

## Policy on Electronic Monitoring

**ISSUE:** What is St. Leonard's Society of Canada's position on the use of Electronic Monitoring (EM)?

**GOAL:** To support humane and informed justice policy, in a manner consistent with fostering social responsibility, integrity, and the recognition of human worth.

**BACKGROUND:**

The Safe Streets and Communities Act, Bill C-10, allows Correctional Service Canada to impose (non-voluntarily) EM on federally sentenced persons who have geographic restrictions while on temporary absence, work release, parole, statutory release or long-term supervision.<sup>1</sup> Correctional Service Canada intends to begin an extensive pilot program in the fall of 2013.<sup>2</sup>

Provincially, EM is used primarily on those on probation, a conditional sentence, temporary absence or parole, and can also be used with bail restrictions.<sup>3</sup> Seven provinces currently utilize EM, and as of 2012 the size of the population monitored ranges from year 35 – 230.<sup>4</sup> There are currently three types of EM in use, GPS, Radio Frequency, and Bio-metric. The cost ranges from \$5-\$22 a day, with GPS being most expensive.<sup>5</sup> In some cases user fees are charged and may be anywhere between \$100-\$450/month.<sup>6</sup>

**Historically EM has been intended to:**

- Deter criminal behaviour
- Encourage compliance with conditions
- Relieve the prison population by diverting those incarcerated to a viable alternative
- Reduce public expense by reducing incarceration costs
- Punish a person while they are in their own residence with strictly confined movement
- Ensure public safety through the supervision of a person via EM
- Protect the individual from the harmful stigmatizing effects of incarceration
- Promote interaction between parole officers and those on release, ensuring a gradual, structured and monitored release.<sup>7</sup>

**Studies on EM:**

- In 1999 Bonta et al. conducted large scale comparisons of electronic monitoring and recidivism (3 provinces, 262 people). The study found no appreciable effect on recidivism rates.<sup>8</sup>
- In 2008 the Government of Canada launched an Electronic Monitoring Pilot Program (EMPP) for federally sentenced persons. The program cost a total of \$856,096 and involved 46 persons found to be at low-risk of reoffending.

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<sup>1</sup> Corrections and Conditional Release Act – S.C 1999, c.20 (Section 57.1)

<sup>2</sup> Paperny, Mehler, A. 2012. *Corrections Canada to push ahead with electronic anklets for parolees*. The Globe and Mail. <http://www.theglobeandmail.com/news/national/corrections-canada-to-push-ahead-with-electronic-anklets-for-parolees/article4485235/>

<sup>3</sup> Sorenson, Kevin. M.P, Chair. 2012. Report of the Standing Committee on Public Safety and National Security: A Study of Electronic Monitoring in the Correctional and Immigration Settings. 41<sup>st</sup> Parliament, first session.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Bottos, Shauna 2008. *An Over Use of Electronic Monitoring*. Research Branch Corrections Service Canada

<sup>7</sup> John Howard Society of Alberta. 2006. Electronic (Radio Frequency) and GPS Monitored Community Based Supervision Programs; Sorenson, Kevin. M.P, Chair. 2012. Report of the Standing Committee on Public Safety and National Security: A Study of Electronic Monitoring in the Correctional and Immigration Settings. 41<sup>st</sup> Parliament.

<sup>8</sup> Bonta, J., Wallace-Capretta, S., & Rooney, J. (1999). *Electronic Monitoring in Canada*. Ottawa: Solicitor General; for a more detailed presentation of studies please see SLSC's discussion paper on EM, distributed Winter 2013.

## 2009 Evaluation of the EMPP Found:

- Inconclusive rehabilitative impact of electronic monitoring. Evaluation findings were similarly inconclusive.<sup>9</sup> Those monitored did not perceive that the system enhanced their accountability.<sup>10</sup>
- Reliability challenges were encountered regarding location determination (drift), frequent false tamper alerts, battery sustainability and charge life, visible size and discomfort.<sup>11</sup>
- Monitoring activities increased the frequency of contact between parole officers and persons on parole beyond the required number in the policy. This may increase a pro-social supervisory role, and/or may increase parole office workload.

