Title: The Compulsory Electronic Monitoring Licence Condition Order 2021
IA No: MoJ001/2021
RPC Reference No: N/A
Lead department or agency: Ministry of Justice
Other departments or agencies: Home Office

Impact Assessment (IA)
Date: 17/03/2021
Stage: Final
Source of intervention: Domestic
Type of measure: Secondary legislation
Contact for enquiries: catherine.craig-mcfeely@justice.gov.uk

Summary: Intervention and Options

<table>
<thead>
<tr>
<th>Cost of Preferred (or more likely) Option (in 2021 prices)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Net Present Social Value</strong></td>
</tr>
<tr>
<td>£-40.3m</td>
</tr>
</tbody>
</table>

RPC Opinion: Not applicable

What is the problem under consideration? Why is government action or intervention necessary?
Acquisitive offenders (offenders which derive material gain from a crime, such as burglary, theft and robbery) have amongst the highest levels of reoffending across all offence types: 51% of those convicted of theft (including burglary) and 29% of those convicted of robbery reoffend within a year of release compared to 23% in all other cases. In addition, these offenders are often not detected: 79% of theft (including burglary) cases and 62% of robbery cases resulted in no suspect being identified compared to 24% in all other cases.

At present, there is limited robust evidence on the effectiveness of electronic monitoring internationally. In England and Wales, evidence on electronic monitoring on licence (following release from custody) is particularly limited given low levels of usage currently. Introducing a project that will test the compulsory satellite enabled (GPS) tagging of acquisitive offenders, in a limited number of areas, will allow the government to understand whether this technology could 1) have a deterrent effect, reducing reoffending and protecting neighbourhoods from further acquisitive crime and 2) support the detection and prosecution of these offences through data sharing arrangements with the police. Government intervention is needed because this project requires secondary legislation. Initial legislation will restrict the power to 6 of 43 Police Force Areas (PFAs) and will only apply to offences listed where the offender has been sentenced to a standard determinate sentence (SDS) of 12 months or more. Further legislation is planned to be laid in future to expand the measure to further PFAs, at which point this Impact Assessment (IA) will be updated accordingly.

What are the policy objectives of the action or intervention and the intended effects?
The objective is to test the effects of GPS tagging of acquisitive offenders on release from custody. The increased use of this technology could support police detection of further offences and/or act as a deterrent, therefore reducing acquisitive crimes, reducing reoffending, providing greater public protection and improving public confidence. The project will be evaluated and findings will be published. As a result, introducing this intervention in a limited number of areas will help inform the ongoing use of this measure and future policy decisions regarding further roll-out. It will also help refine effective and efficient partnership working, and provide information on the impact of GPS tagging on proven reoffending rates and crime detection.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

- Option 0: Do nothing.
- Option 1: Legislate to enable the compulsory GPS tagging of certain acquisitive offenders as a licence condition, on release from prison in specific geographical areas.

The Government’s preferred option is option 1 as this best meets the policy objectives.

Will the policy be reviewed? It will be reviewed. If applicable, set review date: N/A

Does implementation go beyond minimum EU requirements? N/A

Is this measure likely to impact on international trade and investment? No

Are any of these organisations in scope?

<table>
<thead>
<tr>
<th>Micro No</th>
<th>Small No</th>
<th>Medium No</th>
<th>Large No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traded:</td>
<td>Non-traded:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

What is the CO₂ equivalent change in greenhouse gas emissions? (Million tonnes CO₂ equivalent) N/A
I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:  Kit Malthouse     Date:       15th March 2021
**Summary: Analysis & Evidence**

**Policy Option 1**

**Description:** Legislate to enable the compulsory GPS tagging of certain acquisitive offenders as a licence condition, on release from prison in specific geographical areas

### FULL ECONOMIC ASSESSMENT

<table>
<thead>
<tr>
<th>Price Base Year</th>
<th>PV Base Year</th>
<th>Time Period Years</th>
<th>Net Benefit (Present Value (PV)) (£m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>20/21</td>
<td>20/21</td>
<td>10</td>
<td>Low: -38.2</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>High: -48.6</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Best Estimate: -40.3</td>
</tr>
</tbody>
</table>

#### COSTS (£m)

<table>
<thead>
<tr>
<th></th>
<th>Total Transition (Constant Price) 2 Years</th>
<th>Average Annual (excl. Transition) (Constant Price)</th>
<th>Total Cost (Present Value)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>9.4</td>
<td>4.0</td>
<td>41.4</td>
</tr>
<tr>
<td>High</td>
<td>13.9</td>
<td>4.3</td>
<td>48.6</td>
</tr>
<tr>
<td>Best Estimate</td>
<td>9.4</td>
<td>3.9</td>
<td>40.3</td>
</tr>
</tbody>
</table>

**Description and scale of key monetised costs by ‘main affected groups’**

The costs to electronic monitoring services associated with the implementation, hardware, monitoring and field services are expected to be between £28.0m and £30.6m over 10 years. During this period, additional costs of between £9.5m and £10.5m are also expected to be incurred by probation services for reviewing trial monitoring data and processing recalls. The potential costs to prison service, associated with increased recalls are expected to be up to £10.8m in our high scenario. We do not expect any costs to the prison service in the central or low scenarios. We have not identified police costs as it has been agreed with the Home Office that any resource impacts on the police will be absorbed by the planned uplift in policing numbers.

