

Brief report on electronic monitoring programs in Canada

Publication information

This report was created by researchers at the Justice and Equity Lab at the MAP Centre for Urban Solutions, St. Michael's Hospital, Unity Health Toronto.

How to cite this document:

Zafar S, Matheson FI, McLuhan A. Brief report on electronic monitoring programs in Canada. St. Michael's Hospital, Toronto, Canada.

Authors

Shahroze Zafar, HBSc

Research Assistant

MAP Centre for Urban Health Solutions

St. Michael's Hospital

Flora I. Matheson, PhD

Research Scientist

MAP Centre for Urban Health Solutions

St. Michael's Hospital

Arthur McLuhan, PhD

Postdoctoral Fellow

MAP Centre for Urban Health Solutions

St. Michael's Hospital

Introduction

Drawing on a variety of sources--including newspaper articles, policy briefs, websites, research papers and dissertations--we overview the central premises, perspectives, debates, and problems in electronic monitoring research and practice, with a focus on Canada. In the context of correctional practice, electronic monitoring is an approach to community supervision that employs electronic devices to monitor individuals under community supervision (e.g., ongoing tracking of location and movements) and enforce their compliance with court-mandated supervision conditions. Proponents of electronic monitoring claim that such programs reduce stigma and its related harms, relative to the durable disadvantages and deleterious effects of stigma associated with institutional confinement, as well as help sustain family and community ties (Jaksa, 2019).

Electronic monitoring programs in Canada

In Canada (see Table 1), electronic monitoring programs are available in most provinces and have tended to be employed in the following supervision situations: when individuals are (1) serving sentences of less than two years, (2) subject to a probation order or conditional sentence, (3) granted temporary absences or parole, and (4) conditionally released pretrial on bail (Wilson, 2014).

The research literature on electronic monitoring programs in Canada is scant and scattered. A few reports have assessed the outcomes and effectiveness of EM programs, with none showing a significant decrease in recidivism among people under electronic monitoring when compared to traditional community supervision.

The most recent government report to include a serious assessment of electronic monitoring is a Public Safety Canada report that is more than twenty years old (Bonta et al., 1999). The assessment focused on electronic monitoring programs in three Canadian provinces – Newfoundland, Saskatchewan and British Columbia – and reported program completion rates (finishing without incurring a new offense or breach of conditions) of 87.5%, 89.3%, and 86.3% across the three provinces respectively (Bonta et al., 1999). Factors associated with electronic monitoring program failure included criminal history and high scores on risk-needs assessments (the Level of Service Inventory-Revised (Andrews & Bonta, 1995) and the Manitoba Risk-Needs classification (Bonta et al., 1994). Indigenous status, single status and welfare status were not associated program success or failure. Also included in the assessment was a small subset of people convicted of sexual offences (n=8), all of whom successfully completed the program, although they too scored relatively low on the Level of Service Inventory-Revised and the Manitoba Risk-Needs classification (Andrews & Bonta, 1995; Bonta et al., 1994).

In August 2008 Correctional Service of Canada (CSC) conducted a one-year implementation, evaluation of electronic monitoring with 46 people released into the community in Ontario (Michael et al., 2010). The study included an examination of electronic monitoring data and interviews with CSC staff (n=37), people under electronic monitoring (n=47), monitoring centre staff (n=7) and police services staff (n=10). One of the key findings from the report was that CSC staff, police officers, and monitoring center staff felt that electronic monitoring filled a gap in the management of release conditions. Participants described the policing and management of people under location restrictions as a condition of release as an historical challenge for the CSC and the utility of electronic monitoring to address that challenge. In contrast, participants who experienced being under electronic monitoring did not report that electronic monitoring contributed to improvements in their accountability. In their review of the literature, the authors indicated problems with reliability of the technology (e.g., battery life; size, comfort and visibility of the device) and false tamper alerts. The report also highlighted challenges related to the disparate, uneven, inconsistent application of electronic monitoring across provincial and international jurisdictions. For example, electronic monitoring has been applied to people who have been designated as low and moderate risk of reoffending, those involved in sex offences, and those involved with dangerous offences. In Canada, the failure of the few evaluations conducted to date to show a reduction in re-offending may be a function of the people selected for electronic monitoring; for example, applying electronic monitoring to those already at low risk of re-offending. According to the CSC report which also provided a review of the literature on electronic monitoring, findings are inconclusive as to the ability of electronic monitoring to 'rehabilitate'. In addition, electronic monitoring did not have a substantive impact on reducing contacts between parole officers and electronic monitoring participants, or on reductions in warrants of suspension.

