

Report

**CEP Workshop
Electronic Monitoring in Europe
Egmond aan Zee, Netherlands
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Electronic Monitoring in Europe Contents

- [Introduction](#)
- [Summary](#)
- [Workshop Report](#)
- [Appendix I - Statistical Summary](#)
- [Appendix II - Papers & Publications](#)

The workshop was made possible by generous grants from the European Commission's "Grotius" programme and from the Netherlands Probation Service, which we gratefully acknowledge.

The following abbreviations are used throughout:

- CEP - Conférence Permanente Européenne de la Probation
- EM - Electronic Monitoring
- PO - Probation Officer

Introduction

The CEP (Conférence Permanente Européenne de la Probation) exists to promote international co-operation in the field of probation, particularly through the exchange of experience and information and the development of best practice.

This workshop was designed to look in detail at the rapid growth of interest in the electronic monitoring of offenders in European criminal justice systems. Well established schemes in Sweden, England and the Netherlands have been followed by pilot projects in Scotland and Belgium and developments in a number of other countries are expected.

The history of electronic monitoring (EM), or 'tagging' as it is often known, has been controversial. Certainly, in the USA it has been littered with expensive mistakes and it is clear that unless it is well targeted, with good operational standards, it has an unfortunate habit of increasing prison populations, even though reducing them may have been the original aim.

The importance of sharing good practice in Europe was therefore very apparent, if the mistakes of the past were to be avoided. The Workshop considered experience from the USA, Canada and Australia but the major focus was on developments in Europe on current policy and practice issues, research, and technical and operational aspects.

These are discussed in the main report, together with the overall summary, which makes proposals for further collaborative work in this important and developing field. The potential impact of EM on prison populations and on criminal justice systems as a whole is considerable; the technology has developed rapidly and will continue to offer new possibilities. We hope this report will contribute to the most effective use of EM in Europe in the years ahead.

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(Workshop Organisers)

Summary and Recommendations

Electronic monitoring for offenders is not a single entity. Already, in Europe, it is apparent that a range of purposes and programmes are in evidence and are likely to develop further. EM may be used as a sentence of the court or as an administrative way of implementing a specific sentence; it may be used as an alternative to a prison sentence or as a way of releasing prisoners earlier from such a sentence (the 'front door' and 'back door' systems); it may form part of an intensive supervision programme or simply enforce a home curfew order; and it may be intended as a punishment or an integral part of a treatment programme.

Such differences reflect the aims and objectives which individual countries have in introducing EM;; they also reflect very different legal systems and organisations. Choices between different systems and programmes may also need to be supported by different types of equipment. The danger in a fragmented approach, however, is that we shall fail to learn from each others mistakes, or to develop the most effective practice, or to be able to make comparisons when research results become more fully available.

Collaboration may have other benefits, too - on technical matters such as radio frequencies, on joint approaches to manufacturers, in software systems, or on staff training. The workshop started this task by looking in detail at the three established EM schemes in Europe:

Sweden (started 1994)	about 8100 EM cases to date Current caseload 450 average
Netherlands (started 1995)	about 330 EM cases to date Current caseload 70 average
England (started 1995)	about 1920 EM cases to date Current caseload 350 average

Details were also given of pilot projects which have started in Scotland (August 1998) and Belgium (1.4.1998) and of potential developments elsewhere. A total of 15 countries were represented at the workshop. The next major expansion will take place in England and Wales, starting in January 1999, when a Home Detention Curfew scheme, using EM to manage the transition from prison back into the community, will result in the early release of an estimated 30,000 prisoners in its first year. Sweden's original pilot project has already become a national scheme and a planned expansion to the whole of the country is taking place in the Netherlands.

All three schemes have been researched (further details are in the main report) and the results in terms of sentence completion are very good. It is too soon to speculate whether these will be reflected in Recidivism terms but that information will be crucial when longer-term judgements are made. Research is ongoing in England and Sweden and will address this issue. In the meantime, further research on targeting, on the impact on the families of those tagged and the links between successful completion and specific programmes would all be useful. A standardised database for research purposes would be especially helpful if meaningful comparisons between countries are to be possible and we recommend consideration is given to the use of a common evaluation instrument.

Specific attention was given to three main areas - targeting, developing best practice, and technical and operational aspects.

Targeting

Targeting is crucially affected by the stated aims and objectives in introducing EM. In Sweden it is to reduce numbers in prison and the clarity of that aim has been central to the success of the scheme. Elsewhere, it may be to provide a phased re-introduction to society, to reduce costs or to impose more elements of control or punishment to specific community sentences. Overall aims are a political decision; deciding how they can best be implemented involves proper targeting and assessment to ensure those aims are met. Without proper targeting the risk of "net widening" (of imposing more serious penalties on lesser offenders because of breach proceedings) is considerable. Much of the early experience in the USA bears this out. Equally, failure to assess risk adequately may lead to serious re-offending when schemes take on unsuitable offenders. This, too, has had far reaching consequences and some schemes have been closed as a result.

We recommend that targeting should include

- information on how other sentences are targeted, to try and ensure some overall consistency
- the use of a standardised risk assessment, which might be developed on a collaborative basis
- mechanisms to ensure congruence with overall aims

Developing best practice

Best practice, too, is helped by having a strong primary objective. It also involves

- good communication to all involved - including offenders and sentencers
- ensuring that sanctions are clearly laid down, consistently and fairly applied
- ensuring offender rights, non-discriminatory practice, and obtaining informed consent
- adequate resourcing, with adaptable, trained staff
- a proper balance between personal and electronic supervision, and between help, treatment and control

The concept of "treatment integrity", the basis of effective supervision as developed in "What Works" principles, is as important in EM as in any other community penalty.

General good practice guidelines are possible and could be developed from current experience. They would be of particular help to countries which have yet to start using EM.

