



Report 2007:3

Extended use of electronic tagging in Sweden

The offenders' and victims' view

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**An abridged version of the Swedish report 2007:1
Utökad användning av elektronisk fotboja inom kriminalvården**

The Swedish National Council for Crime Prevention (Brottsförebyggande rådet, Brå) – centre for knowledge about crime and crime prevention measures.

The Swedish National Council for Crime Prevention works to reduce crime and improve levels of safety in society by producing data and disseminating knowledge on crime and crime prevention work.

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Preface

The significance of electronic monitoring in the criminal justice arena has increased in many countries. In Sweden, intensive supervision with electronic monitoring has existed since 1994 and has proved a solid alternative to prison sentences without the negative consequences of imprisonment.

A pilot scheme was introduced on 1 April 2005, which means that intensive supervision with electronic monitoring has now been extended to new groups of sentenced offenders. Brå has been tasked by the government to evaluate the pilot scheme for expanded EM and EM Release. An important part of this assignment involves describing how crime victims feel about the offender having an electronic tag at home rather than serving some or all of his/her sentence in prison. This is an abridged English version of the second interim report. A final account of the assignment will be presented on 1 August 2007.

This report has been written by Inka Wennerberg, research analyst, and Stina Holmberg, Head of Division, at Brå. Interviews with clients have been carried out by Hanna Bergman, project assistant. Anna Eksten, a research analyst at Brå, has contributed to the study of crime victims and conducted most of these interviews.

We hope that this Swedish study of crime victims and various other results will interest policy-makers and researchers in other countries, and lead to continued research in the area.

Stockholm, February 2007

Jan Andersson
Director-General

Stina Holmberg
Head of Division

Introduction

With the purpose of finding credible alternatives to shorter prison sentences, intensive supervision with electronic monitoring (EM) was introduced in Sweden in 1994. The pilot scheme was made permanent in 1999, and meant that prison sentences of up to three months could be replaced by wearing an electronic ankle bracelet at home. One of the motivations behind EM was to create alternatives to prison that could satisfy criminal justice requirements, without consuming the resources or producing the negative effects on individuals associated with imprisonment.

A pilot scheme for long-term offenders was launched in 2001, where offenders serving a sentence of two years or more could complete a maximum of four months at the end of their prison sentence on EM Release (intensive supervision with electronic monitoring) as a lead up to their final release. The purpose of the pilot was to ease the transition from prison back into the community, to provide opportunities for rehabilitation and to prevent further offences subsequent to release.

Positive results in previous evaluations

The Swedish Government has assigned Brå the task of evaluating both EM and EM Release, and the results have been positive in several respects (Brå, 1999, 2003, 2004 and 2005). The evaluations show that only a few clients placed on EM or EM Release were recalled because of breaches of programme conditions. Both clients and family members are predominantly positive, and neither EM nor EM Release has been shown to increase the proportion of re-offenders. EM Release has also had positive effects on re-offending levels amongst older offenders. The follow-up period for the re-offending study was short, however, and a longer-term study is required. The results of a follow-up study six months after release also indicated improvements in the subjects' home and employment situations.

Expanded pilot scheme with EM and EM Release

Because previous evaluations had been positive, a pilot scheme was launched on 1 April 2005 to expand the use of intensive supervision with electronic monitoring, EM and EM Release. The target group for EM was expanded to include offenders with prison sentences of up to six months in length. The target group for EM Release was also expanded to include offenders serving a sentence of eighteen months or more. The maximum time for EM Release was lengthened so that offenders serving a sentence of two years or more could be placed on

EM Release for up to six months (from a previous maximum of four months).

The Swedish Government has assigned Brå the task of evaluating the expanded use of electronic tagging. The first interim report was presented on 31 March 2006 (Brå, 2006) and first and foremost contains a description of the new target groups and the offenders in these groups who were placed on EM and EM Release during the first six months after the expansion came into effect. The second report was presented on 9 January 2007, and this is the English version of that interim report. A final report will be presented on 1 August 2007 and will include an analysis of re-offending.

EM and EM Release – from application to decision

The Prison and Probation Service considers applications for EM or EM Release from offenders in the eligible target groups. The basic requirement is that offenders have a suitable address and a telephone. Any cohabitants must also give their consent. The applicant should also have acceptable employment but if not, the Prison and Probation Service will arrange some form of employment. Employment arranged by the Prison and Probation Service is similar to that provided for offenders sentenced to community service. The idea behind EM is that applications from as many eligible offenders as possible will be accepted. EM Release requires a risk assessment and is not granted if there is any risk that a offender may breach programme conditions, commit further offences, or misuse drugs or alcohol during the EM Release period.

A modernized Correctional Treatment Act

On 1 January 2007, two new release alternatives were introduced into the Correctional Treatment Act (1974:203): stays in halfway houses and extended parole (Bill 2005/06:123). The ongoing EM Release pilot was also discontinued. The new regulations aim to improve the transition from prison to community by adapting release to the individual needs of offenders. Extended parole is similar to EM Release in many respects and means that the offender serves some of his or her prison sentence at home under supervision. Employment is a basic requirement for this release alternative and according to the bill, the release should begin with a curfew. The main rule is that the offender wears an electronic tag or bracelet around the ankle, but if this release alternative functions successfully for the individual and there are no breaches of programme conditions, the curfew and electronic monitoring can cease completely. If electronic monitoring ceases, supervision is carried out in other ways,

such as home visits, telephone calls and obligations to report to the employer. This form of release is thus more flexible than EM Release.

The other new release alternative that has been introduced is halfway houses. This alternative involves an offender living in a house supervised by the Prison and Probation Service, a “halfway house”. Release to a halfway house is intended for offenders who are not deemed to have any substantial need for care or treatment, but do not have their own accommodation. Release to a halfway house requires that the subject have some form of employment and the main rule is that offenders must remain in the halfway house during the evening and night. According to the bill, supervision should be similar to EM Release and can take the form of electronic tagging, telephone calls or visits by staff.

