

Women's Experiences of Electronic Monitoring

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The candidate confirms that the work submitted is his/her own, except where work which has formed part of jointly-authored publications has been included. The contribution of the candidate and the other authors to this work has been explicitly indicated below. The candidate confirms that appropriate credit has been given within the thesis where reference has been made to the work of others.

The following jointly-authored publication was co-written and refers to the PhD research and findings contained in Chapters 5-8:

Holdsworth, E. and Hucklesby, A. (2014) Designed for men, but also worn by women, *Criminal Justice Matters*, 95:1, 14-15.

The article includes wider discussion and also draws from the research of the other author.

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Abstract

Women's distinct needs and experiences are increasingly recognised in criminal justice policy and practice. Despite this, requirements which make up a community order, including electronically monitored curfews, are imposed without adequate consideration of possible gender differences in how they are experienced. This study seeks to address this situation by exploring women's experiences of electronically monitored curfews. Through the use of semi-structured interviews, the research explores women's expectations and understanding of electronic monitoring (EM) at the start of the sentence and throughout, interactions with involved agencies and the impact on lifestyles, attitudes and behaviours.

The findings of the study show that overall, while similarities can be drawn between the women interviewed, they were not a homogenous group and did not all experience EM in the same way. Instead, their lifestyles, relationships, self-identities and existing knowledge of the criminal justice and EM processes were all influential to their experiences. On this basis, the thesis argues that electronically monitored curfews should be implemented in a way which recognises individual differences among those who experience it. Rather than differentiate between monitored individuals on the basis of gender, factors which may impact upon experiences should be accounted for in the delivery of EM. By doing so, electronic monitoring has the potential to act as an appropriate and useful community sentence for women.

List of Abbreviations

Alcohol treatment requirement	(ATR)
Community Rehabilitation Company	(CRC)
Drug Treatment Requirement	(DTR)
Drug Intervention Programme	(DIP)
Electronic Monitoring	(EM)
Global Positioning System	(GPS)
Home Detention Curfew	(HDC)
Ministry of Justice	(MoJ)
National Audit Office	(NAO)
National Offender Management Service	(NOMS)
New Public Management	(NPM)
Offender Assessment System	(OASyS)
Radio Frequency	(RF)
Together Women Project	(TWP)
Women's Offending Reduction Plan	(WORP)

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Chapter 1 : Introduction

Electronic monitoring (EM) has been used as a community sentence in England and Wales since 1995. Despite its relatively recent introduction compared to other criminal justice measures, it has become well established, having grown to become a “key part of the criminal justice system” (Comptroller and Auditor General, 2006: 8: 8). Yet the familiarity is not matched by a detailed understanding of how electronically monitored curfews are experienced by those subject to them. Although national and international academic research has been conducted on experiences of EM, gaps remain in the knowledge. This includes a limited understanding of how women experience EM.

Previous studies of in England and Wales have not included samples of women which are large enough to draw conclusions about how women might experience EM. Furthermore, while studies in other jurisdictions have focussed on women’s experiences in particular, (King and Gibbs, 2003; Maidment, 2002) differences in the implementation of EM may mean that these findings do not accurately reflect women’s experiences in England and Wales. The focus of previous research on EM in England and Wales concentrated on how it functioned (Dodgson et al., 2001; Mair and Mortimer, 1996; Mair and Nee, 1990; Mortimer and May, 1996), and was largely ‘shaped’ by Home Office research agendas (Mair, 2005). Research on EM has since expanded to consider the experiences of those who are electronically monitored, particularly relating to desistance and compliance (Hucklesby, 2008; 2009). As the first study to have examined women’s experiences of electronically monitored curfews in England and Wales, imposed as part of a community order, this research seeks to respond to the oversight of women in previous research. By doing so, it contributes to what is known about

how offenders experience EM. Furthermore, the study contributes to a body of literature on women's experiences of the criminal justice system and adds to debates over how best to respond to female offenders in the delivery of community sentences.

The overall aim of the study was to explore women's experiences of electronically monitored curfews imposed in England and Wales for a community order, as either a standalone requirement or alongside other requirements. Four objectives supported the main aim of the study. First, to outline the backgrounds, offending-related needs and self-reported criminal careers of the women interviewed. Second, to address women's perceptions and understanding of EM at the start of their sentence and the factors which influenced them. Third, to consider women's interactions with the electronic monitoring company and other criminal justice agencies during the sentence. Finally, to explore the impact of the sentence on women's lifestyles, attitudes and behaviours during the curfew period, and how the sentence is expected to affect behaviours after the curfew period.

In order to meet the aims and objectives of the study, 31 semi structured interviews were conducted with women aged 18 and above who had recently completed community order with an EM requirement. They were conducted in the north of England between April 2012 and May 2013. The majority of interviews were conducted in the homes of the women by accompanying a monitoring officer to the visit where the equipment was removed at the end of the sentence. The study was conducted with the assistance of G4S, one of the two monitoring companies responsible for monitoring services at the time. Assistance from the company included allowing access to conduct initial observations of the monitoring officers and assisting with conducting the interviews, but included no

financial sponsorship. The final six interviews were conducted at various probation offices in the north of England. The sampling strategy was based on convenience due to the relatively low numbers of women who met the criteria in the geographical area where the research took place.

The section below reflects upon why research on women's experiences of EM is needed. Following this, a definition of EM for the purposes of this study is presented, along with details about its implementation as a community order. This is followed by a discussion about why the study focuses exclusively on women and how the notion of experiences is defined for the purposes of the study. The final sections detail the personal rationale for the research and finally, a thesis overview.

1.1 Exploring women's experiences

This thesis follows the path of other studies in criminological research by seeking to understand a sentence from the perspective of those who have experienced it. Studies have considered various topics from women's perspectives, including sentencing (Gelsthorpe, 2007; Hedderman and Gelsthorpe, 1997), the criminal justice process (Eaton, 1986; Worrall, 1990b), alongside specific sentences, both custodial and non-custodial (Carlen, 1983; 1990; Gelsthorpe, 2011; Gelsthorpe and McIvor, 2007; Gelsthorpe et al., 2007; Hedderman et al., 2011), desistance and rehabilitation (Osterman, 2018), and punishment (Bosworth and Kaufman, 2013; Carlen, 2002; Chamberlen, 2015; Heidensohn, 1996). EM has also been considered from the perspective of those subject to it (Gainey and Payne, 2000; Hucklesby, 2008; 2009; Vanhaelemeesch, 2014). This includes women's experiences in New Zealand (King and Gibbs, 2003) and Canada (Maidment, 2002).

This study adopted a broad approach to experiences of EM which spanned from what women understood about EM before they were sentenced to what, if any, impact they anticipated it would have on their future lives. Experiences also included interactions with criminal justice personnel during the sentence, being bound by the curfew, wearing the equipment and having it in their homes, the impact on their day to day lives and on attitudes to offending. This approach was more appropriate than examining one specific element of EM, such as its contribution to desistance or its experience as a punishment, because it forms a starting point for research concerning women's experiences of electronically monitored curfews in England and Wales. This is appropriate given the lack of existing research in the area of experiences of EM encompassing women's perspectives.

Studying experiences has been popular among research involving female offenders and research conducted from a feminist perspective as it seeks to give a voice to those who are unrepresented and powerless (Gelsthorpe, 1990). One criticism of the use of grand theory is that it fails to account for potential differences among diverse groups of people, something which experience research seeks to redress (Bosworth and Kaufman, 2013). Therefore, this study follows other research on female offenders which aim to make them visible within systems they are a part of (Stanko, 1994).

Given that a body of research on female offenders has developed over several decades, it may no longer seem necessary to conduct research solely with female offenders. However, research is still needed to highlight the needs of women as they are still overlooked in criminal justice policy (Silvestri and Crowther-Dowey, 2008). EM policy is a clear example of this. Recently, the use of EM with female offenders formed part of the government's Female Offender Strategy (Ministry of

Justice, 2018a), as a means to support other community requirements which may be provided alongside while also providing a means of control. However, proposals for the use of EM with female offenders were not supported by any research studies on women's experiences and appear to have been included only following developments in the use of EM with men. Very little is known about how women might experience EM and what implications it may have for their lives, relationships and offending behaviour. As Chapter two outlines, this also follows a well-established pattern in the origins and development of EM, which despite its use increasing rapidly since its relatively recent introduction, has drawn very little from research on its effectiveness or how it is experienced by those subject to it.

Furthermore, research on the experiences of women remains important due to the differences between male and female offenders. As Chapter three discusses these differences in detail, a brief overview is provided here. Heidensohn's (2002:491) observation that "[women] commit a small share of all crimes [and] their crimes are fewer, less serious, more rarely professional, and less likely to be repeated..." was made some time ago, but still remains the case. Furthermore, women vary significantly from men in the types of offences that they commit. Women more commonly commit offences connected to the domestic sphere (Carlen, 1986; McIvor, 2007; Ministry of Justice, 2018c), and previous research has shown that social factors such as poverty have a bearing on why women commit crime (Carlen, 1986; Davies, 2003a; Davies, 2003b; Heidensohn, 1989; Pantazis and Gordon, 1997). Women also vary from men in other characteristics related to their offending. Such differences include criminogenic needs, such as drug use, mental health problems and experience of abuse (Hannah-Moffat, 2004; Hedderman, 2004; Holly, 2017). Whereas women and men might appear

to display similar criminogenic needs, the differences between them vary in their impact on offending behaviour and also on women's experiences of the criminal justice system (Travers and Mann, 2018). Differences in criminal careers and criminogenic needs also equate to differences in how sentences are experienced by women (Gelsthorpe et al., 2007). These are compounded by the comparatively low number of women who receive sentences, described as the generalizability problem (Daly and Chesney-Lind, 1988).

By considering women's experiences specifically, it is not implied that this study captures all women's experiences of EM. It is important to recognise that although gender defines the sample, other intersections such as ethnicity, age, socio-economic background and sexuality may play a role and shape experiences to a greater extent than gender (Burgess-Proctor, 2006; Carlen, 1994; Chigwada-Bailey, 2004). Furthermore, the intention is not to assume that all women's experiences are the same and that women always have shared experiences. Indeed, there are instances where women share experiences which are closer to men's than other women's. However, as Carlen (1994) asserts, it is possible to prioritise one dimension without suggesting that other dimensions are not relevant or that the dimension focused upon is more significant. By conducting this study, the intention is to contribute to existing research on electronic monitoring, and the focus on gender will enable research to be conducted on a specific group, whilst also having relevance to the overall body of research. It also develops knowledge on how women experience community punishments and contributes to an understanding of how to respond to women in community sentences.

It is also relevant to recognise the use of terminology in the thesis, when discussing female offenders as a group and those who took part in the research.

As discussed in Chapter four, the study is influenced by a feminist methodology and key to that is conducting research which both empowers women and gives them a voice. This is coupled with the importance of identity during the criminal justice process and afterwards. The findings chapters, and in particular Chapter seven, notes the importance of identity for the women interviewed and in some cases an overt rejection of the term 'offender'. Although alternatives, including 'women who offend' (McIvor, 2004b) and 'female lawbreakers' (Worrall, 1990a) have been used in the literature, 'female offender' remains the term used in policy documents (Ministry of Justice, 2012a; 2014b; 2018a; 2018d). All terms are problematic and it becomes awkward to switch between different terms when discussing policy. Therefore, the term 'female offender' is used in this thesis for the sake of ease, but the issues with its use are recognised. However, when presenting the findings, the participants of the study are referred to as 'women'.

1.2 Defining electronic monitoring and an overview of the process

EM is a broad term used for technological measures which come in various different forms, and used for different purposes within criminal justice (Nellis et al., 2013b). Technologies used globally include using radio frequency (RF) to monitor a curfew, global positioning system (GPS) tracking, voice verification and alcohol monitoring. While a number of projects in England and Wales use a range of these technologies (Hucklesby and Holdsworth, 2016), the most common in this jurisdiction remains RF technology which monitors a curfew (Ministry of Justice, 2019a). This is used at three stages in the criminal justice process; as a bail condition, as a community sentence and following release from prison. The term EM is used in this thesis to refer to the RF monitoring of a curfew imposed as a requirement of a community order (unless otherwise stated). Equipment

used to monitor the curfew consists of a personal identification device (PID) and a home monitoring unit (HMU). The PID is widely referred to as a tag in England and Wales, including among the women interviewed, and this term is used in the thesis. As the following chapters demonstrate, women's accounts included experiences of the curfew alongside wearing the tag and both terms are also used where necessary to provide clarity.

As discussed in Chapter two, EM has always been operated by public sector companies under contract with the government. At the time of the research, two companies, G4S and Serco, were responsible for the end-to-end implementation of EM in specific geographical areas. This included all monitoring services, equipment and network (Hucklesby and Holdsworth, 2016). This has since changed (see Chapter two) but most of the processes remain the same (Hucklesby and Holdsworth, 2016). The process of implementation is standard and there is little recognition of gender within the process (Hucklesby and Holdsworth, 2016). The following details of the monitoring process were obtained during preliminary observations of monitoring officers and visits to the monitoring centre as part of this study (see Chapter four).

Once the decision to impose EM has been made from court, details of the order and the individual are sent to the monitoring company. Curfew hours and lengths are decided by the sentencer, and can be up to 16 hours per day for a maximum of 12 months. There is no stipulation for curfew hours to run consecutively, so more than one curfew period can theoretically be imposed within a 24 hour period up to a total of 16 hours. The monitoring company receives routine information which usually includes few details of the circumstances of the person to be monitored and where details are included, this refers more to practical issues which may affect monitoring staff on visits. Although sex is recorded, the process

remains the same for men and women, with the exception that women must be visited by female monitoring officers, or where two officers attend, at least one female officer. The reason for this appears to be to avoid any allegations of wrongdoing made about monitoring officers rather than responding to women's needs (Hucklesby and Holdsworth, 2016). Monitoring staff have strict deadlines for fitting equipment and are under significant time constraints to complete visits on schedule. For orders received from court before 15:00, installation must be attempted by 23:59 on the same day, and an attempt to install must be made by 23:59 the following day where orders are received after 15:00. Two attempts to install the equipment can be made, after which the order is in breach.

Monitoring begins once officers have attended the home of the individual to be monitored and fitted the equipment. The HMU is the size of a large telephone and requires an electricity supply to function, although it does have a battery which can provide power for a limited period if the electricity supply is lost. It consists of a telephone receiver and two buttons; one which contacts emergency services and one which contacts the 24 hour monitoring centre. The HMU is also used by the monitoring centre to contact the monitored individual where curfew violations are recorded on the system. During the installation visit, monitoring officers fit the tag to the ankle of the individual to be monitored and set the range of the HMU, so that it can detect presence or absence from the area under curfew. This is done using RF technology. Unless otherwise specified on the order, the area includes inside the accommodation but not gardens or the immediate vicinity. Monitoring officers have no authority to alter the range to include gardens, change the address where monitoring takes place or change the hours. Any variations must be requested to the court and must be done by the offender manager for a multi-requirement order or the monitored individual for a single requirement order.

Monitored individuals receive written information about the curfew in the form of a booklet, and monitoring staff have the role of explaining how to use the HMU and providing basic information about the tag. Decommission of equipment must take place before 23:59 of the final curfew period. This visit is very short in duration (around five minutes); the tag is removed from the monitored individual and the HMU is unplugged and removed from the accommodation. It was following this visit that women were interviewed for this study.

Monitored individuals have 24 hour access to a monitoring centre that they can contact with any questions. However, contact from the monitoring company is standardised. Unless there are suspected violations, monitoring staff do not routinely contact monitored individuals or visit them during the course of the curfew, except to install and decommission the equipment. Once monitoring has begun, violations can come in three forms; time violations, equipment violations and abuse to monitoring staff. Of the three, the latter are the least common. Time violations can occur when an individual is absent from their accommodation at the start of the curfew period, leaves during it or misses an entire curfew period. Monitored individuals can accrue up to two hours of time violations during the length of the curfew, resulting in a written warning. Any subsequent violations which reach another two hour threshold result in breach proceedings. Alternatively, an entire missed curfew results in immediate breach. Equipment violations are accrued by damage to the tag or HMU or any movement to the HMU, including unplugging it. Again, there are different degrees of violation, determined by whether the equipment is still able to monitor.

At the time of the research, the monitoring company was responsible for the enforcement of violations in single requirement orders and probation were responsible for multi-requirement orders (Criminal Justice Joint Inspectorate,

2008). However, this changed in 2015, when probation took over responsibility for the enforcement of all requirements, whether single or multiple (National Offender Management Service, 2018). The monitoring company is responsible for collecting evidence of violations, including damaged equipment and details of time violations recorded on the system. This is presented to the court during the breach process. Where breaches are proven, the outcome may be to impose additional time on curfew, or to resentence either with or without a curfew requirement. As a result, some women interviewed had already been through the breach process and received additional days when they were interviewed.

1.3 Personal rationale for the research

My interest in this subject area stemmed from previous MA study on the contribution of feminist perspectives to criminological theory. I was struck by the discrepancy between the experiences of men and women offenders in the criminal justice system and I became interested in how community sentences can function for women as alternatives to prison. This interest led to an empirical study conducted for my MA dissertation of women's experiences of the Enhanced Thinking Skills programme (Moulds, 2005). The findings from this study highlighted a number of issues with the way the programmes were delivered for women and opened up a number of themes which I wished to explore further in relation to other community sentences. I was initially unfamiliar with EM, but having been made aware of it by my supervisor I became interested how it might be experienced by women. EM was a particularly interesting community requirement to study, due to the fact that a relatively limited amount of research has been conducted on how it is experienced and how experiences may be influenced by gender. Furthermore, policy on female offenders has increasingly focused on gender-responsive measures delivered in women-only settings,

which sits in contrast to how EM is delivered. The study is therefore an opportunity to examine debates over how women should best be responded to in community sentences while simultaneously considering the impact of gender on experiences of EM and how difference should best be responded to.

1.4 Structure of the thesis

A summary of the following chapters in the thesis is as follows. Chapters two and three offer an important context to the thesis by reviewing relevant literature on EM and female offenders respectively. Chapter two discusses the legal and policy developments of the use of electronically monitored curfews in England Wales, followed by a discussion of what is known about how EM is experienced. Chapter three focusses on women's experiences of community sentences, considering how female offenders may be distinct and examining how policies have developed in order to meet these distinct needs. Following this, the implications of policy approaches on women's experiences of community sentences are discussed. Chapter four presents the methodology and research design used to conduct the research. This includes a reflective approach which explains how the research was conducted, influenced by a feminist methodological approach.

Chapters 5 to 8 present the findings of the research. Chapter five introduces the women interviewed, discusses similarities and differences between them and considers factors which influenced their experiences of EM. Chapter six examines experiences of the curfew and the extent to which women experienced it as a punishment. This draws upon the objective perspective that EM acts as a punishment through the restriction of liberty, but contrasts that with subjective perspectives of punishment, including experiences which were unintended as objective forms of punishment. Chapter seven draws upon the unintended

purposes of the sentence by discussing the impact of wearing the equipment and going through the EM process on women's self-identities and feelings of stigma. Chapter eight discusses women's experiences of complying with EM, both in the short term during the sentence and their expectations for complying with the law after the sentence was completed. Finally, Chapter 9 concludes the thesis by presenting the key findings and reflecting upon their implications on how experiences of EM are understood, along with how female offenders should be best responded to in the delivery of EM.

Chapter 2 : Understanding experiences of electronic monitoring

The purpose of this chapter is to discuss what is known about experiences of EM, drawing from national and international literature on electronically monitored curfews. It also draws upon theoretical perspectives of the sociology of punishment and surveillance, which have both been used to conceptualise experiences of EM. In order to fully understand experiences of electronically monitored curfews, it is also important to understand the policy context in which they have developed and operate within. Therefore, the chapter considers the legal and policy developments of electronically monitored curfews used pre-trial, as a sentence and following early release from prison. The chapter begins with an overview of the use of electronically monitored curfews in England and Wales as part of a community order and suspended sentence order. This is followed by a detailed account of the legal and policy developments relating to EM. The final sections examine research on experiences of EM.

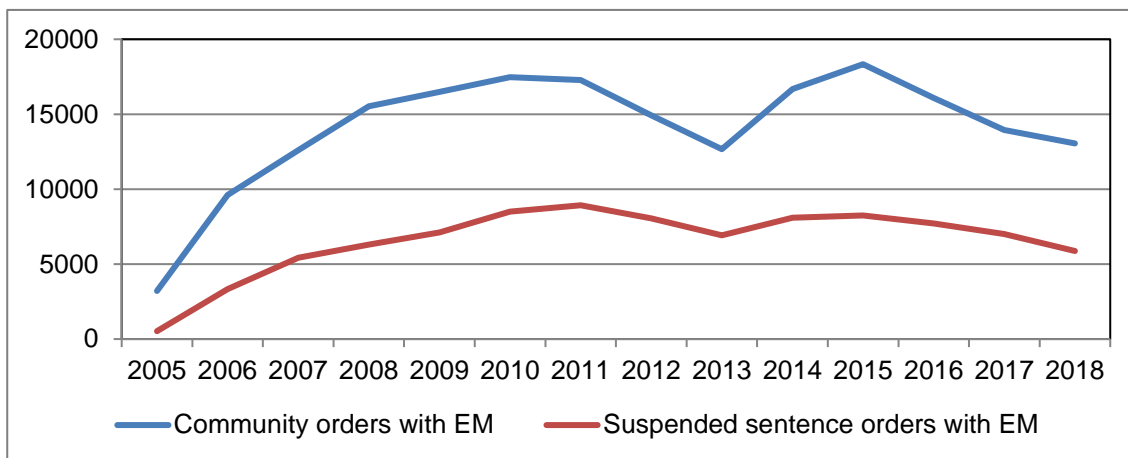
2.1 The use of electronic monitoring as a community sentence

In its current form, the electronically monitored curfew constitutes one requirement of the community order, having been introduced by the Criminal Justice Act 2003. It can be imposed alone or alongside one or more of 12 other requirements. The precise number of curfew requirements imposed is unclear due to gaps in statistical data published by the Ministry of Justice (Hucklesby and Holdsworth, 2016). Data on the use of electronically monitored curfews as a requirement of a community order are only published when it is imposed as part of a multi-requirement order. Furthermore, statistics prior to 2013 may be inaccurate due to charging practices adopted by the monitoring companies during

this period resulting in the over prediction of the number of monitored individuals and subsequently overcharging for the provision of monitoring services. (Comptroller and Auditor General, 2013).

Figure 2.1 presents the available statistics on curfew requirements. It shows the number of commencements of community orders and suspended sentences with a curfew requirement from their introduction in 2005 until 2018. There was a steady increase of the use of EM for a community order and suspended sentence order until 2011. The use of EM after 2011 has fluctuated. Numbers recovered briefly following a sharp decline in 2013. However, commencements have been in decline once again since 2015. There are a number of reasons for this. Previous EM research identified a number of possible contributory factors to the reduction and subsequent increase between 2013 and 2015 (Hucklesby and Holdsworth, 2016). They include recovering credibility following the overcharging scandal (see below), the requirement to include punishment in all community orders (introduced by the Crime and Courts Act 2013 Sch 16, enacted by S44), and a preference for EM by sentencers as a result of the significant changes in probation prompted by the Transforming Rehabilitation agenda (see below). Furthermore, the decline of the use of EM in recent years is replicated in commencements of community orders overall. Following a peak of 231,444 in 2009, community sentence commencements have declined rapidly to 122,912 in 2018 (Ministry of Justice, 2019a), constituting a 47 per cent decrease.

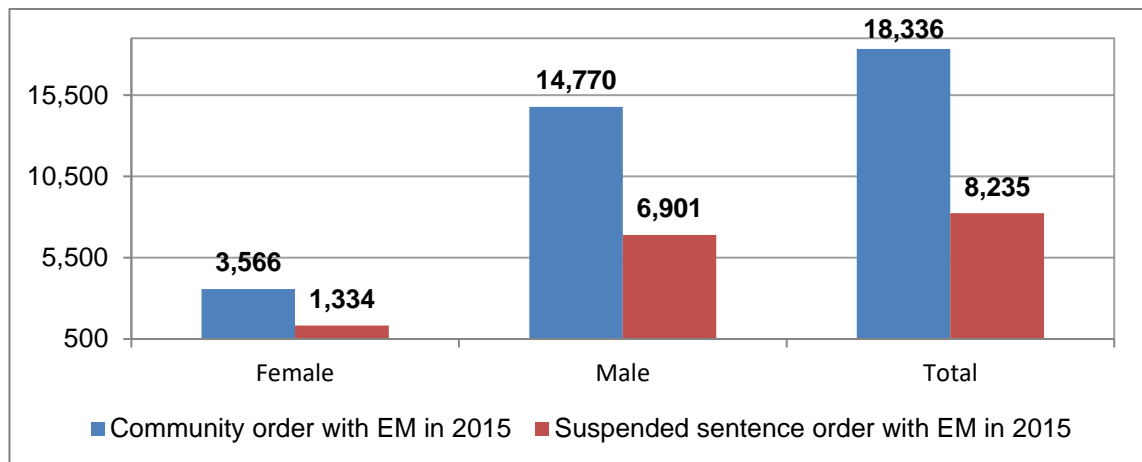
Figure 2.1: All commencements of community orders and suspended sentence orders with EM in England and Wales, 2005-2018



Source: (Ministry of Justice, 2015: Table A4.9; 2019a: Table A4.8: Table A4.8)

Similarly, official statistics which show the breakdown of commencements of EM according to sex are incomplete. There are discrepancies between commencements of EM as a community requirement according to sex and overall numbers of commencements (Ministry of Justice, 2014a). Furthermore, figures relate only to cases where sex of the offender is known (Ministry of Justice, 2014a). Therefore, statistics only provide a partial account as presented in Figure 2.2. The most recent statistics of EM commencements which include sex indicate that women made up 19 percent of the total number of commencements of community orders with EM in 2015 and 16 percent of the total number of commencements of suspended sentences with EM. There has been a slight increase of the ratio of women to men who receive EM since 2005, as the mean percentages for community and suspended sentence orders with EM are 15.7 and 12.8 per cent respectively. (Ministry of Justice, 2014a; 2016).

Figure 2.2: Community and suspended sentence orders with EM, according to sex, 2015



Source Ministry of Justice (2016: Table 7.02: Table 7.02)

Official statistics are not routinely published which show the most common offence types EM is imposed for. However, previous research studies involving predominantly male samples identified that it was most commonly imposed for property and driving offences (Hucklesby, 2008; Mortimer and May, 1996). Curfews can be imposed for a minimum of two hours and a maximum of 16 hours, and can last for a maximum of 12 months. The hours are decided individually by the sentencer, determined by the offender's circumstances and the offence committed. In theory, it is possible to use a curfew flexibly to break offending patterns as the hours do not have to be imposed consecutively or at a particular time of the day. In practice however, official statistics do not record how curfews are imposed. Research has identified that hours are usually imposed in a standardised manner, usually lasting 12 hours, from the early evening until the following morning (Hucklesby and Holdsworth, 2016).

2.2 The origins and development of electronic monitoring in England and Wales

Electronically monitored curfews have remained in use throughout significant changes in political direction while also growing and developing for new purposes, both within and outside criminal justice. The following discussion considers the origins and development of EM in England and Wales. It focuses on electronically monitored curfews used pre-trial, as a sentence and following prison in order to illustrate their development through a number of distinct political eras and their influence on EM policy. These begin at the origins of EM in the early 1980s under the Conservative Government and finish in the summer of 2019, under another Conservative Government.

Throughout the development of EM, decisions to implement or advance the use of EM have been repeatedly made despite little evidence of its effectiveness, or a clear understanding of its value (Mair, 2005). Support for the use of EM in England and Wales first came from the journalist Tom Stacey (Mair and Nellis, 2013). Stacey advocated its use as an alternative to custody following concern about prisoners' circumstances, discovered during a prison visit (Whitfield, 2001). He founded the Offenders Tag Association in 1982 and forwarded proposals to the Home Office for the use of EM in England and Wales. (Jones and Newburn, 2007). While the Government initially paid little attention to Stacey's proposals, interest in EM grew during the 1980s amid a rising crime rate and prison population, coupled with a move away from the social work approach which was integral to probation practice (Mair and Nellis, 2013; Nellis, 1991). New criminal justice policy solutions were sought to respond to the changing criminal justice landscape (Jones and Newburn, 2007; McLaughlin et al., 2001).

The circumstances in England and Wales were similar to those in the US when EM was first used as a criminal justice measure. The technology had been created in the 1960s at Harvard College by the Schwitzgebel brothers (Harvard Law Review, 1966). It originally involved the use of a two-way transmitter which could both send and receive information (Burrell and Gable, 2008; Harvard Law Review, 1966). Similar to England and Wales, the introduction of EM as a criminal justice tool developed as the prison population was rising and amidst a growing lack of faith in the concept of rehabilitation and community sentencing (Burrell and Gable, 2008; Nellis, 1991; Nellis et al., 2013b). These circumstances led to the consideration of alternatives to prison away from a rehabilitative focus, and contributed to the rapid growth of EM, resulting in its widespread use across the US by the end of the 1980s (Nellis, 1991).

Although the idea of using EM in England and Wales was undoubtedly prompted by its use in the US, this alone was not sufficient to give it a place on the policy agenda (Mair and Nellis, 2013). Instead, the political direction of Margaret Thatcher's Conservative government was fundamental to the introduction of EM in England and Wales, in particular the adoption of New Public Management (NPM) (Senior et al., 2007). There are six elements of NPM; privatisation, marketisation, corporate management, regulation, decentralisation and political control (Rhodes, 2000). While all of these are relevant to the criminal justice system, privatisation and marketisation were particularly relevant in the development of EM. Privatisation is defined as 'the sale of public assets to the private sector' and marketisation as 'the use of market mechanisms in the delivery of public services' (Rhodes, 2000: 152: 152).

While the use of EM originated from the US, the extent of policy transfer to England and Wales is less clear. Dolowitz and Marsh (2000) suggest that there are different degrees of transfer, presenting a framework consisting of four gradations. First, copying refers to a direct and complete transfer, second, emulation refers to the transfer of ideas behind the policy, third, combinations, meaning a mixture of several different policies and finally, inspiration, where the final policy is inspired by policies in other countries but they are not drawn upon in any way. This framework is used by Jones and Newburn (2007) in order to consider the extent of policy transfer in the development of EM in England and Wales from the US. They identify that the broad policy of introducing privatisation into the criminal justice system appeared to originate from the US. Although differences in EM policy existed among US states, EM was introduced in both countries in the same capacity; as a sentence and before trial initially (Jones and Newburn, 2007). Jones and Newburn (2007) identify several actors whom they suggest acted as 'policy entrepreneurs' (Kingdon, 1995). These are defined as individuals who invest time, money and resources into a specific policy in the hope of a future return (Kingdon, 1995). Journalist and campaigner Tom Stacey, along with politicians and civil servants are all identified to act in this way in the development of EM (Jones and Newburn, 2007). Stacey initially aided in the transfer process by inviting US delegates to EM conferences in England and Wales. This was succeeded by the roles of the Home Secretary Michael Howard and senior civil servant Hugh Marriage, both of whom promoted the use of EM within government (Jones and Newburn, 2007). Although policy entrepreneurs promoted the development of EM within England and Wales, they did not seek to copy or emulate US policy. Instead, they gauged the success of EM policy in the

US along with considering what would be appropriate for the English and Welsh system. For example, the tags which monitored offenders wear on their ankle were deliberately large in the US, for the purpose of punishing offenders through shaming. However, this aspect of policy was considered unlikely to be widely accepted in England and Wales (Jones and Newburn, 2007). Therefore, where policy transfer did exist, it was more heavily focussed upon inspiration and combinations, rather than a more closely aligned policy created on the basis of copying or emulation Jones and Newburn (2007).

Yet despite growing political will and policy developments advanced in the use of EM towards the end of the 1980s, questions remained over its effectiveness. To address this, visits by government officials were arranged in the mid-1980s to observe EM programmes in operation in the US (Mair and Nellis, 2013). Although the findings were reported by the Home Affairs Committee (House of Commons, 1988), EM failed to gain a place on the policy agenda immediately, largely due to little evidence that it could function adequately. Furthermore, much of the research on the effectiveness of EM from the US was inconclusive and of poor quality (Mair, 2005). Although the research evidence was inconclusive, the Home Secretary, Michael Howard, decided to pursue the development of EM as a criminal justice policy which culminated in its inclusion in the Green Paper, *Punishment, Custody and the Community* (1988). The main objective of the criminal justice system was 'to reduce crime and punish offenders' (para 1.2). EM was presented as an alternative to imprisonment under the heading of 'punishment in the community' (House of Commons, 1988: para 3.8: para 3.8). Questions remained over the functionality and effectiveness of EM as at this point no research in this jurisdiction had been conducted. This pattern of developing

policy and legislating for the use of EM before then conducting research repeated over the following years. The first trials of EM commenced in 1989, shortly before the publication of the White Paper (Mair and Nee, 1990). Although the government's original intention was to use electronically monitored curfews as a sentence, the trials involved their use as a bail condition. This was because trials involving the use of electronically monitored curfews as a sentence would have required legislation and there was no time during the parliamentary session to schedule it in (Mair, 2005). The overall aim of the trial was 'to test the general feasibility of EM in England and Wales' (Mair and Nee, 1990: 1: 1). Formal objectives included looking at the cost effectiveness of EM and considering whether it was appropriate for EM to be operated wholly within the private sector (Mair and Nee, 1990). The use of EM as a means to reduce the prison population was also explicitly mentioned and the research sample was made up of offenders who had previously been in prison and who were unlikely to have been granted bail, had they not been electronically monitored (Mair and Nee, 1990).

The trials uncovered numerous problems, including a high number of violations, problems with the equipment, low take up rates and problems with criminal justice agencies working with private sector contractors. The latter arose as many were wary of dealing with private companies in a criminal justice context and regarded the political move towards privatisation a direct threat (Mair, 2005). Although those who had been monitored seemed reasonably positive about their experience of EM, the first EM trials were defined by a lack of focus or detailed planning (Mair, 2005). The White Paper 'Crime, Justice and Protecting the Public' was published before the end of the trial (Home Office, 1990). It adopted a 'just deserts' approach by stating 'the severity of the sentence of the court should be

directly related to the seriousness of the offence' (Home Office, 1990: para 1.6: para 1.6). Similar to the precursory Green Paper, EM appeared under the heading 'punishment in the community' as part of a curfew order (Home Office, 1990: para 4.23: para 4.23). The Criminal Justice Act 1991 which followed introduced the Curfew Order with EM (ss 12 and 13). By this point the first trials had concluded and the published findings provided few compelling grounds to continue with EM policy. Instead, Mair (2005) identified that the attraction of novelty through the use of new technology, along with political ambition and a wish to pursue the ideology of privatisation were factors in the decision making process.

Political interests and the desire to respond robustly to mounting criminal justice pressures influenced the development of EM policy further during the 1990s. A series of events during 1992 and 1993 changed the political direction of the government and Labour opposition regarding law and order, prompting a renewed interest in EM among policy makers (Mair, 2005). This included a tabloid moral panic over the increase of crime and disorder, the 'hyper-politicisation' of youth crime and a breakdown of relationships between the government and criminal justice professionals (McLaughlin et al., 2001). Within this context, the opposition Labour party developed a new approach to crime and disorder, whereby the tenets of welfarism and neo-liberalism, traditionally regarded as left and right political positions, were joined together to create the 'third way'. This gave the Labour Party a strong political position and created a problem for the Conservative government as the traditional party of 'law and order'. The Conservative response was to unveil a 'prison works' package at the Conservative party conference in 1993 (McLaughlin et al., 2001; Newburn, 2007).

This consisted of 'new criminal sanctions, tough minimum sentences and more prisons' (McLaughlin et al., 2001: 304: 304). Within this package, EM was presented as a tough sentence, thereby fitting in with the government's attempt to respond to Labour's new political direction.

A major flaw with the provision for the curfew order with EM in the Criminal Justice Act 1991 was that there was no provision to roll it out gradually. With only one study conducted at that point (Mair and Nee, 1990) it would have been unacceptable to roll it out nationally due to the lack of testing (Mair, 2005). This was amended by the Criminal Justice and Public Order Act 1994, which altered S12 of the Criminal Justice Act 1991 and made it possible to introduce EM on an area by area basis. As no further research had been conducted on EM beyond the initial bail trial, the decision to continue with EM within criminal justice policy at this point was not based on any evidence of its efficacy. The use of EM as a bail condition with ten to fifteen year olds was also introduced by the Crime (Sentences) Act 1997, one of the last pieces of legislation under the Conservative Government (Airs et al., 2000). This provides another example of EM policy being developed in response to political pressures. Although a very limited research base existed, a policy to reduce youth crime was central to Labour's election campaign, and EM became an important part of the government's response.

Trials commenced in 1995 on the use of EM as a curfew order in three geographical areas, lasting two years (Mair and Mortimer, 1996). Similarly to the first EM trials, the take-up on curfew orders was much lower than had been expected, which resulted in the trials being extended, both geographically and in length (Mair, 2005). Since the last EM trials, the tag had been redesigned to be smaller and the curfew times had been restricted to a maximum of 12 hours a

day, having previously been up to 24 hours a day. However, sentencers and lay magistrates remained 'hesitant' to use the curfew order due to uncertainty over its position in the sentencing scale (Mortimer and May, 1996). Reported completion rates were high over the first and second years, at 75 per cent and 83 per cent respectively (Mortimer and May, 1996). Furthermore, completion rates for stand-alone curfew orders were higher than for curfew orders than had been made alongside other community orders (Mortimer et al., 1999). Reasons for the difference were unclear.

2.2.1 Electronic monitoring under New Labour (1997-2010)

New Labour came to power in 1997, shortly after the introduction of EM with 10 to 15 year olds. Initially, it was unclear whether the use of EM would continue under the New Labour government and if so, whether it would still be delivered by the private sector. However, private sector involvement continued under the 'modernisation agenda' (Senior et al., 2007), signalling a further move away from probation principles (McLaughlin et al., 2001) and towards 'techno-managerialism' (Mair and Nellis, 2013). The concepts of privatisation and marketisation were redefined as the 'mixed economy of provision' and 'contestability' respectively (Senior et al., 2007). Private sector involvement formed part of the open competition from different sectors in the commissioning of services. EM also sat within the framework of the National Offender Management Service (NOMS) which was recommended in the Carter Report (Carter, 2003) and introduced in 2004. The aim of NOMS was to provide a management framework across all sentencing provision, thereby uniting the prison and probation service. Furthermore, EM was presented as a tool for risk

management, which also became a central purpose of the criminal justice system as part of New Labour's modernisation agenda (Senior et al., 2007).

These developments show that a role remained for the use of EM within the changing criminal justice landscape brought about by New Labour. In light of this, the use of EM increased and expanded into further areas. Further research took place on the use of EM as a bail condition (Airs et al., 2000), the Home Detention Curfew (HDC) was introduced by the Act 1998 and the curfew order became available as a sentence nationally (Dodgson et al., 2001). Research conducted after the curfew order had been rolled out for a year found similar problems to the previous research (Walter et al., 2001). It was not clear to sentencers exactly which type of offences EM would be appropriate for or which offenders might respond best to it. This lack of knowledge and also lack of confidence in the sentence were contributory factors to the low take-up (Walter et al., 2001). In addition, trials of the use of EM as a bail condition began in 1998, the first time that this had been re-visited since the first trials ten years previously (Airs et al., 2000). The report on this trial detailed similar findings to those found in the previous research, particularly regarding low take-up and problems with communications between criminal justice agencies. Again, firm conclusions over EM could not be made, particularly whether it was used consistently as an alternative to remand or whether it was cost-effective (Airs et al., 2000). However, the use of EM with bail for young people was legislated for by the Criminal Justice Act 2001. Around this time, its use began for bail with adults, despite no preceding policy or legislation. Instead, development of the use of EM for bail with adults was initiated by the courts rather than government-led policy, seemingly as a result of its use with young people (Hucklesby and Holdsworth, 2016).

Similarly, the introduction of HDC shortly afterwards has been described as “a sudden and unexpected development” (Lilly and Nellis, 2001: 60: 60) as there was no mention of it up until a few months before the Crime and Disorder Act 1998 received royal assent. Lilly and Nellis (2001) suggests that this decision was made to reduce the high prison population and that the probation service was responsible for generating the idea. No trials were conducted on the HDC and the first research study was conducted after the scheme had been in operation nationally for a year (Dodgson et al., 2001). The report stated that monitored individuals had generally positive views about the scheme. The reconviction rates for those who had taken part in the HDC were significantly lower than those who had not, during the curfew period. However, six months after the curfew period had ended, there was a 21 per cent reconviction rate, which was broadly neutral, compared to the control group who had spent the equivalent time in custody.

The use of electronically monitored curfews as a community sentence also developed further during this period, following the introduction of the Community Order by the Criminal Justice Act 2003, which came into force in 2005. Section 142 of the Criminal Justice Act 2003 sets out the purposes of sentencing, naming several factors which sentencers must consider when imposing a sentence. These are; the punishment of offenders, the reduction of crime, including by deterrence, reform and rehabilitation of offenders, protection of the public, and the making of reparation by offenders. Throughout the development of EM, its official purpose was consistently presented as a tough punishment which could act as an alternative to prison whilst also moving away from a rehabilitative approach. However, there is a juxtaposition between the aims of electronically monitored curfews compared with the traditional aims of probation and

community sentences. Although the focus has been increasingly towards punishment with community sentences, this marks a departure from its origins within a social work model, with rehabilitation as a primary aim. As outlined above, EM became a symbol for the change of identity of community sentences in the late 1980s as part of the 'punishment in the community' policy, which signalled the move from rehabilitative ideals which had traditionally been the foundation of community sentences and probation work (House of Commons, 1988). This was a contributory factor to the objection to EM from those within probation, particularly in its early development. One particular critic was the Assistant General Secretary of the National Association of Probation Officers (NAPO), Harry Fletcher. His main arguments were that EM was not compatible with the traditional social work approach to probation, it was an unduly restrictive measure, it was not cost effective and it would be irrelevant for the many offenders who had chaotic lives (Nellis, 2004). Concerns were also raised about the possibility of reducing human interaction in favour of introducing more automation through the use of technology (Nellis, 2003a).

Other criticisms of EM at that time were that it could be disproportionately imposed on offenders from minority ethnic groups, it would be used only with middle class offenders who had access to a phone and it invaded an offender's right to privacy. Nellis (2004) suggests that the probation service and other criminal justice agencies had underlying concerns about the privatisation of the criminal justice system and the threat of neo-liberal governance which was anti-welfarist and ideologically opposed to the traditional social work ethos of the probation service. He suggests that EM 'became emblematic of all that the probation service felt it was resisting' (2003:249). This opposition was also

evident during the trials of EM, most notably during the national roll-out of the curfew order, when it was concluded that the probation service was 'at best equivocal, at worst obstructive' (Mair and Mortimer, 1996: 26: 26). As EM developed, NAPO continued its criticism of EM and the way in which was implemented by publishing a briefing paper entitled 'A Flawed System' (Napo, 2012), which detailed many issues which had been identified by NAPO members.

This period also saw the first pilots of the use of GPS tracking following release from prison on licence or as a community order (Shute, 2007). Pilots took place in three areas in England between 2004 and 2006, with the purpose of tracking compliance with an exclusion zone or to provide 'general location information' (Shute, 2007: 3). Passive tracking was predominantly used, whereby information was uploaded from tracking devices one or two times over a 24 hour period and sent to offender managers every day. Hybrid tracking, which was used where an exclusion zone was imposed, involved passive tracking except where violations to the exclusion zone was detected, in which case an alert was sent to offender managers in real time.

The pilot involved the tracking of serious offenders, including sexual and violent offenders. Responses from magistrates were generally positive where tracking had been imposed as a requirement of a community order. However, offender managers were less positive, citing issues with the equipment as the main problem. Furthermore, while the hybrid tracking was considered to be a means to offer public protection, over a third of those monitored (32 per cent) became unlawfully at large during the monitoring period (Shute, 2007). This raised the issue that successful tracking depends on the cooperation of the monitored individual to charge and wear the equipment.

2.2.2 Electronic monitoring under the Coalition and Conservative Governments (2010-2015, 2015-present)

Recent years have seen political changes which have had an impact on the development of EM. In addition, EM technology developed, as has its use for a number of criminal justice purposes. The fieldwork was conducted during this period, between 2012 and 2013, but the section also includes developments after the fieldwork had concluded to provide a detailed account. The Conservative-Liberal Democrat coalition government which came into power in 2010 introduced a number of policies in response to the economic recession caused by the global banking crisis of 2008 (Nellis, 2014a). This included a wave of measures which delivered austerity in order to reduce overall spending and the borrowing deficit. Such austerity measures had a huge and wide-ranging impact on public services, including criminal justice. The Green Paper 'Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders' (Ministry of Justice, 2010) identified issues with the administration of the criminal justice system and the need for reform to provide a more financially streamlined approach. The green paper set out further uses of EM including tracking offenders with GPS technology. It was envisaged that this technology could be used as a tool by police at stages of the criminal process beyond pre-trial, sentencing and post-sentencing.

An increased use of electronically monitored curfews was signaled, described as 'tough' curfews (para 33), repeating the portrayal seen in earlier policy of EM as a punishment. EM was also presented as a means to increase public safety, by ensuring that offenders are monitored whilst serving sentences (para 60). Proposals included increasing the maximum available curfew hours for the curfew requirement to 16 hours per day from 12, and increasing the maximum

curfew length from six months to one year. This was justified as a means to provide 'tougher' punishments, and was consistent with the overall rhetoric of the green paper. However, this increase overlooked empirical evidence which suggested that longer curfew hours may reduce compliance levels (Hucklesby, 2009). This again provides an example where policy developments in EM were made with little reference to research evidence. The increases in curfew hours and length were subsequently legislated for in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (S71).

The consultation paper which followed, entitled 'Punishment and Reform' (Ministry of Justice, 2012b), again promised 'wholesale reform' of criminal justice. It outlined the aim that every community sentence should contain a punitive element, with EM able to provide such a punitive element. EM was again presented as both a punishment and a means to ensure public protection. The implementation of the newly introduced longer curfew hours and curfew length was drawn upon to argue that curfews were suitable for more serious offences. The creative use of EM was also discussed in terms of how it could be used flexibly in order to break offending patterns. This related primarily to the creative use of curfew hours in order to disrupt offending patterns during the curfew. The consultation paper also suggested that curfews could assist compliance with other requirements, by ensuring that offenders are present at home before they are due to attend appointments. Flexible use of curfews which accommodate caring responsibilities was also outlined in order to justify the introduction of a punitive element in every community order. Curfews were also discussed explicitly with regard to female offenders, as an alternative to prison in situations

where women would otherwise be separated from their children. Punishment and Reform (Ministry of Justice, 2012b) also outlined the expansion in the use of technology in criminal justice to perform other functions beyond monitoring a curfew. Pilots involving police use of GPS technology was referred to, along with the suggestion that technology could be used with other community requirements, such as alcohol abstinence and exclusion and residence requirements (para 53). While the government appeared keen to explore other uses of technology in criminal justice, the value of continued use of RF technology with curfews was also recognised.

There was surprisingly little mention of EM in the subsequent White Paper 'Transforming Rehabilitation: A revolution in the way we manage offenders' (Ministry of Justice, 2013a). Instead, the focus of the white paper was on developing a programme based on 'payment by results' and contracting out services to the private and third sector which had been previously undertaken by the public sector. This had major implications for probation as it heralded the division of services in terms of low, medium and high risk offenders. High risk offenders came under the auspices of the National Probation Service (NPS), whereas low and medium risk offenders were dealt with by newly formed Community Rehabilitation Companies (CRCs). The latter were formed by private sector companies following tender from both private and third sector organisations. The movement of probation service functions outside the public sector was extremely controversial, and was heralded by Nellis (2014b) as a precursor to the diminishing use of probation work in favour of an increased use of GPS tracking.

Alongside these changes to community sentences, the functioning of EM itself faced major issues. These mainly concerned the companies responsible for implementing EM. The MoJ began the tender process for the third EM contract in 2011 (shortly before the fieldwork began for this project). In line with the policy proposals outlined above, the aspiration was for the use of GPS tracking in addition to RF technology, as well as the expansion of police use of EM and for purposes including health and anti-terrorism. The development of GPS technology was encouraged by organisations such as Policy Exchange, a right-wing Think Tank who published a report arguing that RF technology was obsolete and should be replaced by GPS technology (Geoghegan, 2012). In addition, they suggested that overall responsibility for EM should remain within the public sector, with the appointment of the police as the statutory agency to oversee the EM process as a whole (Geoghegan, 2012). The use of private sector organisations under the umbrella of the MoJ was criticised for reducing innovation and development of EM technology, a point which was echoed by police and crime commissioners (Hucklesby and Holdsworth, 2016). The government's commitment to introducing GPS was seen in legislation. The Criminal Justice and Courts Act 2015 introduced the tracking of individuals' whereabouts following release from prison on licence.

