

Analysis of Responses to Electronic Monitoring in Scotland – a Consultation on Proposals for Legislation

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1. Executive Summary

1.1 The Scottish Government believes that electronic monitoring has a role to play in supporting its vision for a safer, fairer and more inclusive nation. An Electronic Monitoring Working Group¹ (2016) considered a range of issues including how to expand the use of electronic monitoring, the best way to support monitored individuals in the community while maintaining public protection, and what opportunities new technologies can provide.

1.2 The Working Group made eight recommendations some of which require changes to both primary and subordinate legislation.

1.3 On 2 March 2017 the Scottish Government published a consultation paper, seeking views in relation to legislative changes to extend the use of electronic monitoring in Scotland. 63 responses were received to the consultation, 59% from organisations and 41% from individuals. The largest category of organisational response was from partnerships, comprising 17% of all respondents. A summary of views follows.

Views on exploiting the opportunities afforded by new technologies

1.4 All of the 56 respondents (89%) who provided a view agreed that the Scottish Government should introduce legislation to permit the use of Global Positioning Systems (GPS) technology for electronic monitoring. The main reason given for this view was to improve victim and public safety.

1.5 Of the 56 respondents (89%) who commented, most considered that the judiciary should independently, or in collaboration with others, make the decision on which technology (radio frequency or GPS) to use in each case, with public safety a prime consideration in this decision.

1.6 The prevailing view was that response to an infringement of a buffer zone should be determined on a case-by-case basis, taking into account risk to public and victims; intent/reason for infringement; and frequency of infringement.

1.7 36 respondents (72%) of the 50 respondents who provided a view agreed that legislation should be introduced to permit a voluntary GPS scheme. Whilst some supported a case-by-case assessment of suitability for voluntary participation, others advocated a risk-based assessment. Most considered voluntary electronic monitoring appropriate for low-risk offenders, who have committed low tariff offences.

1.8 A common view was for a voluntary scheme to be managed by local statutory bodies with additional support from third sector organisations, according to the requirements of each case. Some concerns were expressed about voluntary schemes being used in cases of domestic abuse.

¹ <http://www.gov.scot/publications/2016/10/8620>

1.9 Of the 53 respondents (84%) who provided a view, 48 (91%) agreed that alcohol monitoring should be permitted as part of an electronic monitoring programme. The two key reasons for this view were that there are clear links between alcohol use and offending behaviour; and alcohol monitoring has the potential, within a wider package of support, to help offenders build control over their own misuse of alcohol.

1.10 A recurring view was that more development work is required in terms of research, defining objectives, and design of robust and tamper-proof equipment, before alcohol monitoring can be used as part of electronic monitoring.

Views on extending the use of electronic monitoring in a community setting

1.11 Of the 52 respondents (83%) who provided a view, 46 (88%) agreed that electronic monitoring should be an optional requirement of a Community Payback Order (CPO) when initially imposed. The main reasons for this view were that this had the potential to reduce reoffending and support rehabilitation; it could strengthen the CPO and open up its benefits to a wider spectrum of people; and this would bring more cohesion to what was perceived to be a current inefficient and disjointed system.

1.12 Of the 50 respondents (79%) who provided a view, 30 (60%) agreed that electronic monitoring should be introduced as an alternative to a fine. The key benefit identified was that this could be deployed in cases where an offender cannot afford to pay a fine and the offender's wider family could be impacted due to the financial hardship a fine could bring. The most common view opposing electronic monitoring as an alternative to a fine was that electronic monitoring and fines are two different forms of sanction, serving different purposes and cannot be considered to be interchangeable.

1.13 Of the 52 respondents (83%) who provided a view, 50 (96%) agreed that electronic monitoring should be permitted as a condition of a Sexual Offences Prevention Order (SOPO). Many considered that this would bring strength to SOPOs and add value, for example, by providing the public and victims with more confidence; and increasing the chances of offenders complying with SOPOs.

1.14 51 respondents (81%) provided a view on whether electronic monitoring should be introduced as a possible condition of a Risk of Sexual Harm Order (RSHO). Of these, 47 (92%) agreed, the most common reason being that this enabled better risk management of offenders. Some called for regular reviews to ensure proportionality and the need for continued electronic monitoring.

1.15 50 respondents (79%) provided their view on whether electronic monitoring should be introduced as a possible sanction of a Structured Deferred Sentence (SDS), with 37 of these respondents (74%) agreeing. In particular, respondents considered that electronic monitoring could be usefully introduced in this context as a tailored, individualised approach, where circumstances suggest that this could be helpful. Several of those opposed to the proposal expressed concern over electronic monitoring "up tariffing" SDS.

Views on electronic monitoring as an alternative to remand and support to pre-trial conditions

1.16 Of the 53 respondents (84%) who provided a view, 47 (89%) agreed that electronic monitoring should be introduced as an alternative to remand. The most commonly identified benefit was that this would avoid what was perceived to be the detrimental impact of custody on those not yet convicted. However, many of those supporting this proposal did so on the proviso that electronic monitoring should be applied only after robust risk assessment, involving not only the individual, but those they live with, and consideration of the likely impact on victims.

1.17 Electronic monitoring as an alternative to remand was viewed as most suitable where the alleged offence is low tariff; a first offence; non-violent; and would be unlikely to result in custody if the individual is subsequently convicted.

1.18 50 respondents (79%) provided a view on whether electronic monitoring should be permitted as a condition of Police Liberation or Investigative Liberation. Of these, 33 respondents (66%) agreed, although a general theme was that more information is required, and regulations developed, prior to further consideration of this proposal. Two particular concerns were over civil liberties where the person has not yet been charged, and proportionality where there are delays in proceedings.

1.19 55 respondents (87%) commented on the proposal to permit electronic monitoring as a condition of a temporary release from prison, with 52 of these (95%) agreeing. Main benefits were identified as: preparing the offender for liberation; facilitating day-to-day opportunities for the offender to maintain community networks; to test readiness for leaving custody; and to engender greater confidence in the risk management of the offender.

1.20 A common view was that offenders should be assessed on an individual basis in terms of risk, circumstances, and readiness to comply, prior to benefitting from this scheme.

Views on information and data sharing and retention

1.21 Just over half of the 51 respondents (81%) who provided a view supported using the data collected for both monitoring compliance with the order or licence condition, and using it for other purposes such as the investigation of a crime. However, many suggested that this should be permitted only where the individual provides consent at the beginning of the period of monitoring; and safeguards are put in place, including data protection protocol.

1.22 All except one of the 44 respondents (70%) who commented expected safeguards to be put in place for the collection, use, retention and destruction of data.

Views on electronic monitoring equipment

1.23 50 respondents (79%) provided a view on who should be responsible for the safe return of the monitoring equipment, with 23 respondents (46%) considering that the person being monitored should be responsible, and 19 respondents (38%) suggesting that responsibility should lie with the monitoring agency. Eight respondents (16%) had other suggestions, such as joint responsibility between client and agency.

1.24 37 (76%) of the 49 respondents who provided a view were in favour of sanctions for not returning monitoring equipment safely. Most considered that the form of sanction should reflect the circumstances of each case, with financial penalties one key suggestion.

1.25 50 respondents (79%) gave their view on whether there should be a legal right of access to enter a property to recover equipment, where the sole key holder is not available. Of these, 40 respondents (80%) agreed that in these circumstances a legal right of access should be given to Scottish Ministers and their agents. 29 respondents (72%) of the 40 who commented, considered that access should only be via a court warrant.

Views on impact of the proposal on equality, costs and the environment

1.26 A recurring view was for a suitability assessment to be deployed each time electronic monitoring is being considered.

1.27 Where specific positive equality impacts were identified these related largely to benefits to women, with electronic monitoring perceived as providing a robust approach to safeguarding them in domestic violence and other cases; and benefits to health in terms of people with physical or mental health, or complex needs being more likely to be able to continue with care if they are “tagged” rather than receiving an alternative intervention.

1.28 Savings in prison costs and costs associated with dealing with re-offending and fines enforcement were envisaged as a result of the proposals. The most frequently identified potential costs were associated with social work and third sector services in supporting people through their monitoring periods.

1.29 An overarching view was that the proposals would have little or no impact on the environment, provided that the equipment is environmentally friendly, recyclable and biodegradable.

2. Introduction

Background

2.1 The Scottish Government believes that electronic monitoring has a role to play in supporting its vision for a safer, fairer and more inclusive nation, in which those who have been victims of crime can feel safer and more reassured, and those with a history of offending can be supported to be active and responsible contributors to their communities.

2.2 Electronic monitoring was first piloted in Scotland in 1998, before being rolled out nationally in 2002 as a Restriction of Liberty Order (RLO), which is imposed only by courts. Since then, confidence has grown in the technology involved, and understanding has developed as to how electronic monitoring could be used more widely. It is currently used to monitor a number of different community disposals in addition to being included as a licence condition on release from prison.

2.3 Following a Scottish Government consultation in 2013 an Electronic Monitoring Expert Group was established to consider how electronic monitoring could be better used within the criminal justice system in Scotland. The Group reported in 2016² and set out a strategy with eight recommendations on how to take this forward. These recommendations were accepted by the Cabinet Secretary for Justice.

2.4 Some of the recommendations require both primary and subordinate legislation to enact, in addition to amendments to current provisions. On 2 March 2017, the Scottish Government published a consultation paper³ seeking views in relation to legislative changes to extend the use of electronic monitoring in Scotland in support of broader community justice policy. Responses were invited by 19 May 2017.

