ELECTRONIC MONITORING OF PEOPLE

Informative for Public Security Agencies

SERIES FAZENDO JUSTIÇA | COLLECTION ELECTRONIC MONITORING

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PREFACE

The National Council of Justice (CNJ), in partnership with the Brazilian Ministry of Justice and Public Security (MJSP) and the United Nations Development Program (UNDP Brazil), jointly developed the Programa Fazendo Justiça (Doing Justice Program), which comprises a set of initiatives aimed at addressing systemic challenges related to deprivation of liberty throughout the Criminal and Juvenile Justice in Brazil.

The program aligns with the United Nations Sustainable Development Goals, specifically Goal 16 – Peace, Justice and Strong Institutions, to promote access to justice and strengthen institutions based on social inclusion.

The strategy proposes the creation or improvement of structures and services in the Brazilian Executive and Judiciary Systems, as well as the promotion of professional training, publication of knowledge products, and support in the production of regulations. There are 29 initiatives carried out simultaneously with different stakeholders, focusing on achieving tangible and sustainable results. Among them, the 'International Articulation and Protection of Human Rights' initiative seeks to promote the exchange of experiences between Brazil and other countries in the field of public policies on the Criminal and Juvenile Justice.

The program is currently in its third stage, which aims to consolidate the changes made and transfer the knowledge accumulated. The publications bring together the experiences developed and synthesize the knowledge produced during the first three stages, in addition to supporting professional training activities for a broad audience in the field.

Therefore, guides, manuals, researches and models were created in order to relate technical and normative knowledge to the reality observed in different regions of the country. These resources identified best practices and guidelines for the immediate and facilitated management of incidents.

To share its knowledge and communicate successful experiences to a wider audience, the program translated its main titles into English and Spanish. This strategy also involves promoting events, courses, and training in collaboration with international partners, as well as disseminating these translated knowledge products to spread good practices and inspire social transformation on a global scale.

Rosa Weber

President of the Federal Supreme Court and the National Council of Justice

PRESENTATION

The prison and the socio-educational systems in Brazil have always been marked by serious structural problems, reinforced by diffuse responsibilities and the absence of nationally coordinated initiatives based on evidence and good practices. This picture began to change in January 2019, when the National Council of Justice (CNJ) began to lead one of the most ambitious programs ever launched in the country to build possible alternatives to the culture of incarceration, the Justiça Presente ("Justice Present").

This is an unequaled inter-institutional effort of unprecedented scope, which has only become possible thanks to the partnership with the United Nations Development Programme in the execution of activities on a national scale. The program also counts on the important support of the Ministry of Justice and Public Security through the National Penitentiary Department.

The publications of the Justiça Presente Series cover topics related to the program involving the criminal justice system, such as detention control hearings, alternatives to imprisonment, electronic monitoring, prison policy, support to people who have left the prison system, electronic systems; and the socio-educational system, consolidating public policies and providing rich material for training and raising awareness among actors.

It is encouraging to see the transformative potential of a collaborative work focused on the causes instead of dealing only with the same and well-known consequences suffered even more intensely by the most vulnerable classes. When the highest court in the country understands that at least 800,000 Brazilians live in a state of affairs that operates on the margins of our Constitution, we have no other way but to act.

This "Management Model for Electronic Monitoring of People" proposes conceptual, principiological, and empirical advances, offering methodologies for electronic monitoring services to the Judiciary, State Executive Branch, and Municipal Executive Branch. International grounds are used in a purposeful and protocol-based manner, warning, for example, the need for the processing and protection of personal data based on the personal data protection guidelines of the European Parliament and the Council of the European Union. The other innovations, also compromised with legality, seek to ensure the preservation of the fundamental guarantees of the life and human dignity of the people monitored, considering limits and possibilities of monitoring so that it is used in a responsible and subsidiary way, considering the application of other less burdensome measures provided for by law.

José Antonio Dias Toffoli

President of the Supreme Court and the National Council of Justice (2018-2020)

ABSTRACT

This informative brochure gathers essential information about electronic monitoring services in Brazil, aiming to share knowledge with actors from the police based on the national electronic monitoring policy promoted and implemented by the National Penitentiary Department. According to the principle of inter-institutionality, coordinated efforts between Federative Units, the justice system, and the community are required to reduce incarceration by implementing and improving electronic monitoring services in Brazil. It is necessary to build workflows and promote exchanges between institutions that compose the penal system in all its phases, considering the Executive Branch, the Courts of Justice, the Public Defender's Office, the Public Prosecutor's Office, the police, and civil society institutions that participate directly or indirectly in the electronic monitoring services. The institutional sustainability and its ability to combat incarceration and preserve the constitutional rights of the monitored people directly depend on the coordination, common understanding, and alignment of methodologies and strategies between these institutions. The guidelines present the Electronic Monitoring Center's protocols emphasizing the workflows for specific and eventual interventions of the public security institutions that may be necessary during electronic monitoring activities.

Keywords:

Electronic Monitoring - Criminal Policy - Public Security Policy - Decarceration - National Penitentiary Department.

1. INTRODUCTION

The main objective of this product is to provide information on electronic monitoring services to guide the actors of the police about the competencies of the Electronic Monitoring Centers, their demands, and specific coordination. This product is based on the Management Model for Electronic Monitoring of People (Brasil, 2017a), published through a partnership between the National Penitentiary Department (DEPEN) and the United Nations Development Programme (UNDP Brazil).

In addition to considering the national electronic monitoring policy brought by the Management Model, the proposal is also based on a set of empirical evidence built during training courses that occurred in several states, in 2017 and 2018, for employees of the Electronic Monitoring Centers and members of the Judiciary and public security institutions, considering the diversity of actors directly and indirectly involved in the services. The empirical bases also include information gathered in technical visits, meetings, and seminars[1], as well as during the follow-up activities of the monitoring services.

Public security institutions are not directly responsible for the operational part of the monitoring services, which are a criminal policy par excellence aimed at the monitored person regardless of whether the measure is in the investigation or enforcement stage. On the other hand, handling specific incidents by the Center during the fulfillment of the electronic monitoring measure may demand coordinated work and specific interventions of public security institutions, which are responsible for ensuring safety for all individuals – monitored or not. Since both public policies are regulated by the primacy of the democratic rule of law, which plays an essential role in the protection and guarantee of fundamental rights of people regardless of their status, the interinstitutional alignment must be considered as a duty, able to qualify the electronic monitoring policy and the public safety policy.

1 With an emphasis on the 12th Meeting of the Brazilian Public Security Forum (2018), that presented the panel "Management models in criminal policies as strategies for decarceration and fight against criminal organizations". Such initiatives enable dialogues between managers responsible for electronic monitoring services (criminal policy) and strategic actors of public security institutions (public security policy).

Each of the actors who directly or indirectly deal with electronic monitoring must know the fundamental elements of the services in their various phases since we are dealing with activities with multiple subjects, knowledge, and stages that necessarily relate. As we have already pointed out, electronic monitoring – and public policies par excellence – cannot ignore such facets. The dialogue of the Electronic Monitoring Centers – responsible for the monitoring services operations – with the police depends on alignments around the activities, possibilities, and limits of electronic monitoring. From this point on, workflows between the Centers and public security institutions can be agreed upon and protocolized to make monitoring more and more effective, which implies local arrangements for the fulfillment of the measures and the prevalence of perspectives for decarceration and guaranteeing the constitutional rights of the monitored people.

2 Electronic monitoring of people

Prison institutions are no longer the only spaces of control and surveillance designed for those individuals who have violated the law, committing a criminal offense. Therefore, "in a highly technological world, in which the information speed advances in the light of real-time, one can no longer think of prison in terms of dungeons and jails. The grids should be virtual" (Neto, 2009).

Electronic monitoring emerges with relevance on this topic, driven by retributive reasons intoned by the punitive paradigm. It is difficult to accurately determine all the grounds that have guided this technology since its creation, development, and deployment. We can say, however, that since the 1940s, in Canada, control experiments with the maintenance of people in their homes have been initiated (Japiassú and Macedo, 2008). The proposal to use electronic monitoring similar to what we know today was inaugurated in the 1960s, being the first experiments documented under the authorship of a psychology professor at Harvard University, Ralph Schwitzgebel, who proposed electronic measures to control "delinquent young people" and "people mentally ill" (Rodríguez-Magariños, 2005).

The use of this technology applied to criminal control occurred in 1977 in the state of New Mexico in the United States. On that occasion, Albuquerque's judge Jack Love was inspired by an episode of the Spiderman series, which depicted the superhero tracking his steps on the streets of New York through a bracelet placed deliberately by the villain. Then the judge ordered electronics expert Michael Goss to design and manufacture a monitoring device. But it was only in 1983 that the judge experimentally determined the monitoring of sentenced people in Albuquerque. In that decade, there was a considerable expansion in the use of this type of surveillance. In 1988, 2,300 prisoners were being electronically monitored in the United States. After a decade, the number had already reached 95,000 (Mariath, 2009), which coincides with the growth of the world prison population.

2.1. Legal grounds

In Brazil, electronic monitoring measures began to have a legal provision in 2010, initially with Federal Law n.º 12,258/2010 (Brasil, 2010a), which amended the Criminal Enforcement Law n.º 7,210/1984 (Brasil, 1984), introducing the possibility of applying electronic monitoring in two specific cases: a) temporary release to the prisoner who is serving a sentence in semi-open conditions (art. 146-B, paragraph II); and b) when the sentence is served under house arrest (art. 146-B, IV). In addition, the law also established the minimum rules for applying the technology (arts. 146-A to 146-D).

The hypotheses of application reveal that monitoring was introduced in Brazilian legislation as an instrument of control, acting as an alternative to liberty and not as an alternative to imprisonment. In these cases, it is added to the deprivation of liberty, aggravating the enforcement conditions, concretizing itself as a mechanism of greater rigor in the management of custodial sentences because before the law mentioned above, prisoners who obtained benefits, such as temporary release and house arrest, did not submit to any electronic control.

Electronic monitoring did not contribute to reducing the costs of the prison system, nor did it promote forms of social integration and incarceration reduction. An example is the application of monitoring in the semi-open condition as an additional control tool during the "temporary releases", or even to allow work or study, as evidenced by the recent data presented below (Brasil, 2018a).

2.1.1. Monitoring applied as a pre-trial non-custodial measure

Federal Law n.º 12,403/2011 (Brasil, 2011a) amended the Brazilian Code of Criminal Procedure, admitting monitoring as a pre-trial non-custodial measure. The monitoring is no longer restricted to criminal enforcement, being provided as an alternative to imprisonment for those individuals indicted (in the course of the police investigation) or accused (throughout the prosecution) to avoid their preventive detention before an unappealable criminal conviction.

The pre-trial non-custodial measures can be applied in isolation or cumulatively. It is noted that electronic monitoring is the last option listed in the said legal device. This indicates that electronic monitoring should be applied in a subsidiary and residual way to the other modalities legally provided for as an instrument to contain incarceration and reduce the high number of provisional prisoners, as provided for the National Council of Justice Resolution n.º 213/2015 (Brasil, 2015a). Monitoring is indicated only when another less burdensome pre-trial measure does not fit. It is an alternative to imprisonment and not an alternative to freedom.

Federal Law n.º 12,403/2011 introduces nine different pre-trial non-custodial measures:

I - periodic appearance in court, within the period and under the conditions set by the judge, to inform and justify activities;

II - prohibition of access or attend to certain places when, due to circumstances related to the fact, the indicted or accused must remain distant from these places to avoid the risk of further infractions;

III - prohibition of maintaining contact with determined people when, due to circumstances related to the fact, the defendant or accused of it must remain distant;

IV - prohibition to be absent from the district when the stay is necessary for investigation or evidence gathering;

V - home arrest at night and on days off when the investigated or accused has permanent residence and work;

VI - suspension of the exercise of a public function or activity of an economic or financial nature when there is fair threat of its use for the practice of criminal offenses;

VII - pre-trial detention of the accused in cases of crimes committed with violence or serious threat, when the experts conclude that it is imputable or semi-imputable (art. 26 of the Criminal Code) and there is a recurrence risk;

VIII - bail, in the infractions that admit it, to ensure the attendance of acts of the proceedings, to avoid obstruction of its progress or in case of unjustified resistance to the court order;

IX - electronic monitoring.

