

Senator Elizabeth Warren  
Representative Tony Cárdenas  
Congress of the United States  
Washington, DC 20515

Senators and Representatives,

We are writing in response to your letter dated July 26, 2024, regarding the numerous concerns expressed by Congress about the electronic monitoring (EM) industry. We hope to provide context and informed responses to these claims, as both Track Group and the agencies we serve are familiar with several misrepresentations that continue to circulate in an effort to skew public opinion.

We also want to highlight areas in which we agree with Congress regarding any factual instance of abuses by bad actors in our industry, albeit rare. In short, we hope to address your broader concerns, while creating Congressional awareness of electronic monitoring as not only a viable rehabilitative tool for participants but as a life-saving technology for survivors of violent abuse, which we feel is grossly underused and underreported.

As a leading Original Equipment Manufacturer (OEM) our mission is to design and manufacture highly secure and reliable EM technology and victim notification tools that enable GPS supervision of the most high-risk populations (domestic violence, sexual offenders, assault with deadly weapons, etc.) as they return to the community both in a pre-trial and post-adjudication capacity.

More specifically, we contract with government agencies who largely provide EM as one component of a larger case management plan informed by the justice-involved individual's criminogenic risks and needs identified through evidence-based assessments undertaken by the judicial system.

### **Misconceptions about Electronic Monitoring**

As stated by the American Parole and Probation Association (APPA) in their *Response to Criticisms of Electronic Monitoring* white paper (March 2020)-

*“Electronic monitoring has been framed as a misuse of authority designed to expand government control over justice-involved individuals, many of whom are minorities or otherwise vulnerable populations. Some argue that the restrictions associated with electronic monitoring are overly harsh and responses to violations or equipment failures can be extremely punitive. Additionally, it has been reported that the costs of electronic monitoring are unfairly passed down to those who can least afford it and those who cannot pay are threatened with incarceration. Finally, electronic monitoring has been portrayed as ineffective in terms of cost and impact on outcomes.*

*The American Probation and Parole Association (APPA) is aware of these criticisms and misconceptions. While we certainly agree that the technology is not perfect and there remains much to learn about effective and equitable implementation, we believe that the appropriate use of electronic monitoring is an important community supervision tool. Electronic monitoring allows justice-involved individuals to remain in the community (rather than incarcerated), preserve employment, maintain residence, support their families, and access the resources and support needed to improve their lives.”*

## Positive Outcomes of Electronic Monitoring

As with any rehabilitative or correctional effort, a program is only as good as it is managed. While there are varying results depending on the study and population observed, several studies on electronic monitoring have evidenced reductions in recidivism and improved compliance with the conditions of supervision.

Among the numerous studies showing the effectiveness of electronic monitoring, it was found that:

*“Treating alleged offenders with electronic monitoring instead of prison induces a large and significant reduction in recidivism of approximately 48 percent of the raw recidivism rate following detention in prison.”* – (Di Tella, Rafael, and Ernesto Schargrodsy, “Criminal Recidivism after Prison and Electronic Monitoring, 2013)

*“Electronic monitoring reduces reoffending within 24 months by 16 percentage points compared to serving a prison sentence. For offenders who are less than 30, the reduction is 43 percentage points, with sizeable and significant reductions in reoffending persisting for 8 years.”* (Williams, Whetherburn et al., Can Electronic Monitoring Reduce Reoffending? University of Melbourne, 2019)

*“When EM was compared to a control group who received a prison sentence, a statistically significant effect was found for a reduction in recidivism”* – (Belur, Thornton, Thompson, Manning, Sidebottom & Bowers, “A systematic review of the effectiveness of the electronic monitoring of offenders)

A California study of high-risk parolees convicted of sexual offenses on electronic monitoring also showed better outcomes for recidivism (re-arrest, reconviction, or re-incarceration) (Bales et al., 2010; Gies et al., 2012 – A quantitative and qualitative assessment of electronic monitoring, National Institute of Justice).

