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# Curfew as a means, not as an end – Electronic Monitoring in Norway

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Norway established electronic monitoring as a way of serving unconditional prison sentence in 2008. The aim of implementing electronic monitoring was to get a human and trustworthy alternative to imprisonment, prevent recidivism and lower the prison populations. So far, the results are positive. This article describes the “Norwegian model” for electronic monitoring, highlights some of the success factors of the project and focuses on some problems yet to be solved.

## **HISTORY**

The political decision to start up the pilot project with electronic monitoring (EM) in Norway was made in 2007, and the legislation was passed in August 2008. The political decision was quite controversial and all of the opposition parties were against the proposition. While the right wing parties regarded the proposition to be too soft on crime and offender management, others were concerned that this would create a social gap, an opportunity

only for the offenders with the necessary resources like stabile living and suitable occupation. Turning people’s home into prisons became a discussion of principle.

The main reason for the implementation of the pilot project in Norway, from both a political and professional point of view, were the need for a more suitable way of serving the sentence for this target group. The offender is able to maintain the social and economic elements as family and occupation during the sentence, which are considered important factors to prevent recidivism.

There was also a wish to lower the use of imprisonment in general, and a need for more flexibility because of the lack of prison capacity. Last but not least, it is less expensive than prison. It will always be important to keep in mind the balance between cost-effectiveness and the quality of the scheme. This is not just a cheaper alternative to prison; this is a better alternative to prison.

The implementation started up in September 2008. Six counties were chosen as pilot units, each representing different geographic and demographic qualities. The aim was to get a broad experience, but still in a small and manageable scope. After an implementation period of four months, with tight cooperation between the Ministry, the Correctional Service and the IT-centre, the units were well operative.

## NORWEGIAN MODEL

When preparing the pilot and development of the Norwegian way of EM, there was a need for knowledge and experiences from other countries. The Norwegian approach is not all new. It has been influenced by many other EM-schemes, particularly by Sweden and Denmark, which are natural countries to compare to. There are a lot of similarities between the Nordic countries regarding offender management, sharing the same standard of reference with a welfare-focused correctional service.

We have learned a lot from their experiences and have been strongly influenced by them, but still there are some differences. Especially, we have to take into account the geographical challenges, with long distances, mountains and fjords. This has influenced the scheme in Norway, especially when it comes to finding efficient logistic solutions. In some parts at the West coast, there are small islands with only ferry connections once a day. In the North there are huge distances, with four to five hours of driving from the correctional service unit to the home of the offender. In areas of steep mountain hills with a risk of avalanche, closing off the only road is not unusual. The use of hired personnel and cooperation with public agencies placed in this rural and challenging areas, are necessary.

The Norwegian approach of electronic monitoring is well integrated into the overall offender management programme. This is designed to encourage success and reduce recidivism. It involves a very close following-up by the staff, and emphasizes an individually adjusted supervision based upon knowledge of the offender and a good relationship with cooperation, trust and responsibility, which, in the end, will increase

dynamic security. The offender has to accept a very tight supervision and control-scheme, and having a suitable occupation is part of the conditions. The offender also has to participate in motivational and crime preventive programs and other activities to individually match the offender's needs for rehabilitation. The goal is to maintain and advance the social and economic capabilities of the offender and in this way to prevent recidivism.

The scheme includes intensive supervision with both inclusion and exclusion in order to promote and encourage a structured lifestyle. The offender's obligation to participate in the community is just as important as the obligation to stay at home. At the same time the scheme allows flexibility if an offender is unable to comply with a particular curfew for a good reason, and immediate changes can be made. This is a common approach to offender management in both Sweden and Denmark as well, and in contrast with other countries only concerned about the home curfew period.

## ORGANIZATION

The Correctional Services have the superior responsibility for all parts of the activity concerning electronic monitoring in Norway. During the pilot period, the Correctional Services Department in the Ministry of Justice and Public Security administrates and coordinates the project and continuously considers adjustments and developments.

