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The Internal Security Inspectorate and Penitentiary Policy in Poland: Lessons from Legal Transformation

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Abstract. Combating offenses in prisons requires a scientifically grounded balance between security measures and operational-investigative activities (OIA). The reforms in the Republic of Poland (2010–2026), which culminated in the creation and subsequent emergency liquidation of the Internal Security Inspectorate, illustrate the crisis that can arise from departmental isolation of operational units within the penitentiary system. *Objective:* using a comparative legal analysis, this study identifies systemic shortcomings of the autonomous model of operational-investigative services in the Polish penitentiary service and determines the limits of the permissible expansion of the operational-investigative powers of the Federal Penitentiary Service of Russia. *Materials* include regulatory legal acts, statistical data, and scientific literature from both countries. *Methods* combine formal-dogmatic, historical-legal, and comparative legal approaches with systemic analysis of empirical data. *Findings:* it was found that granting the Polish Prison Service secret-service powers without without granting it the status of a body of inquiry resulted in the rejection of its materials by the courts; financial incentives for agents led to an increase in false reports; and the separation of the Internal Security Inspectorate provoked conflict with the police and shifted priorities toward recording minor offenses. *Conclusion*: security in correctional facilities should rely on integration of the penitentiary service into the broader national law-enforcement system. The Russian model, based on interagency coordination within a unified legal

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framework and informed by scientific review of reforms, demonstrates a high degree of resilience to systemic crises.

Keywords: operational-search activity, execution of punishments, Polish Prison Service, Federal Penitentiary Service of Russia, penal system, comparative law

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Инспекторат внутренней безопасности как субъект реализации пенитенциарной политики Республики Польша: опыт правовой трансформации

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Аннотация. Противодействие правонарушениям в местах лишения свободы требует научно обоснованного баланса между режимными мероприятиями и оперативно-разыскной деятельностью (ОРД). Опыт реформ в Республике Польша (2010–2026 гг.), приведший к созданию и последующей экстренной ликвидации Инспектората внутренней безопасности, выступает примером кризиса ведомственной изоляции оперативных аппаратов в пенитенциарной системе. *Цель исследования* – на основе сравнительно-правового анализа выявить системные дефекты автономной модели оперативных служб в уголовно-исполнительном ведомстве Польши и определить границы допустимого расширения оперативно-разыскных полномочий ФСИН России. Материалами исследования послужили нормативные правовые акты, статистические данные и научные публикации двух стран. В работе использованы формально-догматический, историко-правовой и сравнительно-правовой методы, а также системный анализ эмпирических данных. Установлено, что наделение польской пенитенциарной службы правами спецслужбы без предоставления статуса органа дознания привело к отклонению материалов в судах. Финансовое поощрение агентов вызвало рост ложных доносов. Обособление Инспектората внутренней безопасности спровоцировало конфликт с полицией, а также смещение приоритетов на фиксацию мелких проступков.

Безопасность в исправительных учреждениях должна строиться на интеграции пенитенциарного ведомства в общую правоохранительную систему государства. Российская модель, основанная на межведомственной координации в едином правовом поле и научной экспертизе реформ, демонстрирует высокую устойчивость к системным кризисам.

Ключевые слова: оперативно-разыскная деятельность, исполнение наказаний, Пенитенциарная служба Польши, ФСИН России, уголовно-исполнительная система, сравнительное правоведение

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Introduction

The fight against crime in the penal system in many countries has long been hampered by organizational conflicts. Agencies charged with enforcing court-imposed sentences, particularly prison administration, must both ensure isolation and support the resocialization of individuals serving sentences, and possess effective tools to detect and suppress criminal activities that impede sentence execution and threaten life, health, and institutional order: from illegal transfer of prohibited items (drugs, weapons) to staff corruption.

In the Republic of Poland, this tension has been evident in legislative practice over the past decade. The Polish case is notable for the rapid shift (2010–2026) from a position that excluded operational-investigative powers from the penitentiary agency to one that established a powerful internal intelligence body, and then to recognizing that model as flawed.

Traditionally, the Polish Prison Service (Służba Więzienna, SW) was viewed strictly as a penal enforcement agency without independent investigative authority; the police alone were responsible for detecting crimes within facilities. The rise of organized crime in prisons and new security threats prompted a reassessment of this stance. As M. Lewandowski observes, the modern penitentiary service can no longer be limited to passive security; it is becoming one of the state's key internal-security institutions, which requires an expansion of competencies (Lewandowski, 2019). Departmental scholarly studies from the early reform period summarize theoretical justification and initial attempts to introduce a balance among passive, procedural, and dynamic security (Lewandowski & Strzelec, 2022).

