 2014.

<sup>33</sup> See: W. Ambrozik, *Pedagogika resocjalizacyjna. W stronę uspołeczniania systemu oddziaływań*, Kraków 2016.

<sup>34</sup> Participation in the living costs of people staying in halfway houses, applies, among others, to countries such as Canada and the USA.

work with a particular person, and not, as in the current model, where one “helper” is overburdened with other organizational responsibilities<sup>35</sup>.

Consequently, one more reflection arises on the procedure for referring to such institutions, which is dependent on the plenipotence power and responsibility for the decision taken. The designation of the managing authority requires verification of the candidate for transfer to a halfway house. Will it be the bodies linked to the Prison Service – Director or Penitentiary Commission, alternatively, will it be the professional probation officer or the head of the team of the Probation Office? Or perhaps such a decision should be taken in the agreement between different services and bodies mentioned in Article 2 of the Executive Penal Code or established by the aforementioned “Reintegration Act”. The issues mentioned above undoubtedly require a detailed legal analysis due to the existing dispersion of provisions related to post-penitentiary assistance.

Another important issue concerns the classification of the profile of the candidate sentenced to a halfway house. Such a profile is not easy to establish, as the diversity of the prison population has to be taken into account, including the stage of imprisonment and the individual characteristics of the case. This type of responsibility entails a decision-making risk, which is an inherent part of the execution of a prison sentence. At the opposite pole, it is possible to place trust, as, without it, it is impossible to effectively verify the effects of the process of stimulating change in another person<sup>36</sup>. Therefore, the following classification elements linked to referral to a halfway house are noteworthy:

- the type of committed crime and the level of a imposed sentence. The code’s differentiation between the offense and the crime is linked to the level of punishment. In source literature, penalties are defined as short-term imprisonment (up to one year), medium-term imprisonment (from one to three years), and long-term imprisonment (over three years)<sup>37</sup>. This debatable criterion also includes an element of

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<sup>35</sup> See S. Grzesiak, *Biurokracja i biurokratyzacja w pracy penitencjarnej wychowawców*, [in:] P. Stępnik (ed.), *Blaski i cienie współczesnej przestrzeni penitencjarnej. Człowiek a system*, Kalisz-Poznań 2014, pp. 179-200.

<sup>36</sup> See T. Kalisz, *Warunkowe zwolnienie z reszty kary pozbawienia wolności z perspektywy problemów z ustaleniem treści i kierunku prognozy kryminologicznej*, „Nowa Kodyfikacja Prawa Karnego” 2013, pp. 175-190; P. Stępnik, *Udział skazanego w kształtowaniu prognozy kryminologicznej*, „Przegląd Więziennictwa Polskiego” 2008, no. 61, pp. 49-68.

<sup>37</sup> H. Machel, *Sens i bezsens resocjalizacji penitencjarnej – casus polski. Studium penitencjarno-pedagogiczne*, Kraków 2008, pp. 206-225.

social harmfulness of the act, which in the social perception is placed on a continuum of punitive-permissiveness in the attitude towards convicted persons, which may influence the social perception of people sent to a halfway house<sup>38</sup>;

- the stage of execution of the custodial sentence. This issue can be considered from several perspectives. The first is that convicted persons may be directed to halfway houses at any stage of their custodial sentence, provided that the duration of their stay in such an institution is not limited. This solution would depend on the functions to be assigned to the halfway houses, as mentioned earlier, as well as the minimum and maximum duration of stay in this type of institution. Restrictions on referring to halfway houses could relate to entitlement to conditional early release, use of permits to leave the unit temporarily, the final stage of a sentence. In the case of short-term sentenced persons, referring to a halfway house may, on the one hand, appear to be unjustified, as social exclusion processes are not as permanent as in the case of prisoners with longer-term prospects of staying in a penal institution. On the other hand, halfway houses could protect so-called short-term detainees from the process of prisonization. Therefore, the staged rate of deprivation of liberty is not without significance for individual cases of persons in conflict with the law;
- a criminal-social forecast, which shall, among others, be one of the elements taken into account by the prison court for conditional early release, and shall also be considered by the authorities of the Prison Service when granting permission to leave the prison unit temporarily. Should the criminal and social forecast be relevant regarding the transfer to halfway houses? Again, you need to think about what the purpose of the halfway houses is. Remembering that every prisoner will sooner or later leave the penitentiary, regardless of the prediction made by the prison administration, halfway houses could be a place where activities to reduce criminal risk factors would be intensified, while at the same time strengthening social inclusion would be achieved, for example by empowering people in the local social network which provides a framework for informal control of their behavior. These actions monitor the former convicted person's compliance with