The third EM contracts were organised differently to how they had been previously. Whereas in the past, two companies had been responsible for the whole operation of EM in separate geographical areas, this time the contracts were organised into four lots. These consisted of monitoring services, software, hardware – the provision of the tags, and the telecommunications network. There was also a role for an organisation to be responsible for the integration of the four

roles. The procurement process became severely delayed after an investigation suggested that the two companies responsible for EM in the previous contract had significantly overcharged for their services. This led to an investigation by the Serious Fraud Office into practices adopted by the monitoring companies. Described as the overcharging scandal, (Hucklesby and Holdsworth, 2016; Nellis, 2014b), this situation prompted enquiries into how government contracts were procured and managed (Comptroller and Auditor General, 2013). However, it did little to affect the move to outsourcing criminal justice provision into the private sector (Nellis, 2014b).

The tendering for equipment became another sticking point in the procurement of EM services. The main issue with the technology was the endeavour to create a bespoke tag with both RF and GPS capabilities, however, at the time the contracts were tendered, such technology was unavailable and untested. The responsibility for developing the equipment was awarded consecutively to two small technology companies, both of which did not succeed in developing the technology requested by the MoJ.

The Ministry of Justice came under severe criticism for the way the contracts were tendered and the overall management of the EM programme. The case for adopting GPS technology was stated to be unproved, as no pilots or testing of the systems had been undertaken and there was a limited evidence base over its effectiveness (Comptroller and Auditor General, 2017). The Ministry of Justice reported that pilots involving GPS technology for a number of criminal justice purposes were being undertaken in 2016 over an 18 month period (Comptroller and Auditor General, 2017). The Ministry of Justice's overall approach to tendering for the EM contracts was widely condemned as a 'catastrophic waste

of public money', and the delivery of the programme described as 'shambolic' (House of Commons Committee of Public Accounts, 2018). The division of EM services into four lots was described as flawed and it was concluded that the Ministry of Justice had insufficient evidence of how EM functioned, as it had always been managed in the private sector since its first development. The difficulties surrounding the EM contracts effectively stalled the development of EM in criminal justice. In terms of the use of electronically monitored curfews as a community sentence, while the GPS pilots involved the use of tracking as a community sentence, a distinction was made between this and the continued use of RF technology for monitoring curfews (NOMS, 2016). In February 2019 the use of GPS technology as part of a community sentence was announced (Gauke, 2019). The national rollout of a tracking requirement was announced which makes up a separate requirement in a community order and uses GPS technology to monitor it (Gauke, 2019). While this shows new and increasing ways that technology is being used in criminal justice, the use of RF technology alongside curfews continues to be the most used form of EM in criminal justice overall and for community sentences specifically (Ministry of Justice, 2019a).

Throughout all developments of EM in England and Wales, reference to its use with women has been virtually non-existent. Policy has been driven by the need to address male offending and the rise of male prison populations. Evaluations of pilots have been made through research with predominantly male samples. This pattern appears to have been repeated most recently with the Female Offender Strategy (Ministry of Justice, 2018a), which outlined the potential use of both RF and GPS EM with women (see Chapter three). Given that women have been electronically monitored for decades, this is a significant oversight. However, it

reflects a repeated pattern in policies for female offenders (see Chapter three). Furthermore, the discussion above shows how the use of EM was developed in England and Wales with little reference to research evidence. Instead, EM became a useful tool to meet a number of political purposes across different eras of government. The fact that EM policy was not research led coupled with the fact that the research agenda has been dominated by Home Office research means that many gaps remain in the knowledge about how EM is experienced.

The following section seeks to examine experiences of EM, drawing from studies involving the use of electronically monitored curfews for purposes beyond a curfew requirement and across different jurisdictions. This can help an understanding of the extent to which EM is shaped by the policy it is delivered under. While considering the international research on experiences of EM is useful, it is important to note the differences between other EM programmes and how EM is implemented as a sentence in England and Wales. This relates to the curfew hours and contact with agencies and rules surrounding compliance. Nevertheless, some central themes can be found relating to experiences of EM, and are considered below.

2.3 Experiences of electronic monitoring

Another consequence of the fact that EM has been under researched is that there is little theoretical understanding about the use of EM as a punishment and the involvement of technology. As Jones (2000; 2014) identifies, theorising EM is a difficult task because it sits at the intersection of two theoretical perspectives; the sociology of punishment and surveillance studies. Adopting a sociological framework of punishment, EM can be viewed from a retributivist perspective. From this approach, the punishment is regarded as an end in itself, focussing on

what has happened rather than what may happen in the future (Scott, 2013). Punishments are justified on the basis that they are deserved as a response to the act perpetrated by the offender, but that the response must be proportionate to the offence in order for justice to be restored (Scott, 2013). Jones draws upon principles of retribution, deterrence, incapacitation 'of a virtual, self-compliant kind (2014, p481, p481) and rehabilitation. He suggests the latter is limited to the stabilising of offenders' chaotic lives but suggests that there is scope for more rehabilitative functions. However, Jones (2014) also reflects upon the fact that because EM is so weakly defined, the prominence of one of these perspectives could characterise EM and dominate practice depending on the political appetite at the time. This is because EM draws its purposes from the measure it is used alongside (Hucklesby et al., 2016) Jones draws upon the work of Foucault (1977), who considered punishment from the perspective of what was acceptable to any given society at the time it was imposed.

In addition, Nellis (2006; 2009; 2013b) has sought to examine EM within the framework of surveillance while also making reference to sociological theories of punishment. Both Jones and Nellis recognise that EM is distinct from other sentences on the basis of its use of technology. The role of technology has led Nellis (2009) to suggest that EM is best understood with reference to its capacity for surveillance. Surveillance comes from the monitoring of an individual's presence or absence from a physical location. Nellis argues that the technology is crucial to experiences of EM and they would be different in its absence. Furthermore, both Nellis (2009) and Jones (2000) draw upon Deleuze's (1992) concept of control to offer a theoretical framework with which to understand experiences of EM. Deleuze (1992) adapts Foucault's (1977) tripartite model of

technologies of power by suggesting an additional mode of power entitled 'control'. This reflects a transition from discipline to control which is shaped by a wide range of social and economic changes including the development of technology. Applying this concept to EM, Jones (2000) applies the concept of control to EM, naming it 'digital rule' which he defines as automated decisions made remotely on the basis of evidence generated from electronic technology.

Although Jones (2000) notes how the technology theoretically allows for immediate action to be taken on violations. In practice, the speed and nature of response depends upon the personnel and the system within which they operate (Hucklesby, 2011). By relying on personnel, EM is similar to other surveillant technologies which are used in a criminal justice context (McCahill, 2002). This leads Nellis (2009) to argue that EM is best understood as a 'socio-technical' measure, comprising not only technology but also relying on a human response. While their role means that they act as the public face of EM policy (Hucklesby, 2011) monitoring officers have been described as having a function of control rather than care (Hucklesby, 2011; 2013b). This is on the basis that their primary role is to enforce electronically monitored curfews (Hucklesby, 2011).

Both frameworks of punishment and surveillance have been used to examine how EM is experienced. With regard to the former, two possible punitive elements of EM have been identified; the curtailment of freedom, also referred to as the restriction of liberty, and wearing the device (Jones, 2014; Nellis, 2013b). Although wearing the tag is not intended as a formal punishment as no policy documents mention it as a purpose, research on experiences of EM indicates that for some individuals at least, wearing the tag prompted feelings of shame (Gainey and Payne, 2000; Mair and Nee, 1990; Vanhaelemeesch et al., 2014).

Existing research has not been able to uncover which factors make feeling shame more likely, although the visibility of the tag inevitably plays a role. In terms of gender differences, insufficient research has been conducted with women only samples to be able to establish whether gender makes feelings of stigma more likely. The limited research which does exist which considers women's experiences of EM suggests that women did find wearing the tag a source of shame (King and Gibbs, 2003). Although stigma is an unintended consequence of EM, it has been argued that the requirement to wear a tag has the potential to cause so much stigma that the experience can be dehumanising (Zedner, 2004). If this were to be the case, it would have serious implications, not least in its potential to constitute a breach of human rights (Nellis, 2003b). However, international research on EM found that although stigma was reported, it was not experienced to the extent that it could become dehumanising (Graham and McIvor, 2015). In contrast, the tag has equally been regarded as a status symbol or trophy (Nellis, 2009; Penal Affairs Consortium, 1997).

Punishment from the restriction of liberty is twofold, consisting of confinement to the home and exclusion from public spaces. The latter mirrors other exclusionary measures which restrict access to public spaces. However, the purpose of this restriction differs. As Jones (2000) points out, the purpose of exclusion from public spaces as a result of EM is 'an attempt to withdraw the social 'privilege' of doing certain things, through restriction in time and/or space, such as spending the evening drinking in a pub or bar' (Jones, 2000: 18: 18). Views about access to public spaces vary though, with von Hirsch and Shearing (2000) suggesting that access is a right rather than a privilege. Subsequently, restricting access in the use of EM could potentially be problematic, as it could be seen that rights are

being restricted through the pursuit of punishment. Whichever way restriction to public places is viewed electronically monitored curfews only restrict access temporarily over the length of the curfew and during curfew hours. Therefore, it is perhaps more relevant to conceptualise EM as 'restricted freedom', rather than a loss of freedom (King and Gibbs, 2003). Punishment can then be increased or decreased temporally, either by the number of curfew hours or the overall length of the curfew. This, along with the fact that the restriction of liberty is only intended during specific hours, has led to the suggestion that EM is perceived by the public as unduly lenient (Hucklesby, 2008; Nellis, 2003b).

Research on experiencing EM as a punishment, and the extent to which it is regarded as a restriction of liberty mirrors prison research on 'pains of imprisonment' (Gainey and Payne, 2000; Sykes, 1958). Existing research has reported that EM was experienced as a punishment (Airs et al., 2000; Gainey and Payne, 2000; Hucklesby, 2008; 2009; King and Gibbs, 2003; Lobley and Smith, 2000; Mair and Mortimer, 1996; Mair and Nee, 1990; Vanhaelemeesch et al., 2014). Some differences have been identified in the extent to which it is experienced as a punishment. One such reason for difference is the circumstances of those monitored. This relates to the fact that a private space, albeit with varied degrees of privacy, is used as a location for the punishment to be served and there are considerable differences in peoples' living arrangements. This has led some researchers to conclude that in certain situations, complying with a curfew at home may not be experienced as a sufficiently harsh punishment (Walter, 2002).

One theme to emerge from the body of research regarding overall experiences of punishment was the comparison to prison, and the fact that monitored

individuals overwhelmingly preferred EM to prison (King and Gibbs, 2003; Mair and Nee, 1990; Payne and Gainey, 1998; Vanhaelemeesch et al., 2014). There were differences however, in the likelihood of prison as in some studies, EM was used in place of imprisonment. There were also differences in the extent that individuals had experience of prison. Therefore, experiences of punishment were tempered with relief that prison had been avoided (Mair and Nee, 1990; Payne and Gainey, 1998; Vanhaelemeesch et al., 2014). Furthermore, EM had the effect of making people appreciate the freedom they had and which they would have lost if they had received a prison sentence (Mair and Nee, 1990; Payne and Gainey, 1998). Conversely, the loss of freedom caused by the curfew was often cited as the main source of punishment (King and Gibbs, 2003; Payne and Gainey, 1998). This has led to monitored individuals describing feeling 'like a prisoner in their own home' (Mair and Nee, 1990). The restriction meant that individuals reported being unable to make use of the spaces around their homes or in other geographical areas away from the home (Vanhaelemeesch et al., 2014). The feeling of loss of freedom was exacerbated in some situations by watching others exercise their freedom to leave their homes during curfew hours and the monitored individual being unable to do so (Payne and Gainey, 1998). This has led Payne and Gainey (1998) to argue that watching others increases feelings of restriction and is a pain of punishment which is unique to EM.

Although EM as a punishment has been commonly referred to in both policy and research, its potential to assist rehabilitation has also been considered. As discussed above, probation initially objected to the development of EM on the basis that it had little rehabilitative value. More recently, probation practice has been shaped by desistance theories. Positive relationships are linked to the

development of social capital, which alongside human capital, is regarded as important to the desistance process. Human capital is defined as 'the skills and knowledge which an individual possesses' (Farrall 2004:59) whereas social capital refers to social entities which facilitate the actions of one or more individuals, enabling them to achieve goals they would not otherwise have achieved (Farrall 2004). Farrall (2004) argues that both social and human capital are connected and that the presence of both can act to increase desistance from offending. Probation work functions by improving an individual's human capital, but desistance can only be achieved through the improvement of both human and social capital (Farrall, 2004). Therefore, both should be the focus of probation work. This approach has been very influential in the development of community sentences, and various programmes exist aimed at improving social capital as well as probation supervision which seeks to improve human capital. Key factors in the development of social capital are identified in the literature as employment and family relationships. The impact of EM on both these factors has been considered in existing research. Findings have been mixed over the effects of EM on employment. For some, the ability to keep an existing job or look for work whilst on curfew was regarded as a benefit of EM (Dodgson et al., 2001; Hucklesby, 2008; Mair and Mortimer, 1996; Vanhaelemeesch et al., 2014). By contrast, EM was also found to adversely impact upon employment. This mainly centred around time restrictions which prevented flexibility in working hours and stopped the ability to work overtime on an ad hoc basis (Hucklesby, 2008). In addition, another study reported that work commitments had led to non-compliance with the curfew (Dodgson et al., 2001).

Family relationships are also identified as an important element of social capital (Farrall, 2004). Close ties with others can contribute to positive self-identity and an increase in self-esteem, all of which contribute to social capital. Differences exist within the research on how EM affects family relationships. Being able to live with families was cited as an advantage to EM (Dodgson et al., 2001; Hucklesby, 2008; Mair and Nee, 1990; Vanhaelemeesch, 2014), as was the opportunity to spend more time with family members, caused by the curfew. However, there were also reports of EM having a negative impact on relationships, particularly if they were already problematic (Hucklesby, 2008; King and Gibbs, 2003; Payne and Gainey, 1998). Furthermore, monitored individuals also reported that EM had little impact upon relationships (Dodgson et al., 2001; Hucklesby, 2008). As a result, research into the exact effects of EM on relationships is inconclusive, and is possibly linked to the pre-existing quality of relationships.

Research has also identified that EM may positively impact upon desistance, by reducing anti-social capital (Hucklesby, 2008). This may be achieved by breaking ties with those who have perpetuated unhelpful behaviour alongside developing or maintaining positive ties with others. Reducing anti-social capital may be encouraged by forming new routines prompted by the curfew, which requires individuals to remain indoors during times where they may previously have been away from their home. The advantage of EM in breaking anti-social ties and developing more positive routines has been recognised by probation staff and sentencers (Mortimer et al., 1999; Walter, 2002) as well as offenders themselves (Hucklesby, 2008). Monitored individuals have repeatedly stated that the curfew allowed them time to reflect on their behaviour, leading to them making changes

towards desistance (Hucklesby, 2008; 2013b; Vanhaelemeesch et al., 2014). However, it is unclear whether lifestyle and attitude changes can only be made where pro-social capital already exists. Dodgson et al. (2001) found that failure to adjust to the curfew resulted in monitored individuals breaching the curfew rather than changing their behaviour to accommodate it. Furthermore, even where lifestyle changes are made during the curfew, it is unclear how well any changes can be sustained after the curfew has ended, calling into question the long term benefits of EM on desistance (Hucklesby, 2008).

As well as considering EM from the perspectives of punishment and rehabilitation, it is also important to consider its role in compliance. The purpose of EM when used alongside a curfew is to provide evidence that the curfew is being complied with. EM itself only has that one purpose. The use of technology distinguishes the curfew requirement from compliance with other requirements by providing a level of certainty which is absent with other requirements. Research on experiences of EM shows that the main factor in motivations for compliance was the risk of being caught (Hucklesby, 2009). The consequences for non-compliance were also important as those who anticipated severe consequences, which mainly related to imprisonment, stated that avoiding consequences was the primary motivation for compliance (Hucklesby, 2009). Certainty was also an important factor in motivations for compliance. Monitored individuals had to believe that non-compliance would always be detected and responses would be speedy (Hucklesby, 2009). This has implications both for the technology and the personnel involved. In relation to the former, the importance of having correctly functioning equipment was found to be pivotal in compliance. In early studies when EM was first introduced, there were numerous problems with the

functioning of the equipment, meaning that it became very difficult to detect genuine instances of non-compliance (Mair and Nee, 1990). This undermines compliance as monitored individuals are able to blame technology for non-functioning properly to avoid consequences for non-compliance. In later studies, technology had improved significantly and there were greater levels of faith in its effectiveness among monitored individuals (Hucklesby, 2009). Certainty also relies on personnel to respond reliably and promptly to any detected non-compliance. Research showed that a quick response to non-compliance prevented an escalation of further non-compliance (Hucklesby, 2009). Monitored individuals had to believe that they had to face consequences to non-compliance for EM to act as a deterrent.

The role of others in compliance was also identified in EM research. It was found that others, particularly those who lived with monitored individuals, could have both positive and negative effects on levels of compliance (Hucklesby, 2009). Some reported the positive influences of others on compliance, including those who took on a 'policing role' to ensure that monitored individuals were at home for the start of their curfews and taking on additional chores that monitored individuals could not do during curfew hours (Hucklesby, 2009). However, just as EM was found to have both positive and negative effects on relationships, negative relationships also had an adverse effect on compliance, with non-compliance more likely as a result of arguments.

2.4 Concluding comments

This chapter has outlined the origins and development of EM in England and Wales and considered what is known about how EM is experienced. A number of points can be concluded from understanding the policy context of EM. Crucially,

women have been ignored in policy and legislative developments of EM. One repeated theme in the development of EM is the fact that it was implemented and then expanded upon in the context of being 'tough on crime' (Newburn, 2007). EM has been repeatedly presented in law and policy as a tough punishment, both at its introduction in the late 1980s, throughout distinct political eras and amidst government changes and shifts in focus in criminal justice. As a community sentence, EM has always and continues to sit alongside probation rather than being integrated as part of it. This is primarily because EM has always been implemented by private sector companies, something resisted by probation. Furthermore, the distinct and often contradictory foci of probation and EM, as rehabilitation and punishment respectively have been identified in the chapter as possible factors in the limited integration.

Chapter 3 : Women's experiences of community sentences

In recent years, female offenders have been the subject of increasing attention in criminal justice, reflected in the number of reviews and reports addressing women's offending and experiences of the criminal justice system. Taken together, these reports have constituted a 'new response to women offenders' (Hedderman, 2011: 26: 26; Worrall, 1989), as they all recognise that women differ significantly from men in terms of the offences they commit and the reasons why. This marks a departure from the previous approach to women offenders, where women's criminal behaviour was rarely discussed (Heidensohn, 1968; Smart, 1976). The development of feminist criminological approaches has produced a body of literature which identified differences and examined how they should be responded to. This has been furthered by research which has focussed on women alone and has developed literature which identifies that women differ to men in characteristics which are regarded as being associated with offending. Feminist criminological approaches recognise that the differences are attributable to gender. Gender roles derive from socially constructed labels which Daly and Chesney-Lind (1988) argue come as a result of masculine dominance over women, based on differences between men and women in nature, interests and talents. Therefore, while biological sex differences may underlie gender roles, it is the way in which these differences are constructed socially that have the effect of masculine dominance and the notion that masculinity is superior to femininity (Daly and Chesney-Lind, 1988).

This chapter seeks to examine responses to female offenders within community sentences and the principles underpinning them. This includes both gender-

neutral and gender-responsive approaches. Following this, the chapter will consider the extent to which responses to women offenders have an impact on women's experiences of community sentences. This is an important foreground to the study as it reflects upon how the delivery of sentences may influence experiences. However, it is necessary to first examine the differences between female and male offenders by considering their offending characteristics and criminogenic needs.

3.1 The characteristics of female offenders

3.1.1 Offending characteristics

This section provides an account of adult women's offending in England and Wales. As discussed below, the factors inherent in women's offending demonstrate that as a collective, women are less 'risky' than men. This is significant because risk is a dominant theme in criminal justice and is assessed under the Offender Assessment System (OASyS) pre-sentence, at the beginning of a custodial or community sentence and at regular intervals thereafter (Moore, 2015). A number of factors are assessed to determine criminogenic needs, the likelihood of reconviction and the risk of serious harm that an offender poses. These factors are categorised as either dynamic or static factors. Dynamic factors such as drug use, mental health problems and problems with relationships, are possible to alter (Moore, 2015). In contrast, static factors, such as previous criminal histories, cannot be changed, (Hedderman, 2004). There are significant differences between men and women in terms of dynamic factors, termed as criminogenic needs as female offenders generally have fewer static factors (see below).

Heidensohn (2002: 491: 491) observes that “[women] commit a small share of all crimes... [and] their crimes are fewer, less serious, more rarely professional, and less likely to be repeated...” The fewer number of offences that women commit is reflected in statistics on arrests and convictions. In 2017/18, 15 per cent of the total number of arrests involved women (Ministry of Justice, 2018c). Furthermore, women made up 26 per cent of all prosecutions in 2017, whereas men accounted for 74 per cent (Ministry of Justice, 2018c). Women are convicted of fewer offences than men in the vast majority of offence categories, committing a higher proportion only in a limited number of less serious and non-violent offences (Ministry of Justice, 2018c).

Offences that women most commonly commit are distinct because of their connection to the domestic sphere (McIvor, 2007). This includes the failure to pay for a television licence, which is overwhelmingly committed by women. In 2017, women made up 69 per cent of prosecutions for failure to possess a TV licence, compared to 31 per cent for males (Ministry of Justice, 2018c). A similar pattern was found with the offence of failing to send a child to school, where 72 per cent of all those convicted were women (Ministry of Justice, 2018c). There are also similarities between men and women in the types of offences they commit. Theft from shops was the most common indictable offence committed by both men and women. However, it made up 38 per cent of indictable offences committed by women, but 17 per cent for men (Ministry of Justice, 2018c). This supports the assertion that women are less ‘risky’ than men. This includes the fact that women are also less likely to re-offend and more likely to be first time offenders. For example, in 2017 34 per cent of women who were cautioned or convicted had not

been arrested previously, compared with 21 per cent of men (Ministry of Justice, 2018c).

3.1.2 Criminogenic and other needs

Whereas the characteristics outlined above demonstrate that women are considered less 'risky' than men, they are considered more 'at risk' as a result of offending-related needs (Hannah-Moffat, 2004). In addition to those outlined above, other factors include holding anti-social attitudes, weak (pro) social ties, financial difficulties, unemployment and low educational attainment (Hedderman, 2004). Similarities and differences between male and female offenders in relation to criminogenic needs have been examined, and it has been suggested that although men and women have similar criminogenic needs, the differences between men and women lie in the varying magnitude of the needs and the way in which they affect offending (Hollin and Palmer, 2006). Furthermore, research has found significant differences between men and women in their experience of certain criminogenic factors, such as mental health issues (Palmer, Jinks and Hatcher 2010) and family relationships (Hedderman, 2004; Palmer et al., 2010). Travers and Mann (2018) identified that binge drinking, poor family relationships and poor temper control were all dynamic risk factors which were more influential on women than men.

However, the extent to which it is appropriate to use this categorisation for women has been questioned, most notably because the categories were initially created and implemented without any reference to women (Hannah-Moffat, 2004; Rumgay, 2004a). Daly and Chesney-Lind (1988) have termed the situation where research findings from studies with a wholly male sample are applied to women, the 'generalizability problem'. As Rumgay (2004a: 101: 101) contends, "Men, it

seems, are 'people' and thus speak for us all; women are unnecessary to that conversation." Issues are created when generalised assessment tools are applied to populations other than the mainstream, which is white males. This is because diverse populations are often marginalised and the impact of their experiences of offending behaviour is not accounted for (Shaw and Hannah-Moffat, 2004). Therefore, the use of criminogenic needs with female offenders may not be effective in reducing the rate of offending for women compared to men (Hedderman, 2004). In addition, where used to assess the risk of re-offending, criminogenic needs may lead to inaccurate results for female offenders. In their study in Scotland, Barry and McIvor (2010) found many women were ranked as having a high or very-high risk of reoffending as a result of factors including a high level of unemployment, mental health problems and low educational achievement. This affects the type of sentence and the length of the sentence. Therefore, being categorised as higher risk on the basis that women have more needs may result longer and more severe sentences than perhaps their offending behaviour warrants.

Women may experience dynamic factors such as family relationships differently to men as a result of their position in the domestic sphere (Hedderman, 2004) which has been linked to offence types that women most commonly commit. Heidensohn (1989) attributes differences to social factors rather than biological sex differences. Carlen (1986) explored the link between crime and poverty among women and argues that for many women, committing crime was a necessity rather than a choice, which derived from the circumstances women found themselves in. This suggests that offences are committed on the basis of financial need, defined as 'economic rationality' (Heidensohn, 1989). The

'feminisation of poverty' is a term which describes women's involvement in economic crime (Davies, 2003b). Women are depicted as victims who are propelled into crime in order to provide for their families (Davies, 2003b). This rational basis for committing crime is not more prevalent in women because of biological sex differences, as (Heidensohn, 1989) argues, men are just as likely to commit property offences due to economic need. Rather, women find themselves in worse poverty than men due to the burden of responsibility for children, and the limited ability to obtain money from legitimate sources, such as employment (Carlen, 1986). This is supported by findings from Scotland which identified that women were adversely affected by changes the UK government made to benefits to a greater extent than men, mainly due to the reduction or withdrawal of benefits relating to the care of children (Scottish Government, 2013). Furthermore, women have been most affected by austerity measures introduced in 2008. This is mainly because they are more likely to rely on public services, make up the majority of the public sector workforce and are relied upon to provide unpaid care when services are reduced (Reis, 2018).

An example of the feminisation of poverty can be seen in respect of failing to pay a television licence which, as noted above, is an offence for which women are predominantly convicted. Research concluded that poverty was the primary cause for this offence, and an increase of convictions during the 1980s and 1990s for women was because they became poorer as a result of lone parenthood, marital breakdown and old age (Pantazis and Gordon, 1997). Other factors highlighted by Pantazis and Gordon (1997) were that women were more likely to be responsible for paying bills and they are more likely to be at home during the day when the television licensing officer make enquiries. Both of these factors

illustrate women's responsibilities in paying domestic bills and the fact that they are more likely to be in the home rather than working. Other themes connected with this are the pressures of childcare, low levels of education, limited work experience and job prospects and the prominence of previous experiences of abuse and victimisation (Heidensohn, 1996). Rumgay (2000) discusses that these factors have such a bearing on women's offending that they are inextricably linked to offending.

3.1.3 Sentencing

The vast majority of sentencing for men and women took place in the magistrates' courts in 2017 (Ministry of Justice, 2018c). Fines made up 84 per cent of all sentences to women, whereas they made up 68 per cent of all sentences given to men (Ministry of Justice, 2018c). Although fines made up the largest type of sentence for both men and women, proportionally more women received fines than men (Ministry of Justice, 2018c). Furthermore, five per cent of all women sentenced in both courts were given a community order, as opposed to ten per cent of men, demonstrating that there are significantly fewer women who serve community orders than men. The offences which resulted in a community order also differ in relation to gender. In 2018, women more commonly received a community order for theft whereas men more commonly received a community order for summary motoring offences (Ministry of Justice, 2019a). Of all the requirements that were imposed in 2017, the rehabilitation activity requirement¹ was the most frequently used for both men and women, but a higher proportion of women received this requirement (46 per cent) compared to men (36 per cent)

¹ The rehabilitation activity requirement superseded the supervision requirement in 2015. Supervision is referred to in the thesis as the fieldwork pre-dates the change.

(Ministry of Justice, 2018c). In contrast, the unpaid work requirement is used in the opposite way. In 2017, 36 percent of men received the unpaid requirement, compared with 24 per cent of women (Ministry of Justice, 2018c). Proportionally more women received a curfew requirement than men, at 14 per cent and 11 per cent respectively (Ministry of Justice, 2018c). Patel and Stanley (2008) have suggested that this demonstrates a possible gender bias in the use of community sentences (discussed further below).

In June 2019, 3,746 women were in prison, compared to 78,862 men (Ministry of Justice, 2019b). Furthermore, 77 per cent of women were sentenced to prison sentences under 12 months, compared to 62 per cent of men (Ministry of Justice, 2018c). These statistics may appear *prima facie* to suggest that women are treated more leniently than men, particularly given that women seem less likely to receive a custodial sentence. However, Hedderman and Hough (1994) point out that while women do appear to receive more lenient sentences, they may not be lenient enough to accurately reflect their less serious offences. Discrimination is not clearly identifiable in sentencing and neither are the reasons why the differences exist (Hudson, 1998). Hedderman and Gelsthorpe (1997) identified further differences between sentencing of particular offence types for men and women, by considering three offence types, violent offences, shoplifting and drug offences. They found that shoplifting prompted a custodial sentence more for men than women, regardless of whether they already had criminal convictions (Hedderman and Gelsthorpe, 1997). The differences between sentencing decisions for men and women are discussed further below.

3.1.4 Reflecting on the characteristics of female offenders

The discussion above has focussed on the characteristics of women as a group, but this is subject to some important clarifications. Firstly, it is important to recognise that women are not a homogenous group and should not be regarded as such. The category of female offender has many intersections such as ethnicity, age and social class, all of which resonate with women's experiences of the criminal justice system (Burgess-Proctor, 2006; Evans, 2017). Subsequently, typical offences outlined above do not represent the experiences of every female offender, neither do the reasons for committing crime accurately portray the circumstances of all female offenders. For example, while women may commit crime to alleviate poverty, others may commit economic crimes with motivations which are closer to those typically held by men, such as through rational choice and for personal gain (Davies, 2003b).

Furthermore, as Heidensohn (2002) points out, women are convicted of every offence category, and are convicted as accomplices in crimes which are legally impossible for women to commit. This shows that there are many similarities in offences that men and women commit. Poverty, as discussed above, may also be a contributory factor in male offending, and there are similarities between men and women in criminogenic factors. This raises the question of whether it is appropriate to consider women as a group. Carlen (1994) argues that dimensions such as gender, ethnicity, age and social class all have an impact on experiences of the criminal justice system, but that it is possible to examine experiences from the position of just one dimension without considering it more important than other intersections.

3.2 Responding to women's differences in community sentences

In 2017, 13,212 women were given a community order making up 17 per cent of the total number of offenders given community orders overall (Ministry of Justice, 2018c). These figures demonstrate that women are a minority in all community sentences, and raises the issue of how best to respond to women serving community sentences. Daly and Chesney-Lind (1988) label this 'the gender-ratio problem'. Along with examining why women commit so few offences, this term is also used to describe the difficulties of responding to the low number of women in the criminal justice system. As the sections below outline, there have been different responses to this issue in policy and practice for community sentences in England and Wales.

3.2.1 Delivering 'gender neutral' justice

One response to female offenders is to deliver 'gender neutral justice' (Worrall, 1990b), where difference on the basis of gender or any other dimension is not taken into account in sentencing or in the delivery of community sentences. The purpose of this approach is to deliver an 'equal' standard of justice, so that no group is punished more or less severely than any other group. This approach may have an advantage for female offenders, however, there are also some fundamental drawbacks. One advantage of gender neutral justice is that it avoids the risk of up-tariffing female offenders. This is a particular concern as sentences reflecting the traditional approach of community sentences by being led by principles of welfare and rehabilitation may have been regarded as most appropriate for female offenders by sentencers (Hudson, 2002). Up-tariffing occurs by attempting to meet women's needs through imposing more severe

sentences than the offence may warrant, including custody (Birkett, 2016; Carlen, 1983; Heidensohn, 1996; Horn and Evans, 2000). As a result, women risk being higher in the sentencing scale for less serious offences, or they may enter onto the sentencing scale as a first time offender at a higher level than their male counterparts (Hudson, 2002; Sentencing Advisory Panel, 2010). Therefore, there is an increased risk that any breaches of community orders might result in custodial sentences at an earlier interval for female offenders. Such risks are mitigated by adopting a gender-neutral approach.

Furthermore, women's experiences of the criminal justice system may be affected by the presence of the female stereotype and the delivery of gender-neutral justice may also reduce its effect. Stereotypes are defined by Hutter and Williams (1981: 16: 16) as "a complex set of shared images and conceptions which denote the general characteristics and appropriate behaviour of a given group in society". Stereotypes surrounding the notion of gender centre around the constructs of masculinity and femininity (Barton, 2005). Although such constructs could be regarded as stereotypes that apply to both genders, they are not applied in the same manner. Whereas male stereotypes are multiple and apply to different types of men, the female stereotype is much narrower and refers to a certain type of women which is considered normal. Barton (2005) notes that the term 'masculine' refers to a particular type of man with a set of characteristics which are not expected to be inherent in all men. Femininity, on the other hand, is defined by Barton (2005) as a term which is applicable to all women, there being no possibility of a woman deviating from this stereotype and still being considered normal. This produces difficulties for women who do not meet the female stereotype. Furthermore, Carlen and Worrall (1987) argue that the concept of

femininity has contradictory features. Whereas women are expected to conduct roles of caring and nurturing, they are also themselves considered to be in need of care and protection. They contend that women are considered 'normal' on the basis of their levels of domesticity, their responses to their own sexuality and their pathology. Carlen and Worrall (1987) argue further, that there is no category of a 'normal' woman; rather women differ in their degree of normality according to domesticity, sexuality and pathology.

Managing the female stereotype within criminal justice is problematic as criminality is not considered a feminine attribute. Rather, criminality is essentially masculine in its nature (Worrall, 1990b), as a result of women's positions in society which is controlled by the burden of responsibilities at a domestic and informal level (Heidensohn, 1996). Furthermore, Heidensohn (1996) argues that women are controlled to a greater extent to men within the public sphere, where many offences are committed. This is exacerbated by the low numbers of women who commit offences and are present in the criminal justice system (Heidensohn, 1996). Subsequently, a situation arises where women are regarded as 'doubly deviant' (Heidensohn, 1996). Not only have they committed an offence, an act which stands in opposition to the behavioural rules of society, their behaviour also opposes the female stereotype, and the view of the 'normal woman'. To manage the contradiction between criminality and the female stereotype, female offenders are regarded as 'not women' or 'not criminals' (Worrall, 1990b). Worrall (1990b) argues that women are then offered the opportunity to neutralise their criminal behaviour by entering into an unspoken 'gender contract'. By this, she means that women allow themselves to be represented according to their domesticity, sexuality and pathology, as a means to explain the reasons why they committed

crime. The women in Worrall's study were categorised according to whether they were considered to be 'good' mothers, wives and daughters, whether they had made 'unwise' choices with regard to their choice of men, and whether they had psychiatric problems. Worrall (1990b) stressed the importance of the perceived compliance to these stereotypes in the sentences which they receive, over the actual crimes that were committed. She draws the distinction between a woman who had murdered her sister but who was represented as a 'typical teenager' and a 'good daughter', and a woman who had stolen a jar of coffee and had pleaded not guilty as she had claimed to be in a confused state as a result of psychiatric therapy, but appeared articulate and lucid at court. The result was a sentence of probation for the former but an order to continue with psychiatric treatment for the latter. This appears to demonstrate the power the representation of women according to normal categories of behaviour over the seriousness of the offences that they commit.

This suggests that the way in which women are represented in relation to the female stereotype has an effect on the type and severity of sentence that they receive. If women allow themselves to be represented as 'not criminal' rather than 'not women', there is an argument that they will be regarded differently and treated differently by those working in the criminal justice system. However, not all women agree to being represented in a way which presents their lives to criminal justice agencies in terms of their domesticity, sexuality and pathology. There are some who reject these labels as a result of specific traits, for whom it is not possible to present as complying with the feminine stereotype and these women are 'problematized' (Carlen, 2002). Carlen (2002: 8: 8) describes such women as "those who have been brought up in the state's institutional care, have

transient lifestyles, have their own children already in state guardianship, are living outwith family and male-related domesticity, or are members of ethnic minority groups.”

Adopting a ‘gender neutral’ approach may lessen the influence of gender on decisions in criminal justice, but there are also problems associated with it. One consequence of failing to acknowledge women’s differences is that they risk becoming less visible within the criminal justice system. For this reason, gender-neutral approaches have been criticised for being gender-blind (Birkett, 2016; Hannah-Moffat, 2010; Holly, 2017; Player, 2013). For example, Gelsthorpe and Loucks (1997) found that many magistrates claimed to rarely see women in court, despite the fact that at the time, one in every six offences was committed by a woman. This is echoed by Worrall (1990b), who also found that criminal justice personnel stated that they had no knowledge about women offenders, despite having to deal with them. This is the result of a refusal to acknowledge gender, by adopting the position that women are all different and cannot be categorised (Worrall, 1990b). The consequence of this is that women are rendered ‘invisible’ in the criminal justice system (Worrall, 1990b). With regard to community sentences, a gender-neutral approach may result in the failure to address women’s needs while they are serving their sentences.

Furthermore, there are difficulties with any approach which is governed by administering equal treatment. This is not only relevant when discussing gender neutral justice but also has resonance with alternative approaches (see below). Equality is the basis for a liberal feminist perspective, which is arguably the most influential feminist perspective within criminology and within the criminal justice system (Walklate, 2004). This is essentially because there is no rejection of the

current legal and criminal justice systems as such, rather a pursuit of laws which promote equality within civil rights, health, employment and education (Heidensohn, 2002). The importance of the equal treatment of female offenders is a prominent concern from a liberal feminist perspective, to ensure that women are not treated unfavourably on the grounds of gender.

However, issues lie in the way equality and equal treatment are defined. Heidensohn (1986) argues that providing equality of opportunity and access to services for women may be attempted through the development of laws and policies. Nevertheless, it cannot be realised due to the built in inequalities in women's lives, including sexual inequality, the narrow stereotyping of women and the distribution of power (Heidensohn, 1986). This is significant for female offenders, as existing inequalities such as poverty, have been identified as one reason why women commit crime (Carlen 1989). Furthermore, there is no recognition of differences in the degree of pain or deprivation that offenders may experience from punishments (Carlen, 1990). The impact for women is that sentences may be experienced more severely than they are by men, so in effect, women are being sentenced more harshly because they experience more pain and deprivation than men. Similarly, Smart (1989) draws the distinction between equality and difference, and how these have been considered in law. Hudson (2002) has argued that equality in law and in particular in sentencing does not take into account the fact that although women may exercise rational choices to the same extent as men, their range of choices is far more limited. As a result, although provisions can be made to ensure equality of opportunity, this does not reflect an equality of impact in the way women experience community sentences.

3.2.2 Adopting ‘gender-responsive’ approaches

As feminist criminology has developed, calls have increased to implement criminal justice practice which address the issues faced with the delivery of ‘gender neutral’ justice. As Evans (2017) observes, the focus shifted from identifying how female offenders were distinct from men to examining how the criminal justice system can accommodate women better. For example, following a review of community sentences, Gelsthorpe et al. (2007) concluded that they are designed and implemented with men in mind rather than women, as a result of the low numbers of women in the criminal justice system. This leads to questions about the suitability of imposing ‘man made law’ on the lives of women and the potential for negative impacts on women’s lives (Naffine, 2019). One such approach is to deliver ‘gender responsive’ justice. Covington and Bloom (2007) set out some defining principles of gender responsiveness, which include the rejection of gender neutrality as a central focus. They argue for a recognition of the impact of gender on experiences of the criminal justice system and an understanding of the ways in which female offenders may be distinct. Covington and Bloom (2007) envisage gender responsive services engaged in holistic provision for female offenders, within a safe women-only environment. The aim of provision should be on addressing criminogenic and social needs in order to assist successful reintegration into society following conviction.

The extent to which recent developments in criminal justice have reflected gender responsive justice is discussed below. However, although such an approach seeks to remedy potential issues caused where gender is disregarded in criminal justice, the use of gender responsiveness has also been the source of critique. The focus on gender carries with it an acceptance that fundamental differences exist

between the experiences of men and women in the criminal justice system (Hannah-Moffat, 2010). This overlooks the fact, as discussed above, that female offenders do not constitute a homogenous group. The risk of focusing solely on gender is that there is little scope to appreciate similarities which may exist between the experiences of male and female offenders (Neale et al., 2014). As discussed above, it also risks overlooking other aspects of women's lives which are fundamental to their experiences, including ethnicity, sexuality and socio-economic position.

Furthermore, women have been presented in relation to their differences from men, which have been drawn upon to argue that they need distinct treatment (Evans, 2017). By doing so, there is a risk that the existing male norms relating to offending behaviour and experiences of the criminal justice system are simply replaced by alternative norms which women are expected to adhere to (Evans, 2017). This mirrors Heidensohn's (1986) Persephone model of criminal justice, presented as an alternative approach to female offenders. The Persephone model is built upon feminine values and characteristics of caring, responsibility and cooperation, rather than masculine values of rights and rationality. Furthermore, to avoid measuring the progress of women using a male benchmark, or against 'man-made' stereotypes of femininity, the focus is on improving the position of women to the situation they are currently in (Heidensohn, 1986). As with gender responsiveness, the Persephone model leaves some unanswered questions, which Heidensohn (1986) recognises. They reflect a wider discussion about the idea of a feminist jurisprudence defined by Smart (1989: 69: 69) as a legal framework "which presumes an identifiable unity of law, hence basic principles of justice, rights or equity are presumed to underpin all

aspects of law". The problem identified is the notion that there is, and should be, just one set of principles, albeit feminist, which underpins a legal framework (Carlen, 1990; Smart, 1989). The danger therefore is that while one set of principles is replaced by another, the issues surrounding power remain constant. Therefore, those who are identified as providing the benchmark in any jurisprudence have their needs met by the legal framework, whereas those identified as 'other' in any way continue not to have their needs addressed. Similarly, Heidensohn (1986) recognised that while it is conceivable to have a separate system for women similar to the way in which there is a separate system for young offenders, the problem lies with who would control such a system, which she argued would be the role of men. In addition, Heidensohn (1986) raises the issue that a Persephone model would not be approved by men to act as a universal system which would assess men according to feminine morals and values.

Furthermore, Evans (2017) argues that adopting a gender-responsive approach can be useful for policy makers and practitioners as they allow an understanding that women's experiences may be distinct and should be taken into account. However, this only seeks to improve efficiency in existing systems, rather than addressing the fundamental issues which underpin such differences in experience. This argument resonates with the criticism of developing policies on the notion of equality, as the use of equality as a benchmark is itself problematic. Heidensohn's (1986) Portia model of criminal justice defined a system based upon masculine values such as rationality and individualism, in which women aim to have the same rights as men. Subsequently, there is no endeavour to alter the existing legal and criminal justice systems, rather, the focus is to amend current

systems so they address issues of equality. This means that a male benchmark remains against which women are 'measured' and there is no challenge to the dominance of masculine values within the system (Heidensohn, 1986). It can be argued that gender responsiveness replicates this approach by focussing upon helping women to overcome their difficulties caused by their existing circumstances without seeking to change the criminal justice system or systems in wider society within which women are bound (Evans, 2017).

3.3 Policy responses to female offenders

Having outlined possible responses to female offenders in the criminal justice system, the remaining part of the chapter examines the presence of these responses in community sentences and their possible impact on women's experiences. Developments since the turn of the century might suggest that the needs of female offenders have become more visible in criminal justice policy and practice. This is illustrated by a number of reviews and reports on female offenders, both by governmental bodies and by independent organisations. These reviews have focussed on women in prison in particular, but have a wider relevance for women's needs while serving community sentences. While the reports share the view that female offenders are different to male offenders, developments are also tempered by elements of existing provision which take a gender-neutral approach.

The principle of equality featured in numerous reports on female offenders during the 2000s, reflects the Portia model of criminal justice (Heidensohn, 1986). For example, the Prison Reform Trust conducted an inquiry in relation to women's imprisonment, known as The Wedderburn Report (Wedderburn, 2000). This

considered women's experiences of prison, along with their criminal profiles and characteristics. The approach to female offenders was presented by interpreting the existing legislative and administrative framework, which at the time, was governed by the Criminal Justice Act 1991 (Wedderburn, 2000). By doing so, the report sought to maintain the existing framework and with it, a world view of the middle class white male. However, other elements of the report focus on citizenship and its responsibilities as a focus in sentencing, which appears to reflect values consistent with the Persephone model. Furthermore, the Wedderburn Report (Wedderburn, 2000) also focused on reintegration and inclusion of female offenders following a conviction or a custodial sentence, and considered the usefulness of community support centres, an idea which has been considered before (Carlen, 1990) and exists in a sense with the growth of 'one-stop shops' for female offenders (considered below). These again reflect feminine values such as cooperation and responsibility associated with the Persephone model.

While the Wedderburn report focussed on sentencing equity, the subsequent Women's Offending Reduction Plan (WORP: WORP: Home Office, 2004) was influenced by principles of equality. Similar to the Wedderburn Report, WORP rejected a gender-neutral approach, instead acknowledging that experiences of female offenders may be distinct. However, the focus on equality was clear in the report by stressing that there was no suggestion that female offenders should receive 'preferential treatment' (Home Office, 2004: 5: 5). This reflects an approach to justice which is consistent with the Portia model, attempting to ensure that female offenders experience the criminal justice system in the same way as men. One drawback of the WORP was that it failed to provide any real

outcomes beyond reducing the number of reconvictions and was limited in the extent to which it could suggest alternatives to the existing system (Hedderman et al., 2011).

Shortly before WORP was published, the Commission on Women in the Criminal Justice System was founded in 2003 and ran until 2009, with the aim of gathering information from the perspectives of offenders, practitioners and victims (Fawcett Society, 2009). The commission was established by the Fawcett Society, a charity with foundations in a liberal feminist approach which promotes principles of equality. It sought to achieve equality for female offenders within the existing legal structures (Fawcett Society, 2005). This objective was achieved with the introduction of the Equality Act 2006 and subsequently the Equality Act 2010. The latter imposes a legal duty that all public sector authorities must ensure equality of opportunity between persons who share a 'relevant protected characteristic' and those who do not. (Equality Act 2010 S149 (b)). Sex is listed as a relevant protected characteristic (Equality Act 2010 S149(7)). The duty ensures that public authorities, including those in the criminal justice system, must remove or minimise any disadvantages which are suffered as a result of the sex of a person (S149 (3)). The legal provisions refer specifically to equality of opportunity and require the provision of community sentences to take account of differences that women may have. However, the effect of the Equality Act is limited to making community sentences available as a sentencing option to women, rather than responding to differences in impact of the sentences on women's lives.

The subsequently published Corston report (Corston, 2007) appeared, *prima facie*, to be a change in approach from the reports discussed above. Rather than being cautious to explain that female offenders should have the same

experiences as male offenders, Corston (2007) called for a radical approach to female offenders. She called for an end to prison for women in its existing form and a greater use of community sentences. This contrasts with the emphasis on no 'preferential treatment' for female offenders in the Women's Offending Reduction Plan. Instead, the Corston report repeatedly called for "a distinct, radically different, visibly-led, strategic, proportionate, holistic, women-centred, integrated approach" (Corston, 2007: 79: 79). Again, it recognised that the needs of women offenders were distinct by providing a review of women 'with particular vulnerabilities' in the criminal justice system (Corston, 2007). This was interpreted widely, and included three categories of vulnerability; as a result of domestic circumstances, personal circumstances and socio-economic factors (Corston, 2007). However, whilst the Corston report called for a radically different approach to female offenders, it was still envisaged that such an approach would be conducted within the existing frameworks, thereby reflecting the Portia model. In principle, the Corston report endorsed the development of a ministerial group headed by a 'women's champion', which would have responsibility for coordinating services for female offenders and women at risk of offending. This might suggest a move towards a separate system for female offenders, which may possibly be governed separately and thereby reflecting the Persephone model. However, it was envisaged that such a group would operate within the existing framework. Moreover, the Corston report, in a similar vein to previous reports, referred to principles of equality and ensuring that women experience justice in the same way as men. However, Corston (2007) also argued that equality of impact should be recognised by presenting a radical and markedly different approach from male offenders. One example is in the breach procedures

of community orders, where Corston (2007) argued that breaches should be handled with more tolerance and flexibility, and more understanding of the factors which may contribute to the breach, such as domestic responsibilities and personal issues such as low self-esteem and a mistrust of service providers, which may contribute to a failure to complete sentences. Therefore, while the Corston report appears to have adopted a stronger, more radical approach to female offenders and those at risk of offending, it fell short of rejecting the dominant male legal framework.

