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THE ELECTRONIC MONITORING OF OFFENDERS RELEASED FROM JAIL OR PRISON: SAFETY, CONTROL, AND COMPARISONS TO THE INCARCERATION EXPERIENCE

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A number of concerns have surfaced about the use of electronic monitoring as a sanction since its inception in 1984. Research into these concerns has examined the sanction's breadth, pitfalls, and successes. This research focuses on the way electronically monitored offenders define various issues about the sanction. Results suggest that offenders do not necessarily see the sanction in ways that are consistent with the portrayal of the sanction in the literature and the media. Implications are provided.

Keywords: *house arrest; electronic monitoring; community-based sanctions; parole*

House arrest with electronic monitoring can be used during various phases of the justice process as an alternative to incarceration. In some jurisdictions, electronic monitoring is used during the pretrial phase to ensure that the offender will appear for trial. More often, however, the sanction is used as a method to supervise, control, and punish offenders who have already been convicted. When used in this manner, electronic monitoring is generally applied in one of two ways. First, it may be a sanction in and of itself, which judges use for some offenders. Or, it can be used in conjunction with other sanctions wherein offenders receive a prison or jail sanction and then are placed on electronic monitoring when they are released back into the community. Focusing primarily on those who are monitored after being released from prison or jail, the current study considers the way offenders experience house arrest with electronic monitoring.

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REVIEW OF LITERATURE

A handful of criminologists have devoted a great deal of attention to trying to understand the role of electronic monitoring as an alternative to incarceration. Four bodies of scientific debate and research characterize the body of literature that has developed since the sanction was initially created. These four areas include: (a) debate about the controversial issues surrounding the sanction; (b) concern about the applicability of the sanction for various kinds of offenders; (c) evaluations of the success of the sentencing alternative; and (d) examinations of the experiences of offenders on electronic monitoring.

CONTROVERSIAL ISSUES SURROUNDING ELECTRONIC MONITORING

The first body of academic literature on electronic monitoring critically examines the controversial issues surrounding the sanction (see Del Carmen & Vaughn, 1986; Grace, 1990; Houk, 1984; Lilly & Ball, 1987; Muncie, 1990; Petersilia, 1986; von Hirsch, 1990). To those who opposed electronic monitoring, it was perhaps no coincidence that the sanction surfaced in 1984, as the Orwellian nature of the sanction was particularly offensive. Lilly and Ball (1987) note, "Concerns expressed over possible invasions of privacy, either by the government or by private agencies, had come about because of the enormously increased power of technology to penetrate the private realm" (p. 371). Using technological advancements to control and punish offenders has been resisted by those seeing such innovations as intrusive and barbaric. Alternately, supporters of electronic monitoring point out that new methods of punishment most always evolve with broader societal changes (Lilly & Ball, 1987).

Critics also claimed that the sanction was not really an alternative to incarceration but simply a new sentencing alternative. The belief was that this new sanction would simply widen the net of criminal justice control. In effect, some believe that offenders sentenced to electronic monitoring are actually offenders who in the past would have been informally diverted from the justice system altogether (Bonta, Wallace-Capretta, & Rooney, 2000a; Mainprize, 1992). Supporters of the sanction point out that its versatility ensures that overcrowding can in fact be reduced if it is used appropriately. When used as a form of pretrial detention, supporters argue that individuals who once would have remained in jail can now return to their homes. When used as a form of release from jail or prison, offenders who truly otherwise would spend time incarcerated can be returned to the community in a structured and rehabilitative yet retributive manner (Gainey, Payne, & O'Toole,

2000). Furthermore, because most electronically monitored offenders must cover the costs of their incarceration, electronic monitoring is seen as more economical than incarceration (Payne & Gainey, 1999).

Other critics were less concerned with the net-widening potential and more concerned with the belief that the sanction was unsafe because offenders could easily escape into the community. Comments in the media suggest that electronic monitoring sanctions pose a great risk to the community (Payne & Gainey, 2000). Supporters of the sanction point out that generally only low-risk offenders are placed on the sanction and that even if they did escape, they have little or no propensity toward violence (Jolin & Stipak, 1992; Loconte, 1998).

Critics of the sanction also claim that electronic monitoring with home confinement turns the home into a prison (Grace, 1990; Houk, 1984). When punishment is administered in the home, and when the offender loses contact with the outside world, it is indeed possible that sanctions do turn the home into a prison. However, two points counter this claim. First, corrections scholars note that it is nothing new to apply sanctions in offenders' homes (Lilly & Ball, 1987). Second, it is reasonable to argue, as the current research does, that the best way to determine whether the sanction turns the home into a prison is to ask offenders whether their homes were prisonized during their sanction. Philosophically speaking, the sanction may turn the home into a prison, but does this happen in reality?

