

**THE USE OF ELECTRONIC MONITORING
AS A TOOL FOR PROBATION IN
REDUCING RE-OFFENDING AND
MANAGING RISK:**

**A PERSPECTIVE OF PEOPLE ON
PROBATION**

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1.0 WHO WE ARE

Penal Reform Solutions (PRS) is an organisation that focuses on transforming penal culture, creating spaces which are meaningful, trusting and nurturing. PRS strives to change the conversation around punishment, working with practitioners and service users and making them central to the change process. It is an evidence-based organisation, which draws on academic, practitioner and prison experience, both nationally and internationally. It has extensive experience in prison growth, professionalism and relationship work and specialises in service user involvement, supporting a variety of institutions within Criminal Justice. Our work is informed by research carried out in the Norwegian Prison System and PRS utilises this knowledge to support organisations to promote humanity, relationships and hope in order to reduce social harm and promote social good for all.



2.0 EXECUTIVE SUMMARY

The aim of this report is to capture the experiences of those who are subject to electronic monitoring. Participants were also asked how they would improve this experience and how it supported or hindered desistance from crime. Forty-two people participated in this work, who were referred to PRS by Welsh, Yorkshire, Thames Valley, London, Merseyside and East Midlands Probation Service.

As part of the electronic monitoring thematic research project, PRS conducted forty-two telephone interviews. Thirty-two of those interviewed identified as male, eight identified as female and two as “other”. Thirty-six of the participants described their ethnicity as ‘White British’, one ‘White Irish’, one ‘Mixed/Multiple’ ethnic group (European & African), one ‘Black African’, two ‘Black Caribbean’ and one as ‘Asian Indian’.

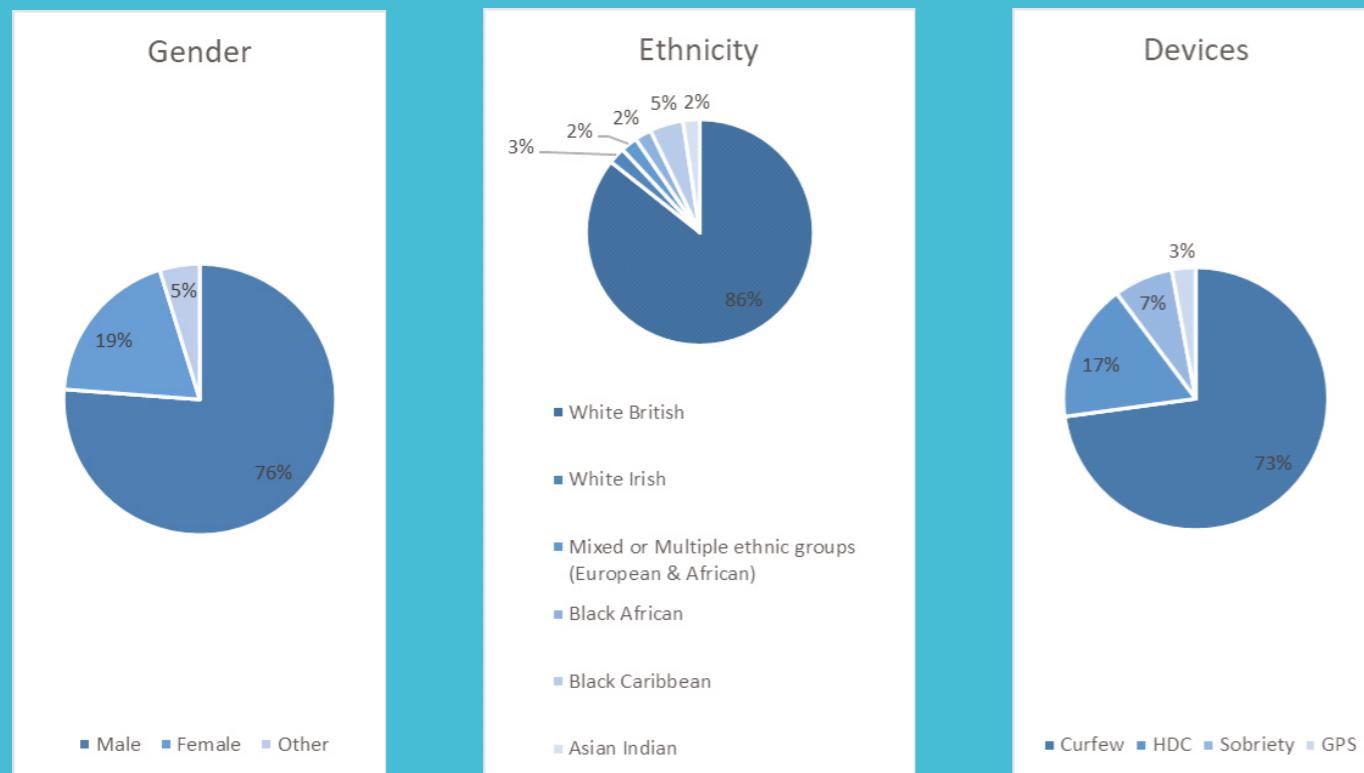
Thirty-seven participants were on a curfew device, seven of which were released from prison on a Home Detention Curfew. In addition to this, three participants were on a sobriety device and the remaining two had exclusion zone conditions, as part of their license.

