

My home is my prison ...

**Electronic Home Detention
in Austria**

Gerhard Nograthnig, Ministry of Justice, Vienna



Results after more than 4 years

- total more than 2000 persons in F&D
- after F&D started down 200 nursing
 - about 2000 (25%) successful
 - about 200 (25%) interrupted



Austrians and Foreigners in Prison

Year	Austrians	Foreigners
1990	1,000	0
1991	1,500	0
1992	1,200	0
1993	1,100	0
1994	1,300	0
1995	1,400	0
1996	1,200	0
1997	1,100	0
1998	1,300	0
1999	1,800	0
2000	2,500	0

Offenbach
am Main

Electronic Home Detection (EHD)

- introduced 2004, legislative 2010
- form of special services not of punishment
- aimed by law, measure of the prison
- legal right, not merely granted
- participation of private detection
- in a few countries (Italy)
- only on demand (Italy)

Introduction

- about 8,5 Mio inhabitants
- 27 persons
- about 4.000 employees
- about 105.100.000 people in prison
- about 100.000.000 out of them
- 8.300 prisoners
- 1800 in pre-trial service
- 500 under protective measures / accommodation
- 200 others

What does it cost?

Conditions

- signs of mental instability (e.g. in early onset)
- delays in diagnosis, assessment, help
- continued medication
- healthy living habits
- active involvement of legal system, the police
- insurance and co-insurance
- financial literacy (the money inside vs. the top and the paper top)

[illegible]

Offenbach am Main

Intermittent locations of open-circuited segments



perspectives
on the
future of
the
journal





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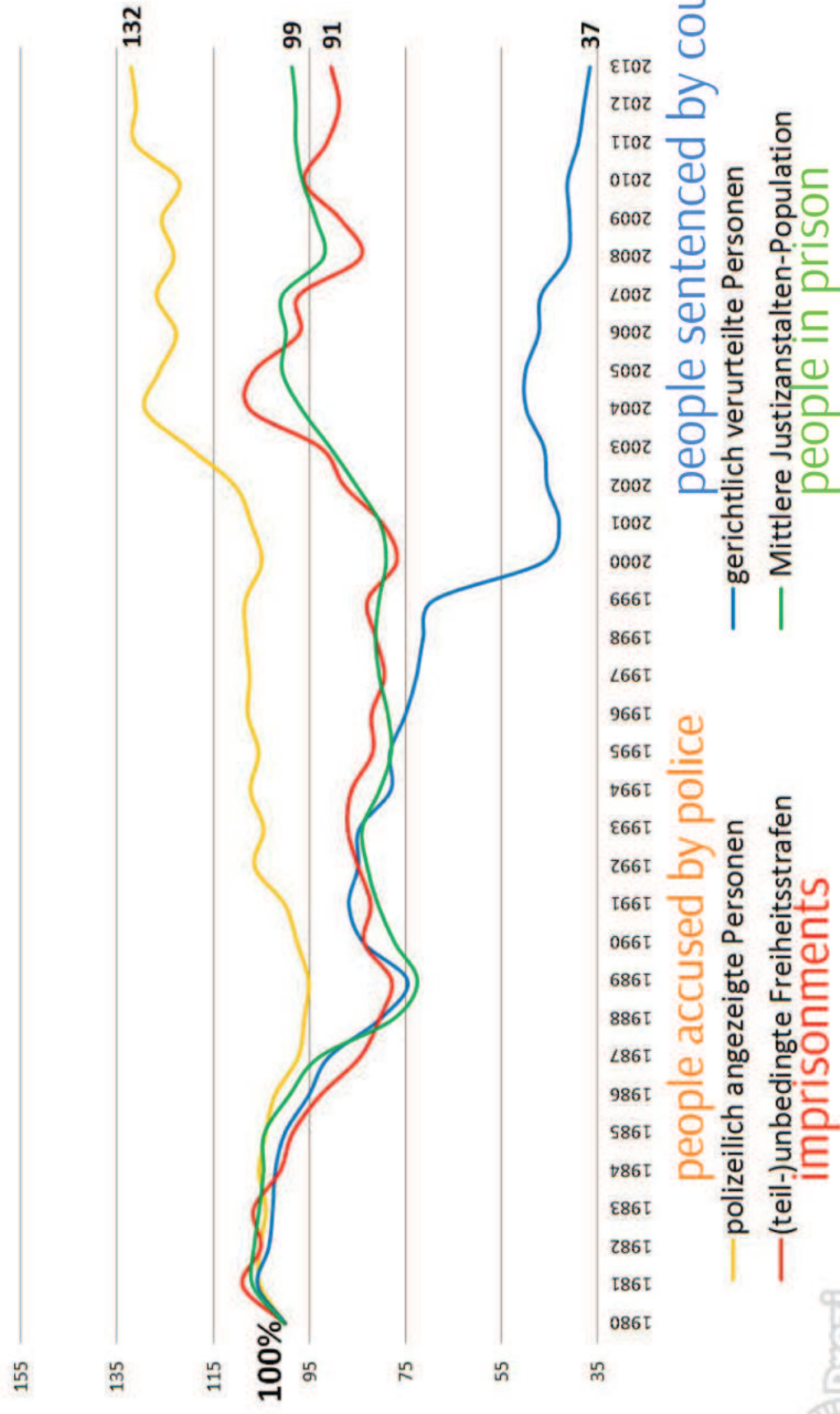


