

Professionalising electronic monitoring in the Netherlands

Michiel van der Veen outlines steps to make it more efficient

Like England and Wales and Sweden, the Netherlands was one of the first European countries to show political and professional interest in electronic monitoring (EM), piloting a radio frequency scheme in 1995 and mainstreaming it as a national provision in 1999. Unlike England and Wales there was no sense of a crisis of prison numbers, the Netherlands having an enviable reputation at the time as a low user of imprisonment, with high rates of admission but for relatively short periods of time compared to many other countries. Nor was there a sense of urgency to reform the social work ethos of the Probation Service, although there was a perceived need to make it more cost effective and efficient, in line with a general commitment to managerial ideals in the criminal justice system as a whole.

The impetus to undertake EM came from politicians and policymakers, and the Probation Service only agreed to co-operate with it if it was combined with a programme of work, education and treatment for whose organisation they were responsible. Not all probation officers were happy about this, but if EM was to happen, it was better for it to be in-house. There was never any desire to see EM used as a stand-alone punishment, merely to enforce house arrest, or to use the private sector to deliver the service. Electronic monitoring was either a condition in a suspended sentence, or a replacement for a non-suspended prison sentence; it was administered across the whole probation service much like probation or community service, and

breached via a public prosecutor in much the same way as these. The consent of the offenders and of other householders – and the offender's contractual agreement to engage in specified activities for up to 26 hours per week – was considered important, as was agreement to alcohol and drug tests. The sentence was initially for between six weeks and six months, consistent with the Netherlands emphasis on short, focussed interventions. The hope was that this new measure of community supervision would be particularly effective at achieving reintegration into society, reducing offending and saving money on prison places.

Trying everything, learning little

Other uses of EM developed. It became available as an alternative to pre-trial detention; this is largely a stand-alone measure as befits arrangements for the un-convicted. It was also established as a means of releasing prisoners (on sentences of six months or over) to complete the last part of their sentence in the community. It was administered by the Probation Service along similar lines to the suspected sentence versions of EM, linked to 26 hours of work, education or treatment for an addiction. At different times the use of EM was also piloted on juveniles as part of intensive family support schemes and in mental health settings. Voice verification technology, which uses biometrics rather than an ankle bracelet to identify the wearer and his location was experimented with on football hooligans, to keep them away from games at particular times of the week or weekend, but not to monitor

them otherwise. Breathalyser-based remote alcohol monitoring was also tried, but not mainstreamed. It was easy to get a sense in the Netherlands that every form of EM was being experimented with, but that no systematic expertise was ever accumulated about it and that its potential was not being maximised, perhaps not even optimised.

GPS tracking was introduced in the Netherlands somewhat haphazardly, almost accidentally, not because of a shift in official policy premised on the view that it was a superior form of monitoring to radio frequency technology. The use of GPS tracking spread incrementally and was mainstreamed as a measure mainly for sexual and violent offenders in 2011, although like EM generally it has never been used on a large scale, with under 100 people on it at any given time, and sometimes much less than that. It has found a niche with a predominantly radio frequency/EM system and there has been no major debate about its intrinsic superiority or otherwise over first generation EM technology. It is better to think of the two types of EM as different tools for different jobs, and to judge them in terms of their utility in solving particular problems with particular offenders. The launch of GPS in its first phase was accompanied by a well-thought out media strategy, a deliberate decision to engage in 'expectation management', ensuring the press and TV were not ill-informed, all of which may have played a part in ensuring that GPS – and indeed EM more generally – has been relatively uncontroversial with the Dutch public.

Getting more professional

For all it is now an embedded and taken-for-granted feature of the Netherlands Probation Service, EM is now being perceived as 'underused' and not fulfilling its potential. This is not only because of reluctance by some probation officers to recommend it, although given the strong tradition of independent professional autonomy in the service that is almost certainly part of it. Prosecutors and judges show similar reluctance to use it, and despite its

having been available for 18 years they may still not have adequate understanding of the creative practical uses to which such a measure could be put. The problem with the underuse of EM is one for all the relevant agencies, the whole of the criminal justice chain, not just the probation service, although it was readily apparent that there was scope for improvement there.

