



Lord Timpson OBE,
Minister for Prisons, Probation and Reducing Reoffending,
Ministry of Justice,
102 Petty France,
London.
SW1H 9AJ

Alex Norris MP,
Minister for Border Security and Asylum,
Home Office,
Marsham Street,
London.
SW1P 4DF

5 November 2025

Dear Lord Timpson and Mr Norris,

Policy letter on Electronic Monitoring

As you know, the House of Lords Justice and Home Affairs Committee has been investigating the use of Electronic Monitoring (EM, commonly known as tagging) by the Ministry of Justice and the Home Office.

This Inquiry follows our recent report *Better prisons: less crime*,¹ published on 16 July, which called for a focus on reducing reoffending, a focus which we believe you share.²

Throughout this Inquiry, the Committee has considered the impact that EM has not only on those subject to it, but on their family, the wider public, and victims.

The Committee believes that the use of EM as an alternative to prison can support an approach to offender management with reducing reoffending at its core. When used effectively, with proper support from the Probation Service and other services, EM can offer a legitimate alternative to prison, one that is neither overly soft nor excessively draconian. We believe that it can also effectively safeguard the public more widely, and victims, specifically. We believe that these principles should be central to the Government's approach to EM, and that a new EM strategy is needed to make its purpose clearer.

In our report on prisons, we warned that, without adequate training and resources, new prison officer recruits were being set up to fail. **We are concerned that without**

¹ Justice and Home Affairs Committee, *Better prisons: less crime* (1st Report, Session 2024–25, Paper 153)

² Correspondence, *Lord Timpson to Lord Foster of Bath*, 12 September 2025.

adequate resourcing, the Probation Service is being set up to fail in respect of EM. The Probation Service needs more funding, and many more well-trained staff if there is to be a successful EM strategy.

The Sentencing Bill introduced on 2 September 2025 features “the biggest expansion of tagging since the adoption of curfew tags in 1999 with an extra £100 million being invested into Electronic Monitoring – an increase of 30%.”³ Up to 22,000 more offenders and defendants will be tagged each year as part of the Government’s Plan for Change.⁴ With the total number of people subject to EM at 30 September 2025 standing at 26,647,⁵ this would represent almost a doubling of the Electronic Monitoring cohort to around 48,000. A new pilot launched in October 2025 also saw offenders tagged ‘at source’ in six prisons, with the expectation that 1,200 orders will be carried out on release.

We have crossed the Rubicon in respect of EM, and the Committee is aware that EM as a tool is here to stay. Our Inquiry has highlighted a number of areas where questions must be asked about both the Government’s intentions for the future of EM, and its use of EM to date.

We set out our key findings in the appendix to this letter. We draw to your particular attention:

- Poor communication to the Judiciary and the public by the Government, about the purpose and benefits of EM. EM cannot work, and cannot be seen to work, if those involved in issuing its use, and seeing it as a viable tool, remain unclear about its purpose and benefits.
- The lack of clarity of purpose underpinned by a proper strategy concerning the upcoming expansion of EM. It is startling that the Government is promoting the biggest expansion of EM in a generation, at a time of great technological advancement, yet does not see fit to accompany this with a new strategy. The Acquisitive Crime Project has shown, along with new technologies and international developments, the ability of EM to not only prevent, but to detect crime, and any new strategy must consider this potential.
- Insufficient evidence to support the efficacy of much of the use of EM. Evidence produced by the Government too often focuses on pilot studies and short-term reviews, many of which show little to no evidence of quantifiable success. The Government must commission further studies on the level of re-offending once EM equipment has been removed and not just focus on levels of reoffending whilst the equipment is being used.
- Major concerns about the ability of the Probation Service to handle the increase in those subject to EM. A near doubling of those subject to EM presents an enormous

³ Ministry of Justice, [Press Release: Tens of thousands more to be tagged under biggest ever expansion](#), 2 September 2025

⁴ *Ibid.*

⁵ Ministry of Justice, [Electronic Monitoring Statistics Publication, England and Wales: September 2025](#), Published 16 October 2025

challenge, particularly in the light of current staffing issues and limited budget at the Probation Service. The share of the much-trailed £700 million over the next 4 years that goes into staff hiring, development, and retention is almost certain to be insufficient. We believe without major changes, the system risks being overwhelmed and the Probation Service is being set up to fail.

- Major concerns about the ability of private contractors to handle the increase in those subject to EM. We find it extraordinary that contracts were awarded to both Serco and AUEM despite being found by the Serious Fraud Office to have been dishonestly misleading the Government while providing EM services (AUEM as G4S). Continued failures in service provision from Serco in particular lead us to conclude that without major changes in contract management, including flexing to additional providers where necessary, EM service provision will continue to be woefully inadequate.
- Ethical concerns around the use of EM in some contexts, particularly its use in immigration bail. The use of EM as a form of compliance and/or punishment necessarily involves an infringement of the rights of those subject to it. However, there are too many situations where the level of infringement is disproportionate to the aims and intentions of the use of EM.

Our recommendations, which are explained in more detail in the appendix, are as follows:

- *The Government should, as a matter of priority, publish a new Electronic Monitoring strategy, one that comprehensively covers the rollout, scaling, and implementation of the Government's new approach to Electronic Monitoring, including the addressing of ethical issues, and the intersection between EM and AI.*
- *This strategy should clearly identify the purposes of EM orders, and set out how EM will be used to support the suite of options available to probation and not simply become a proxy for effective probation work. It should highlight the differences between using EM on offenders and defendants, and show the evidence base for different uses, both whilst the EM order is in place and afterwards. It must also outline how the use of developing technologies will be incorporated in future.*
- *The MoJ must conduct further longitudinal studies to assess the long-term efficacy of EM, both pre- and post-tag removal, in terms of reducing reoffending, supporting victims, and detecting crime.*
- *The Home Office should publish evidence regarding the impact the use of EM has on those on immigration bail. If such research is not available, a study assessing compliance and impact should be conducted as a matter of priority.*
- *If the expansion to EM is to be successful, the Probation Service must be fully resourced and properly trained. Hiring new staff is vital, but ensuring that new and existing staff are fully equipped to manage a new approach to offender management is equally important. We note that the peak time period of EM issues arising (post 7pm) is outside the normal working hours of probation staff. The Government should give some consideration to this in view of the extra demand that will be placed on staff.*

- *The Government must continue to closely monitor Serco's performance against its contractual obligations, particularly as the number of people subject to EM increases to a point which might demand infrastructure changes on their part.*
- *The Government should immediately begin a tendering process to expand the number of EM service providers available to it.*
- *The MoJ should commission an independent review of EM provision, looking at international best practice, ahead of the next EM procurement round, with a view to operating parallel contracts managed by a fully funded and supported Probation Service.*
- *The MoJ must investigate whether and why a racial discrepancy widely exists, publish ethnicity data in relation to EM, and publish an action plan on how they will combat any discrepancy.*
- *The Home Office should conduct, as a matter of urgency, a thorough assessment of the proportionality of the statutory duty in relation to the use of EM in Immigration bail cases. They should publish data on the number of non-FNOs and FNOs (along with crime type). The conclusion should also address directly the Home Office's arguments as to why the use of EM in the context of immigration is proportional.*

We would be grateful for a reply to this letter, answering each of our conclusions and recommendations, by Monday 12 January.

Yours Sincerely,



Lord Foster of Bath
Chair, Justice and Home Affairs Committee

Members' interests

Committee Members' registered interests may be examined in the online Register of Lords' Interests at www.parliament.uk/hlregister.

For this letter, Lord Filkin declared that he was previously an adviser to Serco, and Baroness Prashar declared that she is Vice-Chair of the APPG on Penal Reform.

