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The effectiveness of the served electronic supervision in the opinion of the convicted men

Abstract: In the subject literature it is emphasised that completion of the penalty of deprivation of liberty is not an effective way to prevent former convicts from committing subsequent offences. Thus, an endeavour is being made to find the alternatives to isolation penalty, at which point electronic supervision on the convicts is indicated. Although the provisions of law pertaining to such solution are quite clear, the data pertaining to its effects are not so extensive. In connection therewith, the research was undertaken to reveal the opinions of men serving the penalty of deprivation of liberty on the issue of effectiveness of supervision imposed on them in the past. As part of the research, both diagnostic survey method and author's own questionnaire were used. It involved 229 men who had been previously under the electronic supervision and are in the conditions of penitentiary isolation at the time of research. The obtained results of the study confirm the advantage of positive opinions of the convicts about the supervision carried out. This subjective assessment, however, does not fully coincide with the objective one, carried out in the perspective of returning to prison and the relatively low nuisance of electronic supervision which is treated as a punishment. They encourage to reflect on the detailed diagnosis of the accused persons being conducted prior to the imposition of electronic supervision pursuant to court decision.

Key words: electronic supervision system, effectiveness, convict, prison.

Introduction

For a number of years now, the way of dealing with people who violate the legal norms and the social rehabilitation and readaptive measures employed towards them have been raising doubt. Despite the clear provisions found in legal codes, laws and regulations concerning the consequences of committing a crime, the concern is that they are too ineffective at the executive level. The most popular and the quickest form of its evaluation is determining rates of recidivism, i.e. persons who return to crime having been previously sentenced (Bartkowicz 2008, p. 26; Nawój-Śleszyński 2016, p. 24). The Central Board of Prison Service (CZSW) statistical data indicate about 50% effectiveness of the imprisonment. According to these data, in 2019, out of 74,130 people convicted, 37,307 were repeat offenders, and for most of them it was their second and third prison sentence (Roczna...[2019], p. 23). According to the data provided by the Ministry of Justice (Powrotność... [2015], p. 3), in recent years, the percentage of repeat offenders in relation to the total number of convictions has been regularly increasing. Half of the cases were people who committed the crime again in the first year after the previous sentence became final. A. Leszczyńska (2017, p. 64), having analysed the available information on repeat offenders in Poland, stated that: “the percentage clearly expresses the growing trend of the prevalence of repeat offenders over other convicts found in prisons, especially in the last 5 years”. Recidivism rates are equally high in other countries, e.g. in the United States, about 46% of those convicted return to prison three years after being released (Taylor 2017, p. 3) and in Chile it is as much as 69% (Dammertre [2018]). There is a number of different types of activities undertaken in prisons, which are usually quite highly rated by the beneficiaries themselves. For example, I.B. Uche et al. (2015, p. 167) found that 86% of the convicts believe that social rehabilitation programs have positively influenced changes in their functioning. In turn, W. Lipsey and F.T. Cullen (2007, pp. 301, 308–309) stated that various interventions contribute to a maximum 26% reduction in recidivism (deterrence) and specially arranged rehabilitation programs to change social behaviour and attitudes, taking into account risk factors and the needs of convicts, up to 60%. In spite of this, a significant percentage of people serving prison sentences become repeat offenders.

While it is quite easy to establish numerical indicators, it is much more difficult to capture the internal changes that take place in the offenders, who themselves know best what they feel, what their attitudes and values are (Niewiadomska 2008, p. 130). Unfortunately, the changes in the behaviour of prisoners often observed by the Prison Service staff, probation officers or social workers are illusory and untrue. That is why it is so important to learn the convicts' opinions

on various issues related to their psychosocial functioning. However, caution in the phrasing of judgments and final conclusions should be maintained, given the subjectivity of their self-assessment and the high probability of providing answers in line with the expectations of penitentiary educators and researchers due to the desire to obtain social approval. Nevertheless, even a subjective picture of the phenomenon built on the basis of information from the convicts themselves is very valuable, as it is the basis for further in-depth analyses, supplemented by data from specialists working with them. Therefore, it has been decided to learn the convicts' opinions on the effectiveness of electronic supervision, which they have been subject to in the past, as it is widely accepted as an alternative to imprisonment (Electronic... [2011]), which has been shown not to be sufficiently effective.

