

STRICKEN AS OF 4/7/2015
AMENDED COPY AS OF 1/26/2015

Intro. Res. No. 1949-2014
Introduced by Legislators Hahn and Anker

Laid on Table 10/7/2014

**RESOLUTION NO. -2015, TO ENFORCE DOMESTIC
VIOLENCE ORDERS OF PROTECTION USING GPS
MONITORING**

WHEREAS, the County of Suffolk seeks to protect the health and safety of intimate and non-intimate domestic violence victims; and

WHEREAS, domestic violence is a serious problem that negatively impacts individuals, families and communities; and

WHEREAS, the National Coalition Against Domestic Violence says that 1 in 4 women will experience domestic violence in their lifetime; and

WHEREAS, 7,533 domestic violence victims (4,003 intimate partner and 3,530 other family victims) were reported by Suffolk County law enforcement agencies to the New York State Division of Criminal Justice in 2013; and

WHEREAS, according to the New York State Office for the Prevention of Domestic Violence, the total number of homicides decreased statewide between 2012 and 2013, however, the number of intimate partner homicides increased by 16%; and

WHEREAS, according to the Bureau of Justice Statistics, domestic violence accounted for 21% of all violent victimizations during the period from 2012 to 2013; and

WHEREAS, in the absence of intervention, domestic violence can and does escalate resulting in physical injury, psychological trauma and in severe cases, death; and

WHEREAS, since 2000, twenty-one states and the District of Columbia have enacted legislation mandating or recommending that criminal justice agencies employ Global Positioning Systems ("GPS") to protect abused women under specific conditions; several other states, including New York State, are considering such legislation; and

WHEREAS, the use of GPS monitoring systems in certain high risk cases to enforce orders of protection will enhance victim safety and increase offender accountability; and

WHEREAS, the County of Suffolk should utilize GPS to monitor domestic violence offenders who pose a credible threat to victims and their children; now, therefore be it

1st RESOLVED, that the Suffolk County Department of Probation is hereby authorized, empowered and required to recommend to sentencing judges, as a condition of supervision, that any person who (a) has been convicted of a domestic violence family offense, as defined in the Family Court Act § 812; (b) is subject to an order of probation, and (c) poses a credible threat to the physical safety of the victim or the victim's child(ren), be monitored by GPS, unless the use of GPS monitoring is deemed impracticable by the Director of the Department of Probation; and be it further

2nd **RESOLVED**, where a person is subject to a stay away order of protection in Suffolk County Criminal or Family Court, for a family offense in the New York Family Court Act § 842(a), the Court shall be provided the capacity by the Suffolk County Department of Probation to monitor by GPS, such person when he or she poses a credible threat to the physical safety of the petitioner or the petitioner's child(ren); and be it further

3rd **RESOLVED**, in determining whether a probationer/respondent poses a credible threat to the physical safety of the victim/petitioner or the victim's/petitioner's child(ren), so as to justify an order for GPS monitoring, the Court may consider the likelihood that the defendant's participation in GPS monitoring will deter the probationer/respondent from seeking to kill, physically injure, stalk or otherwise threaten the victim/petitioner or the victim's/petitioner's child(ren); and be it further

4th **RESOLVED**, that the Suffolk County Department of Probation is hereby authorized and empowered to monitor by GPS those persons ordered by the Criminal or Family Court to be monitored by GPS, unless such monitoring is deemed impracticable by the Director of the Department of Probation; and be it further

5th **RESOLVED**, that the Suffolk County Department of Probation, the Suffolk County Police Department and the victim shall be notified if a probationer/respondent monitored by GPS enters into the court determined exclusionary zone(s). The victim may provide the court with a list of areas from which he or she would like the defendant excluded. The monthly monitoring cost shall be paid by the probationer/respondent; and be it further

6th **RESOLVED**, that the Suffolk County Department of Probation shall provide a written report to the County Legislature on a quarterly basis containing information on each case in which GPS monitoring has been deemed impracticable during the preceding quarter and the reasoning for that finding. The Legislature shall review the Director's findings and determinations and may refer individual cases back to the Director for further action, if necessary; and be it further

7th **RESOLVED**, that the Suffolk County Department of Probation shall study the feasibility of providing perimeter detectors, portable devices which provide immediate detection and notification to a victim when a probationer/respondent monitored by GPS enters the prohibited vicinity. The study, which shall include a cost benefit analysis, shall be completed within 120 days of the effective date of this resolution; and be it further

8th **RESOLVED**, for the purposes of this resolution, "family offense" shall mean a crime or violation as set forth in the New York State Family Court Act § 812; and be it further

9th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: