GPS Monitoring in Domestic Violence: The Spanish Experience

By Lorea Arenas, Ph.D.

In Volume 31, Number 1 of Journal of Offender Monitoring, we examined "Project Remand," a program in Ramsey County, Minnesota that uses electronic monitoring to enforce orders of protection for victims of domestic violence. This article examines a similar initiative in Spain, whose justice system was one of the earliest European adopters of EM as a sentencing alternative. There are similarities in the two programs worth noting: both employ risk assessment instruments to screen suitable subjects for their monitoring programs; both place a high value on ensuring the safety of participants, especially victims; both have entered the field with caution—the proportion of restraining orders accompanied by the use of GPS monitoring is still small in both jurisdictions. Naturally, there are significant differences, too—differences in the law enforcement and corrections systems; and differences in scope: Ramsey is but one county, while the Spanish experience as described by Lorea Arenas is a nationwide effort, with programs implemented in urban and rural districts.

Both programs share one unfortunate aspect in common—the difficulty of ensuring the safety of victims who are either unable or unwilling to testify against an abusive spouse or participate in an electronic monitoring scheme that depends on the cooperation of both victim and abuser to function. Nevertheless, in spite of the challenges, electronic monitoring clearly has great potential as a tool for adding real enforcement and protective power to restraining orders that, for many years, were little more than pieces of paper with no real power to prevent a violent abuser who was determined to punish his partner. These programs are not easy to implement—but they save lives.

Introduction

Electronic monitoring was introduced in Spain in 2000 to supervise offenders on early release using RF technology. The extension of electronic monitoring to domestic abuse cases came a few years later, authorized by the enactment of Organic Law 1/2004 (28 December 2004) on Comprehensive Protection Measures against Gender Violence. The law's provisions introducing GPS monitoring in enforcing restraining orders was a response to long-standing demands from women's advocacy organizations to improve law enforcement and judicial responses to domestic abuse (Cerezo, 2010).

Though the enabling law was passed in 2004, the implementation of electronic monitoring did not come until 2009. That year, the Ministry of Justice, the Ministry of Interior, the Ministry of Equality, the General Council of the Judiciary, and the Prosecution Service signed a protocol regulating how these measures would be deployed. That same year, Secretary of State of Security, Antonio Camacho Vizcaíno, in an appearance before Spain's Senate on November 30, 2009, announced that "3,000 devices were made available to the Judicial Bodies, and to date 63 devices have been installed by court order."[1] This protocol was further modified in 2013 to extend electronic monitoring from its original use in enforcing restraining orders to enforcing exclusion zones.

The Spanish experience using electronic monitoring is of particular significance: Spain was among the first European countries to use EM in domestic violence cases, and to do so in large numbers. Indeed, Spain has one of the highest per capita rates of monitoring devices in operation in the world. Following Spain's lead, electronic monitoring has subsequently been used in Portugal, France, Italy, United Kingdom, Puerto Rico, Mexico, Chile, Japan, and other countries (Arenas, 2018) in domestic abuse cases. However, despite its growing use, research on its impact and effectiveness has lagged. With certain exceptions, most countries have not carried out evaluations, nor has robust scholarship on the matter developed, and the empirical evidence and criminological literature on GPS in cases of domestic violence is limited, with some notable exceptions (see Erez, Ibarra & Laurie, 2004; Erez & Ibarra, 2007; Erez, 2009; Erez et al, 2012).

In Spain, the companies providing GPS tracking devices serve mainly to install and remove the units. COMETA performs the role that private monitoring centers and some probation departments do in other countries—tracking offenders, recording incidents, and reporting violations.

This paper provides some data about EM and its implementation in domestic violence enforcement in Spain from 2009 to 2018. It aims to address the following questions:

- Where and to what extent has EM been applied in Spain?
- Have these measures fulfilled their established objectives?

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- What have been the costs/challenges to practitioners?

In order to address these questions this paper primarily relies on administrative data and other documentary evidence, supplemented by interviews with police officers in the electronic monitoring unit.

First, a brief overview of how the system in Spain works.

How Electronic Monitoring Is Applied and Why

Typically, electronic monitoring of domestic abusers is ordered by judges assigned to specialized domestic violence courts; where a special magistrate is not available, any judge on duty may issue an EM-enforced restraining order. As in most jurisdictions, a judge makes his or her decision with written input from the police and courts, with input sometimes from social services and corrections agencies. In addition to the facts of the crime itself, these advisory reports may also include the results of actuarial risk assessments and recommendations about specific measures to protect the safety of the victim. A judge may order the confiscation of weapons in the household or in possession of the alleged perpetrator, and, if the abuser has not been brought before the court, his arrest.

It is worth pointing out Spain is the first country with a national police risk assessment tool (VIOGEN) that is used in all domestic abuse situations in which the victim is female. The tool analyzes risk factors associated with the type and extent of historical and present abuse experienced by the victim and perpetrated by the abuser, as well as information about the family, social, economic, and mental health circumstances of victim and perpetrator. The tool is linked to a national database that allows for a detailed and fairly complete tracking of domestic abuse histories.

VIOGEN classifies cases in five different levels of risk; each is, in turn, required to have associated a series of protection measures. When the police level of risk is "high" or "extreme," electronic monitoring devices may be provided for the victim's protection. The high and extreme risk levels are generated by VIOGEN's predictive algorithm, but the final decision to use electronic monitoring resides with the judicial authority, a decision made after consulting with the police regarding the suitability of EM in a given circumstance.

Who Is Involved in the Management of EM Restraining Orders?

