Electronic Monitoring with a Global Positioning System (GPS) tag is a versatile offender management tool offering a choice of capabilities that can support decision makers to manage risk more effectively, and get the right balance between punishment, crime prevention and rehabilitation.

It allows for a more bespoke approach to be tailored to an individual. It can be punitive, but also help to support rehabilitative interventions or programmes, improve compliance, help prevent reoffending, and improve enforcement and crime detection as well as providing improved outcomes for victims.

A GPS tag can be used with offenders or defendants who may otherwise be in custody, and can mitigate some of the risks these offenders might pose if given an opportunity to remain in the community.

A GPS tag can be used by decision makers to monitor a range of conditions or requirements, through providing flexibility to set a range of restrictions including keeping a given distance from a particular place or address or mapping out areas on a map that cannot be entered. Up to 50 different zones can be created if required, and can be can be limited to certain days, dates or times of day.

Buffer zones can also be included around restricted zones to alert a subject they are approaching an area they are not to enter.

GPS tagging can also be used to monitor a subject’s whereabouts and to monitor attendance to support rehabilitate interventions.

Through initial feedback from our presentations to stakeholders, 96% of the 260 feedback responses received, agreed that GPS monitoring will be a useful tool for managing offenders in the community.

Wearing a GPS tag can potentially support a subject in a number of ways, for example by:

- restricting their ability to fall into bad habits, or mix with the wrong crowd;
- incentivising them to not reoffend through the knowledge that their movements are being monitored;
- eliminating them from a police enquiry by showing they were not present when a crime was committed;
- helping them to demonstrate their commitment to change to justice services as well as to family, friends and employees.

We hope that you will find the option of a GPS tag a useful tool to assist you in your role and to support your clients in their journey towards a crime free life. For any questions you can email us: EM.GPSPilots@NOMS.gsi.gov.uk. Full contact details are included in part eight.

Please note that this pilot is not to replace the existing arrangements for GPS tagging which are currently available and in operation for convicted Terrorism Act and CPPC registered offenders. If you have a GPS related enquiry for these cases please contact CPPC@noms.gsi.gov.uk.
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PART ONE: INTRODUCTION

This document is for partners involved in the Electronic Monitoring (EM) Global Positioning System (GPS) Pilot, and those that make or indirectly support decisions regarding electronic monitoring. The toolkit sets out the background to the pilot, the pilot’s aims and objectives, its design and provides practical guidance for delivery partners to help them to understand the end-to-end processes for issuing a GPS tag.

Background

GPS offers additional monitoring capabilities that could make offender management more robust, and support decision makers to both manage risk more effectively, and get the right balance between punishment, crime prevention and rehabilitation. However we have a limited understanding of how the availability of GPS could affect the behaviour of offenders, defendants and decision makers, and how best to implement it in practice. In 2016, following David Cameron’s announcement, the then Justice Secretary decided to proceed with a carefully evaluated pilot, to address these uncertainties and support future decisions about the rollout of electronic monitoring.

Aim and objectives

The aim of the pilot is to test how the use of a GPS tag might impact upon the behaviour of offenders, defendants and decision makers in the Criminal Justice System and how it might help to improve rehabilitative outcomes. To achieve this aim the pilot will focus on these objectives:

a) We will evaluate how different decision makers respond when having the option of imposing electronic monitoring with a GPS tag for the agreed cohorts of potential wearers;
b) We will try to understand what decision makers and stakeholders perceive as ‘good practice’ and what they perceive as a potential barrier;
c) We will monitor the level of compliance for each cohort of wearers to help us to better understand how effective the support of having a GPS tag is to an individual;
d) We will evaluate the behaviour of those wearing a GPS tag imposed and try to understand how they found the experience as well as reviewing rates of compliance and potentially, future offending;
e) We will explore the extent to which GPS tagging can facilitate more informed conversations between offender managers and wearers about behaviours in the community as part of their rehabilitation;
f) We will consider whether GPS tagging can support the management of risk in the community;
g) The pilot will allow us to see what other benefits GPS tagging may bring and to identify practical lessons on how tagging should best operate on to wider implementation;
h) We will identify what staffing and other cost implications there are and whether savings can be made.

Pilot design

The pilot will run for 18 months from October 2016. In order to limit the life of the pilot we will ‘switch off’ the ability of decision makers to impose a tag after 12 months. Those
already on a tag will continue to wear the tag for a maximum of six months after the end of the pilot period. The more GPS tags that are deployed, the more data and evidence we will be able to draw upon for the pilot’s independent evaluation.

The pilot covers two geographical areas to generate sufficient volumes and include both urban and rural areas to test GPS technology in different environments. The pilot will support GPS tags for subjects in the following circumstances and areas:

Pilot Area 1: Leicestershire, Nottinghamshire, Staffordshire and West Midlands
- Court imposed Bail
- Community and suspended sentence orders
- Certain Parole cases (Lifer and IPP’s)

Pilot Area 2: Bedfordshire, Northamptonshire, Cambridgeshire and Hertfordshire
- Early release from prison - those eligible for Home Detention Curfew (HDC)
- Offenders being considered for re-release following a recall
- Offenders who have been released on licence who may otherwise be recalled to prison
- Certain Parole cases (Lifer and IPP’s)

The pilot is only available for adult (over 18) subjects. Aside from the legislative conditions that need to be satisfied in order to impose location monitoring as part of a court order or whether the licence condition can be deemed necessary and proportionate. Those of no fixed abode will not be suitable for the pilot as electronic monitoring is reliant on a fixed electricity supply to charge, furthermore, those with serious identified mental health or learning disabilities may not be suitable as there may be particular difficulties with a subject’s ability to understand the requirements or conditions (i.e. need to charge, avoid certain places etc., which could make such an order unsuitable).

Where a subject is considered suitable for GPS tagging but has a physical disability that might prevent them from wearing a tag, contact should be made with the local monitoring team to discuss the available options for wearing a tag in these circumstances prior to making the recommendation to the court or a decision to impose such a condition on a licence.

The MoJ has commissioned an independent evaluation of the pilot, which is being undertaken by NatCen Social Research and Manchester Metropolitan University. The evaluation will look at how the availability and use of GPS tags can affect the behaviour of local justice decision-makers and offenders, and will explore how GPS tags have been used in practice and the associated costs. Findings from the evaluation will be used to inform and improve the future use of GPS tagging.
PART TWO: FREQUENTLY ASKED QUESTIONS

We have attempted to list the most frequently asked questions below, however this list is not exhaustive and if there is anything that you are unsure of, or if your require any assistance, please contact any member of the pilot team. The contact details are included in part eight of this document.

Q1. What is a Global Positioning System (GPS) tag?
A GPS ‘tag’ is a device that is worn around the ankle. It is used to monitor the location of the subject who is wearing it 24 hours a day via a satellite signal which can accurately pinpoint the subject’s location. GPS tags are designed to be difficult to remove and if an attempt is made to do so, the monitoring centre will be automatically alerted.

Q2. Who monitors the location of the GPS tags?
Hertfordshire police run the monitoring centre which is based at Hertfordshire police station and is staffed 24 hours a day, seven days a week.

Q 3. What is the role of the monitoring centre?
The monitoring centre is responsible for:

a) Ensuring that the conditions of the order relating to: the installation of the tag and home beacon, monitoring of the subject’s conditions or requirement, and removal of the GPS tag, are carried out and all relevant data is inputted onto the case management system;

b) Investigating any potential breaches or equipment issues which may occur during the duration of an order, notice or licence period and responding accordingly within the timescales agreed in the service level agreement between the MoJ and pilot forces (Annex I);

c) Providing assistance, support and guidance as well as answering questions;

d) Managing any external agency requests in line with the guidance;

e) Cleaning and maintaining equipment upon return and ensuring that any items held for evidential purpose are stored securely;

f) Completing any evidential documents (such as regular compliance reports, breach reports and other management information) to a required standard and within agreed time constraints;

g) Liaising with the field teams to arrange fittings, removals and visits;

h) Attending court to give evidence if required.

