

# Domestic violence, offenders and victims

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# Aim of this Workshop

- ▶ Discuss the suitability of EM in Domestic Violence cases.
- ▶ Starting point: The Spanish experience
- ▶ Consider concerns that may be relevant for parties and agents involved.



- Control
- Rehabilitation
- Reduce prison population



**Domestic  
Violence**



**Victim  
protection**



- Keep the offender away
- Give the offender & victim new strategies to improve or to break their relationship

# Preliminary Issues

## ▶ Domestic Violence

- Physical violence: injuries, detention, death,...
- Psychological violence: threats, coercion, harassment
- Sexual violence: sexual abuse, rape

## ▶ Victims:

- Partner violence/Gender violence
- Children and elderly
- Other vulnerable persons in the domestic context

# Preliminary Issues

- ▶ Victim and offender are not unknown subjects:
  - Emotional ties between offender and victim
- ▶ Offences are kept hidden in the intimacy of the family or affective relationship
- ▶ Partner violence (against women)
  - The offender is often indifferent to the legal consequences of his acts.

# When can EM be used in DV in Spain

- ▶ Recent legal reforms : LO 1/2004 INTEGRAL ACT
  - more PROTECTION to victims and increased PUNISHMENT to offenders:
- ▶ **Prohibition to approach to the victim**
- ▶ **Bail:** Restraining orders
- ▶ **Sanctions:** Compulsory in GV and Optional in DV offences.
  - Prison sentence: prohibition during and after the enforcement: for up to 5 or up to 10 years.
  - Curfew Order (*localización permanente*): to be enforced in a separate housing
  - Suspended sentence, Unpaid work, ...
- ▶ **After the enforcement of the sentence: *Libertad vigilada* (LO 5/2010):**
  - Sexual offences\* and terrorism
  - Up to 5 or to 10 years
  - Includes, among others:
    - Continuous tracking of the offender using electronic devices
    - Prohibition to approach or communicate with the victim or other people

# How has EM been used in Spain

- ▶ In 2006: the Community of Madrid started a Pilot project on EM for GV victims. (Plan de acción integral contra la violencia de género, 2005-2008)
- ▶ In 2007: extended to Baleares
- ▶ In July 2009: extended to the whole country:
  - The Ministries of Justice, Equality and Home affairs, the Judiciary and General Prosecutor signed an Agreement for the introduction of EM for the supervision of restraining orders

# Technology

- ▶ Since 2009: EM to control restraining orders (Bail)
- ▶ Bilateral Monitoring: GPS tracking of offender and victim
- ▶ How it works :
  - From the judicial resolution to the implementation of the device
- ▶ Alarms and advices

# Technology

## DISPOSITIVOS PARA EL AGRESOR



Unidad 2Track



Transmisor de RF (TX)

## DISPOSITIVO PARA LA VÍCTIMA



Unidad 2Track

# Some data and results

- ▶ 3.000 devices available
- ▶ From 24 July to 31 December 2009:
  - 167 pairs
  - More than 20.000 advices
    - 72% related with the distance between the offender and the tracking device
    - 9,4% related with the transgression of an exclusion zone
  - 90% offenders experienced an advice because of the victim pressing the panic button
- ▶ Until May 2010:
  - 333 devices used
  - Detected that EM hasn't been used for some high risk assessed cases
  - No aggressions between monitored pairs!
- ▶ Recently extended to sentenced offenders.

# What EM could provide.....

**Tool** to control the completion and enforcement of the measures adopted.

- To the victim.....Protection / Safety perception
- To the offender.....Deter further offences against the victim / avoid false reports/ avoid imprisonment
- To CJS.....Reinforcement of police supervision / Evidence
- To the community....Sense of security/ "something is being done"

## However.... Issues to discuss

### ▶ EM is not incapacitative

- The device can detect but **not avoid** the approachement and eventual harm...
- When the offender is indifferent to the penal consequences of his offence...

### ▶ Does EM work as a deterrent in DV?

- Does EM help to comply the restrictions/sanctions?
- How long should the device be worn?
- Do we need a proper risk assessment ?
  - High risk cases? Low risk?
  - Psychopathology, drug and alcohol addictions, lack of effective problem solving skills...

# Issues to discuss (II)

- ▶ Technological related questions
  - Can repeated alarms cause more anxiety to both parties and particularly, to the victim?
  - Lose of signal?
  - Coordination between agencies
- ▶ When both subjects live close to each other...

# Issues to discuss (III)

- ▶ Current context: significant economic restrictions
  - ▶ Cost of EM
  - ▶ Can we provide both control and treatment???
- ▶ How to persuade judges to use EM?
- ▶ When contact with the offender might not be excluded:
  - ▶ The victim wants to maintain or reinitiate relationship
  - ▶ Paterno-filial relationship
  - ▶ Restorative justice: mediation process