**Other key non-monetised costs by ‘main affected groups’**

Given this legislation will involve new systems and ways of working, there are likely to be costs of familiarisation with the data and systems for police forces, probation and electronic monitoring services. Offenders and their families may experience adverse impacts due to the stigma associated with the tag affecting their employment and relationships, although it has not been possible to quantify these costs with any precision.

#### BENEFITS (£m)

<table>
<thead>
<tr>
<th></th>
<th>Total Transition (Constant Price) 2 Years</th>
<th>Average Annual (excl. l) (Constant Price)</th>
<th>Total Benefit (Present Value)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>0.4</td>
<td>0.3</td>
<td>3.2</td>
</tr>
<tr>
<td>High</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Best Estimate</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**Other key non-monetised benefits by ‘main affected groups’**

A range of benefits are expected from rolling out compulsory GPS tagging of certain acquisitive offenders on release from custody. These include: improved confidence in the criminal justice system's ability to respond to acquisitive crime; reductions in reoffending and thus fewer victims during the period of monitoring; enhanced offender risk management, supervision and support; improved crime investigation and detection for police forces; a strengthened evidence base for the effectiveness of electronic monitoring. It has not been possible to quantify these benefits due to the limited evidence on the direction and magnitude of these impacts. These will be tested through this testing of the intervention. A robust evaluation is planned, but findings are not yet available to be able to quantify any reductions in reoffending.

### Key assumptions/sensitivities/risks

1. Caseload estimates are based on the current prison population and historical figures on offences dealt with in 2019, which are assumed to increase in line with prison projection impacts due to the increase in police officer numbers.
2. The recall rate for acquisitive offenders who are not subject to GPS tagging is assumed at 14%. Due to a lack of evidence on the impacts of GPS tagging on recall, we use three scenarios where there is no impact on recall in the central scenario, an increase in recall rate by 11% in the high scenario, and a reduction by 5% in the low scenario.
3. It is assumed that additional prison estate is required to accommodate the increased prison caseload at a cost of £250k per place. Annual prison costs of £44,640 (excluding optimism bias) are based on averages and actual costs will vary depending on the needs and risks of the offender.
4. Optimism bias of 20% has been applied to all costs.

### BUSINESS ASSESSMENT (Option 1)

<table>
<thead>
<tr>
<th>Direct impact on business (Equivalent Annual) £m:</th>
<th>Score for Business Impact Target (qualifying provisions only) £m:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Costs: N/A</td>
<td>Benefits: N/A</td>
</tr>
<tr>
<td>Net: N/A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>N/A</td>
</tr>
</tbody>
</table>
Evidence Base

A. Background

1. Acquisitive crime refers to offending where the offender derives material gain from the crime (i.e. burglary, theft, and robbery). Acquisitive offenders have one of the highest reoffending rates amongst all offence types: 51% of all adults convicted of theft (including burglary) and 29% of all adults convicted of robbery are proven to reoffended within a year of release; this compares to a proven reoffending rate of 23% for all other offences. In addition, these offenders are often not detected: 79% of theft (including burglary) cases and 62% of robbery cases resulted in no suspect being identified in the year ending June 2020, compared to 24% in all other cases.

2. Currently, if an acquisitive offender is sentenced to custody they are likely to receive a Standard Determinate Sentence (SDS) and the majority will be released from custody at the half-way point or earlier if they are eligible for Home Detention Curfew (HDC). They then serve the remainder of their sentence in the community under probation supervision and are subject to licence conditions which can place restrictions on their movements, associations or activities, or prescribe activities. The offender must comply with their licence conditions to avoid facing a return to custody.

3. Electronic monitoring (EM) has long been used as a criminal justice tool. HDC has been running since 1999 with offenders released early from prison subject to an electronically monitored curfew. EM has been used to assure compliance with curfews for community orders, suspended sentence orders and Court imposed bail for many years. Since 2019, satellite enabled location monitoring (GPS tagging) has also been available for assuring compliance with exclusion zones; ‘standalone location monitoring’ – trail monitoring – which does not assure compliance with another condition but tracks the movements of the offender, is also available. Many police forces also use GPS tags with known offenders on a voluntary basis to support their efforts to prevent and detect crime.

