

7th EUROPEAN ELECTRONIC MONITORING CONFERENCE SURVEY OF ELECTRONIC MONITORING

ANALYSIS OF QUESTIONNAIRES

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Introduction

One of the aims of the CEP EM conference in the past has been to gather and disseminate information about the use of electronic monitoring in different jurisdictions in Europe. This has included undertaking a survey in advance of the conference. Thus, in January 2011, the CEP Secretariat sent out questionnaires to gather information about the use of different EM programmes in Europe. A total of eighteen jurisdictions completed the questionnaire, either national or regional: Belgium, Catalonia (Spain), Denmark, England and Wales, Estonia, France, Germany, republic of Ireland, Jersey Island, Luxembourg, Netherlands, Norway, Poland, Portugal, Scottish Government, Switzerland (Bern and Vaud Canton) and Sweden.

The most recent country – or in this instance region - to implement a new EM programme is a lander in Germany; the Baden-Wurttemberg EM programme started very recently, October 2010, so they could not send any case study and the elements of their programme are as yet rudimentary. Georgia's national probation agency indicated that they are going to implant EM in spring 2011.

Some countries notified us that for one reason or another, they are not undertaking EM, although they may have considered it. The Czech Republic said that they did not yet use EM, because their new Penal Code has compromised the possibility of using it. Lithuania has also not yet introduced EM but the draft Law on Probation, which will make this possible, has been submitted to the Lithuanian Parliament, although the exact date of its coming into force is not yet set. Latvia also do not use EM, but a serious discussion about its introduction is being held. Italy has attempted to use EM in the past but is not currently doing so. Romania is expanding its use of EM in complex ways, not all of which will entail the involvement of the probation service.

All the information collected was analysed by considering EM programmes as being of three basic types: front door schemes (including bail, court order, condition of court order and execution of prison sentence), back door schemes (including pre-release and post-release) and other schemes. The questionnaires asked a range of detailed questions about types of programme, total number of participants, types of EM, EM costs, length of the order, revocation rate, monitoring periods and offender exclusion criteria. The second part of the questionnaire asked for a case study to illustrate the use of electronic monitoring in each jurisdiction. The case studies are attached to the report.

This report analyses the information provided by eighteen jurisdictions in response to the first part of the questionnaire. Copies of the completed questionnaires will be available after the conference by e-mail on request from the CEP Secretariat.

1. Geographical Area Covered

The majority of European EM programmes are now national; only in Germany, Spain (Catalonia), Switzerland and Jersey are the schemes still regional (although the latter closed down in 2010). Scotland has had a pilot EM-bail scheme that was regional: it operated as a pilot between 2005-2007 but was not pursued as a national scheme.

Table 1 shows which programmes are national or regional in each jurisdiction.

Table 1. Type of programme (national or regional).

Jurisdictions	National	Regional
Austria	X	
Belgium	X	
Denmark	X	
England & Wales	X	
Estonia	X	
France	X	
Germany		X
Ireland	X	
Jersey island		X
Luxembourg	X	
Netherlands	X	
Norway	X	
Poland	X	
Portugal	X	
Scotland	X	
Catalonia (Spain)		X
Sweden	X	
Bern Switzerland (CH)		X
Vaud Switzerland (CH)		X
Total:	15	4

2. Status of Programme

The majority of the current EM programmes are permanent, even though many of them started out as pilots, for instance, Portugal and France. Some of the programmes are still considered to be pilots, for example Germany, Luxembourg, Republic of Ireland and Norway and their future status is uncertain.

In Poland, one of the most recent countries to have implemented EM, a front door pilot scheme is currently running, more precisely, an execution of prison sentence scheme. This pilot will last until December 2011. From January 2012 to August 2014 the system will be expanded and in September 2014 it will become permanent.

The Netherlands have a national programme with RF technology, but still retain a pilot with GPS connected to a front door scheme, and in 2010 started a GPS pilot as a back door scheme. Jersey piloted a back door scheme between 2003-2010 but despite the length of time it ran it didn't become permanent. In Austria the EM pilot became permanent in September 2010 and is implemented either as a front door scheme, as a condition of court order or the execution of prison sentence, and in other schemes outside criminal justice. Catalonia has a pilot since 2009 associated with GPS technology.

3. Start Date/End Date of EM Programmes

England & Wales was the first jurisdiction in Europe to introduce EM in 1989, when they introduced a short-lived EM-bail pilot. Sweden and the Netherlands followed in 1994 and 1995, with Sweden being the first European country to have a national scheme. England and Wales piloted a front door scheme in 1996, but did not have a national scheme (both front and back door until 1999). Since then EM has been introduced in many other European countries, the most recent to have introduced new schemes being Estonia, Germany, Ireland and Poland. The use of EM in each country tends to increase once it has been introduced – few countries have remained static, although in some the pilot stage can last for many years, eg Switzerland (canton de Vaud) has maintained a pilot scheme since 1999. In Bern (CH) the pilot that began in 1999 has now finished, but EM’s full inclusion in the penal code still remains to be undertaken. Luxembourg implemented EM, as a pilot, in July 2006 and Norway in 2008.