Introduction

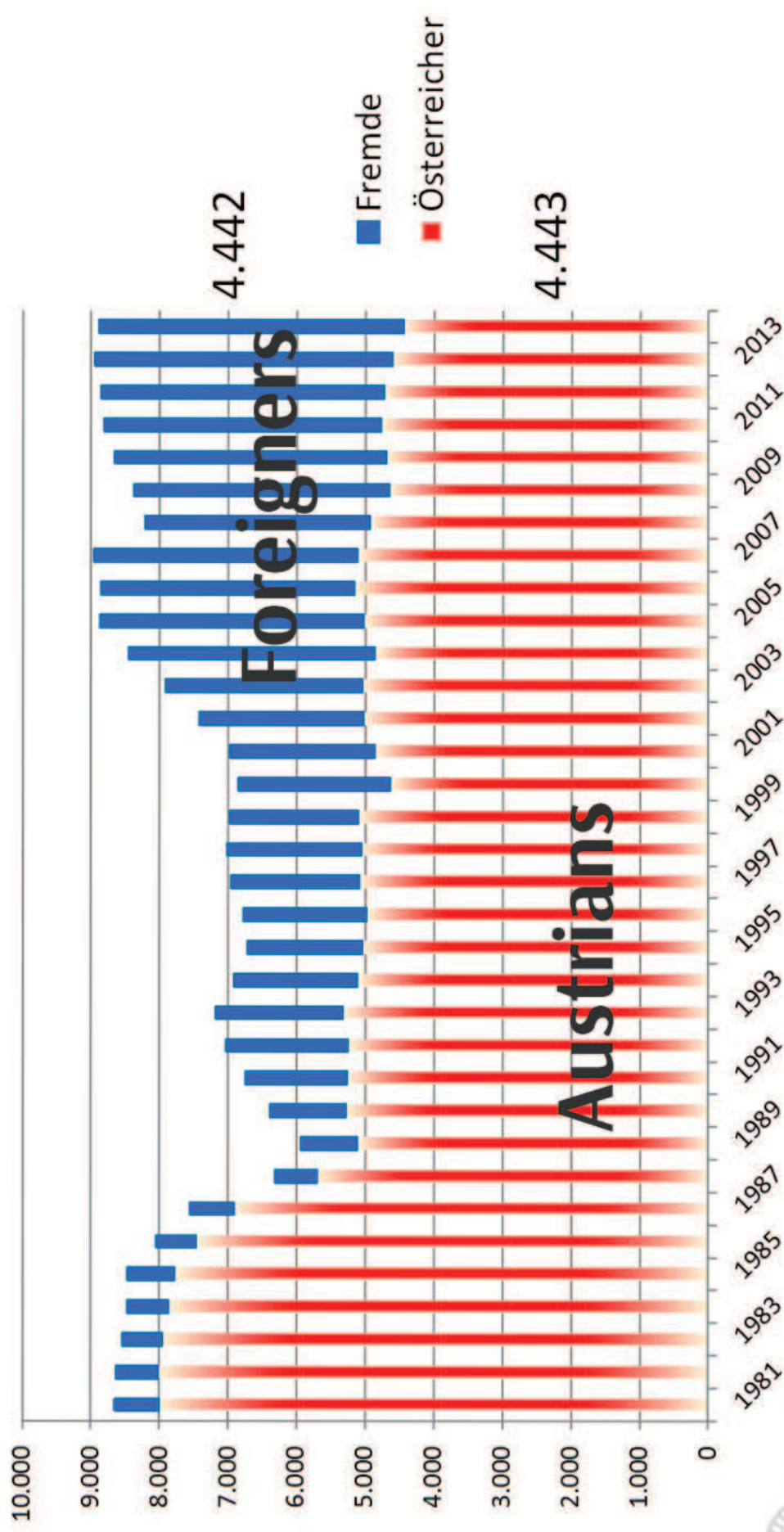
- about 8,5 Mio inhabitants
- 27 prisons
- about 4.000 employees
- about 105/100.000 people in prison
- 8.900 prisoners, out of them
 - 1.800 in pre-trial detention
 - 6.000 in penal service
 - 900 under preventive measures/accomodation
 - 200 others