Technical and operational aspects

A number of key points emerged. When setting up a new scheme

- the programme must be designed first, then the technology selected to make it work. Technology should not drive programmes.
- Understand the limitations of the equipment. The equipment which works in low-volume pilot projects may not be suitable for high volume schemes.
- It is not just the equipment which matters - people, programmes and good implementation are just as important.
- Growth and development is slow - and that may be useful.

Relationships with others are the hallmark of EM schemes and the importance of good systems, good shared information and good relationships all need to be emphasised. Depending on the type of scheme chosen, police, probation, prisons, prosecutors and contractors all need a clear understanding of what information must be shared, with whom, and when.

The role of the private sector in EM schemes must be absolutely clear from the start and control mechanisms are important; to ensure that pricing structures provide the right incentives, to agree contract details and performance measures and to establish if and how discretion may be used.

More detail on these, as well as information on wider issues, is contained in the main report.

A successful electronic monitoring scheme needs - apart from clear policy aims and objectives -

- appropriate timing - as measured by political and public opinion
- top management support
- close working between field and administrative staff, and contractors
- good information to external interests
- good targeting
- adequate resourcing, especially to deal with technical and financial risks and problems
- trained and adaptable staff
- clear sanctions and control measures
- good evaluation

With these in place, we think electronic monitoring can make a significant and successful contribution to criminal justice systems. There are still concerns about the impact on families, net widening, cost-effectiveness and its place alongside other community sanctions - but we do think these can be addressed using the check lists above.

The next steps

EM has not developed in a vacuum and, in a world in which more controlling and punitive sanctions are being sought, its capacity for misuse and abuse remains high. If all it does to reproduce aspects of prison in the community it will have failed. We cannot expect it to change behaviour on its own, but it has a stabilising effect on offenders which allows change to take place. It offers a new option, giving more choice in managing offenders in the community; and the possibility of economic rewards and less crowded prisons which ought to offer more constructive regimes.

How can this process - these goals - be helped in Europe? The workshop believes this can best be taken forward in the following ways:

1. The development of a European EM Information network

There are many ways in which this might be achieved - using the CEP web site, a six monthly information bulletin, a willingness to share study visits and research results; perhaps even a co-ordinator (or bulletin editor) to act as a central reference point - and further "best practice" events at an appropriate time. Smaller networks could cover single issues - technical developments, research design and data, policy development, for instance.

Some modest financial help will be needed to make this happen and we are committed to exploring a number of possibilities.

2. Collaborative approaches to EM issues

On one level this might be in relation to technical aspects. It would, for instance, be very helpful if a dedicated radio frequency for the whole of Europe could be agreed for EM equipment. The current conference on frequencies, which covers non-specific short range devices, would be an appropriate place to take this forward.

At another level, openness about information, and a willingness to share, has started and can be developed. Shared information protocols and risk assessment instruments have already come about as a result of the workshop. A common approach to evaluation and research would be especially useful if comparative judgements are to be made. So, too, would "good practice" guidelines, which would have to take account of the rather different strands of development which are already apparent.

We recognise that this Workshop was a useful first step in sharing information. We are grateful to speakers and participants for their willingness to contribute, to share experience, and to be open about both the problems and the potential. Much more of this will be needed over the next few years if EM in Europe is to be used as effectively and creatively as possible.

Workshop Report

A full list of papers and publications used at the Workshop is given on page 37 and enquiries may be made direct to the contact person listed there. For this reason the Workshop report does not attempt to reproduce them in full - the following account provides a summary and also includes the main points of subsequent discussions.

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INTRODUCTION

Han van der Leek (1)

Mr van der Leek set the scene for the conference by using the Dutch experience of electronic monitoring so far - a successful experiment which is now to be extended nationally. It would be a substantial task, especially in the large urban areas and the Dutch Probation Service would be working in partnership with the Prison Service and the Office of the Public Prosecutor.

He pointed to a growing trend towards emphasising punishment, perhaps at the expense of help and care and said that probation services had to respond to both these aspects of social reality. There was also a growing emphasis on the need to demonstrate outcomes of supervision, and results, and continued development of community-based sanctions depended on probation services' recognition of this fact.

Electronic monitoring has to take account of this wider picture. Mr van der Leek summed it up as follows:

"The Dutch Probation Service remains an organisation working with people and for people in the interest of a better and safer community We are not against punishment. What we are against is imprisonment which serves no other good than to isolate the offender during a certain period of time".

With this in mind, electronic monitoring is always combined with programmes oriented towards resocialisation - making offenders feel better equipped than before, helping towards finding a house and a job and building up a personal and social network. EM in the Netherlands is not available for the sole purpose of saving cell-space. Equally, compliance with the Order and a proper response from the judicial authorities if conditions are not met is important if confidence in electronic monitoring is to be maintained.

A new Penitentiary Law will come into effect in the Netherlands on 1.1.99. It will make early release, combined with special programmes of up to 12 months available for prisoners who have served half their full prison sentence. EM may be a part of this, and for more serious offenders. That produces risks, but also real opportunities. He concluded:

"Let us not forget that electronic monitoring is primarily an instrument, a means, and not a goal in itself. It is an instrument aimed at resocialisation and, consequently, a safer community".

o o o o 0 o o o o SETTING THE SCENE Dick Whitfield (2)

Mr Whitfield's aim was to set the European experience of electronic monitoring in a wider context; to see how it seemed to be developing, world-wide, and the lessons which could be drawn from this. That would provide a starting point in terms of

- growth - type of usage - targeting - standards - monitoring and research

even if only in very broad terms. It was already apparent that many of the issues were now being faced in Europe.

