
Information Technology and the Family

Electronic Surveillance and Home Imprisonment

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Introduction

The development of information technologies has led to the restructuring of social life in a number of areas. In this article we examine the impact of a specific form of information technology – electronic monitoring of sentenced offenders. Electronic surveillance and home imprisonment are features of the current restructuring of the boundaries between prison, work and family life in several countries. In the next section of the article we introduce the general terms “home imprisonment” and “electronic surveillance”. In the subsequent section we review the different ways in which this new form of penalty has been introduced in the UK, in the USA and in Australia. The final section comprises a discussion of the social impact of these changes. But first, prior to this discussion we need to outline the basic theoretical premisses underpinning our analysis.

A basic sociological assumption underpinning our approach is that technological change does not take place in a social vacuum. This means that we need to take account of the social relations of inequality and power surrounding the introduction of new forms of technology in any social institution. This assumption is especially significant in the field of penalty where, as Garland (1986) has indicated, the social relations of inequality and power take a particularly condensed form.

A second set of assumptions is taken from critical analyses of punishment and control. The Foucauldian analysis of modern society is that it is a “disciplinary society”, one in which social control is effected not through the terror of public tortures to the body but through “modern” disciplinary techniques in which we as modern subjects internalize a particular sense of ourselves through being constantly subjected to normalizing judgements. In this analysis, the prison evolved as a central site of the production of these disciplinary mechanisms of surveillance and “normalizing” judgements. It is through the penal sphere then that the specific mechanisms of modern social relations of power develop to spread eventually throughout social life. From this assumption we argue that an examination of changes of styles of penal control has significance beyond the site of their original introduction.

Third are the sets of assumptions about modern social life identified by Yeatman (1986) as the three issues that comprise the feminist challenge to the masculinism of sociology:

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- (1) there is a mutual dependence between the public and the domestic spheres;
- (2) there is a false assumption of the self-sustaining nature of public life; and
- (3) a consequent arbitrary privileging of the public aspects of social life and a marginalization of the significance of domesticity.

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This relationship has been most clearly elaborated in several socialist feminist studies of the relationship between the family and welfare state[1]. This school of sociological theorists has delineated the crucial role that the devalued work of “caring” plays in sustaining social life especially in the era of the “retreat from welfare”. “Caring” is about both labouring and loving, Graham (1983) argues: it has both emotional and economic components. Because we tend to associate “caring” with “loving” – its emotional component – the term serves to mask the major material contribution that caring work contributes to social life as well as the extensive material costs imposed on the carer.

In this article we argue that “caring” has a third aspect: it is about both labouring, loving, and controlling. Graham (1982) also argues that “coping” is a term that masks and thus devalues the political and economic significance of the work of “caring”. Coping has three characteristics she argues: culpability – the willingness to take responsibility for crises created by others; malleability – the ability to be responsive to a diffuse range of demands; and negation or self-effacement – the willingness to play down the extent of the burden of caring and of the range of skills that is involved in coping with any particular crisis.

Finch and Groves (1983) have provided similar deconstructions of the use of the term “community” in deinstitutionalization discourses. There is a double equation in these policy discourses, they argue, so that “in practice community care equals care by the family, and in practice care by the family equals care by women”.

We examine here the introduction of information technology in the deinstitutionalization policies of the penal sphere, specifically through the relatively new penal sanctions of “home detention”. We argue that the analysis of this aspect of the impact of “infotech” on individuals should incorporate the basic assumptions delineated above as well as the more specific conceptual tools introduced in the feminist analyses of deinstitutionalization policies.

What Is Home Detention?

Home detention is imprisonment within the home. The prisoner has to remain in the home, under intensive surveillance. The surveillance is usually by random telephone contact, and by visits of the supervising officer. The telephone contacts can be made at any time of the day or night. The random nature of the telephone calls has a panopticon effect: if the prisoners do not know when the calls will be they are potentially under surveillance at any time during the 24 hours, so have to act as though they were under perpetual surveillance.

There can be flexibility in the programme of detention, allowing the prisoner to go to work, to do essential shopping, and/or to visit the supervising officer and

attend counselling sessions. The prisoner may be allowed to use her/his own garden but only within a specified distance from the telephone.

