

Evaluation of the FDV GPS Tracking Trial – Early Insights

Background

At the 2017 State Election, the Labor Party committed to a package of family and domestic violence-related reforms detailed in their *Stopping Family and Domestic Violence Plan*. Included in the suite of initiatives was a commitment to trial the use of GPS monitoring on violent offenders who have breached a Family Violence Restraining Order (FVRO) with a further act of family violence.

In April 2020, a range of legislative amendments to the *Sentencing Act 1995* were passed through the *Family Violence Legislation Reform (COVID-19 Response) Act 2020*, which enabled the GPS tracking of an offender's location as a condition of an Intensive Supervision Order or a Conditional Suspended Imprisonment Order.

Cost of the Trial

In the 2019-20 Budget, the WA Government committed \$10.0 million to implement the two-year Family and Domestic Violence (FDV) GPS Tracking Trial (the Trial). This funding covered the lease of additional tracking devices, additional community corrections and monitoring staff, additional victim support staff, perpetrator programs, and the evaluation. The WA Police Force was also allocated \$5.5 million to engage additional officers to support the Trial.

Timing of the Trial and evaluation

The FDV GPS Tracking Trial ran from 18 August 2020 to 18 August 2022 and is now being evaluated by the Western Australian Office of Crime Statistics and Research (WACSAR).

The evaluation includes a 12-month follow-up period, up to August 2023, to accommodate offenders who only commenced GPS tracking in the latter part of the Trial period. The 12 month follow up period also allows an analysis of the longer-term impacts of GPS tracking on reoffending; that is, whether GPS tracking only influences offender behaviour while a tracking device is active, or if there are behavioural impacts that continue once the device is removed and the monitoring period ends.

Focus of the evaluation

The evaluation is designed to examine three key questions: was the Trial implemented as intended, aligned with best practice, and did it achieve the intended community safety outcomes? The evaluation has utilised a range of methodologies to answer these questions including, but not limited to: interviews (Police, Magistrates, victims, Department of Justice staff, etc), reviewing court transcripts/ audio recordings, and analysing data (from Courts, Police, and the Department of Justice).

Who was tracked during the Trial?

While Government committed to trialling the use of GPS tracking for offenders who breach a FVRO with a further act of family violence, the legislation was amended so that any offender could be tracked in a range of different circumstances. In this way, the Trial can be used to determine where and when GPS tracking is mostly likely to be used and measure its effectiveness.

Preliminary analysis indicates that the use of GPS tracking has not been limited to offenders who have breached an FVRO with a further act of family violence. While 19 offenders who met this criteria were tracked during the Trial, early data analysis indicates that at least 118 additional FDV offenders were tracked in the Trial period.

This analysis also suggests that the largest Trial cohort appears to be FDV offenders who were GPS tracked as part of a Conditional Suspended Imprisonment Order. Under this order, breaches relating to GPS tracking can be dealt with via imprisonment if deemed necessary.

How many FDV offenders were GPS tracked?

As with any newly introduced sentencing condition, we would expect utilisation to ramp up over time as stakeholders become more familiar with the option and how it operates. This has proven to be the case with GPS tracking, with initially low numbers increasing with each month of the Trial period. GPS tracking conditions were imposed on FDV offenders in 159 cases throughout the two-year Trial.

There is no end date on the legislative amendments and GPS tracking of FDV offenders continues. The take up of the new GPS tracking option for FDV offenders has continued to increase since the formal Trial period concluded. While early analysis shows there were 137 distinct FDV offenders who were GPS tracked during the two-year Trial period, some 120 distinct FDV offenders were GPS tracked in the 12 months following the Trial. This is nearly double the average annual uptake during the Trial period. The most recent data shows that an average of 10 FDV offenders now commence GPS tracking each month.

Why were some recommended FDV offenders not GPS tracked during the Trial?

Early analysis has also indicated that there are many FDV offenders who the WA Police initially recommended for inclusion in the Trial who did not end up being tracked. Offenders can only be GPS tracked when this is a suitable option taking into account their particular circumstances. A person who has a cognitive impairment, for example, may be eligible for GPS tracking but this may not be a suitable option for them if they cannot understand the conditions.

Importantly, it may also be the case that while the Police consider an offender to be suitable, the victim may not believe that GPS tracking is necessary or may actively not want the offender to be tracked.

The evaluation will examine in detail the reasons why some FDV offenders who initially were referred for the Trial were not GPS tracked.

What do victims think about the Trial?

The Trial is a family safety initiative and this means that victim's perspectives of the use of GPS tracking in an FDV context has comprised an important component of the evaluation. As such, the Office of the Commissioner for the Victims of Crime (CVOC) has been actively engaging with and supporting victims involved in the Trial and monitoring their perceptions and responses to the initiative.

CVOC has contacted the victim in approximately 83 per cent of cases where a GPS tracking referral has been made and in 60% of these cases, the victim has stated that they wanted the court to impose a GPS tracking device. The reasons why some victims said they did not want GPS tracking primarily included: they did not think it necessary; they did not want the offender to know where they lived/worked; or they were in a continuing relationship with the offender.

Next steps

WACSAR will continue to analyse the information gathered during the Trial. The key focus for the remainder of the evaluation is the statistical analysis of reoffending outcomes, and breaches of the conditions of a court order, for those offenders who were GPS tracked during the two-year Trial period. The reoffending and breach data for these offenders will be compared to a cohort of offenders with similar characteristics and risk of reoffending (e.g. offending history, age.)

The evaluation report will be finalised and provided to the Attorney General by December 2023.