

Electronic tagging: a flawed system

A briefing from Napo the Trade Union and Professional Association for Family Court and Probation Staff

Napo, the Probation union, has received over a hundred examples of flaws and snags in the nationwide tagging system, which were submitted during May 2012. The examples show that often the tagging equipment does not work, that it cuts out if the offender is a metal bath, that individuals are recalled to custody unnecessarily and that the tagging regime is gratuitously mechanistic, rigid and bureaucratic.

The electronic tagging of offenders is already a very profitable business for private sector companies. The coalition government envisages a huge increase in the use of tagging over the next three to five years.

There has been an incremental rise in the number of persons tagged either as a condition of a community order or as a freestanding curfew, over the last 15 years, yet there is as yet no research evidence that shows that freestanding tagging can cut crime. Currently the Probation caseload is 240,000, with on average 30,000 to 35,000 persons either tagged as a condition of a community penalty or on early release from prison, known as home detention curfew. The coalition has announced that it expects the number of persons tagged in the community to rise to 180,000.

At present tagging orders last for six months for up to 12 hours home incarceration per day. The coalition has already increased the maximum length of the order to 12 months and increased the daily time on the tag to 16 hours, making it difficult to see how those tagged can either work or attend education. The government has also announced recently that they wish to see individuals under surveillance either with the traditional ankle bracelet or through GPS satellite tracking for 24 hours a day.

It currently costs the taxpayer £1,250 for a 90 day tag, rising to £1,500 if the tag sentence is for 120 days and only about a third involve call outs. The profit margins are therefore very high. The annual revenue received by tagging companies currently exceeds £120 million and this seems set to rise to over £1 billion by 2015, when the new scheme goes ahead.

History

Tagging was first piloted as a condition of bail for unconvicted defendants. The trials took place in Nottingham, North Tyneside and Tower Hamlets in London during 1989. The pilots ran for six months, but during that period only 50 individuals were tagged, with 29 violating the tag or charged with further offences. The low take up was partly because of doubts about the technology and also because of indifference from many of the key agencies.

Tagging was not attempted again until July 1995. On this occasion legislation had been introduced to allow for a freestanding curfew order with electronic monitoring as a condition. Trials were planning to run for 6 months in the City of Manchester, Reading and Norfolk. However, the Home Office offered no guidance to the Courts on how to target the new order. The take up initially was low, so the three pilot areas' timescales were extended to March 1997, with a further extension to March 1998, and the geographical areas were extended to the whole of Berkshire and Greater Manchester.

Within the first 12 months 83 offenders were sentenced to curfews, rising to 375 in the second 12 month period. The completion rates were 75% and 82% respectively. Research found: that there was slow take up by the Courts; Magistrates were not enthusiastic about electronic monitoring; probation staff did not encourage their use; and clear guidance was not in evidence.

However some advice was issued by the Home Office to magistrates courts in May 1994 during training. This advice was specific on what electronic monitoring could not do:

- Reduce crime
- Stop offenders breaching curfews
- Stop offenders committing further offences
- Preventing offenders from going short distances from their homes

The same advice, however, said that electronic monitoring could potentially:

- Manage offenders in the community
- Provide an alternative community sentence
- Reduce the opportunity for crime

A second scheme involving electronic monitoring was introduced in January 1999, whereby eligible prisoners serving between three months and four years could be released up to 60 days before the end of their sentence provided they agreed to be tagged.

In 2003 the Home Secretary extended the discount period on the Home Detention curfew scheme to four and a half months for all those serving less than four years. The purpose was to try to encourage prison governors to release a greater proportion of those serving between two and three years, in order to ease prison overcrowding.

Problems

In November 2004 Reliance, one of the three main providers of electronic monitoring lost its contract to tag individuals in the South West and Thames Corridor. Two companies continued to provide tagging service, Securicor and Premier Monitoring Services. The scheme is now divided up between G4S and Serco.

Napo highlighted a number of complaints in both 2004 and 2006, and they included:

- Delay in fitting the tag
- Poor communication between the company, the courts and probation
- Violations not being brought to court
- Technical failure
- The fact that breaches were not routinely monitored

Present situation

The number of persons tagged continued to grow and by April 2005 had reached 17,000. The trend continued and currently on any one day approximately 35,000 persons are tagged in the community, either as a condition of a community penalty or on early release from prison. About a third of those who are tagged are involved in breach proceedings following a callout to the individual by the private company because they are either absent without leave or have in some way tampered with the equipment.

A parliamentary answer on 14 May 2012 (Hansard 106513) showed that the total amount paid to the two companies, excluding payments made by the United Kingdoms Border Agency, for 2011/12 was £54.6 million to Serco and a further £62.3 million for G4S. The number of persons starting electronic tagging in any one year grew from 37,920 in 2002/3 to 115,870 in 2010/11 (parliamentary answer 14 May 2012 – Hansard 106511). The average number of days that each offender is electronically tagged for both schemes has averaged from between 65 and 68 for each of the last six years. The total number of days that individuals are electronically monitored per year has doubled from four million to nearly nine million over the past six year period (parliamentary answer 14 May 2012 – Hansard column 18W).

Summary of main findings

During two weeks in May 2012, Napo members submitted 120 separate examples of problems relating to the operation of the electronic tagging systems. There were a number of common themes which frustrated probation staff and offenders but which also cause concern for justice and the administration of court orders.

The examples included:

- Serious delays after orders were made or individuals released before the tags were fitted. In some instances the tags were not fitted at all for various reasons, and the delays varied between three or four days and seven weeks.
- There appeared to be confusion between probation and the private companies about who was responsible for breach. Most of this confusion occurred when the curfew tag was freestanding and not attached to a supervision order. In these circumstances there is no probation responsibility but this was unclear in many cases.
- There were several instances where the tag broke off: in one instance where the individual was playing soccer, in another where the offender was involved in a fall whilst decorating and in others where the clips to the tag became damaged or split.
- There were a number of instances where the tagging company seemed unable to locate the address of the offender, believed that address to be bogus and commenced breach proceedings. The addresses however were valid and should have been easy to find on Google.
- Private companies were often unaware of previous data concerning other offences and responses to supervision, which may well have affected positively or negatively decisions on whether to breach or not.
- On numerous occasions the companies said the tags had been tampered with but the offenders denied this, saying the signal had failed because of faulty equipment.
- There were also instances of individuals with a disability being unable to get to the phone or the door when the company called to check whether they had violated.
- On a number of occasions there were delays of days or even weeks before breaches found their way back to court.
- Probation found that the tagging system tended not to work in rural or isolated areas and the companies had to revert to manual monitoring by car of the offenders whereabouts.

