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The rate of incarceration in the United States is up to ten times higher than in other Western states, with most of those currently imprisoned being males of visible minority groups under the age of 40, with less education than the average American.—<sup>1</sup> A report released in April by the National Academy of Sciences argues that the number of people currently incarcerated is unjustifiable, and that the “high rates themselves constitute a source of injustice and social harm.”—<sup>2</sup> Since the early 1970s, the prison population in the U.S. has increased by unprecedented rates due to aggressive arrest campaigns and harsh sentencing laws for minor drug offenses. The need for major reforms of the prison system has become common in urgent conversations about the impossibility of America’s current trajectory, though most reforms are intended to mitigate fiscal drain rather than correct an unjust paradigm of punishment. Although prisons serve as the conceptual and spatial nucleus of an ostensibly hobbled system, the use of new technologies as alternatives and supplements to the U.S. carceral infrastructure render the drive towards prison “abolition” all the more complex.

Like most states across the U.S., California is seeking alternatives to incarceration, due in large part to the 2011 Supreme Court ruling that overcrowded prisons in the state violated inmates’ Eighth Amendment rights (protection from cruel and unusual punishment). When ordered to reduce its inmate population, the state drafted a complex piece of legislation that focused on “realignment,” which shifted confinement as well as parole responsibilities for non-serious, non-violent, and non-sexual felons (the “3-N’s”) from the state system to the county level.—<sup>3</sup>

The use of electronic monitoring (EM) is a primary element of this policy’s strategy. In the context of criminal justice, EM consists of a device that is attached to a person and tracks their location in real-time, often by way of GPS technology. Data are transmitted to a central control station, where any violations of movement restrictions are immediately reported to the wearer’s parole or probation officer.

1 National Research Council, The Growth of Incarceration in the United States: Exploring Causes and Consequences (Washington, DC: The National Academies Press, 2014).

2 *Ibid.*, 9.

3 See Joan Petersilia, “Voices from the Field: How California Stakeholders View Public Safety Realignment,” Stanford Criminal Justice Center, January 2014, [www.law.stanford.edu/sites/default/files/child-page/183091/doc/slspublic/Petersilia%20VOICES%20no%20es%20Final%20022814.pdf](http://www.law.stanford.edu/sites/default/files/child-page/183091/doc/slspublic/Petersilia%20VOICES%20no%20es%20Final%20022814.pdf), and Lisa T. Guan, Sara Abarbanel, and Debbie Mukamal, “Reallocation of Responsibility: Changes to the Correctional Control System in California Post-Realignment,” Realignment in Review, Vol. 4, January 2014, [www.law.stanford.edu/sites/default/files/child-page/183091/doc/slspublic/CC%20Brief%20Jan%2014.pdf](http://www.law.stanford.edu/sites/default/files/child-page/183091/doc/slspublic/CC%20Brief%20Jan%2014.pdf).

The use of EM varies between high- and low-risk populations: it is used on children in cases of truancy, people who have refused to pay child support, drunk drivers, tax evaders, child molesters, and murderers alike.—<sup>4</sup> EM is also used to track people who are awaiting trial or completing post-prison sentences. For some, the monitor serves as a true alternative to imprisonment, but for many more, it is an additional restraint. Wearers are typically beholden to a curfew and assigned some form of house arrest. Some are restricted from entering certain zones such as schools, public parks, or specific neighbourhoods. The modern-day manifestation tends to be a bulky, black ankle bracelet, branding the wearer a “criminal.”

Given the fact that more than sixty percent of people currently being held in U.S. jails are awaiting trial without being convicted of a crime, EM seems like a low-maintenance panacea that relieves pressure on prison capacity. While the release of pre-trial offenders via bail reform is a vital step in decreasing the numbers of those incarcerated, EM in its current application is not a good response to the myriad factors contributing to mass incarceration.

