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“Electronic Monitoring (EM) on Young People, a pedagogic approach”

My name is Jos ter Voert. I work as a unit manager for the Dutch Probation Service. The last couple of years, in the Netherlands, we have acquired a lot of experience on the implementation of Electronic Monitoring on adults within the framework of probation supervision.

Until now, we have gained only little experience with the implementation of EM on young people.

During the next fifteen minutes, I would like to share these experiences with you on the basis of the following items:

SHEET 2.

Programme:

1. Brief outline of the application of EM in the Netherlands
2. Today's subject: EM of Young People
3. Execution EM as a product of cooperation
4. Goals: Safety and a stable educational setting
5. (Intended) effects
6. Propositions

Since 1993, the Netherlands have been applying Electronic Monitoring within the framework of Probation Supervision.

Here is a brief outline of the application of EM in the Netherlands.

SHEET 3.

Two techniques are used for EM, namely Radio Frequency Identification (RFID) and the Global Positioning System (GPS).

RFID

The RFID technique is used within the framework of the Penitentiary Programme; during detention at home; as a condition in case of suspension of preventive custody; and as a condition of a sentence.

“The Penitentiary Programme” is a phasing of detention programme, during which the last year of detention may be executed on an extramural basis under certain conditions, among others a means of spending the day (such as work, training) of at least 26 hours a week.

In this setting, EM is recently applied from 07.00 p.m. till 07.00 a.m.

We are talking about some 1000 cases per year.

The Probation Service executes the EM.

“Detention at Home” means that the last four months of a detention period may be spent at home. EM is applied 24 hours, 7 days a week.

There is no counselling programme.

Every year we are dealing with 1200 cases.

The Prison Service (DJI) executes the EM.

“Suspension of Preventive Custody” offers the possibility of awaiting the court session in freedom, under conditions, among which EM.

The Probation Service executes the EM.

“EM imposed by an order of the court” offers the possibility to place a sentenced person under EM for a maximum period of 6 months.

This concerns some 200 cases a year.

The Probation Service executes the EM.

GPS

In the North of the Netherlands, the GPS technique is applied on an experimental basis within the framework of “Suspension of Preventive Custody” and “by an order of the court”.

We are talking about some 15 cases per year. At the moment the application of this technique is extended throughout the country.

EM with GPS is executed by the Probation Service.

We are also experimenting with the application of EM in combination with GPS technique in several juvenile detention centres.

We do not dispose of any numbers of such cases, or of any results.

Now we are talking with a juvenile detention centre regarding collaboration on the application of GPS.

The executing providers with whom the Probation Service cooperates are ADT and G4S

Today's subject is about the application of EM on Young People.

SHEET 4.

It may be established that

- there is little literature available on the effects of EM on Young People
- descriptions are limited to technique, numbers and costs, and
- there is a distinct need for a point of view on the educational effects of EM.

In the Netherlands, we apply EM combined with the RFID technique on Young People on a small scale. In the next, I will give an outline of the experiences gained with this practice. It is supposed that these experiences will contribute to the further development of the point of view on the educational effects of EM.

In the Netherlands we have a criminal law for adults, in this case 18 years and older, and for minors, in this case from 12 until 18 years old.

In criminal law for minors, the central point is a pedagogic approach.

The Probation Service focuses on adults, the Child Welfare Council and the Juvenile Probation Service on minors.

Execution of EM

SHEET 5.

During the execution of EM, a good collaboration between the Child Welfare Council, the

Juvenile Probation Service, the Public Prosecutor, the Probation Service (for adults) and the provider is of vital importance.

The Child Welfare Council investigates and, if necessary, advises the Judge to impose EM, **The Judge** imposes EM and other conditions, such as following behavioural training, **The Juvenile Probation Service**, by order of the judge, provides counselling for the young person and/or the family and reports to the Public Prosecutor who is in charge of the execution of the sanctions,

The Dutch Probation Service follows the young person who is under EM and communicates on the progress with the Juvenile Probation Service,

The Provider offers technical support on connection to the EM equipment, provides a weekly report on the progress of the EM and informs the Dutch Probation Service immediately -24/7 p/w – in case of sabotage of the anklet, or illegal absence of the young person.

It is essential for all parties to gear their activities to one another and to maintain a good communication.

Goals:

SHEET 6.

The implementation of EM aims to achieve two goals:

- **enabling the suspect / offender to continue to function safely in society**
- **to contribute to a lasting balanced, educational setting**

Safety.

In case of serious offences, mostly violent crimes, the Judge imposes EM. We have experience with young people who committed serious and violent raids, for which the only suitable sanction seemed to be a prison sentence.

Given their age and the importance of their training and/or employment, either the Public Prosecutor or the Judge followed the advice of the Child Welfare Council to put the suspect/offender under EM as an alternative to imprisonment. A counselling programme is part of the supervision.

It is well known that for young people most activities in the form of programmes, employment, and training take place between 09.00 a.m. and 05.00 p.m.

