

Electronic Monitoring in the Criminal Justice System

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The Rt Hon Kit Malthouse MP – Minister for Crime & Policing

This Government is committed to cutting crime – to protecting the law-abiding majority, swiftly bringing criminals to justice, and managing offenders with rigour and discipline.

The Police, Crime, Sentencing & Courts Act 2022 introduces reforms to ensure that dangerous and serious offenders spend longer in prison. It ensures that violent and sexual offenders serve sentences that truly reflect the severity of their crimes – helping to protect the public and giving victims confidence that justice has been served.

But we are clear that public protection is not just about locking offenders up for longer. If we are to truly cut crime and protect victims, we need to ensure offenders have opportunities for meaningful rehabilitation to turn their lives around and reduce reoffending.

Electronic Monitoring has a crucial role to play here, as a valuable tool available to criminal justice partners – a tool which can drive rigour, discipline, incentives and consequences in community-based offender management.

Our electronic monitoring offer in England and Wales has developed significantly in recent years. Over the last year, we have embarked on our Electronic Monitoring Expansion Programme - to capitalise on technological developments, build the evidence base, and test and understand the opportunities of electronic monitoring to drive innovative approaches to offender management.

Through our new electronic monitoring contracts, we have a unique and unprecedented opportunity as we write a new chapter in our electronic monitoring journey.

This Strategy sets out our commitment to strengthen our electronic monitoring offer and unlock the potential of electronic monitoring within the criminal justice system.

We are committed to delivering a robust, innovative and extensive electronic monitoring offer, which can:

- Support rigorous, responsive, and data-informed offender management;
- Provide a cost-effective mechanism to monitor, evidence, and incentivise compliance with tailored restrictions;
- Mitigate risk factors to facilitate community-based solutions.

To work towards this, we will continue to:

- Integrate electronic monitoring more firmly into offender management;
- Introduce, test, and evaluate new uses of electronic monitoring;
- Build electronic monitoring capability and confidence.

Our Electronic Monitoring Strategy is the first in a series of publications that will underpin our Electronic Monitoring Expansion.

We welcome engagement and collaboration with system partners, stakeholders, and suppliers as we deliver our vision for electronic monitoring and work towards our Electronic Monitoring Target Operating Model.

Introduction

1. This Government has a clear and ambitious vision for Electronic Monitoring (EM).
2. We recognise that EM is a valuable tool with flexible and wide-ranging potential to both strengthen offender management in the community and to drive broader criminal justice priorities of reducing reoffending and protecting the public.
3. We are committed to understanding, evidencing, and unlocking the potential of new and existing EM technologies to serve and strengthen our criminal justice system.
4. To that end, we are investing in strengthening and diversifying our EM offer. We have embarked on a substantial EM Expansion Programme, confirmed significant future financial investment, and taken steps to strengthen the legislative and operational landscape. We are also preparing to procure new contracts for the delivery of our EM system to 2030.
5. We are publishing our EM Strategy as we deliver our Expansion Programme and formally launch our procurement process – to set out our vision and plans for a robust, innovative, and data-driven EM offer in the coming years.
6. This Strategy comprises three sections:
 - a. An overview of our use of EM in England & Wales
 - b. Our vision for EM within our criminal justice system
 - c. Our work to strengthen our EM offer

What is EM?

7. In England and Wales, EM is delivered via three types of ankle tag - curfew tags, GPS tags, and alcohol tags - and is overseen by a supporting service. As of 31 March 2022, we have 15,282 people in the criminal justice system wearing a tag.

