



CASE ALERT: WASHINGTON

Constitutionality of GPS Monitoring in Domestic Violence Protection Orders and Examples of Stalking Behavior

[Davis v. Arledge, 531 P.3d 792 \(2023\)](#)

How Could This Case Help? This case supports the constitutionality of GPS monitoring as a prevention tool to enforce a domestic violence protection order (DVPO). This case may also help someone seeking a DVPO against a former intimate partner where there is a pattern of stalking and harassing behavior.

Summary of the Case: Davis, a Washington state representative, asked for a DVPO against her former partner, Arledge, because she feared for her life. She cited his stalking behavior, past suicide threats, substance use disorder, and access to firearms. After Davis ended their relationship and requested no contact, Arledge, a lobbyist in Olympia, contacted Davis more than a dozen times, including using a different email address, and by disguising his phone number. He sent a public email accusing her of professional retaliation. Arledge denied these behaviors and stated his complaint was protected under the First Amendment because Davis is an elected official. Before the first hearing, Arledge attempted suicide. The trial court issued a 5-year DVPO, restraining Arledge from contacting Davis, coming within 1000 feet of her residence and workplace (with exceptions for work), and ordered GPS monitoring with victim notification for one year. Arledge appealed, arguing the unconstitutionality of granting the GPS monitoring because it violated his protected speech and right to privacy.

The Court of Appeals upheld both the DVPO and the GPS monitoring. The court agreed with Davis that Arledge showed all significant indicators for high-risk intimate partner homicide. While acknowledging the intrusive nature of GPS tracking, the court decided that monitoring was justifiable because it would only be used if Arledge was violating the DVPO. The court recognized the legislature's strong interest in curbing domestic violence and allowed methods like GPS monitoring for prevention. Additionally, the court affirmed the DVPO by agreeing that attempts to contact someone after they've explicitly refused communication as evidence of stalking. The pattern of behavior through emails demonstrated an intent to intimidate and that Davis' fear was reasonable.

PRACTICE TIPS

1. If you are **asking for GPS monitoring in your request for a domestic violence protection order** and there are arguments that it is **not constitutional**, show them this case.
2. If the trial court **does not believe inappropriate work communication amounts to stalking behavior**, show them this case.
3. If the trial court concludes or other party argues that **recent contact did not contain any threats of bodily harm or violence for there to be reasonable fear**, show them this case.

For questions or clarifications, email or call Family Violence Appellate Project at infoWA@fvaplaw.org or (360) 680-1030. Thank you!