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## PSYCHOLOGICAL AND LEGAL ASPECTS OF PREPARING FOR FREEDOM OF INDIVIDUALS SERVING CUSTODIAL SENTENCES

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**Abstract.** This article aims to analyse the psychological and legal aspects of preparing individuals serving custodial sentences for release. From a psychological perspective, an analysis was conducted of the relationships between stress generated by the perception of difficult situations (past, present, and future) and positive motivation toward drug use. The study involved 267 individuals serving custodial sentences. The Own Life Assessment Questionnaire by I. Niewiadomska and the original Questionnaire of Prisoners' Attitudes Toward Drug Use, developed by participants of a master's seminar at the KUL Study Centre at the Lublin Remand Centre, were used. Statistical analyses included Pearson's  $r$  correlations and linear regression. The results revealed statistically significant positive relationships between the intensity of stress generated by experiencing past, current, and anticipated difficult situations and positive motivation to use drugs. Regression analysis confirmed that anticipated future

difficult situations constitute a significant predictor of positive motivation toward drug use. From a legal perspective, the statutory framework for the period of preparation for the release of individuals serving custodial sentences was presented. It was also demonstrated that the relationships identified in this study between experiencing difficult situations and positive motivation toward drug use should be considered an important aspect in assessing the risk of recidivism among individuals leaving correctional facilities. Attention was also drawn to the need to introduce standards in the field of psychological penitentiary assessment, particularly in diagnosis for penitentiary resocialization, penitentiary therapy, and/or activities aimed at preparing prisoners for functioning in conditions of freedom.

**Keywords:** imprisonment; psychological aspects of preparation for release; legal aspects of preparation for release; psychological penitentiary assessment; assessment of recidivism risk; chronic stress among prisoners; experiencing difficult situations; motivation for drug use.

## 1. PREPARATION FOR FREEDOM – LEGAL ASPECTS

The successful readaptation of individuals leaving correctional institutions results from long-term work with the offender during the period of custodial sanctions, as well as from the integration of penitentiary and post-penitentiary interventions. Work with a prisoner takes place in three stages. The first concerns the moment of admission, when the individual experiences adaptation difficulties within the prison environment. Assistance at this stage involves preparing the individual for serving the sentence, familiarising them with the new conditions, and with their status as a prisoner.

At the second stage, covering the period of serving the sentence, interventions should focus on supporting the prisoner in setting life goals, solving problems, maintaining family ties, and directing their thinking towards the future associated with functioning in conditions of freedom. The third stage concerns the period of direct preparation for release, as defined in Article 164(1) of the Act of 6 June 1997 – the Executive Regulations of the Criminal Code. According to the provisions of this article, a period of up to six months before the anticipated conditional release or completion of the sentence constitutes, where necessary, the time required to prepare the offender for life after release, particularly for establishing contact with a probation officer or with entities referred to in Article 38(1), including associations, foundations, organisations, churches and other religious bodies, as well as persons of trust.

During the preparation for release: a) the individual should serve their sentence in an institution closest to their future residence (Article 165(1) of the Executive Regulations of the Criminal Code; b) the offender may be granted permission to leave prison for up to 14 days, mainly to make arrangements for housing and employment after release (Article 165(2)); c) the probation officer and other involved entities in the social readaptation

of prisoners should work with the offender to determine the scope and method of support needed to help them adjust to life outside (Article 165(3)).

Specialists supervising the preparation for release should develop a criminological prognosis in terms of risk factors and protective factors against recidivism. The rationale for analysing risk factors of reoffending assumes that, despite the existence of alternative penal measures, a significant number of offenders remain in prison. The need to prepare these individuals for life in freedom necessitates detailed studies on individual risk factors of recidivism [Niewiadomska 2019].

