

Using Electronic Monitoring Devices to Supervise Female Offenders in Thailand

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Abstract

There are too many prisoners who have been jailed unnecessarily and lead to the problem of prison overcrowding. There are also a lack of correctional officers working on duty. Only few officers are then not enough to supervise all inmates. Internationally, the electronic monitoring (EM) has been used widely more than two decades to reduce the number of prisoners. In Thailand, the Department of Correction is planning to use the Intermediate Punishment in order to reduce the number of prisoners by using the EM. This paper aims to identify advantages and disadvantages among female offenders who are either (1) pregnant women, (2) breastfeeding mother, (3) mother with children in prison or (4) women with dependent child, when using EM as alternatives imprisonment. Additionally, participants were also asked to examine themselves when using the EM. Approximately 10 female offenders were interviewed on using EM. This research found that most participants feel very stress and nervous in the first weeks of using EM. However, they feel better after that time and have better mental and physical health.

Keywords: Electronic Monitoring, Female Offenders, Prison Overcrowding, Alternatives Imprisonment

Introduction

The problem of prison overcrowding is not just a new or current issue in our society. Many European countries and the United States have faced this problem more than three decades (Whitfield, 1997). For example, in 2002, the BBC highlighted the prison overcrowding crisis in England. At that time, the number of inmates are around 71,480 which is the highest number (Lösel, 2007: 512). Later, in March 2007, the number of English prison population went above 80,000 and this means that approximately 150 prisoners per 100,000 inhabitants in England (Lösel, 2007: 512). In Western European countries, England and Wales have the highest rate of imprisonment. For instance, around 50 percent of the higher incarceration rate in these two countries when compared to Germany (Lösel, 2007: 512). Belgium is also another country that the number of inmates has grown significantly in the past 30 years. From 1980 to 2004, the Belgian prison population increased around 63 percent (Maes, Mine, Man & Brakel, 2012: 3). The number of prisoners in Belgium went above 10,000 since 2007 (Maes, Mine, Man et al., 2012: 4). At the end of 2010, there were approximately 11,000 inmates in Belgium (Maes, Mine, Man et al., 2012: 4).

To solve the prison overcrowding crisis in many countries, Intermediate Punishments have been introduced to use in the criminal justice system. The Intermediate Punishments are in the middle between prison and probation. Intermediate Punishments are delivered through many programs such as intensive supervision, electronic monitoring, boot camp, house arrest and community service (Center For Community Corrections, 2016).

At present, many countries use some program of the Intermediate Punishments. Electronic monitoring (EM) and intensive supervision are the most popular programs that have been used to solve the problem of prison overcrowding (Center For Community Corrections, 2016). Beken and Vandeveld (2014) further explain that when many countries faced with the problem of prison overcrowding, they have start to use alternatives imprisonment. They further indicate that there were two approaches in developing alternatives imprisonment that have been used. The first approach was establishing and reinforcing rehabilitation-oriented and less punitive sanctions such as suspended imprisonment, parole and probation. The second approach was using the EM or radio frequency¹ (RF) to ensure that offenders still remain in their home. In 2010, more than 500,000 offenders had been used the EM in the United States and European countries (Tella & Schargrotsky, 2013).

Similarly, the United Nations Office on Drugs and Crime (UNODC) have promoted the prison reform and alternatives to incarceration. The UNODC believes that every member states should consider the prison reforms based on human rights considerations, imprisonment and poverty, public health consequences of imprisonment, detrimental social impact and the cost of imprisonment (United Nations Office on Drugs and Crime, 2016b). To have the same international standards and norms, the United Nations (UN) adopted the United Nations Standard Minimum Rules for Non-custodial Measures or known as Tokyo Rules in 1990 to promote the use of non-custodial measures and to protect persons subject to alternatives to incarceration (United Nations Office on Drugs and Crime, 2016a). Later, in December 2010, the UN adopted the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women offenders or known as Bangkok Rules in order to provide standard rules for women offenders and prisoners (Penal Reform International, 2016).

Promoting alternatives to imprisonment by the UN together with the problem of prison overcrowding, Intermediate Punishments is then being used in many countries. The EM has therefore been used in many countries for several decades. The EM was first introduced during the 1980s and the United States is the first country to use the EM as Intermediate Punishments to solve prison overcrowding (Nellis, Beyens & Kaminski, 2013). At present, the EM is used in Canada, Taiwan, Singapore, Australia, New Zealand, Denmark, Finland, Sweden, the Netherlands, Germany, Belgium, Portugal, Italy, Argentina, Israel, Scotland, England, Wales and the United States (Paterson, 2008). These countries have already passed the law to use the EM as alternatives imprisonment with a wild range of decision-makers while there are many countries that still use the EM as experimental status (Nellis, Beyens & Kaminski, 2013).

