



Her Majesty's
Inspectorate of
Probation

Electronic monitoring in probation practice

Professor Anthea Hucklesby and Dr Ella Holdsworth

HM Inspectorate of Probation

Academic Insights 2020/08

DECEMBER 2020

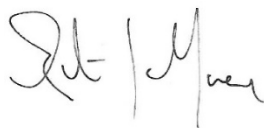
Contents

Foreword.....	3
1. Introduction	4
2. The types, uses and potential benefits of EM.....	4
2.1 What is electronic monitoring?	4
2.2 In what circumstances can EM be used?	5
2.3 EM as a flexible tool	7
2.4 Why use EM?.....	9
3. Conclusion	12
References	13

Foreword

HMI Probation is committed to reviewing, developing and promoting the evidence base for high-quality probation and youth offending services. *Academic Insights* are aimed at all those with an interest in the evidence base. We commission leading academics to present their views on specific topics, assisting with informed debate and aiding understanding of what helps and what hinders probation and youth offending services.

This report was kindly produced by Professor Anthea Hucklesby and Dr Ella Holdsworth, highlighting the differing types and uses of electronic monitoring (EM). There has been an uneasy relationship between probation and EM, but there is now a clear opportunity for probation to engage in the policy debate. There is evidence that, when used appropriately, EM can introduce some structure to the lives of recipients, assisting with employment, family relationships and compliance with other requirements/conditions of court orders. But tailoring to the individual is critical, with attention given to individuals' circumstances and characteristics. Probation practitioners thus have a key role; through providing relevant information to the courts and prisons, it can be ensured that the use of EM is sufficiently tailored, proportionate and integrated. At HMI Probation, we plan to look again at EM and the role of probation during 2021.



Dr Robin Moore

Head of Research

Author profile

Professor Anthea Hucklesby is Professor of Criminal Justice and Head of the School of Social Policy at the University of Birmingham. She has undertaken research and published on many aspects of the criminal justice process. Her three most recent projects are: 'Creativity and effectiveness in the use of electronic monitoring (EM)' funded by the European Commission (<http://emeu.leeds.ac.uk>); an Arts and Humanities Research Council network investigating the use of tracking technologies across domains; and 'Tracking Children in their Best Interests', a Marie Skłodowska Curie Individual Fellowship with Eszter Párkányi. Anthea is an Expert Academic Advisor at the Electronic Monitoring Directorate of HM Prison and Probation Service and the Bail, Sentencing and Release Directorate at the Ministry of Justice. She is a Fellow of the Academy of Social Sciences.

Dr Ella Holdsworth is a researcher in criminal justice, with an interest in experiences of the criminal justice process and sentences specifically, and how gender and diversity impact upon these experiences. She completed her PhD at the University of Leeds, which explored the experiences of women who had been electronically monitored as part of a community sentence. She has also worked as a research assistant on the aforementioned European Commission funded EM project and has held other research posts including an N8 funded project on police responses to child to parent violence.

The views expressed in this publication do not necessarily reflect the policy position of HMI Probation.

1. Introduction

Electronic monitoring (EM) is an integral and growing part of the criminal justice system. The recent introduction of GPS technologies, the planned expansion of remote alcohol monitoring, and the use of EM as a mechanism to reduce prison use during the Covid-19 pandemic all signal that EM will play a significant role in the future of the criminal justice system. Although EM has had a chequered history with probation, advances in EM technologies and understanding about how it works and how it can support probation goals, as well as the restructuring of probation itself, means that there is a significant opportunity for probation to shape its future use.

This paper aims to review current knowledge about EM and how it works, and identify the ways in which probation staff can engage effectively with EM and influence its use to ensure that it is deployed appropriately, ethically and to best effect. The recently published Ministry of Justice/HM Prison and Probation Service's principles of EM provide a useful framework in this regard (MoJ/HMPPS, 2019). The starting point for these principles is that EM should be used with a clear purpose, but also with an appreciation that this will vary according to the criminal justice measure being supported and the circumstances of the case/wearer. The other MoJ/HMPPS principles are that EM should be used in ways which are tailored and proportionate, flexible and responsive, credible, integrated and transparent and with reference to equality. These principles will be returned to in the discussion which follows.

2. The types, uses and potential benefits of EM

2.1 What is electronic monitoring?

The range of EM measures available has expanded over recent years, making it important to be specific about the type being used in order to avoid inaccurate comparisons. EM is an umbrella term describing a range of technologies for monitoring compliance with criminal justice measures. They usually involve wearing devices (tags) and a receiver or beacon which is installed at the place of residence and which transmits data to a monitoring centre. Whilst the devices are made to be difficult to remove, they can be taken off and/or broken, and receivers and beacons can also be destroyed. Such activities, however, will result in authorities being alerted to non-compliance events in real time, providing accurate evidence on which to base enforcement decisions and/or to discuss with wearers.