- Time and again companies reported that the offenders were absent when they were in fact in their properties and on two occasions this involved sex offenders.
- A number of offenders complained they were constantly rung up in the middle of night to check whether they were complying with the order. The tagging signal appeared to have failed when they turned over in bed.
- A number of offenders were subject to recall when the tags were faulty and had been changed by the company but it had not been recorded or investigated.
- Several offenders were reported as having violated the order when they washed in a metal bath or where they used a communal shower which was in a different part of the building.
- On one occasion the company tagged the wrong person with potentially dire consequences as the offender concerned was a domestic violence perpetrator.
- On a number of occasions individual men were tagged and curfewed to their home address when they had been convicted of domestic violence.
- On several occasions tags were never fitted, either because the company could not find the address or because paperwork was lost. Sometimes however there was no obvious plausible reason.
- A number of probation officers expressed concerns about women who were victims of domestic violence being tagged to the same address as where the perpetrator of the violence resided and therefore having to breach their curfew in order to find a place of refuge.
- Repeatedly probation officers complained about not being told when individuals who were on supervision orders as well as the tag were breached by the tagging company.
- Several probation officers complained that offenders were jailed when clearly it was the equipment that was faulty.
- On two occasions the tag was removed too early because the company believed the order had expired when it had not.
- One individual complained that they were rung on their tag phone by cold calling companies and she was told by the tagging company that this was because lists of numbers were often sold on to such companies.

- Staff reported that there were mix-ups over who should breach offenders, probation or the tagging company, in several occasions involving high risk offenders.
- There appeared to be a lack of discretion given to high risk companies to accept reasonable explanations for offenders being late back to their curfew resulting in unnecessary recalls to custody.

The main concern of Napo and probation staff was about the number of occasions when equipment is faulty and which resulted in unnecessary recalls to custody. Conversely there were a number of occasions where individuals werer not recalled to custody when they posed a high risk and should have been. The absence of discretion does cause a feeling among offenders and some probation staff that the system is being interpreted unjustly.

There remains no evidence that freestanding tagging has any impact on crime or victimization but staff do believe that tagging has a role when combined with other forms of supervision, particularly programmes for offenders who are involved in violence or sexual offending.

Case studies

Napo received cases studies from 21 of the 35 probation trust areas in England and Wales as follows:

| Avon and Somerset | Greater Manchester | South Yorkshire |
|--------------------|--------------------|----------------------|
| Bedfordshire | Hertfordshire | Staffs West Midlands |
| Cheshire | Kent | Surrey and Sussex |
| Cumbria | London | Thames Valley |
| Derbyshire | Northamptonshire | Wales |
| Devon and Cornwall | Northumbria | Warwickshire |
| Durham Tees Valley | Nottinghamshire | West Mercia |

1. <u>Warwickshire</u>

A young violent offender was given a suspended sentence order at a local crown court which is part of a Serco managed building. The requirements of the order were unpaid work, supervision, attendance at a programme and electronic monitoring for a period of eight weeks. After seven weeks the probation officer reported that the tag had still not been fitted. The individual lives in a semi-rural area and each week probation reminded court liaison staff, who emailed the company, but no action was taken. There has been a considerable increase in the use of tagging in this court area.

2. Durham

A Polish worker was brought back to court on three occasions on successive days because an application to allow him to leave for work earlier than the standard time of 7am was not implemented by the private company. On the second and third occasion it apparent that because English was not his first language and the employers refused to listen to him when he tried to communicate the fact that he had a restriction on his time and his work schedule needed to change. On the third occasion he came back to court the CPS offered no evidence and he left court without an apology, but fortunately did not lose his job.

3. Devon and Cornwall

An offender was sent enforcement warning letters by G4S, whereas it should have been probation's responsibility and the Probation Service may have taken a different view. The tag had allegedly broken whilst he was playing football. The company were informed from the outset that probation was managing the individual but the communication problem apparently arose from data migration problems at the turn of the year when all the details were lost.

4. Devon and Cornwall

A second offender on licence was recalled by the tag company when it should have been the Probation Service's responsibility. The Probation Service did not think a recall was necessary. The offender could have had grounds for appeal as the wrong agency had enforced the order, but the company seemed oblivious that there was a communication problem.

5. <u>Devon and Cornwall</u>

Staff report that G4S regularly experiences problems when they try to breach offenders. This is usually because they have no information of how the order has arisen or they do not have access to the details of the original offences, the contents of the court report or any previous convictions. This means that the breach is dealt with in isolation and the court is unaware of the possibility that a community order might have been imposed or of the breaching history in respect of earlier orders. Matters are only resolved if a member of probation staff is in court, but often this is not the case so inappropriate breaches continue to proceed whatever the circumstances.

6. <u>London</u>

Probation experienced problems with Serco over an offender sentenced to a drug rehabilitation programme, supervision and curfew. The private company reported it was unable to find the offender's address on their Sat-Nav and claimed the address did not exist and was therefore false. They kept trying to breach the order and probation contacted Serco at least 10 times about it but the company refused to discuss the matter on the grounds of data protection.

Probation pointed out that they were imparting the information, not the other way round. Serco was informed that the address did exist, that probation had verified it themselves, that it could be found on Google and that it had been double checked by phone, but the company still said the address was bogus. Over the weekend Serco phoned the offender towards midnight saying they would be there in 20 minutes. He did not hear from them again for 36 hours and once again they tried to breach him on the grounds that he had given a false address. There was an obvious duty of care but the company merely faxed through forms saying 'offender in breach'.

7. London

A prisoner on home detention curfew has been experiencing problems with his tag. He said that Serco had phoned him to say that staff had knocked on his door the previous night, in the early hours, and could not get an answer. The company said the computer indicated the tag was being tampered with. The offender said that this was untrue. He said his partner and mother had been in the house at the time and would have been woken up and he denied tampering with the equipment. Serco staff then arrived at his house a few days later to change the tag. They told him problems with equipment were not uncommon and they were always having difficulties with faulty machines.

8. <u>Cheshire</u>

An offender on a community tag was decorating his house and his leg went down the edge of the bed which was made from wooden slatted material, resulting in the tag bracelet being ripped off. He immediately contacted G4S and it was replaced without issue. The offender was left with the impression that tags slipping off was not uncommon.

