Electronically monitored curfew for 10- to 15-year-olds – report of the pilot

by
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Research, Development and Statistics Directorate Home Office
The Research, Development and Statistics Directorate

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Summary

Background

Section 43 of the Crime (Sentences) Act 1997 amended the Criminal Justice Act 1991 to extend the use of electronically monitored curfew orders to young offenders aged under 16. In practice, because the age of criminal responsibility is ten, this extends curfew powers to 10- to 15-year-olds. This report summarises the findings of Home Office research to evaluate the impact of the new measure in two pilot areas, Greater Manchester and Norfolk.

Data such as offence and offender details were collected for all cases where the pilot measure had been used. A large number of interviews and focus groups were also carried out with many groups, including offenders and their families, sentencers, court staff, education officials, youth justice staff and lawyers.

Take-up

Take-up was relatively low with 155 orders made between March 1998 and February 2000. Although more orders were made in Greater Manchester, a higher proportion of 10- to 15-year-olds were tagged in Norfolk.

Use of orders increased with the juveniles’ age: none were made on ten-year-olds and most were for 14-year-olds and 15-year-olds. This reflects the lower number of younger offenders who are subject to criminal proceedings. Similarly only ten of the orders were for girls. Most orders were made in respect of theft and handling offences (36%), followed by burglary (26%) and violence (12%). Two-thirds of the orders were made in respect of just one or two offences. Only two orders covered more than ten offences.

A quarter of young offenders had some other penalty imposed at the same time as their curfew order. Most of these were supervision orders. Other sentences included driving bans, attendance centre orders and one compensation order. Additional sentences appeared to be imposed for the more serious offences. However the association was not clear-cut: not all of the most serious offence categories attracted an additional sentence but three summary offences did.

More than half the young offenders who received curfews had earlier convictions, although very few of these (3%) had experienced a custodial sentence.

Four offenders were curfewed for one month or less, 38 for between one and two months and 105 for between two and three months (the legal maximum)\(^1\).

\(^1\) Seven orders were longer than the legal maximum.
Most young offenders were curfewed for between ten and twelve hours in any 24: twelve hours is the maximum allowed in any 24 hours for curfew as a sentence. Almost all offenders were curfewed overnight. There was some evidence that curfew hours were related to the timing of offences, but also that sentencers were not consistently adjusting curfew hours in this way.

Interviews suggested that the main reason for the low rate of use was that curfew was thought suitable for only a small number of young offenders. Many young offenders do not have a stable home which is a prerequisite for a curfew order. Sentencers said that they saw curfews as a high tariff penalty. In addition, report writers in Norfolk were more likely than those in Greater Manchester to consider a curfew order when the court had not specifically requested that it be covered. They were also more positive about the idea of electronically monitored curfews being used for under 16s. Despite this, sentencers in both areas were keen to emphasise that they did value the measure. There was widespread feeling that sentencing options for juveniles were very limited, and that any addition was therefore welcomed.

Of the 152 orders where we were able to obtain breach/completion data, the majority (66%) of offenders successfully completed their order without breaching. Another nine per cent went on to complete their order after breaching. This means that only 23 per cent failed to complete their order, which is a lower figure than we had expected for this group. At least three juveniles were breached after their curfews had finished.

**Operational implications**

Smaller tags were needed to fit children but this was not generally a problem: indeed, we were told that some of the smaller tags had been used on older offenders to ensure a better fit.

Guidance issued to sentencers at the outset of the pilots urged them to think very carefully before curfewing children to schools. In practice, no curfews were made during school hours and the operational implications for schools were therefore minimal. Interviews suggested that most of the children who were curfewed were not attending school (for example, because they were excluded). For those children who were attending school, curfews were either imposed during school holidays or, for those made during term-time, were not applicable in school hours.

Communication between the courts, Social Services and education officials was problematic. Very little information about tagging appeared to have reached education officials. Sometimes the school only heard about the tag when contacted by a parent. Nor were Education Welfare Officers routinely informed that children in their areas had been tagged. This may partly have been due to low numbers of juveniles being tagged.

Social Services (youth justice) were largely responsible for preparing reports on offenders’ suitability for curfew. In Greater Manchester, offenders aged 15 and over were usually dealt with by the Probation Service. This limited Social Services’ involvement in the pilot and might partly explain their lower awareness. In Norfolk all offenders under 16 were dealt with by Social Services. No major problems were reported by Social Services or Probation staff, but interviews with education professionals suggested that they were not always consulted.
Tagging contractors had to take on additional staff, all of whom were vetted. Two staff had to attend each visit to the curfew address and one of the officers had to be female. This was both to protect the contractors against malicious allegations and to reflect the need for particular sensitivity when dealing with children.

**Effect on young offenders and their families**

There were a number of concerns about the potential effect of tagging on young offenders at the outset of the pilot. One was that the tag would either be seen as a trophy, or that it would be seen as a stigma. Although it is desirable for people to accept responsibility for their actions, the concern is that if a person is labelled “offender” and accepts the label, they will live up to it. Interviews with young offenders and their families gave evidence of both reactions. Others seemed unaffected, although it was often a source of embarrassment or shame for their family. Most sentencers thought that attitudes depend on the individual offender.

Another concern was that young offenders’ education might be affected by wearing the curfew device. Exclusion from sports lessons was a particular concern for sentencers. In practice being curfewed need not exclude children from sports lessons. Interviews suggested that electronic monitoring hindered children’s participation in sports in only four cases (of 13 where the child was definitely receiving some kind of education). In most cases we were told that the curfew had no effect on the child’s education, and in two cases had had a positive effect. Overall then curfew seemed to have had a limited impact on education.

Generally the reaction of offenders and their families was positive, with most saying that the main advantage was that it kept them out of prison. A number complained of problems with the monitoring process and equipment. Some of the complaints, such as sizing problems, were probably teething problems as the contractors determined what number of different sized tags were needed. Some seemed more difficult to explain. However it seems plausible that some of the complaints could be attributed to offenders finding it easier to blame equipment than acknowledge their own blame to interviewers, such as failing to maintain the electricity supply. Only two of the 25 offenders and 28 family members interviewed complained about the tagging contractors.

**Costs**

We estimate that, at the same rate of take-up seen in this study, about 1,200 curfew orders would be made each year throughout England and Wales if rolled-out nationally. This would cost £1.82 million each year but, if we assume it would replace supervision orders, would produce some savings. Overall, we estimate the net saving from rolling this measure out to England and Wales to be £0.03 million. If curfews replace custodial sentences rather than supervision orders, the saving would be greater, but the evidence suggests that this is less likely.
Conclusions

Although there were no major problems with the pilots there were some practical issues that would need to be addressed should curfew for under 16s be rolled out nationally. Two particular issues stand out.

The first is the problem of curfew orders which are longer than the legal maximum. There are two obvious options for addressing this. The first is greater emphasis in the training of and any other communications with sentencers and clerks that the maximum is three months for under 16s. The second would be to increase the maximum sentence length to six months to be in line with adults (on the assumption that this would be more likely than reducing the maximum for over 16s, given that courts will now be used to using curfews for adults). The latter option is obviously a more radical option and probably less feasible, given both the question of whether this would be an appropriate measure for juveniles and the cost implications.

Better communication between Social Services, Probation Services, the court and education officials would also be desirable. Curfews to schools have not, in effect, been tested by this pilot. The lack of curfews to schools in this pilot does not guarantee that none would be made if the pilot is rolled out nationally, although it does suggest that they would not be very common. Even if no curfews were ever made to schools, some children would still be wearing tags to school. For curfews to school to work then it seems important that existing communication problems are addressed. At the very least, schools need to be informed as a matter of routine when one of their pupils is to be tagged, and ideally they should always be consulted when the court is considering curfewing one of their pupils.
1 Introduction

The legislation

Section 13 of the Criminal Justice Act 1991 allows courts to impose electronically monitored curfew orders on those aged 16 years or above (Mair and Mortimer, 1996). The order requires the offender to reside at a specified place, usually their own home, at a specified time providing there is no conflict with any religious beliefs, educational responsibilities, or other community orders the offender may be subject to. Section 43 of the Crime (Sentences) Act 1997 amended the Criminal Justice Act 1991 to extend the use of electronically monitored curfew orders to young offenders aged under 16. In practice, because the age of criminal responsibility is ten, this extends this curfew power to 10- to 15-year-olds. The following modifications were made to reflect the age of the offender:

- the maximum length of the order was reduced from six to three months;
- before making the order the court must obtain and consider information about the family circumstances and the likely effect of such an order on the family;
- attendance centre orders were made available as a penalty for breach.

Background

This study examines the effects of extending electronically monitored curfew orders to offenders aged ten to 15. Baroness Blatch explained the decision to pilot electronically monitored curfew orders for under 16s:

They will be a means of keeping them at home, off the streets and away from shopping centres, clubs and other places where they may get into trouble. By keeping young people out of harm’s way we believe that the curfew order should be able to prevent young offenders from reoffending and help protect the public. . . This is at least one opportunity to bring family and child together, enforced though that may be. There may well be positive aspects of that. We would at least like to see whether it will work. Courts already have a power to impose a night restriction order on a young offender . . . but . . . they can be imposed only as part of a supervision order and can operate only during the evening and the night. What is more, they are difficult to enforce. A curfew order is more flexible. Because it is monitored electronically, it is properly and strictly enforced. Its virtue so far has been that any movement of the individual who is subject to electronic tagging outside of the area is detected immediately and dealt with.

House of Lords Hansard, 27th February 1997: starts column 1322
The decision to pilot curfew orders for younger offenders followed much careful thought and consultation. Health, safety and welfare issues were of paramount importance. In particular the device would be more noticeable on children because of their size. It was decided to fit the device to the ankle: this would minimise the possibility of the device being slipped off and also reduce the risk of injury. The propriety of adults fitting the device to children was also an issue. Three procedures were adopted to reduce possible problems:

1. A responsible adult (such as the child’s parent) would be present when the device was fitted.
2. At least two monitoring officers, one of them a woman, would visit the child to fix or monitor the equipment.
3. Security checks would be made on monitoring officers dealing with children.

The trials ran at 20 courts in Greater Manchester and Norfolk. Although the Crown court had access to this measure, only two orders were made there: 46 orders were made at adult magistrates’ courts and 107 at youth courts. Norfolk and Greater Manchester were the chosen areas for the pilot scheme for a number of reasons. These areas had previously been used under the 1991 Criminal Justice Act (reported in Mair and Mortimer, 1996 and Mortimer and May, 1997) for piloting electronically monitored curfews, so the complications of setting up new contracts for supplying equipment and monitoring were avoided. In addition there were problems of low take-up of the 1991 Act orders, particularly in the first year. Choosing Greater Manchester and Norfolk to pilot the order meant we could expect take-up of curfew orders with electronic monitoring to be faster than in completely new areas.

Young offenders could be curfewed to school but a number of difficulties – including the cost of additional units to cover large buildings and issues about responsibility for equipment – were envisaged. Guidance issued to sentencers suggested they think very carefully before curfewing a child to school. Curfew to school would only be effective where the offender actually attended: in practice, the majority of those curfewed had failed to attend school for some time or had been excluded.

A total of 155 orders were made on young offenders between 1 March 1998 and 29 February 2000. The pilot ran until the 31 March 2000. We decided to publish this evaluation of the pilot as early as possible and imposed a cut off date of 29 February 2000 for new orders. One hundred and eight orders were made in Greater Manchester and 47 in Norfolk. More orders were made in Norfolk than we expected: Criminal statistics 1998 shows that about five times as many young offenders were sentenced for indictable offences in Greater Manchester magistrates’ courts as in Norfolk.

**Available sentences**

There are various sentences available for juvenile offenders (those aged between 10 and 17 years) depending on their age, the seriousness of the offence(s) and whether they are sentenced by the Crown court, the youth court or adult magistrates’ court. The majority of juveniles are dealt with
at a youth court. This court is designed to be less formal and allows attention to be focused on the behavioural problems of the offender. However, if the juvenile is being charged jointly with an adult, depending on the seriousness of the offence, they will both usually be tried at an adult magistrates’ court.

Adult magistrates’ courts have limited powers when sentencing juveniles. As the sentence tariff increases the power of the adult magistrates’ court decreases. Under the Children and Young Persons Act, 1969 section 7(8), adult magistrates’ courts have the power to impose discharges and financial penalties and are able to order parents/guardians to exercise proper control over the offender. Should the court feel the offence committed deserves a harsher penalty than is within its power, the case can be referred to the Crown court or the youth magistrates’ court: in practice most such cases are referred to the Crown court.

Youth courts have largely the same powers as the Crown court except that the Crown court can impose custodial sentences longer than the maximum length of six months available to magistrates.

**Discharges and financial penalties**

At the lower end of the sentence tariff are discharges and financial penalties. These include absolute discharges, conditional discharges, and fines, compensation and cost payments.

A discharge can be made for any offender, of any age, for any non-custodial offence. An absolute discharge is not effectively a punishment in that the crime is noted but no actual punishment is given. However, conditional discharges state the offender must not commit any further offences during the period of discharge. This period can last up to a maximum of three years and is imposed at the court’s discretion. If the offender fails to comply with the order by committing an offence, they are liable to be sentenced for the previous offence and the new one.

A fine is the most commonly used penalty for less serious offences. It is aimed at punishing offenders who commit minor offences and who do not require any form of state supervision. The court imposing the order decides its sum. The Crown Court can impose a fine with a ceiling of £1,000 for those aged 14 and under; however for those over this age no limit is applied. In magistrates’ courts a limit of £250 is imposed, except for those between 14 and 18 years of age when the limit is £1,000. Where juveniles are concerned, it is the duty of the court to ensure the parents/guardian of the offender pay the fine, providing the parent/guardian can be found, and it is considered reasonable for them to pay, depending on the nature of the case. Parents must also satisfy the court that they are taking responsibility for the child and exercising proper control over their behaviour before a fine, or discharge, can be imposed.
**Community penalties**

For more serious cases, that is offences that are punishable by imprisonment, community penalties are available. Only supervision orders and attendance centre orders were generally available for under 16s at the time of the pilot.

Supervision orders require the young offender (10 to 17 years of age inclusive) to be supervised by either a probation officer or local authority worker. They aim to prevent reoffending by making the offender accept responsibility for their actions and help them develop into adulthood. This order is similar to a curfew in that the offender may have to reside at a specified place, during a specified time with a named individual who takes responsibility for them. It can be imposed for no longer than ten hours a day (between 6am and 6pm) and for a maximum of 30 days during the first three months. The maximum period of a supervision order is three years.²

Attendance centre orders involve physical training, the development of social skills and other similar activities at a centre. This order can be imposed on any offender aged between 10 and 20 years inclusive, assuming the offence committed is serious enough to warrant a community sentence. For those under 16 years, the order can last between 12 and 24 hours.

From 1 June 2000 various new orders including reparation orders and action plan orders became available under the Crime and Disorder Act, 1998. Reparation orders require offenders to make specified reparation to the victim or wider community, for up to a total of 24 hours. Action plan orders require offenders to follow an intensively supervised programme of education for three months. Although these measures were not in place during the pilots, it seems likely that they will help shape the way that electronically monitored curfews are used if the pilot is rolled out nationally.

**Custodial penalties**

In the most serious offence cases, a custodial sentence can be imposed. During the time of the pilot the available sentences were detention in a Young Offenders’ Institution (YOI) and secure training orders.

Detention in a YOI was available for offences punishable by imprisonment or for failing to comply with a previous order. The offence(s) had to be of such a serious nature that only custody was warranted. This order was only available for those of 15 years or above. The normal maximum period was two years, and the minimum term two months. The Crown court possesses the power to impose a sentence of longer than 24 months for those under 18 years of age in certain circumstances, under the Children and Young Persons Act, 1933, section 53. The conditions include:

² There were some changes to the powers concerning supervision orders from 1 June 2000, for example enabling conditions to be attached requiring reparation to the victim of the offence or to the wider community.
- the custodial sentence must not exceed the maximum term of imprisonment applied to adult cases
- the court has to be satisfied no other sentence would be adequate for dealing with the offence
- the offence must be punishable by imprisonment of 14 years or more for an adult case, unless the offence was indecent assault or dangerous driving causing death.

For the most serious offences, such as murder, there is also a mandatory power to impose detention for life. This would usually mean detention in a YOI until the offender was old enough to be transferred into an adult prison.

Secure training orders gave courts the power to impose a custodial sentence on those who were too young to be detained in a YOI. Secure training orders applied to those who committed the offence between the ages of 12 and 14 years, who had committed three or more imprisonable offences and who had breached a supervision order. The maximum length of the order was two years with a minimum period of six months. Half of the order was spent in a secure training centre and the remainder under supervision in the community.

From 1 April 2000 a new penalty, a detention and training order (DTO), was made available under the Crime and Disorder Act 1998. This replaces detention in a YOI and secure training orders, and is available for 12- to 17-year-olds. Like the old secure training order, this is a two-part sentence combining a period of custody with a period of supervision in the community. The custodial part can be served in any of the different forms of secure accommodation: a secure training centre, a young offenders institution or local authority secure accommodation. Under the DTO youth courts now have the same power as the higher courts, meaning that the youth courts can now impose a maximum 24 months DTO. In addition, there are specified terms for the order (4, 6, 8, 10, 12, 18 or 24 months). However, the order cannot exceed the maximum the Crown court can impose on an offender aged 21 or over for the particular offence.