2.1.2. Electronic monitoring and restraining orders

Federal Law n.º 11,340/2006, commonly known as the Maria da Penha Law (Brasil, 2006), creates mechanisms to curb domestic and family violence against women, according to art. 226 of Brazil's Federal Constitution, the Convention on the Elimination of All Forms of Discrimination Against Women, and the Inter-American Convention to Prevent, Punish, and Eradicate Violence Against Women. The law also provides for creating Domestic Violence Courts, amending the Brazilian Criminal Code (Brasil, 1940), the Code of Criminal Procedure (Brasil, 1941), and the Crimi-

nal Enforcement Law (Brasil, 1984). In its art. 5, it is determined as domestic and family violence against women any action or omission based on gender that causes death, injury, physical, sexual, or psychological suffering, and moral or property damage within the scope of the domestic unit, the family and in any intimate relationship of affection, in which the aggressor lives or has lived with the victim. The law also establishes that these relationships are independent of sexual orientation, which includes women in a homo-affective relationship. Among the main changes envisaged in the law, the following stand out: the non-referral of cases to Special Criminal Courts, removing such violence from the list of minor crimes; the admission of *in flagrante delicto* arrest for cases of domestic and family violence against women; and the prohibition of applying the delivery of food parcels as a penalty, thus requiring the initiation of a police investigation.

The application of restraining orders aims to guarantee protection to women quickly, from anticipatory mechanisms, that is, precautionary. They can be adopted by the judge at any procedural stage, from the initiation of the police investigation to the judicial phase and ensure the protection of women and other family members in situations of violence, in addition to ensuring the effectiveness of the measures' enforcement. Restraining orders can be applied alone or cumulatively.

Electronic monitoring, when applied cumulatively with restraining orders, aims to increase the protection of women in a situation of domestic and family violence. The personal monitoring device (anklet) used by the perpetrator of the violence allows monitoring of its geolocation in real-time through information systems. Therefore, exclusion areas must be created in the system – locations that the monitored person should not access, such as the woman's residence or other places prohibited by the measure to preserve the woman's physical and psychological integrity. The follow-up of the monitored person allows the detection of any possible approximation of the exclusion areas through alerts in the monitoring system. The Electronic Monitoring Center has

The restraining orders, among others, are:

I - suspension of possession or restriction of the carrying of weapons, with communication to the competent body, in accordance with Law n.º 10,826/2003 (Brasil, 2003a);

II - removal from their home, domicile or place of coexistence with the offended;

III - prohibition of certain conduct, including: a) approaching the offended, his/her family members and witnesses, setting the minimum distance limit between them and the aggressor; B) contact with the offended, her family members and the witnesses by any means of communication; c) attendance at certain places in order to preserve the physical and psychological integrity of the offended person;

IV - restriction or suspension of visits to minor dependents, after hearing the multi-professional care team or similar service;

V - provision of temporary food (art. 22, Law n.º 11,340/2006).

mechanisms to identify such approaches and the incidents and handle them to ensure compliance with the stay-away provision and the woman's protection. In specific cases, as detailed below in the handling of incidents involving domestic and family violence, police work is essential and should be originated from common protocols with the Electronic Monitoring Center.

It is important to note that restraining orders applied with electronic monitoring can be fulfilled without using a PTU (portable tracking unit). Even when the PTUs are unavailable, or the woman does not wish to use them, the exclusion areas informed by the judge must be inserted in the Center's system, which is enough for the measure follow-up and possible handling of violation incidents by the responsible team.

When available in the monitoring services, the PTU should not be of compulsory use by women at any stage of the prosecution. Refusing it cannot generate punishment or sanctions because the Maria da Penha Law (Brasil, 2006) and the Electronic Monitoring Law (Brasil, 2010a) do not oblige the person to use the device. When there is a need for monitoring in compliance with restraining orders, the measure should be applied by the judge and followed up by the Electronic Monitoring Center, regardless of whether the woman uses the PTU.

Electronic monitoring, although it is important to protect women in situations of domestic violence, cannot solve gender-based violence, an issue that is not related only to the use of force but to the position of women in the social structure. The criminal procedure is insufficient to manage relational conflicts. The problem-solving inability of the State is evident, mainly because acts of violence, in many cases, originate from unresolved conflicts of lower offensive potential. Conflicts become recurrent and aggravated by the inability of the State to guarantee adequate spaces to manage them and, consequently, reduce the growing number of violent acts against women. Therefore, the indiscriminate application of electronic monitoring can increase these numbers because the surveillance of the perpetrator of violence does not mean the actual resolution of conflicts. It is, therefore, necessary to ensure the follow-up of the monitored individuals and the woman in a situation of domestic violence with referrals to the social protection network and women protection network, respectively. That is, prioritizing practices capable of leading, among other things, the monitored individuals' liability and women's autonomy and empowerment.

2.2. Technological aspects

According to information from the research committee of the Correctional Service of Canada (CSC, 2007), the first generation of electronic monitoring technology featured radio frequency (RF) transmissions. Such systems don't control all the movements of the individual, being the surveillance aimed at checking if the person is in a location approved at a specific time, suiting house arrest purposes primarily. Then, there was a growing interest in applying more advanced global satellite positioning (GPS) technology as an alternative tool to increase the convict's surveillance.

Available in active and passive formats, compared to RF systems, GPS technology can continuously monitor the movement of an individual 24 hours a day in real-time when active systems are used. Areas of inclusion and exclusion are programmed, designating territories where an individual is, or is not, allowed to enter, maintaining compliance with court prescription.

The electronic monitoring adopted in Brazil combines hardware and software solutions, consisting in an electronic device (anklet) used by the monitored person, who starts to have liberty restrictions, being monitored by a Center created and managed by the state's government. GPS technology is the only one used in Brazil. Other technological possibilities that are more economical and less harmful to the monitored person have been ignored, contrary to the art. 5 of Decree n.º 7,627/2011 that rules the monitoring: "The electronic monitoring device must be used in order to respect the physical, moral and social integrity of the monitored person" (Brasil, 2011b).

In Brazil, the excess of criminal control and disciplinary surveillance has prevented, for example, the use of radio frequency technology, giving rise to the possibilities provided for in the art. 2 of the same decree mentioned above: "Electronic monitoring is the remote positional telematic surveillance of people in pre-trial non-custody measures or convicted by a final and unappealable sentence, carried out by a technical system that allows indicating their location" (Brasil, 2011b). Positional telematic surveillance does not mean location by Global Positioning System. There are radio frequency devices available in the market that can be used to certify whether the monitored person is at home in accordance with the days and times stipulated by the court, as provided for in cases of house arrest.

2.2.1. What is geolocation or georeferenced location?

Geolocation or georeferenced location is a feature capable of revealing the geographical location through IP address, wireless network connection, or tower to which the cellphone is connected. It has dedicated GPS hardware that calculates the latitude and longitude based on satellite information. In the case of electronic monitoring, this information is shared with the companies that provide services to the Centers or with the Electronic Monitoring Centers themselves. One of the geolocation methods is based on the relative distance of the person's cellphone from the different towers of the phone service provider. The monitoring devices used in Brazil usually adopt two chips from different service providers, although device models that use higher-capacity chips are already available on the market. This method is fast and does not require hardware-dedicated GPS, but it only gives a rough idea of where the person is. Another method uses a hardware-dedicated GPS in the device to communicate with a dedicated GPS satellite. GPS can normally identify the location within a few meters. The downside of a dedicated GPS chip in the device is the high energy consumption. Google Maps uses both methods: first, the system shows a circle that approximates the location (by searching for a nearby cell tower), then a smaller circle (by communicating with other cell towers), then a single point with its exact position (picked up by a GPS satellite).

2.3. Context

According to the Infopen report (Brasil, 2017b), which brings data from June 2016, Brazil is the third country in the world with the highest number of prisoners – 726,712 people[2]. The country only has fewer prisoners than the United States[3] (2,145,100 prisoners) and China (1,649,804 prisoners). Infopen also shows that 40% of those incarcerated people are in pre-trial detention. The report mentioned above also indicates that, of the total universe of prisoners in Brazil, 55% are between 18 and 29 years old. In addition, 64% of the prison population consists of black people. As for schooling, 75% of the Brazilian prison population did not attend high school, and less than 1% of prisoners have a graduate degree.

Regarding vacancies, the report reveals that 89% of the prison population are in units with a deficit of vacancies, regardless of prison conditions (open, semi-open, or closed conditions), and 78% of prison units hold more prisoners than the number of vacancies available. Compared with previous Infopen data from December 2014 (Brasil, 2015b), the deficit of vacancies has grown from 250,318 to 336,49 in the country. The rate of prisoners per group of 100 thousand inhabitants has risen from 306.22 to

[2] Infopen data from June 2016 indicates that crimes related to drug trafficking are the highest incidence that leads people to prisons, with 28% of the total prison population. Robberies and thefts added up to 37%. Homicides account for 11% of the crimes that caused the arrest (Brasil, 2017b).

[3] In the case of the United States, it is possible to notice efforts to reduce mass incarceration, which has not occurred in Brazil.

353 individuals in the same period.

But what do all these numbers indicate?

This picture indicates that it is urgent to think and put in place public policies to foster decarceration, reducing the percentage of pre-trial detention and increasingly using other legal possibilities in the administration of social conflicts and violence. The data also underline the existence of criminal selectivity since the incarceration of the young, black, and poorly educated population is predominant, not to mention that the imprisonment sentence occurs more significantly on some types of offenses, such as property and drug trafficking crimes.

Has the Brazilian State developed public policies to modify this framework?

The conjugation of these two phenomena – mass incarceration and criminal selectivity – can be understood in the light of the paradoxical and ambiguous principles that organize social life in Brazil, indicating that the transition to the democratic regime did not mean the end of the inequality within the criminal justice system framework.

Remarkably, high public investment in retributive and punitive responses has been unable to reduce conflicts and violence brought to the criminal system. In addition to the inability to increase the number of vacancies to account for the enormous rate of Brazilian incarceration, it is necessary to think beyond the economic costs. The social costs generated by mass incarceration promote class, gender, and ethnicity asymmetries. Prison is an environment that violates human rights, unable to offer the most basic human survival conditions. Moreover, incarceration does not lend itself to transforming trajectories in a socially positive way or generating broad adherence to social norms and rules.

Our laws and regulations already have manners for dealing with social conflicts that can generate decarceration and qualify the gateway to the prison system. We consider electronic monitoring of people according to its ability to promote decarceration and reduce the high number of pre-trial detentions. Therefore, we aim to develop theories and practices to achieve these purposes.

2.4. Concept

The Management Model for Electronic Monitoring of People defines electronic monitoring as:

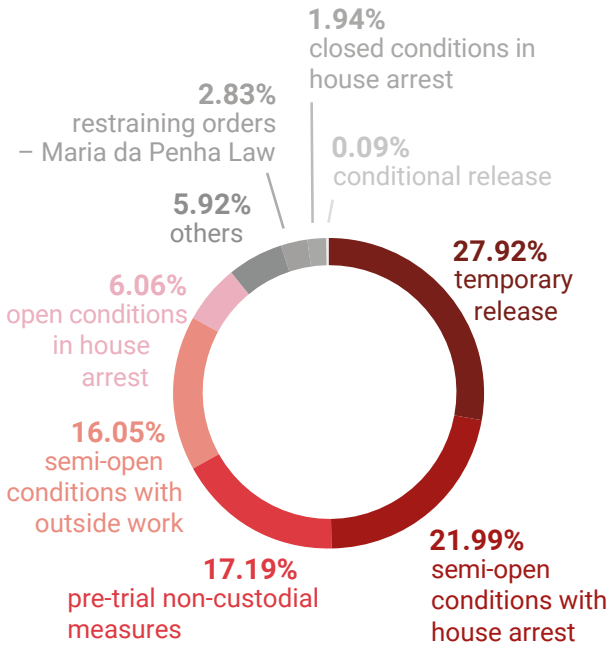
mechanisms of restriction of liberty and intervention in conflicts and violence, other than incarceration, within the scope of criminal policies, applied by technical means that allow indicating exactly and uninterruptedly the location of the monitored people for control and indirect surveillance, oriented to decarceration (Brasil, 2017, p. 14).

3 Recent data on the electronic monitoring policy in Brazil

According to the Diagnosis of the Electronic Monitoring Policy (Brasil, 2018a), in 2017, 51,515 people were monitored in Brazil (89% men and 11% women, a similar pattern found in criminal penal enforcement). Until that year, Electronic Monitoring Centers were implemented in 25 Federative Units, of which 13 have additional structures, such as first-attendance posts station in courthouses; inquiry, installations, and maintenance places; etc. The chart below presents the percentage of use of electronic monitoring in the country, according to detention conditions or measures applied in 2017. Here, as in the following table, the universe of 51,250 people moni-

tored was considered because Santa Catarina did not inform the modalities of use of 265 monitored people in the state in 2017.

3.1. Use modalities of electronic monitoring services



Source: DEPEN (Brasil, 2017b)

In 2017, according to the diagnosis (Brasil, 2018a), 73.96% of the monitored people were in criminal enforcement: temporary release (27.92%); open conditions under house arrest (21.99%); semi-open in external work (16.05%); open conditions in house arrest (6.06%); closed conditions in house arrest (1.94%); and conditional release (0.09%). Pre-trial non-custodial measures (17.19%) and restraining orders (2.83%), which together add up to only 12.63%, may indicate the possibility of a decarceration process. Still, electronic monitoring in these cases can also serve as a tool for excessive control.