Appendix

Background

1. In September 2025, the Justice and Home Affairs Committee launched a short Inquiry into Electronic Monitoring (EM, commonly known as tagging). We held five oral evidence sessions and received 13 pieces of written evidence from targeted individuals and organisations. The Inquiry focused on the use of Electronic Monitoring by the Ministry of Justice in England and Wales, as well as the use of Electronic Monitoring as part of immigration bail across the United Kingdom by the Home Office. There are a number of different devices used to monitor individuals:
 - Radio Frequency (RF) tags which are used to monitor compliance with a curfew condition at a specified address. RF enabled tags monitor the person's proximity to a home unit placed at the address to which they are curfewed. If the person is not in or leaves the address during curfew hours, the monitoring centre will be alerted.
 - Location Monitoring (GPS) using GPS satellite enabled tags can be used to monitor compliance with geographical conditions such as exclusion zones. Location monitoring tags also have RF capability, allowing for curfew and location to be monitored using a single device. GPS tags have a battery that requires regular charging.⁶
 - An alcohol tag (AM) measures the level of alcohol in a person's sweat every 30 minutes. If they drink alcohol, it will be recorded by the tag. A person must be within 10 metres of their wireless base station at a certain time every day to send over the data.⁷
 - Non-fitted devices (NFD) are detachable but will require the person to submit daily fingerprint biometric data verification at random intervals; these devices are also issued with a mobile phone. They are used primarily for those on immigration bail.
2. Electronic monitoring devices may be used:
 - as a condition of court bail;
 - as a requirement of a court sentence, primarily community orders and suspended sentence orders;
 - for Home Detention Curfew;
 - as a licence condition following release from custody;
 - as a condition of immigration bail, managed by the Home Office; or

⁶ Ministry of Justice, [Electronic Monitoring Court Bail Protocol](#), , updated 11 September 2023.

⁷ HM Government, [Electronic tags](#)

- to monitor intensively a small number of individuals, including: some of the highest-risk offenders managed under Multi-Agency Public Protection Arrangements (MAPPA); those granted bail by the Special Immigration Appeals Commission (SIAC); and those made subject to Terrorism Prevention and Investigation Measures (TPIMs).

An individual may be given several orders at the same time and/or over the course of a year.⁸

EM: Purpose and Strategy

Defining the Purpose of EM

3. Over the course of our Inquiry, witnesses ascribed a variety of purposes to the use of EM, with one witness describing it as “chameleon-like”.⁹ The Ministry of Justice (MoJ) explained that EM “is an effective method of monitoring compliance” adding that it “serves as a vital tool in our efforts to punish offenders, cut reoffending, and keep the public safe.”¹⁰ Lord Timpson echoed this, telling us that EM’s role is as “punishment ... public protection and to support victims.” He added: “It has an increasingly important role for victims but also in rehabilitation.”¹¹
4. The Home Office uses EM slightly differently. They told us that EM:

“is a condition of immigration bail provided for under Schedule 10 to the Immigration Act 2016. Immigration bail is an alternative to immigration detention and allows the Home Office to maintain contact with individuals whilst a decision is made on whether or not to grant them permission to enter or remain in the UK or pending their removal or deportation.”¹²
5. The 2016 Act imposes a statutory duty on the Secretary of State to apply EM as a condition of bail because the bailed person is subject to either deportation proceedings or a Deportation Order (Foreign National Offenders).¹³ The statutory duty did not commence until 2021¹⁴, which accounts for the sharp rise in the use of EM for immigration bail post 2021 (from consistently around 200-300 between 2017 and 2021, to over 4,500 in 2025).¹⁵

⁸ Ministry of Justice, [Electronic Monitoring Statistics Publication, England and Wales: September 2025](#), Published 16 October 2025

⁹ Written evidence from the Centre for Crime and Justice Studies ([ETM0009](#))

¹⁰ Written evidence from the Ministry of Justice ([ETM0011](#))

¹¹ [Q 42](#) (Lord Timpson)

¹² Written evidence from the Home Office ([ETM0012](#))

¹³ Written evidence from the Home Office ([ETM0012](#))

¹⁴ Supplementary written evidence from the Home Office ([ETM0014](#))

¹⁵ Ministry of Justice, [Electronic Monitoring Statistics Annual Publication, March 2024](#), published 18 July 2024 and Ministry of Justice, [Electronic Monitoring Statistics Publication, England and Wales: September 2025](#), Published 16 October 2025

6. Other witnesses emphasised alternative purposes of EM. Former Commissioner of the Police of the Metropolis Lord Hogan-Howe QPM told us that an important purpose was the “detection of crime” though he felt that “the detection part has not really progressed that much”.¹⁶ The Acquisitive Crime pilot,¹⁷ trialled in 19 police force areas, whereby GPS tag data was overlaid with recent crime data was cited by a number of witnesses as a positive example of how EM could be used to detect crime.¹⁸
7. We also heard of the role that EM plays as a form of – or alternative to – custody. Richard Garside, Director of the Centre for Crime and Justice Studies, told us: “If you look at the purpose in law, Electronic Monitoring is treated as a form of custody ... it has quite significant potential punitive impact.”¹⁹ Helen Schofield, the Chief Executive of the Probation Institute, expanded on this, saying: “A purpose of that, of course, is to reduce numbers in prison.”²⁰ Nacro, a charity, said that EM can “offer a cost-effective alternative to custody and can support effective management of people in the community.”²¹
8. Control of offenders and defendants is another reason for imposing EM orders. The charity Centre for Crime and Justice Studies told us that “the recent predominance of bail cases over post-release and community supervision as well as the specific growth of EM in relation to immigration bail suggests the rise of control as a guiding motivation.”²² The charity Howard League for Penal Reform made a similar case, telling us that “current practice, official data and the research base suggest that EM functions primarily as a monitoring/compliance tool, as opposed to having a specific punitive, deterrent, or rehabilitative purpose.”²³
9. The power of EM to break bad habits and offer defendants and offenders alike an opportunity to get out of a cycle of offending was also highlighted. Professor Anthea Hucklesby, Professor of Criminal Justice at the University of Birmingham told us that EM could provide “structure to wearers’ lives” and keep them “away from people and places that are linked to their offending”.²⁴ However the long-term effects of this were challenged by other witnesses, such as Richard Garside and Helen Schofield.²⁵

¹⁶ [Q 1](#) (Lord Hogan-Howe)

¹⁷ Ministry of Justice, [Process evaluations of the acquisitive crime electronic monitoring project’s 12 month+ cohort and 3 to 12 month cohort](#) last updated 29 August 2025.

¹⁸ [Q 48](#) (Lord Timpson)

¹⁹ [Q 8](#) (Richard Garside)

²⁰ [Q 8](#) (Helen Schofield)

²¹ Written evidence from Nacro ([ETM00003](#))

²² Written evidence from the Centre for Crime and Justice Studies ([ETM00009](#))

²³ Written evidence from the Howard League for Penal Reform ([ETM00005](#))

²⁴ Written evidence from Professor Anthea Hucklesby ([ETM00001](#))

²⁵ [Q 11](#) (Richard Garside) and [Q 11](#) (Helen Schofield)

