Building A New Research Agenda to Challenge E-Carceration

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This is the second of two papers produced by Challenging E-Carceration focusing on research about electronic monitoring. In order to challenge electronic monitoring effectively, we need to be able to refute the research put forward by proponents of EM. But we can’t stop there. We must also pose an alternative research agenda that both critiques electronic monitoring and offers genuine alternatives to E-Carceration.

The first paper provided a general critique of research used to justify and expand electronic monitoring. We argued that this research is not substantive. In fact, very little of it focuses on the impact of EM on the individuals who experience the monitor. Furthermore, when it does address the impact of EM the research methods are extremely shoddy, riddled with pro-incarceration bias and inconsequential statistical manipulations.

In response, we advance an alternative research agenda in line with transforming the criminal legal system. Our research agenda aims to halt the spread of E-Carceration, reduce the harm done by technologies of punishment, and contribute toward the advance of an abolitionist perspective. This paper aims to delve deeper into the methodology and content of specific research projects and papers about electronic monitoring. Paper Two is an attempt to reach people who are already familiar with EM research who want to dive deeper into how we can shape this research for social justice ends.

Background

Electronic monitoring has been in use for over three decades. Yet, remarkably little research has been done to measure its effectiveness. Even without evidence to show that this technology produces any positive impact, the net of electronic monitoring has continued to widen, with the number of devices more than doubling between 2005 and 2015. This expansion is based on the false assumption of the doctrine of punishment: if we deprive people of their liberty or incapacitate them in some way they will learn to behave in a different manner, making the public safer at the same time.

It is time to eradicate that mentality and bring the expansion of electronic monitoring to a halt. An important step in that process is formulating a new research agenda for EM. By creating a focused and powerful research agenda, we can contribute to undermining the narrative that electronic monitoring is an alternative to incarceration. This will provide information and evidence to push for genuine alternatives that address the fundamental issues of inequality and poverty in our society.

Toward a New Research Agenda for Electronic Monitoring

A new research agenda for electronic monitoring must center the experience of those who have been impacted by the monitor. This research agenda must combine both the gathering of quantitative data of a new type and the compiling of the stories of people impacted.
Moreover, this research must complement campaigns to curb the widening of the EM net, to reduce the harm done by monitoring conditions and to ultimately eliminate its use altogether. Prisons, whether they be brick and mortar or technological, ultimately have no place in a just society.

**Quantitative Research**

Rather than focusing solely on recidivism, quantitative research on electronic monitoring must be informed by placing electronic monitoring in the framework of mass incarceration and mass criminalization. Hence, we should be examining the race, class, gender and economic dynamics of electronic monitoring. Quantitative data and surveys could help us find out, for example:

- Is electronic monitoring applied more frequently to people of color, especially Black people?
- Are the rules of monitoring harsher for people of color?
- Are people of color more likely to incur violations while on monitors?
- Are people of color more likely to be placed on GPS as opposed to radio frequency tracking?
- What is the impact of electronic monitoring on a person’s capacity to parent?
- How does electronic monitoring impact the family members or housemates of a person on a monitor?
- How frequently is electronic monitoring used as a special alternative to incarceration for wealthy people so they can avoid incarceration?
- How frequently do electronic monitors hinder people from gaining access to employment? To housing? To medical treatment?
- How frequently are those on EM, especially women and LGBTQIA folks, sexually harassed or even assaulted by their supervisors or by people on the street who react to their device?
- How does being on a monitor impact the school career of a young person?
- How much money are various jurisdictions spending on electronic monitoring and how could that money be spent more effectively?

These questions merely scratch the surface of the kinds of research questions that have rarely if ever been asked in EM research. One of the most important vehicles for exposing the faults of mass incarceration was the quantitative and qualitative research done by
Michelle Alexander in documenting The New Jim Crow. We need to follow similar rigorous research paths for electronic monitoring to expose the false promises of this technology.

Apart from the direct impact types of research, there is also a need to develop a portrait of the electronic monitoring industry. The major players in electronic monitoring, BI and Securus, are deeply intertwined with the prison-industrial-complex. Other companies like Supercom and Elmo have a long history of involvement in supplying security technology to facilitate the Israeli occupation of Palestine. Yet we know little about their specific holdings in the EM sector, how they market their products, if there are any illicit tactics used to advance electronic monitoring, or how much money is spent on lobbying to promote EM. Related to this is the question of electronic monitoring fees. These currently range from $5 up to at least $35 a day. What happens to this money? How significant is this revenue to local authorities and the EM companies? We need to follow the money.

