

## ELECTRONIC MONITORING IS NOT THE ONLY PROBLEM HERE: THE CHALLENGES OF HOUSE ARREST APPLICATION PRACTICE IN THE CZECH REPUBLIC / Ivo Polanský

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**Abstract:** *Over the past 25 years, few alternative sanctions have received as much attention as electronically monitored house arrest. In the view of relatively dynamic development of electronic surveillance technologies and related ethical and legal issues at stake, this interest continues to this day. In the Czech Republic, electronically monitored house arrest was introduced in 2010. Somewhat oddly, the electronic surveillance system had not been implemented at the time. Yet, legislators and sanctions policy makers placed high hopes in this form of punishment. In particular, it was expected to significantly help combat the relentless hypertrophy of the prison population. But the expectations of sanction policy makers were not met due to the reluctance of the courts to impose house arrest. This had remained unchanged over the years, and opinions had begun to emerge that the state's failure to introduce electronic monitoring was primarily to blame. In 2019, electronic monitoring was eventually implemented, but the number of sentences imposed still did not increase. If the legislature's sanctions policy is not translated into practice, its aims cannot be achieved. For this to happen, it is essential that house arrest becomes more prevalent in the structure of sentences imposed. Increased application rates will not happen spontaneously; certain steps need to be taken to address the reasons for the current state of affairs and to mitigate factors that negatively affect application practice. For this purpose, such causes and negative factors must first be identified. This paper therefore examines the importance of electronic monitoring in terms of the application practice of house arrest in the Czech Republic, and the main reasons for not imposing house arrest. Building on these findings, it offers suggestions that would contribute to more frequent imposition of house arrest in appropriate cases.*

**Key words:** *Sentencing; Alternative Sanctions; House Arrest; Electronic Monitoring; Application Practice; Criminal Law; Czech Jurisdiction*

### **Suggested citation:**

Polanský, I. (2024). Electronic Monitoring Is Not the Only Problem Here: The Challenges of House Arrest Application Practice in the Czech Republic. *Bratislava Law Review*, 8(1), 129-152. <https://doi.org/10.46282/blr.2024.8.1.860>

**Submitted:** 27 April 2024  
**Accepted:** 24 June 2024  
**Published:** 07 July 2024

## 1. A BRIEF HISTORY OF THE ORIGIN AND DEVELOPMENT OF ELECTRONICALLY MONITORED HOUSE ARREST

In the 1980s, a modern type of punitive measure began to appear in sanctioning systems, referred to as house arrest in the Czech Republic, punishment under electronic monitoring in Belgium (Beyens and Roosen, 2013), home confinement in the USA (Austin, Dedel Johnson and Weitzer, 2005), home detention curfew in Scotland (Graham and McIvor, 2015), and intensive supervision with electronic monitoring in Sweden (Bishop, 1995). House arrest and electronic monitoring ('EM') appear across continents in a variety of concepts and forms, depending on the specific objectives of the sanction policy (Black and Smith, 2003; Maxfield and Baumer, 1990). They appear as a means of replacing custody, as a condition for the suspension or interruption of a prison sentence, as a form of execution of a prison sentence or part thereof, as a stand-alone measure, i.e. as an autonomous alternative/community sanction, or as a condition or one of the conditions of another alternative/community sanction (Gainey and Payne, 2000; Haiskanen, Aebi, Brugge and Jehle, 2014; Rodrigues et al., 2022). They therefore do not represent a single type of sanction or measure with a uniform concept and the same methods of application, although there are signs of harmonisation, which the Council of Europe in particular is seeking (Dünkel, Thiele and Treig, 2017).

Understandably, there is no uniform definition of house arrest, which is explained by the different conceptions of alternative sentence across countries, as well as the varying conceptions of electronic monitoring. In some places, it is considered as a kind of punishment itself, in others as a "mere monitoring tool" (DeMichele, 2014). Thus, various definitions of house arrest appear in the literature. Hurwitz (1987) defines house arrest as a form of intensive supervision characterised by an obligation to remain in the offender's residence for a significant number of hours with permission to leave the dwelling only for explicitly stated and pre-approved purposes, and this obligation is enforced by electronic monitoring through a device placed on the offender's ankle. Petersilia (1986) refers to court-imposed punishment in which the offender is legally ordered to remain confined to his or her own dwelling. Brown and Elrod (1995) describe house arrest as a type of imprisonment in which a person is confined by the court to his or her home or other designated location, such as a home or workplace, and the offender is required to wear an electronic monitoring device that tracks his or her location and reports it to a monitoring centre.

*Cum grano salis* it is possible to include house arrest under the term electronic monitoring, however "house arrest" and "electronic monitoring" cannot be considered the same. The most appropriate definition is that by Hofer and Meierhoefer (1987), who define house arrest as any judicially or administratively imposed condition that is part of a court-imposed sentence and that requires the offender to remain at his residence for a specified part of the day. Such a conception of punishment is one of the oldest ever. As far back as the Roman Empire, house arrest appears as *liberia custodia*, where high-ranking persons were placed under the supervision and guard of the senator's house. In the first century, the apostle Paul was placed under house arrest for two years, paying rent and earning income as a tentmaker while serving his punishment. Among other historically famous personalities, Galileo Galilei (for his heretical heliocentric ideas) as well as Napoleon Bonaparte, Nikita Khrushchev, Rafael Videla, and August Pinochet were sentenced to house arrest (Strémy and Klátik, 2018). In the Czech Republic, house arrest also appeared in various historical stages, legally regulated in Act No. 117/1852 Coll., on Crimes, Offences and Misdemeanours, which was adopted on the basis of a reception norm after the establishment of the Czechoslovak Republic in 1918 and remained

effective until 1950 (Čádová, 2010). The problem of house arrest, however, has always been the inefficient control of its execution. Only the vast development of technology in the second half of the 20th century was able to address this problem, owing to the emergence of a new form of control – electronic (Krahl, 1998).

The emergence of the modern form of house arrest is associated with the USA and the last evolutionary stage of sentence. The low resocialisation effects of imprisonment, coupled with high costs, and the unsatisfactory outcomes of traditional alternatives in terms of recidivism, which traditional probation failed to deliver, drove the criminal justice community to seek more cost-effective alternatives to custody that combined elements of imprisonment and alternative punishments, but at the same time contributed to community protection in a manner similar to a prison sentence. These attributes were supposed to be met by house arrest through electronic monitoring. The practice of tagging offenders began in the 1980s almost simultaneously in Albuquerque, New Mexico, and Palm Beach, Florida (Ball, Huff and Lilly, 1988). In New Mexico, this happened in a rather novel way when judge J. Love was inspired by an episode of the Spider-Man comics<sup>1</sup> and began imposing criminal penalties controlled by electronic monitoring device (Burrell and Gable, 2008). Shortly thereafter, pilot programs began operating in 31 US states (Lilly and Nellis, 2012).

Given the positive experience in the USA, in the 1990s, electronically monitored house arrest began to expand to other countries as part of the so-called innovation phase. From 1986, pilot programs of this form of sentence were underway in several states of the Commonwealth of Australia, and by 2004 house arrest was already incorporated into the legislation of all Australian states and territories except Tasmania (Bartels and Martinovic, 2017; Smith and Gibbs, 2012). After several years of testing various house arrest programs which began in 1995 (Gibbs and King, 2003), New Zealand introduced electronically monitored house arrest with a maximum length of 12 months as a separate type of punishment in 2007. Latin American countries such as Argentina, Brazil, Chile, and Colombia also began to replicate the US programs in the late 1990s (Paterson, 2015).

In parallel, home detention with electronic monitoring was spreading throughout Europe. The first countries to introduce it were England and Wales, Sweden and the Netherlands (Nellis and Bungerfeldt, 2013; Strémy, 2014). In England and Wales, after several years of testing, house arrest was introduced as a separate sentence in 1991 as a judicial curfew with a maximum length of 6 months. In Sweden, a pilot programme was launched in 1994 and the project was rolled out nationwide three years later. The target group there included offenders sentenced of up to 6 months of imprisonment. Subsequently, Scotland also introduced house arrest as one of the conditions of the Restriction of Liberty Order in 1997 (Graham and McIvor, 2017; Nellis, 2006). During this period, electronically monitored house arrest continued to expand across the continent, and by the early 21<sup>st</sup> century it had been applied in many Western and Central European countries (Dünkel, 2018).

## 2. CZECH ELECTRONICALLY MONITORED HOUSE ARREST AMBITIONS AND FAILURES

On 1<sup>st</sup> January 2010, Act No. 40/2009 Coll. of 8 January 2009, Criminal Code (“**Criminal Code**”) entered into force in the Czech Republic. This completed the first part

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<sup>1</sup> In the episode, this comics character was fitted with a radio bracelet, through which the lead negative character could keep track of where the main character, Spider-Man, was in time and place.

of a process of recodification of criminal law in the Czech Republic (Jelínek, 2018). In the explanatory memorandum to the Criminal Code, the legislator stressed the need to change the overall philosophy of punishment and to ensure the fulfilment of the principle that imprisonment would be seen as the last resort – *ultimum remedium* (Kalvodová, 2007). Thus, the central motive behind the reform's changes to the penal system was the conception of a prison sentence as the means of *ultima ratio* and the related idea of alternative punishment (Kalvodová, 2022). The hierarchy of punishments was then arranged in favour of alternatives, the list of which was supplemented by a quite novel type of punishment, namely the punishment of house arrest in the “traditional” front-end form, which represented one of the most significant innovations of the recodification (Ščerba, 2014).

