

# Evaluation of Project Vigilance: Electronic Monitoring of Family Violence Offenders

**Final Report**

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## List of Acronyms

BAU	Business as Usual
BEM	Bilateral Electronic Monitoring
BIU	Business Improvement Unit
DoJ	Department of Justice
DPFEM	Department of Police, Fire and Emergency Management
DV	Domestic Violence
EM	Electronic Monitoring
EMD	Electronic Monitoring Device
FV	Family Violence
FVCSS	Family Violence Counselling and Support Service
FVU	Family Violence Unit
GPS	Global Positioning System
MCU	Monitoring and Compliance Unit
PV	Project Vigilance
RDS	Radio Dispatch Services
RF	Radio frequency
SFCU	Safe Families Co-ordination Unit
SME	Subject Matter Expert
TILES	Tasmanian Institute of Law Enforcement Studies
UTas	University of Tasmania

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## Introduction

### ***What is Project Vigilance?***

Project Vigilance is a Tasmania Police initiative to trial electronic monitoring of family violence offenders as part of the *Women's Safety Package – Technology Trials*. The trialling of up to 100 GPS devices to track and monitor repeat, high risk, family violence offenders was announced in the Tasmania's Family Violence Action Plan 2015-2020 (Safe Homes, Safe Families) 2017-18 State Budget. Victims, subject to eligibility criteria, can nominate to participate in the trial, making it one of the first bilateral electronic monitoring (BEM) projects in Australia and world-wide. Bilateral radio frequency (RF) monitoring, predominantly used for house arrest, has operated in the US for some time, where perpetrators are fitted with an ankle tag and an exclusion zone around a victim's residence, that is equipped with a transmitter alerting police if the perpetrator comes within a set distance of the victim's place of residence (Erez, Ibarra & Lurie, 2004; Erez & Ibarra, 2007; Erez, Ibarra, Bales & Gur, 2012). Bilateral GPS monitoring is operating in the UK on a voluntary basis, with ankle bracelets for perpetrators and handheld devices for victims during bail stage (Gaskarth, 2016). New South Wales implemented a similar trial with BEM, however, the NSW model incorporates EM as a back-end custodial sanction for offenders with a history of FV released into home detention following imprisonment, whereas the Tasmanian trial specifically targets family violence offenders and utilises electronic monitoring predominantly as a front-end option to accompany a court-issued Family Violence Order. It is therefore not an alternative sentencing option, but an added measure to enhance the safety of women and children experiencing family violence.

In September 2015, the Prime Minister announced a \$101 million package for immediate action on family and domestic violence, which included \$12 million of funding to work with states and territories to trial innovative technology solutions to increase perpetrator accountability and to improve the safety of women and children experiencing family violence. The Tasmanian Department of Police, Fire and Emergency Management (DPFEM) and the Department of Premier and Cabinet (DPAC) submitted a proposal for an electronic monitoring trial on 9 November 2015, which was approved for funding in February 2016. On 25 May 2017, the Tasmanian Government announced the project with funding being equally contributed by the State and Commonwealth Governments. Amendments were made to the *Family Violence Act (2004)* to allow electronic monitoring to be imposed as a condition of a Family Violence Order by the Court. The electronic monitoring trial (called Project Vigilance) went live in November 2018 and finished 30 June 2020, but the monitoring is currently ongoing.

The objectives of Project Vigilance are:

1. Increased safety to women and their children subjected to family violence;
2. Increased perpetrator accountability;
3. An increase in convictions for family violence and associated offences;
4. Reduced social and justice related costs

The Tasmanian Institute of Law Enforcement Studies (TILES) at the University of Tasmania was contracted in 2017 to conduct an evaluation of the initial phase of the project –

completed in March 2018 (Julian, Winter & Herrlander, 2018) – and subsequently the ongoing evaluation of the project during the 2-year implementation. This is the final evaluation report.

### ***Electronic Monitoring of Family Violence Offenders***

Electronic monitoring (EM) is typically used as a means of supervising offenders and enforcing restrictions, rather than sentencing an individual to imprisonment. It usually serves as an alternative to a full-time custodial sanction, or as a requirement of parole, and allows for the monitoring of an individual via an electronic ankle tag (Black & Smith, 2003; Hucklesby et al., 2016; Padgett, Bales & Blomberg, 2006). EM was first introduced in Australia in the 1980s as part of promoting community-based sanctions, in an attempt to decrease prison overcrowding, decrease prison building costs, and increase the chance of successful reintegration upon release (Bartels & Martinovic, 2017). In the context of family violence, EM is utilised not only to monitor family violence offenders but also, and most importantly, to enhance victim protection. In these cases, the EM order can include a second individual (namely, a potential victim) and is called bilateral electronic monitoring (BEM). BEM is utilised to protect specific individuals, as opposed to simply addressing public safety or preventing individuals from absconding bail, and often accompanies a protection order (Ibarra & Erez, 2005). The technology is used to create exclusion and buffer zones for the offender, which sets off an alarm should the individual come within a pre-determined distance of the victim. The use of global positioning system (GPS) tracking devices, rather than radio-frequency based home detention, allows for live tracking of offenders and victims, and provides an opportunity to reduce police response time for breaches.

The success of family violence interventions is generally measured by a decrease in subsequent physical and non-physical abuse (Holt, Kernic, Lumley, Wolf & Rivara, 2002). However, research advises that the measure of success should not solely be based on recidivism rates, but also on victims' feelings of safety (see ANROWS 2018 for a detailed discussion). Westmarland, Kelly and Chalder-Mills' (2010) study explored success factors in domestic violence perpetrator programs and found that victims considered the coercive control and emotional, financial, and psychological abuse that accompanies family violence to be more harmful than physical abuse. It is therefore imperative to include victims' feelings of safety, sense of renewed control over their own lives, and plans for the future, as measures of success. Studies indicate that offenders enrolled in BEM programs are more likely than those not enrolled in EM to desist from contacting victims, and that participating victims felt an overall increased sense of safety during their participation in the program (Erez et al., 2004; Ibarra & Erez, 2005).

EM comes with a range of benefits. Domestic violence (DV) tends to increase during times of separation, or when the victim decides to leave or report the abuser to the police (Campbell et al., 2003; Phillips & Vandenbroek, 2014). This escalation of violence, called separation assault (Mahoney, 1991), can be diminished by employing BEM which can enforce compliance of no-contact orders during reporting and trial procedures, allowing the victim to continue with the complaint and testify. Previous research found that in DV cases, courts commonly used bilateral RF during the post-arrest/pretrial release phase to strengthen protective orders and enforce restricted parties to take them seriously or suffer

consequences (Erez et al., 2004). More broadly, studies indicate that EM, whilst still serving as a punishment, provides an avenue for offenders to stay connected with their families and communities, continue employment and thereby contributing financially to families and remain economically productive members of society (Fitzalan Howard, 2020; Vanhaelemesch, Vander Beken & Vandeveldde, 2014). This financial support is especially important if victims are unable to work due to having young children, or due to emotional, or physical, incapacity, but also provides offenders with a better setting for rehabilitation (Black & Smith, 2003; Kornhauser & Laster, 2014; Ward & Stewart, 2003). Furthermore, diverting an offender from prison is less costly than imprisonment (Australian Institute of Criminology, 2016; Heggie, 1999; NSW Standing Committee on Law and Justice, 2006; Victorian Sentencing Advisory Council, 2008). However, it must be noted that EM alone is unlikely to be sufficient to change criminal behaviour long-term and needs to be coupled with appropriate support (Fitzalan Howard, 2020). Being subjected to EM can also be stigmatising and evoke feelings of shame (Fitzalan Howard, 2020; Gibbs & King, 2003; Vanhaelemesch et al., 2014), which can lead to offenders trying to hide the device from others and avoiding friends and family, thus negatively impacting relationships.

## **The Tasmanian Trial**

In the Tasmanian trial, EM is available as part of a court-issued Family Violence Order in the case of high risk of escalation of violence. This is an uncommon use of EM because it is being used as a front-end strategy to enhance the safety of victims rather than as an alternative to imprisonment or a back-end custodial sanction for offenders released into home detention following imprisonment.

Using EM as a condition of an order, rather than a condition of bail or sentencing, comes with a range of advantages in the context of family violence. If EM is implemented as part of a bail condition, it limits the ability to control the length of EM, as bail provision is dependent on the alleged crime and the victim continuing with criminal justice proceedings. In addition, using EM as a sentencing option would mean that the offender would not be monitored between the alleged crime and trial, which would be carry a heightened risk for victims. Since the Tasmanian trial was established as part of the Family Violence Action Plan 2015 – 2020, it was decided that EM should accompany Family Violence Orders, as it would remove the capacity for the offender to intimidate the victim to drop charges as well as allowing for continued monitoring even if the victim retracts their complaint. EM also allows for an offender to be monitored prior, during, and after appearing in court. *The Tasmanian Family Violence Act (2004)* [the Act] was amended to add EM to existing police powers. This was seen as added protection for victims as the Act already provides police officers with power of entry in circumstances such as if they reasonably suspect that an order has been breached in any way.

This trial of EM thus aimed to create a safety net for victims and allow police to work proactively in cases of high risk of re-offending.

### *Expectations*

At the start of the trial, Tasmania Police were quick to communicate that the introduction of EM would not prevent family violence. If an offender intended to breach the FVO and inflict

harm on the victim, they would attempt to do so, but EM provides an opportunity to reduce police response time. It was acknowledged that some offenders would attempt to test the technology or use it to manipulate the victim by frequently going into the buffer zone. It was further anticipated that the knowledge that these behaviours would trigger swift consequences for their actions, would deter offenders from testing the technology and therefore deter them from breaching FVOs. Other challenges to the implementation of BEM in Tasmania included offender and victim compliance, ensuring that the devices are charged, and that the parameters for inclusion in the trial were met. EM needs to be viewed as complementary to existing strategies to address family violence and not a replacement for any of them.

Tasmania carried unique challenges for the introduction of BEM, such as uneven cellular coverage and proximity of residential areas. In some parts of the state, the population is relatively dense and in others, people are significantly isolated. As family violence incidents reported to police tend to cluster in low socioeconomic areas, selecting participants who did not reside within the same suburb/township was crucial for the selection process. When introducing devices for victims it was imperative to ensure that BEM enhanced the victims' feelings of safety, rather than being detrimental to their health and wellbeing by serving a constant reminder that they are a victim of abuse or in stigmatising victims. Furthermore, BEM was anticipated to bring challenges in selecting victims who were suitable for the trial and complied with device and trial requirements. Lastly, it is important to reiterate that EM is a tool that will provide consequences to the offenders' actions, but the technology on its own will not necessarily change their behaviour. There was a recognised potential that offenders would comply for the length of the order, making victims believe that they have changed for the better and wanting to resume the relationship, and return to their abusive behaviour once the device was removed.

### *Governance and implementation*

The project was initially set up in the Tasmania Police Business Improvement Unit (BIU) which oversaw the implementation of the project as well as the day-to-day activities, such as fitting devices, communicating with perpetrators, victims, and the monitoring provider.

The Project Vigilance core team consisted of two part-time employees; a project manager, and a senior project officer. Since BAU – the team has comprised two part-time employees that oversee the day-to-day duties, without a dedicated manager, but receiving support from SFCU Senior Sergeant and Inspector.

