

Centre for Justice Innovation

The future of Intensive Community Orders: A summary of the PCA/CJI roundtable on 13th December 2012

Topics covered

- An overview of intensive community order (ICO);
- A summary of the challenges and opportunities facing Probation Trusts with an ICO;
- A summary of existing and required tools, procedures and policies that help support implementation of an ICO;
- A summary of the agreed actions from the day.

An overview of ICOs: Why ICOs have been developed

-Short term prison sentences (those serving less than 12 months) are expensive and ineffective:

- Individuals sentenced to short term prison have the highest re-offending rates than any other offender group by sentence given;
- The average direct cost of a short term custodial sentence per person per annum is £13,900;
- Around 50%-60% of prison receptions are for short term prisoners, with most serving between 3-6 months in custody and during which time prison is unable to provide meaningful interventions to reduce their reoffending and after which there is no one to supervise their re-entry into the community

Intensive Community Order projects aim to provide a meaningful community alternative to short term prison sentences, holding offenders in intensive supervision arrangements to reduce their re-offending.

An overview of ICOs: The number of ICO projects in England and Wales

There are a number of ICO projects across the country:

1. **6 Probation Trusts delivering the Intensive Community Order**, the legacy of the Labour administration's 'Intensive Alternative to Custody' programme;
2. Essex Probation Trust in partnership with NACRO are delivering the **Bridge Project**, an education and mentoring project aimed at offenders facing short term custodial sentences;
3. Hertfordshire Police and Probation run the **Choices and Consequences programme**, where local courts agree to a structured community based sentence for prolific offenders who would otherwise be sentenced to imprisonment;
4. London Probation Trust is developing its own **London ICO programme targeted at young adults involved in crimes linked to gangs.**

An overview of ICOs: The risks of running ICO projects

In 2008, MoJ officials identified five key risks in developing the Intensive Alternative to Custody programme:

1. Up-tariffing low level offenders

- Net widening pushes less serious offenders into more 'treatment'

2. Failure to get enough volume through to evaluate

- Long history of alternative who have not delivered to scale to conduct outcome analysis

3. Cost/benefits unclear

- Cost benefits need to recognise the impact of incarceration on avoided crime while inside
- Intensive community orders can be expensive compared to very short jail terms, especially those with a custodial sanction for non-compliance

An overview of ICOs: The risks of running ICO projects

4. Politically risky

- Easy for politicians to get nervous about 'soft' alternatives to custody

5. Not effective in reducing re-offending

- “the impact of these programs on reoffending has varied, with the most effective programs having a strong rehabilitative component while others have had no or little impact.” Moore et al, 'Managing Persistent and Serious Offenders in the Community: Intensive Community Programmes in Theory and Practice', 2006

An overview of ICOs: The evidence to date

•Up-tariffing low level offenders

“The evidence currently available suggests up-tariffing by sentencers was relatively low, i.e. the IAC sentences were not inappropriately targeted at offenders who might not have been at risk of receiving a custodial sentence.” Hansbury (ed), ‘Evaluation of the Intensive Alternatives to Custody pilots’, Research Summary, Ministry of Justice, 2011

•Failure to get enough volume through to evaluate

Two IAC cohorts* (2009 and 2010) successfully matched to do comparative reducing reoffending analysis . Hansbury (ed), ‘Initial analysis of the impact of the Intensive Alternatives to Custody pilots on re-offending rates’, Research Summary, Ministry of Justice, 2012

•Cost/benefits unclear (1/2)

US meta analysis shows that implementing certain alternatives to custody means a “significant level of future prison construction can be avoided, taxpayers can save about two billion dollars, and crime rates can be reduced.” Aos, S., Miller, M. & Drake, E. (2006)., ‘Evidence-based public policy options to reduce future prison construction, criminal justice costs, and crime rates,’ Washington State Institute for Public Policy. Olympia, WA.

*2009 (356 offenders) and 2010 (397 offenders)

An overview of ICOs: The evidence to date

•Cost/benefits unclear (2/2)

The IAC costs less than short term custodial sentences. The average direct cost of a short term custodial sentence per person per annum is £13,900. In comparison, the average direct cost per person per annum in the IAC was £3,514 in Manchester. Make Justice Work, 'An economic analysis of alternatives to short term custody', conducted by Matrix 2012

•Politically risky

- Government response to the consultation on the Green paper on Community Sentences states, “The experience of the Intensive Alternative to Custody (IAC) pilots, for example, was that the ability of local courts and trusts to target orders on types of offender specific to their area was important for the successful delivery of the orders... In the light of consultation responses, we believe that leaving these decisions to sentencers, on the basis of advice from probation trusts is the better way to proceed.”

An overview of ICOs: The evidence to date

- **Not effective at reducing reoffending**

- When IACs are compared against short custodial sentences... IACs are likely to be more cost effective... provided that they do at least as well as short custodial sentences in rehabilitating offenders” Hansbury (ed), ‘Evaluation of the Intensive Alternatives to Custody pilots’, Research Summary, Ministry of Justice, 2011

“There is no evidence at the 5% significance level* of a difference between IAC and short term custody in terms of impact on re-offending, but at the 10% significance level there is evidence of a positive impact of IAC compared to short term custody.”

Hansbury (ed), ‘Initial analysis of the impact of the Intensive Alternatives to Custody pilots on re-offending rates’, Research Summary, Ministry of Justice, 2012

- **There is evidence that intensive community orders can:**
- Be targeted at offenders on the cusp of short term custody
- Deliver benefits to the public purse when compared to short term custody even if reoffending is not positively impacted
- Reduce reoffending when compared to short term prison

An overview of ICOs: Tentative conclusions tentative conclusions (2/2)

- **There are a range of models across the country, including:**
 - 6 ICO/IAC projects
 - Choices and Consequences Programme in Herts; Bridge Project in Essex
 - New project in London
- There is an opportunity to expand but:
 - IAC projects were designed around a commitment to localism
 - Efforts to expand need to bear this in mind

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- A summary of existing tools, procedures and policies that help support implementation of an ICO;
- A summary of the agreed actions from the day.

Challenges and opportunities facing Probation Trusts with an ICO

•We surveyed the existing ICO projects and, based on their responses, developed a picture of the context they are operating in:

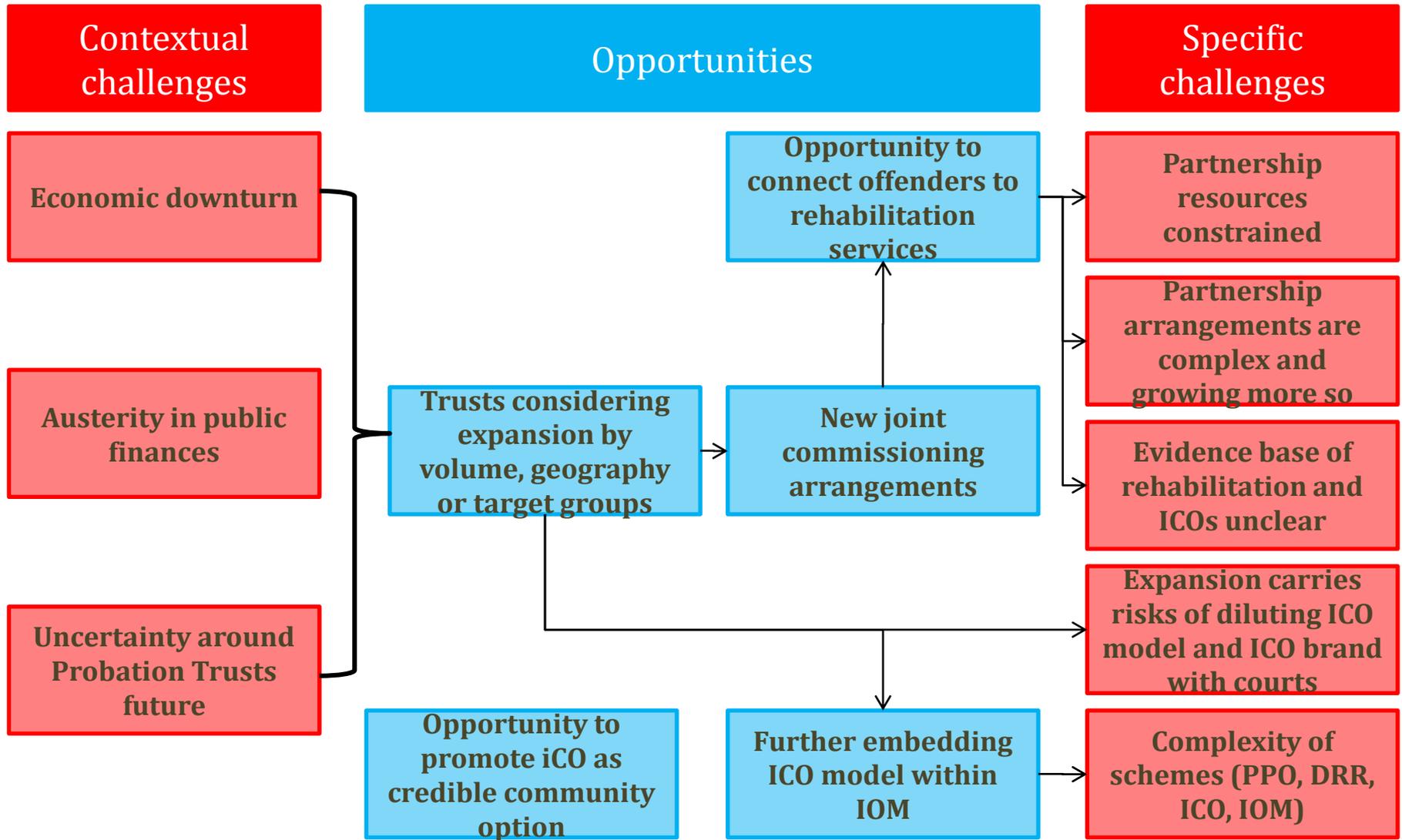
-Contextual challenges: Like many public services, the Probation Service is operating in an economic downturn, with youth unemployment being a particular concern. Equally, the Probation Service is faced with delivering within a tight fiscal envelop under Government spending plans. The Probation Service also faces uncertainty following the Government review of public sector Probation trusts .