9. <u>London</u>

Staff report a current case of a man being recalled to prison by Serco on the grounds that he has tampered with the tagging equipment. However there had clearly been faults with the box. An appeal is pending because of his medical condition which prevented him getting to his door. Recently Serco visited his property but received no answer. However, the individual has been housebound for some time because of a yet undiagnosed neurological illness that affects his mobility to such an extent that unusually he is getting home visits from probation because he is unable to walk to the office. Probation reported evidence that he struggles to move round the house and has had a number of falls indoors during the recent period. He does manage to get to his corner shop but has regular falls because of his condition. He also reports that his tag box has rung a couple of times but due to his mobility problems he has been unable to get to the machine in time to answer it. He said also on one occasion Serco came round when he was asleep. He did hear them knocking but when he attempted to get up he fell over. The log also reports that a similar problem occurred with the box when it was first installed and it had to be replaced. Probation strongly believes this man has been wrongly recalled to prison as the private company has not taken into account his mobility issues.

10. Durham

Staff report an offender appeared before local magistrates in May for breach of his tagging requirement. The case was however adjourned because of a legal challenge. G4S stated that there had been 40 breaches of the tag, yet it took over a month for the case to come back to court. The offender denies the breaches and says that the equipment is faulty.

11. London

Probation staff are awaiting an offender being released from prison following breach of a curfew after an arrest by Serco staff. According to the man's partner, two very well dressed men arrived, arrested him giving no explanation, and returned him to custody. The partner has still not had any notification of why he was taken back to prison following release on home detention curfew.

12. London

A probation officer reports another case of a similar recall happening, where probation was not notified and as a result the offender was in jeopardy of losing housing and supervision plans were interrupted.

13. West Mercia

An offender was released on licence to live in a rural area. Serco said they couldn't get the monitoring equipment to work at his home. They therefore said that the only alternative was to monitor him by driving past the property at night. Probation has no idea if that has actually happened.

14. West Mercia

An offender received a community order from a crown court, with a curfew condition. The address was incorrectly recorded because he had moved next door while his house was having flood damage repaired. Despite probation's efforts to get the address changed by the court this never happened. The main problem is it takes too long to get anything listed at crown court and it is also not clear who is responsible for getting a change of address processed through court. Serco will not action a change of address unless they are given an instruction by the appropriate court.

15. <u>West Mercia</u>

An offender lost his address and became briefly of no fixed abode, but has now moved to a new address. Probation had to ask the offender to list his change of address at court via his solicitor. But because there is no clear process for probation or Serco making arrangements for this, he is not being monitored.

16. London

Staff report that an offender who has an artificial leg allowed the monitoring firm to place the tag on his artificial limb, which meant he was able to move about in the community whilst still appearing to be tagged. It is understood this did come to the notice of the authorities and the matter was rectified.

17. London

Probation received a report from Serco stating that an offender had been absent from the property for over 10 hours. This person was being monitored by the multi agency public protection panel (MAPPA) so the absence was of significant concern and probation instigated an emergency recall. However, on calling Serco to double check the details, probation was informed that there was an error with the box and they had cancelled the breach, as he was at home. They had forgotten to tell probation.

18 – 20 <u>Cheshire x 3</u>

Staff report three cases of tagging where the machine had flagged up absences when the person had been at home all of the time. Trying to prove this is very difficult for both probation staff and the offender as according to G4S, the equipment they use 'has been tested and is very reliable, so therefore the offender is in breach of the curfew'. The three offenders also complained about the tag box constantly ringing late at night. They report calls at 2am and 4am even when they are at home. They find this extremely distressing as they have not gone absent without leave and find it very difficult to prove the equipment is faulty.

21. Durham

Staff report a man in his twenties who is tagged. There was clearly a fault with the equipment so G4S was called out to change the tag. The operative took the tag off and replaced it. But the offender was subsequently recalled by the company for breaching the tag that colleagues had changed.

22. <u>Warwickshire</u>

Staff report that the court gave Serco an incorrect address and a lengthy period of time occurred before the address was amended, leaving the offender with no tag for up to three weeks. They said there were a number of technical faults which meant the machine reported he wasn't there when he was, and finally there was an issue with the expiry date where Serco would not accept that the court order had expired and charged him with breach.

23. Warwickshire

In a second case, an order was taken back to court to get an address amended for a valid reason. Serco listed it for a breach without informing probation. Probation found out the day before the breach and rang to get it withdrawn. Serco advised that it would be withdrawn but they then contacted probation to complain they had listed it in the wrong area, but in fact the private company had done the listing.

24. Durham

Staff report a case where a tag was fitted on the wrong person, in this case the offender's step father. Fortunately the error was discovered within a week and both were charged with perverting the course of justice. This could have had severe ramifications as the person who should have been tagged had been convicted of domestic violence and should have been tagged to an address that was different from his partners.

25. West Midlands

An offender attended the probation office for supervision and reported that on the previous week his tag had been removed. Serco attended his property at 7am and removed it with a pair of scissors as they said there was a fault with it. He was asked if he had used the bath with the tag on. He said he had and was told that this could have damaged the tag. However despite this he received a letter saying he had tampered with the tag. Although no action was taken the possible tampering was left on record and would be taken into account if any problems came up in the future. Staff report it is highly unlikely that he had tampered with the tag just one week prior to its removal when for the previous three months there had been no problems. Staff also report concern that he was being blamed for a technical failure with the equipment. He was finally told that he wouldn't be breached but the whole process caused considerable anxiety to the offender and his family.

26. <u>Cumbria</u>

Staff report a case where a tag was imposed for four months and had been running for just two weeks. The address is a small village in Cumbria where there is poor mobile reception. When the tag was fitted the poor signal was noted by the G4S worker. Every time the offender goes in the bath G4S rings, saying that the signal has been interrupted and they think he has gone out. They say this is happening because the bath is made of metal. They have no power to do anything about the poor signal. Staff have received no briefing information but this could change if the problem persists, if the offender continues to have baths and G4S think he has gone out of radar. He lives with his grandmother who is now threatening to throw him out because of problems with the company constantly calling, sometimes late in the evening.

