

# Electronic monitoring in Europe – creativity and efficiency

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# Introduction

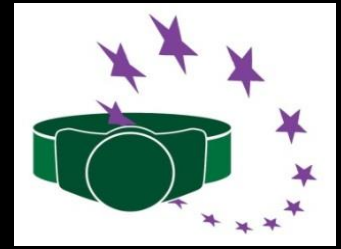
- Electronic monitoring is a technological tool with diverse uses and purposes
  - reduce prison populations, costs and reoffending
  - punish, control or aid rehabilitation
  - increase compliance
- Flexible tool
- Its use has spread across Europe and the rest of the world
- Gap between expectations and reality

# Available technologies

- Location monitoring
  - Radio Frequency (RF)
  - GPS tracking
  - Voice Verification
- Behaviour monitoring
  - Remote alcohol monitoring



# Research project



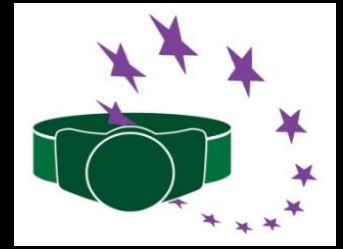
- Creativity and effectiveness in the use of electronic monitoring as an alternative to imprisonment in EU member states
- 5 jurisdictions
  - Belgium - Kristel Beyens
  - Germany - Frieder Duenkel
  - England and Wales - Anthea Hucklesby
  - The Netherlands - Miranda Boone
  - Scotland - Gill McIvor and Hannah Graham
- Reviewed law, policy and research evidence, conducted 75 days of observations and 191 interviews

	Belgium		England & Wales		Germany		Netherlands		Scotland	
	RF	GPS	RF	GPS	RF	GPS	RF	GPS	RF	GPS
Pre-trial		✓	✓		✓		✓	✓		
Court order	✓		✓		✓		✓	✓	✓	
Execution/alternative to prison sentence	✓						✓	✓		
Early release			✓	✓	✓		✓	✓	✓	
Post release				✓		✓	✓	✓	✓	
Alcohol monitoring			✓ Pilot				✓ Pilot			
Victim's programme			✓ Pilot							

