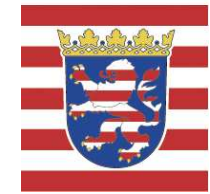


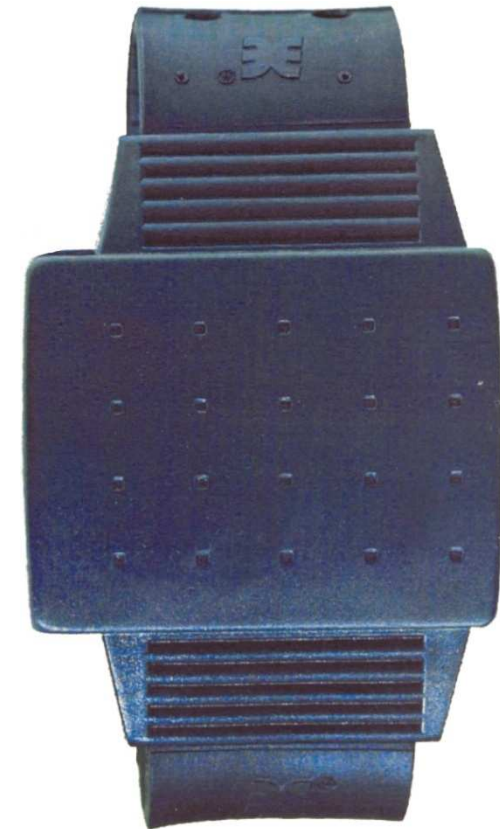
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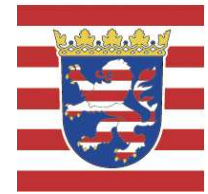
■ **Electronic Monitoring**
■ **in Hesse: Past,**
■ **Present and Future**

**7th Conference on Electronic
Monitoring in Europe**



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**Electronic Monitoring
in Hesse so far**

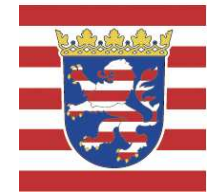
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■ **Electronic Monitoring**



- ▶ implemented in **May 2000** as a pilot in Frankfurt on Main, since 2007 statewide
- ▶ ongoing **evaluation** by the **Max-Planck-Institute Freiburg**
- ▶ currently **95-100 participants** on a regular basis

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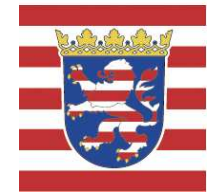
■ **Scope of application**

- Electronic Monitoring is possible
- ▶ based on the existing law
- ▶ as a court order
- ▶ with the consent of the participant

It is

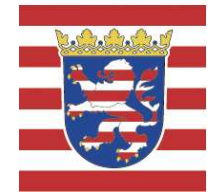
- ✘ neither a sanction
- ✘ nor execution of a sentence

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■ **More precisely:**



▶ **Probation**

in accordance with sec. 56, 56c, 56f, 57 German Criminal Code
(app. 70 %)



▶ **Suspension of an arrest warrant**

in accordance with sec. 116 German Code of Criminal Procedure
(app. 30 %)

▶ **Pardon**

▶ **Supervision of conduct (sec. 68b German Criminal Code)**

Target group I

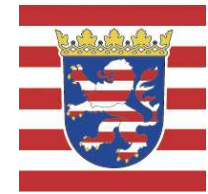
Offenders, who are **too unreliable** to observe the conditions set by the court because

- ▶ they lack **self discipline** and **motivation** and
- ▶ are therefore not able to live **a structured life**

are usually very difficult to handle by the probation service.

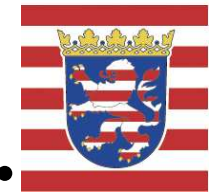
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■ **Consequently:**

- ▶ **Revocation of parole and execution
of the sentence**
- or
- ▶ **No parole granted in the first place**



Electronic Monitoring may be of help.

It combines

- ▶ **24/7 surveillance**

allowing an **immediate reaction** to breaches and

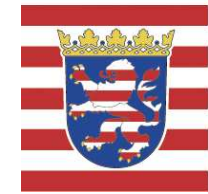
- ▶ **close supervision**

by the probation service in an effort help the participant to live a more **structured life** by giving him or her a **daily schedule**

= specific times for being at or absent from home (work, therapy) or for leisure

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■ **Target group II:** ■ **Avoiding pretrial detention**

- ▶ Compared to an **obligation to register with the police Electronic Monitoring** provides a more effective way of surveillance
- ▶ **Reducing the flight risk** may allow suspension of an arrest warrant

What makes EM special?