Studies on the use of EM with individuals accused or convicted of domestic-violence related crimes indicate that tracking positively impacts client behavior and increases compliance with conditions of supervision (Erez et al., 2012, GPS Monitoring technologies and domestic violence: An evaluation study, National Institute of Justice)

The Wall Street Journal published an article in October of 2022 titled *“It’s Possible to Reduce Imprisonment and Crime Rates”* which cited *“A Justice Department supported study in Florida involving more than 5,000 medium and high-risk offenders placed on EM over a six-year period. It found that the risk of an offender failing the conditions of their release was about 31% lower among monitored convicts compared to unmonitored ones.”*

Additionally, a Washington Post article by Molly Gill titled *“Thousands were released from prison during covid. The results are shocking”* stated that *“more than 11,000 people were eventually released (onto GPS). Of those, The Bureau of Prisons (BOP) reported that only 17 of them committed new crimes. That’s not a typo. Seventeen. That’s a 0.15 percent recidivism rate in a country where it’s normal for 30 to 65 percent of people coming home from prison to reoffend within three years of release...”*

Lastly, as stated in APPA's Response to Criticisms of Electronic Monitoring white paper, *"It is not uncommon for justice-involved individuals to acknowledge the benefits of monitoring in their interactions with their supervision officers. Many claim that electronic monitoring has improved their lives by providing the additional structure and accountability needed to help them avoid problematic behaviors. Others point to the fact that the technology offers proof that they are complying with supervision requirements and can be trusted with more liberty. Some participants have noted that monitoring can indicate that they were not in the vicinity of a crime, and as a result can be excluded from suspicion. Further, gang members have reported that monitoring provides them with a ready and acceptable excuse for not participating in gang activities; they do not want the tracking device to lead authorities to their fellow gang members."*

### **Legislation regarding Electronic Monitoring of Domestic Abusers**

According to The National Coalition Against Domestic Violence (NCADV), more than 10 million people experience domestic violence annually in the U.S. On average, between 1,500 to 2,000 people are killed in the U.S. each year as a result of domestic violence-related incidents.

We believe that electronic monitoring with victim notification technology saves lives by providing survivors advanced notice when an associated abuser is detected in violation of protective orders. Below is a list of jurisdictions that have passed laws regarding the use of EM on domestic abusers.

- Tennessee – (SB1972) Debbie and Marie Domestic Violence Protection Act (2024)
- Ohio – (HB 369) Aisha's Law (2024)
- Puerto Rico – House Bill (PC) 731 of Law 54 (2023)
- Washington – (SB 5149) Tiffany Hill Act (2020)
- Louisiana – (Act 440) GPS tracking of domestic abusers (2015)
- Massachusetts - (SB 2199) Melissa's Law (2014)
- New Jersey – (S2910, S509) Lisa's Law (2014)
- North Carolina – (HB 41) GPS tracking of domestic violence offenders
- Wisconsin – (Act 346) GPS monitoring on domestic violence offenders (2014)
- Alaska – (Statue §12.30.027) electronic monitoring for domestic violence offenders (2013)
- Texas – (Crim P. Art 17.49 (e)) Conditions for a defendant charged with family violence
- California – Penal Code Section 1210.7 (2012)
- Connecticut – An Act Concerning GPS Monitoring for Domestic Violence Offenders (2010)
- Illinois – Cindy Bischof Law (2009)
- Florida – Domestic Violence Electronic Monitoring Law (2007)

### **Electronic Monitoring Use in the United States**

As it pertains to the scale of use in the U.S., we'd like to respond to the claim made that *"EM has skyrocketed almost tenfold since 2005"* - a quote from a report by the Vera Institute which states:

*"...in 2021, 254,700 adults were under some form of EM. Of these, 150,700 were subjected to EM by the criminal legal system and 103,900 by U.S. Immigration and Customs Enforcement (ICE)...ICE more than tripled between 2021 and 2022, increasing to 360,000...From 2005 to 2021, the number of people on EM in the United States grew nearly fivefold – and almost tenfold by 2022."*

As the articles cited in your letter also identify, there are nearly 4 million people in the United States residing in the community under some form of correctional supervision (Parole, Probation, or Pretrial). Plus, another 2 million people are incarcerated in federal and state prisons, local jails, and detention centers. That means, eliminating the monitored population under ICE, **less than 2%** of individuals under correctional control are under some form of electronic monitoring.

Given that, 20-25% of the 4 million people on parole, probation, or pretrial supervision were convicted of, or are awaiting trial for, violent crimes (murder, domestic violence, sex offenses, etc.), if EM were used solely on violent cases, only 150,700 of the nearly 1 million violent criminals and defendants under community supervision today would be monitored. As EM is court-ordered on non-violent populations as well, it is reasonable that **over 90%** of violent offenders and defendants returning to the community, and their victims, are under no form of electronic protection today.

Further, the nearly 10 million victims of domestic violence in the U.S. can only hope that Congress would help fund and expand the use of electronic monitoring with victim notification technology. As mentioned above, 14 states and 1 U.S. Territory have passed laws intended to keep victims safe from abusers upon their release from custody by providing victims with advance warning and police intervention when the technology detects that restraining orders have been broken.