In Thailand, the crime rates have also gradually increased and have more violence every year. As the number of violent crimes committed across the country has gradually increased, there is currently a problem of prison overcrowding. According to the statistic of Department of Corrections (2016), there were around 299,885 prisoners including both male and female prisoners on June 1, 2016. The number of prisoners is sharply increasing each year, especially the number of female prisoners. Table 1 shows that the number of both male and female prisoners is sharply increasing in the past seven years.

¹ The radio frequency (RF) is a signaling device that will be put on ankle or wrist of the offender. The transeiver will be installed in his home. The offender must stay in the limited area that device and transeiver are signaled to each other and send their signal through landline or mobile phone to a monitoring center that the offender is still in the limited area or not (Nellis, Beyens & Kaminski, 2013). In the Great Britain, the term 'tagging' has been used to call the RF (Nellis, Beyens & Kaminski, 2013).

Table 1 The Number of Prisoners in Thailand

Year	Prisoners (person)		Total
	Male	Female	
2010	137,580	22,513	160,093
2011	138,443	22,986	161,429
2012	142,687	24,577	167,264
2013	159,837	27,676	187,513
2014	188,838	31,482	220,320
2015	269,743	44,940	314,683
2016*	258,630	41,255	299,885

Source: Department of Corrections (2016)

* The number of prisoners are collected on September 22, 2016.

To solve the problem of prison overcrowding in Thailand, Office of Justice Affairs and Department of Corrections have an idea to use the EM in Thailand. They first planned to use the EM with female offenders as experimental project to see that using the EM with female offenders is good or not. This paper then aims to identify advantages and disadvantages among female offenders who are either (1) pregnant women, (2) breastfeeding mother, (3) mother with children in prison or (4) women with dependent child when using the EM as alternatives imprisonment. This article is divided into four sections. The first section described literature review on the benefits and results of using the EM with offenders as alternatives imprisonment in England and Belgium. The second part explains how this research is conducted and the last part discuss what the researcher has found from conducting this research.

Using Electronic Monitoring in England and Belgium

The electronic monitoring (EM) is one of the most popular one to use as alternatives imprisonment. It has been used over 30 countries since the 1980s (Nellis, Beyens & Kaminski, 2013: 1). This research will only focus on the use of EM with offenders in England and Belgium because most European countries have already been used the EM as alternatives imprisonment for more than 20 years. These two countries also have the similar problem of prison overcrowding and believe that using the EM should help to solve this problem.

Nellis and Rossell (2011: 5) define the EM as “EM technology must be understood as nothing more or less than a form of remote surveillant control, a means of flexibly regulating the spatial and temporal schedules of an offender’s life”. This means that the first purpose of using the EM is surveillant control in order to remind offenders that they are being watched. Later, If they think that they will be breached, they may be recalled to prison or received more severe penalty (Nellis, Beyens, & Kaminski, 2013).

As mentioned above that the main purpose of the EM is surveillant control, therefore, many countries use the EM in several ways to watch offenders through the EM. The followings are commonly ways that the EM has been used (Nellis & Rosell, 2011):

- as an alternative to pre-trial detention
- as an obligation attached to a community sanction
- as a penalty for breaching other conditions
- as an alternative to custody (execution modality)
- as an obligation for temporary release
- as a condition for pre-release
- as an obligation after release

More than 30 countries then use the EM as surveillant control in these several ways to solve the problem of prison overcrowding. The following section describes literature review on using the EM in England and Belgium.

England

The EM was first introduced in England in 1982 by the Offender's Tag Association (Paterson, 2008: 100). The English government first decided to use the EM as piloted study for three months on bail and reducing remands in custody in order to confirm that the equipment had worked well. Only 50 offenders were using the EM at that time (Nellis, Beyens & Kaminski, 2013: 281). In 1989, John Patten, junior minister later claimed that using the EM with bailees was the unsuccessful trial (Paterson, 2008: 100). However, he could not deny that the EM is an effective way to solve the problem of prison overcrowding. Therefore, in 1989, the EM has officially been used with offenders as alternatives imprisonment (Paterson, 2008: 98). There were over 16,000 offenders who had been used the EM as alternatives imprisonment in 2008 (Paterson, 2008: 98). The offenders who are allowed to use the EM are bailees, adult offenders, juvenile offenders, terrorist suspects and those subject to immigration controls (Paterson, 2008).