Domestic Violence Courts ("Juzgados de Violencia sobre la Mujer")

When a judge decrees electronic surveillance, the court (usually but not always a special domestic abuse court) notifies law enforcement and the private service provider that will install the monitoring devices. The order is also filed with a registry within the Ministry of Justice, the Central Registry for the Protection of Victims of Domestic Violence. Under Spanish law, judicial bodies, the Fiscal Ministry, the Judicial Police, and the Autonomous Communities all have access to this registry.[2]

Within 48 hours of this notification, a private monitoring equipment provider places a bracelet and portable receiver on the offender. Similarly, since it is a bilateral technology, the victim is given a receiving device and an auxiliary GSM mobile phone. Both the offender and the victim receive instructions on how to use the devices (separately, of course) by technicians from the monitoring provider.

The courts are also responsible for terminating a monitoring order. Once a termination resolution has been adopted, it is communicated within 24 hours to the territorially competent security forces, installation companies, and to COMETA (see below). The installation company will proceed to uninstall the device from the subject at the judicial premises and will remove the victim's device at the victim's home, at the judicial premises, or at a nearby police station. The installation company informs COMETA of the withdrawal of the device and, in turn, it informs the judicial body and the security forces.

The use of EM to enforce protective orders increased by 800% in the decade from 2009 to 2018.

COMETA Center

A unique feature of the Spanish system is COMETA, the Operational Center for Remote Telematic Measures, an organ within the Ministry of Health, Social Services and Equality created to manage in real time the monitoring of all persons under court-ordered EM. In Spain, the companies providing GPS tracking devices serve mainly to install and remove the units. COMETA performs the role that private monitoring centers and some probation departments do in other countries—tracking offenders, recording incidents, and reporting violations. COMETA acts as an intermediary between the court that has ordered the sanction and the service company that installs the device. When an incident occurs—for example, when an offender steps within a protection zone established by court order—it is staff from COMETA that contacts the nearest municipal police department and provides the GPS coordinates to facilitate a rapid response. COMETA staff includes social workers and psychologists, professionals with legal training, and technical specialists. COMETA operates 24 hours a day, 365 days a year.

The Equipment

In Spain, EM technology is provided by private suppliers. The Israeli company Attenti[3] currently provides most of Spain's EM equipment. The technology is bilateral—both the aggressor and the victim carry electronic devices that track their location. For male offenders, the

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system consists of two devices: a transmitter with a bracelet or ankle brace that adheres to the body (TX unit) and a device similar to a mobile phone that acts as a tracking unit for the global positioning system (GPS) and 3G technology (2Track or DLI unit). The mobile unit has a multichannel voice and data communication system that allows the control center to communicate with the monitored offender. Both devices detect themselves, and trigger an alarm when separated by more than two meters.

The TX transmitter, which is fixed to the body and detects the body heat of the subject, as well as any potential manipulations, is powered by lithium batteries with a useful life of six months. The mobile unit records all the movements made by the subject, and allows for the logging of location data 24 hours a day. At the same time, the device incorporates a radiofrequency system that detects the victim's home or its device when it is nearby, alerting the offender, by means of a sound and light signal, to move away from the area.

On the victim end, the woman carries with her a GPS and 3G device in the form of a telephone that tracks the position of the aggressor and alerts her to his nearby presence through a message and sound. If the offender approaches within a set perimeter or exclusion area (usually the radiofrequency detection distance of 500 meters or less), the victim receives a warning.

In turn, the victim's device alerts the control center when it picks up the radio frequency signal from the man's wristband and, as is the case with the latter's device, the alarm system produces noise, vibration and light. If the aggressor gets too close to his victim, she may press the panic or emergency button, which functions even without cell coverage. Likewise, the device is equipped with a multi-channel communication system (voice, text, messages) that facilitates communication with the control center.

Police

Police enforce restraining orders. Orders are entered into several national law enforcement databases, including the National Signaling Database (BDSN). The National Police Corps (hereinafter CNP) together with the Civil Guard (hereinafter GC) are the two state-level bodies that receive COMETA notices and maintain direct contact with the victim and the offender when an incident occurs. Case files are sent from the judicial body to the police authorities, and their specialized gender violence and domestic violence units execute the judicial order. Law enforcement officials are informed of the separation distance between victim and offender set by the judge, the start and end date of the measure, as well as the places of residence of both subjects and the sites they frequent.

"Victims are taught that the monitoring devices are not a protective shield, but a warning system. Victims must be prepared to take measures in order to give police time to respond."

Law enforcement is responsible for the arrest and transfer to the courts of the subject in case of intentional breach of the measure. During the time the measure is in force, the security forces are required to maintain a fluid communication with the judicial body, with COMETA, the Prosecutor's Office and, if appropriate, with the State Observatory of Violence on Women (see below).

State Observatory of Violence on Women (SOVW)

The SOVW[4] is a body that collects statistical information at the national level from the different public institutions in areas related to domestic violence. They assume the direct and exclusive management of COMETA statistical data. Some of this information is published in the annual reports, monthly newsletters and in the statistical portal.

Methods

This paper relies primarily on an analysis of secondary administrative reports from the State Observatory of Violence on Women, the General Council of the Judiciary, the National Statistics Institute (hereinafter INE), the Prosecution Service, and the 3M Group[5], documentary data, and semi-structured personal interviews conducted by the author.

The first explicit mention of electronic monitoring in enforcing protective orders appeared in the Third Annual Report from the State Observatory of Violence on Women, published in 2010. Information on EM and its application to domestic abuse has been a regular part of annual reports since then. The report summarizes data on the number of devices installed and uninstalled, and the number of active devices by province and autonomous community. This first report also contained information on the number of warnings generated by the system according to day, time and type. In 2011, the annual report added the indicator "sociodemographic characteristics of victims and perpetrators with installed device" while discontinuing the publication of data on warnings generated by the system.

