

THE PUNITIVENESS OF ELECTRONICALLY MONITORED COMMUNITY BASED PROGRAMS

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Background

Recent corrections policy has extolled the virtues of intermediate sanctions which developed in the mid 1980s when a consensus emerged to develop mid-range punishments for offenders for whom imprisonment was unnecessarily severe and traditional probation was inappropriately light (McCarthy, 1987; Petersilia, 2000). The main reasons which prompted the necessity to develop intermediate sanctions were overwhelming institutional crowding, the felony probationers' recidivism rates, and the prohibitive cost of building and sustaining jails and prisons (Byrne, Lurigio, & Baird, 1989; Clear & Hardyman, 1990; Petersilia, 1987; United States General Accounting Office, 1990). Intermediate sanctions, which primarily originated in the United States, are currently represented by a number of different programs; these include intensive probation/parole supervision (IPS), home detention, boot camps, day reporting centres, community service, restitution, residential community corrections (or half way houses), and expanded use of traditional and day fines (Byrne, Lurigio, & Petersilia, 1992; Petersilia, 2000).

Two community-based intermediate sanctions which are predominantly utilised as alternatives to incarceration in the United States are home detention and IPS (Blomberg, Bales & Reed, 1993; Carlson, Hess, & Orthmann, 1999; McCarthy, 1987; Silverman, 2001). IPS was developed in early 1980s mainly to relieve the intractable problem of prison crowding and to promote public safety (Clear & Hardyman, 1990). This sanction can include intensive probation supervision (IPS) or intensive parole supervision (IPS). Both of these sanctions, as well as having the same abbreviation 'IPS,' are referred to interchangeably in the literature due to very similar program requirements (Carlson, Hess, & Orthmann, 1999; Silverman, 2001). The purpose of IPS can be 'prison-diversion,' which means that it is intended to divert offenders from prison either at sentencing or by early release from prison, and it can be 'enhancement' which means that it is intended to increase the intensity of routine probation or parole (Petersilia & Turner, 1992; Petersilia & Turner, 1993). Although there is no standard IPS program, these programs normally allow offenders to remain in the community under strict surveillance, while conforming to stringently held electronically monitored curfews (normally from 6:00pm to 6:00am 7 days per week), maintaining full-time employment, having to pay victim restitution, submitting to random drug and alcohol testing, attending counselling sessions, and paying part of the cost of their supervision (Clear & Hardyman, 1990; Deschenes, Turner & Petersilia, 1995; Fulton & Stone, 1992). IPS programs were extensively established throughout the United States and by 1990 jurisdictions in every state operated these programs (Carlson, Hess, & Orthmann, 1999; Petersilia, 2000; United States General Accounting Office, 1990).

Similarly, home detention, also referred to as home confinement, house arrest and home incarceration, was developed in mid 1980s primarily because of the desperation of the criminal justice officials to relieve the chronic problem of prison crowding and the increasing availability of reliable electronic monitoring equipment (Ball, Huff & Lilly, 1988; Maxfield & Baumer, 1990; Whitfield, 1997). Although home detention programs vary in terms of degrees of offender control, offenders are usually allowed to leave their home only for employment, community work, correctional treatment, education, religious services, shopping for food and medical emergencies (Tonry, 1998; United States General Accounting Office, 1990). The fact that the offender's presence at home can be confirmed 24 hours a day, 7 days a week, results in this being the most intrusive non-custodial sanction (Gowen, 1989; Vancise, 1995). The utilisation of home detention as a sanction proliferated in the United States; by 1990 programs with electronic monitoring existed in all 50 states, and from 1990 until 2000 the number of offenders on electronic monitoring has increased almost tenfold (Gainey, Payne & O'Toole, 2000; Renzema, 1992; Tonry, 1998).

The rapid development of electronically monitored community-based correctional programs, particularly home detention, has not been limited to the United States, but the proliferation extended throughout the world (Heggie, 1999; Johnson, 1995). Similar to the United States, Western countries have also experienced burgeoning prison populations and prohibitive costs of building and sustaining prisons (Bonta, Rooney, & Wallace-Capretta, 1999; New Zealand Department of Corrections, 2000; O'Toole, 2002; Whitfield, 1997). The late 1980s and early 1990s witnessed a quick spread of electronically monitored sanctions around the world (Richards, 1991). A number of countries have introduced 'their own versions' of electronically monitored home detention programs. The countries with such programs include Australia, Britain, New Zealand, Canada, Singapore, South Africa, Netherlands, Sweden and Holland (Church & Dunstan, 1997; Dodgson & Mortimer, 2000; Doherty, 1995; Micucci, Maidment & Gomme, 1997; New Zealand Department of Corrections, 2000; O'Toole, 2002; Whitfield, 1997). These programs were given different names in different countries. For instance, Australia and New Zealand called their programs 'home detention programs' (Church & Dunstan, 1997; O'Toole, 2002), Britain refers to them as 'home detention curfew' or more popularly 'tagging' (Dodgson & Mortimer, 2000), Scotland calls them 'restriction of liberty orders with electronic monitoring' (Lobley & Smith, 2000), and Canada refers to them as 'electronically monitored home confinement' or simply 'electronic monitoring' (Micucci, Maidment & Gomme, 1997). In addition, a number of countries are investigating the sanction and showing signs of interest; these include some countries of the Russian Federation, Italy, France, Spain, Norway and Ireland (Prison Reform Trust, 1997).