A suitable point of time for introducing both release alternatives is when the offender has served at least half of his or her sentence, but has been in prison for at least three months. This means that offenders sentenced to more than six months in prison can also be eligible for release with electronic tagging, which represents a much wider target group than was previously eligible for EM Release.¹

The contents of this report

This report presents a brief description of how increased opportunities for EM and EM Release have affected the number of offenders who apply for and are granted these release alternatives. It also accounts for the support given to these new groups with electronic tagging, how the offenders have been supervised and the degree to which they have breached their conditions and been recalled to prison. The main results of an interview study of EM and EM Release offenders are also presented. The longest section is devoted to an interview study where crime victims have been asked how they feel about offenders being placed on EM or EM Release. In contrast to other sections of the Swedish interim report, this section is included in its entirety in this translation.

The methods used in the different studies are described in the annex.

¹ In Sweden inmates are released on parole once they have served two-thirds of the prison sentence. This is also the case when the sentence is served in the form of electronic monitoring. Thus a person sentenced to six months' imprisonment, for example, will serve a term of four months' in total, and an EM release can be granted after a minimum of three months' imprisonment.

The development of EM and EM Release

Expanded use of EM is relatively limited

The expansion of EM has increased the number of electronically monitored offenders, but this increase is relatively limited. One year after the expansion took effect (1 April 2005) 3,061 offenders began EM compared to 2,784 offenders the previous year, see Table 1.

Table 1. Number of electronically monitored offenders one year before (1 April 2004–31 March 2005), compared to one year after the expansion (1 April 2005–31 March 2006).

| | 1 year before expansion | 1 year after expansion |
|--------------------------------|-------------------------|------------------------|
| Number that began (0-3 months) | 2,784 | 2,492 |
| Number that began (4-6 months) | - | 569 |
| Total: | 2,784 | 3,061 |

This limited increase is primarily because fewer offenders are sentenced to between four and six month's imprisonment than a maximum of three months, but also because fewer offenders began EM with a maximum three-month sentence. It is difficult to pinpoint the reasons for this fall, but the Prison and Probation Service has not changed its methods for handling these cases.

Number of offenders that began EM Release has doubled

In contrast to EM, very few offenders are placed on EM Release. However, the expansion has doubled the number of offenders who begin EM Release. About 300 offenders began EM Release during the first year after the new rules came into effect, see Table 2.

Table 2. Number of offenders that began EM Release one year before (1 April 2004–31 March 2005) compared to one year after the expansion (1 April 2005–31 March 2006).

| | 1 year before expansion | 1 year after expansion |
|----------------------------------|-------------------------|------------------------|
| Number that began (18-23 months) | 157 | 223 |
| Number that began (2 years-) | - | 88 |
| Total: | 157 | 311 |

This significant increase is due to the expansion of the target group, but also because more offenders than those serving a sentence of two years or more began EM Release. When EM Release was expanded, the rules for temporary absence were also eased and clients were granted “leave” one day per month. This has probably made the programme more attractive, which may explain why more offenders serving a sentence of two years or more have chosen to apply for EM Release. About one-fifth of all offenders began EM Release.

Offenders placed on EM and EM Release are a select group

Brå has also studied the proportion of all offenders in the EM or EM Release target groups who actually apply and are accepted. The analysis includes not only the new groups that are eligible to apply, but the entire EM and EM Release target group (for EM, all those sentenced to a maximum of 6 months in prison and for EM Release, all those sentenced to at least 18 months in prison). The study shows that during a 12-month period, less than one third of the EM target group is granted this alternative. This low number is primarily because offenders who are detained or already in prison as a result of other crimes are not normally invited to apply.² Almost 40 percent of offenders who were sentenced to a maximum of six months in prison were not invited to apply for EM. In addition, not all offenders who were invited applied and not all offenders who applied were accepted. The selection process is described in Table 3.

For EM Release, the proportion granted this form of release from prison is even lower, at 20 percent. In this case, the low percentage is primarily due to the fact that not more than one-third of the target group applies for EM Release. An analysis presented in Brå’s previous evaluation of EM Release showed that some of the offenders who did not apply for EM Release would be released into non-institutional care such as treatment centres or family homes, a form of release for addicts. The analysis showed that only 10-15 percent of the offenders who did not apply for EM Release had satisfied conditions for compliance and a suitable address (Brå, 2003).

² Other reasons for not offering EM could be that the offender had already begun EM during the past three years, or is a foreign citizen who will be deported or refused entry to the country.

Table 3. Statistics for the number of offenders who were invited, applied for and began EM and EM Release within one year from when the expansion came into effect, 1 April 2005–31 March 2006.

| | EM | EM Release |
|--|-----------------------|--------------------|
| Legally binding judgements (0-6 months) | 10,694 | |
| Released from prison in 2005 (1,5 year-) | | 1,579 |
| Number of invitations | 6,547 | |
| | (61% of judgements) | – |
| Number of applications | 4,452 | 502 |
| | (68 % of invitations) | (32 % of released) |
| Percentage accepted (%) | 81 | 80 |
| Number that began | 3,061 | 311 |
| Percentage of offenders that began programme (%) | 29 | 20 |

High level of support and supervision

How the programme is put into effect

Briefly, EM and EM Release mean that the offender is confined to the home except when he or she is taking part in scheduled work, studies, programme activities, treatment, meetings with probation officers, travelling to and from these activities or temporary absences. A structured regime is drawn up by the Probation and Parole Service, which is also responsible for supervising compliance.

