

el ectroni c moni tori ng



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PORTUGAL BAIL CURFEW – HOUSE ARREST

EM Porto chief officer Susana Pinto - susana.pinto@irsocial.mj.pt

EM director Nuno Caiado - nuno.caiado@irsocial.mj.pt



why EM?

90's decade

- prisons overcrowded and too much inmates in pre-trial detention
- 1998: penal procedure code amendment
EM as part of the response to the problem
- EM as a control tool of bail curfew / house arrest (similar requisites to pre-trial detention)



- pre-trial model: bail curfew mixed model, something between front door and back door models
- settles a new space between “freedom” and prison



- **2002-2004**: EM done by private company (too expensive, lack of agility)
- **after 2005**: EM activity done by probation service (do it better and cheaper); partnership with a private provider
- **responsibility on case management is always up to the probation service**



contract

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→ nowadays

- private company provides technology and equipments
- installs and performs maintenance of the system and have some logistic
- **Elmotech** technology
- quite happy with Elmotech and the Portuguese partner



→ main concern / principles

- to be a secure solution to the courts and the public
- to be understandable to the lawyers and the police



EM requi si tes

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- housing
- defendant consent
- co-habitants consent



eligibility criteria

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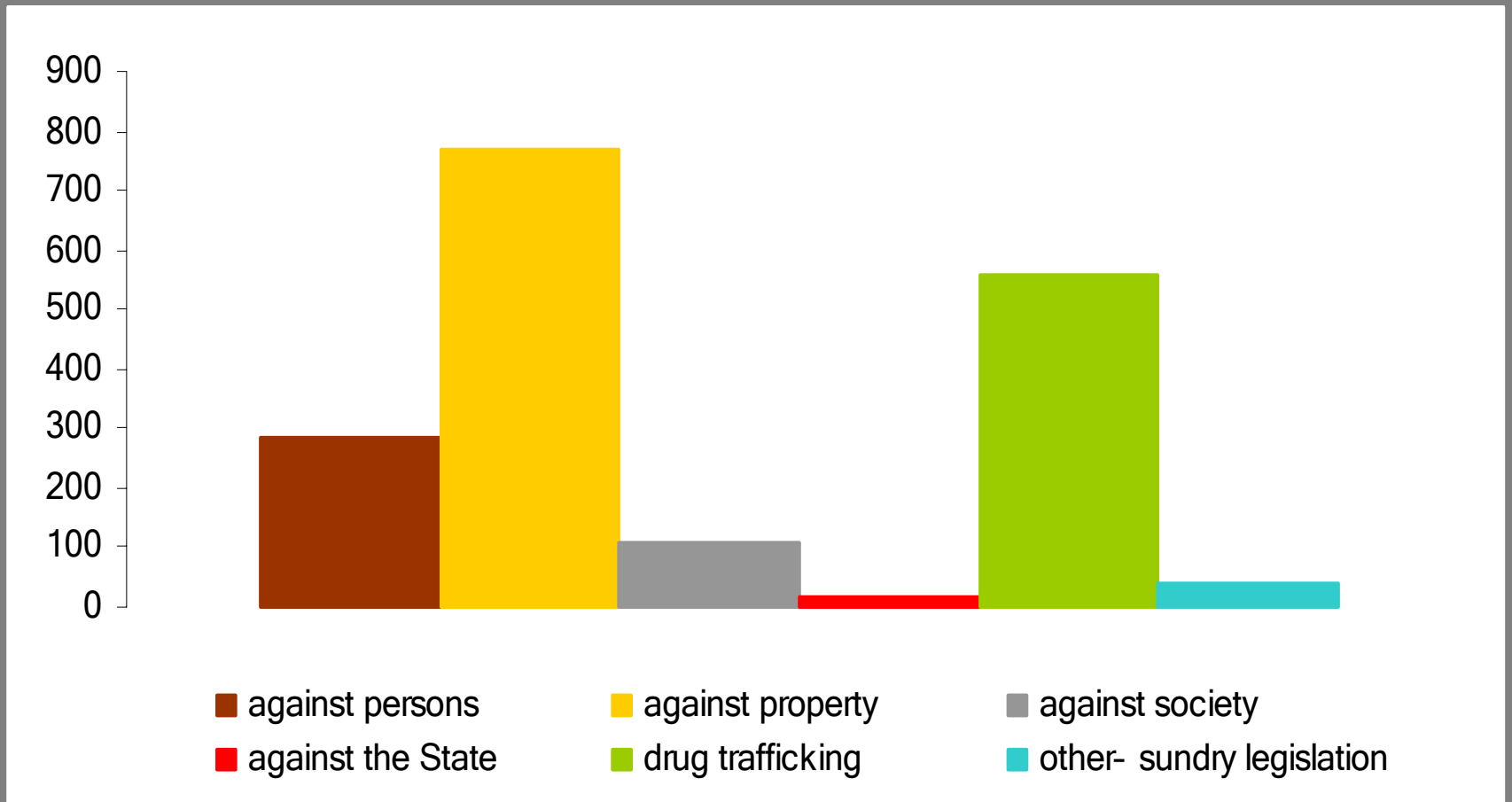
- law does not mention specific criteria
- the same general criteria for pre-trial detention
- judges good sense, opportunity and reasonable decisions