In 2010, the English government decided to change some policy of using the EM. There are two major changes. The first one is the maximum duration of EM-Sentences. In the past, offenders were allowed to use the EM for the maximum of six months. However, the English government decided to change the maximum period to twelve months for using the EM same as in other European countries such as Scotland (Nellis, Beyens & Kaminski, 2013: 289). The second point is changing the daily hours of curfew. The maximum curfew is increased from 12 to 16 hours per day in order to make offenders feel that EM-sentences are more serious and not have much free time (Nellis, Beyens & Kaminski, 2013: 289).

Since 1989, there has been an increase in the use of the EM in England. Only a few hundreds of offenders use the EM as alternatives imprisonment in 1989. In the end of 1999, the English courts have started to issue the EM as alternative imprisonments across England (Paterson, 2008: 104). In 2011, there were more than 23,800 cases that using the EM as alternatives imprisonment (Nellis & Rosell, 2011: 9).

Although the number of offenders who use the EM as alternatives imprisonment is gradually increasing, there is no evidence that the EM will help to reducing the re-offending. As mentioned before that England has started using the EM for a long time, many researchers then conduct research about using the EM that whether it helps to protect the public. However, there is no strong evidence to confirm that using the EM will help to protect the public and reducing re-offending (Mair, 2005). The next section will describe using the EM in Belgium.

Belgium

From 1980 to 2009, the Belgian prison population was doubled and the problem of prison overcrowding is highlighted (Maes, Mine, Man et al., 2012: 3). On July 20, 1990, the Belgian government passed the Pre-trial Detention Act to allow offenders to use the EM as alternatives imprisonments (Maes, Mine, Man et al., 2012: 5). In December 2012, approximately 1,197 offenders were using the EM as alternatives imprisonment (Vanhaelemeesch, Beken & Vandeveld, 2014: 275). The number of offenders using the EM has then gradually increased.

According the Belgian law, offenders who are sentenced to a prison less than three years, are allowed to use the EM by getting permission from prison administration. Offenders who fit into this category, have to present themselves at the prison to request using the EM instead of imprisonment. If offenders meet the requirements of using the EM, they may stay only one night at present and then go back home on the next day. At present, the availability of the EM is usually waiting for a month up to a year to be placed under the EM. This is called a 'front

door approach' (Maes, Mine, Man et al., 2012; Vanhaelemeesch, Beken, & Vandeveldel, 2014).

In contrast, offenders who are sentenced to a prison more than three years, are allowed to use the EM as a 'back door' strategy of release from a prison. This means that offenders have to write a request to the judicial council six months before their first conditional release (Vanhaelemeesch, Beken & Vandeveldel, 2014). As in Belgium, offenders who are committed serious crime, are allowed to use the EM, the judicial council has power to allow using the EM with condition of renewing their decision every month or every three months (Vanhaelemeesch, Beken & Vandeveldel, 2014).

Although there is no evidence that the EM will help to reducing the re-offending, the EM still gives opportunity to offenders to take part in everyday life. Vanhaelemeesch, Beken and Vandeveldel (2014) argue that the purpose of using the EM is not only for reducing the re-offending, but also to support offenders to live in community same as before. They further state that using the EM will also help to separate offenders from criminal friends and have strong support from their family to come back to society. Additionally, Vanhaelemeesch, Beken and Vandeveldel (2014) found that offenders who use the EM, feel much better than stay in prison. Offenders feel that they have more freedom, more opportunity to work and strong support from their family. However, it cannot deny that using the EM also makes offenders have negative aspects that they have limited freedom and be controlled (Vanhaelemeesch, Beken & Vandeveldel, 2014).

In addition, Dr. Ioan Durnescu who is lecturer in Criminal Justice and is expertise in the area of using the EM in Europe suggested that other countries should learn from Belgium, Denmark, Norway, Portugal, The Netherlands, Estonia and Sweden that how these countries use the EM as alternatives imprisonment. He further provides example of the German case to suggest other European countries to use the EM. Durnescu states that Germany has felt reluctant to use the EM as alternatives imprisonments. The German government decided to use the EM as piloted study in Frankfurt in the year of 2000 and across the city of Hesse in 2007 (Nellis & Rosell, 2011: 6). The German government found that the cost for using the EM is cheaper than put offenders in the prison. The cost of using the EM is 33.83 euro per day while the cost of spending a day in prison is 96 euro (Nellis & Rosell, 2011: 6). Therefore, using the EM as alternatives imprisonment should help to reduce prison populations and save the money. The next section describes methodology that has been used in this research.

