

Evaluating the Effectiveness of Home Detention Curfew and Open Prison in Scotland

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Home Detention Curfew (HDC) and open prison are both forms of 'conditional liberty', where prisoners are allowed controlled access to the community. Schemes of conditional liberty are intended to provide a gradual transition from prison to community thus facilitating a person's reintegration. On an HDC licence, prisoners live at home but must wear an electronically monitored tag and keep to a curfew; in open prison, prisoners live at the prison but can be granted home leave and participate in activities that prepare them for release. The Scottish Government commissioned this research to evaluate how these two schemes operate, what they cost and how they may assist longer term aims to reduce reoffending.

Main Findings

- From July 2006 to March 2010, 7,292 people were released on HDC; 21% of them were recalled, which equates to an average of 34 people per month.
- People on HDC are predominantly male, on shorter sentences (63% were serving sentences of 6 months to less than 2 years), and have a less serious offending profile compared to the overall prison population.
- A primary function of HDC appears to be managing the pressure of high prison populations. The reintegrative aims of HDC may be limited as, aside from the monitoring of the tag itself, there are almost no mechanisms or services in place to support or supervise prisoners.
- It costs £126 per week to keep someone on HDC, compared to a notional cost of £610 per week to keep them in prison.
- The open prison population has declined steadily since 2007 so that in early 2010 it stood at just above the half the maximum capacity of 425 on the Open Estate.
- The open prison population has also become increasingly composed of older prisoners (over a quarter are over 40) and those on longer sentences (over 70% in 2010 were serving sentences of four years or more).
- Prisoners and staff strongly felt open prison made it easier for prisoners to transition to life back in their home communities.
- The average cost per prisoner place on the Open Estate when it is operating at full capacity (425 places) is £19,319; this is much cheaper than the average cost of standard prison place (£31,703). With no redeployment of staff and only about half its places filled, the cost of an open prison place is £31,458.

Background and Aims

Home Detention Curfew (HDC) came into use in Scotland in 2006 and allows prisoners, mainly those on shorter sentences, to serve up to a quarter of their sentence (for a maximum of six months and a minimum of two weeks) on licence in the community, while wearing an electronic tag. Open prisons have been in existence much longer, and are facilities without the secure perimeter fences of traditional, 'closed' prisons, and allow prisoners to gradually take on the responsibility of freedom through home leaves and other activities. The research was commissioned by the Scottish Government in 2010 to evaluate the effectiveness of HDC and the prison system's Open Estate in terms of their ability to improve the management of offenders and facilitate their reintegration into the community.

Research Methods

The research employed a mixed methods approach, which included: a statistical analysis of patterns of use and outcome for HDC and open prisons between July 2006 and March 2010; qualitative research (mainly interviews of staff, and for the open prisons, staff and prisoners) to explore the administrative process and experience of the schemes; and an analysis of the costs and savings respectively of HDC and open prisons. The research focused on the period when people were on an HDC licence or in open prison, and does not include analysis of the period after a person returns to full liberty

Context of HDC and Open Prison

Schemes of conditional liberty, like HDC and open prison, operate in a highly politicised context. They are intended to support a prisoner's transition out of prison by controlled access to the community, but are subject to concerns about public safety and the transparency of sentencing when people are granted 'early' release. At the same time, prisoners and their families may assert their rights to be considered for such schemes. The use of such schemes, moreover, to assist population management may further exacerbate the pressures of this context.

Use and Population Profile of HDC

Since it was introduced in 2006, use of HDC has grown steadily. Between July 2006 and March 2010, 7,292 prisoners were released on an HDC licence. Over three-quarters of these prisoners (77%) successfully completed their period on HDC. The average daily population on HDC between 2006 and 2010 was 331.

The age profile and gender balance of the population on HDC is broadly similar to that of the overall prison population, and fluctuations in use of HDC appear to have followed fluctuations in the prison population overall. There is slightly more use, proportionately, of HDC for women than men.