27. Durham

Staff report an offender who was subject to a suspended supervision order breached the order because of failure to attend and because of his attitude to staff. The requirement was deemed unworkable so he was returned to court in February and supervision was removed and replaced with an electronic tag for three months. One month after he had appeared in court, G4S staff contacted probation to say that the offender had breached his curfew. Probation pointed out the case was closed and the company was responsible for enforcement. Staff asked how he had breached and were told that the had refused to let G4S staff put the tag on in the first place. It then took another two months to get the matter before the courts. Even then breach paperwork wasn't ready for the hearing. Finally the company said the offender had failed to comply with the curfew as he kept taking his dog out for walks. Then the offender said the tag was giving him a rash so he cut it off. The court has just asked Probation to prepare a breach report, but as they were not breaching him they declined. The matter is still pending.

28 – 34 Durham/Tees Valley x 7

Staff in one office in Teesside report a number of problems with offenders in the proceeding three to four months.

- On one occasion an electronic tag was used in a current instance of domestic violence, which massively increased risk of reoffending and harm. The individual was tagged for eight hours to a property where is partner resided and where domestic violence was an issue.
- They report numerous instances where the tag was not fitted properly, and consequently did not work, leading to breaches.
- The tag was recently imposed on an individual with severe drug and alcohol issues. Tagging did not address any of these matters exacerbating rehabilitation and increasing risk of further drug and alcohol use.
- Staff report information not being given to them about a particular breach involving an offender on a community tag, and also of the inability of the company to attend court to give explanations and provide alternatives. It was left to probation to sort out alternative proposals that addressed issues of substance abuse.
- They report an instance where a man, who was extremely light in weight, allegedly tied the tag to his dog whilst having a drink in a pub.
- They cite another case where an individual refused to consent after court and it took months before the matter was dealt with by the private company.
- They report one young offender who as a prolific criminal reporting that he was bragging to his friends that the tag was a badge of honour.

35 - 36 <u>Wales x 2</u>

Probation staff in Wales report many instances of tags coming off resulting in the offender being breached, but breach proceedings being subsequently withdrawn because it could not be proved that that offender had tampered with the equipment. Another common problem is the private company, Serco, asking probation for information on a tagged offender or to breach an offender when they are in fact on a stand alone curfew and probation is not therefore involved in the case. Staff say that the company often comes to probation for advice as they seem to be at a loss as to court procedures.

37. London

Probation report a recent case where Serco sent a breach notice saying that the offender had breached the curfew three times. When it was checked out it was discovered he had breached, but for nine minutes when his sister's car was being broken into in the street opposite his house and he went to investigate. Serco was told that the breach had occurred outside the curfew period and in any event the offender had contacted them to explain what had happened. It is also on record that he had previously had technical problems when he took a bath as this showed he had breached but in fact it was a technical problem. Probation staff report that Serco showed no interest in reasonable explanations and seemed reluctant to discuss the matter. A variation in the curfew had not made its way to the private company's paperwork. The offender was given a copy of the breach report and an explanation of reasons by probation in case Serco tried to do it again. In fact the police turned up to arrest him but he was able to give the police the breach report, which they accepted and left.

38 – 39 <u>London x 2</u>

Staff report two cases, both who were on home detention curfew in January 2012, who complained about the tagging equipment being faulty. Both offenders said they were frequently rung at different times in the evening and often well into the night by Serco saying they weren't getting a signal. Each time it happened, and it was frequent, the offender was in, answered the phone and reassured Serco. Both of them complained to probation about it, expressing anxiety and worried that they would be sent back to prison. Both offenders felt they had little faith in Serco or the efficiency of the equipment.

40 - 41 Devon and Cornwall x 2

Staff report two recent cases which were brought back to court for breach, but where G4S prosecutors did not turn up, so matters had to be adjourned.

42. Devon and Cornwall

Staff report an offender had been given a curfew, who came back to court to see an usher as he was concerned that G4S had not turned up to fit the equipment and was worried he would get in trouble for failing to comply.

43 - 45 Northamptonshire x 3

Staff report three cases in the last two months where people were given curfews and the company did not turn up. The company claims that it did go round to try to fit the equipment but the offenders were out. On each occasion the offenders insist they were in at the time the company allegedly knocked on the door.

46. London

An offender was released on a tag from prison to a hostel in London. Serco subsequently reported it was unable to fit the monitoring equipment despite four attempts to do so. The company then reported the offender was in breach. Despite strenuous efforts of hostel staff to prevent a recall, he was sent back to prison unnecessarily and the tag was never fitted.

47. <u>Manchester</u>

Staff supervised a male offender released on home detention curfew. On the second night the equipment was reported faulty so the box had to be changed. Over the course of the fourth night he was recorded leaving his property on over 20 occasions, for times ranging from one to 16 minutes. This resulted in his coming exceptionally close to recall. However when G4S was contacted to question the validity of these absences, staff were told that the equipment was faulty. Had this not been challenged, the offender would no doubt have been returned to custody.

48. Devon and Cornwall

Staff report that in their area the breach rates for women on electronic curfew as higher than for men. The inference here is that a significant proportion of women subject to tagging in their homes were at risk of domestic violence and were prioritizing their own safety over compliance with the curfew, that is leaving home in fear and facing the consequences in court for breach. G4S management said this was taken into account but this did not seem to be reflected in statistics. It is of concern to staff that a curfew order can be made without any assessment of or report on risk to the court by a probation officer. This therefore appears to discriminate against women offenders.

49. London

A female offender was sentenced to a community order with a tag in March, for an offence of shoplifting. The court imposed the order without the benefit of a pre-sentence report. She was known to probation and was living in squatted accommodation. When Serco attended they decided the accommodation was not suitable. She was therefore taken back to court and the order was revoked. Had a pre-sentence report been prepared in advance this would not have occurred.

50. South Yorkshire

Staff report an offender placed on a community order with a tagging condition being subject to breach proceedings on two occasions, on each occasion he was in a metal bath and the signal cut out. He rang G4S on both occasions and they seemed to accept his explanation.

51. Manchester

Staff reported incidents where G4S wanted to breach an offender for being out in the community but in fact it was a fault with the battery operated tag. Although the individual is also on an order, probation was not informed at the time of the violation.

52. London

An offender has informed probation that the tag alarm goes off all the time, stating that there is a breach, when in fact he is at home. As a result the box has been changed on more than one occasion, though the probation officer struggled to get relevant information from the company, Serco.

