

Dear participants,

I am very honoured to open this edition of the European Electronic Monitoring Conference. I want to thank Sjef van Gennip and Michiel van der Veen for inviting me to give a speech on this occasion. You are an expert, innovative international assembly. I do not have to tell you anything new about the techniques of electronic devices, nor about the many uses of these devices. I will therefore use this opening speech to tell you something about the specifically Dutch context in which electronic monitoring of offenders is applied.

First of all, a short review. The classical form of electronic devices, the anklet, became popular in the Netherlands when the Netherlands was confronted with two problems in the area of applying sanctions, namely:

- ever-growing pressure on prison capacity; and
- limited effectiveness of sanctions in terms of reducing recidivism.

By now, the pressure on cell capacity has decreased. The classical form of electronic monitoring, the anklet, has contributed considerably to this result. Deprivation of liberty in the form of home detention as an alternative to imprisonment is the key element in this achievement.

We have taken the first steps towards solving the second problem, the effectiveness of sanctions in terms of reducing recidivism. The recidivism problem is, however, a stubborn one, and we are only at the start of achieving results in this area.

General security policy in the Netherlands: reducing recidivism

Nowadays, criminality and nuisance is largely caused by recidivists. The rate of recidivism is high. It is the aim of the Dutch Government to reduce this rate by the programme 'Security starts with prevention'. In 2011, criminality and nuisance must have been reduced by 25 % compared to the reference year of 2002. In concrete terms, the Government intends to achieve a reduction in recidivism of 10% compared to 2002. In order to realise this goal, the focus will be on a combination of prevention and repression. An effective approach to recidivists means that offenders will be caught and punished. This is not, however, the only way to achieve the objectives; security also begins with the prevention of repetition!

Offender-focused approach

The prevention of repeated criminality requires vigorous intervention. If people misbehave more frequently, it is necessary to change their behaviour structurally. A good way to do this is by imposing suspended sentences: by imposing judicial measures or orders during the probationary period that will influence behaviour, with

imprisonment like a sword of Damocles hanging over the offender. For this reason, the Ministry of Justice is focusing on reinforcing suspended sentences. A specification of the conditions offers the opportunity to tailor the judicial order to the behaviour of the offender and the offence committed by him or her.

Think, for instance, of behavioural training, or a street injunction or alcohol injunction. With imprisonment as a sword of Damocles, practice has shown that offenders actually appear to be motivated to change their behaviour. This coercive approach has turned out to be effective in addicted offenders. The effectiveness of this approach lies in the combination. Offenders must experience the suspended sentence as a hefty response to the harm they inflicted and the nuisance they caused, with a discontinuation of the delinquent behaviour as the required result. The probation services are an important partner for the judicial authorities in reinforcing suspended sentences.

Imprisonment as a sword of Damocles

Behavioural modification requires consistent action. Adequate monitoring of offenders with special conditions by the probation service is essential in this context. Through the use of this monitoring by the probation service, the judicial authorities are kept informed, and can act immediately in the event that the offender fails to comply with the conditions. Practical cooperation between the Public Prosecution Service and the probation services is essential. Any

violation of the conditions by the offender who is being monitored must actually lead to him or her being reprimanded firmly by the judicial authorities. Prison must not only remain the proverbial sword of Damocles: if an offender relapses, it must be clear that the suspended sentence must be served. The certainty of being punished does, after all, have a deterrent effect.

There is an ever-growing number of electronic devices available. Let me be clear: we won't expect any structural behavioural changes or reduction in recidivism with the aid of electronic devices. The use of electronics alone will not even come close to providing the Dutch Government with sufficient means to achieve its recidivism objective. A completely new working procedure in respect of the probation services will be necessary to develop the suspended sentence into a firm response in terms of criminal justice. In this context, electronics is only one of the helpful elements that are required. Incidentally, the probation services and the Ministry of Justice are thoroughly in agreement on this point.

