Report

CEP Workshop
Egmond aan Zee, 10-12 May 2001
Electronic Monitoring in Europe

INTRODUCTION

The conference was opened formally by Han van der Leek, Deputy Director General of the Probation Service in the Netherlands, and Vice President of the CEP; and John Walters, Secretary General of CEP. Both organisations had provided financial and administrative support to the first European Workshop in 1998 and their commitment to explore the whole range of community penalties had been reflected in their continuing support.

John Walters reminded delegates of the conclusions, which had been reached at the earlier event:

- **that the learning curve with the new technology would be steep**
- **that good collaboration would help avoid repeating mistakes and would help develop good practice**
- **that sharing research as early as possible would also assist a wide range of issues, from good targeting, to policy advice.**

Europe's very diverse criminal justice systems meant that there was no single 'right way' to implement EM. We needed to check if we were now in a position to develop good practice guidelines. Much could be gained from the extensive networking opportunities that the workshop also provided.

Dick Whitfield reflected on why we were here. Over 31,000 offenders were tagged in Europe during 2000 and that number was planned to rise to 40,000 by the end of 2002. Although over 60% are short term, early release from prison cases, it still represented a significant new sentencing option. But questions about effectiveness, cost effectiveness, the impact on reconviction rates and targeting were still, largely, unanswered. Unless we could - at least in part - provide some answers there is evidence that we should experience the same difficulties currently being experienced in the USA:

- **a stagnant market, and talk of an 'electronic ceiling' which would limit further growth.**
- **complaints that systems have to fit existing technology instead of system requirements influencing policy development.**
- **a real lack of evidence based research, which would help politicians, policy makers and practitioners to use EM well.**

The conference was designed in three sections:

- **What is happening now?**
  Reports from countries with existing schemes and pilot projects.
- **What have we learned?**
  Research results and the learning from operational experience of implementation.
- **What do we do next?**
  Prospects and possibilities and the development of new technologies.

Easy answers might not emerge over a few days - but some of the signposts were likely to be apparent.

WHAT IS HAPPENING NOW?

Speakers summarised the position of national schemes as follows:

SWEDEN

Sweden was an early entrant to electronic monitoring in European terms. A pilot project began in 1994, was extended nationally in 1997 and became a permanent feature in 1999. Some 15,000 offenders had been tagged so far, for an average of 36 days each and the Swedes were confident that current use represented a trustworthy, humane and cost effective alternative to prison.

The **characteristics** of the scheme were that:

- monitoring was never used on its own - there was a high degree of interaction with the probation service, reflected in the full name of the order: **intensive supervision with electronic monitoring (ISEM)**
- the aim was to use EM as a tool in the wider objective of influencing offending behaviour
- the degree of control, with two or three home visits and weekly office visits was allied to a low tolerance of violations. No drugs or alcohol were permitted; there were regular tests and breaches usually resulted in prison
- the programme was a 24 hour restriction, with absence from home allowed only for work and specified other activities e.g. group work at the probation office.

This is a **'front door'** scheme. All offenders with a prison sentence of 3 months or less are offered the chance to participate in ISEM (prison sentences are not otherwise served immediately) and around 70% apply. Of these 90% are accepted - the decision being made by the Prison and Probation Administration and not by the court. The main offences are drink driving and theft. The offender profile is more towards those with settled housing and lifestyles; there is a charge of 50 SKr per day but offenders are not excluded simply because they do not have the means to pay.

The overall failure rate is only 6.5%, despite the fact that most offenders (74%) experienced the programme as **"as strict as if not more strict than prison".** It now accounts for 60% of all prison sentences imposed up to the three month maximum. The number of orders fell from 4500 during 1999 to around 3000 in 2000, however, because of the introduction of Community Service schemes, which are now also available for this group of offenders. The reduction in numbers does, of course, mean that unit costs are much more expensive - around 700 SKr, or 70 Euro's per day, of which EM accounts for about 60 SKr per day. The reduced numbers should soon be offset, however, by a **'back door'** (post prison release) scheme scheduled to start on 1.10.01. This will apply to prisoners serving 2 years or more and will cover, at the most, the last 4 months of their sentence. The aim is to reduce the current recidivism rate of this group of prisoners - currently 40% over 3 years.