Successful implementation of EM programs requires communication between agencies, and planning with clear objectives, guidelines and expectations. Goals and objectives, as well as roles and responsibilities, need to be well thought out and communicated to guide the process (Belur et al., 2020). This was evident in the initial implementation of this trial, and a more in-depth discussion can be found in the Final Interim Report completed in 2018 (Julian, Winter & Herrlander, 2018). EM technology had not previously been used in Tasmania, and therefore required legislative amendments prior to the implementation of the trial. The project team carried out extensive legislative reviews prior to amending the Tasmanian *Family Violence Act 2004* to include electronic monitoring. This gives police power of entry to certain premises without a warrant, if they reasonably suspect that FV is

being, has been, or is likely to be, committed on those premises, or that a breach has been made.

Planning included consultations with an NSW Corrections Subject Matter Expert; conducting market research both interstate and overseas; as well as inter- and intra-agency communication, provided invaluable insights that ensured a smooth implementation process. These consultations informed decision making in relation to monitoring, response protocols, breach protocols, and suitability criteria. In October 2017, the Department of Justice began implementing a separate Home Detention (HD) program, which provides an alternative custodial sentence where offenders are required to be at a specific premise, during specific times and comply with conditions, such as electronic monitoring.

The Tasmanian government chose to establish a Monitoring and Compliance Unit to provide oversight for EM use for home detention and high-risk family violence offenders. Research has suggested it is preferable for governments to retain overall control over offender management using EM rather than engage private enterprise due to ethical, privacy and quality control issues that are sensitive to dilution and expansion in for-profit structures (Bartels & Martinovic, 2017; ANROWS, 2018).

Prior to the establishment of the Monitoring and Compliance Unit (MCU), multi-agency discussions took place between the Department of Justice (DoJ), Tasmania Police, and Department of Premier and Cabinet (DPAC) regarding the advantages and disadvantages of outsourcing the monitoring versus implementing a local monitoring unit. One perceived benefit of a local unit was the ability for organisations to take responsibility for all aspects of the monitoring and demonstrate accountability to the public in the event of something going wrong. Stakeholders outside Tasmania Police raised a number of challenges during the set up phase of Project Vigilance including underestimation of the amount of planning required prior to implementation, and the flow-on effect of this on organisations; for example, the requirement to prioritise Project Vigilance meant progress on other areas of operations were temporarily paused due to resourcing. Further feedback included that input required for the implementation of the MCU was resource intense - from a financial, human resources and management input – which impacted on the rest of the organisation.

The Monitoring and Compliance Unit (MCU) was scheduled to commence in October 2018; however, due to delays in recruiting monitoring staff, the initial monitoring was undertaken by the vendor, Buddi, in the United Kingdom from November 2018. The MCU was set up in the DoJ Community Corrections' facility in central Hobart and took over monitoring on 1 April 2019. The MCU team consists of monitoring operators and supervisors who oversee the 24/7 monitoring of both FV offenders and HD. The MCU is also responsible for creating breach reports to accompany court documents/procedures for Tasmania Police.

Tasmania Police operates in three geographical districts across Tasmania: Southern, Northern, and Western and have served a number of roles throughout this project: implementation, selection of participants, fitting of devices, as well as frontline operations and dispatch. was implemented in the first half of 2020, and saw responsibilities transferred to the Family Violence Units (FVUs). Prior to the implementation of BAU, the FVUs were provided with training and an Operations Manual to assist with the transition of responsibilities, as well as to troubleshoot common issues. In addition, a shared folder was

set up to provide a single reference point for up-to-date data on participants and breaches, as well as a spreadsheet for hardware management. This was later replaced with a data register - set up with the help of the Safe Families Coordination Unit (SFCU) data analyst. This facilitates data collection and entry of perpetrators, victims, and equipment, and ensures accuracy and consistency across the data, thereby reducing the risk of data corruption, such as duplication of data and processing errors.

The FVUs undertake the initial assessment of perpetrators, to ensure that they are suitable for electronic monitoring, as well as fitting devices. In the Northern and Western districts, the FVUs also undertake the selection of victims, provision of victim devices, and assist with safety plans. In the Southern district, this is assisted by Family Violence Counselling and Support Services (FVCSS). It is recognised that FVCSS need to be involved in a greater capacity, to better accommodate and support the needs of victims, who may not be willing to cooperate/communicate with police due to past experiences. Further, the FVUs are designed to prioritise high-risk perpetrators, rather than provide support for victims.

Radio Dispatch Services (RDS) receive breach information from the MCU and dispatch frontline police officers, who attend incidents.

Finally, the Magistrates grant or refuse FVOs with EM based on the information provided to them by Tasmania Police Prosecutions and the defence.

### *Selection of Participants*

Participants are assessed and fitted by the Family Violence Units (FVUs) using established selection criteria protocols to deem suitability. Certain baseline factors, such as the current incident, prior incidents, escalating behaviour, whether the relationship is terminated or ongoing, proximity to victim and cellular coverage, determine eligibility but it is acknowledged that these protocols are fluid, to assess each case on an individual basis. Other factors, such as multiple incidents with the same victim, the victim feeling less safe, and perpetrator cognitive ability to understand the device requirements, obligations and potential outcomes, are also considered. The project team and the FVUs agreed that it is important that participants are not set up to fail.

Affected partners of the offenders on the program are assessed and issued with a specialised device by FVCSS in the Southern district, and by the FVUs in Northern and Western districts. The victim device is a small GPS tracker, about the size of a key ring that is provided to victims who opt into the service. It has a duress alarm button that allows victims to alert police. The whereabouts of the victim is known. Victims are provided initial engagement through FVCSS and assisted in completing a safety plan to enact should the perpetrator breach the exclusion zone.

## **Methodology**

The aim of this research project was to evaluate Years 2 and 3 of Project Vigilance against the trial's objectives (p. 1) in order to assess the effectiveness of electronic monitoring of family violence offenders. Process and outcome evaluations were incorporated into the research project. This was achieved through conducting observations of key activities, such as the fitting of devices, court procedures, multi-agency Steering Committee meetings, as

well as weekly observations with the project team and monthly observations with the monitoring unit. These observations enabled the analysis of weekly operations, interactions between project members, and discussions regarding implementation processes. The members of the evaluation team also consulted a range of stakeholders through semi-structured interviews to gain information about the implementation of the trial, and to identify operational strengths and weaknesses.

In addition to evaluating processes, the researchers also assessed outcomes to evaluate the success of electronic monitoring. Data obtained by Tasmania Police, such as breaches, offending, and victim data, as well as semi-structured interviews with project staff, Community Corrections staff and other stakeholders assisted in the documentation of the effectiveness of electronic monitoring, and in evaluating the extent to which the overall objectives of the trial were achieved. Semi-structured interviews were also conducted with participating FV perpetrators and victims to document their experiences of electronic monitoring, sense of safety, whether they view their participation in the program as successful or not, and if they have any suggestions for improvements from a perpetrator and victim perspective. Together with the quantitative data on breaches and offending by perpetrators, the interview data was valuable in evaluating the effectiveness of electronic monitoring of family violence offenders.

**Methods**

The evaluation involved ongoing collaboration between the research team and relevant stakeholders involved in implementing the program in order to:

- Assess outcomes against the project aims
- Collect data
- Analyse the data and collate the results
- Present the findings to relevant stakeholders at appropriate times throughout the life of the project in order to enhance program delivery
- Prepare progress reports throughout the life of the project
- Prepare the final report

The evaluation employed a mixed-methods approach, using both quantitative and qualitative analysis to address the overall objectives of Project Vigilance. Tables 1 and 2 (below) provide details of the methods employed.

*Ethics approval*

Ethics approval was sought from the University of Tasmania Human Resources Ethics Committee (Social Sciences) in February 2019, prior to the commencement of interviews. Ethics approval was received in April 2019.

**Quantitative Analysis**

*Table 1 Sources and methods- quantitative data*

OBJECTIVES	SOURCES	EXAMPLE QUANT DATA
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<b>Increase safety to women and their children subjected to family violence</b>	Provider data Police data SFCU reporting	Number of breaches recorded Monitoring reports
<b>Increased perpetrator accountability</b>	Provider data Police data SFCU reporting	Number of breaches recorded Monitoring reports
<b>An increase in convictions for family violence and associated offences</b>	Justice data Police data SFCU reporting	Data on convictions FVMS reports
<b>Reduced social and justice related costs</b>	Provider data Police data SFCU reporting Justice data	For the purpose of this report: a brief cost analysis comparing imprisonment to EM
<b>Other</b>	Provider data	Monitoring reports from service providers, Tasmania Police, and Department of Justice. Black spots (service providers): length of time, time of day, location, reason provided? Alerts: How many per perpetrator, time of day, location, incidental/deliberate breach. Victim alerts: Time of day, number, location, incidental/deliberate.

### *Data sources*

Data were obtained from the Safe Families Co-ordination Unit (SFCU) and Tasmania Police. Perpetrator, victim, FV incident, and breach data were prepared by the SFCU data analyst and include statistics on total number of incidents and breaches, as well as analysis of breach type (violent or administrative) and incident type (assault; threat/coercion/intimidation/verbal abuse; property damage; emotional abuse; stalking or sexual assault). Tasmania Police provided data on the total number of FV/EM applications to the Magistrate courts as well as refusals of EM (see Table 3).

## Qualitative Analysis

Table 2 Sources and methods – qualitative data

OBJECTIVES	SOURCES	METHODS
<b>Increased safety to women and their children subjected to family violence</b>	Perpetrators Volunteer victims Police Community Corrections Magistrates Steering Committee Other stakeholders as required	Observation at briefing Observation at fitting Periodic interviews Document analysis
<b>Increased perpetrator accountability</b>	Perpetrators Volunteer victims Control victims Police Community Corrections Magistrates Steering Committee Other stakeholders as required	Periodic interviews Document analysis
<b>An increase in convictions for family violence and associated offences</b>	Police Community Corrections Magistrates Steering Committee Other stakeholders as required	Periodic interviews Document analysis
<b>Reduced social and justice related costs</b>	Police Community Corrections Magistrates Steering Committee Other stakeholders as required	Periodic interviews Document analysis
<b>Other</b>	Perpetrators Volunteer victims Police Community Corrections Magistrates Steering Committee Other stakeholders as required	Periodic interviews Document analysis

### Observations

Observations of key activities were undertaken by a member of the research team. It was intended that this includes observations of court proceedings, information provided to perpetrators, and fitting of devices. The nature of court proceedings, and the, often, sudden announcement – or cancellation – of court appearances and/or fittings, meant that the researcher attended two fittings. In addition, one fitting was recorded by the project team

using a body-worn camera. The researcher was also present at multi-agency Steering Committee meetings and had weekly debrief meetings with the Project Manager and project staff, as well as weekly observations with the project team and monthly observations with the monitoring unit.

### *Interviews*

Semi-structured interviews were conducted with stakeholders including Project Vigilance staff, Community Corrections staff, Victim Support Services, and Prosecution. 35 interviews, with 40 interviewees, were conducted, which comprised 27 interviews with DPFEM staff, six interviews with DoJ staff, and two interviews with stakeholders categorised as 'other', such as Victim Support Services. EOIs were sent to an additional eight stakeholders, as well as two stakeholder organisations comprising of multiple potential interviewees. One individual and one organisation declined; others did not respond to our invitation to be interviewed as part of the evaluation.

