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## TN bill would use GPS to track some domestic violence suspects

Advocates say bill would offer victims sense of security

By Nate Rau | *The Tennessean*

**NASHVILLE, Tenn.** — Kathy Albright knows that a law could never bring back her daughter, but she believes advocating for a bill on the brink of passage in the Tennessee legislature might save someone else's loved one.

Albright's daughter Shellie Hernandez was the victim of a domestic violence homicide on Dec. 2, 2008, when she was shot in Nashville by a man with a history of ignoring protective orders and violently abusing her.

Hernandez's killer, Michael Williams, stalked her until the day she died. Albright said she has wondered on a daily basis if something more could have been done to protect her daughter.

Then Albright learned of a state bill, which appears on track to pass into law, that would require some people charged with domestic violence crimes to wear global positioning technology so their alleged victims can be alerted if an order of protection is violated.

"The more (monitoring) bracelets put out, the more time put into warning women, every minute is going to count," Albright said. "If I can stop one parent from feeling what I feel in my heart, I feel like it would mean so much."

State Sen. Andy Berke, D-Chattanooga, said the legislation would serve the dual purpose of deterring a would-be attacker and keeping the victim safe if her accused assailant enters an area restricted by a judge. If an assailant enters a restricted area, the victim is notified by the monitoring equipment.



Supporters say a new law that would require some people charged with domestic violence crimes to wear global positioning technology would help domestic violence victims avoid being subjected to future crimes. / Larry McCormack / The Tennessean

The legislation would give judges the power to require a defendant charged with stalking or violating an order of protection to wear the monitoring equipment as a condition of bail. The court would appoint an organization to monitor the tracking equipment and give domestic violence victims access to equipment that would alert them if a protective order has been violated.

An identical bill was passed into law in Mississippi last year.

"This bill turns the tables," Berke said. "It tells people who are being stalked that you can now track your attacker."



## TN bill would use GPS to track some domestic violence suspects, continued

### Who monitors?

Metro Nashville Police Department spokesman Don Aaron said any measure to further protect domestic violence victims is viewed as a good thing, but added his department has some questions about who would be responsible for overseeing the monitoring system.

State Senate Democratic Caucus spokesman Colby Sledge said local governments would contract with a third party for the equipment and determine which local agency is best suited to oversee the monitoring.

Defendants would have to pay for the cost of the tracking equipment, according to the bill. In circumstances in which the defendant is unable to pay, he would have the option of performing community service to offset the cost.

Domestic violence advocates say the bill would provide an extra layer of safety for victims. Valerie Wynn, executive director of the Mary Parrish Center for Victims of Domestic Violence, said stalking victims are haunted by not knowing when their assailants might appear.

Wynn said the bill could make a difference in cities such as Nashville, where there were 12 domestic-violence-related homicides in 2010.

“As a domestic violence victim who’s also been stalked, I can tell you there’s nothing as horrible as living through it,” Wynn said. “It’s a great bill. I’m proud. I think it’s really well written.”

### Rights denied?

Concerns have arisen as to whether it is overly restrictive to require an individual, who potentially has not been convicted of a crime, to be subjected to such monitoring. Matt Collins, coordinator for the Tennessee Campaign for Liberty, questioned whether such a requirement violated the U.S. Constitution.

“More specifically the GPS monitoring of individuals who have not been found guilty violates the due process provision in the 5th Amendment of the U.S. Constitution since that if the government is tracking you, then your liberty is being curtailed,” Collins said. “Domestic violence victims indeed deserve the full protection of the law for their life, liberty and property. The accused, however, must also not be denied their rights without due process.”

Victims of habitual stalking say the extra measure would give peace of mind, while also providing the opportunity to escape dangerous situations such as the one Albright’s daughter found herself in two years ago.

“When you’re being stalked that way, it begins to make you feel that you have no control over your life,” said a 30-year-old Nashville woman whose identity The Tennessean elected not to disclose because she is the recent victim of domestic violence. “So knowing where that individual is that’s stalking you, it allows you to feel that you have precautions that you can take from that point on.”