All interviews were carried out by those with lived experience, on behalf of PRS. The consultants also analysed the data and played a key role in this project, from design to implementation. The seven main themes that emerged from the findings were:

- **COMMUNICATION**
- **FAMILY**
- **RELATIONSHIPS**
- **WELL-BEING**
- **SHAME**
- **NEED**
- **MEANING**

This report is organised into four sections of interest:

- **3.1 PRE-SENTENCE**
- **3.2 AT SENTENCING**
- **3.3 WHILE ON SENTENCE**
- **3.4 POST SENTENCE**





3.0 AREAS OF INTEREST

3.1 PRE SENTENCE

The majority of participants that we spoke with were not aware of what electronic monitoring was prior to court, unless they witnessed it through somebody who they knew. Due to this, some found the unknown to be “daunting” and “traumatising” and it is believed that probation should explain more about the practicalities around electronic monitoring at the pre-sentence stage. For those on sobriety devices, it seemed that the criminal justice system as a whole lacked an understanding of the device, though one participant did say that his probation officer “went above and beyond to research the device to support my case in court” (Gavin). This highlights the importance of relationships and how probation officers can symbolically demonstrate care through a proactive approach. Positive and meaningful relationships were important to an individual’s rehabilitation and simple acts such as this played a vital role in building trust, strengthening positive relationships.

The findings also highlighted that certain devices maintained important relationships, as these devices provide fewer restrictions. After talking with Steven, he mentioned how he was given the option of two different devices and chose the sobriety device, due to there being no curfew, which gave him the opportunity to see his family for Christmas and, as Steven said, “it put no limits on my daily life”. As his conviction was alcohol-related, the participant was able to still enjoy a certain amount of normality, which contributed to positive well-being. This was particularly important for some participants as they were unemployed at the time and this consequently meant they could apply for night shift work. This illuminates the benefits of electronic monitoring in that they can nurture the protective factors of positive relationships and meaningful employment, which has been found to assist desistance.

Participants stated that the option of being released from prison on Home Detention Curfew was a huge incentive for individuals to “behave and stick to prison regime” in order for them to be released early, spend time with their family and “enjoy that extra sense of freedom” (Dylan). Even though Home Detention Curfew is an option for residents serving less than four and half years, it is not guaranteed, and participants reported that they only found out if they had been approved for Home Detention Curfew at the end of their sentence. This uncertainty caused stress and put additional strain on families already struggling with a difficult situation. These factors alone had detrimental effects on some individual’s mental health.



For some participants electronic monitoring was given as an alternative to a custodial sentence. Luke reflected that being in court was the ‘wake-up call’ that he needed to change his behaviour, lifestyle and friends. Receiving a tag meant Luke was able to have a “time out,” which had a positive effect on his mental health and well-being. He stated; “It gives you time to think about things more thoroughly and the consequences before you act even more stupid - jail is too late”.

A minority of participants highlighted their personal challenges associated with electronic monitoring in light of their time incarcerated. One participant with an Indeterminate Sentence of Imprisonment for Public Protection (IPP) stated that, after 22 years in prison, “technology has moved on and I found it quite frightening”, when referring to electronic monitoring, which was not available as an option before he was sentenced. The lack of communication and, in this case knowledge, for this participant brought on unwanted fear and stress at a time when there were many other factors to be concerned about.