*Table 3 Stakeholder interviews*

<b>Department</b>	<b>DPFEM</b>	<b>DoJ</b>	<b>Other</b>	<b>Total</b>
<b>Number of interviews</b>	27	6	2	35

*Table 4 Stakeholder interviewees*

<b>Department</b>	<b>South</b>	<b>North</b>	<b>West</b>	<b>Total</b>
<b>Tasmania Police</b>	25	3	1	29
<b>Department of Justice</b>	2			2
<b>Community Corrections</b>	4			4
<b>Victim Support</b>	3		1	4
<b>Prosecutions</b>	1			1
<b>Total</b>	35	3	2	40

Semi-structured interviews were also conducted with participating perpetrators and victims. Invitations to participate were extended through Tasmania Police, and contact details provided to the research team, enabling follow-up with willing participants. To our knowledge details for interviewees did not include the victim and perpetrator in the same case. Victim and perpetrator interviews were undertaken by senior members of the evaluation team, who have experience in undertaking research with vulnerable populations. Interviews were completed with four perpetrators. While contact was made with eleven perpetrators during this reporting period, contact has been problematic with calls and messages unanswered or perpetrators being unavailable at arranged interview time. The interviews conducted ranged between eight- and 20-minutes duration (average 13.5 minutes) and have all been conducted by telephone by male members of the research team. Contact details were provided for eleven victims. Telephone interviews were completed with four victims by a female senior member of the research team. One victim declined to participate and others were unable to be contacted after four attempts.

*Table 5 Trial participants interviews*

<b>Participant type</b>	<b>Number of contacts provided</b>	<b>Contact</b>	<b>Interviews concluded</b>	<b>Percentage interviewed</b>
<b>Perpetrator</b>	11	11	4	36%
<b>Victim</b>	11	11	5 <sup>1</sup>	45%
<b>Total</b>	22	22	9	41%

### ***Limitations of the research***

This evaluation has the following limitations: small number of participants in each group; lack of data to inform objective 3 & 4; challenges due to Covid-19.

#### ***Number of trial participants***

The challenges experienced in recruiting perpetrator and victim interviewees were not unique to this project. Victims and perpetrators of family violence are considered 'vulnerable populations', in part due to having been subjected to abuse and being subject to sanctions resulting from arrest respectively (Dutton et al., 2003), and these challenges were expected. While participants agreed to participate in the research when enquiries were made by Tasmania Police, this did not translate into participation with the research team. This could be due to the power differential between police and participants, and participant investment in the police perception of compliance. Dutton et al. (2003) identify several problems with retaining vulnerable participants, such as class differences between researchers and participants; being tentative in providing feedback to researchers; physical, social, psychological and other health-related issues preventing participation; safety issues; and traumatic/emotional stress post-abuse. There are many benefits gained from sharing experiences with an interested listener, including therapeutic benefits and a sense of empowerment from having their voices heard (Alexander et al, 2018). However, the knowledge that the interview will be about a sensitive topic may be a barrier to engaging in the research.

We can define a sensitive topic as one that is potentially able to elicit powerful emotional responses such as anger, sadness, shame or embarrassment, stigma, fear or anxiety. The tendency of males to feel shame in the presence of other males in particular might have also impacted on perpetrators' willingness to be interviewed by male researchers, as well as the quality of disclosure by the men who agreed to be interviewed by male research team members (Gainey & Payne, 2000; Gibbs & King, 2003; Vanhaelemeesch et al., 2014).

A further barrier to participation is that the request for interview may be interpreted as a means of surveillance. Participants may feel that they are being scrutinised and thus are not comfortable in discussing their experience to researchers. All these barriers illustrate why informed consent is so important for the ethical conduct of research. The research team chose to use telephone interviews because the technique provided participants with the

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<sup>1</sup> One victim was interviewed at two discrete time points

opportunity to disclose experiences without the discomfort of the close proximity of another person; it also allowed involvement from trial participants in areas distant from the research team. However, it was clear that many potential participants had not understood that the interview would be via telephone. It is unclear whether stronger emphasis on the mode of participation would have improved uptake, but this warrants consideration for further research with these groups.

### *Lack of data*

It was expected that the evaluation would be informed by data from the Magistrates Court (and interviews with Magistrates). The evaluation was hindered by issues with accessing court data. This was mostly because the type of information we were interested in was not available in accessible format. Very late in the evaluation period, the research team was approved to attend Court offices and listen to recordings of proceedings where magistrates commented on their decision to use EMD as part of bail conditions. The format of the data necessitates additional time for analysis of notes taken by the research assistant. Some discussion on the first seven recordings from Southern Magistrates is included in this report. A full analysis will be provided later in 2021.

Further court and incarceration data will be required to undertake a cost analysis. This will also be provided later in 2021.

### *Covid-19*

The research was impacted by COVID-19. Observations were put on hold from mid-March 2020 and resumed 10 June 2020. During this time, the project team updated the research team through monthly Webex/phone meetings.

Prior to Tasmania's lockdown, weekly observations were undertaken at the Business Improvement Unit (BIU) alongside monthly observations at the Monitoring and Compliance Unit (MCU). Despite requests for interviews, only five stakeholder interviews have been conducted since the pandemic. COVID-19 has thus had a significant impact on both observations and interviews. It should be noted, however, that reported incidents of FV did not increase during the lockdown period in Tasmania, despite predictions that this was likely to occur. We might also speculate that the uncertainty relating to Covid may also have increased participant stress levels with increased their anxiety about participating in interviews.

## Results

### Quantitative Data

#### Participants

Perpetrator and victim devices are active in all Tasmania Police geographical districts (Southern, Northern, Western), with more participants in the south of the state.

Data from the project team indicate that there have been 76 perpetrator participants in total on the program. A total of 49 perpetrators completed their EM order during the trial period. All perpetrator participants were male.

Two thirds of perpetrator participants resided in the South. The average age of perpetrators is 33 years with ages ranging from 19 years to 56 years. Participants in the North were older on average, while those in the Western region tended to be younger than average.

*Table 6 Participant profile*

<b>Perpetrators</b>	<b>South</b>	<b>North</b>	<b>West</b>	<b>Total</b>
<b>Number</b>	40	18	18	76
<b>Average Age</b>	33	38	28	33
<b>Age Range</b>	19-56	21-55	20-53	19-56
<b>Completed</b>	26	12	11	49
<b>Current</b>	14	6	7	27

There have been 27 victims in total on the program. All victim participants are female. Victim participation is relatively evenly spread across the three police districts. Eleven victims participated during the trial period. At the time of writing there are a further 27 perpetrators and 16 victims participating in EM.

*Table 7 Victim participants*

<b>Victims</b>	<b>South</b>	<b>North</b>	<b>West</b>	<b>Total</b>
<b>Completed</b>	4	4	3	11
<b>Current</b>	6	4	6	16
<b>Total</b>	10	8	9	27

#### SFCU Data Analysis

In May 2020, the SFCU conducted an analysis of 52 perpetrators who had been fitted with EMs for at least 6 months and were still on the trial (Safe Families Co-ordination Unit, 2020 comparing breach data across two periods: 12 months prior to EM being fitted; and the 'trial period' (from fitting until 4 May 2020, or when EMD was removed). This data indicated an overall reduction in violent incidents, particularly high-risk incidents (82% reduction), suggesting increased safety for women and children. The majority (87%) of incidents involved breach only, such as technical breaches (failing to be contactable or charge battery). Violent breaches decreased from 83 to 13, a 78% reduction. High-risk incidents were down to 9 from 50, and 18 incidents (13%) involved violence other than a breach,

compared to 83 in the 12 months prior. In addition, 80% of perpetrators had no reported FV incidents following the removal of EM, and three out of the four who had been involved in incidents were arrested and charged.

A subsequent report prepared in January 2021 (Safe Families Coordination Unit, 2021) focused on participants that had been active only e.g., fitted with EM and living in the community as distinct from those admitted to the program but pending being fitted with EM.

Of the 76 perpetrators admitted to the trial, 64 were 'active'. Of these, 37 were participating in the trial at 30 June 2020 (including five whose monitoring was suspended at that time as they were incarcerated).<sup>2</sup> Overall, 22 perpetrators had completed the conditions of their order, while four had the conditions withdrawn after a period of active monitoring. One perpetrator died while on the trial.

*Table 8 Status of perpetrator over the trial period*

<b>Status as at 30 June 2020</b>	<b>Number</b>	<b>Category</b>	<b>Number</b>
Never fitted	12	Pending fitting	10
		Withdrawn	2
Active	32	Active	31
		Active-Suspended-Active	1
Active Incarcerated	5	Active-Suspended	4
		Active-Suspended-Active-Suspended	1
Completed	22		
Withdrawn	4		
Deceased	1		
<b>Total Active during trial</b>	<b>64</b>		

(SFCU, 2021)

SFCU analysis is available comparing offending while on the trial with offending prior to fitting with EM. The main analysis considered 39 perpetrators. It excluded twelve that had not been actively monitored during the trial period and a further 19 perpetrators who were not fitted with an EMD until after 1 January 2020 as a monitoring period of less than six months was not considered sufficient for the comparison of offending patterns to be meaningful.<sup>3</sup>

The 39 perpetrators on which the January analysis is based had participated in the trial for an average of 338 days (range 188-538 days). Eighteen participants were still active in the trial at 30 June 2020, a further eighteen had completed the program, and three were incarcerated as at 30 June. A subsequent analysis was conducted on post-trial offending by 26 perpetrators who had completed the program or had been withdrawn. This analysis

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<sup>2</sup> A total of six perpetrators had EM suspended at some point while on the trial due to being incarcerated.

<sup>3</sup> For the same reason, the analysis also excluded six perpetrators who completed, withdrew or were deceased after fewer than 180 days of active monitoring.

covered the period January 1 to 31 December 2020. Time since completing program ranged from 185 to 734 days with an average of 330 days.<sup>4</sup>

The analysis revealed some reduction in the total number of family violence incidents during the monitoring period compared to the 12 months prior – down 20% from 123 to 98. Most of the incidents in the monitoring period involved the breach of an order with most breaches involving infringement of rules relating to the monitoring equipment – failure to charge etc.

High risk incidents were down 76% from 34 to 8. Twelve of the 39 perpetrators (31%) committed offences that involved violence other than breach during the monitoring period, while nine (23%) committed no FV offences at all. Violent incidents were down 81% from 68 to 13. There were seven incidents which involved psychological abuse e.g., threats, coercion, intimidation or verbal abuse (a reduction of 81% from 37 in the 12 months prior) and seven involved assaults (down 75% from 28). In addition, five incidents involved property damage (down 74% from 19). There were no cases of stalking during the trial and one case each of sexual assault and economic abuse. In contrast, seven incidents in the 12 months prior involved stalking and one involved sexual assault.

#### *Analysis of perpetrators on program for less than six months.*

The offending patterns of 25 perpetrators on the program for less than six months was analysed separately. On average, these 25 perpetrators had spent 96 days on the trial. The offending patterns of these perpetrators are similar to those of the main group, with FV incidents committed during the trial period being predominantly breach-only. Only two of the FV incidents during the trial period (9%) were classed as High risk, notably down from 20 incidents (21%) classed as High risk in the 12 months prior.

