

*Perspective***The Third Way: An Agenda for Electronic Monitoring in the Next Decade**

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Crime and punishment are as old as mankind, and yet our understanding of the nature of criminal behavior and what society should do about it remains incomplete and unsatisfactory, and our responses to crime often seem futile and counterproductive. Our uncertainty comes at least in part from the fact that the very definition of what constitutes crime is continually changing as our ideas about human behavior and psychology, social norms and responsibility evolve. In Europe and the United States, citizens are safer today than at any time in human history, and yet our fear of crime is unabated. Fuelling the public's anxiety is ambivalence and confusion about what to do with those who commit crimes. Should offenders be punished or reformed? Are morality, justice, and social order better served when criminals are confined or when they are corrected? For about one hundred years, from the middle of the 19th to the middle of the 20th centuries, the answer seemed to be heading toward "reform and rehabilitate" rather than "confine and punish." But in the last half century, especially in the United States, crime policy became the captive of politics, and any measure that was not punitive was condemned as "soft on crime." In the 1960s, the U.S. began building new prisons and adding or lengthening prison sentences for more and more crimes, with results that are today well known and increasingly criticized: the highest incarceration rate in the world, and crushing prison overcrowding and overspending. During this era of tough sentences and proliferating prisons, politicians and the public became less interested in what actually makes individuals offend and what can society do to predict, reduce, and prevent criminal behavior. The focus on imprisonment at the expense of more substantive efforts to understand and

reduce antisocial behavior is by no means a problem unique to the United States; indeed, excessive imprisonment is a far graver problem in countries where individual rights are poorly protected, civic institutions are weak, and corruption is endemic. Fortunately, research on the causes and conditions underlying antisocial and criminal behavior never stopped altogether. Good work has been and is being done by academic researchers, policy think tanks, and professionals. Today, with prisons costs attracting attention, there is renewed interest in understanding and reversing criminal behavior.

A Path to Progress

No reasonable person would claim that our present system of criminal justice is perfect and needs no improvement. There will always be a need for better and more efficient ways of responding to crime. Paradoxically, in insecure times we tend to be wary of trying new ideas and rely on tried and tested ways of maintaining social order. Depending on culture and history, and on the particular configuration of judicial and penal institutions, some countries have more scope for change and innovation than others, both in terms of internal reform within prison and the development of alternatives to it. Criminal justice systems are a reflection of the level of a country's social development, reflecting the sophistication of society and democracy.¹

Historically, imprisonment systems have achieved what success they have had by removing criminals from society—and in removing the agents of disorder, enabling a tolerable level of order. Prisons do this at considerable cost, however, and the social order thus purchased is highly

variable and unstable. Mass incarceration has added further to these costs by commercializing imprisonment: prisons as growing businesses give further impetus to demands for more extensive criminalization, tougher penalties and greater use of imprisonment. So far, however, prisons have not been asked to address the criminogenic attributes of their inmate populations as part of their core mission, a condition that probably has to change if prisons are to continue consuming resources at their present levels (which they may not).

It is in this context—high incarceration rates and costs coupled with a poor overall understanding of how to reverse patterns of criminal behavior—that the introduction and rapid growth of electronic monitoring has occurred. In the U.S., Canada, and Europe, EM offers a solution to the problem of too many prisons costing too much money. When used on an offender sentenced to community supervision, EM offers greater control for the state without the high cost of imprisonment. Jurisdictions can now sentence less dangerous offenders to probation while maintaining a high degree of control over the offender's actions and whereabouts. More recently, with the emergence of GPS, electronic monitoring is gaining traction as a way of dealing with prison overcrowding: cell doors are opening and inmates are walking out of

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prison before their full sentences have been served, wearing tracking devices but otherwise free.

The paradigm “penal sanction” is and will continue to be the prison, although as a career probation officer, I believe probation possesses qualitatively and quantitatively superior value. Relative to prison and probation, electronic monitoring has yet to establish itself as a significant option (currently in the U.S. it affects a little more than 5% of those arrested) and its true purpose and character are even more ambiguous and uncertain than imprisonment. Yet in terms of innovation, electronic monitoring seems to be evolving and adding to its capabilities and uses at a far faster pace than other correctional alternatives. The reason is the pace of technological progress.

has market leverage greater than it appears, because many of the companies producing equipment for EM are often integrated into much larger holdings connected to the worlds of defense, security, telecommunications, and health care technology. Imaginative product initiatives by well funded EM companies will play a big role in how electronic monitoring will be deployed in the coming decade.

