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**DOZÓR ELEKTRONICZNY JAKO FORMA WYKONYWANIA KARY
POZBAWIENIA WOLNOŚCI**

ELECTRONIC SUPERVISION AS A FORM OF IMPRISONMENT

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Streszczenie

Artykuł został poświęcony problematyce dozoru elektronicznego jako jednej z form wykonywania kary pozbawienia wolności. Zamysłem autorki było ukazanie tej instytucji z perspektywy jej przydatności dla realizacji ustawowych celów kary, o której mowa. Tym samym udowodniona została hipoteza, że dozór ten stanowi istotny element współczesnej polityki penitencjarnej naszego państwa. Kolejnym celem prezentowanego opracowania było przedstawienie społecznych aspektów wykorzystania dozoru elektronicznego, w tym dobrodziejstw płynących z tej instytucji na rzecz skazanego. Autorka dokonała omówienia istoty wskazanej instytucji oraz zasad jej wykonywania, formułując przy tym postulat *de lege ferenda* w zakresie ograniczenia możliwości korzystania z przedmiotowego dozoru przez skazanych odbywających karę pozbawienia wolności w zakładach penitencjarnych. Zaprezentowała też wybrane wyniki badań przeprowadzonych dwukrotnie na zlecenie Instytutu

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Wymiaru Sprawiedliwości oraz kontroli zrealizowanej przez Najwyższą Izbę Kontroli w 2013 r., służących dokonaniu oceny funkcjonowania dozoru elektronicznego. Ponadto przywołała głosy niektórych przedstawicieli doktryny w aspekcie oceny przedmiotowego dozoru, w tym jako narzędzia polityki resocjalizacyjnej państwa. Sformułowała przy tym szereg wniosków i ocen własnych.

Słowa kluczowe: kara pozbawienia wolności, dozór elektroniczny, sąd penitencjarny, skazany, resocjalizacja, prewencja indywidualna

Abstract

The article deals with electronic surveillance as one of the forms of imprisonment. The author's intention was to present this institution as serving the realization of statutory goals of imprisonment. In this way, the hypothesis that this supervision is an important element of the contemporary penitentiary policy of our country has been proved. In addition, the aim of the presented study was to present the social aspects of the use of electronic surveillance, including the benefits that the prisoner achieves. The author has described the institution in question and the principles of its functioning. She also formulated a *de lege ferenda* postulate to limit the possibility of using the supervision in question by convicts serving their sentences in penitentiary institutions. She presented selected results of surveys conducted twice by the Justice Institute and an audit conducted by the Supreme Chamber of Control in 2013 to assess the functioning of electronic supervision. She referred to the opinions of some representatives of doctrine in the aspect of evaluation of the supervision in question, including as a tool of the state's re-socialisation policy. She also formulated a number of conclusions and her own assessments.

Keywords: prison sentence, penitentiary court, convict, electronic surveillance, resocialization, individual prevention

Introduction

The intention of the Polish legislator was to create a system of penalties and punitive measures whereby imprisonment would have a subsidiary character, i.e. it would be applied when non-custodial penalties and punitive measures proved to be insufficient². Imprisonment is, as such, treated in terms of *ultima ratio*, this status being compatible with the international legal norms ratified by our state regarding this area, and fitting into the mainstream of the penal policy of the European Union, the Council of Europe or the United Nations. In democratic states of rule of law, it is therefore advised to restrict the employment of the said penalty and to develop alternative measures that would make it possible to avoid the negative consequences associated with the convict's detention in penitentiary isolation³. Such measures include electronic monitoring used to check the behaviour of the convict. This paper will attempt to demonstrate that it is an important element of our state's contemporary penitentiary policy and an issue that requires continuous scientific discourse.

As of today, electronic monitoring is an institution used, among others, in the United States and in many European countries, including: the United Kingdom, Denmark, Sweden, the Netherlands, Belgium, Switzerland, Spain, Portugal, France, Germany or Italy. It takes a variety of forms, as it can be: a system of executing penalty, a post-penitentiary supervision tool, an element of the victim protection system, a probation measure or a preventive measure, or even a type of penalty⁴. For a dozen of years, monitoring has also been used in Poland.

1. The Essence of the Institution of Electronic Monitoring

In analysing the scope of the term "electronic supervision", one should note that it refers to a general term for all forms of surveillance using radio and satellite technology by means of which a person can be monitored (including by marking his or her geographical location, activity, specific behaviour or biometric data) and do so for the purposes of a criminal trial. Although it has a relatively short tradition, using new technologies as part of the supervision of

² A. Zoll, Założenia polityczno-kryminalne kodeksu karnego w świetle wyzwań współczesności, „Prokuratura i Prawo” 1998, nr 9/10, s. 47.

³ Zob. szerz. Wzorcowe Reguły Minimum Narodów Zjednoczonych dotyczące środków alternatywnych wobec pozbawienia wolności (Reguły Tokijskie). Rezolucja Zgromadzenia Ogólnego (45/110) przyjęta 14 grudnia 1990 r. Tekst w: „Archiwum Kryminologii” 1994, t. XX, s. 193-203.

⁴ P. Moczydłowski, Przestępca na uwięzi. Elektroniczny monitoring sprawców przestępstw, Warszawa 2006, s. 66.

prisoners is an integral element of contemporary penitentiary policy⁵. Electronic supervision, or monitoring, in the light of the regulations of the current Executive Penal Code⁶, constitutes a form of execution of, inter alia, a custodial sentence, and consists in monitoring the behaviour of a convict outside the prison.

While introducing the not-so-distant origins of the electronic monitoring institution in our country, it is worth highlighting that it originally constituted only a form of imprisonment, but over time it has also found its use in the execution of certain penal and preventive measures. The institution was brought into the Polish penal system by the Act of 7 September 2007 on the Execution of Imprisonment Sentences Outside Prison in the Electronic Monitoring System⁷ (hereinafter: EMS). The Act was intended to be of temporary character and, by design, to have effect until 30 June 2013, but by virtue of the Act of 30 May 2008 amending the Act on the Execution of Imprisonment Sentences Outside Prison in the Electronic Monitoring System⁸, the period was extended to 31 August 2014. Thus, it was a rare instance of a temporal law in the Polish legal framework⁹. As Karol Borchólski points out, this piece of legislation was introduced, in part, to combat the crime of football hooligans in connection with the upcoming organisation by Poland and Ukraine of the 2012 UEFA European Football Championships¹⁰. This was followed by the Act of 12 July 2013 amending the Act on Execution of Imprisonment Sentences Outside Prison in the Electronic Monitoring System¹¹ providing for further execution of the imprisonment sentence within the framework of the discussed system. Finally, under the Act of 20 February 2015 amending the Act - the Penal Code and Certain Other acts¹², the Act of 7 September 2007 on the Execution of Imprisonment Sentences Outside Prison in the Electronic Monitoring System was repealed, placing the provisions concerning the said institution in the Executive Penal Code of 6 June 1997, by subdividing for these norms a separate Chapter VIIa "Electronic Monitoring System" covering Articles 43a-43zf.