The first two types of technology enable location monitoring.

- Radio-frequency (RF) technology facilitates the remote monitoring of whether or not wearers are in a particular indoor location, usually their homes. As a result, this technology is deployed almost exclusively to monitor curfews. RF technology is cheap, reliable and easily understood but only monitors wearers' presence in specific indoor locations. The devices signal when wearers leave and return to the monitored address but not where they go.

- Geo-location technologies such as Global Positioning Schemes (GPS) have the capability to monitor the movements of wearers continuously and in real time. However, in England and Wales they are most frequently used to monitor exclusion zones through real-time alerts. Trail monitoring, when all wearer's movements are monitored retrospectively, has been little used to date. GPS technologies have a much greater range and can be used to monitor wearers indoors and outdoors.

A recent evaluation of pilots of GPS monitoring in England and Wales suggested the following potential benefits:

- i) supporting rehabilitation and potentially desistance;
- ii) facilitating risk management, particularly by providing reassurance to decision-makers that non-compliance would be discovered;
- iii) relieving pressure on other rehabilitation services;
- iv) helping inform decision making following alleged breaches as a potential for desistance;
- v) safeguarding victims; and
- vi) playing a role in exonerating or implicating wearers in offending (Kerr et al, 2019).

GPS technologies are, however, relatively expensive, subject to drift (when the equipment suggests that wearers are not where they actually are), and their short battery life means that they need regular charging (Kerr, et al, 2019). They also do not always work reliably in built-up areas, in buildings or underground.

A third group of technologies monitor alcohol use remotely. Only one of the technologies is strictly EM because others rely on breathalysers. The devices, sometimes referred to as sobriety tags, collect data on the amount of alcohol in the body through near continuous monitoring through the skin. The data are analysed and reported retrospectively. These data can be used for enforcement or as a precursor to conversations about compliance.

A fourth group of technologies enable bi-lateral monitoring, predominantly used in domestic violence/stalking cases (Erez and Ibarra, 2007; Erez et al, 2015). These involve (alleged) perpetrators wearing a tag and victims having a paired device. Alerts are received by both parties when perpetrators come within a specified distance of victims' devices. This type of technology may be: (i) static, i.e. monitoring when the perpetrators are too near to victims' homes; or (ii) mobile, when proximity of perpetrators and victims is monitored wherever they are. Bi-lateral monitoring technologies have been trialled in local pilots but are not currently available in England and Wales. Whilst they have immediate appeal, there are two significant disadvantages: (i) the responsible authority (usually the police) needs to be able to get to victims before any harm comes to them and this may be very difficult; and (ii) it responsabilises victims and may cause them significant additional anxiety. However, trials in the US suggest that compliance rates are high and that contact points between wearers and victims are infrequent (Erez and Ibarra, 2007; Erez et al, 2015).

2.2 In what circumstances can EM be used?

The Government White paper 'A Smarter approach to Sentencing' (MoJ, 2020b) sets out a range of different ways in which the use of EM will be developed. These proposals include extending the length of time that individuals can be subject to EM from 12 months to two years and introducing a Home Detention Order which provides for a 'lengthy and restrictive

curfew' monitored by GPS. However, what follows is a brief introduction to the ways in which EM can be used at the time of writing (Autumn 2020).

EM is not in and of itself a criminal justice sanction or measure. It is a tool which is used to monitor conditions which are imposed by courts or prisons. The first point in the process at which location monitoring technologies can be used is to monitor conditions of court bail. The use of EM in conjunction with court bail is not specifically regulated meaning that there are no restrictions on curfew hours or exclusion zones, and conditions may be imposed for as long as necessary (Hucklesby and Holdsworth, 2016). Location monitoring is also available to monitor conditions of community orders and suspended sentence orders. In all these circumstances, RF technologies can be used to monitor curfew conditions and requirements for up to 12 months for between two and 16 hours a day. GPS technologies are available to monitor exclusion zones, curfews, attendance at appointments as well as trail monitoring. No guidance exists on target groups of location monitoring when used for remand or as a sentence. GPS technologies are also used under the auspices of Integrated Offender Management (IOM) and funded primarily by the police or Police and Crime Commissioners (PCCs). Under these schemes, wearers' 'volunteer' to be monitored to demonstrate that they are not committing offences and to reduce interactions with the police (Hudson and Jones, 2016).

Location monitoring is also used post-custody to monitor licence conditions and is a mandatory element of Home Detention Curfews (HDCs). RF technology is most often used for HDC but GPS is also available. For HDC, curfews must be imposed for at least nine hours a day for up to 135 days (MoJ/HMPPS, 2020). Prisoners who are serving sentences of at least 28 days but less than four years are eligible for HDC but a significant number of legal exclusions exist for those who have committed certain types of offences and/or have records of non-compliance (MoJ/HMPPS, 2020). Consequently, the number of prisoners released on HDC remains relatively low (MoJ, 2020b: Table 3.4i).