The adoption of house arrest was preceded by long discussions about its advantages and disadvantages, and the most accentuated argument for its introduction on the part of penal policy makers was not so much the universally acknowledged positives of alternative punishments, but rather the vision of budgetary savings.<sup>2</sup> The Czech Republic, like many other countries, has long struggled with the hypertrophy of the prison population, which not only complicated penitentiary procedures, but also, of course, placed an excessive burden on the state budget, and it was house arrest that was supposed to get the Czech overcrowded prisons “out of a tight spot” (Blanda, 2010). It was expected that 300-1500 sentences would be imposed in the first year and that over 1600 house arrest sentences could be imposed annually in the following years (Tlapák Navrátilová, 2019).

At the same time, the adoption of the Criminal Code created a legal framework for EM, which was intended to serve as a form of control over the application of house arrest. However, at that time, the supplier of the EM system had not even been tendered, let alone pilot tested or evaluated (Tlapák Navrátilová, 2022). The first experiment with electronic monitoring was conducted in the Czech Republic from 1<sup>st</sup> August 2012 to 30<sup>th</sup> November 2012 with the project management entrusted to the law office Dáňa, Pergl & Partners. During the four-month operation trial, the Probation and Mediation Service operates a total of 25 monitoring devices, 24 of which were evenly distributed throughout all 8 judicial regions. In his report, the project manager recommended putting the electronic monitoring into full operation, although this recommendation was not underpinned by any research during the pilot testing. A contract for electronic monitoring system supply was then not concluded until September 2017, seven years after the introduction of house arrest penalty and electronic monitoring into the legal system. It was contracted that the Czech Republic could draw up to 2,500 monitoring kits for CZK 93,000,000 within 6 years and so the activation of the monitoring system was finally carried out on September 21, 2018 (Díblíková, Špejra and Vlach, 2021). However, after the first year of operation, the Probation and Mediation Service reported problems with the supplier Supercom and on 22<sup>nd</sup> November 2021, after only 3 years, 2 months and 11 days, it finally discontinued the operation of electronic monitoring due to the non-delivery of another set of EM devices and technical problems<sup>3</sup> with the anklets (Probation and Mediation Service of the Czech Republic, 2021).

The available statistical data, as presented in Figure 1, show that the ambitions of sanction policy makers have been severely compromised by practice and the capacity

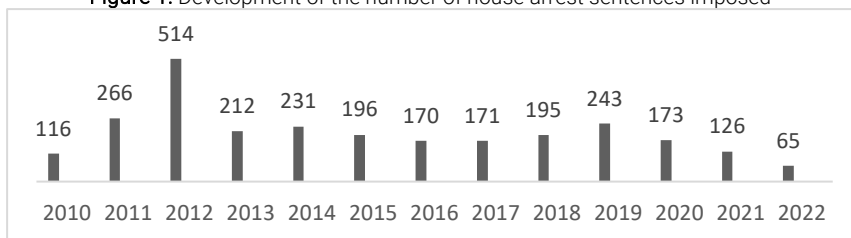
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<sup>2</sup> Stenographic record of the 28th meeting of the Chamber of Deputies of the Parliament of the Czech Republic from the 14<sup>th</sup> March 2008. Available at: <http://www.psp.cz/eknih/2006ps/stenprot/028schuz/s028101.htm#r4> (accessed on 20.04.2024).

<sup>3</sup> The anklets were to discharge prematurely, report false security incidents, but also fail to report real security incidents.

of the Probation and Mediation Service has not been met. In fact, the capacity failed to be met even when summing up all the sentences of house arrest imposed in the first five years since the introduction of the penalty in question into the legal framework. Over the years, it has been regularly suggested that the main reason for the low numbers of house arrest sentences imposed is the state's inability to implement a functioning EM system, as judges are reluctant to apply house arrest without the possibility of electronic monitoring (Scheinost et al., 2014; Ščerba, 2014a). However, the status quo has not changed even after the long-awaited launch of EM system in 2018. In the below chart, it can be observed that even during the period of electronic monitoring there was no statistically significant increase, but instead a decrease in the number of house arrest sentences imposed after 2019. In 2021, the number of house arrest sentences imposed was the lowest since 2010. At that time, house arrest was already being described as a 'missed opportunity' (Tlapák Navrátilová, 2019). The imaginary 'nail into the coffin' was the statistical data for 2022, according to which only 65 house arrest sentences were imposed in that year (Probation and Mediation Service of the Czech Republic, 2023).

**Figure 1:** Development of the number of house arrest sentences imposed<sup>4</sup>



At the end of 2022, the Probation and Mediation Service completed preparations for the next public tender for electronic monitoring system supplier and soon announced this tender with the proviso that candidates for this tender may submit their proposals until 20<sup>th</sup> March 2023 (Probation and Mediation Service of the Czech Republic, 2022). The tender was eventually “won” by Forsolution CZ, which was the only applicant. The Probation and Mediation Service contracted with this company for the supply of 700 pieces of equipment and the operation of EM system worth CZK 93.6 million. The subcontractor will be the Polish company Enigma Systemy Ochrony Informacji (Ministry for Regional Development of the Czech Republic, 2023). Electronic monitoring system should combine RF and GPS technology and serve to control various forms of house arrest, as well as to control restricted zones. Testing of the new system is expected to take place at an undetermined date in 2024 (Probation and Mediation Service of the Czech Republic, 2023).

<sup>4</sup> Note: Data from *Reports on finally processed individuals by court (convicted and otherwise disposed)* between 2010 and 2022 available from Portal InfoData by Ministry of Justice of the Czech Republic (<https://cslav.justice.cz/InfoData/uvod.html>, accessed on 20.06.2024).

### 3. LEGAL REQUIREMENTS FOR THE IMPOSITION OF HOUSE ARREST AND ELECTRONIC MONITORING IN THE CZECH REPUBLIC

House arrest sentence is considered an independent form of punishment in the Czech Republic. It is second only to imprisonment in the penal system,<sup>5</sup> which means that the Czech legislator considers house arrest to be the relatively most severe alternative punishment in terms of the intensity of the infringement of the offender's fundamental rights (Ščerba, 2012). In the Czech Republic, the decision to place a person under house arrest is the sole responsibility of the courts. However, the public prosecutor plays an important role in the sentencing process, representing the prosecution, proposing the type and level of the sentence, but above all having the power to conclude a plea bargain with the offender, which then has to be approved by the court (Ščerba, 2023). In practice, this means that the prosecutor may also 'impose' the sentence of house arrest.

The conditions for imposing a sentence of house arrest are set out in Section 60(1)(2) of the Criminal Code. The Criminal Code presupposes the cumulative fulfilment of 3 substantive conditions. First, a misdemeanour must have been committed, i.e., any negligent or intentional offence, the upper limit of which does not exceed 5 years.<sup>6</sup> The Criminal Code provides the same condition for the imposition of a sentence of community service,<sup>7</sup> a separately imposed monetary penalty,<sup>8</sup> or for some diversions in criminal proceedings.<sup>9</sup> Misdemeanours in the Czech Republic are a category of less serious offences compared to the category called felonies – all intentional offences with a maximum penalty of more than 5 years – and are defined positively in the Criminal Code by an alternative combination of the intentional culpability or the upper limit of the penalty rate (Jelínek, 2009). The negligent nature of the offence and the upper limit of up to 5 years are sufficient to categorise a particular offence as a misdemeanour (Šámal, 2009). The Code therefore does not make house arrest conditional on the *in concreto* rate, but on the penal rate set for a particular offence. The Code does not place any restrictions on the nature of offence. Thus, the penalty of house arrest may be imposed, for example, for theft or fraud, but also for battery or rape. In this respect, the Criminal Code does not provide any limitation; the decisive factor is the penalty rate set for the offence in a particular part of the Criminal Code in conjunction with the specific nature and gravity of the offence, the evaluation of which is a subject of judicial individualisation.

The second condition is the assumption by the court that the imposition of this sentence will be sufficient in view of the nature and gravity of the offence committed and the offender's person and circumstances.<sup>10</sup> This is a prognosis of the sufficiency of the sentence, which should be assessed with regard to the purpose of the sentence and its various functions.<sup>11</sup> The specific nature and gravity of the criminal offence is assessed according to the demonstrative criteria defined in the Criminal Code, which explicitly establishes the criterion of the importance of the interest protected by law the manner in

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<sup>5</sup> Section 52(1) of the Act No. 40/2009 Coll. of 8<sup>th</sup> January 2009, Criminal Code, as amended with effect from 1<sup>st</sup> April 2024 ('Criminal Code').

<sup>6</sup> Section 14(2) of the Criminal Code.

<sup>7</sup> Section 62(1) of the Criminal Code.

<sup>8</sup> Section 67(2b) of the Criminal Code.

<sup>9</sup> Committing a misdemeanour is a condition, for example, for conditional discontinuance of criminal prosecution, regulated in Section 307 of Act No. 141/1961 Coll. of 29<sup>th</sup> November 1961 on Criminal Proceedings, as amended by later regulations ('Criminal Procedure Code'), or the approval of a settlement, regulated in Section 309 of the Criminal Procedure Code.

<sup>10</sup> Section 60(1a) of the Criminal Code.

<sup>11</sup> Constitutional Court of the Czech Republic, decision No. II. CC 482/18, of 28<sup>th</sup> November 2018.

which the offence was committed, its consequences, the circumstances of the offence, the person of the offender, the degree of culpability of the offender and the motive, intent or objectives of the offender.<sup>12</sup> Other circumstances not explicitly mentioned in this provision may also be taken into account, but the criterion of the circumstances under which the act was committed is itself very broad, so that it is difficult to imagine a factor that could have an impact on determining the nature and gravity of the act and at the same time would not fall under one of the demonstrably enumerated criteria (Ščerba, 2020).

The final substantive condition for the imposition of house arrest is the offender's written pledge to remain at the address specified by the court and to co-operate as necessary in carrying out the inspection.<sup>13</sup> The written pledge requires the offender's tacit consent to the imposition of the type of sentence in question. Without such consent, the imposition of a sentence of house arrest is inadmissible. By giving this consent, the offender undertakes to submit to the conditions of the execution of the sentence and to allow the control of its execution. Thus, under current Czech law, house arrest is the only form of punishment whose imposition is conditional upon the offender's consent (Ščerba, 2013).

If the above conditions are met, the court may impose a sentence of house arrest for up to 2 years. There is no statutory minimum. The court shall determine the period during which the convicted person must present at the residence designated by the court on working days, days off work and holidays, in accordance with the criteria set out in Section 60(4) of the Criminal Code. Account is to be taken of working hours and the time required for commuting, as well as for the care of minor children and the necessary personal and family affairs. In this respect, the court is not limited in any way; it can theoretically impose either continuous house arrest – although this option would be contrary to the principle of proportionality of punishment, which is explicitly mentioned in the law – or light weekend house arrest of only a few hours a day (Válková and Půry, 2023).

The time regime is already set by the judge in the sentence and, except for important reasons which render the sentence in its original form unenforceable,<sup>14</sup> the time regime cannot be changed or modified according to the situation of the sentenced person. Under no circumstances can the time regime be made more restrictive for the offender, even if the convict, for example, loses his/her job or violates the conditions of the sentence.<sup>15</sup> This *ipso facto* implies that the judge should have objective information about the personal circumstances of the offender and his normal daily routine. Otherwise, there is a risk that the time regime will be impossible for the offender to comply with or, on the contrary, too lenient.

For the above reasons, a special condition is sometimes added, as provided for in Act No. 141/1961 Coll. of 29<sup>th</sup> November 1961 on Criminal Proceedings ("**the Criminal Procedure Code**"), which requires the court to obtain a probation officer's report on the possibility of imposing a sentence of house arrest before making decision. However, the report is mandatory only if the court decides by a criminal order, i.e., in a simplified

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<sup>12</sup> Section 39(2) of the Criminal Code.

<sup>13</sup> Section 60(1b) of the Criminal Code.

<sup>14</sup> Such an important reason could be, for example, the end of a lease on an apartment, a move to another residence for work, or even a change in employment that requires a reduction in time regime due to commuting.

<sup>15</sup> According to Section 61(3) of the Criminal Code, in the event of violation of the conditions of the sentence, house arrest may be made more severe by extending the duration of the sentence, imposing supervision, or imposing various suitable restrictions and obligations.

criminal procedure without a trial.<sup>16</sup> The court decides “at the table” on the basis of the file submitted by the public prosecutor without taking evidence in the main hearing, which entails the risk of information deficit (Novák, 2021). The preparation of the report inevitably involves consultation with the offender and a visit to his or her place of residence. The report serves to objectify the offender's circumstances and to carefully assess the risk of recidivism. It also seeks the opinion of co-residents, if any. Simply explained, the preliminary inquiry serves the purpose of verifying whether house arrest is enforceable for the convicted person, and to assess whether it is a sufficient punishment in the particular case given the offender's risks to society. Nevertheless, in practice, it is not uncommon for judges to fail to request the report and to decide on a sentence of house arrest without detailed knowledge of the offender's circumstances (Rozum et al., 2020).

As for electronic monitoring, it is not a condition for imposing a sentence of house arrest but is one of two alternative control methods, which can be utilised simultaneously. In the Criminal Code, it is expressly stated that the supervision of the house arrest sentence is carried out by the Probation and Mediation Service by means of random checks or by means of electronic monitoring system that allows the offender's movements to be detected, or by means of a random check by a probation officer.<sup>17</sup> The method of carrying out the control is therefore provided for by law in an alternative way. Random checks, of course, consist of a personal visit by a probation officer to the offender's place of residence, with a minimum of three controls per month.<sup>18</sup> For this purpose, the offender is obliged to allow the probation officer access to the dwelling and, if necessary, to provide him or her with biometric data.<sup>19</sup>

Further details are set out in Decree of the Ministry of Justice No. 456/2009 Coll. on supervision of the execution of a sentence of house arrest, which specifies the subject of supervision and certain rights and obligations of the offender and the probation officer. It explicitly states that electronic monitoring does not exclude random checks by the probation officer,<sup>20</sup> which suggests that electronic monitoring is preferred. Against this background, it is surprising that the legislation does not address in any manner who decides on the use of electronic monitoring. The legislation only addresses the activities EM consist of, but there is zero reference in the criminal regulations of who decides on the use of electronic monitoring. Thus, in theory, it is at the discretion of the probation officer to decide which monitoring method to use. Understandably, there is also no legal provision for suspending, limiting or, on the contrary, imposing electronic monitoring during the execution of a sentence. This is a serious shortcoming of Czech legislation, which contradicts the first basic principle of European standards on electronic monitoring.<sup>21</sup>

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<sup>16</sup> Section 314e(4) of the Criminal Procedure Code.

<sup>17</sup> Section 334b(1) of the Criminal Procedure Code.

<sup>18</sup> Instruction of the Probation and Mediation Service director No. 4/2010, which regulates the methodical procedure of officials and assistants of the Probation and Mediation Service of the Czech Republic in the area of securing documents for the possibility of imposing and enforcing control of the sentence of house arrest.

<sup>19</sup> Section 334b(1) of the Criminal Procedure Code.

<sup>20</sup> Section 8 of the Decree of the Ministry of Justice No. 456/2009 Coll. of 11<sup>th</sup> December 2009 on supervision of the execution of a sentence of house arrest, as amended by later regulations.

<sup>21</sup> Section III of the Recommendation CM/Rec (2014)4 of the Committee of Ministers to Member States on electronic monitoring, adopted by the Committee of Ministers on 19<sup>th</sup> February 2014, at the 1192<sup>nd</sup> meeting of the Ministers' Deputies. Available at: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=09000016805c64a7](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805c64a7) (accessed 20/4/2024).



#### 4. LEGAL REQUIREMENTS AND PRACTICE OF HOUSE ARREST AND ELECTRONIC MONITORING IN SWEDEN, BELGIUM AND SLOVAKIA

American writer S. Wright once said: "It's a small world, but I wouldn't want to have to paint it." This quote implicitly contains an understanding that cultural meanings, experiences and growth are influenced by the political, legal, social, technological and geographical context of a specific country or region (Payne, 2014). In the field of criminal law, this idea can be well demonstrated with electronically monitored house arrest, which appears in different concepts and forms across continents. Accordingly, the conditions of imposition and the conditions of serving of house arrest can vary greatly, while distinctions being made between punitive, rehabilitative and managerial models (Paterson, 2015). Naturally, the extent to which house arrest is used in practice also varies. These differences can be demonstrated by the legislation and practice in Sweden, Belgium and Slovakia.

In Sweden, the front-end form of house arrest is not considered a separate type of punishment but rather a method of serving a prison sentence, which inherently involves EM. A significant feature of Sweden's criminal justice system is the prominent role of the Prison and Mediation Service. In accordance with the concept of active involvement of this service in the process of punishing offenders, the Prison and Mediation Service makes decisions regarding house arrest (Haverkamp, 2002). They can permit the serving of a prison sentence in house arrest for those sentenced to imprisonment for up to 6 months, and they are required to properly inform the convict of this possibility. Decisions can be made either based on a request from the convict or on the initiative of the Prison and Mediation Service. If the convict's request is denied, they can appeal to the court for a review of the decision made by the Prison and Probation Service (Wennerberg, 2012).

The conditions for imposing Swedish house arrest are regulated by Act No. 1994:451 Coll. of 25<sup>th</sup> May 1994, on Intensive Supervision by Means of Electronic Monitoring. House arrest cannot be imposed if the offender is in custody or another correctional facility, or if there are special reasons indicating that the sentence should not be served outside of prison. Additionally, house arrest cannot be imposed to a convict who has served a sentence outside of prison in the form of intensive supervision within the last 3 years.<sup>22</sup> House arrest also cannot be imposed if the convict has already started serving a prison sentence, is uncooperative during investigations, the nature of the crime does not allow it (e.g. the crime was committed against a cohabitant), there is a high risk of recidivism, or the convict is in an advanced stage of addiction to substances, which makes them incapable of serving house arrest (Wennerberg and Holmberg, 2007).

Since the decision is made by the Prison and Mediation Service, they themselves verify the feasibility of house arrest. The preliminary investigation is therefore mandatory. A positive decision is based on the suitability of house arrest considering the convict's living conditions, age and health, personal circumstances and criminal history. The convict should also be employed or engaged in other forms of activity ranging from at least 20 to 40 hours per week. If the convict is not employed, the Prison and Mediation Service can arrange paid employment for them. If employment is not feasible, the Prison and Mediation Service will arrange other activities for the convict, such as community service or participation in established probation programs. The convict must also agree

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<sup>22</sup> Section 2(2) of the Act No. 1994:451 Coll. of 25<sup>th</sup> May 1994, on Intensive Care with Electronic Control, as amended with effect from the 1<sup>st</sup> June 2023.

to the conditions of intensive electronic monitoring. Additionally, any cohabitant over 18 years old must agree to house arrest.<sup>23</sup>

Sweden is relatively consistent in imposing house arrest, and from 2013 to 2021, the proportion of those sentenced to imprisonment for up to 6 months who served their sentence at home ranged between 24 % - 28 %. However, what stands out in statistical yearbooks is the recidivism rate of those sentenced to house arrest, which was only 14 % in 2018 (The Prison and Mediation Service, 2023). In comparison, the recidivism rate for those sentenced to home arrest in the Czech Republic is around 46 % (Scheinost et al., 2015). Thus, Swedish house arrest, at least in terms of recidivism, achieves significantly better results.

In Belgium, the traditional front-end form of house arrest was introduced in 2014, when electronic monitoring as an autonomous sentence was incorporated into the system of criminal sanctions through an amendment to the criminal regulations (Decaigny, 2014). Prior to that, the criminal code included a "penitentiary" form of house arrest, which was not regulated in the criminal code but rather in the ministerial circular ET/SE-2 of 17<sup>th</sup> July 2013, concerning electronic monitoring as a means of serving a prison sentence. According to this circular, the prison director could grant convicts sentenced to imprisonment of up to 1 year to serve their sentence in house arrest, and for those sentenced to imprisonment of up to 3 years, the Directorate for the Management of Detention Facilities could impose this allowance (Beyens and Roosen, 2013).

EM is also mandatory in Belgium, although after a certain period EM may be waived (Beyens and Roosen, 2017). The conditions for imposing house arrest are regulated in Belgium in Act No. 1867060850 Coll. of 9<sup>th</sup> June 1867 the Criminal Code. According to section 37ter of the Criminal Code, if the offense is of such a nature that it is punishable by sentenced to imprisonment of up to 1 year, the court may impose, as a principal punishment, house arrest with electronic monitoring of the same length as imprisonment that would otherwise impose, and which may be applied if the sentence with EM is not executed. This condition is supplemented by a negative list of criminal offences for which house arrest cannot be imposed, e.g., hostage-taking, rape, extortion, indecency and prostitution committed against minors. Regarding the length of the sentence, it must not be shorter than 1 month and longer than 1 year.<sup>24</sup>

If the court is considering imposing a sentence of house arrest or if the prosecution proposes it or if the defendant requests it, the defendant must be provided with information and proper explanation regarding the sentence. After receiving all the information, the defendant is heard for their comments. The second important point, in addition to the obligation to inform the defendant, is that participation in the hearing is mandatory unless the defendant is represented by an attorney. This procedure arises from the condition that the offender must consent to the sentence, which is sufficient to be given orally into the record.<sup>25</sup> Furthermore, before issuing a decision, the court requests a report from the service responsible for the organisation of EM. The report is not always mandatory, however, in Belgian practice, it is required to verify the enforceability of the sentence. While the law does not stipulate social investigation as a condition, it explicitly emphasises its appropriateness, and both the court and the

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<sup>23</sup> The Prison Service's regulations and general advice No. 2011:6 Coll. of 16<sup>th</sup> March, on Intensive Monitoring with Electronic Monitoring, as amended with effect from 2<sup>nd</sup> September 2022.

<sup>24</sup> Section 37ter(2) of the Act No. 1867060850 Coll. of 9<sup>th</sup> June 1867 Criminal Code, as amended with effect from 18<sup>th</sup> April 2024.

<sup>25</sup> Section 37ter(4) of the Act No. 1867060850 Coll. of 9<sup>th</sup> June 1867 Criminal Code, as amended with effect from 18<sup>th</sup> April 2024.

preliminary investigation authorities advocate for its implementation. As part of the social investigation, every adult cohabitant with whom the defendant lives in a shared household, must be interviewed. A brief informational report must be attached to the file within 1 month of the application.<sup>26</sup> If the statements of cohabitants are absent in the report, the court is obliged to hear these individuals during the court proceedings. The consent of cohabitants is a condition for imposing house arrest if the sentence is to be served at other dwelling than the convict's permanent address.<sup>27</sup>

Until 2015, house arrest and EM played a rather marginal role in Belgium. Judges criticised the steps taken by legislators and highlighted the dangers of the net-widening effect. Political tendencies eventually led to greater use of house arrest, but not as an autonomous sentence. Instead, it was more often used as an alternative method of serving a prison sentence. For example, in 2021, a total of 4,374 convicts were serving their sentences under house arrest, but only 26 of them were sentenced to house arrest as an independent punishment.<sup>28</sup>

In Slovakia, house arrest was introduced in 2005, and like the Czech Republic, EM was not available at that time (Rajnič, 2009). The implementation of the EM system took place on 1<sup>st</sup> January 2016, but even after that, house arrest was not widely used in Slovakia. In Slovakia, electronic monitoring is regulated by a separate law, Act No. 78/2015 Coll. on the Monitoring of the Execution of Certain Decisions by Technical Means and on the Amendment and Supplementmentation of Certain Laws, which regulates the use of electronic monitoring at various stages of the criminal process.

The Slovak legislation has evolved over time to achieve a higher rate of imposition of house arrest. Perhaps the most significant change was brought by the amendment Act No. 214/2019, which allowed the application of house arrest even for offenders of more serious crimes.<sup>29</sup> It should be noted that this step made by the legislator was not supported by criminological research and was met with criticism from the professional public (Tóthová, 2019). According to Section 53, paragraph 1 of the Criminal Code, the court may impose house arrest for up to 4 years on the offender of a crime if, given the nature of the crime and the person and circumstances of the offender, such a punishment can be considered sufficient, provided that the conditions for the execution of electronic monitoring by technical means are met and the offender gives a written promise to stay at the residence at the designated address during the specified time and to provide the necessary cooperation during the monitoring. According to Section 53, paragraph 2 of the Criminal Code, the court may impose a sentence of house arrest in duration of sentence mentioned in Section 53, paragraph 1 of the Criminal Code, for a crime with an upper limit of the punishment not exceeding 10 years, but at least the lower limit of the sentence of imprisonment provided for by the Criminal Code.<sup>30</sup>

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<sup>26</sup> Section 37ter(3) of the Act No. 1867060850 Coll. of 9<sup>th</sup> June 1867 Criminal Code, as amended with effect from 18<sup>th</sup> April 2024.

<sup>27</sup> Section 37ter(4) of the Act No. 1867060850 Coll. of 9<sup>th</sup> June 1867 Criminal Code, as amended with effect from 18<sup>th</sup> April 2024.

<sup>28</sup> Justice and Enforcement Agency. (n.d.) *Numbers*. The Government of Flanders. Available at: <https://www.vlaanderen.be/agentschap-justitie-en-handhaving/cijfers> (accessed on 20.06.2024).

<sup>29</sup> It should be mentioned that on 8th January 2024, an amendment to the criminal regulations was adopted in Slovakia by Act No. 40/2024 Coll. which significantly modified, among other things, the conditions for imposing house arrest. However, this amendment has been criticised by the opposition, Slovak President Zuzana Čaputová, and even institutions of the European Union, including Commissioner Didier Reynders. The Slovak Constitutional Court, based on proposals from the Slovak President and a group of deputies, has suspended the effectiveness of the amendment.

<sup>30</sup> Act No. 300/2005 Coll. Criminal Code, section 53, paragraph 1 as amended by later regulations.

Another condition for imposing house arrest is that the conditions for monitoring by technical means must be met, which refers to the material and technical conditions for monitoring house arrest through EM. The use of EM is therefore mandatory, implying the requirement of a preliminary investigation. During the preliminary investigation, a probation officer verifies the feasibility of executing house arrest and, importantly, the opinion of a cohabitant. If a cohabitant with the convict in the same household refuses to give consent, the condition for EM would not be met.<sup>31</sup> The monitoring of the execution of house arrest is carried out by a probation officer, who in some cases can temporarily change the regime of house arrest or imposes exceptions, but only for 48 hours. In monitoring the execution of house arrest, a probation officer is supported by an operational center for monitoring by technical means, which ensures continuous operation and the central monitoring system, maintaining constant supervision over the activities of the technical means used.<sup>32</sup> To simplify the decision-making process regarding changes to house arrest, electronic forms for various types of requests are available on the Ministry of Justice's website. These forms are accessible to authenticated users and are submitted through an electronic service on the Ministry of Justice's website.<sup>33</sup>

Despite long-term efforts by the Slovak legislators, which clearly aim at more frequent imposition of house arrest, it is still not widely used in Slovakia. Even though Slovakia has EM available, practice continues to adhere to principles of retributive justice. There seems to be a sense of fear among prosecutors and courts about imposing alternative sentences, particularly house arrest (Daniška and Strémy, 2022).

When looking at the legislation and practices in Sweden, Belgium and Slovakia, it is evident that house arrest is inseparably connected with EM. Overall, the legislation of these countries, compared to the Czech Republic, pay more attention to EM. Notably, the Slovak legislation aligns well with European standards. The "digitalisation" of the execution of sentences in Slovakia is also inspiring, as it can simplify the execution procedure for the relevant authorities and convicts. However, the mere availability of EM itself does not necessarily lead to a higher application rate, as evidenced by Slovak practice. Despite the implementation of electronic monitoring system in Slovakia, there has not been a statistically significant increase in the number of house arrest sentences.

Furthermore, making house arrest available to a wide range of offenders does not guarantee higher application rates, as illustrated by the comparison between Sweden and Slovakia. In Sweden, house arrest can replace only prison sentences of up to 6 months. House arrest is consistently imposed to nearly a quarter of those convicts of eligible crimes. This high application rate suggests a well-integrated system that prioritises alternative sentencing for less serious crimes. The Swedish model involves a thorough preliminary investigation, the consent of the offender, cohabitant and the availability of EM. In Slovakia, house arrest can be imposed even on offenders of serious crimes. Despite this, house arrest is rarely imposed. Like Sweden, the conditions for imposing house arrest in Slovakia include the requirement that it must be a sufficient

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<sup>31</sup> Act No. 78/2015 Coll. Act on the Monitoring of the Execution of Certain Decisions by Technical Means and on the Amendment and Supplementation of Certain Laws, section 12 paragraph 2, letter b) as amended by later regulations.

