



Her Majesty's
Inspectorate of
Probation

The use of electronic monitoring as a tool for the Probation Service in reducing reoffending and managing risk

An inspection by HM Inspectorate of Probation

January 2022

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Foreword

At any one time approximately 8,000 people across England and Wales are monitored electronically either as part of a community sentence or following release from prison. This inspection takes a closer look at the Probation Service's use of electronic monitoring to protect the public, reduce reoffending and support individuals to move towards crime-free lives.

Electronic monitoring itself is not a new concept, but legal and technological changes over the past 20 years have widened its usage and scope. Global positioning systems (GPS) can now track individuals with higher levels of accuracy and alcohol monitoring tags provide regular monitoring results around the clock. There is considerable political and public interest in 'tagging', but little research into its long-term effects on individuals or impact on crime rates. This topic was last inspected in 2012, as a follow-up to a previous inspection in 2008. In 2012, it was identified that tagging should be used more creatively, not only to punish, but also to help change behaviour.

Our inspection found that electronic monitoring is often treated as an 'extra', rather than an integral part of an individual's supervision. Probation practitioners can consult a raft of policies and guidance, but these do not set out clearly how electronic monitoring should complement or strengthen other activity to manage a person on probation effectively. We found that practitioners did not always discuss electronic monitoring with individuals on probation – data could be used to inform conversations but is not always. There were missed opportunities to acknowledge positive progress or to signpost people who have completed alcohol monitoring to further sources of support. People on probation told us that the use of monitoring offers them a period of stability and a reason to break contact with criminal associates.

While probation practitioners were positive about the potential of electronic monitoring for supporting desistance and the management of risk of harm, accessing information about their cases was a source of frustration for many. Requesting data on an individual's movements is a time-consuming process. The contract with the electronic monitoring agency does not stipulate a response time for all types of cases – we found examples of practitioners waiting up to three days for location information in high risk of serious harm cases. Plans to set up a portal to give practitioners access to up to date information on individuals' movements and violations have not been realised. Almost all of the practitioners we spoke to said such a portal would have helped them to manage cases more efficiently.

Home detention curfews can be used in cases as an alternative to custody for those eligible for early release from prison. Probation practitioners told us they felt decisions were almost always weighted towards release, regardless of their concerns. The assessment used to make decisions has major gaps – not least whether the proposed address for curfew is actually suitable. There is no national policy to mandate domestic abuse and safeguarding checks at these addresses, and we found that these checks were not conducted routinely at court or before release from custody on curfew. It is deeply concerning to think that people are being placed on curfew in homes where there is a potential risk of harm to, or from, others. We recommend an urgent review of the assessment process.

We conclude that electronic monitoring has significant potential to bring value to the Probation Service's work. However, more work is needed before these benefits are fully realised. We recommend that senior HMPPS leaders commission research to understand the impact of electronic monitoring and how to get the most out of this tool. They should also set out a strategy for its use across the Probation Service and ensure practitioners receive up to date access to electronic monitoring information, as well as training to strengthen their knowledge and confidence. We have also made a number of operational recommendations to support the tool's use in protecting the public and reducing reoffending.



Justin Russell
HM Chief Inspector of Probation

January 2022

Contextual facts¹

38,960	Number of prisoners eligible for release on home detention curfew in 2020/2021 ²
26%	Percentage of eligible prisoners released on home detention curfew – January to March 2021 ²
10%	Percentage of home detention curfews that are recalled to custody, October 2019 to September 2020 ²
87,894	Number of community orders started (including suspended sentence orders), April 2020 to March 2021 ²
3,924	Number of people on community orders (including suspended sentence orders) monitored by electronic monitoring on 31 March 2020 ³
2,968	Number of people post-release from custody monitored by electronic monitoring on 31 March 2020 ³
19,265	Number of community curfew requirements issued ⁴
473	Number of community GPS-enforced requirements issued ⁴
1,565	Number of community alcohol abstinence monitoring requirements (AAMR) issued (live in Wales from November 2020 and England from 31 March 2021) ⁵

¹ Data on community orders includes community sentences with only electronically monitored requirements, managed by Electronic Monitoring Services

² Ministry of Justice. (2021). *Offender Management Statistics* April 2020 to March 2021, *Prison Releases*, January to March 2021.

³ HMPPS. (2020). *Offender Equalities Annual Report 2019/20*.

⁴ HMPPS. (2021). Internal data, February 2020 to January 2021.

⁵ Ministry of Justice. (2021). Internal figures, accurate as at 24 September 2021.

Executive summary

Introduction

Protecting the public, empowering those who commit crimes to make positive changes in their lifestyle and reducing the likelihood of reoffending are the core purposes of the Probation Service. Electronic monitoring (EM) has been a tool in supporting probation to achieve these aims for over 20 years, and yet it is only recently that its real value is beginning to be properly understood as new technologies and new ways of applying them are rolled out.

Initially a tool used to monitor bail curfew conditions, EM was rolled out in HMPPS to support the early release of eligible cases from custody at an earlier point in their sentence. New technologies bring unprecedented opportunities to monitor and engage people on probation in entirely different ways. These include the roll-out of global positioning systems (GPS) tags in 2018/2019 to monitor the whereabouts of some individuals after release from prison⁶ and those who receive a community sentence in court. Alcohol monitoring tags are now able to be applied by the court as part of an alcohol abstinence monitoring requirement (AAMR) following the roll-out of this additional requirement in 2020-2021.

There are now three technology types in use: radio frequency tags; GPS technology; and alcohol monitoring tags. A detailed breakdown of each can be found in Annexe 1.

This is the first inspection that explores electronic monitoring across each of these requirement types. Although this report focuses on HMPPS use of tags, almost half of all current electronic monitoring cases (approximately 7,500)⁷ are used for monitoring bail conditions, with police acting as the responsible officer. The electronic monitoring provision is run by an external agency, Electronic Monitoring Services (EMS).

There is now a real emphasis, politically supported, to make use of all tools available to manage people on probation more robustly. This includes using electronic monitoring to its full potential. The relationship between probation supervision and electronic monitoring will need to change to achieve this.

Inspection methodology

This inspection report draws together information from our 'call for evidence' and inspection of cases in Wales, Yorkshire and the Humber, South Central, London, North West and East Midlands. Inspection fieldwork commenced shortly after the unification of the Probation Service in June 2021, although the cases inspected had started to be monitored at the end of 2020/early 2021 when the service was still delivered via the National Probation Service (NPS) and Community Rehabilitation Companies (CRCs) and we drew cases from both.

We analysed a representative sample of 172 cases of people on probation released from prisons with electronically monitored licence conditions or made subject by court to an electronically monitored requirement in the community as part of their sentence,⁸ during the period 31 October 2020 to 31 January 2021. This included short and long sentences and all offence types. Overall, the split of cases represented 49 per cent community order cases and 51 per cent post-release licence supervision. Where possible, we interviewed the probation practitioner and, in all cases, examined

⁶ Unless subject to a regional pilot, this refers to those subject to a life sentence, an indeterminate sentence for public protection or an extended determinate sentence. Release from prison must be approved by the Parole Board in such cases.

⁷ Electronic Monitoring Team. (2021). Unpublished data. February 2021.

⁸ Referred to throughout the report as community order, this relates to both those subject to a community order and/or a suspended sentence order.

the quality of pre-release/pre-sentence reports, assessments and the intervention that followed. Community sentences with only a single electronically monitored requirement are managed via EMS and were not included in scope for this inspection. A series of meetings and interviews were conducted, including with strategic leaders, local managers, sentencers and police and crime commissioners. The organisation Penal Reform Solutions interviewed 42 people on probation on our behalf. Its work is published alongside this report and key findings and quotations have also been incorporated in this report. We also reviewed data and information submitted by the central HMPPS Electronic Monitoring Team and included them in national meetings. Due to Covid-19 restrictions and the exceptional delivery models in place in many services, this inspection was conducted remotely. More detail about our methodology can be found in Annexe 3.

Leadership, strategy and policy

There is significant political interest in the use of electronic monitoring to enhance the management of people on probation. Legislation over the last 20 years has enabled it to be used in increasingly inventive and intrusive ways. There is, however, an overall lack of evidence about the longer-term effectiveness of such interventions. Much of the current language around electronic monitoring links it to reducing reoffending. This is being tested via new acquisitive crime pilots, which will allow the crime-mapping of data, using GPS technology.

The allocation of GPS monitoring is confusing. It is available as a sentencing option in lower risk cases through court but, except in very limited circumstances, not as an option for monitoring those who have committed violent and sexual offences and made subject to standard determinate prison sentences after they have been released from prison. These are cases where it would add real value to the risk management of individuals. As a consequence, probation regions are finding their own solutions for this cohort through voluntary 'Buddi' tagging facilitated by police partners.⁹

Management of the electronic monitoring programme for HMPPS is centrally driven by an Electronic Monitoring Team, on a largely 'task-and-finish' basis.¹⁰ The landscape of its work is vast and includes contract management, service design and programme delivery, and covers electronic monitoring applied not only in probation cases, but also in bail and immigration. There has been an ever-increasing demand on this team, including the management of electronic monitoring as both a service and as a contract. This has been complicated and publicly criticised over the years. There has been a lack of a central focus on both the strategic framework and the operational delivery of electronic monitoring to enhance the management of people on probation, and no prioritisation of the quality of its delivery within probation.

There is no centrally owned or driven overarching policy or operational framework within which probation practitioners are guided to the most effective, efficient and robust way to integrate electronic monitoring into their practice delivery. Policy and practice guidance sits across numerous platforms which do not dovetail. The amount of information available for practitioners is vast. This is further complicated by the ever-increasing number of potential technology types, the ways they can be used and the cohorts to whom they apply.

Data collection and analysis are poor across central policy functions, the Electronic Monitoring Team and Probation Service. There are inaccuracies in data recording at all levels and a lack of knowledge both about those subject to electronic monitoring and the ways it is being applied. This includes a failure to collate and scrutinise demographic information and an inability to evaluate any potential disproportionality.

⁹ GPS location monitoring equipment providers, commissioned to provide services by some police forces across England and Wales.

¹⁰ Time-limited pieces of work with the aim of delivering a specified objective.

Pre-sentence and pre-release information

There is no centrally driven policy mandating the completion of domestic abuse or safeguarding checks at the point of sentence or release for people being made subject to electronically monitored curfews. We found that probation practitioners did not always make these checks routinely. Where they did, information was often slow to be returned by partner agencies. Even when information was available, this was not always used to best effect and poor decisions were being made, in both sentencing proposals made at court and as part of home detention curfew (HDC) release. Given the potential risks of imposing such a requirement to a home address that puts people at risk of harm, this is unacceptable.

HDC assessment processes were found wanting. Since a review of policy in 2018, there has been a significant increase in the early release of those eligible for release under the scheme. Probation practitioners told us they felt as though HDC release decisions were almost always weighted to a positive release, regardless of their concerns. While we saw that probation practitioners could do more to ensure their assessments were more thorough, the assessment format they are directed to complete has significant gaps, foremost an explicit question on whether the address is actually suitable. This needs immediate attention.

Recommendations to impose GPS requirements were generally better informed, in both pre-sentence and pre-release assessments, and completed to a higher standard, although there remains confusion about who is eligible for what type of intervention. Further, within some courts there is a lack of knowledge about such disposals, by both probation court staff and sentencers, leading to low numbers of recommendations, or imposition of, GPS requirements.

Probation service delivery

Overall, there was limited evidence that electronic monitoring interventions were routinely considered in assessment, sentence planning or risk management processes. There was limited integration of electronic monitoring requirements and they were not regularly discussed with people on probation, meaning that opportunities for building on the progress made during a period of relative stability for individuals was lost. There was no routine review at the end of periods of electronic monitoring and therefore the achievement of successfully completing elements of their sentence was not positively reinforced to those people on probation.

Prison release cases on licence with GPS requirements were better managed than those subject to GPS monitoring as part of a community sentence. While there were elements of good practice, we found that movement tracking data was often not requested, and the capability of the imposed requirement was misunderstood. For example, practitioners incorrectly thought that an exclusion zone would be automatically monitored, when in practice this needs an explicit requirement on the licence or community order.

Overall, we found that probation practitioners supported the use of electronic monitoring and could see how it could help them in their work. However, there is no routine embedding and integration of it as a tool for supporting the management of cases, and probation practitioners miss opportunities for enhancing supervision. This is made worse by the lack of access to up to date information for practitioners on those people on probation who are subject to electronic monitoring. There are complicated communication routes with electronic monitoring providers, leading to delays in probation practitioners being able to access monitoring information. This leads to significant frustration. Further, probation practitioners are insufficiently trained in the more recent electronic monitoring technologies, leading to gaps in knowledge and understanding of how to apply and manage them confidently with their cases.

New interventions and electronic monitoring pilots

Our inspection included a small sample of new interventions. While alcohol abstinence monitoring requirements (AAMRs) were seen to address risk of serious harm and provide a tangible control and monitoring measure in the sample of cases inspected, overall, there were similar issues as for those

subject to other types of interventions. These included a failure to integrate the AAMR into assessment and sentence planning processes. While there was positive evidence that this requirement was being explored in supervision, this did not happen in all cases and again opportunities to reinforce progress positively were missed. There was a lack of consistent reviewing at the end of the requirement and limited onward signposting for those who continued to have alcohol-related problems. The requirement was incorrectly imposed in two cases who had health and alcohol dependency issues. While intended as a complete alcohol ban, probation practitioners are using the intervention to support some individuals in reducing their drinking. There seems to be a place for this, if assessed and managed safely.

There are pilots of GPS location monitoring tagging for two new cohorts in London – those who commit knife crime offences and high-risk domestic abuse perpetrators – which will be evaluated in March 2022 and the summer of 2022 respectively. In the meantime, this inspection saw some positive examples of how and when GPS tagging had been used to good effect, and it is encouraging that the Ministry of Justice is considering the use of electronic monitoring with those who pose a risk of domestic abuse as part of electronic monitoring expansion plans. If agreed, the use of electronic monitoring with domestic abuse perpetrators will complement a current pilot initiative being rolled out by HMPPS, using GPS tagging and crime mapping in targeting people who commit acquisitive crime with the aim to reduce their reoffending.

Timeline of development of electronic monitoring

2000

Electronic monitoring introduced as a sentencing option in court orders.
Applied to curfew requirements only.
Radio frequency tags – indicates if the wearer is/is not at a specified address within set hours.

2018/2019

GPS introduced as a sentencing option nationally in courts, and for use as a licence condition for life, indeterminate and extended sentence cases.
GPS tags monitor wearers' location continuously and tracks movements.
Can be applied to monitor exclusion zones, prohibited activities, mandatory attendance or for trail monitoring.

October 2020

Alcohol monitoring tags introduced as a sentencing option in courts in Wales.
Used to monitor alcohol abstinence monitoring requirements (AAMR) for up to a maximum of 120 days.
Monitor alcohol use by the wearer, taking readings every 30 minutes.

April 2021

Acquisitive crime pathfinder launched – initially in six police force areas.
GPS tags used to monitor individuals' movements on licence for up to a maximum of 12 months.
To be eligible, individuals must have received a minimum 12-month custodial sentence for specific acquisitive offences.

November 2021

Alcohol Monitoring on Licence (AML) introduced in Wales.
An additional licence condition which is available for people on probation in Wales, subject to licence supervision, to monitor alcohol use for up to a maximum of 12 months.

1999

Electronic monitoring introduced into England and Wales.
Home detention curfew – for those released from prison on this scheme.
Radio frequency tags – indicates if the wearer is/is not at a specified address within set hours.
Monitor curfew only.

