

RESEARCH FINDINGS *No. 110*

HOME DETENTION CURFEW – THE FIRST YEAR OF OPERATION

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Following successful trials of electronic monitoring as a community sentence, the Home Detention Curfew scheme was introduced in England and Wales from January 1999. Eligible prisoners can be released up to 60 days before the end of the custodial part of their sentences. Over 16,000 offenders have been released onto Home Detention Curfew in the first year of operation, and it is now one of the biggest electronic monitoring programmes in the world. Release rates, recall figures and a brief summary of the results of a process evaluation are given below.

KEY POINTS

- ▶ Overall the Home Detention Curfew scheme has been a success and has operated largely as planned.
- ▶ From the start of the scheme to the end of November 1999, 45,000 eligible prisoners were assessed for risk and suitability, and almost 14,000 were subsequently released on Home Detention Curfew; a release rate of 31%.
- ▶ 95% of prisoners released onto Home Detention Curfew have completed their curfew successfully, with only 5% being recalled to prison.
- ▶ The most common reason for recall (68%) is failure to comply with the curfew conditions. Very few prisoners have been recalled to prison because they pose a risk of serious harm to the public.
- ▶ Rates of release for different types of prisoner indicate that risk of reoffending is a key factor in the release decision.
- ▶ Rates of release for white and black prisoners are very similar; for Asian and other ethnic groups the release rates are slightly higher.
- ▶ There have been relatively few problems with the operation of the scheme, apart from difficulties caused by the tight timescales faced by prison and probation staff in assessing prisoners' suitability for Home Detention Curfew.

Electronic monitoring (EM) is a means of determining whether a person is present or absent from a particular place at any given time by the use of electronic equipment. EM schemes were first introduced in the US in 1984. Since then they have been adopted in many other countries, including Australia, New Zealand, Canada, Singapore, South Africa, Sweden and Holland.

EM has been in continuous use in England and Wales since July 1995, when trials of the curfew

order with electronic monitoring began, initially in three areas (see Mortimer et al., 1999). The success of these trials encouraged the introduction of a new form of early release from prison – the Home Detention Curfew. This was to be enforced using electronic monitoring.

HOME DETENTION CURFEW

The Home Detention Curfew (HDC) scheme began on 28 January 1999 and was designed to ease the transition of prisoners from custody to the

community. Under the scheme, those serving sentences of three months or over but less than four years can be considered for release up to 60 days early. Almost all such prisoners aged 18 or over are eligible for release onto HDC provided they pass a risk assessment, have a suitable address and agree to abide by an electronically monitored curfew. Some categories of prisoner are not eligible for the scheme, such as those required to register under the Sex Offenders Act, 1997 (save in exceptional circumstances), those awaiting deportation, those without a fixed address and those breached for failing to comply with a curfew order.

The final decision on release onto HDC lies with the prison governor, on the basis of a risk assessment carried out by prison and probation staff. The assessment attempts to determine the likelihood of the prisoner reoffending whilst on the scheme, and of his/her complying with the curfew conditions. Once the prisoner has indicated that s/he wants to be considered for HDC, prison staff carry out an initial assessment of suitability. If necessary, they request information from the home probation service on the curfew address proposed by the prisoner, the domestic circumstances and the location of any known victims. After the initial assessment, HDC may be recommended for approval or a more in-depth assessment may be made. Prisoners have a right of appeal against a decision to refuse HDC.

ELIGIBILITY AND RELEASE

From 28 January to 30 November 1999, 45,000 prisoners were eligible for HDC, of whom almost 14,000 prisoners were released. The release rate of 31% was lower than the rate originally expected (approximately 50%). Discussions with prison governors and staff indicates that this may be a result of a more cautious approach when making the decision to release an individual onto HDC. The corollary of this is that the strict application of the risk assessment process has helped to yield a very high successful completion rate for HDC of 95%.

