

# The goal oriented approach of EM in the Netherlands

ELECTRONIC MONITORING IN EUROPE

Bruxelles, 18<sup>th</sup> February 2016

Miranda Boone

Matthijs van der Kooij

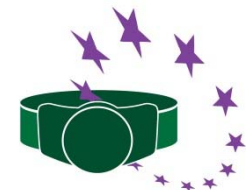
Stephanie Rap

**Creativity and Effectiveness in the Use of Electronic Monitoring as an Alternative to Imprisonment in EU Member States**  
**JUST/2013/JPEN/AG**



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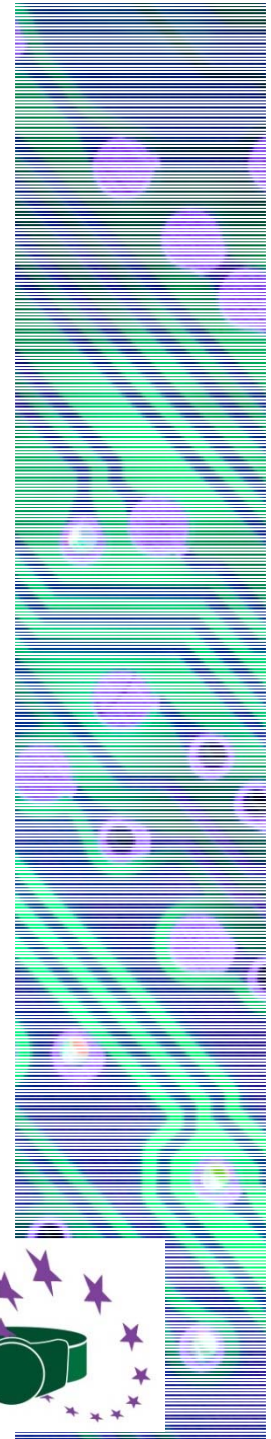
# Modalities of EM

- As a condition of a suspension of pre-trial detention
- As a condition of a (partly) conditional prison sentence
- Conditional tbs-measure for mentally ill offenders
- Conditional ending of tbs-measure
- Penitentiary Program (prison reintegration): most important modality of EM
- Conditional release from prison
- Prison leave
  