2010

Global positioning systems (GPS) introduced via police commissioning of Buddi tags.
GPS tags monitor wearers' location continuously and tracks movements.
Can only be applied on a voluntary basis, i.e. non-enforceable.
Only available in areas where police have commissioned these services, and available to Probation Services in liaison with police.

February 2019

GPS tagging pilot for knife crime offences launched by Mayor's Office for Policing and Crime (London).
Used as an additional licence condition upon release from custody for either a knife possession offence or another offence which involved the use of a knife.
Can only be applied to people on probation being managed in London.
Pilot to run until March 2022.

March 2021

Alcohol monitoring tags introduced as a sentencing option in all courts across England.
Used to monitor Alcohol Abstinence Monitoring Requirements (AAMR) for up to a maximum of 120 days.
Monitor alcohol use by the wearer, taking readings every 30 minutes.
GPS tagging pilot for domestic abuse offences launched by Mayor's Office for Policing and Crime (London).
Used as an additional licence condition upon release from custody for a domestic abuse-related offence and assessed as posing a high or very high risk of serious harm.
Can only be applied to people on probation being managed in London.
Pilot to run until March 2022.

September 2021

Acquisitive crime pathfinder extended to an additional 13 police force areas.
GPS tags used to monitor individuals' movements on licence for up to a maximum of 12 months.
To be eligible, individuals must have received a minimum 12-month custodial sentence for specific acquisitive offences.

Recommendations

The Ministry of Justice should:

1. ensure that data regarding all aspects of electronic monitoring is collated and analysed to inform how it is being applied and developed, including strategic analysis of sentencing and prison release data, and demographic and protected characteristic information
2. commission structured research to better understand the impact of electronic monitoring and evaluate where it can achieve the best outcomes
3. ensure future contracts for provision of electronic monitoring understand the delivery needs of the Probation Service, including access to up to date monitoring data, timely sharing of enforcement information, swifter response times to calls and emails, with prioritisation of high risk of serious harm cases.

Her Majesty's Prison and Probation Service should:

4. publish a clearly defined policy, vision, strategy and operational framework for electronic monitoring delivery for probation practitioners, to include:
 - a) clearly defined purpose of each type of electronic monitoring and how it would be most appropriately applied in cases
 - b) clearly defined roles and responsibilities of Probation Services and electronic monitoring providers
 - c) mandatory actions for the management of electronically monitored requirements/conditions defined in one document
 - d) clear guidance about how to manage and enforce electronically monitored requirements/conditions, including how to integrate electronic monitoring into overall case management
5. ensure electronic monitoring is available as an option for the management of people on probation subject to standard determinate prison sentences who are identified as presenting a high risk of serious harm after release from custody
6. make immediate changes to current contract requirements to ensure:
 - a) there is more rapid notification of licence violations (including sharing a copy of any warnings issued by Electronic Monitoring Services (EMS) for violation of home detention curfew, HDC)
 - b) improved phone and email response times for probation practitioners and people on probation
 - c) improved timeliness of trail monitoring data – to be returned within 24 hours of request
 - d) automatic notification of all curfew violations for people on probation assessed as posing a high risk of serious harm
7. commission a practitioner self-service portal so that probation practitioners can access up to date electronic monitoring and compliance data for the cases they manage
8. mandate the requirement to make domestic abuse and safeguarding checks before recommending a sentence or release on electronically monitored curfew
9. work with police and children's social care at a national level to ensure that probation practitioners in every region are provided with domestic abuse and safeguarding checks, in a timely manner, pre-sentence/release

10. update NDelius requirement fields and issue guidance to ensure that electronically monitored and non-electronically monitored requirements are recorded accurately
11. update HDC address check processes to require probation practitioners to specify if the proposed release address is assessed as suitable (i.e. that there are no potential risks to the householder – or to the person on probation), to inform safe decision-making by prisons.

The Probation Service should:

12. ensure that all probation practitioners receive training in electronic monitoring and how to integrate the different types of technology available into the overall case management of people on probation
13. ensure that probation practitioners clearly record and analyse how electronic monitoring will support the risk management of people on probation
14. ensure that probation practitioners clearly identify electronic monitoring requirements within sentence planning processes, including reviewing progress regularly with the person on probation
15. ensure that court staff training includes the availability of GPS technologies as a sentencing option, providing a clear understanding of their purpose and scope
16. work with local partners to improve the timeliness of domestic abuse and safeguarding information-sharing at the pre-sentence/pre-release stage to inform robust assessments
17. ensure all cases are enforced as required.

1. Introduction

1.1. Why this thematic?

The role of electronic monitoring and how it will be used in the future is a topic of current national interest. Ministers have indicated a clear intention to expand the current provision, pledging an additional £183 million to fund expansion of its use (Ministry of Justice, 2021). This is underpinned by manifesto commitments and there are clear ambitions that this investment will play a significant role in achieving reducing reoffending targets.

While electronic monitoring has been applied to the management of cases across probation services for over 20 years, there has been a recent, and relatively rapid, expansion of the ways in which this can be used. They include increased location monitoring capabilities via global positioning systems (GPS) and the use of technology to enforce court-imposed alcohol bans via the alcohol abstinence monitoring requirement (AAMR). The use of new technologies has been rolled out over the last three years across both court and prison cohorts. What is not known is how well integrated electronic monitoring is as a tool for the Probation Service in reducing reoffending and managing risk.

The use of electronic monitoring was last inspected by HM Inspectorate of Probation in 2012, as a follow-up to a previous inspection in 2008. In 2012, it was identified that tagging should be used more creatively, not only to punish, but also to help change behaviour. Communication with electronic monitoring providers and the courts, as well as enforcement, remained problematic. The technologies available, the way in which they are used and the frequency of their use have advanced significantly over the last nine years.

Currently, new legislation to strengthen the implementation of electronic monitoring through court orders, the proposal of increased powers for probation practitioners and the desire to increase the use of electronic monitoring as a tool for the management of specific cohorts of people on probation all indicate a shift in the way probation services will be expected to interact and manage such cases.

This inspection aimed to test the impact of national policy and strategy to date, provide an up-to-date understanding of how electronic monitoring is being incorporated into the management of people on probation, and inform developments ahead of changes to policy and new sentencing powers.

1.2. Background

Electronically monitored curfews, using radio frequency technology, were first introduced by the *Criminal Justice Act 1991*. Electronic monitoring was initially rolled out across England and Wales in 1999 to support the introduction of the home detention curfew (HDC) scheme. Under HDC, individuals sentenced to between 12 weeks and four years of imprisonment may be eligible for early release; this is seen as a robust and cost-effective alternative to prison, enhancing supervision in the community. HDCs can be imposed for a minimum of two weeks and a maximum of 135 days until the conditional release date, which is at the halfway point of sentences under four years.

The Act also made electronic monitoring available as a sentencing option in court orders. Supervised individuals could be 'tagged' with a personal identification device and confined to a specified address for up to 12 hours a day for a period not exceeding six months (this has since been raised to a maximum of 16 hours for up to 12 months). In the *Criminal Justice Act 2003*, electronic monitoring curfews became a requirement that could be added to a community order or suspended sentence order. Legislative amendments were made to this via the *Crime and Courts Act 2013*, including the provision to use electronic monitoring to monitor compliance and location.

The AAMR was introduced through the *Legal Aid, Sentencing and Punishment of Offenders Act 2012* and came into force in May 2020. Wales was the first to roll out this intervention, with national roll-out across England from 31 March 2021. This requirement imposes a total ban on alcohol consumption with compliance monitored electronically through equipment that routinely tests the level of alcohol in the wearer's sweat. From November 2021, this was rolled out as an additional licence condition, with Wales being the initial pilot area.

The delivery of the alcohol monitoring initiative was part of the Conservative manifesto in 2019, along with a commitment to enhance confidence in community sentences using electronic monitoring. The White Paper *A Smarter Approach to Sentencing (2020)* echoed these ambitions by recommending an increase in the daily maximum period that someone can be made subject to curfew (from 16 to 20 hours), as well as increasing the length that a curfew can be imposed for as part of a community order to two years from the current 12 months. Amendments to current legislation are also recommended to allow responsible officers the power to vary requirements monitored by electronic monitoring within a prescribed range of circumstances, namely a shift in start and end times (although the overall period would remain the same), and allowing a change of address for the person on probation, when approved by their responsible officer. Changes will be communicated to courts via a variation notice and the aim is to reduce the burden on both courts and probation. These recommendations are being enacted through the *Police, Crime, Sentencing and Courts Bill* with likely Royal Assent anticipated for February 2022.

HM Inspectorate of Probation's inspections of electronic-monitored provision in two previous thematic inspections, in 2008 and 2012, looked at curfews both as requirements and as HDC. The 2008 inspection found that communication between the three involved bodies (courts, probation and electronic monitoring providers) was poor, particularly between courts and electronic monitoring providers. Providers frequently received information late from the courts or had missing or incorrect information, such as whether the individual to be tagged was already under supervision by probation or who the responsible agency would be. Several tools used by the courts were not fit for purpose and there was no national consensus about what information should be shared at point of sentence, leading to a variety of different forms, from different courts, being sent to the same providers.

The situation had improved by our 2012 inspection, with Her Majesty's Courts & Tribunals Service (HMCTS) issuing a standard national form, but this was inconsistently used and had unhelpful and confusing wording. Electronic monitoring providers were given a copy of the order of the court in less than half of the inspected cases and much of the information they had to work with came from these flawed notification forms. Communication between probation providers and electronic monitoring providers was often poor, particularly over which organisation held responsibility for the case. By contrast, communication in HDC cases was praised and few problems around commencement were found. The scope for imposing an electronically monitored requirement and the technology type this may involve have proliferated since these earlier inspections.

An academic insight prepared by Hucklesby and Holdsworth for HM Inspectorate of Probation details the types, uses and potential benefits of electronic monitoring (Hucklesby and Holdsworth, 2020). It recognises that evidence consistently shows that a period of electronic monitoring can be habit-breaking and provides a structure to wearers' lives, improving employment opportunities and family relationships. The longer-term impact of being subject to electronic monitoring, however, is still not widely understood, and the evidence available suggests that there is no suppression effect on reoffending beyond the period of electronic monitoring. The role of probation practitioners in supporting change through the work they do with individuals is vital. In earlier research, Hucklesby's study of wearers subject to electronic monitoring curfews found that most complied (Hucklesby, 2009). This offers a potentially unique period of stability during which to build relationships with those on probation and engage them in offence-focused work, supporting change and building social capital.

1.3. Aims and objectives

The inspection sought to answer the following questions:

1. Does the leadership support and promote the delivery of a high-quality, personalised and responsive service for all service users supervised by electronic monitoring?
2. Are staff working within probation empowered to deliver a high-quality, personalised and responsive service to those supervised by electronic monitoring as part of their sentence?
3. Is there a comprehensive range of high-quality services in place, supporting a tailored and responsive service for all those subject to electronic monitoring?
4. Is timely and relevant information available to support a high-quality, personalised and responsive service for all those subject to electronic monitoring?
5. Does the pre-sentence/pre-release information and advice provided to court/prison support its decision-making?
6. How well does electronic monitoring support desistance from offending?
7. How effective is electronic monitoring at keeping people safe?

Scope of the inspection

The scope of this inspection included adult cases managed by the Probation Service and made subject to an electronically monitored requirement, either through a multi-requirement court order or prison licence, during the period 31 October 2020 to 31 January 2021. These included cases that were subject to radio frequency, GPS location monitoring or alcohol abstinence technology. Due to the date of roll-out of the AAMR, this disposal type was only inspected in Wales. Cases subject to management via the National Security Division were not included in scope for this inspection, given the special measures for management of such cases.

1.4. Report outline

Chapter	Content
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3. Pre-sentence and pre-release information	Pre-sentence reports – court disposals Pre-release reports – licence cases
4. Probation service delivery	Initial assessment Sentence planning and risk management Implementation and delivery of electronic monitoring requirements Review of electronic monitoring requirements Enforcement of electronic monitoring requirements What people on probation told us
5. New interventions and electronic monitoring pilots	Alcohol abstinence monitoring requirement The Mayor's Office of Policing and Crime, London – GPS pilots Ministry of Justice acquisitive crime pilot

2. Leadership, strategy and policy

This chapter will consider the national leadership and direction provided. It will then examine the strategies and framework that underpin service delivery, before reviewing how policies have been developed and implemented within the Probation Service.

2.1. National leadership and strategy

There is no current strategy that underpins the use of electronic monitoring for people on probation, although one has been in development for a number of years.

In 2011, the Ministry of Justice (MoJ) undertook a project to develop satellite-enabled location monitoring tags able to use GPS technology to track supervised individuals' locations. This followed earlier pilots by the Home Office during 2004-2006 with a prolific and priority offender cohort. In addition to being used to enforce curfews and confirm attendance at locations, this technology allows for the enforcement of exclusion zones and can be used to rule out the presence of supervised individuals at crime scenes. This technology, and its subsequent availability as an option for use in both community disposals and licence conditions, was piloted in 2016.

The GPS pilot ran between October 2016 and March 2018, encompassing eight police force areas. The process evaluation that followed indicated that only 24 cases were sentenced in court to GPS technology as part of a community order, compared with probation areas requesting it as a licence condition for 113 cases released after recall, and an additional 60 as a licence variation as an alternative to custody. The policy decision was made, however, to roll it out as a community sentencing option for those at risk of custody, rather than as a management tool for cases released on licence that required an additional level of oversight, such as those at risk of recall or when re-released post-recall.

After national roll-out during 2018-2019, GPS became available across England and Wales for use as a requirement in community sentences for those at risk of custody, and for parole-eligible cases released from custody on licence (i.e. those sentenced to life imprisonment, subject to indeterminate sentence for public protection (IPP) or an extended determinate sentence). This technology was also extended to those eligible for HDC, regardless of offence, for the period of monitoring on HDC licence. These provisions, however, exclude the use of GPS for all standard determinate prison sentence cases not covered by HDC, a current pilot, or involving the Parole Board, including those posing a high risk of serious violent and sexual harm.

The government's strategic approach to cutting crime in its *Beating Crime Plan* sets out a priority for reducing reoffending and neighbourhood crime. To this end, there are currently national pilots focusing on acquisitive crime. One of these includes the compulsory imposition of GPS-monitored licence conditions for people on probation identified as being responsible for specific types of offences, including robbery and burglary, and sentenced to imprisonment for longer than 12 months. The Ministry of Justice *Outcome Delivery Plan* (2021) identifies electronic monitoring expansion as aligning to the priority strategic objective of reducing reoffending, through improving the offer of electronic monitoring and increasing the use of alcohol abstinence monitoring and GPS disposals.

Neither of these strategies recognises the potential for electronic monitoring to support the management of risk and protection of the public, outside of the potential to reduce reoffending. Similarly, the benefits of GPS technology in allowing probation practitioners to have a greater degree of oversight of the activities of their cases, and thus enhancing risk management, is not being communicated adequately.

The expansion of electronic monitoring and its use across the criminal justice system is being implemented by HM Prison and Probation Service Electronic Monitoring Team. This programme seeks to maintain the operational continuity of a core service, while enhancing the service and creating a platform for future innovation. We found that the programme operates on a

'task-and-finish' basis, with the aim of meeting specific legislative and policy-driven objectives. Up to now it has sat apart from the operational arm of the Probation Service within the HMPPS structure, and therefore has had limited leverage in relation to embedding or enhancing operational electronic monitoring delivery within the Probation Service.

Previous expansion plans have not always achieved their aims, as seen in the House of Commons Committee of Public Accounts criticism in 2018 of the failure to deliver against projections: in 2016-2017, the Ministry of Justice estimated that 160,000-220,000 individuals would be subject to tagging orders, but this was a dramatic overestimate with the total numbers in that period being less than 65,000, equating to around 12,000 individuals at a time. The committee was equally critical of GPS location monitoring pilots. Initial figures suggested that up to 1,500 individuals would be made subject to tagging as part of pilots that commenced in October 2016, but as of April 2017, only 97 people had taken part. Overall, the total of participants in the pilot numbered 586 (Ministry of Justice, 2019).

