



Universiteit Utrecht



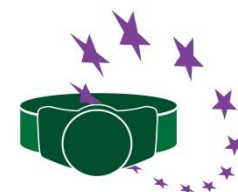
Elektronische controle in een internationale context

Miranda Boone, Stephanie Rap,
Matthijs van der Kooij (Universiteit Utrecht)

Creativity and Effectiveness in the Use of Electronic Monitoring as an Alternative to Imprisonment in EU Member States
JUST/2013/JPEN/AG

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Onderzoeksproject

- Vijf jurisdicties:
 - België (Kristel Beyens)
 - Duitsland (Frieder Dünkel)
 - Engeland & Wales (Anthea Hucklesby)
 - Nederland (Miranda Boone)
 - Schotland (Gill Mclvor)
- Gefinancierd door Criminal Justice Programme EU



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Vraag-en doelstelling

- Bestuderen op welke wijze EC wordt toegepast in alle fases van het strafproces in vijf verschillende landen.
- Vaststellen wat de effectiviteit van EC is met het oog op het bieden van een meer humaan alternatief voor de gevangenisstraf en het terugdringen van gevangenispopulaties.



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Meer specifiek

- Beschrijven en verklaren van de juridische en politieke context, waarbinnen EM functioneert
- Identificeren op welke wijze EM wordt georganiseerd in de verschillende jurisdicties
- Identificeren en analyseren van de relevante Europese regels, kaders en beslissingen
- Onderzoeken hoe EM wordt uitgevoerd
- Uitkomsten bestuderen, waaronder de succesvol afgesloten en voortijdig afgebroken EC-trajecten.
- Het vergelijken van praktijken en uitkomsten in diverse landen



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Opzet van het onderzoek (NL)

- Toepassing van EC in drie fasen van het stafproces
- Observaties (18 dagen, bijna 100 uur)
- 34 interviews (36 respondents)
- Selectie met gatekeeper



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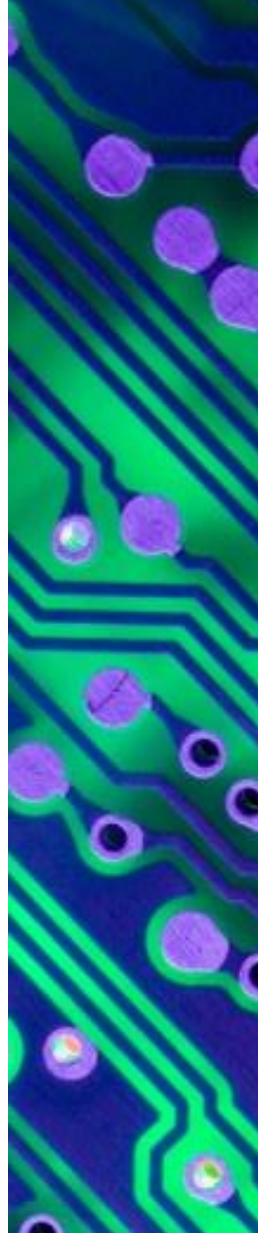
Voordelen internationaal vergelijkend onderzoek

- Beter (contextueel en cultureel) begrip van nationale systeem
- Interculturele verschillen en overeenkomsten leren begrijpen
- Methodologische uitdaging



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Achtergrond van EC in NL

- Eigendom bij reclassering
- Groei, maar gematigd
- Geen zelfstandige modaliteit
 - Pilot elektronische detentie
 - Wetsvoorstel ED



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Modaliteiten

- *Voorwaarde bij schorsing voorlopige hechtenis*
- Voorwaarde bij voorwaardelijk gevangenisstraf
- Voorwaardelijke TBS
- *Kortdurend detentieverlof*
- **Penitentiair programma**
- Voorwaardelijke invrijheidstelling
- Voorwaardelijke beëindiging TBS met dwangverpleging