To date, it is difficult to assess whether, even in these cases, electronic monitoring has been used as an alternative to imprisonment or as an alternative to liberty. In any case, it is possible to notice some contours of the monitoring services in the light of the penitentiary information. The latest Infopen report (Brasil, 2017b) brings the national survey of prison information of June 2016, which shows a considerable increase in the prison population compared to the report of June 2014 (Brasil, 2015b)[4].

In June 2014, there were 607,731 people deprived of liberty in Brazil. The number reached 726,712 in June 2016, with an additional 118,981 people incarcerated. The imprisonment rate[5] has also grown from 299.7 (June 2014) to 352.6 (June 2016) people deprived of liberty for every 100,000 inhabitants.

According to Infopen of June 2016 (Brasil, 2017b), Brazil has become 3rd place in the ranking of the countries with the largest prison population, going against international trends focused on decarceration, the adoption of alternatives to imprisonment, and the qualification of the prison

[4] Infopen data from June 2014 were used as a primary reference in the first national diagnosis on electronic monitoring (Brasil, 2018a). Thus, in methodological terms, the Infopen data comparisons will be restricted to the report of June 2014 (Brasil, 2015b) and the report of June 2016 (Brasil, 2017b), which present the latest penitentiary information.

[5] The imprisonment rate indicates the number of people arrested for every 100,000 inhabitants. This measure allows the comparison between sites with different population sizes and neutralizes the impact of population growth, enabling the comparison in the medium and long term

system gateway. The prison population increase reveals that the penal services are not intended to guarantee international commitments made by Brazil, such as reducing the prison population by 10% by 2019[6].

The application of alternatives to imprisonment as an answer to the primary criminalization of misconduct wasn't sufficient to reduce the high number of pre-trial detainees in the country. In June 2016, 40% of people arrested in Brazil had not yet been judged or convicted[7]: a serious fact that violates the Federal Constitution. In this regard, the UN High Commission, in reinforcing the demand made to Brazil on this topic, suggests the adoption of pre-trial non-custodial measures, which include electronic monitoring since it can significantly reduce the number of pre-trial detentions, qualifying the entry point into the prison system and leading to decarceration. In addition, the UN High Commissioner's report (UN, 2014) highlights the need for Brazil to promote alternatives to imprisonment, such as pre-trial non-custodial measures, house arrest, and electronic monitoring.

The data indicate that the potential of electronic monitoring to contain the number of pre-trial detainees has yet to materialize. The application of electronic monitoring in the criminal investigation phase represents 20.02% of the services – pre-trial non-custodial measures (17.19%) and restraining orders (2,83%). This picture is still insignificant for the containment of mass incarceration. In absolute numbers, there are 8,810 people monitored in compliance with pre-trial non-custodial measures and 1,452 people monitored in compliance with restraining orders, which together add up to 10,262 people monitored in the investigation phase of the prosecution. This total indicates the low impact of electronic monitoring services in reducing the number of pre-trial detainees in the country that, in June 2016, reached 292,450 people in a universe of 726,712 people deprived of liberty. Although the rate of pre-trial detainees remained practically unchanged between June 2014 (41%) and June 2016 (40%), the absolute number of people in pre-trial detention has increased in this interval with the addition of 42,782 pre-trial detainees.

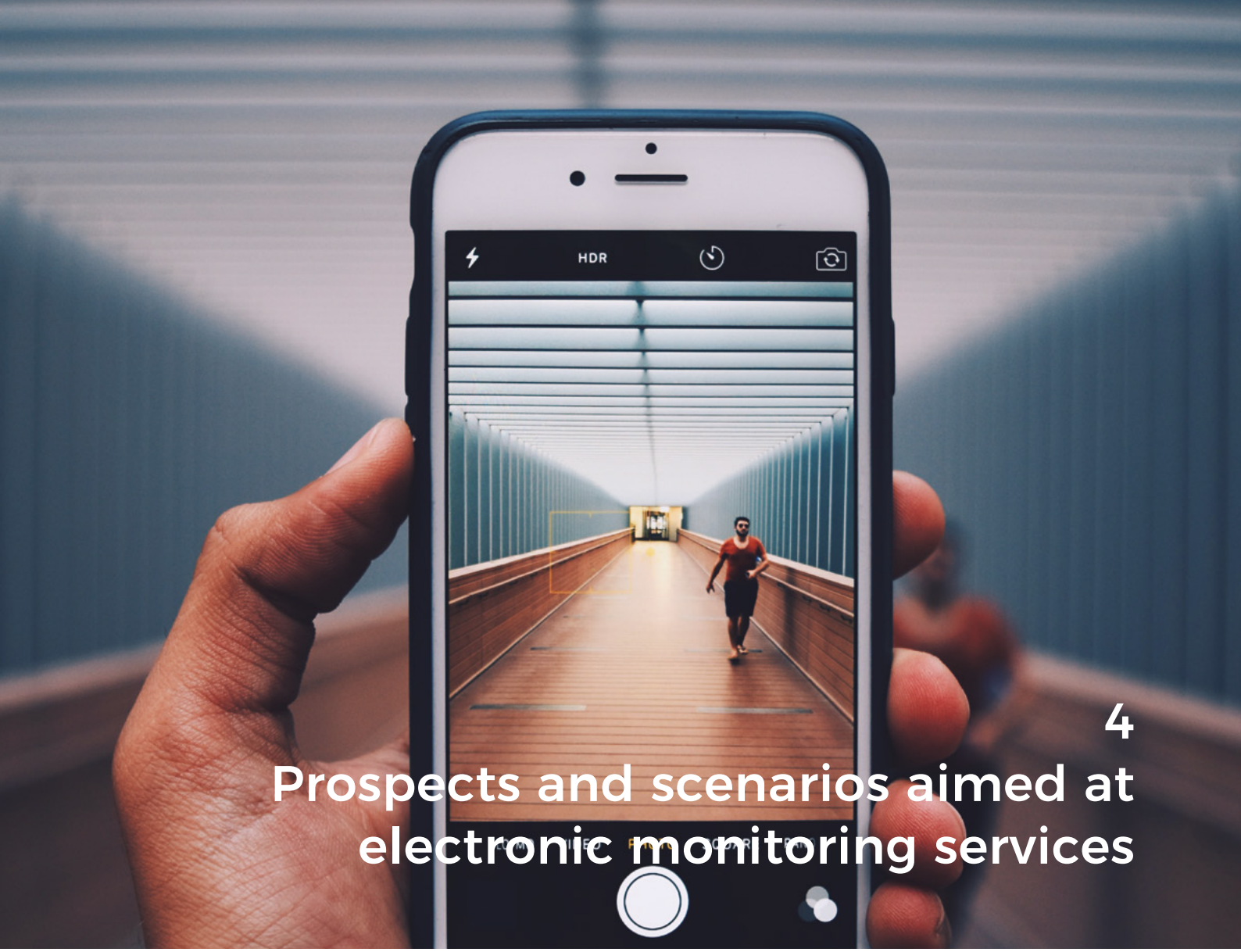
In 2015, there were 18,172 people monitored. In 2017, the number reached 51,515. In the interval of two years, the universe of monitored people almost tripled, with an increase of 33,343 people monitored. Based on the aforementioned national surveys, electronic monitoring has not been conducive to slowing incarceration rates or reducing people's entry into the prison system, even with increasing public investments in the electronic monitoring policy in several states of Brazil.

This picture points out a conservative trend in the conduct of the electronic monitoring policy, applied as an additional control tool in criminal enforcement even when the measures are already properly regulated, such as the semi-open

[6] In 2017, the agreement was announced in Geneva during a meeting between the UN, the Brazilian National Secretariat for Human Rights, and national and international NGOs. The purpose of reducing the number of prisoners was also included in the Ministry of Justice's planning for 2016-2019 (Brasil, 2017c).

[7] This data practically did not change, considering the Infopen surveys used here: in the June 2014 survey (Brasil, 2015b), this population represented 41% of the total number of people deprived of liberty. As of June 2016 (Brasil, 2017b), 40% of the prison population was made up of pre-trial detainees.

conditions for outside work and the conditional release, which correspond to 16.05% and 0.09% of services. It indicates a significant increase in the number of monitored people in these circumstances (in 2015, there were 3,425 monitored people in semi-open conditions for outside work and 29 in conditional release; and in 2017, there were 8,228 and 48, respectively). In addition, the number of Federative Units where it is possible to identify these two situations increased from 8 to 10 in the case of applying electronic monitoring on semi-open conditions for outside work and from 1 to 2 in the case of conditional release.



4 Prospects and scenarios aimed at electronic monitoring services

As we have seen, the high number of people in pre-trial detention and the low use of electronic monitoring in cases of pre-trial measures mean that there is room to be occupied by monitoring as a substitute for the deprivation of liberty of non-convicted people. And, despite the decarcerating potential of electronic monitoring, we observe the use of services to expand control, which primarily acts as a mechanism for prison management and does not reduce incarceration.

Electronic monitoring of people emerges and expands as a policy guided by a social imaginary built and reinforced by the validity of repressive practices and the intensification of

punishment. It recognizes electronic monitoring as an instrument of control aimed at people's surveillance, promoting the use of devices that, as a rule, cause physical and psychological damage, limit social integration, and do not create the expected sense of responsibility to people. The purpose is to look at the potential of electronic monitoring for decarceration and containment of the number of pre-trial detainees, without this implying ignoring or denying monitored people's rights provided for in the Criminal Enforcement Law (Brasil, 1984) and other norms.

Between 2015 and 2016, the Management Model for the Electronic Monitoring of People (Brasil, 2017a) was produced to guide the national policy of electronic monitoring induced by DEPEN (National Penitentiary Department) and, equally, qualifying monitoring services. The Model gathered information on the specialized apparatus and vocabulary proper for implementing electronic monitoring public policies and presented a solid scientific ground aligned with in-depth empirical research. According to a critical view of the culture of incarceration and the intensification of criminal control and punishment, it proposes concepts, principles, guidelines, rules, methodologies, and work instruments. The proposal is an effort to implement electronic monitoring services in a systemic, coherent manner, with tangible goals and results, effectively promoting decarceration and reducing the number of people in pre-trial detention in the country.

Inducing the electronic monitoring policy, in accordance with the assumptions and methodologies brought in the model mentioned above, implies guiding the theme in public agendas, which requires the creation of consensus among different institutions (directly and indirectly linked to the theme), even before the targeting of the project technical and financial subsidies for its operationalization. It is necessary to offer and share a common background with actors involved in electronic monitoring services.

The National Penitentiary Department, as well as the National Council of Justice, in Protocol I of Resolution n.º 213/2015 (Brasil, 2015a), and the National Council of Criminal and Penitentiary Policy, in Resolution n.º 5/2017 (Brasil, 2017d), seeing electronic monitoring as an exceptional measure, suggest the judge consider other alternatives to imprisonment before monitoring. The recommendation is reinforced by Law n.º 12,403/2011 (Brasil, 2011a), which presents the modalities of pre-trial non-custodial measures in the order that they must be considered. The proposition is not random but based on scientific and practical repertoires that show that electronic monitoring does not, by itself, promote the individual's sense of responsibility, nor does it give rise to the restoration of relations and the promotion of a culture of peace. In other words, monitoring services are not oriented towards self-reflective and community engagement processes, unlike methodologies applied in other modalities of alternatives to imprisonment that already exist in the country[8].

In cases of electronic monitoring application during criminal enforcement, as has been the case in most Brazilian states, it is essential to guarantee all the rights legally provided for the monitored person, which can, in turn, mini-

[8] For more information on alternatives to imprisonment, see the "Management Model for Alternatives to Imprisonment" (Brasil, 2017e).

mize the vulnerabilities that mark the Brazilian prison population. With this, we emphasize that the person serving a sentence with electronic monitoring must continue to have the rights provided for in the Criminal Enforcement Law No. 7,210/1984 (Brasil, 1984), as reported, for example, the articles:

Art. 10.

Assistance to prisoners and internees is the duty of the state, aiming to prevent crime and guide the return to coexistence in society.

Art. 11. Assistance shall be:

I – material;

II – health;

III – legal;

IV – educational;

V – social;

VI – religious.

Art. 40.

All authorities must respect the physical and moral integrity of convicts and pre-trial detainees.

