

Introduction

Compared to countries like the USA and England, the Netherlands do not have much of a leading position in the development and introduction of intermediate or community sanctions. For instance, while community service (CS) was introduced in the USA in 1966 and in England in 1972, it took another ten years until an experiment with CS started in the Netherlands. The same holds for mediation or victim-offender reconciliation programs, restitution or compensation, and - the subject of this paper - bootcamps and electronic monitoring.¹ However, being a 'slow starter' has one distinct advantage: it makes it possible to learn from others, by observation, instead of by trial-and-error.

By gathering information about programs and experiments in other countries, it is possible to avoid certain problems and wrong choices, to select the right elements, and to determine the conditions under which a new sanction might be successfully introduced into your own country. Subsequently performing an experiment with the new sanction *within* the existing legal framework - e.g. as a special condition of a conditional sentence - will show whether the right choices were made with respect to the target group, the way of administering the sanction, etc., without changing the law.

On the basis of an evaluation of the experiment it can be determined whether or not the sanction comes up to the expectations (replacement of custody, improvement of social skills, less recidivism, etc.) and therefore deserves its 'own' place within the criminal justice system or better be abandoned and whether or not it needs to be adjusted in one way or another.

This is how two intermediate sanctions - bootcamps and electronic monitoring - were recently handled in the Netherlands. This paper

¹ A reason for this slow start might be that the following developments took place in the Netherlands later than in other countries: A) the increase in the level (and severity) of crime, that led to an ever growing prison population (as a result of the public demand for stiffer sentences); B) loss of confidence in the treatment and rehabilitation of offenders, combined with a strong emphasis on the rights of the victim and the responsibility of the offender; C) the autonomous development of alternative sanctions, that is, the development towards a more humane criminal justice system.

gives a short description of the programs and a brief discussion of the results of the experiments.]

Bootcamp

In 1994 an experiment with a special version of a boot camp started in the Netherlands.

The bootcamp experiment was based on an idea, launched by the former prime minister (PM) Lubbers during a party meeting in 1993. With the elections one year ahead, he pleaded for a firm, 'no nonsense' approach of youth committing serious crimes. Young criminals should be forced to work in camps, possibly under the supervision of ex-servicemen (having become redundant). Hard work was the only way to bring juveniles back to the straight and narrow path, according to the former PM.

The idea of a bootcamp-like approach was elaborated by a group of representatives of the prison system, the probation service and the department of justice. The Research and Documentation Center (WODC) of the ministry of justice was requested to review the (research) literature on American bootcamps in order to find out 'what works' and 'what does not work' in a bootcamp approach. It turned out that hard physical labor, military drill and discipline alone do not lead to lasting changes in behavior. At the same time, net widening appeared to be a very common phenomenon among prisoners in a bootcamp. In terms of criminal behavior, prisoners in American bootcamps generally showed more resemblance to young adults sentenced to a conditional prison sentence than to young adults sentenced to 3 to 6 months of imprisonment.

The Dutch 'bootcamp'

Like the American bootcamps, the bootcamp that started in The Netherlands on January 1, 1994, aimed at young adult offenders aged 18 through 23. Age however, is the only point in common. Contrary to the American bootcamps, the Dutch bootcamp was meant for male offenders who had committed serious, often violent crimes, and most of whom had prior police records. By participating in the bootcamp program, they could avoid an unconditional prison sentence of 6 up to and including 24 months. The program, that aimed at finding a

suitable job or education and (thereby) preventing future delinquency, would take 15 months to complete. Candidates for the program were selected in jails, during their pre-trial detention. In order to avoid 'criminal contamination' while in jail, the selection should take place as early as possible. A special selection committee decided on admittance to the program. Participation in the program was voluntary.

The bootcamp program, that took 15 months, was subdivided into three phases of 3 to 6 months each.

During the *first phase*, the participants stayed in a special jail in the north-eastern part of the country. Discipline and acquiring the basic skills for getting and keeping a job - getting up in time, learning to obey orders, etc. - were emphasized. During the day the participants had to work in the woods. In the evening and in the weekend education and sport was scheduled. All activities were compulsory. The *second phase* took place in the region where the participants came from, in a special facility created near an existing prison. During weekdays the participants went to school (usually vocational training) or performed jobs (usually temporary employment), the weekends were spent at home (weekend-leave). The regime resembled that of a open prison.

During the *third phase*, the participants were no longer detained and lived on their own or with their parents. They continued the work or education they started during the previous phase, under close supervision of a probation officer.

Misbehavior, lack of motivation, use of drugs, returning late from weekend leave etc., resulted in an official warning or termination of program participation (in which case the participant went back to prison or got a more severe sentence).