4. There is, however, currently still limited evidence from England and Wales on the effectiveness of EM in relation to reoffending. An impact evaluation conducted by the Ministry of Justice (MoJ) in 2011 on the effectiveness of HDC revealed no significant differences in reoffending between offenders released early with an electronically-monitored curfew and offenders not eligible for early release on HDC and thus remaining in custody. However, this issue has not been evaluated again in more recent years. The MoJ has also published two process evaluation reports on the use of GPS tagging with various cohorts of offenders. The findings revealed that GPS location monitoring was felt to support the effective management of offenders through supporting offender rehabilitation, facilitating risk management, informing decisions about whether a wearer should be recalled to custody or court, and providing evidence to either exonerate a wearer or link them to a crime. The levels of compliance amongst wearers were generally thought to be good. However, no impact evaluation was conducted on levels of reoffending due to small sample sizes within groups and difficulties in obtaining a robust comparison group.

---

3 91% of offenders convicted of robbery or theft offences who were sentenced to immediate custody received a Standard Determine Sentence in 2019. https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2019
4 A small minority of acquisitive offenders may be released at a later point as the requisite custodial period is two thirds for offenders sentenced to a term of imprisonment of 7 years or more for robbery or aggravated burglary.
6 Cohorts included were: court imposed bail, Community Orders, Suspended Sentence Orders, Home Detention Curfew, release after recall, licence variation, and Parole Board releases.
5. International evidence on the impact of EM on reoffending and other outcomes is also limited and can be inconsistent. There are relatively few studies that reliably measure impact, and those that follow robust analytical methods suggest that the impact of EM is heavily context-dependent. There is some evidence to indicate that EM is an effective tool for improving compliance in acquisitive offenders on community sentences, but there is limited evidence on the impacts of GPS tagging for those on licence.

6. The existing evidence on EM can, however, be contextualised in a wider body of ‘deterrence’ research. Whilst evidence on the impact of severity-based deterrence strategies is mixed, increases in the certainty of apprehension and punishment have consistently been found to have a deterrent effect. Therefore, EM may deter future offending by increasing the likelihood of being caught.

7. Against this background, there is clearly scope for the increased use of EM whilst also increasing the evidence base associated with its use. This Impact Assessment (IA) therefore assesses the option of introducing compulsory GPS tagging of acquisitive offenders serving a custodial sentence of 12 months or more on release from custody in a limited number of police force areas.

**B. Rationale and Policy Objectives**

**Rationale**

8. The conventional economic approaches to Government intervention are based on efficiency or equity arguments. Governments may consider intervening if there are strong enough failures in the way markets operate (e.g., monopolies overcharging consumers) or there are strong enough failures in existing Government interventions (e.g. waste generated by misdirected rules) where the proposed new interventions avoid creating a further set of disproportionate costs and distortions. The Government may also intervene for equity (fairness) and distributional reasons (e.g., to reallocate goods and services to more vulnerable groups in society).

9. The primary rationale for intervention in this instance is efficiency: Government intervention through this legislation could increase our knowledge of the effectiveness of EM for acquisitive offenders on licence. Legislation would allow for the testing of GPS tagging to improve our understanding of potential impacts on deterrence from future offending, crime detection, compliance with other licence conditions and reoffending, as well as being able to assess the potential of trial monitoring data to support offender management of risk and rehabilitation.

**Policy Objectives**

10. The introduction of mandatory GPS tagging for acquisitive offenders aims to:

   a. **Act as a deterrent to future reoffending**: acquisitive offenders have high rates of reoffending; the use of this technology could ensure greater compliance with licence conditions and inform offender management, also because the associated trail monitoring data can be shared with the police to assist investigations, this may also have a deterrent effect.

   b. **Assist police investigations into acquisitive crimes through targeted data sharing**: the police will be able to request previously unavailable trail monitoring data as a result of this project – this could help to rule suspects in and out of investigations, potentially increasing the conviction rate for acquisitive crimes and potentially saving police resources.

   c. **Further develop the evidence base on the effectiveness of EM**: there are significant limitations with the current evidence base for EM, particularly for the use of EM on licence; this project will allow for a robust evaluation to be undertaken.

---

9 This was based on findings on a study of EM which included curfew and location monitoring - W., Mann, K., Blomberg, T., Gaes, G., Barrick, K., Dhungana, K., & McManus, B. (2012). *Quantitative and qualitative assessment of electronic monitoring*. BiblioGov

C. Affected stakeholder groups, organisations and sectors

11. The options assessed in this IA will apply in England and Wales. A list of the main groups and stakeholders who would be affected by the proposals described in this IA are shown below. Section E outlines costs and benefits to these groups.