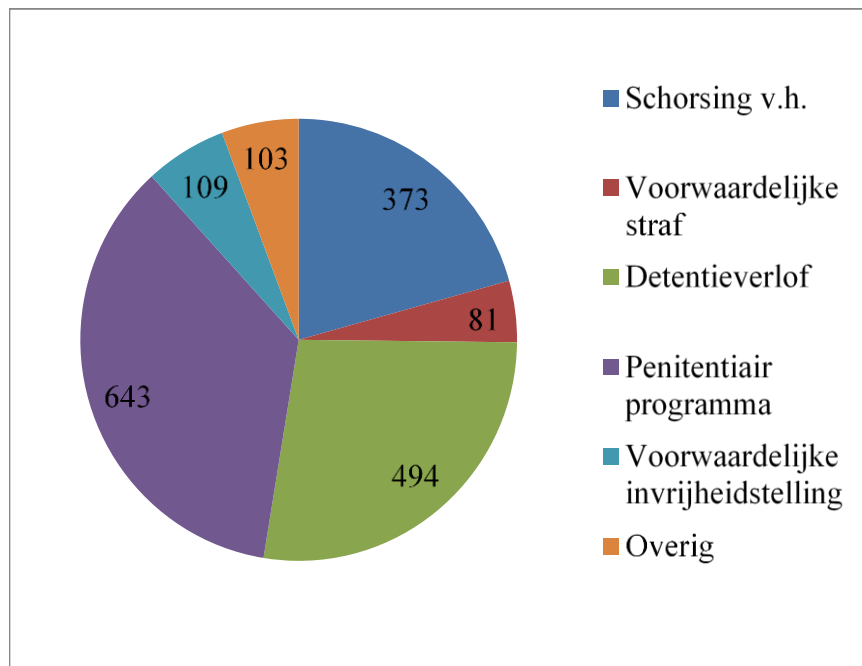


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Aantal aansluitingen EC per modaliteit (jan-okt 2015)

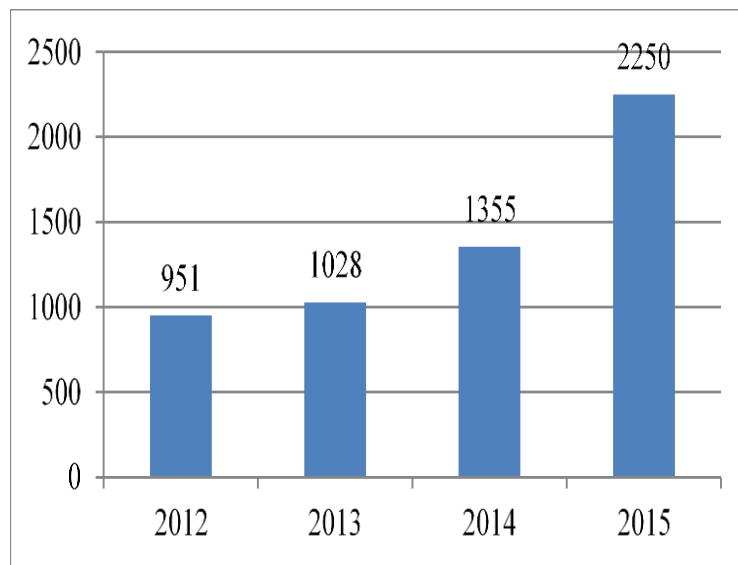


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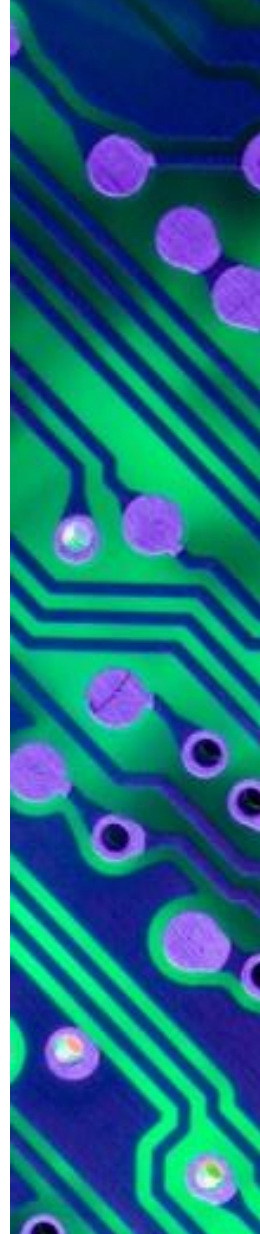