The technique employed is based on a stationary monitoring using radio frequency. The technique controls the offender's presence or absence from home during the prescribed times. When EM or EM Release begin, the Probation and Parole Service attaches a transmitter in the form of an electronic bracelet, or "tag", around the ankle of the offender. The transmitter is connected to a receiver that has been installed on the premises and is connected to the telephone. Information about all EM and EM Release offenders throughout the country is sent to a central computer. If the offender leaves or comes home at times that are not scheduled, the Prison and Probation Service is alerted and follows up the event. In a few cases, the workplace is also electronically monitored.

Supplementary supervision through home visits several times per week

In addition to electronic monitoring, Probation Officers check on the client by making unannounced visits several times per week. During the programme period, there is a complete ban on drugs and alcohol. In conjunction with home visits, officers take breath tests to check whether the ban on alcohol is being observed. Drug tests are made on samples of blood or urine; these are implemented at the beginning of the programme and thereafter as needed. Supervision is carried out by probation officers or lay supervisors.³

A contact person at the workplace checks that the client is at work during the designated times. The contact person informs the Probation Officer if the offender does not appear or breaks the rules in any other way.

The offender will also visit his or her Probation Officer on a regular basis. This usually means two to three times per month.

³ External supervisors are laypersons appointed by the Prison and Probation Service. They are not entitled to change the order in any way or handle breaches.

Breaches of programme conditions

Breaches of programme conditions can lead to the discontinuation of EM or EM Release and to the offender being recalled to prison. Fourteen percent of offenders with prison sentences of at least three and less than six months discontinued EM because of breaches of conditions, a higher percentage than that among offenders with maximum three-month sentences where the level has remained constant at about eight percent over the past five-year period. A high proportion of the offenders who discontinued were addicts, and their discontinuation was usually due to breaching the ban on drugs and alcohol. The difference is open to discussion. According to the first interim report, the criminal histories of the groups do not differ, but offenders serving sentences of over three months have greater social difficulties than offenders with maximum three-month sentences. We do not know whether the percentage of addicts is higher in the group with more than three-month sentences, but if so, this could provide an explanation.

For EM Release, nine percent of offenders serving prison sentences of at least eighteen months and less than two years had discontinued as a result of breaches of programme conditions, a figure that was not significantly different from that found in the former release group. Discontinuation for the new EM group normally took place at the beginning of the programme, but more often at the end of the programme for the new EM release group.

Far from all breaches led to a discontinuation of the programme. Lateness and digressions from the regime were common in both EM and EM Release, but this rarely led to recalls. One factor that always led to recalls, however, was breaching the ban on drugs or alcohol.

One third receive assistance from the prison and probation service

An important feature of EM and EM Release is daily employment outside the home. For offenders who are otherwise eligible for EM and EM Release but do not have a job, the Prison and Probation Service will arrange employment. Almost one third of the clients in both of the new groups on EM and EM Release have work that has been organized by the Probation and Parole Service. The tasks are very similar to community service. Most offenders had work that amounted to 40 hours per week.

Many offenders take part in crime prevention programmes while they are tagged

For EM, most clients take part in a crime-prevention or addiction-related programme. For clients on EM Release, these programmes are usually offered in prison. The offender can also be ordered to take part in other rehabilitation measures during the period of the programme such as treatment, counselling or contact with addiction recovery services.

More than three-quarters of those on EM with sentences of at least three and at most six months took part in some form of programme intended to influence behaviour. The most common was a general EM programme. This is an information programme with various crime and addiction-related themes and is usually formulated locally. Although clients placed on EM Release are supposed to have taken part in the programmes in prison, one-fifth of offenders serving sentences of at least 18 months and less than two years took part in the programme during their EM Release.

Other support initiatives provided during EM and EM Release programmes included treatment or external contacts with psychiatric or addiction recovery services.

During the implementation of EM and EM Release programmes, the clients can also be granted time for their own activities, which are scheduled. Within the framework of EM, clients are normally granted two hours' temporary absence per day on non-working days, and this time is gradually increased to a maximum of six hours per day. For clients on EM Release, the rules for temporary absences are more generous. These clients may be granted a maximum of ten hours on non-working days for "free activities", which include spending time with friends and family, various recreational activities, laundry or shopping. The offender can also suggest and formulate these activities, and the time is gradually increased. Within the framework of EM Release, clients can also be granted temporary absences one day per month with opportunities for spending nights at other addresses.

For clients on EM Release, there are also "obligatory activities". This means that clients must spend a certain amount of time in rehabilitation such as at meetings with different authorities, club activities or appointments with their probation officer. The aim of these activities is to ease the transition from longer prison sentences into the community. Most offenders serving sentences of at least eighteen months and less than two years (85 %) had taken part in at least one of these activities.

Satisfied clients

The expansion of EM and EM Release meant that the maximum time for electronic tagging was also extended. In order to build an understanding of how clients felt about being tagged electronically for a longer period of time, Brå has interviewed ten clients in the new target group who were on EM for between two and four months and ten clients who were on EM Release for between four and six months. The interviewed clients were overwhelmingly positive about their experiences with electronic tagging. The positive factors were being able to spend time with friends and family and being able to work. However, several of the EM Release interviewees said they were poorly informed by the prison about EM Release, while EM clients, who had primarily

received information from the Probation and Parole Service, were basically satisfied with the information they received. The majority of clients were positive about the expansion and also satisfied that the time period for intensive supervision and daily employment had been extended. This gave them more time to adjust than with the shorter EM or EM Release orders. One of the interviewees said: "You have more time to settle into daily routines." Another interviewee said: "If the time is shorter, you don't learn how to fit in." Most offenders could even consider electronic tagging for a longer period of time.

Safe conclusions about the material are not possible when the sample is so limited. But the positive picture matches the results of earlier studies in both Sweden and other countries (Brå 2003, 2004; Bonta, Rooney and Wallace-Capretta, 1999; Dodgson et al, 2001; Spaans & Verwers, 1997).