Electronic supervision system

A characteristic feature of penal systems is the tendency to replace imprisonment for minor and medium crime with other measures and forms of penalty, including electronic supervision (Mamak 2014, p. 139). This system began to operate in Poland under the Act on the execution of imprisonment outside the prison in the electronic supervision system of 7 September 2007¹, as a system of execution of imprisonment sentences. Its goal was primarily to reduce overcrowding in penitentiary units (Hochmayr, Małolepszy [2019], p. 6), thanks to the supervision and control over the convicts in terms of court decisions and rulings (Nasiłowski [2016], p. 1). In 2015, electronic supervision became an element of execution of non-custodial sentences in Poland², but on 11 March 2016 another amendment was introduced, which made it possible to return to the previous state, in which supervision was directly connected with the execution of the sentence of imprisonment³. Pursuant to Art.15 of the Act of 31 March 2020 amending the Act on special solutions related to the prevention and combating of COVID-19, other infectious diseases and crisis situations caused by them and certain other acts (Journal of Laws 2020.568), the Criminal Executive Code has been amended in Art. 43⁴. From that moment on, a person sentenced to imprisonment for up to one and a half years may apply for the execution of the sentence by means of an electronic supervision system, as opposed to the previous legislation in force which gave that opportunity in case of sentences up to a year.

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¹ Act of 7 September 2007 on the execution of imprisonment outside the prison in the electronic supervision system, Journal of Laws 2007, No. 191, item 1366, as amended.

² Act on amending the Act – Criminal Code and some other acts, Journal of Laws 2015, item 396.

³ Act on amending the Act – Criminal Code and some other acts – Criminal Executive Code, Journal of Laws 2016, item 428.

⁴ Act of 6 June 1997 – Criminal Executive Code (Journal of Laws 2020 item 523, as amended).

According to the data provided by the Central Board of Prison Service (CZSW), in 2018, there were 12,127 people in Poland under electronic supervision and in 2019, it was 11,144 people. Potentially 36,273 people held in detention centres and correctional facilities are eligible for the electronic supervision system. The system capacity of 6,000 has been utilized in 80%,⁵ which indicates that only a part of the convicts will be able to use electronic supervision instead of serving their sentences in penitentiary isolation. National Institute of Justice of the U.S. Department of Justice estimates that electronic supervision reduces the risk of recidivism by about 31% (Electronic... [2011]). Whereas P. Nasiłowski ([2016], p. 3) asserts that “the effectiveness of the enforcement of court decisions and rulings is between 90% and 94%, as measured by the number of decisions and rulings concerning the execution of sentences and the use of electronic supervision system repealed by the courts.”

The majority of opinions on electronic supervision appearing in the literature on criminology and social rehabilitation pedagogy are positive. Researchers and practitioners point to its numerous advantages. Most often, they pay attention to both lower economic costs in comparison to prison and psycho-social costs associated with: minimizing the risk of social exclusion and the negative influence of inmates, severance of family ties, interruption of education and loss of job. It reduces the probability of the convicts escaping from the place of supervision by 58% (Szymanowski 2006, p. 2; Kotowski, Kurzępa 2009, p. 72; Electronic... [2011]). Moreover, the justification of the act on the execution of imprisonment outside the prison in the electronic supervision system, parliamentary print No. 1237 of 6 December 2007, states that: “electronic supervision systems are a punishment severe enough to meet the demand for a fair retribution and do not remove the duty of self-control of the convicted person, which serves the purpose of readapting the convict to comply with the legal order well. The fact that the convicted person remains out of the prison under electronic supervision does not entail the same negative social consequences that even a short isolation in prison does, such as mutual demoralization by inmates, weakening of the family bonds, economic degradation, break in education, etc.”

The issue of giving consent to be placed under electronic supervision remains problematic, although K. Mrozek and K. Sitnik (2011, p. 6) believe that “the use of electronic supervision also affects the lives of people living with the convicted person serving their sentence with the use of this system. Therefore, their consent should not be questioned under any circumstances”. Electronic supervision helps to strengthen the self-control of the convicted person in a free environment, in isolation from other offenders, thus meeting the conditions of an individual-preventive purpose and general prevention (Mrozek, Sitnik 2011, p. 8). In turn, additional changes to improve the operation of technical devices

⁵ <https://www.sw.gov.pl/strona/statystyka-roczna> (access: 3.08.2020).

used in the supervision involving tracking of the current location of the convict and enforcing restraining orders increase the effectiveness of protection of crime victims and enable more precise monitoring of convicted persons (Frost 2018, p. 16). P. Nasiłowski (2016, p. 6) exposes the importance of supervision in the process of social and professional readaptation of convicted persons, especially in terms of support provided by families in actual home conditions, contacts in the place of residence and participation in social life and self-work. "The chance for social rehabilitation is greater because supervision eliminates the negative effects of being in prison." (Hochmayr, Małolepszy [2019], p. 21).