VARIATIONS IN RELEASE RATES – DEMOGRAPHIC FACTORS

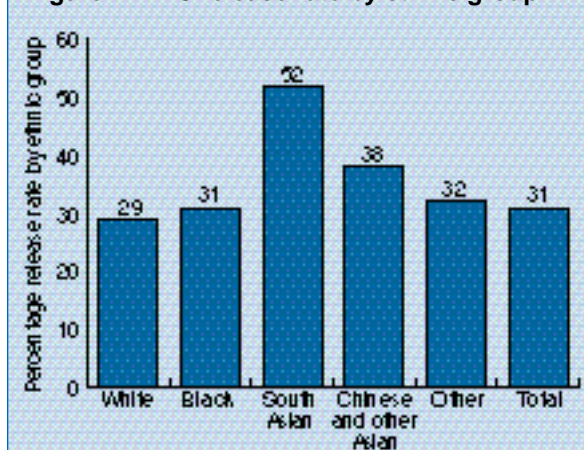
Release rates by sex

About 5% of the prison population are women. However, they make up a higher proportion of the population eligible for HDC, at 7%, and a greater proportion still of those actually released onto HDC, at 9%. The release rate for women prisoners was 40%, compared with 30% for male prisoners. This may be connected with the fact that women tend to have lower reconviction rates, which will be reflected in the HDC risk assessment.

Release rates by ethnic group

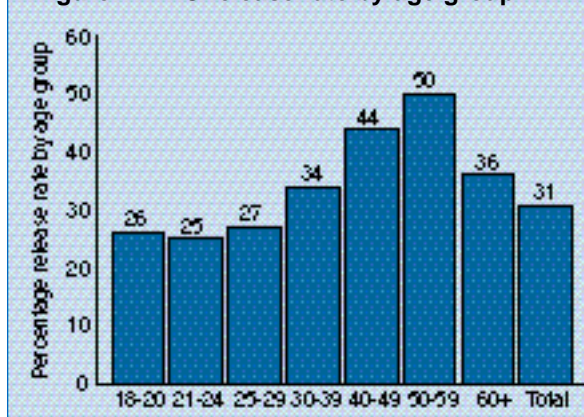
There is very little difference between the release rate for white (29%) and black (31%) offenders. However, South Asian offenders have a much higher release rate at 52%, and the 'Chinese and other' group's release rate is also higher than average at 38% (see Figure 1). The high release

Figure 1 HDC release rate by ethnic group



rate for South Asians is likely to be related to the types of offence committed by this group of prisoners, their behaviour in prison and their overall lower reconviction rates.

