

Pretrial Detention and the Right to Be Monitored

- This paper develops two related claims. First, in the near term, electronic monitoring will present a superior alternative to money bail for addressing flight risk.
- Secondly, despite the potential benefits to defendants and governments, electronic monitoring is not likely to be adopted by legislative or executive action. The best prospect for meaningful change is clearly the judiciary generally, and the Eighth Amendment's prohibition of Excessive Bail more specifically.



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