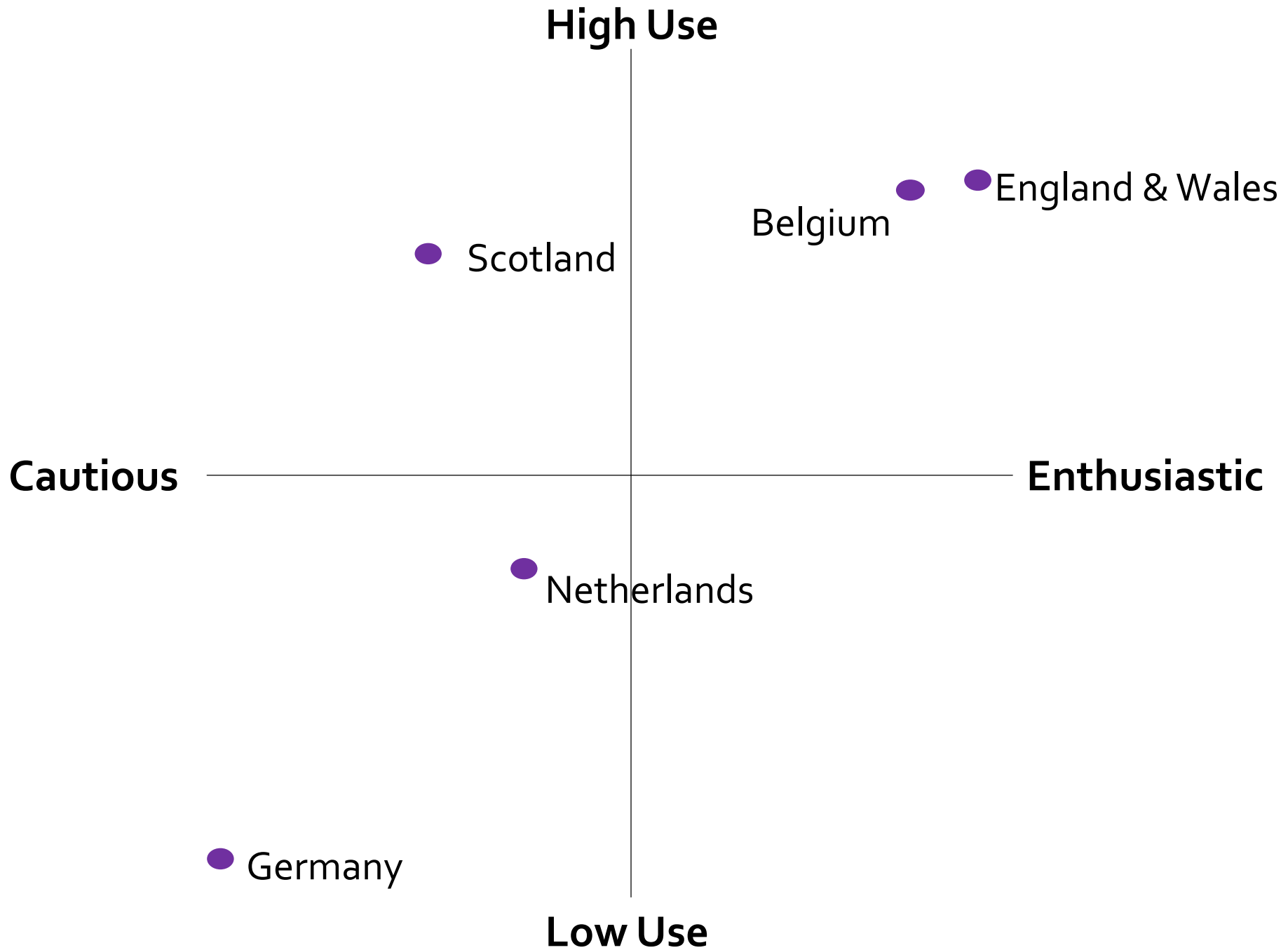
# Electronic monitoring technologies

- Radio-frequency (RF)
  - most utilised technology
    - Confinement/ Freedom (Germany)
  - Tried and tested, affordable, reliable and easy to understand
  - Clear view that it should continue to be used
- Tracking (GPS)
  - Used in all jurisdictions except Scotland
  - Mainly passive use to monitor exclusion/inclusion zones
  - Small number of high-risk offenders
  - Greater use in the future
- Emerging technologies

