

The Reporter

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FEATURE ARTICLE

In this issue of The Reporter, we continue our examination of community based sentences.

Electronic Monitoring

Electronic monitoring is becoming more and more popular as a means of supervising and controlling correctional clients in the community. Following a discussion of the history of electronic monitoring and the types of electronic monitoring that exist in Canada, we turn our attention to the various issues surrounding this correctional initiative and invite you, once again, to consider the long term policy implications associated with the use of community based criminal justice.

A BRIEF HISTORY: FROM SPIDERMAN TO CORRECTIONAL DEVICE

The first electronic monitoring device was developed in the mid-1960s by Harvard psychologist Robert Schwitzgebel, who considered the device to be a humane and inexpensive alternative to custody for many people involved in the justice process. In 1977, Judge Jack Love of Albuquerque, New Mexico was inspired by an episode in the Spiderman comic book series to explore the possible use of electronic monitoring for offenders. Spiderman, the comic book hero, had been tagged with a device that allowed a villain to track his every move. In 1983, Love sentenced the first offender to house arrest with electronic monitoring. Today, over 95,000 people in the United States participate in electronic monitoring programs. Use of electronic monitoring is much more limited in Canada, but it is growing.

WHY ELECTRONIC MONITORING?

Electronic monitoring is intended to reduce custody rates while providing a greater degree of supervision for offenders in the community. Since the cost of monitoring an offender is lower than the cost of housing him or her in a correctional facility,

electronic monitoring should also save tax dollars.

TYPES OF ELECTRONIC MONITORING

Equipment. Most electronic monitoring devices do not, at present, track an individual's movement. Rather, they simply confirm whether the subject is at an approved place at approved times. There are currently two main types of electronic monitoring equipment: continuously signaling and programmed contact. In a continuously signaling (or "active") system, a transmitter is strapped to the subject and it broadcasts a coded signal over a telephone line at regular intervals. A receiver/dialer picks up signals from the subject's transmitter and reports to a central computer when the signals stop and start. The computer compares any signal interruptions with the subject's curfew schedule and alerts correctional officials to unauthorized absences. In a programmed contact (or "passive") system, a computer is programmed to call the subject at random or specific times and then report on the results of the calls. Programmed contact devices are referred to as "passive" because the subject's presence is only noted when the computer calls him or her. Global positioning satellite (GPS) technology, which allows a correctional client to be precisely located, is available in Canada but it is still in the very early stages of development.

Programs. Electronic monitoring may be used on a variety of offender and suspect groups and situations. Individuals who are accused but not convicted may participate in electronic monitoring while they await trial. Monitoring at the pre-trial stage allows offenders to return to their homes to await trial, rather than spend weeks or months in custody. Participation in electronic monitoring after conviction is determined

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either by the courts or by correctional authorities. Participants may include offenders on conditional sentences, probation, parole/temporary absence, or juvenile offenders. Electronic monitoring may be used alone or in combination with treatment.

In Canada, the correctional services of British Columbia, Saskatchewan, Ontario and Newfoundland have incorporated electronic monitoring.

NOT ALL IT'S WIRED UP TO BE: ISSUES SURROUNDING ELECTRONIC MONITORING

Early debates about electronic monitoring focused on legal issues associated with privacy rights, informed consent, search and seizure, and equality before the law. These concerns have either been put to rest or lost momentum in the development and implementation of electronic monitoring schemes. Today, systemic and economic issues have moved to centre stage, along with personal and family issues.

Effectiveness. To many proponents of community based sentences, electronic monitoring offers an attractive alternative to incarceration because it allows a moderate to high risk offender to remain integrated with the community while under supervision. Further, there is evidence that offenders in treatment who are on electronic monitoring are more likely to stay in treatment than unmonitored offenders. There is, however, no evidence to show that electronic monitoring is any more effective at reducing recidivism than a less restrictive sanction or condition of release. In fact, the key to reducing recidivism appears to be appropriate treatment and programming, regardless of whether it is combined with incarceration, electronic monitoring or an unmonitored community sanction. Therefore, while electronic monitoring does not appear to be less effective than incarceration, it also does not appear to be more effective than existing community based sanctions. The danger, then, is that widespread acceptance of electronic monitoring will lead to its application to lower risk offenders rather than to the higher risk offenders for which it was intended. This danger is known as “net widening.”

