

Electronic Tagging
as a non-custodial system
of executing sentences involving deprivation of liberty
Information Guide

Conditions of serving a sentence

You have been covered by the electronic tagging system implemented by means of monitoring devices. This system is a form of serving sentences involving deprivation of liberty. This guide includes all necessary information concerning the system.

If, after reading this information guide, you have any questions or problems concerning the conditions of serving your sentence, please contact the probation officer competent for your place of residence or employees of the Monitoring Centre using the stationary monitoring device installed in your place of residence.

What are the conditions of serving a sentence in the Electronic Tagging System?

You must remain in the place where you serve the sentence (your flat or another place indicated by the court) within the hours set by the court decision.

What is electronic tagging?

This is a modern, non-custodial system of serving a sentence outside a penal institution. The execution of the sentence and the registration of the entire course of the served sentence is done by means of a transmitter, which will be fixed on the leg or on the wrist while the monitoring device will be placed in the location indicated by the court as the place of serving the sentence. In particular, the device will monitor whether you remain in the place of serving the sentence within the hours set by the court. If you are absent, late or if you violate the day plan set by the court in any other manner, the monitoring device will immediately send information to employees of the Monitoring Centre, which diligently registers the entire course of the sentence. It records all events, in particular, any violations of the conditions of sentence serving set by the penal court.

When does the sentence begin?

The sentence begins as soon as the monitoring devices have been installed - this is when the monitoring begins.

What does this mean to me?

An employee of the Authorised Monitoring Entity will meet you in the place where the sentence will be served in order to install the monitoring equipment. The monitoring equipment consists of a waterproof transmitter, which is usually fixed above the ankle (or on the wrist), and a monitoring unit, which will be installed in the place where the sentence is to be served. This will probably be your place of residence or, if you have no such place, another location as indicated by the court.

In order for the monitoring device to work, it must be plugged into a source of power. It will send information relating to the fulfilment of the conditions of serving your sentence to the Monitoring Centre using a mobile phone network. Neither the monitoring devices nor any of their peripheral devices (antenna, repeater, etc.) may be moved, touched or unscrewed.

If you fail to fulfil the conditions of electronic tagging, the court may revoke the electronic tagging, which may result in you serving the remaining part of your sentence in full custody in a penal institution.

The Authorised Monitoring Entity will install the equipment only after you have been correctly verified, therefore make sure that you have all documents you have received from the court, as well as a document confirming your identity (ID card, passport).

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You will receive information concerning time and spatial restrictions for the sentence. This means that within the hours set by the court you will not be allowed to leave your flat or other place of residence.

Remember that employees of the Monitoring Centre will call you during your sentence for verification. It is your duty to answer those calls.

Can I apply for early release in the case of serving a sentence in this system?

Yes, unless a convict is serving a deprivation of liberty sentence for an offence or a fiscal offence. If, during the course of the sentence, all court decisions and law and order rules are strictly observed, the penal court may (upon an application submitted by the convict, his/her legal counsel, a professional probation officer or a prosecutor) grant conditional early release after at least one half of the sentence has been served. If the sentence was imposed pursuant to Article 64(1) of the Criminal Code, the conditional early release may be applied for after at least two-thirds of the sentence have been served.

Is it possible to receive welfare benefits during the sentence?

If the convict or his/her family are having financial difficulty, it is possible to apply for welfare benefits

Warnings and violations

You must comply with the time and spatial restrictions imposed by the court relating to your sentence. If you fail to comply with the conditions of serving the sentence, the court may replace electronic tagging with incarceration. In the case of destruction or intentional disconnection of the equipment from the power supply, you will be held liable for the damage and the court may decide to revoke electronic tagging.

Anyone who hinders the work of, threatens or attacks employees of the Authorised Monitoring Entity will be held criminally liable.

Serving your sentence in the electronic tagging system may be more convenient for you provided that you fulfil the court decision and all conditions of serving the sentence diligently and care for the monitoring device in accordance with provided instructions and if you do not damage or destroy the equipment on purpose. A good attitude and self-control may result in the limiting of direct verification activities performed by the professional probation officer and employees of the Authorised Monitoring Entity to a minimum.