Remote alcohol monitoring is used to monitor compliance with alcohol abstinence monitoring requirements (AAMRs) of community orders or suspended sentence orders. They can be imposed for up to 120 days. AAMRs are targeted at individuals whose offending is alcohol-related but not those who are known to be alcohol dependent. The White paper commits to the national availability of AAMR and it is expected to be rolled out by Spring 2021 (MoJ, 2020a).

Research on AAMR suggests that compliance rates are high. The two pilots conducted in London and Humberside, Lincolnshire and North Yorkshire (HLNY) reported that 94 and 92 per cent of requirements respectively were completed without breach, revocation or resentence (Hobson et al., 2018; Roberts et al., 2019). The original target group for AAMR were those whose offending was linked to the night-time economy (Bainbridge, 2019), but both pilots demonstrate that it was used for a much wider range of individuals. Over a third of the HLNY cohort were convicted of domestic violence related offences (Roberts et al, 2019). This pilot also suggested that wearers planned to reduce their alcohol consumption after the tag was removed. Wearers reported improved family relationships and being healthier and happier as a result of AAMRs (Roberts et al, 2019). It is too early to say whether these behaviour changes remain after AAMRs have been completed.

2.3 EM as a flexible tool

EM technologies are uniquely flexible and can be used in a myriad of ways, providing concrete information about compliance and reassurance to decision-makers and the wider public that wearers who do not comply will be brought to their attention. As a result, using EM can be an effective way to prevent the unnecessary use of custody.

Overselling the capabilities of EM is a real danger. There are many examples of it being referred to as a 'virtual prison' or an 'electronic ball and chain' (Hucklesby, 2013a). Making such references is misleading. Ultimately, EM does not and cannot stop wearers from doing what they want to do. Instead it provides evidence to take formal breach action when necessary and/or to have informed conversations during supervisions. Making wearers aware that breaches of curfews/exclusion zones have been noted can be an effective way to bolster compliance and prevent non-compliance escalating, thereby potentially avoiding subsequent formal action (Hucklesby, 2009). Discussing the circumstances surrounding non-compliance can be an effective way to start a much broader conversation during supervisions. The lack of evidence of non-compliance also allows individuals to be praised for being compliant, which is likely to be especially effective if it demonstrates an improving trajectory.

EM technologies allow for a personalised approach. Currently, curfews, whether for bail, sentences or HDC, tend to be imposed seven days a week for 12 hours a day between 19.00 and 07.00 for the duration of an order (Hucklesby and Holdsworth, 2016). This standardised approach has some advantages – it is easy to follow and those who have been subject to EM curfews in the past will be aware of the requirements and are arguably more likely to understand them and, therefore, comply.

However, such an approach means that some wearers are subject to curfews that are longer than necessary, either in terms of hours or on more days of the week. By contrast, some individuals might need to have longer curfew hours imposed. Curfew hours are also not altered during the length of the order to reward compliance or as an early intervention to tackle embryonic non-compliance. Furthermore, the standardised approach does not incorporate an exit strategy, whereby curfew hours, exclusion zones or alcohol monitoring are reduced towards the end of the order to aid the transition from EM to freedom (Hucklesby and Holdsworth, 2016). Such a strategy has the potential to assist with managing the transition, recognising the potential to return to previous habits and routines. The more intensive the monitoring, the more important an effective exit strategy is likely to be.

A less standardised model of EM use would also ensure that account is taken of individuals' circumstances and protected characteristics, thereby meeting the Public Sector Equality duty (MoJ/HMPPS, 2019). There is some evidence that courts take account of women's childcare responsibilities when setting curfew hours (Holdsworth, 2019). The evidence relating to other caring responsibilities or to men with childcare responsibilities is very limited. There are also questions about whether EM equipment and regimes are set up in a way which consider differences between men and women (Holdsworth and Hucklesby, 2014). There is no evidence that religious practices are considered when setting curfew times (Hucklesby and Holdsworth, 2016). Evidence about the extent to which employment is taken into account is variable with particular problems caused when wearers work non-standard hours or when they are required to work away from home (Hucklesby, 2009).

Requirements monitored by EM can be imposed as single requirements or part of multi-requirement orders. The existence of these two options increases the potential for flexible and creative use. Nonetheless, there has been considerable debate about whether EM curfews should be imposed as a single requirement without probation supervision (Nellis, 2013). Reviews of the evidence suggest that the international evidence points to probation supervision alongside EM curfews being more effective than EM curfews alone (Belur et al, 2017; Graham and McIvor;2015). However, the analysis suffers from the following three weaknesses:

- (i) research studies rarely provide details of the supervision package or even the type of equipment used;
- (ii) very few countries use both single and multi-requirement options on the same orders, so in-country comparisons are not possible (Hucklesby et al., 2016); and
- (iii) in countries where both single and multi-requirement options are used, the groups may not be comparable and even those wearers on single requirement orders may be subject to supervision as a condition of another order.