Electronically monitored programs worldwide aim to achieve a number of ambitious goals. These include:

- to relieve prison crowding by diverting offenders from prisons into a viable alternative to incarceration (Carlson, Hess, & Orthmann, 1999; Church & Dunstan, 1997; Heggie, 1999; Whitfield, 1997).
- to reduce the public's tax burden by avoiding prohibitive incarceration costs and in the United States even mandating that offenders are employed and that they pay the costs of their supervision (Church & Dunstan, 1997; Heggie, 1999; Micucci, Maidment & Gomme, 1997; Renzema, 1992; Whitfield, 1997).
- to punish an offender whilst they are confined to their personal residence and their movement is strictly confined (Church & Dunstan, 1997; Heggie, 1999; Renzema, 1992).
- to ensure public safety by strict supervision of offenders usually via electronic monitoring (Heggie, 1999; Rackmill, 1994; Whitfield, 1997).
- to protect the offender from the corrupting and stigmatising effects of institutional incarceration, and the severing of family and community ties (Carlson, Hess, & Orthmann, 1999; Dick, Guthrie & Snyder, 1986; Micucci, Maidment & Gomme, 1997; Renzema, 1992; Whitfield, 1997).

In order for electronically monitored programs to achieve these goals, offenders must follow a set of predetermined conditions. Although there is no generic electronically monitored program, there are certain general worldwide conditions that these programs have. More specifically, the conditions that are imposed on offenders in these programs require offenders and their co-residents to have certain obligations. Two obligations are experienced by offenders and their co-residents simultaneously and eight are experienced predominantly by offenders.

These are:

- 1) Offenders and their co-residents (if there are any and they are over the age of 18) must consent for their residence to be utilised as a correctional facility. For the first time in history private property becomes 'unprivate' and up for 'lease to a government agency' (Ansay, 1999; Church & Dunstan, 1997; Heggie, 1999; Rackmill, 1994).
- 2) Offenders and their co-residents (if there are any and they are over the age of 18) must consent to fully cooperate in the application of program's conditions. This results in everybody's lifestyle becoming disrupted and privacy limited (Church & Dunstan, 1997; Department of Corrective Services, 1998; Gainey, Payne & O'Toole, 2000; Heggie, 1999; Maxfield & Baumer, 1990; Micucci, Maidment & Gomme, 1997; Van Ness, 1992; Whitfield, 1997).
- 3) Offenders must consent to be under complete surveillance both at home and outside. In order to ensure that offender's activities and movements can be supervised at all times offenders must wear an electronic monitoring device, regularly report to a correctional office, write a daily log of their activities, plan all of their activities a week in advance, and if necessary change their profession, working hours, and area of work (Ansay, 1999; Blomberg, Bales & Reed, 1993; Church & Dunstan, 1997; Heggie, 1999; Rackmill, 1994).
- 4) Offenders must consent to maintain phone and electricity at their residence (Church & Dunstan, 1997; Gainey, Payne & O'Toole, 2000; Heggie, 1999). Furthermore, in the United States only, offenders usually must consent to pay a portion of their supervising cost, (some programs base these fees on a sliding scale approach), and in some programs court costs and victim restitution (Ball, Huff & Lilly, 1988; Blomberg, Bales & Reed, 1993; Gainey, Payne & O'Toole, 2000; Rackmill, 1994; Renzema, 1992; United States General Accounting Office, 1990).
- 5) Offenders must consent that certain people such as immediate family, co-residents, employers, and even neighbours in some programs, are told about him/her being on the order (Ansay, 1999; Ball, Huff & Lilly, 1988; Church & Dunstan, 1997; Heggie, 1999).
- 6) Offenders must consent to undergo any type of rehabilitative treatment which is determined to be necessary (Blomberg, Bales & Reed, 1993; Bonta, Rooney & Wallace-Capretta, 1999; Gainey, Payne & O'Toole, 2000; Van Ness, 1992).
- 7) Offenders must consent to remain at home when they are not attending an approved activity such as working or attending counselling (Blomberg, Bales & Reed, 1993; Carlson, Hess, & Orthmann, 1999; Church & Dunstan, 1997; Gainey Payne & O'Toole, 2000; Heggie, 1999; Rackmill, 1994; United States General Accounting Office, 1990).
- 8) Offenders must consent to limit their association to people without a criminal record (Department of Corrective Services, 1997; Petersilia, 1990; Rackmill, 1994).
- 9) Offenders must consent to make necessary changes to their overall lifestyle according to order requirements. For instance, if an offender was a drug user according to program requirements they are required abstain from any use of illegal drugs (Blomberg, Bales & Reed, 1993; Gainey, Payne & O'Toole, 2000; Heggie, 1999).
- 10) Offenders must consent to provide their basic human needs both financially and physically; these needs include food, hygiene, transport and medical requirements (Ball, Huff & Lilly, 1988; Baumer & Mendelsohn, 1990).