Providing a new legal shape and scope to the institution of electronic monitoring has rendered it necessary to introduce a system for this monitoring, which should be understood as

⁵ M. Pieszczyk, Odpowiedzialność karna za zachowania polegające na uchylaniu się od wykonywania dozoru elektronicznego, „Probacja” 2021, nr 3, s. 29.

⁶ Ustawa z dnia 6 czerwca 1997 r. - Kodeks karny wykonawczy (Dz. U. z 1997 r. Nr 90, poz. 557, ze zm.); dalej: k.k.w.

⁷ Dz. U. Nr 191, poz. 1366, ze zm.

⁸ Dz. U. Nr 113, poz. 719.

⁹ R. Krajewski, Odpowiedzialność karna za uszkodzenie urządzeń służących do wykonywania dozoru elektronicznego, „Prokuratura i Prawo” 2020, nr 2, s. 5-6.

¹⁰ K. Borchólski, Nowelizacja przepisów karnych a przestępczość pseudokibiców piłkarskich, „Diariusz Prawniczy” 2012, nr 18-19, s. 82-83.

¹¹ Dz. U. poz. 915.

¹² Dz. U. poz. 396.

the entirety of methods of conduct and technical means for its implementation¹³. Within the framework of this system, the legislator has introduced three forms of supervision of the convict's behaviour with the use of technical means, i.e. stationary, mobile and proximity monitoring (Article 43b(3) k.k.w.). The first of these forms, i.e. stationary monitoring, consists in monitoring the presence of the convict on specific days of the week and hours, in a place designated by the court. The second, mobile monitoring, or tracking, is intended to check the current location of the convict, regardless of where he or she actually is. Proximity monitoring, on the other hand, concerns checking if the convict keeps a certain minimum distance from a person designated by the court. It should be emphasised, however, that imprisonment under the electronic monitoring system is carried out exclusively in form of stationary supervision (Article 43c k.k.w.) and therefore there is no need to set forth a given form in the decision of the penitentiary court.

In formal terms, electronic monitoring is, as such, an institution of executive penal law and one of the ways in which a custodial sentence is enforced. Therefore, it should not be regarded as an instrument establishing a penalty of a different type, not provided for in the catalogue of Article 32 of the Criminal Code. This conclusion arises as a consequence of the interpretation of the legal norms stipulated in the Penal Code and the Executive Penal Code. Indeed, the penal system in force provides for a uniform form of imprisonment and, in this context, it is important to distinguish between the final and non-appealable judgement itself and the manner in which it is enforced. The state of imprisonment is created by the prohibition set forth in the court decision, while on the basis of a different procedural ruling, issued by a different authority – i.e. the penitentiary court, a decision is made to grant permission to serve the sentence under the electronic monitoring system¹⁴.

2. Implementation of Electronic Monitoring

The decision to execute a custodial sentence under the electronic monitoring system rests with the penitentiary court, and is optional in nature. In accordance with Article 43la(1) k.k.w., the penitentiary court may grant the convict permission to serve the imprisonment sentence under the monitoring system, provided that all the conditions stipulated in this provision are jointly met (the convict has been sentenced to a term of imprisonment of no more than one year and six months, and the circumstances specified in Article 64(2) of the Penal Code do not occur;

¹³ K. Dąbkiewicz, Kodeks karny wykonawczy. Komentarz, LEX/el. 2020.

¹⁴ M. Pieszczyk, Odpowiedzialność karna..., s. 38.

this way of serving the sentence is sufficient to achieve the purposes of the penalty; the convict has a fixed place of permanent residence; the adult persons co-habiting with the convict have given the consent referred to in Article 43h(3) k.k.w.; the execution of the sentence of imprisonment under the electronic monitoring system is not hindered by the technical conditions specified in Article 43h(1) k.k.w.). The optional nature of the decision of the penitentiary court means that even the joint fulfilment by the convict of the above-mentioned prerequisites does not necessarily entail granting of a permission to serve a custodial sentence in the EMS. Issuing an order granting the convict permission to serve the sentence in question in this system is preceded by a thorough assessment made by the court as to the reasonableness and advisability of allowing the request to this effect, based on statutory grounds. Should the penitentiary court deny the permission in question, it is obliged to provide reasons for why it did not grant the request, despite the existing prerequisites set forth in Articles 43la(1), (2) and (3) k.k.w. The optionality of this decision does not mean that it is arbitrary. In assessing the grounds referred to, the penitentiary court may not focus solely on the circumstances relating to the offence and treat them as decisive, as it must also determine whether the offender's traits, that is, his attitude, characteristics and personal conditions, in their various aspects, will allow for the objectives of the punishment in terms of individual prevention to be achieved in an unimpeded manner, when the sentence is served under the EMS¹⁵.

It should be emphasised that each of the prerequisites enumerated in Article 43la(1) of k.k.w. should be considered as a *sine qua non* condition for granting the convict permission to serve his or her sentence under the EMS. The publications on the subject and the jurisprudence suggest that each of the conditions contained in this provision is of an equivalent nature and requires scrutiny on the part of the penitentiary court whether it has been fulfilled. As the Court of Appeal in Szczecin correctly adjudicated, the failure to meet any of those conditions "has the effect of issuing a decision to deny permission to serve a custodial sentence under this system. It is, therefore, a circumstance preventing a decision on the merits of the case in favour of the convict, and not a circumstance of a strictly procedural nature, excluding the possibility of the proceedings in question from taking place altogether"¹⁶.

The factor determining the possibility of granting permission to a convict to serve a sentence of imprisonment under the EMS is never family or occupation related, but only considerations

¹⁵ Postanowienie SA w Szczecinie z 10.05.2017 r., II AKZw 544/17, LEX nr 2536214; zob. też: postanowienie SA we Wrocławiu z 5.09.2017 r., II AKZw 1508/17, LEX nr 2347820.