England and Wales and Scotland have other programmes outside the adult criminal system. These concern a small number of immigration cases, monitoring the location of asylum seekers, and intensive support and surveillance projects for young offenders (of which EM is a component). Scotland has a similar intensive supervision programme, made permanent in 2008, in which EM is an option, but not mandatory. Austria also indicates the existence of other schemes outside the criminal justice system. Sweden uses electronic monitoring to monitor the perimeters of, and inmate movement within, its open prisons. Portugal and Catalonia are running pilot schemes on domestic violence, which involve former victims.

Table 2 represents the start year of EM in each country in the categories: pre-trial, front door, back door and other schemes.

Table 2. The start year of electronic monitoring for each type of programme and jurisdiction.

Jurisdiction	Pre-trial	Front door ¹	Back door ²	Other
Austria	-	2010 ³	-	2010
Belgium		2000		
Denmark	-	2005	-	-
England & Wales	2002	1995	1999	2004
Estonia			2007	
France RF technology	2002	2000		-
GPS technology	2009	2007	2007	
Germany		2010		
Ireland			2009	
Jersey island			2003-2010	
Luxembourg		2006	2006	
Netherlands RF technology	-	1995	1995	-
GPS technology		2005	2010	
Norway		2008	2008	-
Poland		2009		
Portugal	2002	-	2007	2009
Scotland	2005	1998	2006	2005
Catalonia (Spain)	-	2000		2009
Sweden	-	1994	2001	2005
Bern (CH)	-	1999	1999	-
Basel (CH)		1999	1999	1999

¹ Front door schemes includes court order, condition of court order and execution of prison sentence

² Back door includes pre or early release and post release.

³ In 2010 the programme became permanent.

4. Total Number of Participants in EM Schemes

Information about the total number of participants for each country in 2009 and 2010 are given in Table 3 below, which also contains data on the rate of use of EM per 100,000 of the population (and compares this with an equivalent figure from prison) in 2008 and 2010.

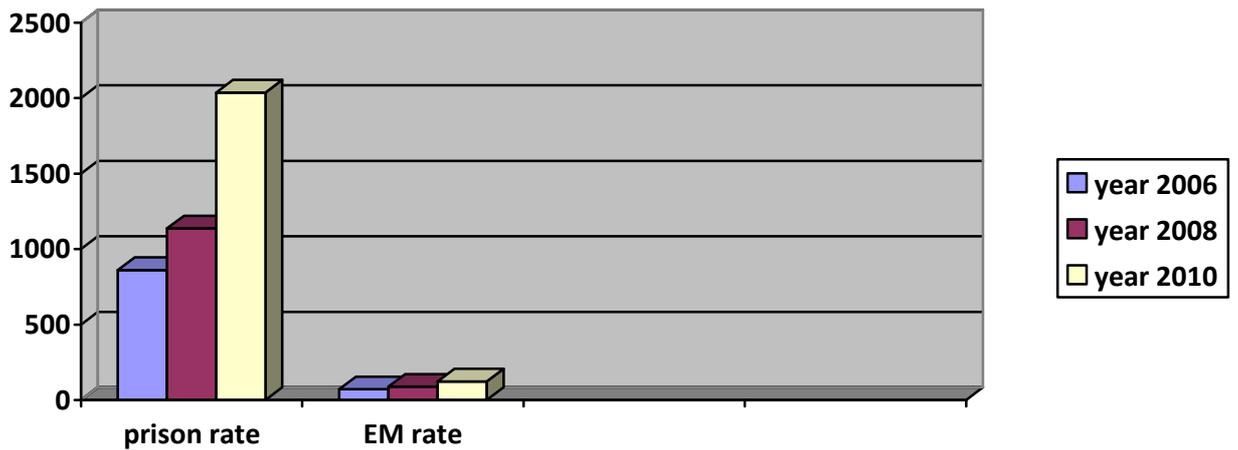
Table 3. The total number of participants on electronic monitoring in comparison with the population size.⁴