Studies that Analysed the Punitiveness of Intermediate Sanctions

Although the general public, legislators, some academics, and many criminal justice practitioners believe that no matter what conditions are attached to electronically monitored sanctions, remaining in the community is categorically preferable to imprisonment, a number of studies examining offenders' opinions of the perceived severity of alternative sanctions indicate that some offenders see these programs as very punitive (Petersilia, 1998; Petersilia & Deschenes, 1994; Wood & Grasmick, 1995). Due to the fact that studies on punitiveness of electronically monitored sanctions in comparison with imprisonment are rare, information about the punitiveness of these sanctions is obtained from broader studies that have analysed all intermediate sanctions. The studies which investigated offenders' perceptions of intermediate sanctions in comparison with imprisonment can be classified into three categories.

These are:

- i) Studies which report on imprisoned offenders who are presented with real-life choices over an electronically monitored sanction versus imprisonment.
- ii) Studies which report on imprisoned offenders who are presented with hypothetical questions about the severity of sanctions.
- iii) Studies which report on electronically monitored offenders' perceptions of severity of electronic monitoring versus imprisonment.

Overall, studies that investigated offenders' willingness to participate on electronically monitored sanctions have predominantly found that some offenders prefer imprisonment instead. Studies which analysed the perceptions of offenders who were imprisoned and given a real-life choice of IPS or home detention compared with imprisonment mostly found that between five and fifteen percent of inmates selected to serve the incarceration period (Church & Dunstan, 1997; Heggie, 1999; Jones, 1996; Pearson, 1988), whereas one study even indicated that more than thirty percent of offenders chose to go to prison instead of the alternative (Petersilia, 1990). Studies which report on presenting imprisoned offenders with hypothetical questions about the severity of various sanctions have found that majority of offenders prefer a shorter-term imprisonment in comparison with longer-term alternatives such as probation or IPS (Crouch, 1993; Spelman, 1995), and when certain conditions are stacked together (for instance, 24-hour electronic monitoring and payment of a \$20 per week supervision fee) they are viewed as considerably more punitive than prison (Petersilia & Deschenes, 1994; Wood & Grasmick, 1995). Alternatively, studies which investigated electronically monitored offenders' perceptions of severity of electronically monitored sanctions in comparison with imprisonment generally found that lower percentages of offenders prefer imprisonment; three studies found that between zero and two percent of offenders stated that they would have been better off if they served their time in prison rather than on an electronically monitored sanction (Gainey & Payne, 2000; Mainprize, 1995; Mortimer, 2001; Payne & Gainey, 1998), and only one study indicated that about nineteen percent of offenders stated that they thought that they would have been better off doing their time in custody (Church & Dunstan, 1997).

Despite the fact that some limitations are associated with these studies, they collectively question the conventional wisdom that incarceration is the most severe sanction in our criminal justice continuum by clearly indicating that some offenders consider intermediate sanctions to be overly punitive. The studies have found that imprisoned offenders who were presented with either real-life choices or hypothetical questions on prison versus strict intermediate sanctions, such as IPS or home detention, in comparison with offenders on electronically monitored sanctions who were asked the same question were substantially more likely to choose prison over the alternative sanction. More specifically, the overall finding is that almost one quarter of incarcerated offenders who were surveyed (either presented with real-life choices or hypothetical questions) perceived electronically monitored sanctions to be very punitive and at times preferred imprisonment, whereas

considerably less offenders on electronically monitored sanctions felt the same way. Survey findings of incarcerated offenders are probably more reliable because offenders were prison-bound and majority were asked to make real-life choices, whereas offenders who were surveyed on electronically monitored programs probably were not all prison bound, due to well-recognised net-widening which has resulted from the development of intermediate sanctions (Tonry, 1990; Tonry, 1996), and as the electronically monitored programs were either 'pilot' or 'just initiated' there is a possibility that participants were carefully selected to be highly motivated and co-operative (Corbet & Marx, 1992; Mainprize, 1995; Mair & Nee, 1990). Although none of the studies actually combined the conditions of electronically monitored sanctions and asked offenders to compare them to imprisonment, they have concluded that combinations of conditions of electronically monitored sanctions would be perceived to be even more onerous (Petersilia & Deschenes, 1994; Wood & Grasmick, 1995); hence, it is likely that if offenders were presented with such a choice, even higher percentages would prefer imprisonment.