## 2. PREPARATION FOR FREEDOM – PSYCHOLOGICAL ASPECTS

*Rationale for assessing recidivism risk among prisoners preparing for release.* In the context of preventing reoffending, particular attention should be paid to chronic stress, which involves the prolonged experience of emotional tension of a negative nature [Mikołajczak, Nowak, Niewiadomska, et al. 2025]. In the population of individuals serving custodial sentences, this results both from long-term prison isolation and from persistent adaptation difficulties following release from prison. Empirical analyses indicate that prolonged psychological tension leads to reactions that increase the likelihood of criminal behaviour, uncontrolled outbursts of rage and/or anger, hostility towards others, aggression in response to minor provocation, social withdrawal, or a desire to dominate others.

The theoretical basis for analysing the relationship between difficult situations and motivation to use psychoactive substances can be found in Tomaszewski's theory of difficult situations [Tomaszewski 1975]. According to this approach, a difficult situation arises when there is an imbalance between environmental demands and an individual's capabilities or available resources, making effective goal attainment difficult or impossible. Tomaszewski distinguished several categories of difficult situations, including deprivation, overload, obstacles, conflict, and threat. Such situations generate psychological tension and require individuals to undertake coping efforts aimed at restoring equilibrium between demands and resources. From this perspective, the perception of difficult situations may be understood as a process of cognitive appraisal in which individuals evaluate past, present, or anticipated future circumstances as exceeding their coping capacities. When personal resources are perceived as insufficient to meet situational demands, psychological tension increases, creating conditions conducive to maladaptive coping responses. In correctional populations, one such response may involve motivation to use psychoactive substances, particularly when these substances are perceived as an effective means of reducing tension, alleviating negative emotions, or escaping from anticipated difficulties.

Reducing the risk of recidivism among individuals preparing to leave prison should particularly consider the relationships between the perception of difficult situations generating stress/psychological tension and increased motivation to use psychoactive substances. Research findings suggest that stress resulting from, among others, deprivation of needs, fears, overload, obstacles, frustration, conflicts, and/or novel situations encourages the use of psychoactive substances as a way of coping with emerging problems [Niewiadomska and Markiewicz 2004; Jaros and Jaros 2014; Frąckowiak and Motyka 2015; Edwards, Lönn, Sundquist, et al. 2018; Malczewski 2020; Kohutová, Petlák, and Schachl 2021; Głupczyk 2022; Johnson-Shupe. 2024; Gęca, Mikołajczak, Kalinowski, et al. 2024].

Among the individual factors increasing the risk of using chemical substances as a coping strategy, the following should be highlighted [Poprawa 1998; Szwedzik 2014]: 1) lack of adequate cognitive-behavioural skills for coping with stress (their insufficiency or rigidity), combined with the belief that a psychoactive substance is an effective method of solving problems; 2) low self-efficacy in coping with problems, accompanied by positive expectations regarding the effects of substance use in a given situation - primarily as a good way to reduce tension and escape from current problems; 3) lack of motivation to confront life problems-low tolerance for difficulties, accumulation of failures, a tendency to withdraw effort and seek “easy solutions”; 4) established patterns of psychoactive substance use; 5) intensive social learning of avoidance- and addiction-related behaviours.

It should be emphasised that escaping from stress into states of intoxication is associated with a paradox: in the short term, the use of psychoactive substances brings relief, whereas in the long term it generates greater psychological tension, deepens coping deficits, and often leads to the development of maladaptive mechanisms, including addictions that disrupt the proper structure of life goals and/or constitute a significant risk factor for recidivism.

In this article, the results of research on psychological risk factors of recidivism are presented – specifically, the existence of relationships between the perception of difficult situations generating stress across three temporal perspectives (past, present, and future) and motivation to use drugs among individuals serving custodial sentences.

In common usage, the term “drugs” refers to illegal psychoactive substances affecting the central nervous system, leading to changes in an individual’s physiological and psychological functioning.<sup>1</sup> These include, among others, stimulants, depressants, hallucinogens, and cannabis-derived substances, which - despite differing mechanisms of action - are associated with the risk of developing addiction and serious health consequences [Szukalski 2005].

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<sup>1</sup> World Health Organization, *Lexicon of Alcohol and Drug Terms*, Geneva 1994.