Prisoners released on HDC are generally serving short sentences of six months up to less than two years; only 5% of those given a HDC licence were serving sentences of three years or longer. However, those on very short sentences rarely receive HDC: between 2006 and 2010, only 46 HDC licences were granted to those serving three months or less.

The offending profile of prisoners on HDC tends to be less serious than for the prison population as a whole (prisoners whose main offence was violent crime accounted for 37% of the population, compared to 19% for the HDC population). Drug-related crimes (23%), crimes of dishonesty (18%) miscellaneous offences (16%) and motor vehicle offences (12%) were the other most common categories of main offence for those on HDC.

Recalls from an HDC Licence

Just over a fifth of those on HDC were recalled to prison between 2006 and 2010. Older prisoners, those on shorter sentences and those in prison on violent or drug-related offences had lower rates of recall than the overall average. There are also establishment differences in recall, ranging from nearly 30% at one prison to a low of just over 10% at another establishment. Some of this variance, but not all, can be explained by different population profiles at the different penal establishments.

The most common reason for being recalled is for failure to comply with the technical conditions of the curfew rather than committing crimes while on HDC. Being out of curfew for more than six hours (38% of all recalls) and breach of licence conditions (24%) accounted for most recall activity. Offending while on licence appears only rarely to be the cause of recall (7% recalled for a new warrant served), though not all offending may be known or recorded as such.

Interagency Coordination

Responsibility for HDC decisions lies entirely with SPS; social workers, who assess the suitability of the address where the prisoner proposes to stay have no power to reject an application (or formally even submit a recommendation to release or not) and (unlike the police) are not systematically informed of release decisions. There was dissatisfaction in two of three social work areas studied about the lack of involvement in decision making and in supervision of prisoners in the community; in the third area relationships

were reported to be satisfactory. Relationships with police and Serco were reported by most SPS respondents to be positive.

Risk Assessment

The Prisoner Supervision System (PSS) serves as the first screen of the risk assessment process for HDC, and prisoners with a PSS level of high or medium will not be released on HDC. PSS is not designed to assess risk in the community, which was widely acknowledged among SPS managers. Some Criminal Justice Social Work (CJSW) respondents expressed concern about the risk assessment process, questioning how well a process focused on assessing a person's behaviour in secure conditions would translate to predicting their risk outside of prison. SPS respondents, however, felt CJSW assessments tended to be risk averse – possibly as a result of such concerns.

Perspectives of Families and Offenders

An international review of literature shows that offenders and families who have experience of HDC strongly support its availability. Getting out of prison and having a family member back home were the main cited reasons. However, the condition of being on a curfew and required to be inside one's residence for 12 hours a day (as is the default period in Scotland) can create stress for both the released prisoner and their family. Sometimes family members reported feeling coerced to support a prisoner's application for HDC, and felt that they too were being punished. Having support during the period of release, that was available to families as well as prisoners, was seen as helpful for dealing with stress and other issues.

Purpose of HDC

Respondents in the research mainly perceived the purpose of HDC as managing prison population pressure. Some expressed the belief or hope that HDC could also support reintegration of prisoners into their communities, often because of a conviction that being in the community rather than prison was a facilitator in itself of reintegration. Patterns of use of HDC by different establishments tends to support the view that HDC mainly functions to relieve crowding, as those prisons with the most crowded facilities also proportionally make the most use of this scheme.

Factors of Success/Failure on HDC

Younger people have higher rates of recall and this prompted a pilot in one area which provided multi-service support to 16 and 17 year olds on HDC. The fact that, generally, the longer

someone is on HDC the more likely they are to be recalled suggests that support in the community may be able to reduce the risk of this happening by addressing some of the underlying issues. Recall rates vary across penal establishments: while some of this variation reflects differences in population, it may also indicate some variation in administrative processes.