Q4. What can a GPS tag be used to monitor?
Using GPS monitoring provides information about a subject’s location which helps the authorities (usually an offender manager or the police) establish whether or not a subject is complying with conditions/requirements relating to their whereabouts.

These conditions or requirements could include:

a) Monitoring a subject’s location;

b) Keeping a subject a given distance from a place, area or address;

c) Keeping a subject from entering a specific location as identified on a map;

d) Limiting a subject’s movement on certain days or dates or at certain times of day;

e) Monitoring attendance to support rehabilitate interventions.
Q5. What about curfews?
GPS tags cannot be used to impose a curfew, with the exception of Home Detention Curfew and Parole cases. If a decision is made to impose a curfew, the current EMS business as usual process should continue to be used.

Q6. Will the days that a subject spends on a GPS tag count towards a reduction in a sentence?
No. The only provision in legislation which allows for electronic monitoring time to count towards the sentence is where a tag is used to monitor a curfew condition which had been imposed on a person who was remanded on bail and subsequently sentenced to a period of imprisonment (section 240A of the CJA 2003 and as applied for indeterminate prisoners in section 82A of Power of Criminal Courts Sentencing Act 2000). The pilot is not being used to monitor curfews for wearers on bail.

Q7. Can the GPS tags be used to support a restraining order?
Not for the purpose of this pilot. Restraining orders are civil orders and so are outside the scope of this pilot.

Q8. Is monitoring carried out in ‘live time’?
GPS tags transmit continuously. ‘Alerts’ will appear on the case management system in the monitoring centre in real time. An alert could be:
a) Strap or tag tamper or damage;
b) Breach of a condition or requirement that the GPS tag is being used to monitor.

Q9. Can wearers be differentiated on the system in any way according to priority?
If a decision maker wishes to flag an individual for any reason, they can do so providing background detail of the reason for this. This may be appropriate if a specific response to a breach is required or there is specific intelligence related to an increased risk.

Q10. What do subjects have to do while they are tagged?
Whilst wearing the tag the subject must:
a) Charge the GPS tag - subjects will be issued with instructions that relate to charging and maintenance of the tag and the home beacon. This includes a requirement to charge the tag for a total of around 2 hours each day. This does not need to be done in one go, the tag can be charged in time slots that total 2 hours. The subject will be provided a charger which can be connected to mains electricity as well as a cordless charger which enables the subject to move around freely while the tag itself is charging.
b) Not damage the GPS tag or equipment - The subject must not damage the GPS tag or home beacon. If the GPS tag or home beacon is damaged, particularly if the damage is considered to be caused intentionally by the subject or someone else, the subject may be in breach of their conditions, leading to possible arrest, breach proceedings in court or recall to prison (as appropriate). They may also be charged with criminal damage.
c) Not remove or attempt to remove the tag - If a subject attempts to remove the GPS tag or manages to do so an alert is triggered at the monitoring centre and the monitoring centre will contact the offender or may dispatch a field officer to the address. In some cases police could be called and may arrest the person.
d) Not take part in unsuitable activities - While a subject is wearing a GPS tag there are some activities that they are unable to take part in because of the risk of damaging the GPS tag or hurting themselves or others. Unsuitable activities include water sports such as water skiing, surfing and diving as well as contact sports such as rugby, football, hockey and kick boxing.
e) Not fly without the permission of their responsible officer – If a subject is planning to fly, they must seek permission from their responsible officer before doing so.
PART THREE: LEGISLATION

The legislative basis for putting a tag on a subject can be found in a number of places subject to each cohort of wearers. Details of the legislation is listed below:

Remand cases subject to court bail

The current legislation relating to the use of electronic monitoring for persons on bail is as follows:

The Bail Act 1976 is the legislation governing court-imposed bail. This allows the use of electronic monitoring but only to ensure compliance with another bail condition (e.g. geographical exclusion): s6ZAB (i.e. there is no power to impose Electronic Monitoring as a stand-alone bail condition).

The conditions for the imposition of electronic monitoring are that the Court would have otherwise remanded the accused in custody but for the electronic monitoring requirements and operationally, there are the necessary arrangements in place: s 3AB.

The legislation does not set out when electronic monitoring is suitable in order to monitor a bail condition. This is left to the Court’s discretion. Although, the Bail Act 1976 refers to some specific bail conditions (e.g. sureties and security, drug assessments), there is not a definitive list of conditions that may be imposed. The court may impose any condition so long as it is necessary to prevent the accused from absconding, committing offences, interfering with witnesses etc. (s.3(6)). So, whether it is lawful to impose any particular bail condition (e.g. geographical exclusion) will depend on the individual facts of the case and the extent to which it is necessary and the most proportionate way of ensuring the accused surrenders to custody, does not commit offences etc. while on bail. The requirement for electronic monitoring to monitor compliance with that bail condition are then those set out above.

Where the court does impose electronic monitoring of a pre-existing bail condition then a person must be made responsible for the monitoring. That person can only be someone named by the Secretary of State in secondary legislation (s.3AC). For the purposes of the pilot the named responsible person will be a person who is employed by, or a police officer who is a member of, Hertfordshire police force under the Criminal Justice (Electronic Monitoring) (Responsible Person) (No. 2) Order 2016 (S.I. 2016/961).

Community and suspended sentence orders

The provisions on Community Orders and Suspended Sentence Orders (SSOs) are set out in sections 177 to 223 of the Criminal Justice Act 2003. Under current legislation, electronic monitoring is confined to monitoring the offender’s compliance with other community order or suspended sentence order requirements.

Section 177(3) (community orders) and section 190(3) (suspended sentence orders) requires the court to impose an electronic monitoring requirement when imposing a curfew requirement or an exclusion requirement, unless in the particular circumstances of the case it considers it inappropriate to do so, and confers a power to do so when imposing any of the other community order or suspended sentence order requirements. This is also unless it is prevented from doing so by s.215(2) CJA 2003 (consent of another person without whose co-operation compliance will not be practicable to secure the monitoring) or s.218(4)
CJA 2003 (which requires notification by the Secretary of State that electronic monitoring arrangements are available in the relevant areas and is satisfied that the necessary provision can be made under those arrangements.)

Section 177(4) CJA 2003 (community orders) and s. 190(4) (suspended sentence orders) allow that where a court makes an order imposing other requirements (e.g. an unpaid work requirement, an attendance centre requirement amongst others), the court may also impose an electronic monitoring requirement, again unless prevented from doing by s.215(2) or s.218(4) as set out previously.

To date, electronic monitoring is only used as part of community orders or suspended sentence orders to monitor compliance with a curfew requirement.

However, amendments to sections 177, 190 and 215 of the 2003 Act, amongst others, (as inserted by Schedule 16 to the Crime and Courts Act 2013), have been commenced for the purposes of the pilot. They broaden the existing legislative framework by adding “electronic monitoring requirement” to the list of requirements in section 177 (community orders) and section 190 (suspended sentence orders), and extends the definition of this to enable the court to authorise the location monitoring of offenders on community orders and suspended sentence orders and the collection of that location data. As such, a court imposing a community order or suspended sentence order in the relevant pilot areas will be able to order that as part of the order the offender’s whereabouts be monitored electronically. In other words, for the purposes of the pilot electronic monitoring is not just available to monitor another requirement. A Code of Practice relating to the processing of data gathered in the course of the electronic monitoring of offenders under electronic monitoring requirements has also been issued. The Secretary of State will also notify relevant courts that electronic arrangements are available for those purposes in the relevant area.

Electronic monitoring will also continue to be available to the courts to ensure compliance of other relevant requirements (if any) in the community order or suspended sentence order.

As required by section 215(3) CJA 2003, for the purposes of the pilot the person responsible for the electronic monitoring will be a person who is employed by, or a police officer who is a member of, Hertfordshire police force under the Criminal Justice (Electronic Monitoring) (Responsible Person) (No. 2)) Order 2016 (S.I. 2016/961).

