



# GPS and High Risk offenders with a 2 country perspective from the Netherlands and France

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EM conference Frankfurt/Offenbach

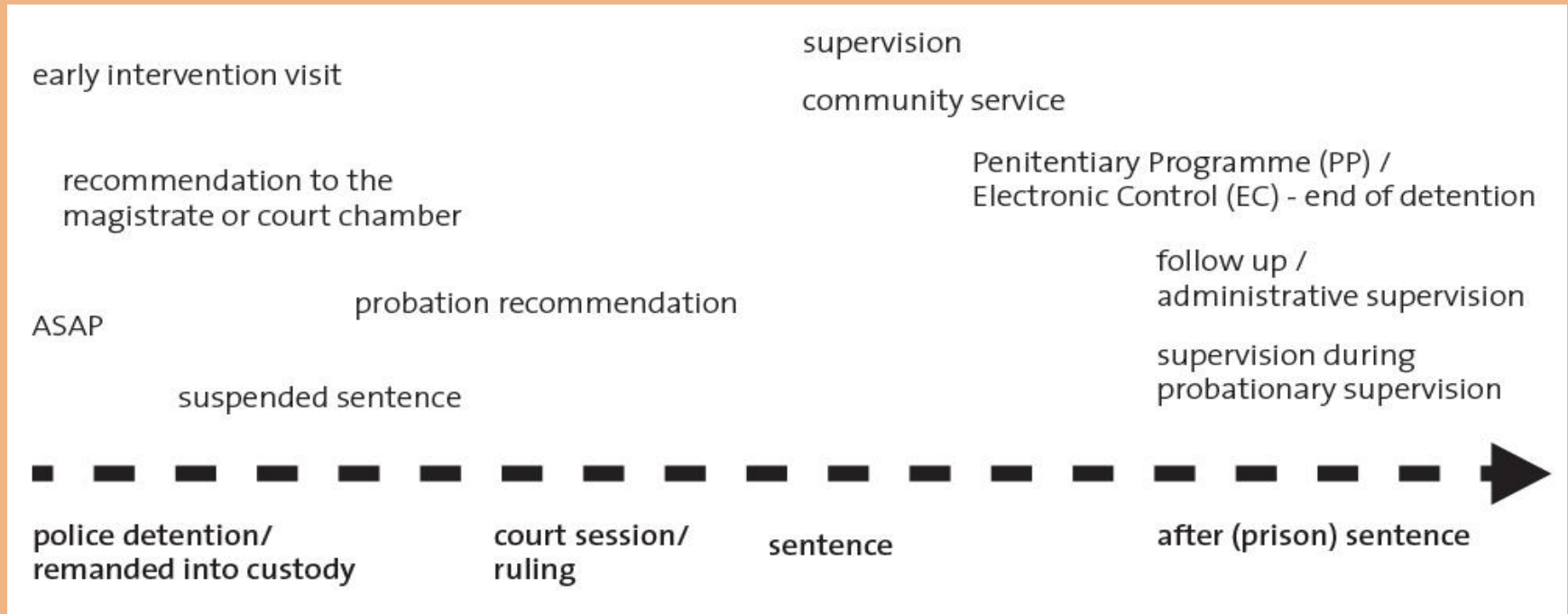
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# Judicial framework the Netherlands



## Important:

- advice and supervision (including EM) only based on assignment of prosecutor, judge or penitentiary services
- participation is not voluntary – this may lead to consequences

# Judicial framework France

- **History :**

- December 2005 : GPS introduced in legislation ;
- 2006 : test period ;
- 2007 : generalization of the measure ;

- **Guarantees**

- Decision made by judicial authorities ;
- Restrictive criterion of the law ;
- Consent of the offender before the execution of the measure ;
- Limited time in principle (2 years, renewable) ;
- Official approval of technical process that must guarantee the respect of dignity, integrity and private life ;

# Role of probation

The Netherlands:

Three Probation Services in the Netherlands

Core tasks:

- Advice
- Supervision
- Community service

# EM and the role of probation

The Netherlands:

Supervision order from:

- Judge
- Public prosecutor
- Prison service

Supervision = control and guidance

EM= efficiently and effectively monitoring or observing of the special conditions with electronic means:

Inclusion zone

& EM is check on compliance by supervisor

exclusion zone

# EM and the role of probation

FRANCE

Probation service :

- Part of penitentiary administration ;
- Always mandated by a judge ;
- Not different from another measure ;

# Target groups for use GPS

The Netherlands:

- High impact crimes
  - Theft
  - Violent robbery
  - Burglary
  - Mugging
- Terrorism / Jihadists
- Violence
- Domestic violence
- Stalking
- Sex offences
  - Rape, Assault, Incest, Abuse, pedophiles



# Target groups for use GPS

France:

- Offenders sentenced to at least 5 years imprisonment ;
- Dangerousity and risk of recidivism assessment ;
- Adults over 18 ;

Observations since 2007 :

- Sentenced for long term period (14 years on average) ;
- Nature of the offences
  - Sexual offences : 88% ;
  - Murder ;
  - Domestic violence ;
  - Minor's corruption ; violence on minor under age of 15 ;

# GPS use in criminal proceedings

The Netherlands:

- Suspension of pre trial custody
- (Partly) suspended sentence under supervision
- As part of execution of prison sentence (penitentiary program)
- Conditional release
- Conditional termination TBS with special conditions

# GPS use in criminal proceedings

France:

**GPS tracking is always connected to another measure ;**

- Pre-trial : house arrest with electronic monitoring since 2009 ;
- Back-door programs :
  - Condition for early release ;
  - Post release : security measure once the prison sentence has been executed : judicial supervision, condition for exit permission for persons placed in safety retention center (Inmates on leave) ;