Jurisdiction	population size (in thousands)	prison rate per 100 000 Inhabitants 2010	EM population rate per 100 000 inhabitants/ 2008	EM population rate per 100 000 inhabitants/ 2010	participants 2009	Participants 2010
Austria	8.350	103	0.4	0.3	-	97
Belgium	10.825	97	6.3	10.5	2927	---
Denmark	5.587	71	2.6	3.6	1700	1898
England & Wales	55.328	154	33.2	40.5	103849	99950
Estonia	1.340	256	-	4.4	115	140
France	57.300	96	5.5	9	13.994	12124
Germany	81.629	85	-	7.3	-	4
Ireland	4.453	99	-	0.2	-	31
Jersey			-			
Luxembourg	507	139	-	6.5	45	45
Netherlands	16.600	94	-	1.4	958	843
Norway	4.853	71	2.9	1.8	784	1001
Poland	38.500	217	-	1.6	35	616
Portugal	10.612	112	4.8	4.9	743	708
Scotland	5.222	149	15.4	14.2	3318	2626
Spain (Catalonia)	7.200	136	1.1	1.1	259	280
Sweden	9.045	78	12.1	10.2*	-	3739
Bern (CH)	950	79*	2.4	3.2	83	129
Vaud (CH)	662		-	-	96	61
Total:	318.963	2.036		120.7		

3. The figures from Sweden include tagged inmates in electronic prisons. Excluding the “electronic prisons” the EM population per 100 000 inhabitants is 7.

* the imprisonment rate indicated is from Switzerland as a whole, as it is not possible to ascertain the rate in each canton.

⁴ The data were collected King’s College London website



The Table shows that the total number of participants in EM programmes in England & Wales is higher than in any of the other jurisdictions. This is an evidence since ever. It is difficult to explain the large differences in numbers. The comparison is dependent on several factors, e.g.: the judiciary system, the system maturity, the size of the jurisdiction the range of EM programmes.

Table 3 also shows the EM population rate per 100 000 inhabitants, considering the numbers of 2010, and compare it to the prison rate in each country. Analyzing the information we can also risk that a trend is being defined: EM is growing following the growth of the prison population

5. Daily Caseload

The questionnaire asked about daily caseload of tagged offenders in the last three years. Although not all countries answered directly we can infer that daily caseload has been increasing (see for instance the information from England & Wales, France, Scotland or Sweden). Table 4 shows information on daily caseloads in respect of front door, back door and “other” schemes.

The analysis indicates that EM is predominantly used in front door schemes. Some jurisdictions (Belgium, Denmark and Poland) only have front door schemes while in other jurisdictions, Estonia or the Republic of Ireland) EM is only used in back door schemes. In England & Wales and in Scotland EM programmes are used in both ways.

In most of the jurisdictions the daily caseload is increasing. Particular attention should be given to the French program whose daily caseload has tripled since 2006, when it was 1478⁵, has almost tripled in the space of four years.

⁵ See the 2009 CEP questionnaire report

Table 4. The daily caseload of electronic monitoring

	Daily caseload 31 October 2008				daily caseload 31 October 2009				daily caseload 31 October 2010			
	Front door	Back door	other	TOTAL 2008	Front door	Back door	other	TOTAL 2009	Front door	Back door	Other	TOTAL 2010
Austria	15	15	-	30	-	-	-	-	2	12	13	27
Belgium	664	-	-	664	982	-	-	982	1137	-	-	1137
Denmark	144	-	-	144	203	-	-	203	201	-	-	201
England & Wales	15143	2662	371	18 176	16379	3113	-	19942	19173	3247	-	22420
Estonia	-	75	-	75	50	-	-	50	-	59	-	59
France RF	3411	19	-	3 430	3984	-	-	3984	5050	-	-	5050
GPS	0	-	-	0	0	-	-	0	12	40	-	49
Germany GPS	-	-	-	-	-	-	-	-	4	2	-	6
Ireland	-	-	-	-	-	-	-	-	-	11	-	11
Jersey	-	-	-	-	-	-	-	-	-	-	-	-
Luxembourg	21	4	-	25	24	4	-	28	28	5	-	33
Netherlands RF	54	646	-	700	117	834	-	951	30	193	-	223
GPS	5	-	-	5	7	-	-	7	7	1	-	8
Norway	68	68	-	136	65	7	-	72	80	8	-	88
Poland	-	-	-	-	-	-	-	-	-	-	-	-
Portugal	484	29	-	513	522	31	-	553	472	24	20	518
Scotland	403	393	5	801	426	384	4	814	382	358	3	743
Catalonia (Spain)	100	-	-	100	90	-	-	90	77	-	-	77
Sweden ⁶	650	-	460	1 110	503	-	460	963	493	-	430	923
Bern (CH)	17	7	-	24	17	7	-	24	21	9	-	30
Vaud(CH)	35	-	-	35								

6. Types of EM Technology

The questionnaire asked what type of electronic monitoring technique is used in each EM programme: radio frequency, satellite tracking, voice verification or others. RF remains the dominant technology but there is a tendency - not yet marked, but noticeable - to supplement this in some countries with voice verification or GPS – both France, the Netherlands and more recently Estonia and Germany have done this. The Republic of Ireland is the first European country to go straight to a GPS pilot without ever having used RF technology. Denmark is unique in its use of mobile telephone and RF technology in front door scheme.

