

# Executing prison sentences at home with electronic monitoring

- advantages and disadvantages of the Scandinavian Model

CEP workshop, Frankfurt 2014

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# EM in Denmark

- No alternative measure sentenced by court
- Execution of a prison sentence at home
- Maximum of 6 months
- Electronically monitored
- Controlled and Supervised by Probation Service
- Voluntarily (application)
- An administrative decision

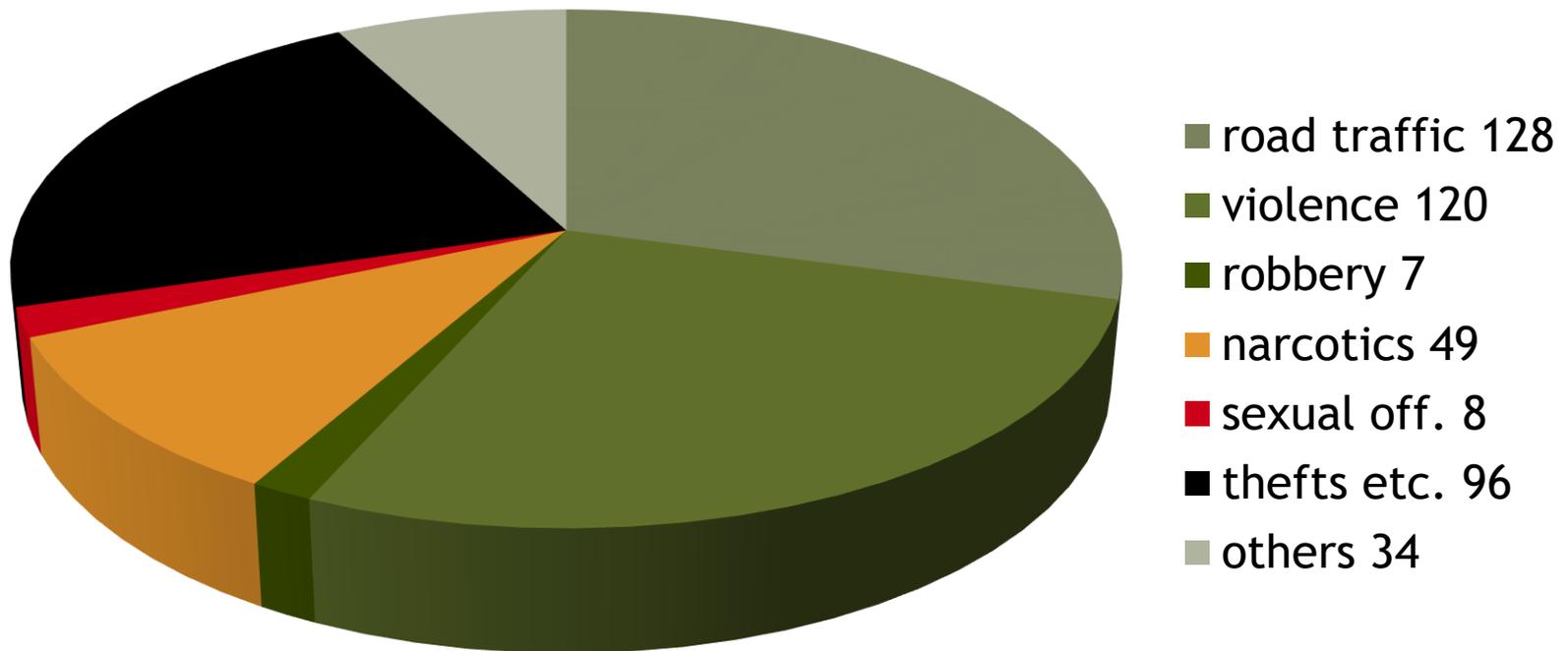


# EM - Conditions

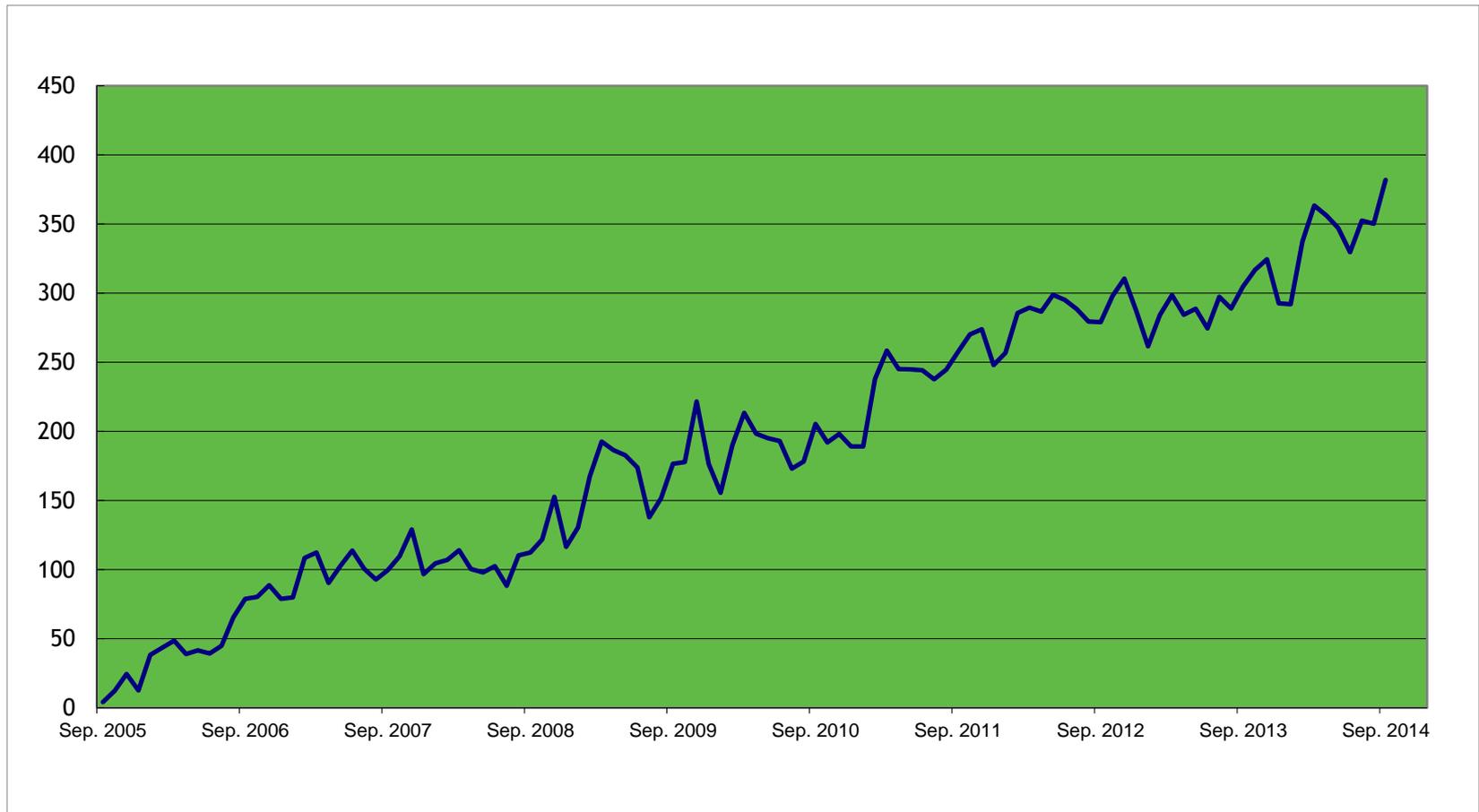
- Accomodation
- Occupation
- Consent from cohabitants over 18 years
- No alcohol or drugs
- No new crime
- "Appropriate"



