

# In Prison at Home: How Does the Home Situation Influence the Effect of a Sentence with Electronic Monitoring (EM)?

*Tore Rokkan*

Home, and the way a person lives, is influenced by choices connected to identity. At the same time, where one lives and how one lives generate different challenges and possibilities. This study focuses on place-attachment and the role that the home plays when serving a sentence involving home detention with Electronic Monitoring (EM).

There is a connection between the way people live their lives and the place in which they live. This relationship can be stronger or weaker depending on identity and life phase. This *elastic connection* can affect how serving a sentence at home with EM is implemented and experienced.

In this article I try to identify the connection between the home and the lives of five offenders who were interviewed about life during home detention with EM. My findings show that the home and different living patterns do matter and affect the execution of the sentence. Home and lifestyle provide different levels of predictability and flexibility. The location of the house in relation to work, friends, and leisure activities was found to be crucial in the planning and implementation of activities.

The findings identify the need for a closer inspection of the interaction between home, work, and leisure time when facilitating EM.

In the Scandinavian model, participants serve their sentence on EM as an alternative to short prison sentences or as the final part of a longer sentence in prison. In Norway, the average period of EM is 30 days. The Regulations to the Execution of Sentences Act is the basis for these initiatives<sup>1</sup>. This means that the offender has to accept a schedule providing exact times for leaving and returning from work (15–45 hours a week) or leisure activities (5 hours a week). There is an absolute ban on alcohol and drug use, and the offender has to agree to alcohol and drug tests both at home and at work. The Correctional Service can also impose other restrictions similar to those imposed on prison inmates.

For EM to be granted, Norwegian rules require a physically delimited space with access to kitchen and bathroom. If the offender is living together with others, the relationship must be expected to be stable during the period of the sentence, and the cohabitants have to accept the restrictions and imposed conditions. If necessary, the probation office can assist in finding a suitable place to live during EM. Housing standards alone are, in themselves, no reason to prevent an applicant from serving with EM. However, since the size and the quality of the residence can be a deciding factor, it may be argued that this can result in an unfair differentiation.

## Methods

I had some problems recruiting participants for this study. In the beginning, I had ten offenders recruited from the probation office who were all interested in participating. As a result of short sentences and the approaching Christmas holiday, I was not able to meet with all of them before their release. Some, who had originally agreed, canceled their appointments on being released.

The purpose and method of the study was explained to each participant and they were informed as to how the information they gave would be used.

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<sup>1</sup> Regulations to the Execution of Sentences Act. (For prison and probation combined, i.e. The Correctional Service.)

This information was also reported to the Norwegian Centre for Research Data (NSD).

## Interviews – explorative study

The data for this study was gathered through an explorative interview with offenders on EM, a focus group of employees and background material from a previous comparative study of user experiences with EM, and in low-security prisons (KRUS, 2012). The semi-structured interview was divided into two main parts. The first part explored four questions:

1. The participant: Family situation, employment, spare time activities, extra-curricular schooling, job and leisure activities. I did not ask about the crime committed.
2. Life before the sentence: Preparing for the execution of the sentence.
3. The execution of the sentence. The participants were asked to draw a time line representing an ordinary day, and describe the activities during that day.

Time 07:00–08:30	16:00–22:00	22:00–07:00
.....		
Morning rituals	Dinner	Sleep/night

4. Thoughts regarding life after the sentence.

In the second part of the interview, the participants were invited to comment on a list of everyday activities in the home and rank them. They were also asked to specify the time spent on activities as: unchanged, increased or decreased during EM.

## The analyses

I also used background information from a previous study on user experiences (KRUS, 2012). This study showed that 40 percent experienced serving their sentence with EM to be demanding<sup>2</sup>. Many commented that they saw EM as a

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<sup>2</sup> The corresponding figure in prison was 60 percent (KRUS, 2012).

better alternative to serving in prison. Others mentioned that the tight time schedule and the lack of time for outdoor and exercise activities made EM more challenging. To comment on the findings, I arranged a focus group with employees working with EM. The participants in the focus group were not presented with information from the actual interviews but commented on different findings in general.

The results from the interviews were imported into NVivo 11<sup>3</sup> and analyzed to find common themes and similarities. The grouping on various subjects in the interviews is also presented in a word cloud to illustrate the strength of the topics.