The history of tagging, in terms of viable schemes, starts in 1984 and there were 10 schemes by the end of that year. A series of "snapshots" demonstrates how schemes have grown. [The basis for comparison is the average daily caseload, which is a much more reliable indicator than numbers of orders (which may vary very short term) or numbers of units leased or sold].

by 1986 there were about 1000 offenders tagged on a daily basis, all in the USA. It was a very fragmented picture, with over 30 schemes ranging from bail programmes to sentenced offenders - mostly drink drivers.

by 1988 the average daily caseload was around 3200 with schemes in Australia and Canada also having started. Several US States (Michigan, Illinois, Florida) were emerging as major users and post-release programmes designed to reduce prison populations through early release curfew programmes, were beginning to make an impact.

by 1992 the average daily caseload was about 8000 - although in the USA alone it was claimed that 45,000 electronic monitoring units had been sold or leased. Singapore had become a significant user with its drugs programme; three Australian states were now users.

by 1996 the average daily caseload was around 54,000, with the most substantial growth in the USA, where 49 states now had electronic monitoring schemes. European development had begun - cautiously - but was making an impact with schemes in Sweden, Netherlands and England.

This period of rapid growth can be attributed to the increasing reliability of electronic monitoring units, a growing number of manufacturers in the emerging electronic monitoring market - and the decline of probation - a process described by Marc Mauer of the independent, Washington-based Sentencing Project, who wrote:

"Tagging only expanded the way it did because the supervision given by Probation was sloppy, marginal or non-existent. Huge caseloads, where monthly letters are the only contact, is no supervision at all. And it got to be rather collusive growth, too, because it solved one of the Probation Officer's problems. They no longer have to meet up with difficult, dangerous offenders - they can stay in the office and watch the computer".

In 1998, we now have a position in which the average daily number of offenders on electronic monitoring is estimated at "between 60,000 - and 75,000". The Journal of Offender Monitoring, which provided this figure in its Spring 1998 issue, added "We neither know the exact numbers nor have the vaguest idea of the impact of electronic monitoring on offender behaviour". This is in the context of a 1.7 million prison population and over 3.5 million on probation or parole supervision - or less than 1.4% of the total potential "market".

The three European schemes already mentioned had an average daily caseload of 870 at this stage (see Summary for breakdown) with small-scale pilot programmes in Scotland and Belgium also under way. Other developments (in Switzerland and Germany) are expected in 1999.

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What does experience tell us, so far?

In summary, electronic monitoring can work well

a) as a short-term option. Most U.S. research suggests the optimum time tagged is 60-90 days with compliance rates declining sharply after 3 months

b) in combination with other treatment options. There is evidence, in particular, of surprisingly good results with drug and alcohol offenders as a prelude to longer term treatment programmes or as an integral part of such programmes (In Sweden and the Netherlands, electronic monitoring can only be used in conjunction with a planned programme of this kind).

Electronic monitoring does not work well - from experience in the USA - if poorly targeted, used on its own, or if used for long (3 months plus) periods. The National Institute of Justice 10-year assessment of electronic monitoring was clear about schemes where prison populations had increased as a result of electronic monitoring, because low risk offenders have been placed on electronic monitoring, have recorded violations - and have ended in prison.

In its 1996 evidence to the Ontario Justice Standing Committee, the American Probation & Parole Association noted:

"If you provide intensive services like electronic monitoring to lower risk populations you actually increase the risk of reoffending. More agencies are beginning to take note of this research and design their interventions accordingly. There is evidence that electronic monitoring becomes more effective when combined with other rehabilitative programmes. Resources are best used with offenders at higher risk levels than many who are now under supervision".

American commentators talk of an "electronic ceiling" - a limit of growth to 100,000 offenders approximately. Might this be true? If so, it would limit the impact of electronic monitoring. It could be accounted for by reasons of

a) cost - it is still relatively expensive, although clearly cheaper than prison

b) legal problems - outstanding liability suits; a recent New York State Appeal Court decision said that electronic monitoring had to be shown to be "fundamentally rehabilitative" (ie with a defined programme) if it was to be lawfully used

c) political reasons - high profile failures do still limit schemes

d) technical problems - still apparent, as offenders try to bypass the technology; and computer and process problems.

The key messages from experience so far were centred on

· how targeting is approached, to ensure the effective use of resources in both cost and reconviction terms · the balance between tagging as a sentence of the court (or an alternative to a sentence) - the so-called "front-door" schemes; or as an early release/post prison option ("back-door" schemes) · the need to define standards of supervision, or best practice, in electronic monitoring schemes · what needs to be done in monitoring and evaluating, or researching electronic monitoring schemes

These were issues which would be addressed as the three main European schemes were described.

o o o o 0 o o o o ELECTRONIC MONITORING IN THE NETHERLANDS

Ruud Boelens (3)

It is 10 years since electronic monitoring was first under consideration in the Netherlands - and there were initially serious doubts about whether it should be used. It was 1992 before a group of civil servants advised that savings of 20m guilders might be achieved by replacing 350 prison cells with the use of electronic monitoring; the project started in 1995 (with a pilot scheme for no more than 50 offenders at a time) and, as expansion now takes place (October 1998) there have been some 330 participants so far. 80% are post-prison cases, released early on electronic monitoring; the average length of supervision is 3½-4 months and only one reconviction has been recorded so far whilst offenders were on the scheme. How has this been achieved?

It was agreed at the start that electronic monitoring should be used as a means to promote the reintegration of the offender in society and that it should always be part of a wider programme of activities. Two aims have therefore always existed, side by side: it is both a punishment and a means to influence someone's behaviour. The other main features were:

- the experiment would test, within existing law, whether electronic monitoring would be accepted by relevant parties in Dutch society - it would be a public-private partnership. A security company manages the technical side; the probation service deals with selection, programme provision, supervision and breach - the initial pilot project would be evaluated. (The results of this research resulted in the decision to expand the scheme).

There were two target groups:

a) long term prisoners, who can serve the last 1-6 months of their sentence on electronic monitoring, the time depending on the total length of their sentence

b) offenders who - without the availability of electronic monitoring - might have received sentences of up to one year's imprisonment.

No category of crime or offender was excluded, but careful risk assessment was undertaken. Drug and alcohol testing is used only in a minority of cases, where there is a specific relationship between usage and criminal history. Both offenders and their partners/housemates have to agree to the use of electronic monitoring. There was a 'low-tolerance' (not a 'zero tolerance') approach to compliance.

