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Electronic Monitoring to Protect Victims of Domestic Abuse

Findings Report

Submitted by

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REPORT ON ELECTRONIC MONITORING TO PROTECT DOMESTIC ABUSE VICTIMS

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INTRODUCTION

Section 20 of the Laws of Minnesota for 1992, chapter 571, article 6 (codified at Minn. Stat. § 611A.07, subd. 1) states that the "commissioner of corrections . . . shall adopt standards governing electronic monitoring devices used to protect victims of domestic abuse." The commissioner is to perform this function after considering recommendations from the Battered Women Advisory Council, the Sexual Assault Advisory Council and in collaboration with the Commissioner of Public Safety. The commissioner is also to obtain input from the tenth judicial district concerning their use of EM devices. Subdivision 2 of Section 20 goes on to state that the commissioner shall report, by January 1, 1993, to the legislature on the proposed standards.

Section 12 of the same law (codified at Minn. Stat. § 609.135, subd. 5a.) states that the court may not order an offender to use an electronic monitoring (EM) device "until the commissioner of corrections has adopted standards governing electronic monitoring devices used to protect victims of domestic abuse."

In order to carry out the above outlined responsibilities, the Department of Corrections set up an advisory council comprised of the parties mentioned in Section 20. The committee decided on a mission as follows:

> The purpose of the Committee on Electronic Monitoring Standards for Victims of Domestic Abuse is to establish standards which:
>
> * ensure that the use of electronic monitoring as a warning device will enhance the safety of victims of domestic abuse, and
> * identify situations where the use of EM technology is appropriate.

The following, entitled "Findings Report," frames issues or concerns that were voiced by the committee and other interested parties in response to the proposal that reverse EM technology be used as a means of protecting domestic abuse victims. The committee attempted to address many of the concerns by carrying out its primary mission--drafting proposed standards. Before the committee began drafting standards, however, it contacted the 10th Judicial District for input, but found that no pilot project had been started. Extensive public comment was then sought and obtained regarding standards for reverse electronic monitoring. This input, along with committee deliberation, has led the committee to conclude that standards should not be adopted or presented to the legislature. This decision is based primarily on the rationale that, at present, there is no viable technology to fulfill the goal of protecting victims. Present technology depends solely on phone line transmission, limits early warning protections to the confines of the victim's residence and provides no tamper-proof mechanism on the device worn by the offender being monitored.

The final section, entitled "Recommendations," was not discussed or approved by the advisory committee. The recommendations are the result of the commissioner's consultation with the Battered Women Advisory Council and the Minnesota Coalition for Battered Women.

NOTE: The term "electronic monitoring" or "EM" is used throughout the findings, and often, "reverse electronic monitoring" is used. Generally, EM is used in conjunction with the intermediate sanctions of house arrest or home confinement where the offender is put on electronic surveillance in his own residence via a bracelet transmitter and receiver. Use of EM in the findings is, with few exceptions, referring to EM as applied to victims of domestic abuse, and should not be confused with traditional EM for offenders nor should the findings be construed as objections to traditional EM.

FINDINGS

1. Technology

Concern: Current electronic monitoring (EM) technology when used in a reverse application is not sufficient to provide protection or enhanced safety to domestic abuse victims.

Discussion:

a. The offender may remove the transmitter or otherwise disable it, thereby allowing entry into the protective radius without warning. Currently, the transmitter cannot be made tamper-proof except in cases where the offender is not allowed to leave his residence under any circumstances.

b. The victim must stay within a certain radius of the EM receiver for the system to work, i.e., she must be able to hear or see the receiver's alarm.

c. Both the EM system and the victim depend on a phone line transmission of the signal and call. For various reasons, not all victims have phone service.

d. Many manufacturers acknowledge that EM is a technology designed as an offender surveillance system, not as a way of protecting crime victims.

2. Cost

Concern: The application of current EM technology to domestic abuse is not a cost-effective approach to dealing with criminal victimization. There are many good laws already passed that if enforced would be more effective both from a quality and cost standpoint to reduce victimization.

Discussion/Resolution:

a. Because of EM equipment also being placed in the victim's home, the cost could conceivably be double that of EM where equipment is placed only in the perpetrator's home for house arrest purposes.

b. Education of the courts, law enforcement, probation officers, monitoring agencies, victim advocates and victims as to process responsibilities will be costly and time-consuming for an already overburdened system.

c. In many cases, neither the offenders nor the victims will be able to afford the costs so that the government and ultimately the taxpayer will have to underwrite this program. Until the advantages of reverse EM outweigh the disadvantages, other approaches to protect or enhance the safety of victims should be considered, such as: consistent criminal justice response, more advocacy, more safe places, perpetrator consequences implemented, etc.

3. Revictimization of the Battered Woman

Concern: The offender may use the system as a means to antagonize or further victimize the battered woman. The criminal justice system itself may tend to further victimize as a result of the victim misunderstanding the choices regarding the program.