## Results

I managed to complete interviews with five participants on EM. Participants A, B, and E lived with friends or a spouse. Participant C lived in a flat rented from his employer and was close to his place of work. Participant D lived in a separate apartment in an after-care institution. All, except participant E, worked shifts.

All participants were around 30 years old and lived in or just outside the city. C and D lived outside the city. They both lived in the area in which they grew up, and also had more contact with their families than the other participants in the group. Participants A, B, and E lived in the city. The first two were less established and more in a transition phase. They both lived with friends from work, and both were looking for other work and somewhere else to live. Participant A lived in a house that was inherited from the grandmother of a cohabitant. The old curtains were still there, as were the original furniture and the books on the shelves. He was just passing through. Participant B had moved in with old friends after studying abroad. The apartment was newly renovated, and the owner planned to put it on the market soon. E lived in the center of town, surrounded by shops and cultural life. The apartment was sophisticated with a designer interior.

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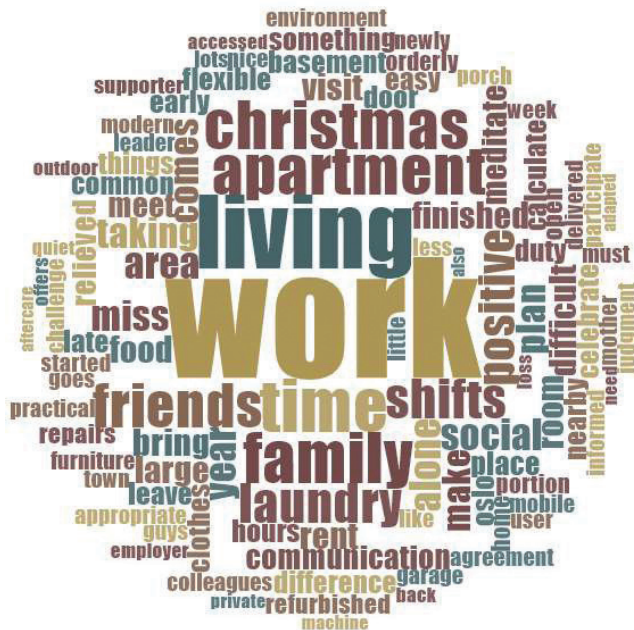
3 Data analysis software for qualitative research provided by QSR International Pty. Ltd.

## Thoughts and experience of the offenders

The word cloud (figure 1) shows the frequency of occurring terms in the interviews. The size of the word indicates how often it occurred in the interviews. As we see from the figure, work, living, and apartment are frequently used terms. We can also see that family is important and that Christmas is coming.

Work and transportation to and from work are important for all participants on EM. Access to a garage for the car, a short walking distance to the metro station, and a direct bus to work are essential for organizing the day and keeping up with the schedule. This was especially important for those who were working shifts and were traveling to and from work at different times each day. Preparation for Christmas was also a topic for all. How to buy presents, food, and visit family within the time allocated, was a challenge.

Both participants C and E had only a short distance to work, and could walk there. One lived close to work in an apartment rented from his employer. All the neighbors were also colleagues, but most of them worked shifts. His route to work took him past an “open all hours” shop where he could buy food on his



**Figure 11.1** The word cloud contains frequently occurring terms in the interview material. The size of the words indicates the frequency of terms used in the interviews.

way home. Participant E had a job found for her by the probation office. Her workplace was close to where she lived and she passed a wide range of shops on her way home. She worked ordinary hours, but the length of her working day varied with the needs of the employer. This variation gave her the flexibility to do all her shopping on the way home from work.

Four out of five had the opportunity to eat their main meals at work and take food home after work. The last one did his shopping at the local fuel station on his way home from work. The Christmas season was coming up when I did my interviews, and both participants B and D had food delivered to their home. They had also bought Christmas presents by mail-order. The possibility of using these services enabled an amount of flexibility and made planning simpler. This applied to those who lived both inside and outside the city.

A common challenge was getting laundry done. None had facilities for washing and drying clothes in their apartment. This meant that they had to use some of their leave<sup>4</sup> each week for this purpose. On two of my visits, clothes were hanging up to dry in the living room. One of the participants was helped in this matter by his parents. Another used leave for doing the laundry in the basement.

