

ROLE OF A COURT CURATOR IN THE FIELD OF POSTPENITENTIARY ASSISTANCE

Abstract

Support for people leaving penitentiary institutions is a very important means for correct readaptation, good functioning in society and a lack of returns “behind bars”. Units ending the sentence should be made aware of where they can seek the help they need. The support and positive action of the probation officer, family and relatives is extremely important for the return to society to take place correctly and for the individual not to feel stigmatized and excluded.

Keywords: probation, help and support people leaving penitentiary institutions, readaptation, stigmatization, exclusion

Introduction

Lack of ability to perform everyday duties, meeting needs, the phenomenon of labeling and staying in a high-risk environment is one of the many issues that contribute to the violation of the rules in force in the environment. Persons locked in prisons are exposed to all these factors. Everyone leaving the outpost has concerns about how his life will look outside the walls. In this situation, the person leaving the prison needs social support and post-penitentiary assistance.

In the literature on the subject, social support is defined as a system of mutual benefits, which are based on emotional and personal ties of persons in need of help (Godzina 2005). Social support should be understood as material help, which includes providing the existence of a prisoner as well as help in difficult situations that are convicted when the person is placed in a penitentiary institution. In addition to material support and help in difficult situations, you can still distinguish emotional support, which is characterized by counseling about a difficult situation. Emotional support is mentioned when the needy can count on supporting

his actions or showing respect and acceptance of his person despite the deed. An important role in the support is played by the positive emotional ties of the convicted person who keep in touch with him from the world of “non-imprisoned”. This translates into the prisoner’s relationship with the other prisoners. Awareness that behind the walls of the plant are people on which the convict can count adds strength and help overcome crisis situations. At the same time, it minimizes loneliness and protects against depression. Persons serving imprisonment in addition to family support also expect understanding from the environment. It often happens that support from outside the family is more important than offered by parents or siblings. Maintaining and nurturing contacts with close relatives makes the process of readaptation of the detainee easier for him.

Detailed rules and procedure for granting support are regulated by the Regulation of the Minister of Justice. According to its provisions, assistance is granted for:

- persons deprived of liberty, in particular when, due to their state of health, old age, disability or inability to perform work, they are unable to meet their legitimate needs, covered by the purposes and scope of assistance,
- persons released from prisons or detention wards, in particular when, due to their state of health, old age or disability, the difficult life situation is not able to overcome the difficulties associated with their own actions with the assurance of the basic living conditions for themselves and the closest family,
- members of the family of a person deprived of liberty who have been dependent on it, if their material and health situation makes it impossible to meet basic life needs,
- family members of a person released from prison or detention ward, with whom the person lives and runs a shared household, if their financial or health situation makes it impossible to meet basic life needs (Bulenda, Musidłowski, 2003).

It should be remembered that working with a criminal in prison is an important, but only the first stage of action. The second stage is implemented after release, outside of prison. Various social services make it possible. The return to crime is determined not only by the quality of penitentiary work with the prisoner, but also by the readaptation ability of the society to which he returns. [...] The analysis of not only Polish penitentiary practice indicates that this support was not and is not enough. Therefore, it is clear that not only the bad situation in the prisons affects it, but also the conditions of the readaptation process to which the former prisoner is sentenced after leaving the institution (Machel, 2004).

Under the term social rehabilitation one should understand such a return to society, which is characterized not only by refraining from committing crimes, but also by proper functioning in the community (in family environment, work, neighborhood or peer group), that is observing not only standards legal but also social and basic ethical norms (Godzina, 2005). The Executive Penal Code so-

cial rehabilitation shows in two rules. The first one concerns the empowerment of convicts. It should be understood as respect for the dignity of the detainee and its humanitarian treatment. The second rule concerns the approximation of living conditions in prison to living conditions outside the prison walls.