The Relationship between Offender's Preference of Sanction and their Personal/Social Characteristics

Worldwide studies that analysed the punitiveness of intermediate sanctions overall found that certain sanctions, such as electronically monitored home detention and IPS, are experienced differently by different people (Petersilia & Deschenes, 1994; Spelman, 1995). Due to the fact that most of the studies that analysed the punitiveness of electronically monitored sanctions were descriptive and only a few briefly examined some of the aspects why these alternative sanctions were viewed as 'very punitive' or even 'more punitive than prison', this paper examines a number of worldwide studies that studied offenders' preferences regarding these sanctions and offenders' impact of electronically monitored sanctions in order to investigate the differences between those who regard these orders as more or less 'punitive.' The focus of this paper is to outline offender's personal/social characteristics that determine the extent to which they recognise these orders as punitive. Offender's personal/social characteristics that will be discussed include gender, age, race/ethnicity, health status, living in urban/rural area, living circumstances, employment and education, financial situation, community socialisation, and criminality and experience with the criminal justice system.

Gender

A number of worldwide studies have indicated that females prefer to be placed on electronically monitored sanctions rather than imprisonment even though they find the sanction to be more onerous in comparison with males (Church & Dunstan, 1997; Lobley & Smith, 2000; Micucci, Maidment & Gomme, 1997). Studies that were conducted in the United States, Canada and New Zealand found that females generally viewed intermediate sanctions more positively and were more willing to serve them (Church & Dunstan, 1997; Jones, 1996; Micucci, Maidment & Gomme, 1997; Wood & Grasmick, 1995). This willingness is explained in various studies that collectively found that women offenders are usually mothers and sole supporters of minor children and other dependent family members who have unshared domestic responsibilities, and program's policy should acknowledge their specific needs and make adjustments that support care-giving responsibilities (Ansay & Benveneste, 1999; Church & Dunstan, 1997; Heggie, 1998; Lobley & Smith, 2000; Micucci, Maidment & Gomme, 1997; Robinson, 1992; Wood & Grasmick, 1995).

Another aspect of home detention that has a different effect on males and females is the wearing of the electronic monitoring device. A survey of offenders in the United States found that one in two females noted problems with wearing the device in comparison with one in six men (Payne & Gainey, 1998). This study also indicated that men were more concerned with comfort, while women were more concerned with how the device may affect their appearance identifying them as an offender (Payne & Gainey, 1998). Further studies explained that females may feel embarrassed as they may find it

impossible to conceal the electronic monitoring device; for instance, due to having to wear a uniform at work (Lilly, Ball, Curry & Smith, 1992; Mainprize, 1995; Micucci, Maidment & Gomme, 1997). Overall, research has concluded that females are more likely to experience shame and embarrassment due to electronic monitoring in comparison with males (Gainey & Payne, 2000).

Age

Several studies have indicated that older offenders are generally more accustomed to life in prison, which they prefer in comparison with alternative sanctions. Three United States based studies found that older offenders were more likely to choose to serve imprisonment than alternative sanctions in comparison with younger offenders (Crouch, 1993; Jones, 1996; Spelman, 1995). The tendency of older offenders to prefer imprisonment can be explained by the fact that older offenders often have little community or family support as they are normally people who have been in and out of prisons in the past and without strong family relationships, so these people prefer to be cared for by the prison, which is constantly becoming more sensitive to their needs (Crouch, 1993). Furthermore, older offenders reported that they would rather complete short-term imprisonment and get on with their lives instead of longer-term community based sanction, whereas younger offenders prefer community-based sanctions regardless of duration, because they are concerned about 'missing out on life' whilst imprisoned (Crouch, 1993; Spelman, 1995).

Race/Ethnicity

Studies have generally found that ethnic minorities are more likely to select to serve imprisonment in comparison with alternatives, as they find it less traumatising (Carroll, 1982; Jacobs, 1974; Johnson, 1976). Three studies, which were conducted in the United States, have found that Black offenders have indicated a strong preference for imprisonment (Crouch, 1993; Jones, 1996; Spelman, 1995). Various research has linked this finding to easier adjustment to prisons in comparison with other groups, coming from depriving ghetto environments, and finding friends and even relatives already in prison who support them (Carroll, 1982; Jacobs, 1974; Johnson, 1976). Furthermore, as minority groups are generally over-represented in lower socio-economic groups, they may find it harder to abide by mandatory financial requirements that are associated with these programs (Church & Dunstan, 1997; Wright, 1989).

