



Home Office

BUILDING A SAFE, JUST
AND TOLERANT SOCIETY

Understanding electronic monitoring of juveniles on bail or remand to local authority accommodation

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Home Office Online Report 21/05

The views expressed in this report are those of the authors, not necessarily those of the Home Office (nor do they reflect Government policy).

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Executive summary

- The research explored the use and effectiveness of tagging juveniles on bail and, in particular: (1) the effect on breach of electronically tagging juveniles on bail; and (2) the use of electronic tagging on bail as an alternative to custodial remand for juveniles.
- The following sources of information were used in the research: a literature review of relevant studies, data from the information systems of Youth Offending Teams (YOTs), Youth Justice Board (YJB) statistics, data from electronic monitoring contractors, and qualitative interviews with YOT staff and juveniles subject to tagged bail.
- Electronic tagging of juveniles on bail or remand to local authority accommodation (LAA) was used in one per cent of court remands given to juveniles nationally in 2002/03¹.
- Electronic tagging appears to have been reserved for persistent offenders. Juveniles who were tagged on bail/remand to LAA had committed an average of more than seven offences each.
- In the pilot sample, fewer young people breached after being tagged, compared to previous untagged periods on remand. However, those who continued to breach, breached more often after they were tagged. As the pilot sample is a non-random sample of all juveniles nationwide subject to tagged bail or remand to LAA, nationally representative statistics cannot be inferred, and caution should be exercised when using these results.
- Qualitative interviews with young people indicate that tagging helped improve compliance by giving young people an excuse that they can use with their friends to stay out of trouble.
- YOT workers expressed the view that a tag was most likely to improve compliance when it is one element of an overall support package.
- Although there are some indications that courts used tagging primarily as an alternative to custodial/secure remand, the evidence was not conclusive.

¹ YJB Annual Statistics 2002/03

1. Introduction and research background

Legislation and Home Office guidance

Section 131 of the Criminal Justice and Police Act 2001 introduced new powers for the electronic monitoring of juvenile offenders on bail. The Home Office initially made electronic monitoring of juveniles, aged 12–16, on bail or remand to local authority accommodation (LAA) available to the courts in 11 criminal justice areas from 22 April 2002. The same powers were extended to courts in the remaining areas of England and Wales in June 2002. Powers to tag 17-year-olds were introduced in the ten street crime initiative areas in July 2002, and were made available to courts nationally on 5 January 2004.

The aims of the scheme to electronically tag juveniles on bail or remand to LAA were to:

- strengthen the range of remand options available to the courts, thereby reducing offending and breach by juveniles while on bail or remand to LAA; and
- provide an alternative to the use of custodial/secure remand for juveniles involved in serious offences or who commit repeated imprisonable offences whilst on bail.

Electronically tagging juveniles was intended to improve the defendant's compliance with, for example, conditions of curfew, thereby reassuring the courts and enhancing public protection. Benefits to the defendant were intended to include providing stability and routine to chaotic lifestyles through the use of monitored curfews, the ability to continue in current education/training and the option to remain in the community rather than serve a custodial remand. This aimed to preserve protective factors (for example employment and family support) that could help reduce re-offending.

Learning from the existing evidence base

Previous Home Office research studies² have reported on pilots which explored electronic monitoring of juveniles on orders and electronic monitoring of adults on bail and on orders.

All of the studies reported low take-up of tagging. The primary reason proposed to explain this was that tagging was only suitable for a relatively small number of offenders/defendants. This could be due to a variety of reasons, including unsuitable accommodation, the nature of the alleged offence or their previous record.

Only the Airs *et al.*, (2000) study addressed the issue of the effect of tagging on compliance. They found that the proportion of defendants absconding was marginally lower among those tagged. However, this research studied the use of tagging on adults. These findings may not be relevant to juveniles.

² Airs, J., Elliott, R. and Conrad, E. (2000). *Electronically Monitored Curfew as a Condition of Bail – Report of the Pilot*. Home Office Occasional Paper.

Elliott, R., Airs, J., Easton, C. and Lewis, R. (2000). *Electronically Monitored Curfew for 10-15 year olds – Report of the Pilot*. Home Office Occasional Paper.

Mortimer, E. and May, C. (1997). *Electronic monitoring in practice: the second year of the trials of curfew orders*. Home Office Research Study 177. London: Home Office.

Mair, G. and Mortimer, E. (1996). *Curfew orders with electronic monitoring: an evaluation of the first twelve months of trials in Greater Manchester, Norfolk and Berkshire, 1995-1996*. Home Office Research Study 163. London: Home Office.

Mair, G. and Nee, C. (1990). *Electronic Monitoring: the trials and their results*. Home Office Research Study 120. London: HMSO.

