

Institution: University of Leeds
Unit of Assessment: 20 (Law)
Title of case study: 2. Improving Compliance with Electronically Monitored Curfew Orders
<p>1. Summary of the impact</p> <p>A better understanding of electronic monitoring (EM) and improvements and innovation in policy and practice have resulted from research conducted by Professor Anthea Hucklesby. An important question facing criminal justice policy makers and practitioners is how to increase compliance with community-based sanctions to improve their effectiveness as well as the confidence of the courts and the public. The research addresses this agenda by highlighting factors which influence offenders' compliance with EM curfew orders and by recommending ways in which compliance might be increased. The research reinforced government confidence that EM should be used widely and shaped the future direction of EM policy in England and Wales. The research also brought about changes in the operation of EM within G4S, resulted in the setting up of pilot projects, provided for a safer staff working environment and informed the work of Her Majesty's Inspectorate of Probation.</p>
<p>2. Underpinning research</p> <p>EM is one of the main planks of government policy to stem the rise in the prison population and to strengthen the punishment and crime preventative elements of community sentences. In England and Wales, EM curfews are used at all stages of the criminal justice system (pre-trial, sentencing and early release from prison) and are the fastest growing community-based tool - used for over 105,000 individuals per annum and costing £116 million in 2011-12. The use of EM is also growing rapidly in Europe and worldwide. EM is becoming increasingly important for a number of reasons. In comparison to other community sanctions, EM enables greater levels of surveillance and increases the likelihood of offenders being caught if they fail to comply. It is also significantly cheaper than imprisonment (the annual cost of EM curfews is under £5k per offender compared with over £37k per year per prison place) and most other community sentences.</p> <p>Several major concerns with community-based sentences which arguably limit their use (in that they do not incapacitate and are regarded as soft options) coalesce around issues of compliance. Improving compliance raises courts' confidence in the effectiveness of EM curfews thereby increasing their use. Breaches and re-offending would decline which in turn would impact positively upon offenders' long-term desistance from offending [1], resulting in significant cost savings and a safer society.</p> <p>The research, conducted by Hucklesby (at Leeds since 2003 and Senior Lecturer at the time of the research), directly engaged with these important policy agendas by investigating empirically questions of compliance with EM curfew orders. The research was funded by G4S Care and Justice Services (then Securicor) one of the leading global private security companies and the largest provider of EM worldwide, monitoring 40,000 individuals each day in countries including USA, Israel and Australia. During 2005-6, Hucklesby used observations, statistical data and interviews with offenders and staff to explore the extent of non-compliance and what influences offenders' compliance.</p> <p>Recorded breach rates were found to be significantly lower than reported non-compliance because of the high breach thresholds set out in government contracts. Nearly all offenders had not complied on multiple occasions. Most non-compliance related to short time violations (e.g. being late for the start of the curfew) and was reported to result from poor time management and planning rather than deliberate acts [3] [4] [5]. At the time of the research, the official breach policy was confidential and offenders did not have accurate knowledge of it [3] [4] [5].</p> <p>The research found that offenders' compliance is shaped by a complex web of factors, some of which could be influenced by relatively minor changes. The factors identified include: how well the criminal justice system prepares offenders for EM (i.e. providing information about EM); offenders' perceptions about surveillance levels (how aware they are of the requirements of their order and enforcement boundaries); the efficiency of the technology; community ties (i.e. housing,</p>

employment and family ties of offenders); and individual motivations of offenders (whether they want to comply) [2] [3] [4] [5].

The research also identified ways in which staff influence offenders' compliance. For example, it found that staff were not explaining EM requirements to offenders and their families sufficiently, partly because of concerns about their own personal safety when visiting offender's homes. The research uncovered these feelings of insecurity and the link with compliance – namely staff rushed to leave houses in which they felt unsafe, reducing the thoroughness with which they completed tasks like fitting equipment and explaining to offenders and their families what EM entailed [3]. It also found that families play a vital role in compliance, reminding offenders of their curfew requirements and taking practical steps to ensure compliance such as picking offenders up [2].

The research identified several key areas of practice which, if adapted, might increase compliance and bring about benefits for the company (e.g. financial, increased credibility with government and criminal justice agencies and competitive advantage), the criminal justice process (cost savings and improved credibility) and the public (increased safety and lower crime rates).

3. References to the research

The report supplied to G4S is confidential but three articles in leading peer-reviewed journals and two book chapters, in edited international collections, have been published.