An added problem in England and Wales is that it is not always possible to identify which orders wearers are on (Bottomley et al., 2004; Hucklesby and Holdsworth, 2016).

Consequently, whilst intuitively, or for ideological reasons, it is possible to argue that EM should never be imposed without wraparound probation supervision, it is also possible that in some cases this could result in 'net-widening'. A blanket approach is to be avoided given that supervision may not be necessary in all cases. This is particularly the case with first time offenders, young people or those convicted of relatively minor offences where minimising contact with the criminal justice system may be more likely to result in desistance. In the case of pre-trial use of EM, the presumption of innocence requires that conditions should only be imposed to meet the grounds for refusal of bail i.e. risk of absconding, offending or interfering with witnesses or the administration of justice.

What is important, however, is that all wearers, whatever the type of order, have access to support (Hucklesby et al., 2016; Hucklesby and Holdsworth, 2016), providing information and reassurance to allow wearers to complete their orders. A clear advantage of the system in the UK compared with many other countries is that wearers have 24/7 access to a monitoring centre which can assist with a wide range of issues relating to EM and also signpost to other services (Hucklesby and Holdsworth, 2016; Hucklesby et al., 2016; 2020). This is crucial to providing adequate support to mitigate the potential stress and anxiety which may arise when subject to EM (Hucklesby and Holdsworth, 2016; Hucklesby et al., 2016).

We know much less about how exclusion zones or other conditions monitored by GPS are being used. Initial evidence suggests that curfews are often imposed alongside GPS-enabled location monitoring (Galisteo et al, 2019). The pilots of GPS monitoring also highlighted the considerable challenges of setting viable exclusion zones and communicating them to wearers effectively in order to avoid accidental non-compliance events (Kerr et al, 2019). Setting workable exclusion zones can be challenging given all the competing requirements. Flexibility and creativity are also important in relation to conditions monitored by GPS. Exclusion zones do not always have to be in place 24/7 and may be reduced or removed as a result of compliance records. Probation staff have an important role in this process to ensure that exclusion zones are effective and workable and consider wearers' circumstances

in terms of access to work, family, services and amenities, as well as the needs of victims and witnesses.

Whichever technology and conditions are imposed, there can be unintended consequences and reduced compliance if orders are not sufficiently agile to respond to wearers' changing circumstances. At the time of writing, wearers are required to apply for EM orders to be changed whether for one off events (such as weddings or funerals) or permanently (emergencies can be retrospectively approved). Different mechanisms exist for different types of order, and the process can be difficult to navigate, clunky and slow (Hucklesby and Holdsworth, 2016). This can result in feelings of frustration and difficult choices. The Government White paper (Ministry of Justice, 2020c) proposes that some of these decisions will in future be made by probation officers. This should make EM more agile and improve compliance with, and legitimacy of, EM (Hucklesby, 2013b).

Using EM in more flexible and creative ways is a key part of the strategy for EM set out in the Government's 2020 White paper (MoJ, 2020b). It also dovetails with the MoJ/HMPPS (2019) principles of EM. Probation officers are key to the success of this strategy, helping to ensure that EM is used in a way which is responsive to individuals' circumstances but also that the most appropriate equipment and intensity of regime are imposed. Although courts and, in the case of HDC, prisons are the ultimate decision-makers, reports prepared by probation officers influence their decisions. Consequently, they present a unique opportunity to articulate a more creative use of EM by setting out the parameters of the restrictions monitored by EM and ensuring that they are necessary and proportionate and do not set wearers up to fail. Over time these reports could pave the way for cultural change to enable EM to be used more smartly.

2.4 Why use EM?

EM is an important mechanism to add credibility to bail, sentence and post-custody licence conditions primarily because it provides certainty that non-compliance will be discovered. In this way, it has a role to play in keeping individuals out of custody or enabling them to be released earlier than otherwise would be the case. The evidence suggests, however, that take up varies across courts and prisons (Hucklesby and Holdsworth, 2016). The reasons for this are not clear, although limited knowledge and understanding of EM by court and probation personnel as well as decision-makers has been suggested, alongside differential probation engagement with EM and lack of knowledge of its capabilities (Hucklesby and Holdsworth, 2016). The rest of this section will review the available evidence about EM, covering what we know about its effectiveness. In many jurisdictions, research lags behind the use of EM resulting in considerable evidence gaps.