All the studies found that tagging was viewed by courts as a high-tariff penalty that could be used as an alternative to custody. However, the studies were not consistent in their assessment of the extent to which tagging was used as a true alternative to custody, as opposed to being added as an extra condition of an order/bail. *Airs et al.*, (2000) concluded that the evidence was not consistent and that while tagging had been used as a true alternative to custody for more than half those curfewed, many defendants would probably have been granted conditional bail if tagging had not been available.

The review of previous research studies uncovered that further research was necessary to explore:

- the effect of tagging on compliance for juveniles as opposed to adults; and
- the use of electronic tagging on bail as an alternative to custodial remand for juveniles.

Research questions

The research was primarily concerned with answering the following questions:

- what are the characteristics of juvenile defendants tagged while on bail or remand to LAA?
- does electronically tagging juveniles on bail or remand to LAA reduce the amount of further contact with the criminal justice system during the monitored period and for what reasons?
- to what extent is electronic tagging on bail or remand to LAA being used as an alternative to custodial remand or other forms of bail for juveniles?

The research also explored the experiences of juveniles tagged on bail/ remand to LAA, identified the process involved in electronically monitoring them and assessed the efficacy of the electronic monitoring equipment used.³

Research methods

The research on electronic monitoring of juveniles, aged 12–16 was originally envisaged as a pilot evaluation of four of the 11 criminal justice areas where tagging was initially implemented in April 02. However, as tagging was rolled out nationally less than three months after the pilot started, this limited the extent to which some of the research issues could be examined, as it was not possible to compare the pilot areas with control areas.

Five primary information sources were used in the research into tagged bail for juveniles.

- A literature review of relevant studies was conducted to uncover any important issues.
- Data from the case information systems of Youth Offending Teams (YOTs) that were in four of the 11 initial pilot areas were used. The four areas were selected on the basis of having as wide a range of characteristics as possible. These included levels of urbanisation and a mix of areas from the north and south of England.

In order to be accessible for analysis, the case data needed to be held in a common format. Thirty-seven of the 50 YOTs in the four pilot areas used the same software system – the Youth Offending Information System (YOIS) software provided by Social Software. Therefore these 37 YOTs were selected to take part in the research. Of the 37 YOTs that were requested to submit their data for research purposes, 28 of them did so. This provided us

³ Although it was originally envisaged that the research would also investigate why and when courts use tagged bail/remand to LAA for juveniles and the cost compared with other forms of bail or remand, this was unfortunately not possible due to resource constraints.

with a sample of 315 young people who had been electronically tagged over a 21-month period from April 2002. The number of tagged remand episodes⁴ during this time was 496.

- Youth Justice Board (YJB) Annual Statistics 2002/03 were also used in the analysis to provide information on the extent of the use of tagging and the profile of juveniles subject to tagged bail/remand to LAA. Although this information had been collected from the information systems of the 37 YOTs, given the national roll-out of electronic monitoring, it was more informative to use national census data, where available, to inform the analysis of electronic monitoring of juveniles. YJB statistics were also used to consider the extent to which the juveniles from the YOTs involved in the research were representative of the national profile of juveniles under remand.
- Data provided by the three electronic monitoring contractors⁵ to the Electronic Monitoring Team within the Home Office were used to investigate the efficacy of the electronic monitoring equipment. As the contractors did not routinely provide this information until February 2003, electronic monitoring data cover the period from February to December 2003.
- Qualitative interviews were conducted during 2003 with 12 YOT workers and 15 juveniles subject to tagged bail/remand to LAA. The findings from these interviews were used to complement and interpret the quantitative data findings.

Research data issues

As the pilot sample was a non-random sample of all juveniles nationwide subject to tagged bail or remand to LAA, nationally representative statistics cannot be inferred, and caution needs to be exercised when interpreting these results. The sample of 315 juveniles constitutes a census of all juveniles who were subject to tagged bail during the 21 months from April 2002 in the 28 YOTs that returned data. As such, the pilot sample statistics quoted are true of those 28 YOTs.

The extent to which the characteristics of those in the pilot sample reflected the characteristics of juveniles on remand nationwide was considered to help assess whether the pilot sample results were likely to reflect the national picture. While this is a helpful exercise, it is important to remember that a sample with a similar profile to the national picture does not have the same statistical validity as a random sample.

YJB Annual Statistics are national census data, so they are exact with no margin of error. Data from the electronic monitoring contractors, when amalgamated, are also national census data. The source of each statistic in this report is cited so that the reader can know the robustness of the data.

Analysis of data

The study benefits from using both quantitative and qualitative data to strengthen the overall understanding of the use of electronic monitoring of juveniles on tagged bail.

The quantitative data (YOT data, YJB statistics and electronic monitoring data) were used to identify patterns and trends in the use of electronic monitoring of juveniles on tagged bail.

⁴ Each initial remand decision is counted as the start of a remand episode. Providing the remand status of a young person remains unchanged at a subsequent court appearance, the decision is only counted as one remand episode regardless of the number of times the young person appears in court. However, if the initial decision is changed at a subsequent court appearance, the new decision is also counted as a remand episode.

⁵ The electronic monitoring contractors during the period of the research were Premier Monitoring Services, Reliance Monitoring Services and Securicor Justice Services.

The case data from the 37 YOTs were amalgamated into one YOIS database, which held the case history of each juvenile in those YOTs. These data on individual juveniles were then analysed to identify trends and exported in aggregate form to Microsoft Excel where descriptive statistics were calculated. Descriptive statistics from YJB and electronic monitoring data were also calculated using Microsoft Excel.

The qualitative interviews with young people and YOT workers were used to interpret the trends and patterns identified in the quantitative data. The interviews were thematically analysed using the QSR NVivo 2.0 software package, which ensures the process of analysis is consistent and transparent.

2. Use of tagging juveniles on bail or remand to LAA

This section examines the take-up of tagging juveniles on bail/remand to LAA, the process involved in this and the efficacy of the electronic monitoring equipment used.

Take-up of tagging juveniles on bail or remand to LAA

The courts did not often impose electronic tagging of juveniles on bail or remand to LAA. Only one per cent of all court remands given to juveniles nationally in 2002/03 were electronically tagged.⁶

Tagging was usually used in conjunction with a bail support package. Of all tagged remands⁷ given to juveniles nationally, 31 per cent involved bail with Intensive Supervision and Support Programme (ISSP), and 34 per cent involved bail supervision and support. This compared with just four per cent of untagged bail/remand to LAA episodes including either of these support packages.⁸

Process involved in tagging juveniles on bail or remand to LAA

The process for putting in place electronic monitoring of juveniles on bail/remand to LAA was set out in Home Office Guidance (2002) *Criminal Justice and Police Act 2001 Electronic Monitoring Of 12-16 Year Olds On Bail And On Remand To Local Authority Accommodation*. The process worked as follows.

The relevant YOT advised the court whether electronic monitoring was suitable in a particular case.⁹ The court then made the final decision on whether or not to order tagging in that case. Court staff then faxed details of the bail/remand conditions to the electronic monitoring contractor.

During the period of the research (April 2002 to December 2003), three contractors, working to Home Office standards, supplied the electronic monitoring services throughout England and Wales.¹⁰ The contractors were responsible for installing the equipment, monitoring compliance with conditions of bail/remand to LAA, and reporting violations.

When contractors installed the monitoring equipment, they gave the tagged juveniles a guide that explained the use of electronic monitoring as a condition of bail. Juveniles on electronically monitored bail/remand to LAA wore a tag around the ankle. The tag gave out a signal that was picked up by a monitoring unit installed in the juvenile's home. The monitoring unit in turn transmitted a signal through the phone line to the monitoring centre. The signal contained information about whether the tag wearer was in range of the monitoring unit and whether any of the equipment had been tampered with.

⁶ YJB Annual Statistics 2002/03.

⁷ Tagged remands comprise: (a) conditional bail and tag; (b) bail supervision and support and tag; (c) ISSP bail and tag; and (d) remand to local authority accommodation and tag.

⁸ YJB Annual Statistics 2002/03.

⁹ Home Office Guidance: *Criminal Justice and Police Act 2001 Electronic Monitoring Of 12-16 Year Olds On Bail And On Remand To Local Authority Accommodation* sets out the criteria for determining suitability.

¹⁰ Premier Monitoring Services covered London, Eastern England, the Midlands and Wales; Reliance Monitoring Services covered the South; Securicor Justice Services covered the North.

The monitoring equipment was dependent on a telephone line being in place at the defendant's home. If the defendant had a telephone line installed, the contractor had to install the monitoring equipment within 24 hours of the start of the first curfew period.

If the defendant did not have a telephone line, one was installed within a few days. In the meantime, the contractor monitored the defendant's presence at the place specified during the curfew times, either by installing a monitoring unit with a mobile phone chip or by random checks using remote means. If random remote monitoring was being used, the contractor had to inform the police and the YOT.

The contractors were responsible for informing the YOT and the police of equipment tampering and violations of curfew. The exact reporting requirements and the responsibilities of the YOT, police and contractor were set out in Home Office Guidance (2002) *Criminal Justice and Police Act 2001 Electronic Monitoring Of 12-16 Year Olds On Bail And On Remand To Local Authority Accommodation*.

Efficacy of electronic monitoring equipment

According to data provided by the electronic monitoring contractors, during the period from February 2003 to December 2003, there was an average of 18 failures per month of equipment used to tag juveniles on bail/remand to LAA nationwide. This represented four per cent of the average end-of-month caseload of juveniles on tagged bail/remand to LAA during this time period. These figures relate to equipment failure only and do not include cases of damage to the equipment by curfewees. Types of equipment failure include battery alert/failure, transmitter failure and component deterioration.

As the monitoring unit in the tagged juvenile's home regularly transmits a signal to the monitoring centre, the electronic monitoring companies were alerted when a fault occurred as they received a signal that there was a fault or they did not receive a signal at all. They then visited and repaired or replaced the equipment.