**Qualitative Research**

If we are to actually assess the “effectiveness” of electronic monitoring, ultimately we need to build a critique capable of challenging e-carceration by using the voices of those directly and indirectly impacted. This means collecting stories with an aim of assessing the harm done to individuals on the monitor, their loved ones and those who work with them in various capacities. This will require delving into how electronic monitoring functions at the granular level—what are the rules that apply, especially the conditions of house arrest? How are they enforced? How do they impact a person’s working, social, family and community life? What is the psychological or mental health impact of EM regimes? What types of actions can land a person back in prison or jail while on a monitor?

Also, there is an urgent need to address the issue of the use of electronic monitoring as a method to protect domestic violence survivors from further attacks or harassment. Some activists have argued that this should be a “carve out,” an exception to the rule to oppose the use of EM. However, we have no real evidence of the value of EM for domestic violence survivors or research that shows its ineffectiveness. Some domestic violence survivors have claimed that the monitor offered them no serious support. We need to further investigate such claims and, if appropriate, explore other alternatives.

These stories of EM experience highlighted above must then combine with quantitative data, popular mobilization and the development of policies, laws and political agendas to forge change.

**The New Agenda**

Research on electronic monitoring must grow its frame of reference. EM research must be intimately connected to the transformation of the criminal legal system. There is a need to see how EM, for the most part, has contributed to reproducing and expanding the punishment paradigm with all of its racial, gender and class inequalities. There is also an urgency to link electronic monitoring to the other surveillance technologies that continue to encroach on the personal freedoms of individuals, particularly poor people of color. GPS-
enabled devices, which now comprise at least 70% of all monitors, belong to the same technological family of surveillance devices as stingrays, fusion centers, facial recognition software, license plate readers and a host of predictive policing tools. They have no place in a democratic, transparent society.

Thinking of EM in an alternative framework also means addressing the issue of Big Data. We encounter Big Data every day, often in our every waking hour. Big Data tracks our shopping habits and sends us ads for things their algorithms “think” we might need or want. Big Data records our health care biography and suggests remedies to our apparent illness. Most obviously, Big Data records our movements and activities for law enforcement purposes. Street cameras video record our movements, police body cams deliver visual profiles of communities. If we are pulled over by police, Big Data provides an instant assessment of the risk we might pose to the officer, depending on our background.

In the criminal legal system we most often encounter Big Data as part of the surveillance state, keeping track of the lives of people who have been placed in databases of the criminalized: law enforcement, prisons, and courts along with social service agencies like mental health and substance abuse treatment providers, foster child programs, and youth camps for the “under-privileged.”

But Big Data could provide far more useful information than simply increasing the capacity of police and corporations to monitor and direct our lives. For example, instead of tracking the location of a young person caught up in juvenile court, Big Data could assess their skills and aptitudes, link them with appropriate courses and services. If people have histories of substance abuse, Big Data could provide them with information about possible treatment options or even information about any dangers posed by the latest drugs that are on the street. Once we get into the framework of the criminal legal system, we think of Big Data as nothing more than a progressive invasion of our lives. But we can push back against the encroachment of Big Data and find alternative ways to marshal data so that it helps individuals and communities: warns them of toxins in the water supply, provides them with reminders to take medications or attend appointments, teaches people about how other communities have organized to solve social problems, designs alternative budgets for cities and counties that would be pro-people, not pro-profit and law enforcement. These are just a few ways in which we could begin to re-think the technology of EM as part of Big Data so that we not only push to get rid of e-carceration but also begin to imagine other ways technology could be used beyond policing and surveillance.

**Formulating Policy-Fighting for Change**

As we repeatedly emphasize in our Challenging E-Carceration work-electronic monitoring is not an alternative to incarceration, it is an alternative form of incarceration. As such we must scrutinize its use and impact with all the rigor that we apply to the other parts of the prison-industrial-complex. Challenging E-Carceration means eradicating the harm done by depriving people of their liberty through the use of technology and supporting alternatives to incarceration that build healthy communities and make the use of technology for the
benefit of everyone. Ultimately, this requires a fundamental transformation of society, not slightly more relaxed rules of house arrest or more accurate tracking devices. Our research must feed into that transformation. The time to act is now.