

All services provided by the Probation  
And Mediation Service  
are free of charge.

Address of our workplace:

# Home Detention

## Guidebook for Offenders

Offender integration  
Victim participation  
Community protection

## What is meant by home detention?

A sentence of home detention is one of the alternative sentences, i.e. non-custodial sentences. This alternative sentence restricts the personal freedom of offenders (they have to stay in their place of residence during a specified period of time), but at the same time, it also helps them maintain their family, economic, and other social bonds. Apart from home detention, the court may impose other adequate obligations (e.g. to undergo drug screening for the presence of drugs in the body etc.), to undergo a re-socialization programme ...) and restrictions (to refrain from visiting a designated facility or to avoid contact with specified persons) to the offender. A sentence of home detention may be imposed by the court only under the condition that the offender makes an oath in writing, that s/he will stay at a specified dwelling, and will provide any and all cooperation during the home detention controls mandated by law. The court may impose this sentence up to two years.

## Who checks the course of enforcement of sentence?

Control of enforcement of the sentence of home detention is carried out by the Probation and Mediation Service, through random personal visits in the offender's dwelling. Control can be also carried out through the Electronic Monitoring System.

## What are the offender's rights in the course of home detention?

- Prior to serving a sentence of home detention, the offender has the right to attend to her/his family and other matters.
- While serving a sentence of home detention, s/he has the right to go to work, attend religious services regularly, or visit her/his medical facility according to her health condition, necessary treatment, and related operations (these facts are taken into account when determining the specific period of time in which the home detention is to be served).
- The right to request for a change of location for serving the sentence of home detention for serious reasons, (the reason must be documented).
- The right to request the court that serving the sentence of home detention be suspended for serious reasons (e.g. due to hospitalization, health or family reasons, or urgent childcare).

## What are the offender's obligations in the course of home detention?

- To stay at a specified location during the period stipulated by the court for the duration of the imposed sentence. This period include working days, as well as Saturdays, Sundays, and holidays.
- To report to the Probation and Mediation Service (PMS) centre to discuss the terms and conditions of serving the sentence of home detention, and to cooperate with the PMS workers in the course of serving the sentence.
- To notify the PMS about the current personal situation, and corresponding changes (place of residence, employment, social situation).

- To provide the necessary cooperation, especially to allow the probation officer to check the offender's presence at the specified location at the stipulated time for serving the sentence. In the course of serving the sentence to allow the PMS to enter her/his dwelling and to show proof of her/his identity if requested to do so.
- To notify the PMS immediately about any changes, related to the course of sentence of home detention (for example about a planned hospitalization, stay abroad, change of employment and working hours, etc.). Based on a request, the court may decide to suspend the sentence or eventually change the location and time when and where the sentence is served.
- To fulfil the adequate obligations and restrictions imposed by the court.
- Based on the decision of court, to reimburse costs associated with serving the sentence of home detention (their amount is determined by the relevant regulation).

## What to do if the offender has to leave her/his dwelling during serving the sentence of home detention?

In case of an emergency, such as urgent health problems requiring immediate medical treatment or hospitalization and due to other serious reasons endangering human health, it is necessary to notify the PMS about it by phone as soon as possible, and consequently document that situation (for example with a medical certificate, hospitalization certificate, or other certificate supporting the reason for breaching the terms and conditions of the sentence of home detention).

## What happens, if the PMS finds out about breaching the terms and conditions of the sentence of home detention?

If the terms and conditions of the sentence of home detention are intentionally breached, especially by:

- absence at the specified places at the specified location,
- not documenting the reasons for the breach of the home detention sentence,
- not fulfilling the imposed obligations and restrictions,

The PMS will immediately notify the court that will assess the situation, and may decide to convert the sentence of home detention, or of its rest, into a custodial sentence.

## What are the advantages of a sentence of home detention?

Sentence of home detention, in comparison with a real prison sentence, offers the offender a possibility to serve a non-custodial sentence, which brings along certain advantages:

- to stay with family and in contact with friends,
- not to lose employment,
- to redress consequences of the crime, to compensate for damages,
- to complete education, etc.

