

Key Findings: Electronic Monitoring of Youth in the California Criminal Juvenile Justice System

The Samuelson Law, Technology & Public Policy Clinic at UC Berkeley School of Law, along with the East Bay Community Law Center, collected and analyzed rules for juvenile electronic monitoring programs in all *58 California counties. Their joint report is the first comprehensive look at how these programs are run statewide. (**Fifty-one of 58 counties use electronic monitoring on youth.*) Key findings include:

Rules Vary Widely in Severity and Scope

Young people enrolled in electronic monitoring programs are typically restricted to a few specific destinations, required to submit advance notice of schedule changes, and responsible for charging their devices. Yet the scope of these rules varies widely. Examples include:

- **Movement:** Many counties prohibit youth from leaving their homes without prior approval, except to go to school, work, court, religious services, or other preapproved activity.
- **Schedule Changes:** Counties may require 72 hours or even a full week's advance notice for a change in the youth's schedule.
- **Number of Rules:** From just 8 program rules in Solano County to 56 rules in Lassen County, the number and complexity of rules varies widely. Outliers require youth to keep their rooms clean and hair cut short.
- **Punishment:** Counties impose a range of punitive measures on youth who fail to follow rules, from simply writing an essay to the more severe arrest and detention in a locked facility.

Fees Hurt Low-Income Families

Financial burdens imposed by electronic monitoring disproportionately hurt low-income families. Typical fees include:

- **Daily Usage Fees:** Many counties impose a daily, weekly, or monthly electronic monitoring fee. Families can apply for fee reductions or waivers, but the process is often complex and difficult to navigate.
- **Administrative Fees:** Some counties charge application, enrollment, installation, and other fees, which can quickly add up. Many counties also require families to pay up to thousands of dollars in costs if the equipment is lost, stolen or damaged.
- **Telephone Costs:** Many counties require youth and their families to own a phone. If it's disconnected, the young person could be incarcerated. This could force a family to choose between paying a phone or electric bill and buying basic necessities.

Other financial burdens include the potential loss of income for parents required to supervise a child at home during work hours. Unpredictable work patterns can also make it hard for many low-income shift workers to comply with rules that require advance notice for a youth's schedule change.

Programs Lack Privacy Protections

Electronic monitoring devices collect an enormous amount of information about a youth's location, activity, and movement. Concerns include:

- **Lack of Information:** Despite the scope and invasiveness of personal data collection, few counties provide information to the youth or their families about the collection, storage, and use of the youth's tracking data.
- **Lack of Privacy Policies:** Most program policies fail to address data privacy at all. Without privacy policies in place, counties—and private vendors—may gather and retain data beyond what is necessary.

Sets Youth Up to Fail

By their very nature, some program rules can easily derail participants. These rules may include the following characteristics:

- **Rigid:** Rules that are too stringent may result in a high number of technical violations, resulting in jail time, as well as increased costs for the family.
- **Complex:** Problems with reading comprehension may make it difficult to understand and comply with a large number of rules or rules that are written using advanced language.
- **Duplicative:** In some cases, juveniles must not only follow rules that govern electronic monitoring, but also rules governing their probation. This can force them to comply with dozens of complex and overlapping rules simultaneously.
- **Biased:** Some rules are subjective and prone to bias. For example, some counties instruct probation officers to judge the "trustworthiness" of a parent or guardian when deciding whether to accept a child into a program.