

## DMPC Decision – 1405

**Title:** Extension of GPS tagging pilots 2023/24

### Executive Summary:

This decision seeks approval to extend the two current MOPAC GPS pilots, for knife crime offenders and high-risk domestic abuse perpetrators, until March 2024. The domestic abuse pilot will also be expanded to include all types of stalking behaviour. This extension is based on approval from the Secretary of State for Justice, which has now been obtained for this period. During this period MOPAC will also explore with partners how GPS tagging might be used with other groups to reduce serious violence.

This decision seeks agreement to extend the pilots by 12 months to 31<sup>st</sup> March 2024 at a maximum cost of £1,350,000. This budget is formed of a minimum of £450,000 carried forward from the 22/23 GPS pilot budget, and £900,000 previously approved in PCD 1065.

This will involve going through the procurement process using Government Marketplace framework (G-Cloud) to allow the continuation of this pilot up to the maximum value of £1,190,000. The remaining £160,000 will be used for the funding of police, probation and project support resources, to ensure effective delivery of the GPS pilots

### Recommendation:

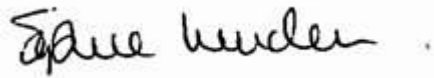
The Deputy Mayor for Policing and Crime is recommended to:

1. Approve the GPS Tagging Pilot extension at a cost of £1,350,000 for a 12 month period until March 2024.
2. Note that of the total funding required £900,000 has been previously approved (PCD 1065) and is included in the approved budget for 2023/24, and there is approval to carry funds forward of £413,000 from 2022/23 (PCD 1280).
3. Approve the carry forward of funds totalling £37,000 to provide the balance of funds required.
4. Procurement to take place by using Government market place framework (G-Cloud) for a period of 12 months to the value of £1,190,000.
5. It is recommended that the Chief Executive Officer is granted delegated authority for signing future documents in relation to this decision, including contracts and variations. Approval of this decision remains with DMPC as per MOPAC's Scheme of Delegation.

**Deputy Mayor for Policing and Crime**

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

**Signature****Date****15/03/2023**A handwritten signature in black ink, appearing to read "Spivey", followed by a period.**PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC**

## **1. Introduction and background**

- 1.1. The Police and Crime Plan and the London Knife Crime Strategy contain commitments to pilot the use of GPS tagging with knife crime offenders being released from prison on licence. The MOPAC GPS tagging for knife crime pilot has been running since February 2019 and since April 2020 has been live in all London boroughs. The pilot provides an important risk management tool for probation practitioners and to date over 1,112 offenders have been given GPS licence conditions as part of this pilot.
- 1.2. Following ministerial approval, a new MOPAC pilot to test the use of GPS tagging with high-risk domestic abuse perpetrators was launched in March 2021. This pilot is also available across all London boroughs and to date over 368 high risk offenders have been given GPS licence conditions as part of this pilot.
- 1.3. The aims for the two current GPS pilot are:
  - That GPS data is used to improve the management of the risk posed to the public, children and known adults, including past, current and future intimate partners.
  - That GPS improves the enforcement of licence conditions and increases deterrence from further offending.
  - Offenders subject to GPS have their thinking and behaviour challenged and positively changed through the use of location data in supervision
  - That GPS location data is shared appropriately for enhanced crime detection.
  - Best practice learning is developed around how information on these cases can be shared with police, victim/survivor safety agencies and other professionals, within legal boundaries and ICO guidelines.
- 1.4. The evaluation of MOPAC's GPS pilots is being undertaken by MOPAC Evidence and Insight, using a model that builds on the approach previously employed for the offenders tagged on the Persistent Offender Programme. The interim evaluation report for the GPS for knife crime pilot was published on the MOPAC website in June 2020. In 2021 the final evaluation report for the GPS tagging for Community Sentences pilot was published. Both of these reports detail the value of GPS as a tool to manage risk and offending behaviour in the community and monitor compliance with conditions.
- 1.5. A final process and performance evaluation of the knife crime pilot will be completed in the summer of 2023. This will also include early impact findings including reoffending and compliance outcomes. A full 12-month reoffending analysis will follow in early 2024. The GPS for domestic abuse perpetrators pilot has also be evaluated by MOPAC Evidence and Insight, with a process and performance evaluation to be published in Spring 2023.

## **2. Issues for consideration**

- 2.1. The existing contract with the electronic monitoring supplier, Buddi Ltd, was written using the G Cloud 13 Framework from the Crown Commercial Service and ends on 31<sup>st</sup> March 2023. This decision asks for approval to re-procure this GPS tagging, monitoring

and field service provision using the Government Marketplace framework (G-Cloud) and that authority for signing this contract is delegated to the Chief Executive Officer.

