

# FINAL REPORT



Governor's Task Force to  
Reduce Domestic Violence  
through Technology



OFFICE OF  
THE GOVERNOR

NO. 2012-003  
DATE February 22, 2012

**AN ORDER ESTABLISHING THE TASK FORCE TO REDUCE  
DOMESTIC VIOLENCE THROUGH TECHNOLOGY**

WHEREAS, domestic violence is a scourge which harms the fabric of our State;

WHEREAS, many men and women have dedicated themselves to ending domestic violence and have offered their time and expertise;

WHEREAS, my Administration is dedicated to creatively using technology to protect victims; and

WHEREAS, a comprehensive examination will help create a system that works for all Maine people;

NOW, THEREFORE, I, Paul R. LePage, Governor of the State of Maine, hereby order as follows:

1. The Task Force to Reduce Domestic Violence through Technology ("Task Force") is hereby established.
2. The membership of the Task Force shall consist of seven (7) persons appointed by the Governor, including representatives of the following:
  - a. The Department of Public Safety;
  - b. The Department of Corrections;
  - c. The Office of the Attorney General;
  - d. The Office of Information Technology;
  - e. A statewide organization dedicated to ending domestic violence;
  - f. A statewide organization representing prosecutors; and
  - g. A statewide organization representing chiefs of police.

The Governor shall appoint one member of the Task Force to serve as Chair, to serve at the pleasure of the Governor. Members shall serve without compensation.

3. The Task Force shall:

- a. Explore methods to utilize available technologies to track domestic violence offenders;
- b. Explore electronic assistance services for victims, to allow them to contact support personnel in an emergency;
- c. Develop models to implement the technologies explored in subsections (a) and (b), incorporating different approaches related to rural and urban areas as appropriate; and
- d. Apply for any grants on behalf of the State as the Task Force may deem necessary, including those offered by the United States Department of Justice, Office on Violence Against Women.

The Task Force shall undertake such other duties and responsibilities from time to time as may be required.

4. The Task Force shall submit a report to the Governor detailing their findings, along with any draft Legislation, on or before December 15, 2012, at which time the Task Force shall dissolve.

The effective date of this Executive Order is February 22, 2012.

  
Paul R. LePage, Governor

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## TASK FORCE MEMBERSHIP

Gregory Couture, Chairman  
Assistant to the Commissioner  
Department of Public Safety

Lisa Marchese, Assistant Attorney General  
Office of the Attorney General

Captain Marsha Alexander, Corrections Administrator  
Kennebec County Sheriff's Office  
Maine County Sheriff's Association

Greg McNeal, Chief Technology Officer  
Maine Office of Information Technology

Cynthia Brann, Associate Commissioner  
Maine Department of Corrections

Katherine Tierney, Assistant District Attorney  
Cumberland County District Attorney's Office

Julia Colpitts, Executive Director  
Maine Coalition to End Domestic Violence

Chief Edward Tolan, Falmouth Police Department  
Maine Chiefs of Police Association

### Advisory Members:

Justice John Nivison  
State of Maine Judicial Branch

Elizabeth Ward Saxl, Executive Director  
Maine Coalition Against Sexual Assault

Commissioner John Morris  
Department of Public Safety

Mary Ann Lynch  
State of Maine Judicial Branch

## DEFINITIONS

**Electronic Monitoring (EM)** - Daily activity electronically monitored with the use of electronic monitoring equipment.

**Exclusion Zone** - A zone established by an authorized body to prohibit specific activities in a specific geographic area.

**Global Positioning System (GPS)** - A global system of U.S. navigational satellites developed to provide precise positional and velocity data and global time synchronization for air, sea and land travel.

**Active GPS** - Monitoring on a continuous signal, utilizing a cellular communications network to report locations and violation status.

**Passive GPS** - GPS monitoring on a delayed or intermittent basis. Passive systems usually download information several times during a 24 hour period.

**High Risk Response Team Model** - A collaboration of multidisciplinary professionals who work to increase victim safety and provide victim services in a coordinated manner. The Team strives to interrupt the pattern of escalating violence by focusing equally on victim safety and offender accountability.

**Home Confinement** - A program for which qualified inmates are granted release from the facility to participate in a structured environment of community based education, work treatment, and/or rehabilitative programs.

**Post-conviction** – Any point in a criminal proceeding after a verdict or finding of guilt or after the acceptance of a plea of guilty or nolo contendere.

**Pre-conviction** – Any point in a criminal proceeding before a verdict or finding of guilt or before the acceptance of a plea of guilty or nolo contendere.

**Stalking** - 17-A M.R.S. §210-A (1)(A) defines stalking as the “Intentionally or knowingly engaging in a course of conduct directed at or concerning a specific person that would cause a reasonable person: (1) To suffer serious inconvenience or emotional distress; (2) To fear bodily injury or to fear bodily to a close relation; (3) To fear death or to fear the death of a close relation; (4) To fear damage or destruction to or tampering with property; or (5) To fear injury to or the death of an animal owned by or in the possession and control of that specific person.”

**Victim** –17-A M.R.S. § 1322 (7) defines a victim as “A person who suffers personal injury, death or economic loss as a result of a crime of the good faith effort of any person to prevent a crime.”

**Victim Notification System** - A computer controlled system by which victims of crimes are notified about the release of or the escape of the offender(s) who perpetrated that crime.

## I. EXECUTIVE SUMMARY

A series of domestic violence homicides during the summer of 2011 created a tipping point of outrage in Maine communities, building wide-ranging support for domestic violence initiatives in the 125<sup>th</sup> Special session of the Maine legislative session, including bi-partisan legislative support and strong advocacy by Governor Paul LePage. In response to a call for greater use of Technology in protecting victims and holding defendants accountable, Maine's Governor Paul R. LePage issued an Executive Order dated February 22, 2012, entitled "An Order establishing the Task Force to Reduce Domestic Violence through Technology." The Task Force met numerous times from March 2012 through January 2013.

The Executive Order governing the Task Force authorized application for Grants. Accordingly, one of the first initiatives the Task Force undertook was to seek grant funding from ARREST (Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program) to implement Pilot Projects. The Task Force was not awarded funds from this grant source.

The first several meetings of the Task Force involved information gathering relative to the types of technology in existence. In addition to available technologies, the Task Force also examined studies, models and findings conducted by other jurisdictions related to GPS monitoring. While these studies and models were helpful in identifying issues related to technology, each State faces its own unique set of circumstances and Maine, of course, is no different.

A majority of time of the Task Force time was spent on the use of electronic monitoring. The task group focused on a subset of electronic monitoring technology, namely Global Positioning Systems (GPS).

There was consensus that Pilot Projects in two locations in Maine; one rural and one urban was the best way to test the effectiveness of electronic monitoring. Several issues were identified that needed to be addressed before Pilot Projects could be implemented. Although the Task Force members agreed that there would not be an immediate need for legislative modifications to the Maine Bail code to impose electronic monitoring as a condition of pre-conviction bail, there remained the outstanding issue of who would monitor the offender while using the device.

The Task Force determined that the most significant obstacle facing an electronic monitoring pilot project, other than funding, is the oversight of the pilot projects. The Task Force was advised by Department of Corrections (DOC) that there is no statutory authority for them to oversee pretrial defendants on electronic monitoring because DOC does not have jurisdiction over pretrial defendants. The Task Force recognized the necessity of having the Pilot Projects overseen by one agency. After careful consideration, the Task Force recommended that the Board of Corrections (established by 34-A M.R.S. §1801 ) be named as the central agency to oversee the Pilot Projects. Oversight of the pilot projects fits within the Board's purpose and falls within its statutory authority.<sup>1</sup>

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<sup>1</sup> The purpose and goals of the Board of Corrections include: Reducing recidivism, improving pretrial diversion, and ensuring the safety of surrounding communities. Title 34-A M.R.S. § 1803.