- Eligible offenders, their families and those they live with;
- Her Majesty’s Prison and Probation Service (HMPPS), including the Electronic monitoring service;
- Community Rehabilitation Companies (CRCs);
- Ministry of Justice (MoJ);
- Home Office;
- Police;
- Victims;
- Accommodation providers;
- The public.

D. Description of options considered

12. To meet the policy objectives, the following options are assessed in this IA:

- **Option 0:** Do nothing: Do not make it compulsory for EM conditions to be included on the licence of acquisitive offenders;

- **Option 1:** Legislate to mandate the GPS tagging of certain acquisitive offenders with a standard determinate custodial sentence of at least 12 months as a licence condition, on release from prison in specific geographical areas

13. The preferred option is Option 1 as it best supports the policy objectives.

**Option 0: Do nothing**

14. Under this option, the way EM conditions are included on a licence for acquisitive offenders would remain unchanged. Although there are existing powers in legislation used to apply GPS tagging as a licence condition on individual offenders, this is a discretionary power applied on a case by case basis, this will continue. Given the compulsory power this legislation is made under exists, it is not appropriate to use the existing discretionary power to automatically include GPS tagging on a cohort of acquisitive offenders without a case by case assessment, as this would make it extremely challenging to measure the impact of GPS tagging.

15. It is assumed that reoffending and recall rates for acquisitive offenders would remain the same.

**Option 1: Legislate to mandate the GPS tagging of certain acquisitive offenders as a licence condition on release from custody**

16. This option would involve introducing a Statutory Instrument (SI) to enable acquisitive offenders who receive custodial sentences of 12 months or more to be fitted with a GPS tag upon release from custody. Trial monitoring using the GPS tag would be a mandatory condition on the offender’s licence for either the remainder of their sentence or 12 months (subject to extensions for periods recalled), whichever is shorter.

17. The trial monitoring standard licence condition will be applied to all offenders who meet the following criteria:

- have committed any of the following acquisitive neighbourhood crimes: being robbery, burglary, aggravated burglary and theft where it concerns theft from another person, a vehicle or motor vehicle or theft of a motor vehicle

- have been sentenced to a SDS of 12 months or more; this will allow for consistent testing of at least 6 months’ wearing of a tag since these offenders will usually be released halfway
through their sentence. This will capture the majority of the cohort given the average custodial sentence for adults convicted of burglary offences and receiving a SDS is 22 months, and 54 months for robbery offences; and

c. will be supervised within the geographical range identified in the legislation, i.e. within one of 6 police force areas (PFA).

18. We propose to make GPS tagging a compulsory condition for all qualifying offenders. The condition will be imposed unless the individual circumstances of the offender make GPS tagging impossible or the offender is unsuitable. For example, if an offender does not have suitable accommodation at release, GPS tagging is unlikely to be possible (we estimate that 30% of acquisitive offenders are unsettled on release from custody and have included this in our caseload modelling).\(^{11}\) Whether the offender is unsuitable may also reflect individual circumstances with regard to mental and physical health, disability and, if relevant, developmental disorders and neurological impairments. Qualifying offenders who are identified as suitable for release on HDC will be included.

19. The licence will include the GPS tagging condition for up to 12 months (subject to pauses for any period recalled) from the date the offender is ‘first’ released after commencement, which may be the date they are their automatically or (if serving another sentence subject to such) discretorily released, their earlier HDC release date or the date they are re-released following recall (if on commencement they are serving a recall or following commencement they are subsequently recalled and re-released). For offenders serving one sentence of 24 months or less (not released on HDC) the licence condition will be in place for the whole of their sentence. For offenders serving more than one sentence the longest sentence will be assessed against the qualifying criteria.

20. Offender managers will retain the discretion to add curfew and / or exclusion zones as additional licence conditions for offenders subject to the condition where necessary and proportionate for risk management or public protection purposes, and the trail monitoring data will inform compliance. However, it will not be compulsory to apply these conditions.

21. Our assumed implementation date for this option is 12 April 2021 in an initial 6 PFAs. Further legislation is planned to be laid in future to expand the measure to further PFAs, at which point this IA will be updated accordingly. The measure is expected to continue and has no set end date but will be reviewed regularly to help inform the ongoing use of the measure, changes to the measure to improve effectiveness and efficiency, and future policy decisions regarding further roll-out.

E. Cost and Benefit Analysis

22. This IA follows the procedures and criteria set out in the IA Guidance and is consistent with the HM Treasury Green Book.