## The Current State:

On January 28, 2013, the Minister of Public Safety confirmed to the Standing Committee that CSC plans to implement a second, expanded, electronic monitoring pilot project in 2013.<sup>12</sup> The evaluation will examine the cost-effectiveness of electronic monitoring, as well as any added benefit of electronic monitoring over current practices in effectively supervising persons on conditional release.

## CONCERNS:

- Evidence has yet to demonstrate that EM makes communities safer, or acts as a deterrent for criminal activity.
- Evidence has demonstrated that EM has no effect on violent persons.<sup>13</sup>
- Evidence has demonstrated that EM has no greater effect on high-risk persons than cognitive and psychological behavioural therapies.<sup>14</sup>
- Electronic monitoring's high degree of surveillance may do little to establish trust with those monitored, and may act to erode the autonomy of participants.
- Frequent false alarms and false tamper alerts may raise the degree of hyper-vigilance experienced by individuals, and may have a significantly negative impact on relationships within the home, with spouses and children.
- The added stress of dealing with curfew and employment restrictions in situations where there is unreliable transportation can present a difficult challenge.
- Cost-effective benefits have yet to be demonstrated, nor has any significant impact on recidivism in Canada been shown.
- Electronic monitoring pilot programs implemented in a non-voluntary way may decrease their effectiveness over programs which are set up as a voluntary alternative.
- Conducting research on subjects who have been ordered to wear a monitoring device may violate national and international standards for research involving humans. (eg. Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans).
- The existence of user fees may give rise to unequal treatment if certain people cannot afford them, or do not have stable housing.

## POLICY: **RESOLVED that: SLSC opposes electronic surveillance in the form of electronic monitoring of individuals.**

*Adopted at the Annual General Meeting Policy Session, May 25<sup>th</sup>, 2013*

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<sup>9</sup> Evaluation Report. 2009. *Electronic Monitoring Program Pilot*. Evaluation Branch, Policy Sector, CSC. [http://www.csc-scc.gc.ca/text/pa/empp/index-eng.shtml#\\_Toc257800771](http://www.csc-scc.gc.ca/text/pa/empp/index-eng.shtml#_Toc257800771)

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Parliament of Canada. Committee Report. *Government Response: Standing Committee on Public Safety and National Security*.

Retrieved From: <http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=5944470&Language=E&Mode=1&Parl=41&Ses=1>.

<sup>13</sup> Bonta, J., Wallace-Capretta, S., & Rooney, J. (1999). *Electronic Monitoring in Canada*. Ottawa: Solicitor General.

<sup>14</sup> Renzema, M., Mayo-Wilson, E. 2005. Can Electronic Monitoring Reduce Crime For Moderate to High-Risk Offenders? *Journal of Experimental Criminology*. Pg215. & Bonta, J., Wallace-Capretta, S., & Rooney, J. (1999). *Electronic Monitoring in Canada*. Ottawa: Solicitor General.

## **Appendix A.**

### **RECOMMENDATIONS**

Sample criteria in the event that Electronic Monitoring is used:

- If future pilot programs are implemented it is important to stress that they focus on working with high-risk offenders who are also engaged in rehabilitative programming
- Regarding the future implementation of electronically monitored pilot programs, it is recommended that a person's consent to participate in research be informed, voluntary, and free from coercion.
- Guidelines are needed regarding the types of offences for which electronic monitoring will be used and why these are appropriate.
- Guidelines are needed regarding to what extent the use of a person's private information can be gathered and broadcast to authorities to ensure real time tracking is consistent with privacy legislation.
- It is worth investigating the potential benefits in the use of electronic monitoring as an alternative to incarceration for public safety, as a cost reduction strategy, and to alleviate overpopulation within the currently over-burdened correctional infrastructure.
- Guidelines are needed regarding the extent to which a person's ability to afford user-fees or have stable housing impacts their eligibility to receive a potentially more accommodating electronically monitored sentence.
- It is recommended that the impact that electronic monitoring can have on children and other persons within the household be taken into account before imposing electronic monitoring.
- It is recommended that, before there is an increase in the number of people who are electronically monitored, a positive cost/benefit analysis be established using evidence based research.