Discussion/Resolution:

a. The offender may intentionally set off the victim's alarm simply to harass her especially if the system cannot prove it was him rather than a false alarm. The offender may violate the no contact order knowing there will be few consequences for such a violation. The offender may also use the system as another means of obtaining confidential information about the victim such as her home address and phone number if the data is not adequately secured.

b. Strict product standards could address the false alarm problem while standards establishing violation guidelines or requirements could address the dilemma of no consequences. Also, proposed standards addressing strict confidentiality could ensure victim data privacy.

c. Regardless of whether an offender is ordered onto reverse EM, victim harassment may well continue.

4. No Guarantee of Safety

Concern: The legal liability for a monitoring agency or a manufacturer due to their inability to guarantee victims' safety may prevent them from pursuing their involvement in reverse monitoring with present technology.

Discussion:

a. Some manufacturers have already acknowledged to the committee that the liability is too great for them to enter this market.

b. Some manufacturers have admitted that this system may set up false expectations of protection for the victim which cannot be guaranteed, thus setting up the possibility of future lawsuits.

c. Monitoring agencies may not be able to "contract away" their liability if victims insist on protection before they consent.

5. Informed Consent

Concern: Victims will not truly be able to give "informed consent"

when the consequences of this system cannot be fully contemplated.

Discussion:

a. Uncertainty of how the criminal justice system will process offender violations will make it difficult for the victim to decide if she wants to participate.

b. There is a concern that if the victim decides not to consent to this system, she will be viewed by prosecutors and judges as complacent.

c. If the victim is not fully informed of the disadvantages or weaknesses of the system, her expectations will be unduly raised such that she could have a false sense of security, and consequently, fail to take the necessary precautions she would have normally taken without the system.

6. Timely Response

Concern: Reverse application of EM is viewed as a warning system for the victim, but increased safety as an objective of the "warning" is dependent on the timely response of law enforcement and monitoring agencies.

Discussion/Resolution:

a. It is unknown whether law enforcement will attach a high enough priority to this system's alarm so that the response will be quick and effective. This situation could be addressed with a standard which states that before a reverse EM program can be instituted, law enforcement and the monitoring agency must agree to a minimum response time.

b. With present technology, the alarm does not go directly to law enforcement, but rather it goes to the monitoring agency first. If agency staff are not available at the time of the alarm (not all monitoring agencies have 24-hour service) or the alarm does not receive immediate action, the response will be slower than a 911 call. A standard requiring all monitoring agencies to be operating 24 hours a day and to respond immediately to the victim's alarm would address this issue. Also, it is likely that the alarm can be set up to go directly to law enforcement and a standard requiring this would be helpful here.

c. Within and outside the committee, there is differing opinion on whether a warning only briefly in advance of the approaching perpetrator is useful to the battered woman. There are those who believe a warning, no matter how brief, will allow a victim to take evasive action. Others believe such a warning is of no use to a victim.

7. Misuse of EM by Courts

Concern: There is potential for the courts to misuse this EM system when sentencing offenders.

Discussion/Resolution:

a. If the offender is fitted with a transmitter bracelet and is not put under house arrest, it is questionable as to whether he is

being sanctioned. However, judges might view this as adequate punishment when other sanctions would have been more appropriate. Proper use of reverse EM could be addressed with a state law.

b. Present experience indicates some judges have not fully understood when to use traditional EM since there have been instances of sentencing a known abuser to EM/house arrest when the victim is residing in the same house. Standards which give the final approval of offenders to be monitored to the monitoring agency could control this.

8. Burden on Responsible Agencies

Concern: Instituting a domestic abuse EM program may add to the responsibilities of probation officers, law enforcement officers and the criminal justice system as a whole, when agencies are already overburdened with current responsibilities.

Discussion/Resolution:

a. Manufacturers who are marketing this system will sell it in one of two ways. The lesser cost would involve the probation officers doing the field work such as installing the system, attaching the bracelet, periodically checking the equipment and resetting a tripped alarm. This, of course, would require substantial time on the part of the agent and dramatically take away from other supervisory duties. The alternative would be for the monitoring agency to provide such services at a higher cost.

b. Both the courts and law enforcement will have added paperwork and responsibilities with this system because the victim will, in a sense, be an added party on which to keep current data and to whom services will need to be provided. For instance, if a victim withdraws from the EM system, the offender may have to be resentenced, setting off a chain of attendant duties. Additional work is a factor with any new programming effort in Corrections whether it be victim related or not. The victim must be attended to as a legitimate party of the criminal process.

c. Local jurisdictions who wish to undertake a reverse EM program for victims of domestic abuse would be willing to undertake additional responsibilities and costs if the gains are significant.

CONCLUSION

Based on the above findings, the committee has concluded that it should not adopt standards when no EM technology exists to fit the intended purposes of the legislation--that is, EM which will protect or enhance the safety of victims of domestic abuse. That is not to say that the department does not accept continuing responsibility for staying apprised of new developments in EM or other technology which may better meet the goal of protecting victims of domestic abuse.