Consultation responses

2.5 The Scottish Government received 63 responses to the consultation. Table 2.1 overleaf shows the distribution of responses by category of respondent. A full list of respondents is in Annex 1. The respondent category applied to each response was agreed with the Scottish Government policy team.

2.6 59% of responses were submitted by organisations; 41% were from individuals. Organisations were representative of a wide range of stakeholders, with the largest category being partnerships, comprising 17% of all respondents.

² <http://www.gov.scot/Publications/2016/10/8620>

³ <http://www.gov.scot/Publications/2017/03/6021>

Table 2.1 Distribution of responses by category of respondent

Category	No. of respondents	% of all respondents
Partnerships	11	17
Third Sector	8	13
Justice Bodies	6	10
Private Sector	4	6
Local Authorities	2	3
Social Work Bodies	2	3
Health	1	2
Other	3	5
Total Organisations	37	59
Total Individuals	26	41
Grand total	63	100

Analysis of responses

2.7 Most of the 63 responses were submitted using Citizen Space. Responses were downloaded onto an Excel spreadsheet for analytical purposes. Five responses were submitted outwith Citizen Space. Their content was examined by the analyst, with views extracted and entered onto the Excel analytical database at relevant parts, in order to be analysed alongside the other responses.

2.8 The consultation document posed 17 questions, most containing both closed (Yes/No) and open elements. Quantitative approaches were undertaken to analyse the responses to the closed aspects of questions, including counts of those providing a view, counts of those agreeing or disagreeing with proposals, broken down by sector of respondent, and percentages at aggregate level of those agreeing or disagreeing with proposals. Qualitative research approaches were used to analyse responses to the open aspects of questions, with key themes and sub-themes identified and reported. Where sector-specific views emerged, these are also reported.

Structure of the report

2.9 The consultation document was structured into seven key parts. This report of the analysis of responses to the consultation follows the structure of the consultation document:

Part 1: Exploiting opportunities afforded by new technologies. (Chapter 3 of this report presents a summary of views.)

Part 2: Extending the use of electronic monitoring in a community setting. (Chapter 4)

Part 3: Alternative to remand and support to pre-trial conditions. (Chapter 5)

Part 4: Extending the use of electronic monitoring for the purposes of temporary release from prison. (Chapter 6)

Part 5: Information and data sharing and retention. (Chapter 7)

Part 6: Electronic monitoring equipment. (Chapter 8)

Part 7: Impact assessments. (Chapter 9)

2.10 The consultation document raised the possibility of extending the use of electronic monitoring to the context of domestic abuse. Whilst the consultation did not pose a question specifically on this topic, some respondents provided relevant comments, and these have been reported as appropriate throughout the analysis.

3. Exploiting the Opportunities Afforded by New Technologies

Background

Scotland presently uses radio frequency technology in a standalone mode mainly as a method of monitoring compliance with a court order following conviction or monitoring compliance with a condition of release from prison. The Scottish Government envisages a role for the introduction of new technologies to operate alongside the existing technology.

GPS technology enables monitoring of movement over a wide area rather than one single location. It allows for larger or more sophisticated exclusion zones of varied shapes and sizes, and for more than one exclusion zone to be set. It can be tracked real-time if 24/7 monitoring is required, or retrospectively if less immediate deterrence is required.

The Scottish Government does not intend to introduce blanket approaches to particular types of offences nor restrict the use of technologies to low or high impact crime.

Question 1: Do you agree that we should introduce legislation to permit the use of GPS technology for electronic monitoring?

3.1 56 respondents (89%) answered this question, with all agreeing that the Scottish Government should introduce legislation to permit the use of GPS technology for electronic monitoring.

Question 1a: Please give reasons for your answer

3.2 55 respondents (87%) answered this question. The most frequently identified reason for introducing legislation to permit the use of GPS technology for electronic monitoring, was to improve victim and public safety. All responses are summarised below:

- GPS technology will provide better protection for victims and the public. Risk management and public safety will both improve. (22 mentions)
- Offers greater flexibility and opportunity to tailor monitoring to individual circumstances; provides for creative and individualised approaches. (18 mentions)
- Better management of offenders; pro-active approach to management; greater opportunities to change behaviour and reduce re-offending in the future. (15 mentions)
- Improved monitoring data; more accurate data. (14 mentions)
- Provides a credible alternative to custody; could contribute to reducing the prison population. (13 mentions)

- Effective use of resources. (3 mentions)

3.3 Whilst all of those providing a view were in favour of introducing legislation to permit the use of GPS technology for electronic monitoring, many qualified their view by stating that any expansion of this technology should be used proportionately and appropriately, in particular circumstances, and within the context of a wider package of support.

Question 1b: Who do you consider should determine which technology (radio frequency (RF) or GPS) should be used in each case? Judiciary? Scottish Prison Service? Criminal Justice Social Work? Other?

3.4 56 respondents (89%) answered this question. The most common choices were for the judiciary to determine which technology should be used in each case; or for some other option. Table 3.1 shows that in each of these cases 23 respondents selected these choices over others. All three of the justice bodies who answered the question considered that the judiciary should determine technology. Other respondent sectors were more evenly divided in opinion across the different options.

Table 3.1: Summary of views on who should determine which technology should be used in each case

Response	No. of respondents	% of all respondents*
Judiciary	23	41
Criminal Justice Social Work	7	12
Scottish Prison Service	3	5
Other	23	41
Total respondents	56	100

*Percentages may not total 100% exactly due to rounding.

3.5 One justice body expressed their view that as GPS has the potential to limit freedom of movement beyond that currently experienced as part of a RLO, then such a restriction on individual freedom, together with assessment of the risk giving rise to it, other responses to it, and the proportionality of that resulting response, should only be made by a judge possessed of all relevant information and should not be viewed as an administrative act.

3.6 A few respondents from different sectors commented that if the view is taken that it is for the judiciary to determine which form of technology should be used for each electronic monitoring order made, then judicial training on the available technologies will be required. One justice body suggested that should the reasons for choosing one particular form of technology over another require to be formally

recorded in court minutes/orders and specified in court, then additional court time and IT costs to the Scottish Courts and Tribunals Service will result.

3.7 Around half of those who selected “other” considered that the decision on technology should be taken jointly between several agencies; or made by the judiciary, but based on reports from criminal justice social workers and others:

“Justice works best in collaboration. While the decision should sit with the judiciary in terms of any sentencing/bail decisions, and the SPS in relation to its use of HDC, relevant input from core partners should be central to the decision making process” (Community Justice Glasgow).

3.8 A few respondents provided the view that the body responsible for determining which technology to use will depend on the circumstances. For example, the judiciary will make this decision if imposing the order as part of an alternative to custody, or the Parole Board will decide this if used as part of a mandatory release from prison under licence.

3.9 Two individuals considered that the police should determine which technology should be used in each case as they would be impacted by any abuse of the system deployed.

3.10 Amongst those who identified criminal justice social workers as most appropriate for determining whether RF or GPS should be used, some argued that this decision will require detailed assessments and knowledge of the individual, which criminal justice social workers will have at hand. One individual considered that as criminal justice social workers will have to manage whichever regime is decided, then they should be responsible for the initial decision on technology.

Question 1c: What factors do you think should be taken into consideration when deciding which technology should be used?

3.11 52 respondents (83%) answered this question. There was general agreement that factors should be considered on a case-by-case basis, and based on a comprehensive assessment process, as with any other decision in the criminal justice system.

3.12 The factor highlighted in responses more frequently than any other was consideration of safety for the general public, the victim, and the offender. 39 respondents across a wide range of sectors identified this consideration as crucial, with a few focusing on the needs of the victim, in particular, to feel safe and content that justice is being done.

3.13 Other key factors which respondents considered should be taken into account when deciding on which technology should be used were:

- Personal circumstances of the individual (e.g. mental health; social history; any drug/alcohol addictions; home life; secure accommodation; social support structures; previous compliance; nature of lifestyle). (17 mentions)

- Nature of the offence (sexual offences and cases of domestic abuse were highlighted as requiring particular consideration). (16 mentions)
- Practical issues (reliability; prevalence of “blind spots”; cost; functionality; comfort of wear). (11 mentions)
- Proportionality (avoiding overuse or “up-tariffing”; ensuring proportionality of processing relating to the technology used for monitoring). (11 mentions)
- Availability of suitable supporting package of measures. (9 mentions)
- Overall aims of the monitoring (e.g. punitive; deterrence). (7 mentions)
- Potential for behaviour modification. (6 mentions)
- Level and nature of monitoring required, its complexity and whether there are partner resources for implementing this. (6 mentions)
- Impact on the individual (e.g. so they can still attend education/work). (4 mentions)

Buffer zones

GPS exclusion zones can offer a buffer zone, an area that is set just outside an exclusion zone to which entry generates an early alert to possible boundary encroachment. As the buffer zone is set outside an exclusion zone, by entering this area the individual is not technically breaching their order conditions.

Question 2: What response, if any, should there be to an infringement of a buffer zone?

3.14 51 respondents (81%) answered this question.

3.15 Several of the partnerships were amongst the eight respondents who emphasised the need for clear guidance and protocol to be established to ensure that all parties (offenders, victims, justice bodies) know what to expect in the event of entry to the buffer zone, and to ensure prompt and consistent response to this across Scotland:

“These responses should always be anticipated, determined and stated prior to the commencement of the monitoring, so that the order is not undermined by inconsistent or pragmatic /erratic responses” (Scottish Association of Social Workers).