At the initial meeting, the Task Force recognized that an increase in the use of technology would require additional resources. The Executive Order governing the Task Force authorized application for Grants. Accordingly, one of the first initiatives the Task Force undertook was to seek grant funding from ARREST (Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program) to implement Pilot projects concerning the use of electronic monitoring in supervising offenders while on pre-conviction bail. Although the Task Force was not awarded funds from this grant source, the notion of Pilot Projects as a starting point for electronic monitoring became a focal point of the Task Force.

The technologies examined included Global Positioning Systems (hereinafter GPS), VARDA; phone applications; victim notification through an electronic system known as VINE; lifeline/panic buttons; intruder alarms, public awareness campaigns and surveillance video.

The Governor's Task Force on Technology follows a statewide, integrated plan of action that began two years ago focusing on homicide prevention and reduction of serious re-offense in situations involving domestic violence and stalking. Concerned that 50% of Maine's homicides and over 45% of all arrests for assault consistently involved domestic violence, Maine developed a Maine identified management of strangulation assault, bail processes, victim notification and risk-informed decision as priorities to improve safety for victims and accountability for offenders. Statutory change was part of a larger plan including policy change, public awareness, and heightened coordinated community responses, such as the development of regional high risk response teams. (see Appendix A and B)

## II. TECHNOLOGIES EXAMINED

### A. Victim Notification Technology

#### Observations and Recommendations: (See Appendix C and D)

Victims are considered to be at increased risk during the period when a defendant is released on bail following an arrest for a crime that involves domestic violence, sexual assault and/or stalking. Victims may also be at increased risk when an offender who has been committed to the DOC, a county jail, or is committed to the custody of the Commissioner of the Department of Health and Human Services, having been found not criminally responsible by reason of insanity or having been found incompetent to stand trial, is released back into the community. During this time of increased risk, victims need to know the defendant's status in order to make appropriate safety plans.

With this elevation of risk in mind, Maine has created statutory mandates concerning a defendant's pre-conviction release on bail or an offender's post-conviction conditional or unconditional release. Title 17-A M.R.S. §1175 requires that the Maine DOC, the state mental health institution or the county jail to which an offender is committed post conviction, notify any victim who requests to be notified of the offender's release from custody. This notification of release is to happen by mail to the address provided by the victim as soon as the release date is set.

Additionally, 17-A M.R.S. §1175-A, requires that attempts be made to notify the victim in a case involving domestic violence, sexual assault under chapter 11, or stalking, if and when an defendant is released on bail. This statute was changed in 2012 in response to concerns by the legislature that the mandate to notify victims and the notification processes were unclear in the existing statute. While the statute change does clarify a mandate for attempted notification, it does not provide a process of notification that ensures success; in fact the new process is unclear and has several points where victim notification failure is possible, even likely. (See appendix X)

Automated Victim Notification systems are considered best national practice. Only three states do not use some form of automated victim notification in some way in their systems, Maine being one of them. Automated victim notification utilizes software systems and technology to provide coordinated victim service notification that is triggered automatically by a pre or post conviction release decision. These systems are able to utilize text, phone, email as well as a data bank accessible to victims who choose not to leave their contact information due to security issues (such as being in a shelter placement or fleeing the jurisdiction). These automated systems

provide other resources, such as data management, live operators to respond to victims' inquiries, national applicability, and options for other linked service enhancements that build on the software.

Generally these automated notification systems are part of a larger group of technology solutions with a range of applications. For example, Maine utilizes a technology tracking solution now called Appriss which is the technology provider for NPLEx (National Precursor Log Exchange); an electronic tracking service used to track and block the illegal sale of over-the-counter cold medicines containing pseudoephedrine and also offers state of the art victim notification systems. Appriss also provides revenue enhancing strategies, using incarceration data to scan for benefits being received incorrectly as a cost saving mechanism. This example is used to demonstrate the interlocking data management strategies offered within providers.

#### SUMMARY OBSERVATIONS:

1. We support the effective, consistent and timely notification for victims of crimes of domestic violence, sexual assault under chapter 11, and/or stalking of a defendant's pre-conviction release on bail and/or an offender's post-conviction conditional or unconditional release from the DOC, county jail or state mental health facility. While we also support the notification for other crimes that are identified in Title 17-A, M.R.S. Chapter 11, our focus here is on the victims of intimate personal violence who can expect a particular set of risk factors related to the dynamics of those crimes.
2. We note that technology has progressed to provide automated notification systems that can utilize multiple notification strategies, provide live person support, provide a national platform for notification and tracking; provide data collection for quality management and accountability purposes, and be cost-effective. We note that Maine is one of only three states not currently involved in automated victim notification in some capacity.
3. Automated notifications systems are one subset of a larger set of integrated initiatives using the data that may provide other benefits to the State of Maine, such as revenue enhancement strategies.

#### SUMMARY RECOMMENDATIONS:

1. We recommend the use of a best practice, automated notification system, to provide effective, consistent and timely notification of pre and post conviction releases; to provide for national coordination of notification processes; to provide data collection for

process management and accountability, and to provide a cost-effective notification option.

2. We recommend that Maine consider an RFP for these services and as part of that process investigate the cost/benefit balance between the current inefficient, fragmented and personnel intensive system that is currently in place and an automated system. We support maintaining a victim advocacy-services capacity within Department of Corrections to complement the notification system. We also suggest that grant revenue options be explored, as there has been federal funding available previously to encourage the use of automated victim notification systems.

## **B. Electronic Monitoring in Crimes of Domestic Violence and Stalking:**

### **Observations and Recommendations:**

We observe that evidence-based and practice-informed reviews of electronic monitoring of offenders consistently note increased compliance with conditions of release, increased accountability for a significant number of offenders, increased and improved system collaboration and most importantly, improved safety outcomes for victims. The task group focused on a subset of electronic monitoring technology called Global Positioning Systems (GPS). We did not address other containment monitoring such as radio frequency monitoring (RFM).

The public is most familiar with GPS tracking via news stories or by the use of “smart phones.” All cellular phones are now equipped with GPS for activation in an emergency situation. In addition, most current phones offer the elective use of GPS location services when the owner authorizes that in a “settings” option. These GPS services rely on active, real-time tracking via a network of satellites and integrated software systems are known as “active GPS.” Most major cellular phone providers offer a service that provides GPS real time location for any phone. By choosing this service, one can have real time location information appear on his/her computer or via a mobile phone that shows any “family” member’s phone moving as a blinking light through a location map. The options of GPS tracking only become more complex from there. Applications such as Foursquare, Google Environments and many more provide location-based marketing services and/or social network links and services in ever more integrated ways. GPS and location-based software is a fact of life in the US and the larger world. This GPS capacity is only limited by ones device, the range of cellular service and the quality of software in the applications.

In addition to this active GPS monitoring, there is an older monitoring option that utilizes GPS to track the movements of an individual or object. But rather than relaying location information in real time to a monitoring source of some sort, it stores that information up on a device over a set period of time. That device is then connected at set time intervals with a central monitoring computer either by landline or wirelessly to download the location history of that individual. The data is all there, but is stored and transmitted later for review. This is defined as “passive GPS.”

One of the current uses of both active and passive GPS options is to monitor the movements of individuals in the criminal justice system, either pretrial or post conviction. There is an expectation that more offenders will be monitored in the future because the rising cost of incarceration. In 2011, the US Department of Justice estimated that the cost of incarceration is six times more than the cost of GPS monitoring. This type of monitoring involves tracking a person’s compliance with their conditions of bail or conditional release from a facility. The most frequent goals include reducing recidivism or revocation frequency for offenders; providing alternatives to incarceration for low-risk offenders; and/or monitoring offenders who may present a risk of re-offense. This compliance data can be obtained either through active or passive monitoring.