Health Status

Although to my knowledge no specific studies have been conducted which analysed the relationship between offenders' health status and their perceptions of electronically monitored sanctions, it seems likely that offenders who have medical problems and those who do not experience electronically monitored sanctions differently. Offenders on electronic monitoring programs who suffer from serious medical problems like AIDS, TB, and disabilities find complying with program conditions more difficult due to their special needs (Gainey, Payne & O'Toole, 2000). For example, a study found that offenders with disabling medical conditions often lacked transportation to work and to do basic shopping and household errands without depending on someone else (Ansary, 1999). In addition, when offenders with drug and/or alcohol problems, who make up about half of all program participants, are placed on electronically monitored sanctions and required to discontinue their substance abuse, they face specific problems as a result of the withdrawal (Petersilia & Turner, 1990; Heggie, 1999). What makes these sanctions even more onerous for drug and/or alcohol dependent offenders is that very few of them receive adequate treatment programs throughout their order (Petersilia & Turner, 1990). Hence, offenders who have medical problems, particularly if they are of a serious nature, and who do not have access to adequate treatment programs, face particular problems on electronically monitored sanctions.

Living in Urban/Rural Area

Studies have overall found that offenders who live in urban areas are more likely to prefer alternative sanctions, which they find to be less depriving in comparison with offenders who live in rural areas. A survey of offenders in North Carolina indicated that offenders from large counties were more likely to select alternative sanctions than were those from rural counties (Jones, 1996). The study explained that this is a probable outcome because officers in densely populated jurisdictions have more offenders to supervise so each offender is not as closely supervised as they are in rural areas (Jones, 1996). A further study similarly found that urbanities prefer electronically monitored sanctions because they are overall less bothered by privacy issues and shaming on electronically monitored programs; this is probably because people who live in rural areas are generally used to having more privacy and knowing each other personally, so they are more affected by a loss of privacy and shaming (Ansay, 1999; Gainey & Payne, 2000).

Living Circumstances

Multiple studies have indicated that the impact of electronically monitored sanctions on offenders and their preferences of prison versus alternatives are influenced by the supportiveness of their social networks. Generally, studies indicate that if offender's co-residents provide emotional, moral and financial support, and change their own lifestyle in order to accommodate offenders' needs, offenders experience the sanction more positively (Ansay, 1999; Doherty, 1995; Heggie, 1998; Mainprize, 1995; Payne & Gainey, 1998). If offenders do not receive help from their co-residents, and are even blackmailed by them, they experience electronically monitored sanctions more negatively (Doherty, 1995; Payne & Gainey, 1998). Hence, if offenders' co-residents are willing to provide them with social support, which is crucial whilst being on electronically monitored sanctions, offenders find it to be less onerous (Doherty, 1995; Heggie, 1998).

More specifically, studies have found that married offenders prefer electronically monitored sanctions versus imprisonment in comparison with single offenders, as most spouses willingly made sacrifices in order to have their spouse at home (Aungles, 1994; Doherty, 1995). Two studies conducted in the United States found that offenders who are married opt for probation, whereas unmarried offenders tended to choose prison (Crouch, 1993; Jones, 1996). A further study similarly found that 84% of inmates with a child outside of prison and 62% of offenders with a spouse outside prison stated that these were very important determinants in their selection of participating in alternative sanctions versus imprisonment (Wood & Grasmick, 1995). Overall, studies have explained that married people are more willing to serve community-based sanctions because their personal support in the community is not threatened as it is when they are imprisoned, and having a partner who shares the stress of surveillance eases their burden and gives them motivation to complete the order (Crouch, 1993; Department of Community Services Tasmania, 1992; Doherty, 1995; Heggie, 1998). However, one study has found that married offenders encounter a specific problem on electronic monitoring, that is, they experience greater shame and embarrassment than do unmarried people (Gainey & Payne, 2000). Generally, the research indicates that married offender prefer to be placed on electronically monitored sanctions rather than imprisonment.

Employment and Education

Studies have generally found that offenders who have unstable employment and a lower level of education are more likely to prefer to go to prison instead of electronically monitored programs. A survey conducted in the United States found that offenders who had unstable employment in last 12 months were more likely to select to serve their time in prison than on an alternative sanction (Jones, 1996). A further study reported that 76% of offenders said that having a job waiting for them outside prison was a very important determinant in their selection of enrolling in the alternatives (Wood & Grasmick, 1995). However, one study has questioned the significance of these findings, pointing out

that employment situation does not significantly affect offender's choice of sanction probably as their employment is often menial and short-term (Crouch, 1993; Parker & Horwitz, 1986). A related aspect that a study analysed was the relationship between offender's level of education and their preference of sanction. That study reported that offenders who were better-educated were more likely to prefer alternative sanctions instead of imprisonment, as they thought that being imprisoned would result in their loss of reputation and status and make it more difficult to gain employment in the future (Crouch, 1993). Thus, offenders who are better-educated and performing more-skilled and longer-term jobs are more likely to choose electronically monitored sanctions.

The impact of electronically monitored programs is more onerous for offenders who are employed in professions that are not permitted by program guidelines. This requirement exists in order to prevent offenders from working in professions such as the taxi or sales industries which require mobility and result in close and random supervision at work being impossible (Church & Dunstan, 1997; Department of Corrective Services, 1998; Heggie, 1999). Although no studies, to my knowledge, have analysed the impact on offenders when they have to change their profession in order to be eligible to participate in an electronic monitoring program, it is clear that finding work in a different profession would result in additional pressures.

