

## The Hadley Trust: GPS Tagging Pilot Proposal

Chris Miller, May 2013

### **Introduction**

Small numbers of offenders commit a high proportion of recorded crime. Across the whole country about 5,000 individuals are responsible for 10% of all crime (whom we might call chronic offenders) and 100,000 offenders (whom we might call repeat offenders) are responsible for 50% of all crime<sup>1</sup>. These two cohorts of offenders use up large amounts of police investigative resources; prison and probation management time and court lists are filled with their cases. Together they constitute the majority of offenders whom we currently call prolific offenders.

If we want to be serious about reducing prison numbers, cutting crime and making courts more efficient we should further intensify our efforts to understand, control and rehabilitate prolific offenders. The current arrangements for integrated offender management (IOM) which since 2009 have required local criminal justice agencies to work cooperatively to manage locally identified prolific offenders would become more effective with the introduction of GPS enabled trackers to support their efforts to rehabilitate the offenders with whom they work.

### **What Offenders Think and Do**

Two prominent findings from criminological research are that punishment certainty is far more consistently found to deter crime than punishment severity<sup>2</sup>, and furthermore that the speed at which the punishment is meted out also contributes to its deterrent effect<sup>3</sup>.

For prolific offenders punishment is currently insufficiently certain and too slow to deter them. They reoffend repeatedly. Of those in prison in 2012 on short sentences of six months or under, 50% had 15 or more previous convictions, 26% had more than seven and only 5% had no previous convictions at all<sup>4</sup>. It is clear that for a substantial number of offenders the current regime of punishment and imprisonment are of little or no deterrent effect. Furthermore punishment only follows on from getting caught and even prolific offenders do not get caught that often. We know from the Surveying Prisoner Crime Reduction Survey (SPCR)<sup>5</sup> that prolific offenders commit many offences for which they are never caught. Those surveyed were asked about their offending in the year leading up to their eventual imprisonment. Those who admitted any offences at all (65% of the 1421 surveyed) reported that in the four weeks prior to being arrested for the offence for which they had been imprisoned, and not including that offence, they had committed on average 44 offences for which they had not been caught. This figure was skewed by a small number of incredibly prolific offenders but removing them still left a figure of 20 offences per offender.

Yet the heartening thing about offenders even as prolific and recidivist as these is that they do want to stop. When asked in the survey 97% said that they wanted to give up offending.

### **Using GPS Tags to Manage Offenders**

GPS tags can help offenders in their aspiration by supplying them with a significant external motivator. Knowing that they will get caught almost instantly for any offence they commit that can be linked to a location (burglary, car theft, robbery, assault) acts as a significant

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<sup>1</sup> Dawson and Cuppleditch (Home Office 2007) An impact assessment of the Prolific and other Priority Offender programme

<sup>2</sup> Andrew von Hirsch, Anthony Bottoms, Elizabeth Burney, and P-O. Wikstrom, "Criminal Deterrence and Sentence Severity: An Analysis of Recent Research," Oxford: Hart Publishing, 1999.

<sup>3</sup> Daniel Nagin and Greg Pogarsky. "Integrating Celerity, Impulsivity, and Extralegal Sanction Threats into a Model of General Deterrence: Theory and Evidence," *Criminology*, 39(4), 2001.

<sup>4</sup> Table A1.29, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

<sup>5</sup> MoJ 2012

deterrent to them both in resisting their own impulses and being able to resist the encouragement of their criminal associates.

In one fell swoop we can supply to offenders what research has shown is most likely to deter them from reoffending (certainty and speed of detection) and in doing so we can harness their self-confessed desire to desist.

GPS tags, as well as providing offenders with help also helps the general population. Should they reoffend spree offending, (twenty offences in four weeks as described in SPCR ) can also be prevented. Offenders may offend but they can only do so briefly before getting caught. This prevents further additional harm to communities and reduces wider victimisation.

