

Summary

From fixed to mobile

An evaluation of an experiment with electronic monitoring for minors as an alternative for preventive custody

In January 2000 a two-year experiment with electronic monitoring for juveniles aged 12-18 was initiated in one jurisdiction in The Netherlands. Electronic monitoring was available as an alternative for preventive custody. The results of the experiment should help determine whether to implement this type of electronic monitoring in the whole country. The core idea behind this alternative is that, whenever possible, it is preferable to have juveniles continue their school and/or job, while keeping them under control at the same time, than to incarcerate them.

In order to be eligible for electronic monitoring, juveniles have to meet several criteria. For instance, they have to have a stable home situation, meaningful outdoor activities during daytime and they must possess a certain level of discipline. Drug addiction, behavioral problems and serious delinquent offenses serve as contraindications. Candidates are screened by the Child Welfare Council and the juvenile probation service. The latter is responsible for setting up a daytime program, counseling and supervising the participants.

Between January 2000 and July 2001 23 juveniles were placed under electronic monitoring. This was far less than projected. The main explaining factor for this appears to be the strict criteria for participation. Only very few juveniles meet these, and only a fraction of those who do are eventually placed under electronic monitoring. Judges and the public prosecution office fear the criteria may result in a dichotomy between juveniles whose home situation is favorable anyway, and those whose home situation is not.

Next to the criteria, the novelty factor may have played a role in the low number of participants. A major competitor affecting the input has been the availability of night detention for minors in this jurisdiction. This alternative for preventive custody has been in existence for some time. It targets the same group, and while the participants are allowed to continue school and/or work, the rest of the time they are required to stay in custody instead of at home, as in electronic monitoring. The procedures involved in electronic monitoring, though complex and time-consuming, are manageable. However, the multitude of actors and procedures generates a process which does not operate smoothly and which lacks uniformity.

The juvenile probation service's dual task (counseling and supervision) poses no problem.

The average age of the 23 participants was 15,5 years. Approximately 70% of them had been involved in violent theft and about 40% were first offenders.

The total time spent under electronic surveillance ranged from 4 days to 75 days. Virtually all participants completed their period of electronic monitoring. Only two failed to complete the program, one due to breaking the rules and another as a result of technical failure. This seem to indicate that the criteria lead to a base selection of the right candidates. All organizations involved agree on this.

In interviews, the participants and their parents indicated that electronic monitoring was found a genuine restriction (also with regard to family life) and by no means an easy option. Compared to detention, however, almost all expressed a preference for electronic monitoring. The fact that the participant stays home with his family and the continuation of school, job and social life are considered major advantages. Participants and their parents were very positive about the juvenile probation service's counseling.

As for the pedagogical component of electronic monitoring, the general feeling is that it mostly maintains the existing social bonds the participant has, and is less productive in strengthening these bonds.

It is not completely clear whether juveniles who otherwise would have been suspended now ended up in electronic monitoring. The data indicate no such effect or a very slight one.

Judges and the public prosecution office warn that electronic monitoring may result in other or lighter sentences. Participants have been kept out of detention through electronic monitoring. Detaining them still would undermine the idea of electronic monitoring. Also, when in the course of electronic monitoring it turns out a participant has committed more offenses than known at the start of electronic monitoring and thus turns out not to meet the criteria after all, electronic monitoring is not ceased in order to put him back into custody.

Furthermore, sometimes accomplices offenders in 'regular' preventive custody are suspended while their friend remains under electronic monitoring. In court they may get the same sentence. In such cases the electronic monitoring participant is punished more severely than his accomplices.

Once in court, punishment was imposed on most participants. This generally amounted to an alternative sanction, and/or financially compensating the damage inflicted upon the victim, combined with release on parole, and in some cases a continuation of counseling by the juvenile probation service.

None of the participants reoffended during electronic monitoring. During the time of measurement, after electronic monitoring four participants reoffended.

There were too few participants to allow for generalization of the research results. Thus, the findings should be considered as no more than indicative. Still, the experiment shows that electronic monitoring used as an alternative for preventive custody has positive as well as negative effects. All organizations involved would like to see the technique of electronic tagging used for juveniles who are about to end a period of detention. It would facilitate their getting used to everyday life again. Also, a new alternative, targeted at largely the same group, will be available soon and probably shape up to be a new competitor for electronic monitoring. This further complicates the decision on whether to implement electronic monitoring in this form on a large scale.

