

Living and working under electronic monitoring

Considered a soft alternative to prison, electronic monitoring is an increasingly popular option as it enables the harmful effects of prison to be avoided, and better prepares prisoners for their release and for living in the outside world... Is there really no downside?

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Electronic surveillance aims to keep track of the movements of a convicted person to and from an agreed place of residence. If the individual under surveillance deviates from the scheduled times, an alarm goes off in the control centre.

Image: © Belga



Over the last few decades, the use of electronic monitoring as an instrument of criminal punishment has been increasing in many European countries (Netherlands: 1995, France: 2000, Germany: 2000, Norway: 2008). There may be many reasons for placing someone under electronic monitoring but these are not always a priority. Electronic monitoring enables both the number of prisoners and the cost of their imprisonment to be reduced,¹ family and social ties to be maintained, reoffending to be tackled, social and professional integration/reintegration to be promoted, and prisoners to be prepared for their freedom and offered a solution to the hardships of prison life. Whatever the institutional, social or political reasons for placing offenders under electronic monitoring, this approach can significantly transform the way in which the prison system operates and influence the traditional roles of the probation service, the police, and associations for prisoner reintegration, and also affect the involvement of friends and family.

Putting the offender's behaviour to the test?

Without going into too much technical detail, electronic monitoring is usually done via an electronic bracelet (or "tag") worn around the offender's ankle; this tag is about the size of a large outdoor sports watch. It emits a signal that is captured by a base unit installed in the prisoner's home. This receiver is, in turn, linked to a control centre via the telephone network (land or mobile line). In practical terms, electronic monitoring aims to establish how often an offender comes and goes (in other words, their schedule) from their agreed place of residence. It is accompanied by an "activation plan" for the offender: employment, job seeking, vocational training, medical treatment or therapy established by a legal assistant² in cooperation with the interested party. This measure can be described as *static* because activities outside the home are not monitored but the offender is required to be at their place of residence during clearly stated hours. In Belgium, prisoners who are working full-time or following a full-time

training programme may, for example, have 12 hours of outside activity, six days a week.

In some cases, the electronic tag may be linked to a mobile geolocation device (GPS), a small mobile box with a personal mobile number. In this case, the mechanism is able to detect the whereabouts of the person 24/7.

If the offender does not keep to the agreed curfew, in other words they are not at home at the given times, an alarm sounds in the control centre. Once the alarm is triggered, it is up to the control centre staff to make phone contact with the person to determine the cause of the alarm: has the prisoner maybe unintentionally mistreated the tag? Has a violation of the established protocol occurred (being outside the house after the agreed curfew)? Has there been a malfunction or technical failure in the monitoring system? Or maybe the delay is due to an unexpected event (train breakdown, car accident, public transport delayed...). There is no face-to-face contact between the two individuals: the prisoner is a digital record for the controller, and this latter is unaware of any of the case history, the specific features or profile of the person being monitored. Having spoken on the phone, an incident report is placed on the offender's file.

In Belgium, there are now four different uses of electronic monitoring depending on the duration of the sentence, unless the accused is on remand (pre-trial or investigative detention). In this case, the person being investigated is under house arrest: they may not leave home except for necessary travel in the context of the legal investigation or proceedings.

A prisoner being monitored thus benefits from "planned mobility". This is focused partly around their home/accommodation and partly around an activation plan drawn up in advance in collaboration with their legal assistant.

What route on leaving prison?

Their office is located in the shadow of the Saint-Gilles and Forest prisons, two municipalities in the Brussels Region of Belgium. Olivier Gelin and Stefan Cristel are

1. In Belgium, the average cost of a day under electronic monitoring varies between EUR 25 and 37, depending on the source or the method of calculation used, while a day's prison detention costs between EUR 126 and 200 (average estimated cost of EUR 170).

2. The legal assistant, who plays a role similar to that of a social worker, takes responsibility for providing guidance and for monitoring tagged offenders.

3. APRES ASBL is the acronym of Apprentissage Professionnel, Réinsertion Economique et Sociale (Professional Learning, Economic and Social Reintegration).

"The electronic monitoring system favours those who have someone waiting for them outside, which is discriminatory."

both professional integration advisers with APRES,³ and one of this association's missions is to achieve the social and professional integration/reintegration of prisoners and former prisoners. This non-profit association has been operating for more than 30 years and has therefore seen the changes that have taken place in the way the Belgian criminal system operates. They start by giving us their comments and feelings on the male and female beneficiaries they meet through one-to-one interviews and guidance and who are benefiting from the electronic monitoring system. These people form about 15% of their target beneficiaries. It is the tagged offender who takes the initiative to make contact with the association.

