
Electronic Monitoring a Sanction to be governed

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When and where it began in Europe

- Sweden starts 1994
- England and Wales start 1995
- Netherlands start 1995
- Belgium starts 1998
- Scotland starts 1998
- Switzerland starts 1999
- Spain starts 2000
- France starts 2000
- Portugal starts 2002
- Many others have been following.

The CEP focussed on the need of a European Recommendation in 2007 (workshop Lehner – Ethics/Human Rights).

So 2012 seems only adequate to bring up the subject to legislation bodies.

What can electronic monitoring do?

- punish without incarceration (human factor)
- punish more cheaply than institutions (economic factor)
- reduce pressure to build prisons (political factor)
- preserve offender employment (work factor)
- Preserve offenders family relationships and responsibilities better than when the offender is institutionalized (social factor)
- serve as a symbol that an offence is taken seriously despite the offender remaining in community (punitive sovereignty factor)
- provide early warning of recidivism by information of offenders whereabouts (intensiv supervision factor)

Three basic types of radio frequency Electronic Monitoring

- front door schemes – in place of detention (including bail, court order, condition of court order and execution of prison sentence)
- back door schemes – after detention (including pre-release and post-release)
- and other schemes – measures (for example monitoring of asylum seekers by the Immigration, House arrest for juveniles)



One name – many uses

Some examples of what Electronic Monitoring is being used for:

- curfew controlling of adult offenders as a sanction
- curfew controlling of juvenile offenders (hooliganism)
- as pretrial or bail scheme to ease prison overcrowding
- in immigration context
- satellite tracking of offenders as a sanction or for victim protection

Many schemes of GPS-Electronic Monitoring

- All uses of radio frequency EM
- Establishment of exclosure zones
- Victim protection
- Tracking of mentally disturbed patients/offenders
- Tracking sexoffenders
- many others.

What do we know?

- EM was introduced for rehabilitation, but that has not been its primary use.
- EM is a relatively benign and highly symbolic punishment with interesting economic perspectives.
- EM is not a “program” and has not affected, probably can not affect, recidivism BY ITSELF.
- without a synergistic treatment (stand alone) it loses effect but can still replace incarceration.

Electronic monitoring adds an element to probation work

traditional probation work is based on:

- trust (psychological approach)
- threat (concern of [more] severe punishment)

electronic monitoring adds

- transparency in form of knowledge of the offenders whereabouts

Best use of electronic monitoring

Electronic Monitoring seems to be best combined with intensive Social Supervision

Reasons:

- good indication of facts leading to crime (enables assessment of recidivism risk)
- use of outside help (family, antiviolence programmes, therapies, etc.)
- social integration – field of practice is the field of „real life“ not a prison subculture
- easy decrease of control and supervision according to offender collaboration
- avoidance of possible negative prison influences (passiv effect)

Intrusion means responsibility

- Violation of „My home is my castle“ and
- Severe interference in private and family affairs

demand

high professional social skills
of implementing staff

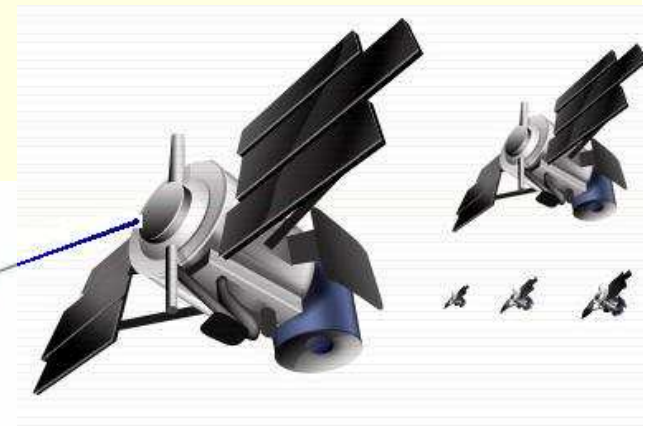
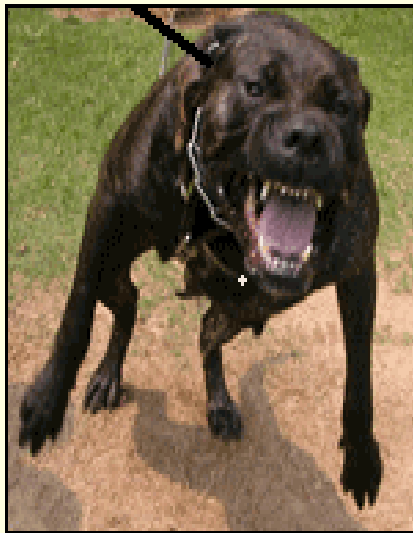
GPS-Monitoring increases the amount of intrusion

- of the offenders private life
- of people and places he or she relates to

Electronic monitoring - a long lead?

Electronic monitoring may seem to be far from any known form of torture but it is intrusive and it's not hard to imagine that it can be misused.

Therefore there is necessity of European Rules to govern its use.



Respect of principles

Basic principles expected of Electronic Monitoring in Europe:

- Moral conditions that ensure human dignity
- Impartial rules with no discrimination of race, colour, sex, language, religion, political or other opinion, national or social origin, birth, economic or other status
- Restriction of human rights only as far as necessary and regulated by law
- No electronic monitoring without consent of the offender to this form of sanction
- No combination of EM with infliction of physical pain of any kind

making progress in public protection ...

„We still don't know
where he came from
nor what sort of evil he's up to .
but now we can monitor
where he's going ...“

**THANK YOU
FOR YOUR ATTENTION.**