Visits and phone calls

Electronic tagging system maintenance employees will visit you or call you at different times during the sentence:

- in order to install devices,
- at any time during the sentence, if you fail to comply with the conditions or manipulate the monitoring devices,
- occasionally in order to control or repair the equipment (controls are performed between 6:00 a.m. and 10 p.m.),
- employees of the Authorised Monitoring Entity may also stay near the place where the sentence is served or of other places where you perform the duties imposed by the court, in order to verify whether you comply with the sentence conditions.

You must always answer phone calls from the Monitoring Centre and allow employees of the Authorised Monitoring Entity to enter the place where the sentence is served and access monitoring devices.

If it is necessary to perform its statutory duties, the Authorised Monitoring Entity may request support and help of police officers and, in justified cases, the costs of such interventions will be borne by the convict.

If, for any reason, your telephone connection from the stationary device installed at your place of residence is broken or if the quality of the connection prevents conversation, you must end the call and call back in a few minutes.

Useful information

- always leave yourself enough time to return home before the time of serving your sentence. Take into account heavy traffic, etc. ,
- verify the time displayed on the monitoring unit, it is synchronised with the time source in the Monitoring Centre, it is recommended that you set your watch according to the displayed time,
- organise your life in accordance with the conditions of serving the sentence,
- the professional probation officer may visit you between 6:00 a.m. and 10 p.m.,
- if you have any doubts or questions concerning the sentence, you have the right to contact your probation officer.

Emergency situations

In the case of a serious random event or a necessity for you to receive medical aid away from the place of serving the sentence (if this violates the day plan), the Monitoring Centre should be immediately notified of such an event by a person authorised by you or, if possible, by you personally. If there is a need to temporarily remove the transmitter, it may be removed upon the doctor's application, with the judge and the professional probation officer being notified of such events.

Your obligations during the sentence

You must

- within 7 days of the beginning of the sentence, contact the professional probation officer,
- remain in the place of serving the sentence within the time frame specified in the court decision, you must not leave your place of residence unless the court or the professional probation officer has granted consent to it,
- during the time indicated by the court (the sentence), always answer phone calls, because the Monitoring Centre may try to contact you,
- notify the Monitoring Centre immediately of any problems with the monitoring devices,
- comply with the rules of law and order.

You must not

- leave the place of serving the sentence beyond the hours when this is allowed in accordance with the day plan or be late to the place of serving the sentence, as this constitutes a violation of the conditions of the electronic tagging laid down in the court decision,
- manipulate the monitoring devices installed in your place of residence, personally or with the help of other people,
- let the transmitter or the stationary monitoring device be damaged or removed,
- the convict bears full criminal and financial liability for all such violations, and the court and the probation officer are immediately notified of any such events,
- disconnect the monitoring device from its power supply or relocate it, or put any objects on it the monitoring device; the Monitoring Centre will be immediately notified of any such events.

Phone calls

The monitoring device is equipped with a built-in telephone. This telephone may only be used to contact the Monitoring Centre or dial the emergency number 112. The Monitoring Centre works 24/7 and you can always talk to a person on duty who supervises the execution of the

sentence. When you press the green button, you will automatically be connected with the Monitoring Centre. You can also contact the Monitoring Centre using a traditional phone and calling one of the following numbers:

The Monitoring Centre: 22 518 8030 (all matters relating to the served sentence)

The Superior Agency: 22 518 8010 (making appointments, notifying the readiness to install devices)

The Electronic Tagging Office in the Central Prison Service Management:

22 518 8237 - office

22 518 8184 - fax

bde@sw.gov.pl - e-mail

KEY INFORMATION ON THE ELECTRONIC TAGGING SYSTEM MAY BE FOUND AT:

<http://www.dozorelektroniczny.gov.pl>

How to use the stationary monitoring device - its telephone function?

The telephone receiver is placed at the top of the monitoring device.

1. Pick up the receiver.
2. Press the GREEN button on the monitoring unit to connect with the Monitoring Centre (the call is free of charge).
3. Once you have finished the call, press the RED button on the monitoring device and put the receiver back on the monitoring device.

If the telephone connected to the monitoring device rings, answer it by pressing the GREEN button. Once the call is finished, press the RED button and put the receiver back on the monitoring unit.

To call the emergency number 112, press the red button with the bell symbol. The Monitoring Centre will register the time, length and contents of phone calls.

How does the transmitter work?

