

Abstract: Prevailing data suggests that domestic violence crimes, order of abuse protection requests, and restraining order violations, are at epidemic levels. Civil protective orders, which provide legal, but not personal, shelter for domestic violence victims, are not an absolute safeguard against abusers because abusers often violate the protection orders. As a result, the advancement of victim safety at home or the office is essential. Spearheading this issue, Massachusetts pioneered legislation permitting courts to require electronic monitoring (GPS) for civil protective order violators as an alternative to incarceration. Advocates urge that the success of electronic monitoring of sex offenders in Massachusetts as expressed in the reduced recidivism rates indicates success with the electronic monitoring of civil protective order violators. The goal of the GPS law in domestic violence is to prevent future violence, enable battered victims to stay in their homes, offices, and communities without fear, and shift the burden of responsibility from petitioners to respondents. Massachusetts' GPS law serves as a laboratory for other counties and states and bolsters additional initiatives for tweaking Massachusetts domestic violence legislation.

Permission to Protect:

Massachusetts Pioneering Law Requiring Electronic Monitoring for Civil Protective Order Violators
Advances Safety for Domestic Violence Victims

by Julie Hofmeister

I. INTRODUCTION

Domestic violence causes far more pain than the visible marks of bruises and scars.¹

Estimates indicate that approximately 3 million incidents of domestic violence are reported each year in the United States.² One in three women in the United States will be battered, beaten or abused in her lifetime.³

The Massachusetts Department of Public Health reported 139 homicide deaths from January 1, 2003 to December 31, 2003.⁴ Of those reported deaths, 24 were domestic violence-related homicides.⁵ Records showed that *at least* three homicide victims had active restraining orders against the homicide perpetrator.⁶ Importantly, one hundred percent of the homicides occurred in the victims' homes or in the immediate vicinity of the victims' homes.

In 2005, Massachusetts courts' issued 28,760 Orders of Abuse Prevention and arraigned 4,347 adults for violating restraining orders.⁷ From January 1, 2006 to June 30, 2006, fifteen people

¹ Fred Taylor, *County Plans to Track Domestic Violence Suspects*, 2007, available at <http://www.wral.com/news/local/story/1124145> (citing Interview with Franklin County Sheriff Pat Green, 2006).

² *Id.*; see generally *Parle v. Runnels*, 2007 U.S. App. LEXIS 23734 (9th Cir. 2007).

³ Susan Harrison Wolffis, *Statistics of domestic violence staggering*, October 9, 2007, available at http://blog.mlive.com/muskegon_chronicle_extra/2007/10/statistics_of_domestic_violenc.html

⁴ Center for Health Information, Statistics, Research and Evaluation, Massachusetts Dept. of Public Health, *Massachusetts Deaths 2003*, p. 69 (2005).

⁵ Jane Doe, Inc. Voices for Change, The Massachusetts Coalition Against Sexual Assault and Domestic Violence: 2003 Massachusetts Domestic Violence Homicide Report, December 2006, available at <http://www.janedoe.org/know/2003%20MA%20DV%20Homicide%20Report.pdf>.

⁶ *Id.*

⁷ *Id.*, citing Research Department, Field Services Division, Office of the Commissioner of Probation, Boston, MA.

were victims of domestic violence-related homicides, representing as many domestic violence related homicides as in all of calendar year 2005.⁸

Domestic violence is a pervasive problem that devastates all family members and challenges society at every level.⁹ Leadership, communication, and coordination are critical among legislators, law enforcement officers, and judges, in addressing domestic violence.¹⁰

Current domestic violence legislation requires the victims to leave their abusers, their homes, and their jobs.¹¹ However, it is when leaving an abuser that victims are at the greatest risk of death.¹² The prevalence of domestic violence, the evidence of re-victimization, and the gaps in current legislation, underscores the need for legislation that provides stronger protection for domestic violence victims and harsher penalties for civil protective order violators. Massachusetts' pioneering law requiring electronic monitoring for civil protective order violators advances the safety of domestic violence victims and implements harsher penalties for violators.

The following article discusses the emergence of electronic monitoring in domestic violence. Part II examines the case law and policies undergirding Massachusetts' electronic monitoring law and discusses the ongoing need for legislation that better advances the safety of domestic violence victims. Part III briefly analyzes the development of Massachusetts' electronic monitoring law and dissects the statutory language and elements of Massachusetts' electronic monitoring law. Part IV

⁸ Jane Doe Inc. Voices for Change, *supra* note 8.

⁹Clare Dalton and Elizabeth M. Schneider, *Battered Women and the Law*, Foundation Press, 2001 (citing The Family Violence Project of the National Council of Juvenile and Family Court Judges, *Family Violence in Child Custody Statutes: An Analysis of State Codes and Legal Practice*, 29 F.L.Q. 197, 223-224(1995)). Domestic Violence violates our communities' safety, health, welfare, and economy by draining billions of dollars annually in social costs such as medical expenses, psychological problems, lost productivity, and intergenerational violence. *Id.*

¹⁰ *Id.*

¹¹ From July 1, 2002 to June 30, 2003, over 3,900 Massachusetts women and children sought safety at a domestic violence shelter or safe home and more than 40,000 restraining orders were issued.¹¹ The Massachusetts Coalition Against Sexual Assault and Domestic Violence, *Jane Doe Inc. Massachusetts Statistics: Massachusetts Domestic Violence and Sexual Assault Service Delivery Trends and Analysis*, 2003, available at <http://www.janedoe.org/know/stats.htm>. In the same year, the number of domestic violence homicides increased by almost 50%. *Id.*

¹² See Stop Violence against Women, *Domestic Violence: Safety Planning*, available at http://www.stopvaw.org/Safety_Planning.html (last updated February 1, 2006).

considers statistical data and analysis regarding the success of GPS monitoring of sex offenders. Part V indicates that other states may use the Massachusetts electronic monitoring law as a laboratory for their own initiatives. Part VI concludes by recommending that Massachusetts use other state-wide initiatives as supplements for the gaps in the electronic monitoring law.