Overall tagging has achieved good public and media support in Sweden. There were no adverse effects on reconviction. They assess cost savings of at least 100 million SKr per year and it has enabled the closure of 400 prison places. The impact on the probation service has been positive, raising its public profile and confidence in its work. Their message - be clear about what you aim to achieve and what you need to implement it; ensure that equipment is designed to meet these needs. On that foundation, real results can be achieved.

ENGLAND AND WALES

EM has been used in pilot schemes for over a decade. Following successful evaluation of these schemes, national contracts began in 1999 and three private security companies now provide a complete service - supplying and installing the equipment, monitoring offenders and following up breaches.

The main uses are:

- since January 1999 a **post release scheme** for prisoners on Home Detention Curfew (HDC)
- since December 1999, **curfew orders**, a sentence of the court for offenders aged 16 or over
- since February 2001 **curfew orders for juveniles**.

At the end of April 2001, 3177 people were subject to EM supervision - 1636 on HDC, 1377 on adult curfew orders and 133 juvenile curfew orders (other uses are described below).

Home Detention Curfew

Most short term prisoners (serving 3 months but less than 4 years) are eligible and can be released up to 2 months early on HDC. Sex offenders and those who have failed a curfew condition in the past are not, generally, eligible. All eligible prisoners must pass a risk assessment. The decision on release is taken by the prison governor. The daily curfew is usually a standard 12 hour period - 7.00pm to 7.00am. 35623 prisoners have been released on HDC so far. Almost all complete the curfew period successfully, with 1691 (less than 5%) recalled to prison. The average curfew length is 45 days. Although the scheme is seen as very successful there is currently a downward trend in the number of releases and this needs to be addressed.

Curfew Orders

This may be imposed as a **stand-alone penalty** or in **combination with other community penalties**. The daily curfew period must be between 2 and 12 hours; the maximum curfew length is six months, although the average is 100 days. In the 17 months that Curfew Orders have been available to the courts, 6389 offenders have received the sentence. The successful completion rate is over 80%. The orders are also available for 10-15 year olds (though the maximum length is 3 months not 6) and 176 orders were made in the first 3 months.

Other uses

There have also been trials using EM as a condition of bail, as a penalty for fine default and for petty persistent offenders, and some isolated use as a condition of parole licence. Numbers in this category have been small.

New developments

Pilot schemes are due to run from July 2001 to test voice verification, exclusion orders utilising reverse tagging (once technical difficulties have been overcome) and satellite tracking - again, once the technology is ready.

Research

Research on the Home Detention Curfew scheme indicates that it reduced the prison population by nearly 2000 in its first year of operation - and saved about £37 million. Its impact on re-offending was broadly neutral. A six month follow-up found reconviction rates of around 30%, which was very similar to the rate of the control group. Curfew Order reconviction research covers a 2 year follow-up period for offenders curfewed in 1996/97. That showed that a 73% reconviction rate, again similar to a comparison group who received other community penalties in the same period.

Conclusion

EM in England and Wales started slowly, but is now an important part of the criminal justice system. The Home Detention Curfew (post release) scheme is politically controversial but all the signs are that EM will be a growth area, with diverse uses.

NETHERLANDS

Ruud Boelens described EM, after 6 years, as **'a beautiful tool, but still not fully developed and implemented'** and said that his own ambivalence about the current situation would be clear. The pilot started in 1995 and it has been available, nation wide since the end of 1999. There are two target groups - **'front door'** and **'back door'** post release cases. The current daily caseload is about 130-140 cases.

The reasons for this limited growth have much to do with a new Penitentiary Law, which came into force on 1.1.1999, with very little preparation or explanation. The position of EM within the sentencing framework is thus very unclear and, for many prisoners, the early release/working out schemes available at the end of their sentences are preferable to early release with EM, which is seen as much more restrictive.