23. Where possible, this IA identifies both monetised and non-monetised impacts on individuals, groups and businesses in England and Wales with the aim of understanding what the overall impact on society might be from the options under consideration. The costs and benefits of each option are compared to option 0, the do nothing or ‘baseline’ case. As the ‘baseline’ option is compared to itself, the costs and benefits are necessarily zero, as is its Net Present Value (NPV).

24. The IA guidance places a strong focus on the monetisation of costs and benefits. There are often, however, important impacts that cannot sensibly be monetised. These might be impacts on certain groups of society or some data privacy impacts, positive or negative. Impacts in this IA are therefore interpreted broadly, to include both monetised and non-monetised costs and benefits, with due weight given to those that are non-monetised.

25. Where figures are stated annually, they are presented as the steady state unless otherwise stated.

26. Population volumes greater than 100 have been rounded to the nearest 50, volumes less than 100 have been rounded to the nearest 5.

Methodology

27. All costs in this IA are given in 2020-21 prices with a 20% optimism bias applied to all costs.

28. Because Option 1 has no expected end date, the NPV of the policy is appraised over a 10-year period beginning in 2020/21. The implementation date of the policy is modelled as April 2021.

29. The estimated volume of acquisitive offenders expected to be monitored on licence is based on the prison population at the end of September 2020, and patterns of acquisitive offences dealt with and sentencing decisions made in 2019. It is assumed that the numbers sentenced for acquisitive offences will increase in line with prison projection impacts due to the expected increase in police officer numbers over the appraisal period.

30. Offenders who breach their licence conditions may be recalled to prison. The direction and magnitude of any recall impact is, however, highly uncertain due to a lack of evidence. There is no official recall rate available to indicate current levels of recall for acquisitive criminals without EM. For the purpose of this IA, we have assumed a recall rate of 14% for acquisitive offenders sentenced to 12 months or more who are not subject to GPS tagging.\(^\text{12}\)

31. Whilst evidence indicates that GPS tagging may improve compliance and reduce recall,\(^\text{13}\) it is also plausible that the increased ability to detect poor behaviour and the need for the offender to keep the tag charged may increase the likelihood of recall for tag wearers. To reflect this uncertainty, we have assessed the impact on recall and the prison population using three possible scenarios below.

- The central scenario assumes no impact on recall and the recall rate remains at 14%.
- The high scenario assumes the recall rate will increase to 25% for tag wearers to reflect increased police detection, poor compliance with the tagging regime and increased awareness of failure to comply with other licence conditions.
- The low scenario assumes the recall rate will fall to 9% for tag wearers to reflect increased compliance.

32. We have not identified police costs as it has been agreed with the Home Office that any resource impacts on the police will be absorbed by the planned uplift in policing numbers.

Option 1: Legislate to mandate the GPS tagging of acquisitive offenders as a licence condition on release from custody

Costs of Option 1

Monetised costs

HMPPS, Electronic monitoring service

33. There will be increased costs to the Electronic monitoring service due to an estimated additional caseload of between 470 and 530 offenders being on GPS tags in the steady state. We estimate that equipment procurement and live running costs for this increased caseload will incur an average annual cost of between £2.4m and £2.7m per annum.

34. This option will also incur implementation costs which includes the administration and development of crime mapping software. We cannot provide further detail on the software costs as this is currently being assessed and the procurement process that is currently underway. We estimate that implementation costs will total £7.2m in the years 2020/21 to 2022/23 in all scenarios.

\(^{12}\) See section F (assumptions and risks) for more detail

35. In the high scenario, we estimate there could be additional costs to HM Prison Service due to an increased rate of recall. This results in an estimated increase of 70 recalls to prison, per annum. This is estimated to increase the annual prison population by around 15 places and will incur an average annual cost of £0.8m per annum.

36. It is assumed additional prison places will need to be constructed to accommodate the increase in prison population required by an estimated 15, which is assumed to be met by constructing new prison capacity in 2021/22. Estimated construction costs will cost a total of £3.8m.

37. We do not anticipate any additional costs to HM Prison Service in the central or low scenarios as these assume no increase in recall as a result of location monitoring, thus there would be no increases in the prison population.

38. There will be additional costs to the probation service of managing offenders with trail monitoring as a result of an estimated additional caseload of between 470 and 530 offenders on GPS tags in the steady state. We expect that this will result in additional average annual costs to the probation service of between £1.1m to £1.2m.

39. There will be costs to the MoJ for research and evaluation of the project over the first three years of the policy, resulting in estimated total costs of £0.3m in all scenarios.

40. Given this option will involve new systems and ways of working there are likely to be costs of familiarisations with the data and systems for police forces and probation staff, including offender managers and administrators. These have not been monetised as they are uncertain and are likely to be minimal.

41. Offenders and their families may experience adverse impacts due to stigma associated with the tag affecting employment and relationships, although it has not been possible to quantify this with any precision.