# Caseloads for Adults

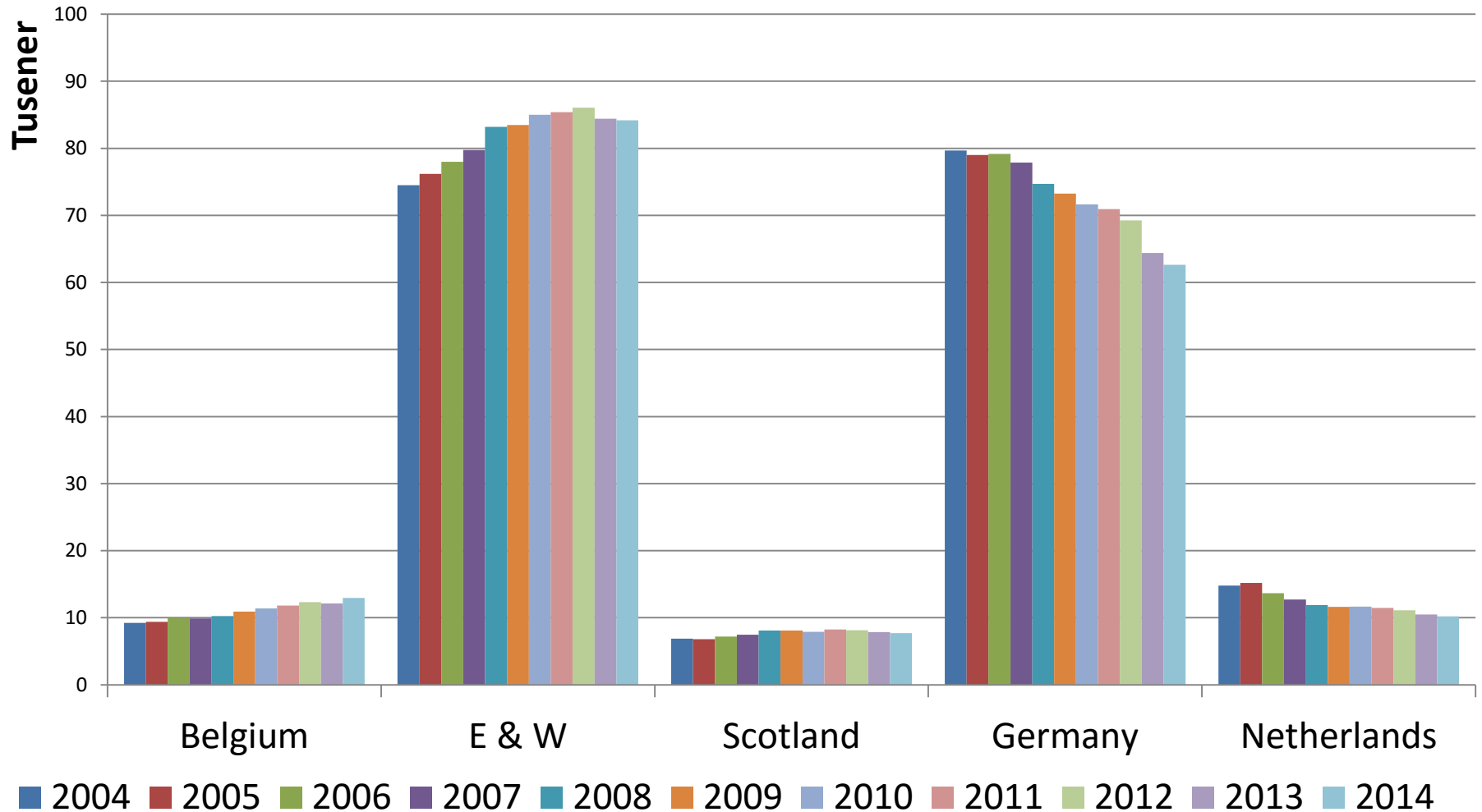


	Belgium		England & Wales		Germany		Netherlands		Scotland	
	Day	Year	Day	Year	Day	Year	Day	Year	Day	Year
Pre-trial	73		3617		43		48			
Court order	228		5917				139			1221
Post-custodial	1666		2208		73		136			1672
Total	1697	5011	11742	N/A	113	N/A	367	1562	808	2893

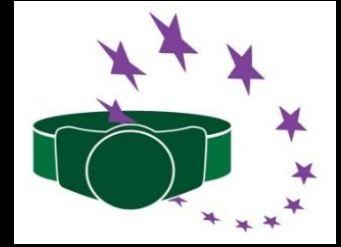




# Prison populations 2004-2014 in partner jurisdictions (SPACE 1: 2012; 2015)



# Objectives of EM

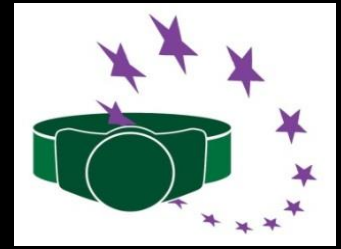


- Multiple objectives were shared in all jurisdictions but their prominence differed .
  - Alternative to custody - avoids harms of incarceration and maintains and potentially builds community ties
  - Unique elements of EM
    - Structures daily life
    - Provides excuses
    - Adds intensity
    - Assists with the management and completion of other requirements
  - Supports transition from custody aiding reintegration
  - Increases victims' and public safety especially GPS
  - Provides concrete evidence of breach
  - Cost reduction

