



## **Enhanced Combination Order (ECO) Pilot Proposal**

June 2015



## **ENHANCED COMBINATION ORDERS (ECO) PILOT**

### **1. Background**

The Lord Chief Justice has asked PBNI to develop a creative community based alternative to the increasing number of custodial sentences of up to 12 months, without the need for legislative change. We are proposing that one mechanism this could be achieved through is an enhanced combination order (ECO hereafter), which would require greater demands on the offender, greater controls to ensure compliance, and greater support surrounding them, in order to reduce reoffending. Combination Orders, and hence this proposal, are provided for under the Criminal Justice (NI) Order 1996. The ECOs would offer Sentencers an alternative to custody, initially in a pilot arrangement, with a focus on rehabilitation, reparation, restorative practice and desistance, with the added benefit of being considerably less costly to the state than custody. They are not related to post-custodial licenses.

### **2. Operating Principles of Enhanced Combination Orders**

#### **2.1 Victim focus**

Victims will be central to intervention under an ECO, both in terms of interaction with the offender and the nature of Community Service. Every victim will be offered the opportunity to register with the PBNI Victim Information Scheme, which means they would be provided with information about sentence details and how Probation supervision works, they would be informed of any change to the sentence, and they could be consulted about nature of Community Service work. The supervising Probation Officer would be given victim information to assist in managing the case and to complete victim awareness work. If appropriate there may also be opportunities for a Restorative Practice Intervention on behalf of the victim.

#### **2.2 Desistance and 'what works'**

ECOs will have a focus on desistance, the process by which those engaged in a sustained pattern of offending give up crime. Desistance is related both to the external, social aspects of a person's life and to internal/psychological factors. As such ECOs will focus on those issues: accommodation; substance misuse; health issues; attitudes and behaviour; employment, education and training; finance; and social relationships and lifestyle, in order to help the offender confront and resolve the factors that lead to their offending.

#### **2.3 Sentencer engagement**

All ECOs can be subject to Court reviews which would give Sentencers the opportunity to take feedback on offenders' progress and make appropriate adjustments to supervisory requirements. PBNI will be guided by the Lord Chief Justice, Sentencers and NICTS staff in how this is best achieved. Sentencers are the key customer of this proposal, and both District and Crown Court judges will be consulted and engaged with in this pilot.

## 2.4 Enforcement

The enforcement standards for ECOs will be strictly adhered to, with immediate action taken if risk of harm issues arise.

## 2.5 Collaborative working

PBNI recognise that for an intensive community based sentence such as ECO to be effective that the expertise of others is essential. For example, from a statutory perspective PBNI will continue to work collaboratively with PSNI, and others in the Community and Voluntary Sector. Discussions have already commenced with partners in the Voluntary and Community Sector in relation to provision of additional and new services, for example relating to parenting work.

### **3. Pilot Area**

It is proposed that there will be two pilot areas chosen for the enhanced Combination Order pilot, by Court Division, viz Ards and Armagh & South Down. These areas have been chosen as there are sufficient numbers going through both Court divisions in order to meaningfully evaluate the scheme, in addition to providing both an urban and rural perspective. The profile of the offenders subject to ECOs would be predominantly young males, 18-30 years of age.

The pilot will include cases before both Magistrates' and Crown Courts in the pilot areas as offenders can receive up to 12 months custody in the Magistrates courts.

#### In Ards Court division in 2013

- Number of Convictions resulting in a Custodial Outcome of up to 3 months = **100**
- No. of Convictions resulting in a Custodial Outcome of over 3 months and up to 6 months = **124**
- Number of Convictions resulting in a Custodial Outcome of over 6 months and up to 12 months = **57**

#### In Armagh and South Down Court division in 2013

- Number of Convictions resulting in a Custodial Outcome of up to 3 months = **66**
- No. of Convictions resulting in a Custodial Outcome of over 3 months and up to 6 months = **79**
- Number of Convictions resulting in a Custodial Outcome of over 6 months and up to 12 months = **33**

### **4. Qualifying Criteria**

Taking into account what PBNI already know about working intensively with offenders, and learning from the evaluation of 'Intensive Alternatives to Custody' pilots in GB (Ministry of Justice, 2011) it is proposed that the following qualifying criteria may apply:-

- Where a Sentencer is considering a custodial outcome of 12 months or less.
- An unstructured lifestyle.
- A range of needs.
- Motivation to change.

