

# Slate

## Get Out of Jail Unfree

Dominique Strauss-Kahn traded jail for GPS tracking. Why not let other defendants do the same?

By William Saletan

Posted Wednesday, June 1, 2011, at 11:11 AM ET



France is dismayed. Dominique Strauss-Kahn, the man talked up as its next president, has been indicted on sexual assault charges. Worse, he has to wear a tracking device. "His sudden fall from grace was compounded," says Agence France-Presse, when a judge "granted him bail on condition he wear an electronic ankle bracelet, and submit to round-the-clock confinement under armed guard in a New York apartment." AFP calls the bracelet a "symbol of shame."

*Au contraire.* The bracelet is *très chic*. It signifies wealth and power. Ordinary defendants deemed likely to flee are kept in jail while awaiting trial. But if you're rich, you can finance your detention in fancier digs. Essentially, you can buy a

pseudo-incarceration.


Wealth and privilege have always influenced criminal justice. Rich people can hire better lawyers and make bail. But Strauss-Kahn is no ordinary rich guy. He has powerful friends all over the world. He was arrested on a plane headed for France, which by law can't extradite him. If he escapes the United States, he doesn't have to come back. So his initial request for bail was rejected.

Then his lawyers came up with a better offer. They proposed that he be "confined to home detention at an address in Manhattan 24 hours per day, with electronic monitoring." In a "Detention Protocol" submitted to a New York court, Stroz Friedberg, a security firm hired by Strauss-Kahn's defense team, explained

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that a "Personal Tracking Unit" would "provide real time GPS monitoring" of his location.

With these assurances, the court granted bail. It released Strauss-Kahn from Rikers and ordered Stroz Friedberg to confine him at a Manhattan residence with armed guards, electronic tracking, and 24-hour video monitoring of every door. And it told Strauss-Kahn to foot the bill.

While other defendants rot in jail, Strauss-Kahn now lives in a Tribeca townhouse with five bathrooms, a home theater, a gym, water-jet tubs, a big skylight, and a planted terrace. He has a cleaning service, new linens, and bottled water. He can have four visitors at a time in addition to his family, and he can leave the townhouse, accompanied by a guard, to visit his lawyers or attend religious services. He can prepare his defense in privacy and comfort, and he can walk into court freshly shaved in a suit, looking like more a businessman than a rapist.

Strauss-Kahn isn't the first defendant to make such arrangements. Similar deals were worked out for Bernie Madoff; Saudi arms dealer Adnan Kashoggi; U.S. arms dealer David Brooks; financial fraudster Marc Dreier; domestic-help abusers Mahender and Varsha Sabhnani; John A. Gotti, son of the Gambino crime boss; and Cameron Douglas, son of actor Michael Douglas.

What do these people have in common? They're rich. Financing your detention takes money. The defendant has to post bail and bond—in Strauss-Kahn's case, \$5 million—and provide secure lodging.

Strauss-Kahn's townhouse costs \$50,000 a month. His additional detention costs are around \$200,000 a month. Madoff's home detention, which reportedly cost \$70,000 a month just for the security firm, took more than a year. The Sabhnanis' detention lasted twice that long and cost more than \$2.5 million.

The security firms that get this business portray home detention as an ordeal. "If anyone believes it's better to be at home" than in a federal jail, one company's president told the *New York Times*, "he's never been at home with armed guards in his living room 24 hours a day. You can't go out, you've got no access to computers and you're living in earshot of someone paid to watch your every move." In short, it's just like jail. Except for the five bathrooms, home theater, skylight, water jets, terrace, wardrobe, bottled water, and constant access to your family, lawyers, and multiple visitors.

"Home detention is like jail outside of jail," Edward Stroz, the founder of Stroz Friedberg, tells Bloomberg. But in his next breath, Stroz adds: "That doesn't mean

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you have to treat the client as though he's in jail." In jail, the government pays the bills and calls the shots. In home detention, the defendant pays the bills and thereby gains implicit influence. The court remains in charge but outsources decisions to the security firm, which loses the job if the client freaks out and is sent back to jail. In Strauss-Kahn's case, the court has let Stroz Friedberg decide how many guards he needs, how many visitors he can have, and when he can leave his home. According to the Associated Press, a judge previously faulted the company for letting Mahender Sabhnani stay out until 1 a.m. for business meetings.

Still, the company did its job. The Sabhnanis went to jail. So did Madoff. If defendants are able to live comfortably while guaranteeing their confinement and supervision, there's nothing inherently wrong with that. In fact, it saves money: If Strauss-Kahn were still in Rikers, New York would be shelling out \$6,500 a month to accommodate and guard him.

Instead of opposing home detention for rich people, maybe we should extend its advantages to ordinary defendants. Armed guards are expensive, but GPS bracelets can be remotely monitored from a central location. They give courts a way of securing defendants that's stronger than bail but less costly and onerous than jail. Thousands of defendants and parolees already wear them. The trick is to keep driving down the technology's cost.

Most defendants don't run the International Monetary Fund. They don't

have citizenship in non-extraditing countries or standing arrangements to board any Air France flight. They don't need guards to keep them from escaping justice. They just need an ankle monitor. We can track and restrict their movement without locking them up and paying their room and board. There's no shame in that.

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