Despite the prevalence of positive opinions of specialists on the effectiveness of electronic supervision system, negative views of the interested parties themselves, i.e. convicts, can be encountered as well. For example, the results of one study on the effects of electronic supervision on convicts indicate that 43% of them see its adverse effects on their relationships with family members. Most of them feel stigmatized in the living environment and 22% of them lost their jobs because of this (including 5% who received information from their supervisor that customers react negatively to electronic supervision devices) (Electronic... [2011]). However, one must not lose sight of the purpose of electronic supervision, which is supposed to be a punishment perceived as a nuisance. The punishment would cease to be a punishment if it did not trigger a certain dissonance, a discomfort – a basis for reflection on one's conduct.

G. Hochmayr and M. Małolepszy (2019, p. 21, 28) emphasize that this form can only be used in case of short prison sentences or longer sentences already underway, but only for the remainder of the sentence. Supervision cannot be a complete alternative to prison sentences. The full substitution of the serving of a sentence in a closed prison with electronic supervision would be unfeasible in practice and would run counter to the basic principles of criminal executive law. [...] In view of the criminal nature of this measure and the requirement of the convicted person's consent, it should only be used for the execution of a custodial sentence." According to K. Mamak (2017, p. 38), electronic supervision is a formal punishment but not actual imprisonment of the offender.

Methodological foundations of own research

Due to the small number of studies on the system of electronic supervision in Poland, it was decided to learn the opinions of men serving prison sentences on the effectiveness of the electronic supervision which they were subject to in the past. It was considered that they had experience in this area, which did not prevent them from committing further offenses.

The main research problem can be contained in the question: What are the opinions on the effectiveness of the electronic supervision system of that men deprived of their liberty?

The following detailed questions were formulated:

- How did the process of being subject to electronic supervision proceed in the opinion of the convicts who were subjected to it?
- What are the benefits and negative effects of electronic supervision experienced by the respondents?
- What are the views on electronic supervision system of persons who were subject to it?

The research was conducted in 10 prisons using the diagnostic survey method in the second half of 2019. For this purpose a three-part questionnaire was created. In the first part, the respondents provided basic information about themselves (e.g. age, type of offense committed), in the second one they assessed the course of electronic supervision, and in the third one they expressed their views on what the electronic supervision system should be like in order to be effective in preventing recidivism.

The study involved 229 men aged 19 to 68 (the average age was 37 years and 3 months), who had previously been under electronic supervision but returned to prison after committing another crime. In case of more than 1/4 of the convicted persons it was their first and second time in isolation (27% each), while in the case of the rest of respondents, it was their third time or more in isolation, lasting from one month to 15 years (average 13 months).

Table 1. The type of offense committed, on the basis of which the respondents were placed under supervision and serve the current criminal sentence

Crime committed	Electronic supervision for crime committed		Recently committed crime		d ($n_1 - n_2$)
	n_1	%	n_2	%	
Traffic accident	13	5.7	59	25.8	-46
Driving under the influence	49	21.4	86	37.6	-37
Criminal threat	16	6.9	56	24.5	-40
Home invasion	5	2.2	26	11.4	-21
Acts of violence or criminal threats aimed at provoking certain behaviour	3	1.3	15	6.6	-12
Domestic violence	3	1.3	15	6.6	-12
Failure to pay alimony	33	14.4	69	30.1	-36
defamation, slander	8	3.5	57	24.9	-49
Violation of bodily integrity	9	3.9	25	10.9	-16
Rape	-	-	2	0.9	-2
Paedophilia	-	-	3	1.3	-3
Forcing a subordinate in a critical situation to partake in a sexual intercourse	-	-	3	1.3	-3

Crime committed	Electronic supervision for crime committed		Recently committed crime		d ($n_1 - n_2$)
	n_1	%	n_2	%	
Theft	47	20.5	96	41.9	-49
Burglary	36	15.7	51	22.3	-15
Robbery	15	6.6	26	11.4	-11
Extortion	12	5.2	23	10.0	-11
Fraud	37	16.2	66	28.8	-29
Misappropriation of movable property or property rights	8	3.5	36	15.7	-28
Destruction or damage to property	32	16.2	50	21.8	-18
Severe damage to health	4	1.7	9	3.9	-5
Participating in a fight or battery	23	10.0	44	19.2	-21
Participating in a fight or battery with the use of a dangerous tool	2	0.9	8	3.5	-6
Failure to comply with the punitive measures imposed by the court	5	2.2	-	-	5
Participation in an organized criminal group or association	2	0.9	-	-	2

Source: own research.