Domestic and international evidence consistently reports that a period of EM can be 'habit-breaking' (Holdsworth, 2019; Hucklesby, 2008; Loble and Smith, 2000; Vanhaelemeesch et al., 2014; Walter, 2002). Curfews provide a structure to wearers' lives and allow them to stop seeing people and going to places which are linked to their offending, by providing an excuse for them not to participate in criminogenic activities (Hucklesby, 2008). Research has suggested that EM works in this way particularly for those wearers who are already on the road to desistance (Hucklesby, 2008). Yet, many wearers who plan to continue to offend after a period of EM also suggest that they stop during the period on EM for fear of the consequences (Hucklesby, 2008; 2009).

These mainly small-scale qualitative studies are supported by larger scale reconviction studies in many countries which suggest that reductions in levels of offending are associated with periods on EM (Belur et al., 2017; 2020; Bonta et al., 2000a; 2000b; Gies et al., 2013; Marie et al., 2011; Padgett et al., 2006). As would be expected, the incidence of reoffending varies between different groups and in different circumstances (Belur et al., 2017; 2020). A fundamental problem is that the studies are not comparable because the ways in which EM is deployed varies significantly between and within countries, making any definitive statements about the effect of EM on reoffending impossible (Hucklesby et al, 2016; Hucklesby et al, 2020). There is currently no evidence of a suppression effect beyond the period of EM.

Studies suggest relatively high levels of compliance with EM measures. Hucklesby's (2009) study of wearers subject to EM curfews found that most wearers complied. Most non-compliance relates to time violations, i.e. being late for the start of curfews or going out for short periods during curfews. Wearers suggested that these non-compliance events were a result of their circumstances (e.g. needing to pop to the shop for essentials) and poor planning rather than deliberate acts of defiance. Breach policies take into consideration such circumstances by setting out a graduated approach to violations, whereby only serious non-compliance (missing a whole curfew period or removing tags) result in immediate action (HMPPS, 2018). Discussing non-compliance events during supervisions can be an effective way to encourage future compliance as well as providing broader opportunities to discuss wearers' circumstances and their understanding of skills such as time keeping, which could usefully be improved. Research suggests that making wearers aware that their non-compliance has been noted is an important driver of future compliance, partly because of their fear of going to prison, however remote this might be in reality (Holdsworth, 2019; Hucklesby, 2009)

Wearers consistently report that EM is preferable to prison and that being on EM can have tangible benefits (Holdsworth, 2019; Hucklesby, 2009; Hudson and Jones, 2016; Mair and Nee, 1990; Payne et al., 2009). A widely reported benefit for curfews is that they allow time to be spent with families and children and there is evidence that relationships can be strengthened and repaired as a result (Holdsworth, 2019; Hucklesby, 2008). However, there is also evidence that already strained relationships can worsen. This may apply particularly when wearers are young adults and living with their parents. There has also been a lot of concern voiced about the impact on domestic violence (Mair and Nee, 1990). This is a real issue supported by evidence from the Covid-19 lockdowns. During periods of confinement in the home, there has been a dramatic increase in reporting of domestic violence (ONS, 2020). Consequently, it is vital that the potential for domestic violence is accurately assessed and considered before EM is used. As part of this process, alternative accommodation options, away from wearers' normal place of residence, should always be explored.

Research suggests that undertaking activities which create and/or strengthen social capital are important drivers for desistance (Farrall, 2002; Maruna, 2001). Therefore, it is important that wearers can continue to provide care and support to significant others and that collateral damage to families and pro-social activities is minimised. Providing relevant information to the courts/prisons is key to ensuring that any conditions/ requirements monitored by EM fit around potential wearers' current circumstances. There is evidence that childcare responsibilities are usually considered, at least for women, but there is less evidence that restrictions consider maintaining wider family ties and caring responsibilities which are outside of the home (Holdsworth, 2019; Hucklesby, 2008).

The structure provided by curfews can also assist with employment, employability and compliance with other requirements/conditions of court orders. Wearers have reported becoming more 'job ready' because of changed habits during curfew periods (Hucklesby, 2008). For similar reasons, they have also reported being more likely to comply with unpaid work requirements and attending probation appointments. This suggests that EM curfews may be an effective intervention after non-compliance with other sentence or licence conditions and particularly as a step before recall.

One note of caution is that evidence suggests that EM can be a challenge for those in employment. For example: (i) employers may be unhappy about employees wearing EM devices at work because of the risk of reputational damage; and/or (ii) curfew hours may restrict when wearers can work and prohibit overnight stays away from home. These issues can be managed by setting curfew hours around working patterns. This should already be facilitated by suggesting appropriate curfew hours to the court/prison, but there is evidence that it does not always happen in practice (Hucklesby, 2008). A further complication is that changing working patterns can lead to compliance issues or result in wearers losing their employment if effective mechanisms to amend curfew hours quickly and efficiently are not in place. GPS technologies provide a mechanism to monitoring compliance without the need for set hours and may be more appropriate in some cases.