In addition to compliance monitoring, GPS can be used to provide an “alert” capacity for victims who are at ongoing risk. This goal requires active monitoring capacity. The goal of this is to track an offender in real time; to relay the location information to a constant monitoring site which then has the capacity to provide an alert when an offender crosses into a proscribed area and/or comes into geographic proximity to a victim who also has a GPS device. In order to do this, a containment circle is set up around a location(s) where a victim lives or works. If an monitored individual approaches that circle, an alert is triggered to the monitoring facility, then relayed to law enforcement for response and/or to the victim to take self-protective action. If the victim is willing to wear a device as well, then the alert can also be set off if the monitored individual comes within a certain distance of the victim’s device. In practice it is important to note that a very small percentage of victims were willing to wear this device for a variety of reasons, so the alert capacity was usually restricted to the static zones of work, school or home; reducing the effectiveness of the alert option. In addition there were both technical problems in rural and in urban environments, as well as response challenges that also diminished this potential alert capacity.

There are significant differences in cost between passive and active monitoring capacities. It is important to know what the goals of the monitoring are, the relative successes

and challenges of each implementation option and the cost/benefit ratio of both options given the realities of limited resources and the relatively small number of victims who will be affected by GPS monitoring implementation. A clear cost differential will not be clear without an RFP process that identifies a vendor as well as outlines the other program costs in the implementation model.

Our review focused on monitoring to contain risk and reduce repeat offenses by Individuals charged with or convicted of crimes involving domestic violence, sexual abuse and stalking. In addition, we reviewed the alert capacity of active GPS systems. Because GPS is relatively new, there are only a small number of studies providing evidence on its effectiveness. However, much of the research and/or program evaluation is outdated because of the emergence of new technologies. Although outdated, many of the observations remain relevant. There are several resources that we used to assist us in this study which either had recent data or that included older technology, but had other relevant system observations. Those are listed in the bibliography in the appendix section for those who would like to study further.

In addition to an overview of a wide range of reports, we paid particular attention to several works:

1. *Speakers Task Force on Domestic Violence, 2012, Report & Legislative Recommendations*. This study tracked a pilot project implemented in one urban and one rural area to determine the effectiveness of GPS monitoring of domestic violence defendant who violated bail or PFA conditions. It followed best practice standards and resulted in a report with findings and recommendations. The report included the recommendation that the Connecticut Legislature should, “Identify a funding source for the continuation of this pilot so that the safety measures, accountability and case management services provided by this program can continue. The pilot showed that the program is effective.” The more detailed report, “Alert Notification/GPS Pilot Program Updated Report” by the study group provided information on success factors, limitations and unintended consequences. (CT Judicial Branch, 2011)
2. Summaries of Interviews with National Experts and Practitioners on Use of GPS done by the Muskie School of Public Service in 2009.
3. *A Quantitative and Qualitative Assessment of Electronic Monitoring* (Bales, 2010). This study of Florida individuals on GPS monitoring provides an in depth evaluation of the effectiveness of that program. The evaluation however was not specific to domestic violence, sexual assault and/or stalking.

## **Common Program Outcomes**

The Task Force observed, based on a review of the reports and conversations with program managers who implemented successful GPS monitoring programs, that there was an overall positive impact on victim safety and offender/defendant accountability. The recent studies are consistent with their support for global positioning monitoring as effective in reducing recidivism and supporting victim safety. For a significant number of participants, GPS monitoring positively shaped defendant behavior to be more in compliance with conditions of release. The Bales report noted:

The quantitative analysis demonstrates that electronic monitoring reduces offenders' risk of failure by 31 percent. All categories of offenders, regardless of offense type, experienced fewer supervision violations as a result of electronic monitoring; however, the effect was reduced for violent offenders. Offenders of all age groups and those on different forms of community supervision benefited from electronic monitoring. (Bales, 2010)

The Connecticut study concluded, “[t]he Alert Notification/GPS program is a promising practice that enhanced the overall court, law enforcement, and community response to high-risk family violence cases.” (Connecticut Judicial Branch, 2011) (See Appendix E and F)

States Attorneys in Connecticut and Florida observed that information received regarding a defendant's compliance assisted with the case process and disposition. Compliance information from GPS records provided evidence, particularly in patterns of stalking or repeated violations of protection orders. Prior to having this evidence, accusations that an defendant had violated the conditions of release by stalking or contacting victims were often “he-said-she-said” situations that frustrated victims, law enforcement and prosecution as they did not lead to successful prosecutions. Having tangible information on the location of an defendant provided evidence for or against a violation. In the case that a victim was mistaken, it also provided exculpatory evidence for the defendant.

A review of the studies also highlighted the fact that the organization and integration of the different service systems, required by this program, greatly increased effective, inter-system collaboration and cooperation, and in doing so made offender/defendant management more effective. When GPS was utilized with a high-risk response team approach, significant victim safety improvement resulted. (Rosenfeld, 2012) This increased collaboration enhanced the timely law enforcement and judicial response to any violations of court-ordered conditions, enforcing the accountability and impacting offender/defendant behavior.

Lastly, it was critical for Victim Service organizations to be involved in assisting with appropriate safety planning, particularly when there was a possibility of an alert for the victim that the offender/defendant was coming nearby. This allows the victim to move into a pre-arranged safety plan action.

### **Critical Success Factors**

In addition to some common outcomes, there were program elements commonly identified as critical success factors:

1. GPS monitoring program should be victim-centered and have victim safety as its core goal.
2. GPS monitoring is not appropriate for all cases. High-risk defendants who are not currently deemed appropriate for bail should not be considered as candidates for GPS monitoring. Most domestic violence homicides occur when the victim is leaving the relationship and “[t]his process often coincides with a criminal justice intervention; therefore pretrial containment of high risk offenders is a vital part of victim safety.”<sup>2</sup> In addition, low risk individuals are not appropriate as there may be negative effects for over scrutiny of low risk individual.
3. Risk assessment strategies are required to identify appropriate candidates.
4. Best practice for GPS indicates that it is used most effectively as part of an enhanced, coordinated community response (discussed further in section III B) and not in isolation.<sup>3</sup>
5. In Connecticut, constant GPS monitoring, with a rapid response from law enforcement and from the judiciary as well as on-going oversight by the participants by Judicial Branch-CSSD-Family Services were critical to the success. As the Connecticut Task Force Report notes: “One of the most significant aspects was that violations/non-compliance were immediately addressed by local law enforcement and the Court.” Having evidence to hold the offender of accountability for his/her actions created better compliance; when people know they will be caught they behave better. In addition, this evidence allowed the often escalating risk of lethality or of re-offense to be interrupted by law enforcement or judicial action earlier on in the process. Law enforcement noted they were more likely to pursue the investigation of a case where it was likely they could bring

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<sup>2</sup> The Jeanne Geiger Crisis Center, [www.jeannegeigercrisiscenter.org](http://www.jeannegeigercrisiscenter.org)

<sup>3</sup> Dianne L. Rosenfeld, *The High Risk Team Model and GPS Offender Monitoring: Stopping DV in Its Tracks*, 17 Domestic Violence Report, 33 (Feb/Mar 2012).



good evidence forward, prosecutors were more likely to prosecute and judges were more likely to see the defendants in their courtrooms.

