Response to Part 1

The use of electronic monitoring (EM) has potential to assist in attempts to reduce the prison population and its use is supported if consideration is given to several areas of concern.

As is the case in many instances, no one size fits all, therefore the use of EM should be both flexible and tailored to the individual circumstances of each disposal. That means it is not a stand-alone solution, it should be accompanied by appropriate supports in every case. Further to this, those who live with an individual being considered for EM are implicated and therefore some mechanism should be in place to ensure there is consultation/consideration of their views. It is often the case that an informed and involved support network can reduce the chance of re-offending.

It is difficult to state support for the use of GPS use without further information. This consideration impacts greatly on basic human rights and data protection. Whilst the benefits of such a move can be imagined there remain serious questions as to the way in which it would be used, not least the scope of its use, in what circumstances, which crimes, voluntary or imposed? The potential for abuse of such technology is enormous and the fear is, that a risk-averse criminal justice system, would lead to overuse or inappropriate use. In saying that, as an alternative to custody or intervention to monitor released prisoners, it could be used to ensure a person does indeed ‘stay away’ from another person/a certain place, the rights of victims/potential victims must be considered. However, there would have to be serious safeguards in place to ensure it was used in a way that respects the rights of all concerned in each individual instance it was considered for use. My support for the use of GPS is withheld until a clear set of guidelines is available for consideration.

Will there be a predisposition to using EM in all but very serious cases for under 18s and young adults? In the majority of cases, putting a young person in prison does not work, research evidence has consistently shown this to be true. Therefore, EM should be considered as the norm if an under 18 is being considered for bail or remand. In saying that, it would be necessary to ensure that individualised support is in place to give the best chance for a successful transition from bail to trial or sentence date. Successfully adhering to a period of EM could give the sentencing sheriff an indication of the persons suitability for EM to be included in the sentence if they are found/plead guilty. Everything should be done to keep a young adult from experiencing a prison environment, EM is a potentially valuable option only if accompanied by the appropriate support.

Another concern is the use of a service provider that has profit as its core motive for existence. The use of a profit-driven service provider is worrying in that money which could be spent on training and educating a workforce in receipt of a decent salary ends up in the hands of shareholders. The scandal of CAPITA, G4S and other
companies who provide services for Government leads me to consider the appropriateness of adding the element of profit to a criminal justice issue. What checks and balances will be in place if the way in which EM is used is to be fundamentally changed? What contractual demands will be placed upon any service provider to ensure the welfare of the monitored person, their families, potential victims and society at large, is central to the service?

**Other questions that remain:**

What is the intention of the Government in respect of informing and educating the various stakeholders of the benefits/dangers of EM? Will the wider public receive information explaining in clear and concise language the reasoning behind EM?

Will there be attempts to deliver ‘joined-up’ training between those involved in ensuring the success of EM? For example, Social Work, Sheriffs, Service-provider staff. If EM is a ‘preferred’ option is some cases, then how is this to be transmitted to those responsible for sentencing?

Reasons for desistence from crime are often complex and cannot be reduced to saying a measure works or not in isolation from wider environmental and psychological considerations. In light of this, in what way will ‘effectiveness’ be measured?

David Anderson
20 April 2018