

# Virtual punishment: the experiences of electronic monitoring

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## in brief

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### Key Points

- Limited research exists about the daily experience of criminal justice sentences. What does exist comes mostly from the perspective of the convicted person and less from their immediate social circles.
- Subjective perceptions of a penalty depend on what it is compared with: a person's experience and perception of a penalty is relative.
- Electronic Monitoring (EM) can have a punitive impact, as well as perceived benefits, on both the person subject to the order and the people living with them.
- EM impacts upon people other than the person tagged - perhaps even more so than with other penalties - not least because these people are also deployed in its enforcement (perceived as 'co-punishment' and 'co-punisher').

### Background

In recent years, electronic monitoring (EM) has become an established tool within the Belgian criminal justice system. From its inception in Belgium in 1998, there has been great political and scientific interest in EM. It has gained significantly in popularity over the past few years, but few reports have focused on the experience of people faced with the daily reality of EM.

The research summarised here explores subjective perceptions of EM, focusing on the daily experience of it to gain a better understanding of this measure and to compare this with perceptions and experience of imprisonment. The research included people subject to EM and the people living with them (their co-residents).

People who are subject to EM often do not live alone but have various types of co-residents (partner, children, family, friends, etc.). This research explored the experience of both groups to understand their perception of EM and to highlight their roles in the application of this measure.

For this study, 74 people subject to EM and 30 co-residents were interviewed face-to-face at home or in prison.

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## Findings

### General

It is almost impossible to research the perception of other penalties without reference to prison. The weight given to the various perceptions of a penalty depends on what it is compared with (e.g. prison v community penalties): the subjective experience of a penalty is relative.

In this research, people subject to EM and their co-residents both perceived EM to be better than imprisonment. EM can have a punitive impact on both the subject and the co-residents, but they often perceived valuable and constructive elements to it as well. For both groups, the favourable elements of EM usually made up for the unfavourable ones, especially because the person subject to EM was (back) in the home environment, and EM was being compared to imprisonment. However, this was not true for all cases: some subjects and their co-residents abhorred EM because the deprivations played a more significant role, in their view, than the favourable elements, to the extent that they said they would not approve of it again:

**“I also had times when my situation was really bad: I lived in a very small studio flat, I had no television, nothing, there was a shared bathroom... I had no prospects for work, and I did not find any work. I sat sometimes literally without food. Nobody came to visit me, so I thought that I was better off in prison [rather than serving my sentence through EM]...So I chose to let it all go, and I went to prison.” (R19)**

This type of experience shows the clear need for EM to include inbuilt support rather than merely surveillance if it is to be effective.

Despite the general preference for EM, most of the respondents nevertheless talked about a (sense) of punishment. Besides the many favourable elements of EM compared to imprisonment, it is important to pay attention to the ‘pains’ it presents - even if those are often better than imprisonment. These deprivations cause side effects and make the penalty more difficult than it seemed at first. During this research, it was striking that respondents often talked very thoughtfully about their perceptions of EM and did not always strictly categorise their experience as positive or negative:

**“At home, you are free to watch the television, to go into your own garden. The family can come to see you, you can take a shower as you want, you can be intimate with someone, with all respect you can go to the toilet. It is not like you are in prison, you are not in a cell.” (R18)**

**“Even when I just go outside on to the terrace of the apartment, that thing, the box, starts to give an alarm signal while I am in the apartment. So it is really your prison at home.” (R23)**

### The ‘pains’ of criminal justice orders

The research noted that, among the people monitored, similar deprivations to imprisonment (e.g. loss of liberty, loss of autonomy) can be found in EM in varying degrees. It showed a continuum of deprivations depending on the degree of freedom, in which the highly secured prison walls and the related classic ‘pains of imprisonment’ gradually fade out, replaced by ‘virtual’ boundaries accompanied by ‘new’ and other - more invisible - ‘pains’. These include for example the enormous psychological pressure (stress, fear, temptation, and uncertainties), the various tensions that arise due to absence of important elements of social life, and the problems in finding a job due to the limitations of EM. Hence, it depends on the type of penalty, or the conditions attached within a certain penalty, that the same ‘pains’ appear to varying degrees in the foreground or background.

The research ascertained that the existing frameworks in the literature on prisons ultimately appear insufficient to cover all aspects of the perceptions of people subject to EM. The strong focus in the literature on deprivations within the prison provided an all but perfect and complete framework for the findings in this study. In linking the results from this research to the various ‘pains of imprisonment’ of Sykes (1958; deprivation of liberty, deprivation of goods and services, deprivation of heterosexual relationships, deprivation of autonomy, deprivation of security), Crewe (2011; uncertainty and indeterminacy, the pains of psychological assessment, the pains of self-government), and Shamas’ ‘pains of freedom’ (2014; confusion, anxiety and boundlessness, ambiguity, relative deprivation, individual responsibility), the ‘pains’ of EM were strongly magnified.

