

WHY ELECTRONIC HOME MONITORING IS REFORMIST/ DOESN'T GET US MORE FREE

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Content Warning: This text includes mentions of racist, classist, ableist state violence, emotional and physical torture, as well as suicidal ideation.

Defining Electronic Home Monitoring (EHM) or E-carceration

- Electronic Home Monitoring (EHM) or e-carceration is a form of state control that brings the prison/jail/detention center into the individual's home. Often, EHM is framed as an alternative to incarceration—a “softer” and “gentler” form of punishment, whether “subtle or overt, carceral control is still carceral control.”¹
 - EHM is a tool to exclude people from spaces like schools, workplaces and social gathering sites.
- EHM describes a type of incarceration that takes place outside of a detention facility and is implemented using a technological device. Some other terms for EHM include: Electronic Home Detention (EHD), Alternatives to Detention (ATD), electronic incarceration (e-carceration), home confinement, and house arrest.
 - The device; bracelet; monitor; shackle, or grilletes in Spanish; or electronic shackle (e-shackle) used in EHM may be a smart phone application or a band with tracking technology worn on the ankle, or, less frequently, the wrist.
 - We note all of these terms to draw attention to how EHM is marketed by the criminal punishment system, as well as how those incarcerated this way refer to their experience.
- EHM is used to confine both youth and adults in a variety of circumstances: prior to trial, as a condition of probation or parole,² as a condition of restraining orders, and by Immigration and Customs Enforcement (ICE) on people seeking asylum, moving within their traditional lands, or otherwise immigrating.³
- People on EHM are constantly monitored within their home by private and public agencies that utilize data collected by tracking devices. Agencies are required to notify the court if a person on EHM is unaccounted for or in an unapproved location for 24 hours. Many agencies also notify the probation department, the prosecuting attorney, local law enforcement, and the local detention facility.⁴

¹ James Kilgore. *Truthout*. “Let’s Fight for Freedom from Electronic Monitors and E-carceration.” bit.ly/TruthoutEHM

² Marie N. Williams. Juvenile Justice Information Exchange. “Electronic Monitoring is Neither Effective Nor Humane.” bit.ly/EHMinhumane

³ Guistini, et al. *Immigration Cyber Prisons: Ending the Use of Electronic Ankle Shackles*. bit.ly/ImmigrationCyberPrisons

⁴ The Revised Code of Washington. RCW 9.94A.736. bit.ly/rcwMonitoring

- Around 70 percent of electronic monitoring devices have GPS capacity. It frequently is not clear where all of the tracking data generated by EHM goes. The data can belong to the Department of Corrections (DOC) or a local sheriff's department and frequently several branches of law enforcement have access. In some instances the contracted monitoring firm owns the data and sometimes an individual's data is kept in those systems long after they are off the monitor.⁵
- It is very difficult to obtain important information and statistics about EHM itself. A lot of additional research still needs to be done surrounding these devices: more accurate numbers of how many people are on the device, how people are affected, and who is the most impacted. Meanwhile, the majority of the data that already exists is not easily accessible or freely shared.⁶ Although we acknowledge that data gathering is important we resist the idea that quantitative data is more important than lived experiences.
- The e-shackle used in e-carceration collects and transmits data about where the incarcerated person is. This allows for the state to track if someone has left their residence or approved areas, sending an alert when a person has ventured outside of "permitted" boundaries.
 - The devices use either radio frequency or Global Positioning System (GPS) technology.
 - Devices that use radio frequency transmit a signal to a monitoring unit connected to a landline, usually located in the person's home. It has a smaller area where tracking takes place, which can be more limiting to when and where people can move.
 - GPS relies on cell phone towers and satellites that receive signals from most locations. The time-of-day and locations where someone is allowed to be outside their home are still very restricted.⁷
 - The monitoring device can also tell if the device itself has been removed, tampered with, or damaged.⁸
 - Track Group, which operates e-shackle programs in the US and globally, has a device with two-way communication and listening capabilities.^{9, 10}
 - There are devices that require people who are e-carcerated to respond to beeps or other sounds,¹¹ creating another means where people who are hard-of-hearing, have a vision impairment, or have a sensory processing disorder are punished by the carceral system.
 - There are some e-shackles which can detect substances in the body or environment of the person being confined. Two models are Secure Remote Continuous Alcohol Monitoring (SCRAM) and Transdermal Alcohol Detection (TAD). These monitors can give false positive readings when people use cleaning products, hand sanitizer, or other products.¹²

⁵ James Kilgore and Emmett Sanders. *Wired*. "Ankle Monitors Aren't Humane. They're Another Kind of Jail." bit.ly/KindOfJail

⁶ Cyrus Farivar. *NBC News*. "Other than prison, Electronic Monitoring is 'the most restrictive form' of control..." nbcnews.to/35OYrkg

⁷ Kate Weisburd. *UNC Law Review*. "Sentenced to Surveillance: Fourth Amendment Limits on Electronic Monitoring." unc.live/3IyY8s6

⁸ "What is Electronic Home Monitoring?" bit.ly/AttorneyEHM

⁹ The American Friends Service Committee. *Investigate*, "Track Group Inc." bit.ly/TrackGroup

¹⁰ Debra Cassens Weiss. *ABA Journal*. "GPS ankle monitors can call and record people without consent..." bit.ly/abaGPS

¹¹ Molly Osberg and Dhruv Mehrotra. *Gizmodo*. "When Your Freedom Depends on an App" bit.ly/EHMapp