The National Audit Office (2017) was also highly critical of the previous electronic monitoring programme, indicating that the Ministry of Justice had not gone far enough to establish the case for location monitoring tagging using GPS. Bespoke requirements for world-leading tag technology proved too ambitious; the planned timescale for expansion was unachievable, the programme had not delivered the intended benefits, and delivery model design and implementation were high risk and failed to resolve issues. It was also critical of governance structures. It remains to be seen if the management of the expansion programme over the subsequent four years, and in the plan yet to be delivered, will fare better.

In 2019, HMPPS drafted an electronic monitoring strategy detailing its objectives for 2019-2024; this was never approved or implemented. Another electronic monitoring future service strategy has recently been drafted, although again this is yet to be agreed. This draft strategy, sitting within the Electronic Monitoring Team, reflects the policy priorities of building confidence in community supervision and reducing reoffending, as well as maximising the potential of data to improve service design and measuring impact, and promoting the use of electronic monitoring as a flexible tool to enhance the management of people on probation. However, there remains a lack of strategy and operational oversight for the implementation of electronic monitoring within probation service delivery.

Hucklesby and Holdsworth (2020) considered that it is now time for the Probation Service to engage actively in the debates that will shape future electronic monitoring in practice, indicating that the MoJ/HMPPS (2019) principles for electronic monitoring provided a useful starting point.¹¹ Although published in the *Magistrate* journal, we have not seen these principles more widely disseminated as part of probation practitioner guidance during this inspection. Neither sentencers nor practitioners indicated knowledge of them. There is no current probation operational framework that encompasses all the multiple services that electronic monitoring straddles. This leaves practitioners with a lack of clarity and clear direction in how electronic monitoring can be best utilised with their cases. The messages about the overall purpose of electronic monitoring have not been communicated effectively from the national team, and there is confusion about how it is to be applied operationally within regions.

2.2. Electronic monitoring policy

The use of electronic monitoring across the Probation Service is underpinned by several prison and probation service instructions and policy frameworks. Practitioners told us they did not find it easy to access policy and guidance documents, which are hosted on the internal HMPPS EQuIP platform. EQuIP is the central tool for holding many of the guidance documents available, although the array of information is unmanageable. The topic of electronic monitoring, in all its formats, is held across at least 47 separate sections on this system, encompassing more than 120 documents, many of

¹¹ For a clear purpose, tailored and proportionate, flexible and responsive, credible, integrated and transparent, equality.

which are duplicated. This makes it impossible for busy practitioners to access information in a quick, engaging and meaningful way.

There is no single policy document that details how to manage court-imposed electronic monitoring requirements. The available guidance sits across several different documents and is requirement specific. Some practitioners reflected that while they receive inputs about how the technologies work and are monitored, they are not given clear practice guidance for the best way of managing such requirements, the purpose of using them or understanding the full potential of newer technologies.

Probation practitioners further indicated that they are not clear about who can be made subject to electronic monitoring as part of licence conditions. This was echoed by the Parole Board who indicated that the current number of pilots and region-specific differences about who could have what was confusing for all involved.

The imposition of electronic monitoring as part of release on licence sits across a number of documents and the principal document, *Licence Conditions Policy Framework* (2021), unhelpfully indicates:

'There are now a series of cohorts which qualify for electronic monitoring (EM) under licence. Details of the cohorts and the relevant guidance documents on how to apply for and manage an individual under electronic monitoring are also available from EQUIP.'

The subsequent detail within the actual policy framework is minimal in terms of helping practitioners decode what can be used, with whom and for what purpose.

The *Home Detention Curfew (HDC) Policy Framework* (2020) is more directive and sets out clear guidelines on the process and requirements from practitioners. This appears to be largely understood in practice, although practitioners reflected that the assessment requirements are too narrow, pertaining to an 'address check' only, and they are concerned about unsafe decisions being made about release due to the lack of opportunity to offer a more robust input.

There is no central HMPPS or MoJ policy directive on the mandatory completion of domestic abuse and child safeguarding checks when electronic monitoring is being considered as a sentencing or release proposal. This is a particular concern when recommending an electronically monitored curfew due to the very nature of the requirement. This undermines the government's policy position in the *Beating Crime Plan* (2021), which rightly identifies that:

'Domestic abuse, child sexual exploitation, rape, and other forms of sexual violence are horrific crimes. Often hidden from public view, these crimes can mean home is not a safe place.'

While the crime plan prioritises exposing and ending hidden harm, court officers and probation practitioners are often failing to do any checks or, where checks are made, have insufficient timely access to information held by police and children's services to make informed recommendations about the risk posed by the individual in the home context. This is of further concern in cases where people on probation are themselves victims of domestic abuse and who, without sufficient checks, face a sentence that confines them to an address with their attacker.

While the HDC policy does offer some guidance, it does not go far enough. There is no explicit expectation that police domestic abuse and child safeguarding checks will be undertaken in all cases. Details of current and previous domestic abuse or safeguarding concerns are not included in the list of information that the probation practitioner must confirm when completing the address check process. In assessing suitability for release, the policy framework indicates that where there is a high risk of interpersonal harm HDC should generally be refused. This refusal, however, is not automatic and applies to high risk of harm cases only. The starting point in assessments of suitability for release to an address includes asking the person in custody to self-disclose if they

have any convictions against anyone at the proposed address. This same question is not asked of probation practitioners in their contribution to the assessment process.

If the policy ambitions of electronic monitoring expansion are to be realised in practice, the judiciary in terms of community sentencing, the Parole Board and the Probation Service need to be engaged sufficiently to deliver electronic monitoring operationally. Under the new *Target Operating Model* (2020), the newly unified Probation Service identifies electronic monitoring technologies as:

'An important tool in helping to effectively supervise individuals in the community. As well as providing effective punishment, they can help protect the public and reduce reoffending. We will ensure that Electronic Monitoring capabilities are better supported within probation structures.'

Previously, national standards for the management of supervised individuals in England and Wales included a standard for the management of curfew requirements and home detention curfews. The accompanying *Practice Framework: National Standards for the Management of Offenders for England and Wales* (2015) set out guidance on how the lifetime of the curfew should be managed; however, it was brief in detail. The framework made clear that while the primary purpose of a curfew was punishment, it could also be used to provide some structure to a chaotic individual being supervised, and thus aid rehabilitation, and be timed to interrupt periods of peak offending, thus reducing reoffending. There was no update to reflect GPS technologies. It is of note that, except for National Security Division cases, new national standards published in June 2021 to support the transition to the new unified service do not contain specific reference to the management of electronic monitoring requirements. It is proposed that cases who are subject to supervision by the National Security Division, and represent the highest risk, are made subject to GPS monitoring for a minimum of 12 months post-release (dependent upon length of licence).

Staff training and development

While there is a suite of information underpinning each of the technology types, this is very process-driven and practitioners have not readily understood key messages, including the overall purpose of specific disposals. This is further frustrated because disposals are only available for certain types of cases, and accessibility varies across the country, depending on regional pilots of new cohorts of eligible cases. This risks confusion and disengagement for probation practitioners who expressed concerns on the limitations for use in high risk cases.

The fragmentation of offender management, as a consequence of *Transforming Rehabilitation*, affected access to guidance and training materials due to services operating across different information technology platforms. Practitioners reported that they struggle to make time to access guidance and training materials, especially when they only have occasional cases subject to such conditions. Only 28 per cent of the probation practitioners we spoke to said they had received training in electronic monitoring, although there is a suite of training materials online. This affects their knowledge and understanding of these requirements and their ability to implement them robustly.

It is recognised that, since unification of services, there will need to be substantial training to ensure that all practitioners have a similar baseline understanding of interventions, including electronic monitoring. We saw no evidence of a systematic training delivery plan that followed any central strategic objective. It was acknowledged that there had been better efforts to ensure appropriate training for the recent roll-out of the AAMR, although this also does not appear to have been centrally driven with any strategic oversight after the initial roll-out across Wales. Much of the training delivered is via regionally based Electronic Monitoring Services (EMS) stakeholder managers and liaison officers locally. Not all regions had named contacts and there are vacancies across some of these positions, resulting in varying degrees of engagement and training opportunities for practitioners.

2.3. Data and information management

Probation Service case management systems are not designed to capture the different types of electronic monitoring technology available against requirement types. There is no accurate data on the number of requirements electronically monitored compared with those that are not. Requirements for curfew and exclusion zones can be made without electronic monitoring. As there is no clear recording system to distinguish electronically monitored from non-electronically monitored curfews, there is no accurate data from HMPPS-owned systems. While there are 17 recording options for requirements for GPS, these do not appear to be fully understood or utilised, resulting in inaccurate recording of requirements, and again, HMPPS data is significantly compromised.

There is insufficient data collection or analysis nationally or regionally on the demographics of people subject to electronic monitoring, types of technologies used, the impact of such interventions and the outcomes achieved.

Management information and performance data are only collated against service level agreements for the delivery of contracts by EMS. Previous performance data for HDC was suspended as a consequence of Covid-19. This data, in any event, only related to timeliness of completions of HDC forms and not outcomes. There is exceptionally poor data recording as a whole and data collation is further hampered because much of the information is owned by the company providing current electronic monitoring services. Only basic demographic information is known, such as age and gender of cases subject to electronic monitoring, and no collation of protected characteristic information, including race, disability, religion or belief, meaning that trends for any disproportionate use of electronic monitoring cannot be sufficiently analysed. As part of this inspection, the Electronic Monitoring Team told us that management information was in development that would be shared with regional probation directors to help them monitor how electronic monitoring was being implemented within their regions, although this was not evidenced.

There is a lack of differentiation of cohorts (bail/sentenced cases/foreign national cases), and statistics used to inform policy discussions largely reflect total numbers, including bail and Home Office immigration tags, rather than probation-specific information. The expansion plan's focus on alcohol monitoring and GPS tagging for those convicted of eligible acquisitive crime and domestic abuse-related offences will mean an increase in Probation Service-managed cases.

Policy-makers and strategy leads appear cautious about viewing electronic monitoring as a tool for protecting the public, and to some extent this is justified. It would be very rare for anybody subject to new GPS technologies to have their whereabouts live-monitored. Even if they were, the likelihood of a rapid enough response to prevent serious harm would be low. There is, however, a role for such technology in increasing the data available to allow probation practitioners to have open, honest and frank conversations with their cases about their activities.

2.4. Conclusions and implications

HMPPS has no centrally driven policy or strategy that outlines the vision of how electronic monitoring can be used to enhance the supervision of people on probation. This is not conducive to engaging probation practitioners in embedding electronic monitoring as a central tool in the management of their cases.

To date, the electronic monitoring agenda has been driven by the desire to provide a more cost-effective option than prison, both through release on HDC and enhancing the offer to courts to make community supervision a viable alternative to custody. It is only since the implementation of GPS technologies that the opportunity for a more robust way of monitoring compliance with conditions, and managing risk, has begun to be understood on an operational level. To date, policy priorities relate to reducing reoffending, rather than enhancing the risk management of cases in the community. This is a missed opportunity.

There is no overarching operational delivery document that articulates how electronic monitoring can be applied to the best advantage in the management of cases. The current operational guidance sits across several documents, is largely process-oriented and is not easily accessible for practitioners.

3. Pre-sentence and pre-release information

This chapter considers the quality of reports provided to courts to inform sentencing decisions, as well as sentencers' perspectives on the use of electronic monitoring. It also considers the quality of pre-release information shared with prisons before release on home detention curfew (HDC) or at the direction of the Parole Board. It includes those people on probation subject to radio frequency-monitored curfew requirements as well as more recent GPS technology for the purposes of location monitoring.

Our key findings are summarised below:

Strengths

- Sentencers value probation recommendations to inform sentencing decisions.
- Probation practitioners are keen to provide a more robust assessment to inform HDC decisions.

But:

- Probation court staff in some areas do not fully understand the value and use of GPS location monitored requirements and this means they are not being recommended or imposed by courts.
- Curfew is seen as a punitive measure only and its positives in providing a period of stability and routine are not recognised.
- Domestic abuse checks were not routinely undertaken in all cases and this led to inappropriate curfew requirements in some court and prison cases.
- Even in cases where domestic abuse concerns were known, the assessment by probation practitioners was inadequate to keep people safe.
- The current assessment process for HDC release is too restrictive and needs to be amended to empower probation practitioners to offer a full assessment of the person, not just the address, to inform decision-making.
- Electronic monitoring could be used in a more personalised and creative way to have a bigger impact.

3.1. Pre-sentence reports – court disposals

Pre-sentence reports were completed in 70 of the 84 community cases we inspected. The majority of these were short-format written reports, meaning there will have been an adjournment at court before sentencing while these were completed. The number with GPS-imposed requirements was low, at only 13 cases, mainly generated from the Yorkshire and Humber, and London regions. We spoke with 19 sentencers. They commonly told us that their decisions were significantly informed by probation proposals:

“If a requirement is not proposed we won’t make the sentence. It has to be led by probation.”

Pre-sentence reports recommending radio frequency monitored curfew

The imposition of a curfew as a requirement on a community-based order is largely viewed as a punitive measure by both court report writers and sentencers. Under legislation, all court orders must include a punitive element. Sentencers told us that means unpaid work, a curfew or, if required, a fine. As such, the imposition of a curfew is seen to meet this requirement only, and its wider benefits as a control measure are not fully appreciated.

Sentencers reflected that they liked the certainty that electronic monitoring provides:

“It’s an extremely, invaluable resource ... If you give someone a tag you know it is going to happen and you know if someone doesn’t comply, they will come back on breach.”

However, the following reflection was also offered:

“Electronically monitored curfew is a punitive element. It is something we need to use in a very focused and informed way; deprivation of liberty shouldn’t become the norm. For it to become a routine suggestion would take its value away.”

Domestic abuse and safeguarding checks

Domestic abuse checks were completed pre-sentence in only 37 per cent of cases before an electronically monitored curfew was imposed in court. Current pre-sentence report writing guidance indicates that domestic abuse checks should be made with police only in cases where their current index offence is linked to domestic abuse. This does not go far enough to offer adequate protective measures when someone continues to pose a risk of domestic violence, or indeed be a potential victim. Child safeguarding checks were better evidenced when a curfew was being imposed, although they were still insufficient. In applicable community cases, there was evidence of child safeguarding checks in 61 per cent of cases pre-sentence. Sentencers did appear to be mindful of the need to ensure adequate checks were made to inform sentencing, although they were not always confident these were happening.

Most concerningly, we saw incidences of curfew requirements being made that resulted in domestic abuse perpetrators being electronically curfewed to reside with potential victims.

Poor practice example

Kevin is a 26-year-old male, sentenced to an 18-month community order with requirements to complete Thinking Skills Programme, 10 days rehabilitation activity requirement and 10 weeks curfew for an offence of assault.

At pre-sentence stage, Kevin gave his mother’s address as the proposed curfew address. However, upon sentence electronic monitoring was imposed to his girlfriend’s address. This wasn’t challenged. There were no checks made with either his mother or girlfriend to agree to this proposal at their address. No domestic abuse checks were completed pre-sentence, despite there being a previous caution recorded for a battery offence against both his mother and a history of domestic abuse against a former partner.

Post sentence a further domestic abuse assault was reported and admitted (post period of electronic monitoring), although there still lacked any safeguarding or follow up with police.

Post-sentence domestic abuse checks were carried out in some cases, but not all. There were no police checks on 46 per cent of people on probation subject to electronically monitored curfew as part of a community sentence.

