



Using electronic monitoring with female offenders in Thailand

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Abstract

Aim: This paper aims to identify the benefits and drawbacks of using EM as an alternative to incarceration for female offenders who are either (1) pregnant, (2) breastfeeding, (3) mothers with children in prison, or (4) women with dependent children.

Method: This investigation relied on qualitative strategies. In-depth interviews were conducted with women who had used the EM as an alternative to incarceration to learn more about the program's benefits and drawbacks. Ten female offenders were interviewed about their experiences with EM.

Findings: According to this study, most people experience high levels of stress and anxiety during the first week of EM treatment. However, they are in better mental and physical health after that time and report feeling better. The results also showed that female offenders felt better after using the EM for a while. Each period has a higher total point value, as can be seen. This indicates that when using EM as an alternative to incarceration, all participants felt better and experienced less stress.

Implications/Novel Contribution: Tiny and practical, the GPS device tracks your every move. However, today it is only valid in mainland Europe. Since other developing countries use more modern technology and successfully use the EM as an alternative imprisonment, it should not be difficult for the Thai government to solve the problem of the EM's outdated technology.

Key Words: Electronic Monitoring (EM), Female Offenders, Prison Overcrowding, Alternatives Imprisonment

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INTRODUCTION

Overcrowding in prisons is not a recent or pressing social problem. This issue has plagued Western Europe and the United States for over thirty years (Whitfield 1997). For instance, the BBC highlighted the prison overcrowding crisis in England in 2002. When that happened, there were approximately 71,480 inmates, the largest ever recorded incarcerated population (Losel 2007). In subsequent months, the incarcerated population in England surpassed 80,000 in March 2007; this equates to roughly 150 people per 100,000 in the country (Losel 2007). In Western Europe, the highest incarceration rate is in England and Wales. For example, compared to Germany, these two nations account for roughly half of the continent's higher incarceration rate (Losel 2007).

The number of people incarcerated in Belgium has risen sharply over the past three decades. The number of people locked up in Belgium rose by about 63% between 1980 and 2004 (Maes et al. 2012). Since 2007, the number of inmates in Belgium has exceeded 10 000 (Maes et al. 2012). About 11,000 people were incarcerated in Belgium as of the end of 2010 (Maes et al. 2012). Intermediate Punishments have been implemented into the criminal justice system in many nations to address the problem of prison overcrowding. These Intermediate Punishments fall between incarceration and community supervision. Intense supervision, electronic monitoring, boot camp, house arrest, and community service are just a few of the programs used to administer intermediate punishments (Center For Community Corrections, 2009).

Many nations today employ Intermediate Punishment schemes of one kind or another. The most common approaches to reducing prison populations have been electronic monitoring (EM) and intensive supervision (Center For Community Corrections, 2009). According to Vanhaelemeesch, Vander Beken, and Vandeveldel (2014), many countries have begun using alternatives to traditional imprisonment to solve the problem of prison overcrowding. They also note that two distinct schools of thought have been applied to the creation of alternatives to incarceration. The first strategy involved creating and strengthening less severe punishments focused on rehabilitation, such as

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probation, parole, and suspended sentences. The second strategy involved using electromagnetic (EM) or radio frequency (RF) to keep offenders inside their homes. More than half a million American and European criminals were already accustomed to EM that year (Di Tella and Schargrotsky 2013). The UNODC has also advocated for less restrictive incarceration and prisoner rehabilitation alternatives. The UNODC recommends that all member states think about prison reforms in light of human rights concerns, the link between incarceration and poverty, the negative social impact of incarceration, the public health consequences of incarceration, and the high cost of incarceration (United Nations Office on Drugs and Crime 2016a).

To encourage the use of alternatives to incarceration and to protect people from abuse, the United Nations (UN) adopted the United Nations Standard Minimum Rules for Non-custodial Measures, also known as the Tokyo Rules, in 1990 (United Nations Office on Drugs and Crime 2016b). To establish uniform guidelines for treating female offenders and prisoners, the United Nations adopted the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women offenders, also known as the Bangkok Rules, in December 2010. (Penal Reform International 2016).

LITERATURE REVIEW

Promoting alternatives to imprisonment by the UN together with the problem of prison overcrowding, Intermediate Punishments are 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 Punishment to solve prison overcrowding (Nellis, Beyens, and 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 2007). These countries have already passed the law to use the EM as alternatives imprisonment with a wide range of decision-makers while there are many countries that still use the EM as experimental status (Nellis et al. 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 statistics of Department of Corrections (2016), there were around 311,227 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.

