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Attachment B

Enhancing Family Safety

Evaluation of the two-year family and domestic violence GPS tracking trial

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1 Executive Summary

In 2017, the McGowan Government was elected in Western Australia with a commitment to trial the use of Global Positioning System (GPS) tracking technology to enhance family safety and provide greater security to victims. As part of its “Stopping Family and Domestic Violence¹” policy, the new Government promised to “...introduce an electronic monitoring program which will focus on those violent offenders who have breached a VRO² and are considered “high risk,” in terms of risk of death or serious physical harm.”

The introduction of GPS tracking was to be trialled over a two-year period and then fully evaluated before any decision would be made regarding its ongoing use to protect victims of family and domestic violence.

The two-year trial commenced on 18 August 2020 and ended on 17 August 2022. The evaluation commenced while the trial was underway, with reoffending related outcomes assessed 12 months after the conclusion of the trial so that the longer-term impact of GPS tracking could be considered. The GPS tracking of family and domestic violence offenders has continued beyond the initial two-year trial period.

The Western Australian Office of Crime Statistics and Research (WACSAR) has evaluated the implementation of the two-year trial and analysed its outcomes with respect to enhancing victim safety and reducing reoffending. The key findings of the evaluation are presented in this report and recommendations are made that may help inform any expansion in the use of GPS tracking in a family and domestic violence context.

The family and domestic violence GPS tracking trial was largely implemented as intended, with enabling legislation passed in April 2020 and the trial formally commencing on 18 August 2020. New systems were set up by the Western Australia Police Force to identify potential participants, and the Police and Corrective Services worked closely at the State Operations Command Centre (SOCC) to ensure that offenders were monitored appropriately (Corrective Services) and that alerts were responded to swiftly when required (Police). New procedures were also established to engage with, and support, victims involved in the trial.

The trial operated in accordance with all five of the best practice principles identified by *Australia’s National Research Organisation for Women’s Safety* (ANROWS,) including:

- Comprehensive risk assessments undertaken;
- Reliable technology, with access to multiple mobile networks;
- Offender supervision and structured rehabilitation;
- Cooperation and information sharing among statutory agencies involved; and
- Active and informed inclusion of the victim(s) in decision making.³

The original trial cohort was defined quite narrowly as offenders who breach a *Family Violence Restraining Order with a further act of family violence* and only 19 offenders met this description during the trial. To increase the reliability of the evaluation findings, the statistical

¹ WA Labor Party, *Stopping Family and Domestic Violence*, (Perth: WA Labor, 2017) (parliament.wa.gov.au).

² Violence Restraining Order

³ Nancarrow, H. and Modini, T. *Electronic Monitoring in the Context of Domestic and Family Violence*, Australia’s National Research Organisation for Women’s Safety (ANROWS), for the Queensland Department of Justice and Attorney General, New South Wales, 2018.

analysis was not limited to the 19 individuals that met the original trial description but instead focused on all Court orders with a GPS tracking condition underway during the trial period and where the offence was family and domestic violence related. The size of the analysis cohort was still only quite small, with 28 distinct offenders included.

While the evaluation was hampered by the low cohort size, the results suggest that GPS tracking reduced physical violence while the offender was being monitored but does not appear to have reduced other non-physical types of family and domestic violence. Electronic monitoring also appears to have reduced violent offending outside of the context of family and domestic violence.

GPS tracking also appears to have increased the level of detection and breaching of offenders for not complying with the conditions of their supervision order, regardless of whether the non-compliance related to family and domestic violence or another type of order condition (e.g. urinalysis.)

Table 1 Average Number of Offences per Offender Before, During, and After Monitoring

Charge Category	Family Violence Related			Non-Family Violence Related		
	Pre-Monitoring	Monitoring	Post-Monitoring	Pre-Monitoring	Monitoring	Post-Monitoring
Breach Offence	4.3	21.9	3	1.4	0.1	0
Violent Offence	2.5	0.2	0	3.0	0.1	0

Overall, GPS tracking appears to have reduced family and domestic violence victimisation by 8.7% during the 12 months after the tracking order ended, partly because the higher level of detection meant that nearly one third of tracked offenders were in custody when their order ended.

While a more thorough understanding of the impact of GPS tracking in a family and domestic violence context in Western Australia will have to wait for a larger cohort of offenders, it is worth noting that the results of the trial are generally consistent with those found in other Australian jurisdictions. In particular, the Western Australian results closely match those in a 2021 evaluation of GPS tracking of high-risk family and domestic violence offenders in Tasmania.⁴ That is, GPS tracking was found to be associated with an increase in the number of breaches detected and a drop in violent offending (both generally and within a family and domestic violence context.)

A number of lessons can be drawn from the trial that may usefully inform the Government's recently announced expansion of the use of GPS tracking in a family and domestic violence context. These are outlined in the table below.

⁴ Romy Winter et al., *Evaluation of Project Vigilance: Electronic Monitoring of Family Violence Offenders*, Final Report (Hobart: University of Tasmania, 2021), Evaluation of Project Vigilance Final Report July 2021 (utas.edu.au).

Key Findings and Recommendations

	Finding	Recommendation
One	Providing additional legislative options to the Court will not necessarily, by itself, lead to a change in sentencing practices and achieve Government's policy goals.	Any proposed legislative changes aimed at expanding the use of electronic monitoring must be backed up by clear and sustained communications with the judiciary and accessible guidelines outlining how, where, and when the changes apply and to whom they apply.
Two	While the assessment of offender suitability for electronic monitoring represents best practice, the three-week wait for the Pre-Sentence Report can delay the resolution of cases, increase short term custody, and may serve as a deterrent in some instances.	If the use of GPS tracking is to be expanded, consideration should be given as to how appropriate assessments can be undertaken with minimal delays to the sentencing process. This may require additional resourcing to support the increase in assessments and preparation of reports for the Court.
Three	GPS tracking relies on the physical distance that it creates between a clearly identified offender and a clearly identified victim. This approach may be inappropriate and ineffective within the complexities of an Aboriginal family violence experience.	Any automatic 'trigger' built into the expansion of electronic monitoring must still allow a consideration of the appropriateness of GPS tracking in the context of Aboriginal family violence.
Four	Only 13.4% of those screened into the trial were given a type of sentence that could have been GPS tracked, and nearly one third were given sentences that were lower than an ISO in the sentencing hierarchy. Currently, only declared Serial Family Violence Offenders can be electronically monitored while on a Community Based Order.	Any future expansion of the use of GPS tracking in a family and domestic violence context could usefully consider removing the limitation on the use of electronic monitoring on Community Based Orders to declared Serial Family Violence Offenders.
Five	While it was originally intended that a Family Violence Monitoring Unit be established as a dedicated entity operating within SOCC, the new function was instead incorporated into the existing SOCC functions and operation procedures. This provided two clear benefits: the operating procedures and risk management protocols were already in place and staff were already suitably trained and experienced in using them.	Any future expansion of electronic monitoring should consider a similar integrated approach to Police operations at SOCC.

	Finding	Recommendation
Six	Instead of purchasing new electronic monitoring devices, a new leasing arrangement was entered into that would enable the Department to increase or decrease the number of monitoring devices provided, depending on demand. The flexibility and reliability of the leasing arrangement was beneficial during the trial.	The continuation of flexible leasing arrangements should be considered if GPS tracking is to be expanded.
Seven	While an MoU was in place to enable the lawful sharing of information about offenders on the trial, there was still some confusion among staff at SOCC about how much and what type of information could be shared about offenders.	Any expansion of GPS tracking should ensure that information sharing arrangements are easily accessible and understood by stakeholders. The arrangements should establish a clear expectation of positive information sharing.
Eight	When the family and domestic violence GPS tracking trial was originally costed and planned, the need for additional victim focused services does not appear to have been fully anticipated.	Now that Government has signalled its intention to extend the use of GPS tracking in a family and domestic violence context, a decision will be required with respect to the level and duration of support to be provided to victims. This may require additional resourcing.
Nine	Electronic monitoring reduced physically violent offences but may have increased the use of other forms of non-physical family violence. This highlights the importance of providing offenders with access to evidence based cognitive behaviour programs that not only address their family and domestic violence issues but also any contributing substance abuse issues. One of the benefits of GPS tracking is that it helps facilitate access to rehabilitation in the community.	If the use of GPS tracking is to be expanded, it is important that consideration be given to increasing the availability of rehabilitation programs in the community so that reductions in all forms of family and domestic violence related offending can be achieved and sustained beyond the period of active monitoring. This may require additional resourcing.
Ten	The trial clearly showed that the electronic monitoring of family and domestic violence offenders involves multiple stakeholders in the criminal justice system, including: the Courts, both Adult Community Corrections and the prison system, Police, victim services, and rehabilitation service providers.	Any expansion in the use of GPS tracking in this context must consider, and plan for, the likely impacts this will have on all relevant stakeholders.

2 Introduction

While electronic monitoring of accused persons and offenders has been in use in Western Australia for over 30 years, the use of electronic monitoring as a family safety tool is new. The use of electronic surveillance for the purpose of protecting a potential victim is quite different to the use of the technology to monitor or restrict the movements of an offender. The introduction of electronic monitoring in a family violence context has required the rapid development and implementation of enabling legislation, strong agency partnerships, victim support mechanisms, and risk management protocols.

In 2017, the McGowan Government was elected in Western Australia with a commitment to trial the use of Global Positioning System (GPS) tracking technology to enhance family safety and provide greater security to victims. As part of its “Stopping Family and Domestic Violence⁵” policy, the new Government promised to “...introduce an electronic monitoring program which will focus on those violent offenders who have breached a VRO⁶ and are considered “high risk,” in terms of risk of death or serious physical harm.”

The introduction of GPS tracking was to be trialled over a two-year period and then fully evaluated before any decision would be made regarding its ongoing use to protect victims of family and domestic violence.

The trial commenced on 18 August 2020 and ended on 17 August 2022.

The evaluation has been undertaken by the Western Australian Office of Crime Statistics and Research (WACSAR) located within the Department of Justice.

3 Background

Electronic monitoring in the criminal justice system was introduced throughout much of Australia in the early 1980's. The early introduction was focused on radio frequency monitoring of accused persons or offenders on bail as part of a general trend towards community-based sanctions.⁷ This type of monitoring was based on an inclusion zone that the monitored individual was required to stay within. This was a static form of electronic monitoring that was intrinsically constrained in its application by the limitations of the technology. Radio frequency monitoring relied on two devices which had to stay in close proximity to each other; one was fitted into the home of the accused or offender and the other attached to their body, usually via a tamper proof ankle ‘bracelet.’ If the monitored individual moved too far away from the fixed partner device, this would set off an alert and trigger a response from the correctional service.