Suitability for radio frequency monitored curfews

Overall, reports lacked analysis of the benefits of electronically monitored curfews. In many instances, pre-sentence reports only contained a single line confirming that a curfew would pose a suitable punitive element. Suitability of electronic monitoring and the impact on the person on probation was evidenced in only 24 per cent of the reports produced. More attention needed to be paid to personal circumstances and diversity characteristics. The analysis of risk of harm, previous convictions and past behaviours was actively linked to the proposal for curfew to help manage

these factors in only 10 per cent of cases. The use of curfew to address offending-related behaviours was also poor. Victim-related issues were considered in 56 per cent of relevant cases. This lack of analysis missed a chance to engage people on probation in conversations about changing their lifestyle at an early stage. One person on probation reflected on what the benefits of being made subject to tag, rather than custody, meant for him:

“It gives you time to think about things more thoroughly and the consequences before you act even more stupid – jail is too late.”

Legislation states that electronic monitoring must be imposed alongside a curfew or exclusion zone, unless the court considers it inappropriate to do so. There is no data available to compare the number of curfew or exclusion zone requirements being imposed without electronic monitoring with those that are. Some sentencers were open in saying that they did not think an electronically monitored element to the curfew offered anything in addition to the sentence.

Pre-sentence reports recommending global positioning system location or exclusion zone monitoring

Courts do not fully understand the use of global positioning system (GPS) tags as a sentencing option within a community order or suspended sentence order. There is an insufficiently clear narrative about the purposes of GPS and whether it is to be imposed on the basis of being punitive, rehabilitative or as a control measure to help protect the public. This lack of understanding among some probation court teams resulted in limited recommendations by practitioners to inform sentencers’ decision-making. There was also evidence of some sentencers’ apathy towards the use of GPS as a sentencing option:

“GPS as a sentencing option came in 2018-19. We know about it but don’t really use it. If there are exclusion zones, we would use the old map and highlighter system. If probation recommended a GPS tag, we would probably use it.”

Of the 13 court-imposed GPS cases inspected, pre-sentence reports were prepared in 10 of them. Reports to inform decision-making regarding the imposition of GPS location monitoring disposal were of a consistently higher standard than those where electronically monitored curfew was imposed. This was especially so in regions where recommendations for GPS were made regularly. The reports were overall more personalised, and demonstrated more in-depth analysis of personal circumstances and diversity considerations. There was active consideration of the suitability and impact on the person on probation in most of these reports. The analysis of risk of harm, previous convictions and past behaviours was actively linked to the proposal for GPS to help manage these factors in all but three cases, and victim-related issues were considered in all of the reports where there were identifiable victims. The use of GPS to address offending-related behaviours was analysed sufficiently in most of the proposals made.

Due to the lack of data, it is not yet possible to comment on the success of the roll-out of GPS as a sentencing option, although overall take-up appears to be low, which mirrors earlier pilot studies. Figures from February 2021 indicated that at that point only 188 cases, across England and Wales, were subject to GPS monitoring as part of a community sentence.¹² Overall messaging about how GPS can be helpful in the management of cases had not been understood at a local level, and this reflects the lack of strategy and operational framework.

It was evident that some sentencers were keen to see GPS technology used more widely, particularly in higher risk cases, for example, as part of managing and monitoring restraining orders where exclusion zones were applied. Again, however, the effect that probation reports make on sentencers’ decision-making was evident:

¹² Electronic Monitoring Team. (2021). Unpublished data. February 2021.

“Not been given the opportunity to use trail monitoring and exclusion zones etc. as we don’t get the recommendations by probation.”

The need to impose an explicit GPS requirement for monitoring an individual’s compliance with an exclusion zone was also not appreciated by some sentencers we spoke to. Without this, the exclusion zone is largely unpoliced, other than through reported sightings, placing the emphasis on victims or others to alert authorities to breaches that can then be difficult to prove. One sentencer considered the imposition of GPS as a technical matter for probation, in terms of how they were going to manage the requirement (i.e. exclusion zone), rather than being in the gift of the courts to impose. Some court officers expressed reluctance to recommend exclusion zones, monitored via GPS, due to difficulties with ensuring maps were drawn and imposed correctly. Guidance by the central Electronic Monitoring Team also expresses caution:

“Victim and witnesses – exercise caution in domestic abuse or violence cases where the event of breach would create a risk of serious harm”.¹³

This undermines the very purpose for which GPS monitoring is likely to be beneficial, that is, to manage and enforce protective measures.

When written well, however, court reports can be a significant advocate for the use of GPS technologies.

Good practice example

Charlie is a 38-year-old male sentenced to a 24-month suspended sentence order with requirements to complete an alcohol treatment requirement, rehabilitation activity requirement and six months trail monitoring for causing an affray.

The pre-sentence report highlighted the benefits of GPS monitoring as opposed to a curfew, advising that the imposition of such a requirement would allow his probation practitioner the opportunity to access location monitoring data and facilitate discussion about movement, lifestyle and behaviours. This was further enhanced by the proposal to include an agreed exclusion zone, preventing Charlie from attending at his partner’s address, as per child safeguarding arrangements that were already in place.

Probation court staff indicated that they were under immense pressure currently due to workload demands and that the use of new technology types, specifically AAMR and GPS, were rarely considered as they had not been offered training to support this. The ambition of the Electronic Monitoring Team is to offer credible community sentences as an alternative to custody for those on the threshold of imprisonment. In April 2021, an electronic monitoring condition was proposed as an alternative in 34 per cent of cases on the custody threshold heard through court, although this rate had fallen to 27 per cent nationally by August 2021.¹⁴

Creative use of electronic monitoring

In 29 per cent of the cases inspected overall, we felt that electronic monitoring could have been used more creatively. This included instances where an AAMR would have been more beneficial than a standard curfew requirement, curfew times did not reflect offending patterns and there was a lack of proposals for location monitoring, even where there was evidence of repeat victimisation at the same location and a breach of other specific external control measures to manage risk.

¹³ Electronic Monitoring Team. Business Change Team. (November 2018). *Implementing the new EM service – Rolling out location monitoring*. Internal presentation, unpublished.

¹⁴ HMPPS. (2021). *Effective Practice Framework. Usage of Electronic Monitoring (EM) Report*. V1 30/07/2021, unpublished.

We also saw evidence of electronic monitoring being put in place where it directly affected an individual's ability to maintain employment and was unsuitable due to health issues. There was also evidence that trail monitoring was applied in orders where an exclusion zone was also in place, although without the exclusion zone itself being electronically monitored. Increased creativity was a recommendation in our previous inspections of electronic monitoring in both 2008 and 2012, when its use was relatively restricted to curfew only. There are now a number of options available, yet its full potential is still to be realised. This was also reflected by sentencers:

"Probation rarely spell out creative uses for electronic monitoring. We have to consider each case we are looking at, fitting the sentence to the case. Reports need to spell this out more clearly."

Not all sentencers we spoke to had been able to engage in training in AAMR or GPS monitoring, although many said they were overwhelmed with change and saturated with information, which was now largely delivered electronically and often in unhelpful formats. The driver from sentencers was clear and there was a desire for active participation by probation to push forward new proposal options:

"At saturation point for email, want to see recommendations, not email."

3.2. Pre-release reports – licence cases

Pre-release information was evidenced in 80 of the 88 licence cases inspected. This included information provided to support decision-making in HDC cases and those subject to Parole Board processes. Of the cases inspected, 47 were subject to release under HDC and 40 to release with GPS conditions. In one case, the type of release was not clearly recorded.

HDC assessment process

The assessment process for HDC was changed as part of a policy review in 2018, *Home Detention Curfew Assessment Process* (HMPPS, 2018). This reframed the assessment to focus on address checking rather than assessing the risk of further offending by the person on probation and their likely compliance on HDC. The emphasis shifted from probation practitioners in the community providing an assessment that incorporated risk of reoffending, likely compliance and risk of harm to one prioritising risk management only.

At the time of this inspection, a new prison digital service that incorporated HDC assessments was being rolled out and was live in four of the six areas inspected. The form on the digital system was slightly different to the paper-based version included in the HDC policy framework documents. The emphasis in the current assessment, both digitally and non-digitally, is on the risk management measures put in place at the proposed address to enable release. Crucially, the paper-based assessment does not cover the suitability of the address, which is thus presumed to be suitable.

We found that assessments for HDC release were sufficiently analytical and personalised to inform prison decision-making in only 28 per cent of cases. Probation practitioners reported feeling overly restricted in the assessments they could offer due to the limitations of the questions on the form.

Domestic abuse and safeguarding checks

Domestic abuse checks were completed pre-release in 68 per cent of the cases released from custody who were subject to HDC. Child safeguarding checks were better evidenced, with pre-release checks completed in 79 per cent of relevant cases. Some post-release domestic abuse checks were carried out, but not for all cases. When people on probation were made subject to electronically monitored curfew as part of HDC, 17 per cent had no police checks for the entirety of the curfew period.

In our 2020 *Thematic Review of Probation Recall Culture and Practice*, it was noted that the 2018 revised guidance for HDC set out to streamline the process. Practitioners reported that they were frequently given minimal time to assess addresses, and the process could feel arbitrary and unsafe. Some cases inspected in that review demonstrated that HDC was being approved for unsuitable

addresses and it was identified that, while release on HDC can be a constructive process, it needed to be underpinned by a balanced risk assessment that considered both the need to protect the public and to reduce the likelihood of recall.

Following the publication of that thematic review, an action plan was agreed with HMPPS, *A Response to: A Thematic Review of Probation Recall Culture and Practice Report* (HMPPS, 2020a). This included ensuring that the necessary time was made available to fully assess the suitability of potential release addresses and risk management planning when implementing HDC arrangements, as per the 2018 HDC policy framework. While there is a 10-day target for returning the address check form, the assessment period is not limited to 10 days. If there are outstanding risk questions the release decision must be postponed until probation has provided the additional information. The forms used do not explicitly request an assessment of suitability for release, only an address check to inform release decisions. Confident practitioners circumnavigated this process to ensure that appropriate suitability information was shared or refused to return the forms so that the process could not proceed. They filled out the assessment with the risk information they felt was pertinent, rather than answering the specific questions. Less confident and less experienced practitioners are more likely to complete the forms as directed, which has the potential to miss important information pertinent to the suitability of the proposed release and risk.

The availability of GPS as an HDC licence condition was made possible during the roll-out of the technology in 2018-2019, regardless of sentence or offence type. While information about this is included in policy documents, the take-up is low at approximately two per cent of releases on HDC.¹⁵ Probation practitioners seemed to be largely unaware of this as an option.

The insufficient assessment process means that safe release decisions cannot be assured in all cases, even when GPS is an option for all cases subject to HDC.

Poor practice example

Robert was sentenced to 36 months custody following his conviction for dwelling burglary and grievous bodily harm offences against the same victim. He has a number of previous convictions mainly involving acquisitive and drug-related offences, although there are also previous violent offences and a history of domestic abuse police call-outs. Although police address checks were undertaken pre-release to inform HDC assessment, no domestic abuse checks were undertaken on Robert himself, and a previously recorded domestic abuse event recorded on probation systems, prior to the current index offence, was not reviewed.

Probation records clearly indicated a significant history of domestic abuse with numerous call-outs to police. Behaviours included violence against various partners, including breach of bail and external controls, punches to the head and body of a partner, and forcibly dragging a partner back to a vehicle after she had tried to escape, and on another occasion taking her phone so she could not call for help. These were not considered or recorded as part of the release assessment and Robert was subsequently released to his father's address, which is on the same street as his most recent victim/ex-partner. Appropriate safeguards were not in place at the point of release and opportunities to either refuse release to this address or ensure additional safety measures via exclusion zone and GPS location monitoring were missed.

Although there is a clear opportunity to enhance risk management plans, using GPS, for those being released on HDC where exclusion zones are in place, or where there are concerns about future behaviour and activities upon release, this is not being harnessed to its full potential. There are obvious cohorts of people on probation where this would be a useful tool, for instance, those involved in drug-dealing activities, county lines or organised crime, but the additional control and

¹⁵ Electronic Monitoring Team. (2021). Unpublished data, February 2021.

monitoring that GPS would afford in lower risk of harm cases is again not widely understood by practitioners.

Where a person on probation does not have a suitable address to be released to, but is eligible to apply for HDC, an application can be made for an accommodation placement as noted in this good practice example.

Good practice example

Iris was sentenced to 10 months' custody for an offence of possession of a shotgun without a licence. She took responsibility for the offence, advising that she was given the weapon for safe keeping by a drug dealer to whom she owed debts.

Iris experienced significant physical and mental health issues, in addition to a history of substance misuse. She had previously experienced domestic abuse, resulting in all her children being removed from her care.

On release under HDC arrangements, a placement was secured for Iris at BASS [bail accommodation and support service] accommodation due to the risk of domestic abuse posed to her by her then partner, should she return to her home address. Iris went on to successfully complete her period of curfew.

Pre-release processes for those subject to GPS conditions

Under current policy, the use of GPS as an additional licence condition to monitor location and exclusion zones is only available for cases being released at Parole Board discretion after receiving a life sentence, an indeterminate sentence for public protection or subject to an extended determinate sentence. The Parole Board will set the licence conditions for release in these cases. We inspected 40 cases who were subject to release with GPS conditions on licence. Of these, some were determinate sentence cases who were able to have GPS conditions imposed as part of current pilots in London aimed at tackling knife crime and domestic abuse.

Heads of public protection and probation practitioners repeatedly told us that they felt there was a significant gap in where GPS monitoring could be implemented. Many probation practitioners were managing complex high-risk standard determinate prison sentence cases who were not eligible for such monitoring after release. This is in direct contrast to the availability of GPS conditions for lower risk cases who are subject to court orders.

Assessments to inform release with GPS monitoring were better than general HDC address checks, with 65 per cent of cases being sufficient. It is of note that the majority of cases released subject to GPS monitoring were a consequence of much wider Parole Board assessment processes; GPS was not recommended in all cases by probation practitioners but was deemed appropriate by the Parole Board.

A total of 23 cases were released to probation approved premises for the initial part of their licence period. As GPS was imposed directly upon release, this often overlapped with the person on probation's time in the approved premises. While value may be added by being able to monitor an individual's location, and compliance with exclusion zone requirements, it was noted that GPS conditions were often ending when individuals were moving on from approved premises at precisely the time this type of information would have offered most benefit to the management of the case. In a few circumstances, probation practitioners applied for the GPS conditions to be extended to continue to manage risk. However, practitioners could do more to recommend suitable sequencing of conditions when submitting parole reports.

3.3. Conclusions and implications

In too many cases, information about domestic abuse and child safeguarding is not available at pre-sentence or pre-release stages, leading to inappropriate recommendations and insufficient protection for potential victims.

There is no central policy directive for the mandatory completion of domestic abuse and child safeguarding checks when electronic monitoring is being considered as a sentencing or release proposal. This is a particular concern when recommending a curfew requirement. Assessment processes for potential release on HDC are not robust enough to ensure that all risk information is taken into consideration when making decisions about release.

The requirement for speedy justice and pressure on HDC assessment turnaround times, coupled with the lack of national policy direction and operational support from partner agencies like the police, is leaving probation practitioners open to making uninformed recommendations at court and pre-release stages. Even where this information has been available, probation practitioners have not always used this to inform assessments to an adequate standard, and more should be done to ensure that recommendations are robust and safe.

The full range of electronically monitored options to support the management of people on probation is not fully understood across the criminal justice service, including by sentencers, court report writers, probation practitioners and Parole Board members. Due to a lack of understanding, new technology types, specifically GPS monitoring, are not being used to their best advantage or implemented where they would add most value.