A turning point came with the 2022 reform, which formalized the Internal Security Inspectorate of the Prison Service (Inspektorat Wewnętrzny Służby Więziennej – IWSW). The Inspectorate was granted unprecedented powers for the system, including authority to carry out operational surveillance (wiretapping, monitoring correspondence) and to employ special technical means (Bojanowski, 2023). In practice, this amounted to an attempt to create a "police force within the prison."

However, over time the model proved unsustainable. In 2024, the Council of Ministers of Poland initiated proceedings to liquidate the IWSW. The bill's justification cites clear reasons: duplication of functions with other intelligence and law-enforcement agencies, and low efficiency of the new structure given the disproportionately high budgetary costs[1]. A paradoxical situation emerged: the legal framework for conducting covert operations was expanded to the maximum, yet the practical implementation of these powers resulted in managerial collapse.

To understand the crisis that hit the Polish penal system in 2024, it is necessary to examine the origins of state policy on operational-investigative activities within the penal system. For a long time, Polish law treated the Penitentiary Service as solely a penal enforcement agency, its functions confined to the isolation of prisoners and care for their welfare. Responsibility for detecting and preventing crimes was traditionally delegated to the police. This model, inherited from the Warsaw Pact era, rested on the contested assumption that the prison environment was essentially static and that criminal activity would cease by virtue of isolation alone.

Reality proved otherwise. As M. Kotowska and B. Zając observe, penitentiary institutions have become hubs for criminal activity, from remote fraud to drug trafficking (Kotowska & Zając, 2023). Under these conditions, standard security measures (searches, inspections, video surveillance) have proven ineffective. These methods primarily record violations after they occur, whereas operational-investigative activities (hereinafter referred to as OIA) in the execution of sentences are designed to prevent unlawful acts. Polish doctrine during this period therefore advocated shifting emphasis from static supervision toward forensic and psychological identification of atmosphere, moods, and latent intentions within criminal subcultures, making such an approach a priority for preventive work (Nowacki, 2022).

This dilemma is not unique to Poland but is transnational. Russian legal scholarship also highlights the historical tension between maintaining prison security and conducting investigative operations. V.Yu. Zhandrov notes the conflict between overt oversight, which requires transparency, and covert investigative work, which requires secrecy (Zhandrov, 2025). As the Polish experience before 2022 shows, assigning these mutually incompatible functions to a single institution (the prison administration) inevitably produces internal contradictions. The Polish case thus corroborates V.Yu. Zhandrov's thesis: without clear regulatory delineation of these spheres, rather than their *ad hoc* combination within one agency, the security system is prone to losing control.

[1] Projekt ustawy o zmianie ustawy o Służbie Więziennej oraz niektórych innych ustaw (uzasadnienie) [Electronic resource] // Ministerstwo Sprawiedliwości. 2025. 29 stycznia. Available at: https://www.gov.pl/web/sprawiedliwosc/projekt-likwidacji-inspektoratu-wewnetrznego-sluzbywieziennej-zatwierdzony-przez-rade-ministrow [Accessed 21 February 2026].

The dissonance between responsibility for security and the lack of adequate means to ensure it pushed Polish legislators to draft regulations that effectively militarized SW functions. This process is better described as revolutionary rather than evolutionary: the state sought to "plug security gaps" in correctional facilities by granting staff powers typical of intelligence agencies.

Aim. Using comparative legal analysis, this study identifies systemic problems in the model of operational separation within the Polish penitentiary system and determines the limits of permissible operational-investigative powers for penal institutions in the Russian Federation.

Research methods. The study employs formal-dogmatic, historical-legal, and comparative-legal methods, together with analysis of empirical data and regulatory acts.

Genesis of the Legal Framework for Operational-Investigative Activities in the Polish Prison Service (2010–2020)

The key stage that laid the regulatory foundation for subsequent transformations was the adoption of the Act of April 9, 2010 "On the Prison Service"[2]. For the first time, this act formally granted the Service the right to conduct operational-investigative activities (czynności operacyjno-rozpoznawcze).

However, analysis of law as it stood prior to 2022 allows us to describe this period as one of "operational insufficiency." The legislator, having said "A," was reluctant to say "B." Specifically, Article 2 of the Act stipulated that the SW could conduct operational-investigative activities only to a strictly limited extent. The Service's competence was confined to detecting crimes committed by persons deprived of liberty or by its employees (so-called "internal security").

A similarly incomplete definition of the objectives of operational-investigative activities can be seen at earlier stages in the development of Russian legislation. A.V. Agarkov notes that the legal regulation of operational-investigative activities in the field of criminal-penalty enforcement often lags behind current practice, generating legal conflicts (Agarkov, 2015). The situation of "reduced competence" in which the Polish Prison Service found itself correlates with the problems surrounding the legal status of the operational-investigative units of the Federal Penitentiary Service of Russia identified by L.E. Schetnev. In his study, he emphasizes that the ambiguity of the provisions of the Federal Law "On Operational-Investigative Activities" creates legal conflicts that hinder efforts to combat crime (Schetnev, 2025). However, while the Polish legislator attempted a radical solution by creating the IWSW "super-service," the Russian approach aims to harmonize existing norms rather than create new bodies.