Development lines 1980 - 2013



Austrians and Foreigners in Prison





Electronic Home Detention (EHD)

- introduced 2010, September 1st
- form of penal service, not of punishment
- granted by the director of the prison
- legal right, with remedy granted
- particularly for penal service
- in a few cases for pre-trial detention
- only on demand (form)

www.justiz.gv.at

A small thumbnail image of a document form, likely the EHD application form mentioned in the text.

An

Eingangsstempel

Antrag auf Bewilligung des elektronisch überwachten Hausarrests (EÜH)

WICHTIG! Lesen Sie bitte zuerst die Hinweise und Informationen am Ende dieses Formulars! Um eine rasche Bearbeitung Ihres Antrags zu ermöglichen, müssen Sie dieses Formular wahrheitsgemäß, richtig und vollständig ausfüllen. Soweit Sie über Nachweise Ihrer Angaben verfügen (Urkunden, Bestätigungen, Belege etc.), schließen Sie diese an (Kopien). Soll Untersuchungshaft im elektronisch überwachten Hausarrest verbracht werden, können die Abschnitte 5., 6. und 7. leer bleiben.

1. Angaben zur Person		
Vor- und Zuname(n):		
Geburtsdatum:		Staatsbürgerschaft:

2. Antrag	
Haft der vor	
aus der Haft	
Ich werde derzeit angehalten in der Justizanstalt ☐ in Untersuchungshaft ☐ in Strafhaft Meine Häftlingsnummer (HNR) lautet: Ich beantrage für die weitere Anhaltung elektronisch überwachten Hausarrest. Ich befinde mich derzeit noch auf freiem Fuß , habe jedoch (laut Urteil, ohne Berücksichtigung einer allfälligen vorzeitigen bedingten Entlassung) eine Freiheitsstrafe zu verbüßen in der Dauer von Jahren Monaten Tagen. Ich habe am zu Aktenzeichen des/der (Bezeichnung des Gerichts, der Behörde) eine Aufforderung zum Strafantritt in der Justizanstalt erhalten. (Kopien von Urteilen und Strafantrittsaufforderungen nach Möglichkeit anschließen) Ich beantrage die Aufnahme in den elektronisch überwachten Hausarrest. Meine aktuelle Wohnadresse (PLZ, Ort, Straße, Hausnummer, Stiege/Stock, Türnummer): Telefonnummer(n): e-mail:	



