

# **BEST PRACTICES IN ELECTRONIC MONITORING**

**JENNIFER GIBBS – WAKE COUNTY, NC  
TYRONE HARPER – DOUGLAS COUNTY, NE  
ELIZABETH HAMMOND – HAMILTON COUNTY, TN  
JOEL BISHOP – EL PASO, TX**

# INTRODUCTIONS



Jennifer Gibbs  
Executive Director  
Criminal Justice Alternatives  
Wake County, NC



Tyrone Harper  
Pretrial Services  
Administrator  
Douglas County, NE



Elizabeth Hamilton  
Pretrial Services  
Program Manager  
Hamilton County, TN



Joel Bishop  
NAPSA Southern  
Region Director  
El Paso, Tx

# Agenda

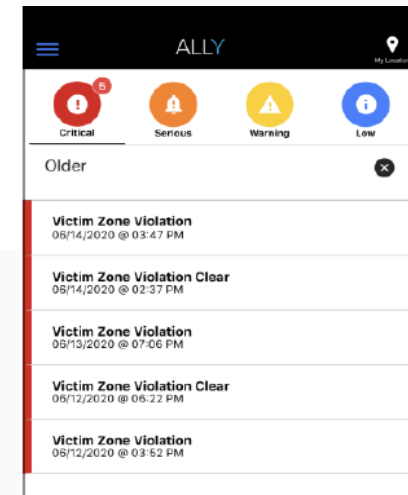
- Introduction
- History, Current Use
- Best Practices
- Stakeholder Education
- Lessons Learned from the Field
- NAPSA standards

# **ELECTRONIC MONITORING**

Evolution, Research and Current Use

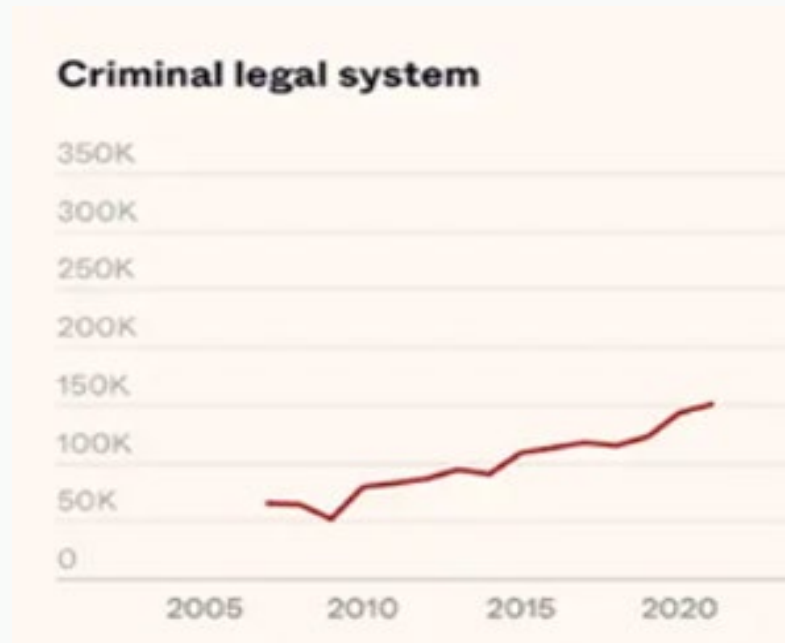
# EM - Evolution

- Developed in 1960's by Harvard Scientists
- Started with Radio Based Systems (RF)
- Modern technology includes:
  - GPS
  - CAM (Continuous Alcohol Monitoring)
  - Remote Breath
  - Smartphone Apps
  - Victim Notification



# EM – Current Use

## Electronic Monitoring Trends in the US, 2005 - 2022



## Recent study from Vera:

- From 2005 to 2021: number of people on EM grew 5X; Almost 10X by 2022
- In criminal legal system:
  - 2005 - 1 person on EM for every 43 incarcerated
  - 2021 - 1 person on EM for every 8 incarcerated

# EM – Research

Limited Research available

- No national reporting
- Studies have limited participants
- Research often contradicts
- Privatized industry with little oversight and no standardization

# Making the Case for EM

- Alternative to incarceration
- Ease jail overcrowding, Reduced costs
- Monitored adherence to Conditions of Release
- Different tools can be used to monitor diverse populations
- DV cases - Victim safety

# Making the Case for EM

## Benefit - use of EM in DV Cases

Exclusion zones around victim locations

Some GPS systems have victim notification capability

- Push notifications, texts through app
- Handheld devices

### State legislation

- Tennessee – 2024 new law requires GPS monitoring in some DV cases
- North Carolina – has statewide monitoring available for pretrial DV cases

## Benefit – CAM Use

The National Center for State Courts (NCSC)

- 81% percent of participants reported that the bracelet helped them reduce drinking
- 75% indicated that they would wear it for longer
- Offenders who wore SCRAM CAM for more than 90 days exhibited a significantly lower recidivism rate compared to those who wore it for less than 90 days.