Monitoring function of the probation services

To actually achieve a reduction in recidivism, it is not sufficient to merely supervise an offender who is being monitored. It is also essential to provide guidance in complying with the conditions. The 'Redesign Monitoring' project developed three types of monitoring, thus creating a balanced combination between supervision and

guidance in a standardised way. During the past few years, your chairman of the day, Michiel van der Veen, has enthusiastically directed the complete redesigning of the probation services, and the result is one to be proud of.

The three new variants of monitoring have been tailored to the risk profile of the offender and the offence committed. These variants are linked to the special conditions imposed by the court.

In this context the question arises: in which way can we relate the use of electronic monitoring devices to the monitoring elements of supervision of – and providing guidance to – an offender?

Electronic devices

In the meanwhile, there is a large variety of new electronic applications. In addition to the classical anklet, we also use GPS and voice recognition. For the purpose of behavioural modification it is necessary that electronic devices are used in addition to other instruments; so, in this case in addition to the special conditions. The probation services can, for instance, check whether an offender is fulfilling a specific special condition, or whether he or she is hanging around in risk areas or forbidden areas.

In the context of guidance, the probation services use electronic monitoring to teach an offender to deal with limitations. An offender must keep to the agreements made, and live according to a structured pattern. The coercive judicial framework within which the instrument of electronic monitoring is applied may set limits and provide structure, and as a result of this serve as an external source of motivation to work on behavioural change.

A combination of factors determines the intensity of the supervision. In practice this involves the three following interrelated questions:

1. What are the risks in this case?
2. Which monitoring instruments can be used in this case and with which intensity should they be used?
3. Given the monitoring options; which restrictions of freedom are necessary to manage the assessed risks?

In the coming period, the challenge for monitoring with electronic devices is not so much the development of better or new techniques, but bringing about a balanced use of electronic devices within the whole repertory of monitoring and supervisory processes. Much is happening in this respect. The years 2009 and 2010 will be dynamic years for the probation services in the Netherlands. This will demand enormous efforts from people, from the probation officers who are responsible for monitoring these offenders.

Don't get me wrong: I don't advocate an arrest of thought in the area of electronics. In my philosophy, organisations are never finished with the process of change. The probation services will also have to continually adjust itself – on an ongoing basis – to the demands of the times. Innovation must be part of its working procedure, but we must avoid a situation where a gap is created between what is being invented, and what instruments are being used in practice. Innovation should not be a purpose in itself. So, I am in favour of balanced and ongoing innovation.

Electronic monitoring is not without risks

The last aspect to which I want to draw your attention also has to do with balance. Balance between perception and reality. The new developments in electronic possibilities sometimes seems to create the perception that electronic monitoring has made it possible to monitor the behaviour of offenders 24 hours a day. In practice, however, this is by no means the case. I think it is important, especially for you as experts and believers in electronic monitoring, to always present a balanced picture to the outside world, despite your enthusiasm. Point to the limitations of applying these devices; do not create a safety utopia with the anklet. Electronic monitoring is not a guarantee for a safe society. Risks for society are inherent to the personal approach and enforcement of suspended sentences in a free society. A conditional programme is not suitable for everyone. In the

context of a safe society, it is simply not always acceptable to have someone walking around 'free'; even though he or she is being monitored through GPS. It may sound like 'cursing in the church', especially in present company, but this is also why not everyone is suitable for electronic monitoring.

Recidivism will always be the responsibility of the individual offender, but as a Government and probation services we are responsible for an adequate risk assessment *and* an honest perception of the possibilities, also with respect to publicity for the outside world. Electronic monitoring fits in with the offender-focused view of the Dutch Government. It should be used to support the offender in his or her rehabilitation process and for the purpose of reducing recidivism; it must be used on an individual basis and after having assessed the risk. A well-balanced application is essential in the Dutch situation.

In this context, I would like to wish you a successful conference. Learn from each other, inspire each other, and innovate together. Do not re-invent the wheel on your own. In times of economic crisis, this is even more important than it used to be.

Thank you very much for your attention.