The Dutch Ministry of Safety and Justice (S&J Ministry) desires the more extensive use of EM and the Netherlands Probation Authorities have accepted the challenge. Over a year ago they established a 'professionalisation programme' to optimise the use of EM. 'Professional' in the sense that it is about improving and concentrating the expertise of staff involved in administering EM sentences. In addition the Probation Service took on the responsibility to educate other agencies and personnel involved in EM, particularly prosecutors and judges.

From a management perspective, there seem to be three key problems with the current way the Netherlands implements and administers EM. Firstly, there is too much emphasis on EM as a device, as a technology which is simply 'added on' to human supervision and not enough prior thought on the uses to which the technology can be put in particular situations, the goals – the specific forms of risk-management it can help to achieve. Secondly, there seems to be no shared understanding of what EM is or can do in the criminal justice chain; the same penalty may be understood differently (or simply misunderstood) by prosecutors, judges or probation officers at different stages of decision-making in the criminal justice process. Thirdly, the process of implementation is too diverse and chaotic for expertise to be built up over time and consistent good practice achieved. In short, across the board, more standardisation was needed.

There seems to be no shared understanding of what EM is or can do in the criminal justice chain

This is particularly true in the probation service itself. Traditionally the administration of EM has been dispersed across the whole of the Probation Service, and because it is not used extensively by the courts (although there are regional variations) no individual probation officer ever gets great experience of supervising EM sentences. In addition, local probation officers are supervised regionally, rather than hierarchically from headquarters, which means that regional managers also fail to accumulate expertise on using EM. This needed to change. It has been agreed that a number of regional specialists in EM will be created who will concentrate specifically on supervising the available EM cases, developing deeper understanding and work routines, increasing the quality of supervision (or at least reducing the likelihood of poor quality). The regional specialists are, ideally, to be managed centrally.

Creating EM products

Reorganising the structure for delivering EM will not in itself alter the perception of EM as a mere technology to be 'added on'. It has therefore been agreed that the Probation Service must develop a 'product line' of standardised EM packages, each with a clear purpose

and a clear set of parameters relating to the kind of case, or risk-level, that it is appropriate for, rather than clinging to the myth that

EM sentences can be tailored to any variety of individual cases. The idea that EM (and associated services) should be conceived as 'a recognisable product', and made intelligible and attractive to prosecutors and sentencers was not uncontroversial in the probation service. This was despite continuing adherence to the idea that EM alone would not be useful or desirable, that only a combination of monitoring and counselling will bring about desired results, and that such

packages should not be used on low risk offenders.

Nonetheless, after reviewing the kind of cases on which EM was being used, reflecting on the kind of cases that it *could* be used on, reviewing the research evidence, engaging in dialogue with various stakeholders at 'product conferences', 11 distinct sentencing packages were conceptualised, in two 'product groups', one focussed specifically on protecting an individual victim, the other focussing on ensuring the offenders effective compliance with monitoring. All packages make use of exclusion zones and 'location orders' but vary in the hours they specify for weekday curfews and participation in programmed activities and in weekend hours being electronically monitored.

The webstore

How are these products to be explained to prosecutors and sentencers? A key feature of the 'professionalisation programme' has been the creation of a closed (non-public) 'electronic webstore' which prosecutors, judges and specialise probation officers can each separately access. The 11 products, their rationale and their applicability to particular types of offence and offender are described on the site, enabling prosecutors and judges to decide in advance what they need, in the certain knowledge that the specialist probation officers in each region will be able to translate their requests into concrete practice. The webstore was piloted in limited number of regions and mainstreamed in October 2013. Practitioners in different criminal justice agencies are learning for the first time to speak a common language about EM, to share a mindset regarding what it can and cannot reasonably achieve. By such means the Netherlands hopes to increase the use of EM penalties and improve the quality of what is delivered. A similar strategy for enhancing work with young people on EM is now in development. ■

Michiel van der Veen is a Judge and management consultant to the Netherlands Probation Service