Crime victims' views of EM and EM Release

Telephone interviews with clients who had been placed on EM or EM Release show that they are overwhelmingly positive to this form of programme. But how do crime victims feel about offenders spending all or some of their prison sentence at home with under electronic supervision? Researching this issue also constitutes part of Brå's assignment.

The crime victim's perspective has become an increasingly important element in criminal justice measures. This issue was also considered when the proposal to expand EM and EM Release was circulated for review. The Crime Victim Compensation and Support Authority objected to the reform on the grounds that no thorough investigation had been carried out into how this form of programme would affect crime victims (Brottsoffermyndigheten, 2004). The expansion was introduced, but Brå's assignment from the government now includes a special focus on how victims feel about the programme.

To gain an overview of the questions that were asked and the results from previous, similar studies in other countries, Brå contacted two foreign researchers who were well acquainted with international research.⁴ As far as they knew, no study of this kind had ever been carried out. The few studies where crime victims had been interviewed involved cases where offenders were given electronic tags at the pre-trial stage (Erez, Ibarra and Lurie, 2004; Erez and Ibarra, 2006)

For this interview study, and on the basis of information from court judgements, Brå selected 73 victims of violent crime, sexual crime or robbery where offenders had been placed on EM or EM Release. Of these interviewees, 42 were located and willing to answer questions about their views of the offender being placed on EM/EM Release. Thirty-nine of them have been interviewed by telephone, and four have filled in a questionnaire. Victims of violent or sexual crimes in particular have been selected because a large proportion of offenders placed on EM/EM Release have committed these types of crime, and the element of personal violation is a strong feature in these cases.

Twenty-seven of the interviews concerned EM, and twelve concerned EM Release. Of those interviewed, 22 were women and 17 men. More than half were victims of "normal" assault, while others were victims of serious violent crimes such as attempted murder, grievous bodily harm, gross violation, rape and robbery. All offenders except one are men. More than one third of the victims had been in some kind of partner relationship with the offender, and the victims in these cases are almost

⁴ Mike Nellis at the University of Strathclyde, Glasgow School of Social Work and Edna Erez, Kent State University, Department of Justice.

exclusively women. In cases where the offender was an acquaintance or someone not known to the victim, the gender distribution of victims is more even.

The interviewees were asked how they felt about the programme, and whether they felt safe during the time that the offender wore a tag. To help the interviewees describe the degree to which they accepted that the offender was placed on EM/EM Release, they were asked to indicate on a five-point scale whether they were positive, negative or had no opinion on electronic tagging. The interview also contained questions about how much information they received when the offender was placed on EM/EM Release, and whether they were satisfied with this information.

Crime victims who are negative are probably overrepresented among the non-response

60 percent of the crime victims that Brå contacted were willing to be interviewed by telephone or fill in a short questionnaire. In cases where the offender was placed on EM, the response rate was 63 percent; for EM Release, the rate was 52 percent. For injured parties in cases where the offender was placed on EM, nine of 20 offenders in the non-response group had telephone numbers that could not be found on the internet (probably because the person had an unlisted number) or their personal information was confidential in the court judgement.⁵ For EM Release, four of eleven offenders had protected addresses or their personal details were confidential in the court judgement.⁶

Other reasons for non-response were that victims could not be found, were not interested in taking part or could not speak Swedish.

Victims that could not be reached by telephone were asked to make contact or answer a questionnaire. Three people filled in the questionnaire.

Brå's assessment is that the non-response group probably includes a larger proportion of persons who are negative towards electronic tagging than that found among those who took part in the study.

It is reasonable to assume that people with unlisted telephone numbers or whose personal information has been made confidential in the court judgement have a more negative view of the offender being placed on EM than the proportion described in the results of the study. A person who hides his or her telephone number and address is probably more worried about being contacted by the offender than other injured parties. The hypothesis that the non-response is biased is supported by the fact that the three questionnaires received from this group of people indicated a very negative view on the part of the persons concerned.

⁵ Seven people had no telephone number on the Internet, which usually means that their numbers are unlisted. The addresses of two people were confidential.

⁶ No one in this group had unlisted telephone numbers.

Because the study material is not representative, it is not possible to produce a quantitative picture of how crime victims view EM and EM Release. Amongst the *interviewees*, the majority are positive (21 positive, compared to 15 negative).⁷ But if everyone who did not answer was negative, more people would be negative than positive. One conclusion that can be drawn from the material, however, is that victims are often more positive, or at least accepting, towards EM orders than EM Release orders. One might assume that because EM Release takes place so long after the trial in comparison with EM, the crime victim should have moved on and accepted release with electronic tagging. But this does not seem to be true. Victims of serious crimes are more negative to electronic tagging than those subjected to less serious offences, regardless of how much time has passed since the trial.

Views of EM Release

Amongst the interviewed crime victims where the offender had been placed on EM Release, the proportion with negative views is roughly equal to the proportion expressing a positive view. One interviewed person has no opinion. The percentage that is negative does not differ between women and men, and there are no obvious differences in views where the offender was a former partner, an acquaintance or an unknown person. There is a trend, however, for victims of the most serious crimes such as attempted murder and rape to be negative towards the offender receiving a shortened prison sentence through placement on EM Release.

Interviewees who are negative think the sentence was too short

Several of the interviewees who were negative, even before hearing that the offender had been granted electronic tagging, felt the sentence was too short in relation to what they had experienced. When the offender was later placed on EM Release, the sentence seemed even shorter. They felt that the sentence was undermined by the programme because it was first shortened by electronic tagging at home, and then by release on probation. *“The sentence should have been longer, and she should have served all of it in prison”* says a man whose former partner tried to murder him. A woman who was repeatedly raped and beaten by her former partner says: *“His sentence wasn't as tough as it was supposed to be from the beginning. He got four and a half years. Then I heard that he only had to spend two-thirds in prison, which was a real disappointment. Then I was notified of all of his temporary absences and now he's getting an electronic tag for six months. You're supposed to get locked away when you're convicted!”* Several of the victims who are negative towards the offender receiving an electronic tag feel that release

⁷ Three people had no opinion.

with an electronic tag can be good in principle, but not in their case. One claims that the crime in their case was too serious for EM Release, another claimed that it made the prison sentence too short.