6. Ongoing pretrial monitoring was a necessary part of the program.
7. Successful programs are those with clear policies, protocols and implementation practices.
8. Cost effective programs require the capacity to maintain and monitor a contract with a single vendor that has clear expectations, roles and responsibilities and a centralized monitoring center. (Bales, 2010)

### **Unintended consequences:**

Programs also included some common unintended consequences such as:

1. A small number of victims were willing to wear a device that would allow for mobile alerts. This decreased the safety parameters as alerts were only possible within preconfigured zones that were known to the monitored individual and usually limited to work and home. First impressions were that the “alert” component would be the primary safety factor, but that was not necessarily the case given the limitations on the reality of the alert capacity and response times. In fact, concerns were raised that this ran the risk of providing a false sense of safety to victims.
2. Technology problems presented complications in real time monitoring. False alarms were present in both rural and urban settings. In rural areas there were occasions of lost signals that were treated as violations and taxed local resources. (Bales, 2010) In urban areas, high buildings could create “ghost” images and confuse the signals exact locations. A side problem with the false alarms was that the first assumption in some settings was not that there was an emergency, but that there was a false alarm; delaying the response to the point that the neither the alert to the victim nor the law enforcement response were effective. Management strategies for both of these situations improved over the course of the pilot projects in Connecticut. (CT Judicial Branch, 2011) However, this also decreased the effectiveness of the “alert” option throughout the pilots.
3. Law enforcement had a learning curve managing responses to alerts including the need to adopt protocols for mobile alert situations, manage false alarms, determine whether there was intent on the monitored individual’s part to violate zones (particularly the rarer mobile zones) and provide the rapid response in potentially emergent situations. These problems decreased with familiarity with the technology and protocols. (CT Judicial Branch, 2011)

4. In addition to the cost of the monitoring itself, there are additional costs for program management and response that need to be considered in the fiscal planning. The Connecticut Judiciary noted that they were not able to complete other performance benchmarks in the first year of the project due to demands on employees from the pilot project. (Note: in Connecticut the program was managed within the Judicial Branch –this could not occur in Maine. However, whatever organization(s) were in control would face the same issues). Because the Judiciary was convinced of the benefits of the program, it returned to the Connecticut legislature in 2012 for additional funds to cover the real costs of the program, which was granted.
5. The Legislative intent for people to pay to cover their own costs did not happen in several settings to the extent expected. For example, in Connecticut less than 1% of fees were paid by the defendant, the rest were picked up by federal grant funds. In a poor state with limited financial resources such as Maine, this is an important factor to take into account in sound fiscal planning for pilot projects.
6. Compliance Data regarding compliance with conditions became more important than initially realized in improving victim safety.

#### SUMMARY OF RECOMMENDATIONS:

1. The Task Force recommends GPS monitoring as a best practice intervention in the management of a subgroup of defendants charged with crimes involving domestic violence, sexual assault and stalking. These recommendations address only the application to crimes involving domestic violence and stalking. People referred for monitoring should be individuals who meet the criteria for bail or post conviction conditional release from a county jail or state institution and should take place in situations where location data is a critical safety issue. GPS monitoring is not appropriate to monitor civil matters.
2. We recommend that a monitoring program be victim-centered with the primary goal of improved victim safety while respecting the rights of defendants and/or incarcerated candidates for conditional release.
3. We recommend that GPS monitoring be ordered by the judiciary when it is found to be helpful as a component of pretrial bail and post conviction conditions of release.
4. We recommend that Sheriffs be guided by a comprehensive risk assessment and case analysis in their decisions concerning the use of GPS monitoring prior to releasing an inmate under 30-A §1659-A.

5. It is recommended that GPS monitoring be tested in pilot project(s) that address crimes involving domestic violence and stalking and that include the best practice components, incorporate the critical success factors named in this report, test the functionality of the technology, and consider the best use of resources and/or organizational structures particular to Maine.

### **C. Additional Technologies Examined**

Victims may choose to consider technology to enhance their personal safety. New mobile phone applications are available and are being promoted as personal safety enhancing applications. Application users can identify a list of numbers, usually including 911, that will receive a range of possible notification options when the cell device is triggered by the victim in an emergency. The notification capacities vary from application to application and may include texts, cell calls, emails and/or live video feed. The applications include a GPS location, usually along with a pre-programmed message. These applications can be downloaded for free or for a small fee for iPhone and/or Android, and a variety of other cell phone platforms depending on the application. These applications may provide a victim a way to call for help quickly in the event of an emergency and may provide important information for law enforcement responders.

"Apps Against Abuse" was a national challenge from Vice President Biden's office in 2011 to identify technological responses to improve safety in dating, domestic and sexual violence situations by allowing the victim to use these pre-programmed alert connections. (<http://appsagainstabuse.challenge.gov/>). The following two applications were chosen as winners in this national competition and are recommended for use by that office.

- <http://www.onwatchoncampus.com/> "Personal safety on line application for college students." "On Watch is an iPhone application that lets you transmit critical information by phone, email, text, and social media to your support network. You can check in with friends, call 911 or campus police with two touches of a button, set countdown timers that send messages and GPS information automatically if events or activities don't go according to plan, and connect to sexual assault, dating violence and domestic abuse hotlines."
- [www.circleof6app.com](http://www.circleof6app.com) "An App that Prevents Violence Before it Happens" "This iPhone app makes it quick and easy to reach your circle of supporters and let them know where you are and what you need. It takes two touches to get help. The app uses phone, text, email and/or facebook to contact your circle (including 911 if programmed that way)\*, uses GPS to locate you when needed, connects to reputable domestic

violence organizations, and asks contacts to take a pledge on Facebook to stop violence before it happens."

\* Maine 9-1-1 call centers currently do not have technology to receive texts or e-mail.

### III. THE PILOT PROJECT

Reducing domestic violence requires a coordinated community response and technology, including GPS monitoring and automated victim notification, can significantly enhance this response. However, incorporating these technologies into the criminal justice system will require experimentation with the products and systems available. The cost and effectiveness of these technologies cannot be completely known until they are tested in different areas of the state.

To more fully explore the capabilities and the cost of GPS monitoring, the task force recommends the formation of two pilot projects. These projects will facilitate GPS monitoring as part of a coordinated community response, experiment with best practices, and compile data so that a cost/benefit analysis can be made. Once the pilot sites have used the technology and fully analyzed the data, a more informed recommendation can be made on whether this technology should be implemented statewide.

There was consensus among the Task Force members that Pilot Projects in two locations in Maine; one rural and one urban was the best way to test the efficacy of electronic monitoring. Although electronic monitoring has been used around Maine sporadically, pilot projects would represent the first statewide coordinated effort to examine the impact of electronic monitoring on victim safety and offender accountability. The Task Force identified several issues that needed to be addressed before Pilot Projects could be implemented. The location of the Pilot Projects requires certain preexisting entities including High Risk Response Teams and existing pretrial services for the day to day oversight of the offender while on electronic monitoring. The Task Force concluded that unless a county has either private pretrial services such as Maine Pretrial Services or Volunteers of America or a Sheriff's Office willing to monitor the defendant while on electronic monitoring, that county is not likely a candidate for an electronic monitoring Pilot Project. Other considerations included funding for the Pilot Projects; the use of active or passive GPS systems; and outcome measures for the Pilot Projects. Although the Task Force members agreed that there would not be an immediate need for legislative modifications to the Maine Bail code to impose electronic monitoring as a condition of pre-conviction bail, there remained the outstanding issue of who would monitor the offender while using the device.

It is recommended that one pilot project form in an urban location and one form in a rural location. Because real and technological challenges, such as satellite reception, resources, culture, and geography vary between the urban and rural areas of Maine, creating two pilot sites will allow each site to develop practices and strategies according to the specific needs and resources of the particular area.

There are three components (broken into the following sections) for success with the pilot projects: A) Implementing the recommended technologies, B) Creating an enhanced coordinated community response and C) Having system-wide oversight of the projects.

#### **A. Implementing the Technology:**

Pretrial separation from a defendant can often be the most dangerous time for a victim of domestic violence. Enhanced supervision through GPS monitoring of defendants pretrial will be one of the most vital components of each pilot project. Currently, every county in the State, except for Piscataquis and Hancock County, has some kind of pretrial supervision. Some counties elect to contract the work through non-profit agencies, such as Maine Pretrial Services or Volunteers of America, while other counties hire their own pretrial supervisors. Domestic violence defendants are routinely released from custody, placed on pretrial contracts and monitored by these agencies. The task force recommends that a pretrial supervision agency, either a county or non-profit, be responsible for monitoring with GPS technology defendants who are eligible for bail with GPS technology.<sup>4</sup>

It is further recommended that prior to a defendant's release, pretrial supervisors conduct a comprehensive screening to determine eligibility for GPS monitoring. This screening should take into consideration the factors listed in Title 15 M.R.S. § 1026 (4), the results of a validated risk assessment tool, and the number of GPS devices available to the pilot project.