-Opportunities: A number of Trusts were considering expansions of the current ICOs either to new offender groups, new geographic areas within Trust boundaries or getting more volume through. These opportunities are present where there are new commissioning models (community budgets, PCCs, public health), where there is greater opportunity to align ICOs with Integrated Offender Management (IOM) and where there was a new onus on reducing re-offending by other commissioners (local authorities and health)

-Specific challenges for expansion: Expanding the model faces challenges- opportunities for partnership are constrained by funding available to and within partners who also operate in environment with increasing geographic complexity. Expansion of the model also risks diluting the ICO 'offer' and brand to courts.

Challenges and opportunities facing Probation Trusts with an ICO

- We turned this set of challenges and opportunities into a logic model:



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Existing and required tools, procedures and policies that help support implementation

•We surveyed the existing ICO projects and, based on their responses, identified tools, procedures and policies that support ICO project implementation. These fit into four broad categories:

•**Operational tools and processes:** Trusts identified a number of things which helped operational staff perform better. Some of these were clear policies shared with (e.g. being clear about how to encourage compliance for those on ICOs), processes (e.g. using the IOM daily taking procedures for ICO offenders) or tools (e.g. screening tools to target ICO candidates at court).

•**Stakeholder engagement tools and procedures:** Trusts identified the need for tools (e.g. communication products for courts on ICOs) as well as processes (e.g. project boards with stakeholder participation) to keep key stakeholders engaged in how ICO develops.

•**National processes and policies:** Trusts identified the need for some clarity at a national level, either through clear policy direction or through forming the current projects around a formal network of ICO trusts.

•**Evaluation/ performance tools and procedures:** Trusts identified the need for clear reporting procedures (e.g. Performance reports to partners and SMTs) as well as processes (e.g. Reflective processes to look at performance).

Existing and required tools, procedures and policies that help support implementation

•Based on these categories, we documented the various tools, policies and procedures identified, identified the ones in existence and the ones that required development:

Operational tools & processes		Stakeholder engagement	National Processes & Policy	Eval/Perf tools & Processes
IOM daily tasking processes	Policy on use of mentors within ICO orders	Stakeholder engagement plan	National Policy Statement on ICOs	Clear outcome/perf data reports for partners & SMT
Information Sharing protocols	Retention & Compliance policy	Local champions to advocate for iCO	Formal PCA practice sharing network of ICO trusts	Processes to reflect on perf & adjust project
Shared offender schedules with partners	Guidance for using police operationally within ICO	Clear comms products for courts		
Agreement with housing providers for iCO offenders	Targeting tool	Local project boards		
Access to HMPS remand information	Processes for utilising offender feedback into ICO design			

 In existence
 In need of development

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Actions agreed on day

ACTIONS:

National policy and processes:

- Developing a policy statement for ICOs (PCA/CJI, February 2013)
- Create of Terms of Reference for an ICO network, chaired by PCA, to:
 - Collect and share good practice/ emerging evidence
 - Identify policy/ practice gaps
 - Encourage and support other trusts to develop ICOs
 - Develop the case for the wider adoption (PCA/CJI, February 2013)
- Compile positive case studies and anecdotes from ICO projects for use in strategic communications (CJI to request from trusts, January 2013)

Operational tools and processes:

- Check on status of BASS agreement with NOMS
- Check on access of probation Trusts' to HMPS remand information