Electronically monitored home detention was introduced as a possible condition of bail in Western Australia in 1990 through an amendment to the *Bail Act 1982*. The amendment permitted a device to be attached to the accused or offender to ensure the conditions of home detention were being met. The new provisions expressly did not allow the technology to be used to actively monitor their location.⁸

⁵ WA Labor Party, *Stopping Family and Domestic Violence*, January 2017.

⁶ Violence Restraining Order

⁷ Lorano Bartels and Marietta Martinovic, “Electronic Monitoring the Experience in Australia,” *European Journal of Probation* 19, no. 1 (2017): 89-90, <https://doi.org/10.1177/2066220317697658>.

⁸ *Community Corrections Legislation Amendment Act*, No. 61 of 1990

3.1 The Introduction of GPS Tracking

The use of global positioning system (GPS) technology to track offenders with the aim of limiting their movements in the community was introduced in Australia mostly within the framework of new dangerous sex offender legislation.⁹ Such legislation was introduced in Western Australia in 2012.

GPS tracking technology is more flexible than radio frequency monitoring in that it is mobile and can follow an offender wherever they are in the community and can be used to set both inclusion and exclusion zones, e.g., between 2pm and 4pm you cannot enter a school zone, between 6pm and 6am you must be at home. Since that time, Western Australia has introduced GPS tracking for high-risk offenders and it is now an available condition at all stages of the justice process, e.g., bail, as a sentence, and as an early release or post sentence supervision condition.

Exclusion Zone: a specified area in which the offender is not allowed to enter unless by written approval of the Community Corrections Officer.

Inclusion Zone: a specified area in which the offender must stay within during a specified time period as approved by the Community Corrections Officer.

An **alert** requiring immediate response is generated when an offender has entered an exclusion zone or exited an inclusion zone or tampers with their device.

The use of GPS tracking in a family and domestic violence context is relatively new in Australia and has only just started to be evaluated. The results so far are mixed, with the participant numbers still relatively small. In some jurisdictions, notably South Australia, governments have now legislated to mandate either the imposition of GPS tracking, or at least the consideration of a GPS tracking condition, for certain cohorts. This has impacted on the uptake of GPS tracking but, to date, there has been no evaluation of the broader impacts of mandatory electronic monitoring on the justice system as a whole (e.g., resourcing impacts on police, courts, and corrective services, and longer-term impacts on the prisoner population.)

The available evaluations are summarised in Table 2, and demonstrate the benefits that can be achieved in the GPS tracking of family and domestic violence offenders.

Table 2: FDV GPS Tracking Outcomes Australia

Jurisdiction	Year	Target Cohort	Key Evaluation Findings
New South Wales	2016	Medium to high-risk FDV offenders with a history of FDV offending serving a community-based order (Intensive Correction Order or Parole Order). Victims can volunteer to carry a paired tracking device.	<u>2023 Evaluation¹⁰</u> <ul style="list-style-type: none">Reduction in reoffending, domestic violence reoffending, breaches to Apprehended Violence Order and return to custody within a year.

⁹ Bartels and Martinovic, “Electronic Monitoring the Experience in Australia,” 80-102.
¹⁰ Stewart Boiteux and Adam Teperski, *An evaluation of the NSW Domestic Violence Electronic Monitoring program*, Crime and Justice Bulletin No.255 (Sydney: NSW Bureau of Crime Statistics and Research, 2023) <https://www.bocsar.nsw.gov.au/Publications/CJB/CJB255-DVEM-Full-report.pdf>.

Tasmania	2018	High-risk FDV offenders with a history of FDV offending as a condition of a court-issued Family Violence Order. Victims can volunteer to carry a paired tracking device.	<u>2021 Evaluation</u> ¹¹ <ul style="list-style-type: none"> • Reduction in family violence incidences during monitoring period. • Victims reported increased sense of safety. • Increased convictions for FDV offences (increase in breaches and a decrease in the number and severity of violent offences).
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3.2 Best Practice in the Use of Electronic Monitoring for Family and Domestic Violence Offenders

The principles that underpin best practice in the use of electronic monitoring in a family and domestic violence context in Australia have been developed by *Australia's National Research Organisation for Women's Safety* (ANROWS). These principles were developed as part of a research project commissioned by the Queensland government, which was seeking to identify the evidence base to support its own trial of GPS tracking in a family and domestic violence context.¹²

Noting that the utility of electronic monitoring is limited, and it is not a panacea for family and domestic violence, the ANROWS authors identified five core principles upon which electronic monitoring should be based in order to be effective, see Figure 1.

¹¹ Winter et al., *Electronic Monitoring of Family Violence Offenders*.

¹² Heather Nancarrow and Tanya Modini, *Electronic Monitoring in the Context of Domestic and Family Violence*, (Sydney: Australia's National Research Organisation for Women's Safety (ANROWS), 2018). ANROWS Electronic Monitoring (publications.qld.gov.au)

Figure 1: ANROWS Best Practice Principles

Principle One: Comprehensive risk assessment conducted by criminal justice agencies that is not limited to focussing on reducing the risk of reoffending but assessed in collaboration with specialist family and domestic violence services and victims before, during, and after implementation of electronic monitoring. This assessment should be informed by the national risk assessment principles for family and domestic violence.

Principle Two: Evidence based, reliable electronic monitoring technology and responsive monitoring systems including state of the art GPS technology that is Wi-Fi enabled and has capacity to switch between mobile network carriers to ensure continuity of monitoring. Monitoring of offenders must be routine, reliable, and responsive, with breaches reported to Police and Corrections staff and followed up immediately to maximise safety of those at risk of harm.

Principle Three: Effective supervision of defendants/ offenders and their participation in structured programs. Offenders must be under appropriate, risk-based levels of supervision with a plan of structured activities and responsibilities assigned to each offender on electronic monitoring, based on individual criminogenic risk and needs.

Principle Four: Co-operation and information-sharing between technology providers and criminal justice and community agencies with clear lines of responsibility, accountability and information sharing among the statutory agencies involved.

Principle Five: Active and informed inclusion in decision-making and information-sharing and safety planning with those who are at risk of further harm from the offender.

Throughout this evaluation report, the implementation and operation of the GPS family and domestic violence tracking trial is discussed and assessed against these best practice principles.

3.3 Evaluation Purpose

The evaluation of the family and domestic violence GPS tracking trial commenced while the trial was still underway, with reoffending related outcomes assessed 12 months after the conclusion of the trial so that the longer-term impact of GPS tracking could be considered.¹³ The evaluation has been supported by a Project Reference Group comprised of senior Department of Justice staff and the Western Australia Police Force as a partner agency. The overarching purpose of the evaluation and the key evaluation questions were agreed by the Project Reference Project when the evaluation commenced.

The purpose of the evaluation has been to determine whether the trial:

- Was implemented as intended and aligned with best practice; and
- Achieved its intended outcomes.

Initially, a 'value for money' assessment was also considered, but this was later deemed to be inconsistent with the intended outcomes of the trial.

In recognition of the family safety context of the trial, the agreed outcomes focus on both the offender and the victim and include:

¹³ The GPS tracking of family and domestic violence offenders is now enabled through legislation and has continued beyond the initial two-year trial period.

Victim Related Outcomes

- Reduced FDV re-victimisation;
- Increased perceptions of safety; and
- More timely responses by Police in the event of an FDV incident.

Offender Related Outcomes

- Reduction in FDV offending;
- Increased compliance with court orders; and
- More timely responses to breaches.

It is important to note that any information identified during the evaluation that could jeopardise the safety of victims if it became public, or in any way compromise the operation and effectiveness of GPS tracking, has been provided to relevant business areas but is not included in this report.

3.4 Evaluation Methodology

The evaluation was undertaken using a range of qualitative and quantitative methodologies, starting with a literature review to identify best practice in the use of GPS tracking in a family and domestic violence context.

Semi-structured interviews were undertaken with 26 key stakeholders involved in the planning, implementation, and operation of the trial including; the judiciary, the Western Australia Police Force, Corrective Services division of the Department of Justice, the Office of the Commissioner for Victims of Crime, and Legal Aid Western Australia.

Every effort was made to ensure that victims' views of the trial were captured. Four victims who were involved in the trial agreed to a semi-structured interview. To ensure that interviews were undertaken safely they were conducted by staff in either the Victim Support Service or the Victim Mediation Unit within the Department of Justice.

Additional victim perspectives were gathered through an analysis of deidentified administrative data collected that was gathered as part of the process of preparing information for the Court when GPS tracking is being considered.

The evaluation team also undertook Court observations and analysed six months' worth of Court audio recordings where Police had flagged cases as being eligible, and potentially suitable, for the trial.

Offender related outcomes were assessed using two different statistical methodologies to ensure their reliability. This was particularly important given the small participant cohort. One analysis compared the offending and breach rates for offenders prior to tracking, during tracking, and in the 12 months following the end of the tracking order.

The other statistical analysis of offender outcomes was developed in consultation with a research team at the Bureau of Crime Statistics and Research (BOCSAR) in New South Wales. This research team recently completed an analysis of the reoffending outcomes of the New South Wales Domestic Violence Electronic Monitoring Program that was introduced in 2016.¹⁴ The analysis compared a range of outcomes between a group of family and domestic violence offenders on community supervision orders that had a GPS tracking condition, with

¹⁴ Boiteux and Teperski, *An evaluation of the NSW Domestic Violence Electronic Monitoring program*.

a group of similar offenders on orders that had no tracking. The individuals in the two groups are generally similar based on key variables such as their offending history, age, etc., with any key differences between them accounted for by weighting their contribution to the analysis. This methodology is called ‘entropy balancing.’

4 Implementing the Trial

In 2019, Government approved \$15.5 million to conduct a two-year trial of the use of GPS tracking of offenders who breach a Family Violence Restraining Order with a further act of family violence. Funding was split between the Department of Justice (\$10 million) and the Western Australia Police Force (\$5.5 million.)

The introduction of GPS tracking in a family and domestic violence context required a new approach. Western Australia had a well-established framework of operational procedures and risk management protocols to manage offenders who are electronically monitored in the community, but GPS tracking in a family and domestic violence context was different. Traditional GPS tracking involved Corrective Services monitoring and responding to the movements of an offender. In a family and domestic violence context, the victim is the focus and GPS tracking is applied to the perpetrator in order to enhance the victim’s safety. This requires the involvement of the Police to assess and respond to any risks to the victim that are identified via GPS tracking alerts. It also requires the sustained involvement of the victim.