The annual reports also provide information from the police risk assessment system, which indicate the volume of cases processed in different levels of risk. Some of this information is also now available not only from the published reports but via a digital interface that allows for dynamic searches based on selected indicators. For example, it is possible to obtain information on the number of electronic devices by month and territory.

The National Statistics Institute provides information on penalties and security measures, as well as precautionary measures and restraining orders—including those with electronic monitoring— by age

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group and birth place. The judicial statistics (PC-AXIS) published by the General Council of the Judiciary includes information about judicial measures including restraining orders by month, year, province and autonomous community.

The annual report of the Prosecution Service also offers information of value, particularly the special commission in charge of auditing the use of electronic monitoring.

Finally, we also rely on interviews with key contacts carried out during the study period (2013-2014). The sampling method was purposive, not representative, and focused on experts directly involved in ordering, implementing, studying, or using electronic monitoring in domestic violence applications. This included representatives from the supplier company, victim organizations, government departments, and legal and police practitioners. Police officers were sampled from the National Police as well as from the Erztaintza (the police body with jurisdiction over the Basque territories). (Because of the low volume of domestic violence monitoring cases they handle, we did not interview staff from Guardia Civil or from other autonomous communities.) Officers were recruited from Malaga, Madrid, Valencia, Bilbao and Tenerife in order to achieve territorial coverage from the cities with the largest numbers of devices. The police practitioners included in the sample typically were either high ranking officers or agents in charge of the coordination of electronic monitoring. The final sample was composed of 17 experts (10 police, 6 legal/government experts, 1 representative of 3M, 1 representative from victim's organizations). The representative from victim's organizations was a victim herself who had benefited from electronic monitoring.

As in past studies (Nellis, 2007; Payne & Gainey, 2003), the research was complemented with a systematic search of news on electronic monitoring using the digital archive "My News," covering over 200 Spanish newspapers and 800 online sources. The final sample included 90 news items selected for analysis.

The study design contemplates the collection of data from primary and secondary sources of information, since it was not possible to collect direct information from some of the social agents involved. Nor could interviews be conducted with the monitored subjects or the technical personnel operating in COMETA. This is due to the confidential nature of the requested information that protects the identity of victimizers and victims and, therefore, their possible identification and contact.[6]

Results

Measuring Effectiveness

There are several different ways to measure the effectiveness of an electronic monitoring effort directed at a specific offense such as domestic violence. One way is to determine how often the sanction is actually ordered in such cases—is monitoring being applied in all the cases it should be, and in the right kinds of situations? Another way to assess effectiveness is to analyze the frequency of violations by monitored offenders, and whether these monitoring violations were merely technical or represented a serious new violent offense. We will try to provide answers to both areas of inquiry.

How often is electronic monitoring ordered in enforcing orders of protection for domestic violence cases? Not often, but its use is growing. Figure 1 summarizes the number of restraining orders issued both with and without monitoring, from 2009 through 2018. During the ten-year period, the overall number of protection orders declined, but the number of orders that included an electronic monitoring component increased every year, from a low of 166 in 2009 to 970 in 2018—the proportion of protective orders mandating EM grew from 0.7% to 5.6% of orders during the period.

From a geographical perspective, GPS devices are more often applied in the provinces of Cantabria, Vizcaya, Segovia, Soria, Madrid, Teruel, Córdoba, Jaén, Málaga, Granada and Almería. These tend to have more of their populations concentrated in cities. More rural provinces such as Burgos, Zamora, Valladolid, Cuenca, Albacete, and Murcia tend to attach an EM requirement to protective orders less frequently. A notable exception is the densely populated province of Catalonia (Barcelona), which has been slow to adopt GPs for protective orders. Catalonia operates with more autonomy than most provinces, and enjoys "devolved" powers in police, penitentiary, and probation matters; the province is also generally considered to possess one of Spain's better probation systems. Their police force is still not fully integrated in the VIOGEN system, however, and this may explain the paradoxical pattern of low usage by an otherwise advanced jurisdiction.

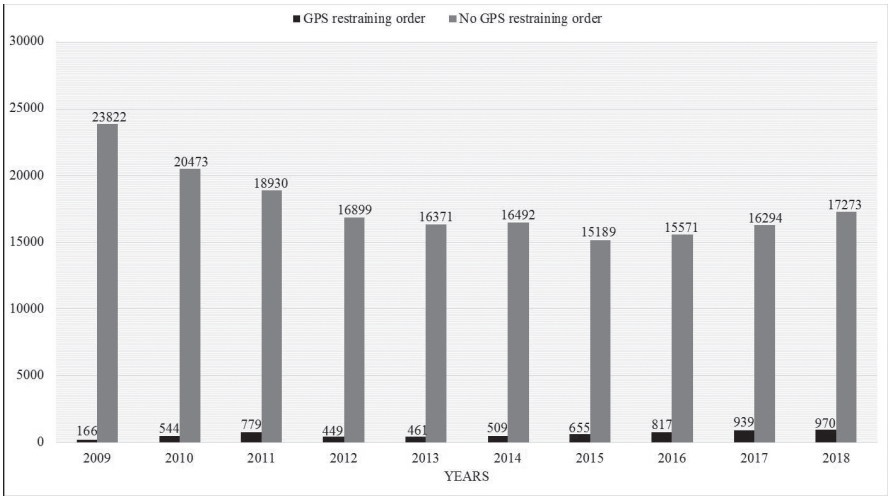

Figure 1. Number of Restraining Orders with and without GPS in the Period 2009-2018.