The **transmitter** looks like a watch, it is fixed above your ankle (unless there are any medical counter-indications); it may also be placed on the wrist. The transmitter continuously sends signals that are used to verify that you are in the place where the sentence is served.

The **monitoring device** is placed in your flat or in another place where the sentence is served and requires constant power supply. It receives the transmitter's signals and communicates with the Monitoring Centre using a mobile phone network.

If the transmitter or the monitoring device is destroyed or if you try to damage or dismantle it, the Monitoring Centre will be immediately notified of this fact.

THIS IS ONE OF THE MOST SERIOUS VIOLATIONS OF THE CONDITIONS OF SERVING A SENTENCE IN THE ELECTRONIC TAGGING SYSTEM.

An employee of the Monitoring Centre will contact you immediately in order to check what happened.

The court and the probation officer are notified of all violations. The judge and the probation officer also have access to all explanations and information you provide to the Monitoring

Centre.

Other information

Information for cohabitants

Please respect the fact that a person serving a sentence in the Electronic Tagging System must comply with certain restrictions. If there are any problems relating to executing the electronic tagging, please contact the Monitoring Centre, the probation officer or the police.

Complaints, breakdowns

In the case of any complaints relating to the monitoring devices, please contact the Monitoring Centre and lodge a notification. The centre staff will solve such problems.

If it is impossible to solve the problem over the phone, send us a written complaint to the following address:

The Authorised Monitoring Entity
ul. Zwycięzców 34
03-938 Warsaw

telephone: 22 518 8010
22 518 8000
fax: 22 518 8029/58

All complaints will be considered and you will receive a reply within 30 days.

IMPORTANT!

The operation of the Electronic Tagging System will be evaluated by way of research and interviews with people covered by the system. Therefore, it may happen that an employee on duty in the Monitoring Centre or the Authorised Monitoring Entity's patrol staff will ask you to take part in scientific, statistical research, i.e. to answer a few specific questions or to fill in an anonymous questionnaire. In such cases, you will be asked if you agree to be interviewed.

Participation in research and interviews is voluntary and requires your consent.

Declaration

The declaration that you must sign during the installation of devices - its key provisions

1. I will wear the electronic transmitter 24 hours a day until the completion of the sentence.
2. I will bear full liability for the monitoring equipment installed in my place of residence, including its destruction, and I accept the fact that any unjustified attempt to relocate it by myself or by another person will be immediately recorded. I will be held liable if any other person tries to manipulate the equipment. If the manipulation of the equipment is considered a violation of the sentence conditions, the court may revoke its consent for the sentence to be served in the Electronic Tagging System.
3. I agree that employees of the Authorised Monitoring Entity may enter the place where the sentence is served in order to install and maintain the monitoring equipment necessary to execute the sentence. I acknowledge that I will bear neither the costs relating to the use of the telephone line nor any charges for phone calls made by me during the sentence served in the Electronic Tagging System.
4. I acknowledge that in emergency cases, control activities may be performed at night, i.e. between 10:00 p.m. and 6:00 a.m.
5. I undertake to ensure that the monitoring devices are connected to a source of power that is legal and compliant with technical standards.
6. I undertake to answer all phone calls made by means of the monitoring device installed in my place of residence. I undertake to accept all visits made by employees of the Authorised Monitoring Entity during the sentence served in the Electronic Tagging System. Otherwise, this fact may be considered a substantial violation, which may result in the changing of the form of serving the sentence to incarceration in a penal institution.

If I violate any of the aforesaid requirements, the court may change the form in which I serve my sentence from the Electronic Tagging System to incarceration in a penal institution.

Staff safety

The employees of the Authorised Monitoring Entity who visit your place of residence have the right to work in a safe environment that is free from cigarette smoke, and it is your duty to

ensure the aforesaid conditions.

- Insulting or threatening our staff will not be tolerated.
- Make sure that all animals are locked away.
- Do not lock the door or block access to the exit in a way which might in any way limit the freedom of employees and system controllers.
- Never smoke in the presence of an Electronic Tagging System maintenance or control employee.

If your family, cohabitants or guests hinder the performance of any tasks relating to electronic tagging, the employees of the Authorised Monitoring Entity will have the right to abandon the performance and notify the judge and the probation officer of such events, in justified cases they will also notify the Police.

Safety requirements provide that employees of the Authorised Monitoring Entity have a support group caring for their safety; the group will be sent in the case of a request for help.

