

Electronic Monitoring
An Alternative to Imprisonment



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Executive Summary

The NSW adult prison population is growing at an alarming rate. In the last financial year the prison population, including those on remand, increased by 12.2 per cent – this equates to an additional 1,261 prisoners.¹ Over the same period, the juvenile prison population grew by 16.7 per cent, whilst the number of total prisoners on remand increased almost 3 times.²

The growth in imprisonment rates is predicted to continue. Indeed, research indicates that high imprisonment rates are both ineffective at reducing crime, and may also lead to an increase in the recidivism of offenders.³ Within 10 years of being released from prison, 61% of teenagers and 23% of those aged 35 and older will be reimprisoned.⁴ This figure increases when considering Aboriginal and Torres Strait Islanders (1.7 times).⁵

The effects of an increase in prison population are evidenced through the mounting strain on prison infrastructure. For example, overcrowding in NSW prisons has resulted in up to three prisoners sharing what should be a one-man cell⁶. As a consequence, health conditions in NSW prisons are deteriorating, a decline in the parole officers to in-mates ratio is negatively impacting on prisoner rehabilitation, and perhaps most importantly, incidents of inmates self-harming are on the rise⁷.

This discussion paper evaluates the use of Electronic Monitoring (here-in EM) of offenders as an alternative to imprisonment as a possible course of action to address these problems.

EM is defined as a tamper-proof electronic device that transmits signals to correctional authorities, enabling them to determine whether the wearer of the device is abiding by the particular conditions imposed on them.⁸ Currently, EM has limited use in Australia, although it does operate in many stages, including pre-trial, primary sentencing, custodial monitoring, and post-sentencing.

This paper assesses the potential of EM as a direct alternative to imprisonment. Current research indicates EM can reduce recidivism, facilitate the rehabilitation of offenders, and is more economically viable.⁹

¹ NSW Bureau of Crime Statistics and Research, 'New South Wales Custody Statistics Quarterly Update June 2015' (Quarterly Update, NSW Bureau of Crime Statistics and Research, June 2015), 14.

² Ibid 4, 15.

³ Ryan Kornhauser and Kathy Laster, 'Punitiveness in Australia: electronic monitoring vs the prison' (2014) 61(1) *Crime, Law and Social Change* 445, 445.

⁴ Australian Bureau of Statistics, *Repeat Imprisonment* (March 2010) Australian Bureau of Statistics < <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4102.0Main+Features10Mar+2010>>.

⁵ Ibid.

⁶ Nicole Hasham, *Three to a cell: startling snapshot of 'inadequate' overcrowded NSW prisons* (May 2015) Sydney Morning Herald < <http://www.smh.com.au/nsw/three-to-a-cell-startling-snapshot-of-inadequate-overcrowded-nsw-prisons-20150507-ggw63m.html>>.

⁷ Ibid.

⁸ Ryan Kornhauser and Kathy Laster, 'Punitiveness in Australia: electronic monitoring vs the prison' (2014) 61(1) *Crime, Law and Social Change* 445, 452-453.

⁹ Ibid 447; Brian Payne and Randy Gainey, 'Electronic Monitoring and Newspaper Coverage in the Press: A Content Analysis' (2003) 26(1) *Journal of Crime and Justice* 113, 137.

Nonetheless, it is also important to consider the apparent problems with EM, including the net-widening effect, the perception that it is an inadequate punishment, and the faults of current technology.

Finally, a proposal for the future of EM will be offered based on a mixture of existing regimes.

Current Developments in EM

It is imperative to develop an alternative to imprisonment that is useful and practical. For EM to be a viable substitute for punishment and imprisonment, it must meet the following goals of sentencing:

- Protect the community through the incapacitation of offenders;
- Deter people from offending (or reoffending);
- Rehabilitate offenders to reduce recidivism; and
- Provide proportionate punishment of offenders for their crimes.¹⁰

In recent times it has been accepted that the old and out-dated method of imprisonment is ineffective, and moreover, violates countless rights that should be afforded to prisoners. As such, alternatives to imprisonment can preserve these inalienable rights. Developments in EM enshrine the articles stated in The Universal Declaration of Human Rights (UDHR), of which Australia is a firm supporter.

Deterrence

Evidence suggests that it is the certainty of punishment that deters offending, rather than the severity of the punishment itself.¹¹ It follows that if a person is aware that EM is a possible punishment for a crime, the deterrent effect is just as strong as if the person were aware that imprisonment is a possible punishment.