The research

To evaluate the pilot, data such as offender and offence details were collected for all cases where the pilot measure had been used. This information was collected from court records and from faxes of court orders sent to us by the contractors. A large number of interviews and focus groups were also carried out, including 25 interviews with offenders, 28 interviews with offender family members and nine focus groups with sentencers. Other groups interviewed included education officials, contractors, defence and Crown prosecutors and youth justice staff.

A particular concern was establishing how electronically monitored curfew had been used by the courts. The Home Office does not usually give courts advice on where new powers should sit in the tariff. However, research on electronically monitored curfew orders for 16-year-olds and above, suggests that they are considered to be at the top end of the community sentence tariff. An important issue for the research was whether this was true for electronically monitored curfew orders for 10- to 15-year-olds.
A related issue was the cost of the new measures. Previous research on electronically monitored curfew for older offenders suggested it was slightly more expensive than community service, but costs less than probation, providing a combination of order is not made. If it is used as a replacement for financial penalties or discharges extra cost would then be incurred. Assuming that the costs of curfews for 10- to 15-year-olds would be similar, and that it replaced youth custody or some community sentences we could expect cost savings. Testing whether these assumptions were correct was therefore an important concern of the research, as well as investigating whether curfew would present special problems for young offenders, or prove straightforward (see Appendix B for more details of methodology).

**Structure of the report**

Chapter 2 reports on the use of electronically monitored curfews for 10- to 15-year-olds. Chapter 3 examines the views of the criminal justice and educational professionals, and looks at operational implications for the criminal justice system. Chapter 4 looks at the effect of curfews on young offenders and their families. Chapter 5 examines the costs and benefits of the pilots, and finally Chapter 6 presents main findings and conclusions.
2 Young offenders sentenced to electronically monitored curfew

Take-up

One hundred and fifty-five orders were made between March 1998 and February 2000. We are unable, with such a low number to identify patterns in the data with any certainty. Figure 2.1 does show, however, that use of the measure broadly increased over the period of the study. For example in June 1999, 24 orders were made, 21 more than the three made in June 1998. The increased use in the summer may be connected with the long school holiday.

Figure 2.1 Number of curfew orders made on 10- to 15-year olds in the pilot areas, March 1998 to February 2000

Table 2.1 shows that 108 orders were made in Greater Manchester and 47 in Norfolk. This is not the balance we would expect: Greater Manchester magistrates’ courts sentenced about five times the number of 10- to 15-year-olds as Norfolk in 1997. Looking just at figures for 1998, and remembering that curfew orders only became available in April, about five per cent of convictions for 10- to 15-year-olds in Norfolk and two per cent of those in Greater Manchester resulted in a curfew. This does not appear to have been because curfews were simply more popular in Norfolk: take-up in the earlier pilot of electronically monitored curfew was very evenly balanced between the two areas. The evidence suggests that curfews were more popular for under 16s than for older offenders, but that this was particularly the case in Norfolk (Appendix A, Table A.1 gives detailed figures). These figures should be treated with caution though: take-up of curfews for under 16s increased in 1999 and these percentages may not reflect the take-up rate achieved in 1999 and 2000.
Looking at the use of orders within areas, rates of use (as a proportion of convictions in 1998) varied from none (such as in North Norfolk) to six to seven per cent (such as in West Norfolk, Great Yarmouth and Wigan). The busiest courts did not necessarily make the most use of the order. Manchester City magistrates’ court was the busiest but only used electronically monitored curfew in about one per cent of cases. Oldham was the second busiest but did not use any electronically monitored curfews in 1998. Bolton and Rochdale did not make any orders at all up to the end of February 2000 (see Table 2.1).

Table 2.1 Use of orders by court

<table>
<thead>
<tr>
<th>Magistrates’ court (includes youth and adult)</th>
<th>Total number of orders</th>
<th>Number of orders, 1998 only</th>
<th>Number of convictions, 1998</th>
<th>Orders in 1998 as a proportion (%) of convictions</th>
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</thead>
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<tr>
<td>Central Norfolk</td>
<td>3</td>
<td>1</td>
<td>25</td>
<td>4.0</td>
</tr>
<tr>
<td>Great Yarmouth</td>
<td>12</td>
<td>6</td>
<td>98</td>
<td>6.1</td>
</tr>
<tr>
<td>North Norfolk</td>
<td>4</td>
<td>-</td>
<td>14</td>
<td>0.0</td>
</tr>
<tr>
<td>Norwich</td>
<td>17</td>
<td>6</td>
<td>142</td>
<td>4.2</td>
</tr>
<tr>
<td>South Norfolk</td>
<td>1</td>
<td>-</td>
<td>15</td>
<td>0.0</td>
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<tr>
<td>West Norfolk</td>
<td>10</td>
<td>4</td>
<td>54</td>
<td>7.4</td>
</tr>
<tr>
<td>All Norfolk</td>
<td>47</td>
<td>17</td>
<td>348</td>
<td>4.9</td>
</tr>
<tr>
<td>Bolton</td>
<td>-</td>
<td>-</td>
<td>173</td>
<td>0.0</td>
</tr>
<tr>
<td>Bury</td>
<td>7</td>
<td>1</td>
<td>47</td>
<td>2.1</td>
</tr>
<tr>
<td>Manchester City</td>
<td>18</td>
<td>7</td>
<td>524</td>
<td>1.3</td>
</tr>
<tr>
<td>Oldham</td>
<td>2</td>
<td>-</td>
<td>205</td>
<td>0.0</td>
</tr>
<tr>
<td>Stockport</td>
<td>18</td>
<td>7</td>
<td>147</td>
<td>4.8</td>
</tr>
<tr>
<td>Trafford</td>
<td>12</td>
<td>8</td>
<td>152</td>
<td>5.3</td>
</tr>
<tr>
<td>Leigh</td>
<td>3</td>
<td>2</td>
<td>40</td>
<td>5.0</td>
</tr>
<tr>
<td>Wigan</td>
<td>17</td>
<td>7</td>
<td>118</td>
<td>5.9</td>
</tr>
<tr>
<td>Salford</td>
<td>18</td>
<td>1</td>
<td>121</td>
<td>0.8</td>
</tr>
<tr>
<td>Tameside</td>
<td>13</td>
<td>3</td>
<td>111</td>
<td>2.7</td>
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<tr>
<td>Rochdale</td>
<td>-</td>
<td>-</td>
<td>149</td>
<td>0.0</td>
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<td>All Greater Manchester</td>
<td>108</td>
<td>36</td>
<td>1,787</td>
<td>2.0</td>
</tr>
</tbody>
</table>

Notes:
1. Norwich figures include one order made by Norfolk Crown court in 1999.
2. Manchester City figure includes one order made by Manchester Minshull Street Crown court in 1999.
3. Convictions data covers both summary and indictable offences.

Why was take-up so low?

We asked sentencers, court clerks and lawyers about the low number of orders made. One possible explanation could be lack of awareness. One Crown prosecutor suggested that he only heard of the powers when the issue arose in court. Certainly the slow increase in take-up over time might suggest a gradual increase in awareness:
Perhaps we don’t use it often enough because it doesn’t enter our minds but I think that’s changing as the pilot goes on.

Youth court chair, 1999

Although the pilot courts arranged special training for magistrates, the fact that several pilots3 were running in these areas at the same time could have created a certain amount of ‘pilot overload’. One youth court chair suggested that others such as probation officers and court clerks could help in raising sentencers’ awareness of juvenile curfews:

People tend to see what recommendations probation service are coming up with and then work from that… You’ve got to rely a lot on what your clerk tells you… the clerk will remind you what your powers are… if you ask, they don’t always do it… I think it’s worth educating the magistrates to use it more.

Youth court chair, 1999

It was not clear from the interviews that more training was needed. One youth court chair said that the training was fine but another said they would have made more orders if they had been given more training on juveniles. One magistrate did not fully understand how the equipment operated, thinking that it monitored offenders’ movements all the time, and that the tag could be taken off outside curfew times: others in the same focus group put him straight. Another magistrate in the same group did not understand why it was placed on the ankle not the wrist. Overall magistrates seemed well aware of the measure and to have a thorough understanding of the scheme.

Most interviewees attributed the low take-up to difficulties in identifying suitable cases:

I think it’s just that the opportunity in the right cases haven’t arisen yet. I don’t think there’s any other explanation for it.

Court clerk, 1998

One of the problems was that many young offenders do not have the stable home which is a prerequisite for a curfew order:

…with all the difficulties that we [have] got with the young people that we get in court, what can we do with them? To do a tagging order they’ve got to have a stable home… Most kids that we get are either in care, in a residential home ([for] which [it] is difficult to get a tagging order set up), or they’re moving from home to home, foster parent to foster parent.

Youth court chair, 1999

This is obviously a serious problem if the aim is to target those young offenders who would benefit most from a curfew order.

A couple of interviewees suggested that curfew orders were not seen as sufficiently rehabilitative:

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3 These included the Crime (Sentences) Act fine defaulter and persistent petty offender measures.
I think the reason it is not used greatly is that most of that age group who end up on some sort of a supervision order, they want help more than punishment nine times out of ten… The family background is such that … it is help and guidance they want more than a punishment, and therefore it is a supervision order, that sort of thing, to try and steer them in the right direction…

Magistrate, 1998

If they haven’t imposed a curfew, it’s likely because of the limits in their powers, they will be looking, either at an attendance centre or supervision. And the supervision will come into play where they’ll say ‘well they need some help’. Curfew is effectively a restriction of liberty, nothing happens. Supervision: they’ll actually get some focus from a welfare officer.

Court clerk, 1998

One clerk in Greater Manchester suggested that breach powers could be a problem. Although attendance centre orders were made available as a breach power, the concern was that the children who would receive a curfew order would be likely to breach, and would be unsuitable for attendance centre orders:

If you are sure that this is going to mean something and you’ve got parental approval to it then fine, but if it’s a tearaway who isn’t going to comply with anything, what powers have we got in breaching them? And that’s the problem that magistrates have got, because they are insistent if they make an order it’s going to be complied with. They’ll feel as if they’ve awful lot of egg on their face if it all goes wrong.

Court clerk, 1998

In practice, as will be explored in further detail below, breach was not as high as might have been expected. It was unclear whether this was related to the curfew order itself or because sentencers were mindful of the risk and took care to pick youths who were less likely to breach.

Objections from parents or defence solicitors could also have discouraged orders, but in practice there was no evidence that this was a real problem:

I haven’t had a parent who’s objected to, because you need their consent as well. Not to say I’ve made so many, but so far I haven’t had any objections. And I haven’t had a solicitor objecting to it. But at the end of the day the relevant person will be the parent and the social services. If they didn’t recommend it, the magistrates at the end of the day they could say ‘well we are going impose anyway’. But I suspect that would sway them.

Court clerk, 1998

Another clerk we interviewed suggested that take-up was low because most juvenile offenders are persistent offenders and they ‘know the system’, therefore they refuse orders and exploit the protection given to them by social services and others. One stipendiary magistrate we asked about this did not agree however. Interviews suggested that a more important reason was concern among social services and the probation service that the juveniles are immature and will breach the tags:

…the probation service was not very keen, ours locally wasn’t very keen from the outset.

Magistrate, 1999
Similarly, one of the contractors said that:

_I think by and large social services really aren’t in favour of electronic monitoring. And so potentially the ones that we have are kind of the last resort ones and therefore the revocation rate is likely to be high on them. I think the good news is that you know 60 per cent of them are successful._

Contractor, 1999

Interviews with social service (youth justice) staff suggested a split between the two pilot areas. In both areas suitability assessments were initially only carried out when specifically requested by the court. However, over time staff in Norfolk began to consider suitability for tagging in other cases, and put these assessments in their report to the court. One manager explained that they could do this because they had a long background of good relations and mutual trust between the courts and youth justice staff. Staff in Norfolk were generally more positive about the idea of the sentence being used for offenders under 16 than in Greater Manchester. In particular, youth justice staff in Norfolk seemed happy to recommend the use of tagging as a sentence even where there might not be a time pattern to the offending which the curfew might disrupt. Experience that juveniles generally complied with the orders together with sentencers’ enthusiasm and good relations with the tagging contractors contributed to higher take-up in Norfolk than youth justice staff initially expected. In Greater Manchester however, it was claimed that magistrates rarely asked for curfew orders to be considered. This was reinforced by assumptions that compliance would be poor because of the lack of maturity of young offenders, as well as scepticism about the value of the disposal among social workers (with whom youth justice workers had to liaise).

Despite the low rate of use, magistrates in both areas were keen to emphasise that they did value the measure. One magistrate even went as far as to say:

_I think it is one of the best sentences that has ever been developed... I’ve been very impressed with it._

Stipendiary magistrate, 2000

Such strong enthusiasm was unusual, although most magistrates were positive about tagging for under 16s. One interviewee suggested that the low overall rate of use did not simply reflect differences in the type of cases appearing before the courts, suggesting instead that the youth court chair in one of the most busy courts was not enthusiastic about the pilot. However, there was widespread feeling that sentencing options were very limited for juveniles; one magistrate even commented that he had left the youth court bench because of the frustration this engendered. In this context, any addition to the range of sentences available was helpful:

_The curfew is a good additional power... and it’s not limited to imprisonable offences only, which again is useful... all magistrates in youth court welcome the additional powers because their hands are tied. Youth offenders, they are the regular offenders, they become our adult offenders._

Court clerk, 1998
Offender and offence characteristics

Age and sex

No orders were made for 10-year-olds (see Table 2.2). Use increased with the juveniles’ age; only about one in ten (12%) were aged under 14, and most (59%) of those receiving orders were aged 15. This was true for both sexes, although there were only ten curfews for girls. This reflects the lower number of younger offenders and the lower number of girls who are proceeded against in the criminal justice system.

Table 2.2 Use of orders by age and sex of offender

<table>
<thead>
<tr>
<th>Age</th>
<th>Male</th>
<th>Female</th>
<th>Both sexes</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>11</td>
<td>2</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>12</td>
<td>4</td>
<td>-</td>
<td>4</td>
</tr>
<tr>
<td>13</td>
<td>12</td>
<td>1</td>
<td>13</td>
</tr>
<tr>
<td>14</td>
<td>42</td>
<td>2</td>
<td>44</td>
</tr>
<tr>
<td>15</td>
<td>85</td>
<td>7</td>
<td>92</td>
</tr>
<tr>
<td>All</td>
<td>145</td>
<td>10</td>
<td>155</td>
</tr>
</tbody>
</table>

Table 2.3 shows the comparative use of curfew orders in Greater Manchester and Norfolk by age over the period of the pilot and conviction in the pilot areas by age for 1998. This is to give some indication of whether convictions and curfew orders have the same age distribution. It can be seen that this was not the case in Norfolk where twice as many curfew orders were given to 13-year-olds as 15-year-olds as a proportion of convictions. Greater Manchester shows broadly similar distributions for both convictions and curfew orders.

Table 2.3 Age distribution of convictions and curfews in 1998

<table>
<thead>
<tr>
<th>Age</th>
<th>Norfolk convictions</th>
<th>Norfolk curfews</th>
<th>As a proportion (%) of convictions</th>
<th>Greater Manchester convictions</th>
<th>Greater Manchester curfews</th>
<th>As a proportion (%) of convictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>19</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>11</td>
<td>6</td>
<td>-</td>
<td>-</td>
<td>34</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>12</td>
<td>19</td>
<td>-</td>
<td>-</td>
<td>107</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>13</td>
<td>42</td>
<td>4</td>
<td>9.5</td>
<td>208</td>
<td>1</td>
<td>0.5</td>
</tr>
<tr>
<td>14</td>
<td>93</td>
<td>3</td>
<td>3.2</td>
<td>476</td>
<td>10</td>
<td>2.1</td>
</tr>
<tr>
<td>15</td>
<td>187</td>
<td>10</td>
<td>5.3</td>
<td>794</td>
<td>25</td>
<td>3.1</td>
</tr>
</tbody>
</table>

Figure 2.2 shows that there were more convictions for older offenders in 1998, both within the pilot areas and nationally. This appears to reflect the age profile of young offenders. For example, research suggests that, on average, offending starts at around 13 for both boys and girls, peaking at 15 (Graham and Bowling, 1995).
Graham and Bowling (1995) also found that other forms of delinquency, such as truancy from school started at around the same age, so it also seems plausible that a higher proportion of older offenders would be excluded from school and therefore more suitable for a curfew order. Curfew for young offenders to school rather than home is possible in principle but a number of difficulties – including the cost of additional units to cover large buildings and issues about responsibility for equipment – prevented any from being made (discussed further in Chapter 3).

