



National Audit Office

The Electronic Monitoring of Adult Offenders

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SUMMARY AND CONCLUSIONS



1 Electronic monitoring of a curfew has become an integral part of the criminal justice system, used at various stages of criminal cases: as a condition of bail; as a sentence of the court (Curfew Orders); and as a condition of early release from prison (the Home Detention Curfew scheme). Since electronically monitored curfews were rolled out throughout England and Wales their use has increased sharply, from 9,000 cases in 1999-00 to 53,000 in 2004-05. In 2004-05, the Home Office spent £102.3 million on the electronic monitoring of curfews. This report focuses on the two most common uses of electronic monitoring, Curfew Orders¹ for adults and Home Detention Curfew,² which account for nearly 80 per cent of electronic monitoring cases.³

2 The Home Detention Curfew scheme is a tool available to the Home Office to help manage the prison population; changes to the scheme could be made which would release additional prison spaces. The Home Office keeps the Home Detention Curfew scheme under regular review but, at the time of publication, no decisions have been made to make any changes to the scheme.

3 Electronic monitoring is used to monitor compliance with a curfew, requiring the curfewee to remain in their home for a specified number of hours a day.⁴ Typically, offenders are fitted with an electronic tag around their ankle which sends a regular signal to a receiver unit installed in their home. The equipment notifies the

monitoring agencies if the offender is not at home during their curfew hours. The National Offender Management Service⁵ (the Service) oversees the use of electronic monitoring. Private contractors provide and install the monitoring equipment, and are responsible for monitoring the curfewees.

4 This report examines the cost effectiveness of electronic monitoring and covers:

- Whether breaches of curfew are detected and dealt with promptly and effectively.
- The cost of electronic monitoring compared to custody and the costs of electronic monitoring to the wider criminal justice system.
- The impact of an electronically monitored curfew on the curfewee's offending behaviour.

5 Using curfew orders as a community penalty or as a means of early release of a convicted offender from prison can be more cost effective than custody, and may also help in the rehabilitation of offenders by keeping them with or allowing them to return to their family or other structured environment. A 90 day curfew period, for example, is around £5,300 cheaper than the same period of custody. On average, 90 days on Home Detention Curfew costs £1,300, and an Adult Curfew Order of the same length costs £1,400, compared to 90 days custody which costs

1 A Curfew Order is a community sentence imposed by the courts. The courts specify the hours of the day when an offender must remain at home. If the curfewee breaches their curfew they are returned to court for re-sentencing.

2 Home Detention Curfew allows selected short sentence prisoners to spend up to the last four and a half months of their custodial sentence in their community, subject to an electronically monitored curfew. It was introduced across England and Wales in January 1999.

3 The report does not cover Northern Ireland, which does not use electronic monitoring, or Scotland where electronic monitoring is the responsibility of the Scottish Executive. Paragraph 4.23 provides more details.

4 Home Detention Curfew lasts for at least 9 hours a day (although 12 hours is the most common period). Curfew Orders imposed by courts are for between 2 and 12 hours a day. For curfews which are a condition of bail, the number of hours is at the discretion of the judge or magistrate.

5 The National Offender Management Service brings together the work of the Prison and Probation Services in the criminal justice system. Established in 2004, the Service focuses on the end to end management of offenders and is responsible for interventions to reduce reoffending and reconviction and protect the public.

around £6,500. Maintaining public confidence in electronic tagging as a means of controlling or punishing offenders is heavily dependent on the effectiveness of those engaged in the process. For Home Detention Curfews, prison governors need to assess prisoners' suitability for release and do it in a timely manner. For all curfews, it is critical that contractors fit tags on time and monitor their operation carefully, acting promptly to notify where breaches arise so that appropriate action can be taken quickly. The Home Office needs to monitor contractors' performance pro-actively given the significant role they play in ensuring curfews are complied with in practice.

6 Our review suggests that if prison assessment processes were improved so that all prisoners assessed as suitable for Home Detention Curfew were released when eligible, the National Offender Management Service could save over £9 million a year. In addition, whilst it appears that curfews are monitored effectively and the equipment works, the processes of all the relevant criminal justice agencies need to be reviewed to ensure that there are minimal delays at the beginning and end of the process. Also given the vital part which contractors play in maintaining public confidence in curfews as an effective control or punishment, the Home Office should be more rigorous in the regular audits which it conducts with the contractor. Our findings are set out in more detail below.