The evidence in relation to drug and alcohol use whilst subject to EM curfews is equally mixed. Unlike many other countries, drug and alcohol use are not prohibited unless a specific condition/requirement is imposed alongside the EM measure (Hucklesby et al, 2016). Some wearers stop or reduce their drug/alcohol use mainly because they are prohibited from their usual night time activities and cannot or will not continue at home (Holdsworth, 2019; Hucklesby, 2008). By contrast, some wearers report continuing previous levels of consumption or increasing use and/or changing their drug of choice. There is little evidence about the impact of GPS location monitoring on drug/alcohol use, but it is possible that the impact will be lower than for curfews because they do not necessarily constrain activities in the same way.

Ensuring that potential wearers have suitable accommodation is one of the main challenges to the use of EM. Some potential wearers will not have an address, whereas others will not have an address which is suitable for them to return to because of the nature of their offences or other risk factors. Householders' and/or landlords' consent is also required for wearers to be monitored. Withdrawal of this consent can be a reason for non-compliance if wearers need to leave addresses quickly (Hucklesby, 2009). A constant electricity supply is required to charge devices, although alternative arrangements can be made for GPS devices. As well as these very practical challenges, there are ethical issues about whether the proposed accommodation is of a suitable minimum standard. Alternative accommodation options are available including the homes of family members, Bail Accommodation Supervision and Support (BASS) accommodation and a range of hostels, although access to these is often very limited. The probation service's role in checking the suitability of accommodation, particularly for HDC, is vital for the smooth running of the process and to ensure that wearers and other householders are not put at risk (Hucklesby and Holdsworth, 2016).

Evidence suggests that families and significant others play an important role in EM (Holdsworth, 2019; Hucklesby, 2009; King and Gibbs, 2003; Vanhaelemeesch et al., 2014). They provide practical support to wearers including shopping during curfew hours and

reminding them of the requirements, and in some cases physically collecting them to ensure that they are at home at the start of curfews. Moral support provided by family and friends has also been found to be important. This includes friends and family staying in with the wearers during curfew hours. Equally, some family and friends can be facilitators of non-compliance. The women in wearers' lives – mothers and wives/partners and girlfriends – seem to provide a high proportion of the pro-social support and advice.

3. Conclusion

EM is now a permanent fixture in criminal justice systems across the World. In England and Wales, successive governments have come to rely on EM to an ever-greater extent, and the recent White paper signals an acceleration in its deployment as well as its diversification into new technologies. This paper thus provides a timely summary of current forms and uses of electronic monitoring and the state of knowledge about its usefulness and potential effectiveness in terms of the core aims of criminal justice and probation practice.

Historically probation has not participated in debates about how EM could and should be used, instead leaving others to use it and steer it (CJJI, 2008; 2012). As a result, probation concerns have been largely absent from on-going debates about the future uses of EM. It is time for probation as a whole and individual officers to fully evaluate the possibilities which EM and associated technologies provide for more effective probation practice and join the on-going debates which are shaping the EM of the future. The MoJ/HMPPS (2019) principles provide a useful starting point.