LEGISLATIVE RECOMMENDATIONS

(NOTE: These recommendations do not refer to the traditional use of EM. The department continues to endorse the use of EM for home detention/house arrest applications.)

The department recommends that legislation be enacted in the following areas:

The court may not order the use of electronic monitoring devices which monitor the offender location in relationship to the victim's location to enhance victim safety until effective devices are proposed and until the Commissioner of Corrections develops standards for these devices. The commissioner shall conduct an initial review of proposed devices upon request by a vendor.

If the commissioner determines that a particular technology may be effective in offering enhanced safety to victims, the commissioner shall develop standards for the use of the device and make recommendations to the legislature. The standards shall be developed in collaboration with the Commissioner of Public Safety and in consultation with the Battered Women Advisory Council, the Sexual Assault Advisory Council, the General Crime Victim Advisory Council and any other group the commissioner deems appropriate.

Highlights of the Above Recommendations:

1) Based on the findings that the use of current EM technology cannot protect victims, these recommendations involve revision of a small number of substantive portions of statute and add a review process for evaluation and use of future technology. Affected statutes include Minnesota Statutes, section 609.135, subd. 5a and section 611A.07, subd. 1.

2) These recommendations are not intended to interfere with the traditional (home detention or house arrest) use of EM. The traditional EM monitors the offender in relationship to where he/she is supposed to be and is an effective means of offender surveillance.

3) While the research in this report focused on the use of "reverse EM" to protect victims of domestic abuse, the problems outlined in the findings appear to be problems for other types of victims as well, such as victims of stranger assault, harassment, sex crimes, and property crimes when related to threats or the infliction of fear. Therefore, these recommendations are intended to take into account the needs of various groups of victims by prohibiting the use of current technology and building in a review process for future technological developments that includes the various groups.

4) These recommendations intend to repeal the exemption for the tenth judicial district, where a pilot project was proposed but not conducted. The pilot was to have used current technology and, based on this report's findings, current technology poses significant dangers for victims and fails to provide protection.

TRADITIONAL ELECTRONIC MONITORING

Minn. Department of Corrections
December 1992

I. INTRODUCTION

The 1970s saw an increase in crime that went beyond experts' predictions and seemingly beyond the ability of anyone to control it. Part of this may have been due to the political climate, specifically the fundamentally different approaches to criminal justice that were taken by our nation's supreme court. Cognizant of the changes brought about by the civil rights movement of the 1960s, the "Warren Court" under Chief Justice Earl Warren moved toward the due process model which stresses the rights of the accused and demands strict "due process" on the part of the government so as to protect the individual. The "Burger Court" under Chief Justice Warren Burger during the 1970s and into the 1980s, tended to lean toward the crime control model, an approach that lays heavier stress on the "rights of society" and regards crime control as so important that greater state intervention is necessary. (Lilly and Ball)

With this shift in the 1970s and 1980s came a sharp move to the conservative political right which led to two interesting phenomenon: 1) a growing demand for crime control and, 2) a change in the nature of legal and social boundaries between the public and private realms. (Lilly and Ball) The response to the first phenomena was to pass statutes which would help control crime. The policy objectives seemed to be to increase the likelihood that those convicted would be incarcerated, that their sentences would be for a longer duration, and that they would be less likely to be released before having served their whole sentence.

These shifts in policy, together with the increasing number of offenders moving through the justice system, resulted in a massive institutional overcrowding problem. Policymakers were confronted with meeting the demands of the public calling for punishment by increasing the crowding of prisons and conversely, building more institutions which was fiscally objectionable. Since increasing the use of parole flew in the face of public sentiment, policymakers looked to alternatives to incarceration.

Alternatives to incarceration were explored including increased use of probation. Intermediate punishments such as fines, community service orders, intensive supervision probation, work release and home confinement were tried by many states as ways of reducing prison populations and still maintaining accountability of offenders. The most recent new approach is electronic monitoring (EM) which has been used traditionally in conjunction with home detention.

Home detention, also referred to as home confinement or house arrest, is the legal confinement of an individual to his/her residence for a specified time period. The goal of home detention, like that of prison or jail, is to restrict an individual's freedom to a particular location, in this case the home. Home detention is used both as a primary sanction and as an element of other intermediate alternatives, such as intensive supervision probation.

Electronic monitoring involves the use of a technological device to

verify that offenders are at designated locations at specified time periods. The sanction usually allows for approved absences for employment, education, court-ordered treatment programs, and religious services. Additional controls like prohibition of alcohol and restrictions on visitors vary by program and by case.

During the early use of EM, about 75 percent of the offenders were probationers. When used as a condition of probation (at the front end of the sentence), usually a judge will sentence a nonviolent offender to home confinement with the use of electronic monitoring instead of a period of incarceration. Use of EM with probationers has dropped to 25 percent as judges broaden the use of EM. For instance, at the back end of the sentence, home confinement with EM can substitute for more costly community-based programs in which inmates typically participate for the final 60 to 180 days of their sentence. Electronic monitoring has also been used for pretrial monitoring.