[1] Hucklesby, A. (2008) 'Vehicles of Desistance: the Impact of Electronically Monitored Curfew Orders', *Criminology and Criminal Justice*, 8(1): 51-71. DOI: 10.1177/1748895807085869. Listed in REF2 and available on request from the University.

Explores the potential of EM to bring about long-term desistance from offending through its function as a 'habit breaker' and identifies policy and practice implications which speak to the interrelated rehabilitation/desistance and compliance agendas.

[2] Hucklesby, A. (2009) 'Understanding Offenders' Compliance: A Case Study of Electronically Monitored Curfew Orders', *Journal of Law and Society*, 36(2): 248-71. DOI: 10.1111/j.1467-6478.2009.00465.x. Listed in REF2 and available on request from the University.

Examines the extent of non-compliance and the factors related to compliance and non-compliance relating the findings to existing theories of compliance and explores the implications for practice, identifying ways in which compliance might be improved.

[3] Hucklesby, A. (2011) 'The Working Life of Electronic Monitoring Officers', *Criminology and Criminal Justice*, 11(1): 1-18. DOI: 10.1177/1748895810392185. Listed in REF2 and available on request from the University.

Explores monitoring officers' views of their work and their working practices, identifying a range of ways in which they may influence offenders' compliance. The central finding was that monitoring officers' feelings of insecurity arising from their working environment, affects the way in which they go about their work, which in turn influence offenders' ability and willingness to comply.

[4] Hucklesby, A. (2012) 'Compliance with Electronically Monitored Curfews: some empirical findings' in A. Crawford and A. Hucklesby (eds) *Legitimacy and Compliance in Criminal Justice*, London: Routledge. Available on request from the University.

Discusses EM in the context of other community sentences drawing out its distinctive features to improve understandings of compliance.

[5] Hucklesby, A. (2013) 'Insiders' Views: Offenders' and Staff's Experiences of Electronically Monitored Curfew Orders', in M. Nellis, R. Bas, K. Beyens and D. Kaminski *Electronically Monitored Punishment: international and critical perspectives*, London: Routledge. Available on request from the University.

Integrates the discussion of compliance and desistance into one paper drawing out the policy and practice implications for a European audience.

The research project 'Compliance with Electronic Monitoring' was funded by G4S (then Securicor). The value of the award was £49,990.

4. Details of the impact

The research has generated the following impacts between 2008 and 2013:

(i) *Shaped government EM policy debates and practice*: by supporting moves towards a greater focus on compliance-based work in sentence implementation and increasing the use of EM to strengthen community sentences [A] [B]. The findings informed the Ministry of Justice Sentencing Review [A] [B] and resulting policy changes [A]. The Senior Contracts Manager for EM at the National Offender Management Service (NOMS) has confirmed that ‘as a direct result of the research, we have included ‘compliance’ in our approaches to the use of EM’ [A]. He continues ‘we are currently ... introducing new guidelines for management of offenders on curfew and this research has influenced our thinking in making these changes’ [A].

The research also informed the direction of government policy by influencing the content of the tenders for new contracts to operate EM in England and Wales originally from 2013 worth £1 billion [A] [C]. **Hucklesby** provided the only contribution based on empirical research findings at a NOMS seminar to discuss contract specifications attended by high level stakeholders from government departments and agencies [A] [D]. **Hucklesby** also discussed the implications of the research findings for the future shape of EM at a meeting with the Head of Contracts and Commissioning at NOMS in 2011. The Senior Responsible Officer at NOMS testified: ‘I would agree the impact set out in the case study are all accurate, although possibly still understates the value we place on this piece of research ... the study ... has proved invaluable to the NOMS and the Ministry of Justice in developing greater understanding of the electronic monitoring system and thinking about how policy for EM may need to develop ... we are currently in a competition to re-tender for EM contracts ... it is fair to say that the study ... has helped to shape that competition’ [C]. The NOMS Contracts Manager wrote ‘we are currently procuring new contracts and introducing new guidelines for management of offenders on curfew and this research has influenced our thinking’ [A].

(ii) *Directly contributed to practice by identifying changes to G4S EM services which would increase levels of compliance* [E] [F]: The research identified a number of ways in which offenders’ compliance might be improved and these were implemented by G4S. They included:

- In response to finding that offenders were not made fully aware of the curfew requirements and their responsibilities (as discussed in Section 2), G4S undertook staff training and allowed for a longer installation process to ensure that offenders and their families were fully aware of what was expected [E].
- The research found that staff did not recognise the important role that families can play in increasing compliance and so often failed to explain EM to them. Consequently, G4S launched Project Genesis and instigated staff training to facilitate greater appreciation of the families’ role in EM and improve interactions and communications with them [E].
- As a direct result of the concerns about staff safety uncovered by the research, emergency response alarms were provided to all G4S working in the community to reduce their anxieties and to provide a safer working environment and therefore increase the length and quality of time spent interacting with offenders.