Elements of gender-responsivity, reflecting the Persephone model, have increasingly been entwined within policy and practice in recent years. One example is the introduction of one-stop shops as a response to women's offending, and particularly the Together Women project (TWP) which was set up as a government funded demonstration project by the Women's Policy Team (Hedderman, 2011). The objective of TWP was to provide support for women offenders and those at risk of offending (Hedderman et al 2008). They developed the work of other 'one-stop shops' aimed at providing similar support services to women offenders but which are run as charities, such as the Asha Women's Centre in the West Midlands (Gelsthorpe, 2007) and Centre 218 in Scotland (Loucks et al., 2006). These centres increasingly became a part of the response to women offenders, encouraged through the introduction of NOMS, and in particular the feature of 'contestability' which opens up the ability for services to be delivered in partnership with charitable bodies (Gelsthorpe, 2011). Further endorsement of the use of community provisions for women in the form of 'one-stop shops' was made in the Green Paper "Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders" (Ministry of Justice,

2010). Within this, the government signalled its desire to significantly reduce the use of prison, in favour of community alternatives. Taken together, it can be argued that the use of one-stop shops for female offenders provide an example of gender-responsive justice, reflecting the Persephone model of justice by promoting feminine values such as caring, developing personal relationships, responsibility and cooperation.

Despite the change of focus signalled by the Corston report and the expectation of significant changes to women's experiences of the criminal justice system, the legacy of the Corston report is mixed and has not led to long term changes which were anticipated (Player, 2013; Women in Prison, 2017). The campaign organisation Women in Prison (2017) compiled a report tracking progress of all of the recommendations in the Corston report ten years after it was published. They noted that despite Corston's focus on reducing the use of prison only to women who had committed serious violent offences, its use continued for minor, non-violent offences committed by women who posed no risk to the public. Furthermore, a report by HM Inspectorate of Probation (2016), criticised the lack of progress in community provision for women, underpinned by a lack of strategic focus on women. This includes the deterioration of the TWP network. Although TWP centres were still running, the number of centres was diminished due to the withdrawal of central funding, which had been devolved to probation trusts without being ring-fenced (HM Inspectorate of Probation, 2016; Women in Prison, 2017).

One reason for the lack of progress was the development of the Transforming Rehabilitation agenda which had a significant impact on probation practice and the delivery of community orders (see Chapter two). Female offenders were only

briefly mentioned in the initial Transforming Rehabilitation consultation report (Ministry of Justice, 2013a, p17, p17), stating the need for future provision to meet the 'specific needs and priorities' of women. This signalled a move away from the gender-responsive principles promoted in the Corston report, with the focus instead on delivering services in a cost effective way with the primary aim of saving money (Annison et al., 2015; Ministry of Justice, 2013a). This theme continued in the subsequent consultation response (Ministry of Justice, 2013b), where women's needs were recognised to some extent but responses lacked detail. Female offenders were discussed in relation to their complex needs and backgrounds along with a greater likelihood of caring responsibilities and histories of abuse (Ministry of Justice, 2013b). Women were also recognised as more likely to be low risk and therefore more likely to access service provision from CRCs. How these differences should be responded to was not made explicit, stating only that they should be accommodated (Annison et al., 2015). It appears that, although the needs of women were being recognised in policy, there was still some reticence over stating explicitly how differences should be responded to.

In 2018, the Ministry of Justice published a 'Female Offender Strategy' (Ministry of Justice, 2018a). This directly addressed the issue of imposing short prison sentences on low-risk women who committed non-violent offences, offering the increased use of community provision as an alternative. The report proposed a number of measures to be piloted or improved, many of which already existed within probation practice in some form in the past. This includes piloting residential women's centres and improving accommodation and increasing the use of treatment requirements (Ministry of Justice, 2018a). Among these

proposals was the suggestion to pilot the use of GPS EM with women specifically and develop the use of electronically monitored curfews. This was the first time that policy had referred directly to the use of EM with women in England and Wales. However, the established pattern of developing EM policy with little reference to research evidence (See Chapter two) appears to have been repeated here. This includes no research specifically on women's experiences, replicating the ongoing pattern of policy failing to take differences of female offenders into account. Instead, the report quoted a number of developments in the use of EM technology and suggested their possible use with women. Electronically monitored curfews were presented as a means to provide more 'support' to women if used creatively. This was suggested on the basis that it could 'improve outcomes when used in conjunction with interventions that contain rehabilitative components' (Ministry of Justice, 2018a, p23, p23). No mention was made of standalone curfews. Furthermore, the use of EM for other purposes, including alcohol monitoring, was signalled as a possible area for future development with female offenders. In contrast to the role of EM as 'support' the use of GPS EM was also outlined as a means to 'manage' women in the community (Ministry of Justice, 2018a).

The Female Offender Strategy was underpinned by a gender-responsive approach (Ministry of Justice, 2018d). However, it replicates previous approaches to female offenders by focussing on delivering change to the women themselves without addressing structural issues which contribute to their offending. The focus was centred upon women's lives, their identities, family relationships and social capital, along with their mental health and substance misuse (Ministry of Justice, 2018d). This built on the approach detailed in

previous policy documents (National Offender Management Service, 2015). The use of women's centres using multiple agencies from the public, private and third sectors also allowed the provision of a 'whole-system approach' (Kinsella et al., 2015; Ministry of Justice, 2018d).

The current direction of policy on responses to female offenders appears to focus on delivering sentences specifically for women. The differences outlined above between male and female offenders warrant a consideration of whether female offenders should be treated differently. There are conflicting issues here as it could be argued that the move to offer women different sentences is borne out of the failure to accommodate their needs within the criminal justice system generally and in reference to sentences specifically. This can be seen through the discussion of gender-neutral approaches, which rather than striving for equality risk becoming 'gender-blind' thereby disadvantaging women. However, meeting women's needs has to be ensured while also maintaining fairness in sentencing (Ashworth, 2015; Easton and Piper, 2016). A thread of concern about avoiding 'preferential treatment' has run through policy developments for female offenders (Ministry of Justice, 2014b; 2018a; Wedderburn, 2000). This includes taking childcare responsibilities into account in sentencing and the potential for women to be treated more leniently than their offences warrant on the basis of their circumstances (discussed below). This suggests that despite policy developments for female offenders, they continue to be viewed through a male lens (Cain, 1990) with reference to men's needs and responses to the criminal justice system.

Based upon the discussion of the characteristics of female offenders, a pertinent question to consider is the extent to which women's characteristics are developed

from their positions in society and how much results from sex differences. Although as discussed above, women should not be regarded as a homogenous group, they risk becoming defined as one if provision only takes account of gender. This has led Feilzer and Williams (2015: 206: 206) to remark that “women are seen as victims (in the main of men) and their circumstance – coerced, mentally ill, vulnerable and socially disadvantaged.” Furthermore, there is a risk that accommodating women’s needs separately overlooks the fact that such needs may be shared with men. As Feilzer and Williams (2015) point out, the use of short prison sentences for female offenders is problematic, but so too is the rising prison population for men. They argue that the solution to meeting the needs of female provision is not by separating sentences according to gender but by making the existing system truly gender-neutral rather than gender-blind, to the extent that gender should not have any role in experiences of the criminal justice system.

3.4 Accommodating women’s needs within ‘gender-neutral’ community sentences

The discussion above demonstrates an increased focus on delivering a gender-responsive community provision to female offenders, which involves the use of women-only settings running parallel to other ‘mainstream’ community provision. However, ‘gender neutral’ provision within community sentences remains dominant. There are a number of reasons for this, including the fact that although the policy agenda has sought to meet the needs of female offenders for some time now, sentencing options for female only provision remain restricted and availability varies across regions (House of Commons Justice Select Committee, 2013; National Audit Office, 2013). This has led (Birkett, 2017: 101: 101) to

describe the situation as 'postcode lottery justice'. Concern over the continuation of women's services the long term has also been expressed, prompted by the withdrawal of centralised, ring-fenced funds (National Audit Office, 2013). In addition, previous research has identified that magistrates responsible for sentencing female offenders were unaware of which gender-responsive provision was available in their areas, or did not have enough detail about what such provision entailed (Birkett, 2016). It is therefore necessary to consider whether the increasing recognition in policy of women's distinct experiences of criminal justice has an impact on how community sentences not specifically designed for them are delivered. This relates in particular to situations where women receive community orders away from a 'whole system approach' and more similar to the way services are delivered to men. This includes attending probation supervision at a probation office, unpaid work and most importantly for the purposes of this thesis, EM, which makes no formal gender distinction in its delivery.

Effective practice for female offenders in community sentences have been discussed long before more recent policy developments. For example, prompted by Worrall's (1990b) gender contract thesis, Wright and Kemshall (1994) argued that probation practice for women should become 'woman-centred', which they define as "acknowledging the constraints gender roles place upon women whilst recognising them as whole individuals" (1994:74). Wright and Kemshall (1994) focused on practical constraints, including difficulties attending probation supervisions meetings for women who have domestic responsibilities and financial difficulties which impinge on their ability to pay for travel expenses. They also noted that some women feel intimidated when attending the probation offices and that they feel more comfortable with a female probation officer. These

concerns have been addressed with the expectation that women should attend probation supervision in women-only settings, including the use of women only times at probation offices (Ministry of Justice, 2014b).

The content of probation supervision has also long been considered. Worrall (1989) recognised that despite the constraints of the gender contract, probation officers succeeded in providing a service they considered to be beneficial to the lives of the women they were supervising. This was found to occur most when officers sought to conduct supervisions according to the traditional motto of the probation service, to 'advise assist and befriend'. This equated to providing material help to female offenders, along with non-intrusive advice and listening to the concerns of women. (Worrall, 1989) argued that probation officers are most effective when they help women to alleviate the worst effects of the ideologies, rather than encouraging women to reject them outright. This may be through empowering women to seek their own solutions to their problems through offering support and advice. Such an approach was supported by Rumgay (1996) who argued for a needs-based policy in relation to female offenders. She identified several factors which should constitute an effective community provision, many of which are now reflected in the Female Offender Strategy (Ministry of Justice, 2018a). These include providing a safe environment, health care and education, accommodating caring responsibilities, counselling for experiences of abuse and skills training (Rumgay 1996).

When women serve gender-neutral sentences, the question arises over whether women are regarded as a homogenous group and whether issues such as the presence of stereotyping and chivalry impact upon women's experiences. In her work on the gender contract, Worrall (1990b) observed how probation officers

were constrained by the stereotypes surrounding women, despite recognising that they were problematic and disadvantageous. This resulted in some probation officers feeling powerless to assist women in a positive manner through supervision, because they recognised that lack of adherence to gender stereotypes could result in women not being placed within the dominant ideologies and not being recognised as 'normal' women. Subsequently, probation officers were found to perpetuate the gender stereotypes, knowing that a strong conformity to the stereotypes may mean that women are able to pass through the system easier, despite having the sense that such constraints ought to be challenged (Worrall, 1990b). This is supported by research on pre-sentence reports, where female offenders were more frequently presented as having a lack of agency in relation to their offences compared to men, and were defined in terms of their personal characteristics, pathology and their relation to men (Horn and Evans, 2000). Moreover, to be favourable in pre-sentence reports, probation officers represented female offenders in terms of their competence in the domestic sphere (Horn and Evans, 2000).

Attempts by probation officers to reject the gender contract in probation supervision have resulted in negative responses from female offenders. Worrall (1989) noted from her research that probation officers found that women with whom they attempted to work with while rejecting the ideologies of domesticity, sexuality and pathology often responded negatively, by rejecting the overt contract that is the supervision itself. This was done either through a failure to attend the appointments, or a failure to engage with the probation officer over the issues they were facing during the appointments. However, given that the research was conducted some years ago, it is worth examining the extent to

which the gender contract and the female stereotype continue to influence community sentences.

Previous research on magistrates have shown the potency of stereotypes in sentencing decisions, where women were regarded as 'troubled' or 'troublesome' (Gelsthorpe and Loucks, 1997). This opinion was based upon the motive for the offence, the degree of provocation, the relationship to the victim, the relationship with drugs and alcohol, mental state and behaviour in court (Gelsthorpe and Loucks, 1997). A troubled offender was identified when they committed offences for the purposes of survival such as stealing to provide for themselves or their family. Furthermore, the appearance and body language of defendants was taken into account in sentencing decisions (Gelsthorpe and Loucks, 1997). Magistrates typically found women to be more respectful and less threatening, and therefore more deserving of compassion. Women who were nervous or tearful were identified as more worthy of receiving sympathy, if they were felt to be genuine (Gelsthorpe and Loucks, 1997). Importantly, Magistrates' identified that first time offenders were more likely to be considered genuine, which is significant given that women are more likely to be first time offenders. This is supported by Heidensohn's (1996) account of first time offenders as inexperienced, bewildered and too frightened to speak.

Women that magistrates in Gelsthorpe and Loucks' (1997) research identified as 'troublesome' committed acquisitive crimes to gain profit rather than out of need, and those who were dependent on drugs or alcohol. Furthermore, magistrates discussed women committed of drug offences with a lack of tolerance. The consequence for these women was to receive harsher penalties than they would have, had they been easily identified within the realm of 'normal' feminine

behaviour (Carlen 2002). This was justified by regarding 'troublesome' women as in need of punishment for 'their own sake' in addition to acting as a deterrent to others (Gelsthorpe and Loucks, 1997). In contrast, women categorised as 'troubled' were regarded as in need of help. Research on police officers' attitudes to female offenders reflects the assumption that women are not seen as 'real criminals'. Horn and Hollin (1997) identified that police officers viewed women significantly differently from men. Female offenders were regarded to be less deviant than male offenders, and their characteristics were considered to be more similar to non-offending women than male offenders' characteristics were to non-offending men. In general, Horn and Hollin (1997) found a general unwillingness to identify female offenders as criminals.

The influence of stereotypes on sentencing decisions relates to whether chivalry is also present in relationships between female offenders and criminal justice staff. If women are categorised as 'troubled' or 'troublesome', it follows that staff may be chivalrous towards women, but only those in the former category. In addition, chivalry is based on the assumption that the sentencer is male. It is important to consider the implications for the presence of stereotypes or chivalry where criminal justice staff is also female. This is particularly since research has indicated that female probation officers are more likely to be allocated female clients than male clients (Horn and Evans, 2000) and given the expectation that female offenders should be allocated female probation officers (Ministry of Justice, 2014b). One argument might be that female sentencers may feel as if they share things in common with female offenders. However, according to Worrall (1987), female magistrates take other factors into account, which overshadow the feeling that common ground exists between female magistrate

and female defendant. Worrall (1987) argues that female magistrates have to balance their decision making with decisions that the consensus of magistrates would also find acceptable. This is governed by the female stereotypes of domesticity, sexuality and pathology, as outlined above. Worrall (1987) argued further that female magistrates cannot reveal any understanding of the situations of female offenders as they themselves are oppressed by maintaining consensus. The result may be that female criminal justice staff represent women as lacking in agency and draw upon stereotypes to a greater degree than their male counterparts, which was found with female authors of pre-sentence reports (Horn and Evans 2000).

Much of the research on the presence of stereotypes in criminal justice pre-dates the Corston Report and the introduction of sentencing guidelines, so it could be disputed whether they still exist with community provision for female offenders. Sentencing guidelines now stipulate that caring responsibilities should be taken into account when considering a custodial sentence, although there is no requirement to do so (Sentencing Advisory Panel, 2010). More recent research involving magistrates has also identified that many explained that their sentencing decisions were 'gender-blind' as they did not differentiate between male and female offenders (Birkett, 2016). Where circumstances were taken into account, they included family and caring responsibilities most predominantly (Birkett, 2016). However, issues were raised in the Probation Inspectorate report that women's responsibilities were often not known to sentencers as this information is not routinely reported in pre-sentence reports (HM Inspectorate of Probation, 2016). This is recognised in the Female Offender Strategy as a point for improvement (Ministry of Justice, 2018a).

3.4.1 'Appropriate' sentences for women

Stereotypes may play a role in decision making about which type of requirements of a community order women receive. If women are portrayed in terms of their domesticity, sexuality and pathology, this raises the question of which sentence is most appropriate in response. More specifically, if women are considered to be 'not criminal' rather than 'not women' (Worrall 1990), or 'troubled' rather than 'troublesome' (Gelsthorpe and Loucks 1997), this prompts the question of whether they ought to be given a sentence which is designed to punish offenders, or whether the sentence should focus more on other factors such as addressing offending related needs. The rationale for the community order and all the possible requirements is outlined under section 142 of the Criminal Justice Act 2003. This states that when imposing a sentence, sentencers must consider the punishment of offenders, the reduction of crime, including its reduction by deterrence, the reform and rehabilitation of offenders, the protection of the public and the making of reparation by offenders to persons affected by their offences. This constitutes a number of competing principles that a sentencer must choose from when imposing a sentence, and provides scope for sentencers to choose which sentence is most suitable for a particular offender. However, the Crime and Courts Act 2013 introduced the requirement that all sentences must have a punitive element, meaning punishment must be present in all sentences.

It has been outlined above that while the supervision (rehabilitation) requirement is commonly used for both women and men, the differences in the use of unpaid work may reveal a possible gender bias (Patel and Stanley, 2008). There have been suggestions that unpaid work is regarded as unsuitable for women by sentencers (McIvor, 1998; 2004a; Worrall, 1990b). Worrall (1990b) found that

magistrates felt unpaid work was not appropriate for women because they did not have time to undertake it as they were occupied with domestic duties. This reflects the stereotype of domesticity. Research has also identified that unpaid work is avoided for female offenders due to childcare responsibilities (Birkett, 2016; Mclvor, 2004a). Such concern over childcare does not appear to the same degree when women are sentenced to imprisonment, despite this undoubtedly causing more problems than being given an unpaid work requirement (Worrall and Hoy 2005). Therefore, although stereotypes may play a role in decision making, this may also be a reflection of practical issues which exist in the lives of many female offenders which are not adequately accommodated by community sentences. Research has also indicated that electronically monitored curfews were also avoided for female offenders where they had childcare responsibilities, as it was considered impractical (Birkett, 2016). This brings the magistrates' understanding of how EM can be used into question, but also suggests that assumptions were made about how women should look after their children. In contrast, research has identified that electronically monitored curfews were not given to female offenders on the basis that it offered insufficient punishment as the women would have been at home during curfew hours anyway. This contradicts the view that rehabilitative sentences are preferred for all women and reflects differences that may exist among female offenders.

Women may not be given an unpaid work requirement as much as men due to chivalry among sentencers, as they may consider that the work undertaken is not appropriate for women (Mclvor, 2004a; Worrall and Hoy, 2005). Mclvor (2004a) argues that such assumptions are not supported by research which suggests that women may benefit from the sentence, and that it may contribute to their

desistance from crime. Again, practical reasons have been identified as contributing to decisions not to impose unpaid work as a requirement for female offenders. This is affected by the requirement to avoid situations where women become the lone female in a group of men (Ministry of Justice, 2014b). This is underpinned by the suggestion that a male-dominated environment is not appropriate for women to undertake their sentences within, and research has suggested that this influence sentencing decisions of magistrates (Birkett, 2016).

3.4.2 Women-only settings

Reflecting upon policy developments for female offenders, a shared assumption is that services should be provided in a female-only setting. This includes measures designed specifically for women as well as 'gender-neutral' community provision (Corston, 2007; Ministry of Justice, 2014b; 2018a; 2018d) Gelsthorpe et al. (2007: 54: 54) argue that this is a necessary element of community provision for women as it enables "...safety and a sense of community and to enable staff to develop expertise in work with women". This approach has long been considered the only appropriate response to women offenders due to the different ways that women receive and process information (Carlen, 1990). A women-only setting provides a more effective environment for women to learn and develop as a result (Gelsthorpe et al 2007). It is also thought to be an environment which can foster the development of self-esteem, confidence and assertiveness; factors which Carlen (1990) argues require addressing for women to stop offending. Providing a space away from men may also act as 'breathing space' which may be particularly important for victims of abuse (Wincup 1996). Women-only provision has also been argued to be the most appropriate response for Muslim women (Fawcett Society 2005).

A women-only environment may also overcome the difficulties of placing women in provisions with men, as considered above. Given that a smaller proportion of offenders are women, this increases the likelihood that women may have to serve sentences in environments which are male dominated and involve very few women (Carlen, 1990). One consequence may be a lack of resources including members of staff within mixed settings, which may mean that the needs of women cannot be fully met (Wincup, 1996).

However, while there may be benefits of women-only provision, they must be subject to some critique. For example, in arguing the case for women-only probation groups, Carlen (1990) argues that an all-women environment will promote solidarity and a stand against chauvinism, which will ultimately lead to feelings of empowerment among women. But this assumes two things. First, it assumes that women will automatically prefer a women-only environment, which overlooks the fact that women may actually prefer a mixed-sex environment (Wincup 1996). Second, there is an assumption that women-only provision, by its very nature will automatically promote feelings of empowerment. However, this overlooks the fact that it is ultimately down to the way the provision is conducted that will have an impact on women's feelings of empowerment (Barton 2005). There is the danger that rather than empowering women, women-only provision will act to re-assert stereotypes that women are pathologically different and need specific care to help them with their problems, which may lead to disproportionate medical and psychological intervention (Barton 2005).

3.5 Concluding comments

This chapter has outlined factors which make female offenders distinct. It has also presented differences among female offenders while also recognising their similarities with male offenders. Furthermore, responses to female offenders within community sentences and wider criminal justice has been critically considered by drawing out the strengths and weaknesses of gender-neutral and gender-responsive approaches. This discussion has allowed reflection over whether it is most appropriate to strive for responses which are truly gender-neutral, by recognising that women may have distinct needs which affect their experiences of community sentences but avoiding homogenising them.

This chapter also confirms that EM has been developed with little reference to women, as it has almost wholly been absent from developments in policy and practice for female offenders. Moreover, the only time the use of EM with women has been mentioned (Ministry of Justice, 2018a), has made no reference to any research on female offenders. This echoes the pattern of EM being developed with little reference to research, as seen in Chapter two, while also illustrating the need for this study to be conducted. The following chapter outlines the research design of the study.

Chapter 4 : Researching women's experiences of electronic monitoring

The overall aim of the research was to explore women's experiences of EM. This was met by conducting a qualitative study using semi-structured interviews with 31 women who had recently been electronically monitored as part of a community order. As an exploratory study, its focus was narrow in order to allow for sufficient depth in women's accounts. The study did not aim to be generalisable. Instead, as the first study to examine women's experiences of EM used as a requirement in a community order in England and Wales, it was intended to form a basis upon which to examine experiences of EM in more detail in further research. In order to meet the central aim, the research had four objectives. First, to outline the backgrounds, offending-related needs and self-reported criminal careers of the women interviewed. Second, to address women's perceptions and understanding of EM at the start of their sentence and the factors which influenced them. Third, to consider women's interactions with the electronic monitoring company and other criminal justice agencies during the sentence. Finally, to explore the impact of the sentence on women's lifestyles, attitudes and behaviours during the curfew period, and how the sentence is expected to affect behaviours after the curfew period.

This chapter outlines the research design used in the study. It is organised as follows; the methodological approach used in the study will first be discussed, including qualitative and feminist approaches to research. Following this, the research design will be outlined and discussed in terms of how it was put into place. This includes an outline of the issues relating to access, sampling, method,

analysis and ethical issues. Finally, the chapter will offer a reflexive account of how the research worked in practice, particularly by drawing upon feminist perspectives.

4.1 The methodological approach

A qualitative approach was chosen as the most appropriate methodology to generate the data required to address the aims and objectives. This was due to features inherent in qualitative methodology, such as the focus on the perspectives of the participants and the ability to collect in-depth data (Flick, 2014). The former allows cultures and behaviours in the social world to be described and analysed from the perspective of those being studied (Bryman, 1988; Wincup, 2017). Because a variety of world views can be considered, qualitative research is necessarily subjective. Data collected typically derive from knowledge of the objects of study, whether this relates to people or social phenomena. In this study, adopting a qualitative approach allowed the collection of in-depth data on how women's lives, everyday activities and attitudes were affected by EM.

Other methodological approaches, such as the use of quantitative methods, were less well placed to meet the aims and objectives of the research. As the study involved exploring experiences, appropriate data could not have been collected with the use of quantitative methods alone because of their focus on causes and effects, measuring and quantifying formula, developing hypotheses and producing findings which can be generalised (Flick, 2014). Furthermore, the use of a quantitative approach alone would not have been appropriate due to the exploratory and inductive nature of the study, which did not aim to test theories

or hypotheses. However, the use of combined methods, known as triangulation (Jupp, 2013b), would have been a suitable alternative approach. The use of data triangulation may have allowed the findings to be generalised, rendering them more applicable to influencing EM policy. This could have come in the form of accessing basic statistics from the monitoring company about women subject to EM over a period of time, or obtaining quantitative data from women in a broader geographical area through the use of questionnaires. The addition of this data could have indicated how representative the accounts of the women were to a wider population of women subject to EM. However, availability of data and issues over the distribution of questionnaires meant that it was not possible to collect sufficient quantitative data in the time available.

The ability of qualitative approaches to produce in-depth and focussed data has made it a well-established methodology in criminological research. The term 'appreciative criminology' is used to describe "an approach that seeks to understand and appreciate the social world from the point of view of the individual...with particular reference to crime and deviance" (Jupp, 2013a: 16: 16). Qualitative methodologies have been used to research deviant subcultures, particularly with the use of ethnography as a method (Jupp, 2013a). Researching women in the criminal justice system is another area where a qualitative approach has been used to create an appreciative account. This includes studies of women's experiences before trial (Eaton, 1993) during trial (Worrall, 1990b) in prison (Carlen, 1986) and in community order requirements, such as probation supervision (Worrall, 1990b) and unpaid work (McIvor, 1992).

4.1.1 Feminist influences on the research methodology

Given the focus on women in this study, it was anticipated that feminist methodological approaches may be influential in this research as they had been in previous studies on women in the criminal justice system. However, just as feminism itself is a diverse concept encompassing many different perspectives (Letherby, 2003), so too is the relationship between feminism and research, and what exactly constitutes feminist research. While this is a contested topic, a number of features of feminist research have been identified. This includes the choices of research topics and reasons why research is conducted (Gelsthorpe, 1990). Early feminist work from the late twentieth century was principally concerned with providing a voice to women, who had been overlooked and misrepresented in criminological research and theory (Heidensohn, 1996; Wincup, 2017). Consequently, seeking to reduce women's oppression, furthering the emancipation of women and seeking to challenge the status quo within criminology became hallmarks of feminist research (Mies, 1993).

Stanley and Wise (1993:30:30) are often quoted as defining feminist research as that which is conducted "for, by and on women". However, this is better understood as a dictum with which to explore the nature of feminist research rather than a strict definition (Burman and Gelsthorpe, 2017). When used for this purpose, it can be helpful to consider the possible features of feminist research. For example, there are significant drawbacks to the approach that men should be excluded from feminist research. This can potentially and unnecessarily limit the impact of research by suggesting it should only be relevant to women. Furthermore, if like this study, research only involves women, it cannot be assumed that the researcher and the researched will share things in common

because they are the same gender. Differences in class and ethnicity may exist which interpose dimensions of inequality within the research relationship (Oakley, 1999). This is addressed further below. Stanley and Wise (1993) also identify characteristics which are synonymous with feminist research. They state that feminist research is governed by the nature of the relationship between the researcher and the researched, in particular referring to how this is managed in terms of power, and also that feminist research recognises emotion as a research experience. Feminist research also shows an appreciation for differences in realities and understanding of the social world, between the researcher and the researched.

Given the features of feminist research detailed above, it may seem as if feminist research is best conducted using a qualitative methodological approach. Because of the nature of feminist research, particularly during the 1970s, and the focus on research providing emancipation, it was considered that a qualitative approach to research was the only suitable approach for those conducting feminist research (Oakley, 1999). This was because quantitative research was unable to reflect the voices of women, due to its failure to regard participants as more than units that are measured (Oakley, 1999). Subsequently, quantitative approaches became representative of 'masculine' research and qualitative representative of 'feminine' research (Oakley, 1999). However, Gelsthorpe (1990) rejects the argument that qualitative research is the only way to conduct feminist research, insisting that the way in which research is conducted relates to whether it can be termed as feminist and not the methods or the methodological approach that is used. The assertion that feminist research has to be qualitative

has been contested elsewhere (Gelsthorpe, 1990; Kelly et al., 1994; Letherby, 2003). As (Letherby, 2003) points out, it is not the methods themselves that are feminist but the way in which they are used, stating that all methods can be used in a pro-feminist or a non-feminist way. Gelsthorpe (1990) asserts that feminist research methods should be sensitive, reflexive and relevant for women.

4.1.2 Research quality

Due to the focus on providing a voice to women which is inherent in feminist research, questions have been raised regarding validity and truth in qualitative methods and how they accurately reflect the views of the women who are being researched (Oakley, 1999). Traditionally, issues of reliability, truth and validity have been addressed in relation to quantitative approaches, where the focus is on objectivity, proving hypotheses and producing results that could be consistently reproduced (Bryman, 1988). However, assuring quality in research also relates to qualitative approaches. The concept of experience is a fundamental part of the research study. The study focuses on the experiences that women have while subject to an electronically monitored curfew, thus replicating a focus on women's experiences in wider feminist research (Burman and Gelsthorpe, 2017). It is important to consider how the experiences of women interviewed can be said to be valid. To address the validity of experiences, it is necessary to consider in more detail the meaning of experience and how this was adopted in the study, before considering issues around validity.

The study adopts the approach that gender has a significant impact on women's social realities. Silverman (2014) asserts that it is unwise to consider experience as something which is an entirely new phenomenon, as experience is made up

of drawing from pre-existing knowledge. The ontological position adopted is that women's experiences of being electronically monitored are constructed with reference to experiences that they have had both from their lives and from the criminal justice system. All of these factors are important for the study as the aim is not to consider experience as a phenomenon in itself, but as one which is constructed as a result of the social worlds that the women are a part of. Therefore, the experience of being electronically monitored is constructed as a result of women's lives and this is recognised within the study. The study also adopts the approach that gender has a significant impact on social realities, particularly for women.

Having established the meaning of experience, it is necessary also to consider epistemological issues. This includes examining the perspective from which the truth relating to experience will be determined, whether from the perspective of the researcher or the researched. It would not be accurate to suggest that these two perspectives are the same, even though the researcher and the researched may have matters in common with each other. It is also not accurate to suggest that the researcher's perspective has no influence on the research, as research is not a neutral process. Stanley and Wise (1993) argue that researchers are not able to scientifically extract the truth from a particular research situation, as their truth is influenced politically, emotionally, intellectually and as contextually specific as the truths of the participants that are being researched. Feminist empiricism and feminist standpointism provide responses to these issues. Both these epistemological approaches attempt to remedy the situation whereby truth is a scientifically produced entity. Feminist empiricism derives from a critique of

mainstream criminology in overlooking women in the criminal justice system, by producing empirical research specifically on women in an attempt to remedy this situation (Burman and Gelsthorpe, 2017).

Alternatively, feminist standpointism adopts the approach that research conducted from the view of those who are socially subjugated, is more able to produce knowledge by providing a more complete, less distorted account (Stanley and Wise, 1993). The scientific endeavour of reporting a 'true reality' through research is not rejected. Rather, standpointism provides an alternative method of recognising such realities which, it is argued, is a more valid approach (Stanley and Wise, 1993). The advantage of a feminist standpoint approach to research is that it promotes reflexivity. Indeed, Cain (1990) regards reflexivity as a central part of quality in standpoint feminism, and argues that research findings are not to be taken as absolute, but should be open to critical appraisal and amendment as a result of reflexivity. However, this approach fails to take into account that there are multiple standpoints, and assumes that there is only one valid experience, thus ignoring individual differences between women such as ethnicity or class (Hammersley, 1997). Therefore, while standpointism influenced the research process in this study, its limitations in responding to different and complex experiences were also acknowledged.

4.1.3 The relationship between research and theory

Theory is inextricably linked to research (Bottoms, 2007). Empirical research has traditionally adopted a scientific approach which is deductive in nature (Blaikie, 2010). This refers to conducting research which is designed to test a certain hypothesis or prove a theoretical framework, both of which are laid out in advance

of the data collection stage of the research. This deductive approach would not have been appropriate for this study as the research questions do not present any form of hypothesis. In contrast, the research questions are designed to be exploratory, inductive in nature, and generate an understanding of the subject, rather than testing any preconceived notions of the research area.

Alternative approaches to research reject the scientific approach of testing hypotheses and proving theories. The adoption of an inductive approach, whereby theory is generated following data collection is one such alternative (Bottoms 2007). An inductive approach was used by Glaser and Strauss (1967) in their development of the grounded theory approach. This adopts the position that theory is generated through empirical data gathered through research. Theory is not developed in advance of data collection but is able to develop from the data. To this extent, Glaser and Strauss (1967) argued that theory should be developed at the end of the research process thereby implying that theory does not influence the research before the empirical stage. This has been criticised as it appears to suggest that knowledge about the social world can exist without reference to theory (Letherby, 2003). This is contested by Bottoms (2007) who rejects the notion that there can be any knowledge which is theory-neutral.

Recognising the difficulties with the grounded theory approach, Layder (1994) developed Adaptive Theory, which is both inductive and deductive in nature. The contribution of theory at the beginning of the research process is recognised alongside theory generated by the data, which should also contribute to the development of theory. Layder (1994) states that theory testing and theory generation can form part of the same empirical study. Theory should be

developed throughout the research process, thus bringing together a deductive approach where theory is drawn upon at the start of the research process and an inductive approach where theory is developed through data collection. This approach has many benefits and has influenced the use of theory in this research.

In considering the theoretical approach to this study it is important to note that while the research has not set out to prove any hypothesis or theoretical framework, it has been influenced by previous research on women offenders. Particular influences are theories on women in the criminal justice system (discussed in Chapter three). Literature was drawn upon in order to identify what relevant issues might exist with women who are subject to electronically monitored curfews. In this respect, previous research and theory helped to shape the current study in advance of the data collection stage. Therefore, while it cannot be said that an adaptive approach has been adopted in this study, the overall approach to theory within the research is inductive in nature.

4.2 Research design

The research design was chosen on the basis that it was able to generate the data required to answer the research questions. This study focused on the experiences that women have whilst subject to an electronically monitored curfew, and the research questions related to women's experiences, before and during the process of being electronically monitored. Women were also asked to consider the future impact of EM in their behaviour and attitudes. The method had to produce data which was in-depth and captured the views of the women themselves. In order to meet these aims, semi-structured interviewing was decided as the most appropriate method. The section below discusses aspects

of the research design, beginning with a discussion of access and sampling before discussing semi-structured interviews and why they were chosen instead of other methods. Feminism has had an impact on how the interviews were conducted and is also considered below, together with a discussion of how the interviews were conducted. Following this, the methods used for analysis are outlined as well as the ethical issues which arose during the study.

4.2.1 Access

Access to research participants was a process which required negotiation at various stages (Wincup, 2017). The first stage, referred to as 'formal access' (Reeves, 2010), relates to initial access to conduct the research. In this study, formal access was negotiated by the researcher's supervisor with a director at the monitoring company. The benefit of being introduced to the monitoring company was that links between the researcher and monitoring company were quickly established.

Formal access at an early stage is recognised as beneficial in the access process (Duke, 2002). It enabled the researcher to develop a relationship with staff at the branch office and conduct observations of the shifts with the field monitoring officers. The purpose of the observations was to become familiarised with the practical functioning of EM, in order to develop an understanding of the processes used and the nature of visits. The observations also assisted with negotiating social access (Wincup, 2017). In this research, negotiating social access was particularly important as the officers and the staff at the branch office were involved in assisting with conducting the interviews. As discussed further below, interviews were conducted following visits from monitoring officers. Although

securing access at a managerial level provided clear benefits, there was a potential for staff at the branch office to misunderstand the research project, the role of the researcher and the reasons why the research was being conducted and who the data would be shared with. Therefore, conducting observations with monitoring officers enabled a rapport to be built up between the researcher and the staff, and provided an opportunity to explain the aims of the research to the staff. It was important to establish these relationships in advance of the interviews taking place, particularly because the monitoring officers were present at the interviews and had the potential to overhear what was being discussed. The researcher wanted to avoid a situation whereby the monitoring staff believed that the data being collected would have an adverse effect on them.

Conducting observations before the interviews had a further benefit of maintaining access. This related to establishing the 'research bargain' (Hughes, 2011) where researchers provide something in return for being granted access. In this study, observing shifts with monitoring officers meant the researcher could act as a chaperone when male officers had to visit female offenders or when visiting under 18s. This assisted the monitoring company in saving resources, as the unpaid researcher was able to replace another monitoring officer or a paid chaperone. The researcher also compiled a short report of the research findings for the monitoring company, demonstrating another way in which the research bargain was met.

Being granted access by the monitoring company also had implications for the choice of research topic. As (Hughes, 2011:235:235) asserts, "criminological research does not take place in a political and moral vacuum but is a deeply

political process". This political nature of research has an influence on what topics are willingly supported by potential sponsors. In this study, the topic area chosen reflected a growing interest in women and community sentences, prompted by a rising female prison population and a growing understanding of the distinct needs of women offenders (Gelsthorpe, 2011). The interest in supporting research on female offenders from the monitoring company may have stemmed from a desire to demonstrate that women's needs were being recognised in the delivery of EM. Fieldwork was also conducted at a time when the monitoring companies were tendering for contracts to run monitoring services and were putting their bids together (See Chapter two). The inclusion of a summary of the findings from this research study in the tender documents had been intended when access was granted. Furthermore, because of the timing, data collection was particularly challenging as company managers as well as operational staff had many demands on their time. There was uncertainty among operational staff about whether the monitoring company would succeed in their bid to secure the EM contracts and what the implications were for their jobs if not.

Access to interview women in probation offices was negotiated with the research department at West Yorkshire Probation. This was also at a difficult time due to the impending changes to probation from the Transforming Rehabilitation agenda (See Chapter two). Research staff identified women who met the sampling criteria on their databases and then contacted the probation officers to request that they invited women to be interviewed by providing them with an information sheet (see appendix five). If they agreed, the research staff contacted the researcher, either to pass on contact details so the researcher could organise the interview directly,

or passed on details of the probation officer so that arrangements could be made to conduct the interviews following probation supervision. All interviews conducted through probation were done so at probation offices, with only the researcher and the participant present. Due to the way in which participants were recruited through probation, extra care was taken to ensure that participants had received and understood the information sheet and could provide informed consent.

4.2.2 Sampling

The criteria was limited to women over the age of 18 who had completed a curfew requirement as part of a community order or suspended sentence order for a minimum of four weeks, to ensure they had sufficient experience of EM. The research sample was identified by staff at the monitoring company. They were given basic criteria to match against women who were due to have their monitoring equipment decommissioned as they were at the end of their curfew. The decommissioning of monitoring equipment refers to the process undertaken when a monitored individual is at the end of their curfew (See Chapter one). The sample was therefore dependent on who was due to finish their curfew during the time that the research was conducted, within the same geographical area. The exploratory nature of the study meant that it would have been beneficial to choose a sampling strategy which would include a variety of different characteristics, including differences in ethnic origin and family situation, for example whether the participants were married or single and whether or not they had children. It would also have been beneficial to include participants with different previous experiences of the criminal justice system, including participants with previous

convictions and experiences of different sentences, and first time offenders. This approach to sampling is defined by Mason (2018) as strategic sampling, and draws upon a theoretical framework to define the sample. Alternatively, 'illustrative sampling' would also have been an appropriate sampling strategy. This sample is used on the basis that it provides an illustration of the wider population from which the sample is drawn, rather than making assertions about whether the sample is representative of a wider population (Mason, 2018).

However, due to the relatively low number of women who received an electronically monitored curfew, it was not possible to select the sample on the basis of any criteria, other than the simple criteria mentioned above. Nevertheless, wherever possible, women were selected on the basis of how well they were able to illuminate the differences between circumstances. On the basis that the study is exploratory, the sample consisted of 31 women. This sample size allows for sufficient breadth for it to include women in different circumstances and provide data without collecting more data than is required to answer the research questions.

4.2.3 Methods: semi-structured interviewing

Interviews have been defined as "a conversation that has structure and purpose" (Brinkmann and Kvale, 2015: 3: 3). However, this definition requires some further qualification. First, the extent of structure within interviews differs vastly according to the approach used. Typically, quantitative interviews or surveys are tightly structured, with little opportunity for elaboration. Indeed, they may not represent a conversation in the sense that it is commonly understood and may resemble more a series of closed questions followed by the selection of one of a number

of pre-determined answers (Arksey and Knight, 1999). Such structured interviews provide little opportunity for the opinions of the interviewee to come out, but they assist in generating descriptive information speedily and easily (Arksey and Knight, 1999). Structured questions were only used to gather simple information on the participants' backgrounds and criminal careers, such as any previous convictions and sentences.

On the opposite side of the spectrum, unstructured interviews involve no interview schedule or guide. They are based around central themes which the interviewee is encouraged to discuss without a structure imposed by the interviewer (Arksey and Knight, 1999). The advantages of this unstructured approach to interviewing means the development of rich, in-depth data, which would be an advantage to this research study. However, the disadvantages of using unstructured interviewing mean that this would not have been a feasible approach for this research study. Where interviews are unstructured, the analysis of data tends to be lengthy and time consuming (Arksey and Knight, 1999). The time constraints for the fieldwork would not have allowed for the collection of data through unstructured interviews. Furthermore, because the interviews are unstructured and very detailed, the length of time that it takes to conduct each interview cannot be ascertained clearly in advance and usually last longer than other forms of interviewing (Arksey and Knight, 1999).

Having considered the advantages and disadvantages of structured and unstructured interviewing, it was logical to encompass features of both of these and adopt semi-structured interviewing as the method in this research study. Semi-structured interviewing is essentially a hybrid of structured and unstructured

interviewing (King and Wincup, 2008). An interview schedule was used to provide some structure to the interview, but this was used flexibly and out of sequence where necessary. This allowed qualitative data to be generated as the interviewer asked follow up questions to encourage further elaboration on the points that had been made. The use of an interview schedule ensured that all the themes were covered in the interviews and it was possible to be clear to the interviewees what was involved before the interviews took place and how much time they were required to give to the study. The structure of the interviews also assisted in the first stages of analysis of the data, where the themes from the interview schedule were used in coding the data (see below).

The use of semi-structured interviews as a method has been favoured by those conducting feminist research, as they allow the perspectives of the participants in the study to be the focus (Wincup, 2017). Scientific approaches to social research are dominated by “such values as objectivity, detachment, hierarchy and ‘science’ as an important cultural activity which takes priority over people’s more individualised concerns” (Oakley, 1981: 38: 38). Oakley (1981) rejects the notion that interviewing from this perspective should be regarded as a ‘proper’ interview, on the basis that a scientific approach which holds objectivity as an important factor represents a masculine paradigm within research. This has implications for the way in which the interview is theorised and conducted. Using semi-structured interviewing reflects the epistemological approach of the study. Brinkmann and Kvale (2015) make the distinction between interviews as knowledge collection and interviews as knowledge construction. The latter is regarded as more effective in describing the epistemological assumptions in this

study. The interview is regarded as a process whereby knowledge is constructed as a result of the context in which it exists (Brinkmann and Kvale, 2015). This relates to the importance of the knowledge, views and experiences of the participants in constituting meaningful parts of social realities. Interactions where these experiences are related are considered the most appropriate way to obtain these data to answer the research questions, because they allow for the construction of such experiences to be obtained as knowledge. Given this, questions follow regarding how it is possible to ensure the quality of the interviews. In scientific terms, quality of research depends on reliability and validity. The former relates to consistency in the research findings and whether the study would produce the same results if it were to be conducted again (Silverman, 2014). Bearing in mind the epistemological assumptions made in the research, and the fact that knowledge is regarded as constructed in the interview as a result of the context in which it is conducted, it is not appropriate to use such scientific measures of quality in this study.

Moreover, it cannot be assumed that the qualitative research process is neutral, nor can power relations between the researcher and the researched be ignored. Instead, interactions are influenced by inequalities between the researcher and the researched, as a result of differences in social class and ethnicity (Oakley, 1999). Roulston (2010) suggests that research quality depends on the way interviews are conducted and the extent to which they generate quality data, the methods chosen and the extent of their theoretical underpinnings. Brinkmann and Kvale (2015) focus on the role of the interviewer in ensuring quality, observing that they should provide short questions and encourage long answers from the

interviewer and that they should skilfully follow up and clarify the meanings of answers during the course of the interview. The latter point relates to analysis of data as a feature of determining quality. Brinkmann and Kvale (2015) assert that analysis should begin during the interview, with the interviewer verifying their own interpretation of the answers. The absence of analysis during or after the interviews risks 'anecdotalism' (Silverman, 2014), where research data are used to make arguments with no attempt at thorough analysis. This undermines the validity of the arguments that are being presented when they are not based on thorough analysis. To avoid this, the analysis methods are discussed in more detail, following a discussion of how the interviews were conducted.

4.3 Data collection and analysis

26 interviews were conducted by accompanying an electronic monitoring officer on visits to decommission the equipment at the end of the curfew period. The remaining five interviews were conducted in probation offices. All interviews were conducted with the use of an interview schedule (see appendix six), which provided a useful structure to the interviews and ensured that the discussions were focussed around a series of themes which were decided upon before the data collection process. Each interview was loosely structured around the process of being electronically monitored. Women were first asked some simple demographic questions so that their circumstances could be understood. This allowed for further elaboration on experiences of EM and the impact of their situations, relationships and living circumstances on these experiences. The interviews then went on to discuss the time when EM started, prompting discussions on women's expectations at the start of the process, views on the

equipment and the extent to which opinions had changed during the curfew. Women were asked about any interactions with monitoring staff. Following this, questions were asked about the curfew itself, and whether women considered there to be any positive or negative aspects of it, which were followed up and discussed. The women were asked about any breaches and the circumstances in which they arose. The women were then asked about their plans for the future after having finished the curfew and whether they thought that any changes were made in their lives as a result of the curfew. The women were asked whether these were practical changes or changes in opinion, and whether they would continue in the future. This included a discussion on whether the experience of being electronically monitored had altered their attitudes to offending and if so, how. Answering the questions meant that women disclosed personal information and care was taken when discussing sensitive topics.

Recruitment was particularly challenging due to the fact that women were not aware that the researcher would be visiting and the interviews had to be conducted immediately at the time of invitation. In total, 86 women were visited with monitoring officers, and 26 were interviewed. Many women were otherwise occupied with children and other domestic activities, whereas others simply did not wish to take part. Once access had been agreed with probation, where women were willing to be interviewed but did not have time at the visit, they were asked if their probation officer could be contacted to arrange an interview at a probation office. However, although seven women agreed this, no interviews could be arranged using this method. Furthermore, 16 women were not invited to take part in interviews despite being visited. This was due to a number of reasons,

including the fact that women were not present at the address, they did not speak proficient English, they were too intoxicated to take part or there were safety risks which could not be mitigated.

The choice of methods used in the study had an impact on data collection and analysis. This links to the epistemological approach, specifically with regard to what data are considered to generate knowledge and how the knowledge is obtained through analysis (Mason, 2018). It then fell upon the researcher to interpret the data in order to give meaning to it. As discussed above, the epistemological assumptions of the study mean that women's accounts were constructed according to their view of the social world, and in reading the data the researcher unavoidably added her own inferences. While being aware of the impact of the researchers own interpretation of the interview, analysis was conducted in order to convey meaning from the interviewees' perspectives (Brinkmann and Kvale, 2015). Therefore, the analysis was interpretive in nature, with the aim of providing an understanding of the views reported by the participants in the study (Spencer et al., 2014).

Although analysis is an iterative process, some recognisable stages were present. Spencer et al. (2014) have devised an analytic hierarchy, which is a useful tool in considering the stages of analysis. The first was the data management stage. In this study, data comprised a verbatim transcript where the interviews were recorded, or notes made during the interviews, written up as soon as possible after the interview. As a result, data was not in an easily organised form; it was messy, out of sequence and ran over many pages. Given that the data was generated in this state, the first task was to organise it before

analysis could take place, which is commonly known as coding (Coffey and Atkinson, 1996). Coffey and Atkinson (1996) observe that coding is commonly regarded as a process for condensing and simplification, but can equally serve to open up data, in order to explore the implications and create theory as a result. Coffey and Atkinson (1996) recognise that in practice, the process of coding will involve both simplification and complication, but acknowledge that coding is a heuristic tool which provides the researcher with an opportunity to become familiar with the data and to develop ways of understanding and thinking about the data.

Coding was performed with reference to the fact that the study was designed to be exploratory. Therefore, it would not have been appropriate to have a set of themes which had been fully developed in advance of the data collection process. In contrast, to have no themes developed risks being unprepared for analysis. Developing some themes in advance of collecting the data was necessary to influence how the interview schedule was devised, and to ensure the interviews were performed effectively in order to obtain the necessary data (Brinkmann and Kvale, 2015). Therefore, it was necessary to adopt a method of analysis which allowed a set of themes which were devised before the data collection stage to be developed and allow for them to evolve as a result of data collection. This is the process used in the analysis method which is now used commonly in qualitative research, known as framework analysis (Spencer et al., 2014). The advantage of using the concept of framework as a method of analysis is that it recognises analysis as an iterative process, allowing the researcher to move up and down the analytic hierarchy. The advantage for this research study was that

it allowed for the development of themes in advance of the data collection stage which were then open to alteration and development as a result of the collection of data. An initial analytic framework is then developed which consists both of themes which have been identified in advance of the data collection stage and also recurrent themes which have been identified from initial familiarisation with the data (Spencer et al., 2014). This framework was then applied to the data through coding and allowed for it to be refined where necessary. For example, codes were developed with reference to theory on compliance with community sentences (see Chapter eight). These were used to identify similarities and differences between the women in their explanations for why they breached and complied with their curfews. In contrast, codes emerged from the data, including one entitled 'in anyway' which referred to a common remark made when considering how the curfew had acted as a punishment.