¹⁶ K. Postulski, Zezwolenie na odbycie kary pozbawienia wolności w systemie dozoru elektronicznego. Głos do postanowienia SA w Gdańsku z 7 lutego 2017 r., II AKZw 100/17, „Prokuratura i Prawo” 2017, nr 1, s. 48-69; postanowienie SA w Katowicach z 7.07.2020 r., II AKZw 1019/20, LEX/el. 2017.

connected with the prognosis for the person requesting the permission for the application of this institution. The penitentiary court, when making assessment as to the merits for granting consent to serve a sentence of imprisonment under the electronic monitoring system, should carry it out not only in view of the convict's current attitude, but, above all, take into account his or her past life pattern. Circumstances pertaining to the personal life of the convict should not be taken into account as a premise for authorising the serving of a custodial sentence under the EMS. Those issues may, instead, be the subject of proceedings to postpone the execution of a custodial sentence or to grant an interruption to its execution¹⁷. It ought to be stressed that the electronic monitoring system does not serve to mitigate the negative effects on the convict's health or family situation associated with his or her incarceration in prison¹⁸.

Notably, electronic monitoring should extend to all sentences that the convict has to serve or is serving, which results from the inadmissibility of selectively specifying only some of them in order to circumvent the condition set forth in Article 43la(1)(1) and (6) k.k.w., as well as from the impossibility of combining the exercise of electronic monitoring with another punishment. The penitentiary court will, therefore, not be bound by a motion in which the convict has made a selection of enforceable custodial sentences, as the court will consider all enforceable sentences that have become final and non-appealable by the time the ruling on the EMS becomes final and non-appealable. From a functional point of view, it would be considered inadvisable to conduct electronic monitoring in a situation where it would already be known in advance that it would be interrupted due to the execution of another custodial sentence that cannot be executed by means of EMS¹⁹. The decisive condition for the possibility of granting the permission in question is the total of the imposed sentences, and not the measure (total) of the sentences remaining to be served at the time of the ruling on the granting of that permission. Significantly, the postponement of the sentence does not eliminate the enforceability of the sentence and does not affect the internal relationship between sentences to be subsequently served²⁰.

A convict who has not yet begun serving his or her sentence in a prison may be granted permission by the penitentiary court to serve his or her sentence under the electronic monitoring system if security considerations and the degree of delinquency, as well as other special circumstances, do not support the need of the convict's incarceration in a prison (Article 43la(2)

¹⁷ Postanowienie SA w Katowicach z 23.03.2021 r., II AKzw 241/21, LEX nr 3211814.

¹⁸ Postanowienie SA w Krakowie z 8.01.2018 r., II AKzw 1097/17, LEX nr 2566597.

¹⁹ Postanowienie SA w Krakowie z 11.12.2018 r., II AKzw 972/18, LEX nr 2692652.

²⁰ Postanowienie SA w Szczecinie z 6.10.2017 r., II AKzw 1165/17, LEX nr 2428202.

k.k.w.). It should be mentioned, however, that according to the legislator's intention, electronic monitoring is to primarily embrace offenders with lesser social harm, who have entered into conflict with the law for the first time, or those who are not delinquent, but against whom the sole imposition of strictly non-custodial sentences would, at the same time, be inadequate. The law permits for the use of the electronic monitoring system even for re-offenders, but not in the case of the so-called multiple relapse into crime. The granting of permission to convicts under the conditions of Article 64(1) of the Penal Code to serve their sentence under the EMS is permissible when the sentence has been imposed for an accidental offence, committed under special circumstances indicating the absence of a desire to return to criminal life, and the convict's behaviour upon the previous leaving of the prison was exceedingly positive²¹. On the other hand, electronic monitoring should not be enjoyed by persons whose behaviour manifests a far-reaching disregard for the fundamental principles of the rule of law, since it can be assumed in advance that, in those cases, electronic monitoring will be insufficient to achieve the aims of their sentence.²²

Granting permission with regard to a convict who has not yet commenced serving his or her sentence in prison to serve the sentence under the electronic monitoring system must be preceded by the court finding that this is sufficient to achieve the aims of the sentence and that security considerations and the degree of delinquency, as well as other special circumstances, do not support the need of the convict's incarceration in prison²³. The granting of permission to serve a sentence under the EMS must be supported by "special circumstances". This criterion, which may constitute a contraindication to serving a custodial sentence in the form of electronic monitoring, has been formulated as a general clause, leaving the penitentiary court freedom to assess whether such circumstances occur in each and every individual case. Consideration should only be given to the proper understanding of the term "special" in that its dictionary synonyms are identified, i.e.: atypical, unusual, exceptional, specific, uncommon²⁴. In view of the foregoing, it must be assumed that the "special circumstances" referred to in the scrutinised provision are both circumstances relating to the convict which affect his or her criminological prognosis – that is, his or her attitude, personal traits, life situation, family and home environment or financial situation – and the circumstances of the offence for which he or she was convicted. In the latter instance, as in conditional early release cases, special circumstances

²¹ Postanowienie SA w Krakowie z 7.05.2019 r., II AKz w 101/19, LEX nr 2718752.

²² Postanowienie SA w Krakowie z 9.03.2018 r., II AKz w 114/18, Lex 2610654.

²³ Postanowienie SA w Krakowie z 15.07.2020 r., II AKz w 265/20, LEX 3169723.

²⁴ M. Bańko (red.), Słownik języka polskiego, t. 5, Warszawa 2007, s. 251.

may be associated with the offence, but only when understood in a way that precludes assessment and differentiation of the type of offence. It primarily involves the circumstances of the commission of an offence characterising the personality of the offender displayed at the time of committing the offence. In the case of the court refusing to grant permission, it is obliged to specify what circumstances (understood as facts, occurrences, situations and states accompanying the commission of the act) affected the negative personality description of the convict. The mere description of the circumstances of the offence attributed to the convict in the judgement, even if they were drastic, does not meet this requirement, as these circumstances had already been heard by the court of merit and were relevant to the judicial assessment of the measure of penalty²⁵.