Home imprisonment can be imposed as a “front end” or a “back end” programme within the spectrum of penal schemes now being enforced. In the front end programme the punishment is a sentencing option of the judiciary. In the back end programmes the punishment comes at the end of a conventional prison sentence.

Not all home detention schemes use electronic surveillance and in those which do the “technological handcuffs” are not necessarily used on all home prisoners. Nevertheless electronic surveillance has been a major component of home imprisonment programmes in terms of the way the programme is presented and sold.

Electronic Monitoring and Home Detention Programmes

Electric monitoring now usually comprises three pieces of equipment: a miniaturized transmitter strapped to the prisoner’s wrist or leg; a receiver-dialler in the prisoner’s home; and a central computer in the supervising officer’s office. The officer usually supervises about 35 home prisoners. However a single computer can supervise 2,000 transmitters. The central computer makes printouts for the prisoner’s file and for the supervisor to check each morning.

Electronic monitoring can transmit information about where a person is – their geographical location; how a person is, their physiological condition; and who a person is (by analysis of voice patterns). Electronic monitoring is either active or passive. In the active system, the transmitter relays information back to the supervisor – i.e. it is a tracking device. In the passive system the prisoner has to respond to telephone calls made by the supervisor. In this case the prisoner fits the transmitter device into the receiver dialler which transmits electronic information back to the supervisor’s computer while the call is being made. In both cases the supervisor can schedule his computer to make random calls at any time in a 24-hour day.

In most programmes the prisoner bears the cost of either the telephone calls, in the case of home detention without electronic monitoring or, of both phone calls and the rental of the surveillance equipment when electronic monitoring is part of the programme.

Existing Examples of Home Detention

Home imprisonment was effectively introduced in the mid-1980s as a form of intensive surveillance, a penal sanction which seemed to solve the contemporary contradiction being faced by penal administrators throughout modern societies. Institutional imprisonment was both increasingly expensive and seen to be correctionally ineffective. The alternatives to imprisonment were cheaper, but in increasingly criminogenic societies often regarded as “soft options” politically too dangerous to be used effectively. Against this background home-based intensive surveillance became an attractive penal package seeming to promise the hard control of imprisonment with the relative

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cheapness of community-based sanctions. It was electronic monitoring that provided this form of punishment which transformed homes into prisons with its most compelling iconic image – the electronic bracelet. Although in practice home imprisonment programmes do not always rely on electronic surveillance, it is through the media coverage of electronic bracelets or wristlets that home imprisonment sanctions have been introduced into public awareness. It was this “technological fix” that underpinned the rapid spread of home imprisonment first of all throughout the USA and then very quickly into Europe and Australia in the mid- to late-1980s.

The United States

Electronic monitoring systems were initially developed in the USA, in 1964, although they only became part of home imprisonment programmes with the now almost legendary meeting between Judge Jack Love and Mike Goss in 1982[2]. Since then the growth of electronically monitored home confinement (EMHC) programmes in the USA has been rapid. By 1988 there were 2,300 offenders in EMHC programmes across 33 States (Schmidt, 1989). One estimate of the numbers of prisoners likely to be under some form of EMHC programme in the 1990s in the USA was that the daily figure would be in excess of 10,000 (Renzema and Skelton, 1990).

Electronically monitored surveillance is imposed either as a probation or as a prison sentence in various states in the USA. It has been used as a form of control on drunken driving offenders, women prisoners with AIDS, men who have failed to pay child support, burglars, fine defaulters, and the mentally ill.

Almost a quarter of the monitoring programmes in the USA are run by private firms. At least six private enterprise firms are involved in the manufacture of some form of electronic monitoring equipment. The confidence of these entrepreneurs in the future profitability of their investment indicates their belief in the likely increase in the spread of electronic monitoring as a form of community-based control in the USA.

The monitoring infrastructure in the US programme is often based interstate. The Hawaiian system for example is monitored through a host computer in Florida[3].

Little attention has been given in the US research to the effect of the imprisonment on the people in the household. However Quinn and Holman (1991) have provided a rudimentary picture of the level of family conflict associated with such schemes. They suggest that insufficient attention is paid by the penal administrators to the needs of people in the families of home-based prisoners. It was particularly those households with relatively large numbers of children who were most at risk of experiencing the hidden punishments of family stress and conflict.

