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Opinion

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Guest: Oversight lacking for companies monitoring DUI offenders

Electronic-home-detention companies monitor hundreds of DUI offenders across the state but receive little oversight, writes guest columnist Rick Carlson.

By Rick Carlson

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STATE lawmakers should be commended for combating driving under the influence (DUI) this past legislative session, but the work is far from done.

There are still many elements that must be addressed, such as bringing much-needed regulation to private electronic-home-detention companies that supervise hundreds of DUI offenders across Washington state.

Judges typically offer electronic-home detention as an alternative to jail. Offenders are confined to their homes except for preapproved absences such as work, court and drug or alcohol treatment. Electronic equipment is installed in the home to monitor the offender's compliance with the curfew.

Instead of costing taxpayers as much as \$85 per day to house an offender in jail, inmates in electronic-home detention must pay for their own housing and expenses, plus pay anywhere from \$12 to \$25 per day to cover supervision costs.

Private companies have taken notice and set up shop across the state. (This is not to be confused with law enforcement or correctional agencies that contract with companies for equipment and technical services.)

When the state Legislature mandated electronic-home detention in addition to jail time for DUI in the late '90s, lawmakers never envisioned private companies would market themselves directly to the offender — which is what companies do today.

In many jurisdictions around the state, including King and Snohomish counties, offenders can shop for the cheapest or most lenient electronic-home-detention company. These companies compete on price and ease, instead of the qualities that would promote a safer community.

DUI offenders are in the driver's seat when it comes to selecting programs that are less restrictive and avoiding those that hold them accountable.

What message does this send to offenders, victims and their families?

The state of Maryland faced an identical problem over a decade ago. After several tragedies they passed legislation to fix the problem. Two months ago Orange County, Fla., suspended all pretrial GPS monitoring by private companies until changes are made.

Washington state can learn from the rest of the country and make changes to electronic-home detention now.

The law should be changed to establish supervision standards on what constitutes adequate monitoring equipment, as well as some means of verifying attendance at approved locations. Is the offender leaving home to go to work or are they spending the day at the beach?

Working with law enforcement, the state should develop reporting requirements including when and how a private company reports violations such as escape. State law does not currently require such reporting.

The state should also require employee-background checks and employee training, which is also not currently required. Before changes were made in Maryland, an employee of a home-detention firm was caught providing lax supervision of an inmate in exchange for drugs.

The state should create specific penalties for noncompliance or criminal conduct, which do not currently exist. In the Maryland example, a grand jury found in part "the lack of regulation, with accompanying rules and standards, limited the extent to which a supervisor or inmate could be held accountable."

And lastly, Washington should designate a statewide entity to ensure that these changes are followed.

The owners of these companies may say that they run responsible programs, and this is probably true of some, but is that good enough? Consider this: In addition to the deficiencies previously mentioned, the records of electronic-home-detention companies are not subject to public-disclosure laws and there is no state agency responsible for regulating or auditing these companies.

Common-sense reform is critical to maintaining the integrity of electronic-home detention as a jail alternative and to making our communities safer. With that in mind, I'm certain reform will come about sooner or later, but I worry about the consequences of later.

Rick Carlson works as a corrections deputy for the Snohomish County Sheriff's Office. He has worked in the electronic-home detention field for the past 13 years.