The software programme NVivo was used in order to assist with data management and coding, although coding was also done by hand. The use of mind maps and concept maps in NVivo allowed for the development of descriptive and analytical themes. In the early stages, NVivo was useful in order to keep all the data together safely during the analysis process. While NVivo can assist with analysis, it is not a substitute for a researcher looking at data and developing codes, descriptive themes and analytical themes. Therefore, although NVivo was a useful tool, it was drawn upon where necessary and did not substitute the deeper analysis which was undertaken by the researcher.

Once the data were coded, this prompted the next stage in the analytic hierarchy, that of generating descriptive and explanatory accounts from the data (Spencer

et al 2003). Using a framework analysis, the first step in developing a descriptive account was to look at the data within the themes and identify the similarities and differences, thus developing further categories within the themes and allowing for different representations of the same topics to be explored. These were then used to develop analytical themes, which were developed as they were written up.

When transcribing the interviews and presenting the data through direct quotes of the women, care was taken to present them in an authentic way as possible. In keeping with principles of a feminist methodology, it was important that the authentic voices of the women should be heard, without unnecessary editing of their colloquial use of words or ways of expressing themselves. Therefore, quotes were edited only to ensure that the proper meaning can be conveyed, but include errors in grammar or vocabulary.

4.4 Ethical issues

Conducting the study raised several ethical issues, all of which required consideration and planning for before fieldwork commenced. This included obtaining approval from the university ethical review process which ensured that all ethical issues relating to the study had been anticipated and acted upon (see appendix one). Issues include obtaining consent from the participants, respecting confidentiality and anonymity of the participants, and the potential risk of harm to the participants and the researcher. These issues are reflected upon in turn below.

4.4.1 Informed consent

The process of obtaining informed consent from the participants to take part in the study required careful consideration. Ensuring informed consent of the

participants is widely regarded as essential in conducting research which is ethically sound (Wincup, 2017). It not only involves obtaining the participants agreement to be involved in the research, but extends to ensuring that the participants are fully aware of what they are consenting to, including any potential risks, and that they aware that consent can be withdrawn at any time without any adverse effects (Brinkmann and Kvale, 2015). Ideally, consent should be obtained in advance of the research taking place so that participants have plenty of opportunity to consider whether they wish to take part. This was the case for interviews conducted through probation. The probation research team identified people who matched the sample criteria. Contact was then made with the women's probation officers, and they invited the women to take part in the research. Copies of the information sheet and consent form were provided for the participants to assist their decision over whether to participate. However, when interviews were conducted with the monitoring company in women's homes, consent was obtained immediately before interviews took place. Although not ideal, there was little alternative. This was because the researcher would have had to access personal data of potential participants from the monitoring company so that they could be contacted, prompting greater ethical issues as potential participants had not provided any consent for their personal details to be passed on to third parties. Furthermore, it was not possible for staff at the monitoring company to carry out this task on the behalf of the researcher. Staff were unfamiliar with social research and this meant they would have been unable to explain the research with sufficient clarity and answer any questions. The outcome of this might have been that the study had the potential to be

misconstrued or misrepresented. Therefore, consent was obtained from the women immediately before the interview took place.

To ensure informed consent was obtained from all participants, an information sheet was presented which gave details of the study and what the participants were being asked to do. This was read through verbally by the researcher to all participants and questions to the researcher were invited before women decided whether to participate in the research. This element of the fieldwork was carefully undertaken, given that in most cases, the participants had little time to make their decision, so an effort was made to ensure that they fully understood the research. Where research was undertaken in probation offices, care was taken to ensure the participants fully understood what was being asked of them, given that the research had been explained to them by a probation officer. Where potential participants were invited to take part in the research in the presence of a monitoring officer, it was clearly explained that their decision to take part in the research had no effect on any contact with the monitoring company or their sentence. This was helped by the fact that recruitment took place at the end of the sentence. Similarly, those who were interviewed in probation offices were clearly informed that their decision to participate would have no impact on their sentences. All participants were left with information sheets which contained a contact number for the researcher. They were informed that they could retrospectively withdraw consent after the interview took place until the fieldwork period ended and all interviews had been completed. In the event, no participants made contact with the researcher after the interviews took place and no participants retrospectively withdrew their consent.

4.4.2 Confidentiality

Maintaining confidentiality is particularly important in research with those involved in the criminal justice system. There is a potential for participants to disclose information which challenges confidentiality. Participants in this research had the potential to disclose information about undetected offences or curfew violations, or malpractice by the monitoring company staff. Passing on information could have had implications for participants and monitoring company staff. Such issues with confidentiality are regarded as a grey area, with no clear rules determining how the researcher should respond to any disclosure of this type (Martin, 2000). To respond to this issue, it was made clear at the beginning of each interview to the participant that there were circumstances when confidentiality could not be maintained. This included disclosing any information relating to serious harm, either to themselves or another person. Confidentiality would be maintained where undetected offences were disclosed, unless this related to specific information which made the perpetrator of a specific act easily identifiable. Participants were informed before signing the consent form that they should not divulge detailed information about undetected offences. Similarly, they were informed that they should not discuss monitoring officers in a way that made them easily identifiable. Ultimately, decisions regarding when to breach confidentiality were made in relation to the potential harm that could be caused as a result of not passing on information. During interviews, participants rarely disclosed any information which suggested that they or others had suffered or were at risk of harm. The most common disclosures were violations of the curfew which the participants thought had been undetected.

A further confidentiality issue arose from the presence of a monitoring officer during interviews. A balance had to be struck between the safety of the researcher and the level of confidentiality that could be offered to the participants. The ideal situation was when the monitoring officer was near enough should the researcher need assistance but out of earshot. However, although no interviews took place with a monitoring officer present in the room, in some instances they were within earshot. This was unavoidable, due to the places of residence of the women and the fact that there were no other suitable spaces for them to wait. Furthermore, there were many instances when family members or friends were present when the interviews were taking place.

These circumstances may have had a number of implications which were impossible to rule out. This includes a potential impact on the interaction with the participants, due to the possibility of the researcher being mistakenly believed to be connected with the monitoring company. There was also a possibility that the participants would mistakenly think that any disclosure during the interviews would have had an effect on any future dealings with the monitoring company. Conversely, there were many instances where monitoring officers assisted in increasing co-operation by building rapport with potential participants. This resonates with Hoyle's (2000) research on victims of domestic violence where police officers were useful in keeping any potential perpetrators occupied during interviews. On a number of occasions, monitoring officers talked to family members in other rooms to enable interviews to be conducted uninterrupted. As a result, they played an important role in the interview process.

Confidentiality was carefully considered once the data had been collected. Transcripts or notes of the interviews were anonymised and no data which could have identified the participants were retained except the consent forms which contained the names of the women and their signatures. They were kept separately from the interview data to ensure that they were not identifiable and stored securely in a locked cabinet.

4.4.3 Potential risks of the research

There were a number of risks relating to the content of the interviews and the environments in which they were carried out. With regard to the former, the interview schedule did not directly address sensitive issues but the context of the interviews produced areas of sensitivity. The participants had all been convicted of at least one criminal offence; whereas some women reported no previous convictions, other women reported long criminal careers. It was inevitable for there to be some degree of disclosure of the details of their lives, when providing an account of their experiences of electronic monitoring. Many women gave accounts of troubled lives and difficult circumstances, some of which caused distress to disclose and were distressing to listen to. In circumstances when the interview discussion caused distress to the participant, the researcher responded appropriately, either by suggesting that the interview took a brief pause or by suggesting that the discussion moved onto another topic. Participants were also reminded that they did not have to talk about any topic they felt uncomfortable about and were able to stop at any time. Care was taken to ensure that any potentially sensitive questions were left until the discussion was well underway

and every interview ended on a positive note in an attempt to dissipate any distress that had been caused during the interviews.

Issues relating to researching sensitive topics and the impact that this may have on researchers has been previously considered (Dickson-Swift et al., 2007; Sampson et al., 2008). Sampson et al. (2008) state that feminist approaches to research, including reflexivity in the research process, have made the issue of the harm experienced by the researchers more prominent. This in turn has provided a basis to consider how emotion is best dealt with in research. While the research topic is not sensitive in its nature, it required a certain level of 'intrusiveness' into the lives and backgrounds of the women who were interviewed (Lee and Renzetti, 1993). Dickson-Swift et al. (2007) considered how researchers should respond when listening to distressing topics during the course of interviews and whether it would be appropriate for the researcher to display emotion too. They concluded by discussing that where researchers were involved with what they term 'emotion' work, it is important to have support dealing with any distress caused to the researcher by the research. Similarly, on reflecting on stress caused by the research, Reinharz (1992) suggests that researchers may find the accounts of their interviewees distressing because they were not prepared for what they might hear. This point was considered in advance of the interviews taking place, and despite at that stage being unable to foresee what accounts the interviews would reveal, it was important to be aware of the potential for distress and to have thought about sources of support in advance. Harrowing accounts were revealed during some interviews. They included discussions of relationship breakdown, drug and alcohol abuse and suicide attempts.

Other risks to the researcher included personal safety, particularly as the interviews took place in the homes of the participants. Furthermore, most of the interviews took place during evening hours and at times outside daylight hours. As discussed above, in order to address the risk to personal safety, a monitoring officer was present at the place of residence of the participants. In addition, the researcher carried a safety device which enabled her to contact the monitoring centre in the event of an emergency. The device connected to a specific line at the centre where staff were instructed to make immediate contact with the monitoring officer who was present at the address. Although the device was never used, it was questionable how effective it would have been as the protocol was only sporadically followed, particularly towards the end of the fieldwork process. The researcher travelled to and from the interviews with the monitoring officer, using their private transport. A more detailed reflexive discussion of using women's homes as a research site is discussed below.

4.5 Reflecting on the research process

Adopting a reflexive approach to research is an important part of the research process. In feminist-influenced approaches to methodology, the notions of neutrality and indifference are rejected in favour of reflexivity throughout the research process. Although reflexivity and emotion are not exclusively favoured by those advocating feminist methodological approaches (Roberts, 1981), they are regarded as an "essential" part of the research process (Letherby, 2003). Providing a reflexive account allows the researcher to locate themselves within the research (Gelsthorpe, 1990). It also avoids producing 'hygienic research', a term used by Stanley and Wise (1993) to describe accounts of the research

process which fail to include opinions and views of the researcher. This is a useful recognition that the research process is messy and often does not work out exactly as it was envisaged. This also allows for the consideration of theoretical ideals, particularly in relation to feminist approaches to methodology and addresses whether they can be adopted when researching female offenders.

4.5.1 The researcher's presentation of self

How the researcher presented herself to the participants is significant to the way interviews are conducted and the level of disclosure during interviews (Finch, 1993; Oakley, 1981; Reinharz, 1992). As discussed above, the women were interviewed when the researcher accompanied a field monitoring officer on a visit to decommission the equipment at the end of the curfew period. This affected how interviews were conducted and how the researcher represented herself, both to the monitoring officers and to the potential participants. These issues were important to consider in advance of the interviews taking place. Although monitoring officers were not involved in granting access to the sample, they were pivotal in identifying potential participants and provided support in recruitment. This illustrates the importance of maintaining access, or 'staying in' (Wincup, 2017). Monitoring officers had an impact on how the researcher presented herself to the participants, as comments or inferences undoubtedly had an effect on the interviewees' perceptions of the researcher. This was unavoidable as monitoring officers usually introduced the researcher once they were satisfied that the research site was safe enough to conduct the interviews. This meant that the participants' first impressions of the researcher were likely to have been influenced by monitoring officers. Subsequently, the researcher was introduced

in numerous different ways to participants. Although monitoring officers had unquestionable good intentions, introductions were not always helpful in establishing an impression that the researcher desired. These included being described as 'a student doing a project or questionnaire', a colleague, or perhaps even less helpfully, 'doing a PhD and very clever'!

The presence of monitoring officers when inviting participants to take part in the research created further issues of presentation of self to the participants. It is possible that on first meeting, the researcher may have been mistaken for a monitoring officer by prospective participants. As monitoring officers dress in their own casual clothes, there was little to physically distinguish the researcher from the officer beyond their identity badge. This created additional challenges in how the researcher presented herself to the participants. In addition, it has been argued that in order to conduct interviews from a feminist perspective, researchers should disclose information about themselves (Gelsthorpe, 1990). Finch (1993) suggests that personal disclosure is the only way to avoid unethical or exploitative research. This includes participants asking questions of the researcher, both related and unrelated to the research topic. According to Reinharz (1992), self-disclosure produces a more comfortable environment for the participants and enables them to relax and possibly discuss matters in more detail than they would otherwise have done. Aside from the possible lack of shared experiences, achieving this ideal was problematic in this study. The amount of personal information that the researcher could safely have disclosed was limited by considerations of personal safety. It was not possible to disclose information that could have led to the identification of the researcher. This led to

a situation where even simple questions, such as the identity of the researchers' children or the location of their school, could have led to providing more information than was safe to do so. These were all factors which had to be carefully balanced with the need to develop rapport in the interviews.

Presentation of self to participants is particularly important as it contributes to the development of rapport. This is regarded as a necessary feature in semi-structured interviewing (Wincup, 2017). The notion of rapport and the implications of this for conducting research from a feminist perspective has been discussed by Oakley (1981), who criticises traditional methodological approaches for their position on rapport. In particular, she questions being cautious to ensure that researchers do not become too friendly in attempting to develop a rapport with an interviewee, as this might have a negative impact on the reliability and validity of the data. This extends to exercising caution in answering questions directed towards the researcher.

Finch (1993) asserts that female researchers are inevitably better placed to interview women and that the interview should revolve around the shared identity of gender. She asserts that women are more willing to talk because of their position in society and the fact that they are used to answering questions from outsiders during the course of their lives to a greater extent than men. This position was considered over optimistic for this research study for a number of reasons, not least that the researcher had no personal experience of EM or involvement with the criminal justice system. Although there were some shared experiences, the lives of the researcher and the participants were in virtually all cases markedly different from each other and the differences outweighed

commonalities. Reflecting on interviewing women in prison, Davies (2000) discussed the anticipation and the anxiety that came with interviewing those whose offense were serious enough to result in a custodial sentence. Despite these differences, it would not be right to consider participants as 'different' from the researcher. Instead, there was an endeavour to be open-minded about the similarities between the researcher and the participant and find common ground wherever this was possible.

4.5.2 Conducting research in the homes of the participants

Interviews were conducted in the homes of the women, similar to a number of other studies involving female offenders and victims (Carlen, 1986; Eaton, 1993; Hoyle, 2000). This approach has also been used when researching victims of crime. Using people's homes as a research site raised specific issues. It was not possible to know the residential settings of the participants in advance or who would be present at the time of the visit. In the event, participants lived with partners, children, family members or other people, who were present in the home during some interviews and not during others. Other women lived alone. As a result, interviews took place in a variety of circumstances, including in the presence of families, children, friends neighbours and pets! Sometimes others would be present for the duration of the interviews, other times cohabitants made themselves scarce for at least some of the interviews.

Using the home as a research site has advantages and disadvantages. Some researchers have argued that conducting research in the homes of women assists in conducting the interviews by making participants feel comfortable as

they are in familiar surroundings (Finch, 1993). This could alleviate concerns about power relations between researchers and the researched (Finch, 1993; Letherby, 2003; Oakley, 1981). Conducting research in an environment familiar to the women may help to dissipate power, from the researcher to the researched, so that power becomes more balanced. This may well be the case with other research topics where women are interviewed in different circumstances, but it is questionable whether this situation can be assumed in this research study. While some women's homes may have provided a comfortable setting for them, it would not have been right to assume this was the case for all participants. Indeed, a minority of women explained feeling embarrassed about their living conditions during the interviews. Furthermore, it is questionable whether it can be assumed that women's homes were a safe and secure setting. Women lived in situations which were far from ideal, including having problematic and insecure living arrangements and problems with relationships. This might have caused the participants to feel uncomfortable being interviewed in their own homes. As a result, the research setting could have prompted feelings of shame regarding living circumstances or feeling judged or intruded upon. Power relations could have been emphasised rather than dissipated as a result. For these reasons it was important not to assume that conducting research in the homes of the participants would always be an advantage, and the researcher was aware and mindful of these issues during interviewing. Interviews were conducted with care and sensitivity in response. The presence of others during interviews had implications for the research. This again required a particular need for the interviews to be conducted with care and sensitivity, particularly because women were required to disclose information about their lives.

4.6 Concluding comments

This chapter has provided an account of how the study on women's experiences of EM was conducted. It demonstrated that the use of qualitative interviewing was the most appropriate method due to the exploratory nature of the study. This method allowed the research questions to be answered by the use of semi-structured interviews, which captured the perspective of the women who participated. The influence of feminist approaches to research has been considered throughout the chapter, particularly with regard to the method of qualitative interviews and the ways in which they were conducted. In addition, the reflexive account has provided an overview of the issues that were encountered when conducting the research. The following chapters present the research findings, beginning with Chapter five which introduces the women interviewed.

Chapter 5 : Framing the experiences: Introducing the women interviewed

Women's accounts of their experiences of EM were detailed, multi-faceted and sometimes contradictory. Their accounts reflected the complexities of the circumstances many reported living in. While gender defined the sample, experiences were not homogenous but influenced by diverse circumstances, lifestyles, routines and relationships. They were also affected by women's existing knowledge of the criminal justice process and EM itself. As a result, both positive and negative experiences of the sentence were identified. Overall, women's accounts of EM were generally positive although a minority of women (n=6) identified no positive elements to the sentence at all. Negative aspects such as the restriction of liberty, stigma from wearing the tag and the burden of negotiating self-identities all contributed to a view among a majority of women that the sentence had acted as a punishment. Most women interviewed felt the sentence was fair and they had been able to comply with the curfew, although incidents of non-compliance were also reported.

The aim of this chapter is to introduce the 31 women who were interviewed and provide an overview of their biographies, a description of lifestyles, criminal careers and sentences received, along with an outline of experiences as they began their sentences. Outlining these details here allows an understanding of the contexts and contributory factors to experiences discussed in the forthcoming chapters. The following section introduces the women interviewed, firstly in relation to their circumstances and criminal careers, followed by a discussion of the sentences which they received.

5.1 Overview of the women interviewed

In order to understand women's circumstances during the sentence, they were asked about demographic information, living arrangements, relationships, employment, health needs and substance use. Women's ages ranged from 19 to 60 years. Just under half of the women interviewed (n=15) were aged between 18 and 30. The mean age was 32 but a relatively high proportion of women were over the age of 50 (n=5) constituting around one sixth of the overall sample. However, although the age range was relatively large, there was little ethnic diversity in the sample. The majority of women (n=28) stated that their ethnic origin was White British, while the remaining three women described themselves as British Asian (n=1) or dual heritage (n=2). This means that the study could not examine the impact of ethnicity on women's experiences of EM and this topic would be worthy of attention in future research.

EM is unique among community requirements because it involves confinement to the home. Therefore, it is important to outline types of accommodation and whether women lived alone or with others. As outlined in Chapter one, suitable accommodation is required before monitoring starts, but this is determined only by whether monitoring officers deem that the equipment can monitor effectively when they make the installation visit. A constant electricity supply is required for the equipment to function. Once the curfew has begun, any changes to accommodation requires an amendment from the magistrates' court. As a result, monitored individuals are at risk of breaching the order if they change address without the relevant court amendment. Two women in the sample reported having to change address unexpectedly during the sentence. They were forced to leave their original accommodation after the householder, a family member, withdrew

their consent for monitoring to take place at the address. This highlights the role of consent of the householder and the implications for compliance. Despite violating the terms of EM by moving house without following the process they both reported that they had avoided breach action, thereby illustrating some flexibility which exists within the process.

Overall, the majority of women reported living in rented accommodation (n=27) and the remaining four women stated that their houses were owned. 23 women explained that they were the householder, meaning that they owned their homes or their names were on the tenancy, either as sole tenants or jointly with other adults. The remaining eight women explained that partners or other family members were the householders. Seventeen women described their living arrangements in a way which suggested that they were settled. This meant that they had been living at the same address for a number of months and had no plans to move. Ten women explained that their living arrangements were more transient. They had moved house shortly before the curfew had begun or were intending to move shortly afterwards. An additional four women described their living circumstances as temporary. The reasons varied, but two women left previous accommodation as a consequence of their convictions. Eighteen women reported living with other adults, including partners (n=9), family members (n=6), friends (n=1) or a combination of them (n=2). Previous research has highlighted the significance of the experiences of others and how they may be adversely affected by EM (Hucklesby, 2008; 2009; Vanhaelemeesch et al., 2014). A distinction has also been drawn between the experiences of those who live alone compared to those who cohabit, with the former finding the punishment more severe and compliance more difficult (Vanhaelemeesch et al., 2014). In this

sample, five women stated that they lived alone, but their accounts suggested that this did not affect their experiences of EM to a great extent. Rather, experiences were affected more by factors including the amount of changes to lifestyles and routines needed to comply with the curfew and the quality of relationships with cohabitants.

Just under half of the women (n=13) stated that they were primary carers for children under 16, who were either their own or those of another family member. In all cases, they were caring for the children in a parental capacity. Three additional women stated that they had children under 16, but that they did not live permanently with them. Out of the three, only one woman said that she had no contact with her child. Those with childcare responsibilities explained that their roles had continued throughout the sentence. This reflects the findings of previous research on women and EM, where it was found that gender roles remained unaltered between women and their partners, despite facing restriction from the curfew (Maidment, 2002). One advantage of receiving EM over other sentences was that they did not need to arrange childcare provision. This was because all curfew hours began during evening hours and lasted until the following morning (see the section below). Furthermore, women who cared for children typically received later curfew start times. This may have reflected sentencing guidelines which state that caring responsibilities should be taken into account when deciding on sentences (see Chapter three).

A minority of women (n=5) stated that they were employed, comprising four who said they were employed part time and one full time. The remaining women (n=26) explained that they received state benefits. This included benefits associated with ill health, such as the Employment and Support Allowance, and

payments relating to unemployment, such as Jobseekers' Allowance. Those who claimed the latter also explained that they had sought employment during the curfew but only one woman stated that she had been successful.

Six women explained that they had mental health issues during the time they were electronically monitored. This is consistent with findings which suggest that a greater number of female offenders have mental health issues compared to male offenders (Hedderman, 2004; Holly, 2017; Ministry of Justice, 2018a). Depression and anxiety were most commonly reported, for which women said they were under the supervision of a doctor. In addition, four women in the sample reported physical health issues, with one woman reporting both. Physical health issues typically stemmed from an underlying illness and resulted in severely reduced mobility. This meant that existing routines were very limited and involved predominantly remaining at home. The women also explained how their illnesses had limited their sentencing options as they could not physically undertake sentences such as unpaid work (see below). However, accounts of domestic violence, and past experiences of abuse leading to trauma were virtually absent in women's accounts. This contrasts with findings which suggest that trauma caused by past abuse is prominent among female offenders (Corston, 2007; Covington, 1998; Covington and Bloom, 2007; Gelsthorpe et al., 2007; Ministry of Justice, 2018a). The reason why this difference exists in this research study is unclear, but may possibly be because of the convenience sample used or because the use of EM is avoided by sentencers in situations where domestic violence is suspected.

Eleven women linked substance use to their offending. Three women in the sample explained that they had been regular drug users at the time their offences

were committed, using heroin (n=2) or amphetamines (n=1). Two women stated that they had continued to use drugs during their curfews as they had previously. All three said that they received drug rehabilitation requirements alongside their curfews, although in one case, this was for a separate offence to the one for which EM was received. In addition, eight women identified that alcohol played a part in their offending, making up one quarter of the sample. There were differences in the way women described their use of alcohol. In two cases, women described themselves as alcoholics at the time the offences took place, but said they were recovered or in the process of recovery at the end of the curfew, or shortly afterwards. The remaining women stated that they had developed a habit of drinking excessive amounts of alcohol, which led to the offence. Only one woman stated that she had received an alcohol treatment requirement EM for her sentence. No one in the sample reported simultaneous drug and alcohol use.

5.2 Criminal careers

The following section outlines the offences that women reportedly committed, followed by a discussion of previous convictions, experience of previous sentences and explanations for offending. Table 5.1 presents the offences that women stated they had committed, which resulted in being electronically monitored.

Table 5.1: Offence types committed

Offence type	Number of women
Fraud offences	8
Violent offences	6
Theft and handling	6
Public order offences	3
Alcohol-related driving offences	3
Non-domestic burglary	1
Allowing premises to be used for the cultivation of cannabis	1
Perverting the course of justice	1
Possession of an illegal breed of dog	1
Undisclosed	1
Total	31

The women committed a broad range of offences, both in type and seriousness. One woman declined to disclose the offence she had committed. Fraud was most commonly committed, which amounted to around one quarter of those interviewed. In all but one case, the conviction was for benefit fraud. This differs from previous research which has shown that electronically monitored male offenders were most commonly convicted of violent offences, property offences and driving offences (Hucklesby, 2008; Mair and Mortimer, 1996). However, the relatively high numbers of convictions for fraud reflect common offence types for

female offenders (Ministry of Justice, 2018c). Although fraud offences made up the largest proportion of offences committed, violent offences and theft offences both constituted one fifth of the total number of offences that women stated they had committed. This included the more serious offences of GBH and ABH (n=2) as well as less serious violent offences such as assault (n=4). Offences under the theft and handling category related to theft from shops and handling or receiving stolen goods. A pattern exists in relation to offence types and age. The mean age of women who reported committing fraud offences was 43. This was considerably higher than women who reported committing violent and theft offences, which were 30 and 25 respectively. This contrasts with women convicted of public order offences whose mean age was 19. Therefore, although younger women were included in the sample, they did not appear in all offence categories.

Table 5.2 presents the number of previous convictions the women stated they had. Where women had committed several offences over a number of years, in some cases they struggled to provide an accurate number of their previous convictions.

Table 5.2: Previous convictions

Number of previous convictions	Number of women
None	20
1 to 5	7
6 to 10	1
Over 10	3

Table 5.2: Previous convictions shows that almost two thirds of the women interviewed stated that they had no previous convictions. Conviction and sentencing to EM was reported as the first experience of the criminal justice system for the majority of these women. Only one woman with no previous convictions said she had any previous contact with the criminal justice system as an offender, by receiving a police caution. The high number of first time offenders reflects a pattern in women's offending more broadly (Ministry of Justice, 2018c). As discussed below, this affected how women experienced the EM and wider criminal justice processes.

One third of the sample stated that they had previous convictions (n=11). Seven women had between one and five previous convictions, whereas three women said that they had more than ten previous convictions. The women followed a similar pattern in relation to their offending histories. Five women were aged 22 or under and stated that they were convicted of offences during their teenage years but distanced their current convictions from previous offending behaviour. All women with previous convictions received their first convictions when they were aged 18 or under and typically explained that their offences had been committed over a period of more than five years. In three cases, women explained that they had not offended since the births of their children, thus linking desistance with forming families, a link which has been made previously (Barry, 2007; Osterman, 2018; Sharpe, 2015). Women who were 22 or older typically reported a larger gap of several years between their latest conviction and the first conviction. Offences were described as unrelated occasions that were in some cases a distance of years apart. Only one woman described being convicted and

receiving a custodial sentence every year for the previous seventeen years. Her situation was distinct from all other women interviewed.

5.3 Explanations for offending

Although women were not directly asked why they committed their offences, their accounts involved discussing the circumstances surrounding offending in depth. Women offered different explanations for offending. 18 women sought to 'neutralise' their behaviour, by maintaining that they were not 'criminals'. This reflects the theory of 'techniques of neutralisation', conceptualised initially with reference to 'juveniles' (Sykes and Matza, 1957) but developed in relation to female offenders (Heidensohn, 1996). Rather than developing a set of values where committing crime is accepted, offenders follow the values of society but use methods to justify offending behaviour. This is referred to as the 'denial of responsibility' (Sykes and Matza, 1957). Neutralisation became a method for women to maintain non-offending identities (discussed in Chapter seven). Women neutralised their behaviour by explaining that the offence was a mistake, unintended, inconsistent with their usual behaviour or they denied they had committed the offence at all or as seriously as portrayed. The eight women who were convicted of fraud typically explained that their offences were unintended. For example, Sarah described committing her offence of benefit fraud as follows:

...that business with the social, we did not think we were doing anything wrong. [My partner] used to come down...and we didn't think we were doing anything wrong. Apparently we were classed as living as a family and I didn't know that cos I was claiming single parent for me children, and it worked out that cos he were working and staying here as well, you know, and using my address we were actually classed as a family, that's what we'd done, defrauded the social. Cos I should have told them about him.

Nine women sought to neutralise their offending by explaining that others were largely responsible for the offence, and four women stated they had been convicted alongside others; either partners, family members or friends. Danielle described the circumstances of her offence as follows:

It was a burglary...cos it was a weekend we were drinking. I'd gone to bed and all my mates were still in the house. When I came downstairs, all the [stolen] items were in my house. So when the police brayed on my door, grabbed me and arrested me, they found everything, and tried blaming it on me.

The circumstances of these women reflect research on the involvement of others into women's pathways into crime (Barlow and Weare, 2019; Barry, 2007). Other women attributed their offending to specific causes such as alcohol and drug use, rather than seeking to neutralise it. This was usually underpinned by various other factors in women's lives, contributing to a complex picture of multiple needs. As discussed above, two women identified heroin use as the main cause of their offending. They described their drug use as well-established, resulting in repeated convictions mainly for shoplifting. Furthermore, four women acknowledged that they were responsible for their offences rather than seeking to neutralise their actions. Instead, they sought to distance themselves from their offending behaviour by describing the conviction and sentence as a 'turning point' where they recognised that they needed help to address their issues. For example, Gillian was convicted for driving whilst under the influence of alcohol. Her offence became a catalyst to seek help for alcoholism, which she had concealed for a significant amount of time.

The whole thing... it just goes back to the same thing – I could quite easily have killed someone that night. In the long run it'll be the best thing that's ever happened to me but the last few months have...not been the most pleasant.

This resonates with Laub and Sampson's (1993) identification of 'turning points' within life courses which prompt a motivation to alter behaviours and begin a process of desistance from offending. The distinction here was that the criminal process itself acted as a turning point to alter unhelpful behaviours, such as alcohol use, which had been a contributory factor in offending.

Furthermore, conviction and experiences of the criminal justice process did not always prompt the same effect on women's alcohol use. Leanne was unique in the sample by acknowledging that she was responsible for her offence but appeared to show no remorse for her offending or a desire to change. Although she identified excessive alcohol use as a contributor to offending, she anticipated a repeat in her behaviour despite believing she had narrowly avoided prison for her conviction of grievous bodily harm:

EH: Do you think you would have committed more offences if you hadn't been tagged?

L: I probably still will

EH: So you think you will in the future?

L: Yeah...I know I'm sounding so clever aren't I...like I think it's clever, I don't think it's clever I just don't think, that's my problem.

EH: So you think that it hasn't changed....

L: No, the way I am, no. I never wanna go on tag again and I don't want to go to prison, but - I don't think. So if someone annoys me, I'll just batter [them]...

As Chapter seven discusses in more detail, explanations for offending were important to women's self-identities and experiences of stigma and shame during the sentence.

5.4 Sentences received

The following section outlines women's curfew hours, the number of weeks EM was imposed for and whether their sentences were single or multi-requirement

orders. Although the sampling criteria included electronically monitored curfews which had been imposed as part of both community orders and suspended, all 31 women interviewed stated that they had received the curfew as part of a community order. However, five women stated that they also had a suspended sentence order imposed alongside their community order. Table 5.3 contains this information. EM can be used flexibly as the sentencer decides the curfew hours and lengths on an individual basis (see Chapter two). However, women's reported curfew hours replicate an existing pattern whereby curfews are imposed in a standard and formulaic manner (Criminal Justice Joint Inspectorate, 2012; Hucklesby, 2013a; Hucklesby and Holdsworth, 2016). Over half of the women (n=17) stated that their curfews were imposed between 7 p.m. and 7 a.m. Deviation from these 'standard' hours appeared to relate to women's circumstances, namely caring responsibilities and employment, rather than as a response to the seriousness of offences committed.

Table 5.3: Sentences received

Name	Curfew hours	Curfew length (weeks)	Other requirements
Sarah	6pm – 6am	8	None
Amy	7pm – 7am	16	Probation supervision
Alison	7pm – 7am	16	None
Dannielle	7pm – 7am	12	Probation supervision Unpaid work
Dawn	7pm – 7am	12	DTR Probation supervision
Kelly	7pm – 7am	12	Probation supervision DTR
Leanne	7pm – 7am	12	Probation supervision Unpaid work

Name	Curfew hours	Curfew length (weeks)	Other requirements
Lindsey	7pm – 7am	12	DTR Probation supervision
Amber	7pm – 7am	12	Probation supervision
Yasmin	7pm – 7am	12	Probation supervision
Zoe	7pm – 7am	12	Probation supervision
Hannah	7pm – 7am	4	Probation supervision
Keira	7pm – 7am	6	None
Julie	7pm – 7am	12	None
Kimberley	7pm – 7am	12	None
Leah	7pm – 7am	12	None
Pam	7pm – 7am	12	None
Alesha	8pm – 6am	10	None
Gillian	8pm – 6am	10	ATR
Jenny	8pm – 6am	10	Probation supervision
Hayley	8pm – 7am	4	None
Rose	8pm – 7am	12	None
Sabena	8pm – 7am	12	None
Catherine	8pm – 8am	12	None
Liz	8pm – 8am	12	None
Lucy	9pm – 6am	24	Probation supervision
Anita	9pm – 6am	12	None
Denise	9pm – 7am	6	Probation supervision
Diana	9pm – 7am	6	None
Naomi	9pm – 7am	10	None
Carol	11pm – 6am	12	Probation supervision

Over half ($n=5$) of the women who had an 8 p.m. curfew said they cared for children. Furthermore, three of the four women who stated that their curfews started at 9 p.m. also reported looking after children. In contrast, only three of the 17 women who reported 7 p.m. curfews stated that they were responsible for children. There was also a relationship between later curfew hours and employment. This was the case for the latest curfew start time of 11 p.m. which was reportedly imposed in order to accommodate shift work.

In contrast to curfew hours, there appeared to be no consistent pattern in relation to the number of weeks that curfews were imposed for. The range was large; the shortest curfew lasted for four weeks ($n=1$), whereas the longest lasted for 24 weeks ($n=1$). The latter was the maximum number of weeks which could be imposed when the research took place. The average number of weeks was twelve, which was given to eleven women (constituting around one third of the sample). There was no clear connection between curfew length and offences committed, as this varied among women who committed similar offences. For example, the range for women convicted of benefit fraud was from six weeks to 16 weeks. This may have reflected different levels of seriousness of offences, but it is also known that other factors are significant in how EM is imposed. For example, the use of electronic monitoring has been known to differ between individual sentencers and courts (Hucklesby and Holdsworth, 2016; Mortimer and May, 1996). However, as the study focused on women's experiences of EM, the court in which the sentencing took place was not routinely recorded during interviews. This means that the possibility of different uses of EM among courts could not be established by this research. Nevertheless, it is useful to be aware of factors which could potentially have an impact on curfew length.

Table 5.3 also shows that just over half the women (n=16) stated that the curfew was their only requirement attached to their community order, whereas the fifteen remaining women said that they had other requirements attached. The most common requirement was probation supervision; thirteen women explained that they had received this. The majority of women (n=9) had one additional requirement imposed, which was probation supervision (n=8) and the alcohol treatment requirement (n=1). Five women stated that they each had two additional requirements; probation supervision and unpaid work (n=2) and probation supervision and a drug rehabilitation requirement (n=3).

5.5 Introducing women's views on electronic monitoring

Having explored women's characteristics and circumstances along with criminal careers and sentences received, this section introduces women's views on receiving an electronically monitored curfew as a sentence. Women's understanding of EM and previous experiences of the criminal justice process influenced their overall experiences of EM. They particularly influenced motivations for compliance and their understanding of the consequences of non-compliance (see Chapter eight). Furthermore, experiences of the process influenced feelings of stigma and affected women's self-identities (see Chapter seven).

The EM process begins in the same way as all community requirements, by being sentenced at court. According to procedural justice theory, criminal justice processes play a significant role in the experience of sentences (Tyler, 2006; 2013; Tyler and Huo, 2002). This means that how sentences are implemented may be as, if not more, important to whether they are perceived favourably by those they are imposed upon than the interventions themselves. Tyler (2013)

states that while perceptions of justice in the quality of decision making is important, so too is the quality of treatment. As a result, responses to the sentencing decision are shaped by perceptions over whether the procedure was fair (Tyler and Huo, 2002). Tyler (2006) distinguishes between instrumental and normative perspectives of procedural justice. An instrumental perspective of procedural justice focuses on the individual's perception of whether they can influence the outcome, rather than the favourability of the outcome itself. In contrast, a normative perspective of procedural justice relates to aspects of the process which are not linked to the favourability of outcome. These include the neutrality of decision makers and criminal justice personnel, absence of bias, honesty, a perceived effort to be fair, politeness, and respect for citizens' rights (Tyler, 2006). Importantly, it is argued that individuals who feel they have been listened to during the process are more likely to perceive the sentence favourably. This has been conceptualised in procedural justice theory as 'voice' (Crawford et al., 2016; Tyler, 2006; 2013; Tyler and Huo, 2002) and is reflected upon in women's accounts of their experiences at sentencing. Perceptions of fair process have been linked to compliance with community sentences (Robinson and McNeill, 2008) and EM (Hucklesby, 2009) (see Chapter eight). It has been argued that perceptions of fairness in the criminal justice process have a positive effect on compliance (Hucklesby, 2009; McNeill and Robinson, 2013; Robinson and McNeill, 2008; 2010). Procedural justice contrasts with distributive justice, which focuses on the outcome of an intervention, such as receiving a sentence which was perceived to be favourable or deserved (Tyler, 2006). While the importance of fair process is highlighted in procedural justice theory, views of the sentencing decision should not be overlooked and also play a role in influencing perceptions of the outcome (Crawford et al., 2016; Tyler, 2013).

The majority of women stated that they had not expected to receive EM and their understanding of what it entailed varied. Where women reported having no or limited previous experience of the criminal justice process, they reported being generally familiar with EM, although their understanding appeared limited to general knowledge in the public domain. For example, Gillian explained her basic understanding of EM at the start of the sentence:

I just knew that, well, you hear of people being tagged, don't you, on a curfew? I'd heard of it and that's all I knew really...I knew about the [tag] that would be fitted on me but I didn't know how it worked with a mobile signal and what have you, what they have in the box, up until it got fitted.

Six women reported drawing from past experiences of others they had lived with, who had been electronically monitored. This included parents, ex-partners and other relatives. Having indirect experience of EM gave women confidence that they understood the monitoring process. Amy explained as follows.

[I] knew quite a lot cos I used to live with me cousin who were on tag... cos I lived with him I knew what it was like anyway.

Furthermore, six women stated that they had direct previous experience of electronically monitored curfews as a sentence (n=4), bail (n=1) and HDC (n=1). They similarly relied upon past experiences of EM to explain that they knew what EM entailed and required no further information. This included Dawn:

...there's not much to know, y'know, you're on the curfew basically, if you go out your [tag] will go off, what's to know?

Although these women were confident in their understanding of EM, relying on existing knowledge from others or media sources was problematic for a number of reasons. Much of the media reporting on EM is known to be limited, inaccurate and overwhelmingly negative (Nellis, 2003b). There was potential to be misinformed about the process and what was required to comply from the accounts of others. One way this arose was by relying on direct or indirect experience of EM imposed as a different measure, such as following release from prison or as a bail condition. This was reported by Amy, who stated that her cousin had received EM as a bail condition. In addition, some experiences of EM

were outdated and did not reflect current processes or technology. Catherine's description of the experiences of a family member provides an example of this:

...about ten year ago [a family member] was on tag. He'd been released from prison. I think he'd done burglary. There was a big black box at the side of the door. We were like, 'What's that? [It was] flashing and everything'.

Therefore, despite women's assumptions that their knowledge was accurate and they required no further clarification, in fact it may not have been. This points to the importance of the role of monitoring officers as providers of information about EM during the sentence (see Chapter eight).

5.5.1 Responses to the sentencing decision

Responses to the sentencing decision were mixed, including shock and surprise but also relief at not receiving a custodial sentence. Those who had previous experience of EM responded more negatively based upon experiences of past sentences. Danielle, who had been given two previous sentences with EM, explained this below:

D: We were always on our last chance, he came over and said 'right we've got you on tag' and it's like 'no not again!' It does get really depressing on it, it's like, you can't see your mates, you can't go to the shop or whatever, you can't do owt on it.

EH: So when your solicitor told you, what was your first reaction?

D: No way! Don't want to be on it again, but that were it, on it.

Women's accounts of court also resonate with previous research on women's court experiences (Eaton, 1986; Heidensohn, 1996). For those with no or little previous experience of the criminal justice process, attending court for hearings and sentencing was frightening and anxiety-provoking for some. The combination of shame and uncertainty resulted in a frightening experience for some women. Alison describes her experiences below.

...that day I went to court, I mean to even have to go to court, I was so scared, them feelings, no I would never ever want to feel like that again, ever. Never. I think I'll end up in [a psychiatric hospital] before I ever

have to go to court again, I were just shaking uncontrollably inside, I was physically being sick, I had diarrhoea and...no, I would never ever want to feel like that again, never. I was so scared.

The decision to impose EM was typically met with relief at no custodial sentence but a general lack of understanding about what it would entail. Naomi explained her experiences as follows.

Well when I was given the curfew from the Court, well I won't swear, but it was like 'Crap! What do I do now? What happens now?' And I was worried until I got this tag put on.

The relief at avoiding prison dominated responses to the sentencing decision where women felt they had been treated fairly. Often, women felt that they had been 'lucky' to receive a sentence they regarded as lenient. This response was also present where women expected to receive different requirements. For example, Diana explained the requirements imposed in addition to a six week curfew:

I got a 2 year [driving] ban... but no like community service, no fines, nothing, whereas I would have expected a huge fine and mega community service, so actually I think that I was let off.

...when I went back...for...the actual sentencing, I didn't have a solicitor, and the.... [magistrate] said to me, 'have you got some representation?', so I said 'no'. He said 'well why haven't you brought a solicitor?' I said 'well I can't afford one, you know, I'm a single parent, I can't afford a solicitor', which I think is why they gave me such a lenient sentence.

Women were more likely to view the sentencing decision favourably where they thought they had been listened to and their circumstances had been taken into account. These included caring responsibilities and employment, where hours were imposed which the women thought took account of the existing constraint on their time. This reflects the concept of voice within the criminal justice process (Crawford et al., 2016; Tyler, 2006; 2013; Tyler and Huo, 2002). When women compared EM to other sentences, they concluded that they had been given the

easiest sentence for them to complete. This was particularly the case for three women who were resentenced to EM, having been unable to fulfil the requirements of the previous sentence. This occurred when they were originally given an unpaid work requirement but couldn't complete it due to childcare responsibilities (n=2) or issues with mobility (n=1). Furthermore, all three stated that they had avoided being penalised for breaching their original requirement. This resulted in a sense that their treatment when sentenced to EM had been fair, as their needs had been recognised. Pam described her experience of being sentenced after she was unable to complete the unpaid work she had originally been sentenced to:

...at first they put me on [unpaid work] and I rang them to say I'm bad at walking and standing you see, and couldn't make the appointments [at] the shop I had to go to, and I went back to court and explained to...the magistrate at the time... [He] couldn't understand why they'd put me on [unpaid work] instead of putting me on curfew to start with, but he were right nice, the magistrate, and he took me off [unpaid work] and put me on [a curfew]

The examples reflect the fact that although women did not expect to receive an EM requirement, they considered that their needs had been taken into account and they had a voice in the process, rather than viewing the decision from the perspective that it was an easy sentence.

In contrast, eight women did not feel that their sentence was fair. This was the view of women who said they had been wrongly convicted. Their view that they had not committed the offence undermined their trust in the process and they were negative about the decision to impose an EM requirement. For example, Catherine, who was convicted of benefit fraud and received a 12 week standalone curfew requirement, regarded the sentence as unfair as she maintained that she had not committed her offence of benefit fraud. She explained as follows:

I know that I haven't done anything wrong and when I was sat in that courtroom... there [were] all these people around me that have... stolen things or they have done it on purpose. I was talking to a young girl that had done it on purpose because her husband had left her and this, that and the other, and...I was like, 'You've done it on purpose and I've not done anything wrong, and I'm being punished for it when you've done it on purpose'.

In addition, women were also negative about the sentencing decision where they admitted committing the offence but expected a more favourable response. The extract from Sarah's interview below gives an example of where she attempted to make amends but that this was not reciprocated by criminal justice agencies. Sarah was convicted of benefit fraud and sentenced to an eight week standalone curfew:

As soon as I went in to the social and had my interview like, I come clean and apologised and I didn't know I was doing wrong and, I've been honest with them you know and I've paid it back, but I still feel that I'm just getting punished and punished and punished for it...I'm trying to get on and forget about it and [electronic monitoring] is, you know, punishing me again.

As a result, some women thought that their sentence was not deserved. This view was compounded by comparing their sentence to hypothetical 'others', who had committed more serious offences but received a more lenient sentence. This extract from the interview with Alison, sentenced to a 16 week standalone requirement, provides an example where a woman drew from the perceived experiences of others to argue that she had been treated harshly.

...when you get to 50 and you do something wrong, you've never done anything wrong in your life, you've heard of all these people burgling houses and stuff like that, and they get six month probation and silly sentences. Even people carrying knives and not doing anything wrong with them but carrying them, they're a threat more than I am, and they get lighter sentences than what I've got, so I just don't understand the justice system.

Where women felt the sentence was harsh, they also commonly considered it to serve little purpose. Subsequently, the curfew was described as 'pointless' and

'a waste of time', either because of its limited effect on their uses of time (see Chapter six), or because women considered themselves to be little threat to others. With regard to the latter, women stated that imposing a curfew was unnecessary. This was particularly the case for the 18 women who used techniques of neutralisation to explain their offences. They distinguished themselves as 'not offenders' and regarded an electronically monitored curfew as a sentence only suitable for those they regarded as 'criminals'. Carol explained her view that the sentence was not relevant to her as follows:

I just thought that it was silly, like, for someone my age, y'know what I mean? Being tagged...I'm like 54, an older person, y'know. Like 'tagged' you relate to thieves and things like that and stopping them going out to burgle and whatever but... Because I'd lost my car, my driving, there was no way I was going to go out at them times.

Carol used her age to distance herself from those who she thought electronic monitoring was appropriate for. She was one of three women over 50 with the same view of the sentence, and all of them drew from their age to state that tagging was not a suitable sentence for them.

Alongside views of fairness of the sentence and suitability for their circumstances, women also considered the value of EM to their situations and whether it had played a role in addressing behaviour which they considered to have attributed to offending. This was the case for women who identified causes of their offences, as discussed above. Reflections over the influence of EM on altering behaviour they linked to offending were made at the end of their curfews, when considering whether they viewed EM as the most appropriate sentence for them. Where women reported that EM positively influenced their lives, they often did not recognise this effect when they received their sentences. As outlined in Chapter two, research has identified the possible role of EM in desistance, by providing

an opportunity for reflection, altering routines and breaking ties with others who influenced offending behaviour (Hucklesby, 2008). This contrasts with the view that EM in itself has no rehabilitative qualities and can only have an effect on desistance when used alongside other requirements such as probation supervision (Nellis, 2006).

Seven women identified that EM had positively influenced their lifestyles and routines by offering them an opportunity to reassess their usual lifestyles. For example, Jenny described how the curfew had allowed her to alter her usual routines.

I've not stayed over at my neighbours so much...I come back home at a decent time, and...because of my tag I go to bed pretty early so I'm getting more sleep than I used to do so... That's been a benefit, and I'm not so crabby.

The extent to which positive outcomes of EM may have influenced long term compliance is discussed in Chapter eight. However, three women who identified drug and alcohol use as a factor in their offending stated that although they believed that they were given EM with a view to assisting with their issues (alongside other requirements), it had little value in doing so. The two women who identified drug use as a factor in offending expected to reoffend and had said that they had further contact with the courts since they were sentenced, either as a consequence of committing further offences or as a consequence of breaching the community order. Their view was that EM was not effective in addressing their drug use, which they explained was the main source of their offending. This was explained by Dawn as follows:

...you wouldn't stop using drugs just because of a curfew, cos drugs is a different thing, you know, it's an addiction.