United Kingdom

Electronic monitoring programmes were trialled in the UK in 1989/90 (Mair and Nee, 1990). The “experiments” took place in three locations – Nottingham, North

Tyneside and Tower Bridge in London. The prisoners were defendants on bail who would otherwise have been remanded in custody. The trials were based on the “active” system of surveillance with the prisoners wearing a transmitter bracelet whose range was set to be adjustable from 50 to 200 feet. The bracelet was programmed to emit a signal at least once every five minutes. When the trial was first announced 60 companies showed an interest in supplying the equipment with the contracts eventually going to Marconi and Chubb.

The evaluation of the programmes was carried out by Home Office researchers. Their report covered cost effectiveness, technological problems, and the effectiveness of the scheme in terms of controlling further criminality. The evaluation included responses by the controlling professionals involved in the schemes, by the prisoners and by the prisoners’ family members. There were a number of equipment failures which led to disagreements about alleged violations of the curfews. These technological problems tended to be interpreted as issues amenable to “fixing”: as problems only needing greater technological expertise and practice in the field. The majority of the prisoners were charged with further offences committed while they were on the programme, although these further offences were mostly concerned with breaking the conditions of the confinement. It is significant for the arguments pursued later in this article that it was especially the imposition of tight curfews, of 23 or 24 hours on prisoners living in hostels rather than in family homes, that were especially associated with abscondings.

Nearly all of the prisoners preferred the surveillance to custody although a significant minority did not. Almost half of the partners or parents of the prisoners found the long curfew a “definite strain” and in at least three households the “responsible” householders withdrew their permission for the defendant to continue to reside in the home. They were thus effectively being put into the position of sending their son/husband to prison.

The major concern by the evaluators of the scheme however focused on cost effectiveness. The trials cost half a million pounds with a total of 50 defendants being monitored. The final conclusion was that the programmes would only be cost effective if the numbers of prisoners undergoing electronic surveillance were to be increased. In summary then the UK scheme was defined by its official evaluators as a “failure” but this conclusion seems to have been based not so much on a concern for the restructuring of the boundaries between family and prison life as on technological and economic concerns with effectiveness.

Mike Nellis’ (1991) overview of the broader debate in the UK points to such problems as prisoners’ loss of dignity, the way that home confinement undermined the prisoners ability to secure employment, and the breaches of prisoners’ civil rights of assembly and of a private family life.

In early 1994 new trials of home-based curfew programmes monitored by electronic tagging were introduced (Travis, 1994). A selling point of US firms bidding in this second UK experiment was that as they have developed the technology to monitor at a distance, for example from Florida to Hawaii, they will be able to provide a cheaper transatlantic system of monitoring, bypassing the necessity to install the basic monitoring infrastructure in the UK. This proposal

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would extend the boundaries of public life from national to international forms of penal control and surveillance.

Australia

Home detention programmes have been introduced in New South Wales (NSW), Queensland, South Australia, the Northern Territory, and Western Australia. Tasmania and Victoria do not have home imprisonment programmes, although both of these states have a range of community-based penal sanctions. The Australian Capital Territory was at one time considering placing all of its imprisoned offenders on a programme but that scheme was dropped and its prisoners continue to be imprisoned within the NSW prison system.

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Western Australia

The system here is a front end option that also involves bailees of a certain category deemed serious enough for surveillance. Since April 1991, the point of inception for the scheme, there have been 260 detainees. Currently there are 30, one of whom is a woman. The prisoners must only have sentences under 12 months and have served half that sentence in a detention centre. Perth uses electronic bracelets throughout the detention period with negotiable phone surveillance depending on the prisoners behaviour during the first month. Personal surveillance is maintained by MSS[4] security guards throughout the detention period. Women partners are the main co-householders of the detained men. There are a small proportion of detainees "who go it alone". Usually there are no enforced alcohol restrictions unless the offender has a history of alcohol related problems. The system is designed to give the detainees maximum community exposure and all participants must do community service, eight hours per week if employed, 12 hours if not. Twenty hours recreational leave per week is allowed after good behaviour.

NSW

In NSW electronic surveillance is used in association with a back end system of home imprisonment. Not all of the prisoners are controlled through the electronic monitors. The co-householders of the majority of the men on the programme are again women, who are usually either the partners or parents of the prisoners.