Moreover, attracted by the prospect of a lucrative and growing field, new companies will continue to enter the market (as is happening on a large scale now in Brazil), fuelling more innovation, better performance, and tough head-to-head competition that is likely to improve the quality and safety of hardware, servers, connections, and software being used to monitor criminals. Upgrades in technology—miniaturization in general, and GPS specifically—have already reinvigo-

Rethinking EM Begins with Understanding How We Use Electronic Monitoring

Although it’s been around for at least thirty years, electronic monitoring is still relatively new compared with other forms of crime control, and there is continuing uncertainty about how best and when to use it. Is EM “enhanced” probation or “relaxed” imprisonment? Will it attach itself to probation or prison as a “prosthesis” propping up the weaknesses of traditional solutions, offering a cheaper solution than prison but a more secure and confining solution than unmonitored probation? Or might remote offender monitoring become a third penal territory in and of itself, neither prison nor probation, but rather occupying a new region and mission between the two?

Conceptually, EM has been viewed principally as a form of restraint—early applications, after all, were called “house arrest” or “home confinement.” The assumption, that EM is a tool of confinement, has served to blinker our vision of EM’s possibilities. Certainly EM confines, but might it also compel, encourage, or incentivize? The following sections propose some new ideas and a new framework for the use of EM, a vision based upon emerging practices that are already being employed, albeit haphazardly, in many jurisdictions throughout the world. Let us begin, however, by examining current “models” for EM and the social context in which new models will need to evolve.

The “Timely Relief” Model

When applied as a mechanism for easing the pressure from prison or jail overcrowding, EM can be said to be following a “timely relief” model. This model can be pressed into service to drain off low-risk offenders from overcrowded facilities by way of early or temporary release (at Christmas and Easter, for example). This model has nothing whatsoever to do with the offenders’ rehabilitation. U.S. correctional systems have generally been unenthusiastic about releasing prisoners into the community

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EM offers a solution to the problem of too many prisons costing too much money.

Technological Development Drives New Applications

In the technological universe, EM represents only a tiny niche in the world market, although it is profitable and growing, and the companies active in this market can expect greater sales in the decades ahead. Competition has led to mergers, acquisitions, and buyouts engineered by venture capitalists; these in turn have tended to “internationalize” the companies in the EM market, and provide them with greater financial strength, essential for research and technological development of new products. Importantly, technological advances, rather than “client (that is, criminal justice system) needs” have tended to drive applications in electronic monitoring (as they have in just about every field of human endeavor these days—we are continually developing devices capable of performing functions we never felt necessary until the machine made it possible). Though small, the EM industry

rated EM and created new practical possibilities including the potential to tailor services for specific categories of offenders. By creating attractive market opportunities for new and existing commercial enterprises over the next ten years, advances in EM may also serve a beneficial if unanticipated purpose, creating the perception that crime and criminal behavior are problems for which there really are solutions. When a problem like crime is perceived as overwhelming and intractable, it is hard to generate enthusiasm for new ideas to combat it. When a new technology comes along that changes the perception from “nothing works” to “look what we can do now,” penal policy can be influenced positively. EM is a tool that also makes it possible to strike a genuine balance between risk management and civil liberty. When risk is reduced and personal accountability, linked to greater freedom, is encouraged, improved outcomes are likely. EM could play an important role in this process of improvement.

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with ankle-monitors as a way to relieve overcrowding, but Brazil has begun to adopt a “timely relief” model, using satellite tracking, in a large number of cases. While Brazilian authorities hope for the best, and are intent on monitoring and evaluating the outcome, this experiment entails considerable risk—Brazil has no experience or data on these types of releases.

