

ELECTRONIC MONITORING



Rhetoric

Realities

Rights

Rules

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EM RULES & ETHICS

(1 of 1)

CM/Rec(2014)4 - Recommendation of the Committee of Ministers to member States on electronic monitoring (Adopted by the Committee of Ministers on 19 February 2014, at the 1192nd meeting of the Ministers' Deputies)

19/02/2014 | English | CM-Public

Document URL: <https://search.coe.int/cm?i=09000016805c64a7>

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Recommendation [CM/Rec\(2014\)4](#) of the Committee of Ministers to member States on electronic monitoring

*(Adopted by the Committee of Ministers on 19 February 2014,
at the 1192nd meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve greater unity among its members;

Agreeing that it is necessary to further develop international co-operation in the field of enforcement of penal sentences;

Considering that such co-operation should contribute to improving justice, to executing sanctions effectively and in full respect of human rights and dignity of offenders and to

STANDARDS AND ETHICS IN ELECTRONIC MONITORING

Handbook for professionals responsible
for the establishment and the use of
Electronic Monitoring



Mike Nellis



EM RULES & ETHICS

Recognising at the same time that electronic monitoring technologies should be used in a well-regulated and proportionate manner in order to reduce their potential negative effects on the private and family life of a person under electronic monitoring and of concerned third parties;

Agreeing therefore that rules about limits, types and modalities of provision of electronic monitoring technologies need to be defined in order to guide the governments of the members States in their legislation, policies and practice in this area;

Agreeing further that ethical and professional standards need to be developed regarding the effective use of electronic monitoring in order to guide the national authorities, including judges, prosecutors, prison administrations, probation agencies, police and agencies providing equipment or supervising suspects and offenders;

14. There shall be regular government inspection and avenues for independent monitoring of the agencies responsible for the execution of electronic monitoring in a manner consistent with national law.

Source: Recommendation CM/Rec(2014)4



Who has oversight?
Who leads among leaders?
Who independently monitors
electronic monitoring? How?

PRINCIPLES



Prison inspection-oriented	Probation-oriented	AI-driven biometric tech-oriented
Prisoners' experiences matter	Belief that people can change	Necessary, proportionate, lawful
Uphold human rights, do no harm	Human rights, dignity, health	Human rights, freedoms, and privacy
Prevent torture, inhumane conditions	Safeguard and support victims	Effective safeguards against misuse
Promote health, growth, reintegration	Diversity, equality, social inclusion	Accuracy of tech with diverse groups
Prison life as close to normality, help maintain connections to community	Positive relationships/partnerships, informed consent and cooperation	Good governance, conditions for authorisation of use, transparency
Train prison staff to high standards	Risk, need, and responsivity	Understandable information about use
Independent monitoring, complaints	Professionalism, integrity, and trust	Liability and redress in cases of harm

Source: adapted from Hackett and Deniel (2024) and Council of Europe (2020)

Source: adapted from Probation Institute (2020) and Council of Europe (2010)

Source: adapted from Council of Europe (2024) and EU Agency for Fundamental Rights (2026)

PRINCIPLES



Sentencing-oriented	Desistance-oriented	Trauma-informed, victim-oriented
Proportionality	Realism, manage non-compliance	Safety
Fairness	Individualisation, identity, diversity	Trustworthiness (transparency, clarity)
Public protection, prevention of harm	Relationships and social capital	Choice
Punishment, retribution	Listening to lived experience	Collaboration
Rehabilitation and change	Strengths, resources, help/support	Empowerment
Reparation, making amends	Recognition of growth and change	Cultural consideration
Deterrence	Hope	Listening to lived experience

Source: adapted from McNeill et al. (2019) and Morris and Graham (2019)

Source: adapted from Scottish Government and NHS Scotland (2023), UK Government (2022)

PENAL EMERGENCIES

Prisons crisis and
overcrowding

Backlogs, waiting lists

Workforce capacity
(leaving or going on leave)

Intersecting emergencies

Public sector reform (cuts)

Public trust



PENAL EMERGENCIES

Rhetoric, Risks, Rights

Early prisoner releases mean pledge to cut rough sleeping 'may fail'