Young people tend to look for entertainment out of doors, especially in the evening and deep into the night. This regularly leads to absence from school or work or from participation in other programmes. Expulsion from school, dismissal by the employer or removal from a programme often is the consequence.

In order to break out of this negative spiral, the counselling programme has a built-in “**house arrest**”, meaning that the young person has to be at home between 07.00 p.m. and 07.00 a.m. Because of the use of electronic monitoring devices, it is no longer necessary to carry out physical check-ups outside regular working hours. Whereas this did happen before, for safety reasons this required the input of two employees at the same time. Moreover, the effect of this kind of supervision is too limited. After the supervisors have left, the young person often goes his own way.

By means of electronic devices, the Probation Service monitors whether the young person observes the “house arrest” imposed by the Judge.

Most offences however are committed in the evening and during the night. Precisely by combining the “house arrest” with a busy day programme, the time to take part in criminal activities is considerably reduced.

During the day, it is also possible to check whether young people that have been placed under EM, meet their commitments, such as going to school or to work, or going exercising.

Regular contact with school and employer regarding the presence and the progress of the young person is absolutely necessary. On top of that, the technique provides solid ways of supervision.

“Trust, but verify”.

Mobile receiving equipment makes it easy to verify whether a young person is actually at school or at the sporting club.

Before the young person receives an anklet, school or employer are informed about the decision of the Judge to impose supervision by means of EM. They are asked to cooperate. In advance it is discussed what implications the execution of EM may have for the school or the employer. We talk for instance about how fellow pupils and teachers may react to a young person with EM. Some youngsters are showing off their anklet.

We also anticipate on possible reactions of fear from other pupils' parents. The school or the employer is also afraid of getting negative publicity and losing its/his good name.

To get and maintain a clear picture of what the participants, like school, pupil and probation service may expect from one another, **a protocol with clear commitments about mutual communication and procedures** has been drawn up.

We also know from experience, that wearing an anklet, gives young people a continuous feeling of supervision on their doings. They often indicate feeling watched, which in itself is sufficient reason not to commit any offences.

The physically “tangible supervision” in the form of an anklet seems to work in a preventive way.

After all, the prevention of recidivism is our first priority.

Contribution EM to a stable educational setting

SHEET 7.

Effects stable educational setting on the young person.

Young people placed under EM are characterized by ***a lack of a distinct structure in their lives or not being able to give a clear structure to their lives.*** They often sleep or “hang out” during the day and “live” at night.

Parents do not have a hold on the young person or insufficiently so.

EM offers possibilities to impose the desired structure, while at the same time influencing the ***day-night rhythm*** in a positive way. (habit-breaking)

In this way, being in school or obtaining and keeping a job have a better chance of success.

Restoring participation in joint activities within the family such as having a meal together, actively spend leisure time together, will be possible again or will be extracted.

Effects stable educational setting on the family at large.

SHEET 8.

This sheet lists a number of important effects on the family situation.

Young people that have been placed under EM often come from so-called “*disjointed families*”. Frequently, these are families of which the parents are divorced, families where parents have lost every grip on their children's comings and goings and often are no longer able to get this grip back without external help. We have been dealing with young people between 12 and 18 years old who were completely living their own lives.

Parents too, obviously benefit from the structure that is imposed on the young person. It may help them to give form and content to living together with the person concerned and any other children, to reorganize family life again. Not only the person placed under EM has to comply, but the entire family system has to do so. In that situation, each and everyone is forced to communicate with each other again, to pick up joint activities again, such as having dinner together and to be considerate of each other.

It is our experience that especially the parents find the application of EM to one of their children to be a support.

At the same time, it is often evident that a lot more should be done. It frequently turns out that parents do not have a lot to offer in order to restore the family system that has often been disrupted for a very long time already. It is our goal to provide parents with “tools” to allow them to take the situation in hand again.

For that reason, in all situations, the Juvenile Probation Service draws up a counselling plan that concerns the entire family. Especially the counselling from the Juvenile Probation Service turns out to be crucial in order to bring EM to a good end.

The EM programme with the tightly structured approach is necessary for the following phase, during which further stabilization and consolidation will have to take place.

It was found that, in cases where the situation showed good progress, the atmosphere changed; both parents and children started reacting in a more positive way and saw possibilities again for a life without constant disputes and offences.

In some situations, when the end of EM was at hand, parents were still insufficiently sure of themselves. They were afraid that with the loss of the strict structure, they would rapidly return to the “old situation”. This was not the case. We are convinced that continuation of the intensive counselling by the Juvenile Probation Service after the application of EM had ended, added greatly to that.

Conclusion:

So far, the experiences with EM on Young People, although limited, have proven very encouraging. Further development of the application of EM on the execution of supervision of young suspects and offenders is therefore strongly advisable.

Propositions:

SHEET 9.

- Application of EM on Young People must always be preceded by diagnostics
- Application of EM on Young People always requires counselling
- When applying EM the management of the expectations of all participants involved is essential and a precondition.

Jos ter Voert, May 2009