II. CURRENT TECHNOLOGY

There are two basic types of electronic monitoring systems: programmed contact or passive and radio frequency or active. There are numerous manufacturers of electronic monitoring. The most recent survey listed sixteen American manufacturers and one European manufacturers. (Journal of Offender Monitoring) This report will not attempt to describe the differences from one manufacturer to another or to evaluate their hardware, but merely point out the common characteristics among EM equipment.

A. Programmed Contact System

The programmed contact system (passive system) monitors compliance through telephone contacts randomly generated by a host computer. The client's schedule and the frequency of contacts are entered into the computer by the program personnel. When the offender answers the telephone, certain tasks must be performed to verify his or her presence.

There are several types of verification including voice stress analysis, video images or an electronic "handshake" with the computer. The latter method involves the offender's answering the telephone call by coming to the telephone, stating his/her name and time and inserting a wristlet into a verifier box which is hooked up to the telephone. The computer can tell whether this is the right person answering the curfew call by comparing the actual response to the expected response, and produces a hard copy status report. If there is no response or it is late, the computer will alert program personnel. The theory behind this system is that the unpredictability of the contact schedule, combined with the threat of sanctions, will deter offenders from unauthorized absences. (Baumer and Maxfield)

B. Radio Frequency System

The radio frequency system (active system) requires that a transmitter, with a limited range--150 to 100 feet--be strapped to the individual being monitored. A receiver/dialer is connected to the telephone and monitors the presence of the individual through the signals emitted by the transmitter. This remote receiver periodically contacts the host computer through telephone lines. When contacted by the receiver, the host computer compares the information received with the stored schedule and produces a status report. The primary purpose of radio frequency (RF) system is to provide information, approaching real time reports, about offender compliance with detention conditions. (Baumer and Maxfield)

C. Hybrid Systems

A variation of the passive and active systems is called the hybrid system. This system operates from a radio frequency system, however, when the receiver reports an irregularity, such as an unauthorized absence, the host computer switches to a programmed contact mode and attempts to contact the offender. If the programmed contact affirms the exit report, the system produces a violation notice.

There are additional features which provide useful monitoring information. The breathalyzer can detect whether an offender has been drinking alcohol, thus, violating one of the conditions of home detention. Drive-by mobile units offer the ability to locate the offender. For instance, in a stalking situation, authorities can use the drive-by unit to determine if the offender is sitting in a car near the victim's residence. Using a directional antenna, the unit's RF reception is increased and determines the direction from which the signal is coming.

D. Cellular

At present, EM technology is moving in the direction of cellular applications. Cellular phones are often used in traditional EM when the offender does not have a regular phone either because it is unaffordable or for some other reason, such as location, a traditional phone is inappropriate. Some manufacturers who are studying the domestic abuse application are looking to cellular technology to provide the victim with a receiver wherever she goes. The drawback in a mobile receiver is that should an offender's transmitter come near the receiver, thereby setting off an alarm, the victim would be difficult to locate.

III. U. S. PICTURE

The increase in the use of EM has expanded dramatically from the first program in Palm Beach, Florida in 1984 to 33 states in 1988 monitoring nearly 2,300 offenders to all but three states in 1990 supervising approximately 12,000 offenders. Although there is no final data available for 1991-92, it is safe to say that virtually all states are

using some form of EM. (Renzema and Skelton)

The programs are operated differently from state to state. Some states, such as Michigan, monitor most of the offenders through their state department of corrections, while others such as Florida monitor a little over half through their state corrections department and the other half are monitored by sheriff's offices, local correction department, police departments and private agencies.

A. Offender Selection

EM technology is used on probationers, parolees, work releasees, pre-trial releasees and other offenders under correctional supervision in the community. The criteria for placement in electronically monitored home confinement varies from state to state and jurisdiction to jurisdiction. The U.S. Department of Justice released a monograph (February 1989) with the following recommendations on offender selection/placement:

1. Suitability of the home (electrical source, structural impediments, telephone availability);
2. "Fit" between the type of equipment and the offender profile;
3. Offense committed;
4. Significant others involved; and
5. Special needs of the offender.

The Federal Bureau of Prisons considered the following issues when placing inmates into its home confinement program: background information regarding health, mental stability, substance abuse history, prior record, community and familial stability. A residence is considered essential as is the support and cooperation of persons residing with the inmate. Agencies should obtain voluntary written consent from any offender placed in the program which outlines obligations and requirements. The use of all monitoring devices should be specifically authorized by the court or releasing authority.

It appears that nonviolent offenders were the first type of offender commonly put on home detention. For instance, those convicted of DWI offenses were often put on EM in a house arrest situation. A 1988 study showed that a quarter of offenders were charged with major traffic offenses. Property offenders represented 10 percent and closely related offenses such as burglary (28 percent), thefts and larcenies (39.6 percent), and breaking and entering (17.6) percent represented most of the rest of the participants. Drug law violators constituted 15.3 percent of monitored offenders in this study. (Stewart) Broadly classified, one might say that many of the offenders were those that otherwise would be released through a halfway house.