3.16 Five respondents, including three partnerships, considered that even if a decision is taken for no formal action, there must be some explicit response to the buffer zone entry:

“If an infringement of the buffer zone is not perceived as having a consequence then it would lack purpose and weight as a tool for reducing offending and public protection” (East Ayrshire Health and Social Care Partnership).

3.17 The prevailing view across a wide range of sectors was that the individual circumstances of the infringement will dictate what response is most appropriate and proportionate. Key determining factors which were raised repeatedly were:

- Risk to public and victim safety.
- Intent/reason for infringement.
- Frequency of infringement.

3.18 Examples were provided of infringements which respondents considered may not require a robust response, such as entering a buffer area to travel to work, go to a doctor's appointment, or parents crossing into a buffer area in response to a childcare issue. An example of an infringement requiring a potentially punitive response was identified as one in which an offender deliberately attempts to intimidate their victim.

3.19 Some respondents suggested what should happen in the event of intentional, unnecessary infringements. Third sector respondents emphasised the need for supportive responses to infringements, in which rehabilitation of the offender is central, whilst taking cognisance of public safety.

3.20 Private companies responded from an operational perspective, outlining prompt procedural responses involving contacting the offender, alerting them to the record of their infringement and providing any warnings or other action required.

3.21 Many individual respondents envisaged more punitive responses to infringements of buffer zones. These ranged from escalating warning systems leading to court or prison for repeated infringements, to immediate loss of freedom.

3.22 Contrasting views emerged from a few individuals and one partnership, who considered that, as entering a buffer zone is not actually a breach of an order, and as there may be genuine reasons for entering the zone, there should be light touch response, or even no point to having a buffer zone.

Voluntary GPS schemes for people who offend persistently

Voluntary GPS schemes have been on-going in other jurisdictions for some time and can provide some individuals with an additional motivation/incentive to change their reoffending habit.

The Scottish Government sees potential value in a voluntary scheme being undertaken in Scotland, subject to stringent arrangements for its use:

- there must be clear criteria for such a scheme being offered;
- this would not be part of a surveillance programme of an individual;
- there must be written consent of the monitored person, including relating to the use of their data;
- there will be strict rules in place governing the collection, use, retention and destruction of any data associated with the individual's movements;

- the use of such a scheme must be in conjunction with a wider support package being offered, with a view to aiding desistance to prevent and reduce further offending;
- due to its voluntary nature, there will be no breach of such a scheme, but any infringements would be discussed as part of the support package;
- such a scheme would be for a specified time period for each individual.

Question 3: Do you agree that we should introduce legislation to permit a voluntary GPS scheme?

3.23 50 respondents (79%) answered this question. Of these, 72% (36 respondents) agreed that legislation should be introduced to permit a voluntary GPS scheme; 28% (14 respondents) disagreed. There was a similar pattern of response across organisations and individual respondents. Table 3.2 below shows responses by category of respondent.

Table 3.2 Views on whether legislation should be introduced to permit a voluntary GPS scheme by category of respondent

Category	Yes legislation	No legislation	Total responding
Partnerships	6	3	9
Third Sector	5	1	6
Justice Bodies	1	0	1
Private Sector	3	0	3
Local Authorities	1	1	2
Social Work Bodies	1	1	2
Health	1	0	1
Other	1	0	1
Total Organisations	19	6	25
Total Individuals	17	8	25
Grand total	36	14	50

Question 3a: If you answered yes, who should be eligible, how would this operate and who should manage the scheme?

3.24 41 respondents (65%) answered this question.

Who should be eligible?

3.25 A wide range of views on eligibility emerged from responses. Many respondents supported case-by-case assessment of suitability for voluntary participation, based on assessments of circumstances of each situation. In particular, several respondents suggested that social work identification of those showing genuine desire to desist from their previous behaviours, should form the basis of eligibility.

3.26 Several respondents, from a range of organisations, advocated a risk-based assessment, with most considering voluntary electronic monitoring appropriate for low-risk offenders, who have committed low tariff offences. In contrast, a few individual respondents envisaged voluntary participation in cases where there is a high risk of re-offending and where previous disposals have not been effective.

3.27 A few respondents focused on procedural stages, and considered that those at pre-trial stage should be eligible for a voluntary scheme, as an alternative to remand; or those released from custody, and not subject to statutory licence, but wishing to access additional support to desist from re-offending.

3.28 A few individuals considered that a voluntary scheme could be suitable in cases of domestic abuse and sex offending; a third sector respondent envisaged those involved in cases of substance misuse, domestic abuse, mental health related offences, and sex offences being eligible, where any mandatory supervision period has ended but there remains a level of risk to the public.

How would this operate?

3.29 The key messages emerging from responses were for the scheme to operate in the following way:

- There should be no coercion or inducements to participate.
- Strict controls should be in place to prevent abuse, including robust monitoring.
- Participation should be within the context of a wider framework of support measures to help prevent re-offending.
- Voluntary participation should be time-limited.
- Operation of the scheme should be evidence-based, underpinned by previous lessons and demonstration schemes.

Who should manage the scheme?

3.30 The most common view was for a voluntary scheme to be managed by local statutory bodies with additional support from third sector organisations according to the requirements of each case.

3.31 A few respondents identified independent monitoring of the scheme as important, but clearly linked to the supporting framework in place.

3.32 A few of the individual respondents envisaged the scheme being managed by the Scottish Prison Service, Police Scotland, or the local Criminal Justice Social Work Department.

Concerns

3.33 Although the question focused on those agreeing that legislation should be introduced to permit a voluntary GPS scheme, a few respondents expressed concerns regarding the proposal. These focused around:

- Use of a voluntary scheme in cases of domestic abuse.
- The perceived lack of any real victim protection where there are technically no “breaches” and no sanctions for non-compliance.
- Availability of supporting structures.
- Funding.
- Lack of robust evidence of effectiveness.
- Attitudes of offenders and victims towards a voluntary scheme.
- Potential impact on court resources if a court, when sentencing, has to consider an offender’s previous involvement in a voluntary GPS scheme.

Alcohol monitoring technologies

Technology exists to enable individuals to have their alcohol consumption monitored using, for example, a breathalyser incorporated into a monitoring unit, or an ankle bracelet which can detect the presence of alcohol when sweated out through the skin.

The Scottish Government proposes to take forward a demonstration project to determine how alcohol monitoring might be used effectively and at which points within the Scottish justice system. This will require enabling provisions to be introduced into legislation.

Question 4: Should alcohol monitoring be permitted as part of an electronic monitoring programme?

3.34 53 respondents (84%) answered this question. Of these, 91% (48 respondents) agreed that alcohol monitoring should be permitted as part of an electronic monitoring programme; 9% (5 respondents) disagreed. There was a

similar pattern of response across organisations and individual respondents. Table 3.3 overleaf shows responses by category of respondent.

Table 3.3 Views on whether alcohol monitoring should be permitted as part of an electronic monitoring programme by category of respondent

Category	Yes to alcohol monitoring	No to alcohol monitoring	Total responding
Partnerships	8	2	10
Third Sector	6	0	6
Justice Bodies	3	0	3
Private Sector	2	1	3
Local Authorities	2	0	2
Social Work Bodies	2	0	2
Health	1	0	1
Other	1	0	1
Total Organisations	25	3	28
Total Individuals	23	2	25
Grand total	48	5	53

Question 4a: Please give reasons for your answer.

3.35 56 respondents (89%) answered this question. This included some respondents who had not answered question 4.

3.36 Two key reasons were provided by respondents, across a wide range of sectors, as to why alcohol monitoring should be permitted as part of an electronic monitoring programme:

- There are clear links between alcohol use and offending behaviour (25 mentions).
- Alcohol monitoring has the potential, within a wider package of support, to help offenders build control over their own misuse of alcohol (10 mentions).

3.37 Other benefits identified by three or fewer respondents were:

- This will provide useful information about the offender for those supervising them and for other statutory bodies.
- Adds another option for addressing offending behaviour.

- Is less intrusive than other options such as curfews, and enables the offender to resume positive life choices such as attending leisure classes.
- Contributes to greater confidence in community sentences.

3.38 Many respondents qualified their support for alcohol monitoring being permitted as part of an electronic monitoring programme. A recurring theme was that lessons should be learned from further research and practical projects, before rolling out the scheme. One third sector respondent suggested a “sunset clause” be built into legislation, so that provisions enabling alcohol monitoring can be withdrawn, should the demonstration project show this to be appropriate.

3.39 Another repeated view amongst partnerships and third sector organisations, was for alcohol monitoring to be seen as part of a wider package of support rather than introduced as a stand-alone measure.

3.40 A few respondents emphasised the need to work out the detail of the scheme, particularly in terms of how to define non-compliance; overseeing compliance; implications of breaching; staff training required; and funding. Costs were envisaged associated with training staff; provision of supporting structures; court costs for additional time if alcohol monitoring technologies are used to form part of a court sentence and/or be used to monitor compliance with bail conditions; IT change costs.

3.41 The Information Commissioner’s Office (ICO) highlighted that Section 2 of the Data Protection Act classes physical or mental health as sensitive personal data, and emphasised the need for a thorough and robust data sharing agreement before any data sharing takes place in connection with an individual’s alcohol use.

Views of those with concerns over introducing alcohol monitoring as part of electronic monitoring

3.42 Several respondents considered that more development work is required in terms of research, defining objectives, and design of robust and tamper-proof equipment, before the scheme can be rolled out.

3.43 A few partnerships suggested that including alcohol monitoring as part of electronic monitoring could compromise the clear aim of rehabilitating individuals. One private sector respondent argued that alcohol monitoring should remain a distinct programme in its own right, with different commercial arrangements and different commissioning objectives.