The Correctional Services IT Centre has responsibility for the technical solution, which is the conventional electronic monitoring of an offender's presence at his domestic residence, based on radio frequency-technology. They are also in charge of the EM control centre that is monitoring the whole country and reports to the field personnel.

The court decides upon the type of sentence, but within the legal boundaries an administrative decision can be made by the Correctional Services as to whether the sentence is to be executed in prison or with electronic monitoring at home. Until recently, the regional level was the decision-making authority, considering all the applications for EM. This was done to ensure best possible judicial precedent and equal treatment between the pilot units. After three

years of practice, the decision authority is now delegated to the local level, as for most other decisions in the Correctional Services.

Special units for electronic monitoring have been established within the existing local probation offices, which are responsible for the execution of the sanction. These units have well-qualified multidisciplinary staff of both prison officers and social workers. The staff is working shifts from 07 to 23 during the week and from 10 to 17 in the weekends, 7/365. One of the units has the night shift responsibility for all the units and contacts the police in case of emergency. Both the shift cycle, extended opening hours at the office and the combination of different qualifications among staff are organizational adjustments at the Probation Service, as a result of implementing EM. The experiences are positive; the staff is satisfied with the working hours and with the mixed professions. The Probation Office as such profits by the extended opening hours also concerning the supervision of other offender groups than EM.

## THE TARGET GROUP

The target group for electronic monitoring in Norway consists of offenders sentenced to less than four months of imprisonment (front door), or those with less than four months left of a longer sentence, as a gradual reintegration to society after prison

(back door). The project still has a geographically limited scope, now covering more than half of the country with a capacity of 215 offenders at any given time. The gradual expansion of the project has been a good way to tailor implementation and ensure quality in the process.

Each year about 8000 new offenders are convicted to prison in Norway, 70 per cent of these to a sentence less than four months in prison. Most of these can apply for EM front door as an alternative to the whole sentence. However, as a main rule, offenders convicted for violence and sexual crimes are excluded. This group makes up approximately 25 per cent of all new offenders. About 80 per cent of the target population apply for EM front door. More than half of the applicants are accepted; meaning that three out of four who are in the target group have been included in the project group.

The target group for back door is more limited, and mainly consist of those with less than four months left of a longer sentence. So far, 220 inmates have been included in the project. More than half of them come from a few low security prisons.

Until 2012, the project has received about 5500 applications, and almost 3000 are implemented. Of those, only 135 offenders were sent back to prison after breach of conditions, mainly after use of alcohol.

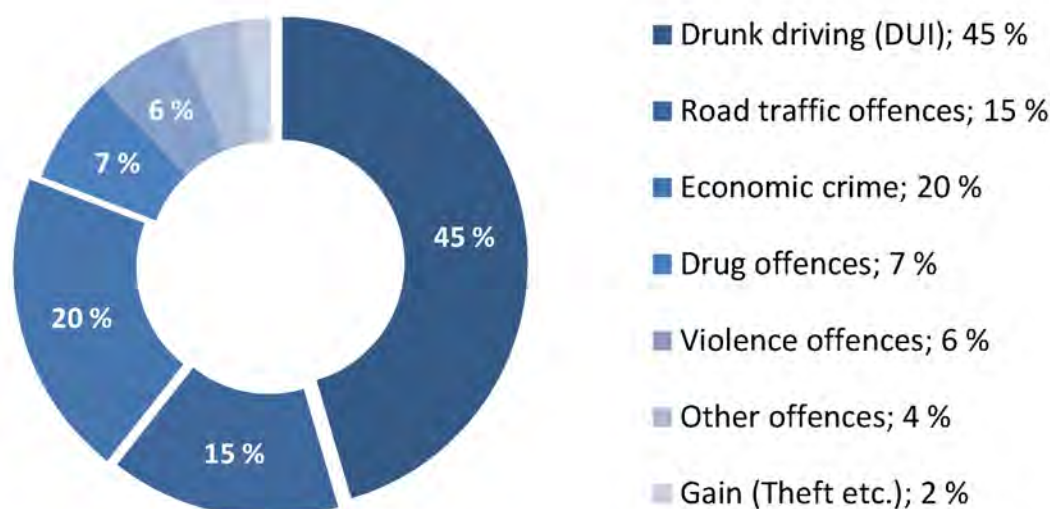
**TABLE 1: APPLICATIONS, IMPLEMENTATIONS AND REVOCATIONS 2008-2012**