**Variation of licence conditions and Re-release following a recall**

The pilot will focus on GPS location monitoring as a variation of licence, possibly at first breach or warning letter, provided that the breach is not serious enough to warrant recall to protect the public. It will test whether location monitoring enables better monitoring of the offender by the NPS or CRC - potentially as part of the better compliance work in the NPS ‘E3’ programme, with the aim of avoiding a recall to prison further down the line. Conditions on licence in relation to determinate sentence prisoners can be varied in accordance with section 250 of the Criminal Justice Act 2003.

GPS to support a licence condition, to facilitate more recalled determinate sentence prisoners being safely executive re-released (sections 255B(2) 255C(2) before sentence expiry (i.e. as part of a wider risk management plan).

**Home Detention Curfew**
Home Detention Curfew (HDC) utilises curfew technology only (section 246 in accordance with section 250(5) and section 253 of the Criminal Justice Act 2003 and section 62 of the Criminal Justice and Court Services Act 2000) and pilots will explore whether tracking technology might help address current refusal rates (likely to be around risk). Risk Assessment policy is being amended to ask governors to consider tagging those they would ordinarily have considered too high risk to release. The monitoring of whereabouts outside of the curfew period will require an additional licence condition which will have to be considered on a case by case basis and be necessary and proportionate.

**Indeterminate Sentences Prisoners (IPP and life sentence prisoners) subject to release by the Parole Board**

The Parole Board will be provided with the option of imposing a location monitoring condition on individual releases, which may influence the Parole Board’s decision to release (the Parole Board impose licence conditions for indeterminate sentence prisoners in accordance with section 31 of the Crime (Sentences) Act 1997).
PART FOUR: PRACTICAL GUIDANCE

This practical guidance has been produced in conjunction with partner agencies and is designed to provide support and information to anyone who is involved in considering, making a recommendation for or imposing a GPS tag. This guidance also provides detail of the processes that should be followed by each partner agency.

There are end-to-end process maps for each cohort and these are available at Annexes 1 – 10.

Section 1: Court imposed Bail

In order to be considered for a GPS tag, subjects must appear in a court within the relevant area of the pilot and must reside in the pilot area.

Considerations for the CPS.

- The judge or magistrate may include a requirement as a condition of bail (such as an exclusion zone) that can be monitored by a GPS tag only if the subject lives or intends to live at an address within the pilot area and the court is participating in the pilot.
- There is no power to impose GPS tagging as a stand-alone bail condition. It can only be used to monitor compliance with another bail condition.
- For a defendant aged 18 and over a court may not impose an electronic monitoring requirement unless without this requirement, he or she would not be granted bail.
- The CPS may be asked by the judge to suggest a zone that the subject should not leave or should not enter. A description of any zone within an order must be unambiguous. Ideally it should be marked on a map so that the monitoring centre can clearly see what the judge or magistrate intended. If the monitoring centre cannot interpret a zone they may request clarification if the requirement is unclear.
- In order to assist with communicating with subjects, where possible they should have access to a mobile telephone or landline at the home address and this number should be provided to the monitoring centre.

Considerations for the Judiciary, Magistracy, Legal Advisors and Responsible Officers

When considering a GPS electronic monitoring condition as part of a bail order please ensure that:
- You would have otherwise remanded the accused in custody but for the location monitoring condition.
- The condition is unambiguous and easy for the monitoring centre to action and the subject to understand. For example if you are setting an exclusion zone, be as specific about the boundaries of the zone as possible. It is helpful to use a map to define the area.
- If a zone is time limited please describe this clearly in the condition. Please see the case studies at annex A for examples.
- Ideally the subject should have access to a mobile telephone or landline at their home address and the number should be made available to the monitoring centre.
- For the purposes of the pilot we have excluded GPS tagging alongside an electronically monitored curfew. It is possible to set a curfew and an exclusion zone as bail conditions in one order but a decision should be taken about which of those conditions to monitor electronically. If the curfew is to be monitored electronically then that should be done
using the EMS curfew tag (business as usual). If the exclusion zone is to be electronically monitored then the GPS pilot tag should be used.

If you want to flag an individual for any reason, you can do so providing background detail of the reason for this. (This may be appropriate if a specific response to a breach is required or there is specific intelligence related to an increased risk). This also allows the monitoring system to set specific instructions of an appropriate response.

**Considerations for the police as the responsible officer**

In bail cases the police will be the ‘responsible officer’ (as is the current position).

- Where GPS monitoring is included as a bail condition, the monitoring centre will be responsible for notifying local control rooms if there is a breach of any bail condition that is being monitoring through the GPS tag or an attempt has been made to tamper or remove the tag.
- As the responsible officer you may also receive notification of the following:
  - Failure to install a tag and/or home beacon. Field service officers may make more than one attempt to fit the tag and install the home beacon before notifying you. If this is the case details will be provided;
  - Breach of any supporting instructions that you might have given to the wearer which can be monitored by the tag;
  - Where the subject attempts to remove or tampers with any equipment.
- Local field services will carry out fitting and removal of tags and may visit the subject if there is a problem with the tag or if the subject has failed to charge the tag in accordance with the supporting instructions provided.
- The responsible officer should inform the monitoring centre of the outcome of any consideration of breach so that this can be recorded by the monitoring centre.
- If the subject breaches another of their bail conditions that is not being monitored by the tag and is duly arrested, please notify the monitoring centre on 01442 271 021/2.
- Please ensure that tags removed in custody suites are retained for recovery by field service staff. Please contact the monitoring centre on 01442 271 021/2.

**Wording for bail conditions**

Wording for any condition monitored through GPS should be consistent with the current wording for EMS curfew monitoring, for example the wording for an exclusion zone should be:

Your exclusion zone condition will be electronically monitored. The GPS monitoring centre will see that the exclusion condition is complied with. You will wear a personal identification device at all times during the terms of this bail condition. You must not remove or tamper with the monitoring equipment in any way. You must allow access for monitoring staff to complete the induction process and follow any reasonable instructions they give you.

**Process for arranging to have the tag fitted**

Once the bail requirements have been set, the court should:

1. Fill in the court request for GPS tagging – (see relevant court processes below);
2. Email the monitoring centre a copy of the notice, details of any restrictions (ideally with a scanned map) and full details about the wearer;
3. If the judge, magistrate or responsible officer has included a request to flag the case, HMCTS staff must include that instruction and any information relating to it in the notification to the monitoring centre;
4. Contact the monitoring centre to arrange an appointment time for a fitting. The monitoring centre can be contacted on 01442 271021/2, or via email: gpsagencyenquiries@herts.pnn.police.uk

**Magistrate Court Process:**

1. Select conditional bail result required (such as RC) & select the relevant exclusion condition/requirement.
2. If there is no EMS curfew tag, users must select NO to Electronic Monitoring? within the result (clicking yes would mean the form is automatically sent to EMS in Manchester).
3. Add the EMONG result. This will generate an order (ELMONG) that will be sent via EDT to the GPS contractor.
4. If GPS tagging is removed – add the EMONE result. If there is more than one type of EM being removed please add the EMONE result for each type - 1 EDT notice will be sent for each one you add (where the responsible officer is different).

**Crown Court process:**

Crown Court staff will continue to use the manual GPS satellite tagging request form Annex P for the duration of the pilot.

**Process following a breach**

In the event of a breach of conditions, judges and magistrates should be aware that it is for the responsible officer to take a decision on the response. In bail cases this will be the police.

**The role of the monitoring centre in responding to breaches**

In the event of a confirmed breach (i.e. when the monitoring centre have reviewed the notification and confirmed that a breach of the bail condition or any of the supporting instructions given to them by the responsible officer has taken place) the expectation is that monitoring centre will contact the responsible officer immediately with details of the breach. In this case, the responsible officer will be the local police control room. Initial contact can be made over the telephone. This should be followed up by a formal documented breach report which gives the responsible officer full information about the known circumstances of the breach. The responsible officer will take a decision on the next steps.

