

Study casts doubt on electronic ankle monitors as alternative to incarceration

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Credit: George Washington University

The use of GPS-equipped ankle monitors is increasingly viewed as a more humane alternative to incarceration, yet a report released today finds they cause many of the same harms associated with traditional incarceration. The report by Kate Weisburd, an associate professor of law at the George Washington University, and a team of GW law students sheds light on how electronic monitoring, while not as restrictive as prison, deprives people of fundamental rights, violates basic privacy norms, extracts wealth, jeopardizes employment and undermines family and social relationships.

"Unlike traditional models of probation and parole, GPS ankle monitors are more intensive, restrictive and dependent on private surveillance companies that are driven by profit," Weisburd said. "Our report finds that [electronic surveillance](#) is not an alternative to incarceration, it is an alternative form of jail and prison."

The research team collected and analyzed over 247 records from 101 agencies across 44 states

and Washington, D.C. These records included policies, terms, and contracts governing the use of electronic monitoring for people on pretrial release, probation, and parole.

The most significant findings include:

- **A Prisoner in Their Own Home:** People ordered to wear electronic monitors are often required to remain in their homes unless they obtain pre-approval, which often must be sought days in advance and is inconsistently granted even for the most routine activities.
- **No Privacy:** Privacy is practically nonexistent since the monitors capture, analyze and store months of location and movement data, often sharing it with law enforcement agencies and the courts. Most of the policies reviewed by the research team did not provide any privacy protections or rules governing use of data. The privacy of family and friends is also impacted through random and invasive home searches.
- **Set Up for Failure and Reincarceration:** The nature and number of rules and restrictions imposed on people wearing monitors may lead to reincarceration for technical and rule violations that often have nothing to do with public safety. For example, failure to keep the device charged, or failure to charge it for a particular amount of time, could land a person back in jail. The rules are often vague, overly broad, and open to interpretation.
- **Wealth Extraction:** Most jurisdictions require people on monitors to pay expensive user fees for the surveillance devices. The combination of monitoring fees, court costs and other expenses such as phone and internet service to maintain contact with supervising agents can run

between \$2,800 and \$5,000 per year. Meanwhile, the four companies that dominate the electronic monitoring market are profiting from the use of the devices.

"Our report shows that the private prison industry's hold on the criminal legal system is strong and rapidly growing through electronic [monitoring](#)," Fatima Khan, a GW Law student who co-authored the report, said. "I hope this study will help inform criminal justice reform and policymakers who are considering putting an end to the use of [electronic monitoring](#)."

The report, "Electronic Prisons: The Operation of Ankle Monitoring in the Criminal Legal System," was authored by Weisburd, Khan, and GW Law Students Varun Bhadha, Matthew Clauson, Jeanmarie Elican, Kendall Lawrenz, Brooke Pemberton, Rebecca Ringler, Jordan Schaer, Mikayla Sherman and Sarah Wohlsdorf.

More information: Report:

[issuu.com/gwlawpubs/docs/elect ...
ort?fr=sOGI5NDcxODg3](https://www.gwlawpubs.com/docs/electronic-monitoring-in-the-criminal-legal-system)

Provided by George Washington University

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