

The New Prison Industrial-Complex

State Budgets and Technology in the Age of Declining State Revenue

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There is a new technological trend in the United States that promises to use advances in Internet, GPS, and chemical detection technology to manage states' surging prison and parolee populations. Several states, particularly those with massive budget deficits like California and Michigan, are unable to shoulder the burden of housing more inmates in their dangerously overcrowded prisons. They are therefore dramatically increasing the use of GPS technology to monitor the whereabouts and activities of parolees, as well as using the technology for home detention programs and even alcohol consumption monitoring. While it is true that GPS ankle bracelets have been in use for a few years now, new technology, laws, and applications are increasing the use of such devices in what is soon to be a booming industry - fully dependent upon the corrections system.

In Richmond, California, statistically identified as having America's fourteenth highest crime rate [1], the police recently fitted twenty parolees with GPS tracking devices on their ankles. [2] The devices include paging systems that require the parolee to call his or her parole agent each time they feel the device vibrate. Police officers say that they can use the devices to track parolees and place them at the scene of a crime committed while on parole. The tracking devices do, however, bring into question the status of a parolee's civil liberties and may open the door to court challenges regarding invasion of privacy and other constitutionally guaranteed rights. The political will of several states are fully behind using the new technology and the courts thus far seem to like the flexibility they offer in sentencing and early release. The Richmond program is merely the tip of the iceberg.

In Los Angeles, for example, the police have established the Realtime Analysis and Critical Response (RACR) division, which uses a website called VeriTracks to follow parolees. [3] Parolees wearing the tracking devices are tracked online in real time with their whereabouts shown on a map by a green colored dot. RACR has the ability to type in the location of a crime and determine whether or not a parolee was at the scene of the crime at or around the time of the incident. Governor Arnold Schwarzenegger has been paroling gang members on the condition that they wear the tracking devices and has also begun using the devices on sex offenders. In fact, under a new law called Chelsea's Law, those convicted of violent sex acts against children under age 14 would qualify for lifetime GPS tracking. [4] In 2007, California was projected to spend \$30 million on GPS tracking devices and services. The state now spends around \$80 million annually on equipment and services without any proof that the new technology has made citizens safer. [5]

The State of Florida has signed on to use a new type of technology, sold by the company ActSoft, which not only monitors the whereabouts of a person, but also can detect whether or not that person has been drinking alcohol. Florida asserts that the technology is being

used to free up space in prisons for violent offenders and is even giving people charged with reckless driving with the option of either going to jail to await trial, or staying out on bail with an ankle bracelet that can detect alcohol in their blood. [6] The system works by detecting the presence of ethanol vapors, a telltale sign of the metabolism of alcohol.

Public safety advocates continue to push for greater restrictions on the freedom of movement, and the elimination of privacy rights of those charged with or convicted of crimes. This is not a new platform in the annals of America's criminal justice system. Public figures regularly jump at the opportunity to be perceived as tough on crime and, in fact, are terrified of being perceived as weak on crime. The fear is that public at large will hold politicians accountable for their perceived weakness on crime and, as such, this is a perception that politicians want to avoid at all costs - no matter what the evidence says regarding the effectiveness of "get tough on crime" measures. Fortunately for those fearing the perception of weakness, state budget crises all across America are enabling lawmakers to also use public finances as a justification for the increased use of electronic monitoring, otherwise known as "tethering," on those in the criminal justice system.