# EM – At What Cost?

Electronic Monitoring is not evidence based

Increased numbers of technical violations associated with EM

Electronic Monitoring creates financial burdens for defendants. Who pays?

Defendants experience social and emotional issues

Pretrial Service Agencies absorb the burden of EM

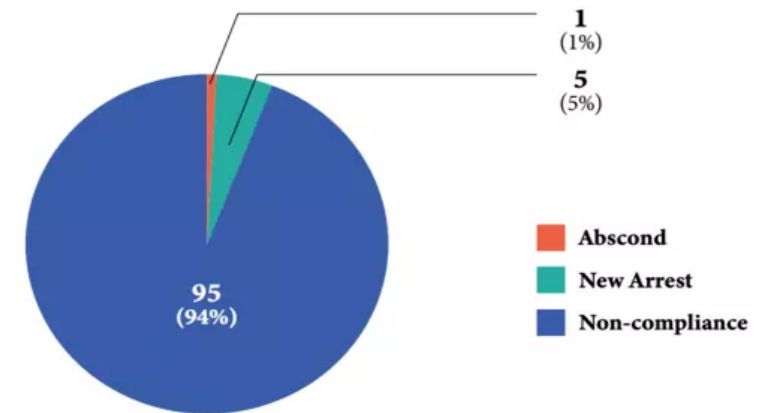
Technology can be unreliable

# EM – At What Cost?

One limited study - 100 participants

- Traditional pretrial failures – FTA and NCA = 6%
- Technical Violations = 94%

**Figure 5: Reasons for Termination from the Pretrial Electronic Monitoring Program (2020)**



*Figure 1: From Pretrial Electronic Monitoring in Los Angeles County 2015-2021, (Virani, 2021)*

# EM – At What Cost?

- Staggering costs of EM
  - Programs charge between \$5-\$35/day
  - Few programs take into consideration the defendant's ability to pay
  - Highly privatized industry
- Pretrial Service Agencies bear the burden of administering complex programs
  - 24/7/365 staffing
  - High needs defendants, often volatile situations
  - Staff burnout common
- Social Hardships
  - Hard to maintain or secure employment
  - Can limit access to routine healthcare
  - Can limit social interactions with family members
- Technology challenges
  - Unreliable data
  - Device issues

# **EM – Best Pretrial Practices**

# EM – Best Pretrial Practices

---

Individualized Supervision

---

Standardized Criteria for EM

---

Non-Financial Means of Release

---

Supportive Services

---

Compliance/Non-Compliance

---

Regular Case Reviews

# Best Practice – Individualized Supervision

Conditions should be least restrictive

- Use validated risk assessment
- Conditions of release should be individualized
- EM should not be standard on any release level

Failure to Appear (FTA) Scaled Score	New Criminal Activity (NCA) Scaled Score					
	1 91% Likely Arrest-Free	2 85% Likely Arrest-Free	3 78% Likely Arrest-Free	4 68% Likely Arrest-Free	5 55% Likely Arrest-Free	6 47% Likely Arrest-Free
1 89% Likely to Appear	Release Level 1	Release Level 1				
2 85% Likely to Appear	Release Level 1	Release Level 1	Release Level 1	Release Level 1	Release Level 2	
3 81% Likely to Appear		Release Level 1	Release Level 1	Release Level 1	Release Level 2	Release Level 3
4 73% Likely to Appear		Release Level 1	Release Level 1	Release Level 1	Release Level 2	Release Level 3
5 69% Likely to Appear		Release Level 2	Release Level 2	Release Level 2	Release Level 2	Release Level 3
6 65% Likely to Appear				Release Level 3	Release Level 3	Release Level 3