### 3. METHODOLOGY

#### 3.1. Research problem and hypotheses

The main aim of the study was to answer the following research question: What relationships exist between the perception of difficult situations and motivation to use drugs among individuals deprived of liberty? Based on the subject literature, two hypotheses were formulated:

H1: It is assumed that there is a positive relationship between the level of perceived stress generated by experienced difficult situations and increased motivation to use psychoactive substances among incarcerated individuals.

H2: Difficult situations constitute predictors of positive motivation to use drugs among individuals serving custodial sentences.

#### 3.2. Method

The study was conducted at the turn of 2024–2025 among individuals serving custodial sentences in the Lublin Remand Centre and the Potulice Correctional Facility. It was carried out using the paper-and-pencil method, and the questionnaires were distributed among prisoners both by prison staff and by participants of a master's seminar in Family Studies conducted at the KUL Study Centre for Inmates at the Lublin Remand Centre.

#### 3.3. Characteristics of the subjects

The study involved 267 individuals serving custodial sentences. The participants in the sample ranged in age from 17 to 70 years, with a mean age of 39 years. Approximately 45% of the respondents were serving a prison sentence for the first time. Of the group of over 250 respondents, more than 65 individuals were serving a prison sentence for the second time in their lives. Nearly 15% of the sample consisted of individuals serving a custodial sentence for the third time or more.

#### 3.4. Tools for measuring variables

To verify the proposed hypotheses, two measurement tools were employed: (1) the *The Life Evaluation Questionnaire* by I. Niewiadomska and (2) the *Questionnaire of Attitudes Toward Drug Use*.

Ad 1) The Life Evaluation Questionnaire was used to measure stressful situations across three temporal perspectives (past, present, and future). Respondents answered the questions using a five-point scale (1 – “never”, 2 – “very rarely”, 3 – “sometimes”, 4 – “often”, 5 – “very often”). Cronbach's alpha

coefficients for internal consistency in the group of prisoners were as follows: 0.75 for the perception of past difficult situations, 0.70 for the experience of present difficult situations, and 0.73 for anticipated future difficult situations.

Ad 2) The Questionnaire of Attitudes Toward Drug Use was developed during the 2023/2024 academic year based on research conducted on a group of 112 individuals deprived of liberty. Items in the experimental version of the questionnaire were formulated based on a review of the literature concerning factors that strengthen and weaken the positive readaptation of prisoners. The selection of items was carried out by participants of a master's seminar at the KUL Study Centre at the Lublin Remand Centre. The process of selecting items for the experimental version of the questionnaire was supervised by M. Klinowski, I. Niewiadomska, and M. Mikołajczak.

Participants responded to individual items using a five-point scale (1 – “never”, 2 – “very rarely”, 3 – “sometimes”, 4 – “often”, 5 – “very often”). Within the items used to analyse attitudes toward drug use, a factor indicating positive motivation to use drugs was identified. This included, among others, statements referring to experienced excitement associated with drug use, relaxation after use, prior use before incarceration, and declared intentions to return to drug use after release from prison. The Cronbach's alpha coefficient for internal consistency for this factor in the studied group was 0.50.

### 3.5. Statistical analyses used

To examine the significance of the relationship between the perception of difficult situations across different temporal perspectives and positive motivation to use drugs, a correlation analysis using Pearson's  $r$  coefficient was conducted. To verify the hypothesis concerning the predictive role of experienced difficult situations in increasing motivation for drug use, a linear regression analysis was performed.

## 4. RESULTS

To verify the first hypothesis – that there is a positive relationship between the level of perceived stress generated by experienced difficult situations and increased motivation to use psychoactive substances among incarcerated individuals – a Pearson's  $r$  correlation analysis was conducted (see Table 1).

Table 1. Results of the correlation between stress intensity and motivation toward drug use among individuals deprived of liberty (N = 267)

	Motivation to use drugs	95% CI
Intensity of stress in the past	0,15**	[0.50, 1.00]
Intensity of stress in the present	0,25***	[0.15, 1.00]
Intensity of stress in the future	0,38***	[0.29, 1.00]

\* $p < 0,005$ , \*\* $p < 0,01$ , \*\*\* $p < 0,001$ .