Social work is a symptom of social support. Its purpose is to prepare the conditions for the future existence of prisoners, as well as to create a bridge between a prisoner, a prison and a non-prisoner world. This bridge in the form of contacts with the outside world, sustained or reconstructed or constructed by institutions and outsiders, alleviates the ailment of punishment to bearable individual dimensions. Social work as one of the ways of social support is a process supporting resocialization, it is necessary complement and creates a favorable atmosphere around this difficult procedure. [...] Social support sanctions the direction of penitentiary work. If the directions of penitentiary activity are not accepted by society, they will not get support from it. Social support can be moral and material, it can be strong and weak. However, it must be. [...] The occurrence of support increases the prestige of the prison institution, but also depends on it (Machel, 2004).

The person who supports the prisoner after leaving the prison is a probation officer, who should be someone who helps the individual find lost moral values and create a desire for internal changes that will lead to functioning in accordance with applicable social norms. The main task of the probation officer is to help in exceptional, difficult situations that may cause an internal tear in the prisoner. Help in social rehabilitation is an extremely important aspect of such a person's work. An adult curator deals only with persons over 18 years of age and a probation measure applied to them. Acting on the legal basis, the superintendent not only controls the performance of duties imposed by the court and compliance by the convicted legal order, but also helps and supports the persons supervised in solving their various life problems. His pupils (supervised) are adults, who are entitled to conditional early release from serving the rest of the penalty or ordered conditional suspension of imprisonment, or those for whom the criminal proceedings have been conditionally discontinued or a penalty of restriction of liberty has been imposed. The probation supervisor is a reinforcement of the trial period in which the protégé is obliged to systematic contacts both at his place of residence and at the probationer's workplace (Wieczorek, 2010).

Support for people leaving prisons has been available in Poland for over two centuries. The beginning of such activities was the norm of care societies issued at the beginning of the 20th century on the persons released from prisons. Its aim was to promote actions supporting people who ended their sentences and returned to life at freedom. The support elements included, among others, material support and organization of life for these people. Today, the curator is the person responsi-

ble for supporting the individual in preparing for life at freedom. The actions taken by him do not always bring the expected result, but the help offered by the former prisoners seems to be not valued.

Legal and organizational status of curator services

Nowadays, the most important act regulating the work of probation officers is the Act on Probation Officers of July 27, 2001, in which we read that probation officers perform tasks of educational and resocializing (Ustawa z dnia 27 lipca 2001r. *O kuratorach sądowych* (Dz. U. z 2001 r. nr 98 poz. 1071).

In the Polish legal system, one can distinguish between professional and social curators, family probation officers (dealing with family and juvenile judgments) and probation officers for adults (executing criminal judgments). The work of probation officers focuses on the implementation of tasks in the wards' environments as well as on the premises of closed establishments and institutions such as educational and rehabilitation institutions, penitentiaries. Probation officers in their work are subject to the president of the regional court, to which the superintendent of the district directs applications for the appointment, dismissal, transfer and suspension in the activities of the probation officer. The professional curator can be a person who fulfills the conditions such as having Polish citizenship and full enjoyment of civil and civic rights, impeccable character, health condition allowing to perform duties of a professional curator, completed master's degree in pedagogical-psychological, sociological, legal or other higher master's in the field of the aforementioned sciences, completed curatorial applications, passing a curatorial exam (in special cases it may be exempt from the application and examination, at the request of the president of the district court by the Minister of Justice)" (art 5/rozdział II).

The professional curator before commencing his work is obliged to submit to the president of the district court, in the presence of the district guard, the oath with the following text: "I solemnly entrust to me the duties of a probation officer in accordance with the law of conscience and honesty, in the proceedings follow the rules of professional ethics. respect the good of the Republic of Poland and the good of the people subject to my custody, and also keep secret all the circumstances that I have learned about in connection with my function (art 6/rozdział II). The professional curator has the opportunity to get three degrees: a professional curator, a senior professional curator, a specialist curator.

The professional curator has the right to visit the charges from 7 to 22, to request proof of identity from the ward, to request necessary explanations and information, to review court files and to make copies of them and access to documenta-

tion about the ward and other people covered proceedings, to demand from the Police and other state bodies or institutions, local self-government bodies, social associations and organizations and natural persons assistance in the performance of official duties (art 9/rozdział II).