Once a defendant is placed on GPS monitoring, if a violation is detected, the pretrial organization would coordinate with local law enforcement, the District Attorney's office, and the Court, so that appropriate action is taken. Coordinating a response will of course look different depending on the type of GPS system being used. If a passive system is used, the pretrial agency would learn of a violation after the fact and notify local law enforcement. If an active GPS system is used violations would be known instantaneously and law enforcement would respond immediately. However, even when using an active GPS system, an immediate response by law enforcement may not provide complete safety to a victim. Law enforcement response time is a significant concern in rural areas due to the large geographic areas officers patrol.

In addition to the daily monitoring of defendants, the pretrial agencies would also compile data as part of the pilot project. It will be essential for these agencies to keep track of

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<sup>4</sup> Because the DOC is legislatively mandated to provide custody, rehabilitation and supervision of person convicted of a crime, it does not have the authority to monitor offenders pretrial. 34-A M.R.S. § 1201.

how effective the devices are, how well law enforcement and pretrial collaborate when violations are detected, the prevalence of false alarms, victims willingness to be part of an active system, and the cost of both passive and active GPS systems on the criminal justice system as a whole.

If a defendant has been convicted and is placed on probation, the Task Force recommends that DOC monitor eligible offenders with GPS technology. It is recommended that DOC also consider a validated risk assessment, known risk factors, and the availability of GPS units when determining which offenders are monitored with GPS. When using an active system, it is local law enforcement officers, not probation officers who receive notification of a violation from the GPS provider's central monitoring center and respond to the call. The monitoring center can also provide law enforcement with updated information, such as the direction the offender may be traveling.

The follow up from probation officers would occur during their normal working hours. Because probation officers would not be emergency responders, they would not have to be on call twenty four hours a day. Thus adding GPS monitoring to the equation will not unduly burden probation officers and would not require costly overtime expenses.

If a passive system is used, the probation officer would download the information to learn of past violations. Once notified of a violation, the probation officer could then take action, including arresting the offender. Like the active system, using a passive GPS system would not unduly burden probation officers. A passive system would simply give probation officers more information about what their probationers are doing and whether or not they are complying with their conditions. Whether a passive or active system is used, it is anticipated that monitored individuals will be deterred from violating their bail or probation conditions and if they do violate, the criminal justice system will hold them more accountable.

#### Estimated Cost Analysis

The following is based upon an estimated cost analysis for a pilot project to be conducted at the Kennebec County Sheriff's Office, Corrections Division for one calendar year. The data to develop this analysis was derived from the year 2012 total committals to the Correctional Facility for domestic violence or related crimes, daily statewide average pretrial contracts, and GPS equipment cost from Tarheel Monitoring, LLC.

	<b>Number of Units</b>	<b>Cost</b>	<b>Daily Use</b>	<b>Total</b>
<b>Participants</b>	203	\$5.75/unit	92 day avg.	\$107,387
<b>Stalker Unit/Victim Protection</b>	35	\$5.75/unit	92 day avg.	\$ 18,515

<b>1 Full Time Case Mngr. (Wages and Benefits)</b>				\$ 60,000
<b>Evaluation</b>				\$ 22,309
				<b>\$208,211</b>

**Policy Response to Domestic Violence in a Digital World:**

Policy responses can be powerful tools in keeping victims safe and in holding abusers accountable for their actions. While we would suggest that all domestic violence model policy, such as those found in law enforcement and other criminal/civil legal institutions, include attention to technology as intersects with domestic violence, we will focus on the workplace in this report.

Workplaces can provide a powerful policy response to domestic violence and abuse. Domestic violence does not exist occur in isolation. It often overlaps with work settings for both victims and perpetrators, which creates both safety and liability concerns for the employment setting. Employers are an important part of the coordinated community response to domestic violence, providing both support and accountabilities to their employees. Developing workplace policies that address the management of domestic violence and that enhance a safe, respectful workplace culture is recognized as national best practice. On April 18, 2012, President Obama signed a memorandum that instructed all federal agencies to develop policies to address domestic violence in the federal workplace and to provide assistance to employees affected by domestic violence. The State of Maine, under executive orders of former Governor Baldacci and current Governor LePage, has implemented workplace policies throughout our state agencies that create a response to victims affected by domestic violence, sexual assault and stalking, as well as a response to abusers where the abuse involves the employment nexus.

Technology is routinely misused to intimidate, harass, or stalk victims of intimate violence and abuse in our culture. Workplaces exist in that digital world. Employees who are victims of abuse may be harassed at work via an array of digital media, such as email, phone, fax, as well as be stalked by computer and/or cell phone applications during their work hours. In addition, some employees, while at work, misuse work resources such as work cell phones, email, computers to stalk, harass and/or intimidate intimate partners. Workplace domestic violence policies should be updated to include the awareness of technology as it relates to domestic violence and specific responses to technology misuse that address both the safety for victims, as well as the accountability of a abuser whose abusive behaviors are within the work nexus.

**Recommendation:**

We recommend that all workplaces develop a workplace domestic violence policy and corresponding standard operating procedures to support this policy that includes a response to technology misuse as it affects domestic abuse. This policy should address overall workplace safety, create a response to victims and a response to hold abusers accountable when their actions impact the nexus of employment. (note: Maine specific model policy is available through the Maine Department of Labor and from the Maine Coalition to End Domestic Violence).



## **B. Enhanced Coordinated Community Response**

The Task Force concluded that unless a county has either private pretrial services such as Maine Pretrial Services or Volunteers of America or a Sheriff's Office willing to monitor the defendant while on electronic monitoring, that county is not likely a candidate for an electronic monitoring Pilot Project.

Collaboration between multiple agencies is needed to identify and monitor high risk individuals, provide comprehensive victim services, and hold them accountable. The best way to organize this collaboration is through the formation of a High Risk Response Team. High Risk Response Teams are "perhaps the most promising development in the prevention of domestic violence homicides" and are becoming more prevalent across the country.<sup>5</sup> High Risk Response Teams provide "systematic responses to monitor offenders and enhance safety for victims."<sup>6</sup> These teams are comprised of professionals representing victim advocacy centers, pretrial supervision organizations, law enforcement agencies, District Attorney's offices, probation, and batterers' intervention programs. Teams meet regularly to discuss high risk cases, create individualized safety plans, and discuss offender-accountability. Goals for every High Risk Response Team includes "the early identification of high risk offenders through risk assessment, case-specific, multi-disciplinary response to high risk cases, and coordinated and ongoing monitoring and containment of offenders."<sup>7</sup>

Members of High Risk Response Teams work collaboratively and share information, which often requires obtaining the necessary releases of confidentiality. Ideally, team members create and sign a formal agreement that articulates protocols and procedures. This agreement should include member responsibilities, procedures on how to identify high risk cases, guidelines on how often the team will meet, and guidelines on how to track cases and compile data.

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<sup>5</sup> Dianne L. Rosenfeld, *The High Risk Team Model and GPS Offender Monitoring: Stopping DV in Its Tracks*, 17 Domestic Violence Report, 33 (Feb/Mar 2012).

<sup>6</sup> *Promising Practices to Address Domestic Violence, Everyone Has a Role*, Report to the Massachusetts Governor's Council to Address Sexual and Domestic Violence, 6 (March 2009).

<sup>7</sup> The Jeanne Geiger Crisis Center, [www.jeannegeigercrisiscenter.org](http://www.jeannegeigercrisiscenter.org).

The following is a list of best practices for High Risk Response Teams from the Jeanne Geiger Crisis Center in Massachusetts:<sup>8</sup>

**Jeanne Geiger Crisis Center High Risk Response Teams Standards of Excellence**

- **All team members have received training in risk assessment**
- **All team members are aware of their roles, responsibilities and confidentiality restrictions**
- **The team leader is a skilled facilitator/leader of the team and encourages communication and accountability among team members**
- **The team has regularly scheduled meetings**
- **The team has an agreed upon protocol for urgent cases that arise between meetings**
- **All team members have the information they need to accomplish its goal of offender containment and victim safety**
- **The team issues an annual report to the community and its stakeholders on any issues distinctive to its community the impact of the work of the team and documents emerging best practices**

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<sup>8</sup> The Jeanne Geiger Crisis Center in Massachusetts developed the High Risk Response Team model. This model has been replicated many times across over the country. The center has provided High Risk Response Team training to over 3,000 communities. [www.jeannegeigercrisiscenter.org](http://www.jeannegeigercrisiscenter.org).