10. Given the myriad cited purposes of EM, it is unsurprising that “judges detect that the public do not have confidence” in EM orders.²⁶ An April 2025 YouGov survey asked, “What is the top change Britons would make to the UK prison system?” and only 2% of respondents said they would most like to see ‘alternative punishments to prison’, with the most popular response (17%) being ‘Longer sentences’.²⁷ In a separate survey, increasing the use of Electronic Monitoring ranked 15th (Increase the use of EM instead of recalling prisoners) and 16th (increase the use of EM instead of sending people to prison) out of 24 options to improve prison policies.²⁸
11. Professor Anthea Hucklesby, told us that there were issues with the messaging in relation to EM: “Labelling EM as a ‘virtual prison’ or ‘prison without walls’ is misleading because it does not incapacitate wearers. EM equipment is removable, and restrictions can be ignored. It requires wearers’ voluntary compliance.”²⁹ Both the former Lord Chancellor, Rt Hon Alex Chalk KC, and Lord Hogan-Howe, spoke of the political pressure on Governments to be seen to be delivering ever harsher sentences, with Lord Hogan-Howe saying that “we could have far fewer people in prison and be safer, and tagging is one of the mechanisms for achieving that.” He added that “the way we can persuade the public is to show that the evidence shows that there is less offending. Intuitively, this makes sense. Look at the sobriety work.”³⁰
12. The Probation Institute, a body made up of professionals working in Probation, told us that “there is a political challenge for governments to reduce the prison population in a manner acceptable to the *perceived* [their italics] views of the public i.e. to be punitive in the community.”³¹ Lord Timpson accepted that the MoJ’s work on communications promoting the role of EM is important, but this alone would not change public attitudes towards EM: “the way you get good feedback from the public is by consistently delivering a good service over many years.”³²
13. The confusion around EM is not limited to the public. Professor Anthea Hucklesby told us that “practitioners ascribed a multiplicity of purposes to EM, supporting earlier research that sentencers are unclear about its purpose.”³³ Inconsistent rationale by the judiciary in handing out EM orders was borne out by research conducted by His Majesty’s Inspectorate of Prisons (HMIP) which found wide variations amongst magistrates in their purposes for handing out EM requirements. Whilst there were large differences in recorded purpose for different types of tags,

²⁶ [Q 2](#) (Alex Chalk)

²⁷ YouGov, [Few Britons think the prison system is working well, so what changes would they make?](#), 15 May 2025

²⁸ YouGov, [Few Britons think the prison system is working well, so what changes would they make?](#), 15 May 2025

²⁹ Written evidence from Professor Anthea Hucklesby ([ETM0001](#))

³⁰ [Q 2](#) (Lord Hogan-Howe)

³¹ Written evidence from the Probation Institute ([ETM0002](#))

³² [Q 51](#) (Lord Timpson)

³³ Written evidence from Professor Anthea Hucklesby ([ETM0001](#))

there was more consistency for the reasons given for each specific tag (e.g. RF, GPS, AM).³⁴

14. The MoJ is aware of discrepancies in approach by the Judiciary. Jim Barton, Director of EM at the MoJ, told us that “there is significant disparity in the use of EM, and different types of EM, between individual courts” but that there is “a programme of work, sponsored by the senior judiciary, on engagement with judges and magistrates across the country ... raising both knowledge and confidence in the service.”³⁵ Lord Timpson felt that the key was to “run a good, accurate service. That is what gives people in the judiciary reassurance. They need to see that, when someone has been sent on tag away from the court, they are tagged and comply.”³⁶
15. **The Committee acknowledges that different tags perform different functions for different purposes and that work is underway to convince the judiciary and the public of the rationale for issuing EM orders.**
16. **We find that EM works best when it is used as a robust regime that monitors offenders and defendants closely to ensure that victims and the public are protected, and that offenders and defendants are kept out of a prison system that is close to breaking point.**
17. **The Committee agrees with the Minister that an effective way of communicating the virtues of EM to the public and the judiciary is to ensure that the system works in an effective way, with consequences for breaches and support in place to ensure compliance. But this alone is inadequate.**
18. **A new strategy, clearly laying out the purposes behind each different tag and each order, alongside the evidence base, articulated clearly and simply to the Judiciary and the public, would go some way to ensure judicial and public confidence in EM.**

The current strategy

19. The Electronic Monitoring (EM) strategy was published in June 2022 by the previous Government. It came about during a substantial EM expansion programme, and the launching of contract procurement for the delivery of EM services to 2030.³⁷ The 2022 EM strategy³⁸ outlined a vision for an extensive EM offer supporting data-

³⁴ Written evidence from HMIP ([ETM0008](#))

³⁵ [Q 51](#) (Jim Barton)

³⁶ [Q 51](#) (Lord Timpson)

³⁷ Ministry of Justice, [Electronic Monitoring in the Criminal Justice System](#), 20 June 2022, published 30 June 2022

³⁸ Ministry of Justice, [Electronic Monitoring in the Criminal Justice System](#), 20 June 2022, published 30 June 2022

informed offender management; providing a cost-effective mechanism to monitor, evidence, and incentivise compliance with tailored restrictions; and mitigating risk factors to facilitate community-based solutions, as an alternative to custody. This was to be achieved by integrating EM more firmly into offender management; introducing, testing, and evaluating new uses of EM; and building EM capability and confidence.

20. The 2023 update to the EM strategy³⁹ was published following a recommendation made by the Public Accounts Committee in a September 2022 report. The report highlighted 11 areas of focus regarding their data improvement plan. The expansion programme evaluated four key projects:

- Acquisitive crime project – Mandatory GPS tagging for qualifying offenders
- Alcohol Monitoring – Tags for alcohol-related offenders with abstinence/limitation conditions
- Domestic abuse Perpetrators – EM with curfew and exclusion zones for Domestic Abuse risk factors
- Licence Variation – EM as a necessary licence modification

21. The Sentencing Bill introduced to Parliament on 2 September 2025 features “the biggest expansion of tagging since the adoption of curfew tags in 1999 with an extra £100 million being invested into electronic monitoring – an increase of 30%”.⁴⁰ Up to 22,000 more offenders and defendants will be tagged each year as part of the Government’s Plan for Change.⁴¹ With the total number of people subject to EM at 30 September 2025 standing at 26,647,⁴² this would represent almost a doubling of the Electronic Monitoring cohort to around 48,000. A new pilot launched in October 2025 also saw offenders tagged ‘at source’ in six prisons, with an expectation that 1,200 orders will be carried out on release.

22. Despite the large increase in the numbers of those being electronically monitored, the Minister for Prisons, Probation and Reducing Reoffending, Lord Timpson, told us in his oral evidence that “there is not going to be a new strategy”, later adding that “we do not need a new strategy”.⁴³ On the same subject, Jim Barton, the Director for Probation Reform and Electronic Monitoring at the Ministry of Justice, said “an ambition to double the EM case load sounds, on the face of it, like a very bold position to adopt, but we have already delivered a doubling of the EM case load over the last five years”, adding that the MoJ has a “track record of delivering significant

³⁹ HM Prison and Probation Service, [Electronic Monitoring in the Criminal Justice System](#), August 2023 update

⁴⁰ Ministry of Justice, [Press Release: Tens of thousands more to be tagged under biggest ever expansion](#), 2 September 2025

⁴¹ Ministry of Justice, [Press Release: Tens of thousands more to be tagged under biggest ever expansion](#), 2 September 2025

⁴² Ministry of Justice, [Electronic Monitoring Statistics Publication, England and Wales: September 2025](#), Published 16 October 2025

⁴³ [Q 44](#) (Lord Timpson)

expansions and innovations”.⁴⁴

The case for a new strategy

23. Other witnesses felt that a new strategy was required. Richard Garside told us that a new strategy is required “precisely because the Government are saying they really want to go big on EM”, adding that if the Government do not look at “where EM fits into that bigger vision, then it is unlikely to deliver what the Government want”.⁴⁵ Helen Schofield told us that “it is essential that there is a major, fundamental review”.⁴⁶
24. The Howard League for Penal Reform felt that the current approach had an “element of cart-before-horse”, citing the “limited evidence base, the limited capacity of probation, and the rising number of prison recalls”.⁴⁷
25. The MoJ told us that “the potential for AI to revolutionise our approach to using the data provided by EM is also central to our future strategy”.⁴⁸ However, neither the 2022 strategy nor the 2023 update contain any reference to the use of AI. Lord Timpson told us, in relation to new technologies and AI, that “we need to make sure that we do not just fall in love with anything that is new and forget about the day-to-day part of the business”.⁴⁹
26. Antony King, Managing Director of Citizen Services at Serco, told us that advances in data analytics will be able to feed back to Probation to “start informing [it] where to focus its efforts”.⁵⁰ The Confederation of European Probation (CEP) have also highlighted that “the data routinely collected via Electronic Monitoring technologies opens up a range of potential applications for AI”.⁵¹ The CEP also caution that there are likely to be significant challenges presented by the use of AI in EM and probation.
27. The presumption that all prison leavers will be subject to EM on their release from custody represents a notable change in previous guidance regarding the discretionary use of EM. Under announced plans:

“offenders released from prison will enter a period of ‘intensive supervision’ tailored to their risk and the type of crime they committed. Probation

⁴⁴ [Q 44](#) (Jim Barton)

⁴⁵ [Q 15](#) (Richard Garside)

⁴⁶ [Q 15](#) (Helen Schofield)

⁴⁷ Written evidence from the Howard League for Penal Reform ([ETM0005](#))

⁴⁸ Written evidence from the Ministry of Justice ([ETM0011](#))

⁴⁹ [Q 47](#) (Lord Timpson)

⁵⁰ [Q 25](#) (Antony King)

⁵¹ Confederation of European Probation, [Electronic monitoring, artificial intelligence \(AI\) and probation practice](#), accessed 16 October 2025.]

officers will maintain discretion to tag offenders based on their risk to the public and their victim. Those subject to Multi-Agency Public Protection Arrangements will remain in this ‘intensive supervision’ stage for the duration of their sentence. Others will progress into a licence phase, with strict conditions on their behaviour remaining.”⁵²

28. Jim Barton told us that tagging at source was historically not done due to the need to make multiple visits. However, with the rise in GPS tags, this was no longer a barrier.⁵³ Serco told us that tagging people at source improved success rates, with 94% successfully tagged at source compared with 84% successfully tagged at home.⁵⁴ Revolving Doors told us that the presumption risks “undermining proportionality, widening the net of punishment, and diverting resources away from more effective, supportive interventions.”⁵⁵

29. The Committee shares these concerns that a blanket approach to tagging most prison leavers, regardless of crime and circumstances, diminishes the role of effective, targeted Probation interventions, and risks creating an unethical system that is overly punitive and disproportionate.

30. We believe that there must be a clear purpose for the EM device used, particularly in the context of prison leavers, and that the device chosen must be relevant to each offender.

31. The imposition of EM orders is set out in a number of different statutes, including the Criminal Justice and Courts Services Act 2000, the Criminal Justice Act 2003, the Crime and Courts Act 2013, and others.⁵⁶ This covers the new approach to tagging most prison leavers. However, **the Committee believes that just because the Government can legally subject the vast majority of prison leavers to EM, it does not follow that they should.**

New ways of working

32. We also heard a number of interesting ideas concerning new ways of working. Lord Hogan-Howe proposed an office containing large numbers of police and probation officers, able to access data from EM, ANPR (Automatic Number Plate Recognition), and LFR, and able to respond to breaches and crimes in progress.⁵⁷ David Byrne,

⁵² Ministry of Justice, [Press Release: Tens of thousands more to be tagged under biggest ever expansion](#), 2 September 2025

⁵³ [Q 60](#) (Jim Barton)

⁵⁴ [Q 22](#) (Antony King)

⁵⁵ Written evidence from Revolving Doors ([ETM0013](#))

⁵⁶ HMPPS, [Code of Practice Electronic Monitoring Data](#), March 2024

⁵⁷ [Q 3](#) (Lord Hogan-Howe)

President of AUEM, urged the Government to look more closely at victim protection schemes in Europe.⁵⁸ Antony King, Managing Director of Citizen Services at Serco, argued for further focus and investment in Probation, particularly IT services, in order to free up time for officers to work with offenders.⁵⁹ Jim Barton advocated for the expansion of the Acquisitive Crime pilot.⁶⁰ Plans in the Sentencing Bill to introduce ‘restriction zones’ that restrict offenders to a certain area, allowing victims to travel without fear of seeing them were also highlighted.⁶¹

33. A common thread in much of the evidence that we received was that despite changes to the number of people subject to EM, and the evolving ways in which it is being used, EM only works as part of a well-resourced, trained, and staffed Probation Service. Richard Garside told us that if you are treating EM solely as a standalone device that will automatically change behaviour, “that is for the birds”, highlighting the importance of using EM alongside “effective probation work”.⁶² Anthony King, Managing Director of Citizen Services at Serco told us that EM needs to be “very closely supervised by the Probation Service, which therefore needs to have its time freed up to do what it is expert at: rehabilitating offenders and looking after them.”⁶³
34. **The Committee takes the view that there is a need for a new EM strategy. Doubling the number of people subject to Electronic Monitoring, over such a short time span, is highly likely to create complex issues across a variety of areas, including ethical issues. These issues will require an overarching strategy to identify and address them, as well as to set out clearly what the Government envisions its greater use of Electronic Monitoring accomplishing.**
35. **The Committee agrees with the Minister that tagging effectively and accurately should be a focus of the department. However, there are already technologies available such as real time location services on smart phones, that are not being used across the board. A strategy that does not include reference to a huge increase in numbers and transformational technology – including AI - is a strategy that risks becoming obsolete.**
36. **The presumption of tagging all prison leavers represents a step change in the use of EM in England and Wales and is a clear deviation from the current strategy. Any EM strategy must account for this new**

⁵⁸ [Q 40](#) (David Byrne)

⁵⁹ [Q 27](#) (Antony King)

⁶⁰ [Q 60](#) (Jim Barton)

⁶¹ Ministry of Justice, [Press Release: Tens of thousands more to be tagged under biggest ever expansion](#), 2 September 2025

⁶² [Q 11](#) (Richard Garside)

⁶³ [Q 27](#) (Antony King)

presumption, as well as include comprehensive study as to its impact, both in terms of service provision and reducing reoffending.

37. **The Committee notes the findings of the Acquisitive Crime Pilot and supports its expansion to the remaining Police Force areas. It also supports the recently announced restriction zones and encourages the MoJ to continue to examine the use of EM in victim protection schemes.**
38. ***The Government should, as a matter of priority, publish a new Electronic Monitoring strategy, one that comprehensively covers the rollout, scaling, and implementation of the Government's new approach to Electronic Monitoring, including the addressing of ethical issues, and the intersection between EM and AI.***
39. ***This strategy should clearly identify the purposes of EM orders, and set out how EM will be used to support the suite of options available to probation and not simply become a proxy for effective probation work. It should highlight the differences between using EM on offenders and defendants, and show the evidence base for different uses, both whilst the EM order is in place and afterwards. It must also outline how the use of developing technologies will be incorporated in future.***

The Evidence Base

40. Another theme of our Inquiry has been the issue of evidence of EM efficacy, or, as many of our witnesses told us, the lack of evidence. As outlined earlier, the multiplicity of purposes for EM makes isolating individual success criteria inevitably subjective. Most studies shared with the Committee focused either on compliance rates, or reoffending rates. However, in both of these scenarios, studies focused on results during the length of the EM order, as opposed to longer term impacts.
41. The MoJ told us: "Evidence suggests that EM can successfully affect behaviour during the period in which individuals are monitored, both reducing reoffending and improving compliance with conditions or requirements." However, they also acknowledged that "impact beyond the period of monitoring is more mixed and dependent on accompanying factors such as accommodation, age, and employment status".⁶⁴ Despite a 2023 GPS expansion pilot conducted by the Home Office on a group of individuals who had arrived in the UK via illegal and dangerous means showing no statistically significant difference in compliance rates between those subject to GPS monitoring, and those subject to traditional reporting, the Home