Northern Territory

The system here is a front end option only and does not involve bailees, it is designed specifically as an alternative to detention centres. Currently there are 30 detainees and in 1992 turnover was 105 "successful completions" out of 111 commencements. The average detention period in Darwin is 100 days with small variations across the rest of the territory. The longest period was 117 days in the Alice Springs area.

The scheme moved away from electronic surveillance because of cost. Moreover, some Aboriginal settlements are without telephones. In this case, the main form of surveillance is personal contact. Indigenous peoples comprise about

30 per cent of the home-based detainees. Personal contacts average 11 per week per detainee. There are also five detainees living within their community on an island in the Gulf of Carpentaria who are monitored by pilots who fly that course regularly in the affairs of their daily business. There is an alcohol ban on prisoners but not on the home of detention.

Queensland

The Home Based Imprisonment scheme is a back end option used as a precursor to parole. The Queensland Corrective Services Annual Report 1991/92 shows 152 detainees on home detention and an annual turnover of 642; this is from a total corrective services turnover of 19,398 prisoners.

Between eight and 15 persons are in the programme at any one time. These prisoners are mostly male detainees and the Queensland policy is to employ personal and phone surveillance only. Electronic monitoring is not considered to be secure enough and is seen to be too expensive. The co-householders are again mainly women partners, girlfriends or wives of the prisoners.

In Townsville in Northern Queensland there were, in February 1993, seven home-based detainees, with between 30 to 40 representing the annual figure. The co-habitues in this administration comprise 30 per cent parents, 30 per cent wives and 30 per cent friends/institutions. The large number of "friends" is explained by the particular scheme in Northern Queensland in which church sponsored halfway houses and hostels have been specifically used for home detention. There have also been two cases of paired detainees sharing private accommodation in the last two years.

South Australia

South Australia was one of the first Australian penal administrations to introduce electronic monitoring as part of its home detention programme and now runs one of the biggest programmes in terms of the daily numbers of prisoners controlled through the scheme. The prisoners are released from institutional prisons into this back end programme of home detention which from its inception has been tightly connected to a work release scheme. In 1987 the manager of the programme reported that even though the state was experiencing a downturn in employment he had little difficulty in persuading employers to find work for the prisoners on the programme. The most important factor in the success of the home detention scheme in this state was the environment in which the offender lived. It was the level of caring support in the household that was most closely associated with successful completion of the sentence. Again in this state the most usual co-householders are women, usually the partners but sometimes the parents of the prisoner.

Discussion: Electronic Surveillance, Home Imprisonment and "Net Widening"

Current public discussions about the introduction of home imprisonment in Australia have been greatly influenced by Cohen's thesis of "net widening"[5].

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The implication of “net widening” for the intersection of domesticity and penalty needs to be emphasized here. The supply side thesis, the capacity-driven argument, about imprisonment rates, that the imprisonment rate increases according to the number of prison places available, has not yet been seriously considered in relation to home imprisonment[6]. The Victorian programme of increasing community-based alternatives to imprisonment has recently stemmed and even reduced the imprisonment rate in that state (Kidson, 1987). Nevertheless, the Queensland Comptroller General of Prisons has pointed out that governments are passing more laws that have imprisonment as a breach penalty, increasing sentence penalties for many breaches and that magistrates and judges are increasing sentence lengths (Lobban, 1987). Home imprisonment will release more prison places so, if all homes can be a prison, increasing numbers of offenders could be processed through institutional prisons into home imprisonment.

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The Home as a Prison

The issues of domesticity and power when home is the prison are rarely addressed in detail. Amanda George has pointed to the problems that continual surveillance constrains the family as well as the prisoner, and that family or friends who share the house will be both co-prisoners and warders (George, 1989). Malcolm Feiner (1987) argues that families who fear violence from a prisoner are put into an untenable position. If they object to a prisoner being released into the home they may experience subsequent vengeful behaviour.

By combining the critical frameworks of the radical critiques of penalty and the feminist materialist critiques of public policy however, it becomes clear that there are several other issues that need to be raised about the exponential increase of this major new[7] mode of incorporation of the family into the realm of punishment and control.

