

ELECTRONIC MONITORING: THE INITIAL STAGES OF THE PROGRAM

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Introduction

The electronic monitoring (EM) program for detainees released on bail and for prisoners released on parole was launched in early May 2005.

The purpose of this paper is to report on the progress made during the first year of the program's implementation (May 2005 thru April 2006) and to provide an additional basis for drawing conclusions regarding the program's continuation. In its pilot run, the program was applied to detainees released on bail and, only as of mid-January 2006, it is also being applied to prisoners released on parole.

The EM program is based on an operational plan drawn up by the Ministry of Public Security in cooperation with the various agencies involved. The Bureau of the Chief Scientist in the Ministry of Public Security, which actually initiated the program, has overall responsibility for the program's management, while a small operational office implements it on a daily basis. Hashmira Security Technologies, Ltd. and its subsidiary, Moked 99, fit the detainees and parolees with wireless electronic foot bracelets, carry out the continual monitoring in the field, and remove the equipment at the end of the supervision period.

The program was introduced gradually – initially in the areas of jurisdiction of the Tel Aviv and Haifa Magistrate's Courts. In July 2005, the program was expanded to include the country's entire judicial system.

Major statistics

1. From the initial implementation of the program until the end of April 2006, 176 individuals were referred to the EM program: 117 adults, including one woman, and 59 juveniles, including one female. All but three of the monitored individuals were detainees; only in January 2006 were three prisoners on parole added to the program.



2. During the above period, 13,280 monitoring days were recorded.
3. The breakdown by offense of the monitored population was as follows:
 - Violence – 63
 - Family violence – 11
 - Sex offenses – 13
 - Crimes against property – 40
 - Robbery – 18 (including one case of armed robbery)
 - Fraud – 5
 - Drugs – 7
 - Other offenses – 19
4. The monitoring was conducted throughout Israel, from Safed in the north to Eilat in the south. It can be seen that the number of monitored individuals was especially prominent in the north. In the other police stations there was a more or less identical distribution of monitored individuals.
5. The distribution of cases being assigned to EM varies by court jurisdiction and is more prominent in the lower level courts:
 - Magistrate courts (including juvenile courts) - 72
 - District courts - 50

The numbers of cases vary by geographical area:

 - Haifa - 48
 - Tel Aviv - 42
 - Jerusalem - 32
6. The program is being increasingly implemented in Israel's law enforcement system, although the

rate of increase is lower than initially anticipated. Nonetheless, the monthly increase in the number of monitored individuals is definitely encouraging.

7. The breakdown of referrals for EM by month was as follows:

2005

- May – 1
- June – 4
- July – 3
- August – 5
- September – 8
- October – 4 (apparently due to the Jewish holiday season)
- November – 11
- December – 22

2006

- January – 16
- February – 23
- March – 37
- April – 42

Statistics on the operation of the system

A number of important points emerge from the analysis of the statistics on the operation of the system. First, Moked 99's alert center received many alerts. From our standpoint, this is good news, because it proves that the system is very sensitive and that the technology's capacity for issuing alerts for any deviation from the planned routine for the monitored individual is considerable. Second, it is clear that, the greater the

number of persons monitored, the greater the number of alerts. Third, regarding the nature of the alerts, the following should be noted: If, for example, we analyze the month of December 2005, we will find, based on the figures of the security company, that 2,175 alerts were received by the company's alert center. These calls can be broken down as follows: 1,841 were the result of technical situations or events (such as the repositioning of the receiver, an electric power cut, and the disconnection of the body/belt sensor) and 334 were the result of exceptional situations, such as an unauthorized exit from the place being monitored and failure to return on time from a 'monitoring window.'

It should be stressed that, as indicated by Table 1 on the following page, nearly all the violations were of a duration of no longer than one to eight minutes and thus do not constitute actual violations of the monitoring arrangement.

Violations

The following points should be noted with regard to violations of the monitoring arrangement:

- a) Nearly all the violations were of a duration of no longer than one to eight minutes and thus do not constitute actual violations of the monitoring arrangement.

- b) On January 1, 2006, changes were introduced in the definition of ‘violation’.
- c) Generally, there were no actual or significant violations of the monitoring regime.
- d) Many of the slight disciplinary violations due to absence were the result of leaving prematurely from the place being monitored or a failure to return on time (in both cases, the violation was of a duration of only a few minutes); or an ‘administrative’ violation, chiefly due to the monitored person’s leaving the place being monitored to be present in a courtroom session without having given advance notice

(and thus, without having arranged for the orderly opening of a ‘monitoring window’).

Monitoring days

Since the initiation of the electronic monitoring program and up to the end of April 2006 there were 13,195 monitoring days for detainees released on bail and 85 days for three paroled prisoners, all under electronic surveillance. These days constituted a savings, in terms of cost, of 36 years of detention in a detention center. Furthermore, as indicated by Table 1 below, there has been a steady acceleration in referrals by the judicial system of detainees for EM.