⁶⁴ Written evidence from the Ministry of Justice ([ETM0011](#))

Office informed us that compliance rates among FNOs [Foreign National Offenders] were greater than in the Expansion Pilot grouping.⁶⁵

42. Witnesses spoke positively about compliance rates for those subject to alcohol monitoring, citing a 97% compliance rate.⁶⁶ Others believed there was limited evidence of its impact on reoffending.⁶⁷ Lord Timpson also told us of the success of RF and GPS tags, saying: “curfew tags, on our evidence, lead to a 20% reduction in reoffending for those on community sentences. We also did an acquisitive crime GPS pilot, which also reduced reoffending by 20%. That is very strong evidence that it works.”⁶⁸ The Committee notes however that this study only covers a year period post-release from prison and so cannot show long-term changes in behaviour after the EM equipment is removed.
43. The MoJ also provided us with details of a qualitative study of the Domestic Abuse Perpetrators on Licence (DAPOL) project, highlighting that: “Probation Practitioners are, in general, positive about the ability to impose DAPOL as a tool to manage DA risk. A further process and interim impact evaluation of the pathfinder is expected late 2025. The impact evaluation considering reoffending rates is due in summer 2027.”⁶⁹
44. Other witnesses questioned the evidence base for EM. Richard Garside told us, “I have always found it quite striking that, given the amount of investment that has gone into this and the hopes that have been placed in it, it is a technology which is very under researched in terms of its actual impact.”⁷⁰ Similarly, the Howard League for Penal Reform argued that “A recent flurry of process evaluations by the MoJ does not provide a comprehensive picture of the efficacy of EM.” They went on to say: “Longitudinal evaluation is not built into the current EM strategy.”⁷¹
45. Other witnesses sought to highlight the importance of other interventions, either alongside or instead of EM. The Centre for Crime and Justice Studies highlighted positive evidence that “support from experienced and properly trained supervisors, as in probation, can make a difference to outcomes”.⁷² Nacro highlighted the importance of ex-offenders having employment, pointing out that “for those released from prison between July and September 2023 the proven reoffending rate for those who were unemployed at six weeks post release was 36.5%, compared to 20.2% for

⁶⁵ Supplementary written evidence from the Home Office ([ETM0014](#))

⁶⁶ Written evidence from the Ministry of Justice ([ETM0011](#))

⁶⁷ Written evidence from Professor Anthea Hucklesby ([ETM0001](#))

⁶⁸ [Q 42](#) (Lord Timpson). The 20% figure quoted refers to a seven percentage point decline in the rate of reoffending within 12 months of release (from 33.2% to 26.2%). See [Ministry of Justice, Impact Evaluation of the Acquisitive Crime Electronic Monitoring Project: 12 month+ cohort](#), Published 2025

⁶⁹ Written evidence from the Ministry of Justice ([ETM0011](#))

⁷⁰ [Q 11](#) (Richard Garside)

⁷¹ Written evidence from the Howard League for Penal Reform ([ETM0005](#))

⁷² Written evidence from the Centre for Crime and Justice Studies ([ETM0009](#))

those who were employed”.⁷³

46. The use of EM in immigration bail is more contentious. Professor Anthea Hucklesby told us: “a single study exists with EM wearers in immigration cases (Bhatia, 2021). It identified a range of harms associated with the use of EM in these cases and the impact on the physical and mental health of wearers.”⁷⁴ The charity Privacy International felt that “regardless of the efficacy of EM we believe that its use is a dehumanising and invasive method of control that surpasses the aims of legislation, and what is necessary to prevent absconding.”⁷⁵
47. **There is clearly some evidence to support the use of various forms of EM in the management of offenders and defendants. Whilst acknowledging that the use of GPS tags and AM tags is in its comparative infancy, the lack of a long-term evidence base for the use of EM is of great concern.**
48. *The MoJ must conduct further longitudinal studies to assess the long-term efficacy of EM, both pre- and post-tag removal, in terms of reducing reoffending, supporting victims, and detecting crime.*
49. **The Committee is concerned by the lack of evidence to support the effective use of EM within the context of managing those on immigration bail. While we acknowledge that there is currently a statutory obligation to impose EM, a duty with no basis in evidence poses legal, ethical, and practical challenges.**
50. *The Home Office should publish evidence regarding the impact the use of EM has on those on immigration bail. If such research is not available, a study assessing compliance and impact should be conducted as a matter of priority.*

Capacity and Capability of Probation and Private Contractors

The Probation Service

51. There are significant staffing challenges facing the Probation Service and a report from BBC News on 20 August 2025 stated that there was a shortfall of 10,000 probation staff to manage offenders serving sentences in the community.⁷⁶ Lord Timpson told us that the Ministry of Justice is taking steps to remedy this situation. He told us that 1,050 extra staff were recruited in the past year, with 1,300 extra forecast to be recruited this year, and highlighted the additional £700 million in

⁷³ Written evidence from Nacro ([ETM00003](#))

⁷⁴ Written evidence from Professor Anthea Hucklesby ([ETM0001](#))

⁷⁵ Written evidence from Privacy International ([ETM0006](#))

⁷⁶ BBC News, [Leaked report shows 10,000 gap in probation staff](#), 20 August 2025

funding to achieve this.⁷⁷ However, we believe this is not enough to deal with existing caseloads, let alone an expected increase in caseload, especially given that the £700 million is for the Probation Service as a whole, rather than specifically to address staffing shortages on increased EM provision⁷⁸.

52. According to a BBC report, a leaked Government study shows that 17,170 full-time staff were needed to deal with sentence management in September 2023. According to the leaked report a sentence management activity review by His Majesty's Prison and Probation Service (HMPPS) stated that there are only 7,236 members of staff in this specific role - around 10,000 fewer than needed. The findings were allegedly compiled through staff surveys, analysis of timesheets, and monitoring how employees work on a daily basis.⁷⁹
53. Witnesses expressed concern about the ability of the Probation Service to administer EM in this context. The Probation Institute told us: “clearly the Probation Service could not administer and operate Electronic Monitoring as it is currently resourced”.⁸⁰ Helen Schofield of the Probation Institute told us that the Probation Service was “not yet” ready.⁸¹
54. His Majesty’s Inspectorate of Probation (HMIP) shared the results of a 2023/2024 probation officer survey which identified almost 50% of officers saying their workload was either ‘not so manageable’ (33%) or ‘not at all manageable’ (16%). Just under a third (30 per cent) of interviewed case managers held more than 40 cases.⁸² This is in addition to workforce statistics showing there was a shortage of 2,315 probation officers (5,501 against a target of 7,816) and that an average of 13.2 days per staff member were lost to sickness in the 12 months to 30 June 2025, of which 57.8% were attributed to mental ill health.⁸³
55. Resourcing numbers were not the only concern highlighted during this Inquiry. Professor Anthea Hucklesby said that “significant ideological and practical challenges also exist including a mismatch between times of peak activity for EM (outside of ‘office hours’) and current working hours of probation. Providing services to defendants on bail (comprising a third of the EM population) has never been a central role or a priority for the Probation Service.”⁸⁴

⁷⁷ Q 44 (Lord Timpson)

⁷⁸ Ministry of Justice, Press release: [Landmark sentencing reforms to ensure prisons never run out of space again](#), 22 May 2025

⁷⁹ BBC News, [Leaked report shows 10,000 gap in probation staff](#), 20 August 2025

⁸⁰ Written evidence from the Probation Institute (ETM0002)

⁸¹ Q 13 (Helen Schofield)

⁸² Written evidence from HMIP (ETM0008)

⁸³ Ministry of Justice, [HM Prison and Probation Service workforce quarterly: June 2025](#), Published 21 August 2025

⁸⁴ Written evidence from Professor Anthea Hucklesby (ETM0001)

