

(HOW) DOES ELECTRONIC MONITORING FIT IN THE APPROACH TOWARDS DOMESTIC VIOLENCE?

CEP | April.2016 | Nuno Caiado | nuno.f.caiado@dgrsp.mj.pt
DGRSP (Portuguese probation and prison services)



1. **scenario**
2. **operations**
3. **considerations**
4. **conclusions**

1 scenario

DV – a big umbrella covering

- family violence (marital, intergenerational)
family is not always a peaceful place – symbolically Adam and Eve, Abel and Cain
- gender violence

crimes

- complex and polymorphic
aggressors and victims are not all alike
- socially transversal: crosses all ages and social classes
- universal

framework

- EM Dept – DGRSP – national probation and prison service / MoJ
- sharing the probation service strategy, culture and knowledge

EM services policy

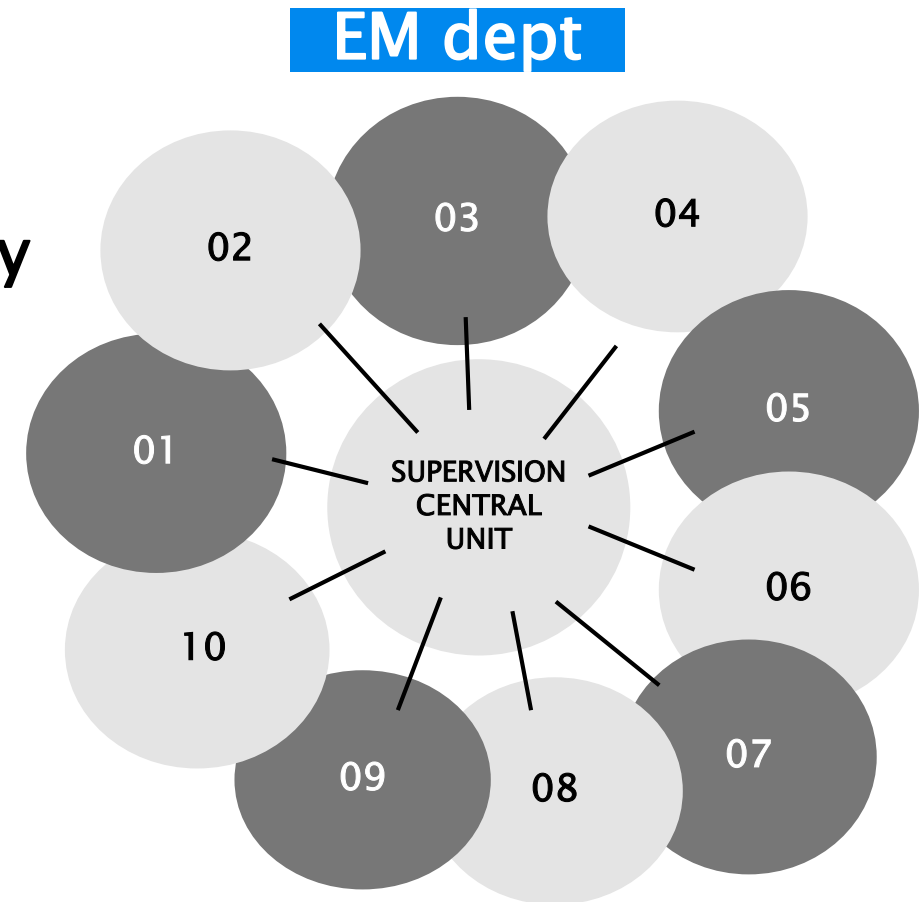
- **public service** oriented to be an alternative to incarceration
- transparency and accountability
- full responsibility in running EM operations
- closeness to the offenders

organization

- 10 EM territorial units
- 1 EM central unit for security, supervision and redundancy

each unit

- close to the targets
- responsible for the enforcement in its territory
- autonomy under the same national protocols
- **case management = EM + probation work**
install and uninstall equipment
- **connection with the stakeholders**
courts, family, community, public and private services, NGO, the police ...
- reporting to the courts



DV legal framework

- criminal law + victims protection law (2009)
 - respect the EU minimum standards: *Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime*
http://ec.europa.eu/justice/criminal/files/victims/guidance_victims_rights_directive_en.pdf
 - see also http://ec.europa.eu/justice/criminal/victims/index_en.htm
- measures and sanctions
 - home confinement (–)
 - restraint orders (+)
- pre-trial
- after trial suspended sentence with a restraint order and restraint order as an additional sentence

DV restraint orders | case load and breaches

- almost 500 cases daily basis
 - 80% pre-trial
 - 20% sanctions
- tend to grow, albeit slow

	2015	2009–2015
breaches revocation rate	2,16%	2,83%

EM technology what for?

tool

- to increase the level of control over the offenders
- to restrain aggressive behaviours



- to enhance victims protection

consent

- is stamped on law
- important as a symbolic contract
- consent means cooperation, cooperation is critical for EM!
- offender consent → an evolution from object to subject
- DV restraint orders: victim and offender consent required ... but the offender's may be disregarded by the judge

decision always up to the judge!