## Exclusions

- Heavily dependant alcohol/drug users.

## **5. Assessment**

The assessment for the Enhanced Combination Order pilot must be completed by way of a pre-sentence report (PSR) compiled by a Probation Officer. PBNI will, through training of staff in the pilot sites, ensure that no additional delay is caused in allowing Sentencers to impose Enhanced Combination Orders, and will not require any further adjournments. Probation Officers will make every effort to secure the compliance of the offender in the preparation of such reports.

## **6. Requirements of enhanced combination orders**

### **6.1 Compulsory requirements**

#### **(a) Community Service**

- The duration of the unpaid work element must not be less than 40 hours nor more than 100 hours aggregate.
- The unpaid work will be of a restorative nature and will be organised in a way that matches the offence type. If the victim is registered with PBNI's Victim Information Scheme the victim will be consulted with regards to the type of work they wish the perpetrator to carry out.
- The unpaid work will be carried out at an accelerated pace.

#### **(b) Supervision, which will include:**

- Weekly contact with a Probation Officer, which can be reviewed depending on level of compliance after a set period. The duration of the supervision element must not be less than 12 months nor more than 3 years.
- A robust and bespoke case plan (contract with the offender).
- A restorative approach. This can include a range of activities including a letter of apology, mediation or face to face meeting with victims.
- Civic responsibility – a short 1-1 programme will be undertaken with the Probation Officer.

### **6.2 Discretionary requirements**

#### Curfew

- Curfew may be imposed.
- Curfew may be enforced by electronic monitoring if assessed as required

## Accredited programme

- An accredited programme, if assessed as appropriate. (Short prison sentences usually do not allow for such interventions due to time required, in addition to the impact of remand time in many cases, meaning the opportunity is lost.)

Other activities (can include, but not limited to):

- To address employment, education & training: Discussion will take place with providers to prioritise ECO cases. ECOs may also be referred into PBNI's Duke of Edinburgh scheme.
- To address mental health issues: PBNI will link as appropriate with mental health organisations to deliver services for offenders.
- To address substance misuse: PBNI has negotiated with the Public Health Agency that services will be ring-fenced for offenders in this area.
- To address social relationships and lifestyle: ECO cases will be assigned a mentor. PBNI has commenced discussions with a Voluntary Sector partner to explore funding options for parenting/family work.

## **7. Evaluation**

Early discussions have taken place with Cambridge University Criminology Department, via the PSNI, who are interested in undertaking research on projects of this nature. We will also work with NISRA (Northern Ireland Statistics and Research Agency) in order to evaluate the scheme. The evaluation will incorporate analysis of completion of Orders, details of reportable incidents/further offending, restorative value of the orders and nature of Community Service, Sentencer feedback and service-user feedback.

## **8. Costs**

PBNI will absorb initial costs to establish the pilot but there would be a need for additional funding required for elements of the discretionary features of the scheme. PBNI will identify opportunities to apply for funding in partnership with the Voluntary and Community Sector for the Asset Recovery Community Scheme (ARCS), from Policing and Community Safety Partnerships and from other opportunities that arise.

## **9. Review**

The pilots will commence on 1 October 2015 for a period of 18 months, with feedback as required to the Lord Chief Justice. 18 months is required to allow completion of Orders. After the completion of the pilot a report will be prepared, which will lead to further discussions with the Department of Justice and the Lord Chief Justice, and recommendations proposed for the way forward.

## **10. Action required**

The Bar Council and Law Society are asked to note the details of this pilot project.