56. The Ministry of Justice has told us that they are “identifying opportunities for AI to contribute to protecting probation resource by rationalising administrative tasks and lifting some of the burdens from probation practitioners’ shoulders so they can concentrate their time where it is most valuable”.⁸⁵ However, we have concerns that anticipated efficiency improvements will not be enough to counter the shortfall in probation staff, and that focus will shift to higher risk cases at the expense of lower risk cases. Nacro told us: “lower risk doesn’t automatically correlate with lower need, and, in fact, those considered lower risk can often lead more chaotic lives and have higher support needs.”⁸⁶
57. Lord Timpson has said, in a slightly different context, that “all roads lead back to probation” and “that is where we need to focus our investment”⁸⁷. The Committee believes that this sentiment is true in the broader sense that the Probation Service plays a crucial role in the criminal justice system. However, given that the Minister has “not decided exactly how the money is going to be split up”⁸⁸ we fear that not enough money will be spent where it is needed most – on Probation.
58. **It is inevitable that an increase in those subject to EM, along with prisoners leaving prison earlier, will result in an increase in workload for probation. Given that the service is already under resourced, the expected increase will only compound the problem. The Committee acknowledges that steps are being taken, including increased funding, to address this issue but fear that this will only equip the Probation Service to manage its existing workload. Without significant sums in addition to those already announced, and extensive support, the Probation Service is being set up to fail.**
59. ***If the expansion to EM is to be successful, the Probation Service must be fully resourced and properly trained. Hiring new staff is vital, but ensuring that new and existing staff are fully equipped to manage a new approach to offender management is equally important. We note that the peak time period of EM issues arising (post 7pm) is outside the normal working hours of probation staff. The Government should give some consideration to this in view of the extra demand that will be placed on staff.***

Private Contractors

60. In England and Wales, the provision of EM services is split between two contractors. Allied Universal Electronic Monitoring (AUEM) provide the physical equipment,

⁸⁵ Written evidence from the Ministry of Justice ([ETM0011](#))

⁸⁶ Written evidence from Nacro ([ETM0003](#))

⁸⁷ HL Deb, 14 October 2025, [Col 166](#)

⁸⁸ *Ibid*

whilst Serco provide the service provision (installing and uninstalling the equipment, processing the data, feeding information to Governmental services). In Scotland, G4S (part of the same group as AUEM) hold the contract for both equipment and service.

61. Issues with the provision of EM services by private contractors is well known. Both Serco and G4S (prior to joining with AUEM) held EM contracts with the UK government and both entered into Deferred Prosecution Agreements (DPAs) with the Serious Fraud Office in 2019 and 2020 respectively. Serco was fined £19.2 million for matters relating to the period 2011–2013,⁸⁹ and G4S was fined £38.5 million for matters relating to the period 2005–2012.⁹⁰ Despite this recent history, both Serco and AUEM were successful in their tenders in the latest EM procurement round, covering the period 2024–2030. The Committee was told that despite this record, “under the previous procurement regulations, we [the Government] had no lawful means to disbar them from that competition”.⁹¹ **We find this extraordinary.**
62. There is evidence that performance by Serco in particular has been extremely poor, with people going untagged for extended periods of time, and issues with databases and breach procedures.⁹² We heard that the Ministry of Justice has used “every single contractual lever and penalty that we can over the course of the past year as an incentive for Serco to improve performance”.⁹³ However, Serco told us that their performance more recently is “considerably better than it was”.⁹⁴ Lord Timpson said that following weekly meetings, the contract performance was no longer on his “worry list”.⁹⁵
63. Other witnesses painted a bleak picture of private sector performance to date. His Majesty’s Inspectorate of Probation (HMIP) drew attention to their 2025 National Inspection of Probation Services, and told us that “a series of third-party providers had failed to deliver an acceptable service in terms of reliably installing tagging equipment or providing relevant and timely data on monitoring and breaches”.⁹⁶ The Centre for Crime and Justice Studies told us: “large private providers dominate the market in the UK, with adverse consequences for effective government supervision.”⁹⁷

⁸⁹ Southwark Crown Court, Serious Fraud Office v Serco, Case no: [U20190413](#), 4 July 2019.

⁹⁰ Southwark Crown Court, Serious Fraud Office v G4S Care and Justice Services UK) Limited, [Case No: U20201392](#), 17 July 2020.

⁹¹ [Q 52](#) (Jim Barton)

⁹² Channel 4 Dispatches, [The Great Tagging Scandal](#), accessed 16 October 2025

⁹³ [Q 52](#) (Jim Barton)

⁹⁴ [Q 20](#) (Antony King)

⁹⁵ [Q 50](#) (Lord Timpson)

⁹⁶ Written evidence from HMIP ([ETM0008](#))

⁹⁷ Written evidence from the Centre for Crime and Justice Studies ([ETM0009](#))

64. **The Committee is astonished that new contracts were awarded to G4S and SERCO after they were both found by internal departmental investigation and the Serious Fraud Office to have been “dishonestly” misleading the Government while providing EM services. Having both admitted fraud and paying multi-million-pound fines, we are unable to understand why there was no legal means to prevent them from bidding for renewed EM contracts.**
65. **The performance to date of the private sector in providing EM services has been dire and does not inspire confidence for future performance.**
66. In the light of this experience, and in view of the anticipated increase in EM provision, we are concerned about the capability of these organisations to perform successfully in the future. With regards to an increased demand for tagging equipment, AUEM told us “We have a global supply chain, and it is very resilient and scalable. We can fire up new production lines and apply additional shifts. We have multiple sources we can access.”⁹⁸
67. Serco told us that “In those bite-sized chunks, we can just absorb those into the BAU [Business As Usual] workload” but warned “In terms of the big step changes, that clearly requires planning ... because it might require us to have extra buildings, and clearly, there are fleet implications.”⁹⁹
68. Lord Timpson told us: “I am confident in our suppliers’ ability to deliver this because I have ongoing conversations with them.”¹⁰⁰ He also said that the “contract is scalable”¹⁰¹ while Jim Barton, Director of EM at the MoJ, told us that there is “no plan whatsoever to run a parallel contract for the provision of core EM services, either for the fitting of the tags or the physical devices themselves”. He cited economies of scale and the length of the procurement process (at least two years) as the reasons for not seeking to run parallel contracts.¹⁰²
69. **The Committee commends the Minister for his careful monitoring of private sector performance and is reasonably confident in the ability of the Government and suppliers to ensure that there is enough equipment to meet demand, but we have serious concerns about the ability of Serco to meet a large increase in demand in relation to EM service provision.**

⁹⁸ [Q 30](#) (David Byrne)

⁹⁹ [Q 17](#) (Antony King)

¹⁰⁰ [Q 44](#) (Lord Timpson)

¹⁰¹ [Q 45](#) (Lord Timpson)

¹⁰² [Q 46](#) (Jim Barton)

70. ***The Government must continue to closely monitor Serco’s performance against its contractual obligations, particularly as the number of people subject to EM increases to a point which might demand infrastructure changes on their part.***
71. **The Committee does not agree that there is no need for parallel contracts. The Government has previously run parallel contracts in different regions, and we believe that having additional suppliers for service provision would enable the Government to switch to other providers where performance is poor, whilst giving additional flexibility in light of anticipated increases in EM numbers.**
72. ***The Government should immediately begin a tendering process to expand the number of EM service providers available to it.***
73. The Committee also considered the extent to which EM provision is or should be led by the Probation Service or the private sector. Many of our witnesses were ambivalent as to whether EM should be run by the public or private sector. The former Lord Chancellor, Rt Hon Alex Chalk KC, told us that, sometimes, private sector management works well and sometimes it does not, but “In the public sector it is the same as well.”¹⁰³ Lord Hogan-Howe QPM concurred, saying he was “agnostic” about the public / private sector distinction. He cautioned that a focus was required on both contract definition and contract management.¹⁰⁴ Lord Timpson told us: “this is very much a partnership. It works well when they come up with the standards that they have set and we do too.”¹⁰⁵
74. Other witnesses were more cautious. Richard Garside told us: “I am sure there is a role, if only in supplying the actual tech itself ... Whether it [the private sector] should be running the system is a whole other matter, and there are some very good arguments why it makes sense for probation to be actually running it and to have an integrated delivery.”¹⁰⁶ Helen Schofield added, “I think it is for the Probation Service to establish the contracts and the partnerships that it needs in order to undertake this work effectively.” She went on to warn that “if the Probation Service does not move into this area, then the increase of electronic monitoring ... is likely to undermine the role of the Probation Service anyway”.¹⁰⁷
75. The Centre for Crime and Justice Studies told us that dominance of large private providers meant that there were challenges for the government in effective