Large rise in offenders being recalled to prison

Half of tags not fitted on time, putting victims at risk

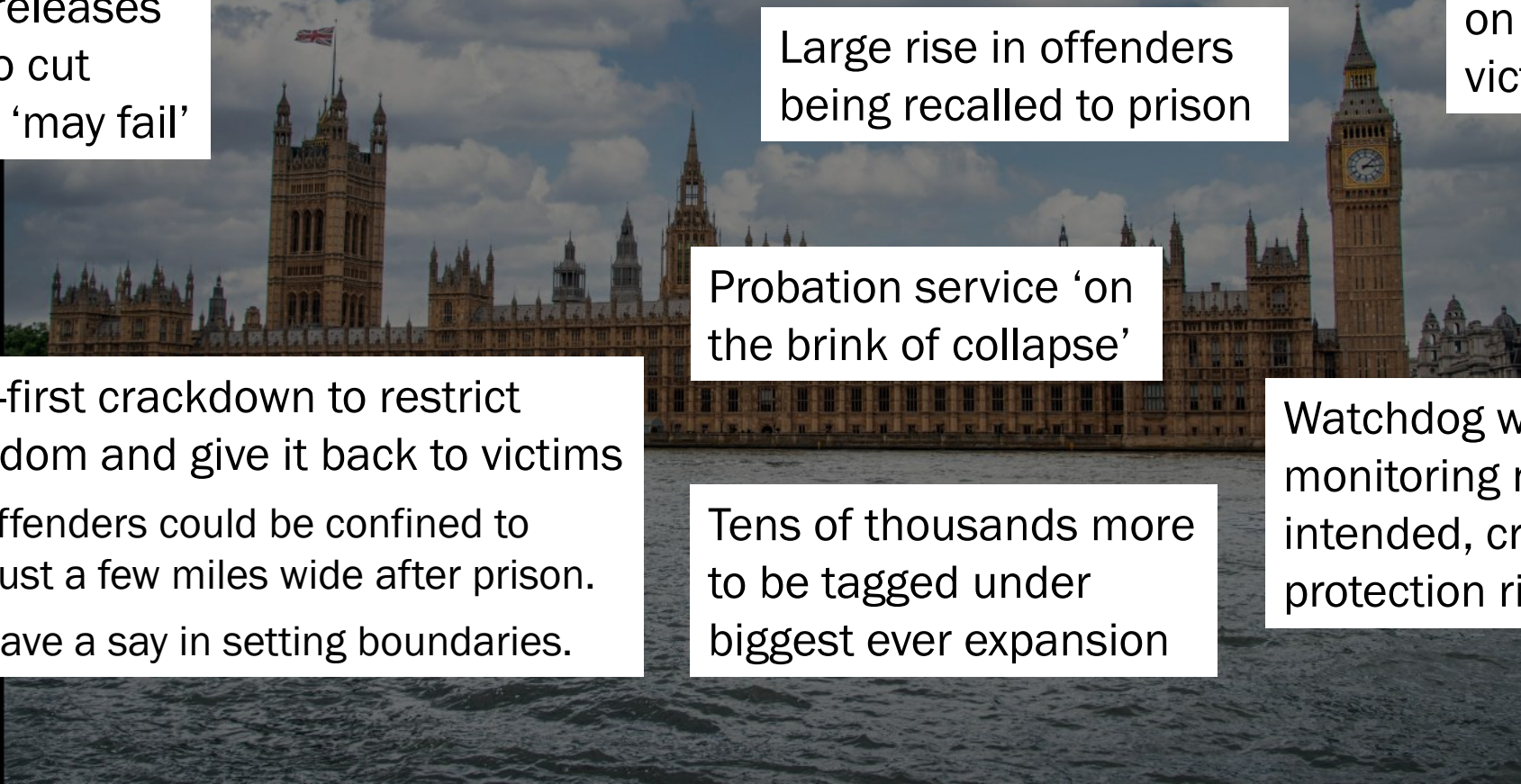
Tagging: World-first crackdown to restrict offenders' freedom and give it back to victims

- Dangerous offenders could be confined to small areas just a few miles wide after prison.
- Victims will have a say in setting boundaries.