ELECTRONIC MONITORING AS A VERSATILE SANCTION

The next area of literature on electronic monitoring focuses on the versatility of the sentencing alternative. Research has examined whether, and how, the sanction could be used for various offenders including juveniles and drug offenders (Courtright, Berg, & Mutchnick, 2000; Jolin & Stipak, 1992; Roy, 1997). In general, this research suggests that the sanction can be used for different types of offenders in meaningful ways.

Research has also examined how the sanction could be used during different phases of the justice process (Maxfield & Baumer, 1990). Specifically, electronic monitoring can be used in at least three parts of the justice process, including prior to trial, immediately after conviction, and postincarceration. When used prior to trial, electronic monitoring has been shown to be an effective strategy for pretrial detention (Altman, Murray, & Wooten, 1997; Cadigan, 1993; Coopridier, 1992; Coopridier & Kerby, 1990). With pretrial detention occurring in the home rather than in jail, suspects are able to avoid the criminogenic environment found in many jails. They also have more

access to their attorneys, thus allowing them to assist in preparing their defenses. Moreover, it is cost effective to provide home supervision.

Electronic monitoring can also be used immediately after conviction as a form of punishment in and of itself. When used in this manner, research suggests that the sanction potentially fulfills many goals of the justice process (Payne & Gainey, 2000). It is punitive but rehabilitative. As well, the controlling nature of the sanction protects society. Moreover, studies show that electronically monitored offenders are less likely than are comparable offenders to commit new offenses (Bonta, Wallace-Capretta, & Rooney, 2000b; Courtright, Berg, & Mutchnick, 1997, 2000).

Research has also considered the use of electronic monitoring after one has served a prison or jail sanction. When used in this part of the justice process, the sanction is seen as helping to reintegrate offenders into the community. In addition, because incarceration is experienced as a shameful event, house arrest with electronic monitoring following incarceration helps to show offenders that society is placing trust back into them (Gainey et al., 2000). According to Gainey et al. (2000), "Jail incarceration followed by electronic monitoring affords offenders respect by trusting them with early release into the community" (p. 748).

DEFINING AND MEASURING THE SUCCESS OF ELECTRONIC MONITORING

The third body of electronic monitoring literature entails the examination of ways to define and measure the success of the sanction. This success literature defines success in three different ways. First, some researchers have defined and measured success by focusing on whether offenders violated their electronic monitoring conditions and failed to finish the electronic monitoring sanction (Baumer, Maxfield, & Mendelsohn, 1993; Lilly, Ball, Curry, & Smith, 1992). Defining success in terms of violations, most have come to agree that the longer one is on electronic monitoring, the more likely one will be to violate the terms of one's probation or parole.

Second, some have defined success in terms of whether offenders committed, or were convicted of, new offenses (O'Toole, 1999; Roy, 1997). Research examining subsequent convictions of electronically monitored offenders shows that the sanction is more effective than comparable sanctions in deterring certain types of offenses (e.g., traffic offenses and drunk driving; Courtright et al., 1997; Gainey et al., 2000). The ability of electronic monitoring to deter future misconduct varies among programs. Those that are believed to have the most deterrent effect are programs that have a strong

treatment component as a core of the punishment experience (Bonta et al., 2000b).

Third, some research has defined success in terms of the public's support for electronic monitoring (Brown & Elrod, 1995). Research defining success as public support has shown that the public is generally supportive of the sanction for nondangerous offenders. These nondangerous offenders generally include younger offenders with no prior record who have been convicted of mundane offenses such as drug possession, traffic offenses, and so on. Recent research also shows that some groups may not adequately understand the sanction (Gainey & Payne, 2000).

THE ELECTRONIC MONITORING EXPERIENCE

The fourth area of electronic monitoring research has focused on the way that offenders experience the electronic monitoring sanction (Gainey & Payne, 2000; Payne & Gainey, 1998). This research shows that most electronically monitored offenders prefer house arrest to jail, but they still experience the sanction as punitive. Based on interviews with 29 electronically monitored offenders, Payne and Gainey (1998) report that those experiencing this sanction will experience pains of imprisonment similar to those considered by Sykes (1958; e.g., deprivation of liberty, deprivation of autonomy, etc.) along with some pains that are unique to the electronic monitoring experience. For example, electronically monitored offenders must pay a fee to be on the sanction, have to watch others do things they themselves are unable to do, may experience shame from wearing the bracelet, and may experience family problems due to the fact that they are always at home. This body of research fits in with recent research suggesting that some offenders see alternative sanctions as equally punitive as incarceration (Petersilia & Deschenes, 1994; Spelman, 1995; Wood & Grasmick, 1999).

The past literature has generally considered these areas (e.g., the controversial issues, applicability of the sanction, the sanction's success, and offender's experiences) separately. The current study pulls together the areas by considering how one group of offenders (e.g., those who have been released from jail) experience the sanction and by focusing on offenders' experiences regarding the safety, control, and effectiveness of the sanction. Some will likely claim that offenders' perceptions are not accurate indicators in terms of the sanction's safety, controlling nature, or effectiveness. We believe, however, that offenders' perceptions are important to understand for at least three reasons.