Art. 41. Some of the prisoner's rights are:

I – sufficient food and clothing;

II – assignment of work and its remuneration;

III – social security;

IV – savings constitution;

V – proportionality in the distribution of time for work, rest, and leisure;

VI – exercise of professional, intellectual, artistic, and sports activities, provided that they are compatible with the enforcement of the sentence;

VII – material, health, legal, educational, social and religious assistance;

VIII – protection against any form of sensationalism;

IX – personal and reserved interview with the lawyer;

X – visit of partner, relatives and friends on certain days;

XI – roll call;

XII – equal treatment, except regarding the requirements of sentence individualization;

XIII – special audience with the director of the establishment;

XIV – representation and petition to any authority, in defense of law;

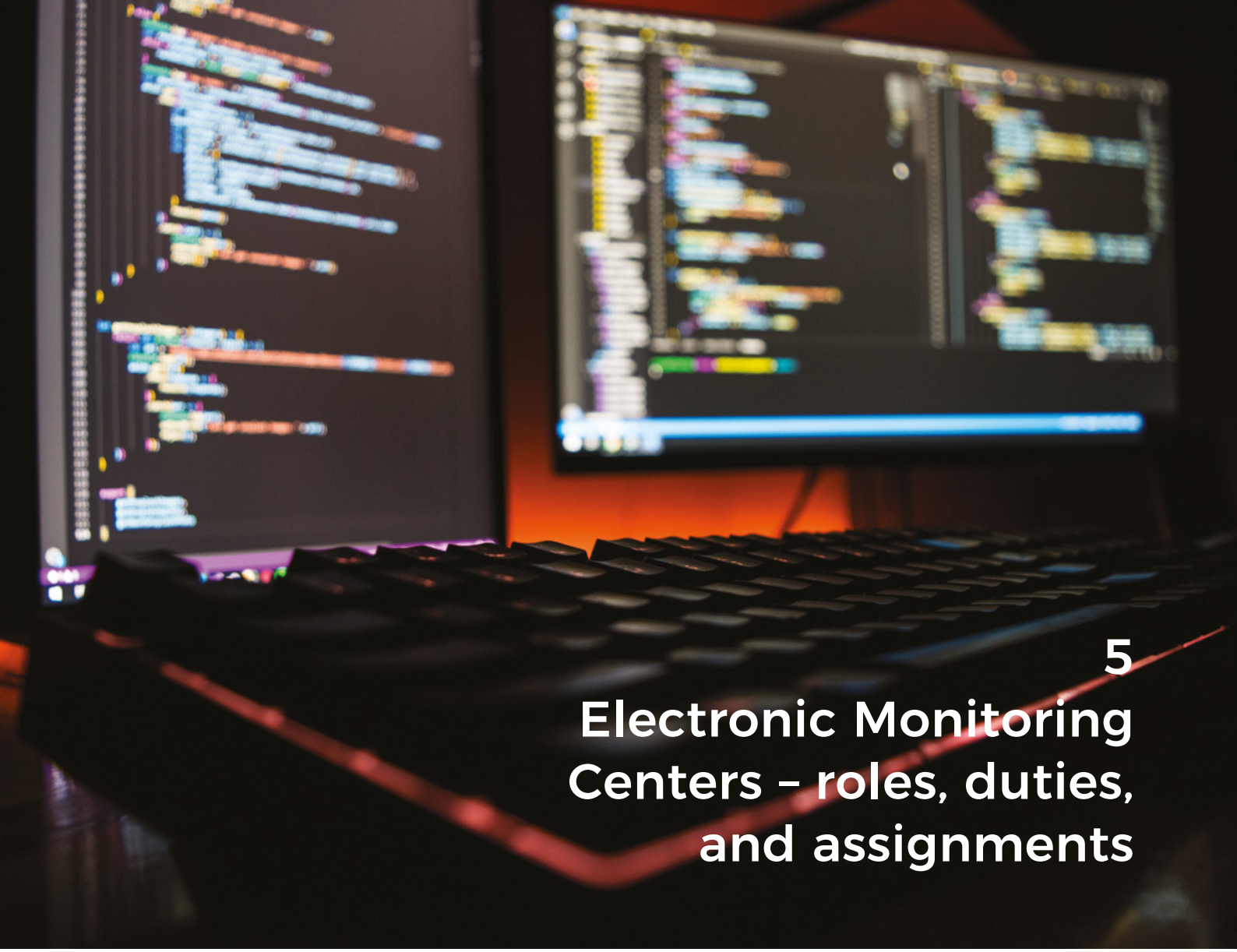
XV – contact with the outside world through written correspondence, reading, and other means of information that do not compromise morals and good manners;

XVI – certificate of sentence to be served, issued annually, under penalty of the responsibility of the competent judicial authority – included by Law n.º 10.713/2003 (Brasil, 2003b).

It is the State's obligation to ensure these rights to people monitored while serving their sentence. Thus, for example, the right to semi-open conditions cannot be simply converted into house arrest with electronic monitoring without, at the very least, guaranteeing the rights expressed in law with the mere justification of lack of vacancies or even decarceration. The State needs to guarantee access to public policies that have been instituted, which apply to all people monitored. It is necessary, therefore, to ensure that the applied conditions are analyzed separately and do not constitute an aggravation of the penalty – a situation that has been increasingly happening in several states.

It is, therefore, essential to consolidate the monitoring policy affirmatively and systematically, according to the principle common to every democratic order, namely the guarantee and strengthening of human rights (fundamental, political, economic, social, cultural, etc.) in protecting and developing life. This also implies the subsidiary and residual application of electronic monitoring due to other modalities legally provided. That is, it should always be considered as an exceptional measure, only indicated when another less burdensome measure does not fit, as an alternative to imprisonment, and not as an alternative to liberty, as an instruction to contain incarceration and reduce the high number of people in pre-trial detention. All legally provided rights must be guaranteed to the monitored persons during penal enforcement, as they cannot be subjected to even more vulnerabilities[9].

[9] Several monitored people who were followed during the production of that diagnosis (Brasil, 2018a) had their sentence aggravated due to the conditions applied in a homogenous way for all individuals and often based on non-objective criteria. For example, while serving a sentence in semi-open condition under house arrest, a monitored individual was not allowed to leave the house under any circumstances, without disregarding the fact that he was on hemodialysis. This restriction notably aggravated the execution of the sentence, including endangering this person's life. It is emphasized that, while waiting for a hearing, this same individual remained imprisoned in closed conditions for 30 days. The application of electronic monitoring in a non-judicious manner and oriented by the analysis of actual cases can be faced based on the principles, guidelines, rules, and methodologies proposed in the Management Model for Electronic Monitoring of People (Brazil, 2017a).



5
Electronic Monitoring Centers – roles, duties, and assignments

The implementation of electronic monitoring necessarily takes place through the Electronic Monitoring Centers. The State Executive Branch, through its penitentiary management bodies, is responsible for the administration, operation, and control of electronic monitoring:

Art. 4. The responsibility for the administration, operation, and control of electronic monitoring shall rest with the penitentiary management bodies, which must:

I - verify compliance with the legal duties and conditions specified in the court decision authorizing electronic monitoring;

II - forward a report on the circumstances of the monitored person to the competent judge according to an estab-

lished calendar or at any time when circumstances so require;

III - adapt and maintain multi-professional programs and teams of follow up and support to the convicted monitored person;

IV - guide the monitored people in fulfilling their obligations and to assist them in social reintegration, when appropriate; and

V - immediately inform the competent judge of the fact that may give cause for the revocation of the measure or modification of its conditions.

The preparation and submission of a detailed report must be made by electronic means and contain the digitital signature of the competent agenciy (Decree n.º 7,627/2011).

The decree indicates that the rights and duties of the monitored people should be clearly expressed in the form of a document. It is also foreseen that prison management agencies are responsible for administering, operating, and controlling electronic monitoring, indicating the importance of multi-professional teams in the follow-up of the measure. That said, electronic monitoring must be related to social protection network services to minimize discriminatory, abusive, and harmful conduct during services. Also, to ensure maintenance and access to work, education, and health, promoting the restoration of community ties to the monitored people. The legislation does not indicate that the person in compliance with electronic monitoring measure must stop working, studying, or attending spaces of community sociability. It also does not mention that the monitored person should be punished, penalized, or change routines not foreseen in the conditions of the measure itself.

The work carried out at the Centers must guarantee the monitored person's physical, moral, and social integrity. Priority should be given to using anatomically and increasingly lighter individual monitoring devices, ensuring discretion, ergonomics, and mobility. The device must have anti-allergenic characteristics and should not imply any health risk, especially due to its continuous use. It also must be resistant to aquatic submersion and mechanical and heat impacts, considering the weather in Brazil. The Centers must prioritize the use of devices with technical specifications that maximize the use of the battery, reducing the recharging procedures. They must also ensure that the equipment allows recharging without limiting the mobility of the monitored person by adopting portable battery recharging devices.

Centers must also handle incidents, activating in a subsidiary way public security institutions when responding to strict incidents. The attendance of the monitored person at the Center must be minimal, with referrals to the protection network only being made when required voluntarily by the monitored individual. Also, in this sense, confidentiality and secrecy are mandatory at all stages of the services to guarantee personal data protection.

It is the responsibility of the Electronic Monitoring Center:

a)

To follow the electronic monitoring measure, observing and following all the conditions expressed in the court decision, such as:

- period of the measure with start and end date;
- limits of inclusion and exclusion areas;
- movement and retreat times;
- permissions and general conditions;
- specific prohibitions.

b)

To ensure the maintenance of the electronic monitoring measure by handling incidents with a capable technical team and the muti-professional team working together to avoid calling the public security institutions – the last resource when handling incidents involving restraining orders, which should be used only after exhausting all other preliminary protocols;

c)

To favor the maintenance of the electronic monitoring in freedom, avoiding the precipitaded and often unnecessary arrest of monitored people whose incidents must be reported on the basis of the protocols of this management model;

d)

To ensure that police actions are always subsidiary and protocol-oriented, recognizing the effectiveness and necessity of police intervention in the handling of specific incidents demanded by the Center;

e)

To avoid excessive activation of public security agencies, considering, above all, the great demand of the police forces in events of another nature and due to the responsibility of the Center and its teams in the follow-up of the measures according to appropriate incident protocols;

f)

To ensure that the Electronic Monitoring Centers provide qualified services to the monitored persons – regardless of the type of measure and procedural phase – in order to reduce their social vulnerability;

g) To ensure that the Center is a welcoming environment so that the public feels encouraged to attend the service, providing the creation of social bonds that are essential for the follow-up of the measure and for referrals to the social protection network;

h) To ensure the purpose of the electronic monitoring service, that is, the care and follow-up of the monitored person to allow the formation/restoration of bonds and the proper compliance with the measure;

i) To make referrals to the social services offered by institutions of the federal, state, and municipal government and civil society organizations. The referrals must consider the specificities of each case, respecting the voluntary nature of these services;

j) To perform the follow-up of the measures through indirect contact with the individuals, avoiding unnecessary and excessive attendance at the Center;

k) To handle incidents according to the protocols of this methodology, carrying out alignments with the Judiciary to adjust and adapt the measures when necessary;

l) To consider secondary interference factors in incident handling, such as:

- malfunction or defects in monitoring devices;
- reduced or instable cellphone reception;
- technical interferences in the global positioning system (GPS);
- elements related to geography, from the type of vegetation to the architecture of buildings, as well as weather events, etc.;
- the existence of locations with unstable or without cell phone reception or GPS signal, especially in the case of people who live, work, study, undergo health treatment, or participate in religious or spiritual activities in these specific locations;

m) To follow up the restraining orders applied, welcoming and referring women in use of PTU to the woman protection network, always on a voluntary basis, according to the specificities of each case, aiming at reversing social vulnerabilities;

n)

To schedule procedures and referrals, avoiding long waiting periods and permanence of monitored people at the Center, especially women in situations of domestic violence who choose to use PTU;

o)

To schedule procedures and appointments on different days and times for monitored people and women in situations of domestic violence, avoiding possible embarrassments and non-compliance with restraining orders;

p)

To provide the necessary infrastructure to operate activities, such as male and female restrooms; waiting room with a sufficient number of chairs to accommodate scheduled and spontaneous demands, including a waiting room reserved only for women in situations of domestic violence; drinking fountains; adequate illumination; ventilation consistent with local weather conditions; and cleaning services;

q)

To create and participate in broad networks of social service and assistance, for the realization of fundamental rights and the inclusion of people, with emphasis on the following areas:

- food;
- clothing;
- housing;
- transport;
- health, including mental health;
- health care for people with drug user disorder;
- work, income, and professional qualification;
- education;
- family and/or community living;
- legal aid.

r)

To ensure the integral understanding by the monitored person about the electronic monitoring measure, according to the resolutions expressed in the judicial decision;

s)

To ensure understanding on the proper use of the individual electronic monitoring device and the PTU, in order to minimize incidents of violation and physical, psychological, and social harm to the monitored people;

t) To maintain adequate infrastructure for the activities related to the technical maintenance of individual monitoring devices;

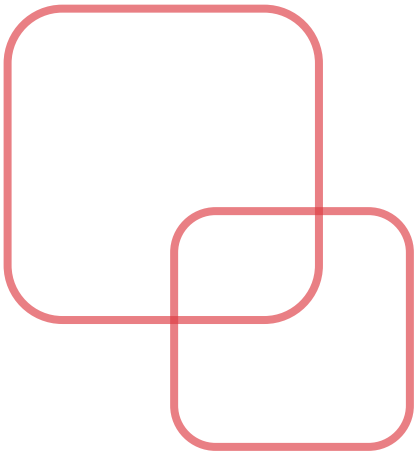
u) To submit periodic reports on the follow-up of the measure, as agreed with the Judiciary, to justify any adjustment or reassessment of the electronic monitoring measure;

v) To guarantee the right to information to people in compliance with electronic monitoring measures regarding the procedural situation, the conditions of the measure, the start and end dates of the measure, the periods foreseen for the measure's re-evaluation, and the offered services and assistance;

w) To attest that the monitoring system is structured to preserve the confidentiality of all sensitive personal data and ensure the management of quantitative and qualitative information, following the guidelines established in the Management Model;

x) To promote respect for generational, social, ethnic, racial, gender, sexual, origin, nationality, income, social class, religion, and belief diversities, among others, regarding the fulfillment of the electronic monitoring measure and the referrals to the social protection network;

y) To restrain any type of discrimination or degrading treatment at any stage of the electronic monitoring services during and after compliance with the judicial measure.