	2008	2009	2010	2011	<b>Total</b>
Applications	458	1537	1505	1922	<b>5422</b>
Implementations	99	784	1001	1064	<b>2948</b>
Revocations	5	27	47	456	<b>135</b>

## THE PROFILE OF THE OFFENDER GROUP

Most of the offenders belong to one of three large groups, with driving under the influence of drugs or alcohol is the largest. Those who are sentenced to prison usually have been driving under the influence of alcohol, first time offenders and/or with small or medium concentration of alcohol in the blood (1,0 mg/ml to 2,0 mg/ml). The next group also consists

of road traffic offences, often for driving over the speed limit. This group consists of the youngest offenders on EM, often 20-25 years old. More than 60 per cent of all offenders have committed some kind of road traffic offence. The last large offender group in EM is sentenced for some form of economic crime, fraud, bribery, corruption, etc. The average sentence length for all offenders on EM is 34 days, and the mode is 24 days.

**FIGURE 1: OFFENDER GROUPS ON EM 2008 – 2010. N=1673**

If we focus on the offenders on a back door scheme (N=200), we find that the largest groups are sentenced for economic crimes (30 %), drug crimes (28 %) and violence (20 %). The whole unconditional sentence for EM back door is 330 days, varying from 24 days to 346 days. A maximum of four months is served on EM.

### GENERAL CONDITIONS

There are some general conditions and obligations the offender has to comply with. There must be a suitable accommodation and approval from other persons in the residence over the age of 18. Suitable occupations like work or school (15-40 hours per week) is important, and there is a high degree of flexibility in what kind of occupation is allowed. It could be some kind of community sentence-work provided by the Probation Service, or taking part in treatment, programs or different kinds of training or education. There is zero-tolerance of drugs and alcohol, a minimum of two meetings at the probation office per week, and personal supervision at home and at the place of occupation.

### SUPPORT AND CONTROL

There is a close and dynamic supervision of the offender with both support and control. The electronic monitoring of an offender is linked to the domestic residence only, using the traditional radio-frequency system (RF-technology), making sure the offender is following the curfew conditions. There is no electronic monitoring outside this control-zone.

This aspect of the electronic monitoring is only a work tool and a minor part of the scheme, and the electronic monitoring merely supports the dynamic and close supervision done by the staff.

A very detailed and individually adjusted schedule is drawn up by the probation service in close cooperation with the offender. This activity-plan is closely controlled, both by the electronic monitoring and by the staff or other cooperation partners. Enforcing the drugs and alcohol ban is very important.

Because of the high degree of flexibility and responsibility for the offender, it is important to have a very quick and consistent reaction to breaches; it is a breach of the given trust. Serious violations will lead to a breach and the offender goes straight to prison. What is regarded as a non-serious or a serious violation depends on the individual situation. Minor violations will often be met with a warning and if necessary intensifying the supervision. Use of alcohol and drugs will always result in immediate transfer to prison.

### EVALUATION

The Correctional Services of Norway Staff Academy has been commissioned to evaluate the pilot project in the period 2008-2011. The evaluation has two main focuses.

The first one is about the perceptions of the people involved, the offender, the family and the victim. The other focus concerns the organizational perspective,



how the pilots are being run and developed, experiences with mixed professions among the staff, the balance between the use of technologies and human resources. Some parts of the evaluation, all in all with very good results, have already been publicized.

Two major reports from the evaluation results concerning the offenders taking part in the project will also be publicized.