Conditions

- up to 12 months (residual) prison term to serve
- adequate domestic accommodation
- adequate domestic employment
- secured maintenance
- health insurance
- written consent of legal captive flatmates
- positive risk assessment
- no exclusion by the court (possible for the first half of the prison term)

special conditions for sexual offenders



Practical Implementation

- in general RF-technology (3M), exceptionally GPS
- own monitoring center part of the prison service with executive powers
- monitoring by the prison service itself
- intensive care by the (privatized) probation service (NEUSTART)
- individual terms and conditions, e.g. no alcohol, therapy, work
- design of an individual time schedule including periods of mandatory presence and absence at the accommodation "structured daily routine!"

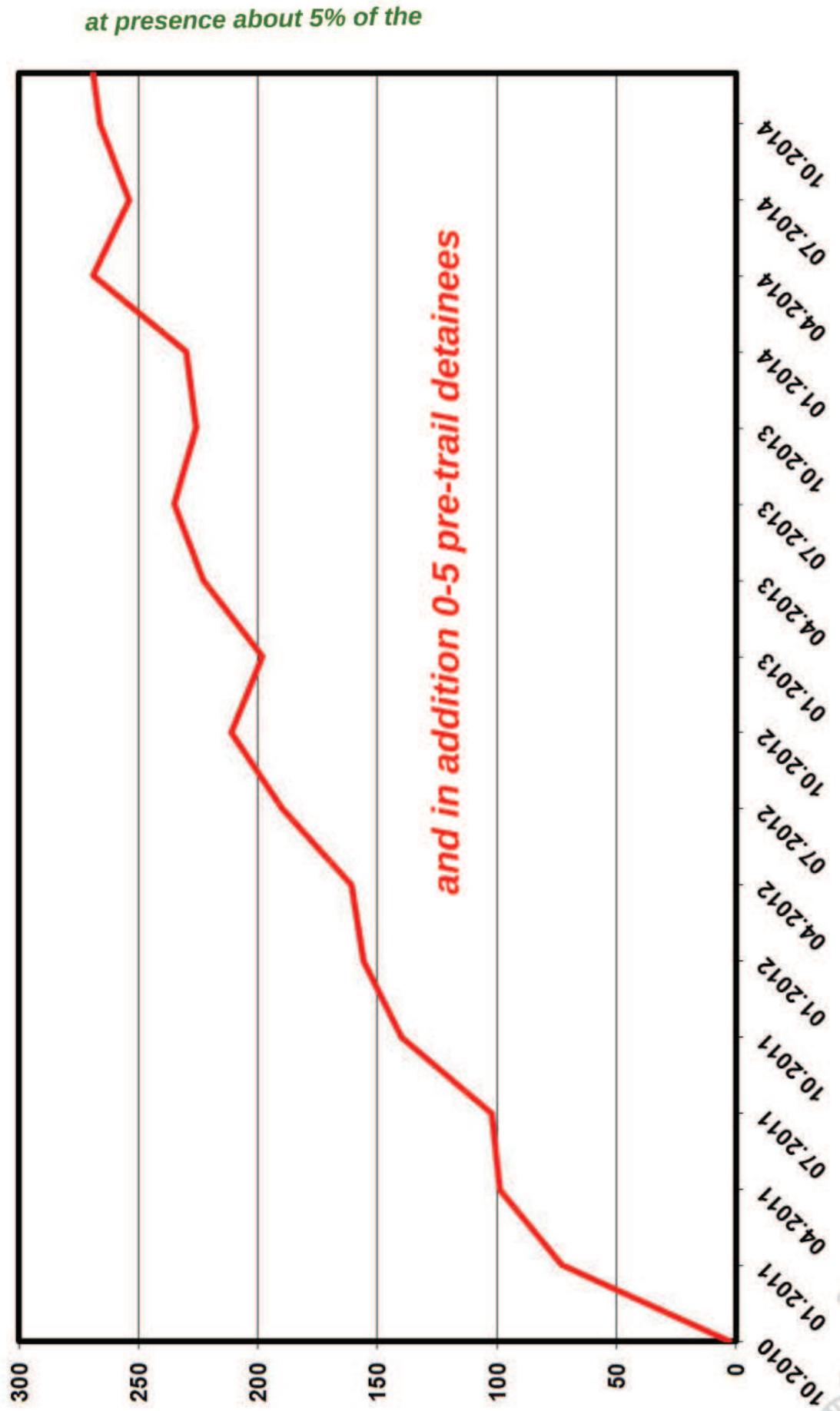


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Practical Experiences

prisoners in EHD per day



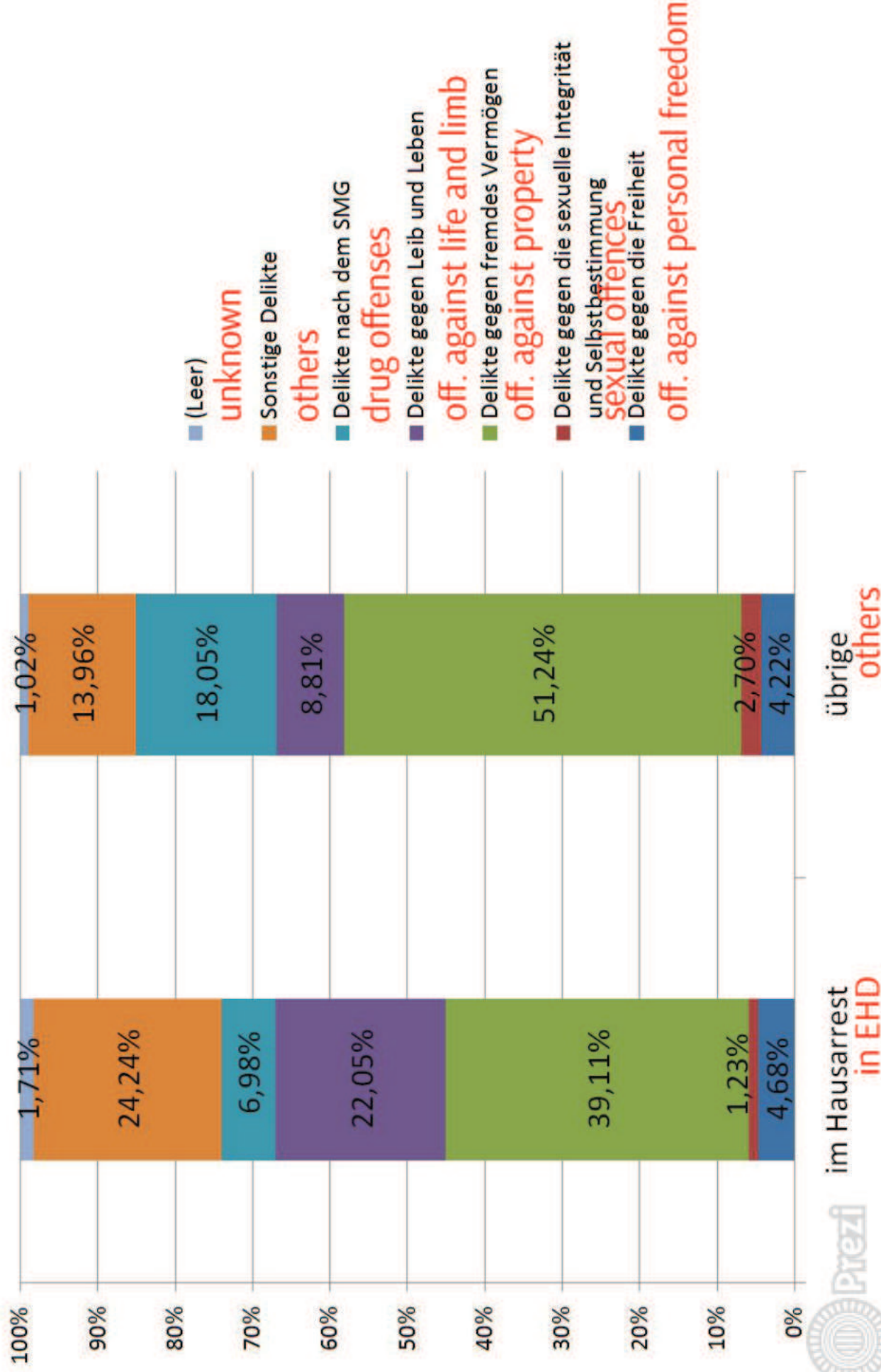
Who are the People in EHD?



