



State Courts Lag on Electronic Monitoring Data Required by SAFE-T Act

Description

As BGA Policy has consistently highlighted, Illinois's judicial branch is [not subject to FOIA](#), leaving entities like [juvenile detention centers](#), policies and procedures of judicial agencies, training manuals and budget documents to all be kept outside of the public's view. Even when mandated to publish information, BGA Policy has reported on how the judicial branch has been [slow to comply](#). Now, with an unprecedented expansion of electronic monitoring, the public continues to wait on mandated information from the judicial branch that they have yet to make available.

In 2023, the Office of Statewide Pretrial Services launched a probation and pretrial electronic monitoring program for 70 of Illinois's 102 counties. It has since expanded to cover 11 additional counties. This is the first time a single agency is responsible for pretrial electronic monitoring across so much of Illinois. In order to run this program, OSPS, in July of 2023, issued a contract worth up to \$15 million to Track Group Inc. to provide electronic monitoring equipment and software.

Director of OSPS Cara Smith told BGA Policy that as of February 5, 2025 there were 1,772 defendants monitored electronically. At any given time, typically five or six counties have no one being monitored, she added.

OSPS's electronic monitoring program is shaped in part by the SAFE-T Act. The pretrial release provisions of the SAFE-T Act went into effect on September 18, 2023 and changed several aspects of electronic monitoring of defendants, including data collection on the use of electronic monitoring, open movement for approved activities and potential for earned-time credits on pretrial home confinement. The SAFE-T Act [requires the collection of county-level data to begin in July 2022](#), but electronic monitoring data is still not available.

As the part of the SAFE-T Act that eliminated cash bail was going into effect in 2023, known as the Pretrial Fairness Act, bail reform advocates were concerned that abolishing cash bail would lead to an increase in the use of electronic monitoring, as reported by [WBEZ](#). Shortly before the SAFE-T Act's pretrial release provisions went into effect, [61 organizations signed a letter](#) requesting Cook County reduce the use of electronic monitoring, pointing to research commissioned by the Cook County Justice Advisory Council in [2020](#) that recommended Cook County shrink its pretrial electronic monitoring

program.

Analysis of the use of electronic monitoring is difficult because probation and pretrial services fall under the judicial branch, making both the county level programs and the new OSPS program exempt from Illinois's transparency laws.

Although the SAFE-T Act mandates the Administrative Office of the Illinois Courts collect electronic monitoring data and publish reports and analysis based on that data, the AOIC has not yet begun publishing reports or analysis of electronic monitoring data. This stymies efforts to measure the use of electronic monitoring.

The SAFE-T Act

The SAFE-T Act led to broad changes to Illinois's criminal justice system, including the elimination of cash bail. The end of cash bail meant rehauling the way Illinois handles pretrial detention, creating a system where detention is determined based on risk instead of ability to pay to stay out of jail.

As a part of addressing pretrial detention the SAFE-T Act contained a number of provisions regarding electronic monitoring. These provisions impacted the use of electronic monitoring and also mandated that the Administrative Office of the Illinois Courts, OSPS's parent agency, collect data on the use of electronic monitoring.

The SAFE-T Act allows that an individual on home detention or electronic monitoring may receive credit towards their sentence, if convicted of a crime. It also stipulates that individuals on pretrial home confinement, with or without electronic monitoring, must be provided with open movement spread out over no fewer than two days per week for a variety of approved activities, including work, healthcare, and education.

The SAFE-T Act also requires that the Administrative Office of the Illinois Courts collect data on:

- The number of defendants released with electronic monitoring;
- Demographic information of those on electronic monitoring, including race, sex, sexual orientation, gender identity, age, and ethnicity;
- The charges for those on electronic monitoring, and;
- Average length of stay in electronic monitoring.

The Administrative Office of the Illinois Courts also must collect data regarding re-arrest of individuals released pretrial, including the number arrested and charged with a new misdemeanor offense while released, which would include those on electronic monitoring. The data collected also must include information on the number who missed one or more court dates and how many individuals were placed on electronic monitoring after failure to appear in court.

As of November 2024, OSPS has [published](#) detention petition filing data as detention petitions begin when the prosecution seeks detention for a defendant as along with outcomes, for the counties it serves, but has not published electronic monitoring data. OSPS also [links](#) to data dashboards for Cook, DuPage, Kane, McHenry and Winnebago County. Cook County publishes some data on its electronic monitoring program; the other counties share detention petition data but do not have electronic monitoring data.