Release Activities and Conditions	Pretrial Release Level		
	1	2	3
Mandatory Statutory Conditions	Yes	Yes	Yes
Court Date Notifications	Yes	Yes	Yes
Criminal History Checks		Yes	Yes
Monthly Check-In		Yes	Yes
Weekly Check-In			Yes
Other Case-Specific Conditions	If Needed	If Needed	If Needed

- **Other Case-Specific Conditions – not tied to supervision levels**
  - Electronic Monitoring: Judicial Official assigns Electronic Monitoring, Electronic House Arrest, or CAM
  - Assessment: Judicial Official orders defendant to complete an assessment, such as Mental Health or Substance Abuse.
  - No Contact Orders, to include distance restrictions, and any other appropriate conditions: Judicial Official issues a no-contact order for the defendant.
  - Any other conditions that the Court deems appropriate.

# Best Practice – Standardizing Criteria

- Risk: The defendant poses a risk of harming others or absconding from legal proceedings.
- Substance abuse: The defendant is chemically dependent.
- Recidivism: The defendant has a history of recidivism.
- Charge level: Categories for use
- Background: The defendant's background information is assessed, including health, mental stability, substance abuse history, and prior record.
- Residence: The defendant has a residence, and other people living with them are supportive and willing to make the necessary sacrifices.

# Best Practice – Standardizing Criteria

New Jersey Judiciary Electronic Monitoring Screening Criteria (for Electronic Monitoring as a Condition of Pretrial Release)		
Defendant Name	Complaint/Indictment Number	SBI Number
<b>Part I – Must be completed by the Prosecutor</b>		
<b>Reasons for requesting electronic monitoring:</b>		
1. Victim/Witness		
a. Is the victim/witness a person, not a place of business?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
b. If Yes, will you be able to provide the victim's address to the Pretrial Service staff?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
c. Does the defendant reside within 2500 feet (about half a mile) of the victim/witness residence?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2. Other extraordinary circumstance:		
a. Was the defendant's release recommendation either "Release with condition – Weekly reporting + HD/EM" or "No Release Recommended"?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
b. Explain the extraordinary circumstance:	<input type="text"/> <input type="text"/> <input type="text"/>	
Prosecutor's Name	Prosecutor's Signature	Date
	s/	

New Jersey Judiciary Home Detention Screening Criteria (for Home Detention as a Condition of Pretrial Release)		
Defendant Name	Complaint/Indictment Number	SBI Number
<b>Part I – Must be completed by the Defendant/Defense Attorney</b>		
<b>Residence Parameters:</b>		
1. Does the defendant have a stable residence/address where he/she will remain for the duration of the case?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Address:</b>	_____	
<b>Phone:</b>	_____	
2. Does the defendant reside in a shelter, temporary, or transitional housing?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3. Is the defendant a homeowner, renter, or lessee of the listed residence? If No, provide the name and phone number of the owner/renter/lessee.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Address:</b>	_____	
<b>Phone:</b>	_____	
3a. If the defendant is not the homeowner, renter, or lessee of the listed residence, did the homeowner, renter, or lessee give the defendant permission to live at the residence?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4. Does the defendant understand that home detention is defined as staying in the home at all times, with limited exceptions detailed in the Release Order, and that requests for any temporary adjustment must be made by formal application to the Court?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5. To the best of your knowledge, is any other person living at the proposed residence currently on probation, parole, or charged with a pending offense in New Jersey or any other state or jurisdiction? If Yes, explain:	<input type="checkbox"/> Yes <input type="checkbox"/> No	
_____		
_____		
_____		

Electronic Monitoring Screening Criteria (for Electronic Monitoring as a Condition of Pretrial Release)		
Defendant Name	Complaint/Indictment Number	SBI Number
<b>Employment Information:</b>		
1. Is the defendant currently employed? If so, provide employer information. Please list additional employment on a separate sheet.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Business Name:</b>	_____	
<b>Business Address:</b>	_____	
<b>Business Phone:</b>	_____	ext. _____
<b>Current Work Schedule:</b>	_____	
_____		
2. Does the defendant rely on public transportation to travel to work?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3. Does the defendant rely on others to commute to and from work, so that a curfew may not be met?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4. Does the defendant's work location change frequently?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5. Does the defendant have stable work hours? If No, does the defendant know of changes to his/her work schedule ahead of time, so he/she may notify Pretrial Staff at least 5 business days prior to the change and during regular business hours (M-F from 8am to 5pm)?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6. Does the defendant understand that while on home detention, they will be unable to make last minute switches to their work schedule, accept last minute overtime shifts, or be let out for ancillary tasks not directly related to their work schedule? (e.g. picking up a paycheck on a day off)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7. Any other relevant information regarding employment:	<input type="checkbox"/> Yes <input type="checkbox"/> No	
_____		
_____		
_____		

# Best Practice – No Fees

Pretrial supervision or conditions that impose a cost on individuals (such as supervision fees and costs for drug testing or **electronic monitoring**) lead to the same unfair and inequitable results as financial bail.