To achieve an enhanced community response it is recommended that a High Risk Response Team be an integral part of each pilot project and that each team follow the “Standards of Excellence” developed by the Jeanne Geiger Crisis Center. Forming a High Risk Response Team should not require additional funding or personnel, except in Piscataquis and Hancock counties, because the agencies needed to establish teams already exist. In fact some communities have already started the processes of forming a High Risk Response Team. By communicating regularly, these teams will better coordinate law enforcement response to high risk cases, utilize new technologies, such as automated victim notification, and ultimately provide enhanced safety for victims.

### **C. Oversight and Cost**

It will be important for both pilot projects to be overseen by one agency. This central agency will ensure integrity and consistency with operations and data collection, contract with vendors who provide GPS technology and/or an automated victim notification system, and apply for future grants to help fund the pilot projects. The Task Force recommends that this agency be the Board of Corrections. Oversight of the pilot projects fits within the Board’s purpose and falls within its statutory authority and responsibility under Title 34-A M.R.S. §1803.

Summarily, 34-A M.R.S. §1803 allows the BOC:

- To enter into contracts on behalf of and with the consent of appropriate parties for goods and services when such contracts will:
  1. Lower the cost of providing correctional services;
  2. Improve delivery of correctional services
  3. Otherwise help to achieve the goals of the Board
- Adopt standards for consistent system wide pretrial, revocation and reentry practices;
- Identify opportunities for and approve cost-savings agreements and efficiencies, including, but not limited to purchasing or contract agreements, shared staff and staff training, transportation and technology initiatives;
- Administer the County Jail Prisoner Support and Community Corrections Fund established in section 1806; and
- Receive and review recommendations submitted by the commissioner, counties, corrections working group or other interested parties concerning development of downsizing plans and reinvestment strategies, uniform practices for pretrial, inmate classification, revocation and reentry services and other recommendations with respect to the delivery of state and county corrections services.

It is recommended that the Board oversee not only the two pilot project sites but also possibly a statewide pretrial program for persons charged with domestic violence. Having a state agency already involved with the projects will ensure an efficient statewide implementation of these technologies if the pilot projects proved successful.

Nearly every county in the State of Maine already has the infrastructure needed for the pilot projects in place. However, maintaining the two pilot projects will require funding. It will require purchasing the GPS monitoring technology and the automated victim notification system, potentially hiring a full time pretrial supervisor, training individuals on risk assessment, and possibly upgrading data collection technology. We recommend that a subsequent task force coordinate with the Board of Corrections to more fully explore the costs of the recommended technologies and designate the two pilot project locations.

#### SUMMARY OF RECOMMENDATIONS:

1. GPS Monitoring and automated victim notification are tested in two pilot projects, one in an urban area and one in a rural area of Maine.
2. The pilot projects test the functionality of the technology, implement best practices and explore the best resources and/or organizational structures particular to Maine.
3. Pretrial supervision of defendants ordered to comply with GPS monitoring be the responsibility of a pretrial agency and that supervision, post conviction fall with DOC.
4. Law enforcement be involved in program design and have full access to the GPS data.
5. Each pilot project form a High Risk Response Team that complies with the Jeanne Geiger Center's "Standard of Excellence."
6. Both pilot projects include a method to collect data and complete program evaluations in order to determine the success of the program and inform any state-wide roll out.

#### **IV. OTHER CONSIDERATIONS**

##### **The role of the Maine Criminal Justice Academy**

According to Academy Director John Rogers, the Academy staff is working on the curriculum for the risk assessment training that will be provided to police officers as part of their mandatory training in 2014. ~~Once a draft is complete it will be provided to Justice Planning and Management Associates (JPMA) who provide the on-line training to the majority of the police departments in the State of Maine. JPMA will then produce the on-line training and submit it to the Academy for approval, which is scheduled to occur in 2013. This training will be one of the mandatory topics for 2014, and need to be completed on-line by January 1, 2015. Departments may elect to provide this training to their officers in late 2013, which can be accomplished by requesting the approval of the Academy to substitute another mandatory training for this in 2014.~~

Currently officers are completing a risk assessment form on the defendant at the time of booking with very little training on how to gather and document the information that will aid in assessing a defendant's potential for re-offending. As noted this training will not occur until sometime in 2013, at the earliest, which leaves many officers still untrained on the proper methods for completing the risk assessment forms.

The Academy is also responsible for writing model policies for all of the mandatory policies that are required of departments. The revised Domestic Violence (DV) policy, which is one of the mandatory policies, was written earlier this year and was voted on and accepted by the Maine Chiefs of Police Board of Directors at their meeting on November 10, 2012. Departments were advised to begin training their officers on the revised policy which has an effective date of January 1, 2013. While the DV policy addresses the standard operating procedures for officers dealing with a domestic violence situation, only a brief section of the policy educates officers on the risk assessment form.

## V. EVALUATION/OUTCOME MEASURES

- It is recommended that a consultant be hired to provide an independent evaluation during the pilot project who would serve as a project evaluator examining client-level data, risk assessment, and High Risk Response Teams. The consultant will cover three specific areas of the pilot project to ensure that impact and outcomes are evaluated, future program sustainability, and data collection.
- The research and evaluation plan will be designed to measure program's objectives by completing a comprehensive examination using both qualitative and quantitative measures. The evaluation will measure the effectiveness of the utilization of electronic monitoring technology for domestic violence offenders and victims in both rural and urban areas in the State of Maine. It will also review the compliance of evidence based

risk assessments, the best practice and effectiveness of the High Risk Response Teams. The progress will undergo a stringent performance assessment incorporating performance measures as well as a participation study involving a random research design.

- ~~Muskie Institute and Hornby & Zeller, a private software firm, were recommended as potential firms appropriate for this task.~~

## **Appendix A**

### **Existing State Statutes regarding Domestic Violence violations**

**3. Participation requirements.** The following requirements of this subsection apply to inmates participating in a community confinement monitoring program.

A. Each inmate assigned to community confinement pursuant to this section shall participate in a structured program of work, education or treatment. Participation in a community confinement monitoring program may not be solely for the purpose of living at home. [2009, c. 391, §6 (NEW).]

B. At a minimum, the inmate shall report in person at least once per week to a community confinement monitor, even if being electronically monitored. [2009, c. 391, §6 (NEW).]

C. The jail administrator, or a designee, shall restrict in advance any travel or movement limiting the inmate's travel to specific times and places directly related to approved employment, formal education, job search, public service work, treatment or other specific purposes. [2009, c. 391, §6 (NEW).]

D. The inmate shall agree to searches of the inmate's person, residence, electronic monitoring equipment, vehicle, papers and effects and any property under the inmate's control, without a warrant and without probable cause, for items prohibited by law or by condition of participation in the program or otherwise subject to seizure or inspection upon the request of the jail administrator, a community confinement monitor or any law enforcement officer without prior notice. The sheriff or jail administrator may prohibit the inmate from residing with anyone who does not consent to a search or inspection of the residence to the extent necessary to search or inspect the inmate's person, residence, electronic equipment, papers and effects. [2009, c. 391, §6 (NEW).]

E. The inmate may not use alcohol or illegal drugs or other illegal substances and may not abuse alcohol or abuse any other legal substance. [2009, c. 391, §6 (NEW).]

F. The inmate shall submit to urinalysis, breath testing or other chemical tests without probable cause at the request of the jail administrator or a community confinement monitor. [2009, c. 391, §6 (NEW).]

G. If stopped or arrested by a law enforcement officer, the inmate shall notify that officer of the inmate's participation in a community confinement monitoring program. Within one hour of having been stopped or arrested, the inmate shall notify the jail administrator or a community confinement monitor. [2009, c. 391, §6 (NEW).]