In comparison with the CEP survey of EM in 2009, there is now more use the use of satellite tracking in EM programmes, albeit on a small scale in the countries that use it. Besides France, Netherlands and Spain (Catalonia), countries like Estonia, Germany and the Republic of Ireland are making some use of it. France uses it in both front and back door schemes. Catalonia (Spain) has piloted GPS technology and voice verification simultaneously since 2009 on a programme of short periods (upto 48 hours) of temporary release from prison.

7. Costs of EM per day

Evaluating the cost of running EM programs has been a preoccupation of CEP. Assessing this in ways that make comparison across countries viable is not easy, because different countries cost it in different ways and collate different kinds of financial information.

⁶ The figures from Sweden include front door and back door schemes.

Nevertheless we have not given up our goal and this year the questionnaire asked countries to identify the costs of using EM per person day and to indicate the factors that were taken into account in arriving at this cost. Table 5 displays this data. It is an advance on the data collected in previous years, but we still advise caution in its interpretation.

Table 5. The costs of electronic monitoring

Jurisdiction	Costs per day	Factors included in the costs a) saving in prison use b) cost of equipment and installation c) cost of monitoring d) other costs	Technology used
Austria	€22	Cost of social work and equipment	RF
Belgium	€38,65	Cost of EM material monitoring and staff	RF
Denmark	€75	Costs of equipment, installation monitoring and programs for inmates	Mobile telephone and RF
England ⁷ adults & Wales juveniles	£11.67		RF & VV
	£16.46		VV
Estonia	€3	Costs of equipment and installation	RF & GPS
France	€12	Costs of equipment, installation and monitoring	RF
	€30	Costs of equipment, installation and monitoring	GPS
Germany	€30	Costs of equipment, installation, monitoring and social work	GPS
Ireland	€9	Costs of equipment, installation and monitoring	GPS
Luxembourg	€3.8	Costs of equipment and installation	RF
Netherlands RF GPS	€13.75 ⁸	Costs per day	RF
	€121.00	Cost of connection per participant	GPS
Norway	€100	Employee salaries, equipment, maintenance, travel costs	RF
Poland	€10.34	Administrative costs	RF
Portugal	€17.79	Saving in prison use, cost of equipment , installation and monitoring	RF
Scotland	£3500 ⁹	Costs of equipment and monitoring	RF
Catalonia (Spain)	€267.516 ¹⁰	Saving in prison use, cost of equipment , installation and monitoring	RF,GPS,VV
Sweden	€3.45	Costs of equipment and installation	RF
Bern (CH)	SFr.56	Costs of equipment, installation monitoring, employees, back-office	RF
Vaud(CH)	47 Swiss ¹¹ francs	Costs of equipment, installation and monitoring	RF

⁷ Costs given as overall average based on 90day-curfew, excluding breach

⁸ To this costs Netherlands adds the cost €13.75 to registration of the participant, per visit in case of repair/change (€107.50), €16.000 a month for the emergency centre in GPS the government buy the equipment (one set - €2349; plus the service a set a year €5167)

⁹ The Scottish government answered that they only can point the average cost for 6 months

¹⁰ Catalonia indicates the cost per year for VV, RF and GPS

¹¹ Switzerland – Vaud mention a symbolic participation between 1 and 10 Swiss francs per day

8. The Use of Pre-Sentence Reports and EM

The questionnaire asked if, prior to imposing EM in a front door scheme, an assessment report is prepared for the court, and whether the agency writing the report is the same agency which will subsequently implement supervision under EM, or different.

In England and Wales a risk assessment is or can be made by probation service at the request of court but EM supervision is undertaken by the private sector organizations who deliver the service. A similar arrangement prevails in Scotland. In Belgium, France, Portugal and the Swiss cantons, it is same statutory service both assesses and implements the EM decision; a similar arrangement prevails in the Netherlands. In both Sweden and Norway EM is not considered a sentence, but it is the same service that assesses the appropriateness of its use and implements it. In Poland no report is made – the court makes its own decision. In Spain (Catalonia) a distinction is made between EM as a condition of court order, where there is an assessment report, or execution of prison sentence where an evaluation is made by the probation service.

In respect of back door/early release schemes it seems customary for the prison service in each country to do some kind of risk assessment. The nature of supervision after release is unclear. In some instances there seems to be no supervision apart from EM itself.