A small project team was established within the Department of Justice to work with key internal and external stakeholders to design and implement the trial. High level oversight was provided by an Implementation Steering Committee with membership drawn from across the relevant internal and external stakeholder groups. The GPS tracking trial was just one of the projects overseen by the Steering Committee, which also oversaw three other justice reform projects that had been funded at the same time.¹⁵

The project was arranged around six key deliverables:

- i. legislative amendments;
- ii. operational model;
- iii. equipment;
- iv. recruitment;
- v. rehabilitation programs; and
- vi. evaluation.¹⁶

Many of the implementation activities were made easier by the level of experience of responsible stakeholders. The trial essentially required that they simply do more of what they were already highly experienced in doing. Corrective Services and Police, for example, already worked together in electronic monitoring dangerous sex offenders and other offender groups.

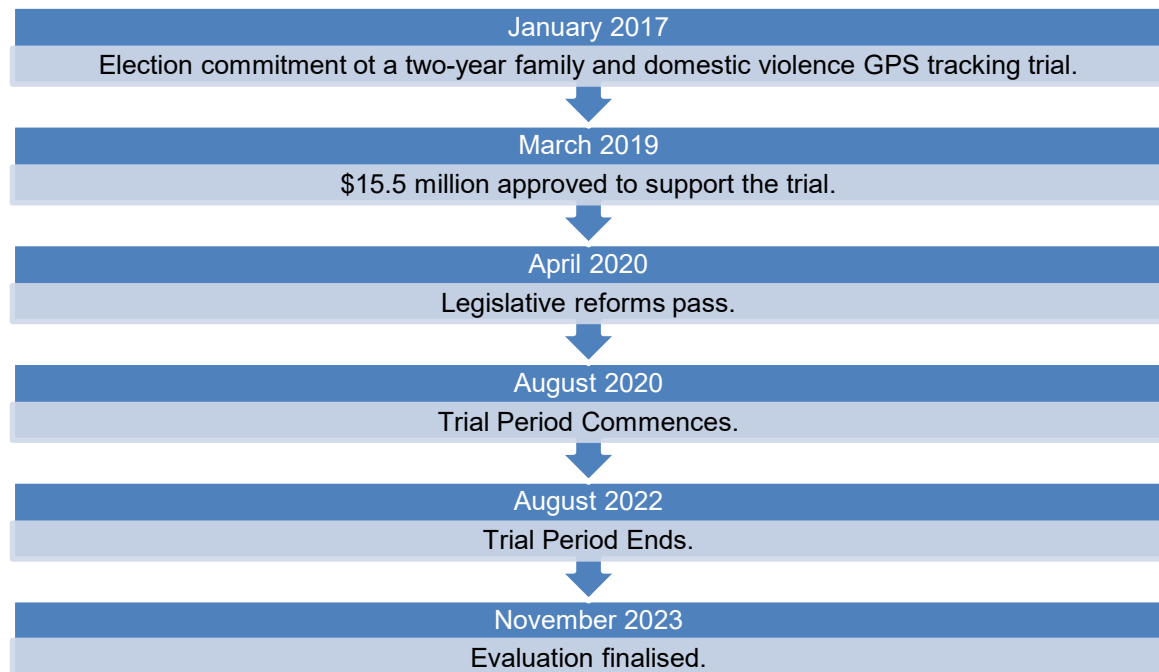
What was initially missing, however, was a victim centric operational model supported by agreed protocols, procedures and clear roles and responsibilities. As will be discussed throughout this report, while four of the ANROWS best practice principles were designed into

¹⁵ The Reducing Avoidable Remand Project, Increasing Sentencing Flexibility, and the Parole In-reach Project.

¹⁶ *Expanding the Use of Electronic Monitoring: Project Plan*, Department of Justice, November 2019.

the trial right from the outset, the new principle relating to the centrality of victims had to be developed and operationalised once the trial commenced.

Figure 2: Family and Domestic Violence GPS Tracking Trial Timeline



4.1 Enabling Legislation

Legislative change was required to enable the family and domestic violence GPS tracking trial. The timing of the initiative meant that the amendments were progressed as a package of family and domestic violence legislative reforms in the early stages of the COVID-19 health emergency. The *Family Violence (COVID-19 Response) Legislation Reform Act 2020* added GPS tracking as an available condition of a Conditional Suspended Imprisonment Order (CSIO) and an Intensive Supervision Order (ISO). These two orders sit just below imprisonment in the sentencing hierarchy. The amendments did not extend to Community Based Orders, which sit below Intensive Supervision Orders and account for an average 60%-70% of all community supervision orders each year.

The amendments were limited to the two higher end orders because the trial targeted the higher risk family and domestic violence offender group. The legislative amendment targeted family and domestic violence related offending but did not limit the application of GPS tracking to this offence type. The amendments enabled GPS tracking conditions to be placed on any suitable offender who received a CSIO or ISO as a sentence.

The legislative reforms were passed in April 2020. Regardless of the outcomes of the family and domestic violence GPS tracking trial, electronic monitoring is now an available condition of a CSIO or an ISO.

4.2 New Staff

Most of the \$15.5 million in approved funding to support the trial was used to recruit operational staff. This was the case for both the Department of Justice and the Police. An estimation of the required full time equivalent (FTE) was modelled by the Department of Treasury using

information drawn from the Justice Pipeline Model, which is a tool developed by Treasury to model the impacts of changes in the justice system.

Additional Department of Justice and Corrective Services staff included:

- Four Electronic Monitoring Officers
- One Electronic Monitoring Supervisor
- One Community Corrections Officer
- Two Victim Mediation Officers¹⁷

The \$5.5 million in funding for the Western Australia Police Force was allocated to establish a Family Violence Monitoring Unit within the State Operations Command Centre (SOCC) which is where the electronic monitoring would be based. While it was originally intended that this Unit be established as a dedicated entity operating within SOCC, the new functions associated with the trial were instead incorporated into the broader SOCC set up. That is, both Corrective Services and Police leveraged off the existing roles and operating procedures that guided how they cooperated with respect to the electronic monitoring of offenders: i.e. Corrective Services monitor the offender and have clear protocols in place for when and how they engage with Police in the event of a monitoring alert. Police then have clear protocols in place to guide how they assess and respond to these alerts.

The decision to integrate the new resources within the existing SOCC framework and existing interagency operational arrangements meant that the trial was supported by staff who were already suitably trained and experienced. Police allocated 10 FTE to SOCC to support the trial, equating to two officers providing 100 percent coverage, i.e., 24 hours a day, seven days a week, every day of the year.

Funding was also allocated to an additional officer in the Police Family Violence Unit. It is this Unit that was responsible for identifying the eligible cohort for the trial and requesting that Police Prosecutors make appropriate submissions during sentencing.

Given the relatively slow take up of GPS tracking for family and domestic violence offenders during the trial, the decision to integrate the new family and domestic violence GPS tracking trial into existing processes proved to be the most cost effective. If either the Police or Department of Justice FTE had been quarantined for the trial cohort only, the costs of trial would not have been sustainable.

4.3 Equipment

The decision to leverage off what was already in place extended to the provision of the GPS tracking devices. The timing of the trial coincided with the broader Department of Justice transition away from radio frequency monitoring technology towards the more flexible and reliable GPS tracking technology. Instead of purchasing new devices, a new leasing arrangement was entered into that would enable the Department to increase or decrease the number of monitoring devices provided, depending on demand. The terms of the lease also covered maintenance, device upgrades over the life of the contract, and replacement of faulty devices. For the purposes of the trial, an additional 50 GPS tracking devices were leased.

¹⁷ The two victim mediation officers were funded during implementation.

Given the slow take up rate for the trial, the leasing arrangement has proven to be a cost effective and reliable approach to the procurement of equipment.

To ensure the reliability of GPS tracking, three network providers are used. One main provider and two back up providers. This minimises the risk of losing a signal due to a network issue. The use of back up network providers is consistent with ANROWS best practice Principle Two.

4.4 Rehabilitation Programs

The Department of Justice provides access to three cognitive behavioural programs that target family and domestic violence offenders: Connect and Respect, Connect and Respect High Resistance, and Stopping Family Violence. These are either delivered by departmental staff or by contracted service providers.

Based on the defined eligibility of the target cohort for the trial, it was anticipated that a maximum of 100 offenders would be tracked at any single point in time. It was assumed that any additional demand for family violence focused rehabilitation programs could therefore be absorbed within existing program provision arrangements. This assumption proved to be correct and the program requirements for the trial cohort were met within existing program arrangements.

4.5 Victim Support

When the family and domestic violence GPS tracking trial was originally costed and planned, the need for additional victim focused services does not appear to have been either anticipated or mentioned. By the time the trial commenced, however, the need for a victim-focused service had been built into the operational procedures that were established to support the trial and funding had been provided to create two new Victim Mediation Officers positions.

Information gathered through the stakeholder interviews suggests that there was some confusion, when the trial first commenced, as to who was responsible for speaking with victims about the possibility of the perpetrator being included in the trial. This is likely because this was a completely new victim function and because, at the time, there were three separate business areas in the Department that could have been given this responsibility: the Victim Support Service located within Court and Tribunal Services, the Victim Mediation Unit that was located within Corrective Services, and the relatively new Office of the Commissioner for Victims of Crime which reports directly to the Director General.

As the trial commenced, the Victim Mediation Unit was in the process of being moved into the Office of the Commissioner for the Victims of Crime. The combination of the timing of this transition, the impact of COVID-19, and the unique nature of the new family and domestic violence-focused business function resulted in delays in the development of formal training, guidelines and procedural manuals that were specific to the trial. Unlike the other offender-focused aspects of the trial, the family and domestic violence victim-related procedures needed to be developed without precedent and, essentially, as they were learned.

According to stakeholders, the lack of documented and well communicated procedures and protocols did initially lead to inconsistencies in the type and level of information provided to the broader cohort of family and domestic violence victims during the two-year trial period, e.g., how much they were told about the limits of GPS technology and the alert protocols followed by Corrective Services and Police.

If the use of GPS tracking in a family and domestic violence context is to be expanded in Western Australia, it is important that further consideration be given to the need for an appropriately resourced and trained, trauma informed victim assessment and support function. This function needs to be backed by clear and consistent guidelines and procedures and these should be well communicated among all key stakeholders.

5 Operation of the Trial

Detailed guidance documents were prepared by Police and Corrective Services to support the operation of the trial. These documents outlined agreed roles, responsibilities, and procedures for staff involved in the trial with a focus on ensuring that risks to the victim were identified, assessed, and responded to as quickly as possible.

The following discussion of the operation of the pilot is kept at a high-level to avoid disclosing information that may be detrimental to the operation and effectiveness of SOCC or the Community Offender Management Unit (COMU) which is the branch of Corrective Services which undertakes the monitoring.