II. CASE LAW AND POLICIES UNDERGIRDING MASSACHUSETTS' ELECTRONIC MONITORING

LAW

A. Civil Protective Orders

In answering domestic violence calls, police departments routinely supply information on battered women's shelters, along with advice on how women can seek protective orders.¹³ A protective order offers civil legal protection from domestic violence to victims.¹⁴ Civil protective orders are legally binding and compel respondents to refrain from further acts of violence against the petitioner.¹⁵

Civil protective orders are commonly used as the first line of protection for battered women, often in lieu of cumbersome and usually ineffective criminal court proceedings in which abusers are infrequently prosecuted and punishment is minimal.¹⁶ However, critics argue that civil protective orders perpetuate the fallacy that domestic violence does not warrant the full force of the criminal justice system.¹⁷ In addition, critics, researchers, and advocates are unsure whether civil protective orders are effective in keeping victims safe from further abuse, often pointing out that their

¹³ Enhancing Responses to Domestic Violence, *Promising Practices From the Judicial Oversight Demonstration Initiative: Engaging Respondents in Civil Restraining Order Cases: A New Approach to Victim Safety*, Vera Institute of Justice, 2006, available at http://www.vera.org/publication_pdf/358_648.pdf.

¹⁴ Ohio Civil Protection Order, *How to Get a Protection Order: What are Protection Orders*, available at http://www.womenslaw.org/OH/OH_how_to.htm#2 (last updated September 26, 2007).

¹⁵ Victoria L. Holt, Mary A. Kernic, Thomas Lumley, Marsha E. Wolf, and Frederick P. Rivara. *Journal of the American Medical Association*, V. 288 (5), August 7, 2002, 589-594.

¹⁶ Judy Postmus, *Challenging the Negative Assumptions Surrounding Civil Protection Orders: A Guide...Postmus Affilia*.2007; 22: 347-356; see also B. Hart, *Battered women and the criminal justice system: Do Arrests and Restraining Orders Work?* 98-114 (In E. S. Buzawa & C. G. Buzawa eds., Thousand Oaks, CA: Sage 1996).

¹⁷ *Id.* See also S. Keilitz, *Civil protection orders: A viable justice system tool for deterring domestic violence: Violence and Victims* 9, 79-84 (1994).

effectiveness is hindered by the failure of judges and police officers to enforce them.¹⁸ There is little statistical evidence that restraining orders (also called civil protective order) are an effective mechanism for curbing partner violence, and the available data does not predict with confidence when the restraining orders will work, when they are likely to be ineffective, or when they may actually put their holders at greater risk.¹⁹

i. Reasons for Seeking Protective Orders

Women have given different reasons for seeking restraining orders. First, women prefer to bring civil action against their abusers instead of criminal action, possibly so they can have better control over the outcome.²⁰ Second, women get restraining orders as a way of finding safety and stopping the violence.²¹ Third, many women have reported being tired of dealing with the abuse on their own.²² Civil protective orders successfully enable women to have all three of these options. However, civil protective order violations are staggering. There are no current indications that these numbers will change unless state legislatures create additional options for domestic violence victims. Therefore, the very reasons for which victims seek civil protective orders are also the very reasons that defend the proposal for stronger legislation and punishment of civil protective order violations.

ii. The Statistical Effectiveness of Civil Protective Orders

¹⁸ *Id.* See also Finn, P. (1989). Statutory authority in the use and enforcement of civil protection orders against domestic abuse 23, 43-73 (Family Law Quarterly 1989).

¹⁹ Clare Dalton and Elizabeth M. Schneider, Battered Women and the Law: The Civil Protective or Restraining Order System 499 (Robert C. Clark ed., Foundation Press 2001).

²⁰ Judy Postmus, Challenging the Negative Assumptions Surrounding Civil Protection Orders: A Guide...Postmus *Affilia*.2007; 22: 347-356. See also E.S. Buzawa et. al., The response to domestic violence in a model court: Some initial findings and implications 16, 185-206 (Behavioral Sciences and the Law 1998); Fischer, K., & Rose, M. When "enough is enough": Battered women's decision making around court orders of protection 41, 414-429 (Crime & Delinquency 1995).

²¹ *Id.* See also Henderson Gist et. al., Women in danger: Intimate partner violence experienced by women who qualify and do not qualify for a protective order. 19, 637-47. (Behavioral Sciences and the Law 2001)

²² *Id.* See also Fischer, K., & Rose, M. When "enough is enough": Battered women's decision making around court orders of protection 41, 414-29 (Crime & Delinquency 1995).

The question of whether civil protective orders are effective has kept researchers busy during the past 20 years. Complaints about the ineffectiveness of restraining orders include the lack of enforcement of civil protective orders, lack of response to violations, ineffectiveness in deterring batterers from abusing, and further aggravation of the abusers.²³ Protective orders significantly decrease new episodes of violence.²⁴ However, recent statistical analysis in Massachusetts produced disturbing results, finding that courts arraigned 4,347 adults for violating restraining orders.²⁵ Therefore, even though studies analyzing the effectiveness of civil protective orders conclude that there is a reduction in the rate of re-victimization, victims deserve stronger safeguards against the 4,000 plus adults that violate protective orders.²⁶

iii. Re-Victimization

Many abusive partners served with civil orders abide by the order's terms without incident.²⁷ Experience shows, however, that some individuals with an extensive history of violence offenses become agitated at what is, in their view, an intrusion into a private matter.²⁸ Such individuals often direct their anger toward their partner for having sought outside intervention.²⁹ Therefore, many victims feel that civil protective orders protect them against repeated incidents of physical and psychological abuse, but protective orders alone are less likely to be effective against some abusers, especially those with a violent history.³⁰ Victims in those cases are more likely to report a greater

²³ Victoria L. Holt, et al., *Civil Protection Orders and Risk of Subsequent Police-Reported Violence* 589-594 (2002).

²⁴ Jane Doe Inc., *supra* note 7.

²⁵ *Id.*, citing Research Department, Field Services Division, Office of the Commissioner of Probation, Boston, MA.

²⁶ Jane Doe Inc., *supra* note 7.

²⁷ *Enhancing Responses to Domestic Violence, Promising Practices From the Judicial Oversight Demonstration Initiative: Engaging Respondents in Civil Restraining Order Cases: A New Approach to Victim Safety*, Vera Institute of Justice, 2006, available at http://www.vera.org/publication_pdf/358_648.pdf.