H. The inmate may not violate state or federal criminal law or any conditions of the inmate's release. [2009, c. 391, §6 (NEW).]

I. As a condition of participation of an inmate in a community confinement monitoring program, the sheriff may, based upon an inmate's ability to pay, require the inmate to pay a fee including an electronic monitoring fee, if applicable, a substance testing fee, if applicable, or both. The fee charged may include the costs associated with a community confinement program for people who do not have the financial resources to pay the fees. [2009, c. 391, §6 (NEW).]

J. The inmate shall sign a statement verifying that the inmate understands and agrees to all of the conditions of release and participation in a community confinement monitoring program. [2009, c. 391, §6 (NEW).]  
[2009, c. 391, §6 (NEW).]

**4. Termination of the privilege.** The sheriff, jail administrator or a community confinement monitor may terminate an inmate's participation in a community confinement monitoring program at any time and return the inmate to the custody of the county jail for any violation of the conditions of the inmate's release or upon the loss of an appropriate residence on the part of the inmate.



[ 2009, c. 391, §6 (NEW) .]

**5. Crimes.** The following penalties apply to violations of this section.

A. An inmate is guilty of the crime of violating a condition of release from the community confinement monitoring program if the inmate intentionally or knowingly violates a condition of release. Violation of this paragraph is a Class D crime. [2011, c. 464, §28 (RPR).]

B. An inmate is guilty of the crime of escape from the community confinement program as provided pursuant to Title 17-A, section 755, subsection 1-E. [2011, c. 464, §28 (RPR).]  
[ 2011, c. 464, §28 (RPR) .]

**6. Minimum standards supervision of inmates in the community confinement monitoring program.** The State Board of Corrections shall establish minimum policy standards for the monitoring of inmates in the community confinement monitoring program.

[ 2009, c. 391, §6 (NEW) .]

**7. Program funding.** Funds collected pursuant to this section must be forwarded to an account designated by the State Board of Corrections for the purpose of supporting pretrial, diversion or reentry activities. Community confinement monitoring program funds must be accounted for by the county through the normal budget process.

[ 2009, c. 391, §6 (NEW) .]

**8. Terminally ill or incapacitated inmate.** The sheriff may grant the privilege of participation in a community confinement monitoring program to an inmate who does not meet the requirements of subsection 2, paragraphs C and E if the jail's treating physician has determined that the inmate has a terminal or severely incapacitating medical condition and that care outside the jail is medically appropriate. Except as set out in this subsection, the inmate shall live in a hospital or other appropriate care facility, such as a nursing facility, residential care facility or facility that is a licensed hospice program pursuant to Title 22, section 8622 approved by the sheriff. As approved by the sheriff, the inmate may receive hospice services from an entity licensed pursuant to Title 22, chapter 1681, subchapter 1 or other care services and, subject to approval by the sheriff, may live at home while receiving these services. The sheriff may exempt an inmate participating in community confinement monitoring pursuant to this subsection from any requirements under subsection 3 that the sheriff determines to be inapplicable. The inmate shall provide any information pertaining to the inmate's medical condition or care that is requested by the sheriff at any time while the inmate is in the community confinement monitoring program. If the sheriff determines that the inmate has failed to fully comply with a request, or if at any time the jail's treating physician determines that the inmate does not have a terminal or severely incapacitating medical condition or that care outside the jail is not medically appropriate, the sheriff shall terminate the inmate's participation in the community confinement monitoring program. Except as set out in this subsection, all other provisions of this section apply to community confinement monitoring pursuant to this subsection.

[ 2009, c. 391, §6 (NEW) .]

**9. Effective date.** This section is effective January 1, 2010.

[ 2009, c. 391, §6 (NEW) .]

SECTION HISTORY

2009, c. 391, §6 (NEW). 2011, c. 464, §28 (AMD).

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## VI. CONCLUSION AND NEXT STEPS

- It is recommended that either a new Task Force or Committee under the direction of the Department of ~~Public Safety~~ Corrections be formed to take these recommendations forward in overseeing the pilot projects as well as moving it forward into a state-wide program.
- It is also recommended that representatives from the following areas be included in that future Task Force/Committee so that what was learned in putting this report together is not lost.
  1. Department of Corrections
  2. Attorney General's Office
  3. District Attorney's Office
  4. ~~County~~ Maine Sheriff's Association
  5. Maine Coalition to End Domestic Violence
  6. Judicial Branch (advisory role)
  7. Maine Coalition Against Sexual Assault
  8. Additional subject matter experts should be considered as the task force is formed, either as members or in an advisory capacity.

The task force or other appropriate body is charged with continuing this work by:

1. Identifying the members and work group structure best suited to this next phase of the work, but including at minimum, representatives from the groups included in the existing task force.
2. Developing clearer cost/benefit analysis of GPS monitoring, including assessing the relative merits of active and passive options and their cost factors
3. Creating an RFP related to those findings for two pilot projects conforming to the pilot project requirements in this report.
4. Obtaining project funding via grants and/or state funding options
5. Identify any appropriate changes in Statute to be able to implement a Pilot Program

**Title 37-B: DEFENSE, VETERANS AND EMERGENCY  
MANAGEMENT HEADING: PL 1997, C. 455, §9 (RPR)  
Chapter 5: MAINE CODE OF MILITARY JUSTICE**

**§459. Assault**

**1. Prohibition; assault.** Any person subject to this Code who attempts or offers with unlawful force or violence to do bodily harm to another person, whether or not the attempt or offer is consummated, is guilty of assault.

[ 2001, c. 662, §59 (NEW) .]

**2. Prohibition; aggravated assault.** Any person subject to this Code is guilty of aggravated assault if that person:

A. Commits an assault with a dangerous weapon or other means or force likely to produce death or grievous bodily harm; or [2001, c. 662, §59 (NEW) .]

B. Commits an assault and intentionally inflicts grievous bodily harm with or without a weapon. [2001, c. 662, §59 (NEW) .]

[ 2001, c. 662, §59 (NEW) .]

**3. Punishment.** Any person found guilty of assault or aggravated assault must be punished as a court-martial may direct.

[ 2001, c. 662, §59 (NEW) .]

SECTION HISTORY

2001, c. 662, §59 (NEW) .

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**Title 30-A: MUNICIPALITIES AND COUNTIES HEADING:**

**PL 1987, C. 737, PT. A, §2 (NEW)**

**Part 1: COUNTIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)**

**Chapter 13: COUNTY JAILS AND JAILERS HEADING: PL 1987,  
C. 737, PT. A, §2 (NEW)**

**Subchapter 4: MISCELLANEOUS PROVISIONS HEADING: PL  
1987, C. 737, PT. A, §2 (NEW)**

**§1659-A. Community confinement monitoring program**

The sheriff of each county shall establish a program to permit certain inmates to serve a portion of their sentence of imprisonment in community confinement monitored by the county or a contract agency or another county or its contract agency. The county may contract only with a community confinement monitoring agency approved by the State Board of Corrections. [2009, c. 391, §6 (NEW) .]

**1. Petition.** A sheriff, upon written request from an inmate eligible for participation in a community confinement monitoring program and recommended by the jail administrator, may assign the inmate to participate in a community confinement monitoring program. At the time of granting this privilege, the sheriff shall determine whether the inmate is responsible for the cost of participating in the program based on the inmate's ability to pay.

[ 2009, c. 391, §6 (NEW) .]

**2. Eligibility.** Inmates are eligible to participate in a community confinement monitoring program if:

A. The inmate's residence is located within the State and in a location that does not in any way restrict the adequate monitoring of the inmate; [2009, c. 391, §6 (NEW) .]

B. The inmate has been sentenced to the county jail; [2009, c. 391, §6 (NEW) .]

C. The inmate is not serving a sentence for a sex offense or a sexually violent offense as defined under Title 34-A, section 11203; [2009, c. 391, §6 (NEW) .]

D. The inmate has a verified security classification level of "medium" or "minimum" and scores "moderate" or "less" on a validated risk assessment tool as defined by the State Board of Corrections; [2009, c. 391, §6 (NEW) .]