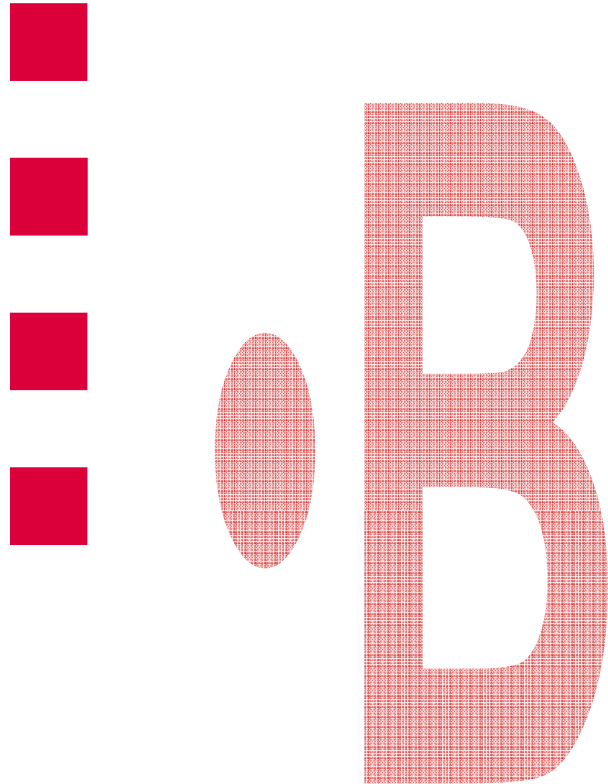
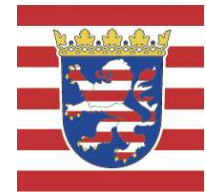
- ▶ Participants are forced to a more **structured course of day**
- ▶ **Immediate reaction** to breaches
→ no irrefutable excuses
- ▶ Constant **reminder** of being on probation / the suspended arrest warrant
- ▶ **24/7** availability of the project
- ▶ **Intensified contacts** probation service / participant
- ▶ **Simple procedure** for courts and prosecutors

■ **So after 11 years:**

-
-
-
-
- ▶ **Level of Surveillance** granted by the EM technology combined with a **pedagogical concept** has a **stabilising effect** on the **conduct** of the participants
- ▶ **Completion rate of about 90 %**
- ▶ **Help for the participants**
- ▶ **Help for the justice system** handling difficult clientele

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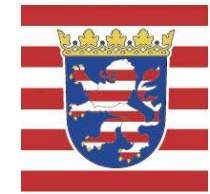
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Technical details

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■ **Until now**



- ▶ **No GPS**, use of the RF-system
- ▶ **Control of the presence at and absence from home** via home unit, events are reported to our technical provider (HZD)
- ▶ **Automatic information** of the probation service 24/7 via SMS

Weekly schedule and its control

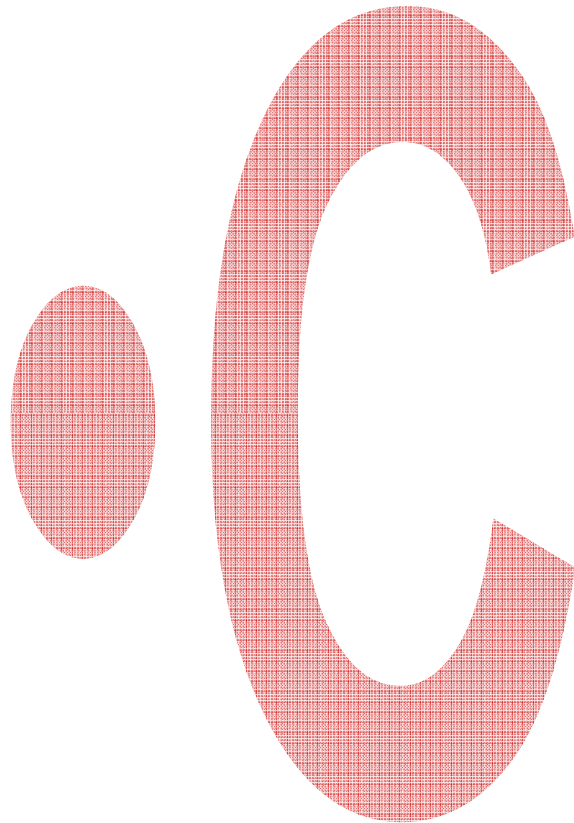
- ▶ **Every participant receives a detailed weekly schedule**

specific times for being at or absent from home (work, therapy) or for leisure

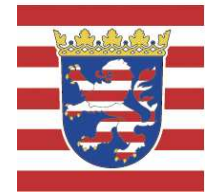
- ▶ **Immediate reaction to breaches**

24/7 emergency service not only for intervening but also as contact for the participants

