

Reflections on the future of EM

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1. Evolution of EM

- **Expansion, expansion, expansion....**
- Number of countries (worldwide)
- Number of offenders subject to EM
- Implementation of EM in diverse phases in the CJS
- Diverse types of EM technology
- Diverse types of offences and offenders and other target groups

1. Evolution of EM

- We want more! And the sky seems the limit...
- Why EM?
 - **Penological** aims
 - Retribution?
 - Deterrence?
 - Containment - custody?
 - Re-integration - rehabilitation?
 - Crime suppressing effect?
 - **Systemic** goals (!)
 - Reduction of the prison population
 - Cost-effectiveness

2. Driving forces?

- Evidence – based policies?
 - Does evidence (really) matter?
- ‘Window of opportunity’ (Dobry, 1986)
- Policy transfer (Nellis, 2000; Jones & Newburn, 2007)
 - CEP conferences ☺

3. What is EM?

- *" Nothing more or less than a form of remote surveillant control, a means of flexibly regulating the spatial and temporal schedules of an offender's life"*
(Nellis, CEP, 2011)
- What is it's potential 'crime suppressing' effect?
 - ➔ Stand alone or integrated in probation



4. How does EM 'work'?

- From 'what works' to '**how** it works' and '**why** it works'?
- Output versus process oriented research
- Qualitative, ethnographic research approach
 - 'Being there', insider's view

4. How does EM 'work'?

Situated understanding of

"The networks, forms and formats through which knowledge, understanding, commitment and belief are circulated and exchanged"
(Sparks, 2001)

5. Situated understanding of the operation of EM



Social, political and penal context

- Penal context of an overburdened punishment system and pressure of public opinion to 'do something'
 - >< budgetary crisis
- Political interest fuelled by lobby from private sector
- Budgetary crisis
- Managerialism
- Technological developments

Organization of EM

- Integrated or stand alone model?
- Embeddedness of EM in probation /prison service
 - EM as front door or back door measure
 - Diverse degrees of control and freedom
- Centralistic versus fragmentated organisation model
 - Cf. information on the offender
- Decision makers
 - Imposition → risk assessment/social reports?
 - Selection criteria?
 - Time schedule and (gradual) degrees of freedom
 - Recalls / breaches
 - Slippery slope versus transparency, grey zone



Professionals

- (Public) supervisory staff, (private) monitoring staff
 - Interactions, routine practices
 - Communication
 - Private - public interactions add another layer of complexity



Professionals

- Who are they? Professionalisation? Training
 - Professional cultures and values, practical wisdom
 - ! Explain and TALK to the offenders,
 - Relationship building?
 - Importance for compliance and desistance process
 - Quid virtual relationships and experience with technology
- Professionals as mediators of official/ stated goals
 - Versus their 'real' goals (Denkers, 1976)



Offenders being subjected to EM

- Advantages and disadvantages of EM
 - Prison experience versus first offenders
- Compliance
 - Pioneering work of A. Hucklesby (2008; 2009)
 - EM adds a level of constraint and stability
 - Stimulation of the motivation to change?
 - Importance of family / community ties
 - Threat of punishment versus rewarding compliance

Offenders being subjected to EM

- What does it mean to live under EM?
 - Long tradition of prison research as a source of inspiration
- **Sykes** : *Society of captives*, five pains of imprisonment, nl. the deprivation of :
 - Liberty, goods and services, heterosexual relationships, autonomy, security
- ➔ EM : access to these goods within certain limits
- ➔ Virtual prison in a **virtual free world**

Offenders being subjected to EM

- Pains of EM : Payne and Gainey (1998; 2000)
 - Monetary costs
 - Effects on the family
 - Temptation effect
 - Bracelet effect (shame)
- B. Crewe (2009) : understand the nature of **penal power** in the modern prison
 - More complicated picture, new frustrations
 - **Neo-paternalism** → soft, more subtle power
 - The prisoner as an agent of his own incarceration

Offenders being subjected to EM

- EM : **virtual power relations** with different actors
 - ➔ complexity, confusion
 - Who has the power over what?
 - Who supports and who controls?
 - Who embodies the penal system?
 - Front line workers are the interface with 'justice'
 - What is the effect of communication at a distance?
 - ! Quality of relationships for desistance process
 - Family members become involved in a disciplinary project versus assistance and support

6. Conclusion

EM has become big business

Dispersal of discipline (S. Cohen, 1985)

- ***Widening the net***
 - Netto increase of penal control → 'quality' and 'nature' of penalty changes
- ***Thinning the mesh***
 - New, more intensive community sanction
→ tagging, GPS
- ***Blurring*** the boundaries between institutionalized and non institutionalized forms of control
 - Control at home
- ***Penetration*** of penal control in the informal networks in the society



Nature of EM

- EM is not intrinsically rehabilitative!
 - Do we need EM to rehabilitate??
 - ! Capacity to build human and social capital
 - Strict time schedule can hamper real integration
 - Struggle with virtual freedom → stress
 - Combine technology with human assistance → human face of punishment
- Communication at a distance, anonymous power
- Declining sensibilities of 'big brother' aspect
 - Risk of downplaying the punitive aspect of EM...

Recommendations

- **Use it sparingly!!**

- Quid low risk / high risk offenders?
- Individualisation of the programmes
- Time perspective / duration
- Beware of cocktail measures → increased violations

- **Define clear objectives**

- Control, re-integration, punishment/retribution?
- EM as an intermediate between prison and probation
 - Statute of the monitoree? → prisoner or probationer?



Recommendations

- Gain insight in the **institutional wisdom** of the daily routines of the EM professionals and into the lived experiences of the offenders, the families and the professionals
- **! Pilot first** → ! Local penal culture



Future of EM?

- From mass incarceration to mass control in the society
! GPS is attractive and sexy....
- Consequences for society, families, victims, employers?