The results show that a perception (of EM) is more balanced than a focus on the 'pains' alone and often contains other components. Experiences of the penalty also comprise elements that can be viewed as 'gains' (such as the possible emotional, physical, intellectual, or social improvement in prison and the stability and structure offered, as well as breaking with former habits and associations during EM). Therefore it is important to focus not only on the additional distress caused by a penalty but also on improvements as a result of the penalty. One respondent (with two months' prison experience) said for example that EM was positive because he was at home with his family more as a result of EM:

**“They [the tag] gave me more hours to be with my family, because formerly I went to friends or something, but now I spend a lot of hours together with my family.” (R4)**

A striking finding was that people preferred to talk about unfavourable elements first when speaking about imprisonment, but when talking about EM, they usually mentioned the favourable elements first.

## The experience of co-residents

In this research, both imprisonment and EM had a significant impact on co-residents and loved ones, who experienced unintended side effects, despite the fact that they were not the ones directly subject to the punishment. With EM we see that others - perhaps even more than is the case with other penalties - are affected by this method of enforcement, but are also deployed in enforcing the order (e.g. in making sure the person complies with the curfew, or not going out because they can't all go out together). This can put considerable pressure on families and consequently place strain on relationships:

**“I have two kids and sometimes I can't stand it any longer ... You can't have fun - that's not right. It's as if there is a grey cloud hanging over the house. I wish things were different...Is this how life is supposed to be?” (6c, partner)**

First, co-residents are visually and mentally confronted with the EM and the daily consequences of this method of enforcement. Most of the co-residents were satisfied with EM (and put the burdens of it in perspective) because the person subject to EM is at home. However, this was not the case for all co-residents: some felt punished by the EM because their lives were affected as well - though again they tended to prefer this to prison:

**“You feel restricted as well. You feel that there is a sentence for you too. That is because you usually do things together or that you are taking up things he normally does. These are tedious things, but this is much better than him being in prison.” (76c, partner)**

The fact that the perception of the person subject to the order did not differ dramatically from the perception of the co-residents shows that co-residents, who are free people, can feel treated in a similar way:

**“[If the person under EM] is not outside, I am not outside. I can't say, “I will go there and you have to stay in.” This is something you should not do. We are punished as well.” (63c, partner)**

Moreover, the co-residents adopt additional roles in the enforcement of the penalty: they take up extra tasks and responsibilities, check the conditions (e.g. timing of curfews), and offer support because they want the person subject to the order to comply with the imposed conditions.

**“Household activities are sometimes difficult. Putting the garbage cans outside is hard for me. This is usually his [person under EM] job, but now it is mine. Or shopping ... that has become something I do alone, while previously we did it together. Now he hasn't much free time, it would be sad if he needed to do shopping then. I have a lot on my shoulders and it's sometimes hard.” (26c, partner)**

The extra roles the co-residents take on (such as helper, social assistant, and inspector) possibly mean that their actual roles (such as partner or mother) and related responsibilities can be performed to a lesser extent.

**“You don't have the chance to be a real partner. You constantly have to try to set rules and see that they are observed. [...] I have to be strong for him, have a hold on him. He wants that too, but it makes it really hard for me. I have my own life too ... and I just want to get some love and tenderness as well. I don't want to be tough all the time...” (32c, partner).**

# Conclusion

We can conclude that EM is distinctive but not completely different from imprisonment. There are similarities between the experiences of people subject to EM and their co-residents as well as similarities with the experience of other types of punishments. In addition, however, the findings make clear that EM - characterised by virtual boundaries - relies on the responsibility of the people subject to the order and their social network.

Punishment and control receive another interpretation with EM, where we see an interaction between society, the person who has committed the offence, and the people close to him or her. The intervention of the government becomes more limited, while their personal responsibility becomes more prominent. On the one hand, accountability is an important controller for the person tagged. We see a kind of contractualisation of punishment, which stimulates people to follow the rules. There is a shift from external to internal pressure (namely self-discipline). On the other hand, co-residents adopt additional roles that mean they are also involved in the execution of sentences. Private and public spheres become more mixed during EM, giving the appearance of an expansion from the world of prison into wider society. This all points to another, new form of enforcement, where the government distributes – and unintentionally shares – the exercise of power.

## Recommendations

The findings of the research apply to reflections and recommendations for future research, policy, and practice. The subjective perceptions of penalties other than imprisonment, and how these affect people involved indirectly such as children, victims, and other significant parties, would benefit from further attention, while recognising the sub-conscious influence of comparisons between various types of penalties.

The knowledge and experience of Electronic Monitoring that people on an electronic tag and their co-residents have can help policy makers and practitioners improve their systems and services. Policy recommendations from the research summarised here include the following:

- It is important to pay attention to individual, social, and contextual factors in the allocation and execution of EM.
- EM should be treated as a means and not as an end in itself. Preference goes to embedding EM and relating it to reintegration programmes. Individualised support, and the combination of control and guidance, are important.
- Proper selection, information, and training of staff with regard to the EM regime, target group, and awareness of the impact on co-residents are important for consistency in application and approach.
- It is important to pay attention to significant others and to consider them as integral parties within the enforcement of the penalty.
- A comprehensive information policy and proper support are important for both the person under the order and their loved ones.

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## For additional references and the full version of this report, contact Families Outside.

Families Outside is the only national charity that works solely to support the families of people affected by imprisonment in Scotland. Our purpose is to improve outcomes for children and families affected by imprisonment so they can live healthy, active lives free from stigma and impediment.

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