- 2.2. This decisions also seeks agreement for the extension of the MOPAC GPS tagging pilots, including both knife crime and domestic abuse offenders. All eligibility criteria for the knife crime pilot will remain the same. Stalking offenders have previously been included in the domestic abuse pilot where they met the definition for domestic abuse stalking, but going forward all stalking offences (including those committed outside of the cross governmental definition of domestic abuse) can also be included. This will make this pilot now explicitly the “Domestic abuse and stalking pilot”.
- 2.3. During the 12-months to March 2024 it is envisaged that up to 660 offenders will receive a GPS tag on release from prison. This will largely be made up of knife crime and high risk domestic abuse and stalking offenders, but other groups may also be included if this is agreed by stakeholders and supports the aims of reducing serious violence.
- 2.4. To support the extension of the pilot there will be a requirement for continued resource, including a dedicated Police Intelligence Analyst to support the crime mapping function. Crime mapping allows for the cross-referencing of eligible offender’s movements against the location of reported serious crimes in London. Data is only released when a match is confirmed, and this is triaged to assess significance, before being sent on to local police teams for investigation. Crime mapping will only be carried out for offender assessed as “more likely than not” to reoffend<sup>1</sup>.
- 2.5. The total budget for the project also includes funding for dedicated project support to enable probation and other CJS practitioners to identify, manage and enforce GPS cases. This resource will continue to provide policy development, data analysis and staff training expertise within the extended pilots.

### 3. Financial Comments

- 3.1. This decision requests approval to extend the GPS Tagging pilot for 12 months until March 2024 at a total cost of £1,350,000, of which £1,190,000 relates to a contract extension for the GPS tagging pilots for knife crime and domestic abuse perpetrators, and £160,000 relates to the project support costs. A breakdown of the budget is set out in the table below.

Item	Cost
GPS tagging and electronic monitoring contract	£1,060,000
Lost tags; Missed appointments	£130,000
MPS analyst, Probation and project support	£160,000
Total	£1,350,000

- 3.2. Of the the total cost the approved budget for 2023/24 includes funding of £900,000 for the GPS Tagging Pilot, and there is approval to carry forward funds from the GPS Tagging budget for 2022/23 totalling £413,000.

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<sup>1</sup> As defined by having an OGRS (Offender Group Reconviction Scale) score of 50%+, which is an actuarial measure of risk of reoffending.

- 3.3 The balance of funds required will be met from the carry forward of an additional £37,000 from the GPS Tagging budget for 2022/23, which is subject to DMPC approval.

#### **4. Legal Comments**

- 4.1. Section 62(2) of the Criminal Justice and Court Services Act 2000 (the 2000 Act) provides that released prisoners may be subject to licence conditions which include electronic monitoring conditions. Sections 62(2B) of the 2000 Act provides that the person who is to be made responsible for the monitoring is of a description specified in an order made by the Secretary of State. The Electronic Monitoring (Responsible Persons) Order 2018 provides a description of the persons who may be made responsible for the monitoring of individuals subject to electronic monitoring whilst on licence. Further organisations, in addition to those listed below, could be added to this list via the parliamentary statutory instrument process, depending on the outcome of procurement processes and whether this addition received support from central government and received parliamentary consent. However, currently only those employed by the following organisations can be responsible for the electronic monitoring of those on licence — (i) Capita Business Services Limited, 71 Victoria Street, Westminster, London SW1H 0XA (Company Number 02299747); (ii) Alcohol Monitoring Systems Limited, Lancashire Gate, 21 Tiviot Dale, Stockport, Cheshire, SK1 1TD (Company Number 07993509); (iii) Buddi Limited, Talbot House, 17 Church Street, Rickmansworth, Hertfordshire, WD3 1DE (Company Number 05308826); (iv) Attenti EM UK Ltd, 4th Floor 45, Monmouth Street, London, WC2H 9DG (Company Number 10867315).
- 4.2. MOPAC's general powers are set out in the Police Reform and Social Responsibility Act 2011 (the 2011 Act). Section 3(6) of the 2011 Act provides that MOPAC must "secure the maintenance of the metropolitan police service and secure that the metropolitan police service is efficient and effective." This is a broad power and the extension of the pilot is aimed at deterring further offending, improving rehabilitation and enhancing crime detection all of which would enable the efficiency and effectiveness of the police service. In addition, under Schedule 3, paragraph 7, MOPAC has wide incidental powers to "do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Office." Paragraph 7(2) (a) provides that this includes entering into contracts and other agreements.
- 4.3. Section 143 (1) of the Anti-social Behaviour, Crime and Policing Act 2014 provides an express power for MOPAC, as a local policing body, to provide or arrange for the provision of (a) services that in the opinion of the local policing body will secure, or contribute to securing, crime and disorder reduction in the body's area and (b) services "intended by the local policing body to help victims or witnesses of, or other persons affected by, offences and anti-social behaviour."
- 4.4. MOPAC must in exercising its functions have regard to the police and crime plan issued by MOPAC.