9. Who Delivers the EM Service?

In respect of the following areas - supplying the equipment, installing the equipment, carrying out offender monitoring, undertaking enforcement (returning the offender to court or prison) – how is EM delivered? The answers revealed great variety, with the involvement of the private sector ranging from high to low. The Anglo-Saxon jurisdictions (England and Wales and Scotland) have the highest involvement of the private sector; a commercial organization is responsible for supplying, installing and monitoring the EM programme, although responsibility for enforcement can be carried out by public authorities, depending on the type of order being breached. In some jurisdictions such as Austria, Belgium, Denmark, Estonia, Catalonia, France, Germany, Luxembourg, Poland, Portugal and Sweden, the participation of the private sector is mostly connected with supplying equipment, with installation and all aspects of EM supervision itself carried out by the Probation Service.

Across Europe as a whole, the most commonly used company was ElmoTech. Other suppliers mentioned were G4S, ADT, Serco Ltd., Guidance Ltd and Securiton.

Table 6 shows that responsibility for the enforcement of each programme varies a lot.

Table 6. The sector (public or private) delivering the service of electronic monitoring

	supplying equipment	installing equipment	monitoring	enforcement-decision to revoke	name of equipment manufacturer
Austria	public sector - prison service	public sector- prison service	prison service	prison service	Elmotech
Belgium	private company	public sector - penitentiary administration	probation	prison governor/penitentiary administration /court	Elmotech
Denmark	private company	public sector -probation service	Dep. Prisons and Probation	Dep. Prisons and Probation	Elmotech
England & Wales	private company	private company	private company	police; case manager, court ; prison service ¹²	Serco/G4S
Estonia	Ministry of justice and probation	probation	Probation and prison service	Probation service makes the proposal and court makes the decision	Elmotech
France	private company	public sector - prison staff	prison staff	court	Guidance
Germany	private company	prison		Prison	Elmotech
Ireland	private company ¹³	Private company	private company	Irish prison service	Serco
Luxembourg	private	Prison administration	Prison administration and probation service	Probation and court decision	Elmotech
Netherlands	private company	-	-	-	G4S for RF and ADT for GPS technology
Norway	private company	public sector	Public sector – correctional services	Probation/chief probation officer	Guidance
Poland	Private company	Private company	Private company and prison service	Court decision	-
Portugal	private company	public sector - Probation service	Public sector – Probation service	court	Elmotech
Scotland	private company	private company	Private company	courts and Scottish prison service, parole board	Serco Geographix
Spain (Catalonia)	private company	public sector	public sector	Court or the secretary of penitentiary services	Elmotech
Sweden	public sector	probation service	Probation Service	Judicial board	Elmotech
Bern (CH)	private company	public sector - Dept. probation	Public sector – officer	public sector – enforcement authority	Elmotech
Vaud (CH)	private company ¹⁴	public sector	Private sector	public sector - penitential service	Elmotech

¹² the decision to revoke EM depends on the type of programme/jurisdiction

¹³ Private company under prisons direction

¹⁴ Private company that is the joint

10. Intensity of electronic monitoring

The minimum and maximum length of periods on electronic monitoring varies among the jurisdictions and between the different schemes. Table 7 shows the maximum time for each jurisdiction. Generally the schemes with the longest possible time on EM are the pre-trial and the post release programmes, which in some cases do not have an upper limit. In the front door programmes the maximum times are shorter and usually not longer than one year. Although there are large variations between the jurisdictions concerning the minimum and maximum length of using electronic monitoring, the differences tend to be less in terms of average time (Table 8). The average time is between 2-4 months in most jurisdictions regardless of the type of programme.

Table 7. Maximum length for electronic monitoring in different jurisdictions and for different programmes.

Maximum Length of Order	PRE-TRIAL	FRONT DOOR			BACK DOOR		OTHER
	Bail	Court Order	Condition of court order	Execution of Prison Sentence	Pre- or early release	Post release	Other
Up to 1 month							Catalonia GPS*
2-6 months		England & Wales	England & Wales Catalonia	Denmark Germany Norway Sweden	England & Wales Ireland Norway Scotland		Scotland Portugal ¹⁵
7-9 months					Bern		
10-12 months		Scotland	Scotland Austria Netherlands ¹⁶	Luxembourg Austria Vaud Bern Catalonia Poland	Portugal Vaud Austria England & Wales ¹⁷ Estonia Netherlands Sweden		Austria
13-23 months							
24 months or more	Portugal France	Portugal		France		France (GPS)	Portugal ¹⁸
No limit/not applicable	England & Wales Austria ¹⁹					Scotland ²⁰ England & Wales	England & Wales

* Programmed leaves from prison for periods since 24h to 48h.

¹⁵ The scheme referred is domestic violence as a bail

¹⁶ There is no maximum: in RF the maximum is mostly 12 months

¹⁷ Detention & Training Order Juveniles which means that half sentence in prison and half under supervision.

¹⁸ The scheme referred to is for sentencing domestic violence offenders

¹⁹ No limit for pre-trial custody

²⁰ Until licence period expires

Table 8. Average length of using electronic monitoring for different jurisdictions and programmes.