#### *Post-trial offending*

There were 26 perpetrators records analysed for post-trial offending. On average, their EMD had been removed for 330 days, with this period ranging from 185 to 734 days. A total of 32 FV reports had been received for twelve of these participants (46%) since the end of the trial. In the previous 12 months these same offenders had generated 81 reports. The most common type of violence committed post-trial was breach of an order – 26 incidents post-trial involved a breach, compared to 59 during the monitoring period and 58 in the 12 months prior. In addition, there were nine instances of assault post-trial; six instances of threats, coercion, intimidation or verbal abuse; two instances of stalking and one instance of property damage.

#### *Court/Magistrates data*

Data obtained from the FVUs indicate that during the trial period a total of 84 applications was approved by the Magistrates, and three refused. The Southern district had a total of 45 applications, with one being refused, Northern a total of 17 applications, with zero refused, and Western 22 applications, and two refused (see Table 3). More in-depth analysis of reasons for refusals will be conducted at a later stage, but anecdotally applications have

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<sup>4</sup> Some of these participants may have been incarcerated during this period.

been refused due to perpetrators lacking the cognitive ability to adhere to the requirements of the program and/or due to time in custody exceeding the length of an order.

*Table 9 Applications for EM*

	<b>South</b>	<b>North</b>	<b>West</b>	<b>Total</b>
<b>Applications</b>	45	17	22	84
<b>Refused</b>	1	0	2	3

As foreshadowed earlier, a further report will be provided with a cost analysis of this project including comparison of incarceration costs vs time on trial, cost per perpetrator and cost for victim support during EM.

## **Qualitative data**

### *Stakeholder Interviews*

Interviews were conducted with 40 stakeholders from Tasmania Police, Department of Justice, and Victim Support Services. 35 semi-structured interviews were conducted with Project Vigilance staff, Community Corrections staff, Victim Support Services, and Prosecution, with the majority of respondents being DPFEM staff, followed by DoJ staff (see Table 3 for breakdown).

### *Technology*

Consensus among stakeholders was that the technology and equipment work well. Blackspots in GPS coverage were flagged as a potential challenge for the Tasmanian landscape. Stakeholder opinion was that coverage has been good overall and any lack of coverage had been addressed and mitigated through risk assessments around perpetrator locations. Perpetrators who reside in areas with poor coverage are no longer deemed suitable participants in the program. While this group of perpetrators were compliant, which somewhat mitigated the risks of no-communication zones, blackspots were recognised as a major risk for non-compliant or high-risk perpetrators, due to the inability to guarantee monitoring in blackspot areas.

Interviews indicate that stakeholder response to the decision to go with Buddi was positive and that the service provided by the vendor, including initial monitoring, training and equipment, has been valuable. Stakeholders considered that the management of equipment and supplies has been good state-wide.

### *Monitoring*

Establishing a monitoring unit in a jurisdiction without experience in electronic monitoring, and in an organisation that had not previously undertaken 24/7 operation, was a learning process. This shift included ensuring the MCU building security, such as lighting and installing CCTV, and rostering/resourcing for shift work. The move towards shift work was a learning curve for staff that had never performed this type of work before, and therefore had to adjust their routines outside of work, such as sleep, exercise, relationships and food.

Commentary from stakeholders is that monitoring is effective and monitoring staff are willing to assist, receptive to feedback, and have a good understanding of what their role entails. Stakeholders indicated that monitoring staff take pride in their work, and strive for continuous improvement. Monitoring staff are concerned for the safety of victims, and thus appreciate feedback from police regarding outcomes from alerts. There is also a sense of pride when monitoring operators manage to stop perpetrator behaviour and there have been no re-assaults.

There is a solid collaborative relationship between the MCU and the project team, with regular communication between the two. Potential concerns can be discussed and resolved quickly, and requests and information are provided promptly. Interviews with MCU staff suggest that at times communication could be more streamlined to ensure information sharing between the MCU, RDS, the project team, and the courts. A data register was set up in June 2020 to facilitate data collection and entry of perpetrators, victims, and equipment. This data register is accessible by the project team and the FVUs through Microsoft Teams, to allow for timely updates. The register has protections built in to stop data corruption, such as duplication of data, spelling errors, and inaccurate data, which facilitates in day-to-day duties such as maintenance of equipment, and participants and equipment status. Stakeholders also talked about community expectations/perceptions and that EM needs to continue to meet public expectations.

### *Training*

Face-to-face training was implemented prior to the commencement of the trial and provided by the project team to a range of stakeholders including frontline police officers; FVUs; RDS; FVCSS; and magistrates. This training has continued throughout the life of the project. FVCSS stakeholders identified training as a crucial element to enhance understanding of the device and how it may help their clients and objectives. Opportunities for face-to-face interactions further strengthen the inter- and intra-agency relationships, by 'putting a face to the name'. Interviews indicate that some more training before initial roll-out would have been beneficial for frontline officers, who at times appear to need further, or updated, training. This is recognised by the project team, and the SFCU is in a position to review gaps in training to ensure that all operational staff, including new recruits, are adequately educated on the EM process.

A representative from Buddi (UK) travelled to Tasmania in November 2019 to provide 'subject matter expert' (SME) training to selected project team members, enabling them to provide evidence in court regarding electronic monitoring, devices, and data. It has since been acknowledged that more people should have undergone this training, as personnel in policing roles change frequently. This was particularly evident with COVID-19, when two of the SMEs – the project manager and senior project officer – were seconded to other areas. Interviewees discussed the impact of this on the trial, and suggested that further redundancy planning in relation to training is required.

### *Regional/district differences*

Interviews and observations indicated some differences between the implementation of EM in the police districts. Northern and Western FVU's complete safety plans for the victim. In the south, safety plans are undertaken by FVCSS. All victim devices are issued by the

relevant FVU. Furthermore, stakeholder interviews suggest that there are distinct differences relating to perpetrator employment and engagement in activities, such as drug use. Anecdotally, perpetrators in the Southern district had a relatively high employment rate, whereas the Northern district have less employment and routines, coupled with higher drug use. Stakeholders suggested that this may impact on perpetrator compliance, which may explain some of the differences in attitudes between FVUs.

While all districts agreed that the focus should be on the safety of the victim, there are some variations as to how this is done in practice. The Southern District appears more flexible in relation to perpetrators exchanging faulty/lost equipment, providing assistance, and dealing with administrative breaches (where initial breaches of 'failing to charge' or 'failing to be contactable' appear to be dealt with by having conversations with people). In interviews conducted in January 2020, participants in the Northern district appeared less likely to charge devices and more likely to lose, or swap, equipment between each other. Staff in the North and West opted to have perpetrators who lose a battery charge their device at the police station. Northern district reported that this positively influenced the likelihood of perpetrators losing the battery again, at least for a period of time.

Interviews indicate that Western district is considering implementing an innovative process that could possibly be implemented state-wide for consistency. This would streamline the initial process of making the decision on how to approach the victim and provide a questionnaire in relation to whether someone should be offered to carry a victim device. Whilst no inconsistencies have been reported, it is acknowledged that the districts are working in isolation and face-to-face meetings – which were disrupted due to COVID – would provide opportunities for the FVUs to share ideas. There is hope to reinstate face-to-face meetings this year. It is recognised by the project team and other stakeholders that processes need to be consistent around the state, and that communication between districts is open to facilitate idea sharing. Breaches should be dealt with the same way across the state, and regular trips to all FVUs need to continue to ensure that everyone is on the same page and stay on the same page, rather than having separate responses. It is recognised that inconsistency has the potential to open up opportunities for criticism and problems in charging/sentencing. A solution would perhaps be to have an administrative person who deals with issues in the Northern and Western districts, as well as emergency fitting and straps.

#### *Transition to SFCU*

The transition of Project Vigilance to the SFCU took place in June 2020 and interviews indicate that the move was seamless. Interview and observation data highlight that the project team, consisting of two part-time employees sharing a full-time role, integrated well with the SFCU team/environment. There are a range of benefits to moving to a multi-agency unit, such as state-wide oversight and connection between districts, which will ultimately facilitate consistency across the state. The SFCU also provides a dedicated unit to FV, rather than focusing on multiple projects, such as at the BIU, and provides a centralised point for employees to communicate in person, rather than over emails. The ability to knock on someone's door for support or advice is recognised as fostering good relationships, and facilitates communication and information sharing as people are readily available. This information sharing facilitates the sharing of SFCU data between police, justice, health, and

education, and provides an opportunity to map individual aspects of perpetrators to create a bigger picture and extra layers of protection. For example, this information can assist in creating interest zones for other victims the perpetrator has "picked up". The centrality of the SFCU also provides an opportunity to remove some responsibility, such as equipment orders/logistics, from the frontline, who can focus on operational duties.

Interviewees from project partner agencies further highlighted the benefit of having senior members in house for support and advice, and raised the need for this support to continue on a more permanent basis. It is recognised that senior staff at the SFCU have a significant workload without the addition of responsibility for Project Vigilance, and therefore have challenges in relation to providing sufficient dedicated time to the project. It was further highlighted that the use of electronic monitoring is likely to increase, and that, as the project grows, a full-time staff member is necessary to assist in the management of the project. This was seen as critical in order to provide consistency and oversight in the future. This would not only provide dedicated support for the project team, but a set management structure would ensure accountability, which is critical for the project to live up to community expectations and demonstrate a return on investment. The evaluators recommend this new position is created as a priority.

Some key aspects to ensuring the continued success of this projects involve adequate resources to facilitate the transition from project phase to establishment. In addition, it is recognised that resources for further training opportunities with Buddi would allow the project to grow, by facilitating the "upgrade" of at least one more member of the PV team to a 'Super User' who in turn would be able to provide training to others, thereby ensuring that a redundancy plan is in place should COVID-19 restrict further travel.

### *Support*

From the researchers' perspective, and echoed by interviewees, there are some concerns regarding the lack of support for both perpetrators and victims. It is internationally recognised that sanctions work best when coupled with adequate support services for perpetrators, including rehabilitative support in order to change offending behaviour (Baldry, McDonnell, Maplestone & Peeters, 2006; Borzycki & Baldry, 2003; Cullen & Gendreau, 2000; Lowenkamp & Latessa, 2005; Martinovic, 2010; Maruna & LeBel, 2003; Przybylski, 2008; Willis, 2018). Thus, for an enduring reduction in recidivism, EM needs to be combined with treatment and social support services. Marklund and Holmberg (2009) found that the three-year recidivism rate was 26 per cent for offenders subjected to radio-frequency monitoring in combination with treatment and support, compared with 38 per cent for the control group (stand-alone RF). This is further corroborated by Schaefer (2019), who argued that rehabilitative, and meaningful, support and supervision is required alongside EM to alter offending behaviour and provide an avenue for offenders to lead productive lives. A recent systematic review of the effectiveness of EM found that it can provide significant reductions in recidivism compared to imprisonment, depending on offender type, point in the criminal justice process (e.g., post-trial instead of prison), with geographical conditions and therapeutic support (Belur et al., 2020).