While the procedural impact of California’s realignment policy is immediately obvious, its rehabilitative efficacy and success in reducing long-term recidivism is debatable. The legislation has come under scrutiny from various groups in California, such as Californians United for a Responsible Budget (CURB), who argue that the emphasis on “getting people out” rather than “getting people well” leaves the crucial problem of discriminatory and needless incarceration untouched—and thus aggravated. Shifting parole and probation responsibilities from the state to the county simply transfers the brutalities associated with overcrowding to a different space.—<sup>5</sup> Even though California’s incarceration rate is declining, some government officials are trying to channel realignment funds into prison expansion rather than investing in community-based alternatives. Meanwhile, prison conditions remain unchanged and thus far, realignment fails almost entirely to address the epidemic of mental illness among those incarcerated, which is proven to be exacerbated by any length of prison stay, if not its outright cause.

Further, those who tout realignment as “the most sweeping correctional experiment in recent history,” or “an

experiment of unparalleled national significance,” forget the history of such experiments.—<sup>6</sup> In the 1980s, a nation-wide investigation into alternatives to incarceration was triggered by problems similar to those the U.S. faces today: in particular, that mandatory minimum sentences for low-level drug offenses have led to widespread overcrowding of prisons.—<sup>7</sup> At the time, California corrections departments joined others across the country in implementing “Intensive Supervision Probation/Parole Projects” or ISPs, which involved reduced high-risk caseloads, day-reporting centres, and notably, electronic monitoring. The hope was that by participating in these programs, low-risk offenders could avoid prison entirely. When the ISP experiments concluded in 1995, government-funded researchers had gathered a substantial amount of information about the efficacy of certain prison diversion programs. Researchers concluded that increased surveillance had no impact on re-arrest rates when compared to regular supervision or incarceration.—<sup>8</sup> Surveillance-oriented programs not only failed to decrease incidents of crime, but they actually contributed to higher rates of incarceration by detecting more technical violations that would previously have been invisible or excused. The programs being put into practice today seem to ignore these crucial findings and contribute to perpetuating, and perhaps even aggravating, high rates of incarceration.

By 2004, most monitoring systems had become GPS-based, which despite technical troubles due to spotty wireless coverage, enabled agencies to track wearers in real-time. In 2012, San Francisco County announced plans to triple the size of its EM program, and the number of “participants” continues to rise. While house arrest is no doubt preferable to a stay behind bars, many people upon release are being put on monitoring as an additional means of constraint. In such cases, the use of EM is extending the length and intensity of a sentence, rather than relieving it.

Electronic monitoring is often conflated with prison reform, but in most cases, it is used to intensify punishment—the pulse and poison of our justice system. Behavioural scientists have been studying the impact of punishment for the past thirty-five years and a basic principle has since been established: punishment does not change behaviour; it temporarily suppresses it.—<sup>9</sup> While a person

6  
Petersilia, “Voices from the Field.” Abstract, and Quan, Abarbanel, Mukamel, Reallocation of Responsibility, Summary.

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Robert S. Gable and Ralph Kirkland Gable, “A New Image for Probation?” National Association of Probation Executives: Executive Exchange (Winter 2007).

8  
Petersilia, “Voices from the Field.”  
9. Renzema and Mayo-Wilson, “Can Electronic Monitoring Reduce Crime?” 216.

may submit to rules in order to avoid punishment, when the threat is removed, the original behaviour is likely to reoccur. Thus the all-too-common occurrence that once supervision ends, the rate of criminal behaviour increases. But this has led many to conclude that monitoring is necessary, rather than a re-evaluation of the efficacy of punishment. Again and again alternatives perpetuate the failed punitive code, yet we refuse as a public to attempt the only successful alternative: rehabilitation.

The EM program is a prime example of reform gone awry. The first radio-frequency monitoring prototypes were designed by the Gable twins at Harvard University in the 1960s. At the time, Robert Gable was studying behavioural psychology alongside B.F. Skinner, and Ralph Gable was on the Science Committee on Psychological Experimentation studying under the supervision of Timothy Leary, a psychologist famous for his advocacy of psychedelic drugs. The monitoring systems were intended to promote positive behavioural change and rehabilitation in juvenile delinquents, as surveillance (via bulky monitors housed in unsightly fanny packs) was paired with intensive therapy. Despite documented success in helping juveniles stay out of prison indefinitely, widespread paranoia surrounding the prospect of man-machine interdependence cast doubt over the viability of the project. This fearful scepticism, paired with financial and technological challenges that drained the Gables' funding, relegated the project into a brief hiatus.

