

The criminal justice system's use of electronic monitors, typically in the form of ankle bands, has more than doubled in just over a decade. Electronic Monitoring threatens to become a form of technological mass incarceration, shifting the site and costs of imprisonment from state facilities to vulnerable communities.

Moreover, most evidence indicates electronic monitors are disproportionately used on people of color. The use of these devices is increasing with electronic monitoring now more frequently employed as a part of parole, probation and pretrial release, as well as in juvenile justice and immigration cases. Combining house arrest with the use of monitors with GPS tracking has made electronic monitoring more punitive and powerful as a method of surveillance.

To make matters worse, monitoring programs lack a transparent regulatory framework that respects the human rights of those being monitored and their family or household members. This situation demands action. Thus, we advocate the following guidelines for implementation of electronic monitoring:

1. Opportunity, rights, and dignity. Rules for electronic monitoring must facilitate freedom of movement and accommodate basic daily needs while not imposing unnecessary restrictions. Those monitored should have the freedom to carry out parenting and other caregiving activities and have access to employment, legal services, medical treatment, education, pro-social and religious activities. Those being monitored should be able to take part in family and community life.

2. No net widening. The net of electronic monitoring must not widen by capturing larger numbers of currently monitored groups (e.g. youth, immigrants), by targeting new groups (e.g. those with mental illness), nor by adding monitoring to less restrictive forms of supervision.

3. Economic and racial justice. Electronic monitoring should not be a vehicle for perpetuating inequality. Monitoring should not disproportionately be applied to people of color or poor people.

4. Transparency. Rules for electronic monitoring should be transparent. They should be based on an assessment of the needs and risks of the individual, and not on a generic, "one size fits all" set of conditions and restrictions.

5. No financial burdens. The governing jurisdictions should bear all costs of the technology and supervision. Monitored Individuals and their family members should pay no daily fees or other charges.

6. Credit for time served. Since electronic monitoring is a form of custodial detention, those subjected to it should receive credit for time served under surveillance.

7. Respect for privacy rights. Authorities must institute safeguards for data collected from GPS-based monitors in order to respect the privacy rights of those being monitored. Regulations must limit access to data and restrict the type of data collected. The method of retention and storage should be regulated as well, and concrete time frames for deleting data should be set.

8. Humane, minimally invasive technology. Electronic monitors should not be enhanced to enable monitoring biometrics or brain activity, recording audio or video, inflicting pain, remotely administering pharmaceuticals, or spying on family members and loved ones. They should also not be implanted as microchips.

9. Due process. Individuals on monitors should have the right to due process. This includes the ability to appeal the terms and conditions of their electronic monitoring regimes and, where appropriate, allowing them access to their own tracking data.

10. GPS as a last option. GPS-enabled monitors used under house arrest are the most restrictive form of community sanction and should be the last option, never the default. Terms for the GPS devices should be minimal, and they should never be imposed for life.

About These Guidelines

#ChallengingEcarceration is a project led by James Kilgore of the Urbana-Champaign Independent Media Center in partnership with the Center for Media Justice. These guidelines were developed via a consultation process that included organizers, attorneys, policy makers, researchers and individuals critically impacted by electronic monitoring. They are based on an original draft written by James Kilgore.

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