Source: author's own elaboration.

The results of the Pearson correlation analysis showed that all three temporal perspectives of experienced difficult situations generating stress were positively correlated with motivation to use drugs at a high level of significance ( $p < 0.001$ ). The strongest relationship was observed for stress associated with anticipating difficult situations in the future ( $r = 0.38$ ;  $p < 0.001$ ). This indicates that individuals experiencing stress across all temporal perspectives are more likely to use drugs. However, the strongest relationship was found between stress generated by anticipated future difficult situations and increased motivation to use drugs (see Table 1).

To verify the second hypothesis, that difficult situations constitute predictors of positive motivation to use drugs among individuals serving custodial sentences, a linear regression analysis was conducted.

Table 2. Results of the linear regression analysis for motivation to use drugs among individuals deprived of liberty (N = 267)

	B	SE	$\beta$	$t$	$p$
$R_{adj}^2 = 0,15$ , $F = (3, 263) = 16,157$ , $p < 0,001$					
Constant	8,966	1,42		6,31	<0,001
Intensity of stress in the past	-0,55	0,6	-0,06	-0,85	0,396
Intensity of stress in the present	0,11	0,06	0,11	1,75	0,081
Intensity of stress in the future	0,34	0,06	0,36	5,26	<0,001

\*  $p < 0,05$ , \*\* $p < 0,01$ , \*\*\* $p < 0,001$ .

Source: author's own elaboration.

To assess multicollinearity among the predictors of motivation for drug use in the regression model, tolerance values and Variance Inflation Factors (VIF) were analysed. The obtained tolerance values ranged from 0.702 to 0.753, while VIF values ranged from 1.311 to 1.424. These values are well below the commonly accepted critical thresholds reported in the literature (tolerance  $< 0.20$ ; VIF  $> 2$ ), indicating no significant multicollinearity among the independent variables (i.e., past, present, and anticipated difficult situations). The Durbin–Watson test result (1.898) also falls within an acceptable range. The conducted linear regression analysis demonstrated that the model, including the perception of difficult situations in the past, present, and future, significantly explains motivation to use drugs among individuals deprived of liberty. The model was statistically significant ( $R^2_{adj} = 0.15$ ;  $F(3, 263) = 16.157$ ;  $p < 0.001$ ), explaining 15% of the variance in the dependent variable. Analysis of individual predictors indicated that the only significant predictor of motivation to use drugs was the anticipation of difficult situations in the future time perspective ( $B = 0.40$ ;  $\beta = 0.36$ ;  $t = 5.26$ ;

$p < 0.001$ ). This means that the higher the subjective perception of future difficult situations, the stronger the motivation to use drugs. The effect size ( $\beta = 0.36$ ) indicates a relationship of moderate to strong magnitude, highlighting the importance of prospective stress-generated by anticipating future difficult situations as a key risk factor for drug use in the prison population. In contrast, the perception of past difficult situations ( $B = -0.055$ ;  $\beta = -0.06$ ;  $p = 0.396$ ) and present difficult situations ( $B = 0.11$ ;  $\beta = 0.11$ ;  $p = 0.081$ ) did not reach statistical significance. This suggests that stress generated by past difficult experiences and stress experienced in relation to current difficult situations do not constitute direct predictors of motivation to use drugs among individuals serving custodial sentences.

## 5. FINAL CONCLUSIONS

The study aimed to identify relationships between stress generated by the perception of difficult situations (past, present, and anticipated in the future) and motivation to use drugs. Based on the results obtained, two important conclusions can be formulated for the process of preparing individuals serving custodial sentences for release.

First, the results revealed significant positive associations between the perceived intensity of stress related to difficult situations (past, present, and anticipated future situations) and motivation to use psychoactive substances. Second, anticipation of future difficult situations emerged as a significant statistical predictor of positive motivation for drug use among prisoners. However, due to the cross-sectional nature of the study, these findings should not be interpreted as evidence of causal relationships. Rather, they suggest that the perception of future difficulties may constitute an important psychological correlate of motivation to use psychoactive substances in incarcerated populations.