Net Widening. As we discussed in the last issue of *The Reporter*, the “net” of the correctional system is widened when enthusiasm for a correctional initiative results in its use in cases where it is not appropriate. In community corrections, net widening occurs when a community based sanction is introduced to reduce the use of custody but, in practice, the measure is applied to offenders who would otherwise have been given a sentence such as unmonitored probation, a fine or community service. There is considerable evidence to

suggest that electronic monitoring widens the net of corrections by lowering the risk levels and increasing the number of offenders given monitored sanctions when, in the absence of electronic monitoring, those offenders would likely have received a less restrictive sanction.

Toughening. Given the real possibility that electronic monitoring causes net widening, another related phenomenon may arise from the widespread acceptance of this sanction. Although it is community based, electronic monitoring is, nonetheless, a form of imprisonment. Because it appears to be cheaper than institutional incarceration, there is potential for the media, the public, judges and prosecutors to see electronic monitoring as a way to get tough on crime without incurring the costs of building more or larger correctional institutions.

Impact on the Poor. If electronic monitoring were restricted to only those offenders who would otherwise have been incarcerated, another problem with this sanction arises. Since only people who have a home and a telephone are eligible for electronic monitoring, this alternative to incarceration is not available to many economically disadvantaged people. For those who were otherwise custody bound, this means that they are headed for prison instead of home under monitoring because they lack the resources that qualify them for the community based sanction.

Cost. There is not yet enough information available to reveal whether electronic monitoring saves correctional dollars. Some studies have shown that electronic monitoring is much cheaper than incarceration, but factors such as start-up cost are often not taken into account. Further, electronic monitoring is more costly than other community based sanctions because it requires the purchase or lease of monitoring equipment. Therefore, whenever electronic monitoring is imposed on an individual who would be eligible for an unmonitored community sanction, the overall cost to the correctional system increases.

Privacy. Having stated that electronic monitoring is a form of imprisonment, questions arise over whether one's home should be a prison. Electronic monitoring is highly intrusive and it is becoming more so. GPS technology is available in Canada and it is improving steadily. The time is coming when correctional officials will be able to keep closer tabs on electronic monitoring participants than they can on some prison inmates. While this might be reasonable for a high risk offender, it certainly is not reasonable for an individual who would be eligible for unmonitored probation.

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The Offender's Perspective. Many offenders indicate that time restrictions associated with electronic monitoring can be very challenging. Some offenders have difficulty getting home from work on time during heavy traffic, thus risking a curfew violation. Others express frustration with calls from the equipment service provider to check equipment or with having telephone calls interrupted by the monitoring computer. Not surprisingly, most offenders agree that electronic monitoring is less restrictive than (and, therefore, preferable to) incarceration. However, given the possibility that many people participate in electronic monitoring when they might otherwise have received a less restrictive sanction, it is important be aware of the negative impacts that electronic monitoring can have on an individual.

Impact on the Family. Electronic monitoring has the potential to create difficulties and impose restrictions on families as well. Some research suggests that electronic monitoring is associated with increased stress and possibly increased violence in the home. Families with an electronically monitored member may experience stress from various sources ranging from unpredictable phone calls at all hours of the day and night to lowered social standing in the community. As with the impact of electronic monitoring on offenders, these impacts must also be considered in light of the possibility that electronic monitoring is being used on individuals who may have been eligible for a less restrictive sanction.

CONCLUSION

In theory, electronic monitoring should be a positive addition to the correctional system because it should reduce custody rates and, in turn, correctional costs. However, it appears that electronic monitoring widens the correctional net by increasing the number of correctional clients who require supervision and, accordingly, it increases costs to the correctional system by increasing the number of personnel required to supervise those offenders. Coupled with the highly invasive nature of this sanction and the effect of this invasion on both individuals and families, electronic monitoring begins to lose its lustre. Even if electronic monitoring were only available to individuals who would otherwise be custody bound, accessibility to the sanction by the poor remains an issue. Finally, there is no evidence to suggest that electronic monitoring is any more effective than any other correctional measure when combined with appropriate treatment and programming.

It is not clear whether electronic monitoring will become a widely used sanction in Canada as it has in the United States. Recently, it has been proposed as a way to toughen the conditional sentence. Given evidence that the use of conditional sentences has also resulted in net widening, this proposition raises serious concerns for the Society.

