

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )  
 )  
Impact of the Global Semiconductor Shortage ) WT Docket No. 21-195  
on the U.S. Communications Sector )

To: Chief, Wireless Telecommunications Bureau

***EX PARTE* COMMENTS OF ALCOHOL MONITORING SYSTEMS, INC.**

Alcohol Monitoring Systems, Inc. (“AMS”), a US-based original equipment manufacturer (“OEM”) and supplier of electronic monitoring (“EM”) devices and offender monitoring services to the criminal justice system, appreciates the opportunity to submit *ex parte* comments in the Commission’s inquiry on the impacts of a continuing global shortage of semiconductors on the U.S. communications industry and on FCC priorities and initiatives. The offender monitoring industry serves the criminal justice system in all 50 states, and is collectively monitoring a quarter of a million offenders at any given time.<sup>1</sup> These offenders include many felons that have committed violent crimes. Monitoring devices currently in use by many state, county and local law enforcement agencies rely upon having robust and reliable mobile data connectivity. A significant number of these EM devices and systems currently in use rely on 3G network coverage provided by Verizon and AT&T, which have announced 3G network shutdown dates of December 31, 2022, and February 22, 2022, respectively. While the industry and its stakeholders are doing their best to upgrade these devices and systems to next generation technology on an expedited basis, the global semiconductor shortage and delays in restarting the global supply chain are preventing US-based contract manufacturers from being

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<sup>1</sup> Nellis, M. (2021). Electronic Monitoring Around the World. In *Oxford Research Encyclopedia of Criminology and Criminal Justice*.

able to obtain 4G chipsets, GPS receivers, and IoT modules needed for replacement equipment. This, in turn, is preventing U.S. manufacturers from being able to fulfill the EM industry's orders in time to meet AT&T's early 2022 3G network shutdown date, creating a significant public safety risk as the U.S. faces a fourth wave of COVID-19 cases driven by the Delta Variant.<sup>2</sup> To make matters worse, policies designed to protect monitored individuals and corrections professionals from surging COVID-19 health risks have complicated and will continue to complicate the device conversion process, since face-to-face visits with monitored individuals are required.

The manufacturing supply chain for communications equipment has suffered an historic disruption that calls for immediate action by the FCC to protect the integrity of 3G networks and systems until the supply chain can be fully restored. Allowing AT&T to proceed with its February 2022 3G network sunset before criminal justice agencies, EM service providers and device manufacturers have completed their 4G transition, will jeopardize public safety and put an extraordinary strain on the resources of law enforcement. State and local governments and agencies that rely on legacy 3G monitoring solutions to deal with domestic abusers, sex offenders, drunk drivers, and other felony-level offenders within the confines of community corrections will be forced to either hope for the best or move many of these high-risk offenders into jails or prisons, a logistical nightmare in the midst of a pandemic that is forcing such facilities to *reduce* the number of prisoners. However, these serious risks can be prevented if the FCC directs AT&T to extend its 3G data service until December 31, 2022.

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<sup>2</sup> Wilson, C., "Driven by the Delta Variant, the Fourth Wave of COVID-19 in the U.S. Could Be Worse Than the Third. In Some States, It Already Is," *Time*, (August 18, 2021). Retrieved from: <https://time.com/6090218/fourth-wave-surpassed-third-in-some-states/>

## Background

In the US, there are more than 250,000 offenders who are monitored using EM in the community corrections setting on any given day. AMS monitors a significant number of these offenders using a suite of EM devices across the Verizon and AT&T networks. These include active GPS, standalone RF/house arrest technology, transdermal alcohol monitoring, remote breath/portable alcohol monitoring, web-based reporting and communications tools, software solutions, and ISO-certified monitoring services and support. AMS also provides critical public safety monitoring services associated with these EM solutions. The Company's customers include state and local sheriff's departments, corrections agencies, state attorneys general offices, state public safety departments, as well as a private service partner network that serves as a proxy for government and law enforcement agencies who do not have the budgets, staffing, or resources to administer EM programs. The service partner channel supervises tens of thousands of individuals per year. These entities manage felony-level, high-risk offenders that are court-ordered to community supervision in lieu of being incarcerated. The offenders being released into community supervision include individuals accused and/or convicted of violent gang-related drug offenses, attempted murder, sex offenses, weapon trafficking, assault and battery, domestic violence, and repeat impaired driving. All of these monitoring entities have a duty and responsibility to ensure public safety, along with the due process rights of the offenders that are being monitored.

More than 4.5 million offenders in the United States are under some form of community supervision, according to a 2018 Pew Policy Brief.<sup>3</sup> EM is likely to increase over time as states

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<sup>3</sup> Horowitz, J. (2018). Pew. **Probation and Parole Systems Marked by High Stakes, Missed Opportunities** 1 in 55 adults is under community supervision. Retrieved from

seek less expensive alternatives to imprisonment. The cost of imprisonment is about six times higher than the cost of electronic monitoring.

Electronic ankle monitors are regularly used in all 50 states and the District of Columbia to enforce supervision orders during probation, parole, and pretrial release. As ankle bracelets have become compact and cost-effective, legislators have embraced them as an enlightened alternative. The COVID-19 pandemic has led many correctional systems to rely upon electronic monitoring to protect public health and safety by speeding the release of certain offenders from confinement, thereby reducing the risk of COVID-19 exposure and spread among people living and working in otherwise crowded correctional environments.