At the same time, however, research has suggested that youths from disrupted family backgrounds are more likely to offend and to be persistent/serious offenders. Obviously persistent or serious offenders are the target group for tagging, but youths without a stable address cannot be given electronically monitored curfew. Graham and Bowling (1995) and others have found that relationships with parents, which include their “capacity and willingness to supervise their children”, are more important than family structure in determining offending. This suggests that those who lack a stable home may not necessarily benefit most from a curfew, if their parents are able to maintain good relationships and a strong level of supervision. In practice though it seems likely that such disruptions make it more difficult for parents to maintain good relations with their children. This suggests that some, but not all of those young offenders who might benefit most from a curfew order, may not be eligible because they lack a stable address.
Other possible reasons for low take-up are explored below.

**Type of offence**

Figure 2.3 shows the main offences recorded against young offenders at the time a curfew order was made. Theft and handling was most common (36%), followed by burglary (26%) and violence (12%). These offences are the main offences for all ages.

![Figure 2.3 Most serious offences committed by 10-to 15-year-olds March 1998 to February 2000, by area](image)

Two-fifths of the young offenders had been convicted of the more serious offences (violence, burglary or robbery – see Table 2.4). This supports suggestions from several magistrates, including one youth court chair, that curfew was a relatively high tariff penalty. One explained:

> We tend to use curfew here at the top end of the scale, as one step down from custody, because it is a form of custody in the home. So we would probably be looking at, depending on the age group either a supervision order or a probation order, maybe a custodial sentence or a community service order if the child was old enough to be given one, but certainly at the top end of the scale.

Youth court magistrate, 1999

One Crown prosecutor agreed:

> I think they use it as an alternative to custody for serious offenders and really you’re not thinking about custody until you get to well, 15, but obviously the 12- to 14-year-olds can go to youth detention. But they certainly don’t seem to impose it for the younger element. Not that I’ve seen.

Crown prosecutor, 1999
Comments from some offenders echoed this:

_They were expecting for me to be sent down, 'cos that's what I was looking at, at first, or like 24 hours at the lads club [attendance centre]. And I made it clear that I didn't want to do the lads club. So then me solicitor just came up from nowhere [with] this new tagging order._

15-year-old offender, 1999

_I wanted it 'cos it was either that or jail, so I put it forward to my solicitor, I said: 'Well get me a tag, get me this curfew thing'_

15-year-old offender, 1999

Only ten (7%) of the orders were for girls. Six of these were made in 1998 (11% of orders in 1998). This is about what we might have expected for Greater Manchester, given that ten per cent of 10- to 15-year-olds convicted in Greater Manchester in 1998 were girls. However no girls were curfewed in Norfolk at all, which seems surprising given that there were actually proportionately more under 16-year-old girls convicted in Norfolk (14% the same as the national figure). Five of the girls were convicted of violence offences, one of burglary, one of theft and two of other indictable offences. However, with such small numbers it is impossible to draw out whether there were differences in sentencing related to sex.

### Table 2.4 Types of principal offence

<table>
<thead>
<tr>
<th></th>
<th>Number</th>
<th>Proportion (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violence</td>
<td>19</td>
<td>12</td>
</tr>
<tr>
<td>Burglary</td>
<td>41</td>
<td>26</td>
</tr>
<tr>
<td>Robbery</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Theft and handling</td>
<td>56</td>
<td>36</td>
</tr>
<tr>
<td>Criminal damage</td>
<td>9</td>
<td>6</td>
</tr>
<tr>
<td>Other indictable</td>
<td>15</td>
<td>10</td>
</tr>
<tr>
<td>Indictable motoring</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Summary non-motoring</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Summary motoring</td>
<td>4</td>
<td>3</td>
</tr>
</tbody>
</table>

Note: Principal offence was missing for one case.

We recorded details of up to two other offences as well as the principal offence, this time recording the second and third most serious offences to see if the principal offence was atypical of the youth’s offences. The pattern varies a little by offence. Theft and handling was still the most common offence category overall. However the proportion of burglaries fell from 26 per cent of principal offences to nine per cent of second offences: there were no third offences of burglary. Most offenders who were convicted for burglary either had no other offences or had other convictions for burglary or, less frequently, for theft. Nevertheless, burglary was still the second most frequent offence overall after theft. Three offenders were convicted for more than one violent offence: in fact most offenders who were convicted for a violent offence had no other offences. Where they were convicted of more than one other offence it was typically for theft. In fact overall there were just as many summary and criminal damage convictions as there were for violent offences.
Table 2.5 shows the number of offences for which these young offenders were curfewed. About two-thirds (67%) were convicted of only one or two offences. Only two youths had been convicted of more than ten offences. One of these juveniles was dealt with for 13 offences. His principal, second and third offences were all thefts, suggesting that he was a reasonably serious offender as well as a persistent offender. The other juvenile was convicted of 37 offences. The most serious offence was summary non-motorising and his second and third offences were summary motoring offences. Clearly in this instance the court decided that his persistence justified a more serious penalty than would usually be expected for such relatively petty offences, so much so that they also imposed a supervision order. There was some evidence that older offenders, aged 14 and 15 years, tended to be convicted of slightly more offences than younger offenders, but with so few younger offenders we cannot be sure that this difference is significant.

**Previous convictions**

Data on convictions was supplied from the Home Office Offenders Index, which covers standard list offences (that is, it excludes most summary offences). Although it does not cover all convictions, if electronically monitored curfews had been used in high tariff cases we would expect a large proportion of the curfewed 10- to 15-year-olds to have previous convictions. In addition, we would expect them to have received other community sentences or possibly even custodial sentences (detention in a young offenders’ institution or secure training order).

In all 134 young offenders received a curfew order. Nineteen children had more than one curfew, accounting for 40 orders between them. This includes two youths who had three curfews in all, and three offenders who were re-sentenced to a curfew order after breaching the original order. Eleven of the young offenders lived in Greater Manchester, and eight lived in Norfolk.

Table 2.6 shows the number of previous convictions of young offenders sentenced to curfew orders. Out of the 134 young offenders who received a curfew order, 32 were not traced: in about half (17) of these cases this may have been because we did not have their date of birth, which is a crucial component in matching, so we can only assume that 15 of these had no previous (standard list) convictions. In the other unmatched cases it should be remembered that they may have been

### Table 2.5 Number of offences by age

<table>
<thead>
<tr>
<th>Age</th>
<th>1 or 2</th>
<th>3 to 5</th>
<th>6 to 10</th>
<th>More than 10</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>-</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>12</td>
<td>3</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>4</td>
</tr>
<tr>
<td>13</td>
<td>7</td>
<td>5</td>
<td>1</td>
<td>-</td>
<td>13</td>
</tr>
<tr>
<td>14</td>
<td>30</td>
<td>12</td>
<td>1</td>
<td>1</td>
<td>44</td>
</tr>
<tr>
<td>15</td>
<td>63</td>
<td>26</td>
<td>1</td>
<td>1</td>
<td>91</td>
</tr>
<tr>
<td>Total</td>
<td>103</td>
<td>46</td>
<td>3</td>
<td>2</td>
<td>154</td>
</tr>
</tbody>
</table>

Note: We were unable to obtain the number of offences for one 15-year-old offender.
previously convicted for non-standard list offences (such as some summary motoring offences). Excluding those juveniles for whom we did not have date of birth, out of the remaining 117 under 16s at least 79 (68%) had previous convictions.

Table 2.6 Numbers of previous convictions of young offenders sentenced to curfew orders

<table>
<thead>
<tr>
<th>Number of previous convictions</th>
<th>Number of offenders</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>38</td>
</tr>
<tr>
<td>1</td>
<td>16</td>
</tr>
<tr>
<td>2</td>
<td>20</td>
</tr>
<tr>
<td>3</td>
<td>12</td>
</tr>
<tr>
<td>4</td>
<td>17</td>
</tr>
<tr>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>8</td>
<td>-</td>
</tr>
<tr>
<td>9</td>
<td>1</td>
</tr>
</tbody>
</table>

Total 117

Note: we cannot be sure that 17 offenders, who were not traced, did not have previous convictions.

Table 2.7 shows the previous sentences of those 10- to 15-year-olds with a previous conviction. In the past, less than three per cent had received a custodial sentence. More than half (56%) had received another community sentence. About half had received a financial penalty and 56 per cent had received a less serious penalty such as a discharge.

Table 2.7 Previous disposals received by 10- to 15-year-olds

<table>
<thead>
<tr>
<th>Type of disposal</th>
<th>No of 10- to 15-year-olds</th>
<th>Percentage of 10- to 15-year-olds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absolute/conditional discharge/recognizances</td>
<td>66</td>
<td>56.4</td>
</tr>
<tr>
<td>Any financial disposal</td>
<td>59</td>
<td>50.4</td>
</tr>
<tr>
<td>Supervision order</td>
<td>51</td>
<td>43.6</td>
</tr>
<tr>
<td>Attendance centre order</td>
<td>44</td>
<td>37.6</td>
</tr>
<tr>
<td>Any community sentence</td>
<td>66</td>
<td>56.4</td>
</tr>
<tr>
<td>Detention in a YOI (effective)</td>
<td>1</td>
<td>0.9</td>
</tr>
<tr>
<td>Detention in a YOI (non-effective)</td>
<td>1</td>
<td>0.9</td>
</tr>
<tr>
<td>Detention under CYPA1933</td>
<td>2</td>
<td>1.7</td>
</tr>
<tr>
<td>Any unsuspended custody</td>
<td>3</td>
<td>2.6</td>
</tr>
<tr>
<td>No previous (standard list) convictions</td>
<td>15</td>
<td>12.8</td>
</tr>
</tbody>
</table>

Total offenders 117 100.0

Note: Percentages total more than 100 as each offender may have experience of more than one disposal. Information was not available on a further 17 offenders.

4 The pre-sentence reports we examined suggested that all but five of the 32 offenders who were not matched with data from the Offenders’ Index had previous convictions. Eighty-one per cent (99) of the PSRs we examined said that the offender had previous convictions: in three PSRs there was no discussion of previous convictions. However, this may have included some offenders who had previous standard list convictions only.
**Hours of curfew and offence time patterns**

**Length of curfew order**

Four offenders were curfewed for one month or less, 38 for between one and two months and 105 for between two and three months. Although 10- to 15-year-olds should only be curfewed for three months, there were seven cases where we found this limit was exceeded: two of these were for six months (twice the maximum length). In two cases the error was corrected: one because the error was noticed by the court, the other after we contacted the court. Two others were revoked for other reasons before any extra time had been served; one of these was resentence to another (shorter) curfew. However, in the remaining three cases the error was not noticed until it was too late. We were told that at least three of these juveniles had legal representation when the order was originally imposed. It seems plausible that courts and solicitors were used to the legal maximum of six months applicable under the Criminal Justice Act 1991, and simply forgot that the legal maximum length was lower for 10- to 15-year-olds. Nevertheless, the mistakes we found suggest that if the pilots are rolled out, more attention should be given to the difference in maximum length in any training and guidance.

There are too few cases to observe any relationship between the number of months curfewed and the age or crime of the offender.

**Curfew hours**

Most young offenders (84%) were curfewed for between ten and 12 hours: 12 hours is the maximum allowed in any 24 hours for curfew as a sentence. One was initially sentenced to 14 hours a day, but the error was noticed and the length of the curfew adjusted to compensate. However Norfolk courts tended to use shorter hours than those in Greater Manchester (for example, 23% of Norfolk orders were under 10 hours compared to 12% of Manchester orders). Figure 2.4 shows the pattern of curfew use in the pilot areas during a standardised 24-hour day.

**Figure 2.4 Pattern of curfew use in Manchester and Norfolk during a standardised 24-hour day**
Almost all offenders were curfewed overnight. Curfews were made for other times of the day in the case of burglary, theft and summary motoring offenders only. For example, of five offenders who were curfewed from the afternoon and for some portion of the evening, two were for burglary, two for theft and one for an ‘other indictable’ offence. This could be evidence of sentencers adjusting curfew hours to prevent offending, although without detailed information about the timing of offences it is impossible to be certain. One court clerk did say that the timing of offences was taken into account when deciding curfew hours:

Often we might find that we are doing them in the evening because it’s a burglary, a night time offence, so the logic is to impose it then… If the offence were occurring during the day, then it will make sense to impose it during the day… Certainly the magistrates will look at the hours and when the offence is committed and yes if the offending was during truanting, then it will make sense as well. They certainly would not be getting advice to the contrary.

Court clerk, 1998

However, there was evidence to suggest that sentencers were not consistently adjusting curfew hours in this way: the mother of one young offender who was curfewed overnight commented that he committed most of his crimes during the day. It seems plausible that in some cases sentencers are not given or do not ask for information about the timing of offences so they can adjust curfew hours appropriately. The desire to avoid curfews in school time may have had some influence. In addition, one interview suggested that matching curfew hours to offending patterns could displace offending to different times:

I did the second one here… a young lad was burgling warehouses in [place name]… he was burgling this warehouse at night… In fact a few weeks later we got him back again. He had burgled the same warehouse but he’d burgled it during the day.

Crown prosecutor, 1999

In a few cases curfew periods were split: for example one ran from 6pm to midnight and then 6am to 7.30am. Interviews with social services suggested that the aim was to increase the impact of the order. Some juveniles took advantage of this by setting their alarm for the end of the curfew period and going out then, even though it might be 3.00 or 4.00 in the morning.

Combining curfews with other sentences

We collected details of any other sentences which were combined with curfew orders. About a quarter (25%) had some other penalty imposed. Most (27) of these were supervision orders. Surprisingly six offenders were disqualified from driving, including one 13 and one 14-year-old. Driving bans can be used to prevent an offender obtaining a licence, as well as to prevent them holding a licence. In addition, the courts can use this measure to delay the date on which a young offender could start driving legally. Other sentences included attendance centre orders (4) and one compensation order.
Table 2.8 shows that additional sentences tended to be made in respect of the more serious offences. However the association was not clear cut: not all of the most serious offence categories attracted an additional sentence but three summary offences did.

<table>
<thead>
<tr>
<th>Table 2.8</th>
<th>Additional sentences by principal offence</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Supervision order</td>
</tr>
<tr>
<td>Violence</td>
<td>6</td>
</tr>
<tr>
<td>Burglary</td>
<td>7</td>
</tr>
<tr>
<td>Robbery</td>
<td>1</td>
</tr>
<tr>
<td>Theft and handling</td>
<td>8</td>
</tr>
<tr>
<td>Criminal damage</td>
<td>1</td>
</tr>
<tr>
<td>Other indictable</td>
<td>2</td>
</tr>
<tr>
<td>Indictable motoring</td>
<td>1</td>
</tr>
<tr>
<td>Summary non-motoring</td>
<td>1</td>
</tr>
<tr>
<td>Summary motoring</td>
<td>-</td>
</tr>
<tr>
<td>All</td>
<td>27</td>
</tr>
</tbody>
</table>

Note: There was one case where we were unable to identify principal offence and four where we were unable to identify whether another sentence was imposed.

There was no clear relationship between the total number of offences and the likelihood of receiving an additional sentence.

There were too few younger offenders to say whether age influenced the likelihood of receiving an additional sentence. However, additional penalties were not restricted to the older offenders:

- one of the two 11-year-olds received a supervision order
- one of the four 12-year-olds received a supervision order
- one 13-year-old was banned from driving
- five of the thirteen 13-year-olds received a supervision order.

Four of the female offenders received an additional penalty (three received supervision orders and one was disqualified from driving).

The place of electronically monitored curfew in the sentencing structure

Overall about five per cent of 10- to 15-year-olds convicted in Norfolk in 1998 received a curfew order, compared to two per cent of those in Greater Manchester. We looked at the use of different sentences over time in the pilot areas to see how curfew fitted into the sentencing pattern, and whether any changes in the use of other sentences could be attributed to increased use of curfew. For both areas we looked at sentencing patterns from 1991 to 1999. The most commonly used measure for both areas were discharges, followed by supervision and attendance centre orders. Both areas made very little use of custodial sentences.
However there were noticeable differences between the areas and even within each area over time. Neither area consistently followed the pattern for England and Wales as a whole. For example, national use of fines fell from 1991, continuing a longer term trend, but was fairly stable in the late 1990s at around eight to nine per cent of all sentences. At the same time, use of fines grew in both Greater Manchester and Norfolk, from 12.5 to 14.1 per cent in Norfolk and from 4.8 to 6.5 per cent in Greater Manchester between 1997 and 1998.

These changes may be partly associated with other pilot measures to strengthen the use of the fine which were in operation in the pilot areas in 1998 (Elliott and Airs, 2000). However, examining the sentencing pattern over time suggests that these changes could simply be related to changes in the cases appearing before the courts: in Norfolk particularly, the small number of 10- to 15-year-olds sentenced each year means that slight differences in percentages might be due to chance.

