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Process Evaluation of Derbyshire Intensive Alternatives to Custody Pilot

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The aim of this study was to critically assess the implementation and development of the Intensive Alternatives to Custody (IAC) pilot in Derbyshire. The Ministry of Justice (MoJ) Penal Policy paper (May 2007) outlined the government’s intention to develop higher intensity community orders as an alternative to short-term custody. The IAC Order was subsequently developed and piloted, first in Derbyshire and then in six other areas.* The pilots were centrally funded until March 2011.

* Dyfed Powys, Humberside, Manchester, Merseyside, South Wales and West Yorkshire.

Key points

- Derbyshire was unique among the seven pilot sites for including curfews for all IAC offenders, and paid mentoring.
- Problems were encountered in the rural county due to staff shortages and wide geographical spread of IAC cases.
- Across all seven pilot sites, Derbyshire IAC offenders had the highest degree of custodial experience, indicating a more serious offending cohort. It was generally agreed by stakeholders that offenders with low levels of criminogenic needs were unsuitable for IAC.
- Analysis of Pre-Sentence Reports (PSRs) confirmed that IAC proposals were almost entirely made for the proposed target group – offenders at risk of custody. Most sentencers and solicitors placed a high value on the in-depth offender assessment provided by the Standard Delivery Report (SDR).
- Sentencers welcomed the combined punitive and rehabilitative aspects of IAC as an alternative to imposing short-term custodial sentences.
- Younger offenders, male offenders and those with custodial experience were statistically less likely to receive an IAC order and more likely to receive a custodial sentence than other offenders. The overall concordance rate to April 2010 was 53%. No evidence of up-tariffing was found.
- Offenders reported positive views of IAC, in that it provided structure to their lives. Many offenders stated that the practical and emotional support offered by the mentors was the most effective intervention they received.
- Court reviews were perceived as an important factor in compliance. Breaches of IAC orders occurred after a longer period than the average across all seven pilot sites – 138 days compared with 132 days.
- Critical to mainstreaming IAC would be reducing the delivery costs whilst retaining features that were identified as effective by stakeholders and offenders.

Context

The Derbyshire Intensive Alternatives to Custody pilot ran from 2008 to 2011 to test the use of intensive community orders to divert offenders from short-term custodial sentences. The pilot was delivered through dedicated Offender Managers (OMs) in Derby City, and through OMs with wider caseloads in rural Derbyshire county.

IAC orders targeted offenders at risk of short-term custody and represented a repackaging of existing and new requirements, which aimed to both punish and rehabilitate. The Derbyshire IAC model consisted of five mandatory requirements:

- electronic curfew;
- twice-weekly probation supervision;
- intensive unpaid work;
- weekly mentoring contact; and
- monthly court reviews (for the first three months).

In addition, other requirements such as Thinking Skills programmes were sometimes included along with prohibited activity and exclusions requirements.¹ Derbyshire was unique among the pilots for including curfews for all IAC offenders and paid mentoring. The order was characterised by three stages, defined by levels of contact and intensity which reduced over the (normally) 12 months order.

The process evaluation of the Derbyshire IAC pilot was commissioned by the MoJ in December 2008.² The key aims were to critically assess:

- resourcing and staffing;
- the process of identifying suitable IAC offenders;
- the role of pre-sentence reports;
- views of sentencers on the viability of IAC as an alternative to short-term custody;
- the management and supervision of IAC offenders, including mentors, interventions and activities; and,

- factors influencing compliance with an IAC order; and the role of inter-agency working in the delivery of the IAC order.

Approach

The fieldwork was primarily qualitative, including:

- 65 stakeholder interviews: 18 with sentencers, 4 with defence solicitors, 5 with court based probation staff; 20 with project board members and partner agencies, and 18 with offender managers;
- 55 interviews with offenders: 34 offenders with ongoing IAC orders, 15 offenders who had completed IAC orders, and 6 interviews with offenders who had IAC orders revoked and had been re-sentenced due to breaches;
- 2 focus groups with PSR writers (12 participants in total) and a mentors focus group (6 participants in total);
- 43 observations of court sentencing, reviews and breaches; 37 observations of contact sessions between offenders and OMs, and offenders and mentors; 2 observations of trio case management meetings,³ an observation of a mentor team meeting;
- quality analysis of 97 PSRs.⁴

Interview data were transcribed, coded and analysed by theme using appropriate software. Other qualitative data were analysed against the same themes. Small, purposive samples may have captured limited experiences. The data therefore may not be generalisable to the wider population and may only be indicative of those involved.