In selecting participants for electronically monitored house arrest (EMHA), it is important to look at whether the individuals are pretrial

detainees or post-trial offenders. For pretrial participants, two factors should be present: release on recognizance would not be granted and EMHA would never be used where a defendant chose to post bond. In the post-trial environment, the primary purpose of EMHA should be diversion from incarceration, rather than substituting for supervised probation. (Walker)

B. Cost of Electronic Monitoring

The cost of an EM program is usually paid at least in part by the offender. One study found that two-thirds of the programs collect fees and that they average $200 a month. Some programs charge as much as $15 a day. (Renzema and Skelton) Some charge as little as $5 a day. The majority of programs that charge a fee have sliding fee scales. Costs that cannot be paid by the offenders are picked by by local governments or by the state. Obviously, governments can only go so far in underwriting the costs before cost benefits of the system are lost. (Friel and Vaughn)

It is wise for each local or state agency involved with EM to have a policy for indigent offenders so that individuals who are otherwise good candidates for EM but who cannot afford a telephone or the monitoring fees are not precluded from using the system. It is also a good idea to have an indigent policy because lack of such a policy might lead to race and class bias, a result which the American Civil Liberties Union already is concerned about. Because there is generally a rigorous screening process as previously mentioned, programs may end up putting a disproportionately large number of white-collar offenders on EM--those who have minor criminal records, no history of drug abuse and ability to pay EM fees. These programs, then, would appear to show race and class bias. This situation raises possible "equal protection" concerns and concerns about overall fairness. (Petersilia)

C. Response to Violations

In order to assure program credibility, something has to be done with those offenders who violate EM rules. It is advisable for the agency to have a clear, concise policy directive to guide them in responding to violations. As a first step, the policy should recognize the difference between true violations and equipment "glitches." The fact that a monitor reports violations may increase the liability if further criminal acts occur. The arrest/no arrest decision must be based upon clearly articulated policy and procedure. (U.S. Dept. of Justice)

An EM program which combines EM, substance-abuse testing and intensive human supervision usually provides so much negative information that an inflexible policy of incarcerating rules-violators would greatly worsen jail overcrowding. Ten percent of the programs in a 1989 survey said that technical violators were invariably incarcerated. The most commonly used sanction, reported by 96 percent of the programs, was the warning, written or verbal. Other common violation responses were the tightening of reporting requirements, increased urine testing, stricter curfews, and increasing the frequency of random calls for those monitored by passive systems. (Renzema and Skelton)

IV. MINNESOTA'S EXPERIENCE

Minnesota is a very recent entrant into the electronic monitoring arena, having just begun their EM program three years ago. Initially, EM was largely left up to each local jurisdiction as to what organization they wished to contract with and how the monitoring process itself should operate. The Department of Corrections (DOC) had little or no control over the rates that were being charged for EM services.

A. DOC's Electronic Monitoring Policy

One of the DOC's first steps was to get involved in the vendor contracting process by issuing a Request for Proposal (RFP) covering all state-funded contracts for EM services. In April 1992, the department took an additional step by adopting a state policy on EM. (Division Policy Memo, Vol. 8, No.1)

The policy acknowledges EM as a legally permissible sanction and method of supervising offenders. The policy establishes the corrections agent's role in EM as a case manager who will be involved with the proper DOC classification of the offender. The DOC will be responsible for the costs of EM only when the offender is under the DOC's jurisdiction, otherwise the district court will assist in establishing payment responsibility. The Office of Adult Release and the district court will determine the duration of EM.

Contracts for EM services will be issued by the work release unit or the community services support unit. Contracts are to address procedures for technology operation and for notification of agents. The supervising agent or officer of the day will be contacted by the monitor in the event of an EM violation. An agent's response is to be based on the degree of determined risk and violation circumstances.

The DOC policy sets forth the following criteria to be used in offender selection:

1. Level of violence demonstrated by the offender;
2. Prior law enforcement contacts and convictions;
3. Prior chemical dependency and mental health evaluations and treatments;
4. Employment and/or education status;
5. Length of community residence;
6. Willingness to participate; and
7. Suitability of residence.

The policy also takes into account various constitutional challenges that have been made to EM's potentiality of infringing upon the rights of offenders. The policy seeks to protect offenders' 4th and 5th Amendment rights of unreasonable search and seizure and self-incrimination as well as the 14th Amendment right of equal protection.

B. DOC Policy on Indigency

The DOC has promulgated a policy designed to address offenders' right of equal protection in that no eligible candidate for EM should be prohibited from participating solely because the offender cannot afford a telephone. The department iterates its intention to underwrite telephone costs for those offenders who are truly indigent based on assessments performed by case managers.

C. Current Contractors and Delivery System

Minnesota's DOC currently contracts with General Security Services Corporation (GSSC) to provide EM services to those offenders on supervised release. GSSC uses the radio frequency or active system of electronic monitoring.

