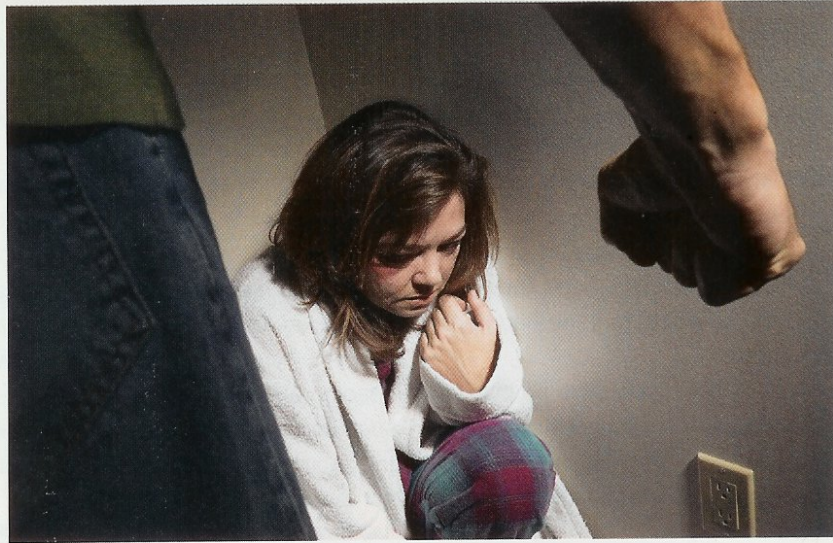


TRACKING DOMESTIC VIOLENCE

A new law that allows perpetrators of domestic violence to be tracked by GPS devices could save lives. Here's how it came to pass.

By Gemma B. Allen



Recently Illinois joined ten other states in enacting a proactive and protective methodology to assist victims of domestic violence.

On August 4, 2008, Governor Rod Blagojevich signed legislation that allows violators of Orders of Protection to be monitored with GPS devices so, in effect, their victims and law enforcement officials “can see them coming.”

In Illinois, the law was named after Cindy Bischof, who was shot down in the parking lot of her office by her former boyfriend who then killed himself. He had violated the various Orders of Protection she had previously obtained against him. In a creative and desperate attempt to find a solution to his ongoing stalking and intimidation, she had suggested to the judge that her former boyfriend be monitored with a tracking device when he continued to violate the orders entered against him. At that time the Illinois law contained no such remedy. Now, thanks to her bereaved family and proactive legislators, it does.

ORDERS OF PROTECTION: WHY THEY ARE NOT ALWAYS ENOUGH

The concept of Orders of Protection – to protect victims of domestic violence – was cutting-edge when first proposed. As we all know, there had long been a history of policemen and judges dismissing domestic violence as “just another family dispute.” Even the Illinois Domestic Violence Act (750 ILCS 60/101) enacted in 1986 and the Orders of Protection it facilitated were not always enough. Still, public policy and case law supported victims struggling to end the cycle of domestic violence, and sought to enforce court orders prohibiting further abuse.

However, the noteworthy aspect about court orders of any kind is this: they assume the person who is “ordered” has respect for the law and is motivated to obey it. In those cases where the domestic violence is a one time “heat of battle” occurrence (though still an unacceptable occurrence), Orders of Protection are usually effective. The party perpetrating the violence feels remorse, embarrassment or fear of the law, and the violence subsides.

TERRORIZING THE VICTIM

Despite the laws in place to protect the victims of domestic violence, there is a sickening and terrifying minority of cases where the Orders of Protection become “red flags” to the perpetrating bullies, and the victim has to live in continuing terror. The abused party may have a court order, but they have to call the police in time to enforce it, which means they have to be on guard at all times.

The former boyfriend/lover/husband knows their routines, friends and haunts. Victims describe having to change their careers, hair color, phone numbers, e-mails and addresses. The reality is that our diminishing privacy and shrinking world makes any attempt to hide only temporarily successful. Thus the victims continue to be re-victimized by every anonymous phone call, knock on the door and rustle in the bushes. Victims describe being unable to take a nap, shower or walk without first lining up their cell phones, keys and mace, and ceaselessly checking and double-checking every lock and window. Doing the right thing for victims of domestic violence would mean turning the perpetrators into the ones who now must live carefully and behave defensively, rather than the victims.

HOW THE NEW LEGISLATION WORKS

With the enactment of Senate Bill 2719, sponsored by State Senator Susan Garrett (D-Highland) and State Representative Suzanne Bass (R-Palatine), the courts in Illinois can order an abuser to wear exactly what Ms. Bischof sought – a GPS tracking device – if the abuser has violated a restraining order and seeks to be released on bail. The law is effective as of January 1, 2009 and was passed unanimously by a motivated legislature responding to the grieving family and an ongoing problem that cried out for increased victim protection.

Among other provisions, the bill establishes the Domestic Violence Surveillance Program, where the court or other organization supervising the abuser will apply the most up-to-date GPS technology to track the offenders. There are also additional fines imposed for every penalty attendant to a violation of a restraining order and those fines will help support the Domestic Violence Surveillance Fund.

Just knowing this law exists and the sophisticated remedy it provides may be enough to dissuade some potential violators of existing Orders of Protection. More importantly, for the potential victims of determined or demented stalkers, the law may literally save their lives.

She could have been any one of us – a smart, successful, hard-working woman much loved by friends and family. Cindy Bischof’s Law may now save any one of us. ■

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Oct. '08