Furthermore, despite receiving a less severe sentence than was expected, prison was regarded as preferable on the basis that it would be more effective in addressing their offending-related needs. The following extract from Lindsey's interview shows her preferred outcome after having breached her community order:

I'm hoping to go to prison so I can change it cos obviously, [if I'm]. in prison I can do a proper rehab in there you see, cos when I come out of prison I'm going straight to my dad's...

Lindsey's account displayed a desire to alter her lifestyle but that her community order had not allowed her to do so. Similarly, Leanne also expressed a preference for a prison sentence over an electronically monitored curfew:

If you want me to be blatantly honest, prison, that would have been a better [sentence] for me, [it would have given] me time away from everyone and to think about things I can't be around

Similarly to Lindsey, Leanne expressed a desire to change her behaviour but was not able to as a result of her community order.

5.5.2 Women's views of monitoring staff

Previous experience of the criminal justice process and court experiences also affected the following stages in the EM process. After sentencing, as outlined in Chapter one, monitoring officers visit the homes of the individuals to be monitored in order to fit the equipment. Routine visits by the monitoring company are limited to the installation and decommission of the equipment. Any further visits are usually connected to non-compliance, either through the investigation of suspected tampering with equipment or to ensure that the equipment is monitoring compliance effectively. As a result, women reported varying degrees of face to face contact during the curfew. The monitoring company also provide access to a contact centre which can be used by monitored individuals 24 hours

per day. Monitoring staff only contact individuals by phone if the equipment appears not to be functioning effectively or if violations are suspected.

Monitoring officers do not officially have a supportive role and subsequently are not trained to offer rehabilitative assistance (Hucklesby, 2011; Nellis, 2013b). Rather, their official role is to enforce sentences and their work has parallels with the administrative work of offender managers (Hucklesby, 2011; 2013a). In this regard, Hucklesby (2011) has reflected that the role of monitoring officers may parallel that of prison officers. However, the fact that monitoring officers work mainly alone in varied locations means that there are substantial differences in the way they carry out their role (Hucklesby, 2011). Hucklesby (2011; 2013a) identified three working credos in research with monitoring officers, which are likely to affect the way they interact with monitored individuals. The largest category was 'pragmatists', who sought to undertake their work professionally without judgement of monitored individuals, their families or living circumstances. Their interaction focused mainly on EM and they spent the time needed on visits to ensure that monitored individuals received all the information they needed. This contrasted with 'probation workers' who displayed empathy for monitored individuals and sought to offer help beyond issues relating to EM. The smallest category identified was 'technicians', who showed little empathy for monitored individuals and aimed to complete visits as quickly as possible with limited interaction.

Women's opinions of monitoring officers were overwhelmingly positive, resonating with previous EM research conducted in England and Wales with a predominantly male sample (Hucklesby, 2008; 2009). Women viewed monitoring officers as having three main roles; as information providers, enforcement and

technical. They were not mutually exclusive and it was common for women to mention more than one. The role of monitoring officers as information providers was important to women's understanding of compliance and is explored in Chapter eight. Another common view of monitoring company staff was that their role was technical and related only to fitting the equipment. The following comment by Kelly was echoed regularly across the sample.

It's just someone coming to put your tag on, they're just doing their job.

This meant that women did not consider it an option to contact the monitoring company for anything beyond matters related to the equipment. In the example below, Zoe explained how she viewed monitoring officers as having a purely technical role.

...they were just doing their job and I don't think they're there to support me to be honest...I mean obviously if I had an issue with my tag or I had an issue with the box...I would get in contact with them. But I don't see them as like a support network. I just see them as people come in to fit the box and take it away.

There was a distinction between views of the monitoring officers and the monitoring centre. Women were less aware of the role of the monitoring centre and how they could assist. This was underpinned by the view that the role of the monitoring company was to enforce the curfew. The following quote from Alison shows how her confusion about the role of the monitoring centre prompted her reluctance to get in contact.

A; [They said] if I ever wanted to ring them, I thought, why do I want to ring you?

EH: So you never did ring them?

A: No, I had nowt to ring them for, what would you ring them for? I mean do you ring them to have a chat? ... I don't know, they just said 'if you ever want us just ring us', I thought 'what would I want you for?' So, no, I don't know...how would they help me? They were just to make sure that I were here. ...I know they're not the police, but they

are like an enforcement thing aren't they, they've enforced this through the courts, so, you've got to abide by what they're saying do, so...

The multiple roles of the monitoring company have potential conflict with one another. As a result, information may become difficult to access among those who think that the purpose of monitoring company staff is to enforce. This is echoed in Hannah's comments about the monitoring centre.

I don't really want to speak to them...They've put you on tag – it's annoying! You don't really want to speak to them.

Views of the role of monitoring company staff were also affected by the extent of contact women reportedly had, which varied among the women interviewed. Sixteen women stated that they had called the monitoring centre for a variety of reasons relating to the equipment, emergencies and variations. Contact was made by the monitoring company in specific circumstances, relating to suspected violations and problems with the equipment.

5.6 Concluding comments

This chapter has introduced the women who were interviewed about their experiences of EM by providing an overview of their reported circumstances, criminal careers and sentences received. It has also introduced experiences by outlining women's existing understanding of EM and their views of the sentencing decision. The findings show that the women interviewed were not a homogenous group. Instead they differed according to their living circumstances, existing lifestyles, explanations for offending and understanding of EM and the criminal justice process. There were also differences according to how they viewed the sentencing decision. While some were generally positive, believing that their needs and circumstances had been taken into account others could see little value in the sentence. The following chapters reflect on the similarities and

differences among the women presented here, with reference to their experiences of EM. This begins with an examination of experiences of the restriction of liberty.

Chapter 6 : Experiencing the restriction of liberty

This chapter focuses on how women experience the restriction of liberty which stemmed from the curfew. Chapter three outlined the ways in which EM has been officially represented with reference to retributivist principles. The intention is that EM acts as a punitive element within a community order, with an aim of providing punishment through the restriction of liberty (Ministry of Justice, 2012b). However, EM has been perceived by the public as failing to provide sufficient punishment (Hucklesby, 2008; Nellis, 2003b). This is partly because its intention is to impose restriction during curfew hours only. Therefore, EM can at best be described as partially incapacitative (Gainey and Payne, 2000; King and Gibbs, 2003; Vanhaelemeesch et al., 2014). Although EM may impose constraints on the use of time during the curfew hours, it cannot remove the choice to violate the curfew (Nellis, 2004). Furthermore, the fact that EM allows those subject to it to remain at home with their families has also reduced perceptions of its punitive qualities (Nellis, 2003b). This has led to suggestions that for some monitored individuals, complying with a curfew is not sufficiently challenging for it to be considered a punishment (Walter, 2002). Despite this, EM research both in England and Wales and internationally has repeatedly identified that monitored individuals do experience punishment through the restriction of liberty (see Chapter three).

Within this context, this chapter seeks to examine in what ways the curfew constituted a punishment and what influenced women's experiences. This includes both intended and unintended consequences of the restriction of liberty, as well as perceptions over severity and salience of the punishment that arises

from it. Punishment is considered from the perspectives of those who have experienced it, and in this regard follows a growing body of theory which seeks to examine punishment subjectively (Hayes, 2015; Schinkel, 2014; Sexton, 2015; van Ginneken and Hayes, 2017). A number of factors contributed to experiences of the restriction of liberty. They include personal circumstances such as existing routines, caring responsibilities and relationships with others. They also include factors relating to the sentence, such as curfew hours and length, other requirements and any previous experiences of other sentences.

The chapter begins by outlining the theoretical concept of punishment through the restriction of liberty from objective and subjective perspectives. This includes an account of intended and unintended experiences, discussions over severity and salience of punishment as well as a discussion of how gender may impact upon these experiences. This is followed by women's reported experiences of the restriction of liberty and how they contributed to the experience of punishment. The chapter then considers past experiences, personal circumstances and sentences imposed in terms of their effect on the restriction of liberty. The chapter concludes by discussing factors which ameliorated the extent of punishment experienced from the curfew.

6.1 Objectivity and subjectivity in experiences of punishment

EM is similar to many other sentences in the use of time as an objective measure of intended severity. This commonly relates to the length of time a sentence is imposed for, with the idea that the longer the sentence, the more severe the punishment (Armstrong, 2014). In the case of EM, the use of time has a dual role as it measures the duration of the requirement and the curfew hours. The connection between time and severity of punishment was evident in the decision

to increase curfews to a maximum of 16 hours and for a maximum duration of 12 months, legislated for in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (S71) (see Chapter two). The reasoning behind this legal development was to 'ensure offenders face meaningful punishments' (Blunt, 2011). However, despite this increase, the curfew hours which were reportedly imposed in this study generally followed a standardised pattern whereby curfews typically lasted 12 hours in duration, from the early evening until the following morning (see Chapter five).

The standardised hours imposed reflect a broader ordering of time which exists in society. The requirement for monitored individuals to remain in their places of residence from early evening to the following morning reflect conventional uses of time (Nellis, 2013b). Subsequently, Nellis (2013b) contends that punishment is intended through both a curtailment of engaging in leisure activities during evening hours and a loss of spontaneity in deciding to stay away from home overnight. The curfew has also been identified as a means by which to introduce a more conventional routine, which may positively impact upon the desistance process (Hucklesby, 2008). This relates to the notion that offenders often have lifestyles perceived to be chaotic (Barry and McIvor, 2008). Sociological theories have identified normative uses of time described above as relating to the ordering of society as a result of capitalism (Fitzpatrick, 2004; Lefebvre, 2002). From this perspective, time is commodified in terms of its economic value, and is organised around a conventional understanding of paid work as a result. In addition, time which is not used to work, such as leisure or 'free time', is also arranged to maximise consumption, thus retaining some economic value.

Another important factor related to the curfew is the confinement to the home. In this respect, EM stands distinct from other sentences in its use of the home as a place of confinement. This restricts the freedom to enter into public spaces during curfew hours while also curtailing presence in other private spaces. Questions have been raised over whether the curtailment of individuals' freedoms to public spaces as a punishment or as a means to prevent crime is justifiable (Jones, 2000). Such concerns are reduced by the fact that the spatial restriction in the case of EM is temporary and intermittent (King and Gibbs, 2003; Nellis, 2013b). Fewer debates have been held over the use of the home as a space in which to restrict. There has been some recognition that confinement to the home might be more or less desirable based upon the condition of the home and living arrangements (Nellis, 2013b). This implies that the use of the home as a basis for punishment may result in differential experiences. While some might view it as lenient, others may be further confined to an already problematic environment.

The discussion above focusses upon intended effects of punishment and its objective severity, which can be measured in terms of the length of sentence and curfew length. The established theories of punishment place the intentions of the sentencer firmly at the core of definitions of punishment (McPherson, 1967; van Ginneken and Hayes, 2017). As a result, the intentions of the sentencer are paramount, superseding any individual, unintended experiences. From a 'just deserts' approach, punishment is seen to be done has a higher value than how it is experienced. However, a growing body of literature on punishment has brought attention to the experiences of punishment (see see Armstrong and Weaver, 2011; Crewe, 2011; Schinkel, 2014; Sexton, 2015; van Ginneken and Hayes, 2017). A central thread within research conducted from this perspective is that

punishment is not only experienced objectively, with reference to the length of time it is imposed. Rather, it is experienced subjectively, depending on individuals' personal circumstances. Adopting this perspective means that the definition of punishment becomes wider and includes unintended experiences. These have been defined as 'collateral' (Sexton, 2015) or 'obiter' (Walker, 1991) punishments. The risks of such a wide definition of punishment is that it would include all negative experiences connected to a sentence (van Ginneken and Hayes, 2017). However, as van Ginneken and Hayes (2017) argue, to deny individual differences exist in relation to the lived experience of punishments means that the social realities of punishment for those who experience them are also denied.

Alongside individual differences, which take prominence in a subjectivist view of punishment, structural differences such as gender, ethnicity and socio-economic factors also must be taken into account. As outlined in Chapter three, issues have been raised over the equality of impact of sentences imposed for women. This includes the argument that women may experience punishment more severely due to structural inequalities which exist in their lives (Carlen, 1990; Heidensohn, 1986; Hudson, 2002; Smart, 1989). With reference to the curfew, there are potentially gendered distinctions in the use of time and the meaning of home which may have an impact on how the restriction of liberty is experienced. Both have been theorised from a gendered perspective. Bryson (2007) argues that traditional theories of time which focus on the routines of undertaking paid work, but also relate to family life and free time, all essentially look at time from a male perspective. By adopting a male perspective, these traditional theories of time

overlook any differences in how women spend their time. This includes an oversight of the impact of caring on time.

In contrast, women's time is described as "cyclical, natural, task-oriented, relational and embedded, the time of reproduction, the family and personal relationships" (Bryson, 2007, p122, p122). This results in distinctive uses of time, particularly in the home. Rather than the traditional demarcation between work, leisure, and personal time, gendered uses of time are more relational. As a result, work, leisure and personal time are interwoven (Adam, 1994; Silva, 2002). Furthermore, time can be monochronic or polychronic (Hall, 1989). This refers to the use of time engaged in one activity (monochronic) compared to several activities simultaneously (polychronic). Hall (1989) has suggested that polychronic uses of time are more prevalent among women. This could relate to engaging in leisure activities whilst also carrying out caring responsibilities. This has implications for EM as it makes the restriction of leisure time less straightforward if this is also used to care for children at the same time (Adam, 1994; Hall, 1989; Silva, 2002). The meaning of home for women has also been considered within sociological theory. This centres on the point that homes are commonly spaces of domestic work for women (Heidensohn, 1996). As a result, it has been suggested that the home is an inappropriate space in which to impose punishment (Aungles, 1994).

Subjectivist approaches to punishment also adopt a different view of severity. Sexton (2015) has outlined a theoretical framework on 'penal consciousness', which refers to the punishment which is experienced rather than what is intended. A distinction is made between the 'punitive referent', which is the object of the punishment (such as the curfew) and the punishment, which refers to an

individual's subjective understanding of the punitive referent. Sexton (2015) also distinguishes between concrete and symbolic punishments. The former encapsulates experiences which flow directly from the punitive referent. In relation to EM, for example, this could be the curtailment of engaging in activities away from the home during curfew hours. Symbolic punishment refers to a wider representation of punishment which is connected to the penal referent but not drawn directly from it. This could include the feeling of the loss of freedom and autonomy which may be experienced when a curfew is imposed. Sexton (2015) argues that punishments with a higher symbolic element lead to the experience of more severity.

Other research has been conducted on the severity of punishment from a subjective perspective (see for example, see for example, Crewe, 2011). Sexton defines severity in terms of the intensity of punishment experienced. However, she also draws upon the concept of salience, which is defined as 'the degree to which punishment has infiltrated and permeated one's everyday life' (2015, p128, p128). Both severity and salience differ according to the personal circumstances of an individual. They are also subject to fluctuation during the course of a sentence. Sexton (2015) argues that the concept that links severity and salience together and ultimately characterises the experience of punishment is how it matches the individual's expectations of the sentence. This is defined as the 'punishment gap', referring to the difference between what is expected and what is experienced. The larger the divergence between expectations and experiences, the greater the punishment gap and the greater the amount of punishment experienced. Expectations are characterised by past experiences of sentences and also comparisons to other sentences, whether these are

perceptions or drawn from previous knowledge. van Ginneken and Hayes (2017) define this as ‘comparative severity’ and argue that it constitutes another element to the subjective experience of punishment.

Having provided an overview of objective and subjective approaches to punishment, the following section examines women’s subjective experiences of punishment, stemming from the curfew and the restriction of liberty.

6.2 Experiencing the restriction of liberty

Women’s accounts showed that the restriction of liberty had a number of effects and contributed to experiences of punishment. This reflects existing EM research, which has consistently identified that those who experience it commonly report a genuine restriction of liberty caused by the curfew. (Airs et al., 2000; Gainey and Payne, 2000; Hucklesby, 2008; 2009; King and Gibbs, 2003; Lobley and Smith, 2000; Mair and Mortimer, 1996; Mair and Nee, 1990; Vanhaelemeesch et al., 2014). The effect of the restriction on women’s lives varied and included both intended and unintended, or ‘collateral’ consequences (van Ginneken and Hayes, 2017). Differences in the severity and salience of punishment experienced were apparent and influential factors are outlined in the following section. Before this, the intended and unintended consequences which stemmed from the restriction of liberty alongside examples of how the curfew acted as concrete and symbolic punishment are discussed.

Despite the fact that curfews resulted in ‘reduced freedom’ (King and Gibbs, 2003) rather than a loss of freedom, it was sufficiently restrictive for it to be experienced as a punishment. The effects of the restriction varied; for those who reported usually going out during evening hours, the curfew had a widespread

impact upon their uses of time. In the following quote, Lucy explains that the curfew had an impact on her life in numerous ways:

Just not having a life really, just not being able to go out and stuff, not like out drinking but just doing normal things that like a teenager would do, like staying out and stuff like that, and going to see your friends, so yeah it's been quite hard.

This provides an example of concrete punishment (Sexton, 2015) which flowed directly from curfew. Concrete punishment was not only identified by restriction in leaving the home, but also existed spatially, around the homes of the women and in their immediate vicinity. This prohibited women from using their homes and outside spaces in the way they usually would. Often this had an impact on practical and domestic chores which could not be carried out during the curfew. Examples were varied and included bringing washing in, taking the bins out and topping up the electricity meter. Hannah described a situation where she was unable to top up her electricity meter.

...I ran out of lecky once and I couldn't leave the house so I had to sit with candles...I have to take my key to a shop. I live above a shop as well but I couldn't even go downstairs cos you're not allow out are you? ...It was a bit of a joke like.

Being unable to use domestic spaces as they usually would was a matter of concern for the women themselves, but they also had concerns about the implications of the restriction for others, including children. The result was that outside spaces could not be used by women and children in the way they would usually. Alison described how she was unable to play with her grandson in the garden while looking after him:

It affected my grandchildren, because my [grandson], he's 17 months and he likes me to play out, you know like they do. [He's] stopped over a couple of time with [my partner] working away, to keep me company. When it has been nice, you know, dogs are playing out and [my grandson] wants to play out and he'll say 'nana, nana!' and I can't go

out, and I say 'baby I can't come out, mummy come out'...and you can't explain to a 18/17 month old baby why your nana can't go outside you know, so it has affected that, yeah, yeah.

Women's uses of time and space were often closely connected to others. As outlined in Chapter five, relationships were defined by providing support and receiving support from others. This included caring for children but extended to offering support to other family members, including older relatives. Women typically stated that they were able to comply with the curfew while caring for children. As the section below outlines, routines involving caring for children affected the degree of salience of the punishment (Sexton, 2015). However, the restriction of the curfew also meant that women were limited in terms of activities they could engage in with others. The following extract from notes of the unrecorded interview with Denise reflects this:

Denise found it hard to do the things with her grandson that she would usually have done. When it was good weather, she would have taken him to play at the beach in the early evening. She gave a number of other examples of things she would have done with him, including taking him to the shops, going to feed the ducks or being out in the garden for longer. Instead, they had to play in the house, which became frustrating after a while.

Five women reported that they offered support to others who did not live with them. The type of the support varied, often included practical support but also extended to providing companionship. This was closely connected to their identity as daughters and sisters. Although time was spent offering support, it was also an opportunity to spend time with their relatives and engage in recreational activities together. This provides an example of the polychronic uses of time (Hall, 1989), where women undertook both recreational and caring time simultaneously. The following extract from the unrecorded interview with Leah describes this.

Leah explained how she had missed staying at her mum's house during the curfew as she would usually have stayed over and helped where she could. Her mum had a stroke and suffered from angina and Leah described how she usually went over and helped out, and then watched a film with her and had a glass of wine. She wasn't able to do this during the curfew and she explained that both of them had really missed it. She would usually help out with shopping, just being a daughter to her mum, but she wasn't able to do any of that and that had been really hard.

This distinction between care provided to cohabitants and those who did not live with monitored people has been identified in previous research (Hucklesby, 2013b). Issues with providing care may be experienced more commonly among electronically monitored women due to structural differences in society in which caring responsibilities are predominantly undertaken by women.

6.2.1 Symbolic punishment

As noted above, EM has often faced criticism for it being insufficiently punitive. Given the effects of restriction that the women described, it could be argued that minor inconveniences such as being unable to take bins out or supervise children playing outdoors would not amount to high degree of punishment. However such a viewpoint overlooks two things. First, inability to use space around the home may result in an inequality of impact in the way the punishment is experienced by women. Even where women with children had partners, they reported being primary carers and were responsible for domestic chores. As a result, being unable to carry out these tasks may have resulted in more restriction being felt. Second, this viewpoint overlooks the experience of symbolic punishment. Women's accounts suggested that overall, they experienced a high degree of symbolic punishment.

Even in situations where women reported little concrete punishment through the restriction of liberty, mental effects were widely reported in the experience of

punishment. The following quote from Gillian demonstrates how being unable to undertake simple tasks took on additional meaning:

G: Freedom has been taken away – you can't even get out of the back door to put the rubbish out and the mental side of it affected me more than the physical, kinda, not being able to go out I suppose.

EH: Right. So when you say 'the mental side', what do you mean by that?

G: Well, because your liberty has been taken away – your freedom, y'know.

Situations where women's liberty was restricted, however minor they appeared, acted as a reminder of the wider punishment. This reflects existing research which identified that monitored individuals were clearly and continuously aware of the restriction imposed, even in situations where they reported little restriction (Hucklesby, 2008). This awareness of the restriction was described by Danielle as follows:

...you know you've got [the tag] on, you can't do what you'd normally do, or do what you want on it, and you're always alone. Even if you've got friends in your house and they go home, you can't like, my mate's 14 and...I used to be able to walk her home and then I got t'tag and couldn't walk her home, so I used to worry, if she didn't get home then I couldn't help her. It was really, really, depressing, sometimes it's like, you just wanna hurt yourself or something. It was really, really, bad.

Danielle's account shows that the feeling of restriction had clear adverse psychological effects. This reflects Sexton's (2015) assertion that symbolic punishment is felt more severely than concrete punishment. Amy similarly explained the mental effects of being unable to provide support to her father, who she described as 'a homeless alcoholic'.

...when my dad's upset cos of the state of him, when he rings me on a night time upset, I can't do nowt, there's nowt - I can't . leave the house, know what I mean, so I have to just say 'look I'll come and see you in't morning' because there's nowt I can do. And then I won't sleep at night worrying about him, so you know little stuff just used to, it did batter me head, really, really, really batter me head.

This illustrates the effects of the restriction which were felt by being unable to provide their usual level of support to others. Others described feeling a lack of autonomy as a result the restriction. This was evidenced by feelings that the restriction itself was a source of humiliation as their uses of time were controlled. A lack of choice in how to spend time carried a psychological burden and was synonymous with feeling like a child. As a result, some women reported feeling infantilised by the restriction. Kelly explained the loss of autonomy and the awareness of the restriction as follows

...nobody likes to be told when they can and can't go out, especially not when you're over 16. A 24 year old person like [me] - it's like being back at school, like being grounded and stuff like that. It's like somebody's got control over you, where if you break that control, then that's it, you go straight back into the magistrates.

This has wider connotations for female offenders and chimes with prison research, where punishments have had the effect of infantilising women and diminishing their roles and responsibilities (Carlen, 1983; Moore et al., 2017; Rowe, 2011).

6.3 Factors which influenced the experience of restriction

The discussion above highlighted both concrete punishment, which stemmed directly from the restriction of liberty, and also the presence of symbolic punishment. With regard to the latter, there were numerous examples throughout the sample. However, the severity of punishment, whether concrete or symbolic, and its salience, or extent to which it infiltrated women's lives, varied across the sample. A number of factors contributed to how punishment was experienced from the curfew, and these will now be considered in turn. This includes factors which had positive effects, which assisted in ameliorating any punishment experienced. The section begins by considering the impact of previous experiences of sentences on how women perceived the curfew in relation to punishment.

6.3.1 Comparative severity

Women discussed the experience of punishment from the restriction of the curfew with reference to other sentences. This was influenced by their knowledge of other sentences outlined in Chapter five. This was typically drawn from limited experience of sentences as twenty women stated they were first time offenders. This meant that they had little understanding of what other sentences entailed and therefore, how they would constitute a punishment. This related particularly to community sentences and illustrated by Sabeena's quote below:

I don't really know what [probation] is. I'm new to all this stuff, me. I don't even know what probation is. You just go and talk to somebody?

For women who described routines which involved them remaining at home during evening hours (see below), the curfew was typically regarded as more convenient than other community sentences, and was preferred. Issues with arranging childcare and difficulties completing sentences such as unpaid work due to health issues were given as reasons. For Alesha, EM meant not having to attend a probation office alongside men which she found to be an unpleasant experience:

I didn't like community service, they sent me to [name of] probation office and there's loads of guys there and I didn't feel comfortable at all, I just didn't like it. And I felt the staff that I had to do my community service with, they weren't really nice or polite... [I] just [did] charity shop work, most of it, like hang up clothes and stuff and steaming them and sorting out things that are no good to them and which are good – I didn't mind the work itself, it was alright, it was enjoyable, it was just the people that was around wasn't really people that I would get along with.

Women with shorter curfew lengths also considered that EM would be less restrictive than other community sentences. When compared to community requirements such as probation supervision, the duration of EM was regarded as an advantage. Kelly explained this as follows:

I think it's over quicker than probation or youth offending cos if you get a 6 month community order you have to do it for that 6 month don't you, but nobody really gets 6 months on tag, if they're gonna tag you for 6 month then they're going to send you to jail, so...

Women with experience of probation compared the severity of punishment to EM. They identified that the level of disclosure of personal information and the requirement of self-governance in making correct decisions related to offending contributed to the experience of punishment. This is consistent with research on probation (van Ginneken and Hayes, 2017). As a result, EM was viewed favourably in relation to the severity of punishment. Keira's experiences of probation supervision were noted as follows from her unrecorded interview:

Keira's previous sentences included a custodial sentence at a young offender institution when she was 16, fines, probation supervision, attendance at Together Women and an alcohol awareness course. She described EM as 'easy' compared to other sentences she has received because at probation people constantly ask about her private life. At Together Women, she is constantly asked about her alcohol use.

Discussing restriction and punishment of EM with reference to prison was also common throughout the sample. This is consistent with previous research on EM which identified that although the restriction was preferable to what would be felt in prison, monitored individuals were made to feel like 'prisoners in their own homes'. (Gainey and Payne, 2000; King and Gibbs, 2003; Mair and Nee, 1990; Vanhaelemeesch et al., 2014). This view was also present across the sample. Jenny compared the feeling of restriction to prison, while also recognising the advantages of remaining at home:

...it feels like a punishment in your own home really, more a less a small prison, although there's nobody stopping you walking out but that's the thing, you...risk ...actually go[ing] back to court and get resentenced or get resentenced to jail, so...what would you rather choose, curfew or [prison]? But at least you're in your own home as well, so I'd rather choose curfew than jail.

Being able to remain at home was regarded as a benefit to receiving an electronically monitored curfew over prison. Women with caring responsibilities saw the benefit of receiving EM as it meant that they were able to continue caring, even if this was curtailed by the curfew. Women's opinions of the severity of EM compared to prison were mainly based upon their perceptions of what the experience of prison would be, as only four reported having been given a custodial sentence in the past. For them, there was a clear distinction in terms of severity of punishment, with all stating they preferred EM to prison. However, as discussed in Chapter five, there was some recognition that prison was better able to respond to needs relating to drug use.

6.3.2 Objective severity

Differences in the sentences received had an impact upon experiences of punishment. Although curfews adopted a similar pattern from early evening until the following morning, differences were reported in curfew start times. As discussed in Chapter five, later curfew start times were most likely to be imposed on women who stated they had caring responsibilities. Furthermore, women with later curfew hours reported feeling less restriction than those with earlier curfew starts. Although this was commonly explained with reference to existing routines (see below), later curfew start times were also identified as a contributory factor. One advantage was that they allowed women to fulfil their caring roles with fewer difficulties than if earlier curfew start times had been imposed. In the following example, Anita explained how later curfew start times would have meant relying on family who she did not live with to help with her son.

I think to be honest, if it had been 7 o'clock or something like that, then it would have probably caused- [my family] would have to do a lot more running around...cos obviously with the little 'un, picking him up from stuff, cos I take him to a lot of clubs, you see, on a night. They would have done it, they'd have made sure that I stuck to it.

In addition, some women identified that the length of the curfew affected the restriction experienced, although this largely depended upon the degree of

salience (discussed below). As outlined in Chapter five, the curfew lengths ranged from four weeks to six months. Women commonly predicted that longer curfews would have resulted in more restriction felt, although those who reported little change to their existing routine were less concerned with the length of the curfew. In the following quote, Julie connected the length of the sentence with the severity of punishment.

Three months isn't that long is it? Not really. It's not affecting your life. It's just a piece of plastic.

This contrasts with women who had longer sentences and felt that the length of the sentence contributed to feelings of restriction. For Alison, who had a curfew for four months, the length of the curfew added to the extent of restriction experienced:

...it's been a nightmare, 16 week has took forever...

Again, the length of the sentence was discussed as contributing to the feeling of restriction where women reported a higher degree of salience. This shows that the length of the sentence alone did not increase the severity of restriction experienced.

EM was imposed alongside other requirements in fifteen cases and the effect on the overall experience of restriction varied. Although other community requirements have a number of official purposes, previous research has identified how they can act as 'a fine on time' (Armstrong and Weaver, 2011; Durnescu, 2011; Hayes, 2015; van Ginneken and Hayes, 2017). There is a risk that multiple requirements can add up and create an unmanageable amount of restriction (Gelsthorpe et al., 2007). This research identified that those who reported feeling the most restriction from other requirements had more than two requirements

alongside EM or had more intensive requirements imposed. The ten women who reported having a supervision requirement alongside EM stated it had a limited effect on the overall extent of restriction experienced. This was usually distinguished in terms of the fact that supervision appointments were to be completed during the day, long before the curfew took place. More intensive requirements included the drug rehabilitation requirement, which requires attendance at groups and regular drug testing. Dawn explains the difficulties with this and how it affected the overall restriction felt.

...we go to these appointments, these probation ones and sometimes we have to stay there like all day, till half past four, could be five...doing groups...all kinds of different groups, women's groups, mixed groups...one to one talking or group talking, y'know it's like group therapy for drug users cos we're all drug users in there...So we can be there all day doing different groups and then come out at five o' clock, but then I might have something else I've got to do and then it's like five, six, seven so I've got two hours, and I'm in town, y'know, cos that's where the DIP² is...so yeah it can be a bit of a rush actually

In addition, five women reported having additional restrictions imposed on them at sentencing, including driving bans, ASBO and a restraining order. These were reported to act as additional sources of restriction. In some cases, the restrictions from these prohibitions were experienced more severely than the restriction from the curfew. They also meant that women were again restricted in the way that they were able to spend their time. Diana explains this as follows:

...the tag [is] nothing whatsoever, it's not hindered my life, at all, the tag is absolutely nothing, it's the driving ban and the not being able to drive the kids to and fro, what have you, that's the main thing, the tag is absolutely nothing.

6.3.3 Existing routines and degrees of salience

The data showed differences in the degree to which the restriction of liberty had an effect on women's lives. This reflects differences in terms of salience which,

² Drug Intervention Programme

as outlined above, has been identified as a factor in the subjective experience of punishment (Sexton, 2015). In relation to EM, salience of punishment was affected by the extent to which the curfew permeated their lives, by prompting changes to lifestyles and existing routines. A curfew imposes an artificial routine and the extent to which existing routines changed to accommodate the curfew affected the degree of salience. As well as being a possible source of punishment, changes to routines may also result in a positive outcome for some monitored individuals.

Women gave different accounts of their existing routines and everyday lives, suggesting that the curfew affected their uses of time to varying degrees. The notions of routine and the everyday have been explored by cultural sociologists (Felski, 2000; Lefebvre, 2002; Silva, 2002; van Tienoven et al., 2017). While recognising the difficulties in conceptualising the everyday, they suggest it is defined in three ways; temporarily by rhythmic uses of time, spatially, with reference to the home, and through the development of habits. This resonated with how women's reported uses of time and space contributed to their routines and everyday lives. Across the sample, women's descriptions of their existing routines fell into three categories. Eleven women described existing routines in a way which suggested they usually spent time away from their homes during evening hours. As a result, a greater degree of salience from the restriction was reported among these women. In contrast, five women reported having a newly established routine shortly before the curfew which was usually connected to the offence they committed and contact with the criminal justice system. This resulted in experiencing less salience of punishment as new routines were temporary at the time the curfew was imposed. Finally, fifteen women reported an existing

routine which was already restricted by often multiple factors. These included caring for children and mental and physical health issues. Existing restrictions meant that women's routines were already limited and resulted in women spending most of their time at home. This reduced the degree of salience of punishment as most women describing this lifestyle stated they would have been 'in anyway'. Each of these lifestyles is discussed in turn below and the degree of salience of punishment reflected upon.

6.3.3.1 Women usually out during evening hours

Different lifestyles and routines were described among the women who stated they would usually have gone out, along with different activities they described being restricted from. The accounts of five women described a routine which involved spending recreational time away from the home during the evening. They described a traditional, linear use of time (Fitzpatrick, 2004; Lefebvre, 2002) where weekends were predominantly spent engaging in recreational activities, compared to during the week where less restriction was experienced. The salience of the restriction therefore fluctuated, which reflects theories of the subjective experience of punishments (Sexton, 2015). Fluctuations existed on the basis of the working week, with more restriction reported during weekend curfew periods. This was particularly reported among women who were in employment, as Amy explained this below:

...it doesn't affect me through the week, does not bother me, you know with me working, but it's the weekend, Friday and Saturday, they're the two days that do get me.

The data showed that women made changes to routines and activities, even where it would have been possible to continue engaging in similar activities outside curfew hours. In the following quote, Lucy explained how she initially

altered her routine to maintain her usual recreational activities outside curfew hours, but eventually made changes:

...my social life was like going out every weekend and stuff like that, so...at first I was, on a weekend I was going out through the day and seeing friends and stuff, but then, I just stopped bothering with that really.

However, other women described existing routines which involved being away from the home during evening hours and often late into the night. This typically involved drug or alcohol use which dominated routines for five women. For example, Kelly described how her drug use heavily influenced her uses of time.

7 o' clock, that's when we start going out ... cos I take amphetamines, most of my friends... we'll all go out in the night time, you know what I mean, when everybody else is asleep, and when they're awake we're asleep.

For these women therefore, the imposition of a curfew required adapting to a different, more conventional routine. This meant that a greater degree of salience of punishment was reported. Although this was regarded as negative, changes to routines were also recognised as having positive effects on women's lives and this acted as amelioration to the punishment (Sexton, 2015). This is consistent with previous EM research which identified that the curfew offered time to reflect (Hucklesby, 2008). Women recognised that adopting a different routine had positive unintended consequences to their lifestyles and this may have influenced their attitudes to offending. This included using the artificial routine of the curfew as a time to reflect upon offending. Jenny explained the positive impact of the restriction as follows:

It's made me think, it's changed me in the way I think of getting myself into trouble again, whether or not to...well it's made me change the way I do things as well.

Changing routines also led to discovering alternative ways of spending time which were enjoyable. This included spending more time with family which had a positive influence on relationships. Leanne reflected on this as follows:

I've kinda realised, you don't need to go out every Friday and Saturday night and get drunk, d'you know what I mean, you can have family time and I know it sounds a bit lame, but, you can stay in with your brother and sisters and look after nieces and nephews...

Changes to routines were also reported to contribute to a reduction of alcohol consumption during the curfew. This was attributed to being unable to go out and wishing to avoid consuming alcohol as they usually would when in their own home. Following on from her comments presented above, Lucy explained the effect of the curfew on her alcohol consumption as follows:

I haven't really drank that much since it's been on, I haven't drank for like 3 or 4 months now... If I'd have not got a tag then no, I'd probably carried on drinking and going out and stuff, so I think it's been a good thing for me, it's made me grow up a lot and stuff.

In Carol's case, her reduction in drinking was also influenced by concerns about breaching whilst under the influence of alcohol.

I knew that I couldn't go out for a drink, you know what I mean? In case I ever went out and stopped out too long or went out into the garden and stopped out in the garden, which I have done once or twice when I was drunk. I knew I couldn't step out into my back garden because, like, [the range] stopped at my French doors.

However, the effect of the curfew on alcohol consumption affected women to varying degrees. For example, Dannielle stated her alcohol consumption habits remained unchanged and she had continued to consume alcohol regularly at home:

...on a weekend, cos I drink with my mates, they used to come to my house on a Friday, drink Friday, drink Saturday and rest Sunday, so I'd see them through [the] weekend, they'd like stay and stuff.

As referred to in the quote, the change to routine left friendships in place which were connected with alcohol consumption habits. This is reflected upon in more detail below.

6.3.3.2 Women usually at home during curfew hours

While the curfew imposes a temporary routine, it also came at a time when seven women had experienced some upheaval in their lives. As detailed in Chapter five, the source of the changes to lifestyles varied; for some it been prompted by committing the offence, which had acted as a ‘turning point’ (Laub et al., 1998) by revealing underlying causes which needed addressing. Others attributed it to their involvement in the criminal process, which affected relationships and housing. This included moving house and breaking ties with existing friends and family. This reflects other studies which have identified the negative impact of the criminal justice system on women’s lives (Corston, 2007; Giardino et al., 2002; Osterman, 2018). Personal circumstances such as pregnancy had also altered routines. As a result, the curfew was imposed at a time when women had already altered their lifestyles significantly. This had an impact on the extent of restriction experienced by the curfew and reduced the degree of salience of punishment. For example, Gillian’s conviction for driving whilst under the influence of alcohol prompted significant changes to her lifestyle, involving addressing alcoholism:

I’m in recovery from alcoholism at the moment. So at the moment, going out isn’t on my agenda of things anyway but, from the court, they wouldn’t know whether I was in recovery or not so for them, putting me on a curfew is like, ‘Oh she can’t go out drinking’. But I’ve not had a drink since the date of the accident. So it’s not stopped me doing anything really because I’ve been focussed on my recovery.

The third type of routine identified in the sample was defined by a number of existing restrictions which already limited women’s uses of time. These included caring responsibilities and health issues. As a result, women typically stated that

the curfew had a limited restrictive effect and there was a low degree of salience of punishment. Any restriction from the curfew overlapped with existing restriction from women's circumstances and they commonly reported making few changes to existing routines in order to comply with the curfew. As outlined in Chapter five, eleven women reported caring for one or more children, whose ages ranged from four months to fifteen years overall. A common theme in the accounts of women caring for children was that their existing routine involved remaining at home with their children. As a result, women reported feeling little restriction from the curfew and commonly stated that they would have been 'in anyway'.

The types of activities women with children reported engaging in during the curfew varied according to the ages of the children they were caring for. In the case of younger children, time was spent engaging in physical activities required to maintain a routine in the children's lives. The following example from Sarah illustrates this:

...the times haven't really bothered me as I'm in on a night anyway with my kids and I like to get them in and sorted y'know, tea, bathed and ready for bed.

Evening hours were used to carry out caring responsibilities at home rather than recreational activities away from the home. This reflects gendered theories of time discussed above, which suggest that work, leisure and personal time are interwoven (Adam, 1994; Silva, 2002). The accounts of women with older children suggest a more polychronic use of time. This involved engaging in recreational activities, such as watching television, whilst also caring for children. This was the case for Diana, who stated she was a lone parent to two older children:

...we sit down on the sofa at like 8 o'clock anyway, start watching the soaps and stuff and - no, [the curfew has] not affected us at all.

Therefore, although time was spent engaged in leisure activities in the home, there was an additional dimension which related to meeting the needs of children. The curfew also created a loss of spontaneity, resulting in women being unable to leave their homes temporarily during curfew hours. This may arise in situations where women had to go to the shops to purchase items for themselves and those they cared for. However, the data suggests that a loss of spontaneity caused by the curfew was experienced less among women with caring responsibilities, particularly lone parents. This was because they were used to a reduced degree of spontaneity which was created by having to remain at home during evening hours caring for children. Furthermore, physical and mental health issues and were often combined with caring responsibilities, resulting in multiple existing restrictions. Women's reported lifestyles involved limited opportunity to leave the house on a day to day basis. In the following quote, Catherine, a mother who suffered from various health issues, described how her existing routine had remained largely the same during the curfew.

The only time I go out is on a Friday morning and that's when my husband goes to [the supermarket] and I go sit in the café. That's the only time I go out unless it's for hospital visits. Once, no, twice, we've been to [the local town] and that's it. I haven't been nowhere else. I've not changed my pattern for [the curfew] or anything. I just don't normally go out.

Unchanged existing routines limited the experiences of restriction caused by the curfew itself. This resulted in the view that the curfew had not acted as a punishment. The view of Naomi was typical of responses given when women were asked whether the curfew itself had acted as a punishment.

We don't go out after nine o'clock anyway cos [my brother is] usually in bed...and then obviously, on a morning, we don't have to set off until eight o'clock in the morning for school anyway. So, it worked out fine. I don't tend to go anywhere anyway cos of my back so it's not really bothered me.

However, fluctuations of restriction were also experienced among women whose existing routines involved remaining at home during evening hours. They were caused by missing public events and private occasions such as birthday parties. While these were less frequent, they were experienced as punishment, as the following extract from the interview with Sabeena illustrates:

Do you feel it's been like a punishment?

Yeah, I do 'cos like certain nights I've not been able to go out and stuff, y'know, like on a weekend, if I go out with my son. I'm stuck here...I didn't really go out much anyway but there was one weekend where I could've gone somewhere and [my partner] disappears. I'm just sat here by myself then.

Some occasions reflected a more cyclical ordering of time, relating to seasonal restrictions. They not only applied to public holidays such as Christmas, but also to periods during the summer months when women reported feeling restriction more severely through not being able to spend their time recreationally away from the home during evening hours. For some, being restricted during good weather constituted a greater restriction than the weekends. Rose explained this as follows:

...I thought, weekend is going to kill me, not going out but it never did. Come eight o'clock, which I think is a reasonable time... What did it most is when it was nice and hot outside and sunny. Everybody was sat in the beer garden, supping, and you know you've got to be in the house. You weren't allowed to go out, supping.

For women with children, a further source of stress during occasional days out was organising time to ensure that they were at home for the start of the curfew. This had an effect upon what activities were engaged in, and restricted women spatially in terms of the distance from their homes. In reality, this affected not just women but also their families and children, from spending time outside curfew

hours as they would usually. Sarah discussed the implications of the curfew on the way she spent her time with her children:

...it's just like odd weekend if you like, if friends are going out somewhere or the kids if it's a nice day, you're a bit panicky cos I had to be in for a certain time. Y'know like school holidays and that, we couldn't really go out for the day as a family because I were scared in case I weren't back in time for me curfew starting...it were just playing on me head, if I go here I got to be on this certain bus or, you know, working it all out to make sure that, you know, I was back in this house before six.

Concern about being back in time for the start of the curfew has been identified in previous research (Vanhaelemeesch, 2014). However, the experiences of women with children are distinct because of concern not only for their own uses of time outside curfew hours, but also on those of their children. This is consistent with the findings on concrete punishment discussed above, where restriction was often reported to be felt in relation to others, particularly among women with children. However, relationships were also a source of amelioration to the feeling of punishment, and are considered in more detail below.

6.3.4 The impact of relationships on the restriction of liberty

Women identified a number of positive unintended consequences of the restriction and frequently discussed receiving support from family members. Identifying positives in the restriction of liberty had the effect of reducing the severity of punishment. This is consistent with Sexton's (2015) theory that positive experiences connected to the sentence work to ameliorate the punishment experienced. As discussed in Chapter five, a distinction has been drawn in previous EM research between those who lived alone and those who lived with other, with the former finding the punishment more severe (Hucklesby, 2008; 2009; Vanhaelemeesch et al., 2014). In this research, while five women stated that they lived alone, there was no clear distinction between them and

other women in the severity of punishment experienced as a result of their living arrangements. Furthermore, similar to existing findings, this research also found that relationships remained largely unchanged by the curfew. Overall, women reported having positive personal relationships. However, a minority of women described problematic relationships with partners and family members who they lived with. These women reported that the curfew had at times been difficult, largely because women could not respond in the way they usually would by leaving the home temporarily. In the following quote, Danielle discussed a situation she had faced with her father:

my dad's quite a violent person, and he'd had an argument with his mate and he were telling me and I said, 'don't really wanna know, shut up', and then he pinned my little brother up by his throat, so I grabbed him and got him away and he were telling me to get out and I said 'no I'm on tag, you know I can't get out', and he was just saying 'get the fuck out of my house' and I said 'no I won't', so he grabbed me and tried to chuck me out and I held on to the door frame and said 'I'm not going, I said if I get breached you're going down for it'

The lack of spontaneity and increased amount of time spent together were problematic particularly for younger women who lived with their parents and supports existing research on EM (Hucklesby, 2013b). Even where relationships were described as generally positive, there were situations where the restriction of the curfew led to arguments. This was because partners and other family were able to leave the house during curfew hours when the women were not. Gainey and Payne (2000) defined this as 'watching others' and identified as a 'pain' of EM which is specific to it. This extract from Leah's unrecorded interview illustrates this:

Leah explained that she had been invited to around four birthday parties and weddings during the curfew with her partner. She told him he should still go to them and represent them both, which he did, but then she ended up sitting alone all night and that made her feel really low, especially because of her poor mental health.

In addition to negative effects of the curfew on relationships, women commonly stated that others also had an ameliorating effect on punishment. This occurred when friends and family members spent time with the women at their homes during curfew hours. These included women who lived with them as well as other friends and family. They reduced feelings of punishment by providing a distraction to the restriction. This was particularly the case among women who stated they would usually have gone out during curfew hours to socialise. Kimberley's experience is illustrated by the extract from notes made after her unrecorded interview:

Kimberley explained how sometimes she would get bored being on my own, so her sister stayed over at her house. Kimberley's little brother who is 10, has been over to stay as well, which gave her a reason to be in and something else to concentrate on rather than not being able to go out.

Previous research has identified that restriction of liberty is also experienced by family members, particularly those who cohabit with a monitored individual (Vanhaelemeesch, 2014). This included changing activities and routines to remain at home during curfew hours in order to support those monitored. However, there was a difference across the sample in how women responded to the effects on others. While younger women were grateful to receive support in this way, older women who described more conventional routines stated that they made efforts to ensure that their partners were not affected by the restriction. Their priority was to reduce the effect of the curfew on others despite the fact that women found it difficult when partners went out during curfew hours. This was focussed upon to a greater extent than others changing their routines to remain at home with the women. Gillian described the effect of the curfew on her partner as follows:

He's still gone out. We've tried not to let it affect him. It's just stopped us doing things socially together.

6.4 Concluding comments

Women's subjective experiences of the restriction of liberty as a punishment were nuanced and multi-faceted. They depended upon women's circumstances, lifestyles and relationships and the interplay between these factors. Objective measures of severity were also important to consider, such as curfew hours and length. It is clear that differences existed in how women experienced the restriction of liberty. This arises through the salience of punishment and the extent to which the restriction permeated women's lives. As a result, those required to make changes in order to comply with the curfew clearly identified the experience of punishment as a result of the restriction. In contrast, those who reported making few changes to their existing routines still experienced punishment through the restriction of liberty. This came as a consequence of the far reaching effects that the restriction had, and the high levels of symbolic punishment reported. As a result, seemingly minor restrictions such as being able to access the space around homes for domestic chores became symbolic of the wider restriction. This shows that restriction was still experienced even where it appears that few lifestyle changes were made to accommodate the curfew.

Women's experiences of punishment through the restriction of liberty were closely linked with their relationships with others. This arose as a result of the fact that caring and domestic responsibilities remained largely intact during the curfew. Being able to maintain these roles and remain at home is a clear advantage to EM compared to custodial sentences. However, being under curfew permeated these relationships in several ways. Although day-to-day caring activities were relatively unchanged during the curfew, restriction acted as

symbolic punishment through reminding women that they could not carry out their responsibilities entirely as they would usually. In addition, relying on others for support during the curfew contravened their usual roles as providers of support. Therefore, women became both providers and receivers of support simultaneously. An indication of women's focus on others is seen through the fact that reducing the effects of the restriction of liberty on others was typically of greater concern than prioritising their own need for relationships to act as amelioration to the punishment.

This chapter has identified that although the aims of EM acting as a punishment through the restriction of liberty is loosely defined, the subjective realities of punishment go far beyond what is intended. This theme is continued in the following chapter, which considers the effects of EM on women's identities and experiences of stigma.