More specifically, a number of studies have found that in some professions electronic monitoring program requirements conflict with work requirements. Studies in England, United States and New Zealand have reported that because offenders have a variety of work schedules, program requirements often conflict with work requirements (Baumer & Mendelsohn, 1990; Church & Dunstan, 1997; Mortimer, 2001). This conflict occurs when offenders work variable work hours or shift work, exceptionally long work hours, weather dependent work hours, overtime at short notice, and are required to provide addresses for frequently changing worksites (Baumer & Mendelsohn, 1990; Church & Dunstan, 1997; Mortimer, 2001). These studies concluded that electronically monitored programs should recognise the demands of the workplace and have flexible schedules, as home detention offenders cannot all be expected to work a Monday-Friday, 40 hour work week (Baumer & Mendelsohn, 1990; Church & Dunstan, 1997).

In addition, a study has found that a common condition of electronically monitored programs that offender's status on electronic monitoring is revealed at their workplace, affects offenders differently based on their type of employment (Mainprize, 1995). Canadian research (where it is not mandatory for offender's status of order to be revealed) suggests that white collar and professionally employed offenders tend to conceal their electronic monitoring status from their employer and co-workers, whereas blue collar offenders tend to be considerably less concerned about their employers and co-workers knowing that they are on the sanction (Mainprize, 1995). The study further indicated that offenders concealed their electronic monitoring status because they thought that employer's knowledge could have an effect on their work-related reputation and threaten their job and income (Mainprize, 1995). Hence, white-collar and professionally employed offenders are mostly affected when their status has to be revealed at their workplace.

Financial Situation

Even though a limited number of studies have been conducted analysing the relationship between offenders' financial situations and their perceptions of electronically monitored sanctions, it is probable that offenders who are financially secure and those who have financial difficulties would perceive the sanction differently. A study that was conducted in the United States reported that offenders with financial difficulties were more likely to select imprisonment instead of the alternative (Jones, 1996). This is probably because the nature of punishment on community-based sanctions is dependent on offender's financial situation (Gowen, 1995). As majority of electronically monitored programs have mandatory requirements that rely on the offender having a 'suitable and stable residence' an access to a telephone and, in the United States only, an ability to

pay a part of their supervision cost, offenders who are financially stable would find this requirement easier to comply with than offenders who have financial difficulties (Church & Dunstan, 1997; Whitfield, 1997). For example, it is argued that the impact of an electronically monitored sanction is less difficult if offenders trade a 75 square foot cells for a luxury apartment with cable television and maid services in comparison with an offender who is confined to a tiny apartment or a housing project where he/she cannot afford such luxuries (Cheever, 1990; Rackmill, 1994). Hence, offenders who are situated in lower socioeconomic stratum usually find it less difficult to spend their time in custody, where their basic needs and even at times some 'luxuries' that they could not afford on the outside are provided for, in comparison with a deprived environment where they would probably serve their order in the community (Gowen, 1995; Petersilia, 1990).

Community Socialisation

Although a limited number of studies have been conducted that analysed the relationship between offenders' community socialisation (this includes their social relationship and community involvement) and their perceptions of electronically monitored sanctions, it is clear that being deprived of community socialisation would affect offenders differently based on how involved they were in community socialisation prior to their placement on an electronically monitored sanction. Canadian research has reported that majority of offenders on electronic monitoring stated that their social activities were curtailed by being on the program, but only some reported that their community involvements decreased as they did not have any to begin with (Doherty, 1995; Mainprize, 1995). Hence, generally offenders on electronically monitored sanctions are more affected by a loss of social relationships than a loss of community involvement; this is probably because, even before being placed on the order, they recognised social relationships to be more important than community involvement.

Criminality and Experience with the Criminal Justice System

Several studies have found that offenders who have had a lengthy and serious experience with the criminal justice system are more likely to prefer incarceration instead of alternative sanctions. It has been reported that offenders are more likely to select imprisonment if: they have been convicted of property/theft and violent offences (Jones, 1996; Spelman, 1995); they were relatively young when initially convicted (Jones, 1996); they have serious criminal records including felony offences (Jones, 1996; Wood & Grasmick, 1995); and they have prior prison experience (Jones, 1996; Wood & Grasmick, 1995). Thus, habitual, felony offenders with a history of incarceration are most likely to prefer imprisonment due to 'prisonization,' which occurs due to offender's assimilation to the culture of life in prison (Clemmer, 1940).