6 Methodology for following up the people monitored by the Electronic Monitoring Center

The follow-up of the electronic monitoring measure should consider the procedures summarized below, according to the management model (Brasil, 2017a). The steps that may, depending on the specific case, lead to the triggering of public security institutions by the Electronic Monitoring Center will be detailed:

[10] The protocols, procedures, norms, workflows, routines, work instruments, and other information that make up the follow-up methodology for the electronic monitoring can be fully accessed in the Management Model for Electronic Monitoring of People (Brasil, 2017a).

i)

Awareness raising and referral by the Judiciary to attend the Center:

it implies the presence of the monitored person at the Center, even though the installation of the individual electronic monitoring device and the registration of the person in the monitoring system (first attendance) were carried out on the court premisses;

ii)

First attendance:

it includes the installation of the electronic monitoring device; registration in the system; scheduling of reception at the Center; and any necessary emergency referrals to the services of the social protection network. These procedures must take place soon after the hearing that originated the application of electronic monitoring, preferably on the court's premises, in a reserved and appropriate place for this purpose, avoiding the coercive conduct or escort of people submitted to electronic monitoring referred to the Center;

iii)

Welcoming:

it should occur the day after the hearing that originated the electronic monitoring measure, allowing physical and mental rest and adequate nutrition. The multi-professional team must conduct the reception, a listening space to assess the following information: physical, social, and psychological situation; understanding of the criminal procedural context or the imposed measure; place of residence; and demands for inclusion in specific programs or treatments. This information should guide the response protocols to any incidents, especially those caused by the monitored individual living, working, studying, undergoing health care, participating in religious or spiritual activities, or other activities in locations with no or with an unstable GPS or cellphone signal. If necessary, it may result in a request for adjustment of the measure to the judge or the guidance of the Center regarding the routines of the monitored person, which should be preserved as much as possible. The reception must allow the creation of bonds capable of contributing to the fulfillment of the measure;

iv)

Case studies:

the Electronic Monitoring Centers shall regularly conduct analyses and case studies based on their data, seeking to define appropriate follow-up strategies, approaches, and referrals through an interdisciplinary perspective. The Centers must promote periodic meetings with representatives of the institutions of the social protection network, the criminal justice, and the public security systems to discuss specific cases that require assistance, referrals, knowledge, and guidance. The Center must ensure these routines, promoting strengthening bonds and coordinated inter-institutional work;

v)

Referrals:

a) **For the adequacy of the applied measure:** in the face of incompatibilities and eventualities that can impact the fulfillment of the measure, the multi-professional team must prepare a report, requesting the judge to readjust the conditions or even replace the measure with another less burdensome one, presenting justifications. The procedure can occur at any time, considering the dynamics identified by the team or the needs of the monitored person;

b) **To increase access to fundamental rights:** the multi-rofessional team must carry out the referrals according to the demands presented by the monitored person. It is important to emphasize that the monitored individual must adhere to the services voluntarily. Enrolling the person in the social protection network for social assistance or health treatment should not be a judicial determination. As the protocols and guidelines reinforce, any referral for social protection services can only occur with the person's consent and should never be mandatory. As mentioned, a considerable part of the public that arrives at the Center has social vulnerabilities, and the referrals to the social protection network must aim to minimize these vulnerabilities;

vi)

Returns/Routine service:

the monitored person shall be directed to return to the Center, preferably at scheduled times, in the following circumstances:

- if there are technical problems in the electronic monitoring device, for possible repairs and replacements, aiming at maintaining the judicial measure, according to the actual cases and seeking to avoid the aggravation of the criminal situation;
- periodic evaluation of the multiprofessional team (social worker, law graduate, and psychologist) to guide the judge, being the attendance voluntary;
- remove and return the monitoring device at the end of the period of application of the measure;
- if there are social demands, being the attendance voluntary.

6.1. Steps that may require the cooperation with public security agencies

vii)

Incident treatment:

electronic monitoring incidents can occur due to one or more than one primary aspects, including human mistakes, but also secondary interference aspects, such as malfunction or defects in the monitoring device; reduced coverage or instability in cell phone reception; interferences in the mechanisms of the global positioning system (GPS); elements related to geography; etc. The recurrence of some incidents may be related to secondary interference factors, especially when the monitored person resides, works, studies, undergoes health treatment, or participates in religious or spiritual activities in locations with no or unstable signal of GPS or cellphone reception.

Incidents:

any situation that interferes with the regular compliance of the electronic monitoring measure, not necessarily involving communication to the judge or the triggering of public security institutions.

Incident treatment:

incidents demand different responses from the Center to maintain the measure and imply the solution to the incident or adjust compliance with the measure. The handling of incidents requires the collaboration of the Center's various departments in an interdisciplinary way. It is important to highlight that, as the electronic monitoring measure uses communication technology prone, virtually, to multiple failures and interruptions in the signal transmissions and telephone reception, for example, attempts to contact the monitored person, when unsuccessful, should never be tried once. Still, when dealing with incidents or at any stage of the services, no person whose contact has not been optionally informed by the monitored individual should be called.

Incident resolution:

incident treated with or without the need for adjustment of compliance with the measure, resuming the normal course of monitoring, without sending notification to the judge. The solution to specific incidents may involve the effort of public security institutions, always based on the detailed demands of the Electronic Monitoring Center.

Measure compliance adjustment:

it is a procedure that originates from an unsolved incident, generating documents of the unresolved incident. The Center shall, through telephone or face-to-face contact with the monitored person, address and analyze the causes related to the incident, alerting, and making new agreement on the measure, in accordance with the conditions set out in court, in order to avoid its non-compliance with notification to the judge.

Non-compliance:

it is an exceptional situation when there is no solution to the incident with or without the adjustment of compliance with the measure, which may require the Center to call the police. In this case, the judge is notified and must analyze the maintenance or replacement of the electronic monitoring.

Attendance at the Center:

the treatment of certain incidents requires the attendance of the monitored person at the Center. Attendance should preferably be scheduled, avoiding interrupting work routines, study, health treatment, religion, leisure, and other daily activities and routines.

The following are some of the most common cases of incidents:

Incidents
Inability or refusal to sign terms
Non-attendance of the person on scheduled dates or in emergency situations for - technical repairs in the electronic monitoring equipment and replacements, aimed at maintaining the judicial measure; - periodic evaluation of the multi-professional team (social worker, law graduate, and psychologist); removal and return of electronic monitoring device at the end of the measure; - referrals.
Violation of inclusion and/or exclusion areas
Motion detection without GPS signal and/or cellphone signal loss
Equipment communication malfunction or false location detection
Battery incidents - partial discharge or low battery level; - full battery discharge
Non-compliance with the schedules and/or restrictions to specific locations
Equipment damage, break/breach of the fastening strip or the casing of the electronic monitoring device.

viii)

Adjustment to measure compliance:

incidents should be treated collaboratively between sectors, in order to prioritize the maintenance of the applied measure. If the team perceives the absence of objective conditions for compliance with the measure or certain conditions, the monitoring report of the measure should include such information. If necessary, the staff should also ask the judge for a justification hearing, aiming to hold the person responsible for compliance and return to the normal course of the measure. The contact must prioritize the sensitization of the person in compliance with the monitoring measure according to the conditions stipulated judicially. It may not result in any kind of repression, punishment, or coercion of the monitored person. The multi-professional team should understand the causes of the incident, analyzing possible secondary interference factors.

With regard to electronically monitored people in compliance with pre-trial non-custodial measures, an unsolved incident must generate documentation of the case, and the Center must not carry out more activities beyond that, except in specific incidents with restraining orders, as will be detailed.

ix)

Non-compliance:

are unresolved incidents that necessarily generate a notification to the court. They must create a record in the monitoring system, according to date and time, and send a notification to the judge by the Center. Non-compliance incidents involving the parties under restraining orders may involve the immediate action of the police, according to the need for prevention diagnosed by the Electronic Monitoring Center, in the order established in protocols, or according to the need observed by the teams at any stage of the handling of the incident.

x)

Relationship with the criminal justice system:

it is recommended that the multi-professional team prepares and sends reports to the judges, being able, whenever necessary, to forward reports and requests to judges, with a view to replacing the monitoring with another measure and changes related to the conditions imposed, depending on the possible objective inability of its compliance. The adjustment to the measure compliance is recommended, because it provides for the performance of the multi-professional team an opportunity for sensitization and the renegotiation of a new agreement on the measure in the case of specific incident, according to the established protocols. With the aim of maintaining the measure, it is also stipulated that the pre-trial detention is not ordered by the judge without the case being analyzed jointly with the follow-up report from the multi-professional team.

xi)

Relationship with public security system:

the Electronic Monitoring Center should build agile and dynamic workflows with public security institutions. The handling of specific incidents requires continuous dialogue between the Center and the public security institutions, always considering concrete cases and according to the needs identified by the Center's teams. This relationship can prevent the worsening of the criminal situation and increase the efficiency of the work of public security agents since calling police forces should be reserved for the most serious cases, based on the diagnosis of the Center's teams, according to established and agreed protocols. This strategy aims to not saturate the capacity of police institutions' action due to their broad demands and to increase the effectiveness of their action in the face of concrete situations identified as a priority by the Center.

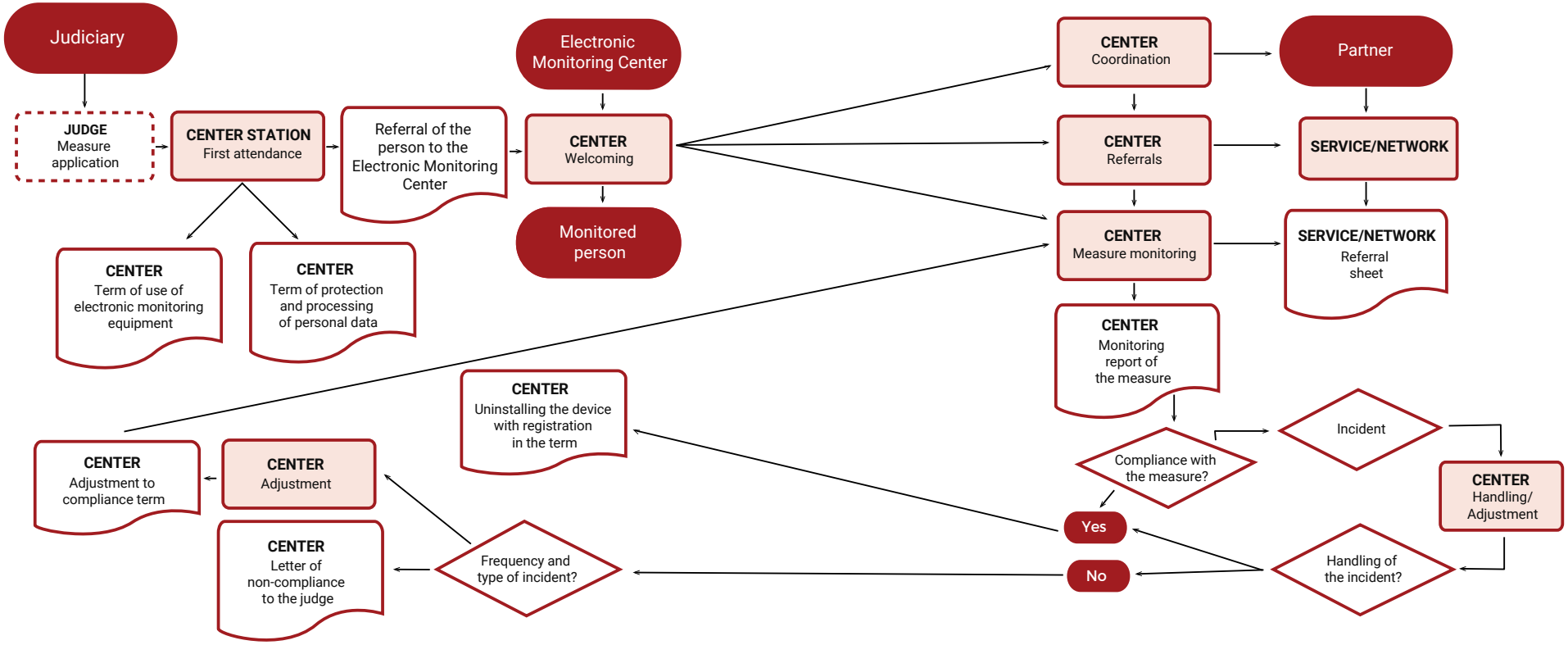
xii)