42. In the low scenario, we expect there will be a reduction in recall due to increased compliance. Based on a 9% recall rate for this scenario, this results in an estimated reduction of 30 recalls to prison, per annum. This is estimated to reduce the prison population by around 5 places and save an estimated £0.3m per annum.

43. No other benefits have been quantified due to the limited evidence on the direction and magnitude of these impacts.

44. It has not been possible to monetise most of the benefits of option 1, since no data on reductions in reoffending are available; however, this data will be collected through the evaluation. The main benefits are expected to be due to reductions in reoffending leading to savings in court costs as well as prison places.
45. Trail monitoring would be an additional tool for probation officers in managing these offenders to enhance offender risk management, supervision, and support. In addition, the project will improve data sharing between probation and police services enhancing Integrated Offender Management arrangements.

Ministry of Justice

46. The option will strengthen the evidence base for the effectiveness of EM with a robust evaluation, the findings of which will inform further developments and uses of EM as a tool in the criminal justice system in future.

Police

47. This option may improve crime detection for police forces. Police forces will be able to access a crime mapping service which could help to rule suspects in and out of investigations, reduce both the resource and time needed to complete investigation, improve crime outcomes and potentially increase the conviction rate for acquisitive crimes.

Offenders

48. Offenders may experience benefits of location monitoring as tagging can help to break criminal behaviour and negative social links. Electronic monitoring may facilitate rehabilitation, improve family relationships, and facilitate access to accommodation due to additional reassurance around risk management provided by the tag.

Victims and the public

49. This option may improve confidence in the criminal justice system’s ability to respond to acquisitive crime. Since many burglars and robbers are repeat offenders, the use of GPS tagging as an additional tool to aid Integrated Offender Management may help to improve public confidence. A reduction in reoffending and therefore fewer victims would also contribute to increased confidence.

50. This option may reduce reoffending and thus reduce the number of victims during the period of monitoring. Acquisitive offenders have high rates of reoffending; the use of GPS tagging could ensure greater compliance with licence conditions and, because the trail monitoring data can be used by the police to assist investigations, it may also have a deterrent effect. As such, there is a real potential for this to reduce reoffending which would have significant monetised benefits. This project will test the direction and magnitude of these impacts.

Overall Impact

51. Table 1 below provides a summary of the impacts of Option 1 on the criminal justice system. The largest impacts are felt by the HMPPS, Electronic Monitoring Service, which will incur estimated average annual costs of between £2.4m and £2.7m due to the increased caseload of offenders on GPS tags.

52. HMPPS Probation Service will incur additional costs of managing offenders subjected to trail monitoring. These are estimated to cost between £1.1m and £1.2m per annum.

53. In the high scenario, prison construction costs estimated to be £3.8m are anticipated in 2021/22 to meet the demand for the higher number of prison places required due to increased recall.
### Table 1: Summary of overall costs for central, high, and low scenarios

<table>
<thead>
<tr>
<th></th>
<th>Central Scenario</th>
<th>High Scenario</th>
<th>Low Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>HMPPS, Electronic Monitoring Service (average annual)</td>
<td>£2.6m</td>
<td>£2.4m</td>
<td>£2.7m</td>
</tr>
<tr>
<td>HMPPS, Electronic Monitoring Service (total implementation costs)</td>
<td>£7.2m</td>
<td>£7.2m</td>
<td>£7.2m</td>
</tr>
<tr>
<td>HMPPS, Probation Service (average annual)</td>
<td>£1.2m</td>
<td>£1.1m</td>
<td>£1.2m</td>
</tr>
<tr>
<td>HMPPS, Prisons Service (average annual; excluding construction)</td>
<td>£0.0m</td>
<td>£0.8m</td>
<td>-£0.3m</td>
</tr>
<tr>
<td>HMPPS, Prisons Service - Construction (total)</td>
<td>£0.0m</td>
<td>£3.8m</td>
<td>£0.0m</td>
</tr>
<tr>
<td>Ministry of Justice (total evaluation costs)</td>
<td>£0.3m</td>
<td>£0.3m</td>
<td>£0.3m</td>
</tr>
<tr>
<td>NPV (10 year) (excluding EM implementation, construction, and evaluation)</td>
<td>£32.8m</td>
<td>£37.3m</td>
<td>£30.7m</td>
</tr>
<tr>
<td>NPV (10 year)</td>
<td>£40.3m</td>
<td>£48.6m</td>
<td>£38.2m</td>
</tr>
</tbody>
</table>

### F. Assumptions and Risks

54. The main assumptions used in the analysis, and the associated risks, are stated in table 2 below.

#### Table 2: Key assumptions and risks

<table>
<thead>
<tr>
<th>Assumption</th>
<th>Associated Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caseload</td>
<td>The MoJ is currently working to increase access to suitable accommodation for offenders released from custody, so these initiatives may impact the number of acquisitive offenders who are suitable for tagging. However, we are uncertain on the impact of this as yet. The evaluation will capture the number of offenders not suitable for tagging and reasons for this.</td>
</tr>
</tbody>
</table>

---

14 The figures in the table may not appear to add up perfectly due to rounding. This table is a summary of the points explained in Section E.