The Impact of Restrictions on Electronically Monitored Sanctions

The same conditions that are imposed on offenders on electronically monitored sanctions, which require certain obligations, in theory should result in similar restrictions for offenders and their co-residents. These restrictions are caused by:

- Limitation of movement
- Excessive control
- Monetary requirements
- Offender/co-residents interaction under duress
- Exclusion of preferred relationships
- Shaming and embarrassment
- Change of lifestyle

However, because offenders have different personal/social characteristics they experience unique severity of each restriction. The following section of the paper examines the relationship between these restrictions and offender's personal/social characteristics. Although each restriction is affected by all ten personal/social characteristics to an extent, only the personal/social characteristics that mostly affect each restriction will be discussed.

Restrictions Caused by a Limitation of Movement

One of the main conditions of electronic monitoring programs is to restrict offender's movement. As offender's movement is restricted regarding leaving their residence for any reason, they are required to obtain a permission, and if they are given approval they are closely monitored (Altman & Murray, 1997; Keliher, 1998; Van Ness, 1992). Due to these strict requirements, co-residents often perform additional duties for offenders, which reduces their own leisure activities and/or often due to feelings of solidarity, also have an 'imaginary' restriction of movement (Altman & Murray, 1997; Ansay, 1999; Ansay & Benveneste, 1999; Baumer & Mendelsohn, 1992; Church & Dunstan, 1997; Doherty, 1995). The impact of this restriction on an offender is more onerous if the offender does not have family or friends who are willing to provide them with social support or if they do not have finances to pay other people to provide them with physical assistance (Cheever, 1990; Doherty, 1995; Heggie, 1998; Mainprize, 1995; Rackmill, 1994); if they actively participated in community socialisation prior to being placed on order (Mainprize, 1995); and if they are younger as they are usually concerned about missing out on their life (Crouch, 1993; Spelman, 1995).

Restrictions Caused by Excessive Control

The imposition of conditions of electronic monitoring programs mean that offenders are under control at all times and in all places. Supervising officers can, at any time, phone or visit offenders, check for use of illegal substances, and search their houses, cars and places of employment (Altman & Murray, 1997; Church & Dunstan, 1997; Heggie, 1999; Rackmill, 1994). As well as resulting in a loss of privacy and disruption for the offender, co-residents are also disrupted by random phone calls and home visits and they lose their privacy in shared homes as their homes and belongings are also searched (Baumer & Mendelsohn, 1992; Church & Dunstan, 1997; Von Hirsch, 1998; Whitfield, 1997). The impact of this restriction on an offender is more onerous if they are a female, married, living in a rural area, and working in white collar or professional employment as they are overall more bothered by privacy issues and shaming (Ansay, 1999; Gainey & Payne, 2000; Mainprize, 1995); if they are living with co-residents with who they have a 'caring relationship' as they have to empathise with their loss of privacy and disruption (Ansay, 1999); and if they do not have finances to somehow reduce the impact of the electronically monitored program by for instance paying to install two phone lines (Cheever, 1990; Rackmill, 1994).

Restrictions Caused by Monetary Requirements

In most cases, particularly in the United States, conditions of electronic monitoring programs require that offenders must partially pay for the cost of their supervision, maintain phone and electricity, not be employed in certain professions, work specific hours and at specific places (Baumer & Mendelsohn, 1990; Department of Corrective Services, 1998; Fox, 1987; Gainey, Payne & O'Toole, 2000; Heggie, 1999; Mortimer, 2001; Petersilia & Deschenes, 1994; Renzema, 1992; South Australian Department of Corrective Services, 1996; Whitfield, 1997). This inevitably also affects offender's co-residents (normally spouses) who may have to make significant changes in their budgets or work conditions (Church & Dunstan, 1997; Van Ness, 1992). The impact of monetary restriction on an offender is more onerous if they have financial difficulties, which is more likely to be the case if they are an ethnic minority (Cheever, 1990; Church & Dunstan, 1997; Rackmill, 1994; Wright, 1989); if they do not have a social support network which provides them

with financial support (Ansary, 1999; Doherty, 1995; Heggie, 1998; Mainprize, 1995; Payne & Gainey, 1998); if they have serious medical problems (Ansary, 1999); and if they have to change their profession, limit their work to certain areas or reduce working hours (Baumer & Mendelsohn, 1990; Church & Dunstan, 1997; Mortimer, 2001).

Restrictions Caused by Offender/Co-Residents Interaction under Duress

The fact that the offender is confined to their home when on an electronically monitored program means that when they are not performing their pre-approved activities they are at home, either alone or with their co-residents (Carlson, Hess, & Orthmann, 1999; Gainey Payne & O'Toole, 2000; Rackmill, 1994; United States General Accounting Office, 1990). This can create specific problems if they live alone, leading to loneliness (Ansary, 1999; Heritage, 1984), and if they live with co-residents, spending the time with them under duress, possibly creating of a stressful environment (Ansary, 1999; Lobley & Smith, 2000; Micucci, Maidment & Gomme, 1997; Whitfield, 1997). The impact of this restriction on an offender is more onerous if their co-residents do not provide them with social support, and especially if their relationship is experiencing difficulties (Doherty, 1995; Mainprize, 1995; Payne & Gainey, 1998; Rokach, 1997); and if they do not work and spend most of the time at home.