Electronic monitoring through a gendered lens

Emerging evidence suggests that there are gender differences in the application, enforcement, experience, and outcomes of electronic monitoring (Richter et al., 2021). Findings from qualitative interviews with male and female participants subject to electronic monitoring showed that such monitoring may negatively affect women and served to reinforce gender stereotypes (Maidment, 2002). For instance, women reported the experience of serving time at home under electronic monitoring stressful, as they had to rely on families, spouses, social service agencies, friends, and correctional staff for support. Similarly, women felt that the restrictions that prevented them from leaving their homes

had negative effects on their children (e.g., mothers were unable to participate in outdoor activities).

For example, a mother of two children commented:

"You don't want to trap small kids in the house. Look, when you've got two small kids, they are three and four, they don't want to be trapped in a house, especially a small apartment. It was really hard on the nerves especially with youngsters around all day" (Maidment, 2002).

The electronic monitoring restrictions meant women especially had to rely on others to do run errands.

The following quote highlights the experiences of one of the participants:

"Everybody had to do everything for me [on electronic monitoring]. I sent my niece a lot of times to the [corner] store or the grocery store because I would get my groceries a lot of times and figure well I forgot this or I forgot that. I would send her. They got kind of sick of running around for me" (Maidment, 2002).

In contrast, fathers subject to electronic monitoring noted that childcare was assumed by common law partners/ spouses. Thus, while single mothers reported that electronic monitoring to be disruptive to their parenting routines and deleterious to their relationships with their children, men emphasized that electronic monitoring provided them with more time to spend with their children. Notably, electronic monitoring did not fundamentally change men's parental roles and associated duties and having the support of their partners in childcare meant the children's lives were less affected, if not improved, by restrictions on the movement of their fathers, keeping them at home. For women, having to rely on family members was another stressor associated with electronic monitoring, especially when these relationships were already strained.

Table 1: The state of Electronic Monitoring programs across Canada

| Location | Patterns of implementation | Reason for implementation/disuse | Program description | Target population |
|---------------------------|--|--|---|--|
| Newfoundland and Labrador | Introduced in 1994. Discontinued in 2013. | Implemented to offset overcrowding. Discontinued due to budget cuts. | Participants also enrolled in the Learning Resource Program (LRP) run by the local John Howard Society. This program served to address criminogenic needs such as alcohol/substance abuse, anger management and cognitive life skills training. | Nonviolent offences, moderate risk to re-offend. |
| | New program was introduced in 2019. Current status: Ongoing | To reduce the number of people held in custody and allow individuals to access community resources and supports | Not provided. | Not specified. |
| Manitoba | Introduced in 2008. Discontinued in 2017. | Government cited unreliability and inaccuracy, but no details provided (news article). | Not provided. | People at high risk of committing car theft. Program was expanded in 2012 to include domestic violence charges. |
| Ontario | Introduced in 1989. Discontinued in 1991. | Implemented to offset overcrowding in prison. Discontinued due to a cost-benefit analysis done through an evaluation that found that the costs were greater than institutionalization | Not provided. | Not specified. |
| | Reintroduced in 1998. Current status: | Not provided. | Part of Ontario's temporary absence program. | People were eligible to be released on electronic |