The first main report has a focus on the offenders who apply for and serve the sentence on EM. This question takes a broader perspective, investigating how implementing EM affects the other parts of the correctional services. Several of the offices that have hosted EM in the project period have also seen an increase in the number of offenders in other sanctions, like community sanctions and DUI-programs. The biggest consequences of EM are for those prisons with low security level that previously had low risk offenders with short sentences. Because of the gradual expansion of EM, these prisons also change in that they admit a new group of inmates with a longer sentence, and relatively more inmates with violence and drug crime offences.

The first reports also have an offender perspective represented by the results of user-evaluation following the project during the second year, including about 720 respondents. The questionnaire used asks for the offender's perspectives on several areas like motivation, information, family, work, health and treatment, and feed-back to the EM-project. The possibility to work, the relationship to family and discretion form the most important reasons for applying for EM. Two out of five live in traditional family structures with a partner and children. Some of those who live with children without a partner are often living together with other family members during EM. Less than one out of ten has had contact with services for treatment, social or economic support during EM. Two out of ten have previously been convicted for the same or different type of crime. Offenders in EM focus on the individual contact with the EM-officer and the possibility to call the EM-office at any time.

The same type of evaluation was conducted in three low security prisons during the same period. The inmates are older and have longer sentences than those on EM. Fewer are living in traditional family structures. Twice as many state that they have had contact with services for treatment, for social and especially for economic support during their time in prison. Three out of ten have previously been convicted, for the same or different types of crime. Inmates in prison are more often using health and medical services in the prison and they more often participate in an education or program activity than offenders on EM.

The second main report will be published in 2012, focusing on the content of the EM-scheme. This implies both the structure of the activity agreed upon in the activity-scheme and the contents of the individually adjusted supervision during the EM-period.

## **PREVENT RECIDIVISM**

The evaluation was not aimed at investigating recidivism. This would also have implied controlling for other factors that could influence the results. Taken into account the profile of the offender group in EM front door, it is difficult to identify effects of EM front door only looking at this group. This corresponds with the findings in the evaluation of front door in Sweden<sup>i</sup> and a new Danish evaluation on effects of EM<sup>ii</sup>. The Swedish study had constructed a controlled design while the Danish study uses a historical design. The findings in Sweden did not show any statistically significant result, but the EM group reoffended to a slightly lesser extent. However, another Swedish study on EM back door found that the early release group on EM reoffended significantly less than the control group<sup>iii</sup>

In the Danish study a difference was made among those sentenced for road traffic crimes and among young offenders under the age of 25 (often sentenced for violent crimes). The road traffic group did not show a statistically significant difference compared with the control group. For the young offenders under 25 years old, the evaluation reports a positive difference before and after implementation of EM.

The Norwegian trial does not have a control group for comparison. It has been tried to set up a comparison between those counties that have implemented EM and those which have not. However, in the last years there have been changes in the amount of new offenders, especially for short sentences like road traffic offences and economic crimes. These changes vary between counties, and influence the recruitment both to EM and to prison. Reviews on effects of non-custodial vs. custodial sentences on re-offending also show that these differences are small and often can be explained by selection and other factors that may influence the results. By November 2011, ten per cent of the first 99 offenders have come back to serve a new sentence in the correctional services. An additional 400 offenders who served their sentence until 1st July 2009 confirm this result. The profile of the Norwegian offender group in EM is different from that with positive results in Sweden and Denmark. The Norwegian findings match the results of previous research on recidivism in Norway. Further evaluation is necessary, especially on the offenders who are serving EM back door.

## LESSONS LEARNED

Regarding the aim of implementing EM in Norway, the project has succeeded in establishing an alternative to prison for a large majority of offenders sentenced to prison in Norway. In those counties that are included in the project nearly all those in the target group for front door apply for EM.

Those who apply and are granted EM, comply with the conditions and do not violate the regulations for staying in the project. This could be an argument for expanding the target group.