<sup>32</sup> Act No. 78/2015 Coll. Act on the Monitoring of the Execution of Certain Decisions by Technical Means and on the Amendment and Supplementation of Certain Laws, section 17 paragraph 2 as amended by later regulations.

<sup>33</sup> Ministry of Justice of the Slovak Republic. (4<sup>th</sup> November 2015). *Probation, mediation and electronic monitoring*. Available at: [https://esmo.gov.sk/web/esmo/domov/-/journal\\_content/56/10454/11192](https://esmo.gov.sk/web/esmo/domov/-/journal_content/56/10454/11192) (accessed on 20.06.2024).

punishment given the gravity of crime, the consent of the offender and cohabitant, a preliminary investigation and the availability of EM. The difference in application rates between Sweden and Slovakia likely stems from the fundamental approach to house arrest and the delegation of decision-making authority to non-judicial bodies. Belgian data also suggest that prison sentence can sometimes be more frequently replaced by house arrest because decisions can also be made by prison or similar services or other specialised bodies. This administrative approach does not burden the criminal justice system as much as purely judicial models.

## 5. QUALITATIVE RESEARCH FINDINGS

Research was conducted with the aim of gaining specific insights into the use of house arrest in practice and its impact on convicts. Six judges, six prosecutors were interviewed in semi-standardised interviews between the 1<sup>st</sup> January 2022 and 1<sup>st</sup> January 2023. The sample consisted of representatives based in courts in Prague and Beroun, two cities in Central Bohemia. For the purposes of this paper, the findings from the interviews are summarised here, with an emphasis on the research questions outlined in the introduction of the paper. To achieve these specified objectives, respondents from among judges and prosecutors were asked about their views on the punishment of house arrest and electronic monitoring, and their opinion why house arrest sentence is being imposed so rarely in the Czech Republic. The respondents were also asked to identify the most common barriers to its imposition.

In terms of the statistical data, it was almost surprising that all respondents agreed that the main and most significant reason for not imposing house arrest was the lack of an established electronic monitoring system. Indeed, judges and prosecutors considered electronic monitoring a necessary condition for imposing this sentence, but not necessarily for the same reasons. Perceptions of the importance of electronic monitoring varied among criminal justice practitioners.

The most frequent comment was that, without electronic monitoring, probation and mediation officials can legitimately speak of "good luck" if they can detect violations of the sentence terms during a random check, which generally takes place once a week or less. Control facilitating factors and the economic aspect were also mentioned as benefits of the electronic monitoring presence. Respondents were unanimous in stating that the absence of electronic monitoring leads to an overburdening of probation officers, who, due to insufficient capacity of the Probation and Mediation Service, carry out random checks in overtime, for which they are justifiably granted high surcharges, thus considerably increasing the supervision costs. Judges and prosecutors are generally of the opinion that the control mechanism at present is ineffective.

An interesting finding that is worth noting was that some judges and prosecutors believed that the execution of house arrest without EM fails to fulfil the punitive and preventive function of the punishment. It was argued that without the anklet, the offender is not exposed to sufficient psychological invasion during the punishment, which shall deter him or her from committing future crimes. In other words, without electronic monitoring, house arrest is not punitive enough for some judges and does not fulfil the deterrent or prevent function of punishment.

None of the interviewees could imagine imposing a sentence of house arrest without electronic monitoring, apart from exceptional cases in which the offender does not deserve imprisonment, but for various reasons and obstacles on his/her side, no other alternative punishment can be imposed. Here, the judges referred particularly to insufficient financial circumstances to impose a financial penalty or to health incapacity

that prevents the imposition of a community service sentence. It should be noted that some of the respondents had no experience of imposing house arrest, however, those who had opted for it in their careers spoke of how house arrest as an alternative to other alternative punishment, not imprisonment. In other words, in these cases, they did not consider imposing a custodial sentence in the first place. This phenomenon is sometimes pejoratively referred to in the literature as judicial net-widening

According to the research, there are more factors that negatively affect the imposition of house arrest sentences. In addition to the absence of electronic control, there are various deficiencies in the conditions on the part of the accused, such as full absence of employment, irregular work schedules, absence or instability of housing, or other deficiencies in the place of residence. In addition, judges are discouraged from imposing the sentence when the offender is frequently sent on business trips by his or her employer.

One of the prosecutors highlighted a case in which he had actually considered proposing a sentence of house arrest, and even requested a preliminary investigation from the Probation and Mediation Service, but the offender was prescribed a certain type of work shoes, the wearing of which was incompatible with the tracking anklet, and therefore house arrest could not be imposed. This offender was eventually to be sentenced to community service.

The judges surveyed also pointed out that the parties to the criminal proceedings – whether the prosecutor, the accused or his/her defence counsel – do not generally propose the imposition of house arrest, nor do they take the necessary measures to impose the sentence in question, e.g., prosecutors do not order preliminary inquiries and the accused do not seek to create suitable housing conditions or employment. This was particularly associated with convicted persons who are not represented by counsel in the proceedings.

Concerning the shortcomings on the part of the offenders, both judges and prosecutors pointed out that the Czech legislation is non-conceptual, as it allows for the imposition of house arrest only for misdemeanours. According to respondents, it is in this category that offenders from socially vulnerable groups are most often found, and such deficiencies are to be expected. The majority of the interviewed preferred the possibility of imposing house arrest also for more serious crimes, preferably with a positive listing of offences particularly of property and economic nature, or with a negative listing. It was often mentioned that for some offenders of more serious economic crime, house arrest accompanied by a substantial fine and an obligatory compensation measure would be more appropriate than imprisonment.

A significant finding was that judges and prosecutors find the punishment of house arrest more application-intensive compared to other alternative sanctions because it requires preliminary investigation and extensive proof of the offender's circumstances. This discourages judges, who are monitored and evaluated on, among other things, the number and speed of completed cases, from even considering imposing this sentence. The openness shown by the judges in discussing the issue of the judicial agenda control and the systemic preference for swiftness at the expense of the quality of criminal case processing demonstrates that the judges themselves consider this situation highly undesirable. Partly for these reasons, judges would rather simplify the imposition process as much as possible and delegate some responsibility for the enforcement process to probation officers.

It was also pointed out that the introduction of house arrest sentence and the introduction of electronic monitoring was not accompanied by sufficient education and training to provide a clear understanding of the effects of house arrest and electronic

surveillance, as when and for whom the punishment is appropriate, and therefore judges and prosecutors prefer to impose a different penalty for fear of misconduct. In addition, the training was only voluntary, inadequately focused and did not address practical issues that criminal justice agencies may commonly encounter.

It is clear from the aforesaid that the negative factors are interrelated and mutually influencing. The findings from the interviews with the respondents can then be summarised as showing that the application of the sentence of house arrest is mainly negatively influenced by:

- i. **The absence of a functional electronic monitoring system**, which discourages judges and prosecutors from imposing house arrest sentence for two fundamental reasons: first, they do not believe that without EM probation officers will detect violations of the execution conditions, and second, they consider EM to be an essential element of house arrest that affects punitiveness.
- ii. **Barriers on the part of the offender**, such as the absence of a permanent residence or employment, irregular working hours or frequent requirements to conduct work outside an approved location, but paradoxically it might also be a particular type of employment not compatible with wearing an electronic monitoring device.
- iii. **The condition of committing misdemeanour**, which in practice excludes a significant number of offenders for whom the sentence of house arrest could be an appropriate punishment, given the specific nature and seriousness of their offence and the risks posed to society.
- iv. **Greater application complexity and the system of judicial agenda supervision**, which forces judges to close cases at the expense of decision quality, which, in conjunction with increased requirements for proving the offender's circumstances, discourages judges from imposing house arrest.
- v. **The absence of proposal from offenders**, who rarely seek to be sentenced to house arrest and thus do not act to meet the material and formal conditions of the sentence.
- vi. **The absence of a proposal by prosecutors**, who do not propose the imposition of house arrest for the same reasons as judges, which is also negatively reflected in the amount of information about the offender's circumstances obtained during the pre-trial proceedings.
- vii. **Lack of education within the judiciary**, which leaves judges and prosecutors unclear about EM opportunities and therefore reluctant to impose the sentence, respectively for prosecutors to propose house arrest or to enter a plea bargain with the offender.

It should be noted that the argument of the absence of EM, the requirement of swiftness of proceedings, as well as the objection of the lack of offenders suitable for house arrest, appear regularly in Czech criminological studies (Diblíková et al., 2017; Scheinost et al., 2015; Scheinost et al., 2020). In these publications, however, the absence of EM is primarily linked to control facilitating factors, but not directly to the punitiveness and "tightness"<sup>34</sup> of house arrest regime. The objection of judges and prosecutors regarding the inadequacy of the sanction continuum, which stems from the condition of the misdemeanour and is related to the lack of suitable offenders, appears to be crucial.

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<sup>34</sup> According to Hucklesby, Beyens and Boone (2021), the tightness of house arrest sentence consists of four dimensions - length, breadth, depth, weight - which represent the overall level of psychological invasion of the sentence on the convict.

The demand for increased offender participation in the decision-making and sentencing process, the demand for simplification of the process of imposing and enforcing house arrest, and the demand for transferring some of the responsibility to probation officers are then a natural consequence of prioritising the speed of proceedings.