Tag Type	Purpose	Year Introduced	Caseload (31/3/22)
Curfew tag	To monitor compliance with a curfew – whereby the individual must be at a specified address (usually their home) at set times each day.	1989	10,485
GPS tag	To monitor compliance with a location restriction, i.e. an exclusion zone – whereby the individual must not enter a specified location(s) or premise(s).	2018	3890
Alcohol tag	To monitor compliance with an alcohol ban, where the individual is not dependent on alcohol, but alcohol is known to be a factor in the individual’s offending.	2020	900

8. Our EM Service is responsible for installing/un-installing EM equipment, monitoring compliance, and reporting non-compliance to Probation where appropriate.
9. EM can be imposed on adults and children at each stage of the criminal justice system in the following circumstances and subject to appropriate checks:
- Defendants on [court bail](#) - where the defendant would otherwise be remanded into prison if not for EM-enforced conditions.
 - Offenders serving a [community sentence](#) – where the offence is imprisonable but either circumstances of the case mean it is not serious enough to warrant a prison sentence, or the court is satisfied that, with the right interventions, the offender can be safely managed in the community - this may include EM.
 - Prison-leavers on [Home Detention Curfew](#) – certain offenders can be released early from prison, with a curfew and stringent conditions, via the Home Detention Curfew scheme, to smooth their transition into the community.
 - Prison-leavers on [Licence](#) – EM may be imposed to monitor and enforce compliance with standard and/or additional licence conditions, to help mitigate the prison leaver’s public protection risk and reduce the risk of reoffending.
10. Evidently EM is a flexible and wide-ranging tool with diverse uses and potential. We are committed to capitalising on the latest technologies and the growing evidence base to best deploy EM to meet the needs of our criminal justice system.

EM in our Criminal Justice System

11. We are clear that EM has an important and innovative role to play in driving our priorities of keeping the public safe and reducing reoffending.
12. With that in mind, we have a clear and ambitious vision for a robust, innovative, and data-driven EM offer which:
 - a. Supports rigorous, responsive, and data-informed **offender management**, with informed consequences for non-compliance;
 - b. Provides a cost-effective mechanism for criminal justice partners to monitor, evidence, and incentivise compliance with **tailored restrictions**;
 - c. Mitigates risk factors to facilitate **community-based solutions**, as an alternative to custody in appropriate cases.
13. As is outlined in the next section, we are already taking steps to strengthen our EM offer and work towards this vision, and we will continue to do so over the next generation of contracts.

EM & Offender Management

14. Effective offender management in the community is essential. Offender management may take the form of in-person checks, meeting attendance, or engagement with partners to support risk reduction, such as substance misuse agencies or mental health appointments. In appropriate cases, where it is necessary, proportionate, and serves a clear purpose, it may also include EM.
15. The public need to know and have confidence that offenders in the community are subject to expert supervision which mitigates the risk, frequency, and severity of their reoffending whilst also supporting their rehabilitation. We are clear that supervision should be proportionate and tailored to individual needs and risk factors on a case-by-case basis.
16. Effective offender management ensures any risk escalation is swiftly detected and dealt with, it means offenders feel the weight of scrutiny and impacts of their actions, and it drives responsive offender management which reacts to an offender's changing rehabilitative needs and dynamic risk factors. It underpins relationship building so that criminal justice partners can support offenders to turn their backs on crime.
17. EM can play a crucial role in community offender management. It is not an alternative or replacement to Probation supervision but is instead a tool that, within the right infrastructure, can provide the information and insight needed for data-informed and responsive offender management. It supports Probation's understanding of an offender's evolving risk factors and rehabilitative needs and instils increasing certainty that any non-compliance will be identified.
18. We will continue to ensure Probation is aware of the benefits and evolving opportunities of EM as a tool for offender management, capturing learning through

our expansion projects to provide Probation with guidance about how to use EM most effectively.

19. In youth justice, we will make local justice and Probation staff (not the EM provider) the Responsible Officers for all EM requirements imposed on children, so that justice professionals with knowledge of each child's individual circumstances have the necessary information and powers to determine the best response to a violation.
20. We will also explore the potential for EM to deliver on our Sentencing White Paper commitment to consider the arguments for bolstering Probation and Youth Offending Teams (YOT) powers in the supervision of offenders to allow them to act swiftly and responsively on their professional judgement to both protect the public and help offenders turn their lives around.