Electronic monitoring: an aid to social and professional reintegration or the reinforcement of social inequalities?

Belgium: Annual average population of inmates (2011-2016)

	2011	2012	2013	2014	2015	2016
On remand	3 736	3 600	3 652	3 611	3 499	3 552
Convicted	6 050	6 497	6 745	6 773	6 455	6 124
Interned	1 091	1 133	1 139	1 088	904	784
Other	96	101	109	107	183	159
Total	10 973	11 331	11 645	11 579	11 041	10 619
Electronic monitoring	983	1 009	1 338	1 783	1 887	1 601

The number of people working out their sentences under electronic monitoring nearly doubled between 2011 and 2015 (+ 92%) to decline again in 2016. According to the courts, however, the figures increased once more in 2017 and 2018.

Source: SPF Justice, *Justice en chiffres 2011-2016*, Belgium 2018

The first observation that springs to the mind of those involved: the paradoxical experience of electronic tagging for prisoners. The living and detention conditions are difficult in some of Brussels prisons: prison overcrowding, unhealthy conditions, insufficient access to basic needs (showers, exercise, reduced living space), problematic access to medical care (psychologist, dentist, ...). And, in contrast, there is the experience of living "in the open air". Once a prisoner has been tagged, there is therefore quite a lot of pressure on them. To begin with, surveillance of prisoners under electronic monitoring is quite strict. For Olivier, monitoring has "replaced some of the conditional discharges and, in some ways, it is far more restrictive. In the case of a conditional discharge, the prisoner meets their legal assistant once a month and is not subject to daily monitoring." During this meeting, the legal assistant's aim is to check whether the conditions of their release (attending training, in employment, psychosocial support) are being met. What's more, for less organised prisoners, electronic monitoring can be a source of stress and anxiety because they have difficulty in managing their times and schedules. Not all individuals have the capacity to respect the golden rules. One doctor from the medical centre tells us that "a number of highly vulnerable patients

who were electronically tagged were incapable of handling the constraints of the system. They preferred to return to prison."

What are the job and training prospects like?

Second observation: the importance of the individual's personality and their ability to take responsibility. Stefan emphasises that electronic monitoring has added value when a prisoner is well organised and has a clear plan. The easiest thing would therefore be to have a prisoner with a job, on a permanent contract, and with a very clear routine, say 08.00-16.00; however, this kind of job is relatively inaccessible for most of the association's beneficiaries who are seeking work! They tend to work more in the construction or hotel and catering industries, or cafés. The electronic monitoring system cannot easily take the specific needs of these sectors into account. It becomes quite complicated for a prisoner to be flexible to a change in shift pattern and/or to an employer's request for overtime. In such cases they have to contact their legal assistant and this can take some time (they may be on holiday, sick, etc.), which is stressful for the prisoner. The flexibility that is increasingly required of employees and the

Italy: The "Mi riscatto" programme ("I redeem myself")

Since 2018, a number of prisoners in the medium-security wing of one of the largest prison complexes in Italy, the Rebibbia prison (north-east of Rome) have taken a training course (roadwork, green spaces) and then been put to work on Rome's roads, which are in a poor state of repair, in the context of "community work schemes". The training in roadworks (road and drain repairs) lasts around three months and is structured around different modules: the characteristics of the land and drainage networks, the nature of bitumen, safety, use of tools, road signposting, etc. A certificate is issued on completion of the training. The aim of the programme is the social and professional reintegration of these prisoners. Appreciated by the residents, who have to suffer the state of the roads on a daily basis, this initiative has enabled the Mayor of Rome to save around EUR 250 million per year! In fact, the work undertaken by the prisoners is done for free and without any reward as it is a legally-approved way of serving their sentence. Appreciated also by the prisoners, this work is reducing their feeling of isolation, boredom, the repetitive days and the impact of prison on their physical and mental health. They would, however, still like to receive some kind of remuneration for the work they do. Here, the boundary between the work of the prisoners and that of their guards is clear cut: each day, the prisoners are taken by convoy to the workplace by a group of prison staff who then encircle them and monitor them while watching them work...

Reference: 2 March 2019, RTBF (Belgian French-speaking public-service broadcasting organisation), https://www.rtbef.be/auvio/detail_transversales?id=2466384

Electronic monitoring has added value when the prisoner is well organised and has a clear plan.

rigidity of hours to which the offender is subjected on an electronic tag are difficult to tally. There is little room for unexpected events.

The same kind of difficulty arises when a tagged prisoner is required to attend an interview at the last minute: it is virtually impossible to respond to an impromptu meeting. Stefan and Olivier feel that these situations create an atmosphere of ambivalence for the prisoner: the legal assistant receives a request for "additional hours" and either agrees or refuses it. "Does the offender then comply with the constraints of the tag or the requirements of the job? This forms a barrier to their professional reintegration and our beneficiaries are thus confronted, on the one hand, with the reality of the working world and, on the other, with the rigidity of the justice system."