EM in the Netherlands is a 24-hour programme with four elements:

1. Programme activities (average - 30 hours per week, including work, training and education)
2. Social activities (approved community based activities including sport, church attendance etc. Random checks are made).
3. Free time (There is no general right to "free" time. Participants generally start the programme with 2 hours on each of Saturday and Sunday. This can be increased to 4 hours after one month, 8 hours after two months, a complete weekend off after three months and every other weekend after five months).
4. Time at home (which makes up the balance - the 'curfew' time).

Evaluation

Results have been very positive (see Research section), especially since a number of potentially serious offenders, released after long sentences, have been included. It has been too soon to gather reconviction data, post electronic monitoring, but there has been one unexpected by-product - a very positive effect on the image of the probation service. The importance of this should not be underestimated.

The future

Expansion of the scheme to The Hague appeal court district starts soon; extends to Amsterdam in 1999 and will cover the whole country by 2000. Ruud Boelens said he was fortunate that there is no great political pressure to expand faster. The impact on the prison population, and future prison policy, had yet to be determined and the new Penitentiary Programmes (described by Han van der Leek) will provide a new legal basis for electronic monitoring. It promises to be an interesting future.

o o o o 0 o o o o SWEDEN

Intensive supervision with electronic monitoring

Kjell Carlsson and Peter Ekheim

(Swedish accounts were supported by a comprehensive research report 'The first year of nation-wide intensive supervision with electronic monitoring: 1 January - 31 December 1997' (4) which provided a detailed analysis for all workshop participants).

o o o o 0 o o o o Sweden offers the most extensive experience of electronic monitoring in Europe, as demonstrated by an average daily caseload of 450 persons, and a maximum which has reached 550 persons. This results from a national expansion of the scheme, following successful trials in pilot areas between 1994-1996. The target group for the six pilot areas consisted of offenders sentenced to up to two months imprisonment and the new national phase extends this to offenders sentenced to up to 3 months imprisonment until the trial period formally ends on 31.12.1998. Given the very positive results achieved so far it is expected then that it will become a permanent feature of the criminal justice process.

The Swedish scheme has a number of distinctive features:

- it is a new way of serving a prison sentence, which must first have been passed by the court
- electronic monitoring is used as a tool to support supervision - but, as the title implies, it is the intensive supervision which defines the main requirements
- conditions are stringent - alcohol or drug consumption is prohibited and is reinforced by regular testing; unannounced home visits reinforce compliance; there is a planned programme of work or study and - where practicable - offenders contribute Skr 50 per day towards costs
- tolerance of misconduct, or breach, is very low, with the use of alcohol or drugs the major reason for failure.

The maximum time monitored is 60 days (this arises because the period of supervision is identical to the prison sentence imposed. Two month sentences do not qualify for remission, but 3 month sentences qualify for 1/3 remission).

This is a home confinement scheme, with intensive supervision, not just a means of enforcing a curfew. Offenders can only leave home at planned and agreed times, although in practice work and treatment activities account for about 50 hours per week. The emphasis is still on human interaction and using the skills of probation officers to implement effective programmes - but it has needed a very different approach. Contracts with employees are used to support the work element, "on call" staff availability is required, home visits have to be made by two staff and the police support late night calls, if required. The result?

"Public, offenders - even the media - think of it as a trustworthy, cost effective and credible alternative to imprisonment. And it has re-vitalised the Probation Service".

Probation service opinion was, in fact, very divided to start with and reorganising to provide a 24 hour service needed a good deal of careful planning. But "sensitive ears" are still needed in relation to electronic monitoring and family issues and the supervision programme requires skilled handling. Views are now very positive.

It is estimated that costs are less than half that of prison and that Skr 150m (£11m) has been saved so far. Prison numbers have reduced by 25%.

Early in 1997 the equipment used was changed from B1 to Elmotech and there have been severe reliability problems since then that have not been fully resolved. The difficulties of 'technical dependency' do have to be faced. So, too, do the potential discrimination issues which the new sentence raises, although staff are very aware that these need addressing. The typical electronic monitoring offender is

- a 37 year old male - employed and in his own home - a drink driver, with a previous conviction.

and this is clearly a factor in success rates which have consistently exceeded 90%. This sparked considerable discussion on the issue of targeting - but in Sweden there is no question of net-widening. Drink-driving is regarded as a very serious offence and attracts a mandatory prison sentence. The decision to use intensive supervision with electronic monitoring is not reached until after the imposition of the prison sentence. (There is normally a 3-4 week delay before the intensive programme starts. Prison sentences are also subject to delay, depending on the availability of beds).

* * * * * Taking the scheme nation-wide has been the current priority. the question of future expansion in terms of post-release ("back-door") use will certainly be considered, but no decisions have yet been made. For the moment, however, intensive supervision with electronic monitoring has made a very significant impact on the prison population and the criminal justice process in Sweden.

o o o o o CURFEW ORDERS WITH ELECTRONIC MONITORING -

CURRENT PRACTICE IN ENGLAND

Steve Collett (5)

Steve Collett illustrated the current usage of electronic monitoring in England from his own experience in Manchester - the largest of the pilot project areas. It accounts for about 60% of all orders made.

He discussed the background to the current scheme, including a failed project in 1989 relating to offenders on bail, which had been dogged by technical and other problems . From July 1995, however, electronic monitoring as a way of enforcing curfew orders had been available to courts in the pilot areas, either as a community sentence in their own right, or in conjunction with another community sentence.

Sentencing fell into three bands, linked to the seriousness of the offence. Relatively minor offences could be dealt with by fines or discharge; offences adjudged "serious enough" could attract a range of community penalties including probation and community service (and, in the project areas, curfew orders) while those judged "so serious" that only a custodial sentence was appropriate formed the top band.