The evaluation also analysed available quantitative Police National Computer (PNC) and management data held by MoJ and Derbyshire Probation Trust. Details of offenders who received IAC orders were compared with all offenders who received a short-term custodial sentence during the IAC pilot. The analysis of the quantitative data was impacted by a number of limitations, particularly pertaining to recorded interventions. In particular, activities with

¹ For example being excluded from the city centre, a specified address or shop.

² Two process evaluations, one of five sites and one of Manchester were commissioned and published by the MoJ. As the Derbyshire pilot started earlier than the others, it was evaluated separately.

³ These were case management meetings held between the offender manager, mentor and probation service officer assigned to the each offender.

⁴ Each PSR report was assessed for: clarity regarding risk of custody, the reporting of risk of harm and risk of re-offending, details of offence-related needs, and analysed for the coherence of the proposal to court.

IAC offenders were recorded as a snapshot of the past month, rather than as a record of all activity undertaken in the order, (for example, 45.6% of offenders appeared to be carrying out no activities at all) and data relating to the time spent delivering activities appeared incomplete.

Results

Resourcing and staffing

The pilot was delivered through two models; dedicated OMs in Derby City and OMs managing IAC offenders as part of general caseloads in rural Derbyshire County. Problems were encountered in the county due to staff shortages and a wide geographical spread of IAC cases. While the pilot was initially adequately resourced, stakeholders reported that resources were stretched as the pilot developed and this was managed by phasing out delivery in the county.

Identifying suitable offenders for IAC

Analysis of PNC data indicates that the Derbyshire IAC offenders had the highest degree of custodial experience across the pilots,⁵ indicating a more serious offending cohort. Some sentencers, OMs and court staff questioned the targeting of prolific and priority offenders (PPO) and Drug Rehabilitation Requirement (DRR) cases, indicating this ran the risk of IAC being used as an enhanced version of another order. It was generally agreed by stakeholders that offenders with low levels of criminogenic needs were unsuitable for IAC. There was consensus among stakeholders that women may be particularly suitable for IAC due to their perceived need for a high level of support and childcare duties. However, this was partly contradicted by other stakeholders who raised concerns around proposing IACs for offenders with domestic situations that made a curfew problematic (e.g. women), those unlikely to comply with unpaid work due to substance misuse and other problems, and those in rural areas (due to transport difficulties).

Pre-sentence reports

The PSR analysis confirmed that IAC proposals were almost entirely made for offenders at risk of custody – the target group. Stakeholders differed in their views around using Fast Delivery Reports

(FDRs) for proposing IAC orders.⁶ Some PSR writers suggested that the use of FDRs might increase IAC proposals because they were quicker and easier to prepare. However, most sentencers and solicitors highly valued the in-depth offender assessment provided by a standard delivery report. Of the 277 FDRs completed (in one year⁷) on 'potential IAC referral' cases, just 5.8% (16 of 277) resulted in an IAC proposal with only 4% (11 of 277) converted to an IAC order. This suggests inefficiencies in the 'flagging' system (due to broad initial targeting criteria) and also that FDRs are an ineffective vehicle for identifying suitable IAC cases. Interview data indicate differences in how PSR quality was assessed by PSR writers compared with sentencers (e.g. clear explanation of the requirements and support on IAC versus articulation of the punitive aims of IAC).

IAC as an alternative to short-term custody

Sentencers welcomed the combined punitive and rehabilitative aspects of IAC as an alternative to imposing short-term custodial sentences. Sentencers and PSR writers reported actively guarding against 'up-tariffing'⁸ and the PSR analysis found no evidence of up-tariffing. Sentencers viewed Suspended Sentence Orders (SSOs) as the last opportunity to avoid immediate custody, giving them a higher tariff than IAC orders. However, PSR writers regarded SSOs and IACs as of comparable tariff, with the latter more suitable for offenders with high levels of need. Younger offenders, male offenders and those with custodial experience were statistically significantly less likely to receive an IAC order and more likely to receive a custodial sentence than other offenders. Sentencers imposed an IAC order in just over half of the cases when one was proposed – an overall concordance rate of 53%⁹ to the end of April 2010.¹⁰

⁶ The specifications, benchmarking and costings programme recommends an increased use of FDR's from around 40% to a minimum of 70% and states that Standard Delivery Reports should be used "only where it is not possible to provide sufficient information to meet the needs of the cohort within the fast delivery report (FDR) format" – see Probation Circular PC06/2009.