3. Characteristics of juveniles tagged on bail or remand to LAA

The demographic characteristics and offender behaviour patterns of juveniles subject to tagged bail/remand to LAA are explored in this section. Also the profile of the pilot sample is compared to the national picture to assess the extent to which the characteristics of those in the pilot sample reflected the characteristics of juveniles on remand nationwide.

Demographic characteristics

Gender

Most tagged juveniles were male – 88 per cent of juvenile tagged remand episodes nationally were given to young men. This gender distribution was in line with that of all juveniles nationally remanded on bail or to LAA.¹¹

Age

Tagging was more likely to be used for older juveniles – almost two-thirds of national tagged remand episodes given to 12–17 year-olds were given to 16 or 17 years-olds. By comparison, 58 per cent of untagged bail or remand to LAA episodes were given to 16 or 17 year-olds.¹²

Ethnicity

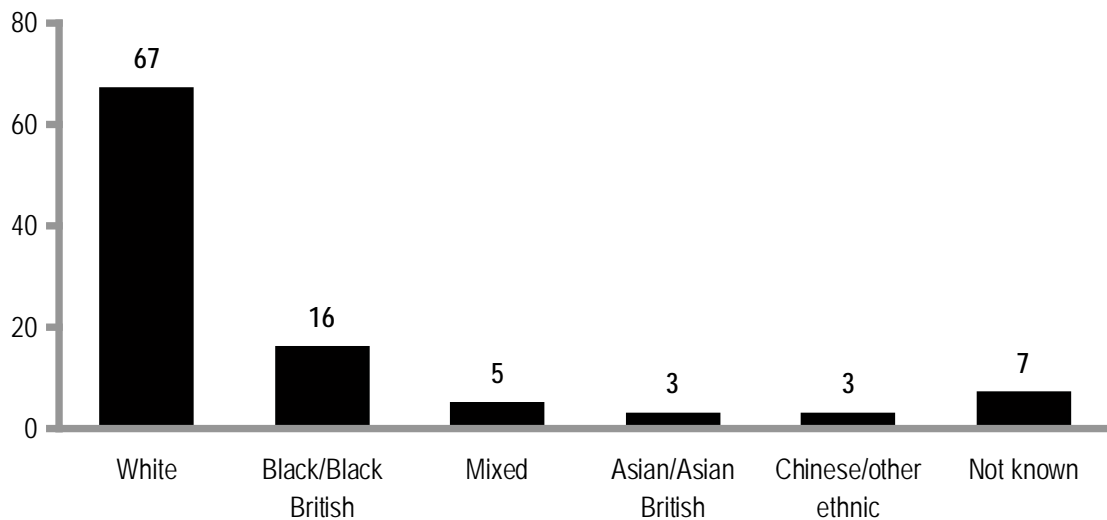
With regards to the ethnicity of those tagged, black juveniles were over-represented. While nine per cent of all juvenile remand episodes were given to black defendants, 16 per cent of tagged remand episodes were given to black juveniles (see Figure 3.1). Conversely, white juveniles were less likely to receive tagged remand. Whereas, 79 per cent of all remand episodes were given to white defendants, 67 per cent of tagged remand episodes were given to white juveniles. The remaining 17 per cent of tagged remand episodes were given to the following ethnic groups: five per cent mixed ethnicity, three per cent Asian, three per cent Chinese/other ethnic group and the rest were unknown.¹³

¹¹ YJB Annual Statistics 2002/03

¹² YJB Annual Statistics 2002/03

¹³ YJB Annual Statistics 2002/03

Figure 3.1: Ethnicity of tagged juveniles – national court remands tagged 2002/03



Base: Tagged remand episodes for juveniles (N=811).

Source: YJB Annual Statistics 02/03.

Note: Figures do not add up to 100 per cent due to rounding.

Offending behaviour

Number of offences

Juveniles subject to tagged bail or remand to LAA in the pilot sample had committed an average of 7.4 previous offences each.¹⁴ Both the seriousness and type of previous offences committed by juveniles subject to tagged bail/remand to LAA were examined.