Interviewees who believe in the positive benefits

The interviewees who believe in the positive benefits of offenders being placed on EM Release see the programme from the individual's perspective. They believe that the offender's chances of easing successfully back into the community are greater with this form of release.

"If it helps him, I'm happy. I don't want revenge", says a man who was assaulted by an unknown person at a restaurant.

"It's probably a good idea that he's working and preparing for a new life," says a woman of around 30 who was abused by her former husband.

"It's OK, he's served his time. It's a chance for him to start all over again and stay out of trouble. There's pressure on him to toe the line", says a man of around 50 who was assaulted by an unknown person. The man continues in his support: *"I think he needed help - as far as I know he was an addict. He should've been offered treatment in prison. I have a cousin who's been in and out of prison and never got any treatment."*

Most victims don't feel unsafe during EM Release

The interviewed crime victims were also asked about the degree to which they felt unsafe when the offender was on EM Release. Most victims say that they do not feel afraid or unsafe, and that there is no difference in relation to when the offender was in prison. Some respondents say that they feel safe now that the offender is tagged, but are worried about what will happen when the offender is finally released.

Three of the eleven respondents where the offender was tagged at the time of the interview, say they feel unsafe; they do not believe that the tag will stop the person from looking for them. *"It felt safer when he was in prison because I knew where he was. I know that the tag sets off an alarm if he leaves home, but I still don't feel safe. I know it's not activated at weekends, for instance"*, says one of the victims who is negative towards the offender being tagged.

Views of EM

For EM, the majority of interviewed crime victims are positive to the offender serving a sentence at home with electronic tagging. (Sixteen of the interviewees are positive, nine are negative, two have no opinion.)

"Electronic tagging is not an option, it's too easy"

Those who are negative to EM feel the same as crime victims who were negative to EM Release. They do not feel the punishment fits the crime

when offenders⁸ can serve their sentences at home with electronic tagging. This kind of sentence is too lenient in relation to the victim's suffering. *"I am satisfied with the sentence he was given (six months in prison) but I don't think that electronic tagging is a punishment. He has to understand that he's done something wrong,"* says one woman who was a victim of domestic violence. *"Electronic tagging is not an option, it's too easy,"* says a man who was abused by his brother over a longer period of time. *"His life is no different to before. He goes to work and then he sits in front of the computer,"* says one woman whose former partner beat her on several occasions. *"He goes to work and then he comes home again, that's how we all live in Sweden! That's not a punishment,"* says one woman who was abused repeatedly by her convicted former partner.

For most of the victims who are negative, inflicting punishment is important for making the offender feel what they themselves have suffered. But even though most victims speak about the need for "real" punishment from a revenge perspective, some of the victims who are negative also speak in terms of prevention and the significance of severe penalties as a kind of learning process.

Some victims also say that the offender should serve the whole sentence in prison because of the shame it carries. An offender can hide an electronic tag, but if you are away from work everyone will know that you've been sent to prison and they think the offender deserves that shame.

Crime victims with the strongest feelings about the consequences are usually women who have been battered and threatened by their partners over a longer period of time. The picture that emerges is that when they finally dared to do something about their situation and report their partner to the police, they hoped that the punishment would be more severe. *"A prison sentence would have felt better after everything that I've been through."* *"He should be locked up for everything he's done to me. My punishment lasted six months (the time that they lived together) and his prison sentence should be the same."* Reading between the lines, some of the most negative women are disappointed by the legal system not only because the offender was placed on EM. They also feel violated because the system did not take them seriously, and because the sentence was too short.

The victims who are positive believe in the preventive benefits of electronic tagging

The majority of the *interviewed* crime victims, however, are positive to the offender serving a sentence at home with electronic tagging. The interviewees in this group also base their views on proportionality, in

⁸ All offenders who committed crimes of violence against the interviewees and were then placed on EM are men.

other words that the sentence, when it is transferred to electronic tagging, stands in relation to the crime that was committed. This leads to a different conclusion than that held by victims who are negative. Some of the victims who are positive also view the electronic tag as a punishment; some of them have friends who claim from their own experiences that electronic tagging is as bad as sitting in prison. Someone says: *“An electronic tag is also a punishment. It’s hell sitting at home in this heat.”*

Some victims say that how the offender serves his punishment is not the most important issue. They believe that the trial and the imposition of a sentence was more important. It was society’s way of saying that the person’s behaviour was unacceptable. *“It feels good that he was tried and convicted for what he did, but it makes no difference to me whether he gets an electronic tag or a prison sentence,”* says one woman who was sexually assaulted by an unknown man. *“The most important thing for me was the judgement, not the repercussions. That the court believed me and that he was convicted was the most important thing for me,”* says one woman who was assaulted by her partner. A man who was assaulted by an unknown person says that a conviction was the most important thing for him because his teeth had been damaged and he needed to claim compensation.

The main issue brought up by crime victims that are positive, however, is not proportionality and their own suffering in relation to the punishment but the preventive benefits of tagging from the individual’s perspective. A majority of the interviewed victims say with some degree of commitment that it was better that the offender was placed on EM rather than sent to prison, because prison would have greater negative effects. Some of the women who reported their partners for domestic violence are very positive to the electronic tagging option because they believe that the man would become more hateful and vindictive if he was sent to prison. The group that was assaulted by an acquaintance or an unknown person is positive to EM for more “intellectual” reasons. They do not feel equally affected as individuals if the offender returns to crime.

