



- [Home](#)
- [In this issue](#)
- [Events](#)
- [Appellate Summaries](#)
- [Advertisers](#)
- [Jobs](#)
- [About Us](#)
- [Subscribe](#)

Monday, November 17, 2008

Search The Articles Archive.

 [Article Feed](#)

[Home](#) / GPS law gives abusers little latitude

GPS law gives abusers little latitude

November 12, 2008



[By Maria Kantzavelos](#)

The same sort of technology known for helping lost motorists find their way is at the heart of legislation set to take effect Jan. 1 in Illinois, which has joined a growing number of states in adopting a measure that allows judges to order satellite tracking of people who violate orders of protection.

Advocates for victims of domestic violence and prosecutors say the use of GPS technology to monitor abusers under the Cindy Bischof Law — named for a 43-year-old real estate broker from Arlington Heights who was gunned down in March by an ex-boyfriend who at least twice violated her protective orders from a Cook County judge that prohibited him from contacting her — could help to add teeth to restraining orders and to possibly prevent future violence.

"It's another tool in the toolbox," said Mary S. Trew, executive director of the Domestic Violence Legal Clinic in the Cook County Circuit Court's central Domestic Violence Courthouse on Harrison Street in the West Loop. "You can do the orders of protection and say, 'Stay away.' But this has a means where you can monitor that, and actually warn people. It's like a missile shield, or a radar shield, where you have time to take cover because you've got incoming fire. I guess it's analogous to a defense system for a country — just another weapon in the arsenal."

The law calls for the use of "the best available" technology to track order violators — technology capable of immediately notifying law enforcement authorities, or others monitoring the movements of a person fitted with a GPS satellite device, when the person comes near a court-determined exclusion area, such as the potential victim's home or workplace.

The law also calls for the technology to allow monitors to speak to the alleged offender through a cell phone implanted in a GPS bracelet device, and to activate an alarm that would warn the alleged victim when a court-imposed boundary is breached.

Under the law, judges will have the option to order GPS tracking of a person charged with violating a protective order, as a condition of bail, and of offenders sentenced to probation for such violations. The law requires GPS monitoring as a condition of parole in certain cases sent to the Illinois Department of Corrections.

Cook County Chief Judge Timothy C. Evans — who recently formed a committee to examine the workings of the county's main Domestic Violence Court, as well as its satellite courts in suburban districts, to see where improvements can be made to the system — said he supports the new law.

"We enter orders of protection every day, but as you and I know, the victims sometimes get hurt even with the order of protection in their hand," Evans said. "And, sometimes these perpetrators don't care if they're going to be caught. They sometimes kill themselves even after they kill the victim."

Such was the case with Bischof, who died at the hands of her ex-boyfriend, Michael Giroux, who then turned the gun on himself, said Bischof's brother.

Michael Bischof said his sister, who had taken numerous steps to try to protect herself, had inquired about using GPS technology before she was killed months after her ex-boyfriend was released from a mental hospital for violating a protective order by trying to hang himself in the woman's backyard.

"My sister was a very creative, articulate, outside-the-box thinker, and this was her idea," said Bischof, who spearheaded the Illinois initiative that led to the legislation's passage in August.

"I felt like this was the baton that was handed to me: 'Take this and see to it that others don't suffer the same fear I did.'"

Bischof said GPS monitoring could have made a difference in the case of his sister, who was shot as she was leaving her Elmhurst office.

"This is a woman who lived in fear for nine months of having to look behind her back everywhere she went," he said. "If she were warned that he were within a certain distance of her work the alert would

have gone off and, certainly, no one is going to go out to the car if this is the case.”

Ketki Steffen, a Cook County prosecutor in Rolling Meadows who serves in the Domestic Violence Unit of the state’s attorney’s office, handled Bischof’s case.

”There are a handful of cases which make your hair stand up as a prosecutor,” Steffen said. ”There’s a handful of cases where, before this legislation was passed, you could not do much more than issue that piece of paper or put the defendant in jail for a limited amount of time.”

Steffen called the law a ”gift to prosecutors.”

The GPS data, Steffen said, ”will provide me with direct evidence. If there is a violation, I can prove that the person with the bracelet was at this location at this time.”

”It helps keep my victim safe, by giving her an alert when the defendant is in her vicinity,” Steffen continued. ”And, I think there’s a psychological deterrent on the defendant when he knows there’s an eye in the sky watching him at all times.”

Steffen speculated that she would likely pursue an order calling for GPS tracking of defendants about once a month in certain cases.