Restrictions Caused by an Exclusion of Preferred Relationships

Conditions of electronic monitoring programs usually indicate that, due to a restriction in time and movement, offenders are not generally able to freely associate with people in the community nor are they 'free' to find new friends, and they are not allowed to associate with people who have criminal records (Department of Corrective Services, 1997; Mainprize, 1995; Petersilia, 1990; Rackmill, 1994). This may result in offenders being excluded from their preferred relationships, and the conditions of these programs may even result in offender's co-residents being excluded from their preferred relationships due to feelings of solidarity, having more obligations and embarrassment about offender being on the order (Church & Dunstan, 1997; Doherty, 1995; Heggie, 1999; Mainprize, 1995). The impact of this restriction on an offender is more onerous if offenders do not have a spouse or family who are 'caring' and willing to provide them with social support and assistance (Doherty, 1995; Heggie, 1999; Payne & Gainey, 1998); and if they are used to a lifestyle in which they actively participate in community socialisation and if their circle of friends has criminal records (Doherty, 1995; Mainprize, 1995).

Restrictions Caused by Shaming and Embarrassment

A condition of electronic monitoring program is that certain people, such as immediate family, co-residents, employers, and even neighbours in some programs, are told about the offender being on the order (Ansary, 1999; Ball, Huff & Lilly, 1988; Church & Dunstan, 1997; Heggie, 1999). This may result in offenders and their co-residents being ashamed and embarrassed, and it may result in them wanting to conceal it from other people (Blomberg, Bales & Reed, 1993; Church & Dunstan, 1997; Lobley & Smith, 2000; Van Ness, 1992; Von Hirsch, 1998; Whitfield, 1997). The impact of this restriction on an offender is more onerous if they are a female, married, living in a rural area, and working in white collar or professional employment as they are overall more bothered by privacy issues and shaming (Ansary, 1999; Gainey & Payne, 2000; Mainprize, 1995); and if they are used to a lifestyle in which they actively participate in community socialisation and are trying to hide the fact that they are on the order (Doherty, 1995; Mainprize, 1995).

Restrictions Caused by Change of Lifestyle

The overall conditions of electronic monitoring programs require offenders to change their 'prior' lifestyle, at least partially. The impact of this restriction on an offender is more onerous if they are a female (Ansay & Benveneste, 1999; Church & Dunstan, 1997; Gainey & Payne, 2000; Heggie, 1998; Lobley & Smith, 2000; Micucci, Maidment & Gomme, 1997; Payne & Gainey, 1998; Robinson, 1992; Wood & Grasmick, 1995); older (Crouch, 1993; Jones, 1996; Spelman, 1995); ethnic minority (Carroll, 1982; Church & Dunstan, 1997; Crouch, 1993; Jacobs, 1974; Johnson, 1976; Jones, 1996; Spelman, 1995; Wright, 1989); have a medical problem (Ansay, 1999; Gainey, Payne & O'Toole, 2000; Heggie, 1999; Petersilia & Turner, 1990); live in a rural area (Ansay, 1999; Gainey & Payne, 2000; Jones, 1996); do not have a social support network (Doherty, 1995; Heggie, 1998; Payne & Gainey, 1998); have employment related problems (do not have a job, have to change their profession or work in a white collar profession) (Baumer & Mendelsohn, 1990; Church & Dunstan, 1997; Crouch, 1993; Department of Corrective Services, 1998; Heggie, 1999; Jones, 1996; Mainprize, 1995; Mortimer, 2001; Parker & Horwitz, 1986; Wood & Grasmick, 1995); have financial difficulties (Cheever, 1990; Church & Dunstan, 1997; Gowen, 1995; Petersilia, 1990; Rackmill, 1994; Whitfield, 1997); actively participated in community socialisation prior to Order (Doherty, 1995; Mainprize, 1995); and have a lengthy and serious experience with the criminal justice system (Jones, 1996; Spelman, 1995; Wood & Grasmick, 1995).

Conclusion

These research findings potentially question the integrity of the criminal justice system, as imposing an electronically monitored sanction results in inequitable punishment that is dependent on offender's personal/social characteristics. Although the same conditions, which require the same obligations, are applied to offenders and partially their co-residents, they result in restrictions that are unique to each offender. This is because restrictions that are applied to electronically monitored offenders are a result of an interaction between offender's personal/social characteristics and obligations that are imposed on them. Furthermore, offender's co-residents are often also indirectly punished as a result of living with a person on an electronically monitored sanction. Thus, an electronically monitored sanction is a complex and personal experience based on many interacting factors, and the outcomes of punitiveness vary for each offender and their co-residents. Consequently, it is recommended that when sentencing offenders to electronically monitored sanctions sentencing judges and magistrates should carefully consider offender's personal/social characteristics and impose individually tailored conditions which are specifically punitive for each offender.

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