**Declaration**

**of a person supervised pursuant to Article 181a § 2 of the Criminal Enforcement Code**

I, ........................., declare that I was advised of the content of the judgement rendered against me, and of the obligations and rights arising therefrom.

I declare that I will reside at the following address for the duration of the penal/preventive measure imposed on me:

…………………………………………………………………………………………………………

(exact residence address indicated by the perpetrator)

phone no: …………………………….., e-mail: ………………………….

and I consent to communication by telephone and e-mail.

Address for service: …………………………………………………………..…………………..

I will notify the probation officer immediately if I change my residence address, telephone number or e-mail address, and if I intend to travel abroad.

I declare that I was advised that any letters sent to the above address will be deemed to have been served by the Court.

**PENAL/PREVENTIVE MEASURES IMPOSED**

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| --- | --- |
| **Legal basis and content of the injunction** | **Duration of the penal/preventive measure imposed** |
| 1) deprivation of public rights;  2) prohibition from holding a certain position, pursuing a certain profession, or conducting a certain business activity;  3) prohibition from conducting business activity related to the nurturing, treating, educating, or taking care of minors;  4) prohibition from holding a position or pursuing a profession or working in state and local government bodies and institutions, and in commercial-law companies in which the State Treasury or a local government unit holds, directly or indirectly through other entities, at least a 10% interest;  5) prohibition from associating with certain social groups or appearing in certain locations, contacting certain individuals, approaching certain individuals, or leaving a specific place of stay without the Court's consent;  6) prohibition from entering a mass event;  7) prohibition from entering gambling facilities and engaging in gambling;  8) order to temporarily leave the premises occupied jointly  with the victim;  9) prohibition from operating vehicles;  10) monetary benefit;  11) publication of the judgement;  12) degradation\*  \*(delete as appropriate) |  |

**OBLIGATIONS**

**Article 5** **§ 2 of the** **Criminal Enforcement Code** – The sentenced person is obliged to comply with the instructions given by the competent authorities to enforce the ruling.

**Article 169 § 1 of the Criminal Enforcement Code** – A sentenced person under the obligation, who is placed under supervision, is obliged to comply with the obligations imposed by the Court for the duration of probation or obligations related to supervision.

**Article 169 § 2 of the Criminal Enforcement Code** – A sentenced person placed under supervision is obliged to report without delay, and at the latest within 7 days of becoming aware of the placement under supervision, to the probation officer of the District Court in whose district the supervision is to be carried out.

**Article 169 § 3 of the Criminal Enforcement Code** – A sentenced person is obliged to appear as summoned by the Court or the probation officer and provide explanations as to the course of supervision and the performance of obligations imposed on them, cannot change their permanent residence without the Court's consent, has to allow the probation officer to enter their house, and to inform the probation officer of any change in their place of employment.

**Article 169 § 4 of the Criminal Enforcement Code** – Supervision is carried out at the permanent residence of the sentenced person.

**RIGHTS**

**Article 4 § 1 of the Criminal Enforcement Code** – Penalties, penal and preventive measures (...) are carried out in a humane manner and with respect for the human dignity of the sentenced person. Torture or inhuman or degrading treatment or punishment of the sentenced person are prohibited.

**Article 4 § 2 of the Criminal Enforcement Code** –A sentenced person retains their civil rights and freedoms. They can only be limited when the law so provides and by a non-appealable judgement under the law.

**Article 6 § 1 of the Criminal Enforcement Code –** A sentenced person may apply for and participate in proceedings before the Court as a party and, in the cases provided for by law, file an appeal against orders rendered in the enforcement procedure.

**Article 6 § 2 of the Criminal Enforcement Code –** A sentenced person may file applications, complaints and requests to the enforcement authorities. When filing an application, complaint or request, the sentenced person is obliged to substantiate the demands contained therein to the extent that allows for them to be considered, in particular to attach relevant documents.

**Article 7 § 1 of the Criminal Enforcement Code –** A sentenced person may appeal to the Court against a decision of an authority referred to in Article 2 (3)–(6) and 10 of the Criminal Enforcement Code on the grounds that it is unlawful, unless the law provides otherwise.

**Article 84 § 1 of the Criminal Enforcement Code –** After the expiry of half of the duration of the penal measures referred to in Article 39 (1)–(3), the Court may declare them enforced if the sentenced person has complied with the legal order, and the penal measure imposed on them was being enforced for at least one year.

**Article 84 § 2a of the Criminal Enforcement Code –** If a penal measure was imposed for life, the Court may consider it enforced if the sentenced person has followed the legal order and there is no risk of committing another offence similar to that for which the penal measure was imposed, and the penal measure imposed on them was being enforced for at least 15 years.

**Article 99 § 2 of the Criminal Code** – Prohibitions referred to in [Article 39 (2)–(3)](https://sip.legalis.pl/document-view.seam?documentId=mfrxilrtgu2tsojvge4dmltqmfyc4mzvhaytamjxga) are imposed without determining their duration; the Court revokes them when if their application is no longer necessary.

**Article 43 § 2a of the Criminal Code –** The duration of the prohibitions does not run during the serving of imprisonment sentence, even if imposed for another offence.

**CONSEQUENCES OF VIOLATING THE INJUNCTIONS IMPOSED**

If the sentenced person fails to comply with the injunctions imposed, the professional probation officer immediately notifies the Public Prosecutor or the Police that the sentenced person committed an offence under Article 244 or 244b § 1 of the Criminal Code, and notifies the Court of this report, and, if necessary, submits a relevant application (§ 46.5 of the Regulation of the Minister of Justice of 13/06/16; Dz.U.2016. 969).

**Article 244 of the Criminal Code** – Whoever fails to comply with a court-imposed prohibition from holding a certain position, pursuing a certain profession, conducting a certain business activity, operating vehicles, entering gambling facilities and engaging in gambling, entering a mass event, associating with certain social groups or appearing in certain locations, order to temporarily leave the premises occupied jointly with the victim, prohibition from contacting certain individuals, approaching certain individuals, or leaving a specific place of stay without the Court's consent, or fails to carry out a court order concerning the publication of a ruling in the manner provided for therein, is subject to the penalty of imprisonment from 3 months to 5 years.

**Article 244b** **§ 1 of the Criminal Code** – Whoever fails to comply with statutory obligations arising from the preventive measure imposed on them, is subject to a fine, the penalty of limitation of liberty, or the penalty of imprisonment of up to 2 years.

I declare that these instructions were explained by the probation officer and I understand them fully. I know my rights and obligations, and I have read the regulations of law specifying the consequences of breaching the probation period.

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|  | ..................................................... | ................................................................. |
|  | (date) | (full name of the person on whom the penal/preventive measure was imposed) |
|  |  |  |
| Drawn up in two copies for: |  |  |
| - 1 signed copy; - person on whom a penal/preventive measure was imposed;  - 1 signed copy; - file record. | |  |