⁷ 1 October 2009 – 1 October 2010.

⁸ 'Up-tariffing' is where the IAC sentence becomes inappropriately targeted at offenders who might not have been at risk of receiving a custodial sentence.

⁹ That is 53% of cases where IAC was proposed at PSR stage resulted in IAC being imposed by the sentencer in court.

¹⁰ According to Performance Management data received from Derbyshire Probation Trust.

⁵ Statistically significant $p < .01$.

Management and supervision of offenders and interventions

The vast majority of offenders reported that, although intense, the IAC order kept them busy and provided structure to their lives that many had not previously experienced. Coping with the initial intensity of the Order was generally regarded by OMs as a key predictor of successful offender compliance with IAC. Some offenders struggled to cope with group-based programme work and were frustrated by waiting lists when they felt ready and motivated to engage with this type of intervention. Unpaid work was especially difficult for those with substance misuse issues, health problems and childcare responsibilities. OMs reported that the paid mentoring service had changed the dynamic of their relationship with offenders, with mentors '*doing the hand holding that probation is not supposed to be doing anymore*'. Interview and observation data indicate that the OM role had become one of case management, co-ordination and enforcement. At the same time, mentors had an increasingly important role in case management, previously undertaken by OMs. Offenders overwhelmingly stated that the practical and emotional support offered by the mentors was the most effective intervention which they received.

Compliance and inter-agency working

Mentoring was perceived to be a consistently motivating presence, which greatly assisted overall compliance. Court reviews were also perceived as an important factor in compliance. Breaches in IAC orders in Derbyshire occurred after a longer period of time than the average across the seven pilot sites – 138 days compared with 132 days. Given the offending history of the Derbyshire IAC cohort, this represents a considerable achievement for the pilot. In the early stages of the pilot there were problems with the provision of timely and appropriate feedback on IAC cases between OMs, mentors and other providers. However, measures such as providing administrative support for mentors, trio case management meetings and providing Offender Assessment System (OASys) assessments to mentors had gone some way to addressing these issues.

Implications

The Derbyshire pilot developed effectively in response to offenders needs, evolving case management and information exchange processes to meet the challenges of multi-agency delivery. It tested the extent to which offender supervision functions¹¹ could be delivered through mentors, possibly providing this at a reduced cost. Critical to mainstreaming IAC following the end of the pilot funding would be reducing the delivery costs while retaining features that were identified as effective by agency stakeholders and offenders. The following key recommendations are made to support policy makers in future decision making and planning of services.

- If resources allow, a dedicated IAC case management team is preferable. Where IAC orders are part of a generic caseload, the number of IAC cases should be capped.
- The feasibility of delivering an intensive community order in rural locations requires further investigation.
- Sentencers should be briefed on the distinctiveness of IAC orders compared with other community sentences, particularly in imposing IAC in PPO and DRR cases.
- Guidelines should be developed around the use of SSOs versus IAC to provide clarity for sentencers and PSR writers.
- SDRs should be used for recommending IAC orders where possible. Where FDRs are used, the court should grant adequate time to prepare sufficiently detailed reports for IAC cases.
- Ongoing dialogue between PSR writers and sentencers should be facilitated so that PSR writers are aware of the report qualities valued by sentencers.
- PSR writers and sentencers should be given feedback on cases where IAC orders have been proposed/given in order to increase their confidence in the order.
- Further investigation of whether offender success on IAC can be predicated on their compliance within the initial weeks of the order would assist in targeting resources.

¹¹ As detailed in the NOMS Offender Management Model (January 2005).

- Mentoring should be a key component in any intensive community order. This needs to be adequately resourced in order to ensure continuity of service. The cost implications and impact of mentors delivering offender supervision functions needs to be explored further.
- Providing one-to-one programmes for individuals who find group work challenging should be investigated, along with the timing of programmes delivery, to capitalise on offender readiness.
- Alternatives to the unpaid work requirement for those with chronic substance misuse issues or medical problems should be provided.

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