Methodology

Qualitative methods were used to conduct this research. In-depth interviews were used to get more detailed information on advantages and disadvantages among female offenders who used the EM as alternatives imprisonment. Participants were interviewed for approximately an hour. The interview question guide was used as an outline for interviewing in order to confirm that the researcher covered the similar details of offenders' experiences of using the EM.

As this research is an experimental project of using the EM in Thailand, the researcher only focuses on female offenders as they are mentioned in the Bangkok Rules that should be suitable to use the EM as alternatives imprisonment. Female offenders who will be participated in this research have to be fitted into these three requirements. The first requirement is that female offenders have to be either (1) pregnant women, (2) breastfeeding mother, (3) mother with children in prison or (4) women with dependent child. The second requirement is that female offenders are sentenced less than three years and never committed crime before. The last requirement is that the court has made decision for these female

offenders for probation, not sentencing in a prison and these female have also been in probation less than six months in order to prevent the re-offending and rehabilitation.

Female offenders were selected from every province in Thailand. However, only female offenders who are under Bangkok Probation Office in district 1, 2 and 3 and Chiang Mai Probation Office met all requirements. Approximately, 10 female offenders were selected to be participants in this research. These 10 participants are sentenced less than three years because of drink driving, burglary, embezzlement and addicted to Methamphetamine. All of these participants were allowed to use the EM as alternative imprisonments.

However, during the time that the researcher planned to interviewed all participants, using the EM as alternatives imprisonment is cancelled because the budget of using the EM was cut. The Department of Probation then does not have enough budget to continue using the EM as piloted study. Therefore, the researcher decided to interview 10 participants who were using the EM and are currently under the probation period.

During the interviews, the researcher collected information about the effect of using the EM on physical, mental and psychosocial. Questions that are related to the reaction of their body, nutrition, emotion and the relationship with other people were asked. Moreover, participants also had to examined themselves by giving the point from one to five. If participants give five points, it means that they are the most satisfy. In contrast, if they give one point, it means that they are least satisfy. Participants were asked to examine themselves for three times and the distance of time for collecting data for each time was one month. They first examined themselves after they used the EM for the first month and two more times for two consecutive months.

Research Findings and Discussion

The question was divided into three parts. In the first part (physical part), there are three questions. The first question is that whether they have any problem about sleeping when using the EM or not. Most participants reported that they could not sleep well when they first used the EM. They are quite nervous and stress, especially the first seven days of using the EM. For example, one participant who sentenced for the case of burglary stated that they were hardly to sleep and could not sleep well in the first week of using the EM. The second question is that whether they have problems about eating disorder or not. Most participants reported that they still ate like normal. However, they feel so stress in the first week of using the EM. Therefore, they could not eat much same as normal for some meal. For instance, one participant who sentenced for embezzlement reported that “I could not eat at all because I felt so stress and very worry about imprisonment because I am very worry about my child how will they live without me”. The last question for physical part is that do they have any health problems. Most participants did not have any health problems. However, if they have health problems, they are allowed to go to see doctors.

All participants were also asked for three questions for the second part (mental part). The first question is that do they feel very angry easier or not after using the EM. Five participants reported that they feel that they were angry easier when they used the EM for the first week and after that they feel better and less anger. In contrast, the other five participants reported that they do not feel angry easier for the whole time of using the EM. The second question is that do they feel stress and worry about their family member or not, if yes, what kind of problems that they are worried. All participants reported that they were worried about their family members’ feeling, especially when they first used the EM. However, they felt less stress after the first month. What will they do to relieve their stress is the last question for this part. Each participant has different way to relieve their stress such as talking with their friends and family and doing other activities with friends.

The last part (psychosocial part) has three questions. The first question is when they are using the EM, they can talk and live with other people same as before or not. Most participants reported that they did not have any problem to talk and live with their friends, family and other people. In addition, they used this time to teach their children not do the wrong things like them. However, there are some participants who could not talk with their family and other people in the first seven days of using the EM. But, after that they can talk with everybody like normal. The second question is that do they talk and ask for some advice from other people. Most participants reported that they only asked for some advice only from their family. In the first week of using the EM, they were avoiding to talk about the EM as it was sensitive issue, but after that it was ok to talk about the EM. In addition, there is one participants who were sentenced in a prison for a short time before probation. She reported that when she stayed in a prison, they could not talk with anyone and could not ask for advice. However, when she used the EM, they could ask for some advice from their family and friends and feel better. The last question is that have any people come to them to ask for some advice. All participants reported that other people still asked them for some advice and they also used their life experiences as an example for other people.