Source: Author's Analysis Based on Data from the SOVW and the General Council of the Judiciary.

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Figure 3 tracks the average total number of GPS devices activated each year during the measurement period. Average totals exceed court-ordered units because each yearly figure will include some units ordered the previous year and still active. Noteworthy is the steady acceleration in active monitoring units beginning in 2015.

Is monitoring being applied in all the cases it should be? We know that the risk assessment instrument used by the police in all jurisdictions is scored as a very important descriptor in judicial decisions. In interviews, police tend to follow the policy guidelines we've described above:

"We recommend the judges to apply the GPS technology when the risk is high or extreme. We decide if the bracelet can be suitable or not."

"Every time that we receive new information, we make a new risk assessment."

However, although it is standard procedure for a case with an assessment of "extreme" or "high" risk to be handled by the imposition of a restraining order with electronic monitoring, there are certainly cases where high risk perpetrators are not placed on GPS when a protective order is issued. Such decisions are at the discretion of the judge, and absent a written opinion, it is impossible to know precisely why judges decide as they do.

At the same time, not every perpetrator and victim placed on EM have been assessed as being at extreme or high risk. Using data extracted from the Comprehensive Monitoring System in cases of Gender Violence (VIOGEN), as well as the annual reports of the National Observatory of Gender Violence, Figure 4 shows that usage of EM for protection orders that do not meet the "high" or "extreme" risk criteria have increased steadily.

Spanish news media have criticized the police and courts for underutilizing electronic monitoring in cases of extreme or high risk (and even commissioned a special panel to consult with the courts on the "low use" of monitoring devices), but the pattern in Figure 4 suggests otherwise: judges are ordering EM in abuse cases at a higher rate than an "extreme risk" policy would have mandated. The use of EM clearly extends to lower risk situations.

Victim advocacy groups have also criticized the low rate of use of monitoring devices (*"*more bracelets should be applied … they are sitting unused in a drawer.*"*) But paradoxically, advocates also complain about the devices' awkwardness and difficulty. Moreover, many victims who report abuse subsequently change their minds about wearing the device or making their abuser wear one, to the frustration of authorities. A victim must accept the inconvenience of the technology and, more importantly, be committed to seeing the process through in holding her abuser accountable. Many victims are unable to do so. Failure to stick with the program reduces a woman's chances of success.

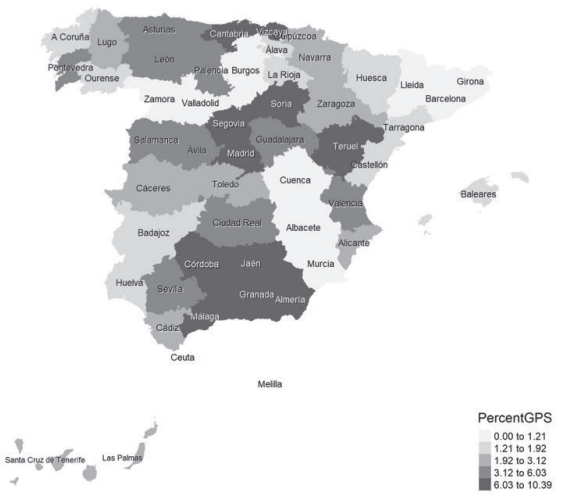

Figure 2. Restraining Orders with GPS with respect to the total Restraining Orders by province (2009-2018).

Source: Author's Analysis Based on Data from the SOVW and the General Council of the Judiciary.

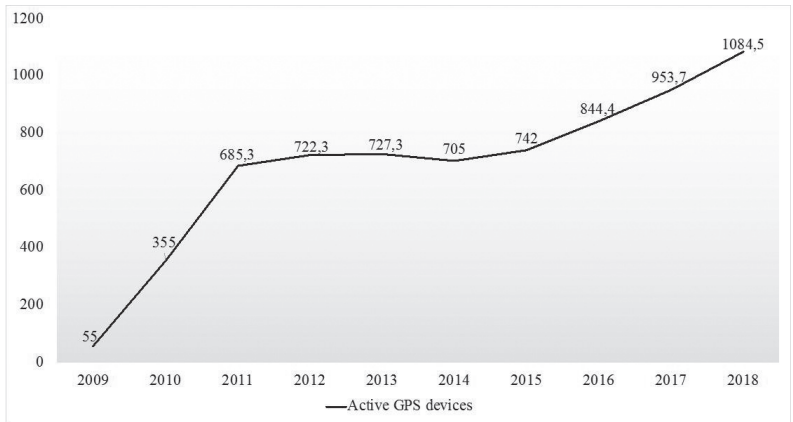

Figure 3. Average of Active GPS Devices According to Time Period 2009-2018.

Source: Author's Analysis Based on Data from the SOVW.

Violations and Arrests

The most basic measure of EM's effectiveness is comparing re-arrests for serious violent acts by monitored offenders against re-arrests for non-monitored offenders. Other measures—for example, the numbers of alerts and alarms—can provide insight into the design and implementation of the program. Are the right people being targeted, have the devices been installed properly, are they functioning as they should, have offender and victims been adequately instructed on how to live with the devices?

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Warnings

In Spain, as elsewhere, monitoring units are designed to warn authorities and participants when certain conditions or event occur. These triggers can range from the relatively benign, such as a low battery, to more significant technical conditions such as an attempt to remove or disable a bracelet (which can occur for a number or reasons that may or may not be related to the intention of committing a crime), or when an offender enters an exclusion zone (again, an act that may be inadvertent or deliberate). "Alerts" are less serious, triggered by waning batteries or a technical failure, such as a loss of contact not caused by physical tampering. "Alarms" indicate a more serious breach, such as when an offender has entered a restricted space. Spanish authorities publish figures on the total volume of alerts generated by their monitored populations but do not make public data analyzing the different types of alerts. To provide more context, we briefly summarize some of the observations from participants interviewed in 2013-2014, and complement the interviews with data on alarms that appeared in a presentation by 3M on its Spanish monitoring program.