The need for support was recognised by stakeholders, who stated that support and early intervention is imperative to change behaviours. Whilst some short-term support is available

through Men's Referral Services, it was recognised that EM would be best coupled with intensive support for perpetrators to maximise skills for behaviour change. Stakeholders suggested a number of different strategies, such as the implementation of a halfway house for FV perpetrators to get the support required: counselling; support for alcohol, drugs and mental health; short term accommodation; and food. This is particularly important in Tasmania as – in practice – there is no dedicated emergency housing for FV perpetrators. Another interviewee suggested that early intervention, and providing support before police involvement, was the key to changing behaviours. Other ideas for improvement included assessing the effectiveness of perpetrators' ability to access services and support and to ensure that quality of life is met while on EM. Whilst the need for support was raised by most stakeholders, there was a lack of clarity around which agency/service should provide the support.

Furthermore, there was acknowledgement that additional support is required for victims and that FVCSS, who do provide support to victims, should be involved more closely with the process. The FVUs are designed to prioritise high-risk perpetrators, rather than accommodate victims, and there is an understanding that victims would be better supported by victim support services. There is also recognition that victims may not be willing to cooperate with police, due to past experiences, and that FVCSS involvement is likely to enhance compliance and thus provide better outcomes for the victims. Stakeholders argue that victim follow up is crucial, particularly prior to the expiration of an FVO, to check in and see how people are doing. This was recognised as particularly important for victims of perpetrators who are awaiting release from custody, with stakeholders suggesting that contact be made with victims prior to perpetrators being released to ensure that their safety plans are current. Interviewees also noted that EM primarily protects victims' physical safety and does not address the psychological or emotional abuse, nor cyber stalking or being approached by third parties, and additional support is thus crucial. Interviews also indicate that some victims have been reluctant to return devices, which function as security blankets, and that additional support is needed to transition people from their reliance on the device. Another suggestion was to introduce government funded panic alarms for victims who feel a need for additional protection after their perpetrator comes off the program.

### *Success*

Feedback from stakeholders is consistent that, overall, perpetrators have been compliant and easy to deal with, and look after their equipment. The general consensus is that EM works well for perpetrators, by creating accountability and an opportunity to change their behaviour, while providing victims with breathing space. Interviews with stakeholders indicate that EM appears to give victims a chance to get a break/separation and break the cycle, where they are making clear decisions rather than forced, or pressured, by perpetrators. As an example, EM facilitated the break between one victim and the perpetrator, enabling the victim to get clean from drugs, relocate, get their child back, and get a job. For another victim – who was very concerned for her safety and went into 'bunker mode' – the device was a constant reminder and retraumatising; however, after receiving a call that the perpetrator was in proximity but dealt with by police, the victim's perception changed to viewing the EM and the victim device working as a 'bubble of safety'. However,

anecdotally there is concern over some perpetrators who have moved on from their first victim and found new partners, and in some cases, have had new FVOs served, citing a second victim.

### *Courts*

The following section is based on quantitative data obtained from the Family Violence Units (FVUs) and qualitative data, in the form of audio recordings from court proceedings, from the Coroner’s Court. The researchers were given access to a sample of audio recordings of court proceedings, which were transcribed verbatim. In the absence of interviews with magistrates, these court proceedings provided insight to the decision making and rationale for approving electronic monitoring (EM) and enabled the evaluators to gain some understanding of and attitudes towards the use of EM in the court system.

Data obtained from the FVUs indicates that during the trial period a total of 84 applications was approved by Tasmanian Magistrates, with three applications being refused. The Southern district had a total of 45 applications, with one refusal; Northern district lodged a total of 17 applications, with zero refused; and Western District made 22 applications, with two refused (see Table 10). Anecdotally, applications have been refused due to perpetrators lacking the cognitive ability to adhere to the requirements of the program and/or due to time in custody exceeding the length of an order.

*Table 10 Applications for EM*

	<b>South</b>	<b>North</b>	<b>West</b>	<b>Total</b>
<b>Applications</b>	45	17	22	84
<b>Refused</b>	1	0	2	3

The researchers were granted access to fourteen court proceedings, however, only thirteen had recordings available. Of these fourteen proceedings, six took place in Hobart Magistrates Court, six in Launceston, and two in Devonport. The recordings featured nine different magistrates, two of whom were based in Devonport, three in Launceston, and the remaining four in Hobart (see Table 11). The general consensus among magistrates is that EM is seen as a positive additional tool for dealing with family violence offences.

*Table 11 Magistrate data*

	<b>Hobart</b>	<b>Launceston</b>	<b>Devonport</b>	<b>Total</b>
<b>Proceedings</b>	6	6	2	14
<b>Magistrates</b>	4	3	2	9

Three key themes emerged from the analysis. These are:

1. That EM is working in the defendant’s favour, used as an argument by both prosecution and defence;
2. EM is working as an additional surveillance measure; and

3. that it is taking some time to achieve universal understanding of how the electronic monitoring device (EMD) works, leading to some inconsistencies in the information provided to the defendant.

The first theme, that EM 'works in the defendant's favour' as without it they would not get bail, was seen across several proceedings, but predominantly with the same magistrate:

*'It is good for his bail application' (Southern Magistrate 2; proceeding 6)*

*'Good that they (Prosecution) are seeking EMD; more likely to get bailed' (Southern Magistrate 2; proceeding 13)*

Magistrates also found that the surveillance aspect of EM provided additional surety that bail would not be breached. For example, one magistrate says:

*'The good thing about the ankle device is that it gives me comfort that he is not going to breach it. Of course, if he takes it off it will be immediately alerted to the police, but at least I know that police are keeping an eye on him and are able to keep an eye on him. It is good for his bail application' (Southern Magistrate, proceeding 6)*

Both prosecution and defence are using EMD as part of their arguments which suggests that defence think EM is a positive option for their clients.

*'It could give the Court far more confidence in this type of matter than would normally arise as bail conditions are able to be monitored by police actively' (Southern Defence, proceeding 1)*

However, in December 2018 - early in the trial - one defence barrister stated that imposing EMD is an extraordinary invasion of the defendant's rights and liberty:

*'Well, it is a complete invasion of his privacy that police are going to be monitoring him 24/7 wherever he is, whatever he does, and that he has to wear a bracelet, which presumably if he wants to go to Centrelink or hospital to get medical treatment that would be noticeable to them. So, it is not a trivial application that police are making. It's out of proportion'... 'So in my submission it is invasion of his privacy and serious effects on his liberty' (Western Defence, proceeding 2)*

The overall positivity around EMD and surveillance was further evidenced across proceedings, as prosecution, defence and magistrates spoke about how an EMD condition would address section 12 of the *Family Violence Act 2004*: "A person charged with a family violence offence is not to be granted bail unless a judge, court or police officer is satisfied that release of the person on bail would not be likely to adversely affect the safety, wellbeing and interests of an affected person or affected child." EMD is seen as a way to mitigate the concerns around the safety, wellbeing and interests of an affected person or affected child:

*'...[Defendant] fitted with EMD would then address our s.12 concerns' (Northern Prosecution, proceeding 5)*

*'Your honour could be satisfied that section 12 would be satisfied' (Southern Defence, proceeding 6)*

*'I intend to grant bail if the matter is unable to proceed today as he has been in custody for a long period. If he consents to EMD then the section 12 consideration is alleviated, so fairly straightforward from here' (Northern Magistrate, proceeding 8)*

While this indicates a positive attitude towards the EMD, it is important to note that EMD was not intended to be used as a surety for bail, but only if bail was already going to be granted. While difficult to ascertain the reason behind this, it is possible that the intent is not widely understood by magistrates. This possibility is further evidenced by some of the inconsistencies around magistrate knowledge across districts and proceedings, bringing us to the third theme emerging from this set of data: it is taking some time to achieve universal understanding of how EMD works. Understandably, some magistrates appeared to have limited knowledge/experience of EMD early in the trial, as evident in remarks made November 2018 to May 2019, where the magistrate asks for clarification of the situation when EMD is imposed and bail granted:

*'How does it practically work if it is imposed and bail is granted? Do they remain in custody until...? What would the order would be: in custody until fitted – 30-60 minutes? ... 'How would he know if he was entering an exclusion zone if he doesn't know the address (of victim)? He would be in breach of the order' (Southern Magistrate, proceeding 6, May 2019)*

At times, prosecution or police officers asked for missing conditions, such as a proceeding from May 2019 where police pointed out the inclusion of the condition to be 'fitted prior to being released from custody', the magistrate apologising and asking where that condition can be found (Northern Magistrate, proceeding 5) and prosecution answering, 'it's the first condition'. Prosecution can be seen in several proceedings to 'educate' both magistrates and defence as to how EMD works, such as in December 2018 where the prosecution explains how the device is charged. However, some more recent recordings from January 2021 find magistrates still unsure about some aspects of EMD:

*'Now what are the normal conditions?' (Southern Magistrate, proceeding 13)*

*'I do not know the answer to when and how EMD will be fitted. The answer is no one knows; prosecution will make some phone calls and will get back to you' (Western Magistrate, proceeding 11)*

This suggests that magistrates may have had limited experience with EMD or limited training. However, once reminded, magistrates appear to recall the presentation from a Magistrates Conference held in 2018: 'Yes I do know that now that you have reminded me' (Northern Magistrate).

Finally, some magistrates are taking significant time to ensure that the defendant understands the conditions and geographic boundaries, for example 'you can't leave xx area' or 'you have to stay away from Devonport', while others simply say 'talk to your solicitor' or name the conditions 'include condition 16-22'. After outlining the three main conditions, this magistrate broke it down to:

*'As long as you don't turn it off that's the main instruction' (Southern Magistrate, proceeding 7)*

While all magistrates go through the most important conditions, such as not breaching the FVO, the exclusion zone parameter/distance defendant is required to stay away from victim, and residential conditions, others take the time to read out all the conditions included on the FVO (proceeding 4; proceeding 5; proceeding 9) or explain the importance of adhering to the conditions:

*Well Mr X [defendant], it doesn't say that FVO is limited to violence, it's got a lot of other conditions in it, including that you don't go around to your place [where victim remains]. Right? Magistrates can impose [sic] order, but what they don't like is having their orders broken, because we might as well stay home. If you break any of my orders you won't get bail, right? You'll be waiting 3 months, 6 months until your matter comes up to hearing. Do you understand?... You make sure that you understand it – don't look for loopholes. Another thing magistrates don't like are smartarses (Defendant: "I'm not a smartarse"), well I'm just telling you they don't like it right. I'm giving you warning rights, I am making it quite clear what the situation is. If you don't like bail, you can go down, you are rolling your eyes. (Defendant: "I'm just concerned..."). OK forget it, forget it. Just listen. I couldn't care less if you are concerned, all I care about is you obey your bail conditions, right? I'm not your buddy, I'm a magistrate imposing bail condition. And I'm protecting her and you, right. And I'm protecting you by making sure that you clearly understand the bail conditions, because if you breach them you'll be spending 6 months... I don't want to come back here in 6Hei months' time and you're still in prison, then I'll think "perhaps I didn't say it clear enough, maybe I didn't make it clear to him" because sometimes people don't seem to understand what I say to them. I think I'm clear/I speak English, but they seem to not understand. I say "don't go around there" and next thing they are around there. I say "don't drive" and they drive off from court. Anyway, so, I'll continue. Do not breach any FVO conditions..." (Southern Magistrate, proceeding 13)*