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<sup>38</sup> See T. Szymanowski, *Przestępczość i polityka karna w Polsce. W świetle faktów i opinii społeczeństwa w okresie transformacji*, Warszawa 2012; A. Szymanowska, *Polacy wobec przestępstw i karaniam*, Warszawa 2008.

social norms, would ensure that such a person does not disappear from the sight of institutions dealing with social inclusion and, on the other hand, a person in crisis could benefit from the support offered to them in a sense of security. In the literature, due to the difficulties in conducting this type of research, there are few longitudinal analysis of the situation of ex-prisoners and planned assistance activities for people released from penal institutions<sup>39</sup>;

- the personal characteristics of the sentenced person, indirectly relevant to the nature and type of the prison in which the sentenced person serves a custodial sentence and the system of execution of the sentence as required. Personal factors related to the dimensions of the functioning of the person raise the question of whether halfway houses should be for people who require more reintegration and readaptive measures, for whom available penitentiary methods and means (e.g. the pass system, Article 164 of the Executive Penal Code should be applied – a period of preparation for life after release, employment in freedom) are not sufficient? Or perhaps for former convicts, with their consent, who would be sentenced to a halfway house? The above would result in mixing the population of beneficiaries of halfway houses with those who are staying there at their own request after the execution of the penalty and those who would be referred by the decision-making body in connection with the execution of the penalty. However, this could create obstacles in the organization and the functioning of such institutions. In Poland, there are many hostels and social housing<sup>40</sup> maintained by institutions and non-governmental organizations, which also help people leaving prison units, where the sentenced stay with people who are unpunished yet often in an equally difficult life situation. Mutual self-help provided in such facilities in a reorganized local environment seems to be the optimal solution concerning the effectiveness of change-forming effects<sup>41</sup>.

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<sup>39</sup> See A. Baładynowicz, *Probacja. Resocjalizacja z udziałem społeczeństwa. Konteksty antropologiczno-filozoficzne*, Warszawa 2019; A. Kieszkowska, *Inkluzyjno-katalaktyczny model reintegracji społecznej skazanych. Konteksty resocjalizacyjne*, Kraków 2012.

<sup>40</sup> See CO DALEJ? Portal Pomocy Postpenitencjarnej, <http://www.codalej.info/>, (date of access: 12.10.2019).

<sup>41</sup> See W. Ambrozik, *Readaptacja społeczna i reorganizacja środowisk lokalnych jako warunek skuteczności oddziaływań resocjalizacyjnych*, [in:] B. Urban, J.M. Stanik (eds.), *Resocjalizacja. Teoria i praktyka pedagogiczna*, Warszawa 2008, Vol. II, pp. 182-196; L. Kjaer-Minke, *The Effects of Mixing Offenders with Non-Offenders: Findings from a Danish Quasi-Experiment*, "Journal of Scandinavian Studies in Criminology and Crime Prevention", Vol. 12, 2011, p. 80-99.

The abovementioned selected proposals for criteria of classifying candidates for halfway houses have their references in the prison, formal and informal classification criteria<sup>42</sup>, which may constitute a deficiency concerning the designated mission, objectives, and functions of halfway houses. They have been cited more as a contribution to the consideration of the process of directing convicts or former convicts to halfway houses, located in the broadly understood individualization of the proceedings at the stage of sentence, execution, and completion. It constitutes a continuum of preventive activities indicating the beginning of social readaptation already at the moment of passing a sentence and imprisonment in a prison unit<sup>43</sup>.

Any questions regarding the purpose and potential residents of halfway houses should be addressed in relation to the temporal dimension of staying in a halfway house. As a rule, different people at different stages of their lives can stay temporarily in total institutions<sup>44</sup>. Therefore, the determination of the time should be linked to the forecast of obtaining the expected effect, which currently operates in the case of the period of preparation for release under Article 164 of the Executive Penal Code, determined by the Commission or the Penitentiary Court, usually between 1 and 6 months<sup>45</sup>. The duration of staying in a halfway house can be determined in two ways. Firstly, by setting a minimum and a maximum range, e.g. 6 months before the end of the sentence, from 3 months to a maximum of 12 months, from the moment the penitentiary Commission opens the pass system for the convicted person, etc. In the second case, both admission and release from a halfway house can be made subject to an evaluation of the objectives achieved for transfer to this type of institution using appropriate tools to measure, e.g. the progress of the convicted person in social inclusion, or it can be made dependent on the length of sentence remaining to be served. The above