The characteristics of the Dutch scheme are that EM is only available as part of an overall programme; that the programme covers 24 hours a day and will allow time for work and socially acceptable activities, but "free time" is limited and has to be earned. Monitoring will be from between 1-6 months. Although the pilot project was researched, people seem to have lost interest since then and there is clearly a lot of work to do with probation managers, probation officers, public prosecutors, judges and prison administrators before EM is fully established in Dutch penal law.

Nevertheless, it is here to stay and is likely to be more fully integrated into the range of available sanctions before too long. That, new technological developments and more familiarity by all the organisations involved will help to secure the position.

SWITZERLAND

Six cantons in the Swiss Federation are currently running a 3-year EM pilot project, which started on 1.9.1999. Staff had visited the UK, Sweden and The Netherlands before starting the scheme, but it is largely based on the Dutch experience. EM on its own 'would not have been tolerated' and, although each canton is independent, and runs a slightly different scheme, all use it as part of a wider programme. Three areas have a maximum period monitored of 6 months, three of 12 months. Four of the six areas have a **'back door'** scheme but less than 5% were **post-release cases**. The **aim**, where EM replaces short term sentences, is to reduce the adverse effects of imprisonment; for longer sentences, the aim of the treatment programme is to reduce re-offending. All the supervision is undertaken by specialist employees. Independent research has been built into the scheme from the start.

First year results

This covered 234 cases, of which 193 were successfully completed. The public/private operating partnership has worked well. There is a charge to the offenders of between 10-20 SFr per day, which is waived if they have insufficient income. The 'window' of permitted leeway at the start and end of the curfew period has been widened because of the sheer volume of minor absences.

Research continues with the aim of determining the effect on recidivism, the "market effect", the impact on both offenders and their families and the optimum length of electronically monitored supervision.

BELGIUM

There have been considerable changes since the small pilot project was reported to the last CEP workshop. A new scheme started in April 1998 with the aim not centred on reducing costs, but locating EM within a restorative justice approach and trying to reduce the damage of prison to both offenders and their families. It was hoped to experiment with 100 prisoners in a nine month period, but because of some high profile criminal justice problems, and very restrictive criteria, the new pilot scheme actually lasted 30 months and covered 72 offenders. There have been other pressures now, notably of prison overcrowding, so now that EM has permanent status it is hoped that expansion will be more rapid. A daily caseload of 150-200 by the end of 2001 would seem to be realistic.

The scheme has 60 staff members (a ratio calculated to inspire envy), all drawn from prisons. The emphasis is both on control and guidance - this is reflected in the fact that 30 of the staff are social workers. A full time researcher has also been appointed.

All prisoners are allowed to apply at an appropriate stage of their sentence (for sentences of up to 3 years this will be immediately after sentence) and a minimum time in the programme will be 15 days. Offenders excluded from the scheme are: sex offenders against children, 'professional' drug dealers (i.e. those not simply dealing to support a habit), foreign nationals and those trading in human beings. In assessing for suitability, the same 'contra indicators' as those used for community sentences apply (e.g. poor performance in prison, negative attitudes towards victims, poor rehabilitation prospects,) and the consent of partners would be required, as well as that of the offender. The offender must either be in work, have child care responsibilities, be in education or undertaking medical or psychiatric treatment.

During the pilot phase 39% were in work immediately, 19% found work during the monitoring period. The usual length of monitoring was 2-2 ½ months but there were some of 6 to 7 months and a number over 12 months. 24 of the 72 were recalled for breaches; of these, 8 were re-released on EM. **Ralf Bas** said that, as a prison governor, he had found the pilot scheme very constructive: "It deserves more attention and resources, certainly in comparison to the sterile costs of imprisonment."

FRANCE

Jean Perrin, one of the consultants who provided the original advice to the French government, reported, since none of the operating staff of the new pilot project were present. This started in September 2000, in four of the nine administrative regions in France and in one location only in each region. Unusually for France, it was a decentralised scheme, with few national guidelines. As of 1.5.2001 56 orders have been made, with a current caseload of 27.