Information management:

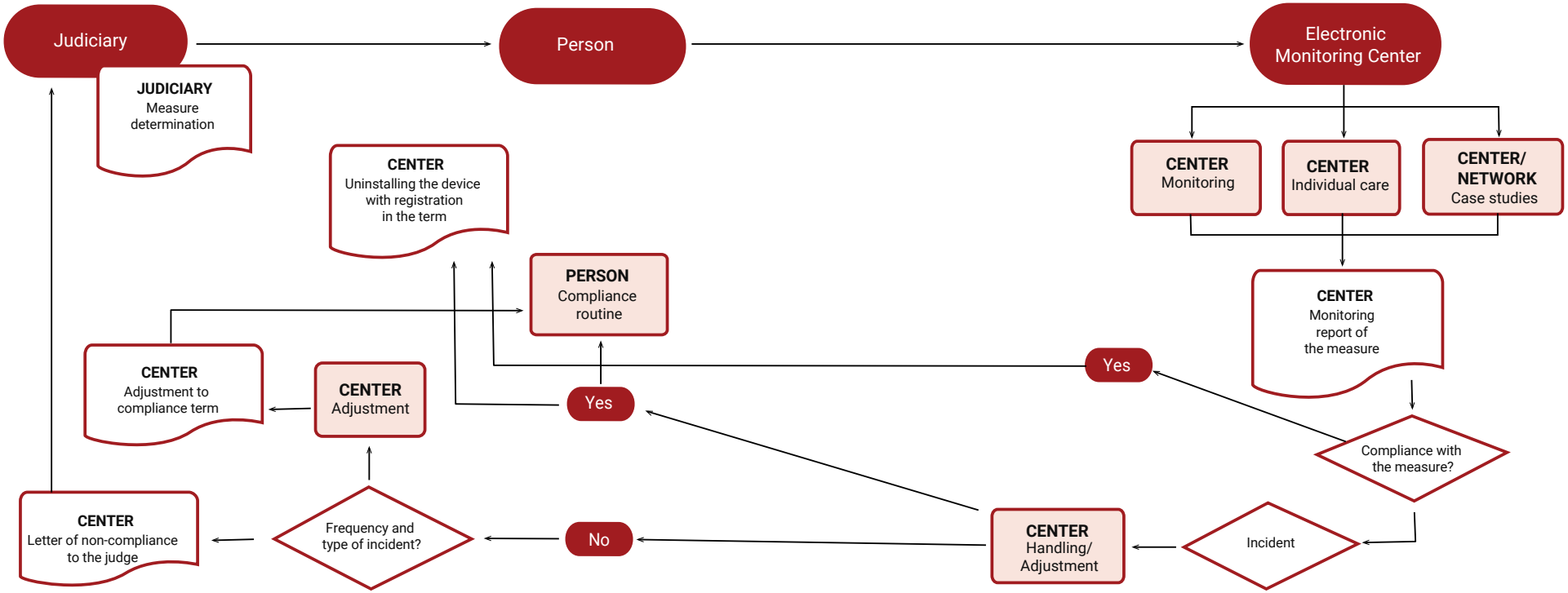
it is essential that all the procedures of the Electronic Monitoring Center be computerized and updated periodically. The appropriate information management in accordance with the Guidelines for the Handling and Protection of Data in Electronic Monitoring of People (Brasil, 2016a) is recommended.

7

Flowchart of general activities of the Electronic Monitoring Center



8
Flowchart of measure's follow-up activities



9 Treatment of incidents by the Center with demand for police efforts to ensure the protection of women in situations of domestic and family violence

All previously informed procedures should be observed in handling incidents involving electronically monitored people who are also in compliance with restraining orders. However, some incidents involving restraining orders require differentiated treatment to protect women in domestic and family violence situations.

Specific treatments must be indicated for some incidents because electronic monitoring cumulatively applied with restraining orders aims, in addition to the monitoring of men who

perpetrate violence against women, to increase the protection of women in situations of domestic and family violence. The particularities and needs of each case, previously analyzed, imply greater agility by the Center responsible for monitoring, which may require public security agencies' support.

The immediate protection of women in incidents involving the violation of exclusion areas is sought[11]. The treatment of these incidents, which indicate the approximation of the perpetrator, may involve the triggering of the police on a preventive basis, according to the need diagnosed by the Electronic Monitoring Center, or when the woman in a situation of violence demands this type of intervention.

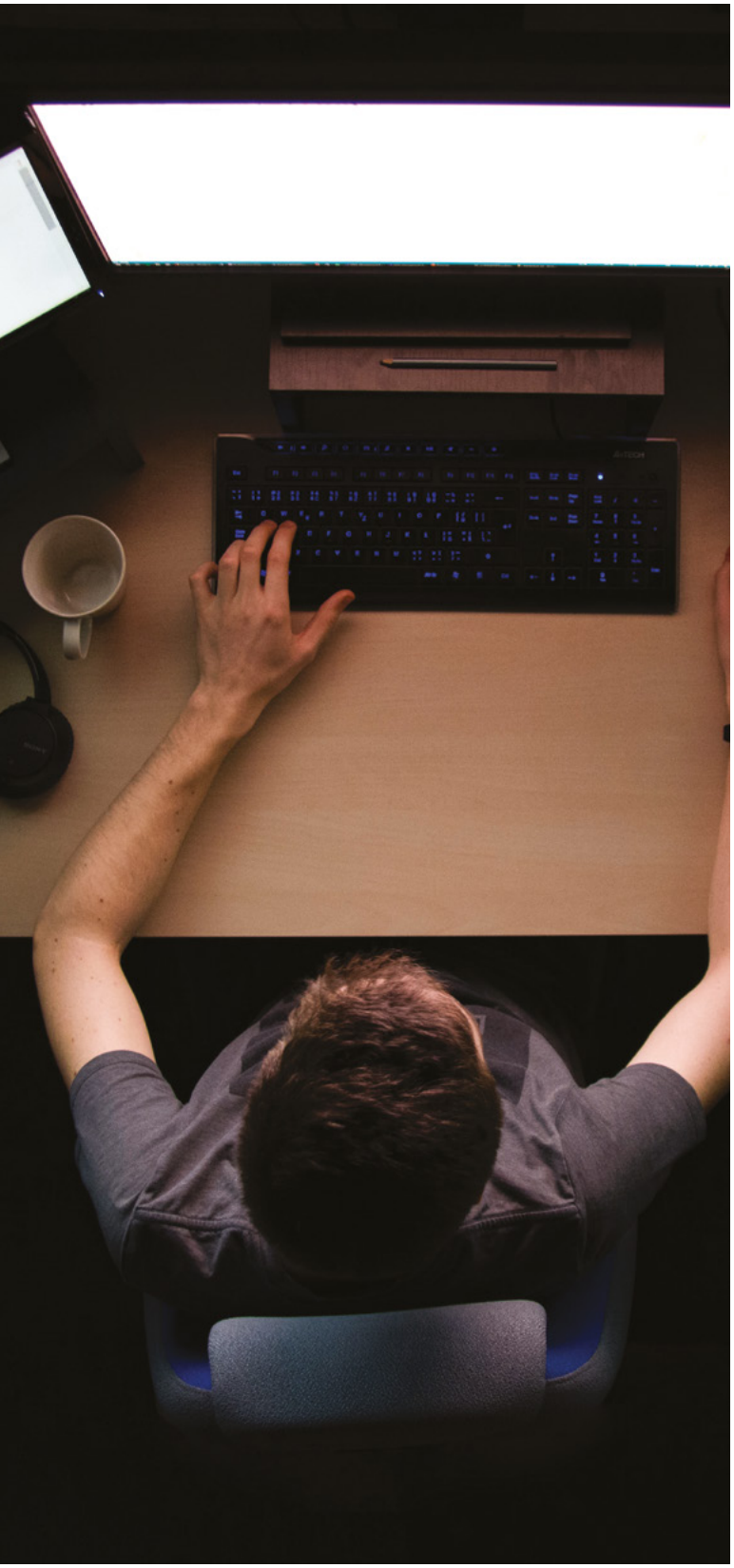
The monitoring carried out in a systematic and interdisciplinary way by the responsible teams is the main instrument to guide the preventive action of the police in the treatment of concrete incidents in these situations. The collaborative work with public security agencies, in the case of electronic monitoring, should always take place from specific incidents identified by the Center, according to established protocols. Tracking the people monitored, including those complying with restraining orders, is the duty and responsibility of the Center. The intervention of police institutions must be demanded by the Center's professionals in the treatment of specific incidents to ensure the protection of women in situations of domestic and family violence or when the woman herself demands so. Prevention with police action is meaningless if there is no specific incident with a demand from the Center – responsible for monitoring the individuals.

The police action lends itself to checking or monitoring the incident reported by the Center, preventively ensuring the protection of women. Therefore, police intervention should not be based on repression. In addition, incidents and non-compliance related to the monitoring measures applied on a precautionary basis, by themselves, do not imply a crime, nor should they cause the detention of the monitored person. A crime is committed if the monitored man perpetrates new violence against the woman.

The Management Model for Electronic Monitoring recommends protocols for dealing with several types of incidents, which can be adjusted in accordance with specificities identified, mainly based on the autonomy of states, respect for the diversity of actors, and multiple contexts found in each of the Federation[12] Units. We share

[11] Exclusion areas are places that the person in compliance with restraining orders with electronic monitoring cannot access because they need to stay away from the woman who is being protected, according to the judicial measure. The monitoring system enables the creation of permanent areas of exclusion, such as the residence, workplaces, and study places of women. In some cases, the woman can use the PTU (Portable Tracking Unit) as an additional tool because it makes it possible to create dynamic areas of exclusion and identify more accurately any approximation between the monitored person and the woman using the PTU. It must be highlighted, again, that the PTU is an additional device that aims to reinforce compliance with restraining orders applied cumulatively with electronic monitoring. Monitoring can only be carried out through the author since the monitoring system allows the creation of permanent exclusion areas, as already indicated.

[12] The Management Model for Electronic Monitoring of People (Brasil, 2017a) understands the possibility of adjustments, adequacies, and improvements. But, even when tuned, plural, and encompassing, models are not able to fully account for all local realities. They indicate, guide, and offer perspectives capable of being adopted. Therefore, the model justifies itself as a possibility to guide and qualify the services in conceptual, principiological, and methodological terms, creating the basis for developing electronic monitoring in practical terms.



below the protocol that provides for the activation of public security institutions by the Electronic Monitoring Center.

9.1. Protocol for the Center to call the police in cases of violation of exclusion area involving restraining orders

Professionals who work in electronic monitoring, identifying incidents and violations, jointly with the multi-professional team and professionals linked to the area of incident analysis, should assess the situation, checking whether the approach represents a risk to the woman's protection and try telephone contact with the monitored person and with the woman in a situation of domestic violence who is registered in the system.

The treatment of specific incidents may involve the immediate triggering of the policy, according to the need for prevention identified by the Electronic Monitoring Center, in the order established in this protocol, or according to the need observed by the teams at any stage of the treatment.

During the preventive action of the police to ensure the protection of the woman:

If the incident remains unsolved, with the system indicating the presence of the monitored person in the exclusion area, signaling a well-founded risk to the protection of the woman, one must:

1– Point the underreporting in the monitoring system, preferably with the approval of the multi-professional team and Incident Analysis team for preventive action of the police to ensure the protection of women;

2–Trigger the police by Coordination or Supervision with registration in the system and sharing of personal data of the monitored person, limited to the following data: 1) name, 2) last geolocation, 3) addresses, 4) photo.

