



TACIR

The Tennessee Advisory Commission
on Intergovernmental Relations



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MEMORANDUM

TO: Commission Members

FROM: Cliff Lippard *Cliff*
Executive Director

DATE: 16 January 2020

SUBJECT: Public Chapter 827, Acts of 2018 (Global Positioning System Monitoring) —
Final Report for Approval

The attached Commission report is submitted for your approval. It was prepared in response to Public Chapter 827, Acts of 2018, which directs the Commission to conduct a study of the effects and implementation of Global Positioning System (GPS) monitoring as a condition of release for defendants accused of stalking, sexual assault, domestic abuse, and violations of orders of protection. The report has been updated based on members' discussion with a panel of experts at the last meeting. To address members' concerns about GPS data, information was added about data ownership and use and open records considerations. A new appendix was added with the recommendations and conclusions from the Memphis and Shelby County pilot program evaluation. Public Chapter 208, Acts of 2019, extends the deadline for the study and requires the Commission to report its findings and recommendations, including any proposed legislation, regarding GPS monitoring to the speakers of the senate and the house of representatives and the chairs of the judiciary committees of the senate and the house of representatives by February 1, 2020.

The recommendations in the draft report remain the same. The outcomes of pilot programs like those in Memphis and Shelby County and Connecticut suggest a way forward for communities interested in implementing similar pretrial programs for victim safety. To help maximize GPS monitoring's effectiveness for increasing the safety of domestic violence victims during the pretrial period, local jurisdictions should consider adopting it as but one component of a larger coordinated community response—including strong interagency partnerships, cooperation and commitment

from stakeholders, education and training, and victim support services such as family safety centers, domestic violence high-risk teams, and lethality assessments. Local governments that choose to implement GPS monitoring programs should work with partner agencies to clarify roles and expectations and develop and commit to procedures and policies. Regardless of whether local governments choose to implement GPS monitoring programs, law enforcement and victim advocate agencies should be encouraged to adopt validated lethality assessments because they are an effective tool for identifying victims most at risk of serious harm or death, and they help prioritize victims' access to safety planning and other services. Given the importance of operating a pretrial GPS program within a larger coordinated community response, if the General Assembly appropriates additional funds specifically for real-time GPS monitoring of domestic violence defendants, it should require that local governments drawing money from the fund, at a minimum, adopt a validated lethality assessment tool to both help identify which domestic violence victims are in the greatest danger and immediately connect those victims with safety planning and other services to improve their safety. Local governments adopting pretrial GPS monitoring programs may also choose to prioritize high-risk cases and certain types of offenses, including intimate partner violence, strangulation, stalking, threats involving firearms, or violations of protection orders.