First, many of the criticisms about electronic monitoring are based on issues that would be best understood through an assessment of the offenders'

perceptions of, or experiences with, the sanction. Recall that some academics claim that the sanction turns the home into a prison. Perhaps it does in theory, but does this happen in reality? The only way to find out would be to ask offenders if they think their home was turned into a prison while they were being monitored. Likewise, some claim that the sanction is too lenient. Again, lenience is a relative concept that would be best appreciated only by those who have actually experienced the sanction.

Second, as far as the safety of the sanction is concerned, asking offenders about their perceptions of the safety of the sanction seems like the most obvious starting point. To be sure, the safety of the sanction cannot be determined entirely from offenders' perceptions about safety, but it is important to consider their perceptions nonetheless. If offenders who have been on electronic monitoring tell us that they think the sanction is unsafe to the public, then it would seem that the sanction truly is a threat to public safety. Alternately, if offenders explain what keeps them from committing offenses while they are being monitored, then understanding about what is needed to maintain public safety is provided. Third, electronically monitored offenders are often ignored when punishment experiences are assessed. Lilly and Jenkins (1989) note that although many studies have been done on electronic monitoring and other sentencing alternatives, "hardly anyone asks the criminals . . . what they say" (p. 23). It seems to us that electronically monitored offenders would have much to say about the safety, effectiveness, and controlling nature of the sanction.

Because electronically monitored offenders have so much to offer insofar as our understanding of the sanction is concerned, the current research examines the following questions. First, how do offenders experience and perceive the sanction? Second, what factors influence the way offenders experience and perceive electronic monitoring? Third, what do offenders say about the protective function served by the sanction? Fourth, how do offenders respond to the controlling nature of the sanction? Last, how do offenders compare their monitoring experience with their incarceration experience? The questions were addressed by focusing primarily on offenders who had spent at least some time incarcerated.

METHOD

To see how offenders experienced electronic monitoring after being incarcerated, the authors surveyed 49 offenders who were on electronic monitoring in a jurisdiction where the sanction was generally used in conjunction with jail sentences and work release programs. Specifically, offenders in the

program, in theory, would spend one third of their sentence in jail, one third of their sentence on work release, and the remaining one third of their sentence on house arrest with electronic monitoring. Due to constraints in contacting the offenders, four survey techniques were used to administer the survey: face to face interviews in a separate room at the electronic monitoring supervisor's office at the sheriff's department ($n = 12$); phone interviews ($n = 3$); onsite completion of the survey in a separate room at the electronic monitoring supervisor's office ($n = 29$); and mail return surveys ($n = 5$).

The survey included four sections: (a) a demographic section; (b) a close-ended section asking offenders about problems they experienced on electronic monitoring; (c) a close-ended section asking offenders their perceptions of the sanction; and (d) an open-ended section asking offenders about various aspects of the sanction. Scales have been developed from items in the second and third sections and have been subjected to a number of different tests (see Gainey & Payne, 2000; Payne & Gainey, 1999).

For instance, the second section is a 24-item instrument assessing various pains and costs that monitored offenders would experience during the course of their sanction. Four subscales from this instrument were examined in a prior study: (a) a controlling conditions subscale assessing the conditions designed to control offenders; (b) a technological conditions subscale assessing the way technology conditions influence the punishment experience; (c) a controlling restriction subscale assessing the way that restrictions control behavior; (d) a technological restriction subscale assessing limitations on behavior as a result of the technology associated with the sanction.

The third section of the instrument is a 38-item instrument assessing how offenders perceived the sanction. This instrument included subscales designed to measure how well the sanction was perceived as meeting different goals of the justice process (e.g., deterrence, rehabilitation, retribution, etc.). The current research uses items from the second and third sections to build on the previous research by examining whether specific items vary among various offenders and by combining these bivariate analyses with an examination of offenders' responses to the close-ended questions.

The close-ended questions assessing experiences on electronic monitoring included a series of statements about possible problems offenders would confront on the sanction. Respondents were asked to indicate whether each problem was no problem, a little problem, a moderate problem, or a major problem. The close-ended questions assessing perceptions about the sanction included a series of statements about controversial aspects of the sanction asking respondents their degree of agreement or disagreement.

Roughly three fourths of the sample was male, employed, and unmarried, and just under half was White. The age of respondents ranged from a low of

21 years old to a high of 63 years old, and the average age of respondents was 37 years. Also, on average, 3.7 individuals lived in the household where the offender was monitored, and one third of the offenders lived in an apartment and the rest lived in a house. At the recommendation of the program director, we did not ask offenders about their offense types. From the program director, however, we learned that when all monitored offenders in the program are considered, about half of them were traffic offenders, one third were felony offenders, and about 17% were convicted of misdemeanors. Most of the traffic offenders had drunk driving offenses as part of their records. In terms of whether these offenders represent other offenders on electronic monitoring in this particular jurisdiction, it is important to note that the characteristics of the offenders included in this study are similar to a broader study that examined 215 electronically monitored offenders (Gainey et al., 2000).