3. Electronic Monitoring and the Statutory Objectives of the Custodial Sentence

In the remaining part of this discussion, one should take a look at the issue of achieving the statutory objectives of the custodial sentence in terms of monitoring the convict's behaviour by means of technical measures. Therefore, when determining whether serving the sentence in question in the form of electronic monitoring (Article 43la(1)(2) k.k.w.) will suffice to achieve its objectives, it is necessary to bear in mind the aims of that sentence as set out in Article 67 k.k.w. It should be noted that the Executive Penal Code provides for a much narrower scope of objectives for the execution of a custodial sentence than the sentencing directives stipulated in Article 53(1) of the Penal Code. In the executive proceedings, the penitentiary court no longer assesses the degree of culpability and social harmfulness of the offence and does not analyse the issue of the social impact of the penalty. That is because the primary objective of the execution of a custodial sentence is to achieve a preventive effect as well as an educative one, i.e. individual prevention. The objective in question has been defined *in fine* in Article 67 k.k.w. as instilling in the convict the intention to cooperate in the formation of his or her socially desirable attitudes, in particular a sense of responsibility and the need to respect the legal order, and therefore to refrain from returning to crime. It is to a certain extent a prospective, far-reaching goal that has the chance of being fulfilled in the future, after the sentence has been served. In fact, the requirement to examine security considerations, the degree of delinquency, as well as other special circumstances in a case for granting permission to serve a custodial sentence under electronic monitoring and to assess whether they support the need for the

²⁵ Postanowienie SA we Wrocławiu z 5.09.2017 r., II AKzw 1508/17, LEX nr 2347820.

convict's incarceration in prison, is essentially intended to ensure the elimination of those convicts who may, at liberty, pose a danger to socially protected values²⁶.

In order to achieve this goal, "individualised rehabilitation activities with regard to convicts shall be carried out within the framework of the systems of execution of the sentence, in various types and kinds of penitentiary facilities" (Article 67(2) k.k.w.), with the legislator providing in Article 81 k.k.w. three systems of execution of the custodial sentence: programmed, therapeutic, and ordinary rehabilitation.

When taking into account the "degree of delinquency" of the convict as one of the criteria for assessing whether it is reasonable to permit him or her to serve a sentence of imprisonment under the electronic monitoring system, it is necessary to bear in mind the proper understanding of the above concept. By making a certain generalisation, it can be concluded that delinquency manifests itself in a variety of negative behaviours that defy accepted legal and social norms. Therefore, the task of the penitentiary court consists in finding the extent to which the degree of delinquency, understood as such, makes it possible to serve a custodial sentence under the EMS²⁷.

Serving a custodial sentence under the electronic monitoring system forces the convict to exercise self-control, self-discipline and responsibility, which is why it is so important to properly assess the convict in the context of his or her criminological prognosis. The convict's past criminal record, his or her disregard for legal and social norms and, in particular, the ineffectiveness of the resocialisation conducted so far in a non-custodial setting must, therefore, result in the penitentiary court denying the convict the possibility to serve his or her custodial sentence under the electronic monitoring system, as otherwise the objectives of the sentence referred to above would not be achieved.

Meanwhile, a convict who has already commenced the service of his or her sentence in prison may be allowed to serve the remainder of that sentence under the electronic monitoring system if the convict's past attitude and behaviour support the granting of this permission (Article 43la(2) k.k.w.). It should, however, be emphasised at this point, that the mere proper behaviour of the convict, or his or her engagement in the process of resocialisation, does not constitute sufficient grounds for granting permission to serve the sentence outside prison²⁸. Undoubtedly, for the penitentiary court to make a decision on authorising the execution of a custodial sentence under the EMS with regard to a convict, the opinion of the prison

²⁶ Ibidem.

²⁷ Ibidem.

²⁸ Postanowienie SA w Krakowie z 10.12.2018 r., II AKzw 1005/18, LEX nr 2692651.

administration is of significant importance. This is because it comprises information on the convict's behaviour in prison custody setting, possible involvement in a criminal subculture, disciplinary penalties imposed, or rewards received. On this basis, the penitentiary court makes an assessment whether the convict has actively participated in the resocialisation process. An important indicator is the effectiveness of the system of serving the sentence by the convict. Deserving special attention in this respect is the system of programmed rehabilitation, which can be described as resocialisation. In Joanna Hołda's assessment, this is because it seems to offer the best possibility of achieving the objectives of the sentence. The author observes that, as the Explanatory Memorandum to the government's Executive Penal Code Bill suggests, "(...) the basis for the execution of the sentence in the system specifically aimed at resocialisation will be the individual rehabilitation programme, developed with the participation of the convicted person. This is of essence not only for the empowerment of the convicted person, but also for the effectiveness of the undertaken rehabilitation activities"²⁹.

Choosing a rehabilitation programme system, which comes with additional responsibilities, undoubtedly indicates that desirable changes are taking place in the convict's attitude. Taking this into account, the rehabilitation programmes establishes, in particular: the types of employment and training of convicts, their contacts (especially with family and other relatives), the use of free time, the possibilities of fulfilling their obligations and other undertakings necessary to prepare convicts for their return to society (Article 95(2) k.k.w.). Thanks to the fact that the implementation of these programmes is subject to periodic evaluations, there is a reliable basis for verification of the given resocialisation process of the convict. At this point, it is worth making a postulate on the law as it should stand that the benefit of serving the remainder of the custodial sentence should only be available to those convicts who have consented to being subjected to a programmed rehabilitation system and who have achieved the effects intended by that programme.

On the other hand, the serving of the sentence under the ordinary system, even where the convict is rewarded, may indicate that he or she has limited himself or herself to the mere due submitting to the penalty, which is, after all, his or her duty. It is also difficult to draw far-reaching conclusions based on this fact as to whether the convict, while remaining outside prison, will be able to function properly and, in particular, to respect the rule of law. Meanwhile, the passive attitude of the convict, who does not distinguish himself or herself in any particularly positive way during the course of the sentence, certainly does not justify the

²⁹ J. Hołda, Z. Hołda, *Prawo karne wykonawcze*, Warszawa 2006, s. 137-138.

hypothesis that a permanent and positive change has taken place in his or her personality and attitude. The latter circumstances can thus hardly be considered sufficient for a convict to successfully apply to the penitentiary court for permission to serve his or her sentence under the EMS.

On the other hand, a negative premise for allowing the execution of a sentence under the EMS is penitentiary recidivism. If a convict has already left prison in connection with a granted conditional early release, then commits another offence, and is again sent to serve his or her sentence in prison, it means that he or she is a delinquent offender who has not been prompted to change his or her reprehensible attitude even by his or her incarceration. Such an attitude irrefutably proves that the rehabilitation objectives of the sentence under Article 67(1) k.k.w. in terms of a sense of responsibility and the need to live in line with the rules of the legal order and to refrain from relapsing into crime have not been achieved with regard to the convict.