It was difficult to see how electronically monitored curfew orders were being used in the pilot areas just by looking at sentencing patterns. For example we might have expected curfew to replace other community sentences such as attendance centre or supervision orders. However, use of attendance centre orders for 10- to 15-year-olds increased in Norfolk (from 14.5 to 17%), and fell very slightly in Greater Manchester (from 23.8 to 22.5%), while appearing fairly stable at around 16 per cent for England and Wales. In contrast, the use of supervision orders was fairly stable for both pilot areas and for England and Wales:

- in Norfolk supervision orders accounted for 16.9 per cent of sentences imposed in 1997 and 17.5 per cent in 1998
- in Greater Manchester, they accounted for 22.4 per cent of sentences imposed in 1997 and 22.8 per cent in 1998
- for England and Wales as a whole supervision orders accounted for 24.5 per cent of orders in 1997 and 25.5 per cent in 1998.

Similarly, there was no clear evidence that electronically monitored curfew replaced custodial sentences, because custody rates remained fairly stable:

- In Norfolk, the use of custodial sentences increased very slightly, with 1.4 per cent of 10- to 15-year-olds being sentenced to detention in a YOI in 1997, compared with 1.7 per cent in 1998.
- There was no change in Greater Manchester where 3.3 per cent of 10- to 15-year-olds were sentenced to a YOI in both 1997 and 1998.
- National figures were 2.9 per cent in 1997 and 2.6 per cent in 1998.
- The new secure training orders accounted for 0.3 per cent of 10- to 15-year-olds in Norfolk, and 0.6 per cent in Greater Manchester in 1998 (the first year they were available). The national figure was 0.7 per cent.

In fact in Norfolk, the only type of sentence that seemed significantly affected by the introduction of curfews was discharges which fell between 1997 and 1998 (from 51.4% to 41.4%). However, it seems extremely unlikely that curfew was used in cases where sentencers would previously have
discharged offenders: neither the interview evidence nor previous research on curfews for those aged 16 plus supports this. Mair and Mortimer (1996) found that curfew seemed to be used primarily as an alternative to custody or a severe community penalty. Nor could curfew have replaced discharges in Manchester, where their use fell by only about one per cent, in line with the national trend. It seems more likely that the difficulty in analysing trends in these sentencing patterns derives from the small numbers of 10- to 15-year-olds dealt with by the pilot courts each year. Changes in the proportionate use of the various sentences will be strongly influenced by small changes in the numbers of 10- to 15-year-olds appearing before the courts. Certainly the sentencing pattern in Norfolk seemed to fluctuate much more than in Greater Manchester, which dealt with far more youths in this age group. Detailed analysis of sentencing patterns in the pilot areas appears in Appendix A.

Further consideration of the place of curfews in the tariff is possible from pre-sentence reports, and follows below.

**Pre-sentence reports**

We examined 118 pre-sentence reports (PSRs) where a curfew was made, to establish which sentences were considered and whether the court followed the recommendations given. We found that some offenders, who received more than order, had more than one PSR. However we were unable to determine whether this was always true: in some cases the same PSR may have been used more than once. Assuming that one PSR was produced for each order, we looked at 76 per cent of all PSRs where an electronically monitored curfew was made: 83 per cent of the PSRs produced in Norfolk and 73 per cent of those produced in Greater Manchester. We had insufficient resources to compare these reports with those made where an electronically monitored curfew was not imposed.

**Table 2.9 PSR proposals for 10- to 15-year-olds where a curfew order was made**

<table>
<thead>
<tr>
<th>Sentence</th>
<th>No. considered</th>
<th>No. definitely recommended</th>
</tr>
</thead>
<tbody>
<tr>
<td>EM curfew order</td>
<td>92</td>
<td>61</td>
</tr>
<tr>
<td>Supervision order</td>
<td>93</td>
<td>50</td>
</tr>
<tr>
<td>Attendance centre order</td>
<td>83</td>
<td>26</td>
</tr>
<tr>
<td>Financial penalty</td>
<td>50</td>
<td>0</td>
</tr>
<tr>
<td>Custody</td>
<td>40</td>
<td>1</td>
</tr>
<tr>
<td>Combined order</td>
<td>16</td>
<td>14</td>
</tr>
<tr>
<td>Discharge</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Deferred sentence</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

Notes:

1. N=118 PSRs. Reports may consider more than one measure. There were also ten cases where two sentences were equally favoured, and coded as ‘definitely recommended’.
2. A combination of tagging and a supervision order was considered in 14 cases and recommended in 12. In two other cases tagging and an attendance centre order were considered and recommended. These are also counted in the separate figures for each type of order above. These are not ‘combination orders’ in the true sense of the term, however, which involve community service and probation and are only available for offenders aged 16 and above.
3. Custody includes secure training orders as well as detention in a young offender institution.
Table 2.9 shows that about a fifth (26) of reports failed to consider electronically monitored curfew orders even though many stated all options were to be considered (although one of these reports was incomplete). Of these reports:

- 19 considered supervision orders
- 16 considered attendance centre orders
- 6 considered financial penalties
- 3 considered custody.

It should be noted that reports may consider more than one measure: the average was three with, on average, two being community sentences.

To analyse the PSR recommendations we coded the recommendations into three categories; ‘definite yes’, ‘not preferred’ and ‘definite no’. For example, one report writer strongly advised against the curfew order because it was feared the young offender would see the tag as a trophy and was said to be too immature to understand the implications of breaching the order. This PSR was coded as a ‘definite no’. If two options were equally favoured, both were coded as ‘definite yes’. There were ten cases where there was no clear preference between two proposals so both were coded as ‘definite yes’.

Of those reports that considered electronically monitored curfews, 66 per cent (61) definitely recommended it. Almost all (29) of the others did not completely rule out curfew but indicated it was not their preferred option. The majority of these PSRs favoured supervision orders and/or attendance centre orders. The main reason for not recommending a curfew was simply that other sentencing options were preferred. Other reasons were:

- the risk of increasing family strains and instability at home (4 reports)
- would not sufficiently address the young person’s offending behaviour (4 reports).
- concerns that the offender may see the tag as a ‘trophy’ (2 reports)
- the likelihood that the offender would not co-operate with the order (3 reports)
- might be too onerous if the offender complied with existing orders as well (1 report, regarding an offender with an existing attendance centre and supervision order)
- the time of the offence (1 report, regarding an offence committed at half past ten in the morning: the report writer felt that a curfew order would not be appropriate, as the offence was committed while the young offender should have been at school).

Just one report definitely rejected electronically monitored curfew, stating both that the offender would see the tag as a ‘trophy’ and that he was too immature to understand the implications of breaching the order. There was also one case where the report writer thought tagging would not be available due to the offender’s age (15), even though the offender was living in an area where tagging was available for this age group!
Although about a third (40) of reports considered custody (usually detention in a YOI but occasionally a secure training order), none definitely recommended it. This is not surprising. In their study of the earlier trials for older offenders, Mortimer and May (1997) examined 677 PSRs covering all cases where a PSR was known to have been produced, whether or not it resulted in a curfew. Only two proposed custody. Perhaps more surprisingly in our study, only about a third (15) definitely ruled custody out, with the remainder indicating it was not their preferred option. Various reasons were given against custody. Two-fifths of the PSRs which considered custody suggested it would confirm the young offender’s criminal identity by associating with other more sophisticated offenders. Two suggested it would not solve long term psychological and emotional family problems, and another two cited evidence that the young offenders would harm themselves if incarcerated. Much more detailed consideration was given to community sentences though, giving the impression that custody was not considered as seriously as other options.

Financial penalties, including fines and compensation, were considered in approaching half (50) of the PSRs. However, none definitely recommended that these penalties be applied. About half definitely ruled them out and half were counted as ‘not preferred’. The majority advised against financial penalties due to many of the young offenders’ families managing on a very limited income, usually state benefits. Consideration of financial penalties usually seemed fairly perfunctory. Although they were considered more frequently than custody, the impression given on reading the reports was that they were not considered as seriously as custody. Only four considered a discharge, and only one definitely recommended it (in this case it was suggested that a tag would be seen as a trophy and the offender would probably not comply, having problems that would be best dealt with by social services).

Overall these findings suggest that electronically monitored curfew was usually considered towards the higher end of the community sentence band, for offences where a financial penalty would probably not, in itself, be deemed serious enough. It was often considered alongside supervision or attendance centre orders, and in a significant number of cases where custody was a possibility. The difficulty remains, however, in knowing how serious the risk of custody was.

**Breaches and violations**

An offender is liable to be returned to court for breach proceedings for any violation of the curfew. Under the contracts with the tagging contractors there are several levels of violation. Serious violations such as being absent for an entire curfew period or physical assault on the contractors’ staff should result in immediate breach action by the contractors. For less serious violations such as an accumulation of short absences, the offender should receive a formal written warning that he or she may be returned to court if he or she does not comply with the curfew. However additional violations can build up in the time between contractors being granted a breach hearing date and the case being heard in court. Therefore, by the time the case is brought to court, several more serious violations may have occurred. If it has been decided that the juvenile did breach, the youth court can vary the order and impose a fine or attendance centre order; or revoke the order and re-sentence for the original offence.
Compliance and completion rates

In the first two years of the CJA tagging trials, it was found that completion rates in youth courts were lower than in magistrates’ courts and Crown court. Sixty-eight per cent of curfew orders in Manchester youth courts were completed (Mortimer, Pereira and Walsh, 1999). In this new trial 73 per cent of juveniles in Manchester completed their orders. (Completion rates in Norfolk have not been compared as there were too few orders made in the Norfolk youth courts during the first trial.) This is impressive because the earlier trials covered offenders aged 16 and over: we might have expected younger people to be less compliant.

At the time of writing, we had received completion and compliance information for 152 cases out of the 155 orders made. Two-thirds of these successfully completed their curfew order without breaching, about one in ten went on to complete their order after breaching, and about one-fifth failed to complete the order. At least three juveniles were breached after their curfews had finished; the delay was caused by the need to get the case listed at court.

There were some differences between the two pilot areas, with 20 per cent (9) of juveniles breaching in Norfolk, compared with 39 per cent (41) in Manchester. However there were too few breaches in total to draw any conclusions about how they were dealt with in each area. Four juveniles breached their order twice, although none breached their order more than twice. The most common response to breaches was to revoke the order: overall 28 breaches led to the order being revoked (including three revoked as a result of a second breach). The second most common action was to continue the order (15 cases). Four orders were discharged, and three were amended.

There were too few orders made on girls to compare differences in completion and breach rates by sex. Nor did we receive enough orders for younger offenders (aged 11, 12 and 13) to produce statistically significant conclusions about the relationship between age and compliance. However, we did receive enough orders for 14 and 15-year-olds to suggest that the older juveniles were more likely to complete their order.

Table 2.10 Age of those who completed

<table>
<thead>
<tr>
<th>Age</th>
<th>11</th>
<th>12</th>
<th>13</th>
<th>14</th>
<th>15</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completed</td>
<td>1</td>
<td>3</td>
<td>9</td>
<td>27</td>
<td>77</td>
<td>117</td>
</tr>
<tr>
<td>Not completed</td>
<td>-</td>
<td>-</td>
<td>4</td>
<td>17</td>
<td>14</td>
<td>35</td>
</tr>
<tr>
<td>Total</td>
<td>1</td>
<td>3</td>
<td>13</td>
<td>44</td>
<td>91</td>
<td>152</td>
</tr>
</tbody>
</table>

Note: We have been unable to obtain completion data in three cases.

Overall shows that 61 per cent of 14-year-olds completed their order, compared with 85 per cent of 15-year-olds (calculated from Table 2.10).
**Breach action**

One magistrate was critical over what he perceived as the lack of action contractors took over breaches. ‘I think they exaggerate the success rate’ by giving youths a warning instead of taking action over breaches. Similarly, a magistrate from a different court said:

*They don’t seem to take action, they probably give them a warning.*

Magistrate, 1998

Some magistrates questioned the effectiveness of tagging contractors to catch breaks in the curfew.

These examples suggest a lack of understanding and confidence in how the equipment works and of the violation procedures. The tagging equipment does record if the youth leaves the house for any length of time during the curfew hours, and the contractors are alerted to any absences. We did not find any evidence that the requirements laid down by the Home Office were not followed.
3 Operational implications and the effects of electronic monitoring on the criminal justice system and schools

Although pilots for older offenders had run successfully in Greater Manchester and Norfolk (see Mair and Mortimer, 1996 and Mortimer and May, 1997), there were some special issues particular to younger offenders to address. One of the major concerns was how the pilot would affect schools: for example, would schools admit pupils who were tagged? Social services (youth justice) responses also need to be considered in the context of their important role in preparing reports on the suitability of curfews for young offenders. And finally some special requirements were placed on the tagging contractors, in recognition of the particular sensitivity and care needed with young offenders.

Effect on schools

Before the pilot began, it was suggested that curfews to schools might be popular as a way of enforcing attendance. In practice no orders were made to schools: as explained in Chapter 1, guidance to sentencers urged them to think very carefully before using this power5. Interviews suggested that most of the children who were curfewed were not attending school. Some had poor attendance records, and some had been excluded. In all, 14 of the 25 young offenders we interviewed came into this category. We also heard of a further five from various local authority Education Welfare Officers (EWOs), whose primary role is to encourage school attendance.

Despite this a few children were receiving some formal education, for example through the local Pupil Referral Unit (PRU) or Visiting Teacher Service (VTS). Both services are for children permanently excluded from school or ‘school refusers’ (non-attenders):

- The PRU is for children who, it is hoped, could be re-integrated into mainstream education. This is intended as a short-term option, for those who are not permanently excluded.
- The VTS is not actually home tuition as the name suggests, although it once was. It now involves education in centres at various locations and is aimed at children who have no chance of reintegrating into mainstream education (such as children with behavioural problems).

We have evidence that at least ten children were tagged while under the supervision of one of these services in Norfolk alone. This accounts for more than a fifth (21%) of tagged children in Norfolk.

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5 In fact, it appeared from the curfew addresses that all but three juveniles were curfewed to their home address, and the others were curfewed to children’s homes.
It was not always clear if young offenders were actually making use of these services: in one case the child clearly was not attending the classes he had been offered.

For those children who were attending school, curfews were either imposed during school holidays or, for those made during term-time, were not applicable in school hours. In one case, a child was initially kept away from school but later allowed to return – on condition that he kept the tag hidden:

*Mother:* I kept him out of school for a week because …of the tag, because I thought if he goes down and they cut it off then he’ll only get arrested straightaway… they even told me that at [name] school, to keep him away.

*Juvenile:* Well, it’s not that they’d cut it off, it was in case they damaged the tag in any way, like kicking it, or tripping me up in case I fall and bang it.

*Mother:* …they were sending work down to us, for [name] to do… And eventually they said: ‘Right, well we’ll let him back in school, but we’ll see how things go’.

Mother and 15-year-old son, 1999

Only one magistrate said he was unaware of the powers to curfew children to school:

*To be quite honest I didn’t know we could tag to a school and I would think very hard about it anyway.*

Youth court chair, 1999

Although this was an isolated case, the fact that this quote came from the chair of a youth court was worrying. Other concerns were probably more important though, including worries about the effect of curfew on the school, and the perception that schools would not welcome curfews:

*I think teachers tend to think that they’ve got enough to do without chasing kids that are on tagging orders*

Youth court chair, 1999

Some magistrates were concerned that tagging would disadvantage some pupils. Local guidance issued to magistrates states that:

*Young people subject to a curfew order who are attending full-time education will have to wear the tag to school. This may prevent the child from taking part at some sports or physical education in schools. Sentencers may wish to consider the possible effects of such a restriction.*

Local guidance to magistrates, 1998

This worried some magistrates:

*I was almost horrified when I read this …it does raise various issues educationally, the whole question of equality of opportunity to the national curriculum. In fact it could be argued that the child is not having the national curriculum (say in PE or dance) being delivered to him or*
her fully. My view... is that education authorities and perhaps teaching unions would be strongly opposed to this and I would urge you to note that this requires very serious consideration.

Magistrate, 1999

...they can’t take part in sport or they can’t take part in physical education because of the tag... they’ll be out of so many sessions...

Youth court chair, 1999

The potential for technical problems due to the size of some schools was mentioned briefly in the guidance and also worried one magistrate:

...the difficulty with schools is that they are so big these days ...and it’s very difficult to get schools to agree to have tagging in the schools... They have the same problem of course with children’s homes... I think what happens is that teachers tend to feel “well we’ve got enough to do without looking after kids in trouble with tagging” ... they just don’t want to do it.

Youth court chair, 1999

In practice this should have been surmountable by using more than one HMU, placed so that all areas within the school that the tagged child would need to use would be monitored. In some cases lack of sufficient secure areas to keep the HMUs might be a problem. In this case it was not clear whether this concern had been expressed by a school, or whether it was simply assumed they would be unwilling to accept a curfew in school hours. In one case it was clear that the curfew was set to minimise any disruption to the child’s education:

I said he’s at school... doing his ‘O’ Level in Sports Science which is in a fortnight, nine lessons a week. I said, if they’re going to see his tag he’s going to be the butt of jokes, he’s going to get picked on which is going to lead to trouble because he’s going to defend himself... And she [the solicitor] said that to court and she said “do it for six weeks holiday”.

Mother of 14-year-old, 1999

Although these concerns were only raised by a few sentencers, the lack of curfews to schools suggests that, in the minority of cases where children were attending school, these concerns were sufficiently serious to dissuade magistrates from imposing a curfew order during school hours.