²⁸ *Id.*

²⁹ *Id.*

³⁰ Jeremy Travis, *Civil Protection Orders: Victims' Views on Effectiveness*, January 1998, available at <http://www.ncjrs.gov/txtfiles/fs000191.txt>.

number of problems with violations of the protective order.³¹ Additionally, in these cases, the absence of a report may be the result of extreme psychological or physical force.³²

iv. Domestic Violence Victims' Views on Civil Protective Orders

Other studies show that even though statistics show a decrease in re-victimization, domestic violence victims lack faith in the efficiency of civil protective orders. Two studies conducted in 1996 found that most of the petitioners thought that civil protective orders were helpful in documenting the abuse but not in stopping it.³³ In fact, less than half the women who were interviewed believed that the abuser had to obey the order.³⁴ A 1999 study showed that the protective orders actually failed in 23% of the cases in which women were re-victimized.³⁵ Therefore, statistical data supports arguments on both sides of whether civil protective orders are effective. Most importantly, if domestic violence victims believe that their abusers are not only abusing them but abusing the justice system, the effectiveness of civil protective orders must be limited. As a result, if even one person violates a civil protective order, the judicial system needs to respond with harsher and stronger punishments.

v. Limitations of Civil Protective Orders

Civil protective orders focus on restraining the respondent from abusing the petitioner but do not always provide the immediate security and privacy that domestic violence victims deserve. For instance, the police are only notified of a civil protective order violation when the victim contacts the

³¹ *Id.*

³² *Id.*

³³ Postmus, *supra* note 18.

³⁴ *Id.*

³⁵ *Id.*

police.³⁶ Therefore, the burden of receiving protective rests on the victim rather than law enforcement or the judicial system.

The biggest challenge to the effectiveness of restraining orders lies in the poor enforcement when an abuser violates the order. More than 15 years ago, a study concluded that a widespread lack of enforcement of restraining orders, uncertainty about how to enforce the orders, and statutory weaknesses dilute the effectiveness of restraining orders.³⁷ Even in the presence of restraining orders, law enforcement seemed to apply varying standards when determining which domestic violence encounters were “arrest-worthy.” Therefore, civil protective orders are severely limited by the lack of enforcement by police officers.³⁸

In the same respect, society expects the victim to leave instead of expecting the justice system to prevent the batterer from re-assaulting, and this illustrates that society actually anticipates future violence when victims seek to end abusive relationships.³⁹ Massachusetts pioneered legislation strengthening security for domestic violence victims. Twenty-three percent (23%) of women and children in homeless shelters report that they are directly fleeing domestic violence.⁴⁰ Massachusetts’ legislation aims to decrease this number by allowing domestic violence victims to remain in their homes and at their jobs by forcing the respondents to stay away.

Electronic monitoring compensates for the potentially unavoidable cracks in the enforcement of civil protective orders. While electronic monitoring promises to play this role in domestic violence, it hopefully serves as a further deterrent to those who consider violating a civil protective order.

³⁶ Civil Protective Orders: How is a Protective Order Enforced? Available at <http://www.teenparents.org/cpo.html> (last visited December 1, 2007).

³⁷ Postmus, *supra* note 18; see also Finn, P., & Colson, S. Civil protection orders: Legislation, current court practice, and enforcement (Washington, DC: National Institute of Justice 1990).

³⁸ Postmus, *supra* note 18; see also Kane, R. J. (2000). Police responses to restraining orders in domestic violence incidents: Identifying the custody threshold thesis 564 (Criminal Justice & Behavior 2000).

³⁹ Travis, *supra* note 32.

⁴⁰ *Id.*

B. Case Law

Prior case law and statistical analysis underscore the need for legislation that builds upon the present strength of civil protective orders and fixes the short-comings of civil protective orders.

a. *The Case of Shennel McKendall*

Almost one in five North Carolina domestic homicide victims in 2004 died at the hands of defendants free on bond for other domestic violence charges, according to a News & Observer analysis.⁴¹ In November 2004, Shennel McKendall's restraining order against her husband Randy McKendall proved ineffective when Mr. McKendall shot and killed Mrs. McKendall outside a UNC Hospital building in Chapel Hill, North Carolina.⁴² Mr. McKendall's first violation of the restraining order occurred the day he was served with the order.⁴³ Police arrested him and charged him with a misdemeanor but released him after he posted \$10,000 bond.⁴⁴ Five days later, Mr. McKendall lay in wait in the parking lot of his wife's workplace and shot her at close range and then killed himself.⁴⁵ Mrs. McKendall was one of 82 domestic violence victims killed that year in North Carolina.⁴⁶ Something beyond a restraining order is necessary to protect domestic violence victims, such as Mrs. McKendall, from future violence.⁴⁷ After hearing about GPS technology, Chatham County sheriff Gary Blankenship said that GPS technology "might have saved Shennel McKendall's life" and added that it (GPS technology) "would have (saved her life) if that area where she was killed was off-limits."⁴⁸

⁴¹ Andrea Weigl, *GPS Anklets as Preventive Measure*, The News & Observer, 2006, available at <http://www.bluelineradio.com/GPS.html>.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

Shortly after Mrs. McKendall's death, Pitt County Sergeant John Guard persuaded the Governor's Crime Commission to give him a \$100,000 grant to buy 25 global positioning system units to track defendants between their arrest and trial.⁴⁹ Under this program, deputies are notified via text message if respondents enter a court-mandated exclusion zone, stray too far from the tracking device, or tamper with the anklet or any of the equipment.⁵⁰

Yet, as seen in the following case of Rebecca Griego, legislation permitting judges to require violators to wear GPS electronic monitors are not absolute safeguards.

b. The Case of Rebecca Griego

In April 2007, 26-year-old Rebecca Griego was shot and killed by her ex-boyfriend, Jonathan Rowan, as she sat in her office at the University of Washington (UW).⁵¹ In her March 6 plea for a protective order, Griego said, "Rowan called me to tell me I cannot find him but he can find me ... and to look over my shoulder because I would see him again."⁵² Griego obtained a restraining order against Rowan. However, officers failed to place Griego under surveillance after Griego notified UW police that Rowan had left threatening messages on March 6 and March 14.⁵³ At the time of Griego's death, Washington law authorized electronic monitoring as a condition of a restraining order.⁵⁴ However, Rowan was not wearing a GPS monitor when he freely entered Griego's workplace and killed her. A lack of communication between law enforcement, prosecutors, and the judicial system failed to save Griego's life.⁵⁵

⁴⁹ Andrea Weigl, *GPS anklets track battering suspects*, The News & Observer, January 1, 2006, available at <http://www.newsobserver.com/141/story/383959.html>.

