

Electronic Monitoring in the Netherlands

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The results of the evaluation report from the Scientific Research and Documentation Centre show that "Electronic Monitoring is seen as a punishment by the convicted". According to the participants the intervention is definitely a punishment: it is very difficult and is a big test of your self-discipline and responsibility.

Electronic Monitoring, also known as EM, with radio frequency identification equipment started as an experiment in the North of the Netherlands in 1995. The experiment lasted 2 years. A suspect or a convict would have a receiver placed in their home and would have to wear a transmitter.

The evaluation of the Scientific Research and Documentation Centre was clear: "EM is a feasible alternative for the implementation of an unconditional prison sentence". The researchers at the SRDC write: "This is true for both the application for community service and for detention sentences."

The report also shows that Electronic Monitoring is used more in cases of detention sentences than in the area of judicial verdicts. Judges seem to be reluctant to choose to use Electronic Monitoring as an instrument to keep track of the people. And to make sure their parole officer can check up on them. I believe this is disappointing, but we - as an organisation - are going to work hard on this. I will get back to this in a minute while I speak about the developments over the last few years.

As of the first of January nineteen ninety nine EM is used in the application of a penitentiary programme all over the country. Detainees with a long punishment receive the possibility to already get used to their return into society. This is done under strict supervision and with help of standard electronic monitoring with radio frequency identification. Also, the use of a program like this is a privilege for the detainee, not a right.

As I have described before, we have a wide range of experiences with EM. But it's still a relatively new thing. Outside the prison walls it is 'normal' that this method is used, after all it was introduced for just that. The application on the basis of a judicial sentence is lacking. I believe that this has 2 explanations:

1. The judges do not always see the advantages and the added value of using EM.
2. We have thus far not been able to shed some light as to what advantages and added value the method has.

The criminal environment in the Netherlands is changing. New methods have led to the use of conditional sanctions. This is what the Dutch judicial system is going to be focusing on for the next few years. The Dutch parole organisations have given themselves the order to deliver a crucial contribution.

Parole Supervision has been adjusted to the current times. Mainly by means of the program Redesign Supervision. Within that, levels of control and supervision have been designed. The most important aspects of the programme: justice, reproducibility and standardization of processes.

The amount of supervision and control are adjusted to suit the risk level of the suspect or guilty. When judging how big that risk is, we use the results of the diagnosis, the professional verdict of a parole officer and the possibility of harm or injury. The program gives the option to use EM if it would be useful or effective, for instance when there is a high or medioker risk for criminal activities.

Back to the developments since 1995.

I have given you a brief summary of the findings of the Research and Documentation Centre. The expectations were high due to the positive evaluation.

It might be a good idea to give you an idea of some numbers. The expectation in 2000 was that up to 1600 detainees in a penitentiary program would have been under EM. In 2008 only 866 detainees were under EM by means of Radio Frequency Identification. The results are disappointing.

When we look at the sentences with EM by verdict it is even more dramatic. In 1999 the Public Ministry received the opportunity to demand community service and a maximum of 6 months probation with EM, instead of a 12 month prison sentence. Still EM it not used enough. The probation officers did not recommend it enough, and the prosecutor did not demand it in cases where it would have been a feasible option. In the rare case that it did happen we were dependent on what the Magistrate put in his verdict.

In 2005 the Public Ministry defined more possibilities to use Radio Frequency Identification as an instrument to check so called 'Special condition'. This however, did not lead to a significant increase. In 2007 a sentence using Radio Frequency Identification was used 100 times. In 2008 it was eighty five times.

Despite this I am still positive. The earlier mentioned program Redesign Supervision will boost the usage of EM. The principles of the program will ensure that EM will be used more often as a checking method. The expectations are that prosecutors will demand use of EM and judges will be more likely to use it when sentencing people.

In 2005, EM by means of Global Positioning System was introduced. An 80 year old suspect had to appear in court in Groningen. He was suspected of conducting sexual activities with minors. He is not suitable for a detention sentence, and psychiatric specialists said that treatment would be pointless. The Dutch Probation explored the possibilities of GPS. He was assigned a certain area where he could move around. Areas with schools or with lots of children were declared forbidden areas.

This man has been under supervision of GPS for four years already. There have been no problems. One time there was a near miss, when the convicted man was admitted to hospital and he was 'of the radar' for a while. When the parole officers heard that he was seen in the children's department of the hospital, he was sent back to his home after discussing this with the doctors. To *prevent* is better than to cure!

The application of GPS will be ended next month: the judicial possibilities to an extension will have ended.

The application of this supervision by means of GPS has had a national level of attention. The region North-Holland has adopted this method and used it as much as they could. As a result there have been 45 cases where they have used the GPS as a means of checking people.

You should think of cases such as serious domestic violence and broken relationships. The suspect or convicted cannot go anywhere near the area of the house of the (ex)-partner. But also people who have conducted sexual crimes on minors, they are not allowed to go near schools or places where there are lots of children. Or they can have house arrest at times where schools start and finish. Another category of offenders are people who commit crimes when they go out to clubs. The suspect cannot go out in the party-circuit and has house arrest at times where the risk is biggest: for example after 10 pm on the weekends.

Recently they have started a national application of this type of punishment. In Limburg and Amsterdam they are now waiting for the first cases. GPS will become available to all areas over time. However, positive results in the past do not guarantee the same for the future; constant time and investment will be needed. But I am optimistic.

“If the application of Radio Frequency Identification will not be accepted, how will we manage the national introduction and success of GPS”? I hear you thinking this, and in a way the answer is simple. Using Radio Frequency Identification is essentially one dimensional; we know if the suspect is at home or not. GPS has the added advantages of knowing where the suspect actually is, and being able to say where he must not be in advance. GPS offers more as a checking method. That extra bit of control is exactly what the judicial powers want, it's what society expects of us and last but not least, it's what we want. Strict controls along with intensive supervision to prevent crime and contribute to a safer society.

In the last few years there has been some experimenting with “voice verification” and “alcohol checks at a distance”. Both experiments were led by the University of Groningen. I have bad news of the manufacturers: both experiments showed that the equipment was not reliable enough to actually use it. From this stage I would like to challenge the ladies and gentlemen manufacturers to work on equipment that would be a reliable method of checking these things.

EM is in the largest sense of the word an area that gets a lot of attention in the Netherlands, and an area where much has been accomplished. However, it is also an area where a lot can still be won. That's something the Dutch Probation is going to focus on, but it also requires the co-operation of judges, prosecutors, company's and politics. Because in the end we all have the same goal: a safer society.

Thank you for your attention.