The obtained research findings provide a basis for developing diagnostic standards in the period of preparing prisoners for release. The proposed standard aligns with a broader postulate concerning the establishment of a research centre focused on developing modern standards of penitentiary assessment, particularly in the areas of resocialisation diagnosis, therapeutic diagnosis, and preparation for release.

Many problems in psychological assessment for the prison system stem from the lack of clear individual-level criteria that are crucial for the accuracy and effectiveness of interventions directed at offenders, both during the execution of the sentence and in the context of preparing individuals to function in conditions of freedom after release [Niewiadomska 2016]. This situation results from the insufficient number of psychological studies explaining antisocial behaviour [Szałański 2004].

Nevertheless, efforts to identify factors that strengthen positive social re-adaptation are being undertaken worldwide. An analysis of these findings indicates several trends in contemporary penitentiary assessment. The first of these is the increasing emphasis on personality-oriented research on prisoners, which serves to evaluate penitentiary interventions (Gendreau, Goggin, and Smith 1999).

The second trend results from the increasing consideration of the rehabilitative aims of imprisonment within criminal policy. Consequently, assessment is no longer focused solely on describing negative personal characteristics, but rather on identifying positive traits that can be utilised in the process of resocialisation and social readaptation [Niewiadomska 2018].

The third trend is related to the fact that penitentiary assessments are increasingly based on dynamic personality factors. For example, in the classification of inmates for prison rehabilitation programmes in the United States, three dynamic individual criteria are taken into account: (1) the risk principle, (2) the needs principle, and (3) the responsivity principle, including thinking styles, coping strategies, social skills, level of motivation, and readiness to participate in the programme. Participation in such programmes is intended to bring about changes in these variables, thereby increasing the likelihood of positive social readaptation after release from prison [Andrews 1999].

The fourth trend concerns the standardisation of penitentiary assessment. Over the past thirty years, efforts have been made worldwide to develop reliable psychological tools that could be used in personality assessment for the justice system -as support for courts in determining sanctions for specific offences, as a basis for implementing the principle of individualisation during the execution of a sentence, and as instruments for predicting the risk of recidivism after the completion of the sentence [Loza, Dhaliwal, Kroner, et al. 2000].

In the development of modern tools for penitentiary assessment, attention is also paid to ensuring that they are grounded in a specific psychological theory and that changes in the offender can be monitored in accordance with a clearly defined theoretical framework. The rationale for constructing measurement methods in this way lies in the fact that the absence of a theoretical context significantly limits both the interpretation of results and the evaluation of the method in terms of its validity and reliability [Gnall and Zajac 2005]. In line with these recommendations, the instrument used in the present study was developed to capture attitudes and motivational tendencies related to psychoactive substance use in the specific context of incarceration and post-release functioning. However, it should be noted that the instrument was partly exploratory in nature. Consequently, the relatively low internal consistency coefficient may reflect the multidimensional character of the construct under investigation. Nevertheless, further psychometric validation

is required, and the findings should be interpreted with caution due to the limited certainty regarding the stability and construct validity of the measure.

Furthermore, the cross-sectional design of the study limits the possibility of drawing causal conclusions regarding the relationships between the analysed variables. Although anticipated future difficult situations emerged as a significant predictor in the regression model, the directionality of these relationships cannot be determined. Future longitudinal studies are needed to verify whether perceptions of difficult situations contribute to increases in motivation to use psychoactive substances over time.

In summary, the findings presented in this study, in the context of the psychological and legal aspects of preparation for release, should be seen as part of broader efforts to develop standards for penitentiary assessment, particularly in this case, the prediction of recidivism risk based on the relationship between stress generated by the perception of difficult situations and positive motivation to use drugs. The results obtained should provide a basis for developing a reliable tool that allows for the justification of diagnostic conclusions and the decisions based on them. The prognostic properties of such a tool should contribute to reducing subjectivity in judicial decision-making and the execution of penal sanctions, thereby enhancing the principle of equality before the law in criminal proceedings.

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