- A person's continued release or compliance with release conditions should not depend on their socioeconomic status.

**Best  
Practice –  
Supportive  
Services**

Court Date Reminders

Case Management

- Conditions of Release
- Consequences of Violating

Needs Assessments

Community Based Resources

- Housing
- Transportation
- Behavioral Health

Best Practice  
Regular Caseload Reviews/  
Compliance Reporting

- **Scheduled caseload reviews**

- Compliance reporting
- Target by length of stay

- **Reward compliance**

- Incentives
- Step down program

Client: Supervising Authority:  
Case Number: Contact:  
Offense: DUI - 6th+ Report Prepared on: 9/3/2025  
Date of Birth: Assigned Equipment  
Address: CAM Bracelet

---

Date on Program 6/24/2019 Days Monitored 1389

---

#### Activity

XXXXXX was placed on the SCRAM program on 6/24/2019. This report has been prepared for the above stated period.

**The SCRAM system detected no alcohol consumption events and no tamper events for the reporting period.**

---

**Additional Comments:**

# EM – Reporting Non-Compliance

- Reporting Non-Compliance
  - Standardize protocol
  - Inform Stakeholders
  - Alert court personnel
  - Alert law enforcement

Violation	Program Staff Action	Notifications By Program Staff*	Timing
Exclusion Zone - Confirmed	Call 911 Warrant for Arrest	DA's Office, Defense Atty Victim	As soon as possible
Device Tamper - Confirmed	Warrant for Arrest	DA's Office, Defense Atty Victim	As soon as possible
Strap Tamper - Confirmed	Warrant for Arrest	DA's Office, Defense Atty Victim	As soon as possible
Dead Battery - Confirmed	1st violation - Non-Compliance Report 2nd violation - Warrant for Arrest	DA's Office, Defense Atty Victim	As soon as possible
Inclusion Zone (EHA only)	2 violations - Non-Compliance Report 5 violations - Warrant for Arrest	DA's Office, Defense Atty	Within 24 hrs
CAM Alcohol Violation	Warrant for Arrest	DA's Office, Defense Atty	Within 24 hrs

**EM – Stakeholder  
Engagement/Education**

# Stakeholder Engagement/Education

## Identify Your Decision Makers

- Do you have a Criminal Justice working group?
  - Typical group participants
    - *Judge*
    - *D.A.*
    - *P.D./Defense Counsel*
    - *County Leadership*
    - *Other Court Leadership*
    - *PTS Staff*
    - *LEO*
    - *Jail/Detention*
    - *Victim Rights/Community Groups*

### Identify your advocates:

- Why the working group is important?
- Who is your Champion
  - Who holds authority or political influence over how your pretrial system operates?
- Who are your other advocates?
  - Who will benefit most from your change?
- Who will have the most resistance?

## Identify your goals

- What concepts do you hope to introduce/change?
  - How do you balance your needs with stakeholder needs
  - How do local dynamics impact your goals?
  - What roadblocks will you face?
    - Law Enforcement
    - Community
    - Media

# Stakeholder Engagement/Education

## Identify your communication strategies

### Different strategies for different stakeholders

- Stakeholder Education – Informal
  - Informal Quick Communications
  - One on One Sessions
  - Listening sessions
  - Lunch and Learns
- Stakeholder Education – Formal
  - Meetings
  - Trainings
    - Local Pretrial Conferences
    - NAPSA conferences

\*\*\*This is most important engagement, because it helps establish relationship and is the most frequent\*\*\*

# Stakeholder Engagement/Education

	Beginning	Ending	ADP	Cases Opened	PSAs	Cases Completed	Successful	Successful % - Completed Cases	Unsuccessful	Failed To Appear	NCA	Technical Violation	Unsuccessful % - Completed Cases	FTA %	NCA%	Technical Violation %
July-25																
August-25																
September-25																
October-25																
November-25																
December-25																
January-26																
February-26																
March-26																
April-26																
May-26																
June-26																
YTD Average																