Despite this broad categorisation, the English trials had suffered considerably - and experienced very slow growth - because of the lack of guidance to sentencers about appropriate use. It had been left to find its own level. He described "a considerable degree of confusion, if not mistrust" among the participants and the involvement of the private sector had been a factor in this.

Developments have generally been positive, however -

· the technology works · relationships between Probation Services and the private contractors have been constructive · probation staff have learned how they can contribute significantly to developing use.

Curfew Orders remain a small scale option - the Manchester courts make about 60 per month, whereas they make about 800 community orders (Probation, Community Service and Combination Orders) per month.

Legal Issues

The court, before making a Curfew Order, must obtain information about the offender's home and the attitude of any people resident there who might be affected by the Order. Curfews may be between 2-12 hours per day and up to 6 months duration. They should not interfere with religious beliefs, educational requirements or the requirements of another community order and they were available initially for offenders aged 16 and over.

From 1998 the categories of those eligible have been, selectively, extended to:

petty persistent offenders offenders who have not paid their fines 10-15 year olds offenders on bail

These are certainly controversial and experience and numbers to date have been too limited to make any judgements. All orders so far have been part of the judicial process - court decisions which may have been informed by an assessment from the Probation Service but were nevertheless made by sentencers.

This changes in January 1999 when a new Home Detention Curfew scheme starts on a national basis. Further details are given later on page 20 but this new "back door" scheme, which releases prisoners (serving up to 4 years) up to 2 months before their normal release date, is an executive process. Decisions to release on electronic monitoring will be taken by the Prison Governor, informed by the Probation Service in terms of risk assessment and address suitability and enforced by the Home Office, so recall to prison would also be an executive decision.

How has tagging been used?

SENTENCERS tend to agree that the primary purpose is punishment, and to disrupt patterns of offending behaviour. Some element of public protection is implied by this. Any subsidiary benefits are seen as useful - but secondary.

PROBATION OFFICERS tend to recommend it for

- heavily convicted offenders for whom no realistic alternative community option could be proposed
- where health and other difficulties make community service and probation inappropriate
- as an additional punishment, in the hope of making their main proposal (usually probation) acceptable

Only in exceptional circumstances is it argued for as a means of reducing reoffending. Where detailed arguments for imposing a curfew at specific times are given, sentencers appear to follow advice.

Operational experience

The successful completion rate of about 80% is impressive. Offenders are positive about open and fair treatment from contractor's staff; links between contractors and probation have been developing constructively and a definite shift in attitude has been observable.

Early over-concentration on the technological aspects of electronic monitoring has - perhaps - been de-mystified. There is much more emphasis on tagging being embedded in routine assessment and risk management - and in probation practice generally. Electronic monitoring has become part of the sentencing landscape.

Mr Collett concluded by noting that, although tagging is being used as a high tariff disposal, there is limited evidence of any displacement of custodial sentences. He added:

There are a range of issues . . . which need further work. The exacerbation of risk of harm to other members of the household, particularly related to child abuse and domestic violence are issues that most concern staff. It's applicability to young offenders is another".

Local experience suggested that the most effective use was:

- in enhancing community supervision for high-risk offenders in order to increase public protection - as a short term adjunct to active probation intervention where the curfew order may assist in achieving compliance or buying time to undertake work on the offending-related needs of the individual.

The expansion of electronic monitoring, he reflected, needs to meet both the interests of the public in terms of their protection and the needs of offenders in terms of their rehabilitation, rather than the populist requirements of politicians. The task now is to make sure that experience gained is reflected in the future.

o o o o 0 o o o o BELGIUM (6)

A small scale pilot scheme started on 1.4.98. in one judicial district. It is a "back-door" system covering prisoners serving up to 18 months and with supervision for 1-3 months from the date of early release. There are stringent criteria for selection - perhaps too stringent, since only 9 prisoners have been monitored so far. There have also been significant technical problems with the two systems being used - conventional electronic monitoring with ankle bracelets (Elmotech) and a voice recognition tracking system. A fresh start is planned, to try and achieve 100 cases in the pilot project. It will extend to three judicial regions and will cover prisoners serving up to 36 months. More co-operation between the various agencies is still needed, too.

o o o o 0 o o o o SCOTLAND (7)

Electronic monitoring was introduced into the Scottish system in the context of Restriction of Liberty Orders. The pilot project, in a small number of Sheriff Courts started in August 1998 and will run until March 2000. Orders can require offenders to stay in a particular place for up to 12 hours per day - and for up to 12 months. Only 5 offenders, all burglars, have been monitored so far, but media reaction has been positive. Particular stress has been placed on effective liaison with the large number of agencies which have an interest.

o o o o 0 o o o o ELSEWHERE IN EUROPE

In Switzerland three schemes seem likely to start in 1999 and in Germany the same could be true, as a number of states are actively considering implementation. In both France and Portugal legislative provision has been made but no scheme exists, as yet. In Norway parliamentary discussions were being held as this workshop took place. Neither Ireland nor Catalonia have short term plans to implement electronic monitoring although in Ireland a 'watching brief' is being maintained, with a particular interest in more serious offenders, including sex offenders. Finally, in Italy a judicial advisory group, which was represented at the Workshop, is providing recommendations to the Government and considering the legal and other possibilities.

o o o o 0 o o o o CURRENT RESEARCH

SWEDEN

Lis Somander (4)

A comprehensive report of the first year of the nation-wide scheme of intensive supervision with electronic monitoring was available to all workshop participants. Lis Somander added to this by describing some of the background to the scheme and its most distinctive features - as well as the results obtained so far.

The Swedish Prison and Probation Administration is independent of the Ministry of Justice and has 37 divisional areas, each comprising a remand centre, a prison and a probation district. There are currently 3,700 people in prison and 12,000 under some form of community supervision. Their policy is to avoid imprisonment as much as possible - but where it is necessary, to (a) keep the prison term as

short as possible and (b) to ensure that time spent in prison or in the community is spent following a constructive programme of treatment or activity.