3.44 Scottish Women’s Aid considered that while alcohol monitoring may be useful for offenders who have specific problems with alcohol, it is not appropriate in cases involving perpetration of domestic abuse. They argued that alcohol abuse is not a driver of perpetration of domestic abuse, and such monitoring is likely to reduce vigilance around the more dangerous behaviours of perpetrators.

Question 4b: If you answered yes to Question 4, in what circumstances do you think alcohol monitoring would be appropriate?

3.45 45 respondents (71%) answered this question. A few third sector respondents commented that more research is required to determine the most appropriate circumstances for alcohol monitoring to take place. Other respondents identified circumstances when they considered alcohol monitoring would be appropriate. The most common responses were:

- Where alcohol has played a clear part in the individual's offending history. (17 mentions)
- Where support and supervision of the individual is in place. (9 mentions)
- Where consumption of alcohol has played a role in specific offences, with these identified as: sexual, violent, domestic abuse and drink driving. (7 mentions)
- At many different stages of the criminal justice system such as pre-court; supervised bail; structured deferred sentence. (7 mentions)
- Specifically, as part of a community sentence. (6 mentions)
- Where an offender has requested this, e.g. for motivational purposes to abstain from alcohol. (5 mentions)

4. Extending the Use of Electronic Monitoring in a Community Setting

Electronic monitoring as part of a Community Payback Order (CPO)

A key part of the Scottish Government's vision for community justice is to reduce the reliance on ineffective, short-term custodial sentences with a stronger emphasis on robust community sentences.

The Scottish Government proposes to draft legislation to include an electronic monitoring option as part of a CPO. A restricted movement requirement using electronic monitoring can, at present, be applied by the court as a result of a breach of a CPO. If electronic monitoring were a requirement of a CPO then this may no longer be required.

Question 5: Should electronic monitoring be an optional requirement of a CPO when it is initially imposed?

4.1 52 respondents (83%) answered this question. Of these, 46 (88%) agreed that electronic monitoring should be an optional requirement of a CPO when initially imposed; 6 respondents (12%) disagreed. Those disagreeing comprised four individuals, one partnership and one private sector respondent.

Question 5a: Please give reasons for your answer.

4.2 48 respondents (76%) answered this question. Three main reasons emerged for supporting the proposal.

4.3 20 respondents, largely partnerships, third sector and individuals, envisaged benefits of **reducing reoffending and supporting rehabilitation, by imposing electronic monitoring at imposition of a CPO, on a case-by-case basis, and within a robust package of support for the individual.** The need for clear objectives in each case was identified, with support and supervisory professionals clear on these aims and how to manage risk.

4.4 16 respondents, across a wide range of sectors, provided their view that imposing electronic monitoring in conjunction with a CPO would **strengthen the CPO and/or open up its benefits to a wider spectrum of individuals** (e.g. those for whom an alternative may have been custody).

4.5 Eight respondents, half of them partnerships and the remainder from a range of sectors, considered that the proposal made sense in terms of reducing what they perceived as the **current inefficient and disjointed system** whereby an individual has to receive two different orders, a CPO and a RLO.

4.6 Other significant rationales, each put forward by only a few respondents included:

- Research evidence suggests that the proposal will work effectively.
- Provides courts with an additional option at sentencing.
- Ensures greater involvement of social work in informing the decision to impose electronic monitoring as part of a CPO, enabling them to take on some responsibility for monitoring and compliance, and giving them greater flexibility to manage risk without having to make requests for review/variation to the conditions of the order.

4.7 Although supporting the proposal, three respondents (two from the justice sector) emphasised the need for clear explanation, in each case, of why electronic monitoring is being imposed for longer than 12 months.

4.8 Scottish Courts and Tribunals Service highlighted a potential impact of lengthening the combined order as increasing the number of breaches and applications to amend addresses and curfew times. This, they suggested, would impact on court time and associated staff and accommodation resources.

4.9 Amongst the reasons given by those opposing the proposal were:

- Provides no improvement on the status quo.
- Puts further pressure on criminal justice services.
- Caution over using this option as an alternative to prison or other sanctions which are effective.
- Keeping electronic monitoring as a threat for use if a CPO is breached provides an incentive, which helps compliance.

Electronic monitoring as an alternative to a fine

Fines are largely understood as purely punitive and not aimed at changing a person's attitudes and behaviour. Issues arise where a fine may impose undue hardship on an individual's family, and/or where it is impossible for a court to impose a fine that is proportionate to the seriousness of the offence because it would be beyond the means of the individual to pay it.

The Scottish Government proposes that in this context, a period of electronic monitoring could be an alternative to a fine, constituting a fine on time in the form of a curfew, rather than a fine on income. There would be no expectation of criminal justice social work support for electronic monitoring.

Question 6: Should electronic monitoring be introduced as an alternative to a fine?

4.10 50 respondents (79%) answered this question. Of these, 30 (60%) agreed that electronic monitoring should be introduced as an alternative to a fine; 20 respondents (40%) disagreed. Views were similar across organisations and individuals. Table 4.1 overleaf shows responses by category of respondent.

Table 4.1 Views on whether electronic monitoring should be introduced as an alternative to a fine by category of respondent

Category	Yes	No	Total responding
Partnerships	5	4	9
Third Sector	5	1	6
Justice Bodies	1	0	1
Private Sector	2	1	3
Local Authorities	1	1	2
Social Work Bodies	0	2	2
Health	1	0	1
Other	1	0	1
Total Organisations	16	9	25
Total Individuals	14	11	25
Grand total	30	20	50

Question 6a: Please give reasons for your answer.

4.11 54 respondents (86%) provided commentary, including those who did not answer question 6.

Views supporting electronic monitoring as an alternative to a fine

4.12 The most commonly identified benefit (24 mentions across a range of sectors) of introducing electronic monitoring as an alternative to a fine was that this could be deployed in cases where the offender cannot afford to pay a fine and the offender's wider family may be impacted due to the financial hardship a fine could bring.

4.13 Six respondents across four different sectors considered the proposal would bring the benefit of enabling behaviour change, over the purely punitive focus of a fine.

4.14 A few respondents considered electronic monitoring preferable to a fine where the individual is so wealthy that a monetary penalty has little meaning (4 mentions); and to avoid the resourcing which fines enforcement requires (4 mentions).

4.15 Other benefits of electronic monitoring as an alternative to a fine were highlighted each by three or fewer respondents:

- Avoids possibility of custody for fine default.
- Good for cases where paying a fine would impact negatively on women and children.
- Provides the court with greater flexibility in sentencing.
- Enables a sentence to be proportionate to the seriousness of the offence in cases of financial hardship.

Views opposing electronic monitoring as an alternative to a fine

4.16 The most common view (7 mentions across several sectors) was that electronic monitoring and fines are two different forms of sanction, serving different purposes, one rehabilitative and the other punitive, and therefore they cannot be considered as interchangeable.

4.17 Six respondents across a range of sectors suggested that instead of introducing electronic monitoring as an alternative to a fine, other sanctions could be of more benefit, such as those requiring pay back of some form, or of educational value.

4.18 Other reasons to oppose the proposal were mentioned, each by four respondents:

- Do not want to create a two-tier system whereby those who can afford it receive a monetary penalty, and those less well-off have their liberty restricted.
- The proposal will result in a loss of revenue from fines income; additional costs will result from the administration of electronic monitoring.
- Electronic monitoring is not suitable as a stand-alone option and would require a framework of support which is inconsistent with the purpose of an alternative to a fine.

4.19 A few other respondents commented on the proposal. There was a shared view that this option could be useful in exceptional cases but should not be introduced as routine. A few individual respondents expressed concern that electronic monitoring instead of a fine should not be viewed as an easier option; and if breached should not lead to a higher tariff response than would have been the case for fine default.

4.20 The Scottish Courts and Tribunal Service cautioned that there would be time implications resulting from the need for courts to obtain reports as to the suitability of electronic monitoring (and therefore adjournment of cases); and additional court time required to explain the conditions of, and consequences of not complying with an order; along with additional resources required to deal with applications for variance and any breach of orders.

Electronic monitoring as a condition of a Sexual Offences Prevention Order (SOPO)

A SOPO is made for the purpose of protecting the public or particular members of the public from serious sexual harm. An order may prohibit the individual from doing anything specified in it, or positively oblige them to carry out a specified act or course of conduct. The duration of a SOPO cannot be for less than five years.

The SOPO regime could be amended so that compliance with a SOPO can be electronically monitored.

Question 7: Should electronic monitoring be permitted as a condition of a SOPO?

4.21 52 respondents (83%) answered this question. Of these, 50 respondents (96%) agreed that electronic monitoring should be permitted as a condition of a SOPO. Two respondents (a local authority and a partnership) disagreed.

Question 7a: Please give reasons for your answer.

4.22 48 respondents (76%) provided reasons to support their answer. A recurring view was that permitting electronic monitoring as part of a SOPO would be beneficial in strengthening SOPOs and adding value in the following ways:

- Providing the public and victims with more confidence.
- Increasing the chances of offenders complying with their SOPO.
- Re-enforcing the conditions of the SOPO.
- Enhancing the management of risk, enabling better management of location of offender (e.g. enabling the establishment of boundary zones; times when school children will be entering/exiting school or on transport).

4.23 Other benefits identified by four or fewer respondents were:

- Increases the flexibility of the SOPO as an option.
- Efficient and cost-effective approach to monitoring offenders on SOPOs.
- There are examples of electronic monitoring being successfully permitted as a condition of SOPOs elsewhere.