Education officials’ views about electronic monitoring

In fact, although only a small number of interviews were conducted with educational representatives, all but one supported the idea of curfews to schools. Neither of the two headteachers were concerned about the suggestion that they or a member of their staff might be required to fulfil the role of being present when the equipment is fitted and when the contractors visit. This role normally falls to the offender’s parent or guardian, and is intended to help protect the contractors against malicious allegations by young offenders, as well as to help protect the offenders themselves.
Both headteachers felt that tagging might have some deterrent effect on the children concerned, with one going as far as to suggest he would welcome tagging not just for high tariff cases but also earlier on to discourage recidivism. The latter acknowledged that some might show off their tags, but thought tagging was justifiable as an attempt to ‘rescue’ the juvenile’s life.

This general view was reiterated by most of the EWOs we spoke to. Again although they acknowledged the potential difficulties, they generally thought they were outweighed by the positive aspects. One suggested that tagging juvenile offenders to schools would help to keep them safe as much as anything, arguing that these children are often disadvantaged in a number of ways (for example, by having special needs or having experienced family breakdown) and therefore vulnerable. The general feeling was that how they react will depend on the individual. In some cases, it was suggested tagging might pose problems educationally, perhaps exacerbating underlying problems of self-esteem. One EWO said he would have concerns if it was being used widely, but thought that if it was used as an alternative for the higher end cases (for example, as an alternative to a secure training centre) then it would be appropriate.

This view was supported by the Visiting Teacher Service in one area, despite the fact that they might have had good reason to be unhappy with tagging. One of the pupils referred to them committed offences against their property while he was tagged (he was breached as a result). We suggested this might have soured their view of tagging, but were told that they trust the courts not to tag children who have committed violent crime and that it had not put them off. The VTS is the last ditch effort to help these children, so even if a child did commit an offence against them they might give them another chance if he/she seemed genuinely sorry. None of their staff had ever been injured by a pupil and none had refused to teach a particular child because they were tagged.

One EWO argued that tagging might be of benefit to the child’s education. On entering youth custody the child’s name would be taken off the school roll, making it more difficult for them to rejoin mainstream education once they came out. If curfews genuinely replaced youth custody, the benefits to the child would not then simply be the avoidance of custody and the disadvantages associated with it, but greater educational opportunities in the longer term. Although this might not benefit the majority as non-attenders, some children might have a better chance in life as a result.

This idea that schools would be reluctant to re-admit a tagged pupil was reiterated by one of the EWOs we interviewed. Another thought that it might be useful in enforcing attendance despite possible practical problems. They pointed out that schools increasingly “log” attendance: the implication is that tagging would be an extension of that approach for problem cases. Against this it can be argued that if children were made to go to school when they do not want to they would act up and probably not comply. It would cause problems for the schools, and their teachers would not want to teach them. It would be better to try to resolve their problems with school attendance by making them happy to attend.

There was only one education official who did not agree with tagging, arguing that there are other alternatives to custody and that tagging will not deal with the causes of offending: although they might stop offending during the curfew, they would probably reoffend later. Overall he said it was a “complete waste of time”, as it was not preventing crime. On probing he suggested that
reoffending rates are generally lower for community sentences than for custody (research has questioned this idea, see Lloyd, Mair and Hough, 1994), but he still felt that it was not really helping the child.

We were only able to interview seven education officials, so we should be cautious about how representative these findings are. However, as we will discuss in more detail below, they consistently reported that they were not consulted – or even informed about children in their care being curfewed. This suggests that it was sentencers’ concerns about schooling together with cautionary guidance, and not education officials’ worries, that discouraged sentencers from making curfews during school time.

**Operational implications for schools and education officials**

Overall it seemed that very little information on tagging generally or regarding individual children had reached local schools and education officials. Sometimes the school only heard about the tag when a parent contacted it:

_Mother: …they weren’t very happy when I phoned them up and told them, but I just said, I explained everything to them and –_

_Interviewer: You told them?_

_Mother: Yes, I told them he’d been tagged and they’d give him court and he’d be tagged until September._

Mother of a 15-year-old, 1999

_Would the headmaster be told normally? I mean, I did a lecture recently at a large school and the headmaster was there. He said “I have children from my school who spent maybe two days in court, get sentenced for what have you and I know nothing about it. First thing I know, he hasn’t been to school for a week”. _

Magistrate, 1999

Neither of the headteachers we interviewed had received any information, that they could recall, about the pilots. Even in specific cases where they had provided reports on a juvenile appearing in court and a curfew order was made, they were not given any information by the court or anyone else. One of the headteachers told us that he only became aware that a pupil was to be tagged because she and her parents contacted the school about it, in particular about her uniform. Both said that some general information at the start of the pilots and regular feedback on the results of court cases would have been helpful. Details of specific court cases would also have been useful “from a records point of view”.

Similarly, the four EWOs we interviewed seemed uninformed about tagging generally and about specific cases in their areas. Other EWOs sat on the inter-agency groups overseeing the pilots, and informed officers about the pilot at the outset. However this information did not seem to have been absorbed, as all those we spoke to lacked some basic understanding of how electronic monitoring worked, and this had to be explained by the interviewer. One told us that he viewed the
information that had been circulated as a reference resource. Another told us they did set up protocols at the start of the pilots stating that that schools would be informed, but on further questioning suggested they were probably gathering dust at the bottom of someone’s drawer.

However, for local education officials to inform schools, even assuming that they were happy to take on such a role (which was not evident from the interviews), they would have to be kept informed themselves. None of the EWOs we interviewed were routinely informed that children in their areas had been tagged, by either the courts, Probation Service or Social Services. Nor would they necessarily hear from the child’s school: they would probably only be contacted if it was causing a problem, or there was some other educational problem they needed to be consulted about. One reported that he only heard of one case through “stumbling across it”. Another EWO said that he was usually informed of results on youth court cases by social services. However, the information was sometimes received two or three weeks after the decision, and might not include whether the curfewee was electronically tagged. Of at least six juveniles who had been tagged in his area (and subject to eight orders in total), he had only known that one had been tagged.

Most tagged juveniles were known to the Education and Welfare officers we spoke to: this is not surprising though as the link between poor school attendance and offending is well known. One EWO, echoing the complaint made by the headteachers we interviewed, commented that they were sometimes asked for information about the child as part of the PSR, but even then were not always informed about the outcome.

Failure to keep education professionals informed could have significant consequences. Education officials might be aware of issues about a child’s welfare (such as concerns about possible problems in the family) which report writers have not been informed about (for example, concerns might have only recently arisen and not been reported to social services). This suggests then that if the pilot is rolled out nationally, communication of curfew orders to education officials will be important. More general information about how electronic monitoring works also seems needed. Consideration could be given to communicating this information within schools as well as to schools. Schools might also consider producing their own, internal policy on electronic monitoring. One 15-year-old said that “most of the teachers didn’t even know” about her tag. This could have been a deliberate ploy by the headteacher to minimise disruption in the school, but could also have been due to a lack of communication within the school. One headteacher we interviewed had no policy about how sports or gym classes would be treated, instead leaving the decision up to the teachers concerned. The apparent lack of knowledge of how tagging works suggests that unless teachers are provided with some information about tagging this could lead to unfair exclusion of children from school sports, or alternatively, a lack of awareness of the dangers of participation in some sports. Against this, it has to be acknowledged that the importance that headteachers place on explaining electronic monitoring to staff will depend on the number of orders that affect them. It seems very unlikely that they would see this as a high priority if use under national roll-out continued at such a low level. Nevertheless, if electronic monitoring for 10- to 15-year-olds is extended nationally, in the longer term consistency in how children are treated by individual schools and between schools might become an issue.
Social services (youth justice)

Social services (youth justice) were largely responsible for providing reports on offenders’ suitability for curfew. In Greater Manchester, offenders aged 15 and over were usually dealt with by the Probation Service. This limited the contact that Social Services employees might have with the tagging provisions under the C(S)A and may partly explain the lower level of awareness. In Norfolk, the Social Services Department retained responsibility for all offenders under the age of 16, and for some offenders over this age (e.g. if the SSD’s Youth Justice Team was already dealing with the offender, or where there were child protection issues involved). This may have helped to give the order a higher profile among youth justice staff in Norfolk than was the case in Greater Manchester. Certainly there was less detailed knowledge of the subject in Greater Manchester, reflecting the fact that the take-up rate there was lower and, as a consequence, staff did not get regular experience in dealing with relevant cases. This was in contrast to Norfolk where youth justice staff appeared to have been very positive about the use of curfew orders on juveniles and the take-up was higher than staff had expected.

In both of the pilot areas there was a multi-agency approach to the pilot, with Social Services/Youth Justice departments being involved along with representatives from the probation services, magistrates’ courts, Crown court, Crown Prosecution Service, police forces, education welfare and the electronic monitoring (EM) contractors. This provided a useful context for youth justice when the pilots were being set up, though the focus of the steering groups was mainly on adults, and most of the subsequent inter-agency contact for youth justice teams was with the courts and the EM providers.

Within youth justice teams, briefings were informal and related to practical issues. A number of staff in both areas took the opportunity to visit the local monitoring centre, and the monitoring companies were involved in discussion with staff about how the pilots would effect the way each of them worked. Other than this, training and preparation were centred on the written procedures and practical details for dealing with potential curfew orders for juveniles.

Taking account of a child’s schooling required the involvement of the school and EWOs in the assessment. Social services told us that assessment of the ability of the individual child to remain integrated in the education system was central to this. The aim was to avoid a situation where being tagged might adversely affect the child’s schooling so, for instance, care was taken to avoid stigmatising the young offender. One example cited was of a teacher who said that he would withdraw a tagged child from physical education classes as the communal showers would mean that everyone would know about the tag and that this could lead to stigmatising and/or bullying. Interviews with education professionals suggested a lack of consultation, however, indicating that although some may have been involved in curfew assessments this was not universal.

The main operational issue for social services was the need to change curfew addresses when a tagged child’s accommodation was no longer available (e.g. because of tensions within the family, or because the family had to move). These changes of address had to be approved by the court, which tied up staff in ways which would not have happened had it not been for the pilots taking place. This was only raised by Norfolk staff however, and was not considered a major problem.
Reports

As discussed in Chapter 2, interviews suggested that practice varied between the two areas, with assessments of suitability for a curfew order only being made when specifically requested by the court. However, over time, report writers in Norfolk would sometimes take it upon themselves to identify cases where tagging might be a suitable alternative and included these assessments in the pre-sentence report (PSR) to the court. One manager in Norfolk said that they were able to do this because of a long background of good, constructive relations between the courts and youth justice staff, which had led to a high level of mutual trust and respect.

In Greater Manchester, youth justice initially developed a small-scale assessment procedure which was added onto the PSR process. One stipendiary magistrate in Manchester told us that he started requesting a curfew assessment in every PSR:

We were finding that if it wasn’t mentioned, you were getting a case and you were saying ‘well, look I’m considering a curfew’, we then had to either stand it down or adjourn it yet again.

Stipendiary magistrate, 2000

As a result a small form was annexed to the back of the PSR, giving details of availability for a curfew (for example because of childcare arrangements) as well as a section in the report, covering the appropriateness of curfew (including issues such as family stability). In Norfolk, rather than a separate curfew assessment attached to a PSR, the assessment was nearly always covered in the PSR.

A few sentencers had complaints about the quality of reports:

Magistrate 1: But can I just say that we used to always get reports from the school, school reports. And those were excellent in my opinion …We used to get to know more from the school report than from the probation report …But you see it got to the stage where, with the school report, it was ticking boxes.

Magistrate 2: I used to say “these are not the school reports that we’ve had before” and “I don’t like them”.

Magistrate 3: I don’t know, “it’s the personal information that’s sacrosanct to schools” and, you know, it isn’t. I’ve worked in the education system for a long time.

Magistrates’ focus group, 1998

One suggested that some of the detailed information needed to make a decision on a curfew order was not always provided:

I think, if I’m right that’s part of the consideration that has to be given, it’s not going to interfere with education or religion… So magistrates do have to very carefully work around that. I mean, that’s the part of what comes through, what the information we expect to be in Pre-Sentence Reports. I think Probation Service have been keen to extend the use of these community service [orders], very keen. I don’t think they’ve been quite as keen to extend the use of curfew. They will give information in a report if it’s asked for but it doesn’t tend to get prominence.

Magistrate in focus group, 1999
One magistrate suggested that the problems arose because there was no system for providing feedback on reports.

However others said they found reports useful. None felt there was any reluctance on the part of the probation service or youth justice to prepare reports for youths. One commented that although magistrates rely a lot on reports, he had never seen one where tagging was not recommended.

We also asked sentencers about the speed with which reports were provided. One magistrate explained:

*It’s three weeks, usually three … Unless the person’s in custody obviously and then it’s shorter. We aren’t encouraged to sentence on stand down reports except where they are as an alternative to a fine. If we were going to impose a financial penalty, but we can’t because there’s no money, then we would sentence on a stand down report but not where it stands as a punishment in its own right.*

Youth court chair, 1999

This is in line with the National Standards (1995). Nevertheless this delay was felt to be a problem, both because it prolonged the process and because it would usually be a different bench that received the report, who might have a different outlook on the offence:

*So in other words you don’t get consistency. If we sit in on a trial in this court and find guilt and then send off for a pre-sentence report we usually ask if at least two of us can come back for the sentencing bench and that is allowed in our listings. Obviously we can’t come back every time we order a PSR, but if it’s after a trial when we’ve heard a lot about the circumstances of the offence then we do usually come back to sentence.*

Youth court chair, 1999

However, arranging for the same bench to be listed for the next hearing would take some effort, and was therefore not encouraged during this study:

*If we did it every time we ordered a pre-sentence report it would be a nightmare for listings*  
Youth court chair, 1999

### Tagging contractors

One of the special requirements for the pilot was that two staff from the tagging contractors had to attend each visit to the curfew address, and one of the officers had to be female. This was intended partly to reflect the need for particular sensitivity when dealing with children, and partly to protect the contractors from any malicious allegations. Consequently the tagging contractors had to take on more staff, especially female officers, and train them. In addition all staff were vetted. Although the Home Office only required those staff dealing with youths to be given this additional vetting, the contractors decided to vet all staff to ensure greater flexibility in staff deployment. Clearing staff was very rarely a problem:
Yes we do go through the additional vetting for the 10- to 15-year-olds but we haven’t had problems at all, even in this latest input. I think we had two who failed vetting but it wasn’t because of the 10- to 15-year-olds, it was generally other areas.

Securicor officer, 1999

However to avoid any additional delay (which could be up to six weeks) staff were taken on and trained while they were being vetted. This was less of a problem for the control centre staff than field staff, who were not able to go out until they were cleared. After such efforts to prepare, the low rate of use was frustrating for one of the contractors.

In addition, smaller tags were needed for some youths. Generally the size of tags had not been a problem. The contractors acknowledged that a small 10-year-old might be difficult to fit perfectly, but pointed out that most tagged juveniles were in the 14 to 15 age group. In fact we were told that some tags designed for 10- to 15-year-olds were also used on adults.
There were a number of concerns about the potential impact of the pilots on young offenders, including whether the tag would be paraded as a trophy, or alternatively whether it would stigmatise young offenders and their families. The potential impact on young offenders’ education and on their family relationships also raised concerns. One of the advantages of curfews was that they would enable young offenders to continue their education and maintain family ties – both factors widely thought important for the child’s welfare and in preventing reoffending. It was also suggested that for some young offenders the curfew might help them make a break from delinquent peers who had encouraged their offending and develop more socially acceptable pastimes. However, there were contrasting worries that the pilots might be disruptive to the juveniles’ education. Similarly, it was thought that a curfew might be the last straw for families already under pressures from other directions. How juveniles and their families perceived tagging was also thought important in determining the overall success of the pilots: without their compliance and co-operation, the pilots would not have been able to operate. All these issues are explored further below. Twenty-five young offenders and their families were interviewed, typically six months after the curfew orders were made.

**Effect on activities**

Some young offenders found that the curfew made little or no difference to their leisure activities. However, many had few hobbies or interests anyway:

> It didn’t stop me as I don’t do any leisure stuff. I hate sports.

15-year-old offender, 1999

For others the tagging did affect leisure and sports activities:

> I played basketball... but when I had the tag on I didn’t really play sport because of it... because when I run it was banging my ankle and it really hurt.

15-year-old offender, 1999

Another tagged youth said that he also stopped playing football because the tag was always getting caught, coming loose, falling off and even setting the home monitoring unit off outside of curfew time. Some were unable to attend team practices in the evenings because of their curfew hours. One young offender lost his place on the football team as training was during his curfew. It was unclear whether their sporting commitments were considered when their curfew hours were set. Another youth explained:

> [On] Saturday and Sundays I used to go to the park and kick around with me mates. I still went but I had to come back early.