4. Probation service delivery

This chapter considers how well electronic monitoring requirements are integrated into the supervision and management of cases overall. It looks at the quality of probation practitioners' initial assessments and planning at the point that people on probation commence supervision in the community, exploring how well they considered electronic monitoring in these processes, before looking at how effectively the electronic monitoring was implemented and managed throughout the sentence.

Many of the inspection findings were similar, regardless of the sentence or requirement type. The data used to inform these findings therefore relates to the case sample as a whole. This includes both community orders and prison licence cases, across both radio frequency monitored curfew and GPS location monitoring requirements. Where there was evidence that specific types of requirements had different outcomes, this is highlighted. Our key findings are below.

Strengths

- Probation practitioners thought electronic monitoring was helpful in both promoting desistance and managing the risk of harm.
- Electronic monitoring is easily incorporated as a monitoring and control measure within the 'four pillars' approach to planning and delivery of risk management.¹⁶
- There was evidence of good practice in the management of GPS requirements as part of licence supervision.
- There were examples of positive joint working between police and probation to use commissioned tags on a voluntary basis with cases of concern.
- Enforcement of licence conditions was happening in most cases.
- Some people on probation told us that electronic monitoring was helpful for them in achieving a routine and stability.

But:

- There was little routine recording of how electronic monitoring would support desistance or contribute towards managing the risk of harm.
- The majority of probation practitioners were not aware of the requirement to inform EMS of their contact details and risk assessment within 24 hours of allocation of the case.
- There is no management oversight to ensure all electronically monitored requirements made by courts or prisons are communicated correctly or actioned by EMS.
- There were gaps in probation practitioner knowledge, meaning requirements were not fully delivered or enforced appropriately.
- There was a lack of proactive conversations with people on probation about electronic monitoring and the impact it would/was having on their lifestyles.
- Probation practitioners expressed frustration at the time taken by EMS to respond to calls and requests for information. This affected the management of cases.
- The value that electronic monitoring could add to the management of cases was diluted by the lack of access to up to date information for probation practitioners.

¹⁶ The four pillars of risk management incorporate supervision, monitoring and control, interventions and treatment, and victim safety.

- There was confusion about what type of monitoring could be applied to which cases, and a frustration in not being able to apply enforceable GPS monitoring to appropriate high risk of harm cases where it would have added value.
- There was no routine review of progress at the end of any period of electronic monitoring.
- Curfew requirements imposed by court were not enforced robustly.
- Electronic monitoring negatively impacted on some people on probation's employment and health.

4.1. Initial assessment

The initial assessment stage, when a person on probation commences their supervision in the community, offers the foundation upon which to build the rest of the sentence and engage the individual. Overall, assessment was considered to focus sufficiently on engaging the person on probation with the electronically monitored element of their sentence in under a fifth of cases. An individual's motivation and readiness to engage and comply with electronic monitoring was not routinely analysed, and this was a missed opportunity to open the conversation about what electronic monitoring meant for that individual. Where personal circumstances were identified that would have impacted on the individual's ability to comply with electronic monitoring, these were considered in only a quarter of cases, and identified diversity characteristics were considered in only a minority of cases.

While 88 per cent of probation practitioners thought electronic monitoring was helpful in promoting desistance for their cases, the role it would play in supporting desistance was recorded in only 11 per cent of cases overall. Although practitioners saw the potential benefits, this was not translated into their assessments or discussions with the people they were supervising. Analysis of how electronic monitoring would address factors linked to offending and support desistance was low across all requirement types.

Strengths and protective factors to support desistance were assessed as being present in just over half of cases. These factors included family and relationships, motivation to change, employment, non-criminal identity and stable accommodation. The potential for electronic monitoring to enhance protective factors had, however, been considered in less than 10 per cent of cases. The use of electronic monitoring to support the person on probation to address offending-related factors was analysed in only just over 10 per cent of cases, indicating that practitioners were not identifying how it could be used as a positive tool to support change and address offending.

There was insufficient consideration at initial assessment stage of how electronic monitoring would support risk management plans, with this evidenced in only a quarter of cases. Specific concerns about risk to actual and potential victims, and the impact electronic monitoring may have on this risk, were not routinely analysed.

Current child protection concerns were identified in a third of cases overall. There was information sharing with other agencies about child safeguarding in over half of those cases, but the specific details of electronic monitoring requirements were shared in only a minority of cases. Again, this showed a lack of analysis of the control and monitoring element, and subsequent potential risk management benefits that electronic monitoring could bring to the management of cases.

There is a policy requirement for probation practitioners to update EMS with their contact details and any risk information pertinent to the case within 24 hours of case allocation, and when there is any change in circumstances. This was not routinely seen in the cases inspected, and only a third of practitioners interviewed were aware of the information-sharing policy. It is of note that the internal policy document, *Information Sharing and the Effective Management of the Electronic Monitoring Requirement (Community Sentences)* (2019), only includes those sentenced to community sentences and the same information-sharing requirement for licence cases has not been

documented or communicated. Throughout the duration of the sentence, however, exchange of information, when deemed appropriate, was evidenced in the reasonable majority of cases.

4.2. Sentence planning and risk management

The way electronic monitoring would be delivered alongside other interventions was not routinely highlighted in sentence plans. There was a lack of recognition of the opportunities it presented in enhancing supervision capabilities. Electronic monitoring as a tool to support desistance and reduce reoffending was only documented in the minority of cases.

When managing risk of harm, 92 per cent of practitioners considered electronic monitoring as helpful. Current risk management plans, using the 'four pillars' approach, encourage the recognition of electronic monitoring as a monitoring and control measure. However, this had been reflected in risk management plans in only 60 per cent of relevant cases.

Across most inspection questions, cases subject to GPS monitoring as part of licence conditions, and thus the highest risk cases, were assessed as being managed consistently to a higher standard. The role electronic monitoring played in supporting the management of these cases was better understood in those higher risk cases, and its application was routinely evidenced as a control and monitoring measure.

Within written plans to keep others safe, the role of electronic monitoring and its contribution to managing risk to others was identified in only a third of cases. This was lowest for cases subject to curfew, regardless of whether this was as subject to a court order or part of release on HDC.

There were examples of GPS being requested as a licence variation in some cases as an alternative to recall. Practitioners saw this as a positive intervention, although the time this took – due to requiring Public Protection Casework Section (PPCS) involvement and Parole Board agreement – could be lengthy. The Parole Board advised us that it sought to turn around variation decisions swiftly where subsequent information had been submitted, but was aware that there could be delays in the PPCS bringing cases to its attention. This process would benefit from further exploration from a national operational perspective to better support effective and efficient risk management. Where this licence variation occurred in a timely manner the benefits were evident, as shown in the following example.

Good case example

Nick is a 37-year-old male who was made subject to an indeterminate sentence for public protection for offences of robbery and actual bodily harm. He was re-released on licence in 2019, following an earlier recall.

In 2020, it became apparent that he was having contact with ex-partners and their children, despite licence conditions preventing this. A licence variation was requested to the Parole Board, to impose a curfew and GPS trail monitoring requirement as an alternative to recall. This was agreed.

There were regular data requests made and maps interrogated to understand fully Nick's movements and compliance with requirements. While this did not stop ex-partners and children visiting him, the probation practitioner was able to track Nick's activities and explore these with him as part of constructive supervision of his licence conditions, thus improving risk management.

4.3. Implementation and delivery of electronic monitoring requirements

Electronic monitoring is applied to cases by courts or prison, with the respective imposing body having responsibility for ensuring that requirement details are passed to EMS. EMS receives these requests and makes arrangements to fit the electronic monitoring device. The initial correspondence to request a service from EMS is not shared with probation, and application of electronic monitoring

is only known through the receipt of the relevant court order or licence. EMS are not contracted to routinely share with the Probation Service confirmation of when a tag is fitted on a person on probation, except for alcohol monitoring tags. Evidence and confirmation of timely fitting of tags to monitor curfew or location was recorded sufficiently in only half of the cases we inspected, with delays reported in one in 10 cases. Confirmation of tag fitting was highest for those fitted as part of licence conditions.

Probation practitioners only know that the person on probation is wearing a tag when they physically see it, or through contacting and confirming with EMS directly to confirm the tag has been fitted. We found that probation practitioners did not always do this and that in a small number of cases the tag was never fitted. Contract managers advised us that there was no routine checking of orders from court or prisons and, as such, they are aware that, on rare occasions, requirements can be missed, relying on the person on probation or the probation practitioner to raise this, as evidenced in the following case.

Poor case example

Oliver received a community sentence for harassment against an ex-partner and was made subject to an electronically monitored curfew for eight weeks. He had been sentenced by a court outside of the local area who had sent a notification to an invalid EMS provider email address.

The probation practitioner responsible for Oliver's management did not verify the tag had been fitted. Oliver was hospitalised with pneumonia three weeks after sentencing. It was only when the probation practitioner contacted the EMS provider to inform them Oliver was not in breach and enforcement action was not required that he was advised they had no knowledge of the order. There was a further delay of 16 days between the electronic monitoring provider obtaining the notification from court and then fitting the tag. This resulted in the EM tag not being fitted until five weeks into his sentence.

Current service level agreements with EMS include timeliness for answering of calls, but not the time taken to speak to an individual once the call has been answered electronically. The length of time it took for EMS to answer telephone calls was raised in practitioner focus groups, with some officers reporting waits of up to 45 minutes to get a response. This was echoed by people on probation who also told us they had struggled to get in touch with EMS when required.

Although meeting the contracted requirements, the actual experience of waiting to speak to staff fails to meet the needs of busy practitioners and those on probation who are often trying to contact EMS to report issues. As one practitioner indicated:

"They always pick up the phone, but they don't follow through and often don't know when things like issuing a new charger is going to happen. When people's liberty is at stake they should be doing better."

In probation practitioner interviews, only half of those interviewed said they considered EMS to be easily contactable. There were suggestions for improvement however, including changes to the current password system for accessing information, faster phone answering times when needing to speak with someone from EMS directly, quicker responses to queries by email and direct access to EMS case management information.

Our inspection highlighted gaps in communication in almost a third of cases. These included probation practitioners failing to respond promptly to violation notifications and EMS being slow to respond when problems with equipment had been raised. This created frustration for all parties and ultimately meant that electronic monitoring was not being delivered in the most robust way to support the management of cases.

The value placed upon electronic monitoring as a credible intervention is also undermined when there are issues with the functionality of monitoring equipment. Over half (59) of the 103 probation practitioners interviewed indicated that their cases had experienced difficulties with technology leading to disruptions in monitoring.

The process for implementation and delivery of radio frequency monitored curfews was largely understood by probation practitioners, regardless of whether cases were subject to a court order or HDC licence supervision. However, it was disappointing to see limited examples within supervision sessions of the requirement being discussed or positively reinforced with people on probation as a tool to help towards desistance.

The use of GPS requirements in court-ordered sentences was not consistently well managed. This reflected the insufficient knowledge and understanding of many probation practitioners in how electronic monitoring should be used to support the management of their cases and, consequently, they were not using the technology to the best advantage. Some practitioners misunderstood the use of GPS as a location monitoring tool and the subsequent capabilities. This included the notion that alerts would be received for curfew breaches and exclusion zone violations, even when the requirements imposed were for location monitoring only. This meant that neither of these other requirements were actively monitored via the equipment. This led to a false sense of confidence by some probation practitioners about the activities they were engaging in. Lack of understanding of how to manage the GPS requirement is evidenced in this case.

Poor case example

David pleaded guilty to a common assault against his partner and was sentenced to a community order with rehabilitation activity requirement days, unpaid work and a six-month GPS trail monitoring requirement. The pre-sentence report was clear about how the mapping data would be used to explore David's behaviour and manage risk of harm.

The probation practitioner managing this case stated she had received no training in regard to GPS trail monitoring and was unsure how this could be used to address offending behaviour, support desistance and manage risk. In the six-month period of the tagging requirement, she made no requests for any mapping data at any point to confirm activity or location.

The roll-out of GPS technologies in 2018-2019 included a work stream to introduce a new electronic monitoring case management system and self-access data portal for practitioners. This was promoted as offering practitioners access to up to date mapping data for cases and notifications of violations, with the aim of driving better case management. This portal was never launched and remains a gap in service provision for probation practitioners. While violation data is sent automatically to probation practitioners, in the absence of a portal practitioners must request access to mapping data from EMS. This is often time-consuming and the maps received are difficult to decipher, making them meaningless in responsive case management. Almost all probation practitioners we spoke to (93 per cent) thought that having access to such a portal would help them in managing cases more efficiently.

While there was still evidence of some practitioners not understanding the full scope of GPS in managing licence conditions, the requirements imposed as part of licence release were generally better managed. Practitioners were positive about the use of GPS conditions as a risk management tool and we saw examples where these were applied to good effect.

Good practice example

Ben is subject to an IPP [indeterminate sentence for public protection] following his conviction for offences including robbery and grievous bodily harm. Ben was on licence at the time of committing these offences following his previous conviction for robbery involving a knife in which the victim was tied up and left for six hours. He has a long history of violence and drug-related offences, and was previously recalled following domestic abuse allegations, including false imprisonment. He was subject to a range of additional licence conditions, including trail monitoring for three months.

The use of EM has been an integral part of the overall case management. The parole report drew on police information as well as Probation Service risk assessments. The proposal for a trail monitoring licence condition was then linked to these risks and a clear rationale provided, including how location data would offer an enhanced level of monitoring and control, as well as provide an indication of any current lifestyle concerns associated with his whereabouts.

The sentence plan referenced trail monitoring as a tool to explore Ben's lifestyle/activities and to identify problem/risky areas. The GPS data was reviewed on a monthly basis. This data, in the form of maps, was also discussed and shown to Ben in supervision, which aided engagement as well as encouraging open discussions around his lifestyle and associates.

The lack of access to up to date information remained a frustration for many probation practitioners supervising people with GPS requirements. There is no current service level agreement on the speed of information-sharing when there are queries about someone's movements. EMS provides this on a 'best endeavours' basis and, at the time of inspection, was working to a turnaround of 72 hours from the point of request. We found examples of practitioners waiting up to three days for location information on high risk of serious harm cases. This undermined the confidence and faith of probation practitioners in the ability of electronic monitoring to add to the robustness of their case management.

Some practitioners were proactive in ensuring that they had systems to request location monitoring data routinely, via weekly case administration requests to EMS. This meant that the data received was consistent and timely, although it only related to movements for the previous week. Where they used data well, this added to the robustness of both case engagement and risk management. This was also appreciated by those subject to monitoring, with one person on probation telling us:

"It complements my behaviour, I feel protected, I'm validated based on this device basically ... The only way of showing people you're good is by your actions."

The focus on maintaining an effective working relationship with people on probation that promoted compliance with the electronic monitoring element of their sentence was evidenced in a reasonable majority of cases inspected. In most cases, sufficient efforts were made to enable the person on probation to complete their sentence, including flexibility to take account of personal circumstances where changes to electronic monitoring had been required. Practitioners were proactive in holding conversations and making amendments when required to support the implementation and delivery of electronic monitoring throughout the period of supervision.

The scope for inclusion of electronic monitoring in the management of high-risk cases is too narrow, with it only being an option when imposed via the Parole Board for specific sentence types (life sentences, indeterminate sentence for public protection and extended determinate sentences). Regionally, probation services are engaging with police partners to access voluntary tags via police-contracted providers. This is a departure from national policy and indicates that regions have had to find their own solutions. Many practitioners told us that they were unable to use centrally provided electronic monitoring technologies for cases where it was most needed and would add most value in terms of public protection, namely standard determinate prison sentence cases who pose a high risk of harm.