| | | | | |
|----------------------|--|---|---|---|
| | Ongoing | | | monitoring if they had less than 365 days left on their sentences. People convicted of violent, sexual, drug trafficking crimes were not eligible. |
| Nova Scotia | Introduced in 2006. Current status: Ongoing | Not provided. | Not provided. | Not specified |
| New Brunswick | Introduced in 2001. Current status: Ongoing | Not provided. | Not provided. | Not specified |
| Prince Edward Island | In 2017, PEI made the electronic monitoring program permanent due to a “positive pilot” Current status: Ongoing. | Not provided. | Not provided. | Not specified |
| Alberta | The electronic monitoring program in Alberta ended in 2014. No detail on when it was introduced. | The government explained that it was a very expensive program that only monitored some 50 people categorized as low-risk, and that there were other, less expensive methods to enforce their curfews. | Not provided. | People that are categorized as low risk of re-offending. |
| Saskatchewan | Introduced in 1996. Expanded in 2021 | Court-diversion program. Introduced to reduce | First court based program in Canada-the courts could directly order individuals in electronic monitoring To monitor high | People designated as low risk of re-offending, with a focus on Indigenous peoples and women with dependents. High-profile |

| | Current status: Ongoing | reoffending by high-profile offenders. ¹ | profile offenders and ensure that they do not violate geographical constraints | offenders |
|--|---|---|--|---|
| British Columbia | Introduced in 1987 Current status: Ongoing | Implemented to offset overcrowding in prisons and/or for people with intermittent sentences | Not provided. | People that are a minimum risk to the community, nonviolent, and less than 4 months left in their sentences |
| Federally sentenced (Correctional Service of Canada) | Introduced in 2008. Current status: Ongoing A new pilot was anticipated with people at high risk re-offending in 2014-2015 but has not yet been implemented. | Quickly detecting any violations of certain types of release conditions. Compelling people to abide by the terms of their release. Increasing safety for parole officers conducting late night checks among people under imposed curfews. | Not provided. | People identified as needing an enhanced supervision approach. Support tool to complement other supervision measures. Was also available for People subject to a curfew condition and people on Statutory Release with a condition to reside in a Community-based Residential Facility. |

¹ "...an offender is a high-profile offender if they have committed an offence that is set out in Schedule I and if the Commissioner determines that the nature and circumstances of the offence have elicited, or have the potential to elicit, a community reaction in the form of significant public or media interest."

(<https://www.parl.ca/DocumentViewer/en/42-1/bill/C-209/first-reading/page-24?col=2>

References

Andrews, D., & Bonta, J. (1995). *The Level of Service Inventory - Revised*. .

Bonta, J., Parkinson, R., Pang, B., Barkwell, L., & Wallace-Capretta, S. (1994). *The revised Manitoba classification system for probationers*. S. G. Canada.

Bonta, J., Rooney, J., & Wallace-Capretta, S. (1999). Electronic monitoring in Canada.

Jaksa, W. (2019). Why Courts Need Alternatives To Prison Sentences William Jaksa Criminal Litigation. In *William Jaksa*.

Maidment, M. R. (2002). Toward a “Woman-Centered” Approach to Community-Based Corrections. *Women & Criminal Justice*, 13(4), 47-68. https://doi.org/10.1300/J012v13n04_04

Michael, K. O., Martin, B., & Paul, V. (2010). Electronic Monitoring Program Pilot. <https://www.csc-scc.gc.ca/text/pa/empp/index-eng.shtml>

files/4492/index-eng.html

Richter, M., Ryser, B., & Hostettler, U. (2021). Punitiveness of electronic monitoring: Perception and experience of an alternative sanction. *European Journal of Probation*, 13(3), 262-281. <https://doi.org/10.1177/20662203211038489>

Wilson, J. D. (2014). *Policy brief on electronic monitoring: review and recommendations*. <https://www.deslibris.ca/ID/240144>