¹² Paul Tassin. Top Class Actions, "Alcohol Monitoring System Generates False Positives, Class Action Says." bit.ly/FalseEHM

EHM Does Not Create Safer Communities/Abolition Envisions Safer Communities

We believe safer community includes:

- feeling wanted, autonomous, and valued in your community
- not living in fear of potential incarceration or losing your civil rights
- centering people from the most marginalized identities
- survivor-centered transformative justice practices which include nurturing relationship building, trust, and accountability within your community, instead of the current legal system
- Black and Indigenous folks receiving reparations, including land reclamation, for past and current white colonial atrocities and inequities
- economic security
- stable housing, quality food, clothes, and childcare
- clean air, water, and soil
- non-punitive educational services
- quality health care
- community-based, non-coercive mental health care services
- spaces for healing and rest
- reliable and accessible transportation services
- freedom of movement without borders (NO BORDERS)
- time and space for creative endeavors and play
- community-based crisis response and mediation
- all services and resources having an intersectional and disability justice approach. To learn more about disability justice visit bit.ly/NNWP-DJ

Framing EHM from an Abolitionist Perspective

- No New Washington Prisons is an abolitionist campaign that fights to prevent all forms of carceral expansion in Washington State.
- The use of EHM allows incarceration to grow beyond the walls of prisons, jails, and detention centers, and creates cages in our homes and communities, predominantly in over-surveilled and over-policed communities of color.
- The expansion of prison beds in the US has also been accompanied by an equally enormous growth in the amount of people under state supervision and supervised release, rising from 1.1 million to 4.3 million between 1980 and 2015.¹³
- From 2005 to 2015, all 50 states adopted the use of EHM technology and the use of EHM grew 140 percent. It is estimated that more than 200,000 people are under surveillance on any given day.¹⁴
- The growth of EHM throughout the US has also become widely used on minors and within the immigration system. Every state except New Hampshire confines minors with e-shackles.¹⁵
- In 2021, HB 5121 expanded the use and eligibility of EHM statewide which increased Washington's reliance on bodily control over community wellness/investment.¹⁶

¹³ Kilgore, Sanders, Hayes. *No More Shackles: Why We Must End the Use of Electronic Monitors for People on Parole*. bit.ly/EndEHM

¹⁴ Chaz Arnett. *Cardozo Law Review*. "From Decarceration to E-carceration." bit.ly/CarceralState

¹⁵ Kate Weisburd. *Iowa Law Review*. "Monitoring the Youth: The Collision of Rights and Rehabilitation." bit.ly/EHM youth

¹⁶ 67th Legislature of Washington State. April 2021. "Engrossed Substitute Senate Bill 5121." bit.ly/Bill5121

- As we combat mass incarceration and state oppression, we must address the violence of surveillance and detention in our cities, towns, and communities. EHM is a far reaching hand of carcerality, limiting our movement, relationships, and freedom.
- The focus of implementing EHM, like all incarceration, is still to punish, control and monitor people, not to make communities safer.
- EHM does not make communities safer because it fails to address the conditions that put people in unsafe situations in the first place. Many folks that are currently on an EHM device have and continue to experience enormous challenges that are driven by poverty, ableism, and systemic racism.¹⁷
- We acknowledge and hold the complexity that for many presently incarcerated people, EHM is preferred to being locked in cages. As abolitionists, we recognize that the State coerces people into thinking they have a choice, by painting different types of oppression and incarceration as options. Our critique is not against people who are forced to choose EHM. Rather, we are explicitly refusing the State's invitation to accept or advocate for incarceration by another name. Our aim is to take away our support from "reformist reforms" that ultimately expand the prison industrial complex and instead invest our energy and resources into non-carceral solutions that are community-driven. Critical Resistance has created a fantastic resource contrasting these two frameworks and it can be found at bit.ly/EndPrisonChart. We know that a better world is possible.

EHM is Violent and Harmful to Wellbeing

- People and systems that support EHM attempt to paint ankle monitors as a more humane alternative to incarceration in a jail, prison, or detention center. The reality is that EHM is violent as it physically, mentally, and emotionally harms individuals that are forced to wear these monitors. As abolitionists, we cannot allow the State or its proponents to monopolize on how violence is defined. Instead, we must push back on the idea that forced ankle monitors are somehow not extremely dehumanizing, isolating, physically taxing, and emotionally manipulative. Data and personal anecdotes from those forced to wear these modern-day shackles tell a different story.
- **Toll on Physical Wellbeing**
 - Wearing an ankle monitor for long periods of time often causes skin irritation. Naturally, people might try adjusting the monitor to alleviate any pain. However, adjustments to the monitors can unintentionally activate a response that registers as tampering. In some states the penalty for "tampering" can result in up to five years in prison.¹⁸
 - Some important medical procedures such as x-rays, MRIs, mammograms and CT scans cannot be done with the monitor and most states do not have a clear policy on removing the monitor in case of emergency.¹⁹
 - Ms. C was released from Immigration and Customs Enforcement (ICE) and required to wear an ankle monitor. She told her lawyers that the monitor was causing her a lot of ankle pain, "lacerations, numbness, [and] sores." Ms. C requested another model of the monitor and received a much bulkier one that electrocuted her several times. Many other immigrants with these monitors reported experiencing electric shocks as well.²⁰

