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INVISIBLE CELL WALLS

*Electronic monitoring of
offenders on home detention sentences in France*

Electronic monitoring consists in confining convicted offenders to their residence during time frames set by the sentencing judge. Information relative to an offender's movements is electronically relayed to a computer in a monitoring station. The computer monitor displays alert messages in case of delay or absence. This technically provides supervising officers with an opportunity to track offenders' whereabouts – which they do by phone at first (1). How will the criminal sanction evolve as digital incarceration (electronic monitoring of offenders' movements) progressively replaces physical imprisonment and makes cell walls invisible?

With the introduction of the electronic ankle bracelet (which at first was thought to provide relief to prison overcrowding), the home has become a restrictive environment. If house arrest is by no means a new phenomenon, electronic monitoring

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of offenders on home detention, however, is. It has become an inescapable issue raising new challenges and renewing the relations between detainees and the penal institution. It is also the source of a double process whereby the private sphere becomes “visible,” and the prison institution becomes « invisible. »

At work here is a double territorial shift: the place where the sentence is served is de-territorialized and materialized by the electronic tracking process, which consists in fixing the mark of the criminal sanction – the electronic ankle bracelet – to the offender’s body. In the process, the private sphere becomes « visible » to the monitoring station thanks to the ubiquity of digital technology.

Restrictive use of the private space

Installing the monitoring system on the new territory of the sentence, the offender’s home, means defining boundaries between allowed and forbidden spaces. This is given full significance by negotiations over the demarcation of space between offenders and supervising officers. The rules are for the most part set by the technology, insofar as the allowed range defined as normative space is set up according to the range of the system.

« He measured my ankle, installed the sensor, put the bracelet, then he had me walk around the house in order to figure out its surface area and which places I could go. If I go off-limits, the alarm goes off. I get a phone call from the monitoring station right away. »

Interviewed bracelet wearer

« They put the bracelet round your ankle, you walk around the house, you go from wall to wall, from one room to another... Then, he asked me to go downstairs. When I reached the foot of the stairs, he said, ‘Come back up! See, as soon as you step outside of this perimeter, the alarm will go off.’ So you don’t take the risk. »

Interviewed bracelet wearer (2)

In these conditions, the home acquires a double status: it is both the place where the offender and their family live and a place of incarceration. The family circle serves as a link in the monitoring chain and is to some extent submitted to the same restric-

(1) According to the figures of the French Ministry of Justice, on January 1, 2015, there were in France 66,270 persons detained in prison and 10,767 on electronically monitored home detention.

(2) We conducted over fifty interviews with bracelet wearers, reintegration and probation officers

tions as the offender.

« Oftentimes, [my wife] says, 'It's time to go back home,' or 'There, we can't go out now!' Like on Sunday, she says, 'It isn't worth going out because we won't make it.»

Interviewed bracelet wearer

« And when I give instructions, you see, I give them to everyone, to the whole family, because I think everyone's involved. So I explain the guy everything, when he can go out and how much time he's allowed to spend out of the house, what he must and must not do...»

Interviewed supervising officer

Besides, the information automatically relayed about offenders' whereabouts provides indications that institutional agents exploit when assessing offenders' « self-sufficiency,» ability to comply with their approved schedule, and even how functional their families are.

« In fact, monitoring provides us with indications on how self-sufficient a person is [...]. There are many things to consider: is the person self-sufficient? Is the person able to bear and comply with restrictions? Does the person's environment make it harder for them to stabilize their life? »

Interviewed reintegration and probation officer

However, this technological device cannot give a full representation of the monitored persons' whereabouts. The track data it provides, that is, information it is able to capture, is fragmented at best. Supervising officers thus feel greatly uncertain when it comes to evaluating the monitored persons' compliance. They make up for this lack of information by calling them up and gathering all the information needed for closely evaluating their degree of compliance. This raises a number of issues such as, for instance, the emergence of negotiation practices about how compliance is to be defined. These will not be dealt with here, however.

Insofar as the monitoring device is installed in the offender's home, it requires the intervention of a supervising officer from the monitoring station not only at the moment of installation but also throughout the duration of the sentence should technical failures occur.