Rehabilitation

For EM to be a viable and effective substitute punishment, it must be a useful rehabilitative tool that also reduces recidivism. Current research suggests that EM is superior to incarceration for achieving rehabilitation.¹² For example, EM can ensure that offenders meet with rehabilitation service providers as ordered.¹³ EM can also aid responsible decision making by encouraging offenders to adhere to regular employment hours, to not attend places where trouble is likely and to not associate with people of objectionable character. Furthermore, EM allows offenders to maintain a greater degree of mental and physical independence. This directly engages with Article 29 of the UDHR that states that people have a duty to engage and to develop in society. Thus, it is probable that EM will enhance an offender's capacity for self-accountability, which facilitates the rehabilitation process by

¹⁰ Ryan Kornhauser and Kathy Laster, above n 3, 453.

¹¹ Ibid, 455.

¹² Ibid., 455.

¹³ Ibid.

allowing offenders to better connect with the community and their family.¹⁴ When combined with other therapeutic considerations, the rehabilitative potential of EM may be improved even further.

Indeed, as John Killick stated, “The person will have the opportunity to gain employment or go to TAFE and learn a trade or profession thus becoming a useful member of society.”¹⁵ Furthermore, when subject to EM, an offender “...will be able to retain or gain meaningful relationships with others. Gaol, on the contrary, is a great destroyer of relationships.”¹⁶

These rehabilitation and anti-recidivism claims are supported by a Florida case study of 75,661 offenders subject to home confinement, which compared two subcategories: offenders subject to home confinement with EM and offenders subject to home confinement without EM.¹⁷ Offenders with EM demonstrated a total average reduction of 94.7% in their rate of recidivism in comparison to offenders not subject to EM.¹⁸ It is significant that this study was based on a general population of serious offenders in America, as the result challenged those who demand harsher punishments for offenders.

Proportionality

When considering the viability of EM, it is problematic that members of the public often perceive EM as a light punishment in comparison to imprisonment. The views of the court and the public often diverge on matters of sentencing, especially when it comes to alternatives to imprisonment. In many instances, however, EM is proportionate, as EM allows authorities to thoroughly monitor the movement and interrupt the life of an offender. Again, referring to John Killick:

A corrections officer will call at your place about once a week to check on you. Sometimes they will come unexpectedly and may breathalyse you or drug test you. They once came to the police station while I was there and breathalysed me because I drove there. They rang me a few times in the early hours of the morning and asked where I was, even though they knew where I was because of the bracelet.¹⁹

Killick’s testimony demonstrates the level of control over offenders that EM allows. It also shows how the goal of protecting the community through the restriction of offenders is reached without imprisonment.

Young Offenders

EM also appears to be very effective with young offenders: according to Sklaver, (2010), there has been up to an 85% success rate of EM in reducing recidivism

¹⁴ Ryan Kornhauser and Kathy Laster, above n 3. 449.

¹⁵ Justice Action, Interview with John Killick (Personal Testimony, 17 July 2015).

¹⁶ Ibid.

¹⁷ Kathy Padgett, William Bales and Thomas Blomberg, ‘Under Surveillance: an Empirical Test of the Effectiveness and Consequences of Electronic Monitoring’ (2006) 5(1) *Criminology & Public Policy* 61, 61-91.

¹⁸ Ibid 79.

¹⁹ Above n 14.

among young offenders in Texas.²⁰ EM has also been responsible for a 75% reduction in recidivism for juveniles released from EM programs in North Carolina.²¹ This indicates that staying in the community is particularly important for young offenders, who are more dependent on family bonds and are more susceptible to negative influence.

Cost Effectiveness

EM is a more economically sustainable alternative to the expensive imprisonment system. According to a report by the NSW Auditor-General the daily cost of home detention with EM was approximately 75% less than keeping an offender imprisoned.²² The main benefit of EM in regards to cost effectiveness is the long term saving that society accrues as a result of reduced recidivism and mental illness rates (by allowing offenders to live outside prison). Cost effectiveness is also demonstrated in the long term as offenders are able to be employed and contribute to society through their labour, by paying tax, and general community involvement.