To conclude, while the above themes are drawn from a small set of data, it appears that the introduction of EMD has been welcomed by most magistrates, prosecutors, and defence barristers. EMD is seen as an added surveillance which works in the defendant's favour, whilst relieving concerns for section 12 of the *Family Violence Act 2004*. While magistrates are clear that EMD can mitigate the concerns around the safety, wellbeing and interests of

an affected person, there are some perceived inconsistencies in the delivery of conditions and foundational knowledge of how EMD works, which is alleviated by prosecutors' willingness to educate magistrates and defence barristers. As the number of perpetrators being subjected to EMD is below 100 at the time of writing, it is likely that any inconsistency stems from lack of exposure to FVOs with EMD conditions. Nonetheless, it is recommended that some additional training be provided to magistrates to ensure a consistent approach across the state, particularly as the use of electronic monitoring will be introduced across a range of areas, such as bail and parole as seen in the *Corrections Amendment (Electronic Monitoring) Bill 2020*. This expansion was further recognised by this magistrate in December 2018:

*'It's a brave new world Ms X [defence barrister]. This is the sort of the thing that will be introduced, I would've thought, in time in many different ways, such as bail orders, FVOs already' (Western Magistrate, proceeding 2)*

### *Perpetrator Experiences*

Stakeholder interview data and observations suggest that some perpetrators do not fully grasp the extent of supervision/monitoring until their first interaction with police post-fitting. For example, at the beginning of the trial, the project team would receive phone calls from participants seeking clarification on various aspects of the program (such as further instructions on how to charge the device) despite having provided verbal and written information to participants during fitting. Staff interviewed indicated that this was due to a heightened emotional state, predominantly excitement, at the prospect of avoiding incarceration. This was addressed in mid-2019 by implementing follow-up phone calls to ensure that participants understood instructions and to see if they had any questions, and issues with lack of information have not been reported since. Interviews and observations also indicated that some perpetrators do/did not comprehend the 24/7 nature of monitoring until they were intercepted by police or called by the project team where conversations about their whereabouts ensued.

### *Perpetrator Interviews*

Interviews have been completed with four perpetrators. While contact details were provided for eleven perpetrators during this reporting period, contact has been problematic with calls and messages unanswered or perpetrators being unavailable at arranged interview time. The interviews conducted to date have ranged between eight- and 20-minutes duration (average 13.5 minutes) and have all been conducted by telephone by male members of the research team.

The men who were interviewed reported wanting to know more than they were told at the time of fitting.

Perpetrators' experiences of wearing the bracelet included finding it cumbersome and somewhat stigmatising:

*It's easy to conceal but it could be smaller. When you're training, it rubs. Rubbed all the hair off my ankle. Feels like a ball and chain (2)*

*I can't go to the pool. People look at me cos I've got the bracelet (2)*

*You have to hide it from your employer (4)*

*If my current girlfriend's mother knew I had it, she would make her break up with me (2)*

*I've needed to go back a few times to get it loosened. They say it's because it's cold in the fitting area which shrinks your ankle. I got onto them a few times cos it was tight; they just mucked me around (1)*

The interviewees accepted the exclusion zone on the whole but commented on the impact on their life outside their relationship with the victim:

*It's annoying that I can't go near my son's school. It's crappy that I haven't been able to go to one assembly this year (4)*

*It doesn't restrict me. But my ex is no longer in [name of suburb] but I can't go and see family there cos it's excluded and I've told them but they've not amended it... Said they would look into it but it hasn't happened (1)*

*They've rung and told me I was close to breaching. But I was on the [name] Highway, I'm allowed there (1)*

*I went inside the zone and nearly breached it. I was working, packing up a house, and the police walked down the drive and "you've just breached", and I lost the job over it (2)*

The biggest issue identified by the men on the trial was related to charging the anklet and subsequent contact from MCU. Most worked out how to get the charge correct:

*They ring you when your charge is going down. I wasn't getting 12 hours but I've worked it out. I was only putting it on charge for an hour here and there and it wasn't enough (1)*

*It would be good if it could stay charged longer. The further away you are from the beacon, the quicker it drains (charge) (4)*

However, for some the technical issues with the devices created ongoing dissatisfaction with being on the trial:

*With the charger...I put it on at night, say 14 hours, and it doesn't charge. Sometimes it only takes 20 minutes and sometimes it doesn't charge at all. Then I've had police bash me door down and 'rar rar' because I didn't charge. Also check me curfew 2 o'clock and then 3 o'clock and I say "look guys, I've got a bracelet on, you know where I am". You just get sick of it (2)*

*I'm constantly hounded cos it's flat. I'm living in an area where coverage isn't good. I can't get a signal so constantly hounded. I got approval from the Court to move here but this has meant constant harassment with phone and text messages. It drives me nuts. Once I get back into the coverage zone, it downloads the data and the phone goes off. I get harassed for not charging when I've got the charger on. I've got to the point where I don't want to leave the house (3)*

All those interviewed mentioned they would have liked more assistance in managing their devices.

None of the interviewees to date have expressed any dissatisfaction with the quality of treatment from the MCU or the PV team:

*They (MCU) are all well-mannered, like "look mate, your battery's getting low" (1)*

The men were asked if there were any benefits to them from being part of the program. One participant has appreciated the breathing space:

*I've been able to use the time to rehabilitate myself. It's given us a year apart. I've had time to see a psychologist, go to anger management. A year apart so there's no more damage to our relationship (4)*

*It's made me a lot stronger, to be able to relate to bail conditions and stuff like that. It's been a help to me. It's better than prison and proves you can change (to the Court) (4)*

Another participant (while on the whole quite critical of the trial) seems to have acquired greater insight into the consequences of his behaviour:

*I've had PFVOs before; I thought they were a fucking joke. But now I know they're a serious thing (1)*

Three of the four interviewees stressed they would not opt for a monitoring device in the future:

*No way (would he go on the program again), I'd sooner go to jail (3)*

*I wouldn't do it again. I've actually lost my job over it (2)*

*It's not worth it. I'd rather go to jail. It took me 3-4 months to get used to it, now I'm completely over it (1)*

However, this same participant goes on to say:

*It's actually quietened me down a lot. I know what I've done wrong. I know I've created the issue. I'm trying to get help, counselling. I hit the drugs pretty hard and I've been to a couple of places but it's just so hard to get in. I've rung all these places but I can't get in. I thought I was starting one but he didn't get back to me. I want to get all the help I can. The Court wants me to do them but I can't get in (1)*

A number of men interviewed mentioned they would like more support to understand their use of violence and skills to cease their behaviour. Increased access to programs is seen as a worthy value-add to electronic monitoring:

*I would need programs, help, and support. You get depressed when you're on curfew for 12 months (2)*

Interviewers noted that those participants with family support e.g., a parent, seemed to cope better with EM, including encouragement to use the time to change their behaviour. Isolated participants sounded more anxious and fractious.

## *Victim Interviews*

The number of victims interviewed was reliant on the number of victims who volunteered to participate in Project Vigilance by agreeing to use a victim device. A total of 11 victims were provided with a device during the pilot period. Interviews were completed with five victims at the time of writing. Whilst the evaluation plan included interviewing victims at multiple stages during their ex-partner's participation in the trial, only one victim volunteered to be interviewed more than once. The interviews were conducted by telephone by a female member of the research team.

Victims reported that they found the duress advice quite easy to use but also noted acknowledged that anxiety and/or stress may affect how well they use it when it is needed:

*it's pretty easy. Like it's only got two buttons on the side, so if I ever have to use it, I've just got to hold the button in for a couple of second and then it'll send off a signal and they will call me (4)*

*I actually forgot that I had the device. I know when like we had an incident, like I forgot that I could press the buttons on the device. I was trying to ring the monitoring unit, but I really struggled, so I couldn't even find their number .... I could have pressed the device (3)*

## *Technology*

All the victims interviewed expressed concern about technical difficulties associated with the technology but also acknowledged that they were participating in a trial (and so assumed the problems would be addressed in future):

*It kept going flat, though, which means .... in the morning and I'd have to walk outside to try to get a signal, things like that .... but it was for my safety, so I do know that part. It is a bit glitchy, it was a bit, but obviously they were fine-tuning it (1)*

*But the battery died on mine a lot ... I'd charge it from the house, they'd be calling me saying you need to go and charge it. I had to carry the charger around with me everywhere ... very difficult. (1)*

*The battery went low quickly sometimes, but it seemed to depend on where I was as if – so, sometimes I spend a lot of time up at a shack and we used to find it would go flat very quickly there, so I just sort of left it on the charger there. (2)*

*At my house, I don't have full reception with it. It doesn't have coverage there all the time. Like, there's places in my house that it will flash red, and a lot of the times I think they know that I'm at home because it's out of range. (3)*

*If I go away for a day, and because some places, like I go to my friend's house sometimes and that's a bit hard to pick up services. So it chews through the battery really quick (4)*

*that's probably the only [downfall with it] is yeah, the battery goes flat pretty quick (4)*

Technological issues also led to accidentally setting off the device and victims needed to learn how to avoid this:

*I did that once .... never did that again. Because you have to have it positioned in your bag in a certain position kind of thing, so I stuck it in a pouch pocket, so with nothing else ... against it. You had to be cautious of that. You couldn't just stick it in your pocket because if you sat down, you could push it (1)*

#### *Offender Boundary Testing*

Victims understood that the technology itself was not a solution to the violence. Rather, they viewed the advantages of the program as stemming from police having knowledge of the offender's whereabouts so that this assisted in a rapid response if a breach had occurred:

*Police took me in and said they believed [he was] checking ... how long it took them to get there ... But at least we picked that up, because if he didn't have it on and he would have been bailed anyway, they wouldn't have known where he was (1)*

*I accidentally set it off when I was in bed and the police were at my house in 10 minutes and they ....said it was a good trial run in a sense for me ... because when the microphone [system] rang and talked to me straight away, I said I'm sorry there's been a mistake, but as soon as it goes off, it dispatches the police. That is good (1)*

In discussing their experiences of participating the program, victims reported that offenders would push the boundaries:

*He was in close proximity of me on multiple occasions. He knew where I worked, and yet he would still come [close] (1)*

Victims also reported that the program enabled them to 'prove' that the offender was harassing them and making them feel unsafe:

*I've had a phone call from the monitoring unit where he came past home and stuff like that. So, like he's breached there. But at least they can pick those things up because before that he was doing things that could never actually be pinned on him, not pinned, but he could never get in trouble for because we had no proof (3)*

This was considered significant in that it also reinforced the sense that they were being believed and the violence was being taken seriously by the relevant authorities:

*Yeah, they're really good. I haven't had any bad dealings with them [police and the monitoring unit] down here. They're all very good with me. They understand who he is and what he does and stuff like that (3).*

*And someone talks you through it. So if something was going on, they're there to listen. If I was being attacked and I couldn't call anyone, ... they could hear. In that sense, all I had to do was press a button and know they would be coming (1)*

### *Increased safety*

A number of comments highlighted the importance of good communication between police and victims and the value of the relationships that developed while they were on the program. It is clear that for victims the value of the program does not lie in the wearing of the device itself; rather, participation in the program provided opportunities to connect with agencies such as police and made them feel confident that the offender was actually being monitored in order to keep the victim and her children safe.