eligibility criteria

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→ all types of crimes





→ previous issues



- previous probation report to courts
- assessment and selective tool
- 5 working days
- decision always up to the judge



→ **probation service internal criteria**

for reports to courts

- homeless
- no self-contained defendants
- very young defendants with serious criminal behaviour
- violent families
- violent defendants



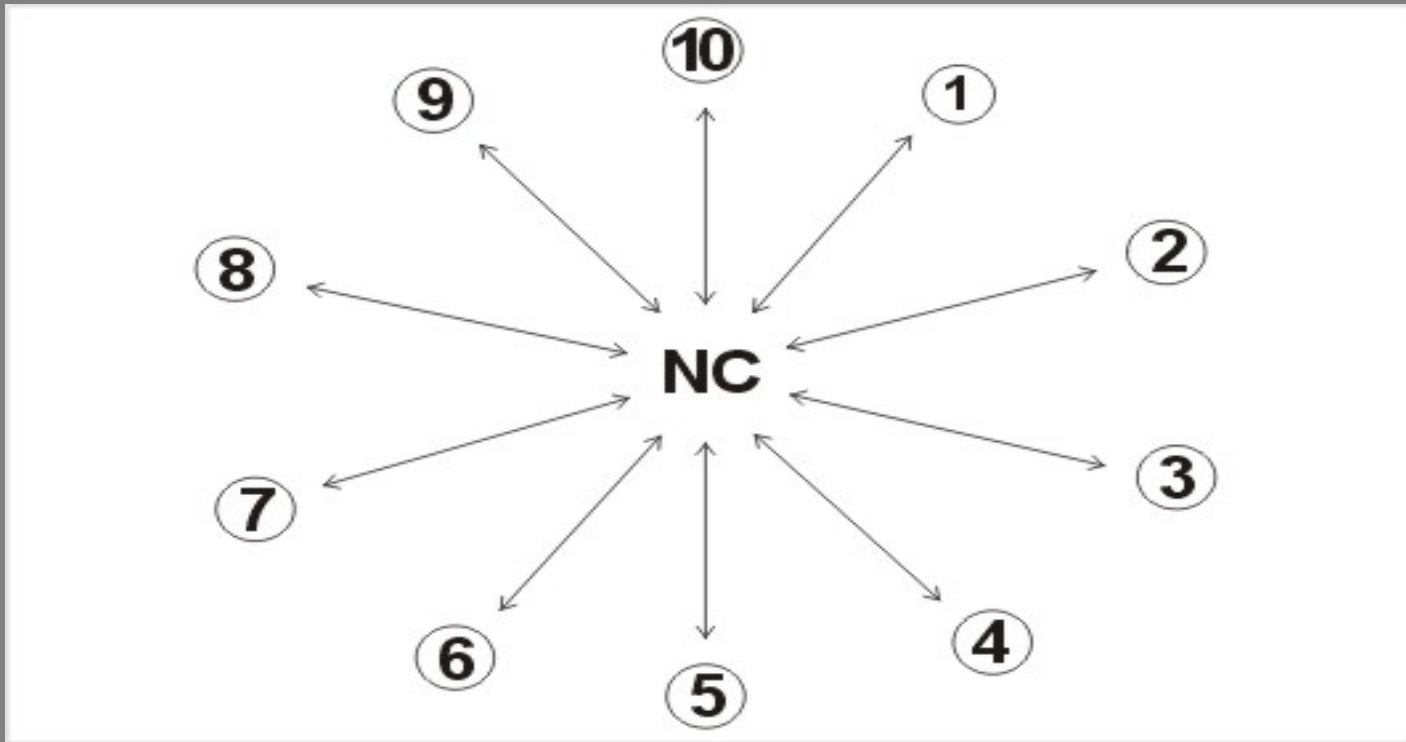
- foreigners without serious relation to Portugal
- intense escape danger
- when home is propitious to commit crimes
- active drug addicts or without therapy
- BUT THE DECISION IS ALWAYS UP TO THE JUDGE