We also feel it is important to acknowledge that while ICE's expansion of its use of electronic monitoring has been more significant compared to non-immigration EM growth, ICE monitors **less than 2%** of the undocumented immigrant population that today exceeds 11 million people.

To that end, the growth within this individual electronic monitoring program operated by ICE should in no way represent the growth or use trends in the wider U.S. electronic monitoring market which is predominately operated at the state and county level.

It's also worth noting, that while early forms of radio frequency (RF) home detention equipment were first introduced in the 1980s, the first GPS tracking bracelets that could track the location of monitored individuals in the community and allowed them to leave home while supervised didn't come on to the market until 2003. So, the implication that there's a "*growing reliance*" on the technology by citing its growth from 2005 to 2021 as "*growing nearly fivefold – and almost tenfold by 2022*" would be true (and probably significantly higher) for even the most modestly adopted technology that emerged in 2003 and still existed in 2022.

To that end, the above figures could hardly be described as a skyrocketing use of electronic monitoring when placed in the appropriate context.

### **Abusive and unnecessary fees**

Abuses to monitored individuals on any level, such as extorting unnecessary fees or imposing unreasonable restrictions to court-ordered schedules, are abhorrent and unacceptable. Additionally, Track Group agrees with the American Parole and Probation Association's stance that-

*"...offender fees should be eliminated or significantly curtailed. When necessary due to legal mandates, fees should be based on an individual's ability to pay and this evaluation should be revisited when circumstances change. Finally, we believe that incarceration should never be recommended as a sanction solely for failure to pay fees."*

While we understand there have been reports of abuses as it pertains to fee collection in our market, we believe they are the exception rather than the norm. To our knowledge, most of the leading OEMs in the electronic monitoring space generate most of their revenues from direct B2G (business to government) contracts. Given many government agencies charge EM fees to monitored individuals due to budget limitations or in accordance with state legislation, we encourage Congress to consider supporting appropriations bills that budget for and fully fund EM programs at the county and state levels and eliminate or reduce fees, which should be based only upon one's ability to pay. Incarceration should never be a consequence of one's inability to pay.

Nearly all of Track Group's contracts are direct with government agencies that manage and operate their own electronic monitoring programs. As such, our revenues are all but entirely generated from invoices paid by government agencies and not from monitored individuals themselves. While a small number of government agencies have asked us to manage fee collection over the course of our 20+ years in business, these fees have been imposed by state legislation and are not determined by Track Group. Further, in no setting have we ever been aware of an individual monitored with our technology who was incarcerated or threatened with incarceration for a failure to pay.

#### **Administration of Conditions and Sanctions**

As it pertains to the administration of supervision of monitored individuals, Track Group does not have any authority to impose, change, or withdraw court-ordered monitoring conditions, schedules, rules, fees, or violations of any kind to monitored individuals wearing our technology. As such, Track Group does not play (nor seek) a role in setting the terms of a monitored individual's supervision nor do we have any role in enforcing conditions placed upon monitored individuals by the courts.

While we have read similar articles where monitored individuals have claimed that a 3<sup>rd</sup> party service provider denied an urgent movement request or extorted them for unnecessary fees, we believe them (if substantiated) to be the exception rather than the norm, and do not represent the electronic monitoring market at large. To our knowledge, most OEMs in electronic monitoring provide monitoring technology and software through direct B2G (business to government) contracts where the government agencies themselves manage the supervised population.

To our knowledge, within the small percentage of government agencies that outsource case management services (device installation, service, and removal, drug testing, etc.), the courts are still responsible for approving or denying non-urgent requests for movement or imposing any form of consequence for technical violations. As such, the notion that monitored individuals are "*largely subject to the whims of EM company employees*" as stated in your letter, is simply not true and is a gross misrepresentation of how electronic monitoring programs operate.

Track Group has no desire or authority to supersede court-ordered supervision conditions or impose consequences on the monitored individuals wearing our technology.