“Electronic tagging will make him less hateful towards me – otherwise he would be dangerous”

As has been noted above, some of the interviewees are women who were abused by their (ex) partners and they are disappointed and upset because the men were released with electronic tags. But most of the interviewed women who were abused by their partners are positive towards the men receiving electronic tags and not being sent to prison. Many of them claim that an electronic tag, in contrast to prison, will not prevent the man from supporting himself in the long term or damage his social standing. The risk that the man becomes hateful and vindictive is minimised. This benefits the woman and the children – in several cases the offender is the father of the woman’s children. *“The sen-*

tence will tell him that he's done something wrong, but it's also important that he can move on. For my sake, yes, but most of all because the children need a father. His job and status are his last barriers. If they disappear, he could be dangerous to himself and to others," says one woman.

"The sentence is important because he has to understand that he's got problems. But an electronic tag is better than prison because he won't lose his job. If he went to prison and lost his job, I think he would be angry at me and the kids", says another woman.

"His punishment mustn't be too hard or he'll want revenge. The sentence has to make him think, not destroy his job and his friends. Prisoners should develop as few grudges as possible. They have to survive when they get out again!" says a third woman.

These women feel that EM does not have the same negative effect as prison, because it does not destroy the man's existence the way they feel that prison would. But some women emphasize the direct positive benefits that EM has had for the man: "Since he got the tag he's been kinder to me and doesn't swear because he doesn't drink. He's happier and more fun to be with. He does what he's supposed to do and doesn't drink," says someone. "The electronic tag has been good for him. It's made him understand that he can't do that in Sweden (assault her), says an immigrant woman who was assaulted by her husband, who is the father of her children and to whom she remains married.

Some of the abused women who are positive to EM do not see the same changes in the men as the two women mentioned above, however. They would have liked the men to understand that they had done something wrong and for them to have been forced to seek help while they were on EM. "He has served his sentence in the legal sense but not at a personal level. He should be forced into therapy and not released until he understands what he's done and has written a letter to say he's sorry."

"I know many offenders who've become more criminal in prison"

Most victims who were assaulted by an unknown person based their positive attitudes towards the offender being given EM on more general criminal justice views. They talk about the negative effects of prison and why EM is better. "Prison is not supposed to be good for young people. You hear about them learning from the older criminals." "You learn things when you're sitting at home too. That must be better than mixing with other criminals in prison. I know lots of people who've served time and gotten worse."

Some of the interviewees also talk about the economic savings associated with electronic tagging by comparison with the costs of keeping someone in prison, and some say that prisons should not be allowed to become overcrowded and should be reserved for more serious offenders.

Very few interviewees feel unsafe

Most of the interviewed victims say that they do not feel unsafe because of the offender. Victims of a single crime committed by an acquaintance or unknown offender say that in most cases they are not afraid of the offender and for that reason, whether the person is in prison or on EM makes no difference. Some victims also say that they do not feel unsafe because they understand that EM means a higher degree of supervision. Some of them say that EM provides an even *higher* degree of supervision than prison, because periods of prison leave from prison are completely unsupervised.

Those who say that they feel afraid and unsafe think that a prison sentence would have felt more secure. *“Electronic tagging means that he can go where he wants to as long as he’s home on time.”*

Crime victims not informed when offenders are placed on EM

Different regulatory frameworks apply for EM and EM Release respectively as regards the notification of crime victims when offenders are granted with electronic monitoring. EM Release is covered by the regulations for victim notification in Section 35 of the Correctional Treatment Act. A provision was added in 1994 that strengthened the crime victim’s position. The aim is that the crime victim can take measures to avoid meeting the offender when the latter is moving freely in the community. This provision means that if an offender is serving a sentence for crimes against life, health, freedom or peace, the victim is asked to register whether he or she wants to be notified of the following:

- the institution where the offender is being held
- if the offender is transferred to an open institution
- if the inmate is granted leave for leisure activities
- temporary absences: parole, visits to treatment centres or family homes, visits to hospitals and the court
- EM Release
- if the inmate is released
- if the inmate escapes
- if the offender absconds after parole or any other kind of temporary absence

Amendments to the act that come into effect on 1 January 2007 also include the victim’s right to notification about all release alternatives: parole, treatment, stays in halfway houses and extended parole.

It is the prison to which an offender is admitted at the beginning of his or her sentence that has the task of asking the victims if they want this information. For EM Release, the institution will inform the victim about the time, address and workplace. If any changes take place during

the EM Release period, the Probation and Parole Service will notify the victim.

This does not apply for EM, however, which is regulated by the Act on Intensive Supervision with Electronic Monitoring (1994: 1060) and not covered by the Correctional Treatment Act. This means that the Prison and Probation Service does not notify victims when the offender is placed on EM.

Shortcomings in victim notification for EM Release

Most of the interviewed crime victims (eight of twelve) where the offender was placed on EM Release have registered for notification. But only two of them say that the notification system has worked properly. Others say that the notification system usually works for parole, but that they were not informed when the offender left the prison on EM Release. Some of them had still not known about the EM release when they received the letter from Brå requesting an interview.

Crime victims want to know if the offender is placed on EM

Few interviewed crime victims received notification when the offender was placed on EM. Most of those who knew were women who had been in some kind of partner relationship with the offender. They received this information from the offender, a welfare officer or their lawyer. In one case, the question had arisen during the trial, and in another case, the person was asked by the offender's lawyer during the trial whether he objected to the offender being placed on EM.

Most victims who did not know that the offender was placed on EM before they received the letter from Brå thought it was wrong and strange that they were not notified by the Prison and Probation Service. Some of them say that the victim should receive notification because of the distress caused by meeting someone who you thought was in prison. Another person says: "*I would have liked to know when he began his sentence, when it finishes and when he is on parole.*"

However, many of those who did not receive information about the offender being placed on EM did not in fact want to know. They wanted to get on with their lives and did not care about the repercussions for the offender.