States all across the country are engaged in cost analyses and coming to the conclusion that the use of electronic tethers is highly cost effective. One county jurisdiction in Michigan is reporting that people who are incarcerated cost the county \$95 per day, while those who are tethered only cost between \$6 and \$12 per day. [7] In 2007, Florida had to pay approximately \$12 per day for electronic monitoring while incarceration cost the state \$43.26 per day for a man and \$65.46 per day for a woman. [8] The attractive cost differential is being touted by businesses providing the equipment and monitoring services and is creating a new aspect of business in America's prison-industrial complex which once grew as a result of increasing the number of prisons built - whether publicly or privately owned. [9] Whereas the expansion of America's prison system was once an integral part of politics, the "war on crime," and a new economic base for impoverished rural areas, state budget problems have forced the complex to rely on a new form of technology that could one day enable the monitoring of parolees or people in pre-trial confinement to be outsourced to foreign countries. The profit potential for companies providing electronic monitoring equipment and services is noteworthy. Denver's Alcohol Monitoring Solutions has claimed that the market for their products could eventually be worth \$1.3 billion per year. [10]

Civil rights advocates have warned that the privacy, search and seizure, and due process of parolees and others might be violated by having someone watching them around the clock, particularly those who are required to wear the devices for life. Such an obligation equals new punishment after punishment for the crime has already been rendered and time served. Additionally, those required to wear the devices may find it hard to obtain a job and become normal, productive members of society.

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Notes

- [1] "2009 City Crime Rate Rankings," CQ Press , http://os.cqpress.com/citycrime/2009/CityCrime2009_Rank_Rev.pdf
- [2] "Richmond Police Forcing Parolees To Wear GPS Devices," KTVU , May 3, 2010, <http://www.ktvu.com/print/2343923/detail.html>
- [3] Bartholomew, Doug, "L.A. Cops Tap GPS to nab Drive-By Killers; Parolee wearing high-tech ankle bracelet leads cops to fatal drive-by shooters," Baseline , December 1, 2007, <http://www.proquest.com/> (accessed May 4, 2010).
- [4] "Lifetime GPS under Chelsea's Law mainly targets lewd acts," KFMB 760 AM , April 21, 2010, <http://www.760kfmb.com/Global/story.asp?S=12353719>
- [5] Decker, Cathleen, "Another girl's death, another law," latime.com , March 14, 2010, <http://www.latimes.com/news/local/la-me-week14-2010mar14,0,4125153.story>
- [6] Mullins, Richard, "Gadget Is Parolees' Last Call," McClatchy - Tribune Business News , " April 21, 2007, pg. 1.
- [7] See Miller, Jennie, "Tether pilot program aims to prevent jail overcrowding," C&G Newspapers , " April 16, 2008, <http://www.candgnews.com/Homepage-Articles/2008/04-16-08/XG-TETHER.asp> in which Oakland County Judge Wendy Potts says that she had to release 2,500 convicted individuals on early release without oversight, between 2005 and 2008.
- [8] Op. Cit. Footnote 6.
- [9] For an excellent article on the history of the prison-industrial complex, see Schlosser, Eric, "The Prison-industrial Complex," The Atlantic , December 1998, "Three decades after the war on crime began, the United States has developed a prison-industrial complex—a set of bureaucratic, political, and economic interests that encourage increased spending on imprisonment, regardless of the actual need. The prison-industrial complex is not a conspiracy, guiding the nation's criminal-justice policy behind closed doors. It is a confluence of special interests that has given prison construction in the United States a seemingly unstoppable momentum. It is composed of politicians, both liberal and conservative, who have used the fear of crime to gain votes; impoverished rural areas where prisons have become a cornerstone of economic development; private companies that regard the roughly \$35 billion spent each year on corrections not as a burden on American taxpayers but as a lucrative market; and government officials whose fiefdoms have expanded along with the inmate population. Since 1991 the rate of violent crime in the United States has fallen by about 20 percent, while the number of people in prison or jail has risen by 50 percent. The prison boom has its own inexorable logic. Steven R. Donziger, a young attorney who headed the National Criminal Justice Commission in 1996, explains the thinking: "If crime is going up, then we need to build more prisons; and if crime is going down, it's because we built more prisons—and building even more prisons will therefore drive crime down even lower." <http://www.theatlantic.com/magazine/archive/1998/12/the-prison-industrial-complex/4669/>
- [10] Op Cit. Footnote 6.

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