

USE OF ELECTRONIC MONITORING IN THE CRIMINAL JUSTICE PROCESS

Definitions Electronic monitoring is a general term referring to forms of surveillance with which to monitor the location, movement and specific behaviour of persons in the framework of the criminal justice process. The current forms of electronic monitoring are radio wave, biometric or satellite tracking. They usually comprise a device attached to a person and monitored remotely.

Depending on the national jurisdictions electronic monitoring may be used in one or more of the following ways:

- during the pre-trial phase of criminal proceedings;
- as a condition for suspending or of executing a prison sentence;
- as a stand-alone means of execution of a criminal sanction or measure;
- in combination with other probation interventions;
- as a pre-release measure;
- in the framework of conditional release from prison;
- as an intensive guidance and supervision measure for certain types of offenders after release from prison
- as a means of monitoring the internal movements of imprisoned offenders and/or the perimeters of open prisons.

Where electronic monitoring is used as a modality of execution of a prison sentence, in some jurisdictions those under electronic monitoring are considered as prisoners. In some jurisdictions it is managed by the prison, probation or police services or other competent public agency while in others it is implemented by private companies under a service-providing contract with a state agency.

In some jurisdictions the suspect or offender carrying the device is contributing to the costs for its use, in others it is exclusively the state which covers the costs of electronic monitoring.

Electronic monitoring, when properly and proportionately planned and carried out, can help:

- a) keeping in and returning suspects and offenders to society and increasing their compliance with specified conditions;
- b) contributing to their longer term desistance from crime, and
- c) reducing the number of inmates.

Types of Electronic Monitoring Different EM technologies have different practical and ethical implications for the supervision of offenders. For example satellite tracking is not in fact a single system. It has a number of capacities, types of use and permutations, some of which might be regarded as less ethically acceptable than others. Data protection issues can also arise in relation to the use of modern EM technologies. New technologies are continuing to emerge and are constantly improving and the ethical implications should be considered in advance as far as possible.

Radio frequency (rf) electronic monitoring entails the wearing of an ankle bracelet (or tag), the signal from which can be picked up by a transceiver installed in the offender's home. So long as s/he remains in proximity to the transceiver his or her presence in the home will be registered in the monitoring center, via either the landline or mobile telephone system. Radio frequency technology can be used to monitor house arrest or nighttime curfews. Most straps are made of toughened plastic with optic fibres running through them, and cease to work if this fibre is cut. Straps can be made of leather with steel bands running through them: these can only be cut with powerful bolt cutters and are much harder for a wearer to remove. Wrist tags are available where health considerations are require using these instead of ankle tags. Worldwide, radio frequency technology has been understood as the "first generation" of electronic monitoring, and is still the commonest form of it: the technology has been constantly upgraded to improve performance, reliability and ease of use. Internationally, however, a professional/commercial debate has begun which suggests that this "first generation" technology should be supplemented and perhaps superceded by more versatile "second generation" technology (satellite tracking), and in the past five years at least two countries adopted this without ever having used "first generation" technology.

Satellite tracking - combined with mobile phone location technology - monitors the location or movement of a person on the earth's surface, outdoors and indoors, but not necessarily underground. It entails the wearing of an ankle bracelet (sometimes accompanied by a belt-worn computer) which can both pick up and triangulate signals from orbiting satellites (currently the American Global Positioning System (GPS)) and cellphone towers, and transmit/upload an offender's location through the mobile phone system

to a monitoring center. It can do this in “real-time”, so that an offender’s whereabouts are always known immediately to the monitoring center, or retrospectively, in which a record of an offender’s movements is compiled (and analysed) some hours later. Some systems combine both immediate and retrospective monitoring, and some have in-built texting facilities for giving instructions to the offender. A person being satellite tracked is required to spend part of the day recharging the battery which powers the equipment s/he wears or carries. In case of a one-piece tracking tag the person has in the past been required to remain attached to the plug-in system for recharging, but technology is emerging which can charge the tag from a short distance away. Tracking technology can be used to monitor house arrest (by creating small “inclusion zones”), to follow all of a person’s movements and to create exclusion zones (areas of past offending, neighborhoods of former victims) which the offender is forbidden to enter. Satellite tracking technology can also be used as part of a victim protection scheme which requires a victim to carry a device which warns her/him of the offender’s proximity. Some satellite tracking systems can be combined with mapping software which shows the location of recent crime scenes, making it possible to see if the offender was in the vicinity of the crime at the time. This can be presented to the offender as a tangible means of demonstrating that s/he is desisting from crime, and the data may be used in legal proceedings incriminating or exonerating him/her. The cost of satellite tracking has been steadily decreasing, making it more attractive to penal and judicial authorities than it has been in the past. The availability of other satellite systems apart from the American one may make offender tracking even more feasible in the future, and rival systems of terrestrial tracking may be customised for the same purpose.

Voice verification is a form of electronic monitoring which uses a person’s unique biometric voiceprint, recorded at the point of conviction. Each time the monitoring center phones the offender his or her voice is matched to the voiceprint stored on the computer, while the location of the phone being used by the offender is simultaneously registered. Voice verification can be used to monitor the presence of a person at a single location, or to track his or her movements between a number of specified locations, e.g. a community service placement, or a jobcentre. Because it does not entail the use of a wearable device there is no risk of stigma or of using the tag as a trophy and for this reason some experts believe that this makes voice verification a more acceptable form of EM for juveniles and young offenders.

Список використаних джерел

1. www.geogroup.com/Electronic_Monitoring
2. www.nao.org.uk/report/the-electronic-monitoring-of-adult-offenders/