Chapter 7 : Negotiating identities and managing stigma

Women's accounts of their experiences of EM commonly included attempts to negotiate their identities and manage stigma throughout their sentence. The potential for stigma to be felt by women from contact with the criminal justice system has been recognised previously (Armstrong and Weaver, 2011; Corston, 2007; Eaton, 1986; Malloch and McIvor, 2011; McGrath, 2014; Radcliffe and Hunter, 2016; Sharpe, 2015; Worrall, 1990b). In addition, negotiating non-offending self-identities has been identified as an important part of the desistance process (Barr, 2018; Giardino et al., 2002; Osterman, 2018). Research suggests that female offenders may be distinct in how they respond to challenges to their self-identities and how they manage stigma during the course of their contact with the criminal justice process (Malloch and McIvor, 2011; Radcliffe and Hunter, 2016; Sharpe, 2015). Furthermore, EM is distinct from other community sentences due to its visibility through wearing the tag and the use of the home as a location for punishment. Therefore, this chapter seeks to examine how these features of EM influenced women's self-identities and how they affected experiences of stigma throughout the sentence. The next section introduces the theoretical concepts of identity and stigma, and their implications for female offenders. This is followed by a discussion of how women negotiated their identities throughout their sentences and the significance for experiences of stigma. This focusses specifically on the visibility of EM and the impact of stigma from wearing the tag, informing others and responding to visits from monitoring officers. The potential for stigma to arise during the sentence is also reflected upon.

7.1 Defining identity and stigma

Identity and stigma are broad concepts which are used to explain a wide range of social phenomena. However, they have particular resonance with experiences of offenders. Goffman (1963) defines stigma as an undesirable attribute which alters the perceptions of others towards the person who possesses it. Such an attribute distinguishes the bearer from others and renders them "...of a less desirable kind – in the extreme, a person who is quite thoroughly bad, or dangerous, or weak. He is thus reduced in our minds from a whole and usual person to a tainted, discounted one. Such an attribute is stigma" (Goffman, 1963: 12: 12). Stigmatising attributes can either be visible to others or hidden. Examples of the former include stigma relating to the body such as physical disability and 'tribal stigma', which arises from ethnicity and religion (Goffman, 1963). In contrast, 'character stigma' is a hidden attribute which broadly relates to an individual's personality and behaviour. Whether a stigmatising attribute is visible or hidden determines whether the bearer is discredited or discreditable. Hidden attributes which are not readily obvious but could be discovered such as a criminal conviction, result in an individual being discreditable. In contrast, discredited individuals possess stigmatising attributes which are visible to others and their detection is unavoidable.

Experiences of stigma have the potential to influence self-identities. The importance of personal narratives has a long history within criminological literature (Sykes and Matza, 1957) (See Chapter five). Specifically, the renegotiation of the offender identity has been established as a key factor within the desistance process (Farrall, 2004; Maruna, 2001). Furthermore, rejecting a deviant identity and responding to stigma have particular resonance with female

offenders. As Chapter three outlined, this is the consequence of a perceived deviation from 'appropriate' behaviour for women by committing an offence (Smart, 1992). Existing research suggests that negotiating a non-offender identity is distinct for female offenders. This arises from the presence of gender stereotypes which have been identified within the criminal justice process (Carlen and Worrall, 1987; Heidensohn, 1996; Worrall, 1990b). Offending behaviour is typically associated with men who commit the vast majority of offences. Subsequently, women who have committed offences have been described as 'doubly deviant' (Heidensohn, 1996). Not only have they committed a deviant act as perpetrators of an offence but they have also contradicted the stereotype of the 'normal' woman. This has potential to increase experiences of stigma within the criminal justice processes and while completing sentences (Hedderman and Gelsthorpe, 1997; Malloch and McIvor, 2011; Radcliffe and Hunter, 2016; Worrall, 1990b).

However, self-identities can be affected by experiences of stigma in different ways. For example, Lemert (1951) distinguished between primary and secondary deviance. Primary deviance arises when a negative label is attached to an individual or their behaviour. Secondary deviance occurs where the labelled individual accepts and internalises that label. A distinction is made between personal stigma and stigmatisation, where the former reflects the stigmatised individual's perceptions of themselves and their behaviour. On the other hand, stigmatisation refers to the opinions others hold about the deviant behaviour. This is developed by Jacoby's (1994) categorisation of enacted and perceived stigma, where enacted stigma results in action which is taken by an individual as a consequence of the stigma. Conversely, perceived stigma relates only to how the

stigmatised person believes others think of them. Shame is frequently considered alongside stigma and refers to a possible emotional response to the stigmatisation. It has been suggested that there is an increased likelihood that women feel shame as a result of lower levels of self-esteem (Bartky, 1990), thereby affecting their self-identities.

7.1.1 Exploring stigma in experiences of electronic monitoring

Goffman's theory on stigma is not without critique and its validity to the application of contemporary sociological situations has been questioned (Major and O'Brien, 2005). However, the concepts of hidden and visible stigma are pertinent to use when examining experiences of EM. This is because EM has the potential to be both hidden and visible. Although the tag worn by monitored individuals is not designed to be deliberately visible (see Chapter two), as a physical symbol of the sentence it makes EM more visible than other community sentences. This is exacerbated by the fact that tags are usually worn on the ankle, they must be worn for the duration of the sentence and they cannot be removed without incurring a violation. Women were therefore required to undertake all their day-to-day lives whilst wearing a visible symbol of a criminal justice sanction. Visibility is further increased by the size of the tag, which is a potential issue for women as the average size of their ankles is smaller than the average size of men's ankles, which tags are designed to fit.

As considered in Chapter two, national and international research with predominantly male samples (Gainey and Payne, 2000; Mair and Nee, 1990; Vanhaelemeesch et al., 2014) and to a lesser extent among female samples (King and Gibbs, 2003) has found that wearing a tag may be a source of shame among some monitored individuals. Zedner (2004) has argued that wearing a tag

serves to label monitored individuals as 'offenders' and may become a dehumanising experience as a result. This view has led critics to argue that EM constitutes a breach of human rights (Nellis, 2003b). However, Nellis (2013b) rebukes this point by arguing that it is unclear whether all offenders find wearing the tag shaming or to the same extent. Furthermore, international research on EM has largely discredited the view that EM may be experienced as dehumanising (Graham and McIvor, 2015). In addition, research has also identified that monitored individuals may regard the tag as a status symbol or trophy (Nellis, 2009; Penal Affairs Consortium, 1997; Richardson, 2002; Whitfield, 1997).

Stigma can also arise through the experience of processes. The extent to which sentences are visible, and subsequently whether offenders are exposed to being discredited (Goffman, 1963), has been recognised as pivotal to women's experiences of other community sentences, including probation supervision and unpaid work (Malloch and McIvor, 2011). Research has also identified the potential for women to experience stigma while serving community sentences. These include the requirement to attend probation offices for supervision appointments and attending unpaid work or group work requirements alongside others (predominantly men) with convictions (Malloch and McIvor, 2011; Maruna, 2001; Opsal, 2012; Radcliffe and Hunter, 2016). The potential for women to experience process stigma when serving community sentences is also recognised in criminal justice policy and has influenced moves towards offering female only times at probation offices and using women's centres (see Chapter three). Their aim is to avoid labelling women as offenders by distancing women's services from the criminal justice system and opening them out to include women

at risk of offending (Hedderman et al., 2011). EM may also have an advantage over other community sentences in this respect. Because the sentence is served in the home, the need to visit probation offices is avoided and the opportunity to come into contact with other offenders is reduced.

However, process stigma also has the potential to arise as a result of EM. The requirement for monitoring officers to visit women in their homes is distinct to EM. The significance of serving a sentence in the home has been considered previously, where the quality of housing an individual is monitored at has been recognised as having a bearing on the monitoring experience (Nellis, 2013b) (see Chapter six). Serving a sentence in the home has additional connotations for women. In particular, the home has been recognised as a source of oppression, and suitability as a space for punishment has been questioned (Aungles, 1994; Nellis, 2013b). Moreover, it has been argued that perceptions of domesticity have formed the basis upon which women are judged during the criminal justice process (Worrall, 1990b). This creates an additional dimension to a home-based sentence. Furthermore, criminal justice personnel may have a role in increasing or decreasing the amount of stigma experienced. Braithwaite (1989) used the concept of reintegrative shaming, which refers to the condemnation of the act of offending alone. This contrasts with stigmatic shaming, which refers to the condemnation of both the act and the perpetrator. It is argued that some recognition of wrongdoing is helpful and indeed necessary for the desistance process, so long as the shame is not internalised by the offender (Braithwaite, 1989). Research has identified that staff in women's community centres as well as probation officers played an important role in allowing female offenders to reject the deviant identity and renegotiate their identities (Malloch and McIvor,

2011; Radcliffe and Hunter, 2016). One way in which non-offending identities can be created or maintained throughout the experience of a sentence is by criminal justice personnel acting as 'normal-smiths' (Lofland, 1969). This term refers to the role that others can play in allowing the development of a 'normal' or non-offending identity as opposed to a deviant identity. This refers to consistent support and encouragement as women attempt to negotiate their identities (Rumgay, 2004b).

However, the possible role of monitoring officers in negotiating identities and managing stigma is unclear and may differ with respect to how they interact with monitored individuals, as well as how they are perceived (see Chapter five).

7.2 Responses to the deviant identity

Having introduced the concept of identity and its connection to experiences of stigma, the following section discusses the women's different responses to the deviant identity, caused by offending and continued through the criminal justice and EM processes. Although responses varied across the sample, identity was important to all women. However, as outlined in Chapter five, women in the sample gave different explanations for offending, using techniques of neutralisation to do so (Sykes and Matza, 1957). The majority identified themselves as non-offenders, despite being convicted of a criminal offence and serving a sentence. Both their existing lives and their limited previous involvement with criminal justice were drawn upon in order to reject a deviant identity. For example, Rose drew from the fact she had no previous convictions to maintain a non-offending identity:

At the end of the day I'm not a criminal. I've always done things by the book.

The situation was different among women who were unable to rely upon limited previous experience of the criminal justice system or had committed more serious, usually violent, offences. As discussed in Chapter five, there was a distinction between women whose accounts suggested that the experience of being convicted and receiving an electronically monitored curfew as a sentence had acted as a 'turning point' (Laub et al., 1998). As a consequence, their accounts suggested that they had begun the desistance process by seeking to realign their identities to encompass a non-offending identity despite their convictions (Maruna, 2001). Subsequently, women sought to distance themselves from offending behaviour by arguing that things had changed since the offence took place. This included disassociating with people who they regarded as contributing to the offences and resolving difficulties relating to problematic use of alcohol. For example, Lucy, who was convicted of affray with her ex-boyfriend, explained her offending as follows:

...obviously I've committed one offence but, that was like a silly mistake when I was drunk and stuff, but that's just not me.

The fifteen women who reported caring for children during the curfew also used this role to reject a deviant identity. This reflects Worrall's (1990b) theory that women who presented themselves according to their domesticity received more favourable treatment during the court process. Subsequently, mothers drew upon their caring responsibilities as a means of representing themselves in a positive light. This was assisted by the fact that women were able to continue their caring responsibilities whilst being electronically monitored, notwithstanding the challenges this presented (see Chapter six). Similar to previous research findings on the experiences of electronically monitored women (Maidment, 2002), gender roles relating to domesticity and caring responsibilities remained intact during the

monitoring process. However, women who cared for children were not equally able to successfully adopt the identity of mother to counteract that of offender, because of their age and circumstances. This reflected existing research which identified that mothers are judged according to their circumstances and young women who become mothers are problematic (Arai, 2009; Sharpe, 2015). Four women in the sample reported these circumstances relied upon their roles as mothers to reject a deviant identity to varying degrees.

Women also faced challenges maintaining their 'unspoiled' identities as mothers whilst being electronically monitored. This included ensuring that these roles continued unblemished in the eyes of others. The main concern was that negative conclusions may have been drawn into their roles as mothers if others knew they were serving a sentence. This resonates with the concept of perceived stigma (Jacoby, 1994), through concern over what others would think of them. As a result, women became acutely aware of the risk of stigmatisation if they were seen wearing a tag while with their children. The following quote from Hannah provides an example of this.

[It was] embarrassing when people [saw the tag]...like, walking 'round with my daughter and I've got a tag on. It doesn't look good, like, it doesn't look good.

Concern over potential stigmatisation relating to the role of mother extended in Alesha's case to avoiding potential sources of support, as she describes below:

I stopped going to the children's centre...That's probably the only place I didn't go to...I just didn't want to go in there with my son with all the other mums with a big tag on my leg, I just wouldn't have felt comfortable, so I stopped coming.

This was a situation where maintaining a non-deviant identity was particularly difficult. It resulted in enacted stigma (Jacoby, 1994), whereby activities were

avoided to mitigate the risk that others discovered that the women were serving a sentence.

In contrast, others had little to rely upon to negate the offender identity. They either stated that they had continued to offend during the sentence, expected to offend at the end, or had not resolved the issues that they attributed to offending such as drug or alcohol use. These women were more likely to have experienced multiple sources of stigma in their lives not just related to their contact with the criminal justice system. For example, previous research has identified that drug use is also potentially stigmatising, particularly for women (Lloyd, 2010). As a result women identified themselves in relation to their offences and drug use, identifying as 'shoplifters' and 'drug users'. Among these women, it was clear that they were aware of their spoiled identity (Goffman, 1963). The following quote from Dawn discussing her family shows how she distinguished herself as an offender from her non-offending family.

they know my background, sort of, like, using drugs and committing crime to fund it, it's been going on for ... quite a long time, so they know, they're quite used to me and courts...They've never had any dealings with them their self, cos they're all like normal straight people, working people.

Another contributing factor to a spoiled identity was the type of offence women had committed. This included offences such as driving under the influence of alcohol and also related to serious violent offences. For example, Leanne discussed how her conviction and sentence had implications for intimate relationships.

EH: Ok, has anything else in your life been affected by tagging?

L: Yeah, boys! They don't look twice at you with this on! It's scary isn't it, a girl walks up to you and they've got this big thing on her ankle and it's a tag, 'what have you go that for?' 'Oh, it's GBH', you're not girlfriend material are you?...

The desire to create and maintain a non-offending identity, along with having little to reject a spoiled identity, all had implications for how women experienced stigma during the criminal justice process. This is discussed in more detail in the section below.

7.2.1 Negotiating identities through the criminal justice process

As outlined in Chapter five, the EM process begins with sentencing at court. Subsequently, women reported experiences of stigma which did not relate specifically to EM but instead to the wider criminal justice process. Creating and maintaining a non-offending identity became a particular challenge for women at court, where formal, and indeed moral judgements are made about individuals' behaviour and character which are unavoidable (Braithwaite, 1989). Experiences of court were particularly difficult for women with little previous experience of the criminal justice process and who adopted techniques of neutralisation. Subsequently, the court and sentencing process became situations where these women experienced stigmatisation. Sabeena, who stated that her offence had been misrepresented by police witnesses, explained how she was described in court:

EH: So how did you feel about it...when you got the sentence?

S: Disappointment, just like a criminal. We were just sat in Court, it sounds bad but...I was just shaking my head and smiling because I could not believe what they were telling me. Like, y'know, the statements from the Police, it was so unbelievable. They made me sound like some possessed woman. They said that when they arrived at my house, they heard screaming from inside, which was a total lie. There was no screaming; we were, like, just talking. And then [they said] I come running down the stairs, screaming at the Police, kicked over my wheelie bin, and screaming at the Police, 'I effing hate you!' and all this lot. I couldn't believe it...they made me sound like an absolute psycho. I could not believe [it]

This example reflects not only a deviation from a 'normal' identity, caused by the offending, but also shows gendered representations in relation to pathology. The latter has long been recognised in the treatment of women as they navigate

through the criminal justice system (Hedderman and Gelsthorpe, 1997; Heidensohn, 1996; Worrall, 1990b).

While negative representations in the court room left women open to stigmatisation, there were opportunities within the court process for them to renegotiate the deviant identity. One situation where this arose was when meeting with probation staff who had the role of preparing the Pre-Sentence Report. It allowed women an opportunity to counteract the offender identity that they had been given during the court hearing. This supports existing research on the importance of personnel in allowing women to negotiate a non-offending identity (Radcliffe and Hunter, 2016). Returning to the example of Sabeena, although she had described how the court process had made her feel 'like a criminal', she explained how meeting with probation staff at court allowed her to construct an alternative identity away from that of an offender by focusing on the behaviour of the police to deflect responsibility from her own actions.

I just couldn't believe how much the police can lie. I could not believe it. It really, really – you don't know. Like, I thought they genuinely, I thought they would have written it down, everything I'd done and, like, I thought that would be that but they twisted it and lied. I couldn't believe it. I was so shocked. I wasn't expecting that from the police at all. Then when I spoke to the woman from probation and a couple of people they said, 'Oh no. They do, they're bad. They do lie.

Meeting with probation staff also required a discussion of possible sentences. This provided a further opportunity for women to re-negotiate their identities. Julie's experience of her pre-sentence report presented an opportunity to reject a deviant identity:

They didn't want me [to do a probation programme] with a load of more dangerous criminals...cos it was a group meeting and it was a case of, my crime wasn't - it was bad but it wasn't intentional...and they didn't want me taking even one child just in case there were some bad people there which, I can understand that one.

The quote from Julie demonstrates that she maintained a non-offending identity by distinguishing herself from others in terms of the level of risk they posed, compared to others they regarded as 'more dangerous'. This became a prominent tool in negotiating identities throughout the experience of being electronically monitored, and is consistent with existing theory on desistance (Giardino et al., 2002; Maruna, 2001; Opsal, 2012). Furthermore, women used age as a means to distinguish themselves from others. In the following quote, Alison drew upon her age and her perceived level of risk to argue that EM was not suitable for her.

...what were the point of tagging me? 50 year old woman? First offence. I mean I know I needed to be punished, don't get me wrong, I know I've done wrong, but to be treated like a little school kid, when there's school kids younger than me out there doing more serious things than I've done, and it's like they're laughing in my face - "you're a 50 year old woman and you can't go out of your house when I can go burgle and threaten people with knives, and I should just get a caution". I have found that quite hard to swallow, but I know I've done wrong, so...

Age was also drawn upon by older women as a means to distance them from others, as this extract from the unrecorded interview with Liz illustrates:

Liz explained how she changed the clothes she wore to hide the tag. She wore trousers and covered the tag with a sock. She also wore boots all the time, even when it was hot. She said that at her age (55) she didn't want other people seeing the tag because it's embarrassing. Younger people can get away with it, but not at her age.

The following section reflects upon the concerns expressed by Liz and other women by considering influences of the distinct features of EM. These include the visibility of EM through wearing the tag and visits to the women's homes by monitoring officers.

7.3 The visibility of electronic monitoring

As outlined above, wearing the tag may potentially result in visible stigma. Women had varied opinions over the requirement to wear the tag. A minority (n=3) of women suggested they found wearing the tag dehumanising. They referred to feeling 'like an animal'. Gillian expressed this as follows:

The actual equipment is like, y'know, even if someone's not seen one before, they'll wonder what the hell [that is] round your ankle. Because you do feel like a clipped racing pigeon or something. Y'know, like you see the little birds with a tag round their ankle. That's how it feels.

However, the accounts of women who held this view did not suggest that their overall experiences of EM were considered to be dehumanising. In contrast, only one woman, Leanne, explained that she considered the tag to be a status symbol. It is worth noting that Leanne's account suggested that she maintained an 'offender identity' during the sentence. Despite this, she hesitated when declaring her view, reflecting an awareness of its negative implications.

I'm quite proud of [the tag]! It sounds bad to say that actually...erm...no...I don't know how to word it...actually I'll be honest, I'm quite proud of how I got it on. It's not clever, I know that, but...

Most commonly, the idea that the tag acted as a trophy was mentioned by women to distance themselves from people they regarded as 'offenders'. Zoe explained this as follows:

I just had to wear clothes that obviously covered it, cos I, y'know, you see some people that, they've got their tag showing and everything and I wasn't like that. I just kept it covered all the time...It's like, y'know, I didn't want people looking at me, thinking 'Oh, why has she got a tag on?' y'know. People making up their own mind about me before, y'know, just thinking 'Oh well, she's obviously done something wrong', or... and I was embarrassed and ashamed of it to be honest.

Zoe's opinion that the tag was embarrassing to wear was most frequently referred to across the sample and constituted the greatest source of stigma. As a result of concerns over the visibility of the tag, the vast majority of women reported that

they had attempted to conceal it during the sentence. This was also reported among women who made little attempt to negotiate a non-offending identity. The main concern for the majority of women was that they would be judged negatively if others were to see them wearing a tag. This suggests that wearing the tag can result in stigma being both discredited and discreditable (Goffman, 1963). Openly revealing the tag can potentially make the wearer discredited, as others may identify the purpose of the equipment. The alternative was to make attempts to conceal the tag to avoid unwanted attention from others. This provides an example of enacted stigma (Jacoby, 1994), whereby women took action in response to possible stigmatisation from others.

As a consequence, there were differences between when, where and from whom women concealed the tag. People unknown to the women were more of a concern than those who they knew. For example, Danielle explained her decision to keep the tag concealed while in public as follows:

I never showed [the tag], it was always hidden...Because I'd rather people not know than go round saying 'oh look she's a criminal' and stuff. Like my other mate, she showed it all the time, she got dirty looks and that, so I was like 'I'm not showing mine, no way', so I never did, with any of them, never.

Concerns over keeping the tag concealed were also prominent. The desire to avoid becoming discreditable meant that women were concerned that their tag would be detected despite their efforts to conceal it. The biggest issue in this regard was the risk that clothing accidentally moved to reveal the tag when women were out in public. Sarah discussed her ongoing concern to ensure the tag was concealed from view as follows:

[I was] very cautious, you know like walking and making sure, 'cos I wear my jogging bottoms a lot, that it hadn't come up or anything like that you know. I kept checking that it's still covered up.

Keeping the tag concealed was also challenging due to the size of the tag and the lack of clothing which could adequately conceal it. As a result, women reported having to change their usual clothing in order to keep their tags hidden from view. The following quote from Kelly highlights some of the difficulties women faced concealing the tag.

Sometimes it'd be a pain in the arse, like if you want to wear your boots... 'cos they don't fasten round the tag. Like if you wear three quarter [length] pants, like your tag's on display and, I don't know. It's not a nice thing...to go out and people seeing you, you've got a tag on, cos they just instantly judge you like that don't they?

The extent of change that women reported making in order to conceal the tag varied according to their usual clothing styles. Therefore, those who usually wore loose fitting trousers did not have to make changes to the same extent as those who usually wore tight fitting trousers, leggings or skirts. This meant that women did not have clothes which could conceal the tag easily. This was the case for Hannah, who reported attempting to conceal the tag but being unable to do so because of the style of clothing she had. Revealing the tag resulted in feelings of stigmatisation.

...even when you go shopping, people see it on your ankle. I have got jeans but... they're the type that go tight [at the ankle] and [the tag] cannot go inside of it neither cos you can just see it, it's obvious. So they look at you when you're going shopping as if, 'Watch her. She's on tag'. It really is bad.

Two situations were commonly reported where concealing the tag became more challenging. First, difficulties concealing the tag increased during summer months when women stated they would usually have worn clothing which revealed the tag. Therefore, they changed their usual clothing to keep the tag concealed. Lucy described this issue as follows:

At first [wearing the tag] bothered me quite a lot, obviously cos it was summer and I didn't really want to wear shorts or anything like that cos I was really wary about it and stuff so I think at first it was quite hard ...I've worn quite a lot of jeans and trousers and stuff like that...I could have worn shorts and stuff but I just chose not to cos I didn't want people that I didn't know to see it.

Similar difficulties also arose where women would have expected to have worn dresses or skirts. This situation is unique to women as men's clothing in similar situations would keep the tag concealed. For example, Sabeena had planned to be a bridesmaid during her sentence. Rather than reveal the tag or wear trousers, she decided against it because she was wearing the tag:

It was my auntie's wedding the other day, she wanted me to be a bridesmaid: I couldn't because I had the tag on my leg. I couldn't handle the dresses and high shoes and stuff; I couldn't have gone with a tag on my leg.

In contrast, women who reported making no attempt to conceal the tag (n=4) were aware of the potential of stigmatisation but their accounts suggested that had made the decision not to be affected by it. As a result, although they realised that perceived stigma was possible (perceived stigma), they chose not to change their behaviour in response. This suggests the presence of resistance in response to potential stigmatisation, which has been highlighted in research on female prisoners (Bosworth, 1999; Rowe, 2011). For example, Pam described her reaction when others saw her wearing the tag.

...one particular day, I'd forgot I had it on, and I put my shorts on, and just had my flip flops and I forgot I had it on, and I heard 'Look at that lady, she's got a tag on, what've you been doing?' I said 'that'd be telling wouldn't it', and walked off! It didn't bother me, as I say...I think that were only once...but no one else, none of my neighbours asked why I were on it, or what I were on it for, so, I didn't say anything, and that were it.

Enacted stigma also arose through avoiding situations altogether in order to avoid the potential for stigmatisation. This had a wide ranging effect on experiences of

the sentence and on women's lives more generally. Yet social situations were avoided when women felt unable to adequately conceal the tag. Amy described how she avoided going out with her friends outside curfew hours over concerns about revealing the tag.

... [during the] day I just didn't - like when [my friends] used to go out I just [said] 'oh sorry I'm not coming out cos I can't wear [summer clothes]. Just used to chill out in me bedroom or I'd just go in the garden. We used to walk into town and stuff but I thought I aren't walking round with a tag on my leg

Other recreational activities were also avoided, such as swimming where the tag could not have been concealed. This was the case for Carol, who described her experience as follows.

I didn't even go swimming, cos I always went swimming but I never went swimming...because I was actually wearing the tag. Even though I knew it wouldn't [be damaged], like, in the swimming baths because it was going in the bath on the night, but I didn't want people to see it round my leg when I was swimming.

Furthermore, medical appointments were avoided by some women, where staff had to be informed of the tag due to scanning equipment or a medical examination was required which would have revealed the tag. Responses to this situation varied, but concern about revealing the tag and subsequent stigma was higher among women who sought to maintain a non-offending identity. This was the case for Catherine who stated that she had cancelled an important hospital appointment despite being informed of the risks of doing this.

C: It has stopped me from going to a couple of hospital appointments...because I had to have a [biopsy] and I didn't want to have it done so I postponed it.

EH: So why didn't you want to have it done?

C: Because I was more embarrassed of somebody seeing [the tag] round my ankle than what they were going to look at! So I didn't go. I phoned them up and said can we do it another time? They explained the danger of it but I was like, 'I don't care, I don't wanna'. I lied to them and I said I wasn't well enough to come. So that stopped me from

going there. It was very stupid looking back on it but I was embarrassed. I didn't want anybody to see it. They are going to think – I felt they were going to think something of me that I knew I wasn't.

These examples demonstrate the impact of stigma and the consequences of being unable to adequately conceal the tag. They reflect the unintended consequences of EM, through women feeling unable to engage in activities they usually would despite not being restricted by the curfew. The visibility of EM also had an impact upon whether women informed others of the tag. The following section considers this in more detail.

Concerns over perceived stigma influences women's decisions over whether to inform others about their sentence. A number of considerations were reported, including the extent to which it was possible to conceal the sentence, and where it was not, how informing others could result in stigmatisation. Notwithstanding the issues surrounding concealing EM from others, women were able to exercise some choice, albeit limited, in who to inform and how much to disclose. In relation to the latter, informing others about the sentence and conviction were inextricably linked as conversations initiated because of EM led to explanations about why it was imposed. Informing others that they had committed an offence and had been tagged created challenges for women who sought to maintain a non-offending identity.

A minority of women (n=2) reported having no choice over who to inform because details of their conviction and sentence had been published in a local newspaper. This had come to the attention of people known to the women, who subsequently asked the women about it. This was the situation for Rose, as she described below:

...to tell the truth, I didn't want to tell everybody at work but they saw it in the (local newspaper)... [my colleague] saw it and she text[ed] me. She put, 'Hi Rose. Is that you in the paper?' My partner says, 'You're famous! You're a star! You're in the paper', y'know, having a laugh about it. And I thought, well I can't really deny it so I went, 'I'm afraid so, yeah, it is me'. She was like, 'Oh my God! I can't believe it!' and she's like The News of the World so it got round in the end. [The newspaper published] my name, my age and where I lived. They put the house number and the name of the road...they put it all in there, everybody what they've done, what they've got from Court, what they've been done for. I thought, Oh my God, I'm gonna get right ribbed now.

This arose as a result of being convicted, rather than being sentenced to EM and could arise regardless of the sentence received. However, being unable to inform others directly meant that women lost control over information and were exposed to stigmatisation and judgement by others. This became stressful for Alison who had a similar experience and increased feelings of shame. She explains this as follows:

...they put the whole details in the paper, the only thing they missed out was...my [house number] everything else were there, so everybody who knew me [had] seen it, because the only thing they left out were the [house number] everything else were there, '[my full name, street, city] has been tagged or whatever you call it for 16 weeks'...I know they had to put it in the paper, but to actually go into every detail apart from just putting me number down, you know I did find that embarrassing and you know, humiliating again, but I suppose that's how it goes, isn't it.

Concern over maintaining control of information relating to the sentence and the offence was also present in accounts where women could exercise choice over who to inform. One example of this related to women's decisions about how to explain the situation to children they were responsible for. This decision was influenced by the ages of the children, their level of understanding and the extent to which they could be trusted not to inform other people themselves. As a consequence women with older children commonly reported that they had

informed their children. In the quote below, Naomi explains how she told her 11 year old brother, for whom she was the primary carer.

When I first got [the tag] on he went, 'What's that?' I thought I'll have to tell him the truth. I can't not say. And he was like 'Fine'. He didn't tell nobody, he just got on with it. I think he forgot about it. I just explained to him that I had to be tagged – I didn't go into full details – and he just said, 'Oh why?' and I just said it's just to make sure that I don't go out. I explained what it was about and stuff and he understood then. But I didn't go into a great amount of detail. He just said to me, 'If you go out of the house will it beep?' That's what he was bothered about and I went, 'No, I'm not allowed out after nine o'clock at night until seven in the morning'. So he went, 'Ah, alright, ok'.

This demonstrates that even where children were informed of the sentence, attempts were made to conceal some information and only explain what was felt to be necessary. Where women decided not to inform children, explanations centred on the potential for their children to unwittingly inform others. This reflects concerns over perceived stigma. An example comes from the interview with Anita, who explained her decision not to inform her son. Her conviction and monitoring equipment was kept concealed throughout her 12 week curfew.

[my son] didn't have a clue, he'd have told [the] world if he'd have known...It didn't matter if [the equipment] were hidden, he's autistic, he's 7 he doesn't need to know about stuff like that, didn't need to be told. And he never asked me. He never saw [the equipment].

Although Anita successfully kept the sentence concealed from her son, others explained that this was not an option because the presence of the equipment in the home was not possible to conceal. This created a difficult situation where women did not want to inform children of the real purpose of the equipment, mainly through concern that they would inform others, but had to give an explanation for its presence. The solution among four women was to inform children that the equipment was in place for something other than to monitor a

curfew. An example of this type of concealing was given by Julie, who decided not to inform her six year old son of the real reason for the equipment.

He thinks it's to help me with my arthritis...He's a typical child that goes to school and says, 'We did this that week. We do that. My mum's got something wrong with her'. You see...you can get metal bracelets for arthritis, but he doesn't know. He thinks that chunky thing was [for arthritis] and I was trying it for the doctors to see if it worked. He's too young to understand that one. He understands that if you're bad you get in trouble with the Police...but he's not old enough to understand anything else...He's seen [the tag] but he thinks it's a medical thing.

Trust was central to decisions over whether to inform children about the reason for the equipment. This was echoed in women's accounts of informing wider relatives. The age of others affected the extent of perceived stigma. Five women expressed reservations about informing older relatives, over concern about stigmatisation. Although Naomi explained how she willingly informed her 11 year old brother about the purpose of the tag, she was reluctant to inform her partner's older parents.

We didn't tell [my partner's] parents. We used to go to his parents on a weekend and that's the only time I really covered it up. To be honest with you, I don't know if they've noticed it or not – they've never asked...It's just something that we've kept to ourselves. I mean like, my friends and everybody know. I don't know, I think it's just with his parents being older, they might think the worst so we've just not said nowt. We haven't had to tell them owt anyway, so. It's not like we've had to go anywhere with them and explain it to them.

Subsequently, wider relatives were generally not informed as the lack of proximity meant it was easier for women to conceal EM and this was preferable to the risk of feeling stigmatised.

Decisions had to be made about informing employees, work colleagues and clients among the seven women who stated they worked during the sentence. This was a unique situation because although women had little choice over informing employers, they also had to manage work based relationships with

colleagues. Employers were informed because the curfew meant that flexibility was reduced and women were unable to work later hours whilst also complying with the curfew. EM has been found to cause issues in relation to employment in previous research (Hucklesby, 2013b). Concerns about potential negative consequences of informing employers, colleagues and clients were common among the women who stated they worked. This was the case for Gillian, who had built up a small business after her conviction for drink driving and was concerned about the impact of clients knowing about the sentence.

[some] clients, don't know about it so when I'm going round to their house, I'm trying to take my boots off and not let my tag show. That was the hardest thing really – not being visible to people who don't know and don't understand what's happened...I've not told everyone, not some of my clients. I probably will do further down the line but at the moment I'm just busy building this business up and maybe in a year's time, once they've got to know me a bit more, I won't mind sharing the bigger story behind it all.

This reflects Gillian's response to the risk of being judged and difficulties explaining the reasons for the offending.

7.3.1 The role of monitoring officers in experiences of stigma

As detailed in Chapter five, women had different views of the role of monitoring officers, yet most viewed their role as technical. However, they were generally described as friendly and polite, as Rose explains below:

But they were really nice people that come out to put it on. Just talk to you as if they've known you years, like a friend, y'know what I'm saying?...which is a lot better than someone coming out and being nasty. You don't want someone coming out and being nasty. Yes, they were all nice people. Different women but nice....It's nice when they can talk to you like that I think. Makes you feel at ease – makes you feel more confident as well. So they were quite ok, yeah, they were fine. [They] just treated me like I should be treated.

This demonstrates that how monitoring officers interacted with women was important to them, and positive interactions where officers acted as 'normal-

smiths' to confirm a non-offending identity were valued. This was the case regardless of how women identified themselves. Women's accounts reflected existing research which identified that monitoring officers' behaviour towards monitored individuals was generally intentionally friendly and influenced by safety concerns and a reliance on cooperation to carry out the visits (Hucklesby, 2011). Furthermore, there was generally little distinction in women's views on monitoring officers according to the reasons for the visits. This includes visits for suspected violations, which itself could be construed as a source of stigmatisation through suspected wrongdoing. The reason for this may be the practice of not fully informing monitored individuals of the purpose of visits of this type (see Chapter eight).

In contrast, a minority of women reported negative interactions with monitoring officers. Where this was the case, it related to individual monitoring officers, perhaps reflecting distinctions in monitoring officers' working credos (Hucklesby, 2011). Negative interactions had a negative impact on women and led to feelings of stigmatisation, as Catherine's account demonstrates. In the following quote, she describes a negative interaction with a monitoring officer who she felt had insinuated she was a drug user.

..she actually said to me, the reason for a visit was because they have care and responsibility to their customers, because we have a lot of drug takers and heroin addicts. I said to her, I hope you're not classing me in with those... She said, we do know that you're ill and you do take medication...I didn't say anything to her but I was like, cheeky bleeder! From that point I just thought 'Just get out! Just do what you have to do and just go'...When somebody's looking at you in a certain way, it's like they've pre judged you. They know you're having this tag...but that's how I felt. She might not have been doing that...That's how I felt. When she came here it was like, 'You're not better than something I've got on my shoe'. That's how I felt and she's not bothered because all she's here to do is [fit the equipment] She was like classing me with drug addicts and I felt like, 'Get out of my house! Just get out and leave me alone!' But she's here to do a job and I would never be nasty to

someone who's here to do a job and that's what she's there to do. But it made me feel a bit small.

Negative interactions were more likely to be reported among women who had less to draw upon to reject a deviant identity. For example, Lindsey, who stated she was a heroin user and had drug paraphernalia in her flat, described a negative visit from one officer:

I think there was only one member of staff that I did find a little bit, she seemed to be a bit - sort of - when she came we were having problems with the box and that and it was just like she didn't want to be here sort of thing, well that's the impression I sort of got...even just to have a normal chit chat with her it was just like, let me get on with the job sort of thing. That's the only member of staff I think I've ever had that [behaved like that] she didn't seem to be [wanting to talk] or anything.

Similarly, Leanne described a negative interaction which she attributed both to the seriousness of her offence and to the fact that the monitoring officer was female.

Well the first woman that come, she was looking down her nose at me, y'know, for me being on tag and what I'd got done for... women they kinda - I don't know - to me, looking at a woman fighting, getting done for GBH, they kind of look down their nose at you. A man, I kind of relate to a man can't I, I'm manly [myself] I can relate to them more than I can women.

This quote brings into focus the role of gender and its potential significance for stigmatisation, particularly where women may be judged to have deviated from the gender stereotype on the basis of their offence or circumstances. As discussed in Chapter one, although the monitoring company had a policy of ensuring that female officers visit monitored women, either alone or alongside a male officer, this was in place to protect male members of staff from allegations of wrongdoing. Despite the fact that female-only provision in community sentences, including female-only staff has been supported widely for some time (Hedderman et al., 2011). Yet with respect to EM, it can be seen that the ability

of monitoring officers to behave in a non-judgemental way towards monitored women was more important to women than their gender.

In addition, women had concerns that monitoring officers would judge them on the basis of their living circumstances, reflecting the concept of perceived stigma (Jacoby, 1994). The main concern discussed by women in relation to visits to the home was the potential to be judged on the basis of their living circumstances. This related predominantly to the condition of the homes and was subsequently of particular concern to women whose living arrangements were transitional. Women who were most concerned about being stigmatised because of their living arrangements reported being unhappy about the condition of the homes. Often this was out of their control and was a result of poor standards of rented accommodation. This example came from Alesha who expressed some misgivings about monitoring officers having to visit her at home.

EH: So how did you feel about having them in your home?

A: So-so, I suppose. I don't know. I don't feel comfortable with this house myself so I don't like bringing people in here, cos of how it is. The landlord won't let me decorate or anything so it's taking the mick, but... I suppose they're just here to do their job aren't they.

Concern over stigmatisation was exacerbated by the uncertainty which surrounded visits. As discussed in Chapter five, women had little understanding of who was visiting them and were not informed in advance when visits would be made. In addition, access is required to every room in the house when the equipment is installed. This meant that women were unprepared for visits and had negative experiences as a result. An example of this came from Alison, who explained as follows:

I didn't like them being in my house, I didn't like having to go in every room...I'm not house proud, don't get me wrong, but I'd have liked to have tidied up, if I'd have known, I would have liked to have tidied up

in all my rooms. I did feel a bit embarrassed, you know, because, I just didn't know what to expect...I mean to even go in me bathroom and put me foot in bath, I just, I thought alright then, into the spare bedroom at [the] back, that's just a junk room...and I just felt so embarrassed when I opened that door, and, but no I didn't like that, no, but again I just took it because it were part of my punishment wasn't it, but no I wasn't expecting that, I just thought they'd come in, they'd tag me and they'd go, and [my partner] was sat in back room eating a doner kebab and I'm stood there, she's measuring me and...no I didn't like that at all, no.

7.4 Concluding comments

Despite stigma not being a formal purpose of the sentence, this chapter has discussed how women experienced stigma in various ways during their sentences and to varying degrees. Sources of stigma were experienced from the court and sentencing process as well as through features distinct to EM, namely wearing the tag and being visited in the home. Responses to stigma and the influence on women's identities varied. This was underpinned by a widespread rejection of a deviant identity and an attempt to construct alternative, 'unspoiled' identities (Goffman, 1963) which were used to confirm women's status as a 'non-offender'.

The visibility of the sentence, through wearing the tag, presented challenges which required constant negotiation by monitored women. This resulted in perceived stigma but also enacted stigma (Jacoby, 1994), where attempts to conceal the tag were made and activities were avoided entirely. As a result, women restricted themselves from engaging in activities in order to avoid stigmatisation. This indicates the potential impact of stigma on experiences of EM. Furthermore, although the role of monitoring officers was largely neutral, negative interactions had the potential to increase perceived stigma.

This chapter and the preceding chapter have considered both intended and unintended experiences of the sentence. The focus of the following chapter

changes to consider the intended purpose of the equipment; to monitor compliance.

Chapter 8 : Complying with electronic monitoring

Compliance is crucial to the functioning of EM. The varying and multiple experiences of EM discussed in preceding chapters can only manifest where some degree of compliance is present. For example, women could have avoided feelings of stigma and shame by removing the tag. Similarly, women who felt restricted by their curfew hours could simply have chosen to leave their homes. Like other community sentences, being bound by the curfew and wearing the equipment requires some degree of choice because monitored individuals are not physically restricted from removing equipment or breaking their curfews. Therefore, this chapter examines women's compliance with their electronically monitored curfews, by considering motivations for compliance and positive and negative influences. Bottoms (2001) presents compliance as two a dimensional concept, comprising short and long term compliance. This dichotomy is adopted in the chapter by considering both short term compliance during the curfew and women's expectations of the effects of EM on long term compliance with criminal laws. The following discussion considers theories on short and long term compliance with community sentences more broadly and with EM specifically. Frameworks on compliance with community sentences are presented and their relevance to EM is examined. Possible gender differences in short and long term compliance are also considered. The chapter addresses factors which affected women's motivations to comply with the sentence itself along with the predicted impact on longer term behaviours. This includes a discussion on the impact of perceived consequences for non-compliance with EM, and the impact of women's lifestyles on long and short term compliance.

8.1 Explaining compliance with electronic monitoring

Exploring influential factors in offenders' choices to comply with community sentences have become the focus of academic attention over recent years (see for example see for example Bottoms, 2001; Hucklesby, 2009; Robinson and McNeill, 2008; Ugwu-dike, 2017). Compliance is conceptualised as multi-dimensional, existing to different degrees and increasing or reducing over time (McNeill and Robinson, 2013). Much of the work on motivations for compliance stem from Bottoms' framework of compliance with community sentences (Bottoms, 2001). Within this, he distinguishes between long and short term compliance. The former describes a situation where no further offences are committed following a sentence, whereas the latter relates to compliance with the requirements of the sentence (Bottoms, 2001).

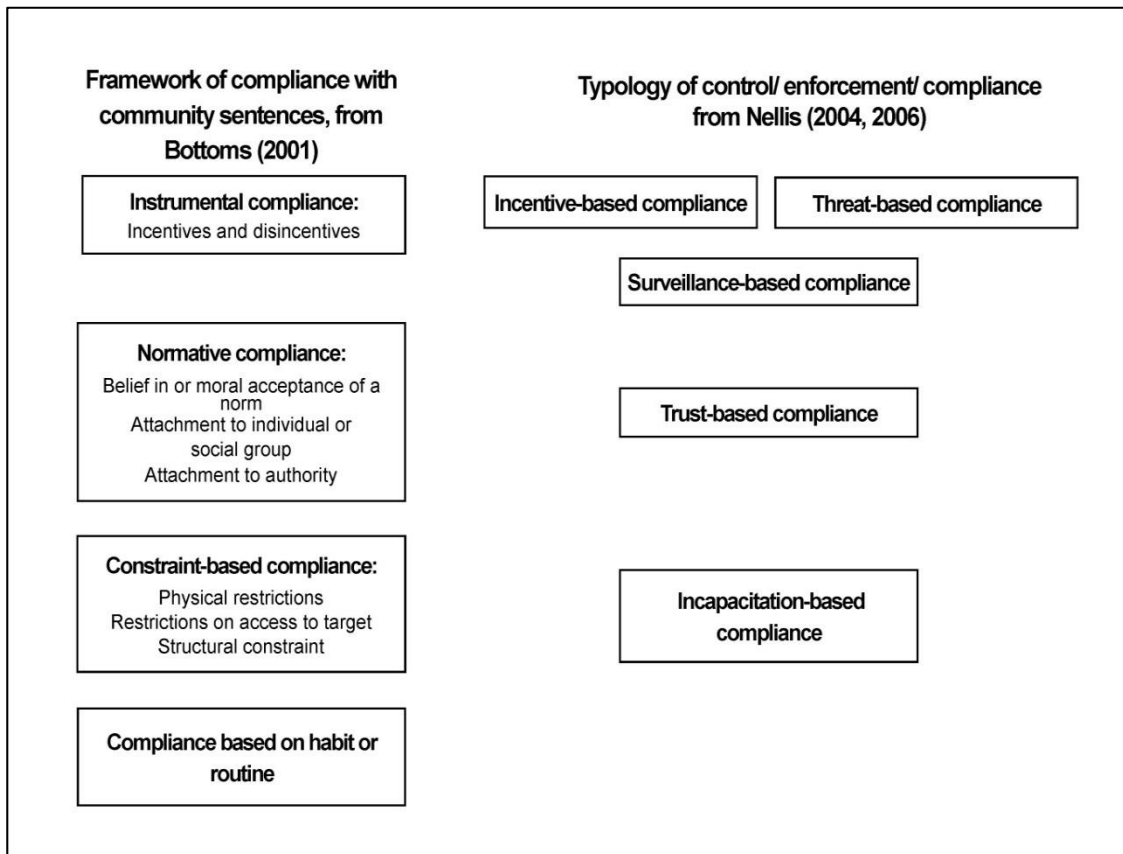
Furthermore, Robinson and McNeill (2008) identify two types of compliance; formal and substantive. Formal compliance refers to adherence to rules of the sentence imposed in order to avoid any unwanted consequences. Robinson and McNeill (2008: 434: 434) define it as "behaviour which technically meets the minimum specified requirements of the order". The presence of formal compliance means that sentences are completed successfully without directly addressing the causes of offending. In contrast, substantive compliance describes a level of engagement with the sentence, which can lead to the offender addressing and seeking to rectify unwanted attitudes and behaviours (McNeill and Robinson, 2013). Unlike formal compliance which is easily quantifiable, for example through the monitoring of curfew periods, substantive compliance is difficult to identify or measure. Yet it is argued that substantive compliance is important in the development of long term compliance or desistance (Robinson and McNeill, 2008). Hucklesby (2013a) points out that

although the obligations of many community sentences can be fulfilled with little substantive engagement, EM is distinct as there are no attempts to actively engage with the sentence. Monitored individuals can formally comply with the curfew while engaging in behaviours which may contribute to offending. Similarly, they can continue to commit offences whilst complying with EM, by either offending outside curfew hours or within their homes. For this reason, Nellis (2006) considers EM to have little role in desistance, except where it is used alongside a rehabilitative programme.

The use of technology in order to monitor compliance with curfews further distinguishes the curfew requirement from other community requirements, both formally and subjectively (Nellis, 2009; 2013a). As outlined in Chapter two, electronically monitored curfews are a socio-technical punishment (Nellis et al., 2013b). They comprise the use of technology to detect violations but also rely on human responses to follow up instances where technology detects non-compliance. The certainty of detection may be advantageous over other community requirements, where detection of non-compliance is a perennial problem (Hucklesby, 2009). Given the distinct nature of compliance with electronically monitored curfews, different frameworks have been devised to explain it. This includes Bottoms' (2001) framework for short term compliance, consisting of four mechanisms underpinning compliant behaviour, namely instrumental compliance, normative compliance, constraint based compliance and compliance based upon habit and routine. In addition, Nellis (2004; 2006) developed 'a typology of control/ enforcement/ compliance in community supervision', which takes account of the unique features of EM, specifically the role of technology. Nellis's model comprises five types of compliance, and there are several areas of overlap with Bottoms' (2001) framework. Figure 8.1 presents

both frameworks together, followed by a discussion of their similarities and differences and a reflection over how they may explain compliance with electronically monitored curfews.

Figure 8.1: Frameworks of compliance with community sentences



Bottoms defines instrumental compliance as offenders' responses to incentives and disincentives. Nellis (2006) also recognised these aspects of compliance through his categories of incentive and threat-based compliance. While Bottoms (2001) noted the existence of incentives within the framework of community sentences, there were no formal incentives for compliance at the time of the research, such as early completion of the curfew. In contrast, disincentives or threat-based compliance comprised sanctions following violations and are well established. Violations of electronically monitored curfews are categorised according to severity. As outlined in Chapter two, less serious violations, such as accumulated time violations up to two hours, result in a formal warning (NOMS,

2018). A more serious violation, such as absence for a whole curfew period, results in immediate breach action (NOMS, 2018). Although breach thresholds are clearly defined in publicly available documents, monitored individuals are not routinely informed about breach thresholds during the process (Criminal Justice Joint Inspectorate, 2012). Furthermore, monitored individuals are routinely contacted every time they incur a time violation but are not informed where the breach threshold for accumulated time violations lies, nor their proximity to it at any given time. One reason for the lack of transparency is to avoid increases in breaches, which may arise if individuals knew that responses to less serious violations were not as stringent as they appeared to be (Criminal Justice Joint Inspectorate, 2008).