Overcrowding

A pertinent issue in Australia is inmate overcrowding in jails, where up to 3 inmates are being held in cells designed for 1 person.²³ Apart from contravening public health regulations, this phenomenon is detrimental to the psychological state of inmates. If inmates are locked in a cell with more people, for instance, fear for one's personal safety is more likely to elevate. Overcrowding in prisons is just one consequence of insufficient prison funding.²⁴ Thus, EM can serve the purpose of relieving pressure on the prison system, and ensuring proper rehabilitation for offenders both inside and outside prison. Activating an alternative like EM will also account for article 5 of the UDHR, which states that no one shall be subjected to inhumane or degrading punishment.²⁵

Thus, EM is an effective alternative to imprisonment as it addresses the goals of sentencing in being a proportional punishment, which allows deterrence, in being geared towards rehabilitation and in helping alleviate the burdens on the prison system in terms of overcrowding and cost. If the public interest for the protection from harm is better served in the long term by allowing offenders to have EM, then it should to be provided. The general wellbeing of offenders will be improved just by allowing an existence outside of prison, as it means that offenders will have free access to physical and mental health services and can avoid having to share often overcrowded cells with people who they may fear. Given the above arguments, EM needs to be implemented in more instances than it currently is.

²⁰ Stacey Sklaver, 'The Pros and Cons of Using Electronic Monitoring Programs in Juvenile Cases' (2010) *Juvenile Justice Committee Newsletter* 5 1, 2.

²¹ *Ibid.*

²² Above n 3, 461.

²³ Above n 6.

²⁴ Above n 6.

²⁵ *Universal Declaration of Human Rights*, GA Res 217A (III), UN GAOR, 3rd sess, 183rd plen mtg, UN Doc A/810 (December 1948) art 5.

Problems with EM

EM use in Victoria

Victoria's brief use of EM exclusively for home detention aimed to divert offenders away from incarceration. However, two problems became apparent in the course of its use. Firstly, stakeholders (such as corrections and the judiciary) were not sufficiently educated about the use of EM: judges, for instance, were unsure about the kinds of cases that were suitable for the use of EM. Furthermore, judges did not agree with equating a term of imprisonment to home detention.²⁶ Particularly concerning was the fact that "defence counsel were unaware of, or unwilling to suggest home detention as an option".²⁷ This resulted in a low number of diversions from imprisonment into the EM program. In an attempt to remedy this problem, the Victorian Government in 2010 legislated to change EM from an alternative to imprisonment, to a custodial sentence in its own right.

The second problem that occurred was negative coverage in the media. EM was portrayed falsely as a sentence disproportionately used for "white collar criminals and upper class offenders".²⁸ The news media also sensationalised the fact that a small number of offenders removed their devices and/or engaged in serious re-offending.

As a result, severe public criticism (that it was a 'soft' punishment) led to its removal when both major political parties in the 2011 election attempted to win votes by offering their own "tough on crime" stance.²⁹ Yet, with the advent of GPS technology to pinpoint the exact location of offenders, EM was re-instated in 2013 by the government and integrated into its "tough on crime" stance. However, public education and media strategies are still absent. It is a documented phenomenon that if community-based correctional programs are supported by politicians they are more likely to succeed. Thus, without more public engagement on the issue, and wider governmental support the long-term success of the EM program seems tenuous.

Impact of EM Home Detention on Offenders and their Co-residents

In her study of offenders who are subject to an EM home detention order, Vanhaelemeesch (2014) argues that, although most offenders regard EM as a favourable sentence when compared to prison, EM can still have a negative psychological impact on offenders and home detention still limits their freedom.³⁰

Perhaps more concerning is the fact that EM home detention also indirectly punishes co-residents due to the responsibilities one must assume when residing with an EM offender. For example, the co-resident may become the primary carer for their children, and must ensure that the offender meets their obligations and associates

²⁶ Marietta Martinovic, *Abolishing electronic monitoring in Australia* (2014) Centre for Crime and Justice Studies <<http://www.crimeandjustice.org.uk/publications/cjm/article/abolishing-electronic-monitoring-australia>>.

²⁷ Department of Parliamentary Services, 'Research Brief: Sentencing Legislation Amendment (Abolition of Home Detention) Bill 2011' (Research Paper Number 8, Parliamentary Library, Parliament of Victoria, 2011) 3.

²⁸ Marietta Martinovic, above n 20.

²⁹ Marietta Martinovic, above n 22.

³⁰ Delphine Vanhaelemeesch, 'Experiencing electronic monitoring' (2014) *Criminal Justice Matters* 95(1) 12, 13.

with appropriate people.³¹ Vanhaelemeesch also notes that EM diminishes the social activities of the co-resident, as they feel guilty about leaving the offender at home due to their restrictions³². It has also been reported that co-residents find the presence of government control and surveillance intrusive, feel embarrassed due to the fact that they live with a home detainee, and find the constant presence of a detainee to be distressing.³³ Nonetheless, most co-residents and offenders claim that it is better to be united with each other, rather than be separated.