# The 439 electronically monitored "home-prisoners" in Denmark (9/12-2014) distributed by crime:



# Electronically Monitored "Home-Prisoners" in DK 2005 - 2014



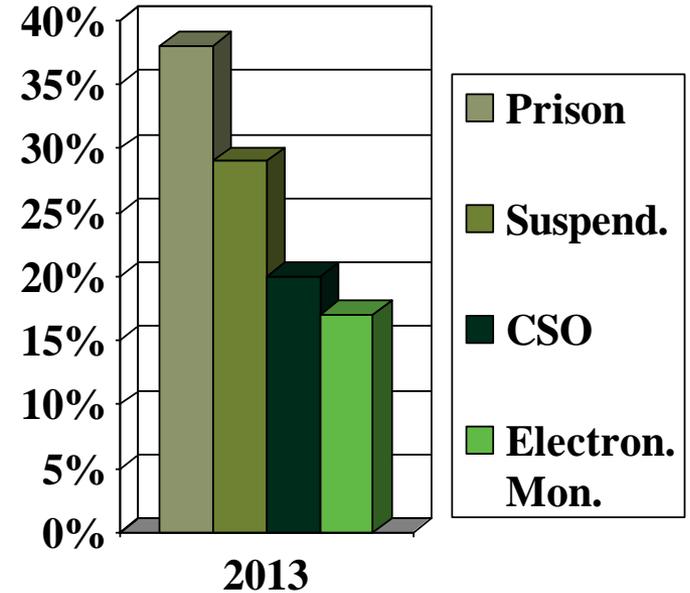
# Experiences till now in Denmark:



- 60 % of all prison sentences  $\leq$  6 months are executed at home with EM
- Replace 400 prison places
- A high degree of compliance (less than 10% are revoked)
- Much lower recidivism rate than for prison
- Much cheaper than prison
- It is considered a punishment (strict control, quick reaction to breaches)
- Broad acceptance by public opinion, medias, justice system and politicians

# Rate of Recidivism (2013)

- CUSTODIAL SENTENCE: 38%
- SUSPENDED SENTENCE: 29%
- COMM. SERVICE: 20%
- ELECTRONIC MONITORING: 17%



# EM in Norway

- Pilot project started in 2008
- Nationwide in 2014, with 11 units and a total capacity of 342
- Front door and back door, up to 4 months
- Administrative decision, voluntary (need to apply)
- One nightwatch-unit and one control centre for the whole country
- The Correctional Services have the superior responsibility of all parts
- Well-qualified staff of both prison officers and social workers
- Close and dynamic supervision of the offender; both support and control



# Offender group and conditions

- As a main rule, violence and sexual crimes are excluded
- Mainly road traffic offences and economic crime
- Average monitoring periode is 34 days
- Suitable accommodation and occupations
- Approval from persons in the residence over the age of 18
- Zero-tolerance of drugs and alcohol
- Minimum of two meetings at the probation office and two personal supervision at home or occupation per week

