

More States Use GPS to Track Abusers

By ARIANA GREEN

The New York Times

May 9, 2009

NEWBURYPORT, Mass. — When Theresa, a 51-year-old mother of two living near this coastal town, filed for a restraining order against her husband, she thought it would help put an end to the beatings, death threats and stalking that had tormented her family for years.

She won the order, but her husband, Joel, a West Point graduate with a master's degree who police reports say hid 17 guns in their home, did not seem to care. He violated the restraining order three times, she said.

"He'd come to our child's school and beat both of us up in front of everyone," Theresa said.

In Massachusetts, where about one-quarter of restraining orders are violated each year, according to the state's probation office, a recent law has expanded the use of global positioning devices to include domestic abusers and stalkers who have violated orders of protection. A judge ordered Joel to wear a Global Positioning System monitor, alerting law enforcement officials if he went near his wife's house, her work or their children's school.

"It was the first time I could turn my house alarm off and feel O.K.," said Theresa, who has since been divorced and who insisted that only her first name be used, to protect her children's privacy.

Twelve other states have passed similar legislation — most recently, Indiana this week — and about 5,000 domestic abusers are being tracked nationwide, said George Drake, who oversees Colorado's Electronic Monitoring Resource Center, which gathers data from equipment vendors.

But the path to the system's widespread use has been bumpy. It is still hard to protect families who live in rural areas or where there are not enough police officers to respond quickly. With the economic downturn, states have cut money for training the police and judges in GPS use, and some places with legislation in place say they cannot afford it.

It is up to a judge, in cases of extreme violence, to decide whether to order its use before trial, as a condition of bail or as a sentence. That has led to complaints by the American Civil Liberties Union and others of too much leeway for judges.

"Until they know how GPS can be used and how successful it can be, judges are reluctant to order it because it's unfamiliar," said Judge Peter Doyle of Newburyport District Court. "Without seminars and convincing presentations, I wouldn't have been comfortable ordering it."

The scope of stalking was revealed in a study released by the Justice Department in January, which found that 3.4 million people had been subjected to stalking over a one-year period. As this week's fatal shooting of a Wesleyan University student showed — the victim, Johanna Justin-Jinich, 21, told the authorities two years ago that the suspect, Stephen P. Morgan, had repeatedly sent harassing e-mail messages — stalking often includes sending threats online and

lurking outside homes, offices and schools. Often the only way victims can prove that they are being stalked, experts say, is through new technologies like GPS.

Newburyport, a city of 17,000 about 35 miles north of Boston, has been a testing ground for some of the most effective training programs in preventing domestic abuse.

Kelly Dunne, associate director of the Jeanne Geiger Crisis Center here, has helped seven other cities follow the model of the Greater Newburyport High Risk Response Team, which brings together police officers, district attorneys, probation officers and others to decide which domestic violence cases should be recommended for GPS monitoring. Last year, her group trained over 1,000 advocates, prosecutors and officials from other states, alerting them to the danger signs in offenders' behavior.

Experts say the program can help save lives. Domestic-violence-related homicides increased 300 percent in Massachusetts from 2005 to 2007, according to Jane Doe Inc., the Massachusetts Coalition Against Sexual Assault and Domestic Violence, while in Newburyport, where a High Risk Team was in place, there were no such homicides in that period.

"Using GPS monitoring to enforce an order of protection makes the order more than just a piece of paper," said Diane Rosenfeld, a lecturer at Harvard Law School and a longtime advocate of using GPS in domestic abuse cases. "It's a way of making the criminal justice system treat domestic violence as potentially serious. By detecting any escalation in the behavior of a batterer, GPS can prevent these unnecessary tragedies."

Ms. Rosenfeld's research found that about one quarter of women who were killed by their domestic abusers already had restraining orders.

Alexis A. Moore, 34, founder of Survivors in Action, a nonprofit organization for crime victims, said that her former partner had violated a restraining order more than 30 times over four years, but that she had no way of proving it. She said he had slashed her tires, lurked outside her home and harassed her online. She said California lawmakers had told her there was no money to pay for GPS monitoring where she lives, although legislation allowed for it.

"My stalker continues to make a game of getting away with restraining order violations — because he can," Ms. Moore said.

In Massachusetts, about 100 people accused of domestic abuse are monitored by GPS. They are charged \$8 a day for a cellphone-like device that clips to a belt, an ankle bracelet and a home charger. Their movements are monitored by three control centers, and if they break an "exclusion zone" around the victim or her children, the police are notified.

Tracey Mutz, 43, who works in sales in Louisiana, said she was raped at gunpoint by her former boyfriend, a sheriff's deputy who is currently on GPS monitoring while awaiting trial. "I don't think GPS is enough to keep us safe," Ms. Mutz said. "Five women have come out in public about his abuse."

Violent abusers can always remove their GPS monitors, as Theresa's former husband did in Massachusetts.

After being a fugitive for eight months, Joel was caught and began a yearlong prison sentence in March. Theresa, who now has a permanent restraining order, said she wanted GPS monitoring ordered for him when he is released.

"I'm hoping next time that he will be too scared of being caught to take it off," she said.

http://www.nytimes.com/2009/05/09/us/09gps.html?_r=1&emc=tnt&tntemail1=y

Copyright © 2009 The New York Times Company