As stated in APPA's Response to Criticisms of Electronic Monitoring (March 2020):

*" APPA acknowledges that participating in an electronic monitoring program can be difficult. These individuals are subject to curfews and are granted limited freedom of movement, however we believe it is inappropriate to characterize these devices as "digital shackles". While many agencies closely monitor an individual's whereabouts and schedule, these individuals are in most instances*



*able to work, attend school, treatment programs, and religious services with prior approval. Any variations require an officer's approval; however, this is necessary for supervision purposes. Again, requiring adherence to a strict schedule should not be imposed as punishment, but rather to encourage accountability, and to support transition to a more prosocial lifestyle while promoting public safety. Following periods of compliance, these restrictions are often reduced. In most cases, the devices are eventually removed."*

### **Sharing of Participant Data and Privacy Rights**

In no way has Track Group ever sold or shared participant data to a third party for financial gain or any other reason. Track Group takes privacy rights very seriously. We are one of only a few EM manufacturers that operate within a FedRAMP-certified data center, which requires the highest level of data security and protection of personally identifiable information (PII). Most importantly, all participant data is owned by the government agencies we contract with and is thus not ours to sell or share.

As it pertains to devices that include microphones, these are no different than cell phone microphones and are only activated when a live phone call is made by the participant to the monitoring center for assistance or when a call is made from the monitoring center to the monitored individual.

Live voice communication is an optional feature that can be disabled and is a critical intervention tool used to establish contact during alarm events, such as a breach in restraining orders by a domestic abuser. All monitored individuals sign participation agreements acknowledging the use of the live voice calling feature when enabled by the supervising agency.

Only authorized monitoring center staff can conduct an outbound call to a device and only when following agency-defined alarm handling procedures. In no way is the technology configured to be used for eavesdropping and all calls are recorded to ensure appropriate use of the technology.

### **Information about Track Group and our Technology**

As a publicly traded company (OTCQB:TRCK) our financial information is publicly available. Our products, which can be found at [www.trackgrp.com](http://www.trackgrp.com) undergo rigorous user acceptance testing and certifications. Our devices are both shock-resistant and water-resistant, and consistently perform under normal environmental and atmospheric conditions.

Our devices have undergone rigorous testing in compliance with regulations set forth by the Federal Communications Commission (FCC), International Electrotechnical Commission (IEC), Underwriters Laboratories (UL) and are Ingress Protection (IP) rated. In addition, the device battery incorporates multiple safety features to prevent issues such as over-charging, over-discharging, and over-heating, enhancing overall safety for both the device and the user. Independent safety measures, including Transient Voltage Suppression (TVS) and an electrical fuse, provide further protection against over-voltage and over-current risks.

Our device charger holds UL certification and is equipped with safeguards against over-current and short circuits, ensuring safe and efficient charging. It has earned a Class VI power efficiency rating from the Department of Energy, attesting to its compliance with regulatory standards.

Given these extensive safety processes and certifications, Track Group has never had a substantiated claim of a monitored individual experiencing electric shocks from our technology, let alone “one-fifth of wearers experiencing electric shock” as the article cited in your letter claims.

### Conclusion

We hope our response has both informed Congress and provided additional context with respect to the questions posed in your letter. Additional product and financial information are available on our website and within our public filings with the SEC. Certain other questions are best directed at the government agencies Track Group contracts with and who operate the EM programs, as they own the underlying data and determine the monitoring conditions, which Track Group is contractually prohibited from divulging. In closing, we would like to further echo sentiments from the American Parole and Probation Association’s Response to Criticisms of Electronic Monitoring (March, 2020):

*“Many justice-involved individuals have significant criminogenic needs which require treatment, as well as supervision and accountability. Electronic monitoring is one tool that can support both objectives. When implemented with clear policies in place that are consistent with research on best practices, electronic monitoring can be part of larger case management strategies that can enhance public safety more cost-effectively and humanely than incarceration.*

*It should be noted that less than 2% of individuals under correctional control are placed on electronic monitoring. This is a small number, and it is likely that many individuals currently incarcerated in jails and prisons could be safely supervised in the community with the use of electronic monitoring.*

*If anything, the naysayers should be supporting more electronic monitoring and less incarceration.*

*Ultimately, APPA believes that electronic monitoring should be used for only those individuals who truly require this level of supervision (as determined by a risk/needs assessment or current custody status); be used only for the length of time necessary to accomplish the supervision objectives with incentives for early removal; and the fees for electronic monitoring should be eliminated or significantly curtailed. APPA has many experts on the use of electronic monitoring who can be made available for further discussion and information.”*

As an Illinois-based company employing 175 staff and manufacturing here in the United States, we support Congress in its efforts to curtail potential abuses in our industry. We humbly ask that Congress also explore ways to support the appropriate use of electronic monitoring that help alleviate the high cost and social impacts of incarceration, reduce recidivism, and protect our most vulnerable populations.

Sincerely,



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Track Group, Inc.



Shaun Callahan  
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Track Group, Inc.