Main conclusions of our report

The electronic monitoring of offenders provides overall value for money

7 Electronically monitored curfews are considerably cheaper than custody. Ninety days in custody costs nearly five times as much as 90 days on Home Detention Curfew or Adult Curfew Order. The new contracts for electronic monitoring, which came into force in April of 2005, are also cheaper than the previous ones, providing an average saving of £950 per person monitored. Electronic monitoring equipment and systems are robust and perform well in relation to what they are expected to achieve.

However, the effectiveness of electronic monitoring is potentially undermined by delays in fitting tags and delays in responding to breaches. The Home Detention Curfew system could also be made more efficient, resulting in a potential saving to the Home Office of £9 million.

Delays in fitting electronic tags and monitoring equipment could potentially undermine the effectiveness of the curfew

8 Under contracts put in place in April 2005, the two contractors (Securicor Justice Services Ltd and Premier Monitoring Services Ltd) are required to visit curfewees by midnight on the day the curfew starts in order to install the equipment.⁶ Our examination of 62 cases found that 97 per cent of visits by the contractors were completed within the contractual time limit although only 85 per cent of offenders were actually tagged on time. Delays were more common for Adult Curfew Order cases where only 81 per cent of our sample had tags fitted on time compared to 89 per cent for Home Detention Curfew cases. The National Offender Management Service is currently reviewing processes in this area in order to identify and rectify the cause of delays across the whole criminal justice system.

Our testing of the monitoring equipment suggests it is robust in recording curfew violations but the time taken by the criminal justice system to respond to breach notifications varies widely

9 Two members of our team wore tags for a week and recorded their movements for comparison with contractors' records. They also made attempts to tamper with the monitoring equipment including attempts to remove the tag. In both instances the equipment proved robust and withstood tampering although one absence was recorded when one team member took a bath. This exception is thought to have arisen due to the metal bath which was filled with water obstructing the signal to the receiving equipment.⁷

⁶ The exception is Curfew Orders, where the curfew starts on the day it was ordered by the court. In this case, the deadline is midnight on the second day of the curfew period.

⁷ Despite the equipment proving robust, there have been reported incidents which have raised questions about reliability. In two separate incidents, juvenile offenders Robert Clegg and Peter Williams committed murder whilst subject to an electronically monitored curfew as part of their Intensive Supervision and Surveillance Programme. We examined the contractors' records of these two cases and the Home Office's subsequent investigations. In both cases the equipment itself worked, although there were questions about the suitability of the offenders for an electronically monitored curfew and about how promptly the contractors and other agencies had responded to violations. We examine the promptness and suitability of responses to reported violations in more detail at page 18. The Probation Inspectorate also reported on the Peter Williams case in more detail: *Inquiry into the supervision of Peter Williams by Nottingham City Youth Offending Team*, HM Inspectorate of Probation.

10 Our case file reviews of 105 breaches showed that around 43 per cent occurred due to unauthorised absences, 13 per cent due to equipment being tampered with, 23 per cent due to the householder withdrawing consent to having monitoring equipment on their premises or the offender refusing to have a tag fitted, and 19 per cent for other reasons such as the offender being arrested for another offence. For our sample of cases, we found that contractors generally initiated breach action where appropriate.

11 The majority (65 per cent) of Home Detention Curfew breaches in our sample were reported to the Home Office within 24 hours of the breach but 22 per cent took between 24 hours and three days, and 13 per cent over three days. Delays can increase the risk that an offender absconds and potentially increases the risk to the public. Our analysis of 40 Home Detection Curfew breach cases at the Home Office indicated that around 55 per cent of the offenders were returned to prison within seven days of the breach being reported but in over a quarter of cases, return to prison took between 8 days and two months, and for 10 per cent of the cases between 2 months and a year, because it took time for the police to find and arrest the offender. In three of the 40 cases the offender was not yet in prison at the time of our work.