Notwithstanding the fact that a custodial sentence carried out under the EMS does not involve incarceration in a prison setting, serving this sentence under electronic monitoring does not change its essence, which is a deprivation of liberty of an absolute nature³⁰. Undoubtedly, however, a custodial sentence executed under that system deviates in its essence from what is commonly regarded as deprivation of liberty in its ontic sense. Nevertheless, the present shape of the convicted person's obligations, which are associated with a custodial sentence executed under the electronic monitoring system, does not constitute such a degree of severity that would determine the possibility of qualifying monitoring as an additional level within the gradation of the forms of execution of that sentence, situated just behind an open prison. As Martyna Pieszczyk purports, „taking into account a certain uniqueness associated with restrictions under electronic monitoring, it would be appropriate to advocate the introduction of a new type of penalty that would constitute an intermediate sanction between imprisonment and limitation of liberty”³¹. Given the peculiarities of the execution of a sentence in the form of electronic monitoring, this postulate seems interesting.

Certainly, the execution of a custodial sentence under the electronic monitoring system fits in with the general objectives of imposing a custodial sentence. The Explanatory Memorandum of the government Executive Penal Code Bill states that "the resocialisation activities undertaken with respect to the convicted person are to become his right or an offer on the part of the executing authority, which he does have to not make use of (...). Thus, the rejection of

³⁰ Wyrok SN z 23.05.2014 r., III KK 16/14, LEX nr 1469141; wyrok SN z 5.02.2020 r., V KK 665/19, LEX nr 3122793.

³¹ M. Pieszczyk, Odpowiedzialność karna., s. 44.

coercive resocialisation in the course of execution of the sentence originates from the concept of respecting the human right to self-determination and from a realistic recognition of the fact that social rehabilitation of an adult is effective in particular when he or she accepts it, and – as a subject of that rehabilitation – establishes cooperation with educators, teachers, therapists, etc.". For this reason, the Executive Penal Code puts emphasis solely on instilling in the convict a willingness to cooperate in the formation of his or her socially desirable attitudes³². In addition, in Article 43a k.k.w., the legislator stipulated that the execution of a custodial sentence may be combined with the use of electronic monitoring. However, irrespective of the system of execution of the sentence concerned, it is always intended to fulfil the objective indicated above. The primary role in this process is that of work, especially such as to encourage acquiring appropriate professional qualifications, as well as of education, cultural, educational and sporting activities, maintaining contact with the family and the outside world, and adequate therapeutic measures.

4. Social Aspects of Carrying Out Electronic Monitoring

The execution of a custodial sentence in a prison requires, first of all, that appropriate conditions are created that favour individual treatment of convicts, the prevention of harmful influences from delinquent convicts, the assurance of personal safety, the choice of the correct system of execution of the sentence, the type of prison and the correct distribution of convicts within the facility. This is undoubtedly a real challenge for the penitentiary system and involves many practical problems, sometimes standing in the way of the proper implementation of the tasks in question. While it is true that the legislator is trying to address these problems by introducing a normative system for the classification of convicts, based in particular on personal background tests, it should be stressed that the specifics of serving a custodial sentence can considerably interfere with this process. This is because we cannot disregard the fact that a prison is a place of forceful integration of persons from different backgrounds, and even a properly conducted classification process of convicts will not be able to fully eliminate the negative consequences that this entails. The destructive effect of confinement in prison on the convict's family and professional ties and relationships should also be seen as material in this respect.

Imprisonment hinders and sometimes even precludes taking decisions on one's own life

³² J. Hołda, Z. Hołda, *Prawo karne...*, s. 136.

activities and limits ties with the social environment. Confinement in prison compels one to stay with strangers on a daily basis, who often violate commonly accepted norms and patterns of social behaviour and are characterised by varying degrees of delinquency. Undoubtedly, this makes it difficult to create proper interpersonal relationships between convicts. Moreover, persons sentenced to short-term sentences, in particular for committing offences of relatively negligible social harm, are exposed to negative influences from delinquent prisoners who harass or even use physical violence against other prisoners, with the intent of psychologically dominating them and effectively subjugating them. Serving a custodial sentence under such conditions does not encourage resocialisation, which is, after all, supposed to lead to positive changes in the convict's behaviour, and often goes against the stated objectives of penitentiary rehabilitation and the custodial sentence³³. Frequently, a stay in prison also contributes to the emergence and development of various types of deviant behaviour and disorders. In contrast, a convict subject to electronic monitoring does not experience the negative consequences that a stay in a penitentiary facility entails. Serving a custodial sentence under the electronic monitoring system makes it possible, in particular, to avoid the destructive effects of incarceration in prison on the convicted person's personality. It should also be emphasised that people held in penitentiaries, more often than people living in an open environment, experience negative changes in their psyche, disturbances of consciousness, emotions and of the decision-making process, which, as a consequence, usually leads to numerous behavioural disorders. Remarkably, a person serving a custodial sentence under the electronic monitoring system is not isolated from his or her environment and other social groups, as is the case in prison, and while remaining in his or her previous place of residence, he or she can still maintain and develop family ties, which play an important role in social readaptation, and continue professional work, as well as pursue education and other activities. The system discussed thus allows the convict to fully function in the society and lead a normal personal life under constant, although discreet supervision³⁴. With the court's consent, the convict may leave the place where the sentence is served in order to perform other activities related to, for example, professional work, continue his or her education or actively participate in family life. The convict may thus not only stay with his or her own family and fulfil daily household and parental duties, but also

³³ K. Mamak, *Dozór elektroniczny — rozważania na tle kary pozbawienia wolności, kary ograniczenia wolności oraz przestępstwa samouwolnienia* (art. 242 § 1 k.k.), „Czasopismo Prawa Karnego i Nauk Penalnych” 2017, nr 3, s. 7-39.

³⁴ D. Sarzała, *Resocjalizacyjny wymiar dozoru elektronicznego jako nieizolacyjnego modelu wykonywania kary pozbawienia wolności*, „Lubelski Rocznik Pedagogiczny” 2016, t. XXXV, z. 2, s. 159-175; K. Daniel, *System dozoru elektronicznego w Polsce — praktyka stosowania*, „Security, Economy & Law” 2019, nr 1 (XXII), s. 20.

work and support the family in financial terms. Thanks to the solutions employed, the relationship between the convict and his or her child is not disrupted, and the child does not therefore experience the adverse consequences that are inherent to serving the penalty of imprisonment in a prison setting³⁵. Undoubtedly, the execution of custodial sentences under the electronic monitoring system ensures convicts confidentiality in terms of serving their sentences, thus avoiding the stigmatisation on the part of the society that is intrinsically associated with staying in prison³⁶. It is one of the key arguments in favour of employment of the institution discussed in this paper.

