



Home Detention Curfew

What is it?

Under the Crime and Disorder Act 1998 there is provision for some prisoners to be released early subject to a curfew which requires them to be at home for between nine and twelve hours a day. It allows them to live at home and to work during the final weeks of their sentence. Home Detention Curfew (HDC) is also known as "electronic tagging". It has been in operation since January 1999.

How does it work?

A small electronic "tag" is fitted to the ankle or wrist. The tag sends a regular signal to a monitoring centre which confirms the presence of the person in their place of curfew. If they are absent or try to tamper with the equipment the monitoring centre is alerted and the breach investigated.

Who is eligible?

Prisoners serving sentences of more than three months, but less than four years, who are over 18 years of age.

They will **not** be eligible if they are:

- ◆ Category A prisoners
- ◆ Required to register under Part One of the Sex Offenders Act 1997
- ◆ Detained under the Mental Health Act 1983
- ◆ Serving a sentence for any offence involving actual or attempted homicide (ie. Murder, attempted murder, manslaughter, threats to kill, conspiracy to murder, death by dangerous or reckless driving), offences involving explosives, serious offences involving possession of offensive weapons or firearms (eg. Possession with intent), cruelty to children, racially aggravated offences, or sexual offences

- ◆ Serving a sentence for failing to return to custody after temporary release or have been released on HDC before but did not comply with the curfew
- ◆ Liable for deportation
- ◆ Civil prisoners, ie in prison for fine default or contempt of court.

They must have enough time left in their sentence to allow for a minimum period of 14 days HDC and must have a suitable home address to go to.

How long does Home Detention Curfew last?

HDC lasts a minimum of 14 days and a maximum of three months for those serving less than 12 months, and a maximum of four and a half months for those serving 12 months to four years. Those serving between three and four months become eligible for HDC after one month in custody. Those serving four to eight months become eligible after serving a quarter of their sentence and those serving more than eight months and less than four years become eligible four and a half months before their automatic or conditional release date. Time spent on remand counts towards eligibility.

If they meet all the criteria will they automatically get HDC?

No. Before HDC can be granted the prisoner has to undergo a risk assessment and interview which involves the prison, probation service and police, and sometimes doctors, social services and victims. It will take into account their prison record, previous convictions and the suitability of their home address. If HDC is refused, the person will be told this and given the reasons why.

Can they appeal against a refusal?

Yes. They can do so either through the Requests and Complaints Procedure or outside the system, through their solicitor, for example. These complaints should be dealt with as a matter of priority.

What is a suitable home address?

The probation service on the outside will be asked to check the address the prisoner has given, and this will form part of the risk assessment. They may want to visit the family to assess the effect HDC might have on them and to ensure that everyone living at the address is aware of all the implications of having someone on HDC living there. A supportive family can help a great deal towards the successful completion of a sentence.

There are some technical requirements for the system to work, but most homes will meet these. There needs to be a telephone line, or the possibility of installing one. If you do not have a telephone, the contractor who provides the tags will arrange for one to be installed. It will be enabled only for calls to the monitoring centre and the emergency services and will be disconnected at the end of the sentence. A fixed or metered electricity supply is also necessary.

Do they have to stay at the same address?

The duration of the curfew must be spent at the same address. Variations in the order are only granted in exceptional circumstances and at the discretion of the governor. The new address will be subject to the same suitability checks and the person must not move until the variation has been approved.

What if they *have* to be absent from home during curfew hours for some reason?

HDC contractors may grant "one-off" absences for special circumstances. What these are should be made clear in the contract and currently are:

- ◆ Attending weddings or funerals of close relatives
- ◆ Unexpected medical appointments
- ◆ Job interviews or attendance at job club or benefit office
- ◆ Attendance at court as witness or defendant.

The person will have to provide proof of the reason for their absence.

Regular commitments such as attending a place of worship, shift work or education can be accommodated and should be taken into account when the curfew hours are initially set.

The information provided in this factsheet is intended for information purposes only. It does not constitute legal advice. Prisoners' Families and Friends Service (PFFS) recommends that professional legal advice should always be sought. The information contained in this factsheet is subject to change and may not be up-to-date or accurate. PFFS gives no guarantee of the accuracy or completeness of this information. PFFS will not be held responsible for any loss or damage arising from the use of the information provided.