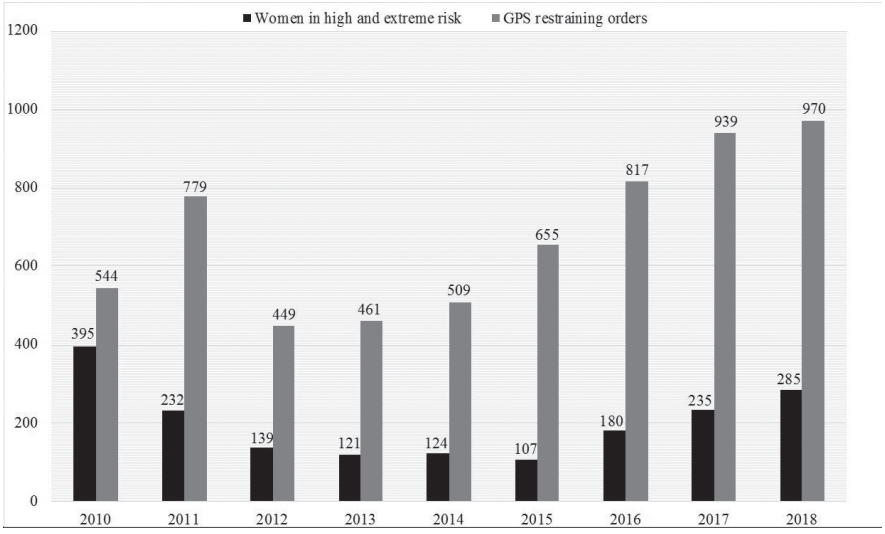

Figure 4. Number of Women at High and Extreme Risk, and Number of Women with a GPS Restraining Order 2010-2018.

Source: Author's elaboration based on data from the SOVW and the VIOGEN.

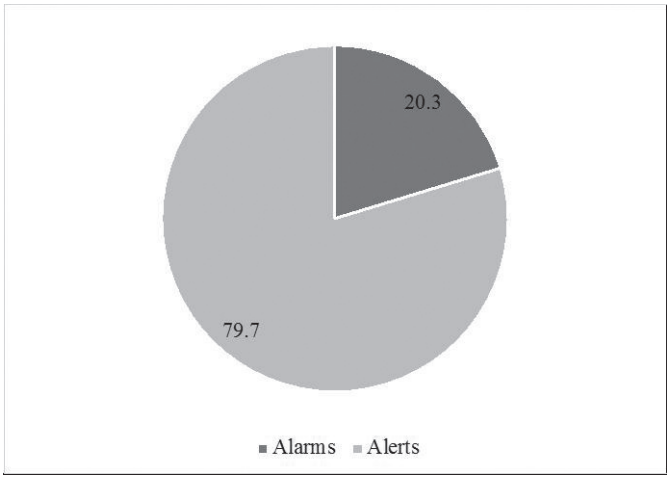

Figure 5. Percentage of warnings produced (alarms and alerts) in 2009.

Source: Author's Analysis Based on Data from the SOVW.

As with any fledgling monitoring program, early in the rollout of the system the average number of warnings produced was very high. As you can see in the graph below, he control center accounted for a total of 22,352 warnings, of which 4,537 are alarms (20.3%) and 17,815 are less serious alerts (79.7%). Specifically, there were between 58.4 and 42.3 notices by device, however, as of October, the average number of warnings increased significantly reaching 88.5 in December. So, for this period there was an average of 142.4 warnings per domestic abuse dyad.

Interviews with police operators corroborate that most of incidents are classed as alerts and that most alerts are unintentional and do not represent a serious threat of crime. "The bulk of the incidents are not malicious. 27 devices can generate about 400 incidents per month, of which 4 cases are malicious." "There are more unintended incidents than [deliberate ones]."

Alerts

Alerts occur in most cases due to the separation of the DLI bracelet—that is, because the Track unit does not detect the subject's bracelet at a certain distance (more than 6 meters), indicating that the TX is lost. On many occasions, the TX is lost due to the imprudence of the subjects, when they move too far away from their receiver, although in most cases the service is restored soon after. More than 90% of alerts in 2010 could be accounted for this way.

In his 2012 report, the State Attorney General recommended that the allowable distance between the bracelet and the unit should be extended, so as to reduce the number of unnecessary alerts. In response, devices were recalibrated so that it was possible to extend the "alert" separation distance from 6 to 80 meters. A pilot test of the expanded separation range resulted in a 72% drop in the alert rate.

A distant second reason for alerts (just 4.6%) was related to instances when the battery of the device carried by the victims lacked sufficient charge. "Most occur while the participant is asleep, between 10 p.m. and 11 a.m."

A small percentage, 3.8%, resulted when a victim pressed the panic button.

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Panic alerts can happen anytime, but most (approximately 60%) take place during the busiest work and travel times, between 9AM to 1PM and 4PM to 8PM, especially Monday to Thursday. In interviews, police officers asserted that activations of the panic button are not always in response to a real situation of danger or transgression of the protection zone. Said one officer, "most of the time the victim presses the panic button unintentionally."

Finally, bracelet manipulations are rarely registered (0.8% of all alerts). Of the 82 belt manipulations recorded, 17 took place between midnight and 2AM, which suggests that they could occur involuntarily while the subject was sleeping.