In some circumstances, e.g. in the case of a suspected breach, it may be appropriate to make telephone contact with the wearer or for field service officers to be deployed to the address or last known location of the offender. The monitoring centre should record the outcome of the referral of breach on the case management system.
Section 2: Community and Suspended Sentence Orders

In order to be considered for a GPS tag, subjects must appear in a Court within the relevant area of the pilot and must reside in the pilot area.

Considerations for NPS staff responsible for pre-sentence reports

It is important to note that a GPS tag should only be proposed where it provides a particular identifiable value in protecting the public or specific victims, or in deterring the offender from crime. The table at Annex C helps to outline some of the differences between GPS and Radio-Frequency. It is aimed at supporting decision makers to choose and target the right functionality (radio-frequency or GPS), to effectively achieve the desired outcome.

Electronic location monitoring can be used as a standalone requirement or as part of a multi-requirement order. Whilst it can be used to meet a multiplicity of sentencing purposes report writers need to consider those cases where it will add most value in supporting rehabilitation/management of RoSH (risk of serious harm) and dissuades offenders from reoffending. The need to safeguard the public and prevent re-offending will be the most important considerations and report writers will need to give proper consideration the punitive element as well as to how GPS would improve the management of RoSH or the likelihood of re offending of the offender.

Report writers will also need to consider whether adding a GPS tag would increase the ‘weight’ of the sentence and how this fits with the courts indication of seriousness and/or offence seriousness. For example: where the offence is at the lower end of seriousness, the offender is not heavily convicted and there does not appear from interview to have any specific offending-related needs that require addressing then an UPW (unpaid work) requirement may be considered a more suitable sentencing proposal than a GPS tag.

NOTE: Curfew is out of scope for the pilot. If a decision is made to impose a curfew, the current EMS business as usual process should continue to be used.

Community order threshold – where the court has indicated that the offence has met the community threshold or, where there is no indication given but the report writer is of the view that a proposal for a community sentence is appropriate, then report writers should consider whether a GPS Tag would provide particular support to any of the purposes of sentencing. As set out in Annex C, an EM requirement to monitor an offender’s whereabouts can provide information on the subject’s whereabouts 24 hours a day so report writers need to be mindful that the addition of a GPS tag and the level of control it imposes is appropriate and proportionate to the seriousness of the offence.

Consideration should be given to those offenders who are involved in high volume offending where a GPS tag could disrupt known offending patterns as well as for those offenders whose offending requires an exclusion zone to protect an identified victim or to deter an offender from entering a specified risk area.

Custody threshold - where the court has indicated that the offence has met the custody threshold including specified offences, or where there is no indication given but the report writer is of the view that a custodial sentence is likely (based on the offence seriousness), then an EM requirement monitored through a GPS tag can be considered as an option. A decision tree, factors to be considered an example wording are set out in Annex B.
Considerations for the Judiciary, Magistracy, Legal Advisors and Responsible Officers

When considering a GPS tag to monitor compliance with and EM requirement imposed as part of a community order or suspended sentence order please ensure that:

- The condition is unambiguous and easy for the monitoring centre to action. For example if you are setting an exclusion zone requirement, be as specific about the boundaries of the zone as possible. It is helpful to use a map to define the area. This should be provided as part of the pre-sentence report if a GPS tag to monitor an EM requirement has been recommended.
- Where an exclusion zone requirement is imposed, the time period needs to be described clearly in the condition. Please see the case studies at Annex A for examples.
- Ideally the subject should have access to a mobile telephone or landline at their home address and the number should be made available to the monitoring centre.
- For the purposes of the pilot we have excluded curfew monitoring with a GPS tag for all cases except HDC and Parole. Curfews will continue to be monitored using the EMS curfew tag (business as usual) and we would not recommend that decision makers impose 2 tags to be worn at the same time.

If you want to flag an individual for any reason, you can do so providing background detail of the reason for this. (This may be appropriate if a specific response to a breach is required or there is specific intelligence related to an increased risk). This also allows the monitoring system to set specific instructions of an appropriate response.

Standalone location monitoring

The Monitoring Centre will be the responsible officer for all standalone electronic location monitoring single requirement orders. This is any order where the only condition is a requirement to monitor the location of the subject. In such cases, the monitoring team will be responsible for:

- issuing warning letters;
- determining whether breach proceedings are necessary.

If the monitoring centre determines that breach proceedings are necessary then the monitoring team will submit a breach report to the Enforcement Officer in the National Probation Service so that a breach application may be lodged at Court.

Considerations for the NPS/CRCs as the responsible officer

- The NPS/CRC should supply named contacts for the monitoring centre as soon as possible.
- Any breach reported prior to the case being allocated to the responsible officer (CRC or NPS) will be referred to the NPS.
- As the responsible officer you may also receive notification of the following:
  - Failure to install a tag and/or home beacon. Field service officers may make more than one attempt to fit the tag and install the home beacon before notifying you, if this is the case details will be provided;
  - Breach of any supporting instructions that you might have given to the wearer which can be monitored by the tag;
  - Where the subject attempts to remove or tampers with any equipment.
- Local field services will carry out fitting and removal of tags and may visit the subject if there is a problem with the tag or if the subject has failed to charge the tag in accordance with the supporting instructions provided.
- The responsible officer should inform the monitoring centre of the outcome of any consideration of breach so that this can be recorded by the monitoring centre.
- If the subject breaches another of their bail conditions that is not being monitored by the tag and is duly arrested, please notify the monitoring centre on 01442 271 021/2.
- Please ensure that tags removed in custody suites are retained for recovery by field service staff. Please contact the monitoring centre on 01442 271 021/2.

**Wording for community order or suspended sentence order requirements**

For exclusion zones, the requirement wording should start: **“Not to enter……”**

For zones that a wearer must not leave, the requirement wording should start: **“Not to enter any area outside of….”**

The order should also say – ‘The GPS monitoring centre will see that the exclusion condition or restriction is complied with. You will wear a personal identification device at all times during the terms of this requirement. You must not remove or tamper with the monitoring equipment in any way. You must allow access for monitoring staff to complete the induction process and follow any reasonable instructions they give you.

**Process for arranging to have the tag fitted**

Once the suspended sentence or community sentence order has been agreed, the court should:

1. Fill in the court request for GPS tagging – (see relevant court processes below);
2. Email the monitoring centre a copy of the notice, details of any restrictions (ideally with a scanned map) and full details about the wearer;
3. If the judge, magistrate or responsible officer has included a request to flag the case, HMCTS staff must include that instruction and any information relating to it in the notification to the monitoring centre;
4. Contact the monitoring centre to arrange an appointment time for a fitting. The monitoring centre can be contacted on 01442 271021/2, or via email: gpsagencyenquiries@herts.pnn.police.uk

**Magistrate Court Process:**

1. Select conditional bail result required (such as RC) & select the relevant exclusion condition/requirement.
2. If there is no EMS curfew tag, users must select NO to Electronic Monitoring? within the result (clicking yes would mean the form is automatically sent to EMS in Manchester).
3. Add the EMONG result. This will generate an order (ELMONG) that will be sent via EDT to the GPS contractor.
4. If GPS tagging is removed – add the EMONE result. If there is more than one type of EM being removed please add the EMONE result for each type - 1 EDT notice will be sent for each one you add (where the responsible officer is different).

**Crown Court process:**

Crown Court staff will continue to use the manual GPS satellite tagging request form **Annex P** for the duration of the pilot.
Process following a breach

In the event of a breach of an EM requirement, judges and magistrates should be aware that it is for the responsible officer to take a decision on the response to that breach.

The role of the monitoring centre in responding to breaches

In the event of a confirmed breach the expectation is that the monitoring centre will contact the responsible officer immediately with details of the breach. Initial contact can be made over the telephone. This should be followed up by a formal documented breach report which gives the responsible officer full information about the known circumstances of the breach. The responsible officer will take a decision on the next steps.