¹⁷ James Kilgore. *University of Pretrial*. "Guest Blog: The Myth of the Electronic Monitor." bit.ly/MythOfEHM

¹⁸ James Kilgore. *University of Pretrial*. "Guest Blog: The Myth of the Electronic Monitor." bit.ly/MythOfEHM

¹⁹ Chaz Arnett. *Cardozo Law Review*. "From Decarceration to E-carceration." bit.ly/CarceralState

²⁰ Ella Fassler. *Vice*. "Migrants Say They're Being Electrocuted by ICE-Mandated Monitors." bit.ly/PainEHM

- Freedom for Immigrants, the Immigrant Defense Project, and the Benjamin N. Cardozo School of Law recently released a report called *Immigration Cyber Prisons*. Many of the surveyed immigrants on EHM reported electric shock, “aches, pains and cramps, excessive heat, numbness, inflammation, scarring, cuts, and bleeding from the e-shackles. Sixty-five percent of participants said that the devices negatively impacted their physical health on a ‘constant’ basis.” Companies that produce the devices deny that the monitors cause any harm.²¹

- **Toll on Emotional/Mental Wellbeing**

- One individual shared their experience under EHM:

“It is hard to be under surveillance like this. I have an intense amount of depression and suffer from mental breakdowns here and there because they are controlling all areas of my life. Honestly, I understand why people go back to prison. I had that discussion with my family one too many times: Prison was much easier. No one understands me when I say that. I had so many plans for when I got out, and I am not able to do anything that I really want to. The best way I can describe it is that, in prison, I was involved with almost everyone that I came across, and I helped people to stay sane in there. People opened up to me, and I was able to help them by being there for them and being available to them. Now, I just feel like I cannot help anyone at all because of the restrictions I’m under. That’s the most painful for me.”²²

- Even if you are physically outside of detention, your access to intimate and important connections is impeded.

“Others aren’t allowed to participate in birthday celebrations or other family get-togethers, because it may mean that the parolee isn’t home by curfew. Imagine what a feeling it is to know that your sickly grandmother has reached her 90th birthday and you can’t attend. Imagine feeling too ashamed to attend your own daughter’s 8th birthday because you don’t want the other children to see your monitor. Imagine not being allowed to go on a vacation to celebrate your 10th wedding anniversary because of your monitor. As anyone can see, ankle monitors are not only shackles with an exorbitant cost for the parolee, they have a collateral side effect on the entire family.”²³

- Almost all individuals that were surveyed in the *Immigration Cyber Prisons* report said that the e-shackles caused them to experience trauma, anxiety, depression, inability to sleep (sometimes due to the device beeping throughout the night), and social isolation. Twelve percent of those surveyed had suicidal thoughts. An anonymous person stated in the report:

“When I was in prison in my country, I was attacked and beaten. The ankle shackle reminds me of this and makes me feel constantly stressed, afraid and despairing. It reminds me of my torture and I cannot stop thinking about it, as if I am still in prison. The ankle shackle is the worst thing for my health right now. I feel desperate.”²⁴

²¹ Ella Fassler. *Vice*. “Migrants Say They’re Being Electrocuted by ICE-Mandated Monitors.” bit.ly/PainEHM

²² Reina Sultan. *Vice*. “5 People Describe the Emotional and Financial Tolls of House Arrest” bit.ly/EmotionalTolls

²³ Olivia Thompson. *Equal Justice Under Law*. “Shackled: The Realities of Home Imprisonment.” bit.ly/HomePrison

²⁴ Ella Fassler. *Vice*. “Migrants Say They’re Being Electrocuted by ICE-Mandated Monitors.” bit.ly/PainEHM

- E-shackles can leave long lasting trauma as a result of the frequent stress and fear from being constantly monitored and worrying that the monitor will malfunction or run out of battery, especially while sleeping. Undocumented immigrants on the monitor often struggle with the fear that ICE will just show up in the middle of the night so it can be difficult to get any rest. Additionally, other undocumented immigrants may be fearful of ICE showing up if they are around immigrants with e-monitors. This can put an intense strain on relationships and people’s ability to get work.²⁵
- Many people who are experiencing a lot of violence and trauma in their home countries migrate to the US seeking help, support, and safety. ICE’s punitive approaches, including EHM, only function to increase harm and compound people’s trauma and lack of safety.²⁶
 - There are many examples of US imperialism destabilizing a country or region and then racializing and penalizing people searching for relief from the violence the US has caused.
 - The US began using mass imprisonment as an immigration policy in the 1980s as a way to exclude Haitians from asylum and aid. The majority of these Haitians were Black and were escaping the US-backed political turmoil.²⁷ Along with France and Canada, the US has repeatedly financed coups in Haiti and provided support to despotic leaders like Jean-Claude Duvalier.²⁸
 - US-based companies, from Coca-Cola to Chiquita (formerly United Fruit Company), have destroyed the land and water in so-called Central America and elsewhere for centuries. This causes farmers to lose crops and forces them out of their livelihood, as well as contributes to landslides and other disasters of the human-made climate crisis that push people to flee from their homes.²⁹

EHM is Fundamentally About Control

- The point of this kind of monitoring is to restrict where and when people can be at certain locations. There are “exclusion zones” that an individual under house arrest cannot enter and their location is tracked via GPS. They can only go to “essential” locations that have been pre-authorized by the court or their parole officer. These mobility restrictions produce a sense of being imprisoned in one’s own home and amount to what James Kilgore calls “non-alternative alternatives to incarceration”—reforms to incarceration that do not actually change anything and, in fact, reinforce a culture of harm.³⁰
- There is little to no job training, education, mental healthcare, or other programming provided for incarcerated individuals under EHM unless the DOC or the state assigns it based on their assessment of an incarcerated person’s needs. This prevents individuals from having agency in accessing systems of support and further legitimizes state-based and DOC funded programming.