*So, [the police sergeant] said don't feel safe with the device, please still be alert, ... because I've been watching this device and what's been going on and she said I believe he's [testing] his boundaries, that's why I felt safe with it. .... I could go out and they'll let me know if he's nearby. When she said that, that scared me and if I didn't have it, I wouldn't have known [that] he could have been stalking me and I'd have no idea. So, it did help me to do my job, you know (1)*

*It was horrible ... the sergeant was not impressed either, but she's been lovely. .... She was a huge support. Absolutely magnificent, I can't fault her. She actually brought the team out ..., they got the girls out the window, out of the bedroom window, so they did a magnificent job that night and .... I still talk to her (1)*

*Yeah, they have [supported me]. I don't know who it is. There is someone that called, I can't actually remember who they are now, not family violence, but after like an incident or something there's a group of ladies that .... they're fantastic, they're really great (3)*

*I'm also going to the family violence counsellor ... Yeah, I went to see her for about four or five times and then she just said that I could stop going to her because she could see a massive change in me ... And she said if I ever I just wanted to talk to her I could ring her up and have a yack or whatever (4)*

It is apparent from the victim interviews that being on the program offered a combination of connections and relationships with authorities that gave them a sense of agency and freedom and that this allowed them to feel more confident about making decisions that would keep them safe

*For me what's worked well is just so I go – every time I go [to a location], I know where he's going to be. Yeah, if he's around. Because that's the main thing. He's a bit of an asshole, sorry for the language. Yeah, I basically – I just like to know where he is and yeah, so if I am in that area, I can go the opposite direction to where he's coming and just try to avoid him basically (4)*

*It's a lot more comforting knowing that I've got it because, like I said, I can go to [name of suburb] and I'm not a nervous wreck anymore (3)*

*I'm more confident now to sort of leave [the area where I live], I guess, ... now because I know I have that thing. So, if I have my daughter with me I am more comfortable in leaving because I have it (2)*

*I was restricted in a sense and I was scared, but it still [helped], I guess, in a sense if I went to a shopping centre, they'd call me up if we were close to one another, which is a bonus in a sense because then I could just leave (1)*

*I think it made a big difference in the sense that I felt like I could go places and there was less vigilance on my behalf (2)*

*I think the main thing is I want to reiterate that it was a positive experience having the device because it meant that it felt like I could actually have a bit more of a normal life again, that life wasn't all about watching out for me, making sure he was there, or feeling like I was constantly having to perform investigations of where he was, or take pictures. It sort of gave me space to sort of just live a normal life without having to feel like I was monitoring where he was, what I was doing, I think. So, it sort of gave me a reprieve from him as well. (2)*

When asked if they considered that the device had 'worked' for them, victims referred to both themselves and their children being safer:

*I guess **it kept me safe**, didn't it, because when it went flat and they couldn't find him, they would actually [be] down my street pretty much to keep me safe, or the monitoring system would say he's within proximity, victim proximity of you, so remain where you are. **It made sure I was safe**, and [it] would upset me, but it's better than bumping into him obviously. So, in that sense yes it did work. (1)*

*They actually did a full shut down at my work when they knew he was close by. Yes, **it did make it feel safer** in that sense and they knew that we were being watched in a sense. He couldn't just show up because he couldn't come within a kilometre of us (1)*

*the school was contacted when he was close to [my daughter's] school one time **as a safety precaution**, which is good. (1)*

*at least I know like **we're safe**. He can't just walk up to us now because I'd be notified before sort of it got to that, that he couldn't walk up and just take [my child] or anything like that anymore (3)*

#### *Victim concerns*

This sense of safety, however, was reliant on the participants' involvement in the program. Victims expressed the view that they did not believe the program would change the offender's behaviour in the longer term:

*I wouldn't say it's helped him. It's to pull him in because now he can't do things. He can't .... He doesn't have that control anymore because somebody else is controlling him (3)*

This contributed to concerns about what would happen once the EMD had been removed. When asked about an offender's behaviour since the anklet had been taken off, one victim stated:

*It appears that that's [the previous behaviour has] slowly crept back in and it happened quite quickly. So, quite quickly, just he's hanging around on the fringes,*

*or turning up when he knows I'm at certain places, that sort of thing. I guess that's the big change, is that sort of we've had to go back to that really keeping good records, watching where we are, that sort of stuff again (2)*

*He's very sneaky, so I have no doubt that once it's off, he'll go back to what he was doing before... That's what I'm most nervous about, is when that thing comes off, then I don't know where he is (3)*

One victim reported that there had been no contact with the offender 12 months subsequent to removal of the EMD, which suggests that EM may be a successful circuit breaker in some cases. She had heard anecdotally that he was no longer using drugs which had precipitated the violent behaviour but was now affected by drug-induced health issues.

Another victim reported frustration at the length of time it was taking for the matter to be heard in Court. This victim agreed to a follow up interview at a date at which she believed all court matters would be finalised (October 2020). As at January 2021, the matters were yet to be concluded and no date had been set for the Supreme Court hearing.

One victim was suspicious that the offender saw the program as an opportunity to build a picture of the victim's movements and that they would use this information after the EMD was removed:

*I guess the thing was if he, for example, was ... hanging around on the fringes so he wasn't actually encroaching on his breaches, then they would ring him and say you need to leave the area because [the victim] is in that area, and he repeatedly would do that, then .... my concern was now that we no longer have the monitoring, is if he's now using that information to build a picture of my habits. That's the only thing that I'm suspicious of (2)*

In terms of victims' sense of safety, they indicated that they would prefer it if the offender was in custody. However, if the offender was to be bailed, then the EM was considered to be a safety precaution:

*I would have [asked for him] to be away obviously, but in a sense if he was going to get bailed anyway, so if it was that he got bailed, I would have rather him stay in there ... [it was a] very serious, horrendous time (1)*

However, because victims report feeling the highest level of safety when the offender is in jail, they expressed some concern about the possibility that EM might be being used as an option to bail in the future, rather than a condition attached to a Family Violence Order. This is evident in one respondent's answer to a question about whether they would recommend EM of FV offenders:

*I would [recommend the program] to stay safe. I would, like I said, [but] if it was an encouragement for them to be bailed, no. But if it wasn't for that – because I did read up a bit of history on it. A lady that was backing it said she believed that the men should be [in the community] .... and be able to back themselves up, and that's why she [supported the] ankle bracelet .... And if that's the case, I think it was disgusting and I'd like it to happen to her so she knows how it feels honestly because when they're out in the community, it's scary. But without that device, it would have*

*been scarier if he was out in the community. That's an [honest perspective]. It's scary no matter what.... (1)*

Because EM means that the offender remains in the community, good communication with victims about the EM program and its objectives is essential, as well as building in early consultation with victims about any proposals for changes to how EM is implemented.

Overall, victims' views of the program were positive. They understood that the program alone would not end the violence they experienced but they felt that it provided them with a number of benefits: a sense of safety through greater connection with police and other support services, a reprieve from constantly being in a state of hypervigilance, an enhanced sense of agency and personal control in relation to decisions about their own lives, and ultimately a greater sense of freedom from constant control.

*I'm relieved now that since he's been away ...that I can go out, I feel safe. It's such a difference him being away. Not forever, but the fact that when he gets out that he'll have an ankle bracelet again, it is a relief (1).*

*Just that before that he could be sort of anywhere and I wouldn't know until I'd seen his car, or like he was following us a lot of the time, so at least now I know that he can't do those things. But at the same time, for a little while they'd ring me and say [the perpetrator] is about, or he's coming this way, or he's here, and that would make me a lot more anxious because I'd got a phone call from them, that would then make me more anxious. But overall, I'm a lot more comfortable knowing that he can't follow us around, and that if he does obviously he's going to be in trouble for it (3)*

*I just like the security of having [the duress alarm], or not so much that, but knowing that he has his on as well. Like, I know that he can't keep his on forever, but if I had [the duress alarm], at least I can notify someone if something happens (3)*

*I think the main thing is I want to reiterate that it was a positive experience having the device because it meant that it felt like I could actually have a bit more of a normal life again, that life wasn't all about watching out for me, making sure he was there, or feeling like I was constantly having to perform investigations of where he was, or take pictures. It sort of gave me space to sort of just live a normal life without having to feel like I was monitoring where he was, what I was doing, I think. So, it sort of gave me a reprieve from him as well. (2)*

*I think it's fantastic. If it wasn't for this thing, I think I would still be quite a nervous wreck. So, it's a fantastic thing (3)*

## Outcomes

### ***Increased safety to women and children subjected to FV***

The first objective of the project is to increase the safety of women and their children subjected to family violence. The quantitative and qualitative data both provide evidence of the project's success in addressing this objective, noting that a prerequisite for issue of a victim device on this trial was that the victim did not wish to reconcile with the offender. This prevents collusion issues found in other EM programs where victims may still be emotionally and financially connected to the offender. However, separation is a well-documented risk factor for escalation of violence, so in some respect separated victims are at greater risk of serious harm and perhaps at too great a risk for this type of intervention. The risk posed by separation, especially where there are children of the relationship, needs to be carefully considered when assessing suitability for EM.

Our data indicates that victims are less likely to experience violent contact with the perpetrator whilst fitted with an EMD, thus increasing the safety of victims and children. Where breaches occurred, they were predominantly of a less serious nature, such as breaching because of failure to charge the device. This is consistent with international studies (ANROWS, 2018). A dominant theme in victim feedback was the increased sense of safety felt by victims with respect to themselves and their children while participating in the program. However, victims expressed concern about the likelihood that offenders would revert to previous behaviour patterns when the EMD was removed. SFCU data on offenders that had completed the program showed that almost half had subsequent reports of FV incidents, which is similar to the average 50% recidivism rate on release from prison (Bartels & Martinovic, 2010). As a surveillance strategy, EM works well but it does not guarantee long term safety for women and children who have been subject to family violence.

Family violence is not limited to physical violence. Most DFV cases that come to the attention of the criminal justice system predominantly involve physical violence. Our interviews reinforced that EM of perpetrators will not be able to detect and deter coercive controlling tactics executed through mobile phones, or other technology and that many will constantly push boundaries to test the limits of the technology to get access to the victim. EM may be useful in ensuring offenders cannot come close enough to cause physical harm but there are limits here too as the GPS shows location without the context of behaviour.

Victims of FV are often critical of police response in terms of speed and officer attitude (Hoyle & Sanders, 2000; Perez Trujillo & Ross, 2013). Victims in our interviews were satisfied with the improved response time of police on receipt of an alert. The rapid response added to their feeling of safety and satisfaction with the program.

Research on home detention using EM suggests that programs include intensive case management which combines monitoring with support and counselling, ideally using a case management approach (Bartels & Martinovic, 2010; ANROWS, 2018). Feedback from stakeholders and participants reinforced the need for increased support in coping with EM and fostering long term behaviour change. Offender interviews (note low numbers) raised that they found abiding by conditions of EM to be stressful, particularly as their experience

was coloured by finding equipment difficult to keep charged and reception was often inconsistent, which drained the battery more quickly. Perpetrators are likely to simultaneously experience changed living conditions, family estrangement, fear of loss of job or actual loss of job, which can lead to a build-up of stress and anxiety. Perpetrators of family violence often exhibit poor emotional regulation and may lash out as a result of restricted mobility without a case management component. International experience suggests that the positive impact of electronic monitoring is enhanced with complementary interventions, such as: mandatory treatment strategies (e.g., treatment for substance abuse, and mental health counselling); rigorous surveillance; and case management through a probation/ corrections service (Ibara, Gur, & Erez, 2014) and that that a comprehensive support package alongside EM is best practice. We suggest that Project Vigilance include an intensive support program for both victims and perpetrators in the first month of EM and that a case management plan is devised for ongoing support of perpetrators. A case management plan might include help in the first few weeks of being fitted with EMD on changing routines, avoiding problematic friends and practical assistance such as finding accommodation if necessary. It might involve warm referrals to a mental health professional or a drug and alcohol service. Intensive support is particularly important for isolated men, and those without family support networks.