Alarms

As for the more serious alarm notifications, there were 2,537 in 2009 and 5,938 in 2014, the most commonplace being those caused by a transgression of the exclusion zone (46.3% in 2009 and 64% in 2014).

Most (72.3%) of the transgressions occurred between 10AM and 9PM, which coincides with the daily active schedule that defines the life routines of the investigated and victim. There are many situations of entry into the exclusion zone that occur accidentally: "Sometimes it is the victim's movements that cause the situation. [Some violations are recorded on busy] highways, [when a] vehicle [passes through an exclusion] zone [for a minute or two]."

With so many innocently or inadvertently triggered notifications, the ability to correctly interpret alerts and alarms becomes an essential skill that officers must develop and hone. One officer described a typical interpretation: "If COMETA observes that the [offender has entered] the exclusion zone and then the signal disappears, we assume the worst—with loss of coverage and the subject in the zone of exclusion" immediate action is taken.

Alerts and alarms can also be affected by population density, terrain, even the road network. Setting large exclusion zones makes sense in rural, low-population areas; in cities, the same zone will trigger many more alarms, and many more involuntary or false ones. "We have a daily average of 2 or 3 alarms in Santa Cruz de Tenerife for involuntary transgression. Santa Cruz is quite concentrated, it is not a very large city, those 500 meters are easy to transgress." "The victim goes on the tram or on the bus, they happen to get close by pure chance, and the alarm goes off," recounted some of the police officers interviewed.

A good part of the incidents of an involuntary nature are solved in the COMETA itself without transmitting the warning to the police: "We contacted the person to solve the technical incident." However, when transgression occurs in the exclusion area, there is always a warning to law enforcement in order to protect the victim, until the possible intentionality of the transgression and the problems that caused the alarm are resolved. COMETA issues a report for each transgression generated by the monitored offender assessing whether the violation was intentional or voluntary. These summaries are sent to the court and to the police for interpretation.

The second most common source for alarms occurs due to the breakage of the bracelet (53.6% in 2009 and 35.9% in 2014). These are situations associated with technical failures or an imprudent use by the subject when making an involuntary movement and causing the system to break or damage. "When this happens we call you by phone and solve it quickly," confirm the interviewed technicians.

Violation of Restraining Order/ Sentencing Conditions

Surprisingly few substantive violations of monitored restraining orders—an offender intentionally entering the exclusion zone, or manipulating or altering the proper functioning of the device—were recorded. It's reasonable to conclude that the bracelets act as a deterrent for many, and that tampering, which is easy to detect, carries penalties most offenders prefer to avoid. Intentional violations are punished by the judicial revocation of the monitoring order and imprisonment for the violator. Documented violations with revocation have been very scarce (5% of the total warnings). "We had 20 subjects and [only] 1 is in jail because he wanted to break it [the bracelet]." "Of 400 incidents a month, only 4 cases are [deliberate attempts to tamper with the device]," according to police sources.

What Happens When There Is an Alarm: The Potential Preventative Impact

In the event of an alarm, the COMETA notifies "091," operating 24 hours a day, in order for the police to make the first inquiries: contact the victim or the victimizer, assess what problem may have arisen, etc. In parallel, COMETA notifies the CNP command and control center for the territorial area where the alarm originated. The COMETA notice enters as an urgent call in the police room and, in general, the agent who answers it starts the action protocol.

According to information provided by police operators: "We also contact the victim and offender to see what is happening. When we see something strange, we first talk to the victim and the perpetrator and, secondly, we contrast the information with COMETA. This warns us both, the police and the accused, so that the latter moves away from the area." "Police patrols are available and distributed by zones. It takes about 5 and 7 minutes on average to respond."

In general, police officers treat alarms with the same priority they do any conventional distress call. "Our reaction time in reaching the victims is, more or less, the normal of any police intervention. The COMETA signal to us is immediate. The reaction time is very fast." Because police know the location of the domiciles of the victim and the perpetrator, response times involving monitored individuals can be quicker than those for random incidents. Moreover, police acknowledge that because both victim and aggressor are known to them, interventions can be more effective: "The calls are attended on many occasions by UPAP (Unidad de Prevención, Asistencia y Protección, or Prevention, Assistance and Protection Unit) agents operating in

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all provinces. UPAP knows the victim and the victimizer."

In small towns it is difficult to extend the protection[7] zone—too large a zone, and it is difficult to avoid accidental incursions and needless alerts; too small, and an aggressor may be right on top of his victim before the police are notified. "Victims are taught that the monitoring devices are not a protective shield, but a warning system. Victims must be prepared to take measures in order to give police time to respond." "When there is a loss of coverage, the first thing we do is notify the victim. Even if they are not in an exclusion zone, you are immediately told to protect yourself."

Self-protective measures need not be absolute, impregnable nor foolproof—putting any obstacle in the way of an aggressor gives the police additional time to respond. For their part, victims we interviewed perceive police reaction times as very fast: "As soon as the device is calling me, the police are already calling me—already arriving. In 5 minutes the police were already there—it is very effective. Wherever he was, the reaction has been immediate. You feel calmer."

Judicial operators recognize the potential of the device to mobilize security forces, since, in their opinion, they offer a faster response. In some cases, the results are dramatic. "The court [issued] a restraining order that the offender [then] violated. He lived a kilometer away from the victim. One day he went haywire and started walking towards the victim's home. She was in the bathroom and did not hear that [her monitoring] device was ringing. The National Police immediately [responded to] the alarm ... and when they arrived to the house, the man was choking the lady in the dining room. This woman was saved thanks to the device."