There is also a question about the inversion of family roles in the care of adult dependents, and the state’s exploitation of the image of caring as “normal” which then masks the problems of the tensions that stem from this extension of the usual forms of domestic labour. The South Australian scheme initially asked the home “resident” to sign a contract agreeing to accommodate the prisoner, to assist and encourage the prisoner to be of good behaviour, to abide by the conditions of the home detention order and to contact the supervisor without delay on any matters of concern involving the prisoner’s home detention conditions[8]. Domestic labour here is being extended far beyond the “normal” forms of care. Moreover the feminist critique also indicates that caring labour is especially open to exploitation because it comprises the elements of “coping”. The characteristics of a willingness to adapt to and internalize responsibility for crises created by others can clearly be seen to be an especially useful and “taken-for-granted” component of adapting to the use of one’s own home as a prison for a son or a husband. The complex skills that comprise caring labour, that in public life are accorded professional status, and can bring

an entitlement to a professional salary, can become a very useful and free infrastructural support in the conversion of the home into a prison.

The contradictions of supporting and controlling have been a contentious part of probation and parole work since its inception. What is noticeably missing from penal discourses is an understanding of the extra stresses imposed on the other carer/controller whose services are being drawn on unpaid – the wife or parent in the home.

The surveillance of the prisoner in the home must inevitably be control and punishment shared by both the prisoner and his wife or parent. In most schemes the random calls can be programmed to take place at any time in the 24 hours. The stress of waiting for a call that determines whether the prisoner is returned to an institutional prison becomes a minute by minute experience of anxiety. It is difficult to imagine that this form of control would not exacerbate the several tensions already inherent in home imprisonment.

The intersection between domestic, penal and productive life is reworked in some home imprisonment schemes through the requirement that the prisoner in the home acquire waged employment within a specified period of time otherwise he has to return to institutionalized imprisonment. The New Jersey scheme that has attracted favourable responses in Australia has this employment clause (Cooper, 1988, pp. 11-26).

Graham's work on the shift to deinstitutionalization in other areas of social policy indicates that mediating and negotiating with bureaucratic representatives, from a position of powerlessness, is a component of the domestic labour of caring for aged or invalid dependents. There are several ways in which normal aspects of family life become criminogenic with the insertion of the prison into the home – the failure to get a job, going out even into the back-yard without supervision, driving a car, having a drink – and indicate that the mediating and negotiating skills of the domestic labour of caring are likely to become an increasingly important feature of the interdependence of family, prison and productive life.

Underlying these controlling and emotional aspects of the caring work of women in home imprisonment programmes is the major material factor of costs of imprisonment. This considerable caring work could save the State up to \$20,000 in every household for healthy prisoners, considerably more for prisoners at present in prison hospitals. The recommendations made by the Attorney General of the Australian Capital Territory (ACT) that eight out of ten of ACT offenders should be transferred from NSW prisons to electronically monitored imprisonment in their own homes, were suggested to save approximately \$600,000 in payments to NSW over three years[9]. In this proposition the ACT seemed to be at risk of implementing the situation envisaged by Terry Dorsey, a Queensland penal commentator:

If the sole motive for programs such as Home Detention is the reduction of numbers and costs...drastic surgery to original designs will be inevitable...we could...be accused, with some justification, of creating a myriad of "three bedroomed" prisons spread throughout suburbia (Dorsey, 1988, p. 1).

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Electronic Surveillance, Home Imprisonment and the Nexus between Care and Dependence

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Home detention potentially brings the feminist materialist issues, usually submerged in punishment and control policies, closer to the surface of both public and academic awareness. The examination of the discourses, policies and operations surrounding this shift of punishment into the domestic domain promises to make visible some of the so far masked and marginalized aspects of complex ways in which domesticity constituted as the site of powerlessness, morality and arationality, are incorporated into the penal realm. To disentangle some of the various and specific forms of this multiplicity of power relations in contemporary penalty means recognizing the central significance of the nexus between caring and dependency.