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<sup>42</sup> See Article 82 – Act of 6 June 1997 – *Executive Penal Code* (Journal of Laws of 2019, item 676, as amended); J. Szałański, *Kategorie klasyfikacyjne i różnicowanie osobowościowe skazanych jako wyznaczniki celów i programów resocjalizacji penitencjarnej*, [in:] B. Urban, J.M. Stanik (eds.), *Resocjalizacja. Teoria i praktyka pedagogiczna*, Warszawa 2008, Vol. I, pp. 361-375; A. Kwieciński, *Wybrane problemy klasyfikacji penitencjarnej w percepcji personelu specjalistycznego*, „Nowa Kodyfikacja Prawa Karnego” 2019, no. 53, pp. 91-108.

<sup>43</sup> See P. Stępniański, *Wymiar sprawiedliwości i praca socjalna w krajach Europy Zachodniej*, Poznań 1998.

<sup>44</sup> E. Gofmann, *Instytucje totalne. O pacjentach szpitali psychiatrycznych i mieszkańcach innych instytucji totalnych*, Gdańsk 2011.

<sup>45</sup> See A. Iwanowska, *Przygotowanie skazanych do życia na wolności w trybie art. 164 k.k.w.*, Warszawa 2013; B.M. Nowak, *Klimat społeczny instytucjonalnego i rodzinnego środowiska wychowawczego*, „Resocjalizacja Polska” 2016, no 12.

should be taken into account to ensure that the resident is optimally prepared psychologically when releasing him/her from the halfway house. In cases of long-term imprisonment of the beneficiary, the impact of the actions carried out in a halfway house, the risk of experiencing frustration may weaken the motivation to comply with social standards. Therefore, the right psychological tension is one of the elements that can be modulated in a halfway house, which is extremely difficult in penitentiary isolation, due, among other things, to the psychological consequences of prison isolation<sup>46</sup>.

What constitutes the essence of halfway houses is highly imponderable in terms of social climate and organizational culture of a given institution, having its exemplified implementation in the system of change-forming impacts<sup>47</sup>. The concept of the system should be broadly understood and applied to all the actions taken in relation to residents of halfway houses. These are particular ways of dealing with a case, hence the actions implemented there should be characterized by a high level of diversity and individualization due to individual needs. The system of eclectic influences, including rehabilitation, therapeutic, readaptation, proactive actions, etc., depending on the problem situation, should properly distribute emphasis according to the principle of individualization in readaptation proceedings<sup>48</sup>. Such thinking is aimed at opening up to the residents of halfway houses and selecting optimal methods and means for them, and not the opposite, which was previously mentioned in the context of the number of people working with a given case. There is no doubt that the impact of such institutions should differ from standard activities carried out by other assistance services in many areas, including assistance and inclusion, as well as activation of local communities for social readaptation. The scope of cooperation between halfway houses and the society also requires further clarification, as it may consist, among other things, in the broad participation of social representatives in the current activities of the institution or only in reintegration and readjustment classes. While it seems clear from the perspective of representatives of foundations, associations, churches, religious associations and penitentiary units that support the institution of halfway houses in

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<sup>46</sup> See M. Ciosek, B. Pastwa-Wojciechowska (eds.), *Psychologia penitencjarna*, Warszawa 2016.

<sup>47</sup> L. Pytka, *Pedagogika resocjalizacyjna. Wybrane zagadnienia teoretyczne, diagnostyczne i metodyczne*, Warszawa 2005, pp. 194-204, 409-412.

<sup>48</sup> B.M. Nowak, *Rodzina w kryzysie, studium resocjalizacyjne...*



different areas of its operation, the participation of local groups and communities in assisting people living in and leaving halfway houses is not clear and natural, as cooperation with organized entities is preferred. Therefore, the location of halfway houses is associated with the problem of proximity and accessibility to services, and people who can support the social activities of this type of institution, which location may encounter fears and criticism from neighboring communities.