It is against this background that the development of intensive supervision, with electronic monitoring to support it, needs to be seen. Electronic monitoring is never used in isolation. The aim was simple - to reduce the prison population; a goal that had not been achieved in 25 years despite a wide range of alternative options. The success of the trial may be judged from the following figures:

1996 1997 Total prison receptions 12,123 9,112 Average electronic monitoring caseload 49 362

This extraordinary result - a fall of 25% in prison numbers - has clearly had an impact on all parts of the criminal justice process. How has it been achieved?

The Target Group is offenders sentenced by the Court to 3 months imprisonment, or less. 6% had sentences of less than 1 month 63% had one month sentences 20% had 1½-2 month sentences 11% had three month sentences

About half are convicted of drink driving offences. Clearly, attitudes (and penalties) for drink driving vary considerably in Europe but in Sweden they are regarded as serious offenders - not just because of the potential damage of what they do, but because so many are repeat offenders and/or have other criminal offences or substance abuse problems.

About 24% of those eligible for electronic monitoring do not apply. Reasons include a reluctance to accept random home visits or the strict conditions of the intensive supervision programme; of those who do apply, 13% are refused, the most common reason being a failure to co-operate in the assessment process.

'Zero Tolerance' is the hallmark of the scheme, so far as compliance with conditions is concerned. Offenders can expect home visits and breath checks every three days, a urine test during the period under supervision and a total of four programme participation checks. Minor time violations may be allowed but there are absolute standards in relation to interference with the equipment and the use of drink or drugs. These requirements were decided before the programme was launched and have been rigorously observed - political and public confidence has been won and is now a significant feature.

Costs. The average daily cost of the full programme is between 450-600 Skr per person per day. This (relatively) high cost is because of the staff intensive nature of the scheme, but savings will probably accrue as technical problems reduce. The cost of an open prison place is 1500-1600 Skr per person per day so the differential is still considerable.

Reoffending research will be completed in 1999.

Consideration has been given to the introduction of "back door" schemes but no decision has been made yet. One result of the success of the electronic monitoring programme has been the impact on prisons - numbers are down but a more difficult client group remains. Despite the rapid expansion of the scheme the results remain impressive:

Of the total applications granted, just 5% have been breached for misconduct. 81% have completed satisfactorily and 14% are either current cases or waiting to start.

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ENGLAND Ed Mortimer (8)

Full research details can, similarly, be found in the 'papers and publications' section at the end of this report.

Ed Mortimer began by making some comparisons, since the English pilot project has some distinctive differences:

- electronic monitoring is a community penalty (a curfew order) and may be used on a 'stand-alone' basis or in conjunction with another community penalty
- the curfew is supervised by an independent contractor
- other community penalties by the probation service
- it is a "low tolerance" scheme - not zero tolerance
- and the offender returns to court for re-sentencing. (Breach proceedings may be taken for cumulative short absences, a whole curfew period missed, removal of the tag or damage to the equipment)

It remains a minor option in terms of numbers (see also Collett, page17) but useful experience has been gained.

92% of offenders have been male; average age 27 main offences: theft/handling 30% burglary 17% drive while disqualified 14% violence 12% previous history: 48% had previous prison sentences 75% had previous community penalties completion: 82% completed satisfactorily 18% had the order terminated (of those who completed satisfactorily, 11% were returned to court for non-compliance, but the order was allowed to continue). Comparative costs have been estimated for a 'national roll-out' and not on the pilot project. They suggest that curfew orders would be less than half the cost of a low-security prison place; marginally less than a probation order and marginally more than a community service order.

Further research will be published in 1999 (and will be sent to all workshop participants) and a reconviction study will start in 1999.

Meanwhile, some key questions have emerged:

a) differing completion rates between pilot areas (79% satisfactory completion in Manchester, compared to 91% in Norfolk) This is not related to offence type - more work is needed to determine if it is related to offender characteristics or differences between contractors

b) what type of offender is most suitable? There seems to be some evidence that disrupting "pattern offending" can be very effectively done using electronic monitoring

c) are "stand-alone" or combined orders most effective? The evidence is equivocal. There are three groups: i) 'stand-alone' orders (45% of total) - completion rate 86% ii) 'stand-alone' orders - but where an existing community penalty is in force (22%) - completion rate 82% iii) orders combined with a community penalty (33% of total) - completion rate 77%

However, combined orders are likely to be made with more serious offenders so until more detailed work can be undertaken, no further conclusions can be drawn.

It had, however, been a useful and successful scheme so far and would provide essential data and learning for a national expansion of the scheme in 1999.

o o o o 0 o o o o NETHERLANDS Eric Spaans (9)

The Dutch scheme was influenced considerably by experience and research elsewhere in the world, which was studied prior to the start of the pilot project in July `1995. It was decided that the key issues were:

- careful selection of participants
- period monitored should not exceed 6 months
- electronic monitoring should be part of a 24-hour programme, with emphasis on study, work, treatment etc during the period
- close probation supervision should be maintained
- both participants and housemates must consent to electronic monitoring
- immediate and clear action needed on non-compliance
- the danger of net-widening.

Two groups of offenders were chosen for the experiment:

- post release - prisoners who had served more than 50% of their sentence and were eligible for a more open regime could be released early on electronic monitoring for up to 6 months
- sentenced offenders who were eligible for a prison sentence of more than six months. They could have electronic monitoring and a community sanction (eg 240 hours community service) combined as an alternative.

There had been 330 participants by 9.10.98.

87% were post release cases, who had served an average of 28 months in prison 90% were male

Main offences: 20% drug offences 19% burglary 12% murder, manslaughter or attempts 10% robbery 10% child abuse/sexual offences

The prison group were representative of the prison population as a whole, and could not be regarded as 'special'. Nor, with the much smaller group of sentenced offenders, was there any evidence of net-widening.