Technological Problems

EM trials in Victoria also demonstrated that EM technology is still developing and can be problematic, as it is prone to signal loss and tampering³⁴. Reports by Corrections Victoria, for instance, note losses of contact with inmates up to 70 times a day.³⁵ However, it should be noted that this program was being conducted inside a prison,³⁶ therefore making it incredibly difficult to track so many signals in such a small area.³⁷ This does not reflect a real-world situation of EM.

However, as technology is constantly improving, we can expect EM technological success rates to improve. For example, whereas the older radio-style EM technology “only provides surveillance when the offender is in his or her home, GPS monitoring tracks the location of offenders and maps their whereabouts for retrieval by the community supervision officer”.³⁸ Accordingly, detection of EM condition violations has increased in accordance with the upgrade in technology. Furthermore, in May 2015, technology was created that will now make GPS locations accurate to within a centimeter, and is small and cheap enough to be installed on items like mobile phones.³⁹ As an indication of how trusted this technology is, Tesla have now used GPS as part of the suite of technologies for the production of quasi-driverless vehicles.⁴⁰

Perceptions of leniency

The community has expressed concern that EM as an alternative to prison is a soft option. In response to this concern, Kornhauser and Laster (2014) claim that a comprehensive communication and risk management strategy could be implemented in order to raise awareness and increase public understanding of the

³¹ Ibid.

³² Ibid.

³³ Department of Parliamentary Services, ‘Research Brief: Sentencing Legislation Amendment (Abolition of Home Detention) Bill 2011’ (Research Paper Number 8, Parliamentary Library, Parliament of Victoria, 2011) 8.

³⁴ Cameron Houston, *Prisoner monitoring bracelets failing* (May 2014) The Age Victoria <<http://www.theage.com.au/victoria/prisoner-monitoring-bracelets-failing-20140502-zr3h0.html>>.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Ryan Kornhauser and Kathy Laster, ‘Punitiveness in Australia: electronic monitoring vs the prison’ (2014) 61(1) *Crime, Law and Social Change* 445, 463.

³⁸ Kathy Padgett, William Bales and Thomas Blomberg, ‘Under Surveillance: an Empirical Test of the Effectiveness and Consequences of Electronic Monitoring’ (2006) 5(1) *Criminology & Public Policy* 61, 70.

³⁹ The University of Texas at Austin: Cockrell School of Engineering, *New Centimeter-Accurate GPS System Could Transform Virtual Reality and Mobile Devices* (May 2015) The University of Texas at Austin <<http://www.engr.utexas.edu/features/accurategps>>.

⁴⁰ The Tesla Motors Team, *Your Autopilot has arrived* (October 2015) Tesla <https://www.teslamotors.com/en_AU/blog/your-autopilot-has-arrived>.

goals of sentencing that can be achieved with EM.⁴¹ However, there is also evidence that the public would rather spend money on rehabilitation than punishment, and that they are prepared to accept the risk of offenders re-offending if the goal of rehabilitation is better sought by them being in the community⁴².

Net strengthening and net widening

One of the most significant criticisms of EM is that it can result in a 'net strengthening' and/or 'net widening' effect on state power. On one hand, it can result in more offenders receiving an EM sentence (instead of a less punitive sentence) than if EM was not available as an option (front-end net strengthening/widening).⁴³ On the other hand, it can result in more offenders being caught breaching their program conditions, and consequently, receiving a more punitive sentence due to the more intense level of surveillance (back-end net strengthening/widening). In either case, state power could be exercised in an unjust way. Thus, legislation must be carefully constructed so that it does not become an opportunity for the expansion of state powers to entrap people undeserving of (further) sanctions.

To reduce front-end net strengthening/widening, Kornhauser and Laster (2014) argue that EM ought to only be possible as a sentence for an offence that would otherwise warrant imprisonment.⁴⁴ This would reserve EM for use only as an alternative to imprisonment and prevent it from being used as an extension of state (surveillance) powers.

To reduce back-end net strengthening/widening, Kornhauser and Laster (2014) claim that EM should not be a sentence that, if its conditions are breached, automatically leads to a sentence of imprisonment.⁴⁵ In the case of a breach, the state must grant judges generous discretionary powers. Without this ability to intervene, offenders may be unjustly imprisoned for minor breaches.