The analyses presented here are exploratory and include primarily qualitative strategies. Content analysis was performed on the open-ended questions. Four themes were examined: (a) the safety of the sanction; (b) the controlling nature of the sanction; (c) the electronic monitoring experience; and (d) comparisons to other sanctions. For the closed-ended questions, descriptive statistics are reported to provide a general understanding of the problems confronted on the sanction and to illustrate how offenders perceive the sanction. Integrating the descriptive statistics with the content analysis is a useful strategy to illustrate important patterns in the data (Berg, 2000).

FINDINGS

GENERAL EXPERIENCES AND PERCEPTIONS

Table 1 includes the univariate statistics from the close-ended questions asking about the offenders' experiences with the sanction. From the close-ended questions, it becomes relatively clear that offenders do not experience the sanction as overly punitive or as overly lenient. As far as experiences are concerned, certain aspects of the sanction were rarely seen as a problem. Those experiences that were rarely seen as a problem included having to provide urine for drug tests, having to avoid alcohol, having to worry about friends getting the offender in trouble, having to keep the house in order, having one's leisure time interrupted, having one's family know one's whereabouts at all times, not being able to have call waiting, and not being able to turn the ringer off on the phone or ignore the answering machine. The vast majority of the sample indicated that these experiences were simply not problematic aspects of the electronic monitoring sanction.

TABLE 1: Problems Confronted When on Electronic Monitoring

	No Problem	%	Little Problem	%	Moderate Problem	%	Very Big Problem	%
Not being able to go for walk or run when you want.	9	18.4	13	26.5	14	28.6	13	26.5
Not being able to go to the store when you want.	3	6.1	17	34.7	14	28.6	15	30.6
Not being able to stay late at work.	20	40.8	10	20.4	8	16.3	10	20.4
Not being able to meet friends after work.	26	53.1	10	20.4	6	12.2	7	14.3
Not being able to turn the ringer off on your phone.	33	67.3	7	14.3	3	6.1	6	12.2
Not being able to ignore the answering machine.	32	65.3	8	16.3	3	6.1	6	12.2
Not being able to have call waiting.	33	67.3	7	14.3	4	8.2	4	8.2
Having to limit the length of conversations on phone.	16	32.7	13	26.5	13	26.5	7	14.3
Not being able to go out to eat when you want.	6	12.2	18	36.7	10	20.4	15	30.6
Not being able to drink alcohol.	33	67.3	9	18.4	3	6.1	4	8.2
Having to provide urine for drug and alcohol tests.	41	83.7	6	12.2	0	0.0	1	2.0
Having to worry about friends showing up with alcohol or drugs and getting you in trouble.	41	83.7	4	8.2	2	4.1	2	4.1
Having your family or friends know where you are at every moment.	35	71.4	10	20.4	3	6.1	1	2.0
Embarrassment of having to tell that you can't go out.	22	44.9	13	26.5	9	18.4	5	10.2
Having to keep your house in order in case a staff person checks in on you.	39	79.6	8	16.3	2	4.1	0	0.0
Embarrassment of having to tell your friends or family that you're constrained to the house.	25	51.0	10	20.4	6	12.2	8	16.3
Having to wear a visible monitor.	15	30.6	10	20.4	10	20.4	14	28.6
Having a box on your phone that people might ask about.	27	55.1	13	26.5	5	10.2	4	8.2
Having your work interrupted by law enforcement calls.	24	49.0	11	22.4	6	12.2	7	14.3
Having your leisure time interrupted by calls from a staff person.	33	67.3	8	16.3	7	14.3	1	2.0

(continued)

TABLE 1 continued

	No Problem	%	Little Problem	%	Moderate Problem	%	Very Big Problem	%
Having to worry about technical problems that you might get blamed for.	14	28.6	11	22.4	13	26.5	10	20.4
Not having weekends free.	11	22.4	12	24.5	10	20.4	15	30.6
Having your sleep interrupted by calls to check on you.	24	49.0	12	24.5	6	12.2	6	12.2
Not being able to get away from family or roommates when you want.	21	42.9	15	30.6	6	12.2	7	14.3

Some experiences were cited as being at least a little bit of a problem, if not a moderate or major problem, relatively frequently. Those experiences that were somewhat frequently cited as problems included shameful aspects of the sanctions (e.g., having to wear a visible monitor and the embarrassment of having to tell friends about the sanction) and those that limit one's interactions or possible interactions (e.g., not having weekends free and having to limit the length of conversations on the phone). Taken together, the shameful experiences and limiting of interactions seem to capture problems that offenders would face in regards to their social needs.