²⁵ Sarah Betancourt. *The Guardian*. “‘Traumatizing and Abusive’: Immigrants Reveal Toll of Ankle Monitors.” bit.ly/AbusiveMonitor

²⁶ Ella Fassler. *Vice*. “Migrants Say They’re Being Electrocuted by ICE-Mandated Monitors.” bit.ly/PainEHM

²⁷ Guistini, et al. *Immigration Cyber Prisons: Ending the Use of Electronic Ankle Shackles*. bit.ly/ImmigrationCyberPrisons

²⁸ Harsha Walia, *Border and Rule*, Haymarket Books, Chicago, 2021, pgs. 46-47

²⁹ Harsha Walia, *Border and Rule*, Haymarket Books, Chicago, 2021, pgs. 44, 73

³⁰ James Kilgore. *CounterPunch*. “Repackaging Mass Incarceration.” bit.ly/RepackPIC

- A person’s electronic monitor must remain in constant contact with authorities to avoid violating the rules. It’s common for monitors to lose signal at some point due to technological issues like the battery losing its charge. The batteries are supposed to last a whole day, but often don’t. This forces people to return home or plug into an outlet in a public place to charge up. Some people have been sent back to prison for a dead battery even when it was due to a power outage.³¹
 - One person with the monitor reported that they received batteries that were supposed to last for eight hours at a time, but they usually only lasted for two hours.
 - An immigrant reported ICE calling her twice because the tracking system showed that she was in the wrong location. She was scared that ICE might suddenly show up and detain her even though she was actually in an approved location. When she got in contact with her case manager they told her that there was a mix-up in the system and that everything was fine. In reality, nothing about this threat to her safety and life was fine.³²
 - Mohawk Johnson shared a personal experience in a two-minute video demonstrating the faulty location tracking of e-shackles and the legal consequences that can follow when these false alarms occur. View here: bit.ly/MohawkEHM
- Some jurisdictions even place restrictions on the time of day when monitors must be charged.³³
- The mobility restriction involved in EHM can lead to more jail or prison time. This can happen when someone’s monitoring device shows that they are in a location that has not been pre-approved by their parole officer, often, no matter what the circumstances. For example, individuals can be arrested on the spot for taking an unexpected trip to the hospital for an emergency.³⁴ This constant surveillance results in an increase of “technical violations.”³⁵ For some, a violation of the EHM rules can lead to spending the maximum sentence in prison.
 - Across the US, technical violations of probation or parole account for 25 percent of the “reason” people are incarcerated. In 2019, 39 percent of people incarcerated in Washington state were there for supervision violations, such as missing a check-in appointment.³⁶ Strict payment schedules and other aspects of EHM are a way to increase regulations that cannot be met and likely lock people into longer sentences and cycles of re-incarceration in physical prisons.³⁷
- Changes in one’s schedule require approval from their parole officer, creating tension that often puts the incarcerated person at risk for discrimination and even stricter regulation enforcement.³⁸
- Individuals under EHM can experience frequent changes in supervisors, leading to inconsistent rules and changes in treatment due to individual bias.³⁹

³¹ James Kilgore and Emmett Sanders. *Wired*. “Ankle Monitors Aren’t Humane. They’re Another Kind of Jail.” bit.ly/KindOfJail

³² Sarah Betancourt. *The Guardian*. “‘Traumatizing and Abusive’: Immigrants Reveal Toll of Ankle Monitors.” bit.ly/AbusiveMonitor

³³ Rena Coen, et al. *Berkeley Law*. “Electronic Monitoring of Youth in the California Juvenile Justice System.” bit.ly/CaliEHM

³⁴ Sarah Betancourt. *The Guardian*. “‘Traumatizing and Abusive’: Immigrants Reveal Toll of Ankle Monitors.” bit.ly/AbusiveMonitor

³⁵ Electronic Frontier Foundation. “Street Level Surveillance: Electronic Monitoring.” bit.ly/EFFmonitoring

³⁶ The Council of State Governments Justice Center. “Confined and Costly: How Supervision Violations Are Filling Prisons...” bit.ly/PopStats

³⁷ Kate Weisburd. *UNC Law Review*. “Sentenced to Surveillance: Fourth Amendment Limits on Electronic Monitoring.” unc.live/3lyY8s6

³⁸ Maya Schenwar and Victoria Law, “Your Home is Your Prison,” *Prison By Any Other Name*, The New Press, New York, 2020, pgs 27-28.