12 When an offender breaches the conditions of an Adult Curfew Order, the courts determine what action should be taken. Contractors are generally required to notify the courts within five working days (three days if further enquiries into the breach are not needed). In our review of 35 cases, 11 (31 per cent) met the 5 day requirement with the remainder exceeding it, with notification taking over two weeks in five cases.⁸ Once the contractor notifies the court of the breach, the court arranges a hearing date. However on occasions there are lengthy delays between the contractor notifying the court of a breach and the court making a hearing date available. Such delays between the date of the breach and the date of the court hearing are potentially damaging for two reasons. Firstly, the offender may not be electronically monitored during this period (for example, if the breach is caused by cutting off the tag), leading to a higher risk of further breaches and re-offending. Secondly, if it becomes known that there are often long delays between breach and being returned to court, this may create the impression that curfewees can breach their curfew with impunity. Her Majesty's Court Service has recognised

this problem and has introduced a national strategy (expedited enforcement) to reduce the time between the court hearing and breach trigger action. This strategy encompasses all criminal justice agencies responsible for the enforcement of community penalties.

Electronically monitored curfews may be having a positive impact on reducing reoffending but further research is required to establish this

13 The primary purpose of electronic tagging is to monitor a curfew and reduce the opportunities for offenders to commit further crimes during their sentence. We checked our sample of 103 offenders on curfew against the Police National Computer and found that 10 per cent of our sample of Home Detention Curfew cases had been reconvicted for an offence committed during the period of their curfew, as had 42 per cent on Adult Curfew Orders. Our analysis also showed that those who breached their curfew were more likely to have committed an offence whilst on tag than those who had complied with the curfew. The latest Home Office statistics on re-offending, published in December 2004, indicate that 51.2 per cent of offenders who completed a community penalty in 2001 were reconvicted of another offence within 24 months, and 58.2 per cent of those discharged from prison were reconvicted within 24 months. Using data from the Police National Computer we identified that 12 per cent of the offenders in our sample on Home Detention Curfew were reconvicted for offences committed either while on tag or within 24 months of the end of their curfew. This is considerably lower than the national reconviction rates for all those discharged from prison. (Our sample size is, however, small and should be treated with caution. The Home Office's figures suggest that the re-offending rate for offenders on Home Detention Curfew is 4 per cent.) Some of the difference between the reconviction rates could be explained by the assessment criteria for Home Detention Curfew release (those likely to re-offend are not released), - however this may not account for the whole difference. Therefore further research is needed in this area. In addition the rate of reconviction for those in our sample given Adult Curfew Orders was 48 per cent and hence slightly lower than the national reconviction rate for those completing community penalties. Again, whilst the difference we found is not statistically significant, further research is required to explore this potential relationship between Adult Curfew Orders and a reduction in re-offending.

⁸ Of the remainder, there was no breach report on the contractor's file in 10 cases, and the remaining nine cases took between 5 working days and 2 weeks.

14 For Home Detention Curfews in particular, release on curfew provides ex-prisoners with a structured return to normal life, providing the opportunity to find employment and to return to their family. Curfew Orders also provide offenders with an opportunity to break patterns of offending behaviour relating to, for example, excessive consumption of alcohol or shoplifting, by keeping them home at certain times of the day, and reduce their contact with others who may encourage criminal behaviour. Most offenders we spoke to were positive about their experience of being on a curfew citing that they could have slipped back into a criminal routine if they had not had the structure provided by an electronically monitored curfew. However, a minority were concerned that employers would not offer a job to someone wearing a tag, and others could only find work on night shifts which conflicted with their curfew period. A few offenders were also uncertain as to whether they could change their curfew hours to fit the times they were at work or to allow time to travel to and from work. Whilst most offenders reported that their relationships had improved or at least remained neutral it was noted that for a small percentage, wearing a tag can also create tensions in the household. Similarly some householders withdrew their consent to having an offender curfewed in their house, which may in some cases cause disruption to monitoring.

There are significant variations between prisons in the proportion of offenders recalled for breaching Home Detention Curfew which suggests the initial assessments made by prisons could be improved, bearing in mind the variety of reasons for breaches and different populations in different prisons

15 Our analysis of the proportion of prisoners released on Home Detention Curfew in 2004 and subsequently recalled, showed that recall rates were less than 10 per cent of offenders in 13 prisons, between 10 and 20 per cent in 41 prisons, and more than 20 per cent in 13 prisons. The prisons with the highest recall rates were either for female prisoners or young offender establishments whereas those with the lowest rate of recalls were generally open or other lower security establishments where prisoners may have been more thoroughly tested as to risk and reliability before the curfew was put in place.