The evidence from recent feminist analyses of sentencing decisions becomes increasingly significant with the introduction and expansion of intensive surveillance programmes of penal control. With home imprisonment as a front end option magistrates become significant gatekeepers of the incorporation of the domestic sphere into the legal penal realm (Eaton, 1986, p. 29). Eaton's analysis of mitigation pleas and decisions made in a magistrates court in England shows how sentencing judgments enforce the social control partnership between the family and the penal realms (Eaton, 1986, p. 56). Family status plays a major part in magistrates' decisions about the site of imprisonment for both men and women offenders. Eaton shows how in these decisions, it is the dominant model of the family that is reinforced, as a family characterized by the conventional gendered division of labour with women responsible for the child care and expressive work and men for the instrumental role of economic responsibility (Eaton, 1986, p. 94). Families other than the conventional man-woman unit were less acceptable as alternative sites for control (Eaton, 1986, p. 54).

All of these "family arguments" rest on the definition of a specific family form. It is the "normal" family that is the basis for the promise of redemption of the offender. Eaton's summary of the way this operates in the negotiations between defendant, defending lawyers and magistrates is that: "Defendants offend because their circumstances are abnormal. Defendants will reform because their circumstances will in future be normal" (Eaton, 1986, p. 54). A conventional family man is also the man whose "self" is constructed, and defended, by the woman for whom he is expected to provide (Eaton, 1986, p. 69).

Conclusion

Eaton's work indicates that in penal policy, as in other forms of social policy that draw on the unpaid domestic work of caring, dependency has different consequences for men and women. It seems likely that economically dependent men will be more at risk of committal to institutionalized imprisonment and that it will be those men who will fit the role of provident breadwinner who will become the subject and the object of the unpaid caring and controlling work of their spouses or parents in the home-as-prison.

The Australian examples of home-based detention indicate that there have been some attempts to enable men who do not fit this normative pattern to avoid institutional imprisonment. Nevertheless in Australia as in the UK and the USA this penal use of information technology seems to be based on the nexus between care and dependence that characterizes the unequal family relationships of the broader society.

Garland (1990) has argued that punishment systems are both shaped by and help shape the relations of power and inequality in the wider society as well as the social meanings, values and sensibilities of the broader culture. The meanings of penal sanctions, and the various techniques for handling offenders, convey specific messages to the general society. The introduction of this sanction that creates “thousands of tiny theatres of punishment” and its relatively rapid acceptance by penal administrations has been founded on deeply based, taken-for-granted expectations about family relationships, especially about the nexus between caring and dependence. However as Garland has indicated, penalty does not merely reflect the circuits of power and the symbolic meanings of the wider culture; it also serves to reinforce or to re-create those sets of authority relations, sensibilities and values. The sphere of punishment plays a particularly significant symbolic part in the way in which we construct our social world. Electronically monitored home imprisonment programmes must be evaluated within this broader framework.

Notes

1. Several of the key articles in this field are included in Finch and Groves (1983).
2. The meeting between Judge Jack Love of New Mexico and Mike Goss of Albuquerque, New Mexico, is seen as the origin of electronic home imprisonment technology. Goss is an electronics engineer who devised the first form of electronic monitoring anklet for controlling prisoners and the Judge incorporated it into his “new” sentence of home imprisonment. As the story goes (Ford and Schmidt, 1985), the Judge had been concerned about the death in prison of a man he had sentenced. When the next offender up for a similar offence came before him he wanted to be able to keep the man out of prison but under a more secure form of control than parole/probation. He contacted an electronics firm and met Mike Goss who shortly after left that firm to set up his new business, BI Incorporated, now one of the biggest firms in the field.
3. The relevance here of the Latourian notion of “action at a distance” has been pointed out by Bloomfield (private correspondence).
4. An Australian private firm that contracts out security guards.
5. At the Australian Institute of Criminology conference on “Developments in Correctional Policy: More Prisons”, Canberra, 1987; the Sydney Institute of Criminology seminar on “Punishment Outside of Prison”, Sydney, 1988; and the Australian Bicentennial International Congress on “Corrective Services”, Sydney, 24-28 January 1988.
6. Although George (1989) refers to a comment about it from the Victorian Office of Corrections.
7. New only in terms of punishment strategies in liberal-industrial capitalism. The BI Home Escort Sales publicity pamphlets point out that home imprisonment dates back to forms of control enforced in biblical times.
8. South Australian Department of Corrective Services Home Detention Residence Agreement (1986) Appendix C.

9. B. Collaery, Attorney General and Minister for Welfare and Community Services ACT (1990) reported in Morris (1990).

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