³⁹ Electronic Frontier Foundation. “Street Level Surveillance: Electronic Monitoring.” bit.ly/EFFmonitoring

- People with disabilities are at great risk of not receiving “reasonable accommodations” with EHM. They may receive rules and conditions that clash with their ability and their “unintentional ‘non-compliance’” can result in violation and re-arrest.⁴⁰
- The strict and unforgiving rules of EHM can be misunderstood by monitored people, especially when there are reading comprehension or language translation challenges. One mistake or misunderstanding can have huge consequences.⁴¹
 - There can be conflicting information between the e-shackle procedure manuals and the rules for e-carceration from the police or other detaining authority.⁴² It creates an additional means to punish those with learning disabilities, like the estimated 36 percent of incarcerated youth.⁴³ This is a form of ableism.
 - We are not advocating for more accessible punishment tools; instead, this is a reminder that state-sanctioned violence will always disproportionately harm the most marginalized communities. Liberation not reform.
- The State argues that EHM is necessary to ensure that people facing immigration proceedings or criminal trials will show up to their court date. However, “our data found that individuals who were not shackled, and were given legal representation had similar appearance rates as people who were shackled and given legal representation,” said Giustini.⁴⁴
 - Presently, there is no right to government-appointed counsel in immigration proceedings, unlike the right to a public defender in criminal cases. As abolitionists, we advocate for the entire legal system, including criminal punishment and immigration, to be dismantled in its entirety. Until that happens, we believe that everyone should have access to quality, affordable legal representation, as well as the resources necessary for representation.
- At Intensive Supervision Appearance Program (ISAP) check-ins, immigrants are not allowed to have their attorney present even though these check-ins can result in their re-detention at an ICE facility or deportation. In essence, the state has influence on both the fairness of the person’s legal proceedings as well as the person’s freedom and right to autonomy.⁴⁵

EHM is Expanding the Reach of the Prison Industrial Complex

- EHM often adds on to the person’s sentence because the monitor may now be a part of their parole, so it really just extends their incarceration. As well, sometimes people are put on EHM before sentencing, so they lose their rights before even being convicted.⁴⁶
- Because of its spreading popularity in the United States, EHM is now not only being used as an “alternative” to incarceration, but “as an adjunct to traditional community supervision practices” as well. This means that more people are being subjected to state-sanctioned physical confinement who would have previously been on parole or probation or who otherwise wouldn’t have been under physical control at all.

⁴⁰ Access Living of Metropolitan Chicago. “Access to Justice: A Cross-Disability Perspective on Reducing Incarceration.” bit.ly/ReduceJail

⁴¹ Electronic Frontier Foundation. “Street Level Surveillance: Electronic Monitoring.” bit.ly/EFFmonitoring

⁴² Rena Coen, et al. Berkeley Law. “Electronic Monitoring of Youth in the California Juvenile Justice System.” bit.ly/CaliEHM

⁴³ Kate Weisburd. *Iowa Law Review*. “Monitoring the Youth: The Collision of Rights and Rehabilitation.” bit.ly/EHMYouth

⁴⁴ Ella Fassler. *Vice*. “Migrants Say They’re Being Electrocuted by ICE-Mandated Monitors.” bit.ly/PainEHM

⁴⁵ Julie Pittman. *California Law Review*. “Released into Shackles: The Rise of Immigrant E-Carceration.” bit.ly/RiseOfShackles

⁴⁶ Electronic Frontier Foundation. “Street Level Surveillance: Electronic Monitoring.” bit.ly/EFFmonitoring

- The visibility of ankle monitors is highly stigmatized. Stigma has a very real social impact, such as loss of employment or housing discrimination, as well as other forms of both obvious and less visible violence.⁴⁷
 - The State, for example, exploits the stigma against people with certain “sex crime” convictions by enforcing harsher punishment against people who fall within this group. This has empowered several states to enact mandatory lifetime EHM for people who have been found guilty of this category of “crimes.” Often, folks under this lifetime EHM are expected to pay for the daily fee, for the remainder of their lives, even if they cannot afford it.⁴⁸
- Various models of the monitor are sold by BI Incorporated, which is controlled by the company GEO Group that sells the devices to ICE through a \$2.2 billion contract.⁴⁹
- BI and Securus are two of the largest private companies manufacturing and operating e-shackling programs.⁵⁰
 - Other companies include Sentinel, which operates EHM in Seattle;⁵¹ Triton Group; Telmate; SCRAM Systems; and Attenti Group.
- Private companies are given some authority on who and how people are incarcerated. BI not only writes policy and procedure manuals used for an e-shackling program in California, but may also help determine who ICE confines to a monitor.^{52, 53}
 - In pretrial situations, some bail bond companies push people onto EHM without any jurisdictional or government oversight. As there are no state-run EHM programs, all instances require contracting with private companies intent on keeping people surveilled for as long as possible to increase profits.⁵⁴
- As of February 26, 2022, ICE was monitoring 155,590 people with GPS-enabled ankle shackles or with SmartLINK, a phone application that has both facial recognition and GPS technology. Another 27,017 people were subject to telephone reporting through the Alternatives to Detention (ATD) program.⁵⁵
 - The Biden administration aims to use funds from the 2022 budget to increase people in these programs by 45,000, claiming that these “alternatives” are more humane than prisons and jails.⁵⁶
- A program through ATD called Intensive Supervision Appearance Program (ISAP) was supposedly created to reduce the amount of immigrants detained in detention centers and jails. In fact, since the development of ISAP the number of people who have been detained by ICE has more than doubled.⁵⁷
- E-carceration is a continuation of the anti-Blackness and racial discrimination foundational to the US criminal punishment system.
 - Black immigrants have disproportionately higher rates of e-shackling.⁵⁸

⁴⁷ Maya Schenwar and Victoria Law, “Your Home is Your Prison,” *Prison By Any Other Name*, The New Press, New York, 2020, pg 37.