As was indicated before, the experiment with the bootcamp took place within the existing legal framework. Participation in the bootcamp could be imposed as a special condition to a conditional suspension of pre-trial detention - the judge postponed the sentence until completion/termination of the program - or as an unconditional prison sentence, part of which was served outside the prison walls (third phase).

Evaluation of the experiment

During the first two years of the experiment, 93 young adults participated in the bootcamp program. Information was gathered about their demographic characteristics, their criminal history, their achievements during the program, etc.

This group was compared to a group of young adults who served their prison sentence in a regular or 'normal' half open prison that started a more or less similar program as the bootcamp. The half open prison, like the bootcamp, offered motivated prisoners the opportunity to improve their (future) job opportunities by working inside or outside the prison (in businesses near the prison) or by going to school. The goal was to find a suitable job or education for each participant upon leaving prison or ultimately within six months after release from prison. This way, recidivism might be reduced or prevented. Because the half open prison accommodates young adults from all over the country, the program closely cooperates with local job centers in or near the hometown of the participant (the job centers have information on jobs and training facilities that are available). One of the research questions was, whether this program in a regular prison setting led to the same results as the bootcamp approach.....

The *second* comparison group that was used in this study, consisted of young adults who had been sentenced to an unconditional prison sentence of 6 - 24 months and served their term under a prison regime that did not provide special attention to work or education. This second comparison group was used to establish the effect of attending the special programs (that of the bootcamp and the half open prison) on future criminal behavior. Also, by comparing the crimes that were committed by the members in each group, it was possible to find out whether the groups matched in this respect and whether participation in the bootcamp had been an alternative to 6 to 24 months of imprisonment, as it was meant to be.

The three groups that were compared in the study included:

- 93 participants in the bootcamp program
- 240 participants in the work/training program of the half open prison
- 90 young adults who served a 'traditional' unconditional prison sentence of 6 to 24 months

Characteristics of the offenders

In terms of background variables and criminal behavior, the three groups did not differ much from each other. To give an impression, here are some figures regarding the participants in the bootcamp program:

Demographic characteristics	Criminal behavior
on average 20 years old	90% had had previous contacts with the law (on average 9 times)
55% was of Dutch origin, 18% Moroccan, 13% Surinam	63% had been convicted before (on average 3 times)
55% lived with their parents, 20% had no stable housing conditions	71% was arrested 'this time' for violent crimes (mostly robbery and extortion)
73% was unemployed	average damage caused amounted to approximately 15,000 dollar
75% dropped out of school	all were taken into pre-trial detention (on average 3,5 months before entering bootcamp)

The similarity in criminal behavior between the participants in the bootcamp and the young adults who received a traditional prison sentence suggests that participation in the bootcamp did indeed replace 6 to 24 months of unconditional imprisonment. That is, there were no signs of net widening.

Termination of the program

Taking into account the length of the program (15 months) and the length of the data-collection period (24 months), we can conclude that 50% of the participants in the bootcamp *completed* the program. All graduates had jobs or went to school at the end of the program and 75% of them continued to do so for at least six to twelve months. Compared to their situation prior to their arrest, at least 70% showed an improvement in the field of work or education (they were formerly unemployed).

The other half of the participants, on the other hand, were *dismissed* prior to graduation. Of these 'drop outs' approximately 60% was dismissed during the first two months of the program, usually because of lack of motivation. Another 30% was dismissed during the second phase of the program, usually because of drug abuse or new offenses during one of the first weekend-leaves.

Taking into account the length of the program and the characteristics of the participants, a 50% success-rate - or, as one likes, a 50% failure rate - is not unusual. Shorter community sanctions for young adult offenders - e.g. three months - showed similar graduation/dismissal figures.

Compared to the results of the work/training program of the half open prison however, the results of the bootcamp do not differ. Like the participants in the bootcamp, 50% of all participants in the work/training program of the half open prison found a job or suitable training within six months after release from prison. Similarly, 70% of all graduates showed a distinct improvement in the field of work/education compared to their situation prior to detention.

Recidivism

For all three groups, data on re-arrest were collected over a period of 18 to 22 months since the end of the intervention. It turned out that the three groups did not differ from each other in this respect:

- approximately 50% of the members of each group was re-arrested,
- the average number of new arrests amounted to 3 in each group,
- the first arrest took place approximately 8 months after the program/prison sentence ended.

Furthermore, there was no difference in recidivism between participants who graduated from the bootcamp and participants who were dismissed prior to graduation. Both subgroups of the bootcamp 'performed' as well or as bad in this respect as the young adults who underwent a traditional prison sentence.