Those offenders who are on work release/EM are serviced through a contract with the Minnesota's Citizen Council.

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ELECTRONIC MONITORING MANUFACTURER SURVEY

Department of Corrections
December 1992

ELECTRONIC MONITORING MANUFACTURER SURVEY

I. Research Methodology

In order to carry out this survey, he Department of Corrections contacted through the mail all the electronic monitoring (EM) manufacturers who were listed in the Summer 1992 issue of the Journal of Offender Monitoring and other manufacturers identified through the press or trade shows. Manufacturers were asked a series of questions regarding electronic monitoring as a safety enhancement for domestic abuse victims (see the letter following). A total of 20 manufacturers were solicited for information. If written or phone responses did not occur within 30 to 45 days, the manufacturers were contacted by phone. Nine of the manufacturers' responses are the result of these phone calls. The information is somewhat limited due to the difficulty in getting technical information in a phone conversation. Five of the manufacturers did not respond to letter(s) or phone calls. It was apparent that many companies were reluctant to divulge too much information with a new EM application such as the domestic abuse system appears to be. The preceding caveats should be kept in mind when reading the chart which contains the results of the survey.

II. Summary Analysis

Of the 20 manufacturers surveyed, eight stated that they are not currently marketing a domestic abuse application of their EM technology. Of these eight, two expressed an interest in the domestic abuse application: Strategic Technologies and Vericon. A third company, BI, Inc., has no plans to market a domestic application under their company name, but clearly has an interest since they have provided seed money to Bodyguard Technology--a company that has been formed exclusively for development and marketing of a domestic abuse application of EM technology. One of the manufacturers who is not planning on adopting their EM technology for domestic abuse is Mitsubishi. This manufacturer expressed concern about the liability to which their company would be exposed and, furthermore, believes that the current EM technology does not provide an acceptable level of safety and protection for the victim.

Seven manufacturers, of the 20 surveyed, discussed using their technology as a way of providing some additional safety to victims of domestic abuse. Five of the seven identified locations where the technology was being tested or used: ADT, Bodyguard Technologies, Electronic Surveillance, Total Control, and Tracktek. All five of these companies appear to have just recently begun test cases or pilot projects. Hence, no results from the tests were available at the time of the survey. Two manufacturers who have yet to begin pilot projects are Innovative Security Systems and VOREC. These two companies have, however, researched and developed electronic warning systems for domestic abuse victims.

Two of the seven manufacturers with domestic abuse applications of their technologies--ADT and Tracktek--are not using technology which fits the definition of "electronic monitoring device" set forth in Minn. Stat., section 609.02, subd. 14 or the definition of "electronic warning system" (EWS) given in the standards. ADT is marketing a panic or emergency button to be activated by the victim when she believes she is in imminent danger, i.e., her abuser is at or near her residence. The victim must be in her house for the alarm to work. ADT does not fit the

perpetrator with a transmitter or monitor the perpetrator as part of their system. Because there are no restrictions whatsoever placed on the perpetrator, this would not meet with the definition of "EWS" in the standards, nor would the court order this type of safety device where only the victim is involved. This safety device for the victim would have to be offered to the victim through victim advocates, corrections or some other means outside of the court system.

In contrast to ADT's panic button for the victim, Tracktek's domestic abuse application involves only the offender. Here the perpetrator is placed on EM and some form of home detention, while the victim has no receiver or warning device in her house. It appears, then, that Tracktek's domestic abuse system is no different than traditional EM except that the offenders who have committed domestic abuse related crimes are designated and perhaps monitored a little more carefully or uniquely than the others on EM.

Of the seven manufacturers that have developed some form of EWS for domestic abuse victims, five recommend putting the perpetrator on EM with some form of home detention. It appears that this may be done regardless of whether the perpetrator is a pretrial detainee or a probationer. Thus far, states such as Texas who place pretrial detainees on EM and home curfew and whose criminal code provide magistrates with the authority to order EM/home curfew, have had no constitutional challenges to this practice. Minnesota may wish to expand the definition of EWS or EM device to include some form of home detention.

The two manufacturers who do not recommend putting the offender on EM/home curfew are ADT and Bodyguard Technologies. ADT, whose system has already been discussed, uses technology which involves the victim only. Bodyguard, on the other hand, takes a more encompassing approach in that it markets its technology with additional program components: a 12-week stabilization program for the perpetrator, optional victim survivor/empowerment group, and a rapid response system. While Bodyguard's system appears to most closely meet Minnesota's statutory definition of an EM device (or the EM standards' definition of EWS), it is not necessarily the best or preferred system. However, Bodyguard's Jurismonitor project appears, thus far, to be the most comprehensive electronic warning system.