In some circumstances it may be appropriate to make telephone contact with the offender or for field service officers to be deployed to the address or last known location of the offender. Examples of this are:

- A tamper alert where the monitoring centre knows the location of the offender and can replace the tag;
- Indications of equipment failure, relating either to the tag or the home beacon;
- Cases where the tag has not moved for a prolonged period of time;
- Cases where the wearer has failed to charge the tag and is not responding to vibrate requests for a callback;
- Cases where the wearer has contacted the monitoring centre with a problem; and
- Spot checks of the equipment.

The monitoring centre should record the outcome of the referral of breach on the case management system.
Section 3: Early Release from Prison (Those Offenders Eligible for Home Detention Curfew)

In order to be considered for a GPS tag, offenders must be released from an establishment within the relevant area of the pilot and must reside in the pilot area.

Considerations for NPS and CRCs

Comments on suitability for release on HDC should be submitted as normal with home circumstances reports but in cases where the offender manager is minded to object to release, consideration should be given to whether the identified risks might adequately be managed by GPS location monitoring. See the guidance on PSRs for more detail on when GPS may be suitable.

Considerations for Prison Governors and staff

For most offenders, existing processes and equipment will be used and EMS will carry out the monitoring of an HDC case as usual. It is only in cases where there is a decision to release on a GPS tag that the new processes set out below must be used and even in those cases existing process should be followed except as indicated.

The prison will seek the views of the relevant CRC or the NPS on the suitability of the address put forward by the offender for HDC and, in 12 months plus cases, of the suitability of the offender for release. The CRC or NPS may recommend additional GPS conditions at this stage.

In cases where the HDC board is minded to recommend refusal on risk grounds, consideration should be given to whether the risks identified by the offender might be adequately managed via a GPS tag. The offender manager must be consulted in any case where the Board is minded to recommend use of the GPS tag.

Electronic location monitoring should not be used as an additional condition in cases where the offender would have been released on HDC anyway under a curfew monitored by EMS. The decision maker must be of the view that it is the additional GPS location monitoring capability that makes the difference between a refusal and a grant of HDC. For example, where there is a need for an exclusion zone but the individual is assessed as unlikely to comply with that condition without electronic location monitoring.

The prison will notify the NPS/CRC and the monitoring centre of any decision to release on GPS tag with details of the curfew address, additional location monitoring conditions and date of release up to 2 weeks prior to the release date. A Licence bearing details of NPS/CRC offender manager will be issued to all parties on or shortly before release. An example copy of a licence is at Annex E.

The prison must record the decision to release with a GPS tag and the reasons for doing so in the HDC4.

If you want to flag an individual for any reason, you can do so providing background detail of the reason for this. (This may be appropriate if a specific response to a breach is required or there is specific intelligence related to an increased risk). This also allows the monitoring system to set specific instructions of an appropriate response.
Considerations for the monitoring centre

Enforcement and Monitoring compliance is different for HDC. Offenders released on HDC will have a licence that contains both curfew and general conditions. The curfew conditions will expire at the half way point of the sentence, whilst the general conditions (including any specific GPS location monitoring conditions), will, unless varied, remain in force until the end of the sentence.

The monitoring centre may authorise absences from the curfew address and issue warnings in relation to minor curfew violations in the circumstances prescribed in annexes F and G. (An example of a monitoring centre warning letter is at Annex H). Otherwise, it is for PPCS to determine whether to recall and they may contact the monitoring centre as well as the NPS/CRC in coming to their decision.

Wording for HDC licence conditions

The following licence conditions must only be applied in accordance with PSI 12/2015 and each condition must be necessary and proportionate to the offender’s risk:

- Not to enter [NAME/TYPE OF PREMISES / ADDRESS / ROAD] without the prior approval of your supervising officer. This will be monitored by Electronic Monitoring GPS Satellite Tagging.
- Not to enter the area of [CLEARLY SPECIFIED AREA], as defined by the attached map without the prior approval of your supervising officer. This condition will be monitored by Electronically Monitored Satellite Tagging.
- Confine yourself to remain at [CURFEW ADDRESS] initially from [START OF CURFEW HOURS] until [END OF CURFEW HOURS] each day, and, thereafter, for such a period as may be reasonably notified to you by your supervising officer; and comply with such arrangements as may be reasonably put in place and notified to you by your supervising officer so as to allow for your whereabouts and your compliance with your curfew requirement be monitored by Electronic Monitoring GPS Satellite Tagging.
- Report to staff at [NAME OF APPROVED PREMISES / POLICE STATION] at [TIME / DAILY], unless otherwise authorised by your supervising officer. This condition will be reviewed by your supervising officer on a [WEEKLY / MONTHLY / ETC] basis and may be amended or removed if it is felt that the level of risk you present has reduced appropriately. This will be monitored by Electronic Monitoring GPS Satellite Tagging.
- Attend [INSERT APPOINTMENT TIME DATE AND ADDRESS], as directed, to address your dependency on, or propensity to misuse, a controlled drug. This will be monitored by Electronic Monitoring GPS Satellite Tagging.
- Attend [INSERT NAME AND ADDRESS], as reasonably required by your supervising officer, to give a sample of oral fluid / urine in order to test whether you have any specified Class A and specified Class B drugs in your body, for the purpose of ensuring that you are complying with the condition of your licence requiring you to be of good behaviour. Your attendance will be monitored by Electronic Monitoring GPS Satellite Tagging.
- To comply with any requirements specified by your supervising officer for the purpose of ensuring that you address your alcohol / drug / sexual / violent / gambling / solvent abuse / anger / debt / prolific / offending behaviour problems at the [NAME OF COURSE / CENTRE]. Any specified requirement of attendance in relation to this condition will be monitored by Electronic Monitoring GPS Satellite Tagging.
Process for arranging to have the tag fitted

Once the HDC licence has been produced, the prison should:
1. Email the monitoring centre a copy of the licence, details of any restrictions (ideally with a scanned map) and full details about the wearer;
2. If the board has included a request to flag the case, prison staff must include that instruction and any information relating to it in the notification to the monitoring centre;
3. Contact the monitoring centre to arrange an appointment time for a fitting.

The monitoring centre can be contacted on 01442 271021/2, or via email: gpsagencyenquiries@herts.pnn.police.uk

Process following a breach

In the event of a breach of curfew under HDC it is for PPCS to take a decision on the response. In the event of a breach of another condition being monitored though a GPS tag, it is for the responsible officer to initiate the response.

The role of the monitoring centre in responding to breaches

The monitoring centre will report violations of curfew conditions to PPCS who will decide whether to revoke the licence within 24 hours.

HDCBreachTeamNOMS@noms.gsi.gov.uk Tel: 020 3334 0742 / 020 3334 0653 / 020 3334 0549

Potential breaches of other conditions that are identified via location monitoring (e.g. breach of exclusion zone), and any other non-compliance not related to curfew which the monitoring centre identifies, will be reported to the responsible officer who may request the offender’s recall by completing the Recall Report (Part A) contained in the Recall and Review Report and submitting it to the appropriate Recall Team in PPCS.
The Appeals team in the Ministry of Justice may request further details about the circumstances leading to a breach report being submitted to PPCS. The Appeals team is also the HDC policy helpline team and are happy to receive enquiries about HDC policy and practice. The contact details are: sppu.early.release@justice.gsi.gov.uk Tel: 0203 334 5044/4689
**Section 4: Offenders who have been released on licence who may otherwise be recalled to prison.**

In order to be considered for a GPS tag, subjects must reside in the relevant area of the pilot area.

**Considerations for NPS/CRCs**

In the event that an offender has been released from prison on licence and is residing in the relevant area of the pilot but is causing the responsible officer to have concerns regarding their behaviour, you may wish to consider recommending the use of GPS tagging to monitor a new condition. In particular this may be relevant to an offender that you might otherwise recall to prison. Examples of how GPS can be used effectively are:

- To monitor an exclusion zone or a series of zones
- To create a schedule for the offender, attendance at which can be monitored by GPS

For more details please see the case studies at Annex A.