- **No stand alone measure**



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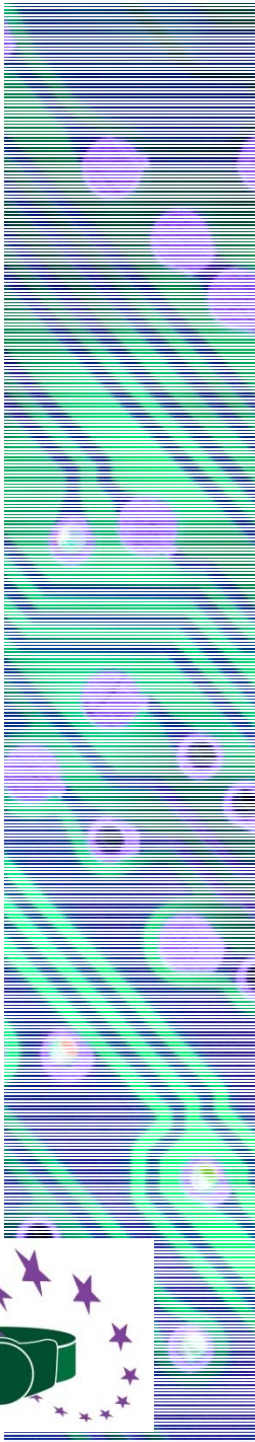
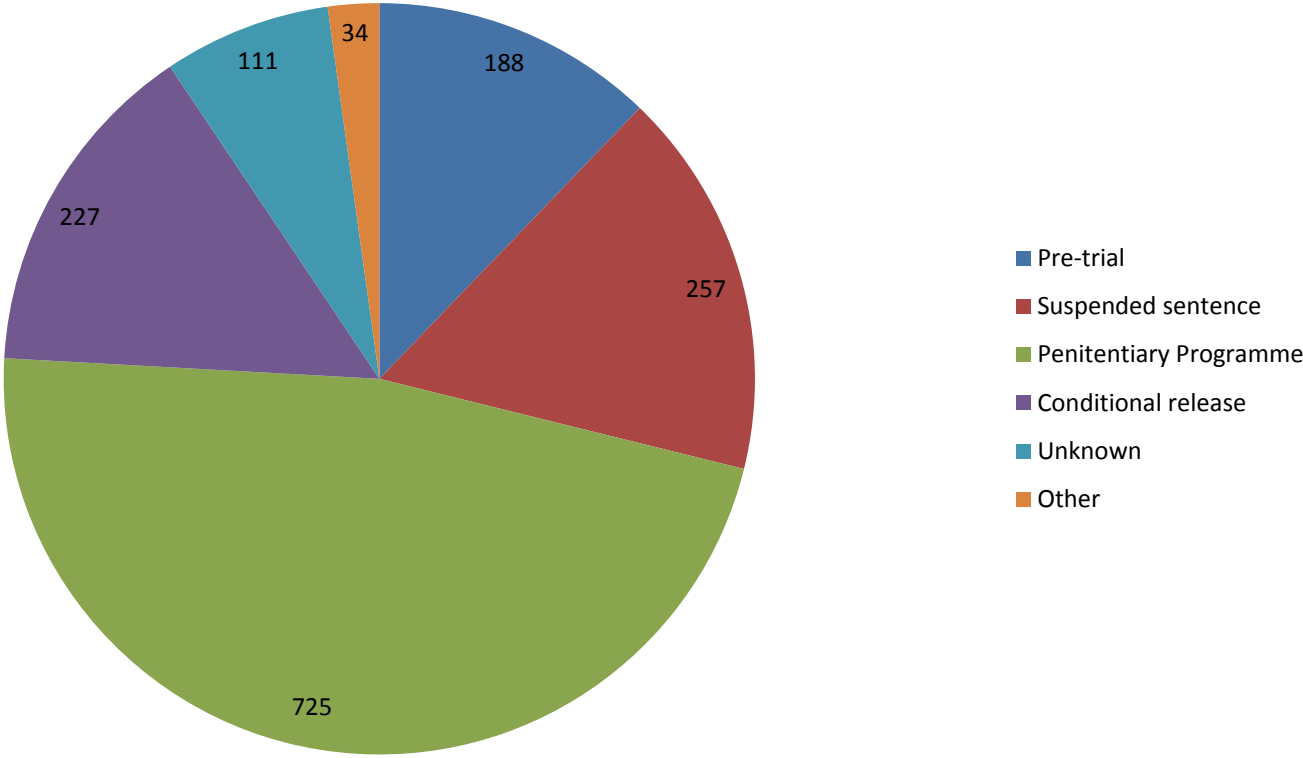
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# Modalities: number of cases 2013

Total: 1562

Modality



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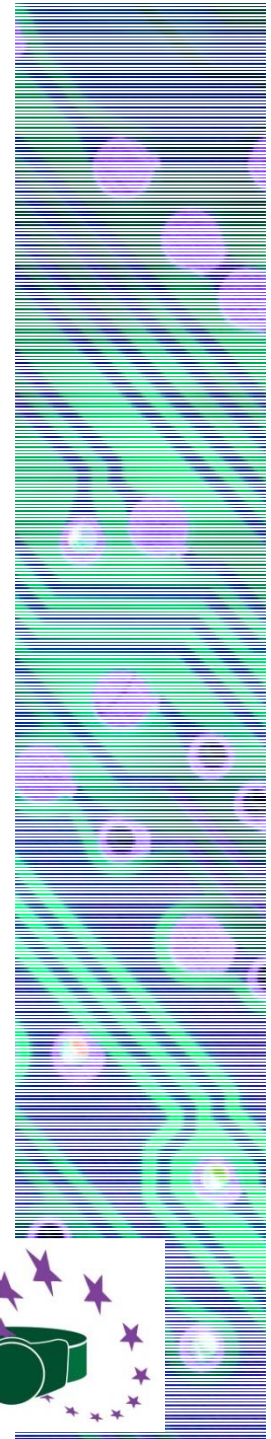
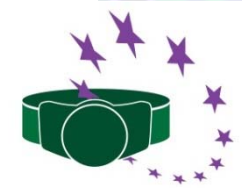
# Objectives of EM