# Integration of EM with criminal justice agencies

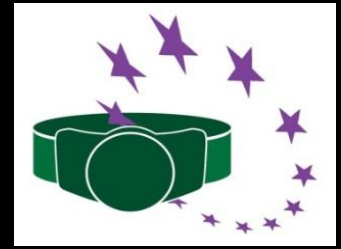
- Two models of private sector involvement
  - Anglo and European models
- Less integration associated with:
  - Greater private sector involvement
  - Greater use and/or number of modalities
  - Pre-trial use of EM
- More highly integrated EM is with probation services the more discretionary decision-making takes place

# Duration of EM



- Pre-trial
  - No maximums
  - No jurisdiction takes account of periods spent on EM pre-trial during sentencing but Belgium and England discount sentences once imposed.
- Sentencing
  - Maximums periods are prescribed
- Post-custodial
  - Variable
  - Maximums in England and Scotland for Home Detention Curfew
- Consecutive use of EM = accumulation of time monitored
- Voluntary schemes

# EM regimes

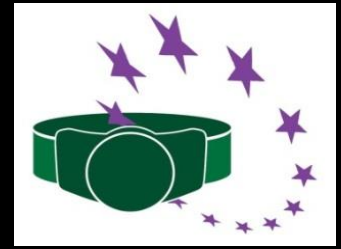


- One advantage of GPS is usually freedom of movement
  - Belgium – 24 hours confinement
- RF is about confinement to specific place
- Different languages used for RF regimes:
  - Confinement: England and Wales and Scotland
  - Freedom: Belgium and the Netherlands

# Restrictions on daily hours under EM

	Belgium	England & Wales	Germany	Netherlands	Scotland
<b>Pre-trial</b>	24 hours curfew	Up to 24 hours curfew	None specified	2-17 hours freedom	
<b>Sentence</b>		2-16 hours curfew	None specified	2-17 hours freedom	12 hours curfew
<b>Post-custodial</b>	Min. freedom: 4 hours. Max. freedom: 12 hours	9-12 hours curfew		2-17 hours freedom	12 hours curfew

# Creative use of EM



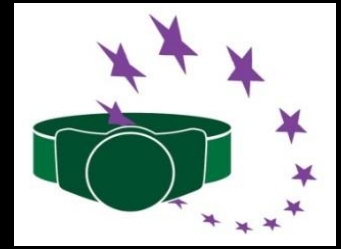
- General lack of creativity
- Highly structured and uniform use within jurisdictions
  - Hours
  - Intensity
  - Changes to monitoring requirements
- Exit strategies
  - Little use of exit strategies
  - Phased use of hours (the Netherlands)

# Number of hours of free-time in the Netherlands

<b>Risk level</b>	<b>Weekday</b>	<b>Weekend</b>	<b>Total per week</b>
<b>3</b>	12	4	68
<b>2</b>	14	8	86
<b>1</b>	17	17	119

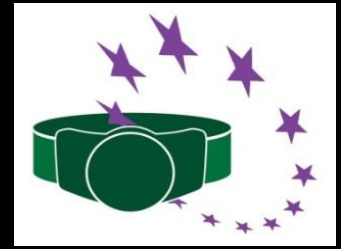


# Fostering creative use



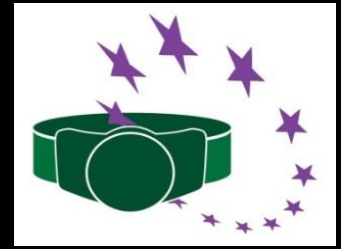
- Tailoring curfew hours to the circumstances of monitored individuals and offences
- Implementing progression and exit strategies including mechanisms to end EM earlier than planned when individuals are compliant
- Developing policies and procedures relating to changes in circumstances to ensure a consistent and flexible graduated response