There were examples nationally of GPS Buddi tags, provided by police colleagues, being used to monitor high-risk cases through Multi-Agency Public Protection Arrangements (MAPPA) and Integrated Offender Management (IOM). These can, however, only be applied on a voluntary basis, meaning that the cases have to agree to wearing them and data obtained from them cannot be used for enforcement purposes. Further, not all police force areas fund tags. The person on probation can also choose to have the tag removed at any time, thus ending the additional oversight it allows. The benefit of such an intervention includes the ability to rule out the individual's involvement in criminal offences based on location monitoring, and probation practitioners said this was a significant motivator for those who agreed to electronic monitoring on a voluntary basis. Practitioners viewed this as an integral part of their risk management of appropriate cases, although in most areas police said that demand outstrips supply and they are routinely having to decide who is removed from monitoring to enable someone else to be tagged.

4.4. Review of electronic monitoring requirements

Reviews should be completed when there is any significant change in the case, including at the end of intervention delivery, but reviews were evidenced in less than one-fifth of cases at the end of the monitoring requirement. There was limited evidence that EMS data contributed to the review of how people on probation were progressing in their sentence, with this information being used by probation practitioners in just over one-fifth of cases. In cases that involved other agencies, information-sharing about progress with electronic monitoring requirements was evidenced in only a minority of cases.

While improvements in the factors most closely linked to offending were evidenced in just over two-fifths of cases, there was a general lack of recognition of how electronic monitoring may have contributed to changes in factors linked to desistance and offending behaviour when reviewing cases. There is a real opportunity for the benefits of electronic monitoring to be discussed and explored with those on probation, but this was often missed. Simple conversations could inform desistance work, as one person on probation identified:

"I couldn't be sitting in the pub till half ten at night where all the trouble started."

The lack of meaningful conversations throughout the period of supervision, and especially when restrictions were eased, missed the chance to harness the potential changes in behaviour achieved during monitoring. There was no evidence that information was shared routinely with EMS at the end of the period of tagging, which meant a lack of any analysis of compliance and response to electronic monitoring interventions.

Requests to extend periods of monitoring, following review of the intervention, were also slow to be actioned as demonstrated in the following case.

Poor practice example

Stephen is subject to an IPP [indeterminate sentence for public protection] following his conviction for sexual assaults and possession of an offensive weapon. He has several previous convictions, including violence and other sexual offences. He was previously recalled on the IPP licence following concerns regarding him entering his exclusion zone and engaging in behaviour thought to be a precursor to offending.

Upon re-release Stephen was subject to a range of additional licence conditions, including location monitoring and an exclusion zone. The Parole Board had indicated that the exclusion zone should be GPS monitored, however this wasn't included in the release licence. The probation practitioner had thought that location monitoring would automatically monitor the proposed exclusion zone. This was not the case. A specific electronically monitored exclusion zone requirement was required on the licence to ensure that notification of any breach of exclusion zone was received. While location monitoring data was frequently requested, the lack of electronic monitoring of the exclusion zone was not identified until five months after release when the probation practitioner contacted EMS to verify specifically if there had been any exclusion zone breaches. A variation to the licence was then requested.

Stephen was shown to have breached the exclusion zone within a short time once this additional monitoring was applied. GPS data was able to verify the nature of these breaches, confirming he was not loitering in the area and, on another occasion, had driven through the exclusion zone without making any stops; a senior manager warning was issued.

Given the breaches of exclusion zone and ongoing concerns about relationships and behaviours, a request was made to extend the location monitoring period for a further six months; however a response was not received by PPCS [Public Protection Casework Section] and the Parole Board at the end of the tagging period, resulting in a period of approximately eight weeks where Stephen was not subject to GPS monitoring and his movements could not be verified.

4.5. Enforcement of electronic monitoring requirements

Current contract requirements mean that EMS are required to share violation information with probation services faster for court orders (by 10am the next day) than for licence cases (by midnight the next day). Many of the contract and service level requirements are part of agreements from previous contracts. These fail to reflect current Probation Service need accurately. Historically, while the violation information shared for licence cases will have applied to those on HDC, the inclusion of parole-released cases means that this information may now well relate to those convicted of the most serious offences. There is no system to prioritise the more rapid sharing of this information in higher risk of harm cases, apart from those critical cases managed via the National Security Division, and the current arrangements do not reflect the priority of public protection.

Enforcement action was required in 67 of the 172 cases inspected and was evidenced as happening in a majority of them. There were, however, instances of repeated violations to curfew times with no action taken, and the sentences of the court were not robustly enforced. Enforcement of licence conditions was actioned when required in 87 per cent of cases, in comparison to 57 per cent of community cases overall. Those subject to court-ordered curfews were least likely to face appropriate enforcement actions, which were taken in only 56 per cent of cases. Those subject to GPS monitoring as part of licence conditions were most likely to face enforcement action, with this evidenced in 94 per cent of cases. Enforcement action resulting in breach or recall of cases in this inspection was low overall, taken against 14 of 84 court-ordered sentences and in 13 out of 88 prison release cases. Sufficient efforts to re-engage the person on probation after enforcement action was evidenced in just over three-quarters of cases. Fewer cases were breached or recalled in the period following the completion of the electronic monitoring element of their sentence (15 out of 148 cases in total).

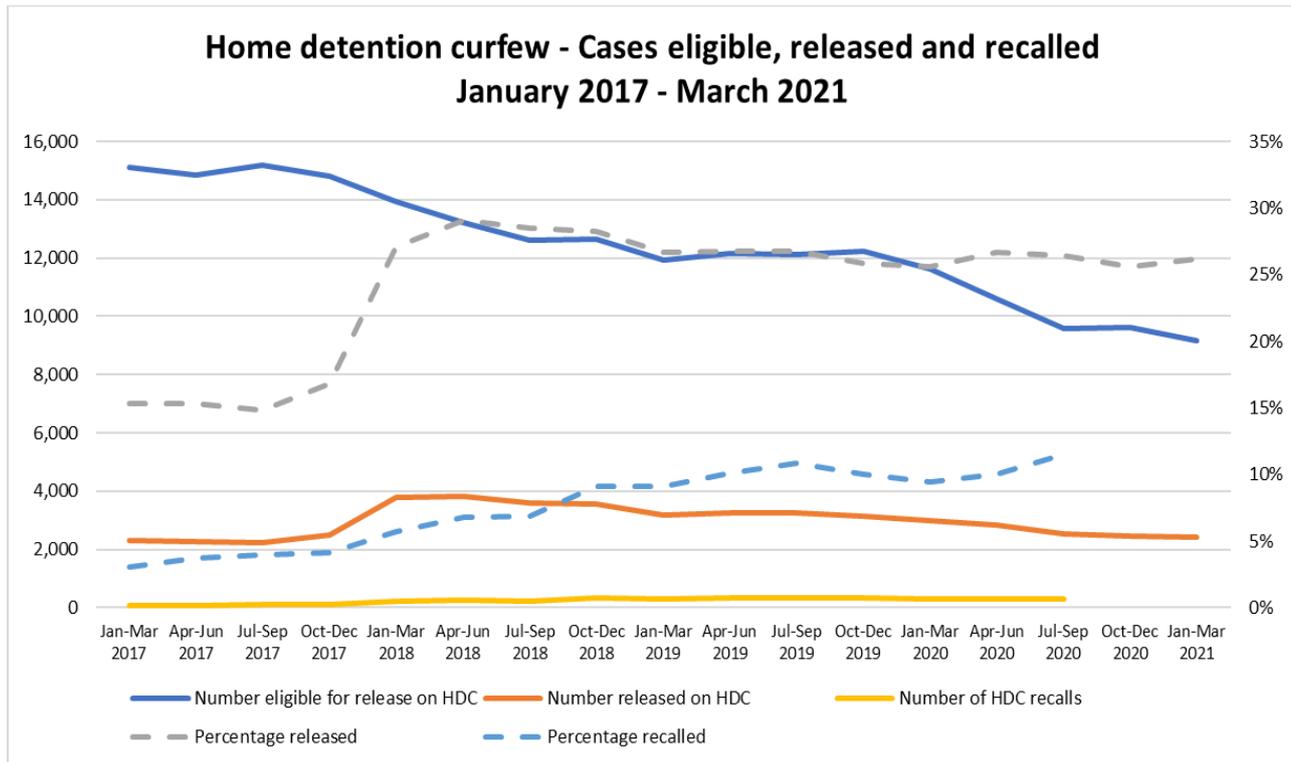
Home detention curfew

The revised guidance for HDC in 2018 set out to streamline the process and increase the release of prisoners eligible under the published criteria. Consequently, there has been a sharp increase in the number of short-term prisoners released early on HDC. The increased percentage of all eligible

prisoners released has remained broadly consistent since, even during the first four quarters of the Covid-19 pandemic. Rates of recall for those released on HDC have been slowly rising for some years.

For instance, HDC releases increased by more than 61 per cent between January and March 2017 (2,312 cases, 15 per cent of the eligible population) and January and March 2018 (3,769 cases, 27 per cent of the eligible population). Although the number of eligible prisoners has dropped since, the rate of HDC releases has remained broadly similar. The most recent figures, from January to March 2021, show 2,403 HDC releases, 26 per cent of the eligible population (Ministry of Justice, 2021b).

In July to September 2020, the most recent period for which there is published data, HDC recalls (for all reasons) constituted 11 per cent of total HDC releases (283 cases). This is a significant increase from the same quarter in 2017, when the figure was four per cent (89 cases).



In HDC cases, EMS is responsible for the enforcement of the electronically monitored element of the licence, namely violations of the curfew and tampering with monitoring equipment. This includes notifying the PPCS of violations, so that it can take recall action if required. All other conditions of release on HDC are managed by the allocated probation practitioner. Enforcement actions, where required, were evidenced in 75 per cent of HDC cases. EMS told us that, should it issue an initial warning for a violation of curfew, this would not be shared routinely with the named probation practitioner for that case. This seems a contractual oversight in managing the overall risk posed by the person on probation. The probation practitioner may have additional concerns about the case and, coupled with the warning issued by EMS, this may mean that additional risk management procedures need to be put in place, including actioning recall. That said, however, in the majority of the cases where recall had been actioned during the HDC period, probation practitioners reported that EMS communicated this promptly.

Reoffending data

There is no national data available on the reoffending rates of those subject to electronic monitoring. In our sample, the number of people arrested in connection with new offences was higher in the period after electronic monitoring was completed. We found 15 out of 172 people were arrested for offences committed during the period of electronic monitoring compared with 24 out of 156 arrested once electronic monitoring had terminated. Likewise, the likelihood of being

charged with new offences also rose, with 12 people out of 172 being charged with new offences during the period of electronic monitoring compared with 21 out of 153 once it had been completed. This data has not, however, been cross-referenced with official arrest and conviction data and should be treated as an indicator only.

4.6 What people on probation told us

We commissioned the services of Penal Reform Solutions to assist us in getting the perspectives of people who are subject to electronic monitoring as part of their probation supervision. The team of researchers who joined us all had lived experience of the criminal justice system, with some having been subject to electronic monitoring. Before, and during, fieldwork we asked each probation region to gain consent from the people whose cases we were inspecting. We are grateful for the insights of 42 individuals whose feedback, via structured conversations with researchers, we have used to inform our findings. Those who participated were largely subject to curfew requirements imposed by the courts, and three were subject to an AAMR. There were also a small number of participants subject to HDC and two who had a condition of GPS location monitoring as part of release on licence.

There were positive examples of people on probation being engaged in the pre-sentence assessment and court officers being supportive through this process. Others had not felt listened to and had gone on to be made subject to electronic monitoring by the courts that had adversely affected their employment and health. Many saw electronic monitoring as a positive alternative to custody, although expressed shame in having to wear a device that made it obvious they were subject to supervision. This was a particular concern for women as they found it harder to hide the device under their usual clothing.

Some of those being released from custody on HDC reported that this had been a positive incentive to keep out of trouble while in custody. Participants, however, found the uncertainty about whether they would be released early under this scheme stressful. One who had spent a significant time in custody and was released at Parole Board discretion stated they found the notion of electronic monitoring frightening.

Lack of communication was one of the key themes to emerge. This included lack of clarity about what the electronic monitoring requirement entailed and what the expectations were on the wearer, particularly at the commencement of monitoring, despite the processes for EMS to share this information at the point of tag installation. This reflects what we found in the lack of proactive conversations by probation practitioners about electronic monitoring and what this meant for the person on probation throughout their period of supervision.

Positively, some participants identified that being subject to electronic monitoring had strengthened family relationships and offered a period of stability. This inspection took place at a time when England and Wales were subject to Covid-19 restrictions, and many participants told us that being made subject to electronic monitoring during this period had made little impact on their routine overall.

4.7 Conclusions and implications

The full potential of electronic monitoring as a tool that can support the management of cases and engage someone towards change is not fully appreciated by probation practitioners and its potential to protect the public is not fully realised by policy-makers.

Probation practitioners are not routinely including electronic monitoring requirements in their risk management or sentencing planning practices. Electronic monitoring was not seen as an integral part of the case supervision of those on probation, and the full extent of the additional monitoring, control and rehabilitative opportunities it provides was not routinely acknowledged or communicated as part of the supervision process.

People on probation told us they had had a mixed experience of being subject to electronic monitoring. Many said that it had helped create a routine and establish a period of stability during which their relationships improved. Others told us that it had detrimental effects on their employment and health. The clearest finding related to a lack of communication. There was often

little known about electronic monitoring by those made subject to it and probation practitioners offered little information to allay their fears or increase their understanding of what to expect.

Probation practitioners had insufficient access to up to date information and accurate location data to make the use of electronic monitoring meaningful in many cases. EMS response times for sharing violation data are slower in licence cases than for community cases. Responses to requests for location monitoring data are also not prompt enough. Except for National Security Division cases, EMS are not contracted to offer a differentiation in response times by case type. Where the licence cases are high-risk parole releases, this is unacceptable. In other cases, conversations with people on probation are often based on outdated location data, diminishing the impact of such a tool for monitoring.

Wearing a tag does not prevent a person on probation causing harm through further offending. The use of electronic monitoring to support risk management plans is only as effective as the way in which it is applied and enforced by probation practitioners.

5. New interventions and electronic monitoring pilots

5.1 Alcohol abstinence monitoring requirement (AAMR)

The crime survey for England and Wales in 2018 (Office for National Statistics, 2019) indicated that the victim believed the perpetrator to be under the influence of alcohol at the time of offending in 39 per cent of violent incidents. Partly in response to this, the use of technology to support the management of cases in the community has continued to be developed. In 2020, a new requirement specifically to address alcohol consumption when it was a feature of offending behaviour was made available following pilots in two regions.

The use of the alcohol abstinence monitoring requirement (AAMR) came in as a sentencing option in Wales in October 2020 and across England from 31 March 2021. This requirement is specifically for use in cases where alcohol consumption was a factor that contributed to the index, or associated, offence. The requirement imposes a total alcohol ban for its duration. Guidance is clear that this should not be recommended without additional rehabilitation requirements if there are any indications of domestic abuse. It is also excluded as a suitable sentence on health grounds such as being alcohol-dependent, where there would be health risks to sudden abstinence without medical supervision.

For this inspection, we looked at a sample of 10 cases, all located in Wales. Pre-sentence reports were completed to inform sentencing in all cases, but were found to be poor overall. Domestic abuse checks were completed in only three cases before an AAMR was imposed in court. Although post-sentence domestic abuse checks were carried out in two further cases, half of the cases had no police checks. We found gaps in assessment of offending-related behaviour, diversity characteristics and personal circumstances. This included one case where significant health concerns for the person on probation were inadequately assessed, as well as another who identified as alcohol-dependent post-sentence.