- Not a goal in itself, but a means to improve supervision/support.
- Attached to location order or location ban
- Objectives of EM highly interwoven with objectives of probation service
- Goals to which the use of EM contributes according to respondents
  - Monitoring (providing structure, do probationers follow the rules that are set)
  - Realising behavioural change
  - Protection of victims
  - (Substituting detention)



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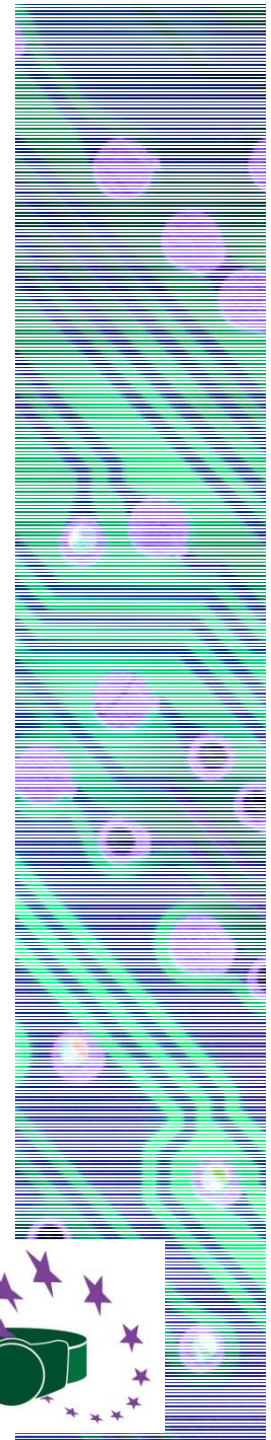
# GOAL ORIENTED APPROACH

- Definition
- Contradiction with substitutionary approach
- Background



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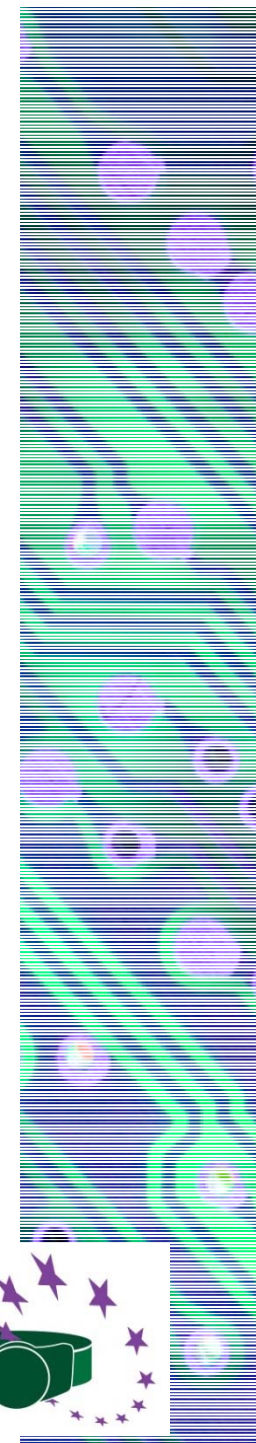
# Inconsistencies

- HIC policy
- Offenders convicted of high impact crimes are always electronically monitored when they are released from prison
- Standard application of EM in the first phase of a penitentiary programme
- Extension of EM as a condition of leave



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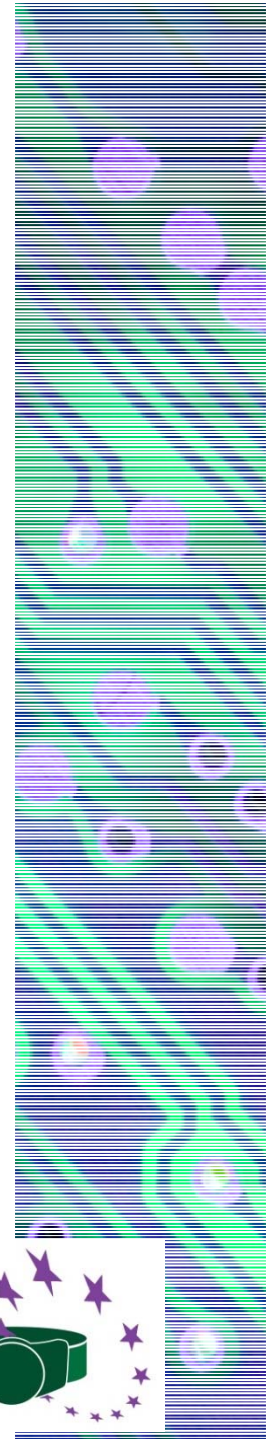
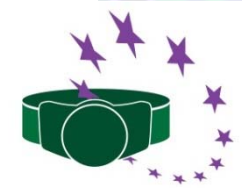
# Consequences