Conclusions

Strong elements of both supervision and support

As has been shown by previous reports, both EM and EM Release contain a number of measures from the Prison and Probation Service that aim to provide security, supervision and social support for offenders on electronic tagging programmes. From an international perspective, Sweden places high demands on electronically monitored offenders concerning employment and total sobriety. This also applies for the resources devoted to supervising compliance. This report has found that the Prison and Probation Service maintains the same high levels of supervision for the new target groups. The interviewed clients also claim overwhelmingly that supervision is carried out respectfully and professionally. Brå maintains that supervising compliance carefully throughout the entire programme is vital for maintaining the legitimacy of these alternatives to imprisonment. Now that electronic tagging has been expanded to include groups with a statistically higher risk for re-offending, the importance of supervision increases.

Brå is also positive to the Prison and Probation Service's efforts to make electronic tagging an opportunity for clients to "make a new start". Almost one-third of the clients in both of the new groups on EM and EM Release have employment arranged for them by the Probation and Parole Service and three-quarters and one-fifth respectively also took part in some form of program intended to influence behaviour. The interviewed clients are also overwhelmingly positive to the support they received from the Probation and Parole Service. This increases the chances that EM/EM Release can contribute to preventing re-offending. It is also interesting to note that the interviewed clients do not agree that a longer period of electronic tagging would have a negative effect on clients. On the contrary, some of them express a desire for a longer period on the programme. This would give them more time to acclimatize at both practical and emotional levels. The question of whether the expansion of EM and EM Release has affected the percentage that return to criminal lifestyles will be examined in Brå's final report.

The percentage that breach programme conditions has increased slightly

An important factor for the legitimacy of EM and EM Release is that clients comply with the rules. Prior to the expansion, relatively few clients breached the conditions and were recalled to prison. The figure was around 7 to 9 percent. In both of the new groups that were granted electronic tagging following the expansion of the programme, however, the number of recalls due to breaches of programme conditions is slightly higher than was the case in the previous target groups. The increase is fairly marginal for EM Release, but the increase for EM is more signifi-

cant (fourteen percent compared to eight percent). Most recalls are due to breaches of the ban on drugs or alcohol. An obvious question is whether the proportion of offenders that breach EM conditions and are recalled to prison is high enough to warrant a reassessment of the criteria used to assess an inmate's eligibility for the EM Release programme. Brå's view however is that it is too early to form an opinion, since any assessment must also take into account the *positive* effects created by these new opportunities. Brå's previous evaluation of EM Release showed that many clients improved their social situation during their time on the electronic tagging programme. The re-offending rate fell slightly for older offenders on EM Release compared to those who had not participated in the programme. If eligibility for EM becomes so restrictive that it is only granted to offenders with a non-existent risk for re-offending, opportunities for positively affecting the behaviour of offenders who could benefit from the programme will disappear. Brå's final report in the summer of 2007 will contain similar information about the new groups of clients that have been placed on EM (and EM Release).

Many crime victims have strong feelings about EM and EM Release

The views of crime victims are a new feature in this evaluation. This part of the study is important because it broadens the perspectives on EM and EM Release. It shows that electronic tagging as an alternative to prison sentences affects not only clients but also the victims. Since the material is limited and cannot be regarded as representative, it does not allow for conclusions as to whether victims of violent crime in general are positive or negative to EM and EM Release. The most obvious factor, however, is that the contents of the sanctions are important for many of the victims. Some of the victims have very strong views about the offender being placed on EM or EM Release. Somewhat unexpectedly, these views can be both positive and negative. The likelihood that the victim is negative seems to increase with the seriousness of the crime, which means that the percentage of negative views is higher in relation to EM Release. If the victim feels badly treated by the legal system, however, and feels that the offender's sentence is too lenient, the risk for negative reactions to electronic tagging increases.

Victims should be notified when offenders are placed on EM

A serious problem emerged from the interviews as regards the information provided to crime victims where the offender had been placed on EM. In contrast to EM Release, the Prison and Probation Service had neglected to notify this group when the offender's sentence was transferred to EM. In general, all of the interviewees were indignant when Brå informed them that the offender had been placed on EM without their knowledge. Some victims thought that the offender was still in prison and expressed concern that they could unexpectedly have met the

person during that time. Brå proposes that the government investigate as soon as possible how new regulations can be formulated that would entitle the victim to notification when the offender's sentence is transferred to EM. Brå would argue that these regulations should be the same as for EM Release, i.e. that victims are entitled to notification if they register, but they can also choose not to register. Against this background, a routine whereby the injured party is asked whether he or she would like notification if the offender is placed on EM might be the most suitable solution.

As regards EM Release, the injured party is entitled to notification from the prison if the offender leaves the prison and serves the rest of his or her sentence with electronic tagging at home. The interviews showed that this notification routine did not always work however. The majority of interviewees did not receive information about the offender leaving the prison on EM Release. The Prison and Probation Service should review its routines and be clearer when asking injured parties whether they wish to be notified of the offender's whereabouts during the term spent in prison.

The interviews also showed that victims want to know what EM or EM Release means in practice. The Prison and Probation Service may need to design a brochure with information to this effect. For both EM and EM release injured parties could receive the brochure in connection with their being asked whether they wish to be notified as to the offender's whereabouts during the period of the sentence.

New legislation will change EM Release conditions

On 1 January 2007, a number of changes to the Correctional Treatment Act will come into effect. One of these involves opportunities for release from prison with "extended work release". This type of work release can take several different forms and will offer varying degrees of freedom. One alternative is the current form of EM Release, where the client lives at home with the same type of support and supervision as EM Release, but without electronic tagging. The consequences of this on the programme that Brå is currently evaluating are difficult to predict. Electronic tagging may remain a common feature of release, but other forms of supervision may also be considered adequate.

Brå will also evaluate the new forms of release with extended work release. With the massive amounts of data that Brå has now gathered on how EM Release functions in its present form, there are good opportunities for comparing both systems. This includes how clients understand the different forms of release, the level of support and supervision, changes in the clients' social situation and effects on re-offending.