Furthermore, it should be noted that for many years Poland has had a high rate of incarcerations in prison³⁷, which in turn generates further problems undermining the national security, such as the lack of resocialisation value or the high cost of incarceration of inmates. As Czesław Paweł Kłak correctly observes, the Polish penitentiary system, unlike many existing European systems, for example in Greece, the United Kingdom or Slovakia, bears the full cost of keeping convicts in penitentiary facilities³⁸. As a result, serving a custodial sentence in the form of electronic monitoring – as a non-custodial instrument – is also an opportunity to successfully achieve the goals of national penal policy³⁹. Whilst noting on the benefits arising from supervising the convict's behaviour by means of technical devices, one should also highlight their economic aspect, as the cost of executing custodial sentence under the EMS in 2016, in Poland, was approximately PLN 330 per month, while the average cost of keeping an inmate oscillated around the sum of PLN 3,400⁴⁰.

5. Statistical Data of the Prison Service on the Use of EMS

³⁵ A. Barczykowska, Sytuacja życiowa rodzin osób pozbawionych wolności, w: Rodzina i praca z perspektywy wyzwań i zagrożeń, L. Golińska, B. Budek (red.), Łódź 2008, s. 341-354.

³⁶ M. Gad, System dozoru elektronicznego — technologia w służbie publicznego ius puniendi, Prawo a nowe technologie, Katowice 2019, s. 99.

³⁷ <https://www.sw.gov.pl/strona/statystyka> (dostęp: 23.05.2022 r.).

³⁸ Cz.P. Kłak, Analiza systemów zatrudnienia osób pozbawionych wolności w wybranych państwach świata (z uwzględnieniem standardów międzynarodowych), opracowanie sporządzone na potrzeby Najwyższej Izby Kontroli, Rzeszów 2016 r. - załącznik nr 3 do Informacji o wynikach kontroli Najwyższej Izby Kontroli „Zatrudnienie osób pozbawionych wolności”, Warszawa 2017, s. 18, <https://www.nik.gov.pl/plik/id,13033,vp,15445.pdf> (dostęp: 25.05.2022 r.).

³⁹ I. Zgoliński, Dozór elektroniczny jako instrument polityki karnej. Wybrane uwagi na kanwie nowelizacji kodeksu karnego i kodeksu karnego wykonawczego, „Studia Prawnicze KUL” 2015, nr 4 (64), s. 89-102; D. Sarzała, Resocjalizacyjny wymiar dozoru elektronicznego..., s. 167.

⁴⁰ M. Gad, System dozoru elektronicznego..., s. 99; P. Nasiłowski, System dozoru elektronicznego w praktyce, „Na Wokandzie” 2016, nr 29, s. 5-7 i literatura tam przywołana.

Based on the information of 11 August 2014 forwarded to the Polish Ombudsman by the Ministry of Justice, the number of persons placed under the EMS has been steadily increasing: with 35 persons in 2000, 615 in 2010, and 27,653 in 2013.

nowelizacji kodeksu karnego i kodeksu karnego wykonawczego, „Studia Prawnicze KUL” 2015, nr 4 (64), s. 89-102; D. Sarzała, Resocjalizacyjny wymiar dozoru elektronicznego..., s. 167. Additionally, the number of convicted prisoners released from prisons and remand centres to the EMS amounted to 13,651 persons (2009-2013). At that time, Poland ranked second in Europe in terms of the number of monitored persons⁴¹.

According to the Office of Electronic Monitoring of the Prison Service, the population rate of prisons and remand centres in Poland in recent years amounted to:

Table No. 1 The population rate of prisons and remand centres in Poland (based on author's own research)

The percentage population rate of prisons and remand centres in Poland	Date
93.1%	as of February 2014
89.8%	as of May 2015
85.5%	as of February 2016
89.6%	as of February 2017
90.3%	as of February 2018
90.8%	as of February 2019
94.20%	as of March 2020
84.31%	as of February 2021
87.11%	as of May 2022

Source: <https://www.sw.gov.pl/strona/statystyka> (access: 23.05.2022)

Analysis of the above data leads to the conclusion that this rate has remained high between 2014 and 2022, showing only slight fluctuations. Following the data as of 30 September 2021, a total of 120,802 persons have been included in the electronic monitoring system since 1 September 2009, i.e. the date of implementation of the EMS, of whom 6,852 persons were actively serving sentences, penal or preventive measures and 117,728 persons had completed serving sentences or penal measures. These data clearly illustrate the operation of the EMS, and a detailed summary for 2018-2021 is provided in the table below:

⁴¹ <https://bip.brpo.gov.pl> (dostęp: 19.06.2022 r.)

Table No. 2 The number of convicts under the EMS (based on author's own research)

Year (as of 31 December)	Number of convicts under the EMS
2018	4853
2019	4873
2020	5787
2021 — as of 30.06.	7169

Source: <https://sw.gov.pl/jednostka/biuro-dozoru-elektronicznego> (access: 19.06.2022)

It is noteworthy that in 2021 (as of 30 September), in relation to its capacity (8,000 places), the use of the EMS amounted to 88.8% (1,148 places remained vacant)⁴².

The tables above confirm that the system's performance is stable, but shows a slight upward trend in its effectiveness⁴³.

6. Assessment of Operation of Electronic Monitoring

The issue of electronic monitoring is of interest to institutions whose mission is to ensure economy and efficiency in public service to our country. It is also the subject of numerous analyses conducted by representatives of penal sciences. At this point, one might venture to present, if only briefly, the results of research published on the issues of our interest in 2012 and 2021 by the Polish Institute of Justice (hereinafter: IWS) and an audit carried out in 2013 by the Polish Supreme Audit Office (hereinafter: NIK), as well as to recall selected voices of legal academics and commentators in the aspect of the assessment of the supervision in question as a tool of the State's resocialisation policy.

The first study commissioned by the IWS sought to examine why the provisions of the Act of 7 September 2007 on the execution of custodial sentences outside prison under the electronic monitoring system were not employed "widely enough"⁴⁴. Meanwhile, it was observed that "the popularity of the EMS is slowly but steadily increasing", as data from the Office of Electronic Monitoring of the Central Management of the Prison Service showed that on 31 January 2012,

⁴² <https://sw.gov.pl/jednostka/biuro-dozoru-elektronicznego> (dostęp: 19.06.2022 r.).