⁴⁸ Electronic Frontier Foundation. “Street Level Surveillance: Electronic Monitoring.” [bit.ly/EFFmonitoring](https://www.eff.org/monitoring)

⁴⁹ Ella Fassler. *Vice*. “Migrants Say They’re Being Electrocuted by ICE-Mandated Monitors.” [bit.ly/PainEHM](https://www.vice.com/en/article/2022/02/15/migrants-say-theyre-being-electrocuted-by-ice-mandated-monitors/)

⁵⁰ James Kilgore. *In These Times*. “Electronic Monitors: How Companies Dream of Locking Us in Our Homes.” [bit.ly/EHMCorpProfit](https://www.inthesetimes.com/article/electronic-monitors-how-companies-dream-of-locking-us-in-our-homes/)

⁵¹ City of Seattle Municipal Court. “Electronic Monitoring.” [bit.ly/SeattleEHM](https://www.seattle.gov/court/electronic-monitoring/)

⁵² Rena Coen, et al. Berkeley Law. “Electronic Monitoring of Youth in the California Juvenile Justice System.” [bit.ly/CaliEHM](https://www.berkeley.edu/news-events/electronic-monitoring-of-youth-in-the-california-juvenile-justice-system/)

⁵³ Julie Pittman. *California Law Review*. “Released into Shackles: The Rise of Immigrant E-Carceration.” [bit.ly/RiseOfShackles](https://www.californialawreview.org/released-into-shackles-the-rise-of-immigrant-e-carceration/)

⁵⁴ Kate Weisburd, et al. GWU Law. *Electronic Prisons: The Operation of Ankle Monitoring in the Criminal Legal System*. [bit.ly/E-Prisons](https://www.gwu.edu/~ilaw/electronic-prisons-the-operation-of-ankle-monitoring-in-the-criminal-legal-system/)

⁵⁵ Transactional Records Access Clearinghouse. Syracuse University. “TRAC Immigration: Alternatives to Detention.” [bit.ly/ATDtable](https://www.trac.syr.edu/immigration/alternatives-to-detention/)

⁵⁶ Ella Fassler. *Vice*. “Migrants Say They’re Being Electrocuted by ICE-Mandated Monitors.” [bit.ly/PainEHM](https://www.vice.com/en/article/2022/02/15/migrants-say-theyre-being-electrocuted-by-ice-mandated-monitors/)

⁵⁷ Ella Fassler. *Vice*. “Migrants Say They’re Being Electrocuted by ICE-Mandated Monitors.” [bit.ly/PainEHM](https://www.vice.com/en/article/2022/02/15/migrants-say-theyre-being-electrocuted-by-ice-mandated-monitors/)

⁵⁸ Guistini, et al. *Immigration Cyber Prisons: Ending the Use of Electronic Ankle Shackles*. [bit.ly/ImmigrationCyberPrisons](https://www.immigrationcyberprisons.org/)

- In Cook County, IL, 74 percent of e-carcerated people are Black, a rate which is triple the county's Black population of 24 percent.⁵⁹

EHM is Community Surveillance

- EHM expands the scope of surveillance and punishment beyond the walls of the prison, jail, or detention center into the community and home. These mandatory tracking devices collect personal information in spaces that are often thought of as private and safe. Ruth Wilson Gilmore explains that an effect of e-carceration is “to compel households or communities to be unsworn deputies for the police.”⁶⁰
 - At least one type of e-shackle has audio recording capabilities. There are concerns that other devices may track more than location information, such as conversations or telephone calls which can be used against people who are not even e-shackled.⁶¹
 - Moreover, the companies that supply the monitors are able to keep the data collected indefinitely.⁶² Securus, one of the largest private carceral companies, had 70 million phone records hacked in 2015.⁶³
- The burden of EHM is not just on individuals, but on their families as well. Restrictions placed on where and when someone can leave their home have harmful consequences. EHM restrictions are often not adaptable when a person's circumstances shift.
 - *Prison by Any Other Name* offers an anecdote about a mother who is limited in her ability to participate in her children's lives due to EHM. As a parent, being denied the opportunity to attend school events, go on day trips, support extracurricular activities, and more, narrows the degree to which parents on EHM can meaningfully engage with their children. EHM can be so restrictive that a parent cannot chase after their child down the street or take their child to the emergency room.⁶⁴
 - James Kilgore, author of *Understanding E-Carceration*, describes how in some instances a person confined to their home can only get approval to do laundry and grocery shopping if there is no one else living in their house that can do those tasks. Frequently other members of the household have to be responsible for the financial and emotional burden along with the tasks that the person on the e-shackle is unable to do. This can create a strong dependency on the other members of the household, which can cause tension and resentment in the home.⁶⁵
 - The restrictions of EHM intensify gender-based inequities related to the division of housekeeping labor, which has historically been the burden of women. As men are the majority of people who are e-carcerated and prevented from literally taking out the trash, other people in the household may become solely responsible for this uncompensated work.
 - In many cases the person with the e-shackle is almost always home and may not have the space they need to maintain healthy relationships. As Ruth Wilson Gilmore says, “when the house becomes a jail, it's no longer home for anybody.” This can be

⁵⁹ Sarah Staudt. Chicago Appleseed Center for Fair Courts. “10 Facts About Electronic Monitoring in Cook County.” bit.ly/CookEHM

⁶⁰ Ruth Wilson Gilmore. Haymarket Books Youtube. “*Understanding E-Carceration: A Book Launch*.” bit.ly/CommunityDeputies

⁶¹ James Kilgore. *University of Pretrial*. “Guest Blog: The Myth of the Electronic Monitor.” bit.ly/MythOfEHM

⁶² Cyrus Farivar. *NBC News*. “Other than prison, Electronic Monitoring is ‘the most restrictive form’ of control...” [nbcnews.com/350Yrkg](https://www.nbcnews.com/350Yrkg)

⁶³ James Kilgore. *In These Times*. “Electronic Monitors: How Companies Dream of Locking Us in Our Homes.” bit.ly/EHMCorpProfit

⁶⁴ Maya Schenwar and Victoria Law, “Your Home is Your Prison,” *Prison By Any Other Name*, The New Press, New York, 2020, pg. 40.