Use and Population Profile of Open Prison

Between 2006 and 2010, the open prison population peaked at 507 in 2007, then declined steadily to 234 prisoners in the first quarter of 2010. As the open prison population has declined, the profile of those on the Open Estate has also changed with higher proportions of older prisoners and those serving sentences of four years or more. This may reflect changing patterns in the transfer decisions being made in closed prisons, with less inclination to send younger prisoners and those on short term sentences. Around a quarter of those admitted between mid 2008 and early 2010 were over 40,, compared to 18% in this age group between 2006 and 2008. Over 70% of those admitted in 2010 were serving a sentence of four years or more, compared with less than half in this sentence group of those admitted to open prison between 2006 and 2007.

Absconds from Open Prison

Although a couple of high profile absconds from the Open Estate have raised the profile of this issue, a statistical analysis of absconds shows this to be a relatively rare phenomenon. Over the 2006-2010 period, there was on average 4.4 absconds per quarter, though this rate is inflated by a concentration of absconds taking place during 2007 (and when the Open Estate was operating above its maximum capacity). When prisoners did abscond they tended to do so soon after being transferred to open conditions, and over half of all absconds lasted a week or less.

Factors of Success and Effectiveness of Open Prison

Prisoner and staff respondents all expressed a strong belief about the value of the open estate as part of a system of progression from secure prison to full liberty. The generally low level of absconds is an important factor documenting compliance. Home leave was seen by prisoners as the major attraction and incentive of open prison. Prisoners noted that the availability of programmes and activities felt to be personally useful and applicable was not always maximised, and staff felt the work of open prison was not being fully

recognised or adequately resourced. Both prisoners and staff respondents felt addressing individual needs which would support reintegration was sometimes subordinated to needs of the prison, such as getting prison jobs done, or fulfilling centrally-set goals for programme participation. The general view among respondents was that one year was probably the maximum length of time that could profitably be spent on the Open Estate.

Costs and Savings of HDC and Open Prison

The estimated weekly cost of keeping a person in prison is £610 (based on an annual cost of £31,703 per prison place in 2009/10). This compares to a weekly cost of £126 to manage someone on HDC (plus one-off costs of £702 for the purpose of assessing HDC applications preparing prisoners for release). Hence, a minimum period of two weeks on HDC represents a notional savings of £266 while a person on the maximum allowable period of six months represents a savings of £10,914.

The cost of operating the Open Estate in 2009/10 was £8,210,484. If all 425 places were filled, the average cost per prisoner place in open prison would be £19,319, which is significantly cheaper than the overall average cost of a prisoner place of £31,703 for the prison estate overall. Currently operating under capacity with an average daily population in 2009/10 of 261, the cost per place in open prison rises to £31,458, assuming no changes to the staffing complement.

Areas for Development

Four key areas for development for both HDC and open prison emerged from the research:

- *Reintegration*: the meaning of this should be clearly established to allow for monitoring of effectiveness. The typically short periods of time on HDC raises distinct reintegration issues and opportunities compared to open prison.
- *Managing Prison Populations*: Both open prison and HDC have been used to help manage pressure on the prison estate; use of HDC appears still to play a primary role in this function. It would be worth exploring how this use of conditional liberty schemes sits with their respective aims to facilitate management of offenders and community reintegration.
- *Interagency Coordination and Control*: Opportunities for collaboration and interagency coordination are not maximised for HDC or open prison, and this can undermine mutual trust and understanding which has material consequences on the patterns of use of both schemes.
- *Safety and Risk*: Serious incidents are rare for both HDC and open prison, and much attention is currently devoted to risk assessment. Still, consideration should be given to the role of the Prison Supervision System in the HDC risk assessment process, and generally to the need to address the confidence in and awareness of current protocols among external stakeholders such as the judiciary and criminal justice social work.

This document, along with full research report of the project, and further information about social and policy research commissioned and published on behalf of the Scottish Government, can be viewed on the Internet at: <http://www.scotland.gov.uk/socialresearch>. If you have any further queries about social research, please contact us at socialresearch@scotland.gsi.gov.uk or on 0131-244 7560.



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