EM & Tailored Restrictions

21. The restriction of liberty, in terms of an individual's movements, activities and behaviours, is an integral concept within our justice system. The fundamental tenet of prison is to restrict an offender's liberty for punitive, deterrent, and public protection purposes.
22. The concept of restriction of liberty also drives sentencing decisions as to whether an adult offender can be managed in the community or can only be managed in custody. Sentencing Guidelines are clear that, where an offender would otherwise go to prison, an offender can instead receive a community sentence provided the court is satisfied that a community option can provide an appropriate degree of restriction of liberty.
23. Restrictions of liberty can achieve a variety of purposes. They may be imposed to protect the public, to punish the offender, or to create barriers to deter the offender from reoffending. They may also be imposed to support the offender's rehabilitation, as part of a wider package of interventions.
24. Community-based restrictions of liberty can offer tailored, targeted, and proportionate solutions to address the needs and circumstances of the individual, without disrupting vital employment, housing, treatment, educational and family ties – factors linked to supporting a non-offending lifestyle. Restrictions can be imposed in the form of bail conditions for defendants, and community requirements, or licence conditions for offenders. They may include curfews, exclusion zones and prohibited activities.
25. These restrictions may be imposed to target problem activities or behaviours –
 - to pinch the offender's lifestyle choices and deliver proportionate punishment where appropriate for adult offenders,
 - to disrupt offending habits, create barriers, and remove the offender from situations which may lead them into offending to protect the public and reduce the risk of reoffending,

- to drive behaviour change and support rehabilitation, by targeting key criminogenic needs or, as part of a wider package of support, enforcing periods of stability to create space for the offender to focus on rehabilitative interventions.
26. Facilitating and encouraging behaviour change, including through restrictions where appropriate, is essential if we are to tackle the root causes of offending and help offenders turn away from lives of crime.
 27. EM can play a crucial role in enforcing restrictions. It enables Probation and YOTs to be updated on wearers' compliance with their restrictions not only remotely but also at all times of day and night, replacing and improving upon costly in-person spot checks, where that is appropriate. It bolsters certainty that non-compliance will be swiftly detected and will thus have consequences, incentivising compliance with restrictions and offering a protective factor.
 28. Over the next generation of contracts, we will continue to learn from global best practice and develop our understanding on the value of EM-based restrictions as one aspect of a comprehensive package of requirements / conditions.
 29. We will explore the effectiveness and impact of an incentives / consequences approach whereby EM-enforced restrictions are intensified or relaxed according to an individual's compliance, and we will explore the extent to which EM can be used to taper off a sentence.
 30. We recognise the punitive value of EM for adult offenders on community sentences. We are clear however that EM-enforced punitive requirements should deliver purposeful punishment and be tailored to the individual with an eye to their rehabilitation rather than imposing blanket punitive measures.

EM & Community-Based Solutions

31. Rehabilitation and meaningful behaviour change are essential to truly tackle the causes of offending and help offenders turn away from lives of crime.
32. For the most serious offenders, their risk can only be managed in a custodial environment. The Prisons Strategy White Paper, published in December 2021, set out our ambitious plans to reduce reoffending among prison leavers. It committed to spend £200million per year by 2024-25 to improve prison leavers' access to accommodation, employment support, and substance misuse treatment, and further measures for early intervention to tackle youth offending.
33. For many offenders, evidence shows that community sentences are more effective than short custody at reducing reoffending, leading to fewer victims and safer communities.
34. We are clear that community-based solutions can:
 - Deliver targeted and proportionate responses to offending behaviours which incorporate diverse and flexible interventions to meet a wide range of complex criminogenic needs and support offender rehabilitation.