References

- Bainbridge, L. (2019). 'Transferring 24/7 sobriety from South Dakota to South London: the case of MOPAC's Alcohol Abstinence Monitoring Requirement Pilot', *Addiction*, 114(9), pp. 1696-1705.
- Belur, J., Thornton, A., Tompson, L., Manning, M., Sidebottom, A. and Bowers, K. (2017). *A Systematic Review Of The Effectiveness Of The Electronic Monitoring Of Offenders*, London: University College London. Available at: https://whatworks.college.police.uk/Research/Systematic_Review_Series/Documents/Electronic_monitoring_SR.pdf
- Belur, J., Thornton, A., Tompson, L., Manning, M., Sidebottom, A. and Bowers, K. (2020). 'A systematic review of the effectiveness of the electronic monitoring of offenders', *Journal of Criminal Justice*, 68.
- Bonta, J., Wallace-Capretta, S. and Rooney, J. (2000a). 'Can electronic monitoring make a difference? An evaluation of three Canadian programs', *Crime & Delinquency*, 46(1), pp. 61-75.
- Bonta, J., Wallace-Capretta, S. and Rooney, J. (2000b). 'A quasi-experimental evaluation of an intensive rehabilitation supervision program', *Criminal Justice and Behavior*, 27(3), pp. 312-329.
- Bottomley, A.K., Hucklesby, A. and Mair, G. (2004). The new uses of electronic monitoring: findings for the implementation phase in three pilot areas. *Issues in Community and Criminal Justice Monograph 5*. London: NAPO.
- Criminal Justice Joint Inspectorate (CJJI) (2008). *A complicated business: an inspection of electronic monitoring*, HMI Probation, HMI Constabulary and HMI Courts Administration, Joint Inspection by HMI Probation, HMI Court Administration and HMI Constabulary, Manchester: HMIP.
- Criminal Justice Joint Inspectorate (CJJI) (2012). *It's Complicated: The management of electronically monitored curfews. A follow-up inspection of electronically monitored curfews*, Manchester: HMIP. Available at: <https://www.justiceinspectors.gov.uk/probation/wp-content/uploads/sites/5/2014/03/electronic-monitoring-report-2012.pdf>
- Erez E and Ibarra P (2007). Making your home a shelter: Electronic monitoring and victim re-entry in domestic violence cases. *British Journal of Criminology*. 47(1), pp. 100- 120.
- Erez E, Ibarra, P, Bales W and Gur O (2015). *GPS Monitoring Technologies and Domestic Violence: An Evaluation Study*. United States Department of Justice. Available at: <https://www.ncjrs.gov/pdffiles1/nij/grants/238910.pdf>
- Farrall, S. (2002). *Rethinking What Works with Offenders: Probation, Social Context and Desistance from Crime*. Cullompton: Willan Publishing
- Galisteo, S., Hillier, J., Liffen, E., Smith, H. and Stephenson, G. (2019). *Process evaluation of Global Positioning System (GPS) electronic monitoring pilot: quantitative findings*, Ministry of Justice Analytical Series, London: MoJ. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/814219/process-evaluation-gps.pdf

- Gies, S.V., Gainey, R., Cohen, M.I., Healy, E., Yeide, M., Bekelman, A. and Bobnis, A. (2013). *Monitoring High-Risk Gang Offenders with GPS Technology: An Evaluation of the California Supervision Program Final Report*, Washington: National Institute of Justice
- Graham, H. and McIvor, G. (2015). *Scottish and International Review of the Uses of Electronic Monitoring*. Stirling: Scottish Centre for Crime and Justice Research. Available at: <https://www.sccjr.ac.uk/wp-content/uploads/2015/08/Scottish-and-International-Review-of-the-Uses-of-Electronic-Monitoring-Graham-and-McIvor-2015.pdf>
- Her Majesty's Prison and Probation Services (HMPPS) (2018). *The enforcement of community and suspended sentence orders*, PI 06/2014. Available at: <https://www.justice.gov.uk/offenders/probation-instructions/pi-archive-2014>
- Hobson, Z., Harrison, A. and Duckworth, L. (2018). *Alcohol Abstinence Monitoring Requirement A review of process and performance from Year 2*. London: MOPAC. Available at: https://www.london.gov.uk/sites/default/files/aamr_final_process_performance_y2_report_final.pdf
- Holdsworth, E and Hucklesby, A. (2014). 'Designed for men, but worn by women', *Criminal Justice Matters*, 95, pp. 14-15
- Holdsworth, E. (2019). *Women's Experiences Of Electronic Monitoring*, Unpublished PhD thesis, University of Leeds.
- Hucklesby, A. (2008). 'Vehicles of desistance?: The impact of electronically monitored curfew orders', *Criminology and Criminal Justice*, 8(1), pp. 51-71.
- Hucklesby, A. (2009). 'Understanding offenders' compliance: a case study of electronically monitored curfew orders', *Journal of Law and Society*. 36(2), pp. 248-271.
- Hucklesby, A. (2013a). 'Insiders' views of electronically monitored curfew orders', in M. Nellis, R. Bas, K. Beyens and D. Kaminski *Electronically Monitored Punishment: international and critical perspectives*, London: Routledge.
- Hucklesby, A (2013b). 'Compliance with electronically monitored curfew orders: some empirical findings' in A. Crawford and A Hucklesby (eds) *Legitimacy and Compliance in Criminal Justice*, London: Routledge.
- Hucklesby, A., Beyens, K., Boone, M., Dünkel, F., McIvor, G. and Graham, H. (2016). *Creativity and Effectiveness in the use of electronic monitoring: a case study of five jurisdictions*. Leeds: University of Leeds. Available at: <http://emeu.leeds.ac.uk>
- Hucklesby, A., Beyens, K. and Boone, M. (2020). 'Comparing electronic monitoring regimes: Length, breadth, depth and weight equals tightness', *Punishment & Society*, online first.
- Hucklesby, A. and Holdsworth, E. (2016). *Electronic monitoring in England and Wales*. Leeds: Centre for Criminal Justice Studies, University of Leeds. Available at: <http://emeu.leeds.ac.uk>
- Hudson, K. and Jones, T. (2016). 'Satellite tracking of offenders and Integrated Offender Management: a local case study', *The Howard Journal of Crime and Justice*, 55(1-2), pp. 188-206.
- Kerr, J., Roberts, E., Davies, M. and Pullerits, M. (2019). *Process evaluation of the Global Positioning System (GPS) electronic monitoring pilot: qualitative findings*, Ministry of Justice

Analytical Series 2019. Available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779199/gps-location-monitoring-pilot-process-evaluation.pdf

King, D. and Gibbs, A. (2003). 'Is home detention in New Zealand disadvantaging women and children?', *Probation Journal*, 50(2), pp. 115-126.