In 1983, Judge Jack Love of New Mexico was reading a Spiderman comic and had a somewhat recycled epiphany. The judge pitched his idea to create a tracking system for low-level offenders to Honeywell, a company that “tackles global issues with technology,” but they didn't bite. Judge Love eventually partnered with a computer salesman named Michael Goss, who quit his job to begin working on a device that in its first run kept three men (convicted of petty burglary, DUI, and fraudulent check-writing, respectively) out of an Albuquerque prison and instead sentenced to house arrest.<sup>-10</sup> Years later, Goss started National Incarceration Monitoring and Control Services (NIMCOS), marking the beginning of the lucrative “techno-corrections” industry. Other companies began experimenting with “continuous signalling” technologies consisting of radio transmitters

and programmable receivers that were placed in the offender's home and connected to telephone lines. Within three years NIMCOS was acquired by BI Inc., a company that would soon become the largest provider of monitoring services in the U.S. By 1987, twenty-one states had cultivated monitoring programs of their own and were amply supplied by twenty private suppliers. Today, an elite descendent of Love and Goss's device clings to the ankles of more than 200,000 Americans.

In a 1969 article for Psychology Today, entitled "A Belt from Big Brother," Robert Gable predicted the potential transformation of their hopeful creation: "(S)ingle technical innovations often affect our lives to a degree unforeseen by the originator."<sup>11</sup> The use of monitoring devices today bears only a slim resemblance to the system developed by the Gable brothers some fifty years ago. The original prototype was intended "not to enhance compliance but to help offenders gain self esteem and socially valued skills."<sup>12</sup> Their method entailed rewarding even the smallest steps towards improvement, "a monitoring transmitter might be conceptualized as a 'social prosthetic device' similar to a walker that is downgraded to a crutch, then to a cane, and finally abandoned."<sup>13</sup> This vital cooperation between physical technology and social connectivity was gradually discarded in the name of punishment. Without adequate systems in place for promoting positive behavioural change, the use of monitoring devices is irrelevant and irresponsible: "Extant EM programs seem akin to giving aspirin to a mixed group of hospital patients and then wondering why their underlying diseases have not been cured."<sup>14</sup>

Yet, EM in its current form enjoys considerable favour with the public, due to the widespread and misleading media narrative that celebrates the device for its relatively cheap and supposedly rapid relief of pressing problems. The device itself has no mechanism capable of deterring criminal activity, but corrections officials, EM manufacturers, and defence attorneys exaggerate the capacity of monitoring to keep the public safe in order to bolster participant numbers and quell concerns. As Gable and Gable write, "terms such as 'electronic handcuffs' or 'electronic jail cell' imply a physical deterrence that does not exist. These fanciful descriptions have

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Robert L. Schwitzgebel, "A Belt from Big Brother," Psychology Today, April 1969.

12  
Ralph Kirkland Gable and Robert S. Gable, "Electronic Monitoring: Positive Intervention Strategies," Federal Probation 69, no. 1 (2005), 1. [www.uscourts.gov/uscourts/FederalCourts/PPS/Fedprob/2005-06/intervention.html](http://www.uscourts.gov/uscourts/FederalCourts/PPS/Fedprob/2005-06/intervention.html).

13  
*Ibid.*, 4.

14  
*Ibid.*, 2.

appeal to the public that generally wants a 'get tougher' policy toward offenders."—<sup>15</sup> Such idealism is upheld by stories about the lowest-risk offenders, people who previously would have been released on parole or probation but are now assigned anklets, who complete their due time and are then held up as proof of the program's success. People who wouldn't have run—people like Mari.

I waited at the only café on Treasure Island, San Francisco, where a young waitress hurried to remedy the music situation on her iPod: Celine Dion can ruin a hot afternoon. Two regulars sat far from each other, eating.