OSPS's Electronic Monitoring Program

OSPS has entered into a five-year contract with Track Group, obtained by BGA Policy, which stipulates, "Track Group shall provide GPS and Radio Frequency electronic monitoring equipment and software to OSPS." The contract covers from July 1, 2023 to June 30, 2028 for a maximum of \$15 million, over the term of the contract, with the option to renew for an additional five years.

Under the contract, Track Group must provide a number of services to OSPS beyond the electronic monitors and the software to track them. These include: a wide variety of reports, the ability for OSPS to create other reports and analyses not already explicitly laid out in the contract, and alerts for all defendant noncompliance on GPS monitoring.

The contract also requires the Track Group technology to have the ability to "capture and store multiple counties' data separately within the same database and allow for storing and filtering of this data." Track Group also is required to "have the ability to pull information contained in the database and allow the development of custom reports to be printed by OSPS staff members in a common file format."

The contract says that the filters need to be as specific as exporting all "events, alerts, notifications, etc. by unique device," and "support longitude and latitude, speed, direction, and address of each GPS data point and allow for those points to be drawn on a standard map."

On top of the reports that OSPS can generate themselves, the contract also states that Track Group will provide monthly downtime reports and Track Group's own additional analysis that can "quickly analyze offender data to isolate individual loitering locations, visualize "pattern of life" and behavioral trends at no additional cost."

The capabilities of Track Group's software as laid out in the contract would suggest that OSPS can make a variety of reports and analyses, especially the county-level reports that are specified in the SAFE-T Act. However, OSPS has no information on the use of electronic monitoring on its website "meaning vital information about the effectiveness of the electronic monitoring system is kept out of the public eye."

Director of OSPS Cara Smith explained that the public-facing data will be pulled from two different systems, the GPS monitoring from Track Group and the OSPS Case Management system. Smith told BGA Policy that the Track Group data on its own cannot produce the reports they plan to publish because relevant data exists in the OSPS case management software. These data include demographic data and information regarding risk assessments and other material reviewed by judges when determining if electronic monitoring is needed, or should continue.

Because OSPS is under the judicial branch it is not subject to the state's Freedom of Information Act, preventing Illinoisians from understanding the full scope of this new electronic monitoring program. Without FOIA, any reports that Track Group have produced for OSPS, or any reports OSPS have created themselves, are not available to the public, unless OSPS chooses to release them.

Merrick Wayne, attorney for Loevy & Loevy "a law firm that represents the BGA on public-records issues" told BGA Policy that, "Under FOIA there is a presumption that all records pertaining to the transaction of public business are open records subject to FOIA, which would include these reports

if the General Assembly extends FOIA to the Judicial Branch.

In an analysis of the first year following the implementation of the Pretrial Fairness Act, [Loyola University's Center for Criminal Justice](#) stated that for the 44 OSPS counties analyzed, placement on pretrial supervision or electronic monitoring has more than offset the reduction in those detained, with the most dramatic increases in OSPS counties. The report explains this by saying "before the arrival of OSPS, those same counties had no previous pretrial supervision capacity at all."• The report states they were able to get this information because OSPS chose to share some of this data with them, other data came from publicly available sources.

The report also states that GPS monitoring has been ordered only in approximately nine percent of non-detained OSPS cases. The report also points out that in Cook County, which is not an OSPS county, the Sheriff's electronic monitoring program has seen a decrease in use.

The Cook County Sheriff's electronic monitoring program is an anomaly in the state, the only program run outside of the judiciary, and it is now coming to an end with plans to have it absorbed by the Circuit Court of Cook Counties' electronic monitoring program. Although there has long been [pressure to end the Sheriff's electronic monitoring program](#), its end will also mean an end to outside entities being able to FOIA for more information about this program. This will mean that requesting information regarding alerts, notifications and administrative facts will need to be directed to the Office of the Chief Judge, who are not obligated by FOIA to respond to requests.

With the closing of the Cook County Sheriff's electronic monitoring program the people of Illinois will have even less ability to understand the scope of electronic monitoring in their state.

BGA Recommends

The SAFE-T Act was supposed to add transparency. Two years since data collection was mandated to begin and electronic monitoring data still is not available for public consumption. This information is vital for the people of Illinois to understand what their government is doing. Both the executive and legislative branches are subject to FOIA, and Illinois is better off for it. BGA policy calls on the lawmakers to make the judicial branch subject to FOIA so the people can hold all three branches of government accountable.

Until such a bill is passed and made law, OSPS has an obligation to share the data they have on the most expansive pretrial electronic monitoring program Illinois has ever seen.