3.2 AT SENTENCING

Many participants either had employment or sourced employment whilst on electronic monitoring. For many participants the judge took these needs into consideration and accommodated these within the setting of curfew times. Clark explained how he found employment whilst on electronic monitoring and requested it to be changed from an evening curfew to a daytime curfew. The court agreed these amendments, and the judge gave an additional 30 minutes to cover any challenges associated with traveling time.

During the court process, two different participants informed us that their health was not taken into consideration when sentenced and, despite other forms of punishment being recommended (such as unpaid work), these were ignored, leaving the participants feeling “shocked,” “worried” and “anxious”.

After speaking with one participant, he informed us that he lost his employment due to his curfew, as he worked 24 hour shifts when on call. The participant reported that this was brought to the attention of the judge and other recommendations were made but ignored. This participant stated to the judge, “if I get a tag I lose my job, I then can’t pay the mortgage and I lose my house and then where do I get tagged to?” (Dwayne). On this occasion, electronic monitoring was not the correct form of punishment and an alternative should have



been put in place to support the participant's rehabilitation. Not only did Dwayne lose his employment but also respect for the criminal justice system he once had faith in, stating. "I didn't leave the house anymore, I had nowhere to go and the tag HQ company would ring me to do welfare checks as I hadn't left the house."

COVID seemed to be a re-occurring theme throughout the data, especially as the majority of participants were subjected to electronic monitoring during lockdown, with one participant even saying, "the curfew was ridiculous, there was a national lockdown and nowhere to go". An effect of lockdowns, Luke told us was "the driving ban was more of a punishment than tag", showing us how redundant electronic monitoring may be during these times. Luke expressed being able to have the option of a tag meant that, "If I had been incarcerated, I would have gone further into the pit". This illustrates how the meaning of both prison and electronic monitoring seemed to change in nature during COVID 19, as individuals were adapting to a broader impingement to their freedom.

It was reported that, at sentencing, electronic monitoring was a positive option to keep families together and not bring "shame" and "hurt" upon participants and their families, something that a custodial sentence would bring. While electronic monitoring brought a sense of shame to numerous participants, this was comparable within the context of prison as an alternative punishment. This would suggest that the rationale behind electronic monitoring needs to hold meaning to the individual being sentenced, in order to develop protective factors, such as positive relationships.

For the few being released from prison, electronic monitoring acted as an extra sense of security, providing comfort and a routine in everyday life. For one participant, Home Detention Curfew was a good reminder of his license conditions and, while talking about GPS tagging, Peter said "it was an opportunity to prove that I could be trusted not to go back into the area I was banned from". This would suggest the electronic monitoring can serve as a mechanism by which trust is built, suggesting a restorative aspect to the electronic monitoring experience as people of probation mend their broader relationships with society.

With regard to the sobriety device, on one occasion the judge was unaware that such a device existed but, when provided with the relevant information, sentenced Alex to this device as there was clear evidence that prison was not working for this individual and all his crimes were alcohol-related. Alex stated, "I have been in prison seven times this year, it's a better life than the streets but it doesn't address my issues. With tag I I



was given a roof over my head and a chance to stop drinking". This shows us that judges need more training and greater support in understanding sentencing options to support rehabilitation and tackle re-offending

3.3 WHILE ON SENTENCE

Meaning

The theme of meaning returned for participants when they described their experience of electronic monitoring. Most of the participants we spoke with were on their devices during lockdown, which meant the curfews were redundant as there was nowhere to go during curfew hours. As a result of this, most of the participants' lives and routines seem to be left unaffected. Dylan even mentioned "the external monitoring company used to ring my device to check I was OK as I wasn't going anywhere and they were concerned, but there was nowhere to go". It is clear that during the pandemic, curfew hours were viewed as needless and exploring how electronic monitoring might operate more effectively during pandemics may support future practice.

Communication

Some participants raised concerns regarding contacting Electronic Monitoring Services (EMS), with one participant expressing their frustrations as they were unable to get a response from customer service following a problem with the vibrations of the device. Another participant explained their concern of needing to change their mobile number and not being able to do so with ease, causing anxiety and worry.