53 - 54 London x 2

Staff report cases of two offenders where probation was not informed until days, and in one case weeks, afterwards that the offender was regularly not at home during curfew times. They were also not told that on one occasion the offender was abusive to Serco staff and the tag was not put on. Probation staff only found out when breach proceedings had happened. This undermines supervision and can lead to wrong decisions being made.

55. <u>Kent</u>

A female offender was reported as being absent from her curfew address, which the offender denies. There was however heated discussion between the offender's brother and the G4S member of staff. The G4S operative reported to the company that she was physically assaulted by the offender's brother. This has not been reported to the police. He denies the assault took place, though agrees there was an argument. As a consequence G4S, on health and safety grounds, has withdrawn from monitoring the address and sent the offender a warning letter of the consequence of the alleged assault. As a result of this the offender has not been monitored for three weeks. Probation staff have asked for more information, to process an assault, but this information has not yet been provided.

56. Manchester

A male offender was sentenced to a 30 day curfew requirement. After two weeks he still had not been tagged so contact was made with G4S, who said they had not received any paperwork from the court. Probation offered to email this over to them, which was declined as the company said they would only take paperwork directly from the court. The court was then contacted but said it was busy clearing backlogs and would get round to the matter in due course. In fact the tag was never fitted.

57. Manchester

Staff report that communication is generally very poor. In one instance G4S notified the police of a breache but omitted to tell probation. In this particular case probation tried to contact G4S on a number of occasions about a possible breach, to find out that proceedings had been initiated, which would have a significant implication on supervision plans.

58. London

Staff report doing a home visit on the same day Serco arrested an offender and sent him back to prison. The information received prior to this happening was patchy. Probation believes that had all the information been available the breach could have been avoided. The offender was attending regularly as part of his licence. There was a problem in that the buzzer to his flat was not working properly, which may have caused the issue as no one could hear Serco arrive. He also reported getting electric shocks from the ankle bracelet. On the day of the breach he was woken up in the early hours of the morning and taken into prison, despite the fact that he reported the machine did not work properly and that it would ring him in the middle of the night, disrupting the sleep patterns of everybody else in the property.

59. <u>London</u>

A individual was tagged as part of a bail condition. He was subsequently evicted from the address and had to move out. It took Serco over a week to realize he was not actually complying with the curfew. He was high risk of serious harm and a repeat offender. This happened at the beginning of the year.

60. London

Staff report that they do not now get correspondence in relation to breaches from Serco, whereas two year's ago they used to be regularly informed. They also no longer receive phone calls from the company inquiring if there are any problems with the curfew. In the past they would get regular information in the form of lists of curfew breaches and offenders' names, but this is not now the case.

61. West Mercia

Staff report being in court in May when an offender was up for a second offence. The offender reported that, in respect of another crime, he had not had his tagging box fitted. Probation checked with their records to see if they could find out anything about it. Serco finally said that they had not contacted probation as they could not find his address. Finally the tag was fitted in early May, after a delay of over 20 days.

62. <u>Manchester</u>

Staff report a case of an offender whose electronic tag was removed three days into a 16 week curfew. G4S turned up at his hostel and removed his tag saying that the period had finished. The offender himself had been positive. He had had problems with alcohol in the past but had remained sober and was engaging with the local community. Probation rang G4S and told them that they appeared to have removed the tag far too early. They were told this was incorrect and that the curfew had lasted for 16 weeks. They promised to look into it and ensure the error was corrected. G4S eventually got back, agreeing there had been a mistake and said they would put the tag back as soon as possible.

63. <u>Kent</u>

An offender was sentenced to a community order in March, after being convicted of five sexual offences. One of the requirements was a 12 week curfew. Two months on the tag has still not been fitted and the offender is increasingly anxious about getting into further trouble because of this administrative error.

64 - 66 <u>London x 3</u>

Staff report three problems.

- The curfew area did not seem to cover a small balcony at the offenders accommodation. This was the only place he could smoke as he had a one bedroom flat and two children. So he was reported as breaching every time he went on to the balcony to have a cigarette.
- A man was curfewed to a temporary bail address at his brother's where he was sleeping on the sofa. He then became of no fixed abode and the order was returned to court for amendment and the company said he was in breach.
- A curfew tag was imposed, in unsuitable circumstances, on an offender who
 was a convicted domestic violence perpetrator. This put his partner at greater
 risk. Staff believe this is a growing issue in a climate of punitive sentencing
 measures and the growth of fast delivery reports which just deal with the index
 offence and miss out on previous domestic violence histories.

67 - 69 <u>London x 3</u>

- Staff report from a young offender team that in one instance a young man was released on licence and Serco never turned up to fit the equipment. They also report that often when the equipment is installed it is faulty and is not replaced. The person therefore is able to ignore the curfew.
- Staff report a case where a young person was housed in supported accommodation and Serco staff would not fit the equipment as they would not accept the staff member as being a responsible adult. Consequently this young person was never tagged.
- They also report the case of the parent of a young person complaining that the equipment reported breach when the individual was adhering to the curfew and they would therefore get phone calls at all hours of the night to check up. They rarely received an apology from the company.

70. Thames Valley

Staff report a case where G4S incorrectly breached somebody who was on a suspended supervision order with a condition of curfew. They failed to check with probation about the details surrounding the alleged incident. The first probation knew about it was when the offender received a letter saying she was in breach and would have to go to the local crown court. This had significant issues for her mental health at the time and increased her risk of self-harm. She was very distressed and was subsequently admitted to a secure psychiatric hospital due to severe concerns about self-harm.

71. Thames Valley

A probation officer reports currently supervising an individual waiting for a heart transplant being subject to six months supervision and a six months curfew. The curfew did not apply on Fridays and Saturdays, which were set aside for child care commitments. However the order does not state this and he has now received two notifications for breaching his order when he was in fact doing child care. This reflects the importance of information being accurately placed on an order. Probation has stressed again to the court that the curfew does not apply on Fridays and Saturday. This is having significant negative impact on his health.

72. Thames Valley

A 20-year-old on the probation caseload has received a warning letter for breaching his tag when the curfew hours had been varied. Staff tried to inform the tagging company that the hours had been varied, but without success. He was subsequently recalled to custody following several other alleged breaches of his curfew, which totaled two and a half hours. In fact when the papers were analyzed, all were between eight and 12 minutes and occurred in the middle of the night, when the offender was asleep. This is borne out by his parents.