A handful of other experiences were more frequently cited as problems offenders faced on the sanction. These other experiences included not being able to go to the store when one wants, not being able to go out to eat when one wants, and not being able to go for a walk or run when one wants. These three experiences can be seen as problems meeting one's physiological needs (e.g., the need to eat, to exercise, or to buy food or other necessities).

Table 2 includes the univariate statistics from the questions asking offenders about their perceptions of electronic monitoring. In general, offenders saw the sanction as punitive, though a sizeable minority (nearly one in five) agreed that it may be too lenient. Offenders were split with regard to the belief that the sanction turns the home into a prison. Slightly over half agreed with the statement, and slightly under half disagreed. Interestingly, very few of the offenders strongly agreed or strongly disagreed with the statement.

There was more agreement about the rehabilitative appeal of the sanction, with nearly 95% of the sample agreeing or strongly agreeing that the sanction helps in treating offenders by maintaining close supervision, may be effective because the offender can still work, may be effective because the offender can maintain contact with his or her family, and may be effective because the offender can help with his or her household duties.

PERCEPTIONS ABOUT THE SAFETY OF THE SANCTION

In asking offenders about whether it would be easy to escape, most agreed that it may be easy to temporarily be free, but certain factors kept them from even contemplating escape. Offenders cited four factors that kept them from escaping, including threat of punishment, monitoring potential, conventional ties, and offender characteristics. With regard to threat of punishment, the offenders in this study seemed to understand that they could get into a significant amount of trouble should they tamper with their monitoring equipment. Here is how a few of them put it:

TABLE 2: Monitored Offenders' Perceptions about Electronic Monitoring

	Strongly Disagree		Disagree		Agree		Strongly Agree	
		%		%		%		%
<i>I think that electronic monitoring . . .</i>	13	26.5	23	46.9	9	18.4	4	8.2
as a form of punishment, may be too lenient.	8	16.3	10	20.4	22	44.9	8	16.3
is a severe punishment because it keeps the offender from going anywhere.	3	6.1	6	12.2	32	65.3	8	16.3
ensures that the offender is punished.	8	16.3	26	53.1	10	20.4	3	6.1
really isn't a form of punishment for many people.	1	2.0	3	6.1	29	59.2	15	30.6
is an effective method of controlling offenders.	16	32.7	27	55.1	5	10.2	1	2.0
is dangerous because it's too easy for the offender to escape.	3	6.1	23	46.9	21	42.9	2	4.1
turns the home into a prison.	1	2.0	2	4.1	35	71.4	10	20.4
may help rehabilitate some offenders.	3	6.1	5	10.2	21	42.9	17	34.7
is effective because it doesn't require convicts to associate with other criminals, like in jail.	0	0.0	3	6.1	33	67.3	10	20.4
helps in treating offenders by maintaining close supervision over them.	0	0.0	2	4.1	29	59.2	16	32.7
may be effective because the offender can maintain close contact with his or her family.	0	0.0	1	2.0	24	49.0	21	42.9
may be effective because the offender can continue to work.	0	0.0	3	6.1	25	51.0	19	38.8
may be effective because the offender can help with household duties.	3	6.1	23	46.9	21	42.9	2	4.1
turns the home into a prison.								

It's very easy to escape. But as soon as you go past that door seal, you're in trouble.

I wouldn't escape. That's another charge, more time.

If they left, they'd be worse off than when they started. I just do this and get it over with.

Well anyone that's on the monitoring is stupid if they try to escape because they are the one that's going to suffer consequences.

It will catch up to you [if you try to escape].

This relates to a second factor that seemed to keep offenders from considering escape: the monitoring potential of the electronic technology. One offender commented that escape was not an option "because this has a range and they will know pretty quick." In a similar vein, another offender indicated, "Wherever you go, they are ahead of you." And another said, "They'd know if the bracelet were off." More specific in terms of the monitor's strength, a fourth offender commented, "I don't see it as easy to escape. My monitor picks me up within five feet of the door. I'm out at 7:30 in the morning and in at 7:30 at night. If I'm late, she knows."

Conventional ties were also cited as factors that kept offenders in line while they were being monitored. Specifically, the fear of losing something or someone of value as a result of any tampering with the equipment seemed to keep offenders from contemplating escape. Those conventional ties that seemed to be most important to offenders included their families and their jobs. Consider the following comments from three different offenders:

It depends on a person's consequences. I love my family. It's the most important part of my life. I do not want to see another man caring for my daughter or sleeping with my woman. To someone who has nothing to lose, it's a joke; but for someone who has positive things to offer himself and family, it is everything.

I'm just glad I'm able to work.

My job is far more important. It would hurt me. It would hurt my family. It doesn't fit. I can't comprehend how you can escape, or why you'd want to escape. It is not reasonable.

Each of these comments shows that the offenders see their conventional ties with their families and their jobs as being too important to risk.

