

What next - the magic bracelet?

Dick Whitfield described the evolution and future of electronic monitoring at a CCJS/ACOP Conference in October 1999. This article summarises his speech.

After years of debate and a number of trials in pilot areas electronic monitoring is now widely available - it has been used for selected prisoners released up to two months early since January 1999, and as a sentence of the court since December 1999.

This is a good time to stop and re-evaluate electronic monitoring. This Government has introduced electronically monitored curfews on a wider basis than any other jurisdiction in the world. Most countries use it either at the point of sentence or to support early release schemes. We have both. Most countries specify very

carefully the limitations on use in terms of sentencing policy. The Home Office has given sentencers a free hand in using EM on its own, or in conjunction with other community sentences; and it is experimenting with it as a condition of bail, for juveniles and for fine defaulters. It seems that electronic monitoring is offered as the panacea for all problems which is why I have used the term 'Magic Bracelet' in my title.

If we re-evaluate electronic monitoring some fairly sharp questions start to emerge:

- Will it reshape the whole pattern of sentencing?
- Will it change community sentences and the way offenders are supervised?
- Will it clear out the prisons or will it make the whole community a prison of sorts?
- Is it just the start of an Orwellian 1984 scenario - increasingly sophisticated surveillance and social control?

Despite predictions, electronic monitoring has had a surprisingly slow start both here and in the United States. The second Home Office report on the pilot areas four years after the trials gave a usage figure of 1.3%. While 300 electronic monitoring orders were being made, the same courts were making 6,200 probation, combination and community service orders, and sending 2,800 people to prison.

A low percentage of electronic monitoring orders in sentencing has been a feature of usage in the United States, too. Electronic monitoring currently accounts for less than two per cent of sentenced offenders despite a prison population of epidemic proportions - over two million

in prisons or local gaols.

I believe this is because electronic monitoring was heavily promoted as a way of reducing prison populations and thereby criminal justice system costs, increasing public safety and making the most of reliable technology in place of rather less reliable human beings. After ten years, however, the independent National Institute of Justice report demonstrated that all too often prison populations had risen and costs to jurisdictions had increased. Electronic monitoring had been extensively used with low-risk offenders creating no great public safety advantage.

Sweden is alone in reporting unequivocally positive effects from the introduction of electronic monitoring. There it accounts for a significant percentage of total sentencing and is closely targeted to a specific range of offenders. Prison numbers have reduced by 25 per cent in the five years since its introduction.

Effective targeting

Targeting is the single, central, issue which determines the difference between a successful, cost effective scheme and an expensive failure. It has to be realistic and well informed and requires agreement as to the purpose of EM to be shared by politicians, policy makers, sentencers and pre-sentence report writers. No matter how good the equipment, the contractors and the supervisors, if you use EM poorly on unsuitable people, it will be ineffective.

The main danger is net widening. If you don't have clear policy guidelines, the risk is that you will use an expensive and intrusive option on people who don't really need it and that you will accelerate the path to prison for some of them. This is far too well documented to ignore. The



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National Institute of Justice attempted to define who, in the USA, would be the offender most likely to complete a curfew order successfully. Their wide ranging research provided the answer. It was:

- an offender over 30, lightly convicted
- on a short order
- in employment
- owning his or her own home

In short, just the sort of person who doesn't really need it and for whom a fine is most likely to be the most effective and cost effective option.

Will tagging change the way offenders are supervised in the community? In numerical terms it might not seem so, but I think the cumulative effect, and the cumulative experience which Home Detention Curfews will also bring, will be the precursor of subtle and profound changes which probation staff need to recognise and exploit. Jack Straw has said on record in October 1997 "We have to recognise that tagging on its own is not significant. It is tagging linked to personal contact with offenders that is likely to be most effective". Most of his European counterparts agree with that and operate tagging in tandem with a programme of supervision. So far the Home Secretary has not put into practice what he apparently believes. But the impact on Probation Services is real, they are working with a sentence that says 'We are really serious about getting you to stop offending and we have a programme here that will do something about it while we do our best to ensure your co-operation'. It is a powerful message to offenders, certainly; to the public, too.

The future of tagging depends on it being able to

justify expansion and use in either effectiveness or cost effectiveness terms or both. It is too early to predict developments here but the picture elsewhere is not encouraging. The Solicitor General's office in Canada has just published a research report on the three provinces which have established court and prison based schemes: British Columbia, Saskatchewan and Newfoundland. Their conclusion was:

"Being placed in an electronic monitoring program had no appreciable effect on criminal behaviour. Offenders continued to engage in as much crime as those who remained imprisoned, or those who received a sentence of probation. Electronic monitoring programs may actually increase correctional costs by widening the net without improving public safety."

Spy in the sky?

Tracking systems, the use of ground position by satellite technology (GPS), are grabbing headlines. It's not difficult to see why the 'spy in the sky' is a very powerful image. Knowing where someone is at any time, not just during a curfew period, gives unimaginable powers of surveillance and control. There are commercially available systems which offer to do just that. There are, however, three major problems which will limit this system for some time yet. They are cost, technical difficulties and data interpretation. The first is readily understandable. That may change, but the other two areas might act as a more permanent brake. Technical problems revolve around battery size and weight, and a number of everyday features including multi-storey buildings, which weaken the efficiency of this system; data problems are about the sheer

quantity of information provided and the equally large amount of human time needed to check and analyse this amount of data. I'm sure tracking will work sooner or later but whether the next five years will see a workable system is, I think, open to question.

Voice recognition pilots

Meanwhile, computer aided voice recognition offers a cheap and very interesting alternative. This is not a replacement for tagging, but a different way of monitoring risk. Making a voice template is a simple process and the combination of computer technology and the 1471 telephone system enables the identity and location of the offender to be checked in seconds. That means you can use either programmed checks through a variety of locations (home; employer, drugs clinic or wherever) or random checks via a pager system which gives very real flexibility. Kent Probation Service is trying out the system now in the first successful European trial. Voice recognition monitoring is not a competitor to conventional tagging. It is an alternative way of using new technology to cut down risk and enhance community supervision.

The need for balance

We need to decide on our aims and our programmes and then get technology to meet them. Tagging started the other way round and has spent over a decade trying to right the balance. Now we have a better idea of what we want and what is realistic. We also know what the consequences of failure are. The American Probation & Parole Association gave evidence to the State of Ontario's Standing Committee on the Administration of Justice when that state was

considering introducing electronic monitoring. The APPA, itself a supporter of electronic monitoring, was asked to summarise all the evidence and experience of their members:

"Providing electronic monitoring to low risk offenders has been found to increase recidivism rates, and further increase costs. Electronic monitoring is cost-effective when used on moderate and high risk offenders and coupled with appropriate interventions that target specific criminogenic factors. The evidence is that electronic monitoring is more effective when combined with other rehabilitative programs."

If electronic monitoring in this country is to have a significant impact on policy and practice it has to tangle with both the positive and negative factors I have listed.

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