At the end of interviewing, participants were asked that do they agree or disagree to use the EM as alternatives imprisonments in Thailand. All participants reported that the EM should be used in Thailand as alternatives imprisonment because they still have opportunities to look after their family and finding some jobs to support their family. For instance, one participant who is sentenced for addicting to Methamphetamine stated that “I am strongly agreeing that should use the EM as alternatives imprisonment because this gave me opportunities to live in society same as other people and to find some jobs”.

All of these questions show that most participants have some effects to their physical and mental when using the EM for the first week and then feel better. For psychosocial, most participants did not have any problems to live and talk with their family and other people. At the same time, they also provide some advice to other people and use their experiences as example.

Table 2 The Summary of Points for Using the EM

Participants	The total of point that examine by all participants			
	1	2	3	Average
1	3.3	4.6	4.9	4.3
2	4.5	4.9	4.9	4.8
3	3.5	4.0	4.1	3.9
4	4.4	4.6	4.6	4.5
5	3.8	4.0	4.7	4.2
6	4.2	4.3	4.4	4.3
7	3.6	4.5	4.6	4.2
8	3.8	3.8	4.6	4.1
9	2.7	2.9	3.3	3.0
10	2.4	3.0	3.5	3.0

At the same time, all participants were asked to examine themselves by giving the point from one to five for three times. All participants were asked to examine themselves in the part of physical, mental and social. The researcher will combine all the point from these three parts together and then find the average point for each participant. Table 2 shows the summary of points that all participants giving the point for using the EM. This table shows that female offenders felt better when using the EM for a while. It clearly shows that the total point for

each time is higher. This means that all participants felt better and had less stress when using the EM as alternatives imprisonment.

The information on using the EM as alternatives imprisonment from interviewing and examining themselves is related. All information shows that all participants felt nervous, stress and could not sleep well during the first month of using the EM and after that they felt better and be able to live in society same as others.

However, all participants reported that there is still a problem when using the EM. A main problem is the EM that has been used in Thailand is not working well. For example, the EM run out of battery so often and sometime the EM could not send signal to probation officers. All participants also reported that when put the EM on ankle, it was so tight and made them had some bruises on their ankle.

With all of these information, there are two points of suggestions about using the EM to supervise female offenders in Thailand. The first suggestion is that having clear and specific rules that who can be considered for using the EM as alternatives imprisonment as each offender has different background and commit for different type of crimes. The second suggestion is that the correction officers have to have more knowledge and understand more detail about alternatives imprisonment. The Department of Correction should organize some seminar for officers to have clear understanding about using the EM as alternatives imprisonment.

Conclusion

In Thailand, there is a problem of prison overcrowding. To solve this issue, Using the EM as alternatives imprisonment should be used in Thailand. This research is experimental project in order to confirm that the Thai government should use the EM as alternatives imprisonments or not. The researcher found that all participants reported the same things that they feel nervous, stress and could not eat well when they first used the EM for the first week and after that they felt better. Moreover, all participants are also agreeing that using the EM as alternatives imprisonment in Thailand is a good idea as female offenders still has a chance to look after their family and find some jobs to support their family.

Using the EM as alternatives imprisonments in Thailand is a very good idea to solve the problem of prison overcrowding. However, there are still some problems when using the EM as alternatives imprisonment. There are two major problems for using the EM among female offenders. The first problem is a signaling of device between offenders and probation officers. The EM can be used only in the limited area such as Bangkok and some big provinces. Therefore, if the signaling is expanded to cover more area, it should help to reduce the Thai prison populations. The second problem is outdated technology in Thailand. The Thai government still did not support much money to updated technology of using the EM same as other countries. If the technology is updated, more offenders can be used the EM as alternatives imprisonment and resolve the problem of overcrowding prison.

Using the EM is may be a bit old fashioned. In Europe, some countries like France start using the GPS tracking technology as alternatives imprisonment. The GPS tracking is small and sensible. However, it can only be used only in mainland Europe nowadays. Therefore, if the Thai government would like to use the EM as alternatives imprisonment, it should not be hard to solve the problem of outdated technology of the EM as other developing countries use more modern technology and are successful in using the EM as alternatives imprisonment.

Finally, there are two points of suggestion for using the EM as alternatives imprisonment in Thailand. The first point is that having clear rules that who can be considered for using the EM as alternatives imprisonment to have the same standard for every offender. The second suggestion is that the correction officers have to clearly understand more detail about alternatives imprisonment.

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