5.1 Physical Location

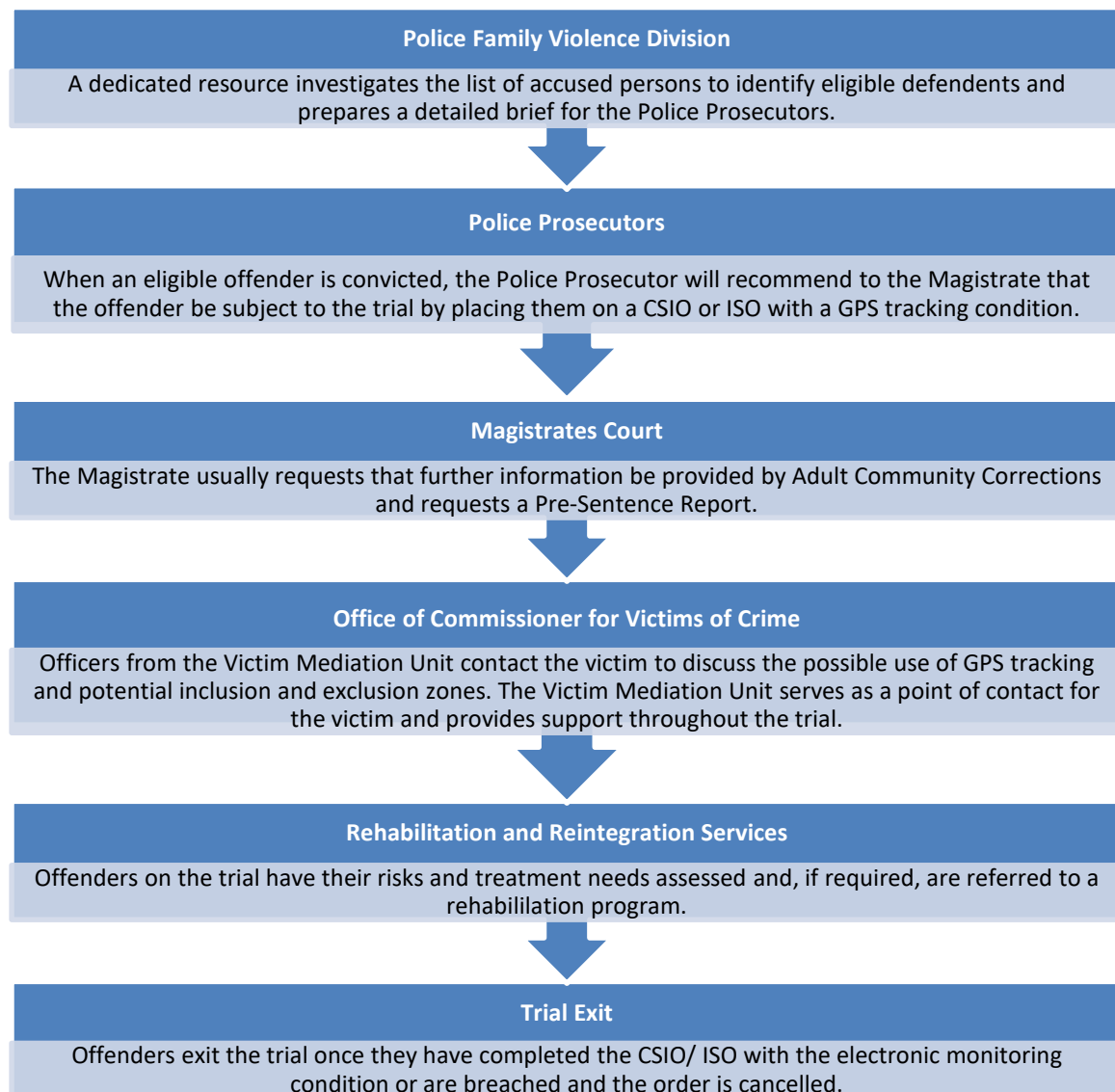
The family and domestic violence GPS tracking trial operated from the pre-existing Department's Electronic Monitoring station within the SOCC building in Maylands. The co-location of several of COMU's electronic monitoring staff on shift at the SOCC was also intended to enhance the interoperability of the technologies that both agencies used.

The procedures and protocols developed specifically to support the trial relied heavily on the co-location of the two services and the routine accessibility of face-to-face interactions and information exchange.

5.2 Trial Referral Process

The process for offenders to be referred for GPS tracking under the trial is outlined in Figure 3. For the purposes of the trial, the Police Family Violence Unit was responsible for identifying cases that were eligible for inclusion in the tracking trial and Police Prosecutors were then directed to request a GPS tracking condition be considered via a submission to the Court. If the Court wanted to consider imposing an electronic monitoring condition on the offender, they then requested that Adult Community Corrections prepare a Pre-sentence Report to advise the Court as to offender's suitability for tracking, the victim's views, and identify any outstanding rehabilitation program needs.

Figure 3: Family and Domestic Violence GPS Tracking Trial Referral Process



5.3 Pre-Sentence Report

The completion of a Pre-Sentence Report by Adult Community Corrections is a critical part of the GPS referral process and is requested by the Court prior to deciding on GPS tracking. The Pre-Sentence Report template was amended to support the trial process and incorporates many aspects of the ANROWS best practice principles, including:

- A comprehensive assessment of the offenders' risks and needs using the internationally validated Risk-Need-Responsivity, Level of Service Inventory assessment tool;
- As part of this assessment, the offender's criminogenic needs are assessed and they are referred, if necessary for treatment program assessment and then provided with a rehabilitation program;
- Victims are contacted by the Victim Mediation Service to discuss their views on the possible GPS tracking of the offender and the design of the inclusion and exclusion zones; and

- A suitability assessment for GPS tracking is also included. This considers factors such as whether there are technical constraints that would make tracking unfeasible. If a person is homeless, for example, they would not be suitable for GPS tracking as the device needs to be charged for three hours a day. This factor was also considered during the initial Police assessment of eligible defendants.

The assessment process also informs the parameters of the tracking arrangements, for example, if alcohol is identified as a problem the local bottle shop may be an exclusion zone.

While the preparation of Pre-Sentence Reports is a critical element of best practice and is key to ensuring the use of GPS tracking is safe, appropriate, and likely to be effective, there is a downside. Pre-Sentence Reports generally take at least two weeks to prepare, and when GPS tracking is being considered this extends out to three weeks. This represents a delay in achieving a sentencing outcome that is not necessarily considered acceptable by relevant parties. The impact of the delay on the uptake of electronic monitoring is explored in detail at section 6.4 below.

5.4 Engagement with the Victim

Victims are engaged at the point of preparing the Pre-Sentence Report and ideally remain engaged for the period of the trial and beyond. As part of the preparation of the Pre-Sentence Report, the victim is asked to provide their views on whether tracking should occur and the boundaries of possible exclusion and inclusion zones. If the offender is given a community supervision order, the victim does not influence the type of order or level of supervision imposed. This decision is made by the Court based on detailed information provided by Adult Community Corrections in the Pre-Sentence Report. Similarly, given the complexities of family and domestic violence, the Magistrate's decision on whether to GPS track will also be influenced by advice included in the Pre-Sentence Report about whether the victim is possibly being coerced by the offender to express a certain view about the possibility of tracking.¹⁸

During the trial, the Victim Mediation Unit in the Office of the Commissioner for Victims of Crime remains a consistent point of contact for the victim. Without agreed, clearly documented and communicated procedures, however, the provision of ongoing support was not always consistent. After the initial consultation for the Pre-Sentence Report, the level of engagement and support for the victims of family and domestic violence ranged from being as limited as providing a telephone contact number and details for community sector support, to something more akin to victim case management. Notably, the process established for engaging with victims for the trial cohort was then expanded to other family and domestic violence victims when GPS tracking was being considered. This was one of the unintended benefits of the trial, but also led to an unanticipated level of demand on Victim Mediation staff.

Now that Government has signalled its intention to extend the use of GPS tracking in a family and domestic violence context, a decision will be required with respect to the level of engagement and support that is to be provided to victims and this may require additional resources. Of particular importance is the need to ensure that the victim support arrangements do not lead to the re-traumatisation of victims in requiring them to repeat their stories on multiple occasions to different staff who are attempting to assist them. Best practice requires a case management approach to the support of family and domestic violence victim/survivors.

¹⁸ Stakeholder interviews.

This would ideally include a clear handover process at the end of the tracking order so that victims can transition to community supports without having to retell their story again.¹⁹

Victim's views on the trial are explored in detail at section 6.6.

5.5 Risk Management and Breach Responses

With respect to the operation of the trial the procedures and protocols put in place to protect the community were very clear, specific, and linked to the validated assessment of the risks the offender poses.

With respect to the focus on victim safety, the interactions between the Police, the Electronic Monitoring Officers, and Corrective Services generally, were stepped out meticulously for the trial. The agreed processes were in place well before the trial commenced and covered all aspect relating to the operation of the trial, e.g., what happens when an alert is triggered, what happens if an alert is triggered in the middle of the night, what happens if a signal is lost, what happens if the offender appears to be heading towards a victim, etc.

5.6 Information Sharing

There is a longstanding Memorandum of Understanding (MoU) in place to support the sharing of information between COMU and Police with respect to defendants and offenders, including those who are electronically monitored. The scope of the MoU covers all electronic monitoring and was updated to accommodate the co-location of the Department's Electronic Monitoring station within SOCC and then again shortly after to support the trial.

For the purpose of DOJ and WA Police Force collaborating in the effective monitoring of offenders and responding to alerts and breaches, the agencies in good faith will disclose to each other relevant and appropriate information in their possession or control as required.²⁰

Even though the MoU clearly allowed the lawful sharing of information about offenders on the trial, there is still some confusion among Police and the Adult Community Corrections Staff at SOCC about how much and what type of information can be shared about offenders. This initially slowed down the exchange of information as staff worked out what information they were 'allowed' to share. While this did not impact on community safety, as the Police respond to high-risk situations immediately, it does serve as a lesson with respect to the need for clearly documented and accessible information sharing guidelines. These guidelines should not only clarify that the MoU provides the authorisation required for information sharing but also establish a clear expectation of positive information sharing. This is the minimum required to prevent the possibility of individual interpretation of the MoU and unnecessary limitations being imposed.

With the expansion of electronic monitoring in a family and domestic violence context, clear information sharing arrangements will also be required in relation to victims.

¹⁹ Stakeholder interviews.

²⁰ *Memorandum of Understanding in Relation to the Electronic Monitoring of Offenders Managed by Adult Community Corrections and Operational Processes and Response Protocols for electronically monitored offenders managed by Adult Community Corrections*, Department of Justice and Western Australia Police Force, updated November 2020.

5.7 Rehabilitation

ANROWS best practice Principle Three identifies that offenders should have access to structured rehabilitation in the community. The analysis of access to rehabilitation programs during the trial period was difficult due to the timing of the trial and the impact of COVID-19 emergency measures. The COVID-19 related restrictions on group gatherings that were in place in Western Australia for much of the trial period forced the cancellation of most of the group based cognitive behaviour programs offered by service providers in the community.

