



Ministry of  
**JUSTICE**

# **Government Response to 'It's Complicated: The Management of Electronically Monitored Curfews'**

24 October 2012



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## MANAGEMENT OF ELECTRONICALLY-MONITORED CURFEWS: CRIMINAL JUSTICE JOINT INSPECTION

### Government Response

RECOMMENDATION	RESPONSE
<p><i>The Ministry of Justice and the National Offender Management Service should:</i></p> <ul style="list-style-type: none"><li>• develop tighter and more transparent thresholds for enforcement but permit the use of more discretion in individual cases.</li></ul>	<p>We are reviewing breach thresholds in the course of developing the new EM contracts: the report's findings have informed that consideration.</p> <p>We agree that curfews need to be enforced promptly and effectively - while ensuring that the action taken is proportionate, taking account both of the seriousness of the curfew violation and of the offence for which the sentence was originally imposed. We are working to develop new enforcement guidelines which we intend to introduce when the new electronic monitoring contracts come into effect in April 2013.</p> <p>It is important that the offender is informed promptly when a violation is identified and is left in no doubt that failure to comply will lead to enforcement action. The adoption of thresholds is designed to ensure that enforcement action is proportionate. However, as the report indicates, there is a need to be able to exercise discretion in particular cases. We need to be careful that formally apprising offenders of the thresholds does not create false expectations in cases where discretion is exercised. We do accept, however, that current practice needs to be reassessed and we plan to issue new guidance to [contractors and probation trusts] to coincide with the introduction of the new contracts.</p>

<p><b>HM Courts and Tribunals Service should:</b></p> <ul style="list-style-type: none"> <li>• ensure that sufficient information about the proposed curfew address (including information as to the attitude of persons likely to be affected by the enforced presence of the offender) is available to courts when considering a curfew requirement.</li> <li>• improve communication of key information about each case to the relevant electronic monitoring company by providing a set of clear, easy to use national forms, supported by clear instructions on their use and by training for the relevant staff.</li> <li>• ensure that greater oversight is exercised over court administrative procedures so that the orders issued by the court accurately and clearly reflect the sentence passed by the court.</li> </ul>	<p>Before granting bail with a curfew condition or passing a sentence with a curfew requirement, a court must be satisfied of the suitability of the proposed address. The Justice's Clerks Society will remind its members of their duty to bring this requirement to the court's attention. We are also contacting bench chairs, to reinforce this message.</p> <p>In bail cases, the option of an electronically-monitored curfew is usually proposed by the defence. The court should ask the defence to confirm that those likely to be affected by the offender's presence at the proposed address are content for such a condition to be imposed. Where a curfew is proposed as a requirement of a community order or suspended sentence order, the probation service should obtain confirmation that this is acceptable.</p> <p>A new form and guidance were issued to courts in May 2012, for use with immediate effect. During normal operating hours, magistrates' courts are required to send instructions electronically, via the Libra system. The paper form is only to be used when Libra is not available i.e. at weekends and on bank holidays.</p> <p>We understand from the EM contractors that the decision to make the most important fields of the form mandatory (supported by associated guidance notes for court staff) has dramatically reduced the number of queries generated.</p> <p>HM Courts and Tribunals Service continues to monitor the situation and to work with EM contractors to promote further improvement in the quality of communications.</p>
<p><b>Probation trusts should:</b></p> <ul style="list-style-type: none"> <li>• ensure that staff communicate effectively with electronic monitoring providers: <ul style="list-style-type: none"> <li>○ at the commencement of any order with a curfew</li> </ul> </li> </ul>	<p>Probation trusts have reported to NOMS on the progress they are making in implementing these recommendations. We are monitoring implementation through the quarterly contract review process.</p>

<ul style="list-style-type: none"> <li>○ where matters pertaining to any significant Risk of Harm arise</li> <li>○ in response to all notifications relating to the need for enforcement action</li> </ul> <ul style="list-style-type: none"> <li>● ensure effective offender management by the integration of curfews into sentence planning where they act as the responsible officer.</li> </ul>	<p>NOMS is collating “best practice” examples provided by trusts and we will share these among all trusts. Trusts have been reminded that they need to work with courts to ensure they have sufficient information about the proposed curfew address.</p>
<p><b><i>The electronic monitoring companies should:</i></b></p> <ul style="list-style-type: none"> <li>● ensure that all information and enquiries from offender managers are logged appropriately on their information systems and acted upon.</li> </ul>	<p>We are working with the electronic monitoring companies to ensure that this recommendation is acted upon and we will continue to monitor its implementation.</p>

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