## 6. CONCLUSION AND RECOMMENDATION

We can best understand what we are currently experiencing in the mirror of history. The idea of punishing the offender by imprisoning him at home is not new; it has materialised under different motives in different historical stages of punishment. However, it is only in relatively recent times that house arrest has become an integral part of sanction systems, due to EM. The latter permeates virtually all components that occur within the typology of punishment and co-creates the content of punishment in the form of various restrictions and obligations, not to mention facilitating control factors. Judges and prosecutors are understandably aware of this, more precisely, they perceive EM as an integral part of house arrest that co-shapes the substance of the sentence, although they do not always have a clear idea of when and how to use EM in conjunction with house arrest. This is evidenced by the fact that they often prefer to impose house arrest on those who commit more serious offences, for which they have virtually only two options in terms of the main sanction - imprisonment or a suspended sentence.

This explains the general reluctance of judges and prosecutors to even consider imposing a house arrest sentence. For judges and prosecutors, without electronic monitoring it is as if the sentence of house arrest is incomplete. This is compounded by the higher application costs of house arrest without EM, by the practical consequences of the operation of the judicial supervision system, which favours speed over the quality of decisions, and by the misdemeanour offense condition, which excludes a significant number of offenders potentially eligible for house arrest sentences. It is also necessary to consider the fact that even the offenders themselves do not ask for house arrest. It is therefore not surprising that in practice house arrest in the Czech Republic plays the role of some sort of supplementary punishment, to which some judges resort when they cannot impose any other alternative sanction. The reasons for not imposing house arrest and associated negative influencing factors are apparently complex and appear on the side of the sanction policy makers, the legislators, the judicial authorities and, last but not least, on the side of the convicted persons.

If we were to identify the root of the problems with the application of house arrest, however, it is its premature introduction without EM. The lengthy tenders for EM system supplier, combined with the unfortunate fate of the pioneer system, have contributed to the aura of scepticism and mistrust that now surrounds house arrest within the justice system. It is now becoming clear how unfortunate it was that house arrest was introduced without the necessary vision and planning, and without adequate planning, training of the judicial authorities and, above all, integration of EM programme. As a result, one cannot help but feel that the ambitions of the sanction policy makers were exaggerated and that the possibility of achieving the objectives set was essentially unrealistic. The new EM system includes 700 anklets, a number that may seem sufficient, given the current practice, but it should be understood that the anklets are not only used to control house arrest, but also to control accused persons when substituting custody, to control persons sentenced to suspended sentences, and to control persons on parole. In practice, the equipment purchased is distributed among all the institutions involved in electronic monitoring, which suggests that the original ambition has been quietly abandoned.



Nevertheless, it is undoubtedly essential to relaunch EM system as soon as possible, whatever its capacity. This is not to say that EM should always be used in conjunction with house arrest. On the contrary, sometimes it may not be effective at all. It is certainly not the case that it can be the sole deterrent to crime. Technology alone is not a safeguard against criminals, and this must be understood by society, but especially by the judges and prosecutors who sometimes have exaggerated expectations of electronic monitoring, are unaware of possibilities. Therefore, it is suggested that the reintroduction is accompanied by sufficient education and training within the judiciary. Consider the Californian case of Phillip Garrido, who kidnapped a young girl and held her captive for almost 18 years. During part of that time, he was under EM. Yet he was not found to be keeping the kidnapped girl and the two young children he fathered with her in tents in his backyard. After all, the anklet reported that he was exactly where he ought to be – his house and the surrounding neighbourhood. The probation officers did not carry out many random checks, and when they did, they did so inadequately, so that his crime was not detected in time. This example shows that electronic monitoring is only as effective as the agency utilising it. It is therefore appropriate to consider electronic monitoring primarily as a tool that can, in appropriate cases, complement other sanctioning measures and, in combination with house arrest particularly, replace imprisonment.

It is difficult to estimate what the current ambitions of sanctions policy makers are in this regard. It is probably not just the economic savings, because in the prison system of the Czech Republic – where the average annual prison occupancy rate has long been oscillating around 18 000 prisoners – 100, 200 or 500 house arrest sentences imposed per year cannot lead to significant economic savings, since a substantial part of the costs of the prison service is fixed and the only direct savings are the costs of food, laundry and other everyday items. It is not suggested that the main motive for the higher rate of house arrest should be the desire to save money at all costs. However, it cannot be overlooked that sentencing has also undergone a process of economisation and has become a high-quality product, with quality obviously linked to cost-effectiveness. This is one of the reasons why, in the coming years, the legislator should focus more on how to prevent the net-widening effect. If the offender “gets more” than he would have without house arrest, this will ultimately be more expensive for the state, because the cost of house arrest, while certainly lower than the cost of imprisonment, is higher than the cost of suspended sentences or ordinary probation.

Given the available data, it cannot be expected that the reintroduction of EM itself will lead to a higher rate of house arrest application. In this respect, electronic monitoring will not be self-sufficient. It is therefore important that house arrest returns to the policy agenda and becomes the subject of policy-relevant research which focuses not only on, for example, offender recidivism - even the common criminological tendency to evaluate a particular type of punitive intervention by recidivism rates is not flawless - but also on the net-widening effect, the broader psychosocial effects of house arrest, and the potential of EM to cognitively transform offenders. Any changes in legislation or practice should then be informed by experience- and evidence-based policy. The opposite approach would mean complacency when decisions are made on the basis of political whim. It is true that the relationship between research, sanction policy and practice is one of tension, uncertainty and exploitation rather than one based on mutual understanding, but ultimately an evidence-based approach is positive and desirable.

At this point, the following suggestions are offered to stimulate further discussion and are worthy of consideration:

- **Extending the spectrum of sanctions** by allowing the imposition of house arrest on offenders of more severe crimes, particularly those of property and economic nature, e.g. by an enumerated list of such crimes, or by abolishing the condition of committing a misdemeanour and replacing it with a condition of the level of the penalty established by law in the special part of the Criminal Code (e.g. a maximum of 8 years), supplemented by a negative list of offences for which house arrest cannot be imposed.
- **Revision of the judicial reporting system**, ensuring judges do not make decisions on guilt and penalty under pressure based on the requirement to conclude a case as promptly as possible at the expense of the quality of the decision.
- **Preparation and implementation of a strategy to introduce general reports by probation officers** in pre-trial proceedings, which, in addition to assessing the risks of recidivism, would also include an assessment of the conditions and suitability of alternative sanctions in general rather than just in relation to one type of alternative sanction.
- **Simplification of the process of imposing and executing house arrest** by requiring the judge to specify only the number of hours of house arrest per week/month in the sentence. The setting of the specific time regime would already be a matter for the probation officer, who would calibrate EM in consultation with the convicted person, and which could be changed for important reasons during the course of the sentence.
- **The introduction of the obligation to instruct the police authority and the prosecutor in the preparatory proceedings**, especially in cases where there is no necessary defence, in order to allow offenders to “apply” for house arrest sentence, and to give them time to remedy the deficiencies in their circumstances before sentencing (offenders can get a job, secure permanent housing)
- **Mitigating the unequal nature of house arrest** by creating special accommodation and employment (not only) for “applicants” for house arrest.

The above proposals could contribute to a higher rate of imposition of house arrest, but as mentioned earlier, the aim here is not to achieve the imposition of house arrest at all costs and in as many cases as possible, but to achieve that it is imposed more often, but above all that it is imposed in appropriate cases. Alternative sentencing is often put in the context of restorative justice; after all, both schools have the same ideological basis, and so sentencing in recent years has increasingly emphasised costs and “customers”. However, restorative justice and alternative punishment are not the same. Certainly, the aims of restorative justice are more easily achieved when the offender is at liberty, but the essence of alternative sentencing is the pursuit of justice and the assumption that the personal individual culpability that manifests itself in criminal activity can best be addressed through a variety of sentencing options tailored to the specific circumstances of the case. House arrest with electronic monitoring is one such option.

#### BIBLIOGRAPHY:

Austin, J., Dedel Johnson, K. and Weitzer, R. J. (2005). Alternatives to the secure detention and confinement of juvenile offenders. Washington, DC: US Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