During the two years of the trial, 46% of family and domestic violence offenders with a GPS tracking condition on their order participated in a rehabilitation program that targeted family and domestic violence. Stakeholders reported that some offenders would have been required to complete a substance abuse program before they could participate in a family and domestic violence program, but this was not investigated further during the evaluation.

6 Description of Trial Participants

The most striking feature of the family and domestic violence GPS tracking trial was the low participant numbers. While the cohort described in the election commitment was quite limited, the legislative amendments enacted to enable the trial made it possible for any family and domestic violence offender on a CSIO or ISO to be GPS tracked. Yet, even with this broad enabling mechanism, the total number of family and domestic violence offenders tracked during the trial period was low.

The analysis undertaken for this evaluation has included all sentencing orders that were active during the trial period that related to family and domestic violence offending. This broad definition was used to increase the number of GPS tracking cases that could be analysed and, in doing so, strengthen the evidence base that informs the use of electronic monitoring in a family and domestic violence context.

There were 152 family and domestic violence offenders who were tracked during the two-year trial period and, of these, only 19 met the description in the election commitment: an offender who breached a Family Violence Restraining Order with a further act of family violence.

Given the low participant numbers, the results of the statistical analysis of trial participant data and outcomes should be considered as indicative, rather than irrefutable evidence, of how GPS tracking operates in a family and domestic violence context.

The descriptive information below includes all family and domestic violence offenders who were electronically monitored during the two-year trial period, including those on home detention bail. The later discussion of trial outcomes focuses only on those who were GPS tracked as a condition of a Court order and excludes home detention bail. This is because the use of electronic monitoring of family and domestic violence offenders in a bail context does not operate in the same way as it does as a condition of a Court order. The monitoring condition for home detention bail is offender-focused and aimed at ensuring the subject complies with their home detention. The type of electronic monitoring that was tested in the trial, was the use of GPS tracking as a victim safety measure. It is this outcome that is assessed through this evaluation.

6.1 Number of Family and Domestic Violence Offenders who were Electronically Monitored During the Trial

Table 3 provides the number of offenders who had charges that were flagged by Police as being committed in circumstances of family and domestic violence, and who were on correctional supervision orders with an electronic monitoring condition. This flag, the “FDV flag” is attached to the offence record by Police and remains attached to the offence record throughout the Court process and, depending on the sentencing outcome, into the Corrective Services Total Offender Management System (TOMS) database. The table includes all orders with a GPS tracking condition that were in place at some stage during the two-year trial period.

During the trial period there were a total of 152 offenders who had a family and domestic violence flag on at least one of their offences and were subject to a community supervision order with a GPS tracking condition. As some offenders were subject to more than one order during the trial, often because their order was cancelled due to a breach and a new order issued, there were a total of 195 active community supervision orders with a GPS tracking condition during the two-year trial.

6.2 Orders Used

As is evident in Table 3, electronic monitoring is used mostly in the bail space to ensure that accused persons are abiding by their home detention conditions. Electronic monitoring of home detention bail has been an option for over 30 years in Western Australia and is the most established and well understood application of GPS tracking.

Table 3: Family and Domestic Violence Offenders GPS Tracked between 18 August 2020 and 17 August 2022

Order Category	Orders	Offenders	Proportion of Total
Conditional Bail (Home Detention)	167	124	85.6%
Court Order (CSIO & ISO)	20	20	10.3%
Parole Order	6	6	3.1%
Post Sentence Supervision Order	2	2	1%
Total	195	152	

6.3 Duration of the Order

During the trial, most community supervision orders with a GPS tracking condition were between three and six months in length. This does not mean that the individual was GPS tracked for the entire duration of the order or for a continuous period. Accused persons and offenders will sometimes breach their order and it will be cancelled and/ or they will spend some time in custody.

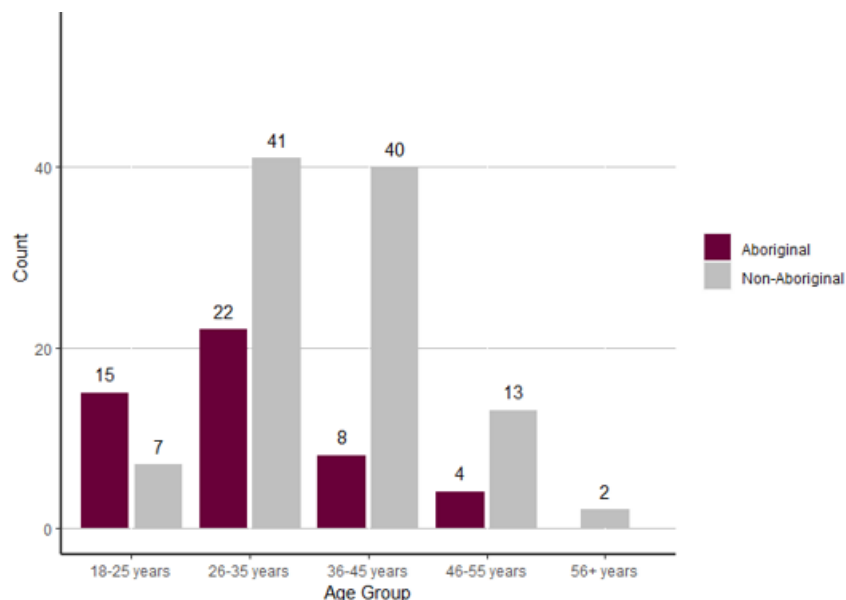
Table 4: Average Duration of Community Supervision Order with a GPS Tracking Condition

Duration	Minimum	Maximum	Mean	Median
Order Duration	1 day	730 days	155 days	93 days

6.4 Demographics

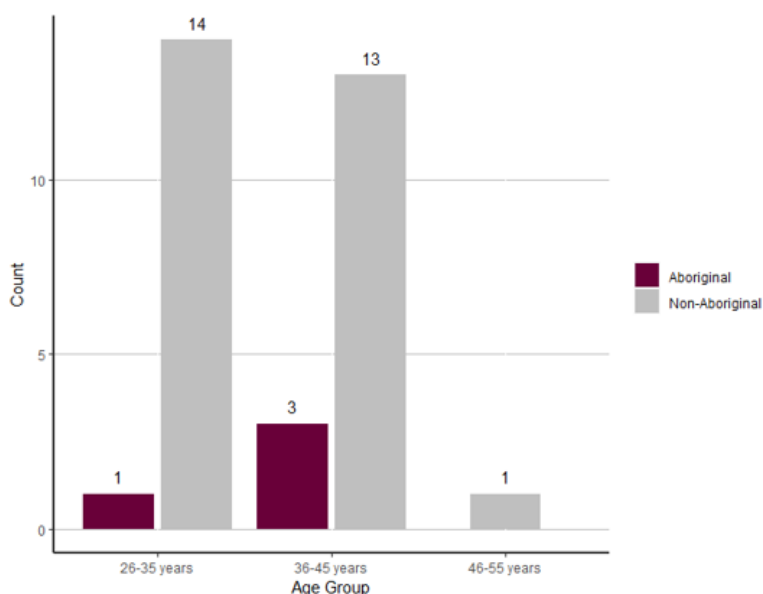
Only five women were electronically monitored during the two-year trial period and these were all on home detention bail. One third of those electronically monitored were Aboriginal and, notably, they tended to be younger than the non-Aboriginal cohort. Figure 4 relates to all GPS tracking of family and domestic violence offenders during the two-year trial period, including home detention bail, and is not limited to the cohort described in the election commitment.

Figure 4: Age Group by Aboriginality



Further analysis of the data, with home detention bail removed, shows that only four Aboriginal offenders received a Court order with an electronic monitoring condition during the trial period (see Figure 5.)

Figure 5: Court Orders with an Electronic Monitoring Condition by Aboriginality (excludes bail)



The low uptake for Aboriginal offenders may be due to the different nature and understanding of Aboriginal family violence compared with the more gendered understanding of non-Aboriginal family and domestic violence. Domestic violence is understood by Aboriginal people and communities through a broader definition of family violence, which includes behaviours that could be seen as less gendered (e.g. bi-directional violence, negative behaviours between extended family members and lateral violence). This *bidirectional violence* has been described in different studies with terms such as mutual violence, symmetrical violence, victim–offender overlap (self-defence,) and situational violence, among others.²¹

In such a circumstance it is not difficult to see why GPS tracking of one of the parties would be neither appropriate nor useful in reducing family violence. GPS tracking relies on the physical distance that it creates between a clearly identified offender and a clearly identified victim. This approach would be inappropriate and ineffective within the complexities of an Aboriginal family violence experience. Accordingly, any expansion of electronic monitoring in a family and domestic violence context must consider the appropriateness of GPS tracking within the context of Aboriginal family violence.

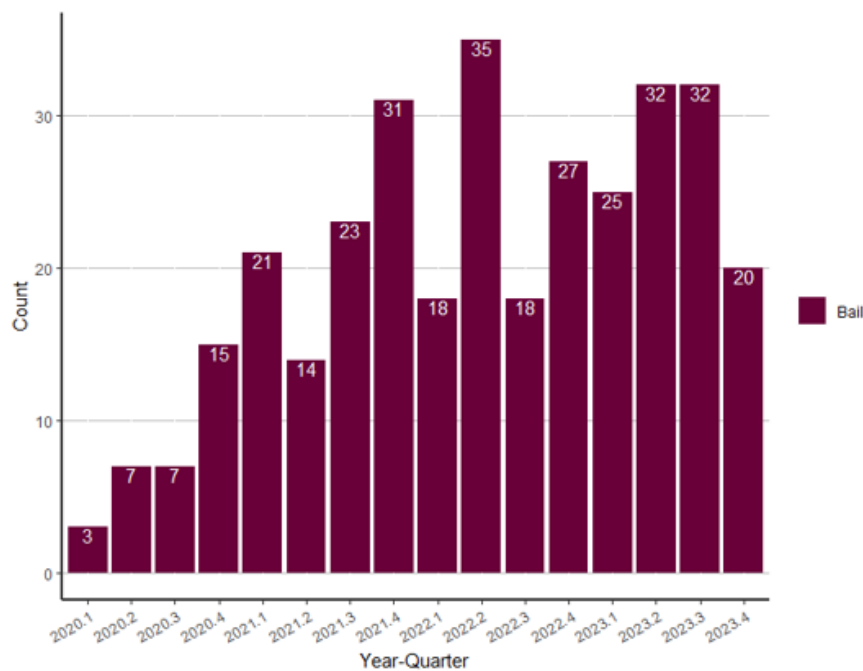
7 Uptake of GPS Tracking

The uptake of GPS tracking in a family and domestic violence context in Western Australia has been slow, which is similar to the experience in other jurisdictions.²² The context in which GPS tracking for family and domestic violence has steadily increased is in the bail space, see Figure 6.