- Rejection of Bill to allow the administration to replace prison sentences of < 6 months by EM
- Strong objections
  - Too soft
  - Not the administration, but the judge has to decide on detention
  - Replacement of detention phasing



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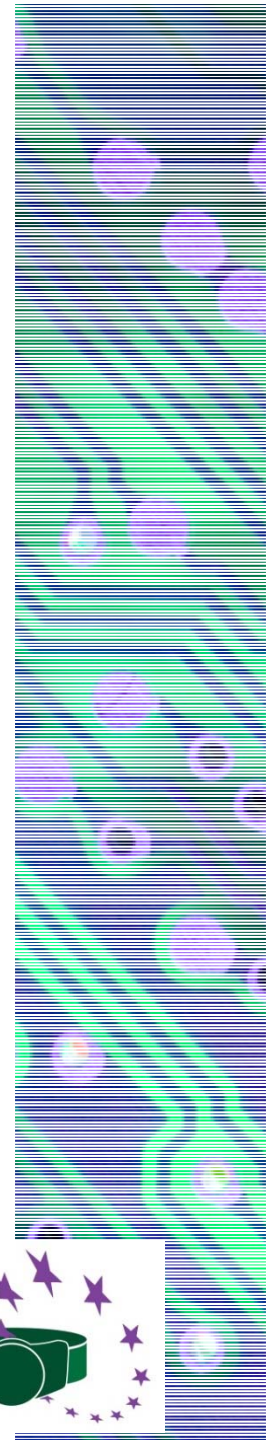
# Main results

- Most participants are on EM after having served a prison sentence: penitentiary programme and conditional release
- EM as a tool for the probation service to monitor the conditions attached to probation supervision
- Providing structure and stimulating a regular day-and-night rhythm are considered to be important goals of EM
- The probation service implements EM according to a goal-oriented approach: to stimulate compliance with conditions and to decrease the risk of re-offending.
- EM is used as a method to increase freedoms in a phased manner after imprisonment
- EM is generally not seen as a replacement for detention



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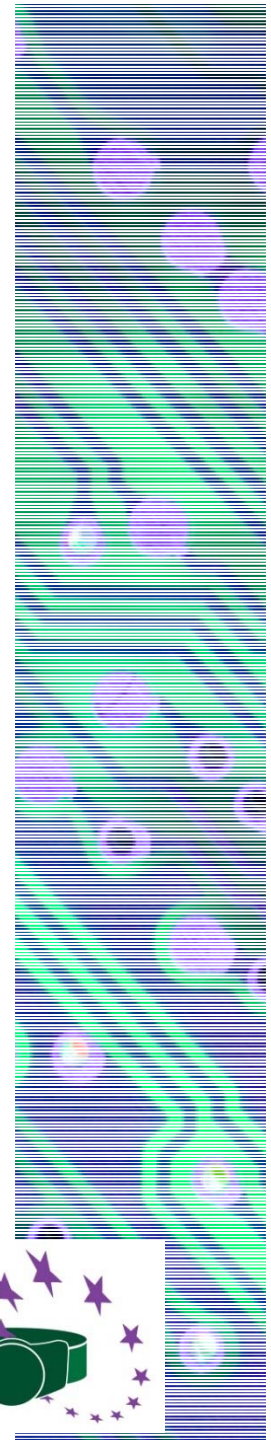
# (other) recommendations

- A number of current practices conflict with the goal oriented approach and should be reconsidered
- a working group should be set up that develops a joint perspective on the development of EM in the Netherlands
- The absence of suitable housing should not be a reason to exclude people from EM
- Numerous legal guarantees should be improved
  - legal basis for some modalities
  - Deduction of EM supervision pre-trial
  - Ownership data



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 <http://emeu.leeds.ac.uk>

 [emeu@leeds.ac.uk](mailto:emeu@leeds.ac.uk)

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