This is not to say however, that special programs aiming at work or education for young adult criminals have no effect at all on recidivism. Graduates from the special program of the half open prison, who (still) had a job or went to school six months after their release, showed a significantly lower recidivism rate (38%) than those who did not have a job/education after release (76%). Whether the same effect holds for the bootcamp was not clear, the number of graduates was too small to measure this effect.

Conclusion

The evaluation of the experiment showed that the bootcamp was successful in reaching the target group: the participants were young adults who had committed serious crimes, who were poorly educated, mostly unemployed and who would otherwise have spent 6 to 24 months in prison. The results - 50% graduation, a clear improvement

with respect to work or education for most graduates, 50% recidivism - are 'not bad', considering the characteristics of the target group and length and 'severity' of the program.

The results however, were no better than those of the work/training program of the half open prison; that is, of a program within the existing, regular prison setting. Furthermore, introducing the bootcamp program on a nationwide scale, as a standard provision within the prison system, would require special legislation. Changing the law for a sentencing option that doesn't add much to what is already available within the criminal justice system, didn't seem a wise thing to do. Therefore, the minister of justice decided in July 1997 to close down the bootcamp once the last participant graduates or is dismissed from the program. The valuable elements - the close cooperation between the prison staff, probation officers and employment officers, and the phased approach - should be preserved and applied within existing or future programs.....

Electronic monitoring

In search for ways to reduce the use of scarce and expensive prison cells, the Dutch government decided in 1993 to conduct an experiment with electronic monitoring (EM). As with the bootcamp experiment, information on the results and experiences with EM in other countries - the USA, England and Wales, Canada, Australia, Sweden, Israel, Singapore - was gathered during the preparation of the experiment. Books and articles on EM and visits to programs made it clear that it was important to give special attention to aspects like:

- careful selection of candidates/participants,
- the maximum length of the period of EM (EM should not exceed six months),
- finding meaningful ways to spend the time during EM (e.g. work, study, treatment),
- close supervision by the probation service,
- participants as well as house-mates must consent to EM,
- immediate and consequent reactions to misconduct,
- the danger of net widening

The experiment, that started in July 1995, took place in four (out of nineteen) jurisdictions, in the north of the country. Two groups of offenders could apply for EM:

- prisoners who had spent more than half of their prison term in a closed or half open prison and who were eligible for placement in a more open regime (open prison or day (time) detention)
- offenders who 'deserved' an unconditional prison sentence of more than six months - and for that reason were not eligible for a community sanction - but whom the judge none the less wanted to keep out of prison. By combining a 'long' community sanction - like 240 hours of community service, the maximum length of community service in The Netherlands - with EM, the judge could create a sentence that was severe enough to fit the crime and serve as an alternative for more than six months of imprisonment. In such a case, the typical verdict would be six months of imprisonment, to be replaced by 240 hours of community service, plus a conditional prison sentence, with EM as a special condition.

Both applications of EM took place within the existing legal framework.

The Dutch experiment with EM shows a number of similarities to the experiment with EM that was recently completed in Sweden. Like in the Swedish experiment, the probation service is responsible for the selection of candidates, for the plan of activities during EM and for the supervision of the persons under EM. During one or more interviews with the candidate (and with the house-mate(s)) the probation officer checks whether the candidate is really motivated, whether the housing conditions are suitable for EM and the house-mate(s) consent to it, and whether it will be possible to draw up a meaningful plan of activities during EM *for at least 20 hours a week*. This information is included in a written recommendation of the probation service concerning the suitability of the candidate for EM (and eventually the plan of activities during EM). The administration - in case of prisoners - or the judge decides whether to accept or reject the application. Prior to the start of the EM, the participant signs a contract, stating that he or she agrees with the detailed plan of activities (and places) during EM and will allow the staff of a private security company to install, check and remove the EM-equipment.

Persons under EM wear a transmitter strapped to their ankle, which continuously sends a signal to a receiver placed in their home. By means of the telephone wire, the signal is transmitted to a host computer of a private security company. The computer, in which the timetable of the participant's plan of activities is stored, checks whether the signal corresponds with the stored plan. Deviations from the program and attempts to manipulate or damage the equipment are automatically detected and immediately reported to the probation service, who will get in touch with the participant to find out what is going on. Violation of the rules, like unauthorized absence, will lead to an official warning. A second or a severe violation, like committing an offense, leads to the immediate termination of EM and placement in a closed prison setting or a new court procedure to execute the conditional prison sentence.

During the experiment a maximum of 50 persons could be electronically monitored at the same time. There was no 'charge' for participating in the experiment.

Evaluation of the experiment

The WODC was asked to evaluate the experiment. The main question was whether EM was used as an alternative to incarceration and thereby could contribute to reduce the pressure on scarce and expensive prison capacity.