⁶⁵ James Kilgore. Haymarket Books Youtube. “*Understanding E-Carceration: A Book Launch*.” bit.ly/HouseholdTension

- especially difficult when considering a household that has little to no income that already has many people living in one household. This disproportionately affects Black and brown communities.⁶⁶
- Many people get sentenced to stay at their family's house when possible, even though it can sometimes put people back in abusive or traumatic environments.⁶⁷
 - Community is broader than one's geographic neighborhood. Monitoring relies not just on institutions, but also on people to surveil and punish those perceived to be threats to the safety of a community. Neighborhood Watch programs and the Nextdoor social media platform are common examples of where carceral logic might show up in your community. Carceral logic refers to the variety of ways that existing in a culture with mass incarceration and policing affects us and how this conditioning contributes to our impulse to think and act like cops and prison guards in our neighborhoods.
 - In *Dark Matters: On the Surveillance of Blackness*, Simone Browne ties the establishment of chattel slavery in what became the US to the beginnings of systems of surveillance, such as requiring passes for movement outside of plantations and posters calling for the capture of people who escaped enslavement.⁶⁸
 - Electronic monitoring devices are incredibly stigmatized and the difficulty people face in attempting to conceal them is part of the punishment. People under EHM who are approved to work outside their home often get fired when their monitor goes off during work hours or a customer complains about seeing the device.⁶⁹
 - Emeli, who ICE confined to an e-shackle, says “no one wants to give you a job either. Because employers see the monitor and they don't like it. They don't like it at all.”⁷⁰
 - One Jamaican immigrant was transitioned from a detention center to an e-shackle. He received employment at a national shipping carrier and had to explain why his ankle would beep every time he went through the metal detectors. “I was never able to go through the metal detectors without specifically telling security: ‘Look man, I have an ankle monitor on my foot.’ And it was a different security guy every night you had to explain it to.”⁷¹
 - The increase in EHM means that more people are going into their communities and homes under state surveillance. EHM use has been rapidly expanding to now include things like traffic violations.
 - People who would have previously been released on bail or on personal recognizance, meaning released without any conditions or restrictions, are now more likely to be placed on EHM as a condition of their pretrial release before they have been found guilty of a crime.⁷²
 - ICE uses data collected from electronic ankle monitors to plan workplace raids.⁷³
 - ICE's surveillance over migrants has exploded through ATD's Intensive Supervision Appearance Program (ISAP). About one third of migrants in this program have to wear a monitor. It is worth noting again, Black immigrants are disproportionately ordered to wear the devices, exacerbating the issue of excess policing and surveillance in Black communities.⁷⁴

⁶⁶ Ruth Wilson Gilmore. Haymarket Books Youtube. “*Understanding E-Carceration: A Book Launch.*” bit.ly/HouseJail

⁶⁷ James Kilgore. Haymarket Books Youtube. “*Understanding E-Carceration: A Book Launch.*” bit.ly/AbusivePlace

⁶⁸ Simone Browne, “Notes on Surveillance Studies,” *Dark Matters*, Duke University Press, Durham, 2015, pgs 50-52.

⁶⁹ Ava Kofman. *ProPublica*. “Digital Jail: How Electronic Monitoring Drives Defendants Into Debt.” bit.ly/DebtEHM

⁷⁰ Lauranto Grinspan. *Miami Herald*. “Many of Miami's immigrants wear Ankle Monitors. Will technology betray them?” bit.ly/MiamiEHM

⁷¹ Sarah Betancourt. *The Guardian*. “‘Traumatizing and Abusive’: Immigrants Reveal Toll of Ankle Monitors.” bit.ly/AbusiveMonitor

⁷² Albert Fox Cahn. *NBC News*. “Ankle monitors can hold captives in invisible jails of debt, pain...” nbcnews.to/3py8aIS

⁷³ Maya Schenwar and Victoria Law, “Your Home is Your Prison,” *Prison By Any Other Name*, The New Press, New York, 2020, pg. 32.