The scheme is entirely prison-based and the range of experimentation quite wide - Bordeaux has a conventional early release scheme, Marseilles as a 'work release' type of sentence and Lyon a probation-type sentence for offenders who had not previously experienced prison.

The pilot scheme is intended to extend to the five remaining regions by the end of 2001 (again with one site in each region) and then to cover the whole country in 2003. It should be available for pre trial (bail) cases in due course.

SPAIN

After a very small scale pilot, Spain has announced plans for an ambitious **post-release** scheme for up to 3000 prisoners. That was not yet in being, but the autonomous region of **Catalonia** started a pilot project in October 2000, based on open prisons in the Barcelona area, which is currently under way. EM is considered as part of the individual treatment programme devised for each prisoner when they go to an open prison - along with drug treatment, employment, education or family issues as appropriate. It applies for a maximum of 5 months and currently has 26 participants. Average age: 33 years. Average length of sentence: 5 years 9 months. Main offences: drug trafficking 58%, fraud 23% and property offences 19%.

There is no doubt that EM participants and house-mates prefer EM to prison and that it does not impose serious limitations to daily life. Equally, it requires self-discipline and responsibility, and effective support from housemates if it is to be successful. The project will be assessed in October 2001 and if, as seems likely, positive results are obtained, it is hoped to begin a definitive programme before the end of 2001.

GERMANY

Hessen is the first German Federal State where EM has been possible, since May 2000, without requiring a change in legislation. It is used only as a condition of probation or as a pre trial (bail) condition and, since it is not intended as a penalty, but as part of a treatment programme, the approach is much less formal, with alterations to curfew conditions where appropriate. The two-year experiment will cater for a maximum of 30 offenders at any one time; so far after a year, 25 people have been monitored. 12 have completed the EM period, 10 successfully.

Costs of the experiment are estimated at DM 780,000. There is a project manager and three social workers. This is mostly a **'last chance'** scheme before offenders are sentenced to custody and in that context it is surprising how well they have kept to the very disciplined requirements of the weekly schedule of activities, and the daily curfew. Opinion so far is that it is having a good measure of success with people who had previously failed probation, and if that can be sustained then EM will have a clear, defined place in the range of available sanctions.

SCOTLAND

A brief report on Scotland considered the pilot project, which took place in three court areas from August 1998 to early 2000. The figures given below cover a 14 month period, during which 152 'Restriction of Liberty Orders' (RLO's) were made on 142 individuals. (The option has continued to be made available while decisions on permanent use are made and by May 2001 nearly 400 orders had been made. The decision should be known by July 2001.)

The Scottish scheme allows RLO's to be made for up to 12 months, but 75% were made for periods of between 3-6 months. 54% were made on offenders aged 16-20 years old and a further 26% on 21-25 year olds - a significantly younger and more volatile group than most EM schemes and this is reflected in the outcomes. Also, 63% of the offenders taking part had served a previous custodial sentence - the researchers suggested that the RLO replaced a custodial sentence in about 40% of cases.

Of the 152 orders in the study, 103 had been completed and 9 were still in force at the end of the research period. 40 orders had failed as a result of the offender's failure to co- operate. Only 11 of the

103 completed orders reached their end with no unauthorised absences. Action for breach was begun in 46 of these orders and formal warnings were issued in another 19.

The legislation in Scotland allows a probation order to be made concurrently with an RLO and the courts used this power in half (76) of the cases studied. The research concluded that:

- the equipment and the contractors staff worked well
- RLO's were mainly used as a high tariff sentence
- capacity was, however, never fully used and there was no consensus about the type of offender for whom the order was most appropriate
- it was rare for orders to be completed without some violation of their requirements.

PORTUGAL

Will start a 3 year pilot scheme at the end of 2001/early 2002. This will be as a bail condition only, and run in the Lisbon area. Bail schemes pose the additional problems that (a) it cannot be known in advance how long the monitoring period will be and (b) the presumption of innocence will inhibit the use of programmes in conjunction with EM. Work continues to try and ensure the best framework for the pilot project. Currently, remands in custody (before trial) have to be reviewed every three months and this might also be a key stage in judicial decision making with regard to EM.