The “Increased Control” Model

A companion to “timely relief” is the “increased control” model, by which I mean the use of EM to intensify control over inmates on work release. In Brazil, a country that has no probation system and few non-custodial sentencing options, work release is an important way that prison systems are able to increase administrative flexibility and reduce cost. Linking EM to a work release program increases the system’s control over the offender; it also increases the overall financial costs of a custodial sentence, especially when satellite tracking technology is used. Like “timely relief,” “increased control” in a work release environment does not address the social rehabilitation of offenders. It merely monitors whether the offender is in a certain place at a certain time (i.e. work), and travels there by a route that satisfies any exclusion criteria to which he is subjected.

The “Transfer” Model

The original (and still probably the most widely used) application of EM is “house arrest”—what one might view as a “transfer” model. In effect, state control is transferred at the point of sentence from the detention unit or jail to the home, which becomes a kind of penal space. Whatever potential to intervene and change the behavior of offenders monitoring technology may have, the transfer model confines the offender to a specified location—usually the home—but exerts very little influence over other behaviors. In Latin America, reformers who demand more and better non-custodial alternatives

are nonetheless sometimes naïve in thinking that EM will constitute a “magic solution” to the problem of excessive imprisonment. The same is true in the U.S. Alternatives to prison may expand, but prison numbers do not necessarily go down. If the main concern continues to be how to “make room for new entries” (Levy, 2002) without considering how to change criminal behavior, and if EM is viewed as solely a technology of observation and control, stripped of any therapy or social intervention, one ought not to expect incarceration rates to fall.

The “Integration (With Probation or Parole)” Model

Integration is the “Holy Grail” of offender monitoring. Much has been

nology as a means of supporting a range of other interventions which encourage the offender to change his behavior. House arrest here becomes part of a broader program, not simply a punitive end in itself, as it is in the “transfer” model.

A range of experts (James Bonta, Robert Lilly, Ralph and Robert Gable, and Mike Nellis, among others) have concluded from their research that EM can genuinely add value to the implementation of community penalties when combined with intensive supervision, that is, with traditional social work-based relationships and educational, therapeutic and occupational programs of proven effectiveness. EM adds to probation an element of control and oversight (Lehner, 2008) of variable severity and intrusive-

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written but less has been accomplished in the way of integrating EM within probation and parole to support rehabilitation and to strengthen supervision of offenders serving sentences in the community. The most constructive uses of EM in probation so far are arguably in Europe, particularly in Sweden and the Netherlands, where EM is actually expected to have some rehabilitative effects, integrated with other supportive, therapeutic, and educational measures. These uses include periods of EM early in the serving of sentences in the community and as a means of stabilizing an offender’s transition from prison to probation.² In Portugal, we have not gone to the same lengths as some of the more progressive European jurisdictions because our core business has been focused on pre-trial house arrest; nevertheless, the protocols which govern EM here closely follow those of probation, and the entire staff is recruited from probation units and steeped in their culture and service strategy. In the “integration” model, attention is deliberately paid to the potential of monitoring tech-

ness, which social work in the past could not have achieved: this is why it is sometimes worth adding the expense of EM to traditional forms of supervision—it can enhance them, and perhaps make it possible to work with high risk offenders whom it would not otherwise be possible to supervise in the community.

EM creates an “intermediate space” between conventional forms of imprisonment and traditional types of community-based sentences, which may in the past not have been thought of as tough enough to be alternatives to custody. EM can help to make non-prison sentences “tough enough” by adding an element of control that makes release more acceptable to the public and politicians. In doing so, it can help increase the range of options available to the courts. This integrated model of EM can simultaneously provide greater flexibility in managing prison populations and costs while making at least some contribution to the rehabilitation of offenders. Using it extensively and systematically as additional “muscle” in

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conjunction with established approaches to rehabilitation represents a better way forward than any of the other more limited models, although even in the countries where integration has been considered, or even idealized, there is still much room for improvement and experiment, and little agreement on how it should or could best be done.

The “Third Way”

Particularly in Europe and North America today, there are two main “penal territories”: the prison and the probation and parole services. Both are often “maxed out” though each faces its own specific logistical dilemmas:

and practitioners to let go of long-held assumptions about justice systems that have been with us for a very long time.