The duties of a professional guardian include occurring in justified cases with a request to change or repeal the prescribed measure, conducting environmental interviews, cooperation with people who statutory care, upbringing, resocialization, treatment and provision of social assistance in an open environment, organization of activities and control of subordinate social probation officers and other persons supervising or supervising, signaling to the court reasons for excessive length of enforcement proceedings or other irregularities in the activities of out-of-court entities executing the ordered measures (art. 11/rozdział II).

Professional court probation officers constitute a probation court service over which the superintendent is supervised by a regional superintendent, subject to the rights of the court or court president specified in the act, who is appointed for a six-year term by the president of the district court. Cancellation of a professional guardian may take place in the event of a waiver of the function and inadequate compliance with the obligations imposed by the act. In order to properly perform the tasks by the district superintendent and his deputies, created is a district curator's office, which includes: a regional curator with his deputies and court employees.

Teams of the probation court service are created in the district court. They deal with judgments in family, criminal and juvenile matters. On the initiative of the district superintendent, the president of the district court may appoint or dismiss the team leader. This person can be someone who has organizational skills and has at least a 5-year seniority as a probation officer and a specialist curator (in exceptional cases, the degree of a senior professional guardian). The role of the manager is to carry out the tasks necessary for the proper functioning of the team, in particular coordinating the tasks of team curators, participation in planning and supervision of spending financial resources for probation officers, presenting curators and opinions regarding the promotion of professional curators and in the recruitment of candidates for work, reviewing the professional motions of probation officers concerning their transfer, defining the scope of duties of professional team curators, organizing the activities of social curators, presenting the president of a district court with applications for appointment and dismissal of social probation officers, conducting social probation training, approving applications for lump sums for probation officers, appointing patrons for curator's applicants, preparing reports and information about the team's activities, supervising the service of the office team, representation of the team and cooperation with the president of the district court (art. 41/rozdział III).

Occupational curators are a curatorial self-government. Its organs include a regional assembly of probation officers and the National Council of Probation Officers, which is composed of delegates elected by the district congregation of curators in the given districts. The presidium of the National Council of Curators is made up of the chairman, deputies and secretary who are elected by the council. The tasks of the Council include adopting the code of ethics of a probation officer, taking measures to enable professional probation officers to improve their professional qualifications and the level of their work, giving opinions on legal acts regarding probation officers and taking initiatives, developing legal acts regarding probation officers and guardianship, occurrence of The Minister of Justice or other state bodies with layers regarding the working conditions and pay of the professional group of probation officers, initiating scientific research on the functioning of court guardianship, periodic court evaluation of the curators and the number of supervisors and supervisors and submitting motions in this respect to the Minister of Justice, annual presidium assessment National Council of Superintendents, adoption of the work regulations of the National Council of Probation Officers, cooperation with the organizations of probation officers from other countries (art. 46/rozdział IV).

The curators, for all their actions and failure to fulfill them, bear full disciplinary and disciplinary responsibility. The lowest penalty for a minor offense is a reprimand. Disciplinary penalties also include reprimand, reprimand with warning, reprimand of deprivation of the ability to obtain a higher degree of service for two years, removal from the post held, expulsion from the probation service (art/ 52/rozdział V).

The legal status and the organizational activity of the probation services in Poland is strictly regulated by the law on probation officers of July 27, 2001. In accordance with the applicable legal norms and the words of the oath, the probation officer will be able to properly fulfill his duty towards the charges, and this may result in fulfillment and lack of burnout.

The essence and specific method of curator adapter for adults

The main goal of the probation officer's work is to modify the internal motivation of the mentee, his educational environment and introduce appropriate changes so that his actions are socially desirable. The actions taken serve as the fullest possible socialization of the secondary unit. Pursuant to the provisions of the Act on probation officers Probation officers perform tasks of educational and social rehabilitation, as well as diagnostic, preventive and control nature, related to the execution of judgments of the court." (art. 1/rozdział I).

