

5 Summary and conclusions

5.1 Research questions and design

Questions

The Research and Documentation Centre of the Ministry of Justice has given the ITS assignment to evaluate the Electronic Detention (ED) pilot programme. The evaluation study focuses on the following questions:

What are the rationales behind using electronic detention?

Is electronic detention in actual practice being carried out as it should be?

How have those who have undergone electronic detention and their friends and family experienced it?

Research design

The main questions of the study coincide with the key parts of an evaluation study. These parts have been included in the study as follows:

- Evaluation of the plan: What are the rationales behind using electronic detention? This part of the study looks at previously published research and other relevant material such as reports, papers, memoranda and so on.
- Evaluation of the process: How has the programme been executed and what obstacles have been encountered? To answer this question, people involved with policy and actual implementation and execution were interviewed and relevant data material examined.
- Evaluation of the product: What was the scope of the programme? This part of the study deals mainly with the key figures, such as the number of participants, the number of detentions completed successfully and so on. The available administrative data of the electronic detention programme was used to answer these questions.
- Evaluation of the impact: What has been the programme's impact? This pilot programme has been studied mainly for its impact on the participants' social relationships, their daily activities and their psychological welfare. ED participants have been interviewed for this part of the study.

Bottlenecks

At the start of the study, our intention was to complete a total of 200 interviews with participants, partners of participants and participants that have had been to stop.

- The number of people that refused to be interviewed turned out to be a lot higher than expected.
- Participants with a bit of ED experience were to be interviewed so we had selected only those sentenced to three weeks of ED. The number of people with a shorter sentence (shorter than three week) turned out to be higher than expected.
- The number of long-term partners of participants who agreed to be interviewed turned out to be very low.
- The number of participants that did not complete their ED was low and those that were forced to stop refused to be interviewed.

5.2 Earlier research

The way in which electronic detention is provided in the Netherlands is different from that in other countries. Programmes in other countries usually have a supervisory or reintegration objective and are referred to as electronic monitoring (EM). For a detailed description of the differences between ED and EM see section 3.3.1 of the evaluation study. The experience of electronic monitoring in various countries is similar, but there are some important differences. Most of the experience with electronic monitoring has been positive.

Original reason

The United States was the first country to provide electronic monitoring. The main reason for setting up an electronic monitoring programme was to reduce prison overcrowding. Pressure on prison population capacities had to be reduced. This was also the reason provided by most of the countries described. Many countries suffered from prison overcrowding and were looking for alternative measures to take the pressure of the prison system.

Cost savings

Another reason for setting up electronic monitoring according to earlier published research was cost savings. The costs of electronic monitoring are a lot lower than that of a prison sentence. Earlier research, however, provides no data to support the assumption that electronic monitoring will lead to cost savings at a national level.

Detention impact

One of the most important ideas behind electronic monitoring programmes is that electronic monitoring will have fewer negative effects on offenders than incarceration. The offenders are thought to suffer less from alienation from the community if they are monitored electronically as this does not require them to be removed from their communities.

Selection criteria

All earlier studies show that the selection procedures for suitable candidates for electronic monitoring programmes were strict. In all countries, participants were required to have a permanent home. In most cases, they were also required to provide proof that they could fill their day with some kind of constructive activity (work or education). Participants had to agree to join the programme and frequently needed to show they were motivated enough to complete it successfully. The participants' housemates and partners had to also consent to the electronic monitoring. Because of the strict selection criteria, only a small group of offenders was assessed as suitable for electronic monitoring. This could explain the high rates of successful completion of electronically monitored sentences.

Offences

The offences for which the offenders that were monitored electronically had been sentenced varied greatly. One of the most frequent offences was a traffic violation, usually drunk driving. Other frequent offences were theft, fraud, blackmail and burglary. Major offences such as physical abuse, attempted manslaughter and murder were less frequent.

Characterization participants

In the Netherlands, but also in other countries, the programme's participants were usually relatively young men. A majority was either married or cohabiting. Prior to being arrested little less than half had a paying job. In general, it can be asserted that just about all participants had relatively stable homes.

Experience participants and housemates

Earlier research shows that participants experienced electronic monitoring as a real punishment, even though they could remain in their own homes. Due to feelings of relative deprivation, participants were confronted by the limits to their freedom to a greater degree than they would have been in prison.

Electronic monitoring is also more onerous in terms of self-discipline. For partners and housemates electronic monitoring also called for self-sacrifice. People were ashamed of their partner and tried to hide the fact that their partner was under electronic surveillance. Social contacts were avoided and having their partner at home for protracted periods of time led to tension and stress.