The first 18 months of the experiment were evaluated (July 1995 - January 1997). During this time 279 candidates for EM were reported to the probation service by prison staff, lawyers, public prosecutors and fellow probation officers.

Of these 279 candidates, almost 50% was selected for EM: 126 persons actually participated in the experiment, nine other persons had been selected for EM but were still waiting for their EM to begin when the data-gathering ended in January 1997.

Within the group of persons who did not qualify for EM, there was a relatively large number of offenders who applied for EM in combination with a community sanction. Two thirds of all candidates who still had to go on trial when they applied for EM, were given another sentence. In the majority of cases, the judge considered a community sanction plus EM too light or too severe to fit the crime. Instead, these persons were sentenced to e.g. four months of imprisonment, to be replaced solely by community service, or to a totally unconditional prison sentence of eight to twelve months.

Characteristics of the participants

The 126 participants in the experiment were mostly male (94%), with an average age of 34 years. Eighty percent was of Dutch origin, 70% was married or living together. Almost half of the participants had a job when they were arrested.

The offenses that had been committed by the participants range from multiple shoplifting, burglary, fraud and arson to selling or smuggling of hard drugs, sexual child abuse, kidnapping and murder/manslaughter. The majority of the participants had been sent to prison for these crimes: 87% (110 persons) was doing time in jail or a (half open) prison when they applied for EM. They were serving prison terms ranging from 8 months to 8 years, with an average of 28 months.

The remaining 16 participants were sentenced to EM in combination with (another) community sentence - usually 240 hours of community service. When we look at the crimes these 16 participants committed (e.g. burglary, selling drugs, arson), the damage and harm they inflicted as well as their criminal record, it can be inferred that the EM *plus* community service (sanction) replaced a unconditional prison sentence of more than six months. That is, the participants had committed far more serious crimes than people who 'normally' receive just a community sentence or a prison sentence of six months or less. There were, in other words, no signs of net widening.

Duration and content of EM

The period of EM ranged from one to six months, with an average of 3½ months. For the participants who were formerly detained, it means that one fifth of their net prison term was executed 'at home'.²

Work was an important component of the programmed activities of 80% of the participants. On average they worked five days a week, a total of 36 hours. The work consisted of voluntary work, work in their own or family business, or work for their 'former' employer. The participants that did not work 'filled their days' primarily with study, treatment, housekeeping, etc. Except for obligatory activities, the plan of activities of most participants also contained some 'spare hours', mostly during the weekends. During these spare hours the participants were free to leave their home, e.g. to visit family, go shopping, go for a walk. At the start of the EM-period the plan contained on average 13 spare hours a week. Participants who complied to the rules were gradually rewarded with an extra nine spare hours. Including the spare hours, the plan of activities 'filled' almost 50 hours a week with compulsory and voluntary activities that usually took place outside the home.

Termination of EM

Twenty participants (16%) received an official warning during EM, mostly due to unauthorized absence (leaving the house during curfew, coming home too late). The number of persons whose EM was terminated for reason of misconduct, amounted to 10%. Again, the most common reason was unauthorized absence. Only two participants were re-arrested while under EM. There were no connections found between e.g. the length of the EM-period, the type of offender or the number of hours the participants had to spend at home on the one hand and the (successful) termination of the period under EM on the other.

Interviews with 48 participants and 21 house-mates revealed that EM was experienced as a genuine restriction of liberty and by no means an easy option. EM required a great deal of self discipline and (self) responsibility, and the strictly programmed activities made EM a real punishment. Furthermore, the EM-equipment imposed limitations, for instance on sports like football (soccer) or on wearing shorts (others

² Prison sentences of six months or more are subject to 'early release': after two thirds of the prison sentence is executed, the prisoner is automatically released.

might see the transmitter and label them as criminals) as well as on using the telephone. House-mates indicated that EM initially made them feel guilty when they wanted leave the house to visit friends or go shopping while the participant had to stay at home. These 'guilty' feelings however disappeared as time went by and as the participants got more spare hours. All in all, both participants and house-mates expressed a strong preference for EM compared to prison.

Conclusion

The evaluation showed that EM can serve as a substitute for the execution of (part of) an unconditional prison sentence. This applies particularly to the application of EM during the last phase of a prison sentence. The small number of persons who were sentenced by the judge to EM in combination with an alternative sanction, raises questions about the usefulness of this modality for reducing the use of imprisonment. Nevertheless, in October 1997 the minister of justice decided to introduce *both* modalities nationwide, starting with some densely populated jurisdictions in the West. If the nationwide introduction passes off quietly, the law will be changed to give EM its 'own' legal basis.