



Summary of the advisory report 'Legislative proposal for alcohol monitor' by the Council for the Administration of Criminal Justice and Protection of Juveniles (RSJ)

On 23 April, the Advisory Division of the Council for the Administration of Criminal Justice and Protection of Juveniles (hereinafter referred to as the 'RSJ') issued an advisory report on the legislative proposal for the alcohol monitor to the Minister of Justice and Security. This bill provides for the compulsory use of the alcohol monitor, which continuously measures alcohol consumption through an ankle tag, as a means of monitoring whether a suspect or convicted person on whom an alcohol ban has been imposed complies with that ban. In principle, the RSJ is positive about the application of the alcohol monitor as a monitoring tool for an alcohol ban, but it is of the opinion that the bill requires clarification and/or further detailing on several points.

The alcohol monitor is a valuable addition

The criminal court can impose an alcohol ban as a special condition. Compliance with the ban is currently monitored by means of compulsory blood and urine tests. At present, the application of the alcohol monitor as a monitoring tool for an alcohol ban is only possible with the consent of the individual in question.

The RSJ believes that the alcohol monitor is a valuable addition to the existing options for the enforcement of an alcohol ban. The alcohol monitor can improve the monitoring of an alcohol ban and, compared to compulsory blood and urine tests, offers individuals more freedom of movement and imposes fewer restrictions on them. The RSJ considers the alcohol monitor a monitoring tool with a far-reaching impact and therefore welcomes the fact that the use of the alcohol monitor will be regulated by law.

In its advisory report, the RSJ emphasises the importance of using the alcohol monitor as part of a comprehensive package of counselling, interventions and talks. The RSJ therefore endorses the starting point referred to in the explanatory memorandum to the bill, according to which the alcohol monitor is imposed in combination with supervision and counselling by the Probation Service, and wholeheartedly agrees with the working method to be used in practice, in which the alcohol monitor is combined with professional counselling.

Comments on objectives and expected effects

Through the use of the alcohol monitor, the legislator aims not only to improve the monitoring of the alcohol ban, but also to make a contribution to reducing alcohol abuse and alcohol-related delinquent behaviour. In a criminal law context, the RSJ sees the alcohol monitor solely as a monitoring tool to check compliance with the special condition of the alcohol ban. For this reason, the RSJ recommends formulating the objectives of the bill more precisely so that they fit in with a technical monitoring tool such as the alcohol