Most of the convicts served their imprisonment sentences during the investigation due to crimes committed: theft (Art. 278 of the Criminal Code) (42%), driving under the influence (Art. 178 of the Criminal Code) (38%), failure to pay alimony (Art. 209 of the Criminal Code) (30%), fraud (Art. 286 of the Criminal Code) (29%), causing a traffic accident (Art. 177 of the Criminal Code) (26%), criminal threats (Art. 90 of the Criminal Code), defamation and slander (Art. 212 of the Criminal Code), (25%), burglary (Art. 279 of the Criminal Code), destruction or damage to property (Art. 288 of the Criminal Code) (22%) and participating in a fight or battery (Art. 158 of the Criminal Code) (19%).

Most of the respondents were under electronic supervision due to committing: theft (Art. 278 of the Criminal Code) (21%), driving under the influence (Art. 178 of the Criminal Code) (21%), burglary (Art. 279 of the Criminal Code) (16%), failure to pay alimony (Art. 209 of the Criminal Code) (14%) and participating in a fight or battery (Art. 158 of the Criminal Code) (10%). This is confirmed by statistical data provided by K. Mamak (2014, p. 148) and P. Nasiłowski ([2016], p. 2), according to which in 2016 convicts covered by electronic supervision system most often committed crimes qualified as: against property (34%), against traffic (26%) and family and care (16%).

Since the introduction of electronic supervision over the convicts, the number of the following crimes have increased the most: theft, defamation and slander ($d = 49$), causing traffic accidents ($d = 46$), criminal threats ($d = 40$), driving under the influence ($d = 37$), failure to pay alimony ($d = 36$), fraud ($d = 29$) and misappropriation of movable property or property rights ($d = 28$). According to W. Kotowski and B. Kurzępa (2009, p. 98), the effectiveness of electronic supervision system is evidenced by the lack of recidivism among the persons covered by it. Unfortunately, the results of the study prove that its participants serving prison sentences have returned to the life of crime.

The course of electronic supervision according to persons currently subject to it

In case of more than half of the respondents (56%), the court ruled on 6–12 months of electronic supervision, for 29% of them it was 3–6 months, and for 16% – less than 3 months, which confirms the earlier results obtained by K. Mamak (2014, pp. 151–152), which indicated the prevalence of applications related to imprisonment sentence of six months to one year. In practice, 91% of the sentenced supervisions were completed in accordance with the deadline set by the court.

In 159 cases, an application for electronic supervision was submitted while the convict was already serving his sentence (69%), and in the remaining 7 cases (31%) – before the start of the sentence, prior to being sent to prison. Most of the applications were submitted by the respondents themselves (59%). On the other hand, 17% of applications were submitted by their defence attorneys, 15% by prison wardens, 5% by probation officers and 4% by prosecutors. K. Mamak (2014, p. 150) found that in 62% of cases, the applications were examined by the court at the stage of the enforcement proceedings, wherein 70% convicts participating in his study submitted the applications themselves, in every fifth case it was submitted by the defence attorney and there were no cases in which a probation officer would submit such application.

In most cases it took 15–29 days (44%) and over 30 days (35%) for the applications to be examined by the court. 22% of the applications were examined by the court within 14 days of their submission. In turn, K. Mamak (2016, p. 153) proved in his 2016 study that almost half of the applications were processed within 30 to 89 days, which may mean that in recent years the waiting time of the applicants has only slightly decreased. Three quarters of men wore ankle tags during the supervision, 19% of them used a stationary device, 4% used a wrist band transmitter and 3% – an antenna.

Convicted persons assessed on a 5-level Likert scale (1 – very easy, 2 – easy, 3 – average, 4 – difficult, 5 – very difficult) the easiness of meeting electronic supervision conditions.