4.24 Many respondents, from a wide range of sectors, qualified their support for this proposal, emphasising the need for robust risk assessment prior to permitting electronic monitoring as a condition of a SOPO. A few respondents, including three from the third sector, considered that there should be no automatic assumption that electronic monitoring would be permitted, but assessments for appropriateness should be undertaken, case by case.

4.25 Five respondents, across different sectors, emphasised their view that suitable support packages should be in place to underpin electronic monitoring. Four respondents, three of them partnerships, suggested that the duration of electronic monitoring should be regularly reviewed, and adjusted according to risk.

4.26 The local authority disagreeing with the proposal did so over concern that appropriate supervision and support needs of the offender may not be met, and indicated that if these were addressed, then they would support the proposal.

4.27 It was not clear why the partnership opposed the proposal.

Electronic monitoring as a condition of a Risk of Sexual Harm Order (RSHO)

The Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 introduced the RSHO as a tool to achieve the goals of protecting children and of proactively targeting those who pose a risk. They are preventative orders which can prohibit an individual from doing anything specified in it, or positively oblige them to carry out a specific act or course of conduct.

There is no minimum age for an individual for whom an RSHO can be sought. The minimum duration of an order is two years.

Question 8: Should electronic monitoring be introduced as a possible condition of a RSHO?

4.28 51 respondents (81%) answered this question. Of these, 47 respondents (92%) agreed that electronic monitoring should be introduced as a possible condition of a RSHO; four respondents (8%) disagreed. Those disagreeing were from the categories: partnerships; third sector; and individuals.

Question 8a: Please give reasons for your answer.

4.29 41 respondents (65%) provided reasons for their answer. Several others simply referred to their response to question 7a).

4.30 The most frequent response provided (13 mentions) was that electronic monitoring enabled better risk management of offenders, for example, by offering the possibilities of setting exclusion zones, aimed at protecting the public from harm.

4.31 Other supporting rationales for electronic monitoring being introduced as a possible condition of a RSHO were provided each by five or fewer respondents:

- For better public protection.
- To expand the range of sanctions possible.
- Will increase public confidence and provide reassurance.
- Will increase likelihood of adherence to conditions of the RSHO.
- In order to gain monitoring information to inform further decisions on risk.

4.32 Many respondents qualified their support for the proposal emphasising the need for:

- Regular reviews in order to ensure proportionality and need for continued electronic monitoring.

- Robust assessment to ensure the sanction is tailored on a case-by-case basis and meets individual needs. This was viewed as particularly important, given the lack of age restriction.
- Statutory support to be in place for the offender and the family of the offender residing with them.

4.33 No clear, substantive reason was stated in opposition to the proposal. One justice body advocated mandatory prison for sex offences against children. An individual called for more institutional programmes to reduce sexual offences in preference to what was proposed. A partnership expressed concern that support may not be available to underpin the electronic monitoring order.

Electronic monitoring as a condition of a Structured Deferred Sentence (SDS)

The SDS is a low-tariff intervention offering the courts the option to provide a short period (usually around 3 – 6 months) of intensive supervision by criminal justice social work to those who offend. This supervision takes place post-conviction but prior to final sentencing as it is a condition of the court deferring sentence.

SDS with electronic monitoring could provide more structure to the intensive supervision for all or part of the deferral period, and may facilitate SDS for higher-tariff individuals.

Question 9: Should electronic monitoring be introduced as a possible condition of a SDS?

4.34 50 respondents (79%) answered this question. Of these, 37 respondents (74%) agreed that electronic monitoring should be introduced as a possible condition of a SDS; 13 respondents (26%) disagreed. A few individual respondents did not respond as they did not know what “SDS” was. Table 4.2 overleaf shows responses by category of respondent.

4.35 Individual respondents were more supportive of the proposal than organisations, with 80% of the former compared with 70% of the latter, in favour.

Question 9a: Please give reasons for your answer.

Views in favour of electronic monitoring being introduced as a possible condition of a SDS

4.36 Most commonly, respondents considered that electronic monitoring could be usefully introduced as a possible condition of a SDS in the context of a tailored, individualised approach where circumstances suggested that this could be helpful to the individual. A few respondents emphasised that circumstances such as impact on those living with the individual should be part of the consideration of this option; and clear reasons for introducing electronic monitoring should be provided.

4.37 A few respondents identified potential benefits as:

- Generating helpful information for the court to use at time of sentence (5 mentions).
- Providing an alternative option to custody for higher tariff offences (5 mentions).
- Potentially helping desistance from further offences and thereby providing reassurance to the public (5 mentions).

Table 4.2 Views on whether electronic monitoring should be introduced as a possible condition of a SDS

Category	Yes	No	Total responding
Partnerships	6	4	10
Third Sector	6	1	7
Justice Bodies	3	1	4
Private Sector	2	1	3
Local Authorities	1	1	2
Social Work Bodies	1	1	2
Health	1	0	1
Other	1	0	1
Total Organisations	21	9	30
Total Individuals	16	4	20
Grand total	37	13	50

Concerns over electronic monitoring being introduced as a possible condition of a SDS

4.38 The predominant concern, raised across several sectors, was that associating electronic monitoring with SDS risked “up tariffing” SDS. One justice respondent explained their view that SDS is a low tariff intervention, whereas electronic monitoring introduces higher tariff elements of restriction; likewise, a partnership argued that the use of electronic monitoring with a SDS amounted to “tariff creep” with electronic monitoring a disproportionate sanction compared with the low tariff SDS. A few respondents considered that deploying electronic monitoring in this context risked “net widening” and dilution of impact.

4.39 Other concerns each raised by only one or two respondents were:

- Electronic monitoring is too intrusive in this context.

- Inconsistent with the focus on self-help and trust which underpins SDS.
- Would need a supervision package to accompany electronic monitoring.
- Not needed. SDS provides sufficient structure and intervention.
- If there is risk to be managed, then some other sanction which involves statutory supervision should be deployed.

5. Alternative to Remand and Support to Pre-Trial Conditions

Electronic monitoring as an alternative to remand

Using electronic monitoring as an alternative to remand opens up opportunities to reduce the use of remand and support more people in the community pre-trial, without losing sight of the need to ensure public safety. This could be used on a stand-alone basis or part of a bail supervision order.

An electronic monitoring bail condition would be intended to be used as an alternative to remand, i.e. where an individual would not normally have received bail without electronic monitoring. It is not intended to apply an electronic monitoring bail condition to those who would not have received bail in any case.

Question 10: Should electronic monitoring be introduced as an alternative to remand?

5.1 53 respondents (84%) answered this question. Of these, 47 respondents (89%) agreed that electronic monitoring should be introduced as an alternative to remand; six respondents (11%), all individuals, disagreed.

Question 10a: Please give reasons for your answer.

5.2 58 respondents (92%) provided commentary in response to this question (five more than responded to question 10).

Perceived benefits of electronic monitoring as an alternative to remand

5.3 The perceived benefit identified most frequently (24 mentions, with every respondent sector represented) was that this would avoid what was viewed as the **detrimental impact of custody** on those not yet convicted:

“Remand is harmful to an unconvicted person’s economic and social currency, and will introduce them to a prison culture which is also seen as detrimental in terms of potential progression” (Scottish Association of Social Workers).

5.4 Custody was viewed as impacting negatively not only on the individual, but on their wider networks of family, employment and social functioning.

5.5 Another perceived benefit emerging across a range of sectors (15 mentions), was that the proposal would help to **ease the prison population**, by providing another credible option to remand, and ensuring judicial confidence in imposing this.

5.6 Three respondents (from health, third sector and an individual) explicitly mentioned the potential of this proposal to enable more women to avoid custody on

remand, commenting that women are disproportionately represented amongst the remand population.

5.7 Ten respondents from five different sectors identified a potential **increase in cost-effectiveness** as a result of electronic monitoring as an alternative to remand, due to a reduction in costs of prison and costs of police intervention required in relation to bail supervision. However, one justice body highlighted that the proposal would lead to additional court costs in terms of additional time needed, for example in obtaining reports and dealing with breaches.

5.8 Seven respondents across four different sectors considered that electronic monitoring as an alternative to remand provided the opportunity for individuals to demonstrate compliance, and begin their rehabilitation journey, leading to **reduced risk of re-offending** in future.

Qualified support

5.9 A recurring view amongst many of those expressing support for the proposal was that electronic monitoring in this context should be applied only **after robust risk assessment**, involving not only the individual, but those they live with, and also the likely impact of using this alternative on victims:

“...it is essential to obtain the victim’s prior consent and to make sure as far as possible that the victim understands the capacities and limitations of the technology. While EM offers a community based alternative to short custodial sentences, which is likely to reduce offending, it should also be recognised that prison sentences offer victims of crime a sense of security and respite not available in other forms of intervention” (Victim Support Scotland).

5.10 Seven respondents, largely third sector and partnerships, emphasised the need for an **appropriate framework of regulation** to support the proposal. In particular, there needed to be a clear protocol for handling breaches, and limits on time spent being electronically monitored (e.g. if a case is delayed).

5.11 Four respondents (individuals and third sector) urged that use of electronic monitoring should be **proportionate** to the alleged offence, with a few suggesting that compliance should result in a sentencing discount, as appropriate.

5.12 Two respondents (individual and a third sector) considered that electronic monitoring should be applied only where an individual has given informed consent, with their rights and options explained to them.