Aantal aansluitingen EC 2012-2015



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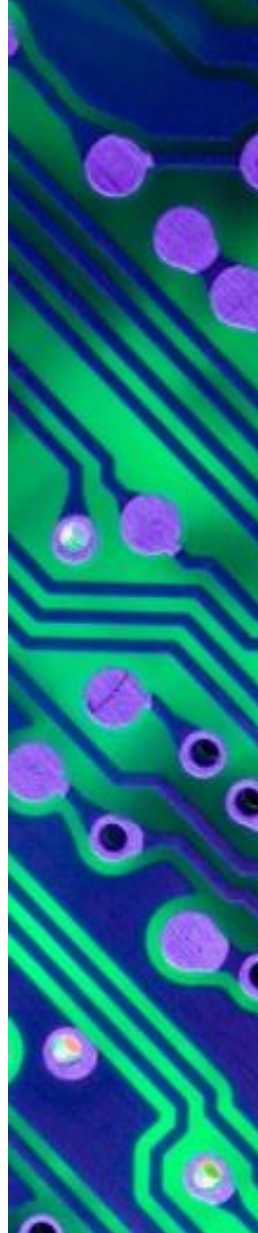
Doelstellingen

- Niet doel, maar middel
 - verbeteren kwaliteit toezicht
 - gedragsverandering en vermindering recidive
 - bescherming van slachtoffers
 - terugdringing van vrijheidsbeneming
- Conclusie: sterke integratie met doelstellingen reclassering



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Kenmerken

- Toegevoegde waarde
- Individuele besluitvorming
- Geïntegreerd met reïntegratieprogramma
- Fasering



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Nationale coördinator

- “En soms vragen reclasseringswerkers ons om informatie. “ik zou willen weten wat hij doet op zaterdagavond, want de wijkagent zegt dat hij rondhangt met zijn oude groep. Kan je voor mij uitvinden waar hij was de afgelopen twee zaterdagen tussen zo en zo laat?” Nou, dat kan ik dus doen. We kunnen die informatie doorgeven aan de reclasseringswerker en hij kan dat bespreken met zijn cliënt. Het uitwisselen van informatie met een derde partij doen we niet zomaar, maar de reclasseringswerker kan iedere trail krijgen als hij dat wenst. En daar maken ze gebruik van “(AP 1 – national coördinator).

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Fasering

Table 5.2 Aantal uren vrije tijd tijdens EC

Curfew level	Weekday	Weekend
Level 3	12	4
Level 2	14	8
Level 1	17	17



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Inconsistenties

- Standaard toepassing van EC in de eerste fase van het penitentiair programma
- Beleid tav plegers van 'high impact crimes'
- Uitbreiding van de toepassing van EC tijdens gevangenisverlof.



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De Belgische casus

- Van een geïntegreerde naar een 'stand alone' toepassing
- Enorme expansie onder invloed van cellentekort.
- Vier modaliteiten:
 - Voor gevangenisstraffen <3 jaar
 - Voor gevangenisstraffen > 3jaar
 - Sinds 2014 alternatief voor VH
 - Autonome sanctie om gevangenisstraffen van minder dan een jaar te vervangen



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De Duitse casus

- Zeer beperkte toepassing, onder invloed van
 - proportionaliteitsbeginsel
 - ontbreken wettelijke basis
 - angst voor aanzuigende werking
- Twee vormen:
 - Voor plegers van ernstige geweld-en zedendelicten na afloop detentie
 - Pilot in deelstaat Hessen



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Aantal volwassenen onder EC per dag 2013

Nederland	367
België	1697
Duitsland	113
Engeland & Wales	12819
Schotland	808



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Conclusie

- Verschillende modellen
- Belang van heldere visie
- ‘Doelgerichte benadering’ interessant model
- Maar detentievervangende capaciteit beperkt



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