16 Our review of the assessment process showed, however, that improvements could be made. For example we identified that in over a quarter of cases, prison staff responsible for monitoring the offender's behaviour in custody had not provided written comments on the assessment form. Probation staff responsible for conducting the home visits considered that they were not always able to assess the offender's family environment or to explain the implications of a curfew to other family members. Probation staff in Gwent had revised their procedures to improve the consistency of home visits to reduce the likelihood of the curfew failing due to withdrawal of consent by the householder.

Electronically monitored curfews are much cheaper than custody

17 Home Detention Curfew (during which the offender is electronically monitored) is considerably cheaper than custody. The magnitude of this saving depends on the length of time an offender is on electronically monitored curfew instead of remaining in custody. A 90 day curfew period, for example, is around £5,300 cheaper than the same period of custody. These savings reflect, in part, the cost reductions negotiated by the Home Office when it re-tendered the electronic monitoring contracts in 2005.

18 Further savings of £9.3 million a year could be achieved, however, if offenders who have been granted Home Detention Curfew were released on time. Home Office data indicate that only 59 per cent of offenders were released within two days of their eligibility date. Our interviews with staff suggested delays arise usually because the prison governor or, in contracted-out prisons, the Home Office controller, was waiting for information about the offender to complete the Home Detention Curfew assessment, including reports from external probation officers and other prisons and the offender's history of previous convictions, which should already be on a prisoner's files. However, where they are not, the prison needs access to the Police National Computer, which lists prior convictions. Only 43 out of the 113 prisons which release prisoners on Home Detention Curfew had this access meaning that the remainder had to rely on either the local police or another prison to supply this information. By encouraging courts, prisons and probation staff to share information more readily, the Home Office could streamline the assessment of prisoners to minimise the time they spend in custody when Home Detention Curfew is an appropriate alternative.





RECOMMENDATIONS

19 The National Offender Management Service should:

Improve the co-ordination between contractors and the criminal justice system by:

- a** Reviewing the existing processes that exist involving the National Offender Management Service, contractors and Her Majesty's Courts Service to ensure effective commencement and enforcement of curfews.
- b** Clarifying for prison governors, Home Office controllers, chief probation officers and the contractors who should authorise an offender's absence during a curfew period and when this is appropriate.
- c** Writing to the local Criminal Justice Boards and encouraging them to invite the contractors to attend their meetings. This already takes place in some areas but there is scope to extend this more widely.
- d** Routinely enforcing the 24 hour target set for the Recall and Release Section of the Home Office to send appeal papers to offenders who have been recalled to prison.

Monitor the performance of contractors by:

- e** Auditing a random selection of curfewee cases each month with reference to the full file, as well as auditing Key Performance Indicators, so as to establish more fully the extent to which the contractors have complied with the conditions of their contracts, and to assess the quality of service provided.

Improve the assessment process for Home Detention Curfew by:

- f** Requiring prison and probation staff to complete Home Detention Curfew assessments before a prisoner becomes eligible for release wherever possible. Local managers within the Prison and Probation Services should monitor progress on cases, and actively chase prisons and probation officers for the required information.
- g** Providing prison governors and Home Office controllers who are releasing offenders on Home Detention Curfew with ready access to prisoners' up to date criminal records. Options for achieving this include incorporating criminal records into the data held on the National Offender Management Information System, which is currently in development, or checking that this data is included on a prisoner's file on their reception into a prison, or providing access to the Police National Computer to all prisons.



- h** Requiring prisons to undertake the criminal record check for an offender before the rest of the Home Detention Curfew assessment is carried out so that an early decision to refuse release can be made where the criminal record check reveals sufficient information.
- i** Commissioning long-term research of curfewees to determine the impact that the curfew itself has on reconviction rates, and why some people are more likely to breach their conditions and commit further crimes. Some of this data could be used to inform curfew release decisions.
- j** Providing prison governors and Home Office controllers with regular feedback on the reasons why offenders they released on Home Detention Curfew breached their curfew conditions, in order to better inform future decision making.
- k** Requiring prison governors and Home Office controllers to meet their obligation to complete an assessment fully before deciding to release a prisoner on Home Detention Curfew.
- l** Writing to Chief Probation Officers to remind them of their obligation during home visits to confirm that households understand what a curfew involves and whether they are likely to support the offender whilst tagged. One approach would be to encourage probation staff to adopt the checklist approach to home visits adopted by Gwent Probation Area.