Summary

Electronic monitoring as a front door initiative
A quickscan into European experiences

The Research and Documentation Centre of the Dutch Ministry of Security and Justice recently conducted a literature study on the experiences with electronic detention in Europe. Electronic detention was defined as the obligation to fulfill a prison sentence at home, under 'house arrest', with electronic devices as a means of controlling this house arrest. The electronic devices of choice are usually ankle bracelets. Only electronic detention as a front door scheme (ED-FD) was examined. This is home detention when no other forms of the execution of the sentence have taken place yet. Note the difference with electronic monitoring, which is electronically monitored supervision that is usually put into place as a back door initiative, at the end of a sentence and usually part of conditional release. In the present study, the experiences with front door initiatives with electronic detention in most European countries were examined in brief. Furthermore, 10 countries were studied in more detail, these were Belgium, Denmark, Germany, England and Wales, Finland, France, Northern Ireland, Norway, Scotland and Sweden. The present study is limited to the first group of electronically monitored offenders as foreseen in the draft of a Dutch law proposal with regard to electronic detention (Ministry of Security and Justice, proposition of law, 22nd of March 2013).

Results

European experiences
At least 12 European countries and one federal state of Germany have electronic detention as a front door scheme programs put in place in their legal system. These are: Belgium, Cyprus, Denmark, Germany: Baden-Württemberg, Estonia, Finland, France, Poland, Portugal, Spain, Czech Republic, Northern Ireland (only for offenders with a life sentence) and Sweden. In Sweden, electronic detention as a front door scheme has been available for almost 20 years. France also has a lot of experience with electronic detention as a front door scheme, it has been possible for 16 years. Sweden and France are not only the two countries with the longest experience with ED-FD, but these two countries also have the most experience with ED-FD with regards to the number of participants on a yearly basis: in France there are more than 3,600 electronically monitored offenders on a yearly basis (November 2009) and in Sweden this number is over 3,000 offenders (in 2008). The programs that are set up for electronically monitored offenders are very different: a sober regime in France, with little more than the electronic ankle bracelet and an alarm system to control the whereabouts of the offender, whereas in Sweden, an elaborate system of not only control but also guidance is set up. In almost all European countries that have ED-FD and for which we were able to collect information on the legal framework in which ED-FD is put into place, electronic detention as a front door scheme is an execution modality of a prison sentence (we were not able to find this information for all countries). The exception is Finland, in this country, law enforcement agencies were planning to introduce ED-FD as an alternative sanction. In most countries that were studied, the offender has to send in a request to serve
his sentence under an electronically monitored home detention scheme instead of in prison.

**Conditions**

To determine which offenders are potentially suitable candidates for electronically monitored punishment as a front door scheme, all countries consider at least three factors. These are 1) the prison sentence may not exceed a certain fixed number of months (i.e., usually no longer than one year), 2) no specific types of crimes are excluded from ED, however, 3) there are exclusion criteria with regards to criminal behavior and offender history without naming a specific type of crime. For instance, in Finland it is not possible to serve a prison sentence under electronic detention when the offender has been convicted to an unconditional prison sentence in the past. Due to the limitation on the maximum number of months of prison time that may have been imposed, it is virtually impossible to have committed a serious crime, like murder, and fulfill the sentence for this crime fully under electronic detention.

Further, most countries have six requirements with regards to the final decision of approval of serving a prison sentence under electronic detention. These are: 1) to have a suitable house/living space, 2) to refrain from drug and alcohol use, 3) to have appropriate day-time activities (mostly a job), 4) to have permission from the offender, 5) to have permission from (adult) housemates, and 6) a personalized schedule in which all activities are listed and in which the whereabouts of the offender is specified at all times.

**Characteristics of ED-FD-participants**

With regards to their **offence history**, offenders under electronic detention in the Netherlands are less often first offenders and also less often revolving-door offenders (i.e., more than 20 previous convictions), when compared to ex-offenders who serve their sentence in prison. Further, ED-FD offenders have more often committed an offence of the traffic law and more often a crime of weapons and ammunition laws and economic crimes.

The **index offence**, the crime for which ED-FD has been put in place, is usually less serious for ED-FD offenders as compared to offenders who spend their time in prison. The level of seriousness of the crimes may be deducted from the maximum amount of time in prison that, by law, may be imposed, which was 4 years. In Sweden, most ED-FD offenders have been convicted for drunk driving and in France, ED-FD offenders as compared to offenders who spent their time in prison have been sentenced for driving under the influence. Most French ED-FD offenders have been convicted for theft, traffic crimes, drug crimes, abuse and sexual aggression.

With regards to their **socio-economic background**, ED-FD offenders in Sweden more often have a more favorable background as compared to offenders who spend their time in prison. In the Netherlands and France, ED-FD offenders as compared to offenders who spend their time in prison are more often female, their country of birth is more often the same as their country of residence, and on average ED-FD offenders are a bit older. In France ED-FD offenders more often were in a relationship, more often had children, more often had higher levels of education and more often had a job.

**Effectiveness**

For several previously specified outcome measures, there were no or hardly any studies available. Therefore, with regards to the effectiveness of ED-FD, no definitive conclusions can be drawn.
In Sweden, many ED-FD offenders were able to keep their jobs and they worked on average about 30 hours per week. In Belgium, ED-FD was flexible enough to continue to work, however, for those not already in possession of a job, it was difficult to find a job.

With regards to the relationship to their partner in Belgium it is stated that they find it a big advantage that the offenders can spend more time with their partners and children. At the same time this is seen as a disadvantage since there are more discussions when spending so much time at home. Housemates are an important factor in the success of electronic detention since they have to do most of the (household) work. In Belgium with regards to income it is stated that the only source of income is work (when they have a job) and that there are expenses as well, such as phone bills.

Only for Sweden and Belgium we were able to find information on the experiences of ED-FD offenders themselves. In Sweden, ED-FD offenders stated that they find the electronic detention at least as intrusive as a prison sentence with regards to freedom of movement. The guidance by probation officers was regarded as positive. Electronically detained offenders did not find it hard to refrain from alcohol and drug use, to work, to receive unexpected house visits and to wear the electronic ankle bracelet. The ED-FD offenders found it harder to maintain a normal relationship with family and friends and to participate in leisure time activities. The general opinion in this study was that ED-FD was a somewhat milder punishment then a prison sentence. In Belgium, the advantages that were mentioned were the flexibility of the schedule and the possibility to make a personalized schedule (the amount of appreciation was higher when the ED-FD offender had more to say about the contents of the schedule). Among the disadvantages that were mentioned were psychological stress due to anxiety, temptations to break the conditions of the schedule, pressure on the social life and stigmatization.

We were only able to find some research about breaches of the conditions that apply to the electronic detention that were done in Sweden. When ED-FD was first introduced in Sweden a study was conducted among 600 ED-FD offenders and it was found that 6% of these 600 offenders had to leave the program due to breaches of conditions, which were mostly alcohol usage. The offenders who breached the conditions were sent to prison for the remainder of their sentence.

There are not too many studies that examine the rate of recidivism after ED-FD. The two studies that were found showed that there is no difference in recidivism between ED-FD offenders and offenders who spent their time in prison. With regards to the potential recidivism rate of ED-FD offenders in the Netherlands, it was found that, statistically, the basic level of recidivism at the start of ED-FD is somewhat lower for ED-FD offenders as compared to offenders who spend their time in prison (60% for ED-FD, 62% for regular prisoners; this difference is significant). In Denmark, a recidivism rate of 20% for ED-FD offenders was found, this number was not compared to a control group.