E. The inmate serves a minimum of 1/3 of the term of imprisonment, or, in the case of a split sentence, a minimum of 1/3 of the unsuspended portion, prior to participating in a community confinement monitoring program. In calculating the amount of time served, good time or deductions earned under Title 17-A, section 1253 and time reductions earned for charitable or public works projects under section 1606 must be counted; and [2009, c. 391, §6 (NEW) .]

F. The inmate agrees to abide by the conditions of release pursuant to this section and any additional conditions imposed by the sheriff or jail administrator. [2009, c. 391, §6 (NEW) .]

[ 2009, c. 391, §6 (NEW) .]

**Title 17-A: MAINE CRIMINAL CODE**  
**Part 2: SUBSTANTIVE OFFENSES**  
**Chapter 9: OFFENSES AGAINST THE PERSON**

**§210-C. Domestic violence stalking**

1. A person is guilty of domestic violence stalking if:

A. The person violates section 210-A and the victim is a family or household member as defined in Title 19-A, section 4002, subsection 4. Violation of this paragraph is a Class D crime; or [2007, c. 436, §4 (NEW); 2007, c. 436, §7 (AFF).]

B. The person violates paragraph A and at the time of the offense:

(1) Has one or more prior convictions for violating paragraph A or for violating section 207-A, 209-A, 210-B or 211-A or one or more prior convictions for engaging in conduct substantially similar to that contained in paragraph A or in section 207-A, 209-A, 210-B or 211-A in another jurisdiction;

(2) Has one or more prior convictions for violating Title 19-A, section 4011, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section 4011, subsection 1 in another jurisdiction; or

(3) Has one or more prior convictions for violating Title 15, section 1092, subsection 1, paragraph B when the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4002, subsection 4.

Violation of this paragraph is a Class C crime. [2011, c. 640, Pt. B, §5 (AMD).]

[ 2011, c. 640, Pt. B, §5 (AMD) .]

2. Section 9-A governs the use of prior convictions when determining a sentence.

[ 2007, c. 436, §4 (NEW); 2007, c. 436, §7 (AFF) .]

SECTION HISTORY

2007, c. 436, §4 (NEW). 2007, c. 436, §7 (AFF). 2011, c. 640, Pt. B, §5 (AMD) .

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## **Appendix B**

### **Recent Statute changes regarding Domestic Violence**

## **Risk Assessment**

Maine lacked a statewide, consistent method of evaluating risk within domestic violence criminal cases. Validated, evidence-based risk assessment tools are useful to help predict the risk of lethality or re-offense, as well as to focus the use of resources. 15 M.R.S. §1023(C)(5) was enacted to require bail commissioners to consider the results of ‘validated, evidence-based domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse, established in Title 5, section 12004-I, subsection 74-C, and approved by the Department of Public Safety’ when setting pre-conviction bail for cases involving charges of domestic violence. In addition to providing better information about risk for immediate decision making, effective risk assessment now also sets the stage for community responses such as review by high risk response teams and increased monitoring by law enforcement and/or pre-trial programs, including GPS monitoring.

## **Victim Notification**

17-A M.R.S. §1175-A was enacted to clarify that notification to a victim when an offender is released on bail is mandatory. Formerly, Maine required law enforcement agencies to adopt notification policies, but actual notification practices were not uniform throughout the state. This law also extends the notification requirement from cases involving domestic violence to include cases of sexual assault and stalking. The law requires that efforts be made to notify the victim by telephone as soon as possible but no later than one hour after an offender is released on bail, with follow up protocols if that time frame is not achieved.

## **Bail Conditions and Decision Making**

15 M.R.S. §1097(2-A) was enacted to address disposition after revocation of pre-conviction bail involving crimes of domestic violence. This new law makes a number of changes intended to increase safety, primarily focusing on management of bail for a subset of serious crimes against a family or household member (as defined in statute). The law requires that offenders charged with these named offenses will have pre-conviction bail set by a judge or justice, rather than by a bail commissioner, based on the belief that a judicial review will be better informed. This statute does not deny a defendant the option of bail, but changes the locus of decision making from a bail commissioner to a judge. Among other changes, the law requires that, in the context of a revocation of pre-conviction bail proceeding, if an underlying crime or new alleged criminal conduct is one of the serious offenses specified, a judge must order that a defendant be committed without bail pending a bail revocation hearing, unless the judge makes written findings to the extent specified. In that context also, if the underlying crime is an offense specified and the new conduct found by the court involves new allegations of domestic violence or contact with a victim or witness in the underlying case, the judge or justice shall issue an order denying bail, unless the findings are made on the record as required. The judge or justice shall issue an order denying bail if there has been a previous revocation of pre-conviction bail pursuant to Maine statute.

## **Strangulation**

Previously, Maine law did not provide a definition of strangulation within the criminal code and assumed that strangulation could be effectively prosecuted under the general assault statutes. 17-A M.R.S. §208(1)(C) was enacted to include strangulation as an act that constitutes extreme indifference to the value of human life within the crime of Aggravated Assault. Strangulation as defined in §208(1)(C) is: “the intentional impeding of the breathing or circulation of the blood of another person by applying pressure on the person's throat or neck.”



## **Appendix C**

### **Monitoring Equipment examined**

## MONITORING EQUIPMENT

**Ankle Monitoring Devices** - are mounted tracking units that rely on radio frequency (RF) and/or global positioning system (GPS) data to accurately track a participant's movement within local communities.

Industry Examples:

BLUtag - one-piece GPS monitoring device that receives one GPS location point per minute (an industry standard). Only device that is capable of detecting and reporting GPS jamming and shielding violations. *(Satellite Tracking of People, LLC, Tarheel monitoring, LLC., Reliant Management Group)*

OM210 - one piece bracelet GPS monitoring device that tracks participants indoors and out and maintains proprietary signal encryption to ward off hackers. *(OmniLink)*

Exacutrack - one piece ankle mounted tracking unit that transmits location data as frequently as once every 15 seconds. *(BI a GEO Group Company)*

**Home Based Monitoring Units** – Monitors the participants while located at their residence. The receiver reports the participant's presence or absence to the monitoring computer utilizing land-line or cellular communication, which determines whether the participant is adhering to (or in violation of) his or her authorized schedule.

Industry Examples:

BLUhome – Installed into the participant's home offering standard and customized radio signal ranges. The device transmits data using cell phone service or the participant's landline service. *(Satellite Tracking of People LLC and Tarheel Monitoring, LLC)*

Bi HomeGuard – Radio frequency system that continuously verifies the presence or absence of a client at a specific location. Easy to use, web-based application that gives agency staff the ability to access and manage information for all enrolled participants, including violation and equipment status information. *(BI a GEO Group Company)*

### **Victim Notification Device**

**Stalker Alert** – Is a small light weight device carried by a victim that uses GPS technology, mobile proximity zones, and nationwide cellular telephone networks to help provide advance warning to victims about the presence of their abuser. The device has immediate notification for multi-stage mobile exclusion zone violations with the capabilities of the notifications being sent to multiple recipients. *(Satellite Tracking of People LLC, Tarheel Monitoring, LLC)*

## Appendix D

### Companies whose equipment was researched

## AGENCY INFORMATION

Appriss - VINE System (Victim notification)  
10401 Linn Station Road  
Louisville, KY 40223-3842

Electronic Monitoring

TM Tarheel Monitoring, LLC  
244 Princess Street  
Wilmington, NC 28401

Sentinel Offender Services  
201 Technology Drive  
Irvine, CA 92618

OminLink  
5900 Windward Parkway, Suite 200  
Alpharetta, GA 30005

ISecureTrac Systems  
5078 S. 111th Street  
Omaha, NE 68137

Reliant Monitoring Services  
116 New Edition Court  
Cary, NC 27511

BI Incorporated  
6400 Lookout Road  
Boulder, CO 80301

**Appendix E**  
**(CT Alert Notification GPS - policy)**

## **Appendix F**

### **CT VNP – Victim Participation Handout**