Offender characteristics were also cited as factors that would keep offenders from trying to escape. In particular, these offenders tended to define

themselves as less serious offenders who are really not a societal threat. Said one offender, "People who are a real threat are not on it." Another offender voiced a similar belief, stating, "People on house arrest are generally there because of a lesser charge." As less serious offenders, the electronically monitored offenders in this study seemed to see themselves as privileged in that they were given the option of leaving jail earlier than other offenders. Implying this privilege, one offender commented that electronic monitoring "shouldn't be given to certain offenders."

Keep in mind that the responses to the close-ended questions showed that the offenders did not see this sanction as overly punitive. Given that it is not overly punitive, offenders do not want to jeopardize doing things that would result in a stiffer penalty. Tying these ideas together, these are less serious offenders who have too much to lose (e.g., conventional ties and a stiffer punishment) by trying to escape from a sanction that is virtually omnipresent. The omnipresence of the sanction relates to the offender's experiences with the controlling nature of electronic monitoring.

ELECTRONIC MONITORING AND CONTROL

Offenders generally agreed that the sanction does in fact control their lives much the same way that incarceration controls inmates' lives. When talking about the controlling nature of the sanction, offenders' comments tended to fit into two categories: concerns about freedom and retributive experiences. Certainly, these two categories cannot be entirely separated in that any time an offender loses his or her freedom, punishment has occurred. Even so, the nature of the comments made by the offenders suggests that the loss of freedom is something that is perhaps unique to certain types of community-based sanctions such as electronic monitoring, halfway houses, and other nonpenal custodial facilities.

When comments about the controlling nature of the sanction focused on losses of freedom, electronically monitored offenders pointed out that the sanction made them think about freedom and everyday activities that many nonoffenders may take for granted. Consider the following comments made by monitored offenders:

Freedom is something you don't miss 'till you don't have it.

It made me realize about life and being free.

I can't go anywhere . . . I am a very active person, and this is almost like being jailed. It takes time to go downtown and get checked . . . I can't take my grand-

daughter anywhere, like the park or to friends with other children. I can't go to the grocery store.

Two points about the loss of freedom experienced on electronic monitoring are noteworthy. First, some offenders seemed to see this aspect of the sanction as a learning experience, something that would change them in the future. In the words of one of them,

Electronic monitoring has taught me a valuable lesson of what it is like to have your freedom taken away from you. Also, not to take anything for granted as so many of us do. You don't realize what you've lost until it's gone.

Second, the loss of freedom is a relative experience, and the way offenders would experience this loss would vary from offender to offender. As one monitored offender said, whether or not electronic monitoring is seen as a mechanism of control "depends on how much someone values their freedom."

Although some offenders described the controlling nature of the sanction as a loss of freedom, others characterized this aspect of the sanction from a retributive framework. In short, the control the sanction elicited over the offender was the source of the punishment experience for some offenders. It was not the monitor or the situation that punished offenders; rather, it was the control. According to one offender, "You're confined at your own expense. Sometimes I hate these things, like on my daughter's birthday when I have no control." Another offender commented, "To me, it's punishment because you have to answer to someone every time you want to go somewhere, even to work." Other offenders were more succinct in describing the way the controlling nature of the sanction was punitive. Consider the following comments:

It controls but punishes too! You pay for it.

It's punishment. I work and go home. That's it.

I am still confined. I can't go out.

It is a form of control. No question, no doubt.

Clearly, the sanction is experienced both as a loss of freedom and as a punishment. Although offenders complained about certain aspects of the sanction, when asked to compare the sanction to their time in jail, most offenders saw electronic monitoring in a positive light.

**ELECTRONIC MONITORING AND
JAIL COMPARISONS**

The majority of offenders surveyed had spent at least some time in jail, and all of them indicated that they preferred electronic monitoring to jail. Here's a sampling of their comments:

Electronic monitoring is heaven compared to jail.

It's like night and day. Jail is terrible.

But if I go to jail, it would be worse. It's in the eye of the beholder.

It's not like jail.

I learned a very valuable lesson but house arrest is better than jail. . . . It was . . . not as bad as the shame of jail.

When prodded about why jail was worse than house arrest with electronic monitoring, offenders generally pointed to four different areas: differences between the amount of control, the maintenance of family ties, the ability to maintain employment, and time for reflection.

Although offenders commented that electronic monitoring was a controlling sanction, many saw it as less controlling and less invasive than jail. This aspect of electronic monitoring made the sanction better than incarceration for many offenders. For example, one offender said, "My favorite thing is that I have control of the television." Another offender commented, "In jail they wake you up at anytime to eat. 3:00 in the morning, they wake you up. They have more control over you in jail. Here I can eat whenever." Echoing these previous comments, a third offender said, "It is not as bad as being in the city jail because you are allowed to go to work and eat what you want. You watch television when you feel like it." Another offender balked at the suggestion that house arrest could even be compared to jail. He said, "You have more control on electronic monitoring than you do in jail. In jail, if you run out of toilet paper, what do you do? In jail . . . they have complete control over you."