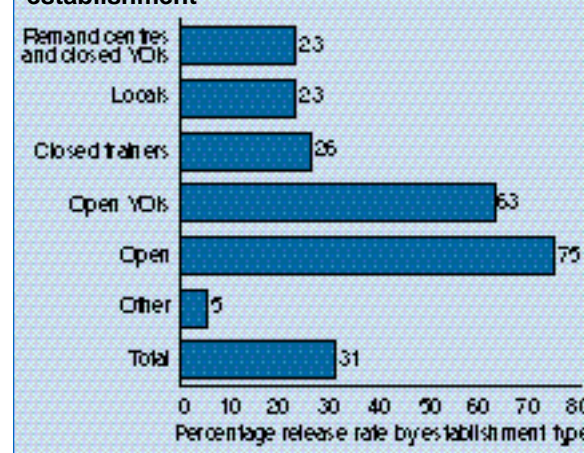
Figure 2 HDC release rate by age group

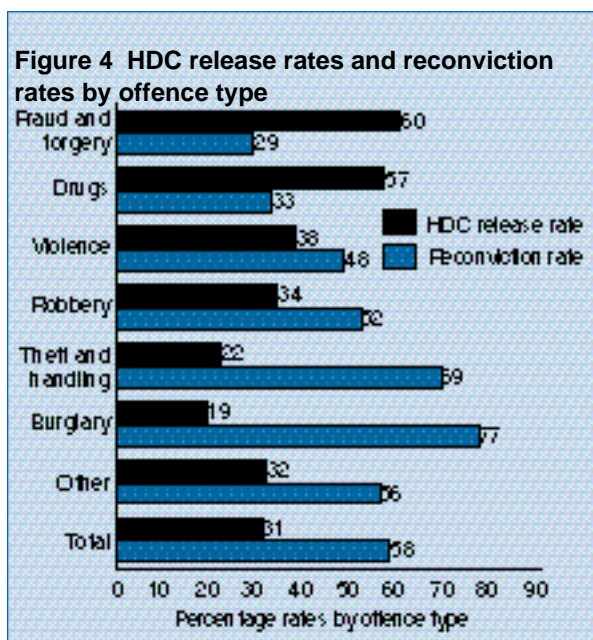


Release rates by age

The release rate onto HDC tends to increase with the age of the prisoner (see Figure 2). However, those 60 and over are an exception – their release rates fall again (but numbers are very low in this age group). The increasing release rate with age is likely to be associated with the higher risk of reconviction for younger age bands. Analysis of reconvictions of offenders discharged from prison in 1995 showed that for those aged under 21 at discharge, 77% were

Figure 3 HDC rate of release by type of establishment





reconvicted within two years of release. For those aged between 21 and 24, the rate was 67%, while it was only 39% for those aged 30 and over (see Kershaw et al., 1999).

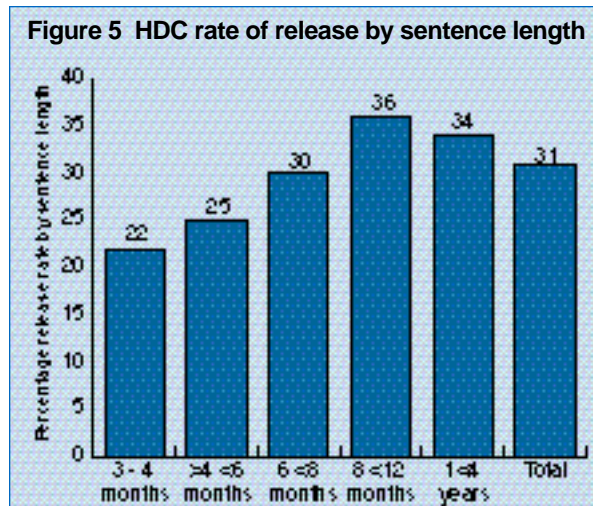
VARIATIONS FOR DIFFERENT ESTABLISHMENTS, OFFENCES AND SENTENCE LENGTHS

Release rates by type of establishment

Open prisons and open Young Offender Institutions contain low risk prisoners and have relatively high release rates onto HDC. Conversely, prisons containing higher risk prisoners, such as remand centres and closed training establishments, have much lower release rates, as shown in Figure 3. This is in line with what would be expected, and reflects the role of risk assessment in determining whether a prisoner is placed on HDC. Local prisons have a low release rate. This is partly due to their holding prisoners serving very short sentences, where there may be insufficient time to complete a suitability assessment.

Release rate by type of offence

The release rate by type of offence varies markedly from the average rate of 31% (see Figure 4). This variation in release rates is most likely to be related to



the reconviction rates across the different offence types. Figure 4 compares the percentage of prisoners discharged in 1995 who were reconvicted within two years (Kershaw et al., 1999) with HDC release rates for these offences. The release rate declines as the reconviction rate rises, i.e. those prisoners convicted of an offence where there is a high probability of reconviction are less likely to be placed on HDC.

Release rates by sentence lengths

Release rates also vary by sentence lengths, with the lowest rate for 3–4 month sentences (22%). The rate increases for those with a sentence of more than four months but less than six (25%) and again for those with a sentence of over six months but less than eight months (30%) (see Figure 5). The lower release rate for shorter sentence lengths is probably related to the tight timescales with which prisons and probation have to work in assessing a prisoner’s suitability for HDC. This pressure is increased when account is taken of time spent on remand and of transfers between prisons during the sentence.