⁵⁰ *Id.*

⁵¹ Maura Kelly, *Tracking Device: How about using GPS monitoring to stop batterers?* May 4, 2007, available at <http://www.slate.com/id/2165568/>.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

Mrs. Griego's murder three years after McKendall's death demonstrates the continuing prevalence of civil protective order violations and foreshadows some of the inadequacies associated with electronic monitoring legislation.

III. MASSACHUSETTS' EXPANSION OF ELECTRONIC MONITORING INTO DOMESTIC VIOLENCE

In 1978, Massachusetts enacted Chapter 209A, one of the first statutes to address the problem of domestic violence.⁵⁶ The statute prevents abuse and provides for broad relief to permit victims to escape not only the violence but the destructive and controlling influences of their abusive partners.⁵⁷

Cases like Ms. McKendall's and Mrs. Griego's demonstrate that current domestic violence legislation is regularly abused by domestic violence perpetrators. Massachusetts introduced stronger legislation to combat the re-victimization of domestic violence victims.

A. The evolution of electronic monitoring

In the 1950s, research demonstrated that if the position of a satellite in space could accurately be obtained from Earth, then the position of a physical object on the Earth's surface could also be determined.⁵⁸ GPS technology, however, was solely used for military purposes until 1983 when Congress enacted legislation mandating that the Secretary of Defense allow all users access to the full capabilities of the GPS technology.⁵⁹ The ability to provide accurate, twenty-four hour

⁵⁶ Charles Kindregan & Monroe Inker, 3 MASS. PRACTICE § 57.6 (3rd ed. 2003); see Pauline Quirion, *Renewing a Victim's Protective Order Under Chapter 209A*, 2005, available at <http://www.massbar.org/for-attorneys/publications/section-review/2005/v7-n3/renewing-a-victims-protective-order>.

⁵⁷ Quirion, *supra* note 15; see *Commonwealth v. Gordon*, 407 Mass. 340, 347 (1990).

⁵⁸ Matthew J. Kucharson, *GPS Monitoring: A Viable Alternative to the Incarceration of Nonviolent Criminals in the State of Ohio*, 54 CLEV. ST. L. REV. 637 (2006).

⁵⁹ *Id.* The four main components necessary for the implementation and maintenance of an effective GPS monitoring program are the battery-operated transmitter, a portable tracking unit, a central monitoring system, and a charging unit. *Id.* The charging unit is particularly important because the effectiveness of electronic monitoring relies on the ability to know of respondent's whereabouts 24/7. *Id.*

surveillance of an offender creates a whole new realm of opportunities for electronic monitoring that has commanded the attention of agencies throughout the country.⁶⁰

B. Introducing Massachusetts' new electronic monitoring legislation

Diane Rosenfeld, a lecturer at Harvard Law School in Massachusetts, presented the idea of GPS monitoring for batterers to the Governor's Commission on Sexual and Domestic Violence, which former Massachusetts Lieutenant Governor Kerry Healey chaired, in early 2005.⁶¹ After strong lobbying by Healey, former Governor Mitt Romney signed the legislation on January 4, 2007.⁶² The amendment to Chapter 418 of the Acts of 2006 provides that domestic violence defendants previously in violation of a restraining order may be required to wear a global positioning system (GPS) device.⁶³

After Romney signed the legislation, Healey stated that

This law...provides a much-needed new level of protection to victims of domestic abuse, too many of whom continue to be victimized even after successfully obtaining a restraining order against their abusers. Today in Massachusetts, scores of victims are driven from their homes, their jobs, from their lives, by batterers who repeatedly violate existing court orders. This new ability to exclude offenders from areas frequented by the victims will not only protect them from further abuse...(but) it will give them their lives back.

An Act Furthering Protecting Victims of Domestic Violence, ch. 418 of the Acts of 2006, §1 (2007).

The political backing for stronger domestic violence legislation illuminates the current optimism that electronic monitoring be effective in building upon the current benefits of civil protective orders. Massachusetts' electronic monitoring law responds to those victims who are forced to leave their homes and their jobs as a result of domestic violence and provides judges and police officers with a means of stopping domestic violence abusers from abusing both the victim and the justice system.

C. Dissecting the elements of Massachusetts' new electronic monitoring law

⁶⁰ *Id.*

⁶¹ News Report, *Massachusetts GPS Law to Protect Domestic Violence Victims*, January 4, 2007, available at <http://www.govtech.com/gt/articles/103129>.

⁶² *Id.*

⁶³ An Act Furthering Protecting Victims of Domestic Violence, ch. 418 of the Acts of 2006, §1 (2007).

i. Background

The bearers of the GPS bracelets are convicted criminals who have been sentenced to electronic monitoring as an alternative to incarceration. Between 1978 and 1998, the United States experienced an unprecedented increase in its adult prison population and many states were not financially prepared to cope with the volume of prisoners.⁶⁴ The use of GPS monitoring developed as an alternative to incarceration and became an increasingly important topic of consideration by states concerned with the skyrocketing costs associated with incarceration.⁶⁵

ii. Statutory Language

Massachusetts' electronic monitoring law provides the judicial system an alternative avenue to penalizing civil protective order violations. Under this law, judges have the discretion to subject a violator to electronic monitoring instead of incarceration. Entering an "exclusion zone" results in revocation of the defendant's probation, a fine, or imprisonment (in some instances, judges have the discretion to fine and imprison). Therefore, when a person violates a civil protective order, they become subject to electronic monitoring. When that person violates the terms of electronic monitoring, they are subject to imprisonment. Increments in punishment such as those set forth by this law provide clear guidance for judges' discretion in sentencing as well as petitioner's understanding of possible punishments.

Massachusetts state law Chapter 418 of the Acts of 2006 in part states,

Where a defendant has been found in violation of an abuse prevention order under this chapter or a protection order issued by another jurisdiction, the court may, in addition to the penalties provided for in this section after conviction, as an alternative to incarceration and, as a condition of probation, prohibit contact with the victim through the establishment of court defined geographic exclusion zones including, but not limited to, the areas in and around the complainant's residence, place of employment, and the complainant's child's school, and order that the

⁶⁴ Matthew J. Kucharson, *supra* note 60.