### ***Perpetrator accountability***

The second objective of the project is to increase perpetrator accountability for family violence. The quantitative and qualitative data provide some evidence of this occurring while the perpetrators were fitted with EMDs.

Interviews with stakeholders reported feedback from perpetrators which indicated increased accountability as the device serves as a constant reminder and provides an opportunity to change their behaviour. This was further supported by our interviews with perpetrators who stated that the addition of EM to an FVO provides consequences for their behaviours – “now I know they’re a serious thing” – and that it provided insight as to how their behaviour was an issue. Another perpetrator corroborated this by saying that he used the time to address some of his own issues, and that it provided an opportunity to cease further damage to the relationship. Importantly, however, while the interview data suggest some increased awareness of their behaviour, there are insufficient community programs available in Tasmania to provide timely support for men on EM. Many are fully subscribed or do not target the specific needs of perpetrators or are not provided in regional areas.

Belur et al (2020) conducted a review of a number of EM programs. They suggest that EM improves accountability by increasing the offender’s perception of likelihood of being caught; by removing the excuses that offenders use to justify their behaviour and by reducing provocations. However, they also note an increase in levels of frustration directly related to being on an EM program. Our interviews with perpetrators to date indicated a perception that the difficulties of managing the equipment meant that EM was more onerous to comply with than incarceration. This is not an unusual finding as other commentators have reported that it is common for offenders to prefer the forced interruption of lifestyle with imprisonment than to voluntarily change or regulate their behaviour to comply with EM (Martinovic, 2010). Again, this would suggest the need for specialised offender support

programs in order to build the skills which would contribute to long term impulse regulation and thus, behavioural change.

Most importantly, the main barrier to achieving accountability rests with the target group for the project. We raised the issue of using EM for high-risk offenders in our earlier report. The focus on high-risk offenders raises the degree of difficulty in attaining this objective as well as the first objective securing the safety of victims. Offenders who engage in higher risk violence pose greater risk for their victims as serious violence is more likely to escalate to homicide, they are also be more likely to fail to change (Cullen et al, 2019; Renzema & Mayo-Wilson, 2005; McKenzie, Kirkwood, Tyson & Naylor, 2016). The obdurate determination of some perpetrators means it is unlikely that EM (even with increased support) will deter them from targeting their former partners and thus high-risk perpetrators are only prevented from violent behaviour by incarceration (Belur et al, 2020; Renzema & Mayo-Wilson, 2005). It may be that these very high-risk perpetrators will require fitting with EM whenever they are released from custody.

Recent work on risk assessment has suggested including a measure of 'persistent' intimate partner violence to augment existing risk assessment tools (Williams et al, 2021). This involves looking at the frequency of charges for IPV, incarceration and five red flag behaviours (non-fatal strangulation, death threats, use or threats to use a deadly weapon, attempted or threatened suicide) over the previous 18 months and flagging perpetrators who demonstrate these indicators of persistence with above average frequency. We would also recommend the addition to the EM program those perpetrators who are inclined to engage in above average breaches of intervention orders and those who stalk their victims.<sup>5</sup> Implementing this additional screening of perpetrators could be undertaken as part of mapping by the SFCU but requires some initial work mining police data to establish an average for the indicators above, setting a threshold, and then developing a process for flagging individuals who demonstrate persistence. At the lower end of the threshold this may widen the catchment of perpetrators beyond those who are currently eligible for EM but a benefit would be the improvement of targeting of EM and a contribution to earlier intervention, and thus safety, for adult and child victims. We also recommend that those who score consistently highly on persistence are precluded from EM as these individuals pose too great a threat to victim safety, particularly in the absence of additional monitoring and support programs.

### ***Increased convictions for FV and associated offences***

The project's third objective is to lead to an increase in convictions for FV and associated offences.

While some offenders who completed the program went on to commit further FV offences, the majority of this sub-group have been arrested and charged. Offenders will need to be

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<sup>5</sup> There is much contemporary debate in Australia about the introduction of a specific offence of coercive control. A key aspect of coercive control is surveillance and control of the minutiae of victims' lives. In the absence of a specific risk factor describing coercive control, we suggest using the existing risk factor of stalking as a proxy indicator of dangerous coercive behaviours.

tracked for a longer period of time and further data analysis undertaken in order to examine the extent to which the program achieves this objective.

It is anticipated that the subsequent report will include discussion of convictions of high-risk offenders following receipt of court data.

### ***Reduced social and justice related costs***

The context of this trial, where EM is not being used as an alternative to imprisonment, makes this cost analysis more challenging and requires detailed work with the additional expertise of health economists. However, some rough estimates can be drawn based on generic total cost of electronic monitoring vs total cost of incarceration, and costs of parole and community supervision. For example, According to the Productivity Commission, the annual cost of prisons in Australia reached over \$4.6 billion in 2017-18, equating to \$302 per prisoner per day (Productivity Commission, 2019). Total net operating expenditure and capital costs for imprisonment in Tasmania are \$368.57/day or \$312.32 total net operating expenditure (Productivity Commission, 2020), equating to \$134,528.05 annually or \$113,996.8 annually per offender. In contrast, international research indicated that the cost of monitoring offenders by GPS per offender per day was only \$35.96 USD (Wells, 2014), roughly \$47 AUD, equating to only \$17,155 AUD per year. Earlier, Roman et al. (2012) estimated the cost of EM at \$750 USD per participant per year, equivalent to \$976 AUD.

Other international research indicates that EM can be up to two and a half times cheaper than custody (DiTella & Schargrodsy, 2013), and that for the cost of one inmate in prison for a year, six could be monitored via GPS (Bales et al., 2010). The Council of Australian Governments reports that net operating expenditure per Community Corrections offender per day in 2019–20 was \$46.84 (Corrections Victoria, 2021). The cost of imprisonment was calculated by Morgan (2018) as nine times the cost of community corrections. Morgan's research demonstrated the potential for significant savings associated with diverting individuals from short-term prison sentences to community corrections orders, where it is appropriate to do so.

It should be noted, however, that the cost of EM increases the cost of traditional parole and community supervision; with international studies reporting \$14USD more per parolee per day (Gies et al., 2013) and 2.4 to 2.8 times greater monthly costs (Omori & Turner, 2012).

It should also be noted that many studies do not consider recidivism, or other social costs, such as those experienced by victims, families, and the wider public (Gibbs & King, 2003), as well as the offenders in the form of net widening. Net-widening can also expand costs, such as extended monitoring or other criminal justice costs (Mainprize, 1992). These need to be taken into account and constitutes a significant piece of additional research.

## **Conclusion**

This evaluation of Project Vigilance demonstrates that the project has achieved its aims to track and monitor repeat, high risk, family violence offenders as part of Tasmania's Family Violence Action Plan 2015-2020 (Safe Homes, Safe Families; 2017-18 State Budget). The project team successfully developed and established an electronic monitoring program in

Tasmania, selected suitable technology, provided input to setting up a local monitoring unit and implemented a state-wide trial of EM with high-risk perpetrators of family violence over 20 months.

The trial was able to demonstrate increased safety to women and children subjected to family violence while participants were involved in the trial. There is evidence to show that the second objective – increased perpetrator accountability – was achieved in the short-term, although the need for additional supports for participants is indicated to enable them to successfully change their behaviour beyond the 50% recidivism rate which is the equivalent to the rate following incarceration. A key issue in achieving lower recidivism is engaging in comprehensive risk assessment prior to fitting of an EMD and regular and ongoing monitoring of risk as these men are already engaging in escalating violent behaviour which is why they are deemed to be high risk.

The achievement of the third objective – increased convictions for family violence and associated offences – is demonstrated by the data showing an increase in the number of FV incidents involving breach of an order. This was associated with a decrease in the number and severity of violence offence categories during the trial period.

The fourth objective – reduced social and justice related costs – is demonstrated through a comparison with international studies of EM programs. The uniqueness of the BEM trial in Tasmania, however, warrants further research and data analysis over a longer period of time.

## **Recommendations**

1. It is recommended that Project Vigilance be continued as a component of the state's Family Violence Action Plan.
2. Given the success around governance of the project, it is recommended that the SFCU explore ways in which Project Vigilance can be further integrated in order to take advantage of – and add value to – the multi-agency operation through enhancing the overall capabilities of the SFCU.
3. Given the existing workload of SFCU, we recommend a new position is created to manage Project Vigilance within the unit. This would improve resourcing, management and future planning for expanding the use of EM in Tasmania.
4. We strongly recommend an increase in support services for FV perpetrators. The increased monitoring of offenders through Project Vigilance has been demonstrated in the short-term; in order to achieve success over a longer period of time, it is recommended that additional support via case managed programs be provided to FV perpetrators to enhance the likelihood of behavioural change that would increase the safety of women and children beyond the period in which the perpetrator is wearing an EMD. Enhancement should include an intensive program of support in the first month of wearing a GPS tracker. Ongoing risk assessment is an essential component of using EM

in a high-risk cohort as the technology is insufficient of itself to guarantee behaviour change.

5. Consider expanding the EM program to include medium risk offenders that exhibit indicators of persistent perpetration of intimate partner violence; additionally, we recommend instituting a systematic method of precluding very high-risk offenders from accessing the program e.g., those where there is evidence of non-fatal strangulation, credible threat to, and sophisticated surveillance of their victims are considered too high a risk to the victim and children for this type of program.
6. Enhance collaboration with victim support services: Our interviews showed that there may be a tendency for victims to place too much confidence in the technology without fully understanding its limitations. We recommend that DVCSS casework with victims includes ensuring victims understand the limits of the technology. Ongoing collaboration between SFCU and victim support services would also enhance the likelihood of victim satisfaction and safety over the longer term.
7. Enhance consistency of Project Vigilance across the regions in Tasmania: The evaluation was a state-wide analysis of the implementation of Project Vigilance and its outcomes. There was some variation evident across the three regions in Tasmania (Southern, Northern and Western) with respect to the implementation of the EM project. If Project Vigilance continues, it is recommended that processes and outcomes in the three regions be examined further in order to ensure consistency in the implementation of the program across all regions in the state.
8. Continue evaluation of Project Vigilance over a longer period of time: The evaluation of Project Vigilance has demonstrated promising progress towards achieving the project's outcomes in the short-term. Regular feedback from a larger number of perpetrators and victims will enable a more robust analysis of outcomes over the long-term (including behavioural change among offenders) and analysis of specific vulnerable populations (e.g., victims with a disability, CALD victims). Extending the evaluation will also enable a detailed analysis of social and justice-related costs specific to the Tasmanian context. A more detailed, long-term assessment of BEM in FV cases will also add to the body of knowledge on EM in Australia and internationally, as previous studies of cost-effectiveness are now a decade old, not based on Australian data, and are not specific to BEM programs in FV.

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