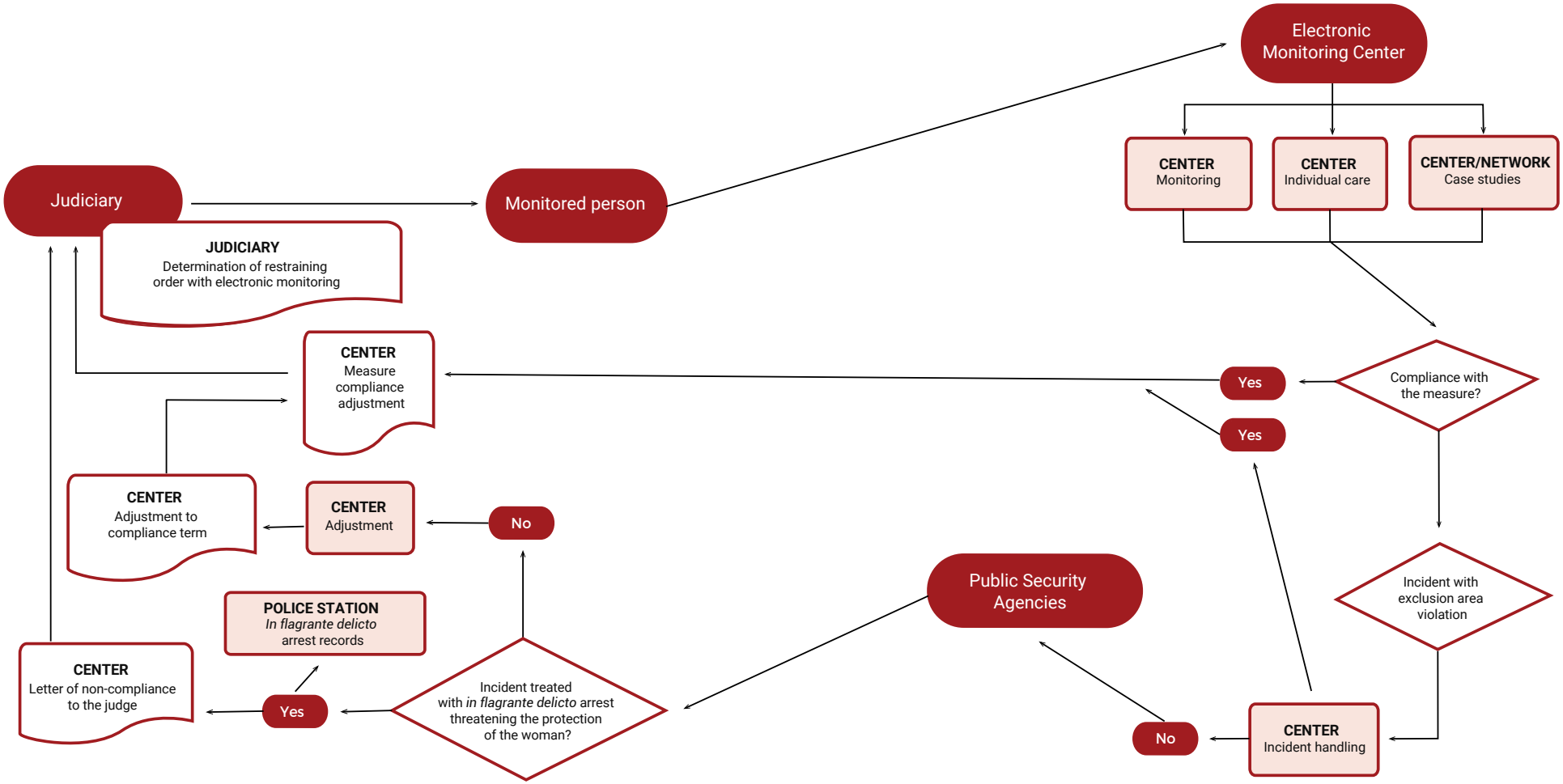
If the incident is solved by the Center:

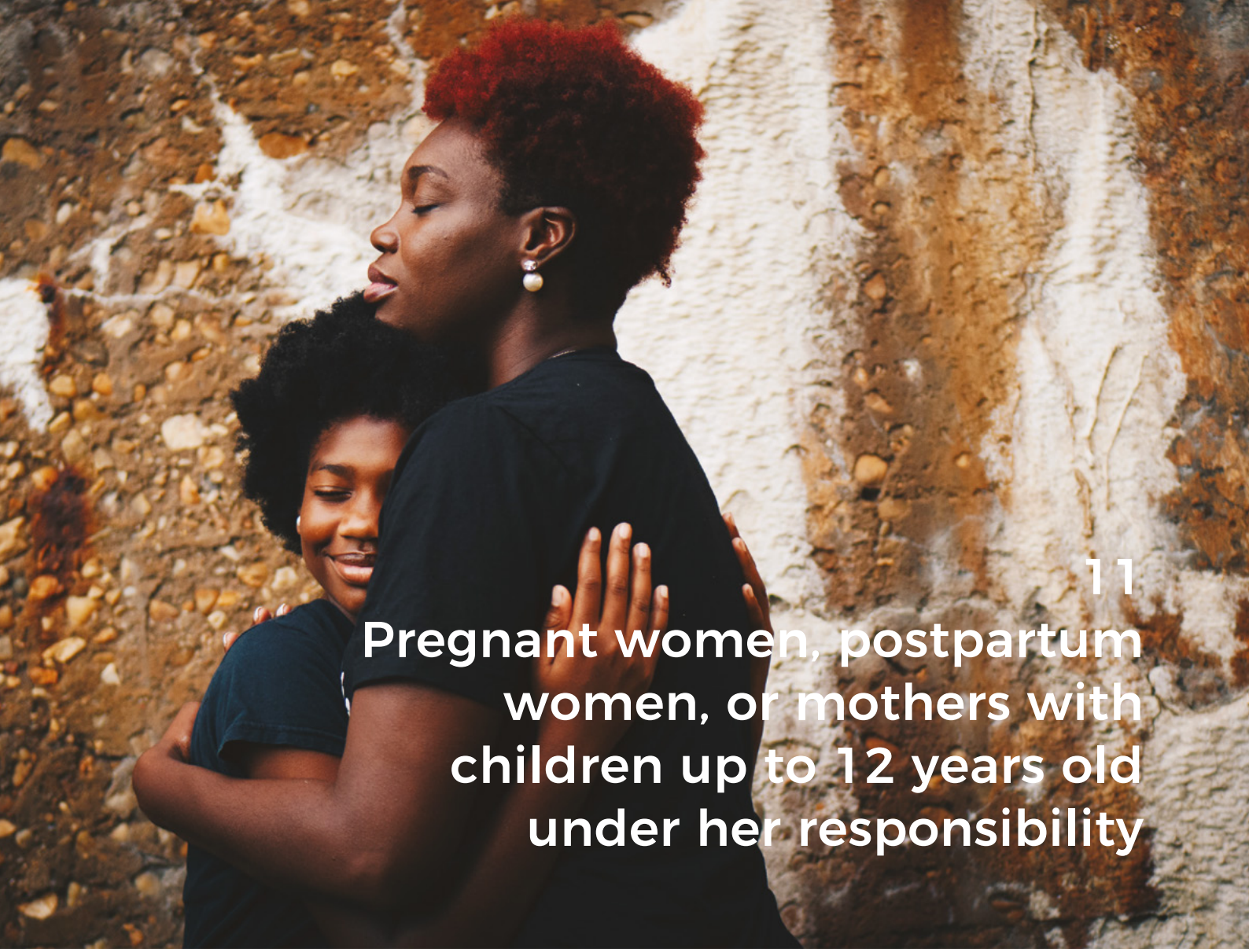
- The police trigger must be canceled and justified by the Coordination or Supervision with regis-tration in the system;
- The multi-professional team and the Incident Analysis sector will analyze the case, assessing the need for adjustment of measure compliance or notification to the judge, with a request for a justification hearing.

In case the incident remains unresolved:

- The incident becomes a non-compliance and must be regis-tered in the system;
- Sending notification to the judge by the Coordination or Super-vision of the Center, informing the fact and sending a follow-up report of the measure prepared by the multi-professional team and the Incident Analysis sector.

10
Flowchart for incidents handling with restraining orders violations





11
Pregnant women, postpartum women, or mothers with children up to 12 years old under her responsibility

The following recommendations are embodied in the Statute of the Child and the Adolescent – Federal Law n.º 8,069/1990 – which provides for the integral protection of the child and the adolescent (Brasil, 1990); in the Legal Framework of Early Childhood – Federal Law n.º 13,257/2016 – which provides for public policies for early childhood, establishing principles and guidelines for the formulation and implementation of public policies regarding the specificity and relevance of the first years of life in the infant development and human being development (Brasil, 2016b); in the Decree n.º 9,370/2018, which grants special pardon and sentence commutation to women in prison (Brasil, 2018b); in the Bangkok Rules – the United Nations rules for the treatment of women prisoners and non-custodial measures for women offenders – which propose a differentiated approach to the specificities of gender in female incarceration, both in the field of criminal enforcement, as well as in the prioritization of non-custodial measures,

preventing women from entering the prison system (UN, 2010); in the Ordinance n.º 210, of January 16th, 2014, which establishes the National Care Policy for Women in Deprivation of Liberty and Women Released from the Prison System (Brasil, 2014); in the Collective Habeas Corpus n.º 143,641, São Paulo, in which all women subjected to pre-trial detention in the national penitentiary system who are pregnant, puerperal or mothers with children up to 12 years old under their responsibility, must have the replacement of preventive or pre-trial detention by house arrest (Brasil, 2018c); and in the Joint Resolution n.º 1/2018 of the National Council of Criminal and Penitentiary Policy (CNPCP) and the National Council of Social Assistance (CNAS), which qualifies social work services to the families of incarcerated people and people released from the prison system in the Unified Social Assistance System (SUAS) (Brasil, 2018d).

According to the Management Model (Brasil, 2017a), specifically relating to the recognition and respect for the particularities of women's policies, we emphasize the duty of public authorities to ensure rights and policies for women according to gender specificities. Taking into account the laws and other norms, especially in the case of pregnant women, postpartum women, or mothers with children up to 12 years old and or disabled children under their responsibility, house arrest without electronic monitoring is recommended because the use of the anklet:

a) Impedes or hinders the routines of pregnant women who need, necessarily, medical follow-up during pre-natal care, leaving the residence for unspecified time intervals according to the demands of the public health care service;

b) Violates or hinders continued access to rights that must be guaranteed to children, given the restrictions imposed on mothers;

c) Creates new processes of criminalization of mothers who, due to their restrictions, may be prevented from assuming all their responsibilities and duties with the children;

d) Violates the right to health, as the lack of studies capable of measuring the physical and psychological damage[13] caused by electronic monitoring puts the integrity of women and children at risk;

e) Creates embarrassment and stigmatizes women and also children;

f) Hinders health treatment and care regarding mental disorders and terminal illnesses.

[13] Many monitored individuals suffer irreparable physical and psychological damage. Not rare, people suffer burns, electrical shocks, or injuries due to using the device.

In addition to the State having to guarantee women's rights in all their specificities, children's rights also need to be ensured, including all kinds of protection. The monitoring applied in these situations disregards the principle of personal imputation because it also affects children, going beyond the monitored person. The monitored mothers frequently experience discriminatory and harmful treatment and, consequently, their children, implying routines marked by penal or humiliating nature. Children become excluded and discriminated in social spaces such as neighborhoods, kindergartens, schools, hospitals, squares, parks, etc. These dynamics can be perpetuated in adolescence and adulthood, resulting in a systematic production and reproduction of vulnerabilities and criminalization, contributing to the feedback cycle of the selective criminal justice system.

We must face the reproduction of these harmful structures, which in Brazil are gaining even more vigor due to the unequal access to rights that should be universal, which is contrary to the foundations of the Constitution itself. It is urgent to guarantee the rights and protection of pregnant women, postpartum women, or mothers with children up to 12 years old under their responsibility and, consequently, to the children. Public security officers should pay attention to the following recommendations:

a) the use of handcuffs or any other means of restraint during the delivery and postpartum of women and in the displacement related to these procedures should not be allowed, which necessarily includes the electronic anklet, since monitoring can serve as a mechanism to potentiate cases of obstetric violence;

b) the use of handcuffs or any other means of restraint, including the electronic anklet, should not be permitted for women with mental health disorders, terminal illnesses or who are under any type of health treatment.

The State must guarantee these women's care through the Unified Social Assistance System (SUAS) network and the Unified Health System (SUS). Thus, the conditions applied (with or without electronic monitoring) need to be properly documented to enable – rather than create obstacles – such services, which, in turn, should result in adequate social protection with referrals based on appropriate guidelines.

12
Processing and protection of personal data in the electronic monitoring services

Monitoring services are commonly and mistakenly seen as more of a public security tool, not as a criminal policy. It then becomes a natural practice to share data of monitored people with public security agencies, especially when prison goals are seen as indicators of public security policy. It indicates the existence of different understandings regarding the preventive work of the police in the treatment of incidents involving monitoring, as well as the need for alignment based on institutional norms and consensuses published on this matter.

All data generated by the electronic monitoring services are characterized as sensitive personal data. It is sensitive personal data, not open data, and, given the potential risks it carries, not anyone can freely use it, reuse it, and re-distribute it. There is a potential in sensitive data for discriminatory or particularly harmful use not only to an individual but also to a collective level (those monitored people on temporary release can be a good example, as well as relatives and friends of the monitored person). Carelessness and misuse of this data can incite the persecution of victims and unjustified arrests, entailing violations or restrictions of rights and access to public services.