The penal institution becomes invisible

Making the private sphere « visible » goes together with the dematerialization of the penal institution. This phenomenon manifests in mutations, albeit minor, on the body and in the way in which officers of the penal institution present themselves to the community. When the device is installed in the offender's home – which represents the first, and sometimes only, meeting between the offender and the supervising officer, the uniform, one of the tangible representations of the institution, is not visible.

« How did it feel to see a prison guard in uniform in your home?

No, no, he was wearing plain clothes! That's right, he came wearing plain clothes with his briefcase, tools, and everything.»

Interviewed bracelet wearer

Unlike prison guards, supervising officers do not wear a uniform, not because they remotely supervise detainees or just for comfort. Plain clothes are the most appropriate outfit for officers because they may have to visit offenders at home and find themselves on their own searching for a building in a neighborhood.

« Why aren't you wearing a uniform?

Because at some point, you may have to go to a bracelet wearer's home, just like G. did yesterday, and you just don't want to walk around in projects wearing a uniform... unless there is an important official visit, in which case you must wear it...»

Interviewed supervising officer

The interesting point in this statement is that the opening of the prisons administration has a specific impact on the body itself. If the primary function of the uniform is to make holders of legitimate violence visible and identifiable, to give precedence to function over identity, and contribute to constructing the collective identity of state civil servants, what are the implications of wearing plain clothes and being stripped of any symbol of might and sovereign power for officers when they are in face-to-face situations? During the home confinement procedure, monitored people and supervising officers are mutually anonymous and incorporeal. However, the moment of installation of the monitoring device gives them an opportunity, sometimes the only one, to give a concrete form, a face, a build, to the other person. « The electronic monitoring program only allows authorities to continue, as before, to exert their power to punish, with the difference that what they did through a visible system, they now do unseen.» (3)

(3) Jean-Charles Froment, « La surveillance électronique à domicile: Une nouvelle économie du pouvoir de punir? », *Les cahiers de la sécurité intérieure* 34 (1998): 158.

The technological evolution of the means of separation between allowed and forbidden spaces inevitably raises the question of the body and its relationship to space. How is one to perceive an authorized boundary if it is invisible? Will there ever be a means of perceiving this boundary? What are the implications of the protagonists' mutual invisibility? The digital aspect of home detention goes along with a fundamental characteristic: the distance between the supervising officer's and the monitored person's bodies. The two protagonists are nonetheless connected, and this, by a bond that only the monitoring device placed in the home and on the body of the offender can make visible. This distance has a corollary: « deprived of all territory, the sanction is attached to and moves along with the detainee.» (4) If one considers the body as the core of an individual's identity, the fact that the punishment is implemented through attaching a bracelet to the offender's leg deserves analysis. The bracelet materializes a « virtual » punishment and, through various appropriation and stigmatization mechanisms, becomes the material « mark » of the offense itself. In these conditions, offenders wear the mark of their guilt everywhere and at all times. These various elements raise the more general question of the relationship between individuals and the state and on the nature of the latter. « Elites, ruling classes, bosses, adults, men, Caucasians – superordinate groups generally – maintain their power as much by controlling how people define the world, its components, and its possibilities as by the use of more primitive forms of control. They may use more primitive means to establish hegemony.

But control based on the manipulation of definitions and labels works more smoothly and costs less.» (5) The electronic bracelet defines and maintains a boundary between offenders and law-abiding citizens. This surveillance system is made possible by the body. « Concretely, the bracelet extends the prison system's management of space by means of virtual confinement. This spatial extension is correlative with a temporal extension of the sentence to an indefinite duration and, above all, calls for permanent surveillance of bracelet wearers' behavior – a surveillance overwhelmingly internalized by offenders themselves, who then become the main agents of their own punishment.» (6)

(4) *Ibid.*, 155.

(5) Howard Saul Becker, *Outsiders: Studies in the Sociology of Deviance* (New York: Free Press, 1973).

(6) Olivier Razac, « Le placement sous surveillance électronique mobile: un nouveau modèle pénal? », CIRAP Report 6 (2010), <https://detentions.wordpress.com/2011/05/02/le-placement-sous-surveillance-electronique-un-nouveau-modele-penal/>