The ability to maintain family ties was also cited as something that offenders liked about electronic monitoring as compared to jail. In jail, offenders have limited contact with family members. While on house arrest, offenders will spend virtually every moment of their free time with family members living in the same residence. The following comments illustrate the importance of these family ties for monitored offenders:

I feel fortunate to be back in my family.

It gives me the opportunity to be with my family each and every day.

Mom is happy I'm home. My brother has cerebral palsy and he is glad I'm home.

You still have physical contact with your family and friends.

I've been able to help my mother tremendously with household duties and yard work.

My relationship with my family has improved.

Though many offenders enjoyed the opportunity to be with their families, some commented that family problems arose as a result of the sanction. After all, electronically monitored offenders in the program we studied generally went from never being in the household to always being in the household. One offender commented that this made the sanction "stressful and nerve-racking." This same offender indicated that several arguments ensued with family members because of the offender's house arrest status. Another offender indirectly cited a possible source of arguments, stating, "You become dependent on others when you're on [electronic monitoring]."

Despite these possible relationship problems, offenders also appreciated the ability to work while on electronic monitoring. As an example, one offender said, "I am able to work because I'm not incarcerated." Though he did not cite why working was so important to him, other offenders suggested that the ability to maintain one's wealth was significant. In one offender's words, "[Electronic monitoring] gives me a chance to have half of a natural life without giving up everything I own." Another offender agreed, pointing out that electronic monitoring made it "easier to keep credit, my truck, boat, and so on."

A fourth way that offenders saw electronic monitoring favorably, at least compared to jail, was the way that the sanction gave them time to think, reflect, and plan a new future. As one offender put it, "Electronic monitoring gives you a chance to think about what you have done." Other offenders seemed just as pensive. One, for instance, said the sanction "confined me and made me think twice about doing it again." In a similar vein, another offender commented, "I got on house arrest and am able to stop and think about things. I'm able to know the consequences."

Each of these comments suggests that the offenders changed as a result of having time to think about their past misconduct. What this means is that the offenders felt that they were rehabilitated by the sanction. A couple of

offenders actually directly commented that the sanction rehabilitated them or at least has the potential for rehabilitation. One offender simply suggested that electronic monitoring is "more likely to rehabilitate than jail," whereas another said that the sanction was "beneficial to rehabilitation because it gave me the time to stop and think about things."

This time to reflect led some offenders to conclude that they had been given a new lease on life, or in their words, "a second chance." Said one, "I have been given another chance and I will make the best of it, using what I know and have experienced." Keeping in mind that most of the respondents had spent some time incarcerated, the reasons they saw electronic monitoring with house arrest as a second chance were because the sanction is less controlling than jail, allows contact with family members, allows offenders to maintain employment, and gives offenders time to think. In short, the sanction was not simply experienced as a punishment but as a guide to life. Punishment by itself for offenders who have already been incarcerated has the potential to be counterproductive. One offender we interviewed paraphrased a popular quote about the dangers of punishment: "If you have a bed wetter and keep beating the bed wetter, you end up with a bed wetter with a sore butt." The majority of these offenders did not see the sanction as leading to "a bed wetter with a sore butt."

DISCUSSION

The current study finds that offenders who spent part of their time in jail and then on electronic monitoring experienced the sanction, for the most part, in a way that can be characterized as controlling and rehabilitative. They faced a few problems on the sanction and certainly experienced it as a controlling mechanism, but they generally preferred electronic monitoring to jail. These results have important implications for policy, theory, and research.

Three general policy recommendations evolve from our findings. First, electronically monitored offenders, especially those who are placed on the sanction after they have been incarcerated, should be told what to expect before they are placed on electronic monitoring to minimize potential problems. At a minimum, offenders must be told that the sanction is controlling, that it may take a toll on their family members, and that they should use their time to reflect on their past and to think about their future. These are three areas that seemed to surface consistently as concerns among the monitored offenders we surveyed. It is likely that many of the offenders did not expect to confront these experiences. In leaving jail, they may have assumed that they

would be gaining their entire freedom. Electronic monitoring, however, still restricts offenders. Also, because offenders go from never being around their family members while they were incarcerated to always being around their family members while they are monitored, the potential for family discord is ripe if a proactive approach is not taken in alerting offenders to the possibility of discord. If offenders are warned about these possible problems and shown how to effectively use their time to think about their futures, we believe that the usefulness of the sanction will be enhanced.

Second, and on a related point, other groups should also be educated about the sanction. Policy makers, the media, and citizens tend to misconceive the sanction. Policy makers tend to favor strict approaches to handle criminals, and electronic monitoring is often seen as lenient. Electronic monitoring, however, is far from lenient, and it potentially leads to offenders remaining in jail or prison far longer than they should. Some research shows that longer time in jail results in higher levels of recidivism, whereas longer periods on electronic monitoring lead to less recidivism (Gainey et al., 2000). Moreover, with the media feeding the public information about cases when violent offenders are placed on the sanction or when offenders escape from their house arrest, citizens come to see the sanction as unsafe. Consequently, it becomes more difficult to garner public support for the sanction. Judging from the offenders in this study, however, the reality is that the sanction is seen as better than jail, and offenders know that they would reap what they sow should they violate their monitoring conditions. In essence, as long as less serious, nonviolent offenders are being placed on the sanction, there should be little concern about offenders escaping into the community, and the public needs to know this.