They appeared slowly, he with a silver ponytail and she with a bob. Mari introduced the tall man as her boyfriend, adding "he won't bother us." He secured a dark corner in the carpeted section of the café while I bought a lemonade for myself and a sweating purple energy drink for Mari, which she opened expertly, saying "My son says this stuff is addictive."

"Pick your battles."

Mari, now 53, did ten years of a twenty-year sentence for embezzlement in the early 2000s and managed to stay out of trouble the entire time she was inside. Now she stands as one of the poster children for a realignment-funded pilot program that offers certain low-risk female offenders early release from prison if they agree to wear a monitor and attend a residential treatment centre. When Mari heard about the new program she assumed her acceptance into the program would be easy, but the classification committee felt differently. "They don't want anyone to leave prison and they make it extremely difficult to get out," she said, "everyone I know that is on an ankle monitor has gone through the same kind of hell that I went through." She was initially denied on several accounts. One, because she owed too much restitution money, "and the chances of that getting paid while I'm in prison are..." Another, because she hadn't participated in the Substance Abuse Program during her time inside, even though she wasn't incarcerated for any drug-related offense, "they make this shit up because they don't have any intention of letting you go." Many women are denied early release due to minutiae pertaining to their

living spaces. Corrections Department representatives will complete home visits and report back: “dog in house, dirty,” “mould in basement,” or “no indoor plumbing.”

Mari’s is an inside-out story. She embezzled funds directly from her cubicle at the District Attorney’s office: “That’s why they were so hard on me, if they could have they would have hung me out by the tree.” Prior to that position, she worked as a police officer for twelve years, a fact she shared with no one until the committee asked after her employment history. But they had no record of her ever having been a member of the department, as “the office told them I’d volunteered once or something.” They assumed Mari was lying and she was officially denied early release. It turned out that her son had become “quite the spokesperson” for her while she was serving the first ten years of her sentence. When he heard about his mother’s predicament, he called the senator’s office to work his magic. Days later, she was accepted into the program.

“Well thank god for your son.”

“He kinda looks like you, only he’s 6’5”. You want to see a picture?”

She dug through her purse for a folded photograph: Christmas time, a tall skinny redhead sat pressed against a grinning girl in a roomy booth.

“You wanna see something else?”

Mari heaved her foot onto the rickety table and tugged up her pant leg.

“It’s huge!” The device hung loosely from her ankle.

“It is, isn’t it? Brian! She likes my bracelet!”

Other than that, there was little drama in her telling. I tried to steer the conversation down towards the monitor, but for Mari it doesn’t haunt her as it does for many others. Getting it on was “no big thing,” the parole officer clamped the loop closed with a tool. When she gets it removed in seventy-six days, the same officer will snip it off with a pair of store-bought scissors. “The physical thing I could have done without,” she admits, “you could take it off right now and it wouldn’t be any different, but they don’t get that and I don’t expect

them to." The device seems to her little more than a mean joke and a royal pain.

She shrugs towards Brian, "I can't go anywhere overnight," and cracked a smile. The monitor has to be plugged in every day from 10:00 PM to 6:00 AM. It never comes off: "get up in the morning and I am tethered to my bed so I unplug it and go about my day. I could probably go to Europe if I could get back by ten." Mari's monitor hasn't caused her any severe trouble because she answers first to the rules of the residential program where she resides. On evenings when she has to work late and can't "plug in" until 1:00 AM, there is no fatal alarm. Her probation officer simply calls the program director to confirm the reason for her absence. People who don't have the same support system in place can be tossed back inside for unexplored technical glitches or the normal mishaps that sometimes make people late. A significant portion of the population on monitoring and awaiting trial is homeless, without reliable access to a power source for charging the monitor at night. In such cases, wearing the device increases their chances of being re-incarcerated.

Why then, as a low-risk "3N" offender who is already privy to intensive rules governing her everyday life, is Mari being monitored at all?