⁶⁵ *Id.*

defendant to wear a global positioning satellite tracking device designed to transmit and record the defendant's location data. If the defendant enters a court defined exclusion zone, the defendant's location data shall be immediately transmitted to the complainant, and to the police, through an appropriate means including, but not limited to, the telephone, an electronic beeper or a paging device. The global positioning satellite device and its tracking shall be administered by the department of probation. If a court finds that the defendant has entered a geographic exclusion zone, it shall revoke his probation and the defendant shall be fined, imprisoned or both as provided in this section. Based on the defendant's ability to pay, the court may also order him to pay the monthly costs or portion thereof for monitoring through the global positioning satellite tracking system." Possible "exclusion zones" include the victim's workplace, the victim's home, and the children's school. Probation agents will monitor offenders to ensure that they do not breach these zones. If they do, a record of a restraining order violation will be made, thus making stalking and further violent attacks more difficult.

An Act Furthering Protecting Victims of Domestic Violence, ch. 418 of the Acts of 2006, §1 (2007) (citations omitted).

The legislation explicitly provides the terms by which the court may subject a civil protective order violator to electronic monitoring. The elements of the statutory language, in effect, respond to the necessity for stronger punishment of civil protective order violators. With success, electronic monitoring prevents re-victimization of not only the domestic violence victim but the criminal justice system as well.

iii. Elements of the Massachusetts Electronic Monitoring Law

The Massachusetts state law is available only after the abuser has violated a civil protective order. An Abuse Prevention Order, called a "209A Order," or a "protective order," is a civil court order intended to provide protection from physical or sexual harm caused by force or threat of harm from a family or household member.⁶⁶ Therefore, under Massachusetts' electronic monitoring legislation, if respondents violate an existing civil protective order, the court can, instead of incarcerating the respondent, sentence him to electronic monitoring.

⁶⁶ Womenslaw.org in Massachusetts, *How to Get an Abuse Prevention Order*, Women's Law Organization, available at http://www.womenslaw.org/MA/MA_how_to.htm (last updated September 25, 2007).

Electronic monitoring via GPS tracking notifies both police officer and domestic-violence victims when an offender has entered a “restricted zone,” thereby preventing a surprise attack or visit on the victim.⁶⁷ Exclusion zones, such as a victim’s home, where, in 2003, 100% of domestic violence related homicides in Massachusetts occurred,⁶⁸ provide additional protection to victims and enables victims to remain in their homes.

Electronic monitoring prevents future violence and provides notice to law enforcement and the victim. Even if a domestic violence victim is persuaded or coerced by the offender or an acquaintance of the offender to “see” the offender or “give the offender another chance,” an entry by the offender into an “exclusion zone” notifies law enforcement. Law enforcement’s response to this legislation, therefore, largely determines the success of electronic monitoring of respondents.

Instead of mandating automatic usage of GPS monitoring, the statute *permits* the courts to require electronic monitoring of defendants.⁶⁹ Because this is new legislation, the effects of this permissive language are not yet known. Courts need discretion in deciding who should be incarcerated and who should be sentenced to electronic monitoring. However, courts may not exercise their discretion consistently or properly. Arbitrary or rare application of electronic monitoring risks releasing qualified GPS candidates and places victim safety in jeopardy. Therefore, the courts have the unique ability to act consistently under this law and need to do so in order to protect victims of domestic violence.

The statutory language provides that GPS monitoring can be enforced against those who violate a protective order in other jurisdictions.⁷⁰ The realm of protecting domestic violence victims, therefore, expands beyond merely the victim’s community and enables victims to freely conduct their everyday lives.

⁶⁷ Victoria L. Holt, Mary A. Kernic, Thomas Lumley, Marsha E. Wolf, and Frederick P. Rivara. *Journal of the American Medical Association*, V. 288 (5), August 7, 2002, 589-594.

⁶⁸ Jane Doc, Inc. *Voices for Change*, *supra* note 8.

⁶⁹ *Id.*

⁷⁰ An Act Furthering Protecting Victims of Domestic Violence, *supra* note 65 (updated January 4, 2007).

Finally, according to existing Massachusetts law, any restraining order violation may result in penalties of up to a \$5,000 fine and a prison sentence of more than two years.⁷¹ Therefore, while electronic monitoring is an alternative to incarceration, if a respondent violates the terms of his probation by entering an 'exclusion zone,' Massachusetts judges have the power to revoke a respondent's probation and send the respondent to jail.

IV. GPS MONITORING OF SEX OFFENDERS

While electronic monitoring has been used on offenders in prison diversion programs since the 1980's, its use in supervising paroled sex offenders is a more recent phenomenon.⁷²

Several of the applicable laws are named after Jessica Lunsford, a 9-year-old Florida girl who was kidnapped, raped and killed in February 2005.⁷³ The man charged with killing her was a convicted sex offender who had not reported that he lived across the street from her family.⁷⁴ After he fled, it took almost a month to find him.⁷⁵ Electronic monitoring of known sex offenders successfully decreases similar occurrences.⁷⁶

Steve Chapin, president of Pro-Tech, a Florida-based firm that provides GPS services to 27 statewide agencies, says GPS reduces recidivism because offenders cannot escape.⁷⁷ A December 2004 analysis by the Florida Department of Corrections found 3.8% of offenders tracked with GPS monitoring committed a new felony within two years compared to 7.7% of those supervised without

⁷¹ News Report, Harvard Law School, *Domestic Violence monitoring initiative proposed by Rosenfeld is signed into law*, January 8, 2007, available at http://www.womensrightsblog.com/2007/01/technology_against_domestic_vi.html (last updated January 9, 2007).

⁷² Jason Peckenpaugh, *Controlling Sex Offender Reentry: Jessica's Law Measures in California*, January 27, 2006, available at <http://ssrn.com/abstract=977263>.

⁷³ Wendy Koch, *More sex offenders tracked by satellite*, USA Today, June 6, 2006, available at http://www.usatoday.com/tech/news/techinnovations/2006-06-06-gps-tracking_x.htm.

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ See generally Jenna Colley, *More Monitoring for Offenders*, The Stanford Daily Newspaper, November 7, 2006, available at <http://daily.stanford.edu/article/2006/11/7/moreMonitoringForOffenders>.

⁷⁷ *Id.*

it.⁷⁸ Therefore, electronic monitoring has historically succeeded in protecting the public and supervising criminals.