For example, the number of persons referred for EM in December 2005 was double the number of persons referred for EM in November 2005.

Completion of EM supervision

During the period in question, 43 persons completed their EM regime: 35 were sent to prison, correctional boarding schools or were again placed in detention, seven were sent to detention alternatives, and one person did not return from a monitoring window. These figures support the general feeling that the selection of candidates for EM was well thought out and appropriate and that the selection process

Table 1: Alerts received by security company’s alert center, May 2005-April 2006

Month	No. of persons referred for monitoring	Monitored persons removed from arrangement	Actual no. of monitored persons by end of month	Cumulative no. of monitored persons	Alerts received by alert center		
					Exit/Failure to return	Technical alerts	Total no.
2005							
May	1	-	1	1	-	-	-
June	4	-	5	5	-	-	-
July	3	1	7	8	166	289	455
Aug.	5	-	12	13	149	142	391
Sept.	8	1	19	21	215	643	849
Oct.	4	1	22	25	350	815	1165
Nov.	11	3	30	36	238	1349	1587
Dec.	22	6	46	58	334	1841	2175
2006							
Jan.	16	4	58	74	992	2328	3320
Feb.	23	7	74	97	1136	2213	3349
March	37	14	97	134	1567	2413	3980
April	42	7	132	176	2241	1569	3810

does not constitute a ‘widening of the net’ of social control.

During the period in question, the program’s directorate provided training sessions throughout Israel that included mixed forums of magistrates, juvenile magistrates, district judges from all of the country’s judicial districts, senior police officers from all of the country’s police districts, the criminal case officers in the country’s courts of law, juvenile and adult probation services, prosecutors and public defenders.

Evaluation and recommendations

The period in question is too short, of course, for the released prisoners in the program. Nonetheless, it is

long enough to draw some interim conclusions. It should be pointed out that, at the time of this report’s compilation (the end of April 2006), the program is being operated for more than 132 monitored individuals simultaneously. There seems to be significant progress as far as recognition of the program is concerned, and the judicial system is making extensive use of EM. We believe that the program is operating effectively and successfully and that the present figures indicate the increasing reliance on EM in Israel.

Applying the conclusions that can be drawn even from this short report can help improve the system’s operations and its anticipated results:

- Generally, **the EM system**

appears to be operating as planned and expected, and the number of alerts is appropriate for the trial run. The program’s directorate deals with these alerts while continuing to operate the program, and carries out all necessary corrections in real time for all aspects of the program: operational issues, adjustment of the program’s operating protocol, the work of the program’s main offices, improvement of work procedures, etc.

- **Number of referrals** - One topic that must be addressed is the number of referrals for electronic monitoring. Apparently, in the program’s planning, we overestimated the number of detainees/inmates we expected would be referred by authorized agencies for

Table 2: Number of monitoring days, May 2005-April 2006

Month	No. of monitored persons added	Cumulative no. of monitored persons	Adults	Juveniles	Cumulative no. of monitoring days
2005					
May	1	1	1	-	1
June	4	5	3	2	98
July	3	8	6	2	293
Aug.	5	13	9	4	600
Sept.	8	21	15	6	1071
Oct.	4	25	18	7	1714
Nov.	11	36	23	13	2555
Dec.	22	58	38	20	3622
2006					
Jan.	16	74	48	26	5156
Feb.	23	97	60	37	7027
March	37	134	88	46	9714
April	42	176	117	59	13,280

EM. We are making efforts to encourage the use of EM by these agencies. It should be stressed as well that, as of mid-January 2006, the program has been expanded to include inmates released on parole. So far, parole boards have referred three inmates to EM.

- **Types of offenses** - Another issue is the type of offenses for which the judicial system refers people for EM. The range of offenses for which accused persons are referred to the program is extremely wide and includes even serious offenses, such as family violence, sex crimes (including rape), robbery (including armed robbery), and drug trafficking. It can be said here that the severity of some of the offenses for which persons are referred to EM is higher than what was anticipated in the planning stage of the program. Nevertheless, even those charged with severe offenses have complied with the program's conditions.
- **Selection of candidates**
An additional statistic that should be noted from the results of our follow-up work is that the courts carefully select their candidates for EM. Although the persons referred to EM include those accused of violent crimes, they have accepted the discipline and regime of the 'curfew' imposed upon them by the

judicial system.

