

REQUEST FOR DMPC DECISION – PCD 359

Title: Electronic Monitoring (GPS Tagging) for Persistent Offenders

Executive Summary:

The Police and Crime Plan sets out a commitment to see greater use of electronic monitoring, to work with the Ministry of Justice (including through Devolution) to introduce innovative new tagging based interventions, and to improve the effectiveness of community orders.

In March 2017 MOPAC commenced a pilot testing the use of GPS tagging with persistent offenders who were made subject to an Electronic Monitoring Requirement of a Community order or Suspended Sentenced Order following a criminal conviction. DMPCD (112) relates to this initial period of GPS Electronic Monitoring. The extension of the MOPAC pilot would significantly add to the number of cases subject to GPS as part of a Community Order or Suspended Sentence Order. This uplift in data and outcomes would strengthen research findings about the impact of this provision, including on reoffending, and the use of the technology in offender management and policing of persistent offenders.

The continuation and extension of the GPS programme will play a significant role in the development of a London Electronic Monitoring Strategy. It will also enable MOPAC to develop key aspects of innovative offender monitoring including the way in which whereabouts data is used in offender management, and the extent to which the police use data in criminal investigations.

The DMPC is asked to approve the extension of GPS tagging for Persistent Offenders for a 12-month period, and to agreed funding for this programme of up to £306,000.

It is envisaged that sustainability beyond April 2019 will come from the National Electronic Monitoring contracts held by the Ministry of Justice. It is understood that the MOJ currently intend to deliver electronic monitoring under the national contracts from early 2019. MOPAC will work with the MOJ in the next 12-months to share key learning to ensure that London's requirements are met under the national contracts and operating model.

Recommendation:

That DMPC:

- Approve the continuation and development of Electronic Monitoring for persistent offenders to tackle high volume reoffending.
- Approve a total project cost of up to £306,000 over 2018/19
- Delegate responsibility for future decisions on this pilot, and authority to sign any individual grant or contract agreements relating to the work, to the Chief Executive Officer, providing there are no substantial changes.

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

Ernie Henderson .

Date

29/03/18

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC

Decision required – supporting report

1. Introduction and background

- 1.1. GPS tagging, was introduced under the Persistent Offender Programme in March 2017. Under this programme offender whereabouts data can be monitored and location data can be accessed by the allocated Probation Offender Manager as part of an Electronic Monitoring Requirement imposed under a Community Order or Suspended Sentence Order. The Police can also undertake crime mapping, matching location data with crime data where it is relevant and justified for the detection of crime.
- 1.2. 73 tags were imposed by 12th March 2018. Of the 41 cases completed so far, 23 GPS requirements have been successfully completed. 21 cases have been revoked for either a failure to comply and/or imprisonment following further offending. For completed tags so far this is a compliance rate of 52%. Under the current arrangements the last tag can be imposed on 12th March 2018 and monitoring must end by 12th September 2018.
- 1.3. On 11th September 2017 police began crime mapping against the whereabouts of offenders subject to GPS on Suspended Sentence Orders. As of the 31st January 2018 264,527 offences have been uploaded, 694 matches have been recorded and analysed; of these, 52 have been referred to the IOM Units for further investigation. Outcome data is not yet available. There is also the capacity for the police to make external requests for location data in relation to specific crime incidents. This capacity has been steadily developing during the period of the pilot so far. To date there have been 12 requests made, with seven being granted. Police have been active supporters of using GPS with cases to manage their risk and integrate location data in to existing containment strategies.
- 1.4. The London GPS pilot has been supported (through permissions and the enactment of secondary legislation) by the Ministry of Justice which, in January 2016, announced its intention to run a number of Electronic Monitoring pilots nationally. The MOJ have confirmed that they will be enacting the relevant secondary legislation to enable the continuation of the London pilot into 2018/19.

2. Electronic Monitoring (GPS) for Persistent Offenders

- 2.1. As a result of the successful implementation of the GPS tagging pilot over 17/18, combined with support from the Ministry of Justice for an extension of the programme (through the laying of secondary Legislation), the DMPC is asked to approve the decision that GPS tagging continues to be available to Courts in the North and East London Local Justice Areas. This proposal covers the period from 13th March 2018, to 12th March 2019 with monitoring of outstanding requirements until 12th September 2019.
- 2.2. GPS delivery would continue under the existing and well established operating model. It is estimated that during a further 12-month period up to 130 Electronic Monitoring requirements will be imposed.

The GPS pilot aims to evaluate:

- The extent to which the technology supports compliance with community sentences.