In 2022, however, Poland departed from this balanced evolutionary path in favor of radical transformation. Characterizing the situation prior to the legal reform of the penal system, Polish researcher T. Bojanowski, in his article "Operational-Investigative Actions of the Prison Service," draws attention to a conflict characteristic of the period: the Service was granted the right to recruit agents (to obtain

[2] [Electronic resource] // Dziennik Ustaw Rzeczypospolitej Polskiej. 2010. No. 79. Poz. 523. Available at: https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20100790523 [Accessed 12 February 2026].

information covertly) but was denied a key element of modern investigation – the right to conduct operational-investigative measures independently (wiretapping telephone conversations, monitoring mail, telegraph and other communications, etc.) (Bojanowski, 2023).

A paradoxical legal structure emerged. A security officer in a correctional facility, having received agent information about an impending escape or the delivery of a large consignment of drugs, could not independently initiate technical surveillance of the suspect. He was obliged to transfer the materials to the Police or the Central Anti-Corruption Bureau. These bodies, acting within their own priorities, often ignored signals from correctional facilities, considering them of little significance.

M. Lewandowski characterizes this period as a search for a new identity for the Prison Service. He emphasizes that the institution "ceased to be simply a security service; it became an institution of state security, but with the tools of a guard" (Lewandowski, 2019). This contradiction created fertile ground for professional frustration of staff, adversely affected their psychological condition, and consequently reduced the effectiveness of efforts to combat organized criminal groups operating within places of detention.

When examining the tactics of operational-investigative activity during this period, it is important to clearly distinguish between "operational-investigative activities" and "regime control." Before the creation of the IWSW (Inspectorate of Internal Security), the operative's toolkit was limited to the following methods:

- Intelligence Interview (Wywiad operacyjny): collection of information, generally conducted without disclosing the true purpose of the conversation.
- Surveillance (Obserwacja): unlike procedural surveillance, operational surveillance did not require judicial authorization when carried out in publicly accessible places (inside the prison, everywhere except toilets and showers).
- Work with persons providing confidential assistance (Osobowe źródła informacji): the most secret and sensitive field. The 2010 Act legalized the institution of confidential cooperation; however, unlike the Police Act, it did not provide clear safety guarantees for convicted informants. This created an ethical and legal dilemma: prison staff exerted pressure on prisoners to cooperate covertly, yet were unable to ensure their protection due to the absence of the necessary legal mechanisms.

The issue of interaction with other services deserves special attention. Article 14 of the Act on the Central Anti-Corruption Bureau (CBA)[3] grants CBA officers broad powers, including detention and wiretapping. By contrast, the Polish Prison Service did not possess such powers and was therefore forced to act as a "junior brother" supplying only initial information. This mechanism, based on delegating operational-investigative activities to external bodies, proved ineffective.

[3] Ustawa z dnia 9 czerwca 2006 r. o Centralnym Biurze Antykorupcyjnym [Electronic resource] // Dziennik Ustaw Rzeczypospolitej Polskiej. 2025. Poz. 712. Available at: https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20250000712 [Accessed 12 February 2026].

While information moved through bureaucratic stages between agencies, it often lost its relevance. In addition, leaks of sensitive data were frequent, typically occurring at the interface between institutions. As a result, external distribution of operational-investigative materials became practically impossible. It was this realization that prompted the idea of creating "internal police" within correctional facilities in the form of the IWSW[4].

It is undeniable that the Polish legislator's caution in expanding the SW's operational-investigative powers between 2010 and 2020 was motivated not only by attitudes toward the penal system but also by the firm positions of European human-rights bodies. Reports by the European Committee for the Prevention of Torture (CPT) and the Helsinki Foundation for Human Rights repeatedly emphasized the inadmissibility of turning a correctional facility into a "high-security police station" (Kładoczny & Wolny, 2013). Experts pointed to the risk of abuse: in a closed institution where the administration's power over persons is total, granting the same administration the right to covertly collect information (without proper judicial oversight) creates conditions for arbitrariness.

Similar concerns were voiced in academic publications at the outset of the debate on reforming operational-investigative activities in the penitentiary system. A. Cempura, while acknowledging that covert operations in detention facilities are legally permissible in the absence of a direct territorial prohibition, at the same time emphasized the need to introduce strict regulatory limits on operational-investigative activities in the penal system (Cempura, 2011). He argued that conducting covert operations under conditions of weak external oversight and broad departmental discretion will inevitably threaten constitutional rights, lead to evidentiary errors, and provoke conflicts among staff (Cempura, 2011).