Average length tagged 3.5 months (20% were for the full 6 month period) Completion 90% satisfactory completion 10% revoked (of the satisfactory completions, 16% had an official warning, but electronic monitoring was allowed to continue)

The completion rate is particularly notable given the offence profile and the length of time monitored.

Conclusions

Electronic monitoring is clearly a useful replacement for part of a prison sentence; there is a feeling that it has yet to prove itself as a community sentence ('front door') option. Now that a planned programme of expansion, nationally, is under way there will be opportunities to look at different target groups. Continuing information on post electronic monitoring recidivism will also be sought as part of a wider reconviction survey.

Electronic monitoring and domestic violence remains an area of some concern but the Dutch experience is not conclusive. It is clear that electronic monitoring alters relationships with both partners and children, but it can be difficult to predict whether the impact will be positive or not. Some improve - especially when extra time with children is well used; in adult relationships it can merely highlight existing problems - and worsen them. Where domestic violence may be an issue, electronic monitoring needs to be approached with real caution.

The importance of the programmes which run in parallel to electronic monitoring needs to be emphasised. 80% of those who took part were employed - this was felt to be a significant factor in the overall success.

o o o o 0 o o o o DISCUSSION WORKSHOPS Three such workshops were held. Brief conclusions are listed below. a) TARGETING AND RISK ASSESSMENT · clarity about the aims of electronic monitoring schemes is all important, both politically and strategically. Targeting can only be effective if it follows this process · targeting also has to be considered in context. How has it worked with other sentences in the same criminal justice system? Where does it overlap or compete with other community based sanctions? · risk assessment has to be clear about the kind of risks being measured - risk of harm, of re-offending, of non-completion? Standard risk assessment measures are worth developing and should be exchanged across European electronic monitoring schemes b) DEVELOPING BEST PRACTICE Key "best practice" requirements were felt to be - · a clearly defined, strong, primary objective · good communication to all involved · ensuring sanctions are well

understood and clearly laid down · treatment integrity. This covers consistent delivery of programmes linked to electronic monitoring as well as offender rights being clearly defined - and respected · close co-operation between contractors and probation staff Best practice is not about targeting easy risks, but about ensuring informed consent from participants and realistic expectations - from staff, media, politicians and public - once the programme starts. c) TECHNICAL & OPERATIONAL ASPECTS · Setting up a new scheme

- the programme needs to be designed first, then the technology fitted to it; not the other way around - understand the limitations of the equipment and remember that equipment which works at low volume may not do so at high volume - the equipment is important - but so is how it is operated and implemented - growth and development are likely to be slow · relationships with others involved The importance of good systems, good information and good communication all need to be emphasised. Depending on the scheme, police, prisons, prosecutors, probation and contractors all have to understand what information must be shared · the role of the private sector This must also be clear from the start, and control mechanisms, covering contract length, performance measures, discretion and pricing structures need to be set against the priorities and objectives for the scheme.

POLICY ISSUES

The workshop's final day started with a session on the political, strategic and policy issues involved in electronic monitoring - the wider objectives, its place in criminal justice systems and some of the critical success factors.

The first speaker was PENNY SNOW, Head of the Electronic Monitoring Unit in the Home Office in England.

She looked at the overall background, first - a fairly punitive one in England & Wales, where "prison works" had been a familiar slogan and the prison sentence is seen as the only real punishment. In this context, the urge to use electronic monitoring as an additional punishment was understandable. Current government policy, summed up in the phrase "tough on crime and tough on the causes of crime" also fits with electronic monitoring. It looks for

- greater consistency - stricter punishment for repeat offenders - more constructive prison regimes - but not, necessarily, reduced numbers. There is no overt policy to reduce the prison population.

This is despite a large, rising prison population. The only quick and credible way of reducing numbers was electronic monitoring. It offered

· quick implementation · an ideological and practical basis for using the private sector · controllable and acceptable costs · a positive public profile from the existing pilot schemes

Tagging will be used primarily (from January 1999) as a way of managing the transition from prison to freedom. By its use as a 'post release' scheme (with up to the last two months of a sentence being transferred to supervision in the community) it will

· be available for an estimated 30,000 prisoners in 1999, even when eligibility criteria have been met · result in 3000/4000 prisoners being on electronic monitoring at any one time, with the consequent saving on prison places · save up to a possible £180m in annual prison costs.

Experience with tagging as an option for courts, explored in the English pilot projects, means that progress towards a post-release scheme was likely, anyway. But the speed and size of the scheme reflect the prison numbers problem. Now, the availability of a national infrastructure means expansion if the "front door" schemes can be accelerated as soon as the post-release, Home Detention Curfew scheme has bedded down. It certainly meets the political and policy objectives of the current government. Such rapid development also brings both risks and rewards.

Risks: might include

over-confidence - in terms of risk management and targeting. A strategy to deal with problems (inevitable in a scheme of this size) is needed under-confidence - decisions on early release will be made by a wide range of prison governors. If they are too cautious and restrictive, releasing only 'good risks', then the scheme will not deliver planned benefits and may lose credibility system failures - equipment, systems, procedures . . . have only been tested at low volume

Rewards could, however, be considerable:

· economic (cost savings) · a new option to give more choice in managing offenders · freeing up prisons, with reduced numbers, to run more constructive regimes

The challenge, Ms Snow concluded, was to manage the risks effectively - to use the new flexibility electronic monitoring offers creatively and to ensure that electronic monitoring is part of a coherent response to offending.

o o o o 0 o o o o Second, ULF JONSSON, the Head of Department for client activities for the Swedish Prison and Probation Administration, drew on his experience of introducing first, a pilot programme, then a national scheme which has now covered more than 8000 offenders.

Introducing a new option in terms of sentencing, he said, offers chances of improvement - but it also makes selection more complex, and unstructured use may have real dangers. Consequently, clarifying objectives, whether they be reduced cost or improved public safety, and selecting options from within defined policy goals were essential first steps.