- **Juveniles** - Special attention should be directed toward the relatively high percentage of juveniles being monitored electronically. This appears to be a positive trend because research studies indicate that, if the requirements of the law and the circumstances of the offense permit, it is preferable, for the juvenile's future, to distance him or her from the law enforcement system. Should the trend of preferring EM for juveniles continue and even intensify, this development could have a significant impact on the program, especially on the social service support provided by the juvenile probation service.
- **Compliance** - The statistics show that, in most cases, the monitored individuals comply with the EM regime's requirements. The electronic alert system for the detection of violations has proven to be very sensitive and responds to every suspected violation. In most cases, it can be pointed out, the many alerts received for suspected violations are generally due, as noted above, to technical and administrative reasons. Furthermore, the definition of a 'gross violation' can be interpreted in various ways. Apparently, the law enforcement system – primarily, the police stations

and the courts of law – does not regard these violations as serious and is in no hurry to apply sanctions to monitored individuals who have committed violations detected by the alert center. At this stage at least, the decision to avoid harsh responses has proven to be correct, nor does this policy appear to have a negative effect on the monitored individuals. However, should this trend continue, there is the danger that the number of monitored individuals committing violations could increase and that the violations could become more severe in nature. We therefore recommend that the courts respond more resolutely to chronic violations and even instruct that persons who consistently fail to comply with the EM regime's requirements be placed in detention until the end of the legal proceedings in their case.

- **Consistency** - Apparently, involvement in the EM program varies widely from one police station to the next. At this stage, the general impression is that the police stations, which are in charge of the EM program in the field, do not consider it a high priority item. Apparently, the police personnel in the field have not yet begun to fully appreciate the program's importance. The response



of the police to violations is sporadic and slow. The appointment of personnel in the various police stations specifically responsible for EM has increased awareness of the program in the field. However, this is apparently not enough. The police should itself make the commanders of police stations more aware of the program's importance. Responsibility for increasing awareness of EM should not be left solely in the hands of the program's directorate.

- **Awareness** - We have also detected a low level of awareness among the personnel of detention centers and police officers responsible for escorting

candidates for EM. Here as well, those persons responsible for EM in the Israel Police and the Israel Prison Service should step up their training efforts and must promote greater awareness of the program's importance.

- **Contractor** - The security company operating the EM program appears effective in its various areas of responsibility: installation, monitoring and removal. Whenever operational problems arise, they are solved through direct contact between the company and the operational wing of the program's directorate. Nonetheless, there are still several areas where

improvements are needed, such as computerization and periodic reporting.

- **Probation Service** - Regarding the Probation Service within the Ministry of Social Affairs – one of the partners in the program – the following should be noted:
 - a) Considering the relatively large number of juveniles referred to EM, special importance must be attached to the social service support offered by the Juvenile Probation Service, which has shown itself to be effective in the program's implementation.
 - b) The same cannot be said for the Adult Probation Service. For various reasons connected primarily with the tender's administrative arrangements and the operating budget and timetable, as of April 2006 the Ministry of Social Affairs had not yet begun the external activation of social service support. As of that date, monitored adults were not provided any social service support. This problem is being worked on at present. Immediate attention should be given so that the situation can be rectified without any further delay.
- **Directorate** - The program's directorate, headed by the Ministry of Public Security's Bureau of the

Chief Scientist, routinely deals with the overall implementation of the program, holds weekly discussions on the program and issues directives related to its operation. The unit in the directorate that operates the system has a very heavy workload and is responsible for many tasks, some of which are not in its area of jurisdiction. Furthermore, the unit lacks the tools and resources needed for dealing with the various tasks it has undertaken. Concerning this matter, the following points should be noted:

a) There is a need for reconsidering whether responsibility for the program's operation should not be placed in the hands of another unit in the Ministry of Public Security, which would be a new operational agency and would either be autonomous or would rely on support from *Metzila* (the Ministry's Division of Community and Crime Prevention). The Bureau of the Chief Scientist has spearheaded the program's initiation, planning, preparatory stages, and launching. Furthermore, since the program's launching, the Bureau has been responsible for the program's promotion, administration, implementation and ongoing operation, as well as for the evaluative research accompanying

the program's implementation. Nevertheless, the Bureau lacks even the minimal tools needed for long-term operational activities.

b) In any event, there is the long-term need for an examination of organization and methods regarding the missions and the organizational structure of the agency that will be assigned responsibility for the program's implementation. At this stage, it appears that the present operational agency, which is of limited scope and which lacks the necessary tools for carrying out its functions, has undertaken several secondary tasks in line with its perception that places – and to a great extent, this is justified – high priority on assistance in the program's operation and promotion. The operational agency's extensive involvement also stems from the fact that the other bodies which are partners in the

program's operation are not sufficiently involved in its implementation and have thus left a vacuum waiting to be filled.

Summary

The initial trial operation of the EM program has been very successful. The agencies that are partners in the program's operation function satisfactorily, although there is the need for improvements in a number of areas, especially the program's promotion among the relevant partners. Problems are solved 'as the mechanism continues to move ahead' and the existing resources used for the problem solving are limited. It can be noted that, generally speaking, the selection of candidates for EM is correct, and so far the number of monitored individuals who have been found to be unsuitable for the program and who must be returned to a detention facility has been very low. The chief signs of the program's success will be an increase in the number of persons referred to EM and the maintenance of a tighter and more effective monitoring system.

In our opinion, it appears that each day is bringing further progress in this direction.

For further information and statistical updates, see the Ministry website
www.mops.gov.il/bpeng