RECALLS

From January to 30 November 1999, a total of 656 curfewees were recalled to prison – 5% of those placed on HDC. A recall rate of approximately 10% had been estimated before the scheme started. The significantly lower figure may be linked to the cautious approach taken by governors and probation staff in assessing risk and suitability.

The most common reason for recall is failure to comply with the curfew conditions – accounting for two-thirds (68%) of all recalls (see Table 1). This category includes being absent from the curfew address, threatening monitoring staff, damaging the equipment or failing to be present for the installation of a new telephone line or equipment. Only seven people out of almost 14,000 releases have been recalled on the grounds that they represent a risk of serious harm to the public.

A number of prisoners are recalled on the grounds that it is not possible to monitor them. These fall into three categories: ‘change of circumstances’, ‘installation failure’ and ‘monitoring failure’. Curfewees recalled on the basis of a ‘change in circumstances’ (for example, where they have involuntarily lost their curfew address or have withdrawn their consent to be monitored) account for 25% of all recalls. ‘Installation failure’ (where it is not

Table 1 Reasons for recall

Recall reason	Proportion of recalls
Breach of HDC conditions	68%
Risk of serious harm	1%
Change of circumstances	25%
Monitoring failure	3%
Installation failure	2%
Other	1%
Total	100%

possible to install the monitoring equipment or make the monitoring equipment fully operational) and 'monitoring failure' (where it becomes impossible to continue monitoring, for technical or other reasons) account for only 2% and 3% of recalls respectively.

Notifications by the police to the Prison Service indicate that approximately 1% of those placed on HDC were charged with a further offence during the curfew period. Additional analysis is being carried out into offending by curfewees both during and after the curfew period.

Curfewees who have been recalled to prison following a breach of curfew conditions will not be granted HDC in the future.

APPEALS

Recalled curfewees have a right of appeal against the decision to recall. From January to November 1999, there were 124 appeals, of which 15 were successful. Curfewees can also appeal to have the reason for recall changed. For example, if a breach of curfew conditions was given as the recall reason they would not be allowed to apply for HDC in the future. They may, therefore, try to change the reason to 'inability to monitor' if there are reasonable grounds – 10 such changes were made following appeals.

PROCESS EVALUATION

During the second half of 1999, the Home Office Research, Development and Statistics Directorate carried out an evaluation to investigate how the HDC process was operating in practice and to identify problems and good practice. The research looked at the various organisations involved with the HDC process – prisons, probation services, electronic monitoring contractors, police forces and the Parole Unit.

The process evaluation showed that, despite the complexity and large scale of the scheme, HDC had operated very successfully, and largely in the way

that had been intended. The numbers released on HDC were lower than originally anticipated, but the successful completion rate was also higher, perhaps reflecting the success of prisons and probation services in applying the risk assessment process. However, it was not always possible to obtain detailed information from prison wing officers. In addition, for practical reasons, police forces were very rarely asked to contribute to the risk assessment process. The workload was also more complex than had been envisaged, but this tended to be offset by the lower overall numbers. As a result, most agencies were able to cope with current work levels.

The timescale problem was raised by many of the organisations visited. The assessment process was seen as being bureaucratic, and the time allowed for the work to be completed was considered very tight. As a result, it was not possible to carry out full assessments for some prisoners within the available time. Contractors did not always receive the full 14 days' notice in advance of release. Many of the problems raised in the process evaluation have already been tackled by the Prison Service and Home Office. Some of the procedures have been streamlined and computerised. This should further improve the working of the HDC scheme.

FUTURE RESEARCH

Research continues into the impact of the Home Detention Curfew scheme and will be published during 2000. This will include a full evaluation of the scheme with detailed analysis of some of the issues covered in this report. The evaluation will also include:

- interviews with a sample of curfewees, their families and their supervising probation officers
- a study of reconviction of released prisoners both during and after their curfew period
- a cost-benefit analysis of Home Detention Curfew.

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