Obstacles

On a few occasions, EMS who are contracted to monitor the electronic devices, seemed to have caused some issues for the participants. Ahmed was released from prison and told to be home by 4pm and that his device would be fitted between the hours of 4pm and 8pm, but they came to fit the device at 11:30pm, leaving the participant feeling "tired and anxious," as he wanted to relax with his family after a traumatic day. Greater communication may reduce anxiety in the event that time schedules are delayed, to prevent people on probation feeling like additional punishments are being placed upon them.



With respect to challenges, Mark told us how EMS attended his property a week early to remove his device. However, once EMS realised they had made an error they came back to reinstall the device, but this participant refused it due to him starting a new job, which meant he worked away from home. This led him back to court but he was surprised when the judge supported him to keep his employment, he said “the judge was fair and gave me some sort of hope for the system”. This not only highlights the impact of practical challenges associated with electronic monitoring but how these challenges might be avoided through greater communication.

Challenges associated with mental health were also evident in the findings. For example, on another occasion, one participant told us that she had to have weekly MRI scans, consequently meaning that her device had to be removed. Despite the judge, probation and EMS being informed of this, she found herself back in court multiple times explaining herself. Due to this experience, she said “my mental health was deteriorating and nobody was listening to me”. This demonstrates a lack of communication between the different areas of the criminal justice system that need to be addressed to support those sentenced to electronic monitoring and not leave them to suffer unnecessarily.

One participant also mentioned that the battery on his device would go flat every few weeks and it would take up to four days to be replaced, resulting in the individual receiving two or three calls from EMS on these days, monitoring his whereabouts while he was waiting for a new battery. He also mentioned that some of these calls were during unsociable hours when he was asleep and he had to be up early for work the following day. This disrupted his sleep, affecting his performance at work, which was essential to support his family.

Shame

A prevalent theme from the data was a feeling of fear and shame associated with electronic monitoring, as it was visible to others. Adam explained he did not like people seeing it, because he “didn’t want to be seen as a criminal”. Some participants mentioned how they would “clock watch” in fear of breaching their tag, with one participant reporting a feeling of stress due to this fear.

“Despite the judge, probation and Electronic Monitoring Services being informed of this, she found herself in court multiple times explaining herself. Due to this experience she said; “my mental health was deteriorating and nobody was listening to me.”



From a diversity perspective, two women said how the devices are not made for women, especially as they wanted to hide the device due to the shame that they experienced. One explained how it was the middle of summer when she was required to wear an electronic device and had to wear trousers to keep the device hidden from work colleagues. She later reflected that she felt it was much easier for men to disguise the fact they have a device around their ankle.

Some participants described how the device would rub, with one participant explaining that the tag caused pain in his ankle and marked his skin, as he had to wear wellington boots for work. Steven also mentioned to us that he had not left the house or socialised, due to the “embarrassment” of the device because when it vibrated it was “very loud and noticeable”.

Well-being

Amar told us that some of the medication he was prescribed made him sleep, so on the occasions EMS called his device to check where he was, he would not answer the call, leading to unwanted calls from his probation officer to explain himself. This was another example of a participant’s health not being taken into consideration when sentenced. This highlighted the importance of understanding the needs of those on probation and how a positive and strong relationship with probation would create a space by which people could convey their challenges and concerns in a productive manner.

Another participant told us how he fell ill due to Covid-19 but would not go to hospital to seek medical attention until his curfew hours ended, in fear of breaching his tag and being recalled back to prison. In a situation such as this, an understanding of how emergencies are managed would have aided the participants decision making and reduced anxiety.

Three participants were interviewed who were subject to the sobriety device and all of them mentioned how the device vibrated every 30 minutes, 24 hours a day. They reported that this had a big effect on their mental health, with one participant saying that it brought on insomnia and nausea as he “barely” slept in the four months he was on the device. Due to his state, he contacted the emergency contact number on the device to seek advice but received no response. Once he managed to get

“It was the middle of summer and it didn’t get dark till late but as I wasn’t allowed outside ... I couldn’t play with my children ... I had been away for so long and at times I felt I was still letting them down.”