ITALY

A six month pilot project has just begun, centred on 5 different regions. Each of these has three schemes, linked to different police organisations and this very different structure will be watched with interest as the scheme progresses.

AUSTRALIA

Finally, by way of contrast, we considered an Australian scheme, from **New South Wales**. Comprehensive research findings are available (see note on papers presented at the conference) but the Home Detention scheme, which started in 1997, seems to have proved its worth in keeping **'low risk'** offenders out of prison, although usage in the lower courts is still inconsistent. Of those subject to monitoring, two thirds had alcohol/drugs as a significant problem, 90% had previous convictions and 40% had served a previous prison sentence. There is an emphasis on avoiding net-widening - the courts have to impose a prison sentence first, before assessment for Home Detention is carried out. The failure rate, in the research study, was 20%, with 4.6% charged with new offences.

SUMMARY

It is clear that European schemes are as diverse as it is possible to be - in terms of size, structure, aims and the point at which they are used. This diversity may be helpful in terms of assessing where EM can be used most effectively (and most cost effectively) and indeed differences between jurisdictions may suggest varying answers depending on local priorities. But the **learning** from this diversity will be difficult unless research is promptly available - and shared. There is a real need to retain an overview and make comparative judgements but this will only be possible if standardised data is collected, analysed and shared. The informal networks which were built after the first European workshop can now be extended, but participants felt that further sharing (perhaps in 2 years) was essential if Europe was to avoid making the same mistakes as in North America, all over again.

OPERATIONAL ISSUES

Having updated our knowledge on all of the current European uses of EM, participants moved onto discuss issues of common interest. They covered:

- selection and assessment
- aims and objectives of EM schemes
- relations with politicians and the media
- the use of discretion
- the role of the probation service

Essentially, this was an opportunity to explore differences.

Assessment was clearly influenced by the means used to assess risk, whether criteria were developed to select offenders out, rather than in; and the political realities of the way schemes were set up. Was a low risk **"safe"** scheme the overriding requirement, as seemed to be the case in the Home Detention Curfew scheme in England and Wales, where less than one third of eligible prisoners were actually selected? Other schemes e.g. Scotland, had deliberately targeted a more difficult group, to see whether EM could become a viable alternative to prison; some, like Sweden, made it a precondition that it must replace a prison sentence.

In the absence of any evidence that EM impacts significantly on subsequent offending behaviour, time tagged is clearly crucial in assessing risk.

Aims and objectives may be to do with saving prison places - and money - reducing the damage of prison and linking EM to specific treatment programmes which may reduce re- offending. These are not necessarily exclusive. There seems to be emerging evidence that the use of EM increases the likelihood of treatment programmes being completed and the hope is that this (with increasingly well targeted offending behaviour programmes) may produce the most positive results.

EM is still poorly understood by three key groups - politicians, the media and sentencers. Expectations are frequently unrealistic and a sustained effort is needed to inform and to lay the foundations for debate on longer term and extended use.

The **probation service** has usually been central to EM schemes but this is changing e.g. in France, where the prison service is the lead agency and in Italy, where different police organisations take the lead. What implications may there be for community penalties in general and the probation service in particular? In Sweden, the position of the service, and public attitudes towards it have been much strengthened by its central role.

Public confidence seemed to be directly linked to the way the service assumed 24 hour responsibility and the way it supervised the stringent conditions of the scheme, while still offering help and treatment. There is an important message here. Will EM supplement or replace existing community penalties? The future of probation services - and the range of community penalties - may be crucially affected by this.

CURRENT RESEARCH

This session was chaired by **Marc Renzema** of the Journal of Offender Monitoring and a Professor of Criminal Justice at Kutztown University, USA. He said the Campbell Collaboration, an international consortium that is producing best practice reviews in criminal justice (among other areas) had so far commissioned 12 reviews. One is on electronic monitoring, and he is the lead reviewer.