Probation service 'on the brink of collapse'

Tens of thousands more to be tagged under biggest ever expansion

Watchdog warns electronic monitoring not working as intended, creating public protection risks



THINKING ABOUT FUTURES



See: Nellis (2021),
Nellis (2022),
Nellis (2026),
Weisburd (2020),
Daems (2020),
Graham (2023),
Ashworth *et al*
(2026)

QUESTIONS FOR *Reflection*

- If you were tasked with setting up Inspectorate oversight and standards for electronic monitoring, which principles matter and why? What should guide oversight of EM?
- How might electronic monitoring help decarceration efforts to reduce high prison populations amid current penal emergencies, and how might it potentially hinder?
- How can those tasked with leadership and oversight of uses of EM identify good practices (that go beyond simply adhering to minimum standards) to achieve good outcomes?



THANK

You



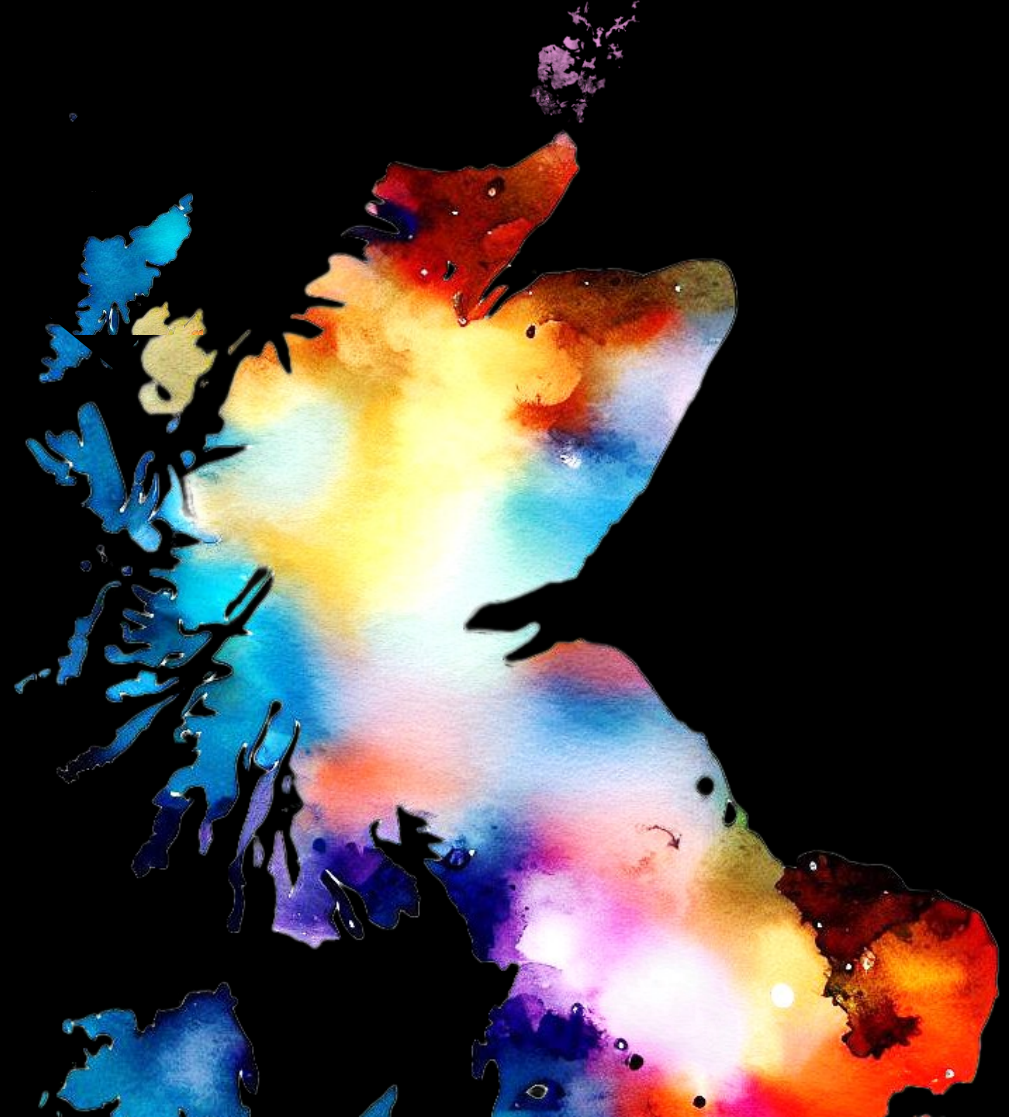
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