¹⁰³ [Q4](#) (Alex Chalk)

¹⁰⁴ [Q 4](#) (Lord Hogan-Howe)

¹⁰⁵ [Q 45](#) (Lord Timpson)

¹⁰⁶ [Q 14](#) (Richard Garside)

¹⁰⁷ [Q 14](#) (Helen Schofield)

supervising them. They went on to say that “a greater degree of state ownership and regulation could reduce these considerable risks and create the opportunity for probation to direct and manage EM”.¹⁰⁸

76. Our attention was also drawn to international approaches. Serco told us: “in places like Sweden, Belgium and a lot of European places, it is definitely part of the probation service. If you go to the States, it is, as I said, a very mixed economy. Sometimes it is done by probation and sometimes by private companies.”¹⁰⁹

77. The Committee acknowledges that there is a role for the private sector in EM provision, not least in terms of manufacturing the equipment. We feel that detailed consideration is required as to the suitability of private companies to operate EM services, or whether that should be brought into the Probation Service. However, at least the management of EM services should always be with the Probation Service.

78. The MoJ should commission an independent review of EM provision, looking at international best practice, ahead of the next EM procurement round, with a view to operating parallel contracts managed by a fully funded and supported Probation Service.

Ethical considerations

79. The use of EM, both by the Ministry of Justice and the Home Office, raises many ethical concerns. Some witnesses, such as Privacy International, felt that it should not be used at all in immigration enforcement.¹¹⁰ Others raised concerns about the use of EM on different groups. Richard Garside told us: “There is a lack of impact monitoring on key groups—children, young people, by gender, by ethnicity.”¹¹¹ Helen Schofield said: “the areas in which we ought to be looking are very definitely gender and the impact on women. Numbers are smaller, of course. We do not know sufficiently about the impact in terms of race, and I have certainly never seen much evidence in relation to disability.”¹¹² Professor Anthea Hucklesby commented: “No data are published on the use of EM for different ethnic groups [and] ... no account is taken of the different physiology of women, children or members of minority ethnic groups. Policies, procedures and regimes are generally ‘diversity blind’.”¹¹³

¹⁰⁸ Written evidence from the Centre for Crime and Justice Studies ([ETM0009](#))

¹⁰⁹ [Q 24](#) (Antony King)

¹¹⁰ Written evidence from Privacy International ([ETM0006](#))

¹¹¹ [Q 12](#) (Richard Garside)

¹¹² [Q 12](#) (Helen Schofield)

¹¹³ Written evidence from Professor Anthea Hucklesby ([ETM0001](#))

80. When asked whether the Government's use of EM was consistent with the UK's human rights obligations, Lord Timpson told us: "It is fully compliant with the Equality Act."¹¹⁴ The MoJ expanded on this, saying "as the provision of EM tags applies equally to all offenders, the provision is not directly discriminatory."¹¹⁵ However, as noted by some witnesses, in 2024 the Information Commissioner issued an Enforcement Notice against the Home Office for its failings in attention to the necessity and proportionality of its practices in the use of tagging in relation to immigration bail.¹¹⁶
81. Professor Lorna McGregor, Director of the Human Rights, Big Data and Technology Project at the University of Essex, has warned about the reliance on the 'Texas model' in upcoming changes to EM provision. She argues that "both the Independent Sentencing Review and the Government do not refer to the equality and human rights compatibility of EM practices in Texas or in the US more broadly".¹¹⁷ The Home Office has however acknowledged that there are significant differences in the legal basis between jurisdictions.¹¹⁸
82. Specific concerns were raised with the Committee on a number of ethical issues. Campaign group Big Brother Watch told us of differences in outcome for black and white people: "In 2025, the Black Equity Organisation (BEO) reported that Black people were 87% more likely to be selected for electronic monitoring than white people. Black people convicted for knife offences are twice as likely to be put on tag than their white counterparts. In February 2023, the Home Office published an equality impact assessment [noting] that GPS tagging may disproportionately affect some nationalities."¹¹⁹
- 83. The Committee is concerned by the reports that black people are almost twice as likely to be subjected to EM as their white counterparts.**
- 84. The MoJ must investigate whether and why this racial discrepancy widely exists, publish ethnicity data in relation to EM, and publish an action plan on how they will combat this discrepancy.**
85. The MoJ told us that "EM may not be suitable for all individuals, and our guidance encourages decision makers to consider work and childcare commitments."¹²⁰ However, we heard from Nacro that over half of those they surveyed (55%) who

¹¹⁴ Q 50 (Lord Timpson)

¹¹⁵ Written evidence from the Ministry of Justice ([ETM0011](#))

¹¹⁶ Written evidence from the Centre for Crime and Justice Studies ([ETM0009](#))

¹¹⁷ Written evidence from Professor Lorna McGregor ([ETM0007](#))

¹¹⁸ Supplementary written evidence from the Home Office ([ETM0014](#))

¹¹⁹ Written evidence from Big Brother Watch ([ETM0010](#))

¹²⁰ Written evidence from the Ministry of Justice ([ETM0011](#))

were subject to a curfew and had family or caring commitments said their curfew impacted those commitments.¹²¹ Privacy International told us that:

“EM can severely impact the wellbeing of individuals and those around them. After surveying wearers of GPS Tags, Bail for Immigration Detainees found that they experience anxiety, stress, and pain; have increased feelings of social stigma and avoid public spaces and activities; and that GPS tags affect every aspect of their daily lives, including the abilities to exercise, sleep, work, and care for children.”¹²²

86. 92% of electronically monitored offenders are male.¹²³ Whilst the number of women subject to EM is smaller, the Committee repeatedly heard of issues pertaining to the use of EM on women. The charity Women in Prison told us that they have many examples where “the use of tags has not taken women’s experiences into account, have been detrimental to their health and wellbeing and have prevented them from moving forward with their lives following their contact with the justice system”. They recounted the story of a woman who was recalled to prison for a tag breach after being kidnapped for days by her abusive partner. She was subsequently denied release from prison with concerns for her safety.¹²⁴
87. The charity Revolving Doors highlighted similar cases of EM equipment increasing the vulnerability of women. They retold one woman’s story who said “It highlighted to exploiters that I was already committing crimes so they could persuade me to commit more crimes. It showed them that I was a vulnerable young woman who could be taken advantage of because I was clearly in trouble.” They also highlighted that tagging may also aggravate existing trauma, “particularly for women with histories of abuse or coercive control, where restrictions and surveillance can replicate previous experiences of confinement and control”.¹²⁵ They did however note that some women viewed electronic monitoring positively, “seeing early release as a powerful motivator”.¹²⁶
88. HMIP identified that there were “persistent problems with inadequate safeguarding and domestic abuse checks at the PSR [pre-sentence report] and resettlement planning stage”. Their survey said that in 63% of cases, no contact was made with any of the others at the home address before EM was recommended. They also found a “lack of domestic abuse and safeguarding checks prior to many instances of curfew conditions or HDC [Home Detention curfew] requirements being made”.¹²⁷