Table 2. Easiness of meeting the conditions of electronic supervision by persons subject to it

Conditions	M	SD
Technical/equipment	1.279	0.917
Good Internet connection	1.283	1.056
Family consent	1.148	0.890

Explanations: M – mean; SD – standard deviation

Source: own research.

According to the respondents it was very easy to meet the formal conditions of electronic supervision. They had no major problems with the equipment, ensuring a good Internet connection and obtaining the family consent.

Table 3. The way convicts understand electronic supervision

Supervision is...	n	%
Serving an imprisonment sentence	20	8.7
Punitive measure	34	14.8
Technological tool	6	2.6
A measure taken by a court under conditions of freedom	81	35.4
Probation officer supervision	10	4.4
Imprisonment	78	34.1
Total	229	100

Source: own research.

More than 1/3 of the men participating in the study treated supervision as a means employed by the court under conditions of freedom (35%) or a non-custodial sentence (34%). According to 15% of them supervision is a penal measure, and to 9% – a custodial sentence. The remainder of the respondents identified it with a probation officer supervision (4%) or technological tool (3%).

A penitentiary judge has the possibility to impose additional obligations on persons under electronic supervision.

Every fifth convict under electronic supervision was additionally ordered by the court to perform work and every fourth was banned from drinking alcohol. Moreover, 18% of them were ordered to observe the legal order, 11% – pay alimony and 10% – perform social work, and 14% were prohibited from driving vehicles and obliged to remedy the damage caused. K. Mamak (2014, p. 160) also proved in his 2016 research that penitentiary judges most often imposed the first three orders mentioned.

Table 4. Additional obligations and prohibitions already imposed/that should be imposed by a judge on persons under electronic supervision

Additional obligations/prohibitions	already imposed		should be imposed	
	n	%	n	%
Obligation to perform work	54	23.6	151	65.9
Obligation to observe the legal order	49	17.9	139	60.7
Prohibition of alcohol consumption	46	20.1	130	56.8
Obligation to pay alimony	24	10.5	111	48.5
Obligation to undergo therapy	11	4.8	55	24.0
Obligation to undergo alcohol/drug addiction treatment	11	4.8	64	27.9
Obligation to undertake education, vocational training	8	3.5	52	22.7
Obligation to perform social work	22	9.6	68	29.7
Prohibition to drive vehicles	31	13.5	43	18.8
Prohibition on contacting certain persons	13	5.7	56	24.5
Obligation to participate in parenting classes	3	1.3	32	14.0
Obligation to participate in social communication workshops	7	3.1	36	15.7
Offer to participate in mediation with the victim	3	1.3	60	26.2
Obligation to compensate for damage	31	13.5	91	39.7

Source: own research.

On the other hand, the respondents claimed that people under supervision, in order not to return to the crime, should be ordered to: work (66%), obey the legal order (61%), pay alimony (49%) and remedy the damage caused (40%) and not to drink alcohol (57%). Nevertheless, it is worth noting that according to them, depending on the type of crime committed, the court should impose other additional obligations/prohibitions, which may increase the effectiveness of electronic supervision.

Effects of electronic supervision as assessed by the persons subject to it

The subjective assessment of the electronic supervision by the convicts subject to it is of significance. Their thoughts and feelings contribute to reflection on the possibilities of using it in criminal proceedings and the social readaptation process. Therefore, the respondents assessed eleven examples of its shortcomings on a 5-level scale (1 – minimal, 2 – low, 3 – average, 4 – high, 5 – very high).

Table 5. Negative effects of electronic supervision experienced by persons subject to it

Negative effects of electronic supervision	M	SD
Physical discomfort associated with the requirement to wear a transmitter	1.803	1.527
Social reluctance resulting from the visible transmitter	1.847	1.450
The need to submit to numerous checks carried out by the executive authorities	2.034	1.586
Difficulty in finding a job	2.200	1.671
Difficulties in maintaining hygiene	1.458	1.315
Significant hindrance of free behaviour	1.768	1.464
Motion restrictions	1.790	1.603
The need for strict compliance with the principles, rules	1.847	1.532
Breach of privacy	1.903	1.530

Source: own research.