Fatalities in Cases under Electronic Monitoring Supervision

From 2009 to 2018, 55 women on average were killed each year by their partners or ex-partners. It is striking that only 25% had reported prior domestic abuse incidents to the police—and with no prior report, no protective measures could be taken. The proportion of victims under the protection of a court-issued restraining order at the time they were killed ranged from a maximum of 18% in 2010 to a low of 7% in 2015. These are high rates, and might suggest that protection orders offer only very limited protection. On the other hand, none of the cases in which a victim was killed by her partner involved a restraining order with electronic monitoring. In a sense, one could claim that restraining orders with electronic monitoring have been 100% effective in preventing lethal attacks. In spite of this impressive record, police we interviewed were realistic about electronic monitoring's capacity for preventing a fatal encounter: "If a person wants to kill another [person], in the end [he will find a way to do it]. [The system provides] greater sense of control … [but] 100% is impossible."

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The courts share this positive view of EM's potential in DV cases. Ms. María Ángeles Carmona Vergara, speaker of the General Council of the Judiciary, declared in January 2015 that: "To date, no woman has died in Spain with an installed device, which means that it is a very effective means, it saves lives… we cannot infer how many lives have been saved thanks to the device but it is a mechanism that seems to work well." She went on to concur with what police have said: "At no time can we eradicate or prevent 100% an attack on the victim, the telematic means are part of a global strategy in which they play an important but not [exclusive] role."

Naturally, technology suppliers endorse the approach, too; some have gone so far as to argue that the use of restraining orders without accompanying telematic surveillance is dangerous. Finally, news accounts about death cases which mentioned the use of the devices highlighted that the victims were not being monitored,[8] while pointing out that the extra protection provided by the bracelet could have prevented the fatal outcome.

The Deterrence Capacity of Electronic Monitoring Devices

Police officials we interviewed agree that electronic monitoring discourages and even intimidates the perpetrator: "The deterrent power is very high." "The perpetrator is aware of the risk." Some officials went so far as to say that in their experience with EM and domestic violence, that wearing the device deterred other crimes, too—offenders with known criminal careers also committed fewer crimes under the EM-enhanced protection orders. "Individuals who have been common recidivists now back down."

Typically, agents report that during the first days after setup, they expect frequent alerts or alarms will occur, part of the breaking in or adjustment period as wearers become accustomed to the device and learn what they can and cannot do while wearing it. During this "test" phase, officers tell us that it is important for them to react promptly to every notification and that failure to do so emboldens offenders and weakens their fear of being caught or punished for a violation.

Officers' View

Police officers acknowledge that the devices can make "a lot of work." Warnings generated by non-critical events, from momentary signal losses or low battery readings to brief incursions into a protective zone, mean that officers must pick up the phone and make sure the victim is safe. Balancing these inconveniences, however, officers also admit that, when all is said and done, "COMETA really saves the police work."

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Training on the equipment is limited. Senior officers directly responsible for the system report having a good knowledge of its principles and operation. Many attended an 8-day training program on gender-based violence which included material on electronic monitoring-enforced orders of protection. COMETA provided the training, and participation was mandatory for officers assigned to one of the specialized domestic violence units. However, these trained officers represent only a fraction of the officers who will encounter the system or respond to an alarm at one time or another. Officers who have undergone specialized training are expected to train their colleagues in turn.

In interviews, officers who had not undergone formal training felt limited by their lack of expert-led instruction. While expected to respond competently to EM-generated alarms, calls triggered by a machine are not the same as calls that are the result of a phone call to the police by a witness or victim—there may be no opportunity to ask questions or get more information while enroute to an incident. At the time the interviews were conducted, there was no standard training course for rank and file officers—specialization comes from learning on the job. Officers in the electronic monitoring domestic violence units maintain a fluid and direct communication with the control center, since questions about the importance of alerts and alarms can usually be resolved quickly and effectively by the center.

The biggest challenge in predicting, preventing, and prosecuting domestic abuse through the use of risk assessments, electronic monitoring, or court-issued restraining orders is a problem faced by every police unit and prosecutor sooner or later: victims are often reluctant to participate. One issue is that monitoring is intrusive for victims, not just offenders. Communication between police and victim is frequent, ongoing, and can feel at times almost continuous as police carry out checks and confirm that everything works optimally. "Victims may get tired from this constant intrusion, but it is for their own good."

Victims' Perceptions

Some women are reluctant to use the device because they don't want to feel so controlled—excessive, coercive control is often the very essence of an abuser's method with the victim in the first place, and often triggers traumatic stress in abused women. "The prosecution service [has] offered the electronic devices to women [at] medium-to-high risk, and they do not accept, because they think we will control their whereabouts." In general, however, police are seeing women increasingly gaining security and confidence in the systems: "They feel safe not only with the devices, but with all the actions of the police." One officer sited internal surveys that showed 8 of 10 victims were satisfied with how the monitoring system worked. The perceived "over control" is derived in most cases from the technical problems generated that put police, victims, and perpetrators on alert almost daily, such as false alarms for involuntary transgression of the protection zone and telephone calls made to solve issues related to equipment batteries.

The victims know that the system's own automatic configuration implies that they are always informed about the perpetrator's proximity, thus "involuntarily" also informing the perpetrator on the movements of the victim: "I passed over the highway and he beeped me with [his vehicle's horn]." There are advantages and drawbacks. Victims want to be notified when they are in proximity to their abusers and might be in danger, but at the same time, continuous tracking means that perpetrators know where their victims are, too. For many victims, this knowledge produces real anxiety. "He knows that I am there, and reverse. We are up to date on each other. On an emotional level it is very hard." This scenario worsens when victim and offender live in small municipalities or the perimeter of protection is not very large. In these cases, there are frequent transgressions and, by extension, warnings to victims and perpetrators. Although most of these incursions are accidental, they nevertheless generate alarm situations that require verification by the control centers, and involve the subjects themselves: "Wherever you are, you have to take [the device] out of the bag and activate it so that it stops whistling and the beep is heard." "The device we carry is too big, sometimes it doesn't fit you in your bag, it is so big you don't even know where to put it."