The potential lack of awareness of the consequences of non-compliance is important because instrumental compliance is underpinned by the idea of rational decision making (Bottoms, 2001). This means that decisions over whether to comply result from some understanding of the potential consequences of non-compliance, thus reflecting the principles of rational actor theory in relation to committing crime (Cornish and Clarke, 2014). Previous empirical research suggests that monitored individuals tended to overestimate the consequences of non-compliance, with those expecting more severe sanctions, such as prison, more likely to comply (Hucklesby, 2009). This suggests that perceptions of the consequences of non-compliance may have more impact upon compliance than the likelihood of them occurring. Furthermore, existing EM research also identifies that perceptions of the certainty of response to violations positively influenced ongoing compliance with EM (Hucklesby, 2009). Monitored individuals who believed that non-compliance would be detected and responded to were less likely to breach their curfews (Hucklesby, 2009). Therefore, prompt and reliable

responses to non-compliance by EM personnel may have the potential to increase compliance. This reflects the role of decision making and interaction from monitoring company staff and highlights the importance of human responses within enforcement.

Nellis's (2006) concept of surveillance-based compliance is closely linked to instrumental compliance yet constitutes a different category from incentive and trust based compliance. It relates to the capacity of technology to detect any time and equipment violations, thus increasing certainty of detection of non-compliance. As a result, Nellis (2006) argues that compliance with EM can only fully be understood in the context of its capacity for surveillance. However, it is unclear whether the motivation for compliance exists due to the surveillance itself or whether EM increases the certainty that any non-compliance will be detected, leading to unwanted consequences (Hucklesby, 2013a). The latter makes it more consistent with Bottoms' (2001) concept of instrumental compliance, rather than constituting a separate type of compliance.

While the technology may reliably detect non-compliance, violations also require a response. As a result, a process of decision-making follows detected non-compliance, bringing into focus the role of personnel to respond. Bottoms (2001) and Nellis (2006) both recognise the role of personnel in the compliance process and note their potential influences on individuals' motivations for compliance. Bottoms (2001) acknowledges the importance of those in authority to normative compliance in his category of legitimacy. People follow rules because they have been imposed correctly by an individual deemed to be acting with authority. Similarly, Nellis's concept of trust-based compliance, which relates to the influence of decision makers and those involved with the sentence in offenders' motivations to comply.

Both concepts of legitimacy and trust based compliance highlight the importance of process within motivations for compliance and are closely aligned with the principles of procedural justice (see Chapter five). From a procedural justice perspective, perceptions of fair treatment at sentencing and throughout the sentence may positively influence compliance (Tyler, 2006). Furthermore, studies have examined the role of probation officers in assisting long term compliance through the supervisory relationship (Robinson and McNeill, 2008; 2010; Ugwudike, 2017). However, the role of EM personnel may differ in relation to their contribution to compliance, due to the possible presence of different working credos (Hucklesby, 2011; 2013a) (see Chapter five). Although probation officers have some involvement in EM with multi-requirement orders, EM personnel do not have a formal supervisory role akin to probation supervision. As a result, the effects of the relationship with criminal justice personnel on monitored individuals' motivations for compliance may differ significantly from community sentences which include a supervisory relationship.

Alongside an attachment to authority through legitimacy, Bottoms (2001) also identifies how attachments to individuals may positively affect compliance. An individual is motivated to comply because any non-compliance may have an adverse effect on those they have close relationships with. This type of normative compliance reflects Hirschi's control theory of crime (Hirschi, 1969), according to which delinquency occurs as a result of a breakdown in the bond between an individual and society. Furthermore, existing research identifies the importance of positive relationships in long term compliance (Farrall, 2002; 2004; Maruna, 2001). As outlined in Chapter two and summarised here, Farrall (2004) identifies human and social capital as two important aspects which are essential to address in the development of desistance. Human capital refers to an individual's skills

and knowledge, whereas social capital refers to social entities which enable individuals to achieve goals that without which, they would not have achieved (Coleman, 1988; Farrall, 2004). The development of social capital through positive relationships is considered a significant part of the desistance process for women, notwithstanding the fact that women's relationships are distinct. In particular, the attachment to children is identified as an important factor in women's accounts of desistance (Barry, 2007; McIvor et al., 2004; McIvor et al., 2009). Research also suggests that relationships may be more important for women in the desistance process than they are for men (Uggen and Kruttschnitt, 1998). However, research involving female offenders indicates that intimate relationships may contribute to continued offending (Leverentz, 2006; Osterman, 2018). Furthermore, research has identified that relationships can have both positive and negative effects on compliance with EM, depending on the quality of relationships before EM was imposed (Dodgson et al., 2001; Hucklesby, 2009).

Electronically monitored curfews may work to facilitate desistance by breaking ties with others and avoiding situations which may have resulted in offending. This is described as reducing anti-social capital (Hucklesby, 2008) and points to the role that EM may have in positively affecting habits and routines. Bottoms (2001) identifies habits and routines as significant in motivations for compliance. However, Bottoms (2001) suggests that compliance with rules takes place through habit rather than an active choice each time when following a regularly repeated pattern. This contrasts with research which suggested that EM can impact upon existing routines through active change in habits and by offering time to reflect on existing habits and lifestyles (Hucklesby, 2008). Moreover, relationships with others and existing habits and routines were not included in Nellis's (2006) framework of compliance. This appears to be an oversight given

that curfews take place in homes, often among other people. Both the home setting and relationships with others are important factors in women's compliance in previous studies of EM (King and Gibbs, 2003; Maidment, 2002). They identified that women's domestic duties and caring responsibilities generally remained in place during the curfew, meaning that EM provided an opportunity for existing habits and routines to continue throughout the sentence.

Bottoms' other category of normative compliance relates to the belief or acceptance of a value or norm and is not included in Nellis's framework. Such beliefs stems from socialisation initially, but are then 'consciously called to mind, reflected upon and morally reaffirmed by the individual' (Bottoms, 2001: 91: 91) As Bottoms notes, people usually have some normative beliefs. The reported circumstances of the women interviewed, particularly the fact that two thirds stated that they had no previous convictions, suggest that women generally complied with laws and had existing normative beliefs relating to law breaking. The final type of compliance considered by both frameworks is the impact of structural constraints on motivations for compliance. According to Bottoms' framework, constraint-based compliance works to positively impact upon compliance through physical restriction, constraints on access to target and structural constraints. Bottoms' first category of physical restriction is similar to Nellis's category of incapacitation-based compliance. This refers to a situation where compliance is brought about due to physical restrictions which prevent, rather than merely restrict, an individual from not complying with a sentence. Although both consider such a situation to have a place in relation to community sentences, it is difficult to see where total incapacitation would exist outside imprisonment (Hucklesby, 2013a). This is particularly the case for EM, where it is commonly misconceived as incapacitative rather than simply constraining

(King and Gibbs, 2003). In fact, as Nellis (2006) himself recognises, compliance with EM requires a choice as nothing physically prevents an individual from failing to comply.

8.2 Exploring women's compliance with electronic monitoring

Having outlined frameworks for compliance with community sentences, the following sections present women's accounts of short term compliance and how they envisaged EM would impact upon long term compliance or desistance. Overall, women's reported levels of compliance were high. The sampling approach used in the research may have been a contributory factor to the high levels of compliance. As discussed in Chapter four, a sampling method based upon convenience was necessary and appropriate given the research topic. This meant that attempts were made to invite women who met the research criteria in the geographical area where the research was conducted. However, gaining access to invite the women to be interviewed depended upon whether they were present at their home when the visit to remove the equipment took place. This reduced the likelihood that women who were prolifically non-compliant or had already breached their order would be present at their homes during the visit and meant therefore that they could not be invited to take part. There were numerous occasions during fieldwork where this was the case.

Once monitoring commences, non-compliance with EM comes in three forms. First, time violations can be incurred through absence from the home during curfew hours or at the start of the curfew. Breach thresholds vary according to the amount of time an individual has been absent. An entire missed curfew period constitutes a major violation and results in immediate breach action. A threshold exists of up to two hours of time violations for shorter periods of time accumulated

over the entire curfew period. While violations under the threshold constitute minor time violations, if this threshold is reached, monitored individuals receive a formal warning (Criminal Justice Joint Inspectorate, 2008). Further accumulated time violations which reach the two hour threshold or entire curfew periods missed then constitute major time violations and result in breach proceedings being initiated. Second, violations can be incurred through tampering or damaging the equipment. Responses to violations vary and depend on whether the equipment can still monitor the individual. Where monitoring cannot continue, a major violation is incurred and breach proceedings are initiated. However, equipment which appears to be tampered with but is still able to function constitutes a minor violation and results in a formal warning, with any further serious violations resulting in breach. Wherever possible, monitoring officers obtain the suspected tampered equipment and retain it as evidence for use in breach proceedings. Third, violations are incurred if a monitored individual is abusive or aggressive to monitoring company staff.

Table 8.1: Reported violations across the sample per individual

Violation	Time	Equipment	Total
Minor violation	11	2	14
Major violation	6	1	7
Total	17	3	20

Despite the high reported compliance levels, the majority of women reported incurring some violations and these are detailed in Table 8.1. The number of reported violations relate to the fact that EM technology detects and records all

non-compliance and staff make contact with monitored individuals in every instance. Most reported violations were minor, consisting of time violations of very short durations or slight movements to the monitoring unit. The type and frequency of violations are consistent with other studies considering compliance with EM (Comptroller and Auditor General, 2006; Hucklesby, 2009; 2013b). Shorter time violations were most frequently reported (n=11) and although six women reported major time violations, only two women reported missing an entire curfew period. Three women reported equipment violations but there were no reports of curfew violations as a result of being abusive to staff. Overall, a total of four women stated that they had either breached and had already been given additional days on curfew (n=1) or were returning to court for breach proceedings (n=3). Four women also reported they had received formal warnings for equipment or time violations. A further ten women reported that they had been contacted through the monitoring unit by monitoring company staff about time violations.

While women gave various and often complex explanations for reported violations, the majority were either described as unplanned or denied. Time violations were most commonly incurred close to women's homes. They were explained as accidental, such as being delayed in returning home for the start of their curfews or momentarily leaving the home after forgetting the curfew had begun. Often time violations were explained as brief oversights, by leaving the perimeters of the house but not its immediate surroundings. For example, Diana recalled a situation where she momentarily left her house during curfew hours:

I think I went out and got the cats one night, and the girls shouted me in and said 'mum, mum it's past 9 o'clock, you need to get back in' and I was only in the garden, I wasn't like out, out, but nobody ever rang me and said 'you've breached' or done anything, but I've certainly not like breached it as in being out anywhere.

Although Diana distinguished between being just outside the perimeters of the house and leaving the house and its surroundings entirely, no distinction is made in relation to distance from curfew addresses. The technology only monitors presence or absence from the curfew address, meaning that individuals are no longer detected by the equipment once they go beyond the perimeter of the address.

A minority of women (n=2) denied responsibility for non-compliance despite the monitoring company contacting them on that basis. This arose where women reported receiving formal warnings for equipment tampering but explained that detected issues were not caused by them. For example, Sabeena described the following situation:

...[monitoring officers] put the red tape around [the plug of the monitoring box] don't they? The void tape...the first day when she came to put it on, it was a bit wonky and I could see that it said void a bit. I thought, she knows what she's doing, I thought leave her to it, and then they'd rung my box once and I was upstairs straightening my hair in my bedroom and they said I'd been out for nine minutes at 21 minutes past nine. And I said, 'I've been upstairs straightening my hair all the time. And then they rung me again, once when I was in the bath, and I come downstairs and she said, 'Well, you're clearly in cos you've answered the phone and stuff. We'll have to send somebody out to look at your box'. When the lady came out ... to have a look at my box she said it's been tampered with, y'know, the void tape...

In this example, Sabeena deflected responsibility for the alleged tamper by attributing the cause of the violation to the monitoring officer, rather than a failing of the technology itself. This reflects the socio-technical nature of EM by highlighting the reliance upon human implementation for the technology to function effectively (Nellis, 2013b) (see Chapter two). Furthermore, such incidents challenged women's perceived legitimacy of the monitoring officers. In addition, a minority of women (n=2) stated that they had briefly violated the curfew after being unsure of the possible consequences. This is described in EM

literature as ‘testing equipment’ (Hucklesby, 2009). An example of this came from Jenny, as illustrated by the following quote:

Cos that Monday night I was panicking thinking should I go out [to take my bin out] or shouldn't I, and I didn't have [my] partner with me cos he was supposed to have took it out, and I thought-it really needs taking out, and I just thought sod it, I'll just nip out and as soon as I come back in the phone were ringing! And I thought, oh god!

Overall, the majority of women who reported violating the curfew stated they did so unintentionally, with a minority explaining that they has done so deliberately, through a lack of understanding of the consequences for non-compliance. The following section explores how women understand the consequences of non-compliance and the effects on their motivations for compliance in more detail.

8.3 Perceived consequences of non-compliance

When women were asked why they complied with their sentence, the most common response was to avoid any further consequences. This is consistent with Bottoms' concept of instrumental compliance through the use of disincentives and Nellis's category of threat-based compliance. As perceptions of the consequences are considered more important than the reality, the influences on women's perceptions of consequences for non-compliance are explored first. The impact of previous experience on compliance has been explored in EM research, where those with direct experience of prison were more likely to comply (Hucklesby, 2009). However, women's perceptions of the consequences were characterised by their general lack of understanding of what constituted breach and what the consequences for non-compliance might be. This challenges the notion of instrumental compliance discussed above, which assumes that individuals have a level of understanding from which to make their decisions about whether to comply. As outlined in Chapter five, a high number of women

reported that their EM sentence was their first contact with the criminal justice system and this contributed to their limited understanding of the consequences of non-compliance. Although most reported that they had heard of EM from the media and others known to them, the information was likely to be inaccurate for a number of reasons, including changes to EM since its inception, differences among the distinct functions of EM and the high level of inaccuracies within media reporting (Nellis, 2003b). The limited amount of information received during the EM process, particularly in the early stages, may also have affected how women understood the consequences of compliance, thus affecting their overall motivations for compliance. Women consistently reported that there was little opportunity to receive information about EM, including compliance, once they had entered the criminal justice process. As discussed in Chapter five, women with no previous convictions described court as a difficult environment to receive information about the sentence for a number of reasons. This included the presence of moral judgements made as part of the sentencing and the potential for shame and stigma as a result (see Chapter seven). The sentencing decision also created a period of uncertainty as women waited to hear what sentence would be imposed. Once given, women focussed on this rather than receiving information.

Women reported receiving varying degrees of information during the court process. Although the majority of women (n=29) reported having a solicitor present at the proceedings, information solicitors provided about the EM process generally involved a brief discussion about the curfew hours and length and advice that they should comply, without further detail. For example, Jenny described the advice given by her solicitor.

...the solicitor just...advised me to just stay in and...do as I'm told. Do the curfew hours, stay in...instead of like going [home] on the dot at eight on your curfew, go ten minutes before hand and go into your flat and then...just stay there, read a book or something or - tidy up!

In contrast, some women reported receiving little or inaccurate information from their solicitors. Naomi explained how her solicitor was unable to provide even basic information on the next steps of the monitoring process.

[My solicitor] didn't even tell me what [to expect] when I was at court. When I was at court and it was after I'd been [sentenced], they said 'Oh, you could meet with a probation officer', and I said, 'Well what happens now?' That was to my solicitor and he said, 'Oh, they'll get in touch with you'. I said, 'Well, what do I do?' and it was the court clerk who said, 'No, you don't need to see the probation officer, they'll come out to see you. You'll get a letter to say when they'll put the tag on'. So I went, 'Right, ok' and the solicitor said, 'Oh, they could come anytime'. That was it! That's all it knew about it.

Probation officers were also reportedly a limited source of information at court. This was mainly through their role in compiling pre-sentence reports, where the suitability of sentences are discussed once an individual has been convicted (Gelsthorpe and Raynor, 1995). This role left little opportunity for a detailed discussion of EM or compliance. Subsequently, women reportedly received limited information and experienced little discussion about compliance.

Following sentencing, it was protocol for monitored people to receive brief written information before leaving court, in the form of a pamphlet. While some women stated this was a crucial source of information, others said they did not read it. Accessibility of information was also an issue, particularly among those who reported low literacy skills. This was the case for Alison, as she explained below.

I'm not a right good reader actually, I can read, basic, but to actually sit and read a leaflet, I just, couldn't be bothered, y'know.

Other women could not recollect receiving any written information from court, suggesting that its provision may have been inconsistent. As a result, in many cases women left court with little more understanding of the EM process than

when they had arrived. This was a particular issue for those with little or no existing knowledge of EM as they were unsure about the next steps of the process. Any possible inaccuracies or misunderstandings were not corrected. Those with direct or indirect experience of EM generally understood that the monitoring company would visit to fit the equipment. However, those with no previous experience of EM reported uncertainty over who would come to fit the equipment. This is reflected in this quote from Carol:

I never even knew [the private company] did [tagging] and like they took prisoners back and forwards to the courts and that was the only thing I'd ever known that [they] did... [At court] they just said that someone...would turn up and I didn't know it was going to be, well, [the monitoring company] that was turning up. I didn't know nothing.

Uncertainty was further increased by being unsure when the sentence began or when the installation visit would take place and was particularly an issue where women reported delays to the installing of the equipment (n=6). Catherine described her experience as follows.

...[the monitoring officers] didn't actually come on the night that I was given my curfew, they came three days later...It was on the Friday. I was in court on the...Tuesday and they didn't come while Friday...I kept phoning up. I was scared because they'd not fit it, I'd get done because they'd not fit it... I was like, 'What do I do? When does it start from?' 'Oh no, it starts from now, you've got to stay in'...

This example shows Catherine's response to the uncertainty over when the sentence started and when the equipment would be installed led to anxiety that she would be deemed to have violated the curfew. Anxiety caused by the uncertainty of process was commonly reported where women had little understanding over the consequences for non-compliance. Delays had the potential to negatively impact upon women's perceptions of legitimacy in the process. Other responses to this uncertainty included taking advantage of the delay by violating the curfew, on the basis that it would be undetected. Previous

EM research identified that uncertainty in the process was linked to an increase in non-compliance (Hucklesby, 2009). However, in this research only one woman (Jenny) reported having violated the curfew in this situation, other women recognised the potential for others to behave differently while not responding in this way themselves. Gillian, who also reported a delay to fitting the equipment, thought that the lack of clarity over when visits would take place was intentional, in order to deprive others of an opportunity to violate the curfew.

So I phoned them up cos they say you've gotta wait [up] 'til midnight. Well I go to bed at 10 o'clock normally. So by the third night I gave them a ring saying, 'Can you tell me when you're gonna come because I want to go to bed?' But obviously they wouldn't tell me because obviously some people will, if they said, 'We're not coming 'til tomorrow', they would bugger off out...You didn't know when they were gonna come.

Given the high levels of uncertainty reported, the role of the monitoring company played a crucial role in informing women about the EM process. This was particularly the case for the 18 women who had standalone orders imposed, as monitoring staff were the only personnel that women had contact with. Women widely stated that monitoring staff provided the most information during the monitoring process. This is indicative of the fact that they possess much of the working knowledge on EM compared to other criminal justice agencies involved in the process (see Chapter Two). Information was provided predominantly at the installation visit and had the effect of increasing certainty over the process. This in turn offered women reassurance through an understanding of the rules they were required to comply with. The following extract from the interview with Naomi, who received little information at the court stage, provides an example of this.

...[the monitoring officer] just explained all the equipment, how that worked, how your tag works, your curfew works, if there's an emergency what to do. She was really, really good. She really eased my mind anyway – I felt a lot better afterwards. It didn't seem as

daunting then. Obviously when you first get told you think, 'Oh, bloody hell. What [should] I expect?'...

In contrast, other women's accounts suggested that monitoring staff did not reduce their uncertainty over the EM process and the consequences for non-compliance, on two grounds. First a limited number of women (n=5) reported receiving little information at the installation visit despite the fact that they lacked knowledge of the process. The result was a continuation of uncertainty over compliance. For example, Julie described her experience as follows.

They didn't tell me anything. They just had me walking around and standing in every corner of my house, just so the thing could know where I was...they just gave me information about the box, that if I needed them I could pick it up and [press], I think it was, the blue button.

Second, women who were confident in their existing knowledge stated they had not needed any further information. Danielle, who had been electronically monitored twice before, explained her experience as follows:

That first time, they'd come and said if you breach we'll be back and I said oh right, they said if you cut it off we'll be back, I said alright, second time I already knew so they didn't have to tell me, third time I already knew, so they didn't have to tell me again.

The lack of certainty which existed in the EM process contributed to a general lack of understanding of the EM process. This was apparent from women's accounts across the sample but was more prominent among women who reported little previous knowledge of EM or the criminal justice process. Aside from being unclear about when visits would take place, women's accounts suggested that they did not clearly understand the rules surrounding violations and the consequences for them. For example, Alesha described limited information that monitoring officers gave about non-compliance:

...they never really said what would happen if I didn't stick to my curfew, all they said was they'd breach me and I'd end up in court

However, despite the reported lack of certainty over the consequences for breach, overall women had faith that violations would be both detected and acted upon. This reflected certainty both that the equipment would detect all instances of non-compliance and that there would be a response to any non-compliance. Because women were certain that some negative consequences would follow, they typically stated that violating the curfew was not worth the risk. Denise described a situation in her unrecorded interview, as the notes presented below illustrate:

Denise claimed that her tag had come off entirely twice during the curfew, when applying oil to her skin after coming out of the bath. The monitoring company made no contact and she put the tag back on. She did think about leaving during the curfew once the tag had come off, but decided not to. The police would know she was out during curfew hours if they saw her and she did not want to 'cut corners', she did not think it was worth taking a risk. She knew people who had been tagged and had gone out, thinking they had got away with it, but they were caught up with in the end, so it was not worth being breached for going out.

Certainty over responses to non-compliance increased as a result of phone calls following all violations including minor time violations and temporary loss of power to the monitoring unit. This in turn reportedly had a positive effect on compliance. For example, Dawn explained the possible impact of a swift and certain response on motivations for compliance:

...if no one phones you up and...you don't know if you're getting away with it or... yeah it's better that they phone you up cos then you know that you've got an explanation to give, when you do come in.

This supports previous EM research, which suggested that contact from the monitoring company, including where minor violations occur, is important to deter further non-compliance (Hucklesby, 2009). Furthermore, it reflects the importance of certainty which, as discussed above, plays a crucial role in instrumental compliance (Bottoms, 2001). Therefore, although breach thresholds are not made clear, monitored individuals are made aware that the violation has

been recorded. In addition, a swift response from the monitoring company was vital for the minority of women interviewed who had been tempted to violate the curfew. The following example from Leanne illustrates this:

I was going to breach it on Saturday and I rang up and said I had been on a bike and it pulled me tag off, and I were lying obviously, and they came out to check if it was still on me ankle... if they'd have said oh right we'll come out Monday or Tuesday to fit you a new tag I would rip it off, but they didn't, they said they'd come out that night, and I thought I'm not risking it, I'll stay in...I thought they are going to come, and lucky I did because they did turn up, so...

Women overwhelmingly believed that the equipment would detect their non-compliance. They identified the certainty of detection as a clear motivation for compliance, highlighting the role of surveillance in compliance with EM (Nellis, 2004; 2006). In the following example, Kelly compares her previous experience of a police doorstep curfew with an electronically monitored curfew. She made it clear that the electronic detection of violations added a deterrent to non-compliance.

I think it's totally different to a [police doorstep] curfew, it's like, house arrest, because [with a doorstep] curfew, you can actually go out and get away with it without people knowing, but when you've got a tag on it's electronically monitored, so when you step out of that front door, a signal goes to them and they know straight away, so I think it's different to a [doorstep] curfew.

Women trusted the equipment and commonly believed that non-compliance would be detected even where they suspected that the equipment was not functioning properly. Several women (n=5) reported receiving phone calls from the monitoring company despite not having violated their curfews or interfered with the equipment. Although the monitoring company deliberately avoids informing monitored individuals in the event of any technical issues (Criminal Justice Joint Inspectorate, 2008), contact from the monitoring company asking about violations led women to believe that there were issues with the equipment.

The response in these situations differed but did not lead to a loss of trust in the equipment or increase instances of non-compliance. Some women's accounts suggested they became more averse to the risk of unintentional non-compliance. For them, the lack of understanding of the process for violations led to further anxiety over being wrongly accused of violating the curfew rather than an opportunity not to comply. The following example from Carol illustrates this:

...even though I knew the tag wasn't working properly, I knew that if I'd stepped out my doors and it would've gone off again, I would have got...[breached] for it so I didn't do it.

In addition to certainty of detection and response, a prominent theme to emerge from the data was that non-compliance was not worth the risk. This reflects another element of instrumental compliance relating to the perceived severity of the consequences for non-compliance (Bottoms, 2001). There was too much at stake in the event that non-compliance was detected and acted upon, which was considered a likely outcome across the sample. This in turn made non-compliance unappealing. Furthermore, women also suggested that the severity of consequences for non-compliance were important to their motivations to comply. The perceived threat of prison in response to non-compliance was frequently discussed among women, regardless of whether it seemed a likely outcome. In some cases, the likelihood of being sent to prison in the event of non-compliance appeared to be a legitimate concern. This was because women reported receiving suspended sentences or had previously breached a community order and received EM as a result of breach. In these situations, the perceived certainty of response was coupled with severity. An example of this came from Alesha, who was given EM after breaching a previous community order:

...I wouldn't do anything stupid, I got told at court like the next [time] I could be [in] prison and it's not really worth it...

However, the risk of prison acted as a deterrent for non-compliance, even where this outcome appeared unlikely. In these situations, concern for the wellbeing of others, particularly children, was a primary influence in wishing to avoid prison (this is discussed in more detail below). This reflects Bottoms' (2001) motivation for compliance through attachment to others. An example of this was given by Catherine who explained why she complied with the curfew.

Because I don't want to go to prison. I didn't want to have that on my record and I didn't want to upset my daughter by being taken away. I don't know if that's what they do but that's what my solicitor had said, that they will summons you and if you keep doing it, and you repeat doing it, then they may pass a custodial sentence and I was like, 'Right, I'm staying in'. I daren't even open the door or anything.

Although the risk of prison appeared to act as a deterrent to non-compliance, other women reported that the prospect of any further contact with the criminal justice system acted as a motivation to comply. This was prevalent among women with little or no previous experience of the criminal justice process who had found it particularly difficult (see Chapter five). For them, the experience of going through the criminal justice process was enough of a deterrent to comply. Rose explains this as follows:

Well I didn't want to risk going out after my curfew, I didn't want it to be put on a lot longer. Having to go back to court and putting it up a bit to something else. So when my curfew come for eight o'clock, that's it. I just [had] to stop in.

Further intervention also included the desire to avoid any visits as a result of non-compliance. Women discussed visits from both the police and monitoring company officers whereas in reality only the latter would visit in the event of non-compliance with a community order. Reasons for wishing to avoid visits varied. For women keen to maintain a non-offending identity (see Chapter seven), further

interaction became a source of shame and a reminder of the divergence from the identity they sought. Alison's quote below provides an example of the desire to avoid visits because they were a source of shame.

I didn't want police coming to my door, I didn't want [the monitoring company] coming to my door, I didn't want people to say that I've done wrong...if I wasn't [sticking to] it, and there were people coming to my door, [the monitoring company] and police, I [would] just find it so shameful, so, no I didn't want them coming to my door, I couldn't break it...

The motivation for compliance based on maintaining a non-offending identity reflects Bottoms' (2001) category of normative compliance. Breaching the curfew would have meant a further weakening of a non-offending identity which was undesirable. In addition, where women wishing to maintain a non-offending identity reported non-compliance, their accounts were punctuated with denials of responsibility by suggesting they were not wholly to blame for non-compliance. Women also reported wishing to avoid visits because of the impact it would have on other members of the household. Women were aware that their failure to comply had a direct impact on others they lived with, and this became an important motivation for compliance. For example, Amy was concerned of the impact visits may have on her grandmother.

...my Nana doesn't like police at the door, I mean she doesn't like no one coming... obviously if I would've gone out it [would have] brought all [the] trouble here and I know that would've bothered her, it's little stuff. I wouldn't have put it on me Nana d'you know what I mean? I wouldn't have done that to her.

The importance of women's relationships with others permeated their explanations for compliance. The following section examines this in more detail by considering the effect of relationships on both short and long term compliance, along with lifestyle influences more generally.

8.4 Lifestyle influences on compliance

Women discussed both short and long term compliance in a way which suggested that their existing routines and relationships influenced compliance both positively and negatively. As previous chapters have identified, women described differences in their existing lifestyles and relationships. There were contrasts between lifestyles where evening hours would usually have been spent at home and those who described regularly being away from the home in the evening. Additionally, women described both positive and negative aspects to intimate relationships. Existing routines were maintained and disrupted during the curfew, but despite the importance of habits and routines on compliance, they differed from Bottoms' (2001) idea of passive compliance based upon habits and routines. Instead, women's accounts reflected a sense of active choice over whether to comply, at least in theory. However, as the following section discusses, in practice those with additional constraints on their time had a reduced capacity to choose how to spend it, thus having implications for compliance. The possible impact of EM on women's desistance is also considered below, but with recognition of the differences in how women discussed possible future behaviours.

8.4.1 Maintaining routines which assisted compliance

As outlined in Chapter five, a number of women's existing routines assisted their short term compliance, including women whose usual routines involved remaining at home during curfew hours. They explained that their existing behaviour remained unchanged during the curfew, allowing them to comply while maintaining their usual routine. Routines which assisted compliance typically included caring responsibilities or health issues. Six women reported limited existing routines due to medical issues or alcohol dependency. These factors

similarly acted to curtail their range of activities, and subsequently may have assisted compliance. The following quote from Pam, who suffered from arthritis and had reduced mobility as a result, illustrates this point.

I've always been in for me curfew, and I don't go out while about nine/ten o'clock in the morning and if I am going out shopping or owt, I'm always back in, I'm only out two or three hours so, I'm always in by the time of my curfew.

In the majority of situations, later curfew start times increased the likelihood that women would usually be at home when the curfew began in any event. This was the case for Carol, whose curfew began at 11pm:

But I would've been in anyhow, y'know, at them times. I never ever went out at them times.

Carol, who had the latest curfew start time in the sample, explained that she had been given a later curfew start time because of her job. However, although late curfew start times assisted compliance, eight of the fourteen curfew start times of 8pm or later were given to women caring for children. These women's existing routines of remaining at home to care for their children or be present while their children slept already reduced their ability to be spontaneous. Therefore, existing routines did not only consist of remaining at homes during evening hours but also the limited choice to go out as a result of their circumstances. Furthermore, their existing routines meant that they were already familiar with the lack of spontaneity potentially caused by the curfew. For example, Sabeena described her evening routine during the curfew as follows:

...my son's usually in bed by eight o'clock anyway. I don't go out before seven o'clock in the morning. Now and again I might socialise on a weekend and that's about it, so, it didn't really affect me to be honest. Like I said, the odd time that I wanted to nip out for some food up the road or something. That's about it, so...

As examined in Chapter six, caring responsibilities had implications for women's uses of time both during and outside curfew hours. This extended to caring

responsibilities beyond curfew hours and reflected the establishment of routines which ensured that children were at home and sleeping during evening hours, so that they could engage in school and other activities the following day. In the following quote, Anita recognised the choice she had over compliance but also explains why this choice was limited by her circumstances.

...if I wanted to breach it I'd have breached it, d'you know what I mean... [but] at the end of the day I'm not gonna take a 7 year old out, when he's got to be at school next morning, after 9 o'clock am I?

In particular, women who were lone parents or had no one else present to look after children commonly reported existing curtailments to their freedom to leave their homes during curfew hours. While all were aware that their compliance was a choice, their responsibilities acted as an additional issue to consider and reduced the temptation to do so. Alesha explains this as follows:

I don't really go out after 7 o'clock anyway, cos [my son] goes to bed at half seven, so I think if he [hadn't] been here...I would have been more tempted to think, 'oh I'll just go out'. I'm in anyway, [the curfew] didn't really make much of a difference, luckily.

As outlined above, situations where women were inclined to briefly leave the house during curfew hours were commonly reported across the sample. However, such instances were limited among women with caring responsibilities and particularly among lone parents. This may be explained because their circumstances already made spontaneity difficult and planning may have already been established. In contrast, women who lived with partners or other family members frequently mentioned the involvement of others in supporting compliance and maintaining domestic routines. For example, reminders from others to comply with the curfew were reported across the sample. Such roles were present in previous research where others were found to take on roles including a 'policing' role to ensure that monitored individuals kept to their curfews

(Hucklesby, 2013b; Vanhaelemeesch, 2014). Although women also reported that others took on that role and were appreciative of support, they typically stated that reminders were not needed as they had no intention of violating the curfew. Rose explained how her partner had helped her by reminding her not to violate the curfew:

He's told me, y'know, 'Don't go out after your curfew hours – you can't do it. If you do they'll know because of that box upstairs'. He said, 'Don't go out'. I said, 'No, I'm not that kind of person'. I'm not a criminal – I'm not going to do it.

Women also commonly reported practical support from others. The need for assistance was prompted by spatial restriction and the fact that women could not leave the home briefly to undertake any domestic tasks. Relying on others to provide help was invaluable to women with caring responsibilities who predicted that they would have found the restriction much more difficult without support. This reflects the fact that women's usual domestic and caring responsibilities remained unchanged during the curfew with no effort to redefine women's roles and responsibilities (King and Gibbs, 2003; Maidment, 2002). For example, Pam explained the support her adult son had given her during the curfew:

He's helped me if I wanted anything from the shop or anything, y'know he's been helping me cos he knows I haven't been able to go out from 7 o' clock, so he's been good that way, so. Anything like washing bringing in, been right good, very good y'know so, he's good that way, helpful...

Younger women in the sample also pointed to the value of friends and family in helping them to comply. This was by visiting them or remaining at home during curfew hours and spending time with them. For these women, going out at night, particularly at weekends, had been part of their routine before they were on curfew and therefore remaining at home instead had been particularly challenging (see Chapter six). This was the situation for Yasmin, who described

the support her cousin had given her in the following extract from her unrecorded interview:

Yasmin explained how her cousin had been staying in with her rather than going out, so that she was not alone. She said time goes really slow during the curfew and it can drive you mad. She said how she was into hip hop music and likes to write her own lyrics and her cousin bought her a mic so that she can practice when she is on curfew.

However, domestic and caring responsibilities also contributed to non-compliance. Women explained that violations were necessary in order to assist a child, family member or partner, further reflecting women's existing routines and relationships and indicating that roles as partners and mothers continued throughout the curfew. This was the case for Keira, as the following extract from the notes of her unrecorded interview illustrates:

One evening during curfew hours, Keira saw her boyfriend getting off the bus from her flat window. He had been drinking and fell over at the bus stop. She had to go and get him and was gone for about five minutes but called the monitoring company as she thought he might have to go to hospital.

In these circumstances, responses from the monitoring company reportedly depended on the provision of evidence, following the proper enforcement procedure (Criminal Justice Joint Inspectorate 2008; 2012). Rules surrounding enforcement of violations are strict, with little room for discretion within the system. Acceptable reasons for absences which are not recorded as violations are limited to police custody, being in hospital or accompanying a dependent person to hospital. This had implications for the outcome of violations for women, meaning that the process functioned adequately in situations where urgent medical care was required for women or their children. This was the case for Sarah, who had to take her child to hospital after a fall. She explained the situation as follows:

There was an incident where I had to rush my son ... [to] hospital ... I phoned up and explained the situation and it were alright ... I did everything they said like [get] proof...so that covered me to take him to hospital and get back with him.

In contrast, the process lacked flexibility in response to other situations which women regarded as emergencies but did not fall within the three exceptions outlined above. The outcome was that absences were recorded as violations by the monitoring company. For example, Leah described a situation involving her son when she left the house during curfew hours. The following extract from the notes of Leah's unrecorded interview illustrate this.

One evening her eldest son absconded, and she rang the monitoring company to explain he had ADHD and he had run away and that she had to go out looking for him. She wanted to explain why she was going out and that it was an emergency – she had called the police. They called afterwards to ask if she had been out and she said she had been up to the top of the drive to find her son. They said they would make a note of it but she worried afterwards that the police were going to come.

She described the member of monitoring staff who called as 'a bit funny' on the phone and not very understanding. When explaining that her son had ADHD and anxiety problems he said 'what's that'? He just said he would make a note of it. But to her it was an emergency – she felt she had to go and find him.

These examples show that while routines and responsibilities could assist compliance, existing responsibilities also potentially had a negative effect on compliance, specifically through a lack of flexibility in responses to non-compliance, which adversely affected women who could not provide suitable evidence for violations. The following section examines unhelpful routines and the implications for short and long term compliance.

8.4.2 Maintaining and changing lifestyles which challenged compliance

In contrast to routines which assisted compliance, women also described less helpful lifestyles. Eleven women identified that drug and alcohol use were contributory factors to their offending. In addition, unconventional and

problematic routines were described where women were away from regularly during evening and night time hours (see Chapters five and six for more detail). Alcohol and drug use were also given as explanations for deliberate non-compliance, although women's accounts provided a conflicting picture of their impact on compliance. As Hucklesby (2008) points out, it is possible for monitored individuals to continue substance use during the curfew without violating, so long as they remain in their homes during curfew hours. As a result, compliance and substance and alcohol use can occur simultaneously. For example, Zoe, who described herself as a recovering alcoholic at the time of interview explained that her consumption of alcohol was already a habit that she planned for.

I drank from first thing in the morning, throughout the day. If I woke up through the night, I'd have alcohol, but...knowing that I had to be in, I would just make sure that I had enough in to last me until obviously I could do out again in the morning.

However, previous research suggests that substance use may increase non-compliance, by affecting the ability to act rationally (Hucklesby, 2009). A similar effect of alcohol on compliance was present in this research. For example, Carol explained that alcohol use was a factor in her non-compliance following repeatedly receiving phone calls from the monitoring company in the course of an evening.

It was a Sunday night and... I'd had a bottle of wine as well and I'd gone to bed and I got woke up three times again and in the end I just cut it off. I just, cos I thought, I cannot be doing with this...

Similarly, Leanne made a connection between alcohol consumption and non-compliance through a reduced ability for rational thought, as the following quote illustrates.

EH: ...has [drinking] had any impact on sticking to the curfew?

L: Yeah it's made me want to breach, so I'd ring me mum up...and say 'I'm breaching', I've done that a few times but I've come home, I saw sense.

EH: So do you think that's because of drinking?

L: Drinking, totally.

Women who attributed drugs or alcohol as factors in offending held different views about the role of EM in their long term compliance. As discussed in Chapter five, the two women in the sample who identified their use of heroin as the cause of their offending explained that EM had little capacity to address their drug issues and had a limited effect on long term compliance. Subsequently, they anticipated that only a prison sentence would assist in addressing their drug use.

The view among women who attributed their offending to alcohol use was mixed in relation to the impact of EM on their long term compliance. In some cases, alcohol consumption was reported to have decreased during the curfew period, as a result of being unable to go out. In these situations, women did not drink alcohol to the same extent they usually did when in their own home. Lucy suggested in the quote below that EM contributed to her reduction in alcohol consumption.

I haven't really drank that much since it's been on, I haven't drank for like 3 or 4 months now... If I'd have not got a tag then no, I'd probably carried on drinking and going out and stuff, so I think it's been a good thing for me, it's made me grow up a lot and stuff.

Lucy's experience reflected other women's accounts, suggesting that the curfew may have provided a break in the usual routine and allowed time to reassess behaviour for some women. Those who reported making changes to their alcohol consumption were aware of the choice they had over whether to alter habits. Subsequently, changes were not made simply because the sentence had been imposed. Women identified the ways in which they could have formally complied with the curfew whilst continuing behaviour which contributed to offending. The

majority of women who described unconventional routines did seek to adapt in order to comply with the curfew. This change in routine prompted by the curfew acted as an opportunity to reflect on their situation with the potential to alter behaviours and routines. For example, Amy considered how the change in habits and routines prompted by the curfew, and particularly her use of alcohol, allowed her time to reflect:

I've pulled myself out of it. I mean I said if I wanted to carry on, I would. Even if I were on tag I could have gone out through [the] day you know what I mean, but I just, I don't know, I think I got me head screwed on a bit didn't I.

Importantly, Amy recognised the choice she had in altering her behaviours, despite the curfew. This relates to the fact that the restriction of the curfew only extends for part of any 24 hour period, allowing an individual to continue with behaviours outside curfew hours and still comply. Instead, the curfew acted as an opportunity to reflect, which may contribute to compliance in the long term. This has been linked to an increase of pro-social capital and reduction of anti-social capital, both of which are identified as pivotal to the desistance process (Farrall, 2004; Hucklesby, 2008). Furthermore, the opportunity to reflect was anticipated as a positive contribution to the desistance process. The extract from Kelly's interview below reflects this:

I have actually stopped, actually took a look at what I was doing and realised that it's not even worth it, cos I'm only 24 and I should not be going out getting rat arsed and committing commercial burglaries.

However, reported alcohol consumption during the curfew was different where women described lifestyles which involved drinking alcohol with others away from the home. In these situations, changes to routines also encouraged changes to friendships and wider relationships. This is consistent with previous research which identified that curfews acted as an opportunity to break ties with others

(Hucklesby, 2008). For example, in the following quote, Danielle explains her decision not to see the friends she regarded as negative influences in her offending behaviour:

...when like courts and that finished, I didn't really speak to hardly any of [my friends]...my mate, he was on tag as well, my mate...she was on tag, but I didn't really speak to them or owt.

Women were able to identify changes to their behaviour after being electronically monitored. However, it is unclear whether the changes made would continue after the end of the sentence. Anti-social capital appeared to have reduced and new routines were made, but this structure was imposed upon the women by the curfew. It is questionable whether this new approach will contribute to long term changes. However, the women spoke positively about the future following the conclusion of the sentence. An example of this is given in the extract from Lucy's interview below, where she contemplates how she will spend her time following the end of the curfew:

The thing is, people have been asking me to go out ... this weekend and stuff, and I'm just kind of like, no I don't really want to do that. I've just thought, I'm not going to change just cos my tag's come off now, I'll just do what I've been doing for the past 6 months.

Similarly, Amy also had a positive outlook for the future, as she explained when stating she would not offend again:

I'm happy, I'm going on holiday, I've got a permanent job, I'm doing driving lessons... I [don't] need [anything] else... I'm comfy.

8.5 Concluding comments

This chapter has examined factors which contributed to women's reported long and short term compliance with EM, drawing from the frameworks of compliance and desistance theories. The data showed that women's explanations for compliance fell broadly into the same categories as previously identified in EM research, but with some important distinctions. Instrumental motivations for

compliance were prevalent among women's accounts, reflected in the desire to avoid unwanted consequences. Similar to previous research, perceptions of certainty and severity were important factors for compliance in women's accounts. Certainty of detection through the presence of technology was an important motivation for compliance, reflecting Nellis's argument that the surveillant nature of EM must be recognised (Nellis, 2009). Certainty of response was another important factor, which highlights the importance of personnel in the implementation of EM.

Women's overall lack of understanding of the potential consequences of non-compliance influenced the desire to avoid consequences. While this can be explained in part by the lack of transparency in informing monitored individuals of breach thresholds, another contributory factor was women's limited previous experience of EM and the criminal justice process, along with little opportunity to receive sufficient information about compliance and EM, particularly during the early stages of the process. Perceived severity of consequences also contributed to motivations to comply. The threat of prison, however unlikely, was often discussed as a motivation for compliance. A prominent theme in women's accounts was complying to avoid consequences for others, such as receiving visits and the effects of further sanctions on children and family members. Women's experiences of compliance with EM were dominated by their concern for others. This was apparent in motivations to comply both short and long term, along with ensuring that they continued with established routines for the benefit of others.

Furthermore, although relationships with others were closely linked with experiences of compliance, there were differences in the impact of such relationships on compliance. Accounts of others adopting a policing role were

present but relied upon to a limited extent whereas practical support was needed to maintain existing responsibilities while complying with the curfew. The impact of relationships with longer term compliance reflected existing research in some areas but was distinct. The findings illustrate the significance of existing routines and relationships on motivations for compliance, reflecting how the curfew is undertaken in the home. EM offered an opportunity to maintain routines and relationships whilst also reflecting upon and changing lifestyles. However, findings on long term compliance must be qualified by the fact that women who comprised the sample were generally compliant, with a high number of first time offenders. This suggests that the importance of desistance was reduced in their circumstances.

Chapter 9 : Conclusion

This thesis has explored women's experiences of electronically monitored curfews by presenting in-depth accounts from the perspective of 31 women who had recently completed an EM requirement as a single or multi requirement of a community order. In doing so, the study is situated among a handful of studies worldwide to have considered the impact of EM on women (King and Gibbs, 2003; Maidment, 2002). Furthermore, as the only qualitative study to have focused solely on women's experiences of electronically monitored curfew requirements in England and Wales, it offers a unique and original contribution to a wider body of EM research. The study concludes at a time when the role of technology is expanding within criminal justice, just as it has within society at large and within people's lives. New technology is increasingly being developed and recent years have seen a growing move towards the use of GPS location monitoring for a number of criminal justice purposes to complement the radio frequency monitoring that this study focusses upon. While RF technology remains the most commonly used form of EM in England and Wales at the time of writing, (Ministry of Justice, 2018b) the use of GPS with a community order has been introduced (Gauke, 2019). Moreover, the increase in the use of RF and GPS EM for women is also anticipated following their recent inclusion in the Female Offender Strategy (Ministry of Justice, 2018a). Advances in technology and a prominent place on the policy agenda mean that it is likely that the use of GPS EM will increase in criminal justice systems both in England and Wales and globally in the future.

Within this context, the findings of the research are particularly important given that the use of EM shows no signs of abating. This is because policy has been developed with little reference to offenders' experiences. As discussed in Chapter three, the inclusion of EM in the Female Offender Strategy (Ministry of Justice, 2018a) was done so with no reference to research on women's experiences of EM, following a well-established pattern for EM policy more widely. Taking account of experiences allows for a better understanding of the most appropriate or effective approaches for women in the delivery of EM. This chapter summarises the key findings of the thesis and considers the implications of these findings, preceded by a reflection on the research design and sample.

9.1 Key research findings

The research makes a number of important contributions to knowledge on how EM is experienced, while adding to debates on how best to respond to the needs of female offenders within community sentences. It joins other feminist research in highlighting the ongoing need for criminological research to take account of difference and diversity when exploring the impact of the criminal justice system (Silvestri and Crowther-Dowey, 2008). Considering the sample overall, while similarities can be drawn between the women interviewed, their differences show that female offenders are not a homogenous group and should not be regarded as such (Carlen, 1994; Corston, 2007; Daly and Chesney-Lind, 1988; Walklate, 2004). Despite a relatively broad age range from 19 to 60 years, there was little ethnic diversity in the sample as 28 described their ethnic origin as White British. Most women (n=26) stated they were in receipt of state benefits with a minority of five stating they had been employed while under curfew. Women had most commonly been convicted of fraud offences (n=8) which related primarily to

benefit fraud, along with theft and handling stolen goods (n=6) and violent offences (n=6). 15 women were primary carers for children who lived with them, while others explained that they gave care and support to other relatives who lived elsewhere.

As outlined in Chapter five, 18 women described circumstances which included living in settled accommodation and having caring responsibilities. They had very little or no previous contact with the criminal justice system and regarded themselves as 'not offenders', often using techniques of neutralisation (Sykes and Matza, 1957) to explain their convictions. They were also most commonly given standalone EM requirements. This contrasts with 10 women who described less settled living circumstances and no caring responsibilities. They typically identified some causes for their offending and reported having some previous contact with the criminal justice system but sought to maintain a non-offender identity. Finally, three women described transient living circumstances and extensive previous experience of the criminal justice system. They identified drug or alcohol use as the main cause for their offending and they did not seek to neutralise their offending behaviour.

Just as women did not have homogenous characteristics, they also did not all experience EM in the same way. Instead, lifestyles, relationships, self-identities and existing knowledge of the criminal justice and EM processes all influenced their experiences. Feeling restriction from being unable to leave their homes during the curfew became defining experiences for women whose usual lifestyles included being out regularly during evening hours. In contrast, the restriction of liberty during curfew hours was not prominently discussed among women with usual routines which involved remaining at home during evening hours. As

discussed in Chapter six, this reflects a distinction between women's routines following a linear model of time (Fitzpatrick, 2004) compared to those reflecting gendered uses of time (Bryson, 2007). The former is based on a model of work, where evening hours are spent engaging in leisure activities (Fitzpatrick, 2004), whereas the latter is dominated by cyclical uses of time and focussed upon caring (Bryson, 2007). These distinctions were seen in the accounts of the women's routines, how they organised their time, and the importance of others in their experiences.