In the opinion of the convicted persons, electronic supervision was not associated with any burdensome consequences for them. They had minimum difficulty in maintaining hygiene. Moreover, they felt little physical discomfort associated with wearing a transmitter, free movement and behaviour, as well as mental discomfort, including: supervision by the executive authorities, the need for significant compliance with the rules, and negative attitudes of society towards them. The attention to all these inconveniences is drawn by, among others, G. Hochmayr and M. Małolepszy (2019, p. 20), who argue that the fact that the convicts serve their sentences in their living environment reduces the intensity and perception of restrictions. However, their right to free movement is limited and the rigor of observing certain rules is increased.

The convicts also evaluated the benefits they gained from being under electronic supervision.

Table 6. Benefits for people under electronic supervision

Benefits of supervision	M	SD
Avoiding exclusion in the living environment	3.559	1.676
No need to be in prison	4.209	1.432
Fewer prisoners in prison	4.087	1.405
Lower per-inmate costs in prison	4.126	1.416
No need to change the environment in which I live and/or work	3.960	1.528
Staying with the family	4.305	1.380
No negative influence of other prisoners on me	4.052	1.465
Lack of isolation from people	3.995	1.491

Benefits of supervision	M	SD
Maintaining respect for myself and self-dignity	4.013	1.434
The possibility of satisfying many needs in the conditions of freedom, e.g. sexual, emotional	3.877	1.457
The opportunity to start or continue working	4.253	1.303
The ability to fix my mistakes in the family	4.266	1.361
Possibility of repairing the damage caused to the victim	4.113	1.272
Gives the possibility to work on myself (e.g. independence, self-control)	4.218	1.319
Social rehabilitation – enables „normal” functioning in society	4.048	1.516

Source: own research.

The respondents admitted that they have gained many benefits from being under electronic supervision. The following proved to be important for them: being close to their families, the possibility of taking up or continuing work and correcting their mistakes in the family and taking corrective actions for the benefit of the victim, the possibility of: avoiding being in prison, working on oneself, functioning in society, satisfying one's needs in the conditions of freedom, maintaining respect for oneself and self-dignity and avoiding social exclusion. They could stay where they live and continue working. They avoided contact with other inmates who might have had a negative influence on them. They also recognized the social economic advantages of reducing the prison population and the cost of living of the convicts.

Convicted men's opinions on the effectiveness of electronic supervision – How should it be like?

The convicts have some idea of how electronic supervision should be like to prevent recidivism.

Table 7. Desired upper limit of the sentence to be carried out in the electronic supervision system

Upper limit of the sentence	n	%
6 months	10	4.4
12 months	66	28.7
3 years	119	52.0
5 years	24	10.5
Over 5 years	10	4.4
Total	229	100

Source: own research.

More than half of the convicts were of the opinion that electronic supervision should be imposed when the accused faces a maximum sentence of 3 years imprisonment (52%) and 29% of them a criminal sentence of up to 12 months. 10 people claimed, respectively, that the upper limit of the sentence should be 6 months or more than 5 years (4%). The remaining persons (11%) believed that the court should not impose electronic supervision on a person facing a prison sentence of over 5 years.

It is important to select specific people who should be under electronic supervision.

Table 8. Persons who should be under electronic supervision

Potential convicts under supervision	n	%
Empathic, sensitive	104	45.4
Aggressive	19	8.3
Feel remorse	124	54.1
Are ashamed of what they did	127	55.5
Self-confident	22	9.6
Have a family with children	173	75.5
Have a permanent life partner	95	41.4
Severely ill	145	63.3
Ill close family member	132	57.6
Have small children	164	71.6
Have their own apartment	53	23.1
Have good housing conditions	56	24.5
Have a permanent job	125	54.6
Can forgive others	90	39.3
Assertive	48	20.9
Disabled	132	57.6

Source: own research.

In the opinion of the convicts, electronic supervision should be extended primarily to those who raise small children (72%), are seriously ill (63%), have disabilities (58%), care for their ill family members (58%), are ashamed of their crime (56%), have a permanent job (55%), feel remorse (54%), are empathic and sensitive (45%) and have a permanent life partner (41%). In turn, they were least in favour of imposing such supervision on aggressive (8%) and self-confident people (10%).

The survey participants evaluated 13 claims concerning electronic supervision on a 4-level scale (1 – strongly agree, 2 – rather agree, 3 – rather disagree, 4 – definitely disagree).