One participant stated that the lack of information on electronic monitoring brought on a state of paranoia around his device. He expressed that he was unsure about the details of the device and was concerned that he was being monitored beyond what was expected, exacerbating his mental health. The theme of communication seemed to emerge through the journey of electronic monitoring and it is recommended that attention is given to this area of practice, to alleviate stress and encourage compliance.

The findings illuminated that the radius on some curfew devices did not allow access to the individual's garden past curfew hours. Not only does connecting with nature and being outdoors have a positive impact on a person's well-being, Mark said, "It was the middle of summer and it didn't get dark till late but as I wasn't allowed outside...I couldn't play with my children...I had been away for so long and at times I felt I was still letting them down". Not only was Mark still missing out on quality family time outdoors, he felt like he was not completely present for his children and still having to cope with that mentally.

Rehabilitation

A recurring positive was that nearly every participant we spoke with mentioned how being on their device meant that they could still be with their families. Michael stated how "both the device and Covid-19 brought the family closer together" and another said he had "more family time". Joseph spoke about the extra time he has had with his family, which made him realise that his family are his main priority in life. As we can see from the data, family played a vital role in the participant's rehabilitation to support a life away from crime and electronic monitoring can create new opportunities in which positive relationships can flourish. However, for individuals with an undisclosed hostile home life, this new opportunity could bring greater risk of harm.

Some participants reported that probation staff have supported them to understand their needs, helping them in terms of their rehabilitation, by supporting applications to the court to amend their curfew hours to fit around employment. The importance of providing these options was revealed, as participants acknowledged how this helped them rehabilitate. As electronic monitoring was a substitute for prison for Dan, he told us "tag gave me a second lease of life, it was the wake-up call that I needed and a chance to sort out my priorities". This was also echoed by Janine who identified she was falling deeper into a bad place and saw the electronic monitoring played some role in supporting rehabilitation and stopping re-offending for those who were interviewed.



3.4 POST SENTENCE

Overall, it appears that electronic monitoring is a reasonable deterrent, with the majority of participants that we spoke with stating they would not commit further crimes and believed it was a fair punishment. Most of the participants we spoke with said that the fear of a custodial sentence was high, so being sentenced to an electronic monitoring device not only gave them their freedom to a certain extent but also an opportunity to evaluate their behaviour and actions to steer them away from committing further crime. Peter went even further and told us how he was going to miss his device, saying "It complemented my behaviour, I feel protected, I'm validated based on this device basically ... the only way of showing people you're good is by your actions". In this case, it seemed that Peter was using the device as a security blanket, as it gave him a sense of purpose, which he may not have had before, helping him feel understood and valued.

One of the participants who was on the sobriety device said; "It's the best thing that has ever happened to me, as I have now stopped drinking. Prison doesn't rehabilitate, it's an easy life compared to life on the streets and this tag has addressed my problem". At the other end of the scale, Steven who was not alcohol-dependent, said; "There was no impact on my social life apart from a sober two months". He told us he would have preferred a normal curfew device so he could have slept.

Finally, Sophie told us that due to her physical disability, she had to take a lot of medication, including sleeping tablets. She described how she became anxious that she would miss phone calls from the EMS and be sent back to court. She said it did not help her rehabilitation and if anything, hindered her life and health. Sophie told us it massively affected her life and addressing individual needs at sentencing may provide the key to how individuals can use their experience of electronic monitoring to support desistance and overcome obstacles that cause harm.



CASE STUDY - ALAN

Alan is a 54-year-old White British male who was on an IPP sentence and served a significant time in prison. Alan was released to a hostel in the Birmingham area and was very anxious about his release due to so much changing in the outside world. Alan still has a small family unit, which have been a great support for him but no longer has any friends, nor would he want to socialise with his old acquaintances. Upon his release, Alan was given a curfew tag, by which he was located at the hostel for six months and was allowed out from the hours of 7am to 7pm.