Concerns and challenges

5.13 A local authority identified “systemic issues” which could impact on the efficiency of introducing electronic monitoring as an alternative to remand, such as the need for the court to assess the home situation; the need for information to be given to supervisory staff; and so on, all of which could lead to initial delays. It was

suggested that a short period on remand may be necessary to sort out accommodation issues, prior to electronic monitoring.

5.14 Amongst those opposing the proposal, some individuals expressed concern that the risks were too high in terms of potential for further offending and intimidation of witnesses. A third sector respondent commented that electronic monitoring will not prevent perpetrators attempting non-physical contact, via telephone, email, social media, text messages, using family or acquaintances to harass and intimidate women or engineering “chance” encounters with women and children outside monitored areas.

Question 10b: If you answered yes to Question 10, when would you consider this appropriate?

5.15 45 respondents (71%) answered this question. Overarching views were that any decision on using electronic monitoring should be based on robust assessment of risk and the individual circumstances of the person and the context.

5.16 The criterion identified most frequently for decision-making on electronic monitoring was nature of offence (18 mentions, largely partnerships and individuals). Recurring views were for use as an alternative to remand where the alleged offence is low tariff; a first offence; non-violent; and would not be likely to result in custody if the individual is subsequently convicted.

5.17 Sixteen respondents across a range of sectors referred to risk as central to decisions on using electronic monitoring as an alternative to remand. Some suggested use only in cases where risk of re-offending was low; others considered use where risk could be managed or where there is no other reason for remand, but witnesses and victims may need protection.

5.18 A few respondents focused their response on the reasons for remand and suggested that where remand is deployed due to reasons such as no fixed abode, or to allow for reports to be prepared, then electronic monitoring could usefully be part of an alternative intervention.

5.19 A few respondents considered that individual circumstances such as employment, family life, caring responsibilities, and attitude of individual towards rehabilitation, should all be part of the decision on use of use of this option.

5.20 A few respondents emphasised their view that where an individual would have been bailed anyway, electronic monitoring should not be used.

Police Liberation on Undertakings and Investigative Liberation

It is proposed that legislative provisions will be introduced to provide Police Scotland with the option to restrict an individual's movement whilst they are released on pre-trial conditions via the use of electronic monitoring.

Police Liberation on Undertakings are used by the police routinely to release people from police stations when they have been charged, arrested and liberated to appear at a specified court on a specified date and time.

Investigative Liberation allows the police to arrest a person for a crime punishable by imprisonment, interview them and release them pending further enquiries, such as waiting for forensic evidence.

It is considered that the introduction of electronic monitoring as a condition of a Police Liberation on Undertakings or as a condition of Investigative Liberation, could strengthen the protection arrangements for victims and witnesses.

Question 11: Should electronic monitoring be permitted as a condition of Police Liberation or Investigative Liberation?

5.21 50 respondents (79%) answered this question. Of these, 33 respondents (66%) considered that electronic monitoring should be permitted as a condition of Police Liberation or Investigative Liberation; 17 respondents (34%) disagreed. Table 5.1 shows views by category of respondent.

Table 5.1 Views on whether electronic monitoring should be permitted as a condition of Police Liberation or Investigative Liberation

Category	Yes	No	Total responding
Partnerships	5	4	9
Third Sector	7	0	7
Justice Bodies	1	0	1
Private Sector	3	0	3
Local Authorities	1	1	2
Social Work Bodies	0	2	2
Health	1	0	1
Other	0	1	1
Total Organisations	18	8	26
Total Individuals	15	9	24
Grand total	33	17	50

5.22 Views in favour or against the proposal were largely sector-specific. All third sector, private sector, justice and health respondents who provided a view supported the proposition. Social work and other respondents were against. Individuals, partnerships and local authorities were divided in opinion.

Question 11a: Please give reasons for your answer.

5.23 42 respondents (67%) provided reasons to support their view.

Views in favour of proposal

5.24 The following key reasons in favour of the proposal to permit electronic monitoring as a condition of Police Liberation or Investigative Liberation were provided, each by six or fewer respondents:

- Strengthen protection for witness and victims.
- Reduces use of police custody.
- Prevents the damage done to individuals and their wider networks by spending time in custody.
- Helps to ensure compliance, reduce re-offending, and increases likelihood of appearing in court at the due time.
- Cost-effective.

Concerns over the proposal

5.25 A general theme was that more information is required and regulations developed, prior to further consideration of the proposal. Questions were raised over how assessments of suitability would be undertaken; who would deal with breaches; what would constitute a breach; guidance on when other options such as diversion from prosecution or arrest referral, should take place; cost-benefit analysis; monitoring arrangements; and use of and data security around monitoring data gathered from the process.

5.26 Two prominent concerns were about:

- Civil liberties
Concerns expressed related to issues of informed consent; data protection; privacy; particularly where the individual has not been charged.
- Proportionality

With no specific time limit set for the duration of electronic monitoring, delays in proceedings, holidays, and weekends, could all delay court hearings and lead to monitoring over extended periods, out of proportion to the tariff of the alleged offence.

5.27 Other concerns expressed by only one or two respondents were: “up tariffing” individuals prior to being convicted; there will be no provision of support to underpin the use of electronic monitoring; does not add value to the current options.

Question 11b: If yes, when would you consider this appropriate?

5.28 22 respondents (35%) answered this question. A few respondents, largely third sector, emphasised their view that the proposal is appropriate only where the individual would otherwise be put into police custody.

5.29 Whereas a few respondents considered that electronic monitoring should be permitted as a condition of Police Liberation or Investigative Liberation where they posed no risk to the public, others suggested its use in such circumstances, where the public need to be protected.

5.30 Three respondents (two third sector, one partnership) were of the view that the proposal is appropriate where there is a risk of the individual absconding and/or not adhering to the agreement put in place at liberation.

5.31 An individual and a respondent from the health sector considered the proposal appropriate only in relation to low tariff offences; another individual envisaged this being deployed in cases of domestic abuse or sexual offences.

6. Extending the Use of Electronic Monitoring for the Purposes of Temporary Release from Prison

Electronic monitoring for purposes of temporary release from prison

For those prisoners who are on the margins of acceptable risk, introducing the use of electronic monitoring for the purposes of temporary release from prison may provide additional options for prison managers to test those individuals while maintaining public safety.

Electronic monitoring could be utilised on some occasions for work placement, home leave and future female community custody units in order to help prepare for release from prison.

Question 12: Should electronic monitoring be permitted as a condition of temporary release from prison?

6.1 55 respondents (87%) answered this question. Of these, 52 respondents (95%) agreed that electronic monitoring should be permitted as a condition of temporary release from prison; three respondents (5%) (two individuals and one partnership) disagreed.

Question 12a: Please give reasons for your answer.

Views in favour of electronic monitoring for temporary release from prison

6.2 51 respondents (81%) provided reasons for their answer. Four main benefits of the proposal were identified as:

- To prepare the offender for liberation; support their transition and rehabilitation back to their community. (16 mentions)
- To facilitate and support day-to-day opportunities to maintain community networks such as social occasions; employment experiences. (11 mentions)
- To test readiness for leaving custody; assess compliance with conditions. (10 mentions)
- To engender greater confidence in the public and professionals concerning the level of risk posed by the offender. (10 mentions)

6.3 Other benefits of the proposal were identified by four or fewer respondents:

- Helps the offender to break with old habits, e.g. negative associations; access to alcohol; access to drugs.
- To help the prison authorities to manage the offender's behaviour and their level of risk.
- Cost-effective option.

6.4 Two respondents referred to relevant research work elsewhere which suggested the effectiveness of the proposal, including reducing re-offending.

6.5 A few respondents, across different sectors, considered that the proposal had merit but only in certain circumstances. In particular, several felt that, particularly in cases of domestic abuse, the views of the victims should be taken into account prior to permitting temporary release from prison monitored electronically.

6.6 A few respondents emphasised their view that there should be support put in place to assist the person on temporary release from custody. One third sector respondent recommended that the police be informed of the person's release from custody so that they are prepared to act if the person fails to comply. An individual respondent considered that informed consent should be gained from prisoners for use of electronic monitoring, with rights and options explained to them.

6.7 One partnership urged that there should be no amendment to sentence to accommodate electronic monitoring for the purposes of temporary release from prison, with the offender still required to serve the full sentence imposed.

Views against electronic monitoring for temporary release from prison

6.8 Two reasons were provided against the proposal. One individual argued that prison sentences should be served in prison and any temporary release from prison should be supervised by Scottish Prison Service staff and the offender returned to prison as soon as possible. A partnership considered that if an individual has been assessed as suitable for temporary release, they should be given responsibility for meeting any conditions set, or face the consequences, without any need to "tag". No reason was provided by the third opponent to the proposal.

Question 12b: If you answered yes, when would you consider this appropriate?

6.9 41 respondents (65%) answered this question, although some simply repeated or made reference to their response to the previous question.

6.10 The prevailing theme to emerge from responses was that electronic monitoring should be permitted as a condition of temporary release from prison, but offenders should be assessed on an individual basis in terms of risk, circumstances and readiness to comply, before benefitting from the scheme. Several commented that use of electronic monitoring would enable temporary release when this may not otherwise have been an option, due to its contribution to risk management.

6.11 Several partnerships and a few respondents from the "other" category outlined their vision for electronic monitoring to support a structured and tapered approach to preparing offenders for returning to their respective communities, with gradual build-up of release time, based on evidence of compliance.