Where you wish to add a condition that will be monitored through a GPS tag, you should follow the usual procedure for a variation of conditions. Where you are recommending an exclusion zone, it is helpful to include a local map with the proposed zone marked clearly on it.

If you want to flag an individual for any reason, you can do so providing background detail of the reason for this. (This may be appropriate if a specific response to a breach is required or there is specific intelligence related to an increased risk). This also allows the monitoring system to set specific instructions of an appropriate response.

Once the offender is tagged the monitoring centre will provide the responsible officer with compliance reports. The monitoring centre will also contact the responsible officer if the offender breaches his or her conditions. As the responsible officer you may receive notification of the following types of breach;

- Failure to install a tag and/or home beacon. Field service officers may make more than one attempt to fit the tag and install the home beacon before notifying you, if this is the case details will be provided.
- An attempt to tamper with or remove the tag or tamper with the home beacon.
- A confirmed unauthorised removal of the tag.
- Disconnection of the home beacon from the power supply.
- A failure to charge the tag.
- A breach of a condition monitored by GPS such as an exclusion zone.

Local field services will carry out fitting and removal of tags and may visit the subject if there is a problem with the tag or if the subject has failed to charge the tag.

If the subject breaches another condition that is unrelated to the condition being monitored by the tag and the decision to recall the offender is taken by PPCS please notify the monitoring centre on 01442 271 021/2 to inform them of the decision so that arrangements can be made to recover the tag.

**Wording for licence conditions**

The conditions in paragraph (2) are the standard conditions that must be included in an offender’s licence in accordance with section 250(4)(a) of the Act where the offender is subject to an electronic monitoring condition under sections 62(1) and 62A(2) of the Criminal Justice and Court Services Act 2000.
While subject to electronic monitoring an offender must:
   a) allow an electronic device to be fitted to their person;
   b) allow the installation of any equipment associated with electronic monitoring;
   c) not damage or tamper with the electronic device or equipment associated with electronic monitoring;
   d) ensure at all times that the electronic device is sufficiently charged;
   e) immediately report to the supervising officer if the electronic device or equipment associated with electronic monitoring is not working correctly;
   f) allow any person nominated by the supervising officer to check whether the electronic device or equipment associated with electronic monitoring is working correctly.

This can be distilled into the licence condition:
- Allow person(s) as designated by your supervising officer to install an electronic monitoring tag on you and access to install any associated equipment in your property, and for the purpose of ensuring that equipment is functioning correctly. You must not damage or tamper with these devices and ensure that the tag is charged, and report to your supervising officer immediately if the tag or the associated equipment are not working correctly.

The following licence conditions must only be applied in accordance with PSI 2015-12 and each condition must be necessary and proportionate to the offender’s risk.
- Not to enter [NAME/TYPE OF PREMISES / ADDRESS / ROAD] without the prior approval of your supervising officer. This will be monitored by Electronic Monitoring GPS Satellite Tagging.
- Not to enter the area of [CLEARLY SPECIFIED AREA], as defined by the attached map without the prior approval of your supervising officer. This condition will be monitored by Electronically Monitored Satellite Tagging.
- Report to staff at [NAME OF APPROVED PREMISES / POLICE STATION] at [TIME / DAILY], unless otherwise authorised by your supervising officer. This condition will be reviewed by your supervising officer on a [WEEKLY / MONTHLY / ETC] basis and may be amended or removed if it is felt that the level of risk you present has reduced appropriately. This will be monitored by Electronic Monitoring GPS Satellite Tagging.
- Attend [INSERT APPOINTMENT TIME DATE AND ADDRESS], as directed, to address your dependency on, or propensity to misuse, a controlled drug. This will be monitored by Electronic Monitoring GPS Satellite Tagging.
- Attend [INSERT NAME AND ADDRESS], as reasonably required by your supervising officer, to give a sample of oral fluid / urine in order to test whether you have any specified Class A and specified Class B drugs in your body, for the purpose of ensuring that you are complying with the condition of your licence requiring you to be of good behaviour. Your attendance will be monitored by Electronic Monitoring GPS Satellite Tagging.
- To comply with any requirements specified by your supervising officer for the purpose of ensuring that you address your alcohol / drug / sexual / violent / gambling / solvent abuse / anger / debt / prolific / offending behaviour problems at the [NAME OF COURSE / CENTRE]. Any specified requirement of attendance in relation to this condition will be monitored by Electronic Monitoring GPS Satellite Tagging.

Process for arranging to have the tag fitted

Upon receipt of the updated licence from the prison or offender manager, the responsible officer should:
1. Email the monitoring centre a copy of the licence, details of any restrictions (ideally with a scanned map) and full details about the wearer;
2. If the governor or offender manager has included a request to flag the case, the responsible officer must include that instruction and any information relating to it in the notification to the monitoring centre;
3. Contact the monitoring centre to arrange an appointment time for a fitting. The monitoring centre can be contacted on 01442 271021/2, or via email: gpsagencyenquiries@herts.pnn.police.uk

Process following a breach

In the event of a breach of it is for the responsible officer to initiate the response.

The role of the monitoring centre in responding to breaches

In the event of a confirmed breach the expectation is that the monitoring centre will contact the responsible officer immediately with details of the breach. Initial contact can be made over the telephone. This should be followed up by a formal documented breach report which gives the responsible officer full information about the known circumstances of the breach. The responsible officer will take a decision on the next steps.

In some circumstances it may be appropriate to make telephone contact with the offender or for field service officers to be deployed to the address or last known location of the offender. Examples of this are:

- A tamper alert where the monitoring centre knows the location of the offender and can replace the tag;
- Indications of equipment failure, relating either to the tag or the home beacon;
- Cases where the tag has not moved for a prolonged period of time;
- Cases where the wearer has failed to charge the tag and is not responding to vibrate requests for a callback;
- Cases where the wearer has contacted the monitoring centre with a problem; and
- Spot checks of the equipment.

The monitoring centre should record the outcome of the referral of breach on the case management system.
Section 5: Offenders being considered for re-release following a recall.

In order to be considered for a GPS tag, offenders must be released from an establishment within the relevant area of the pilot and must reside in the pilot area.

Considerations for NPS/CRCs

In certain cases where consideration is being given to the re-release of an offender who has been recalled to prison, you may wish to consider, as part of the case management review, recommending the use of GPS tagging to monitor a new condition. Examples of how GPS can be used effectively are:

- To monitor an exclusion zone or a series of zones
- To create a schedule for the offender, attendance at which can be monitored by GPS

For more details please see the case studies at Annex A.

Where you wish to add a condition that will be monitored through a GPS tag, you should follow the usual procedure for a variation of conditions. Where you are recommending an exclusion zone, it is helpful to include a local map with the proposed zone marked clearly on it.

If you want to flag an individual for any reason, you can do so providing background detail of the reason for this. (This may be appropriate if a specific response to a breach is required or there is specific intelligence related to an increased risk).

This also allows the monitoring system to set specific instructions of an appropriate response.

Once the offender is tagged the monitoring centre will provide the responsible officer with compliance reports. The monitoring centre will also contact the responsible officer if the offender breaches his or her conditions. As the responsible officer you may receive notification of the following types of breach:

- Failure to install a tag and/or home beacon. Field service officers may make more than one attempt to fit the tag and install the home beacon before notifying you, if this is the case details will be provided.
- An attempt to tamper with or remove the tag or tamper with the home beacon.
- A confirmed unauthorised removal of the tag.
- Disconnection of the home beacon from the power supply.
- A failure to charge the tag.
- A breach of a condition monitored by GPS such as an exclusion zone.

Local field services will carry out fitting and removal of tags and may visit the subject if there is a problem with the tag or if the subject has failed to charge the tag.

If the subject breaches another condition that is unrelated to the condition being monitored by the tag and the decision to recall the offender is taken by PPCS please notify the monitoring centre on 01442 271 021/2 to inform them of the decision so that arrangements can be made to recover the tag.