Despite the disadvantages, participants still listed a number of advantages of electronic monitoring. Some had come to value family life more and vowed to spend more time at home when they have completed their sentence. There were only a few participants that would have rather sat out their sentence in prison. The biggest advantage was that participants could maintain employment or look for a job. A disadvantage was that in general EM made it difficult to find a job.

Rehabilitation

Many earlier studies agree on the importance of electronic monitoring for rehabilitation. Having participants stay at home for protracted periods of time led to stress and worn out nerves. The supervision of a probation officer was almost always experienced as something positive, not just by the participants, but also by their partners and housemates.

In the different countries, all EM programmes played a role in rehabilitation and reintegration. Hardly any examples were given of programmes that used EM for primary sentencing. Just about all programmes had as their objective reintegration and had their participants subjected to supervision from a probation officer.

5.3 Organisation and implementation ED

Rationale for pilot programme ED

In November 2003, ED was first introduced in the Netherlands. The most important reasons were cost savings and to reduce prison overcrowding.

Electronic detention

Electronic detention is a type of home detention programme aimed solely at restricting freedom of movement without any reintegration objective. As the ED programme is a voluntary one, detainees are referred to as participants and not as prisoners. Potential participants are people that have turned themselves in and have been given a sentence shorter than three months.

These candidates are invited to participate in the selection procedure for ED and are interviewed to determine whether they are suitable candidates.

The most important criteria for participating are the following:

- participants are people that have turned themselves in
- participants have a sentence of no longer than 90 days
- housemates have given their consent
- participants must have a permanent place of residence
- participants must have a valid residence permit or identity document
- participants must be able to speak English or Dutch

ED Programme

Electronic detention is carried out by the administrative bureaux for the penitentiaries, the *Penitentiaire Inrichtingen Administratief* (PIA). In total there are five PIAs in the Netherlands, one in each court district. The PIAs are ultimately responsible for the non-custodial prison programmes. Therefore PIAs have been chosen to run the ED programmes. The head of a PIA is responsible for the ED programme.

PIAs fall under penitentiaries and the director of the respective penitentiary, the governor (*locatiedirecteur*), is also responsible for the PIA and, therefore, indirectly for the ED programme. The governor in turn is accountable to the managing director (*algemeen directeur*) who is responsible for all the penitentiaries in a certain district. In total, there are 20 managing directors who are headed by the prison sector director (*sectordirecteur gevangeniswezen*). The complexity of the system has in the past led to a very slow decision making process and has meant that in several cases funds that had been allocated to ED were used to cover other costs at the penitentiaries. The funds for ED are not earmarked. In addition to the complexity of the system, the heads of the PIAs also have to deal with the project group ED that decides how the ED programmes should be implemented and run

Implementation

Participants have to wear a secure anklet that emits a signal. A corresponding device in the person's home relays the signal that continually monitors the participant's presence to a monitoring station. If the participants are not gainfully employed, they have to remain in their home for at least 22 hours every day. They are only allowed outside at specified time slots for a maximum of two hours following prior approval from the ED programme coordinators. If the wearer strays too far from home during nondesignated time slots then an alarm signal is activated and relayed to the ED bureau. A corrections officer from the ED bureau will then contact the participants to find out what is going on. The policy on breaching ED is very strict. The first violation is followed by a warning. After the second violation, participation in the programme is terminated immediately and incarceration follows. PIAs and corrections officers may handle these situations differently because there is some room for them to use their discretion.

Unemployed participants are given a daily stipend of €7.50 based on the fact that they do not use all prison facilities. However, those entitled to benefits or welfare lose that right. Participants who are employed can continue working provided their job is at a fixed location at fixed times. Those employed can receive a visit or call at their place of employment from a corrections officer.

Each ED bureau also has a monitoring vehicle with which they can check the location of the signals relayed by the anklets. Those employed do not have any free hours on the days they work nor do they receive a daily stipend.

Number of participants

The number of ED placements available has increased from 200 in November 2003 to 300 in 2005. Up till now, in total 2,145 participants were placed in ED. Of these, 1,998 completed their sentence. Seven percent did not complete their detention successfully.

Costs

Prior to the implementation of ED, an estimate was made of the costs based on a number of assumptions. For this study, we have used time sheets to check how accurate these assumptions were. For the activities related to connecting, disconnecting and monitoring, the figure forecast was higher than the actual figures so that the cost for ED, €40.40, were lower than the budgeted figure of €43.36. However, these figures do not include accessibility and costs for car lease and fuel. Nevertheless, compared to the costs of incarceration at a low security prison, about €120, ED is a less expensive alternative.