When in need of leaving the apartment or EM zone outside of agreed times, the participants could telephone the EM control center to apply for permission. The use of this routine varied between the participants. One utilized this possibility to use the laundry room in the basement of the house. Another had to call to get permission to open the front door to visitors. Participant E used this option in a more specific situation, as when her grandmother came to visit and was in need of help to manage the stairs.

Living close to the family was important for the participants, and except for one, all met their family outside their apartment, not at home. Participant E had a visit from her grandmother during the sentence and needed to phone the EM office for extra leave to help the old lady up and down the stairs. All of them had close contact with family on the phone.

The range of services included in the home also seemed important. Several of the participants used their time on leave to do the washing. Three of the participants could not open the front door of the building without calling the EM office to get permission to go out of the control zone to unlock the door.

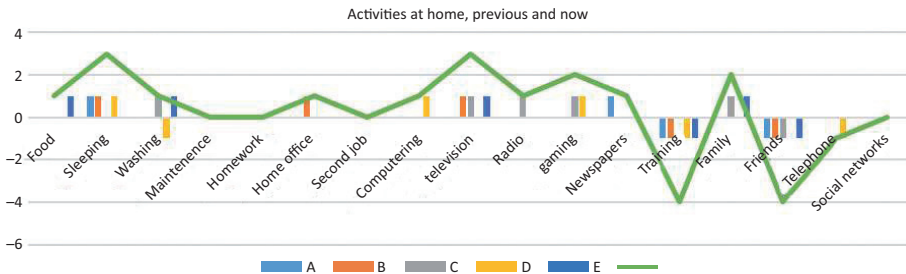
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4 "Leave" here means time allocated for free-time activities.

The location of the apartment in relation to work, transportation, and friends seemed to be important to all who participated in this study. Participant A argued that, “The most important thing for me is the parking garage next door, and the metro that runs nearby. That means that I can get to work quickly and punctually”. Participant B lived close to the metro taking him straight to his job. It was fast and reliable. Participant D had just got his driver’s license back and parked his car by the front door. All three emphasized how important location was in calculating transportation time, especially when working different hours.

## Changes in the way of living

Most participants reported only small changes in their lives before and after EM. One responded positively to the ban on drinking during EM, and wanted to continue with non-alcoholic alternatives afterwards. Almost all responded that they slept more, especially when doing afternoon shiftwork. One of the participants commented that it was more demanding being at home in the daytime when everybody else was working.



**Figure 11.2** Shows a positive, neutral or negative reply to questions about the change in activities before and after EM. The green index line represents the total frequency.

None of the participants had made any plans for how to use the extra time at home during EM. They all managed as they went along. For most of them this resulted in more sleeping, more television and more gaming. Attempts to start redecorating the apartment or other projects failed due to lack of planning or preparation. One had started to repair his computer and had reduced it to its component parts. The computer was in the same condition when I interviewed him on his release date. Another had found a new interest during

EM, listening to podcasts on his cell phone. This was a new form of entertainment for him that he wanted to continue.

Lack of physical exercise and that they missed friends were two negative factors for the participants. None of them did any organized exercise, but all missed being active, either in a gym or outdoors. Two mentioned that it was paradoxical that they were excluded from exercise and activities with friends, since they saw them as a positive part of everyday life. Few had visitors during their time on EM, besides cohabitants. Participant C lived outside the city but did his socializing at a football supporters' club in the city. He wanted to use all his leave being together with his friends, and had a supporters' banner up on the wall to emphasize his sense of belonging to this group.

Two participants also expressed some ambivalence regarding friends and social arenas. Both participant A and E experienced being inaccessible to unwanted previous social arenas as positive. The ban on alcohol was seen as especially positive. Both had a mixture of friends from work and outside work, and used EM as an excuse to withdraw from social events where alcohol played a central part. This can also be seen in relation to the increased pressure to drink due to the Christmas season. For two others, C and D, this topic felt different. C had his social milieu far from his apartment and felt isolated and lonely. His friends in the supporters' club held their meetings in a bar in town. The problem was not the absence of drinking, but the difficulty of calculating how much time he could use on this kind of unstructured activity. Participant D lived in an institution where the inhabitants used to meet for meals and social arrangements twice a week. While having the opportunity to use time on leave to attend this social arena, he preferred to use the time differently. Participating in these social arrangements would use up all his leave. He therefore preferred that the other residents came to him afterwards with leftover food.