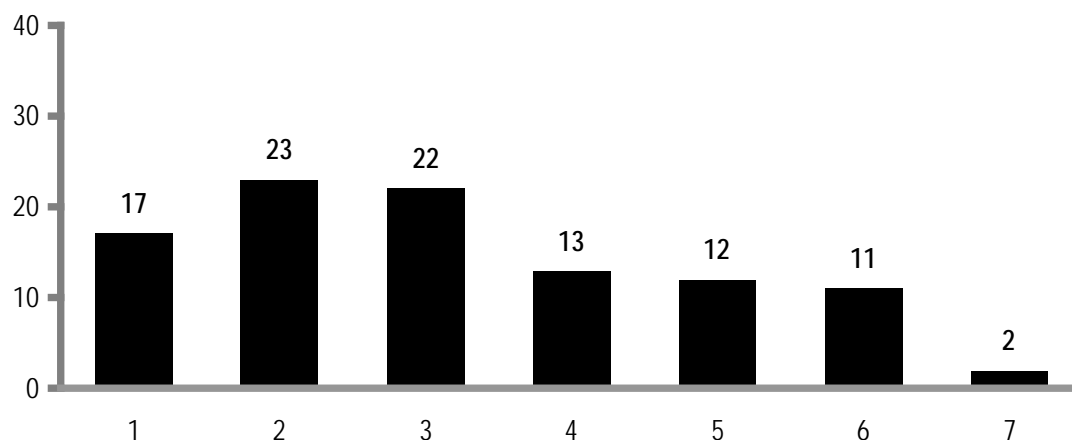
Seriousness of offences

Seriousness of offence is recorded by the YOTs on a scale of 1 to 8, where 8, the most serious score, is manslaughter or murder. Sixty-two per cent of all previous offences committed by juveniles subject to tagged bail in the pilot sample were at the lower end of the scale, between 1 and 3 (see Figure 3.2). Thirteen per cent of previous offences had a seriousness score of 4, 12 per cent had a seriousness score of 5, 11 per cent had a seriousness score of 6 and two per cent were considered a 7 on the seriousness scale.¹⁵

¹⁴ April 02 to Dec 03 data from a non-random sample of 28 YOTs in the pilot area.

¹⁵ April 02 to Dec 03 data from a non-random sample of 28 YOTs in the pilot area.

Figure 3.2: Gravity of previous offences by juveniles tagged on bail or remand to LAA



Base: Previous offences committed by juveniles subject to tagged bail (N=2,318).

Source: Pilot area YOT data April 02–Dec 03.

Note: Gravity of offence is on a scale of 1 to 8, where 8, the highest gravity score, is murder/ manslaughter.

Type of offence

The types of previous offences of juveniles subject to tagged bail or remand to LAA in the pilot sample were many and varied (see table 3.1). Twenty-six per cent were theft and handling offences (including vehicle theft); 17 per cent were motoring offences; 15 per cent were burglary or robbery; nine per cent were criminal damage; eight per cent were for violence against the person; three per cent were public order offences; and two per cent were drugs offences. Eleven per cent were for breach of bail, statutory order or conditional discharge, suggesting that courts were using tagging to improve compliance. A variety of other types of offences accounted for the remaining nine per cent of offences.¹⁶

Table 3.1: Previous offences committed by juveniles tagged on bail or remand to LAA

Type of offence	%
Motoring	17
Theft and handling	14
Vehicle theft	12
Breach of bail/ statutory order/ conditional discharge	11
Criminal damage	9
Violence against the person	8
Domestic burglary	6
Robbery	6
Public order	3
Non-domestic burglary	3
Drugs	2
Sexual	1
Arson	1
Racially aggravated	1
Other	7

Base: Previous offences committed by juveniles subject to tagged bail (N=2,318).

Source: Pilot area YOT data April 02–Dec 03

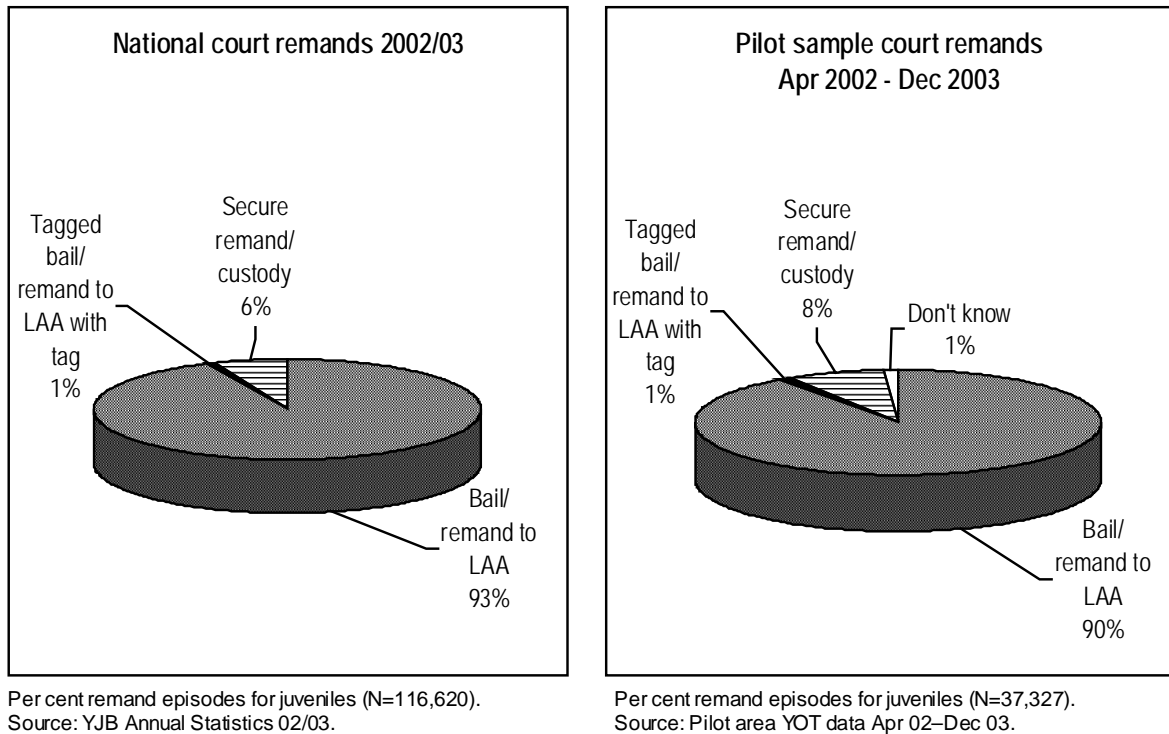
Note: Figures do not add up to 100 per cent due to rounding.