Table 9. Evaluation of selected issues concerning electronic supervision by convicts

	M	SD
Electronic supervision is not a custodial sentence	2.117	1.280
Electronic supervision is fair compensation for the harm and/or damage I have caused	1.524	0.814
The convict must consent to electronic supervision (voluntary supervision)	1.467	0.895
Electronic supervision does not make sense because the purpose of the punishment is the loss of freedom (supervision is not a punishment)	3.013	1.349
Electronically supervised person should bear the cost of destroying or damaging the transmitter	1.825	1.156
I was able to pay for the transmitter when I was under electronic supervision	1.855	1.199
Supervision is more effective than prison sentences	1.598	0.915
Electronic supervision is a serious affliction	2.532	1.268
Supervision enables building good relations within the family	1.323	0.772
Supervision enables building good relations with friends	1.563	0.913
Supervision carries a greater social rehabilitation value than prison sentences	1.414	0.831
Supervision is a more humane punishment than isolation (prison)	1.301	0.744
Interference with the prisoner's freedom is less intense in case of supervision than in prison	1.794	1.106

Source: own research.

The majority of convicts, who had been previously under the electronic supervision, rather agreed that supervision is not a custodial sentence, but a fairer compensation for harm and/or damage, more effective than serving a sentence in isolation, thanks, among other things, to less interference with human freedom and the possibility of building positive relations with friends. The person under supervision should rather bear the cost of destroying or damaging the transmitter, which corresponds to the capabilities of the supervised person. The subjects were convinced that the convict must consent to be placed under electronic supervision. They also recognized the advantages of such a way of bearing consequences for their reprehensible behaviour, i.e. the possibility of building good relations with family members and the social rehabilitation and humanitarian dimension of punishment. It was more difficult for them to agree that electronic supervision is not a punishment because of the preservation of freedom, and that it is a great ailment for the convicts.

The study participants evaluated individual factors that may determine the effectiveness of electronic supervision on a 5-level scale (1 – minimal, 2 – low, 3 – average, 4 – high, 5 – very high).

Table 10. Factors determining the effectiveness of electronic supervision

Factors determining the effectiveness of supervision	M	SD
Motivation of the convict to make a positive change in life	4.196	1.301
Character traits of the convict	3.567	1.516
Change of the behaviour of the convict for the better	4.091	1.319
Willingness to repair the damage caused	3.890	1.466
Readiness to reconcile with the victim	3.724	1.471
Opinion of the family about the convict	3.938	1.349
Opinion of neighbours and friends about the convict	3.480	1.579
Possibility of avoiding imprisonment	3.786	1.508
Efficiency of technical equipment	3.358	1.568
Degree of demoralization of the convict	3.310	1.658
Degree of social harm caused by the crime	3.362	1.557
No addictions in the convict	3.410	1.658

Source: own research.

The convicts claimed that the court should, to a large extent, be guided by the following considerations when deciding on electronic supervision: the level of motivation of the convict to make a positive change in life, his change for the better, the level of readiness to repair the damage done and reconcile with the victim, his character traits, the opinion of his family about him and the possibility of avoiding the imprisonment. The following factors determine the effectiveness of supervision: the opinion of neighbours and acquaintances of the convict, the efficiency of technical equipment, the degree of demoralization of the convict and the lack of addictions, as well as the degree of social harm caused by the committed crime. The same conditions for the effectiveness of electronic supervision are pointed out by R.A. Stefański, who mentions the following factors determining the positive decision on imposing electronic supervision by the penitentiary court: the convict's motivation, his degree of demoralization, personality and behaviour in and out of prison, poor health, deteriorating living conditions, family considerations, compensation for damage, and the consequences of crime (Mrozek, Sitnik 2011, p. 7).

Persons who had been previously under the electronic supervision evaluated its potential defects on a 5-level scale (1 – minimal, 2 – low, 3 – average, 4 – high, 5 – very high).

According to the convicts, moderate disadvantages of electronic supervision include: the need to interrupt work, especially the one performed in shifts, in different places and the lack of access to specialists, such as that provided in prisons. Besides, a ban on leaving the house without supervision, difficulties for

household members, faulty/worn-out equipment, as well as the lack of clear legal regulations on supervision can be a bit onerous. The convicts agreed little that the supervision is not accompanied by reflection on their behaviour, feelings of shame and guilt, and a failure to learn responsibility for their behaviour. They denied that the low level of professionalism of probation officers may be a shortcoming of electronic supervision.