An example of such a conflict is the practice of intercepting correspondence. Formally, under the Criminal Executive Code (Kodeks karny wykonawczy)[5], censorship of correspondence is classified as a regime measure. However, when it is used not to search for prohibited items but to gather information about a convict's contacts, it effectively becomes an operational-investigative measure. The line between purposes is extremely thin. Polish courts have repeatedly ruled in favor of convicts, finding unjustified censorship to violate Article 8 of the European Convention, yet operational practice has followed its own path, using security regulations as a cover for operational-investigative activities (Kładoczny & Wolny, 2013).

By the early 2020s, the Polish penal system had reached a critical juncture. The regulatory model for operational-investigative activity established in 2010 had exhausted its potential. The Prison Service enjoyed the status of a security entity (Lewandowski, 2019), but lacked sufficient authority to employ technical means of covert information gathering (Bojanowski, 2023). This imbalance fueled demands for radical solutions.

[4] Hac, P. Utworzenie Inspektoratu Wewnętrznego Służby Więziennej – próba oceny]. Instytut Bezpieczeństwa i Rozwoju Międzynarodowego. 2022. Available at: https://instytutbirm.pl/w-cieniu-ostatnich-wydarzen/ [Accessed 12 February 2026].

[5] Kodeks karny wykonawczy: ustawa z 6.06.1997 r. // Dziennik Ustaw. 1997. № 90. poz. 557. Available at: https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19970900557/U/D19970557Lj.pdf [Accessed 11 January 2026].

Reform advocates argued, in essence: "To fight the mafia, we must become like the mafia ― fast, closed, and technologically advanced."[6]

This logic underpinned the 2022 Modernization Act, which led to the creation of the IWSW. The establishment of this unit within the penal system was therefore not accidental but a logical outcome of a decade of inadequate legal regulation in this sphere. However, the steps taken represented a shift from a deficit of powers to their excess. As the developments of 2024–2025 demonstrate, this ultimately proved to be a serious legislative error.

Legal Status of the Operational-Investigative Powers and the collapse of the Internal Security Inspectorate (IWSW)

The period of "operational inadequacy" of the Polish penitentiary system, described above, culminated in a drastic breakdown of the existing legal framework with the adoption of the Act of July 22, 2022 "On Amendments to the Act on the Prison Service." This was an extraordinary step in the new criminal policy. Guided by a view of correctional institutions as "besieged fortresses," the legislature chose to create an autonomous, strictly centralized structure within the agency, the Internal Security Inspectorate of the Prison Service (Inspektorat Wewnętrzny Służby Więziennej, IWSW). In Polish legal scholarship, this step was initially interpreted as the implementation of a forensic strategy aimed at the systemic suppression of crime directly within the penitentiary system (Rosiak, 2023).

The key innovation of this arrangement lay in the severing of existing hierarchical ties. Previously, operational officers reported to the heads of individual correctional facilities, which made the development of corrupt managerial networks more difficult. By contrast, the IWSW was organized as a vertical command structure reporting directly to the Director General of the Prison Service and, in key matters, to the Minister of Justice. In his analysis, T. Bojanowski aptly describes this as "moving beyond the logic of penal enforcement" (Bojanowski, 2023). The IWSW received a status *de facto* comparable to that of the police or the Internal Security Agency, creating a unique precedent in European practice: the penitentiary service ceased to be a "client" of the police and became its competitor.

The central element of the reform was granting the IWSW the right to exercise operational-investigative control. For Polish law, in which the privacy of correspondence is particularly strictly protected by Article 49 of the Constitution, these were far-reaching changes. An analysis of the new version of Article 23 of the Prison Service Act and the corresponding Regulation of the Minister of Justice[7] shows that the legislator effectively

[6] Hac, P. Utworzenie Inspektoratu Wewnętrznego Służby Więziennej – próba oceny]. Instytut Bezpieczeństwa i Rozwoju Międzynarodowego. 2022. Available at: https://instytutbirm.pl/w-cieniu-ostatnich-wydarzen/ [Accessed 12 February 2026].

[7] Rozporządzenie Ministra Sprawiedliwości z dnia 7 marca 2024 r. Zmieniające rozporządzenie w sprawie kontroli operacyjnej prowadzonej przez Inspektorat Wewnętrzny Służby Więziennej [Электронный ресурс] // Dziennik Ustaw Rzeczypospolitej Polskiej. 2024. Poz. 406. Available at: https://eli.gov.pl/eli/DU/2024/406/ogl [Accessed 21 January 2026].

copied the powers from Article 19 of the Police Law[8], without taking into account the specific nature of a closed institution. As a result, the IWSW's operational-investigative arsenal included:

- technical monitoring of communications, consisting of wiretapping telephone conversations and intercepting data in telecommunications networks;
- interception of correspondence, that is, secret monitoring of mail (distinct from censorship, since the convicted person is not notified of it);
- special monitoring, including covert audio and video recording on premises.