¹⁶ April 02 to Dec 03 data from a non-random sample of 28 YOTs in the pilot area.

Comparing the pilot sample to the national picture

In general, court remands of juveniles in the pilot area followed a broadly similar pattern to what happened nationally – one per cent were tagged remands and eight per cent were secure or custodial remands (compared to 1% and 6% nationally).¹⁷

Figure 3.3: Comparing remands in the pilot areas to the national picture



The pilot area sample of juveniles on tagged bail or remand to LAA was broadly similar to the national profile in terms of demographic characteristics of age and ethnicity. The pilot area sample differed from the national profile in that it had a smaller proportion of females. Whereas 12 per cent of national tagged remands were given to young women, only six per cent of the pilot area sample of tagged remands were given to girls or young women.

An important difference was that tagged juveniles in the pilot area sample were more likely to receive a bail support package. Seventy-four per cent of tagged remand episodes in the pilot sample of juveniles were given with either ISSP bail or bail supervision and support (compared to 65 per cent of all tagged remands given to juveniles nationally). This needs to be borne in mind when examining the effect tagging had on compliance of tagged juveniles in the pilot area sample.

¹⁷ As these figures represent census data for both groups, differences are statistically valid.

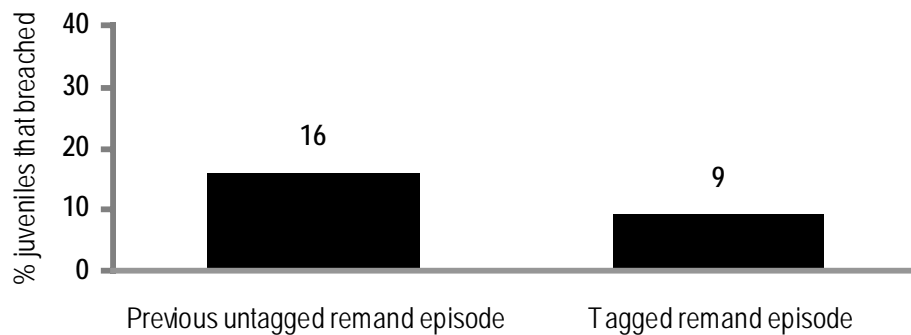
4. Effect of tagging on compliance

This section explores the effect of tagging on compliance and the possible explanatory factors. As already mentioned, when examining the effect of tagging on compliance in the pilot area sample, it is important to bear in mind that tagged juveniles in the pilot area sample were more likely to receive a bail support package than tagged juveniles nationally.

YOT data trends on breach

The results on the effect of tagging on compliance were mixed – fewer juveniles breached after they were tagged, but those who continued to breach after they were tagged, breached more often. Of juveniles in the pilot sample who received tagged bail/remand to LAA, 16 per cent had breached previous untagged remands. The proportion of tagged juveniles breaching their tagged bail/remand to LAA was less at nine per cent, indicating that seven per cent of all juveniles in the pilot sample had responded positively to tagging.¹⁸

Figure 4.1: Juveniles breaching bail/remand to LAA



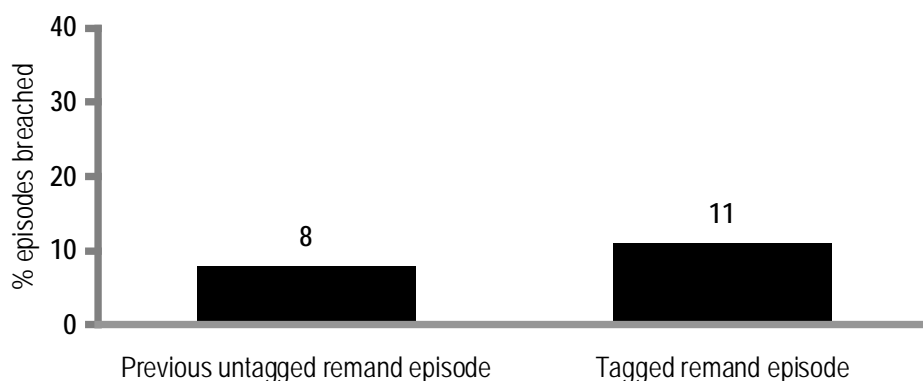
Base: Juveniles subject to tagged bail (N=315).
Source: Pilot area YOT data Apr 02–Dec 03.

