

Home Detention Curfew

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The Home Detention Curfew (HDC, or 'tag' as it is often referred to) is a scheme that allows certain prisoners, including 16 and 17 year olds, to serve the final part of their sentence (up to one quarter; for a maximum of 180 days and minimum of 14 days) at home or another suitable address in the community, subject to licence conditions. HDC's legislative basis is the [Prisoners and Criminal Proceedings \(Scotland\) Act 1993](#) as amended by section 15, [Management of Offenders etc. \(Scotland\) Act 2005](#).

The seven stages of the HDC application process (Farrell, 2015)

Eligibility for HDC must take into consideration the aims of public protection, preventing re-offending, and supporting reintegration. Thus stages one and two involve the Scottish Prison Service (SPS) identifying eligible individuals who are:

- Serving sentences of three months to four years, who have served at least one quarter of their sentence or four weeks (whichever is the greater) and are not serving a consecutive sentence, or
- Serving sentences of over four years (who have been granted parole on their first application; excluding those subject to life sentences);
- And who are not statutorily excluded as per section 3AA(5) [Prisoners and Criminal Proceedings \(Scotland\) Act 1993](#) as inserted by s.15 of the 2005 Act.

There is also [a presumption](#) that individuals who are currently sentenced for offences related to violence or possession of an offensive/bladed weapon or who have known links to Serious and Organised Crime Groups will not be released on HDC.

Stage three requires the completion of an HDC application form by the eligible individual and an initial risk assessment by SPS to determine if they are at "low risk" of reoffending. This assessment considers offending history; previous domestic violence; compliance with previous licence conditions; behaviour and engagement in custody; and whether the individual would be at risk of harm if released early. Based on this assessment, the SPS Management Board will determine whether the individual can proceed to stage four.

At stage four, a community-based social work assessment is requested in the area where the young person intends to reside. This should be completed within 15 days. If this assessment is not completed by the young person's lead professional, communication between professionals is required. This should include an assessment of the proposed address; home and community circumstances/issues; relationship/victim issues; and any other relevant issues.

This should also include the views of the young person's family and/or people they intend to reside with on release, with the [Good Practice Guidance for the Support of Families Affected by Imprisonment](#) suggesting the assessment should:

- Be undertaken via home visit rather than by phone;
- Include a Child and Family Impact Assessment and support to address any identified needs; and
- That families should receive full information about the process (see [Families Outside](#)) and who they can speak with should questions or difficulties arise.

Stage five is the review of this assessment by the SPS Management Board; stage six is the decision by the Governor in Charge or Deputy Governor of the establishment the individual would be released from on whether to release the individual on HDC. At this stage, if successful, a release date is agreed with G4S, which the young person should be informed of ASAP and the police should be notified at least seven days prior to release.

Community-based social work will be notified given their role in the assessment. For young people under 18, the SPS should also notify the young person's lead professional at the earliest opportunity, who should schedule a review meeting prior to release to ensure support is provided during this transition and throughout their time on HDC (see [CYCJ \(2016\)](#) for more information on reviews). If the individual has been assessed as unsuitable for HDC at either stage three or four, they will be notified and can appeal. At stage seven these applications will be formally terminated, whereas if all stages have been passed, the individual is released on HDC.

Release on HDC

On the day of release, the young person will be provided with their licence detailing the conditions with which they must comply, which they will have explained and then sign, including:

- Standard conditions: to be of good behaviour; not commit any offence; to allow the electronic monitoring service provider to access the HDC address to install and check electronic monitoring equipment; and not to tamper with or intentionally damage this equipment or allow this to happen;
- Curfew condition: to remain at the HDC address during specified hours (usually from 7pm to 7am) and can also require the individual stay away from a specific address. Compliance with the curfew condition is monitored through an electronic tag worn by the individual, which via a site monitoring unit in the HDC address, will send a signal to the G4S monitoring centre if the conditions are not complied with;
- Other conditions can also be included on a case by case basis.

The conditions and electronic monitoring will apply from the date of release on HDC until the young person's earliest date of liberation (EDL). If successfully adhered to, on the EDL the electronic monitoring equipment will be removed and the young person's sentence is complete.

It is crucial the young person understands and is supported to adhere to their licence conditions (see [SPS HDC A Prisoners Guide on Release](#)), as failure to do so may result in breach and recall to custody to serve the remainder of their sentence. In addition, for long-term prisoners, this may be reported to the Parole Board and can lead to parole being suspended. This is particularly crucial for young people as research from HMYOI Polmont (Farrell, 2015) would suggest one in eight young people released on HDC are recalled to custody. Recalls can be appealed to the parole board. With thanks to Hayley Farrell (Barnardo's) and HMYOI Polmont for their information.

References: Farrell, H. (2015). Home Detention Curfew Guidance for External Partners. Edinburgh: Barnardo's.

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