Of particular concern to human-rights advocates, including the Helsinki Foundation for Human Rights[9], was the procedure for authorizing so-called "urgent cases" (tryb niecierpiący zwłoki). The Head of the IWSW was empowered, with the consent of the Prosecutor, to initiate wiretapping even before obtaining court approval, provided that a delay could result in the loss of evidence. Such actions had to be reported to the court within five days. In the context of overcrowded places of detention, where persons convicted of serious offences are held, the conditions for invoking urgency were almost always present, which in practice vested operational-investigative units with extraordinary powers. Judicial review became secondary, merely recording *ex post* the restriction of rights that had already occurred. An examination of sample procedural documents annexed to the Resolution of the Minister of Justice of March 7, 2024, amending the rules on operational-investigative control conducted by the IWSW (for example, the form "Extra-judicial consent of the Prosecutor General"), suggests that this mechanism was becoming a routine, everyday tool[10].

Also of research interest is the financial support for operational-investigative activities in penal institutions. As a result of the 2022 reform, the Operational Fund (Fundusz Operacyjny) of the IWSW was established, which allowed work with persons providing confidential assistance to be shifted onto a commercial basis. Previously, the recruitment of convicted persons was based mainly on compromising information or promises of regime leniency; the IWSW, by contrast, was given the right to pay agents monetary rewards for valuable information. In theory, this was expected to improve the quality of undercover work.

[8] Ustawa z dnia 6 kwietnia 1990 r. o Policji [Электронный ресурс] // Dziennik Ustaw Rzeczypospolitej Polskiej. 2025. Poz. 636. Available at: https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20250000636 [Accessed 11 January 2026].

[9] Kulas R. Human rights in places of detention. How Poland is implementing into practice the recommendations of the international bodies for the prevention of torture (CPT and SPT): Thematic report of the National Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. 2021. Warsaw, Office of the Commissioner of Human Rights. Available at: https://bip.brpo.gov.pl/en/content/human-rights-places-detention-how-poland-implementing-practice-recommendations [Accessed 21 January 2026].

[10] Rozporządzenie Ministra Sprawiedliwości z dnia 7 marca 2024 r. Zmieniające rozporządzenie w sprawie kontroli operacyjnej prowadzonej przez Inspektorat Wewnętrzny Służby Więziennej [Электронный ресурс] // Dziennik Ustaw Rzeczypospolitej Polskiej. 2024. Poz. 406. Available at: https://eli.gov.pl/eli/DU/2024/406/ogl [Accessed 21 January 2026].

In practice, however, as follows from the materials accompanying the bill on liquidation of the service[11], this led to an increase in false accusations. Convicts, quickly grasping the new rules, began fabricating information about impending riots or drug trafficking channels in order to obtain cash payments. The lack of effective external oversight of the Operational Fund expenditures (due to the secrecy of such activities) further heightened corruption risks within the service itself.

In contrast to the Polish experience of commercializing secret cooperation, which resulted in destabilization of control, Russian academic discourse has shifted the emphasis to the use of non-material but legally significant incentives. At the inter-agency level, it is noted that the key motivation for convicted confidants remains the prospect of parole. At the same time, the specific nature of their legal status requires proportionate incentives, the primary criterion of which is strict secrecy that excludes the risk of compromising those providing covert assistance (Rumyantsev & Shkabin, 2025).

Disregard for the principles of secrecy and the prioritization of financial leverage returned the Polish experiment to its internal contradictions. The particular nature of closed penitentiary institutions is such that the creation of autonomous control structures without adequate external checks often provokes new deviations, including the phenomenon of "small steps" interactions between operatives and criminal leaders and the deformation of service ethics (Mielnik, 2022).

The intra-departmental problems described were not isolated; they stemmed from a broader doctrinal flaw in the reform ― its initial organizational insularity. The most serious error in the reform of operational-investigative activities in correctional facilities was its reliance on isolationism. The architects of the IWSW proceeded from a presumption of distrust toward external police bodies. Their line of argument was roughly: "The police do not understand subcultures, and the CBA (Anti-Corruption Bureau) is too cumbersome." Instead of constructive interaction, this approach produced a state of departmental isolation.

The IWSW began to duplicate the functions of the Central Investigative Bureau of the Police (CBŚP). Collisions arose when both services simultaneously investigated the same criminal group (one from the outside, the other from within), unaware of each other's activities. This led to the "decryption" and disruption of parallel operations. In the document justifying the liquidation of the IWSW, the government explicitly stated, "The creation of a separate special service led to a blurring of responsibility and competition for performance indicators, rather than to a genuine fight against crime."