A. Statistical Benefits and Short-comings of GPS Monitoring

Researchers question whether any empirical evidence demonstrates that electronic monitoring reduces recidivism for sex offenders or broader offender populations.⁷⁹ One study concluded that electronic monitoring significantly reduces recidivism for new offenses and technical violations of supervision while offenders are being monitored.⁸⁰ Kathy Padgett, William Bales, and Thomas Blomberg, three criminologists at Florida State University, obtained data on 75,661 felony offenders participating in the Florida Department of Corrections' home confinement program from 1998 to 2002.⁸¹ Of this sample, 5,523 offenders were subject to electronic monitoring.⁸² Violent offenders on GPS monitoring were 91.5 percent less likely to commit a new offense than violent offenders that were not electronically monitored.⁸³ Kathy Padgett concluded, in explaining the disparity between violent offenders and sexual offenders, that the effect is not as great for sex offenders as other offenders because sex offenders are less likely to have their parole revoked for a technical violation than any other kind of offender.⁸⁴ Therefore, electronic monitoring in domestic violence promises to greatly reduce recidivism.

GPS monitoring helps parole agents detect only that criminal behavior which is revealed by an offender's location. For offenders that victimize children that they are related to or offenders that are convicted of computer sex crime, GPS is likely to be of little use because children are unable to easily

⁷⁸ *Id.*

⁷⁹ Peckenpaugh, *supra* note 74.

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

leave their home, where the offender often resides.⁸⁵ Massachusetts' electronic monitoring legislation in domestic violence would presumably eradicate this program by mandating "exclusion zones," such as the victim's home.

B. Electronic Monitoring of Sex Offenders in Massachusetts

Massachusetts established an electronic monitoring program in Massachusetts in April 2001 as an alternative to incarceration.⁸⁶ Electronic monitoring provides structure, control, and accountability for selected parolees and provides an extra layer of supervision to the community.⁸⁷

In May 2005, Massachusetts lawmakers created the first statewide GPS initiative in Massachusetts.⁸⁸ At the time of the legislation, 30 other states had legislation pertaining to electronic monitoring for persons convicted of crime.⁸⁹ Former Massachusetts Governor Mitt Romney said the results of this pilot program will dictate whether to expand electronic monitoring to other offenses.⁹⁰ As later seen, Romney signed the legislation governing the expansion of electronic monitoring from sex offenders to civil protective order violators.

The Massachusetts Probation Service implemented the Global Positioning System (GPS) to track sex offenders on parole.⁹¹ GPS determines the location of offenders wearing the receiver 24 hours a day.⁹² The judge or parole board creates inclusion (approved) and exclusion (stay away zones).⁹³

⁸⁵ *Id.*

⁸⁶ The Massachusetts Probation Service, *The Electronic Monitoring Program Fact Sheet*, available at <http://www.mass.gov/courts/probation/elmofactsheet.pdf> (last visited on October 30, 2007).

⁸⁷ *Id.*

⁸⁸ Elise Castelli, *Global Positioning to track sex offenders*, *The Boston Globe*, September 21, 2004, available at http://www.boston.com/news/local/articles/2004/09/21/global_positioning_to_track_sex_offenders/.

⁸⁹ *Id.* See The Massachusetts Probation Service, *supra* 88.

⁹⁰ Castelli, *supra* note 90.

⁹¹ *Id.*

⁹² *Id.*

⁹³ The Massachusetts Probation Service, *supra* note 88. If an offender enters an exclusion zone, the system alerts a probation employee who is responsible for contacting the offender on a specialized GPS cell phone to find out why they entered the area and to instruct them to leave. *Id.* In the event of a violation or when an offender has absconded, the monitoring center immediately notifies the court or supervising parole officer and an arrest warrant is then issued for the offender. *Id.*

The two systems, radio frequency and GPS, service more than 900 Massachusetts offenders on a daily basis and have been responsible for issuing eight arrest warrants from May 2005 to June 2006 due to violations committed by the 192 high-risk offenders tracked by electronic monitoring.⁹⁴

The short-term data suggested success with electronic monitoring of sex offenders; therefore, Romney's expansion of electronic monitoring to domestic violence in January 2007 was expected.

C. Saving Polly Klaas, Joanne Presti, Alyssa Presti, Jessica Lunsford, & Sarah Lunde

In October 2003, Richard Davis, a convicted murderer in violation of his parole, kidnapped Polly Klaas at knifepoint from her California home.⁹⁵ In late 2004, Massachusetts authorities charged a registered sex offender with the kidnapping and murder of mother and daughter Joanne and Alyssa Presti in Woburn.⁹⁶ In 2005, convicted, registered sex offenders abducted and murdered Jessica Lunsford and Sarah Lunde in Florida.⁹⁷

In response to these cases and a parolee's confessed murder of a young woman in 1993, San Diego County and San Mateo County enacted a program of continuous electronic monitoring with the purpose of reducing crimes that persons on parole commit.⁹⁸ The California legislature believed that modern technology would reduce crime by allowing authorities to have continuous knowledge of the whereabouts of parolees.⁹⁹ When California introduced this legislation, at least thirty states had

⁹⁴ *Id.* Violent offenders on GPS monitoring were 91.5 percent less likely to commit a new offense than violent offenders that were not electronically monitored.⁹⁴ See also Peckenpaugh, *supra* note 74.

⁹⁵ Patricia L. Eichar, *Review of Selected 2005 California Legislation: Penal: Chapter 484: From Home Detention to GPS Monitoring*, 37 MCGEORGE L. REV. 284 (2006); see Mary Curtius, Davis Convicted of Murdering Polly Klaas, L.A. Times, June 19, 1996, at A1.

⁹⁶ Eichar, *supra* note 97; see Julie Mehegan, GPS System to Track State Sex Offenders, Berkshire Eagle (Pittsfield, Mass.), Feb. 25, 2005, available at <http://www.berkshireeagle.com> (on file with the McGeorge Law Review).

⁹⁷ Eichar, *supra* note 97; see Lillian Thomas, Legislature Looks for New Ways to Track Sex Offenders, Pittsburgh Post-Gazette, Apr. 26, 2005, available at <http://www.post-gazette.com/pg/pp/05116/494343.stm> (on file with the McGeorge Law Review).

⁹⁸ Eichar, *supra* note 97, at 287.