The proportion of acquisitive offenders released early with HDC is based on the proportion of the acquisitive offenders who were sentenced to less than 4 years in 2019\(^{16}\) and internal analysis on the HDC release rate for HDC eligible cases in the general offender population. HDC release occurs after an offender has served at least three quarters of their sentence, up to 120 days earlier than the automatic half-way release point. It is assumed that all other offenders are released at the automatic half-way point.

The HDC eligibility data includes a small number of offenders who are statutorily ineligible for HDC, such as registered sex offenders or those with a previous recall for breach of curfew on HDC as they cannot be identified from the data that is held. Moreover, certain offenders are presumed unsuitable for HDC and will only be considered for release in exceptional circumstances. Consequently, we expect that the actual rate of HDC release may be higher for acquisitive offenders. We do not expect this to have a significant impact on caseload or costs.

Under the Release of Prisoners (Alteration of Relevant Proportion of Sentence) Order 2020, a small minority of offenders may not be eligible for release until two-thirds of the way through their sentence due to the nature of their offence.\(^{17}\) Consequently, the caseload build-up may be slower to reflect longer time served in custody for these offenders. However, we do not expect this to significantly impact caseload or cost estimations due to the small proportion of acquisitive offenders to whom this applies.

Monitoring starts by acquisitive offenders currently in custody was estimated based on the prison population at 30 September 2020 and historic sentencing data and we have assumed that the geographical distribution of offenders released from custody to police force areas would reflect national distribution of sentencing of acquisitive criminals.\(^{18}\)

Data on offenders held in Prison establishment does not include or reflect the police force area that an offender is released to reside at and therefore data on sentencing by police force area has been used to understand which offenders will or won’t be in areas that are scope. Area for sentencing may not always reflect where an offender is released to and any variation from this has not been captured in our estimates and may lead to under or over estimates in the volumes expected to receive this intervention. However, based on comparison to regional-level licence caseload data, we would expect this variance to be small.

Future volumes of cases throughout the ten-year appraisal period are adjusted to increase year-on-year in line with breakdowns of MoJ prison projections.\(^{19}\)

Differences in volume of acquisitive offences charged could result in lower or higher caseloads. The impacts of increased police force numbers and the impact of Covid-19 have been factored into caseload estimations, however these impacts do not account for differential impacts specific to acquisitive crime. We would expect this variance to be small.


\(^{17}\) The requisite custodial period is two thirds for offenders sentenced to a term of imprisonment of 7 years or more for robbery or aggravated burglary


<table>
<thead>
<tr>
<th>Length of monitoring has been calculated based on average custodial sentence lengths in 2019 for offenders grouped by sentence length bands.</th>
<th>There is a risk that monitoring lengths could be longer or shorter depending on licence lengths, however we expect the impact of this to be small.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Recall</strong></td>
<td></td>
</tr>
<tr>
<td>We have estimated a recall rate of 14% for acquisitive offenders sentenced to 12 months or more who are not tagged, based on the estimated recall rate for the general offender population and the average excess recall rate for theft offenders sentenced to 12 months or more compared to all determinate releases.</td>
<td>There is no official recall rate, therefore this rate could be higher or lower for this cohort.</td>
</tr>
<tr>
<td>1. In the central scenario we assume no impact on recall i.e. it remains the same as the counterfactual (the impact on reoffending/increased compliance is counterbalance by the increased detection).</td>
<td>We do not have evidence to indicate the magnitude or direction of the impact on recalls. It seems plausible that the addition of GPS tagging to this group of offenders may result in a higher number of recalls. This may be as a result of breaches due to being monitored (for example, the requirement to regularly charge the tag). Therefore, we have considered three scenarios to allow for uncertainties in recall impacts.</td>
</tr>
<tr>
<td>2. In the high scenario we choose 25% as the midpoint of recall for HDC (19%) and recall in the GPS pilot (31%) to model the impact of the high scenario where monitoring could lead to higher rates of recall.</td>
<td></td>
</tr>
<tr>
<td>3. In the low scenario, we have assumed a scenario where the rate of recall reduces by 5 percentage points, to 9%.</td>
<td></td>
</tr>
<tr>
<td>It is assumed that additional prison estate is required to accommodate the increased prison caseload at a cost of £250k per place and annual prison costs of £44,640 (excluding optimism bias).</td>
<td>Annual prison costs are based on averages and actual costs will vary depending on the needs and risks of the offender.</td>
</tr>
</tbody>
</table>

---

20 This was based on the number of licence recalls in a recall period divided by the post-release supervision caseload at the end of that period, averaging 10% between April 2019 and March 2020. This is an approximate estimate due to the complexity of the data (e.g. individuals may have been recalled multiple times within the same recall period, recalled individuals may still be in custody at the end of the period etc.)