Adequate treatment and protection, in line with the principles of information security, are even more urgent and necessary, as they are also data stored from the monitored people's relatives, friends, neighbors, and acquaintances. According to the Centers, this procedure occurs to facilitate the location of the monitored people in case of any incident when they do not have a phone or do not answer the phone.

Protecting and processing the personal data of the monitored people through appropriate protocols aligned with human rights to guarantee constitutional rights aimed at protecting honor, image, and private life during the fulfillment of the measures is fundamental. Regarding this, art. 6 of Decree n.º 7,627/2011 regulates electronic monitoring requirements: "The monitoring system should be structured in such a way as to preserve the confidentiality of the data and information of the monitored person" (Brasil, 2011b).

Moral and social integrity is strictly linked to the protection of honor, image, privacy, and dignity, and, therefore, to the personal data of the monitored person, especially for the risk that its misuse presents. However, little is said about the dangers embodied in processing personal data in the criminal justice system, probably because the prisoner or the monitored person is not considered an individual of rights.

It is necessary to foresee and charge, in an instrumental and protocol manner, the responsibility of the electronic monitoring managers so that they remain diligent and attentive to this data manipulation, as well as the other staff that handles such data. Decree n.º 7,627/2011, which regulates electronic monitoring, underlines:

Art. 3

The monitored people should be provided with a document stating, in a clear and timely manner, their rights and duties to which they will be subject, the period of surveillance and the procedures to be observed during the monitoring period.

(...)

Art. 7

Access to the data and information of the monitored person shall be restricted to the personnel expressly authorized who need to know them by virtue of their duties.

The privacy of monitored individuals is even more sensitive because personal geolocation data have more significant potential for harm regarding excessive exposure of intimacy, not stipulated in the judicial measure, that is, an abusive form of control. Therefore, it is essential to reinforce the relevance of applying the following rules in electronic monitoring services.

12.1. Provision of data to third parties by communication, interconnection, transfer, diffusion, or extraction

The National Council of Justice, through Resolution n.º 213/2015, presents the following understanding of data sharing in electronic monitoring:

> *By covering data that presupposes secrecy, the use of information collected during the electronic monitoring of people will depend on judicial authorization, in accordance with art. 5, XII, of the Federal Constitution (art. 10, CNJ Resolution No. 213/2015).*

The National Council of Criminal and Penitentiary Policy in Resolution No. 5 /2017, which states the policy of implementing electronic monitoring in the scope of restraining orders, investigative procedures, prosecution, and criminal law enforcement (Brasil, 2017d), presents a consensus perspective regarding the CNJ's understanding when it refers to the data sharing in electronic monitoring services:

> *Access to the data and information of the monitored person will be restricted to the personnel expressly authorized who need to know them by virtue of their duties.*
>
> **Single paragraph**
>
> *Any requests for information on people subjected to criminal investigation shall be formally requested from the competent judicial authority.*

The management model brings principles and rules about the subject in accordance with the understandings expressed in the resolutions as mentioned above and Decree n.º 7,627/2011, which regulate electronic monitoring, with the emphasis on the following rules:

25

The activities of the Electronic Monitoring Centers should prevail by the adoption of adequate standards of security, secrecy, protection and use of data of monitored people, respecting the processing of data in accordance with their purpose.

26

Data collected during the compliance of the electronic monitoring measures has specific purpose and should be related to the follow-up of conditions judicially established.

27

Monitored people's information may not be shared with third parties unrelated to the criminal investigation or investigation process that justified the application of the measure.

28

Access to data, including by public security institutions, may only be requested in the context of a specific police investigation in which the duly identified monitored person is already a suspect, and submitted to the judicial authority, which will analyze the actual case and reject the request or not (Protocol I, CNJ Resolution No. 213/2015)[14].

28.1

It is prohibited to share data of the monitored individuals or any data from the electronic monitoring system with third parties without prior judicial authorization, except when the Center, given the continuous monitoring, needs to deal with an incident of violation of the exclusion area by complying with restraining orders with the specific need to activate public security institutions;

28.2

The treatment of incidents related to the violation of the exclusion area by the man complying with restraining orders with approach to the woman in a situation of domestic and family violence must necessarily be registered in the electronic monitoring system, according to date and time, triggering the handling modalities in the following order: 1) sending signal to the elec-

[14] The provision of personal data for criminal investigation purposes, especially geolocation personal data during storage, should depend on prior authorization.

tronic monitoring device; 2) telephone contact with the monitored person; 3) telephone contact with the woman in a situation of domestic and family violence to check on the incident, only in the case of restraining orders; 4) telephone contact with relatives, friends, neighbors, or acquaintances of the monitored person; 5) telephone contact with relatives, friends, neighbors, or acquaintances of the woman in a situation of domestic violence to check on the incident, only if it is impossible to contact the woman;

28.3

All incidents and their treatment modalities must be recorded and have verifiable autenticity by the monitoring system;

28.4

After all the modalities of treatment of incidents of violation of the exclusion area have been exhausted in the case of compliance with restraining orders, duly accommodated and registered in the system, and only when it is not possible to handle the specific incidents through direct or indirect contact with the monitored person, the woman in a situation of domestic violence, or their respective family, friends, neighbors, or acquaintances, the urgent triggering of public security agencies shall made possible by the electronic monitoring system through the generation of a sub-occurrence;

28.5

The specific sub-occurrence that enables the activation of public security agencies by the Electronic Monitoring Center should allow the sharing of personal data of the monitored according to the principles of necessity and minimum information, limited to the following data: 1) name, 2) last personal geolocation, 3) addresses, 4) photo;

28.6

Other sensitive personal data may be shared exclusively in the event of specific police investigation in which the duly identified monitored person already appears as a suspect with prior judicial authorization, as already mentioned;

28.7

All incidents, their respective follow-ups and conclusions must be recorded in the electronic monitoring system, especially in exceptional situations in the case of restraining orders that mobilize external procedures to the routine procedures of the Electronic Monitoring Center with the activation of public security agencies and the provision of personal data of the monitored person.

29

Any accusation of civil or criminal liability must be duly investigated, giving effect to the penalties applicable in the case of deviations from purpose or non-compliance with the rules at any stage of the personal data processing of the monitored person, which are sensitive by nature;

29.1

To allow for fair accountability processes in any case of misuse of personal data, the electronic monitoring system must record information from the public security institution with which it shared sensitive data of the monitored individuals or any other person who has personal data stored in the system. Also must be reported in the system the media or channel through which the data were made available (telephone, radio, email, telephone messages, etc.) and, above all, information that precisely identifies the institution, which may include the address of the establishment, the requesting department, and the professional identification of the officer to whom the data were made available;

29.2

It is prohibited to share with third parties the personal data of the monitored individuals, women in situations of domestic violence, and their family, friends, neighbors, or acquaintances;

29.3

The system should mandatorily record identification metadata on the individuals who accessed personal data of the women in situations of domestic violence and their families, friends, neighbors, or acquaintances, as well as identification metadata of the institutions to which the individuals belong;

29.4

In order to enable individualized accountability for the use of sensitive personal data, public security institutions that have access to the personal data of monitored people, women in situations of domestic and family violence, friends, neighbors, or acquaintances, should develop forms of internal and external control of this information, including audits.

30

The sharing of personal data of monitored people, women in domestic and family violence situation and their families, friends, neighbors, or acquaintances with public security agencies should be subsidiary, exceptional, and avoided through the handling of incidents by trained and capable operators to ensure priority compliance, maintenance, and restoration of the measure in liberty, as well as through the adoption of awareness and psychosocial care measures (Brasil, 2017a, p. 144-147).

13 Cooperation between Electronic Monitoring Center and the public security system

The Electronic Monitoring Center should build agile and fast workflows with public security institutions. Constant awareness, training, and improvement should be the methodological base necessary for the aligned work with public security agents, especially those who operate in specialized groups such as the Maria da Penha Patrol, in specialized police stations for women (DEAMs), among others. In this direction, it is up to the National Secretariat of Public Security to provide initial and continuous training to improve policies designed to confront domestic and family violence[16].

Dealing with specific incidents requires ongoing dialogue between the Center and public security institutions, always considering concrete cases and according to the needs perceived by the Center's teams. This relationship can prevent the aggravation of the criminal situation and increase the efficiency of the work of public security agents since calling the police should be reserved for cases of greater severity, from the identification of the Center's teams, according to the protocols consolidated in this document. The purpose of this strategy is not to saturate the capacity of police institutions due to their broad demands and to expand the effectiveness of its action in the face of concrete situations identified as a priority by the Center.

[15] The "Technical Norm of Standardization of the Specialized Women's Service Stations" produced by the DEAMs states that: "Professionalization: the modernization of the Brazilian civil police requires highly professionalized positions in management techniques in accordance with national legislation and international treaties, particularly with regard to the respect for the fundamental rights of men and women; (...) Education and citizenship: this social vocation recommends frank openness to the inflows of social reality, especially for the correct audience, which is a premise for overcoming the merely reactive role of investigative activity since it is there, in the reality of the conflict on which it projects daily, the effective place of production of a criminal law that breaks with the stigmas against the hyposufficient social segments" (Brasil, 2010b).

13.1. Why establish joint protocols?

We aim to structure a systemic policy that requires the commitment of several actors linked to monitoring services. It is essential to think in an interdisciplinary way when designing protocols and cooperation agreements involving the Judiciary, public security agencies, managers of the Executive Branch, civil society organizations, work teams, and social protection networks. The roles, actions, and responsibilities relating to each of the actors of electronic monitoring should be considered and take a protocol nature.

Abandoning practices guided by common sense, like "learning by doing" and not methodology-based practical knowledge, is elementary in the field of public policies. On the other hand, practical knowledge should have its value and importance recognized. Still, it is necessary to keep in mind that it opens up space for interventions of an authoritarian and personal nature when dealing with public policies that, a priori, must be developed for individuals universally and uniformly, considering the assumption of equality as an instrument to face privileges based on the individual's status. Considering the primacy of the democratic rule of law, the protocols have a crucial role in the protection and guarantee of fundamental rights for different individuals regardless of their status:

> *These protocolos, therefore, must prevent public agents from committing infractions that could harm them judicially. Following such protocols is a guarantee for users of public services and for the agents themselves. Therefore, any contradiction to the protocols is a calculated risk of doing something morally wrong. Constant vigilance should ensure that agents do not deviate from protocols. Thus, the routines must be analyzed individually, adapting them to those involved (Lima, 2013, p. 572-573).*

As a way to protect all the rights of the monitored people, the staff of the Electronic Monitoring Center and the officers of public security agencies, mainly with regard to data sharing and handling of specific incidents that may demand police action by the Center – as in the case of some incidents of violation of the exclusion area with restraining orders – among other actions, we recommend the establishment of protocols. Taking into account the singularities of each Federative Unit in terms of the arrangements and structures of

Electronic Monitoring Centers and public security agencies, we recommend observing the laws and regulations presented in this material.

Once again, the administration, operation, and control of electronic monitoring is the responsibility of the departments of penitentiary administration of the states through the Electronic Monitoring Centers. It is essential to highlight that police action should not lead to the arrest of the monitored people. The role of the police in the scope of electronic monitoring services, according to legal and normative provisions, must be secondary and strictly requested in the resolution of specific incidents, according to the demands from the Centers. On the other hand, considering the roles and duties of agents from public security institutions, arrests should be made in situations involving *in flagrante delicto* arrest. That is, an arrest occurs not because the person is simply electronically monitored but because of the *in flagrante delicto* situation.

Protocols drawn up and agreed upon on this subject must be incorporated into the routines of the Centers and public security institutions. Improvements in this direction favor the qualification of both policies and ensure the work of the servers. We highlight that the interventions ordered by the Center, jointly with public security agencies in the treatment of strict incidents, are aimed at maintaining the compliance of the judicial measure of electronic monitoring and the breadth of the work of police institutions. The arrest of people simply because they are in public areas wearing anklets should be avoided. Conflict management should be based on practices that enable compliance with the monitoring measure, in decarceration, in the qualification of the gateway to the prison system, and protocols of action that avoid its feedback cycle, especially in the face of the Brazilian government's commitment to reduce the prison population[16]. In renewing the recommendations made to Brazil in this area, the UN High Commissioner emphasizes the need to promote alternatives to imprisonment, such as alternative measures, house arrest, and electronic monitoring.

[16] The agreement with the UN was announced in Geneva during a meeting between the Special Secretariat for Human Rights and Brazilian and international NGOs in 2017. The goal of reducing the number of prisoners is also included in the multi-year planning of the Ministry of Justice for 2016-2019 (Brasil, 2017c).

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TECHNICAL DATA SHEET

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