how does it work?

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- **star model structure** 24h/day, 365 days/year
 - 10 units (8 for Continent, 2 for the Islands)



- 1 national centre: supervision of EM units

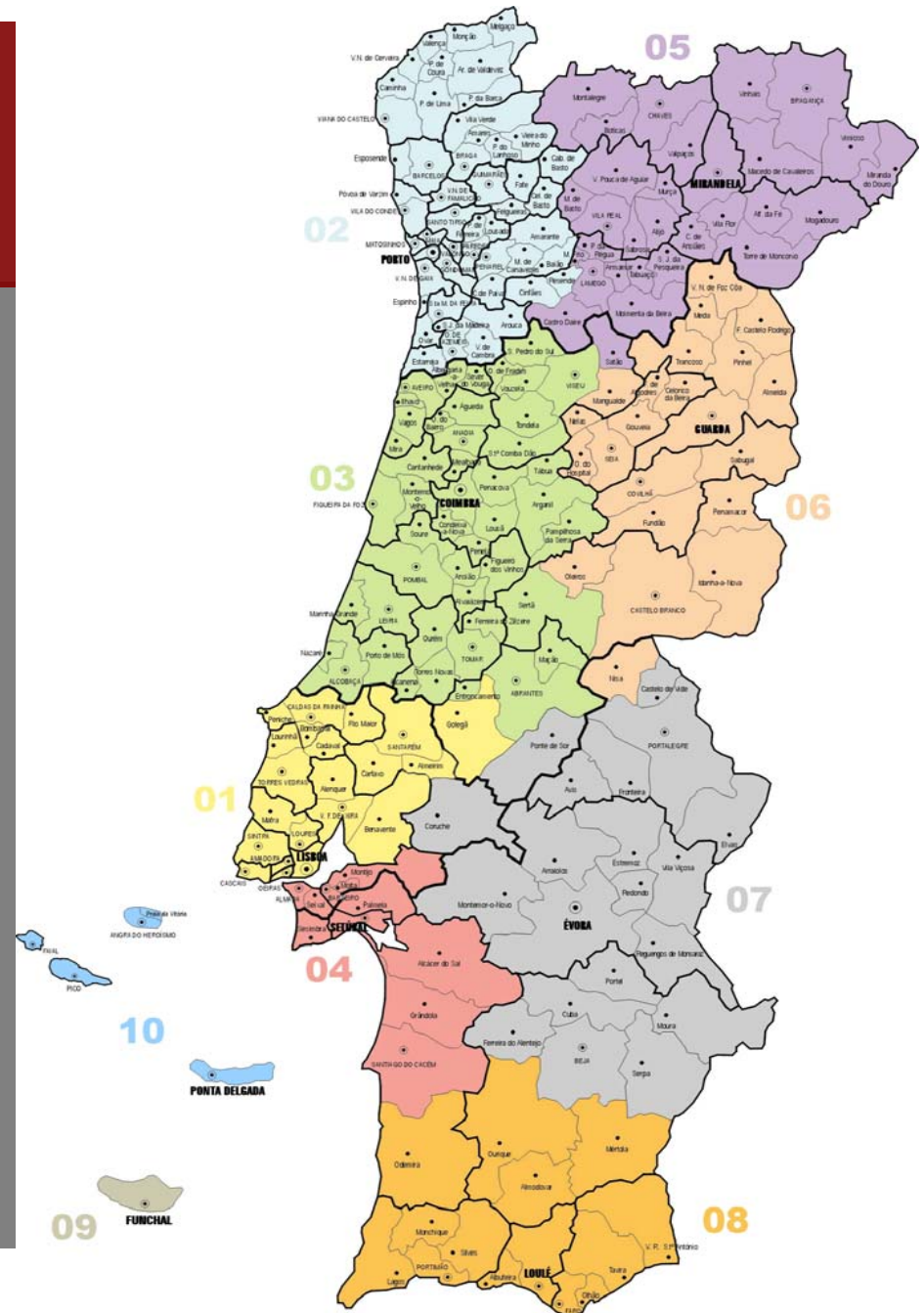


how does it work?

14

10 territorial units

24h/day, 365
days/year





how does it work?

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EM units



→ all units work under the same rules and direction



→ EM units task



- exclusive mission: EM
- zero tolerance policy
- common sense

→ all operations are ruled by high national standards, a national protocol of action



→ assistance and control



→ assistance
to the defendant

- moderate social work, since we operate with defendants, not offenders (pre-trial phase)



- one on one approach, to accomplish a successful measure and to prevent violations
- help defendants to handle with confinement



→ control

- all events have some response
- reaction to the events
- to restore normal control of EM in case of violation or breach
- to verify and control the warrants purposes

→ regular and incident reports to the court



→ warrant types

- regular (under court authorization): to work, study, or health continuous care
- exceptional (under court authorization): to certain finalities (medical care, to go to the police, to get ID card)
- unexpected: medical emergencies



→ intensive control



- before warrants are granted, EM units check the justification for the request
- controls the defendants fulfillment of the granted warrant



→ personnel

- probation officers (more assistance than control)
- deputy probation officers (more control than assistance)
- both control and assist