⁹⁹ *Id.*

enacted global position technology legislation to track convicted offenders of violent or sexual crimes.¹⁰⁰

Statistical analysis and case law indicate that electronic monitoring of civil protective order violators will reduce recidivism and promote public safety.¹⁰¹

V. GPS MONITORING IN DOMESTIC VIOLENCE

Leaving is the most difficult decision for a battered victim to make because that is when the victim is at the greatest risk of lethal violence from the batterer.¹⁰² Massachusetts' electronic monitoring law provides technology that allows victims to "leave" their abusers while remaining in their homes. The law protects victims and also represents a "logical step" in the direction of shifting responsibility for preventing domestic violence away from the victim.¹⁰³ GPS monitoring places more responsibility on the offender to comply with a restraining order by providing a better means for police to enforce it.¹⁰⁴ By using GPS technology, the judicial system aligns accountability with criminal behavior and does more than simply apprise a battered partner of available options because the law utilizes modern technology to give teeth to restraining orders, making real progress toward returning liberty to battered partners and their children.¹⁰⁵

The judicial response to Massachusetts' January 2007 electronic monitoring law is not yet known. However, electronic monitoring of sex offenders provides guidance for the possible success and short-comings of electronic monitoring in domestic violence. For example, the suggestion that monitoring of sex offenders is limited because it cannot protect victims from computer sex crime is

¹⁰⁰ *Id.* at 293; see Jennifer Smith, *High-Tech Eye on Offenders: Suffolk Bill Would Beef Up its Monitoring of Sexual Predators by Having Some Wear GPS Tracking Devices*, NEWSDAY, Nassau & Suffolk Ed., Jan. 25, 2005, at A06.

¹⁰¹ Castelli, *supra* note 90.

¹⁰² Kerry Healey and Jarrett Barrios, Opinion, *Technology against violence*, BOSTON GLOBE, January 11, 2007.

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

analogous to the concern that domestic violence abusers find additional means to exercise power and control over their victims through harassing telephone calls, mailings, emails, etc.

A. The role of law enforcement in responding to exclusion zone violations

Because domestic violence was previously viewed as a private matter, police often failed to get involved.¹⁰⁶ The National Council of Juvenile and Family Court Judges said that lawyers, police and judges have failed to see family violence as "serious criminal conduct."¹⁰⁷

However, among the most surprising and unintended beneficiaries of electronic monitoring are law enforcement agencies.¹⁰⁸ Electronic monitoring facilitates law enforcement's ability to apprehend the respondent once the respondent enters an 'exclusion zone' and provides prosecutors with concrete evidence of the respondent's violation of his or her probation. Theoretically, this legislation should facilitate law enforcement's ability to (a) know when the respondent has violated his probation by entering an "exclusion zone,"(b) properly respond to the respondent's violation, and (c) provide the necessary evidence to the prosecutor for charging a crime.¹⁰⁹ Furthermore, because the victim is also notified when the respondent enters an "exclusion zone," law enforcement may feel an added sense of responsibility to respond. Ultimately, the relationship between the judicial system and law enforcement is crucial to the success of this legislation in that electronically monitoring civil protective orders relies on courts' utilization of this legislation and law enforcement's immediate response to violators entering an "exclusion zone."

¹⁰⁶Renee I. Solomon, *Future Fear: Prenatal duties imposed by private parties*, 17 AM. J. L. AND MED. 411 (1991), citing Scattarella, *The Domestic Abuse Trap*, Seattle Times, May 1, 1990, at C2.

¹⁰⁷ Solomon, *supra* note 108, citing *Judges Urge Classifying Family Abuse As "Serious Crime"*, Chicago Tribune, Oct. 2, 1990, at C12; see also *Court Order Can't Stop Domestic Violence*, Seattle Times, Nov. 23, 1990, at A1.

¹⁰⁸ Kucharson, *supra* note 60, at 640; see generally Braid Chasnoff and Tracy Idell Hamilton, *Failure in protection system proves fatal: Limits of Technology*, August 26, 2006.

¹⁰⁹ See generally Peckenpugh, *supra* note 74.

Law enforcement's response to electronic monitoring of civil protective order violators remains unknown. However, with proper functioning of GPS systems, law enforcement agencies have an effective means of preventing re-victimization.

B. Limitations with GPS systems

GPS systems have some limitations. For instance, if the respondent encounters the petitioner in an area outside of the defined "exclusion zones," electronic monitoring will not alert either the victim or the police in advance. Therefore, while the creation of electronic monitoring serves to protect civil protective order violators from abusing domestic violence victims and the criminal justice system, violators continue this abuse when they confront their victim outside the boundaries of an exclusion zone. Electronic monitoring, therefore, may not require domestic violence victims to alter their lifestyles by leaving their homes and/or their jobs but it may require them to stay in their homes to avoid areas not included in the designate 'exclusion zones.' This problem also creates difficulty for police officers, who are responsible for responding to a violator entering an exclusion zone. Therefore, because electronic monitoring only notifies police officers when civil protective order violators enter in an exclusion zone, law enforcement is unknowing of situations in which the violator encounters the victim somewhere other than an exclusion zone.

Additionally, states regularly report general problems with electronic monitoring. In Pennsylvania, where parole officials ran a handful of small GPS pilot tests, parole agents lost contact with parolees who worked in warehouses and other buildings that blocked GPS signals.¹¹⁰ In New York City, GPS bracelets lose their signal in the subway system and in areas between tall buildings.¹¹¹ Because the GPS technology depends on cell phone transmissions, it cannot be used in rural or mountainous

¹¹⁰ Peckenpaugh, *supra* note 74 (citing Telephone Interview with Dan Stone, California Department of Corrections and Rehabilitation, GPS Project Director (Jan. 23, 2006)).

¹¹¹ Peckenpaugh, *supra* note 74.

areas that lack cell phone coverage.¹¹² Electronic monitoring is not universally operational and may fail to notify law enforcement of respondent's location.