JP:EMMFSUR1

01/04/1993

Mfg. Contact	Domestic Abuse/ EM Application YES	NO	R&D	If yes Location of Installation	Comments	Page
Catherine Barto Saatchi & Saatchi Public Relations 375 Hudson Street New York, NY 10014-3620 212/463-3171 for ADT Security Systems	X			- Hillsborough County, Tampa, Florida - Knoxville, TN - Boston, MA - Seattle, WA - Middlesex County, NJ	EWS Operation: The AWARE (Abused Women's Active Response Emergency) project began in January, 1992, with the placement of security systems and emergency necklace pendants in approximately 24 battered women's residences in the Tampa, Florida area. The women are to press their pendant or the emergency button mounted on the wall if they are in imminent danger. ADT dispatchers will alert the appropriate law enforcement officials. The victim must be in the home in order to set off the alarm. The victim signs a standard monitoring contract which releases ADT from liability. Contract is similar to ADT's burglar alarm contract. Current system needs a phone, but are testing cellular equipment. Each city or county develops their own participation criteria. NOTE: There is no electronic monitoring of the perpetrator with this system. Cost: Approximately $50,000 per market; however, ADT is offering the system free of charge at this time. Individual installation would be about $300 to $500 for equipment and $19-22 per month if ADT were charging.	

Mfg. Contact	Domestic Abuse/ EM Application YES	NO	R&D	If yes Location of Installation	Comments
Vince Stinton BI, Inc. 6400 Lookout Rd. Boulder, CO 80301 800/666-2911		X			Not marketing their own equipment for domestic abuse application. Provided seed money to Bodyguard Technologies. Bought out Tracktek.
David G. O'Neil, Pres. Bodyguard Technologies, Inc. 7490 Clubhouse Rd. Suite 201 Boulder, CO 80301 303/581-0100	X			Arapahoe County, Colorado	Operation of Electronic Warning System (EWS): In addition to BI, Inc., Bodyguard has also received seed money from Lifelong Systems, Watertown, Massachusetts, who provides the master computer. The name of their domestic abuse EWS is Jurismonitor. The system is designed to increase safety of the victim. The program consists of three parts: 1. Stabilization of the perpetrator: consisting of ankle bracelet transmitter + 12-week stabilization program. 2. Victim empowerment: inform victim this is not protection, but it is part of a safety plan they develop wherein Jurismonitor will help them identify community resources. Optional victim survivor group. 3. Rapid response: when OFP issued, it is distributed to many parties including police, parole officer, monitoring agency, etc. System is set up to quickly and effectively respond to victim's alarm which is triggered when the offender comes within range of her receiver. Victim also has an emergency button which will set off the same rapid response system. The manufacturer characterizes the Jurismonitor system as 20% technology, 40% perpetrator/victim programs, 40% rapid response. Manufacturer considers this system to be a new tier of intervention between incarceration and unsupervised release.

Mfg. Contact	Domestic Abuse/ EM Application YES	NO	R&D	If yes Location of Installation	Comments
Lewis Weidman Chubb Electronics, Ltd. 297 Kingston Road Leatherhead, Surrey KT22, 7LS, UK 0372/378023					No response.
Jeff Slater COMGUARD Corporation PO Box 907 Kankakee, IL 60901 800/842-5454		X			No domestic abuse application.
Frank R. Bauer, V.P. Corrections Services, Inc. 3050 E. Commercial Blvd. Ft. Lauderdale, FL 33308 800/282-9444		X			No domestic abuse application.
Walter McMahon, Pres. Cost Effective Monitoring System 2207 Grange Circle Champaign, IL 61801 217/333-4579		X			No domestic abuse application. Efforts are currently going into hospital EM use with Alzheimer's patients who wander.
Paul Schnell Digital Products Corp. dba/Hitek Center Port 800 NW 33rd St. Pompano Beach, FL 33064 800/323-9476					No response.

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Chris Grubbs, V.P. Electronic Surveillance, Inc. 63 Chaparral Dr. New Braunfels, TX 78132 800/388-7939	X			Texas: See Texas code of Criminal Procedure Art. 17.43 which provides that a magistrate may require the defendant to submit to home curfew and EM as a condition of release on personal bond.	EWS Operation: Perpetrator is generally on EM/Home curfew. Does not always know victim has receiver in her house. Victim also has panic button with range of 1200 feet. Police use high priority for domestic abuse cases--same as for rape, burglary. Manufacturer is certified by Underwriter's Laboratory (UL). Comment: This company did not send any written material on their EWS because they viewed all information as proprietary. They provided the information herein over the phone. They would be available for a demonstration. Cost: Standard cost for EM is approximately $5.50/day with 2 receivers, it goes up to $10-12/day.
George Polk, Pres. EP Systems 131 Greene Street New York, NY 10012 800/359-6554					No response.
John B. Coogler, Pres. Innovative Security Systems 19855 Stevens Crk. Bl. Suite 180 Cupertino, CA 95014 408/446-5899			X	No project has begun as of 11/92.	Cost: ISS recommended leasing the equipment at $5 to $20/day depending on level of monitoring service, geography involved and equipment options selected. EWS Operation: Intelligent Monitoring Unit (IMU) placed in victim's home. ISS recommends placing in offender's home also. Offender's transmitter has a robust RF signal and makes use of antenna in the strap. Recommends use of drive-by unit with directional antenna to constantly monitor offender's movements. Provide electronic surveillance of the offender based on the belief that stalking generally occurs during the first 6-12 months the offender is free from incarceration. Recommend 24-hour a day service.