G4S stated in a letter from the Communications Director: ‘I cannot emphasise enough the impact that the compliance research has had on our EM business ... we continue to learn from this research and to make operational changes based on its findings’ [E].

(iii) *Led to policy innovation through the setting up of pilot projects*: with the agreement of NOMS [A] [C], G4S [E] [F] ran a pilot project in partnership with probation trusts and the courts to test out different mechanisms recommended by **Hucklesby’s** research, with the aim of improving working practices and increasing compliance rates. Mechanisms included: texting reminders to offenders prior to installation, at the start of their curfews and when they are not at their curfew address; rewards for complying; and practical help for offenders with applying for changes to curfew requirements. Staff were trained in motivational interviewing techniques and given greater discretion when dealing with breaches. A second pilot was also initiated to increase the compliance of female offenders – a group which the research highlighted had lower compliance rates than men and different experiences of EM to men.

Hucklesby acted as a consultant on both pilots, drawing on the findings and recommendations of the research described in Section 2. One aspect of the pilot project (texting) is referred to as an example of innovative working in a government Green Paper **[B]** and a range of the mechanisms have been rolled out across G4S EM operation and included in the new EM contract specifications by NOMS.

(iv) Informed the work of Her Majesty's Inspectorate of Probation (HMIP) and government responses to it, the research supported recommendations relating to breach policies and enforcement thresholds made in HMIP's 2008 thematic report of EM, which NOMS had resisted implementing **[G]**. These recommendations included greater levels of discretion when dealing with breaches and tighter but more transparent enforcement thresholds. The research reinforced HMIP's unusual decision to undertake a follow up thematic inspection of EM in 2012 which focused specifically on the 2008 recommendations. HMIP noted that during discussions with NOMS about its 2012 report there was 'a more positive attitude amongst NOMS officials to promoting compliance. It was clear... that they were aware of **Hucklesby's** research and had been influenced by it' **[G]**. HMIP was also aware that a pilot had been implemented 'as advocated in **Hucklesby's** research, which was said to be producing positive results'. NOMS confirmed that their responses to HMIP 2008 and 2012 EM reports were also informed by the research which gave them a better understanding of EM and the factors that influence compliance **[A]**.

(v) Contributed to debates about the use of EM curfews amongst magistrates and judges and other key stakeholders: The findings relating to the correlation between compliance rates and the length and duration of curfews (i.e. offenders were less likely to comply if curfews were the maximum 12 hours, ended later in the morning and were imposed for a maximum of 6 months) were fed back to magistrates and judges. The aim was to persuade them to use EM curfews more smartly to increase compliance i.e. to move away from routinely imposing 12 hour curfews overnight 7 days a week for the duration of the order.

The findings have been used extensively in training with Youth Offending and Probation Services to encourage them to: (i) make more targeted recommendations to courts; and (ii) increase the value of curfews through targeted use (e.g. imposing curfews as part of a strategy to address offenders' behaviour) **[E]**. Additionally the research informed debates at NOMS seminars across the country to 'encourage more appropriate use' **[A]**.

5. Sources to corroborate the impact

[A] Letter from Senior Contracts Manager, National Offender Management Service (NOMS), Ministry of Justice dated 20th February 2013 in relation to [i] [iii] and [iv].

[B] Ministry of Justice (2010) *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*, Cmnd 7972, para. 64, London: The Stationary Office, (<http://www.justice.gov.uk/consultations/docs/breaking-the-cycle.pdf>).

[C] Letter from Senior Responsible Officer, Electronic Monitoring Re-Competition, NOMS, Ministry of Justice, dated 8th February 2013 in relation to [i] and [iii].

[D] Programme of the Ministry of Justice 'EM re-competition Stakeholder Consultation Workshop', 23rd June 2011. Available from the University on request.

[E] Letter the Communication Director, G4S Care and Justice Services (until May 2012) dated 23rd January 2012 in relation to [ii] [iii] and [v].

[F] Letter from the Regional CEO, UK and Ireland, G4S dated 22nd January 2013 in relation to [iv] [ii] and [iii].

[G] Letter from Her Majesty's Chief Inspector of Probation dated 16th April 2013 in relation to [iv].

All letters are available on request from the University of Leeds.