- The extent to which GPS tags are imposed as an alternative to custody, when imposed as a requirement of a Community order or Suspended sentence order, and when combined with other enhanced services available.
 - How information on an offender's location at a specific date and time supports crime detection, where additional intelligence exists to justify this lawful exchange of information.
 - Qualitative analysis of offender experiences and probation use of data in supervision
 - The extent to which GPS tagging has any impact on reducing re-offending (dependant on sample size).
- 2.3. MOPAC has been developing GPS as an offender management tool for probation practitioners, who have increasingly recognised GPS as a positive addition to their practice.
- 2.4. An interim evaluation report completed in September 2017 shared findings and learning from the first six months of the pilot. The most important uses of GPS tags identified by practitioners were *"as an alternative to custody"* and *"to monitor compliance with an exclusion zone or other restrictive requirement"*. Offender managers suggested more information was needed around how GPS location data could be used to manage cases and since this time a comprehensive training programme has been delivered.
- 2.5. A questionnaire administered to tag wearers has shown that they have had positive expectations of the tag and that they knew what they needed to do to comply. Furthermore, some tag wearers thought the tag would have a positive impact on their life and lead them to commit less crime. Questionnaires completed with wearers after they have completed their requirements often mention the deterrent effect of wearing the tag.
- 2.6. The next interim evaluation report is scheduled for April 2018. This report will include a performance update on the progress of the pilot and further feedback from practitioners and tag wearers. The following report in November 2018 will aim to explore initial indicators of impact (e.g., compliance rates). The final report in November 2019 will seek to robustly evaluate the impact of GPS tagging (including in relation to re-offending rates), dependent on sample sizes.
- 2.7. The continuation of the programme would allow for:
- The continued testing of the use of location data as part of offender management practice
 - Increased focus on engaging with Crown Courts in the pilot area continuing to GPS as an alternative to custody.
 - To further test and establish crime mapping as a source of intelligence for the police.
- 2.8 Spring of 2019 is the proposed start date of the national electronic monitoring provision by MOJ. It is envisaged that these national contracts will provide sustainability for GPS tagging as a sentencing requirement in London. MOPAC will continue to work with the MOJ to ensure that the learning from the London pilots is reflected within the national operating model.

3. Issues for consideration

- 3.1. The current GPS pilot for prolific offenders ends on 12th March 2018 and a decision is required to enable a 12-month extension to this arrangement.
- 3.2. The current operating model is well established and the proposal is to continue with this for the extension.
- 3.3. In 2016 MOPAC worked with Insight Direct Ltd to undertake a competitive procurement process in line with Contract Regulations. Buddi Ltd were appointed as the provider of the GPS tagging

services outlined in the specification. MOPAC work with Insight via the Health Trust Europe Framework which was procured compliantly through Public Procurement Regulations. It is recommended that this arrangement is extended to enable delivery for a further 12-months.

4. Financial Comments

- 4.1. This PCD requests the approval of up to £306,000 MOPAC funding to support continuation of the use of GPS with persistent offenders for 12-months.
- 4.2. To date tags have been imposed at a rate of approximately 1.5 per week. It is projected that between 100 and 130 GPS tags will be imposed during 2018/19. This projection is based on a rate of 2.5 new tags a week and is considered to be achievable based on increased momentum of the pilot and buy in from stakeholders.
- 4.3. This funding would allow for the delivery of up to 130 offenders being made subject to GPS tagging. In addition to this contract, funding is required for the MOPAC Delivery Team and the costs of procuring a new contract.
- 4.4. Deliverables and Outcomes will be set out in the contract and delivery against these will be monitored through the contract management process.

5. Legal Comments

- 5.1. The Crime and Courts Act 2013 (Part 4 of Schedule 16 - Electronic Monitoring of Offenders) broadened the provisions in the Criminal Justice Act 2003 to add 'electronic monitoring requirement' to the list of primary requirements that may be imposed as part of a Community Order or Suspended Sentence Order. MOPAC is liaising with the Ministry of Justice to ensure the relevant statutory instruments (Sis) are extended to allow for an additional 12-month period the GPS pilot. It is anticipated that these changes to secondary legislation will be in place by the 12th March 2018, so that there will be no break in the current process of tagging offenders under the same arrangements if the decision to extend the pilot is made.
- 5.2. 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 commissioning of services which are part of a number of proposals aimed at reducing prolific offenders would enable the efficiency and effectiveness of the police service. 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.
- 5.3. 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." Section 143(3) specifically allows MOPAC to make grants in connection with such arrangements and any grant may be made subject to any conditions that MOPAC thinks appropriate.
- 5.4. MOPAC must in exercising its functions have regard to the police and crime plan issued by MOPAC.
- 5.5. Under MOPAC's Scheme of Delegation, approval of the strategy for the award of individual grants and the award of all individual grants (for crime reduction or other purposes) is a matter generally

reserved to the DMPC (paragraph 4.8). 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.

- 5.6. Officers must ensure it complies with its Financial Regulations and Contract Regulations and must ensure the right contractual documentation is put in place before the commencement of the services.
- 5.7. As the proposed pilot may raise issues under the Data Protection Act 1998 and/or the Human Rights Act 1998, a Privacy Impact Assessment has been carried out to assess and address any risks, and the Code of Practice outlines how data can be used.

6. Equality Comments

- 6.1. 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.
- 6.2. The Persistent Offender Programme cohort includes a number of potentially disadvantaged and vulnerable groups, including female offenders, who research has shown are disproportionately sent to prison for acquisitive offences, and offenders with mental health problems, who can be further damaged by the prison environment. So far just over 10% of the GPS tags have been imposed on female offenders. There have also been notable examples of tags being imposed for offenders who have mental health problems in an attempt to avoid custody. For both these groups the intent is to put forward sentencing proposals at Court, using the dedicated pre-sentence report writers, to use GPS as an alternative to custody and to facilitate their access to rehabilitation support services in the community.

7. Background/supporting papers

N/A

Public access to information

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.

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.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If yes, for what reason:

Until what date: [Insert date]

Part 2 Confidentiality: 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.

Is there a **Part 2** form – NO

ORIGINATING OFFICER DECLARATION

	Tick to confirm statement (✓)
Head of Unit: Dan Hales has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓
Legal Advice: The TfL legal team has been consulted on the proposal.	✓
Financial Advice: The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
Equalities Advice: Equality and diversity issues are covered in the body of the report.	✓

OFFICER APPROVAL**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

R. Lawrence

Date

28/03/18

