

Electronic monitoring: international and comparative perspectives

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The past three decades have increasingly witnessed the adoption of electronic monitoring (EM) technologies by countries around the world; these technologies have become central to the ways justice agencies accomplish many of their objectives, in a variety of settings. As such, investigating how EM illustrates and forecasts the emerging landscape of punishment and control is a timely project for a journal dedicated to the study of crime, law, and social change. With the advent of technologies that track and remotely observe offender populations, monitor compliance with rules and restrictions, and provide virtual detention and incarceration, a range of philosophical, penological, legal, socio-cultural, and practical concerns are raised; many of these topics are addressed by the contributors to this special issue. A host of parties—from politicians to judges, prosecutors, defense attorneys, budget hawks, offenders, and even victims—benefit from the adoption of EM in that it appears to enhance performance of their duties (officials), reduce financial strain (administrators), and buttress living situations (victims and offenders). The confluence of these functionalities may account for EM's having gained traction across the globe (although this question deserves its own set of inquiries), but it is the role of scholarship to document and analyze how EM expresses cultural and social developments, affects justice practice, and reflects changing conceptions about the ends of justice. The articles in this issue address these questions through diverse forms: empirical work, historical analysis, theoretical inquiry, and critical commentary.

The collateral impact of penological policies and practices has emerged as an issue in the past two decades, but has heretofore been relatively neglected in the area of EM, where research on first-hand experiences has focused on the accounts provided by those who are tethered to it, namely offenders. Rectifying this imbalance, Vanhaelemeesch and Vander Beken document the perspectives of the co-habitants—including kin, intimates, and roommates—of EM inductees in Belgium. The authors describe how the restrictions and deprivations placed upon the latter group create burdens for the former. They highlight the complications involved in navigating the dual role that co-habitants are expected to play over the course of the offender's tenure with EM—that of the “warden” who disciplines and the intimate who offers support.

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Vanhaelemeesch and Vander Beken's article reveals the critical but unappreciated role played by co-residents, and underscores the necessity of situating EM in the totality of the offender's living arrangements and social networks to illuminate its downstream effects.

The logic through which technologies of surveillance are embedded in systems of supervision has also been overlooked in prior research on EM. Ibarra, Gur, and Erez examine how U.S. pretrial officers' handling of domestic violence (DV) defendants aligns the use of GPS technology with their agencies' "sense of mission" and overarching views on the ends and means of justice. Specifically, they compare how three agencies with highly contrastive orientations—focused on crime control, rehabilitation, and due-process, respectively—differentially organize officers' "interactive surveillance" of DV defendants. They demonstrate that, rather than rendering criminal justice work mechanical, EM-based surveillance can promote approaches to supervision that entail the cultivated use of officers' interpretive practice. Thus, contrary to predictions that EM portended elimination of "casework," Ibarra et al. show that EM technology expands rather than eliminates close-up human supervision, and does so in ways that are shaped by local contexts. The latter finding calls into question the view that there is a homogenous American way of using EM in criminal justice settings.

The reception of EM is shaped not only by local value systems and resources, but also by a nation's historical legacy and cultural fabric, as illustrated by Kornhauser and Laster's consideration of the case of Victoria, Australia. Set against a national approach toward penology that alternates between "punitiveness" and "pragmatic innovation," the authors consider EM as an alternative to incarceration policies, and explore how it can be rhetorically "framed" as a politically feasible substitute. Acknowledging that penal policies are neither universal nor rational, they outline the ways in which EM can still be made an attractive and more humane alternative to imprisonment. They then show how one can frame EM rhetorically through the use of a particular writing genre: a (hypothetical) Cabinet Submission. Their Cabinet Submission exemplifies how to integrate research on the relative merits of EM and imprisonment, and make scholarly findings accessible to politicians and policy makers.

Taking a more skeptical view, Jones questions the presumed progressivity of EM, or the notion that it is less punitive than prison. Jones situates EM in the context of opposing philosophies of punishment identified as "penal excess" (Garland) and "penal moderation" (Loader). While penal excess entails punishment that is retributive, sweeping, collaterally consequential, ritualistic, and "disproportionately severe," penal moderation advances policies that express a commitment to "restraint, parsimony, and dignity." Perceiving penal moderation as being "increasingly resonant" with developments in England and the US, Jones urges us to reflect on whether we may be lured by the siren song of EM into endorsing a technology of control that is more consistent with penal excess than readily apparent. Locating EM at the interface of punishment and surveillance, Jones highlights troubling trends and instances in the West where surveillant measures expand the use of punishment beyond boundaries traditionally observed (e.g., with respect to "pre-crimes") and in ways reminiscent of net-widening.

The divergent integration of EM into justice policy and practice across Europe is addressed by Nellis, who offers a comprehensive overview of the various countries' predominant reactions to the technology—ranging from enthusiastic and ambivalent to cautious and even resistant. The regional differences between, say, Scandinavian countries, England and Wales, and the former Eastern Bloc nations, are stark as well

as fascinating, and reinforce Nellis' call for "comparative historical ethnographies of policy-making in Europe." These differences also foreshadow the challenges that lie ahead for those who would generate common standards and recommendations for Europe as a whole, beyond the narrow principles already announced. In Nellis' view, the latter principles offer limited direction in many contexts, and do not sufficiently take into account the capacity for EM to reshape systems of social control. Observing through an American lens the Council of Europe's 2014 effort to develop ethical principles for the 47 member nations discussed in Nellis' review, Lilly comments somewhat enviously that such an initiative at generating a consensus would be unfeasible in the perennially gridlocked climate that characterizes the US national polity, notwithstanding the language of punitiveness that often appears in rhetoric surrounding the use of EM.

Concluding the volume, Laster's essay reviewing a new collection edited by Nellis, Beyens, and Kaminski, *Electronically Monitored Punishment: International and Critical Perspectives*, surveys the development of EM and its manifestations on the international scene. Reflecting on the lack of theoretical accounts for EM's relatively rapid diffusion—a curious silence given the manifold reasons cited for using EM in its diverse forms and circumstances—Laster highlights the roles played by political, cultural, and economic factors that drive the adoption and spread of EM. Laster observes that—despite a paucity of research evaluating its effectiveness and repercussions (e.g., net-widening)—EM's appeal as an alternative to prison continues to grow. Reiterating the co-editors' recommendations for more empirical investigation, Laster notes that deeper knowledge is needed about the conditions under which EM emerges, the varieties of populations to whom it is applied, and how the construction of "social problems" generates the auspices under which EM becomes viable as a tool for adoption by a jurisdiction. Laster concludes by advocating more critical scrutiny of EM as a form of punishment, warning us against taking it for granted, lest it become the "new yardstick" against which other sanctions are measured.

Taken together, the contributions to this special issue call for rethinking EM's past, present, and future, and placing it in comparative and international perspective. EM will surely remain with us, its forms and applications transforming in ways hard to anticipate, observing an emergent logic still insufficiently understood. Much work remains to be done, but we hope the articles in this special issue offer students of EM fruitful directions to explore.