→ security

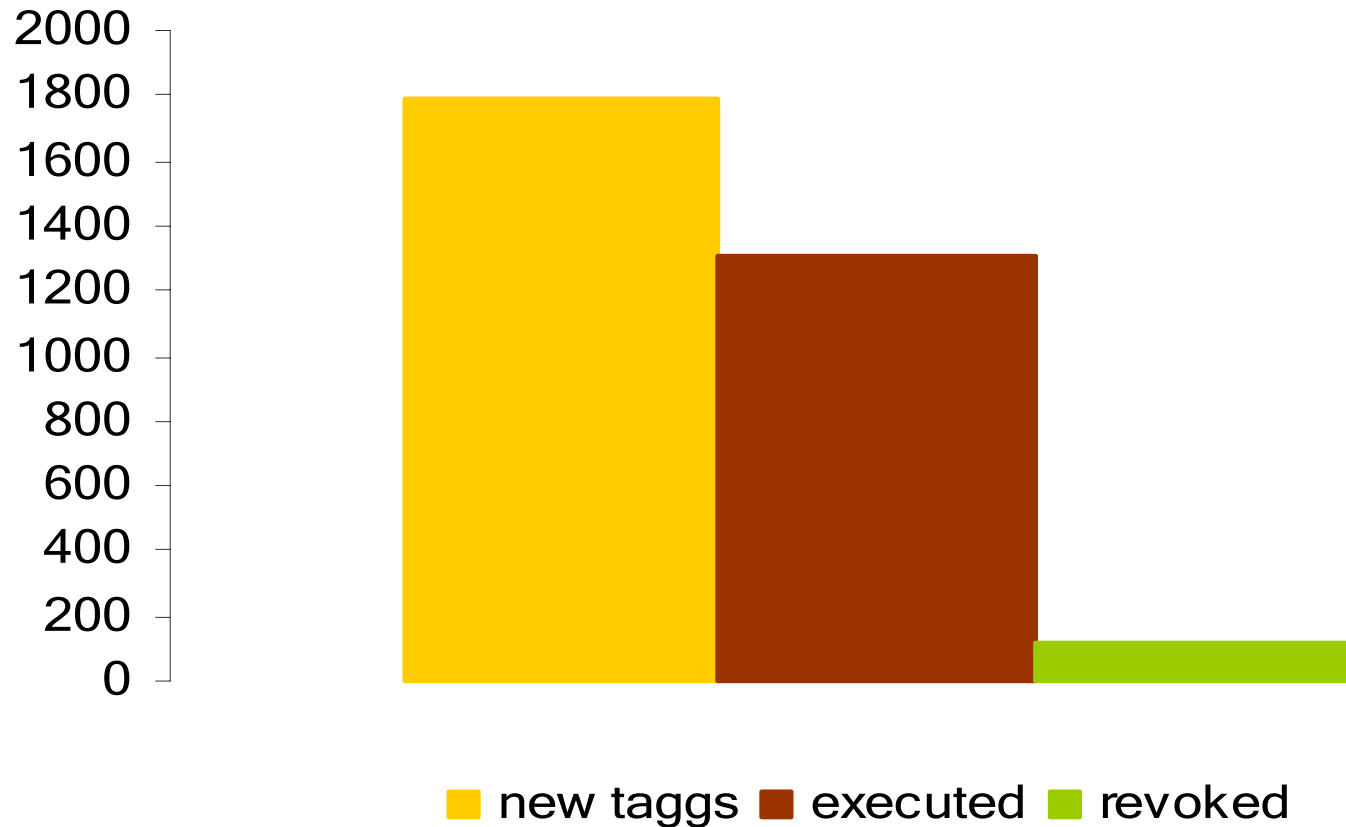
- EM units: adequate number of defendants controlled per unit and per officer
- national centre: the system's “big brother”, supervision of EM units, replacement, redundancy
- high standards
- staff well chosen



