October 4, 2019

Dear Senator Warren, Representative Ocasio-Cortez and Representative Pocan,

For several years we have been involved in the #NoDigitalPrisons campaign of Media Justice. We greatly appreciate your recent letter to five private equity firms asking for information about their holdings in the prison industrial complex. We are particularly concerned with the response to your query from one of those firms, Apax Partners. In that response Apax alleged that they do not “own companies that provide prison or supportive services.” They do, however, acknowledge their investment in Attenti, one of the largest electronic monitoring companies in the country. They go on to claim that electronic monitoring is “an alternative to incarceration, helping to improve offender rehabilitation and chances of employment, while keeping communities safe.” This is an attempt to mask the truth about electronic monitoring. No evidence exists that demonstrates this punitive technology has any positive impact on rehabilitation, chances of employment or community safety. In fact, in a New York Times Op-Ed author Michelle Alexander referred to electronic monitoring as the “newest Jim Crow”, a transition from one form of subjugation to another.

Our project, Challenging E-Carceration, has gathered evidence from across the country which demonstrates that electronic monitoring is not a vehicle for rehabilitation or support, but another form of incarceration. We have spoken to hundreds of people who have been on the monitor, who have had loved ones on the monitor or who have worked in programs in which people on these devices were participants. Their experience shows that through these devices people are held captive in their house, often blocked from access to employment, education, medical treatment, social services and participation in family and religious activities.

Attenti’s track record bears this out. They operated the contract for the Cook County, Illinois pretrial monitoring program for several years. This is one of the largest electronic monitoring programs in the US. Typically Cook County maintains more than 2,000 people on monitors on any given day. Those on the monitor must get permission from supervisors to leave their house. Stories of the harm done by these restrictions are legion. “Jarrett” was put on a monitor with a curfew of 6 p.m. He was working at UPS and his shift lasted until eleven o’clock. The pretrial services supervisor would not allow him to leave the house
after six. He had to give up the job. Rashanti Mcshane, a Black transgender woman spent nine months on a monitor. She reports that she was unable to secure movement for a month and a half to go and pick up the HIV medicine which she was supposed to take daily. Her lawyer, Lark Mulligan, verified these accounts, noting that her client was constantly calling her to help get movement. Mulligan reported that Ms. Mcshane eventually became so despondent by the regimentation of the monitor that she said if she didn’t get off the device she was going to die. Mcshane and Mulligan both decided that the best option was to accept a plea bargain even though there was a good chance of winning the case. Much like jail, confinement under the EM regime was so harsh, accepting a guilty plea became an attractive option.

In addition to restricting people’s freedom, those on the monitor are often charged a daily user fee for the device. Robert Jackson of Alameda County, California was sentenced to 120 days in jail. Four days into his sentence, his wife passed away unexpectedly. She had sole responsibility for their three children. The court granted him a compassionate release to care for his children, but they put him on a monitor. He had to pay $250 a week for the device, more than half his weekly wage. Eventually keeping up with the fees forced him to sell his car and give up his apartment. He was terrified that if he missed his monitor payment he would be sent back to jail and leave his children without a parent. He is currently a plaintiff in a suit against the monitoring company, LCA services.

Electronic monitoring is not only problematic in pretrial situations. Johnny Page, who spent 23 years in prison in Illinois followed by 90 days on a monitor summed it up like this, “you don’t have to wait for the shower, you don’t have to wait for the telephone but you are still in jail...it’s just another form of incarceration.”

In recent years, this punitive technology has become an increasingly lucrative investment for firms like Apax and Attenti. According to a 2019 report by the Private Equity Stakeholder Project, Attenti serves “400 correctional and law enforcement agencies in over 30 countries.” They monitor more than 200,000 people per year.

The comments of Apax Partners about electronic monitoring are disingenuous. They are trying to dodge the bullet of truth. Recognizing the growth of popular opposition to privately run brick and mortar prisons, Apax is trying to carve out a new market niche for prison profiteers: electronic monitoring. We urge you to ignore their false claims and push forward with your fact-finding mission. Ultimately we hope you will encourage investors to find a more productive home for their funds than Apax Partners and Attenti. If there is anything we can do to assist in your investigation, we would be happy to do so.

Sincerely,

James Kilgore

Myaisha Hayes

For Media Justice #NoDigitalPrisons