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Annex

Method

The information in this interim report is based on statistics from the Prison and Probation Service, questionnaires sent to the Probation and Parole Service and interviews with clients and crime victims.

Questionnaires to the Probation and Parole Service

This description of the programme and its breaches are based on data collected from questionnaires that were sent to the Probation and Parole Service. Personnel from the Probation and Parole Service have answered questions about:

- 173 clients who began EM in the new target group (sentences of at least three months) between 1 June and 30 September in 2005.
- 145 clients who began EM Release in the old target group (at least two-year sentences).
- 66 offenders who began EM Release in the new target group (sentences of at least eighteen months and less than two years) between 1 April, 2005 and 15 April, 2006.

The sample for EM Release has been expanded since the last interim report. A longer data collection period was chosen for the new release group in order to gather enough material for the analysis. The original idea was to gather questionnaires for the old EM group (offenders with up to three month sentences) but when this proved difficult, the collection of data was abandoned. Comparisons with the old EM group are therefore based on statistics from the Prison and Probation Service.

The questionnaire for EM and EM Release is based on two and three sections respectively. The first section was analysed in the first interim report and included background questions about the client. The second section is analysed in this report and contains a description of the programme and questions about breaches of programme conditions. There is also a third section for EM Release containing a follow up of the offenders' social situation, and this will be analysed in the final report.

Interviews with clients

A total of 20 clients were interviewed about their experiences with electronic tagging now that expansion has made longer programme times possible. Ten of these interviews concerned the new EM group, offenders with 4-6 month sentences, and ten interviews concerned clients on EM Release for at least four months. The clients were interviewed by telephone.

Interviews with crime victims

Sample

Interviews were conducted with people who were the injured party in judgements that led to the offender being placed on EM or EM Release. Twenty seven interviews concerned EM, and 12 interviews concerned EM Release. Another four victims where offenders were placed on EM chose to answer a questionnaire instead. The interviewees were at least 18 years old and were victims of violent crime, sexual crime or robbery. These crimes were chosen because many of the offenders that are released onto EM or EM Release have been sentenced for these crimes where the violation of personal integrity has been a strong feature.

Procedure

A list was obtained from the Prison and Probation Service of offenders who had been sentenced for violent crimes, sexual crimes or robbery and who would soon be released from their EM or EM Release programmes. The judgements for these cases were collected. Some judgements were discarded if the offenders did not fulfil the selection requirements, for instance if the injured party was a minor.

The names of the injured parties were gathered from the judgements. One name was selected from judgements with several injured parties; in the first instance, the person who was subject to the worst violence, or in the second instance, the person whose address was easiest to find. The judgements, details from the court (Social Security Number), national registration (address) and telephone listings on the internet were used to find the address and telephone numbers of the injured parties.

A letter was sent to the home address of the person, with a description of the study. The person was asked to contact Brå for a telephone interview as soon as possible. If there was no telephone number, the person was asked to contact Brå if they wanted to take part in the study. In some court judgements, the person's contact information was confidential so a letter was sent via the injured person's counsel who was first contacted by telephone.

Because of the high non-response rate amongst people whose telephone numbers were not on the internet⁹ or whose personal information was confidential in the court judgement, questionnaires were sent to them directly. The questionnaire contained the same type of questions as the interview guide but was slightly shorter.

These people were then contacted by telephone for an interview. Those who agreed to take part were asked how they felt about offenders being placed on EM or EM Release.

⁹ Mainly people with unlisted numbers.

Non-response

The answers from both the interviews and the questionnaires give a response rate of 63 percent for injured parties where the offender was placed on EM. The corresponding response rate for injured parties where the offender was placed on EM Release is 52 percent. Table 4 shows that the distribution of the non-response by gender and the injured party's relation to the offender is generally similar to the distribution in the corresponding group that took part in the study (for both EM and EM Release). A slightly larger proportion of women took part in the survey on EM, however, by comparison with the gender distribution among the non-respondents.

Table 4. Non-response analysis of injured parties based on gender and their relation to the offender.

| | EM | | EM Release | |
|----------------------|---------------------------------|----------------------|---------------------|----------------------|
| | Interview/questionnaire N=31 | Non-response N=18 | Interviewed N=12 | Non-response N=11 |
| <i>Gender (%):</i> | | | | |
| Male | 39 | 61 | 50 | 55 |
| Female | 61 | 39 | 50 | 45 |
| <i>Relation (%):</i> | | | | |
| Intimate | 39 | 33 | 27 | 27 |
| Acquaintance | 26 | 33 | 9 | 18 |
| Unknown | 29 | 22 | 64 | 55 |
| Unclear | 6 | 11 | – | – |

The reason for non-response in 8 cases out of 18 for EM was that Brå had no telephone number for the injured party.¹⁰ These people and another person whose personal information was confidential in the court judgement, were still able to answer the questionnaire, however. Other reasons for non-response were that the injured party was difficult to find (3 people), or that no address was available (3 people) or were not interested (3 people). There are reasons to assume that people with unlisted telephone numbers or whose personal information was made confidential in the court judgement, which also constituted the largest non-response category, have a more negative view of offenders and electronic tagging than that shown in the survey. People who conceal their telephone numbers and/or addresses may be more worried about coming into contact with the offender than others. The hypothesis that the non-response is biased is supported by the fact that the 4 questionnaires returned by people in this category indicate a very negative view.

The non-response rate for EM Release was more varied. For four of eleven people, however, the non-response was due to them having a protected address or confidential information in the court judgement. Other reasons were that the injured party did not want to participate (3 people), no address (2 people), old age (1 person) or death (1 person).

¹⁰ There was no telephone number in the listings on the Internet for seven people. Addresses were confidential for two of these people, so the letter was sent via their counsel.