HIS EXPERIENCE OF CURFEW

Before his release Alan was not aware of electronic monitoring devices as they were not available before his sentence. He had heard people talk about them and that was as far as his knowledge went until a few days before his release when his probation officer explained the situation to him. For Alan the advancement of technology brought on unwanted fear and stress, especially at a time when there many important hurdles to overcome. Upon his release and after further explanation, Alan came to realise the device was actually a blessing and instead of hindering his re-integration into society, it was actually supported his rehabilitation. For Alan, his device was a great reminder of his licence conditions and it eased him back into life at a steady pace, giving him time to readjust to normal life once again. It was also mentioned that having the tag stopped any temptations he might have had, ruining the hard work he had done to change his life and outlook.

REFLECTIONS

There was a lot on uncertainty and lack of communication for Alan, especially at a time that can be quite distressing, which was exacerbated due to the length and nature of his sentence. This shows that more time is needed with unique cases such as this and with individuals with complex needs. The anxiety experienced by Alan was challenging, affecting his already fragile mental health.

4.0 SUMMARY

For those who were released from prison on Home Detention Curfew, they stated how it was better than being in prison and it meant that they could be at home with their families. Nearly everyone we spoke to said the electronic monitoring device was better than the alternative, which was a prison sentence. This was also the same for those who were not in prison but were expecting a custodial sentence. Being subject to electronic monitoring meant participants were able to remain in work, as well as remain at home with their families. Both factors were seen as extremely important when supporting rehabilitation.

The devices were a good deterrent in stopping people from committing further crime and TJ told us “It provided no distractions; I couldn’t be sitting in the pub till half 10 at night where all the trouble started”. As well as improved behaviour, some found that their punctuality improved as they were working to a schedule, supporting them with key life skills that they could adopt after their electronic monitoring experience.

Most importantly family units and dynamics were strengthened due to the extra time at home and families were not separated, as they would have been if a prison sentence was served.

4.1 SOLUTIONS

These learning points were co-produced with participants and in light of findings:

- More information provides individuals and their families knowledge regarding the type of device they are going to be fitted with and what they should expect. It is evident that the majority of people are learning about their device as they go or are being given the relevant information after problems arise. In particular, information around the exceptions to the curfew, such as a medical emergency, should be clearly explained to the individual in order to prevent unnecessary harm.
- Greater guidance for judges and probation could lead to a better and clearer understanding of the devices and what impact these will have on people’s lives and whether the device will support rehabilitation.
- Understanding diversity needs, protected factors and protected characteristics could aid decision making, in



order to make electronic monitoring meaningful.

- It appears that the vibration of the sobriety devices impacted the mental health of those who had experience of this device. We are aware that this device is at its infancy stages and this issue could be addressed so it does not have a negative impact of individuals' well-being.
- A common challenge participants faced was trying to remember to charge their device and it seems that the current protocol put in place to help people to remember, a text message reminder, to charge their device does not seem to be sufficient. This also caused a level of worry for certain participants who experienced problems getting through to customer service. A traffic light system to highlight the battery life could make a big difference in helping people keep their device charged and deter unnecessary phone calls from EMS and probation.
- For those on a curfew device, after a certain time they can no longer step out into the garden, which is attached to their property. Being able to connect with nature is proven to improve mental health, so widening the radius of curfew devices to support this will go a long way in helping in supporting the rehabilitation of individuals.
- It was noted throughout the research that thirty-seven of the participants were white, which could suggest that individuals from different ethnic backgrounds are being overlooked when it comes to sentencing of electronic monitoring. One of the areas that we covered in North London has a prominent black community, but the majority of the people we spoke with were white British. This is something that needs to be examined to establish whether the lack of diversity within this sample was due to issues around engagement or disproportionality.
- Illuminating the benefits of electronic monitoring and communicating these benefits to individuals who are subject to this requirement may stimulate people to see electronic monitoring as an opportunity for reflection and change, rather than restriction and retribution.



5.0 FINAL THOUGHTS

After speaking with all the participants and analysing the data, electronic monitoring has supported some individual's rehabilitation. Although there is an element of shame that comes with such devices, electronic monitoring gives people the opportunity to take control of their life and reevaluate their priorities. This is something that a custodial sentence cannot provide and yet electronic monitoring still has many barriers put in place to enable rehabilitation, such as supporting meaningful relationships, providing work opportunities, connecting with nature, giving people meaning and trust.

Further work is required to understand individual needs when it comes to sentencing and improved communication but electronic monitoring was believed to be a viable deterrent and a positive tool for growth and change.

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