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*	267,552	43,675	311,227

Source: Department of Corrections (2016)

* The number of prisoners is collected on June 1, 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 describes 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 discusses 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 ones to use as alternatives imprisonment. It has been used in over 30 countries since the 1980s (Nellis et al. 2013). This research will only focus on the use of EM with offenders in England and Belgium because most European countries have already 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 et al. (2013) 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 receive more severe penalty (Nellis et al. 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 following are common ways in which the EM has been used:

- 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 (Nellis and Torres 2011)

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 Offenders Tag Association (Paterson 2007). The English government first decided to use the EM as pilot 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 et al. 2013). In 1989, John Patten, junior minister later claimed that using the EM with bailees was the unsuccessful trial (Paterson 2007). However, he could not deny that the EM is an effective way to solve the problem of prison overcrowding. Therefore, in 1989, the EM had officially been used with offenders as alternatives imprisonment (Paterson 2007). There were over 16,000 offenders who had been using the EM as alternatives imprisonment in 2008 (Paterson 2007). The offenders who are allowed to use the EM are bailees, adult offenders, juvenile offenders, terrorist suspects and those subject to immigration controls (Paterson 2007).

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 et al. 2013). 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 et al. 2013). Since 1989, there had been an increase in the use of the EM in England. Only a few hundreds of offenders used the EM as alternatives imprisonment in 1989. In the end of 1999, the English courts had started to issue the EM as alternatives imprisonment across England (Paterson 2007). In 2011, there were more than 23,800 cases that were using the EM as alternatives imprisonment (Nellis and Torres 2011).

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 reduce the re-offending. As mentioned before that England has started using the EM for a long time, many researchers then conducted 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 reduce 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 et al. 2012). On July 20, 1990, the Belgian government passed the Pre-trial Detention Act to allow offenders to use the EM as alternatives imprisonment (Maes et al. 2012). In December 2012, approximately 1,197 offenders were using the EM as alternatives imprisonment (Vanhaelemeesch et al. 2014). 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 et al. 2012; Vanhaelemeesch et al. 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 et al. 2014). As in Belgium, offenders who have 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 et al. 2014).

Although there is no evidence that the EM will help to reduce the re-offending the EM still gives opportunity to offenders to take part in everyday life. Vanhaelemeesch et al. (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 et al. (2014) found that offenders who use the EM, feel much better than staying 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 are controlled (Vanhaelemeesch et al. 2014).

In addition, Dr. Ioan Durnescu who is lecturer in Criminal Justice and is expert 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 imprisonment. The German government decided to use the EM as pilot study in Frankfurt in the year of 2000 and across the city of Hesse in 2007 (Nellis and Torres 2011). The German government found that the cost for using the EM is cheaper than putting 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 and Torres 2011). 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. Deep 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 participate 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 females 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 drunk driving, burglary, embezzlement and addicted to Methamphetamine. All of these participants were allowed to use the EM as alternatives imprisonment.

However, during the time that the researcher planned to interview all participants, using the EM as alternatives imprisonment was 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 pilot 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 conditions. Questions that are related to the reaction of their body, nutrition, emotion and the relationship with other people were asked. Participants also had to examine themselves by giving the point from one to five. If participants give five points, it means that they are the most satisfied. In contrast, if they give one point, it means that they are least satisfied. The researcher asked participants to examine themselves for three times and the distance of time for collecting data for each time was one month.

RESULTS 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. Most participants reported that they could not sleep well when they first used the EM. They were quite nervous and stressed, especially the first seven days of using the EM. For example, one participant who was sentenced for the case of burglary stated that it was hard 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. Most participants reported that they still ate like normal. However, they felt so stressed in the first week of using the EM. Therefore, they could not eat much as normal for some meals. For instance, one participant who was sentenced for embezzlement reported that I could not eat at all because I felt so stressed and very worried about imprisonment because I am very worried about my children 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 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 got angry easier when they used the EM for the first week and after that they felt better and less anger. In contrast, the other five participants reported that they did 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 they are worried about. All participants reported that they were worried about their family members' feelings, especially when they first used the EM. However, they felt less stressed 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 to 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 could 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 was one participant who was 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 felt 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 imprisonment 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 was sentenced for addicting to Methamphetamine stated that “I am strongly agreeing that Thailand 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 on their physical and mental conditions 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.

Additionally, after interviewing, the researcher asked all participants to examine themselves by giving the point from one to five. Table 2 shows the summary of points that all participants gave 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.

Table 2: The summary of points for using the EM

Participants	The total of points examined 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

The information on using the EM as alternatives imprisonment from interviewing and examining themselves is related. All information shows that all participants felt nervous, stressed and could not sleep well in the first week of using the EM and after that they felt better and lived 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 runs out of battery so often and sometime the EM could not send signal to probation officers. All participants also reported that when they put the EM on ankle, it was so tight and made them had some bruises on their ankle.

CONCLUSION, RECOMMENDATIONS AND IMPLICATIONS

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 if the Thai

government should use the EM as alternatives imprisonment or not. The researcher found that all participants reported the same things that they felt nervous, stressed 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 have a chance to look after their family and find some jobs to support their family. Using the EM as alternatives imprisonment 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 the 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 update technology of using the EM same as other countries. If the technology is updated, more offenders can use 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 have started using the GPS tracking technology as alternatives imprisonment. The GPS tracking is small and sensible. However, it can only be used 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.

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