Lobley, D. and Smith, D. (2000). *Evaluation of Electronically Monitored Restriction of Liberty Orders*, Edinburgh: Scottish Executive Research Unit. Available at <https://www2.gov.scot/Publications/2000/07/9cf15d0c-5e11-410a-9925-a009bb72b9da>

Mair, G. and Nee, C. (1990). *Electronic Monitoring: The Trials and their Results*, Home Office Research Study no. 120, London: Home Office.

Marie, O., Moreton, K. and Goncalves, M. (2011). *The effect of early release of prisoners on Home Detention Curfew (HDC) on recidivism*. London: Ministry of Justice. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/217378/effect-early-release-hdc-recidivism.pdf

Maruna, S. (2001). *Making Good: How ex-convicts reform and rebuild their lives*, Washington DC: American Psychological Association.

Ministry of Justice (MoJ) (2018). *Offender Management Statistics Bulletin, England and Wales: Quarterly January to March 2018*. London: Ministry of Justice. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/729211/OMSQ-2018-Q1.pdf

Ministry of Justice (MoJ) (2020a). *Offender Management Statistics Bulletin, England and Wales: Quarterly: January to March 2020*. London: Ministry of Justice. Available at: <https://www.gov.uk/government/publications/offender-management-statistics-quarterly-january-to-march-2020--2/offender-management-statistics-quarterly-january-to-march-2020#releases>

Ministry of Justice (MoJ) (2020b). *A Smarter Approach to Sentencing*, CP 292, London: Ministry of Justice. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/918187/a-smarter-approach-to-sentencing.pdf

Ministry of Justice/Her Majesty's Prison and Probation Service (MoJ/HMPSS) (2019). 'Principles for electronic monitoring', *Magistrate*, August/Sept 2019, pp. 36-37.

Ministry of Justice/Her Majesty's Prison and Probation Service (MoJ/HMPSS) (2020). *Home Detention Curfew (HDC) Policy Framework*, London: Ministry of Justice. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/882216/home-detention-curfew.pdf

Nellis, M. (2013). 'Surveillance, stigma and social constraint' in M. Nellis, K. Beyens and D, Kaminski (eds) *Electronically Monitored Punishment: International and critical perspectives*, London: Routledge.

Office for National Statistics (ONS) (2020). *Coronavirus and crime in England and Wales: August 2020*, London: Office for National Statistics. Available at: <https://www.ons.gov.uk/releases/coronavirusandcrimeinenglandandwalesyearendingmay2020>

Padgett, K., Bales, W.D. and Blomberg, T.G. (2006). 'Under surveillance: an empirical test of the effectiveness and consequences of electronic monitoring', *Criminology and Public Policy*, 5(1), pp. 61-92.

Payne, B.K., DeMichele, M. and Okafo, N. (2009). 'Attitudes about electronic monitoring: Minority and majority racial group differences', *Journal of Criminal Justice*, 37(2), pp. 155-162.

Roberts, E., Turley, C., Piggott, H., Lynch-Huggins, S., Wishart, R. and Kerr, J. (2019). *Evaluation of the AAMR tagging pilot Year 2 process evaluation findings*, London: NatCen Social Research. Available at: <http://www.hlnycrc.co.uk/wp-content/uploads/sites/4/2020/01/Process-Evaluation-Year-2-Interim-Report-Final.pdf>

Vanhaelemeesch, D., Vander Beken, T. and Vandeveldde, S. (2014). 'Punishment at home: Offenders' experiences with electronic monitoring', *European Journal of Criminology*, 11(3), pp. 273-287.

Walter, I. (2002). *Evaluation of the national roll-out of curfew orders*, London: Home Office.

© Crown copyright 2020

You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit www.nationalarchives.gov.uk/doc/open-government-licence or email psi@nationalarchives.gsi.gov.uk.

Where we have identified any third-party copyright information, you will need to obtain permission from the copyright holders concerned.

This publication is available for download at:

www.justiceinspectorates.gov.uk/hmiprobation

Published by:

Her Majesty's Inspectorate of Probation
1st Floor Civil Justice Centre
1 Bridge Street West
Manchester
M3 3FX

The HMI Probation Research Team can be contacted via HMIProbationResearch@hmiprobation.gov.uk