He produced a draft bibliography of EM evaluation materials and asked if participants could provide:

- research report copies for inclusion in the meta-analysis that will be conducted in June 2001
- citations for published research **not** included in the bibliography
- information on colleagues known to be undertaking current research on EM outcomes.

He pointed out that the meta analysis approach might not, in the end, be appropriate - but a systematic review certainly would be, and the results will be keenly awaited.

Research was then considered, as follows:

SWEDEN

Kjell Carlsson reviewed the Swedish research, which has been integral to the scheme since it began. It has looked at selection, attitudes, completion rates and reconviction and, given the size of the scheme, has amassed a good deal of data. The main findings are on reconviction

- a 3 year follow up for the 1994-6 participants (13%)
- a 2 year follow up for the 1997 participants (8%)
- a 1 year follow up for the 1998 participants (4%)

with figures so far described as 'no surprise'. He said it is too early to make any conclusive statement about whether ISEM has any impact on recidivism - but the recent BRA report presents some promising indications.

Economic savings were one of the aims of the scheme - and have been realised. The trial period was heavily resourced but the scheme today is much less costly - about half compared to prison - and cost efficiency is expected to improve further. 400 prison places have been closed, thanks to ISEM and overall savings are estimated at 100 million SKr per year. Add to this the benefits of having the offender living and working in the community and it makes good economic sense.

That said, it remains the case that the **main characteristic of persons** on the scheme is that they are a **'reasonably stable citizen'**.

- 93% are male: average age 37 years
- 46% have been convicted of drink driving
- 77% have a steady occupation, and their own house
- but 67% have a previous conviction.

Three quarters of the offenders on ISEM classify it as at least as strict as serving time in prison, but only 5% fail due to misconduct. Good targeting; good, positive programmes for addressing offending behaviour and strict, **'low tolerance'** implementation had all a part to play in what remains a substantial success story.

ENGLAND AND WALES

Three separate publications have recently summarised the most recent research findings in England and Wales and these were introduced by **Kath Dodgson** and **Darren Sugg**. **Kath Dodgson** covered the **post release Home detention Curfew scheme**. This covered the first 16 months of the scheme and key points were as follows:

numbers eligible for consideration	72,400
number actually released	21.400 (30%)
number recalled to prison	1,100 (5%)
proportion committing new offences during curfew period	2.1%
average length of curfew period	45 days
cost per curfew	£1,300

The risk assessment process was crucial in selection and was designed to measure the likelihood of offending during the curfew period. The risk/release rate corresponded closely. Generally, however, the impact of HDC is broadly neutral in terms of re offending. Including the HDC period and the six months following what would have been their automatic discharge date, those eligible for HDC had very similar reconviction rates to a control group. Differences were not statistically significant. Research indicated that better preparation of prisoners for the scheme is needed; this and learning from the reasons for failure ought to allow it to move on from a very cautious start.

Darren Sugg covered the court-imposed **Curfew Order** scheme. This highlighted, in stark terms, the difference between a good successful completion rate (80%) of the actual order and post completion behaviour. The re-offending rate after 2 years was 73%, with over three quarters of this occurring in the first year and with 42% of those reconvicted re-offending on 2-5 occasions. He said the figures were broadly similar to re offending rates following other community penalties and should take into account the fact that the offenders had an average of 8 previous convictions and an average length of criminal career of 8 years.

There had been some useful research with criminal justice practitioners and electronic monitoring staff about curfew orders, which gave some important messages about why the growth had been slow, and the order generally underused. Practitioners generally favoured the use of the order alongside other community penalties, but felt inundated by new initiatives and un-confident about best use. Inconsistent responses to breach proceedings were another problem.

In summary

- EM had no incapacitation or deference effect, and no impact on reconviction rates
- higher risk offenders were likely to have entrenched social problems linked to offending which would need to be addressed before reduced re offending was likely
- further research was needed on the role of the curfew orders in ensuring compliance with other, parallel, programmes. There was some evidence (as in Canada) that this was so and use in conjunction with **'what works'** accredited programmes might point towards longer term effects.

NORTH AMERICA

J.Robert Lilly, Professor of Sociology at Northern Kentucky University, said that his goals were to provide a review of research on EM, to discuss why so little good research had been accomplished; to describe **"vast holes in basic information about EM"**, and to encourage international effort to collect and disseminate research.

Despite an abundance of descriptive studies of EM programmes, what is missing are evaluative studies, based on randomised assignment, which would permit sophisticated conclusions about the merits of EM. He produced graphic evidence, too, of the waning of interest, overall, in EM research. Drugs, violence, juveniles - these were the 'hot' topics now and in a static EM market there seemed to be more in terms of accounting measures than actual research.

The question - **'does EM work?'** - can not be answered unless we ask another question: **'For whom does EM work?'** but we simply don't know what type of offender does best. Early enthusiasm has been replaced by price-driven programmes, which have left no margin for research and development.

In the USA there is not even a standardised way of collecting data. Until basic problems like these are solved, progress in determining the value of EM will be limited. The Campbell collaboration is a promising attempt to improve this situation, but they face a number of problems beyond their control.

This may have real implications for EM use, long term. EM is not a programme - it is a component and we need to produce the evidence that programmes with EM can work.

We need too, to have modest, realistic expectations- what else has real reconviction effects? - before we can move away from the only current conclusions that are possible:

- if you want to save a prison bed - EM is fine
- if you want to affect human behaviour - no.

DEVELOPING EUROPEAN STANDARDS

Ruud Boelens introduced this session and these notes summarise both the plenary session and the discussions in small groups. He said that there are existing European rules and measures on

- **work in prisons**
- **community sanctions and measures**
  which cover
- **General Principles** (legal framework, judicial guarantees and complaints procedures, respect for fundamental rights and consent of the offender.)
- **Human and Financial Resources** (including staffing and community involvement and participation)
- **Management aspects** (Implementation, methods of work, consequence of non compliance, research and evaluation)

The conference needed to decide whether EM, too, could usefully be guided by European rules. Should they have separate rules, or follow existing frameworks? Did the huge diversity of EM schemes make them more or less necessary? Is the technology, rather than the means of operation, the only common link? In short, was there any useful purpose in what would have to be a broad brush approach?

Participants recognised that this was both a serious and a timely issue. The Council of Europe is currently reviewing the existing rules. But the general view was that agreed **principles and guidelines** are better than **rules and requirements**. Mandatory rules have to take account of

differences in legislation, culture, political sensitivities and practical requirements and it is important to remember the **'stakeholders'** in any end product would need to include contractors, police and prisons as well as probation. If they become too general, other difficulties follow. A good start might be to try and develop a **common language**, a shared understanding of terms, and the CEP website might be used for developing this over a range of languages.

Since principles should emerge from what is recognised as good practice, a regular **FORUM ON EM** may be the best method of development - whether by email or face to face would need to be explored.

Guidelines would be helpful in terms of

- **safeguards for offenders**
- **developing good practice - a benchmark**
- **meeting international (e.g. UN) obligations**
- **presentation to stakeholders**
- **securing research funds**

There were still **'hard' issues** to be faced, on issues of consent, use with juveniles, proportionality (and the qualitative difference in terms of intrusion that GPS provides), stigmatisation and the use of discretion.

John Walters summed up the sessions by saying it was clear that quality standards, rather than rules, were obviously the preferred route forward. But this was not necessarily second best - standards could often aim higher since they did not have to be enforced in the same way. But we could not move to any pan-European process without common terminology and a more continuous flow of information. How that could be achieved, as noted above, will continue to be explored by CEP in relation to its website. Practical measures like these, however, will not resolve the moral dilemmas, which still surround EM. The state is taking more and more control over the lives of its citizens because of fear of crime. We could not set the rules - but what was important was an informed debate so that decisions were openly and clearly made. Participants had - and would continue to have - an important role to play in that.