15-year-old offender, 1999
Although some felt that their leisure activities were curbed it had minimal consequence:

*Yes, it affected my leisure activities, I couldn’t go out, but it didn’t bother me, not really, I saw it [as] more of a challenge.*

15-year-old offender, 1999

*It stopped me doing sports and leisure a bit but not a lot.*

14-year-old offender, 1999

Most admitted to watching more television while on their curfew rather than taking up new hobbies. Playing computer games, playing cards and listening to music were also favoured activities for those who had a curfew. Three of those interviewed said that they slept more. One young offender said that he felt depressed because he had nothing to do but sleep. One father specifically commented that his son needed something to do during the curfew.

For two offenders, the curfew meant that they were able to make a break from the crowd of friends they had got into trouble with. However some parents commented that during curfew hours the young offenders’ friends would stay and keep them company:

*Sometimes my mates came round and sat with me when they haven’t got nothing [sic] to do.*

15-year-old offender, 1999

As one 14-year-old offender’s stepfather said ‘It meant we had a house load of kids in’. One mother was concerned because her 15-year-old daughter got pregnant while being electronically monitored.

Obviously, if leisure activities were not restricted at all the curfew would have little effect on the young offender. However, team sports and suitable leisure activities are undoubtedly beneficial and if possible the tagged offender should be able to participate. This may mean having to obtain permission from the courts to attend organised training, matches, clubs etc. Ideally, it was hoped that the young offenders might discover other interests as they would be spending more time at home away from their peers, but unfortunately this did not seem to be the case. The tag itself, when properly fitted, is designed to cause no discomfort when participating in sports, including swimming. However, the tag would clearly show and may cause embarrassment for certain people. It also seems likely that some were over cautious about participating in sports due to a lack of understanding of how the curfew device works.

**School and schooling**

Even if a child is not curfewed during school hours, he or she will still have to wear the tag to school (or when attending other classes). What evidence was there then that their education was affected by the curfew?

One of the concerns mentioned earlier was the possible exclusion of children from sports lessons. Being curfewed need not necessarily prevent children from following such interests. The PID is
designed to be waterproof, so swimming (like bathing) should not be a problem. There is, however, a danger that the tag might be caught on equipment (for example, in a gym class). Although the PID will snap if sufficient pressure is applied, the lower body weight of children means that this is more of a risk for them than for adults. Clearly this would not be a concern when playing football. Accidental damage would still be a risk, but neither the child nor the school would be expected to compensate the contractors in such cases.

However, interviews with education professionals suggested that most lacked this detailed knowledge of electronic monitoring. The concern here is that teachers’ lack of knowledge about electronic monitoring could have caused the children to be excluded from physical education classes unnecessarily. There was only one interview which suggested this might have happened, where a child said he had not participated in sports, including swimming, even though he seemed aware that the PID is waterproof. One recounted that although he went swimming with the school, it caused some interest:

*When I went swimming with school, it was like: ‘What’s that around his ankle?’ ... ‘Can he get in the water – it’s not gonna fry him or anything?’*

Juvenile who received two curfews, one aged 14 and one aged 15, 1999

In practice there was evidence from only four interviews (out of 13 where the child was definitely receiving some kind of education) that electronic monitoring hindered children’s participation in sports or physical exercise classes. One teacher argued that the importance of this will depend on the child. It would be more important for a child with a good attendance history than one who has not been attending school, where any increase in his/her education would be welcomed. Children with a particular interest or talent for sports – such as those who are members of local teams, or are studying Sports Science, would also be more affected than others. One youth said that he had initially continued playing sports, but stopped (and lost his place on a team) because it affected the PID.

In most cases we were told that the curfew had no effect on the child’s education. In a further two cases we were told that the curfew had actually had a positive effect:

*Aunt: The tag definitely stopped him offending and he went to school all the time.*

*Uncle: It made him more enthusiastic and he enjoyed school. He did three hours a day at a special teaching unit with three teachers and another pupil. The tagging was good for him.*

Guardians of juvenile who had two tags, one aged 14 and one aged 15, 1999

One headteacher also commented that a 15-year-old girl at his school became better behaved while she was tagged, perhaps because the tag was a (semi) permanent reminder to behave.

In another instance it seemed that the tag had been used by teachers to encourage the child to behave:

*Juvenile: …they laughed and joked about it, saying they was gonna chop it off and kick it off and all this ...they was having just a laugh, like saying: ‘Don’t behave I’m gonna kick that and then the police’ll come and arrest you’.*

*Interviewer: I see, so they used it as a threat against you?*
Juvenile: Yeah, well it was only messing about.
Interviewer: Joking?
Juvenile: Joking.

Another juvenile who received two curfews, one aged 14 and one aged 15, 1999

In five other cases we were told that teachers did not seem concerned about tagging. One juvenile said her teachers either said it was a ridiculous punishment for her offence (a summary non-motoring offence) or said it was pathetic. There were a couple of exceptions though:

At PE I got asked loads of questions but it was okay. One of the teachers didn’t want me in the class, she said I was a criminal and she didn’t want one in her class. I went to another class which was better.

15-year-old offender, 1999

Overall then, it seemed that in most cases curfew had a limited impact on the education of those who were attending school (or other classes). It is impossible to say, however, whether those who did not attend would have attended more frequently had they not been tagged.

**Relationships within the family**

The effect of curfew orders on relationships within the family was mixed. In six cases we were told that the curfew helped to bring the family closer together. One offender explained:

*Mum liked me being in. We had to work things out, me and me [sic] mum … so it worked out better for our relationship.*

15-year-old offender, 1999

The mother of one offender said:

*It was nice to see all of us in, that’s the really good thing about it – we all had a laugh.*

Mother of 15-year-old offender, 1999

In five cases parents or guardians felt that it was an additional benefit that they knew where the youths were and that they were staying out of trouble. The stepfather of one offender described the tag as:

*…a useful tool in respect [to] him staying in and us not arguing about it.*

Stepfather of 13-year-old offender, 1999

One sentencer felt that the curfew order enforced desirable parenting:

*It is very useful as it imposes on the parents… it enforces what should be parental responsibility, making sure they know where their kids are, what they are doing.*

Lay magistrate, 1998
However, having responsibility for the youth while on the curfew proved to be demanding for some families. The father of one offender said that it was as if his wife was also tagged as she gave up her part-time job to be there while her son was curfewed. Conversely the mother of a 15-year-old offender welcomed the tagging order saying ‘[name] was punished at last’: previously she had had to pay her daughter’s fines, so she felt that the curfew ‘made [name] grow up; she had to take responsibility’. Three families said that it affected them in the sense that they felt they could not go out and leave the tagged juvenile. This is obviously a concern as the curfew is designed to be a sentence for the offender and not the entire family. Although an adult, usually the parent, is required to take responsibility for the youth it is important that they are not punished because of the child’s offending behaviour. The father of one offender said:

_It hits the whole family. If you want to go out as a family, you can’t. We all stay in. We’re not that kind of family to go out and leave him. You watch your time more and have to be back._

Father of 15-year-old offender, 1999

It is important however, to remember that the terms of the curfew order did not require the whole family to adhere to the curfew, and that to the extent that families have some choice in these kinds of decisions, it is unfair to characterise this as punishing the whole family.

It has been suggested that there is an association between delinquency and family background (Wadsworth, 1979). However, in the words of Rutter and Giller (1983) this is ‘remarkably hard to determine’. A recent Home Office research study found that many young offenders thought that their families were, in fact, not to blame for their involvement in crime. Environment was instead seen by many of the young people to have a strong impact on the route they had taken and their entry into crime: ‘it’s a lot to do with where you live’ (Lyon, Dennison and Wilson, 2000). Despite this, as discussed in Chapter two, Graham and Bowling (1995) and others have found that “quality of relationships with parents and their capacity and willingness to supervise their children” is the crucial factor. If this is correct, then it could be argued that this evidence of families being “punished” could equally be interpreted as good parenting which might help keep their children from reoffending.

Against this, one of the concerns at the outset of the pilot was that it might add to problems in families that were already under strain. We did not find any evidence that curfew orders had led directly to greater use of care and social services. However, the social services were involved with at least six of the families we interviewed. A number of the tagged juveniles did not live with their parents; one youth lived with his young aunt and uncle, another with his grandparents. However, it is not clear if this was because of the youths’ offending or other reasons.

Nevertheless, the effect on some family relationships was significant. Two mothers felt that they were ‘piggy in the middle’ by trying to keep the peace between the defendant and the father. The stress and strain of the curfew order contributed to one mother seeking professional psychiatric help for depression. The role of women was central to the successful operation of curfew orders on young offenders. It was clear from comments made during the interviews that many women made personal sacrifices for their family; there would have been fewer successful curfews for young offenders if this had not been the case. Within one family unit the oldest daughter had
moved out due to her younger brother’s offending. One offender, who lived with his mother, was unable to visit his father and younger brother because of his curfew. Another offender said that he felt ‘guilty’ because he had caused rifts within the family. This same offender said:

*I’m spending more time with me [sic] family but in a normal sense I’m arguing a lot more because I spend so much time with them.*

14-year-old offender, 1999

The mother of this same offender commented that court visits also upset the balance of the relationships within the family, although this appeared to be caused by the juvenile’s offending behaviour generally and not specifically by the curfew order.

Seven young offenders said the curfew did not affect the family relationships, but this may have been bravado or unwillingness to acknowledge any effect. Others may not have realised the effect their curfew order had on their family, or only recognised this some time after the interview. It is interesting to note that only two of the families interviewed said that the curfew order had no effect on them as a whole. This shows a difference in views between the offenders and their families. Despite these problems, generally the reaction of the families was very positive as they thought it meant that young offenders could stay out of prison.

There were some unforeseen benefits. One mother commented, some months after the curfew had ended:

…*he’s got quite used to it actually …since the tagging he’s been in for half past 8, 9 o’clock.*

Mother of 15-year-old offender, 1999

**Breaches and violations**

As noted in Chapter 2, compliance rates were high. One of the contractors commented on the lack of violations by juveniles, suggesting that often the only time contractor and offender had to meet was when the battery for the PID had to be changed. Interviews with young offenders suggested that some juveniles did not find it difficult to stick to the curfew. For example, one 14-year-old said ‘It was easy for me to do, I was only late once’. Another juvenile said that an offender had to be in the right frame of mind to complete the curfew:

*If you want to do it you do it, if you don’t you don’t. My cousin got sent down for breaching his tag.*

15-year-old offender, 1999

In another interview, a 15-year-old said he did not take the tag off because ‘you get done for breach and criminal damage’. He said he would rather complete his order than be convicted for another offence. This suggests that the example of what happens to other juveniles who breach the tag could reinforce the seriousness of the sentence and the consequences of breaching it and encourage compliance.
Families sometimes helped by staying in with the child:

*It didn’t affect us except we had to be in every night with him, but it was our quality time together. He had to be in by 8:00pm and we made sure he was in bed by 10:00pm.*  
Aunt of 15-year-old, 1999

In the odd case juveniles told us their peers were supportive: in one case a friend of the offender bought a clock to make sure she stuck to her curfew times. Nevertheless some juveniles spoke of the pressure from peers to take the tag off:

*People said – you know, ‘why don’t you cut it off, ‘cos you could have?’ I said to them, ‘What’s the point… If I cut it off like I’ll have to go back to court and go through it all again…*  
15-year-old offender, 1999

There were two main ways in which juveniles in this pilot breached their curfew: by being absent during their curfew and by damaging the equipment. However, there were times when the monitoring staff were threatened, and one juvenile breached by damaging the equipment, staying out during his curfew, and threatening the contractors’ staff. When asked if he had frightened the staff, he said:

*Don’t know – yeah, I suppose so. Threatened to stab him…’cos he was doing my head in.*  
15-year-old offender, 1999

As a result of these breaches, the curfew was extended by another month and a half.

Some juveniles also breached by taking the tag off, and the mother of one 15-year-old said that her son had removed the tag and thrown away the phone: he had since been in hiding. This juvenile had his sentence revoked, and was re-sentenced to another curfew.

Some 10- to 15-year-olds claimed that the tag came off on its own. One offender commented that his tag came off when he was kick-starting his motorbike:

*Kicked, slipped and it scratched right up my leg I had a big cut all the way up my leg and it caught the tag and it ripped it off.*  
15-year-old offender, 1999

In this case the tagging contractors came and looked at the bike and the child’s leg, and were satisfied that he was telling the truth. Another 15-year-old told of how she had panicked when her tag came off:

*And I panicked, and there were two metal rolls and two metal spikes and [name] just said, ‘Put them back now then [name] and let’s go out.’ And I said ‘No’, I said ‘I’m panicking [name], they might send me to jail’.*  
15-year-old offender, 1999
However, the contractors were not always convinced that the tag had come off on its own:

_They are inclined – kids being kids – they are inclined to mess about with the tag. Because the tag is not made to stay on, it’s made to come off._

Contractor, 1999

Another interviewee at the same company said:

_If they start playing around with it and even break some of the circuit in the strap it will come up as a tamper and we go and investigate it._

Contractor, 1999

Another juvenile claimed the tag had come loose when the tagging contractors came to see him, but his mother found evidence that he had tampered with the tag himself, using a pair of pliers to dismantle it. This juvenile also breached his tag by staying out during his curfew hours. His mother said of his excuses for staying out:

_I think he told them he’d got mugged once and that’s why he was late. And I’m like ‘load of rubbish, load of rubbish’._

Mother of juvenile, 1999

Another juvenile breached when he had an argument with his family about the tag, and he hid in their garden shed all night. In an interview, his mother said:

_He was alright in the beginning, but towards the end it was showing, and that’s when he did a disappearing thing, but he was only in the shed._

Mother of juvenile, 1999

There were cases where a juvenile found violating the curfew order unavoidable. One offender had to help his friend to return home after he’d had an epileptic fit.

**Views on electronic monitoring**

**Trophy or stigma?**

There had been concerns that the tag would be seen as a trophy. We found evidence of this with the friends of one offender calling the device ‘the gold bracelet’ and one magistrate referring to the tag as ‘the Victoria Cross’. The grandfather of another offender told him:

_You think that’s a bloody medal but it’s not._

Grandfather as reported by father of 15-year-old offender, 1998
The mother of one offender explained:

   *His mates knew, he thought it was a great thing with his mates and that. He used to have it all on display.*  

Mother of 15-year-old offender, 1999

The mother of another offender said:

   *He bragged about it and showed everybody it. All his mates wanted to come and have a look.*  

Mother of 14-year-old offender, 1999

One stipendiary magistrate commented that:

   *You find with young offenders going to Young Offenders’ Institutions, they can’t wait to get there because they feel as if they’ve ‘made it’ once they’ve got there… they’ve got… street cred and I wonder if the same applies with people wearing the tag. Possibly, in certain cases.*  

Stipendiary magistrate, 2000

When asked about people’s comments on the tag at school one offender claimed:

   *They all want one. People was [sic] actually going out trying to get in trouble to get a tag.*  

15-year-old offender, 1999

However, to others the tag was seen as a stigma rather than a trophy. One offender:

   *…was ashamed of it and he hid it. He pulled his sock through it and over it so no one could see it. He stopped playing football and anything else which might affect it.*  

Grandmother of 15-year-old offender, 1999

Another offender said ‘it’s nothing to be proud of’.

The friends of one offender teased her for wearing the tag and called it a ‘dog tag’. There was no evidence of the tag being used as an excuse for bullying though.

It is appropriate and desirable for people to feel responsibility for their actions, but the concern is that if a person is labelled ‘offender’ and accepts the label, they will live up to it. It would be inappropriate for electronic monitoring to create a self-fulfilling prophecy, although this would have to be compared with the impact of other sanctions on offending behaviour.

Others seemed unaffected:

   *They put the tag on his ankle. In the summer he wore shorts and it showed, but it didn’t bother him.*  

Mother of 15-year-old offender, 1998
People asked me a lot of questions about the tag but I wasn’t embarrassed.

15-year-old offender, 1998

Most young offenders said that family and friends were simply curious about the tag:

People were curious, I just told them it was a tag and I had to be in at certain times.

15-year-old offender, 1999

However as noted above, some of the defendants’ peers were actually supportive.

Most sentencers thought that offenders’ attitudes depend on the individual:

…some of them it’s a kudos thing …and others …it’s the worst part of their sentence.

Lay magistrate, 1998

I think you’ve got to be extremely careful here, because they might be doing it to show off. ‘Look what I’ve got here’.

Lay magistrate, 1998

There was some concern though that electronic monitoring would have a disruptive effect in schools:

…a certain sort of personal cachet of a young person in school, wearing a tag which identifies that person, maybe he’s a bit of a hard case and a bit of an outlaw, completely against the whole ethos of the school’.

Lay magistrate, 1999

In practice, as noted above, most curfews were made during the school holidays or for children who were not attending school. It is impossible to say whether any curfews were refused because of concerns about the possible impact on a school, but overall opinion seemed to be in favour of electronic monitoring despite such potential problems:

Don’t mind if they use it as a trophy as long as it works.

Lay magistrate, 1999

So even if they are happy to rave about it, if it still is a proper restriction and therefore a proper punishment, the fact that they brag about it doesn’t worry me in the slightest. But I think schools might be a bit more worried.