# Partnership

## The Netherlands:

- Police
- Public Prosecution
- Court
- Prison services
  - Penitentiary Program / Electronic Control
- Providers
  
- Forensic ambulatory care
- Housing corporation
- 'Safety House'
- Municipality
  - Follow-up

# Partnership

France:

- Private sector :
  - supply equipments and system;
  - does not monitor offenders nor access to any personal data ;
- No direct partnership with the police when there is a violation : they are called by the judge if necessary ; but the police can request informations ;

# Typical activities related to GPS case

## The Netherlands:

### *Advisory phase:*

- Diagnostic instrument
- Target group?
- Indication of risks
- Indication: exclusion or/and inclusion zones yes/no
- Assessment residence address offender

### *Supervision phase:*

- EM-specialists
- Supervision plan
- Special conditions
- Shaping software
- Monitoring software

# Typical activities related to GPS case

## France :

- The judge defines terms and conditions of GPS tracking (duration, exclusion/inclusion zones...);
- Monitoring center programs zones and timetables ;
- Probation service follows up the whole measure and makes reports to the judge ;

## In case of breach :

- Monitoring center, after having called the offender for his explanation, sends a report to the probation service and the judge ;
- The judge can convoke the offender and use enforcement powers ;
- Sanction for not respecting obligations can be a new imprisonment.

# How do we make GPS work?

The Netherlands:



## □ Equipment





# How do we make GPS work?

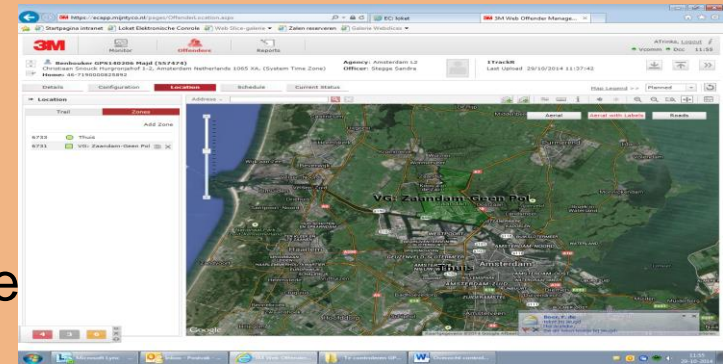
The Netherlands:

## ❑ Software

- Exclusion zone with police protection
- Exclusion zone without police protection
- Potential combined with an inclusion zone

## ❑ Supervisor

- Responds to breaches detected
- Information from the software is used in supervision



# How do we make GPS work?

France

- The technical device has 3 parts :

Ankle bracelet



Mobile Unit



Home Station



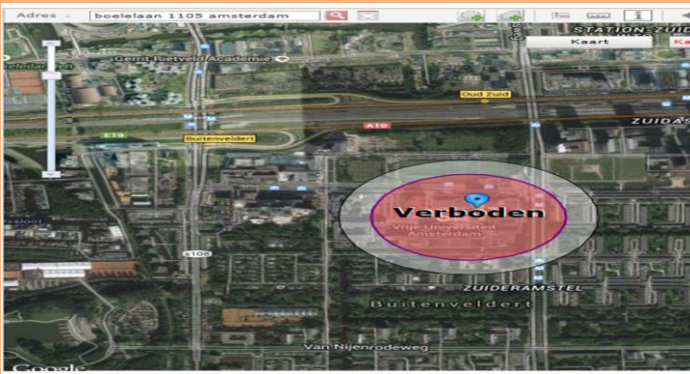
- Device is connected to an information system that allows:
  - To program exclusion and/or inclusion zones and timetables ;
  - To handle alarms

# Numbers

	The Netherlands 2013	France 2013	The Netherlands 2014	France 2014
Offenders in supervision	17.388	Approximately 290.000	Approximately 18.300	1st jan. 174 108
Offenders with EM	1.570	>27000 (different people)	Approximately 1.800	1st sept. 11 002
Offenders GPS	Average 59 per month	Approximately 50	Average 115 per month	1st sept. 58
Offenders RFId	Average 217 per month	>27.000	Average 260 per month	1st sept. 10944

# GPS and victim protection/support

The Netherlands:



- An exclusion zone with intersection of minimum 5 km
- Police interaction when offender enters exclusion zone
- 'Victim counter' by public prosecution

# GPS and victim protection/support

France:

- Victim protection is ensured by exclusion zone; no specific action towards victims ;
- Pilot for domestic violence for one year in 2012;

# Benefits of use GPS/EM

The Netherlands:

- Whereabouts are traceable

Also:

- Character of punishment
- Structuring of one's life
- Prevention of negative side effects of detention
- Supervision more effective because of combination of guidance and control
- Victims benefit:
  - Protection
  - Recognition of their interests
  - Prevention

# Benefits of use GPS/EM

France:

- Protection of specific victims ;
- Knowledge of habits => work on behaviour ;
- Avoiding detention ;
- Supervision more effective because of combination of guidance and control ;
- Evidence (alibi) ;

# Similarities/differences:

## Differences

- Role of the judge ;
- Role of the probation service ;
- Criteria for target groups ;
- Victim protection ;

## Similarities :

- Equipment and system;
- Criminal proceedings ;



# Dilemma's related to use GPS

- High impact crimes (target group thinking versus individual approach)
- Technical opportunities and limits
- Dealing with mass EM
- Data use/protection
- Political opinion
- Public opinion

***Interaction participants workshop***

# Questions