Wording for licence conditions

The conditions in paragraph (2) are the standard conditions that must be included in an offender’s licence in accordance with section 250(4)(a) of the Act where the offender is
subject to an electronic monitoring condition under sections 62(1) and 62A(2) of the Criminal Justice and Court Services Act 2000.

While subject to electronic monitoring an offender must:

a) allow an electronic device to be fitted to their person;
b) allow the installation of any equipment associated with electronic monitoring;
c) not damage or tamper with the electronic device or equipment associated with electronic monitoring;
d) ensure at all times that the electronic device is sufficiently charged;
e) immediately report to the supervising officer if the electronic device or equipment associated with electronic monitoring is not working correctly;
f) allow any person nominated by the supervising officer to check whether the electronic device or equipment associated with electronic monitoring is working correctly.

c) not damage or tamper with the electronic device or equipment associated with electronic monitoring;
d) ensure at all times that the electronic device is sufficiently charged;
e) immediately report to the supervising officer if the electronic device or equipment associated with electronic monitoring is not working correctly;
f) allow any person nominated by the supervising officer to check whether the electronic device or equipment associated with electronic monitoring is working correctly.

This can be distilled into the licence condition:

- Allow person(s) as designated by your supervising officer to install an electronic monitoring tag on you and access to install any associated equipment in your property, and for the purpose of ensuring that equipment is functioning correctly. You must not damage or tamper with these devices and ensure that the tag is charged, and report to your supervising officer immediately if the tag or the associated equipment are not working correctly.

The following licence conditions must only be applied in accordance with PSI 2015-12 and each condition must be necessary and proportionate to the offender’s risk.

- Not to enter [NAME/TYPE OF PREMISES / ADDRESS / ROAD] without the prior approval of your supervising officer. This will be monitored by Electronic Monitoring GPS Satellite Tagging.
- Not to enter the area of [CLEARLY SPECIFIED AREA], as defined by the attached map without the prior approval of your supervising officer. This condition will be monitored by Electronically Monitored Satellite Tagging.
- Report to staff at [NAME OF APPROVED PREMISES / POLICE STATION] at [TIME / DAILY], unless otherwise authorised by your supervising officer. This condition will be reviewed by your supervising officer on a [WEEKLY / MONTHLY / ETC] basis and may be amended or removed if it is felt that the level of risk you present has reduced appropriately. This will be monitored by Electronic Monitoring GPS Satellite Tagging.
- Attend [INSERT APPOINTMENT TIME DATE AND ADDRESS], as directed, to address your dependency on, or propensity to misuse, a controlled drug. This will be monitored by Electronic Monitoring GPS Satellite Tagging.
- Attend [INSERT NAME AND ADDRESS], as reasonably required by your supervising officer, to give a sample of oral fluid / urine in order to test whether you have any specified Class A and specified Class B drugs in your body, for the purpose of ensuring that you are complying with the condition of your licence requiring you to be of good behaviour. Your attendance will be monitored by Electronic Monitoring GPS Satellite Tagging.
- To comply with any requirements specified by your supervising officer for the purpose of ensuring that you address your alcohol / drug / sexual / violent / gambling / solvent abuse / anger / debt / prolific / offending behaviour problems at the [NAME OF COURSE / CENTRE]. Any specified requirement of attendance in relation to this condition will be monitored by Electronic Monitoring GPS Satellite Tagging.
Process for arranging to have the tag fitted

Once the licence has been produced, the prison should:
1. Email the monitoring centre a copy of the licence, details of any restrictions (ideally with a scanned map) and full details about the wearer;
2. If the governor or offender manager has included a request to flag the case, the responsible officer must include that instruction and any information relating to it in the notification to the monitoring centre;
3. Contact the monitoring centre to arrange an appointment time for a fitting. The monitoring centre can be contacted on 01442 271021/2, or via email: gpsagencyenquiries@herts.pnn.police.uk

Process following a breach

In the event of a breach it is for the responsible officer to initiate the response.

The role of the monitoring centre in responding to breaches

In the event of a confirmed breach the expectation is that monitoring centre will contact the responsible officer immediately with details of the breach. Initial contact can be made over the telephone. This should be followed up by a formal documented breach report which gives the responsible officer full information about the known circumstances of the breach. The responsible officer will take a decision on the next steps. In some circumstances it may be appropriate to make telephone contact with the offender or for field service officers to be deployed to the address or last known location of the offender. Examples of this are:

- A tamper alert where the monitoring centre knows the location of the offender and can replace the tag;
- Indications of equipment failure, relating either to the tag or the home beacon;
- Cases where the tag has not moved for a prolonged period of time;
- Cases where the wearer has failed to charge the tag and is not responding to vibrate requests for a callback;
- Cases where the wearer has contacted the monitoring centre with a problem; and
- Spot checks of the equipment.

The monitoring centre should record the outcome of the referral of breach on the case management system.
Section 6: Certain cases being considered for release by the Parole Board.

In order to be considered for a GPS tag, offenders must reside in the pilot area.

Considerations for NPS

In certain cases where consideration is being given to the release of an offender who is serving an indeterminate sentence (life sentence or IPP), you may wish to consider recommending the use of Electronic location monitoring in order to more effectively monitor a condition. Examples of the effective use of location monitoring are:

- To monitor an exclusion zone or a series of zones
- To create a schedule for the offender, attendance at which can be monitored by GPS

For more details please see the case studies at Annex A.

Where you wish to add a GPS condition you should follow the usual procedure for variation of conditions. Where you are recommending an exclusion zone, it is helpful to include a local map with the proposed zone marked clearly on it.

If you want to flag an individual for any reason, you can do so providing background detail of the reason for this. (This may be appropriate if a specific response to a breach is required or there is specific intelligence related to an increased risk). This also allows the monitoring system to set specific instructions of an appropriate response.

Once the offender is tagged the monitoring centre will provide the responsible officer with compliance reports. The monitoring centre will also contact the responsible officer if the offender breaches his or her conditions. As the responsible officer you may receive notification of the following types of breach:

- Failure to install a tag and/or home beacon. Field service officers may make more than one attempt to fit the tag and install the home beacon before notifying you, if this is the case details will be provided.
- An attempt to tamper with or remove the tag or tamper with the home beacon.
- A confirmed unauthorised removal of the tag.
- Disconnection of the home beacon from the power supply.
- A failure to charge the tag.
- A breach of a condition monitored by GPS such as an exclusion zone.

Local field services will carry out fitting and removal of tags and may visit the subject if there is a problem with the tag or if the subject has failed to charge the tag.

If the subject breaches another condition that is unrelated to the condition being monitored by the tag and the decision to recall the offender is taken by PPCS please notify the monitoring centre on 01442 271 021/2 to inform them of the decision so that arrangements can be made to recover the tag.

Wording for licence conditions

The conditions in paragraph (2) are the standard conditions that must be included in an offender’s licence in accordance with section 250(4)(a) of the Act where the offender is subject to an electronic monitoring condition under sections 62(1) and 62A(2) of the Criminal Justice and Court Services Act 2000.

While subject to electronic monitoring an offender must:
  a) allow an electronic device to be fitted to their person;
b) allow the installation of any equipment associated with electronic monitoring;
c) not damage or tamper with the electronic device or equipment associated with electronic monitoring;
d) ensure at all times that the electronic device is sufficiently charged;
e) immediately report to the supervising officer if the electronic device or equipment associated with electronic monitoring is not working correctly;
f) allow any person nominated by the supervising officer to check whether the electronic device or equipment associated with electronic monitoring is working correctly.

This can be distilled into the licence condition:
- Allow person(s) as designated by your supervising officer to install an electronic monitoring tag on you and access to install any associated equipment in your property, and for the purpose of ensuring that equipment is functioning correctly. You must not damage or tamper with these devices and ensure that the tag is charged, and report to your supervising officer immediately if the tag or the associated equipment are not working correctly.

