

REVIEWS OF PROFESSIONAL PERIODICALS

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“The Electronic Monitoring of Offenders Released from Jail or Prison: Safety, Control, and Comparisons to the Incarceration Experience” by Brian K. Payne and Randy R. Gainey (December 2004)

House arrest with electronic monitoring (EM) was implemented in 1984 and has been used at various stages of the criminal justice process. Although some jurisdictions use electronic monitoring at the pretrial stage, most employ it as a sanction to supervise and control offenders in the community after conviction. EM may be used as a sanction in and of itself, or along with other sanctions in cases where the offender may be required to serve a short custody sentence. When used with a period of imprisonment, EM is imposed as a special condition of probation upon release from custody. Payne and Gainey focus their research on this type of offender and consider how they experience house arrest with electronic monitoring.

A number of concerns immediately surfaced with the use of EM, such as the possible invasion of privacy, either by the government or by private agencies. Using technological advancements to control and punish has been described by some as overly intrusive and barbaric. Other critics state that EM is not really an alternative to incarceration but simply a new type of sentencing alternative. Consistent with the principle of net widening, critics also claim that many offenders sentenced to electronic monitoring would in the past have been informally diverted. Another criticism of EM was that offenders remained in the community and could easily escape from this type of supervision. Finally, critics claim that EM turns the home into a prison. This study attempts to partially investigate this criticism by asking offenders whether their homes were “prisonized” during their participation on EM.

Paine and Gainey’s major finding was that offenders who spent part of

their time in jail followed by EM experienced the sanction, for the most part, in a way that can be characterized as controlling and rehabilitative. The EM offenders did experience some problems, and certainly felt the sanction was a controlling mechanism, but they generally preferred EM to imprisonment.

The study presents three general policy recommendations. First, EM offenders, especially those released to EM following a period of confinement, should be clearly informed about what to expect beforehand in order to minimize potential problems. Offenders must be told that the sanction is controlling and may take a toll on other resident family members. The potential for family problems is high if the offender and family members are not informed beforehand about the possibility of discord.

A second policy recommendation is that other groups should also be educated about this type of sanction. The general public, policymakers, and the media tend to have serious misconceptions regarding EM. Policymakers and the public tend to favor punitive approaches toward the handling of criminals, and EM is generally perceived as a lenient, slap on the wrist punishment. However, most offenders experienced EM as far from lenient. Although the sanction is seen as preferable to jail, as long as it is reserved for less serious, nonviolent offenders, there should be little concern about public safety, and the public needs to know this.

The final policy implication is that community-based sanctions can be effectively combined with other traditional sanctions. The authors conclude that the combination of sanctions meets the demand of the public, which generally wants judges to incarcerate first, and then rehabilitate. When applied after incarceration, EM achieves the public's desire for punishment and rehabilitation.

This study also has two major implications for correctional theory. First, comments from the offenders lend credence to assumptions underlying social control theory, which posits that crime occurs when individuals' bonds to society are weakened. The key to addressing crime is to assure that offenders remain connected to the community such that they feel that they have too much to lose by violating their conditions. Thus, EM allows offenders to maintain family ties and "connectedness." Offenders in this study seemed to realize that they had too much to lose by violating their EM conditions, and they appreciated the opportunity to maintain family and employment bonds. Some participants admitted that the controlling nature of EM helped to keep them in line. A second finding with theoretical implications for self-control theory is that many of the offenders in the study admitted that the sanction had taught them self-control.

The authors were unable to determine whether offenders believed that EM

turned the home into a prison. About half agreed that it does, and about half disagreed. This would seem to suggest that EM affects offenders and their families differently. Future research on EM should examine this question. In addition, future research, according to the authors, should broaden the way success is operationalized. All too often researchers defined success exclusively in terms of recidivism; however, success might also be defined in terms of public support, offender's response to EM, whether the sanction is humane, cost-effective, and how the sanction affects others.

This study also attempts to demonstrate that offenders can serve as a source of information about the usefulness of the sanction, and the authors encourage others to explore how offenders in the community experience their sanction. In this regard most offenders on EM agreed that it would be easy to escape but that the potential consequences kept them from even contemplating this option.

Offenders also recognized that they would get into significant trouble if they tampered with the monitoring equipment. The comments from offenders show that they see their ties with their families and jobs as being too important to risk. When discussing the severity of the EM sanction, offenders generally agreed that EM does in fact control their lives in much the same way that incarceration controls inmates' lives. However, the loss of freedom is a relative experience, and the experience of this loss does vary from offender to offender. Clearly, the sanction is experienced both as a loss of freedom and as a punishment. When asked to compare the sanction with their time in jail, most offenders saw EM in a positive light. The majority of offenders had spent at least some time in jail, and all of them preferred EM to jail.

When questioned about why jail was worse than EM, offenders generally pointed to four different areas: differences in the amount of control, the ability to maintain family ties, the ability to maintain employment, and the availability of time for reflection. While most offenders enjoyed the opportunity to be with their families, some commented that family problems arose as a result of the sanction.

The primary purpose of the study is to demonstrate that offenders can serve as a major source of information about a sanction. In this respect it appears that EM, as perceived by offenders, achieves both punitive and rehabilitative objectives, and thus should satisfy the public's desires. Electronic monitoring does indeed provide a controlling mechanism that restricts the offender, while allowing him/her to maintain family ties and employment. Furthermore, the sanction is cost-effective and reintegrative, and there is some indication that EM helps maintain social control by strengthening the offender's bonds to the community and thus enhancing self-control. However like most community-based sanctions, EM must be assigned with care, and it should generally be restricted to non-violent

offenders. The article succeeds in demonstrating that offenders' perceptions of particular sanctions are worthy of examination, and also succeeds secondarily in demonstrating that EM remains a viable alternative to incarceration. In order to garner increased support for EM, however, policymakers and the public must be informed of the punitive and rehabilitative aspects of this cost-effective sanction.