Personen im Hausarrest people in EHD	Andere other prisoners
83% Österreicher Austrian citizens	48% Österreicher
55% mit Vorhaft with earlier imprisonments	60% mit Vorhaft
38 Jahre alt age	33 Jahre alt
15% Frauen sex	8% Frauen



What have they done?





How long are they kept in EHD?

- in successful cases: 115 days
- in unsuccessful/interrupted cases: 90 days



What does it cost?

- contribution by the inmate up to 22 Euro/day
- depending on the financial circumstances of the inmate, in reality also 0 Euro, mostly not more than 9 Euro
- 22 Euro cover the expenses for probation service and technique



Results after more than 4 years

in total more than 2600 persons in EHD

- about 2300 finished, about 300 running

- about 2100 (92%) successful



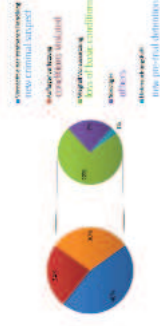
- about 200 (8%) interrupted



Interruptions



Widerrufsgrund	Anzahl
Verdacht einer strafbaren Handlung <i>new criminal suspect violated conditions</i>	85
Auflagenverletzung <i>loss of basic conditions</i>	45
Wegfall Voraussetzung <i>others</i>	41
Sonstiges <i>new pre-trial detention</i>	13
Untersuchungshaft	2
SUMME	186



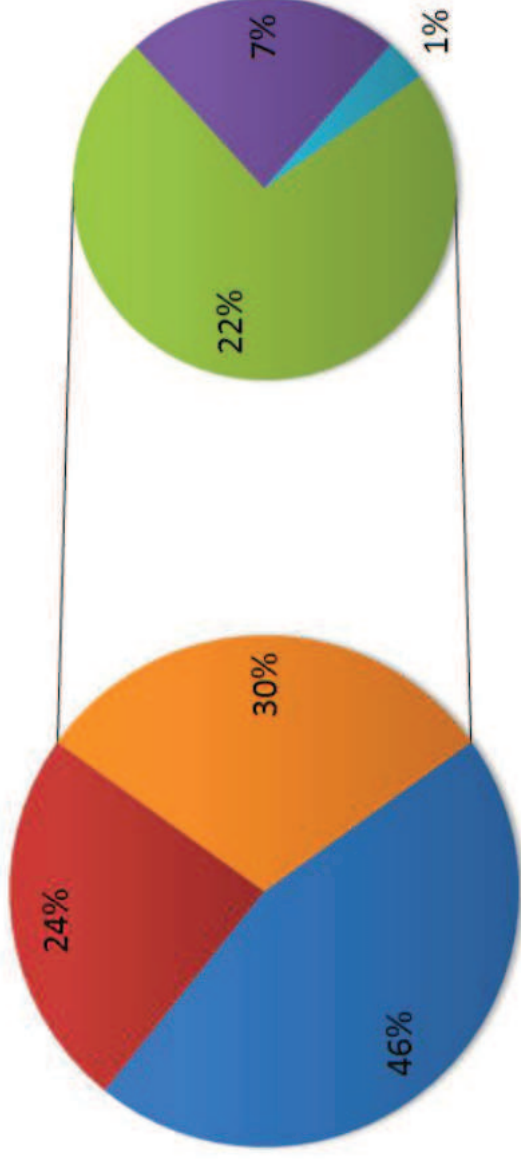
■ Verdacht einer strafbaren Handlung
new criminal suspect

