

Electronic Monitoring is not an alternative to incarceration!

1. Let Us Out On Our Own Recognizance

People should await trial with their communities, families, and jobs, and prepare their defense without restrictive, debt-producing and stigmatizing electronic monitoring.

2. No New Jails

Incarceration is always a policy failure. We don't need new, larger jails; we need due process in a practical pre-trial policy.

3. No Cash Bail (*for real*)

Rule 26 has ordered an end to cash bail and pretrial detention for Indiana, starting in 2020. The costs of EM, however, will simply replace the costs of bail, along with bail's racism, its criminalization of poverty, and all the other problems bail confers.

learn more at:

notbetterthanjail.org

This text was prepared by Indiana Against E-Carceration, a statewide coalition of formerly incarcerated, scholars and community members.

**NOT BETTER
THAN JAIL,**

**NOT CHEAPER
THAN BAIL**

"IF WE DON'T RESIST, E-CARCERATION MAY BE THE SUCCESSOR TO INCARCERATION, AS WE EXCHANGE PRISON CELLS FOR BEING CONFINED IN OUR OWN HOMES AND COMMUNITIES."

NOT BETTER THAN JAIL

EM RESTRICTS ACCESS TO WORK, EDUCATION, MEDICAL CARE, AND COMMUNITY, limiting the ability of those already struggling to care for themselves and their families.

EM RESTRICTIONS ARE DRACONIAN. Many people monitored on EM are allowed 45 minutes PER WEEK to run all non-work errands such as buying groceries, doing laundry, attending doctors' appointments, pharmacy visits, and visiting the bank.

EM STIGMATIZES ITS USERS, placing community members at constant risk of humiliation, discrimination, and job loss.

EM REQUIRES PERFECTION IN IMPERFECT SYSTEMS. The devices can treat a person's minor deviations in route or timing (a late bus, for example) the same as serious violations.

EM FREQUENTLY MALFUNCTIONS. The anklets often falsely report a person's location; lose charge even if they've been plugged in; and lose connection even in areas well-served by GPS.

EM LEADS TO PAROLE VIOLATIONS. If the device turns off because its battery needs charging or it registers as out of range, that can trigger an automatic violation. People can and do land back in prison or jail because of device malfunction.

EM IS STRESSFUL, because of the restrictions, the humiliation, the risk of violation--and the costs.

EM IS UNNECESSARY AT BEST. Research shows that ensuring court appearance is about providing pretrial support, often as simple as text-message reminders. A growing number of studies have confirmed the effectiveness of such support. It's also is extraordinarily cheap and easy to provide.

E-CARCERATION IN INDIANA:

Early and Often

Electronic Monitoring (EM) is on the rise in Indiana. An Indiana Supreme Court mandate will end money bail in 2020. Courts will be tempted to expand EM to ensure people show up to hearings and trials—even though there is no evidence EM “works” to do this.

In the late 1980s, Indianapolis's Marion County, with support from IU faculty, ran one of the very first experimental programs of pretrial home detention and EM. Since then, EM has become a rapidly growing and profitable industry.

Today, Indiana counties are some of the biggest users of EM in the nation. Jail overcrowding has been a statewide problem in Indiana, especially since 2014. That year, the legislature revised the criminal code, downgraded some felonies, mostly drug-related, to misdemeanors, which has subsequently clogged county jails and failed to diminish prison populations. Many Indiana counties are also now considering building new and bigger jails.

With the end of monetary bail around the corner, Indiana counties may be tempted to increase electronic monitoring to reduce their jail populations.

NOT CHEAPER THAN BAIL

BAIL IS EXPENSIVE. It varies from county to county, but generally ranges from \$500 surety (\$50 to a bondsman) plus \$500 cash (you get that back, minus court costs, fees, and fines) for the lowest misdemeanor, to \$30k surety (\$3k loss) and \$500 cash for the highest felony.

BAIL PUNISHES THE MOST VULNERABLE. People who can't pay bail wait for trial in jail, making them more likely to take a plea deal, be convicted, get fired, lose their housing, and jeopardize their parenting time.

BAIL CRIMINALIZES POVERTY, by increasing the likelihood that poor people will go to prison.

BAIL IS RACIST. The risk algorithms courts use to decide bail and other pretrial supervision are notoriously racist. For example, they count how many times a person has had contact with the police. As long as black, brown and working-class neighborhoods are hyperpoliced, algorithms based on police contact will increase the racism and class bias of the criminal justice system.

This is why the US is moving away from bail. People see that the bail system disproportionately punishes the poor. If we replace bail with EM, there is no improvement.

EM CAN EASILY COST AS MUCH AS BAIL. Marion County charges a minimum of \$14/day for EM. At that rate, people will spend \$1.25k in less than 3 months, and more than \$5k in a year.³

EM HAS HIDDEN COSTS. People on EM pay start-up fees and monthly costs of either a landline or a cell phone.

EM PROFITS PRIVATE COMPANIES that manufacture and service the devices. Some bondsmen have simply switched over to selling & managing EM.

EM COSTS COUNTIES, TOO. Counties have had to hire extra probation officers to manage EM programs, replace damaged or malfunctioning equipment or pay contractors to do so. No county tracks these costs, but they greatly diminish the claims of cost-efficiency via user fees.

¹ Order Adopting Criminal Rule 26, Indiana Supreme Court (Sept. 9, 2016).

² Oliver Hinds and Jack Norton, “Crisis at the Crossroads of America: Jail Expansion as Prison Reform in Indiana,” In Our Backyards Stories Series, Vera Institute, 10/16/18; www.vera.org/in-our-backyards-stories/crisis-at-the-crossroads-of-america.

³ People on EM pay everything the criminal justice system requires: fines, interdiction fees, probation fees, court costs, restitution, and drug test costs; www.indy.gov/activity/electronic-monitoring.