Table 11. Disadvantages of electronic supervision in the opinion of convicts

Disadvantages of supervision	M	SD
It does not inspire reflection on one's reprehensible behaviour	2.104	1.382
It does not cause a sense of shame	2.205	1.476
It does not give rise to feelings of guilt	2.253	1.580
It does not teach responsibility for one's behaviour	2.183	1.611
It forces to interrupt work performed in shifts, in different places	3.131	1.698
No going out where and when you want	2.270	2.543
Difficulties for the household members	2.423	1.616
Malfunctioning equipment	2.401	1.526
Inappropriate legal provisions concerning supervision	2.414	1.561
No additional specialist assistance	2.738	1.660
Low level of professionalism of probation officers	0.812	1.449

Source: own research.

Summary

On the basis of the obtained results, it was possible to answer the formulated detailed questions.

The group of convicts under electronic supervision, which was most often understood by them as a non-isolation measure or non-custodial sentence, included people who found it quite easy to meet the formal requirements reflected in the applicable laws. They have committed various crimes, albeit most often against: property, safety in communication and family and care. Usually the applicants were the convicts themselves, who had already served imprisonment sentences. They often waited more than 14 days for the application to be considered. Most of them were under supervision for 6 to 12 months and completed it on time. This did not, however, prevent their return to crime.

The survey participants positively evaluated electronic supervision. They pointed out more of its advantages than its negative consequences for them. The house arrest did not turn out to be a heavy economic or psychosocial burden

for them, but on the contrary, they obtained many benefits from it, among which factors closely related to their process of social readaptation and social rehabilitation were the most dominant.

The men who had been previously under the electronic supervision did not treat it as a prison sentence, but as fair compensation for the harm or damage done, bringing them tangible benefits: to themselves, their families and society. It was a punishment of little inconvenience for them. They expressed their views on the need to increase the upper limit of the punishment to at least 3 years in the electronic supervision system. They also agreed that it should be primarily imposed on parents and guardians, people who are ill and disabled, and those who are capable of moral feelings. In addition to these considerations, the penitentiary court should take into account the convict's willingness to change, his ability to take restitution measures, his character traits and the opinion of family members about him when examining the application. Nevertheless, K. Mrozek and K. Sitnik (2011, p. 7) rightly emphasize that convicts with positive criminological prognosis are less likely to serve prison sentences than those socially derailed, and electronic supervision can be used precisely when security reasons speak for it and the perpetrator is not highly demoralized.

As the results of research conducted in Europe show that electronic supervision is not sufficient in the process of lowering recidivism rates, B. Stańdo-Kawecka (2015, p. 22) supports the position presented in the Council of Europe recommendation. She claims that one of the basic principles of utilizing it is that it should be combined with other measures adapted to the characteristics of the perpetrators. From the point of view of reducing return to crime, electronic supervision is no substitute for professional interventions carried out in the framework of interpersonal contacts aimed at facilitating the perpetrators' inclusion in society and life without committing crimes. It seems that 5 years later, the author's words are still a valid postulate, as increasing the burden of electronic supervision by imposing additional obligations and prohibitions on the perpetrators could make them think more constructively about how they should behave and treat the supervision as a custodial sentence. Since the monitored persons are afraid of losing their jobs and lack of access to specialists, it is worth considering how to support them during supervision in the process of employment and functioning in everyday life by: professional advisors, psychologists, social workers, social rehabilitation pedagogues, probation officers and even therapists – depending on their problems.

In addition, it is desirable to increase the activity of probation officers and prison wardens in the process of applying for permission for electronic supervision of eligible offenders, especially those who are in the six-month period of preparation for release. That is why it is so important to carry out an accurate selection of prisoners based on a detailed diagnosis (e.g. using an in-depth interview, individual case study), which will take into account the factors highlighted by the convicts themselves.

Despite clear guidance from the legislator as to when to consider an application for permission to serve a custodial sentence in the electronic supervision system, in many cases the applicants' waiting time is much longer, as K. Mamak pointed out 6 years ago (2014, p. 175), and this may discourage potential applicants.

In the subjective perception of convicts who had been previously under the electronic supervision, it is a very beneficial solution, far less burdensome than imprisonment. From their perspective, the electronic supervision system is effective. By making a more objective evaluation of the results obtained, attention is drawn both to their return to crime and to the relatively minor ailment of electronic supervision, which leads to a deeper reflection on its overarching objectives and functions. Nevertheless, it seems that in the times of the pandemic, electronic supervision is one of the most advantageous ways of imprisoning perpetrators who need to be isolated from society.

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