



# STOPPING DOMESTIC VIOLENCE OFFENDERS IN THEIR TRACKS



## GPS MONITORING OF BATTERERS

Implementation Guide

NOTE: THIS IS AN ALMOST FINAL DRAFT!

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## ✧ TAKING DOMESTIC VIOLENCE SERIOUSLY ✧

### Why We Need This Legislation!

In the United States, at least three women a day are killed by their intimate partners, husbands, ex-boyfriends, or ex-husbands.

In Plainville, CT, on Valentine's Day 2009, Tiana Notice, a graduate student, was stabbed to death by her ex-boyfriend. After Carter began beating Tiana, she sought an order of protection against him. Yet, Carter slashed her tires and violated the order of protection so often that her father installed surveillance outside her home. Earlier on the day

State of Connecticut. This crisis is a national problem that needs to be addressed to prevent further deaths.



In Illinois, Cindy Bischof was stalked for ten months and ultimately murdered by her ex-boyfriend. Cindy, a real estate broker, did everything that she could to protect herself; she obtained an order of protection, which he violated at least three times, had security cameras installed in her homes, and frequently left her permanent Illinois residence to escape to her second home in Florida. Despite these precautions, both Cindy and her family lived in fear of her ex-boyfriend. In addition to causing thousands of dollars worth of damage to her home, he threatened her life and the lives of her family members. Cindy requested that the judge in her case implement a

This past January, in New Haven, CT, Selami Ozdemir, 42, killed his wife, Shengyl Rasim, 25, in a murder-suicide. Neighbours were aware of Ozdemir's repeated abuse of Shengyl. In one prior incident, he was charged with second-degree assault, risk of injury to a minor (they had two children), and misdemeanor threatening when he hit Shengyl on their front yard. A protective order was issued that barred him from threatening or harassing his wife, but, the



In early February 2010, Dia Palafox, 30, was stabbed to death in her New Britain, CT, home by her husband, Juan Palafox, 33, while her three children were also in the home. Less than two weeks before her death, Dia sought a restraining order against her husband, reporting that he had forced her to have sex, threatened to kill her, beat her

## ⌘ WHAT CAN GPS MONITORING DO? ⌘

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*I'm not going back to shelter. I'm going home.*

≈ Dorothy Guinta-Cotter  
Victim of Domestic  
Violence Murder-  
Suicide before GPS  
legislation.

In the wake of this epidemic, people often shake their heads and wonder what could have been done to prevent unnecessary tragedies. One promising answer is the use of GPS technology to contain domestic violence offenders. 13 states now have

### GPS can assist victims and law enforcement in:

- Enforcing the terms of an order of protection, which gives the victim control over her life back.
- Giving law enforcement automatic proof of any violations; violations themselves are indicators of an increased risk of lethality.
- Providing police officers with patterns of violations or near-violations.

*Domestic violence  
relationships  
landmines. There  
there just wait to  
explode.*

≈ Michael Bischof  
Brother of C  
Bischof, vict  
murder-suic  
founder of th  
Bischof Foun  
force behind  
legislation in

## ∞ GPS LEGISLATION ∞

### The Current System

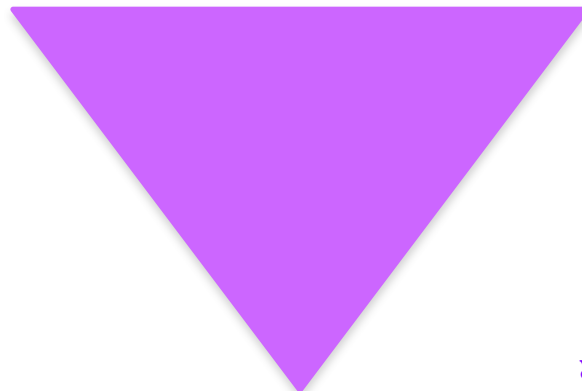
Under the current system, the courts issue orders of protection which give women endangered by violent partners zones of safety—zones where their batterer may not enter. These orders mandate that batterers stay away from their potential victim's home, place of employment, or other area frequented by the victim. The batterers are free to move around and inhabit all other places, while the victim must be constantly concerned about where she goes and always keep

### The Future

In some high-risk cases, orders of protection are not adequate measures to protect women. All domestic violence cases should be treated as potentially lethal. Risk assessments must be used to screen for high risk cases. Those cases identified as high risk should be treated accordingly. GPS monitoring of the offender should be a tool used to increase offender accountability and



**All Domestic Violence Cases**



High Risk Domestic Violence Cases  
Requiring GPS Monitoring

## ∞ HOW GPS TECHNOLOGY WORKS ∞

*The system is not set up to really protect victims of domestic violence.*

≈ Kelly Dunne  
Association Director  
Jeanne Geiger Crisis  
Center  
Newburyport,  
Massachusetts

### Inclusion v. Exclusion Zones

Zones where the batterer may be with the victim should be setting off the GPS monitoring device. Zones should be drawn around the offender, not the victim. Zones of inclusion—rather than drawing exclusion zones around where the victim may be.

### Monitoring Offenders

The GPS tracking system can monitor offenders in different ways:

- ✓ A parole or probation department can monitor the offender itself.
- ✓ An outside company can be hired to monitor the offender. SecureAlert and isecuretrac are two companies that provide offender-monitoring services.