5.4 Participants ED

The impact of ED on participants and their social environment was studied based on interviews with 66 participants and 16 partners. Possible correlations with the backgrounds of the participants were checked but none found.

ED and social environment

The effect of ED on the relationship of the participants with their partners appears to be small. To determine whether the relationship had been negatively affected, respondents were asked to respond to a list of assertions. Most of the negative assertions were refuted. In some cases ED even seemed to have a positive impact on the relationship.

Most of the participants did not seem to mind that others knew they were sentenced to ED. Most of their close friends, family and colleagues knew about the ED programme. Most of those with who the relationships were less personal, such as neighbours, did not know that the respondents were participating in an ED programme.

Daily activities

A remarkably large number of respondents, 79 percent, had no problems getting through the day. Just about the same number, 81 percent had no problem coming up with things to do during the day. Some changes were made to the daily routine at home, but these changes were small and, in general, were not considered to be negative. However, most participants said they spent more time now just sitting around doing nothing than they did before. In addition, participants also had less opportunity to participate in a number of activities outside the home. These changes were also small but viewed by most participants as negative. This probably explains why overweight is the most frequent complaint.

Getting by

ED participants with no employment receive a daily stipend of €7.50. This amount assumes that the participants use some prison facilities, such as meals and sports facilities. At least 25 percent of the participants did not know about this daily stipend.

Even though participants are no longer entitled to welfare benefits, 65 percent, almost two thirds of the participants that enjoyed welfare benefits continued to do so. Respondents explained that the daily stipend is by no means enough to cover their fixed expenses and daily necessities. As of 1 January 2005 information about the detainees is reported to the information bureau of the Dutch municipalities, the *Inlichtingen Bureau van de Nederlandse Gemeenten*.

Experiencing ED

Respondents who had also experienced a prison sentence were asked to compare it with ED. All of them gave ED a better score than a prison sentence. All respondents, also those that had never completed a prison sentence were asked to grade how bad ED was and how bad a prison sentence. A '1' stood for very bad and a '10' for not bad. A prison sentence averaged a 3.3 and ED averaged a 6.6. Participants that had completed an earlier prison sentence also gave ED a similar grade. Of all the respondents, 86 percent preferred ED to prison.

The reactions of the participants to a number of statements showed that two thirds felt restricted in their activities and that 84 percent experienced ED as punishment. That is offset by the fact that more than half of the respondents say they do not have a problem with the self-discipline needed to remain indoors.

Answers to questions on the degree of punishment and to questions on the general health questionnaire showed that there is a strong relationship between psychological health and the degree of punishment experienced. The greater the chances of a mental health disorder, the greater the chance that ED was experienced as a harsh punishment.

When asked whether they thought they would be able to complete their ED sentence, 90 percent of the respondents said they would. Seven percent did not know and three percent said they would not be able to complete the sentence. ED participation did not result in an increase in the use of alcohol or drugs. Neither did it result in any real increase in intake of sleeping pills, sedatives or antidepressants. A small number of respondents had physical ailments or mental problems.

Partners

Participants' partners were also interviewed. Partners have to give their consent in order for candidates to participate in the ED programme. Interviews with participants had already indicated that participation hardly had any impact on their relationship. This was confirmed in the interviews with the partners. The constant presence of the participant at home, did not make the partners feel restricted in their movements or activities. All the partners that were interviewed stated that they would again choose for ED if it were necessary.

5.5 Conclusions

The four main questions examined in this study can be answered based on the research results.

What are the rationales behind using electronic detention?

Electronic detention has primarily been introduced to combat prison overcrowding and because it costs less than incarceration. Weighing the measure of punishment against limiting negative effects from incarceration has not played a roll in planning and implementing ED. Based on earlier published studies on the subject, the current ED-pilot programme in the Netherlands can be called unique. In the countries that have some form of home detention, electronic monitoring programmes have been implemented to facilitate rehabilitation and integration and they include some form of supervision.

Is electronic detention being carried out in actual practice as it should be?

As a type of home detention without supervision or a reintegration objective, ED is being applied as it should be. The objective of having at least 200 detainees in the ED programme has been achieved. Currently there is a capacity for 300 detainees. In addition, the objective of making the ED easy to join has been achieved. Of all the candidates that had an intake interview, 75 percent were eligible for ED. The selection criteria appear to work well because only seven percent of the participants (or less) did not complete their ED sentence.

However, there are risks attached to the way in which the programme is run.