Furthermore, legislative instruments similar to EM that are already in operation show that it is imperative that sentencing legislation is clearly understood by the judiciary if the net strengthening/widening effect is to be averted. Thus, the need for a comprehensive educational program for stakeholders (especially for judges in this case) is crucial to the appropriate use of EM.

Recommendations

Firstly, the lessons from the Victorian experience must be addressed. To this end, a preliminary period of consultation ought to be undertaken with all stakeholder groups to discuss any benefits that they have perceived or concerns that they have.

⁴¹Ryan Kornhauser and Kathy Laster, 'Punitiveness in Australia: electronic monitoring vs the prison' (2014) 61(1) *Crime, Law and Social Change* 445, 464.

⁴² Ibid 464.

⁴³ Ibid 461.

⁴⁴ Ibid 462.

⁴⁵ Ibid.

Subsequently, a comprehensive campaign must be undertaken to address these concerns and educate all stakeholders about the benefits and the use of EM.

Secondly, it is already clear that additional government assistance is needed for EM offenders and their co-residents to ensure that the offender meets their rehabilitation goals and that any co-residents are not overburdened by extra obligations to the offender. Therefore, the EM program ought to include counselling and support for both groups, with a focus especially for co-residents so that they may better understand when to assist the offender and when it is better to act in their own interests.

Thirdly, most Australian states have implemented EM in some way. However, the different regimes ought to be reconstituted into regimes (perhaps still administered separately) that include: a mixture of NSW Intensive Correction Orders (ICOs), the South Australian system of EM, a new addition of “sentence exchange”, and a move away from EM as home detention as much as possible.

In NSW, provisions for ordering EM already exist within the structure of ICOs. ICOs became available as a sentencing option with the enactment of the *Crimes (Sentencing Legislation) Amendment (Intensive Correction Orders) Act 2010* on the 1st of October 2010, as a front-end (primary sentence) scheme.⁴⁶

Prison sentences of no more than 2 years can instead be served under an ICO. However, courts must determine the length of the sentence before the type of custodial sentence is chosen. Furthermore, ICOs are classified as custodial sentences because the stringent conditions of an ICO seek to deprive an offender of his or her liberty in a real sense - they are also referred to as “custodial sentences” in the *Crimes (Sentencing Procedure) Act 2010*.

A breach of an order can result in an offender having to serve the balance of the sentence in full-time custody. Significantly, ICOs are not available for offenders guilty of a ‘prescribed sexual offence’ and ICOs are not just for offenders whose sentence is purely for rehabilitation - that is, other goals of sentencing (see above) can be met solely with an ICO⁴⁷.

The South Australian system that began in 2000 allows for front-end home detention for offenders who are deemed to be too ill, disable, or frail.⁴⁸ This would be a rational and humane addition to the nation-wide regime. Moreover in South Australia, the back-end regime began for:

⁴⁶ Judicial Commission of New South Wales, *Intensive correction orders (ICOs)* (December 2015) Judicial Commission of New South Wales <
http://www.judcom.nsw.gov.au/publications/benchbks/sentencing/intensive_correction_orders.html>.

⁴⁷ Judicial Commission of New South Wales, *Intensive correction orders (ICOs)* (December 2015) Judicial Commission of New South Wales <
http://www.judcom.nsw.gov.au/publications/benchbks/sentencing/intensive_correction_orders.html>.

⁴⁸ Department of Parliamentary Services, ‘Research Brief: Sentencing Legislation Amendment (Abolition of Home Detention) Bill 2011’ (Research Paper Number 8, Parliamentary Library, Parliament of Victoria, 2011) 10.

“Offenders who have completed half of their non-parole period and are in the final 12 months of their sentence, or, if sentenced to 12 months or less, have completed half of their sentence, are eligible to apply for home detention.”⁴⁹

Together with NSW ICOs and the South Australian regime, this paper proposes a third segment to the nation-wide regime. For offences of a non-violent and non-sexual nature, which would normally warrant a sentence of greater than 2 years imprisonment, offenders ought to be given the option of a sentence exchange. That is, exchanging a sentence of imprisonment for an EM sentence. However, this exchange could not be a direct one; it could only be exchanged by a multiplication of 3. For example, a 3-year imprisonment sentence could only be exchanged for a 9 year EM sentence. This third segment could also be applied as a direct exchange for people on remand who are accused of an offence of a non-violent and non-sexual nature.