In halfway houses, besides a clearly and precisely defined system of impacts on residents, the use of specific protective measures should be considered. Limiting the protection system to the necessary need would be appropriate to foster attitudes of responsibility and mutual trust among convicts who will soon return to society. The shift from fencing the area with a high wall, bars in the windows, checkpoints and organizing the movement, which is typical for prison units, to the electronic tagging of convicts going out of the area, or controlling people going out and returning to such institutions, should have a dynamic dimension, based on frequent contact with the personnel of the halfway house, extending the limits of trust and the unforced, natural contact between the personnel and the residents in everyday situations.

## Summary and discussion

Perceiving the possibilities and limitations of introducing halfway houses into the Polish Model of Social Reintegration requires a contextual presentation of evident and scientifically proven phenomena, reluctantly accepted by the public opinion, concerning the following:

- crime is an integral part of social life,
- the majority of convicts will sooner or later leave the prison unit and return to their previous place of residence, their previous habitat,
- staying in prison is a last resort and is economically and socially more expensive than non-custody sentence,
- social inclusion derives from the principles of social solidarity and is in the interest of civil society,

- the beneficiaries of the penitentiary and reintegration impact are highly diverse in terms of their personalities, due to the process of social compression<sup>49</sup> of socially marginalized persons.

The question of what kind of halfway houses we wish to have is still open and requires extensive consultation with the various circles interested in this type of solution. It will reduce the problems of adaptation and implementation of halfway houses to the model of social readaptation based on society – *community corrections*. Taking into account the aspect of reorganization of local communities in this model, aimed at the excluded, mental and world-view changes seem to be necessary as regards social relations and willingness to provide social support to socially marginalized persons. It requires broad activities, both in the scope of social diagnosis relating to readiness to accept persons leaving penitentiary units, as well as education of the society in the scope of public safety and socio-cultural inclusion and exclusion processes.

The “readaptation facts” indicated earlier, which are obvious to those who make social readaptation present in the scientific discourse, may be confronted with social discontent regarding the lack of acceptance of the environments where such houses will be located<sup>50</sup>, manifested, among others, in protests, media actions, attempts to devalue the legitimacy of creating halfway houses. However, becoming aware of the areas where conflict and compromise may occur in terms of acceptance by the local community of the fields of cooperation, designated within the framework of its participation in the implementation of the impact carried out in the halfway house, may optimize the implementation of this type of solutions to the Polish model, hence the need:

- to involve the public – to inform and educate the public in such a way as to create a space of reliable knowledge about halfway houses, their aims, and functions, thereby reducing the formation of stereotypes and prejudices, as well as discrimination against people living therein. Good relations of the implementers of halfway houses with the public and the ability to communicate play an important role in reducing their anxieties related to the location of the halfway house. It may be

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<sup>49</sup> See A. Nawój-Śleszyński, *Perspektywy kompresji populacji więziennej w Polsce*, [in:] P. Stępnia, T. Kalisz, W. Zalewski (eds.), *Czy i jakie więzienia są potrzebne? Rozważania na tle zagadnień współczesności*, Poznań-Gdańsk-Wrocław-Kalisz 2016, pp. 124-140.

<sup>50</sup> A. Barczykowska, S. Dzierżyńska-Breś, M. Muskała, *Systemy oddziaływań resocjalizacyjnych Anglii i Stanów Zjednoczonych Ameryki*, Poznań 2015, p. 315.

helpful to create a group responsible for contacts with the local community still at the stage of public consultations, as in the terminology of economic sciences it would be called market analysis;

- to prepare well-managed therapeutic programs offering treatment for alcoholism and drug addiction and readaptation, especially in terms of assisting in finding employment;
- to carry out a diagnosis of the local community, to motivate it to participate and maintain its permanent involvement in community activities, as well as undertake *community activities* for the benefit of the local community by the residents of the halfway house.

Cooperation between state services dealing with social readaptation of convicts and the society seems to be a constitutive feature in the case of halfway houses in terms of the legal and organizational basis of functioning of such institutions. Therefore, the evaluation of the pilot project of halfway houses will require the recommendation of legislative changes in the area of social readaptation of persons leaving penitentiary units, departing from the “silo” model, and oriented towards the “cooperative” model, which may have its references in the reduction of the prison population by reducing the criminal recidivism rate. However, the presented statement will require multifaceted and in-depth research when the project introducing halfway houses is realized. However, already today, scientific discourse can help to optimize the adaptation and implementation of such solutions to the Polish Model of Social Reintegration in such a way that it can become a system of optimal assistance solutions.

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