Being caught through GPS location technology for committing substantial crimes ensures that offenders are actually dealt with for the offences they have committed rather than the current regime which tends to see offenders punished for disobeying curfews, violating exclusion zones and failing to engage with appropriate treatment. All of these conditions are undoubtedly useful tools to assist rehabilitation but the breach of them which may lead to punishment in its own right does not necessarily indicate that the offender has actually reoffended except in the narrow sense that he may have disobeyed a legal condition (of bail or licence). The use of GPS technology can free up courts from hearing cases of licence condition breaches which , in the absence of any actual crime, can be better dealt with by the probation officers and police officers who make up integrated offender management teams.

### **How to Deploy GPS tags**

GPS tags have been in use in two UK police forces for over two years on a pilot basis. The Hertfordshire and Bedfordshire offender management projects (Operation Torch) invite prolific offenders as volunteers to change their lives and in the course of doing so to wear a GPS tag. Some of these offenders are operating under a limited scheme endorsed by the chief presiding judge of England and Wales, which offers them this opportunity as part of a sentencing plan. They have admitted a very large number of crimes to demonstrate their desire to change and they are offered community rehabilitation with a GPS tag as an alternative to custody. The payoff for them is avoided prison but failure on the programme leads to a long custodial sentence. Others however are wearing a tag outside of a criminal justice context and are doing so simply so they can stop themselves offending. It is akin to voluntary stomach stapling for a compulsive eater.

### **The Hadley Trust Proposal**

This would operate as a voluntary project for prolific offenders who wish to desist from offending and want additional help to motivate them. As a proposition this mystifies many casual observers, who ask why would an offender volunteer to subject himself to such a regime. The answer is in the SPCR findings. The vast majority of offenders want to desist and a GPS tag offers them an opportunity to summon up the self-discipline or at least to have what little self-discipline they have reinforced with technology to do what they need to do to stop committing crime.

Working with IOM teams in three different policing environments the Hadley Trust will fund the deployment of 50 GPS tags per area over three years to be allocated by knowledgeable local professionals to those offenders whose offending desistance would offer the community the greatest benefit.

Many offender managers have very good relationships with the men and women whose offending they are working together to reduce. They know that there are many offenders who would volunteer for such a regime. Provided there is in place a set of helpful interventions

that can offer some assistance with employment, housing, substance and alcohol misuse programmes all of which act as the carrot to the GPS stick this programme has a good chance of regulating offender behaviour and reducing local crime.

### **Regulating Offender Behaviour**

The idea that crime can be prevented if the sort of behaviour and activity that accompanies the commission of a crime can be regulated is at the heart of any rehabilitation programme. Removing offenders from the influence of anti-social accomplices and keeping them away from places where they naturally get into trouble while reintroducing them to pro social influences such as work and (generally) family are what those who work with offenders aspire to. The problem is that offenders can be openly uncooperative with attempts to help them or alternatively say one thing and do another. Furthermore the most sincere of attempts to rehabilitate on behalf of offenders can be disrupted by bad influences or moments of weakness.

### **How Could GPS Tags Help?**

The 100,000 prolific offenders that commit 50% of recorded crime need managing. If less crime is the point (or at least one of the points) of the police and criminal justice system then this group of offenders deserve proper attention. The community upon whom they inflict their criminality is entitled to expect those trusted with this problem to be doing all it can to prevent the harm that is caused by them. So these offenders need to stop offending, either through being rehabilitated or by being incarcerated. In order to stop offending many (most) offenders need both internal and external sources of motivation. A GPS tag can deliver both of these.

### **What Would the Programme look like ?**

It needs to be no more complicated than the requirement to wear a GPS tracking monitor, to keep it charged by meeting an offender manager once a week, not to interfere with it or prevent it working and not to commit crime.

The tag could be in place until such time as the offender has worn it for three years successfully in the community. If he does get caught offending his three years begins again on completion of whatever sentence he receives at court; the same rule would apply to deliberate interference with it. This would provide him with the external motivation he requires to not commit crime. This imposition on his life would have as a counterbalance an offer of significant help for his criminogenic needs.

