

Electronic Monitoring: A Survey of the Research for Decarceration Activists

by James Kilgore for Challenging E-Carceration

Many activists, lawyers and advocates are attempting to engage their local jurisdictions on the issue of electronic monitoring (EM). In many counties, EM is on the agenda as part of a strategy of decarceration. [Challenging E-Carceration](#) rejects the categorization of EM as an alternative to incarceration. However, we recognize that many people at the grassroots level, while they see the problems with EM, don't have the necessary background to debate effectively against proponents of electronic monitoring.

For those who want to contest the use of electronic monitoring, this paper offers an introduction to the existing research on EM. We have provided summaries and links to key sources as well as critiques.

*In delving into the research on EM, two things are crucial to understand. First and most importantly, there is **no serious, rigorously executed research** providing significant evidence that electronic monitoring has a positive impact on the person being monitored. However, there are a handful of research works, all with major flaws, which are used to justify EM. We have highlighted those here and provided a brief explanation of their shortcomings.*

*Second, the research that effectively critiques EM is limited. Expanding that body of research and distributing it is part of the work of Challenging E-Carceration and part of the work of all organizations engaged in struggles around decarceration. We have highlighted a few useful works here. In addition, we have produced a second paper, *Toward A Research Agenda on E-Carceration* which offers some ideas about the kinds of research that will be useful to contesting the implementation of EM.*

Background

Electronic monitoring has been in use for over three decades. Yet, remarkably little research has been done to measure its effectiveness. But lack of evidence of positive impact has not stopped the growth of EM. Between 2005 and 2015 we saw a [doubling](#) of the number of devices in use, from 53,000 to 125,000. The technology also advanced during that period, with the portion of devices with GPS tracking capacity rising from 5% to 70%. Growth in the capacity and frequency of EM use is based on a proven track record but 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.

It is time to eradicate that mentality and bring the expansion of electronic monitoring to a halt. To do this we need to know what the existing research about electronic monitoring says and how we can contest it. Developing a critique of existing research will contribute to undermining the narrative that electronic monitoring is an alternative to incarceration and help build support for genuine alternatives.

Mainstream EM Research: A Misguided Muddle

The existing research has, for the most part, aimed at justifying electronic monitoring or making it work more efficiently at a technical level. The main locus of this research has been the [Journal of Offender Monitoring](#). Articles in this journal typically straddle the fence between research and product promotion. For instance, some articles provide advice to EM program directors on how to decide which monitoring system to buy, much the way Car Gurus advise used auto consumers. A more recent [piece](#) looks at the various applications of EM that can be used with smartphones, which are labelled “a very attractive supervision tool.” From time to time the journal also includes surveys of legislative changes relevant to EM or carries interviews with EM companies.

However, virtually none of the articles (except [one](#) written by myself in 2013) include the voice of anyone critically impacted by electronic monitoring. Furthermore, the debates in recent years relating to mass incarceration on issues like race, sentencing laws, the War on Drugs, prison profiteering, etc. , have not filtered into the consciousness of most EM analysts and practitioners. The few articles with a critical vein typically come from Europe and relate more to the EU context than the US. For the most part, the editors and contributors of the Journal remain in their own techno-policy world. As a result, the conclusions or outcomes of their research are not significant. They don’t call for decarceration or even changes in legislation. In fact, they rarely raise any alarms at the growing use of electronic monitoring or its excessively punitive mode of operation. The research, for the most part, simply contributes to the status quo. Moreover, even on its own terms, this research offers very little concrete data to support the idea that EM reduces recidivism, contributes to public safety or cuts crime rates.

Apart from the *Journal of Offender Monitoring* a number of studies have explored other aspects of monitoring. Most of these have drawn little attention, either due to shoddy research methods or inconclusive results. However, a few studies have attempted to assess whether electronic monitors, either as part of parole or during pre-trial release, have contributed to reduced recidivism (reoffending).

Studies on Recidivism

By far the most significant electronic monitoring study in the English language was a 2017 [project](#) conducted by a team of researchers led by Jyoti Belur from the University College London’s Department of Security and Crime Science. Their goal was to “systematically review the evidence of the effectiveness of electronic monitoring of offenders.” The team scoured the landscape for every publication on EM since 1999 and came up with 372 books, journal articles, and research reports. Seventeen of these attempted to quantitatively measure EM’s impact on recidivism. This report concluded EM “does not have a statistically significant effect on reducing re-offending.” The conclusion of this study is the single most important evidence critics of electronic monitoring can cite to rebut proponents of EM.¹ The only place where the study found some impact on recidivism was

¹ The report did note that people with sex offense convictions did have statistically significant reductions in recidivism with the use of the monitor. However, the report only covered three studies.

in its use on people with sex offense convictions. However, this was based on just three studies.