One of the participants used social media to keep in contact with colleagues when he was not at work. He would have used this method anyhow as part of his leadership duties connected to his job. None of the participants reported that they used social media more often as a result of EM.

## Discussion

None of the participants indicated that EM had any negative influences on their dwelling or perception of the home itself. What is interesting,



however, is the effect the apartment and the participant's living conditions had on the punishment itself. What is the element of punishment in home detention with Electronic Monitoring? Should EM be viewed as having two separate parts: being detained in one's own home and being electronically supervised? Or should they be viewed as two interdependent elements? In a previous survey on user experience with EM (KRUS, 2012), participants pointed to the anklet itself as the punitive element in EM. "I just used long trousers", replied one participant to a question about the severeness of EM. 40 percent of those on EM regarded this as a demanding way of serving their sentence<sup>5</sup>. Similar low results were found in other studies (Gainly and Payne, 2000), but differ between ethnic groups and length of sentence (Martin et al., 2009).

The purpose of a prison sentence is primarily to inflict pain through the restriction of liberty<sup>6</sup>. Control in EM is done through a coded ankle bracelet that sends signals to a receiver ensuring that the convict is in the right place at the right time. Control is also exercised personally, with visits to the home and at work according to a plan. It is obligatory to be outside the home for at least 15 hours a week. It is also obligatory to meet with the probation service twice a week to prevent isolation and assist the rehabilitative process. This relative form of confinement also reduces the need for external help from others, as witnessed in EM schemes in other countries (Vanhaelemesch and Vander Beken, 2014).

In her Ph.D. thesis, Åshild Lappégard Hauge shows how our homes are a part of our identity, especially for young people (2009). She found that housing is an important way of projecting oneself in an individualized society. Being an indication of identity, the home can say something about personality, taste, interests, life phase, social status and relationships. Privacy and the way we think about home are also a result of historical and cultural conditions (Ball and Lilly, 1986). For younger people, the interior of the apartment is more important than the building itself (Houge, 2009: 61). Two participants fit into this category, but with different styles. Participant C lived in a classic

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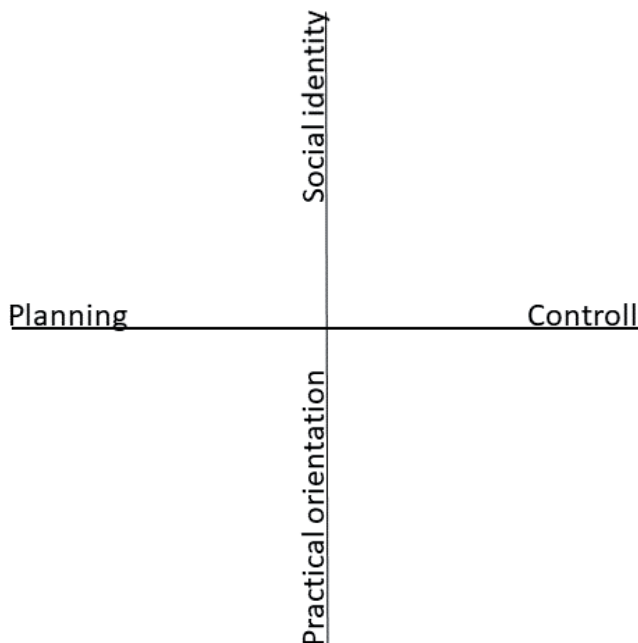
5 In comparison, 60 percent felt it was demanding to serve in low-security prison (KRUS, 2012).

6 In Norway a prison sentence is defined as the deprivation of liberty, no other rights being removed by the sentencing court. The sentenced offender retains the same rights as all others who live in Norway (available at <http://www.kriminalomsorgen.no/information-in-english.265199.no.html> (accessed 18.10.2016))

furnished home with a big football club flag on the wall. Participant E, on the other hand, had a modern apartment in the city center, always making sure that the entrance door was locked. Both were also more focused on contact with family, having visits at home or celebrating Christmas together with family members.