	PRE-TRIAL	FRONT DOOR			BACK DOOR		OTHER
Average Length	Bail	Court Order	Condition of court order	Execution of Prison Sentence	Pre or early release	Post release	Other
Up to 1 month	England & Wales		Catalonia	Norway Denmark	Norway Ireland		England & Wales
2-4 months		England & Wales	England & Wales	France (RF) Belgium Vaud Sweden Belgium	England & Wales Sweden Scotland Estonia	England & Wales	Portugal
5-6 months		Scotland	Scotland Austria	Austria Poland	Portugal		
7-9 months	Portugal			Luxembourg	Vaud		
10-12 months		Netherlands		Catalonia	Netherlands		
13-23 months		Portugal		France (GPS)		France (GPS)	
24 months or more							

11. Revocation Rates for EM

Violations of programme conditions usually mean that electronic monitoring is revoked (or “breached” as it called in some jurisdictions) Among the responding jurisdictions in this survey the revocation rate was generally quite low (Table 10). Care should be taken in the interpretation of this. A revocation rate depends on the requirements of the programme (and what would count as a violation), the level of control and the tolerance of breaches, which can be quite different in each jurisdiction. A low figure could mean that there is low level of breaches of programme conditions for that jurisdiction, but it could also mean the level of tolerance for breaches is high.

Table 10. Revocation rate (percent %)

Jurisdiction	FRONT DOOR			BACK DOOR		OTHER	
	Bail	Court order	Condition of Court order	Execution of Prison sentence ²¹	Pre or early release	Post Release	Other
Austria ²²				-	-		
Belgium				-			
Denmark				10			
England & Wales	< 1	10	12		13	<14	4
Estonia					5-8		
France				20 GPS 5 RF		20 GPS	
Germany				0	0		
Ireland					1 ²³		
Luxembourg				9			
Netherlands		-		-	<7-12 RF		
Norway				4.40	4.40		
Poland				9			
Portugal	7.74	3.86			0.71		0
Scotland		*	*			*	*
Spain – Catalonia			0	6.3			
Sweden				8-9	1-2		
Bern (CH)				6-8	6-8		
Vaud (CH)				8	14		

* No available data

12. Daily Monitoring Periods

The length of the daily period to which an offender is subject to electronic monitoring depends on the content and the purpose of the programme, although it may sometimes be more arbitrary than that. There is a great variety among the different jurisdictions using RF technology – in individual cases courts can specify the hours to be spent indoors within legally set parameters. Hours seem to be set more flexibly when EM is being used as a condition of a court order than when it is used as execution of a prison sentence, or for bail. The precise detail of a daily EM regime, and the degree of integration between EM and other required activities, is not apparent from our data. Whenever tracking technology is used, the period of electronic monitoring is 24 hours a day, and this can include periods under curfew. Table 9 shows the monitoring periods, minimum and maximum, for each programme and jurisdiction.

²¹ The offender is sentenced to prison by court and electronic monitoring is a way to serve or execute the prison sentence, e.g. by decision from probation service.

²² Not enough experience

²³ One revoked in 31 cases

Table 9. Monitoring periods (hours).

Jurisdiction	FRONT DOOR				BACK DOOR		OTHER
	Bail	Court order	Condition of Court order	Execution of Prison sentence ²⁴	Pre or early release	Post Release	Other
Austria ²⁵			***	***			***
Belgium				24			
Denmark				24	24		
England & Wales	-2	2-12	2-12	2-12	2-12	2-12	-
Estonia				24			
France	***			***	***	***	
Germany				24	24		
Ireland					7		
Luxembourg				10-12			
Netherlands		24			24		
Norway				**	**		
Poland				12-24			
Portugal	-24	-24			-24		***
Scotland		-12	-12		-12	24	-12
Spain - Catalonia			24	8			24
Sweden				8-23	8-23		
Bern (CH)				24	24		
Vaud (CH)				24	24		

** No minimum, but there is a requirement for the offender to be out of the house at least 15 hours per week.

*** Not applicable

13. Offender Criteria

Most common type of offence

The questionnaire asked the jurisdictions about the offence criteria for subjecting an offender to electronic monitoring. Table 11 shows the most common offence for each programme in every jurisdiction. It is clear that across Europe EM is used for a wide range of crimes - from motoring offences to drug offences, even violence (assaults). There is an emerging tendency to use EM with perpetrators of domestic violence offences, sometimes in schemes that also involve victims, where EM is used to keep offenders and victims apart. The type of offence for which EM is used is generally more serious in back door programmes than front door programmes, probably because the latter are being used at the end of a prison sentence, in some instances quite long ones.

²⁴ The offender is sentenced to prison by court and electronic monitoring is a way to serve or execute the prison sentence, e.g. by decision from probation service.