### Alerting the Victim

Victim notification is an essential component of the safety plan in GPS implementation. The victim can be furnished with a special pager or cell phone that notifies her almost immediately if the offender has breached his inclusion zone. **This can give the victim an opportunity and time to leave the area where he is a potential attacker is and could mean the difference between life and death.** GPS devices do not cover

## Logistics of the Technology

GPS devices utilize a bracelet, a PTU, and a charger. The PTU of a two-piece device is a mobile unit that the offender can place anywhere on his body. The PTU sends radio frequencies (RF) back and forth with a light bracelet attached to the offender's ankle. If the offender travels too far away from the PTU, the bracelet sounds an alarm and alerts the monitoring agency, while the PTU time stamps the violation. The agency then calls the offender and warns him to stay within range of the PTU. The

## Tailoring for Rural & Urban Areas

The GPS technology must sometimes be adapted for rural or urban areas. In rural areas a potential problem for GPS technology is a lack of cell towers. This problem can be circumvented through Wireless LAN technology that can access the Internet and eliminate some cellular problems, and radio frequency identification, which is free, works indoors and is already well established. Additionally, dead reckoning sensors based on speed or direction work well indoors and eliminate the problem of losing signals in car rides.

Another potential problem in rural areas does not have to do with the logistics of the technology, but the fact that there may only be one or very few businesses and establishments that both the victim and offender must frequent, such as a grocery store or bank. In order to combat this dilemma, the victim should be able to choose the best times

*North Carolina's Pitt County, a rural area with more than 140,000 people, implemented GPS technology for domestic violence offenders. Following the implementation of GPS monitoring, the county's domestic violence recidivism rate dropped dramatically.*





## ∞ RISK ASSESSMENTS ∞

### The Key to the Program

GPS technology alone is not enough. The technology is only as good as the process behind its imposition. Risk assessments are critical to applying the GPS sanction. Research by Dr. Jacquelyn Campbell of John Hopkins University has identified recurring factors in domestic violence homicide and attempted homicides. Many of these factors affirm the intuitions of police officers and advocates experienced with domestic violence victims. Others, such as strangulation and suicide ideation, are commonly overlooked or addressed with minor alarm disproportionate to their indication of increased risk of lethality. For the justice system, the predictability of the factors indicating a high risk of lethality is a forceful tool in targeting the use of GPS monitoring. Indeed, in Newburyport, Massachusetts the use of risk assessments in tandem with GPS monitoring has produced a violation rate of zero for monitored batterers.

*"It's clearly not the  
for all domestic vio  
cases. That's when  
assessments come*

≈ Diane Rosenfeld  
Lecturer on Law,  
Harvard Law School  
Cambridge, MA

### RISK FACTORS

- ✓ Makes threats to kill the victim/children
- ✓ Recent separation from the victim
- ✓ Owns a weapon(s)
- ✓ Strangles victim
- ✓ Extreme jealousy or possessive behaviors
- ✓ Isolates victim from family and friends
- ✓ Forces sex
- ✓ Stalks the victim
- ✓ Threatens or attempts suicide
- ✓ Commits violent acts toward victim during pregnancy
- ✓ History of disregard for court orders

## Creating a High-Risk Case Management Team

### Implementing GPS Legislation Is a Community Response

The best way to implement new legislation is through high-risk case management teams. These teams lead the implementation of GPS in communities and be composed of various groups, who will bring different and expertise to the table.

#### The management teams should include:

- The local domestic violence organization
- Police officers
- Judges
- Prosecutors
- Advocates
- Probation officers

For a model policy on identifying and addressing the most dangerous cases of domestic violence in a community, see The Greater Newburyport High Risk Response Team and the Jeanne Crisis Center, Inc. (Source: Greater Newburyport High Risk Response Safety and Accountability Plan, 2006-2008).



## **POTENTIAL SAVINGS AND SOURCES OF FUNDING**

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### The Costs in Perspective

GPS monitoring violence	Incarceration of one inmate	Women absent from paid work as a result of do	
\$10.00 per day	Cost of a murder trial	Medical and mental health services for DV victims	
day	\$62.00 per day	30,000 per day	\$185,000.00 per trial \$1, 123, 287.

**Moreover, states have developed various ways to directly offset the monetary costs:**

- ✓ Requiring the monitored batterer to contribute to the costs. Judge can order wage garnishment to ensure compliance with payment requirements. If the defendant cannot afford to help cover costs, he can be required to perform community service of equivalent value. A judge ordering the offender to pay for GPS monitoring should take into account the effect of such an order on the victim if she is dependent on the offender's continued payment of child support or maintenance.
- ✓ Requiring all batterers convicted of a domestic violence related crime to pay a fine allotted to a Domestic Violence Surveillance Fund.
- ✓ A tax on adult entertainment.
- ✓ A tax on all marriage licenses. Domestic Violence awareness

## ∞ FREQUENTLY ASKED QUESTIONS ∞

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### 1. Who is put on GPS?

A: Among other things, GPS can assist in enforcing orders of protection and alerting authorities and victims of violations. The implementation of GPS monitoring should be part of a toolkit of graduated sanctions for batterers. Not all domestic violence offenders should be placed on GPS monitoring. Only offenders deemed a high risk by a dangerousness assessment should be considered for GPS monitoring.

### 2. What should the relationship between a jail sentence and GPS be?

A: GPS can be used as a condition of bail, probation or possibly lead to a reduced jail sentence. This should be done at the discretion of the judge. Courts should be able to impose the monitoring if the judge determines that the result of a risk assessment or another factor warrants this further protective sanction. Violations of orders of protection can be monitored by GPS and lead to proof of protective order violations, fines, or possible imprisonment.

### 3. What about batterer intervention?

A: Batterer intervention is key to breaking the cycle of domestic violence. Although GPS can monitor a batterer's location, batterers will never change their behavior permanently without intervention. Anger management counseling, spousal counseling, and couples counseling should never be used as a substitute for counseling specifically targeted toward batterers.

### 4. Does the device interfere with the victim's privacy?

A: The victims should never be tracked by electronic monitoring. Rather, the device used to monitor the offender should be one capable of immediately notifying the victim of