”If the defendant has a criminal background for violating an order of protection in the past, if there is a history of mental illness, or alcohol or drug abuse, those to me would be red flags that this type of use of GPS would be appropriate,” Steffen said. ”I would ask the judge to consider that, and the defense attorney would have a chance to object, to ask that the use of the device would be limited. The judge would decide what is a fair and equitable use of the device, based on the facts of the case.”

Ironing out the details

With only a few months remaining until the measure hits the books, however, officials in early October said some of the logistics for how the law would be implemented in Cook County and throughout the state remained unclear.

”The GPS system, I think, will be an added means by which the court and individuals administering the system can protect victims from domestic violence,” Evans said. ”But, there are a couple of issues.”

For starters, Evans and other officials said, there’s the issue of cost.

The law imposes a new fine of at least \$200 on every person who is convicted of violating an order of protection, and creates the Domestic Violence Surveillance Fund.

However, much of the costs associated with a GPS tracking program will likely fall on county probation offices, said Jesus Reyes, acting chief probation officer for Cook County.

The law calls for Illinois’ Division of Probation Services to develop uniform standards for the implementation of the program through county probation departments.

"The law, as passed, is not very clear in terms of how this is to be paid for. It calls for a fine of \$200. Beyond that, it is silent on how individual departments throughout the state will accrue that money," said Reyes, who estimated the cost of equipment, alone, to range from \$6 to \$12 per day, per person, depending on its capabilities.

Reyes said, in October, that his department was gathering information from providers of GPS systems in order to put together requests for proposals.

"There are two big challenges as I see it. One of them is obtaining the equipment the law requires," Reyes said. "The other major challenge I see is that the law calls for this to be monitored 24 hours a day, 365 days a year. From all of the providers that we have seen once their system detects a violation of an exclusionary zone, their system triggers — on an automated basis — notification to us. It can be done by e-mail, a text message, through a cell phone. Once we get this signal, then we take it from there, and that will necessitate a couple of things.

"It's going to take coordination by several players in the system to be sure that this works as it's supposed to work."

Another concern, Reyes said, is dealing with the limitations of GPS technology.

"We all know, from using our cell phones, that we could be talking to someone and get into an area where we lose a signal," he said. "We would not want there to be a false sense of security to be conveyed as a result of this being in place."

Reyes estimated that more than 500 defendants at a time are found to have violated an order of protection in Cook County.

"That is a number we are focusing on," Reyes said. "That tells me we need to be prepared, if a judge orders it."

But others stressed that the GPS tool is not likely to be used in the cases of every offender who violates an order of protection.

"Depending on the assessments of these offenders, those that are deemed to be high-risk will be those we hope to be mandated by the judges to be required to wear these bracelets," Michael Bischof said.

"There are probably far fewer people that'll be on this than just looking at the numbers of X violations per year and X number of bracelets."

In Illinois, GPS monitoring is used to track certain paroled sex offenders who are considered sexual predators. Under the Cindy Bischof Law, a person convicted of violating an order of protection, as a condition of parole or early release, "shall" be ordered to wear a GPS device.

In recent months, there were nearly 300 paroled sex offenders on GPS monitoring at a daily cost of around \$9.30 each, said Illinois Department of Corrections spokesman Derek Schnapp.

"We think it serves as a good deterrent for the parolee on what they can and can't do," Schnapp said.

Schnapp said the IDOC has a contract with Boulder, Colo.-based Behavior Interventions Inc., which subcontracts with a center in Aurora, which monitors the GPS tracking of parolees 24 hours a day. If a parolee on GPS monitoring enters a forbidden area, the center contacts parole agents, who "determine the plan of action from there," Schnapp said.

Dawn Dalton, executive director of the Chicago Metropolitan Battered Women's Network, said the organization has been part of an ad hoc team of policymakers that have come together to try to figure out the best way to implement the GPS program as it relates to domestic violence cases in Illinois.

"Some of the things that we've identified that need to occur, first and foremost, is training and educating those impacted by the legislation — from judges to the state's attorney's office, law enforcement officials, victim advocacy groups, and survivors, themselves," Dalton said. "That's a big piece of it, because this is really reforming and changing the way that the systems are responding to violations of orders of protection. This is a new remedy."

For example, Dalton pointed out, the law requires judges to order a person charged with a violation of an order of protection to undergo a risk assessment evaluation at an Illinois Department of Human Services protocol-approved partner abuse intervention program. Based on the results of that assessment and other circumstances of the alleged violation, the law says, a judge may order that the person, as a condition of bail, be placed under electronic surveillance.

"Any person who's charged with [violating an order of protection] has to have this risk assessment done," Dalton said. "One of the challenges with that is, out of the 102 counties in Illinois, 62 of them do not have a partner abuse program. The judge is supposed to take the results of this risk assessment into consideration when figuring out the conditions of bail. It's implied that there is a short turnaround time from the time the defendant is taken into custody and the bail is granted, that this risk assessment needs to occur."