Thus, during 2022–2023, the IWSW exemplified a service vested with excessive operational-investigative powers. Legislators gave the Prison Service a "sword" (operational-investigative control) and a "shield" (secrecy) but failed to create an adequate system of checks and oversight. Instead of precisely targeting planned crimes and the persons organizing them, IWSW officers systematically

[11] Projekt ustawy o zmianie ustawy o Służbie Więziennej oraz niektórych innych ustaw (uzasadnienie) [Электронный ресурс] // Ministerstwo Sprawiedliwości. 2025. 29 stycznia. Available at: https://www.gov.pl/web/sprawiedliwosc/projekt-likwidacji-inspektoratu-wewnetrznego-sluzby-wiezziennej-zatwierdzony-przez-rade-ministrow [Accessed 21 January 2026].

abused their powers, and their actions within the confined space of closed institutions undermined the broader law-enforcement system. This brief but striking period of "omnipotence" for Prison Service operatives became the pretext for dismantling the new structure.

The fundamental reason for the collapse of the Internal Security Inspectorate (IWSW) lies not in politics, but in a serious legislative miscalculation. When the service was created in 2022, reformers claimed it would serve as an "iron fist" against mafia structures controlling crime from behind bars. However, an analysis of the IWSW's performance in 2023–2024, set out in the justification for the law on its dissolution, revealed a very different picture[12].

Instead of investigating transnational drug cartels or high-level corruption schemes (at the level of district directors), the powerful operational-investigative tools (wiretaps, surveillance, and undercover work) were directed toward identifying minor disciplinary offences. Operational control (kontrola operacyjna) was used primarily to document the smuggling of alcohol, SIM cards, or small quantities of drugs. This downgrading of task complexity corresponds to findings from studies on corruption in the Polish penitentiary system, which stress the need to shift emphasis from broad covert checks to preventive and organizational measures (Rosiak, 2024).

Changes in the organization of the service also worsened the socio-psychological climate within the agency. Empirical research shows that employees of the Polish penal system during this period exhibited critically low levels of perceived professional prestige and only a moderate sense of personal security, while nevertheless maintaining high organizational commitment (Sarzała, Piestrzyński & Piestrzyński, 2025).

By 2024, the situation may be described as one of "bureaucratic substitution." A service unable to cope with complex, high-priority tasks set by regional-level managers began to simulate vigorous activity by producing large numbers of statutory indicators based on trivial violations. As has aptly been noted, "IWSW has become an expensive toy used for internal persecution of undesirable employees rather than for fighting the mafia."[13]

At that time, Polish law did not provide for a single coordinating center for operational-investigative activities within the penal system. This absence fostered contradictions across the law-enforcement system and became one of the grounds for liquidation. The main problems can be divided into two groups, which may be tentatively labelled technological and operational conflicts with the police and intelligence services. On the operational side, negative precedents emerged; for example, an agent recruited by the police to investigate a major gang was simultaneously targeted by the IWSW for a minor rules violation. Prison officers, unaware of his status, conducted their own

[12] Projekt ustawy o zmianie ustawy o Służbie Więziennej oraz niektórych innych ustaw (uzasadnienie) [Electronic resource] // Ministerstwo Sprawiedliwości. 2025. 29 stycznia. Available at: https://www.gov.pl/web/sprawiedliwosc/projekt-likwidacji-inspektoratu-wewnetrznego-sluzby-wiezien nej-zatwierdzony-przez-rade-ministrow [Accessed 21 January 2026].

[13] Piojda K. Inspektorat Wewnętrzny Służby Więziennej do likwidacji. „Nie spełnił oczekiwań" [Электронный ресурс] // Strefa Obrony. 2025. 30 stycznia. Available at: https://strefaobrony.pl/inspektorat-wewnetrzny-sluzby-wiezien nej-do-likwidacji-nie-spelnil-oczekiwan/ar/c1p2-27219067 [Accessed 15 January 2026].

investigation to bring him to disciplinary responsibility, thereby disrupting the police's long-running operation.

The technical conflict arose from the confined physical space of penitentiary institutions (cells, visiting rooms); simultaneous installation of specialized technical equipment by different services led to practical difficulties. Furthermore, the IWSW, striving for autonomy, acquired its own software and hardware systems for interception (including billing), which were incompatible with police databases. This created an information vacuum, since data obtained by prison officers often could not be reliably cross-checked against police records[14].

These circumstances apparently underpinned the justification of the draft law on liquidation, demonstrating that the autonomous special-service model had resulted in the isolation of the Prison Service from the national security system rather than integrating it. Another factor influencing the decision to abolish the Inspectorate was the quality of the materials produced through operational-investigative activity. IWSW officers, recruited largely from among former prison staff, possessed specific experience in "security work" but lacked skills in criminal documentation, which made it difficult or impossible to use the information gathered as admissible evidence in criminal proceedings.