²¹ Andreia Machado, Catarina Sousa, and Olga Cunha, “Bidirectional Violence in Intimate Relationships: A Systematic Review,” *Trauma, Violence, & Abuse* (2023): <https://doi.org/10.1177/15248380231193440>.

²² Nancarrow and Modini, *Electronic Monitoring in the Context of Domestic and Family Violence*

Figure 6: GPS Tracking of Family and Domestic Violence Accused/ Offenders on Home Detention Bail



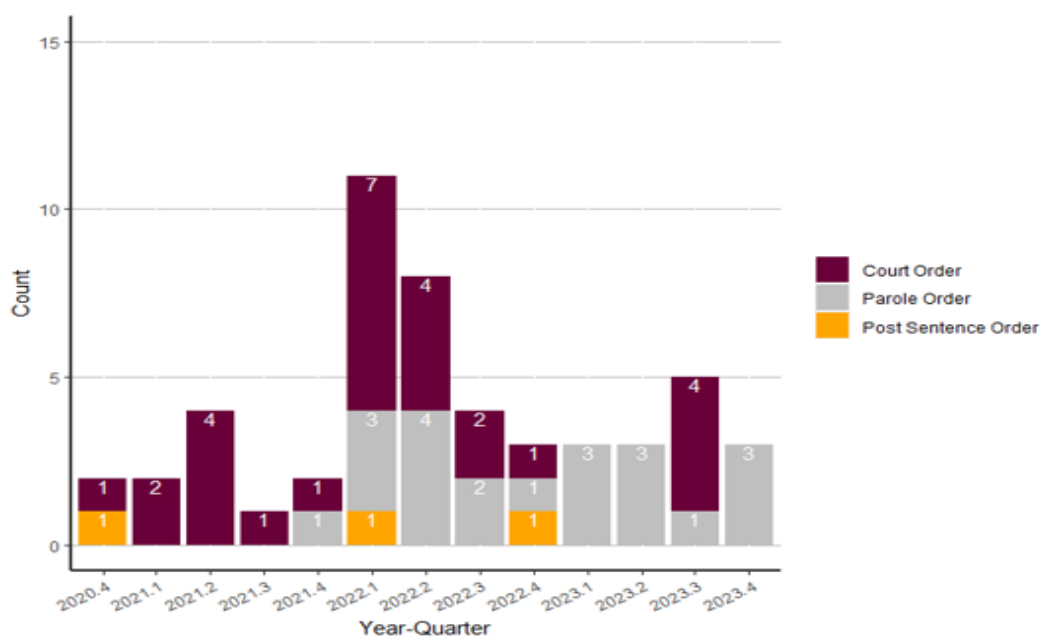
7.1 Home Detention Bail

Home detention bail has been in use in Western Australia since the 1980's and is well known and well understood by all the parties that input into a bail decision at Court, whether it is the defence, the prosecution, Corrective Services, the judiciary, of the defendant themselves. The consideration of home detention bail has become relatively routine when a Court is determining whether a defendant should be remanded to custody or bailed into the community. This is not the case with respect to family and domestic violence offenders who are being considered for release or imprisonment unless they have already been flagged as being very high risk or serial offenders.²³

While GPS tracking of family and domestic violence accused and offenders in the bail space is slowly increasing over time, only five family and domestic violence offenders have had an electronic condition attached to their CSIO or ISO since the trial ended and Police screening formally ceased (see Figure 7).

²³ Offenders on a community supervision order under the *High Risk Serious Offenders Act 2020 WA*, must be electronically monitored. Electronic monitoring must be considered for any offender who is declared a 'serial family violence offender' under the s 12E of the *Sentencing Act 1995, WA*.

Figure 7: Quarterly Uptake of GPS Tracking on Court Orders:



7.2 GPS Needs a ‘trigger’

During the family and domestic violence GPS tracking trial, Police established a bespoke process for screening potentially eligible accused persons who could be considered for inclusion in the trial. Through this process a total of 2,374 prosecution briefs were screened and in 403 cases it was recommended that the Police Prosecutor make a submission to the Court for electronic monitoring. At that time, the screening process ruled out any case that did not meet the circumstances described in the election commitment.

By the time the trial ended in August 2022, Police funding for the pilot had also ended. This meant that the intensive analysis of potentially eligible cases ceased and there was no other area within the justice process responsible for considering whether GPS tracking should be considered. That is, while any stakeholder involved in the court process can raise the question of GPS tracking, but there is no one area with explicit responsibility for raising it. This meant that even though the legislative amendments that enabled the trial also enabled the use of electronic monitoring for any offender on a CSIO or an ISO, there was no legal or procedural trigger in place that would cause it to be considered.

When asked to consider the likely cause of the low uptake of GPS tracking during the trial, a Magistrate’s Court representative noted that the target cohort was quite narrow and specific. Eligible cases were not that frequent, and some Magistrates may have simply not thought about GPS tracking unless it was raised by either the prosecution or the defence. Also, not all Magistrates would consider it to be their role to raise the issue of GPS tracking.²⁴

Currently, there is no automatic ‘trigger’ for the consideration of GPS tracking for family and domestic violence offenders, or offenders generally. In the absence of a dedicated screening process, as was established by Police for the trial, the automatic consideration of electronic monitoring could be incorporated into existing Police and/ or Corrective Services procedures (e.g., Prosecution Brief, Pre-Sentence Report.)

²⁴ Stakeholder interviews.

Alternatively, a legislative trigger, similar to that in place with respect to High Risk Serious Offender or declared Serial Family Violence Offenders, could be implemented. If this were to be the case, it is important not to let go of the ANROWS best practice principle that requires a full assessment of the individual circumstances and suitability of the offender, and also the views of the victim. Eligibility for electronic monitoring conditions can be legislated, but suitability for electronic monitoring must be based on individual assessment.

It is noted that, as this report was being finalised, on 26 October 2023 the Government announced that it “will introduce legislation which will compel courts and the Prisoners Review Board to impose GPS monitoring conditions on family violence perpetrators subject to community supervision. Under the reforms, mandatory monitoring will apply to family violence perpetrators who have offended while subject to a family violence restraining order or serial family violence offender declaration. Monitoring will be required under any community supervision order imposed in relation to these offenders at bail, sentencing, parole and post-sentence. Mandatory monitoring will also apply to family violence perpetrators released from prison under parole or post-sentence order where a family violence restraining order is in place.”²⁵

7.3 Narrow Eligibility

The narrow target cohort for the trial was put forward by several stakeholders as being the main reason for the low take up of GPS tracking during the trial period.

As Table 4 shows, the outcome for nearly half of the cases screened into the trial was a custodial penalty. Only 13.4% of those screened into the trial were given a type of sentence that could have been GPS tracked, and nearly one third were given sentences that were lower than an ISO in the sentencing hierarchy. Notably, 36 offenders, or 8.9% of those screened into the trial were given a Community Based Order, which sits just below an ISO but does not include GPS tracking as an option.

Any future expansion of the use of GPS tracking in a family and domestic violence context could usefully consider expanding eligibility to Community Based Orders. While the use of GPS tracking would still need to be based on an individual assessment to determine suitability, eligibility should be expanded to provide the judiciary with greater flexibility.

Table 5: Sentencing Outcomes for Cases Screened into the Trial

Sentencing Outcomes for Offenders Screened into the Trial by Police		
Sentence Group	Number	Percentage
Imprisonment	161	40%
Conditional Suspended Imprisonment	41	10.2%
Suspended Imprisonment	23	5.7%
Intensive Supervision Order	13	3.2%
Community Based Order	36	8.9%

²⁵ Cook Government strengthens GPS tracking for FDV perpetrators, 26 October 2023, <https://www.wa.gov.au/government/media-statements/Cook-Labor-Government/Cook-Government-strengthens-GPS-tracking-for-FDV-perpetrators-20231026>

Fine	90	22.3%
Suspended Fine	4	1%
Conditional Release Order	2	0.5%
Not Available	33	8.2%
Total	403	

7.4 Delayed Sentencing

While the Pre-Sentence Report represents best practice in the assessment of offender suitability for electronic monitoring, the usually three-week wait for the report can delay the resolution of cases and may serve as a deterrent in some instances.²⁶

An analysis of Court hearings during the first six months of the trial reveals that the three-week wait for the Pre-Sentence Report did sometimes impact on the GPS tracking decision. This analysis focused on cases where Police screening had indicated that the defendant was eligible and relatively suitable for inclusion in the trial, and the offender was sentenced to a CSIO or an ISO.

Of the 39 Court hearings analysed, electronic monitoring was discussed in 28 cases and applied in 16. The Magistrate specifically mentioned not wanting to delay sentencing and wait three weeks for Pre-Sentence Report in three of the 12 cases where GPS was not used. Stakeholder interviews also suggested that some defendants would prefer to get a short term of imprisonment 'over and done with' than wait for GPS tracking to be considered. This evidence is anecdotal, however, and was not noted in the Court hearing analysis.

If the use of GPS tracking is to be expanded, consideration should be given as to how appropriate assessments can be undertaken with minimal delays to the sentencing process. This is particularly important given that many offenders could be remanded into custody while awaiting the completion of the Pre-Sentence Report. This would not only place significant extra demands on the prison system it would also serve to further destabilise the lives of some offenders who would not otherwise have spent any time in custody (e.g., loss of employment or income, damage relationships, stigma, etc.).

7.5 Sustained Engagement with the Judiciary

When asked to consider the likely cause of the low uptake of GPS tracking during the trial, a Magistrate's Court representative noted that the target cohort was quite narrow and specific and that this caused some confusion as to who was eligible.²⁷ Also, as noted above, eligible cases were not that frequent and some Magistrates may have simply not thought about GPS tracking unless it was raised by either the prosecution or the defence.

Noting, again, the small number of eligible cases able to be assessed, there appeared to be a certain lack of understanding regarding the eligibility of the trial cohort evident in the Court hearing analysis (six cases) although this appears to be linked to not having a Pre-Sentence Report to refer to and not wanting to wait for one. Similarly, the inclusion of GPS tracking conditions for family and domestic violence on Court orders throughout the two-year trial was

²⁶ Stakeholder interviews.

²⁷ Stakeholder interviews.

more common in some Court locations than others, suggesting differing levels of knowledge and comfort with respect to the new sentencing provisions. Some stakeholders suggested that the differing levels of take up may have been related to the availability of rehabilitation programs in certain geographical locations, noting that one of the perceived benefits of GPS tracking is that it enables access to rehabilitation in the community.