His day to day movements would be triangulated with police crime maps and his involvement in a robbery, burglary, car crime or reported assault (all of which are location specific) would be instantly identified. His recapture would then be swift and further reoffending prevented. Wearing a GPS tag offers the prospect of greater self-determination than many other management programmes, whether court mandated or not. At the same time the authorities can have better oversight of what offenders are up to. For those who are serial offenders this is a reasonable deal. The authorities will work with them to help them rehabilitate but reoffending will be instantly identified and swiftly dealt with.

### **Who would be offered a tag?**

Anyone identified by local professionals as active criminals who have expressed or who are believed to be willing to try new means of exchanging their criminal lives for more law abiding ones.

### **Human Rights Implications**

This could amount to a significant intrusion into the private lives of those wearing a tag. While it is proportionate to check whether those with a propensity to offend were at the scene of a crime and then to locate them if they were it probably is not proportionate routinely to investigate everywhere they has been. Measures could be put in place to ensure

that offenders' movements would not be tracked as a matter of course but would only be compared with instances of crime. They would only be tracked live time if it was necessary to capture them following the commission of an offence. They could be given subject access under the Data Protection Act to ensure that the Authorities did not abuse the information they have.

### **Conclusion**

Prolific offenders can commit 200+ offences a year when out in the community. Wearing one of these trackers as suggested could prevent them from offending at all or if they did they could only commit a fraction of these offences before capture. GPS enabled tags worn by the right offenders who are supplied with the appropriate support could dramatically cut crime, support offenders' attempts to rehabilitate and provide the authorities with a meaningful way of managing those who currently prove to be the most intractable individuals in an overstretched criminal justice system.

## **Hadley Trust GPS Tagging Proposal Supplementary Note**

### **What is The Hadley Trust?**

The Hadley Trust is a philanthropic charitable organisation established by Philip Hulme in 1997. It is not like the NSPCC which conducts operations but is a grant giving charity which funds projects and research into issues concerned with poverty, disadvantage and criminal justice. It has a £65m endowment and each year it distributes about £2m to fund research and innovative projects.

### **Why GPS Tagging?**

Philip Hulme is an IT entrepreneur who is interested in the part that technology can play in improving criminal justice procedures. He is also interested in rehabilitation and crime prevention. He believes that local people make good decisions and this offering brings these beliefs together into one place. Over the next three years he wishes to fund in different locations three pilots where tags are offered to a cohort of 50 offenders in each location to test the theory that they help with rehabilitation and desistance.

### **Has It Been Tried Before?**

In 2011 Hertfordshire Constabulary bought a number of GPS tags which under Operation Torch the IOM team have been using to help offenders avoid reoffending and achieve rehabilitation. The project won the Guardian Public Sector Digital Innovation award in 2012. Bedfordshire's IOM team now use GPS tags in the same way. Here is an extract from a report about Operation Torch where they have 34 volunteers wearing tags.

***LM (Location Monitoring) is a rehabilitative tool. It provides a motivation for offenders (proving to police and family their desire to desist from crime), a 'mum and dad' on the leg giving offenders increased confidence to curb the desire to commit crime. There is reduced suspicion by the police (less middle of the night door knocking required and more positive street stops than suspicious ones that may involve a search) and other Criminal Justice agencies (an evidenced demonstration of their changed behaviour rather than an anecdotal one, removing offenders from the peer pressure of a criminal gang).***

#### **Case Study – Offender A**

***A female with 22 custody records in Hertfordshire (11 of those in 2012) all for theft from shops, persons, of pedal bikes, public disorder and criminal damage. She had become a known nuisance in Welwyn Garden City. As a result of signing up to LM and changing her behaviour she is now employed for five days a week and not been arrested for four months.***

***LM acts to control offending. It is a physical deterrent to an impulse moment to commit a crime. It monitors compliance of various court orders (high risk sex offenders on SOPOs, enforcing bail conditions) and is a useful tool in the management of MAPPA offenders in that it enables police to conduct unannounced***