Unlike police officers, who are familiar with prosecutorial and judicial requirements, Prison Service operatives frequently committed serious errors when recording the results of their operations, for example, breaching procedures for seizing and preserving physical evidence, or making mistakes in transcripts of recorded conversations. Consequently, criminal cases initiated on the basis of IWSW materials often failed to withstand scrutiny at the preliminary hearing stage and were dismissed at that point.

The current state of procedural impotence of the penitentiary special service finds its theoretical explanation in the works of S.I. Girko. Analyzing Russian practice, he introduced the concept of "synchronism" in legal regulation, highlighting the imbalance that arises when the penitentiary system possesses operational-investigative powers while its criminal-procedural functions remain clearly limited (Girko, 2018). The Polish experience of 2022–2024 essentially became an experiment confirming his concern: even if the penitentiary agency is equipped with powerful operational-investigative tools (as in the case of the IWSW), but these are not synchronized with their full status as an inquiry or investigative body, the system remains incomplete and its work fails to deliver the expected results.

Unfortunately, this theoretical prediction has been fully borne out in practice. Objective performance indicators of the new service empirically demonstrate its "procedural incompetence." Publicly cited statistics are critical: The IWSW's efficiency proved markedly lower than that of comparable police units, and its effectiveness was assessed as negligible. In 2023, IWSW officers participated in the arrest of only nine persons, and since the Inspectorate's creation, only 37 operational cases were opened,

[14] Piojda K. Inspektorat Wewnętrzny Służby Więziennej do likwidacji. „Nie spełnił oczekiwań" [Electronic resource] // Strefa Obrony. 2025. 30 stycznia. Available at: https://strefaobrony.pl/inspektorat-wewnetrzny-sluzby-wiezziennej-do-likwidacji-nie-spelnil-oczekiwan/ar/c1p2-27219067 [Accessed 15 January 2026].

while the costs of its maintenance were disproportionately high (around 13.86 million zlotys in 2024). The government effectively acknowledged that establishing a separate "special service" within the penal system with extensive operational-investigative powers that, according to ministry officials, "no other special service has," did not meet expectations[15].

Moreover, the creation of the IWSW triggered a profound internal social conflict within the Prison Service. Inspectorate staff received significantly higher salaries and bonuses than officers in the security and regime departments, who were responsible for work of equal importance. This disparity led to informal sabotage by colleagues in related units: staff stopped sharing information with the "elite" operatives. Deprived of support from lower-level personnel (guards, educators), operational-investigative units gradually lost access to critical information.

Legal mechanism of IWSW abolition and its comparative analysis

These circumstances triggered the abolition process for the IWSW, which began in 2024. This process is a complex legal undertaking: the reform involves not simply dissolving the Inspectorate but redistributing its powers and responsibilities[16]. The relevant changes were enacted in the Law of May 9, 2025 "On Amendments to the Law on the Prison Service and Certain Other Legislative Acts."[17] In effect, operational-investigative activities in the penal system have been returned to the earlier model, under which powers to combat crime are delegated to external bodies, primarily the police.

The Prison Service has been deprived of the right to conduct "acute" operational-investigative operations independently. When signs of a crime are detected, the head of an institution is now obliged to inform the police without delay. One of the most sensitive issues was the fate of operational records. Legislators faced a dilemma: transferring them to the police risked exposing agents who had not consented, while destroying them would mean losing valuable information. A compromise was adopted: classified materials are archived under the supervision of the Commissioner for the Protection of Classified Information, and prosecutors are granted access to them upon request.

[15] Projekt ustawy o zmianie ustawy o Służbie Więziennej oraz niektórych innych ustaw (uzasadnienie) [Electronic resource] // Ministerstwo Sprawiedliwości. 2025. 29 stycznia. Available at: https://www.gov.pl/web/sprawiedliwosc/projekt-likwidacji-inspektoratu-wewnetrznego-sluzby-wiezien nej-zatwierdzony-przez-rade-ministrow [Accessed 21 January 2026]; Sejm uchwalił likwidację Inspektoratu Wewnętrznego Służby Więziennej [Electronic resource] // Ministerstwo Sprawiedliwości. 2025. 9 maja. Available at: https://www.gov.pl/web/sprawiedliwosc/sejm-uchwalil-likwidacje-inspektoratu-wewnetrznego-sluzby-wieziennej [Accessed 21 January 2026].

[16] Projekt ustawy o zmianie ustawy o Służbie Więziennej oraz niektórych innych ustaw (uzasadnienie) [Electronic resource] // Ministerstwo Sprawiedliwości. 2025. 29 stycznia. Available at: https://www.gov.pl/web/sprawiedliwosc/projekt-likwidacji-inspektoratu-wewnetrznego-sluzby-wiezien nej-zatwierdzony-przez-rade-ministrow [Accessed 21 January 2026].