⁷⁴ Ella Fassler. *Vice*. “Migrants Say They're Being Electrocuted by ICE-Mandated Monitors.” bit.ly/PainEHM

EHM is Expensive and the Financial Burden Falls on the Incarcerated Person

- While it is marketed as more humane, EHM can come with significant financial and social costs to individuals, ranging from job loss and instability to being sent back to prison for violations.
- The government usually makes people on EHM pay for their own devices. This approach is often pitched as pragmatic, but is nothing more than additional punishment. Incarceration restricts people's time, movement, and livelihood; requiring payment makes this burden even worse. Paying for incarceration maintains inequalities in our society by ensuring that people who already have limited resources are unable to support themselves and their families.
 - As explained by @haveeachattabs and others, the ongoing impacts of the COVID-19 pandemic are more severe for people who are e-carcerated, such as empty shelves at the store where they are forced to shop or not being permitted to wait in a line to receive COVID testing.^{75, 76}
- Many people placed on EHM are forced to pay set-up fees of \$175-\$200 and daily fees that can range from \$5-\$40.⁷⁷ These fees can exceed monthly rents in some zip codes.
- There are serious consequences for missing a payment. Failure to pay or delay in payment can result in individuals being sent back to prison or jail,⁷⁸ potentially for more time than if the person had just been sent to prison or jail in the first place.
- There are also hidden costs. Many states require you to purchase a landline for the monitor. These lines do not have features like caller ID or 3-way calling, so people who already have a landline cannot use their current line and have to set up another.⁷⁹
- There can also be high fees for replacing any part of monitoring devices that gets lost or damaged.⁸⁰
- These high costs prevent people from paying for things that could actually help them, their families, and their communities.
 - One person on EHM observed, "I could've gone to therapy with that money. Maybe that would have been a really good use of my \$300 a month."⁸¹
- EHM costs exist within a broader context of economic burdens placed on incarcerated people. Legal Financial Obligations (LFOs) are the fines and fees imposed by the court at sentencing. LFOs include restitution, fees, assessment and are frequently imposed at the discretion of the court. These costs often far exceed people's ability to pay and the resulting debt means that even after serving full sentences, people can remain bound to the judicial system for the rest of their lives.⁸²
 - This particular type of punishment does not set people up to succeed or even survive. It sets people up to be released into debt. General estimates are varied, but some studies have shown debts ranging from \$10-\$13,200 and others have found that people owe an average of \$13,607 to the courts upon their release.⁸³

⁷⁵ @HaveAChatTabs Twitter Account. "People on Home Detention.. will go without essential food items." bit.ly/TabsThread

⁷⁶ Kiran Misra. *South Side Weekly*. "Incarcerated at Home." bit.ly/CarceralHome

⁷⁷ Olivia Thompson. *Equal Justice Under Law*. "Shackled: The Realities of Home Imprisonment." bit.ly/HomePrison

⁷⁸ James Kilgore and Emmett Sanders. *Wired*. "Ankle Monitors Aren't Humane. They're Another Kind of Jail." bit.ly/KindOfJail

⁷⁹ Stacey Skavler. American Bar Assoc. "The Pros and Cons of Using Electronic Monitoring Programs in Juvenile Cases." bit.ly/ConsEHM

⁸⁰ James Kilgore and Emmett Sanders. *Wired*. "Ankle Monitors Aren't Humane. They're Another Kind of Jail." bit.ly/KindOfJail

⁸¹ Maya Schenwar and Victoria Law, "Your Home is Your Prison", *Prison By Any Other Name*, The New Press, New York, 2020, pg. 49.

⁸² Alexis Harris, *A Pound of Flesh: Monetary Sanctions as Punishment for the Poor*, Russell Sage Foundation, New York, 2016, pg 151-152.

⁸³ Montes, et al. *Int'l Journal of Environmental Research and Public Health*. "An Assessment of Prisoner Reentry..." bit.ly/LegalFinances

- Formerly incarcerated people have an unemployment rate of 27 percent. The COVID-19 pandemic has most likely increased this number.⁸⁴ Unemployment directly impacts their ability to pay LFOs and meet their basic needs.
 - Without an opportunity to earn money, people are forced into poverty and isolated from various resources. Acts of survival to stay fed, clothed, etc. can lead to further criminalization.
- More than 66 percent of the participants in the *Immigration Cyber Prisons* report shared that they had experienced financial hardship either from losing work or inability to gain employment due to the e-shackle.⁸⁵

Further Resources:

Videos:

- *(Almost) Freedom* by Puck Lo. 8 minutes. A short film on the daily lives of people wearing e-shackles. bit.ly/AlmostFreedom
- “From Data Criminalization to Prison Abolition” from Haymarket Books. 93 minutes. A discussion with Harsha Walia, Puck Lo, Jacinta Gonzalez, Sarah T Hamid, and J Kahdijah Abdurahman. bit.ly/DataCrim
- James Kilgore’s youtube channel. 80 short videos, most ≈2 minutes, of people sharing their experiences with EHM. bit.ly/EHMvideos
- “Resisting the Advance of E-Carceration” from Media Justice. 63 minutes. A panel discussion with Kate Weisburd, Julie Mao, Puck Lo, Ivette Alé, and Tiera Rainey. bit.ly/ResistingEHM

Reports:

- *From Data Criminalization to Prison Abolition* by Community Justice Exchange, Puck Lo, et al. In English and Spanish. ≈40 minute read. abolishdatacrim.org/en/report/full website: abolishdatacrim.org/en
- *ICE Digital Prisons: The Expansion of Mass Surveillance as ICE’s Alternative to Detention* by Julie Mao. Published by Just Futures Law, and Mijente. ≈15 minute read; accessibility may be an issue, as it’s not in plain text. bit.ly/DigitalPrisons

⁸⁴ Justin Stabley. *PBS NewsHour*. “People leaving prison have a hard time...The pandemic has made things worse.” to.pbs.org/3McH9hD

⁸⁵ Sarah Betancourt. *The Guardian*. “‘Traumatizing and Abusive’: Immigrants Reveal Toll of Ankle Monitors.” bit.ly/AbusiveMonitor