6.12 A few respondents emphasised the need for use of the option only where risk to the public is assessed as low. One partnership envisaged use for long-term prisoners where risk to the public is low. However, one justice body considered that where risk is low, electronic monitoring is not required, and suggested that this be permitted as a condition only in cases where there is some risk to the public.

7. Information and Data Sharing and Retention

Background

Given the nature of the data collected by means of electronic monitoring, which includes details of an individual's movements, decisions on how electronic monitoring data and information is generated, stored, analysed and accessed are important. The new technologies which could be utilised for the purpose of electronic monitoring would result in the collection of even more detailed information about the person being monitored.

The management of data produced or held under GPS, in common with all other data for electronic monitoring, must comply with the terms of the Data Protection Act 1998 and be proportionate.

Question 13: Should the data collected only be for the purpose of monitoring compliance with an order or licence condition, or should it also be used for other purposes such as the investigation of crime? Please include reasons for your answer.

7.1 51 respondents (81%) answered this question. The question invited an open, qualitative response, however it could be deduced from 46 responses whether or not the respondent considered that data should be collected only for monitoring compliance, or whether it should also be used for other purposes. Table 7.1 shows the views of respondents deduced from their qualitative response.⁴

Table 7.1: Summary of views (deduced from qualitative responses) on whether the data collected should be used solely for monitoring compliance or for other purposes too

Response	No. of respondents	% of all respondents*
Solely for monitoring compliance	4	9
Largely for monitoring compliance, but with exceptions in certain circumstances	16	35
Both for monitoring compliance, but also for other purposes such as investigating crime	26	57
Total respondents	46	100

*Percentages may not total 100% exactly due to rounding.

⁴ The quantification of this information is for indicative purposes only. A closed question was not asked, and the analyst has made assumptions on opinions of respondents, based on their qualitative response.

7.2 The majority (57%) of those indicating a view were in favour of data collected for the purpose of monitoring compliance with an order or licence condition, being used for other purposes such as the investigation of crime. Of these, 20 of the 26 respondents (77%) were individuals; five other sectors were represented amongst the others.

7.3 Half of these respondents qualified their view stating that use of the data for other purposes should take place only where the individual provided consent at the beginning of the period of electronic monitoring. A few of the others emphasised that appropriate safeguards should be in place, including data protection protocol.

7.4 16 respondents, across eight different sectors, considered that data should be used for purposes other than monitoring compliance only in exceptional circumstances. Examples were suggested: for public protection; anti-terror offences; to investigate crime. A few respondents specified that authority to extend the use of data in this way should come from the judiciary, or senior ranking police officer, or the Scottish Government, following a formal request for this exceptional use. One view was:

“If personal data are to be shared for the purpose of crime investigation, a legitimate basis will have to be identified and consideration must be given as to how compatible this purpose is with the original monitoring purpose. If, at the beginning of the monitoring process, it is the intention to use the monitoring data for crime investigation then this information should be included in the Fair Processing Notice (*of the Data Protection Act 1998*). If, during the course of the monitoring, there is legitimate cause for investigating the specific location of a Data Subject in relation to a specific crime investigation, it may be possible to do so without notifying the Data Subject under Section 29 of the DPA/GDPR⁵ equivalent. However, this can in no way be a “fishing exercise” and must be specific with reasonable cause.” (Information Commissioner’s Office)

7.5 Four respondents, two individuals, one partnership and one third sector respondent considered that data collected for the purpose of monitoring compliance to be restricted to that purpose:

“The data should be used solely for the purposes of the order” (Individual respondent).

Question 13a: What appropriate safeguards should be put in place for the collection, use, retention and destruction of data?

7.6 44 respondents (70%) answered this question. Bar one individual respondent, who suggested that all data should be freely available to boost public confidence in electronic monitoring as an option, all responses referred to safeguards which respondents considered should provide the framework of protocols for the handling of data generated by electronic monitoring.

⁵ Data Protection Act 1998/General Data Protection Regulations which will be introduced in May 2018.

7.7 Some respondents referred simply to current legislative or other frameworks in broad terms as essential in guiding protocol in this context:

- Data Protection Act 1998. (16 mentions)
- European Convention on Human Rights. (2 mentions)
- Council of Europe guidance on data protection and electronic monitoring (2014). (2 mentions)
- Regulation of Investigatory Powers Act (2000). (2 mentions)
- “Current legislation”. (2 mentions)

7.8 Others highlighted specific aspects of protocol which they considered were particularly important in safeguarding data generated by electronic monitoring. Those mentioned most frequently were:

- Issues of access; permission process; who has access; level of access. (11 mentions)
- Timescale for retention of data. (9 mentions)
- Issues of sharing data; nature of information to be shared. (6 mentions)

7.9 Two individual respondents suggested that regulatory oversight and judicial review processes should be developed to underpin the safeguarding framework developed.

7.10 Other respondents highlighted the need for shared protocols across different agencies to be developed, with these made explicit and staff trained accordingly. A partnership suggested that agencies should review their existing record-management policies and procedures in order to support electronic monitoring. A private sector company emphasised the need for appropriate audit and assurance requirements in Service Level Agreements and contracts for delivery of electronic monitoring. One local authority highlighted that local authorities already have appropriate data management protocol in place.

7.11 Two respondents (partnership and third sector) considered that separating law enforcement from electronic monitoring data management will ensure that a formal, transparent process for accessing information is established.

7.12 A few respondents, largely third sector, expressed their support for anonymised, aggregate data, generated by electronic monitoring, to be made available for research purposes (for example, evaluating the effectiveness of electronic monitoring in Scotland).

8. Electronic Monitoring Equipment

Safe return of the monitoring equipment

Any electronic monitoring condition places a requirement on the monitored person not to damage or tamper with the electronic monitoring equipment. By doing so, the monitored person is breaching their order and is at risk of being recalled to custody or returned to court.

In Scotland, there is a provision within the contract for the return of the equipment and for the majority of individuals monitored, this provision is satisfactory. This requires the service provider to make arrangements with the monitored person to uplift the equipment at a time suitable to that person. However, in some instances the electronic monitoring service provider is unable to gain access, for example, when the monitored person lives alone and is returned to custody. There is no legal right for any agency to enter the address without the person's consent.

Question 14: Who should be responsible for the safe return of the monitoring equipment?

8.1 50 respondents (79%) answered this question. Table 8.1 shows views by category of respondent.

Table 8.1 Views on who should be responsible for the safe return of the monitoring equipment

Category	Person being monitored	Monitoring agency	Other suggestion	Total responding
Partnerships	6	5	0	11
Third Sector	1	2	2	5
Justice Bodies	0	2	0	2
Private Sector	3	0	0	3
Local Authorities	0	2	0	2
Social Work Bodies	0	2	0	2
Health	0	0	0	0
Other	0	1	1	2
Total Organisations	10	14	3	27
Total Individuals	13	5	5	23
Grand total	23	19	8	50

8.2 23 respondents (46%) considered that the person being monitored should be responsible for the safe return of the monitoring equipment, albeit taking into consideration especial arrangements for certain circumstances, for example hospital admission, or the person taken into custody. A few respondents suggested that the responsibility for safe return of equipment should be made clear at the start of the period of monitoring, with the person agreeing to this as a condition of being monitored.

8.3 19 respondents (38%) considered that the monitoring agency should be responsible, with the risks associated with securing safe return of equipment reflected in their tender for providing the service.

8.4 The other suggestions comprised: joint responsibility between client and provider agency (4 mentions); joint responsibility between client and their solicitor (1 mention); Scottish Prison Service (1 mention); and the “Working Group” (1 mention). One respondent commented that if the monitoring equipment stores personal data in any capacity, then according to the Data Protection Act 1998, responsibility currently falls to the data controller to ensure appropriate processes are in place to retrieve and protect the equipment.

8.5 Table 8.1 shows that individual respondents were more likely than organisations to place the responsibility for safe return of equipment onto the person being monitored (57% of individuals compared with 37% of organisations who provided a view). Organisations were more likely to consider the monitoring agency held this responsibility (52% of organisations, compared with 22% of individuals).

Question 14a: Should there be sanctions for not doing so?

8.6 49 respondents (78%) answered this question. Table 8.2 overleaf shows views by category of respondent.

8.7 37 (76%) of those providing a view were in favour of sanctions; 12 respondents (24%) were against. There was a difference between the views of individual respondents and organisations, with 92% of individuals compared with 58% of organisations, in favour of sanctions.

Table 8.2 Views on whether there should be sanctions for failure to return monitoring equipment safely

Category	Yes to sanctions	No sanctions	Total responding
Partnerships	5	5	10
Third Sector	2	1	3
Justice Bodies	2	0	2
Private Sector	3	0	3
Local Authorities	1	1	2
Social Work Bodies	1	1	2
Health	0	1	1
Other	0	1	1
Total Organisations	14	10	24
Total Individuals	23	2	25
Grand total	37	12	49

Question 14b: If you answered yes, what do you consider these sanctions to be?

8.8 35 respondents (56%) answered this question. Responses were general rather than specific, with many respondents commenting that sanctions depended on the circumstances of each case; or that tampering with equipment, vandalism or theft, should be dealt with as any other case, under existing legislation. A few respondents suggested a sliding scale of sanctions, starting with an early warning.

8.9 Eight respondents (four individuals; three private companies; and a partnership) envisaged some form of financial penalty for failure to return the monitoring equipment safely. Three (two individuals and one third sector) suggested that the offender be asked to pay costs to replace the equipment. One individual considered that unpaid work would be an appropriate sanction; two individuals suggested extending the electronic monitoring period; one individual suggested excluding the offender from receiving an electronic monitoring order for a set period.