The term “third way” was popularized by Tony Blair and Bill Clinton in the 1990s as an approach to governing that was neither liberal nor conservative, but borrowed the best ideas from both. Similarly, an EM “third way” is not intended to replace or even reduce the prison, or wipe away the traditional practices of probation: both prison and community corrections will remain fully valid solutions for certain offenders. A third way would supplement these familiar territories by creating a new strategy of intervention, which, either on its own or in interaction with the other two, will give the courts a wider, more differentiated approach to sentencing, creating new

of probation, with all that it means for achieving rehabilitation.

EM is distinguished from prison because, despite exaggerated claims that are often made about it, it does not and cannot share prison’s function—to segregate a large mass of prisoners from society, and incapacitate them by physically restricting their activities and movements. EM is restrictive, but it is not incapacitating; it is not disabling in such a total and fundamental way. The offender still has a choice about complying with the rules that have been imposed on him while he resides in his own home. In this sense, EM is more like a community penalty.

However, despite being closer to probation, EM is not probation. EM is essentially surveillance; probation is at root rehabilitative. The extent of day and night-time supervision that EM technology allows is significantly increased beyond what probation officers could accomplish. Depending on how many hours one is subject to house arrest, it can also be a very intensive penalty.

It is limiting to see EM as principally a tool for strengthening the supervision of community sentences, although it can be used in this way. Its potential is much greater: it could be the foundation of “intermediate punishment”—the third penal territory, endowed with greater controlling potential than anything probation can manage on its own. It can constitute a framework in which further social support can be given to the offender, in ways that give it a unique identity. It goes beyond the transfer model described above because it has the potential to create synergy by combining “conditioned freedom” with social, educational, and therapeutic approaches to effecting longer term change in an offender’s behavior. As Dominic Lehner (2008) says, “not being tied to the prison allows the use of external assistance, such as family programs, anti-violence programs, and other therapies. It allows for real social integration.”

No research currently exists that suggests that EM alone has positively reduced recidivism. Why would we

EM’s potential to relieve a stressed correctional system depends on our willingness to think creatively, and to take the technology’s functionality seriously.

prisons with the management of capacity, and community-based supervision with prioritizing enforcement of sentencing for far more cases than can possibly be managed closely. Outcomes from the prison and probation systems, as they are presently organized and resourced, are not always encouraging. Remote offender monitoring and control technologies offer the possibility of creating a third penal territory, intermediate between the other more established regimes, where certain types of sentences could be enforced more effectively and capacity managed more efficiently. This new territory needs to be better defined, to become distinct and substantial, a process that may take decades. Electronic monitoring needs a clear identity and mission as a new and relevant arm of the criminal justice system, which it does not yet have. To bring about innovation on this scale, in as politically sensitive and conservative an arena as criminal justice, will require both emotional and intellectual commitment, caution but also courage and perhaps daring. It will require policy makers

possibilities for the prosecution and sentencing of offenders and their management in the community.

What does a “third way” look like? To be viable, a third way that fully exploits the potential for electronic monitoring must draw on the capacity of existing community-based and institutional correctional systems. EM will always be a surveillance tool for manipulating the offender’s spatial and temporal behavior in the community. EM resembles both prison and probation, both of which restrict the offender’s mobility in different ways and degrees, and one probably should not try to overstate EM’s uniqueness. But unless EM is considered as something distinct and new, we may not fully realize its imaginative potential or see all its possibilities. EM’s technological plasticity³ means it can respond to needs that might not be adequately met by either probation or prison alone. It has a logic of its own, sometimes aligned to support confinement in the community (house arrest, mirroring prison), but at other times it may possess great power to endorse and extend the guiding principles

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expect any, since we have not generally tried to use EM in that way? EM's potential to relieve a stressed correctional system depends on taking its technological functionality seriously—constrained, of course, by the same ethical imperatives that guide probation, but augmenting it to create as yet untried forms of supervision and control—to create a new type of sentencing package for the courts (or a post-release measure). It will still need to be grounded in a commitment to offering offenders individual assistance, to making personal relationships with them which complement the more distant controls exerted by the technology, to the use of programs known to reduce recidivism (Bonta 1999, 2010), and above all to a more sophisticated approach to the assessment of need and risk, so as to better identify which offenders will benefit from and comply with particular types of community supervision, whether in the third or second “penal territories”. Selection is crucial to success, as is the proportionality of the precise form of intermediate sentence imposed on the offender, without which it will lack legitimacy.