He doesn't smoke and therefore does not have to go outside for a cigarette. He doesn't drink or use drugs, being a committed Muslim and there is clearly no benefit to him in breaching his order for such a short period of time. Probation believe that the technology has simply failed in this case. Nevertheless he ended up spending five more days in custody, which was a considerable set back for him.

73. <u>Thames Valley</u>

An individual was tagged as a condition of bail following a remand in custody. He was subsequently evicted from his address. Serco took five days before they realised he was not complying with the curfew. He should have been recalled to custody but was not. He is a high risk offender.

74. London

Probation staff supervised a male who breached his community order and was resentenced to a stand alone curfew. He breached everyday and Serco wrote to probation about the breach also every day. There was confusion as to who was actually responsible for taking the matter back to court. After this was clarified it appeared it was Serco, but they did not take him back to court and probation continued to receive breach notifications. The state therefore paid for this order but it was never enforced.

75. London

Probation staff report that one of their offenders was wrongfully recalled. He subsequently won an appeal to release him. The company however say they will not retag him without three working days notice. It seems odd because the tagging equipment is already installed at his address. They have now told the prison that he cannot be released until mid-May, despite winning an appeal. They appear to be willfully detaining him illegally. The Ministry of Justice has been informed.

76. West Midlands

Napo has been informed that a particular offender had tampered with his tag on three occasions during May. He was therefore taken back to court for removing his tag, given unpaid work and the curfew was extended. He rang two days later to say Serco had not visited him to put a new tag on. Serco's answer was that they didn't know the original tag had been cut off, even though it was a stand alone curfew.

77. South Midlands

Staff report a case of a female offender made subject of a suspended supervision order with an electronic curfew. She was subsequently arrested for a further offence of assault on a police constable and theft and the suspended sentence was activated on the grounds that she had breached the curfew. In fact she had rarely been at the property where the equipment had been established.

At the point of resentence Serco reported she had not been present at the property on five occasions. Serco then said they had given up attending the property as she was never there. However, at no point did they contact probation to say that this was happening, so they were not able to take appropriate action.

78. South Yorkshire

An offender complained that she received regular calls from loan companies on her tagging phone. This has been taken up with G4S who were very blasé, saying this was because frequently mobile phone numbers that they used for tagging boxes ended up on lists which were sold to various companies who engage in cold calling. They said there was nothing they could do about it and the offender should simply ignore calls that were outside of curfew hours as G4S would only ring during curfew hours.

79. Greater Manchester

A probation officer received a notice of non-compliance with a curfew order from G4S but the information was limited. It said the offender had been away from the curfew address for two days. The person is a registered sex offender so the matter was taken seriously. However G4S subsequently said they had not visited the premises to make sure the equipment was working. Several days later G4S again reported that the offender had not responded to a home visit. However further investigation showed he had only been absent on specific moments during the two days. Also it became apparent that it was impossible to prove he had been away from the property for a significant period of time, he could well have been at the curfew address. Either way there was no way a breach could be proven and defence lawyers would find plenty of problems with the prosecution's case.

80. <u>Bedfordshire</u>

An offender with a traveler background was living on a site and the box was registering a breach of a curfew every time he went to a shower block, despite the fact that the shower block was close to the trailer where the equipment was installed. He was thought to be in breach every day.

81. <u>Bedfordshire</u>

An offender reported not having permanent electricity at their residence, but the curfew was going to be imposed anyway. However, when Serco arrived and found out the electricity was not on they would not fit the equipment until the problem was dealt with, which took over a week.

82. <u>Thames Valley</u>

Staff report an offender who is currently on supervision has had his tag disconnected from him several times. This occurred when he was in the shower. It is then replaced and the problem recurred.

83 - 85 Derbyshire x 3

Staff report two cases where tags have been reported as being removed but where offenders were adamant that the tags are faulty and the clips were broken. G4S is adamant that this could not happen. One other case involved a 65-year-old disabled man, who could hot have removed the tag without assistance. Probation has asked them to confirm the tags were forced off but in all cases they have not done so. In these cases the offenders were otherwise very compliant and attended supervision and there is great unease in the probation office about them being summonsed back to court.

86 <u>Manchester</u>

A probation officer is currently supervising a young offender. He is on remand and was eventually sentenced to a suspended sentence order with a programme requirement and curfew. Probation staff were informed that he had breached the curfew on at least four occasions. He insisted he had not been out of the house and had no intention of breaching. Attempts to resolve the situation with G4S failed. It appeared that nobody had visited the property but they were still submitting breach paperwork for the court. The offender claimed that what had happened was the alarm had gone off in the middle of the night, waking his children in the next room. G4S eventually did attend the property and found the equipment was faulty. They failed to give the young man the benefit of the doubt given that he was complying with his suspended sentence order, but relied solely on the information generated by the machine. Probation intervention ensured that he did not go straight back to prison and he is successfully complying with his order.

87. <u>Derbyshire</u>

Staff report a case where an offender failed to answer the door on two occasions. G4S then did not visit again and breach proceedings were issued. The offender stated that by the time he got to the door G4S had disappeared.

84. Derbyshire

In a second case an offender reported the tag had fallen off rendering the equipment faulty. The company came and replaced the tag.

89. Nottinghamshire

A young offender was given a four week tag for breaching a community order. He told G4S he was sleeping in a caravan in a garden and as a consequence G4S refused to fit it. In previous cases G4S has fitted tags to caravans and the probation trust has had travelers on their caseload before who have had tags fitted. G4S also failed to tell probation for three weeks that there had been problems with the caravan.

90. <u>Warwickshire</u>

Probation staff report a case of an offender given a curfew order as part of a suspended sentence order, but no detailed information was given at the point of sentence about address, telephone numbers or signing declarations about availability. There were then problems about access to the property for the tag to be fitted. To make matters worse, he was waiting at one address and Serco at another. There has still been no notification of breach and no paperwork circulated.

91. <u>Warwickshire</u>

An offender was in breach of a curfew and it was suggested that unpaid work replace it. A change of address was notified to the magistrates, which was accepted without any probation involvement. It transpired however that he was encamped in a flat belonging to a young woman who had the tenancy and also social problems. There were also domestic violence issues. The address was highly unsuitable and should have been checked first.