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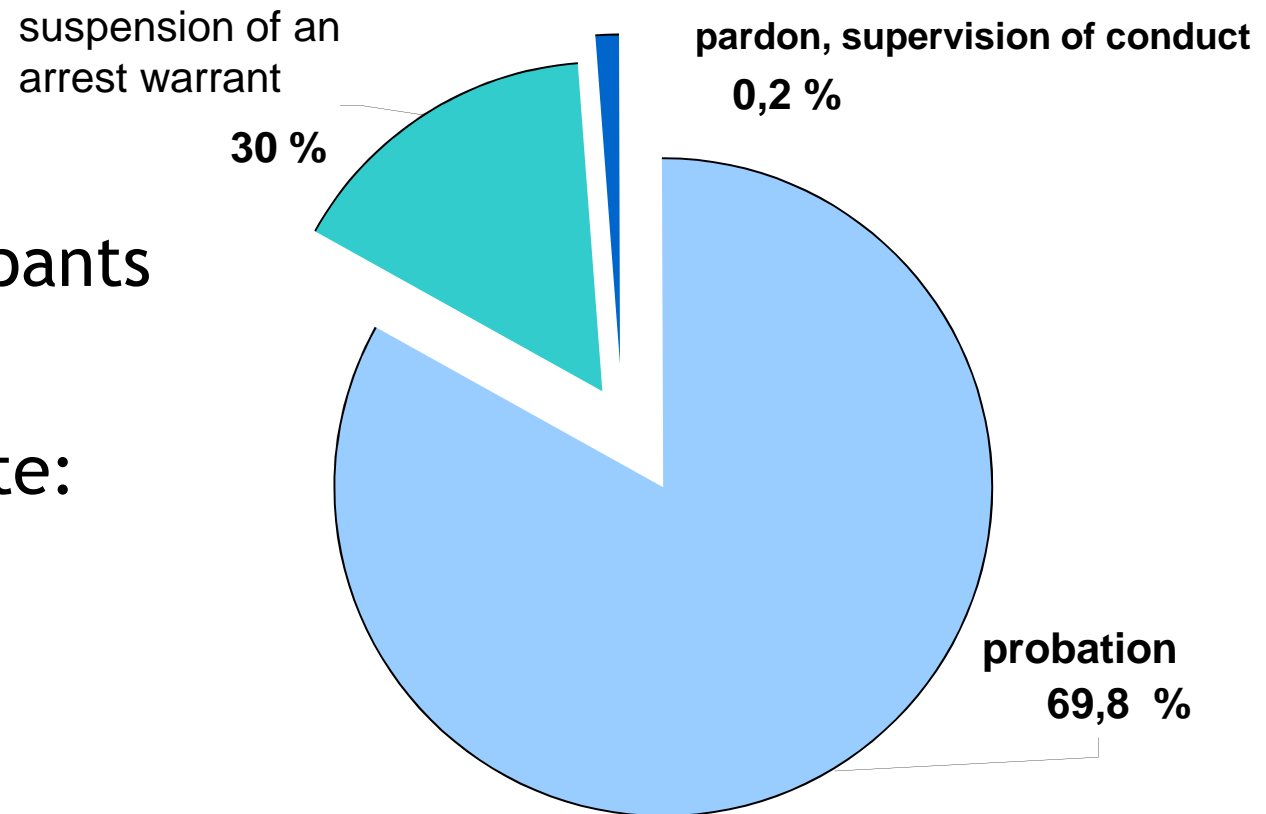
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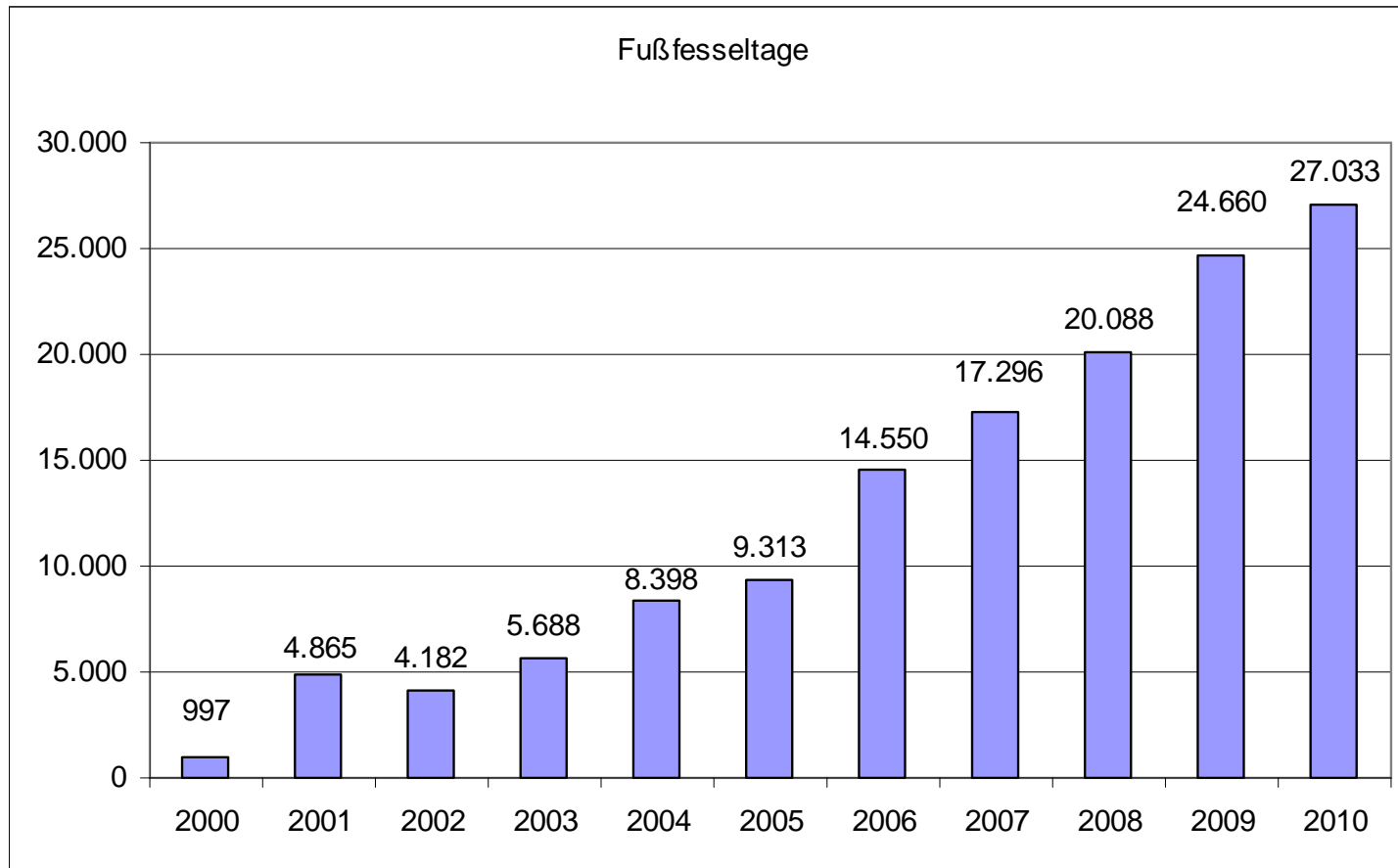
Facts