Although the prison system destroys thousands of lives every day, it fills the pockets of a powerful few. Writer, teacher, and activist James Kilgore emphasizes the oft-forgotten fact that EM is an industry as well as a policy device. Within the criminal justice system issues of funding have much more sway in defining policy than do concerns with humane treatment or reducing crime. In order to increase revenue, companies like the GEO group (a provider of correctional, detention, and re-entry services) constantly need to expand their user base. In 2010, GEO bought BI Inc., the leading EM manufacturer in the U.S. By 2011, their total annual revenues amounted to more than \$1.6-billion.<sup>-16</sup>

Kilgore served a six-year prison sentence and spent one year on EM as a result of his involvement with the Symbionese Liberation Army, the left-wing revolutionary group active in the early 1970s. On top of the novel that he penned during his time in a maximum-security prison, Kilgore has written extensively about the



criminal justice system and specifically, the complexities of electronic monitoring. Unlike Mari, his experience on the monitor “was just like a form of electronic caging,” in that it negatively impacted every aspect of his so-called “freedom,” from employment opportunities to relationships. He argues that the physical constraints of monitoring programs and the social stigma associated with the device isolates wearers during the particularly difficult re-entry period, a time when social interaction and community involvement are vital predictors of future success.

Mari did not use to be an abolitionist. She says: “I used to think prison was an appropriate place for some people,” but after watching the system flex for ten long years she realized that “there are a hundred other possibilities to make a person whole again instead of pouring proceeds into the Corrections Department—that’s what they are doing and most people are laughing all the way to the bank.” She doesn’t attribute any part of her sobriety, growth, or gratitude to the monitor around her ankle, nor to the years she spent in confinement, but rather to the work she has done post-release in processing groups at the residential facility. Now, she thinks prisons should be replaced by programs like the one she is currently in, but in the meantime, they are struggling. The day after we met, two California Department of Corrections and Rehabilitation (CDCR) employees came and built a fence right through the centre of the residential facility where Mari is currently being housed, halving the space without explanation. “I don’t understand what is going on, but it has to do with funding,” she admits. Under the supposed goals of the realignment strategy, this is the kind of program that should be receiving more funds. Instead, money is being invested in EM and other “high-tech” gadgets such as gunshot detectors. Mari says she knows where the money goes. In spite of the good intentions of legislators, the CDCR and the Prison Guards Union have their own agenda: “To make sure prison guards stay employed, the more people in prisons, the better off they are.” She thinks the CDCR has too much leeway in deciding who can be released and who cannot: “They could easily let 25,000 people out tomorrow and the crime rate wouldn’t go up, but they are terrified of losing their jobs, their swimming pools. That’s just not gonna happen, and they disguise it in all sorts of ways.”

James Kilgore, "Techno-corrections, Ankle Bracelets and Mass Incarceration: Toward A Research Agenda for Electronic Monitoring in the U.S." (article in progress).

The modern program of EM is unsubstantiated by evidence proving its efficacy. Of the scant research that does exist, monitoring is not considered superior to alternative tactics such as "penal code reform, intensive probation, or psychotherapy" in reducing the psychological burden of imprisonment and decreasing the rates of recidivism.<sup>-17</sup>

While most people who are convicted of a sex offense have committed crimes of a sexual nature, some have committed a crime that falls under a sexual category. Such crimes can include public urination, breastfeeding and "sexting." Crimes under this category often receive harsher sentencing than violent crimes, as these laws assume that sex offenders will reoffend. See Richard Tewksbury and Wesley G. Jennings, "Assessing the Impact of Sex Offender Registration and Community Notification on Sex-offending Trajectories," Criminal Justice and Behavior 37, no. 5, (2010): 570-582.

Said research also foregoes considerations regarding one's quality of life and ability to participate in their community while being monitored. If one of the primary purposes of EM is, as stated by proponents, to help people re-enter society, then the rules associated with wearing the device should not inhibit one's ability to do so. Corrections departments fail to consider how wearers will spend their days while monitored. What if a family member needs to go to the hospital past curfew? How should wearers manage the stigma associated with it? Do you go around wearing shorts? How do you excuse yourself from dinner if you have to plug in? Likewise, few establishments are eager to hire an ex-felon on a monitoring device (probation officers can show up at one's home or place of work unannounced). Depending on each situation, EM can be a burden or a constant threat of return to prison; the device never hangs neutral.