The family and domestic violence GPS tracking trial has provided several practical lessons regarding the introduction of new sentencing provisions. A key lesson is that providing additional legislative options to the Court will not necessarily, by itself, lead to a change in sentencing practices and achieve Government's policy goals. The changes must be backed up by clear and sustained communications and accessible guidelines outlining how, where, and when the changes apply and who they apply to.

7.6 Victim Views on GPS Tracking

Another explanation for the low uptake of GPS tracking relates to the application of the best practice principle regarding the engagement of victims and their being empowered to input into the GPS tracking decision.

Victims were consulted, wherever possible, with respect to the prospect of imposing a GPS tracking condition on a family and domestic violence offender and the design of the exclusion zones. Throughout the trial period, the reasons that victims gave for not wanting the offender to be subject to a tracking condition were recorded.

Of the 147 victims during the trial who were recorded as not wanting an electronic monitoring condition to be imposed, 40% stated that this was because they were in an ongoing relationship with the offender and did not want contact to cease, while 30% said that they just did not think it was necessary. Twenty five percent stated that they had concerns about the exclusion zones with victims either worried that they would reveal their location to the offender or simply thought they were impractical. The types of concerns expressed by victims throughout the trial period mirror the findings of a recent study that examined the experience of victims and victim support staff involved in similar GPS tracking programs in New South Wales.²⁸

8 Victim Outcomes

There are three victim-related outcomes that were considered in the evaluation:

- Reduced family and domestic violence re-victimisation;
- Increased perceptions of safety;
- More timely responses to breaches.

8.1 Reduced FDV re-victimisation

Electronic monitoring can be a useful tool to enhance victim safety, but it is not a panacea. Family and domestic violence comes in many forms and not all of them can be controlled through electronic monitoring. GPS tracking can reduce physical violence by maintaining a

²⁸ Ye In Hwang, Paul Leslie Simpson and Tony Gerard Butler, "Victim and Victim Support Staff Experiences of a Domestic Violence Electronic Monitoring Program in Australia," *International Journal of Offender Therapy and Comparative Criminology* 67, no. 9 (2021): 1-20. <https://doi.org/10.1177/0306624X211058950>.

geographical separation between the victim and the offender. Tracking will not stop the myriad other forms of family and domestic violence such as coercive control, threats, online harassment, or threats to other family members.

Essentially, GPS tracking enables monitoring of an offender's location, it cannot tell you what the offender is doing at that location. An offender could be compliant with the geographical restrictions of a GPS tracking condition and still attempt to contact the victim and/ or still engage in sustained family and domestic violence. Similarly, GPS tracking will not stop an offender from obtaining drugs or alcohol, which may then contribute to their likelihood of engaging in the types of behaviour that would constitute a breach of the conditions of their order. GPS tracking will also not prevent an offender from moving on to another victim.

One of the reported unintended side effects of GPS tracking in a family and domestic violence context is a possible increase in non-physical forms of abuse.²⁹ One of the outcomes of the trial that is discussed below, is the dramatic increase in detected breaching of conditions of community supervision orders that occurred in a family and domestic violence context. This suggests that while actual physical violence was reduced, other non-physical forms of abuse were not and may have even increased during the trial.

While GPS tracking in a family and domestic violence context is still quite new and the evidence base to support its effectiveness is only just starting to emerge, there is also some evidence emerging outside of Western Australia to suggest that GPS tracking is less effective for higher risk or serious offenders.³⁰ That is, if someone is determined to offend, GPS tracking will not deter or prevent them. What GPS can do in these circumstances, is speed up the response from the authorities, increase the chances of them being able to intervene and provide clear evidence of the breach.

8.2 Increased perceptions of safety

Four victims agreed to be interviewed for the evaluation of the trial. All four victims stated that they had been consulted on the decision to GPS track the offender and the conditions that should be put into place. All victims demonstrated an appropriate level of understanding of what GPS tracking entailed.

Three victims reported feeling safer with the offender being GPS tracked and reported lower levels of harassment and no further family and domestic violence offending.

Three victims also reported that while some incidents of harassment still occurred, this was not in a way that would have triggered an electronic alert, e.g. sending flowers to a family member. One victim stated that the offender deliberately stayed just outside the exclusion zone and taunted them.

Another victim stated that they would only feel safe if the offender was in custody. This victim supported the imposition of a GPS tracking condition but said that they would have preferred the offender was imprisoned. In this instance, the offender did breach multiple times, reoffended, and was imprisoned.

²⁹ Nancarrow and Modini, *Electronic Monitoring in the Context of Domestic and Family Violence*, 3.

³⁰ Nancarrow and Modina quote a 2009 Swedish study of 260 individuals who were GPS tracked as a condition of their early release from prison, which found a significant reduction in offending for mid to low level offenders and almost no difference in higher risk offenders. *Electronic Monitoring in the Context of Domestic and Family Violence*, 30.

The other three victims all reported that they, and their families, felt safer knowing that the offender was being GPS tracked and that they would be notified if the offender was entering an exclusion zone. These victims made comments about how they, and their families, felt 'less stressed' and were able to sleep better.

8.3 More timely responses by Police in the event of an FDV incident

A swift response to family and domestic violence incidents is an obvious and critical outcome for the GPS tracking trial.

It was not possible to measure actual Police response times during the trial because this data is recorded in Police databases in relation to the incident address rather than the name of a possible offender or victim. Also, as response times are determined by many factors such as distance and traffic conditions, an analysis of actual response times would have revealed little.

What is clear from an analysis of the trial is that with the imposition of GPS tracking on an offender and the co-location of the electronic monitoring staff at the SOCC, Police are made aware of potential threats to the victim much more quickly and are able to respond accordingly. As one Electronic Monitoring Officer in COMU noted: "Now we just walk over to them."

What has also assisted in ensuring the prompt and appropriate response to any potential offending, is the detailed response matrix that was already in place with respect to the monitoring of dangerous sexual offenders and then modified for the trial by Police and Corrective Services. Several stakeholders expressed concern, however, about the need for caution if GPS tracking was to be expanded so that it does not negatively impact on current response times and the general effectiveness of electronic monitoring.

The very existence of a GPS tracking condition on an offender's order, tells relevant authorities that this person is a risk and needs to be closely monitored. If the net is cast too wide, this may water down the effectiveness of GPS tracking as the Electronic Monitoring Officers are required to grapple with a much higher number of offenders to monitor and a corresponding increase in minor alerts such as a momentary signal loss. Stakeholders cautioned that if this occurred, electronic monitoring will "lose its teeth."³¹

If GPS tracking is to be expanded, some of the 'triaging' of monitoring alerts that is currently undertaken manually by the Electronic Monitoring Officers, would need to be at least partly automated. If not, stakeholders were concerned that monitoring officers would risk being overwhelmed by the volume of minor and brief issues that occur throughout the day, such as a loss of transmission from a bracelet for a couple of seconds. The current technology used for electronic monitoring does have automation capability to an extent, but this may need to be upgraded if GPS tracking is expanded to a much broader cohort.

9 Offender Outcomes

In order to enhance victim safety, GPS tracking is aimed at achieving three key offender related outcomes:

- Reductions in FDV offending;
- Increased compliance with court orders; and

³¹ Stakeholder interviews.

- More timely responses to breaches.

One of the challenges with analysing family and domestic violence behaviour is that a higher level of detection of offences can reflect a higher level of offending, or simply a higher level of detection. The latter is a good outcome while the former is not.

As stated above, the low participant numbers in this trial makes the determination of outcomes more difficult. The evaluation of a larger cohort of tracked offenders will be required to produce generalisable findings. In the offender related analysis, home detention bail was excluded as there was no way of isolating the impact of GPS tracking from the impact of the home detention condition, reducing the cohort for analysis to only 28 distinct individuals. The outcomes provided here can therefore only be considered as descriptive.

For this evaluation, the impact of GPS tracking on family and domestic violence offending was analysed in two ways. Offending patterns prior to the trial were compared with the level and type of offending during the trial, and then again after the trial had ended. The other analysis used entropy balancing to compare the reoffending and breach outcomes of offenders with an electronic monitoring condition on their order to a similar group without a tracking condition.

9.1 Reductions in Family and Domestic Violence Offending

Not surprisingly the analysis of offending (see Table 6) indicates that, prior to being tracked, all family and domestic violence offenders had been convicted of numerous offences. Most of the prior offences related to the use of violence, regardless of whether it was identified as being in a family and domestic violence context.

The next most common offence was breaching a correctional supervision order, regardless of whether the order related to a family and domestic violence offence.

Table 6: Number of Offences Prior to Monitoring by Type

Charge Category	Number of Prior Family Violence Related Offences			Number of Prior Non-Family Violence Related Offences		
	1-5	6-20	21-40	1-5	6-20	21-40
Violent Offence	16	1	0	11	3	0
Breach Offence	12	4	1	13	0	0
Justice Procedure Offence	2	0	0	4	0	0
Driving Offence	1	0	0	2	1	0
Property Offence	1	0	0	9	1	0
Disorder Offence	0	0	0	3	0	0
Drug Offence	0	0	0	4	0	0
Fraud	0	0	0	0	0	0
Other	0	0	0	0	0	0

Table 7 provides the average number of offences per monitored offender before, during, and after the period they were on the GPS tracking order. The average number of family and domestic violence related breach offences was much higher during the period the offender was on a tracking order (an average 21.9 per offender compared to 4.3 prior to tracking).

The level of violent offending within a family and domestic violence context was much lower during the tracking order (an average 0.2 per offender compared to 2.5 prior to tracking.)

Notably, the drop in violent offending was not limited to family and domestic violence situations as a drop also occurred with respect to general violent offending (from an average of 3.0 to 0.1).

Table 7: Average Number of Criminal Offences per Monitored Offender by Type

Charge Category	Family Violence Related			Non-Family Violence Related		
	Pre-Monitoring	Monitoring	Post-Monitoring	Pre-Monitoring	Monitoring	Post-Monitoring
Breach Offence	4.3	21.9	3	1.4	0.1	0
Violent Offence	2.5	0.2	0	3.0	0.1	0
Justice Procedure Offence	0.5	0.0	0	0.7	0.7	0
Driving Offence	0.2	0.0	0	3.8	0.0	0
Disorder Offence	0.0	0.0	0	1.3	0.0	0
Drug Offence	0.0	0.0	0	2.5	0.0	0
Property Offence	0.0	0.1	0	2.9	0.2	0

While these results demonstrate that electronic monitoring may be able to reduce violent offending, the high rate of family and domestic violence related breaches suggests that it cannot necessarily reduce non-physical family and domestic violence. This is a known limitation of GPS tracking in a family and domestic violence.

The average level of non-family and domestic violence related breaching dropped during the tracking order. This suggests that GPS tracking can help improve general compliance with correctional supervision orders. Corrective Services staff have suggested that this is one of the unintended consequences of GPS tracking.