Assessing the danger

The Cindy Bischof Law is similar to legislation adopted last year in Massachusetts, which is among the first states to begin using GPS monitoring in domestic violence cases.

"The technology is so well-matched to containing a domestic violence offender, even better than with sex offenders, because we know who the intended victim is in domestic violence cases," said Harvard Law School lecturer Diane L. Rosenfeld, who proposed the idea for the bill that passed in Massachusetts and also took part in the legislative initiative in Illinois.

For the program to work, Rosenfeld stressed, people who are placed on GPS monitoring should be those who are considered "dangerous" based on assessments that screen domestic violence cases for "lethality" indicators to identify which offenders present a high risk to their victims.

"A critical thing about GPS technology is that it, on its own, is not the answer. It has to be part of a comprehensive response to domestic violence, where you're constantly assessing the danger of the situation," Rosenfeld said. "Not everybody who's subject to orders of protection needs to be on GPS. A judge should really look at every individual case and take into account the information given to her by a high-risk team, and manage it accordingly."

"We have 25 years of sound research on domestic violence homicides that we apply to the danger assessment evaluation," Rosenfeld continued. "It turns out these cases are really predictable. Law enforcement has to take them seriously."

In Bischof's case, Rosenfeld said, "one indication is the victim's level of fear. Then he had all these mental health issues. Suicide is a lethality indicator because these guys don't like to go alone."

The Jeanne Geiger Crisis Center in Amesbury, Mass., has been tracking the local success of GPS monitoring. The women's shelter in 2006 began piloting a GPS program in Newburyport, a city north of Boston. The center's High Risk Case Response Team, which works to identify "dangerous" domestic violence cases in the community and provides interventions aimed at interrupting the cycle of escalating violence, has been following 54 such cases in the last three and a half years in the greater Newburyport area, said Kelly Dunne, the center's associate director. A judge ordered GPS monitoring in about 10 of those cases, Dunne said. And, of those 10 cases, she noted, there were no repeat violations.

"It suggests, to me, that when perpetrators know that they're being monitored and they know restraining orders will be enforced that they are able to change their behavior," Dunne said.

So-called exclusion zones — geographic areas where an offender is forbidden entry — are set up as part of the GPS monitoring of offenders.

"You can literally create an exclusion zone around the town a victim lives in," Dunne said. "There is real-time monitoring, meaning there is literally someone who could watch that person walk down a street.

"When the behavior patterns are dangerous, where you have things like strangulation, forced sex, threats to kill, I think it makes sense to put some extra containment around those offenders," Dunne said.

In early October in Massachusetts, where the state's own probation staff members handle the monitoring of offenders on GPS systems from three centers, 17 people were being monitored in domestic cases, said Paul Lucci, deputy commissioner of the Massachusetts Probation Service.

Currently, Lucci said, GPS technology is more widely used to track the whereabouts of sex offenders in the state.

Offenders are outfitted with an ankle bracelet, which transmits a signal to a cell phone and GPS tracker on a belt, Lucci said. The devices send information on the offenders' whereabouts every five minutes to a monitoring center.

"The built-in policies and procedures are, upon a person entering an exclusion zone, we call the police immediately," Lucci said.

"The best part about this is the information is archived forever. We could archive those tracks from the day [an offender] stepped into a program to the present time," Lucci said. "If there was a situation where somebody said, 'He was standing in front of a supermarket and wouldn't let me in,' I could put

him right there. Say it was not a supermarket and a random site. She said, 'I saw him, he was on the highway, he was making aggressive moves.' I could even tell you how fast he was driving. It gives you a location, time, and speed."

Meanwhile, in Illinois, lawyers and others who work in the domestic violence arena are waiting to see how the GPS legislation will play out.

"At this point, there's no overseer to make sure that everyone is in the same step. We are certainly working with all the agencies that would be affected by this law to try and make the best use of this law," said Karin Dooley, supervisor of the Cook County assistant state's attorney's Domestic Violence Unit, a division of specially trained prosecutors who handle both misdemeanor and felony domestic-related cases. "Everyone is for protecting the women, and if this is something that would, that's great. Let's see if we can make it work."

Written by Chicago Lawyer · Filed Under [Home](#), [Nov08](#), [feature](#)

Comments

Got something to say?

Name (required)

Email Address (required)

Website

Speak your mind

Associated Press Online Video

Copyright © 2008 Law Bulletin Publishing Company | [Terms of Use](#)

- [Home](#)
- [In this issue](#)
- [Events](#)
- [Appellate Summaries](#)
- [Advertisers](#)
- [Jobs](#)
- [About Us](#)
- [Subscribe](#)