While the work of the London team was the most ambitious and inclusive, in the United States the single most frequently cited [study](#) was carried out by a Florida State University team led by Professor William Bales in 2010. With funding from the National Institute of Justice, Bales and company examined people on EM in Florida from 2001-2007. The main focus of this report was determining whether EM reduced recidivism for people on parole. The conclusion of the report was that those who were on EM had a 31% lower recidivism rate than those not on EM. This figure of 31% is frequently cited in [government documents](#), promotional material of [EM companies](#) and by other [researchers](#). However, the methodology employed by Bales and his team is fundamentally flawed in two respects. First, Bales attempted to establish a control group of individuals who were not on the monitor by incorporating 122 variables that might impact recidivism into his statistical model. This excessive number of variables makes isolating the impact electronic monitoring virtually impossible. Even by the authors own admission, “some analysts are dubious of the value of propensity score method in certain applications,” (p. 39). Yet this study relies almost entirely on propensity score. Second, Bales did not include what most analysts and formerly incarcerated people would name as the most important factors contributing to recidivism among his 122: securing employment, accessing stable housing, connecting with a supportive network of family members or friends and having a parole or probation officer who is not overly strict. Without taking these into consideration, his 31% becomes merely an exercise in statistical gamesmanship rather than serious research. Moreover, since the data was all drawn from Florida Department of Corrections records of 2007, it is questionable how applicable the results would be to other cities in 2018. Plus, most of his data comes from “medium and high-risk offenders,” who are not the most likely cohorts to be placed on EM in most jurisdictions. Interestingly, apart from his quantitative work, the Bales report also did some qualitative investigations. They interviewed people who were on the monitor as well as their supervisors. While they conducted the interviews at the parole office (hardly a neutral venue for people on parole), those interviewed still registered significant grievances, some of which were echoed by parole officers. For example, both those on the monitor and their supervisors believed EM had negative consequences for family members. Similarly, both groups asserted that being on a monitor was a “serious detriment” (xi) to securing and keeping job.

Likely the other most high-profile research relating to the impact of EM is the work of Stephen Gies. He did two research projects in California [one](#) where he tried to determine whether electronic monitoring reduced the recidivism rate for people who were labelled by the Department of Corrections and Rehabilitation as “high-risk sex offenders” and another [project](#) focusing on alleged gang members. In both of these projects his research led him to the conclusion that EM reduced recidivism rates. However, though he didn’t use as many variables as the Florida experiment, like Bales and company Gies did not include

employment, housing and emotional support networks as factors that impacted a person's outcomes.

While the control studies of Bales and Gies came up with a positive connection between EM and recidivism, other studies, though less heralded, drew different conclusions. A 2017 [study](#) by J R Regan of a post-incarceration population in Florida drew the conclusion that EM "does not significantly reduce recidivism." However, the authors' methodology is problematic. To begin with, most of their data is from 2002 which is very old for a 2017 publication. Much has changed since then. Secondly, unlike Bales they assume that the characteristics of those on EM and those not on EM are the same so they don't make any attempt to incorporate variables into their study.

[Research](#) by Avdija and Lee compared two groups of individuals released from a jail in Vigo County, Indiana suggested that EM doubles the chance of recidivism. However, the authors of this paper also did not control for any variables. They did, though acknowledge that this was a limitation of the study and that the intensity of supervision and the community in which the person lived might impact whether they recidivate. While for critics of EM, the fact that the authors report an increased rate of recidivism with EM might seem provocative, we cannot draw any meaningful conclusions from this study. The fact that it focused only on a small county in Indiana where the jail population was 84% white, further compromises the utility of the research.

Reducing Recidivism Is A "Shell Game"

While some of the faulty aspects of the methodology of these studies have been noted, the work of all these researchers suffers from another fatal flaw-the use of recidivism as the sole measure of success. An emphasis on recidivism is a common trait of researchers closely aligned with law enforcement and Departments of Corrections. Such an approach is problematic. While nearly everyone involved in working for transformation or reform of the criminal legal system wants to lower recidivism rates, not going back to prison or jail is simply not enough to categorize a result as success. People can avoid being incarcerated but still live in extremely impoverished and miserable circumstances. They may live in a household where they are victims of violence (or they may have no house hold at all!). Alternatively, they may be living in excruciating pain because they don't have access to medical care or they may simply be engaged in criminal activity but not getting caught. Recidivism may be a useful measure for people who run prisons or jails, but for those of us wanting transformation, keeping people away from incarceration is a necessary but not sufficient condition to constitute success. We need to improve the quality of people's lives and strengthen communities as well.