Because EM has been used on sex offenders for some time (in certain states, sex offenders must be monitored for life), the experience of this population is key to understanding the intricacies of surveillance without support. Sex offenders are the modern day lepers, "they have to prove their right to exist," says Kilgore, "and as a group they are easy to vilify because the most extreme forms of the crimes are easily categorized as anti-human and anti-child, things people can't possibly understand or comprehend." In reality, however, the definition of "sex offense" ranges from public urination to child molestation.<sup>-18</sup>

This name has been changed to protect identity.

Kerana Todorov, "Malfunctioning GPS bracelet triggers false arrest," Napa Valley Register, November 4, 2011, [http://napavalleyregister.com/news/local/malfunctioning-gps-bracelet-triggers-false-arrest/article\\_8e410026-0694-11e1-972a-001cc4c03286.html](http://napavalleyregister.com/news/local/malfunctioning-gps-bracelet-triggers-false-arrest/article_8e410026-0694-11e1-972a-001cc4c03286.html).

Napa County Corrections Department sought Robert Gable's advice in the case of a man named "F.O."<sup>-19</sup>, who got in trouble with the county for climbing onto his roof and spying on his neighbours.<sup>-20</sup> Upon printing photographs of local women undressing, he was arrested and sent to state prison. When he was released on parole, F.O. was issued a monitoring device, and his transition back into the community was unsurprisingly difficult. He was found working

in a field beside a high school, thus violating the strict boundaries set for him as a sex offender. After being picked up by the county, F.O. was issued yet another ankle monitor, so he had to wear two: one from the county and one from the state.

One night, F.O. was asleep in his bed when one of the monitors went off and a voice-command began barking on repeat, “Return to your assigned area immediately! Return to your...” He was subsequently arrested even though the monitor on the other leg showed that he was precisely where he should have been. After much deliberation, the monitoring company admitted they had made an error. Technical malfunctions or “false positives” are commonplace with these devices, but often the “criminal” is punished without question. Had F.O. not been assigned two monitors, one of which functioned properly, he would have been locked up for life.

The Miami area offers a fine example of terrible EM planning and implementation. One county designed spatial restrictions for sex offenders so carelessly that over 100 people on electronic monitoring could “legally” reside only under a bridge. After complaints from community members about the makeshift campsite found there, the city declared a small patch of ground near the bridge a public park, thereby making the bridge out-of-bounds for sex offenders. A similar story gained national attention when a group of people in Miami who were convicted of sex offenses moved together to a rural community because they couldn’t find any place to live reasonably within the city due to the strict exclusion zones. They called the community Miracle Village. Such legally defined exclusion zones exist in every city across the nation.

Electronic monitoring radically transposes the prison cell to the home: release from prison does not mean freedom but “preferable” confinement. The recent increase of house arrest sentences, in conjunction with EM as a quick-fix to budget crises and overcrowding, is particularly haunting when considered in light of the steady rise of gentrification in urban spaces: “Who has a right to be where?” In a city like San Francisco, where sinister ordinances and legal mechanisms are commonly used to force unwanted people out, it is not difficult to imagine a cityscape where invisible “restrictions” pervade low-income neighbourhoods as “community-

based alternatives." Because the majority of low-income families live in certain city districts, these same areas often have the highest populations of ex-felons. Rather than contributing to the abolition of prisons, EM instead places the burden of confinement onto communities and families by transforming homes into cells.