- Offer opportunities for wide-ranging and comprehensive packages of rehabilitative interventions, restorative and reparative activities, and punitive restrictions where appropriate - under the expert offender management of Probation and YOTs and away from the potential criminalising impact of the custodial environment.
- Facilitate access to the specialist opportunities offered by the wider community and voluntary sector, including Commissioned Rehabilitative Services – which play a vital role in the rehabilitation and resettlement of offenders, particularly those with key vulnerabilities which prisons may not be equipped to target.
- Enable individuals to preserve family ties, as well as strengthening them, through support and mediation, which we know are crucial factors in helping individual offenders to turn away from offending.
- Reduce the likelihood of intergenerational offending. We know that children of incarcerated parents have an increased likelihood of criminal offending, mental health problems, drug and alcohol addiction.

35. EM as a tool can mitigate risk factors to facilitate and support community-based solutions for defendants and offenders who would otherwise be in custody. It enables them to remain in the community, thus reducing the detrimental impact of custody and maximising the rehabilitative benefits of the community:

- On court bail, EM is available as a direct alternative to custody. It monitors compliance with restrictions imposed to mitigate the risk of abscond, reoffending, or interference with witnesses. Bail means that defendants avoid the risk of criminal association in custody and the disruption of vital employment, housing, treatment, educational and family ties which may otherwise be disrupted by prison.
- On Home Detention Curfew, EM underpins early release of certain offenders. It allows suitable, risk assessed, prisoners to work towards rehabilitation in the community, while remaining subject to strict monitoring and other stringent conditions. If they breach these, they can be returned to custody.
- On adult community sentences, EM can underpin punitive and restrictive options which constitute sufficient restriction of liberty to enable offenders to remain in the community where they would otherwise be sentenced to custody.
- On youth community sentences, EM can strengthen alternatives to custody, giving courts the confidence that children can be effectively supervised in the community while also providing an additional protective factor for the child against coercion and exploitation.
- On licence, our Licence Variation project will test an approach whereby Probation can impose EM to provide additional scrutiny and thus support offenders to comply with their licence conditions, to avoid recall to custody.

36. EM can mitigate a defendant / offender's risk factors, provide reassurance that breach of conditions will be detected and dealt with, and instil public and judicial confidence in community justice options.

37. Over the next generation of contracts, we will continue to build our understanding of the role of EM to underpin robust community options and mitigate risk factors to facilitate, where appropriate, an alternative to a custodial term at all stages in the criminal justice system – whether remand, sentencing, or recall.

Strengthening our EM Offer

38. We have made significant recent investment to strengthen and diversify our EM offer. We acknowledge the recent NAO report and are clear that we have not only learnt lessons from the experience but also changed our ways of working to safeguard against a reoccurrence.
39. Over the last year, this Government has embarked on a substantial **EM Expansion Programme** to capitalise on technological developments, build the evidence base, and test and understand the opportunities of EM to drive innovative approaches to offender management within our criminal justice system.
40. In September 2021, the Government announced additional funding of £183m over the next three years to kickstart this EM Expansion Programme, and committed to increase the EM caseload from around 13,500 in 2021 to 25,000 by 2025.
41. In parallel with our EM Expansion Programme, we are launching our new **EM Innovation Fund** to research and test new uses for our existing technologies, to stimulate the market for the next generation of tags, and to explore innovative methods to gather and respond to tag wearer feedback, to enhance compliance and improve our EM offer. The Fund will total £18.5m over the next three years.
42. We know that 2024 is a crucial year for EM in England and Wales: it marks the start of new contracts for the delivery of our EM system to 2030.
43. As we embark on our Expansion Programme and progress our reprocurement process, to strengthen our EM offer and deliver our vision, we will:
- **Integrate EM more firmly into offender management.** We are embedding EM more firmly into offender management in both the adult and youth criminal justice system – recognising that EM’s greatest value is as a tool in the context of offender management rather than an end in itself.
 - **Introduce, test, and evaluate new uses for EM.** We are clear that EM has diverse and wide-ranging potential to support our priorities of public protection and reducing reoffending, but are we also clear that policy development and operational deployment must be evidence-based and data-driven.
 - **Build EM capability and confidence.** We are committed to driving uptake of innovative EM technologies – both in terms of strengthening our EM capability, and increasing system partner confidence and awareness.

