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Probation Supervision through GPS

INTRODUCTION

On 12 May 2005 the Groningen court sentenced an eighty-three-year-old man to a short imprisonment combined with 'TBS\textsuperscript{1} with conditions of conduct' for offences against public decency involving young children.\textsuperscript{2} One of the conditions to be fulfilled by the convicted person was that he ‘is not to be at places where there are children and all this according to instructions to be issued by the Probation Service’. With regard to this particular suspect the Probation Service had indicated only to be able to execute effective supervision in case the imposed conditions could be verified by means of electronic monitoring with the so-called GPS version.\textsuperscript{3} The court assented to this, considering that: ‘the Probation Service will determine the form and intensity of the supervision, allowing for the electronic monitoring, whether or not in the form of the so-called GPS version, to be applied which may imply that the suspect is not to enter certain areas’.

As far as we can ascertain this is the first sentence in the Netherlands imposing supervision with GPS within the framework of TBS with conditions. A new aspect is to combine the ‘traditional’ Radio Frequency Electronic Monitoring (tag fitted to the ankle and receiver unit) with GPS tracking (EM with GPS). This means that when the client is at home this is checked by means of the tag strapped round the ankle and

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\textsuperscript{1} TBS is a measure for offenders who have been placed under a hospital order.
\textsuperscript{2} Groningen Court, 12 May 2005, 18/070373-04, LJN AT5571.
\textsuperscript{3} The Probation Service plays an important part in the execution of this measure. In practice it is the Probation Service that supervises the observance of the imposed conditions.
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The receiver unit and when he leaves the house GPS takes over the monitoring so that the client can be supervised outdoors.

The execution of this measure raises all kinds of questions. Both practical questions such as: ‘To what extent is it possible to follow someone and how reliable is EM in combination with GPS?’ as well as rather theoretical ones such as: ‘Is it allowed for the Probation Service to follow someone twenty-four hours a day or is that a deprivation of liberty?’ In the latter case only the judge has the competence to decide on the matter. The case of the eighty-three-year-old man also raises the question whether the Probation Service also has to deal with other judicial frameworks allowing for the use of EM with GPS.

In order to explore the possibilities and the (im-)practicabilities of supervision by means of electronic devices the Noord Nederland Probation Service has set up a so-called ‘breeding ground’ for electronic monitoring. This included among other things an experiment with volunteers to investigate the use of EM in combination with GPS in case of probation supervision. Scientific counselling of the experiment was assured by members of the research group from the Criminal Law and Criminology Department of the University of Groningen. The research consists of a judicial and an empirical part. In the judicial part it was examined which judicial requirements have to be taken into account in case of EM with GPS and which modalities make it possible to apply EM with GPS. In the empirical part there was an assessment of the experiment as well as a process analysis to establish if and in what way EM with GPS may be executed in probation supervision. Moreover, a literature search was conducted on EM with GPS and the researchers themselves were also submitted to EM with GPS tracking for a week.

First, the present article will provide a brief description of some relevant technical aspects of EM with GPS as well as the outline of the research. Then the results of the research will be described. First of all, there will be a short overview of the main results of the literature search. Subsequently, the results of the judicial part of the research will be presented, followed by the results of the empirical part and a conclusion.

TECHNICAL ASPECTS OF EM WITH GPS

EM with GPS involves the use of traditional electronic monitoring by means of a transmitter worn round the ankle and a receiver unit which communicate with one another through radio frequency transmissions. There is a limited range so that an alarm is set off when the signals transmitted by the tag are no longer captured by the receiver unit. A landline telephone connects the receiver unit to a central computer where the alarm is registered. The GPS part has a slightly different way of functioning. As soon as someone leaves home, the GPS part has to take over the monitoring. GPS makes it possible to reliably determine a position, subject to a clear ‘sight’ of at least