<table>
<thead>
<tr>
<th>The recall point is based on the average proportion of the licence period served prior to licence revocation for acquisitive offenders sentenced to 12 months or more who were recalled between January 2018 and June 2020, using internal data.</th>
<th>Location monitoring may impact offending behaviour and thus recall point may be different for offenders’ subject to location monitoring. Recall point may therefore be earlier or later. We do not expect this to have a large impact on cost or caseload.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The average time an offender spends in prison during recall is based on the median length of recall for acquisitive offenders sentenced to 12 months or more who were recalled between January 2018 and June 2020, using internal data.</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Electronic monitoring**

<table>
<thead>
<tr>
<th>Implementation costs include an implementation team who would be required to scope exercise, support implementation and complete analysis as well as an estimation of costs for the development of crime mapping software. Costs assume that no significant technical changes are required to systems and the impact is principally on live run costs.</th>
<th>Estimated cost for crime mapping software is based on previous projects. We cannot detail more on this cost due to the competitive process that is currently underway.</th>
</tr>
</thead>
<tbody>
<tr>
<td>It is assumed that VAT is recoverable on all costs other than tags / Home Monitoring Units.</td>
<td>N/A</td>
</tr>
<tr>
<td>Impact on live run costs assumes existing published unit costs of £12.27 per subject per day.</td>
<td>Some reductions could be expected if there are any reductions in supplier effort due to the nature of the service required, which is to be defined.</td>
</tr>
<tr>
<td>A three-year asset life is assumed with no increased loss of equipment due to the nature of the cohort or additional replacement due to longer use is assumed.</td>
<td>It is unknown whether asset life will differ for this cohort of acquisitive offenders.</td>
</tr>
</tbody>
</table>

**Probation**

| Trail monitoring will lead to increased use of probation resource for recommending monitoring, reviewing service-users’ progress and behaviour and reviewing non-compliance/recall. It will also require additional time from probation staff (each week, the probation service will be expected to spend an estimated additional 10 mins per starts recommending EM, 1hr 20 mins per wearer reviewing service-user progress and behaviour, 1hr 15 mins per wearer reviewing non-compliance, and 1hr 45 mins per wearer reviewing performance). | This will be additional activity for probation, who are already arguably operating at capacity. The unification of probation is due to take place from June to August 2021 which will further affect the capacity of the probation service to deliver a new programme. |
mins processing recalls for each recalled offender).

In the pathfinders, acquisitive offenders subject to trail monitoring will be managed under IOM.

This project is likely to increase Integrated Offender Management (IOM) cohort sizes in the police force areas in scope.

A joint MoJ/HO strategy for IOM has been published and will be launched in April 2021. This should help to ensure greater consistency of IOM delivery. However, IOM delivery is currently inconsistent across police forces and, if the strategy is not fully implemented and embedded from its launch, this may result in a lack of clarity around the impacts of the project, which could lead to uneven delivery with a corresponding impact on the reliability of findings.

We will take learning from the 6 pathfinder areas to inform how offenders will be most effectively managed when the project is expanded to further areas, potentially within local arrangements to ‘flex’ who is included in IOM and / or an IOM ‘lite’ model. The evaluation will provide insights into the resource impact of the project.

**Ministry of Justice Evaluation**

| It is assumed research and evaluation will be conducted over a 3-year period. | N/A |

**G. Wider impacts**

**Equalities**

55. An Equalities Impact Assessment has been carried out in addition to this IA.

**Better Regulation**

56. These proposals are exempt from the Small Business Enterprise and Employment Act 2015 and do not count towards the department’s Business Impact Target.

**International Trade**

57. There is no significant impact on international trade.

**Environmental Impact Assessment**

58. We expect there to be no environmental impacts as a result of the options within this IA.

**Family Impact Test**

59. There is no significant impact on families.

**H. Monitoring and Evaluation**

60. The collection of data from this legislation is vital to build a more complete evidence base on GPS tagging for acquisitive offenders on release from custody, and to help inform the ongoing use of the
measure and future policy decisions regarding further roll-out. We will seek to collect data on the impact on reoffending behaviour; the efficiency of implementation; and the cost effectiveness of the measure.