- when it comes to deciding on the imposition of restrictions to freedom and custodial measures, it is crucial to have an independent judge
- previously, the judge demands an assessment report

2

operations

restraint orders eligibility

- no legal criteria, it is just up to the judge and his personal assessment
- the law foresees a previous probation report to courts to assess offender conditions
- in some cases, probation units use SARA Spousal Assault Risk Assessment

we advocate

- medium risk ➔ EM
- medium/high risk ➔ house arrest with EM
- high risk ➔ prison
- low risk ➔ other legal solutions

- **technologies**
probation or EM don't choose technologies, it comes specified in the law

RF for home confinement (pre-trial, sanctions)

GPS (2 pieces GPS + victim device) for all kinds of DV restraint orders

EM units

- must manage a tremendous amount of data!
 - violation of land exclusion zones
 - offender–victim approach in mobile exclusion zones, regardless of who approaches whom
 - loss of telecommunications and GPS signal
 - loss of connection between bracelet and GPS machines
 - among many others
- exhausting work

intervention – the best practice

- EM managed in the best way possible – rigor, carefully...
- the importance of creating bonds with the offender and to establish a relationship with him
- in sanctions, VERY USEFUL to combine EM with programs – criminal behavior change, alcohol, drugs....
- our business is the offender; victims are oriented to the victim support bodies

incidents – response

- EM services management
- the police is demanded just when serious violation occurs or when victim safety is under threat
- **prudence** many alarms are generated by the two parties overlapping routines
- extremely careful of not wasting police resources

3

(14) considerations

some considerations learned from our experience

1. the dynamics of DV is more complex/complicated than the public discourse about it and public knowledge recognizes
2. implementing the control of DV with EM is based on the understanding of the
 - offender behaviour
 - victim's needs and behaviour -- generally, they are not necessarily the same over time

+

 - the relationship between the parts ambiguities, badly made ruptures and bereavements, intermittent contacts, routines, financial and emotional dependencies ...

3. judicial decisions don't take in account that the level of risk is a dynamic variable
very clear with mental disorders or addictions
4. the prolonged use of this mode of control becomes counterproductive, penalizing the victim and the offender even complicating the mourning process by keeping them "artificially linked together"
5. EM should be a short term intervention (up to 1 year); long term interventions are counterproductive, saturating, perverse and expensive

6. vocation for medium risk cases

7. EM and probation work

- **pre-trial** social approach is also important to avoid a cold control
- **sanctions** EM should be complementary to behavioral /cognitive programs (this really matters)

impact in many cases

8. **victims** effective feeling of security allows them, for the first time, take control of their lives and routines
9. **offenders** it is the first real sign that they have to change their behavior when confronted with a measure that limits their life (in many cases significantly) and that brings awareness of the need to distance themselves from the victim and the relationship, and interrupt the cycle of violence
10. **victims and offenders** EM often provides the first opportunity for both perceive the gravity of the situation in which they lived

- 10. **courts** good reaction to EM, but they have difficulties in understanding how does it works and how intrusive tool EM is
- 11. **data and proof** EM deliver solid information on breaches and violations, useful in court

13. GPS data protection

- enormous amount of data from 2 persons
- need to cooperate with the police and the public prosecutor office
- but ... data for new criminal investigation must be demanded by a judge

GPS and burn out

14. GPS delivers a lot of information, behavior indicators need to be read and interpreted very carefully

- **stress and risk** as part of the management actions
- exhaustive work
- staff burnout

4 conclusions

the most sensitive managing difficulties

EM system

- enormous amount of data from the 2 persons involved !
- loss of GPS signal and a certain fragility of the GPS machines

behaviors

- the ambiguous behavior of victims
- when the victim approaches the offender voluntarily or involuntarily
- when the offender approaches the victim involuntary

staff

- facing so many variables in the table
- difficult to decide, even when the protocol says offender must leave

DOES ELECTRONIC MONITORING FIT IN THE APPROACH TOWARDS DOMESTIC VIOLENCE?

yes, if some cautions are taken, mainly

- good technology
- good protocols / manual of procedures / guide lines
- adequate eligibility: medium risk, not more, not less
- permanent assessment and take consequences from it

good

- in sanctions **to combine EM with programs**
- to pay attention to data protection
- to pay attention to staff burn out

thank you



questions
please

(HOW) DOES ELECTRONIC MONITORING FIT IN THE APPROACH TOWARDS DOMESTIC VIOLENCE?

CEP | April.2016 | Nuno Caiado | nuno.f.caiado@dgrsp.mj.pt
DGRSP (Portuguese probation and prison services)