Mfg. Contact	Domestic Abuse/ EM Application YES	NO	R&D	If yes Location of Installation	Comments
David Page, Mktg. V.P. Guardian Technologies, Inc. 5200 Fields Ertel Rd. Cincinnati, OH 45249					Guardian merged with Cincinnati Microwave. Acquired by BI. No response to our inquiries.
Tom Rozlak Marconi Electronic Devices, Ltd 100 Smith St. Farmingdale, NY 11735 516/293-8686					No response to our inquiries.
Dino Rizzoferrato Mitsubishi Electronics America, Inc. 800 Biermann Court Mt. Prospect, Il 60056-2173 708/298/9223		X			Comments Per letter of 10/8/92: "Based on the limitations of existing technology, we do not believe that current electronic monitoring devices provide an acceptable level of safety and protection for victims." Per telephone call of 10/7/92: Looking at 15-30 minute response time. 911 may be better. Question of liability for manufacturer. Insubstantial increase in safety. False level of security.
Robert Frith Motorola, Inc. Govt. Electronics Group 8220 E. Roosevelt St. Scottsdale, AZ 85257 602/441-3033		X			Developing security system via use of zoning and cordless phone for penal institutions' work crews and for college campuses.
Ronald Hoelscher, Sr VP Strategic Technologies, Inc. 2430 42nd Av. E., #229 Seattle, WA 98112 800/827-1942		X			Manufacturer expressed interest in the domestic abuse application, but is not currently involved in any efforts.

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Randy Ziesenis, Pres. Total Control Systems/ Track-Find 3228 South Bl., Suite 324 Edmond, OK 73083-1775 405/348-1465	X			One case being tested in Oklahoma. Will be using AT&T/McCaw seamless network via satellites.	EWS Operation: The equipment to be used will be cellular. The victim will have a mobile receiver that can be carried to work. The offender will have a cellular transmitter and a mobile receiver. The system will also make use of a drive-by unit. Commments per telephone call of 11/9/92: Currently licensing the technology for domestic abuse application. Plan to do this in joint venture with other manufacturer.
Everett Bell, Exec VP CEO Traktek, A Division of BI Inc. 7655 E. Redfield Rd. Suite 10 Scottsdale, AZ 85260 602/596-0442	X			Harris County, Texas 4-5 domestic abuse cases where offender is on EM/House arrest.	EWS Operation: Offender is put on house arrest as a condition of surety bond. Manufacturer considers close surveillance of offender to be a system which will help protect victim. Does not appear that victims are given any kind of alarm system.
Richard D. Hawn, Jr VP Vericon Systems, Inc. 11551 Forest Central Dr. Suite 103 Dallas, TX 75243 800/878-0850		X			Comments: Interested, but have not begun anything as of 11/92. Selling their technology to Strategic Technologies, Inc. in Seattle, WA.
John C. Resch, Sr. VOREC, Inc. 358 Saw Mill River Rd. Millwood, NY 10546 800/832-0152			X	Proposed: Dolphin County, Pennsylvania and Dutchess County, New York.	EWS Operation: Proposing to set up domestic abuse pilots, but have not done so as of 11/92. Offender's equipment: voice verification unit, receiver, and transmitter bracelet with 150 feet range. Victim's equipment: mobile receiver (adaptation of drive-by unit), panic button worn on wrist. Offender is on some type of supervision, usually intensive. Recommend EM in pretrial situations. Comments: Manufacturer is concerned about liability. Continues to work on perfecting tamper control. Does not work in rural setting because it takes police 30 minutes to respond.

Mfg. Contact	Domestic Abuse/ EM Application YES	NO	R&D	If yes Location of Installation	Comments
VOREC, Inc. Cont'd					

Cost of Each System Component

Purchase of Equipment - Central Station (in-house)

Voice verification unit	$ 2,250.00 per unit
VISA R.F.	$ 1,500.00 per unit
Computers (2 computers, 2 modems, & 2 printers)	$15,000.00
Software	$ 1,500.00 per year beginning with year 2.
Field verifier (drive-by)	One with every 15 units purchased-no cost.
Transmitters (bracelets)	Included in unit price
Maintenance Agreement	
VVU's	$.50 per day, per unit
VISA's	$.30 per day, per unit
	Negotiable

Lease of Equipment

Voice verification unit	$3.28 per day, per unit
VISA R.F.	$2.19 per day, per unit
Computer	
Accommodates up to 200	$17.80 per day
Software	Included in computer pkg.
Maintenance Agreement	Included in price per day per unit
Drive-by unit	One with every 15 units leased
Transmitters (bracelets)	Included in unit price

Updates included as part of the package.

Vorec Monitoring Service

Voice verification unit	$4.93 per day, per unit
VISA R.F.	$3.84 per day, per unit

Only paying for unit actually in use.