In Sweden, 25 years of trying various alternatives to prison had made little difference to prison use. Community alternatives were still seen as a 'soft option' by sentencers and the public because they had very limited elements of surveillance or control. Electronic monitoring was designed to offer this as an 'extra', with an enhanced programme of supervision.

The aims of the scheme were:

1. to provide more options 2. to create a trustworthy and effective alternative to prison 3. to reduce costs 4. to reduce recidivism 5. to reduce the prison population 6. to test the viability of electronic monitoring 7. to develop new ways of working

Measurement of the effects of electronic monitoring would be by

a) its "fit" in the overall range of penalties b) views on its retributive element c) reduction of recidivism d) reparation (through offender payments) e) public safety f) public satisfaction g) costs h) a reduced prison population i) views of offenders

It needs to be remembered that electronic monitoring does not change behaviour. It may have a useful stabilising effect but longer term work will still be needed for behavioural change. And there are disadvantages - the intrusion in family life, possible discrimination and, more widely, technical dependency. (When the system crashes, this issue suddenly becomes compelling . . .).

Implementation holds the key to success or failure. The vision has to be adapted to the organisation's needs. Ulf Jonsson believes the critical success factors are:

· timing - "catching the mood of political/public opinion" · support from top management · close working links between administrative and field staff · good information to external interests · clear policy objectives · good targeting · adequate resourcing - technical and financial risks remain and have to be resolved, if necessary · adaptable staff - new training and skills are needed · clear control measures and sanctions · good evaluation

As a comprehensive blueprint for any new scheme, this could hardly be improved.

There are "informal" success factors which had helped in the confident expansion of the Swedish scheme. Staff and offenders both believed in electronic monitoring as an effective option; media coverage was positive and treatment integrity (consistent delivery) was high.

"The Swedish concept", articulated by Ulf Jonsson, had started cautiously, expanded only when experience and research had justified it and had avoided 'net widening'. Above all, it had tried to keep a balance:

between personal and technical supervision between help, treatment and control.

That might be the most significant success factor of all.

GOING FORWARD

The workshop concluded with two forward-looking sessions. The first, developed by Ruud Boelens, looked at what might be needed in terms of building on the excellent shared experience which the workshop had provided. Could we start a practitioner network which would continue to share

experience practical and technical information research and policy development

on a Europe-wide basis?

We could. The following seem to be the best options:

A) An overall network, with a contact-person in each country. Information to be collected and disseminated by one or all of the following

- the CEP web-site · the CEP bulletin · a specialist publication/newsletter

Implementation would be helped by

- the appointment of a part-time co-ordinator · dedicated finance

It was agreed that these should be explored via EU or other funding.

b) Smaller networks, using special interest groups which might have different co-ordinators

- technical network - information about products, contracts, software and support · research network · operational network - day-to-day issues and the continued development of best practice

Implementation would be as in (A) above but would be much helped by a programme of bilateral study visits. Funding for organising and carrying these out might be shared between participating countries; a possible EU contribution would also be explored.

Finally Dick Whitfield looked into the future, to "the next horizon". He pointed out that alternative technologies and possibilities were already available and there were no signs that the pace of change was slowing down. Manufacturers develop new models, new ideas, every six months or so; electronic monitoring will become more sophisticated, more interactive, more flexible. But will technology drive programmes, when it should be the other way round? The nightmare scenario was already possible - electronic monitoring bracelets which could deliver an electric shock to punish or disable offenders who did not comply. Only legal, ethical and humanitarian considerations had prevented such a usage - so far.

It had not been a function of this workshop to debate ethical questions which might be some years away - but we do need to define "best practice" in a way that is strong enough and robust enough to survive the changes we know are likely.

The workshop had demonstrated very clearly that electronic monitoring is not a single entity. Systems, programmes, aims; all have at least two possibilities, for example:

- satellite tracking schemes. Global positioning by satellite (GPS) offers extraordinary possibilities. But there are severe technical problems (battery life, weight and practicality of offender equipment, multi-occupied, multi-storey buildings) and costs are high. Limited trials in the USA will be watched with interest but rapid development in operational terms seems unlikely
- urban locator systems. Localised schemes which track offenders accurately through a network of transmitter/receivers which give a precise locational "fix". Also being piloted. Application may be limited
- voice recognition/telephone technology tracking. A flexible alternative, but without the curfew enforcement possibilities. Trials in Belgium (problems apparent) and in England (Kent Probation Service) where these seem to have been resolved, but usage is still small
- enhanced remote drug/alcohol testing

These developments do not occur in a vacuum. We may become more expert and knowledgeable; better at targeting and operations; but others - including politicians and manufacturers - have an agenda, too. If electronic monitoring simply brings the worst aspects of prison into the community, it will have failed. It can be used more creatively, more positively, and more helpfully to both individuals and the community and the special responsibility of participants at the workshop - and those already involved in schemes - is to ensure that this happens.

Conclusion

This was an important occasion - to take stock of experience so far; to share with countries still considering the issues; and to define future co-operation.

Any one of these three would, we hope, have justified the modest but crucial. investment by both the European Union and Reclassering Nederland in making the workshop possible. The commitment of individuals and national agencies who met transport and other costs was equally important.

But real progress was clearly achieved on all three. Electronic monitoring is still in its early stages in Europe and the learning curve is steep. This is the right time to make collaboration really effective, in the ways described earlier. Collaboration, properly organised, will help us learn fast, avoid mistakes made elsewhere, and develop and maintain a high standard of practice.

If the recommendations made on page 7 of this report - to develop a Europe-wide information network and to produce "good practice" guidelines - can be taken forward, we shall go a long way towards ensuring that this happens.

We have, generally, not suggested there is only one right model of development and the very diverse criminal justice systems in Europe are likely to mean that this remains so. But there are clear signposts on effective practice and implementation which can be followed from this report, and they do represent best practice to date. We hope they can be usefully used as work develops over the next year or so.

Ruud Boelens Ulf Jonsson Dick Whitfield Organising Group