⁴³ Zob. też T. Przesławski, E. Stachowska, *Analiza i oceny funkcjonowania...*, s. 11-17.

⁴⁴ M. Jankowski, A. Kotowski, S. Momot, A. Ważny, *Przyczyny niedostatecznego wykorzystywania ustawy o dozorcze elektronicznym*, Warszawa 2012, s. 3.

the number of convicts serving sentences under this system amounted to 2,039⁴⁵. However, as the nature of this article (its length) does not allow for an analysis of the essence of that study, the author will confine herself to quoting selected conclusions formulated by the researchers. It was, therefore, acknowledged that one of the reasons why the Act was applied to a lesser extent than it had been anticipated was a preference of convicts for the institution of conditional early release⁴⁶, and that the statutory criteria for the imposition of monitoring are so arbitrary in nature that it makes it impossible to review the decision by a body of a higher instance. Finally, that the criteria adopted up to that point for the application of the monitoring institution in question "do not correspond to the intended purpose of the regulation"⁴⁷. Based on the reached conclusions, the researchers put forward some law-making proposals, including, among others, the proposal to "introduce electronic monitoring into the catalogue of basic penalties in the Penal Code and to vest its application in the courts adjudicating in the main proceedings"⁴⁸.

The next research commissioned by the IWS spanned the years 2018-2019⁴⁹. Interestingly, they were focused on the analysis of statistical data obtained from the Statistical Management Information Unit of the Department of Strategy and European Funds and case file research in terms of granting of permission to serve custodial sentences under the EMS⁵⁰. The research in question culminated in numerous conclusions, postulates for legislation and practical changes⁵¹. The advocated solutions included:

- eventual extension of the electronic monitoring system to convicts with a maximum of two years remaining to serve⁵² (which, in the opinion of the author of this article, requires in-depth consideration);
- introduction of a standardised template for the probation officer interview, which would contribute to a more efficient operation of the probation service⁵³ (which is to be applauded);
- transferring the competence to decide on the granting of permissions to serve sentences under the EMS to prison directors or specialised commissions, and introducing judicial review in this regard⁵⁴ (which seems a controversial solution);

⁴⁵ Ibidem.

⁴⁶ Ibidem, s. 42.

⁴⁷ Ibidem.

⁴⁸ Ibidem, s. 45.

⁴⁹ T. Przesławski, E. Stachowska, Analiza i oceny funkcjonowania systemu dozoru elektronicznego w Polsce w latach 2018-2019, Warszawa 2021.

⁵⁰ Ibidem, s. 10.

⁵¹ Zob. szerzej Ibidem, s. 39-48.

⁵² Ibidem, s. 41.

⁵³ Ibidem, s. 48.

⁵⁴ Ibidem.

- amending the content of Article 43la(1)(3) k.k.w. by giving it the following wording: "if it is supported by the convicted person's past attitude, behaviour, security considerations, degree of delinquency, as well as other special circumstances" and deleting subsections (2) and (3) in Article 43la k.k.w.⁵⁵ (which is interesting).

In turn, the NIK audit referred to above was primarily intended to assess whether the EMS satisfies the expectations placed upon it in terms of effective social readaptation of convicts and relieving prisons of minor offenders, and to verify how the system of managing electronic monitoring works in practice - in particular, whether it ensures an adequate level of execution of sentences and whether it actually guarantees a lower cost of keeping the convict than in a traditional penitentiary unit. The results of that audit, presented in the 2014 report, indicate that NIK, in general, assessed the introduction of the electronic monitoring system in Poland in positive terms; it did, however, also notice some flaws in its operating. The report stressed that the underlying rationale behind the establishment of the electronic monitoring system was the desire to reduce the population of prisons. The assumption was that such a solution would enable a more effective social readaptation of the so-called minor offenders and "bring savings in the area of execution of the custodial sentence". As noted in the document referred to, publicly available information showed that, although the system had been implemented throughout the country, it was not used to any significant extent, and the reasons for that included the fact that the target group of prisoners was too narrowly defined and there was insufficient information among convicts as to the possibility of using this form of serving their sentence. It was also argued that the system generates costs that are considerably higher than anticipated. Other than that, discrepancies across different appeals proceedings were pointed out in the actions of court-appointed probation officers, who perform key tasks in the process of executing, organising and supervising the imprisonment sentence under the EMS⁵⁶.

The report in question further notes that the EMS provides a lower degree of adverse effects of the execution of the sentence than the isolation of convicts. In addition, it was found that the degree of severity and supervision of electronic monitoring is higher compared to probation measures applied up to then. It was also argued that the execution of the sentence by means of electronic monitoring helps to reduce the risk of depravity for less socially harmful offenders. Major financial benefits have also been reported, with executing a custodial sentence under

⁵⁵ Ibidem, s. 47.

⁵⁶ Najwyższa Izba Kontroli, Informacja o wynikach kontroli. Wdrożenie i eksploatacja systemu dozoru elektronicznego oraz realizacja zadań przez sądowych kuratorów zawodowych w procesie wykonywania kary pozbawienia wolności w tym systemie, s.7; <https://www.nik.gov.pl/plik/id,7016,vp,8872.pdf>, (dostęp: 24.05.2022 r.)

electronic monitoring proving to be almost twice as cheap as executing it in prison. It was also assessed that electronic monitoring solves the existing psychological and social problems experienced by convicts resulting from long-term isolation. The electronic monitoring system has also allowed for a reduction in the number of convicts serving sentences in prisons, which in turn has led to an increase in the availability of places for persons punished for more serious offences. Nevertheless, the system has not contributed to reducing the population of prisons⁵⁷.

A critical position, partially in terms of the lack of correlation between the use of electronic monitoring and a reduction in the prison population, was presented by Robert Pelewicz. This author expressed a negative view on the lack of development of a coherent strategy against overcrowding of Polish prisons, as well as the lack of a detailed analysis of the main factors behind this state of affairs. He pointed out that, if only in view of the experience of other Member States of the Council of Europe, as a legal instrument which was expected to be the remedy for overcrowded prisons, electronic monitoring requires comprehensive preparatory measures to create such conditions that it could function in line with the axiology of the legal system. He went on to note that reducing the overcrowding of prisons should be approached in a comprehensive manner and a variety of measures should be applied, among which electronic monitoring can also play a positive and significant role - but it is not the sole, or even the most important means of achieving the desired state of affairs⁵⁸.