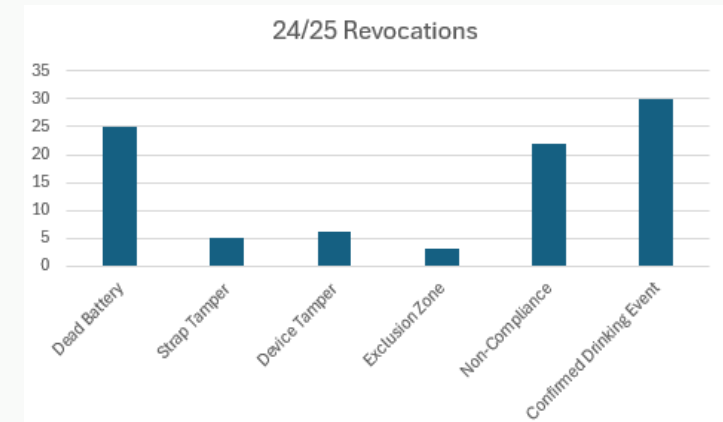
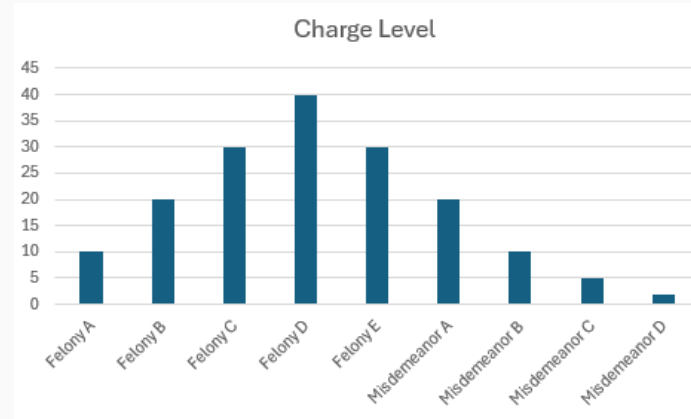
## Use Data to Tell Your Story

- Average daily population
- Success rates
- Types of cases
- Pretrial failures

*NCA*

*FTA*

*Technical Violations*



# Stakeholder Reluctance to Change

Widespread overuse of EM for many reasons:

- Not wanting to appear “soft” on crime;
- Upcoming election cycles;
- Not fully understanding EM capabilities and limits
- Reluctance to let go of the “old ways;”
- Electronic Monitoring is a “feel good” supervision. Does it really make the community safer?

# Overcoming Stakeholder Resistance

- Engage with stakeholders often: Every interaction matters, no matter how short
- Establish expectations of electronic monitoring from the start
  - Provide details on how EM works
- Earn trust through accountability and transparency
- Use others to encourage adaptability
  - Use your champion/advocates

# **EM – Overcoming Common Challenges**

# Common Challenges

- Funding Limitations
  - Unfunded Mandates/Laws
  - Underfunded Programs
  - Statutory Constraints
- Caseload/Staff ratio
  - High caseloads
  - Staffing shortages
- Contingency Planning
- Responses to Non-Compliance
- Managing Public Response to Isolated Incidents

**Debbie & Marie Domestic Violence Act – Tennessee**  
requires GPS and victim notification in some DV cases

**FISCAL IMPACT:**

**Increase State Expenditures –**

**Exceeds \$34,200,000/FY24-25 and Subsequent Years**

**Other Fiscal Impact – Local jurisdictions will be required to implement assessment and monitoring programs. It is unknown of the staffing and resources needed for each individual county. The total increase in local expenditures cannot be quantified, but will be significant and mandatory.**

# Iryna's Law

**Iryna's Law** is a sweeping criminal justice reform bill enacted in North Carolina in response to the tragic stabbing death of 23-year-old Ukrainian refugee Iryna Zarutka on a Charlotte light rail train in August 2025

## Major Changes to Pretrial Release Statutes

- Mandatory House Arrest with GPS for certain defendants (unfunded mandate)
- Many NC counties had no existing EM program and no funding allocated to start one

# Common Challenges – Statutory Constraints

- Look for Additional Funding & Timelines for help
  - TN
    - *EMIF - Fee waiver for alcohol monitor*
    - *90 days on DV Cases*
    - *90 days on CAM*