A majority of the monitors in use today are technologically faulty (there are no legal requirements for pre-testing), and probation officers are often overloaded with cases, both of which problems lead to hazardous holes in the system. Most of the current news coverage about EM involves horror stories that begin with people cutting off their bracelets and either disappearing or committing a heinous crime. In a recent California case, it took days for parole officers to realize that two men had cut off their bracelets. By the time the two men were declared missing, they had already murdered a woman and discarded her body at a trash-sorting facility. As the investigation intensified, more victims were discovered. The two convicted men were high-risk offenders and had cut off their monitors once before. With adequate oversight, they should have been assigned rigorous supervision and treatment. When accidents such as this happen, and they always do, the public is as quick to renounce EM as it was to embrace it, claiming that the device is insufficient for dealing with "criminals" who cannot be controlled. Indeed, it is far easier to blame a faulty object than a broken system. Terrible crimes have been committed by people wearing monitors, and terrible crimes have been committed by people who are not, but as Robert and Ralph Gable state, "unrealistic expectations increase the probability of a backlash of public opinion."<sup>21</sup>

Kilgore suspects that electronic monitoring in its current form will not last long, but that "the surveillance technology of which EM is a subset is a permanent fixture in our society."<sup>22</sup> Surveillance technologies are becoming more advanced, pervasive, and commonplace by the day, in ways that most people have not considered. The Quantified Self (QS) movement, for example, is an international collaboration among makers and users of self-tracking tools. With access to the appropriate tools, you can track just about anything: quality of sleep, steps taken, caloric intake, emotion, frequency of twitching, time management, sexual satisfaction,

productivity, etc. QS Operators lift meaning from raw data. While trends in technology do not necessarily distinguish between populations, the applications do. For vulnerable groups such as ex-felons, the very data that enables certain people to increase their quality of life can also be used to punish others. Once caught up in the web of the prison system, one is forever condemned to a world defined by threats of punishment and ultimately, reincarceration. As long as we live in a punitive society, privacy remains a concern.

For the past three years, James Kilgore has been working as a temporary faculty member at the University of Illinois and has since secured an impeccable reputation among faculty and students alike. In the spring of this year, he played a vital role in keeping a prison in the area from being built. While many applauded his accomplishment, those invested in the proposed prison moved quickly. On February 9, 16, and 23, 2014, the local right-wing paper, The News-Gazette, ran three articles attacking Kilgore by highlighting his criminal past and questioning why the University would hire an ex-felon.<sup>-23</sup> On April 9, Kilgore was informed that his contract of employment would not be renewed in the future.

Kilgore writes: “The existing regimes of EM, while having provided some relief from incarceration, have done little to re-frame the punishment paradigm which continues to dominate our criminal justice system.”<sup>-24</sup> Any alternative to incarceration, no matter how well funded or expertly staffed, will contribute to the carceral rot if operating upon a theory of punishment. Kilgore’s current situation evidences how far we are, even within so-called progressive institutions such as the University of Illinois, from revising such a theory.

Fifty years after the original prototype was created, EM is being deployed at rapidly increasing rates as a low-cost alternative to incarceration. Yet the utopian impulse too often swerves towards purposes of punishment and profit. Prisons play the part of “elsewhere” for a comfortable public. The oft-muted aesthetic of their architecture and placement makes it so that most people need not notice. Only from a rare bird’s-eye view does the haunting geometry of these facilities cause people to question them. But systems of “justice” are becoming more translucent. Budget crises and issues

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Jim Dey, “In Plain Sight,” The News-Gazette, February 9, 2014, [www.news-gazette.com/news/local/2014-02-09/jim-dey-plain-sight.html](http://www.news-gazette.com/news/local/2014-02-09/jim-dey-plain-sight.html).

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Kilgore, “Techno-corrections, Ankle Bracelets and Mass Incarceration.”

of overcrowding are driving corrections departments across the U.S. to reach across barbed property lines and adopt more subtle roofs—each day little prisons erupt in the neighbourhoods of the “free,” seemingly detached from the source but wedded by similar constraints. A revised panopticon is thus created by way of electronic devices. Until the punitive paradigm of the criminal justice system is replaced with one of rehabilitation, familiar humiliations will be housed in different spaces. We can expect that new technologies will simply buttress the current framework as it stands.

When Mari is released from EM in seventy-six days, she and Brian will move into a “cute little apartment” in San Francisco. The rent is terribly steep, but Brian has two more years on parole and he is required to live within city limits. Until then, “I feel like I am still incarcerated. It may be less structured, it may be less restrictive, but it’s still theirs. They still have me.”