Stipendiary magistrate, 1999

In addition, the education professionals we interviewed felt that tagging in schools could be appropriate. One headteacher viewed it as ‘corrective more than punitive’ and would welcome its use not just for high tariff cases but also earlier on to discourage recidivism. Another headteacher who had had a tagged pupil at his school explained that the offender hid her tag under her trousers, thus causing no disruptive influence as other pupils did not know she was tagged. One lay
magistrate suggested that girls are disadvantaged in that most school uniforms require girls to wear skirts making it difficult to cover up the tag. Clearly allowing girls to wear trousers when they are curfewed could be of help, but explaining this change in uniform to other pupils will be crucial in influencing the risk of stigma.

One Education Welfare Officer was of the view that bragging could just be a ‘front’ or a ‘cover’ and that, underneath, his or her self-esteem might still have been a problem. This suggests that the dichotomy of stigma or trophy is not necessarily true. Even if a youth appears pleased to have been curfewed it should be remembered that this could be bravado, and might not fully reflect the youth’s feelings about being curfewed. One Chief Education Welfare Officer commented that some are not as brave at school as they are in court and other settings.

Finally, although some young offenders said they did not feel stigmatised by electronic monitoring, it was often a source of embarrassment or shame for the offender’s family:

...no-one talks about it, it’s all a bit embarrassing.

14-year-old offender, 2000

The mother of one offender told visitors to the house that the home monitoring unit was ‘a phone charger’ to avoid shame. Even if equipment is hidden, neighbours might see the contractors visiting the house at odd hours to check the equipment.

Altogether six of the young defendants we questioned about pride and shame saw the tag as a trophy while three saw it as a stigma and six had a neutral view. As far the defendants’ families were concerned five felt that the tag had brought shame on the family as a whole.

To some extent then, curfews may be perceived to punish the offender’s family. Obviously other sanctions may also produce embarrassment for the offenders’ families: however, with electronically monitored curfew the risk is arguably higher as the fact of the sentence will generally be more difficult to hide. In some cases, where offenders’ families – particularly the parents – are held responsible at least partially for their child’s behaviour this may not seem to be a problem. However, it has to be recognised that the causes of offending behaviour are often complex and it may not be fair to blame family members for a child’s offending behaviour.

**Juveniles’ awareness and understanding of electronically monitored curfew**

Clearly, an understanding of how electronic monitoring works is important to ensure compliance with the order. We asked juveniles and their families what their understanding of tagging was before the order was made, and whether the process was explained to them when the order was made. Prior knowledge of tagging varied. A couple said they had not heard of tagging before their own orders were considered by magistrates. Others said they had heard a little about it, for example through the local media or grapevine:
I didn’t know what the tagging was – I’d heard it on the television about tagging, but that was with prisoners and things…

Mother of 15-year-old offender, 1999

Two other young offenders commented that they heard about electronic monitoring on the local news and in local newspapers. Some had friends or acquaintances who had been tagged.

However, some exchanges suggested that common knowledge of tagging was not always well informed, and could contain misconceptions:

*Interviewer:* So some people thought it would have been a good idea to cut it off?
*Youth:* People was no, they didn’t say it, they just said: ‘Why haven’t you cut it off?’

*Interviewer:* Do you think they would have done if they’d had one?
*Youth:* Well no, because they don’t know what it was like or they haven’t been through it, so they wouldn’t really know what it was like… People would say: ‘Oh, let’s have a look at it, let’s see what it is’. And I’d say, just show it them and they’d ask me about it… Like can you feel it, can you go in the bath with it on and things like that… I said: ‘Of course you can’. They said ‘I thought it was electric’. I said: ‘It is electric, but you can still go in the bath with it on’, I said, ‘You can’t take it off whatever you do’.

15-year-old offender, 1999

In another example, one boy’s father told us that his son had been told and believed that the tagging company could follow his movements everywhere.

For one youth the fact that electronic monitoring was relatively new and he did not know much about it made the prospect particularly frightening:

*I was more scared than anything, because like when, when you ask people about sentencing they’ve all had it before, there’s always somebody you know that’s had it. So they can tell you what happens, but tag no-one’s had it. So I didn’t know… I thought breaches would get nicked straightaway and that, I would get sent down for it, I didn’t know.*

15-year-old offender, 1999

Some juveniles said that they were told about the tagging process when the PID was fitted:

*Interviewer:* So did they explain to you at the time that they put it on what was happening?
*Youth:* Yeah. They give me a form thing like [to] remind me what time I’ve gotta be in, how long and all that.

*Interviewer:* Yes, right. So you knew exactly what it was all about?
*Youth:* Yeah.

15-year-old offender, 1999

However it was not always clear how well this had been done: on being asked if the tagging company had explained one 14-year-old said “No, not really”. On at least one occasion the contractors had relied on giving the offender a leaflet explaining tagging:
Interviewer: Did they explain everything to you properly right at the very beginning? Did you have any literature?
Youth: Yeah, a leaflet.
Interviewer: So they gave you a booklet for you both to look at?
Youth and mother: Yeah.
Interviewer: And did, did anybody actually explain the process to you?
Youth: I can’t remember.
Mother: No, not really.
Interviewer: They just said right here’s a book?
Mother: Give me your leg and we’ll just put it on.

15-year-old offender and mother, 1999

Although all offenders should be given a leaflet to explain tagging, in case they forget details later, it is important that the process is also explained verbally. Given the poor educational history of many of these juveniles, it seems unlikely that they will all read this leaflet, and indeed, it is doubtful that all would be able to do so.

Two others said that the tagging company explained it well or very well.

A few said they were told about it by their solicitor or by someone from youth justice (social service):

Interviewer: Did you know what tagging meant, did you understand what it meant?
Mother: Well I [hesitation] I’d read the leaflet before I went into court.
Interviewer: Who gave you the leaflet?
Mother: I think the solicitor or the Social Services give it me in court. And I mean you’d sort of heard enough about it on the grapevine…

Mother of 15-year-old offender, 1999

One said that it was explained by the court, but another commented that it was not explained at court:

No, I didn’t know about tagging, it wasn’t explained at court, it was all new to me. It was explained to me at the time by the company.

15-year-old offender, 1999

Perceptions of tagging among offenders and their families

Most offenders said that the main advantage of electronic monitoring was that it kept them out of prison. Many of the offenders’ families agreed with this:

I’d rather have him tagged… however bad that is, than him be in prison.

Mother of 15-year-old offender, 1999
Four of the young offenders said that they would rather have gone to prison. One explained:

…but if I were in there, I wouldn’t be in contact with outside would I? So like, the thing that wound me up is I knew what everyone was doing, everyone was going out.

15-year-old offender, 1999

Two mothers said they would prefer their children to have gone to prison:

I think get him in there, let him be up at such a time, let him go to bed at such a time, get him back in a routine how he should be really, not getting up when he feels like it, coming home when he feels like it. Get him away.

Mother of 14-year-old offender, 1999

The mothers of three offenders all described the tagging order as ‘a good alibi’:

…the police knew it couldn’t have been him involved if something happened, because he was here’.

Mother of 15-year-old offender, 1999

No juveniles and only two family members said they were totally against tagging. One was a Jamaican mother, who described it as “a reflection of the slave ships in Liverpool” and declared that “you shouldn’t even do that to animals”. She suggested that community service would have been an acceptable alternative. The other was an Asian father, who saw tagging as barbaric. His wife, however, said she would bring in even stricter measures. This was echoed by the mother of 15-year-old who said all 14 to 18-year-olds should be tagged, “then the crime rate would go right down”. One youth suggested that tagging was appropriate for some offences: in her view tagging would not stop burglary or fighting but all rapists and paedophiles should be tagged and have 24 hour tracking. Another youth and his mother suggested that there should be a system of day release from the curfew. For example, for a curfew of three months they should be able to ring up and arrange up to three days “off” without having to contact the court, which would, as much as anything provide a break for the parents.

Problems

Despite their general acceptance of tagging, a large number of interviewees complained about the monitoring process and equipment. One said that there was a “blind spot” in the house where the equipment did not register the youth’s presence. The same child also had a problem with flat batteries. In one case a youth said that contractors told him the tag had not worked for the first three weeks: all the equipment was changed as a result. Another said:

When they come round with a suitcase half the stuff didn’t work.

15-year-old offender, 1999
Six of the offenders we interviewed complained about the times when contractors rang or visited to check, but clearly this is unavoidable if equipment is not working or violations have registered. Other complaints seemed to be related to the offenders’ age, for example sizing problems with the PID being too tight or too loose, seven out of 25 tagged juveniles complained that the tag did not fit properly:

*They hadn’t got a tag to fit him and it kept slipping off.*

Mother of 15-year-old offender, 1999

Some such teething problems seemed inevitable, as the contractors determined what number of different sized PIDs were needed. In some cases, particularly with younger offenders, problems might also arise if a child has a growth spurt after a PID had been fitted. In most cases though, the limited duration of the tag should help minimise such problems.

Other problems seemed more difficult to explain:

*Father: All through the night, maybe three or four times a night, it would give just one ring and then ping, nothing ...but it’s enough to wake you up.*
*Interviewer: Did you complain about it?*
*Father: Oh we asked them and they said they don’t know why it’s causing it, but it used to do it every night.*

Father of 15-year-old offender, 1999

This may have been caused by the contractor’s headquarters sending a routine check signal to the HMU, which was not registering properly immediately, but it is not clear why that should happen. A further two youths reported similar problems. Similarly another youth said that sometimes when he rang out the phone would go quiet and something could be heard faintly in the background. Other comments that friends reported problems trying to get through were probably due to routine checks being relayed between the contractor’s offices and the HMU in the house. This sort of problem led one family to getting another line installed. Another juvenile said that it would be a good idea if there was an alarm on the PID so that the curfewee knew when there was a problem, and would not feel accused of doing wrong when they had complied with the order.

It is difficult to know how much credence to lend to some of these stories. One offender’s girlfriend reported that the tag went off of its own accord a few times. However, the contractors records show that he was breached and the order continued, suggesting that the court may have thought he was responsible for the violations. It seems plausible that some of these complaints could be attributed to offenders finding it easier to blame equipment than acknowledge their own blame to interviewers, such as failing to maintain the electricity supply. Some did acknowledge that maintaining a constant supply of electricity was a problem and complained about the additional cost; although this cost can be claimed back it may take a while for the application to be processed.
Only three interviewees had complaints about one of the tagging contractors. For example, one said:

*One [name of organisation] person didn’t know what the other was doing: if one came one day he/she didn’t know the other had been the day before.*

Mother of 15-year-old offender, 1999

Another commented on the lack of professionalism of tagging officers. She said that her phone only accepted incoming calls, and she needed it to stay in contact with her mother. When the tagging company called, she had to finish her conversation. She complained to the tagging company who suggested she get another phone line. One officer in particular was, she claimed, unacceptably rude. Of course in some cases the contractors have to deal with rudeness and aggression from offenders and their families, but clearly it is in their interest to avoid such nastiness themselves, not least because this will make their job easier.

In another case, the mother of a 15-year-old told of one problem with the tagging contractor not turning up on the day the tag was due to be installed:

*They never turned up on the day…and I got in touch with the probation worker, and she said they’d been round, but no one was in, which to me was a load of rubbish cos they would have left a calling card, which they didn’t and five days later [name] reoffended again.*

Mother of 15-year-old offender, 1999

Again it is difficult to know how much credence to give to this story. If the offender is not at home on the day he or she is due to be tagged, this can be counted as a violation. On the other hand the contractors are required to fit the monitoring equipment on time. If electronic monitoring cannot start on time, for example if a telephone line cannot be installed in time, the contractors are required to monitor the offender manually (for example, by visiting to check the offender is adhering to the curfew). They are not allowed to enter the premises if the ‘responsible adult’ is not there (usually a parent or guardian)⁶. However they should put a letter through the door, clearly stating their intention to return at the start of the next curfew period. If on that occasion the responsible adult is still not available they must refer the case back to the court.

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⁶ This should not be confused with the ‘responsible person’ as defined by the 1991 Act, which refers to the person responsible for monitoring the curfew – the contractor.
5 Costs

This chapter looks at the possible costs of national roll-out. We start by looking at the assumptions underlying the calculation and possible savings. We then look at the likely savings from national rollout.

Assumptions behind the costs and savings

To calculate how much the measure will cost, we looked at the cost per order. We explained in Chapter 2 that the period covered by an order varied in the pilot from between one and three months. Curfew orders are currently charged at fixed rates regardless of their length and we assumed that curfew order contracts will remain in place, and costs will be as outlined in them.

The ‘take-up’ rates we estimated are based on results from the last 12 months of the pilot (March 1998 to February 1999), and the total number of 10-15 year-olds prosecuted in the pilot areas as a proportion of all 10-to 15-year-olds prosecuted in magistrates’ courts in England and Wales in 1998. We assumed that Manchester was typical of likely take-up rates in metropolitan areas (such as West Midlands, Merseyside, West Yorkshire, Greater London) and that Norwich was typical of non-metropolitan areas. This assumption suggests that about 1,200 orders will be made each year if the measure were made available nationally. We have also provided an estimate of a higher take-up of about 1,300 such orders a year since the number of orders made under the trial may not have reached their maximum.

The cost per curfew order depends on the area covered (because different contractors operate in different areas) and on the number of orders made. Defendants may reside in a different electronic monitoring area to the area covering the court sentencing the young offender. We have however, used court data based on the results of the pilot to estimate the number of orders that might be administered in each electronic monitoring area.

At the time of writing it is too early to collect information on reconviction and the sample is probably too small to support a robust reconviction study. Any costs and/or savings associated with reconviction rates have been ignored.

The largest factor in the calculation is whether curfews replace custodial or community sentences. Curfew is significantly cheaper than custodial sentences, and either more or less expensive than other community sentences depending on the sentence. Prison costs have been calculated using the estimated annual resource cost. There is a possibility of prison overcrowding and the diversion of offenders from prison may not save as much as we have estimated.

We have assumed that those who had breached their order will all be given an attendance centre order and that this will be assured in any national roll-out. However, a range of different sentences
were actually given out in the pilot, so we have provided an alternative figure showing the projected roll-out cost if this is replicated nationally. We have also assumed that just over a third (37%) of curfew orders made on 10- to 15-year-olds will be breached, and that each breach will cost about £400. Where the curfew replaces a non-custodial sentence, we assume that the breach rate is the same for curfew as for the sentence it replaces and that there is no additional cost. Where the curfew replaces a custodial sentence, we assume that the breach rate for the custodial sentence would be zero and all costs of breach action are additional and are included in the estimates.

**Savings**

Savings depend crucially on assumptions about the sentence that electronically monitored curfew is replacing. If we assume that curfew orders for young offenders replace supervision orders, we estimate that they will produce a saving of £1.8 million, rising to £2.03 million if there are ten per cent more cases each year than our main estimate, before any costs are considered (see alternatives 1 and 2). On the (less plausible) assumption that electronic monitoring replaces a custodial sentence, we estimate £6.08 million will be saved each year by this route (alternative 4, again before any costs are taken into account).

**Net savings from a national roll-out**

Overall we expect net savings available from a national roll-out of £0.03m million a year, if our assumptions, particularly that offenders would otherwise have been given supervision orders, are correct (alternative 1). We have calculated roll-out costs under four alternative sets of conditions as well, which show that depending on how the orders are used, costs could range from a £0.5 million net cost (alternative 3) to a £4.09 million net saving (alternative 5). (Note that in the examples below, the figures may not add up precisely to total indicated due to rounding.)

**Alternative 1**

If 100 per cent of the young offenders would otherwise have been sentenced to supervision orders under the Child and Young Persons Act 1969 (and none to custody) our estimate of the net savings available from a national roll-out is £0.03 million a year.

This is made up as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost of 1,200 curfew orders each year in England and Wales</td>
<td>£1.82 million</td>
</tr>
<tr>
<td>Cost of dealing with breaches</td>
<td>£0.00 million</td>
</tr>
<tr>
<td>Saving from sentences that would otherwise have been given</td>
<td>£1.84 million</td>
</tr>
<tr>
<td><strong>Net savings</strong></td>
<td><strong>£0.03 million</strong></td>
</tr>
</tbody>
</table>
**Alternative 2**

If take-up were ten per cent higher than that reached in the pilot sites, and all (100%) of the young offenders would otherwise have received supervision orders, we estimate a national roll-out would cost £0.02 million a year net.

This is made up as follows:

- Cost of 1,300 curfew orders each year in England and Wales: £2.05 million
- Cost of dealing with breaches: £0.00 million
- Saving from sentences that would otherwise have been given: £2.03 million
- Net costs: **£0.02 million**

**Alternative 3**

If about two-thirds (67%) of offenders would otherwise have been sentenced to supervision orders and a third (33%) to attendance centre orders, we estimate there would be an annual net cost of £0.5 million.

This is made up as follows:

- Cost of 1,200 curfew orders each year in England and Wales: £1.82 million
- Cost of dealing with breaches: £0.00 million
- Saving from sentences that would otherwise have been given: £1.31 million
- Net costs: **£0.50 million**

**Alternative 4**

If half (50%) of offenders would otherwise have been sentenced to custody, and the other half (50%) to supervision orders we estimate there would be a net annual saving of £2.1 million.