The “Third Way” as a Platform for Improving the Prison System

Prisons are not going away—and therefore, for a third way to work, prisons must get better. Vast expenditures on imprisonment have tended to use up resources that might otherwise have helped fund an efficiently functioning probation system. Prisons must release back into the community those inmates who, by virtue of the nature of their offenses, the low risks they pose to public safety, and their potential for making a positive contribution to society, ought not to be behind bars. The resources freed up by the incremental cost-savings generated by each release should be shared 50-50: half of each dollar saved should be redirected to community-based probation and parole services, and the remaining half dollar reinvested back into the prison system, to fund programs for education, rehabilitation, and

medical and mental health care, so that the institution can do a better job with the inmates still inside its walls. Every dollar saved, however, should stay within the correctional system as long as rates of correctional supervision (both institutional and community-based) stay at current levels.

Improving the “Transfer” Model and “Leveraging” Probation

The transfer of inmates from prisons to their homes, under EM, even with limitations, may constitute a step forward from current practice. To improve the transfer process, reliable mechanisms for risk evaluation must be in place prior to any decision to create a “post-release” or a “front door conviction” program. The decision to release or transfer should be evidence-based. Then, in terms of implementation, it is essential to have well-established, pre-tested protocols for rapidly responding to violations and to technical malfunctions. Stakeholders in addition to the customary law enforcement professionals should be part of a coordinated team, including public and private community organizations. Indeed, local organizations can make a great contribution in meeting an offender's social needs, helping him or her to comply with home confinement and other obligations.

Until there is an evidence base for knowing what works and what doesn't work, any transfer of prisoners out of prisons and into the community should take place gradually and not massively (as in Brazil). The strategy should be tested in pilot programs that do not merely test the operation of equipment, but also the procedures and the link to judicial authorities. One advantage of improving the transfer model might be “leveraging” probation, getting it taken more seriously by the political powers and the judiciary. Even in some European countries, systems of probation are under-resourced or nonexistent. Gaining more resources, more credibility and more prominence for probation is a worthy goal in and of itself, but giving probation the funding and emphasis it needs and deserves still does

not go far enough address the kind of sentencing challenges currently being faced by criminal justice systems. That is why a third way is needed.

A third way based on EM will depend on adherence to several basic principles, since in itself EM is just technology and its usefulness depends on the strategy that guides its deployment. These “third way” principles include:

- a. **Prisons open to flexible thinking.** If inmates are to transition out of prison and into the community, prisons must alter their concept of “confinement” from “absolute” to “conditioned” confinement; prisons must begin to “trust” offenders in a way that is implicit in traditional probation but suspect among institutional corrections. Getting results through electronic surveillance, i.e. decreasing criminal recidivism and modifying behaviors, may only be achieved by synergies combining conditional freedom (control) with a social approach (in some cases a psychological or even therapeutic approach).
- b. **An individualized, personal approach.** Freed by EM from the time-consuming task of tracking the whereabouts of their cases, probation officers must “reinvest” this time by establishing a strong individualized, mentoring relationship with offenders.
- c. **Programs.** Confinement and control without a formal program of behavioral intervention and guidance will be futile. Organized programs, whether therapeutic, conduct-changing, employment, educational, or others, are essential for the needed change to occur. (Bonta, 1999, 2010).
- d. **Increased knowledge.** One of the most notable characteristics of EM is its capacity to provide immediate, continuous knowledge about where an offender is and, to a degree, what he is doing. This knowledge must be complemented by services that address the mind of the offender, and seek to change his attitudes.
- e. **Early warnings.** EM services that work closely with a watch list certainly have been tried on numerous occasions, in what Renzema (2005) calls the concerns about the early signs of relapse, thanks to intensive supervision and extensive knowledge of the offender. EM provides a continuous and a close

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up approach giving officers data on the offender's behavior including signs that can be understood as early warnings of emerging troubles or possible violations. In those cases, officers have the chance of working with offenders and families preventing breaches or escapes.