Many of the sentencers who we spoke to for this inspection, including those in Wales, had not had experience of making such a disposal. However, the Electronic Monitoring Team said that uptake of the requirement is exceeding initially forecasted demand, with 726 requirements imposed in the initial 12 months of roll-out, against the forecasted 540 requirements, suggesting it is a popular sentencing choice.¹⁷

Assessment was considered to focus sufficiently on engaging the person on probation with the alcohol monitoring element of their sentence in only four of the cases inspected. An individual's motivation and readiness to engage and comply with electronic monitoring was not routinely analysed. Where personal circumstances were identified that would have impacted on the individual's ability to comply with electronic monitoring, these were considered in only four out of nine relevant cases, and identified diversity needs were considered in only half the cases. Some who we spoke to indicated that being subject to the AAMR tag affected their mental health as they were constantly woken through the night with readings taken every 30 minutes, due to the excessive vibrations on their ankle created by the equipment. This had an adverse impact on their general wellbeing.

The role AAMR would play in supporting desistance was recorded in only two of the 10 cases, although there was demonstration of how the requirement could be used to maintain change for some, as noted in this example.

¹⁷ Electronic Monitoring Team. (2021). AAMR Dashboard, unpublished, 17 September 2021.

Good practice example

Janice is a 58-year-old woman who was sentenced to a 12-month community order with 20 rehabilitation activity requirement days and a 60-day alcohol abstinence monitoring requirement after she pleaded guilty to threatening behaviour. Alcohol was a feature of her offence where she was threatening towards a neighbour in a dispute about money. Janice had increased her alcohol intake over the period of Covid-19 lockdown. Prior to sentence she had a heart attack and attended hospital for a 10-day detox where she achieved abstinence. The report prepared for court clearly identified the role alcohol had played in her offence and Janice was actively involved in initial sentence planning stages. While only seen monthly, there were discussions in relation to progress with continued abstinence and the AAMR was completed successfully.

Strengths and protective factors to support desistance were assessed as present in eight of the 10 cases. These factors included family and relationships, motivation to change, employment, non-criminal identity and stable accommodation. There was, however, a lack of identification of how electronic monitoring could enhance protective factors, with this happening in only three cases. The use of electronic monitoring and how this would support the person on probation to address offending-related factors was analysed in only two of the 10 cases, again indicating that practitioners were not identifying how it could be used as a positive tool to support change and address offending. This is disappointing given the positive experiences of some people on probation who we spoke to:

“It’s the best thing that has ever happened to me as I have now stopped drinking. Prison doesn’t rehabilitate, it’s an easy life compared to life on the streets and this tag has addressed my problem.”

Risk management plans were completed in six of the 10 cases due to the person on probation being assessed as posing a medium risk of serious harm. There was sufficient consideration at initial assessment stage of how electronic monitoring would support risk management plans and keep other people safe in most of the cases inspected. Current child protection concerns were identified in two of the cases, but information-sharing with children’s services was evidenced in only one of them.

The use of AAMR as a tool to reduce alcohol use and address offending was sufficiently analysed in most risk management plans, as well as being correctly identified as a monitoring and control measure. Within the plans to keep others safe, the role of AAMR and its contribution to managing risk to others was identified in a reasonable majority of applicable cases, indicating a better understanding of linking this intervention type to the management of risk of harm.

Evidence and confirmation of timely fitting of tags to monitor alcohol use was recorded in seven of the inspected cases, although it was unclear in the remaining three. Access to information on the alcohol monitoring data was facilitated via locally identified administrators with access to the alcohol monitoring platform, who then forwarded this data to probation practitioners for actioning. Some probation practitioners said that they struggled to interpret this information and had not found introductory training material useful.

Positively, the focus on maintaining an effective working relationship with people on probation had promoted compliance with the AAMR element of their sentence in most cases. Likewise, sufficient efforts to enable the person on probation to complete their sentence were evidenced in the large majority of cases.

Improvements in those factors most closely linked to offending was evidenced in nine of the 10 cases, although formal review of progress and successful completion of the AAMR requirement was recorded in only one of them. This is disappointing and indicates that probation practitioners may not fully appreciate the progress made by individuals they manage in completing this intervention. We also noted that there was no routine signposting to support services for individuals who had ongoing issues with alcohol use at the end of the AAMR. There were no enforcement actions required against any of the cases inspected and no incidences of further arrests or convictions.

Initial findings from the AAMR pilots were positive about their use and effectiveness as a disposal to address alcohol use and related offending. The cases we inspected supported this role of AAMR in

offering a suitable disposal helping individuals in managing their alcohol use and subsequent offending behaviour. The policy position on the imposition of an AAMR is that this is an enforced period of abstinence. We saw, from cases inspected and the views of practitioners, that in practice it is being implemented for wider rehabilitative purposes; it has the capacity to be used as a tool to support longer term change that addresses alcohol use in a broader, more meaningful way. This was evidenced in the following case.

Good practice example

Gareth was sentenced to an 18-month suspended sentence order with 20 rehabilitation activity requirement days, and an alcohol abstinence activity requirement for 120 days. His conviction was for a racially aggravated assault and criminal damage, with alcohol being an aggravating factor. Gareth has several previous convictions, including violence, domestic abuse-related violence, acquisitive offending, and a pattern of racially aggravated offences.

The benefits of the AAMR in reducing the risk of reoffending were recognised at every stage of the court and supervision process. This included the probation practitioner engaging Gareth in conversations to explore the impact of his drinking behaviour, with consistent evidence of positive reinforcement and encouragement to continue to comply with the AAMR.

There were violations reported in regard to Gareth having consumed alcohol and these notifications were received in a timely manner by his probation practitioner. On each occasion these were discussed with Gareth and the instances explored and addressed. No enforcement action was taken, and instead the probation practitioner used this as a tool to have open and honest conversations with Gareth to support him towards change.

Gareth successfully completed the 120 days of AAMR. He said in supervision that the positive alcohol readings really made him reflect on his alcohol use and behaviour when under the influence. He has greatly reduced his level of alcohol use, which has been maintained after completion of the AAMR requirement. There is no evidence of further offending and he has not come to the attention of the police over the seven months since sentence, which for him is a huge achievement.

The imposition of an AAMR is based on the level of alcohol use self-reported by the individual at the pre-sentence stage, and we saw one instance where an AAMR was imposed on an alcohol-dependent drinker, which was inappropriate. There is a risk that individuals will underreport alcohol use pre-sentence, and relationships with alcohol use can be a problem if that is not acknowledged by the person drinking. When we spoke with practitioners nationally, they said that they had been allocated cases where AAMR was not appropriate due to higher drinking levels than those self-reported at court stage. Given the significant health implications of rapid alcohol withdrawal, this self-reporting needs careful consideration before an AAMR is imposed, underpinned by sufficient assessment at pre-sentence stage. The balance of imposing this requirement, with the right cases, for the right purpose and at the right time, would benefit from further strategic consideration.

5.2 The Mayor's Office for Policing and Crime, London – GPS pilots

In 2016, the MoJ agreed to a joint initiative with the Mayor's Office for Policing and Crime (MOPAC) in London to test the use of mandatory GPS tagging for prolific supervised individuals through the persistent offender programme. This pilot ran during 2017-2019 and included the monitoring of exclusion zones and trail monitoring of people on probation, subject to community sentences, identified as persistent offenders. Although the numbers made subject to the initial pilot were relatively small, overall findings indicated grounds for optimism, given:

- the successful implementation of the technology (which included crime mapping);
- overall compliance rates (better compliance among the knife crime cohort than on the persistent offender programme);

- the positive views expressed by practitioners and supervised individuals about their experience with the GPS tag (Mayor’s Office for Policing and Crime, 2020).

In 2018, the initial pilot cohort was increased to include people on probation who had committed knife crimes. This knife crime pilot remains ongoing and targets those subject to licence conditions for offences where the use of a knife or sharp-bladed article was part of the index offence. As at August 2021, 556 people on probation had been given GPS licence conditions as part of the MOPAC knife crime pilot.¹⁸

Probation practitioner feedback about the knife crime pilot included requests for this to be extended for use with domestic abuse perpetrators. MoJ agreed to this, and a 12-month pilot of GPS tagging commenced in March 2021. This can be applied to people on probation assessed as posing a high or very high risk of serious harm and serving a prison sentence for a domestic abuse-related offence. As at August 2021, 48 people on probation had been given GPS licence conditions as part of the MOPAC GPS for domestic abuse pilot.¹⁸

Both pilots are scheduled to run until the end of March 2022 and uniquely target those people on probation who are subject to standard determinate sentences, a much-reported gap in service provision elsewhere in the country. While we did not include the pilots in the scope of this inspection, we looked at a small number of cases and found positive examples of this provision being well used.

Good practice example

Frank pleaded guilty to offences of actual bodily harm and breach of non-molestation order (domestic abuse related). He was sentenced to 28 months custody. He was released with extensive licence conditions, including residence at approved premises.

Frank initially responded reasonably well to his licence, however he continued to be fixated on his victim and visited family members who lived close to his exclusion zone. Consequently, his licence conditions were amended to include GPS trail monitoring, which would provide additional monitoring and control.

The probation practitioner liaised effectively with the GPS provider to ensure Frank has not breached his exclusion zone. Furthermore, effective work has also taken place with the victim liaison officer to ensure the victim has been kept fully informed of the changes to his licence and ongoing work to keep her safe. Frank has moved to supported accommodation and has completed the Building Better Relationships programme.

The technology used in these pilots are police-provided Buddi tags. Practitioners reflected on the ease of use of this system, which gave them direct, self-service access to up to date information to inform responsive decision-making and enforcement. Weekly feedback on ‘hot-spots’ is provided as part of the contract package, and probation practitioners also considered this to be beneficial to the overall management of their case, meaning timely conversations to challenge behaviours. This technology also has the capability to ‘crime map’ data, in which the movements of those subject to monitoring who have an offender group reconviction scale (OGRS)¹⁹ score higher than 50 per cent are automatically referenced against the location of reported serious crimes. If a match is confirmed, this data is then shared with local policing for investigation.

These pilots are supported by a probation service officer embedded in MOPAC who acts as the liaison point for probation practitioners and technology providers. There was evidence that this had supported the roll-out of the pilots. The position adds real value as a single point of contact for queries, monitoring engagement by probation practitioners in using the technology and being able to respond swiftly to any practice-related issues. It is hoped that learning from these pilots will be

¹⁸ MOPAC. (2021). Internal data, unpublished.

¹⁹ OGRS is a predictor of reoffending based upon static risks; age, gender and criminal history.

implemented in the recently announced expansion of electronic monitoring for the management of domestic abuse cases nationwide (Ministry of Justice, 2021).

5.3 Ministry of Justice acquisitive crime pilot

From April 2021, HMPPS commenced a further nationwide pilot of location monitoring GPS technology, targeting people on probation convicted of acquisitive crime for which they are serving standard determinate custodial sentences of 12 months or more. This was initially rolled out across six 'pathfinder' police areas,²⁰ with an additional 13 areas going live from September 2021.²¹ This involves the compulsory GPS tagging of people on probation on release from custody as part of their licence conditions, for up to a maximum of 12 months. It is anticipated that most cases identified will align to Integrated Offender Management (IOM), but this is yet to be confirmed in practice. As detailed above, some police forces have already monitored this cohort of cases through the contracted Buddi system, but on a voluntary basis.

As with the MOPAC pilots, probation practitioners will be given access to a self-service portal for monitoring compliance. Police will be able to request crime mapping data to ascertain where there are matches between reported crimes and monitored individuals to support the prompt investigation of crimes in their local area. While two of the areas had gone live with this pilot at the time of inspection, Gwent and Humberside, no cases were included in the inspection sample. The project will be assessing the impact of GPS tagging on deterring criminal activity and is part of the government's aim to reduce neighbourhood crime.

5.4 Conclusions and implications

The longer term impact of electronic monitoring on overall outcomes for people on probation are yet to be fully understood but, as can be seen by the roll-out of AAMR and current pilots, where sentencers and probation practitioners are proactive in using the technology, it can add an additional dimension to probation supervision.

The alcohol abstinence monitoring requirement was rolled out following successful pilots in two areas. Its impact as a tool in deterring alcohol consumption and reducing alcohol-related offending on a wider scale is yet to be evidenced. Some probation practitioners are interpreting its use as a disposal to assist people on probation towards a healthier relationship with alcohol. This does not reflect the punitive 'alcohol ban' that was the initial intention of the requirement, but it appears to be achieving results in terms of supporting people towards change and, from what we saw, reducing the risk of further alcohol-related offending, certainly for the period of monitoring.

Although in their early stages, both MOPAC pilots are filling a gap in the tools available for managing standard determinate sentence people who pose a significant risk of harm upon release due to their offending. These pilots have been led by learning from earlier pilots and in direct response to probation practitioner feedback. They offer interventions that practitioners nationwide have said they would welcome to support them in managing risk of serious harm, but currently they remain unavailable. The driver for reducing reoffending is at the heart of the current acquisitive crime pilot. Practitioners had limited experience of this as an intervention at the time of inspection, but evaluation of the pilot as it progresses will offer insights into its effectiveness and impact. On many levels, this development echoes previous electronic monitoring pilots with people who are prolific and persistent in their offending behaviour. It will be important to incorporate the learning from these pilots to inform future service implementation and delivery.

²⁰ The acquisitive crime programme launched in Avon and Somerset, Cheshire, Gloucestershire, Gwent, Humberside, and West Midlands on 12 April 2021.

²¹ On 29 September 2021, the acquisitive crime programme was expanded to Bedfordshire, Cumbria, Derbyshire, Durham, Essex, Hampshire, Hertfordshire, Kent, North Wales, Nottinghamshire, Sussex and City of London and Metropolitan Police areas.

References

- HM Inspectorate of Probation. (October 2008). *A Complicated Business: A Joint Inspection of Electronically Monitored Curfew Requirements, orders and licences*. Manchester: HM Inspectorate of Probation.
- HM Inspectorate of Probation. (June 2012). *It's Complicated: The Management of Electronically Monitored Curfews – A follow-up Inspection*. Manchester: HM Inspectorate of Probation.
- HM Inspectorate of Probation. (May 2020). *A Thematic Inspection of Serious Further Offences (SFO) Investigation and Review Process*. Manchester: HM Inspectorate of Probation.
- HM Inspectorate of Probation. (July 2020). *Accommodation and Support for Adult Offenders in the Community and on Release from Prison in England*. Manchester: HM Inspectorate of Probation.
- HM Inspectorate of Probation. (November 2020). *A Thematic Review of Probation Recall Culture and Practice*. Manchester: HM Inspectorate of Probation.
- HM Prison and Probation Service. (2018). *Home Detention Curfew Assessment Process*. Probation Instruction 01/2018. London: Ministry of Justice.
- HM Prison and Probation Service. (2019). *Information Sharing and the Effective Management of the Electronic Monitoring Requirement (Community Sentences)*. Probation Instruction 01/2019. London: Ministry of Justice.
- HM Prison and Probation Service (2020). *Home Detention Curfew (HDC) Policy Framework*. London: Ministry of Justice.
- HM Prison and Probation Service (2020a). *A Response to: A Thematic Review of Probation Recall Culture and Practice Report Published: 10th November 2020*. London: Ministry of Justice. Available at: [Action Plan - Final.pdf \(publishing.service.gov.uk\)](#).
- HM Prison and Probation Service (2021). *Licence Conditions Policy Framework*. London: Ministry of Justice.
- Her Majesty's Prison and Probation Service. (2021a). *The Target Operating Model for probation services in England and Wales*. London: Ministry of Justice. Available at: [HMPPS The Target Operating Model for the Future of Probation Services in England Wales - English - 09-02-2021.pdf \(publishing.service.gov.uk\)](#).
- Her Majesty's Prison and Probation Service. (2021b). *National Standards 2021 – supporting transition to the new operating model*. London: Ministry of Justice. Available at: [National Standards 2021 - Supporting transition to the Unified Model - June 2021 in English .pdf \(publishing.service.gov.uk\)](#)
- Home Office. (2021). *Beating Crime Plan, October 2021*. London: Home Office. Available at: [Beating crime plan - GOV.UK \(www.gov.uk\)](#).
- House of Commons: Committee of Public Accounts (2018). *Offender-monitoring Tags*, London: House of Commons.
- 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. and Holdsworth, E. (2020). *HM Inspectorate of Probation Academic Insight: Electronic Monitoring in probation practice*. Available at: <https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2020/12/Academic-Insights-Hucklesby-and-Holdsworth-FINAL-1.pdf>

Annexe 1: Requirement types

This table shows the three types of electronically monitored tag available: radio frequency, GPS and alcohol abstinence monitoring tag. Listed are the sentence and the requirement type which can have electronic monitoring applied, with details of which technology can be used. This does not include current pilot availability, which varies by region. Tags are usually fitted to the ankle of the wearer and communicate data via GPS or a base station at the home address of the wearer.