There was a difference between those who were “on their way”, i.e. those preparing to move on to a new apartment or a new place after EM, and those who had settled down. Those living together with friends were more focused on the practical aspects of their living conditions: access to the car, the preciseness of transportation, distance to work. Those living alone talked more about social aspects, missing friends or problems visiting family during Christmas.

The distinction between practical orientation and social identity is one way of analyzing differences in the responses of the participants. Another may be the regulation of punitive sanctions as a result of



**Figure 11.3** A two by two matrix showing the distinction between Social and Practical, Planning and Control.

the sentence. The internal or external controls in applying the rules and regulations can be looked upon as the ability to plan versus obeying the rules.

We can draw a distinction between practical and social activities when on EM. Practical activities are easier to plan and execute. This concerns transport to work, shopping, laundry and so on. Social activities, however, involve interaction with other humans which in turn results in unpredictability. Colleagues, friends and family may be included in the plans, but are neither controlled nor bound by the offenders' agreements.

The distinction between planning and control can be seen in how the offenders impose the punishment on themselves. In a comparison between EM and prison, Payne and Gainly (2004) identify four different levels of control: the volume of control; the effort needed to maintain social and family ties; the ability to remain employed; and the time available for reflection.

Careful planning allows the participants to retain some control over their lives. Planning seems to be easier regarding work and shopping etc. than keeping in contact with friends and family. In the interviews, planning focused mainly on transportation to and from work, shopping, laundry and other practical tasks. Social contact is more diffuse, harder to calculate and more dependent on the location.

Using this model I can determine if the place of living is elastic enough to meet both the need for activities and for control. This elasticity requires both flexibility for activities and stability for planning. Elasticity is a concept related to the home and incorporates the identity and the functions that make it a home, as well as providing the stability and a framework that make planning and control possible.

Another important variable is the life phase of the participant. Being "on the move" reduces the need for planning ahead, because a continuing everyday structure is not an obstacle. On the other hand, stability allows more room for practical and social activities. Some participants are better suited to EM than others. Some maintain "business as usual" where others have problems adapting to all the rules and regulations. The elasticity of the home is one part of this.

## Elasticity

The term elasticity refers to different aspects of the home itself and the task of organizing an ordinary day. These factors can be the house or apartment itself (spaciousness, interior, facilities and equipment, access to restricted outdoor areas, garage, etc.). It also includes location (sunlight, pollution, neighbours, status), and position in relation to transport to work, shops, meetings at the probation office, friends, family and cohabitants (spouse, children, friends). Both the home and consideration for daily routines were prerequisites to serving a sentence with EM. Some houses and structures are better suited to EM, or at least make it easier to meet the necessary requirements.

One finding from the interviews is the benefit of catering or home delivery of food etc. This reduces the need for planning and supports elasticity. Home delivery made it possible for participant B to do his Christmas shopping without leaving the house. The expansion of new home delivery services supports elasticity during home detention. The same participant also used his computer and phone to follow up his work from home. This gives more flexibility in the relationship between home and work during the sentence. None of the participants increased their use of telephone or social media in order to follow up on friends or social contacts.

In Norway, five percent of all participants on EM breach the conditions applied and are transferred to prison (Rasmussen, 2015). Most of the breaches related to the ban on alcohol consumption. Very few offenders are transferred to prison after breaching other conditions. However, probation staff working with EM mention that approximately 10 percent of the participants in the focus group “stretched the rules”. The participants in the interviews seemed to regulate contact with the EM team differently. One had to call the EM team to seek permission to leave the apartment in order to open the front door of the building to admit me. Most participants said that they had to call the EM team to get permission to fix small things outside the apartment. 80 percent of all participants on EM in 2009 were satisfied with the way EM staff understood their situation. The corresponding figures in prison were 22 percent (KRUS, 2012). This supports the assertion that there is some degree of flexibility in the rules and regulations for EM.

It can be argued that lack of elasticity can be compensated for by the way the offender and EM staff together can customize the conditions individually.

EM staff mention the necessity for extra flexibility where offenders have cohabitants with special needs. In such cases it must be possible to change plans on short notice.

EM regulates the practical but not the social areas of the offender's life. But it is difficult to see how social needs could be managed better through regulation and planning alone. In a critique of the ethical aspects of EM, William Bülow (2014) argues for an ethical assessment of EM. He reminds us that the monitoring itself, drug and alcohol tests are equally common in prison. Other aspects of intrusion are less intended and often a result of social and personal differences.