LOOKING AHEAD

Dick Whitfield said that the aim of this final session was not so much to plot the future as to consider the wider issues that were bound to arise. That, of course, included dealing with new technologies, but it encompassed legal and ethical issues too; how to reach the people - politicians, sentencers and the media - who help shape policy and future use; and how much, in a global market, a European perspective is really possible.

On **ethical and legal** issues we had already considered the potential impact of human rights legislation. The impact on the individual (and the issue of informed consent) was one aspect; the privacy of families and others affected might still create difficulties. New technologies increase dramatically the level of intrusion the state can make on the lives of its citizens - Florida's suggestion that GPS tracking, allied to crime mapping, could reduce crime by 20% if 8000 of its most serious offenders could be tracked is an extreme example of this. Others simply see it as the thin end of a larger, anti-privacy wedge. But there are concerns, too, notably on discrimination (against the poor, people without independent housing, minority groups, foreign nationals) which need attention.

Reaching policy makers and others, including the press, remains a problem. A conference for sentencers would probably be welcomed but it is at front line level, day in, day out, in court, that decisions are made, selection well or badly done and breaches dealt with. The image of tagging is more often shaped by things that go wrong. The Swedish experience, in which media relations seem to have been much more positive, is worth studying - the fact that contributions by offenders towards the cost of the equipment and monitoring go into a fund for victims has also been a significant bonus. In the end, the service dealing with the operation (probation or prisons) has to promote the scheme,

not simply deal passively with it. CEP has promoted these two European workshops, not because it likes the technology, but because its main interest is to promote good quality community measures and sanctions. That is the context in which further work should take place.

Coping with new technologies is likely to be a continuous process. GPS, biometrics and GSM technologies have an awesome capacity. How do we use it well? How adapt to the sheer pace of change? Above all, in the messy business of dealing with human behaviour how do we ensure these new tools are not killed by poor application and unrealistic expectations?

Finally, the European perspective, which the discussion on standard **'good practice guidelines'** also addressed. There were still benefits, which might be realised if these could not be formalised, and the idea of a specialist forum should be explored.

The final discussion addressed all these issues and in particular what structures or activities might be needed to improve collaboration, assist new schemes and help communication. Some funding might be available - Europe provided a manageable starting point. But it should not be considered in isolation. In the USA, work on good practice guidelines was well advanced: we should share this, too. The Internet provides global communication opportunities that should help in this process in disseminating research results.

There were suggestions that CEP should sponsor continuing workshops at a one or two year interval and **John Walters** and **Han van der Leek** promised to take this to the CEP Board. For now, it was hoped that the conference report, which is widely circulated, would inform and assist this process.

CONCLUSION

Some of the messages from the workshop were familiar, but still important. The need to have clear aims and objectives and to make sure the equipment supports these, rather than programmes being technology driven. The need to share research as early as possible, too, and to consider it in the light of more than just reconviction studies. Good targeting, the role of EM in enabling allied programmes of work and treatment take effect, its role in bridging the gap between custody and freedom - these are all important aspects, too.

There is a growing body of knowledge and experience in managing EM schemes, planning the human and financial resources required and implementing them - and good practice - to a high standard. This progress needs to be matched by increased understanding from policy makers, politicians, sentencers, the media - and the general public. There is an enormous information sharing task ahead, to ensure that the limitations, as well as the potential, are understood. The role that future workshops might play in the future is one to consider further.

OUR SPONSORS

The workshop was largely funded through the generosity of four major sponsors:

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Each company had an exhibition area, with staff available to provide information on new and forthcoming products, and undertook a presentation concentrating on the company's current profile; its involvement, worldwide; and something of its philosophy as well as its way of operating. Judging from the interest shown, these made a considerable impact and, with the material provided, will inform participants in the future.

Issues covered hardware applications as well as software development, managing data and the importance of regular and uninhibited contact between providers and end users. The prevailing trend towards offering a spectrum of technology options - which might include a variety of EM systems, voice verification, alcohol and drug monitoring, the use of exclusion zones and historical data - was much welcomed. It was an excellent collaboration, undertaken in the spirit of cheerful co-operation, which characterised the whole event.

Dick Whitfield
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