■ Auflagenverletzung
conditions violated

■ Wegfall Voraussetzung
loss of basic conditions

■ Sonstiges
others

■ Untersuchungshaft
new pre-trial detention

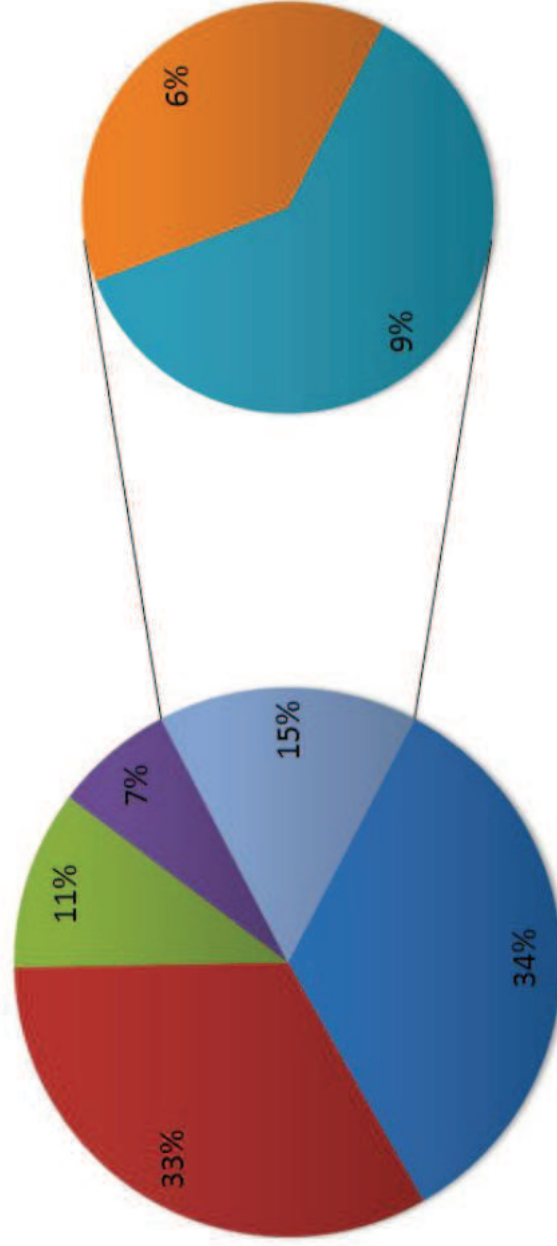




Interruption because of new criminal suspect - outcomes

Verdacht einer strafbaren Handlung (85)	
Einstellung investigation finished without result	29
Verurteilung new punishment	28
Verfahren noch offen investigation still running	9
Sonstiges others	6
Diversion settlement without punishment	8
Freispruch acquittal	5
SUMME	85





Einstellung
finished without result
Verurteilung
new punishment
Verfahren noch offen
still running
Sonstiges
others
Diversion
settlement without punishment
Freispruch
acquittal

Interruption because of violated conditions ...

Verletzung von Auflagen (45)	
Alkohol	17
Aufsichtsprofil	14
negative Aufführung	8
Nichtrückkehr/Flucht	5
Manipulation	1
SUMME	45



Interruption because of loss of basic condition ...

Wegfall der Voraussetzungen (41)	
Arbeitsplatz verloren	unemployment 20
andere Gründe/nichts näheres bekannt	unknown 11
Wohnung verloren	accomodation lost 5
keine Zustimmung Mitbewohner	no/lost consent 4
keine Versicherung	no insurance 1
SUMME	41

Interruption because of other reasons ...

Sonstige Fälle (13)	
eüH selbst beendet	8
andere Fälle	4
Widerruf einer früheren Strafe	1
SUMME	13

+ two cases of new pre-trial detention



Perspectives

- home detention for up to 18 months?
- more use of GPS?