## Principle of normality

Correctional practice in Norway is based on the principle of normality, meaning that no one shall serve their sentence under a stricter regime than is necessary for the safety of society. The punishment implies a restriction of liberty, but not depriving the offender of other rights accorded to other citizens. The objective difference from prison is that the offenders remain at home and in employment, but are also responsible for following the rules and accepting the control measures imposed. A more subjective difference is that offenders themselves participate in planning these measures. All participants in EM have an individual schedule with pre-determined times when they should be at home, at work or participating in free-time activities (five hours). 60 percent of all those on EM in 2009 reported that they had personal contact with someone in the EM team. Only 14 percent of those serving in a low-security prison reported the same (KRUS, 2012).

In the article, "The Pains of Electronic Monitoring", Payne and Gainey (1998) emphasized that deprivation of liberty also implies a deprivation of autonomy. Using the definition of Gresham Sykes, they argue that *electronic monitoring restricts liberty by limiting autonomy* (Payne and Gainey, 1998: 155). The offender does not decide in which activities he/she can participate; these have to be approved by the Correctional Service. It is obligatory to work for at least 15 hours a week, but time with friends and others outside of the house is restricted. Being able to go to work is the motivation for most offenders applying for EM, being together with family comes in second place (KRUS, 2012).

Inclusion in EM involves having time at home and at work regulated by others. Leisure time outside of the home is also restricted. The Norwegian rules permit up to five hours a week for activities outside of the home other than work. Most participants in the interviews used this time for shopping and laundry. In the interviews, participants expressed loneliness resulting from not being able to participate in social activities with friends.

There is a connection between the three parts of everyday life: work, activities at home and leisure time. The relative importance of each area, and the interaction between them, differ for individuals and different life phases. Lack of leisure time was seen to reduce contact with both friends and colleagues who continued socializing after work.

## Conclusion

All of the participants' dwellings were within easy traveling distance to their work and everyday shopping needs. This was also an aspect that was discussed and planned for together with the EM team, both before and during the period of the sentence. The real challenges were planning social activities and leisure time.

I have used the term elasticity as a tool to identify the forms of relationship between home, work and leisure activities. The relative importance of these differs according to the individual's identity and life phase. For some, and in some phases of life, the home arena is more important, but this does not apply to all. By temporarily turning the home into a prison, EM affects the offender's relationship to work and leisure activities.

None of the offenders interviewed felt that the home had been turned into a prison, but they used their homes differently because they were not allowed to leave unless they planned to do so in advance. The restriction also limited leisure activities. Work is given priority to ensure that the participant continues working, and thereby secures an income. The logistical planning of the day focused on the work situation, while leisure activities were given a lower priority. This is justified by viewing this as the "pain aspect", that the offender is expected to suffer as part of the sentence.

The participants spent more time at home than before, but none of them used the time to invite friends to visit, to redecorate or take on a new hobby.

Those living with others already had a structure of cooperation at home. This support related mostly to practical matters. More focus on the home and the participants' use of leisure time allow a more personalized way of serving a sentence with EM. The home should be seen as an essential, integral part of life, but the home does not adapt as quickly to changes as other aspects of life do.

I found that none of the participants on EM had prepared themselves for serving their sentences at home. This resulted in them not being prepared for what was to come, and had no plans for how to cope with the challenges ahead. My findings indicate that this lack of planning affects the way participants made use of their domestic arena apart from being a place to exist between work shifts. This lack of planning highlights the problems of taking control of one's life. A central goal for the Correctional Service is to assist offenders in taking control of their own lives, which in turn is seen as an essential element in preventing criminal activity.

EM is regarded as a judicial reaction which supports normalization and reduces the harm of incarceration. As mentioned, a prison sentence including EM involves the deprivation of liberty, which also often results in a deprivation of autonomy. Using a term like elasticity to give attention to planning everyday life, supports new solutions that facilitate leisure and social activities.

When offenders are not allowed to leave home, they can lose positive social contacts. The home as an arena for social interaction can be seen as a hub from which other forms of social intercourse radiate. This is of benefit to the offender, and at the same time fulfills the purpose of the punishment.

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