- Available at: <https://www.ojp.gov/pdffiles1/ojdp/208804.pdf> (accessed on 20.04.2024).
- Ball, R. A., Huff, R. C. and Lilly, R. J. (1988). *House Arrest and Correctional Policy: Doing Time at Home*. Newbury Park, California: Sage Publication. ISBN 978-08-0392-969-2.
- Bartels, L. and Martinovic, M. (2017). Electronic monitoring: The experience in Australia. *European Journal of Probation*, 9(1), 80-102, <https://doi.org/10.1177/2066220317697658>
- Beyens, K. and Roosen, M. (2013). Electronic Monitoring in Belgium: A Penological Analysis of Current and Future Orientations. *European Journal of Probation*, 5(3), 56-70, <https://doi.org/10.1177/20662203130050030>
- Beyens, K. and Roosen, M. (2017). Electronic monitoring and reintegration in Belgium. *European Journal of Probation*, 9(1), 11-27, <https://doi.org/10.1177/2066220317704132>
- Bishop, N. (1995). Intensive supervision with electronic monitoring: A Swedish alternative to imprisonment. *Council of Europe Penological Information Bulletin*, 19/20, 3–10. ISSN 0254-5225.
- Black, M. and Smith, R. G. (2003). Electronic monitoring and the criminal justice system. *Trends and Issues in Crime and Criminal Justice*, 2003, 254, 1–6. Available at: <https://www.aic.gov.au/publications/tandi/tandi254> (accessed on 20.04.2024).
- Blanda, R. (2010) Odstraní elektronické náramky přeplněnost českých věznic? [Will electronic bracelets solve overcrowding in Czech prisons?]. *České vězeňství [Journal of Czech Prison Administration]*, 1, 16–17. ISSN 1213-9297.
- Brown, M. P. and Elrod, P. (1995). Electronic house arrest: An examination of citizen attitudes. *Crime & Delinquency*, 41(3), 332–346. <https://journals.sagepub.com/doi/10.1177/0011128795041003004>
- Burell, W. and Gable, R. (2008). From B. F. Skinner to Spiderman to Martha Stewart: The past, present, and future of electronic monitoring of offenders. *Journal of Offender Rehabilitation*, 46 (3/4), 101–108, <https://doi.org/10.1080/10509670802143342>
- Čádová, J. (2010). Nové alternativní tresty a trendy [New alternative punishments and tendencies]. In: Štern, P., L. Ouředníčková and D. Doubravová (eds.), *Probace a mediace: Možnosti řešení trestných činů [Probation and mediation: alternatives for solving crimes]* (pp. 149-172). Praha: Portál. ISBN 978-80-7367-757-2.
- Daniška, G. and Strémy, T. (2022). Aplikácia alternatívnych trestov v podmienkach Slovenskej republiky [Practice of Alternative Sentencing in the Slovak Republic]. In: Strémy, T. and Burský, S. (eds.), *Aplikácia alternatívnych prístupov v justícii na Slovensku II [Application practice of alternative sanction and measures in Slovak Republic II]* (pp. 44-60). Bratislava: Právnická fakulta Univerzity Komenského v Bratislave. ISBN 978-80-7160-646-8.
- Decaigny, T. (2014). Nieuwe correctionele hoofdstraffen: de straf onder elektronisch toezicht en de autonome probatiestraaf [New correctional sanctions: the electronically supervised sentence and the autonomous probation sentence]. *Tijdschrift voor Strafrecht*, 15(4), 211–225. ISSN 1379-4930.
- DeMichele, M. (2014). Electronic monitoring: It is a tool, not a silver bullet. *Criminology and Public Policy*, 13(3), 393–400, <https://doi.org/10.1111/1745-9133.12089>
- Diblíková et al. (2017). *Analýza trendů kriminality v České republice v roce 2016 [Analysis of crime statistics in the Czech Republic in 2016]*. Praha: Institut pro kriminologii a sociální prevenci. ISBN 978-80-7338-170-7.
- Diblíková, S., Špejra M. and Vlach, J. (2021). *Vyhodnocení procesu spuštění elektronického monitorovacího systému v ČR [Evaluation of the process of implementation of the*

- electronic monitoring system in the Czech Republic*]. Praha: Institut pro kriminologii a sociální prevenci, ISBN 978-80-7338-195-0.
- Dünkel, F. (2018). Electronic Monitoring in Europe—a Panacea for Reforming Criminal Sanctions Systems? A Critical Review. *Kriminologijos studijos*, 6, 58–77, <https://doi.org/10.15388/CrimLithuan.2018.6.3>
- Dünkel, F., Thiele, G. and Treig, J. (2017). Elektronische Überwachung von Straffälligen im europäischen Vergleich-Zusammenfassender Vergleich und Perspektiven für die Kriminalpolitik. In: Dünkel, F., Thiele, G. and Treig, J. (eds.), *Elektronische Überwachung von Straffälligen im europäischen Vergleich – Bestandsaufnahme und Perspektiven*, (pp. 475-540). Mönchengladbach: Forum Vlg Godesberg. ISBN 978-3-942865-78-4.
- Gainey, R. R. and Payne, B. K. (2000). Understanding the Experience of House Arrest with Electronic Monitoring: An Analysis of Quantitative and Qualitative Data. *International Journal of Offender Therapy and Comparative Criminology*, 44(1), 84–96, <https://doi.org/10.1177/0306624X00441008>
- Gibbs, A and King, D. (2003). Home detention with electronic monitoring: The New Zealand experience. *Criminal Justice*, 3(2), 199–211, <https://doi.org/10.1177/1466802503003002>
- Graham, H. and McIvor, G. (2015). *Scottish and international review of the uses of electronic monitoring*. Stirling: SCCJR. Available at: <https://www.sccjr.ac.uk/publication/scottish-and-international-review-of-the-uses-of-electronic-monitoring/> (accessed on 20.04.2024).
- Graham, H. and McIvor, G. (2017). Advancing electronic monitoring in Scotland: Understanding the influences of localism and professional ideologies. *European Journal of Probation*, 9(1), 62–79, <https://doi.org/10.1177/2066220317697659>
- Haiskanen, M., Aebi, M. F., Brugge, A. and Jehle, J. (2014). *Recording Community Sanctions and Measures and Assessing Attrition. A Methodological Study on Comparative Data in Europe*. Helsinki: Hakapaino Oy. ISBN 978-952-5333-91-6.
- Haverkamp, R. (2002). *Elektronisch überwachter Hausarrestvollzug: ein Zukunftsmodell für den Anstaltsvollzug?: eine rechtsvergleichende, empirische Studie unter besonderer Berücksichtigung der Rechtslage in Schweden*. Deutschland: Edition iuscrim. ISBN 9783861130529.
- Hofer, P. J. and Meierhoefer, B. S. (1987). *Home confinement: An evolving sanction in the federal criminal justice system*. Washington, D.C.: Federal Judicial Center. Available at: <https://www.ojp.gov/pdffiles1/Digitization/108466NCJRS.pdf> (accessed on 20.04.2024).
- Hucklesby, A., Beyens, K. and Boone, M. (2021). Comparing electronic monitoring regimes: length, breadth, depth, weight equals tightness. *Punishment & Society*, 23(1), 88–106, <https://doi.org/10.1177/1462474520915753>
- Hurwitz, J. N. (1987). House Arrest: A Critical Analysis of an Intermediate-Level Penal Sanction. *University of Pennsylvania Law Review*, 135, 771–811. Available at: [https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=3954&context=penn\\_law\\_review](https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=3954&context=penn_law_review) (accessed on 20.04.2024).
- Jelínek, J. (2009). Pojem trestného činu a kategorizace trestných činů [Definition of crime and categories of crimes]. *Bulletin advokacie [The bulletin of the Czech Bar Association]*, 9, 36–41. ISBN 1210-6348.
- Jelínek, J. (2018). Dokazování z hlediska budoucí právní úpravy českého trestního řádu [Taking of evidence from the point of view of the future legal framework of the Czech Criminal Procedure Code]. In: Jelínek, J. (ed.), *Dokazování v trestním řízení v kontextu práva na spravedlivý proces [Taking of evidence in criminal proceedings*

- in the context of the right to a fair trial*] (pp. 13-26). Praha: Leges. ISBN 978-80-7502-287-5.
- Kalvodová, V. (2007). Domácí vězení - jedna z možných alternativ odnětí svobody? [House arrest - one of the possible alternatives to imprisonment?] In: *Days of Public Law* (pp. 678-684). Brno: Masarykova univerzita. ISBN 978-80-210-4430-2.
- Kalvodová, V. (2022). Systém trestů - český pohled [Penalty system - Czech perspective]. In: Gřivna, T., Jiří Mulák et al. (eds.), *Symbióza trestního práva a kriminologie - k odkazu prof. Oto Novotného* [Symbiosis of criminal law and criminology - to the heritage of Prof. Oto Novotný] (pp. 57-73). Praha: Wolters Kluwer. ISBN 978-80-7676-639-6.
- Krahl, M. (1998). Elektronicky hlídané domácí vězení [Electronically monitored house arrest]. *Právní rozhledy* [Law Reports], 5, 229–233. ISSN 1210-6410.
- Lilly, R. J. and Nellis, M. (2012). The limits of techno-utopianism: electronic monitoring in the United States of America. In: Nellis, M., Beyens, K. and Kaminski, D. (eds.), *Electronically monitored punishment: International and critical perspectives* (pp. 18-41). London: Willan, <https://doi.org/10.4324/9780203103029>
- Maxfield, M. G., and Baumer, T. L. (1990). Home detention with electronic monitoring: Comparing pretrial and postconviction programs. *Crime & Delinquency*, 36(4), 521–536, <https://doi.org/10.1177/001128790036004>
- Ministry for Regional Development of the Czech Republic (2023). Dodavatel elektronického monitorovacího systému pro trestní justici II. [Supply of electronic monitoring system for criminal justice II] *Ministerstvo pro místní rozvoj*. Available at: <https://nen.nipez.cz/verejne-zakazky/detail-zakazky/N006-22-V00034083/zadavaci-dokumentace/p:peu:page=1;pzd:page=2> (accessed on 18.04.2024).
- Nellis, M. (2006). Electronically Monitoring Offenders in Scotland, 1998-2006. *The Scottish Journal of Criminal Justice Studies*, 12, 74–96.
- Nellis, M. and Bungefeldt, J. (2013). Electronic monitoring and probation in Sweden and England and Wales: Comparative policy developments. *Probation Journal*, 60(3), 278–301, <https://doi.org/10.1177/0264550513504530>
- Nellis, M. (2015) *Standards and Ethics in Electronic Monitoring: Handbook for Professionals Responsible for the Establishment and the Use of Electronic Monitoring*. Strasbourg: Council of Europe. Available at: <https://rm.coe.int/handbook-standards-ethics-in-electronic-monitoring-eng/16806ab9b0> (accessed on 19.04.2024).
- Novák, P. (2021). *Trestní příkaz* [Criminal order]. Praha: Leges. ISBN 978-80-7502-495-4.
- Paterson, C. (2015). From offender to victim-oriented monitoring: a comparative analysis of the emergence of electronic monitoring systems in Argentina and England and Wales. *Urbe Revista Brasileira de Gestão Urbana*, 7(2), 155–166, <https://doi.org/10.1590/2175-3369.007.002.SE01>
- Payne, B. K. (2014). It's a Small World, but I Wouldn't Want to Paint it: Learning from Denmark's Experience with Electronic Monitoring. *Criminology and Public Policy*, 13(3), 381–393, <https://doi.org/10.1111/1745-9133.12090>
- Petersilia, J. (1986). Exploring the option of house arrest. *Federal Probation*, 50, 771–812.
- Probation and Mediation Service of the Czech Republic (2021). Tiskové prohlášení k Elektronickému monitorovacímu systému. *Probační a Mediační Služba* [Press release on the Electronic Monitoring System. Probation and Mediation Service of the Czech Republic]. Available at: <https://www.pmscr.cz/probacni-a-mediacni-služba-ukoncila-spolupraci-s-firmou-supercom/> (accessed on 19.04.2024).