²⁵ It wasn't pointed a minimum or maximum confinement period

Table 11. Offender criteria, most common type of offence

Jurisdiction	FRONT DOOR			BACK DOOR		OTHER	
	Bail	Court order	Condition of Court order	Execution of Prison sentence ²⁶	Pre or early release	Post Release	Other
Austria			Against property, assaults, torts of negligence	Against property, assaults, torts of negligence			Against property, assaults, torts of negligence
Belgium				Property and drug offences			
Denmark				Violence and traffic code ²⁷			
England & Wales	²⁸	Theft/handling stolen goods motoring offences, burglary, violence etc	handling stolen goods, motoring offences, burglary, violence etc		fraud and forgery, drugs, violence, robbery, theft and handling*	High risk offenders with records of violence or sexual offences	Foreign national immigration cases awaiting removal from UK
Estonia					offences against property; drugs		
France	GPS violence, crime rape			RF Drugs, driving with alcohol GPS violence, crime rape		Violence, crime rape	
Germany				-	-		
Ireland					Drug crimes		
Luxembourg				Drug, theft	Drug, theft		
Netherlands		GPS domestic violence, sexual offence		-	All kind		
Norway				Traffic offences	Traffic offences		
Poland				Drivers under drugs/alcohol; communications crime; vandalism			
Portugal	Property Domestic violence	Road crimes (drunk drivers or with out license)			Drug crimes and crimes against people		Domestic violence
Scotland		Breach of bail, breach of peace, vandalism, theft and assault	Breach of bail, breach of peace, vandalism, theft and assault		-	-	
Spain – Catalonia			Minor offences	All types of offences			inmates with low risk; the goal is sexual offenders with a high level of recidivism
Sweden				Drunk driving; drugs; assault	All types of offences		
Bern (CH)				Penal code	Penal code		
Vaud (CH)				Drunk driving			

* No recent study. Figures are from 1999.

²⁶ The offender is sentenced to prison by court and electronic monitoring is a way to serve or execute the prison sentence, e.g. by decision from probation service.

²⁷ 41% violence and 28 % traffic code.

²⁸ No data available

Significant excluded offences

It seems important to know if some programmes, either in law or practice, impose exclusion criteria which denies the use of EM, and if there are discernible trends among them. The answers given in the questionnaire regions are not as clear as we might wish because some jurisdictions describe offender's personal characteristics as grounds of exclusion, while others refer to types of crimes for which EM cannot be used. Nevertheless, we will attempt an overview. In RF schemes, sexual offences, crimes committed at or from home and foreign citizens are the most common grounds of exclusion. In Switzerland (Bern) "threat of escape" or "threat to public safety" are exclusion criteria. In Sweden and Denmark offenders who commit crimes at or from home and foreign citizens liable to be deported after their imprisonment are also excluded. England and Wales and Scotland's backdoor/early release scheme excludes sexual offences, as does Norway's use of EM as execution of prison and Luxembourg's EM programme. In Austria special care is taken not to impose EM on offenders who may be involved in domestic violence - incidental to the offence or which they are sentenced - and there are tests before considering its use with sexual offenders.

Some jurisdictions in Poland, one of the "new" EM countries, intend to exclude offenders who have committed certain types of crimes from the possibility of having electronic monitoring.

GPS tracking schemes in France and the Netherlands, while not reserved exclusively for sexual offenders, are heavily focussed on them and (since the questionnaire was completed) Germany has legislated to use GPS in this way.

Consent

Jurisdictions were asked to say if offenders and households are required to consent to an EM condition. Analyzing the answers we can conclude that almost all jurisdictions require the consent of the offender and the fellow occupant of the home to consent to the use of electronic monitoring. England and Wales remains singular in respect of consent. The offender's consent is not necessary in the front door programmes, in detention and training order (juveniles) or in immigration cases. In back door schemes, as a post release programme, consent is required in some cases.²⁹ However, the consent of fellow occupants is legally required in all programmes except the bail scheme, although even there, courts are asked to ensure the consent of others affected. In the Netherlands and the Republic of Ireland neither the offender nor the cohabitants' consent is required. In Spain (Catalonia), the offender's consent is required but the consent of the cohabitants isn't required when EM is executed as a condition of court order. Norway only requires the householder's consent if the monitored person is over 18 years old and in Portugal consent is only required where the person is 16 years old. Luxembourg only requires the offender's consent. In Scotland - which unlike England and Wales does require offender consent to a court order - offender consent isn't necessary in the post release scheme, but is still required of any fellow occupants.