¹²¹ Written evidence from Nacro ([ETM0003](#))

¹²² Written evidence from Privacy International ([ETM0006](#))

¹²³ Written evidence from the Ministry of Justice ([ETM0011](#))

¹²⁴ Written evidence from Women in Prison ([ETM0004](#))

¹²⁵ Written evidence from Revolving Doors ([ETM0013](#))

¹²⁶ Written evidence from Revolving Doors ([ETM0013](#))

¹²⁷ Written evidence from HM Inspectorate of Probation ([ETM0008](#))

89. Women in Prison have called for a robust, well-funded strategy to ensure that all staff involved in tagging are trained and skilled to “ask about, identify and act to prevent the risks posed by domestic abuse”.¹²⁸ **The Committee agrees with this sentiment and believes that staff training about the risks posed by domestic abuse should be emphasised as part of any new EM strategy.**
90. The case of Gaie Delap, a 77-year-old woman recalled to prison because there was no tag small enough to fit her, serves as a stark reminder of some of the issues facing women. Women in Prison told us that “no one should be recalled to prison because the technology in use has not been designed for women.”¹²⁹ When questioned about the tags fitting different body types, AUEM told us that “there is obviously a physical constraint because you have to fit the electronics into the tag at some point. But we have variation, with straps of around 14 centimetres to 40 centimetres, with 1-centimetre increments.”¹³⁰
91. **We know that women are amongst the most vulnerable group in the Criminal Justice System. Failure to consider adequately their specific needs risks breaching the Public Sector Equality Duty and every effort must be made to ensure that EM is used appropriately with women.**
92. The Committee heard differing views on the subject of shame and stigma surrounding EM. On the one hand, Nacro spoke negatively about the feelings of shame associated with tags. They told us that “Many people tell us they feel stigma and shame from wearing a tag, including assumptions that those wearing tags are dangerous, regardless of the nature of their offence. This can impact people’s reintegration into communities and, ultimately, their rehabilitation.”¹³¹ On the other hand, the former Lord Chancellor, Alex Chalk, told us of his experience of being tagged for a day as an experiment and described the “tangible feeling of the shame of the crime that you have committed, and to my mind that is no bad thing”.¹³²
93. The increasing availability of Non-Fitted Devices (NFDs), used particularly amongst those subject to immigration bail, may lead to changes around the issue of stigma. As AUEM told us: “the non-fitted device obviously does not have the same stigma as wearing an ankle bracelet. You can interact with the offender. You can speak to them and text them, which is a positive. But, of course, if you want a greater level of control, it can be left behind.”¹³³

¹²⁸ Written evidence from Women in Prison ([ETM0004](#))

¹²⁹ Written evidence from Women in Prison ([ETM0004](#))

¹³⁰ [Q 33](#) (Aled Hughes)

¹³¹ Written evidence from Nacro ([ETM0003](#))

¹³² [Q 6](#) (Alex Chalk)

¹³³ [Q 36](#) (David Byrne)

94. On the subject of surveillance and control, the Committee again heard differing opinions. Professor Lorna McGregor told us: “the depth of surveillance can have a chilling effect on the person’s exercise of their rights to freedom of thought, opinion, expression, religion and association, which can also reduce the prospects of effective rehabilitation and reintegration in society.” She went on to add that “the family, friends and wider community of the person subject to EM may also suffer human rights harm through interferences with their right to privacy. EM can also harm their mental health and right to be free from torture and other ill-treatment due to the effects of the surveillance and the stigma attaching to EM practices.”¹³⁴
95. Privacy International talked about the illusion of consent, telling us that “before tags are placed, individuals are asked to consent to EM, but they are not provided with crucial information including: that the tag may be fitted indefinitely, that personal locational data is being collected, and that the government might access and use that data against them. Most individuals are faced with the choice between ‘consenting’ to the tag, or remaining in prison.”¹³⁵
96. We also hear of issues with protocols applied to EM wearers. Professor Anthea Hucklesby talked of the issues with imposing standardised conditions, with most curfews being 12 hours overnight. She told us that “international evidence suggests that longer curfew hours cause problems for wearers in terms of carrying out daily tasks, damaging pro-social activities and the potential for rehabilitation.” She told us that decision-makers could more regularly consider curfews on certain nights rather than all.¹³⁶ Affording more flexibility will allow for more job opportunities, such as work in warehouses¹³⁷, family opportunities and more access to programs that help reduce reoffending such as addiction support.
- 97. The imposition of EM restrictions should not preclude offenders and defendants from accessing the same opportunities (such as employment, training, and mental health or addiction support) as is available to them in prison. Doing so undermines the point of imposing EM conditions in the first place.**
98. Big Brother Watch warned that the increasing use of GPS tags impinged on the privacy rights of those subject to EM: “Trail data builds an intimate picture of someone’s life – their religious and political beliefs, their friends, their, health and their shopping habits.”¹³⁸ They added that “In the case of immigration bail, this data can be accessed by Home Office staff for a variety of reasons, including “to support

¹³⁴ Written evidence from Professor Lorna McGregor ([ETM0007](#))

¹³⁵ Written evidence from Privacy International ([ETM0006](#))

¹³⁶ Written evidence from Professor Anthea Hucklesby ([ETM0001](#))

¹³⁷ Written evidence from Nacro ([ETM00003](#))

¹³⁸ Written evidence from Big Brother Watch ([ETM0010](#))

or rebut [Article 8] claims” made by an individual.”¹³⁹ They also drew parallels with the increase in the use of Live Facial Recognition, arguing that “the government must not justify the widespread rollout of facial recognition technology to monitor offenders”.¹⁴⁰

99. When asked directly who owns the data collected by the use of EM, Serco answered: “In brief, the Ministry of Justice owns it. It is the data controller and we are the data processor.”¹⁴¹
100. On the subject of civil liberties, Lord Timpson argued: “my point of view on this is that victims come first. The courts will decide what sentence people get. If they leave prison on a tag and probation is monitoring them, that is the right way to go. If people commit crime, they need to pay the price for it.”¹⁴²
101. **The Committee is aware that EM has the potential to infringe the rights of those subject to it—and that it is intended to, when it is used as a punishment. We believe, however, that individual differences must be considered, and it is vital that the Ministry of Justice, alongside the judiciary and the Probation Service, regularly review that EM is being used proportionately across all groups. It is important to remember that EM in many cases is being used as an alternative to custody, and the infringements on civil liberties are clearly lessened in comparison to a custodial sentence.**
102. **The Committee agrees with the Minister that victims come first. Whilst every effort must be taken to ensure the rights of those subject to EM are being upheld, we find that the use of EM and its impact on those subject to it to be proportionate to its judicial aims.**
103. **The Committee is unable to come to the same conclusion in relation to the Home Office’s use of EM on those subject to Immigration Bail. There is a lack of publicly available data and evidence to support its effective use in this context, so we continue to be unconvinced that the Home Office’s use of EM as a means for managing immigration is proportionate.**
104. ***To address our concerns, we urge the Home Office to conduct, as a matter of urgency, a thorough assessment of the proportionality of the statutory duty in relation to the use of EM in Immigration bail cases. They should publish data***

¹³⁹ Written evidence from Big Brother Watch ([ETM0010](#))

¹⁴⁰ Written evidence from Big Brother Watch ([ETM0010](#)). The evidence is quoting [DPIA 2021](#) (Home Office DPIA published by Privacy International)

¹⁴¹ [Q 16](#) (Antony King)

¹⁴² [Q 61](#) (Lord Timpson)

on the number of non-FNOs and FNOs (along with crime type). The conclusion should also address directly the Home Office's arguments as to why the use of EM in the context of immigration is proportional.