The care of a probation officer on the ward is based on four basic principles: on the basis of acceptance, respect principle, the principle of long-term care and on the basis of requirements (Frysztański, Piątek 2002). The principle of acceptance is based mainly on favor, openness, cordiality and tolerance to the protégé of the prosecutor, who should help him look for positives and strengths of his person, support in the search for a constructive, successful worldview. Essentially, the principle of respect should be to give the pupil such a view and behavior that he would like to change his life. Under this principle, it is unacceptable to manage the behavior of the protégé through various types of pressure, threats and blackmail. You should also not make decisions or issues for the person under treatment. It should help him to see the consequences of his actions and possibilities as well as to satisfy his own needs in accordance with the applicable standards. Another principle is the principle of long-term care, which concerns active help from the probation officer, especially in situations that may exceed the capacity of the person under care. The principle of requirements is very strongly related to the idea of social protection, it focuses mainly on the interest of the local society, the group to which the supervised is associated.

Several models can be distinguished concerning the methodology of work with charges in the curatorial work. The most desirable model seems to be the control and activation model, which emphasizes the four phases that are the components of the educational interactions led by the curator. The first phase is the one that opens the process of social rehabilitation. Its main assumption is to make the mentee realize the reality of the goals and awareness and effectiveness of the efforts made by the prosecutor. The priority goal of the curator's activities is to create in his pupil an appropriate level of motivation, one that will continue to show his own initiative and expansion of his own predispositions. The superintendent also aims to show the mentee that the immediate surroundings expect that his behavior will be in line with the prevailing social norms. Strong commitment and complicity of the protégé cause a stronger internal motivation in his person. Thanks to the interview, which is characterized by maintaining confidentiality, it is a necessary condition for the confidence of a convicted person to be promoted, it is also a measure of the guardian's respect for the supervised person and defines the character of the relationship created in the educational process (Bałandynowicz 2006) with the protégé and his family, the curator has a systemic picture of the whole situation, and thus he can become more familiar with obstacles and strong points that thwart or reinforce his actions to protect the protégé's rules in society. It is also very important to meet basic needs, because only then is there a chance to model the needs of a higher order, and thus lead, for example, to self-realization. The next phase is the phase of exploring the possibility of using the educative needs of the convict in the

process of social rehabilitation. The essential condition for successful cooperation and obtaining the best results is to establish a strong contact and the curator - the mentee - as a result of which the interpersonal bond that is the mediator in the process of implementing the convict to comply with the axiological order of society deepens (Bałandynowicz 2006). Then the curator will become a competent and capable person for the convict (Bartkowicz, Węgliński, 2008). The role of a probation officer is to create for her ward the most convenient conditions for social rehabilitation, so that its effects are fast, significant and, above all, long-lasting. It is very important to support the protégé in his passions, help in their development and gradually dispense barriers that he may encounter on his way to his goal. The most important is to realize by the mentee that he has a chance to independently implement the needs and act in accordance with the applicable social norms. This awareness is an important determinant of the ward's proper work and requires a lot of work on his part and proper support of a probation officer. The next phase is the stage of the protégé's work on solving problems hindering proper functioning in society. The role of the curator is to identify and make the juvenile aware of difficulties and mistakes in the individual's social behavior. This gives you a chance to select problems that you should start working with your mentee. The mutual commitment and joint work of both the ward and the curator, who is expected to use his knowledge, authority and power is a priority (Bałandynowicz, 2006) in order to establish the hierarchy of difficulties and, as a result, to solve them. These activities are aimed at increasing the beneficiary's motivation to work independently on the problems and to increase its involvement in the proceedings undertaken by the probation officer. The final stage is the stage of ending the educational influence, where the duration of the trial period was specified in the court ruling.