Unquestionably, one should share the position of R. Pelewicz presented above; even though it was presented in 2013, given the high population level of Polish prisons in the following years, the negative diagnosis in terms of treating electronic monitoring as a "remedy" for overcrowded prisons turned out to be accurate.

Despite the recognised numerous advantages of the electronic monitoring system, in making assessments as to its functioning one cannot, however, overlook the issues related to the essentially questionable correlation between the circumstances justifying the application of this institution by the penitentiary court and the facts established in the criminal trial on the basis of which – the court imposed an absolute penalty of imprisonment. If the court handing down the sentence on the basis of the evidence gathered in the course of the pre-trial and jurisdictional proceedings saw no grounds for imposing a non-custodial sentence (nor did it apply the institution of conditional suspension of the custodial sentence), can it be said for sure that, at

⁵⁷ Ibidem.

⁵⁸ R. Pelewicz, Model dozoru elektronicznego w polskim prawie karnym w świetle Zalecenia Rec(99)22 Komitetu Ministrów Rady Europy, „Kwartalnik Krajowej Szkoły Sądownictwa i Prokuratury” 2013, z. 2(8), s. 38-39.

the stage of executive proceedings, the objectives of that sentence will be achieved if it is carried out within the electronic system? When searching for an answer to the question posed in this manner, one should support the view expressed in this regard by Ryszard Andrzej Stefański, who observes that the decision of the penitentiary court must be determined exclusively by premises arising after the sentence has been passed. The author identifies a number of circumstances that the penitentiary court is then obligated to take into account, such as: redress of the damage after the judgement was passed, reconciliation with the victim at that time, a significant deterioration in the convicted person's health or the living conditions of his or her family, a serious illness of his or her next of kin combined with the need to provide care to them, and other.⁵⁹

Moreover, there are some voices among the legal academics and commentators that the imposition of a sentence by the penitentiary court under the electronic monitoring system, carries the risk that the courts will impose harsher sentences (due to the expectation that the custodial sentence will be subsequently converted to the monitoring in question)⁶⁰. It is hard not to share these concerns.

7. Ending

In conclusion of the foregoing considerations, it should be stated that electronic monitoring has become an alternative to the execution of short-term custodial sentences in penitentiaries, in a situation where the penitentiary court found the application of this institution sufficient to achieve the statutory objectives of the punishment. The introduction of the supervision of the convict's behaviour by means of technical devices has undoubtedly revolutionised the modern process of imprisonment and, in principle, is intended to achieve a more efficient fulfilment of the objectives of penitentiary resocialisation with regard to the convict. This form of executing a custodial sentence undoubtedly constitutes an important instrument in the process of the convict's return to respecting the rule of law, which is accomplished without the need for prison incarceration, with all its negative aspects, as discussed in this study. It should also be emphasised, that the implementation of a custodial sentence in the form of electronic

⁵⁹ R.A. Stefański, Kara pozbawienia wolności w systemie dozoru, „Wojskowy Przegląd Prawniczy” 2007, nr 4 (244), s. 38-39.

⁶⁰ D. Sielicki, Elektroniczne monitorowanie przestępców — nowoczesna alternatywa pozbawienia wolności, Wrocław 2005, s. 19; M. Rusinek, Krytycznie o przyjętym kształcie dozoru, „Przegląd Więziennictwa Polskiego” 2008, nr 60, s. 54; G.B. Szczygieł, Kara pozbawienia wolności, w: System prawa karnego, t. 6, Kary i środki karne. Poddane sprawcy próbie, M. Melezini (red.), Warszawa 2010, s. 219.

monitoring requires a high degree of self-control on the part of the convict and gives him an autonomous opportunity to accept the offer of resocialisation in a non-custodial environment. It is therefore preferable to propose that only convicts who have agreed to be subjected to the system of programmed rehabilitation and who have achieved the intended effects of that rehabilitation should be able to benefit from serving the remainder of their sentence under this system. It would also appear that there is no need to include electronic monitoring in the statutory catalogue of penalties, as it successfully fulfils its objectives when it is but a form of serving sentences.

To concur with the comments of NIK regarding the varied consequences of the introduction of this form of execution of the custodial sentence to the field of Polish criminal law, as well as the sometimes critical voices of representatives of the doctrine, the role of the EMS as an important element of the national penal policy must be appreciated. Furthermore, it is to be expected that this system will later become an important tool of a coherent State's strategy in the area of penitentiary policy – which would be both in the interests of the convicts themselves, and of the society.

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9. Postanowienie SA w Krakowie z 11.12.2018 r., II AKzw 972/18.
10. Postanowienie SA w Krakowie z 7.05.2019 r., II AKzw 101/19.
11. Postanowienie SA w Krakowie z 15.07.2020 r., II AKzw 265/20.
12. Postanowienie SA w Katowicach z 23.03.2021 r., II AKzw 241/21.

Legislation

1. Ustawa z dnia 6 czerwca 1997 r. – Kodeks karny wykonawczy (Dz. U. Nr 90, poz. 557, ze zm.).
2. Ustawa z dnia 7 września 2007 r. o wykonywaniu kary pozbawienia wolności poza zakładem karnym w systemie dozoru elektronicznego (Dz. U. Nr 191, poz. 1366).
3. Ustawa z dnia 30 maja 2008 r. o zmianie ustawy o wykonywaniu kary pozbawienia wolności poza zakładem karnym w systemie dozoru elektronicznego (Dz. U. Nr 113, poz. 719).
4. Ustawa z dnia 12 lipca 2013 r. o zmianie ustawy o wykonywaniu kary pozbawienia

wolności poza zakładem karnym w systemie dozoru elektronicznego (Dz. U. poz. 915).

5. Ustawa z dnia 20 lutego 2015 r. o zmianie ustawy – Kodeks karny oraz niektórych innych ustaw (Dz. U. poz. 396).

Internet sources

1. <https://www.sw.gov.pl/strona/statystyka>.
2. <https://sw.gov.pl/jednostka/biuro-dozoru-elektronicznego>.

Najwyższa Izba Kontroli, Informacja o wynikach kontroli. Wdrożenie i eksploatacja systemu dozoru elektronicznego oraz realizacja zadań przez sądowych kuratorów zawodowych w procesie wykonywania kary pozbawienia wolności w tym systemie; <https://www.nik.gov.pl/plik/id,7016,vp,8872.pdf>.