# Residence requirements



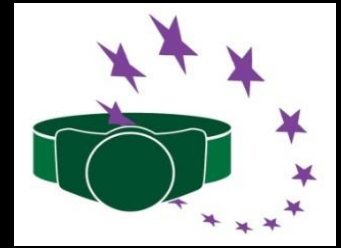
- EM requires suitable addresses
- Excludes certain groups
- Co-habitees' consent
  - Concerns about degree of ability to say no
  - Procedures to ensure that informed consent is received from co-habitees independently and prior to the imposition of EM
- Supply of alternative addresses for monitored individuals

# Supervision and support



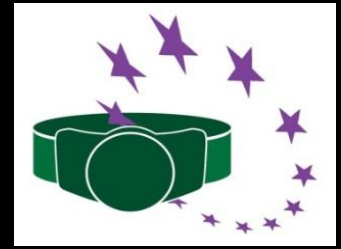
- Supervision required for some individuals
  - Net-widening
- 24/7 support necessary for all
  - EM generates a lot of questions and calls for support
  - Anglo-model: 24/7 support via control centre by private sector
  - European-model: greater probation involvement but not always 24/7
- Home visits

# Breach policies



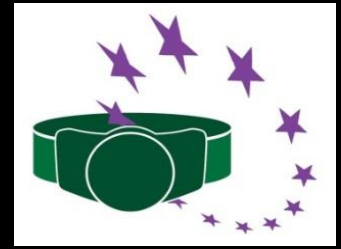
- High degree of convergence of enforcement and breach policies
  - All jurisdictions had leeway in their breach policies but amount of leeway differs
  - High level of concordance in reasons for breach
  - All jurisdictions had graduated approach to violations
- Differential practices
  - Consistency of breach thresholds
  - Dutch system is more discretionary. Belgium, England and Scotland are more routinized
  - Types of violation/risk and priority of individuals
  - Timing of when explanations are sought differs
- Greater probation involvement results in a more discretionary process

# Enforcement



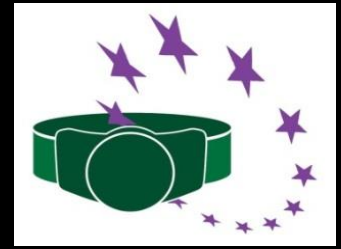
- Concerns about breach decisions
  - Too lenient
  - Inconsistencies
    - Who makes decisions
- Explaining breaches
  - Informal v routinized approaches
- Use of violation reports
  - Supervision sessions
  - Judges
- Enforcement responsibilities
- Review breach policies to ensure a consistent, proportionate approach incorporating a graduated response to violations

# Diversity



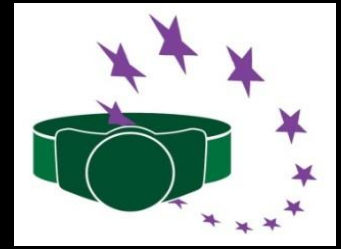
- Urgent need to implement measures to ensure consistent and fair treatment of individuals from diverse populations
  - General lack of awareness of diversity issues except in Scotland
  - Few policies were found relating to diversity and EM
  - Ethnicity and religion were particularly poorly accounted for
  - Most commonly dealt with on an *ad hoc* basis
  - Non-native language speakers

# Electronic monitoring data



- Vast amounts of data collected
- Different approaches to data issues
  - Who stores the data
  - Who has access to it
  - How long data are retained
- Specific concerns
  - Working with contractors outside the EU
- Ensure effective yet restricted data sharing between agencies with reference to data protection protocols.

# Conclusions



- EM is a permanent fixture in criminal justice
- Many uses are being promoted at the same time as existing technologies are evolving and new technologies are being created.
- The challenge is ensure that EM is used according to the principles of proportionality and necessity, in the least intrusive way and incorporating support so that it positively influences individuals and assists them to lead meaningful lives



# Further information

- Briefing papers and full reports are available at: [www.emeu.leeds.ac.uk](http://www.emeu.leeds.ac.uk)
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