Finally, we believe that our study shows that community-based sanctions can be effectively used in conjunction with other traditional sanctions (see also Gainey et al., 2000; Jones & Sims, 1997; Thistlewaite, Woolledge, & Gibbs, 1998). The combination of sanctions meets the demands of citizens who generally want the justice system to “incarcerate first, then rehabilitate” (McCorkle, 1993, p. 251). When applied after incarceration, electronic monitoring does just this—offenders are incarcerated and then given the control and guidance needed to think about their misdeeds so that they will be less likely to reoffend in the future. Further, many offenders tend to see the sanction as a second chance. This second chance affords them the wherewithal to become reintegrated into the community as citizens as opposed to criminals. Moreover, given that offenders are granted early release into the community, jail overcrowding is reduced.

Our findings have two implications for theory. First, comments from our respondents lend credence to assumptions underlying social control theory.

Social control theory suggests that crime occurs when individuals' bonds to society are weakened (Hirschi, 1969). The key to responding to crime, then, is to make sure that offenders feel connected to society in such a way that they would feel that they have too much to lose should they violate the law. Strong ties result in a lower likelihood of crime.

Offenders in this study seemed to recognize that they had too much to lose from violating their electronic monitoring conditions, and they appreciated the opportunity to maintain their family and employment bonds. Furthermore, some indicated that the controlling nature of the sanction helped to keep them in line. Others have also suggested that house arrest with electronic monitoring is based on control theory assumptions. O'Toole (1999) writes,

Electronic monitoring might have positive effects on offender behavior by enforcing the kind of structured lifestyle that many offenders lack. This builds attachment to family and positive peer groups. The offenders value the good opinion of their family Offenders do not want to jeopardize their chances of success, for they risk losing their place in society by getting into trouble with the law and going [back] to jail or prison. (p. 13)

Basically, when applied after a jail or prison sanction, house arrest with electronic monitoring shows offenders that society is beginning to place trust back into the offender, theoretically strengthening the bond that the offender will have with society (Gainey et al., 2000). This stronger bond the offender has with his or her society, family, and job reduces the likelihood of future misconduct on the part of the offender.

Second, and on a related point, although we did not test Gottfredson and Hirschi's (1990) self-control theory, many of the offenders implied both directly and tacitly that the sanction had taught them self-control. That self-control can change is in direct opposition to Gottfredson and Hirschi's underlying assumption of their general theory of crime. However, other research has questioned the stability of self-control over time (see Arneklev, Cochran, & Gainey, 1998). If offenders' perceptions about the ability to change and resist temptation are any indication whatsoever, findings from the current research also question the stability hypothesis and lend credence to the possibility that punishment may actually work. Of course, the punishment considered here is less restrictive than are other sanctions and is often misinterpreted as a slap on the wrist, but electronic monitoring is still punitive and potentially rehabilitative.

Our findings also have important implications for future research. First, we were not able to fully determine whether offenders believed that this par-

ticular sanction turned the home into a prison. About half agreed that it does, and about half disagreed. On the surface, this suggests that the sanction affects offenders and their families differently. Future research should explore this question in more detail.

Second, future research should broaden the way success is operationalized. All too often researchers tend to define success solely in terms of whether offenders reoffend. Research on reoffending is certainly needed. However, researchers must realize that future reoffending is not the only way to measure the success of alternative sanctions. Instead, among other ways, success can be defined by any combination of the following questions: Is the sanction humane? Does the sanction restore trust between the offender and the community? Is the sanction cost-effective? Does the community support the sanction? Does the sanction meet the community's need for retribution? Do offenders experience the sanction in positive ways? How does the sanction affect others (e.g., family members, the public, etc.)?

Of course, the goal of deterrence cannot be dismissed. A humane, cost-effective sanction that restores trust and has community support is useless if it has no deterrent power whatsoever. At the same time, we must recognize that deterrence is not the only goal, especially when alternative sanctions are concerned. Broadly defining success will help to determine the role that alternative sanctions have in society.

Third, our research shows that offenders can serve as a source of information about the usefulness of various sanctions. One respondent, who self-administered the survey, wrote at the end of the instrument, "And I also appreciate you asking my concerns and opinions." This same feeling was demonstrated by many of the other interviewees who wanted to talk far longer than needed about the sanction or who simply seemed excited to be able to talk about their situation. They appreciated the opportunity to talk. Those who were convicted of felonies have lost their right to vote; they have not, however, lost their right or their ability to inform. We encourage others to continue to explore how offenders in the community experience their sanctions.

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