

03/21/2022



Re: Opposition to HB 5058

To the members of the House Judiciary-Criminal Law Committee:

The undersigned organizations represent thousands of Illinoisans affected by mass incarceration and electronic monitoring. We are writing to express our ardent opposition to HB5058, which would create a new felony charge for knowingly removing, tampering with, or interfering with the signal of an electronic monitor. HB5058 is ripe for misapplication because of technological deficiencies of electronic monitoring devices. It also needlessly enhances penalties for issues addressed in existing law and would increase unnecessary and unjust incarceration.

Electronic Monitoring Technology Is Unreliable And Results In Frequent False Accusations Of Violations.

A recent [WTTW story](#) highlighted severe technological issues with electronic monitoring devices in Illinois. The devices use GPS technology to report incorrect locations and struggle to track people indoors. As a result, law enforcement officials believe people have left their homes when they have not. Cassie Follett, DePaul University's geographic information systems coordinator, says that there are not technologies mature enough for indoor tracking for legal use.

Michael Matthews, the accused man featured in the WTTW story, took painstaking measures to protect himself from these false accusations by installing a camera in the house where he was staying. Despite evidence directly contradicting the allegations that he violated electronic monitoring, Mr. Matthews spent three months in jail before the State's Attorney's office dropped the violation allegations. Mr. Matthews' situation is not exceptional. We frequently work with people who experience similar unfair allegations of violations because of malfunctioning technology.

Even when these false violations don't cause reincarceration, they lead to severe stress. Jeremy Johnson has documented the [several calls he receives each week](#) from the Cook County Sheriff's Office requesting proof that he is within bounds of his conditions, even though he is asleep in bed or sitting on his couch. These frequent false alerts traumatize people, causing them to live in constant fear of being reincarcerated. Sometimes, a false alert leads law enforcement to go to a person's home and handcuff them while assessing the situation. This process is even more dehumanizing and upsetting when children are home.

Increasing Penalties For Electronic Monitoring Violations Endangers Survivors.

The Women's Justice Institute (WJI) recently supported a survivor of domestic violence charged with escape and reincarcerated for five weeks after her ex-husband forcibly used a hammer to

beat her electronic monitoring device on her ankle. WJI has also supported survivors who were charged with escape for fleeing abuse to protect themselves or their children while on electronic monitoring. Electronic monitoring prevents survivors from leaving their homes without prior approval, which sometimes takes days to secure. Low thresholds for charging monitored people with new crimes harm people experiencing domestic violence or other threats to their safety by forcing them to choose between staying in an unsafe environment or risking a new felony charge.

Existing Laws Already Provide For Immediate Response And Harsh Punishments For Violations.

These situations show the existing extreme punishments imposed in response to alleged violations of electronic monitoring. People are already quickly incarcerated based on these allegations, often unfairly. HB5058 would only exacerbate this issue by creating a new felony charge and virtually ensuring incarceration for allegations of even insignificant violations. Under current law, any violation of electronic monitoring can be charged as a violation of bail bond, which usually results in immediate reincarceration. If a person has escaped from house arrest, law enforcement has the power to charge them with felony escape, which can cause 2-5 years of incarceration or 2.5 years of probation.

The Pretrial Fairness provisions of the SAFE-T Act require people to be in violation for 48 hours before law enforcement can charge them with felony escape. This is intended to reduce the harm of extreme charges for short-term, unsubstantiated allegations of a violation. HB5058 would recreate this problem and provide no corresponding benefit to our communities. This measure would make our communities less safe by subjecting community members to unjust incarceration and wasting law enforcement's time, forcing them to check on individuals whose equipment malfunctions likely caused the alleged violations.

Significant Violations Of Electronic Monitoring Are Statistically Rare.

Law enforcement does not rearrest most people released on electronic monitoring while awaiting trial, and they return to court at the same rates as people released without monitoring. A 2021 report on electronic monitoring in Cook County [released by Chicago Appleseed](#) found that between 2016 and 2020, there were about 18,229 people in Chicago who spent some period on EM through the Sheriff's Office, and over 90% of these people were not rearrested while on electronic monitoring. The Cook County Public Defender's Office found that in 2021, 99% of the over 8600 people on the Sheriff's electronic monitoring were not accused of a new violent offense against another person.

There is no evidence that electronic monitoring enhances community safety, motivates court appearances after release, or reduces rearrests. Electronic monitoring likely increases the risk of further incarceration by making it difficult for people to access resources that support their success, such as employment or education. Electronic monitoring replicates many of the most devastating impacts of pretrial incarceration in jails by severely restricting people's movement.

If HB5058 is called for a vote in committee, we urge you to vote no and protect those you represent from further abuses from deficient technology and insufficient due process.

Thank you for your consideration,

Illinois Network for Pretrial Justice

A Just Harvest

Access Living

American Civil Liberties Union of Illinois (ACLU-IL)

Asian Americans Advancing Justice | Chicago

Believer's Bail Out

Black Justice Project

Black Lives Matter: Bloomington Normal

Champaign County Bailout Coalition

Change Peoria

Chicago Appleseed Center for Fair Courts

Chicago Community Bond Fund

Chicago Democratic Socialists of America

Justice and Witness Ministry of Chicago Metropolitan Association - Illinois
Conference, United Church of Christ

Clergy for a New Drug Policy

Community Renewal Society

Decarcerate BloNo

Faith Coalition for the Common Good

Illinois Justice Project

Illinois National Organization for Women (IL-NOW)

League of Women Voters of Illinois

Masjid Al-Taqwa

Nehemiah Trinity Rising

Peoria Coalition to End Money Bond

Quad Cities Democratic Socialists of America

Religious Action Center for Reform Judaism

Restore Justice

Rockford Urban Ministries

Southsiders Organized for Unity and Liberation

Students for Sensible Drug Policy - IL

The Illinois Prisoner Rights Coalition

The People's Lobby

Trinity United Church of Christ

United Congregations of Metro East

Unitarian Universalist Advocacy Network for Illinois

Unitarian Universalist Prison Ministry of Illinois

Workers Center for Racial Justice

Cabrini Green Legal Aid

Chicago Council of Lawyers

Children's Best Interest Project
Color of Change
Criminal Justice Task Force, First Unitarian Church of Chicago
Equity and Transformation (EAT)
Fully Free Coalition
Illinois Alliance for Reentry & Justice
Lawndale Christian Legal Center
Liberation Library
MediaJustice
National Lawyers Guild: Chicago
The Network: Advocating Against Domestic Violence
ONE North Side
Parole Illinois
People's Law Office
Prison Neighborhood Arts Project
Project I-11
Safer Foundation
Uptown People's Law Center