



TACIR

The Tennessee Advisory Commission
on Intergovernmental Relations



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MEMORANDUM

TO: Commission Members

FROM: Cliff Lippard *Cliff*
Executive Director

DATE: 5 September 2019

SUBJECT: Public Chapter 827, Acts of 2018 (Global Positioning System Monitoring)—
Draft Report for Review and Comment

The attached Commission report is submitted for your review and comment. It was prepared in response to Public Chapter 827, Acts of 2018, which directs the Commission to conduct a study of the effects and implementation of Global Positioning System (GPS) monitoring as a condition of release for defendants accused of stalking, sexual assault, domestic abuse, and violations of orders of protection.

The draft report concludes that, because of the unique and complex nature of domestic violence crimes, pretrial GPS monitoring for domestic violence is most effective when implemented within a well-coordinated system. Examples of support services that can be used to implement a coordinated approach include

- domestic violence high-risk teams, which review high-risk domestic violence cases and involve the participation of multiple agencies to determine and plan needed interventions to help victims;
- family safety or justice centers, which are physical locations where multiple agencies are available in one building for victims to safely receive assistance and services; and
- lethality assessments, more broadly referred to as danger or risk assessments, which use victims' responses to a series of standardized questions to help law enforcement in the field and victim advocates determine the danger a victim is in and connect high-risk victims to services in an attempt to keep them safe.

Memphis' and Shelby County's GPS pilot program—which operated from 2016 to 2019—monitored approximately 400 defendants at a given time as a condition of release for certain domestic violence offenses. Although the program evaluation is not complete as of August 2019, preliminary findings show that defendants who were monitored were less likely to assault either the initial victim again or new victims. The evaluation also concluded that courts, law enforcement, and organizations providing victim support services need to be engaged and committed, and expectations, roles, and procedures for each need to be clear. A pilot project in three judicial districts in Connecticut offers another example of collaboration—it uses an assessment tool and established local implementation teams, similar to high-risk teams. It began in 2010 to test the effectiveness of GPS monitoring of high-risk domestic violence offenders, and by 2013, none of the 168 offenders had re-injured or killed victims.

The outcomes of pilot programs like those in Memphis and Shelby County and Connecticut suggest a way forward for communities interested in implementing similar pretrial programs for victim safety. **To help maximize GPS monitoring's effectiveness for increasing the safety of domestic violence victims during the pretrial period, local jurisdictions should consider adopting it as but one component of a larger coordinated community response—including strong interagency partnerships, cooperation and commitment from stakeholders, and services such as lethality assessments, domestic violence high-risk teams, and family safety centers. Regardless of whether local governments choose to implement GPS monitoring programs, law enforcement agencies should be encouraged to adopt lethality assessments because of their effectiveness as a tool to identify victims most at risk of serious harm or death and to help prioritize their access to services.** The Tennessee Law Enforcement Training Academy already provides training for the Maryland Lethality Assessment Program (LAP)—which is designed for intimate partner violence and has been found to be effective by the US Center for Prevention and Disease Control (CDC)—at no cost to local law enforcement. To participate in the program and receive training, agencies are required to adopt and implement the LAP as part of their protocol.

Finding sufficient and recurring funding for pretrial GPS monitoring in domestic violence cases is an obstacle to implementation. Although Tennessee law requires defendants to pay for monitoring, the majority of defendants cannot afford to. While grants can be used to fund programs initially and can be helpful to get a program started, they are limited to specified timeframes and are not sustainable, long-term funding sources. The Electronic Monitoring Indigency Fund (EMIF), which prioritizes alcohol monitoring devices for driving under the influence cases (DUI), has very limited

funds for GPS monitoring—it reimburses 50% of the cost to local governments, and local governments are required to match the other 50%.

Given the importance of operating a pretrial GPS program within a larger coordinated community response, **if the General Assembly appropriates additional funds specifically for real-time GPS monitoring of domestic violence defendants, it should require that local governments drawing money from the fund, at a minimum, adopt a validated lethality assessment tool to both help identify which domestic violence victims are in the greatest danger and immediately connect those victims with services to keep them safe.**

The number of defendants subject to GPS monitoring will also affect program costs. Because defendants have not yet been convicted of a crime, deciding which defendants should be monitored requires balancing victim safety with defendant’s rights. Following a recommendation in its preliminary evaluation, Memphis and Shelby County determined that going forward their program would be limited to the subset of domestic violence cases involving intimate partners. **Other local governments adopting pretrial GPS monitoring programs may also choose to prioritize high-risk cases and certain types of offenses, including intimate partner violence, strangulation, stalking, threats involving firearms, or violations of protection orders.**