Experiencing restriction as a result of the curfew led to altering lifestyles to comply with the curfew, which was considered to be a benefit of EM. Women had an opportunity to evaluate their situations and change them in order to avoid further offending, including changing habits around alcohol use. Women anticipated that any changes made during the curfew would continue after it had finished. In contrast, the overlapping of curfew hours with times where women would have been at home was regarded as positive feature of the sentence. The extent of restriction was reduced and being at home already assisted compliance. Therefore, EM allowed women to continue with their domestic and caring responsibilities while also serving their sentences.

Experiences of restriction were affected both positively and negatively by women's relationships with partners, friends and family. Women were often more concerned about the impact of the sentence on others rather than on themselves, particularly when they had caring responsibilities. While the restriction of liberty from the curfew was not felt as prominently among women with children, the amount of minor restrictions was increased by caring responsibilities and manifested in symbolic punishments (as discussed in Chapter six). Women were

reminded of the restriction by being unable to engage in activities with their children in ways they wished, such as spending time with them in the garden or being away from home after the curfew had begun.

However, women with children identified that an advantage of receiving EM compared to other community sentences was that they could continue to provide care to their children. Women were relieved to avoid disruption to the routines of themselves or their families which would have arisen by receiving a custodial sentence, however unlikely that outcome may have been. The advantage of living at home and maintaining contact with family was also identified as an advantage in this study. The focus of the relief for women with caring responsibilities was being able to continue them. In addition, having no need to organise childcare while on EM was considered a further advantage over other community requirements such as unpaid work or probation supervision.

Furthermore, the extent of restriction experienced from the curfew was reduced by positive relationships, thereby acting as an ameliorating factor (Sexton, 2015). For example, this occurred where family and friends provided included support and companionship by visiting during curfew hours or carried out domestic tasks so that the women could comply with the curfew. In contrast, the extent of restriction was exacerbated when family members and friends exercised their freedom by leaving their homes during curfew hours. In these cases, the influence of others acted as a temptation to violate the curfew, whereas the break in routine prompted by the curfew also created an opportunity to break ties with others who had been negative influences. The impact of restriction on women's existing relationships was mixed; where they reported tensions as a consequence of the

restriction of liberty, these were described as temporary and not expected to have a lasting impact on relationships after the end of the curfew.

In addition to experiences of restriction as a result of the curfew, women's self-identities permeated experiences in several ways. This included opinions on wearing the tag, how they interacted with the monitoring company and their motivations for compliance. The EM process and wider criminal justice process both acted as sources of stigma, including the requirement for monitoring officers to visit women in their homes and interactions with criminal justice staff and monitoring officers. Furthermore, women sought to conceal the tag from being visible during the sentence and avoided activities where concealing was thought to be impossible. Women's identities as 'good mothers' were threatened by wearing a tag, which acted as a visible symbol of the sentence. As a result, women with children expressed concerns that their roles as mothers would have been tarnished if others, particularly those unknown to them, had seen the tag.

The extent of stigma experienced was dependent on whether women sought to maintain or develop a non-offending identity. Identities were characterised by gender, particularly among women who sought to reject an offender identity. This resonates with Heidensohn's concept of 'double deviance', through breaking social norms by committing an offence as well as breaking gender norms for women (Heidensohn, 1996). Women who rejected an offender identity drew upon their lack of previous contact with the criminal justice system and roles as wives, mothers and daughters to justify this rejection. In contrast, women who made little attempt to negotiate a non-offending identity rarely discussed feeling stigmatised.

9.2 Methodological Reflections

The study used a qualitative methodology which was influenced by a feminist methodological approach. Semi-structured interviews were used to explore women's accounts of their experiences. Four objectives supported the main aim of the study. First, to outline the backgrounds, offending-related needs and self-reported criminal careers of the women interviewed. Second, to address women's perceptions and understanding of EM at the start of their sentence and the factors which influenced them. Third, to consider women's interactions with the electronic monitoring company and other criminal justice agencies during the sentence. Finally, to explore the impact of the sentence on women's lifestyles, attitudes and behaviours during the curfew period, and how the sentence is expected to affect behaviours after the curfew period.

The design of the study has allowed for women's accounts to emerge which may otherwise have been hidden in a sample which did not account for potential gender differences. Simple criteria were used to determine the sample which included women over the age of 18 who were fluent in English and had recently completed a curfew requirement as part of a community order either on its own or alongside other requirements. The number of interviews was chosen to allow enough data to be collected but also sufficient time for all data to be rigorously analysed. The sample was chosen on the basis of convenience, which was necessary due to the low number of women given an electronically monitored curfew requirement as a community order. The refusal rate of potential participants to take part in the interviews was high. A possible contributory factor may have been the means of recruitment. In the majority of interviews, potential participants were invited to take part by accompanying a monitoring officer at the

decommission of the equipment which left a short amount of time available for women to make a decision about whether to take part. As a result, women who met the sampling criteria were interviewed on the basis of who was willing to take part. The research could have been strengthened through the use of broader sampling criteria, designed to capture diversity in terms of ethnicity, social class and sexual orientation. This could have provided more data on how alternative strands of intersectionality may impact upon women's experiences of EM. Similarly, it would have been interesting to design the sample on the basis of particular sentences received, with emphasis on recruiting women who had received multi-requirement orders as opposed to standalone orders. This would have allowed for a closer look at the impact of specific measures and the relationship between them. The sample used in this study captured some differences on the basis of sentences received, but not sufficiently to adequately capture potential differences the make-up of the community order may have on experiences of EM. These provide possible avenues of future research. Furthermore, although a benchmark of feminist criminological research is to give women their own voices through research, the use of a women-only sample has limited comparisons between men and women. Therefore, in order to address the issue of the extent to which experiences of EM are affected by gender, future comparative research is needed to explore similarities and differences and look more closely at other contributory factors and the extent to which they were shared among men and women.

Interviews took place when equipment was decommissioned at the end of the order, meaning that women who had already breached their orders or who had been non-compliant throughout were less likely to be present at home and

subsequently could not be invited to take part in the research. This may have affected the extent to which data on non-compliance could be collected through the use of this sampling strategy. Nevertheless, the findings presented in Chapter eight reflected a breadth of experiences of compliance among the women, suggesting that the research is able to offer useful reflections on the factors which contributed to women's decisions to comply and breach their orders.

In addition, the study includes women's views on how they envisaged the impact of EM after it had finished. These findings are limited to an account of women's expectations over their future life courses. To consider this in more detail, it would have been advantageous to conduct follow-up interviews so that a clearer account could have been developed which considered the actual effects of EM on future lives and whether EM has a more long term impact or whether, as some argue, it only has value for short term compliance. While the study could have been developed in this way, it would have meant a change in focus away from broader experiences during the sentences to consider the impact upon desistance more specifically. Also, the challenges with recruitment which was already faced in obtaining interviews with the women and the difficulty with maintaining contact with participants which comes with longitudinal studies meant that conducting follow-up interviews would have been unachievable in the time available for conducting fieldwork. Nevertheless, this could provide a basis for future research in this area.

9.3 Implications of the findings

The findings reflect the fact that gender was intertwined through women's identities, relationships, caring responsibilities and daily routines. Yet the ways in which gender affected women's experiences of EM is more nuanced. The

differences prevalent among the women show that just as they were not a homogenous group, neither were their experiences defined by gender in the same way or to the same extent. Furthermore, there were a number of similarities between the research findings in this study and findings from research on experiences of EM with predominantly male samples. This suggests that in many respects, women's experiences of EM reflect those of men's. Such studies also identified a connection between lifestyles and the extent of restriction experienced, leading to the concern that the circumstances of monitored individuals may reduce the extent of the punishment (Walter, 2002). However, previous research findings found that EM was regarded as a punishment with predominantly male samples (Airs et al., 2000; Gainey and Payne, 2000; Hucklesby, 2008; 2009; Loble and Smith, 2000; Mair and Mortimer, 1996; Mair and Nee, 1990; Vanhaelemeesch, 2014) as well as female samples (King and Gibbs, 2003).

The potential for family and friends to have both a positive and negative impact on experiences of restriction were also identified in previous research (Hucklesby, 2008; King and Gibbs, 2003; Payne and Gainey, 1998). Furthermore, the extent of restriction was exacerbated when family members and friends exercised their freedom by leaving their homes during curfew hours (Payne and Gainey, 1998). Similar to other research (Hucklesby, 2013b; Vanhaelemeesch, 2014) women reported that family and friends adopted a 'policing' role with respect to compliance, by reminding them to return home for the start of the curfew. However, as discussed in Chapter eight, while women appreciated this support, they did not rely on it to comply. In contrast, the absence

of support from others during these situations made the restriction of liberty more pronounced.

While experiences of stigma whilst electronically monitored were dependent on women's self-identities, it is not clear whether feelings of stigma and shame are increased compared to how men may experience EM. Indeed, previous studies indicate that for some, wearing the tag does constitute a stigma and becomes a source of shame (Gainey and Payne, 2000; Mair and Nee, 1990; Vanhaelemeesch et al., 2014). Furthermore, viewing the tag as a trophy or status symbol, which was equally prominent in studies with predominantly male samples (Nellis, 2009; Penal Affairs Consortium, 1997; Richardson, 2002; Whitfield, 1997), was virtually absent in this study, as only one woman described feeling proud to wear the tag (see Chapter eight).

In considering the extent to which women's experiences of EM were distinct from those of men, it is also worthwhile to note that the shared experiences identified may not be unique to women but possibly more likely to have emerged within this research due to the female-only sample. Two points illustrate this. First, the findings show that women's limited existing knowledge affected their expectations of EM at the start of the sentence and influenced motivations for compliance, through a lack of understanding about what the consequences for violations would be. Women most commonly reported complying to avoid any unwanted consequences, reflecting Bottoms' concept of instrumental compliance (Bottoms, 2001) (see in Chapter eight). Women's understanding of the consequences for non-compliance varied and was exacerbated by the limited opportunities to receive information about EM during the sentence. Subsequently, their understanding of the likelihood of the foreseen

consequences for non-compliance influenced decisions to comply. A wish to avoid consequences for others was also a prominent motivation for compliance. Having insufficient knowledge also led to anxiety over being unclear how the EM process worked and the personnel involved. While gender did not contribute to this directly, the implications for having little existing experience of EM may disproportionately affect women due to the fact that overall, women more likely than men to be first time offenders and less likely to be repeat offenders (Ministry of Justice, 2018c). This is consistent with the high proportion of the sample who stated that they had little previous contact with the criminal justice system and little understanding of EM.

Second, the impact of relationships on experiences of EM was consistent with findings of previous research studies involving predominantly male samples, but there were also some important distinctions. These were most prominent where women were primary carers for their children, as they were prioritised in women's lives, routines were organised around caring and concern over feelings of restriction was felt on behalf of others before restriction to the women themselves. Implications for the experiences of EM therefore stemmed from having caring responsibilities rather than because of gender. However, these circumstances are more prominent in a female-only sample as women in contact with the criminal justice system are more likely than men to be primary carers for children (Ministry of Justice, 2018c). Furthermore, while men may be less likely to have caring responsibilities or be primary carers, they may share similar experiences to women with children if they do. Previous research with a predominantly male sample identified a minority of men with primary caring responsibilities also experienced issues while under curfew (Hucklesby, 2009).

9.4 Responding to women in the delivery of electronic monitoring

Having outlined women's experiences of electronic monitoring and reflected upon the extent to which they may differ from men's experiences, it is important to consider whether the findings suggest the presence of inequality of impact. As considered in Chapter three, concern over an inequality of impact has been raised with regard to female offenders when gender differences are not acknowledged in the delivery of sentences (Carlen, 1990; Gelsthorpe et al., 2007; Hudson, 2002). Where it exists, inequality of impact has the potential to undermine sentences and principles of justice if there is a discrepancy among those who are monitored. As discussed in Chapter six, this arises where experiences of punishment are viewed from a subjective rather than objective perspective (Sexton, 2015; van Ginneken and Hayes, 2017). Conversely, considering punishment from an objectivist perspective overlooks individual experiences, focusing instead on imposing sentences which are proportionate to the offences committed (Ashworth, 2015).

However, notwithstanding any impact as a result of gender, the research findings suggest that lifestyles, relationships, circumstances and understanding of the sentence all influence experiences of EM. The importance of these factors on experiences have also been identified in previous EM research (Airs et al., 2000; Gainey and Payne, 2000; Hucklesby, 2008; 2009; Loble and Smith, 2000; Mair and Mortimer, 1996; Mair and Nee, 1990; Vanhaelemeesch et al., 2014; Walter, 2002). As a result, concerns have been raised over EM being insufficiently punitive on the basis that it entails remaining at home with family and depending on the circumstances of an individual, this might be favourable (Nellis, 2013b). In contrast, the ability for women to remain at home and avoid the disruption of a

potential prison sentence could be seen as an advantage to imposing EM. Therefore, the individual circumstances of a monitored person, rather than their gender, may increase or decrease of negative and positive impacts of EM on the lives of those who are monitored.

Because gender did not affect women's experiences of EM in the same way or to the same extent and given similarities between women's experiences identified in this study compared to research involving predominantly male samples, questions over the most appropriate delivery of EM ensue. As highlighted in Chapters two and three, gender is not formally taken into account in the implementation of EM, and therefore may be described as 'gender neutral justice' (Evans, 2017; Hannah-Moffat, 2010; Worrall, 1990b). However, the term 'gender blind' might be more appropriate given that the rules, processes, equipment and implementation of EM have been developed only with reference to men. Adopting a gender-neutral approach not only holds the risk that women's distinct needs become invisible (Worrall, 1990b) but that an inequality of impact exists for women on the basis of their distinct circumstances (Carlen, 1990; Hudson, 2002; Smart, 1989). Women who are electronically monitored use the same equipment as men and are bound by the same rules as them relating to non-compliance and curfew boundaries. Furthermore, while rules exist which prevent male officers visiting women who are electronically monitored alone, this policy is in place to avoid allegations of misconduct rather than to meet women's needs (Hucklesby and Holdsworth, 2016).

The potential to disregard women's distinct circumstances in the delivery of community sentences has been recognised through the development of gender responsive measures. As discussed in Chapter three, they aim to accommodate

women's distinct social, emotional and mental health needs in women-only settings. Adopting gender responsive principles in the delivery of EM could manifest as a different approach for female offenders, in terms of the equipment they wear to avoid stigma, flexible curfew hours which take account of caring responsibilities, access to the outside of their homes during curfews and a more flexible approach to non-compliance to accommodate for caring responsibilities. Indeed, women's reported curfew start times were typically later if they were caring for children, suggesting that individual circumstances are already taken into account. However, the drawbacks of a gender-responsive approach were also outlined in Chapter three. They include the potential to homogenise female offenders through the criminal justice process (Feilzer and Williams, 2015; Hannah-Moffat, 2010). This assumes that gender is the most important defining factor in women's experiences of EM, but overlooks the impact of other intersections, such as ethnicity, age and social divisions. For example, given the relatively large age range in the sample, it was possible to identify that women's lifestyles differed according to their ages. Younger women more commonly reported that their usual routines involved being away from their homes during evening and night time hours and viewing the restriction of liberty as a punishment was a more prominent part of their accounts as a result. Their relationships were also reported differently, with younger women less likely to have caring responsibilities. Moreover, the impact of other intersections may mean that women's experiences are more similar to men who share their circumstances rather than women who do not. A gender-responsive approach may result in replacing existing male norms that women are measured against in gender-blind provision with alternative norms which all women are expected to

adhere to but may not be applicable to all (Evans, 2017). This risks overlooking potential similarities between men and women (Neale et al., 2014).

Therefore, given the similarities between women's experiences identified in this study compared to previous EM research involving predominantly male samples, this thesis concludes that rather than distinguishing between men and women in the delivery of EM, it should be implemented in a way which recognises individual differences among those who experience it. Factors which may impact upon experiences of EM should be recognised and there is scope to achieve this with EM. Sentences are already individualised to take monitored people's circumstances into account as curfew hours and sentence length are both decided upon on an individual basis (Hucklesby and Holdsworth, 2016). Furthermore, through the use of a female-only sample, this research has highlighted a number of factors which potentially affect women's experiences of EM which may also be experienced by men but not as prominently. Therefore, in considering how to take individual needs into account, attention should be paid to the following in the delivery of EM: The impact of caring responsibilities, the implications of wearing the tag and the potential for stigma as a result, the impact of EM on self-identities, the implications of restricting outside spaces during curfew hours, considering differences in the effects of the limited information provided during the sentence, considering what information should be provided and at what point in the sentence, and understanding that rules surrounding compliance and the lack of flexibility may have different implications for people in different circumstances.

9.5 The suitability of electronic monitoring for women

The research findings highlight the importance of looking beyond the objective purposes of EM by considering punishments subjectively, from the perspectives of those who experience them. Doing so allows a more rounded understanding of punishments and highlights the distinction between what is intended by a sentence compared to how it is experienced. However, a drawback of taking individual circumstances into account is the potential for sentences to be imposed significantly differently for the same types of offences because of the circumstances of the individual it is imposed upon. This risks inequality in sentencing and highlights the issue that a 'just deserts' approach to sentencing seeks to address; that justice is served through the imposition of sentences on the basis of offences committed regardless of their circumstances or offending history, otherwise known as the proportionality principle (Ashworth, 2015). In this respect, the symbolism of imposing a sentence is more important than the effect it has on the lives of those it is imposed upon.

Furthermore, the potential for disconnect between how women experience EM compared to what is intended, which individualised sentencing seeks to address, is exacerbated because the aims of EM are not clearly set out. As discussed in Chapter two and expanded upon in Chapter six, the intended purposes of electronically monitored curfews are unclear because it is weakly defined (Jones, 2000). This makes it particularly challenging to ascertain how effective it is as a sentence because there is little basis upon which to evaluate that effectiveness. As outlined in Chapter two, the restriction of liberty was repeatedly referred to during the development of EM policy in England and Wales, but with little detail of how that might be realised. Nevertheless, two purposes foreseen by the

temporary restriction of liberty from the curfew were to restrict access to public spaces and limit the ability to engage in leisure activities (Nellis, 2013b). While the findings show that a majority of women felt a genuine restriction of liberty from the curfew, restriction was also felt outside curfew hours. For example, women's time outside curfew hours was affected by the need to alter plans to ensure they returned home on time for the start of the curfew. Furthermore, spatial restriction was not only felt by being unable to access public spaces. Rather, it was also felt by being unable to access the immediate vicinity of their homes and gardens, thereby becoming 'symbolic punishment' (Sexton, 2015). This example shows difficulties faced when attempting to fully understand the value of imposing an electronically monitored curfew requirement in a community order.

However, the findings also suggest that EM could be a potentially useful sentence for women, if individual needs are adequately responded to. The findings show that the use of standalone requirements in particular had advantages to other requirements and were preferred by some women compared to other community requirements. Advantages including the curfew being shorter in duration than supervision and unpaid work requirements and therefore having less overall impact on their lives. As outlined above, not needing to arrange childcare and being able to continue routines were all discussed as advantages of EM. Where an overlap existed between curfew hours and usual routines, women reported punishment to a lesser extent. Furthermore, individualisation already exists in relation to curfew hours and length, and some recognition of women's circumstances existed among sentencers. However, this raises the question over whether it is appropriate to impose EM on women, particularly as a standalone requirement. In Chapter three, the distinction between community requirements

most commonly imposed on men and women was highlighted and explanations for the proportionately higher use of the probation supervision (rehabilitation activity) requirement were explored. Among these was the suggestion that women receive probation supervision as a response to their offending-related needs, but that by doing so risks 'up-tariffing' through the use of more intervention than may be necessary. The suggestion that rehabilitation is the most appropriate response to female offenders in community sentences continued in the recent Female Offender Strategy (Ministry of Justice, 2018a). The use of EM was specifically described as a means to support other rehabilitation requirements. Presenting EM in this way suggests that electronically monitored curfews have little value as standalone requirements when used in this mode and can only provide punishment (Nellis, 2006). While this reflects a 'just deserts' approach, it also echoes longstanding concerns by proponents of probation that face-to-face contact and rehabilitative work inherent in probation practice risks being replaced by automated services with limited value such as EM (McNeill, 2017; Nellis, 2014b).

Reflecting upon the appropriateness of standalone requirements with female offenders is particularly important to this study because of the proportionately high numbers of women who received standalone requirements (n=16). The findings suggest that standalone requirements should not be dismissed as an inappropriate response to women on the basis of their gender and challenges any assumption that rehabilitative requirements are always the most appropriate for women. Instead, the research shows the need to look at the circumstances of the individual, regardless of gender, in order to decide whether a single requirement may be appropriate. When considering the use of standalone

requirements specifically for women, the advantage is that EM keeps women outside of the criminal justice system. The harm caused by having contact with the criminal justice system is well documented (see Chapter three) and evidenced by the fact that gender-responsive provision seeks to divert women from the 'mainstream' criminal justice process. This is reflected in the research findings of this study and the stigma reported which ensued from the broader criminal process. However, for this to be fully realised and for EM to be an appropriate single or multi requirement for all women, steps must be made to recognise the potential for inequality of impact. This can be done by seeking to ensure that rather than being 'gender blind', EM becomes truly gender neutral through the recognition of individual differences beyond gender which may have an impact of experiences.

9.6 Final remarks

There is now a growing body of research on EM and academics have begun to ask necessary questions of EM on a global level (Nellis et al., 2013a). These include who should receive EM, in what capacity, at what stage of the criminal justice process, who should be responsible for administering EM, how sanctions for non-compliance should be implemented and whether there should be incentives for compliance (Nellis, 2014a). This thesis highlights the importance of taking experiences of EM into account as it develops and its use increases. It is vital that just as the voices of women should continue to be heard within criminological research, so should the voices of all those who are electronically monitored be heard, and their differences recognised and respected. Future research agendas on all forms of EM in England and Wales must take account of the perspectives of individuals who experience them. Future research should

include an intersectional examination of the impact of gender, ethnicity, age, socio-economic factors and social divisions in order to ensure that as the use of EM develops further, differences are taken into account. This should include qualitative studies which focus upon difference among those subject to EM and how such differences may have an impact. Only by doing this can EM be developed in the future in a way that is fair and equal for all those who are subject to it.

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Appendix A: Confirmation of Ethical Approval

Performance, Governance and Operations
 Research & Innovation Service
 Charles Thackrah Building
 101 Clarendon Road
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UNIVERSITY OF LEEDS

Ella Holdsworth
 School of Law
 University of Leeds
 Leeds, LS2 9JT

AREA Faculty Research Ethics Committee University of Leeds

21st February 2012

Dear Ella

Title of study: Women's experiences of electronic monitoring

Ethics reference: AREA 11-104

I am pleased to inform you that the above research application has been reviewed by the ESSL, Environment and LUBS (AREA) Faculty Research Ethics Committee and following receipt of your response to the Committee's initial comments, I can confirm a favourable ethical opinion as of the date of this letter. The following documentation was considered:

<i>Document</i>	<i>Version</i>	<i>Date</i>
AREA 11-104 Ella Holdsworth ethical review.doc	1	03/01/12
AREA_11-104_Committee_response.doc	1	07/02/12

Please notify the committee if you intend to make any amendments to the original research as submitted at date of this approval. This includes recruitment methodology and all changes must be ethically approved prior to implementation.

Please note: You are expected to keep a record of all your approved documentation, as well as documents such as sample consent forms, and other documents relating to the study. This should be kept in your study file, which

should be readily available for audit purposes. You will be given a two week notice period if your project is to be audited.

Yours sincerely

Jennifer Blaikie

Senior Research Ethics Administrator

Research & Innovation Service

On behalf of the [AREA Faculty Research Ethics Committee](#)

CC: Student's supervisor(s)



Appendix B: Consent forms

UNIVERSITY OF LEEDS

Consent form: G4S

Please write your initials in the boxes after each statement if you agree with them.

I have read and understood the information sheet explaining the research project on women's experiences of electronic monitoring and I have been able to ask questions about the project.

I understand that it is my choice to take part in the research and I can stop the interview at any time. I will not have to give a reason and it will not affect any dealings with G4S or the courts. I also understand that I don't have to answer any of the questions I do not want to.

I understand that it is my choice to have the interview recorded and I can ask for the recording to stop at any time.

I understand that everything I say will be kept confidential, unless I tell the researcher about any serious harm to myself or someone else. If this is the case, I understand that the researcher may pass on this information to someone else without telling me first.

I understand that my name will not be used at all in the project.

I agree that my answers can be used in future research.

Name of participant

Date

Signature

Signed by researcher (Ella)

Date

Signature

Consent form: Probation**UNIVERSITY OF LEEDS**

Please write your initials in the boxes after each statement if you agree with them.

I have read and understood the information sheet explaining the research project on women's experiences of electronic monitoring and I have been able to ask questions about the project.

I understand that it is my choice to take part in the research and I can stop the interview at any time. I will not have to give a reason and it will not affect any dealings with G4S or the courts. I also understand that I don't have to answer any of the questions I do not want to.

I understand that it is my choice to have the interview recorded and I can ask for the recording to stop at any time.

I understand that everything I say will be kept confidential, unless I tell the researcher about any serious harm to myself or someone else. If this is the case, I understand that the researcher may pass on this information to someone else without telling me first.

I understand that my name will not be used at all in the project.

I agree that my answers can be used in future research.

Name of participant	Date	Signature

Signed by researcher (Ella)	Date	Signature



Appendix C: Information sheets

UNIVERSITY OF LEEDS

Information sheet: G4S

Women's experiences of electronic monitoring

You are being invited to take part in a research project. Before you decide, it is important for you to understand why the research is being done and what you are being asked to do.

Please take time to read the following information. If you don't understand something or would like to know more about anything then please ask.

What is the project about?

I am a PhD student at Leeds University and I want to find out about the experiences of women who have been tagged by the courts. You have been chosen because you have completed a curfew which you were given as part of a community order. Your views of tagging are very important and will be very valuable to the project.

What am I being asked to do?

You will be asked a number of questions. We can begin as soon as you are ready and it will take about one hour.

What questions will I be asked?

You will be asked about what it is like to be tagged and what effect it has had on your life. You will be asked what it is like to wear the tag and have the equipment where you live. You will also be asked about positive and negative things about being on curfew.

Do I have to take part?

You can choose whether or not you want to take part. If you choose not to take part this will not affect your curfew or any dealings with G4S or the courts. If you do not want to take part you do not have to give a reason.

If you decide to take part, you will be given this sheet to keep and asked to sign a consent form. You can stop the interview at any time and you do not have to give a reason.

Will my name be used?

Your name will never be used in any reports. All details that could identify you will be kept confidential and not shared with anyone, unless you tell me about any serious harm to yourself or another person. If this is the case I may pass on your information to someone else without telling you first.

What will happen to my answers after the interview has finished?

Your answers will be used for my university project and future research. It will also be used in a report I write for G4S.

What do I do if I decide I don't want to take part in the research after the interview has finished?

If you decide that you do not want your answers to be used after the interview has finished you can contact me by emailing taggingprojectleeds@gmail.com or calling 07973 953431. You can also use this email address if you have any other questions about the project.

**Information sheet: Probation****Women's experiences of electronic monitoring**

You are being invited to take part in a research project. Before you decide, it is important for you to understand why the research is being done and what you are being asked to do.

Please take time to read the following information. If you don't understand something or would like to know more about anything you can ask me before the interview starts or you can contact me using the number and email address at the end of this sheet.

What is the project about?

I am a PhD student at Leeds University and I want to find out about the experiences of women who have been tagged by the courts. You have been chosen because you have completed a curfew which you were given as part of a community order. Your views of tagging are very important and will be very valuable to the project.

What am I being asked to do?

You will be asked a number of questions. It will take about an hour. We can hold the interview in a private room in the probation office at a time which suits you, such as after your next meeting with your probation officer.

What questions will I be asked?

You will be asked about what it is like to be tagged and what effect it has had on your life. You will be asked what it is like to wear the tag and have the equipment where you live. You will also be asked about positive and negative things about being on curfew.

Do I have to take part?

You can choose whether or not you want to take part. If you choose not to take part this will not affect your curfew or any dealings with probation or the courts. If you do not want to take part you do not have to give a reason.

If you decide to take part, you will be given this sheet to keep and asked to sign a consent form. You can stop the interview at any time and you do not have to give a reason.

Will my name be used?

Your name will never be used in any reports. All details that could identify you will be kept confidential and not shared with anyone including your probation officer, unless you tell me about any serious harm to yourself or another person. If this is the case I may pass on your information to someone else without telling you first.

What will happen to my answers after the interview has finished?

Your answers will be used for my university project and future research. It will also be used in a report I write for G4S.

What do I do if I decide I don't want to take part in the research after the interview has finished?

If you decide that you do not want your answers to be used after the interview has finished you can contact me by emailing taggingprojectleeds@gmail.com or calling 07973 953431. You can also use this email address if you have any other questions about the project.

Interview number:

Appendix D: Interview Schedule

I would like to start by asking a few questions about you.

1. How old are you?
2. How would you describe your ethnic origin?.

Black or Black British	Caribbean	African		Other
White	British	Irish		Other
Chinese or other	Chinese	Any other		
Asian or Asian British	Pakistani	Bangladeshi	Indian	Other
Mixed	White & Black Caribbean	White and Black African	White Asian and	Other
Prefer not to say				

3. Could you tell me your marital status?

Record answer in table below.

Single	
In a relationship – Not cohabiting	
Cohabiting	
Married	
Separated	
Divorced	
Widowed	

The sentence

4. How long have you been tagged?

Record total length of curfew

- a. What are your curfew hours?
- b. Is this the first time you have been tagged?

If yes, go to question 7.

- c. If not, could you tell me about when you have been tagged before
- d. How many times?
- e. How long ago?
- f. Was it as a sentence? If not, what was it for?

Housing and relationships

5. How long have you lived here?

6. Would you say this is your permanent home?*If yes, go to question 7.**If not,*

- a. How long are you expecting to live here?
- b. Where do you usually live?
- c. Why have been living here during the curfew?
- d. Has living here affected your experience of tagging at all? If so, please say more about this.
- e. Have there been any positive effects?
- f. Have there been any negative effects?

7. Is the house rented?*If so, is it:*

- a. Privately rented,
- b. Social housing?
- c. If not, what are your living arrangements?

8. Are you the householder?*If yes, move to question 9.*

- a. If not, whose consent did you have to get to be tagged here?

*I would now like to ask you about other people you live with.***9. How many other people live here?***If they live alone, move to question 15.****If not, make a note of the number of adults and children.***

- a. Who are they?

Record the relationship to the interviewee.

- b. Does everyone live here all the time?
- c. If not, where else do they live?

- d. Have they all lived here while you have been tagged?

If there are children living with them, go to question 10.

If there are no children living with them, go to question 11.

10. You said that you have children living here,

- a. Are they your own children?
- b. Could you tell me how old they are?
- c. Do they know that you are being tagged?
- d. What have they been told?
- e. How did they react at the start?
- f. How have they reacted to you wearing the tag?
- g. Have they been around when G4S staff visited? If so, how did they react to their visit?

If the children are not theirs, go to question 11.

If the children are their own:

- h. Has being tagged made any difference to the way you look after your children or the time you spend with them?

If so, Please say more about this.

Prompting questions, where necessary.

- i. Have there been positive changes? If so, please explain what they are.
- j. Do you think they will continue after you have finished your tagging sentence? Please explain could you explain why?
- k. If not, have there been negative changes? Please say more about this.
- l. Has the curfew had any effect on your children? If so please could you say more about this?

Prompting questions, where necessary.

- m. Has there been a positive effect on the children? If so, please say more about this.

- n. Do you think it will continue after you have finished your tagging sentence? Please explain why.
- o. Has there been a negative effect on your children?

If so, please say more about this.

- p. Have your children had any impact on you sticking to the curfew? If so, please could you explain in what ways?
- q. Have they helped you to stick to the curfew? If so please could you explain how?
- r. Have they made sticking to the curfew difficult? If so, please could you say more about this?

If they are not in a relationship with someone they live with:

If other adults live with them, go to question 12.

If no other adults live with them, go to question 15.

11. You said that you are in a relationship with someone you live with,

- a. Has being tagged had any impact on your relationship? If so, please say more about this.

Prompting questions, where necessary.

- b. How did they react at the start?
- c. Has this changed at all?
- d. Have there been any positive changes in your relationship because of the curfew? Please say more.
- e. Have there been any negative changes in your relationship because of the curfew? Please say more.

Prompting questions, where necessary

- f. Has it created any tensions in your relationship that weren't there before you were tagged? If so, please could you say more about this?

YOU: relationships living with

- g. Were there any tensions in your relationship before you were tagged, which have become worse? If so, please could you say more about this?
- h. Was there any violence in your relationship before you were tagged, which has become worse? If so, please could you say more about this?
- i. Have they had any impact on you sticking to the curfew? If so, please could you explain in what ways?
- j. Have they helped you to stick to the curfew? If so please explain how.
- k. Have they made sticking to the curfew difficult? If so, please say more about this.

If any of the other adults are their parent, go to question 12.

If not, go to question 13.

You said you lived with your parent(s)

12. Has being tagged had any impact on your relationship? If so, please say more about this.

Prompting questions, where necessary.

- a. How did they react at the start?
- b. Has this changed at all?
- c. Have there been any positive changes in your relationship because of the curfew? Please say more.
- d. Have there been any negative changes in your relationship because of the curfew? Please say more.
- e. Have they had any impact on you sticking to the curfew? If so, please could you explain in what ways?
- f. Have they helped you to stick to the curfew? If so please explain how.
- g. Have they made sticking to the curfew difficult? If so, please say more about this.

13. Do you help to look after any of the adults?

If not, go to question 14.

- a. If so, please could you say more about this?
- b. What help do you give them?
- c. How often?
- d. Do they know that you are being tagged?
- e. What have they been told?
- f. How did they react at the start?
- g. How have they reacted to you wearing the tag?
- h. Have they been present when G4S staff visited? If so, how did they react?
- i. Has being tagged made any difference to the way you look after them?

If so, Please say more about this.

Prompting questions, where necessary.

- j. Have there been positive changes? If so,
- k. What are they?
- l. Do you think it will continue after you have finished your tagging sentence? Please explain why.
- m. If not, have there been negative changes? Please say more about this.
- n. Has the curfew had any effect on them? If so please say more about this.

Prompting questions, where necessary,

- o. Has there been a positive effect? If so, Please say more about this.
- p. Do you think it will continue after you have finished your tagging sentence? Please explain why.
- q. Has there been a negative effect? If so, please say more about this.
- r. Have they had any impact on you sticking to the curfew? If so, please say more about this.

Any other members of the household who have not been already been discussed,

14. Has the curfew had an effect on any other people that you live with that we have not already talked about? If so, please could you tell me some more about this?

- a. Has there been any positive impact? If so, please could you say more about these?
- b. Has there been any negative impact? If so, please could you say more about these?
- c. Have the other people you live with that we haven't already talked about had any impact on you sticking to the curfew? If so, please say more about this.

Relationships with people they do not live with

I would now like to ask you about people that you do not live with.

If they are in a relationship with someone they do not live with, go to qu. 15.

If they are not in a relationship with someone they don't live with, go to Qu 16.

You said that are in a relationship with someone you don't live with,

15. Has being tagged had any impact on your relationship? If so, please say more about this.

Prompting questions, where necessary.

- d. How did they react at the start?
- e. Have there been any changes to this reaction at all?
- f. Have there been any positive changes in your relationship because of the curfew? Please say more.
- g. Have there been any negative changes in your relationship because of the curfew? Please say more.

Prompting questions, where necessary

- a. Has it created any tensions in your relationship that weren't there before you were tagged? If so, please say more about this.

- b. Were there any tensions in your relationship before you were tagged, which have become worse? If so, please say more about this.
- c. Was there any violence in your relationship before you were tagged, which has become worse? If so, please say more about this.
- d. Have they had any impact on you sticking to the curfew? If so, please say more about this.

16. Do you have any children who do not live with you?

If not, go to question 17.

- a. Where do they live?
- b. Do you have contact with them? Please say more about this.
- c. Has being tagged had any impact on your relationship with them? If so,
- d. Please say more about this.
- e. If the impact was positive, do you think it will continue after you have finished your tagging sentence? Why?

17. Is there anyone else who does not live with you but who you help to look after?

If not, go to question 19.

If so, please could you say more about this?

- f. How far away from you do they live?
- g. What care do you give them?
- h. How often?
- i. Do they know you are being tagged?
- j. What have they been told?
- k. How did they react at the start?
- l. How have they reacted to you wearing the tag?

18. Has being tagged made any difference to the way you look after them?

If so, Please say more about this.

Prompting questions, where necessary.

- a. Have there been positive changes? If so,

- b. Do you think it will continue after you have finished your tagging sentence? Please explain why.
- c. If not, have there been negative changes? Please say more about this.
- d. Has the curfew had any effect on them? If so please say more about this.
- e. Do you think any changes will continue after you have finished your tagging sentence? Please explain why.

19. Do you see any other family members who do not live with you?

If not, go to question 20.

If so,

- a. Who are they?
- b. Do they live near you?
- c. Have you told them that you are being tagged? If so, how did they react?
- d. Has being tagged affected your relationships with family? If so, please say more about this.
- e. Have there been any positive effects? If so, please say more about this.
- f. Have there been any negative effects? If so, please say more about this.
- g. Have they had any impact on you sticking to the curfew? If so, please say more about this.
 - i. Have they helped you to stick to the curfew? If so please explain how.
 - ii. Have they made sticking to the curfew difficult? If so, please say more about this.

Friends

20. Have you told anyone else you know that you are being tagged, like friends or neighbours?

If so,

- a. Who have you told?

- b. How did they react?
- c. If not, why haven't you told them?

21. Has being tagged affected your relationships with friends or anyone else you know? If so, please say more about this.

- a. Have there been any positive effects? If so, please say more about this.
- b. Have there been any negative effects? If so, please say more about this
- c. Have your friends or others had any impact on you sticking to the curfew? If so, please say more about this.
 - i. Have they helped you to stick to the curfew? If so please explain how.
 - ii. Have they made sticking to the curfew difficult? If so, please say more about this.

Employment

22. Were you working at the start of the curfew?

23. Are you working now?

If not, go to question 24.

If so, could you tell me some more about this?

- a. Do you work full time or part time?
- b. Is it a temporary or permanent job?
- c. If it is temporary,
- d. How long have you had the job?
- e. How long are you expecting to have the job?
- f. What hours do you work?
- g. What job do you do?
- h. Has being tagged had any effect on working? If so, please say more about this.
- i. Have there been any positive effects?
- j. Have there been any negative effects?

- k. Have you changed the number of hours you work because of being tagged?
- l. Have you changed any tasks you do at work because of being tagged?
- m. Have you told your employer that you are being tagged? If so,
- n. What did you tell them?
- o. How did they react?
- p. Have you told anyone else you work that you are being tagged? If so,
 - i. Who have you told?
 - ii. What did you tell them?
 - iii. How did they react?

Then go to question 25.

If you do not work,

24. Have you been looking for work during the curfew?

If so, please say more about this.

- a. For how long have you been looking for work?
- b. Has being tagged had any effect on looking for work? If so, please say more about this.
- c. Have there been any positive effects?
- d. Have there been any negative effects?

25. Do you get any benefits? If so,

- a. Could you tell me which benefits you get?
- b. How long have you received them?
- c. Has being tagged affected anything to do with your benefits? If so, please say more about this.

Prompting questions, where necessary.

- i. Have there been any positive effects?
- ii. Have there been any negative effects?

26. Has your work situation changed while you have been tagged? If so, please could you say more about this?

Prompting questions, where necessary.

- a. How has it changed?
- b. Were the changes made because you were tagged?
- c. Have you stopped or started receiving benefits while you have been tagged? If so, please could you say more about this?

Expectations of the curfew

I would now like to ask you to think back to the time before you started your sentence, as I am interested in finding out what you thought about tagging at the beginning and why you had your opinions.

27. What did you know about tagging before you were tagged?

28. What did you know about the equipment?

29. What did you know about the curfew?

30. What did you know about G4S?

31. Who did you get this information from?

32. Did you speak to anyone you know who has been tagged?

- a. If so, what did you talk about?

33. Did you hear anything about tagging from anyone else? If so,

- a. What did you hear?
- b. Who did you hear it from?

34. Did your solicitor speak to you about tagging?

If so,

- a. What did you talk about?
- b. How prepared do you think they made you for the sentence?
- c. Do you think the information they gave you helped you to stick to the curfew? Please could you say more about this?

35. Did anyone at court speak to you about tagging?

If so,

- a. What did you talk about?

- b. How prepared do you think they made you for the sentence?
- c. Do you think the information they gave you had any impact on you sticking to the curfew? Please could you say more about this?

36. Do you have a probation officer?

If not, go to question 39.

If so,

- a. Did they speak to you about tagging before you were tagged? What did they say?
- b. Did they ever speak to you about tagging during the curfew?
- c. How often?

At every meeting	
At most meetings	
Occasionally	
Never	

- d. What things did they talk to you about?
- e. Has your probation officer had any effect on you sticking to the curfew?
If so please say more about this.
 - i. Have they had any positive effects?
 - ii. Have they had any negative effects?

37. How did you feel when you were given a curfew with tagging?

- a. Were you expecting to get tagged?

If not, what sentence were you expecting to get?

- b. Did you think a different sentence would have been more appropriate?

If so, please say more about this.

- c. Did you think that you would stick to the curfew before it began? If so, please explain why.

If not, please explain why not.

Visits from G4S staff

I would now like to talk about any visits that G4S have made to you, because I want to understand your opinions about G4S staff.

38. How often have G4S staff visited you?**39. How many times?****40. When during the curfew?****41. Did they visit at times which were convenient to you?**

- a. If not why were they not convenient?
- b. Have you always been in when they have visited?
- c. Other than the first time when they fitted the equipment, why did they visit you?
- d. Do you think they visited you for a good reason? Please explain why, or why not.

42. Would you have wanted more, less or about the same number of times?

Please could you explain why you think this?

43. What did G4S staff tell you about tagging?**44. Do you feel that G4S staff gave you all the information you needed about tagging?**

45. Were you given any written information by G4S staff when they visited?

If so, could you tell me what it was?

- a. Did you read it?
- b. Did it give you the information you needed?

46. Can you remember whether a man or woman visited you?

47. Does it make any difference to you whether male or female staff visit you? Please could you explain why?

48. Could you tell me what sort of things you talked about with G4S staff who visited you?

49. What did you think about the conversations you had?

50. Were any of the conversations helpful to you?

51. Were there any conversations that you did not like?

52. How did you feel about having G4S staff in your home?

53. Did you ever feel uncomfortable having them in your home? If so, please could you explain why?

54. Do you think that G4S staff had any effect on you sticking to your curfew? If so, please say more about this.

- a. Did they help you to stick to the curfew? If so, please explain how.
- b. Did they have a negative effect on you sticking to the curfew? If so, please say more about this.

55. Did G4S staff have any impact on the people you live with?

- a. If so, please could you say more about this?
 - i. Have there been any negative impacts?
 - ii. Have there been any positive impacts?

56. Overall, how do you think G4S staff treated you when they visited you?

57. Are there any other comments you would like to make about the visits?

Contact with the call centre

I now would like to find out about any contact you had with G4S staff over the phone.

58. Did you speak to G4S staff on the phone?

If not,

- a. Would you have preferred to receive phone calls from G4S staff?
Please explain why, or why not.

Then go to question 70.

59. If so, roughly how often did you speak to them?

- a. How many times?
- b. When during the curfew?
- c. Did they call you?

If so,

- i. What did they call about?
- ii. Do you think they called you for a good reason? Please explain why, or why not.
- d. If not, what did you call them about?

60. Do you think you had the right number of phone calls?

- a. If so, why?
- b. If not, would you have preferred more or less phone calls? Please explain why.

61. Did the calls last the right amount of time for you to get all the information you needed?

62. Did it matter to you whether you spoke to a male or female member of staff?

63. How do you think the G4S staff treated you on the phone?

64. How did they deal with any issues you raised?

65. What did you think of their explanations?

66. Did you think that the G4S staff you spoke to on the phone had any effect on you completing the curfew? If so, please explain how.

Prompting questions, where necessary.

- a. Did they have any positive effects? If so please say more about these.
- b. Did they have any negative effects? If so, please say more about these.

67. Did you think that the phone calls had any impact on the people you live with?

If so, please could you say more about this?

Prompting questions where necessary,

- a. Was it a positive or negative impact?

The Monitoring equipment

I would now like to ask what you think about the equipment.

68. How have you found the equipment?

- a. Did it work?
 - i. If not, what problem(s) were there?

69. In general, do you think the equipment works?

Please explain why you think this.

70. Has your opinion of the equipment changed?

If so,

- a. What did you think of the equipment before?
- b. When did you change your opinion?
- c. Why did you change your opinion?

71. How did you feel about having to wear the tag?

Prompting questions, where necessary.

- a. Did wearing the tag have any impact on the clothes you wear?
- b. Did you avoid or stop doing certain activities because you were wearing a tag?
- c. Did you start doing any activities because of the tag? If so, please could you say more about this?

72. How did you feel about other people seeing the tag?

Experiences of the curfew

I would now like to about the time when you were tagged. This is because I want to find out what it is like being tagged, if you made any changes in your life and what they were.

73. Do you think that being tagged has been positive?

- a. If so, please explain how.
- b. If not has tagging been negative in any part of your life? Please explain why.

74. Did being tagged feel like a punishment? If so, please could you explain why?

75. Has being tagged affected the way you spend your time? If so, how?

76. Were there any activities you have found particularly difficult while being tagged? If so, please could you say more about this?

I am asking everyone this next question, so if it doesn't apply to you, we will just move on to the next question.

77. Have you used drugs while being tagged?

If not, go to question 80.

If so,

- a. Which drugs have you used?
- b. How often have you used drugs during the curfew?
- c. Are you receiving treatment for your drug use? If so, please could you say more about this.
- d. Has being tagged had an impact on your use of drugs? If so, what impact has it had?
- e. Have you used drugs more or less since being on tag?
 - i. If so, is this because of the tag?

- f. Has your use of drugs had any impact on you sticking to the curfew? If so, please could you say more about this?
- g. Do you think your drug use will change when you finish your tagging sentence? If so,
- h. How will it change?
- i. Why do you think it will change?

78. Did you regularly drink alcohol during the curfew period?

If not, go to question 81.

If so,

- a. Has being tagged had any impact on your use of alcohol?
 - i. If so, what impact has it had?
- b. Have you drunk more or less alcohol since being on tag?
 - i. If so, is this because of the tag?
- c. Do you think your use of alcohol will change when you finish your tagging sentence?
- d. Did your use of alcohol have any impact on you sticking to the curfew?

If so, please could you say more about this?

79. Have any other parts of your life been affected by being tagged? If so, please could you say more about this?

Offending and breaches

Breaches of the curfew

80. Did you break the curfew at any time?

If not, go to question 83.

- a. If so, please say more about this.

Prompting questions, where necessary

- b. How did you break the curfew?

Prompting questions, where necessary.

- c. What did you do?
- d. How many times?
- e. How far into the curfew?
- f. Could you tell me the reason(s) why you broke the curfew?
- g. What happened after you broke the curfew?
- h. Did G4S do anything? If so, what did they do?
- i. Did they ring you?
- j. Did they send you a letter?
- k. Did they visit you?
- l. Did you get in touch with G4S? If so please explain how.
- m. Did you have to go back to court? If so, what happened at court?
- n. What do you think about what G4S did when you broke your curfew?
- o. Did the response from G4S have any effect on the rest of the curfew?
If so, please say more about this.
 - i. Were there any positive effects? If so, please say more about these.
 - ii. Were there any negative effects? If so, please say more about these

81. Can you tell me the main reasons why you didn't break the curfew?

Previous convictions

82. Was this your first conviction?

If yes, go to question 85.

If not,

- a. Approximately how many other convictions do you have?
- b. What were they for?
- c. How old were you when you got your first conviction?
- d. Have you been in prison?

If so,

- i. How many times?
- ii. How long ago were you released?

- e. Have you received a community sentence in the past?

If not, go to question 85.

- i. If so, what sentence(s) did you receive?
- ii. How long ago did you receive them?
- iii. How does tagging compare with other sentences you have received?

Current offences

83. What offence did you get the tagging sentence for?

84. Did you have to do anything else as part of your community order?

If not, move to question 87.

- a. If so, could you tell me more about this?
- b. Has the curfew had an impact on anything else you have to do for your community order? If so, how?

85. Did you commit any offences while you were tagged?

If so,

- a. What offences have you committed?
- b. Did you commit them during curfew hours or outside the curfew?
- c. Have you been convicted for the offence(s)?

If not,

- a. Please explain why you didn't commit any offences while you were being tagged.
- b. If you hadn't been on curfew, do you think you would have committed more offences?

Future offending

86. Do you think you will offend again in the future? Please could you explain why?

Final questions

- 87. What do you think about tagging now that you coming to the end of your sentence?**
- 88. If you were given a tagging sentence again in the future, how would you feel?**
- 89. Is there anything you think should be changed about tagging?**
- 90. Is there anything else you would like to say about your experiences of tagging?**

Thank you