EM results

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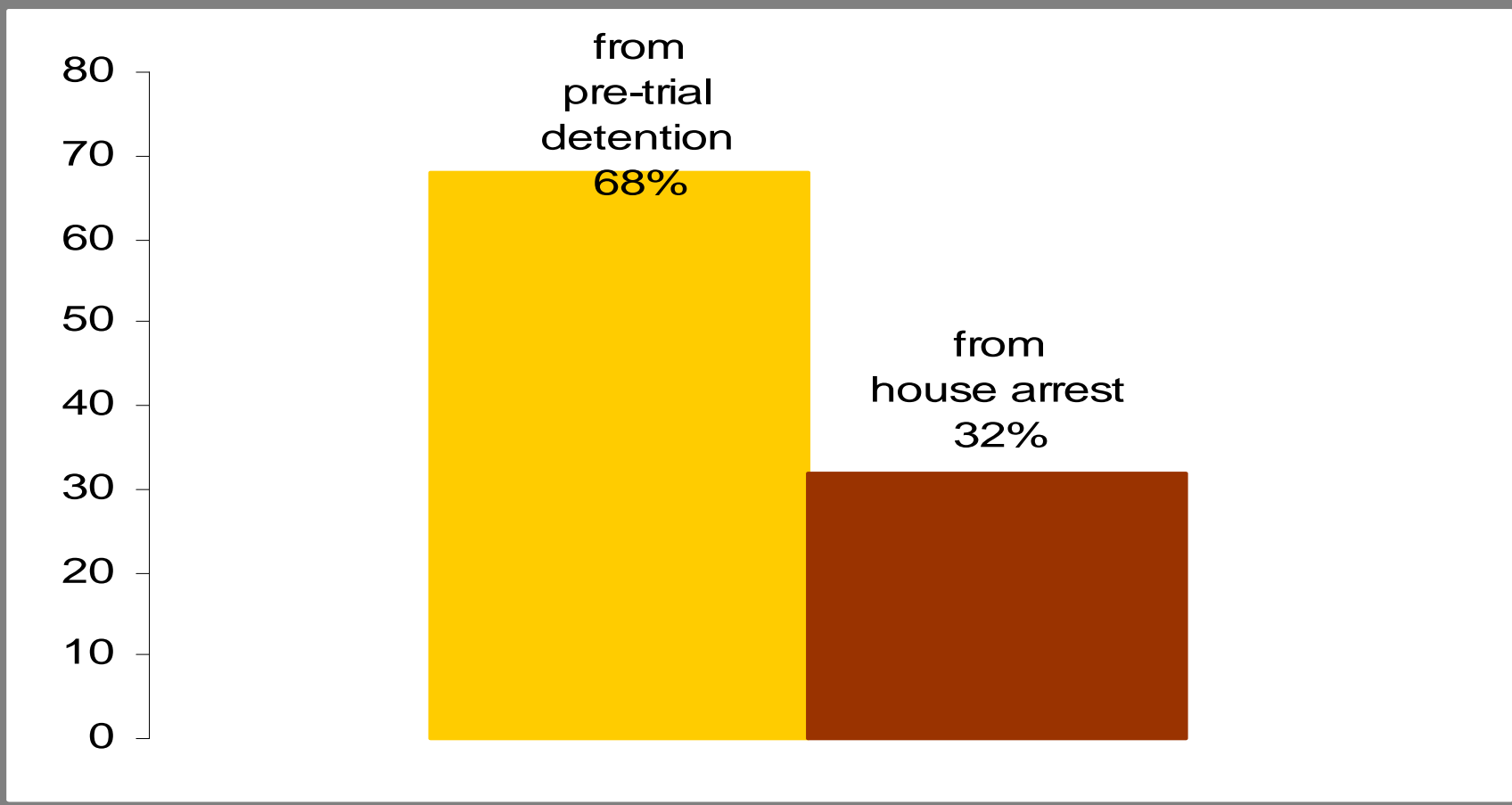
→ about 9% revoked: 2005 8,85% | 2006 8,7%





EM results

→ about 70% came from prison





- casting errors - courts
- assessment errors - probation service
- after serious incident, the probation service reacts very quickly, but sometimes is the only one
- legal problem: different understandings of the law
- law is too old and too naïf



why did it work?

- consciousness that EM is just an instrument for law, order and probation
- results depend on the human factor: the way technology is used by the operators and probation officers



why did it work?

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- right methodology: pilot + extension
- original concept?
 - not copied, just inspired on foreign experiences
 - zero tolerance and though programme combined with probation work with defendants
- intensive supervision



why did it work?

- good organization model (star)
- star model + national centre means
 - responsibility
 - security
- high probation standards
 - well defined procedures
- high security standards



why did it work?

- openness to the courts
- media strategy
- lots of distinguished information



→ **early release**

adaptation period to the parole until 1 year

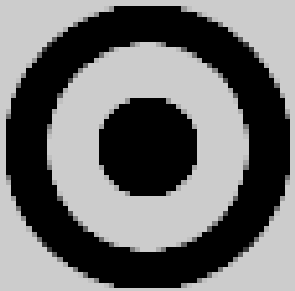
→ **prison until 1 year** (exceptionally until 2 years): to be served at home

→ **new challenge**

- keep previous experience integrity
- assistance and control: equal terms

→ **voice verification: complementary control**

thank you



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