Compared with the grave danger of a violent attack, however, these are relatively minor inconveniences outweighed, for most victims, by the feeling of protection the devices instill. As police we interviewed pointed out, "the victim feels safe, [monitoring] provides greater security—and it is they who ask for the measures."

Conclusions

Restraining orders with electronic monitoring are still not the most common form of restraining order in domestic abuse cases. However, its application has increased significantly over the last decade and is no longer confined to those cases with a higher risk profile, which contrast with media and some public criticism about their underutilization. The measure is now spread over the entire country, though it is more common in the autonomous communities of Madrid, Andalucía, Valencia and the Canary Islands. There is a widespread perception among police and legal practitioners, as well as in government departments, that this measure can be an effective tool in the fight against gender violence.

The public debate about electronic monitoring has mostly focused on its potential role in preventing fatalities. Practitioners often talk of its "100%" effectiveness whereas feminist organizations and some media quarters demand an even greater use of these tools. Somehow missing from the debate and from analysis is a real impact evaluation of the effectiveness of electronic monitoring for other forms of violence other than lethal abuse. There has been no attempt at formal impact evaluation by Spanish authorities. In fact, it is impossible to obtain comparative figures measuring the rate of violations of traditional restraining orders against the rates for restraining orders with electronic monitoring, though the police accounts suggest that the level

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of violations in restraining orders with electronic monitoring is low. The sensitive nature of this form of victimization means that legal and police practitioners are very reluctant to facilitate contact between academic researchers and victims or perpetrators. In the course of this research, we did attempt to recruit from these populations but, understandably, were unable to do so.

Practitioners and victims agree that electronic monitoring technology has great potential to deter attacks while providing a much-needed sense of security for traumatized victims of abuse. Monitoring hinders access to the potential target. Officers in particular highlight the much closer supervision that it allows, how it can shorten response times when there is a threat to the victim. Recent guidelines calling for minimum exclusion zones of at least 500 meters may give responders more time to act when a potential breach occurs.

Regarding the impacts of the measure on police and supervisors, it has been integrated into the work rhythms of police units specialized in the control and intervention of cases of gender-based violence and top-ranking agents in these units have been trained in telematic media. At the same time, there is a certain (perhaps unavoidable) lack of coordination and communication among courts, police bodies and control centers, and some inefficiency in the way police officers' workloads are managed.

With respect to the effects on the victims, despite some inconveniences, the perceived advantages greatly outweigh the drawbacks. The most significant ill effects are the anxiety and stress of the reciprocal warning system, the constant beeps due to the loss of coverage and the large size of the device. The fact that technology allows law enforcement to register each and every one of the aggressor's movements gives victims greater legal-procedural security while reducing secondary victimization. It is no longer the victim who must prove the breach, the weight of the probationary activity falls to COMETA.

Despite the positive potential for victims, there are those on the other side who feel such electronic control may limit certain fundamental rights on the part of those charged with domestic violence (Otero, 2008, 27; Gudín, 2005, 186). All criminal sanctions, of course, impinge on the rights of the convicted; what is open to debate is how well the justice system ensures that the public is aware of and understands the laws and the penalties for violation; and how well its policies and enforcement balance the need for prevention and detection with the individual rights of citizens.

After a decade of the growth, Spain's use of EM in restraining orders appears to be successful. Ideally, a comprehensive public evaluation of crime and sentencing data before and after implementation is the only sure way to assess its effectiveness, side effects on the daily work of the administration officials, and physical, psychological and social consequences on victims and offenders. For now, our research, as expressed here, is hopefully a useful beginning.

Endnotes

[1]Available online at: http://www.senado.es/legis9/publicaciones/pdf/senado/ds/CS0253.PDF

[2]Regulated by Royal Decree 355/2004 of March 5, modified by Royal Decree 513/2005 of May 9.

[3]The contract was formerly held by Attenti's predecessor 3M, which acquired the original provider, Elmotech, in 2010. Service integrators such as Securitas and Clece also provide monitoring equipment and services in Spain.

[4]https://eige.europa.eu/gender-based-violence/methods-and-tools/spain/state-observatory-violence-against-women

[5]At the time the data and interviews for this article were collected, 3M had not been acquired, and was still the contracted equipment provider of record.

[6]However, it is worth noting the reluctance of public authorities to authorize access to COMETA metadata, even when no personal identifying information was sought or would be included in such a request. Requests for quantitative data that would have complemented this analysis were denied.

[7]Spanish monitoring schemes distinguish between "exclusion" and "protection" zones. The exclusion zone refers to the perimeter that surrounds the victim and although may vary case by case in urban areas typically extends to 500 meters. The protection zone is a buffer zone that starts at the end of the exclusion zone. It is an intermediate area that is designed to provide early warnings of potential transgression.

[8]With the exception of a case in 2017 in which the victim met with his offender without her device. She left it voluntarily at home. We cannot consider this case of murder as a "GPS system failure." The device was working properly when the aggression took place; it was a case in which the victim simply chose not to use it. Nevertheless, the offender's device helped the police investigation corroborated the offender's location. For further details see: https://www.elespanol.com/reportajes/20170223/195981026_0.html

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