

# Electronic Monitoring

Tom Daems

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Tagging Offenders in a Culture of Surveillance

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## PREFACE

This little book grew out of an interest in electronic monitoring (hereinafter: EM) that started two decades ago. As a last-year criminology student in Leuven, I did an internship in the prison of Saint-Gilles in Brussels, Belgium, where the first experiment with EM took place. These were exciting times, in particular for a young criminology student: my first experiences with prison life—Saint-Gilles is one of Belgium’s most notorious so-called Ducpétiaux prisons (named after the famous nineteenth-century prison reformer Édouard Ducpétiaux; it became operational in 1884 and is scheduled to close its doors in 2022)—coincided with Belgium’s first steps towards introducing EM. Past and future seldomly meet so well before one’s eyes. I vividly remember spending many evening hours making photocopies of a lengthy German-language research report on ‘Social Control Technologies’ on a Xerox machine in the administrative office of the old prison. I also recall the energy and enthusiasm surrounding EM as well as the vehement opposition it provoked. EM was, from its early beginnings, controversial—just like the modern prison, so Michel Foucault might have argued, if he were still alive and able to write on the birth of EM.

During my Ph.D. studies, I came across the 1977 book *De functies van de vrijheidstraf* [The functions of imprisonment] written by the Dutch criminologist Willem Nagel. My supervisor Lieven Dupont quoted Nagel’s book in his preparatory study for Belgium’s first prison law when he discussed the so-called legitimization crisis of the modern prison, that is the perennial failure of the prison to attain the goals that

it is supposed to achieve. Nagel had been able to identify 57 such functions. In his study Dupont quoted from *Gefängnislogik*, the German-language edition of Thomas Mathiesen's *Prison on Trial*, when he reflected on the crisis of the prison: 'the prison is a fiasco in terms of its own purposes' (Mathiesen 1990: 137; see Dupont 1998: 121). Reading Nagel's study of imprisonment was (and still is) a bewildering experience; indeed, it is a remarkable and unusual book, in terms of both form and substance, as we will explain in Chapter 1 of this book (unfortunately, it was never translated to English). What would happen if we would apply the 'Nagel'-approach to EM? That is what this little book is about. For me, this volume is a first step—maybe one could speak in terms of a prolegomenon, as I argue in the final chapter—in a larger project attempting to come to grips with the uses and abuses, the challenges and the dangers, of applying monitoring technology in the penal sphere.

Over the past two decades, I have had the opportunity and pleasure to reflect on EM and learn from various people whom I have met at different places and occasions. In April 2008, Stef De Decker, Luc Robert, Frank Verbruggen and I invited all scholars who had been involved in research on EM in Belgium for a seminar at KU Leuven to discuss research findings and policy implications. Julian Roberts was our special guest, and the papers were published in a book in 2009 (Daems et al. 2009). Five years later, in November 2013, Tom Vander Beken, Delphine Vanhaelemeesch and I organized a conference at Ghent University, to reflect upon the past, present and future of EM, at the occasion of 15 years of EM in Belgium. Also, these papers were subsequently published as an edited volume (Daems et al. 2013). For this conference, we had invited Mike Nellis as a plenary speaker and I had the pleasure to meet him again in Leuven in April 2015 (at the occasion of the colloquium 'Limits to the growth of EM?'), and in Brussels in November 2016 (for the conference 'Privatising punishment in Europe?'). Mike contributed chapters to two book projects and a report of his Leuven lecture was published in *Ethische Perspectieven* in 2015, together with a summary of the lecture by Marie-Sophie Devresse who was the other keynote speaker at that event (Daems and Gudders 2015). In May 2017, I was invited by Anabel Cerezo from the University of Málaga to be a member of the examination board of the Ph.D. dissertation of Lorea Arenas García which deals with EM in Spain. From January 2015 till June 2019, our own Ph.D. student Danique Gudders

worked on a research project on ‘Penal policy transfer’, which included a case study on the introduction of EM in Belgium. In Fall 2017, we had invited Anthea Hucklesby to teach in our Global Criminology course at KU Leuven on community sanctions, including EM. And, finally, the colleagues from the research line on youth criminology invited us to join the debate on the future of youth justice in Flanders, which includes, from 1 September 2019 onwards, the possibility of using monitoring technologies for minors (Daems and Goossens 2019).

A special word of thanks to Ralf Bas, who was my mentor during my internship in the prison of Saint-Gilles, in 1999, which proved to be, in many ways, an eye-opening experience and defining moment in my life-course. During that period I met Kristel Beyens, the leading lady of EM in Belgium, for the first time and we have met regularly over the past 20 years, at conferences, editorial board meetings, a restaurant in Barcelona. The 2013 Dutch-language chapter that I wrote for the volume that we published at the occasion of the Ghent conference on 15 years EM in Belgium (Daems, T. (2013). *Functies en functionarissen van het elektronisch toezicht*. In T. Daems, T. Vander Beken and D. Vanhaelemeesch (eds.), *De machines van justitie: Vijftien jaar elektronisch toezicht in België*. Antwerp: Maklu, 75–126) was the basis for this book. The text was first translated to English and then reworked, updated and expanded to the present volume. Quotes from legal documents, policy papers and publications in Dutch have been translated to English.

Thank you to Josie Taylor for welcoming this volume to the Palgrave publishing programme and to Liam Insko-Jones for help and support throughout the production process. And finally, as always, a special thank you to *mi mariposa* for helping to keep track of the little ones—and for much more.

Leuven, Belgium  
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Tom Daems

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