The following licence conditions must only be applied in accordance with PSI 2015-12 and each condition must be necessary and proportionate to the offender’s risk.
- Not to enter [NAME/TYPe OF PREMISES / ADDRESS / ROAD] without the prior approval of your supervising officer. This will be monitored by Electronic Monitoring GPS Satellite Tagging.
- Not to enter the area of [CLEARLY SPECIFIED AREA], as defined by the attached map without the prior approval of your supervising officer. This condition will be monitored by Electronically Monitored Satellite Tagging.
- Report to staff at [NAME OF APPROVED PREMISES / POLICE STATION] at [TIME / DAILY], unless otherwise authorised by your supervising officer. This condition will be reviewed by your supervising officer on a [WEEKLY / MONTHLY / ETC] basis and may be amended or removed if it is felt that the level of risk you present has reduced appropriately. This will be monitored by Electronic Monitoring GPS Satellite Tagging.
- Attend [INSERT APPOINTMENT TIME DATE AND ADDRESS], as directed, to address your dependency on, or propensity to misuse, a controlled drug. This will be monitored by Electronic Monitoring GPS Satellite Tagging.
- Attend [INSERT NAME AND ADDRESS], as reasonably required by your supervising officer, to give a sample of oral fluid / urine in order to test whether you have any specified Class A and specified Class B drugs in your body, for the purpose of ensuring that you are complying with the condition of your licence requiring you to be of good behaviour. Your attendance will be monitored by Electronic Monitoring GPS Satellite Tagging.
- To comply with any requirements specified by your supervising officer for the purpose of ensuring that you address your alcohol / drug / sexual / violent / gambling / solvent abuse / anger / debt / prolific / offending behaviour problems at the [NAME OF COURSE / CENTRE]. Any specified requirement of attendance in relation to this condition will be monitored by Electronic Monitoring GPS Satellite Tagging.
Process for arranging to have the tag fitted

Once the licence has been produced by the Parole Board, the prison should:
1. Email the monitoring centre a copy of the licence, details of any restrictions (ideally with a scanned map) and full details about the wearer;
2. If the Parole Board have included a request to flag the case, the prison must include that instruction and any information relating to it in the notification to the monitoring centre;
3. Contact the monitoring centre to arrange an appointment time for a fitting.
The monitoring centre can be contacted on 01442 271021/2, or via email: gpsagencyenquiries@herts.pnn.police.uk

Process following a breach

In the event of a breach of it is for the responsible officer to initiate the response.

The role of the monitoring centre in responding to breaches

In the event of a confirmed breach the expectation is that monitoring centre will contact the responsible officer immediately with details of the breach. Initial contact can be made over the telephone. This should be followed up by a formal documented breach report which gives the responsible officer full information about the known circumstances of the breach. The responsible officer will take a decision on the next steps.

In some circumstances it may be appropriate to make telephone contact with the offender or for field service officers to be deployed to the address or last known location of the offender. Examples of this are:
- A tamper alert where the monitoring centre knows the location of the offender and can replace the tag;
- Indications of equipment failure, relating either to the tag or the home beacon;
- Cases where the tag has not moved for a prolonged period of time;
- Cases where the wearer has failed to charge the tag and is not responding to vibrate requests for a callback;
- Cases where the wearer has contacted the monitoring centre with a problem; and
- Spot checks of the equipment.

The monitoring centre should record the outcome of the referral of breach on the case management system.
PART FIVE: WEARER LITERATURE

We have produced a range of literature for the pilot. This includes leaflets for both areas of the pilot, they advise potential subjects of the pilot, the fact that they may have a tag imposed as well as how they can ask to be included in the pilot. Once a tag has been imposed, subjects will be issued with an initial first 24 hour leaflet and a handbook that contains full details of the end to end processes. There is also a notice that is issued to all subjects when a GPS tag is fitted which explains what data will be collected, how the data is managed as well as how it can be accessed and by whom. The literature pack includes:

• Subject awareness leaflets. These have been designed to inform subjects who may be eligible for the pilot of its existence, including when and how they may be considered and for how long. They also stress the potential benefits for subjects. A BeNCH specific leaflet is for display in prisons, probation and CRC offices (Annex K). The Midlands leaflet is for display in legal, probation, CRC offices and courts (Annex L).
• First 24 hour leaflet. This covers detail of what the subject needs to do and what they can expect in the 24 hour period from when the tag is imposed or they are released from prison. It is for issue by decision maker at the time of tag approval (Annex M).
• Handbook. This covers full details of the processes from fitting to removal, information of what wearers must and should not do as well as what action to take if they have any questions or concerns. It is for issue by the field staff at the time of tag application (Annex N).
• Fair Processing Notice. This covers the collection and management of all the data captured through the GPS tag as well how the data can be accessed. It is for issue by the field staff at the time of tag application (Annex O).
PART SIX: EXTERNAL AGENCY REQUESTS

Stakeholders can request routine retrospective data for orders that they manage. This is limited to information which is necessary to monitor compliance. Subjects can also request that any of their data is shared with stakeholders, or made available for themselves. However if another stakeholder requires access to data for a particular subject that they would otherwise not be able to routinely access, they would need to submit an External Agency Requests including the reason for the request. Each case will be considered individually. Full EAR guidance and a request from is available in the toolkit Annex Q.
PART SEVEN: DIVERSITY CONSIDERATION

NOMS is committed to ensuring that Diversity, Equality and Inclusion are central to all sentencing proposals made within the courts, although this pilot only applies to adult subjects. Report authors should make the same analysis as to the impact of a GPS tag upon an individual as they would for all other sentencing proposals.

Consideration for authors and decision makers could include and are not exclusive to: impact upon an individuals’ emotional and mental health, cognitive function in respect of the subjects ability to engage with such a condition or requirement appropriately, physical needs that may be impacted, dependants upon the individual for whom the requirement would jeopardise levels of support/care, impact upon child care, impact upon employment and ability to engage effectively with religious activities. Consideration of diversity, equality and inclusion should not necessarily exclude the individual from participation of a requirement, but should be incorporated to assure its most effective implementation.

Authors and decision makers must take account of the balance between a right to a private family life and public protection. Application of the requirement or condition should be proportionate to the risks identified and clearly evidenced to ensure that there is no unintentional bias impacting the proposal and subsequently impacting the subject’s liberty.
## PART EIGHT: CONTACT DETAILS

### Pilot team

<table>
<thead>
<tr>
<th>Name</th>
<th>Email</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gareth Jenkins</td>
<td><a href="mailto:Gareth.jenkins1@noms.gsi.gov.uk">Gareth.jenkins1@noms.gsi.gov.uk</a></td>
<td>07967 733240</td>
</tr>
<tr>
<td>Jon Vellacott</td>
<td><a href="mailto:Jon.vellacott@noms.gsi.gov.uk">Jon.vellacott@noms.gsi.gov.uk</a></td>
<td>07807 509777</td>
</tr>
<tr>
<td>Russ Crooks</td>
<td><a href="mailto:Russ.crooks@noms.gsi.gov.uk">Russ.crooks@noms.gsi.gov.uk</a></td>
<td>07968 908032</td>
</tr>
<tr>
<td>Naomi Jeacock</td>
<td><a href="mailto:Naomi.jeacock@noms.gsi.gov.uk">Naomi.jeacock@noms.gsi.gov.uk</a></td>
<td>07422 076573</td>
</tr>
<tr>
<td>David Cain</td>
<td><a href="mailto:David.cain@nottinghamshire.pnn.police.uk">David.cain@nottinghamshire.pnn.police.uk</a></td>
<td>07702 141602</td>
</tr>
<tr>
<td>Craig Flint</td>
<td><a href="mailto:Craig.flint@herts.pnn.police.uk">Craig.flint@herts.pnn.police.uk</a></td>
<td>07710 916872</td>
</tr>
</tbody>
</table>

**EM.GPS Pilots@NOMS.gsi.gov.uk**

### Monitoring Centre

- **Hemel Hempstead Police Station**
  - Combe Street
  - Hemel Hempstead
  - Herts
  - HP1 1HL

**gpsagencyenquiries@herts.pnn.police.uk**