

Functions and Dysfunctions of Electronic Monitoring

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Abstract:

Tom Daems' book *Electronic Monitoring. Tagging Offenders in a Culture of Surveillance* offers a systematic analysis of the development and current application of electronic monitoring (EM). The author examines the functions (both evident and covert) in alphabetical order, questions the goals of the technology and considers it as part of a society in which surveillance practices are omnipresent. Daems offers a compact and critical analysis as well as new thought-provoking impulses.

(Fehl-)Funktionen der elektronischen Überwachung

German Abstract:

Mit *Electronic Monitoring. Tagging Offenders in a Culture of Surveillance* bietet Tom Daems eine systematische Betrachtung der Entwicklung und aktuellen Anwendung der elektronischen Aufenthaltsüberwachung. Der Autor untersucht die Funktionen (sowohl die offensichtlichen als auch die verdeckten) in alphabetischer Reihenfolge, hinterfragt die Ziele der Technologie und betrachtet sie als Teil einer Gesellschaft, in der Überwachungspraktiken allgegenwärtig sind. Daems bietet eine kompakte und kritische Analyse der Funktionen sowie neue Denkanstöße.

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The market for Electronic Monitoring (EM) technologies is flourishing and continuously producing new models (p.4). Although EM is still used only moderately in Germany in comparison to other European countries (p.9), it is worth taking a closer look at the role EM has played in European jurisdictions. With his book *Electronic Monitoring. Tagging Offenders in a Culture of Surveillance*, Tom Daems describes and analyzes a complex topic in a very understandable way. Daems concentrates on the functions of EM, thereby dismantling the technology into its parts. With his direct and clear language, he offers thought-provoking ideas and more than a starting point for further research and reflection on the topic.

The book is a compact 84 pages long and structured in four chapters. For the central part (Chapters two and three), Daems was inspired by the Dutch criminologist Willem Nagel and his book *De funkties van de vrijheidstraf* (Alphen aan den Rijn: Samsom, 1977). Willem Nagel wrote about the functions of imprisonment and created a very pragmatic and open classification (p. 14). Daems applies this plausible concept to EM. However, he also points out that he is not interested in providing a systematic overview of EM. Instead, he offers an exploration of 22 different functions of EM and hence another angle of understanding (pp. 4 - 5). The 22 functions are arranged alphabetically. Like Nagel, Daems analyzes some functions over the course of several pages; for others, he limits his explanation to several lines.

The first chapter examines the history of EM and its position within the “cultures of surveillance” (p. 3). Daems examines the origins and development of EM and focuses on the situation in Belgium. It is difficult to get a clear, comprehensive picture of the application of EM in Europe because of incomplete data (p. 7). Therefore, it is reasonable that Daems uses a national focus as a guiding theme in his book.

Due to the scope and the unusual structure of the book, only isolated functions can be discussed in this review. Moreover, some functions overlap or complement each other.

First, I would like to draw attention to *Widening the Net*. Daems refers here to Stanley Cohen's metaphor of the "fishing net": The control apparatus is described as a net that catches more and more fish the larger and more tightly meshed it becomes. Daems illustrates how EM is not automatically an alternative to imprisonment but can rather replace less intrusive sanctions such as fines and/or can be used to augment surveillance. He also discusses studies that examine the perceptions of people living with EM and other household members, and the risks of EM when used solely for control. Daems discusses the development of technology and how it can make the deployment of control and the net (even) tighter as well as a route (back) to prison (p. 66f.).

Here and in other parts of the book, Daems refers to the recommendations of the Council of Europe, which outline basic principles concerning ethical issues and professional standards (p. 67, 79).

When discussing *Responsibilisation*, Daems begins to contrast the level of responsibility under EM and in prison (p. 60). While prisoners are deprived of the opportunity to take responsibility for their own or others' lives, people under EM must show a high degree of self-discipline. Daems refers to van Gestel and describes the invisibility of EM and the constant threat of (repeated) imprisonment. The latter can become an internal coercion to adhere to the strict schedule and guidelines of the EM. A reference to more empirical data on the consequences of the implications of self-responsibilization would have been very interesting. He concludes that EM has been described as part of the development of punishment in which brutal violence has been replaced by a more abstract and invisible form of punishment (p. 61).

In his discussion on *Deterrence*, Daems briefly outlines the results of the perception studies with regard to EM. He discusses the preference for EM over imprisonment and public opinion on the technology. Finally, Daems describes the results of compliance research and the effect of deterrence through alarm signals and the increased probability of detection when acting against the regulations. He refers to the problems that short-term compliance can bring (p. 39f.). Here, further elaboration on the findings of desistance research with regards to compliance might add more insight.

Daems uses the fourth and last chapter to show how the functions of EM can complement each other but also often collide (p. 76). With the use of EM, it is, therefore, possible to pursue various, contradictory goals (simultaneously) (pp. 81-82). In this chapter, he continues the 'defamiliarization' of EM to disrupt the common understanding of it. He questions the constant comparison with prisons and underlines the collateral consequences and successes as well as failures that the use of EM entails. While Daems refers to classics of sociology, such as Durkheim and Foucault, and describes them as "sources of insight" (p. 82), he turns the spotlight away from EM as a penal development and towards EM as part of the broader shift in a surveillance culture and technological developments (pp. 82-83).

Daems impressively manages to grasp the topic of EM in its entirety and explains it in a very understandable way. The book could be of particular interest to people who are interested in the topics of supervision and penology. However, the theoretical discussions and critical evaluations of the functions may also be suitable for people who are already familiar with the topic.

Using Nagel's idea, Daems chose an unusual structure for his book. He manages to get to the core of the topic without much fuss despite the complexity. The cross-references to other functions were mostly helpful and enlightening. Jumping between the individual functions also demonstrates the complexity of the technology. Nevertheless, the frequent references, as well as the descriptions of the functions, sometimes overlap and can be perceived as hindering the reader. Daems' dissection of EM shows that the technology can exacerbate existing problems or create new ones, as the example of *net widening* shows. By exploring the individual functions, he shows the collateral consequences, which often remain hidden, and encourages us to question the added value of the technology (p. 80). Especially in the German context, where EM is used as a means to show action against terrorism (Anna Kaiser: "Die elektronische Aufenthaltsüberwachung - Geeignetheit zur Terrorismusbekämpfung?" In: *Kritische Justiz* 50.2 (2017), p. 176-186), Daems' critical presentation of the functions of EM proves that it is crucial to examine the technology in greater detail.