

The Future of EM in Scotland

Mike Nellis

University of Strathclyde

“The future is already here, it’s just not evenly distributed” (William Gibson - US writer)

EM is not a Single Technology

- Curfew / restriction to a place (rf)
- Voice Verification (at several locations)
- Remote Alcohol Monitoring
- GPS Satellite Tracking (+ exclusion)
- Inmate Tracking System (in prisons)
- + Victim protection in domestic violence
- Kiosk Reporting at Probation Offices?

EM - A Quick History

- Originated in USA - 1982(rf) ..1997 (GPS)
- England & Wales - pilot 1989; rollout 1999
- Sweden - first European national scheme 1994/1996 (Scotland 1998; 2002)
- Approximately 40 countries use it - inc eastern Europe and Latin America, & Saudi Arabia
- Korea (and Ireland) went straight to using GPS in 2009 - is this “the future”?
- Strong private sector presence in service delivery - but statutory sector dominates

The Legal Positioning of EM

- Community sentence - stand-alone or integrated in various ways with probation
- Conditional prison sentence (Scandinavia)
- Alternative to pre-trial detention
- Restraining orders (in domestic violence)
- Early release of short term prisoners
- Temporary release from prison (HDC)
- Parole of longer-term prisoners
- Adults and (more rarely) juveniles

Policy Rationales for EM's Expansion

- Reducing prisoner numbers and costs
- Improve/toughen community supervision (bail, sentence and post-release) to improve public confidence
- “Modernisation” of public policy/state esp
- Disillusion with “anachronistic” probation /social work
- Managerialism, efficiency and measurable effectiveness
- Research – suggests high (enough) compliance whilst on EM
- +
- Policy transfer/ Transnational showcasing
- Growth of post 9-11 “surveillance culture” (esp for GPS)
- The growing ICT infrastructure creates new social and economic possibilities for crime controllers . EM is ICT

Research on EM (programmes)

- Crime suppression effect while tag is worn - tho' for how long? - but not afterwards
- Compliance rates can be high enough - and breach procedures need to be clear
- Offenders experience curfews as onerous, and families can find them stressful (but not always)
- Offenders may welcome EM as prop to spur desistance - and mostly prefer to prison
- EM can enhance some rehabilitation programmes (Bonta et al 2000)

Ethics and EM

- Human rights issues and data protection
- How intrusive is it - making *home a jail, exclusion from public space, & “incessant oversight”*?
- How does it affect privacy and autonomy?
- What is optimum duration - *a few months/or life? Days/part-days?*
- What of the rights of third parties? (*family members*)
- So .. EM technology is very versatile and the level of control entailed by EM is thus very variable,, its “proportionality” to particular crimes is not fixed
- It is unethical to wilfully ignore EM’s potential!

EM in Scotland

- A modest success - but has its full potential been realised - or even talked about?
- 1071 RLOs in 2012-13
- Great geographical variation in its use
- HDC - daily number Nov 2012 - 398
- Used well in a MAPPA/parole context - integrated with/added to other measures
- EM-bail pilots 2005/6 deemed not cost-effective - for complex reasons
- Limited research - note Ross Deuchar's

Aspects of EM in Scotland

- Same service delivery structure as England and Wales
 - central government contract with a private sector provider
- Heavy reliance on stand-alone EM measures: RLO as sentence - HDC (later) as early release
- Probation with EM was never popular
- CJSW has never formally “owned” EM
- EM is not a requirement in Community Payback Order
 - but is a (creative) option for breach
- Questions of how best to use EM to reduce recidivism and/or reduce custody not raised

Scottish debate on EM is ..

- Lacklustre/ riven with unspoken prejudices
- Uninformed by wider European debates on best practice, esp Scandinavia
- Fearful of England's "bad example"
- Ambivalent/sceptical about the private sector
- Unimaginative about the integration of EM and social work
- Disconnected from other penal debates - eg on reduction in use of short custodial sentences

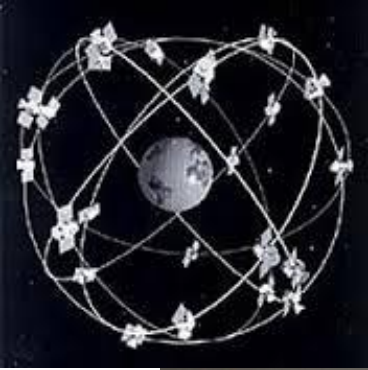
“Sobriety Bracelets”

Police Violence Reduction Unit

- Mobile transdermal alcohol monitoring - can be linked to tracking but need not.
- Experiments in London ... and Glasgow
- VRU asked itself - what problems have we got and how can this technology help?
- Offenders willing to wear them voluntarily
- Honestly - have we asked the above question of EM in Scotland more generally?

GPS Tracking

- Mostly focused on high risk sexual and violent offenders (better to know location than not)
- Netherlands and France - under 50 people
- Germany - only one region (Hesse) does rf EM but has national GPS tracking - under 50.
- California evaluation of GPS tracking of sex offenders proves its worth - tho' not foolproof.
- England - voluntary use of GPS tracking on persistent/prolific offenders ... interesting.



German Monitoring Centre



Denmark

- EM (integrated with SW) - alternative to a conditional custodial sentence
- Began in 2005 with low risk adult offenders sentenced to under 2 months prison on EM curfews ... and “worked up”
- Current position: presumption that all under 25s sentenced to upto 5 months custody serve it on EM
- Prison population flatlines - would have risen without EM
- This has been politically uncontroversial

EM is not a panacea, but ...

- There are better and worse ways of using various EM technologies
- Is Scotland's modest success so far with EM the best we can hope for?
- GPS has merit with some high risk offenders
- Sobriety bracelets could help with rehabilitation and desistance
- EM-curfews, integrated with social work, can be viable alternatives to short custodial sentences
- EM can be run from within a statutory agency

Mr Nuno Caiado

head of EM in Portugal's probation service

- EM is not so smart that it can by itself transform a penal system ...
- ...but it is not so mundane that it should be treated as “just another measure” to be added to the list
-EM enables forms of community supervision that were not possible before .. which could (along Bonta's lines) reduce custody and support rehabilitation

Towards a Conclusion ...

- EM is not the only way to stabilise or reduce prison populations (eg Germany & Finland)
- Connect EM-curfews with arguments for reducing short custodial sentences
- Learn from/visit Scandinavia - and elsewhere
- Target GPS tracking on low numbers of high risk people - sex offenders, ..maybe PPOs?
- Reconsider EM-bail - as Angiolini report suggested - maybe with bail support?
- Pilot sobriety bracelets

Things to Do Now

- Integrating EM with social work is best achieved within a statutory service than across a private/ public divide BUT ...
- we cannot wait 5 years to begin a debate or improve EM practice in Scotland SO
- we must work with G4S expertise to create better - more integrated - uses of EM ...
- within a government framework that fosters critical debate and is open a) to Europe and b) to necessary legislative change

Summing Up

- The FUTURE of EM in Scotland could & should reflect & adapt the best of PRESENT practices elsewhere in Europe ...
- ... to HELP solve pressing Scottish penal problems
- EM will only be used wisely and well in systems in which commitment to rehabilitation and desistance is deeply embedded and practiced

The End

I'd like to say that none of this is rocket science, but of course, some of it is

Thank you



mike.nellis@strath.ac.uk