92. West Midlands

An individual was made subject to a three year community order for offences of assault with sexual connotations. Two months later the same person was made subject to a concurrent six month community order with a three month electronic tag. The individual was felt to be at high risk of reoffending and harm. The individual breached the court order. The address he gave was withdrawn because of his alcohol abuse and resulted in his admission to a local hospital. The monitoring company refused to share any information with the probation trust, although he had reoffended, resulting in revocation of the community order. The breach of curfew remains outstanding because of the hospital admission and there has still been no exchange of information with the probation trust.

93. <u>Cumbria</u>

In May, probation was notified that a man under supervision had had his tag cut off and he admitted over the phone to G4S that friends had done it. He also failed to turn up for unpaid work and failed to keep an appointment, saying he was ill. Two days later the tag was replaced, but it subsequently transpired he had been absent from his tag address for nearly four hours. G4S sent out a warning letter but did not inform probation. G4S said that this was because they thought it was a stand alone curfew order, without supervision. G4S also have a policy locally that if probation do not respond to notifications of violations, after three occasions they stop sending them.

94. <u>Kent</u>

A prolific offender had been given a 12 month community order with supervision. He breached that order and was instead given a three month electronic tag. Unfortunately at court the relevant paperwork was not completed. Probation visited him a few weeks later has it had been reported that his behaviour had been deteriorating.

On getting to the address his mother said he had not lived there for three weeks and he had removed his own tag. Probation contacted G4S who said they had not been alerted to the fact that he had moved and that is why they had not been informed of his many breaches. This failure to communicate could have had serious ramifications.

95. <u>Manchester</u>

A young man was recently sentenced to supervision, unpaid work and a curfew. On entering the property G4S could not connect the monitoring box as they found a fault with the wiring. Apparently they deemed the earth connection was not present. The property was new and the wiring had not been checked. The case was taken back to court and unpaid work was substituted instead. Probation feels this defeated the object of curfewing him in the first place, which was to stop him offending at night time.

96. West Midlands

Staff at a hostel report they get a significant number of calls asking them to check whether residents are in as the monitor was failing to register them, to the extent that it actually interfered with the smooth running of the hostel. When the matter was attended to it was found to be again because of faulty equipment.

97. <u>Thames Valley</u>

An offender at the turn of the year breached his curfew requirement. There were several days when the offender left the premises and it was reported that he had several hours of absence during that period of time. He then was absent over a whole weekend. G4S however failed to inform the probation office and it was the offender himself who confessed. When probation contacted G4S they suggested that breach was the remit of probation and not them. It took some time to resolve the matter and obtain details of the absences of the offender. This was of concern because he was considered to be of high risk.

98. Thames Valley

An offender resided in a long terrace of houses that dated from the turn of the century. The tagging company attended regularly at night to say that his signal had failed and he was not at home. Each time though he was there. His address was about halfway along the terrace of 12 homes. The company changed the equipment more than once, tested it on many occasions, but where never able to prevent middle of the night signal failures. He then decided to sleep with his bedroom door open so he could hear the calls and try and pick it up on time to avoid having the company on his doorstep.

99. Thames Valley

The tagging company reported numerous electrical switch offs in respect of one offender, sending in sheets of paper detailing each violation. Some were for only a minute, some longer, but at no time was there no signal from the box for a duration of time and no time when the individual was out of the flat during curfew times. No breaches were ever taken but it was time consuming for probation staff.

100. Thames Valley

An offender is currently serving a prison sentence. Probation received emails from G4S saying he was breaching his curfew. Staff report that when he was received into custody wearing a tag, G4S would have been informed by the prison. Why they thought he was still being tagged remains unclear and it demonstrates disorganization on the company's part.

101. Thames Valley

An individual was on supervision with a suspended sentence order and a eight week curfew in March. Two weeks later probation received information that he had breached his curfew a month earlier. He had also been arrested and cautioned for a domestic violence attack on his partner. He breached his curfew again several days later and was arrested for a further assault and charged. At this point probation issued notification that he had breached his curfew on two occasions. Probation was worried that there was a whole month when he was under supervision and they were unaware that the had breached his tag, or that he had assaulted his partner.

102. Thames Valley

An offender who was on HDC had his tag disconnected by the company one month early. He had been staying with a friend who was waiting to move out of the property as soon as the tag had finished. As a result of G4S removing the tag the friend had agreed with the landlord to move to a new address where there was additional room for the offender. G4S realised the mistake and in order to avoid the offender being homeless the tag was reconnected to the new address, but it still took several days.

103. Thames Valley

An offender under supervision was found to be in violation of his curfew and later the same evening was held by the police for questioning. However the relevant home detention agency did not contact probation and if the offender had not confessed that he had been questioned, probation would still be without the information. Later the information was made available and the breach confirmed.

104. West Midlands

Probation staff say it is quite common for Serco not to inform probation of any breaches until 'the total time reaches a certain threshold, normally two hours'. When dealing with a particularly high risk offender this is not acceptable. Staff question why a violation is not implemented until a total of two hours of absences is accrued.

105. Avon and Somerset

An HDC prisoner was recently released. He was due to have his tag fitted on the same day, however nobody turned up and the tag was not fitted. Probation has been chasing G4S and the prison to try to sort it out. The prison insists they sent the paperwork and the tagging company says they have not received it, despite the fact that the prison received confirmation by fax communication. The prison is now sending faxes again so hopefully, probation believe, it will be sorted out. However if the licencee had not told probation that nothing had happened he could have carried on with his activities without being tagged.

106. Northumbria

Staff received a complaint that they had not responded to notification of a breach of a man's curfew. However it was a stand alone curfew. His only recent involvement with probation was a court report, and he was not on any statutory order. Clearly this was a G4S case and should have been dealt with when the breach occurred. It appeared that G4S had not realised that they were to act on the breach and not probation. In any event probation claim that they did not receive notification of the breach that they were not responsible for, in the first place.

107. Warwickshire

An offender was recently tagged and curfewed to his home, but also needed to go into the garden occasionally to play with his children and to smoke. Serco however has refused to attend to recalibrate the box to allow him to go into the garden despite several requests from him and has said the court must make such a direction. Staff believe the motive here is so they can receive extra payment.

108. <u>Durham</u>

A 19-year-old offender was tagged to a room in shared accommodation. The shower was faulty so he had to use another resident's shower in order to wash. This was just outside the geographical tag area so he was breached. The bench has advised him that he should always now have his shower before the tag time comes into force.