As per ANROWS best practice Principle Three, family and domestic violence offenders who are electronically monitored also need to be closely supervised and case managed by Community Corrections Officers. To help facilitate this, select staff at each Community Corrections Centre are given access to the GPS tracking screens and can log in and check the current location of an offender they are case managing. They can see, for example, that an offender has not left their house in time to attend a rehabilitation program or that they have not yet attended urinalysis. Staff report that they can then call the offender and encourage them to attend, reducing the likelihood of them being breached for not complying with the conditions or their order.

9.2 Imprisonment

One of the ways in which GPS tracking appears to have reduced family and domestic violence offending, is by identifying and removing the individuals who continued to reoffend. Nearly one third of family and domestic violence offenders with a GPS tracking condition on their order were in custody when their order ended. This represents nine offenders who had either continued to violently offend, or who repeatedly breached the conditions of their order, and were imprisoned as a result. The removal of nine family and domestic violence offenders in the community is a key contributing factor to the lack of reoffending post monitoring. It appears, that the increased detection of breaches has helped to identify and respond to the most determined reoffenders.

Table 8: Offenders in Custody at Order End Date

Location	Remand	Sentenced	Total	%
In Custody	1	8	9	32.1
Not in Custody	0	0	19	67.9
Total	1	8	28	100.0

9.3 Increased Compliance with Court Orders

An analysis of community supervision order completion rates, including bail, suggests that less than half of the orders with a GPS tracking condition were completed successfully. If an order is unsuccessful, this means that it was cancelled because of a failure to comply with the conditions of the order (omission) or because the person reoffended. In addition, Aboriginal participants were less likely to complete their order successfully than non-Aboriginal participants, but this was more likely to be due to a failure to comply with the conditions of the order, rather than a new offence.

Increased detection of breaches in the conditions of orders is a consistent finding throughout the analysis of the trial and is discussed in more detail in section 8.1 above.

Table 9: Order Completion Rates by Aboriginality

Reason	Aboriginal		Non-Aboriginal	
	Number	%	Number	%
Successful	27	38.6	67	51.9
Unsuccessful Omission	26	37.1	28	21.7
Unsuccessful Re-offending	3	4.3	12	9.3
Neither	14	20	22	17.1
Total	70		129	

9.4 Comparing Offender Outcomes: Monitoring vs No-Monitoring

Reoffending and breach outcomes for electronically monitored family and domestic violence offenders was also compared to a similar group of offenders to determine whether GPS tracking was associated with a different reoffending outcome. A statistical methodology called entropy balancing was used to undertake this comparative analysis, after consultation with the research team at BOCSAR which had just completed a similar analysis of GPS tracking in New South Wales. The variables that were used to identify the comparison group includes, among other things, previous offences, previous family and domestic violence offences, age, and previous imprisonment. The comparison group was matched as closely as possible to the GPS tracking group with respect to these key variables.

The outcomes are presented in Table 10. Tracked offenders were more likely to have their order breached (either for committing a new offence or for not complying with the conditions of their orders). They were less likely to complete their community supervision orders successfully and more likely to return to custody. This does not necessarily mean that tracked offenders were more likely to reoffend or not comply with their orders, but it does mean that they were more likely to have such actions detected.

Table 10: Offender Related Outcomes During the Tracking Order³²

Outcome	GPS Tracked	Not Tracked	Percentage Difference
Increased Compliance with Court Orders			
Successful Completion	36.36%	49.43%	-13.06%
Returned to Custody	16.67%	7.40%	9.26%**
More timely responses to breaches			
Breach Reoffend	27.27%	16.55%	10.73%*
Breach Non-Compliance	36.36%	34.02%	2.34%
Breach FVRO	16.22%	4.82%	7.68%**
Reduction in FDV reoffending			
New FDV Offence During Order	14.58%	7.10%	7.48%**

Values are represented as proportions unless otherwise stated. Stars indicate statistical significance at * ~ 10%, ** ~ 5% and *** ~ 1%

Table 11: FDV Reoffending Outcomes 12 Months Post Tracking (FDV cohorts, regardless of whether they were in prison when their order ended)

Outcome	GPS Tracked	Not Tracked	Percentage Difference
New FDV Offence	2.70%	11.40%	-8.69%*
FVRO Breach	0.00%	8.01%	-8.01%*
Remanded or Sentenced to Custody	5.41%	12.37%	-6.96%

³² The outcomes of the entropy balancing were defined differently to the pre, during, and post analysis presented in Table 7: and are not directly comparable.

10 Conclusion

The two-year family and domestic violence GPS tracking trial was largely implemented as intended, with enabling legislation passed in April 2020 and the trial formally commencing on 18 August 2020. New systems were set up by the Western Australia Police Force to identify potential participants, and the Police and Corrective Services worked closely at SOCC to ensure that offenders were monitored appropriately (Corrective Services) and that alerts were responded to swiftly when required (Police). New procedures were also established to engage with, and support, victims involved in the trial.

The trial operated in accordance with all five of the best practice principles identified by ANROWS.

The original trial cohort was defined quite narrowly as offenders who breach a Family Violence Restraining Order with a further act of family violence and only 19 offenders who met this description were included in the trial. In an effort to increase the reliability of the evaluation findings, the statistical analysis has focused on all community supervision orders for family and domestic violence offenders with a GPS tracking condition during the trial period. The size of the analysis cohort was still only quite small, with 28 distinct offenders included.

While the evaluation was hampered by the low cohort size, the results suggest that GPS tracking appears to have reduced violent family violence offending while the offender was being monitored but does not appear to have reduced other non-physical types of family and domestic violence. Electronic monitoring also appears to have reduced violent offending outside the context of family and domestic violence.

GPS tracking appears to have increased the level of detection and breaching of offenders for not complying with the conditions of their supervision order, regardless of whether the non-compliance related to family and domestic violence or another type of order condition (e.g. urinalysis).

GPS tracking also appears to have reduced family and domestic violence victimisation during the 12 months after the tracking order ended, partly because the higher level of detection meant that nearly a third of tracked offenders were in custody when their order ended.

While a more thorough understanding of the impact of GPS tracking in a family and domestic violence context in Western Australia will have to wait for a larger cohort of offenders, it is worth noting that the results of the trial are not inconsistent with those found in other Australian jurisdictions. In particular, the Western Australian results closely match those in a 2021 evaluation of GPS tracking for high-risk family and domestic violence offenders in Tasmania (see Table 2.) That is, GPS tracking was found to be associated with an increase in the number of breaches detected and a drop in violent offending (both generally and within a family and domestic violence context).

Government has signalled an intention to expand the use of GPS tracking in a family and domestic violence context. This evaluation of the family and domestic violence GPS tracking trial has generated several insights that can be used to help ensure this expansion has the desired impact on family safety. The key findings and recommendations are provided in Table 12 below.

11 Findings and Recommendations

Table 12: Key Findings and Recommendations from the Family and Domestic Violence GPS Tracking Trial: August 2020 to August 2022.

	Finding	Recommendation
One	Providing additional legislative options to the Court will not necessarily, by itself, lead to a change in sentencing practices and achieve Government's policy goals.	Any proposed legislative changes aimed at expanding the use of electronic monitoring must be backed up by clear and sustained communications with the judiciary and accessible guidelines outlining how, where, and when the changes apply and to whom they apply.
Two	While the assessment of offender suitability for electronic monitoring represents best practice, the three-week wait for the Pre-Sentence Report can delay the resolution of cases, increase short term custody, and may serve as a deterrent in some instances.	If the use of GPS tracking is to be expanded, consideration should be given as to how appropriate assessments can be undertaken with minimal delays to the sentencing process. This may require additional resourcing to support the increase in assessments and preparation of reports for the Court.
Three	GPS tracking relies on the physical distance that it creates between a clearly identified offender and a clearly identified victim. This approach may be inappropriate and ineffective within the complexities of an Aboriginal family violence experience.	Any automatic 'trigger' built into the expansion of electronic monitoring must still allow a consideration of the appropriateness of GPS tracking in the context of Aboriginal family violence.
Four	Only 13.4% of those screened into the trial were given a type of sentence that could have been GPS tracked, and nearly one third were given sentences that were lower than an ISO in the sentencing hierarchy. Currently, only declared Serial Family Violence Offenders can be electronically monitored while on a Community Based Order.	Any future expansion of the use of GPS tracking in a family and domestic violence context could usefully consider removing the limitation on the use of electronic monitoring on Community Based Orders to declared Serial Family Violence Offenders.

	Finding	Recommendation
Five	While it was originally intended that a Family Violence Monitoring Unit be established as a dedicated entity operating within SOCC, the new function was instead incorporated into the existing SOCC functions and operation procedures. This provided two clear benefits: the operating procedures and risk management protocols were already in place and staff were already suitably trained and experienced in using them.	Any future expansion of electronic monitoring should consider a similar integrated approach to Police operations at SOCC.
Six	Instead of purchasing new electronic monitoring devices, a new leasing arrangement was entered into that would enable the Department to increase or decrease the number of monitoring devices provided, depending on demand. The flexibility and reliability of the leasing arrangement was beneficial during the trial.	The continuation of flexible leasing arrangements should be considered if GPS tracking is to be expanded.
Seven	While an MoU was in place to enable the lawful sharing of information about offenders on the trial, there was still some confusion among staff at SOCC about how much and what type of information could be shared about offenders.	Any expansion of GPS tracking should ensure that information sharing arrangements are easily accessible and understood by stakeholders. The arrangements should establish a clear expectation of positive information sharing.
Eight	When the family and domestic violence GPS tracking trial was originally costed and planned, the need for additional victim focused services does not appear to have been fully anticipated.	Now that Government has signalled its intention to extend the use of GPS tracking in a family and domestic violence context, a decision will be required with respect to the level and duration of support to be provided to victims. This may require additional resourcing.
Nine	Electronic monitoring reduced physically violent offences but may have increased the use of other forms of non-physical family violence. This highlights the importance of providing offenders with access to evidence based cognitive behaviour programs that not only address their family and domestic violence issues but also any contributing substance abuse issues. One of the benefits of GPS tracking is that it helps facilitate access to rehabilitation in the community.	If the use of GPS tracking is to be expanded, it is important that consideration be given to increasing the availability of rehabilitation programs in the community so that reductions in all forms of family and domestic violence related offending can be achieved and sustained beyond the period of active monitoring. This may require additional resourcing.

	Finding	Recommendation
Ten	The trial clearly showed that the electronic monitoring of family and domestic violence offenders involves multiple stakeholders in the criminal justice system, including: the Courts, both Adult Community Corrections and the prison system, Police, victim services, and rehabilitation service providers.	Any expansion in the use of GPS tracking in this context must consider, and plan for, the likely impacts this will have on all relevant stakeholders.

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