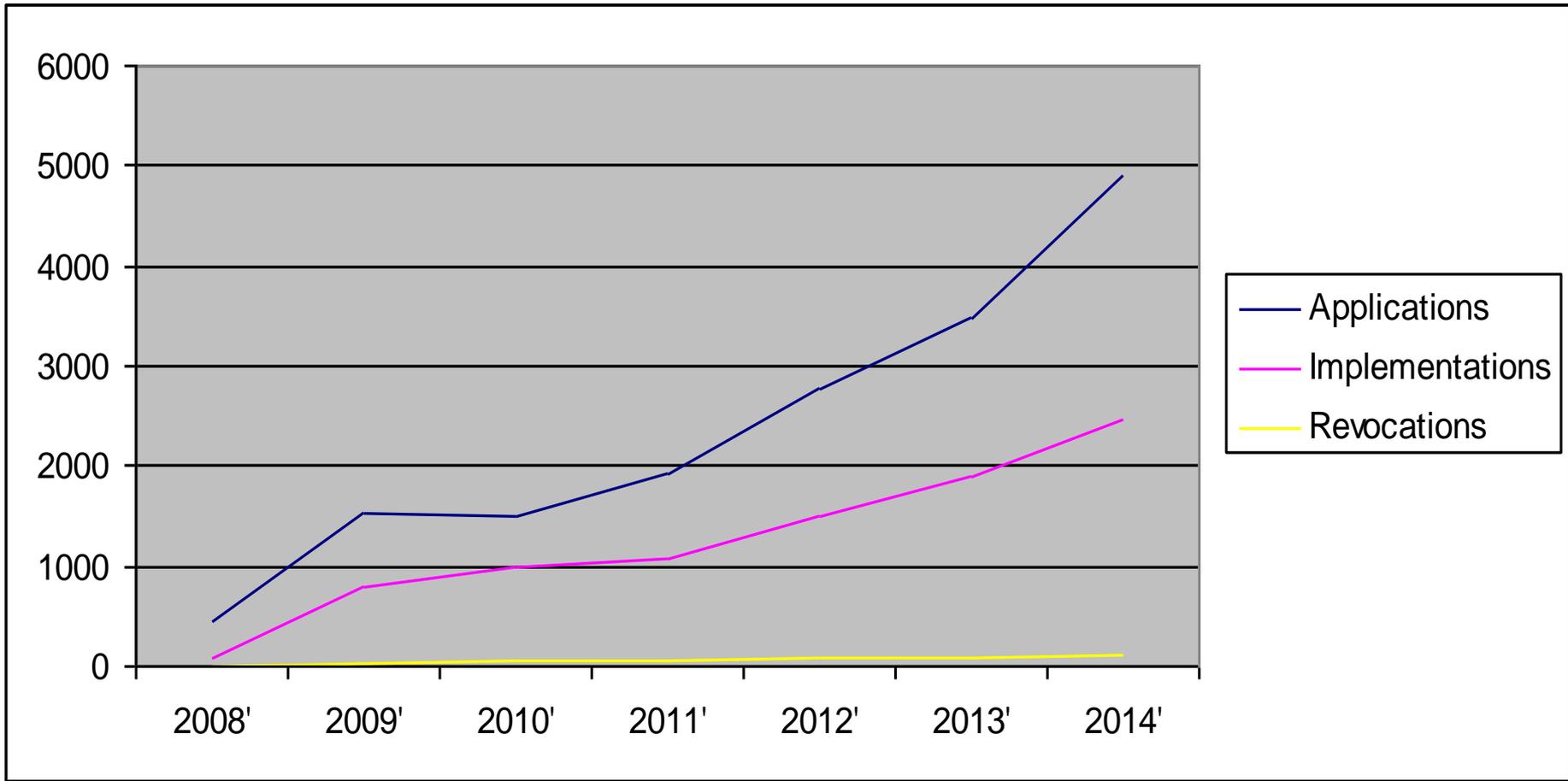
# Experiences in Norway

- A political controversial decision in 2007, now a broader political agreement and a positive opinion
- Positive media coverage, making ground for constructive discussions
- Evaluation reports with positive results:  
4,5% revocations, 7,5% recidivism after 2 years
- EM effects the entire Correctional Service

# The main goal for EM in Norway

- Maintain and advance the social and economic capabilities of the offender. Integration in society, not only house arrest
- Rehabilitation; our EM approach supporting the offender's needs
- Lower the use of imprisonment
- Flexibility
- Cost effectiveness

# Development in numbers



# Common experiences

- Human and trustworthy alternative to prison
- High compliance
- Low recidivism
- Dynamic support and control
- Replaces prison places
- Cheaper than prison, still relative expensive
- Broad acceptance

# EM recommendation from the Council of Europe: CM/Rec (2014) 4, rule no. 2

- “Decisions to impose or revoke electronic monitoring shall be taken by the judiciary or allow for a judicial review”
- “What is important here is that in cases where a decision is taken by an administrative body, including prison and probation services, effective judicial review is available to the persons concerned. Judicial review may be undertaken by a specific judicial body, a parole board or an ombudsman - where parole boards themselves make or revoke an order involving electronic monitoring, their decisions should in turn be reviewable by a judicial authority”

## EUROPEAN RULES ON COMMUNITY SANCTIONS AND MEASURES (R 1992)

### ”Rule 10:

No provisions shall be made in law for the automatic conversion to imprisonment of a community sanction or measure in the case of failure to follow any condition or obligation attached to such a sanction or measure”

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# EM as a way of executing a Prison Sentence

## Advantages:

- No risk of net-widening
- Quick reaction to breaches of conditions
- High compliance
- Flexibel
- Administrative decisions in Scandinavia are qualified and reviewable (in Denmark not reviewable)

## Disadvantages:

- Human right persepective?
- Less judicial control?

# The Scandinavian EM-model - discussions!