109. Nottinghamshire

An offender was recently tagged and the equipment was faulty. The offender was on prison licence and had been granted HDC. He was nearly recalled. Twelve weeks after commencing his HDC he had somebody visit from G4S to explain that the battery had gone on his tag and they needed to fit a new one. They told him he had not been monitored for some days because of this fault. The following day the offender was getting out of a friend's two door car, clambering from the back, and his tag fell off in the car-well. There was no damage and this was confirmed by G4S. He called them immediately and they came out that day. The tag clips had failed and G4S confirmed there was no suspicion of him having tampered with it. They fitted another tag and showed him how the clips worked and pointed out it had not been fitted correctly in the first place.

110. Nottinghamshire

An individual under supervision had been put on a 6.45am to 6.45pm curfew which had been signed off. He believed however that his curfew was from 7.00am to 7.00pm. As a consequence he was recalled because of cumulative violations between 6.45 and 7.00. He was breached over a two week period after accumulation of over two hours of violations. Probation told G4S that they believed he was unaware of his correct hours and implored them to seek alternative action in view of the fact that the out of curfew times were so small. However the recall was proceeded with and he is now back in prison.

111. Hertfordshire x 2

On two recent occasions where offenders were put on community orders with a condition of a curfew, Serco failed to turn up and the tags were never put in place. The period of the tags was short but because the company did not pick up on it and the offenders did not report it to probation the supervision orders then expired without their being tagged at all.

112. <u>Kent</u>

A young offender was found guilty at a local crown court at the beginning of May 2012. There was then a four week adjournment for a pre sentence report. The main bail condition was a curfew from 7.00pm until 4.00am the next morning. Two weeks into the curfew he was interviewed in respect of the report. He had not yet had the electronic monitoring equipment fitted. He had been advised by G4S that they would attend the property up to midnight. He was therefore staying up every night to ensure he did not miss their visit. The reason the curfew ended at 4.00am because that was the time he got up for work. Just before the interview the police had attended the property to ensure he was complying with curfew hours.

113. Cheshire

An offender in his twenties received a weekend curfew for breaching his community supervision order. Seven days after the tagging order was made he informed probation that G4S had still not come out to fit the tag. The probation officer contacted G4S to ask why this had happened and they said they had not received any paperwork from the court and so therefore had no authority to fit the tag.

114. Northumbria

Probation staff report a case involving an offender on a community order who was beset by equipment failures. The person was seen by a duty officer as part of his induction onto a new community order with supervision and a tag requirement. Several days after the court appointment the offender told probation that no one had been out and he was worried about being breached. The court was insistent that it had sent the paperwork over several days before. G4S then claimed they had not received the papers but the court confirmed they had faxed them over. Eventually the matter was sorted out five days after the tag was imposed but no extension was made to the end date of the curfew. Probation notes that the offender was honest enough to disclose the lack of tag, but wondered whether it would have been picked up at all if he had not done so.

115. Derbyshire

Staff in Derbyshire have reported another case of a tag with a cracked clip. The individual was on home detention curfew and was contacted by G4S because the computer was saying he was violating. In fact they found a crack in the strap of the tag. The offender was unaware of the crack and was told by the G4S operative that these things happened regularly. He was given a final warning because the company thought he might have been responsible for the crack but he was not recalled.

116 – 117 Surrey and Sussex x 2

Staff in Sussex and Surrey Probation Trust report two instances where G4S has either not been informed by the court or not correctly recorded that an order has multiple requirements and therefore breaches should be probation's responsibility. On these occasions the company has issued breach proceedings and refused probation any input. Staff also say that G4S and probation have different guidelines on what is acceptable evidence in court , for example probation staff are able to use their professional judgment in relation to accepting explanations from offenders, whereas G4S cannot.

118. Surrey and Sussex

Staff in this area also report and instance where an offender on home detention curfew was recalled for an alleged breach. He had consistently complained about technical faults on his tag and there had been several call outs. He appealed against the recall and this was upheld. He was re-released and is doing well. G4S has since written to him to say that he may have been wrongly breached because of their error.

119 - 120 Surrey and Sussex x 2

Other staff in Surrey and Sussex report that G4S often breach offenders with multiple requirements and probation officers have to ask them to withdraw proceedings when they recognize the names of offenders who are supervised by probation on court lists. On one occasion an offender's solicitor stated he would ask the court for wasted costs as G4S had initiated breach proceedings incorrectly. In an other instance G4S went to the wrong address to install equipment leading to a delay of at least a week after sentence before the tag was fitted. There are also numerous examples of the equipment being faulty.

Conclusion

Electronic tagging has become a lucrative business. If the coalition implements its proposals for 24-hour monitoring for a 12 month period the contract will exceed £1 billion for tagging in the community and as a condition of home detention curfew. This is an extraordinary development over a 15 year period.

There were numerous technical problems in the early days including a signal failing when offenders passed high buildings or went underground, also faults with the boxes. Napo highlighted a number of failures in 2005 and 2006, saying that if tagging was to be continued it must be technically proficient.

The number of people on the tag at any one time now exceeds 35,000 and could soar to 180,000 by 2015 if the proposed new legislation for virtual prisons in the community is implemented. However, the 120 cases submitted by Napo members during May 2012 shows there are still massive and significant problems with the tagging system.

On numerous occasions probation staff and offenders report that boxes are faulty, that signals cut out, that the transmission of the signal is interrupted if the person takes a shower or washes in a metal bath and that the phone rings in the middle of the night because the person appears to be absent when they are in fact in bed. There are other reports of tags falling off during sporting activities or when painting and decorating. There are reports that the tagging companies are unable to find addresses despite their clear existence. There are examples of violations of the tag not being investigated for many days and even of tags not being fitted at all and orders expiring. There are also examples of persons being recalled to custody when in the view of probation it was the technology at fault rather than the individual. At a time of prison overcrowding and record numbers this is both costly and unnecessary. On other occasions offenders were not recalled when they should have been.

In Napo's view it is essential that the Ministry of Justice review again the effectiveness and efficiency of tagging. Research needs to be commissioned into whether tagging actually impacts on crime and reduces victimization. No research has been produced since tagging's inception in 1989 that it has any impact on reconviction rates. The government is committed to investing in what works to reduce crime, reoffending and the creation of further victims. Tagging can assist when combined with other forms of supervision and works particularly with high risk offenders, but it is essential that the equipment is accurate and does not result in any miscarriages of justice. The time is right for a thorough review of the tagging industry, its efficiency, its effectiveness and its profitability.

Harry Fletcher Assistant General Secretary

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