Age requirements

When comparing age requirements for EM across different jurisdictions account must be taken of jurisdictional variations in definitions of adult and juvenile. In most European countries the use of electronic monitoring is focused on adults. England & Wales, and Scotland, and France also have programmes, which are intended for juveniles (above 13 years old). England & Wales also has a special programme directed to juveniles (10-17 years); "Detention and Training order" which means that half sentence is spent in prison (up to six months) and half sentence is under supervision in the community. EM can be a part of this, but is little used on younger age groups. In Austria and Estonia EM can be used on offenders above 14 years old; in Norway and the Netherlands the minimum age is 15 in Portugal it is 16. In Scotland offenders above the age of 16 are considered adults, and can be eligible for EM. In the remaining countries EM could not be imposed on offenders under 18 years old.

²⁹ Consent is required for some voluntary cases, but not where curfew requirement has been imposed by the Parole Board.

Alcohol testing, including alcohol remote control

The questionnaire asked about the use of alcohol testing in general, and in relation to the use of electronic monitoring. The use of alcohol testing in general differs between the jurisdictions from none at all to testing every offender, and some jurisdictions can ban its use while an offender is under supervision. Table 12 shows the use of alcohol testing in the jurisdictions.

Table 12. Alcohol testing in the programmes using electronic monitoring.

Every offender	Some offenders	No testing
Denmark	Austria	England & Wales
Norway	Belgium	France
Sweden	Estonia*	Poland
	Germany	Portugal
	Luxembourg	Scotland
	Netherlands	Spain
	Switzerland – Vaud	Belgium
		Switzerland – Bern

* if court order it

No jurisdiction reported the use of remote alcohol monitoring, although some have done so in the past.

14. Electronic Monitoring - linked to a support programme or stand-alone?

In most of the regions the use of electronic monitoring is linked to a support programme, more precisely with those that are available in probation services, such as supervision, requirement of work or study, treatment programmes, i.e. alcohol or drug therapy, psychological support or social advice. England & Wales operates programmes for juveniles which include EM, and courts can mix elements in a sentence for adults which includes EM, but for both juveniles and adults the possibility of imposing an EM requirement on its own remains. This is also true in Scotland, which has recently removed EM as a condition in a probation order and made it a penalty for breaching of other conditions. When EM is used in bail or in pre- or early release schemes in Britain, it may be linked to a support programme but it is not a legal requirement. In Sweden and in Bern (Switzerland) EM is linked to work, study or treatment programme. In Norway EM is always combined with individual activities and meetings with probation services. A similar situation pertains in Catalonia where the front door EM scheme is linked to a support programme with regular interviews and control of drug use. In Poland yet there is as yet no programme connected with EM but its expected that in the future, when the programme becomes permanent, it will be linked in this way.

15. Victims Aspects

The questionnaire asked if the victim was informed of the imposition of electronic monitoring on an offender. The answers showed a great variety among the jurisdictions. In Austria, Belgium, Denmark, Estonia, France - RF, Germany, Luxembourg, Norway, Spain, Scotland, in front door scheme, and in Switzerland (Vaud) the victim isn't informed.

In England & Wales, in France, in Ireland's GPS scheme, in Portugal, in Poland, in Scotland, the victim can be informed – although there is some variation in respect of front door and back door schemes. In Scotland, in post-release schemes, a victim can be registered on a victim notification scheme at the court stage, guaranteeing that they will be contacted. In the Netherlands victims will begin to be informed during 2011.

The questionnaire also asked about the use of bilateral electronic monitoring, or using electronic monitoring for victim's protection. In this context it is referred to as bilateral electronic monitoring because there is a second person enrolled in the programme. The responses showed that there are very few programmes using bilateral electronic monitoring in Europe. Portugal started a pilot on domestic violence used in pre-trial using reversed tagging technology. In the Netherlands GPS is already used in a bilateral way. The French GPS programme will soon begin using the technology to protect victims.

16. Research on the use of electronic monitoring from 1 January 2009

Some jurisdictions have research on the use of EM

Austria – an assessment will be made within two years after implementation, which means in 2012;.

Denmark – They expect to finish an evaluation this spring 2011. It will focus on experiences of being sentenced to remain at home

Ireland – has produced a pilot evaluation report

Norway – Evaluation is ongoing, to be published in 2011 for the front door and back door programmes

Poland - The first research will start after the completed of pilot.

Sweden – Brottsförebyggande rådet (2010:8) Utökad frigång och återfall (swedish only) An report regarding the Back door scheme and revocation, www.bra.se

Switzerland, Vaud – Swiss government evaluation relating to the possibility of keeping EM after 2009. www.probation-vd.ch/ (French).

Conclusion

The 2011 survey shows continued expansion of EM in Europe and varied use. The details collected in this survey reflected the focus and brevity of the questions asked and the limitations of the knowledge of the person who filled in the questionnaire. In almost all cases a richer and more detailed picture could be drawn. The interpretation of the data reflects both the information we were given as well as our necessarily limited knowledge of developments in different countries.