### **Discussion**

The global semiconductor chip shortage is adversely affecting the EM industry just as the COVID-19 pandemic is leading to unprecedented demand for remote monitoring as an effective way to reduce health risks. Until the global supply chain is rebalanced, the 3G-to-4G transition is at risk with respect to the monitoring devices that many state, county and local agencies rely on to maintain the highest level of public safety. AMS and other stakeholders in the EM industry have been diligent in planning for the 3G-to-4G transition. In this regard, the industry's attention and resources were initially focused on manufacturing products and completing the conversion for devices configured to operate on the Verizon 3G network. This made sense because Verizon had originally announced plans to shutter its 3G CDMA network by the end of 2019, and then

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<https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2018/09/probation-and-parole-systems-marked-by-high-stakes-missed-opportunities>

later extended the deadline to the end of 2020.<sup>4</sup> For its part, AT&T announced plans to shut down its 3G network in early 2022 through a February 2019 regulatory filing.<sup>5</sup> After the COVID-19 crisis hit, Verizon set a new 3G CDMA network shutoff date of December 31, 2022, in order to minimize disruptions to its customers' service as they move to newer technologies.<sup>6</sup> However, AT&T's deadline has remained unchanged. As a result, the February 2022 3G network shutdown date announced by AT&T is a more pressing concern for the EM industry because the manufacture, testing and swap out of 4G modules and devices has had to be largely suspended over the past 18 months due to COVID-19 shutdowns. In recent weeks and months, the industry's redoubled efforts to make up for lost time continue to be thwarted by diminished inventories and the slow restart of global supply chains. These forces are much too great for any one company, let alone an entire industry, to counteract.

While the EM industry has done its best responding to the complex challenges of the 3G-4G transition during a global pandemic, social distancing guidelines and other prudent safety precautions adopted by community corrections agencies (*e.g.*, mandatory quarantines after a suspected COVID exposure) have further hampered the industry's ability to get upgraded replacement equipment fully implemented. The replacement of any ankle monitor requires a live meeting with the offender, generally under the strict supervision of the corrections staff. The nationwide shutdowns due to the pandemic have complicated efforts to arrange these replacement meetings. While that situation started to ease this past summer, the recent

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<sup>4</sup> See, *e.g.*, Mike Dano, *Verizon Delays 3G Network Shutdown*, LightReading (July 31, 2019), <https://www.lightreading.com/mobile/3g-hspa/verizon-delays-3g-network-shutdown/d/d-id/753147>

<sup>5</sup> AT&T, Inc., Annual Report (Form 10-K) (Feb. 20, 2019) at p. 2.

<sup>6</sup> Mike Haberman, *3G CDMA Network Shut off date set for December 31, 2022*, Verizon News Center (March 30, 2021), <https://www.verizon.com/about/news/3g-cdma-network-shut-date-set-december-31-2022>.

emergence of the COVID-19 Delta Variant is again confounding efforts to arrange meetings with offenders through the relevant correctional agency and under its supervision. Criminal Justice agencies (courts, probation offices, Sheriff's Departments, jails, and parole boards) are considering further offender contact restrictions, which creates a greater urgency to finalize the conversion of 3G devices to 4G.

AMS is grateful to Congress for passing the CHIPS Act earlier this year<sup>7</sup> to promote and support investment in U.S. semiconductor manufacturing, research and development, and supply chain security, as well as for President Biden's February 24 executive order which recognized that shortages of critical components such as semiconductors "can reduce critical manufacturing capacity and the availability and integrity of critical goods, products, and services."<sup>8</sup> It is vital that the FCC do its part and act for the purpose of promoting and protecting public safety. The Commission should vote swiftly to extend the 3G sunset, in order to prevent potentially tens of thousands of offenders ranging from sex offenders, child abusers, domestic violence offenders, gang members, drug dealers and drunk drivers from going unmonitored, and able to commit dangerous acts without detection. Unfortunately, the risk of individuals being unmonitored will be left to criminal justice agencies to respond to with alternate supervision strategies which may include incarceration. Women who are being protected from abusive domestic partners could be in grave danger. The public, including children, could be at risk from sex offenders. Crime victims and potential witnesses may be put in danger. Unmonitored violent felons may be able to escape detection, forcing the expenditure of untold resources on trying to re-capture them. All of

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<sup>7</sup> William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Pub. L. No. 116-283, 134 Stat. 3388, Div. H, Title XCIX - Creating Helpful Incentives to Produce Semiconductors for America §§ 9901-9908 (Jan. 1, 2021) (CHIPS Act).

<sup>8</sup> Exec. Order No. 14017: America's Supply Chains, 86 FR 11849, Section 1 (Mar. 1, 2021).

these scenarios, and others, create an immediate and serious threat to public safety.

### **Conclusion**

The COVID-19 crisis has disrupted global supply chains and has put the EM industry and stakeholders in the community corrections system – including crime victims – at grave risk, if AT&T’s 3G network service and support are discontinued before necessary conversions are complete. It is appropriate and in the public interest for the FCC to direct AT&T to delay its 3G network shutdown by ten months, until December 31, 2022, and to otherwise monitor the microchip crisis and take steps to protect public safety.

Respectfully submitted,

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