Offenders sentenced for violence form a large group that is not included in the project. This group also consists of many young first time offenders, who have been a priority in the project. This is the same group that got positive results in the Danish EM programme. Another priority group is formed by prison inmates using EM as a gradual progression back to society. The profile of this group also shows a need for more active information and motivation towards those who could benefit from this form of prison release, like the results from the Swedish study show.

Organizing the project has brought about some challenges, especially concerning geography and demography. Long distances and few offenders make EM a hard and more expensive task to fulfil. There are large differences between the EM-units located around the large cities and those in more rural areas. On the other hand, implementing EM with the organizational adjustments has also given the Probation Service better conditions for general offender management and supervising after ordinary working hours, for offender groups such as those on community sanctions and home detention without electronic monitoring.

## THE FUTURE OF ELECTRONIC MONITORING IN NORWAY

As mentioned earlier in this article, the political decision to implement electronic monitoring in Norway was quite controversial in 2007. After three years the political opinion has changed for the better and more positive towards this matter. In general, there is now a broad political agreement regarding EM as an adequate tool for the Correctional Services, with a potentially positive effect concerning professional, economic and capacity issues. At the same time there are on-going discussions about what would be the right target group. Should it be an alternative to prison for the low risk offenders, or rather a necessary strengthening element in the reintegration of high risk offenders?

The media coverage of the pilot in Norway has been positive all over. The national broadcast television followed the Ministry in the preparation to the pilot, both in meetings, visiting other countries and interviewing the Minister of Justice, in order to get well oriented and to present correct information about the issue. Of course, there have been several cases of media coverage with a critical view, but with thorough knowledge about the matter, making ground for constructive discussions. This has influenced and contributed to a positive conception of electronic monitoring as such.

Positive experiences from the pilot brings up the consideration for electronic monitoring in other areas, among others as pre-trial house arrest, as an alternative to pre-trial detention. Staff members from the Correctional Services Department in the

Ministry of Justice and Public Security have been to Portugal to learn from the experiences there in this issue, and will make a closer consideration about the matter in the course of 2012. The Ministry is also considering special rules for children under the age of 18, giving them the opportunity to stay at home with electronic monitoring for the whole length of the sentence and under conditions that seem suitable in each individual case. Close cooperation with the child welfare institutions will be very important here.

Politicians will decide if electronic monitoring will be a nationwide and permanent form of execution of a prison sentence. The experiences from the pilot period, results from the evaluations and costs-effectiveness will be decisive for the future of electronic monitoring in Norway. At full extent, the number of executions with electronic monitoring has the potential to increase to about 500. For comparison, the total number of offenders serving imprisonment sentences in Norway is on average 2600 per day.

Three years of piloting confirm that electronic monitoring is a stable and trustworthy alternative to prison and it has provided a basis for a future with electronic monitoring as a permanent form of offender management all over Norway.

## NOTES

- <sup>i</sup> BRÅ Report 2005:8. Effects of prison-release using electronic tagging in Sweden Report from a trial project conducted between 2001 and 2004
- <sup>ii</sup> Jørgensen, T.T. Afsoning i hjemmet. En effektevaluering af foddænkeordningen. Justitsministeriets Forskningskontor. September 2011
- <sup>iii</sup> Marklund, F. and Holmberg, S. Effects of Early Release From Prison Using Electronic Tagging in Sweden. In *Journal of Experimental Criminology* Volume:5 Issue:1 March 2009 Pages:41 to 61

Norwegian evaluation reports by Tore Rokkan, Correctional Service of Norway, Staff Academy, Research department. Available on the internet:

<http://www.krus.no/en/>

Process evaluation reports:

1. Report on organization and structure
2. Report on use of resources
3. Report on competence
4. Report on technology
5. Final project report and recommendations

Process evaluation reports are distributed to the project organization during the project period. The reports are not published.

Main report on user experiences:

1. Who apply for and serve the sentence on EM in Norway (in progress)
2. What is the offender experience of EM in Norway (in progress)