- f. Not disabling, but rather, conditioning and accountable.** The most relevant characteristics of EM is that it does not disable the offender—it provides, therefore, some scope for the offender to demonstrate accountability. As Nellis (2004) puts it:

The concept of 'incapacitation' based on the implementation of community supervision, at least at present, is a paradox. Contemporary forms of EM used to confine or localize, are not the same as the disabling locks, bolts and bars of the prison. Metaphors like electronic shackle and virtual

and, if properly framed, can have the effect of self-disciplining offenders. EM depends largely on the collaboration and responsibility from the offender if it is to work—he must chose to comply either because he has a positive incentive to be law-abiding, or because he fears the consequences of not doing so.

- g. Not for everybody.** The "third way" is not a universal solution. The type of candidate selected is critical. Determining who to supervise is the first step. For some, the level of supervision is excessive and therefore adds unnecessary cost and effort; for others it will be insufficient. This decision should derive from an assessment of risk levels presented by the offender which in turn presupposes a system of assessment calibrated to the varying levels of control possible. Eligible offenders might be those of low-to-average risk or even of average-to-high risk, depending on the technology to be used and on the kind of sentence or stage of the sentence imposed.

that, at some point, need remedial action. Probation on its own is probably cheaper than EM but as a penal measure it lacks the necessary element of containment that EM provides. Combining EM and probation—creating the "third way" and getting the best from both measures—may not in itself be much cheaper than low-cost, overcrowded, poorly equipped and staffed prison facilities, but it will surely produce better outcomes.

- j. Laws will have to change.** Under current law, technical violations could trigger mandatory sentencing provisions that might undercut the objectives of a "third way." The enforcement of sentences using EM will permit a faster and also more flexible approach that achieves proportionality and balance—but taking advantage of the fast response made possible by EM will require a rethinking of sentencing laws, a change that is already taking place in many jurisdictions.

Creating a "third way" may not in itself be much cheaper than low-cost, overcrowded, poorly equipped prison facilities, but it will surely produce better outcomes.

prison erroneously imply otherwise. EM, like other community penalties, constrains choice but does not remove it; the [offender] can disregard or remove the tag. The chances of detection are, of course, heightened, but strictly speaking, this is not the equivalent of being incapacitated—an experience which removes choice, and prevents a particular course of action from being taken regardless of desire. EM is thus confirmed as a surveillant rather than an incapacitative modality of control—it works not by imposing an actual physical restraint on its subjects, but by fostering awareness that they are under constant or intermittent remote 'observation', such that rule-breaking, *whilst still possible*, is inadvisable (Nellis 2004).

Barriers to escape or violation of a court order are not physical but rather psychological. For this reason, EM may operate as a way of conditioning behavior

- h. Stay positive.** "Positive Monitoring," a term borrowed from Ralph and Robert Gable (2005), denotes the use of incentives and rewards with the offender, in recognition of his compliant performance. After a proper assessment, a positive, individualized approach, graduating the components of the control and supervision, reducing them or increasing them according to the level of cooperation of the offender and the degree of risk he presents, may well contribute to rehabilitation. (Lehner, 2008).

- i. Be realistic about cost containment.** There remain different opinions on how much less expensive EM is than prison. If it is true that its operating costs are far lower than prison given the relative absence of comparable human resources, infrastructure and logistics, politicians also know that prison systems can withstand massive overloads which reduce the cost per person, albeit at the expense of deteriorating conditions. Experience shows that prolonged overloading of the prison systems creates political problems

The Way Forward

The limitations of the two traditional penal territories of imprisonment and probation requires thinking about alternative solutions that will both contain costs and improve outcomes for offenders. The creation of a third, intermediate penal territory is based on the distinct and underutilized contribution that EM systems can make, coupled with social interventions aimed at preventing recidivism and reducing risks. As yet, we are only dimly able to imagine what this new territory looks like: less controlling than prison, and more controlling than probation, while sharing the latter's core values—offenders freer to make choices about compliance that are not available to those subject to imprisonment, but freedom limited by the array of intensive interventions as well as by the deterrent effect of EM's capacity to detect violations relating to whereabouts and schedules. EM is inherently invasive but depending on the protocols developed to govern its use—and its inability to permit incapacitative supervision—it will make greater demands on the offender while leaving more of the individual's privacy and even individuality intact.