	Radio frequency	Global positioning system - GPS	Alcohol abstinence monitoring tag
Community orders – regardless of offence or sentence type			
Curfew	Yes	Yes - only if combined with location monitoring requirement	No
Exclusion zones	No	Yes - has to be a specific exclusion zone requirement for breach data to be received	No
Monitor attendance at mandatory appointments	No	Yes - using location monitoring	No
Monitor an offender's whereabouts - location monitoring	No	Yes - using location monitoring	No
Alcohol monitoring requirement	No	No	Yes
HDC - regardless of offence or sentence type			
Curfew	Yes	Yes - only if combined with location monitoring requirement	No
Exclusion zones	No	Yes - has to be a specific exclusion zone requirement for breach data to be received	No
Monitor attendance at mandatory appointments	No	Yes - using location monitoring	No
Monitor an offender's whereabouts - location monitoring	No	Yes - using location monitoring	No
Alcohol monitoring requirement	No	No	No
Parole Board release for life sentenced, IPP and EDS cases only			
Curfew	Yes	Yes - only if combined with location monitoring requirement	No
Exclusion zones	No	Yes - has to be a specific exclusion zone requirement for breach data to be received	No
Monitor attendance at mandatory appointments	No	Yes - using location monitoring	No
Monitor an offender's whereabouts - location monitoring	No	Yes - using location monitoring	No
Alcohol monitoring requirement	No	No	No

Annexe 2: Glossary

Alcohol abstinence monitoring requirement (AAMR)	Initially introduced in Wales in October 2020 and rolled-out across England on 31 March 2021. Alcohol monitoring tags are used to monitor a requirement of a total ban on alcohol for up to 120 days
Alcohol monitoring tag	These tags collect, sample and test the perspiration between the offender's skin and the tag for alcohol on a continuous basis
Alcohol treatment requirement (ATR)	A requirement that a court may attach to a community order or a suspended sentence order aimed at tackling alcohol abuse
Building Better Relationships (BBR)	BBR is a nationally accredited groupwork programme designed to reduce reoffending by adult male perpetrators of intimate partner violence
Child protection	Work to make sure that that all reasonable action has been taken to keep to a minimum the risk of a child coming to harm
County lines	A form of illegal activity in which drug dealers in major cities establish networks, often involving younger or vulnerable people, to carry, store or sell the drugs in towns and rural areas
CRC	Community Rehabilitation Company
Electronic monitoring	The use of an electronic device (tag) that is fastened to a person, usually their ankle, so that their whereabouts or alcohol consumption can be monitored, dependent upon the type of tag worn
Foreign national offender	A foreign national who has been convicted of a crime in the UK
Global positioning system (GPS) tag	Monitors a person on probation's compliance with their condition to not enter or remain in a specific location or address as identified on a map or to monitor an offender's trail
HMPPS	Her Majesty's Prison and Probation Service (HMPPS): the single agency responsible for both prisons and probation services
Integrated Offender Management (IOM)	Integrated Offender Management brings a cross-agency response to the crime and reoffending threats faced by local communities. The most persistent and problematic offenders are identified and managed jointly by partner agencies working together
MAPPA	Multi-Agency Public Protection Arrangements: where probation, police, prison and other agencies work together locally to manage offenders who pose a higher risk of harm to others. Level 1 is ordinary agency management where the risks posed by the offender can be managed by the agency responsible for the supervision or case management of the offender. This compares with levels 2 and 3, which require active multi-agency management
MoJ	Ministry of Justice
MOSOVO	Police unit for the management of sexual or violent offenders
nDelius	National Delius: the approved case management system used by the Probation Service in England and Wales

NPS	National Probation Service: a single national service which came into being in June 2014. Its role was to deliver services to courts and to manage specific groups of offenders, including those presenting a high or very high risk of serious harm and those subject to MAPPA. Since June 2021, the NPS unified with CRCs to become the Probation Service (PS)
Offender group reconviction scale (OGRS)	OGRS is a predictor of reoffending based upon static risks; age, gender and criminal history
Partners	Partners include statutory and non-statutory organisations, working with the participant/offender through a partnership agreement with the PS
Providers	Providers deliver a service or input commissioned by and provided under contract to the PS. This includes the staff and services provided under the contract, even when they are integrated or located within PS
PSR	Pre-sentence report. This refers to any report prepared for a court, whether delivered orally or in a written format
Probation practitioner	The term used to describe either a Probation Officer (PO) or Probation Services Officer (PSO) who is responsible for the sentence management of people on probation
Probation Service	Since June 2021, the previous National Probation Service and Community Rehabilitation Companies have unified to become the Probation Service
Radio frequency tag	Used to monitor a curfew requirement/condition, which requires the person on probation to be present in their registered residence during determined times
Rehabilitation activity requirement (RAR)	From February 2015, when the <i>Offender Rehabilitation Act</i> was implemented, courts can specify a number of RAR days within an order; it is for probation services to decide on the precise work to be done during the RAR days awarded
Thinking Skills Programme (TSP)	An accredited group programme designed to develop an offender's thinking skills to help them stay out of trouble
Violation	Failure to comply with the electronically monitored requirement, i.e. not being at/leaving the curfew address during the period of curfew, entering a GPS location monitored exclusion zone.

Annexe 3: Methodology

The inspection set out to answer the following questions:

Does the leadership support and promote the delivery of a high-quality, personalised and responsive service for all service users supervised by electronic monitoring?

- Does the current operating model support effective service delivery, meeting the needs of the service user?
- Is there effective leadership of electronic monitoring at a national level with a well-defined vision and strategy in place that prioritises the quality of service and adherence to the evidence base?
- Has this vision and strategy been effectively communicated to probation staff, partners, suppliers and other stakeholders?
- Does the leadership team at a national and local level effectively influence partners, suppliers, the courts and other stakeholders to support the delivery of the vision and strategy?
- Is the impact of the strategy and national policy monitored and regularly reviewed?
- Is there alignment between the national policy and local delivery?
- Are risks to the delivery of electronic monitoring understood and are appropriate arrangements in place to ensure continuity of service?
- Do staff understand how electronic monitoring should be delivered and what they are accountable for?

Are staff working within probation empowered to deliver a high-quality, personalised and responsive service to those supervised by electronic monitoring as part of their sentence?

- Do workload levels and the skills of staff support the delivery of a high-quality service for all service users subject to electronic monitoring?
- Are practitioners provided with the right training, information, guidance, development, support and oversight to ably manage cases subject to electronic monitoring?
- Are staff who supervise electronic monitoring cases supported to develop and maintain the skills and knowledge required to work on a cross-agency basis?
- Is electronic monitoring applied in a way which promotes a personalised approach for service users, taking account of diversity factors?

Is there a comprehensive range of high-quality services in place, supporting a tailored and responsive service for all those subject to electronic monitoring?

- Is there a sufficiently comprehensive and up-to-date analysis of the profile of service users, to ensure that electronic monitoring is targeted and applied to appropriate cases?
- Are diversity factors and issues of disproportionality sufficiently addressed in the range of services provided?
- Are diversity factors and issues of disproportionality sufficiently addressed in the way that services are delivered?
- Is there sufficient analysis of local patterns of sentencing and offence types?
- Are relationships across probation, stakeholders and with those providing electronic monitoring services established, maintained and used effectively to ensure the delivery of a high-quality service?
- How involved is the local police and crime commissioner (PCC) and community safety partnership in funding initiatives that can enhance the quality of service provided to those subject to electronic monitoring?

Is timely and relevant information available to support a high-quality, personalised and responsive service for all those subject to electronic monitoring?

- Are the necessary electronic monitoring policies and guidance in place to enable staff to deliver a quality service to those supervised using this technology?
- Is there clear guidance about the full range of services available, their suitability for supervised individuals and referral processes?
- Is information exchanged with partners in a timely, robust and effective way?
- Do the information and communication technology (ICT) systems enable staff to deliver a quality service, meeting the needs of all those subject to electronic monitoring?
- Is analysis, evidence and learning used effectively to drive improvements in electronic monitoring?

Does the pre-sentence/pre-release information and advice provided to court/prison support its decision-making?

- Is the pre-sentence/pre-release information and advice provided to court/prisons sufficiently analytical and personalised to the service user to inform decisions about the application of electronic monitoring?
- At pre-sentence/pre-release stage does the information and advice informing decision-making draw sufficiently on available sources of information, including child safeguarding and domestic abuse information?

How well does electronic monitoring support desistance from offending?

- Is assessment, planning (including planning for release) and reviewing practice sufficient to support the delivery of good quality, personalised and well-coordinated interventions, optimising the use of electronic monitoring as a tool in case management?
- Do practitioners sufficiently engage the service user in the assessment, planning, implementation and review stages of the case, demonstrating how electronic monitoring is supporting sentence planning and risk management?
- Do service users understand the reasons for being subject to electronic monitoring and how this impacts on their overall supervision?
- Is enough attention given to preparing service users for the commencement of electronic monitoring and managing progress and compliance throughout the sentence?
- Are electronic monitoring community order requirements, licence conditions and enforcement used appropriately and proportionately?
- Is sufficient focus and attention given to the rehabilitation and resettlement needs of electronic monitoring service users?
- Are building strengths and enhancing protective factors for service users specifically linked to how electronic monitoring will be embedded as part of the sentence and risk management plan?

How effective is electronic monitoring at keeping people safe?

- Are electronic monitoring cases managed at a level of intensity sufficient to support the level of risk and need of the individual, and with consideration of relevant public protection factors?
- Are the needs of victims given sufficient priority at a strategic and practice level when decisions regarding the implementation of electronic monitoring are being made?
- Are there appropriate links to other multi-agency arrangements, including MAPP (Multi-Agency Public Protection Arrangements) and MARAC (Multi-Agency Risk Assessment Conference) where relevant, which reflect the scope of electronic monitoring and the impact this has on the management of the service user?

- Do practitioners working with cases that are subject to electronic monitoring work effectively with other agencies to protect and support victims and the wider public, including, but not restricted to, children and adults social care, police domestic abuse units, regional organised crime units and housing providers?
- Is there an appropriate use of home visits to assess the suitability of electronic monitoring?
- Is there reference in formal assessments to how electronic monitoring will be used to support the risk management of service users?

Call for evidence

Before undertaking the fieldwork, we put out a call for evidence to the inspection from the Probation Service regions to be inspected and the national Electronic Monitoring Team. We analysed submissions from six Probation Service regions - Wales; Yorkshire and the Humber; South Central; London; North West; and East Midlands - and the national programme team. We also met with staff from the Effective Practice and Service Improvement Group and the national Electronic Monitoring Team.

Fieldwork

We piloted our fieldwork methodology via file reads of cases from a previous inspection in NPS South West/South Central region. With minor adjustments, we then conducted fieldwork in Cardiff and the Vale of Glamorgan, Yorkshire and the Humber, Thames Valley, London boroughs of Brent, Camden and Islington, as well as Merseyside and Nottingham City and Nottingham County.

In each area we visited we reviewed evidence in advance provided by managers from both previous Community Rehabilitation Company (CRC) and the National Probation Service (NPS) divisions. In Wales we inspected 10 cases who were subject to an alcohol abstinence monitoring requirement (AAMR), and an additional 15 community order cases and four licence releases. In all other areas we inspected approximately 29 cases, which were subject to either a community order or licence supervision. Overall, the split of cases represented 49 per cent community order cases and 51 per cent post-release licence supervision.

This inspection commenced in Wales where the offender management function had been unified between the former CRC and the NPS in late 2019. Fieldwork in England commenced on 26 July 2021, four weeks after unification of all services into the new Probation Service. The cases inspected were receiving services under the exceptional delivery model implemented as a consequence of the Covid-19 pandemic. Electronic Monitoring Services, the providers of the electronic monitoring service, were likewise also operating an exceptional delivery model, although the fitting and monitoring of equipment remained ongoing.

Across the six regions visited, we conducted a total of 59 meetings and focus groups. These included meetings with senior strategic leads, heads of public protection and operational managers from Probation Services, focus groups with probation practitioners and probation court officers, Integrated Offender Management teams, including police representatives, meetings with home detention curfew (HDC)/offender management in custody leads within custodial settings, local PCC, The Mayor's Office of Policing and Crime (London) and 19 local sentencers. As part of this inspection, the lead inspector also visited the operational headquarters of Electronic Monitoring Services and spoke with staff responsible for AAMR requirements, HDC monitoring, GPS monitoring, enforcement and those managing calls to and from people subject to electronic monitoring. This also included a meeting with the technical manager with a national remit.

In addition, we held a week of national meetings. These included meetings with the head of electronic monitoring operations, electronic monitoring programme expansion director, electronic monitoring legacy programme director, Ministry of Justice policy team, electronic monitoring contract management team, electronic monitoring operational policy team, three meetings with business change and stakeholder team, HDC policy lead, National Security Division representatives, and the operational and system assurance group. We also had a demonstration of the effective practice framework tool from the business strategy and change team.

Characteristics of case sample²²

The tables below provide a breakdown of the characteristics of individuals inspected as part of the case sample.

Gender	Number	%
Male	135	79%
Female	36	21%

Race and ethnicity	Number	%
White	130	76%
Mixed/multiple ethnic background	6	4%
Asian/Asian British	8	5%
Black/African/Caribbean/Black British	20	12%
Not clearly recorded	7	4%

Age	Number	%
18-25	29	17%
26-35	55	32%
36-55	73	42%
56+	15	9%

People on probation engagement

A key part of our methodology was interviews with people on probation in each of the regions. We contracted with Penal Reform Solutions, “an organisation that focuses on transforming penal culture, through conversation about punishment, by working with practitioners and people on probation to make them central to the change process”. The three ‘lived experience’ consultants conducted a total of 42 interviews via the telephone, including 32 men, eight women and two participants who identified as other’. Of those interviewed, 36 participants identified themselves as white British, one white Irish, one mixed/multiple ethnic background, one black African, two black Caribbean and one as Asian Indian. They included 37 participants who were subject to curfew requirements, seven of whom had been subject to HDC, three participants subject to an AAMR and two subject to an exclusion zone monitored via GPS technology. The lived experience consultants asked the participants about their experience of being subject to electronic monitoring and its impact on them and their resettlement and rehabilitation. Interview notes and tapes were analysed, and a summary of key themes produced at the halfway point of the inspection and at the end of fieldwork, which were then collated into a final report.

Subsequent enquiries

After fieldwork, further meetings were held remotely with HDC digital service leads and representatives from the Parole Board to follow up specific lines of enquiry.

²² Due to rounding percentages may not sum to 100 per cent.