*visits when they know they are at home.*

**Case Study – Offender B**

*A male who is a Prolific Priority Offender within Hertfordshire with pre cons for dwelling Burglary, Aggravated burglary and Kidnap. He was last arrested in April 2012 at which point he signed up to LM. He still wears a tag as he does not want to take it off due to the help it gives him to ignore the temptation to commit crime!*

**Case Study – Offender C**

*A male with court bail conditions who voluntarily agreed to wear a tag to enforce the condition not to enter Hertfordshire. Previously, we would have had to either have a team behind him or ‘be lucky’ if we caught him. Tag proved his travel into Hertfordshire and his location just a few feet from where a TFMV had taken place. Search of his home found the stolen contents of that car which led to him being arrested and imprisoned.*

*Improved efficiency is gained through overlaying offences daily against GPS data and the software enables identification of reduced re-offending and enables police and partner agencies to focus resources on those people where we have less coverage. LM provides supporting intelligence by monitoring GPS movements rather than costly surveillance, time and cost savings during investigations. This enables police to get the right people in custody first time, therefore minimising the need for costly and lengthy forensic examinations. There are also reduced hidden cost benefits as fewer crimes are committed resulting in fewer victims.*

**What Would the Pilot Mean for Lambeth?**

The Hadley Trust will provide up to 50 tags and the software to run them to you free for three years. You can select whoever you wish to offer them to and you can also determine the terms under which you offer them.

Those selected to wear them will do so on the understanding that they can ask to have them removed but cannot remove them themselves. (Obviously that may be difficult to enforce legally but it has to be the start point). The battery life will be nine days (although this is improving rapidly and may within 18months be better than that.). That means that the IOM team will have to arrange to see the users once a week to change their tag. (The battery life is this long because it is built into the strap (like an iphone)) The IOM team will then charge the tags for reuse (takes about 4 hours)

The tags give out a continuous signal and the data from these signals are accessible through the software programme that is supplied alongside the tags. The data can be accessed live time (if you wanted to locate someone instantly) or subsequently.

There are a number of ways in which you access the GPS data and compare it with crime data or other places of interest (drug dealers’ addresses?) and if you wish to take this pilot further a data expert can take you through it. Any method you chose is really very simple and the system does not require continuous monitoring.

One easy and very simple way of accessing the data is for a crime analyst to extract from the crime system daily (or weekly) the post-codes of crimes of interest, to email the resultant spread sheet to the software web address where automatically you will receive details of all the tags that have been in the vicinity of the postcodes of interest. You can set the tolerances for this. So for a burglary you may want tags that have been within 10 metres but for a robbery because of the uncertainty of the location those that have been within 100 metres. Again a data technician can explain this.

**Evaluation**

The Centre for Justice Innovation and Professor Mike Nellis (of Strathclyde University and an expert on electronic monitoring in criminal justice) are keen to assist with the evaluation of these pilots. We have yet to agree the terms with them on this.

## Conclusion

GPS Electronic Monitoring is in its infancy as a tactic to help offenders desist from crime. There are many innovations on the horizon (tags that can tell if the wearer is driving, remote drugs testing tags, cortisol monitors, intelligent CCTV) which may have a lot to offer in our attempts to imprison fewer people while at the same time keeping the public safe. This Hadley Trust offer to Lambeth offers an opportunity to be at the forefront of emerging findings about how technology can make IOM even more effective

Chris Miller  
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The table below relates to burglary reduction in 2012/3. The numbers are percentages. They are the first six forces (out of 43). Hertfordshire has been first two years in a row. Bedfordshire have been last (43rd ) approximately for years but now are sixth. They (Herts and Beds) are the only forces using GPS tagging in the country.

Rank		Burglary	<i>Burglary in a dwelling</i>	<i>Burglary in building other than dwelling</i>
1	Hertfordshire	-25	-18	-31
2	Gloucestershire	-22	-27	-18
3	Dyfed-Powys	-21	-13	-25
4	Hampshire	-21	-28	-17
5	Bedfordshire	-20	-14	-28
6	Gwent	-18	-13	-21