[17] Ustawa z dnia 9 maja 2025 r. o zmianie ustawy o Służbie Więziennej oraz niektórych innych ustaw [Electronic resource] // Dziennik Ustaw Rzeczypospolitej Polskiej. Warszawa, 2025. Poz. 820. Available at: https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20250000820 [Accessed 21 December 2025].

The rise and fall of the IWSW demonstrate that the Polish penitentiary system's attempt to transform itself into a secret service was doomed to failure. Efforts to tackle corruption and crime by creating a "super-organ," without regard for the historical development of the penitentiary system, without changing the overall organizational culture, and without establishing inter-departmental cooperation with the police, resulted only in bureaucratic expansion and conflicts with related agencies.

We believe the causes of the crisis lie not in the enforcement discipline, but in shortcomings in reform design and its inadequate legal framework. The attempt to vest the Prison Service with special-service functions without establishing an adequate system of external oversight inevitably generated risks of abuse and corruption, as confirmed by empirical research (Kotowska & Zając, 2023). An analysis of Poland's "reform rollback" is of fundamental importance for Russian criminal-law scholarship as it makes it possible to assess the limits of permissible expansion of the operational-investigative powers of the domestic penal service.

Summarizing the transformation of operational-investigative activities in the Polish penitentiary system (2010-2025), it should be noted that the attempt to radically overhaul security in correctional facilities by creating an autonomous "special service" (IWSW) ended in failure. Polish lawmakers, disregarding the principle of systemic coherence, created a cumbersome structure that moved, within two years, from "unlimited powers" to complete liquidation.

In this context, the experience of the Russian Federation is noteworthy as an example of conservative development of penal policy. Unlike the Polish practice of radical structural reforms (2010-2025), the Russian system maintains continuity and avoids drastic changes to the legal status of operational-investigative units. The Russian model, based on the Federal Law "On Operational Investigative Activities," has resisted the temptation to create "internal police" and is oriented toward harmonizing powers rather than building artificial superstructures that compete with the FSB and the Ministry of Internal Affairs. The stable legal status of FSIN's operational-investigative units enables them to carry out their tasks without the jurisdictional conflicts that led to the liquidation of Poland's IWSW.

Developing this thesis, it is worth highlighting a second fundamental error of the Polish legislator: neglect of the procedural dimension. The experiment described above confirms that granting the Prison Service specialized powers such as wiretapping, undercover work, and similar operational-investigative tools, without adequate personnel training, predictably leads to an inability to use these powers effectively. The situation in Russia is different. Here, powers are clearly delineated, and interaction between operational-investigative bodies of different ministries and agencies is governed by a system of joint regulations.

It should also be noted that the Polish initiative lacked a robust scientific foundation in national legal doctrine. The example of the IWSW's liquidation shows that disregarding scholarly justification and expert recommendations can produce negative outcomes. In this regard, Russia's experience, grounded in the scientific expertise of specialized research institutions, particularly the Research Institute of the Federal

Penitentiary Service of Russia (Pleshakov & Shkabin, 2025), appears more stable. The conclusions of researchers and subject-matter specialists help to minimize the risks associated with introducing ineffective legal and organizational mechanisms.

Conclusion

A comparative analysis of reforms in Poland and Russia allows us to draw several conclusions. The experience of creating and rapidly dismantling the Internal Security Inspectorate (IWSW) demonstrated the negative consequences of establishing an isolated intelligence-type agency within the penal system. The main findings of our study are as follows:

1) Endowing the agency with powerful tools for covert surveillance and control, without corresponding experience in presenting results to investigative bodies and courts, deprives those tools of practical value. IWSW staff lacked the skills to properly document crimes, and the materials they collected were frequently found inadmissible by the courts.

2) The attempt to insulate the Inspectorate from other law-enforcement bodies generated disputes and confusion. The new agency began to compete with the police for performance indicators, unintentionally disrupting police operations, while the acquisition of incompatible databases created an information vacuum.

3) Instead of tackling organized crime and systemic corruption, the Inspectorate devoted its considerable budget to pursuing minor disciplinary violations.

4) The shift to direct monetary remuneration for information from a secret fund encouraged prisoners to fabricate denunciations for profit, which severely distorted the real picture of the situation in penal institutions.

The Polish failure confirms the soundness and resilience of the Russian approach to organizing operational-investigative activities. The domestic system avoids comparable crises due to several specific factors. First, the operational-investigative units of the Federal Penitentiary Service of Russia do not compete with the Ministry of Internal Affairs or the Federal Security Service; they operate with them within a unified legal framework based on joint regulations. Second, work with persons providing confidential assistance is grounded in clear, legally defined incentives, which reduces the risk of slander and false reports. Third, most changes undergo institutional scientific review, particularly by the Research Institute of the Federal Penitentiary Service of Russia, which protects the system from ill-conceived reforms.

Accordingly, it may be concluded that prison security cannot be built through isolated “super-services.” It must rest on integrating the agency into the wider law-enforcement system of the state.

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