Another important aspect in the work of a probation officer is the moment when he has to face the stigmatization of his ward from the surroundings. This opinion may manifest itself both in the general public and in environments in which the ward lives directly. This action is a risk threatening the appropriate social readaptation of the ward in the case when the offender's rehabilitation process achieved such an effect that the convict shows the will to get rid of the role and identity of the deviant, the active stigma mechanism is a serious threat to full readaptation (Urban, Stanik, 2007). In this case, the role of a probation officer is to properly support his protégé so that he can adapt to new roles and social relations, reorganize his environment and strive for destigmatization, which should be understood as the process of negation and or deletion of deviant identity by an ex-criminal and at the same time, the process of mental purification, during which the defective self is replaced by the moral or normal self, in effect what the new identity of the individual is developing.

The best method of working for a probation officer with a mentee is the method called „casework”. It is based on an individualized approach to each protege, the problems it faces. This helps to diagnose the individual, help in the prevention of delays in pro-social development, treating the prisoner as an individual unit has a positive impact on his or her own image, self-confidence, motivation for corrective action and consequently the success of upbringing in freedom (Bałandynowicz, 2006).

Possibilities to use the court council

Probation officers in their work try to reach as far as possible the prisoners, people who have already left prisons and their relatives and surroundings. Often these people are not aware or do not know exactly where to turn to for help, often ashamed of a stranger, they do not make contact with those who can provide such help. In order to prevent such situations among others there was created a portal [codalej.info](http://www.codalej.info/) (<http://www.codalej.info/> (day 27.11.2017)). This site allows us, among other things, to locate the nearest help center, what help we can expect from a probation officer, how to prepare for a free life, how to deal with addictions, what are the changes in Social Benefit Funds and what opportunities for post-penitentiary assistance is embedded. It gives the opportunity to search for the form of help most desirable by the embedded form.

Another worth noting the possibility of seeking support is the Sursum corda Association. The main goals of this organization are:

- social assistance, including assistance to families and people in a difficult life situation, and equal opportunities for these families and people;
- charitable activity;
- protection and promotion of health;
- activities for the benefit of people with disabilities;
- promotion of employment and professional activation of people who are unemployed and at risk of being dismissed from work; activities supporting the development of communities and local communities;
- science, education, education and upbringing;
- touring and recreation of children and youth;
- counteracting social pathologies;
- assistance to victims of disasters and natural disasters;
- promotion and organization of volunteering;
- activities supporting technical, training, information and financial support of non-governmental organizations and other entities (<http://www.sc.org.pl/onas/historiaicele/> (day 10.12.2017)).

Worth mentioning is also the Lower Silesian Association of Probation Officers Frontis. Following their website, we can learn that: We lacked space free from business dependencies and procedures, a place where we could undertake joint projects, improve our professional skills, build effective work tools, broaden horizons, but also just to meet, talk, integrate. We are court, social and professional curators who want to see something more than a job in their work. We want to create the image of a curatorial court service as an open, modern and professional formation. We want to co-create a civil society (<http://frontis.com.pl/> (day 10.12.2017)).

Another option of using the assistance after leaving the Penitentiary is the POMOST Foundation, which runs support groups, organizes trainings and workshops on social pathologies, prevents social exclusion of stigmatized groups, provides support in solving problems related to social readaptation (<http://pomost4.webnode.com>).

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Rola kuratora zawodowego w obszarze pomocy postpenitencjarnej

Wsparcie osób opuszczających instytucje penitencjarne jest bardzo ważnym środkiem do poprawnej readaptacji, dobrego funkcjonowania w społeczeństwie i braku zwrotów „za kratkami”. Osoby kończące wyrok powinny zostać poinformowane o tym, gdzie mogą szukać pomocy, której potrzebują. Wsparcie i pozytywne działanie kuratora, rodziny i krewnych jest niezwykle ważne dla prawidłowego powrotu do społeczeństwa i dla osób, które nie czują się stygmatyzowane i wykluczone.

Słowa kluczowe: kuratela sądowa, pomoc i wsparcie osób opuszczających instytucje penitencjarne, readaptacja, stygmatyzacja, wykluczenie