VI. MASSACHUSETTS' ELECTRONIC MONITORING LAW IS A LABORATORY FOR OTHER STATES

Massachusetts' law serves as a laboratory for other states to implement similar electronic monitoring legislation in domestic violence. For instance, in 2004, Maryland established a task force to study the use of GPS technology to monitor criminals, including individuals subject to domestic violence restraining orders and registered sex offenders.¹¹³ The purpose behind the task force is the development of benefits from GPS monitoring to solve crimes and streamline workload.¹¹⁴

Currently, Michigan has introduced a bill for judges to require those charged with domestic violence to wear GPS devices that send alarms to their accusers.¹¹⁵ This proposed law includes a broader range of persons because it applies to those charged of any crime related to domestic violence rather than just those charged with violating a protective order. However, the proposed legislation provides that only victims would carry a small receiver for an alert if the abuser got within a certain distance of the victim.¹¹⁶ Therefore, this legislation requires the victim to notify the police of the respondent's violation. This system might save funding of police to monitor domestic violence but again puts the onus of enforcement on the victim who may or may not have access to telephonic

¹¹² *Id.*, citing Telephone Interview with Leo Dunn, Pennsylvania Department of Probation and Parole, Assistant Director, Office of Legislative Affairs and Communications (Jan. 9, 2006).

¹¹³ Maryland Network Against Domestic Violence, *Public Safety: Task Force to Study Criminal Offender Monitoring by Global Positioning Systems*, available at http://www.mnadv.org/dv_laws.html.

¹¹⁴ *Id.*; See generally Maryland Attorney General Douglas F. Gansler, *Family Violence Council*, available at <http://www.oag.state.md.us/Family/index.htm> (Legislation creates a task force to study how the state can utilize GPS technology to monitor certain offenders, including individuals subject to domestic violence restraining orders and registered sex offenders, and to study how law enforcement can benefit from GPS to solve crimes and streamline workload).

¹¹⁵ Tim Martin, *Domestic Violence Victims Could Get GPS alert system: Under bill, devices would warn accusers that attacker is near*, The Jones Report, February 13, 2007.

¹¹⁶ *Id.*

means of notifying police. Additionally, police may respond less vigorously to a victim's call than an electronically transmitted message that proves police were notified in a timely manner.

In April 2007, The New York State Senate announced the introduction of legislation that requires GPS monitoring of persons who have an order of protection issued against them.¹¹⁷ New York Senator Andrew Lanza said that the legislation introduced requires GPS devices to be issued with orders of protection and because defendants routinely violate orders of protection, this legislation strengthens victims' confidence that they will be protected.¹¹⁸

While state-wide response to Massachusetts' electronic monitoring law progresses, several counties have rapidly developed their own measures for implanting electronic monitoring of domestic violence abusers. For example, in 2007, North Carolina counties established various monitoring programs. In Franklin County, authorities rely on GPS in tracking offenders on pre-trial release.¹¹⁹ In Pitt County, offenders who are free on bond wear a tracking bracelet to make sure that they do not go near their alleged victims.¹²⁰

Adoption of legislation similar to Massachusetts' GPS law requiring civil protective order violators to wear electronic monitoring systems in other states links nationwide prevention of domestic violence crimes and draws attention to the flaws of current legislation.

VII. CONCLUSION

Massachusetts' pioneering law advances safety for domestic violence victims by shifting the burden of responsibility from the victim to the offender and providing law enforcement with an easier

¹¹⁷ News Report, *The Senate Republican Majority: Senate Passes Domestic Violence Package*, April 24, 2007, available at <http://www.senate.state.ny.us/pressreleases.nsf/2e0e86fa9105ed5a85256ec30061c0be/5f9ffdd29e75b4a7852572c70071ad5e?OpenDocument>.

¹¹⁸ *Id.*

¹¹⁹ News Report, *County Plans to Track Domestic Violence Suspects*, January 2, 2007, available at <http://www.wral.com/news/local/story/1124145/>

¹²⁰ *Id.*

mechanism to determine if an offender has violated parole. This legislation also lessens the burden placed on already overcrowded jails by enabling judges to place civil protective order violators on parole, with the condition of electronic monitoring.

GPS monitoring for batterers does not cure all. Electronic monitoring cannot protect women from abuse done long-distance such as threatening phone calls and voice messages.¹²¹ In addition, the financial burden of GPS monitoring is troubling with respect to the potential number of protective order violators. Massachusetts, though, requires respondents, unless indigent, to pay \$10 per day or \$300 a month for monitoring themselves.¹²² Although GPS monitoring can be time and labor intensive, for selected offenders it delivers continual supervision at a lower cost than incarceration.¹²³

Weighing the short-comings with the projected benefits, the Massachusetts' electronic monitoring law is promising for several reasons. First, electronic monitoring highlights the problem of domestic violence. Second, electronic monitoring promotes better law enforcement of domestic violence crimes. Finally, other states can use Massachusetts' and Washington's experiences as an electronic monitoring laboratory.

The influential reach of Massachusetts' electronic monitoring law furthermore extends beyond serving as a laboratory for other states creating electronic monitoring laws. Harvard Professor Diane Rosenfeld proposed legislation that would create a universal danger assessment program, allowing police departments to screen every domestic abuse situation for "lethality factors," common warning signs gathered from domestic homicide cases over the past 25 years.¹²⁴ Lethality factors include threats to kill a woman and her children, abuse during pregnancy, and sexual jealousy.¹²⁵ Both electronic monitoring and Rosenfeld's proposed universal danger assessment program were absent

¹²¹ Kelly, *supra* note 53.

¹²² *Id.*

¹²³ Administrative Office of the U.S. Courts Office of Public Affairs, *GPS: Your Supervising Officer is Watching*, Vol. 39, Number 4, April 2007.

¹²⁴ Diane Rosenfeld, *Domestic Violence monitoring initiative proposed by Rosenfeld is signed into law*, January 2007, available at <http://www.law.harvard.edu/news/2007/01/09rosenfeld.php>.

¹²⁵ Kerry Healey and Jarrett Barrios, *supra* note 104.

when estranged husband Dung Van Tran violated Lien Lam's restraining order.¹²⁶ Had lethality factors, such as prior threats by the perpetrator, been used in issuing and enforcing Lien Lam's restraining order against her estranged husband, her infant daughter and the woman baby-sitting her might not have suffered the pain caused by Dung Van Tran. According to court records, the Boston man had a long history of abusive violence toward his estranged wife, including violations of restraining orders.¹²⁷ Therefore, Massachusetts' electronic monitoring legislation is a strong foundation for additional initiatives that are tweaking Massachusetts domestic violence legislation.

GPS monitoring promises to reduce recidivism and enforce stronger penalties against civil protective order violators without adding to the burden of the victim. Proposed Massachusetts' legislation builds upon the GPS monitoring law to further advance victim safety and maximize successful police and judicial responses to domestic violence.¹²⁸

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ *Id.*