Indeed, each of the community based sanctions that we have discussed in the last three issues of *The Reporter* (conditional sentences, attendance centres and electronic monitoring) raise

PROGRAMS IN BRIEF

John Howard Society of Alberta: 2000-2001 Project Highlights

John Howard Society of Alberta is the research and policy office of the John Howard Society in Alberta. Our work includes preparing research papers, policy briefs and other educational materials on criminal justice issues, responding to government consultations and proposed legislation, providing media responses and speaking at public forums. In addition to our ongoing research and policy work, the John Howard Society of Alberta participates in a wide variety of initiatives that are relevant to the Society. The following is a look at just a few of the projects that we have been involved with over the past year.

Criminal Records—In 2000, with financial support from the Alberta Law Foundation, we prepared an easy to read guide to understanding criminal records. With information about

police criminal record systems, answers to frequently asked questions about criminal records and a special section on young offender records, *Understanding Criminal Records* is a much needed contribution to our public legal education materials. The document is available on our website (www.johnhoward.ab.ca).

HIV Training and Awareness Project—In November 2000 our office produced *HIV & Hepatitis C: Workplace Safety and Working with High Risk Clients*. This document was produced with funding from the Alberta Community HIV Fund. It is intended to provide general information to staff and volunteers of the John Howard Society who work with clients who may be at high risk of infection.

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JHSA Project Highlights *(Continued from page 3)*

Non-Prescription Needle Use (NPNU) Consortium—John Howard Society of Alberta was on the Law Enforcement and Corrections Task Group of this Alberta wide consortium that began in 1998. In April 2001, we released the *List of HIV/AIDS/Hepatitis C and NPNU Resources in Alberta* that we prepared as part of our work on this task group. The *List* is for use by correctional staff and service providers working with offenders who are being released into Alberta communities. The *List* is being posted to our website.

Alberta Summit on Justice—Christine Leonard, Executive Director of the John Howard Society of Alberta, represented NGOs (non-government organizations) in planning the Alberta Summit on Justice that was held in 1999. Our office houses a staff member funded by the Alberta Law Foundation to assist Christine in continuing her work as NGO representative. This work includes promoting awareness among NGOs about opportunities arising from the Alberta Summit on Justice and informing NGOs about what is happening with the implementation of Summit recommendations. The February 2001 issue of the *NGO Justice Summit Newsletter*, which reaches over 450 NGOs in Alberta, is posted on our website. We invite you to review the outcomes of the Justice Summit at www.gov.ab.ca/justicesummit.

PLE Survey—Through our office, the Alberta Law Foundation has sponsored a survey of public legal education (PLE) capacity and interest among NGOs. The purpose of the survey is to get a more complete picture of the PLE work being done in Alberta. The data collected will benefit PLE planners such as the Alberta Law Foundation and the Alberta Attorney General's Department.

Alberta Learning Consultation—The six local John Howard Societies in Alberta deliver criminal justice education (CJE) in schools throughout Alberta. Based on this involvement, John Howard Society of Alberta participated in a consultation with Alberta Learning on a proposed Social Studies framework for Western Canada. We have submitted a response to Alberta Learning detailing our suggestions with respect to the justice related components of the proposed framework. We invite you to view the proposed framework at www.learning.gov.ab.ca/k_12/curriculum/bySubject/social/.

Youth Criminal Justice Act Training Forums—With the expected passing of the *Youth Criminal Justice Act*, which will replace the existing *Young Offenders Act*, we are once again gearing up to inform the public and to train service providers working with young offenders about changes that this new legislation will bring to the criminal justice system.

NOTICE OF ANNUAL GENERAL MEETING

Please Be Advised

The Annual General Meeting of the
John Howard Society of Alberta
will be held on
Saturday, June 2, 2001
6:00 p.m.
Centennial Room, Sandman Hotel
Downtown Calgary
888-7 Avenue SW
Calgary, Alberta

CONTACT US

The John Howard Society of Alberta Reporter is distributed free of charge to a wide audience of citizens, educators, agencies and criminal justice system staff. Our goal is to provide information and commentary on timely criminal justice issues. We welcome and encourage your feedback on [The Reporter](#).

The John Howard Society of Alberta is an agency composed of citizens in Alberta who are interested in criminal justice reform and preventing crime in our communities. We recognize that dealing with crime is as much the responsibility of the community as it is of government.

We gratefully accept donations to help offset the costs of our efforts in criminal justice reform and crime prevention. Donations are income tax deductible.

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To provide feedback, obtain information or make a donation, please contact us at:

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