The rate of breach in terms of the proportion of remand episodes breached was also examined. Of the previous untagged bail/remand to LAA episodes that had been given to the sample before tagging was available, eight per cent had been breached. However, the same group of juveniles had breached 11 per cent of the tagged remand episodes, indicating that for those who continued to breach, the rate at which they breached increased.¹⁹

¹⁸ April 02 to Dec 03 data from a non-random sample of 28 YOTs in the pilot area.

¹⁹ April 02 to Dec 03 data from a non-random sample of 28 YOTs in the pilot area.

Figure 4.2: Bail/remand to LAA episodes breached



Base: Bail/remand to LAA episodes (N=989 untagged, 496 tagged).
Source: Pilot area YOT data Apr 02–Dec 03.

It is possible that the increase in the rate of breach was due to the fact that the tag simply allowed more opportunities for juveniles to be caught breaching. It could also be argued that even if the proportion of remand episodes breached increased after individuals were tagged, tagging could still have had an effect on compliance. Given that the rate of breach was compared when the individuals concerned were a year older, it could have been reasonable to expect the rate of breach to have increased anyway.²⁰

Although the results from the pilot sample can be used as an indication of what is happening with tagging juveniles on bail, it is important to remember that they are not nationally representative. Tagged juveniles in the pilot area sample were more likely to receive a bail support package and this is likely to have had an impact on the effect tagging had on compliance of tagged juveniles in this sample.

Findings about compliance from qualitative interviews

Generally the young people interviewed who were tagged on bail commented that tagging did improve their compliance. They reported that they could use it as an excuse to stay away from trouble, while “saving face” with their friends. Some typical comments were:

“It keeps you out of trouble.”

“If you were out with friends that are up to no good you can always say ‘I’ve got to be in’ and there’s no excuses.”

Qualitative interviews with YOT workers provided mixed views about the effect of tagging on compliance. YOT workers reported that a tag could help stabilise a young person’s life and support other work, and that there were some young people who took the tag seriously. One YOT worker commented:

“It provides structure and routine that the young person might not have experienced before or ever.”

However, others echoed the comment of one YOT worker that *“I think if they have a mind to offend, they will do, whether they’ve got a tag curfew or not”*. Other YOT workers expressed the

²⁰ According to *Home Office Statistical Bulletin 4/01*, the peak age of known criminal activity for males is 19, and for females is between 20 and 26.

view that a tag was no good on its own, but could be a useful part of a support package to improve compliance.

Juveniles' views on being tagged on bail or remand to LAA

Fifteen juveniles who were subject to tagged bail or remand to LAA were interviewed about their experiences of being tagged. Their comments indicated that they saw being tagged as very restrictive, especially during the summer months when it stays light in the evenings. Typical comments were:

"You feel like a prisoner." "It's a pain in the arse." "It's crap. It does the job."

While they recognised that the tag could help keep them out of trouble, they found the loss of freedom very annoying. Some juveniles reported that the tag restricted activities that could be beneficial for them, such as team sports or local events.

"I was offered to go and help at the bike festival that they had down there but it finished at ten at night and I had to be... I didn't bother going because I had to leave so early."

"I have to be in at 7 o'clock and it [football] starts at 7.45."

"I used to be on a team but I can't go at all now."

There were also cases of tagging restricting the amount of time the tagged juvenile could spend with family members who did not live at the address to which the juvenile was tagged.

"I ...get home around five, then I see my dad for an hour... and then it gets me back to my house."

Tagged juveniles made mixed comments about the impact on other family members. Some said that their families were pleased as it meant that they spent more time at home together as a family. However, one young person reported that his mother was not so pleased.

"She was a bit annoyed. She says they don't tell you in court that they're turning your house into a prison."

Interruptions to the phone line caused by the electronic monitoring equipment were another complaint by families.

There were mixed views on what the young people thought about other people's reactions to the tag. Some said they were not really bothered by what other people thought, but others felt it was a stigma.

"It's a bit of a problem when you go to the swimming baths and it's there ... it's not the fact that it gets in the way, but it's the humiliation."

None of the young people interviewed saw the tag as something to be proud of or a trophy. However, some of the YOT workers did raise this as a potential issue.

Young people also raised the issue that it could be less onerous to be remanded in custody rather than being tagged if it results in a shorter subsequent custodial sentence. One commented:

"I might as well get time taken off as [I'm] more or less in prison now."

The use of tagging as an alternative to custodial remand is discussed in further detail in the next section.

