

Promising Practice: GPS Monitoring for Violators of Protection Orders

Blair Gilbert, NCOPFFC Summer Intern

Several states have enacted statutes that grant courts authority to require domestic violence offenders to wear electronic tracking devices. These Global Positioning System (GPS) devices alert victims and dispatch police when offenders are within a certain radius of the victim. Courts have widely used GPS devices to track sex offenders and other parolees, but using electronic monitoring for domestic violence offenders is relatively new. Washington passed the first statute permitting judges to require GPS tracking in 1994.[1]

Nationwide, at least fourteen states (Arkansas, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, North Dakota, Oklahoma, Tennessee, Utah, Washington) have passed laws permitting judges to require an individual who violated a domestic violence protection order to wear an electronic tracking device.[2] The statutes are discretionary, with states varying their method of implementing GPS monitoring. Most jurisdictions allow judges to determine which offenders are required to wear the GPS tracking device, with some states allowing offenders to elect to wear the device as a condition of bail. Other states follow the judge's discretion based on a risk-assessment of the offender, which may include an analysis of factors such as chronic unemployment and previous stalking behavior.

Supporters of electronic tracking for offenders claim it will encourage enforcement of protection orders. One study shows that up to 80% of protection orders are violated,[3] and evidence demonstrates a greater compliance rate with court orders when offenders are electronically monitored. Connecticut used GPS to monitor 119 high-risk domestic violence offenders from 2010-2011. During that time, none of the victims were reinjured.[4]

GPS monitoring may increase victim autonomy and awareness of the offender's whereabouts. The victim gains peace of mind knowing that the offender is being tracked and that they will be warned by email or text if the offender is within a certain distance. In at least one state, the victim may monitor the offender's movements to determine if the offender is near a particular location.[5] Often offenders awaiting trial may choose to wear the GPS device and be released from jail. GPS monitoring allows the offender to continue working and meeting their responsibilities while awaiting trial.

Critics of electronic monitoring note problems with cost and technology. The cost of 24-hour monitoring is often paid by offenders. While the cost is nominal, it still may create a hardship on low-income offenders. Monitoring devices can give poor readings of the offender's location and falsely show an offender has violated a protection order. A failure in technology may lead to a false violation of a protection order.

There are many benefits to GPS monitoring: decreased re-victimization, additional victim peace of mind, and increased victim autonomy. More states are enacting GPS monitoring legislation because of the success of electronic monitoring in other jurisdictions. With more states using GPS monitoring for violators of protection orders, more can look forward to an increase in offender accountability, a decrease in repeat violations of domestic violence protection orders and, most importantly, an increase in survivor safety.

Note: Many attribute the recent rise in states passing GPS monitoring legislation to the Cynthia L. Bischof Memorial Foundation. The foundation was established in memory of Ms. Bischof who was killed by her

ex-boyfriend who had stalked her. Ms. Bischof had a protection order against her ex-boyfriend who repeatedly violated the order by calling her, following her, and breaking property near her house. Bischof detailed her stalker's behavior and their interactions, reporting them to the police. Eventually her stalker spent 60 days in a psychiatric ward. After being released in March 2008, and despite the existing protection order, he killed Bischof and then himself. If the stalker had been monitored electronically, Bischof would have had notification of her stalker's location, and she might still be alive.

[1] Revised Code of Washington 26.50.060(1)(j).

[2] Hannah Brenner, Transcending the Criminal Law's "One Size Fits All" Response to Domestic Violence, 19 WM. & MARY J. WOMEN & L. 301, 344 (2013).

[3] T.K. Logan, L. Shannon, J. Cole, Stalking Victimization in the Context of Intimate Partner Violence. *Violence Victims*, Vol. 22, 669-83 (2007).

[4] Josh Kovner, Domestic Violence Offenders to Be Tracked Again, *The Hartford Courant* (Jun. 29, 2012), http://articles.courant.com/2012-06-13/news/hc-domestic-violence-gps-0614-20120613_1_gps-device-alvin-notice-tiana-notice.

[5] National Network to End Domestic Violence Safety Net Project, GPS Monitoring of Offenders (2010), http://nnedv.org/downloads/SafetyNet/OVW/NNEDV_GPSMonitoring_Tipsheet_2011.pdf.