Integrate EM into Offender Management

44. We recognise that our EM structures have evolved organically over the last thirty years. We are committed to learning lessons from international comparators to integrate our EM structures more closely into offender management, taking advantage of [Probation reform](#) to establish the structures that allow EM to be deployed to maximum effect.

45. We have already taken steps to shift the legislative and operational landscape. [The Police, Crime, Sentencing & Courts \(PCSC\) Act 2022](#) introduced powers for Probation to make administrative adjustments to EM curfews on community sentences –integrating EM more closely with Probation to better facilitate offender rehabilitation but also freeing up valuable court time.
46. In addition, the Act means that Youth Offending Teams / Probation staff are now the Responsible Officer for all EM requirements imposed on children – given they are best placed to make informed and effective decisions.
47. We are trialing other avenues to embed EM more firmly in Probation. Our Acquisitive Crime Project provides Probation with direct access to GPS tag data, so that Probation can incorporate it into data-informed and empowered offender management, and help deter offenders from further offending. Learning from the project will help build our understanding as to how we best supervise these challenging offenders in the community, deploying EM as part of robust Probation offender management.
48. Further, our new Licence Variation Project will enable Probation to impose EM on a case by case basis as a variation for additional licence conditions, to support supervision and provide additional scrutiny where they deem it is needed most, in order to help offenders to comply with their licence conditions. This is a robust shift from current practice and will feed into future policy development and operational deployment of EM.

Introduce, Test, & Evaluate New Uses of EM

49. We are clear that our EM offer must serve our criminal justice system, adopting innovative technologies and deploying EM for new uses to meet the priorities and evolving needs of our criminal justice system. To that end we are introducing, testing and evaluating new uses and opportunities for existing forms of EM, learning from, and investing in, the evidence base as we progress.
50. The [Beating Crime Plan](#) set out this Government’s target to reduce neighbourhood crime and the role of EM in this. Our Acquisitive Crime project deploys a new use of GPS tags, linked to our refreshed [Integrated Offender Management](#) Scheme. The Project tags robbers, thieves, and burglars on release from custody, to monitor their movements, deter them from further offending, and support the police in the detection and prosecution of further offences, all under the supervision of Probation practitioners.
51. We know that alcohol is a key driver for offending. We recognise the importance of helping offenders control their use of alcohol, in cases where misuse is causing or triggering offending behaviour, to reduce reoffending and thus protect the public. Similarly, we know that proportionate use of a ban or alcohol limits can support resettlement. Given the success of our new alcohol tags, with more than 3,000 offenders wearing an alcohol tag and compliance with the alcohol ban standing at 97%, this year we have introduced alcohol monitoring on licence – a world-first use

of alcohol tag technology, which elsewhere is mostly restricted to community based sanctions.

52. We are committed to protecting victims of Domestic Abuse, preventing future victims, and strengthening the consequences for the perpetrators of these crimes. We are confident EM can play a role here and to that end, we are preparing for our High Risk Domestic Abuse Perpetrators Project whereby, when released on licence, selected perpetrators will be subject to EM with the aim to help Probation manage risk, reduce reoffending, enhance public protection and instil confidence for victims. In addition, the Domestic Abuse Act provides courts with an express power to use EM for Domestic Abuse Protection Orders/Notices in appropriate circumstances. These Orders can require the abuser to submit to electronic monitoring of a restriction imposed to protect vulnerable victims.
53. We are exploring new ways for EM to offer effective alternatives to custody in appropriate cases. Through the PCSC Act, we gave courts the option for longer, more creative and more flexible curfews on community sentences to better reflect the punishment intended, better support rehabilitation, and better protect victims, and we will continue to review policy in this area.
54. We are clear that, wherever possible, children who offend should be managed in the community. Custody should always be a last resort. We want to ensure courts have the options they need for sentencing children in the criminal justice system and we are clear that EM has a valuable role to play here. To increase courts' confidence in community sentences as a robust alternative to custody, we are piloting mandatory location monitoring requirements for Youth Rehabilitation Orders with Intensive Supervision and Surveillance, and introducing optional location monitoring for standard Youth Rehabilitation Orders. We will examine how location monitoring can best support children's compliance with other requirements, can provide an additional protective factor for a child, and can divert them from a custodial sentence in addition to providing enhanced protection to the public. We are committed to ensuring that EM is used in a way that is effective for the individual child and proportionate to the seriousness of the offence.
55. We are clear that EM is a valuable and additive tool available to criminal justice partners. To inform future policy and shape operational deployment, we have put evaluation and transparency at the heart of our EM Expansion Programme. As we introduce, test and evaluate new uses for EM, we are committed to building a comprehensive evidence base and will publish our EM Data Improvement Plan by the end of the year.