This is made up as follows:

- Cost of 1,200 curfew orders each year in England and Wales: £1.82 million
- Cost of dealing with breaches: £0.09 million
- Saving from sentences that would otherwise have been given: £3.96 million
- Net savings: **£2.06 million**
**Alternative 5**

If 100 per cent of offenders would otherwise have been sentenced to custody, we estimate there would be a net annual saving of £4.1 million.

This is made up as follows:

- Cost of 1,200 curfew orders each year in England and Wales: £1.82 million
- Cost of dealing with breaches: £0.18 million
- Saving from sentences that would otherwise have been given: £6.08 million
- **Net saving**: £4.09 million
6 Conclusions

Curfews for 10- to 15-year-olds were popular with sentencers who suggested that the low numbers were due, at least in part, to a small number of young offenders being suitable for curfew. There was also some evidence that electronically monitored curfew was seen as a high tariff penalty, both by sentencers and young offenders. Orders were made for serious offences such as violence, burglary and theft or for persistent offenders, rather than for offences such as criminal damage or summary motoring offences. They were used more for older offenders, who are likely to have longer offending histories. In addition orders tended to be made near the maximum lengths, typically for 10 to 12 hours a day for between two and three months. Finally a quarter of orders made under the pilot were combined with another sentence, typically supervision orders.

Nevertheless the evidence suggested that electronically monitored curfew was not usually used as a direct alternative to forms of youth custody such as young offender institutions. There was nothing to prevent sentencers imposing curfews in other cases. In practice, they seem to have replaced other alternatives in most cases, although the evidence was not strong enough for us to suggest what proportion would otherwise have been placed in custody.

In addition there were some operational problems including a few illegal orders, where the curfew length or hours were too long. This might be a teething problem, but the training and guidance given to sentencers could be reconsidered in the light of this. The special requirements made of the contractors, such as vetting staff and taking on of new female staff did not cause any serious problems. Similarly, although smaller tags were needed to fit children this was not generally a problem. Indeed, we were told that some of the smaller tags had been used on older offenders.

Many of the concerns surrounding the pilots did not appear to be a real issue in practice. Some offenders and their families did find the process demanding. There were a few comments that young offenders seemed to be proud of their tags, but as one EWO commented, such behaviour could sometimes be a ‘cover’ or ‘front’ for underlying problems with self-esteem. Some offenders and their families felt embarrassed or ashamed. To some extent then curfews may be perceived to punish the offender’s family. Obviously other sanctions may also produce these feelings: however with electronically monitored curfew the risk is arguably higher as the fact of the sentence will be more difficult to hide. To the extent that offenders’ families are held responsible at least partially for their children’s behaviour this may not seem a problem. However, it has to be recognised that the causes of offending are often complex and it may not be fair to blame family members for a child’s offending behaviour.

Some offenders felt the curfew had little effect on their families, although this should be treated with caution: offenders were less likely than their families to report problems, and in some cases the effects might not be realised until some time after the order is completed. Others found the curfew effected a change for the better in their lives; for example, the time together enabled some parents and children to talk more and improve their relationships.
Some of the anticipated effects of curfews also seemed less apparent in practice. Most of the young offenders we interviewed did not develop new (socially acceptable) leisure activities. Instead many watched more television, listened to more music or slept more. Some stopped taking part in sports activities, although this is not always necessary, suggesting that they were over-cautious, unaware that they could get the curfew hours changed or unwilling to make the effort. There were only two cases where we were told the curfew enabled a young offender to make a break from a crowd of peers who had led them into trouble.

Before the pilots started, there were concerns about the potential impact on schooling for young offenders, and about how schools would respond. Interviews suggested that most of the children who were curfewed were not attending school, typically because they were persistent truants or had been expelled. No curfews were made during school hours, although the children would still have to wear the PID at school. This meant that the effect on schools was minimal. Of course, one explanation might have been that schools actively discouraged any proposal that their pupils might be tagged. However, interviews with a small number of education professionals suggested that almost all were positive about the idea of tagging. In the few cases where children had attended school while wearing a tag, there did not appear to have been any problems other than restrictions in participation in sports classes for a few. Although the possibility of such restrictions concerned some sentencers, it can be argued that the children still received a better education than had they been given a custodial sentence. There were also two cases where we were told that the curfew had had a positive effect on the child’s education.

Generally the operation of the pilots went smoothly. Despite this, there were a couple of operational issues that could be addressed should curfew for under 16s be rolled out nationally. Communication between Social Services, Probation, the courts and education officials was a problem. Although no curfews were made to school premises, children could still be attending formal education while they were tagged. Education officials needed to be routinely informed about individual children under their responsibility who were curfewed. Lack of understanding of the tagging process among the education officials we interviewed was also a cause for concern: although guidance had been issued it did not appear to have reached and been absorbed by all interested parties. These problems may have been related to the low number of curfewed children who were receiving some sort of formal education. It seems desirable however, that some effort is made to overcome these problems should the pilots be rolled out nationally. In addition, it should be remembered that although we would expect curfews to schools to be rare should the pilot be extended nationally, we cannot be certain that they would not present any organisational difficulties.

If the pilots are rolled out nationally, assuming that take-up does not increase over time, we estimate that the annual cost would be £1.82 million. Overall however, if the measure were used instead of supervision orders for all young offenders, we estimate that there would be a net saving of £0.03 million. These figures are volatile and a range of estimates have been made to cover cases, including:
- where take-up eventually reaches a steady-state ten per cent higher than that reached in the pilot sites (net cost of £0.02 million)

- where two-thirds of those tagged would otherwise have been given supervision orders and a third attendance centre orders (net cost of £0.50 million)

- where half of those tagged would otherwise have received custody (net saving of £2.06 million).
Appendix A  Supplementary tables

Table A.1  Comparison of rates of use of electronically monitored curfew orders for under 16s and those aged 16 years and above

<table>
<thead>
<tr>
<th>Magistrates’ court (includes youth and adult)</th>
<th>Orders on 10 to 15s in 1998 as a proportion (%) of convictions</th>
<th>Orders on 16+ under earlier trials as a proportion (%) of convictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Norfolk</td>
<td>4.0</td>
<td>2.0</td>
</tr>
<tr>
<td>North Norfolk and Gt Yarmouth</td>
<td>5.4</td>
<td>0.6</td>
</tr>
<tr>
<td>Norwich</td>
<td>4.2</td>
<td>1.7</td>
</tr>
<tr>
<td>South Norfolk</td>
<td>0.0</td>
<td>3.0</td>
</tr>
<tr>
<td>West Norfolk</td>
<td>7.4</td>
<td>0.2</td>
</tr>
<tr>
<td>All Norfolk</td>
<td>4.9</td>
<td>1.3</td>
</tr>
<tr>
<td>Bury</td>
<td>2.1</td>
<td>0.6</td>
</tr>
<tr>
<td>Manchester City</td>
<td>1.3</td>
<td>2.1</td>
</tr>
<tr>
<td>Oldham</td>
<td>0.0</td>
<td>0.5</td>
</tr>
<tr>
<td>Stockport</td>
<td>4.8</td>
<td>1.2</td>
</tr>
<tr>
<td>Trafford</td>
<td>5.3</td>
<td>0.7</td>
</tr>
<tr>
<td>Leigh</td>
<td>5.0</td>
<td>1.1</td>
</tr>
<tr>
<td>Wigan</td>
<td>5.9</td>
<td>0.5</td>
</tr>
<tr>
<td>Tameside</td>
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<td>2.5</td>
</tr>
<tr>
<td>All Greater Manchester</td>
<td>2.2</td>
<td>1.4</td>
</tr>
</tbody>
</table>

Notes:
1. Norwich 10 to 15s figure includes one order made by the Crown court, as does the figure for Manchester.
2. Convictions data covers both summary and indictable offences.
4. Source of data from earlier trials for offenders aged 16 and above: Mortimer & May 1999, Table 2.2. Note that the period for curfew orders was July 1996 – June 1997, whereas that for convictions was January-December 1996. The figures relate to the second year of the trial, because take-up had increased significantly.
5. Bolton, Salford and Rochdale have been excluded because they only began using curfews for offenders aged 16 and above in 1997.
6. North Norfolk and Great Yarmouth are counted together because at the time of the pilot for older offenders, this is how they were organised.
### Table A.2  Sentencing patterns in Norfolk magistrates’ courts for 10- to 15-year-olds

<table>
<thead>
<tr>
<th>Year</th>
<th>Total No.</th>
<th>Discharges (%)</th>
<th>Fines (%)</th>
<th>SO (%)</th>
<th>ACO (%)</th>
<th>EM curfew (%)</th>
<th>YOI (%)</th>
<th>STO (%)</th>
<th>ODW (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991</td>
<td>171</td>
<td>35.7</td>
<td>21.1</td>
<td>22.8</td>
<td>15.8</td>
<td>-</td>
<td>4.1</td>
<td>-</td>
<td>0.6</td>
</tr>
<tr>
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<td>159</td>
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<td>25.2</td>
<td>10.1</td>
<td>13.2</td>
<td>-</td>
<td>1.9</td>
<td>-</td>
<td>2.5</td>
</tr>
<tr>
<td>1993</td>
<td>137</td>
<td>54.7</td>
<td>11.7</td>
<td>11.7</td>
<td>18.2</td>
<td>-</td>
<td>0.7</td>
<td>-</td>
<td>2.9</td>
</tr>
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<td>15.8</td>
<td>15.8</td>
<td>13</td>
<td>-</td>
<td>1.1</td>
<td>-</td>
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</tr>
<tr>
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<td>12.6</td>
<td>17.4</td>
<td>13</td>
<td>-</td>
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<td>-</td>
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### Table A.3  Sentencing patterns in Greater Manchester magistrates’ courts for 10- to 15-year-olds

<table>
<thead>
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<th>Year</th>
<th>Total No.</th>
<th>Discharges (%)</th>
<th>Fines (%)</th>
<th>SO (%)</th>
<th>ACO (%)</th>
<th>EM curfew (%)</th>
<th>YOI (%)</th>
<th>STO (%)</th>
<th>ODW (%)</th>
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<tbody>
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<td>-</td>
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<td>-</td>
<td>1.5</td>
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<td>-</td>
<td>4.6</td>
<td>-</td>
<td>1.7</td>
</tr>
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<td>25.7</td>
<td>-</td>
<td>4.7</td>
<td>-</td>
<td>1.8</td>
</tr>
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<td>1,546</td>
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<td>5.5</td>
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<td>-</td>
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<tr>
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<td>43.4</td>
<td>4.1</td>
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<td>-</td>
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</tr>
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<td>-</td>
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<td>-</td>
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</tr>
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<td>6.5</td>
<td>22.8</td>
<td>22.5</td>
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<td>3.3</td>
<td>0.7</td>
<td>0.4</td>
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### Table A.4  
**Sentencing patterns in England and Wales magistrates’ courts for 10- to 15-year-olds**

<table>
<thead>
<tr>
<th>Year</th>
<th>Total no sentenced</th>
<th>Discharges (%)</th>
<th>Fines (%)</th>
<th>SO (%)</th>
<th>ACO (%)</th>
<th>EM curfew (%)</th>
<th>YOI (%)</th>
<th>STO (%)</th>
<th>ODW (%)</th>
</tr>
</thead>
<tbody>
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<td>-</td>
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</tr>
<tr>
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<td>11.2</td>
<td>19.8</td>
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<td>-</td>
<td>2.4</td>
</tr>
<tr>
<td>1993</td>
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<td>46.2</td>
<td>8.6</td>
<td>21.3</td>
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<td>-</td>
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<td>-</td>
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<tr>
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<td>8.9</td>
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<td>17.1</td>
<td>-</td>
<td>3.3</td>
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<tr>
<td>1995</td>
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<td>9.1</td>
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<td>16.7</td>
<td>-</td>
<td>3</td>
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<td>24.3</td>
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</tr>
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<td>45.4</td>
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<tr>
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<td>8.5</td>
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<td>16</td>
<td>0.2</td>
<td>2.6</td>
<td>0.4</td>
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</tbody>
</table>

Source of Tables A.2 to A4: Home Office Crime and Criminal Justice Unit data extracted from Criminal Statistics, augmented by the research data. Data covers both summary and indictable offences, for adult and youth magistrates’ courts.

### Abbreviations:

- **SO** Supervision order
- **ACO** Attendance centre order
- **EM curfew** Electronically monitored curfew
- **YOI** Detention in a young offenders’ institution
- **STO** Secure training order
- **ODW** Otherwise dealt with
Appendix B Methodology

Quantitative research methods

Data were collected on each order made under the pilot. All databases originated as Excel spreadsheets and were later converted into SPSS format for analysis.

Curfew orders

The contractors (Premier Monitoring Services – formerly Geografix – and Securicor) sent a fax to the Home Office giving details of each curfew order they received from the courts (also by fax). Details were entered onto a research database and cross-checked with data collected from the court and by reference to files held by the contractors. This cross-checking resulted in the finding of several orders which were previously unknown.

Court records

Courts had been asked to make details of electronically monitored young offender cases available to the researchers at regular intervals. This was done in a variety of ways and depended on the organisation of individual courts, but most usually were kept case identifiers in ring binders. Information was collected at varying intervals depending on the size and computer archiving policy of individual courts. For example, monthly visits were made to Manchester City magistrates’ court which has a very high caseload and regularly purges its databases while only two visits were made to Norwich Crown court.

Data held by the court were entered onto a research database, usually by visiting the court and examining computer or paper records. In some courts relevant papers were found for the researchers, in others the records (both computer and manual) had to be found by the researchers.

Curfew order details were cross-checked against the curfew order database and any differences investigated.

Qualitative research methods

Interviews were usually taped and transcripts made of the interviews. In some cases it was not possible to tape the interview (for example, where an offender refused to allow the interviewer into his home or where an offender’s television set was loud enough to obscure the interview), and a report was written instead. Transcripts and reports were edited before being read into NUD*IST (a qualitative data analysis software package) for coding and analysis.
Eleven focus groups were held with magistrates covering 11 courts to explore the reasons for observed patterns of use for the Crime (Sentences) Act pilots, including electronically monitored curfew for 10- to 15-year-olds. Focus groups typically involve between six and eight participants brought together to discuss a pre-set topic: discussion is prompted and controlled by a researcher. This enables more people to be canvassed than by using one-to-one interviews, should raise more ideas, and be more interesting for the participants. Whilst providing an efficient forum for people with similar experiences to discuss their experiences, there can be problems with focus groups. For example, one or two strong characters may dominate a group, or the group may come to a false consensus that does not reflect the view of any participant. Magistrates were selected for this exercise by individual courts or the Magistrates’ Courts Committee (MCC), although we had asked to be able to select potential members for the focus groups. MCCs were reluctant to let us have details of their magistrates but did agree to provide a “good mix” for the groups.

A number of interviews were also conducted:

- 25 interviews with offenders
- 28 interviews with offender family members
- 2 interviews with stipendiary magistrates
- 1 interview with a judge
- 3 interviews with chairpersons of youth benches
- 17 interviews with court staff
- 4 interviews with defence lawyers
- 5 interviews with Crown prosecutors
- 4 interviews with police officers
- 7 interviews with education officials
- 3 interviews with contractors
- 4 interviews with youth justice staff.

Criminal Justice Agency and contractors’ representatives were selected by the researchers by contacts made through the Inter-agency Groups.

Juvenile offenders and their families were chosen by the researchers to ensure a minimum coverage of area and age.
Appendix C  Steering Group and Inter-agency Group membership

Steering Group members – representatives from

Department for Education and Employment
Department of Health
Driver and Vehicle Licensing Agency
Home Office Research, Development and Statistics Directorate
Home Office Probation Unit
Home Office Sentencing and Offences Unit
Home Office Juvenile Offenders Unit
Lord Chancellor's Department
Manchester City magistrates’ court
Norfolk Magistrates’ Courts Committee
Social Services Inspectorate

Greater Manchester Inter-agency Group – representatives from

Bolton magistrates’ court
Crown Prosecution Service
Driver and Vehicle Licensing Agency
Greater Manchester Education Department
Greater Manchester Police
Greater Manchester Probation Service
HM Inspector of Probation
Home Office Research, Development and Statistics Directorate
Home Office Probation Unit
Home Office Sentencing and Offences Unit
Manchester City magistrates’ court
Manchester Crown court
Sale magistrates’ court
Salford magistrates’ court
Securicor
Stockport magistrates’ court
Tameside magistrates’ court
Trafford magistrates’ court
Youth Justice, Manchester Social Services Department
Norfolk Inter-agency Group – representatives from
Crown Prosecution Service
Driver and Vehicle Licensing Agency
HM Inspector of Probation
Home Office Research, Development and Statistics Directorate
Home Office Probation Unit
Home Office Sentencing and Offenders Unit
Justice of the Peace
Norfolk Constabulary
Norfolk Education Department
Norfolk Magistrates’ Courts Committee
Norfolk Probation Service
Norfolk Social Service
Norwich Crown court
Premier Monitoring Services
References