- The system is complex and sometimes this leads to delays in decision making.
- Electronic detention can only be successful if it can be monitored properly. Participants that are employed can breach the rules without being caught. If this weakness is not fixed by intensifying surveillance (verification checks) then the news will soon spread and more participants will probably use the loopholes in the system to their advantage.
- Without proper surveillance, some punishable acts, such as dealing in drugs or stolen goods can be continued from home. Research showed that only 22 percent of the respondents were actually visited by a corrections officer between the moment they were electronically tagged and detagged.
- Electronic detention is a sensitive issue when dealing with public opinion. Public support for ED will decrease dramatically if it turns out that participants continue to partake in criminal activities from homes.
- There is room for some difference in the way in which the ED participants are monitored and checked on. These differences can lead to inequality in the way ED participants are treated.
- There is a conflict of interest between the administrative objective of completing as many ED sentences as possible and the experienced severity of the punishment. The more restrictive and onerous the conditions, the higher the number of incomplete ED sentences.

How do participants and their family and friends experience electronic detention?

Only to a slight degree does participation in the ED programme have any negative social or psychological effects.

- Activities at home are hardly affected and any changes are usually viewed positively. Activities outside the home are also not affected to a great degree. However, the changes that do occur are for the most part viewed negatively. If given the choice, most participants would choose ED rather than imprisonment. The vast majority expect to complete their ED sentence successfully.
- Most of the immediate friends and family of the detainees are aware that they are participating in an ED programme. Acquaintances are usually not aware. Respondents have said that they were not ashamed about participating in the ED programme. According to the respondents their use of alcohol, drugs and sedatives did not increase, nor did they complain of any physical ailments or psychological problems.

- The punishment is experienced to be less onerous than a prison sentence but participants do experience ED as a punishment as their freedom is restricted. Restriction of movement is experienced as being a more severe punishment in the summer than in the winter.

5.6 Finally

Up till now, electronic detention can be viewed as successful based on the capacity realised, the number of participants and the low number of incomplete sentences. On the other hand, there are quite a few areas that need to be improved having to deal with the system and the way in which the programme is run. For the time being, ED will keep its status as a pilot programme. In deciding whether to give it a permanent status, the following should be taken into consideration:

Reducing prison overcrowding and cost savings

Earlier published research shows that there is no direct correlation between the introduction of electronic monitoring and a decrease in prison overcrowding. Furthermore, electronic monitoring is assumed to result in cost savings, but that has not been researched. The introduction of ED may actually not result in cost savings or decrease prison numbers and it may even increase the severity of sentences. For example, it is possible that ED may be used where previously no detention would have been given. That would result in an increase of the number of non-custodial sentences and an increase in cost rather than cost savings.

Organisation

If ED is given a legal basis and a permanent position in the prison system, regardless of whether it is seen as a punishment or in a correctional context, the current place ED holds in the hierarchy of the DJI, the Correctional Institutions Agency, should be examined. If ED continues to fall under the PIAs, then the position of the PIAs in the hierarchy should be re-examined. PIAs have expanded their activities to such a degree that a prison governor, *locatiedirecteur*, can no longer be expected to also be responsible for the PIA.

Benefit

For participants that rely on welfare, it is absolutely essential that the rules regarding the daily stipend are reviewed. Currently, the way in which the welfare offices treats the participants eligible for welfare varies greatly. Welfare policy is applied differently to individuals and differently per welfare offices. Most participants have kept their benefit while in ED. For some of them, the daily stipend was subtracted from their benefit. Other participants did not report their detention and received the total benefit sum. Finally, there were also participants that had lost their benefit and had had no income during the period of their ED sentence. What is needed are uniform, nation-wide rules regarding these benefits and ED.

Surveillance

Electronic detention can only be effective if there is some kind of monitoring system. Although virtual, electronic tracking to check whether a participant is present seems pretty foolproof. Twelve of the thirteen respondents that had admitted they had breached the home detention rules were immediately called by the ED office.

Actual on-site checks, however, are limited. Only 22 percent of the respondents said they had been visited between the time they had been electronically tagged and detagged. This means that the risk of committing any punishable acts or partaking in criminal activities from home is realistic.

Those that are employed have yet another way of evading the rules on the restriction of movement. They can simply take a partial or full day off without reporting this to the ED office. With the risk of being caught being small, they are willing to take a calculated risk. As news of any loopholes in the system or ways in which to evade surveillance spreads quickly, an increasing number of participants will make thankful use of them. Means and ways have to be found to increase surprise, actual on-site checks at home or at the place of employment.