5. Use of tagging as an alternative to custodial remand

A key question was whether tagging was being used as an alternative to custodial/secure remand or if it would be used as an additional condition on what would have been a non-custodial/secure remand anyway (known as net-widening²¹).

An alternative to custodial remand or net-widening

As it was not possible to compare the pilot areas with control areas to examine this issue, it was intended to compare with an earlier time period to see if the introduction of tagging had led to a decrease in the use of custodial remand. As only one per cent of all court remands were tagged, this did not prove to be a useful exercise. However, the low number of tagged remands may in itself be an indication that courts were tending to use tagging only where it was a suitable alternative to custodial/secure remand.

Although this research could not determine the proportion of cases that would have been custodial remands had tagging not been available, there are some indications of what might have happened. Previous research²² indicated that at least half of tagged defendants would have been remanded to custody had tagging not been available. Also, of juveniles tagged on bail/remand to LAA in the pilot sample, 36 per cent of them received custodial sentences.²³ This suggests that in at least 36 per cent of cases, the juvenile would have been remanded to custody rather than on tagged bail/remand to LAA.

Qualitative interviews with YOT workers also helped provide an indication of how tagging was being used. Most reported that they felt it was being used as an alternative to custodial remand. One YOT worker said that they only recommended tagging to magistrates or judges when they thought that custodial remand would be imposed otherwise, and another commented that sentencers “*are quite sensible with their use of tags*”. However, one YOT worker pointed out that courts vary, and commented that some courts “*might like to tag everybody they give a curfew*”.

Implications of tagging on bail/remand on demand for custody places

The extent to which tagging juveniles on bail/remand to LAA can reduce demand for custody places does not depend solely on whether the offender would have received a custodial remand if tagging had not been available. If the offender receives a custodial sentence, it also depends on to what extent the court would have taken time on custodial remand into account when deciding sentence length.

When juveniles are tagged on bail/remand to LAA, their time on bail is not taken into account if they are eventually sentenced to custody. If they have spent time in custodial remand, it is taken into account. However, there is no set process for the courts to do this. This means that the effect of tagging on demand for custody places is not straightforward in cases where juveniles receive a custodial sentence after tagging on bail/remand to LAA.

²¹ Cohen, S. (1985). *Visions of Social Control*.

²² Airs, J., Elliott, R. and Conrad, E. (2000). *Electronically Monitored Curfews as a Condition of Bail – Report of the Pilot*. Home Office Occasional Paper.

²³ April 02 to Dec 03 data from a non-random sample of 28 YOTs in the pilot area.

Of juveniles tagged on bail/remand to LAA in the pilot sample, 36 per cent of them were sentenced to custody/secure accommodation.²⁴ If they had spent time on secure/custodial remand instead of being tagged on bail/remand to LAA, they may have received shorter subsequent custodial sentences.

If the court would have shortened the subsequent custodial sentence to take full account of time on custodial remand (i.e. the offender would, in effect, have served part of the sentence while on remand), then tagging does not make a custody place available. Conversely, if the court would have taken no account of time on custodial remand (i.e. the offender would have had to serve both the time on remand and the full sentence), then tagging the offender instead of remanding to custody results in a custody place becoming free. The reality lies somewhere in between. However, as courts do not record how much they take time on custodial remand into account when deciding sentence length, it is not possible to know to what extent tagging reduces the demand for custody places in the case of those who are sentenced to custody.

²⁴ April 02 to Dec 03 data from a non-random sample of 28 YOTs in the pilot area.

6. Summary and conclusions

Electronic monitoring of juveniles on bail or remand to LAA was used for only in a small minority of cases, and appeared to be reserved for persistent offenders who had committed an average of more than seven offences each.

There is some evidence that tagging on bail can improve compliance for some juveniles. In the pilot sample, fewer young people breached after they were tagged, but those who continued to breach, breached more often after they were tagged. Findings from qualitative interviews with YOT workers indicate that tagging can help stabilise the lives of some juveniles, particularly when it is used as part of an overall support package, but that others ignore the tag and continue to offend. Qualitative interviews with young people indicate that tagging helps improve compliance by giving them an excuse that they can use with their friends to stay out of trouble. As national statistics cannot be inferred from the pilot sample, the evidence about the effect of tagging on compliance is not conclusive.

There is some evidence that electronic monitoring tends to be used for juveniles who are at risk of custodial remand rather than as an extra condition of bail. The low number of tagged remands may be an indication that courts tended to use tagging only where it was a suitable alternative to custodial/secure remand. Also, in qualitative interviews, YOT workers reported only recommending tagging when they thought that custodial remand would be imposed otherwise. However, the evidence about whether tagging is used as an alternative to custodial remand is not conclusive.

When tagging on bail/remand to LAA is used instead of custodial remand, it reduces demand for custodial places in cases where the offender receives a community sentence. However, if the offender receives a custodial sentence, each tagging episode does not necessarily equal one custody place being freed up for a corresponding length of time, as courts take account of time spent on remand in custody in deciding the length of custodial sentences.

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