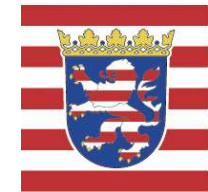
Allocation

- 864 participants in total
- drop out rate: app. 10 %



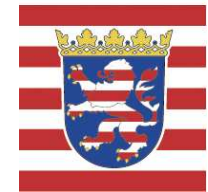
EM in days:





■ Most common offences

■ robbery, theft, fraud	42 %
■ offences against narcotics law	26 %
offences against traffic laws	10 %
bodily harm	9 %
other offences	13 %



Costs

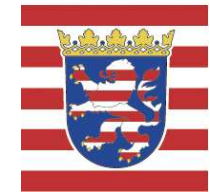
- ▶ **Electronic Monitoring so far**
(based on the overall costs in 2010):

35,83 Euro per person per day

compared with

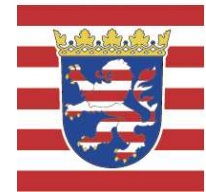
- ▶ **costs for imprisonment(2008):**

96,00 Euro per person per day



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Current
developments



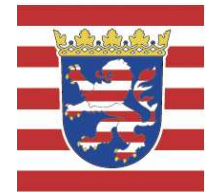
- 2010: ECHR ruling on preventive detention forces the German legislator to revise the law
- Electronic Monitoring and the Hessian experiences become part of the discussion

■ **Since January 1st, 2011:**

- Courts may order using EM via GPS as part of the supervision of conduct according to sec. 68b German Criminal Code
- against the will of the participant
- interference with functional capability punishable by law

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■ **Aims**

- ➤ to increase the offender's inhibitions to commit further crimes by increasing the risk of discovery
- ➤ to improve victim protection

Elektronische Aufenthaltsüberwachung