- Probation and Mediation Service of the Czech Republic (2022). Probační a mediační služba hledá nového dodavatele elektronického monitorovacího systému. *Probační a Mediační Služba* [The Probation and Mediation Service is looking for a new supplier of an electronic monitoring system. Probation and Mediation Service of the Czech Republic]. Available at: <https://www.pmscr.cz/probacni-a-mediacni-sluzba-hleda-noveho-dodavatele-elektronickeho-monitorovaciho-systemu/> (accessed on 19.04.2024).
- Probation and Mediation Service of the Czech Republic (2023). *Agendy Probační a mediační služby v letech 2018–2022* [Probation and Mediation Service Statistics 2018-2022]. Praha: Probační a mediační služba. Available at: [https://www.pmscr.cz/wp-content/uploads/2023/03/statistiky\\_agendy\\_pms\\_2018-2022.pdf](https://www.pmscr.cz/wp-content/uploads/2023/03/statistiky_agendy_pms_2018-2022.pdf) (accessed on 19.04.2024).
- Probation and Mediation Service of the Czech Republic (2023a). Informace o stavu implementace a zahájení ostrého provozu nového elektronického monitorovacího systému pro trestní justice II. *Probační a Mediační Služba* [Information on the status of implementation and start of operating the new electronic monitoring system for criminal justice II. Probation and Mediation Service of the Czech Republic ]. Available at: <https://www.pmscr.cz/informace-o-stavu-implementace-a-zahajeni-ostreho-provozu-noveho-elektronickeho-monitorovaciho-systemu-pro-trestni-justice-ii/> (accessed on 19.04.2024).
- Rajnič, M. (2009). Trest domácího vězení v systému trestov [The sentence of house arrest in the penal system *Justičná revue* [The Judicial Review journal], 61, 834–840. ISSN 13356461.
- Rodrigues, A. M., Antunes, M. J., Fidalgo, S, Pinto, H. I. and Ishiy, T. (2022). *Non-custodial sanctions and measures in the member states of the European Union: comparative report*. Instituto Jurídico da Faculdade de Direito da Universidade de Coimbra. Available at: <https://cdn.penalreform.org/wp-content/uploads/2022/12/Comparative-Study-eBook-English.pdf> (accessed on 22.06.2024).
- Rozum, J., Háková L, Hulmáková, J., Špejra, M and Zhřivalová, P. (2020). *Zprávy PMS pro účely rozhodnutí v trestním řízení: kvalita, význam, efektivita* [PMS reports for sentencing purposes: quality, relevance, effectiveness]. Praha: Institut pro kriminologii a sociální prevenci. ISBN 978-80-7338-188-2.
- Scheinost, M.; Háková, L., Rozum, J., Tomášek, J. and Vlach, J. (2014). *Sankční politika pohledem praxe* [Sanctions policy from a practical perspective]. Praha: Institut pro kriminologii a sociální prevenci. ISBN 978-80-7338-144-8.
- Scheinost, M. Válková, H. et al. (2015). *Sankční politika a její uplatňování* [Sanctions policy and its practical application]. Praha: Institut pro kriminologii a sociální prevenci. ISBN 978-80-7338-154-7.
- Scheinost et al. (2020). *Analýza trendů kriminality v České republice v roce 2019* [Analysis of crime statistics in the Czech Republic in 2019]. Praha: Institut pro kriminologii a sociální prevenci. ISBN 978-80-7338-187-5.
- Smith, R. G. and Gibbs, A. (2012). Extending the electronic net in Australia and New Zealand: Developments in electronic monitoring down under. In: Nellis, M., Beyens, K. and Kaminski, D. (eds.), *Electronically monitored punishment: International and critical perspectives* (pp. 79-99). London: Willan, <https://doi.org/10.4324/9780203103029>
- Strémy, T. (2014). Aplikácia trestu domáceho väzenia na Slovensku, v Čechách a v Poľsku [The application of house arrest sentence in Slovakia, the Czech Republic and

- Poland]. *Policajná teória a prax [Journal of police theory and practice]*, 1, 97–106. Available at: [https://www.akademiapz.sk/sites/default/files/OVVP/PTP/2014/1/01%20Obsah\\_PTP%201\\_2014.pdf](https://www.akademiapz.sk/sites/default/files/OVVP/PTP/2014/1/01%20Obsah_PTP%201_2014.pdf) (accessed on 20.04.2024).
- Strémy, T. and Klátik, J. (2018). *Alternatívne tresty [Alternative sanctions]*. Bratislava: C. H. Beck. ISBN 987-80-89603-56-5.
- Šámal, P. (2009). K pojmu trestného činu a souvisejícím otázkám v novém trestním zákoníku [On the concept of crime and related issues in the new Criminal Code]. *Trestněprávní revue [Journal of Criminal Law Review]*, 5, 129–140. ISSN 1213-5313.
- Ščerba, F. (2012). Trest domácího vězení po novele č. 330/2011 Sb. [The sentence of house arrest after Amendment No. 330/2011 Coll.]. *Trestněprávní revue [Journal of Criminal Law Review]*, 11(5), 1–5. ISSN 1213-5313.
- Ščerba, F. (2013). Ukládání trestněprávních sankcí (trestání dospělých) [Sentencing in criminal procedure (the imposition of sentences on adult offenders)]. In: Jelínek, J. et al. (ed.), *Trestní právo hmotné [Substantive Criminal Law]* (pp. 427-476). Praha: Leges. ISBN 978-80-87576-64-9.
- Ščerba, F. (2014). *Alternativní tresty a opatření v nové právní úpravě [Alternative sanctions and measures in the new legal framework]*. Praha: Leges. ISBN 978-80-87576-93-9.
- Ščerba, F. (2014a). Tresty alternativní a nepodmíněné: pohled akademika [Alternative sanctions and imprisonment: an academic's perspective]. *Státní zastupitelství [Journal of State Prosecution]*, 12(1), 8–10. ISSN 1214-3758.
- Ščerba, F. (2020). § 60. In: Ščerba, F. et al. (ed.), *Trestní zákoník: Komentář. [The Criminal Code: Commentary]*. Praha: C. H. Beck. ISBN 978-80-7400-807-8.
- Ščerba, F. (2023). Využitelnost dohody o vině a trestu a prohlášení viny v jednotlivých stadiích trestního řízení [Usability of plea bargains and guilty pleas at different stages of criminal proceedings]. *Universitatis Carolinae Iuridica*, 69(3), 115–129, <https://doi.org/10.14712/23366478.2023.31>
- The Prison and Mediation Service (2023). KOS 2023. *Kriminalvård och statistic 2023*, ISSN 1400-2167. Available at: [https://www.kriminalvarden.se/globalassets/forskning\\_statistik/kos-2023--kriminalvard-och-statistik.pdf](https://www.kriminalvarden.se/globalassets/forskning_statistik/kos-2023--kriminalvard-och-statistik.pdf) (accessed on 19.04.2024).
- Tlapák-Navrátilová, J. (2019). Trest domácího vězení, promarněná šance? [The house arrest sentence, a missed opportunity?] In: Jelínek, J. et al. (ed.), *Deset let od přijetí českého trestního zákoníku [A decade since the implementation of the Czech Criminal Code]* (pp. 224-236). Praha: Leges. ISBN 978-80-7502-354-4.
- Tlapák-Navrátilová, J. (2022). Elektronický monitoring a jeho nevyužitý potenciál [Electronic monitoring and its under-used potential]. In: Gřivna, T., M. Richter and H. Šimánová (eds.), *Vliv nových technologií na trestní právo [The impact of new technologies on criminal law]* (pp. 227-238). Praha: Auditorium. ISBN 978-80-87284-95-7.
- Tóthová, V. (2019). Absencia kriminologických výskumov pri kreovaní trestnej politiky štátu s akcentom na trest domáceho väzenia [The Absence of criminological research in the formulation of state penal policy with an emphasis on the punishment of house arrest]. *STUDIA IURIDICA Cassoviensia*, 7(2), 84–93. ISSN 1339-3995.
- Válková, H. and Půry, F. (2023). Trest domácího vězení [The house arrest sentence]. In: Šámal, P. et al. (ed.), *Trestní zákoník. Komentář [The Criminal Code: Commentary]* (pp. 1105-1122). Praha: C. H. Beck. ISBN 978-80-7400-893-1.

- Wennerberg, I. and Holmberg, S. (2007). *Extended use of electronic tagging in Sweden- The offenders' and the victims' view*. Stockholm: Brottsförebyggande rådet. ISBN 978-91-85664-55-9.
- Wennerberg, I. (2012). High level of support and high level of control: An efficient Swedish model of electronic monitoring? In: Nellis, M., Beyens, K. and Kaminski, D. (eds.), *Electronically monitored punishment: International and critical perspectives* (pp. 92-107). London: Willan, <https://doi.org/10.4324/9780203103029>