What is the attitude of a potential employer to electronically-tagged prisoners when seeking work? Our interviewees told us: "The employer is not necessarily aware of the prisoner's situation; however, for some jobs a criminal record check is requested. And there are some jobs (taxi driver, security guard, working with minors) for which a criminal record certificate is a necessity of the job. This makes these jobs immediately inaccessible. If a criminal record certificate is required, we try and prepare our beneficiaries for this eventuality. Other prisoners prefer to be honest during job interviews."

Our two interviewees have an extremely good understanding of the network of social economy companies and this enables them to guide their users towards potential employers in this sector with a view to finding work. Everyone is then clear about the situation. In this case, it is primarily a question of subsidised employment. It is often a good springboard for the professional reintegration of prisoners or ex-prisoners. Employers from other sectors sometimes also wish to give an offender a chance and contact the association "but we don't always have someone on our books who matches their required profile at that time".

More often than not, the association's users require some kind of vocational training before they are ready to find a job. There are relatively few training possibilities for prisoners given their level of education. And training centres may be tempted to refuse people who are tagged. Two issues are highlighted by our interviewees: firstly, the administrative burden created by these prisoners (certificates for attending courses, etc.) and, secondly, the lack of psychosocial skills among prisoners that would enable them to integrate into a group. There are also some prisoners who simply want to get out of prison at all costs and will therefore agree to train in anything. When they know a training course is beginning, they submit their proposal to the Sentence Enforcement Court (TAP). Training centres are not taken in by this and thus prefer to register former prisoners.

Socio-economic inequalities in the prison world

The third observation raised: the importance of the prisoner's social integration. For Oliver and Stefan: "The electronic monitoring system favours those who have someone waiting for them outside, which is discriminatory." In other words, it favours those who are receiving support from their family, for example, and who by extension have a roof over their head. Prisoners who have neither a home to go to nor a place in a shelter or hostel are not eligible for the electronic tagging system. Very few shelters will accept electronically-tagged prisoners and, even when they do, they have a quota they will accept. The need for somewhere steady to live raises the issue of whether vulnerable prisoners can actually be considered equally.

Final observation: the financial difficulties of some prisoners under electronic monitoring. Still considered a prisoner, a person under electronic monitoring is recorded on the prison register. Being "committed to prison" means they have no right to receive income support ("social integration income" or RIS) from the Public Social Welfare Centre. Paradoxically, the RIS is the only income support denied to people under electronic monitoring. In fact, unemployment benefits, insurance benefits and disabled allowances can all be reactivated under electronic tagging.

What opportunities are there for tagged prisoners who have neither money nor family/friends likely to support them financially? The Belgian Justice Federal Public Service may grant an allowance on the basis of a request followed by consideration of the file. This allowance is, however, less than the social integration income. The risk of returning to prison looms large as a threat. In fact, you

need sufficient financial resources to be able to pay the rent, bills, living expenses and for the use of a land line or mobile phone. Prisoners who have a good support network are dependent on family incomes, whether from their parents, partner or extended family, and this can create tensions within the family. And, sometimes, they have debts to repay.

As an alternative to prison, electronic tagging therefore seems to be limited to the least socially and economically disadvantaged offenders, and there are not many prisoners that fit that profile. ●

Electronic tags, a marker of criminal conviction on the offender's body?

Marie-Sophie Devresse, lecturer in criminology, notes what she calls both the "physical and psychological disadvantages" of wearing an electronic tag. Few scientific studies have been published on this subject; however, some prisoners experience irritation, burns or grazes on their leg due to wearing the tag; others feel they are constantly being watched, and fear that they are publicly wearing their conviction on their bodies. They may show a tendency to withdrawal or they may limit their activities for fear of creating legal problems for themselves.

Further reading

Après ASBL: www.apresasbl.be

Devresse M.-S. (2015) Prison virtuelle, *Sciences humaines*, 275, 44-45.

Devresse M.-S. (2012) Vers de nouvelles frontières de la pénalité. Le cas de la surveillance électronique des condamnés, *Politix*, 25 (97), 47-74.

Beuens K. et Roosen M. (2017) Electronic monitoring and reintegration in Belgium, *European Journal of Probation*, 9 (1), 11-27.

4. The RIS is the last form of State aid for people in need, it is a conditional right. Since 1 September 2018, the amounts of RIS have been EUR 910/month for a single person, for example, and EUR 607/month for someone who is cohabiting.