Moreover, recidivism rates can be manipulated by authorities wanting to shine a favorable light on their work. Stanford University Law Professor Joan Petersilia has [called](#) altering recidivism rates a "shell game," in which parole or probation authorities can simply not punish certain violations in order to lower the recidivism rate. For example,

reincarcerating someone for their fifth dirty drug test instead of for their first, is one way to reduce recidivism without changing much else.

Useful Literature With a Critical Perspective

The critique above helps establish the fact that there is no body of literature that exists which provided significant evidence of the effectiveness of EM either in reducing recidivism, or by implication, reducing crime. By contrast, there is a body of work the critiques EM which, while still small, represents far more legitimate research. We will discuss some of this work below.

Pre-Trial

For those directly engaging a local jurisdiction on the use of EM for Pre-Trial release the single most informative work is the Pretrial Justice Institute's (PJI) brief but extremely insightful, [Electronic Monitoring: Proceed with Caution](#) This 2014 document makes a clear cut case for the use of the "least restrictive conditions" during pretrial release. The PJI describes why EM is one of the most restrictive conditions. They point out that EM can "create many of the same harms as incarceration," may saddle people with debt due to monitoring fees, and can produce racial bias in implementation. They recommend further research to "understand EM in the pretrial context." The PJI also participated in a study entitled [State of the Science of Pretrial Release Recommendations and Supervision](#) (2011) This includes an assessment of the effectiveness of pre-trial EM in regards to Failure to Appear for court appearances (FTA) and rearrests. The conclusion of the report states: "utilizing EM as a condition of pretrial release does not reduce failure to appear or rearrest." This conclusion emerges from the authors' examination of four existing case studies on pretrial EM: Mesa County, Arizona, Marion County Indiana, Lake County, Illinois and one Federal jurisdiction. While the conclusions are in line with the views of critics of electronic monitoring, except for the Mesa, Arizona cases, all of these draw on data from the late 1980s and early 1990s which makes them of very limited use to us today.

Another key resource for pre-trial EM assessment is the Chicago Community Bond Fund's 2017 report "[Punishment Is Not A Service.](#)" This is an overall assessment of the effectiveness of the Cook County Bond Court but has a detailed analysis of electronic monitoring on pp. 13-16, including compelling stories of the impact of EM on people released pretrial.

Youth Justice

The most comprehensive critique of EM in the realm of youth justice is "[Electronic Monitoring of Youth in the California Juvenile Justice System.](#)" produced by the Samuelson Law, Technology and Public Policy Clinic and the East Bay Community Law Center in 2017. This report was largely the product of FOIA requests to all 58 counties in California, seeking their policies on EM in juvenile cases. They unearthed some shocking regulations including exorbitant daily user fees, a rule banning a youth on a monitor being at home

without an adult present, and submitting schedules of movement outside the house far in advance.

General Information

While not explicitly critical, the Pew Charitable Trust's "Use of Electronic Offender-Tracking Devices Expands Sharply" provides the most useful data in existence on the number of devices in operation and the increase in usage in recent years. Since there is no central database for EM and companies don't generally share their data, the Pew report remains the best source for statistical information. In combination with the publication of that report, Pew also published [interviews](#) with five "experts" which are very useful in gaining insight into the thinking of researchers who are very supportive of the use of monitors.

For those trying to oppose the use or expansion of EM, existing literature is fairly thin. James Kilgore's [Electronic Monitoring Is Not the Answer: Critical Reflections on a Flawed Solution](#) remains the only critical overview which draws on the voices of the critically impacted, covers a range of sectors impacted by EM and presents the issues through a racial and gender informed lens.

Conclusion

This has been a brief overview of existing literature for those involved in campaigns concerning the issue of electronic monitoring. Hopefully what is here, along with the second paper in this series Building a Research Agenda on E-Carceration, will lay a foundation for people to contest the expansion of EM and also develop their own resources which fit the local situation.

[Challenging E-Carceration](#) is a campaign dedicated to changing the conversation, policy and legislation concerning electronic monitoring and surveillance in the criminal legal system. We view electronic monitoring as an alternative FORM of incarceration not an alternative TO incarceration.

More material is available at the following websites:

Challenging E-Carceration <https://www.challengingecarceration.org/>

Center for Media Justice #nodigitalprisons <http://centerformediajustice.org/our-projects/challengingecarceration-electronic-monitoring/>