# Common Challenges – Reduced Funding

- Know your budget
- Identify weak areas (staffing, equipment etc.)
- Advocate for your funding
  - Know your cost avoidance
    - *Cost avoidance – dollars saved by avoiding incarceration*
      - Cost of incarceration - per person/per day
      - Cost of pretrial program - per person/per day
      - Average number of participants in program per day

# Common Challenges – Reduced Funding

- Get Creative
  - What can we do with what we have?
  - How can we adapt and change our processes to meet this requirement?
- Use Technology
  - Case Management Systems
  - EM Monitoring Systems
  - AI

# Common Challenges – High Caseloads/Staffing

- Staffing shortages
- Staff Burnout
  - High Caseloads
  - 24/7/365
  - Secondary Trauma
- Staff Retention
  - Team Building
  - Self Care
- Generational Interaction

## Common Challenges

## Contingency Planning

- Planning for emergencies
  - Weather
    - Power outages
    - Travel restrictions
  - Defendant
    - Medical emergencies
    - Treatment facilities
  - Staff
    - Widespread staff absences
    - Technology failures
- Succession planning

# Response to Non-Compliance

## Types of Violations

- EM Violations
  - Dead Batteries
  - Tamperers
  - Exclusion Zone
- Technical Violations
  - Failure to pay
  - Failure to report

## Types of Responses

- Verbal Warning
- Written Warning
- Increased Sanctions
- Revocation Hearing
- Incarceration

# Common Challenges – Isolated Incidents/Public Response

**“No electronic monitor can override human decision-making”**

- Get ahead of the issue as much as possible
- Be well versed in policy and data
  - Know your success rates
  - Reinforce accountability and public confidence
- Operate transparently

# **NAPSA – STANDARDS**

**Revised NAPSA 2024 Pretrial Standards related to Electronic  
Monitoring**

# NAPSA Standards

- **Standard 1.4** – “If the Court determines that release on one’s own recognizance is insufficient, it may impose the **least restrictive** nonfinancial conditions that would reasonably assure court appearance and public safety.”
- **Standard 1.5** - Financial conditions of bail should be prohibited. Pretrial services agencies should not recommend financial conditions of bail
- **Standard 2.6** - Jurisdictions should ensure procedures to review pretrial release and detention decisions throughout the pendency of the case
- **Standard 2.9:** Pretrial supervision should be individualized to a person’s assessed likelihood of pretrial success and include the least restrictive conditions necessary to reasonably assure the individual’s future court appearance and arrest-free behavior

# NAPSA Standards

- **Standard 3.2(b)** At the initial bail hearing, the court should determine if there is probable cause to believe the individual committed the crime charged before setting bail, ordering conditions of pretrial release or ordering the individual's temporary detention.
- **Standard 3.3 – Release Conditions (governs EM use)** - “Conditions must be the least restrictive needed to address the identified risk.”
- **Standard 4.6: Monitoring and Supervision:**
  - **(4.6a)** - “Monitoring, supervision, and support should include the least restrictive interventions needed to promote pretrial success...”
  - **(4.6b)** - “As much as possible, in-person contact should be reserved for individuals with a higher likelihood of missing a court date, individuals on electronic surveillance (as a means to check surveillance equipment and review supervision compliance)...”

# NAPSA Standards

## NAPSA Standards – Key Takeaways

1. Never endorsed as a default condition
2. Governed by:
  - a. Standard 1.4 / 3.3 / 2.9 → least restrictive
  - b. Standard 1.5 → no cost burden
  - c. Standard 4.6 → minimal, targeted supervision use
3. Treated as a significant restriction that must be justified, individualized, and not wealth-based

# NAPSA Standards

## Legal and Constitutional Risk

Could your EM practices be characterized as:

Excessive conditions (Eighth Amendment)

Wealth-based detention (Equal Protection)

Unjustified liberty restraints (Due Process)

Are you relying on EM in situations where courts should instead be making a detention decision with full due process protections?

# QUESTIONS?

Electronic Monitoring  
Fundamentals – Best Pretrial  
Practices



Jennifer Gibbs

[jgibbs@wake.gov](mailto:jgibbs@wake.gov)

Tyrone Harper

[tyrone.harper@douglascounty-ne.gov](mailto:tyrone.harper@douglascounty-ne.gov)

Elizabeth Hamilton

[elizabethh@hamiltontn.gov](mailto:elizabethh@hamiltontn.gov)

Joel Bishop

[j.bishop@epcountytexas.gov](mailto:j.bishop@epcountytexas.gov)