Finally, the provisions for home detention should be changed to allow for EM to relieve the burdens faced by co-residents whenever possible. To this end, EM should not be restricted for use in home detention only. If an offender can be regarded as safe for release into home detention, there ought to be nothing preventing their release into the community under an EM order (that is, EM without a home detention restriction). In any case, most violent crimes occur in the home, which is all the more reason that offenders should not be confined to the home whenever it is possible.⁵⁰ Moreover, given the advancements in GPS technology, it is now possible to ensure that EM offenders are only allowed to be in certain geographical locations at certain times.

Conclusion

With a steady expansion of the use of EM, more of the goals of sentencing can be met, especially the rehabilitation of offenders via their reintegration into the community. Reintegrating offenders sooner will have the added benefit of a reduction in the long-term social and financial costs of imprisonment. Nevertheless, a careful campaign to educate all stakeholders (especially the news media and victims) on the benefits of EM in comparison to prison is vital for the future success of EM as a regularly employed alternative to imprisonment. Furthermore, with a move away from imprisonment, a more humane society could be achieved. Offenders must be understood first and foremost as human beings, intrinsically worthy of human rights and dignity, and this must be reflected in all areas of the justice system.

⁴⁹ Ibid.

⁵⁰ Ibid 7.

Appendix

Case Study: The EM experience of John Killick

Invaluable insights into the nature and effectiveness of EM can be gained through the personal observations of someone who has served such a sentence. John Killick is one such person. Below is a transcript of an interview with him:

“I had to wear an electronic bracelet for 7 months and I found it to be arduous and oppressive increasing stress levels. However, there is no doubt in my mind that it is a preferable option to prison. But that should be the criteria: a judge should have the option to use his discretion to impose a suspended sentence instead of a custodial sentence, even for serious offences, with the proviso that the offender be fitted with an ankle bracelet.

There will be those who will oppose this option, stating it will be another example of soft on sentencing. This is a flawed argument. The obvious advantages of implementing this procedure are numerous and include:

1. Although I am not cognizant with the cost of keeping a person electronically monitored for a year, it would have to be tens of thousands of dollars cheaper than keeping a person in gaol, which is now estimated to be about \$100,000 p.a. So we are looking at saving tens of millions of dollars to the taxpayer.
2. The person will be living at home or in suitably approved accommodation and will be restricted to where he/she can go. This is a much more friendly and less stressful environment than a prison cell and prison yards.
3. The person will have the opportunity to gain employment or go to TAFE and learn a trade or profession thus becoming a useful member of society. Being in gaol gives most people a feeling of worthlessness; having the opportunity to work or go to college or even university induces a sense of pride and achievement—especially to those who have been down and out.
4. The person will be able to retain or gain meaningful relationships with others. Gaol, on the contrary, is a great destroyer of relationships.

So, naturally, electronically monitoring is preferable to a term of imprisonment. But it should be a judicial option in sentencing by judges—not an added burden placed on the prisoner after he is released. If a person completes his/her sentence or has earned parole, that person should not have to then be burdened by electronic monitoring. The electronic monitoring should BE the sentence - not an addition imposed by a public servant when it wasn't ordered by a judge, who expected the

prisoner to be released pending good behaviour on the date fixed by that judge, without the onerous imposition of electronic monitoring.

If the state is going to electronically monitor people it should do so as an alternative to prison not arbitrarily impose both.

Finally, for those who feel being sentenced to wear an electronic bracelet is too "soft", I would ask them to consider how easily they personally would be able to handle the following procedures:

1. Wearing a thick bracelet on your leg, 24 hours a day, every day. If you wear shorts or go to the beach it is glaringly obvious and you are at risk of being attacked or abused.

2. You have to charge it, at your own expense, for up to 3 hours a day. If it isn't fully charged, you can't leave your premises.

3. When you charge it you have to attach another thick piece of equipment to the bracelet making it painful to walk around, so they advise you to sit down while it is being charged.

4. You have to fill out a form and fax or email it to the authorities 10 days ahead of when it will come into effect—stating where you will be every minute of every hour of every day. You have to nominate what transport you will be using, and if it is a car, you have to give the registration number of it. You have to name who you will be with and for how long. The authorities will examine your schedule and either approve or reject your proposed activities.

5. A corrections officer will call at your place about once a week to check on you. Sometimes they will come unexpectedly and may breathalyse you or drug test you. They once came to the police station while I was there and breathalysed me because I drove there. They rang me a few times in the early hours of the morning and asked where I was, even though they knew where I was because of the bracelet.

Wearing an electronic bracelet is tough going—but it is preferable to prison. Without a doubt.

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