Electronic monitoring and offender supervision in Europe: preparing for possible futures

Professor Anthea Huckleby
Centre for Criminal Justice Studies, University of Leeds, UK
A.L.Huckleby@leeds.ac.uk

Co-funded by the Criminal Justice Programme of the European Union

This document has been produced with the financial support of the Criminal Justice Programme of the European Union. The contents are the sole responsibility of the author/s and can in no way be taken to reflect the views of the European Commission.
Introduction

- Electronic monitoring is a technological tool with diverse uses and purposes
  - reduce prison populations, costs and reoffending
  - Punish, control or aid rehabilitation
  - Increase compliance
- Location monitoring
  - Static
  - Mobile
- Its use has spread across the world and especially in Europe
The technology

- Currently available
  - Radio Frequency (RF)
  - GPS tracking
  - Remote alcohol monitoring/SCRAM
  - Voice Verification
Our current project

- ‘Creativity and effectiveness in the use of electronic monitoring as an alternative to imprisonment in EU member states’
- Funded by European Commission DG Justice
- 5 jurisdictions: Belgium, England and Wales, Germany, The Netherlands and Scotland
- Website www.emeu.leeds.ac.uk
## Current uses of EM for adults

<table>
<thead>
<tr>
<th>Method</th>
<th>Belgium</th>
<th>England and Wales</th>
<th>Germany</th>
<th>Netherlands</th>
<th>Scotland</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-trial</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Court order</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Execution/alternative to a prison sentence</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Early Release</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Post Release</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Alcohol monitoring/SCRAM</td>
<td>✓ Pilot</td>
<td>✓ Pilot</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Prison populations 2004-2014 in partner jurisdictions (SPACE 1: 2012; 2014)
<table>
<thead>
<tr>
<th></th>
<th>Belgium</th>
<th>England and Wales</th>
<th>Germany</th>
<th>Netherlands</th>
<th>Scotland</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public/Private Sector</td>
<td>Public</td>
<td>Private</td>
<td>Public</td>
<td>Private - Public</td>
<td>Private</td>
</tr>
<tr>
<td>Technology</td>
<td>GPS/RF/VV</td>
<td>RF/GPS (police only)/Alcohol monitoring</td>
<td>RF/GPS</td>
<td>GPS/RF/SCRAM</td>
<td>RF</td>
</tr>
<tr>
<td>Tariff position</td>
<td>High</td>
<td>Mixed</td>
<td>High</td>
<td>High</td>
<td>Mixed</td>
</tr>
<tr>
<td>Probation supervision</td>
<td>Only if replace 3 years + prison sentence</td>
<td>Only if court order with other requirements</td>
<td>Always</td>
<td>Always except for ‘Home Detention’</td>
<td>Only if condition of DTTO or parole licence or breach of CPO</td>
</tr>
<tr>
<td>Aim</td>
<td>Freedom/restriction</td>
<td>Restriction</td>
<td>Neutral</td>
<td>Freedom</td>
<td>Restriction</td>
</tr>
</tbody>
</table>
Diversity of use between jurisdictions

- Eligibility criteria
- Length of orders
- Intensity
- Rewards/Exit strategy
Near Futures

- Expansionist
  - New uses (Belgium)
  - Increasing numbers (England and Wales)
  - Mechanisms to promote use (The Netherlands)
  - Use with particular populations (Scotland)
- Reducing links with probation supervision
- Increased use of GPS
- Hybrid tags
- Increasing attempts to regulate e.g. Council of Europe Recommendation CM/Rec(2014)4 on electronic monitoring
Compliance and EM

- Compliance rates are higher for EM
- Links between EM and improved compliance outcomes for supervision/conditions/unpaid work
- Compliance varies according to:
  - Offenders
  - Curfew hours
  - Curfew period
- Follow-up after breach matters
Why comply?

- Deterrence
  - Fear the consequences
  - Chances of getting caught are increased

- Normative compliance
  - Improved attachment
    - criminal justice personnel
    - Significant others
  - Increased legitimacy
    - Procedural justice
    - Private sector
  - Rewards
Why comply II?

- Surveillance-based compliance
  - Being watched
- Constraint-based compliance
  - Physical presence of the tag
  - Evidence of non-compliance
- Habit and routine
  - Habit-breaking
  - Habit-forming
‘Assisted compliance’

- Various methods used by EM companies to increase compliance
- Premise is that a proportion of non-compliance is unplanned
- Texts, phone calls etc.
- Contact during the order and after breaches matters
Concerns

- Making compliance an end in itself
  - Key performance indicators
  - Improves chances of desistence

- Who is doing the ‘assisting’
The Police, GPS and Compliance in England and Wales

- Significant number of police forces are now using GPS
- Separate to offender management use of EM
- Each force is using it slightly differently
- Usually located in Integrated Offender Management (IOM) Units
  - Teams of police, probation and prison service staff co-located in police station or probation officers.
- GPS is usually police-led within these teams
- Target offenders are Prolific property offenders
‘Assisted desistance’?

- ‘Voluntary’ schemes – offenders consent is required
- All forces are operating ‘tough choices’ regime to a greater or lesser extent
- Incentives for offenders according to the police
  - Less hassle from the police for them and their families
  - Demonstrate that they are not committing offences generally
  - Demonstrate that they have not committed a particular offence(s)
  - Access to support, constructive activities and assistance and food parcels
  - Greater freedom than RF - gives them confidence and flexibility
Police uses

- **Reduce costs**
  - Investigations
  - Number of suspects in police detention

- **Crime fighting and intelligence gathering uses**
  - Police own the data and have (almost) immediate access to tracks etc
  - Data includes tracks – speed, heat maps (intensity)
  - Data can be linked to Google maps, CCTV and ANPR
  - Track associations – others on GPS and beacons
Conclusion

- Here to stay
- Increased use
- Increased use of GPS
- Move away from idea that EM is an alternative to custody
- Chance to influence the shape of EM now