- 4.5. Paragraph 4.8 of the MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime (DMPC) has delegated authority to approve business cases for revenue or capital expenditure of £500,000 or above. The release of funding in accordance with the proposals set out in this decision form is accordingly to be approved by the DMPC. The delegation of responsibility for the finalisation of planning and contractual/grant arrangements, including relevant terms and the signing of agreements, to the Chief Executive Officer, is in accordance with the general power of delegation in paragraph 1.7, and more specifically paragraphs 5.4, 5.12 and 5.13.
- 4.6. Officers must ensure that the arrangements comply with the Financial Regulations and the Contracts Regulations. PCD July 2020 5 4.7 The Mayor's Office for Policing Crime is a contracting authority as defined in the Public Contracts Regulations 2015 ("the Regulations"). All awards of public contracts for goods and/or services valued at £181,302 or above will be procured in accordance with the Regulations.

## **5. Commercial Comments**

- 5.1. The new procurement will take place using the government Digital Marketplace (G Cloud 13). The contract will use the standard Digital Marketplace crown commercial template as required under G-Cloud for a period of 12 months.
- 5.2. This procurement has taken account and complies with the GLA Group's Responsible Procurement (RP) Policy. As with past MOPAC contracts with GPS suppliers, the tags will be leased rather than purchased to increase the environmental sustainability of the pilot.
- 5.3. Monitoring risks and value for money will be in accordance to the MOPAC contract regulation 2018.

## **6. Public Health Approach**

- 6.1. This pilot has the support of the Violence Reduction Unit as it seeks to test whether GPS can improve the management of the risk posed by prisoners being released following a conviction for knife related or domestic abuse offences. Thus far in the pilot, GPS has been used not only to increase deterrence, enforcement and restrictive conditions to protect known victims and the public, but also to support engagement with relevant services and to specifically challenge individuals to change their lifestyle to move away from behaviour associated with increased risk of violence.

## **7. GDPR and Data Privacy**

- 7.1. For the purposes of this project, MOPAC are a joint data controller with HMPPS.
- 7.2. MOPAC is a joint controller for the purposes of delivering an evaluation of the programme. The evaluation will require access to personally identifiable information (PII). Data will include standard PII covered under Article 6, special category data covered under Article 9 and criminal conviction and/or offence data under Article 10.

- 7.3. A Data Protection Impact Assessment (DPIA) has been produced to identify and minimise risks to data subjects. This document has been updated to reflect the extension of the pilot and the inclusion of domestic abuse and stalking perpetrators.
- 7.4. MOPAC also receives, processes and uses personally identifiable information for professional contacts in relation to this project. This is required for the management of the project and is processed under the lawful basis of public task, in the exercise of our official authority.
- 7.5. All providers funded by MOPAC are required to comply with the GDPR and Data Protection Act 2018.
- 7.6. It is a requirement of the G-Cloud procurement process for the GPS monitoring provider to store and process all data within the UK.

## **8. Equality Comments**

- 8.1. MOPAC is required to comply with the public sector equality duty set out in section 149(1) of the Equality Act 2010. This requires MOPAC to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations by reference to people with protected characteristics. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.2. The extent to which individuals from the above groups are included in the pilot is monitored through two Equality Impact Assessment documents, one for each pilot which are reviewed regularly to ensure that any disproportionality can be addressed. The decision as to which cases are included is taken by the allocated Probation Practitioners, based on the assessed risk and need of each case. Clear guidance has already been given to staff about the criteria for assessing cases and further guidance and training continues to be provided to mitigate any disproportionate impact.

## **9. Background/supporting papers**

- Appendix 1 PCD 948 - GPS pilots 2021/22 contract award
- Appendix 2 PCD 1065 - Criminal Justice System - 2022/23 Commissioning Decisions

<p><b>Public access to information</b></p> <p>Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval.</p> <p>If immediate publication risks compromising the implementation of the decision it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.</p>
<p><b>Part 1 Deferral:</b></p> <p>Is the publication of Part 1 of this approval to be deferred? NO</p>
<p><b>Part 2 Confidentiality:</b> Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication.</p> <p>Is there a <b>Part 2</b> form –NO</p>

<b>ORIGINATING OFFICER DECLARATION</b>		<i>Tick to confirm statement (✓)</i>
<b>Financial Advice:</b> The Strategic Finance and Resource Management Team has been consulted on this proposal.		✓
<b>Legal Advice:</b> Legal advice is not required.		✓
<b>Equalities Advice:</b> Equality and diversity issues are covered in the body of the report.		✓
<b>Public Health Approach</b> Due diligence has been given to determine whether the programme sits within the Violence Reduction Unit's public approach to reducing violence. This has been reviewed and supported by a senior manager within the VRU.		✓
<b>Commercial Issues</b> The Contract Management Team has been consulted on the commercial issues within this report. The proposal is in keeping with the GLA Group Responsible Procurement Policy.		✓
<b>GDPR/Data Privacy</b> <ul style="list-style-type: none"> <li>GDPR compliance issues are covered in the body of the report and the Data Protection Officer has been consulted on the GDPR issues within this report.</li> <li>A DPIA will be completed once an evaluation plan is in place.</li> </ul>		✓
<b>Drafting Officer</b> Tom Dodsworth has drafted this report in accordance with MOPAC procedures.		✓
<b>Director/Head of Service:</b> The Head of Service has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.		



**Chief Executive Officer**

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.

**Signature****Date: 13/03/2023**