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Having the right tool to detect such breaches is imperative if offenders are to be prevented from offending again, or held accountable if they do recidivate. When an offender fails and re-offends, information gathered from Field Search and Impulse Control are admissible as evidence. The reports, graphs, and screenshots are very effective during revocation hearings. To date, use of the data in court proceedings has never been denied or overturned.

Safety is also an issue. There are many documented cases of offenders researching a judge, prosecutor, counselor, or probation officer online. Whether the offender is plotting retaliation or merely indulging in a fantasy, the risks are obvious. Computer scanning software makes quick detection and intervention possible.

Banning Computer Use May Do More Harm than Good

All of us have grown reliant upon computers for our everyday living. Offenders are no different. Many use the

internet for work, for job searching, and for school. In today's society, it can be counterproductive to restrict an offender from all computer use. For instance, many employers will only accept job applications online. Depriving an offender of computer access may well deprive him of the chance at employment—and unemployment is perhaps the greatest stressor for working age Americans. Stress leads to poor motivation, bad decisions, and re-offending. Computer monitoring restricts the offender's access to the wrong materials while making it possible to access the right materials. With the proper software and support from local government, computers can be used as positive reinforcement for the offender. Monitoring can give offenders access to positive topics, research, and even recreation. Instructing offenders on appropriate ways to use computers is also beneficial in building trusting relationships for probation and parole officers charged with the task of teaching clients to make better decisions. Sex offenders complete probation and parole so they

can learn to live as productive members of the community. Once their supervision period is over, offenders will be on the internet. With monitoring software, probation officers can teach offenders how to use computers positively and productively—an essential life skill in this technological age.

Knowledge is the key to understanding the people we work with, live near, and encounter as part of our communities. Probation and parole officers have the difficult task of supervising one of the most challenging populations in the criminal justice system. Remote internet monitoring gives probation officers a powerful tool—not just for preventing bad behaviors, but for coordinating the work of supervision and counseling, gaining an understanding of client needs, and building trust, all keys to ensuring that offenders comply with treatment, and prevent future victims. ■

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Evidence suggests that this “third way” could make a significant contribution. It could be more effective and less expensive. It will have more credibility with more serious offenders than traditional probation, which will remain useful for less serious offenders. It cannot itself solve the social and political problems that lie at the root of our increasingly expensive and ineffective justice system, but it may well help to rehabilitate more of the growing number of people cycling through the system. Like the other penal territories, it will have intrinsic limitations and difficulties, including entrenched attitudes towards the role of technology among sentencing courts and established criminal justice professions, who may feel threatened, alarmed, or disdainful of it. But, although it will never replace prisons and may never be used on a vast scale, it has a potential which, given our social and political circumstances, we cannot ignore.

Endnotes

¹There are interesting exceptions, of course. The world's leading democracy, the United States, has an incarceration rate of 730 inmates per 100,000 population, while authoritarian Iran and China turn in a more modest 333/100,000 and 122/100,000 respectively and Brazil has 253 prisoners per 100,000. In Europe, England and Wales frequently have the highest rates of imprisonment – currently 155 per 100,000 – partly because of a tendency to emulate American penal strategies ([http://www.prisonestudies.org/info/worldbrief/from King's College London site](http://www.prisonestudies.org/info/worldbrief/from%20King%27s%20College%20London%20site), reached in Feb 2012).

²In most of Europe and the U.S., parole is an integral part of the sentence. The convict has obligations and is followed (controlled and monitored) by the enforcement of punishments and measures. The intervention model is different depending on the legal framework and level of enforcement. However, this continuum of supervision is not universal – in many Latin America countries, the released prisoner is exempt from state control, and simply leaves prison when his custodial sentence ends.

³Versatility, in Payne, B and Gainey R (2004).

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