Build EM Capability & Confidence

56. In recent years, we have expanded our range of EM tagging technologies and built our EM capability, working with the market and learning lessons from international comparators to horizon-scan for new concepts and new technologies, to deliver maximum EM capability for our criminal justice system.

57. In 2018 we built on our existing curfew tag offer, introducing GPS tags as an additional tool to support offender management, taking advantage of technological developments and allowing us to monitor compliance with location specific restrictions.
58. In 2020, recognising that roughly 20% of offenders supervised by the Probation Service have an alcohol problem and capitalising on cutting-edge technology, we introduced alcohol tags to monitor compliance with alcohol bans on community sentences. In 2021 we extended use of alcohol tags to monitor compliance with alcohol bans on licence too. We are committed to embedding use of alcohol tags and anticipate that 12,000 offenders will wear an alcohol tag over the next three years.
59. We are interested to explore new types of tags, with a particular focus on the role of EM in wider substance misuse monitoring, and to adopt other types of EM beyond tags - to improve and diversify our EM offer to meet the needs of our criminal justice system.
60. We are clear that EM capability must be paired with system partner confidence if it is to have maximum effect. To that end, we are working to raise awareness of the opportunities of EM with criminal justice partners, undertaking outreach work with courts and delivering briefing events to other stakeholders, including Probation, Prisons and Youth Offending Teams.
61. We are also publishing our EM Operational Framework in summer 2022 to streamline EM guidance for Probation and are publishing community order requirement guidance for Probation in courts to encourage consideration of the full variety of community order requirements, including EM-enforced options, to inform sentencing decisions.
- 62. We have already made significant progress but we recognise that there is more to do. We have a unique and unprecedented opportunity in the new generation of contracts to transform and develop our EM offer.**
63. We are clear that our next generation of EM contracts must deliver a modern, efficient, and responsive EM service for the future – a service which is agile and confident to adapt to new evidence, new technologies, and, above all, the evolving needs of our criminal justice system.

Next Steps

64. Our EM Strategy is the first in a series of documents we are publishing as we progress our EM Expansion Programme and develop our EM Target Operating Model.

65. We are making strong progress but we are confident that we can go further to strengthen our EM offer and unlock the potential of EM within the criminal justice system.

66. Our vision is for a robust, innovative and extensive EM offer, which:

- Supports rigorous, responsive, and data-informed offender management;
- Provides a cost-effective mechanism to monitor, evidence, and incentivise compliance with tailored restrictions;
- Mitigates risk factors to facilitate community-based solutions, as an alternative to custody.

To strengthen our EM offer and work towards this vision, we will continue to:

- Integrate EM more firmly into offender management;
- Introduce, test, and evaluate new uses of EM;
- Build EM capability and confidence.

67. We welcome engagement and collaboration with system partners, stakeholders, and suppliers as we write this next chapter for EM. We will publish our EM Business Plan over the summer and our EM Data Improvement Plan by the end of the year. We will also work up our EM Delivery Plan.