Question 14c: If the sole key holder to a property is not available, should a legal right of access be given to Scottish Ministers (and their agents) to enter a property to recover their equipment?

8.10 50 respondents (79%) answered this question. Table 8.3 shows views by category of respondent.

Table 8.3 Views on whether there should be a legal right of access given to Scottish Ministers (and their agents) to enter a property to recover equipment

Category	Yes – legal right to enter	No legal right to enter	Total responding
Partnerships	8	3	11
Third Sector	3	0	3
Justice Bodies	2	0	2
Private Sector	2	1	3
Local Authorities	1	1	2
Social Work Bodies	1	1	2
Health	1	0	1
Other	1	0	1
Total Organisations	19	6	25
Total Individuals	21	4	25
Grand total	40	10	50

8.11 40 respondents (80%) agreed that if the sole key holder to a property is not available, then there should be a legal right of access given to Scottish Ministers (and their agents) to enter a property to recover their equipment. 10 respondents (20%) disagreed. Individuals and organisations displayed a similar pattern of response on this issue.

Question 14d: If you answered yes, should this access only be via a court warrant?

8.12 40 respondents (63%) answered this question. Of these, 29 (72%) considered that access should only be via a court warrant; 11 (28%) disagreed. Table 8.4 overleaf shows views by category of respondent.

Table 8.4 Views on whether access to a property to recover equipment should only be via a court warrant

Category	Only via court warrant	Need not be only via court warrant	Total responding
Partnerships	6	1	7
Third Sector	2	1	3
Justice Bodies	2	0	2
Private Sector	1	2	3
Local Authorities	1	0	1
Social Work Bodies	1	0	1
Health	1	0	1
Other	1	0	1
Total Organisations	15	4	19
Total Individuals	14	7	21
Grand total	29	11	40

8.13 Organisations expressed stronger support than individuals for access only via a court warrant, with 79% of organisations compared with 67% of individuals in favour.

Question 14e: Please include any further comments below

Views in favour of access only via a court warrant

8.14 Many reasons were provided in favour of access only via a court warrant, each mentioned by three or fewer respondents:

- Provides the legal basis for entering a property.
- Reduces costs of unreturned equipment.
- Is consistent with other situations where permissions are granted for entry, e.g. for energy providers recovering meters.
- Provides reassurance to the public that the judiciary have considered the circumstances prior to permitting this action.
- Acts as an incentive for the safe return of equipment.
- Secures and protects the rights of the individual and agency.
- Ensures the process is clear and transparent.

Views opposed to access only via a court warrant

8.15 A few individuals suggested that legal right to access should be encompassed in the rules of use of electronic monitoring, as a condition of the order, with the individual agreeing to this when agreeing to become monitored.

8.16 A few respondents, from a range of sectors, considered that only those with appropriate training and tools for entering a property should perform this action, with police officers, social workers, housing officers, and representatives of third sector organisations, identified as such.

8.17 One individual suggested that a warrant is unnecessary as this is not required to gain entry to a prisoner's cell.

9. Impact Assessments

Equality

The Scottish Government is committed to promoting equality and removing or minimising disadvantage which may be experienced by different groups of people. The Scottish Government has a legal duty to consider the impact of policies on people who may be differently affected in relation to the “protected characteristics” under the Equality Act 2010. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Question 15: Please tell us about any potential equality impacts, either positive or negative, that you consider the proposals in this consultation may have.

9.1 42 respondents (67%) answered this question. A common view was that a suitability assessment should be made each time electronic monitoring is being considered, particularly as the sanction will impact on others residing at the property where monitoring will take place:

“The potential impact on the rest of the household, and children in particular, would merit the use of a CRWIA (Child Rights & Wellbeing Impact Assessment) to be conducted early in the planning and implementation process” (Families Outside).

9.2 One individual emphasised the need for detailed equality monitoring and equalities data relating to electronic monitoring to be routinely collected and made public, in order to enable assessment of impacts of the policy on different groups.

Views on potential positive equality impacts

9.3 Many respondents interpreted the question as relating to general positive impacts of electronic monitoring and reiterated their support for its potential in terms of providing an alternative to custody; enhancing desistance; protecting victims; maintaining the individual’s social networks; and so on.

9.4 Others identified **potential positive equality impacts**:

- Women: electronic monitoring provides a robust approach to safeguarding women and children in domestic violence cases; women are currently disproportionately represented in the remand population and offering an alternative to remand will impact positively on them; there is only one women’s prison in Scotland which results in significant travel for families visiting of women in custody. Electronic monitoring will provide a local, non-custodial alternative.

- Health: people with physical or mental health needs or those with complex needs will be more likely to be able to continue with any care they were receiving, if “tagged” rather than receiving an alternative intervention.

9.5 **Potential negative equality impacts** were identified:

- Amputees or people with certain physical disabilities may be excluded from the scope of electronic monitoring.
- People in rural areas may not have the consistent, reliable signal coverage required to access the technology for electronic monitoring.
- Women may feel disproportionately embarrassed by being subjected to what they could perceive is “male punishment”; women may have restricted clothing options due to the placement of the tag.
- Curfew restrictions may prevent some people attending religious events and worship at set times.
- People with learning disabilities may require particular support to ensure their informed consent can be given for electronic monitoring.
- People who work irregular hours may not be able to adhere to curfew requirements.
- Homeless people may not be able to provide a suitable home address for monitoring to take place.

Business and regulation

The Scottish Government does not think that a Business and Regulatory Impact Assessment is necessary as the electronic monitoring policy will not directly impose new regulatory burdens on businesses, charities or the voluntary sector.

Question 16: Please tell us about any potential costs and burdens that you consider may arise as a result of the proposals within this consultation.

9.6 43 respondents (68%) answered this question. A few considered that there would be initial costs associated with implementation, but savings would ensue in due course, largely in terms of a reduced prison population; reduced re-offending; and savings on fines enforcement.

9.7 The most frequently identified potential cost which respondents considered may arise as a result of the proposals was that of supporting the person being monitored during the monitoring period. Twenty respondents, from a wide range of sectors, identified costs falling largely on social work and third sector services in connection with supporting compliance and addressing breaches.

9.8 Other costs mentioned, each by nine respondents were:

- Social work costs associated with undertaking assessments of suitability for electronic monitoring.

- Court and other justice costs associated with additional court time for assessments; dealing with non-compliance; amendments to sentencing guidelines.
- Costs of service provider including set up/installation; data storage and processing.
- Cost of equipment: manufacturing; replacing lost equipment.

9.9 A few other potential costs were identified. Two third sector respondents referred to potential burdens on the families residing with the person undergoing monitoring, including their efforts to help the person comply, perhaps by undertaking a policing role themselves, or placing themselves under curfew, in solidarity. A private sector respondent highlighted potential loss of employment and associated burdens on individuals being monitored electronically. Two respondents (partnership and third sector) identified potential training costs for professionals involved: social workers; prison staff; police; judiciary; and contract staff.

Environmental

The Environmental Assessment (Scotland) Act 2005 ensures those public plans that are likely to have a significant impact on the environment are assessed and measures to prevent or reduce adverse impacts are sought, where possible, prior to implementation of the plan in question. The Scottish Government does not consider that a Strategic Environmental Assessment is necessary as the electronic monitoring policy will not directly impose on the environment.

Question 17: Please tell us about any potential impacts, either positive or negative, that you consider that any proposals in this consultation may have on the environment.

9.10 27 respondents (43%) answered this question. The overarching view was that the proposals would have none or very little impact on the environment, providing that the equipment is environmentally friendly, recyclable and biodegradable.

9.11 A few partnerships suggested that positive environmental impacts may emerge in terms of less prison estate required over time due to a reduced prison population; and a reduction in vehicle transport due to fewer trips taking people from custody to court.

9.12 A few partnerships and an individual considered that negative environmental impacts may result from greater energy use and increased numbers of phone masts required for signal coverage; and an increased carbon footprint on account of more vehicle journeys to deal with fitting the equipment, responding to alerts, and retrieving the equipment.

Annex 1: Respondents

Private = 4

G4S Electronic Monitoring
INCLUDEM
Integritas Prima Ltd
Serco Limited

Local Authorities = 2

Falkirk Council
Perth & Kinross Council

Partnerships = 11

Aberdeenshire Council Criminal Justice and Community Substance Misuse Service
Angus Community Justice Partnership
Clackmannanshire Community Justice Planning Partnership
Community Justice Glasgow
Community Justice Scotland
Dumfries and Galloway Community Justice Partnership
East Ayrshire Health and Social Care Partnership
Fife Reducing Offending and Reoffending Group
Glasgow City Health and Social Care Partnership
Midlothian Council – Community Justice Working Group
West Dunbartonshire, East Dunbartonshire and Argyll and Bute Health and Social Care Partnerships

Third sector = 8

Alcohol Focus Scotland
CIRCLE
Criminal Justice Voluntary Sector Forum
Families Outside
Prison Reform Trust
Sacro
Scottish Women's Aid
Victim Support Scotland

Justice bodies = 6

HM Inspectorate of Prisons for Scotland
Scottish Courts and Tribunals Service
Scottish Sentencing Council
The Law Society of Scotland
The Sheriffs Association
Violence Reduction Unit

Social Work Bodies = 2

Scottish Association of Social Workers
Social Work Scotland

Health = 1

NHS Health Scotland

Other = 3

Centre for Youth and Criminal Justice (CYCJ) with CELCIS
Howard League for Penal Reform Scotland
Information Commissioner's Office

Individuals = 26



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